



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 5 Lynde St Nashua NH
 Zoning District RA Sheet 65 Lot 54

b. VARIANCE(S) REQUESTED:
Permission to encroach on side setback by 4'
for rear porch

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): Laurie Kopka

Applicant's signature Laurie Kopka Date 8/11/2019

Applicant's address 5 Lynde St Nashua NH

Telephone number H: _____ C: 603-533-3354 E-mail: Laurie9@hotmail.com

b. **PROPERTY OWNER (Print Name):** Laurie Kopka

*Owner's signature Laurie Kopka Date 8/11/2019

Owner's address 5 Lynde St Nashua NH

Telephone number H: _____ C: 603-533-3354 E-mail: Laurie9@hotmail.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>2019-00145</u>			
\$ <u>320</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.")

Granting this variance adds character to the neighborhood. It has no impact on public health. It would increase the safety and welfare of the occupants because currently the rear door opens to nothing and cannot be used.

- 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 and it is very much in character of the neighborhood. Many houses in the neighborhood including the abutting properties have porches attached to the houses.

- 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 will allow for safe exit to the rear of the house. otherwise there is about a 2' drop to the ground. It will also add a space to enjoy the 3 seasons and allow occupants to observe the side of the property down to the street in front. There is no harm to the public.

- 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. It makes the area nicer. It will add to property values.

VARIANCE APPLICATION

Address 5 Lynde 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 lot is much smaller than other lots in the neighborhood and all the abutters to the property also have buildings that encroach within the setbacks of their properties the ordinance does not serve the purpose of the restriction in a fair and reasonable way. Therefore the special conditions of the property cause the proposed use to be reasonable.

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.

James Kopka
Signature of Applicant

8/11/2019
Date

Laure Kopka
Print Name

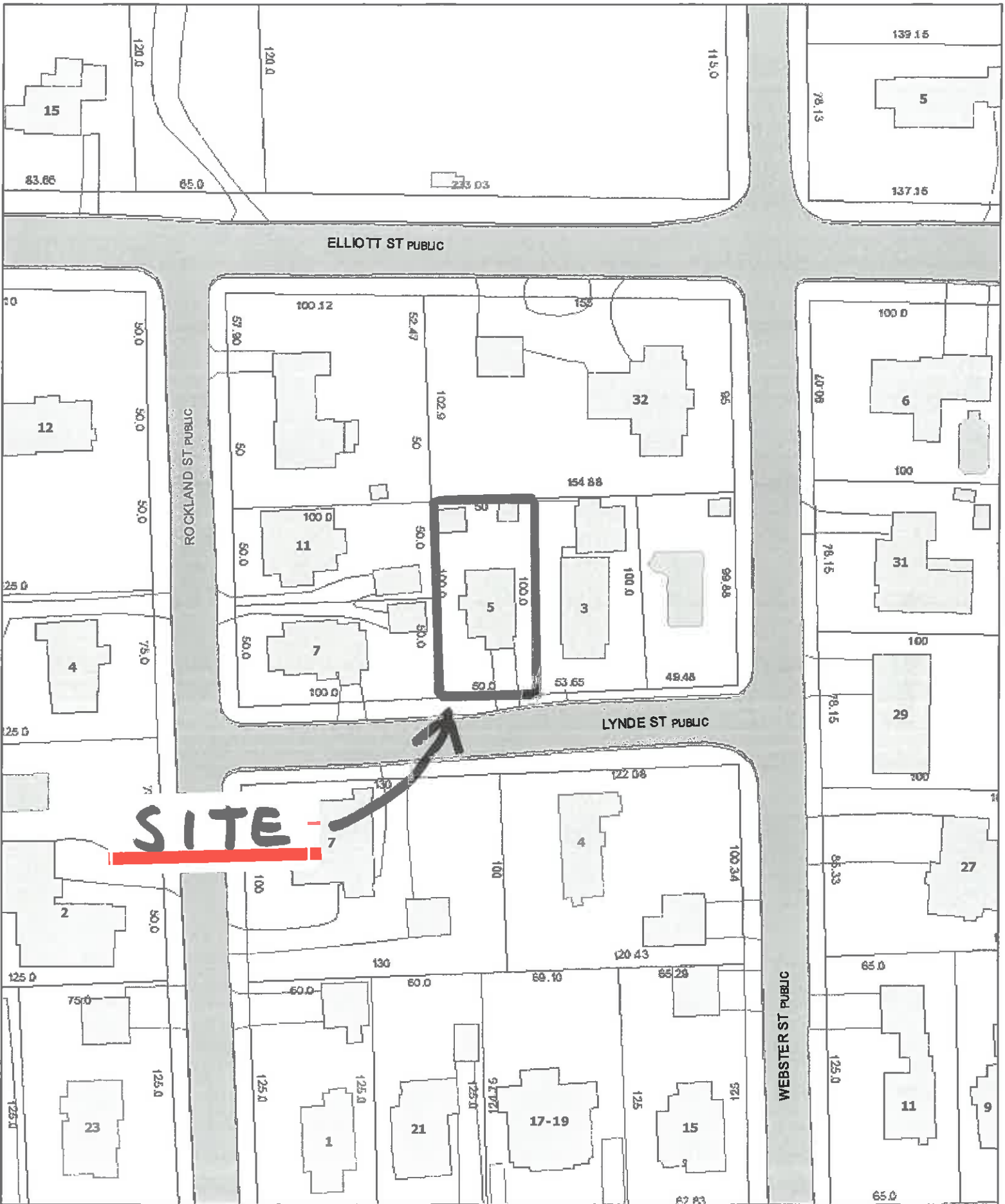
8/11/2019
Date

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 5 Lynde St Nashua NH 03064



ELLIOTT ST PUBLIC

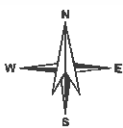
ROCKLAND ST PUBLIC

LYNDE ST PUBLIC

WEBSTER ST PUBLIC

SITE

5 Lynde St





5 Lynde Front of House



Backyard facing 3 Lynde



Backyard facing 11 Rockland



Back of house

Backyard facing
11 Rockland
and
7 Lynde



West
Side yard
facing
Lynde





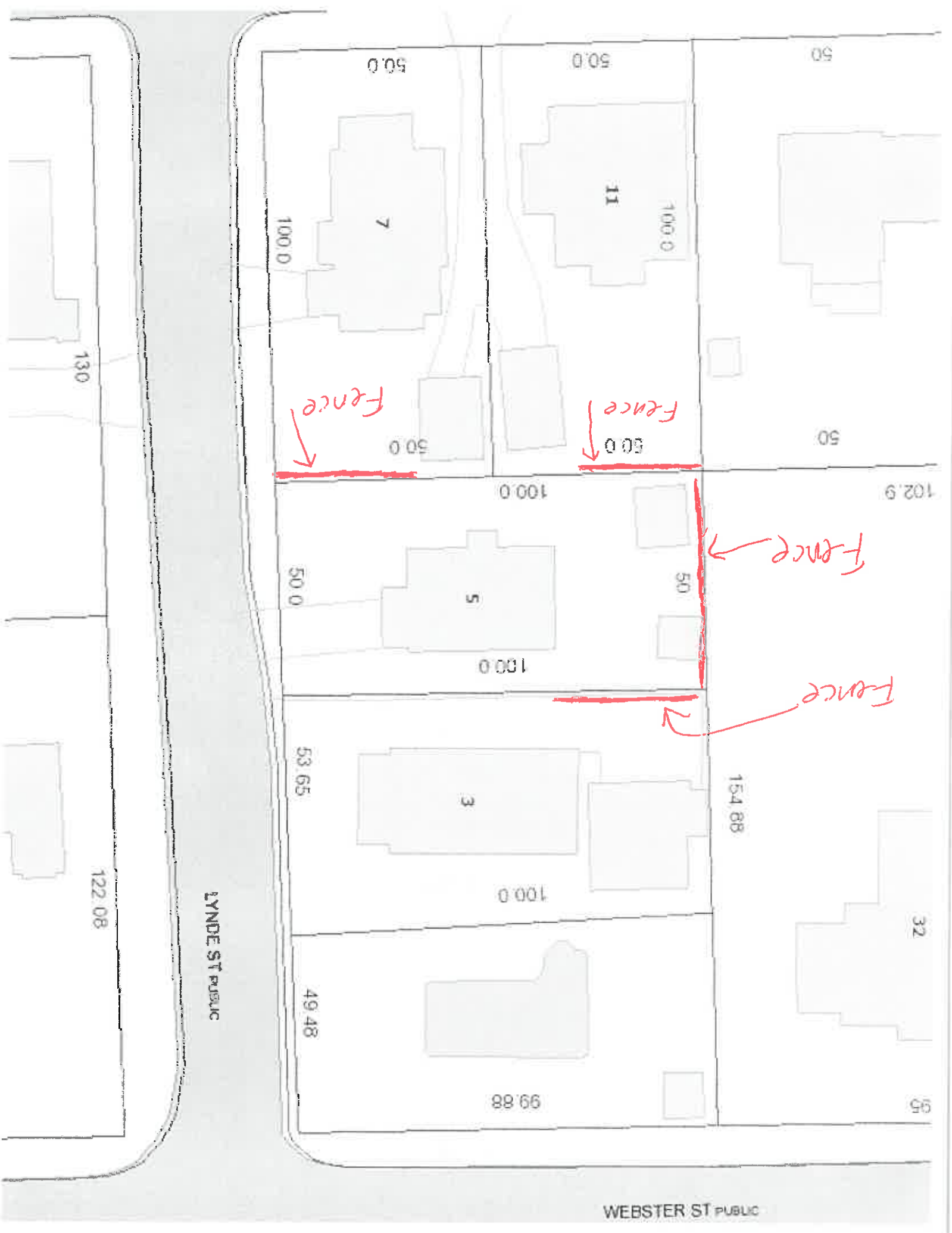
East side facing Lynde



East side facing backyard



4' section of windows facing Lynde



LYNDE ST PUBLIC

WEBSTER ST PUBLIC

WEBSTER ST PUBLIC

LYNDE ST PUBLIC

LYNDE ST PUBLIC

LYNDE ST PUBLIC

ROCKLAND ST PUBLIC

32

3

5

11

7

4

7

