



Planning & Zoning
Community Development
Conservation Commission
Historic District Commission

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

NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, July 14, 2010** in the City Hall Council Chambers concerning the following:

2010-17 - Application by Allen M & Vicky S. Ryea for a variance under Article 42. Table 2 of the City's Zoning Ordinance to allow expansion of a residential unit that will not meet the current side setback requirement.

Location: 210 Ten Rod Road
Tax Map 217, Lot 45, Agricultural Zone

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



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APPLICATION FOR A VARIANCE

TO: **BOARD OF ADJUSTMENT
CITY OF ROCHESTER**

DO NOT WRITE IN THIS SPACE

CASE NO. 2010-17

DATE FILED 6/22/10

C. Lewis
ZONING BOARD CLERK

Phone No (603) 335-3500

Name of applicant Allen M. & Vicky S. Ryea

Address 210 Ten Rod Road, Rochester, NH 03867

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

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

Location 210 Ten Rod Road, Rochester, NH

Map No. 217 Lot No. 45 Zone A

Description of property Single family residential unit

Proposed use or existing use affected Expansion of residential unit of approximately
263 square feet (exterior dimensions) or less.

The undersigned hereby requests a variance to the terms of Article _____ Section _____
and asked that said terms be waived to permit _____

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 
(Applicant)

Date 6/22/10
RECEIVED

JUN 22 2010

Planning Dept.

Attachment to Application for a Variance

Case # _____

Date : _____

Narrative explaining request for variance:

Property owners wish to add a 21' by (up to) 12.5' wide addition (up to 262.5 square feet, exterior dimensions) to the northwest end of the main residential structure - a modest 36' x 24' cape believed to be of 19th century vintage. Such addition would contain a modern bathroom and closet space adjacent to the existing 1st floor bedroom and allow removal of small existing bedroom closet, opening up the existing bedroom room to modern dimensions. The residence currently has just one minimally sized bathroom, 5.5' X 8', located directly off the existing kitchen.

The existing structure currently exceeds all set back requirements. The main house is, however, nestled fairly tight to the northwest corner of the property's 2.76 acre lot with an approximate set back of just 28' to 29' along the property's northwest boundary. The addition would require a variance from the side set back of 25' leaving a set back of approximately 16' from the northwest boundary.

The property is immediately bounded on the northeast, across Ten Rod Road, by farmland, formerly a dairy farm, currently used a hayfield, a.k.a. the Laverdierre's Farm. It is bounded on the southeast by a 3.21 acre parcel owned by the applicants, containing field, woods and seasonal brook, and used by the applicants as part of the overall residence. The property is bounded by a large undeveloped parcel of woodland on the southwest edge. Finally, the property is bounded on the northwest edge by an approximate one acre parcel developed and used as a single family residence. See sketch request and photos for more details.

CRITERION FOR VARIANCE

Case # _____

Date: _____

A Variance is requested by Allen M. & Vicky S. Ryea

from Section _____ Subsection _____

of the Zoning Ordinance to permit: an addition to existing residence measuring
21' (conforming) by (up to) 12.5' (nonconforming).

at 210 Ten Rod Road Map 217 Lot 42 Zone 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



Date:

6/21/10

Attachment to Criterion For Variance

Case # _____

Date : _____

Facts supporting this request:

Items #1 – The proposed use would not diminish surrounding property values because: Improvements will add material functional and real value to subject property without impinging on esthetic value, real value or functional use of abutting properties and, by inference, may actually benefit value of neighboring properties.

Item #2 – Granting the variance is not contrary to the public interest because: No diminution in esthetic value, real value, or functional use of abutting properties should result. Also see notes under Item 5.

Items #3 – Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances of the property: Existing home, approximately 100 years of age or more, is sited in far northwest corner of otherwise sizable 2.76 acre lot (5.97 acres with contiguous lot). Owner would be prevented from full use and enjoyment of property similar to that enjoyed by owners of similar, but more modern residences. Main home is modest cape (24' x 36') lacking usual amenity of a second (or "master") bathroom and walk-in closet in home of this type and location. There is no other area remotely suitable for esthetic and functional addition of second bath off main bedroom to property. Primary residences located in rural areas with significant lot size generally require such amenities in order to approach full value potential and compete in today's real estate market.

Items #4 – Granting the variance would do substantial justice because: Owner will be permitted full and reasonable use and enjoyment of property while enhancing overall value of subject property without adversely (and perhaps benefiting) value of abutting properties.

Item #5 – The use is not contrary to the spirit of the ordinance because: Addition would not impinge on abutters use, enjoyment or value of their property. Subject property also contains significant open and wooded land which would fully maintain agricultural and rural esthetic. Northwest abutting property's view of subject property is shielded via long, wide hedge growth (approximately 90' long x 20' wide) inside abutter's border. Entire property generally not viewable from any existing abutter's residential structure during growing season, and only modestly during winter. Remaining set back permits continued vehicular traffic when necessary, although no material use for same in many decades. Immediate area across Ten Rod Road situated much lower and generally wet, unsuitable for residential development (area is hayed during dry years, cut with great difficulty in wet years).

ARROW

James Laverdiere, L.
MAP 217, Lot # 48

Ten Rod Road (not to scale)

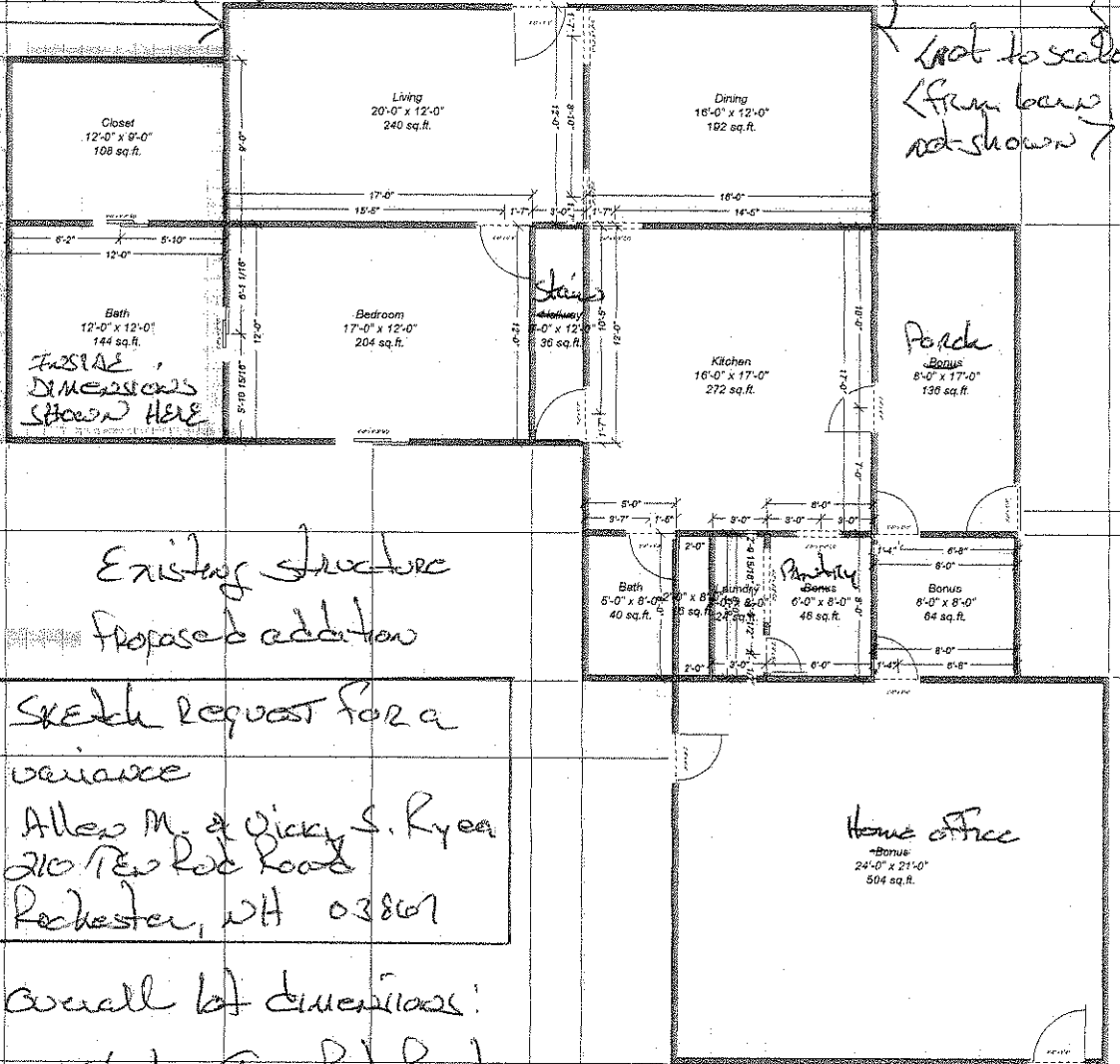
Existing set back = 55' +/-
(not to scale)

Existing set back = 78.28'

EXISTING
SET-BACK
= 152' +/-

not to scale
(from base
not shown)

Obtained
&
Lenn M.
Sasselin
MAP 217
Lot # 46



Existing structure
Proposed addition

Sketch request for a
variance

Allen M. & Vicki S. Ryan
210 Ten Rod Road
Rochester, NH 03867

Overall lot dimensions:

255' along Ten Rod Road
440' NORTHWEST corner
255' Rear boundary
425' SOUTH EAST corner
(2.16 Acres)

Existing set
back = 268' +/-

not to scale
(from base not shown)

Allen & Vicki Ryan

MAP 217 Lot # 44

Patricia A. & Daniel T. Thew & Mary E. Thew
MAP 217 Lot # 42

RENO COPY

RENO COPY

RENO COPY

RENO COPY

7200 ft

441450

BK 141 Pat 345

BK 324 Pat 356

Additional Section

Additional Section

730 ft

415 ft

415 ft

420 ft

425 ft

425 ft

Additional

430 ft

Abandoned Well

Well

100

440 ft

450 ft

1967

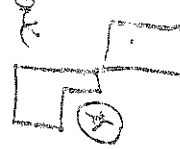
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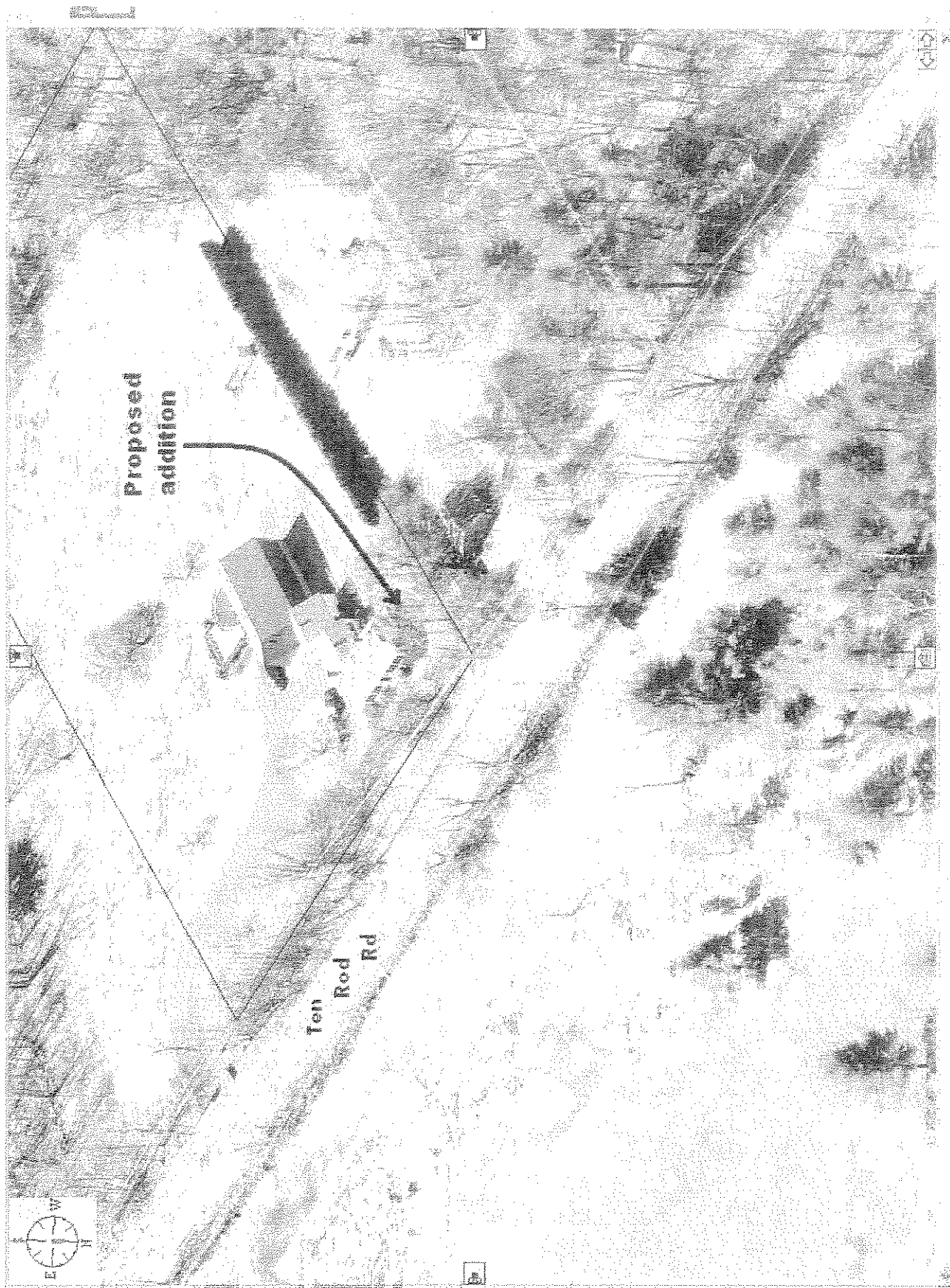
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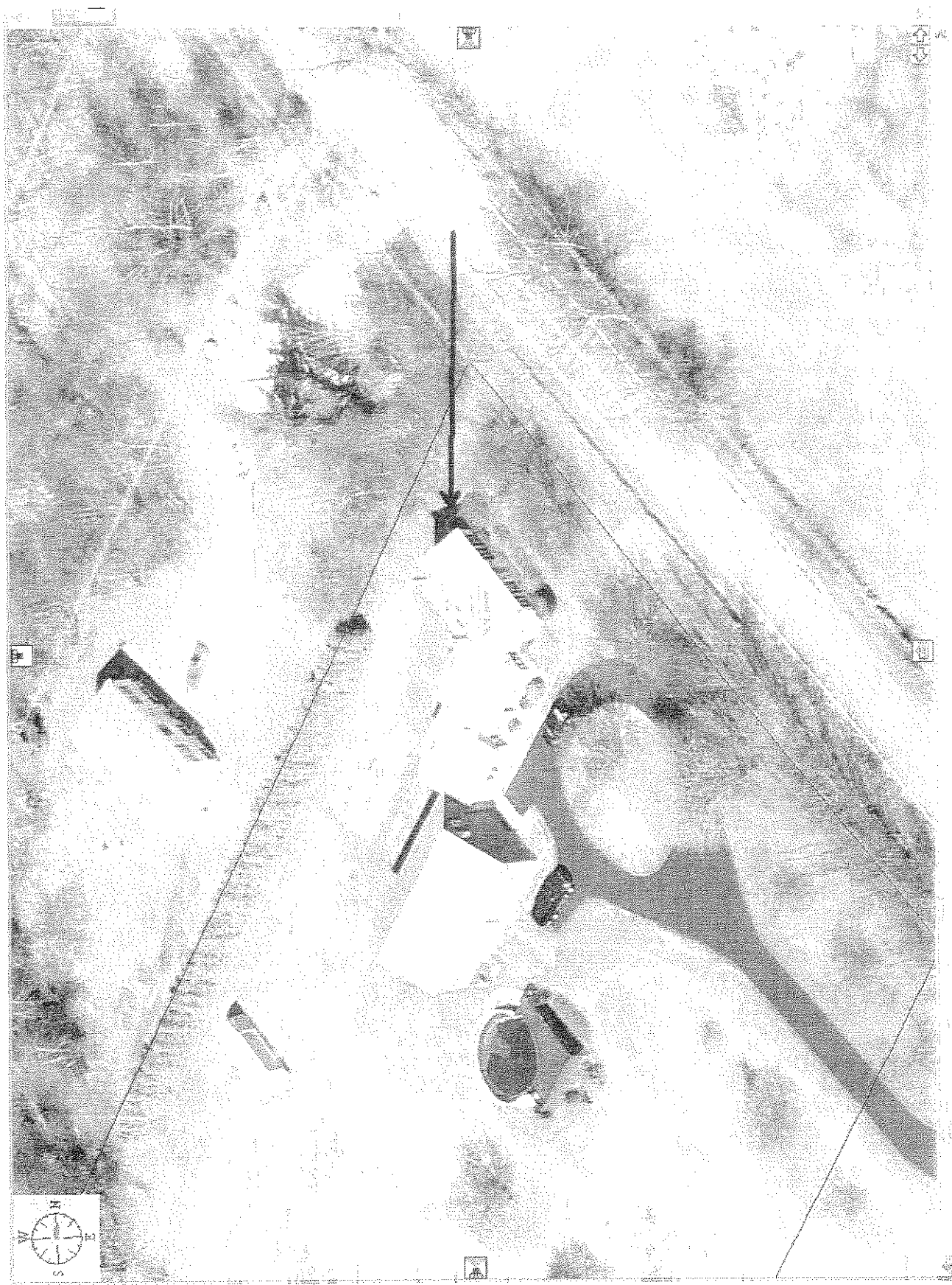


DRY CELL FOR LADDER, KILLER

Pos. 1967

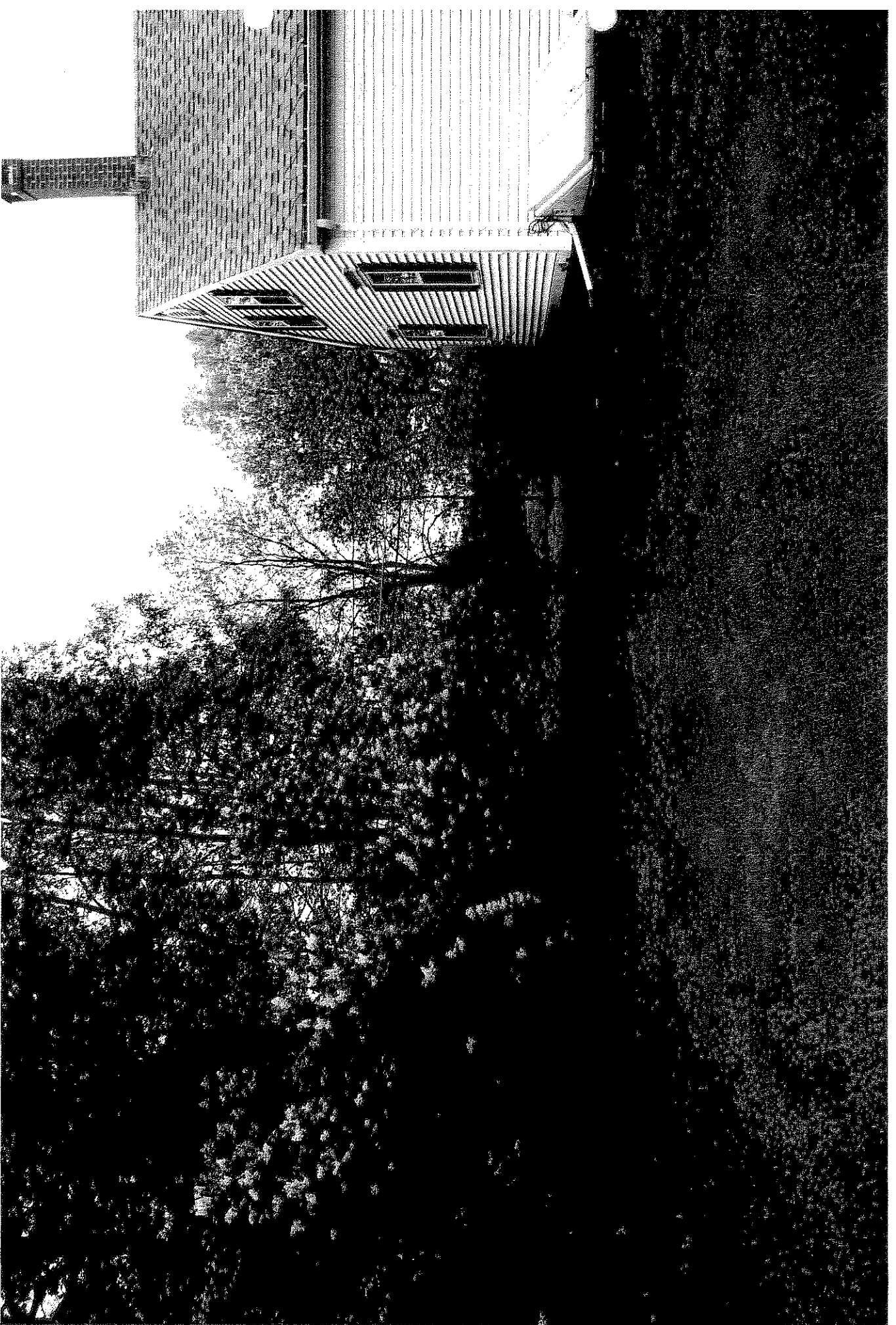


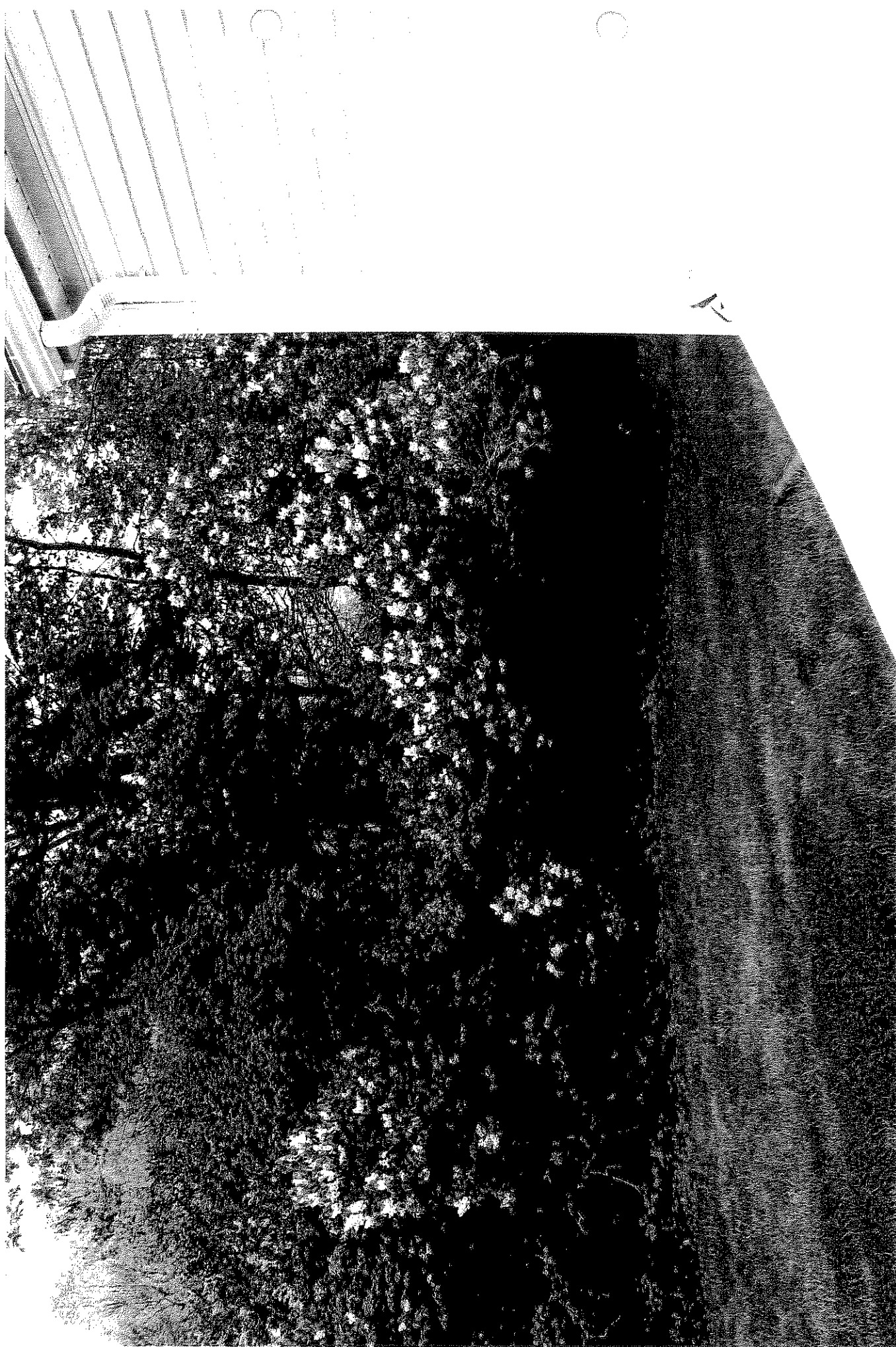
2010-17



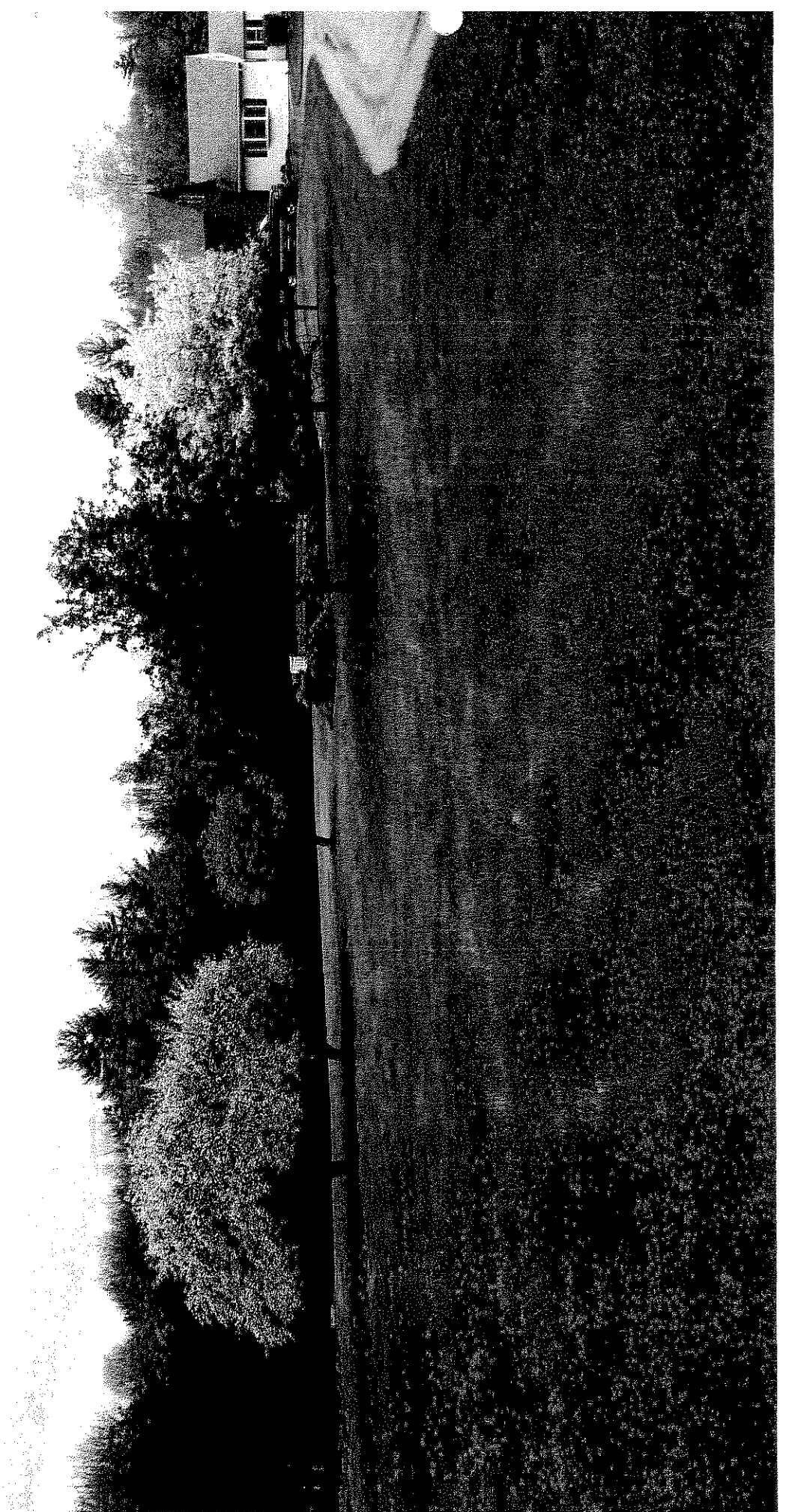
2010-17











Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0217-0045-0000	Account Number 34826
Prior Parcel ID --	
Property Owner RYEA ALLEN M & VICKY S	Property Location 210 TEN ROD RD
	Property Use SINGLE FAM
Mailing Address 210 TEN ROD RD	Most Recent Sale Date 1/8/1985
	Legal Reference 1156-92
City ROCHESTER	Grantor WORTHLEY GARY L & EVELYN M
Mailing State NH Zip 03867-4247	Sale Price 0
Parcel/Zoning A	Land Area 2.500 acres

Current Property Assessment

Card 1 Value	Building Value 129,700	Yard Items Value 14,000	Land Value 65,300	Total Value 209,000
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Building Description

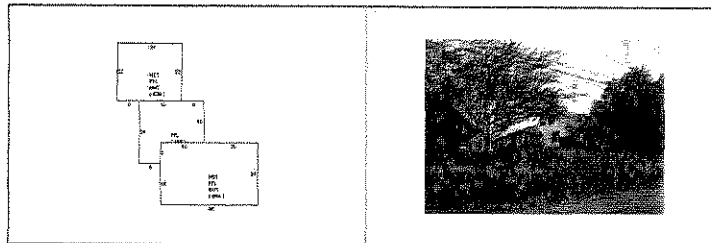
Building Style CAPE	Foundation Type PART	Flooring Type N/A
# of Living Units 1	Frame Type WOOD	Basement Floor N/A
Year Built 1820	Roof Structure	Heating Type FORCED H/W
Building Grade AVG. (+)	Roof Cover	Heating Fuel OIL
Building Condition Good	Siding ALUM/VINYL	Air Conditioning 0%
Finished Area (SF) 2536	Interior Walls N/A	# of Brrt Garages 0
Number Rooms 8	# of Bedrooms 3	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 1	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 2.500 acres of land mainly classified as SINGLE FAM with a(n) CAPE style building, built about 1820 , having ALUM/VINYL exterior and roof cover, with 1 unit(s), 8 room(s), 3 bedroom(s), 1 bath(s), 1 half bath(s).

Property Images



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

City of Rochester, NH
Please Print or Type

Applicant: Allen M. & Vicky S. Ryea Phone (603) 335-3500

Project Address: 210 Ten Rod Road City: Rochester State: N.H. Zip: 03867

List the name and address of all parties below. For abutting lot owners, list each owner show lot adjoins or is directly across the street or 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
217	45	A	Allen M. & Vicky S. Ryea
			210 Ten Rod Road, Rochester, NH 03867

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Mailing Address
217	42	Patricia A. Ahern, Daniel J Ahern III & Mary	2 Clocktower, Apt. #406, Nashua, NH 03060
		E. Ahern	
217	44	Allen M. & Vicky S. Ryea	210 Ten Rod Road, Rochester, NH 03867
217	46	Rodney D. & Karen M. Gosselin	212 Ten Rod Road, Rochester, NH 03867
217	48	James Laverdierre, Sr.	195 Ten Rod 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.

RECEIVED

Planning Dept.

Name of Professional or Easement Holder	Mailing Address
Not applicable	Not applicable

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 all 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 addresses listed on this form were obtained from the City of Rochester, Patriot Database on June 21, 2010, and this is page 1 of 1 pages.

Applicant or Agent: 



City of Rochester, New Hampshire

DEPARTMENT OF CODE ENFORCEMENT
31 Wakefield Street • Rochester, NH 03867
(603) 332-3508 • Fax (603) 332-8601

Code Office Denial of a Building Permit or Use

Name of Applicant Allen & Vicky Ryan

Location 210 Ten Rod Road

Map 217 Lot 45 Block - Zone A

Date Denied _____

Your application for a building permit / use has been denied due to a violation of

Article 42 Section 16 ^{TABLE} Subsection 2 of the Rochester

Zoning Ordinance adopted March 3, 1986, and / or a violation of Article _____

Section _____ Subsection _____ of the ICC Building Code, 2000
edition.

The exact reason for this denial is: COULD NOT MEET THE
REQUIRED 25' SIDE SETBACK.

Notice: You may make application to the Zoning Board of Adjustment for an
Appeal of an Administrative Decision, a Variance, or a Special Exception.

[Signature]
Building Inspector

7/6/10
Date

Zoning Board Case # 2010-17

ZONING BOARD CASE COMMENT SHEET

Case # 2010-17

Department of Planning & Development
Director Comments

Is there a reasonable alternative location
for addition that will comply with the
Set-back requirements?

Signed

Kurt L. DA

Date

7/7/10

City Manager Comments

Is there something that can be done
to reduce the impact on the
abutter, e.g. trees?

Signed

[Signature]

Date

7-8-10