



Economic Development
Community Development
Planning & Zoning
Conservation Commission

City Hall - Second Floor
31 Wakefield Street
Rochester, New Hampshire 03867-1917
(603) 335-1338 • Fax (603) 335-7585
E-Mail: kenn.ortmann@rochesternh.net
Web Page: http://www.rochesternh.net/

pd
175
1302400

DEC 21 2010

APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
CITY OF ROCHESTER

DO NOT WRITE IN THIS SPACE

CASE NO. 2011-01

DATE FILED 12-21-10

ZONING BOARD CLERK C. Leung

Phone No 766-3131

Name of applicant THE HOUSING PARTNERSHIP (JACK PEDUZZI)

Address P.O. BOX 466 PORTSMOUTH NH 03802

Owner of property concerned SAME
(If the same as applicant, write "same")

Address SAME
(If the same as applicant, write "same")

Location 56 CHESTNUT STREET

Map No. 124 Lot No. 163 Zone R2

✓ Description of property TWO HOMES ON A SINGLE LOT

✓ Proposed use or existing use affected NOT AFFECTED

The undersigned hereby requests a variance to the terms of Article
Section _____ and asked that said terms be waived to permit SUBDIVISION TO

CREATE A LOT THAT WILL NOT HAVE THE REQUIRED FRONTAGE
OR THE REQUIRED SQUARE FOOTAGE.

The undersigned alleges that the following circumstances exist which prevent the proper
enjoyment of his land under the strict terms of the Zoning Ordinance and thus constitute
grounds for a variance.

Signed [Signature]
(Applicant)

Case # _____

Date: _____

A variance is requested by: THE HOUSING PARTNERSHIP

DEC 21 2010

from Section

Subsection

of the Zoning Ordinance to permit: a subdivision with less than the required frontage and less than the required square footage.

at 56 Chestnut Street, Map 124, Lot 163, Zone R2

Facts supporting this request:

1. **The proposed use would not diminish surrounding property values:** The proposed use will not diminish surrounding property values because the effect of the variance will be invisible from the street or from abutting properties. The variance will not increase noise, light, activity or traffic at the property, but it is possible that it will diminish them due to stabilizing the population. Finally, a letters from City Tax Assessor Tom Mullin and a presentation by local Real Estate agent Bill Cormier will confirm their beliefs that allowing for an increase in single family lots will actually increase surrounding property values.
2. **Granting the Variance is not contrary to the public interest:** The variance will not be contrary to the public interest because it will not increase congestion in the streets, or negatively impact health and the general welfare of citizens. Nor will it exacerbate overcrowding or increase population. Prior to construction the property consisted of 3 rental units. At construction completion and with this variance and a subdivision the property will consist of 2 homeownership units and 1 rental unit. Likewise, the variance will not impede transportation or have an ill effect on water, sewerage, schools or solid waste facilities because the number of units remains the same. The variance will not affect light because the buildings' footprints do not change. The variance will not hamper the use of natural resources. It will have a positive impact on the character of the neighborhood because it will promote homeownership, which stabilizes neighborhoods. Stability increases the value of buildings, and so the variance will have a positive effect. The variance grants equal access to both buildings on the lot, which is prerequisite to sale of the buildings.
3. **Denial of the variance would result in unnecessary hardship to the Owner:** Denial of a variance will result in an unnecessary hardship on The Housing Partnership's ability to sell the property. Funds used to acquire and rehabilitate

the property are from a Neighborhood Stabilization Program grant. When the City applied for the funds it stated that it wished to use the funds to increase homeownership in the neighborhood and decrease the number of rental units. The special, unique conditions of this property consists of the fact that two homes exist on a single lot, which makes it virtually impossible to sell the buildings to separate homeowners and/or for the buyers to obtain bank financing—banks will not provide financing if there is not a clear delineation as to who owns what. Granting a frontage variance will have no ill effects on the public or private rights of others. No relationship exists between the purpose of the ordinance and the current restrictions on the property because density will not be increased and there will be no visual changes to the property.

4. **Granting the variance would do substantial justice:** Substantial justice will be achieved by granting the variance because the neighborhood as a whole will benefit. The property is located in a neighborhood that consists overwhelmingly of rental properties. The rental population is transient, and many owners of the rental properties are absentee landlords who take a “deferred maintenance” approach to their properties. Homeownership properties promote neighborhood stability. In this case, substantial justice is done because if the variance is granted both the applicant and the community benefit and there is no harm to anyone.
5. **The use is not contrary to the spirit of the ordinance:** The spirit of the ordinance is observed for all the reasons already cited above. It does not increase congestion or reduce safety or have a negative impact on health and general welfare. Two buildings consisting of 3 units total existed on the property prior to construction, and two buildings consisting of 3 units total will exist at construction completion. The buildings will occupy the same footprint post-construction as they did pre-construction, and this will not result in overcrowding or unduly concentrating the population. Similarly, the variance will not change the property’s prior impact on public facilities, water, sewerage, schools or parks. It will increase the value of buildings in the neighborhood by increasing homeownership over rental units. The only change will be to grant future owners of each building full frontage access. This will increase the likelihood of buyer interest, and will not result in a visible impact to anyone in the neighborhood.

Name: Jack Peduzzi, The Housing Partnership Date: December 22, 2010

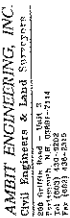
Application Narrative

The Housing Partnership acquired and is in the process of rehabilitating two buildings on a single lot at 56 Chestnut Street (Map 124, Lot 163), utilizing federal Neighborhood Stabilization Program funds which the City of Rochester applied for in a competitive application. The City's intent, as expressed in the grant application, was to increase the number of homeownership units in the historic neighborhood known as Cold Spring Park, and correspondingly to decrease the number of rental units, with the overarching goal of stabilizing the neighborhood by reducing transient residents. As a condition of the federal award, the NSP funds had to be used to acquire and rehabilitate properties that had already been foreclosed.

The two buildings at 56 Chestnut Street were among the worst of the foreclosures, both because of their structural condition in general and because the building at the rear of the property (aka "56B Chestnut") lacked its own distinct water and sewer infrastructure. Further, the two buildings were owned by a single owner, who, prior to foreclosure, was stymied in his efforts to sell one of the two buildings for the exact reason that The Housing Partnership is requesting a variance.

Earlier this month of December 2010, The Housing Partnership engaged a contractor to trench new water and sewer lines for 56B Chestnut Street. Formerly, this building received municipal water from the other building on the property (aka "56A Chestnut"). The sewer line from 56B Chestnut had been granted an easement from the owner of Lot 163-1, beneath whose house the line ran.

In keeping with the spirit of the City's grant application to the federal government, The Housing Partnership intends to sell 56A Chestnut and 56B Chestnut to separate owners. To accomplish this goal a subdivision will be necessary for three reasons: (1) banks will not lend to a buyer under the current configuration of two buildings on a single lot; (2) a buyer's attorney would likely advise the buyer not to acquire the property until a subdivision has been granted; and, (3) notwithstanding the difficulty of surmounting the two previous hurdles, it is unlikely that a savvy buyer could be found who would agree to purchase one of the homes given the existing conditions.



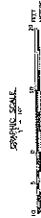
AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 2
Portsmouth, N.H. 02801-7114
Tel (603) 430-2202
Fax (603) 430-2315

NOTES:

- [illegible]

2010 3 9

2015



NO.	ISSUED FOR COMMENT	12/28/10
	DESCRIPTION	DATE
	REMARKS	

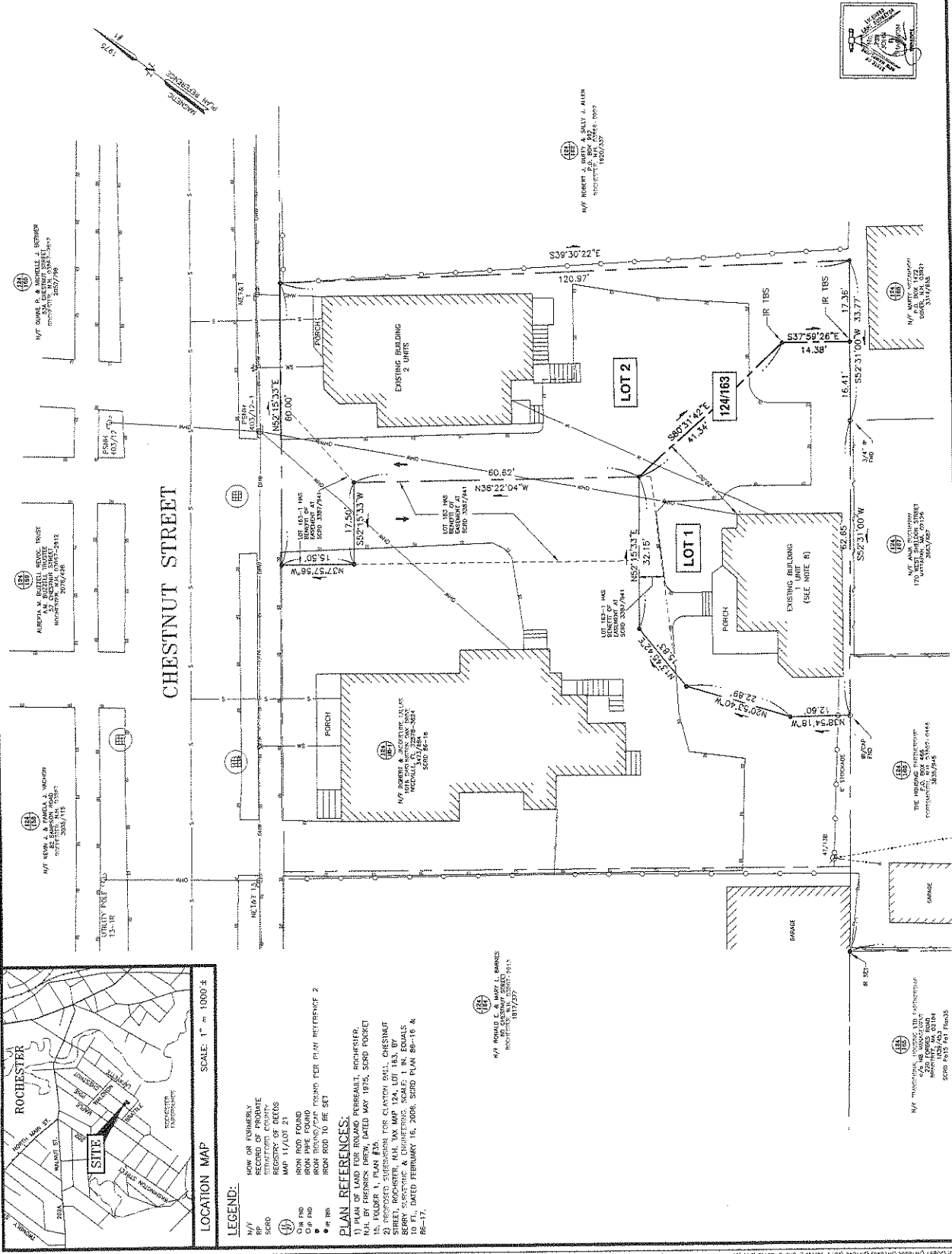
VARIANCE APPLICATION PLAN
TAX MAP 124 - LOT 163

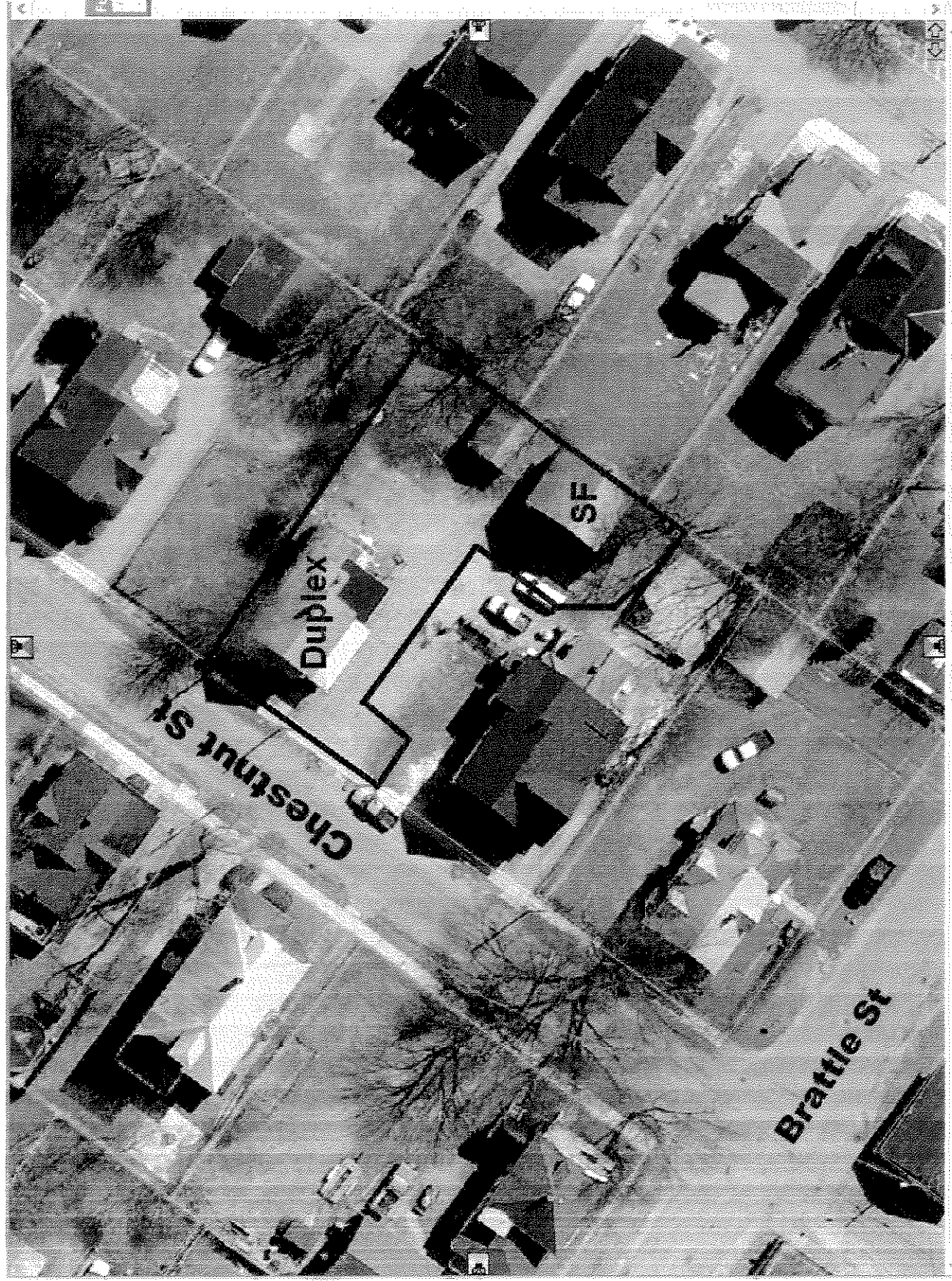
FOR
THE HOUSING
PARTNERSHIP
56 CHESTNUT STREET
CITY OF ROCHESTER
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE

$$\cos \gamma^* = 10^\circ$$

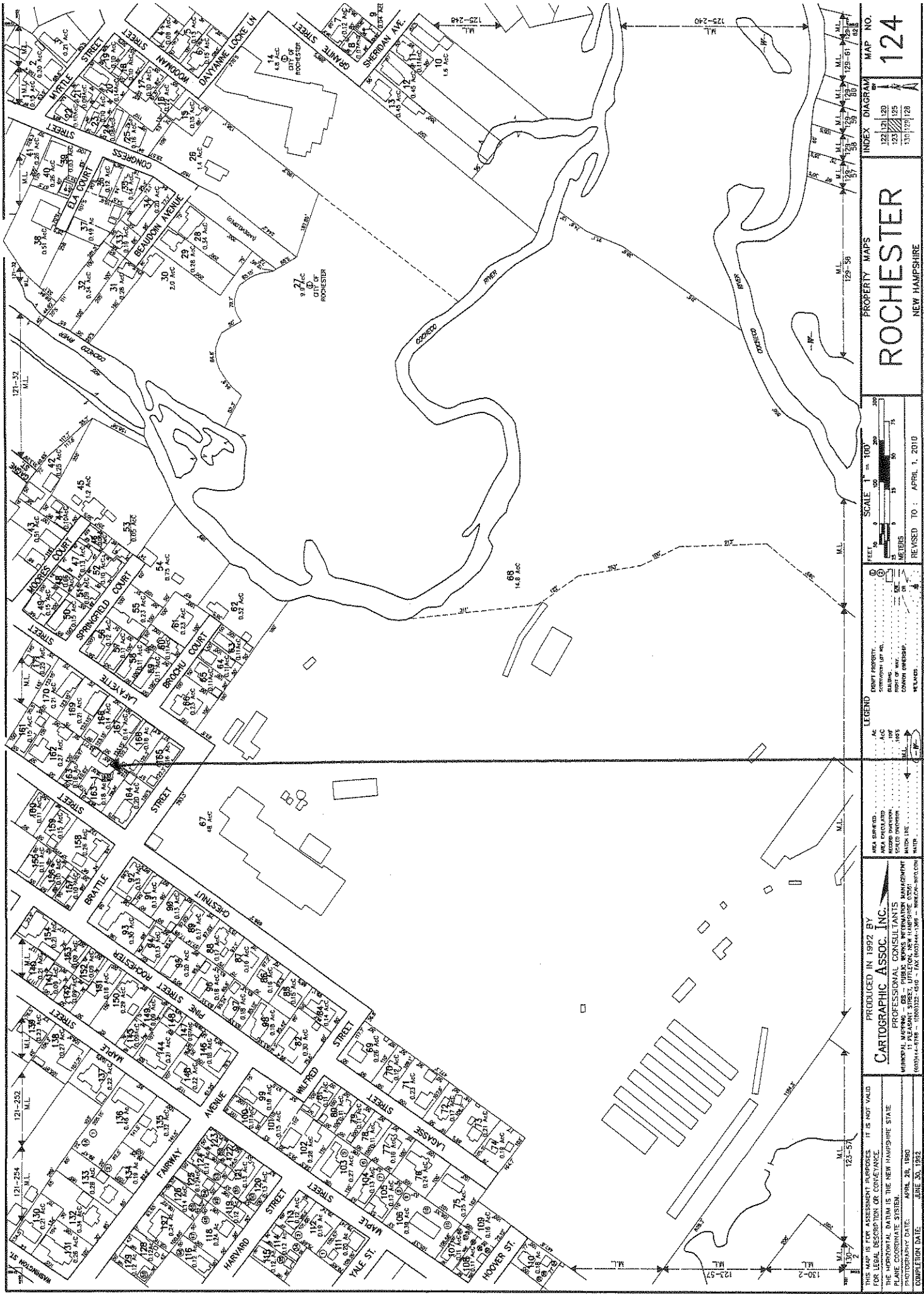
2000-2001

1840





2011-01



ROCHESTER

NEW HAMPSHIRE

INDEX MAPS
MAP NO. 124

SCALE 1" = 100'
REVISIT TO : APRIL 1, 2010

LEGEND
ACRES
FEET
METERS
WELLS

PRODUCED IN 1992 BY
CARTOGRAPHIC ASSOC. INC.
PROFESSIONAL CONSULTANTS
11 PLEASANT STREET, LITTLETON, NEW HAMPSHIRE 03043
(603) 441-4149 • FAX (603) 441-1599 • WWW.CARTO.COM

THIS MAP IS FOR INFORMATION PURPOSES ONLY. IT IS NOT VALID FOR LEGAL DESCRIPTION OR CONVEYANCE.
THE HORIZONTAL DATUM IS THE NEW HAMPSHIRE STATE PLANE COORDINATE SYSTEM.
PRODUCTION DATE: APRIL 28, 1992
COMPLETION DATE: JUNE 30, 1992

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0124-0163-0000	Account Number 4527
Prior Parcel ID --	
Property Owner HOUSING PARTNERSHIP	Property Location 56 CHESTNUT ST
	Property Use MULT HOUSES
Mailing Address P O BOX 466	Most Recent Sale Date 1/30/2010
	Legal Reference 3913-206
City PORTSMOUTH	Grantor H&R BLOCK BANK 1/4 COUNTRYWIDE,
Mailing State NH Zip 03802-0466	Sale Price 129,000
Parcel/Zoning R2	Land Area 0.160 acres

Current Property Assessment

Card 1 Value	Building Value 52,200	Yard Items Value 0	Land Value 48,200	Total Value 100,400
Total Parcel Value	Building Value 96,800	Xtra Features Value 4,100	Land Value 48,200	Total Value 151,200

Building Description

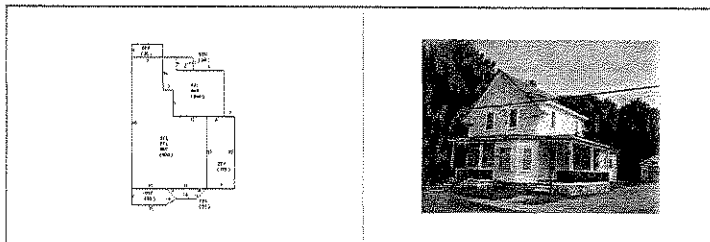
Building Style DUPLEX	Foundation Type CONC BLOCK	Flooring Type AVERAGE
# of Living Units 2	Frame Type WOOD	Basement Floor CONCRETE
Year Built 1881	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVERAGE	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Fair	Siding CLAPBOARD	Air Conditioning 0%
Finished Area (SF) 1611	Interior Walls PLASTER	# of Bert Garages 0
Number Rooms 9	# of Bedrooms 5	# of Full Baths 2
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.160 acres of land mainly classified as MULT HOUSES with a(n) DUPLEX style building, built about 1881, having CLAPBOARD exterior and ASPHALT SH roof cover, with 2 unit(s), 9 room(s), 5 bedroom(s), 2 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Unofficial Property Record Card - Rochester, NH

General Property Data

Parcel ID 0124-0163-0000	Account Number 4527
Prior Parcel ID --	
Property Owner HOUSING PARTNERSHIP	Property Location 56 CHESTNUT ST
	Property Use MULT HOUSES
Mailing Address P O BOX 466	Most Recent Sale Date 1/30/2010
	Legal Reference 3813-206
City PORTSMOUTH	Grantor H&R BLOCK BANK % COUNTRYWIDE,
Mailing State NH Zip 03802-0466	Sale Price 129,000
Parcel/Zoning R2	Land Area 0.000 acres

Current Property Assessment

Card 2 Value	Building Value 46,700	Yard Items Value 4,100	Land Value 0	Total Value 50,800
Total Parcel Value	Building Value 88,900	Xtra Features Value 4,100	Land Value 48,200	Total Value 151,200

Building Description

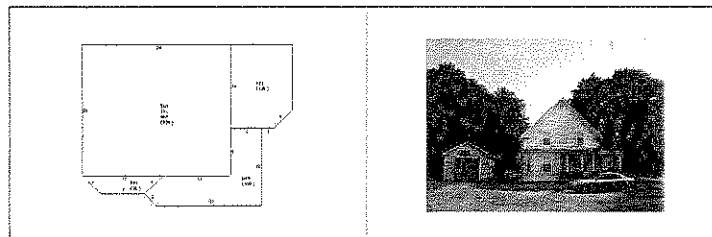
Building Style NEW ENGLAND	Foundation Type BRICK/STONE	Flooring Type AVERAGE
# of Living Units 1	Frame Type WOOD	Basement Floor DIRT
Year Built 1901	Roof Structure GABLE	Heating Type FORCED H/A
Building Grade AVG. (-)	Roof Cover ASPHALT SH	Heating Fuel OIL
Building Condition Fair	Siding CLAPBOARD	Air Conditioning 0%
Finished Area (SF) 1090	Interior Walls PLASTER	# of Bsm# Garages 0
Number Rooms 6	# of Bedrooms 3	# of Full Baths 1
# of 3/4 Baths 0	# of 1/2 Baths 0	# of Other Fixtures 0

Legal Description

Narrative Description of Property

This property contains 0.000 acres of land mainly classified as MULT HOUSES with a(n) NEW ENGLAND style building, built about 1901, having CLAPBOARD exterior and ASPHALT SH roof cover, with 1 unit(s), 6 room(s), 3 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Applicant: THE HOUSING PARTNERSHIP Phone 603-766-3131

Project Address: 56 CHESTNUT STREET

List the names and addresses of all parties below. For abutting lot owners, list each owner whose lot adjoins or is directly across the street or a body of water from the subject property. This form may not be completed more than five (5) days prior to the application deadline.

LEGAL OWNER OF SUBJECT LOT

Map	Lot	Zone	Owner Name	Mailing Address
124	163		THE HOUSING PARTNERSHIP	P.O. Box 466 PORTSMOUTH NH 03802

ABUTTING LOT OWNERS

Map	Lot	Owner Name	Owner Mailing Address (NOT property location)
124	159	BUZZELL ADRIANA REV TRUST	57 CHESTNUT ST. ROCHESTER NH 03867
124	160	BERNIER, DUANE & MICHELLE	53A CHESTNUT ST. ROCHESTER NH 03867
124	162	DUFFY, ROBERT & ALLEN, SALLY	P.O. Box 992 ROCHESTER, NH 03866-0992
124	166	THE HOUSING PARTNERSHIP	P.O. Box 466 PORTSMOUTH NH 03802
124	167	BUXHAWAN, ANITA	170 W. SHELDON ST. MATTAHAN, MA 02126
124	168	M ^C CANNON, MARTY	P.O. Box 1472 DOVER NH 03821-1472
124	163-1	LALLAS, ROBERT & JACQUELINE	1016 DARLINGTON OAK DRIVE NICEVILLE FL 32578-3624

PROFESSIONALS AND EASEMENT HOLDERS. Engineers, Surveyors, Soil Scientists, and Architects whose seal appears or will appear on the plans (other than any agent submitting this application); holders of conservation, preservation, or agricultural easements; and upstream dam owners/NHDES.

Name of Professional or Easement Holder	Mailing Address

12592
12592

I, the undersigned, acknowledge that it is the responsibility of the applicant or his/her agent to fill out this form and mail certified notices to abutters and other parties in a complete, accurate, and timely manner, in accordance with applicable law. I understand that any error or omission could affect the validity of any approval. The names and address listed on this form were obtained from the City of Rochester Assessing Office computer Patriot Database

on this date: 12/21/10 This is page ____ of ____ pages.

Applicant or Agent: [Signature]