



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

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.

1. SPECIAL EXCEPTION INFORMATION

a. ADDRESS OF REQUEST 7 TOLLES ST.
 Zoning District LB Sheet 42 Lot 194

b. SPECIAL EXCEPTION(S) REQUESTED:
DECK (5' x 14') BUILT WITH-IN THE SIDE SET BACK
S/E to expand a non-conforming use (190-119)

c. LAND USE CODE SECTION(S) REQUESTING SPECIAL EXCEPTION(S) FROM: 190-119

2. GENERAL INFORMATION

a. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
 (Print Name): LARRY KITTLE - TOLLES STREET PROPERTIES, LLC
 Applicant's signature [Signature] Date _____
 Applicant's address 2 POLLARD RD MERRIMACK, NH 03054
 Telephone number H: 429-1525 C: 305-3873 E-mail: lkittle@kw.com

b. **PROPERTY OWNER (Print Name):**
 *Owner's signature [Signature] Date _____
 Owner's address SAME AS ABOVE
 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# _____	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. Please see "Procedures for Filing a Special Exception" for further information.

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

NEED CITY APPROVAL FOR A DECK BUILT WITH-IN THE SIDE SET-BACKS

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

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

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

NONE !

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

THIS PROPOSAL DEFINETELY WILL NOT IMPAIR THE INTEGRITY OR THE CHARACTER OF THE NEIGHBORHOOD

4. 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.

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 0

e. Number of parking spaces available 6

f. Describe your general business operations:

ITS A 2-FAMILY RENTAL PROPERTY

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

SMALL SIDEWALL WILL BE ADDED COMING FROM THE DECK TO ACCESS BOTH THE FRONT AND BACK OF HOUSE - NO OTHER CHANGES ARE NEEDED.

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.

2 - KKW

Signature of Applicant

Date

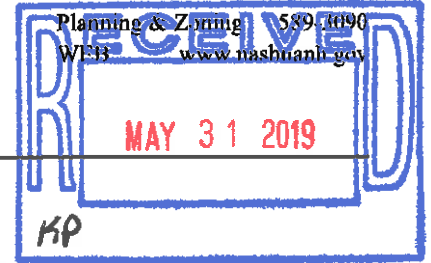
LARRY KITTLE

Print Name

Date



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 7 TOLLES ST.
 Zoning District LB Sheet 42 Lot 194
- b. VARIANCE(S) REQUESTED:
DECK (5' x 14') BUILT WITH-IN THE SIDE SET-BACK
(after the fact)
- c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-16, Table 16-3

2. GENERAL INFORMATION

- a. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
 (Print Name): LARRY KITTLE - TOLLES STREET PROPERTIES, LLC
 Applicant's signature [Signature] Date 5-28-2019
 Applicant's address 2 POLLARD RD - MERRIMACK, NH 03054
 Telephone number H: 603/424-1525 C: 603/305-3873 E-mail: lkittle@kw.com
- b. **PROPERTY OWNER (Print Name):** LARRY KITTLE
 *Owner's signature [Signature] Date 5-28-2019
 Owner's address SAME AS ABOVE
 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>5/31/19</u>	Date of hearing <u>6/25/19</u>	Application checked for completeness: <u>[initials]</u>
PLR# <u>2019-00104</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.")

GRANTING THIS VARIANCE ACTUALLY ADDS TO THE CHARACTER OF THE NEIGHBORHOOD, HAS NO IMPACT ON PUBLIC HEALTH AND IT GREATLY INCREASES THE SAFETY AND WELFARE OF THE OCCUPANTS AND EVEN THE NEIGHBORING OCCUPANTS BECAUSE OF EXISTING 5 FOOT STONE WALL

- 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 DOES OBSERVE THE SPIRIT OF THE ORDINANCE THE PROPOSED USE DOES NOT CONFLICT WITH THE PURPOSE OF THE ORDINANCE OR ALTER THE CHARACTER OF THE NEIGHBORHOOD. THIS NEIGHBORHOOD CONSISTS OF HOUSES THAT TAKE UP MOST ALL OF THE LOT LEAVING VERY LITTLE ROOM FOR

- 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.)

GRANTING THIS VARIANCE WILL BENEFIT THE PROPERTY OWNER AND MORE IMPORTANTLY THE PROPERTY TENANTS HAVING SAFE EGRESS IN AND OUT OF PROPERTY - OTHERWISE THERE IS OVER A 5' DROP TO THE PARKING AREA OF THE NEIGHBORING PROPERTY. ALSO THIS DECK PROVIDES SAFE EGRESS FOR BOTH TENANTS OF THE 2 FAMILY DWELLING. THERE IS ONLY 7' AND 4' OF LAND ON EACH SIDE AND 5' ON THE BACK MAKING IT IMPOSSIBLE TO STAY WITH-IN THE SETBACKS.

- 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.)

THIS PROPOSED USE WILL DEFINITELY NOT DIMINISH SURROUNDING PROPERTIES VALUE - IF ANYTHING IT MAKES THE AREA NICER - THE MOST IMPACTED PROPERTY IS 46-50 CANAL ST. WHICH IS OWNED BY CO-OWNER OF SUBJECT PROPERTY 7 TOLLES ST.

VARIANCE APPLICATION

Address T TOLLES 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.

BECAUSE THE HOUSE TAKES UP SO MUCH OF THE LOT - IT IS IMPOSSIBLE TO STAY WITH-IN THE SET-BACK REQUIREMENT THERE IS ONLY 4' AND 7' OF LAND ON EACH SIDE OF THE BUILDING AND 5' IN BACK GIVING NO ROOM FOR ADEQUATE EGRESS FOR EITHER UNIT OF A 2 FAMILY DWELLING.

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: 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.

[Signature]
Signature of Applicant

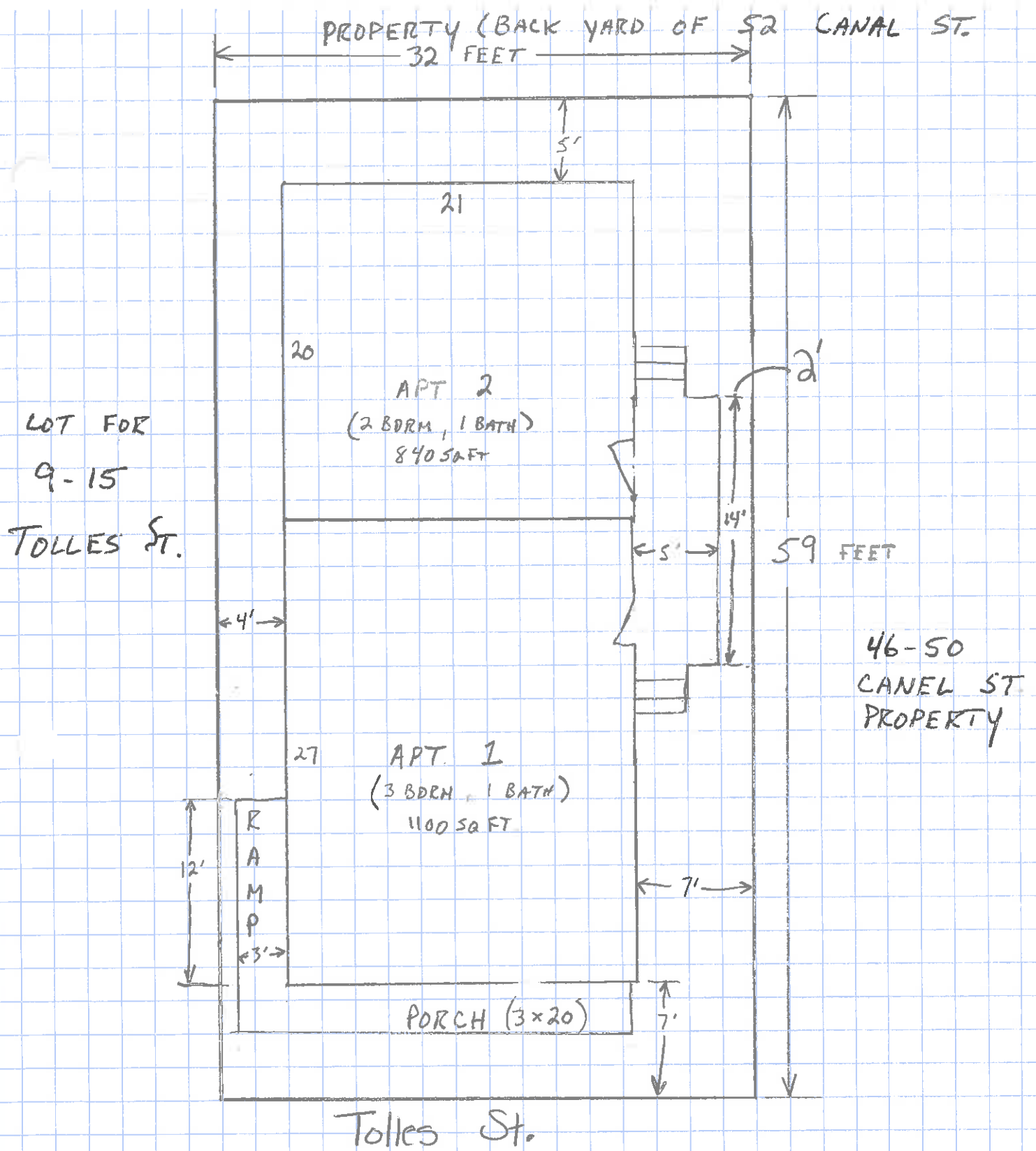
5-28-2019
Date

LARRY KITTLE
Print Name

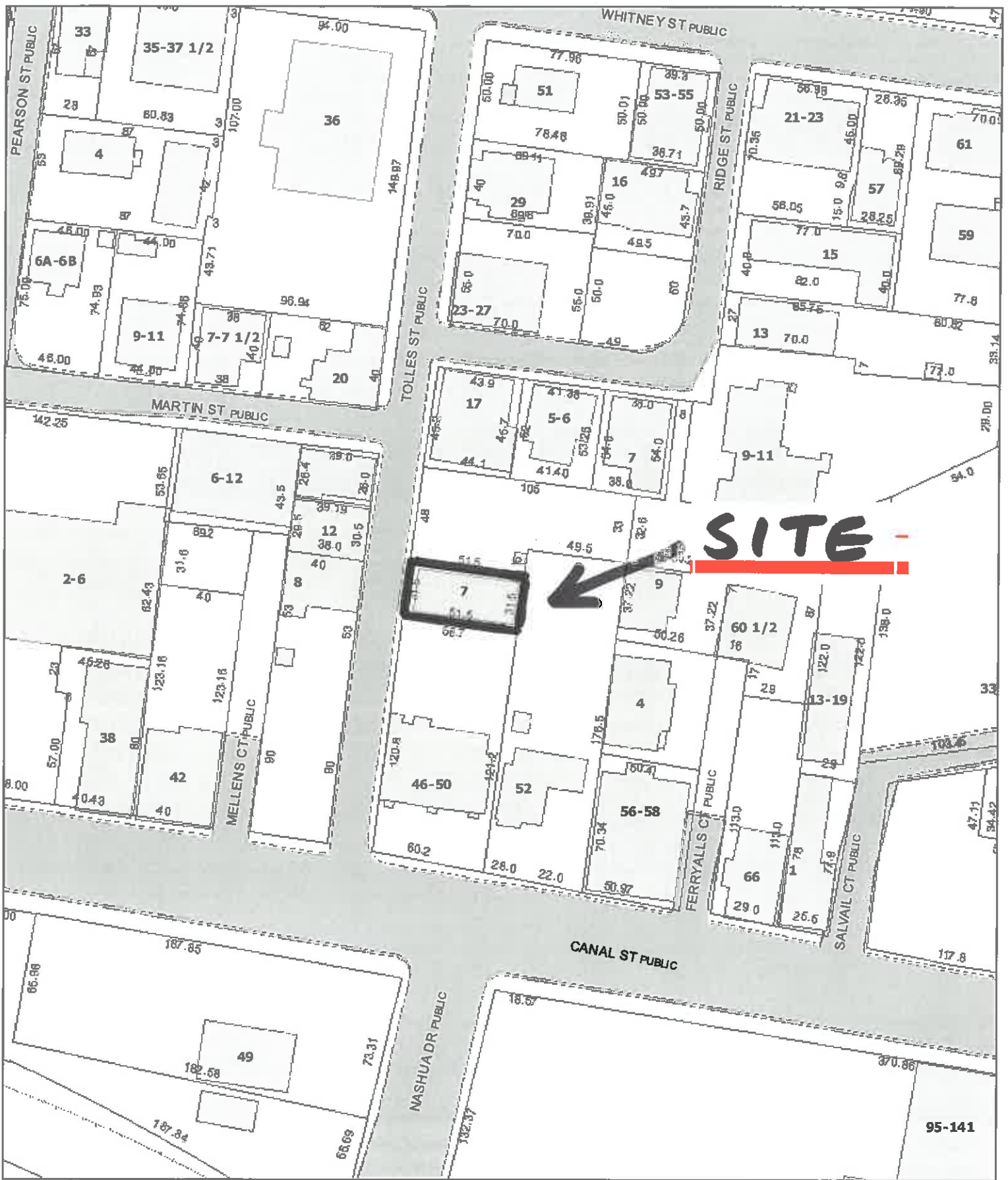
5-28-2019
Date

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 2 POLLARD RD. MERRIMACK, NH 03054



BUILDING IS 21' x 47' FRONT APT. IS 21' x 27'
BACK APT. IS 21' x 20'



SITE



7 Tolles St

