

## City of Rochester, New Hampshire

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



### APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

Phone No \_\_\_\_\_

DO NOT WRITE IN THIS SPACE

CASE NO. 2016-29

DATE FILED 9-21-16

[signature]  
ZONING BOARD CLERK

Name of applicant Ekimbor, LLC

Address 81 Lakeview Drive, Nottingham, NH 03290

Owner of property concerned The Estate of Bruce Roberts

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

Address 15 Norway Plains Road, Rochester, NH 03868

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

Location 15 Norway Plains Rd

Map No. 215

Lot No. 17

Zone R-2

Description of property Single-family home on 5.37 acres lot with outbuildings

Proposed use or existing use affected THE PROJECT CONSISTS OF THE CONSTRUCTION OF RESIDENTIAL SUBDIVISION

WITH ASSOCIATED PARKING, PRIVATE ROAD, DRAINAGE, UTILITIES, AND LANDSCAPING.

The undersigned hereby requests a variance to the terms of Article 42.20,  
Section b.11.B and asked that said terms be waived to permit A Multifamily Development within 43.6 feet of  
a single family residence where 100 feet is required.

If applicable in this case, the undersigned also requests a waiver from the requirement to  
provide a certified plot plan, (see attached request sheet) Yes \_\_\_\_\_ No x

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 [signature] (Agent for Applicant)  
(Applicant)

Continue on Page 2

## DUE DILIGENCE

### AUTHORITY AGREEMENT

This Agreement is made this 2nd day of June, 2016, by and between Michael Roberts, 15 Norway Plains, Rochester, New Hampshire, Executor of the Estate of Bruce Roberts ("Owner") and Robert Graham, 81 Lakeview Drive, Nottingham, NH 03290, ("Purchaser").

### RECITALS

A. Owner holds title to the following real property: 15 Norway Plains, Rochester, New Hampshire ("the Property").

B. Owner and Purchaser have entered into that certain Purchase and Sales Agreement for the Property dated April 14, 2016 with a tentative closing date of October 15, 2016.

C. Purchaser desires to conduct due diligence on the Property including without limitation, the investigation of the physical condition of the Property, the permitting of certain projects for the Property, including presentation of said projects to land use planning boards of the City of Rochester and other State and Federal governmental agencies that shall have jurisdiction over the Property and the marketing of said projects.

FOR VALUE RECEIVED, the parties agree:

### SECTION ONE.

#### GRANT OF AUTHORITY

Owner grants authority to Purchaser to conduct all due diligence with regard to the Property including the investigation of the physical condition of the Property, the permitting of certain projects for the Property, including presentation of said projects to land use planning boards of the City of Rochester and other State and Federal governmental agencies that shall have jurisdiction over the Property and the marketing of said projects.

### SECTION TWO.

#### ENTRY

From and after the date hereof and until the Closing, Purchaser, its contractors, architects, engineers, appraisers, and other agents and employees and members of the City of Rochester's land use planning boards and other governmental agencies along with Purchaser shall have the right to enter upon the Property after prior written notice to Owner, and may, at Purchaser's expense, inspect the Property as Purchaser may deem necessary. Purchaser agrees to restore the Property to its prior condition after all inspections.

## Letter of Authorization

15 Norway Plains Road  
Map 215, Lot 17  
Rochester, New Hampshire

To Whom It May Concern,

I, Robert Grawe (print name), the duly authorized representative of the owner(s) of the of the above described real property, authorize Tighe & Bond, Inc. to act as an agent on my behalf for the purpose of performing all and every act that is required, necessary or appropriate to prepare, sign, submit, file and present on my behalf building, permitting, zoning and/or land use applications to obtain land use changes, special exceptions, zoning variances, zoning permits, conditional use permits, special use permits, administrative permits, construction permits, operation permits, building permits, and other approvals or permits related to the above described real property.

The undersigned hereby certifies to being the fee owners' representative of the real property described above and that to the best of my knowledge the information contained within this authorization is true and correct.

  
Owner's Representative's Signature

7-20-16  
Date

**Criteria for Variance: Proposed Subdivision – 15 Norway Plains Road**

**Applicant: Ekimbor, LLC**

**Date: September 21, 2016**

Case#:

Date: September 21, 2016

**A variance is requested by:** Ekimbor, LLC (Robert Graham, Mgr.)

**From Section:** 42.20.b.11.B

**Of the Zoning Ordinance to permit:** A multifamily development of Map no. 215 Lot no. 17 , a 5.37 acre (234,772 sf) parcel to be placed within the 100 foot buffer to an existing single family home. The multifamily development is shown on Lot 1 of the enclosed "100 Ft Single Family Buffer Plan".

**Criteria for Variance:**

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

- A. The use of this property is Residential and will remain so.
- B. This use is consistent with the surrounding zone.
- C. The redevelopment of this land will preserve existing structures, remove non-conforming structures and provide new construction units which are in keeping with typical residential values of the zone while having fewer impacts.
- D. This project will provide a new construction product which will enhance values over those of the alternative uses that could be permitted without this variance (i.e. large apartment style buildings with multiple units and large parking fields).
- E. The same number of units being proposed could be constructed in a by right subdivision format with four-family homes without seeking this variance, therefore the zoning ordinance has established this use as reasonable for the zone.

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

The same number of units being proposed could be constructed in a by right subdivision format with four-family homes without seeking this variance, therefore the zoning ordinance has established this use as reasonable for the zone. However, in order to construct the development as allowed by the ordinance, more of the property's natural areas would have to be disturbed.

## **Project Narrative**

### **Norway Plains Road Subdivision – Ekimbor, LLC**

**Date: September 21, 2016**

#### **Existing Conditions:**

Fifteen Norway Plains Road is a 5.37-acre lot in the northern part of Rochester, NH. The lot contains a single family home, a cabinet shop and two small sheds. The lot is bounded by the Northcoast Corporation Rail Road property to the east, a residential apartment complex to the north, and Norway Plains Road to the west. The lot slopes from north to south and is primarily wooded.

The site does contain two small wetland areas. However, the wetlands total less than one half acre and thus do not fall under the conservation overlay district.

#### **Proposed Variances:**

The Applicant is seeking variances from the following ordinance in order to construct the project as shown on the enclosed "100 Ft Single Family Buffer Plan".

##### **Zoning 42.20.b.11.B: 100 Foot Single Family Buffer**

A variance is requested to provide a minimum 43.6 ft buffer between a multifamily development and an existing single family home instead of the 100 ft buffer required by the City's Zoning Ordinance.

The variance is requested because the City's most current Ordinance allows the same number of units being proposed in a by right subdivision format with four-family homes without seeking this variance. Therefore, the zoning ordinance has established this use as reasonable for the zone and at this density.

The spirit of the ordinance the Applicant is seeking a variance from is to protect single family homes from encroachment by multifamily developments that they are not a part of. In this instance, the Applicant would own both of the lots proposed under the current design and thus, the buffer, which the ordinance establishes, is not serving its intended purpose.

On the contrary, the proposed multifamily development, which is allowed in the R-2 zone, with this proposed style of construction, and at this level of density would be forced to disturb more of the site's natural areas in order to achieve the same end result. The Applicant is merely asking for flexibility with the 100-foot buffer requirement to the existing single family home where additional screening measures have been proposed.



0215 0017 0000  
MAP BLOCK LOT

LOT2 LOT3

1 of 1 RESIDENTIAL  
CARDTOTAL ASSESSED: 207,600  
!11065!

Rochester

Patriot  
Properties Inc.

## PROPERTY LOCATION

No	All No	Direction/Street/City
15		NORWAY PLAINS RD, ROCHESTER

## OWNERSHIP

Owner 1:	ROBERTS J BRUCE & JUNE L
Owner 2:	
Owner 3:	
Street 1:	15 NORWAY PLAINS RD
Street 2:	
Twn/City:	ROCHESTER
SUProv:	NH
Postal:	03868-8808

## PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
SUProv:	
Postal:	

## NARRATIVE DESCRIPTION

This Parcel contains 5.2 AC of land mainly classified as SINGLE FAM with a(n) GARRISON Building Built about 1971, Having Primarily ALUMINUM Exterior and ASPH SHINGLE Roof Cover, with 1 Units, 1 Baths, 0 HalfBaths, 1 3/4 Baths, 8 Rooms Total, and 4 Bdrms.

## OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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## PROPERTY FACTORS

Item	Code	Descip	%	Item	Code	Descip
Z	R2	RESIDENC	100	U	2	CITY SEWER
o				t	1	CITY WATER
n				l	5	PROPANE
Census:				Exmpt		
Flood Haz:						
D	RO	ROCHESTER		Topo	1	LEVEL
s				Street	1	PAVED
t				Traffic	2	LIGHT

## LAND SECTION (First 7 lines only)

Use Description (Use Lines Only)																													
Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes		
101	SINGLE FAM		1		PRIMARY A SITE		1.0	0	45,000	1,000	1150									45,000						45,000			
101	SINGLE FAM		1		FRONT ACFFRONT ACRE		1.0	0	3,500	1,000	1150									3,500						3,500			
101	SINGLE FAM		3.2		EXCESS AC		1.0	0	2,500	1,000	1150									8,000						8,000			

## IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
101	124,200	26,900	5.200	56,500	207,600

Total Card	124,200	26,900	5.200	56,500	207,600
Total Parcel	124,200	26,900	5.200	56,500	207,600

Source: Market Adj Cost	Total Value per SQ unit /Card: 102.67	/Parcel: 102.67
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## PREVIOUS ASSESSMENT

Tax Yr	Use	Cal	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2016	101	FV	124,200	26,900	5.2	56,500	207,600	207,600	Year End Roll	9/8/2016
2015	101	FV	123,800	26,900	5.2	56,500	207,200	207,200	Year-end	10/1/2015
2014	101	FV	123,800	26,900	5.2	56,500	207,200	207,200	Year End Roll	9/29/2014
2013	101	FV	86,500	26,900	5.2	76,200	189,600	189,600	Year End Roll	9/4/2013
2012	101	FV	86,500	26,900	5.2	76,200	189,600	189,600	Year End Roll	9/20/2012
2011	101	FV	86,500	26,900	5.2	76,200	189,600	189,600	Year End Roll	9/27/2011
2010	101	FV	88,200	27,300	5.2	76,200	191,700	191,700	roll	8/26/2010
2009	101	FV	89,900	27,900	5.2	76,200	194,000	194,000	Year End Roll	9/24/2009

## SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value
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## TAX DISTRICT

## PAT ACCT.

PRINT  
Date Time  
09/27/16 11:20:25LAST REV  
Date Time  
10/29/15 16:55:05nancym  
11065  
Notes

## USER DEFINED

Prior Id # 1	
Prior Id # 2	
Prior Id # 3	
Prior Id # 1	
Prior Id # 2	
Prior Id # 3	
Prior Id # 1	
Prior Id # 2	
Prior Id # 3	
ASR Map	
Fact Dist	
Reval Dist	
Year	
Land Reason	
Bld Reason	

## BUILDING PERMITS

Date	Number	Descip	Amount	C/O	Last Visit	Fed Code	F Descip	Comment
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## ACTIVITY INFORMATION

Date	Result	By	Name
10/29/2015	CORRECTION	NM	NANCY
6/24/2014	CORRECTION	NM	NANCY
6/24/2014	CORRECTION	NM	NANCY
8/15/2008	MEAS+INSPCTD	NM	NANCY
10/25/2000	MEAS+INSPCTD	TM	TOM

Sign: \_\_\_\_\_

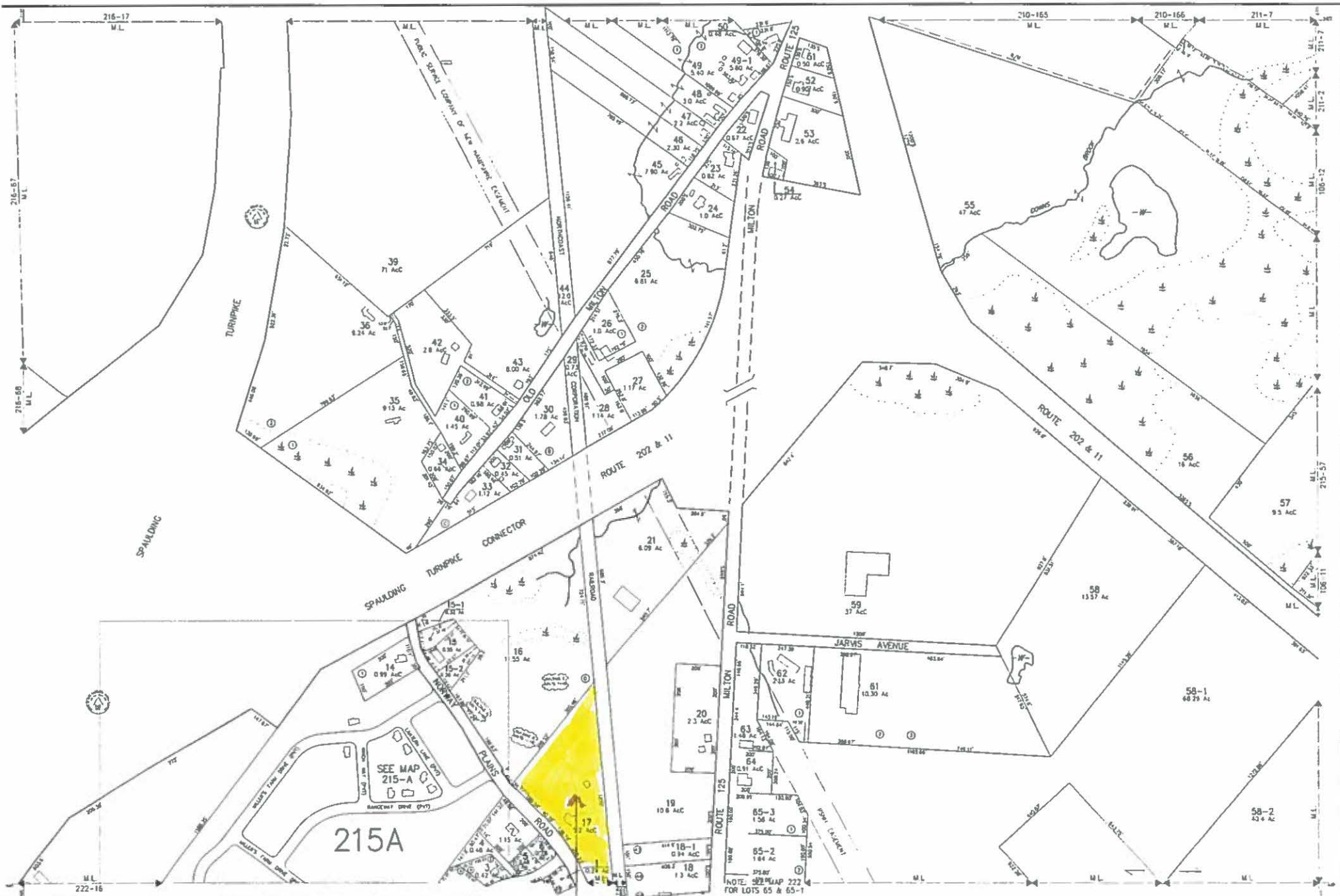
Total AC/HA: 5.20000 Total SF/SM: 226511.98 Parcel LUC: 101 SINGLE FAM Prime NB Desc: RESIDENTIAL

Total: 56,500 Spl Credit: Total: 56,500

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

kareng

2017



THIS MAP IS FOR ASSESSMENT PURPOSES. IF IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.

THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.

PHOTOGRAPHY DATE: APRIL 28, 1990

COMPLETION DATE: JUNE 30, 1992

PRODUCED BY

**CAI Technologies**

1 FLEET STREET, 2ND FLOOR, 03063  
603-882-4400 • FAX 603-882-4401

AREA SURVEYED  
AREA CALCULATED  
RECORD DIVISION  
SCALED DIVISION  
WATER LINE  
WATER

LEGEND

EXISTING PROPERTY  
SUBDIVISION LOT NO.  
BUILDING  
RIGHT OF WAY  
CONV. OWNERSHIP  
WETLANDS

SCALE 1" = 200'

REVISIO TO: APRIL 1, 2015

PROPERTY MAPS

**ROCHESTER**

NEW HAMPSHIRE

INDEX DIAGRAM

MAP NO. **215**



# 15 NORWAY PLAINS RD



11/30/2012



2 LOT - SUBDIVISION PLAN WITH PERMITTED USES IN R-2 DISTRICT

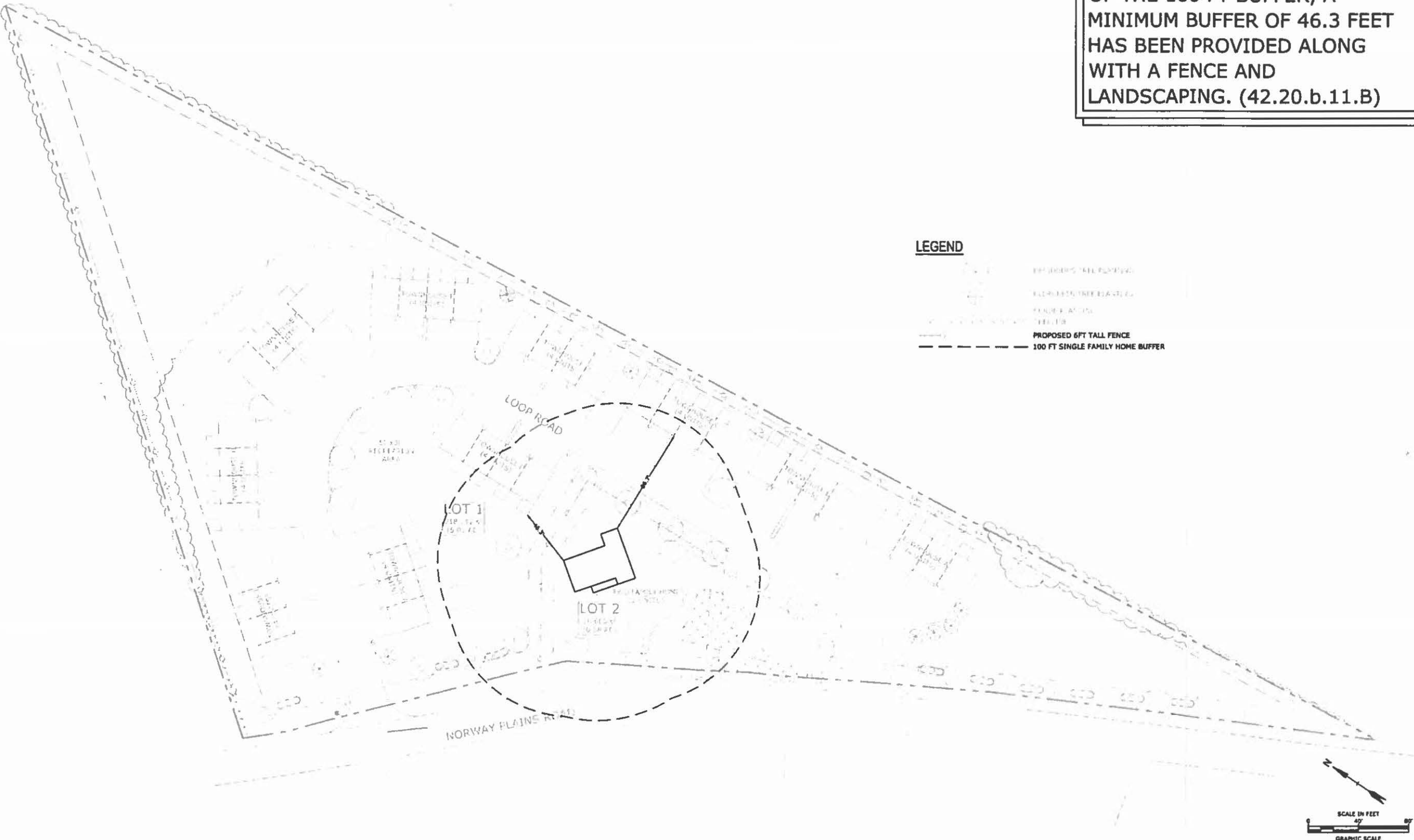
BUILDING	BUILDINGS	UNITS/BUILDING	TOTAL UNITS	BEDROOMS	TOTAL BEDROOMS
TWO FAMILY	1	2	2	4	4
TOWNHOUSE	10	4	40	2 PER UNIT	80
TOTAL	11	-	42	-	84

SPECIAL NOTE:

A VARIANCE IS REQUESTED TO PROVIDE LESS THAN A 100 FOOT BUFFER BETWEEN A MULTIFAMILY DEVELOPMENT AND A SINGLE FAMILY HOME. IN LIEU OF THE 100 FT BUFFER, A MINIMUM BUFFER OF 46.3 FEET HAS BEEN PROVIDED ALONG WITH A FENCE AND LANDSCAPING. (42.20.b.11.B)

LEGEND

- EXISTING TREE PLANTING
- PROPOSED TREE PLANTING
- PROPOSED 6FT TALL FENCE
- 100 FT SINGLE FAMILY HOME BUFFER



Norway Plains  
Road Site Plan

Ekimbor, LLC

Rochester, New  
Hampshire

NAME	DATE	DESCRIPTION
PROJECT NO:	G-0693	
DATE:	9/21/16	
FILE:	G0693-ZBA14.dwg	
DRAWN BY:	ERC/KAH	
CHECKED:	KAH	
APPROVED:	BLH	

100 FT SINGLE FAMILY  
BUFFER PLAN

SCALE: AS SHOWN