

# CITY OF MANCHESTER

#### PLANNING AND COMMUNITY DEVELOPMENT

Planning and Land Use
Building Regulation
Code Enforcement
Community Improvement Program

Jeffrey D. Belanger, AICP Director

Nicola Strong
Deputy Director – Planning & Zoning

Michael J. Landry, PE, Esq. Deputy Director – Building Regulations

ZBA2024-153

December 31, 2024

Coral 516 Elm, LLC (Owner) 434 Robledo Street Las Vegas, NV 09138

Brian Pratt (Engineer) Fuss & O'Neill 50 Commercial Street, Suite 201 Manchester, NH 030102

Alan Yu (Architect) Momo Design & Build 1660 Soldiers Field Road Brighton, MA 02135

RE:

516 Elm Street

B-3

**Zoning Relief Required for Building Permit** 

Your application for a permit dated December 12, 2024 to construct a six-story, 50-unit multifamily dwelling on a lot with 11,038 SF of buildable land area where 26,500 SF is required with a floor area ratio of 6.0 where 5.0 is allowed in the CBD Zoning District, all as per documents submitted through December 12, 2024 and with non-compliance listed in the Zoning Review dated December 26, 2024 is hereby acknowledged.

According to Section(s) **6.01 Minimum Buildable Lot Area and 6.06 Floor Area Ratio**, of the Zoning Ordinance of the City of Manchester, New Hampshire, passed to be ordained on February 7, 2001, this is prohibited. Consequently, I have no authority to grant this permit. Permit is hereby DENIED.

#### **Required Actions:**

- Site Plan Approval
- Arena Overlay District

Further proceedings contemplated pertaining to this application must be pursuant to NH Revised Statutes Annotated 674:33 or the other statutory provisions relative to Zoning Boards of Adjustment, as may be appropriate.

Michael J. Landry, PE, Esq.

Deputy Director, Building Regulations

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 B....#1102.... 159 .... Tide Water Oil Do.
 Htg & T...#69...!60.. "
                              11
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S....#49.....'66.....Manchester Tire & Battery
E....#262....166.....
E....#1052...'67.....Getty Oil Co.
 S....#189... 169....
E...#1007...169....
S....#17.... 170....
E, ... #56.... '70....
                                        Gerald Carme
B...#1166....!78....Goodyear Car Care Center
E...#1078....'78....
S...#175.... 178.... Regal Car Care Center
(S-1)..applica. denied 11/2/78 Gerald Carmen P...#558.....78....Gerald Carmen (S-1)..appeal grabted 274-Z0-78
 Card #2
                          516 Elm St.
S...#202....178....Regal Car Care Center
E...#1477....178....
   C.O. #13-179 for Per. #1166-178
 P....358....'85....Sound System
 E.....#935....'85.....Sound Service
 E....977..... 185....
 B....#1896....'85....Steven VanDerBeken
Htg....#63....186....Sound Systems
B....#1101....'86....
S....#120....'86.....
B-2..permit denied 11/7/13..Neng Hong Wu
 B-2..case tabled 30 days..applicant not present
             - 162-ZO-2013
  12-12-13
```

#### Card #3 516 Elm: Street

B-2..permit denied 11/7/13..Neng Hong Wu B-2..Appeal granted..1/16/14..Neng Hong Wu 162-ZO-2013..(Occupy 11,000 SF basement level fo storage and distribution center) GRANTED

# **516 ELM STREET** Variance History

#### B-1 <u>Case: 274-ZO-1978</u>

Erect a 6'1"x11' electric sign on existing pole, overall height 15'6", located 1' from Elm Street lot line where 5' is required.

**GRANTED** 

#### B-2 <u>Case: 162-ZO-2013</u>

Occupy 11,000 SF basement level for storage and distribution center.

**GRANTED** 



Case No.: 162-ZO-2013

# CITY OF MANCHESTER PLANNING AND COMMUNITY DEVELOPMENT

Planning & Land Use Management **Building Regulations** Code Enforcement Division Community Improvement Program Zoning Board of Adjustment

Leon L. LaFreniere, AICP Director

Pamela H. Goucher, AICP Deputy Director Planning & Zoning

Matthew M. Sink Deputy Director Building Regulations

#### VARIANCE NOTICE OF DECISION

Property Location: 516 Elm Street

	• •
You are hereby notified that the request of:	Neng Hong Wu 100 Laurel Street Manchester, NH 03103
to occupy 11,000 square foot basement level in accordance with Article V of the Board's	vel for storage and distribution center has been granted BY-LAWS.
Stipulations or Comments:	
If denied, the decision is based on the follow	wing:
Per RSA 677:2, any aggrieved person affecte 30 days.	ed by the Board's decision may request a rehearing within
4///	Date: 1/73/14
Michael E. Dupre	_ Date: 1/25/19
Acting Chairman, Zoning Board of Adjustme	ent / /

NOTE: Permits or other approvals as may be required for vesting must be obtained within two years of the date of this notice, or the variance will expire.

Per RSA 677:2, any aggrieved person affected by the Board's decision may request a rehearing within 30 days.



# **BOARD OF ADJUSTMENT**

Tity of Manchester, N. H.

### Z O N I N G NOTICE OF DECISION

Case No. 274-20-7

You are hereby notified that the request of			
Name : Garald Carnen			
Address Crasteller. Id			
For An Exception — A Variance	of the zoning or	dinance of the C	City of
Manchester, New Hampshire, passed to be ord	공원으로 등 없어. 주는 나는 그는 사람들이 있어 그 하는 돈이 어디를 받는다.	에 제 가 하셔니? 그런 이번 그리는 하네요. 그런데 휴	
TO: area 617%); electric sign on er 1. from Sim St. loi line where 5.			
has been	by a ma	jority of the app	ointed
Resolved, if granted that the following condition	ns shall be attached to su	ch use:	
REC'D FOR DEC 6 1978	Signed	Ci	nairman
	Date	Dec. 4 19	.78

NOTE: Application for rehearing on any question of the above determination may be taken within 20 days of said determination by any party to the action or person affected thereby according to N.H., R. S. A. 31:74-76—Fee for re-hearing is \$40.00.

# **ZONING REVIEW**

Reviewed By:	Glenn Gagne	Date:	December 26, 20	24	
Revised By:	TELEPHONE: 617-938-7606 WAF STREET STATUS: Accepted MAP / LOT: 149 / 3  RLAY DISTRICTS: PLANNING DEPARTMENT/BOARD AND Sisteric District (AMH, ACH) Street Subdivision Sisteric District (AMH, ACH) Sirport Navigational Hazard Sirport Noise □ Conditional Use Permit Sirport Noise □ Heritage Commission □ Heritage Commission				
APPLICANT NAME: Alan Yu & Brian Pratt (Agent) Fuss & O'Neill STREET ADDRESS: 516 Elm Street CBD  OVERLAY DISTRICTS:  Flood Plain Residential-PO Historic District (AMH, ACH) Airport Navigational Hazard Airport Approach Airport Noise Arena Overlay Lake Massabesic Protection Overlay	STREET STATUS:	Accepted	WARD:	3	
Flood Plair Residentia Historic Die Airport Nav Airport App Airport Noi Arena Ove	n I-PO strict (AMH, ACH) rigational Hazard oroach se rlay	⊠ Site Plan ☐ Subdivisio ☐ Planned D ☐ Condition ☐ Voluntary	on evelopment al Use Permit Merger	DARD ACTION:	

DIMENSIONS	EXISTING	PROPOSED
Area of Lot (Square Feet)	11,038	11,038
Area of Building on Lot (Square Feet)	3,400	10,220
Number of Stories	1	6
Total Area of All Floors (Square Feet)	14,400	66,228

ARTICLE 5 - USES	PERMITTED PER	NOT PERMITTED REMARKS PER
Restaurant up to or greater than 5,000 SF	5.10 (G) 1 & 2	
Dwellings in upper stories of building with	5.10 (A) 8	
commercial 1st floor - (Asking for up to 60 units)	-	

ARTICLE 6 DIMENSIONAL REQUIREMENTS	SECTION	ALLOWED/ REQUIRED	PROPOSED/ EXISTING	REMARKS
Min. Buildable Lot Area	6.01	31,500 SF	11,038 SF	N/C - Asking for up to 60 units
☐ Minimum Lot Front	6.02		110'	ОК
Minimum Lot Width	6.02		110'	ОК
Front Yard Setback – Elm St.	6.03 (A)		0'	OK
Street Yard Setback – Depot St.	6.03 (A)		0'	OK
☐ Side Yard Setback	6.03 (C)		3.2'	OK
☐ Side Yard Setback *Observed	6.03 (C)	and one one	0'	OK *See Article 6.03 (A)
Lot Coverage (%)	6.04	## ## E4	100 %	OK
Height in Feet	6.05		Approx. 75'	ОК
Height in Stories	6.05		6	ОК
☑ Floor Area Ratio	6.06	5.0 (Max)	6.0	N/C

ZONING ITEM	SECTION	ALLOWED						
	SECTION	ALLOWED/	PROPOSED	REMARKS				
		REQUIRED						
Parking, No. of Spaces	10.03 (B)	CBD Exempt	Approx. 18-20	OK - Basement garage				
☐ Parking, Setbacks	10.09 (A) 10.09 (B)		-	-				
Parking, Screening	10.07(K)4	-	-	-				
ranking, ranking	10.07 (E)	Required	Yes	OK				
	10.07 (K)1	-	-	-				
	10.06 (A)	See Ord	See Plan	OK				
	10.07(D)	On-Site	On-Site	OK				
	10.05 (2)	CBD Exempt	*	-				
Loading, Dimension of Fact.	10.06 (C)	-		-				
Louding, manous orms	10.06 (C)	-	-	-				
☐ Driveways, Width	10.08 (C)	24', 36'	22'	OK				
☐ Driveways, Location	☐10.08 (A) ☐10.08 (B)	See Ord.	See Plan	OK				
☐ Visibility at Corners	8.27 (E)	Required	See Plan	OK				
Accessible Spaces, Number	10.03 (D)	See Ord.	See Plan	Existing No Change				
Accessible Spaces, Dimensions	☐10.06 (A) ☐10.06 (B)	-	-	-				
Screening/Buffers	6.08 (A) 6.08 (B)	N/A	-					
☐ Landscaping	10.07 (G)	N/A	-	-				
Signs	□9.08 (A) □9.09 (B)	See Ord.	No Info	To Comply				
Fences, Walls	□8.27 (B)	-	None	-				
	☐8.27 (C) ☐8.27 (D)	-	-	-				
Accessory Structures & Uses	□8.29 (A) □8.29 (B)	-	None	-				
Other	-	-	-	-				

# PARKING SPACE REQUIREMENT:

Building Use	Unit of Measurement	Computation	Spaces Required
CBD Exempt	-	-	<u>.</u>
		TOTAL:	-

Additional Information: -	

DATE OF PLAN SUBMISSION: December 12, 2024

Property L Vision ID	4590	)	,	Account #			Мар II	0149/	/ 0003/ / Blo	ig# 1			Bldg Name	1	Card#	1 of	1		tate Us rint Dat	e 3260 e 12/7/2024 4	4:02:16 AM
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B Use Co	ode	Description	Zone	Land Type	Land U	nits	Unit Price	I. Factor	Site Inc		Nbhd.	Nhbd Ad	j	Notes		Lo	ocation	Adjustn	nent /	Adj Unit Pric	Land Value
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State Use 3260 Print Date 12/7/2024 4:02:17 AM CONSTRUCTION DETAIL (CONTINUED) **CONSTRUCTION DETAIL** Element Cd Description Element Cd Description Style: BAS Model Commercial 04 Grade Average +05 Stories: MIXED USE Occupancy Exterior Wall 1 1.00 Code Description Reinforc Concr Percentage Exterior Wall 2 20 Brick/Masonry REST/CLUBS MDL-94 100 Roof Structure 01 Roof Cover 04 Tar & Gravel Minim/Masonry UBM COST / MARKET VALUATION Interior Wall 1 Interior Wall 2 05 Drywall/Sheet RCN 562,946 Interior Floor 1 03 Concr-Finished Interior Floor 2 Heating Fuel 02 Year Built 1900 04 Heating Type Forced Air-Duc Effective Year Built Depreciation Code 1998 EX AC Type None Bldg Use 3260 REST/CLUBS MDL-94 Remodel Rating Total Rooms Year Remodeled Total Bedrms 00 Depreciation % 23 Total Baths Functional Obsol Heat/AC 03 UNIT/AC External Obsol Frame Type Baths/Plumbing 03 MASONRY Trend Factor 02 AVERAGE Condition Condition % Ceiling/Wall 03 SUS-CEIL/MN WL Rooms/Prtns Wall Height 02 12.00 **AVERAGE** Percent Good 77 433,500 **BCNLD** % Comn Wall 1st Floor Use: Dep % Ovr 3320 Dep Ovr Comment Misc Imp Ovr Misc Imp Ovr Comment Description L/B Units Unit Price Yr Bit Cond. Cd % Good Grade Grade Adj Appr. Value
PAVING-ASPH L 7,560 2.50 2016 50 0.00 Cost to Cure Ovr Code PAV1 9,500 PARKING SPA 24 0.00 2016 50 0.00 
 BUILDING SUB-AREA SUMMARY SECTION

 on
 Living Area
 Floor Area
 Eff Area
 Unit Cost
 Undeprec Value

 3,300
 3,300
 3,300
 93.05
 307,061
 Code Description BAS 307.061 UBM Basement, Unfinished 11,000 255,884 Ttl Gross Liv / Lease Area 3,300 14,300 6,050 562,945

Bldg Name

Card # 1 of 1

Map ID 0149/ / 0003/ /

Bldg # 1

Property Location Vision ID 4590

516 ELM ST

Account # 22002208

#### **516 ELM ST**

Location 516 ELM ST

Mblu 0149//0003//

Owner

CORAL 516 ELM LLC

Assessment \$608,500

**Building Count** 1

#### **Current Value**

Assessment	The state of the s
Valuation Year	Total
2022	\$608,500

#### **Owner of Record**

Owner

CORAL 516 ELM LLC

Co-Owner

Sale Price

\$1,500,000

Certificate

Book & Page 9801/2146

Sale Date

08/23/2024

Instrument

D

#### **Ownership History**

Ownership History											
Owner Sale Price Certificate Book & Page Instrument Sa											
CORAL 516 ELM LLC	\$1,500,000	<del></del>	9801/2146	Р	08/23/2024						
STAR BRIDGE DISTRIBUTORS LLC	\$800,000		9107/0680	40	09/06/2018						
WU, NENG HONG	\$540,000	1	8268/0574	03	11/22/2010						
V & K INVESTMENTS L L C	\$4,000		5637/0764	04	06/28/1995						

#### **Building Information**

#### **Building 1 : Section 1**

Year Built:

1900

Living Area:

3,300

**Replacement Cost** 

**Less Depreciation:** 

\$433,500

Building Attributes	
Field	Description
Style:	Restaurant
Model	Commercial

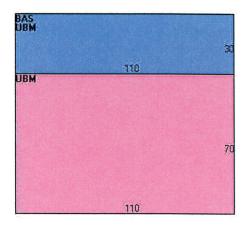
-	
Grade	Average +05
Stories:	1
Occupancy	1.00
Exterior Wall 1	Reinforc Concr
Exterior Wall 2	Brick/Masonry
Roof Structure	Flat
Roof Cover	Tar & Gravel
Interior Wall 1	Minim/Masonry
Interior Wall 2	Drywall/Sheet
Interior Floor 1	Concr-Finished
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Struct Class	
Bldg Use	REST/CLUBS MDL-94
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	3320
Heat/AC	UNIT/AC
Frame Type	MASONRY
Baths/Plumbing	AVERAGE
Ceiling/Wall	SUS-CEIL/MN WL
Rooms/Prtns	AVERAGE
Wall Height	12.00
% Comn Wall	

#### **Building Photo**



(https://images.vgsi.com/photos/ManchesterNHPhotos/\00\07\50\83.jpg)

#### **Building Layout**



(https://images.vgsi.com/photos/ManchesterNHPhotos//Sketches/4590\_45

Building Sub-Areas (sq ft)				
Code	Description	Gross Area	Living Area	
BAS	First Floor	3,300	3,300	
UBM	Basement, Unfinished	11,000	0	
		14,300	3,300	

#### **Extra Features**

# Extra Features No Data for Extra Features

#### Land

**Land Use** 

**Land Line Valuation** 

Use Code

3260

Size (Sqr Feet) 11000

**Description** REST/CLUBS MDL-94

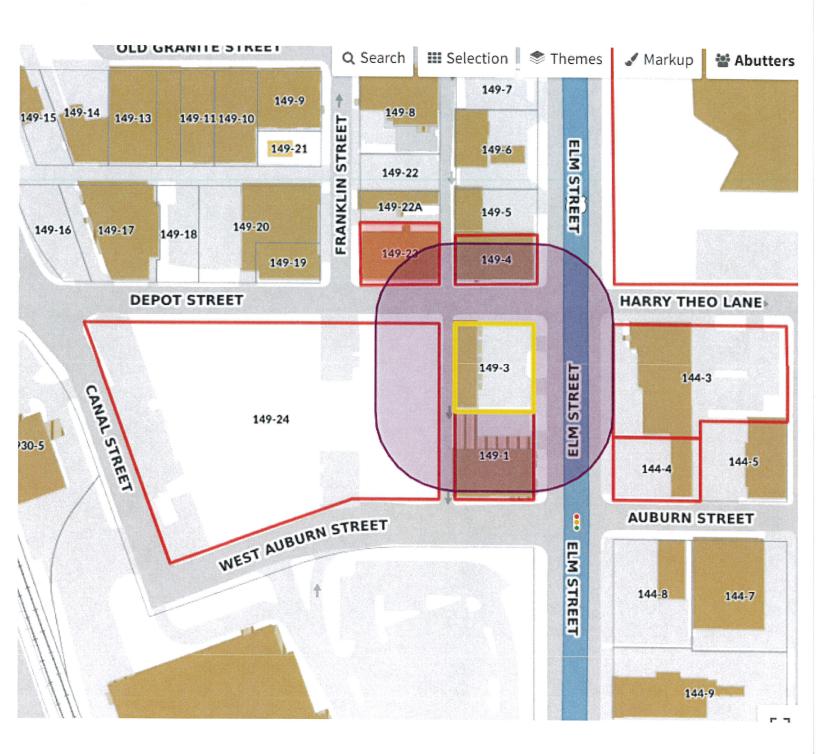
#### Outbuildings

Outbuildings				
Code	Description	Size		
PAV1	PAVING-ASPHALT	7560.00 S.F.		
PK1	PARKING SPACE	24.00 UNITS		

#### **Valuation History**

Assessment		
Valuation Year	Total	
2023	\$608,500	

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#### City of Manchester Planning & Community Development One City Hall Plaza-West Wing Manchester, NH 03101 (603) 624-6475

www.manchesternh.gov

#### Jeffrey D. Belanger, AICP Director

Pamela H. Goucher, AICP Deputy Director Planning & Zoning

Michael J. Landry, PE, Esq. Deputy Director Building Regulations

#### **VARIANCE CRITERIA**

	Complete this form and attach 10 copies along with	any supplemental material that would suppor	t your appeal.
		Deadline for Next Hearin	
Propert	ty Location: 516 Elm Street		Jan 9th meeting
Owner:	Coral 516 Elm, LLC		
Address	s: 434 ROBLEDO ST	Phone #: (617)	938-7606
	LAS VEGAS NV 89138		.ldwithmomo.com
Applica	nnt: Momo Design & Build		
Address	s: 1660 Soldiers Field Road	Phone #:	938-7606
	Brighton, MA 02135		ouildwithmomo.com
Relief S	Sought From Section(s): 6.06 (FAR) & 8.0	04 Residential Density	
	e variance would not be contrary to the public interes		·
1. 1110	e variance would not be contrary to the public interes	st because:	
2. The	e spirit of the ordinance is observed because: See	Attached	
3. Sub	ostantial justice would be done because: See Att	cached	
4. The	e values of surrounding properties would not be dimi	inished because: See Attached	
5. Lite	eral enforcement of the provisions of the ordinance w	would result in unnecessary hardship if:	
(A)	Owing to the following special conditions of the prop  i. No fair and substantial relationship exists between application of that provision to the property; and  ii. The proposed use is a reasonable one.	perty that distinguish it from other properties the general purposes of the ordinance prove	s in the area: isions and the specific
	See Attached		
Or (B)	(B) Owing to the following 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, and a variance is therefore necessary to enable a reasonable use of it.		
	See Attached		
	7	ALAN YU	12/12/24
	Applicant Signature	Print Name	12/12/24 Date



December 13, 2024

Mr. Michael Landry
City of Manchester
Planning & Community Development
One City Hall Plaza
Manchester, NH 03101

Re:

516 Elm Street- Mixed Use Commercial & Residential Redevelopment

Tax Map 149 Lot 3

Fuss & O'Neill Reference No. 20241156.A10

Dear Mr. Landry:

On behalf of our client, Momo Design & Build, Fuss & O'Neill, Inc. requests variances to increase the density to 50 multi-family residential units and increase the allowable floor area ratio to 6.0 upon the above listed property.

The property is located within the Central Business District (CBD) Zone and the Arena Overlay Zone and is the current site of the Gaslight Diner. The building sits at the rear of the parcel along the Hampshire Lane alley with a small parking lot in front. The building has an overhead door with a ramp to the basement level, which is currently used for parking and vehicle storage. is the demolition of the existing building and construction of a mixed-use building, with a parking garage under.

The proposed development includes a new 6 story building with parking beneath that is approximately the same size and shape as the existing parcel. The first floor would be commercial space with the upper 5 floors being residential. We anticipate approximately 10 units per floor, with 2 studios and 8 two bedroom units on each floor. Note that this unit mix is conceptual and subject to change as the project progresses.

The commercial and residential access would be off of Elm, with a residential lobby and potentially multiple commercial spaces/entries off Elm. Depot street slopes downward to Hampshire lane, approximately 5' lower than Elm Street. Along the alley (Hampshire Lane) would be an overhead door for the trash room, and another overhead door with access to the under-building parking. Approximately 18 parking spaces beneath the building are anticipated to be provided.

The following variances are requested from the Zoning Regulations:

#### Variance 1 - Article 8.04 - Multifamily Density - Requesting up to 50 Units

- Zoning District CBD
- Minimum lot size for the first three (3) units = 3,000sf
- Minimum Additional Lot area after first three (3) units = 500sf

Current lot size is 11,038 s.f. This area allows for a total of 19 units, based on the calculation of Article 8.04 listed below. Current density calculations allow for one (1) unit per 500sf±, and the project is requesting a variance to allow a density of one (1) unit per 200sf±.

Rhode Island

Mr. Michael Landry December 13, 2024 Page 2 of 2

#### Variance 2 - Article 6.06 - Floor Area Ratio

The project is proposing to construct a 6-story building, with up to 66,228 s.f., resulting in a floor area ratio (FAR) of 6.0. The CBD District allows up to a 5.0 FAR. There will be parking in the basement level proposed as well; however, the parking and basement areas are not included in the square footage or FAR calculation.

#### Enclosed are the Following Application Materials with this Letter:

- Signed Variance Application
- Attachment Illustrating Five (5) Criteria
- Owner Signed Affidavit
- City of Manchester Zoning Brief
- Check for the application fees of \$475, made out to "City of Manchester"
  - o \$25.00 App Fee
  - o \$350.00 Variance Fee
  - o \$100 Abutter Fee (10 abutters x \$10 per abutter)
- Abutters List
- GIS Map
- Aerial Photo
- Tax Cards
- Property Deed
- Full Size Copy of the Site Plans
  - o Existing Conditions Plan
  - o Proposed Variance Exhibits
  - o Proposed Floor Plans, Elevations, Renderings
- Half Size Copy of the above referenced Site Plans
- We note that an electronic version of the submittal will be emailed concurrently.

#### **Handout Packets**

- (10) copies of this Variance Application Letter
- (10) copies of the GIS Map
- (10) copies of the variance plans (11"x17")

We request to be added to the agenda for the next available Zoning Board meeting, which we understand to be January 9, 2025. If you have any questions or need additional information, feel free to contact me at your convenience.

Sincerely,

Brian A. Pratt, P.E.

Senior Project Manager

Burk

cc w/ enclosures via email: Jonathan Golden, City Planner

Momo Design & Build, Architect

#### VARIANCE APPLICATION ATTACHMENT

#### INTRODUCTION.

The property, located in the core of downtown Manchester, is located at the corner of Elm and Depot Street, bounded by Hampshire Lane to the west. The parcel is Tax Map 149, Lot 25 located at 516 Elm Street. The parcel contains a building at the west of the parcel currently occupied by a diner with an existing parking garage under. Applicant seeks to demolish the existing structure and construct a modern mixed-use development comprised of one 6-story building with onsite parking beneath. The Project will include commercial/restaurant space, and will include market rate residential housing on upper floors. While multifamily residential use is a permitted use under the Current Zoning Ordinance, the Project needs a variance under Section 8.04 to allow up to fifty (50) residential units. (19 units are allowed under the Ordinance.). The parcel also seeks a floor area ratio of 6.0 where 5.0 is allowed under the current ordinance.

Manchester has recently completed its two-year process to develop a new Master Plan. According to that Master Plan, "housing in Manchester has emerged as a critical issue . . ." (Master Plan, p. 41). This Project will help with that. All housing, including market rate, helps to fill the gap. The project meets other typical desires of redevelopment projects with commercial on the first-floor fronting on Elm Street with residential above.

#### 1. The Variance Will Not Be Contrary To The Public Interest.

To be contrary to the public interest, the variance must unduly and in a marked degree conflict with the Ordinance. Chester Rod, 152 N.H. at 580 (emphasis added). The New Hampshire Supreme Court reiterated that, for a variance "to be contrary to the public interest and inconsistent with the spirit of the ordinance, its grant must violate the ordinance's 'basic zoning objectives.' Mere conflict with the terms of the Ordinance is insufficient." Harborside Associates; 162 N.H. at 514 (quoting Chester Rod, 152 N.H. at 581) (emphasis added). See also Brandt Development Co. of N.H. v. City of Somersworth; 162 N.H. 553, 559 (2011) and Hannaford Bros. Co. v. Bedford; 164 NH 764 (2013).

The public interest is often found in the statements of purpose contained in a Zoning Ordinance. The general purposes of the Manchester Zoning Ordinance are contained in Section 1.02 and include, inter alia, to protect and promote public safety, convenience and general welfare (1.02(A)), to provide adequate light, air, privacy (1.02(C)) and to encourage the most appropriate use of land (1.02(H)). The Property is also located in the Arena Overlay District of the Central Business District. The stated purposes of the Arena Overlay District include "pedestrian oriented . . . promoting a higher quality of design . . . Housing is encouraged." (20 § 4.01(B)(8).

Manchester currently has a shortage of available housing. Allowing more units & an

increase in FAR is a step to alleviating this problem. The proposed Project will meet all other dimensional requirements and adding more units will not, therefore, imping upon air, light or privacy. As noted in the Master Plan, "increased density allows land to be conserved at the periphery of the City..." It also reduces driving distances, carbon emissions and traffic congestion (Master Plan, p. 225), all of which are goals contained within the spirit of the Ordinance. Compact development contributes to feeling of comfort and safety. (Master Plan, p. 202). Furthermore, increasing the number of residents will increase pedestrian activity downtown which is one of the goals of the Arena Overlay District. Residents will walk to restaurants, stores and other downtown Manchester businesses, spurring additional redevelopment of the gaslight district and beyond.

#### 2. <u>The Spirit of The Ordinance is Observed because</u>

"The requirement that the variance not be contrary to the public interest is related to the requirement that [it]...be consistent with the spirit of the Ordinance." <u>Farrar v. City of Keene</u> 158 N.H. 684, 691 (2009).

For the reasons noted in #1 above, the Spirit of the Ordinance is observed.

#### 3. Substantial Justice Would Be Done because

In <u>Harborside Associates</u> the NH Supreme Court held that, the inquiry for the substantial justice prong is whether the loss to the individual is outweighed by the gain to the general public in denying the variance. 162 N.H. at 515. If the loss to the individual is greater, then substantial justice is done by granting the variance.

Here, there would be loss to the Applicant because the Project could not be developed to maximize current market conditions which require smaller apartments. As noted above, the purposes of the Zoning Ordinance are not violated by granting the variances. The Project will meet all dimensional requirements except for additional density & FAR. There is a need for more residential housing in Manchester. There is, therefore, no gain to the public in denying this variance. In fact, there would be a loss to the general public as this project would not be viable to develop under the current density and FAR requirements.

### 4. The Values of Surrounding Properties Would Not Be Diminished because

Applicant's proposed change will be attractive and will likely improve the property values of surrounding properties. It will eliminate a front parking lot and replace with under building parking. It will extend the gaslight sidewalks, tree wells, and lighting. Further, the proposed development will bring much needed residents to the area, thus increasing pedestrian traffic and increased consumer activity and spending at nearby restaurants, stores, banks and other downtown businesses. This will serve to ultimately increase the value of abutting and nearby properties. This project meets the intent of the Arena Overlay district guidelines of redeveloping

these properties to higher and better uses. The property will have under building parking and will encourage residents with and without cars to live in the city's downtown core.

- 5. <u>Literal Enforcement of the Provisions of the Ordinance Would Result in an Unnecessary Hardship.</u>
  - (A) Owing to the following special conditions of the Property that distinguish it from other properties in the area.

The Property is unique in its setting. Its one of a few that have on site parking with the building back from the right of way. The re-development would bring the building to the ROW to bring it in line with the majority of the other buildings along Elm Street, beautify the neighborhood, increase the density and extend the downtown to the southern part of downtown/Elm street. The cost to redevelop and repurpose the site is expected to be very high which necessitates the need for additional density and FAR. See, Vigeant v. Town of Hudson; 151 NH 747, where the financial burden on landowner can be considered when the use is permitted.

(i) No fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the Property.

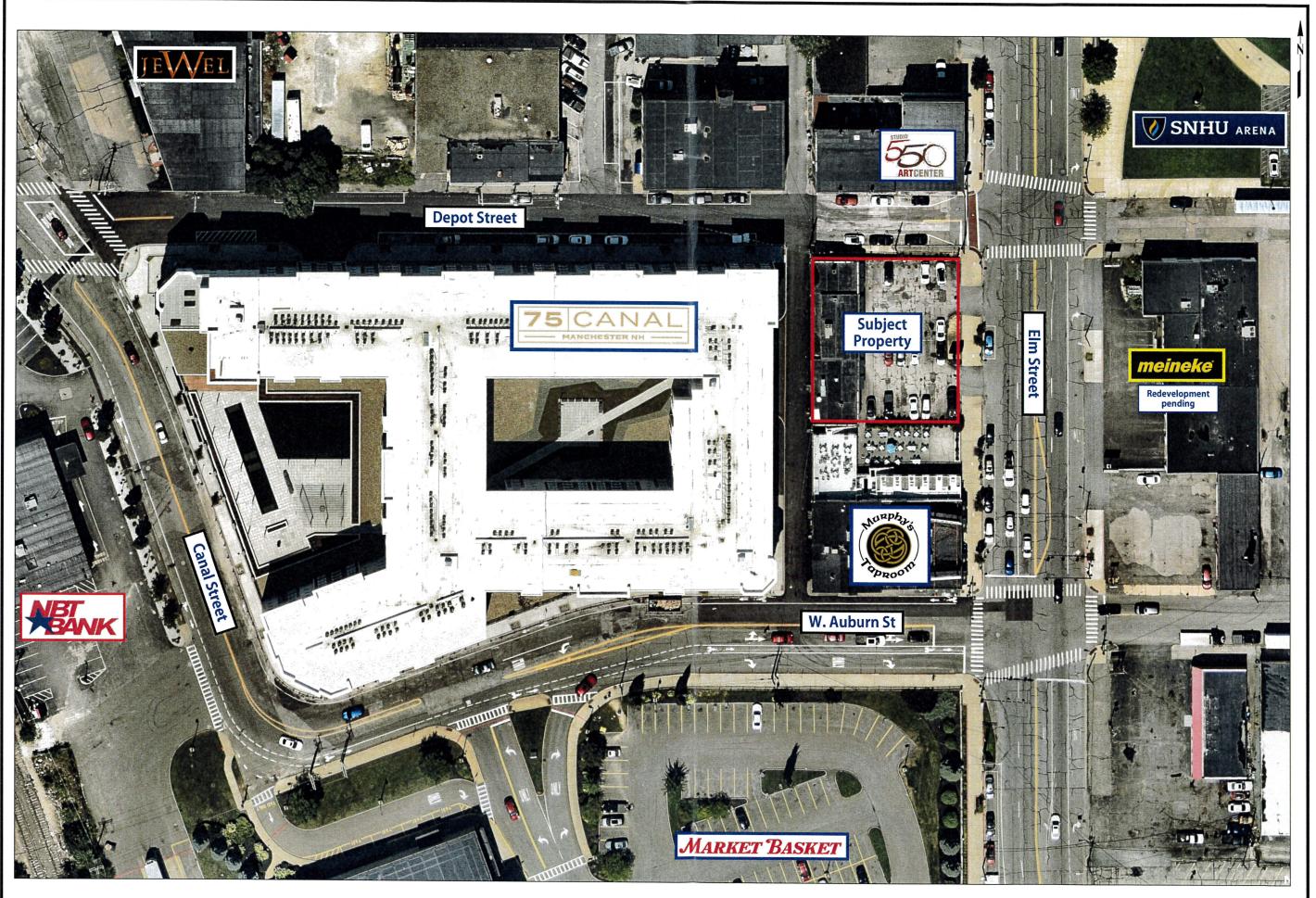
The project will comply with all dimensional requirements with exception to the additional density & floor area ratio. The fact that there may be more units inside a building will not affect the visual appearance. Manchester needs more residential housing. This Project will be one step in that direction.

- (ii) The proposal is a reasonable one.

  There is a shortage of housing in Manchester. The Master Plan focuses on increasing housing downtown. This Project will help bring additional residents, which will bring additional amenities, and help increase the housing stock.
- (B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing 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, and a variance is therefore necessary to enable a reasonable use of it.

The use is permitted. Current market trends dictate smaller apartments on average in urban CBD locations, but also includes additional apartment community amenities. Given the above average redevelopment costs associated with this particular property, the cost of the Project requires additional density & FAR, which is a reasonable and allowed use of the Property to

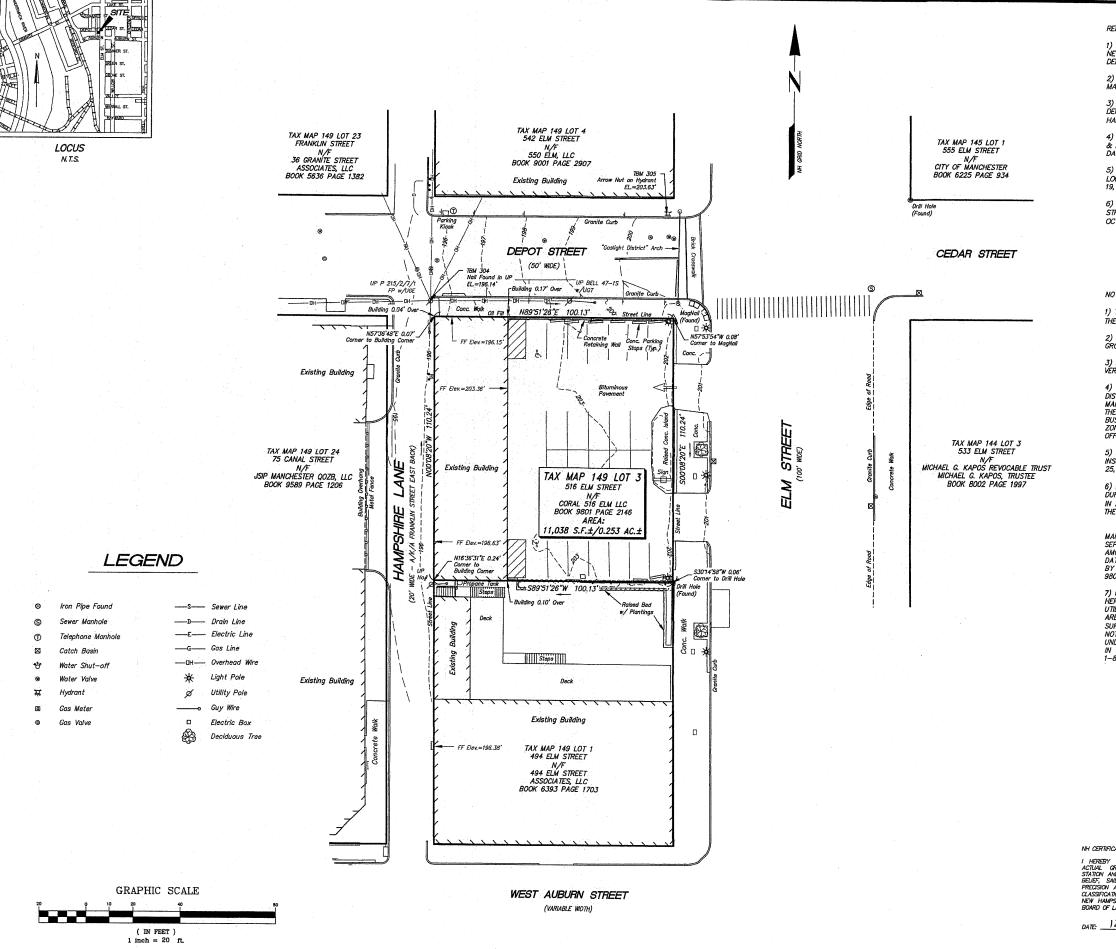
continue to correct the housing shortage, bring residents downtown, and beatify and redevelop the Gaslight District.



FUSS& O'NEILL

PROJ. No.: 20241156.A10 DATE: 10/31/2024 SCALE: 1"=30" U.S. Suney F

**AERIAL** 



REFERENCE PLANS:

1) AMOSKEAG MANUFACTURING COMPANY'S PLAN OF LANDS IN MANCHESTER, NEW HAMPSHIRE. ON FILE AT THE CITY OF MANCHESTER ENGINEERING

2) CITY OF MANCHESTER SECTION MAP (N') ON FILE AT THE CITY OF MANCHESTER ENGINEERING DEPARTMENT.

3) "GASLICHT DISTRICT — EXISTING CONDITIONS PLAN — ELM, CANAL, AUBURN, DEPOT, FRANKLIN STREETS & HAMPSHIRE LANE, MANCHESTER, NEW HAMPSHIRE", DATED FEBRUARY 2008, BY CLD CONSULTING ENGINEERS, INC.

4) "ROCKWELL AUTOMATION SITE, TAX MAP 930 LOT 4, EXISTING CONDITIONS & BOUNDARY PLAN, 460 ELM STREET MANCHESTER, NEW HAMPSHIRE", DATED JANUARY 2009, BY CLD CONSULTING ENGINEERS, INC.

5) "TAX MAP 149 LOT 3, BOUNDARY PLAN PREPARED FOR NENG HONG WU, LOCATED AT: 516 ELM STREET MANCHESTER, NEW HAMPSHIRE", DATED APRIL 19, 2018, BY S&H LAND SERVICES, LLC, H.C.R.D. PLAN 39708.

6) "ALTA/NSPS LAND TITLE SURVEY, TAX MAP 149 LOT 24, 75 CANAL STREET, MANCHESTER NEW HAMPSHIRE, HILLSBOROUGH COUNTY", DATED OCTOBER 18, 2022, BY FUSS & O'NEILL.

1) THE INTENT OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF THE SUBJECT PREMISES (TAX MAP 149 LOT 3) AS SHOWN HEREON.

2) THIS PLAN IS BASED ON AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND DURING OCTOBER 2024.

3) BASIS OF BEARING IS NH GRID NORTH. HORIZONTAL DATUM IS NAD83/92; VERTICAL DATUM IS BASED ON NAVD88.

4) THE SUBJECT PROPERTY IS LOCATED IN THE CENTRAL BUSINESS ZONING 4) INE SUBJECT PROPERTY IS LOCATED IN THE CENTRAL BUSINESS ZONIN, DISTRICT (CBD), AND THE ARENA OVERLAY DISTRICT PER CITY OF MANCHESTER ZONING ORDINANCE AS LAST AMENDED FEBRUARY 6, 2024. THERE ARE NO MINIMUM SETBACK REQUIREMENTS FOR THE CENTRAL BUSINESS DISTRICT. FINAL DETERMINATION AND INTERPRETATION OF THE ZONING ORDINANCE IS MADE BY THE CITY OF MANCHESTER ZONING

5) SUBJECT PRÉMISES IS LOCATED IN ZONE X AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP(S) FIRM 33011C0377D, EFFECTIVE DATE: SEPTEMBER 25, 2009. FLOOD ZONE X IS NOT A SPECIAL FLOOD HAZARD AREA.

6) EASEMENTS AND/OR RIGHTS-OF-WAY AS SHOWN ARE THOSE FOUND DURING OUR RESEARCH OF THE SUBJECT PROPERTY AND ABUTTING TRACTS. IN ADDITION, THE SUBJECT PREMISES MAY BE SUBJECT TO AND/OR WITH THE BENEFIT OF THE FOLLOWING:

a) CONDITIONS AS CONTAINED IN DEED FROM AMOSKEAG MANUFACTURING COMPANY TO MILLIAM C. BLODGETT ET AL, DATED FROM AMOSKEAG SEPTEMBER 12, 1873, H.C.R.D. BOOK 416 PAGE 93 AND IN DEED FROM AMOSKEAG MANUFACTURING COMPANY TO MILLIAM C. BLODGETT ET AL, DATED JUNE 13, 1874, H.C.R.D. BOOK 421 PAGE 274, BOTH AS AFFECTED BY RELEASE OF RESTRICTIONS DATED SEPTEMBER 6, 2024, H.C.R.D. BOOK

7) UTILITY STRUCTURES AT OR ABOVE THE GROUND SURFACE SHOWN HEREON ARE THOSE THAT HAVE BEEN OBSERVED FROM SURFACE EVIDENCE. UTILITIES BENEATH THE GROUND SURFACE HAVE NOT BEEN OBSERVED AND OFFICES BENEATH THE SOCIAL STATE THE WE NOT BEEN UBSERVED AND ARE SHOWN APPROXIMATELY HEREON AS DERIVED FROM A COMBINATION OF SURFACE MARKINGS BY OTHERS AND/OR RECORD INFORMATION AND ARE NOT VERIFIED LOCATIONS OR CONFIRMATION OF EXISTENCE OF SAID UNDERGROUND UTILITIES. ALL UNDERGROUND UTILITIES. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO COMMENCEMENT OF ALL SITE WORK. CALL DIG SAFE 1—888—344—7233 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.

NH CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION AND THAT, TO THE BEST OF MY KNOWLEDGE STATION AND THAT, TO THE BEST OR EXCEDS THE MINIMUM PRECISION AND/OR ACCURACY REQUIREMENTS FOR SURVEY CLASSIFICATION 'U' AS SET FORTH IN TABLE SOLI OF THE NEW HAMPSAIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LAND SURVEYORS, EFFECTIVE 11/1/16.

DATE: 12-10-2024



FUSS& O'NEILL

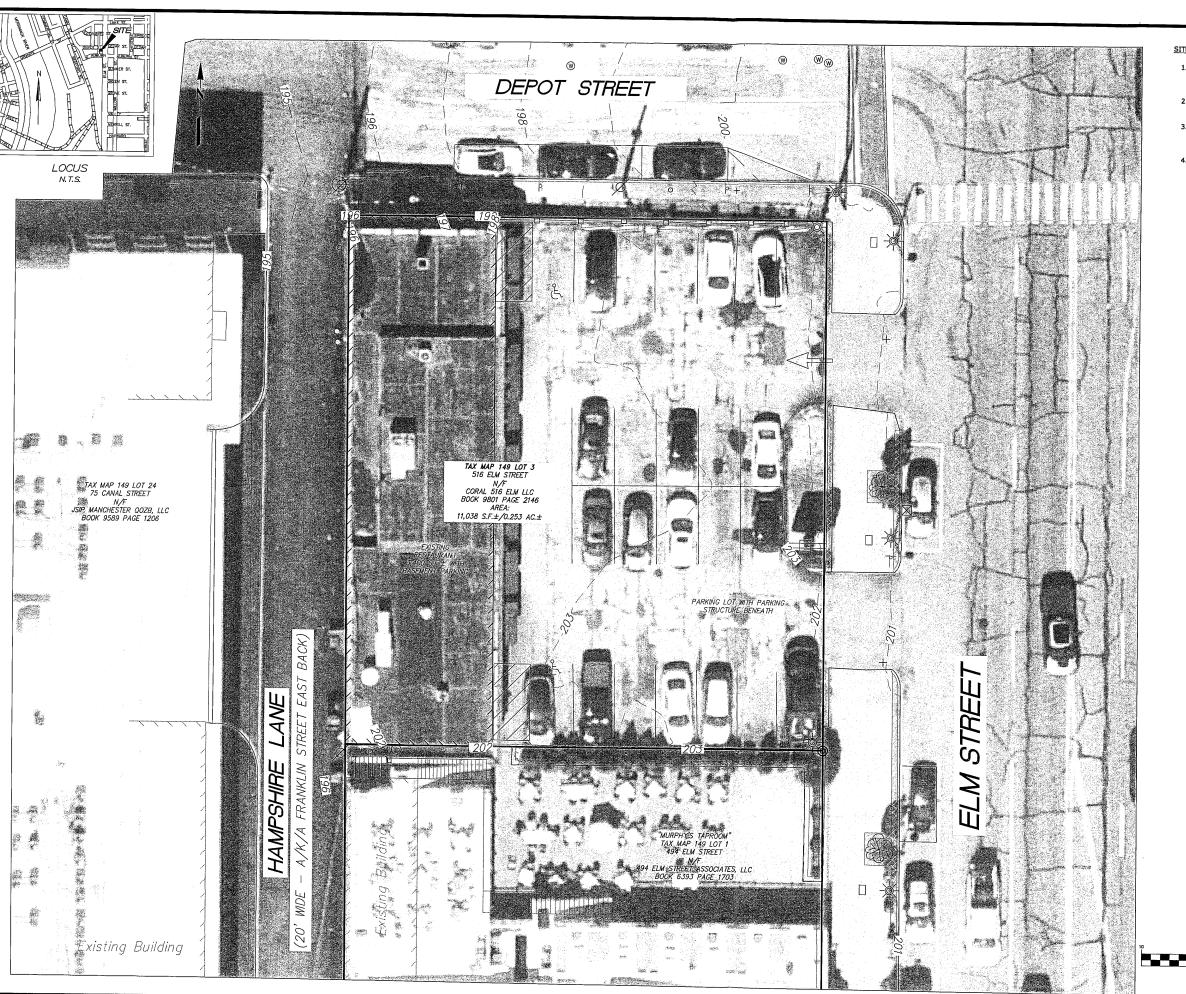
DESIGN AND BUILD SOLDIERS FIELD ROAD RIGHTON, MA 02135

NOMO 1660 S

EXISTING CONDITIONS PLAN
LAND OF CORAL 516 ELM LLC
TAX MAP 149 LOT 3
516 ELM STREET

PROJ. No.: 20241156.A10 DATE: 10/30/2024 SCALE: 1"=20' U.S. Suney Foo

EX-101



#### SITE PLAN NOTES:

- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCEL, WITH A HIGH RESOLUTION AERIAL PHOTO OVERLAY

- OVERLAY

  THE PARCEL IS LOCATED ON TAX MAPS 149 LOT 3, WITH A PHYSICAL ADDRESSES OF 516 ELM STREET AND 24 DEPOT STREET, MANCHESTER NH.

  PROPERTY LINE/BOUNDARY LINE & TOPOGRAPHIC INFORMATION IS BASED ON A SURVEY PERFORMED BY THIS OFFICE. SEE EXISTING CONDITION PLAN WITHIN THIS SET

  PER THE CURRENT CITY OF MANCHESTER ZONING ORDINANCE; THE SUBJECT PROPERTY IS ZONED CENTRAL BUSINESS (CBD) DISTRICT WITH AN ARENA OVERLAY (ALONG WITH ALL ABUTTING PROPERTIES). SEE NEXT PAGE FOR ZONING REQUIREMENTS & ADDITIONAL NOTES.

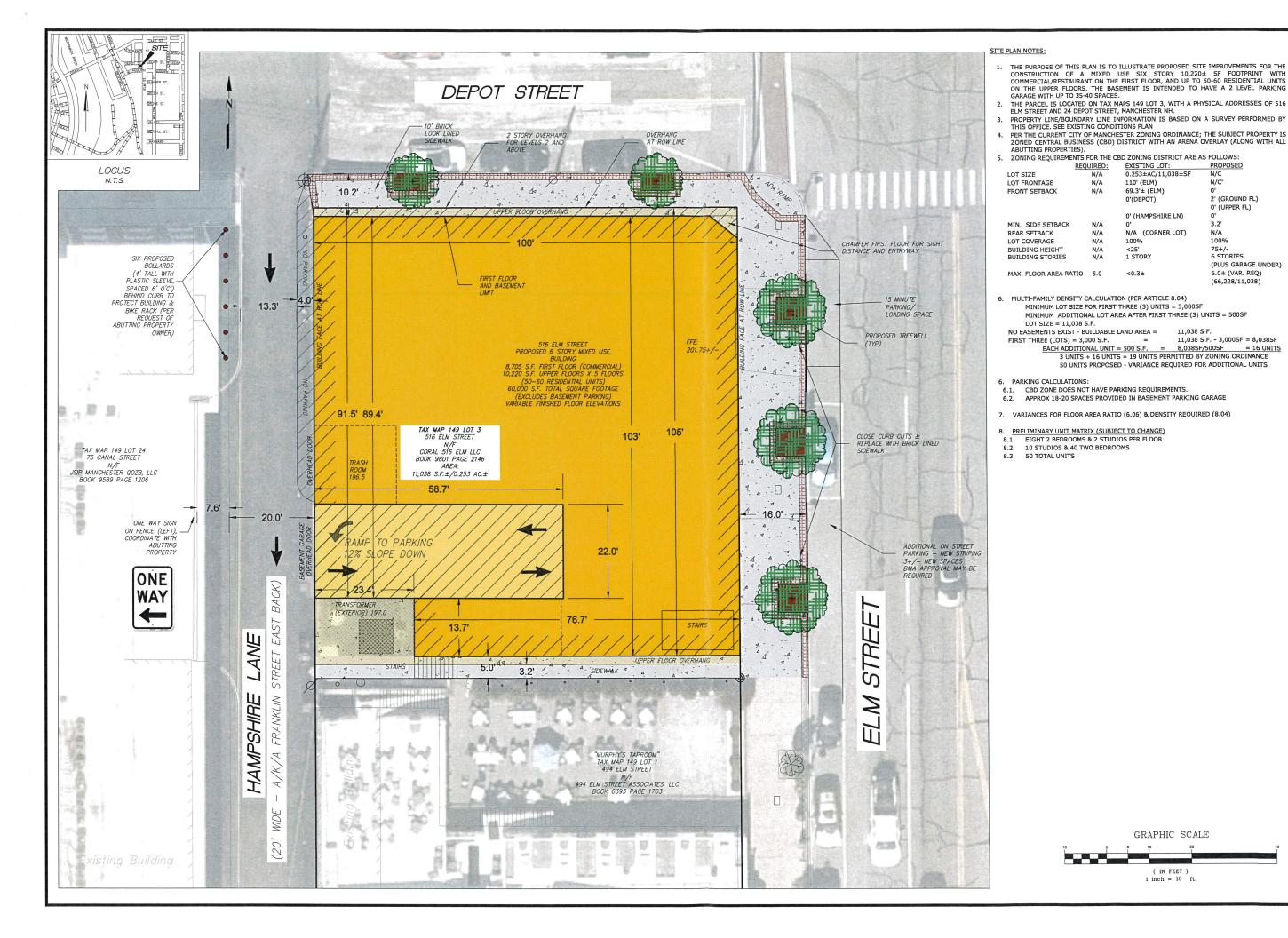
GRAPHIC SCALE

( IN FEET ) 1 inch = 10 ft.

FUSS& O'NEILL 516 ELM LLC 1 ROBLEDO ST AEGAS NV 89138 PAGE 9801/2146 6 ELM ST REDEVELOPMENT EXISTING CONDITIONS TAX MAP 149 LOT 3 516 ELM ST, MANCHESTER NH HILLSBOROUGH COUNTY 516

DATE: 10/31/2024 SCALE: 1"=10" U.S. Survey Fo

EXC1



NO. DATE REVISION

FUSS & O'NEILI SO COMMERCIAL STREET

RAL 516 ELM LLC 434 ROBLEDO ST AS VEGAS NV 89138

BRIGH:

516 ELM ST REDEVELOPMENT
VARIANCE EXHIBIT
14X MAP 149 LOT 3
516 ELM ST, MANCHESTER NH
HILLSBOROUGH COUNTY

PROJ. No.: 20241156.A10
DATE: 10/31/2024
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STP101



### **516 ELM ST**

#### **ZONING SET**

PROJECT NUMBER

KEY PLAN

CHECKED BY
PROJECT ISSUE DATE
SCALE

RENDERING 1





## 516 ELM ST

# **ZONING SET**

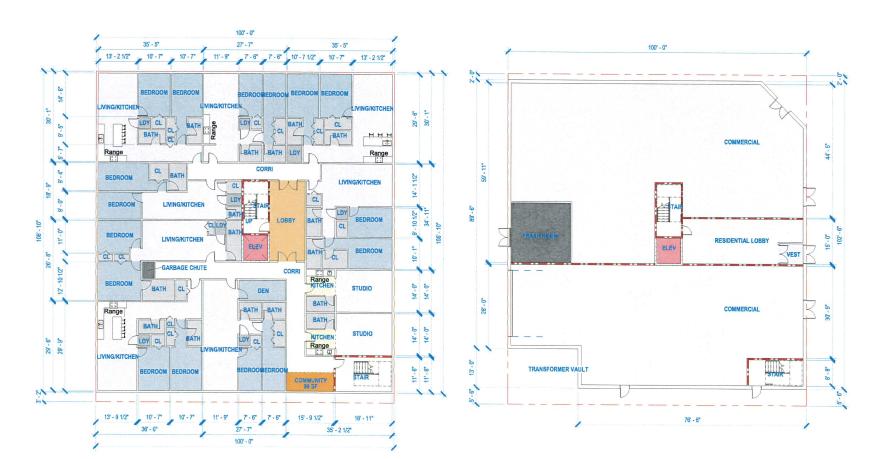
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KEY PLAN

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# RENDERING 2







3 TYPICAL FLOOR DIAGRAM, L2-L6 1/16" = 1'-0"

2 LEVEL 1 FLOOR PLAN DIAGRAM 1/16" = 1'-0"

1) GARAGE FLOOR PLAN DIAGRAM 1/16" = 1'-0"

#### **516 ELM ST**

**ZONING SET** 

PROJECT NUMBER 54-30-00

DESCRIPTION DA

KEY PLAN

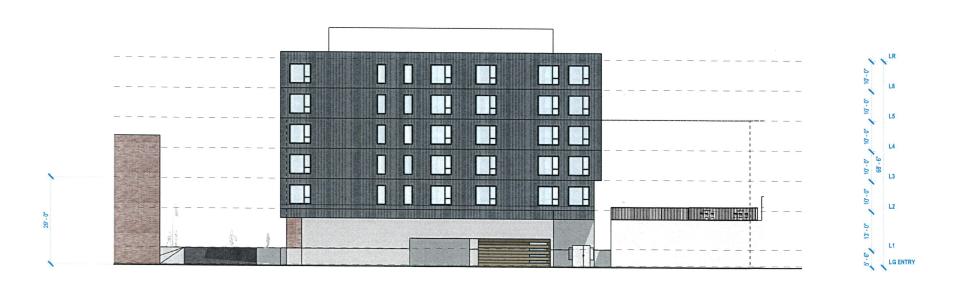
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PLANS





1 Elev East 1/16" = 1'-0"



2 Elev West 1/16" = 1'-0"

#### **516 ELM ST**

#### **ZONING SET**

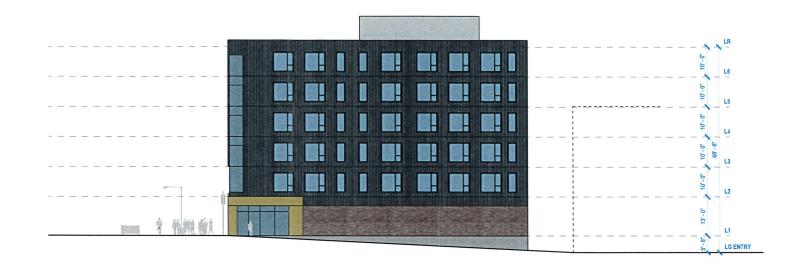
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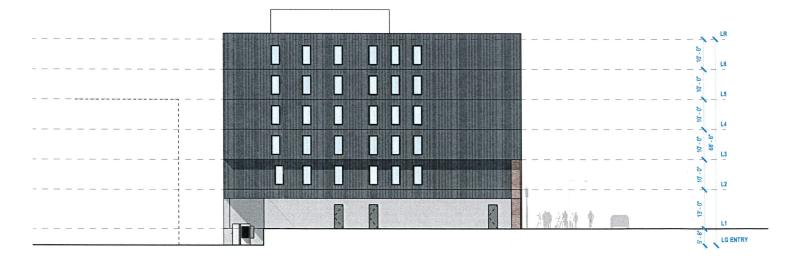
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SCALE Author Checker Issue Date 1/16" = 1'-0"

# ELEVATIONS





1 Elev North 1/16" = 1'-0"



2 Elev South 1/16" = 1'-0"

#### **516 ELM ST**

**ZONING SET** 

PROJECT NUMBER

DESCRIPTION

KEY PLAN

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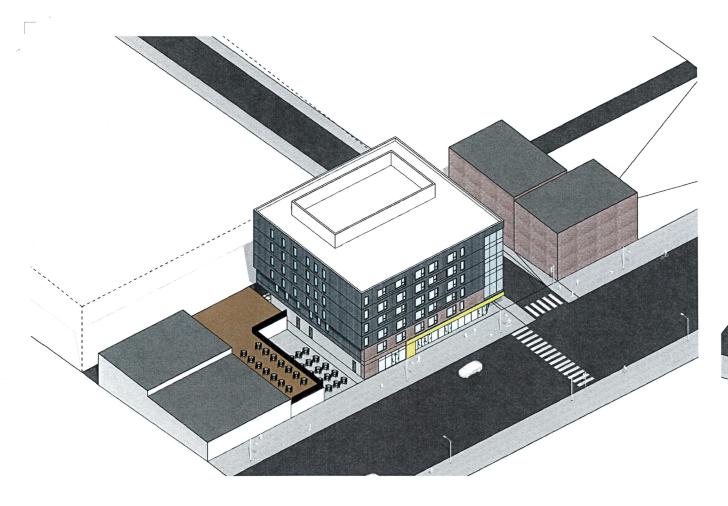
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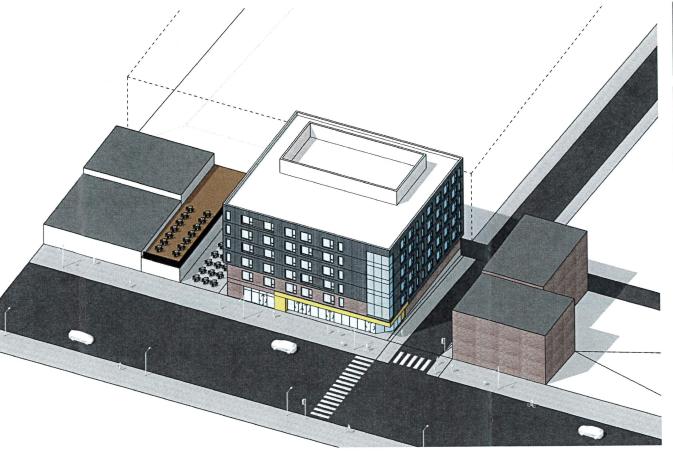
Author Checker Issue Date 1/16" = 1'-0"

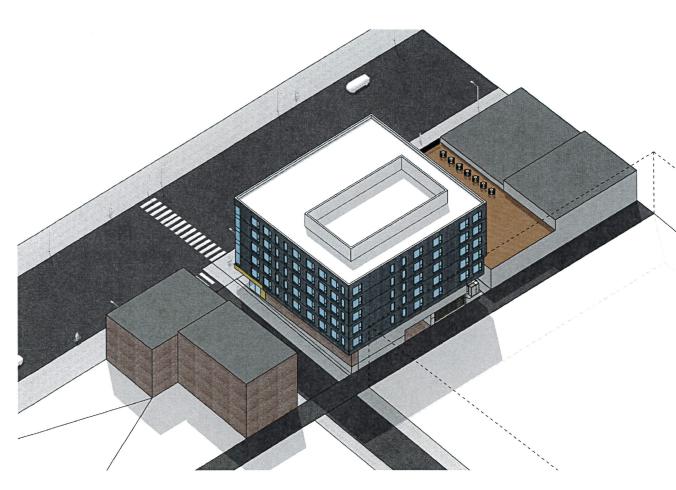
54-30-00

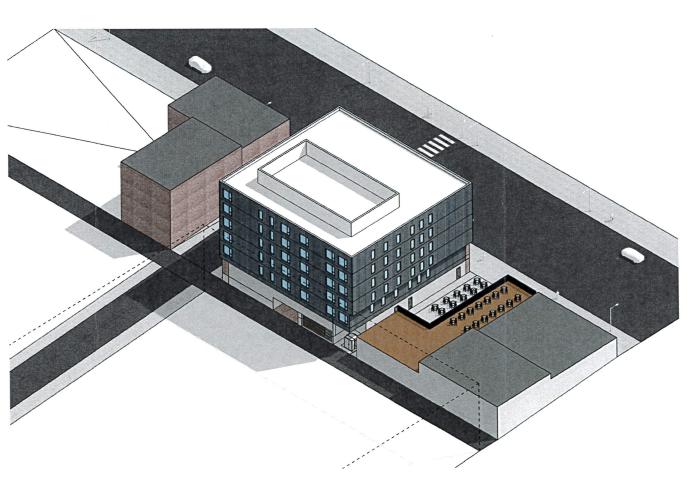
SHEET NAME ELEVATIONS











### 516 ELM ST

#### **ZONING SET**

PROJECT NUMBER

DESCRIPTION

54-30-00

KEY PLAN

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