



# City of Rochester, New Hampshire

## Zoning Board of Adjustment

### Variance Application

TO: BOARD OF ADJUSTMENT  
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2-23-45

DATE FILED 8/16/23

CR

ZONING BOARD CLERK

Applicant: Real Estate Advisors, Inc.

E-mail: rea@cheneyco.com Phone: 6032167721

Applicant Address: 76 Exeter Rd Newmarket NH 03857

Property Owner (if different): \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Variance Address: 0 Evelyn Drive Rochester NH 03867

Map Lot and Block No: 21-54

Description of Property: Subdivision

Proposed use or existing use affected: Conservation subdivision uses 8 Buildings per lot

The undersigned hereby requests a variance to the terms of the Rochester Zoning Ordinance, Ch. 275, Section 33.7

and asks that said terms be waived to permit 4 buildings containing 8 units each

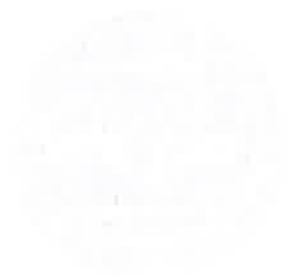
all located on one lot

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: \_\_\_\_\_ Date: 8/15/23



City of New York, New York  
Department of Health



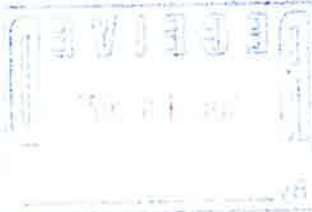
Health Officer

RECEIVED  
JAN 10 1918  
DEPT. OF HEALTH  
NEW YORK

RECEIVED  
JAN 10 1918  
DEPT. OF HEALTH  
NEW YORK

TO THE HEALTH OFFICER OF THE CITY OF NEW YORK  
FROM THE HEALTH OFFICER OF THE CITY OF NEW YORK  
SUBJECT: [Illegible]

[The following text is extremely faint and largely illegible due to the quality of the scan. It appears to be a formal communication or report.]



## **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, owing 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.**





REVISION	DATE	DESCRIPTION
11-01-19	11-01-19	REVISED LAYOUT OF SUBDIVISION
07-05-19	07-05-19	REVISED PER ADJ. AMENDMENT APPLICATION

**BERRY SURVEYING & ENGINEERING**  
 335 SECOND CROWN POINT ROAD  
 BARRINGTON, NH 03825 603-332-2863  
 SCALE : 1 IN. EQUALS 100 FT.  
 DATE : JUNE 11, 2019  
 FILE NO. : DB 2015 - 114

COLOR PHASING PLAN  
 STUART ACRES  
 FOR  
 REAL ESTATE ADVISORS INC.  
 24 JEREMIAH LANE  
 ROCKESTER, N.H.  
 TAX MAP 226, LOT 21

Rock Hill NH  
 35 single 35  
 14 duplex 28  
 2 4plex 8  
 71 units

Walt Cheney  
 603 216-7781  
 Newmarket NH

## 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;
- C. 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;
- F. 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](http://www.cai-tech.com)

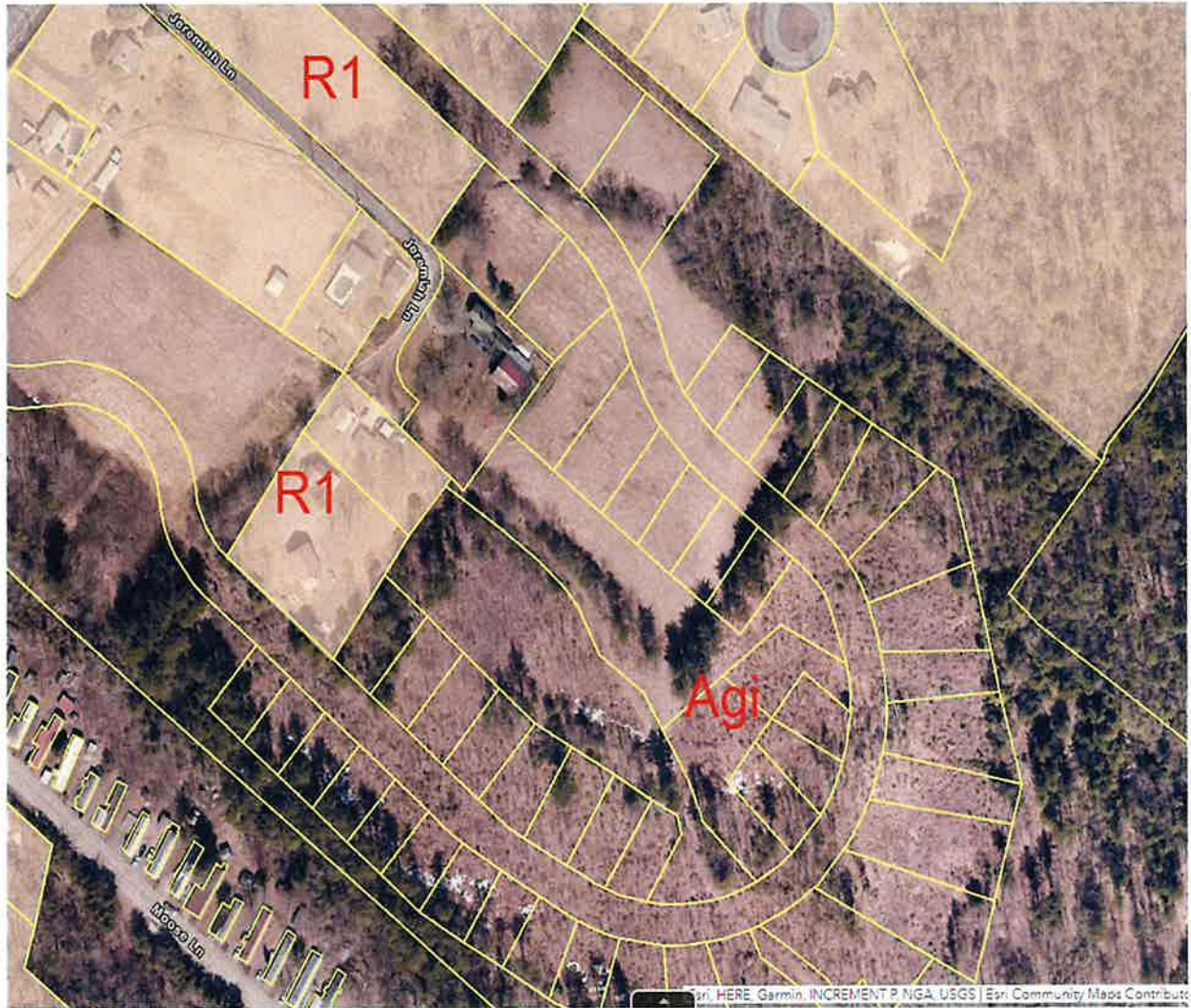
August 18, 2023



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









[illegible]



[illegible]

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 &	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

CEMETERY

UTILITY EASEMENT #9

LOT 21-20 (S)

LOT 21-19 (S)

LOT 21-18 (S)

LOT 21-17 (S)

LOT 21-16 (S)

LOT 21-15 (S)

LOT 21-27 (S)

LOT 21-28 (S)

LOT 21-29 (S)

LOT 21-30 (S)

LOT 21-31 (S)

LOT 21-32 (S)

LOT 21-33 (S)

LOT 21-34 (S)

455 ACRES 95  
2 DOWNS 4  
3/8 PLAT 9  
9/8 PLAT 39  
90

W BOOK 1196, 98

UTILITY EASEMENT #15

DRIVE

LOT 21-2 (S)

LOT 21-3 (S)

LOT 21-4 (S)

LOT 21-5 (S)

LOT 21-6 (S)

LOT 21-7 (S)

LOT 21-8 (S)

LOT 21-9 (S)

LOT 21-10 (S)

LOT 21-11 (S)

LOT 21-12 (S)

LOT 21-13 (S)

LOT 21-14 (S)

LOT 21-15 (S)

LOT 21-16 (S)

LOT 21-17 (S)

LOT 21-18 (S)

INT NATIVE  
RUBS ALONG

13" MAPLE  
W/ BW

6" HEMLOCK  
W/ BW

GRADING &  
DRAINAGE  
EASEMENT #3

GRADING &  
DRAINAGE  
EASEMENT #2

LOT 21-20 (S)

LOT 21-19 (S)

LOT 21-18 (S)

LOT 21-17 (S)

LOT 21-16 (S)

LOT 21-15 (S)

LOT 21-14 (S)

LOT 21-13 (S)

LOT 21-12 (S)

LOT 21-11 (S)

LOT 21-10 (S)

LOT 21-9 (S)

LOT 21-8 (S)

LOT 21-7 (S)

LOT 21-6 (S)

LOT 21-5 (S)

LOT 21-4 (S)

LOT 21-3 (S)

LOT 21-2 (S)

LOT 21-1 (S)

LOT 21-0 (S)

LOT 21-20 (S)

LOT 21-19 (S)

LOT 21-18 (S)

LOT 21-17 (S)

LOT 21-16 (S)

LOT 21-15 (S)

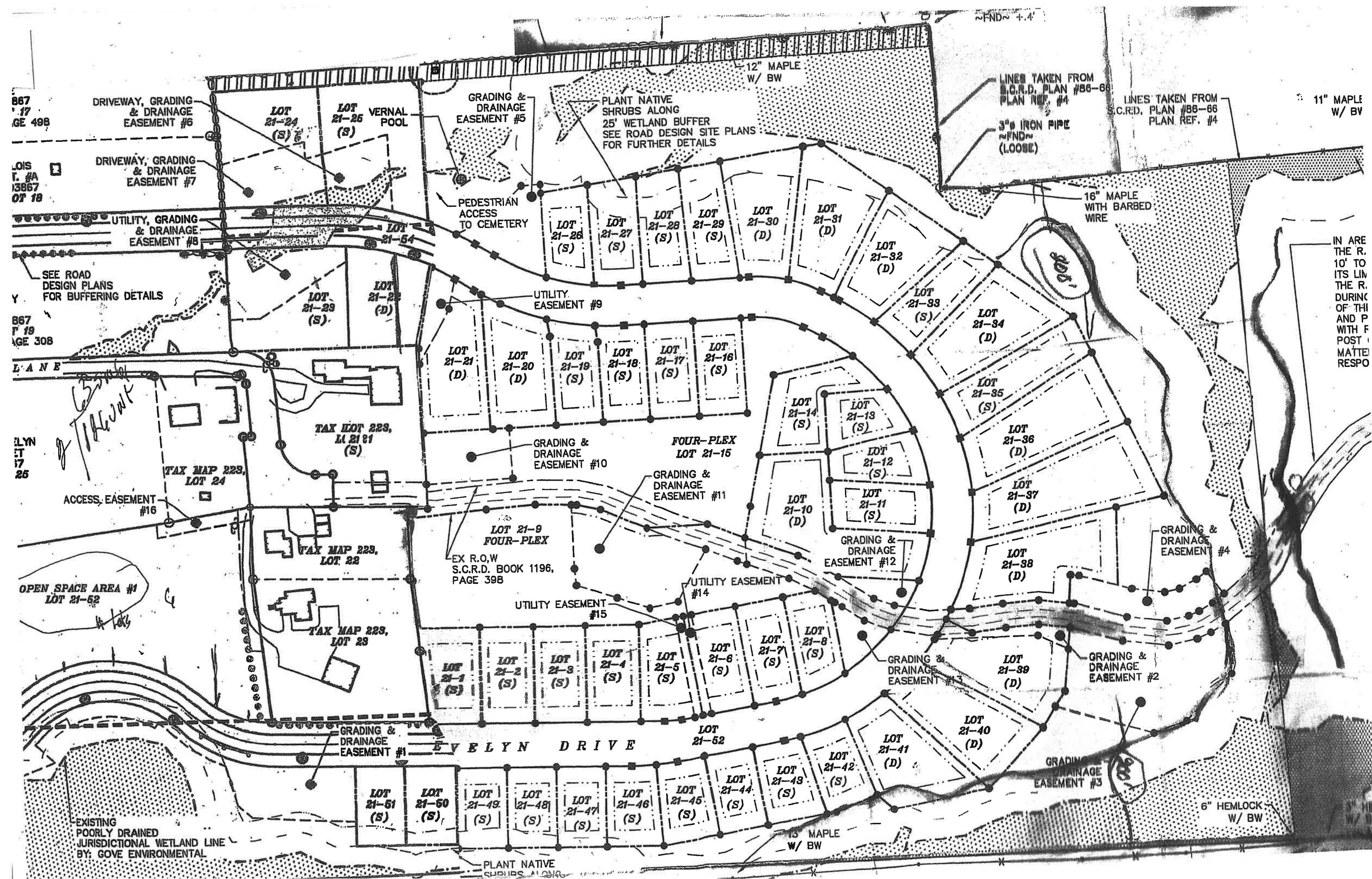


867  
T. 17  
GE 498

LOIS  
T. 18  
13867  
OT 18

867  
T. 19  
AGE 308

ELYN  
T. 25



IN ARE  
THE R.  
10' TO  
ITS LIN  
THE R.  
DURING  
OF THI  
AND P  
WITH F  
POST  
MATTE  
RESPO