



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 43 WOOD ST
 Zoning District RA Sheet 47 Lot 300

b. VARIANCE(S) REQUESTED:
REQUESTING PERMISSION TO ENCROACH ON SIDE
SETBACK BY UP TO 2' FOR REAR ADDITION

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): KEVIN BURGESS & SARAH COLE
 Applicant's signature [Signature] Date 6/10/19
 Applicant's address 43 WOOD ST. NASHUA, NH
 Telephone number H: _____ C: 6034918596 E-mail: cdosaranmarice@gmail.com

b. **PROPERTY OWNER (Print Name):** [Signature]

*Owner's signature KEVIN BURGESS & SARAH COLE Date 6/10/19
 Owner's address 43 WOOD ST. NASHUA, NH
 Telephone number H: _____ C: 6039306005 E-mail: KBURGESS76@YAHOO.COM

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

OFFICE USE ONLY	Date Received <u>6/11/19</u>	Date of hearing <u>7/9/19</u>	Application checked for completeness: <u>CP</u>
PLR# <u>2019-00107</u>	Board Action _____		
\$ <u>330</u> application fee <input checked="" type="checkbox"/>	Date Paid <u>6/11/19</u>	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.")

WE RESPECTFULLY ASK THAT WE GET PERMISSION TO ENCROACH ON THE SIDE SETBACK (10') TO EXTEND OUR GARAGE IN THE REAR. THE ORIGINAL PLOT PLAN FROM 1956 SHOWS THE GARAGE AT A PERFECT 10' PARALLEL LINE, BUT THE ONLINE GIS MAP SHOWS IT AT 10.5' AND 9.5', WHICH ACCORDING TO THE GIS, WOULD RESULT IN THE BACK OF THE ADDITION BEING APPROX. 8.5' AT THE BACK CORNER.

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.")

IT WOULD OBSERVE THE SPIRIT OF THE ORDINANCE BECAUSE IF GIVEN PERMISSION TO ENCROACH THE SETBACK, THE SIDE OF THE GARAGE, WHICH IS CURRENTLY A CONSISTANT 9'4" FROM OUR FENCE, WOULD MAINTAIN THE SAME DISTANCE ALONG THE ENTIRE SIDE OF THE ADDITION, NEVER ENCROACHING MORE THAN 9'4" FROM THE FENCE

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 WOULD LIKE THE ADDED STORAGE OF THE GARAGE ADDITION AND HAVING THE EXTRA BEDROOM SPACE ABOVE IS NEEDED WITH THE KIDS GETTING OLDER. KNOWING THAT THE GIS MAPS ARE DETERMINED FROM ABOVE WITH ARIEL PHOTOS, THERE MAY BE A SLIGHT ANGLE THAT IS RESULTING IN THE SMALL DESCREPNACY WITH THE SETBACK, AND A VARIANCE APPROVAL WOULD SAVE THE COST OF SURVEYING AND WOULD BE GREATLY APPRECIATED FOR SUCH A SMALL ENCROACHMENT OF THE SETBACK,

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 ADDITION AND RENOVATION OF THE HOUSE WILL ADD VALUE, THUS INCREASING THE VALUES OF OUR IMMEDIATE NEIGHBORS. THE CLOSEST ABBUTTING NEIGHBOR IS AWARE OF OUR PLANS AND THAT WE WILL IN FACT NOT BE ANY CLOSER TO THE EXISTING FENCE THAN WE ARE ALREADY.

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 ESTABLISHED PROPERTY LINES AND FENCE LINE DATING BACK TO 1956 DOES NOT REFLECT THE ONLINE GIS MAPS, WHICH HAS A DISCLAIMER THAT IT MAY NOT BE 100% ACCURATE. WHICH ONE IS CORRECT, WE DO NOT KNOW, BUT THE MAX ESTIMATED ENCROACHMENT WOULD BE 1 1/2 - 2'. IT WOULD NOT CHANGE ANYONES YARD OR USE OF THIER PROPERTY, AND WE RESPECTFULLY ASK FOR APPROVAL

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 NA Number of employees per shift NA
- b. Hours and days of operation NA
- 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 NA
- e. Number of parking spaces available NA
- f. Describe your general business operations:
NA

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

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

6/10/19
Date

Kevin Burgess Sarah-Marie Cole
Print Name

6/10/19
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 _____

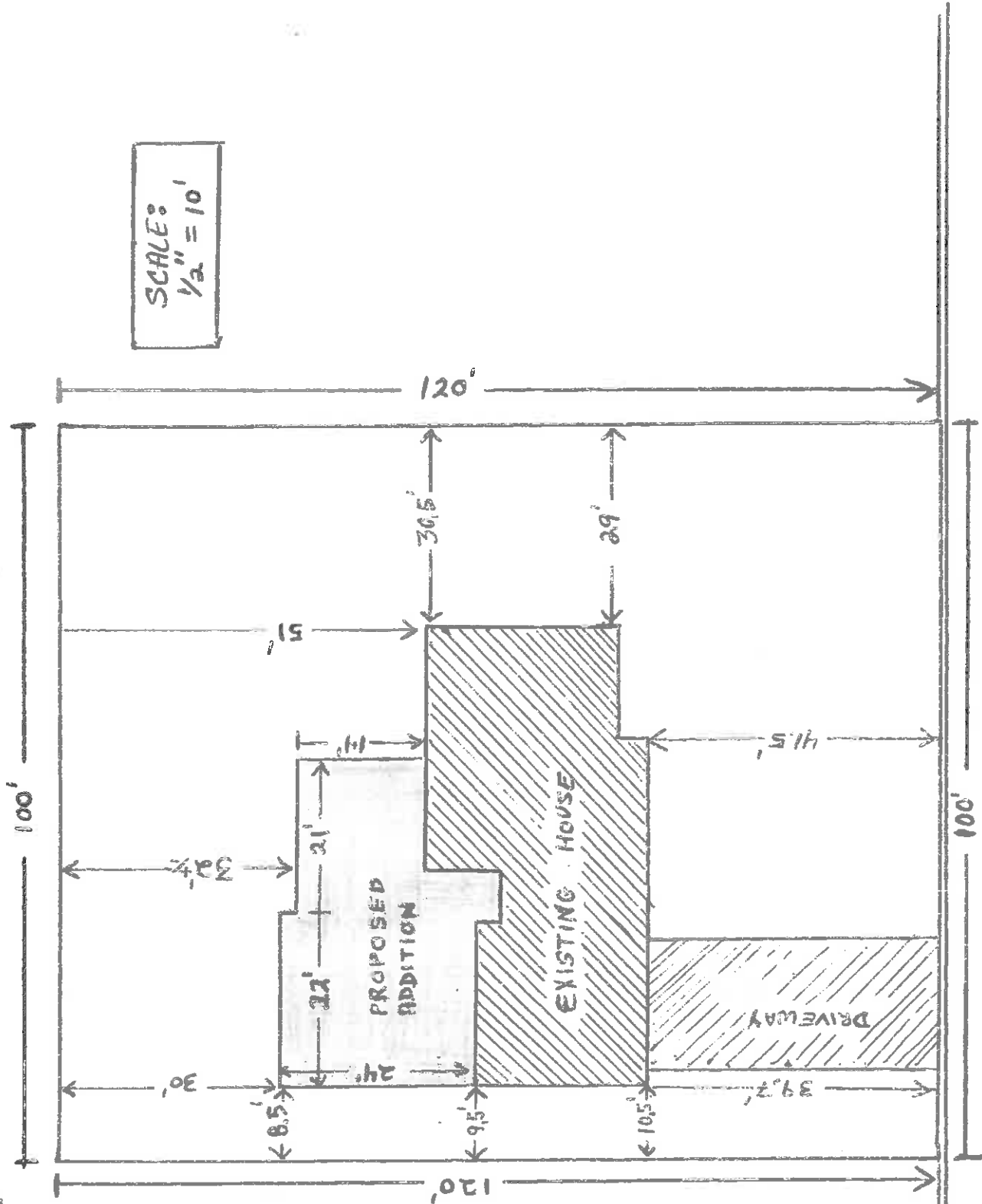
43 WOOD ST
NASHUA, NH

HOMEOWNERS: KEVIN BURGESS & SARAH COLE

6/10/19

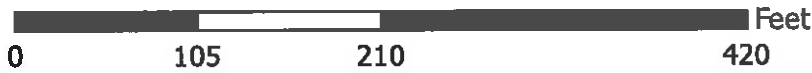
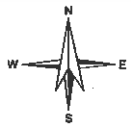
CHESTNUT HILL
RENOVATIONS

LIAM LEARY
781-454-6440





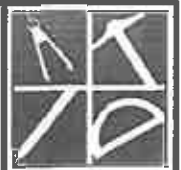
43 Wood Street



EXISTING



EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"



Alternative Designs Inc.
www.altdesigns.us
Residential / Commercial Design
94 Old Granite Street
Manchester, NH 03101
phone: (603) 645-4388
fax: (603) 645-6010

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STEVEN FREEMAN
AS-BUILTS 43 WOOD STREET NASHUA, NH

Contractor to check & verify all dimensions & structural members before construction. All construction shall be in strict compliance with the State of New Hampshire or Massachusetts Building Codes, whichever applicable.

REVISIONS	

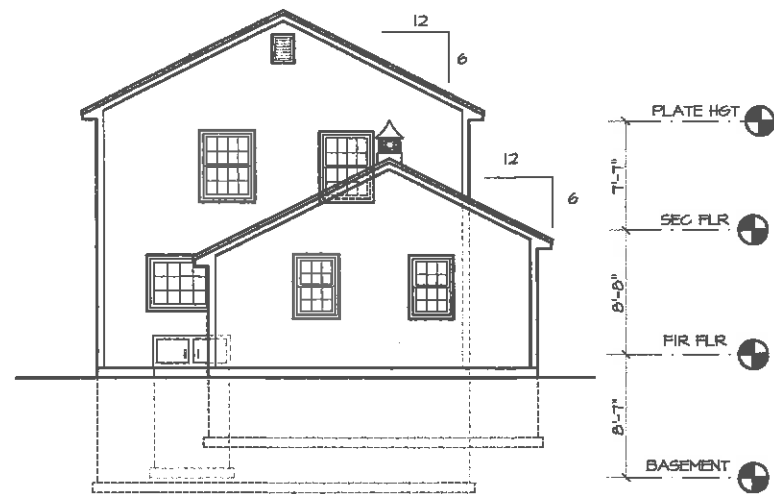
18-397
DEC 2018
SHEET 1 OF 5

A1

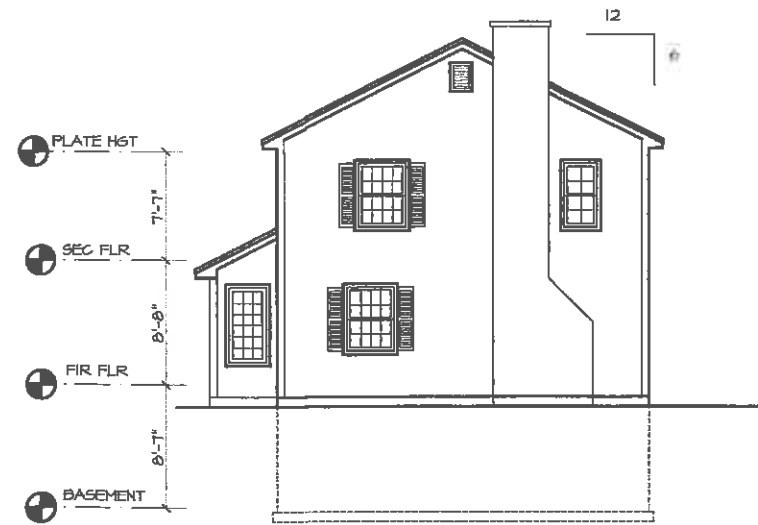
EXISTING



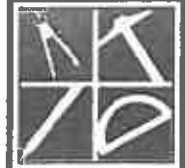
1 EXISTING REAR ELEVATION
SCALE: 1/8" = 1'-0"



2 EXISTING LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 EXISTING RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"



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Contractor to check & verify all
dimensions & structural members
before construction.
All construction shall be in strict
compliance with The State of
New Hampshire or Massachusetts
Building Codes, whichever applicable.

REVISIONS

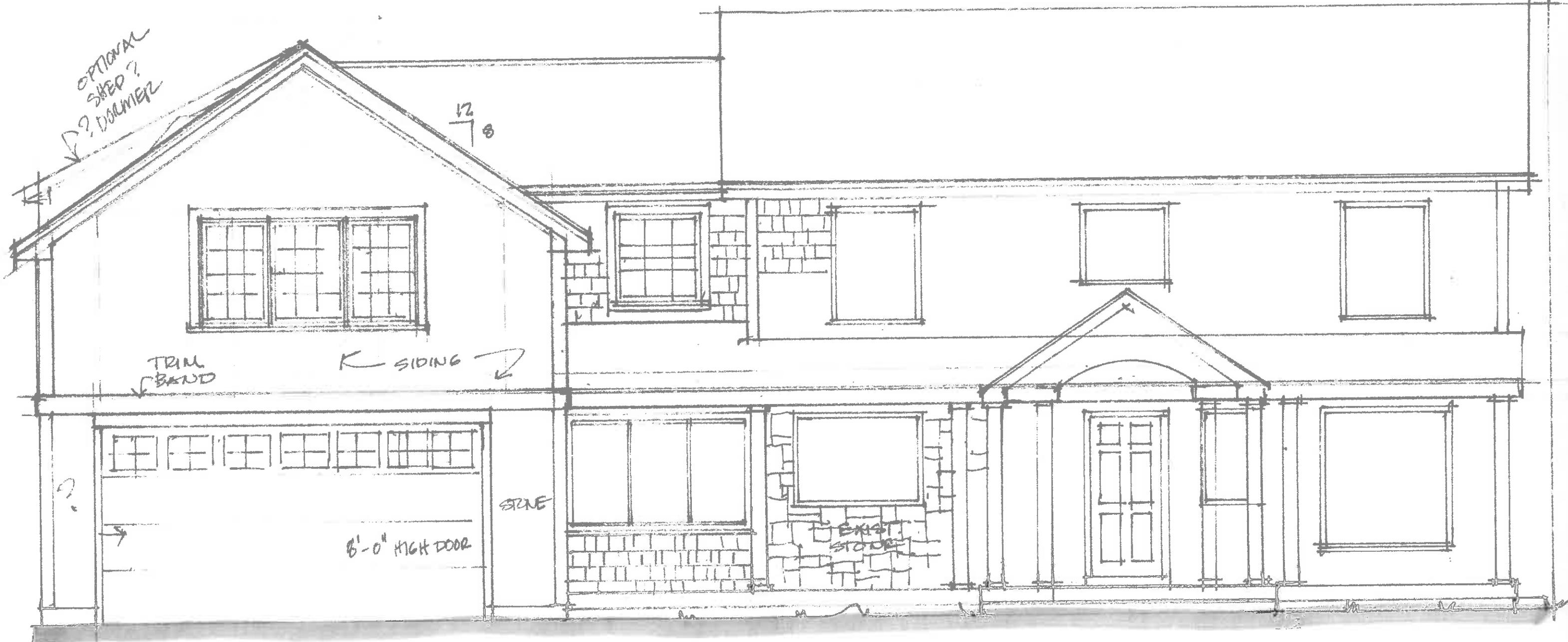
NO.	DESCRIPTION

18-347
DEC 2018
SHEET 2 OF 5

A2

43 WOOD ST - FRONT

PROPOS



43 WOOD ST - REAR

