<u>APPLICATION OF RUDY STORLAZY HOLDINGS, LLC</u> <u>96 Chestnut Street, Portsmouth, NH</u> <u>Tax Map 116, Lot 24</u>

I. <u>THE PROPERTY</u>:

The applicant, Rudy Storlazy Holdings, LLC is a New Hampshire limited liability company (the "Applicant") owned and operated by its sole member, John K. Bosen. The Applicant owns property located at 96 Chestnut Street, Portsmouth, New Hampshire (the, "Property"). The Property currently consists of one commercial office building located in the Character District 4-L1("CD4-L1") zoning district (the "Property") under the City of Portsmouth Zoning Ordinance, as amended (the "Zoning Ordinance"). The Applicant proposes to convert the Property from a commercial office building back to a single-family residential dwelling, permitted by right under the CD4-L1 zoning district.

The Property is approximately 0.05 acres in size, or $2,046 \pm$ square feet, and is situated between single-family residences and residential apartments. The Property currently consists of a vacant single commercial office building. The structure on the Property was built in 1842 and was originally used as residence but has been the home to various local businesses since at least 1996.

Chestnut Street is located at the heart of the thriving residential and commercial sector of Downtown Portsmouth. The Property is a short walk to the numerous restaurants, bars, shops, and businesses of State Street and waterfront establishments of Bow Street.

This Property is located in a zoning district which allows residential use by right. Accordingly, this is an excellent location for a single-family residential dwelling. The Applicant has retained contractors to begin work on the Property as soon as possible.

In order for the project to move forward, the following variances are required:

- 1. Section 10.5A41 Development Standards Figure 10.5A41.10A Minimum lot area per dwelling unit 3,000 SF (2,046 <u>+</u> existing)
- 2. Section 10.5A41 Development Standards Figure 10.5A41.10A Minimum open space 25%

II. <u>THE VARIANCE CRITERIA</u>:

The applicant believes this Application meets all criteria necessary for the Board to grant the requested variance.

<u>Granting the requested variance will not be contrary to the spirit and intent of the</u> <u>ordinance nor will it be contrary to the public interest.</u> The "public interest" and "spirit and intent" requirements are considered together pursuant to <u>Malachy Glen Associates v. Chichester</u>, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

Here, granting the requested variance will not be contrary to the public interest. In fact, the granting of the variance will be in the interest of the public as this variance will allow the Applicant to perform the necessary work to convert a now vacant commercial office building into a single-family residential dwelling at a time when the City has a high demand for residential dwellings. The Property's lot size is roughly $954 \pm$ square feet below the minimum lot size threshold for a residential dwelling in the CD4-L1 zoning district. The Property's lot size will not substantially alter the essential character of Chestnut Street as this Property is currently surrounded by identical, smaller lot sizes with residential structures located thereon.

This proposed transition of the Property will not materially impact the character of Chestnut Street and will, in fact, create a more neighborhoodlike appearance by allowing a residential use. The construction of the African Burying Ground took seven (7) parking spaces and blocked Chestnut Street as a throughway to Court Street. The combination of these factors make the continued Commercial use of the Property difficult. Also, the public ways surrounding Chestnut Street are smaller streets with sidewalks so the transition of this Property from a commercial office building to a residential dwelling will reduce the number of vehicles traversing these roads, reduce the amount of necessary parking required for employees and clients, and will lighten the overall load on the City's public roads and utility infrastructure.

The minimum lot size variance and open space variance will not threaten the public health, safety, and welfare, because the current lot provides ample space for a single-family residential dwelling with an existing rear patio and private driveway; a feature that not many lots possess in the City's downtown. The Property's open space has and will remain unchanged during the transition of this Property.

Additionally, this Property is located in a prime downtown location with the ability for its residents to walk mere steps to the City's downtown amenities. Moreover, the transition of this Property will improve public safety by reducing the number of vehicles traveling the smaller auxiliary roads of the City and reducing the load on public parking spots that the current commercial building requires.

By granting the variance, substantial justice would be done.

Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property.

The loss to the Applicant, in the event that these variances are denied, outweighs any gain to the general public. The denial of this variance will result in the current commercial office building remaining vacant, negatively impacting the owner of the Property and its surrounding neighbors. In the event this variance is denied, the Applicant may by right, bring in a commercial

tenant to the Property which will ultimately increase the number of individuals occupying the premises and increases the public load on the City's streets, parking, and utility infrastructure. Not only may this reduce the values of the surrounding properties, but any alternative plan for the Property will result in a missed opportunity to address the City's housing crisis.

The proposed use would not diminish surrounding property values.

Single-family residential use is allowed by right in this zoning district. The proposed transition of the Property from a vacant commercial office building to a single-family residential dwelling will bring this Property in line with the surrounding properties. Currently, the Property's neighbors are a mix of single-family dwellings, apartment units, and small businesses. The proposed transition of the Property will in fact increase the surrounding property values.

<u>Denial of the variances would result in unnecessary hardship to the owner owing the</u> <u>special conditions of the land</u>.

(A) <u>No fair and substantial relationship exists between the general public purposes of the ordinance and the specific application to the Property.</u>

The Property is unique in that it is a smaller lot, with a residential structure, currently used as a commercial office building, in a largely residential area of the City. The structure located on the Property is roughly $1,980 \pm$ square feet that has been previously retrofitted for a commercial office. The Property possesses a back patio and private driveway. The highest and best use of the Property is as a single-family residential dwelling instead of a small office building. Additionally, as the current rental market for commercial tenants has dwindled in the City, with companies preferring a more 'work-from-anywhere' mentality, this Property has found extreme difficulty in obtaining prospective commercial tenants. Lastly, Chestnut Street now lacks parking for commercial uses since the creation of the African Burying Ground. A residential use is therefore now the highest and best use of the Property.

The denial of this variance would result in an unnecessary hardship to the Applicant as the proposed use is available to the Applicant by right under the Zoning Ordinance.

In short, there is no fair and substantial relationship between the minimum lot size and open space of the Zoning Ordinance and its application to the Property. The Property is just under the minimum lot size by roughly $954 \pm$ square feet and just under the minimum open space size of 25%. The unique aspects of the lot allow the future occupants of this Property a front row view of the City's downtown.

(B) <u>The proposed use is reasonable</u>.

The proposed use is reasonable. The single-family residential use is permitted by right in this zoning district. The Applicant hopes to help alleviate the City's current residential housing crisis by converting the Property from an unused commercial office building to an additional residential unit with parking available in the City.

III. <u>CONCLUSION</u>:

For the foregoing reasons, the applicant respectfully requests that this Board grant the variance as requested.

Respectfully submitted,

Dated: November 14, 2022

/s/ John K. Bosen

By: John K. Bosen, Esquire Austin M. Mikolaites, Esquire

<u>AUTHORIZATION</u> <u>96 Chestnut Street, Portsmouth</u> <u>Map 116, Lot 0024</u>

The undersigned owner of the above referenced property hereby authorizes representatives of Bosen & Associates, PLLC to represent the company's interests before the Portsmouth land use boards and to submit any and all applications and materials related thereto on its behalf.

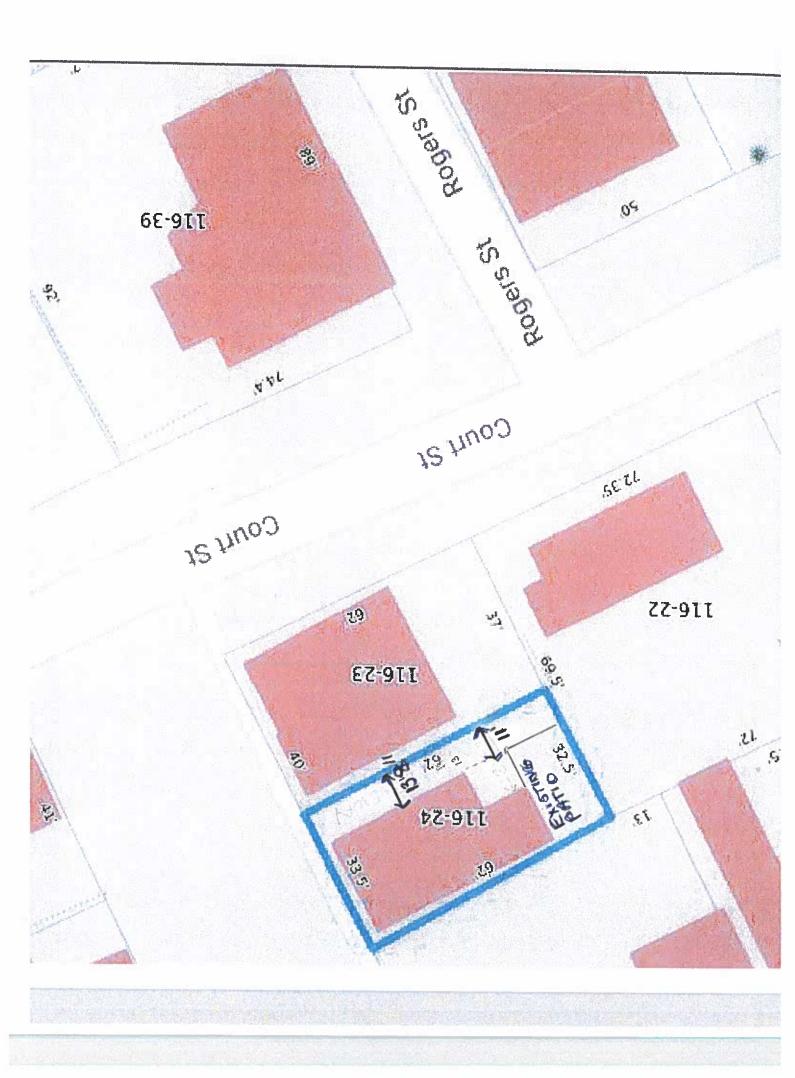
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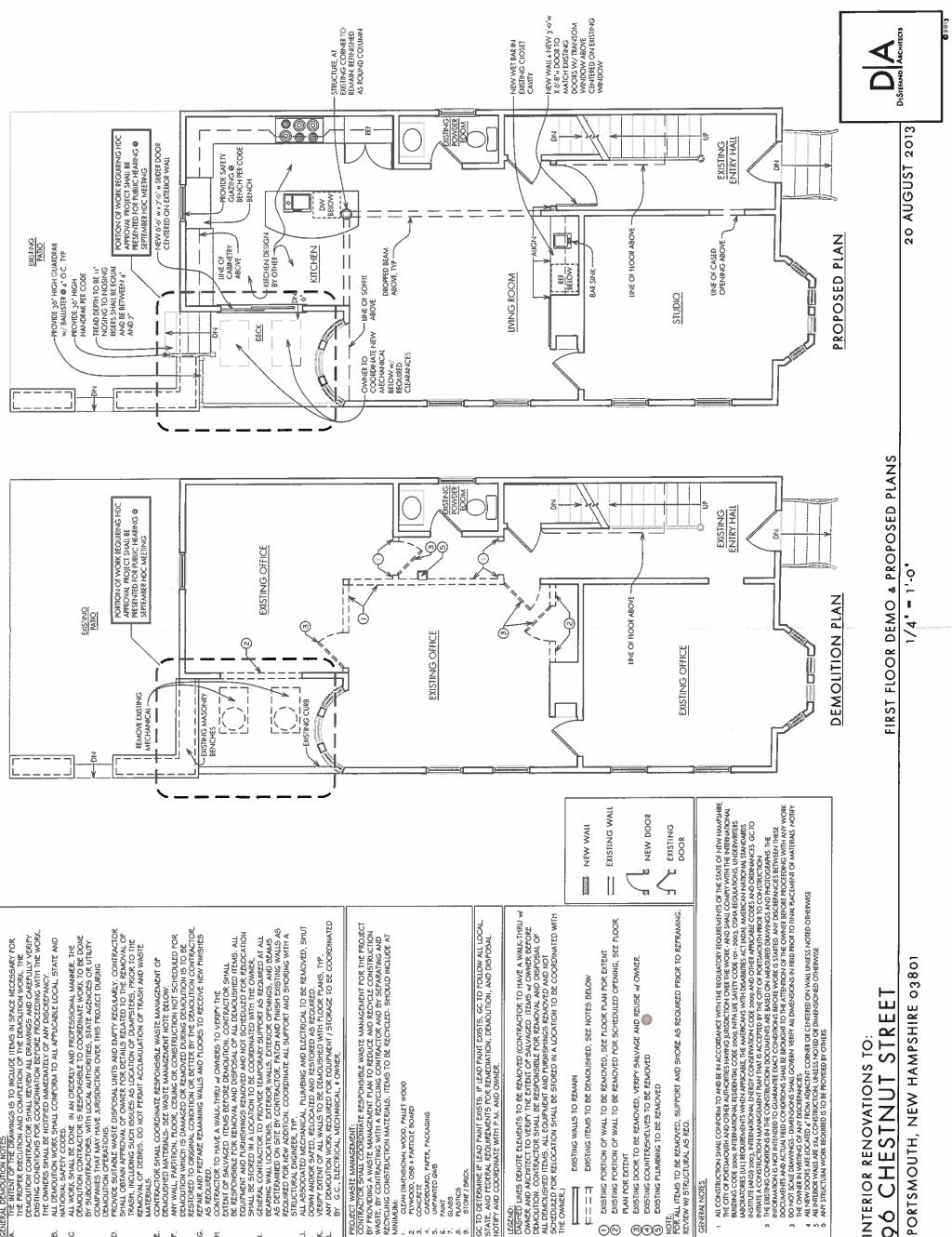
Rudy Storlazy Holding By:

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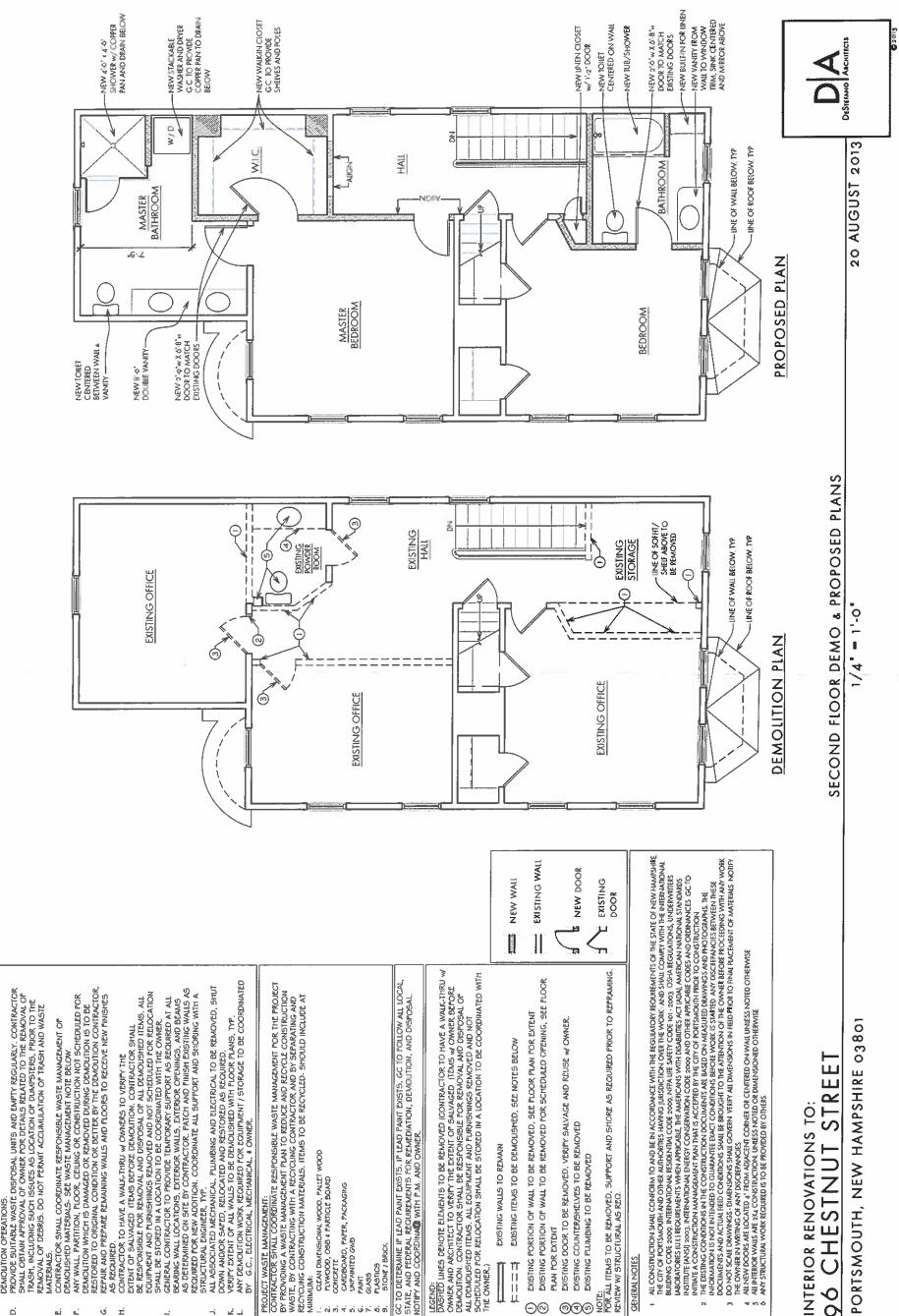
By: Name: Job K. Bosen Title: Member







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36 CHESTNUT ST

Location	96 CHESTNUT ST	Mblu	0116/ 0024/ 0000/ /
Acct#	37976	Owner	RUDY STORLAZY HOLDING LLC
PBN		Assessment	\$685,500
Appraisal	\$685,500	PID	37976

Building Count 1

Surrent Value

	Appraisal		
Valuation Year	improvements	Land	Total
2022	\$371,900	\$313,600	\$685,500
	Assessment		
Valuation Year	Improvements	Land	Total
2022	\$371,900	\$313,600	\$685,500

Dwner of Record

Owner	RUDY STORLAZY HOLDING LLC	Sale Price	\$350,000
Co-Owner	C/O BOSEN & ASSOCIATES PLLC	Certificate	
Address	266 MIDDLE ST	Book & Page	5176/2576
	PORTSMOUTH, NH 03801	Sale Date	12/16/2010
		Instrument	38

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
RUDY STORLAZY HOLDING LLC	\$350,000		5176/2576	38	12/16/2010
MEADE AND LORING PC	\$130,000		3182/1638	N	10/23/1996

Building Information

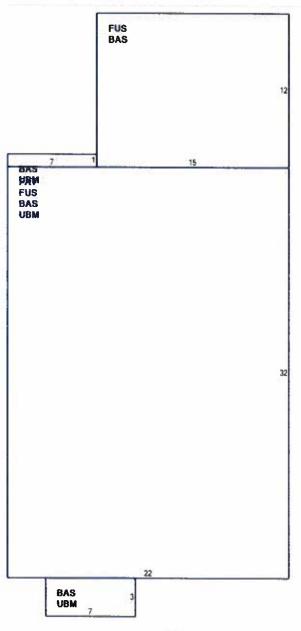
Building 1 : Section 1

eplacement Cost	AAB <i>A</i> AAA	
ess Depreciation: \$371,900 Building Attributes		
Field	Description	
ityle:	Office Bldg	
łodel	Commercial	
Grade	B-	
itories:	2	
Occupancy	1,00	
Residential Units		
Exterior Wall 1	Clapboard	
Exterior Wall 2		
Roof Structure	Gable/Hip	
Roof Cover	Asph/F Gls/Cmp	
nterior Wall 1	Drywall/Sheet	
nterior Wall 2		
nterior Floor 1	Hardwood	
nterior Floor 2	Carpet	
leating Fuel	Oil	
leating Type	Forced Air-Duc	
С Туре	Central	
lidg Use	OFFICE BLD	
otal Rooms		
otal Bedrms		
otal Baths		
Kitchen Grd		
leat/AC	HEAT/AC PKGS	
rame Type	WOOD FRAME	
Baths/Plumbing	AVERAGE	
Ceiling/Wall	CEIL & WALLS	
Rooms/Prtns	AVERAGE	
Vall Height	8.00	
6 Comn Wall		
st Floor Use:		



(https://images.vgsi.com/photos2/PortsmouthNHPhotos//00\02\17\78.jpg)

Building Layout



(ParcelSketch.ashx?pid=37976&bid=37976)

	Building Sub-Areas (s	q ft)	Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	912	912

		3,232	1,972
UBM	Basement, Unfinished	732	0
FAT	Attic	704	176
	obber ereilt i unertee		~~ ·

Extra Features

		Extra Features		Legend
		No Data for Extra Features		
Land				
Land Use		Land Line Valua	lion	
Use Code Description Zone Nelghborhood	3400 OFFICE BLD CD4-L1 305	Size (Acres) Frontage Depth Assessed Value	0.05 \$313,600	
Alt Land Appr Category	No	Appraised Value	\$313,600	

Outbuildings	Legen
No Data for Outbuildings	

/aluation History

Appraisal				
Valuation Year	Improvements	Land	Total	
2021	\$371,900	\$313,600	\$685,500	
2020	\$371,900	\$313,600	\$685,500	
2019	\$371,900	\$313,600	\$685,500	

Assessment				
Valuation Year	Improvements	Land	Total	
2021	\$371,900	\$313,600	\$685,500	
2020	\$371,900	\$313,600	\$685,500	
2019	\$371,900	\$313,600	\$685,500	

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140:26 A		0	UTH, NH	NO		Assessed	371,900 313,600	685,500			371,900	0	0	313,600	0 685.500)		685,500	4	e e e e e e e e e e e e e e e e e e e			Land Value	313,600	313.600
State Use 3400 Print Date 11/23/2021 11:40:26 A		2229	PORTSMOUTH, NH	VISION		Code /	3400 3400	Total	or Assessor	ARY								1		Dimont/Daniel	Hearing No change Building Permit	Exterior Review Address Change Building Permit		Adj Unit P	153.28	Total Land Value
State Use 3400 Print Date 11/23		Assessed 371,900	313,600		685,500	Year		00	a Collector (JE SUMM															1.0000	Totalla
ωđ		Asses			Total 685,500 685,500	Assessed	371,900 313,600	685,500	isit by a Dat	APPRAISED VALUE SUMMARY	6	((6	_			1		el Value	CUANG	2	2		Special Pricing		1
1 of 1	SMENT	371,900	313,600		685,500	Code	3400 3400	Total	wledges a v	APPRAIS	alue (Card	/alue (Bldç	Value (Bld	alue (Bldg)	e arrel Valu				arcel Valu		İ.	N R R R R R R R R R R R R R R R R R R R		<u>s</u>		
Card #	CURRENT ASSESSMEN	371				Vear	2019		685,500 Total 685,500 Total 085,500 Total Total This signature acknowledges a visit by a Data Collector or Assessor		Appraised Bldg. Value (Card)	Appraised Xf (B) Value (Bldg)	Appraised Ob (B) Value (Bldg)	Appraised Land Value (Bldg)	Special Land Value Total Appraised Pa	Total Appraised Parcel Value Valuation Method			Total Appraised Parcel Value	-	08-01-2019 02-19-2019 06-17-2017	03-23-2015 03-23-2015 11-20-2014 05-28-2014		ġ		
1	CURREN	3400 3400 Total			Total	Assessed	371,900 313,600	685,500			Apprais	Apprais	Apprais	Apprais	Special Total A	Citer de V			Total A	ć				Notes- Adj		
Bidg Name Sec # 1 of			<u>-</u>			Code A	3400 3400	Total	Comm Int												LACE OL ARCI CRE	CHLUCH - FON SCUPANCY, A SPRAY FOAM THIRD FLOOR RENOV			-20 LOC	
Sec	d	COMMERC. COMMERC.				Year						Batch	Batch				с Г			Commonte	AND REPI	IN OCCUF	TION	S.I. Adi.	1.320	T
	LOCATION				t	ç	2 00		OTHER ASSESSMENTS				_				NEK BAI	ALLED			REMOVE AND REPLACE OL TENANT FIT UP- DARCI CRE	SPRAY FC	TON SECTION	ې م	302	
00// g# 1	LOC					350.000	130,000		Number	,					EMOD.		PER DET	LES INST		Date Come			LINE VALUA	Site Cond.	0.80	
0024/ 0000/ / Bldg #	ROAD		AL DATA CONDO C INI AW VI	INLAW Y/ LOT SPLIT 2015 Reval V Ex/Cr Appli Assoc Pid#	ioc Pid#				<u>S</u>	Description					VILY, NO R		WS, HEA LOORS. I	JF SHINGLES INSTALLED					ND LINE	2		- I and As
	STRT	1 Paved	-12-						Descrit			DOOH		_	RM. NEW USE ONLY, NO REMOD	FROM MLS: COMPLETELY RENOVATED OFFICE BL DG: NEW WINDOWS HEAT AC NEWER RATH 11	DG: NEW WINDOWS, HEAT AC, NEWER BATH, LI GHTING, REFIN FLOORS. PER DETAILS	2/19BP NEW ROO			14 100 100 100			Unit Price S	145.16	Barrod Total I and Arres II
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	LU LU	0 All Public					1638				0.00	SERVICIÓN STREET INDEX NAME		ON							11,450			I Land Units	2,046 SF	
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Account #			Alt Prel ID	PHOTO WARD PREC.	GIS ID				S		Total	Michael Manace	Name							Description				Frontage		Total Card Land Unite
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96 CHESTNUT ST	CURRENT OWNER	HOLDING		HN			le Pc		۵Ľ				-		Ŋ		NIHS ON	3-955	EATIVE LI	Ĺ		-2013 BP -2013 BP -2011 -1997		Description	OFFICE BLD	
ocation 37976	CURREN	RUDY STORLAZY HOLDING LLC	LEST				MEADE AND LORING PC		Code		-		305 305		DARCI CREATIVE LLC	ę	AL. 10/18/13 RPL WINDS; ADD WD SHINGLE	05/14 - PERMIT: # 13-955	TEN FU/DARCI CREATIVE LLC - MARKETING FI	ŀ		02-14-2013 02-14-2013 01-25-2011 08-01-1997				
Property Location Vision ID 37976		RUDY ST	266 MIDDLE ST	PORTSMOUTH			MEADEA		Year (╂───					DARCI CF		AL. TU/T&/13 RPL WINDS;	05/14 - PE	TEN FU/D	Domit Id	34820 13-0955	11-40 8026		B Use Code	3400	

State Use 3400 Card # 1 of 1 Print Date 11/23/2021 11:40:26 A			37976
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0116/ 0024/ 0000/ / Bidg # 1	SE Descrite ALUATIO 209.06 1842 1842 1842 16 16 16 371,900	Gr Adj Appr. Gr Adj Appr. 209.06 209.06 209.06	41.70 30,523
Map ID	Element Cd Element Cd Code Description 3400 OFFICE BLD 3400 OFFICE BLD 3401 Description 7 Code 7 Code 8 RCN 7 Percent Good 9 Condition 9 Condition 9 Condition 1 Percent Good 1 Dep Ov Comment 1 Misc Imp Ov 1 Dep Ov Comment 1 Over Ov	Cond % Gd SECTION 912 912 884 884	732
ion 96 CHESTNUT ST 1976 Account # 37976		Living	ss Liv / Lease Area
Property Location 96 CH Vision ID 37976	Element Cd Style: 18 Model 94 Grade 94 Grade 94 Stories: 2 Coccupancy 1.00 Residential Unit 11 Exterior Wall 1 11 Exterior Wall 2 03 Roof Structure 03 Interior Wall 2 03 Interior Wall 2 13 Interior Wall 2 11 Interior Wall 2 03 Interior Store 03 Interior Floor 1 12 Interior Store 03 Bild Use 04 Ac Type 03 Bild Use 04 Ac Type 03 Total Bedmis 04 Frame Type 02 Roons/Pruns 02 Cost 01 Frame Type 02 Class 03 Outs 03 Class 03		UBM Basement, Unfinished

