

# City of Rochester, New Hampshire

Department of Building Safety
31 Wakefield Street \* Rochester, NH 03867
(603) 332-3508 \* Fax (603) 509-1912

APR 2 0 2016

## APPLICATION FOR A VARIANCE

TO:	BOARD OF ADJUSTMENT	DO NOT WRITE IN THIS SPACE
	CITY OF ROCHESTER	
		DAYEFILED 4-20-16
Phone No		DATE FILED 4-20-16
		ZONNG BOARD CLERK
Name of a	applicant David R. Lemieux	
Address_	PO Box 1163, Rochester, NH 03866-1163	3
Owner of	property concerned Apple Ridge Estat	es, LLC
	(If the same as a	oplicant, write "same")
Address	2992 Lafayette Road, Unit D, Portsmouth	, NH 03801
/ (dd/000	(If the same as applicant, write	
Location_	114 Rochester Hill Road, Rochester, NH	
Map No	134 Lot No	Zone Residence 2 (R2)
Descriptio	on of property 24.75 acre parcel located	on Rochester Hill Road
Proposed	use or existing use affected The applic	cant intends to construct a multi-family development
containing	a total of 102 units	
The und Section_(b	lersigned hereby requests a va	riance to the terms of Article 42.5 raived to permit parking in the front of structures
	ble in this case, the undersigned als certified plot plan, (see attached reques	o requests a waiver from the requirement to st sheet) Yes Nox
enjoymen		rcumstances exist which prevent the proper of the Zoning Ordinance and thus constitute
	Signed Van	en S
	(Ap	plicant)

# (Page 2)

# **CRITERIA FOR VARIANCE**

Case # <u>2016-15</u>

Date: 4/20/2016

A Variance is requested by David R. Lemieux
from Section Subsection(b)(2)(a)
of the Zoning Ordinance to permit: parking in the front of structures
at 114 Rochester Hill Road, Rochester, NH Map 134 Lot 5 Zone R2
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.
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 Day = Date: 4/19/16

# David R. Lemieux 114 Rochester Hill Road Map 134, Lot 5

#### APPLICATION FOR VARIANCE

#### Introduction

The property subject to this application is located at 114 Rochester Hill Road and is depicted on the City's Tax Maps at Map 134, Lot 5. The property is within the R-2 zoning district. The property is comprised of 24.75 acres, with a significant portion of the property containing wetlands. The parcel is unique, not only in its size, but also as to its shape. A portion of the lot is very narrow as the lot extends from Rochester Hill Road.

The Applicant proposes to construct a multi-family development with a total of 102 units, all accessed by the narrow portion of the lot. The proposed development will require site plan approval by the Planning Board, with whom the Applicant will review all requirements associated with buffering as to adjacent neighbors, as set forth in the site plan regulations.

The Applicant has discussed the parking requirements with the Planning Department and has been advised that a variance is required from Section 42.5(b)(2)(a) to provide for parking along the front of the structures. The Applicant understands from discussions with the Planning Department that the ordinance requirement is intended to prohibit parking in front of a structure, where the parking can be seen from the roadside, or in this case, Rochester Hill Road. The general intent of the regulation is to provide, where a multi-unit structure is proposed along a road, that parking be on the side or rear of a structure to avoid seeing the parking as one drives by the structure. In this instance, the Applicant intends to locate buffering within the narrow portion of the lot, as depicted on the attached plan, in order to shield the parking so that those travelling along Rochester Hill Road will avoid seeing the parking within the proposed development. Even without the proposed buffering, given the unique shape of the property, any such parking could only be seen from Rochester Hill Road by looking down a long and narrow driveway, with the parking located more than 325 feet away.

The Applicant has worked with the Planning Department, given this unique scenario, and as a result of such efforts, respectfully submits that the granting of the variance requested herein, for the reasons set forth herein and below, is reasonable and appropriate.

#### Variance Requirements:

## 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 that is premised upon the existence of the same type of buildings to be located upon the Applicant's property. In this instance, the location of the structure in the area sought by the Applicant will have no negative affect upon any abutter, with respect to its property, as the use will be buffered, as required by the Planning Board during its site plan review, and the use will

be consistent with other uses in the near vicinity, and consistent with the intent of the existing zoning.

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

The Applicant respectfully submits that the proposed use represents a reasonable use of the property in question. By permitting the use, the public interest is served by permitting orderly development in an area where such development is permitted and has already occurred. The purpose of the R2 District is to provide for the development of a mix of residential types. In addition, allowing the location of the parking in front of the structures, which will be shielded from Rochester Hill Road, represents a context sensitive design, given the configuration of the parcel. As such, as the intent of the ordinance provision will be protected, the proposed use 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 owner because of the following special circumstances:

As one can see from the enclosed plan, the subject parcel in this case has a unique shape consisting of a narrow driveway that is approximately 325 feet in length before the parcel opens up to the larger and wider area of the lot. In this case, the existence of the narrow portion of the parcel and the length of the driveway itself create special conditions 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. In this instance, the Applicant seeks to locate a permitted use in the area depicted on the Plan in order to provide convenient parking to the residents. It is understood that, after discussing the issue with the Planning Department, the purpose of the prohibition as to parking in front of structures is geared to preventing those travelling along Rochester Hill Road from seeing such parking. In this case, the Applicant, in consultation with the Planning Department, has addressed the specific intent of the prohibition with design solutions. As such, the purpose of the ordinance and the specific restriction itself will be preserved given that shielding of parking and the significant distance of the parking from Rochester Hill Road. As such, there is no relationship at all between the general public purpose of the ordinance, and the specific application, which would otherwise preclude parking in front of structure on the parcel.

The proposed use is reasonable because it provides for the location of parking in an appropriate location for the residents of the structures, while preventing the view of the parking by those travelling along Rochester Hill Road. As such, the Applicant respectfully submits that the use, that being the parking in front of structures, is reasonable in light of the location of such parking and given the proposed buffering.

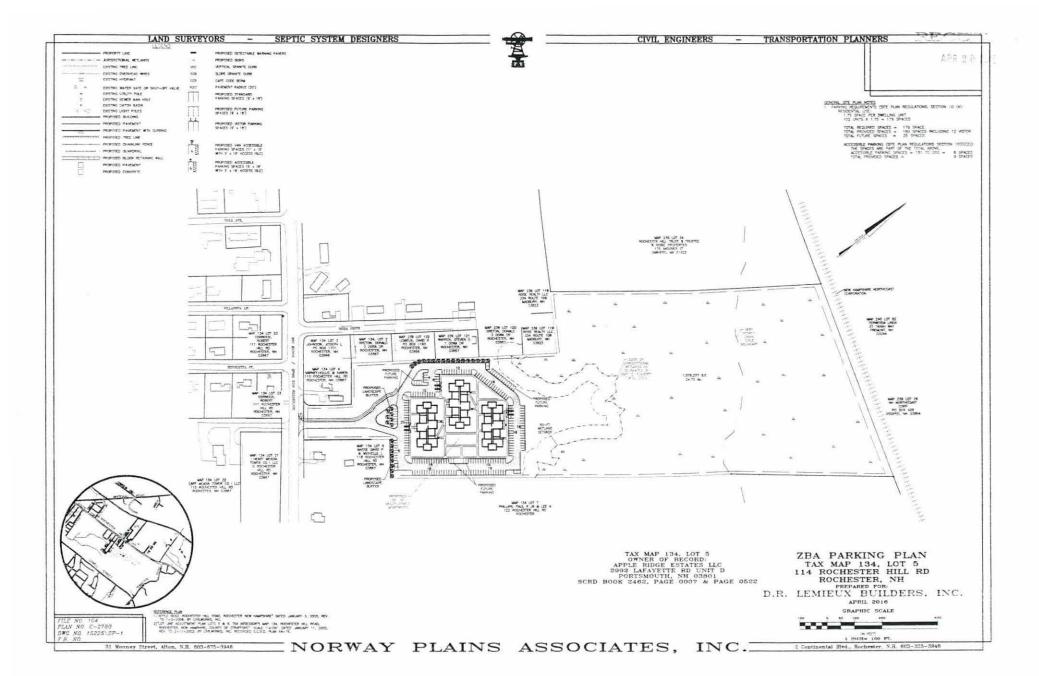
#### 4. Grating the variance would do substantial justice because:

The grant of the variance would do substantial justice because it would allow the property to be utilized in a similar fashion as are other properties located within the area, by allowing the

location of parking for a structure, in a location that is consistent with the intent of the ordinance, but would avoid construction in the wetlands within the parcel. This test considers whether the benefit to the Applicant outweighs the burden to the public. In this instance, given the proposed location of the parking, which is buffered and located more than 325 feet from Rochester Hill Road, there will be no burden to the public whatsoever. Accordingly, the benefit to the Applicant 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 Applicant respectfully submits that if the variance was granted, the spirit of the ordinance would be observed as the use in question is suitable, considering configuration of the lot, the location of the proposed buffering and the distance of any proposed parking from Rochester Hill Road. Granting the variance will result in an encouragement of the most appropriate use of the land. Further, the proposed use is consistent with the purpose behind the R2 District, which is to provide for a mix of residential (and even limited non-residential) uses, particularly along Rochester Hill Road. 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. It is respectfully submitted, that given the reasons set forth above, the granting of the variance will promote the ordinance's basic zoning objectives.



TOTAL ASSESSED: 61,701 0134 0005 0000 1 of 1 !5219! CARD MAP **BLOCK** LOT LOT2 LOT3 Rochester PROPERTY LOCATION IN PROCESS APPRAISAL SUMMARY Land Value No Alt No Direction/Street/City Use Code **Building Value** Land Size Total Value Yard Items Legal Description **User Acct** 114 ROCHESTER HILL RD. ROCHESTER 130 8.040 60,000 60,000 32291 611 2.000 850 850 **GIS Ref** OWNERSHIP Unit #: 631 99 99 0.710 Owner 1: APPLE RIDGE ESTATES LLC 651 752 752 14.000 **GIS Ref** Owner 2 Total Card 24.750 61.701 61.701 **Entered Lot Size** Owner 3 Total Parcel 24.750 61,701 61,701 Total Land: 24.75 Street 1: 2992 LAFAYETTE RD UNIT D Insp Date Source: Market Adi Cost Total Value per SQ unit /Card: N/A /Parcel: N/A Properties Inc. Land Unit Type: AC Street 2: **USER DEFINED** Twn/City: PORTSMOUTH Parcel ID 0134-0005-0000 PREVIOUS ASSESSMENT Prior Id # 1: St/Prov: NH Own Occ: N Cntry Tax Yr Use Cat Bldg Value Yrd Items Land Size Land Value Total Value Asses'd Value Date Prior Id # 2: Postal: 03801 Type: 2015 016 FV 24.75 95.551 95.551 61.701 Year-end 10/1/2015 PRINT Prior Id # 3: 2014 016 FV 0 24.75 95.551 95.551 61,701 Year End Roll 9/29/2014 PREVIOUS OWNER Time Date Prior Id # 1: FV 0 24.75 130,771 9/4/2013 2013 016 130,771 82,762 Year End Roll Owner 1: APPLE RIDGE ESTATES LLC -05/02/16 11:13:32 Prior Id # 2: 2012 016 FV 0 24.75 130,771 130,771 83,014 Year End Roll 9/20/2012 Owner 2: -LAST REV 2011 016 FV 0 24.75 130,771 130,771 82,989 Year End Roll 9/27/2011 Prior Id #3: Street 1: 3005 LAFAYETTE RD 2010 016 FV 24.75 130,771 130,771 82,989 roll 8/26/2010 Date Time Prior Id # 1: Twn/City: PORTSMOUTH 2009 016 FV 0 24.75 130,771 130,771 83,190 Year End Roll 9/24/2009 09/04/15 15:14:27 Prior Id # 2: St/Prov: NH Cntry 2008 016 FV 0 24.75 150.882 150,882 96.302 8/25/2008 leona Prior Id # 3: Postal: 03801 TAX DISTRICT 5219 ASR Map: SALES INFORMATION PAT ACCT. VARRATIVE DESCRIPTION Sale Code Grantor Legal Ref Type Date Sale Price V Tst Verif Assoc PCL Value Notes Fact Dist: This Parcel contains 24.75 AC of land mainly classified as MIX APPLE RIDGE EST 2462-522 2/19/2002 Current Use 50,000 No No 5 Reval Dist: RES/CU 2462-7 FERRARI RICHARD 2/15/2002 Current Use 35,333 No No Year: CHAMBERS MARTHA 1256-702 7/28/1986 165,000 No No LandReason: RAMSEY LEONARD 1116-168 11/10/1983 No No BldReason: KENDALL REAL ES 985-476 7/14/1976 No No OTHER ASSESSMENTS **ENRIGHT ALBERTA** 983-446 5/27/1976 No No Com. Int Code Descrip/No Amount WINGATE FRED E 864-20 10/7/1969 No No WINGATE LILLIAN 787-470 11/23/1964 No No **ACTIVITY INFORMATION** BUILDING PERMITS Date Number Descrip Amount C/O Last Visit Fed Code F. Descrip Comment Date Result By Name PROPERTY FACTORS 9/4/2015 OWN ADD CHG LEONA LA % Code Descrip Code Item Item Descip GN GAYE 11/28/2011 OWN ADD CHG Z R2 RESIDENC 100 U NONE TM TOM 1/13/2010 CORRECTION NONE 0 NONE n Census: Exmpt Flood Haz: LEVEL D RO ROCHESTER Topo Street PAVED S HEAVY Traffic |5 Sign: AND SECTION (First 7 lines only) LUC LT Base Neigh Spec Neigh Appraised J Depth / Description No of Units Unit Type Land Type Unit Price Adi Neigh Infl 2 Infl 3 Fact Use Value Notes Fact **PriceUnits** Factor Value Influ Mod Value Class Land Code 130 DEV RESIAN PRIMARY A UNDEVELOPE 45.000 1.000 1070 45.000 45.000 130 DEV RES LAN **EXCESS ACEXCESS** 2,500. 0.851 1070 14,978 15.000 7.04 1.0 4.255 425 850 611 CFAR 2 **EXCESS ACEXCESS** 1.0 0 2.500. 0.851 1070 0.71 1,511 158 99 631 CPIN **EXCESS ACEXCESS** 1.0 0 2,500. 0.851 1070 29.785 61 752 651 CHAR 14 **EXCESS ACEXCESS** 1.0 2.500. 0.851 1070 Total AC/HA: 24.75000 Total SF/SM: 1078110.00 Parcel LUC: 016 MIX RES/CU Prime NB Desc RESIDENTIAL Total 95.529 Spl Credit 33.850 Total: 61,701

# 114 ROCHESTER HILL RD



# **ABUTTER LIST**

City of Rochester, NH Please Print or Type

Applicant:_	David R. Lemieux	Phone
Project Add		
adjoins or is		below. For abutting lot owners, list each owner whose lot body of water from the subject property. This form may not be the application deadline.
LEGAL OW	/NER OF SUBJECT LOT Zone Owner Name	Mailing Address
	See Attacho	7
	LOT OWNERS ot Owner Name	Owner Mailing Address (NOT property location)
	See attached.	
	-	
	_	
whose seal	l appears or will appear on the	LDERS. Engineers, Surveyors, Soil Scientists, and Architects plans (other than any agent submitting this application); agricultural easements; and upstream dam owners/NHDES.
Name of Pro	ofessional or Easement Holder	Mailing Address
	See attached.	
form. I und address list Pro (located	erstand that any error or omission on this form were obtained in the Revenue Bldg at 19 Water 4/20/2016, This is page or Agent:	the responsibility of the applicant or his/her agent to fill out this ion could affect the validity of any approval. The names and from the City of Rochester Assessing Office computer – Assess kefield Street)  of pages.
	/. Bruton, Esq	- ·

# ABUTTER LIST

## **FOR**

# DAVID R. LEMIEUX

# Map 134, Lot 5 114 Rochester Hill Road, Rochester, NH April 20, 2016

MAP/LOT	NAME/ADDRESS
OWNER:	
MAP 134/LOT 5	APPLE RIDGE ESTATES, LLC 2992 LAFAYETTE ROAD, UNIT D PORTSMOUTH, NH 03801
APPLICANT:	DAVID R. LEMIEUX PO BOX 1163 ROCHESTER, NH 03866-1163
ABUTTERS: MAP 134/LOT 2	DONALD BRETON 3 DORA DR. ROCHESTER, NH 03867-3310
MAP 134/LOT 3	JOSEPH L. JOHNSON PO BOX 1701 ROCHESTER, NH 03866-1701
MAP 134/LOT 4	HOLLIS & KAREN VARNEY 110 ROCHESTER HILL ROAD ROCHESTER, NH 03867-3300
MAP 134/LOT 6	DAVID P. & MICHELLE L. MASSE 118 ROCHESTER HILL ROAD ROCHESTER, NH 03867-3300
MAP 134/LOT 7	PAUL R. & LEE A. PHILLIPS 122 ROCHESTER HILL ROAD ROCHESTER, NH 03867-0000
MAP 134/LOT 21	IHEARTMEDIA TOWER CO I, LLC C/O VERT BRIDGE CC PARENT, LLC 750 PK OF COMMERCE DR, STE 200 BOCA RATON, FL 33487-3650
MAP 134/LOT 22	IHEARTMEDIA TOWER CO I, LLC C/O VERT BRIDGE CC PARENT, LLC 750 PK OF COMMERCE DR, STE 200 BOCA RATON, FL 33487-3650

# ABUTTER LIST

# FOR

# DAVID R. LEMIEUX

# Map 134, Lot 5 114 Rochester Hill Road, Rochester, NH April 20, 2016

MAP 134/LOT 22A	IHEARTMEDIA TOWER CO I, LLC C/O VERT BRIDGE CC PARENT, LLC 750 PK OF COMMERCE DR, STE 200 BOCA RATON, FL 33487-3650
MAP 134/LOT 23	ROBERT C. CORNOCK 111 ROCHESTER HILL ROAD ROCHESTER, NH 03867-3328
MAP 239/LOT 26	NH NORTHCOAST CORP PO BOX 429 OSSIPEE, NH 03864
MAP 239/LOT 34	ROCHESTER HILL TRUST C/O ROBIE PROPERTIES 175 ANDOVER ST. DANVERS, MA 01923-1443
MAP 239/LOT 117	ROSE REALTY, LLC 334 ROUTE 108 MADBURY, NH 03823-7626
MAP 239/LOT 118	ROSE REALTY, LLC 334 ROUTE 108 MADBURY, NH 03823-7626
MAP 239/LOT 119	ROSE REALTY, LLC 334 ROUTE 108 MADBURY, NH 03823-7626
MAP 239/LOT 120	DONALD BRETON 3 DORA DR. ROCHESTER, NH 03867-3310
MAP 239/LOT 121	STEVEN D. WARREN 7 DORA DR. ROCHESTER, NH 03867-3310
MAP 239/LOT 122	DAVID R. LEMIEUX PO BOX 1163 ROCHESTER, NH 03866-1163
MAP 240/LOT 82	LINDA FERWERDA 37 TARAH WAY FREMONT, NH 03044-3249

# ABUTTER LIST FOR

## DAVID R. LEMIEUX

Map 134, Lot 5

114 Rochester Hill Road, Rochester, NH April 20, 2016

PROFESSIONALS:

ATTORNEY

FRANCIS X. BRUTON, III, ESQUIRE

BRUTON & BERUBE, PLLC 798 CENTRAL AVENUE

DOVER, NH 03820

**ENGINEER** 

SCOTT A. LAWLER, P.E.

VICE PRESIDENT

NORWAY PLAINS ASSOCIATES, INC.

PO BOX 249

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