



City of Rochester, New Hampshire  
Department of Building Safety  
31 Wakefield Street \* Rochester, NH 03867  
(603) 332-3508 \* Fax (603) 509-1912

## NOTICE OF PUBLIC HEARING

Dear Abutter:

You are hereby notified of a **Public Hearing** to be held at **7:00 p.m.** on **Wednesday, September 11, 2013** in the City Hall Council Chambers concerning the following:

**2013-28**— Application by Fred Newton for a variance under Article 42.16 Table 2 of the City's Zoning Ordinance to allow a shed that does not meet setbacks.

**Location:** 44 Anderson Lane, Map 228  
Map 118 Lot 51 Block 6 Agricultural Zone

You are welcome to attend the public hearing and comment on the proposal. Be advised you will be allowed to speak at the meeting, however any paperwork will not be accepted at that time.

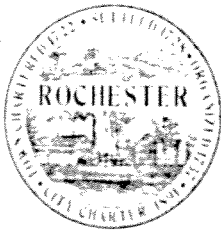
**If you are planning to attend the meeting and have paperwork you wish to have reviewed, or if you are *not* planning to attend the meeting, you may comment by letter, fax or email ([karen.grenier@rochesternh.net](mailto:karen.grenier@rochesternh.net)). However, for the Board to consider your comments they MUST be received NO LATER than 12:00 noon on the Monday before the meeting (September 9, 2013).**

The project application is available for review by the public in the Department of Building Safety or you can view the entire application on the City's website – [www.rochesternh.net](http://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.**

Karen Grenier, Building & Zoning Secretary  
cc: file



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](http://www.rochesternh.net)

8/20/13  
Pd OK 4324-175.00  
CASH  
Variance

Planning & Zoning  
Community Development  
Conservation Commission  
Historic District Commission  
Arts & Culture Commission

### APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

Phone No (603) 973-3378

DO NOT WRITE IN THIS SPACE

CASE NO. 2013-28

DATE FILED 8-20-13

Karen Hume  
ZONING BOARD CLERK

Name of applicant FRED NEWTON

Address 44 ANDERSON LANE ROCHESTER, NH

Owner of property concerned SAME

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

Address SAME

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

Location 44 ANDERSON LANE ROCHESTER, NH

Map No. 228

Lot No. 118-51-6

Zone AGRICULTURE

Description of property FNT 123.39', REAR 123.14', LEFT 164.68', RIGHT 170.6

Proposed use or existing use affected STORAGE SHED ON PRIMARY RESIDENTIAL PROPERTY TO STORE SEASONAL ITEMS, GARDEN IMPLEMENTS, BICYCLES ETC.

Article 42.16  
Table  
The undersigned hereby requests a variance to the terms of Article 2A 674.33  
Section 2 and asked that said terms be waived to permit A 10' ALLOTMENT RATHER  
THAN THE 50' REQUIRED BY THE CURRENT ZONING

If applicable in this case, the undersigned also requests a waiver from the requirement to provide a certified plot plan. (see attached request sheet) Yes ☒ No ☐

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

[Signature]  
(Applicant)

Continue on Page 2

CRITERIA FOR VARIANCE

Case # 2013-28

Date: 8-20-13

A Variance is requested by FRED NEWTON, OWNER  
from Section \_\_\_\_\_ Subsection \_\_\_\_\_  
of the Zoning Ordinance to permit: \_\_\_\_\_

at 228 Map 118-51-6 Lot AGRI Zone \_\_\_\_\_

Facts supporting this request:

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

THE OUTBUILDING IS OF HIGH QUALITY & CONSTRUCTION. THE  
PROPOSED SETBACK WILL PLACE IT IN THE LEAST PROMINENT POSITION

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

USE OF THE PROPERTIES IN THIS AREA IS NO LONGER AGRICULTURAL,  
RATHER IT IS RESIDENTIAL

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

OF DIMENSIONS THAT WOULD PLACE ANY OUTBUILDING  
SUBJECTED TO A 50' ALLOTMENT CLOSE TO THE CENTER.

4.) Granting the variance would do substantial justice because: IT WOULD ALLOW  
FOR CLEANER PROPERTIES & BETTER USE OF THE SPACE IN EACH  
YARD THROUGHOUT THE NEIGHBORHOOD.

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

CITY  
USE BY THE TOWN IS FOR RESIDENTIAL OCCUPANCY.

Name FRED NEWTON Date: 15 AUG 13

# Request of waiver of requirement to have a Certified Plot Plan for Case # 2013 - 28

I request a waiver of the requirement to have a certified plot plan for the following reasons:

- There are no objections from any abutter, and:
- Based on the information provided, the distance into the setback will not create any problems to the abutting property because: CURRENT ~~RESTRICT~~ IT OBSERVES

## ZONING BOARD REQUIREMENTS FOR RESIDENTIAL ZONING

- The property is described in its deed as being bounded, on the side for which relief is requested, by a natural feature like a: (stone wall/ row of large trees/roadway, etc.  
\_\_\_\_\_  
\_\_\_\_\_
- The request for relief from the setback required is modest enough that the probability of a surveying error large enough to make a material difference is remote. Yes X No \_\_\_\_\_
- Information provided is based upon other surveyed parcels in the immediate vicinity and is consistent with the tax map information, so the probability of a surveying error large enough to make a material difference is remote. Yes X No \_\_\_\_\_
- The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment. Yes X No \_\_\_\_\_
- Any other applicable information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*\*Check with the Planning Department to see if it is necessary to fill out this form\**

# Possible Waiver for Case # 2013-28

## Sample wording to make a motion to waive the need for certified plot plan

Even though the property owner does not have a certified plot plan, I move that we waive the requirement for one because there are no objections from any abutter and:

- Other information has been provided in the file that makes the Board comfortable in hearing this application.
- Based on the information provided, the distance into the setback will not create any problems to the abutting property.
- The property is described in its deed as being bounded, on the side for which relief is requested, by a natural feature like a river or stream or an old established landmark like a stone wall, well, or row of large trees so that it is unlikely the actual boundary is different enough to make a material difference to the Board.
- The request for relief from the setback required is modest enough that I believe the probability of a surveying error large enough to make a material difference to the Board is remote.
- Information provided by the applicant that is based upon other surveyed parcels in the immediate vicinity is consistent with the tax map information upon which the applicant is relying, so that I believe the probability of a surveying error large enough to make a material difference to the Board is remote.
- The request for relief from the setback required is in a direction where any impact on the abutter is small or nonexistent and, should a large surveying error be found in the future, there is adequate land area to correct the problem through a lot-line adjustment.

**Karen Grenier**

**From:** Fred Newton [Fred Newton@wdhospital.com]

**Sent:** Tuesday, August 27, 2013 10:58 AM

**To:** Karen Grenier

**Subject:** Fred Newton, Variance Narrative

Dear Madams and Sirs,

Our property is one of many in the newly constructed Rochester neighborhood of Anderson Lane. It is presently zoned for Agriculture. Our family's variance request is to grant our property the same general rights enjoyed by other properties in the City of Rochester's "Residential Zoned" areas. We understand that it is the City's intention to have our neighborhood rezoned in the near future.

Our intention is to have a new shed built and allow for a clean and safe yard. We wish to have the shed be placed on a 10 foot setback from our property lines. This will not be detrimental to properties in the area, our neighborhood or to the City as a whole.

It is necessary for this exception as the current zoning requirement of a 50 foot setback, would place the shed into our small lot's driveway. While the shed is nice, it would not be aesthetically pleasing to the eye.

Respectfully,

Fred and Janice Newton  
44 Anderson Lane, Rochester, NH 03867  
m) 603-973-3378

Confidentiality Notice: This e-mail message is intended only for the named recipient(s) above. It may contain CONFIDENTIAL INFORMATION, (including but not limited to MEDICAL INFORMATION, FINANCIAL INFORMATION, or other information related to Wentworth-Douglass Health System or its patients) which may be legally privileged and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of this e-mail and any attachment(s) is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by replying to this e-mail and delete the message and any attachment(s) from your system.

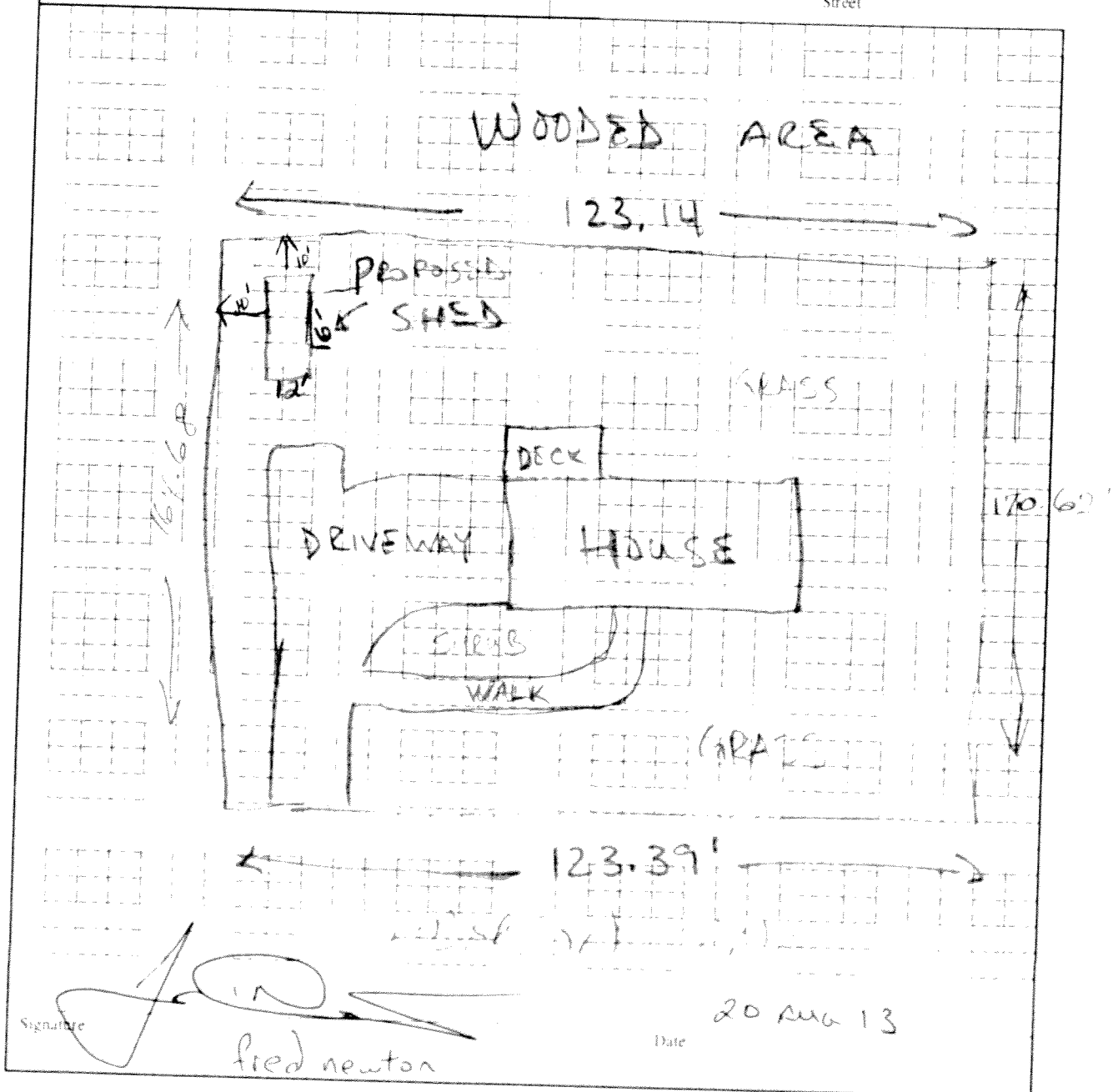
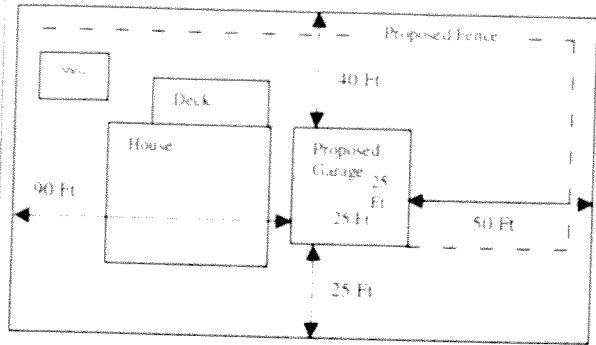
8/27/2013

# Sketch Plan

## Instructions:

- 1) Show the Property lines and road(s).
- 2) Show the proposed Structure and all existing structures.
- 3) Show the Measurements from the proposed structure to all lot lines, measure straight through existing structures if needed.
- 4) Include the dimensions of the proposed structure.
- 5) If installing a fence - show the location.

## Sample Plan







## Unofficial Property Record Card - Rochester, NH

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### General Property Data

Parcel ID 0118-0051-0006	Account Number 24929
Prior Parcel ID --	
Property Owner NEWTON FRED L & JANICE M	Property Location 44 ANDERSON LN
	Property Use SINGLE FAM
Mailing Address 44 ANDERSON LN	Most Recent Sale Date 1/11/2013
	Legal Reference 4089-422
City ROCHESTER	Grantor PARKLAND HOMES LLC
Mailing State NH Zip 03867	Sale Price 229,533
Parcel Zoning A	Land Area 0.470 acres

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### Current Property Assessment

Card 1 Value Building Value 159,600	Yard Items Value 0	Land Value 59,800	Total Value 219,400
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### Building Description

Building Style COLONIAL	Foundation Type CONCRETE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor CONCRETE
Year Built 2012	Roof Structure GABLE	Heating Type FORCED H/W
Building Grade AVG. (+)	Roof Cover ASPHALT SH	Heating Fuel PROPANE
Building Condition Average	Siding VINYL	Air Conditioning 0%
Finished Area (SF) 1888	Interior Walls DRYWALL	# of Bsmt Garages 2
Number Rooms 6	# of Bedrooms 3	# of Full Baths 1
# of 3/4 Baths 1	# of 1/2 Baths 1	# of Other Fixtures 2

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### Legal Description

11851

# ABUTTER LIST

City of Rochester, NH  
Please Print or Type

Applicant: FRED & JANICE NEWTON Phone (603) 973-3378

Project Address: 44 ANDERSON LANE, ROCHESTER, NH

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 submitting the application.

## LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
118	51-6		Fred & Janice Newton	44 ANDERSON LANE, ROCHESTER

## ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
118	51-7	GUY, KIDDE & KIDD Family Trust	50 PLEASANT ST, ROCHESTER, NH 03867
118	51-5	STEVE & GAIL GAN + VINIGUERRA	123 FRANKLIN ST, ROCHESTER, NH 03867
118	49	DANIEL ZACCOM & GLADYS	123 FRANKLIN ST, ROCHESTER, NH 03867
118	51-12	James & Linda Tibbets	45 Anderson Ln. Rochester NH 03867
118	51-13	NGUYEN Hung + Luc Tai	138 Franklin St. Rochester NH 03867
		ARE ACCURATE ON MAP, BUT DOCUMENTS WILL REFERENCE 118 MAP	

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

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form. 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 - Assess Pro (located in the Revenue Bldg at 19 Wakefield Street)

On this date: 23 JUL 13, This is page 1 of 1 pages.

Applicant or Agent:

8/23/13 FRED NEWTON  
Karen Newton

6x 3.56 - 21.36  
175.00 Variance