

City of Rochester, New Hampshire

Zoning Board of Adjustment

Variance Application

TO:	BOARD	OF A	ADJUS	TMENT
	CITY O	F RO	CHES	TER

DO NOT WRI	TE IN THIS SPACE	
CASE NO.	2-23-45	
DATE FILED_	8/16/23	
	CH	
Z	ONING BOARD CLERK	

299
Applicant: Real Estate Advisors, Inc
E-mail: rea@cheneyco.com Phone: 6032167721
Applicant: Reyl Estate Advisors, Inc. E-mail: rea@cheneyco.com Phone: 6032167721 Applicant Address: 76 Exeter Bd Newmarket NH 03857
Property Owner (if different):
Property Owner Address:
Variance Address: 0 Evelyn brive Rochester MH 03867
Map Lot and Block No: 21-54
Description of Property: Subdivision
Proposed use or existing use affected: (Ongervertion Subdivision USES Buildings per los
The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 33.73
and asks that said terms be waived to permit 4 buildings cantaining 8 units each
am all located an one lot
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. I understand that while presenting my case the testimony should be confined to the 5 criteria and how they pertain to my case.
Signed:
DEGETAEU
AUG 1 6 2023



31.61.6 Not be to the second

Overview

Granting this variance would not be contrary to the public interest because the proposed use won't change the existing character of the neighborhood since we are asking for a use that is already existing in the neighborhood. Allowing this use is within the spirit of the ordinance since it will allow the plan to better accomplish many goals of the ordinance by providing "a mix of housing types", while also serving to "minimize sight disturbance, erosion and sedimentation", all by "promoting a compact development patterns". On top of that the project will be for 55 and older residents making it a tax benefit to the town. Approving this variance would help to resolve the property's unnecessary hardship of having to entirely reconstruct and improve the existing intersection between Portland and Franklin which makes this property different from any others. Substantial justice would be accomplished as a result of this improvement since the community will have a safer intersection with an added benefit of likely increasing the values of surrounding properties.

Variance Criteria

1) Granting the variance would not be contrary to the public interest because:

The variance is not allowing more units than what is allowed per the plans density. The variance would simply allow the building of residential spaces on two floors, instead of a single floor. Otherwise, the amount of the open space would diminish. Further, the properties subject to the variance are not visible from Portland and Franklin Street, and are instead, at the back of the subdivision, facing the largest portion of open space. Importantly, permitting the use of greater than 4 unit buildings would not alter the essential character of the neighborhood (both Stuart Acres and the surrounding neighborhood), or threaten public health, safety, or, otherwise injure "public rights" since similar housing already exists in the neighborhood, specifically, the Bridle wood Preserve Condominiums (Portland Street) which are configured in multiple, two-story eight unit buildings therefore the character of the conservation subdivision will be unchanged since multifamily buildings (three or more) are already in the area and conservation subdivision regulations already allow for multifamily uses the only difference is there will be 8 units in one building instead of 4.

2) If the variance were granted, the spirit of the ordinance would be observed because:

The spirit of the ordinance is observed because the conservation subdivision allows for multifamily (three or more residential units) therefore 8 units on the same footprint meets the spirit of the ordinance. Also One of the objectives as stated in the town of Rochester's conservation subdivision, is to "provide a mix of housing types". One of our goals in building a multi-generational neighborhood is to provide housing for 55 and over. A two story, building with an elevator would provide more economical housing for 55 and over and often offer security features that can't be as easily found in a single family home.

3) Granting the variance would do substantial justice because:

Granting the variance would do substantial justice since it would allow more diversified housing, including 55 and over housing (over 55) at a more affordable cost to the buyer and all with more open space therefore meeting the needs of the conservation zone and providing a better quality of living for residents. It will also provide more taxable income to the town with less demands of school services.

4.) If the variance were granted, the values of the surrounding properties would not be diminished because:

Due to the investment developers must make to create a subdivision, the value of the properties surrounding the development increase as a result. In addition, this project improves the condition of the intersection between Franklin St. and Portland St. which benefits the value of surrounding properties by increasing safety for residents who utilize said intersection and the overall appearance of the space.

5.) Unnecessary Hardship: a. Owning to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in an unnecessary hardship because:

As part of the approval of Stuart Acres, the developer is required to redo the Franklin St. Intersection along with building 1400 feet of new road within the project without any lots fronting thereon, in order to help maintain open space adjacent to the existing neighborhood. To provide needed 55 and over housing to the town, the allowed density must be accomplished. The configuration that would allow for the density of 90 units without altering the existing road plan, is to allow the developer to build four eight-unit vs. 16 four-unit buildings. This allows the project to maintain the same open space as efficiency is gained building on two floors instead of one.

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

There is essentially no impact to the general public given that the entirety of the project is the same number of density (90 units), it's just the configuration that is different in order to maximize the open space and make the project feasible. Further, the properties subject to the variance are not visible from Portland and Franklin Street, and are instead, are at the back of the subdivision, facing the largest portion of open space.

And: ii. The proposed use is a reasonable one because:

- There is no change to the character of the neighborhood, given that similar properties, including single family, multi-family, multi-family apartments and a mobile home park surround the project
- The properties subject to the variance are not visible to the surrounding neighborhood giving it is located on the back of the subdivision, facing the largest portion of open space
- There is no change to density allowed of the project
- The current road design will remain entirely unchanged
- The planned units are an attractive benefit to the town of Rochester and provide diversified housing for the 55 and over

b. Explain how, if the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owning to the special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in the strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

PHASE 1 M-Continuencia Manually states PHASE 2 Mody NH. 35 STATE A Service College 87£ RITTER 275 22g 375 934 -PHASE 1 1 2 1 1 N C FELT-WOOD 975 374 9 3 E eţe eţe 975 100 101 2**7**5 Cibras are son 10 to 275 275 8<u>1</u>8 275 e i i 200 BÎS BÎS 27E eļs THY XING AND B 1 5 **3**18 71 units 1 375 512 EZE Sig THE DEPOSIT OF THE PROPERTY OF PURSUANT TO THE ALTERNADAD OF TRRUCK PARTS INC. STABILIZED PRICE TO THE LOT EXPELIENCED. HARE & SHOOT IS FILTED AL COMMINICATION OF THE WITHAN CHOSSING MIDRICATION ME-RESIGN OF FORTHAIN AND FRANCE IN STREET. PATIDATE AND STREE CATAMONS TO CRUSH DRIVE. CONFERENCIAN OF EVELTH DRIVE. AND ASSOCIATED INFLITES A GRANACE FACILITY. RETRIEN 33425 TO 19450 -PHASE 3 2) TAX NAP ZEL LOT 21
;3) LOT ARE LETTLES SE FE 4158 A.
;4) SERIO BEOGRASS, PARE THE
5 THE NUMBER OF STRUME ACTA.
5 THE NUMBER OF STRUME ACTA. 7.) DURBHE ANY RIANE, IF LOSE THAN 217.800
SQ TO, IS ALL! IS TO SC DOSTURBED. AN
IPHINGSOTTEL MORTING IS REDUCED.
STANCE.
STANCE. NOTES: A TEMPRIARY HAMEDWILD WILL BE ACTION OF THE WORKY OF CATE 5, 3) & 43-16 BILLOWN PRINTS WILL BE FOUND INTO THE THE HAMEDWILD IS RELIGIOUD AND PROPER PROPERTY OF THE PROPERTY O O Del Manufello MAN PC (1900 DEL MAN PC NEAL ESTATE ADMISSING, INC. 76 DETEN STREET HEMALISTEE, NI 03037 A TANAS TANA GRAPHIC SCALE OCONTA THE BATT DESCRIPT OF THE BATT OF TH MAN SON STILL ANDIA V HENNESTR HOT TO SCALE ROCHESTER, N.H. PHATE ONC PHATE THO PHATE THAT THE PHATE TOWN PRINT LICEND BERRY SURVEYING

& ENGINEERING

335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 603-332-2863 COLOR PHASING PLAN STUART ACRES FOR REAL ESTATE ADMISORS INC 24 JEREMIAH LANE ROCHESTER, N.H. TAX MAP 228, LOT 21 EVISION SCALE : 1 IN. EQUALS 100 FT. JUNE 11, 2019

603 216-7781 CHESTER NA

WALT Chestery

Article 33 Conservation Subdivision

33.7 Allowed uses.

All uses permitted in the zoning district within which the conservation subdivision is located are permitted in the conservation subdivision under the same terms. Two-family, three-family, and four-family dwellings are permitted in conservation subdivisions provided:

- A. At least half of the proposed units are single-family dwellings;
- B. A system of street blocks or a modified grid is used;
- <u>C.</u> The units are carefully integrated into the development (such as placing the units on larger lots at intersections, fronting on greens, or on alternating or cross streets);
- **D.** The architectural designs provide for a harmonious fit with single-family dwellings.
- E. The development standards under Article 5, Residential Zoning Districts, shall apply;
- <u>F.</u> None of these multifamily uses are located within 200 feet of the project boundary; and
- **G.** Each unit shall be considered equivalent to one house lot for density purposes.





Evelyn Drive

City of Rochester, NH

1 inch = 260 Feet



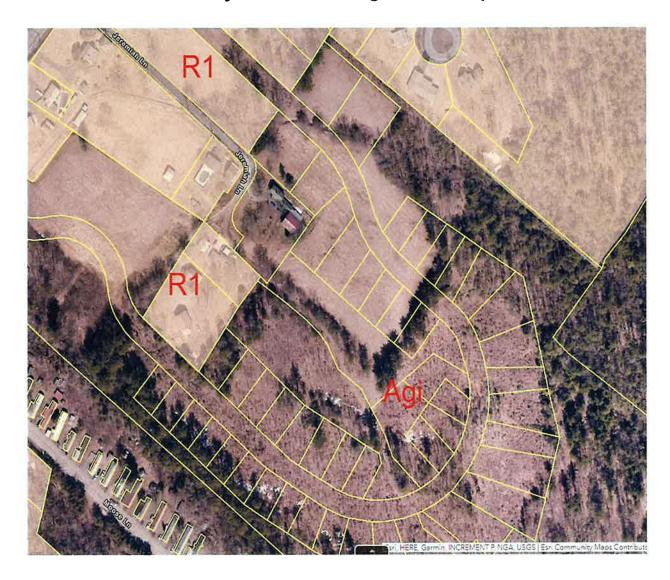
www.cai-tech.com

August 18, 2023 0 260 520 780



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Evelyn Drive – Zoning District Map



47,700 47,700 47,700 47,700 47,700 47,700 Year | Descri | Prior Assesse | Year | Descri | Prior Assess | Year | Descri | Prior Assesse PARCEL CREA ROCHESTER, NH Land Use 1320 Print Date 6/7/2023 2:38:51 PM **NOISIN** Notes Notes Total Land Value Total 47,700 Total 47,700 2022 LAND /ISIT / CHANGE HISTOR Assessed Purpost/Result Current Assesse 47,700 PREVIOUS ASSESSMENTS (HISTORY Value MAPPING CHG Appraised Extra Feature Value (Bldg) Appraised Appraised Outbuilding Value (Bldg) Appraised Building Value (Card) Value Total Appraised Parcel Value Total Appraised Parcel Value Appraised Land Value (Bldg) LUC Co | Prior Assessed CURRENT ASSESSMEN 4,900 2021 LAND 되목 Infl3 Infl3 Adj UnitPrice Valuation Method Account # Bldg # 1 05-05-2019 Date 4,900 132 ~ ~ ಕ ಕ Infl2 Adj otal Description 2020 | LAND Card # Sec # Inf12 LAND LAND LINE VALUATION SECTION 19.09 AC Infl1 Adj 02 Notes A AGRICULTURAL

NHBD NAME SALE CODE RURAL NORTH UnitPric | Size Adj | Cond | Nbhd | Nb Adj | Infl1 Description Parcel Total Land Area 1.000 Parcel ID 0223/ 0021/ 0053/ / 275,000 SALE PRICE 1.00 1010 EGAL DESCRIPTION NEIGHBORHOOD **BUILDING PERMIT RECORD** Code 1010 Stat 1.000 2,500.0 1.00000 **BUILDING NOTES** BOOK/PAGE | SALE DATE O ILEVEL 09-11-2015 01-01-1900 2 % Year Total Card Land Units 19.09 AC Disclaimer This information is believed to be correct but its subject to change and is not warranteed. Insp Date WELL UTL/ST/TRAF 4323 128 0 0 Loc Adj SEPTIC Price PAVED ဗ္ပ LIGHT 19.090 EXCESS A LandU | Land Type Description SALES INFORMATION- GRANTEE 03857 REAL ESTATE ADVISORS INC STUART JEREMIAH J REV TRUST 0 EVELYN DR REAL ESTATE ADVISORS INC Permit Id **OPEN SPACE AREA #2** 돌 UNDEV RES Description Property Location **76 EXETER ST** NEWMARKET Issue Date LUC 1320 Vision ID

14536

Land Use 1320 Print Date 6/7/2023 2:38:51 PM 14536 No Sketch Account # Bldg # 1 ರ್ ಕ Card # Sec # Unit Cost Undepreciated Value Dim 2 | Grade | Condition | Yr Blt | % Gd | Unit Price | Grade Adj. | Appr. Value /XF - BUILDING EXTRA FEATURES(B) Parcel ID 0223/ 0021/ 0053// Building #
Section #
% Owner CONSTRUCTION DETAIL (CONTINUED Description Complex # Eff Area BUILDING SUB-AREA SUMMARY SECTION 1.000 CONDO DATA 0 Living Area | Floor Area Cost to Cure Ovr Comment Code Misc Imp Ovr Comment Cost to Cure Ovr **Building Value New** Depreciation Code Dep Ovr Comment Functional Obsol Economic Obsol Year Remodeled Depreciation % Remodel Rating Central Vac Nbhd Modifier ondo Location MH Serial # Color;Mdl #;D Adjust Type OB - OUTBUILDING & YARD ITEMS(L Percent Good Misc Imp Ovr Element Frend Factor Condo Main Condition % Condo Floor Dep % Ovr Special Adj MH Make fear Built RCNLD Ttl Gross Liv / Lease Area Code Description L/B Qnty Dim 1 Description UCTION DETAIL Description Property Location 0 EVELYN DR S 14536 Bsmt Garage Finished Bsmt 3/4 Bath(s) Half Bath(s) Extra Fixture(s Roof Structure Interior/Exterio Kitchen(s) Extra Kitchen(Exterior Wall 1 Interior Floor 1 Interior Wall 1 Basement Flo Heat Type AC Percent Bedrooms Full Bath(s) Total Rooms Fireplace(s) WS Flues Element Roof Cover Foundation Rec Room Insulation % Heated Heat Fuel Vision IĎ Code Electric Stories Frame Grade Units View

Owner1 Owner2	BillingAddress	City State Zip
ARMSTRONG JAMES T III & ELINOFL	292 FORESIDE DR	TOPSHAM, ME 04086
BENTON ALFRED & CYNTHIA	585 PORTLAND ST	ROCHESTER, NH 03867-2429
BENTON JAMES A & JANE	579 PORTLAND ST	ROCHESTER, NH 03867-2429
CALER DOROTHY F	151 FRANKLIN ST	ROCHESTER, NH 03867-2417
CATANO LOUIS F & PATRICIA M REV TRUST % CATANO L F & P M)	37 BRENDA LN	ROCHESTER, NH 03867-2474
CHAMBERLAIN INVEST PROP LLC % PIERCE	P O BOX 645	IPSWICH, MA 01938-0645
COVIELLO SUSAN & DONROVICH PHYLLIS	32 JEREMIAH LN	ROCHESTER, NH 03867-2429
CURTIS FAMILY REVOCABLE TRUST CURTIS M M & K J TRUSTEES	43 STONEWALL DR	ROCHESTER, NH 03868
DEPUE RACHEL & SETH	596 PORTLAND ST	ROCHESTER, NH 03867
ERICKSON LOIS	39 BALDPATE RD	GEORGETOWN, MA 01833-2302
HOUSE RICHARD E & DEBORAH S	578 PORTLAND ST	ROCHESTER, NH 03867-2428
HUPPE LEO & EVELYN	589 PORTLAND ST	ROCHESTER, NH 03867-2429
HUPPE LEO & EVELYN	589 PORTLAND ST	ROCHESTER, NH 03867-2429
JILLSON CARLY WILBUR BRADFORD	567 PORTLAND ST	ROCHESTER, NH 03867
MABEY MELISSA & CHAD	26 BRENDA LN	ROCHESTER, NH 03867-2474
54	24 JEREMIAH LN	ROCHESTER, NH 03867
MAJOR SEPTEMBER N MAJOR LOGHAN H	31 BRENDA LN	ROCHESTER, NH 03867
MARTIN CHARLES L & DOROTHEA H	611 PORTLAND ST	ROCHESTER, NH 03867-2437
MARTIN PAUL A REV LIVING TRUS' MARTIN PAUL A TRUSTEE	35 BRENDA LN	ROCHESTER, NH 03867-2474
METAYER FAMILY REVOCTRUST % METAYER GERARD R & JOYCE N	21 JEREMIAH LN	ROCHESTER, NH 03867-2429
MONTINI CHRISTINA M & DONLON R TYLER	604 PORTLAND ST	ROCHESTER, NH 03867-2428
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC	76 EXETER ST	NEWMARKET, NH 03857

NEWMARKEL, NH 03857	/6 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC
NEWMARKET, NH 03857	76 EXETER ST	REAL ESTATE ADVISORS INC

REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
REAL ESTATE ADVISORS INC		76 EXETER ST	NEWMARKET, NH 03857
STROGEN ROBERT & SHIELA		27 QUARRY DR	ROCHESTER, NH 03867
STROGEN ROBERT & SHIELA		27 QUARRY DR	ROCHESTER, NH 03867
TROXI PROPERTIES LLC		PO BOX 1464	ROCHESTER, NH 03866
UNGER-MOCHRIE LESLEY F		25 BRENDA LN	ROCHESTER, NH 03867-2474
WEINBERG LINDA &	BURGESS HAROLD C	36 JEREMIAH LN	ROCHESTER, NH 03867
WORCESTER KURTIS L		584 PORTLAND ST	ROCHESTER, NH 03867-2428
YORK SALLY L		600 PORTLAND ST	ROCHESTER, NH 03867-2428

