

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, August 11, 2010** in the City Hall Council Chambers concerning the following:

2010-24 - Application by Kenneth Peterson for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to allow the creation of a lot with 50' +/- frontage instead of the required 150', and creation of lots with 20' side setback instead of the required 25'.

Location: 727 Salmon Falls Road
Tax Map 227, Lot 38, 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



2010-24

7/28/2010 12:45 PM

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

July 20, 2010 (Revised 8/3/10)

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

Re: Request for Variance - Kenneth Peterson - Map 227, Lot 38 - Salmon Falls Rd.

Dear Ralph:

On behalf of the above referenced applicant, we hereby submit application and supporting data for a variance to the terms of Article 42.16, Table 2. Specifically, we request that the terms of said section be waived to 1.) allow the creation of a lot with less than the required street frontage (50' where 150' is required) and 2.) allow the creation of a lot line that has less than the required side building setback (20'± where 25' is required.)

The subject tract is located on the southwesterly side of Salmon Falls Road near its intersection with the abandoned portion of what is commonly referred to as Old Salmon Falls Road. The applicant owns the property as a tenant in common (rather than as a joint tenant) with Sharon Weeks. As part of a partition settlement, the parties agreed to subdivide the lot if the appropriate variances could be obtained.

The problem that exists is that the tract only has 200-foot frontage on Salmon Falls Road. To facilitate the subdivision of the tract, the applicant is requesting a variance to allow one lot to be subdivided with only 50-foot frontage on Salmon Falls Road. Access to the lot would be via the existing driveway which would be shared between both parties.

The second issue relates to the side yard setback. The lot line we need to create to subdivide the property as stipulated in the partition agreement requires relief from the side setback, namely, 20' setback where 25' is required.

Along with the site sketch we are submitting, I would call your attention to the Tax Map sketch also included. Here you will see that there are other lots in this general vicinity that have less than the required frontage (some as low as 50') and less than the required 25' side setback.

Thank you for your consideration.

Sincerely,

NORWAY PLAINS ASSOCIATES, INC.

By: _____

Arthur H. Nickless, Jr., PLS, President

RECEIVED

AUG - 3 2010

Planning Dept.



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. _____

DATE FILED _____

Phone No. (603) 335-3948

ZONING BOARD CLERK

Name of Applicant Kenneth Peterson

Address 727 Salmon Falls Road; Rochester, NH 03868

Owner of property concerned Kenneth Peterson & Sharon Weeks
(if same as applicant write "same")

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

Location of property 727 Salmon Falls Road

Map No. 227 Lot No. 38 Zone A

Description of property 200' 895' 200'
(give length of frontage, side lines rear lines)

Proposed use or existing use affected Subdivision of the lot into two parcels with one lot having less than the required frontage and both lots having less than the required side setback.

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 1. The creation of a lot with 50'± instead of the required 150'; 2. The creation of lots with 20' side setback instead of the required 25'.

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 Subject tract is a large parcel (4.1 ac.) with only 200-foot frontage. Location of existing buildings makes it impossible to partition the property and maintain the side setbacks.

Signed _____

(As Agent for the Applicant)

CRITERION FOR VARIANCE

CASE # _____

DATE _____

A variance is request by Kenneth Peterson

from Section 42.16 subsection Table 2

of the Zoning Ordinance to permit: the creation of a lot with 50'± frontage where 150' is required & the creation of lots with 20' side setback where 25' is required.

at 727 Salmon Falls Road Map 227 Lot 38 Zone A

Facts supporting this request:

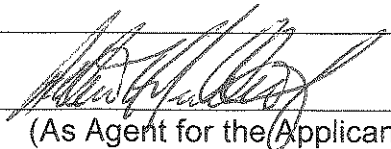
1.) The proposed use would not diminish surrounding property values because: The use of the parcel will not change as a result of this application.

2.) Granting the variance would be of benefit to the public interest because: We doubt the public interest will be affected one way or the other in this particular case except for the fact that the City will actually be able to collect more property taxes if there are two lots rather than one.

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: There are a significant number of lots in this area that do not have 150' frontage or 25' side setback (see attached sketch).

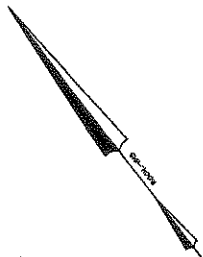
4.) Granting the variance would do substantial justice because: It will allow existing buildings to be placed on separate lots with no adverse affect to the neighborhood or the city in general.

5.) The use is not contrary to the spirit of the ordinance because: The subdivision of this parcel, i.e., the "use" in this instance, is not contrary to the ordinance given that 1.) there is sufficient land area available for two lots despite the lack of frontage, and 2. the buildings already exist, i.e., the applicant is simply proposing lot lines between existing buildings.


(As Agent for the Applicant)

8/3/2010

Date



ZONING SKETCH
SALMON FALLS RD.
TAX MAP 227, LOT 38
ROCHESTER, NH
PREPARED FOR
KENNETH PETERSON
1"=100' APRIL 2010

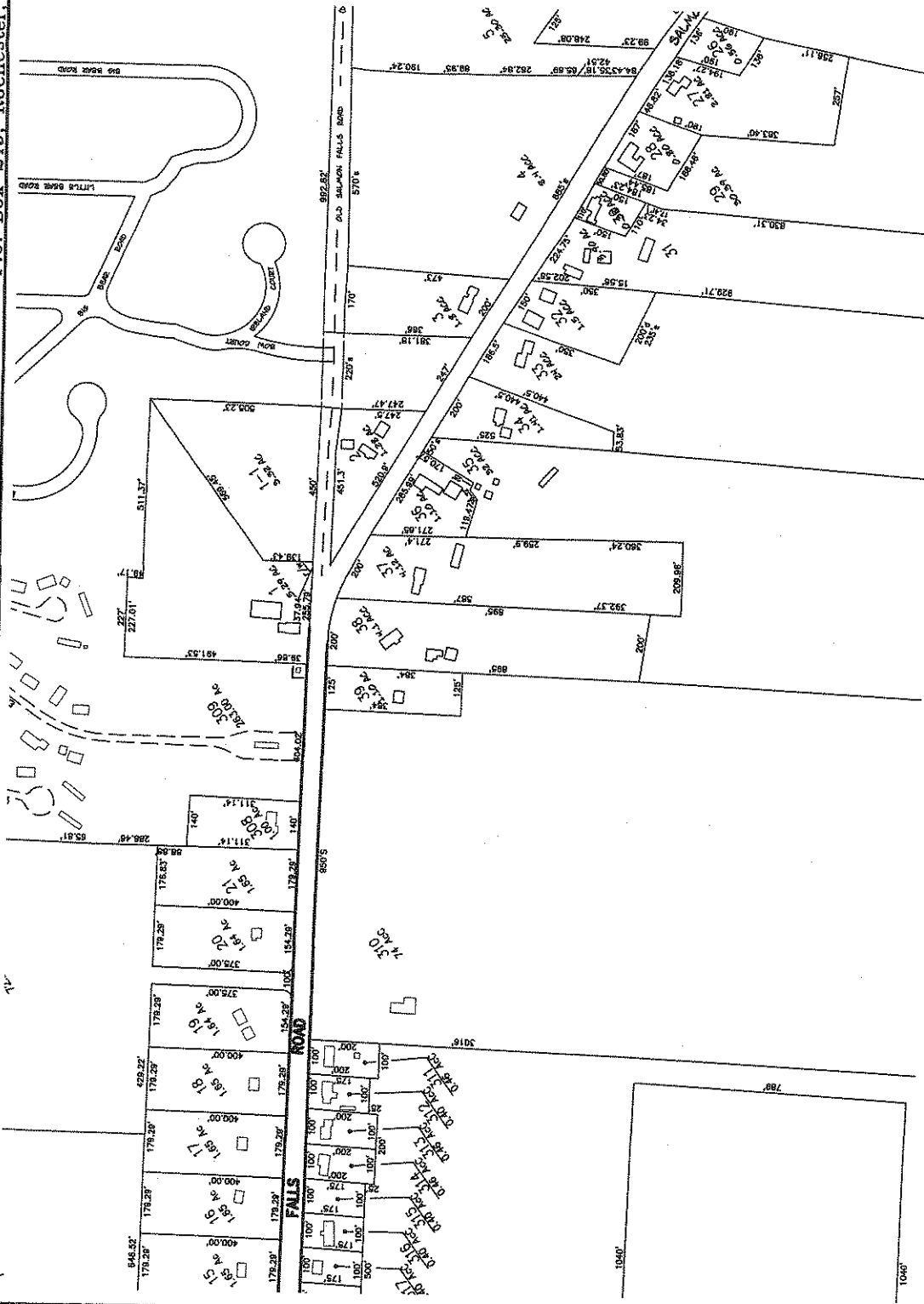
NORWAY PLAINS ASSOCIATES, INC.

FILE NO. 109

PLAN NO.

DWG. NO. ART\PERSON\Z

F.B.I. - NO.



TAX MAP SKETCH
SALMON FALLS RD.
TAX MAP 227, LOT 38
ROCHESTER, NH
PREPARED FOR
KENNETH PETERSON
1"=300' JULY 2010

NORWAY PLAINS ASSOCIATES, INC.

FILE NO. 104
PLAN NO.
DWG. NO. AET/PETERSON2
F.B. NO.

ABUTTER LIST

City of Rochester, NH

Please Print or Type

Applicant: Kenneth Peterson Phone 335-3948

Project Address: 727 Salmon Falls Road

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
227	38	Sharon Weeks & Kenneth Peterson	227 Salmon Falls Rd.; Rochester, NH 03868

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Mailing Address
224	309	Tara Estates, Inc.	716 Salmon Falls Rd.; Rochester, NH 03868
227	1	Franklin & Sharon Zumpfe	732 Salmon Falls Rd.; Rochester, NH 03868
227	37	Donald Routhier & Rickey Cooper	217 High St.; Somersworth, NH 03878
224	310	Metiever Family Trust	685 Salmon Falls Rd.; Rochester, NH 03868
227	35	Donald Routhier & Lorraine Whaley	753 Salmon Falls Rd., Rochester, NH 03868

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: July 27, 2010. This is page 1 of 1 pages.

Applicant or Agent: 