

**APPLICATION OF RUDY STORLAZY HOLDINGS, LLC**  
**96 Chestnut Street, Portsmouth, NH**  
**Tax Map 116, Lot 24**

**I. THE PROPERTY:**

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 ± 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 ± existing)
2. Section 10.5A41 Development Standards - Figure 10.5A41.10A – Minimum open space 25%

**II. THE VARIANCE CRITERIA:**

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

**Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest.** The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 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.

**Denial of the variances would result in unnecessary hardship to the owner owing the special conditions of the land.**

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

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) The proposed use is reasonable.

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. **CONCLUSION:**

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

**AUTHORIZATION**  
**96 Chestnut Street, Portsmouth**  
**Map 116, Lot 0024**

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.

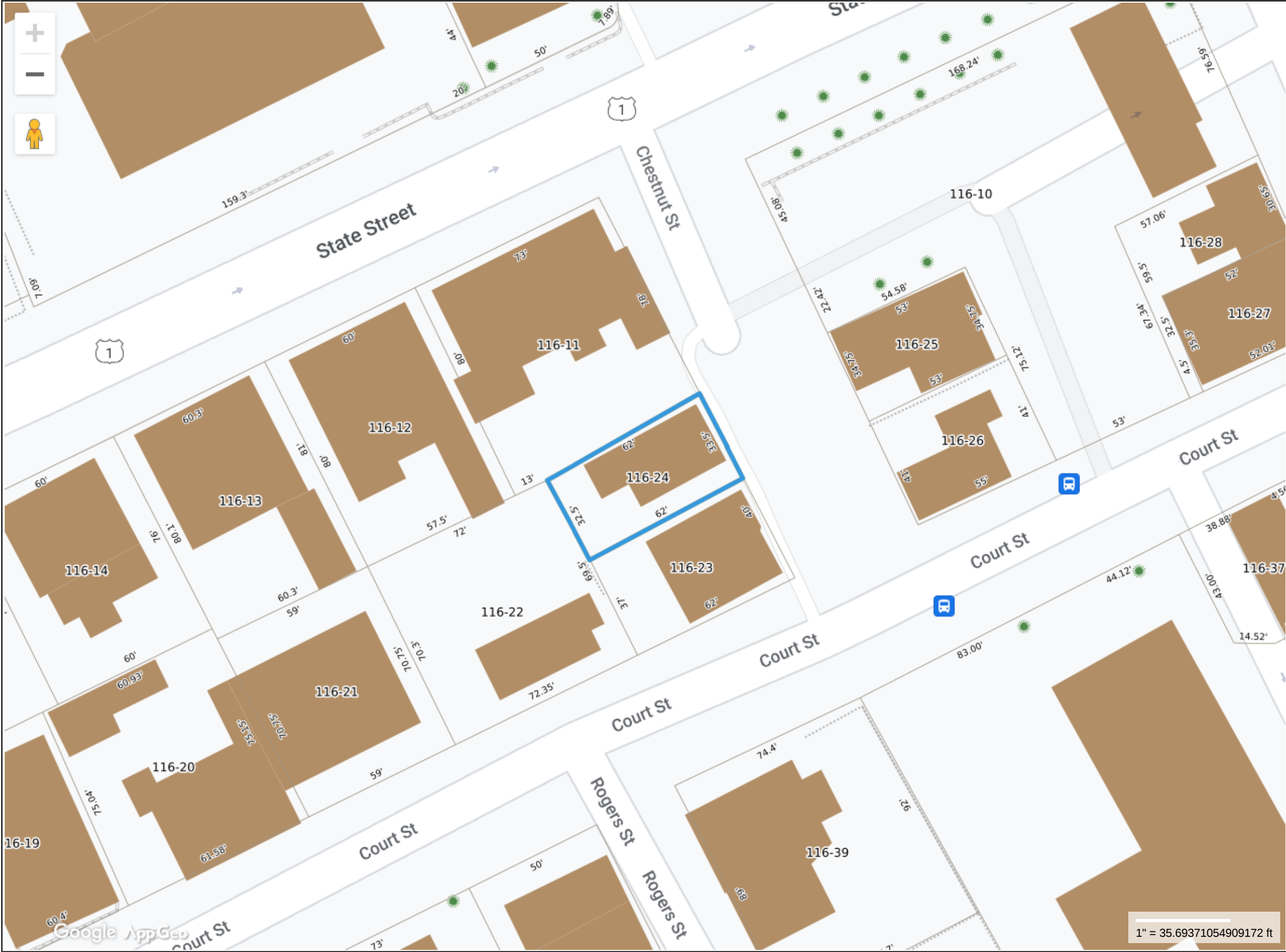
Date: November 15, 2022

Rudy Storlasy Holdings, LLC.

By: 

Name: John K. Bosen

Title: Member



Property Information	
Property ID	0116-0024-0000
Location	96 CHESTNUT ST
Owner	RUDY STORLAZY HOLDING LLC



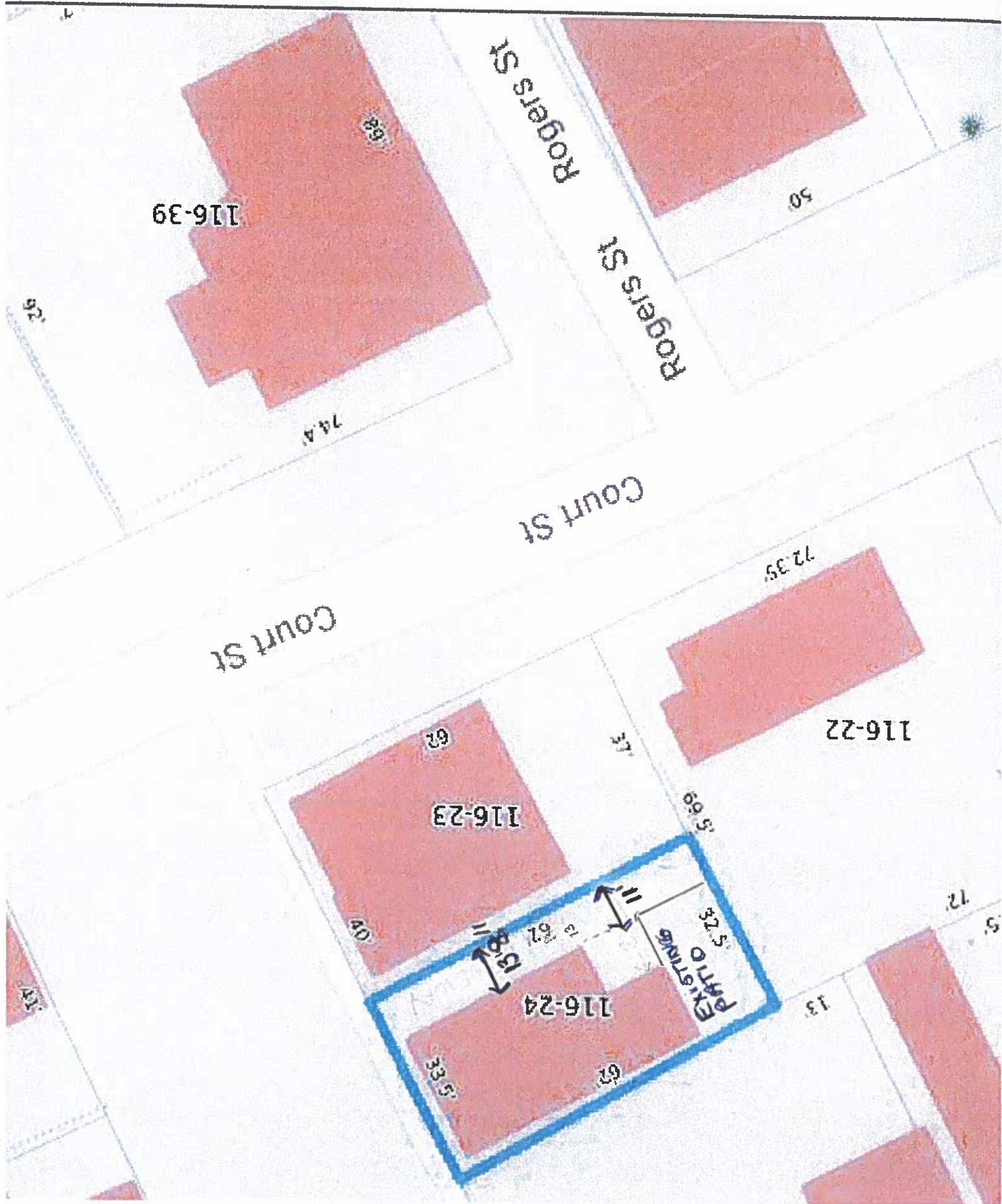
MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



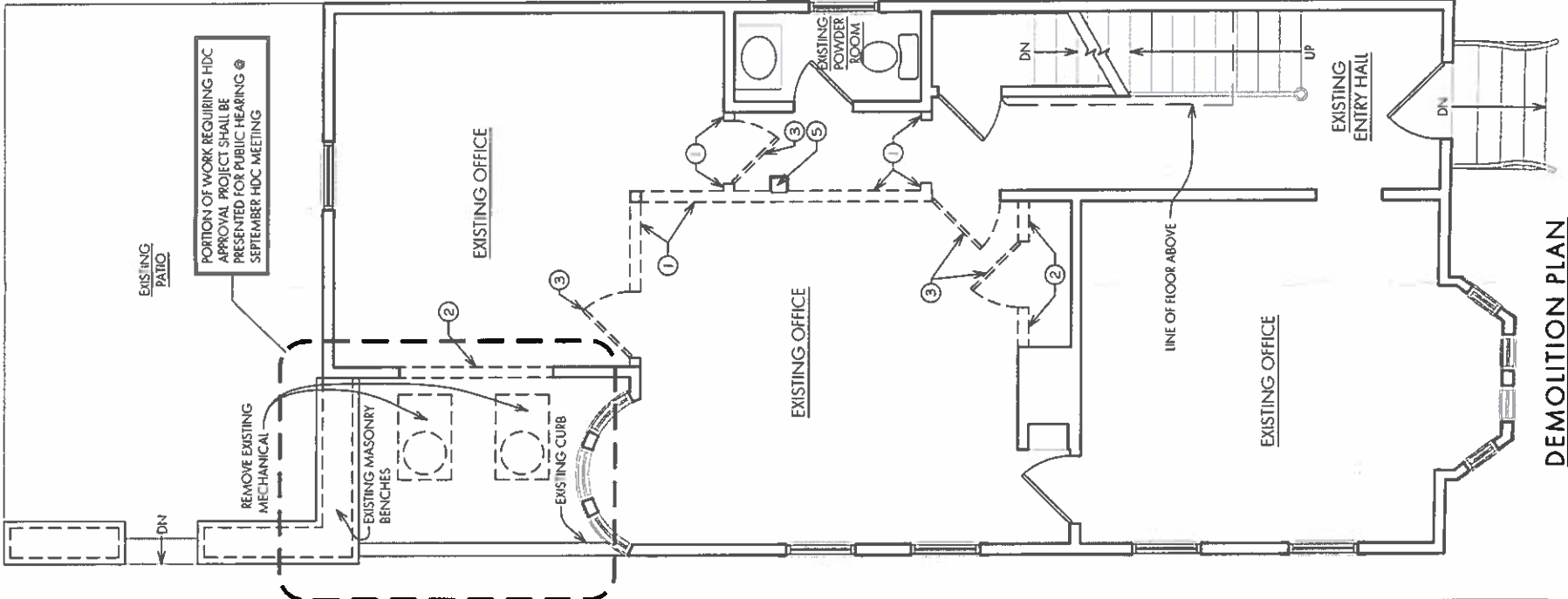


<b>GENERAL DEMOLITION NOTES</b>	
A.	THE INTENT OF THE DRAWINGS IS TO INCLUDE ITEMS IN SPACE NECESSARY FOR THE PROPER EXECUTION AND COMPLETION OF THE DEMOLITION WORK. THE DEMOLITION CONTRACTOR SHALL REVIEW ALL DRAWINGS AND CAREFULLY VERIFY EXISTING CONDITIONS FOR COORDINATION BEFORE PROCEEDING WITH THE WORK. THE OWNERS SHALL BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY.
B.	ALL DEMOLITION WORK SHALL CONFORM TO ALL APPLICABLE LOCAL, STATE AND NATIONAL SAFETY CODES.
C.	ALL WORK SHALL BE DONE IN AN ORDERLY AND PROFESSIONAL MANNER. THE DEMOLITION CONTRACTOR IS RESPONSIBLE TO COORDINATE WORK TO BE DONE BY SUBCONTRACTORS, WITH LOCAL AUTHORITIES, STATE AGENCIES OR UTILITY COMPANIES THAT MAY HAVE JURISDICTION OVER THIS PROJECT DURING DEMOLITION OPERATIONS.
D.	PROVIDE SUITABLE WASTE DISPOSAL UNITS AND EMPLOY REGULARLY. CONTRACTOR SHALL OBTAIN APPROVAL OF OWNER FOR DETAILS RELATED TO THE REMOVAL OF TRASH, INCLUDING SUCH ISSUES AS LOCATION OF DUMPSTERS, PRIOR TO THE REMOVAL OF DEBRIS. DO NOT PERMIT ACCUMULATION OF TRASH AND WASTE MATERIALS.
E.	CONTRACTOR SHALL COORDINATE RESPONSIBLE WASTE MANAGEMENT OF DEMOLISHED MATERIALS- SEE WASTE MANAGEMENT NOTE BELOW.
F.	ANY WALL, PARTITION, FLOOR, CEILING OR CONSTRUCTION NOT SCHEDULED FOR DEMOLITION WHICH IS DAMAGED OR REMOVED DURING DEMOLITION IS TO BE RESTORED TO ORIGINAL CONDITION OR BETTER BY THE DEMOLITION CONTRACTOR. REPAIR AND PREPARE REMAINING WALLS AND FLOORS TO RECEIVE NEW FINISHES AS REQUIRED.
G.	CONTRACTOR SHALL COORDINATE RESPONSIBLE WASTE MANAGEMENT OF DEMOLISHED MATERIALS- SEE WASTE MANAGEMENT NOTE BELOW.
H.	CONTRACTOR TO HAVE A WALK-THRU w/ OWNERS TO VERIFY THE EXTENT OF SALVAGED ITEMS BEFORE DEMOLITION. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL AND DISPOSAL OF ALL DEMOLISHED ITEMS. ALL EQUIPMENT AND FURNISHINGS REMOVED AND NOT SCHEDULED FOR RELOCATION SHALL BE STORED IN A LOCATION TO BE COORDINATED WITH THE OWNER.
I.	GENERAL CONTRACTOR TO PROVIDE TEMPORARY SUPPORT AS REQUIRED AT ALL BEARING WALL LOCATIONS, EXTERIOR WALLS, EXTERIOR OPENINGS, AND BEAMS AS DETERMINED ON SITE BY CONTRACTOR. PATCH AND FINISH EXISTING WALLS AS REQUIRED FOR NEW ADDITION. COORDINATE ALL SUPPORT AND SHORING WITH A STRUCTURAL ENGINEER, TYP.
J.	ALL ASSOCIATED MECHANICAL, PLUMBING AND ELECTRICAL TO BE REMOVED, SHUT DOWN AND/OR SAFED, RELOCATED AND RESTORED AS REQUIRED.
K.	VERIFY EXTENT OF ALL WALLS TO BE DEMOLISHED WITH FLOOR PLANS, TYP.
L.	ANY DEMOLITION WORK REQUIRED FOR EQUIPMENT / STORAGE TO BE COORDINATED BY G.C., ELECTRICAL, MECHANICAL, & OWNER.
<b>PROJECT WASTE MANAGEMENT:</b>	
CONTRACTOR SHALL COORDINATE RESPONSIBLE WASTE MANAGEMENT FOR THE PROJECT BY PROVIDING A WASTE MANAGEMENT PLAN TO REDUCE AND RECYCLE CONSTRUCTION WASTE. BY CONTRACTING WITH A RECYCLING CONTRACTOR AND BY SEPARATING AND RECYCLING CONSTRUCTION MATERIALS. ITEMS TO BE RECYCLED - SHOULD INCLUDE AT MINIMUM:	
1.	CLEAN DIMENSIONAL WOOD, PALLET WOOD
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4.	CARDBOARD, PAPER, PACKAGING
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③	EXISTING DOOR TO BE REMOVED. VERIFY SALVAGE AND REUSE w/ OWNER.
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⑤	EXISTING PLUMBING TO BE REMOVED
NOTE: FOR ALL ITEMS TO BE REMOVED, SUPPORT AND SHORE AS REQUIRED PRIOR TO REFRAMING. REVIEW w/ STRUCTURAL AS REQ.	
<b>GENERAL NOTES:</b>	
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5	ALL INTERIOR WALLS ARE 2x4 CONSTRUCTION, UNLESS NOTED OR DIMENSIONED OTHERWISE
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INTERIOR RENOVATIONS TO:

96 CHESTNUT STREET

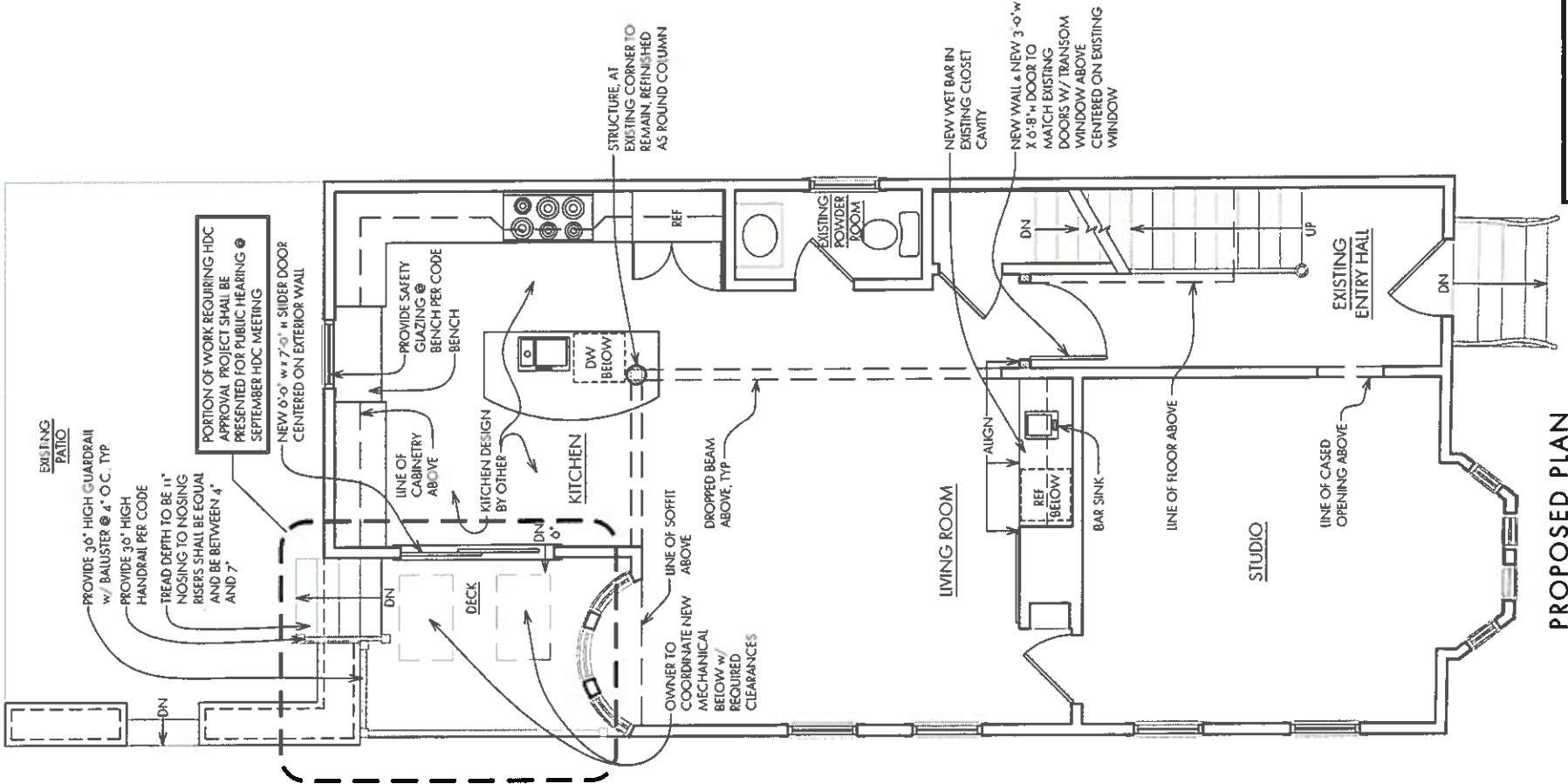
PORTSMOUTH, NEW HAMPSHIRE 03801



DEMOLITION PLAN

1/4" = 1'-0"

FIRST FLOOR DEMO & PROPOSED PLANS



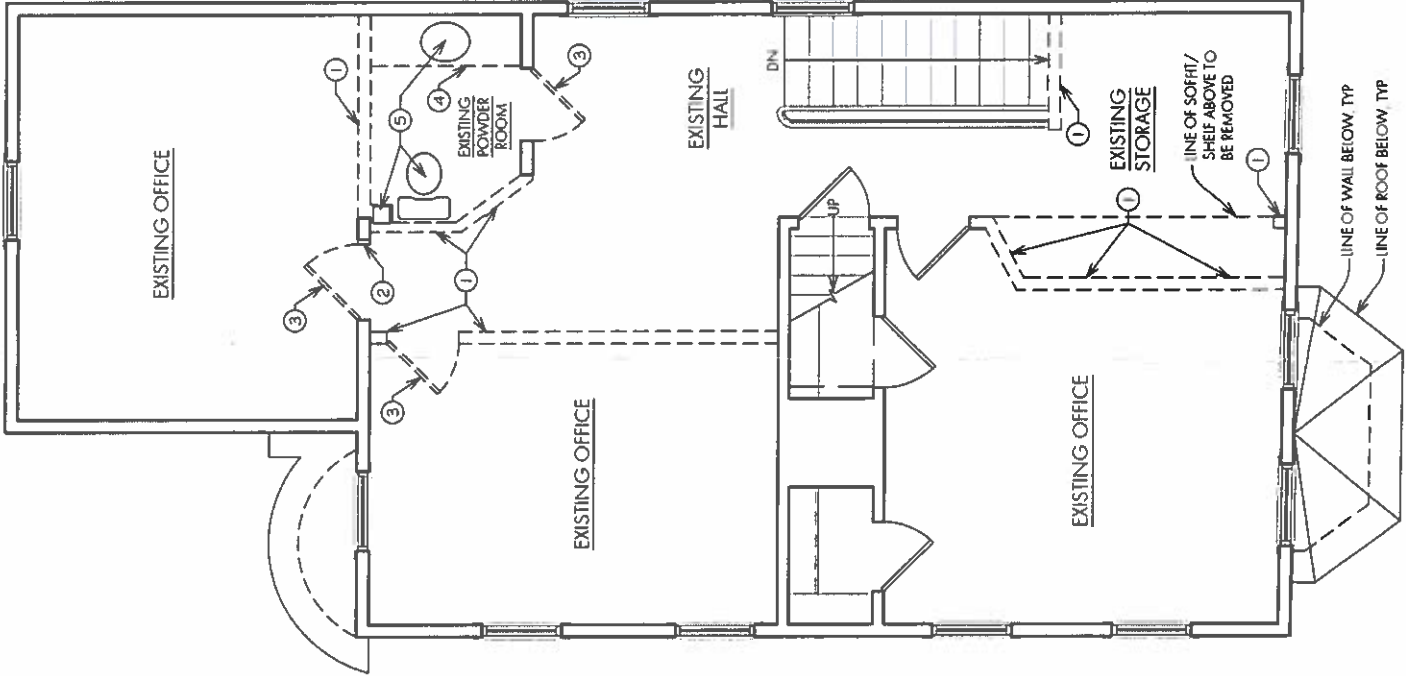
PROPOSED PLAN

20 AUGUST 2013





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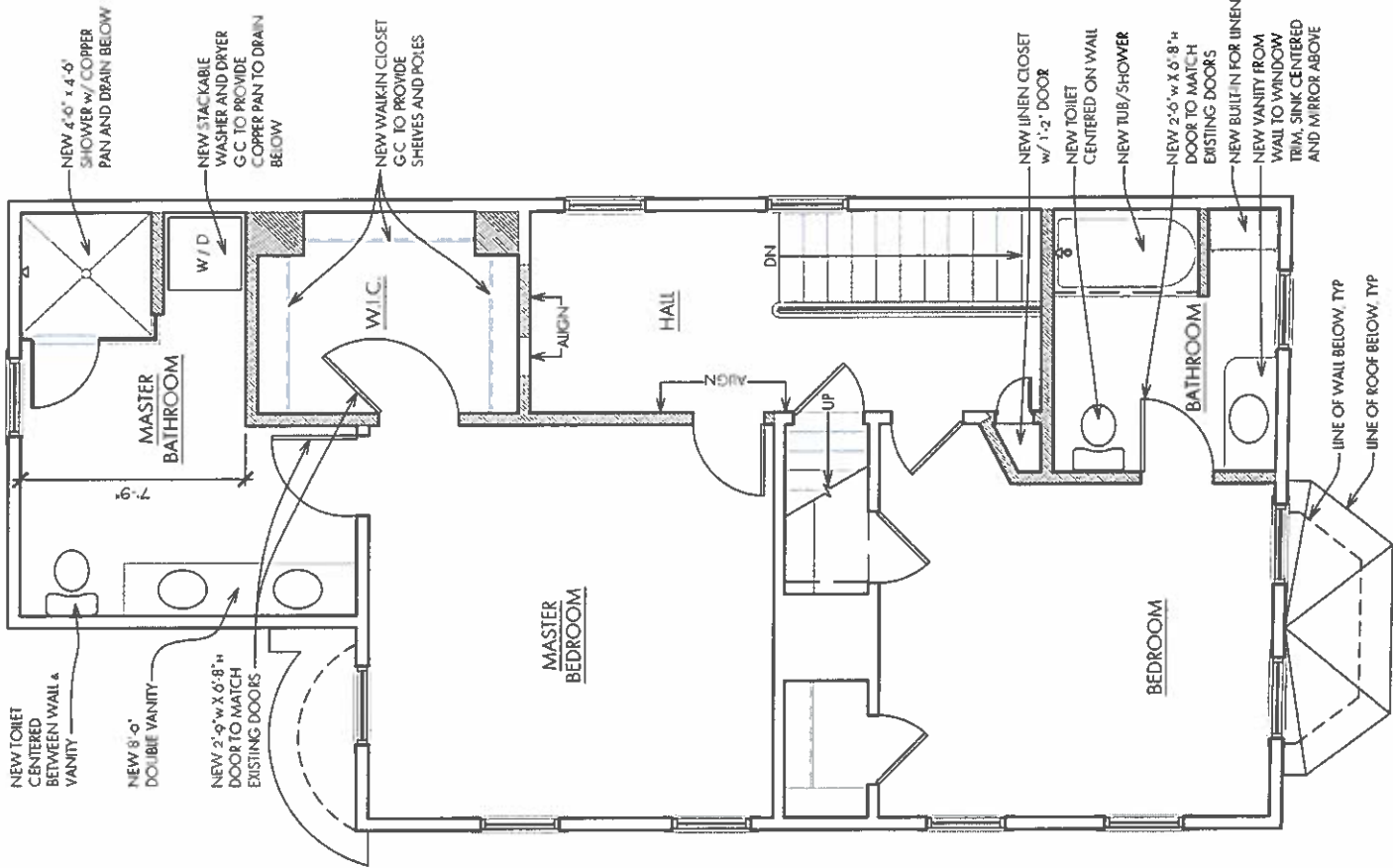
DEMOLITION PLAN

INTERIOR RENOVATIONS TO:  
96 CHESTNUT STREET

20 AUGUST 2013

1/4" = 1'-0"

SECOND FLOOR DEMO & PROPOSED PLANS



PROPOSED PLAN

## 96 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

### Current 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

### Owner of Record

**Owner** RUDY STORLAZY HOLDING LLC  
**Co-Owner** C/O BOSEN & ASSOCIATES PLLC  
**Address** 266 MIDDLE ST  
PORTSMOUTH, NH 03801

**Sale Price** \$350,000  
**Certificate**  
**Book & Page** 5176/2576  
**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

**Year Built:** 1842

**Building Photo**

Replacement Cost: \$442,787  
Building Percent Good: 84  
Replacement Cost  
Less Depreciation: \$371,900

Building Attributes	
Field	Description
Style:	Office Bldg
Model	Commercial
Grade	B-
Stories:	2
Occupancy	1.00
Residential Units	
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Hardwood
Interior Floor 2	Carpet
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	Central
Bldg Use	OFFICE BLD
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	8.00
% Conn Wall	
1st Floor Use:	
Class	



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/A00V0217V78.jpg>)

Building Layout



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

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

FAT	Attic	704	176
UBM	Basement, Unfinished	732	0
		3,232	1,972

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use	Land Line Valuation
Use Code 3400	Size (Acres) 0.05
Description OFFICE BLD	Frontage
Zone CD4-L1	Depth
Neighborhood 305	Assessed Value \$313,600
Alt Land Appr No	Appraised Value \$313,600
Category	

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

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

[illegible]



CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description					
Style:	18	Office Bldg								
Model	94	Commercial								
Grade	B-									
Stories:	2									
Occupancy	1.00									
Residential Unit										
Exterior Wall 1	11	Clapboard								
Exterior Wall 2	03	Gable/Hip								
Roof Structure	03	Asph/F Gls/Cmp								
Roof Cover	05	Drywall/Sheet								
Interior Wall 1										
Interior Wall 2										
Interior Floor 1	12	Hardwood								
Interior Floor 2	14	Carpet								
Heating Fuel	02	Oil								
Heating Type	04	Forced Air-Duc								
AC Type	03	Central								
Bldg Use	3400	OFFICE BLD								
Total Rooms										
Total Bedrms										
Total Baths										
Kitchen Grd										
Heat/AC										
Frame Type	01	HEAT/AC PKGS								
Baths/Plumbing	02	WOOD FRAME								
Ceiling/Wall	06	AVERAGE								
Rooms/Ptrns	02	CEIL & WALLS								
Wall Height	8.00	AVERAGE								
% Conn Wall										
1st Floor Use:										
Class										
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)			OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)							
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
BAS	First Floor	912	912	912	209.06	190,662				
FAT	Attic	176	704	176	52.26	36,794				
FUS	Upper Story, Finished	884	884	884	209.06	184,808				
UBM	Basement, Unfinished	0	732	146	41.70	30,523				
Ttl Gross Liv / Lease Area						442,787				

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description					
Style:	18	Office Bldg								
Model	94	Commercial								
Grade	B-									
Stories:	2									
Occupancy	1.00									
Residential Unit										
Exterior Wall 1	11	Clapboard								
Exterior Wall 2	03	Gable/Hip								
Roof Structure	03	Asph/F Gls/Cmp								
Roof Cover	05	Drywall/Sheet								
Interior Wall 1										
Interior Wall 2										
Interior Floor 1	12	Hardwood								
Interior Floor 2	14	Carpet								
Heating Fuel	02	Oil								
Heating Type	04	Forced Air-Duc								
AC Type	03	Central								
Bldg Use	3400	OFFICE BLD								
Total Rooms										
Total Bedrms										
Total Baths										
Kitchen Grd										
Heat/AC										
Frame Type	01	HEAT/AC PKGS								
Baths/Plumbing	02	WOOD FRAME								
Ceiling/Wall	06	AVERAGE								
Rooms/Ptrns	02	CEIL & WALLS								
Wall Height	8.00	AVERAGE								
% Conn Wall										
1st Floor Use:										
Class										
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)			OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)							
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
BAS	First Floor	912	912	912	209.06	190,662				
FAT	Attic	176	704	176	52.26	36,794				
FUS	Upper Story, Finished	884	884	884	209.06	184,808				
UBM	Basement, Unfinished	0	732	146	41.70	30,523				
Ttl Gross Liv / Lease Area						442,787				

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