

1. Zoning Board Regular Meeting Agenda (PDF)

Documents: [20160524 ZBA AGENDA.PDF](#)

2. 20160524 ZBA Meeting Packet

Documents: [20160524 2 ONEILS CT.PDF](#), [20160524 8 MIZORAS DR.PDF](#), [20160524 18 20 BROAD ST.PDF](#), [20160524 213 HARRIS RD.PDF](#)



City of Nashua

Community Development Division

City Hall, 229 Main Street, PO Box 2019
Nashua, New Hampshire 03061-2019

Community Development 589-3095
Planning and Zoning 589-3090
Building Safety 589-3080
Code Enforcement 589-3100
Urban Programs 589-3085
Economic Development 589-3070
Conservation Commission 589-3105
FAX 589-3119
www.gonashua.com

May 10, 2016

The following is to be published on ROP May 14, 2016, under the Seal of the City of Nashua, Public Notice Format 65 MP 51.

Notice is hereby given that a Public Hearing of the City of Nashua Zoning Board of Adjustment will be held on Tuesday, May 24, 2016, at 6:30 PM at the Nashua City Hall Auditorium, 3rd floor, 229 Main Street.

1. United Way of Greater Nashua (Owner) Holly Hill (Applicant) 18-20 Broad Street (Sheet 61 Lot 164) requesting use variance to allow a hair salon in a portion of an existing building. GI Zone, Ward 4.
2. Stephen J. & Andrea M. Curtis (Owners) 213 Harris Road (Sheet C Lot 501) requesting special exception to allow an accessory (in-law) dwelling unit within existing house. R9 Zone, Ward 9.
3. Keith & Kimberly Girouard (Owners) 8 Mizoras Drive (Sheet B Lot 1396) requesting variance to encroach 6 feet into the 20 foot required right side yard setback to construct an attached 22'x28' single-level garage. R18 Zone, Ward 8.
4. Just Right Properties, LLC (Owner) Greg Hazard (Applicant) 2 Oneils Court (Sheet E Lot 192) requesting use variance to convert a previously approved carpet sales and rug cleaning business to a part-time fabric and quilting shop. R9 Zone, Ward 1.

OTHER BUSINESS:

1. Review of Motion for Rehearing:
2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings.

"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED
WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE."

To: Zoning Board of Adjustment

From: Carter W. Falk, AICP, Deputy Planning Manager/Zoning

Date: May 16, 2016

Subj: **USE VARIANCE: Just Right Properties, LLC (Owner) Greg Hazard (Applicant) 2 Oneils Court (Sheet E Lot 192) requesting use variance to convert a previously approved carpet sales and rug cleaning business to a part-time fabric and quilting shop. R9 Zone, Ward 1.**

PROPOSAL:

The applicant, Greg Hazard, is requesting a use variance to convert a property previously used for a carpet sales and rug cleaning business into a part-time fabric and quilting shop. The property is located in the C-Suburban Residence (R9) Zone. The property is 44,649 square feet in area (1.03 acres).

HISTORY:

- Jun 1981: **Use Variance – *Granted*** – to allow the expansion of a nonconforming carpet business use.
- May 1982: **Use Variance – *Granted*** – to allow the expansion of a nonconforming use and to allow the construction of an accessory building.

Meeting minutes of the above-mentioned cases are included in the package.

SITE ANALYSIS:

The subject site is located on the southern side of Broad Street, across from Horse Pond Avenue, and just east of Greenlay Street (see attached site location map). O'Neils Court is a short, private street, and serves a single-family home, a two-family home, and the subject property.

According to the Land Use Code, Section 190-15, Table 15-1, (#187), "*Textile mills and apparel manufacturing*" is not a permitted use in the R9 zone. This use category is about the closest one in the Table of Uses that describes the proposed use. This use is permitted solely in the Park Industrial (PI), Airport Industrial (AI) and the General Industrial (GI) zones.

This property had the previous use of carpet sales and carpet cleaning since at least 1960. There isn't much history in the building file about the property, other than the couple times they appeared before the Zoning Board. The site has five buildings on it, a single-family home, the former carpet shop with a 3-bay garage, a tool shed, a storage building and a barn.

The proposed business would consist of part-time retail sale of fabric and quilting supplies to non-commercial consumers, and there will be quilting classes and occasional group visits to the store. The applicant has indicated that business hours are to be mostly on weekends and by appointment, and the traffic will not exceed the 21 parking spaces on site.

The City's Future Land Use Plan identifies the subject property as "Medium Density Residential". In order for the ZBA to grant the variance request, the applicant must satisfy all the relevant points of law, as listed below:

Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship: The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The applicant has indicated that the property would require substantial investment and time to convert to residential use, therefore, making it non cost-effective to change its use, further, the property has historically been used as a commercial property.

The proposed use will observe the spirit of the ordinance: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights".

The applicant indicates that the proposed part-time quilting business will only be open occasionally, and thus will have minimal traffic and activity to the site, and infrequent deliveries will be made via standard carriers such as FedEx and UPS.

The proposed use will not diminish the values of surrounding properties: the Board will consider expert testimony, but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.

The applicant indicates that the proposed use is a continuation of a similar use by the prior owner, and the site formerly had a full time carpet sales and rug cleaning business for decades, and the proposed use will have less activity and less traffic and debris on the site.

Granting of the requested variance will not be contrary to the public interest: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not

alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights".

The applicant states that the storefront building will remain aesthetic and will keep the appearance of a residential building, and the site will be free from debris, junk and any overt signs of a commercial use, and will be cleaner, more attractive and will have much less activity than was seen previously with the carpet business.

Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the proposed part-time business could not be reasonably operated elsewhere, and this property is a perfect fit for the proposed use.



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VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 2 Oneils Ct, Nashua, NH 03063
 Zoning District R9, Ward 1 Sheet E Lot 00192

b. VARIANCE(S) REQUESTED
Continuence of Non-Conforming Use as granted to prior owner - to operate a retail business in residential zone including replacement of signs on building and Broad Street.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Greg Hazard for Just Right Properties, LLC
 Applicant's signature *Greg Hazard* Date 5/13/16
 Applicant's address 23 Prescott Street, Groton, MA 01450
 Telephone number (home) (978) 448-0406 (work) _____

b. PROPERTY OWNER Just Right Properties, LLC
 Owner's signature *Greg Hazard* Date 5/13/16
 Owner's address 23 Prescott Street, Groton, MA 01450
 Telephone number (home) (978) 448-0406 (work) _____

Case number _____ Application Deadline _____ Date Received 4/25/16 Date of hearing 5/24/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00078

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The storefront building is and will remain aesthetic and will keep the appearance of a residential building. Also as compared to the prior owner's business, the surrounding exterior will be free from debris, junk, and overt signs of commercial use.

Comparing the proposed use to the prior use, the property will be cleaner, more attractive and experience less activity than was seen previously.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The part time quilting business will only be open occassionally, and thus will have minimal traffic and activity in the neighborhood. Infrequent deliveries may be made via normal residential courier carriers, such as USPS, UPS and FedEx.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

The proposed part time business could not be reasonably operated elsewhere - this property is a perfect fit for the proposed use. Also, the property was constructed specifically for commercial use in 1968.

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

The proposed use is a continuation of a similar use by the prior owner. The property formerly housed a full time carpet sales and rug cleaning business which existed on this site for approximately 47 years. The proposed use as a part time fabric and quilting shop will have less negative impact on the neighborhood as there will be less activity (trucks, noise, etc.), and less debris on the property.

Note: This property abuts 2 commercial parcels, 3 residential parcels and 1 residential parcel granted a varance for commercial use.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The property would require substantial monetary investment and time to convert to residential use, therefore making it not cost effective to change it's use. Since it's construction in 1968, the property has been used as a commercial property as it was designed to be.

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 0 Number of employees per shift 0
- b. Hours and days of operation Occasional Weekends and Weekdays during each month.
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors <1/day, <10/week
- d. Number of daily and weekly commercial deliveries to the premises Less than 1 weekly
- e. Number of parking spaces available 20
- f. Describe your general business operations
Part time retail sale of fabric and quilting supplies. Also occasional group instructional classes. This business will be operated by the property owners and will have no additional employees.
- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation
The property will be improved by removing rubbish and debris. Exterior of building(s) will be repaired and painted where necessary. Landscaping will be properly maintained (flowers, raking, mowing, etc.) Signs on the building and street will meet permit specifications.

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.

Gregory Hayward (member)
Signature of applicant

25/APR/2016
Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

I will pick it up at City Hall

Please email it to me at encore@encoresound.com

Please mail it to me at _____

Business Summary

Nashua Zoning Board
229 Main Street
Nashua, NH 03060

Ref: Business at 2 Oneils Ct

Dear Sirs,

The business known as Purrfect Pastimes to be located at 2 Oneils Ct in Nashua (assuming purchase of said property) is similar to the existing business, Kempton Rug, and will not increase traffic, noise, or visible equipment or supplies on the premise.

The proposed business consists of part time retail sale of fabric and quilting supplies to non-commercial consumers (the public). There are also classes planned and occasional group visits to the store.

Business hours planned are to be mostly weekends and by appointment. Traffic will not exceed the existing capacity of 21 parked cars.

Deliveries will be via USPS, FedEx, and UPS consistent with normal residential home deliveries averaging less than once per week.

Overall, the business activity from Purrfect Pastimes is expected to be less noticeable than the current rug business. We understand that the property is zoned as RA residential and we wish to operate the business in such a manner that it does not detract from the quiet rural setting or cause any distractions to abutting property owners.

Thank you,

Greg & Shelly Hazard
Sherry Tuxbury

ZONING BOARD OF ADJUSTMENT PUBLIC MEETING

June 23, 1981

A public meeting of the Zoning Board of Adjustment was held on Tuesday, June 23, 1981 at 9:00 PM at the Nashua Public Library.

Thomas Kudzma, Chairman, conducted the public meeting.

Members present were: Barry Billings
Howard Richards
Patricia Goodman
Norma Schofield

Mary Belanger & Rita Berube (Grand Prix Realty) owners, 365 Main Street; Rehearing: Requesting a use variance to permit expansion of a non-conforming use of a building located in an RA zone to allow professional offices.

MOTION by Mr. Kudzma that this request for a variance be granted with the following exceptions:

- 1) Lot at 367 Main Street to have a 12' driveway.
- 2) Lot paving be 25' back from front lot line.
- 3) Evergreen trees buffer at rear of the lot.

SECONDED by Ms. Schofield.
MOTION CARRIED UNANIMOUSLY.

Rachel & Robert Boggis, 6 Wilson Street; requesting a special exception to allow a day-care facility for 12 children. RB zone.

MOTION by Ms. Goodman that this request for a special exception be granted.

SECONDED by Mr. Richards.
MOTION CARRIED UNANIMOUSLY.

Lee W. Kempton, 2 O'Neils Court, Rehearing; requesting a use variance to allow the expansion of a non-conforming use (carpet business). R-9 zone.

MOTION by Ms. Schofield that this request be granted with the following exceptions to be fulfilled before construction:

- 1) All non-conforming signs to be removed.
- 2) 1500 sq. ft. maximum allowed for the showroom.
- 3) The rubbish to be filled in and landscaped.

SECONDED by Mr. Kudzma.
MOTION CARRIED 3 to 1. Ms. Goodman abstained.

REBUTTAL - OPPOSED

None

Lee Kempton, 2 O'Neills Court; requesting a variance to allow the expansion of a nonconforming use and to allow the construction of an accessory building. R-9 zone.

Mr. Kudzma noted that Mr. Billings has not arrived yet to replace Mrs. Goodman on the Board for this case. There are two alternatives, Atty. Prunier can wait until Mr. Billings arrives or he can proceed with the case with a four member Board.

Atty. Prunier said he and his client have no objection to having Mrs. Goodman hear this case; they don't feel that she would be prejudiced in any way in making a decision on this case.

Mrs. Goodman agreed to hear the case.

Atty. Gerald Prunier, 295 Main Street, described the area. A variance for the expansion of Mr. Kempton's business was granted and when Mr. Kempton went to obtain his building permit he found that he had to comply with restrictions from the Fire Department because there would be more than a 25% increase in the building. Mr. Kempton found that the costs of putting on the addition and complying with the fire code are prohibitive.

He passed out a copy of a plan drawn by Mr. Kempton and explained that the purpose of the garage was to put in the forklift and truck for the business and is considered a commercial venture rather than an accessory use and an expansion of a nonconforming use. The extension will be to the rear of the building and will be less of an infringement upon the nonconformity use than what was previously planned which was an addition on the rear of the store. This is an existing business which abuts the Nashua Mall which is all commercial, and it's located on the line of the general business district.

Atty. Prunier didn't feel that this expansion would violate the spirit of the ordinance in that it is a garage even though it will be used to store commercial vehicles. He noted that with the movement of the line 1" or so Mr. Kempton would be within a commercial zone and wouldn't need a variance.

Atty. Prunier noted that the hardship is that the property is located next to a general business area and the fact that this has been a business for so many years that this should be considered within the spirit of the ordinance and a variance allowed.

Mr. Kudzma noted that the original variance which was granted was for an addition to the existing building and currently there is a barn and garage on the property?

ZBA PUBLIC HEARING

May 27, 1982

Page Nineteen

Mr. Kempton referred to a plan which he had provided the last time he applied for a variance; he is asking for a 28' x 24' addition right now.

Mr. Kudzma asked if the addition was adequate to replace the temporary storage building, and Mr. Kempton replied yes. He explained that this temporary storage shed was identified on the plan as a garage.

Mr. Richards asked how close the back of the proposed building was to the drop-off behind Mr. Kempton's property.

Mr. Kempton said 10-12'.

Mr. Kudzma asked the height of the building, and Mr. Kempton said 18' to the eaves, and it will have an additional 3' pitch.

Barry Billings arrived at this point.

Ms. Schofield asked if this was a one-story or two-story building, and Mr. Kempton said it will be a cement block building and partially two stories. He will use the second story for storage; it will be an unheated building.

There was a question relative to the overhead doors, and Mr. Kempton pointed out on the map the direction the doors would be facing.

SPEAKING IN OPPOSITION -- None.

There being no further cases, the public hearing was declared closed at 9:21 P.M.

Patricia Goodman
Clerk

/nam
Attachment

Taped Hearing

ZBA PUBLIC MEETING
May 27, 1982
Page Three

St Joseph Hospital of Nashua, N. H., 172 Kinsley Street; requesting a variance of the zoning ordinance requiring that a building permit be secured within 12 months from the date of the approval of a variance or special exception by the Board. RB zone.

MOTION By Mr. Kudzma that the request for a variance be granted with the stipulation that the drainage problem caused by the parking lots be solved
SECONDED By Mrs. Goodman
MOTION CARRIED UNANIMOUSLY.



Lee Kempton, 2 O'Neils Court; requesting a variance to allow the expansion of a nonconforming use and to allow the construction of an accessory building. R-9 zone.

MOTION By Ms. Schofield that the request for a variance be granted with the stipulation that the temporary garage be removed within 90 days of occupancy
SECONDED By Mr. Richards
MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned at approximately 10:30 P.M.

Patricia Goodman
Clerk

/nam

REBUTTAL - OPPOSED

None

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He passed out a copy of a plan drawn by Mr. Kempton and explained that the purpose of the garage was to put in the forklift and truck for the business and is considered a commercial venture rather than an accessory use and an expansion of a nonconforming use. The extension will be to the rear of the building and will be less of an infringement upon the nonconformity use than what was previously planned which was an addition on the rear of the store. This is an existing business which abuts the Nashua Mall which is all commercial, and it's located on the line of the general business district.

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SPEAKING IN OPPOSITION -- None.

There being no further cases, the public hearing was declared closed at 9:21 P.M.

Patricia Goodman
Clerk

/nam
Attachment

Taped Hearing

ZBA PUBLIC MEETING

May 27, 1982

Page Three

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MOTION By Mr. Kudzma that the request for a variance be granted with the stipulation that the drainage problem caused by the parking lots be solved

SECONDED By Mrs. Goodman

MOTION CARRIED UNANIMOUSLY.

Lee Kempton, 2 O'Neils Court; requesting a variance to allow the expansion of a nonconforming use and to allow the construction of an accessory building. R-9 zone.

MOTION By Ms. Schofield that the request for a variance be granted with the stipulation that the temporary garage be removed within 90 days of occupancy

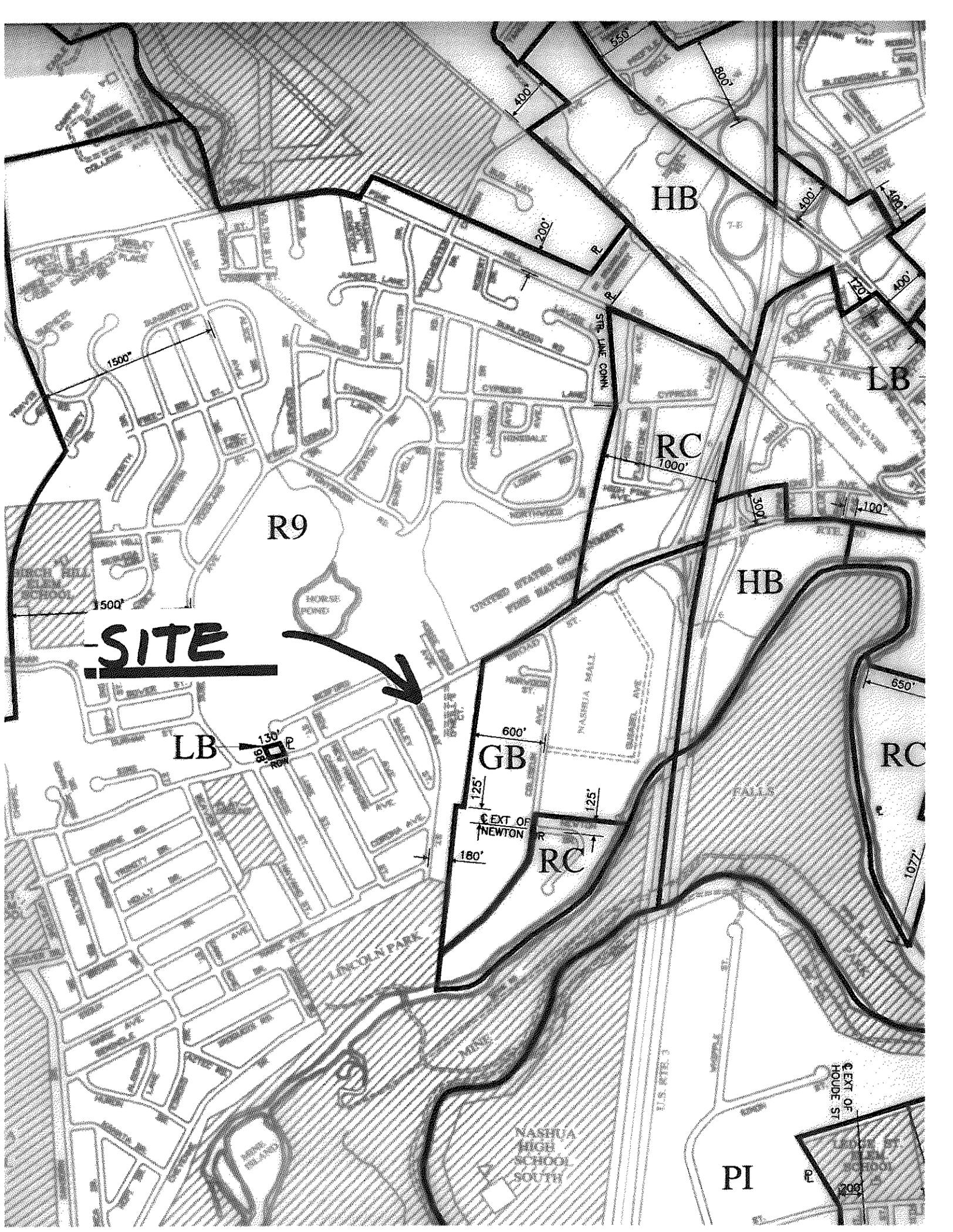
SECONDED By Mr. Richards

MOTION CARRIED UNANIMOUSLY.

There being no further business, the meeting was adjourned at approximately 10:30 P.M.

Patricia Goodman
Clerk

/nam



SITE

R9

HB

LB

RC
1000'

HB

LB

GB

RC

RC

PI

NASHUA
HIGH
SCHOOL
SOUTH

LINCOLN PARK

HORSE POND

NASHUA FALLS

U.S. WATER

EXT OF
HOUSE ST

EXT OF
NEWTON

1500'

1500'

400'

200'

550'

800'

400'

L-400'

120'

400'

300'

L-100'

650'

1077'

89'

130'

180'

600'

125'

180'

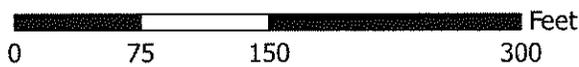
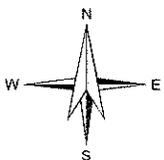
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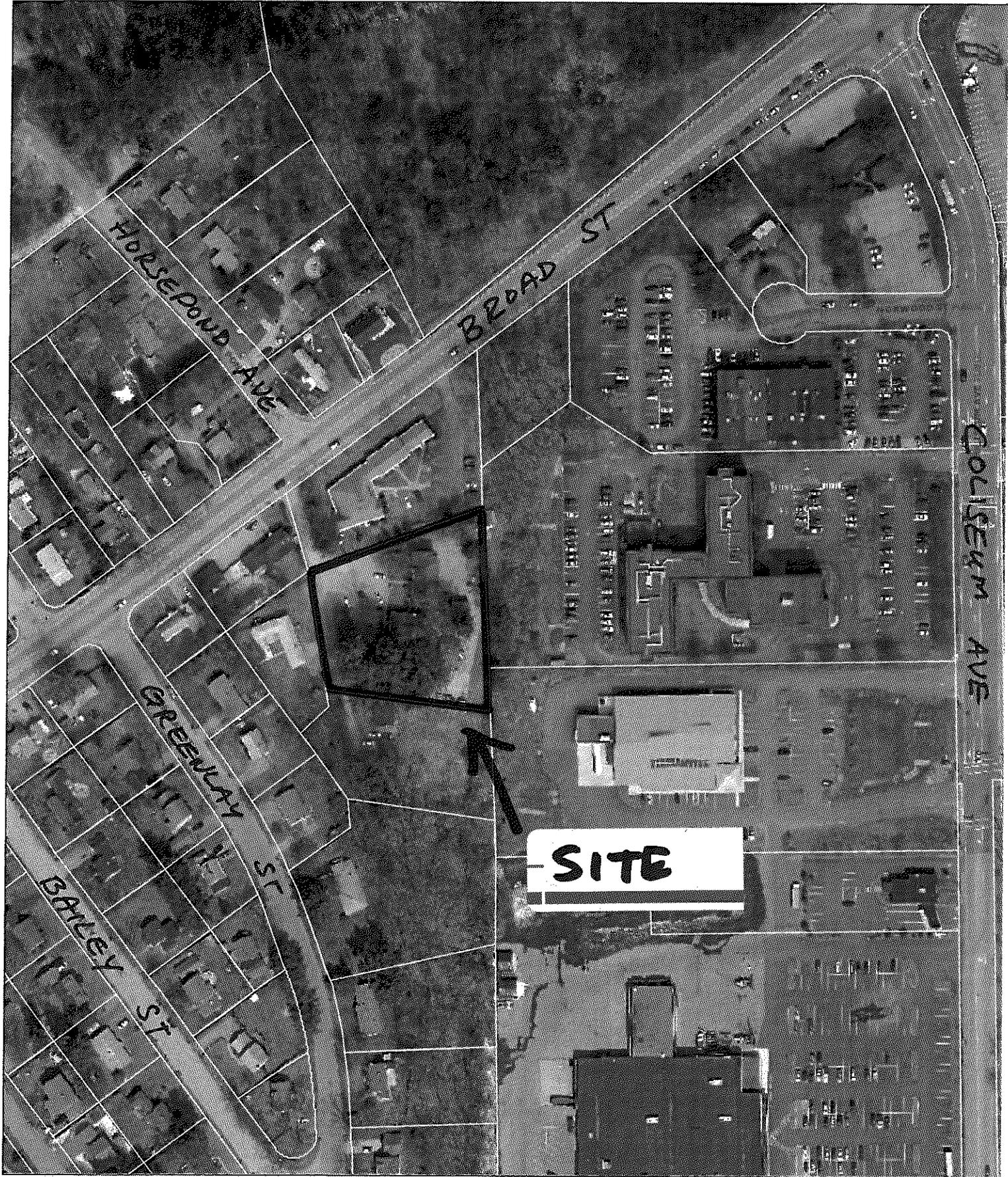


2 O'Neils Court

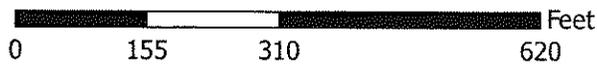
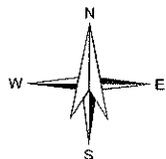


1 inch = 114 feet





2 O'Neils Court



1 inch = 227 feet



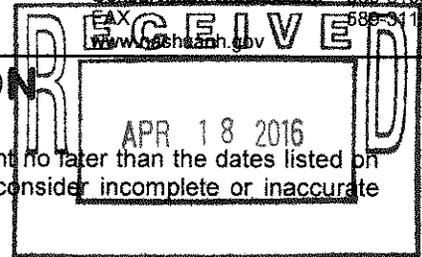
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VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 8 Mizoras Drive Nashua, NH 03062
 Zoning District R18 Sheet 0000B Lot 01396

b. VARIANCE(S) REQUESTED
R18 requires 20ft setbacks from side property lines. I'm hoping to build a garage and request permission for that setback to be reduced to 14ft from 20ft.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Keith Girouard
 Applicant's signature [Signature] Date 4/14/16
 Applicant's address 8 Mizoras Drive Nashua, NH 03062
 Telephone number (home) (603) 345-3003 (work) _____

b. PROPERTY OWNER Keith Girouard
 Owner's signature [Signature] Date 4/14/16
 Owner's address 8 Mizoras Drive Nashua, NH 03062
 Telephone number (home) (603) 345-3003 (work) _____

Case number _____ Application Deadline 4/26/16 Date Received 4/18/16 Date of hearing 5/24/16 ML

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00080

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The request is for an additional 6ft which I believe will not even be noticable.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

This is an attached garage that will only be used as garages were intended. Storage and parking of my vehicles.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

There will be no harm to the general public

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

As mentioned above, the request is only for 6ft which will not even be noticeable and if anything will increase the value of surrounding properties as I am the only house on my street without a two car garage.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The setbacks are a little restricted for what I need as my house is the only one on the street not originally constructed w/ a two car garage

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees _____ Number of employees per shift _____
- b. Hours and days of operation _____
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
- d. Number of daily and weekly commercial deliveries to the premises _____
- e. Number of parking spaces available _____
- f. Describe your general business operations _____

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation _____

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those point specifically mentioned are affected by action taken on this appeal.

[Handwritten Signature]

Signature of applicant

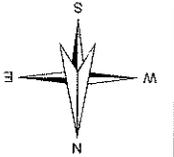
4/14/16
Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

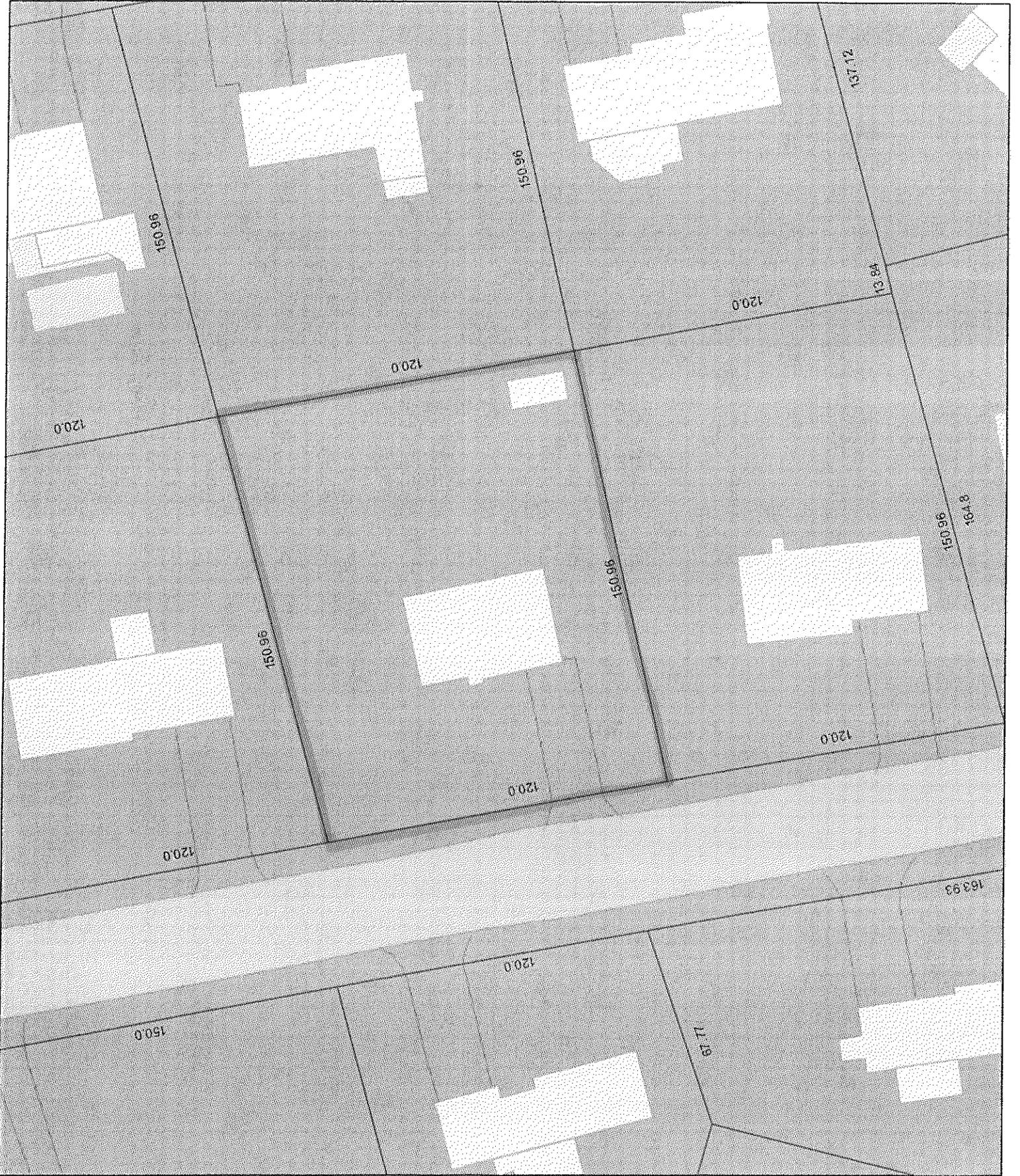
- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____



0 40 80 160 Feet
1 inch = 60 feet



8 Mizoras Dr



To: Zoning Board of Adjustment

From: Carter W. Falk, AICP, Deputy Planning Manager/Zoning

Date: May 16, 2016

Subj: **USE VARIANCE: United Way of Greater Nashua (Owner) Holly Hill (Applicant) 18-20 Broad Street (Sheet 61 Lot 164) requesting use variance to allow a hair salon in a portion of an existing building. GI Zone, Ward 4.**

PROPOSAL:

The applicant, Holly Hill, is requesting a use variance to convert a portion of an existing building into a hair salon. The property is located in the General Industrial (GI) Zone. The existing structure is a 6,090 square foot, two-story building. The property is 21,266 square feet in area (0.49 acres).

HISTORY:

- July 2002: Variance: **granted** to allow an additional sign type, two allowed, three requested, and to encroach into the front yard setback for new ground sign.
- Jan 2004: Use Variance: **granted** to allow a cosmetology establishment in a portion of an existing building; and,
- Special Exc: **granted** to reduce parking to 95% of required amount.

Meeting minutes from the above cases are included in the package.

SITE ANALYSIS:

The subject site is located on the southeast corner of Broad Street and Fox Street (see attached site location map). To the north, across Broad Street, is single-family residential, zoned A-Urban Residence (RA). To the south is single-family residential, zoned GI. To the east is an office building and a strip retail building, zoned GI. To the west is a multi-family building, also zoned GI.

According to the Land Use Code, Section 190-15, Table 15-1, (#35), "*Barbershops/hair salons*" is not a permitted use in the GI zone. This use is permitted in the Local Business (LB), Downtown (both D-1 and D-3), General Business (GB) and Highway Business (HB) zones. Also, the proposed use is allowed as a Conditional Use, subject to Planning Board approval, in the Park Industrial (PI) and Airport Industrial (AI) zones, only in site plans where at least 75% of the gross floor area is reserved for uses listed in the "industrial and manufacturing" category.

This property is currently occupied by the United Way of Greater Nashua, and a real estate corporation. The proposed hair salon and spa would be located on the first floor of the building, and

would use 1,550 square feet of space. In 2004, another hair salon business was granted approval to occupy a portion of this building, however, they used 1,200 square feet of space, and they were located on the second floor. They are no longer in the building.

Parking requirements for the hair salon is 1 space per 500 square feet, therefore, a total of four spaces will be required. The plan indicates a total of 25 parking spaces, and the proposed hair salon and the United Way and realty office meet the minimum parking requirements. The application indicates that there will be six employees total, with three per shift. Operating hours are six days per week.

The City's Future Land Use Plan identifies the subject property as "Residential/Commercial Mix". In order for the ZBA to grant the variance request, the applicant must satisfy all the relevant points of law, as listed below:

Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship: The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

The applicant has indicated that the proposed use is reasonable in that it will not change the character of the neighborhood, and that a beauty shop is reasonable for the property.

The proposed use will observe the spirit of the ordinance: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights".

The applicant indicates that the proposed use will not alter the essential character of the neighborhood, and it will observe the spirit of the ordinance.

The proposed use will not diminish the values of surrounding properties: the Board will consider expert testimony, but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.

The applicant indicates that the property values will not be negatively impacted, it probably will enhance it.

Granting of the requested variance will not be contrary to the public interest: the proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not

alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights".

The applicant states that the proposed use will not conflict with the explicit purpose of the ordinance, it will not alter the essential character of the neighborhood, threaten public health, safety or welfare, or otherwise injure public rights, as the neighboring uses are hair salons, retail bicycle shop, pizza restaurant and an attorney's office.

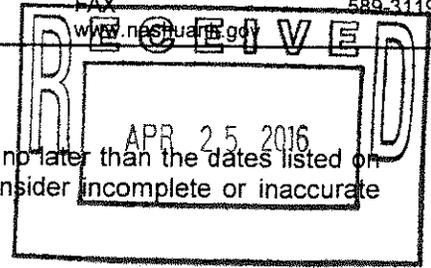
Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the benefits to the applicant will not be outweighed by harm to the general public.



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119



VARIANCE APPLICATION

This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST

18-20
~~80~~ Broad St

Zoning District 6E Sheet 61 Lot 164

b. VARIANCE(S) REQUESTED

HAIR
salon on ~~20~~ Broad St
1550 sq feet of salon + spa

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)

Holly Hill
 Applicant's signature Holly Hill Date 4/20/16
 Applicant's address 3 Farmington Rd
 Telephone number (home) 603 563 4077 (work) _____

b. PROPERTY OWNER The United Way of Greater Nashua Inc.

Owner's signature [Signature] Date 4-22-16
 Owner's address 20 Broad St, Unit A, Nashua, NH 03064
 Telephone number (home) 608-882-4999 (work) 608-864-0202

Case number _____ Application Deadline 4/26/16 Date Received 4/23/16 Date of hearing 5/24/16

Notices: Newspaper Abutters Board Action _____

\$ _____ fee Date Paid _____ Receipt # _____

\$ 900 application fee Date Paid _____ Receipt # _____

\$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00081

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

- 1. **Granting of the requested variance will not be contrary to the public interest**, because: (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

THE PROPOSED USE WILL NOT CONFLICT WITH THE EXPLICIT PURPOSE OF THE ORDINANCE - IT WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD, THREATEN PUBLIC HEALTH, SAFETY OR WELFARE, OR OTHERWISE INJURE PUBLIC RIGHTS. CURRENTLY ON THE NEIGHBORHOOD ARE HAIR SALON, RETAIL BIKE SHOP, PIZZA SHOP & BARBERS OFFICE.

- 2. **The proposed use will observe the spirit of the ordinance**, because: (The Proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

THE PROPOSED USE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD, IT WILL OBSERVE THE SPIRIT OF THE ORDINANCE.

- 3. **Substantial justice would be done to the property-owner by granting the variance**, because: (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

THE BENEFITS TO THE APPLICANT WILL NOT BE OUTWEIGHED BY HARM TO THE GENERAL PUBLIC.

- 4. **The proposed use will not diminish the values of surrounding properties**, because: (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

THE PROPOSED USE WILL NOT DIMINISH THE SURROUNDING PROPERTIES IT WILL ENHANCE IT.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that because, because of the special conditions of the property in question, the restriction applied to the property by the

Address _____

ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

THE PROPOSED USE IS REASONABLE IN THAT IT WILL NOT CHANGE THE CHARACTER OF THE NEIGHBORHOOD. A BEAUTY SALON IS REASONABLE USE OF THE PROPERTY

4. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees 6 Number of employees per shift 3
- b. Hours and days of operation 6 days
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 24
- d. Number of daily and weekly commercial deliveries to the premises none
- e. Number of parking spaces available 8
- f. Describe your general business operations hair salon
hair + skin services

g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation everything will remain the same its the united way building

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

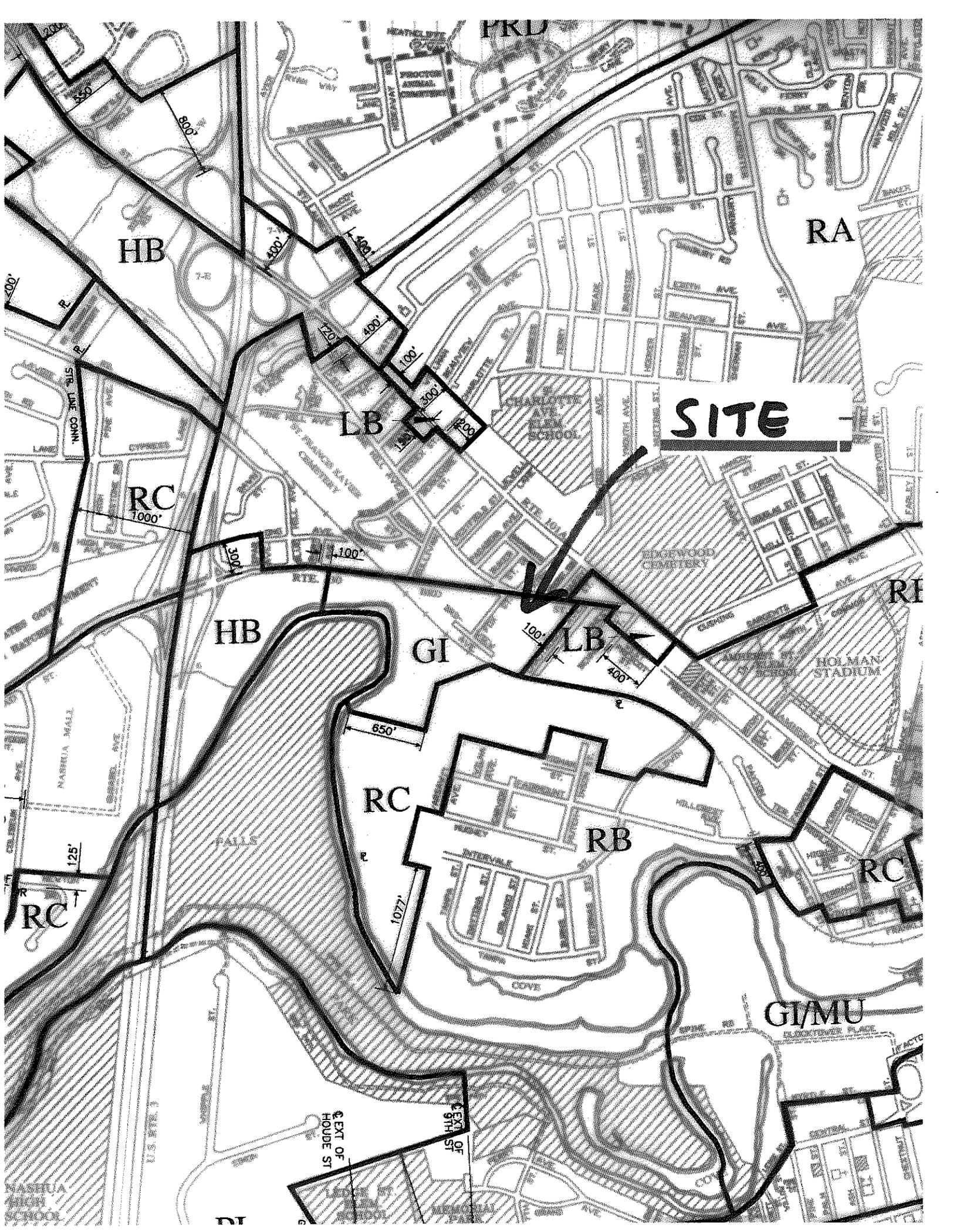
I understand that only those point specifically mentioned are affected by action taken on this appeal.

Holley Hee
Signature of applicant

4/20/16
Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at 3 Farmington Rd
Nashua NH 03060



HB

RA

LB

SITE

RC

HB

GI

LB

RE

RC

RB

RC

RC

GI/MU

EXT OF HOUSE ST

EXT OF 5TH ST

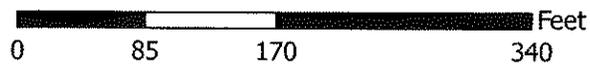
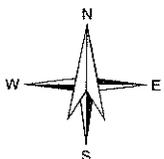
NASHUA HIGH SCHOOL

HOLMAN STADIUM

ELMWOOD CEMETERY



18-20 Broad St



1 inch = 127 feet



Sum Area By Label :

- EFP = 120
- OFF = 105
- FFL = 4620
- FBM = 3912
- UAT = 1440
- SFL = 1440
- BMT = 708

CITY OF NASHUA PLANNING DEPARTMENT

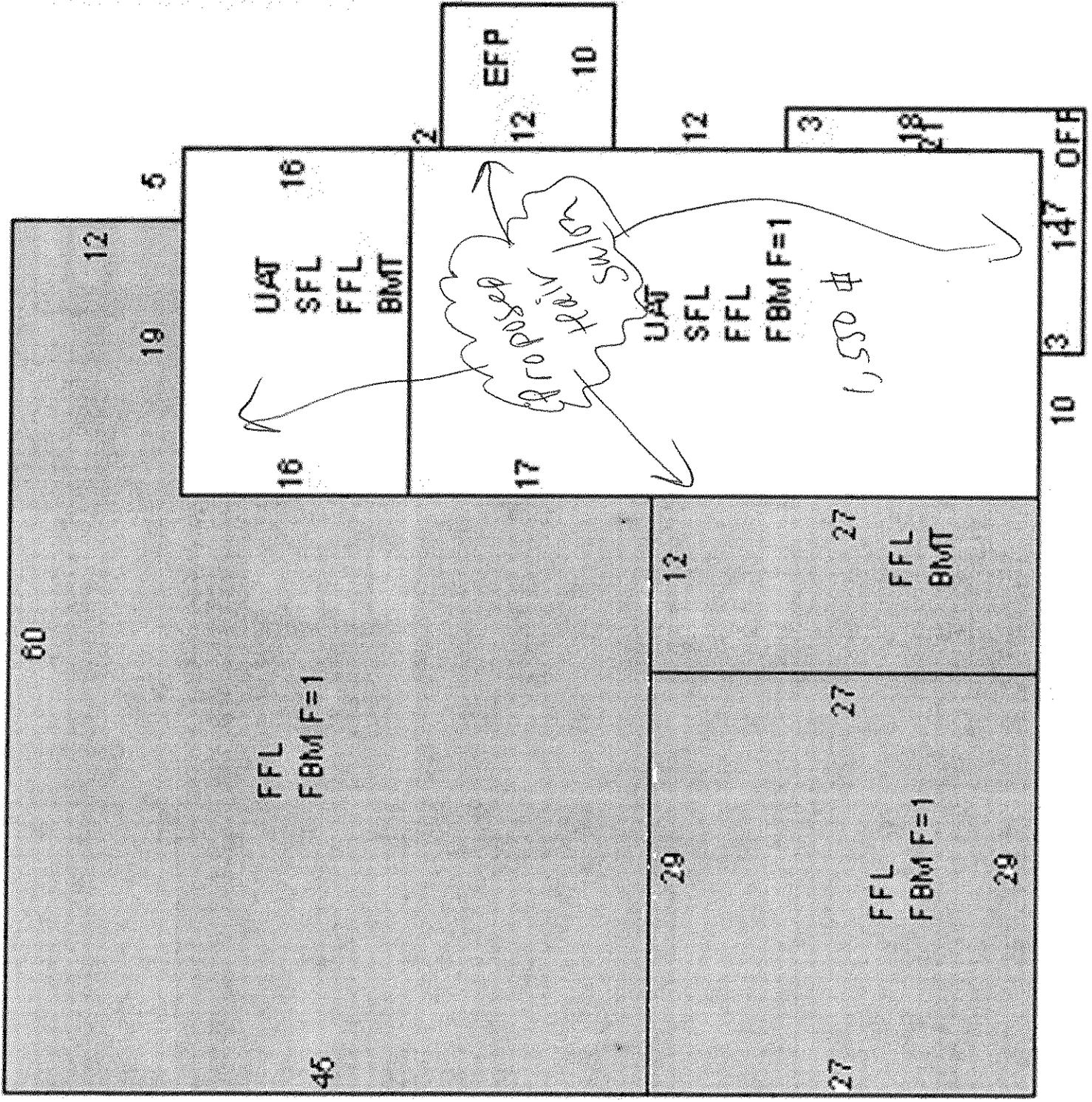
I, the undersigned, certify that to the best of my knowledge, this plan accurately depicts existing and proposed site conditions as it pertains to my application before the Zoning Board of Adjustment.

Owner/applicant signature:

Heley Hele

Date:

4/26/16



encroach 15' into the 40' required rear yard setback to construct a 16'X30' addition between the existing house and the existing garage at 39 Ferry Road. The hardship in the land is that the house is situated to the side of the lot and it's a curved lot line that provides a rear yard setback where you might think that a side yard setback applies. It is within the spirit and intent of the ordinance. It will not adversely affect the property values of surrounding parcels. It is not contrary to the public interest. Substantial justice will be served by granting the variance.

SECONDED by Mr. Coffey.

 MOTION CARRIED UNANIMOUSLY

10. United Way of Greater Nashua (Owner) 20 Broad Street (Sheet 61 Lot 164) requesting the following: 1) use variance to use a portion of an existing building for a personal service (cosmetology) establishment; and 2) special exception to reduce parking to 95% of required spaces. GI Zone.

Atty. Gerald Prunier. Atty. Prunier said this building was purchased by United Way. It had been used as a real estate sales office. The parking that was provided for the real estate office met the requirements of one space per 250 square feet. The cosmetology establishment that is proposed within the building is a more intense use. They are about 1-½ spaces short. There is a big mature tree on the site where one parking space could be made.

He said the cosmetology use will consist of 1200 square feet on the second floor. The cosmetologist is moving from a building next door into this building. The building is located in a GI District. It is an area in the City that has dramatically changed over a period of time and doesn't reflect General Industrial uses. Whitney Screw has been changed to retail uses. Along the area there are hairdressers and cosmetologists.

Atty. Prunier said in view of the fact of the building, its location, and the changed uses in the neighborhood that they have a hardship in not being able to use this building similar to the other buildings in the area that are using their buildings for the same purpose. He said this will not adversely affect any of the neighbors. The building itself doesn't change.

He said as far as the special exception for the parking is concerned, the request is listed in the Table of Uses. It is not going to adversely affect pedestrian safety or traffic in the area.

The use is coming from one building into this building. It is not out of character with the neighborhood. The uses for this particular profession already exist.

Mr. Jenkins asked if this business already currently in the building.

Atty. Prunier said it is.

Mr. Jenkins asked the name of the business.

Atty. Prunier said he doesn't know.

Mr. Jenkins said he was at the site two weeks ago and there were signs in the parking lot that were lit. There was designated parking for United Way as well as for two other businesses.

Atty. Prunier no one gave it a second thought when they moved to the building because it was office space.

Mr. Jenkins asked how long the cosmetologist has been here.

Atty. Prunier said a couple of months at best.

Mr. Jenkins asked if the signs were there for the last couple of months.

Atty. Prunier said they were.

Mr. Jenkins said he noticed that at least 3 - 4 of the parking spaces were taken up with snow. He said it seemed like the parking was taken up with snow were the ones that were for the cosmetology business. The parking is limited. He asked what they are going to do about parking.

Atty. Prunier said he has been to this site about three times during the day in the past month. Every time he was there he doesn't think he saw more than three cars in the whole parking lot.

Mr. Jenkins said he was there on a Sunday so he couldn't tell.

Mr. Duffy asked what this business is.

Atty. Prunier said as he understands it, cosmetology relates to fingernails, maybe hair. It hasn't got anything to do with tanning.

Mr. Currier said there is a set of cement stairs going from this parking lot up to the parking lot at Goodale's. He asked what this is all about. He said it looks to him like it's meant to take care of parking spaces.

Atty. Prunier said he didn't know anything about this. He said United Way of Nashua doesn't have a lot of employees and probably don't use all of their rooms. He said he thinks the reason they are renting the space out is that they need to get a little bit of income and they have the space to rent. He said he couldn't tell them why the steps are there.

Mr. Jenkins asked what other tenants are in the building.

Atty. Prunier said as far as he knows it is only United Way and the cosmetologist.

Mr. Duffy said he believes the Board approved some signage for United Way.

Atty. Prunier said he doesn't know because he didn't represent them.

Mr. Duffy asked Atty. Prunier if more signage is going to be needed.

Atty. Prunier said he believes there is a sign already.

Mr. Duffy asked if there is going to be any additional signage.

Atty. Prunier said not as far as he knows.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

Ann Livermore, 17 Broad Street. Ms. Livermore said he lives directly across from the United Way building. She said she is in favor of United Way and has supported it many times and she is not against new businesses.

She said she looks at this site all day, every day. Because of parking from United Way people they had to come before the Board and request two hour parking on the north side of Broad Street from

the corner of Broad Street up to Pine Hill. This was granted about eight months ago. Right now there are 28 spaces in the lot and they are all marked reserved for United Way. The stairs that were put in, were put in because 14 cars are parking in Goodale's parking lot. The stairs were put in by Goodale's so people could walk down to go to their business.

She said about 6 - 8 weeks ago a mortgage company moved out and she asked them why they were moving and she was told it was because they couldn't have any parking for their clients. She said there is no additional parking. Right now every single site is taken along with additional parking that is in Goodale's. She said right now two cars are parking on Fox Street. One car is parking in the front of the building.

She said she was not aware that the cosmetology business had opened up because she was told two weeks ago that there was no business upstairs yet. There is no business next door. It is a three-unit apartment. She doesn't know where they came from.

She said 80% of the people living in this neighborhood are seniors. Twenty percent are young families who have moved in with children under twelve years of age. The extent of parking and traffic has increased increasingly over the past five years. She said she believes additional parking and additional businesses are going to seriously affect the children in the neighborhood. There probably will be a serious accident before long because of the extended traffic in the area.

She said a 5% reduction does not reduce the hardship for the residents. There isn't a single space open now. Fox Street, Kirk Street, Amherst Terrace and Hardy are all very narrow streets. When it is snowing there is one lane of traffic able to go through if there is a car parked on the side.

She said she asked three cosmetologists in the area and was told that if they have three people there would be an impact of 10 - 12 more cars an hour and they will overlap. She said the Children's Home and other places like lawyers and funeral homes bought the land behind them and made a parking lot. She said this may be what United Way should do so they can enlarge their parking area.

She said this is going to cause a tremendous hardship. There are now two houses on the street and around the corner that have been on the market over five months and haven't sold.

James Livermore, 8 Kirk Street. Mr. Livermore said he lives right behind the site. He said when United Way bought the building Innovative Realty was in the building and they are still there. United Way moved in. The mortgage company was on the second floor and they have move out and apparently the cosmetologist has moved in.

He said one of the issues he has is the traffic. Kirk Street is a one-way street that dumps off into Broad Street. He doesn't have a choice to go out to Amherst Street so he has to cross traffic on his way to work every morning headed towards downtown Nashua. He said this morning he waited ten minutes to get out onto Broad Street.

He said the mailbox that they use to mail their letters is across the street at the United Way building. You take your life in your hands to go over to that mailbox.

He said there are 28 parking spaces on site. He said he went there tonight and about five of them are covered with snow. About 2/3 of them are reserved for United Way. The other 1/3 are reserved for the realty office. The parking lot is full all day long. They are parking on Broad Street as well as on Fox Street. It is only a matter of time before the clientele for the cosmetologist builds up and they will be parking on Kirk Street as well.

Mr. Livermore said there are two or three other beauty salons on Broad Street and they are in buildings all by themselves.

He said he has talked with cosmetologists also. They overlap with their clients. They have at least two people there at once, maybe one washing hair and the other under the dryer. There are multiple clients at one time for every chair. He said his wife is a cosmetologist and she said to factor 2 - 3 cars per hour per cosmetologist.

Mr. Duffy asked if the cosmetology business that was there was intrusive.

Mr. Livermore said he didn't know where this was. He said the testimony indicated it moved from next door, but there was no cosmetologist next door. There is a lawyer's office on one side and on the other side there is a multi-family house.

Roger Livermore, 17 Broad Street. Mr. Livermore said he lives directly across the street from United Way. Mr. Livermore said there is no hardship. This is an office building and it can remain

an office building. He said office space in this area is at a premium and there isn't any reason why it couldn't be rented for an office use. It was used as office space before.

He said United Way does not have enough parking for themselves. They are using part of Goodale's parking lot. When they moved in they didn't have enough space. They tore down all the bushes, the fence between their property and Goodale's property, landscaped it and built the stairs with a railing so they could use Goodale's parking. He cannot see allowing a reduction in the parking requirements.

SPEAKING IN FAVOR - REBUTTAL

Atty. Prunier said when he has been at the site, he hasn't seen the parking lot full. He said United Way has never said to him that they leased any parking space from Goodale's. He is not familiar with that situation. In order to meet the requirements of the zoning ordinance they would have to cut down the tree in the back, which is a significant tree.

He said as far as the use of the building is concerned, the mortgage company appears to have moved out. He assumes a good cosmetologist would have at least three customers an hour. The question of traffic is not the issue with the building because the whole area has changed. The traffic is already there, it's not changing because a cosmetologist is moving in. Per the opposition's testimony there are cosmetologists in the area. He said if he mentioned that this cosmetologist came from next door, she came from the neighborhood.

Mr. Currier asked how many spaces would be added if the tree is cut down.

Atty. Prunier said probably two.

Mr. Jenkins asked how many chairs there are.

Atty. Prunier said it is 1250 square feet. He said he did not know how many chairs there are.

Mrs. Douglas said if this is a hair salon, that is one thing, but if its a cosmetologist this typically involves facials and that type of thing and that's one an hour. A lot of these are one-person operations.

Atty. Prunier said there are at least two employees.

Mr. Duffy asked if Atty. Prunier knows how many square feet the cosmetologist used in her old location and Atty. Prunier said he didn't.

SPEAKING IN OPPOSITION - REBUTTAL

Ann Livermore. Mrs. Livermore said cosmetology includes hair, nails, skin, and massages.

She said John Fuller, who used to be in the upstairs of this building was a mortgage broker. He claimed that he had two people working there and he could not see two or three people without trying them to direct them into traffic downstairs to park.

Mr. Jenkins said the difference between the cosmetology business and the office use would only be one parking space.

Mr. Currier said he is hearing testimony that there is a problem.

Mr. Falk said the office use requires parking spaces of one space per 300 square feet. The space is 1250 square feet. This works out to four spaces. The cosmetology business requires parking of one space per 250 square feet, which works out to five spaces.

Mr. Currier said he is coming down on the side of the people who live there. This is going to make it worse.

Mrs. Douglas said there are two separate issues. One is the use and the other is the parking. They can approve the use and deny the parking, in which case they would cut down the tree to provide the parking.

Mr. Duffy said he is a big believer in keeping these older trees. He would rather see losing one parking place in order to keep the tree.

Mr. Jenkins said he would rather put in a condition that they remove snow so they won't lose parking spaces. He said when he went there they had lost 2 - 3 spaces because of the snow.

Mr. Duffy said because of "Simplex" there are retail and service approved uses that are abutting this. The uses do not reflect "GI" zoning any more. There are no buffer zones and no calming zones in between residential and commercial/service.

Mr. Currier said they heard testimony tonight about being able to rent this space again for office use. He asked Mr. Coffey if there is a problem filling office space.

Mr. Coffey said it comes down to the number of spaces. He has been by the property and there may be early morning meetings at the site where there are a lot of cars. He hasn't paid attention to what the parking lot looks like on a daily basis. He doesn't think the parking lot is full at all times of the day.

MOTION by Mr. Duffy to grant the use variance to use a portion of an existing building up to 1200 square feet for a personal service (cosmetology) at United Way of Greater Nashua, 20 Broad Street. The hardship is that there is no "GI" Business left in this GI Zoned area. It is a reasonable use that the applicant have uses that are similar that abut the property and that are in the district that are service related. It is within the spirit and intent of the ordinance. The area is in transition significantly on the south side of Broad Street. It will not adversely affect the property values of surrounding parcels. It is not contrary to the public interest. Substantial justice will be served. Special Condition: United Way of Greater Nashua or the owner of the property must provide adequate snow removal for all parking areas on the property.

SECONDED by Mr. Coffey.

MOTION CARRIED 4 - 1, Mr. Currier opposed.

MOTION by Mr. Duffy to grant the special exception to reduce parking to 95% of required spaces for United Way of Greater Nashua, 20 Broad Street. The use is listed in the Table of Uses, Section 16-227(9) and Section 16-274(12). This is a business relocating from another location on that street in this same "GI" Zone. It should not create undue traffic congestion or unduly impair pedestrian safety over and above what is already in this area. There is no public water, drainage, or sewer or other municipal system degradation. There are no special regulations to be fulfilled. It will not impair the integrity or be out of character with the neighborhood or be detrimental to the health, morals, or welfare of the residents.

SECONDED by Mrs. Douglas.

MOTION CARRIED 4 - 1, Mr. Currier opposed.

Mr. Kenneally said the only reason he didn't do this is because he needs the driveway for his vehicles. The spot he chose for the garage because he has his tools in it.

Mr. Jenkins said there is other land that is available to put the structure on, although the owner did not choose to put it up on that location.

Mr. Duffy asked if there wasn't a shed behind the tent garage.

Mr. Kenneally said there is a small shed that holds his snow blower and his lawn mower.

Ms. Nessel said as it is at this point the Board would not be able to approve the request because the request does not meet the hardship criteria.

She said that he should contact Mr. Falk about the other options he has for the placement of the tent garage.

Ms. Nessel asked if Mr. Kenneally would like to withdraw his request to give him the opportunity to come back after he speaks with Mr. Falk and he agreed to this.

CASE WITHDRAWN based on above discussion.

- 
5. United Way of Greater Nashua, Inc. (Owner) 18-20 Broad Street (Sheet 61 Lot 164) requesting the following two variances relative to adding a ground sign: 1) to permit an additional sign type, two allowed, three requested, and 2) to encroach 2' into the 10' required setback for a ground sign. GI Zone.

Don Mattise, Employee of United Way & representing United Way. Mr. Mattise said this property is the former Berman Real Estate Office and is two doors up from the Broad Street property discussed earlier tonight (Goodale's).

He said this property has existed in its current structure for a period of sixteen years and no changes are planned. He said although it currently houses three separate business

entities, it has a residential look rather than an office building.

He said the business was purchased by United Way in March 2001. The other tenants have been located at this address for some time and are well known to their customers and those desiring their services. One of the tenants utilizes a wall sign and the other has the majority of a protruding wall sign to identify their location.

Mr. Mattise said United Way serves an entirely different set of customers and is trying to establish itself in Nashua. He said United Way purchased the premises intending to make a long term commitment to the community. The installation and use of a ground sign would help accomplish this.

He said the restriction of Section 16-493(b) as applied prohibits a third sign and creates a hardship in that the shape of the lot in relationship to Broad Street favors a ground sign for maximum visibility from both directions for those attempting to locate United Way offices.

Mr. Mattise said the primary purpose of a ground sign is to identify the new location of United Way for those needing services. The variances would have no impact to the private or public rights of others. The requested variances will not obstruct or otherwise affect the surrounding businesses or residential properties. The sign is well within the guidelines established within the ordinance.

He said they are requesting a setback variance from Section 16-493(b)(1)(c). He said the proposed ground sign would be 8' from the right-of-way, which is less than the 10' set out in the ordinance. If they applied the 10' setback, the sign would be in the parking lot and would significantly reduce visibility from Broad Street and would eliminate at least one parking space.

He said neither the size nor the location of the proposed ground sign will impede the safe passage of pedestrian or vehicular traffic on or near the premises, nor does it substantially deviate from the purposes of the ordinance. The proposed sign is 24" X 40". It will be between two

4"X4" posts and will be 4' off the ground.

He said the spirit and intent of the ordinance is to reflect the scale and mixed uses of the zoned neighborhood. He said United Way believes the sign promotes the spirit and intent of the ordinance. The style and dimension of the proposed sign are consistent with those generally used in the neighborhood and is solely for the identification of United Way as a new business in the City of Nashua.

Mr. Mattise said the requested variance is consistent with the general intent of the ordinance to reflect the density and scale and mixed uses of the local traffic and to provide corporate and business identification. The proposed sign is well within the dimensions set forth in the ordinance. They don't feel it would have any impact on surrounding property values.

He said the clear identification of United Way at its new location will make it easier to find and direct traffic to the proper entrance and available parking. This reduces possible traffic congestion and improves the safety of pedestrians. It will bring new customers to surrounding businesses and establish United Way as a resident of the City of Nashua. All of these items benefit the public.

Mr. Mattise said the premises is currently occupied by three businesses. They are Innovate Realty, Fortune Mortgage Company, and United Way. He said United Way occupies about 50% of the office space in the building and maintains their administrative offices at this location.

Mr. Malkasian said he has a picture of the site and he sees two signs, a wall sign and a projecting sign, both indicating "Innovate Realty."

Mr. Mattise said a large portion of the protruding sign is the mortgage company. Both the wall sign and the protruding sign are part of the lease arrangement that were in place in the building when United Way purchased it.

Mr. Malkasian said underneath the projecting sign there is

another sign that states "United Way of Greater Nashua."

Mr. Mattise said that is correct. He said it is 6"X4'. He said they have been told by a number of people that they are unable to see this sign. It is not prominent enough for them to locate them.

Mr. Malkasian asked if United Way had given any thought to eliminating the signage on the site and going with new signage that would clearly identify all three tenants.

Mr. Mattise said that might take place in the future, but the existing leases prevent this. The mortgage company and the realty office are standing by their leases.

Mr. Chandler asked how far off the edge of the sidewalk the sign would be.

Mr. Mattise said it is 8' off the right-of-way. Their encroachment is 2'.

Mr. Duffy asked if the ground sign would be about at the same encroachment (2' into required 10' setback) even though the projecting sign is hanging in the air.

Mr. Mattise agreed that the hanging sign does encroach.

Mr. Duffy asked if they would remove the United Way of Greater Nashua piece of the projecting sign.

Mr. Mattise said if they are approved for the ground sign they wouldn't need the projecting sign.

Mr. Duffy asked the height of the proposed sign at the top.

Mr. Mattise said 4'.

Mr. Malkasian asked the maximum that was allowed.

Mr. Mattise said he believes it is 15'.

Mr. Malkasian asked why it is so low.

Mr. Mattise said the Board of Directors that governs the corporation wanted something aesthetically pleasing in the neighborhood. He referred the Board to a picture. He said here is a red maple in this picture and that is going to be trimmed back.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

MOTION by Mr. Duffy to grant the requested variances for the signage at 18 - 20 Broad Street for United Way. He said the size and shape of the building on the property is a hardship. The projecting sign is also encroaching. It is in keeping with the aesthetics of this building and other buildings along the area. It is within the spirit and intent of the ordinance that the applicant has kept the sign small in size and takes into account the residential properties across the street. It will not affect property values of surrounding parcels. It is not an unreasonable use given the nature of the neighborhood. It is not contrary to the public interest. Substantial justice is served. It allows aesthetic identification and direction to the property.

SECONDED by Mr. Chandler.

MOTION CARRIED UNANIMOUSLY

6. Tony Campos (Owner) 12 Peach Drive (Sheet A Lot 470) requesting variance to encroach 9' into the 10' required left side yard setback to construct a 15'x20' carport. RA Zone.

Tony Campos, 12 Peach Drive. He said his request is to add a two car carport. He said their home sits right in the middle of the lot, leaving insufficient room on either side

of the house to protect their vehicles. There is a constant need to move one car to let the other in and out. During snow removal it will become even harder. He said the request is made to protect the next most important investment homeowners make - their cars - which provide the necessary transportation to employment which in turn allows for the home ownership.

He said this request maintains the spirit and intent of the ordinance because it lessens the congestion in the streets and maintains the security and safety. It will bring both cars further into the driveway which will allow increased room for a fire truck or ambulance to use the driveway, if needed.

Mr. Campos said they will be using quality materials and a simple design that will add value to the house and maintain the nice appearance of the neighborhood. The materials will be standard and in line with building code requirements. The finished carport will add to their enjoyment and the use of the house, protect their investment, and fit nicely with existing landscaping of surrounding houses.

He said any time you add an important factor, whether it is a carport or garage, you are adding value to that particular house and that particular neighborhood.

He said by adding this desirable feature, any real estate agent will tell you any time you add something like a carport or garage you are increasing the resale value of your house. You are adding a nice feature to the neighborhood. Over 50% of the houses in this neighborhood have carports or existing garages. This is definitely in line with the existing neighborhood.

He said substantial justice is served because it allows him to increase the value of his home, his #1 investment.

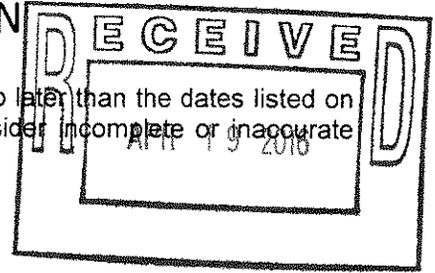
He said they have looked at other options for the two car carport that would not require a variance. These options included both front and back yard locations, but both have very unpleasant aesthetic results on the landscaping and



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov

SPECIAL EXCEPTION APPLICATION



This application must be completed and submitted to the Planning Department no later than the dates listed on the Zoning Board of Adjustment (ZBA) schedule sheet. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 213 Harris Rd
 Zoning District R9 Sheet C Lot 501

b. SPECIAL EXCEPTION(S) REQUESTED "mother-in-law" suite in basement

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Stephen Curtis
 Applicant's signature [Signature] Date 4/19/2016
 Applicant's address 213 Harris Rd, Nashua
 Telephone number (home) 603-459-3118 (work) 603-305-0601

b. PROPERTY OWNER Stephen Curtis
 Owner's signature [Signature] Date 4/19/2016
 Owner's address 213 Harris Rd, Nashua
 Telephone number (home) 459-3118 (work) 305-0601

Case number _____ Application Deadline 4/26/16 Date Received 4/19/16 Date of hearing 5/24/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00079

3. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. Please see "Procedures for Filing a Special Exception" for further information.

a. Describe the nature of your proposal. Please be specific.

We need a permit for the work and inspection of already completed work

b. Does your proposal involve the physical construction or expansion of a structure? Yes No
If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

c. Do you anticipate the need for additional on-site parking space as a result of your proposal? Yes No
If yes, approximately how many square feet of paved or designated parking space will be provide for both existing and proposed usage?

d. What affects would the requested use have upon surrounding traffic congestion and pedestrian safety?

None

e. What measures will be taken (if any) to insure that your proposal will not impair the integrity or be out of character with the zoning district or immediate neighborhood?

It will be a single family home

4. SPECIAL EXCEPTION AND USE VARIANCES

For Special Exception and Use Variances, please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

a. Total number of employees NA Number of employees per shift _____

b. Hours and days of operation _____

c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____

d. Number of daily and weekly commercial deliveries to the premises _____

e. Number of parking spaces available _____

f. Describe your general business operations NA

g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation NA

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction.

I understand that only those points specifically mentioned are affected by action taken on this appeal.

Stephen J. Hertel
Signature of applicant

4/19/14
Date

PLAT PLAN

Gregory Adams
Owner's Name

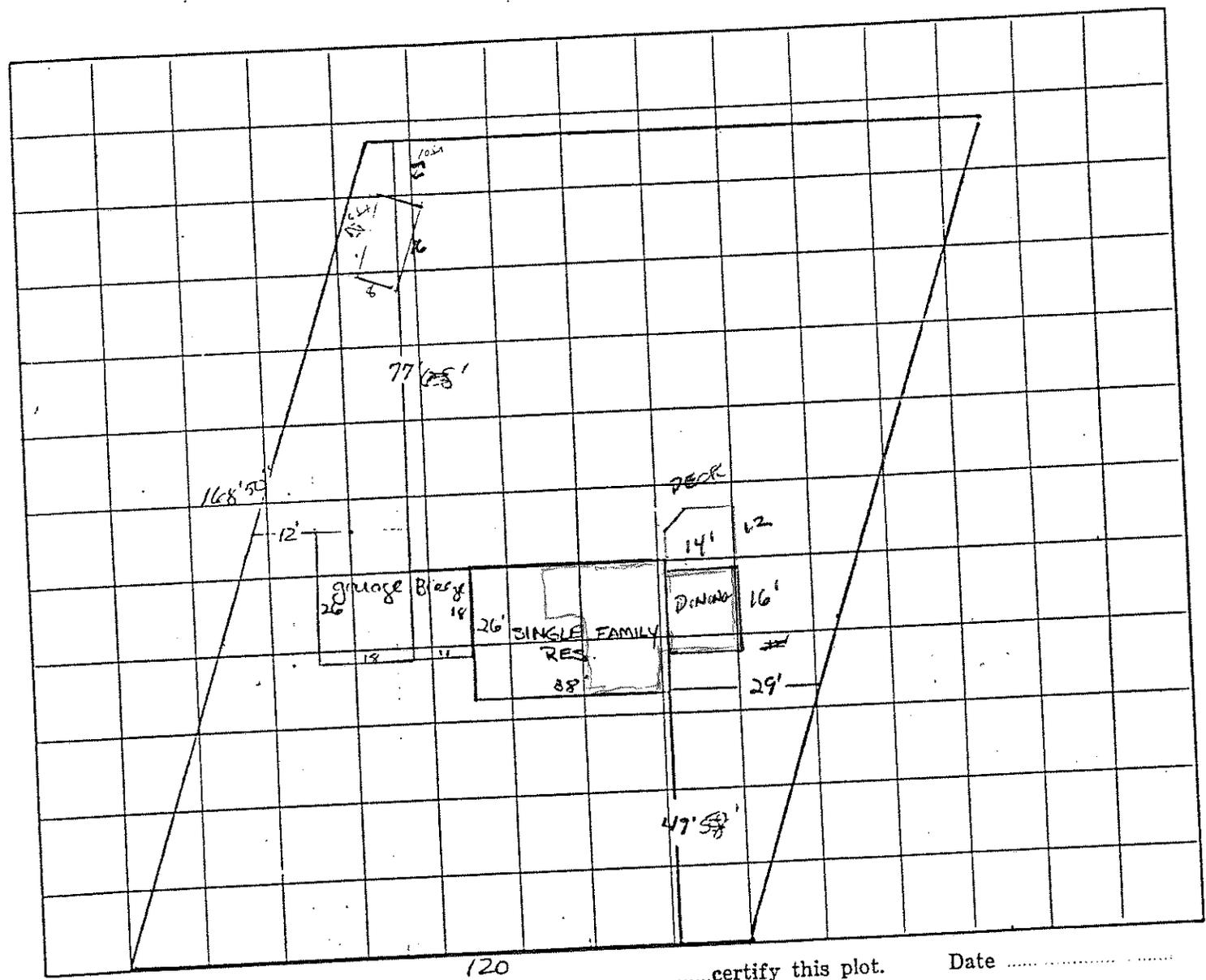
213 Harris Rd
No. Street

R-9
District

SCALE 1"=30 ft.

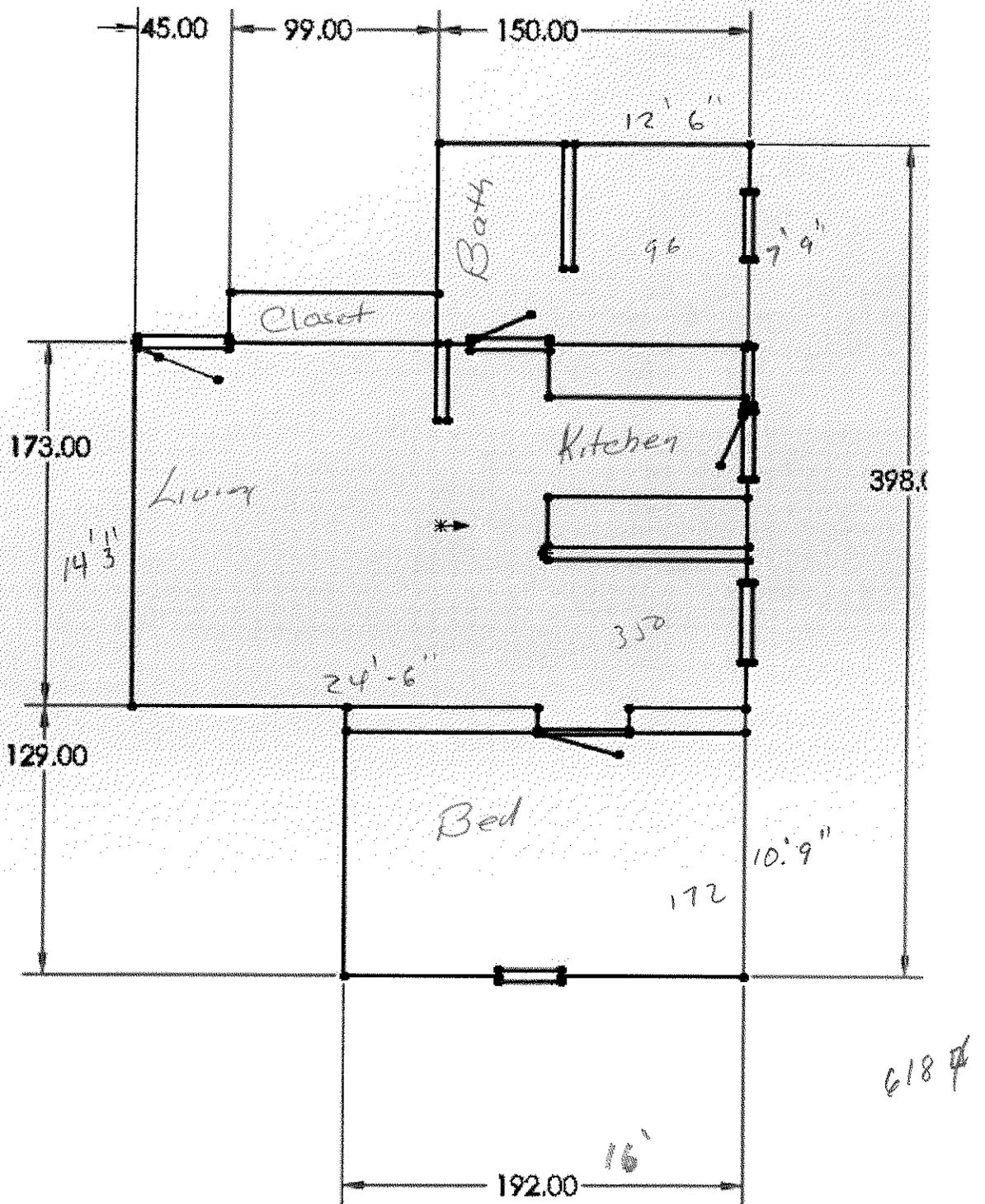
	10 July 75	276666

REMARKS Add breezeway 11 x 18 & gal 18 x 26

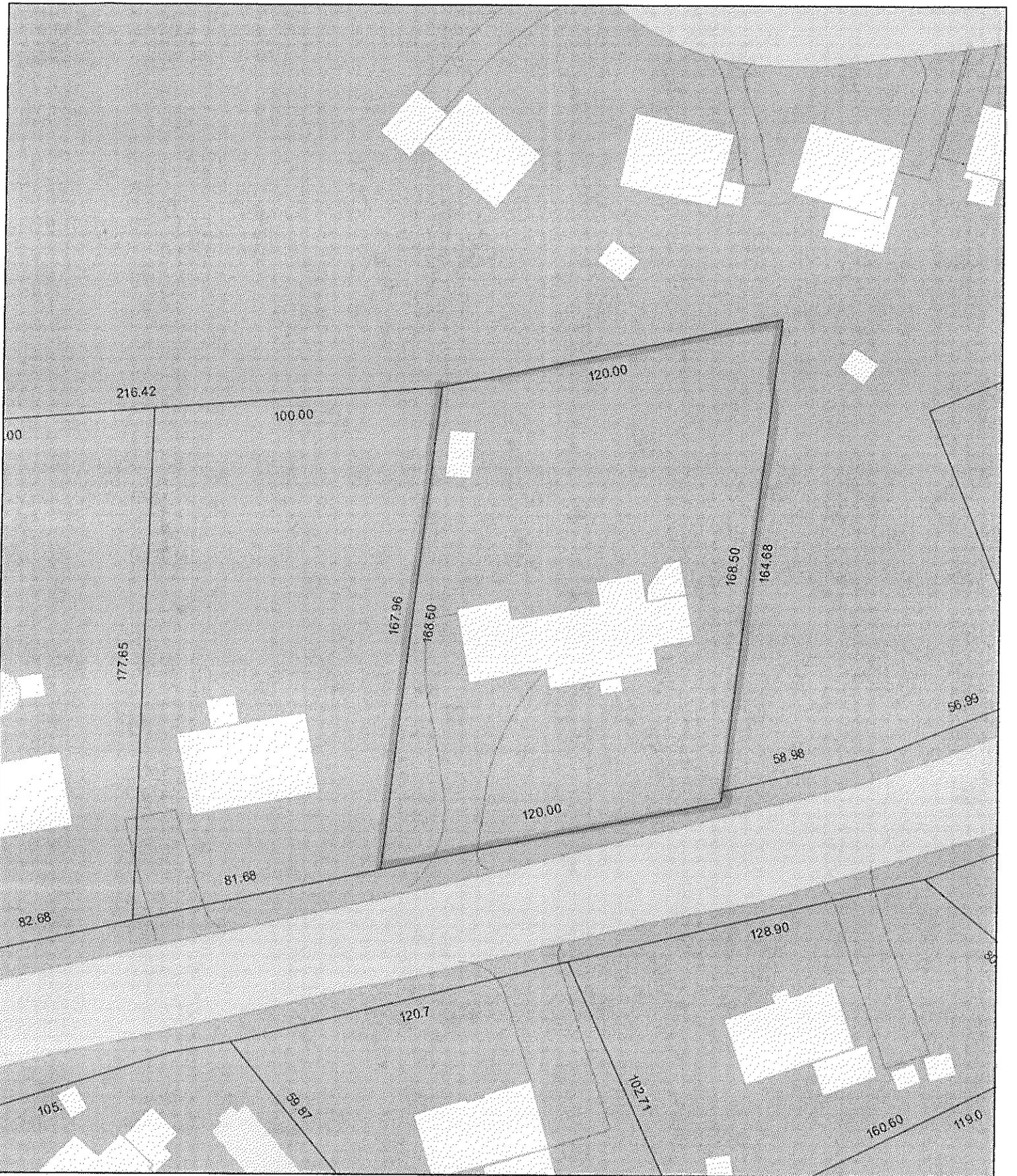


I, _____ certify this plot. Date _____

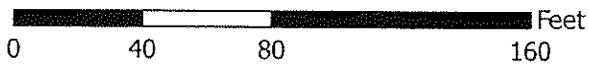
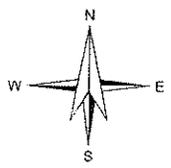
Red lines indicate "mother-in-law" suite



213 HARRIS RD.
 STEVE & ANDREA CURTIS



213 Harris Rd



1 inch = 60 feet

