



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

Planning & Zoning 589-3090
 WEB www.nashuanh.gov

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 2 Chaucer Road
 Zoning District R-18 Sheet B Lot 1615

b. VARIANCE(S) REQUESTED:
ARTICLE XLII - SECTION 190-264 ARTICLE VI - SECTION 190-31 A. (1)

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-264 AND 190-31 A. (1)

2. GENERAL INFORMATION

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

(Print Name): Linda Beaudoin
 Applicant's signature [Signature] Date 8-8-2019
 Applicant's address By her attorney, Andrew A. Prolman, Esq., 20 Trafalgar Sq., Suite 100, Nashua, NH 03063
 Telephone number H: 603-883-8900 C: E-mail: aprolman@prunierlaw.com

b. **PROPERTY OWNER (Print Name):** Linda Beaudoin
 *Owner's signature [Signature] Date 8/8/2019
 Owner's address By her attorney, Andrew A. Prolman, Esq., 20 Trafalgar Sq., Suite 100, Nashua, NH 03063
 Telephone number H: 603-883-8900 C: E-mail: aprolman@prunierlaw.com

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

OFFICE USE ONLY	Date Received <u>8/13/19</u>	Date of hearing <u>9/10/19</u>	Application checked for completeness: <u>CF</u>
PLR# <u>2019-00146</u>	Board Action _____		
\$ <u>330</u> application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> 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 proposed garage will be set back as far as possible on the lot. We propose a nominal accessory use size variance of 76 square feet. The height of the garage will fit in with existing tree line and shrubbery. There will be no change to the character of the neighborhood and no harm to any public rights.

- 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 location of the garage - in the back corner of the lot - observes the spirit of the ordinance by keeping the garage incidental and subordinate to the house. The size and height of the garage are compatible with the character of the neighborhood, and will not threaten public health, safety or welfare.

- 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 are proposing to remove the existing shed and tent shed currently located in the rear and side setbacks. The applicant will significantly benefit with the addition of the garage, with no harm to the general public or to other individuals.

- 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 applicant will be replacing an old shed and temporary tent shed with a new garage. The garage will be set back away from the neighbor's house. We respectfully submit the garage will not diminish surrounding property values.

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 keep a straight driveway into the garage, the proposed location is the best location on the lot. A garage is a reasonable use in this residential district. The size and height restrictions are not fair and reasonable as applied to this proposed garage.

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

8-8-2019

Date

Andrew A. Prolman, Esq.

Print Name

8-8-2019

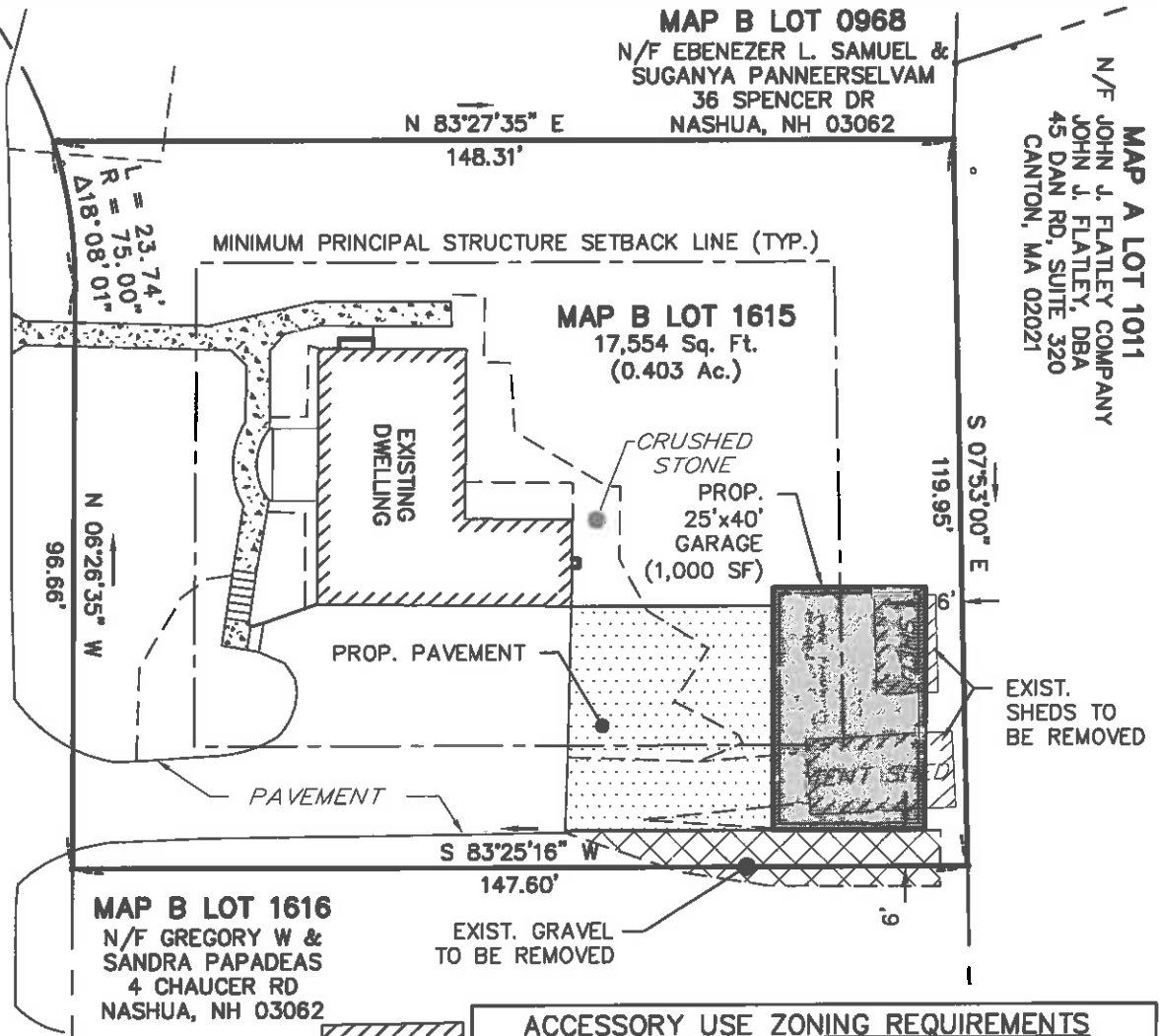
Date

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 []



CHAUCER ROAD



GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE A 1,000 SF ACCESSORY STRUCTURE THAT EXCEEDS THE MAXIMUM HEIGHT OF 12' WITHIN THE 10' OF THE PROPERTY LINE.
2. THE SUBJECT PROPERTY IS LOCATED ENTIRELY WITHIN THE 'B' SUBURBAN (R-18) ZONING DISTRICT
3. VARIANCES REQUESTED:
 - ARTICLE XLII SECTION 190-264 - DEFINITIONS: USE, ACCESSORY SIZE EXCEEDS 40% OF PRINCIPAL SIZE
 - ARTICLE VI SECTION 190-31 A. (1) - MAXIMUM HEIGHT WITHIN 10' OF PROPERTY LINE

ACCESSORY USE ZONING REQUIREMENTS		
DESCRIPTION	REQUIRED	PROPOSED
MIN. OPEN SPACE	50%	62.5%
ACCESSORY USE %	40%	43% *
MAX. % FRONT/REAR YARD	25%	22.6%
MIN. FRONT SETBACK	20 FT	115 FT
MIN. SIDE/REAR SETBACK	6 FT	6 FT
MAX. HEIGHT < 10' FROM PL	12 FT	20 FT *
MAX. HEIGHT > 10' FROM PL	20 FT	20 FT

* REQUIRES VARIANCE FROM ZBA

GRANITE ENGINEERING

civil engineering • land planning • municipal services

250 Commercial Street, Suite 3008
Manchester, New Hampshire 03101

603.518.8030

www.GraniteEng.com

TITLE: **ZBA PLOT PLAN**

PROJECT: **2 CHAUCER ROAD GARAGE**

LOCATION: **TAX MAP B LOT 1615
2 CHAUCER ROAD
NASHUA, NEW HAMPSHIRE**

PROJECT No. 19-0603-1	DATE: AUGUST 6, 2019	OWNER/APPLICANT: LINDA BEAUDOIN 2 CHAUCER ROAD NASHUA, NH 03062
SCALE: 1" = 30'	SHEET: 1 OF 1	

Falk, Carter

From: arolman <arolman@prunierlaw.com>
Sent: Tuesday, August 20, 2019 1:32 PM
To: Falk, Carter
Cc: Brenton Cole
Subject: 2 Chaucer

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Carter,

I misspoke this morning. We will need a the height variance for the garage for *both the rear and side lot lines*, not just the side. We're working on getting you a sketch or elevations of the proposed garage.

Thanks.

Andy

Andrew A. Prolman
Prunier & Prolman, P.A.
20 Trafalgar Square, Suite 100
Nashua, NH 03063
(603) 883-8900
(603) 883-7959 (Fax)
arolman@prunierlaw.com


This email transmission contains information from the law firm of PRUNIER & PROLMAN PA. The information contained is confidential and/or privileged, and it is intended only for the use of the addressee named on the email. If you are NOT the intended addressee, please note that any disclosure, copying, distribution or use of this emailed information is prohibited. If you have received this email in error, please immediately notify the sender by return email. Thank you.

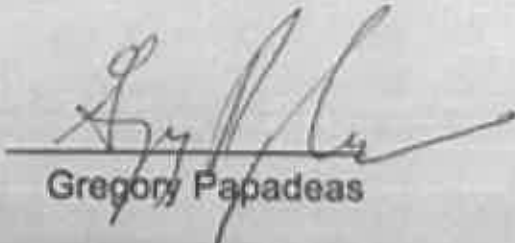
August 7, 2019

Dear Falk,

We are neighbors to Linda Boudoin and Roger Bolduc at 2 Chaucer Rd. We have reviewed their garage plan. We understand they will be asking for variances for their garage. We have no objection to their plans or the proposed garage.

Thank You,


Sandra Papadeas


Gregory Papadeas

HR
SL

4 Chaucer Rd
Nashua, NH 03062

Falk, Carter

From: Greg Papadeas <gregwp1@gmail.com>
Sent: Friday, August 09, 2019 8:12 PM
To: Falk, Carter
Subject: Review of garage plan for 2 Chaucer Road

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

August 9, 2019

Mr. Carter Falk
Zoning Administrator
City of Nashua, NH

Dear Mr. Falk:

We are sending this email at the request of our neighbors at 2 Chaucer Road: Linda Beaudoin and Roger Bolduc.

We have reviewed their garage plan. We understand they will be asking for variances for their garage. We have no objections to their plans or the proposed garage.

Thank you.

Sincerely,

Gregory W. and Sandra Papadeas
4 Chaucer Rd
Nashua, NH 03062

Falk, Carter

From: Kevin Walker <kevin.walker@johnflatleyco.com>
Sent: Friday, August 09, 2019 9:19 AM
To: Falk, Carter
Subject: Variance Request - 2 Chaucer Road

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

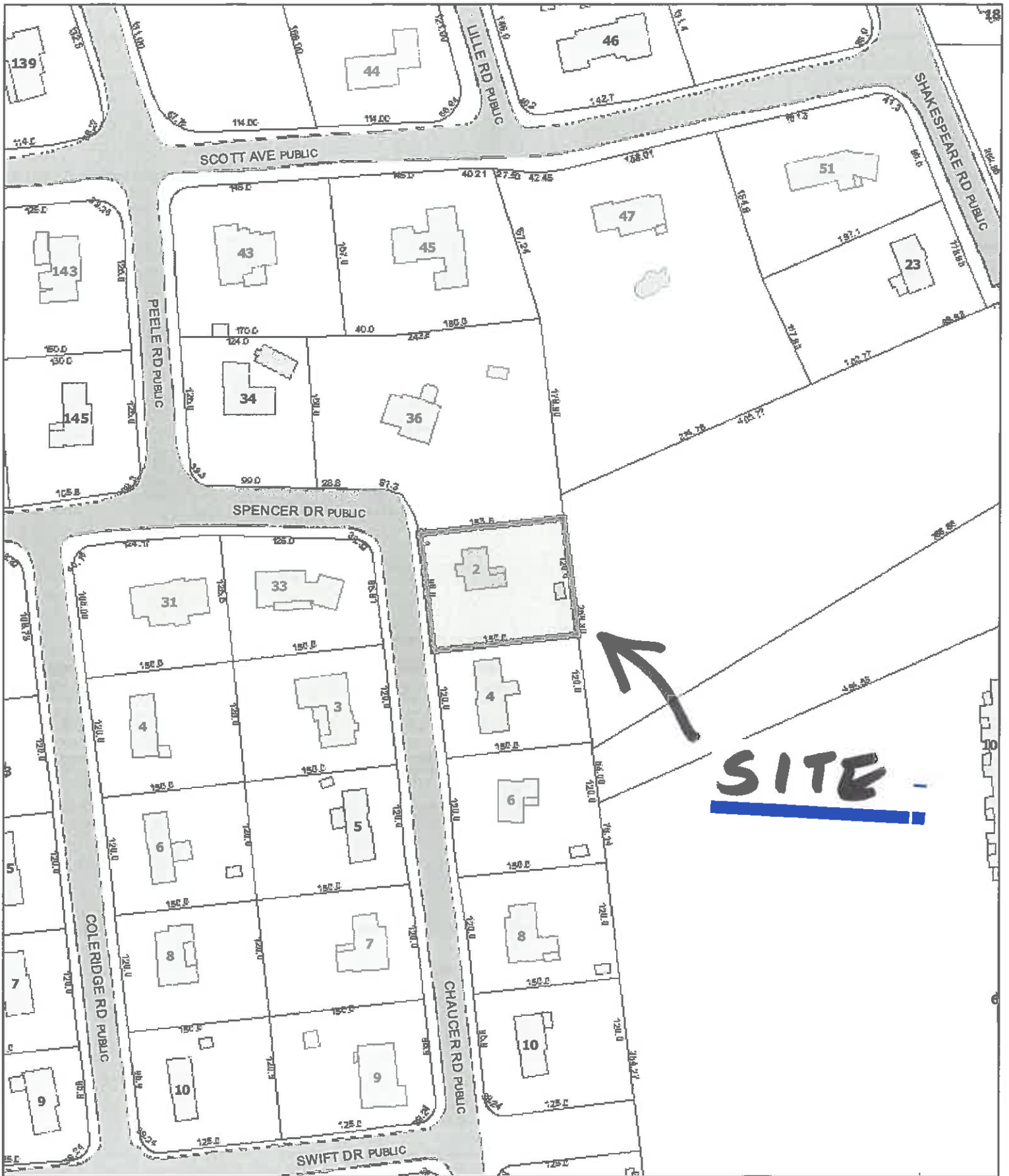
Good morning Mr. Falk. I have reviewed the plan for the above referenced parcel and would like to convey to the Board that the John Flatley Company has no objections to this request. Should you have any questions, please do not hesitate to call/email me.

Thank you.

Kevin Walker, P.E.

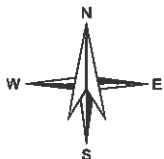


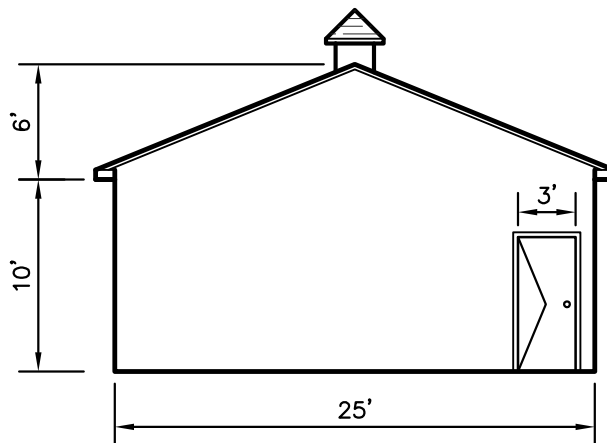
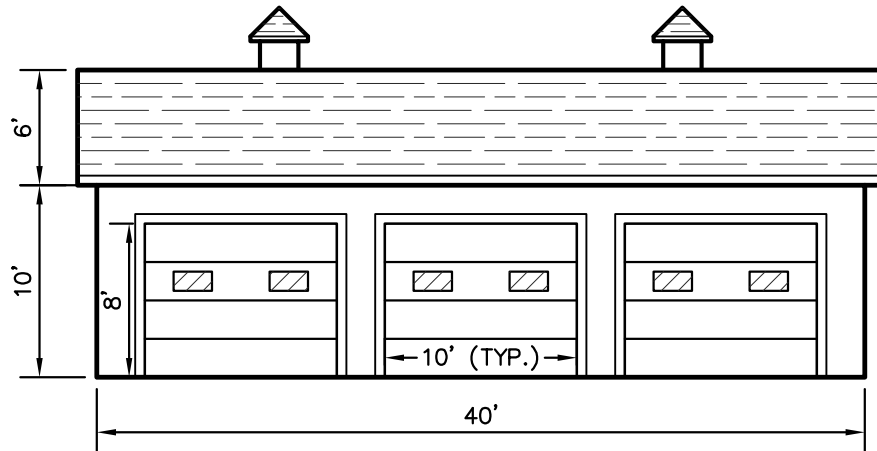
45 Dan Road - Suite 320, Canton, MA 02021
Office: (781) 380-7731 x203
kevin.walker@johnflatleyco.com | www.johnflatleyco.com



SITE

2 Chaucer Rd





GRANITE ENGINEERING

civil engineering • land planning •
municipal services

250 Commercial Street, Suite 3008
Manchester,
New Hampshire 03101

603.518.8030

www.GraniteEng.com

TITLE:

GARAGE ELEVATIONS

PROJECT:

2 CHAUCER ROAD GARAGE

LOCATION:

TAX MAP B LOT 1615
2 CHAUCER ROAD
NASHUA, NEW HAMPSHIRE

PROJECT No.
19-0603-1

DATE:
SEPTEMBER 3, 2019

SCALE:
1" = 10'

SHEET:
1 OF 1

OWNER/APPLICANT:

LINDA BEAUDOIN
2 CHAUCER ROAD
NASHUA, NH 03062

Jeffrey Wiener
11 Rockland Street
Nashua NH

Re: Case #4 - 5 Lynde Street
Tuesday 9-10-19

I will not be able to attend the hearing, I will be recovering from surgery.

Has anyone from the city looked at the backyard of property under question? The structure that is requested was started before the variance approval process. So was the project being done on the sly? Any certified contractor would've gotten the proper paperwork done before construction started. I now worry about how the electrical work that will be done; will it be inspected?

Another concern, and why I asked if the city has looked at the property, is because there are already two structures in the back yard. Have any of those structures been reported to the city and been approved by the city? If the porch is added, it will be very close to the other two structures. If a fire starts in any of them, it will quickly spread to the others. So has the fire department approved the existing and proposed construction for safety?

Respectfully,
Jeff Wiener

Jeffrey Wiener 8/30/19