



# PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

City Hall – Second Floor  
31 Wakefield Street  
ROCHESTER, NH 03867-1917  
(603) 335-1338

City Planning  
Community Development  
Economic Development  
Zoning Development

## APPLICATION FOR VARIANCE TO: BOARD OF ADJUSTMENT CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO.

2013-08

DATE FILED

2-20-13

Phone No. 235-4370

C. Lewis  
ZONING BOARD CLERK

Name of Applicant 17 Glenwood Avenue, LLC

Address P.O. Box 1163; Rochester, NH 03866-1163

FEB 20 2013

Owner of property concerned SAME  
(if same as applicant write "same")

Address SAME  
(if same as applicant write "same")

Location of property 17 Glenwood Avenue

Map No. 117 Lot No. 3 Zone R-2

Description of property 294' 552' 271'±  
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Lot size for multi-unit buildings.

The undersigned hereby requests a variance to the terms of Article 42.16 Section Table 2

And asks that said terms be waived to permit lot size to be calculated using the square footage minimum required for elderly housing (14 units/ac. or 3,111 sf. per unit) where 6,000 sf. is required; proposal is in conjunction with a prop. elderly housing project planned for the land remaining after the 2 existing 6-unit buildings are subdivided and placed on separate parcels.

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 constitutes grounds for a variance the subject lot was originally proposed to contain a total of 36 units, but only 2 6-unit bldgs. were built; of the 7 lots that contain multiple units in the vicinity, all but 1 contain less than the required lot area.

Signed

[Signature]  
(As Agent for the Applicant)

# CRITERION FOR VARIANCE

CASE #

DATE

February 20, 2013

A variance is request by 17 Glenwood Avenue, LLC

from Section 42.16

subsection Table 2

of the Zoning Ordinance to permit: lot sizes for multi-unit buildings to calculated using the elderly housing area requirement (14 units/ac. or 3,111 s.f./unit) where 6,000 s.f./unit is required.

at 17 Glenwood Avenue

Map 117 Lot 3 Zone R-2

Facts supporting this request:

1.) The proposed use would not diminish surrounding property values because: The use is consistent with what already exists in this area, i.e., of the 7 lots which contain multiple units, all but 1 contain less than the required lot size. (As noted on the attached sketch.)

FEB 20 2013

2.) Granting the variance would be of benefit to the public interest because: approval of the variance will allow the owner to move forward with an elderly housing project on the larger remaining parcel once the lot is subdivided. Elderly housing units are needed in Rochester as demonstrated by the wait list of the Roch. Housing Authority (currently at 69 applicants).

3.) Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances that distinguish it from other properties similarly zoned: as mentioned in Item 1, of the 7 lots in the vicinity that contain multi-family units, 6 of them contain about half of the lot area required by the Ordinance, which is similar to what is being requested by this application.

4.) Granting the variance would do substantial justice because: It will allow the applicant to maximize the number of elderly units that can be developed on the lot while using a density for the 12 market rate/family units that is consistent with other lots in the area.

5.) The use is not contrary to the spirit of the ordinance because: The proposed subdivision of the 2 existing 6-unit buildings will not have a detrimental effect on the area or the city in general.

(As Agent for the Applicant)

2/20/13

Date

# NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

31 Mooney Street  
Alton, New Hampshire 03809  
Alton Office (603) 875-3948  
E-MAIL: [anickless@norwayplains.com](mailto:anickless@norwayplains.com)  
WEB: [www.norwayplains.com](http://www.norwayplains.com)

2 Continental Boulevard (03867) P. O. Box 249  
Rochester, New Hampshire 03866-0249  
Telephone (603) 335-3948  
NH (800) 479-3948  
Fax (603) 332-0098

February 20, 2013

Councilor Ralph Torr, Chair  
Rochester Zoning Board of Adjustment  
31 Wakefield Street  
Rochester, NH 03867

FEB 20 2013

**Re: Variance & Special Exception - 17 Glenwood Avenue, LLC - Tax Map 117, Lot 3**

Dear Councilor Torr:

On behalf of David Lemieux and 17 Glenwood Avenue, LLC we hereby submit application and supporting data in support of a Variance and a Special Exception for the above referenced lot. Specifically, we request that the Board grant relief from the Residential-2 lot size requirement and grant a Special Exception to allow up to 24-units of Elderly Housing to be constructed on the property.

The 2.59 acre parcel currently contains two (2) 6-unit apartments. The original plan for this property as proposed by the original developer was to build six (6) 6-unit buildings for a total of 36-units. That developer built two (2) of the buildings and planned to phase the rest in at a later date.

The current owner is proposing to develop 24-units of elderly housing on this property, but to accomplish that task, he first needs to place each of the existing buildings on their own lot. To avoid the complexity of trying to convert the existing "family" housing units to elderly housing while maximizing the available land area for the elderly units, the applicant is seeking a variance to allow the use of the elderly housing density calculation to establish the lots for the existing buildings. This equates to roughly half of the per unit density requirement (3,111 sf. vs. 6,000 sf.).

In reviewing the other multi-family properties in the vicinity, I noted that there are seven (7) properties that contain more than 1-unit. Of those properties, all but one have a similar amount of land area per unit that the applicant is requesting in this case (see attached plan).

As to the Special Exception, the number of units proposed will be decided by the Board's action of the variance request. If the variance is granted, the applicant will propose twenty-four (24) elderly units. If the variance is denied, the proposal will be for twelve (12) elderly units. While financial data is not a concern of the ZBA when reviewing applications, it is worth noting that in the case of elderly housing, affordability is key. The greater the number of units, the more the

Page 2.

February 20, 2013

17 Glenwood Avenue, LLC

cost of construction (particularly with respect to site costs, utilities, etc.) can be spread out, thereby making affordable rents more likely.

Thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: \_\_\_\_\_

Arthur H. Nickless, Jr., PLS, President

FEB 20 2013



Planning & Development Department  
City Hall - Second Floor  
31 Wakefield Street  
ROCHESTER, NEW HAMPSHIRE 03867-1917  
(603) 335-1338 - Fax (603) 335-7585  
Web Site: <http://www.rochesternh.net>

Planning  
Community Development  
Zoning  
Conservation Commission  
Historic District Commission

## APPLICATION FOR SPECIAL EXCEPTION

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

FEB 20 2013

DO NOT WRITE IN THIS SPACE

CASE NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

ZONING BOARD CLERK

Phone No. 235-4370

Name of applicant 17 Glenwood Avenue, LLC

Address P.O. Box 1163; Rochester, NH 03866-1163  
( if same as applicant, write "same")

Owner of Property Concerned Same  
( if same as applicant, write "same")

Address Same  
( if same as applicant, write "same")

Location of property 17 Glenwood Avenue

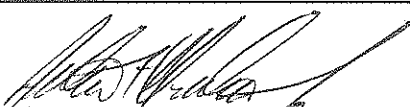
Map No. 117 Lot No. 3 Zone R-2

The undersigned hereby requests a special exception as provided in

Article: 42.23 Section: (c)(26) of the Zoning Ordinance

Description of Property	294'	552'	271'
(give length of the lot lines)	Frontage	Sides	Rear

Proposed use or existing use affected elderly housing

Signed  (Applicant) Date 2/20/13

## 42.23 Special Exceptions

### (a) General Provisions

- (1) Certain uses, structures, or conditions are designated as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.
- (2) Special exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (3) The Board of Adjustment may require that a site plan for development for a proposed special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

### (b) Considerations Governing Granting Special Exceptions. In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure;

YES ☒ NO ☐

#### Reasoning:

All of the criteria spelled out in 42.23(c)(26) for elderly housing are met (see attached) making this an appropriate location for the proposed use.

- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood;

YES ☐ NO ☒

#### Reasoning:

Elderly housing is a permitted use in the R-2 zone and will not be offensive to the neighborhood.

- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking;

YES ☐ NO ☒

#### Reasoning:

Elderly housing produces less traffic than any other type of housing unit.

- (4) Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure; and,

YES ☒ NO ☐

Reasoning: The units will be tied to the municipal water & sewer system; onsite parking will be provided; etc.

- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

YES ☒ NO ☐

Reasoning: The ordinance encourages the building of elderly housing near existing services and amenities; this site is within 1/2 mile of downtown Rochester.

# NORWAY PLAINS ASSOCIATES, INC.

SURVEYORS - ENGINEERS - TRANSPORTATION PLANNERS

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NH (800) 479-3948  
Fax (603) 332-0098

## MEMORANDUM

To: Rochester Zoning Board of Adjustment

From: Art Nickless

Date: February 21, 2013

Re: Additional Criteria - Special Exception for Elderly Housing

Section 42.23(c)(26) allows Elderly Housing subject to the following variations and limitations to the zoning requirements:

- (A) **The number of dwelling units per acre shall not exceed fourteen (14).** The lot proposed for elderly units will contain 1.73 acres, which equates to 24 units.
- (B) **There shall be a minimum of sixty (60) feet of road frontage per development.** The lot will have sixty (60) feet of frontage on Glenwood Avenue.
- (C) **Minimum rear setbacks shall be twenty-five (25) feet.** This requirement is the same in all zones and all types of development.
- (D) **Minimum parking spaces shall be one (1) space per dwelling unit.** As part of the site plan review process, twenty-four (24) parking spaces will be provided at a minimum.
- (E) **All dwelling units shall be connected to City water and sewer.** City water and sewer is available at the street.
- (F) **All such developments must be within one-half (0.5) mile of some form of existing services such as shopping, public transportation and community facilities.** The subject lot is in fact located less than one-half (0.5) mile of the City Hall complex.

SURVEYORS - ET

NEERS - TRANSPORTATI

PLANNERS

P.O. Box 249, Rochester, N.H. 03866-0249



WAKEFIELD STREET

YEAAGLEY WAY

GLENWOOD AVENUE

NORTHCAST  
CORPORATION

HAMPSHIRE  
NEW

117-1  
8 UNITS/54 AC.  
(1.1 AC. REQ'D.)

116-183  
3-UNITS/18 AC.  
(.41 AC. REQ'D.)

116-182  
2 UNITS/16 AC.  
(.27 AC. REQ'D.)

116-185

116-184

PROP. LOT 2  
18,668 SF./43 AC.  
(.82 AC. REQ'D.)

EXIST.  
6-UNIT  
APARTMENT

116-186

116-187  
3 UNITS/14 AC.  
(.41 AC. REQ'D.)

116-188

116-189  
3 UNITS/31 AC.  
(.41 AC. REQ'D.)

116-190

116-191  
3 UNITS/23 AC.  
(.41 AC. REQ'D.)

PROP. LOT 1  
18,668 SF./43 AC.  
(.82 AC. REQ'D.)

EXIST.  
6-UNIT  
APARTMENT

MAP 117, LOT 3

PROP. LOT 3  
75,484 SF.  
1.73 AC.

116-192  
3 UNITS/79 AC.  
(.41 AC. REQ'D.)

112-3

117-2-11

FEB 20 2013

ZBA SKETCH

GLENWOOD AVENUE

TAX MAP 117, LOT 3

ROCHESTER, N.H.

PREPARED FOR

17 GLENWOOD AVENUE, LLC

1"=60'

FEB. 2013

FILE NO. 210

PLAN NO.

DWG. NO. ART/GLENWOOD2

F.B. NO.

NORWAY PLAINS ASSOCIATES, INC.



Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0117-0003-0000	Account Number	27140
Prior Parcel ID	~	Property Location	17 GLENWOOD AVE
Property Owner	17 GLENWOOD AVE LLC	Property Use	9-12 APTS
Mailing Address	P O BOX 1163	Most Recent Sale Date	1/4/2012
City	ROCHESTER	Legal Reference	3886-716
Mailing State	NH	Grantor	GLENWOOD ASSOC TRUST % G
Zip	03866-1163	Sale Price	650,000
Parcel/Zoning	R2	Land Area	0.000 acres

Current Property Assessment

Card 2 Value	Building Value	220,900	Yard Items Value	0	Land Value	0	Total Value	220,900
Total Parcel Value	Building Value	451,600	Xtra Features Value	0	Land Value	60,000	Total Value	512,100

Building Description

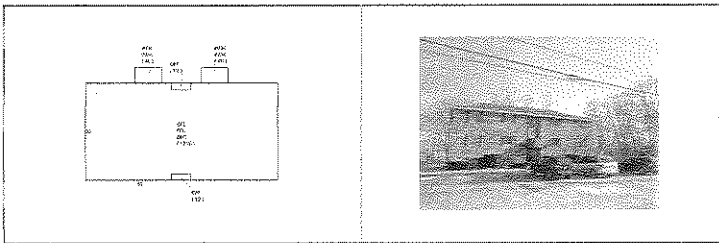
Building Style	MULTIFAMILY	Foundation Type	CONCRETE	Flooring Type	AVERAGE
# of Living Units	6	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1979	Roof Structure	HIP	Heating Type	FORCED H/W
Building Grade	AVERAGE	Roof Cover	ASPHALT SH	Heating Fuel	GAS
Building Condition	Average	Siding	BRICK	Air Conditioning	100%
Finished Area (SF)	3432	Interior Walls	DRYWALL	# of Bsm't Garages	0
Number Rooms	24	# of Bedrooms	12	# of Full Baths	6
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as 9-12 APTS with a(n) MULTIFAMILY style building, built about 1979 , having BRICK exterior and ASPHALT SH roof cover, with 6 unit(s), 24 room(s), 12 bedroom(s), 6 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0117-0003-0000	Account Number	27140
Prior Parcel ID	--	Property Location	17 GLENWOOD AVE
Property Owner	17 GLENWOOD AVE LLC	Property Use	0-12 APTS
Mailing Address	P O BOX 1163	Most Recent Sale Date	1/4/2012
City	ROCHESTER	Legal Reference	3960-716
Mailing State	NH	Grantor	GLENWOOD ASSOC TRUST % G ,
Zip	03866-1163	Sale Price	650,000
Parcel Zoning	R2	Land Area	2.590 acres

Current Property Assessment

Card 1 Value	Building Value	230,600	Yard Items Value	0	Land Value	60,800	Total Value	291,200
Total Parcel Value	Building Value	451,500	Xtra Features Value	0	Land Value	60,800	Total Value	512,100

Building Description

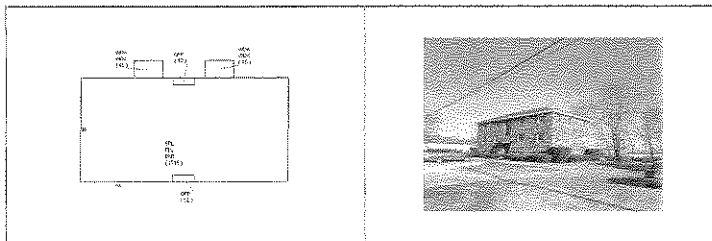
Building Style	MULTIFAMILY	Foundation Type	CONCRETE	Flooring Type	AVERAGE
# of Living Units	6	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1979	Roof Structure	HIP	Heating Type	FORCED H/W
Building Grade	AVERAGE	Roof Cover	ASPHALT SH	Heating Fuel	GAS
Building Condition	Average	Siding	BRICK	Air Conditioning	100%
Finished Area (SF)	5140	Interior Walls	DRYWALL	# of Bsm't Garages	0
Number Rooms	47	# of Bedrooms	23	# of Full Baths	6
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 2.590 acres of land mainly classified as 0-12 APTS with a(n) MULTIFAMILY style building, built about 1979 , having BRICK exterior and ASPHALT SH roof cover, with 6 unit(s), 47 room(s), 23 bedroom(s), 6 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



**ABUTTER LIST**

City of Rochester, NH

Please Print or Type

RECORDED

FEB 20 2013

Applicant: 17 Glenwood Avenue, LLC

Phone: 235-4370

Project Address: 17 Glenwood Avenue

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
117	3	R2	17 Glenwood Avenue, LLC	P.O. Box 1163; Rochester, NH 03866-1163

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
117	1	Bougie & Labbe, Inc.	89 Walnut Street; Rochester, NH 03867
117	2-11	LJR Properties, LLC	133 Sampson Road; Rochester, NH 03867
116	182	Patrick M. Redmond Revocable Trust	P.O. Box 537; Strafford, NH 03884-0537
116	183	Larry V. & Kathleen A. Ciccotelli	19 Tingley St.; Rochester, NH 03867
116	184	Therese Sanfacon	10 Glenwood Avenue; Rochester, NH 03867
116	185	Louis A. & Gabriella L. Roussos	12 Glenwood Avenue; Rochester, NH 03867
116	186	Rebecca L. Metz	11 Glenwood Avenue; Rochester, NH 03867
116	187	Robert W. & Christine E. Gagnon	12 Justin Lane; Rochester, NH 03839-4969
116	188	Francis & Aline Gilman	5 Glenwood Avenue; Rochester, NH 03867
116	189	Walter M. & Cornelia M. Unger	1112 Province Road; Strafford, NH 03884
116	190	Michael W. & Dawn E. Vachon	113 Wakefield Street; Rochester, NH 03867
116	191	George & Kimberly Pelletier	119 Walnut Street; Rochester, NH 03867
116	192	Stephen C. Fall	227 Lowell St. Ext.; Rochester, NH 03867
112	3	NH Northcoast Corp.	P.O. Box 429; Ossipee, NH 03864

**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

Arthur Nickless/Norway Plains Assoc., Inc.	P.O. Box 249; Rochester, NH 03866-0249
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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: 2/20/2013. This is page 1 of 1 pages.

Applicant or Agent: Planning Staff Verification:  Date: 2/21/13