

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. 2011-09

DATE FILED 1-21-11

Phone No. (603) 332-5986

C. Lewis  
ZONING BOARD CLERK

Name of Applicant CHESLEY HILL PARTNERS, LLC

Address 260 WASHINGTON STREET; 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 39 MISTY LANE

Map No. 251 Lot No. 173-5 Zone R-1

Description of property 100' 605' 250'  
(give length of frontage, side lines rear lines)

Proposed use or existing use affected LOT LINE REVISION TO ADD LAND TO AN ADJOINING LOT TO  
PROVIDE FUTURE ACCESS, LEAVING THE REMAINING LOT W/HOUSE WITH 50-FEET FRONTAGE.

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 THE CREATION OF A LOT WITH 50' FRONTAGE WHERE  
100' 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 constitutes grounds for a variance THE EXISTING  
HOME IS LOCATED SO FAR BACK FROM MISTY LANE THAT LOT FRONTAGE IS NOT AN ISSUE RE:  
MEETING SETBACKS, ETC. FURTHER, IF A FUTURE ROAD IS DEVELOPED, THE HOUSE LOT WILL  
ACQUIRE MORE THAN ADEQUATE FRONTAGE.

Signed

Ronald J. Gilbert  
(As Agent for the Applicant)

RECEIVED

JAN 21 2011

Planning Dept.


CRITERION FOR VARIANCE

CASE # \_\_\_\_\_  
DATE \_\_\_\_\_

A variance is request by Chesley Hill Partners, LLC  
from Section 42.16 subsection Table 2  
of the Zoning Ordinance to permit: the creation of a lot with 50' frontage where 100' is required.  
at 39 Misty Lane Map 251 Lot 73-5 Zone R-1

Facts supporting this request:

- 1.) The proposed use would not diminish surrounding property values because: The lot with reduced frontage will still be used for residential purposes.
- 2.) Granting the variance would be of benefit to the public interest because: If the adjacent lot (246-34-1) is ever developed, this proposal will allow for a connection that may extend all the way to Chesley Hill Road, thereby eliminating a dead-end street.
- 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: Being on a cul-de-sac, frontage is not as important a factor with respect to meeting setbacks, etc. As proposed, the existing house lot will have more than sufficient width and area to more than meet the zoning requirements.
- 4.) Granting the variance would do substantial justice because: It will allow secondary access to a large tract of land.
- 5.) The use is not contrary to the spirit of the ordinance because: Frontage requirements are designed to insure orderly development of lots that have sufficient width and area to meet setbacks, etc. In this case, the attached plan demonstrates that the home already partially constructed on the lot will meet all other zoning requirements. In its present state, the 100-foot frontage provides no real advantage to the homeowner.

  
(As Agent for the Applicant)

1/19/2011

Date

January 20, 2011

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

**Re: Request for Variance - Map 251, Lot 173-5 - 39 Misty Lane**

Dear Mr. Torr:

On behalf of myself and my wife Ruth and Chesley Hill Partners, LLC we are requesting a variance of the terms of Article 42.16, Table 2. Specifically, we request that the terms of said section be waived to allow the creation of a lot with 50-foot frontage where 100-feet is required.

The subject property, owned by Chesley Hill Partners, LLC, is located at the Misty Lane cul-de-sac. This 4.45-acre lot abuts other land owned by my wife Ruth and I consisting of about 88 acres and shown on Tax Map 246 as Lot 34-1. The latter parcel abuts Chesley Hill Road and includes our present home.

The purpose of our request is to allow Chesley Hill Partners to convey Ruth and I part of the Misty Lane parcel which we hope will provide access to the larger tract should we decide to develop the property in the future. You will note the reference to a "Possible Future Access Road" on the attached sketch. To accomplish this while still leaving a lot for the existing home located on the lot at 39 Misty Lane, we need to reduce the frontage from 100-feet to 50-feet.

As you review the sketch, you will note that should Ruth and I ever decide to extend Misty Lane into Lot 246-34-1, the house lot will acquire more than adequate frontage. In the meantime, given the existing home is located so far back from Misty Lane, the only use for the frontage is to provide an area for a driveway. Surely 50-feet is more than adequate width for the construction of a residential driveway.

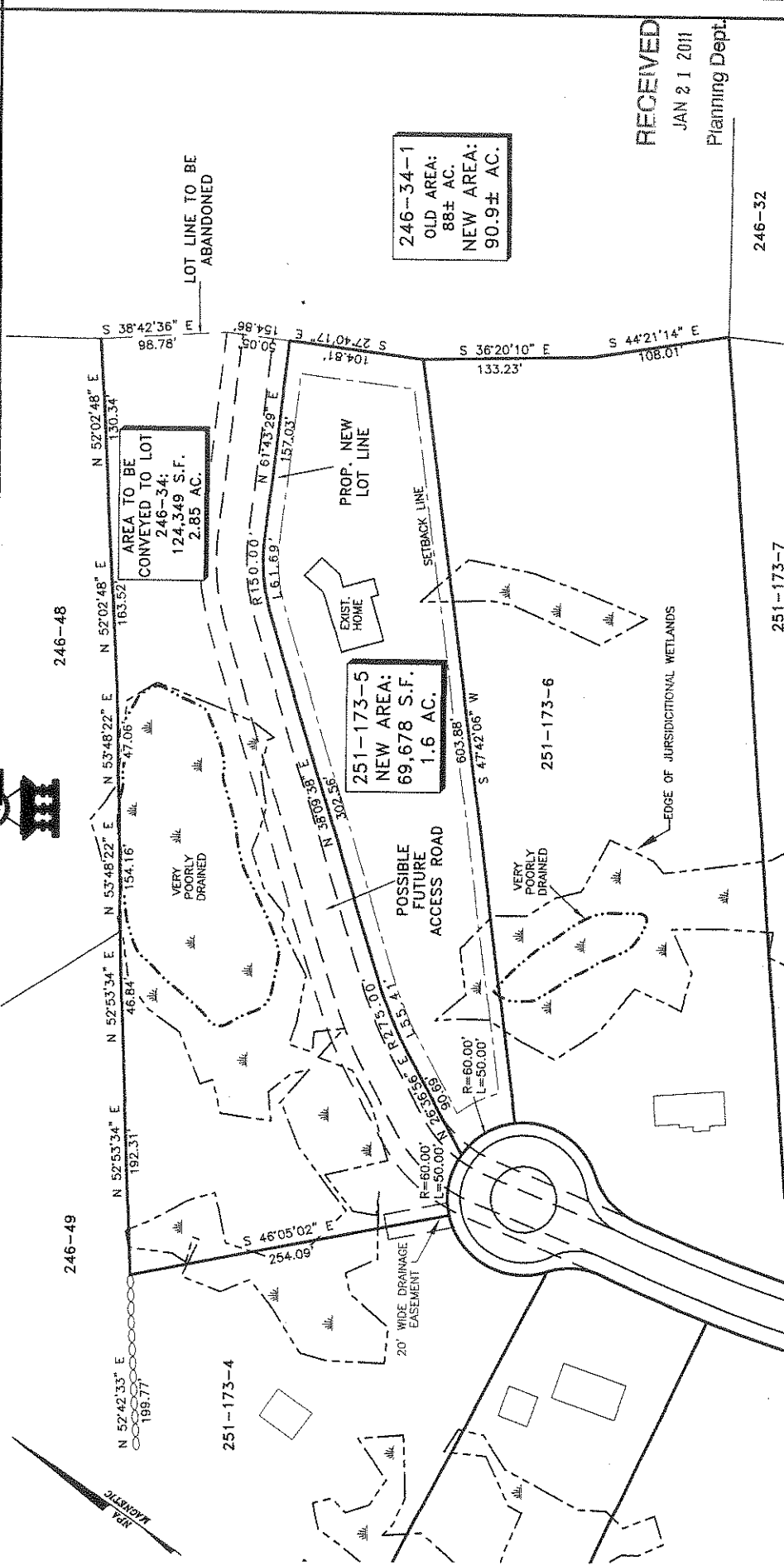
Thank you for your consideration and I look forward to discussing this matter with the Zoning Board at the February meeting.

Sincerely,



Donald Gilbert  
Chesley Hill Partners, LLC  
260 Washington Street  
Rochester, NH 03867

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**LOT LINE  
REVISION SKETCH**

MISTY LANE  
TAX MAP 246, LOT 34-1 &  
TAX MAP 251, LOT 173-5  
ROCHESTER, N.H.  
PREPARED FOR

**CHESLEY HILL PARTNERS, LLC  
and DONALD & RUTH GILBERT**  
1" = 80'  
JANUARY 2011

**NORWAY PLAINS ASSOCIATES, INC.**

FILE NO. 145  
DWG. NO. 00095\ZBA-CIL-T





**ABUTTER LIST**

City of Rochester, NH  
Please Print or Type

**RECEIVED**

JAN 21 2011

Applicant: Chesley Hill Partners, LLC Phone: 332-5988 **Planning Dept.**Project Address: 39 Misty 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
251	173-5	Same as applicant	260 Washington Street; Roch., NH 03867

**ABUTTING LOT OWNERS**

Map	Lot	Owner Name	Mailing Address
246	34-1	Donald & Ruth Gilbert	75 Chesley Hill Rd.; Rochester, NH 03839
246	48	Robert & Julie Bujeaud	35 Darby Ln.; Rochester, NH 03839
246	49	Robert & Sandra Comeau	31 Darby Ln.; Rochester, NH 03839
251	173-4	Brianne St. Pierre & Arthur Nickless	41 Misty Ln.; Rochester, NH 03839
251	173-6	Matthew & Michele Hussey	31 Misty Ln.; Rochester, NH 03839

**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. (7)

Name of Professional or Easement Holder	Mailing Address
Norway Plains Associates, Inc.	P.O. Box 249; Rochester, NH 03866-0249

*pd 68  
22/1467*

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: 1/21/11 This is page 1 of 1 pages.Applicant or Agent: Ronald J. Gilbert