



Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

PLANNING AND DEVELOPMENT DEPARTMENT
City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 • Fax (603) 335-7585
www.rochesternh.net

APPLICATION FOR A VARIANCE

TO: **BOARD OF ADJUSTMENT
CITY OF ROCHESTER**

Phone No **(603) 330-3367**

DO NOT WRITE IN THIS SPACE

CASE NO. **2014-18**

DATE FILED

09-17-14 11:52 AM

K. Quinn
ZONING BOARD CLERK

Name of applicant **Alan N. & Sharon A. Reed-Erickson**

Address **123 Dry Hill Road, Rochester, NH 03867-4129**

Owner of property concerned: **Same**

(If the same as applicant, write "same")

Address **Same**

(If the same as applicant, write "same")

Location **Same**

Map No. **247** Lot No. **13** Zone **Agricultural (AG)**

Description of property **A 9.99 acre parcel of land with two (2) single family residential homes and driveways thereon.**

Proposed use or existing use affected **The Applicants intend to subdivide the parcel into three separate parcels of land.**

The undersigned hereby requests a variance to the terms of Article **42.21** Section **(d) (10) (G) & (H)** and asked that said terms be waived to permit **a porkchop subdivision with two driveways, as opposed to one.**

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

Alan N. Reed-Erickson
(Applicant)

CRITERIA FOR VARIANCE

Case # 2014-18

Date: 9-17-14

A Variance is requested by Alan N. and Sharon A. Reed-Erickson

from Section 42.21, Subsection (d)(10)(G) & (H) of the Zoning Ordinance to permit a porkchop subdivision utilizing two existing driveways

at 123 Dry Hill Road Map No. 247 Lot No 13 Zone Agricultural (AG)

Facts supporting this request:

1) The proposed use would not diminish surrounding property values because:

See attached

2) Granting the variance is not contrary to the public interest because:

See attached

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property:

See attached

4.) Granting the variance would do substantial justice because:

See attached

5.) The use is not contrary to the spirit of the ordinance because:

See attached

Name

[Signature]
Attorney for Applicant

Date:

9/17/14

Alan N. & Sharon Reed-Erickson
123 Dry Hill Road, Rochester, NH
Map 247, Lot 13

APPLICATION FOR VARIANCE

Introduction

The property subject to this application is located at 123 Dry Hill Road and is depicted on the City's Tax Maps at 247/13. The property is located within the Agricultural (AG) zone. The property is comprised of approximately 9.99 acres. The parcel is unique, not only in its size, but also as to its shape. The parcel is also unique as it contains two (2) single-family houses that were constructed when multiple houses were permitted on one lot. A copy of the proposed subdivision plan is attached hereto. The Applicants intend to create three (3) lots, known as a "porkchop subdivision," by creating a lot for each existing house and a third lot that shares one of the existing driveways with another lot. The third lot is intended to be developed at some time in the future with a single-family house.

Pursuant to Article 42.21(d) (10) (G) & (H), within a porkchop subdivision, all lots shall be entered from and contain a common driveway. In this instance, as the lots already contain two (2) single-family houses, there already exists two driveways within the lot. The lot exceeds the minimum amount of land required for a porkchop subdivision as it has 9.99 acres, where only 6 acres is required. The lot also exceeds the minimum amount of frontage required for a porkchop subdivision, as it has 358.69 feet, where only 150.00 feet is required.

Pursuant to Article 42.21, the purpose of the porkchop subdivision is to "preserve the scenic character of the neighborhood." The relief requested herein utilizes the existing two driveways, thus maintaining status quo as to the driveways, which, in turn, will maintain the scenic character of the neighborhood. Without the variance, the Applicants would either have to cross steep slopes and an existing septic system and construct a driveway, or create a traditional subdivision that would require a variance for frontage and unnecessary road infrastructure that would affect the scenic character of the neighborhood.

The Applicants respectfully submit that the grant of a variance would result in a use of the property that is consistent with the surrounding uses of the area, and represents a reasonable use of the property and the two existing driveways, while respecting the intent of the porkchop subdivision option within the Rochester Zoning Ordinance. As such, the Applicants believe that the request for a variance is reasonable, and can be supported by the following evidence.

Request for Variances
Facts Supporting this Request

1. The proposed use would not diminish surrounding property values because:

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing two driveways located upon the Applicants' property. In this instance, the use of one of the existing driveways for an additional lot will have no effect upon the use of any abutter, with respect to its property. Given the

existing status of the lot as to driveways, and the size of the lot itself and its frontage, the addition of a residential lot will be consistent with the neighborhood, and would increase surrounding property values with new construction on a large lot.

2. Granting the variance is not contrary to the public interest because:

The Applicants respectfully submit that the proposed use represents a reasonable use of the property in question by maintaining the status quo as to the driveways and permits the Applicants to avoid having to construct another driveway through an existing septic system on steep slopes. By permitting the use, the public interest is served by permitting orderly development in an area where such development has already occurred, particularly where there would be no additional driveways added to the area along Dry Hill Road. It is submitted that the use of the two driveways will not be contrary to the public interest, as the use will not alter the essential character of the locality.

3. Denial of the variance would result in unnecessary hardship to the owners because of the following special circumstances of the property:

The general purpose of the ordinance is to promote orderly development and to protect the health, safety and general welfare of the public. The purpose of a porkchop subdivision is to preserve the scenic character of the neighborhood. In this instance, the Applicants seek to maintain the status quo with respect to the existing driveways located on the property. The property is large enough, and much larger than those within the general surrounding area, to sustain the use of the property with one additional lot. The grant of the variance allows the Applicants to avoid constructing an additional driveway through an existing septic and sloped area, thus avoiding waste. Given the existing configuration of the two driveways, there is no need to incur this waste, and, as such, the Applicants respectfully submit that there is no relationship at all between the general public purpose of the ordinance, and the specific application of the restriction, which would require the unnecessary construction of a driveway through a septic system and sloped area.

The proposed use is reasonable because it provides for use of existing driveways and preserves the scenic character of the neighborhood.

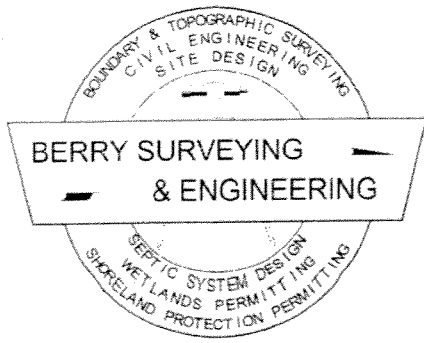
4. Granting the variances would do substantial justice because:

The grant of the variance would do substantial justice because it would allow the Applicants' property to be utilized in a similar fashion to other properties located within the area. This test requires the balance of the benefit to the applicant versus the burden to the public. In this instance, there will be no burden to the public whatsoever in allowing the use of the two existing driveways. Accordingly, the benefit to the Applicants would exceed the burden to the public, thus resulting in substantial justice being done.

5. The use is not contrary to the spirit of the ordinance because:

The Applicants respectfully submit that if the variance is granted the spirit of the ordinance would be observed because the use in question would permit a use which is suitable, considering the surrounding properties, and therefore result in an encouragement of the most appropriate use of the land. In addition, by granting the variance, the intent of the ordinance will

be sustained as it relates to porkchop subdivisions, while using the two existing driveways. Denial of the variance would only serve to do damage to an existing septic system. By granting the variance, the Board would be promoting the public health, safety and general welfare, without the need for construction of unnecessary driveways upon the property. To be contrary to the public interest or injurious to the public rights of others, the variance must unduly and in a marked degree conflict with the ordinance, such that it violates the ordinance's basic zoning objectives, which in this application is not the case.



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

September 12, 2014

Letter of Authorization

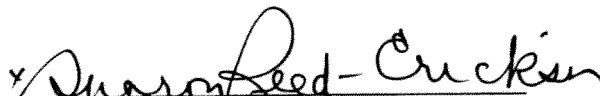
Berry Surveying & Engineering has been commissioned to prepare "Proposed Subdivision Plans" for Alan & Sharon Reed-Erickson, 123 Dry Hill Road, Rochester, NH 03867 and said plans will be used for applications to the Rochester Planning Board and Rochester Zoning Board of Adjustment.

We, Alan Reed-Erickson and Sharon Reed-Erickson, do hereby authorize a principal of Berry Surveying and Engineering and / or legal counsel Atty. F.X. Bruton, of Bruton & Beruby, PLLC to sign documents and submit same to either the Rochester Planning Board or the Rochester Zoning Board of Adjustment on our behalf.

Respectfully submitted,



Alan Reed-Erickson

9-12-14
Date


Sharon Reed-Erickson

9/12/14
Date

Witnessed by:
BERRY SURVEYING & ENGINEERING


Kenneth A. Berry, PE, LLS, JP
CPESC, NH Septic Designer
Principal: VP – Technical Operations

KBerry@BerrySurveying.Com
Cell: (603) 978-0358

024700130000

MAPBLOCKLOT

1 of 1

RESIDENTIAL

203.500

19093!

024700130000

MAPBLOCKLOT

1 of 1

RESIDENTIAL

203.500

19093!

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MAPBLOCKLOT

1 of 1

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203.500

19093!

PROPERTY LOCATION

No. 123

Alt No.

Direction/Street/City

DRY HILL RD. ROCHESTER

OWNERSHIP

Owner 1: REED-ERICKSON ALAN N & SHARON

Owner 2: A

Owner 3:

Street 1: 123 DRY HILL RD

Street 2:

Town/City: ROCHESTER

Sub/Prov: NH

County:

Own Occ: Y

Type:

Postal: 03867-4129

PREVIOUS OWNER

Owner 1:

Owner 2:

Street 1:

Town/City:

Sub/Prov:

County:

Postal:

NARRATIVE DESCRIPTION

This Parcel contains 10 AC of land mainly classified as SINGLE FAM with an CAPE Building Built about 1807. Having Primarily CLAPBOARD Exterior and ASPH SHINGLE Roof Cover, with 1 Units, 1 Baths, 0 HalfBaths, 1 3/4 Baths, 6 Rooms Total, and 3 Bdrms

OTHER ASSESSMENTS

Code

Description/No

Amount

Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code

Building Value

Yard Items

Land Size

Land Value

Total Value

101

114,100

600

10,000

88,800

203,500

Legal Description

Entered Lot Size

Total Land: 10

Land Unit Type: AC

Parcel ID: 0247-0013-0000

PREVIOUS ASSESSMENT

Tax Yr

Use

Cat

Blg Value

Yrd Items

Land Size

Land Value

Total Value

Asses'd Value

Notes

Date

2013

101

FV

114,000

600

10

119,800

234,400

234,400

Year End Roll

9/4/2013

SALES INFORMATION

Grantor

Legal Ref

Type

Date

Sale Code

Sale Price

V

Tst

Verif

Assoc PCL Value

Notes

EVES BARBARA T

979-834

1

1/30/1976

Val Lnd&Bldg

31,000 No

No

4

TAX DISTRICT

Amount

CIO

Last Visit

Fed Code

F. Descrip

Comment

5,000 C

10/28/2004

10/28/2004

2,395 C

10/28/2004

35,000 C

10/28/2004

1,500 C

3/22/2004

KITCHEN RENOVATION

CK BATH 95

BUILDING PERMITS

Date

Number

Descrp

Amount

CIO

Last Visit

Fed Code

F. Descrip

Comment

10/15/2004

1369

FURNACE

5,000 C

10/28/2004

10/28/2004

2,395 C

10/28/2004

35,000 C

10/28/2004

1,500 C

3/22/2004

KITCHEN RENOVATION

CK BATH 95

ACTIVITY INFORMATION

Date

Result

By

Name

4/27/2005

INTER ONLY

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TOM

1/12/2005

CORRECTION

TG

THERESA

7/26/2001

MEAS-INSPECTD

TG

THERESA

LAND SECTION (First 7 lines only)

Use

Description

LUC

Fact

No of Units

Price/Units

Depth /

Code

101

SINGLE FAM

1.5

8.5

PRIMARY A SITE

10

0

45,000

1,000

1030

101

SINGLE FAM

1.0

0

2,500

1,000

1030

EXCESS ACEXCESS

1.0

0

2,500

1,000

1030

PROPERTY FACTORS

Item

Code

Descrp

%

Item

Code

Descrp

Exempt

Topo

1

LEVEL

Street

1

PAVED

Traffic

2

LIGHT

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Fact

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Depth /

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APPROPRIATE INFORMATION

Date

Result

By

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CORRECTION

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1/12/2005

BEARY SURVEYING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 1332 2864
SCALE 1 IN EQUALS 50 FT
DATE SEPTEMBER 8, 2014
PLT NO DE 2014-0064

PROPOSED SUBDIVISION PLAN
TO CORRECT PLAN
LAND OF
MAYN & SHAWAN A. NEED - BRIDSON
123 ONE WAY ROAD
ROCKFORD, ILL. 61101
TAX MAP REF. LOT 15

REPORTING PERIOD	DATE	REPORTING PERIOD

I CERTIFY THAT THIS PLAN FULFILLS THE
MORRIS REQUIREMENT FOR ACCURACY AND
COMPLETENESS OF THE STATE OF N.J. AND
OF THE CITY OF ROCHESTER, N.J. - 19,000

[Signature] 3-8-14
KATHLEEN A. HENRY CLS BOB DATE

CONFIDENTIAL
BOSTON PLANNING BOARD
18
7766477711

Figure 10. A schematic diagram of a 1000 ft. long section of a waterway. The diagram shows a main channel with several tributaries. The main channel is labeled "1000 ft. long section of waterway". Tributaries are labeled "Tributary A", "Tributary B", "Tributary C", and "Tributary D". A scale bar at the bottom indicates a length of 1000 ft.

(b)(6)
 (b)(7)(C)
 (b)(7)(D)

[illegible]

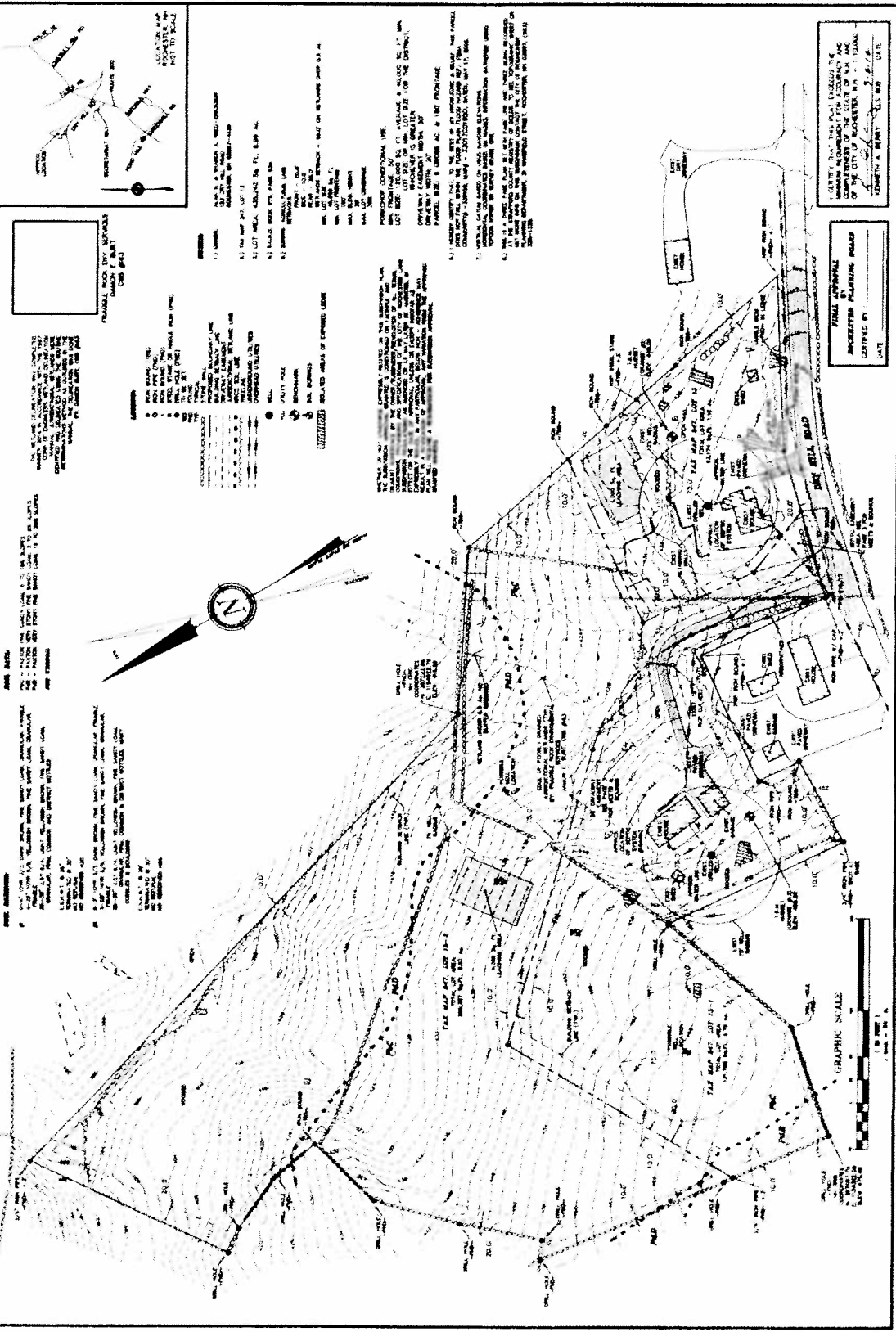
THE
FEDERAL
BUREAU
OF
INVESTIGATION
UNITED STATES
DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20535

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Year	Number of people (millions)
1960	10.5
1965	12.5
1970	16.5
1975	17.5
1980	18.5



ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: Alan N, & Sharon A. Reed-Erickson **Phone** 603-330-3367

Project Address: 123 Dry Hill Road, Rochester, NH

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
		SEE ATTACHED.	

PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

Name of Professional or Easement Holder	Mailing Address

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the City of Rochester Assessing Office computer – Assess Pro (located in the Revenue Bldg at 19 Wakefield Street)

on this date: 9/17/14. This is page 1 of 3 pages.

Applicant or Agent: 

**ABUTTER LIST
FOR
ALAN N. & SHARON REED-ERICKSON
Map 247, Lot 13
123 Dry Hill Road, Rochester, NH**

September 17, 2014

MAP/LOT	NAME/ADDRESS
<u>OWNER/APPLICANT:</u> Tax Map 247, Lot 13	ALAN N. & SHARON A. REED-ERICKSON 123 DRY HILL ROAD ROCHESTER, NH 03867-4129
<u>ABUTTERS:</u> Tax Map 247, Lot 3	BEATRICE I. TUFTS REV. TRUST C/O TUFTS, BEATRICE TRUSTEE 114 DRY HILL ROAD ROCHESTER, NH 03867-4119
Tax Map 247, Lot 8	KEVIN D. CROWELL 141 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Lot 9	PAUL A. & SUZAN E. DESMARAIS 137 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Lot 10	ROBERT A. & SONIA V. CORMIER 133 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Lot 11	STEVEN C. HOLLAND 127 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Lot 12	CLYDREN LAND TRUST C/O STEVEN HOLLAND, TRUSTEE 127 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Page 14	LEON E. JR. & MARGARET MARTINEAU 115 DRY HILL ROAD ROCHESTER, NH 03867-4129
Tax Map 247, Lot 28	R.E.A.P. REALTY TRUST C/O ANN PLANTE, TRUSTEE 111 DRY HILL ROAD ROCHESTER, NH 03867-4129

**ABUTTER LIST
FOR
ALAN N. & SHARON REED-ERICKSON
Map 247, Lot 13
123 Dry Hill Road, Rochester, NH**

September 17, 2014

PROFESSIONALS:

ATTORNEY

FRANCIS X. BRUTON, III, ESQUIRE
BRUTON & BERUBE, PLLC
798 CENTRAL AVENUE
DOVER, NH 03820

SURVEYOR

KENNETH A. BERRY, PE, LLS
BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825

ENGINEER

DAMON BURT, CWS, CPESC
FRAGGLE ROCK ENVIRONMENTAL SERVICES
38 GARLAND ROAD
STRAFFORD, NH 03884