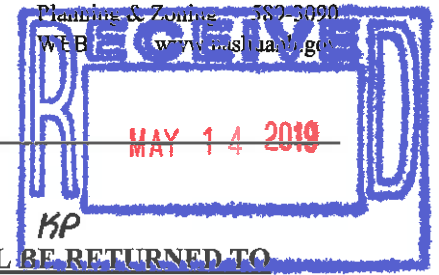




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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 9 Reservoir Street Nashua
 Zoning District R-A Sheet 65 Lot 64

b. VARIANCE(S) REQUESTED:

REDUCE SIDE YARD SETBACK FROM 10'-0" TO 8'-0"

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-16 DIMENSIONAL RES.

2. GENERAL INFORMATION

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

(Print Name): ~~THEO~~ MICHAEL PETROLUK, AIA
 Applicant's signature [Signature] Date 5/14/2019
 Applicant's address 51 RAILROAD ST SUITE 130 KEENE, NH 03451
 Telephone number H: 603 352 2255 C: _____ E-mail: mpetrouk@parchitects.com

b. PROPERTY OWNER (Print Name): THEO PRIVEAS & MUKTI PATEL - PRIVEAS

*Owner's signature [Signature] Date 5/13/19
 Owner's address 30 FRONT ST APT 103 NASHUA, NH 03061
 Telephone number H: _____ C: 603 961 7780 E-mail: patelmukti@hotmail.com

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

OFFICE USE ONLY	Date Received <u>5/14/19</u>	Date of hearing <u>6/11/19</u>	Application checked for completeness: <u>LF</u>
PLR# <u>2019-00093</u>	Board Action _____		
\$ <u>330</u> application fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input checked="" 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 proposed deck does not visually decrease the side yard openness which the ordinance seeks to accomplish. The requested reduction to 8'0" setback is greater than the minor encroachment of 4'0" as per Table 16-2 of 190-6 C3(a).

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 deck and the requested variance to reduce the side yard setback from 10'0" to 8'0" is a minor encroachment and as a deck does not overburden the lot or encroach on the adjacent lot or their privacy.

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 request to encroach into the setback by 2'0" is within the limits of the minor encroachment criteria. Also there are structures on the property line on the adjacent lots and on other lots in the area.

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 side yard variance request to reduce the side yard setback from 10'0" to 8'0" will be well within keeping with other properties in the neighborhood, which has several lots with structures at the property line and will not diminish the values of neighboring properties.

VARIANCE APPLICATION

Address

9 Reservoir ST

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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.

In order to create an outdoor space, this property requires the use of a deck as the property slopes away from the structure and the height from grade to the first floor is greater than 3'0", the corner lot also provides two side yards with the existing structure relatively close to both existing side yard setbacks.

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
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 6

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: The property is being re-landscaped with paved driveways, lawn and landscaped areas as part of the overall renovation.

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: 5/13/2014

Print Name: MICHAEL S. PETROVICK

Date: 5/13/2014

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 mpetrovick@a-architects.com
Please mail it to me at

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Mr. Boucher said that this is exactly what the Board was looking at for a revision of the sign. He said it is clear that the view going around the intersection will be improved.

Mrs. MacKay agreed, and as you drive down Spit Brook Road, you can look on Daniel Webster Highway and have an unobstructed view.


Mr. Currier agreed as well.

MOTION by Mr. Boucher to approve the variance application on behalf of the applicant. He said that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the Board spoke about the conditions of the previous meeting, that this intersection has changed dramatically, and the road has come in towards the building, and there is no other feasible way to put a ground sign there without encroaching into the setback. He said that there is no other method reasonably feasible for the applicant to pursue, other than an area variance.

Mr. Boucher said that the proposed use would be within the spirit and intent of the ordinance, it will not negatively impact adjoining property values, it is not contrary to the public interest, and substantial justice is served.

SECONDED by Mr. Currier.

MOTION CARRIED UNANIMOUSLY 3-0.



2. Paul B. & Marie T. Lamere (Owners) 9 Reservoir Street (Sheet 65 Lot 64) requesting special exception for an accessory (in-law) dwelling unit. RA Zone, Ward 3.

Voting on this case:

Jack Currier
JP Boucher
Mariellen MacKay

Paul Lamere, 9 Reservoir Street, Nashua, NH. Mr. Lamere said that the house has had the in-law apartment for quite some time, but apparently, it has never been permitted, and the house will be going on the market soon, and would like to have it properly permitted, with all of the City standards for an in-law apartment.

Mr. Currier asked if the entrance to the unit is on Stark Street.

Mr. Lamere agreed, he said it's always been there.

Mr. Currier asked if anything is changing on the house.

Mr. Lamere said no changes, it's all inside.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Mr. Boucher said that the owner should go over the accessory dwelling unit special conditions.

Mr. Currier read the new accessory dwelling unit conditions, and Mr. Lamere agreed with them all, and they'll all be satisfied.

Mrs. MacKay said that all the conditions are met, and all they're doing is legitimizing the unit that's always been there.

MOTION by Mr. Boucher to approve the special exception on behalf of the owner as advertised. Mr. Boucher said that the use is listed in the Table of Uses, Section 190-32.

Mr. Boucher said that the use will not create undue traffic congestion, or unduly impair pedestrian safety. He said it will not overload public water, drainage or sewer or other municipal systems. He said that all of the special regulations will be

met per testimony, and that the use will not impair the integrity or be out of character with the neighborhood, or be detrimental to the health, morals, or welfare of the residents.

SECONDED by Mrs. MacKay.

MOTION CARRIED UNANIMOUSLY 3-0.

~~3. Patricia Kudzma (Owner) 92 Robinson Road (Sheet B Lot 1009) requesting variance to encroach 6 feet into the 25 foot required front yard setback to replace existing front steps and construct a 6'x21' farmers porch. RA Zone, Ward 6.~~

Voting on this case:

Jack Currier
JP Boucher
Mariellen MacKay

~~Patricia Kudzma, 92 Robinson Road, Nashua, NH. Mrs. Kudzma said that there is a set of front stairs that is out of Code, it's 10 3/4 inches, and the step going into the house is terrible, and it's difficult going into the house, so they need to be replaced. She said that as long as she was replacing the stairs, she thought it would be nice to make a little farmers porch to enjoy the front of the house. She said she's spoken to all the neighbors, and they're fine with it.~~

~~Mr. Currier said it's a very nice property, nice yard. He said it looks as if the house to the left and the right are a little bit closer to the road, and that the proposed deck, while it's a little bit in the front yard setback, it doesn't appear as if it would be out of character.~~

~~Mrs. Kudzma agreed.~~

SPEAKING IN FAVOR:

~~No one.~~

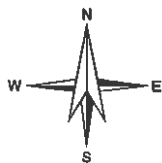
SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

~~**MOTION** by Mr. Currier to approve the variance application on behalf of the owner as advertised. He said that the variance is needed to enable the applicant's proposed use of the property,~~



SITE

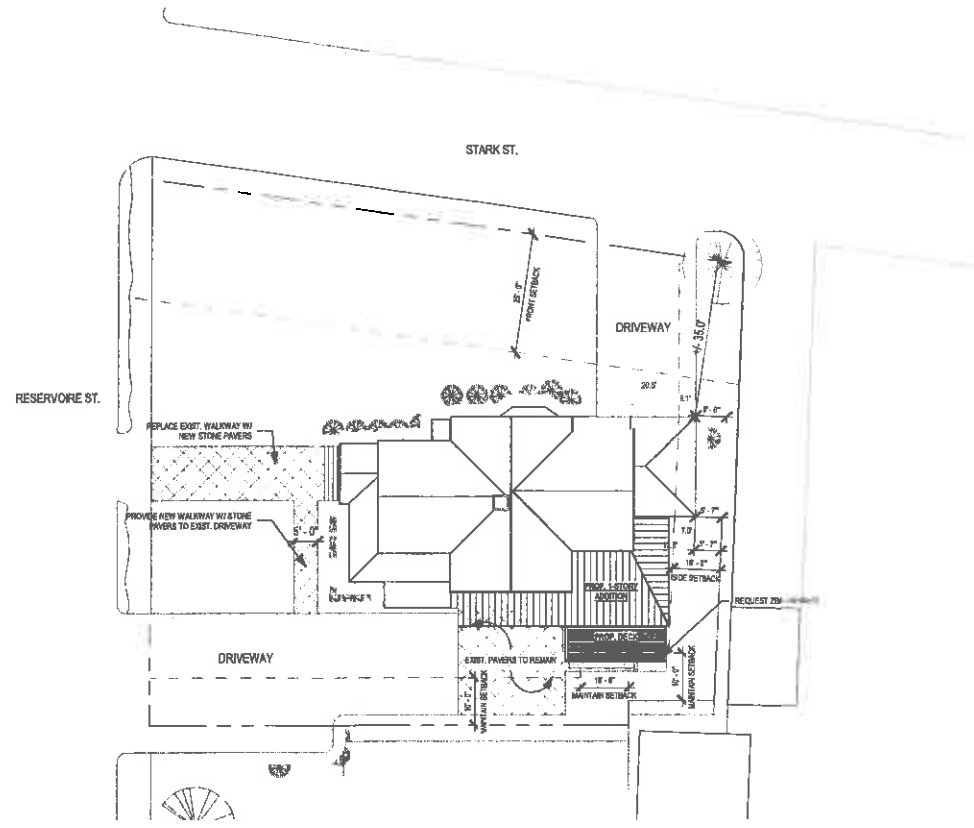
9 Reservoir Street



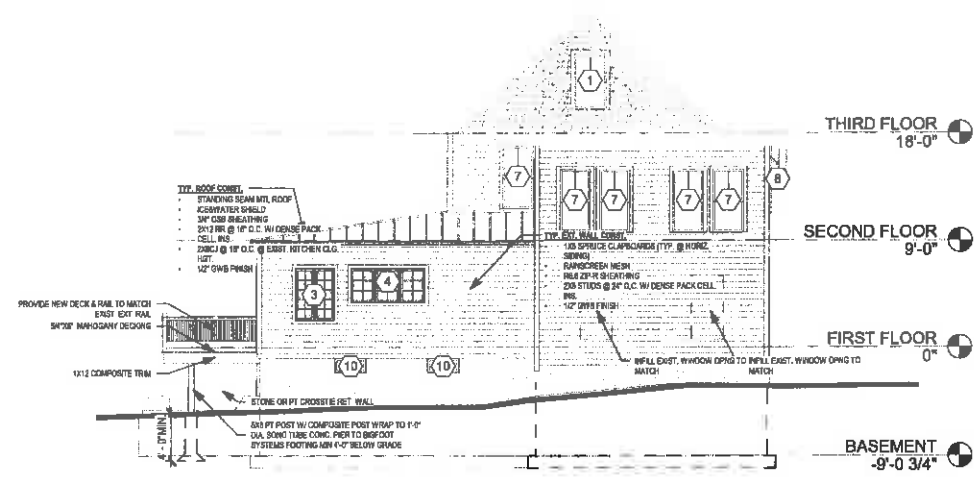


ISSUED	DATE: 5/9/2019
SCHEMATIC DESIGN	DATE: 12/2017
DESIGN DEVELOPMENT	DATE: 4/2018
CD'S 100%	DATE: 10/18/2018
BID SET	DATE: 10/18/2018
PERMIT SET	DATE: 10/18/2018
CONSTRUCTION SET	DATE:

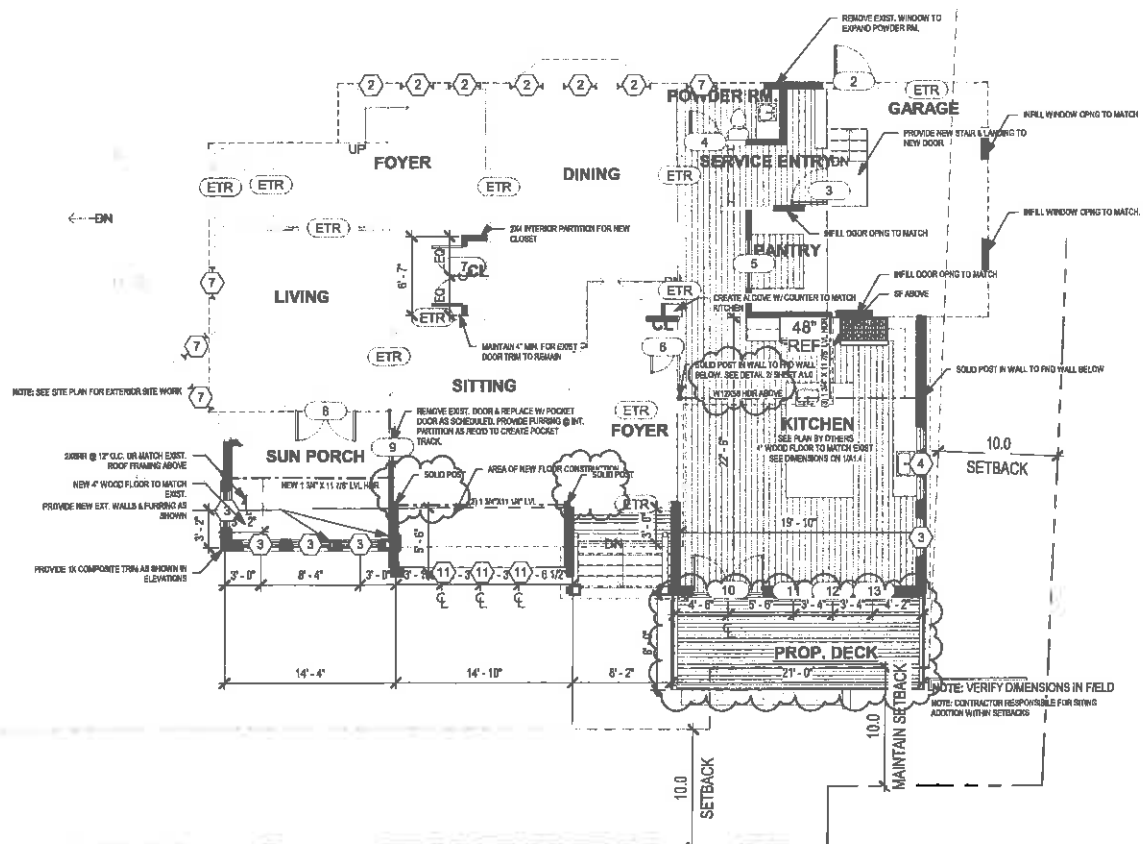
Consultants:



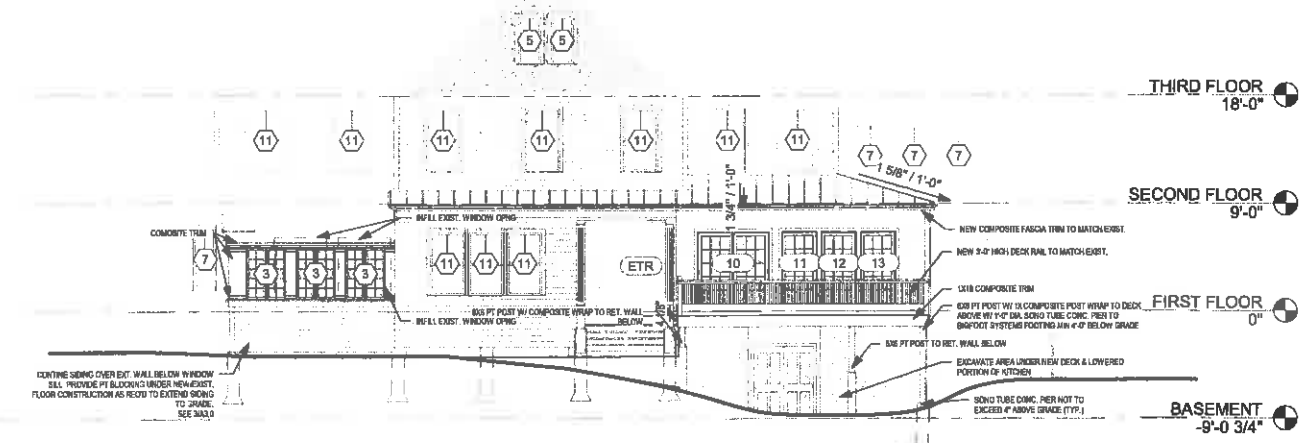
1 SITE PLAN
1" = 20'-0"



3 EAST ELEVATION
1/8" = 1'-0"



2 FIRST FLOOR PLAN
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"

No.	Description	4/19
1	STEEL BEAM AND DECK	

Project Title:

Prineas Residence

9 Reservoir St.
Nashua, NH 03064

Sheet Title:

EXISTING DECK SIDE YARD
SETBACK ZBA VARIANCE