



PLANNING & DEVELOPMENT DEPARTMENT

City Hall - Second Floor

31 Wakefield Street,

Rochester, New Hampshire 03867-1917

(603) 335-1338 - Fax (603) 335-7585

Web Site: www.rochesternh.net

Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, December 8, 2010** in the City Hall Council Chambers concerning the following:

2010-33 Application by Lawrence Lapierre for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to allow a subdivision creating a lot with 50 feet of frontage where 150 feet is required.

Location: 22 Oak Street
Tax Map 138 Lot 59 Residential 1 and Agricultural Zones

You are welcome to attend the public hearing and comment on the proposal. You can also submit comments by letter, fax, or email (caroline.lewis@rochesternh.net). The project application is available for review by the public in the Planning Department, or you can view the entire application on the City's website – www.rochesternh.net. Click on *Boards & Commissions*, then *Zoning Board of Adjustment*, then *Zoning Board Projects*. Look under the map and lot number shown above.

Please feel free to contact this department with any questions or if you have any disability requiring special provisions for your participation.

Office Hours are between 8:00 a.m. to 5:00 p.m. Monday through Friday.



Caroline Lewis, Zoning Secretary
cc: file

City Hall - Second Floor
31 Wakefield Street
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APPLICATION FOR A VARIANCE

BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2010-33

DATE FILED 11-4-10

ZONING BOARD CLERK C. Leno

Phone No 332-6079

Name of applicant Lawrence Lapierre

Address 20 Oak Street, Rochester, NH 03839

Owner of property concerned Theresa Gilman
(If the same as applicant, write "same")

Address 22 Oak Street, Rochester, NH 03839
(If the same as applicant, write "same")

Location 22 Oak Street

Map No. 138

Lot No. 59

Zone R-1 and A

Description of property 6.91 acres of land with a residence and garage.

Proposed use or existing use affected to subdivide the house and lot from the back
land to create a parcel with 6.59 acres and 50 feet of frontage for access.

The undersigned hereby requests a variance to the terms of Article
Section 42.16 and asked that said terms be waived to permit subdivision of a lot with
50 feet of frontage where 150 feet is required.

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 Lawrence A. Lapierre
(Applicant)

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Planning Dept

Date: November 4, 2010

A Variance is requested by Theresa Gilman
from Section Appendix B Subsection 42.16
of the Zoning Ordinance to permit: the subdivision of a lot having 6.59 acres, with
50 feet of frontage which would be used for access to the rear land.
at 22 Oak Street Map 138 Lot 59 Zone R-1 and A

Facts supporting this request:

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

See attached statement.

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

See attached statement.

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

See attached statement.

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

See attached statement.

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

See attached statement.

Name Theresa Gilman Date: November 4, 2010

Facts supporting this request:

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

The applicant and property owner propose to subdivide a 6.91 acre parcel having 212 feet of frontage on Oak Street into two parcels. The first parcel will include the existing house and garage, will have 15, 679 square feet of land, and will have frontage of 161.70 feet.

The second parcel will contain 6.59 acres of land with 50 feet of frontage that will be used to provide access to the rest of the land. Most of this lot is in the Agricultural zone, which requires 125 feet of road frontage. The existing parcel lacks sufficient frontage to allow the subdivision of the land from the house.

The owner will transfer the second parcel to her daughter, who owns abutting land. The frontage for this parcel will only be used for access to the rear of the property, so the frontage variance will have no effect on neighboring properties. This proposal will require that any construction on the second parcel will have to be placed away from Oak Street and from the existing residences along Oak Street, and the variance will help to preserve the setbacks between buildings and will help to protect the privacy of abutting property owners.

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

Fifty feet is sufficient frontage to provide access to the rear of this property, which is where any future construction would occur. Limiting the frontage will prevent construction of a house close to Oak Street and the residences which exist along Oak Street, and will support the public interest in maintaining separation between buildings. The existing parcel is configured so that it is substantially wider at the rear of the lot than at the street frontage, and this variance will encourage any future development to be located at the rear of the property where there is sufficient space.

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

This 6.91 acre lot presently includes a house and garage near Oak Street, then tapers to a narrow point, and then widens at the rear where most of the land is located. This large lot does not have sufficient frontage to comply with the frontage requirements for property in the Agricultural zone, which is where most of the land is located. The configuration of the land means that the land cannot be separated from the house and garage without a variance.

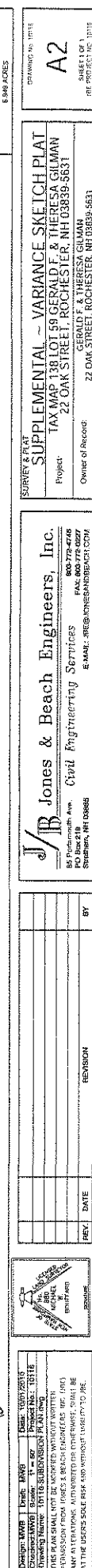
4) Granting the variance would do substantial justice because:

The variance will allow the owner to subdivide the back land from her residence. The

back land will be conveyed to the owner's daughter, who owns abutting property. Fifty feet of frontage on Oak Street is sufficient to provide access to the rear of the property, and will ensure that any development of the property will be set back from Oak Street.

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

The purpose of road frontage requirements is to ensure that buildings are separated from each other. The proposed configuration of these two lots will require that any future development of the land will be located back from the street and away from other existing residences along Oak Street.



660 Central Avenue
Dover, New Hampshire 03820
Tel. 603-743-6300
Fax. 603-743-6400

November 4, 2010

Mr. Michael Behrendt
City of Rochester
31 Wakefield Street
Rochester, NH 03867

Re: Theresa Gilman/Lawrence Lapierre
22 Oak Street Variance Application

Dear Michael:

I am enclosing the original and 9 copies of an application for variance to allow the subdivision of Mrs. Gilman's property into two lots, together with 10 copies of the plan. One would be for her home and about 15,600 square feet of land, and the other would be the open land to the rear. The variance is needed because the back parcel is proposed to have 50 feet of frontage. Since most of that parcel is in the Agricultural zone, and that is where any future development would occur, I have indicated that this lot should have 150 feet of frontage but that we are seeking a variance to allow only the 50 feet needed for access to the balance of the lot.

I am enclosing two checks. One is for the filing fee of \$175, and the other is for 11 certified mailings at \$3.24 each, for a total of \$35.64.

I also am enclosing two labels for each person who would be receiving notice of this application.

I understand that this matter will be scheduled for the ZBA meeting in December.

Sincerely,



James H. Schulte

Enclosures

cc: Lawrence Lapierre

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Planning Dept.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID	0138-0059-0000	Account Number	32779
Prior Parcel ID	--		
Property Owner	GILMAN GERALD F & THERESA	Property Location	22 OAK ST
	A	Property Use	SINGLE FAM
Mailing Address	22 OAK ST	Most Recent Sale Date	
		Legal Reference	
	City ROCHESTER	Grantor	
Mailing State	NH	Zip	03839-5631
		Sale Price	0
ParcelZoning	R1	Land Area	6.910 acres

Current Property Assessment

Card 1 Value	Building Value	100,100	Yard Items		Land Value	80,700	Total Value	180,800
			Value	0				

Building Description

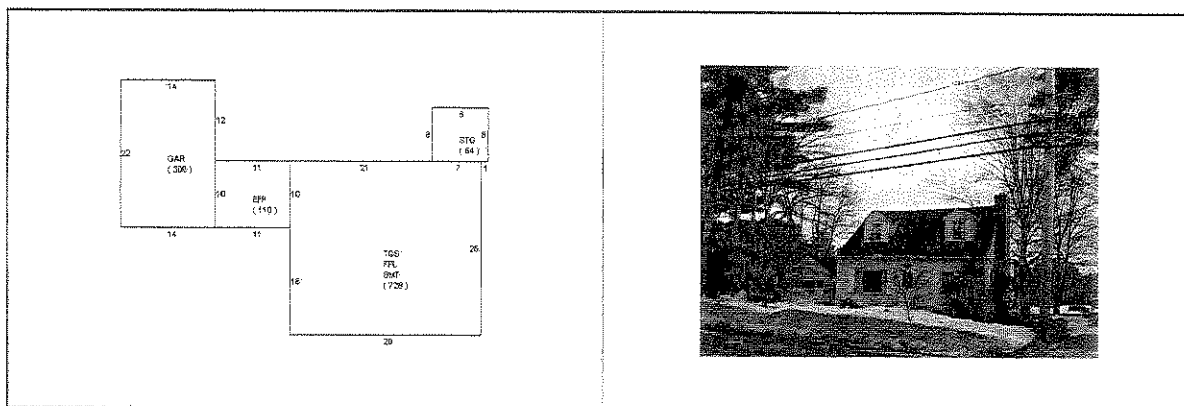
Building Style	CAPE	Foundation Type	CONCRETE	Flooring Type	AVERAGE
# of Living Units	1	Frame Type	WOOD	Basement Floor	CONCRETE
Year Built	1955	Roof Structure	GABLE	Heating Type	FORCED H/W
Building Grade	AVERAGE	Roof Cover	ASPHALT SH	Heating Fuel	OIL
Building Condition	Good	Siding	VINYL	Air Conditioning	0%
Finished Area (SF)	1274	Interior Walls	DRYWALL	# of Bsmt Garages	0
Number Rooms	6	# of Bedrooms	3	# 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 6.910 acres of land mainly classified as SINGLE FAM with a(n) CAPE style building, built about 1955 , having VINYL exterior and ASPHALT SH roof cover, with 1 unit(s), 6 room(s), 3 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.

Applicant: Lawrence Lapierre/Theresa GilmanPhone 332-6079

Project Address:

22 Oak 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	Zone	Owner Name	Mailing Address
138	59		Gerald F. Gilman Theresa Gilman	22 Oak St. Rochester, NH 03839-5631

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
138	79	Colby Footwear Inc.	364 Route 108 03878-1589 c/o Easy Street Sales Somersworth NH
138	78	Ronald Sr. + Sandra English	P.O. Box 7140 Rochester, NH 03839-7140
138	60	Shawn Tibbs Melissa A. Knorr	24 Oak St. Rochester, NH 03839-7265
138	61	Alfred E + Louise Plourde	26 Oak St. Rochester, NH 03839-5631
138	62	Danielle Clark Robert Boucher	28 Oak St. Rochester, NH 03839-5631
142	74	William F. Larkin	40 Oak St. Rochester, NH 03839-5631
251	10	Great Bridge Rochester LTD Partnership	c/o Stewart Property Mgmt. P.O. Box 10540 Bedford, NH 03110
142	75	Lawrence + Christie Lapierre	20 Oak St. Rochester, NH 03839-5631
138	58	Lawrence + Christie Lapierre	20 Oak St. Rochester, NH 03839-5631

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

James H. Schulte, Esquire	660 Central Avenue, Dover, NH 03820
Jones & Beach Engineers	85 Portsmouth Ave., PO Box 219, Stratham, NH 03885

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 Assessing Office computer Patriot Database

on this date: 11-1-10, This is page 1 of 1 pages.Applicant or Agent: Lawrence A. Lapierre

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