

SUPPLEMENT TO VARIANCE APPLICATION

Petitioners: Bethel Assembly of God, Owner and Chase Drive, LLC, Applicant
Property: 200 Chase Drive
Assessor Plan: Map 210, Lot 2.
Zoning District: Gateway Center Mixed Residential District (G2)

The Applicant hereby withdraws its request for the Glazing Requirement and the Step Back Requirement (as those terms are defined in the initial application). The only remaining variance request is the front lot line Build Out Requirement, which is the variance request from Section 10.5B33.20 of the Ordinance.

Further, the Applicant is going to remove the office space from the project, and therefore, this project will not be a “mixed use” building, but rather purely residential. Under Section 10.5B33.20, a residential building is required to have a front lot line build out of at 50%. Using Michael Succi Drive for the Build Out Requirement, the proposed development meets the said requirement because it has a 77% build out using Michael Succi Drive.

The Applicant has also been asked to address the following issues following the last public hearing:

1. A clear representation of the mass, materials, and design of the proposed building.
2. The changes from resulting reducing the proposed height of the building, including the impact on the number of proposed units.
3. Elevations or computer-generated depictions comparing the height of the proposed building to the height(s) of the neighboring structures.
4. Information on the units per acre requirement and how that factored into the easement arrangement.
5. The reasoning behind the easement to include, if possible, the actual language of the easement.

6. Whatever additional information that would address the overall comments made and concerns raised by the Board during the discussion of the merits of the proposal.

Before addressing these questions directly, it is important to give some history as to how this project came about. For years, the Bethel Assembly of God (“the Church”) has struggled with financial debt which, ultimately, can be traced back to the closing of Pease Air Force Base in 1991. At that time, the Church was heavily dependent on military families to make up its congregation and to support the church financially. The Church in fact had previously expanded its building, in the 1980s, because, with Pease Air Force Base open, the Church was a thriving enterprise, not only in terms of its religious mission, but also in terms of the size of its congregation and its financial well-being.

The closing of the Air Force base hit the Church exceptionally hard. Within the next two years, approximately two-thirds of the Church’s congregation left due to relocation issues arising from the closure. Although the Church’s commitment to its religious mission has never wavered, it has faced a serious financial struggle since that time. In the summer of 2015, the Church congregation voted unanimously to get out of debt by any means possible, which included, to quote the exact language of the vote, “up to and including the sale of the building.” In 2016, the Church entered into a listing agreement with a commercial broker to sell the property in its entirety. The Church has had several suitors to purchase the entire parcel with initial plans to construct between 100 and 150 apartments with the associated parking. There has also been interest from a hotel developer which would include function and conference facilities plus the associated parking. These proposals would have meant, however, the Church would have to find a new home.

The Church did not want to relocate and has struggled with the need to sell the property to solve its financial problems with too much debt. In 2017, Pastor Chad, consulted with a newer church member, Stephen Kelm, to discuss if there were any options available with the Church property which would allow the Church to remain. Mr. Kelm reviewed the parcel and met with City Planning officials to discuss the site and to discuss the new zoning guidelines which were being discussed for the Gateway Districts.

The Gateway Neighborhood Mixed Use District was approved and adopted in December, 2017. This new zoning was undertaken in concert with the updated Portsmouth 2025 Master Plan which studied the corridors into the downtown and updated the zoning to reflect the City's vision for these parcels. The Church property was included within the updated Gateway Neighborhood Mixed Use District. In lengthy discussions between Pastor Chad and Mr. Kelm, the goal was to allow the Church to remain in place and to move forward with the least intensive development of the parcel which would allow the Church's debt to be paid off in its entirety.

The application before the Board of Adjustment seeks a variance to construct a building which is significantly smaller than what would be required under the frontage requirements of the zoning ordinance. The proposed building is approximately one-third (1/3) the size of a building which could be constructed on the parcel under the current zoning ordinance.

The current design, therefore, accomplishes a number of goals: (1) it will solve the Church's financial problems; (2) it will allow the Church to remain in its current location; (3) it allows a reasonable, and permitted, use of the property; and (4) it provides a smaller building

while at the same time, allowing both the Church and the Applicant to have enough parking for both parties' purposes.¹

With that as the background, the Applicant will address the questions as follows:

1. A clear representation of the mass, materials, and design of the proposed building.

The Applicant has submitted a rendering of the building as per the current design. If the variance is granted, the final building design will be completed thru meetings with the Technical Advisory Committee and Planning Board through the approval process.

2. The changes from resulting from reducing the proposed height of the building, including the impact on the number of proposed units.

The number of proposed units is not changing; the size and the layout of the units will change. The proposed 4 story building will be not exceed the permitted height of 50 feet to meet the zoning ordinance.

3. Elevations or computer-generated depictions comparing the height of the proposed building to the height(s) of the neighboring structures.

Included within is an exhibit which includes the elevations of the proposed new building along with the estimated first floor elevations of the closest abutting properties. There is a topographic map included which includes the locations of all the houses within the area and the elevations at each respective property, the proposed footprint of the new building is highlighted in blue. There is a picture included which was obtained from an on-line listing of the property, the image is from the deck of 29 Brigham Lane looking towards the river and into the downtown.

¹ The Church believes that the proposal will actually decrease the use of the parking lot because currently the lot is leased to the City which creates significant parking demand on that lot.

The view from the deck looks past the proposed new building; any view of the new building would be blocked from the trees in place as shown within the picture.

4. Information on the units per acre requirement and how that factored into the easement arrangement.

The zoning allows sixteen (16) units per acre or twenty-one (21) units for a residential use; alternatively, a commercial use would allow a much more intensive use of the parcel. As outlined above, the design of the site and current proposed building was undertaken to allow the Church to pay off its debt and for the Church and its members to remain in the building which the members have been attending for over thirty years. The final easement that will be in place will therefore provide a significant benefit to the Church, in addition, of course, to allowing the Church to continue to use the parking lot. Parking easements are used many times between private parties in such circumstances.

5. The reasoning behind the easement to include, if possible, the actual language of the easement.

As stated previously, the easement is part of the transaction negotiated between the Church and the Applicant with the goal to allow the Church to remain in place while providing the necessary parking for the Church's needs. The easement language has not yet been finalized between those two parties as the project still has considerable work to complete through the City's planning process. The easement will reflect that the Church has full use of the parking lot. Ultimately, the easement language will address all issues which are typical in such an arrangement, including items pertaining to maintenance, plowing, insurance, lighting, safety, and any applicable use restrictions.

6. Whatever additional information that would address the overall comments made and concerns raised by the Board during the discussion of the merits of the proposal.

The Applicant is before the Board of Adjustment as there is no specific language on how to proceed on the Build Out Requirement with a parcel which has frontage on three streets. This is not addressed within the zoning ordinance. In discussions with the Planning Department, it was not clear if there was any need to seek a variance on this issue, but the Applicant agreed to submit a variance application anyway. In summary, the Applicant is seeking a variance to construct a much smaller building on the parcel than what is required under the current zoning ordinance.

There was concern by some of the individuals at the last hearing that the proposed development does not fit the character of “the neighborhood.” When dealing with a permitted use, the “neighborhood” for the purposes of this variance request is the zone in which the Church is located. This is a permitted use, at a permitted height, with a permitted number of units, in a zone which was only recently created by the City, through no act or request of the Church. The variance requested is asking to allow the Applicant to use Michael Succi Drive so as to build a smaller building.

Further, the proposed project is making the best attempt to comply with the current zoning regulations on this property. Through many years of planning that included numerous charettes and public meetings the City adopted the “Portsmouth 2025” Master Plan. The Master Plan discusses the corridors within the City and the vision of the City of Portsmouth for those areas. This property is located within the “Corridor” areas and was re-zoned as part of the “Gateway Neighborhood Mixed Use District”, which was developed to guide the development in accordance with the Master Plan vision. The Applicant is complying with the regulations and

fostering the City of Portsmouth's vision, while respecting the neighborhood by reducing the building footprint and size.

Respectfully submitted,

Chase Drive, LLC
By its Attorney,
Springer Law Office, PLLC

Dated: April 9, 2019

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200 Chase Drive
Building Elevations

Proposed New Building – Chase Drive

Elevation – Floor 1	24 ft
Elevation - Floor 4 *	73 ft

29 Brigham Drive

Estimated Elevation – Floor 1	60 ft
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36 Brigham Drive

Estimated Elevation – Floor 1	60 ft
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355 Chase Drive

Estimated Elevation – Floor 1	50 ft
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* Does not include roof appurtenance(s)



200 Chase Ave, Portsmouth, NH

April 16, 2019

Artist Renderings of Michael Succi Drive Elevation





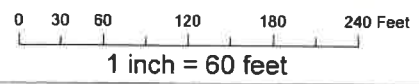
200 CHASE DRIVE

MICHAEL SUCCI DR. ELEVATION

4.16.19

PORTSMOUTH, NEW HAMPSHIRE

BUILDING MATERIALS TO INCLUDE: FIBER CEMENT CLAPBOARD SIDING, PANELS, TRIM AND HORIZONTAL BANDING, METAL ROOFS AND CAPS, CLAD WINDOWS AND DOORS AND POWDER COATED METAL RAILING SYSTEMS



Existing Conditions
Map prepared by City of Portsmouth Public Works
Prepared: 3/28/2015

29 BIGHAM LANE

