

1. 20201013 ZBA Agenda

Documents:

[20201013 ZBA AGENDA.PDF](#)

2. 20201013 ZBA Packets

Documents:

[20201013 44 BROAD ST.PDF](#)
[20201013 33 LOCK ST.PDF](#)
[20201013 1C PINE ST EXT.PDF](#)
[20201013 7 PINEHURST ST.PDF](#)
[20201013 5 BERKSHIRE ST.PDF](#)
[20201013 L ROBY ST.PDF](#)
[20201013 972 WEST HOLLIS ST.PDF](#)
[20201013 6 KINSLEY ST.PDF](#)
[20201013 15 SIXTH ST.PDF](#)



City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
Fax 589-3119
WEB www.nashuanh.gov

September 28, 2020

The following is to be published on ROP October 4, 2020, under the Seal of the City of Nashua, Public Notice Format 65 MP 51.

The Zoning Board of Adjustment will meet on Tuesday, October 13, 2020, at 6:30 PM via **Zoom**. Real-time public comment can be addressed to the Board utilizing Zoom virtual meeting software for remote access. This will allow users to view the meeting and ask questions to the Board via the chat function. The public is also encouraged to submit their comments via email (planningdepartment@nashuanh.gov) to the Department email or by mail (please make sure to include your name/address and comments) before 5:00 p.m. on October 13, 2020 and read into the record at the appropriate time. Letters should be addressed to City of Nashua, Planning Department, P.O. Box 2019, Nashua, NH 03061. Plans can be viewed online starting October 7, 2020, at www.nashuanh.gov in the Calendar or Agendas and Minutes.

To access Zoom Meeting

<https://us02web.zoom.us/j/83462830606?pwd=VGZHOU0xZW4xdk5VdGdpQ0w5Uys5UT09>

Meeting ID: **834 6283 0606**

Passcode: **558398**

To join by phone: 1 (929) 436-2866

If you are not able to connect to **Zoom**, please contact the Planning Department at (603) 589-3056.

1. City of Nashua (Owner) Tim Cummings, Director of Economic Development, City of Nashua (Applicant) 44 Broad Street (Sheet 71 Lot 2) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#116), to allow for construction of a new building for retail use. [APPROVED BY ZBA 3-28-17 BUT HAS EXPIRED]. GI/HB Zone, Ward 4.
2. Duane R. Pealo (Owner) 33 Lock Street (Sheet 43 Lot 88) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory (in-law) dwelling unit within existing house. RC Zone, Ward 3.

3. Elizabeth J. Lu & Matthew E. Plante (Owners) "L" Roby Street (Sheet 126 Lot 103) requesting the following: 1) special exception from Land Use Code Section 190-115 to work within the 75-foot prime wetland buffer of Salmon Brook; and the following variances from Land Use Code Section 190-16, Table 16-3: 2) for minimum lot frontage, 60 feet required - 0 feet proposed, and, 3) for minimum lot width, 75 feet required - 0 feet proposed - all requests to construct a single-family house on vacant lot without paved frontage. RA Zone, Ward 6.
4. Scott M. Cusson (Owner) 7 Pinehurst Avenue (Sheet B Lot 647) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 5 feet into the 20 foot required front yard setback to construct a 10'x44' roofed farmers porch. R9 Zone, Ward 8.
5. Estate of Marlene M. Brown (Owner) Forcier Contracting & Building Services, Inc. (Applicant) 5 Berkshire Street (Sheet 61B Lot 29) requesting the following variances from Land Use Code Section 190-16: for Lot A: 1) minimum lot area, 7,500 sq.ft required - 6,000 sq.ft proposed; 2) minimum lot width, 75 feet required - 60 feet proposed; for Lot B: 3) minimum lot area, 7,500 sq.ft required - 6,211.45 sq.ft proposed; and, 4) minimum lot width, 75 feet required, 60 feet proposed - all requests to remove existing nonconforming garage and subdivide property into two residential lots. RA Zone, Ward 4.
6. Riverside Properties of Nashua, Inc. (Owner) Kathy Farland, Stepping Stones (Applicant) 1C Pine Street Extension (Sheet 77 Lot 11) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#253) to utilize a portion of existing building for a drop-in center for homeless youth. GI/MU Zone, Ward 4.
7. Marie Hogan Bristol Family Revocable Trust (Owner) Marie McClennan (Applicant) 972 West Hollis Street (Sheet D Lot 116) requesting variance from Land Use Code Section 190-17 (B) to exceed maximum number of principal structures per lot, one permitted, two proposed - to keep existing house and construct a new house in back of lot. R9 Zone, Ward 5.
8. Jane Lorentz, Tropical Side (Owner) 6 Kinsley Street (Sheet 97 Lot 4) requesting use variance from Land Use Code Section 190-15, Table 15-1 (#52) to convert previous use of a bridal/tailor shop to a convenience store. RC Zone, Ward 4.

9. Kerry Parker (Owner) 15 Sixth Street (Sheet 87 Lot 108) requesting the following variances from Land Use Code Section 190-31: 1) to encroach 4 feet into the 6 foot required side yard setback (northernmost property line); and, 2) to encroach 4 feet into the 6 foot required side yard setback (westernmost property line) - to remove two existing sheds and construct a new 12'x20' shed. RB Zone, Ward 4.

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."



City of Nashua
Planning Department

229 Main Street
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Web www.nashuanh.gov



VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 44 Broad Street 3

Zoning District GI Sheet 71 Lot 2

b. VARIANCE(S) REQUESTED:

To allow for retail use(s) at 44 Broad Street

2. GENERAL INFORMATION

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

(Print Name): Tim Cummings - Director of Economic Development (on behalf of the city)

Applicant's signature _____ Date _____

Applicant's address 229 Main Street, City Hall, Nashua, NH 03061

Telephone number H: 603.589.3072 C: _____ E-mail: cummings@nashuanh.gov

b. PROPERTY OWNER (Print Name): City of Nashua

*Owner's signature [Signature] Date 3/20/17

Owner's address 229 Main Street, City Hall, Nashua, NH 03061

Telephone number H: _____ C: _____ E-mail: _____

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

| | | | | |
|---|--------------------|------------------------------|---------------------------------|---|
| OFFICE USE ONLY | | Date Received <u>9/15/20</u> | Date of hearing <u>10/15/20</u> | Application checked for completeness: <u> </u> |
| PLR# <u>A20-0144</u> | Board Action _____ | | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | | |

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. 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 abutting land uses are retail along Broad Street. Retail is a predominant land use along this corridor as demonstrated in Exhibit 1. Needless to state, granting this variance will not alter the essential character of the neighborhood nor be contrary to the public interest.

- 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.")

As demonstrated in Exhibit 1 the proposed use will adhere to the current norms of the corridor and does not alter the essential character of the neighborhood. Granting this variance would keep consistency along the corridor and provide continuity of a stable neighborhood.

- 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 change of use will allow the owner to realize retail development as the prevailing use along this corridor.

- 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.)

Granting of this use variance will not diminish the values of the surrounding properties, because they are already being used for retail.

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 land area in question is a remnant of a larger parcel taken for the construction of the Broad Street Parkway. The prior frontage of the land was used as retail and this request is just in keeping with market conditions of the street corridor. It is fair and reasonable to grant this variance, because it will keep this specific land area on a consistent equal footing.

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:

Retail.

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

Please see the enclosed concept plan.

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.

Signature of Applicant (Handwritten signature)

Date 3/20/17

Print Name Tim Cummings

Date 2-28-17

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:

- [X] I will pick it up at City Hall
[X] Please email it to me at cummingst@nashuanh.gov
[] Please mail it to me at _____

To: Zoning Board of Adjustment

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

Date: March 21, 2017

Subj: **USE VARIANCE: City of Nashua (Owner) Tim Cummings, Director of Economic Development, City of Nashua (Applicant) 44 Broad Street (Sheet 71 Lot 2) requesting use variance to allow for construction of a new building for retail use. GI Zone, Ward 4.**

PROPOSAL:

The applicant, Tim Cummings, Director of Economic Development, City of Nashua, is requesting a use variance to develop a vacant lot to allow for the construction of a new building for retail use. The property is split-zoned, with a large majority of the lot located (88%) in the General Industrial (GI) Zone, and the remainder zoned Highway Business (HB). The property is 62,695 square feet in area (1.44 acres).

SITE ANALYSIS:

The subject site is located on the south side of Broad Street, immediately west of the entrance to the Broad Street Parkway (see attached site location map). To the north of the subject lot, across Broad Street, is an automobile repair use (Gurney's Auto), zoned A-Urban Residence (RA). To the south is Mine Falls Park. To the east, across the Broad Street Parkway and the B&M Railroad, is the former Dairy Queen, soon to be a Dunkin Donuts, zoned GI. To the west is Nashua Car Wash, zoned Highway Business (HB).

According to the City of Nashua Land Use Code, Section 190-15, Table 15-1, (#116), *"Retail sales and service establishments, except where listed specifically elsewhere (see specific uses or activities listed under LBCS Function Codes 2100-2163 and NAICS Codes 44-45), based on building type described under "shopping" or "shopping center" below"* is not a permitted use in the GI Zone. This use is permitted in the General Business (GB), Highway Business (HB), Downtown-1/Mixed Use (D-1/MU) and Downtown-3/Mixed Use (D-3/MU) zones. Further, it is also allowed as a Conditional Use, as long as at least 75% of the gross floor area is reserved for uses listed in the "industrial and manufacturing" category, in the Park Industrial (PI) and Airport Industrial (AI) zones.

According to the plan, there will be a 7,200 square foot building constructed towards the easternmost section of the property. Access will be from an existing curb-cut on the western side of the property, leading to a 36-space parking lot. The site will require a minimum of 26 parking spaces, and 36 will be provided, thereby meeting minimum parking requirements. Also, this site is the former location of a retail building which contained Nashua Outdoor Power Equipment, which was demolished to make room for the Broad Street Parkway.

The City's Future Land Use Plan identifies the subject property as "Commercial". 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 states that the property is a remnant of a larger parcel taken for the construction of the Broad Street Parkway, and the prior use of the land was for retail, and that this use is in keeping with market conditions of the street corridor, and it is fair and reasonable to grant this request, as it will be consistent with this section of Broad Street.

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 has indicated that the proposed use will adhere to the current norms of the corridor and does not alter the essential character of the neighborhood, and that granting this variance would keep consistency along the corridor and provide continuity of a stable neighborhood.

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 states that granting this variance will not diminish the values of the surrounding properties, because they are already being used for retail use.

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 abutting land uses are retail along Broad Street, and that retail is a predominant land use along this corridor, and that the granting of this

variance will not alter the essential character of the neighborhood, nor will it be contrary to the public interest.

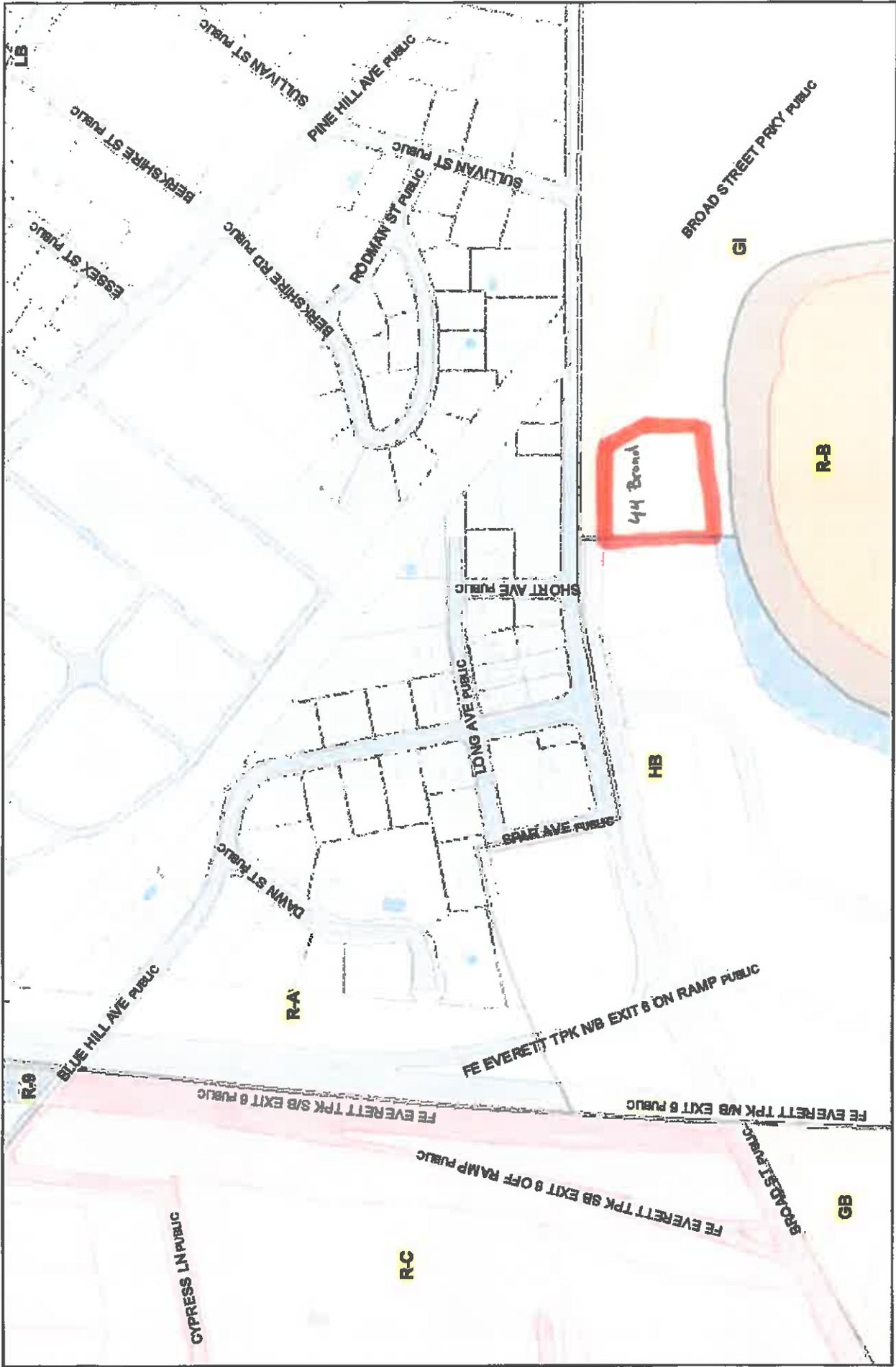
Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.

The applicant states that the proposed use will allow the owner to realize retail development as the prevailing use along this corridor.

Google Map Depicting Current Uses along Broad Street



Approx. Land Area of 44 Broad Street

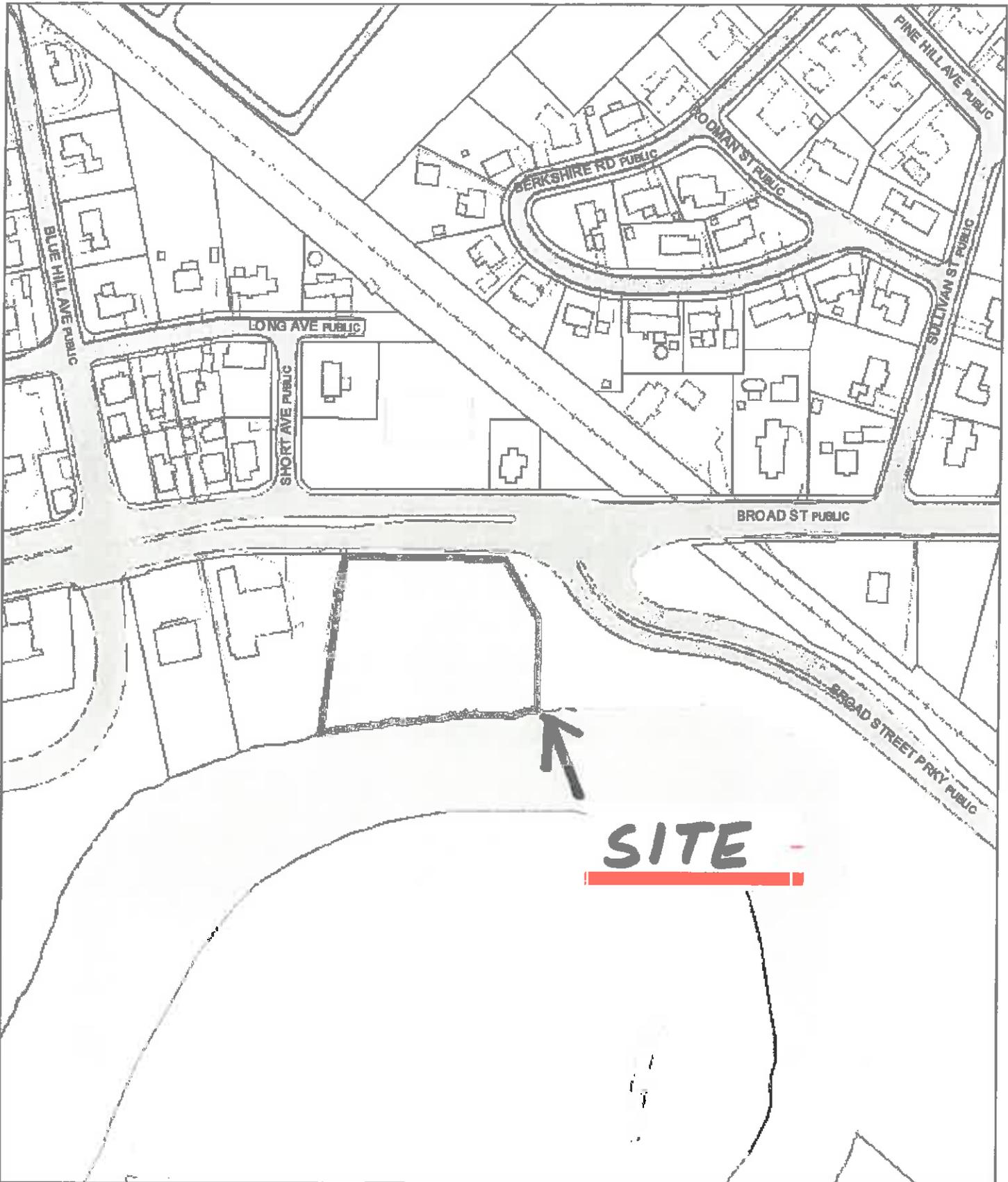


Zoning Map for 44 Broad Street



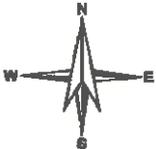
1 inch = 362 feet





SITE

44 Broad Street



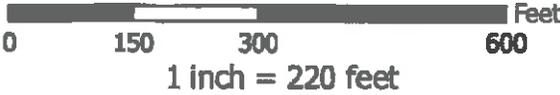
1 inch = 227 feet

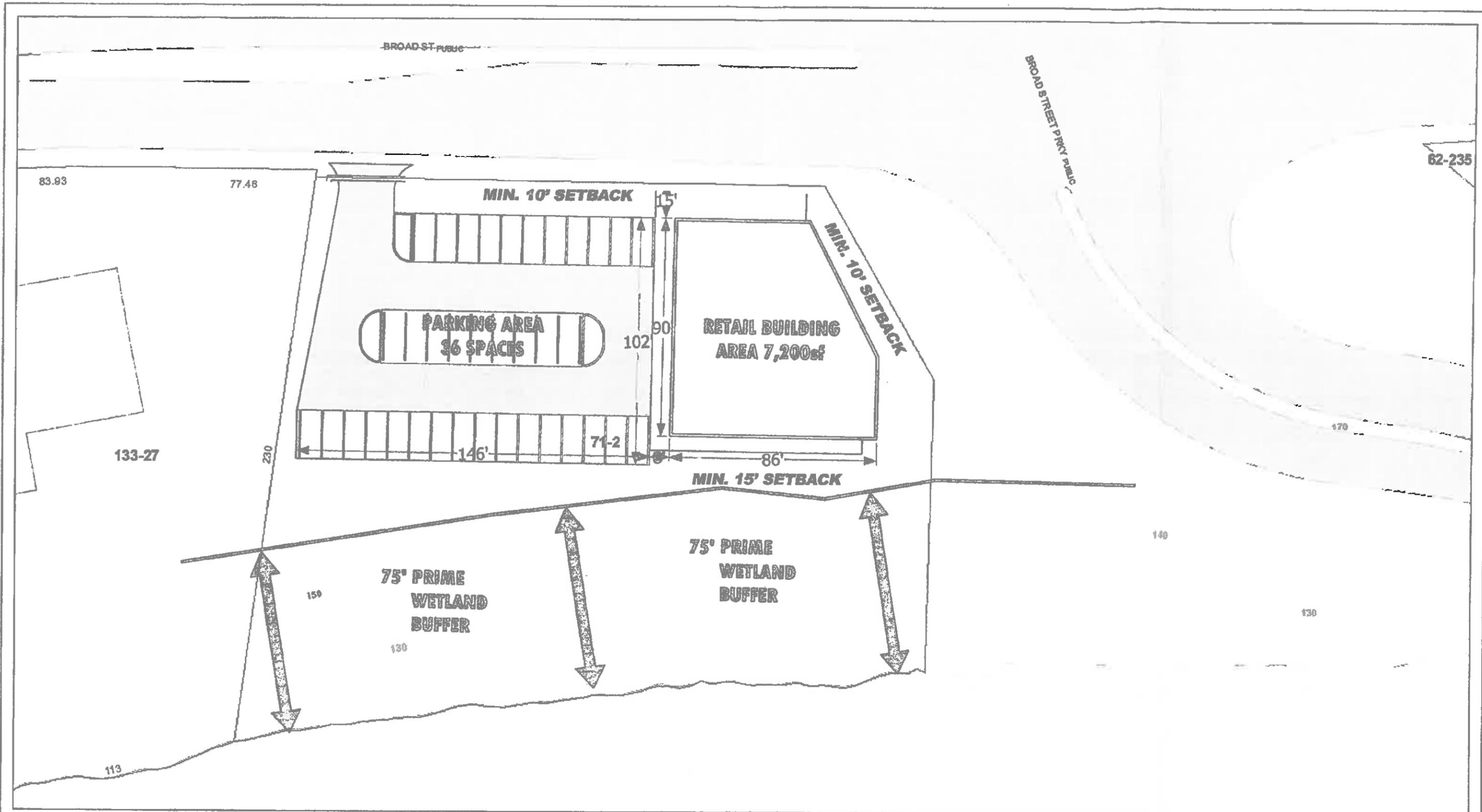




SITE

44 Broad Street





83.93 77.46

62-235

133-27

230

MIN. 15' SETBACK

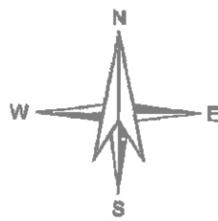
75' PRIME WETLAND BUFFER

75' PRIME WETLAND BUFFER

140

130

113



44 Broad Street



1 inch = 50 feet



Further discussion ensued.

MOTION by Mr. Boucher to approve the variance application on behalf of the owner as advertised. Mr. Boucher said that the variance is needed to enable the applicant's use of the property, given the special conditions of the property, it is an existing structure on the lot, and a majority of the Board felt that the net effect of having two units or three units in the front building in the existing two-family building being converted may not be a net effect of that, as far as the density of people living there for that reason, and the Board identified the unique shape of the property, and that there are no other variances needed for the property as proposed.

Mr. Boucher said that the proposed use would be within the spirit and intent of the ordinance.

Mr. Boucher said it will not adversely affect property values of surrounding parcels. He said that they looked at a display of other properties are in the area, and compared it to the property next door, the 5-unit property, and this one is very similar. He said that the request is not contrary to the public interest, and that substantial justice is served.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

 **5. City of Nashua (Owner) Tim Cummings, Director of Economic Development, City of Nashua (Applicant) 44 Broad Street (Sheet 71 Lot 2) requesting use variance to allow for construction of a new building for retail use. GI Zone, Ward 4.**

Voting on this case:

Jack Currier
JP Boucher
Mariellen MacKay
Rob Shaw
Steve Lionel

Tim Cummings, Economic Development Director, City of Nashua.
Mr. Cummings said that his application is pretty straightforward. He said that the land is a remnant parcel that was taken for the Broad Street Parkway; he said that the frontage of

the land was originally used for retail with the prior business that was there. He said that the use is consistent with the rest of this corridor now, and with the granting of this variance, will give us equal footing when the property is disposed of. He said that the City is in somewhat of a time crunch, as there are obligations with the State of New Hampshire and the Federal Government relative to the financing of the Broad Street Parkway.

Mr. Cummings said that an appraisal was done, and the City learned at that time that retail wouldn't be a by-right use. He said that by selling this, it will help to pay the bonds that are due for the Broad Street Parkway. He said that the approval of this wouldn't give the City any special treatment, and it will be in keeping with the existing conditions along the corridor.

Mr. Shaw asked if the drawing is sort of a "what-if" drawing, and not part of any real plan at this time.

Mr. Cummings said the drawing is a concept plan, and does articulate what a maximum build-out may have, but most likely we will see a 5,000 square foot structure, as opposed to the approximate 7,000 square foot structure on the drawing.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

Tracy Dunne, 12 Long Avenue, Nashua, NH. Ms. Dunne said that there are several businesses in the area, and said that her concern was if the site would have a bar or a restaurant, something that would be open later. She asked how it would work if the use is changed.

Mr. Falk said that a bar or restaurant is a different use category in the City's Table of Uses in the Land Use Code. He said that the application is strictly for a retail use, so anything that is not retail would not be allowed.

SPEAKING IN FAVOR - REBUTTAL:

Mr. Cummings said the corridor lends itself to more of a dry goods type of user, professional services, medical type of use, more of the traditional type of business operation. He said that they've already spoken with retail brokers who specialize in this type of development, and that is the thought process right now.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS - REBUTTAL:

None.

MOTION by Mr. Shaw to grant the variance as advertised on behalf of the applicant. He said that the zoning restriction as applied interferes with a landowner's reasonable use of the property, considering the unique setting of the property in its environment; no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property, and the variance would not injure the public or private rights of others. He said that this property has had a long historical use of retail purposes, and was more or less interrupted to construct the Broad Street Parkway, and now the time has come for the property to be sold by the City to allow for other usages, and with this variance, it will be limited to retail use, which is consistent with previous use, and will not necessarily have any burden on the surrounding community, there is a lot of mixed use in the area already, and this is a corridor with a lot of other retail use already.

Mr. Shaw said that the request is within the spirit and intent of the ordinance, there is no indication of any adverse effect on surrounding property values.

Mr. Shaw said it is not contrary to the public interest, and substantial justice would be served.

SECONDED by Mr. Lionel.

MOTION CARRIED UNANIMOUSLY 5-0.

6. Estate of Estelle B. Berthiaume (Owner) Lefavor Folio, LLC (Applicant) 266 Broad Street (Sheet 138 Lot 460) requesting the following variances: 1) minimum lot frontage, 60 feet



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Planning Department
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Planning & Zoning 589-3090
 WEB www.nashuanh.gov

SPECIAL EXCEPTION APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. SPECIAL EXCEPTION INFORMATION

1. ADDRESS OF REQUEST 33 Lock St NASHUA NH 03064

Zoning District RC Urban Residential Sheet 0043 Lot 00088

2. SPECIAL EXCEPTION(S) REQUESTED:

In law suite for caretaker of Duane Peabo in a 414 sq ft Finished Basement with Full Kitchen, Full Bathroom, Living Room area, Bedroom Area, Breakfast stool area counter

II. GENERAL INFORMATION

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

(Print Name): Duane Peabo
 Applicant's signature [Signature] Date 9-16-20
 Applicant's address 33 Lock St NASHUA NH 03064
 Telephone number H: None C 603-674-4290 E-mail: duane-peabo@yahoo.com

2. **PROPERTY OWNER (Print Name):** Duane Peabo

*Owner's signature [Signature] Date 9-16-20
 Owner's address 33 Lock St NASHUA, NH 03064
 Telephone number H: None C 603-674-4290 E-mail: duane-peabo@yahoo.com

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

OFFICE USE ONLY Date Received _____ Date of hearing 10/13/20 Application checked for completeness: CF

PLR# A20-0146 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____
 \$ _____ signage fee Date Paid _____ Receipt # _____
 \$ _____ certified mailing fee Date Paid _____ Receipt # _____

Land Use Code Section(s) Requesting Variances From: _____

III. 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.

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

Provide private housing to my caretaker

2. 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.

N/A

3. 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?

N/A

4. What effects would the requested use have upon surrounding traffic congestion and pedestrian safety?

none

5. 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?

NO changes to structure or exterior

IV. SPECIAL EXCEPTION - ADDITIONAL QUESTIONS

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

1. Total number of employees N/A Number of employees per shift N/A

2. Hours and days of operation N/A

3. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors N/A

SPECIAL EXCEPTION APPLICATION

Address

33 Locke St NASHUA NH 03857

Page 3

4. Number of daily and weekly commercial deliveries to the premises NON

5. Number of parking spaces available 3

6. Describe your general business operations:

N/A

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

N/A

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

DUANE PERLO

Print Name

9-16-20

Date

9-16-20

Date

RENEY, MORAN & TIVNAN

REGISTERED LAND SURVEYORS

75 HAMMOND STREET - FLOOR 2

WORCESTER, MA 01610-1723

PHONE: 508-752-8885

FAX: 508-752-8895

RMT@HSTGROUP.NET

A Division of H. S. & T. Group, Inc.

MORTGAGE INSPECTION PLAN

NAME DUANE R. PEALO

LOCATION 33 LOCK STREET

NASHUA, NH

SCALE 1" = 20' DATE 06-10-14

JOB # 06-246-14

REGISTRY HILLSBOROUGH

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).
NOTE: NOT DETICED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN, NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

DEED BOOK/PAGE 8482/0201

PLAN BOOK/PLAN DEED/ASSESSOR

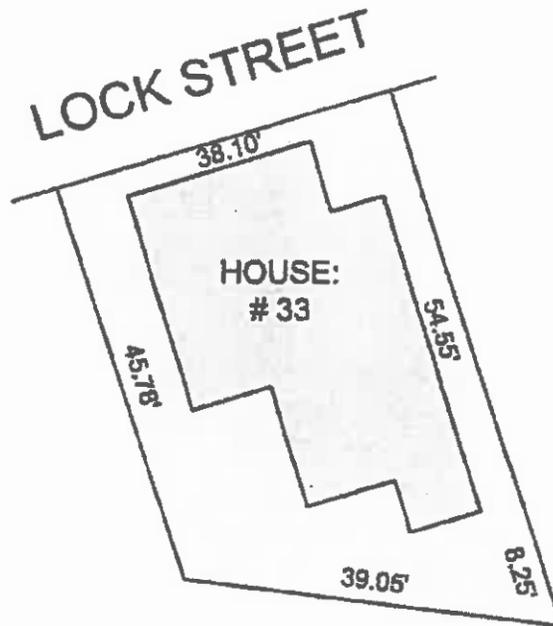
WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

514E DTB 04-18-11

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

NOTE!

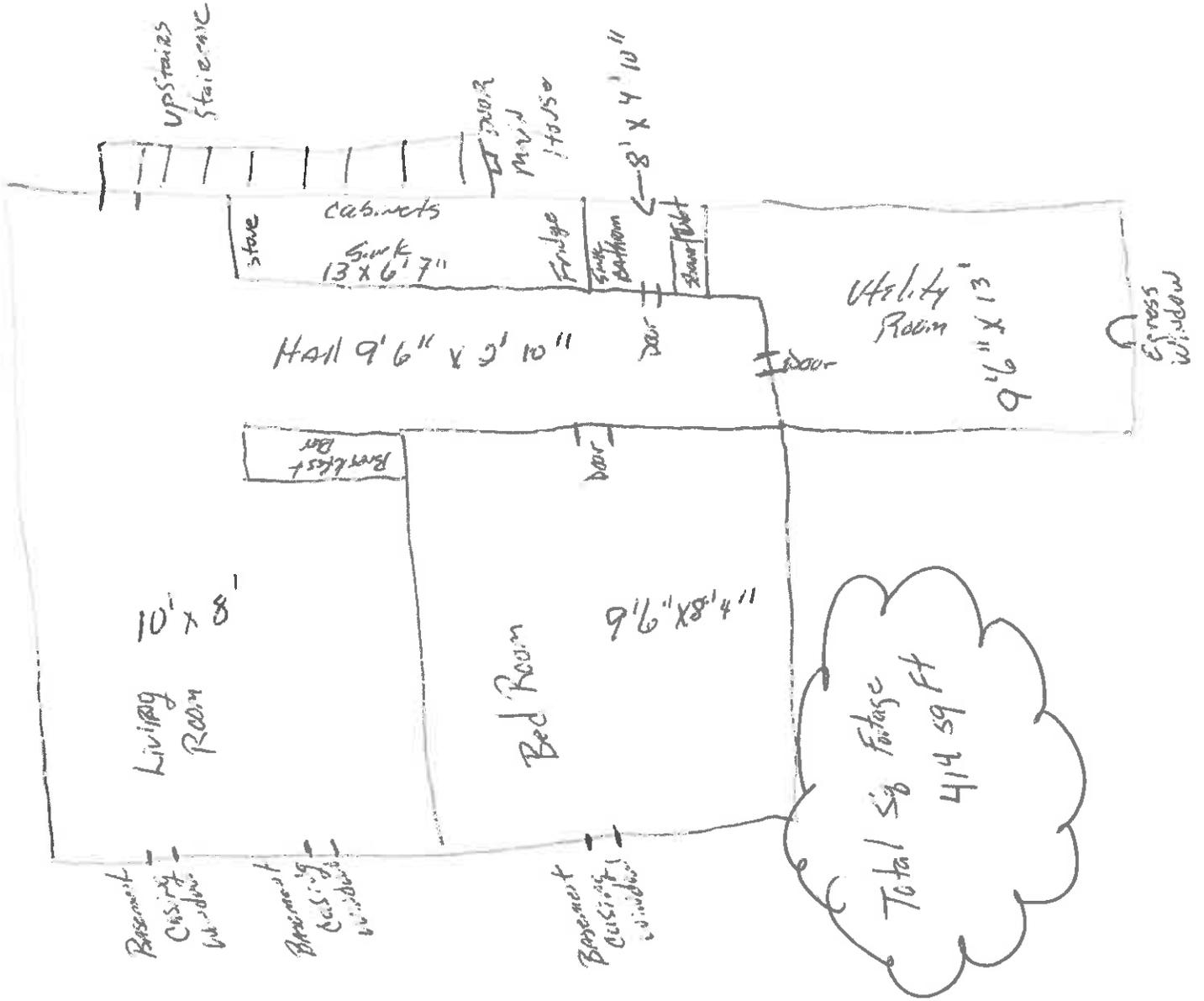
SUBJECT TO ONE (1) FOOT RIGHT OF WAY
ON WESTERLY SIDE OF LOT.
DEED REF: BK.7323 PG.0834



REQUESTING OFFICE: PETER T. DAMORE, JR.
REQUESTED BY:

DRAWN BY: CC
CHECKED BY:

33 Lock St
NATshut, NH 03064



17' 6" wide

22' 9" Long

Living Room 10' x 8'

Kitchen 13 x 6' 7"

Hallway 9' 6" x 2' 10"

Bedroom 9' 6" x 8' 4"

Bathroom 5' x 4' 10"

Utility Room 9' 6" x 13'

Unofficial Property Record Card - Nashua, NH

General Property Data

Parcel ID 0043-00088
Prior Parcel ID -43-88-
Property Owner PEALO, DUANE R

Account Number 4068

Mailing Address 33 LOCK ST

Property Location 33 LOCK ST
Property Use 1 UNIT

Most Recent Sale Date 7/9/2014

Legal Reference 8673-2961

City NASHUA

Grantor ALAN JAMES DEVELOPMENT, LLC,

Mailing State NH Zip 03064

Sale Price 95,000

ParcelZoning RC

Land Area 0.045 acres

Current Property Assessment

Card 1 Value Building Value 113,900

Xtra Features 0
Value

Land Value 43,500

Total Value 157,400

Building Description

Building Style CONVENTIONAL
of Living Units 1
Year Built 1893
Building Grade AVERAGE
Building Condition Average
Finished Area (SF) 880
Number Rooms 6
of 3/4 Baths 0

Foundation Type
Frame Type
Roof Structure GABLE
Roof Cover ASPHALT
Siding ALUMINUM
Interior Walls PLASTER
of Bedrooms 3
of 1/2 Baths 0

Flooring Type LINO/VINYL
Basement Floor N/A
Heating Type FORCED H/W
Heating Fuel GAS
Air Conditioning 0%
of Bsmt Garages 0
of Full Baths 1
of Other Fixtures 0

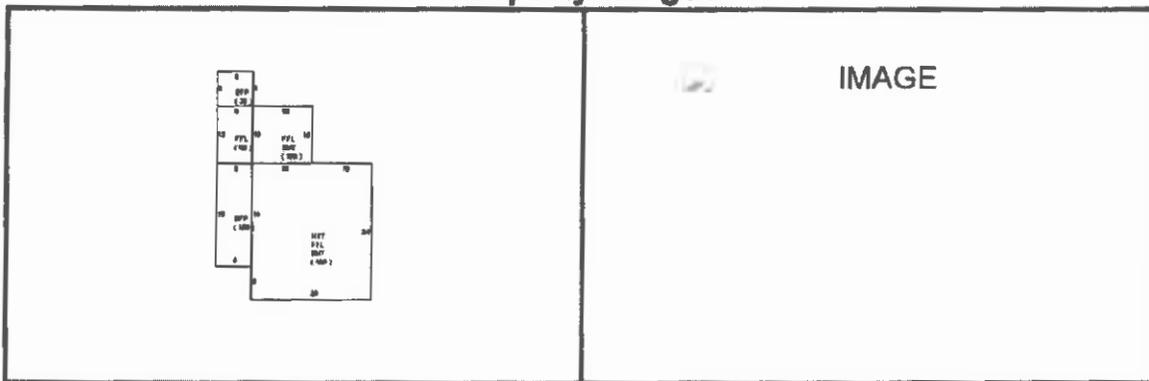
Legal Description

Desc:

Narrative Description of Property

This property contains 0.045 acres of land mainly classified as 1 UNIT with a(n) CONVENTIONAL style building, built about 1893 , having ALUMINUM exterior and ASPHALT roof cover, with 1 unit(s), 6 room(s), 3 bedroom(s), 1 bath(s), 0 half bath(s).

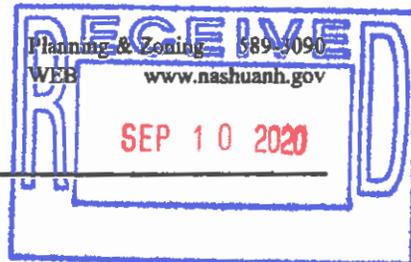
Property Images



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



City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 3K Pine Street Extension
 Zoning District GI/MU Sheet 77 Lot 11

2. VARIANCE(S) REQUESTED:
To allow for a drop-in center for homeless youth
(Table of Use # 253) in a GI district.

II. GENERAL INFORMATION

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

(Print Name): Kathy Forland - Stepping Stones

Applicant's signature Kathy Forland Date 9/8/20

Applicant's address 60 United Way 20 Broad St #1, Nashua NH 03063

Telephone number H: N/A C: (603) 321-9929 E-mail: kathy@steppingstonesnh.org

2. **PROPERTY OWNER (Print Name):** River Side Properties of Nashua Inc

*Owner's signature [Signature] Date 9/8/20

Owner's address 22 Kehoe Ave Nashua NH 03060

Telephone number H: 603 8822768 C: 603 6207560 E-mail: stephenbennett@riverproperties.net

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

OFFICE USE ONLY Date Received _____ Date of hearing _____ Application checked for completeness: CF

PLR# A20-0143 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$ _____ signage fee Date Paid _____ Receipt # _____

\$ _____ certified mailing fee Date Paid _____ Receipt # _____

Land Use Code Section(s) Requesting Variances From: 190-15, Table 15-1 # 253

III. 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. 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.")

Stepping Stones' mission statement complies fully by supporting the public health, welfare and safety of youth population through education, support and guidance which is complementary to other businesses in the same buildings on this premises

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.")

Stepping Stones will provide a safe and healthy environment to provide an alternative to loitering and otherwise detracting from the character of the neighborhood

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 owner's properties at 3 and 5 pine street extension are configured for professional and social services. The current tenants fall mostly into these two categories. There will be no harm to the general public by adding another similar business.

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.)

There will be no changes made to any external spaces as a result of this variance. In fact, this will help complementary businesses in the area, by providing youth who need/want their services

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.

Special conditions for this property include the current and former tenants of this property. Although zoned G-I, tenants are social services, mental health, education, and personal services (Yoga/Fitness/Salon). The proposed use of a drop-in center fits in well with other services already in the building.

IV. 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.

- 1. Total number of employees 8-10 Number of employees per shift 2-3
- 2. Hours and days of operation 7 days, 7-7
- 3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 70 per day
- 4. Number of daily and weekly commercial deliveries to the premises none
- 5. Number of parking spaces available 6 plus public parking
- 6. Describe your general business operations:
drop-in center for homeless youth ages 12-25

7. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation:
none

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.

Kathy Forland
Signature of Applicant

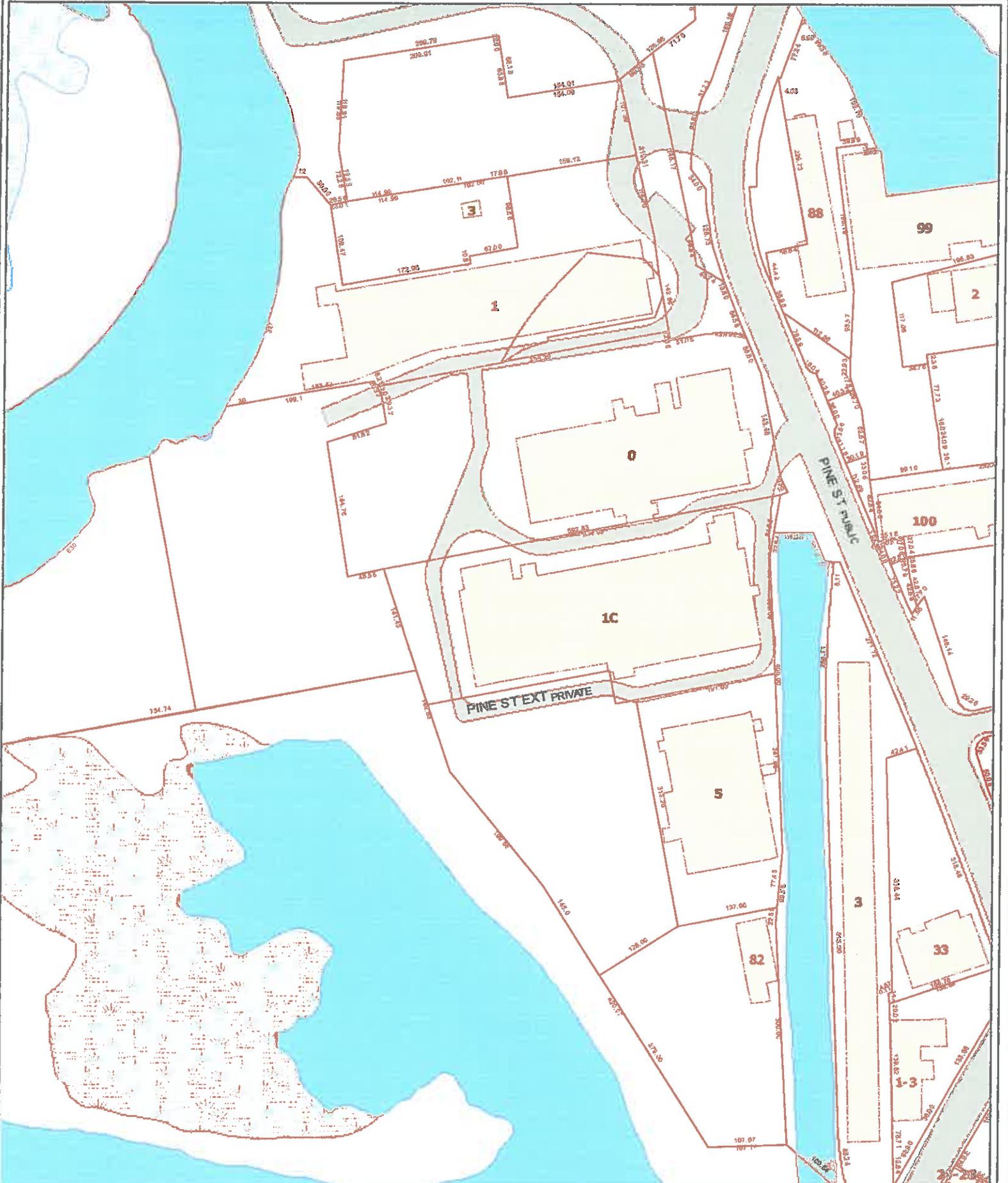
9/10/20
Date

Kathy Forland
Print Name

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:

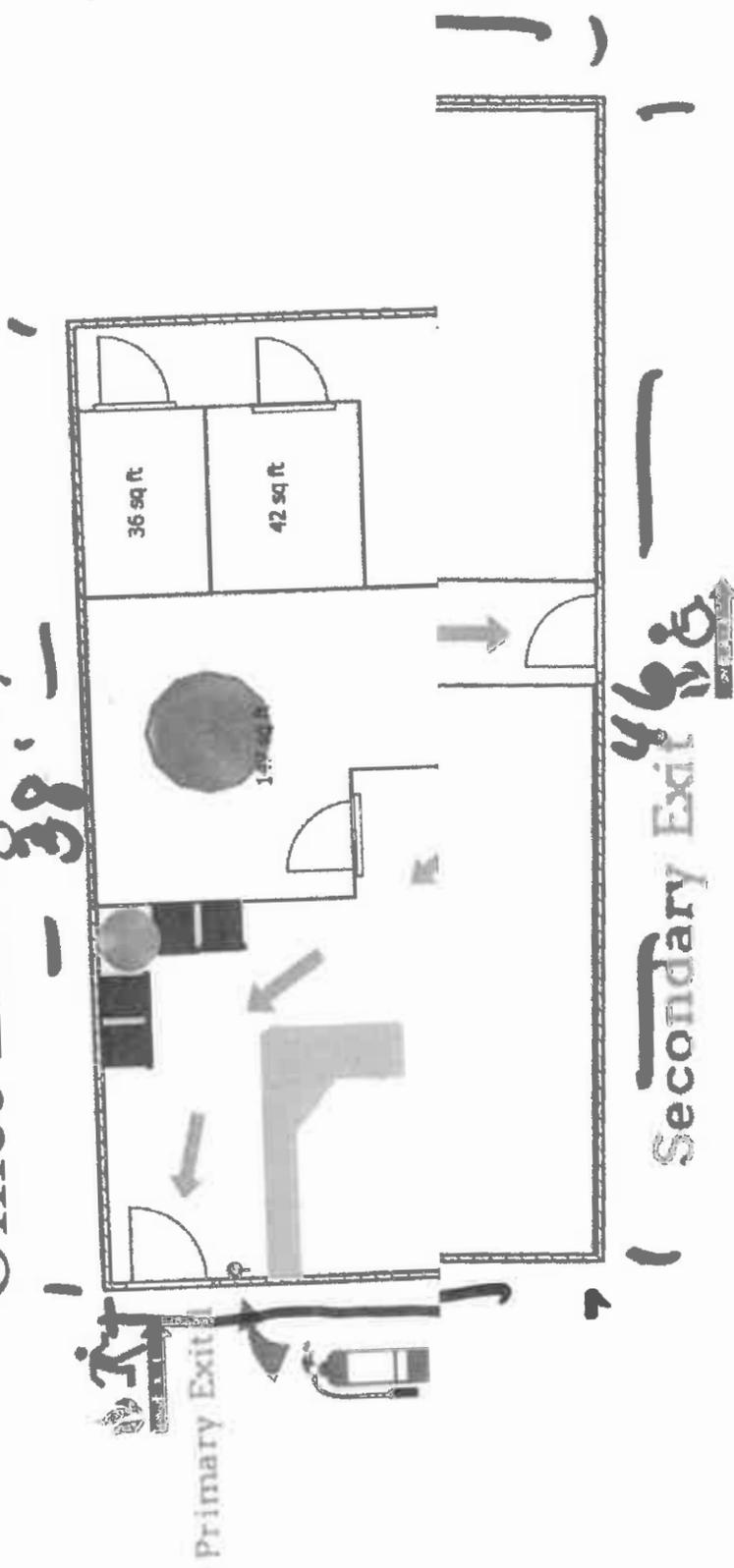
- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____



1 C Pine Street Extension



Office Emergency Floor Plan



Kitchen



City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST

Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

2. **PROPERTY OWNER (Print Name):**

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

| | | | |
|--|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: <u>CR</u> |
| PLR# <u>A20-0139</u> | Board Action _____ | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-16 ; Table 16-3</u> | | | |

III. 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. 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.")

Granting this request will not be contrary to the public interest because the style and color of the covered porch will match the house and will be be approx 25' from the curb (there is no sidewalk).

- 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 does not conflict with the purpose of the ordinance and doesn't alter the essential character of the neighborhood because the style and color (white\gray) will match the house. Also, the color and style of the railings and posts will match that of our side steps and other entrance ways in our neighborhood.

- 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.)

We feel that having a large covered porch would benefit us as we would spend more time outside by extending the living area (in the warmer months). Our house is on the smaller side. Less than 1100 sq/f.

- 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 farmers porch will increase the value of the house and the surrounding properties. It will be built with PT wood, composite decking, and vinyl railings. The current concrete front steps with rusted metal railings will be replaced in the process. Additionally, the old concrete walkway will be replaced with stone.

- 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 requested porch depth of 10' encroaches 5' into the front yard set back (which would still be approx. 25' from the curb). Granting this variance would allow us to have furniture and have ample space to enjoy the outdoors. Limiting us to 5' would greatly decrease the cost benefit.

IV. 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.



 Signature of Applicant

9/8/2020

 Date

Scott Cusson

 Print Name

9/8/2020

 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 bmu202@comcast.net
- Please mail it to me at []

Proposed 10' x 44' porch

10' to setback

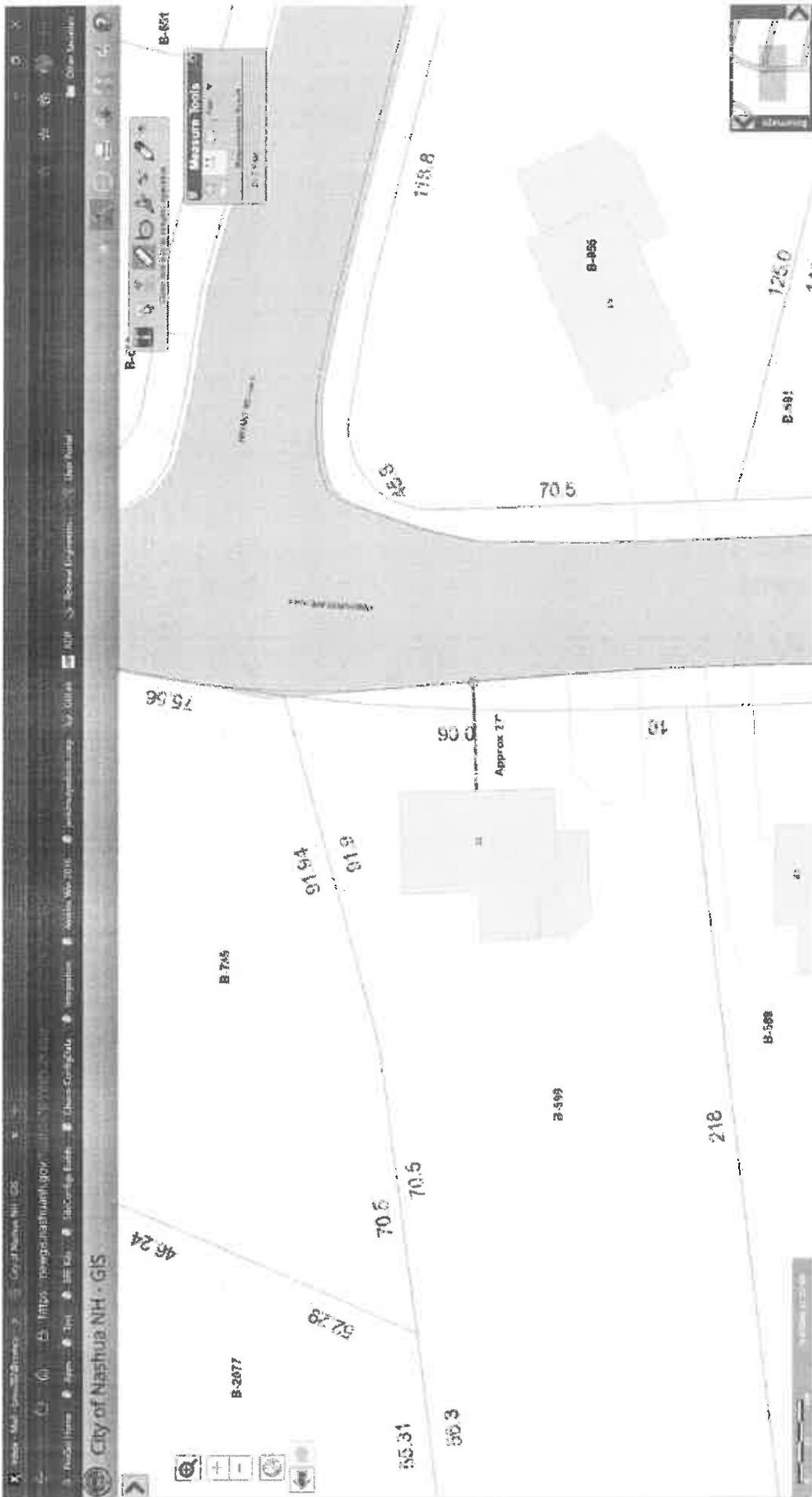
Approx 25' with porch

Approx 35'

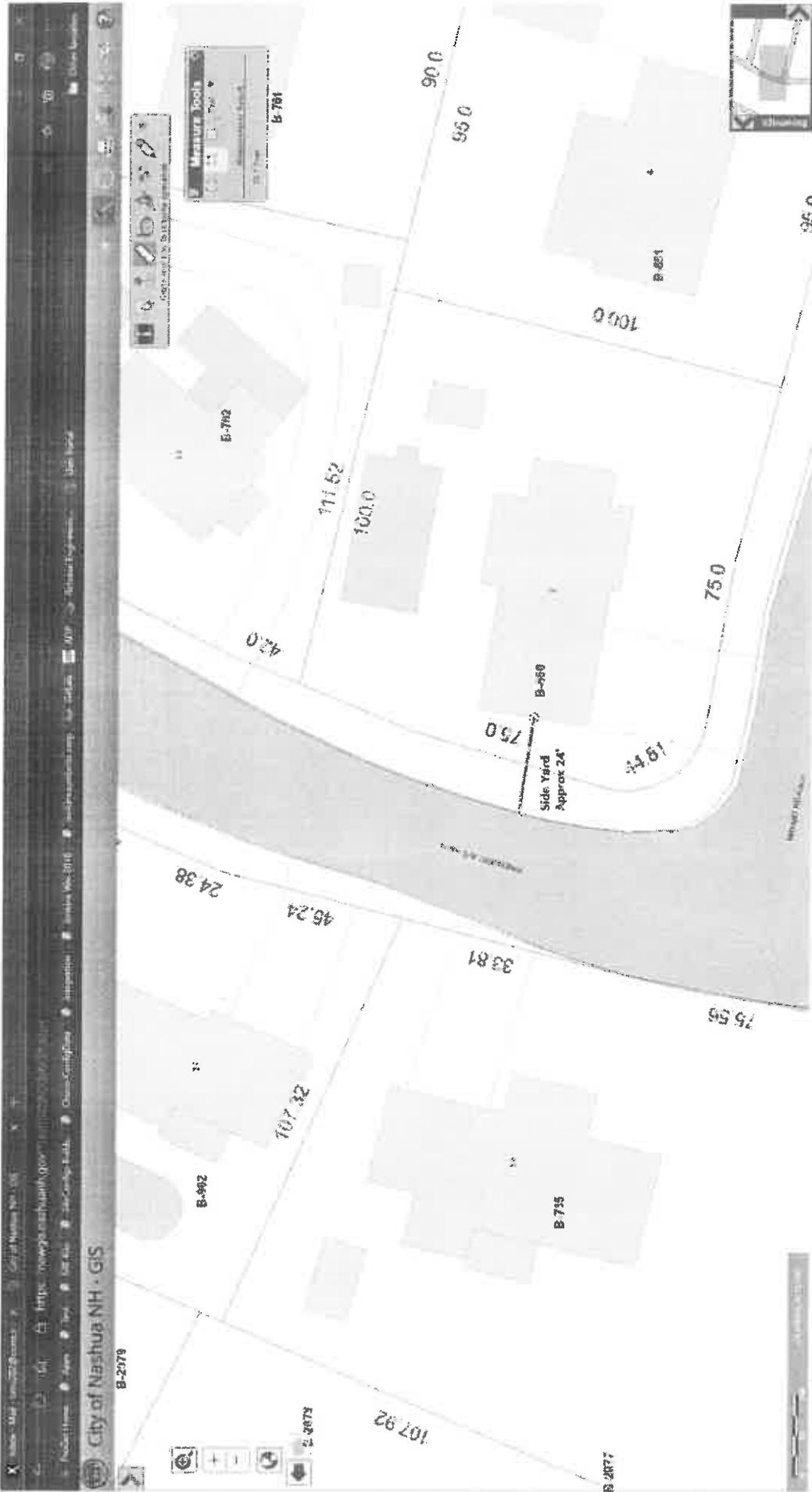
PROXIMITY TO ADJACENT

STANLEY LANE S





21 Pinehurst is approx 27' from the curb

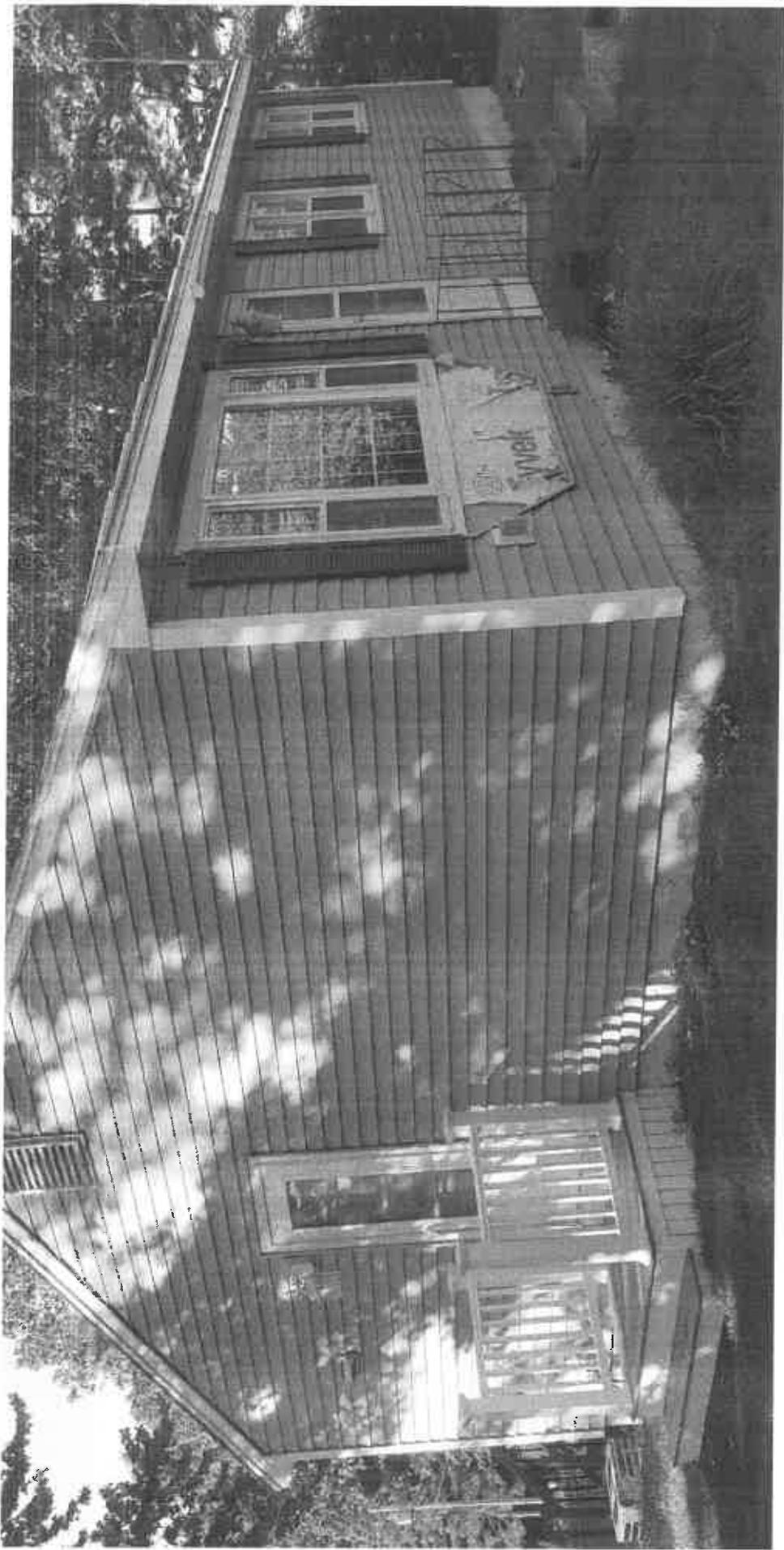


A side yard of 2 Bryant is approx 24' from curb.

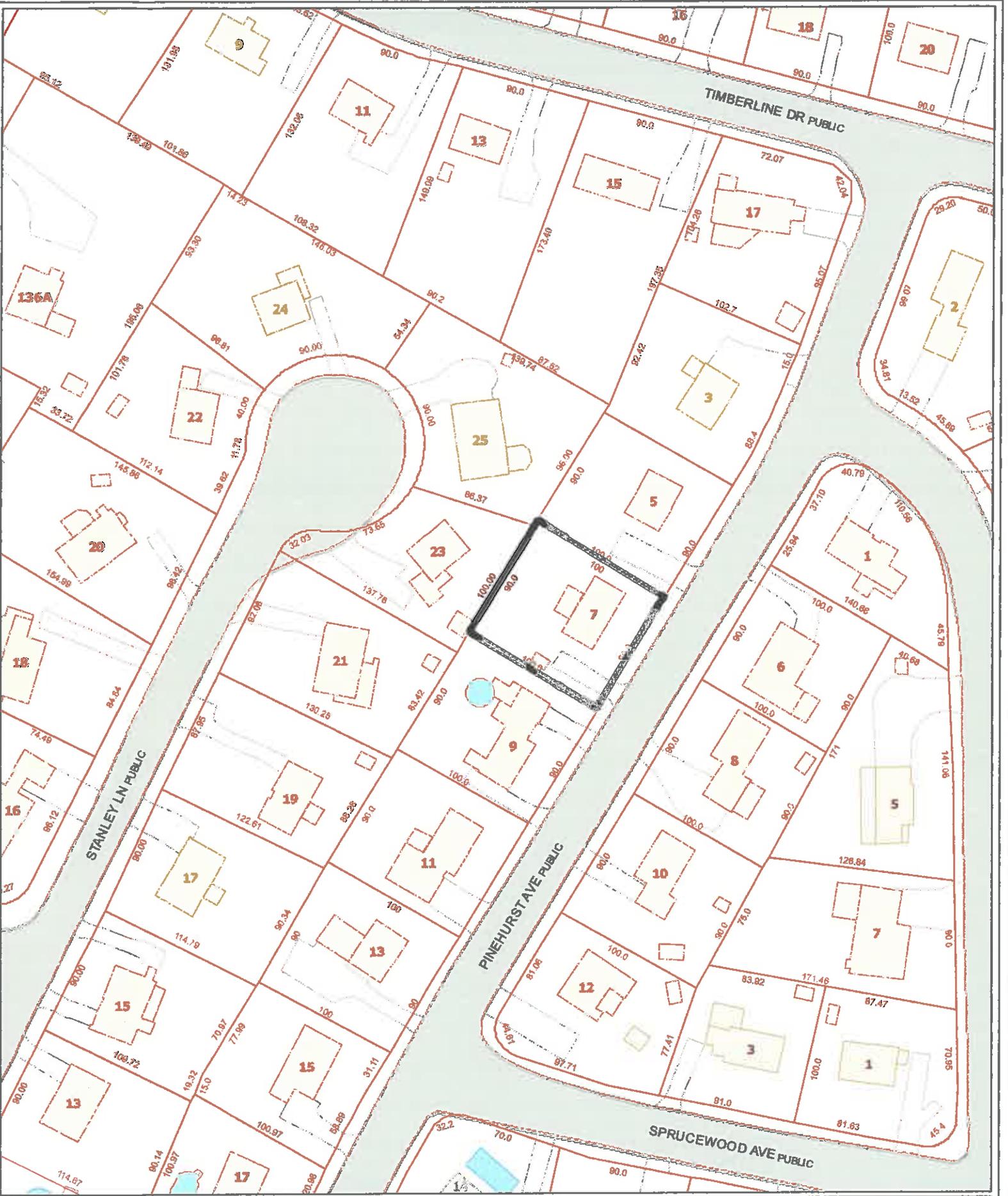


Rough side profile of proposed farmers porch and roof line.

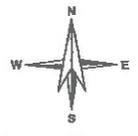
Dimensions are approx.
(scale)

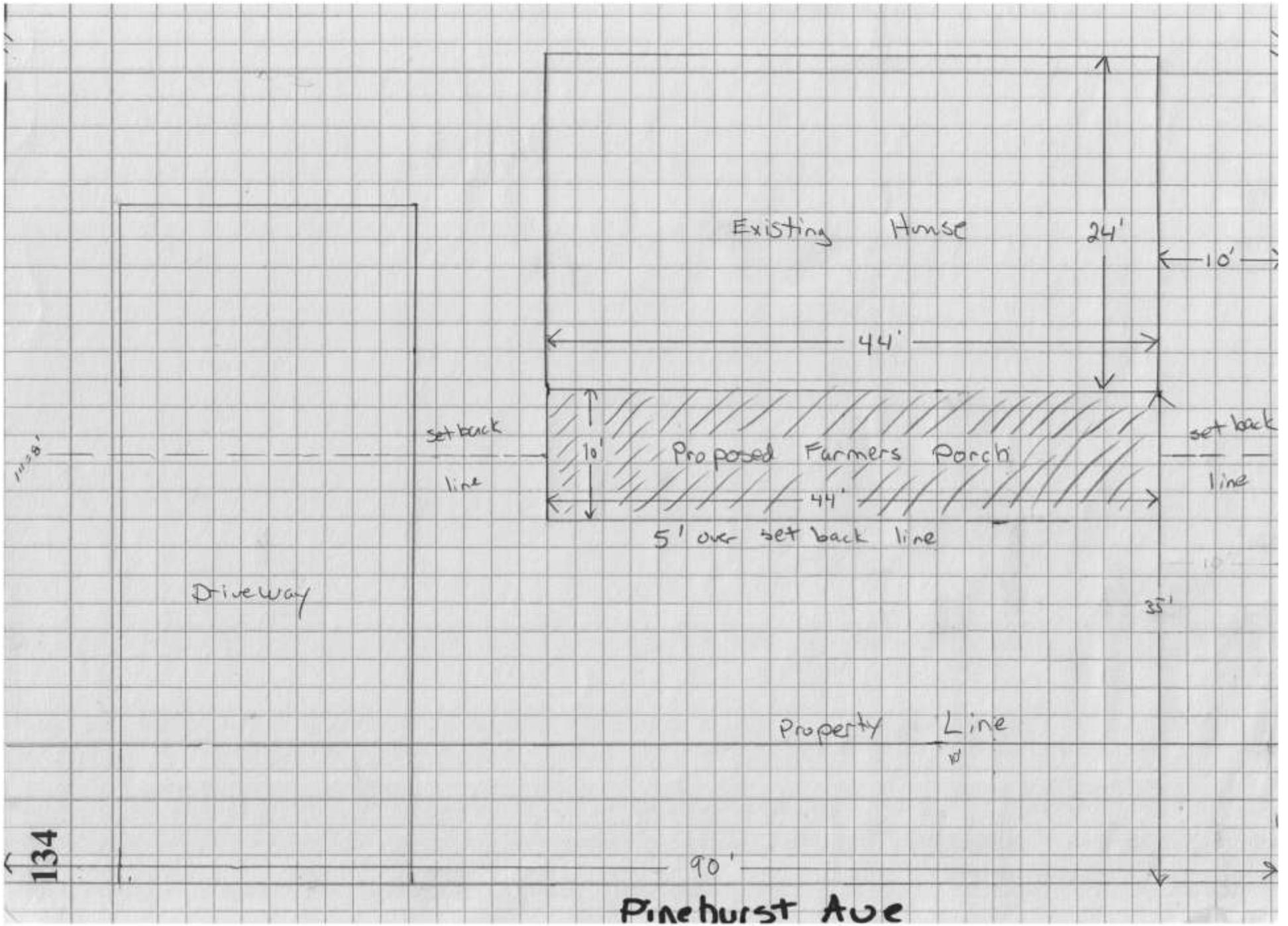


The style of the proposed farmers porch would match our side stairs. This is also consistent with many other stairs in our neighborhood.



7 Pinehurst Ave





Existing House

24'

10'

44'

set back line

10'

Proposed Farmers Porch

set back line

44'

5' over set back line

Driveway

Property Line

35'

90'

Pinehurst Ave

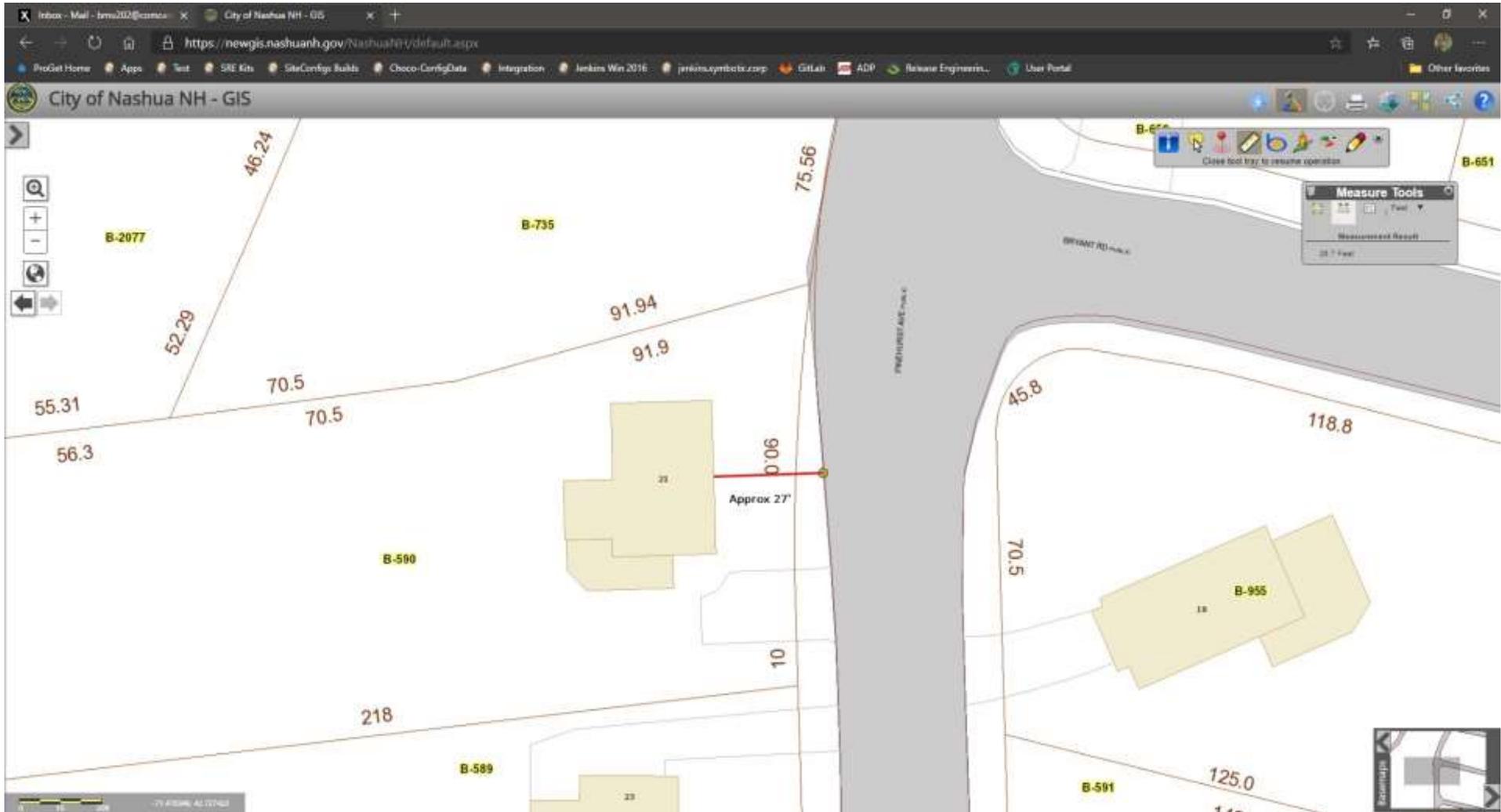
1134'

134

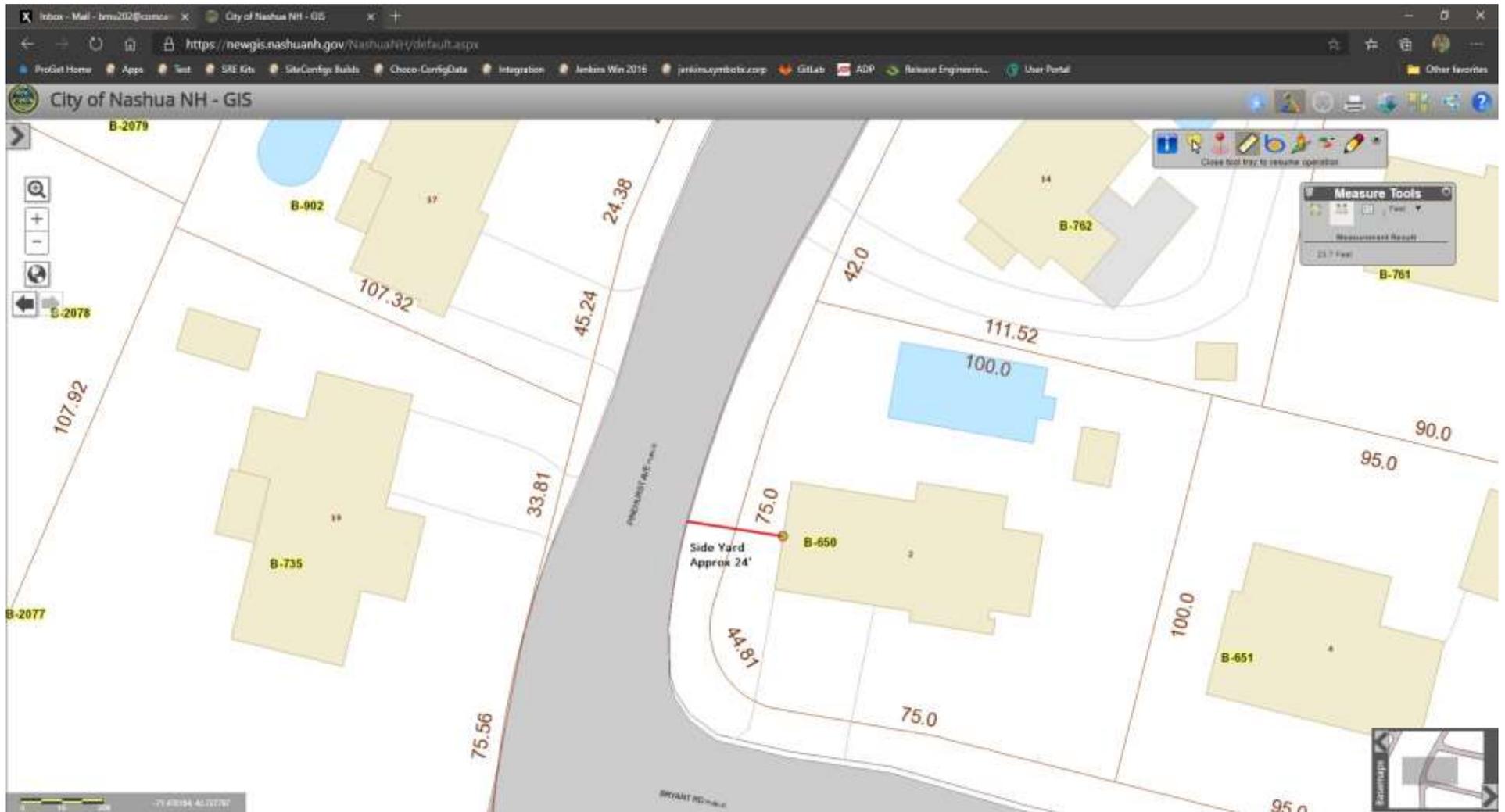




7 Pinehurst Rd Corner View



21 Pinehurst Rd



2 Bryant Rd



City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST
 Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
 (Print Name):
 Applicant's signature Date
 Applicant's address
 Telephone number H: C: E-mail:
 2. **PROPERTY OWNER / (Print Name):**
 *Owner's signature Date
 Owner's address
 Telephone number H: C: E-mail:

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

| | | | |
|---|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: <input checked="" type="checkbox"/> |
| PLR# _____ | Board Action _____ | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| Land Use Code Section(s) Requesting Variances From: _____ | | | |

III. 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. 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.")

Granting these variances will not be contrary to the public interest and would actually improve the lot to fit in better with the neighborhood. The current commercial style garage/warehouse that is there does not fit the character of the surrounding homes. The neighborhood consists of residential style houses and this property does not depict that. Granting these variances does not conflict with the purpose of the ordinance, threaten public health, safety or welfare or otherwise injure public rights.

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 falls in line with the surrounding homes. The current use of the property works against the look of the neighborhood. There are currently several homes that have less width and less total lot square footage on this street so these 2 proposed lots will fit right in to the style of the neighborhood. Currently 4 house with less frontage than required; 2 houses with less sqft. required; 2 w/ less depth + width required.

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.)

No harm would come from granting these variances, improvement to the neighborhood is what they would get. With the expense of removing the existing warehouse and lot development the value as just one lot reduces too much. In order for the lots to be of any value to a buyer there needs to be 2.

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 would help to hold, possibly raise the value of the surrounding homes. The replacement of the existing warehouse ^{which} is not in line with today's setbacks (in fact warehouse is attached to neighbors garage #7) with 2 new homes would increase value of surrounding properties.

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 existing warehouse needs to be removed, this is costly but would be a benefit to the surrounding houses. The value that just one lot would bring is not enough to support a demo and lot development. Several of the existing lots have less sq. ft; less frontage; depth + width than today's requirements. It would be fair + reasonable to grant these variances as it would leave the lots sitting in line with the other homes.

IV. 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 N/A 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.

Signature of Applicant

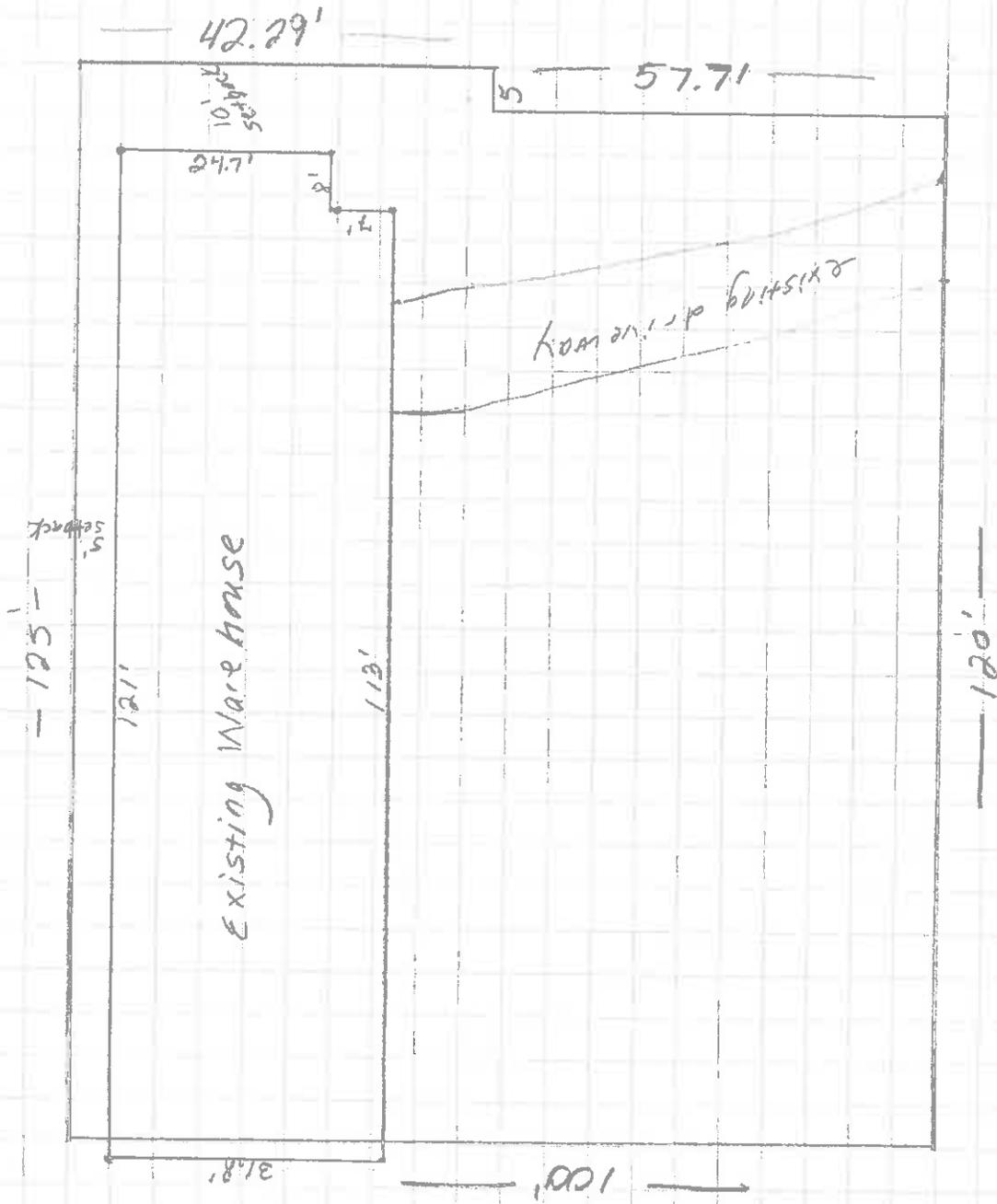
John Forcier
Print Name

9/14/20
Date

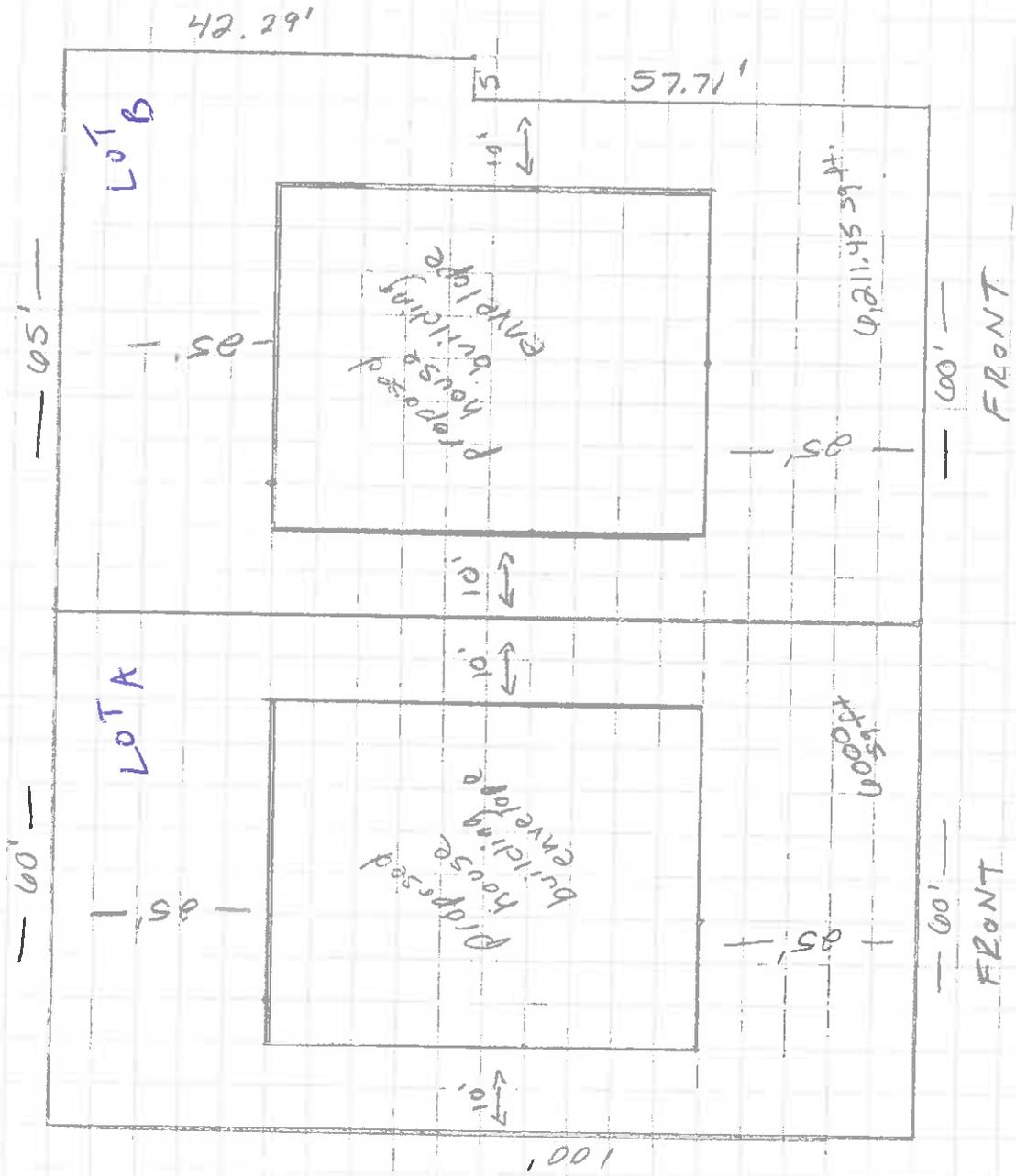
9/14/20
Date

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:

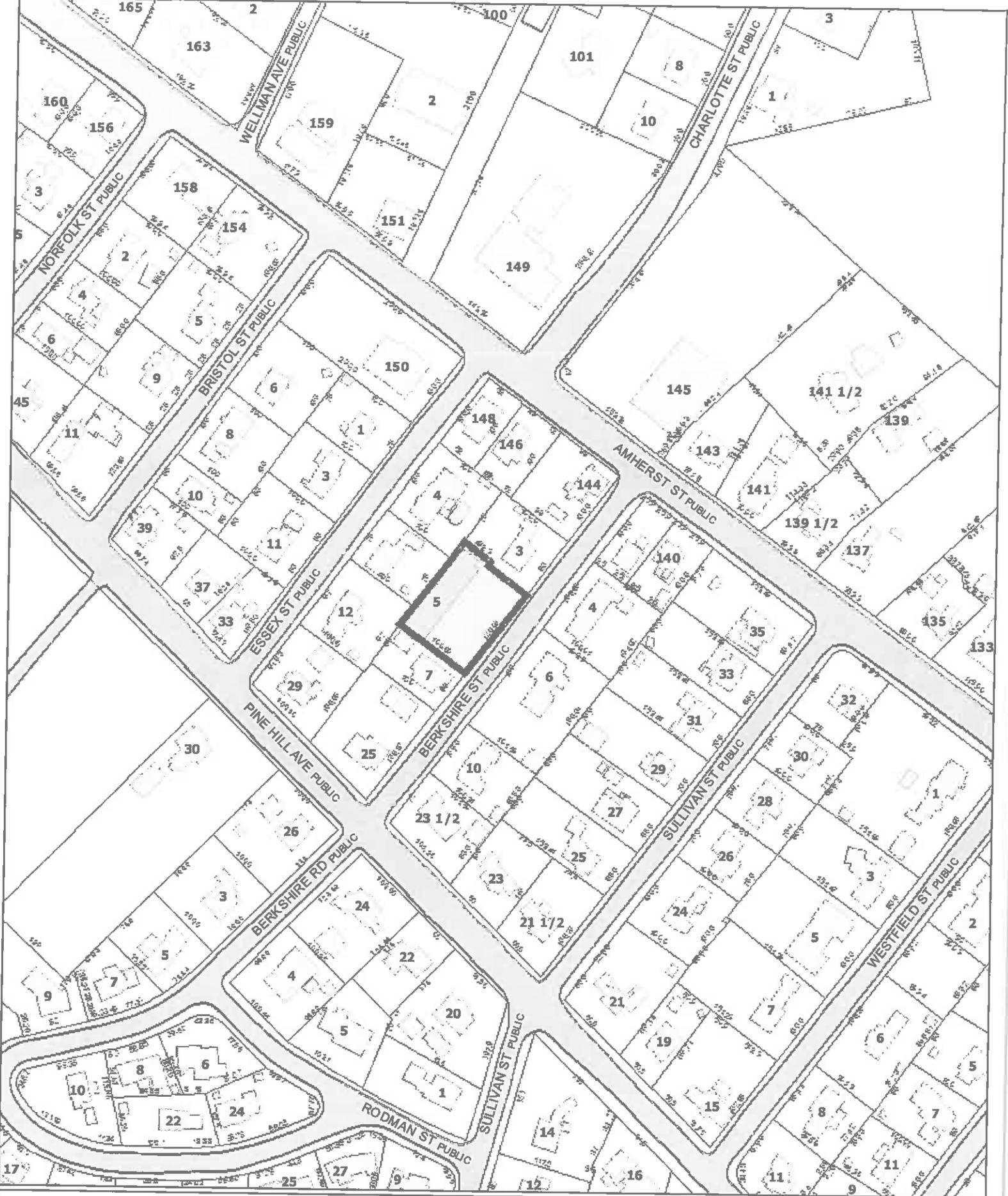
- I will pick it up at City Hall
- Please email it to me at
- Please mail it to me at



Existing Lot w/ Warehouse
 5 Berkshire St



Proposed 2 lots
 (5 Berkshire St.)

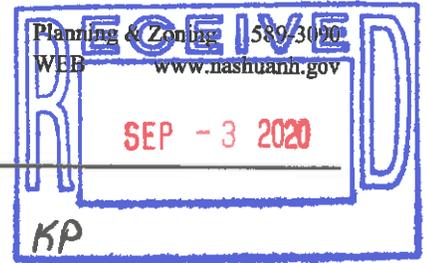


5 Berkshire Street





City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



SPECIAL EXCEPTION APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. SPECIAL EXCEPTION INFORMATION

1. ADDRESS OF REQUEST 19 Roby Street (currently unnumbered lot)
 Zoning District R-A Sheet 0126 Lot 0103

2. SPECIAL EXCEPTION(S) REQUESTED:
Special Exception to build within a wetland buffer (190-114)

II. GENERAL INFORMATION

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
 (Print Name): Elizabeth Lu
 Applicant's signature *Elizabeth Lu* Date 8/30/20
 Applicant's address 17 Roby Street, Nashua, NH 03060
 Telephone number H: 603-888-9621 C: 603-508-0058 E-mail: elizlu@comcast.net

2. **PROPERTY OWNER** (Print Name): Elizabeth Lu
 *Owner's signature *Elizabeth Lu* Date 8/25/20
 Owner's address 17 Roby Street, Nashua, NH 03060
 Telephone number H: C: see above E-mail: see above

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

~~~~~

**OFFICE USE ONLY**    Date Received \_\_\_\_\_    Date of hearing \_\_\_\_\_    Application checked for completeness: CF

PLR# A20-140    Board Action \_\_\_\_\_

\$ \_\_\_\_\_ application fee     Date Paid \_\_\_\_\_    Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ signage fee     Date Paid \_\_\_\_\_    Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ certified mailing fee     Date Paid \_\_\_\_\_    Receipt # \_\_\_\_\_

Land Use Code Section(s) Requesting Variances From: \_\_\_\_\_

~~~~~

III. 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.

- 1. Describe the nature of your proposal. Please be specific.

Propose build a single family 3 bedroom 2.5 ba home on a 10,800 sf lot in R-A.

Home will conform to all zoning specifications except those requested exceptions.

- 2. Does your proposal involve the physical construction or expansion of a structure? Yes [x] No []

If yes, describe how the size of the addition (and any existing structure) compares with the physical size of surrounding properties.

There are three or four larger homes within a three block perimeter. Other than those larger homes, this will be approximately 20% larger than nearby homes, which were mostly built 40 or more years ago, but will maintain the character of the neighborhood.

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

Currently there exists no parking on this lot. The home will have a two car garage so we predict there to be no additional vehicles parked on premise.

- 4. What effects would the requested use have upon surrounding traffic congestion and pedestrian safety?

Minimal. The home will be for our retirement, and will house two people. It will be the last house on a dead end street so will not impact pedestrian traffic at all.

- 5. 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?

The home plan will fit in with the surrounding homes. We are incorporating a recharge basin to capture driveway drainage, rain gardens along the perimeter, and do not intend to use fertilizer in our landscaping to prevent effecting the nearby buffer.

IV. SPECIAL EXCEPTION - ADDITIONAL QUESTIONS

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

1. Total number of employees [] Number of employees per shift []

2. Hours and days of operation []

3. Number of daily and weekly visits to the premises by customers, clients, vendors, and solicitors []

4. Number of daily and weekly commercial deliveries to the premises

5. Number of parking spaces available

6. Describe your general business operations:

Empty text box for describing general business operations.

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

Empty text box for describing proposed site renovations.

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.

Elizabeth Lu

Signature of Applicant

8/25/20

Date

Elizabeth Lu

Print Name

8/25/20

Date



City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST **Roby Street land**

Zoning District **RA** Sheet **0126** Lot **103**

2. VARIANCE(S) REQUESTED:

Variance from Sec. 90-16 Table 16-3 - Dimensional Matrix: Required Minimum Frontage 60 feet - proposed zero feet. Minimum Lot Width 75 feet - proposed zero feet.

II. GENERAL INFORMATION

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

(Print Name): **Elizabeth Lu and Matthew E. Plante**

Applicant's signature **Elizabeth Lu; Matthew E. Plante** Date **9/10/2020**

Applicant's address **17 Roby Street, Nashua, NH 03060**

Telephone number H: **888-9621** C: **508-0058** E-mail: **elizlu@comcast.net**

2. **PROPERTY OWNER (Print Name):** **Elizabeth Lu and Matthew E. Plante**

*Owner's signature **Elizabeth Lu; Matthew E. Plante** Date _____

Owner's address **17 Roby Street, Nashua, NH 03060**

Telephone number H: **888-9621** C: **508-0058** E-mail: **elizlu@comcast.net**

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

| | | | |
|---|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: CT |
| PLR# _____ | Board Action _____ | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| Land Use Code Section(s) Requesting Variances From: _____ | | | |

III. 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. 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 lot is an existing lot of record originally planned for a single family home. Granting the variance would not be contrary to the public interest because the original intended purpose would be accomplished in a manner consistent with the zoning goals and objectives of the City of Nashua. Denial of the variance would result in increased expenditures by the City to maintain the public road. The general purpose of frontage requirements is to establish safe access and provide separation of uses. Both purposes can be accomplished without building a public road.

- 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 variance request is made to enable us to build a single family home. The lot is sufficient for this use. It will be serviced by public water and public sewer. This use is permitted in this zone and will be similar to the use of all other lots in the neighborhood. The use will not injure public rights in any manner.

- 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.)

To deny this variance will require that we expend substantial sums for the construction of a public road where there is no benefit to us or to the general public. Alternative access can be provided by a reasonable driveway. There is no reason to require extension of the public infrastructure and impose additional maintenance costs upon the City. There is no alternative public road frontage available to the subject parcel.

- 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 plan is for a single family home which is consistent with other uses in the immediate neighborhood. It will have no impact on the value of surrounding homes.

- 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.

To require us to build a public road would cause great expense to both ourselves, in construction costs, and to the public in terms of ongoing maintenance and repair - and would not be a value to the general public. This lot can be easily accessed via a driveway without compromising safety. This variance will not cause undo congestion or otherwise defeat the zoning purpose. Requiring strict conformance to the frontage requirements is not necessary to accomplish the purpose of the zoning requirement initially designed to accomplish safe and reasonable access.

IV. 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.

Signature of Applicant _____

Date _____

Print Name _____

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

This variance request is made to enable us to build a single family home. The lot is sufficient for this use. It will be serviced by public water and public sewer. This use is permitted in this zone and will be similar to the use of all other lots in the neighborhood. The use will not injure public rights in any manner.

To deny this variance will require that we expend substantial sums for the construction of a public road when there is no benefit to us or to the general public. Alternative access can be provided by a reasonable driveway. There is no reason to modify existing or the public infrastructure and incur additional



City of Nashua
Conservation Commission
City Hall, 229 Main Street, PO Box 2019, Nashua NH 03061-2019
(603) 589-3090 www.nashuanh.gov

January 8, 2020

Ms. Elizabeth Lu & Mr. Matthew Plante
17 Roby Street 101-102
Nashua, NH 03060-4960

Re: Proposal to impact the 75-foot prime wetland buffer for a single-family detached home

Dear Ms. Lu & Mr. Plante:

Your application for the above referenced project received a favorable recommendation from the Nashua Conservation Commission (NCC) at their meeting on January 7, 2020 with the following stipulations:

1. Keep the lawn area to a minimum
2. Add native plants where possible to naturalize the now lawn covered buffer
3. Use best management practices to infiltrate water from the increased impervious areas compatible with current soil conditions
4. Install erosion control devices before any soils are disturbed

Additional action is necessary to meet the city's requirements, including submitting an application to the Zoning Board of Adjustment, per NRO Section 190-114 Wetland application (E). Please contact Carter Falk, Deputy Planning Manager at (603) 589-3116 regarding that application process. It is also the owner's responsibility to submit any required applications to states agencies as may be needed for your particular project. Adherence to the dates and requirements identified in this letter and any included on the plans is important. If you have any questions about this letter or your responsibilities, please contact Linda McGhee at (603) 589-3110.

Respectfully,

Nashua Conservation Commission

cc: Carter Falk, Deputy Zoning Manager
Conservation File

- 
- ***Elizabeth Lu (Owner) Requesting approval to construct a single family home within the 75-ft "prime" wetland buffer. Property is located at L Roby St. Sheet 126, Lot 103. Zoned "RA" A-Urban Residence. Ward 6.***

Elizabeth Lu, 17 Roby St, Nashua NH

Ms. Lu introduced herself as the property owner. She and Matthew Plante own the adjacent parcel, 17 Roby St.

Ms. Lu said in reference to the previous case, that there is a shed onsite. They store lawnmowers and snow blowers in the shed, but only when they are empty of gasoline.

Chairman Dutzy asked if the shed has a concrete floor.

Ms. Lu said no. It has a wooden floor.

Chairman Dutzy summarized the request, as detailed in the December 3, 2019 meeting.

Commissioner Parker asked if any of the woodland would be disturbed.

Ms. Lu said no. That woodland is off of the property.

Chairman Dutzy said the land is fairly flat. Would they be regrading it?

Ms. Lu said slightly. It will need some grading up by the street on the east side.

Chairman Dutzy asked if there would be a shared driveway with the current house.

Ms. Lu said correct.

Commissioner Parker asked for orientation details for the submitted photos. He said this house would be quiet close to the current one.

Ms. Lu said the screened porch was built back in 1973, before current setback requirements. She said if they were to build here, the existing porch would have to be removed. She said both the pool and the deck would be removed.

Commissioner Parker asked if both properties would meet setback requirements beyond that porch.

Ms. Lu said correct.

Commissioner Sloan asked if the new property would go over a little bit.

Matthew Plante, 17 Roby St, Nashua NH

Mr. Plante said correct. They want to keep it as far away from the wetland as possible. That will result in encroachment.

Chairman Dutzy asked what the footprint of the house would be.

Mr. Plante said 52'x62'.

Commissioner Parker asked if this would be a 2-story, 6,000-sqft house.

Mr. Plante said that includes the two car garage. He said there would be two small bedrooms on the second floor. This is their retirement home.

Chairman Dutzy asked if it would be more like a cape in terms of design.

Mr. Plante said kind of like that.

Commissioner Parker said this would be creating a significant amount of impermeable surface. Are there any plans in place for addressing that?

Ms. Lu said they would direct runoff to catch basins and rain gardens. She said it's 2,400-sqft of additional impervious space.

Mr. Plante said there used to be a swimming pool and a deck there. This is not much more than it was six months ago.

Commissioner Sloan said it's not much more disturbance than was there originally.

Commissioner Porter said it's a long ways from the brook.

Commissioner Parker said as long as you don't mind being on top of your neighbor, it meets the setbacks.

Commissioner McCarthy said the report mentioned an endangered species, but didn't go into detail.

Ms. Lu said they checked, with the National Heritage Bureau. It was determined that they don't expect it will be impacted by the proposed project, but didn't go into detail on what it was in the area.

Commissioner Parker said it's so rare, they don't know what it is.

Chairman Dutzy asked how many square feet would be permanently impacted by this.

Mr. Plante said roughly 2,000-sqft.

Commissioner Porter asked if no trees would be cut

Mr. Plante said correct.

Commissioner Pierotti said one picture shows a boat trailer sitting on the outskirts. He asked if that would be a typical use, and if they drive along the backside there.

Mr. Plante said yes. They don't store cars there.

Ms. Lu asked if that was permitted in a wetland buffer.

Commissioner Pierotti said yes, if there are no fluids stored. He said the fact that they are exercising best management practices for stormwater runoff and the roof is a good thing. They aren't touching any of the trees, and the forest looks pretty nice.

MOTION by Chairman Dutzy to favorably recommend the proposal to construct a single family home within the 75-ft "prime" wetland buffer with the following stipulations:

1. Keep the lawn area to a minimum.
2. Add native plants where possible in landscaping to aid wildlife.

3. Use best management practices for stormwater runoff and filtration.
4. Install erosion control devices before any soils are disturbed

SECONDED by Commissioner Porter

MOTION CARRIED 9-0

Commissioner Sloan volunteered to oversee the project.

➤ ***Annual nomination and election of officers***

Chairman Dutzy led a discussion in creating a more equitable nomination process and avoiding fait accompli.

Mr. McPhie suggested that if any of the members wish to run for a position, they should email him. He will print it out, and they can vote on it at the next meeting.

F. Old Business

➤ ***Update on 2019 LCHIP properties***

Chairman Dutzy gave an update on the site walk performed. Holly Green from the Dept. of Environmental Services (DES) and Paula Bellmore from LCHIP have both received the reports. She said they probably want to do the monitoring this year in April.

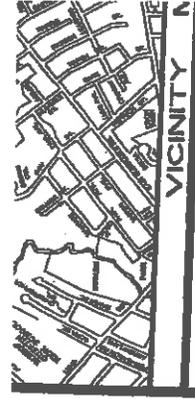
Commissioner Sloan said they should do it as soon as possible.

Chairman Dutzy thanked Commissioner Sloan for his efforts in locating the GPS points.

➤ ***Update on Southwest Park Lands Conservation Area maintenance***

Chairman Dutzy said extensive maintenance of overgrowth on the Tirrell Conservation area has been completed. This is part of the ongoing stewardship plan. She said it looks pretty rough now, but will look good in June.

The Commission held multiple discussions regarding habitat.



NOTES:

1. LOT AREA: 0.248 ACRES (10,800 SF)
2. PRESENT ZONING: RA - A URBAN RESIDENCE
3. DIMENSIONAL REQUIREMENTS:
 - MIN. LOT AREA: 7,000 SF
 - MIN. LOT WIDTH: 78 FT
 - MIN. LOT DEPTH: 80 FT
 - MIN. FRONT SETBACK: 25 FT
 - MIN. SIDE SETBACK: 10 FT
 - MIN. REAR SETBACK: 25 FT
 - MAX. BUILDING HEIGHT: 28 FT
 - MAX. STORIES: 3 1/2
 - MIN. OPENSPACE: 20%
 - MAX. P.A.U.: 0.50
4. LOT NUMBERS REFER TO THE CITY OF NASHUA ASSESSOR TO DEPICT THE RESULTS OF AN ON-THE-GROUND SURVEY CONDUCTED IN AUGUST THROUGH NOVEMBER OF THIS PARCEL. INCLUDES AREAS DESIGNATED AS ZONE X AN FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR NASHUA, NEW HAMPSHIRE, COMMUNITY NO. 200, PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP NUMBER: 22071C APRIL 14, 2011.
5. SURVEY CONTROL INFORMATION:
 - VERTICAL DATUM: NAVD83
 - PROJ. UNIT: UNITS
6. ROB Y STREET WAS DESIGNATED BY PLAN RECORDED AS 103 (MAP 126, LOT 103) BY THE CITY OF NASHUA, NEW HAMPSHIRE, IN 1982. THE PLAN IS ON FILE WITH THE CITY DEPARTMENT. THE PLAN IS SUBJECT TO THE PROVISIONS OF THE CITY OF NASHUA, NEW HAMPSHIRE, ZONING ORDINANCE, AS BASED ON THE LIMITS OF THE FULL WIDTH PAVEMENT AND BY THE CITY OF NASHUA.
7. PRESENT OWNER OF RECORD:
 - MAP 126, LOT 103
 - ELIZABETH J. LU
 - 17 ROBY STREET
 - NASHUA, NH 03063
 - EX 5526, PG 100A AND
 - 54 5782, PG 122A

EXISTING CONDITIONS PLAN
(MAP 126, LOT 103)

ROBY STREET

NASHUA, NEW H.

PREPARED FOR:

MATTHEW P

NASHUA, NEW

17 ROBY STREET
RECORD OWNER:

ELIZABETH

NASHUA, NEW

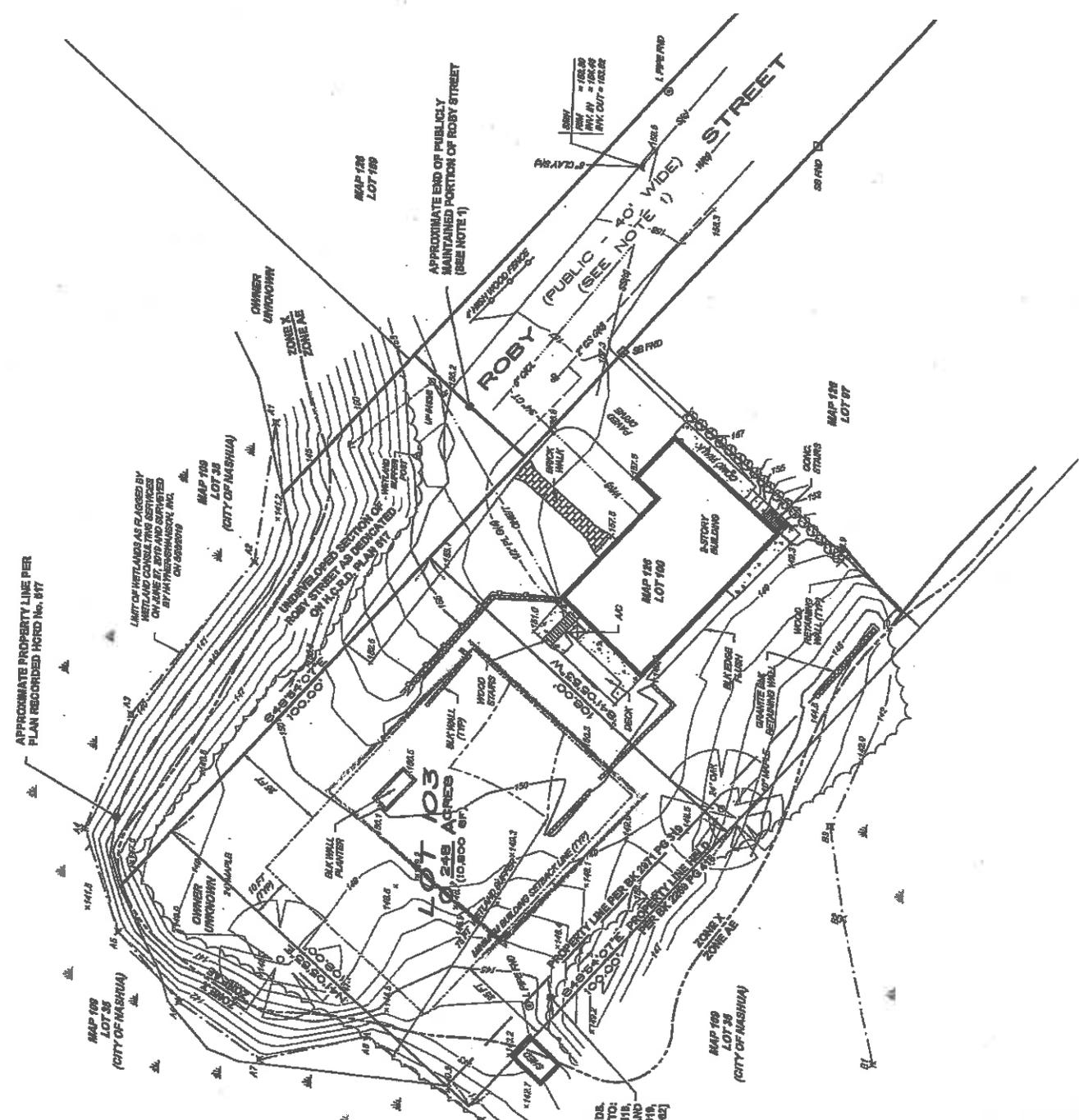
17 ROBY STREET

| NO. | DATE | REVISION |
|-----|------|----------|
| | | |
| | | |
| | | |

SCALE: 1"=30' Feet
1"=96.00 Meters

20 NOVEMBER

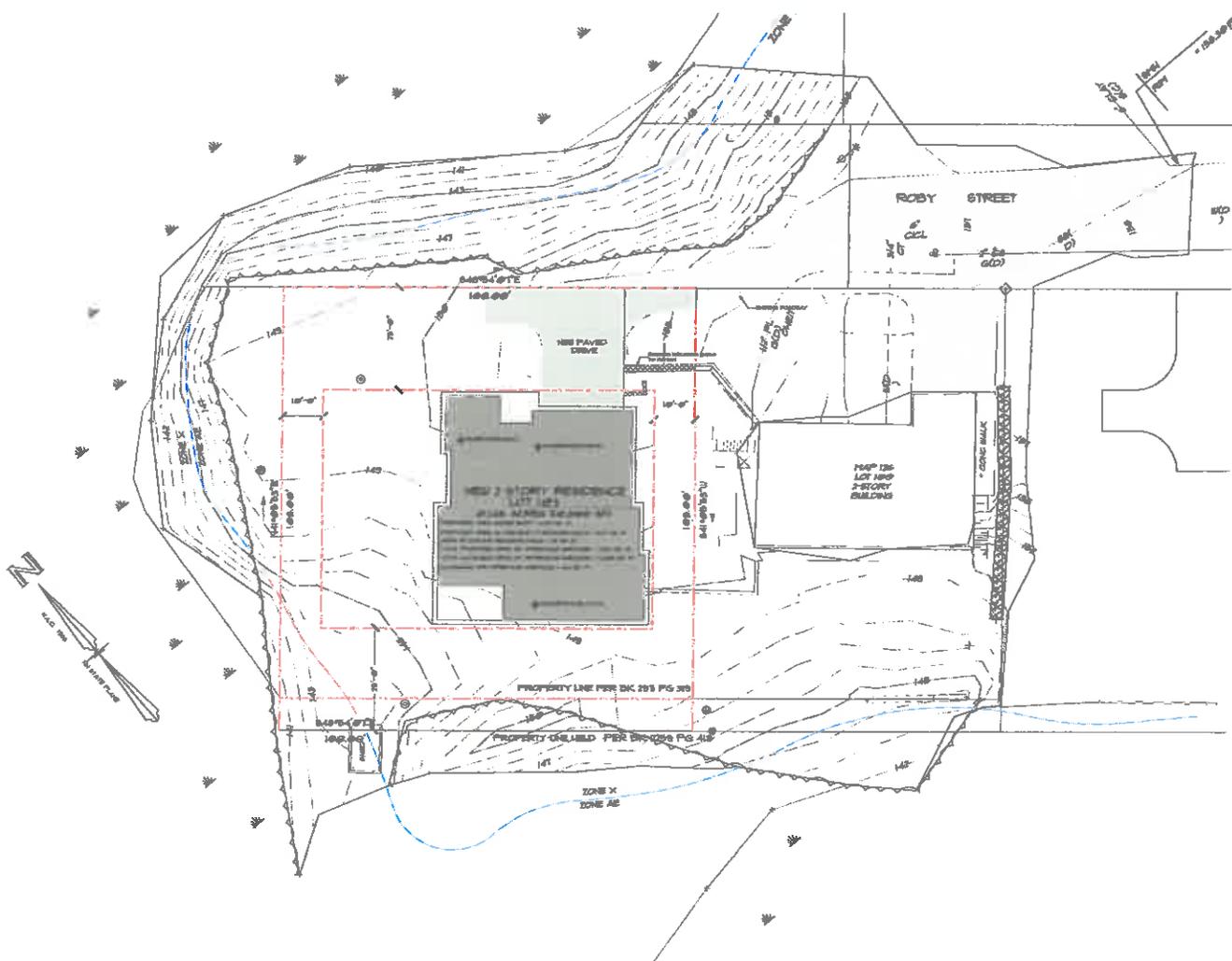
THIS PLAN, MAP, PREPARED BY A. E. MAYNARD CIVIL ENGINEER, INC., IS A PROFESSIONAL ENGINEERING DESIGN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.



CERTIFICATION

I HEREBY CERTIFY, TO MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN SHOWS THE RESULTS OF AN ON-THE-GROUND "STANDARD PROPERTY" SURVEY AND THAT SAID SURVEY MEETS THE MINIMUM PRECISION REQUIREMENTS AS SET FORTH IN THE PROFESSIONAL ENGINEERING STANDARDS ACT.





GENERAL NOTES

fischer design group
 2025 1000
 fischerdesigngroup.com

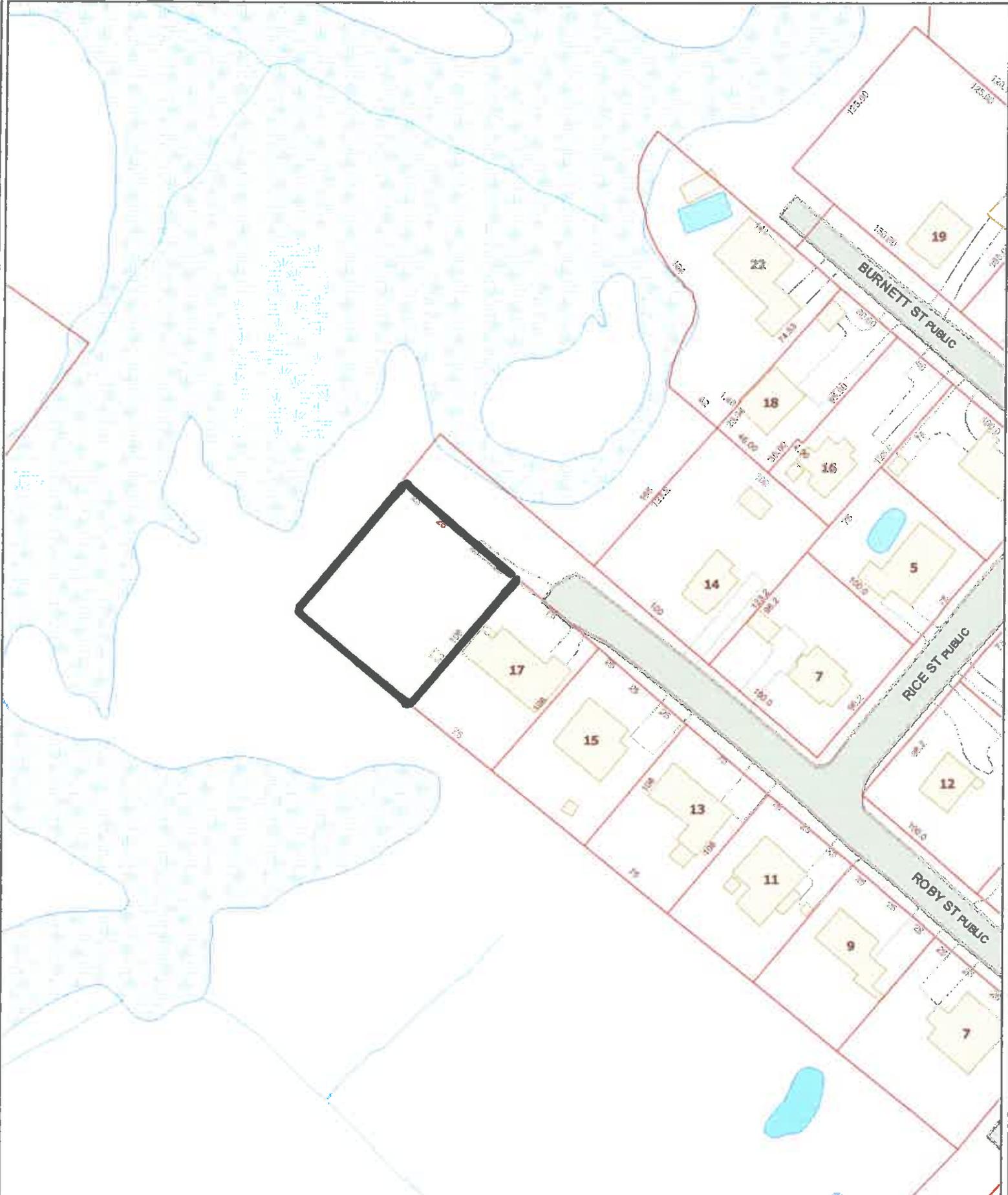
PROJECT NAME
THE PLANTE & LU RESIDENCE
 10 ROBY ST
 HANSA, NJ 07034

SHEET TITLE
ARCHITECTURAL SITE PLAN

PROJECT STATUS
 CONCEPTUAL

DATE SHEET
 10/10/2020
 10/10/2020

A2



"L" Roby St





City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST

Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

2. **PROPERTY OWNER (Print Name):**

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

***Agents and/or option holders must supply written authorization to submit on behalf of owner(s).**

| | | | |
|---|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: <u>CF</u> |
| PLR# <u>A20-0141</u> | Board Action _____ | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-17</u> | | | |

III. 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. See "Procedures for Filing a Variance" for further information.

- 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 owner would like to keep the exiting 800 sq.ft. house and build a larger house further back on the lot. The location of the structures both exceed the standard RSA 674:16 setbacks. The character of the neighborhood will not be diminished by the two buildings. The primary house will have two bedrooms and the secondary will have one. there could be a shared septic system to accommodate both houses, although the existing system is in good working order. The aesthetics to this arrangement will not devalue abutting properties. There will not be a change in traffic or have an impact on environmental resources of the city. The existing house will be a rental, aiding in the providing of rental units.

- 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 lot is partly bordered by the mobile home park. Across the street are two small ranch's and at 1019 is EZ mini storage. A very large outdoor storage facility. I do not believe the values, or integrity of the neighborhood will be impacted in any negative way. The public health, safety and welfare of neighbors will not be endangered. The two structures will be compatible with the homes in the area, the character of the neighborhood will stay intact.

- 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 property owner recognizes the Nashua Regional Planning Commissions executive summary to support "land use regulations that need to be flexible, to meet the housing needs of current and future residents". The owner wants to build a larger house but doesn't want to demolish the existing house, which has had many upgrades and is in good condition. My large family have been residents of Nashua for generations. Based on the tight housing in Nashua, the owner would like to give her son or other family members the opportunity to stay in Nashua; by living in the exiting house.

- 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 owner will be living in the primary residence. Sense the purchase of the property in 2004 the owner has done many improvements to the property and will continue to do so. She will continue to keep the property in high standard for the purpose of keeping the neighborhood looking nice. There is no way the approval of two structures would devalue the surrounding properties.

- 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 use of the existing home will allow the owner to offer affordable housing to her family or someone else. The character of the neighborhood will not change, as the mobile home park surrounds the property. Removing the existing house would abolish a residence taking away housing that is needed in the area.

IV. 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 n/c
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 0
- d. Number of daily and weekly commercial deliveries to the premises 0
- e. Number of parking spaces available 2
- f. Describe your general business operations:

n/c

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

Building of a second house. Driveway to the house behind the existing house.

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.

Marie McClellan
Signature of Applicant

Sept 1, 2020
Date

Marie McClellan
Print Name

Sept 1, 2020
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 mhbm group@outlook.com
- Please mail it to me at

Poirier, Kate

From: Poirier, Kate
Sent: Thursday, August 06, 2020 4:41 PM
To: Marie McClellan
Subject: RE: In-law Apartments
Attachments: 20180814 7 Summer St.pdf

Good Afternoon,

Please find attached a copy of a previous request. I'll let you know if I find any others.

Sincerely,
Kate

From: Marie McClellan [mailto:MHBGroup@outlook.com]
Sent: Tuesday, August 04, 2020 12:09 PM
To: Poirier, Kate
Subject: Re: In-law Apartments

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hi Kate,

That's good advice, I have picked up the permit paperwork from the building office. I'll look at it again. Can you tell me the dates of the meetings where the variances, asking for two houses on one lot, have passed? I would like to look at them closer.

Thank you,
Marie McClellan

From: Poirier, Kate <PoirierK@nashuanh.gov>
Sent: Tuesday, August 4, 2020 8:46 AM
To: Marie McClellan <MHBGroup@outlook.com>
Subject: RE: In-law Apartments

Good Morning,

I cannot advise you on which request is more likely to be successful. All I can say is that if you decide to classify it as an ADU Board will mostly likely discuss whether it is a house or accessory dwelling unit. The fact that it is detached from the proposed house and larger than 750-sq ft may cause them to question whether this would be better characterized as a single-family home. You would need to be able to address that.

In order to classify this as an ADU, you would need two variances, and you would need to address the five points of law for each request. The more you ask for, the more aggressive your request, the more scrutiny the Board will give it when deciding the case. While ADUs are permitted anywhere in the city by Special Exception, you would have to argue why yours should be able to deviate from the norm.

If you would like to ask for two single-family homes on one lot, you would be asking for one variance. You would need to be able to address the points of law on the application, and explain why your situation meets this. Let me know if you have any questions about the form. These are the same questions they would ask if you were looking for the ADU.

I am not aware of an expiration date on surveyed plans. I know that building permits expire after six months; maybe this is what he was referring to.

I would strongly recommend that you also reach out to the Building Department to find out what kind of permits they would need to apply for, and make sure that they have been applied for. Make sure that you verify everything they tell you; the last thing I would want is for you to be taken advantage of by someone.

If you have any other questions, let me know.

Sincerely,
Kate

-----Original Message-----

From: Marie McClellan [<mailto:MHBMGgroup@outlook.com>]
Sent: Tuesday, August 04, 2020 9:44 AM
To: Poirier, Kate
Subject: Re: In-law Apartments

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hi Kate,

That is all great information. I am less concerned with the difference in money. I have house plans for my new house, so I know sizes and all. Set backs etc. I have not had the surveyor draw up that plan yet because I was told it's only good for 6 months. Is that right?

Would you suggest I ask for the two houses on one lot? What do they ask of me in that case?

Kate, thanks for all your help. My husband died last June so I am on my own with so many decisions. Building has so many details it's nice to have someone who knows the ropes. I'm not even sure how much permitting is done by the builder. I will ask them that once they get back to me with quotes.

Are the forms set to you by email?

PDF file?

Thanks
Marie

Sent from my iPhone

> On Aug 4, 2020, at 8:30 AM, Poirier, Kate <PoirierK@nashuanh.gov> wrote:

>

> Good Morning,

>

> If you decide to request to convert the house to an ADU, you're looking at a couple of things. The first is the Special Exception for an ADU, which has a list of nine requirements. Since two of them are the size restriction and attachment to the house, there is a chance that they might say this house doesn't meet the characteristics or design of a standard ADU. You would need to ask for variances for those two requirements, and address the five points of law in the variance as to why you need relief for your ADU. This adds up to three requests before the Board. I don't know if cost is a considering factor for you, but these three requests before the Board would amount to \$745 in fees. In my three years working here I have not seen a request like this; it's not that common.

>

> If you request to have two primary structures on one property, you would be asking for a variance. You would need to address the five points of law for a variance, same as in the other request. Because this is one request, your fees would be \$345. I have seen several requests like this before, and I'm sure I could pull up some examples.

>

> We do not require a professionally surveyed plot plan for Zoning Board. However, if the plot plan is to be drawn, it needs to be accurate. We need to know where the new house is going, how far it is from the property lines, and how big it is. If you decide to go the ADU route, we will also need a floor plan of the ADU space. If also would not hurt to submit photos and concept sketches of the new house.

>
> If you have any other questions, let me know.

>
> Sincerely,
> Kate

>
> _____
> From: Marie McClellan [MHBMgroup@outlook.com]
> Sent: Monday, August 03, 2020 4:42 PM
> To: Poirier, Kate
> Subject: Re: In-law Apartments

>
> CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

>
> Hi Kate,
> Kate, thanks for your help. You have everything correct. I didn't even know I could ask to have two houses on one lot. In your opinion does one make more sense than the other?
> Can that plot plan be drawn by me or does the surveyor need to do it.
> I know I will need them when the new house needs the permitting.
> I get to work on getting that information to you.
> Marie

>
> _____
> From: Poirier, Kate <PoirierK@nashuanh.gov>
> Sent: Monday, August 3, 2020 1:15 PM
> To: mhbmgroup@outlook.com <mhbmgroup@outlook.com>
> Subject: In-law Apartments

>
>
> Good Afternoon,

>
>
> This is in regards to your request for information on in-law apartments. In-law apartments are granted by the Zoning Board of Adjustment as a Special Exception. Since they can be occupied by anyone nowadays (not just blood relatives), we typically refer to them as just Accessory Dwelling Units, or ADU's.

>
>
> ADU's have to fit a list of requirements in order to be approved, and I've attached the current list. Should your ADU not meet any of the requirements, you would also have to ask for a variance from the Zoning Board. You will need to submit a completed application, a plot plan showing the proposed changes, and a floor plan of the unit, as well as any additional concept drawings you may have.

>
>
> Based on our phone conversation, you would like to convert the current home at 972 West Hollis St into an 800-sqft detached ADU, and build a larger house farther back on the property. In addition to the special exception application, you would need a variance for the size, and the request to make it detached. Your other option is to apply for a variance to have two primary structures onsite.

>
>
> The process takes roughly a month. We are currently using Webex virtual meetings due to the pandemic. You and your neighbors would get a chance to address the Board at the meeting, and they would give you an answer that night. If

successful, we would mail you a piece of paperwork called a covenant, which you would bring to the Hillsborough County Registry of Deeds (19 Temple St, Nashua), to have the ADU legally recorded on your deed. After that, you can apply for whatever building permits you need to finish your ADU.

>
>
>

> If you have any questions, I would be happy to help you with the process.

>
>
>

> Sincerely,

> Kate

>
>
>
>
>
>
> -----

> Kate Poirier

>

> Zoning Coordinator

>

> Planning Department

>

> 603-589-3056

>

> PoirierK@nashuanh.gov

>
>
>

> The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Nashua, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.

GRAPHIC SCALE



D-51

D-500

D-51

D-338

D-116

D-302

MARIE HOGAN-BRISTOL FAMILY REVOCABLE TRUST

SKETCH OF SURVEY MARKERS FOUND AND SET
LAND OF
972 WEST HOLLIS STREET
NASHUA, NEW HAMPSHIRE

SCALE: 1" = 50'

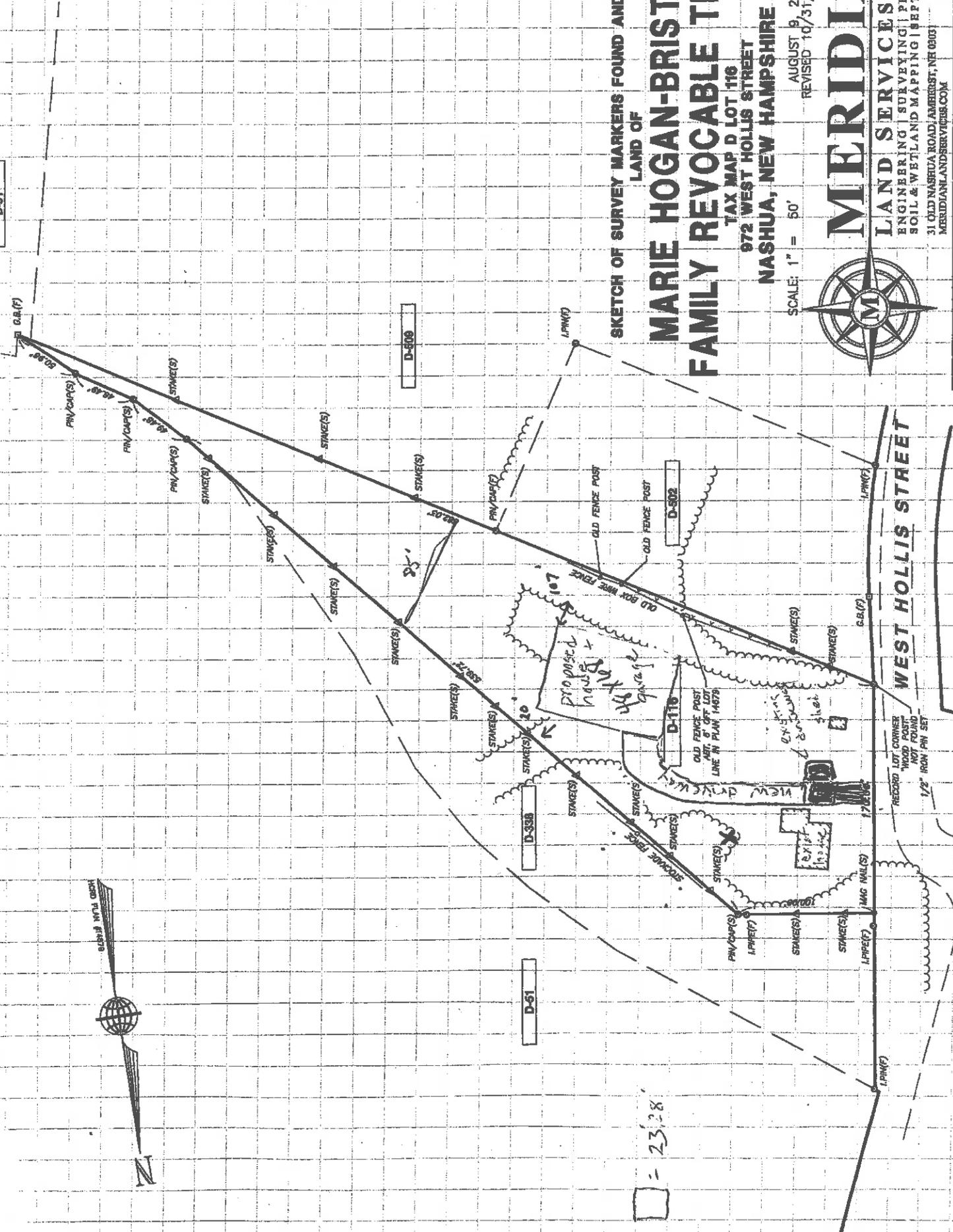
AUGUST 9, 2017
REVISED 10/31/17



MERIDIAN

LAND SERVICES, INC.
ENGINEERING | SURVEYING | PERMITTING
SOIL & WETLAND MAPPING | SEPTIC DESIGN
31 OLD NASHUA ROAD, AMHERST, NH 03031
TEL: 603-673-1448
MERIDIANLANDSERVICES.COM FAX: 603-673-1558

PROJECT NO. 7649:01 | SHEET NO. 1 OF 1
FILE: 7649W01.dwg



□ = 23.28'

WEST HOLLIS STREET

RECORD LOT CORNER
WOOD POST
NOT FOUND
1/2" IRON PIN SET

OLD FENCE POST
MIT. 6' OFF LOT
LINE IN PLAN 14678

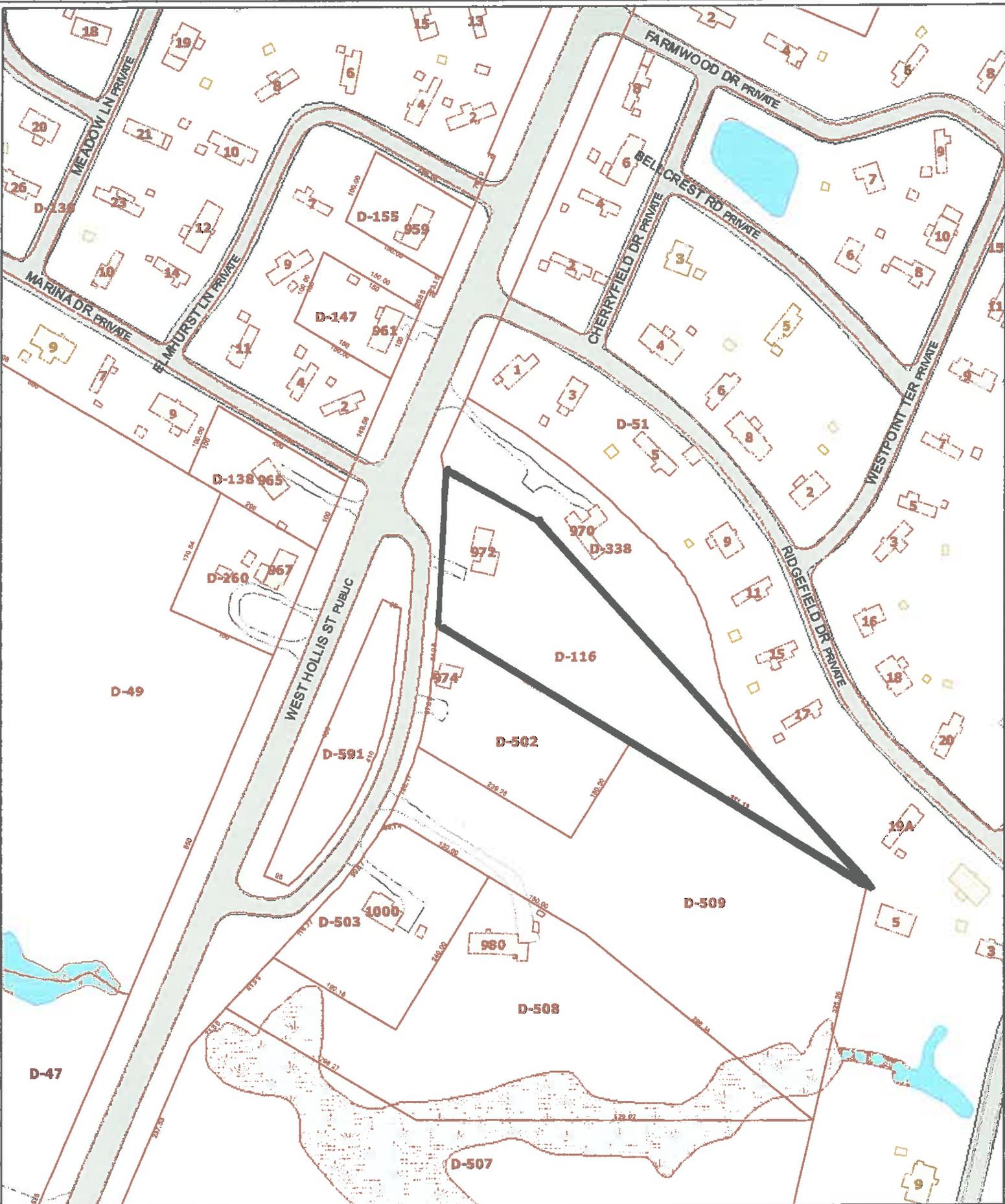
PROPOSED
NEW 1/2
ACRE

NEW DRIVEWAY

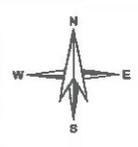
OLD FENCE POST

OLD BOX WIRE FENCE

STAKE(S)



972 West Hollis St





**City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03063-2019**

Planning & Zoning 188-999
(603) 880-3333 www.nashua.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST
 Zoning District Sheet Lot ✓

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):
 Applicant's signature Date
 Applicant's address:
 Telephone number H: C: E-mail:

2. PROPERTY OWNER (Print Name):

Owner's signature Date
 Owner's address:
 Telephone number H: C: E-mail:

*Agents and or option holders must supply written authorization to submit on behalf of owner(s).

OFFICE USE ONLY

PLR-

A20-2148

Date of writing *10/13/20*

Application checked for completeness:

\$ _____ signature by

Date Paid _____ Receipt # _____

\$ _____ signature by

Date Paid _____ Receipt # _____

\$ _____ certified mailing fee

Date Paid _____ Receipt # _____

Land Use Code (Section 1) (Applying) (Applying) (Applying)

VARIANCE APPLICATION

ADDRESS

III. 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. (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".)

Granting of the requested variance will not be contrary to the public interest, because we have been in operation at 1 Spring Street, down-town Nashua, for twenty-five years. With the current management being in-place for the last ten years. Our business has built a loyal following with-in the Nashua community. We have also had no trouble at our current location.

- 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 observe the spirit of the ordinance, because at the new location, 6 Kinsley St., we will remain small; serving roughly 2 visitors per hour. Also, our new lot provides more parking for our visitors, allowing for smoother flow in traffic. We will have more opportunity due to better visibility, and a friendlier environment. We felt that our store will have similar traffic as the existing shop, and we observed similar establishments in the area that do not negatively impact the neighborhood.

- 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.)

See attached document (Page 2 - Purpose of Request: #3)

- 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.)

See attached document (Page 2 - Purpose of Request: #4)

VARIANCE APPLICATION

- 5. Special conditions exist such that literal enforcement of the ordinance results in unreasonably hardship, because: (1) 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.

See attached document (Page 3 - Purpose of Request: #5)

IV. 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: 1 Number of employees per shift: 1
- b. Hours and days of operation: Mon-Fri (9am-7pm) Sat (9am-5pm)
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors: 20/day
- d. Number of daily and weekly commercial deliveries to the premises: 1-2/wk
- e. Number of parking spaces available: 16
- f. Describe your general business operations:

See attached document (Page 3 - Use Variance Additional Information: f)

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

See attached document (Page 3 - Use Variance Additional Information: g)

I hereby certify 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 regarding construction. I understand that only those point specifically mentioned are provided by a fee when on this appeal.

Jane Coelho Lorentz
 Signature of Applicant
JANE COELHO LORENTZ
 Print Name

09/14/20
 Date
09/14/20
 Date

The staff responsible for the Variance request will be available for a meeting Friday of the week before the ZBA meeting. If you would like a copy, please call or write below:

I will pick it up at City Hall

Please email it over at TROPICALSIDE10@GMAIL.COM

Please mail it to me at _____

Jane Lorentz
603-759-8898
6 Kinsley Street
Nashua, NH

ZBA Application - Supplemental Attachment

Page 1

Variance Requested:

2. The variance requested is to occupy the existing commercial space (mixed-used property) at 6 Kinsley Street with a small, specialized, Brazilian goods and services store selling imported Brazilian frozen and packaged foods and other Brazilian style wearable goods and to provide money transfer services to the community of Nashua. For twenty-five years we have been providing these services, and over the years, we have built a loyal diverse customer base.

Page 2 – Purpose of Request

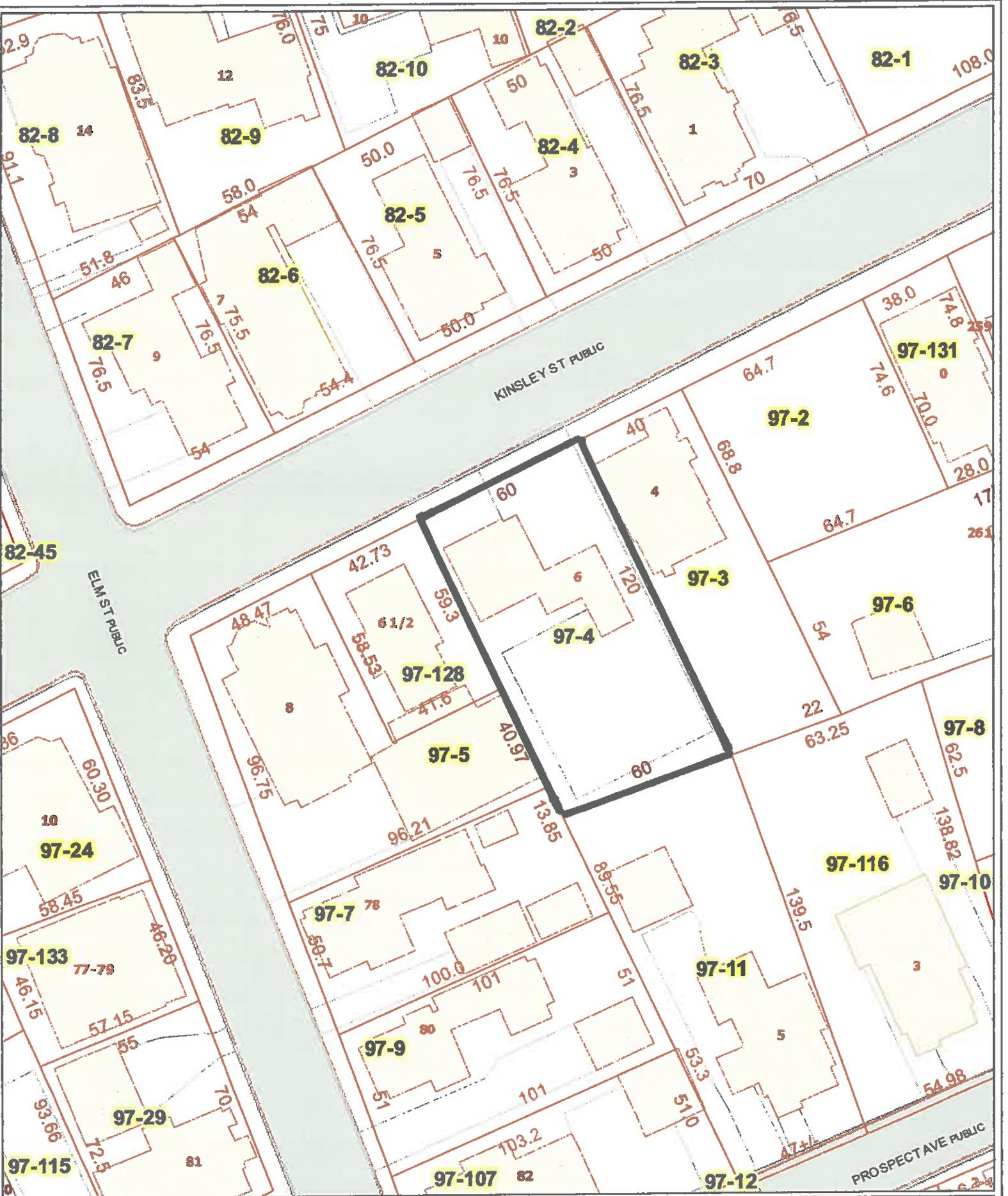
3. Substantial justice would be done to the property owner by granting the variance, because I, Jane Lorentz, will be able to move my store from 1 Spring Street to 6 Kinsley St., a nicer, tree-lined location that is safer and will still allow me to provide the same goods and services. I would be occupying an existing commercial space. My husband and I also plan on adding new landscaping, as well as fresh paint to the building, and additional lighting to the walkway. We plan on keeping the area neat and clean at all times. We also plan on adding new fencing to separate our business and property from the neighboring property, and ensure our parking is only used by our visitors.
4. The proposed use would not diminish the values of surrounding properties, because we believe that we will add value to the surrounding properties. By moving our business, we are bringing with us loyal customers that can add to the economy of the area. We also plan to improve the condition of the existing building through remodeling, and landscaping. We are passionate about our business and properties and care about our appearance. Some immediate changes we plan on making include; re-painting of the building, new and improved landscaping, additional lighting to the walkway, and clean fencing that will divide our business from the neighboring property. We currently own a multifamily in Merrimack, NH, at 88 Front Street, our tenants are happy, and the property is clean with well-groomed landscaping. We believe this a direct reflection of how we manage our properties.

Page 3 – Purpose of Request

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because when I looked at the property to purchase it, it already had an operating business. I have been seeking a new home for quite some time now, and I found this location to be perfect. Not only is it the perfect size for my business, it is in a safer environment, it is more easily accessible, and it also offered potential for rental income which would help me with the mortgage. Initially, I was extremely excited to be moving my store from Spring Street. So excited that I proceeded with the transaction, gave a deposit and received credit approval from my Credit Union. I had no idea that I had to talk to the city to be able to move my store into 7 Kinsley. I looked around at the Kinsley Street area and there were other working establishments and as mentioned, there was already a business at the subject address. I was surprised when I was asked if I had talked to the city about it. So, when I became aware, I called and when I heard back, it was the day before the closing. It was too late for me to back away from the purchase. Also, when I signed and received approval for financing, I let my current landlord know that I was vacating 1 Spring St. They are actively showing the property to prospective tenants. The worst and scariest part of this is that if I cannot move my store, I may not be financially able to afford both the rent on Spring Street and the new mortgage on Kinsley Street. My fear is that I will be forced to close my business. I plead with you to help me continue offering my services at a safer and more pleasing and accessible location in Nashua.

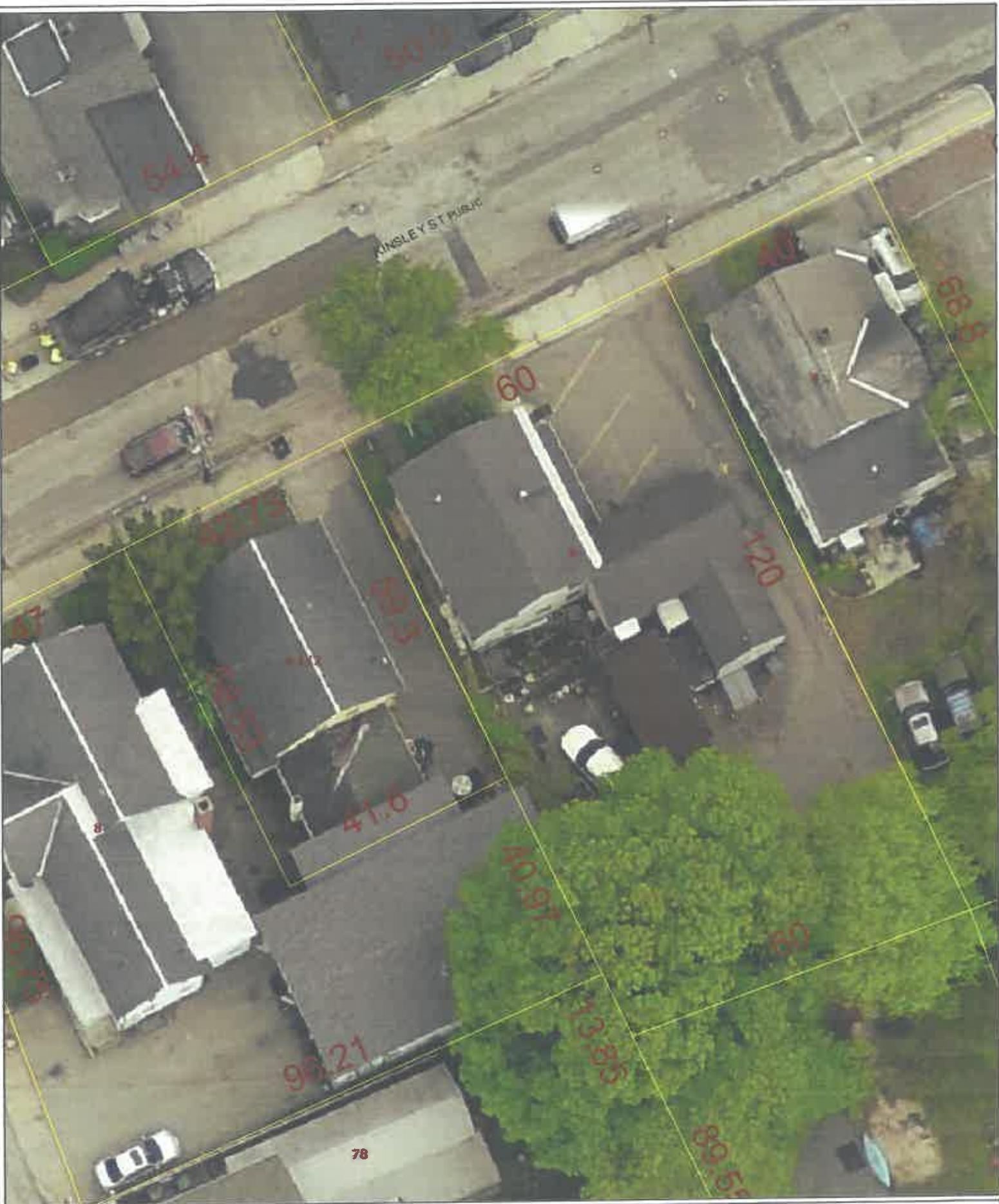
Page 3 – Use Variance Additional Information

- g. We will be doing a few renovations to the property, including; landscaping, lighting, pavement, and painting.



6 Kinsley St





6 Kinsley St





LOT

LOT

KINSLEY ST

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
November 26, 2019

A public hearing of the Zoning Board of Adjustment was held on Tuesday, November 26, 2019 at 6:30 PM in the Auditorium, 229 Main Street, at City Hall.

Members in attendance were:

JP Boucher, Chair
Mariellen MacKay, Clerk
Steve Lionel, Vice Chair
Jack Currier
Jay Minkarah
Nick Kanakis

Carter Falk, Deputy Planning Manager/Zoning

Mr. Boucher explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Boucher explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Boucher also explained procedures involving the timing light, as well as the projector in front of the stage for plans to show the audience.

1. Christos P. & Denise B. Scumniotales (Owners) GC Pizza Hut (Applicant) 303 Main Street (Sheet 100 Lot 5) requesting the following variances from Land Use Code Section 190-41 (B) (4 & 5): 1) for minimum stacking space length, 160 feet required, 86 feet proposed; and, 2) for minimum distance to drive-thru exit, minimum of 60 feet required - 31 feet proposed. D-3/MU Zone, Ward 6.

POSTPONED TO THE DECEMBER 10, 2019 MEETING.

- 
2. Cuilan Chen (Owner) 6 Kinsley Street (Sheet 97 Lot 4) requesting variance from Land Use Code Section 190-16, Table 16-3, for minimum land area, 6,924 sq.ft existing, 6,970 sq.ft required - to convert existing tailor space in building to one additional dwelling unit, for a total of two dwelling units in building. RC Zone, Ward 4.

Voting on this case:

JP Boucher, Chair
Mariellen MacKay, Clerk
Steve Lionel, Vice Chair
Jack Currier
Nick Kanakis

Tammy Morelli, speaking for Ms. Chen. Ms. Morelli said that the lower level of the building is for the retail tailor space, and she would like to make half of it a residential dwelling unit. She said that she needs the variance due to being short of the land area. She said it would be like a studio apartment on one side, and the business will remain on the other side.

Mr. Currier asked about the parking, and asked about parking in the back of the building.

Ms. Morelli said that there are about eight parking spaces in the back. She said it's paved.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Currier to approve the variance application on behalf of the owner as advertised. He said that the Board believes that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, to have one additional unit is consistent with the density in the neighborhood, and there are no other means feasible by which the applicant could pursue the request.

Mr. Currier said that the Board feels that it is within the spirit and intent of the ordinance, it is a minor incursion into the minimal land area.

Mr. Currier said that it would not negatively impact surrounding property values.

Mr. Currier said that the request is within the public interest, and substantial justice is served.

SECONDED by Mr. Lionel.

MOTION CARRIED UNANIMOUSLY 5-0.

3. Jessica & Carl Ingraham (Owners) 6 Carroll Street (Sheet 138 Lot 74) requesting the following: 1) special exception from Land Use Code Section 190-15, Table 15-1 (#3) to allow an accessory (in-law) dwelling unit; and, 2) variance from Land Use Code Section 190-32 (B)(1) to exceed maximum size of accessory dwelling unit, 750 sq.ft permitted - 1,008 sq.ft proposed - to construct a second story addition for accessory dwelling unit onto existing home. R9 Zone, Ward 1.

Voting on this case:

JP Boucher, Chair
Mariellen MacKay, Clerk
Steve Lionel, Vice Chair
Jack Currier
Jay Minkarah

Jessica Ingraham, 6 Carroll Street, Nashua, NH. Mrs. Ingraham Corda said that they have a ranch, and want to put in an in-law apartment on top of it. She said it would be the mirror image of the bottom floor, so driving by, you wouldn't know it was an in-law, it would just look like a two-story home. She said it would have a three car garage to the right, and the in-law apartment would have an exit through the back of the house, and it would have its own entrance, and in the inside of the house, it would also have an entrance.

Mr. Boucher asked about the back entrance.

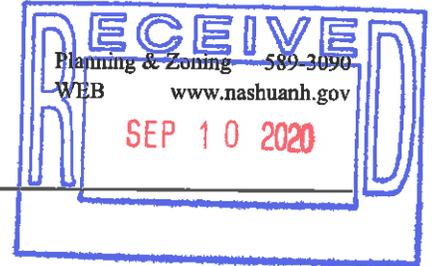
Mrs. Ingraham said that on the back side of the house, there would be two exits, they'd have their own staircase, behind the garage.

Mr. Boucher asked about the interior staircase.

Mrs. Ingraham said that her in-laws would live in it, and they'll have access to the house, the current garage that is



City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST

Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):

Applicant's signature Date

Applicant's address

Telephone number H: C: E-mail:

2. **PROPERTY OWNER (Print Name):**

*Owner's signature Date

Owner's address

Telephone number H: C: E-mail:

***Agents and/or option holders must supply written authorization to submit on behalf of owner(s).**

| | | | |
|---|---------------------|-----------------------|---|
| OFFICE USE ONLY | Date Received _____ | Date of hearing _____ | Application checked for completeness: <u>CF</u> |
| PLR# <u>A20-0142</u> | Board Action _____ | | |
| \$ _____ application fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ signage fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| \$ _____ certified mailing fee <input type="checkbox"/> | Date Paid _____ | Receipt # _____ | |
| Land Use Code Section(s) Requesting Variances From: <u>190-31</u> | | | |

III. 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. See "Procedures for Filing a Variance" for further information.

- 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 yard is currently enclosed in a fence, this will be in the back corner. Currently there are two sheds spread in the yard, this will combine them into one nicer looking shed. The shed will also keep my dog and the dogs from 18 Seventh Street further apart reducing the barking resulting in a quieter neighborhood. The fencing will be replaced at the same time with vinyl fence instead of the weathered looking cedar.

- 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 character of the neighborhood is to have your shed or garage on the property line (see aerial views) No public health, safety, welfare, or rights will be impacted as the area has already been contained in a fence and will be more sturdy and stable by being walls instead of fence in that area. The character will be improved by replacing the weathered cedar fence with vinyl fence

- 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.)

Justice will be done by eliminating two lesser sheds and opening the layout of the yard to be a more productive and more aesthetically pleasing area. It will also make the storage more efficient as it will be one open space instead of two smaller spaces

- 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 yard will look more put together and less cluttered making the area look nicer, it will also blend better with the others properties that have their sheds and/or garages in the corner as well.

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.

Placing the shed 6 feet from both the rear and right side setback would place it in the middle of the yard taking up the whole yard leaving no space for the dog or recreation. It would also stick out into the driveway reducing the parking area.

IV. 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:

Place shed in the rear right corner, replace rear stairs with 4x7 landing and steps, replace cedar fence with Vinyl fencing, replace stone walkway to rear stairs, and plant grass in all other areas

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.

Signature of Applicant

Date

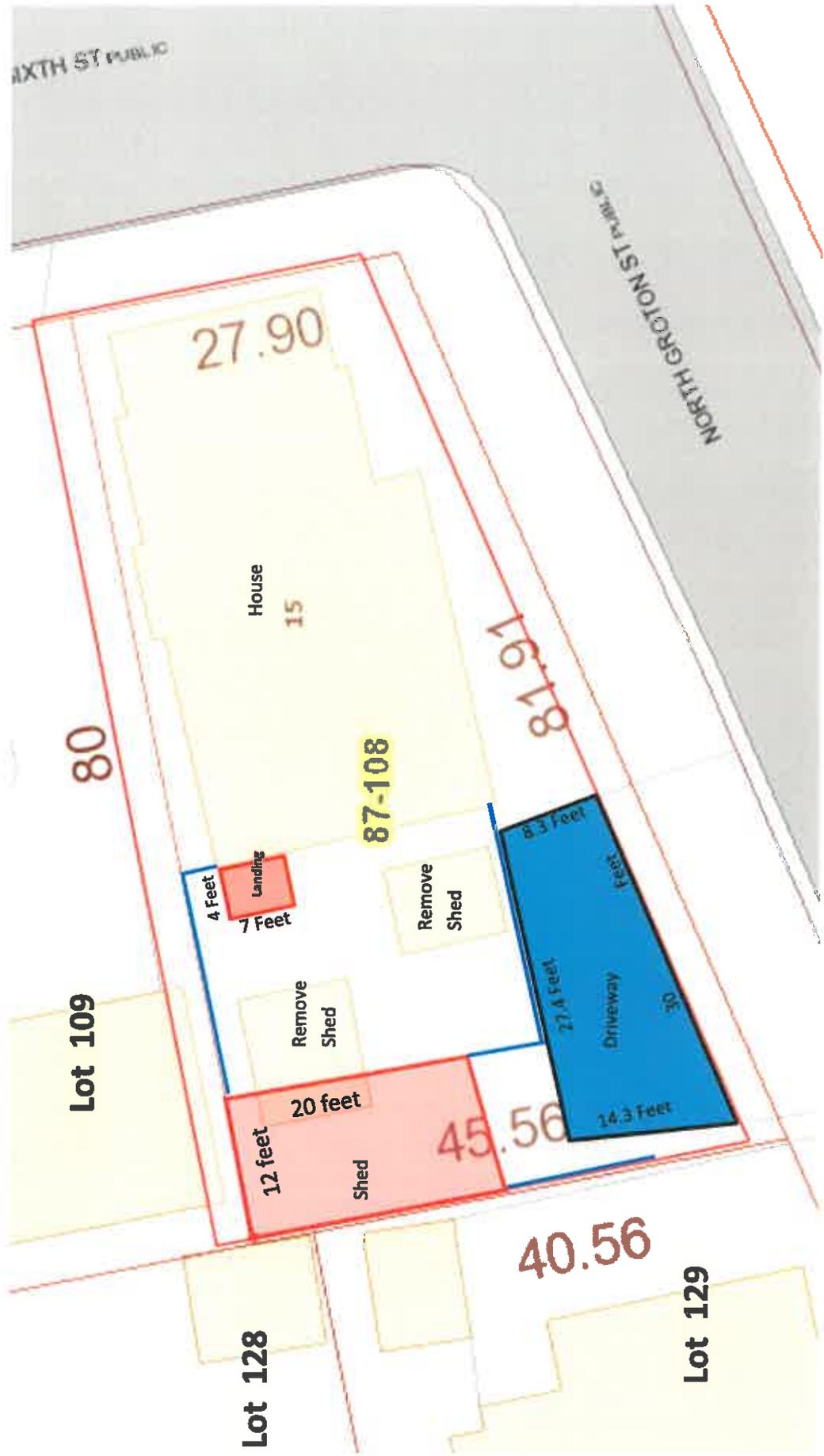
Print Name

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:

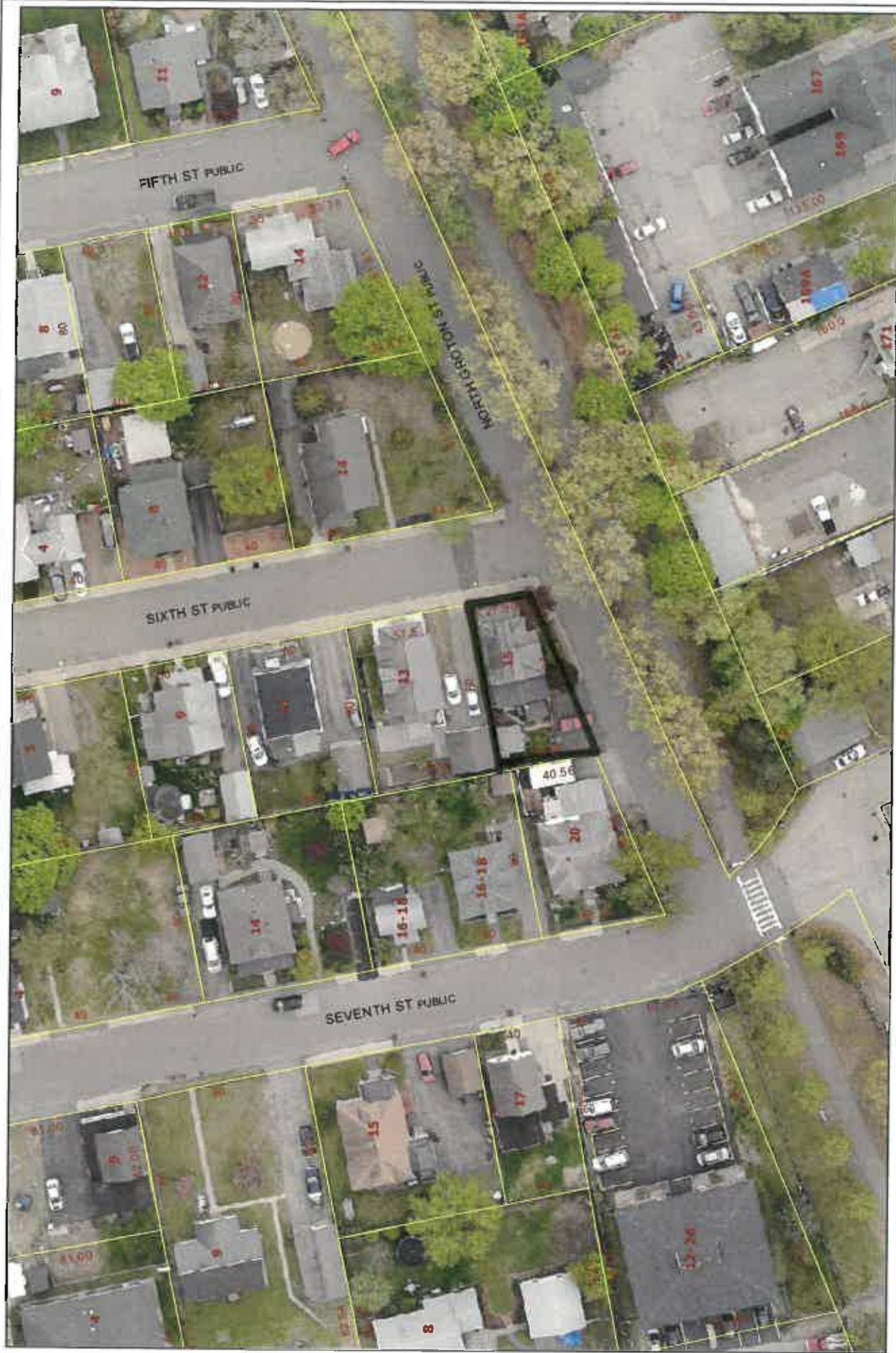
- I will pick it up at City Hall
- Please email it to me at
- Please mail it to me at

Lot 108



0.77" = 10 feet

Fence



Aerial 1



