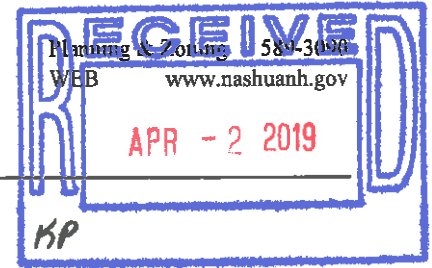




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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.

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST

Zoning District Sheet Lot ✓

b. VARIANCE(S) REQUESTED:

✓

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM ✓

2. GENERAL INFORMATION

a. **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:

b. **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 <input type="text" value="4/2/19"/>	Date of hearing <input type="text" value="5/14/19"/>	Application checked for completeness: <input type="text" value="CF"/>
PLR# <input type="text" value="2019-09068"/>	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 shed's rear setback was 3.75 feet away from our property line, instead of 6' setback per the listed code, but it was installed right behind the related neighbor's 84" high fence and trees on their property line. The shed having the same color as my house, is on the hill farthest away from all neighbors' properties, so it does not block the view of the open backyard seamlessly shared by all surrounding properties of 12, 10, 8, 6 and 4 in Chelsea Ct.

- 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.")

In addition to what is detailed in Answer 1, the shed in size 10x22 was built by a professional contractor - Reeds Ferry Sheds in September 2015. Per contractor's statement, they used the highest grade materials and the same building methods found in home construction. It carries a 30-year warranty. The shed is not connected with water, heat, electricity or gas lines. So we don't think it would have any potential impact on public health, or welfare or public safety.

- 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 did not know we needed to get a permit from Nashua city when the shed was built by a professional shed contractor, Reeds Ferry Sheds in Hudson, NH in September, 2015 for \$6064. As soon as we noticed from an Internet source that a permit might be needed even for a shed in Nashua, we immediately contacted with City's Planning Department on 3/8/2019 to look for ways to address the issue. Besides, the shed, installed right behind the neighbor's 84" high fence and trees on their proper line, has no impact on their view; we don't think it would affect their property value either.

- 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 shed having the same color as my house, is on the hill farthest away from all neighbors' properties, so it does not block the view of the open backyard seamlessly shared by all surrounding properties of 12, 10, 8, 6 and 4 in Chelsea Court; to best of my knowledge, it should not have any impact on their property values either. Besides, the shed, installed right behind the related neighbor's 84" high fence and trees on their property line, has no impact on their view; we don't thinks it will affect their property value either.

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 shed was installed by a professional contractor, Reeds Ferry Sheds. Our property has 0.448 acres of lot, but only the area, where the shed sits, is best suitable for the shed as most of the lot are either not flat or it would affect neighbors' view if a shed were installed in other location. By enforcing the ordinance for 6' rear setback, we would have to rebuild a shed and move the front of the shed closer to the slope of the hill, compromising the front driving distance needed for riding lawnmower to get into the shed. So, enforcing the ordinance would result no benefit for the neighbors, but certainly would cause unnecessary hardship for us.

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

N/A

- g. 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.

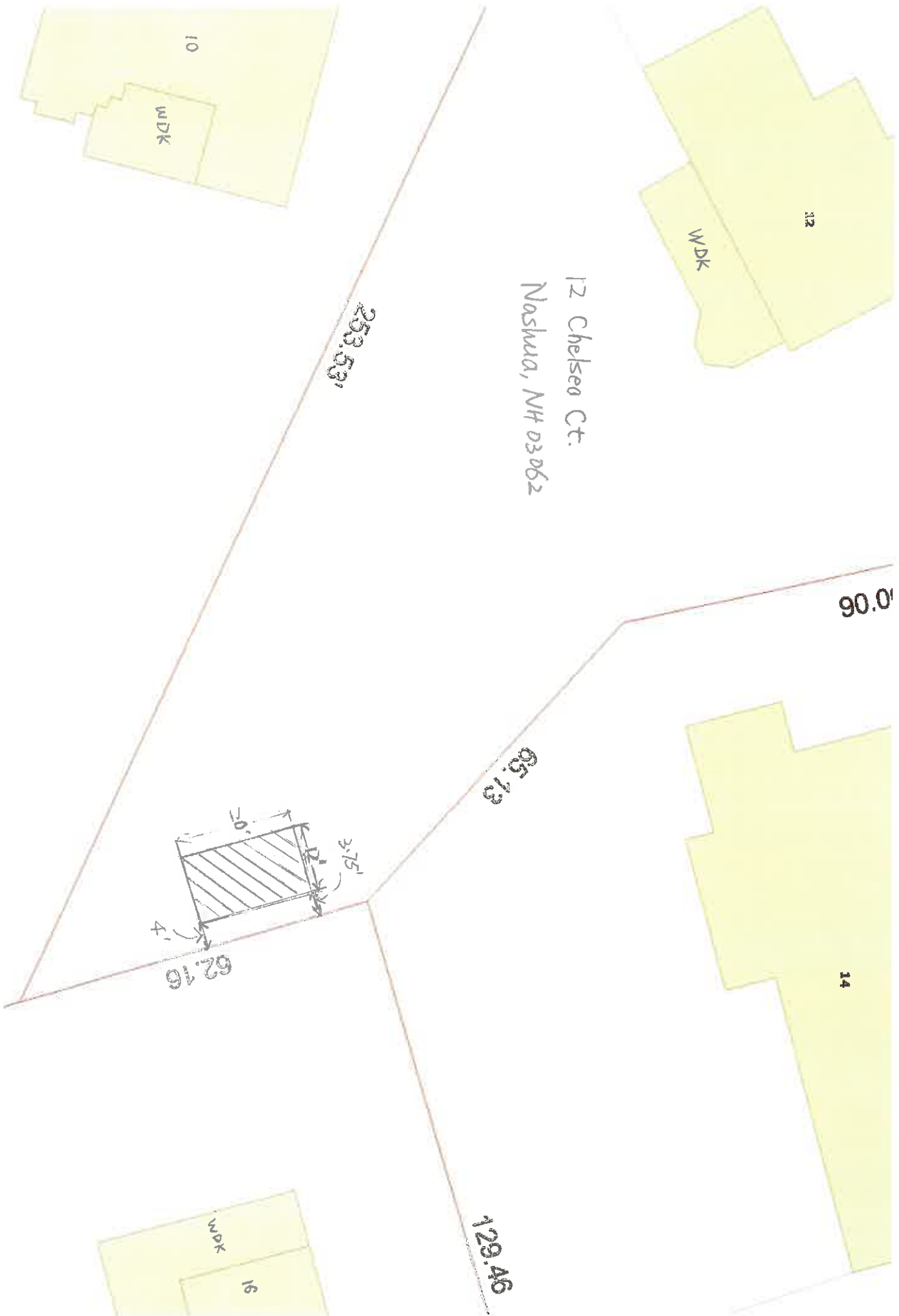
Libin Qiu
Signature of Applicant

4/1/2019
Date

Libin Qiu
Print Name

4/1/2019
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





SITE

12 Chelsea Court

