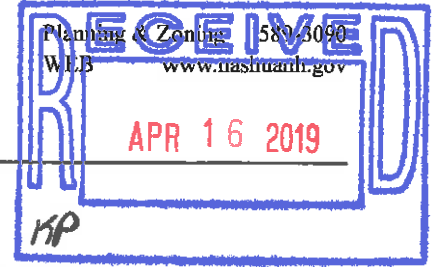




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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 24 COBURN AVENUE

Zoning District R-18 Sheet F Lot 71

b. VARIANCE(S) REQUESTED:

SEEK A VARIANCE TO ALLOW A SUBDIVISION OF TAX MAP PARCEL F-71 WITH LESS THAN THE REQUIRED MINIMUM LOT WIDTH OF 120 FEET AS SPECIFIED BY THE CITY OF NASHUA LAND USE CODE ARTICLE III, SECTION 190-16, TABLE 16-3(D).

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM Article III, Section 190-16, Table 16-3(D)

2. GENERAL INFORMATION

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

(Print Name): CARL FOLEY, FIELDSTONE LAND CONSULTANTS

Applicant's signature [Signature] Date 4/15/19

Applicant's address 206 Elm Street, Milford, NH 03055

Telephone number H: 672-5456 C: E-mail: CDFoley@FieldstoneLandConsultants.com

b. **PROPERTY OWNER (Print Name):** ANYA E. BENT REVOCABLE TRUST, ANYA E. BENT, TRUSTEE

*Owner's signature Date

Owner's address 446 CHESTER STREET, CHESTER, NH 03036

Telephone number H: C: 603-887-8396 E-mail: BENT44@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: <u>CP</u>
PLR# <u>2019-00071</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.")

*****(SEE ATTACHED)*****

- 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.")

*****(SEE ATTACHED)*****

- 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)*****

- 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)*****

VARIANCE APPLICATION

Address 24 COBURN AVE.

Page 3

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.

*** (SEE ATTACHED) ***

4. USE VARIANCE ADDITIONAL INFORMATION

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

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

[]

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

[]

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those point specifically mentioned are affected by action taken on this appeal.

[Signature]
Signature of Applicant

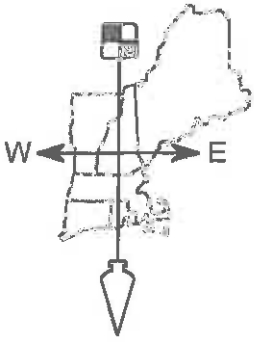
[4/14/2015]
Date

[Anya E. Best]
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 []



FIELDSTONE

Surveying ♦ Engineering
Land Planning ♦ Septic Designs

LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055 - Phone: 603-672-5456 - Fax: 603-413-5456
www.FieldstoneLandConsultants.com

VARIANCE CRITERIA

VARIANCE FROM LAND USE CODE ARTICLE III,
SECTION 190-16, TABLE 16-3(D)(I), DISTRICT R-18
Tax Map Parcel F-71
24 COBURN AVENUE, NASHUA

April 4, 2019

Prepared For:

Anya E. Bent Revocable Trust, Ayna E. Bent, Trustee

A Variance is requested from the Nashua Land Use Code Article III, Section 190-16, Table 16-3(D) and (I) - minimum lot width and minimum side setback within district R-18. The variance is to seek relief of the minimum lot width of 120 feet required; 100 feet proposed and minimum side setback 20 feet required; 6 feet proposed for an existing garage for a request to subdivide one lot into two lots.

Currently the subject parcel consists of approximately 39,458 square feet or 0.91 acres of land with 200 feet of frontage along Coburn Avenue. The existing house is located on the southerly sideline of the lot in close proximity to Coburn Avenue. The proposed new lots would meet the dimensional requirements of Table 16-3, with the exception of lot width and the existing house and garage location.

The numbered items below correlate to the questions asked in the application for a Variance.

1. Granting the variance would not be contrary to the public interest because:
Granting this variance would be similar to the allowed use in District R-9 which is the adjacent zoning and one parcel removed south easterly approximately 170 feet from our location. Additionally, the existing parcels surrounding the site contain single family homes which are similar and compatible in size to our proposal. For these reasons we believe this proposal will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. Therefore, granting this variance would not be contrary to the public interest.
2. If the Variance were granted, the spirit of the ordinance would be observed because:
Granting this variance would allow for a productive use of an existing larger lot (as compared to some surroundings parcels along Coburn Avenue, Hampton Drive, Belfast Street and Frost Drive. The zoning district for the property is R-18 which has a lot size requirement of 18,000 square feet and 100 feet of frontage for single family homes. The existing area of the parcel is 39,458 square feet with 200 feet of frontage. We believe this property does possess conditions that distinguish it from other properties in the area, in which, the location of the existing house allows for the new proposed lot to conform to the dimensional requirements of lot size, building setbacks and frontage. The project will also increase the City tax base, allow a reasonable use of the property and will have no measurable negative impacts to the

Anya E. Bent Revocable Trust

Variance Criteria - (Article III, Section 190-16, Table 16-3(D) NLUC

Tax Map Parcel F-71

Page 2 of 2

public. This proposal will not alter the essential character of the neighborhood or threaten the health, safety or general welfare of the public. For all of these reasons we believe that granting the variance would observe the spirit of the ordinance.

3. Granting the variance would do substantial justice because:

Granting this variance would allow the land owner reasonable use of the property especially since no lot area or lot frontage or variances are being requested for the proposed new lot, only a modest variance for lot width on each lot and side setback on the existing garage. The existing and proposed new lot will be consistent with other parcels in the area. This variance would do substantial justice because it would allow for the productive use of the property, while providing responsible growth in the community. We believe that a denial of this variance request would be an injustice to the applicant as there would be no apparent gain to the general public.

4. Granting the Variance would not diminish the value of surrounding properties because:

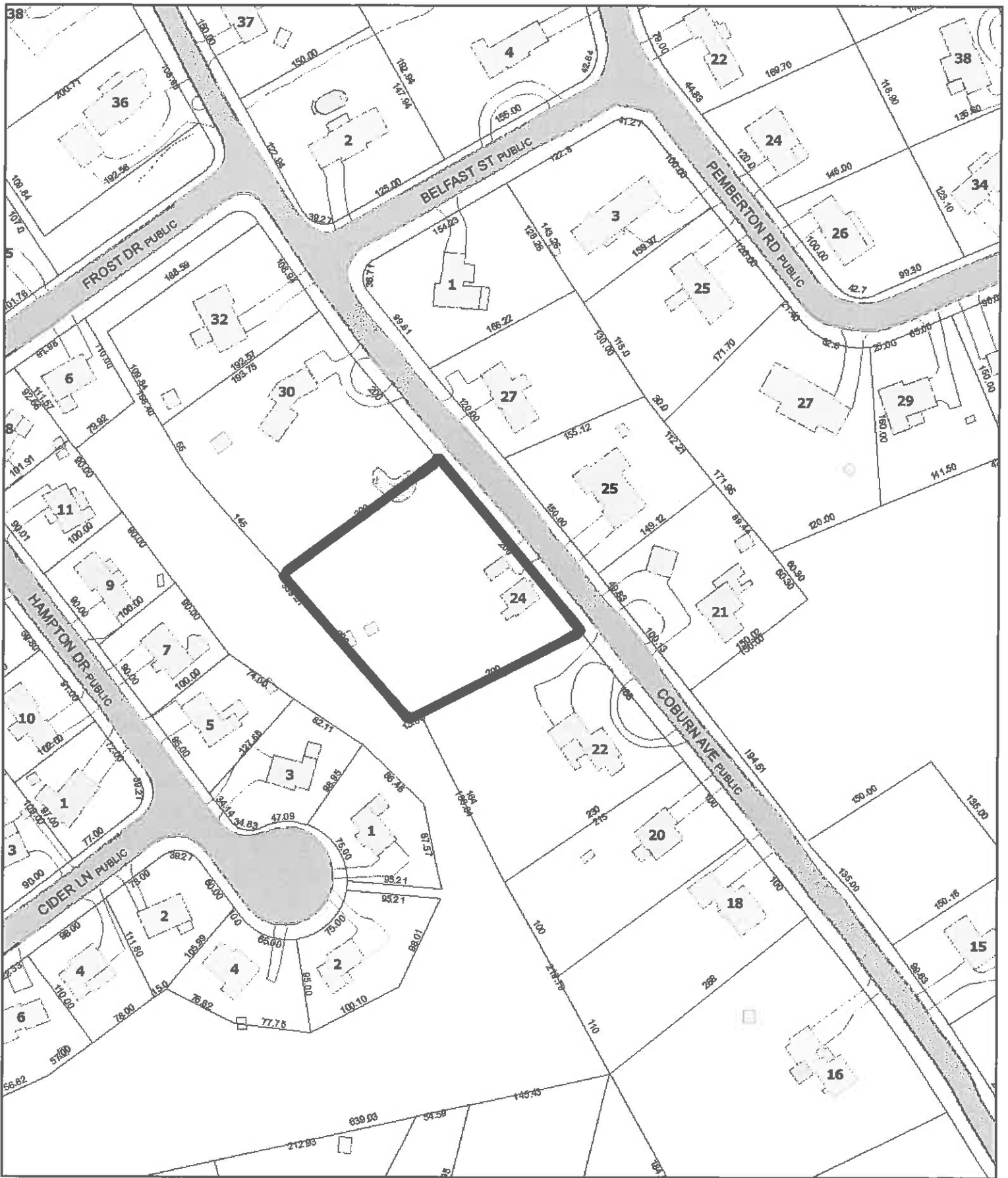
This proposal consists of a proposed single-family residential lot. The use is consistent with the zoning and will have no negative impacts on the surrounding properties. In fact, many of the adjacent properties just to the south and east along Coburn Avenue are located in District R-9, in which, the proposed new lot would meet the dimensional requirements and only a side setback variance would be necessary. Therefore, we do not believe that this proposal would have any negative impact on the surrounding properties. Our experience has been that new home construction, similar to what is proposed, will typically have a positive impact on surrounding properties.

5. Unnecessary Hardship

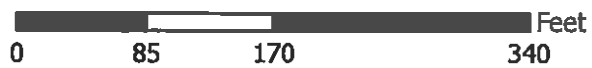
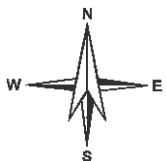
The Zoning Exhibit Plan attached identifies the unique features of the property. The existing structures and lot improvements are located along the southerly property line. The existing house encroaches into both the front and side setbacks. The lot size of 39,458 square feet is larger than a number of nearby lots and exceeds the 18,000 square feet required to subdivide. The two newly created lots will have or exceed 19,000 square feet of area and will meet frontage requirements. All infrastructure is in place and adequate. This proposal is consistent with the surroundings and will therefore not alter the essential character of the neighborhood. To require literal enforcement of the ordinance will not provide any gain to the public or the neighbors and would restrict the applicant's ability to develop the property in harmony with its surroundings resulting in unnecessary hardship.

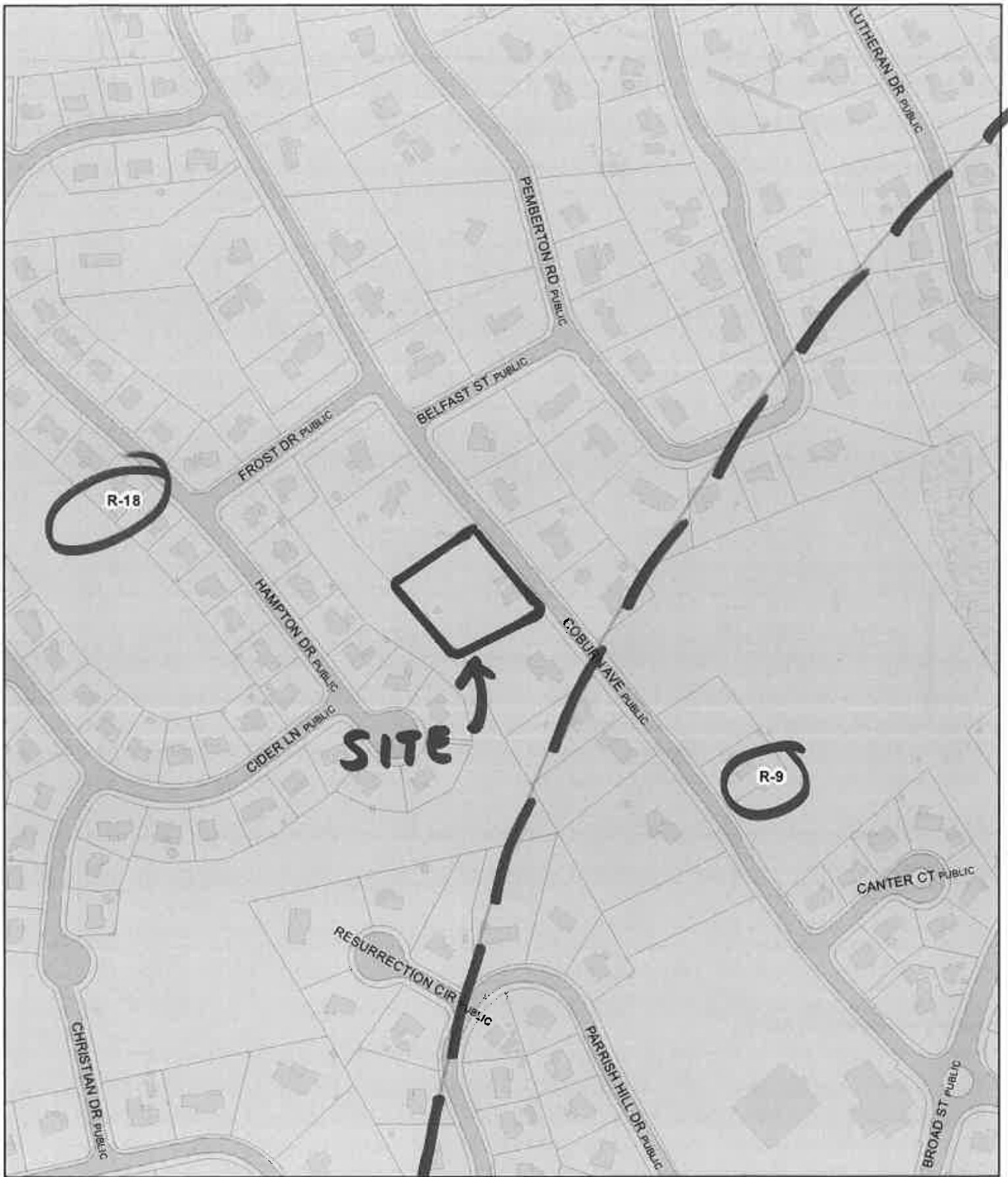
This information was prepared by:
Fieldstone Land Consultants, PLLC

Carl D. Foley
Senior Project Manager

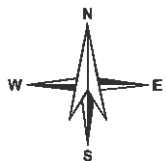


24 Coburn Avenue



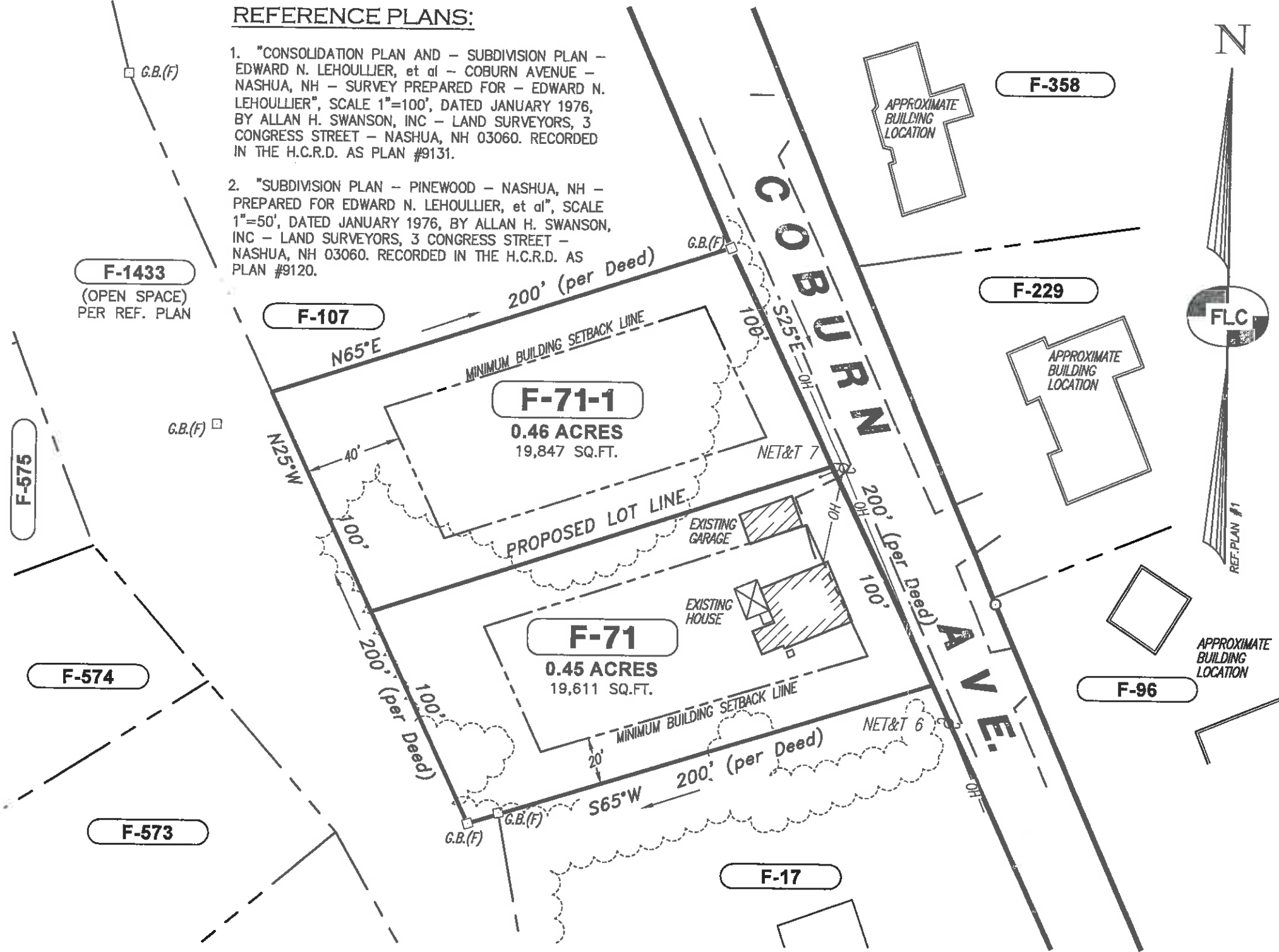


24 Coburn Ave



REFERENCE PLANS:

1. "CONSOLIDATION PLAN AND - SUBDIVISION PLAN - EDWARD N. LEHOULLIER, et al - COBURN AVENUE - NASHUA, NH - SURVEY PREPARED FOR - EDWARD N. LEHOULLIER", SCALE 1"=100', DATED JANUARY 1976, BY ALLAN H. SWANSON, INC - LAND SURVEYORS, 3 CONGRESS STREET - NASHUA, NH 03060. RECORDED IN THE H.C.R.D. AS PLAN #9131.
2. "SUBDIVISION PLAN - PINWOOD - NASHUA, NH - PREPARED FOR EDWARD N. LEHOULLIER, et al", SCALE 1"=50', DATED JANUARY 1976, BY ALLAN H. SWANSON, INC - LAND SURVEYORS, 3 CONGRESS STREET - NASHUA, NH 03060. RECORDED IN THE H.C.R.D. AS PLAN #9120.



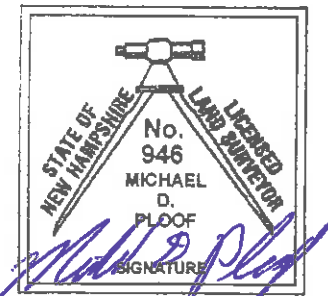
NOTES:

1. THE OWNER OF RECORD FOR TAX MAP PARCEL F-71 IS ANYA E. BENT, TRUSTEE OF THE ANYA E. BENT REVOCABLE TRUST - 446 CHESTER STREET, CHESTER, NH 03036. THE REFERENCE DEED FOR THE PARCEL IS BOOK 8866, PAGE 2553 DATED MARCH 15, 2016 IN THE H.C.R.D.
2. THE PURPOSE OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS FOR TAX MAP PARCEL F-71 AS SHOWN AND A PROPOSED TWO LOT SUBDIVISION FOR A ZONING BOARD OF ADJUSTMENT EXHIBIT.
3. ZONING FOR PARCEL F-71 IS R-18 (SUBURBAN RESIDENCE).

MINIMUM ZONING REQUIREMENTS ARE:
LOT SIZE=18,000 S.F.
ROAD FRONTAGE=100 FT.
BUILDING SETBACKS=20 FT. FRONT AND SIDE 40 FT. REAR
MINIMUM LOT DIMENSIONS=100 FT. DEEP AND 120 FT. WIDE
4. THE EXISTING IMPROVEMENTS, MONUMENTS AND LINES OF OCCUPATION SHOWN ARE THE RESULT OF AN ON-SITE FIELD SURVEY PERFORMED BY THIS OFFICE ON FEBRUARY 20, 2019.
5. APPROXIMATE PERIMETER INFORMATION SHOWN WAS COMPILED ENTIRELY FROM THE REFERENCE DEED AND IS NOT THE RESULT OF A PRECISE BOUNDARY SURVEY BY THIS OFFICE.
6. THIS OFFICE MAKES NO GUARANTEE OF THE TITLE TO THE APPROXIMATE LOT LINES SHOWN HEREON.

CERTIFICATION:

"I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE ON FEBRUARY 20, 2019."



ZONING BOARD OF ADJUSTMENTS EXHIBIT

TAX MAP F LOT 71 (24 COBURN AVE.)

NASHUA, NH 03036

PREPARED FOR & LAND OF:

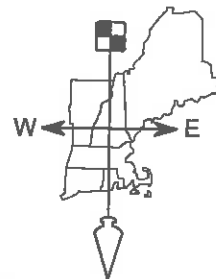
**ANYA E. BENT
REVOCABLE TRUST**

446 CHESTER STREET, CHESTER, NH 03036

SCALE: 1" = 50'

APRIL 2, 2019

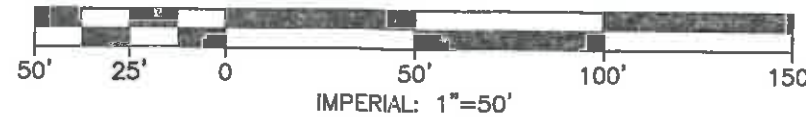
Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

GRAPHIC SCALE



REV.	DATE	DESCRIPTION	C/O	DR	CK

FILE: 2080ZE01A.dwg

PROJ. NO. 2080.00

SHEET NO. 1 OF 1