




City of Portsmouth, NH

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Land Use Application

LU-19-16

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Building Permit Issued

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JAN 31 2019

Your submission

Submitted Jan 31, 2019 at 4:15pm

BY: _____

Contact Information

Eric Weinrieb

Email address

eric@altus-eng.com

Phone Number

603-433-2335

Mailing Address

133 Court Street , Portsmouth, NH 03801

Location

200 CHASE DR

Portsmouth, NH 03801



Market St

Market St



© OpenStreetMap

Home Occupation residential home occupation established in an existing residential dwelling unit and regulated by the Zoning Ordinance. Home Occupations are not allowed in the following Zoning Districts: Waterfront Business, Office Research, Industrial, or Waterfront Industrial

--

New Use/Change in Use: for a change of land use or an expansion to an existing use (e.g. addition of dwelling units) that includes no exterior work or site modifications

--

Temporary Structure / Use: only for temporary uses (e.g. tents, exhibits, events)

--

Demolition Only: only applicable for demolition projects that do not involve any other construction, renovation, or site work

--

Subdivision or Lot Line Revision: for projects which involved a subdivision of land or an adjustment to an existing lot line

--

Other Site Alteration requiring Site Plan Review Approval and/or Wetland Conditional Use Permit Approval

--

Zoning Information

Base Zoning District

Gateway Neighborhood Center (G2)

Base Zoning District 2

--

Historic District

--

Flood Plain District

--

Downtown Overlay District

--

Osprey Landing Overlay District

--

Airport Approach Overlay District

--

Waterfront Use Overlay District

--

North End Incentive Overlay District

--

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BY: _____

West End Incentive Overlay District

--

Highway Noise Overlay District

--

Application Type

Subdivision (Planning Board)

Lot Line Revision (Planning Board)

--

Site Plan Review (Planning Board)

--

Amended Site Plan Review (Planning Board)

--

Wetland Conditional Use Permit (Planning Board)

--

Amended Wetland Conditional Use Permit (Planning Board)

--

Accessory Dwelling Unit / Garden Cottage Conditional Use Permit (Planning Board)

--

Other Conditional Use Permit (Planning Board)

--

Variance (Zoning Board of Adjustment)

Special Exception (Zoning Board of Adjustment)

--

Historic District Certificate of Approval (Historic District Commission)

--

Land Use Application Fee Calculation

Valuation of New Construction (\$)

6500000

Total Number of Dwelling Units

21

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Project Information

Lot Area (s.f.)

116740

Lot Area Source

boundary survey

Detailed Description of Proposed Work *

Construction of a mixed use building (office and residential)

Brief Description of Existing Land Use *

church and parking lot

Existing Buildings/Structures

Building / Structure Description Total Gross Floor Area (s.f.) Area of Footprint (s.f.) ...

church and out buildings -- -- ...

Existing Buildings/Structures

Existing Yards, Coverage, Parking, and Wetlands

Principal Front Yard / Building Setback (ft)

14.4

Secondary Front Yard / Building Setback (ft)

4

Rear Yard / Building Setback (ft)

19.9

Right Side Yard / Building Setback (ft)

--

Left Side Yard / Building Setback (ft)

--

Total # of Residential Units

2

Number of Parking Spaces

132

Number of Loading Spaces

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0

Area of Surface Parking & Driveways (sq ft)

51600

Other Impervious Surface Area (sq ft)

21700

Is all or a portion of the property located in the wetland area and/or within 100' of the wetland boundary?

--

Proposed Building/Structures (REQUIRED)

Building / Structure Description	Total Gross Floor Area (sq ft)	Area of Footprint (s.f.) ...
mixed use building -	35630	7126

Proposed Building/Structures (REQUIRED)

Additional Proposed Building Information

Number of new hotel rooms

0

Total New Restaurant Use Gross Floor Area

0

Proposed Yards, Coverage, Parking and Wetlands (REQUIRED)

Principal Front Yard / Building Setback (ft)

12

Secondary Front Yard / Building Setback (ft)

--

Rear Yard / Building Setback (ft)

--

Right Side Yard / Building Setback (ft)

14.3

Left Side Yard / Building Setback (ft)

16

Total # of Residential Units

21

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Number of Parking Spaces

28

Number of Loading Spaces

0

Area of Surface Parking & Driveways (sq ft)

--

Other Impervious Surface Area (sq ft)

--

Are you proposing to do any work in the wetland area or within 100' of the wetland boundary?

--

Zoning Board of Adjustment Application Check List

Application Type *

Variance or Special Exception from Dimensional Requirements

I understand that I will need to submit a site plan with this application showing existing and proposed conditions including: front, side, and rear setback/yard dimensions; lot dimensions; abutting streets and street names; driveways / accessways; dimensions (size and height) of structures; dimensions and location of parking spaces; scale of all drawings and plans (scale is the ratio of the drawing's size relative to the actual size) *

I understand that I will need to submit labeled photos of existing conditions with this application *

I understand that I will need to submit building plans and elevations of any proposed structures or additions with this application *

I understand that I will need to submit interior floor plans for any renovations to or expansion of existing structures with this application *

I understand that I will need to submit a written statement with this application explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) *

I understand that all plans / exhibits submitted with this application shall be 8.5" X 11" or 11" X 17" in size *

Project Representatives

Relationship to Project If you selected "Other", please state relationship to project. Full Name (First and Last) ...

Attorney -- Jonathan Springer ...

Project Representatives

Plan Submission

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I understand that this application will not be considered complete until I have provided the required plans and any additional submission requirements. (You will be prompted at the next screen to upload your plans.)*

Acknowledgement

I certify that the information given is true and correct to the best of my knowledge. *

By checking this box, I agree that this is equivalent to a handwritten signature and is binding for all purposes related to this transaction *

I hereby certify that as the applicant for permit, I am the *

Other

If you selected "Other" above, please explain your relationship to this project. Owner authorization is required.

See letter of authorization from church

INTERNAL USE -- Land Use Approvals

Historic District Commission

--

HDC Approval Granted

--

Zoning Board of Adjustment

--

BOA Approval Granted

--

Zoning Relief Required

--

Conservation Commission Review

--

Conservation Commission Review Completed

--

Conditional Use Permit (Wetlands)

--

Wetland CUP Granted

--

Conditional Use Permit (Other)

--

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Other CUP Granted

--

Technical Advisory Committee Review

--

TAC Review Completed

--

Subdivision / Lot Line Revision

--

Subdivision / Lot Line Revision Granted

--

Site Plan Review

--

Site Plan Review Granted

--

Internal consistency review required

--

Certificate of Use Required

--

Stipulations

--

Additional Planning Department Comments

--

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Please log back in to continue your work.

Your session will expire in **15 minutes**. Please finish your work, log out and log back in to start a new session.

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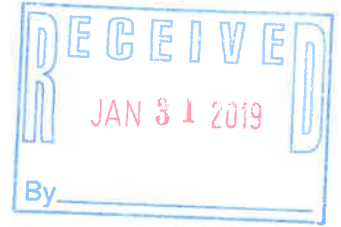
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BY: _____



January 29, 2019

City of Portsmouth Land Use Boards
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

RE: Letter of Authorization

Dear Sirs:

Bethel Assembly of God, 200 Chase Drive, Portsmouth, NH ("the Church") is the owner of the property located at 200 Chase Drive, Tax Map 210, Lot 2. The Church hereby authorizes Chase Drive, LLC, to apply for, in the Church's name and/or as a co-applicant with the Church, any and all land use approvals necessary for a subdivision of the said property and subsequent development of one of the resulting lots, including but not limited to, an application for one of more variances or other relief from the Zoning Board of Adjustment, and/ or subdivision and site plan approval from the Planning Board, and may sign on the Church's behalf any and all applications or other documents regarding the same. A photocopy or scanned version of this authorization shall be as effective as the original. This authorization shall remain effective until revoked in writing by the Church.

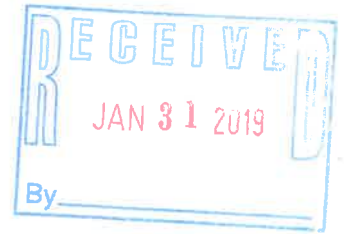
Thank you for your attention to this matter.

Very truly yours,

Bethel Assembly of God

By:  _____

cc: Chase Drive, LLC



PROJECT NARRATIVE AND VARIANCE REQUESTS

The Applicant Chase Drive, LLC (“the Applicant”) is a New Hampshire limited liability company with a principal office address of 36 Maplewood Avenue, Suite 2, Portsmouth, NH 03801. The property owner, the Bethel Assembly of God (“the Church”) has provided a letter of authorization allowing the Applicant to seek land use approval for this project.

The Church currently owns a parcel of property located at 200 Chase Drive, Portsmouth, NH, Tax Map 210-Lot 2 (“the Property”); the Property is the location of the Church. The Property is located in the Gateway Neighborhood Mixed Use Center – “G-2 district”. As can be seen by the submitted plans, the Property has “frontage”, as that term is defined by the City of Portsmouth Zoning Ordinance (the “Ordinance”) on three public roads: Market Street, Chase Drive and Michael Succi Drive. The Property currently consists of 2.68 (+/-) acres.

The Applicant is proposing to subdivide the Property into two lots, and on the newly created lot, is proposing a mixed use building consisting of office space and twenty-one (21) residential apartments. The use is permitted in the G-2 district.

The project meets virtually all zoning requirements, including those of parking, lot size, frontage and design standards. The only exceptions are (1) the “front lot line build out” requirement in Section 10.5B33.20 of the Ordinance; (2) the height/stories of the building in Section 10.5B34.80; (3) the “minimum street facing façade glazing requirement” in Section 10.5B34.80; and (4) the “Building Height, Set Back and Step Back” in Section 10.5B22.20.

A. Front Lot Line Build Out.

Section 10.5B33.20, regarding front lot line build out (“the Build Out Requirement”), states in pertinent part, as follows:

All buildings must have a front lot line built out of at least 50% for residential and community building types, and 75% for commercial and mixed use buildings types.

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In this case, the Property is located on three streets: Market Street, Chase Drive and Michael Succi Drive. The Ordinance does not address such a situation, and it is clear that the intent of the Ordinance would not be to apply the Build Out Requirement to three sides of a building; doing so would create an exceptionally large building, as there would be a building front of 75% of the lot line on three sides.

Further, the definitions of “corner lot” and “through lot” are as follows¹:

Corner lot: a lot having frontage on two intersecting streets, including their point of intersection.

Through lot: a lot having frontage on two more or less parallel streets. On a through lot, both street lines shall be deemed to be front lot lines.

In this case, the Property is neither a “corner lot” nor a “through lot”, as the Property has frontage on three streets.

It is clear that the intent of the Build Out Requirement is to have a specified percentage of the proposed building to be “along” a front lot line. The definitions of “corner lot” and “through lot” also make clear that a lot may have more than one “front lot line.” In the case of a corner lot, the “front lot line” is required to be the line bordering the street on which the lot has its address. For a through lot, however, the Ordinance does not dictate which “front lot line” must be used for the purposes of meeting the Build Out Requirement. In this case, the Applicant is using the front lot line on Michael Succi Drive for the Build Out Requirement, and therefore the proposed development meets the Build Out Requirement (75% build out is required; the proposed project has 77% build out using Michael Succi Drive).

Using Michael Succi Drive meets the Build Out Requirement. In addition, using Michael Succi Drive means a smaller building (because the Michael Succi Drive front lot line is smaller than the lot lines along Market Street and Chase Drive). The smaller building will preserve more

¹ “Corner lot” and “through lot” are subsidiary definitions of the term “lot.” Article 15, 15-24.

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of the parking available both to the Applicant and to the Church. ~~BY:~~ Further, the Property has characteristics of a through lot; it is clear that the Ordinance allows the owner of a through lot to choose which front lot line to use for the Build Out Requirement. The Applicant has the same right as the owner of a through lot to choose which "front lot line" will be used for purposes of the Build Out Requirement.

Because the Applicant believes the Property is uniquely situated between the three streets, and because the definitions of corner lot or through lot do not apply to a lot with three front lot lines, the Applicant (after discussing with City staff) has decided to seek a variance from the provisions of 10.5B33.20 (to the extent that the said provision does not allow the Applicant to use Michael Succi Drive, by right) as the front lot line for purposes of the requirement). Therefore, the Applicant requests a variance from Article 10.5B33.20, for the purposes of using Michael Succi Drive as the front lot line for meeting the Build Out Requirement, as follows:

1. Values of surrounding properties are not diminished.

There will be no diminution in surrounding property values if the variance is granted. By not granting the variance, the Applicant would have to build a bigger building along either the Chase Drive front lot line or the Market Street front lot line. For comparison purposes, Michael Succi Drive front lot line (of the subdivided lot) is approximately 159.5 feet long. The Build Out Requirement along Michael Succi Drive, therefore requires a building front of 75% of that number, or approximately 120 feet. (The Applicant's proposed building would be just under 123 feet.)

The front lot line (of the subdivided lot) along Market Street is approximately 360 (+/-) feet which means that the Build Out Requirement would require a building front of 270 (+/-) feet. Along Chase Drive, there is a front lot line of 417 (+/-) feet which would require a building

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frontage of approximately 313 (+/-) feet. Thus, granting the variance would mean a smaller building, which, the Applicant believes would have less impact on property values.

Further, the Applicant believes that the Build Out Requirement is a method to control the placement and scale of a proposed building on a lot, primarily for aesthetic purposes but also for ingress/egress, and circulation of light and air. These goals of the Build Out Requirement are met here by the Applicant's use of Michael Succi Drive. In short, there will be no impact on surrounding property values if this variance is granted.

2. Granting the variance would not be contrary to the public interest, and
3. The spirit of the ordinance will be observed.

These two variance criteria are often considered together. See Farrar v. City of Keene, 258 N.H. 684 (2009) and Chester Rod and Gun Club v. Town of Chester, 152 N.H. 577 (2005). Pursuant to these variance criteria, the ZBA has to determine whether granting the variance would "unduly and in marked degree conflict with the Ordinance such that it violates the Ordinance's basic zoning objectives." Further, the variance, if granted, would not alter the essential character of the locality.

The basic objectives of the Build Out Requirement as stated previously, are to ensure that the size and scale and location of the proposed building are appropriate vis-à-vis a front lot line. All of those objectives are met here even if the variance is granted, because the Applicant meets the Build Out Requirement along Michael Succi Drive. The proposed project is a permitted use in the zoning district, and granting the variance will allow the Applicant to do exactly what the owner of a through lot is able to do, namely, decide which of the front lot lines will be used for determining the Build Out Requirement.

4. Substantial justice is done by granting the variance.

The Property has a unique characteristic, namely, it has frontage on three streets. While the Applicant has not done a formal survey of all Portsmouth properties, it is fair to say that there

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are probably very few lots in Portsmouth which front on three streets. Certainly, the Ordinance does not address such a three-sided lot when setting out the Build Out Requirement. The benefit of the variance to the Applicant is not outweighed by any harm to the general public or other individuals, and in fact, there is no "loss" to the general public at all if the variance is granted for the simple reason that the Build Out Requirement is met using Michael Succi Drive. However, there would be a loss to the Applicant (and, by extension, to the Church) because, unlike the owner of a through lot, the Applicant/Church does not get the right to choose which front lot line it may use for purposes of Build Out Requirement. Further, not granting the variance would mean that any potential development of the Property, in the manner envisioned by the Applicant and the Church, would require a bigger building and less area for parking.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

Literal enforcement of the Ordinance would result in unnecessary hardship. Unnecessary hardship means: Because of special conditions of the property that distinguish it from other properties in the area (a) there is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (b) the proposed use is a reasonable one. Alternatively, unnecessary hardship means that, only to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

There are special conditions unique to the Property: it is long and narrow, with fronts on three public streets. Further, the front with the least amount of frontage (Michael Succi Drive) is still enough to meet the Build Out Requirement. There are few similarly situated properties in the area, and certainly the Ordinance does not address this situation.

There is no fair and substantial relationship between the general public purposes of the Build Out Requirement and the specific application of that provision to the Property, because if

Michael Succi Drive is not used, then it will result in a building with a much longer/wider front, which the Applicant believes to be contrary to the primary purpose. And the proposed use is a reasonable one, as it is a permitted use in the G2 district.

Alternatively, the Property is distinguished it from other properties in the area, in that the Property is long, narrow and has fronts on three public ways; there are very few if any such properties in the area. Allowing the variance will enable the Applicant, and the Church, to use the Property in a reasonable fashion.

B. Section 10.5B34.80 – Maximum Building height/stories.

Section 10.5B34.80 sets out a maximum building height of 4 stories or 50 feet for a mixed use building in the G-2 zone. The Applicant is proposing a total building height (without counting the parapet) of 56 feet, with 5 stories, as can be seen from the plans submitted with this application. Therefore, a variance is requested from Section 10.5B34.80 for the additional story and height of 6 feet.

1. The values of the surrounding properties will not be diminished by the variance.

The Applicant is proposing a first class, mixed use building, which is a permitted use in the G2 zone. The Applicant meets the requirements regarding parking, lot standards, and many of the design standards such as facade modulation and horizontal articulation and massing elements. The Applicant, as stated, is planning to use Michael Succi Drive for the Build Out Requirement which results in a smaller building footprint. There are few residences in the area, and the Chase Drive residences are up on a hill which is larger than the proposed building, even with the fifth story and extra feet of height. Such a slight increase in height will not have any negative effect on property values of the surrounding properties.

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2. Granting the variance would not be contrary to the public interest, and
3. The spirit of the ordinance will be observed.

BY: _____

These two variance criteria are often considered together. See Farrar v. City of Keene, 258 N.H. 684 (2009) and Chester Rod and Gun Club v. Town of Chester, 152 N.H. 577 (2005). Pursuant to these variance criteria, the ZBA has to determine whether granting the variance would “unduly and in marked degree conflict with the Ordinance such that it violates the Ordinance’s basic zoning objectives.”

The height variance here would not, in a marked degree, conflict with the Ordinance such that it violates the basic zoning objectives. Further, the variance, if granted, would not alter the essential character of the locality. The proposed building is appropriate for the Property, and the surrounding area, in terms of size and scale. As stated in the prior section, even with the height/story variance, the building will not tower or loom over other nearby buildings or homes. It will not block scenic views or vistas. The immediate area is not a heavily traveled pedestrian area or walkway and the building, even after the variance, will not create an “urban canyon” which might have a deleterious effect on surrounding properties.

4. Substantial justice is done by granting the variance.

Substantial justice would be done in this case by granting the variance because any benefit the Applicant is not outweighed by harm to the general public or to other individuals. Many of the same comments pertaining to the prior elements apply to this element as well: the use is a permitted use; the Applicant is using Michael Succi Drive for the Build Out Requirement resulting in a smaller building, and even with these variances, the building will not tower or loom over nearby properties, nor will it block scenic views. It should also be noted that to the east (across Chase Drive, beyond the few residential houses) there really is no opportunity for further development due to the water, and the same applies across Market Street for a significant distance, as that area is already well developed. In other words, granting the height/story

variance does not have any impact upon current development nor will it have an adverse effect on any future development in the immediate area given the limited opportunity for the same.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

Literal enforcement of the Ordinance would result in unnecessary hardship. Unnecessary hardship means: Because of special conditions of the property that distinguish it from other properties in the area (a) there is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (b) the proposed use is a reasonable one. Alternatively, unnecessary hardship means that, only to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

There are special conditions unique to the Property: it has frontage on three streets and presents a long, narrow "building envelope." There are few, if any, similarly situated properties in the area, and certainly the Ordinance does not address this situation. Using Michael Succi Drive for the Build Out Requirement results in a smaller building. The general purpose of the height/story limit is to have a smaller building that does not tower over others, does not block views and does not create urban canyons and similar situations. The proposed building meets all of those goals even if the variance is granted. Further, the mixed use building is a reasonable use for the Property, and indeed is a permitted use under the Ordinance.

Alternatively, the Property is distinguished it from other properties in the area, in that the Property is long, narrow and has fronts on three public ways; there are very few if any such properties in the area. Allowing the variance will enable the Applicant, and the Church, to use the Property in a reasonable fashion.

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C. Minimum street facing façade glazing.

BY: _____

Section 10.5B34.80 sets out a “minimum street facing faced glazing” requirement of 50% on the ground floor (“the Glazing Requirement”). In this case, the amount of the glazing proposed is 22% (+/-). Therefore, a variance is requested from Section 10.5B34.80 for the Glazing Requirement. The Applicant believes that the Glazing Requirement is designed to present an aesthetically pleasing facade, and one that is “interactive” with pedestrians and passers-by, in terms of lighting, transparency, and the avoidance of dark, “monolithic” facades of brick, stone or the like. Further, the Applicant believes that the Glazing Requirement was intended to apply more to traditional downtown areas of the City and/or areas where there is a “vibrant” neighborhood personality, for lack of a better term, of pedestrians, shopping/strolling, sightseeing, and the like.

1. The values of the surrounding properties will not be diminished by the variance.

There will be no diminution of surrounding property values if the variance is granted. Market Street is heavily traveled by vehicles, but it does not have the type of neighborhood or attractions that the Glazing Requirement protects or addresses. Likewise, while Michael Succi Drive and Chase Drive are less travelled than Market Street, again, they also do not have those types of characteristic. The building as designed has ample glazing consistent with residential units and will be an attractive building when completed. It complies with many of the aesthetic requirements in the Ordinance and will not present the type of dark, monolithic ‘wall’ that the Glazing Requirement is designed to avoid.

2. Granting the variance would not be contrary to the public interest and

3. The spirit of the ordinance will be observed.

Granting the variance here would not unduly and in marked degree conflict with the Ordinance such that it violates the Ordinances’ basic zoning objectives. The Glazing Requirement is intended to create welcoming and vibrant area for pedestrians, shoppers and the

like which is not a concern at the Property. Further, the proposed building has in fact many windows and the design has followed much of the Ordinance regarding aesthetics. A mixed use building, including residential and office, is permitted in the G2 zone. The proposed building's design incorporates many windows in an attractive design, for the residences. However, to meet the Glazing Requirement, the windows would have to take up 50% of the ground floor, which is not a preferred option for ground floor residences, for privacy and security.

4. Substantial justice is done by granting the variance.

Substantial justice would be done by granting the variance. The glazing variance here would not, in a marked degree, conflict with the Ordinance such that it violates the basic zoning objectives. Requiring full compliance with the Glazing Requirement will not produce a more attractive building. Many of the evident goals of the Glazing Requirement, as set forth previously do not apply to the Property in its location and certainly, granting the variance will not lead to a building with dark, monolithic sides.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

Literal enforcement of the Ordinance would result in unnecessary hardship. Unnecessary hardship means: Because of special conditions of the property that distinguish it from other properties in the area (a) there is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (b) the proposed use is a reasonable one. Alternatively, unnecessary hardship means that, only to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

There are special conditions unique to the Property: it is long and narrow, with fronts on three public streets. There are few similarly situated properties in the area, and certainly the Ordinance does not address this situation.

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There is no fair and substantial relationship between the general public purposes of the ~~BY~~ Glazing Requirement and the specific application of that provision to the Property. In a true downtown or neighborhood setting, the Glazing Requirement creates inviting storefronts, lighted ways, and the like. Here, given the shape and location of the Property, those goals are not an issue because it is located in an area where there is little foot traffic that would benefit from the Glazing Requirement. Even if the variance is granted, the building will be attractive, and safe, secure and well-lighted. And the proposed use is a reasonable one, as it is a permitted use in the G2 district.

Alternatively, the Property is distinguished it from other properties in the area, in that the Property is long, narrow and has fronts on three public ways; there are very few if any such properties in the area. Allowing the variance will enable the Applicant, and the Church, to use the Property in a reasonable fashion.

D. Building Height, Set Back and Step Back in Section 10.5B22.20

Section 10.5B22.20 deals with the “Building Height, Set Back and Step Back” (“the Step Back Requirement.”) That provision states:

Buildings taller than 35 feet that front on streets with right of way widths of 60’ or less shall be required to be set back or step back from the right of way line in accordance with 10.5B22.10. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive shadowing on narrower streets in the district.

In turn, the chart and figure accompanying Section 10.5B22.20 show that, if the distance from the street right of way is less than 24 feet, then the maximum building height within that “step back” is 35 feet; when the distance from the street right of way is 25 feet to 49 feet, the maximum building height within that step back is 45 feet, and when the distance from the street right of way is 50 feet or more, the maximum building height outside of the fifty foot mark is 60 feet. The Ordinance states that the purpose of the Step Back Requirement is “to enhance the

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pedestrian environment and prevent excessive shadowing on narrower streets in the district." See Section 10.5B22.20.

The width of the right of way width of both Market Street and Michael Succi Drive is equal to or greater than 60 feet and therefore the Step Back Requirement does not apply to those streets. The right of way width of Chase Drive is less than 60 feet, and therefore the Step Back Requirement applies. Therefore, a variance is requested from 10.5B22.20 for the Step Back Requirement.

1. Values of surrounding properties are not diminished.

As proposed, the building is set back almost 15 feet from the lot line on Chase Drive. The few homes on the far side of Chase Drive are elevated, and most are oriented away from looking directly at the proposed building. Given the differing elevations as well, granting the variance will not impact surrounding property values if this variance is granted.

2. Granting the variance would not be contrary to the public interest and
3. The spirit of the ordinance will be observed.

Granting the variance here would not unduly and in marked degree conflict with the Ordinance such that it violates the Ordinances' basic zoning objectives. The Step Back Requirement is intended to enhance the pedestrian environment and prevent excessive shadowing on narrower streets in the district. Chase Drive can hardly be considered a "narrow street" and it is also not a "pedestrian environment", certainly not like many of the more traditional downtown locations are. The proposed setback and the location and orientation of the Property ensure that there will be no conflict with the basic objectives.

4. Substantial justice is done by granting the variance.

Substantial justice would be done by granting the variance. The Step Back variance here would not, in a marked degree, conflict with the Ordinance such that it violates the basic zoning objectives. Requiring full compliance with the Step Back Requirement will not produce a more

JAN 31 2019

attractive, safe or secure pedestrian environment. The building, as proposed, ~~does not create~~ ^{BY:} excessive shadowing.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

Literal enforcement of the Ordinance would result in unnecessary hardship. Unnecessary hardship means: Because of special conditions of the property that distinguish it from other properties in the area (a) there is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (b) the proposed use is a reasonable one. Alternatively, unnecessary hardship means that, only to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance.

There are special conditions unique to the Property: it is long and narrow, with fronts on three public streets. There are few, if any, similarly situated properties in the area, and certainly the Ordinance does not address this situation. The “building envelope” on the Property is already rather narrow, and this envelope would be further reduced by the Step Back Requirement. Many properties in the City will be able to make up the loss in building height imposed by the Step Back Requirement simply by developing further back on the property, ie, one can go back more than 49’ and then increase the height. In this case, that is not an option.

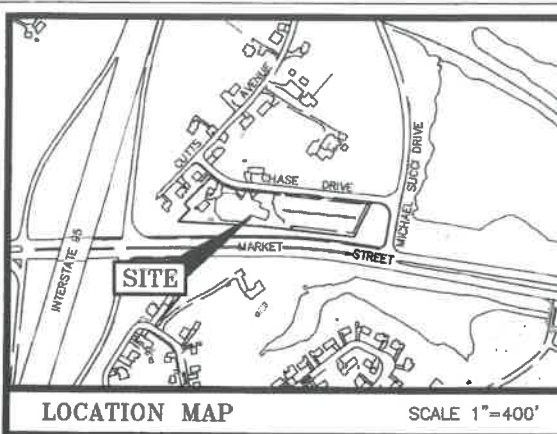
There is no fair and substantial relationship between the general public purposes of the ordinance provision (enhance the pedestrian environment and prevent excessive shadowing) and the specific application of that provision to the Property. As previously said, Chase Drive can hardly be considered a “narrow street” and it is also not a “pedestrian environment”. There will also be no “excessive shadowing” on Chase Drive (and certainly not on the residential homes on the far side of Chase Drive) if the variance were granted. Also, the proposed use, and the proposed design, are reasonable in all respects.

Alternatively, the Property is distinguished it from other properties in the area, in that the Property is long, narrow and has fronts on three public ways; there are very few if any such properties in the area. Allowing the variance will enable the Applicant, and the Church, to use the Property in a reasonable fashion.

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PLAN REFERENCE:

- 1) LOT LINE ADJUSTMENT PLAN 200 CHASE DRIVE & 373 CUTTS AVENUE PORTSMOUTH, NEW HAMPSHIRE ASSESSOR'S PARCELS 210-2 & 210-5 FOR KRISTEN G. BOUCHIE & THE BETHEL ASSEMBLY OF GOD. PREPARED BY JAMES VERRA AND ASSOCIATES, INC. DATED MAY 23, 2013, FINAL REVISION DATE JUNE 25, 2013. R.C.R.D. PLAN D-39287.
- 2) SEE PLAN REFERENCE 1 FOR ADDITIONAL PLAN REFERENCES.

WETLAND NOTES:

- 1) HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 8/3/2018 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
 - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
 - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2017).
 - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
 - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
 - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

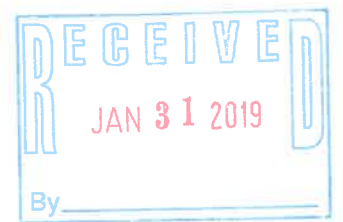
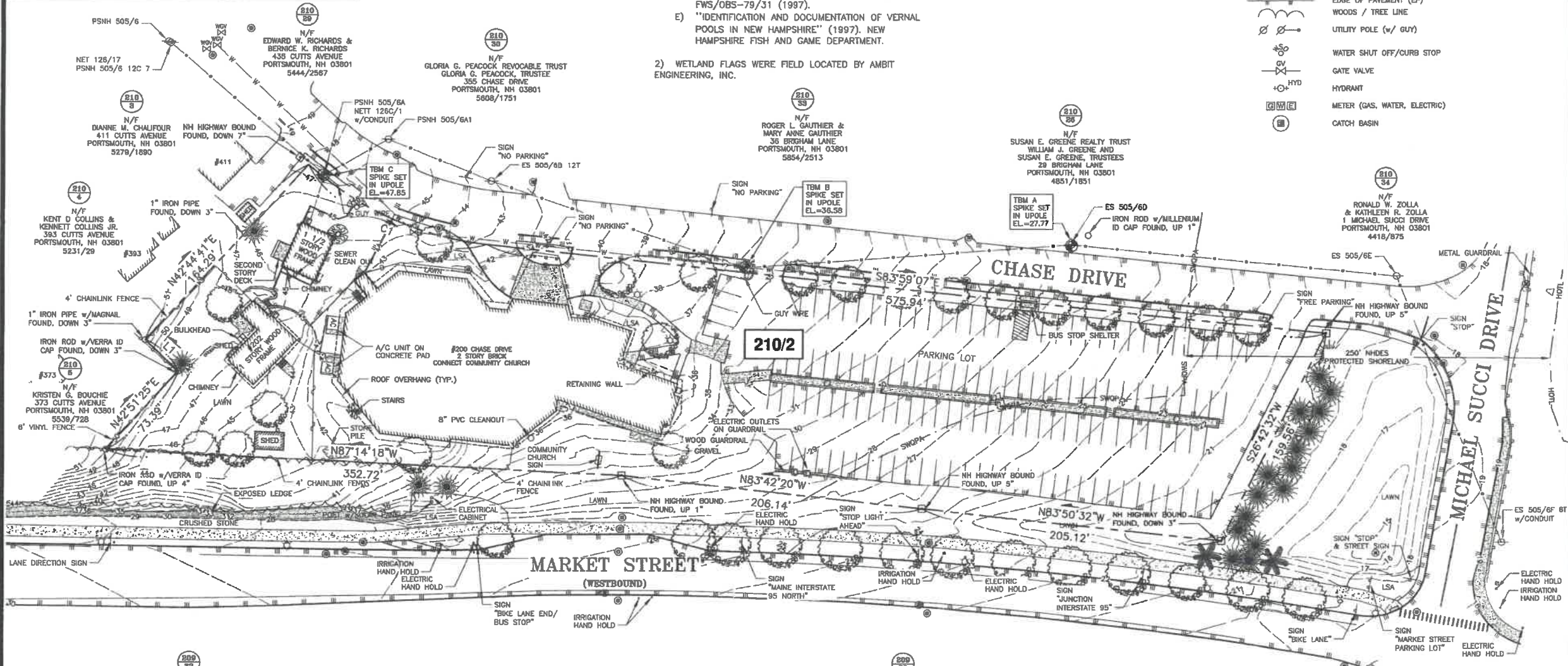
LEGEND:

EXISTING	NOW OR FORMERLY
N/F	RECORD OF PROBATE
RP	ROCKINGHAM COUNTY
RCRD	REGISTRY OF DEEDS
(Symbol: Circle with '11')	MAP 11 / LOT 21
(Symbol: Square with 'RR SPK FND')	RAILROAD SPIKE FOUND/SET
(Symbol: Circle with 'IR FND')	IRON ROD FOUND/SET
(Symbol: Circle with 'IP FND')	IRON PIPE FOUND/SET
(Symbol: Circle with 'DH FND')	DRILL HOLE FOUND/SET
(Symbol: Square with 'NHHB FND')	NH DOT BOUND FOUND
(Symbol: Square with 'TB FND')	TOWN BOUND FOUND
(Symbol: Square with 'BND w/DH')	BOUND w/ DRILL HOLE
(Symbol: Square with 'ST BND w/DH')	STONE BOUND w/DRILL HOLE
(Symbol: Dashed line)	SWOPA - NHDES 250' PROTECTED SHORELAND
(Symbol: Solid line)	HOTL - HIGHEST OBSERVABLE TIDE LINE
(Symbol: Dashed line with 'D')	STORM DRAIN
(Symbol: Dashed line with 'E')	UNDERGROUND ELECTRIC
(Symbol: Dashed line with 'W')	OVERHEAD ELECTRIC/WIRES
(Symbol: Dashed line with 'EP')	EDGE OF PAVEMENT (EP)
(Symbol: Dashed line with 'W/T')	WOODS / TREE LINE
(Symbol: Circle with 'U')	UTILITY POLE (w/ GUY)
(Symbol: Circle with 'W')	WATER SHUT OFF/CURB STOP
(Symbol: Circle with 'G')	GATE VALVE
(Symbol: Circle with 'H')	HYDRANT
(Symbol: Square with 'M/E')	METER (GAS, WATER, ELECTRIC)
(Symbol: Circle with 'C')	CATCH BASIN

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 9
Portsmouth, N.H. 03801-7114
Tel (603) 450-8282
Fax (603) 450-8215

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 210 AS LOT 2.
- 2) OWNER OF RECORD: BETHEL ASSEMBLY OF GOD, 200 CHASE DRIVE, PORTSMOUTH, N.H. 03801, 1986/395 & 2248/889 D-38287
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE 5/17/2005.
- 4) EXISTING LOT AREA: 116,591 S.F., 2.6766 ACRES
- 5) PARCEL IS LOCATED IN THE GATEWAY CENTER (G2) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS: SEE SHEET SEE ZONING ORDINANCE
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULT OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 210 LOT 2 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').



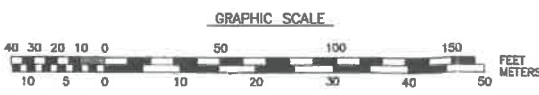
BETHEL ASSEMBLY OF GOD
200 CHASE DR
PORTSMOUTH, N.H.

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N47°21'20"W	31.46'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	215.00'	135.68'	133.44'	S65°54'23"E	36°09'27"



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A DOBBERSTEIN, LLS
DATE

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	8/6/18

SCALE 1" = 40' AUGUST 2018

EXISTING CONDITIONS PLAN

C1

NOTE:

THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED SUBDIVISION OF TAX MAP LOT 210, LOT 2 FOR THE CREATION OF A NEW LOT, TAX MAP 210, LOT 2-1. THE PROPOSED SITE IMPROVEMENTS FOR TAX MAP 210, LOT 2-1 ARE DEPICTED ON THE BOA SITE PLAN SHEET C-3, DATED JANUARY 31, 2019.

PLAN REFERENCES:

- EXISTING CONDITIONS PLAN, BETHEL ASSEMBLY OF GOD 200 CHASE DRIVE, PORTSMOUTH, N.H. BY AMBIT ENGINEERING, INC. DATED AUGUST 6, 2018, AND STAMPED BY PAUL A. DOBBERSTEIN, NH LICENSED LAND SURVEYOR NO. 1000 ON AUGUST 7, 2018.
- LOT LINE ADJUSTMENT PLAN 200 CHASE DRIVE & 373 CUTTS AVENUE PORTSMOUTH, NEW HAMPSHIRE ASSESSOR'S PARCELS 210-2 & 210-5 FOR KRISTEN G. BOUCHIE & THE BETHEL ASSEMBLY OF GOD, PREPARED BY JAMES VERRA AND ASSOCIATES, INC. DATED MAY 23, 2013, FINAL REVISION DATE JUNE 25, 2013, R.C.R.D PLAN D-38287.

ZONING SUMMARY (TAX MAP 210, LOTS 2 AND 2-1)

ZONING DISTRICT G2 (GATEWAY NEIGHBORHOOD MIXED USE CENTER)

LOT STANDARDS:

	REQUIRED	LOT 210/2 PROVIDED	LOT 210/2-1 PROVIDED
MINIMUM LOT DEPTH	NR		
MINIMUM STREET FRONTAGE (MARKET STREET)	50 FT 100 FT	±205 FT ±403 FT	±159 FT ±360 FT
SETBACKS:			
FRONT:	MARKET STREET 0-50 FT CHASE STREET 0-50 FT MICHAEL SUCCI DRIVE 0-50 FT	±14.4 FT ±3.9 FT NA	SEE BOA SITE PLAN FOR PROPOSED SITE IMPROVEMENTS TO LOT 210/2-1 AND ZONING SUMMARY
SIDE	15 FT	19.6 FT	
REAR	20 FT	NA	

PROPOSED LOTS:

TAX MAP 210, LOT 2 (EXISTING CHURCH)
LOT AREA 58,758± S.F. (1.35 ACRES)
SPECIAL EXCEPTION PLACE OF ASSEMBLY - RELIGIOUS (EXISTING)

TAX MAP 210, LOT 2-1 (NEW LOT)
LOT AREA 57,832± S.F. (1.33 ACRES)
PARKING ACCESS EASEMENT TO BE GRANTED IN FAVOR OF LOT 210/2 FOR 30,715± S.F. (0.7± ACRES)

ENGINEER:
ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

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DRAWN BY: **CDB**
APPROVED BY: **EDW**
DRAWING FILE: **4950.DWG**

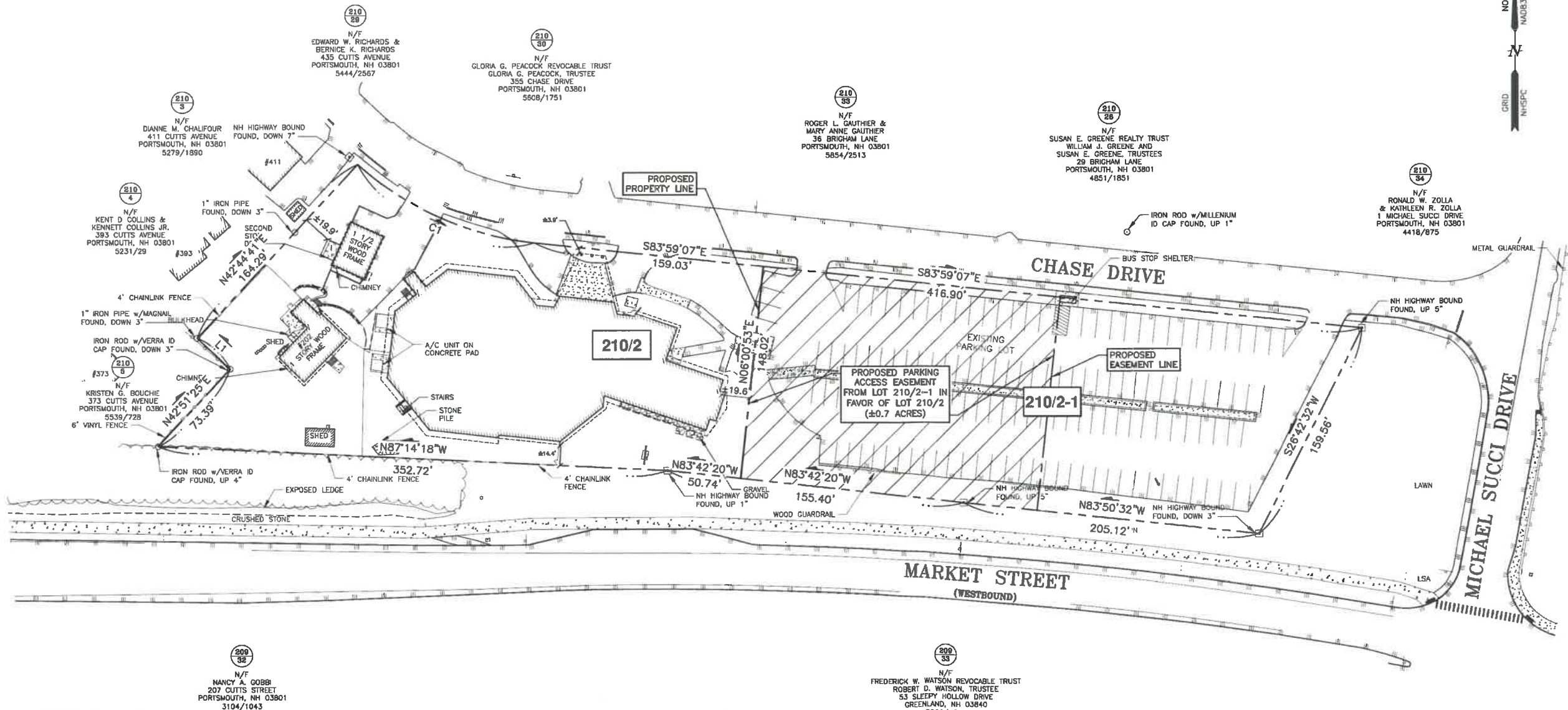
SCALE:
11" x 17" - 1" = 80'

OWNER/APPLICANT:
**BETHEL ASSEMBLY OF GOD
200 CHASE DRIVE
PORTSMOUTH, NH 03801**

PROJECT:
**TWO LOT SUBDIVISION
200 CHASE DRIVE
PORTSMOUTH, NH
ASSESSOR'S PARCEL 210-2**

TITLE:
PRELIMINARY SUBDIVISION PLAN

SHEET NUMBER:
C-2

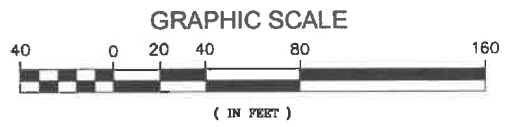


CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	215.00'	135.68'	133.44'	S65°54'23"E	36°09'27"

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S47°21'20"E	31.46'



P4871

ZONING VARIANCES REQUESTED:

- A. FRONT LOT LINE BUILD OUT - SECTION 10.5B33.20
THE REQUIREMENT FOR MIXED USE BUILDINGS IS 75% OF THE LOT FRONTAGE. THE BUILDING MEETS THE BUILD OUT REQUIREMENT ALONG MICHAEL SUCCI DRIVE, BUT DOES NOT ALONG CHASE DRIVE(15%) OR MARKET STREET (17%).
- B. MAXIMUM BUILDING HEIGHT AND STORIES - SECTION 10.5B34.80
PROPOSED 56 FOOT HEIGHT, 5-STORY BUILDING WHERE THE MAXIMUM BUILDING HEIGHT IS 50 FEET AND 4 STORIES.
- C. MINIMUM STREET FACING FACADE GLAZING - SECTION 10.5B34.80
THE PROPOSED BUILDING HAS A COMMERCIAL UNIT ON THE SIDE FACING CHASE DRIVE, WHICH HAS 50% GLAZING AS REQUIRED. THE THE SIDES FACING MICHAEL SUCCI DRIVE AND MARKET STREET ARE RESIDENTIAL AND HAVE A MINIMUM GLAZING OF 22%, WHICH IS CONSISTENT WITH SECTION 10.5B34.40 FOR APARTMENT BUILDINGS.
- D. BUILDING HEIGHT, SET BACK, AND STEP BACK - SECTION 10.5B22.20
THE MAXIMUM BUILDING HEIGHT VARIES FROM 35 FEET TO 60 FEET, BASED ON THE SETBACK, STEPBACK, AND STREET RIGHT OF WAY WIDTH. THE PROPOSED BUILDING IS 56 FEET TALL WITHIN THE SET BACK AND STEP BACK AREAS.

ZONING SUMMARY

TAX MAP 210, LOT 2-1 (NEWLY CREATED LOT)
 LOT AREA 57,935± SF (1.33 ACRES)
 ZONING DISTRICT G2 (GATEWAY NEIGHBORHOOD MIXED USE CENTER)
 PERMITTED USE MULTI-FAMILY GREATER THAN 8 UNITS, MIXED USE OFFICE

RESIDENTIAL DENSITY	ALLOWED	PROVIDED
	16 UNITS/ACRE	16 UNITS/ACRE
	(21 UNITS FOR 1.33 ACRE SITE)	

MINIMUM LOT AREA	REQUIRED	PROVIDED
SEPARATION BETWEEN BUILDINGS ON THE SAME LOT	10 FEET	57,935± SF
ROOF SHAPES AND ROOFLINES		NA

MAXIMUM NUMBER OF PRINCIPAL BUILDINGS	1	1
MAXIMUM BUILDING LENGTH	200 FEET	±119 FEET

MINIMUM FRONT LOT LINE BUILD OUT (MIXED USE BUILDING)	REQUIRED	PROVIDED
MICHAEL SUCCI DRIVE	75%	76% (122 FT)
CHASE DRIVE	75%	15% (63.5 FT)
MARKET STREET	75%	17% (63.5 FT)

PARKING REQUIREMENTS:

DWELLING UNITS (750 SF)
 1.3 SPACES PER DWELLING UNIT
 21 DWELLING UNITS PROPOSED
 27.3 SPACES REQUIRED

OFFICE SPACE (1,322 SF GFA)
 1 SPACE PER 350 SF
 3.8 SPACES REQUIRED
 TOTAL= 31.1 SPACES REQUIRED

PARKING INCENTIVE SECTION 10.5B82.10 A)
 20% REDUCTION IN SPACES REQUIRED 25 SPACES REQUIRED
 28 SPACES PROVIDED

BICYCLE PARKING REQUIRED 1 SPACE PER 5 DWELLING UNITS
 4.2 SPACES REQUIRED
 5 SPACES PROVIDED

ZONING SUMMARY CONTINUED

LOT STANDARDS:
 *VARIANCE REQUESTED

REQUIRED	PROVIDED
MINIMUM LOT DEPTH	
NR	
50 FT	±159 FT
100 FT	±360 FT

SETBACKS:

FRONT:	MARKET STREET	CHASE STREET	MICHAEL SUCCI DRIVE	REQUIRED	PROVIDED
	0-50 FT	0-50 FT	0-50 FT	0-50 FT	16.0± FT
	0-50 FT	0-50 FT	15 FT	15 FT	14.3± FT
	0-50 FT	15 FT	20 FT	15 FT	12.0± FT
	0-50 FT	15 FT	20 FT	20 FT	19.6± FT
	NA	NA	NA	NA	NA

MINIMUM OPEN SPACE

REQUIRED	PROVIDED
20%	27%

BUILDING LOT USE:

REQUIRED	PROVIDED
MAXIMUM DWELLING UNITS PER BUILDING	24
NR	21

DESIGN STANDARDS:

MAXIMUM BUILDING HEIGHT - 4 STORIES (50FT), WHEN R/W 60 FEET OR GREATER*
 (MARKET STREET) - 50 FEET (RIGHT OF WAY GREATER THAN 60 FEET)
 (MICHAEL SUCCI DRIVE) - 50 FEET (RIGHT OF WAY GREATER THAN 60 FEET)
 (CHASE DRIVE) -

REQUIRED	PROVIDED
0 TO 24 FEET	35 FEET
25 TO 49 FEET	45 FEET
50 FEET OR MORE	60 FEET

MINIMUM STREET FACING FACADE HEIGHT

REQUIRED	PROVIDED
18 FT	18+ FT

MINIMUM DWELLING FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE

REQUIRED	PROVIDED
24 INCHES	2 FT

MAXIMUM BUILDING COVERAGE

REQUIRED	PROVIDED
60%	13%
20,000 SF	7,126 SF

MAXIMUM FAÇADE MODULATION LENGTH

REQUIRED	PROVIDED
100 FEET	50 FEET

MINIMUM STREET FACING FAÇADE GLAZING

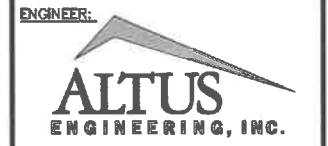
REQUIRED	PROVIDED
50% (GROUND FLOOR)	22% *

MAXIMUM STREET FACING ENTRANCE SPACING

REQUIRED	PROVIDED
NR	NR

ROOF TYPE

ALL FORECOURT, RECESSED ENTRY PORCH, OFFICE FRONT, TERRACE, GALLERY, ARCADE



133 COURT STREET PORTSMOUTH, NH 03801
 (603) 433-2335 www.ALTUS-ENG.com

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NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	01/31/19

DRAWN BY: _____ CDB
 APPROVED BY: _____ EDW
 DRAWING FILE: _____ 4950.DWG

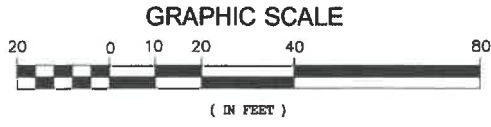
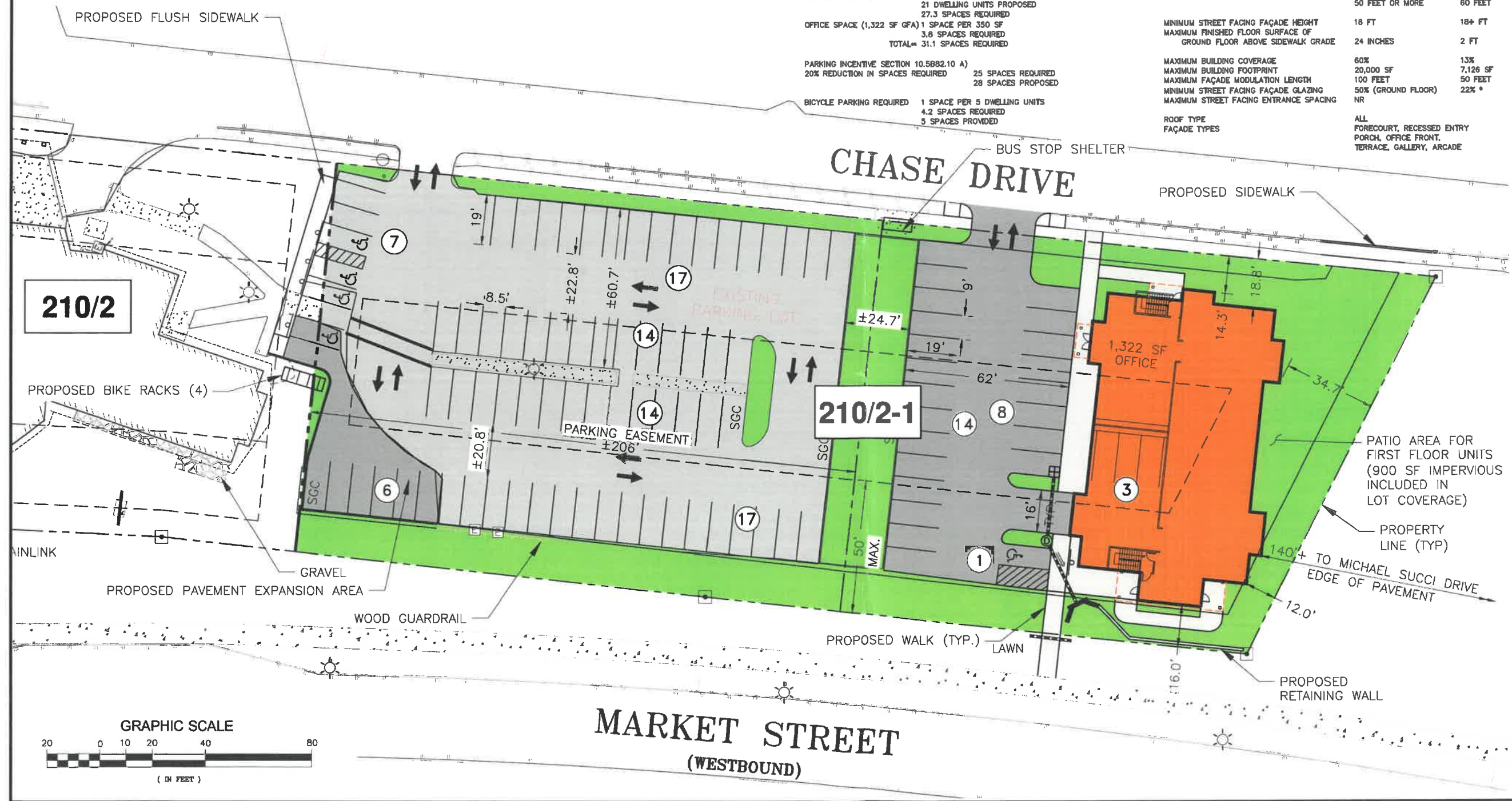
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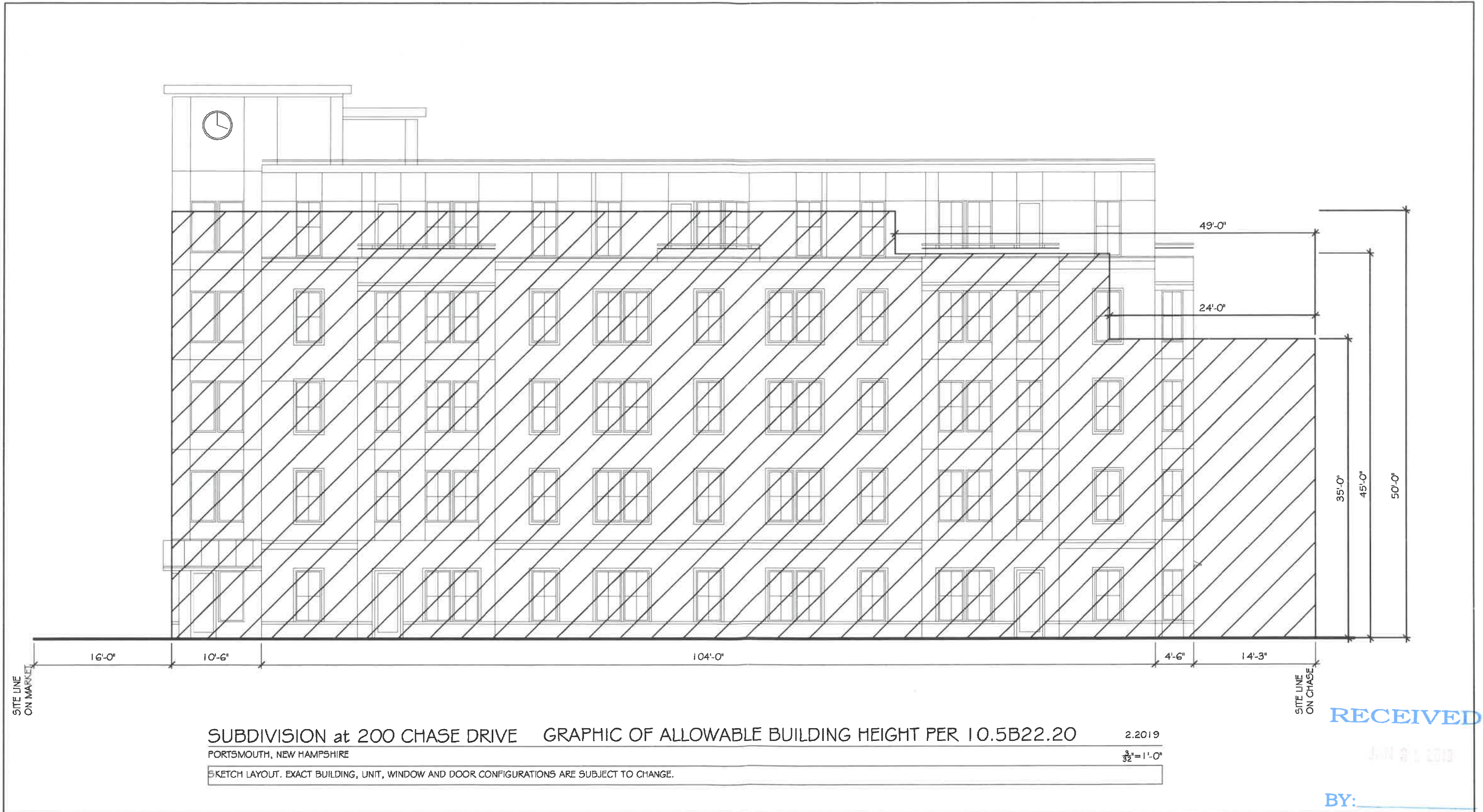
OWNER/APPLICANT:
 BETHEL ASSEMBLY OF GOD
 200 CHASE DRIVE
 PORTSMOUTH, NH 03801

PROJECT:
 MULTI-FAMILY RESIDENTIAL DEVELOPMENT
 200 CHASE DRIVE
 PORTSMOUTH, NH
 ASSESSOR'S PARCEL
 210-2

TITLE:
 BOA SITE PLAN

SHEET NUMBER:
 C-3





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SUBDIVISION at 200 CHASE DRIVE CHURCH FACING ELEVATION SKETCH

PORTSMOUTH, NEW HAMPSHIRE

2.2019

$\frac{3}{32}'' = 1'-0''$

SKETCH LAYOUT. EXACT BUILDING, UNIT, WINDOW AND DOOR CONFIGURATIONS ARE SUBJECT TO CHANGE.

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 JUN 11 2019
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SUBDIVISION at 200 CHASE DRIVE MICHAEL SUCCI DR. ELEVATION SKETCH (FRONT)

PORTSMOUTH, NEW HAMPSHIRE

2.2019

$\frac{3}{32} = 1'-0"$

SKETCH LAYOUT. EXACT BUILDING, UNIT, WINDOW AND DOOR CONFIGURATIONS ARE SUBJECT TO CHANGE.

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1/18/2019

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SUBDIVISION at 200 CHASE DRIVE MARKET ST. ELEVATION SKETCH

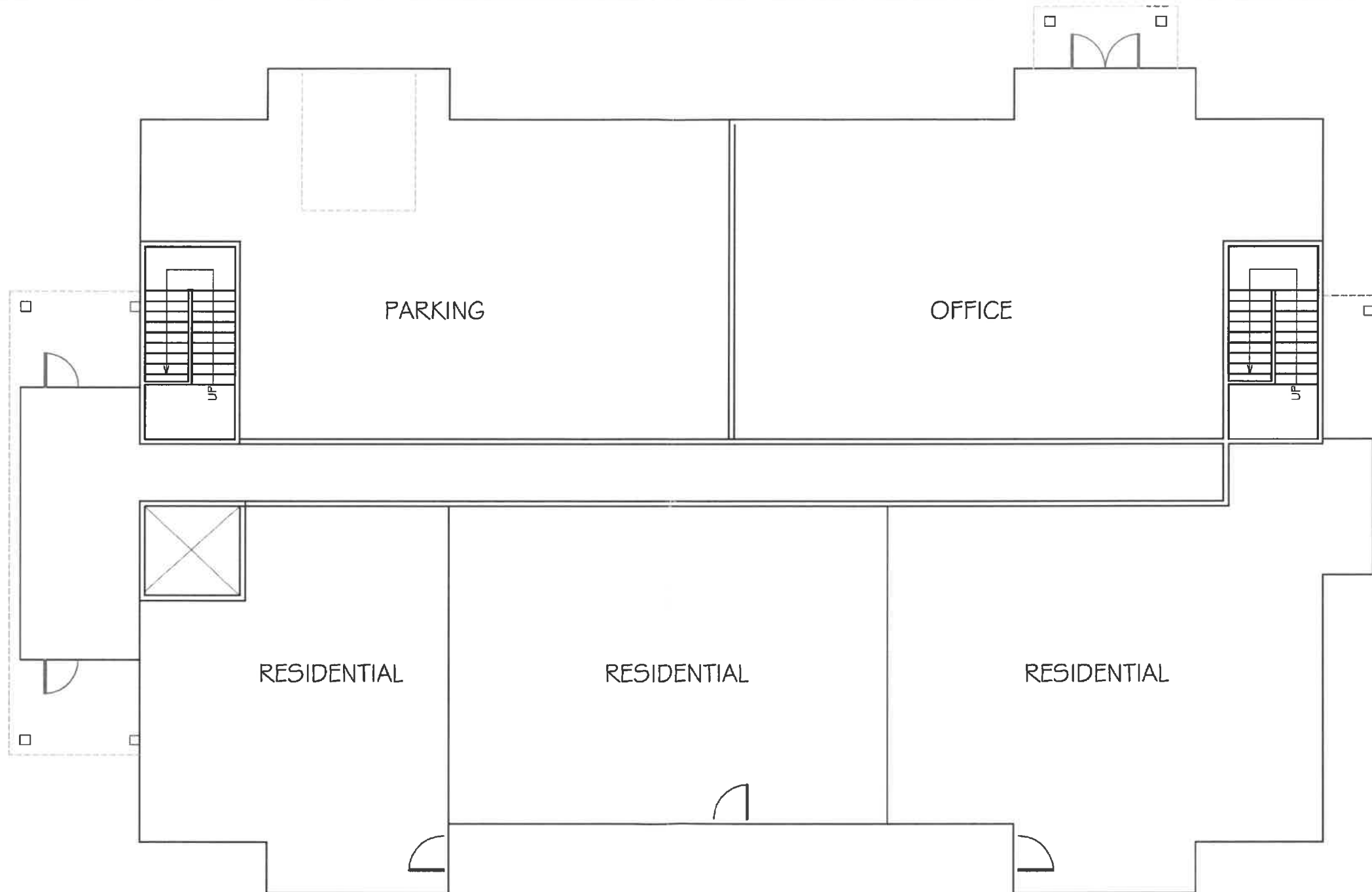
PORTSMOUTH, NEW HAMPSHIRE

CHASE ELEVATION SKETCH

2.2019

3/8" = 1'-0"

SKETCH LAYOUT. EXACT BUILDING, UNIT, WINDOW AND DOOR CONFIGURATIONS ARE SUBJECT TO CHANGE.



SUBDIVISION at 200 CHASE DRIVE
 PORTSMOUTH, NEW HAMPSHIRE

FIRST FLOOR PLAN SKETCH

2.2019

$\frac{3}{32}'' = 1'-0''$

SKETCH LAYOUT. EXACT BUILDING, UNIT, WINDOW AND DOOR CONFIGURATIONS ARE SUBJECT TO CHANGE.

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BETHEL ASSEMBLY OF GOD
200 Chase Street, Portsmouth NH

Site Photographs
Photos taken January 30, 2019



1) View from corner of Market Street and Michael Succi Drive looking west

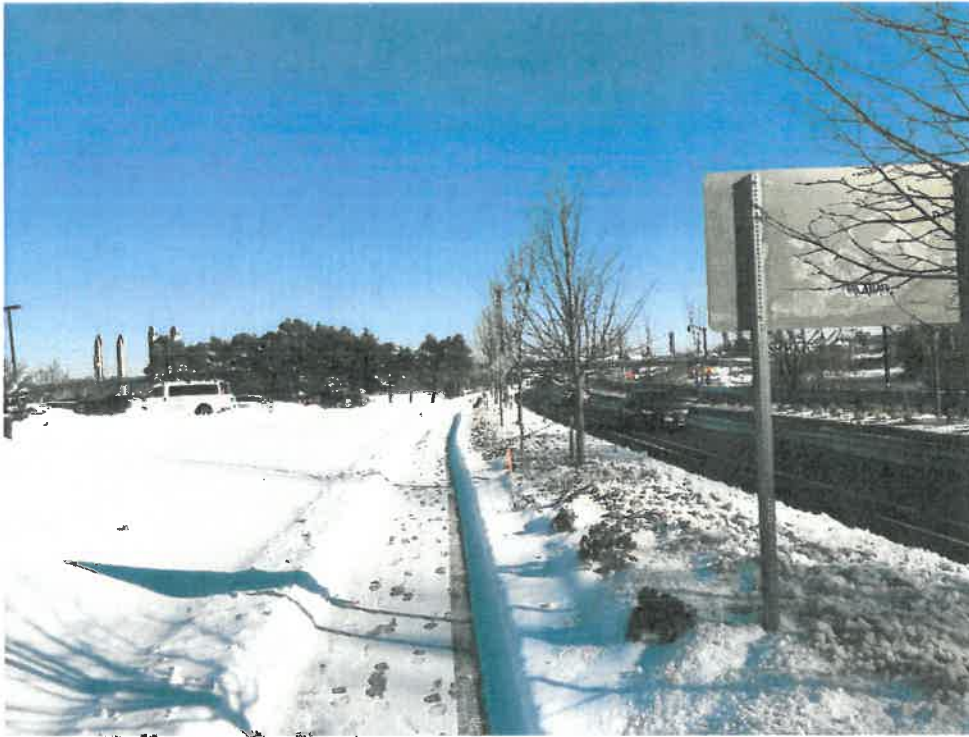


2) View from Market Street looking northeast

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3) View along Market Street looking east



4) View of parking lot from church looking east



5) *View of parking lot from Chase Drive looking south*



6) *View of parking lot from Chase Drive looking southwest*

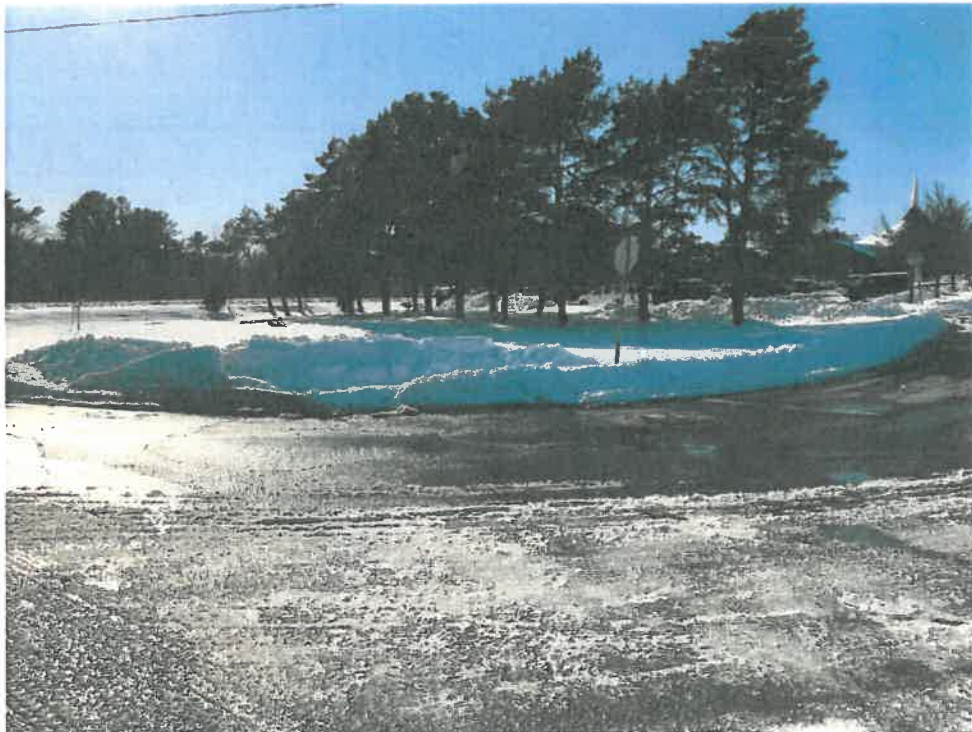
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7) View from Chase Drive and Michael Succi Drive looking west



8) View from Chase Drive and Michael Succi Drive looking southwest