



PLANNING, DEVELOPMENT AND ZONING DEPARTMENT

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

175
11/18/31

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. 2011-12

DATE FILED 5-18-11

Phone No. (603) 867-3232

C. Lewis
ZONING BOARD CLERK

Name of Applicant James J. Nyberg Revocable Trust

Address P.O. Box 115, Dover, NH 03821-0115

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

Address 120 Washington Street; Rochester, NH 03867
(if same as applicant write "same")

Location of property intersection of Washington St. and Brock St.

Map No. 123 Lot No. 65 Zone B-1

Description of property 80' +/- 100' +/- 91' +/-
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Medical office (orthodontist)

The undersigned hereby requests a variance to the terms of Article 42.19 Section (L)(4)

And asks that said terms be waived to permit Pervious pavement for parking in the wetland buffer.

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 Although the lot is zoned B-1, the small size of the lot severely limits its commercial use.

RECEIVED

MAY 18 2011

Planning Dept.

Signed

[Signature]
(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____

DATE _____

A variance is request by James J. Nyberg Revocable Trust

from Section 42.19

subsection (L)(4)

of the Zoning Ordinance to permit: pervious paved parking within the 50-foot wetlands buffer

at 120 Washington Street

Map 123 Lot 65 Zone B-1

Facts supporting this request:

1.) The proposed use would not diminish surrounding property values because: The adjacent parcels along Washington Street have been developed commercially, i.e., landscape supplies, Staples, etc.

2.) Granting the variance would be of benefit to the public interest because: It will allow the property to be used in a manner which is consistent with the zoning designation and the existing businesses in the area.

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: The property is zoned B-1 but the small size of the lot severely limits its commercial viability.

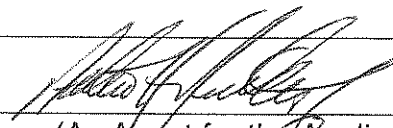
4.) Granting the variance would do substantial justice because: The "buffer" in question has recently been encroached upon by the City as part of the Brock Street/Washington Street improvement project.

5.) The use is not contrary to the spirit of the ordinance because: The buffer the applicant is asking to encroach upon has already been disturbed by a recent City project. The intent of the ordinance is to preserve buffer vegetation, etc. and this proposal will not be detrimental.

RECEIVED

MAY 18 2011

Planning Dept.


(As Agent for the Applicant)

5/18/11

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
WEB: 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

May 18, 2011

Mr. Ralph Torr, Chair
Zoning Board of Adjustment
Planning, Development & Zoning
31 Wakefield Street
Rochester, NH 03867

Re: James J. Nyberg Rev. Trust - Map 123, Lot 65 - Brock St./Washington St.

Dear Ralph:

On behalf of the above referenced applicant, we hereby submit application and supporting data for a variance to the terms of Article 42.19 (1)(4). Specifically, we request that the terms of said section be waived to allow parking within the 50-foot wetland buffer.

The subject tract is located at the southerly intersection of Washington Street and Brock Street and is zoned Business-1. The property is currently owned by Bernard Hanscom and contains a single-family home.

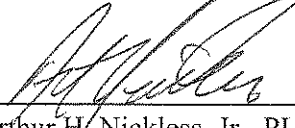
The applicant, James J. Nyberg Revocable Trust, is proposing to convert the home into an orthodontist's office. This will require the creation of eight (8) parking spaces. Given the small size of the lot, the parking area is proposed to be constructed along the southeasterly boundary line of the property. A retaining wall will be required to obtain the necessary elevation needed to properly service the office. The applicant is proposing to use a pervious surface on the parking lot given the lack of available space for storm water management.

There is a brook and associated wetland adjacent to this parcel and as a result, the proposed parking area falls within the wetland buffer, thus the need for the variance. The buffer in question has previously been encroached upon by the City as part of the Brock Street/Washington Street improvement project. Besides extending the culvert under Brock Street which carries the brook, there was an additional outfall added from catch basins along the southwesterly side of Brock Street.

We look forward to discussing this matter with the ZBA and thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

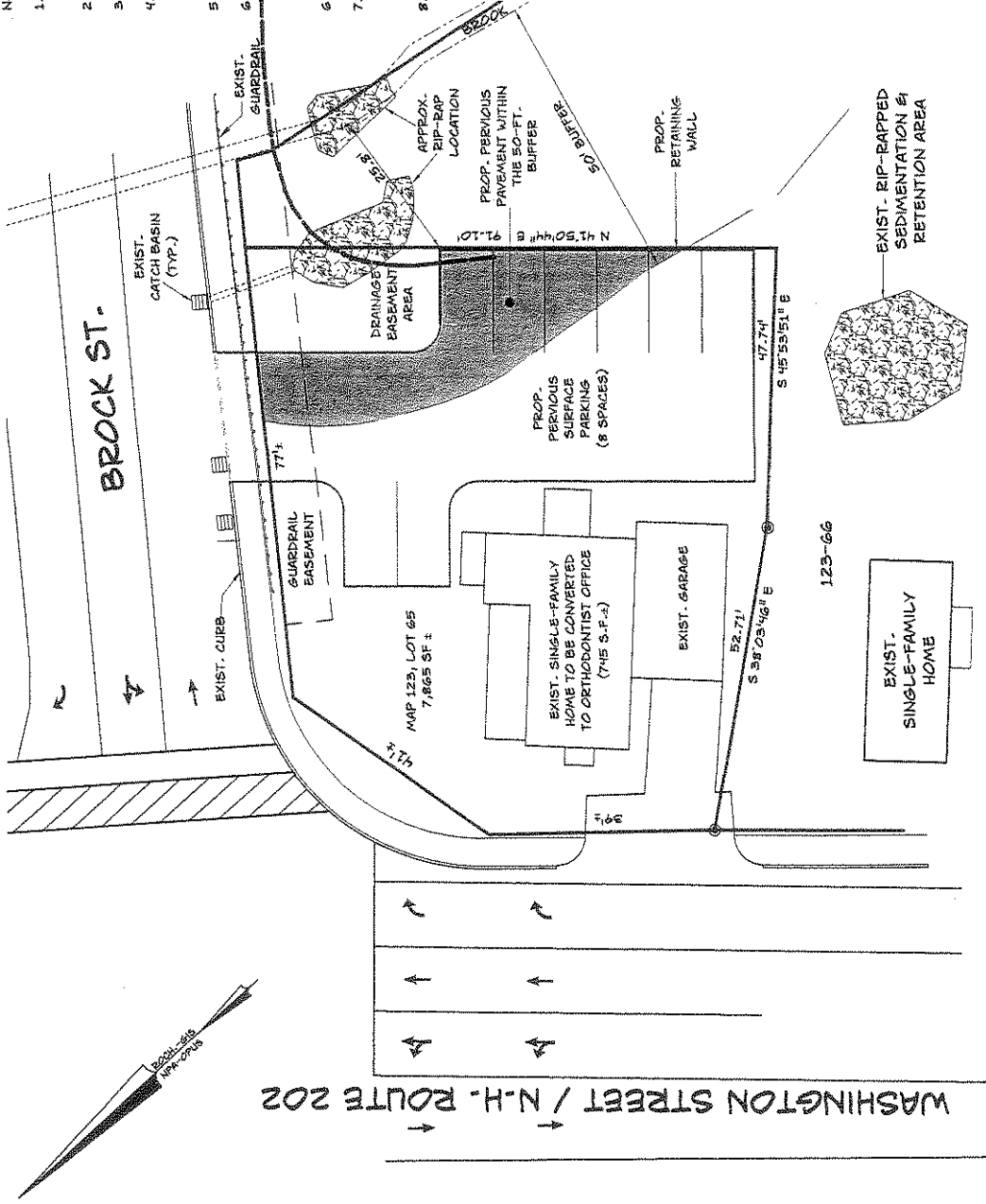
By: 
Arthur H. Nickless, Jr., PLS, President

cc: James Nyberg Rev. Trust

RECEIVED

MAY 18 2011

Planning Dept.



NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE CONVERSION OF THE EXISTING SINGLE-FAMILY HOME TO AN ORTHODONTIST'S OFFICE.
2. TOTAL PARCEL AREA: MAP 123, LOTS 65 7,865 S.F. ±
3. PARCEL IS ZONED BUSINESS 1.
4. MINIMUM LOT REQUIREMENTS:
LOT SIZE = NO REQ.
FRONTAGE = NO REQ.
5. BUILDING SETBACKS: FY. = NO REQ., SY. = NO REQ., RY. = 25'
6. PARKING REQUIREMENTS:
OFFICE-MEDICAL: 1 SPACE/100 S.F. = 7.4 SPACES REQ'D.
PARKING PROVIDED: 8 SPACES
6. THE LOT IS SERVICED BY THE MUNICIPAL WATER AND SEWER SYSTEM.
7. THE PROPOSED LOT IS NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP DATED 5/17/2005 COMMUNITY PANEL 330150 0211 D.
8. FOR MORE INFORMATION ABOUT THIS SITE PLAN, CONTACT THE CITY OF ROCHESTER PLANNING DEPARTMENT, 31 WAKEFIELD STREET, ROCHESTER, NH 03867. (603) 335-1558

TAX MAP 123, LOT 65
OWNER OF RECORD:
BERNARD HANSCOM
120 WASHINGTON STREET
ROCHESTER, NH 03867
BK. 1200, PG. 207

APPLICANT:
JAMES J. NYBERG REVOCABLE TRUST
P.O. BOX 115
DOVER, NH 03821

CONCEPTUAL SITE PLAN
BROCK ST./WASHINGTON ST.
TAX MAP 123, LOT 65
ROCHESTER, N.H.
PREPARED FOR

JAMES J. NYBERG REVOCABLE TRUST

1"=20' MAY 2011

GRAPHIC SCALE



(IN FEET)

1 INCH = 20 FT.

RECEIVED
MAY 18 2011
Planning Dept.

FILE NO. 110

PLAN NO.

DWG. NO. 03293\NYBERG

F.B. NO.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0123-0085-0000	Account Number	30992
Prior Parcel ID	---		
Property Owner	HANSCOM BERNARD P	Property Location	120 WASHINGTON ST
		Property Use	SINGLE FAM
Mailing Address	P O BOX 1371	Most Recent Sale Date	11/26/1985
		Legal Reference	1200-207
City	ROCHESTER	Grantor	HANSCOM GAILE
Mailing State	NH	Zip	03866-1371
Parcel Zoning	B1	Sale Price	0
		Land Area	0.180 acres

Current Property Assessment

Card 1 Value	Building Value 5,406	Yard Items Value 105	Land Value 121,500	Total Value 128,000
--------------	----------------------	----------------------	--------------------	---------------------

Building Description

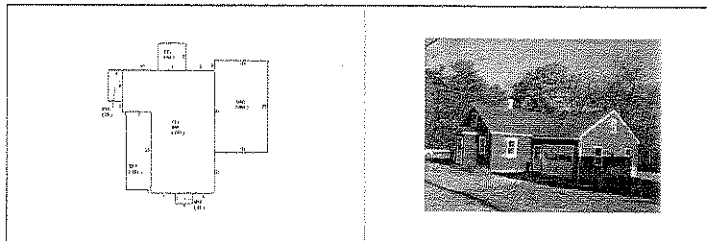
Building Style	COTTAGE	Foundation Type	CONC BLOCK	Flooring Type	AVERAGE
# of Living Units	1	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1931	Roof Structure	GABLE	Heating Type	FORCED H/A
Building Grade	AVG. (-)	Roof Cover	STEEL	Heating Fuel	OIL
Building Condition	Average	Siding	CLAPBOARD	Air Conditioning	0%
Finished Area (SF)	808	Interior Walls	DRYWALL	# of Bsm't Garages	0
Number Rooms	5	# of Bedrooms	2	# of Full Baths	1
# of 3/4 Baths	0	# of 1/2 Baths	0	# of Other Fixtures	0

Legal Description

Narrative Description of Property

This property contains 0.180 acres of land mainly classified as SINGLE FAM with a(n) COTTAGE style building, built about 1931, having CLAPBOARD exterior and STEEL roof cover, with 1 unit(s), 5 room(s), 2 bedroom(s), 1 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

Applicant: James J. Nyberg Revocable Trust Phone 867-3232

Project Address: 120 Washington Street

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	Owner Name	Mailing Address
123	65	Bernard Hanscom	120 Washington St.; Rochester, NH 03867

Map	Lot	Applicant Name	Mailing Address
123	65	James J. Nyberg Revocable Trust	P.O. Box 115; Dover, NH 03821-0115

ABUTTING LOT OWNERS

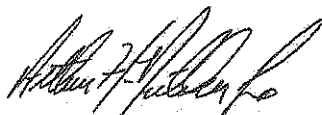
Map	Lot	Owner Name	Mailing Address
123	51	Carroll R. & Sandra C. Jacobs	870 Ossipee Lake Rd; Freedom, NH 03836
123	66	Greendeck, LLC	P.O. Box 422; Strafford, NH 03884
123	78	White Caps Acquisition LLC	15 Seal Cove Rd.; Hingham, MA 02043
123	86	Brent G. McKinney	3 Woodlawn Road; Rochester, NH 03867

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
Norway Plains Associates, Inc.	P.O. Box 249; Rochester, NH 03866-0249

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form and mail certified notices to abutters and other parties in a complete, accurate, and timely manner, in accordance with applicable law. 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, Patriot

Database on this date: 5/18/11 This is page 1 of 1 pages.



Applicant or Agent: _____ Planning Dept.

RECEIVED
MAY 18 2011