



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

RECEIVED
NOV 29 2012
Planning Dept.

DO NOT WRITE IN THIS SPACE
CASE NO. _____
DATE FILED _____

Phone No. (603) 396-3977

ZONING BOARD CLERK

Name of Applicant Great Woods Development, LLC

Address 95 Blackwater Road; Rochester, NH 03867

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

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

Location of property 61 Laredo Lane

Map No. 224 Lot No. 324-11 Zone A

Description of property 179' 160' 152.5'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Front & rear yard setbacks.

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 a home to be placed on the subject lot using the R-1 front and rear yard setbacks rather than the A setbacks (25' F & R vs. 35' F & 50' R)

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 While the zoning ordinance allows for a 50% reduction in lot size (40,000 sf. to 20,000 sf.) in the A zone, no adjustments are made to the setback requirements; also, a lot on a cul-de-sac such as this one is further complicated by not having straight-line frontage.

Signed _____

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____
DATE _____

A variance is request by Great Woods Development, LLC
from Section 42.16 subsection Table 2
of the Zoning Ordinance to permit: the use of R-1 setbacks in the A zone.

at 61 Laredo Lane Map 224 Lot 324-11 Zone A

Facts supporting this request:

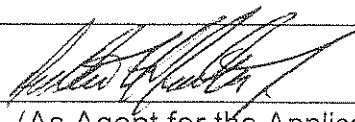
1.) The proposed use would not diminish surrounding property values because: the proposed use, i.e., single-family home, will be compatible with other homes in the neighborhood.

2.) Granting the variance would be of benefit to the public interest because: the public interest will not be affected as a result of the granting of this variance;

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 ordinance allows a 50% reduction in lot size when city water & sewer are available, yet there is no corresponding adjustment to the required setbacks. That, coupled with the arc of the cul-de-sac protruding into an otherwise rectangular lot, makes it difficult to construct a home that is in keeping with rest of the homes on the street.

4.) Granting the variance would do substantial justice because: This area is slated to be changed to R-1 under the proposed comprehensive rezoning plan; therefore, justice will be served by allowing a home to be built to the R-1 standards.

5.) The use is not contrary to the spirit of the ordinance because: Given the open space available including a 100'+ buffer to any adjoining lot, the intent of the ordinance will be met despite the reduced setbacks.


(As Agent for the Applicant)

11/29/12

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
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2 Continental Boulevard (03867) P. O. Box 249
Rochester, New Hampshire 03866-0249
Telephone (603) 335-3948
NH (800) 479-3948
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November 29, 2012

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

RECEIVED
NOV 29 2012
Planning Dept.

Re: Great Woods Development, LLC - Tax Map 224, Lot 324-11

Dear Councilor Torr:

On behalf of Steve Miller and Great Woods Development, LLC we hereby submit application and supporting data in support of a variance for the above referenced lot. Specifically, we request that the Board grant relief from the Agricultural setbacks as they pertain to the front and rear yards and allow the application of the R-1 setbacks in this instance.

The current zoning ordinance requires a front setback of 35-feet and a rear setback of 50-feet. The problem in this case is that the ordinance also allows a 50% reduction in lot size when there is municipal water and sewer available (40,000 sf. to 20,000 sf.) but there is no corresponding adjustment in the required setbacks. The applicant is proposing to use the R-1 setbacks which require a 25-foot front yard and a 25-foot rear yard.

Further complicating matters in this case is the fact that this lot abuts the cul-de-sac which protrudes into what would otherwise be a rectangular lot. By way of example, the adjoining lot (Lot 324-10) contains the minimum 20,000 sf. and has 5,625 sf. of available building area inside the required "A" setbacks. The subject tract, Lot 324-11, contains 20,733 sf. but only has 4,182 sf. available inside the "A" setbacks. That's 1,443 sf. less than what is available on a lot that is 733 sf. smaller in size!

In further support of this application, I would note that as presently proposed, the Planning Board has targeted this area to be changed from its present designation of Agricultural to Residential-1. Although it is not clear whether the setbacks will stay as they are, the current posted setbacks for the R-1 zone are 10-foot front yard and 20-foot rear yard.

Thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: _____

Arthur H. Nickless, Jr., PLS, President

REVISIONS:

ZONING PLAN
LAREDO LANE
TAX MAP 224, LOT 324-11
ROCHESTER, N.H.
PREPARED FOR
GREAT WOODS
DEVELOPMENT, LLC

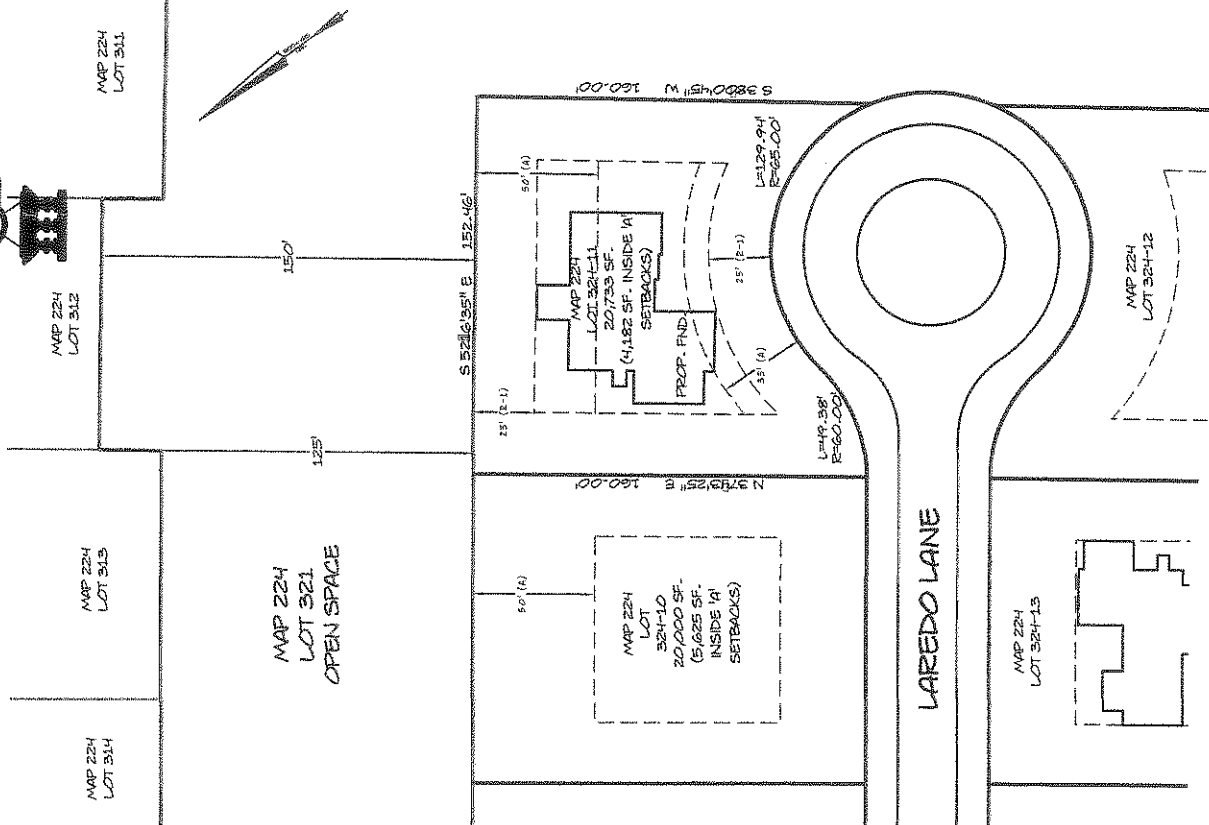
1" = 50' NOV. 2012

GRAPHIC SCALE



(IN FEET)
1 INCH = 50 FT.

NORWAY PLAINS ASSOCIATES, INC.



FILE NO. 109

PLAN NO.

DWG. NO. 07153\FL-11

P.B. NO.

ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: Great Woods Development, LLC Phone: 396-3977

Project Address: 61 Laredo Lane

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
224	324-11	Great Woods Development, LLC	95 Blackwater Rd.; Rochester, NH 03867

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Mailing Address
224	321	Great Woods Subdivision Homeowners Asso.	95 Blackwater Rd.; Rochester, NH 03867
224	324-10	Same as applicant.	
224	324-12	Same as applicant	
224	324-13	Michael S. Devoe	49 Laredo Lane; Rochester, NH 03868-4400

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
Art Nickless/Norway Plains Assoc., 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: 11/29/12. This is page 1 of 1 pages.

Applicant or Agent: 