



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application



TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO.

Z-22-20

DATE FILED

5-10-22

ZONING BOARD CLERK

Applicant:

David White

E-mail: davidmwhite@outlook.com

Phone: 860-942-3350

Applicant Address: 349 Long Hill Rd, Dover, NH 03820

Property Owner: Wendy Twidle

Property Owner Address: 271 Chesley Hill Rd, Rochester, NH 03878

Variance Address: 271 Chesley Hill Rd, Rochester, NH 03878

Map Lot and Block No: Map 138, Lot 99

Description of Property: 3 bedroom bungalow and 2 bay garage on .92 acres

Proposed use or existing use affected: Create accessory apartment within existing 2 car garage for my aging parents

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 23.2

and asks that said terms be waived to permit _____

the building of a handicap-accessible accessory apartment in excess of 800 square feet but no more than 1,600 square feet

The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance. **I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.**

Signed: David White

Date: May 13, 2022



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

It would allow the long-term residence of exemplary citizens who will contribute much to the city of Rochester.
It enhances an older residential area through renovation. It maintains and celebrates the family-focus of residential use.

2) If the variance were granted, the spirit of the ordinance would be observed because:

It would support the principle use of the property and encourage the well-being of the neighborhood and city through its residents.
It would maintain the essential character of the neighborhood.

3) Granting the variance would do substantial justice because:

It would provide incidental public benefits from the new residents, and it is consistent with the present use of the neighborhood.
It will benefit the property owners, and it will not cause any harm or loss to the general public.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

The improvement to the property will increase the property value, raising the tide of neighborhood value.
The addition of excellent neighbors will improve the desirability of the neighborhood.

5.) Unnecessary Hardship:

a. Owing to special **conditions of the property that distinguish it from other properties in the area**, denial of the variance would result in an unnecessary hardship because:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The configuration and location (wetland §275.12.3) of the property impede alternative adjustments. The denial of this variance would stand against ordinance purposes, especially § 275-1.3 B, C, D, H, I, L, N, S, & T.

And:

ii. The proposed use is a reasonable one because:

Given the configuration and location of the property, the most reasonable way to provide a high-quality housing solution for my elderly parents is to renovate the two-bay garage in order to create a handicap-accessible accessory apartment.

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

I believe the criteria are established above.

ROCHESTER ZONING BOARD OF ADJUSTMENT VARIANCE & SPECIAL EXCEPTION CRITERIA

Variances.

The board may authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if it determines that all of the following conditions are met:

- A. The variance will not be contrary to the public interest;
- B. The spirit of the ordinance is observed;
- C. Substantial justice is done;
- D. The values of surrounding properties are not diminished; and
- E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.
 - i. For purposes of this condition, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
 - b. The proposed use is a reasonable one.
 - ii. If the criteria in subparagraph i, above, are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Notwithstanding Section 2., above, the board may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that:

- A. Any variance granted under this paragraph shall be in harmony with the general purpose and intent of the zoning ordinance.
- B. In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance that the variance shall survive only so long as the particular person has a continuing need to use the premises.

Special Exceptions.

The board grants special exceptions for particular uses and activities as listed in the Tables of Uses in Section 18-Use Regulations and as articulated in Section 22-Special Exceptions.

The board shall grant a special exception only if it reasonably determines that *all of the following base criteria are met* (in addition to those criteria and conditions included for specific uses in Section 22):

- A. *Location.* The specific site is an appropriate location for the proposed use or structure;
- B. *Neighborhood.* The proposed use would not be detrimental, injurious, obnoxious, or offensive to the neighborhood;
- C. *Traffic.* The proposed use would not create an undue hazard or nuisance to vehicular or pedestrian traffic;
- D. *Public Facilities.* Adequate and appropriate facilities and utilities would be provided to ensure the proper operation of the proposed use or structure; and,
- E. *Master Plan.* The proposed use or structure is consistent with the spirit of this chapter and the intent of the Master Plan.

David and Ally White
349 Long Hill Road
Dover, NH 03820

May 13, 2022

Board of Adjustment
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Respected Board Members,

Our family is excited to move to Rochester! We have looked for a home for nearly a year, and we are delighted to have found 271 Chesley Hill Road! Our search has been difficult, given the extreme market conditions and our unique needs. We have been seeking a home that includes a two-bedroom, handicap-accessible apartment for my elderly parents. With the granting of this variance, we think 271 Chesley Hill is that place!

Rochester's Zoning Provisions exist to: encourage the provision of high-quality housing for people of all income levels; promote excellence in architecture, landscaping, site layout, signage, and civic design; recognize and respect the rights of property and business owners; and to enhance the sense of community. Granting this variance will align with these principles and welcome to Rochester an exceptional family who will invest their lives into their new hometown.

My parents are pillars of the community they called home for 40 years. Kevin holds a key to the City of Willimantic, given in appreciation for his efforts combating the opioid crisis. He served as a local minister there for decades. For her care of our town, Lynn was awarded the highest civic honor. As "Romantic Willimantic's Town Cupid" she led the 4th of July parade down Main Street. Founding the Growing Stronger non-profit, she worked with halfway houses to equip women with marketable skills and character development while serving elderly and disabled individuals to care for their properties. She is a master gardener and is president of the town's Garden Club. While the effects of age are showing themselves, my parents are eager to share their love, wisdom, and experience with their new community when they arrive. My wife and I are ready to do likewise!

Enabling our family to settle in Rochester is in the public interest, largely due to the million intangibles that our family will contribute to this town. The spirit of the ordinance is to create a thriving community. This renovation will create a home that contributes to that end. Substantial justice is served by affording housing to deserving citizens. Far from a burden, they will be a blessing to the neighborhood and town. Improving the property will raise its assessed value, eventually lifting that of the homes nearby. Adding exemplary neighbors to the residents will make the community even more desirable.

Currently, the ordinance creates an unnecessary hardship that hinders us from preparing a comfortable, handicap-accessible apartment for my parents. It needs more than 800 square feet of space. While we could shoehorn mom and dad into a place within the ordinance stipulations, it just does not make sense to force that more costly and less hospitable option, when renovating the existing garage is so much more logical and accessible. The public purposes of the ordinance are not fairly or substantially represented by maintaining strict compliance. Instead, they are rightly embodied through this variance.

Thank you for your consideration of our application!

Sincerely,



David White

May 16, 2022

City of Rochester
Planning Board
33 Wakefield Street
Rochester, NH 03867

Re: Planning Board Approval for Property at 271 Chesley Hill
Road

MBL: 138-99 (the Property)

Dear Members:

This letter is to inform the City of Rochester, through its Planning Board, that I am Trustee of the Robert L. Stroger Trust and beneficiary to the above-referenced Property. I further authorize David and Allyson White, as contractual buyers of the Property, to seek Planning Board approval related to proposed changes they intend to make to the Property once they are the owners of record.

Should you have any questions or need additional information please feel free to contact me directly at (603) 953-4774.

Sincerely,

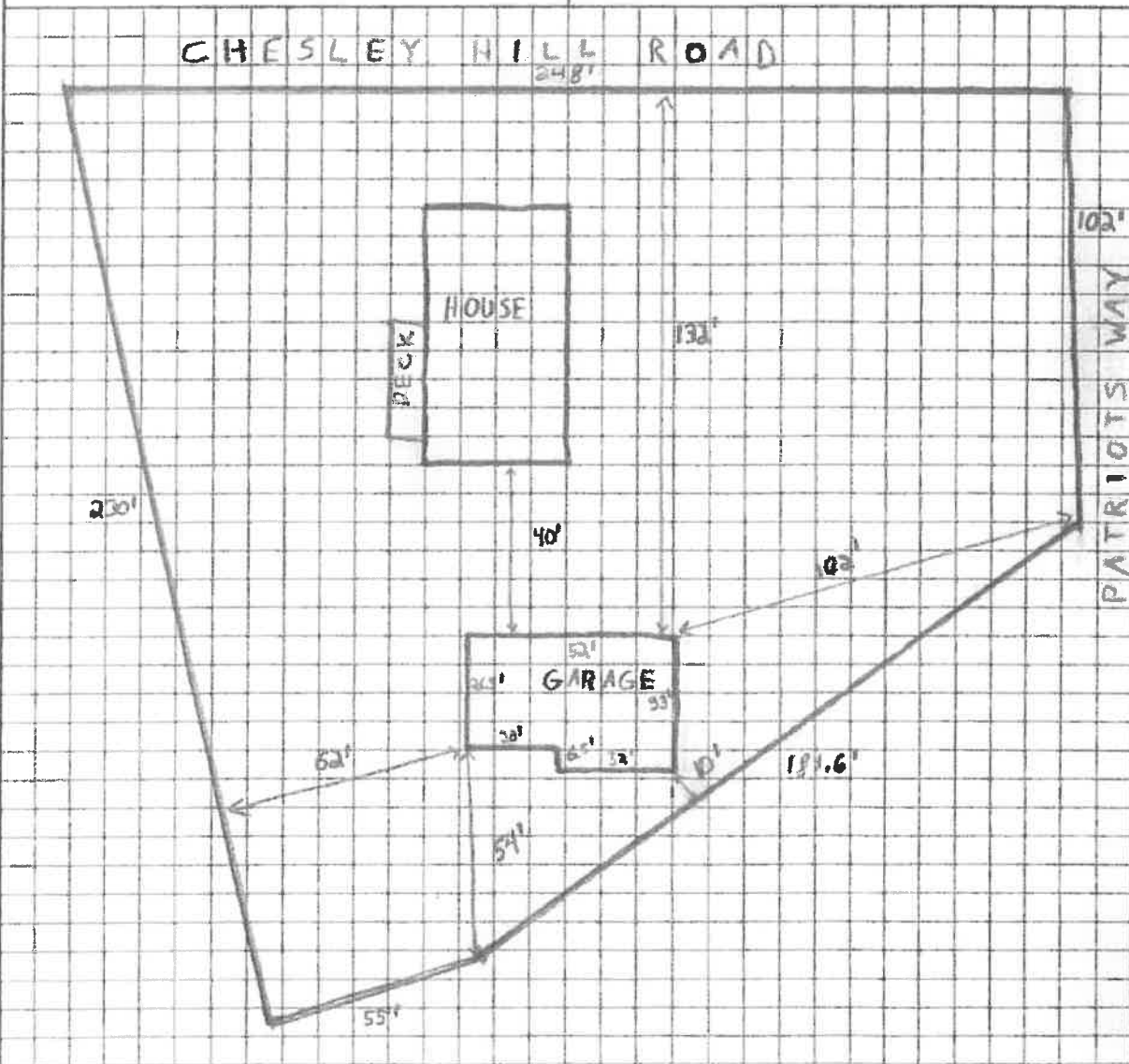
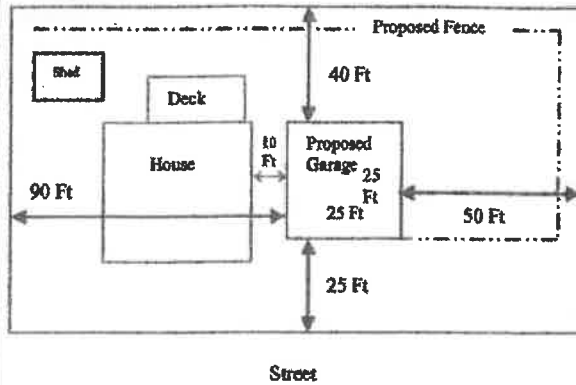
Wendy Twidle, Trustee

Sketch Plan

Instructions:

- 1) Show the Property lines and road(s).
- 2) Show the proposed Structure and all existing structures.
- 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- 4) Include the dimensions of the proposed structure.
- 5) If installing a fence – show the location.

Sample Plan:



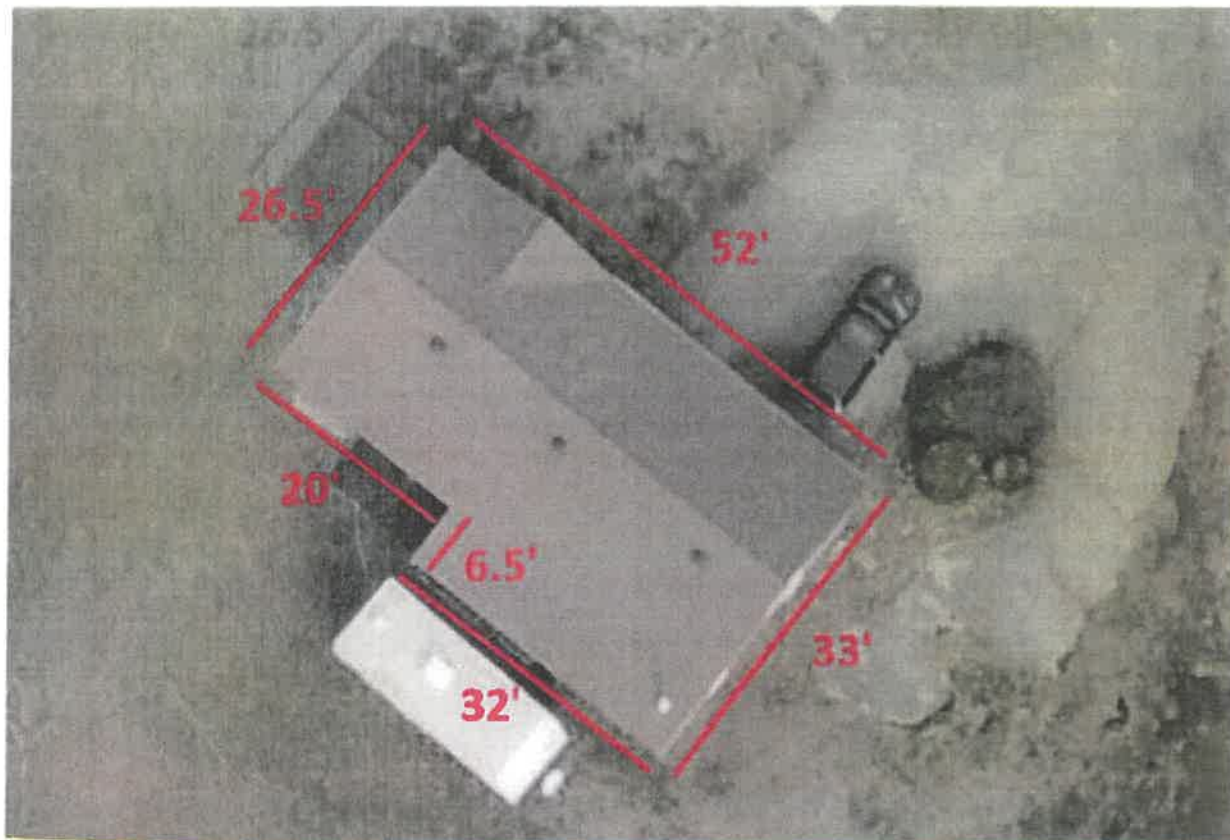
Signature

David White

Date

5/6/2022







§ 275-23.2 Standards for specific accessory uses.

A. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

(1) Accessory apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
[Amended 4-4-2017]

(a) It is permitted where and as specified in the Tables of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single-family dwelling, it must be approved by a special exception;

(b) It is accessory to a single-family dwelling only and if detached from the single-family dwelling it is similar in architectural style;

(c) It must be two bedrooms or less;

(d) It may not exceed 800 square feet;

(e) It may be either part of the single-family dwelling or in a separate building, such as above a garage; if it is part of the single-family dwelling, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit;
[Amended 3-5-2019]

(f) There may be only one per lot;

(g) The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his/her principal place of residence;

(h) At least one parking space must be provided for the unit;

(i) Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and

(j) It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.

(k) If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require site plan review.

(l) If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require site plan review.

CURRENT OWNER

STROGEN ROBERT L
159 BUNKER RD
ROTONDA WES FL 33947-2124

UTILITIES

0 CITY WATER R
0 CITY WTR PBO
0 NONE
0 CITY SEWER
0 PAVED
0 MEDIUM

TOPO

0 LEVEL
1030

ZONING

R1 RESIDENCE 1
NHBD NAME
RURAL NORTHWEST

EXEMPTIONS

Year Code Description

LEGAL DESCRIPTION

BLDG
LAND
OB

CURRENT ASSESSMENT

LUC Co Prior Assessed Current Assesse
101 176,400 176,400
101 49,400 49,400
101 26,800 26,800

VISION

ROCHESTER, NH



SALES INFORMATION- GRANTEE

STROGEN ROBERT L
STROGEN ROBERT L
ROY LUDGER T & PEARL B

BOOK/PAGE

3421 19
833 376
0 0

SALE DATE

08-15-2006
09-14-1967
01-01-1900

SALE PRICE

2,667
0
0

SALE CODE

44
99
99

PREVIOUS ASSESSMENTS (HISTORY)

Year Descr Prior Assesse
2020 BLDG 176,400
LAND 49,400
OB 27,200

APPRaised VALUE SUMMARY

Total 253,000

APPRaised VALUE SUMMARY

Total 253,000

APPRaised VALUE SUMMARY

Total 253,000

BUILDING NOTES

UNF=ATC/HST

BUILDING PERMIT RECORD

Issue Date	Permit Id	Description	Price	Insp Date	% C	Stat	Notes
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LAND LINE VALUATION SECTION

B	LUC	Description	LandU	Land Type	Loc Adj	UnitPric	Size Adj	Cond	Nbhd	Nb Adj	Intf1	Intf1 Adj	Intf2	Intf2 Adj	Intf3	Intf3 Adj	Adj UnitPrice	Appraised Value	Assessed Value	Notes
1	1010	SINGLE FA	0.920	PRIMARY	P	1,000	50,000	1,07391	1,00	1030	1,000						53,695	49,400	49,400	

VISIT / CHANGE HISTORY

Date	Id	Purpose/Result	Notes
09-22-2015	NM	MEAS+INSPCTD	
12-04-2014	VS	OWN ADD CHG	
12-18-2006	GN	VETERAN OUT	
01-26-2006	GN	VETERAN ADD	
12-22-2005	VW	OWN ADD CHG	
07-22-2003	VW	PROP LOC CHG	

VISIT / CHANGE HISTORY

Date	Id	Purpose/Result	Notes
09-22-2015	NM	MEAS+INSPCTD	
12-04-2014	VS	OWN ADD CHG	
12-18-2006	GN	VETERAN OUT	
01-26-2006	GN	VETERAN ADD	
12-22-2005	VW	OWN ADD CHG	
07-22-2003	VW	PROP LOC CHG	

Total Card Land Units

0.92

AC

Parcel Total Land Area

0.92

AC

Total Land Value

49,400

Land Use 1010
Print Date 5/18/2022 11:24:21 A

A photograph of a large, two-story house with a prominent chimney and a covered porch, surrounded by trees and a lawn. The house has a dark roof and light-colored siding. The porch is covered with a white roof. The house is surrounded by a green lawn and trees. A paved road is visible in the foreground.



Rochester, NH



CAI Technologies
 Precision Mapping. Unprecedented Solutions.

May 18, 2022



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

ParcelID	StreetAddress	Owner1	Owner2	BillingAddress	City State Zip
0138-0113-0000	59 GONIC RD	TARGHEE REALTY LLC		221 DOCKHAM SHORE RD	GILFORD, NH 03249
0137-0004-0000	235 CHESLEY HILL RD	GRONDAHL FAMILY LLC		304 MAPLEWOOD AVE	PORTSMOUTH, NH 03801-3501
0138-0099-0000	271 CHESLEY HILL RD	STROGEN ROBERT L		159 BUNKER RD	ROTONDA WEST, FL 33947-2124
0138-0098-0000	5 PATRIOTS WAY	STROGEN ROBERT L REVOCABLE	TRUST % STROGEN ROBERT L	159 BUNKER RD	ROTONDA WEST, FL 33947-2124
0138-0105-0000	272 CHESLEY HILL RD	VOSS KENNETH E		272 CHESLEY HILL RD	ROCHESTER, NH 03839-5511
0138-0083-0000	281 CHESLEY HILL RD	POMERLEAU DAWN M		149 DRY HILL RD	ROCHESTER, NH 03867-4129
0138-0104-0000	268 CHESLEY HILL RD	ALBEE NATALIE & KEITH		268 CHESLEY HILL RD	ROCHESTER, NH 03839-5511