



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. 2-20-12

DATE FILED 7-21-20

[Signature]
ZONING BOARD CLERK

Applicant:

August Kurdt

E-mail: augie63@metrocast.net Phone: 603-330-5117

Applicant Address: 59 B Church Street, Rochester, NH 03839

Property Owner: August & Lisa Kurdt

Property Owner Address: 59 B Church Street, Rochester, NH 03839

Variance Address: Same

Map Lot and Block No: 0142-0033-0000

Description of Property: Residential home on 0.63 acres

Proposed use or existing use affected: Installation of a shed

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, ~~Section~~ Table 19-A

and asks that said terms be waived to permit the installation of a shed within
two feet of the property line.

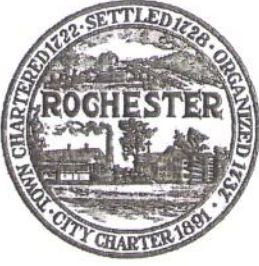
The undersigned alleges that the following circumstances exist which prevent the proper enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute grounds for a variance.

Signed:

August Kurdt

Date:

7/21/2020



City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Criteria

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

the abutter most affected has no concerns with the proposed location. The shed style is complimentary to the residential home on site.

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

the shed will be situated on property owner's land.

3) Granting the variance would do substantial justice because:

this is the only location level enough to support installation on the property.

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

the shed style is complimentary to the residential home on site.

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 property lacks level areas and the proposed location is the only logical choice. The shed will enhance the look of the property because it will allow for storage and will be complimentary to the look of the residence.

And:

ii. The proposed use is a reasonable one because:

the ability to store lawn equipment & household items at the higher level of the property will be convenient and will allow the property to remain aesthetically pleasing.

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.

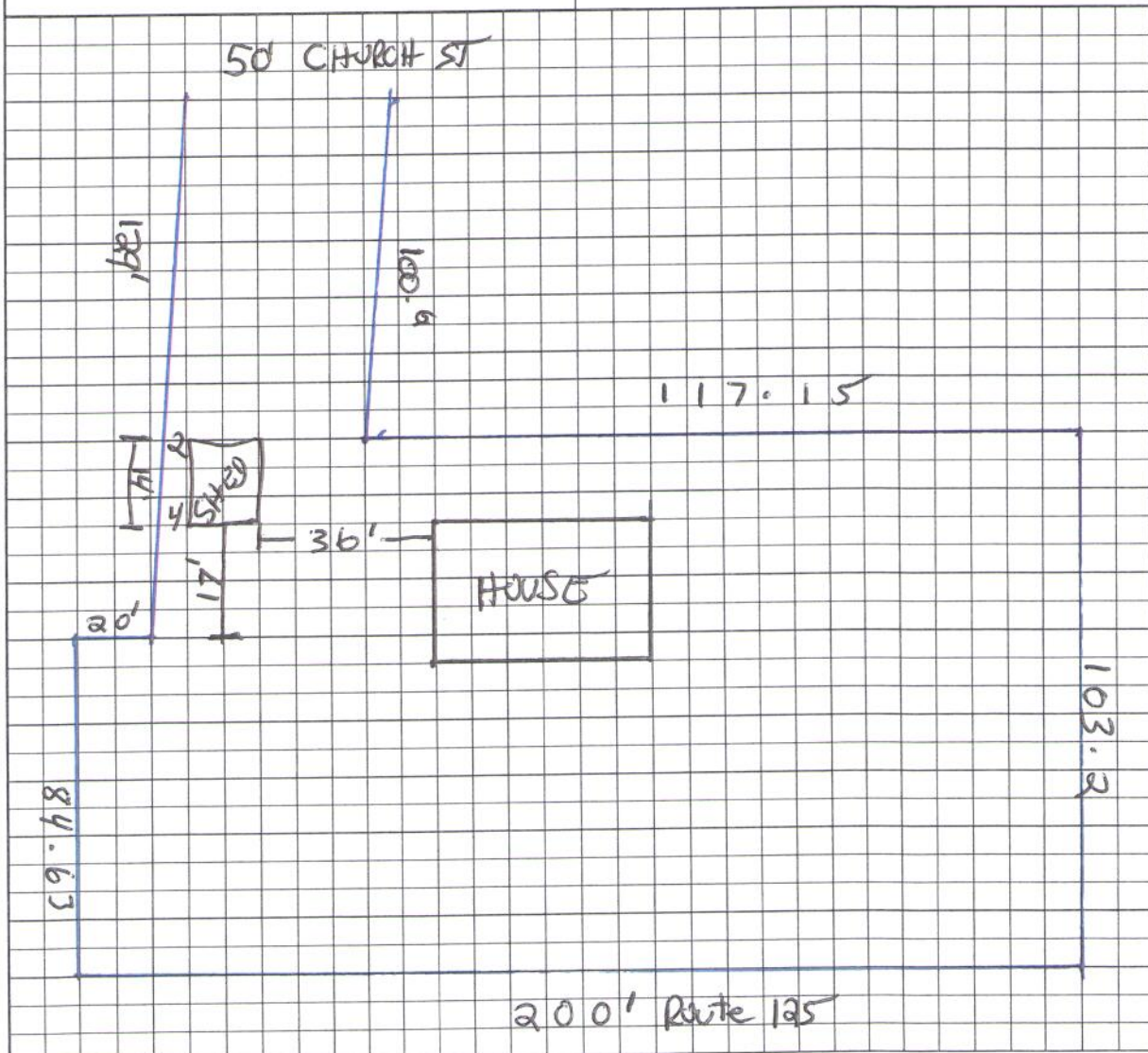
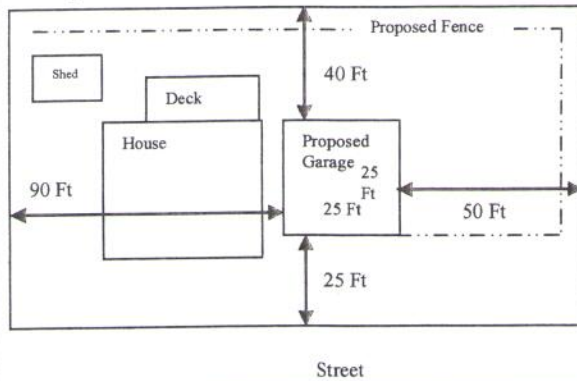
If the variance is not granted, we will be unable to install a shed as no other location will accommodate the level parameters required.

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

Date

ROCHESTER ZONING BOARD OF ADJUSTMENT
VARIANCE & SPECIAL EXCEPTION CRITERIA

2. **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.

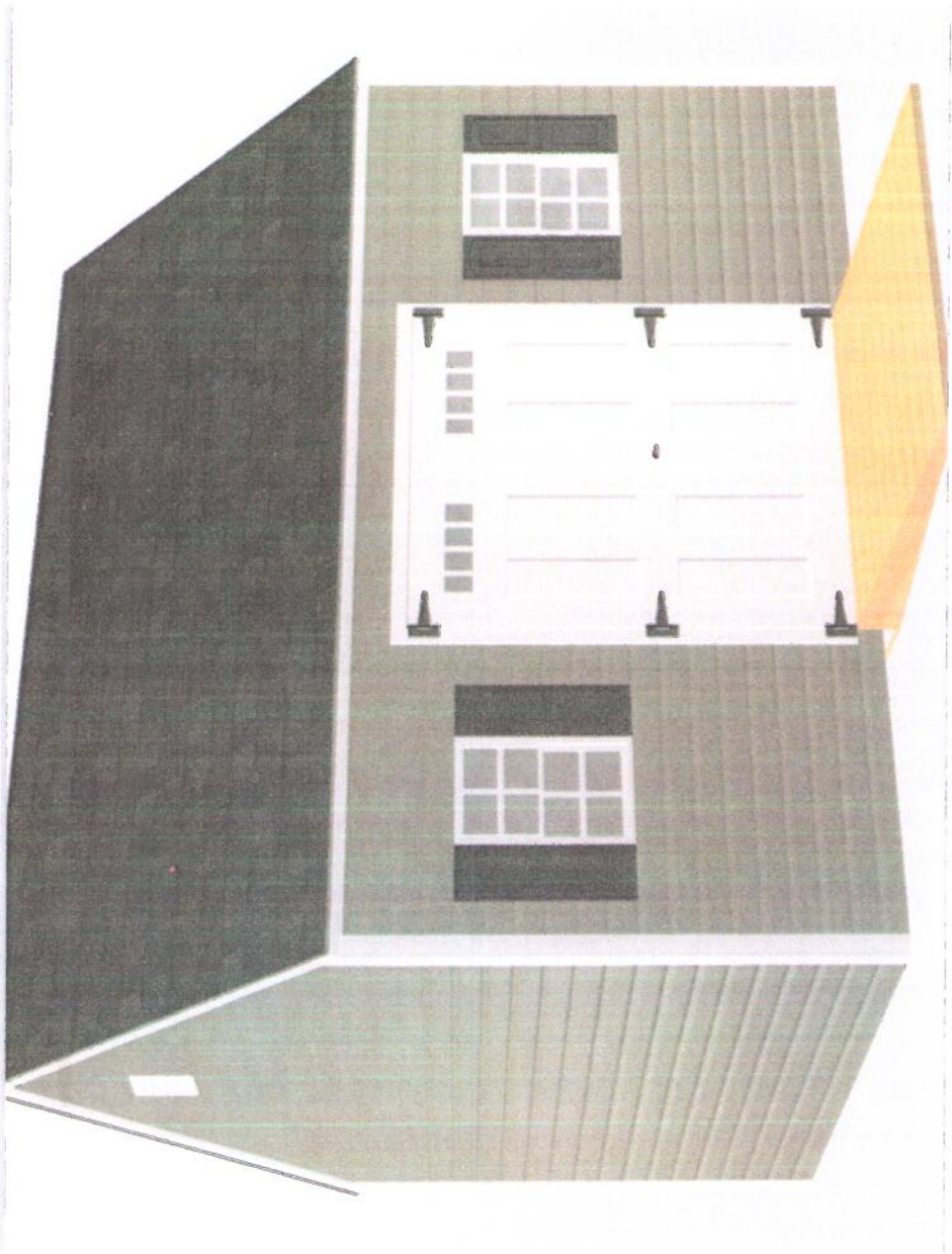
Notwithstanding Section 2., above, the board may grant a variance from the terms of a zoning ordinance without finding a hardship arising from the condition of a premises subject to the ordinance, when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability 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.
3. **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.

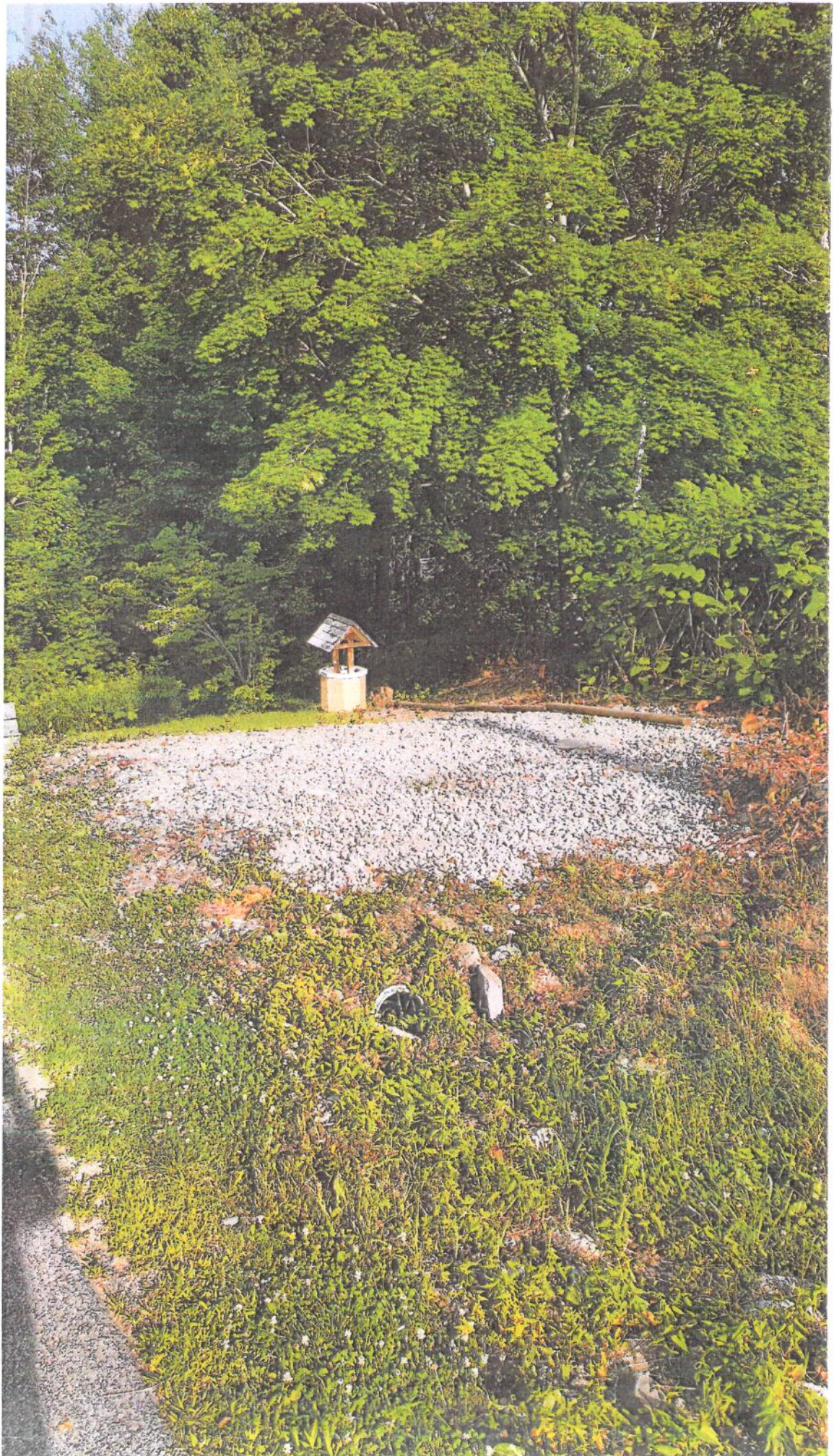
Requirements for Granting a Variance: A Suggested Approach

THE APPLICANT MUST ESTABLISH ALL OF THE FOLLOWING.

Requirement	Explanation
1. The variance is not contrary to the public interest.	The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights."
2. The spirit of the ordinance is observed.	
3. Substantial justice is done.	The benefit to the applicant should not be outweighed by harm to the general public or to other individuals.
4. The values of surrounding properties are not diminished.	Expert testimony on this question is not conclusive, but cannot be ignored. The board may also consider other evidence of the effect on property values, including personal knowledge of the members themselves.
5. Literal enforcement of the ordinance would result in unnecessary hardship. Unnecessary hardship means: <i>Because of special conditions of the property that distinguish it from other properties in the area:</i> (a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property; <i>and</i> (b) The proposed use is a reasonable one. <i>Alternatively, unnecessary hardship means that, 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.</i>	The applicant must establish that the property is burdened by the zoning restriction in a manner that is distinct from other similarly situated property. (a) Determine the purpose of the zoning restriction in question. The applicant must establish that, because of the special conditions of the property, the restriction as applied to the property does not serve that purpose in a "fair and substantial" way. (b) The applicant must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. As an alternative to (a) and (b) above, the applicant can satisfy the unnecessary hardship requirement by establishing that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.





















Ivan Geschwindner and Rianna Ouellette

59 Church Street
Rochester NH, 03839
(603) 973-3801, (603) 969-7093

July 20, 2020

To whom it may concern:

Mr. August Kurdt and I have discussed his opportunity to erect a shed on his property at 59B Church Street Rochester, NH 03839 that is within 10 feet of my property line at 59 Church Street Rochester, NH 03839. Mr. Kurdt has explained that he will need a variance from the town in order to build the shed in the location he desires. Neither I, Ivan Geschwindner, nor my wife, Rianna Ouellette, have any objections concerning the placement of the shed. Please feel free to contact us with any questions.

Sincerely,

Ivan Geschwindner and Rianna Ouellette

 7-20-20

Ivan Geschwindner

Date:

 7-20-2020

Rianna Ouellette

Date:

ZONING

275 Attachment 6

City of Rochester

Table 19-A Dimensional Standards - Residential Districts
[Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II)]

	Lots			Setbacks				Other				Standards, Notes and References	
	Minimum Lot Area (square feet)	Minimum Frontage (feet)	Minimum Lot Area/Dwelling Unit (square feet)	Minimum Front (feet)	Maximum Front (feet)	Minimum Side (feet)	Minimum Rear (feet)	Maximum Building Footprint	Maximum Lot Coverage	Maximum Number of Stories	Minimum Building Height (feet)	Maximum Building Height (feet)	A "—" means there is no dimensional standard for this item
Residential Districts													
Residential-1 (R1)													
Single-family	10,000	100	—	10	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
All other uses	10,000	100	—	10	—	10	20	30%	35%	—	—	35	
Residential-2 (R2)													
Single-family	6,000	60	—	10	—	8	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Two-family	9,000	80	—	10	—	8	20	30%	45%	—	—	35	See Article 19, Dimensional Standards
Three- and four-family	12,000 and 15,000	80	—	15	—	10	25	30%	60%	—	—	35	See Article 19, Dimensional Standards
Five- or more family	30,000	100	5,000 or 7,500	15	—	10	25	30%	60%	—	—	35	See Article 19, Dimensional Standards
All other uses	9,000	80	—	10	—	8	20	30%	35%	—	—	35	
Neighborhood Mixed Use (NMU)													
All uses	6,000	60	— ²	—	25	5'	20	—	90%	3	20	20	See Article 19, Dimensional Standards
Agricultural (AG)													
Single-family, conventional subdivision, municipal water and sewer	20,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Single-family, conventional subdivision, municipal water or sewer	30,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Single-family, conventional subdivision, neither municipal water nor sewer	45,000	150	—	20	—	10	20	30%	35%	—	—	35	See Article 19, Dimensional Standards
Two-family	150% of single	150	—	20	—	10	20	30%	40%	—	—	—	See Article 19, Dimensional Standards
Single-family dwelling - conservation subdivision	6,000	60	—	20	—	10	20	30%	35%	—	—	35	See Article 33, Conservation Subdivisions
All other uses	45,000	150	5,000 or 7,500	20	—	10	20	—	40%	—	—	35	

NOTES:

Note 1: For lots that adjoin a residential district, the side setback on the side adjoining the residential district shall be the larger of the required side setback in the subject commercial zone or the adjoining residential zone.

Note 2: For lots without both water and sewer, 10,000 square feet of lot area is required per additional dwelling unit beyond one.



In Process Appraisal Summary (First 4 Lines Only)									
Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Land Value	Total Value	Land Value	Total Value
101	0.63	169,700.00	0.00	47,200.00	216,900.00	47,200.00	216,900.00	47,200.00	216,900.00
Total Card	0.63	169,700.00	0.00	47,200.00	216,900.00	47,200.00	216,900.00	47,200.00	216,900.00
Total Parcel	0.63	169,700.00	0.00	47,200.00	216,900.00	47,200.00	216,900.00	47,200.00	216,900.00
Source	Mkt Adj Cost	Total Value per Sq Unit /Card		161.38	/Parcel		161.38		

Legal Description									
Entered Lot Size									
Total Land		0.63							
Land Unit Type		AC - EXCESS ACRES							
Parcel ID		0142-0033-0000							

User Account									
33050									
GIS Reference									
GIS Reference									
Inspection Date									

Previous Assessment (First 9 Lines Only)									
Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Assessed Value	Notes
2020	101	FV1	169,700	0	0.6300	47,200	216,900	216,900	05/01/2020
2019	101	FV	169,700	0	0.6300	47,200	216,900	216,900	10/30/2019
2018	101	FV	139,300	0	0.6300	36,300	175,600	175,600	Year End Roll
2017	101	FV	139,300	0	0.6300	36,300	175,600	175,600	Year End Roll
2016	101	FV	132,900	0	0.6300	36,300	169,200	169,200	Year End Roll
2015	101	FV	130,800	0	0.6300	36,300	167,100	167,100	Year-end
2014	101	FV	100,900	0	0.6300	36,300	137,200	137,200	Year End Roll
2013	101	FV	95,600	0	0.6300	49,900	145,500	145,500	Year End Roll
2012	101	FV	95,600	0	0.6300	49,900	145,500	145,500	Year End Roll

Sales Information (First 5 Lines Only)									
Grantor	Legal Ref	Type	Date	Sale Price	V	TSF	Verification	Notes	
WHITMAN PETER A	2529-242	1	06/18/2002	142,933.00	No	No	PA-34		
SAWYER ROBERT M & MARGA	1511-357		06/21/1990	0.00	No	No			
ALLARD JOSEPH & ESTELLE	1061-31		01/15/1981	0.00	No	No			
ALLARD UBALD & MARYANGLE	896-9		09/12/1978	0.00	No	No			
			11/26/1971	0.00	No	No			

Narrative Description									
This parcel contains 0.63000 AC of land mainly classified as SINGLE FAM with a CAPE Building built about 2002, having primarily VINYL Exterior and 1,344 Square Feet, with 1 Residential Unit, 1 Bath, 1 3/4 Bath, 7 Rooms, and 4 Bdrms.									

Other Assessments									
Code	Description	Amount	Com Int						

Building Permits (First 8 Lines Only)									
Date	Number	Description	Amount	C/O	Last Visit	Fed Code	F. Description	General Notes	
06/10/2015	10726	DECK	14,000.00	C		1	RES CONST		
01/12/2015	9699	ELECTRIC	3,000.00	CI	04/08/2015	1	RES CONST	2ND FLOOR	
01/12/2015	9700	PLUMBING	3,200.00	CI	04/08/2015	1	RES CONST	2ND FLOOR BATH	
01/08/2015	9683	HEATING SYS	1,994.00	CI	04/08/2015	1	RES CONST	BASEBOARD ON 2ND FLO	
12/17/2014	9556	FIN 2ND FLR	15,000.00	CI	04/08/2015	1	RES CONST	2 BRs & BATH	
05/17/2002	465	PLUMBING	4,000.00	C	03/19/2003				
05/03/2002	394	ELECTRIC	1,000.00	C	03/19/2003				
02/08/2002	83	RES BLDG	50,000.00	C	03/19/2003				

Property Factors									
Item	Code	Description	%	Item	Code	Description			
Zone 1	R1	RESIDENCE 1	100	Utility 1	1	CITY WATER R			
Zone 2				Utility 2	2	CITY SEWER			
Zone 3				Utility 3	4	NONE			
General Tract				Exempt					
Flood Hazard									
District 1	GO	GONIC	0	Topo	3	BEL ST			
District 2				Sheet	1	PAVED			
District 3				Traffic	4	MEDIUM			

Land Section (First 9 Lines Only)									
Use	Description	LUC Factor	No of Units	Depth	Unit Type	Unit Price	Price/Unit	Land Type	Land Factor
101	SINGLE FAM	1.0000	0.6300		PRIMARY ACRES	74,920.63	101	27,442.80000	1.00000
Total ACHA			0.63000		Total SF/SM				47,200

Activity Information (First 11 Lines Only)									
Date	Result	By	Name	Appraised Value	Alt Class	%	Spec Land	Juris	Assessed Value
11/13/2009	INTER ONLY	TG	THERESA	47,200	0				47,200
11/09/2009	EXT ONLY	TG	THERESA						
12/20/2006	NO INSP	NM	NANCY						
07/15/2002	DEED CHANGE	GN	GAYE						
10/16/2001	NO INSP	GN	GAYE						

Sign:									
Total		47,200.00		Total		47,200.00		Total	

Exterior Information

Type	04 - CAPE
Story Height	1.75 - 1.75
(Liv) Units	1
Foundation	1 - CONCRETE
Frame	01 - WOOD
Prime Wall	4 - VINYL
Sec Wall	
Roof Struct	1 - GABLE
Roof Cover	1 - ASPH SHINGLE
Color	CLAY
View/Desir	NONE
Bld Name	

Bath Features

Full Bath	1	Rating	SAME
A Bath		Rating	
3/4 Bath	1	Rating	SAME
A 3QBath		Rating	
1/2 Bath		Rating	
A HBath		Rating	
Other Fix		Rating	

Other Features

Kitchen	1	Rating	SAME
A Kitchen		Rating	
Fireplace		Rating	
WSFlues		Rating	

General Information

Grade	C - AVERAGE		
Year Bilt	2002	Eff Yr Bilt	
Alt LUC		Alt %	
Jurisdic't		Fact	1.00000
Const Mod			
Lump Sum Adj			

Condo Information

Location	
Total Units	0
Floor	
% Own	
Name	

Depreciation

Phys Cond	AV - Average	17%
Functional		
Economic	T - TRAFFIC	5%
Special		
Override		
	Total	21%

Interior Information

Avg Ht/Ft	6 - AVERAGE
Prime Int Wall	
Sec Int Wall	T - TYPICAL
Partition	8 - AVERAGE
Prim Floors	

Calc Summary

Basic \$ / SQ	104,19000
Size Adj	1.05464
Const Adj	1.05060
Adj \$ / SQ	115.44000
Other Features	30,000.00
Grade Factor	1.00000
NBHD Inf	1.00000
NBHD Mod	1.00000
LUC Factor	1.00000
Adj Total	215,223
Depreciation	45,520
Depreciated Total	169,703

Special Features/Yard Items (First 20 Lines Only)

Code	Description	A	Y/S	Qty
More				
		N		Total Yard Items

Comments

No Unit	Rooms	Bed Rooms	Floor
1	7	4	M
		Totals	
1	7	4	

Res Breakdown (First 4 Only)

No Unit	Rooms	Bed Rooms	Floor
1	7	4	M
Totals			
1	7	4	

Remodeling Mobile Home

Exterior		Make	
Interior		Model	
Additions		Serial #	
Kitchen		Year	0
Baths		Color	

Comparable Sales (First 7 Only)

Rating	Parcel ID	Type	Date	Sale Price
WWA/SQ		AvRate		
Ind Val				

Sub Area (First 8 Only)

Code	Description	Area - SQ	Rate - AV	Underp Value
FFL	1ST FLOOR	768.00	115.440	88,657.92
TQS	3/4 STORY	576.00	115.440	66,493.44
WDK	WOOD DECK	360.00	21.050	7,578.00
STP	STOOP	18.00	18.280	329.04
BMT	BASEMENT	768.00	28.860	22,164.48
Net Sketched Area		2,490.00	Total	185,222.88
Size Adj	Gross Area	1,344.00	Fin Area	1,344.00

Sub Area Detail (First 10 Only)

Sub Area	% Usbl	Description	% Type	Qu	# of Tenants
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Abutters List Report

Rochester, NH
July 20, 2020

Subject Property:

Parcel Number: 0142-0033-0000
CAMA Number: 0142-0033-0000
Property Address: 59 CHURCH ST

Mailing Address: KURDT AUGUST & LISA
59 B CHURCH ST
ROCHESTER, NH 03839-5243

Abutters:

Parcel Number: 0142-0020-0000
CAMA Number: 0142-0020-0000
Property Address: 56 CHURCH ST

Mailing Address: MOFFETT JUSTIN
56 CHURCH ST
ROCHESTER, NH 03839

Parcel Number: 0142-0021-0000
CAMA Number: 0142-0021-0000
Property Address: 62 CHURCH ST

Mailing Address: WALTON TAYLOR C
62 CHURCH ST
ROCHESTER, NH 03839-5200

Parcel Number: 0142-0031-0000
CAMA Number: 0142-0031-0000
Property Address: 61 CHURCH ST

Mailing Address: PELTON JACK D & MARBLE DONNA J
61 B CHURCH ST
ROCHESTER, NH 03839-5243

Parcel Number: 0142-0032-0000
CAMA Number: 0142-0032-0000
Property Address: 61 CHURCH ST

Mailing Address: BRALEY KEITH A & BRALEY LISA J
61 CHURCH ST
ROCHESTER, NH 03839-5243

Parcel Number: 0142-0033-0000
CAMA Number: 0142-0033-0000
Property Address: 59 CHURCH ST

Mailing Address: KURDT AUGUST & LISA
59 B CHURCH ST
ROCHESTER, NH 03839-5243

Parcel Number: 0142-0035-0000
CAMA Number: 0142-0035-0000
Property Address: 59 CHURCH ST

Mailing Address: GESCHWINDNER IVAN & OUELLETTE
RIANNA
59 CHURCH ST
ROCHESTER, NH 03839-5243

Parcel Number: 0142-0057-0000
CAMA Number: 0142-0057-0000
Property Address: 43 SHERMAN ST

Mailing Address: WOOD WILLIAM L & BETTY ANN
4 CRETEAU ST
ROCHESTER, NH 03867

Parcel Number: 0142-0076-0000
CAMA Number: 0142-0076-0000
Property Address: 0 BROOK FARM VILL

Mailing Address: BROOKFARM CONDO ASSOCIATION %
EVERGREEN MGMT GROUP
17 COMMERCE DR
BEDFORD, NH 03110-7059



www.cai-tech.com

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7/20/2020

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