

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 55-57 Williams St.
 Zoning District RB Sheet 0021 Lot 00066

b. VARIANCE(S) REQUESTED:
see addendum

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM: 190-193
190-16, table 16-3

2. GENERAL INFORMATION

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

(Print Name): Andre Quirion
 Applicant's signature [Signature] Date _____
 Applicant's address 5 Portside Drive Merrimack NH 03054
 Telephone number H: 603-883-3803 C: 603-759-6075 E-mail: drescape@comcast.net

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

*Owner's signature [Signature] Date 7/30/19
 Owner's address _____
 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>8/5/19</u>	Date of hearing <u>9/10/19</u>	Application checked for completeness: <u>CF</u>
PLR# <u>2019-00149</u>	Board Action _____			
\$ <u>530</u> application fee <input checked="" type="checkbox"/>	\$ <u>5482</u>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input checked="" type="checkbox"/>		Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>		Date Paid _____	Receipt # _____	

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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.")

See Addendum 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.")

See Addendum A

- 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.)

See Addendum A

- 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.)

See Addendum A

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.

See Addendum A

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

[7-31-19]

Date

Andre Qvirion

Print Name

[]

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:

[X] I will pick it up at City Hall

[] Please email it to me at []

[] Please mail it to me at []

Addendum A

3. PURPOSE OF REQUEST

A. Introduction

The purpose of this request is to seek an area/dimensional variance from Chap.190: Sec. 193: A and Chap. 190: Sec.16: Table 16 -3: N of the Nashua Zoning Ordinance. Chap.190: Sec. 193: A requires parking space dimensions of 10' x 20' for parking spaces for 3-family dwelling units. The applicant, because of the restrictive lot size, seeks approval for creating six paved and striped parking spaces with dimensions of 8' x 18'. This will require the applicant to increase the paved area on the small lot (6,880 +/- s.f. or .158 acres) by 985' s.f. The footprint of the building and the surrounding concrete driveway and sidewalks alone equal 3,575+/- s.f. or more than half (52%) of the lot area. The proposed paving will leave approximately 1726 s.f. of open or green space equaling 25% of the total lot size, and therefore requires a second dimensional variance from the Open Space Percentage requirement of 35% listed in Chap. 190: Sec.16: Table 16 -3 (N) of the Zoning Ordinance. (See the attached scaled and colored "Plan for 55-57 Williams St." and the "Blow-up of Six Parking Spaces")

The subject building (55 -57 Williams St.) was built as a three-unit dwelling about 1930 when the need to provide parking for up to two automobiles per unit was not foreseen. Approximately forty years ago, the then owner of the property and her abutting neighbor to the west, who also owned a three-family located at 49 Williams St., came to a non-written agreement. The owner of 55-57 Williams St. was allowed to pave a 16-foot-wide by 20-foot deep on the property of 49 Williams St. located immediately adjacent to the concrete driveway and the City sidewalk (see area highlighted in pink and Photos #1 - 2) for the purpose of parking two tenant vehicles. The owner of 49 Williams St. in turn was allowed to use an area of the exact same dimensions (16' x 20') in the rear yard, which was enclosed with a wooden fence and used a garden. Through the years this arrangement allowed for adequate off-street parking at 55-57 Williams, although depending on the number of tenant-owned vehicles, the parking is often haphazard and always involves parking on the grass area in the rear yard (See photo #3 - 4) This results in puddles in the summer, mud in the spring and ice in the winter. (See photos #5 - 6)

The applicant purchased the subject property in 2016 and the current owner of 49 Williams St. in 2017. The new owner of 49 Williams St. gave the applicant notice that he was terminating the parking arrangement effective this past July. The applicant has since had the property line surveyed and determined the exact boundary and tore down the now dilapidated fence to reclaim the area in the rear yard. The line runs right along the west side of the concrete driveway. (See Photo #1)

The applicant seeks the referenced dimensional variances in order to park six tenant vehicles in the rear of the building at 55-57 Williams St, by creating six - 8' x 18' paved and striped-90 degree parking spaces, with a 2.5-foot wide grass/mulch strip along the cedar fence along the east boundary. The applicant consulted with the zoning department, his surveyor and legal counsel in the creation of the proposed plan to minimize the impact on green space, while still achieving the goal of parking six vehicles on-premises.

1. Granting of the requested variance will not be contrary to the public interest, because:

The surrounding neighborhood (Crowne Hill) has many similar multi-family dwellings built on small lots. The granting of these variances will not diminish the essential character of the neighborhood. By allowing for the parking of all tenant vehicles off the street, public safety is enhanced, especially given the proximity of the property to the nearby elementary school and the discontinuance of parking on the two spaces located directly adjacent to the public sidewalk.

2. The proposed use will observe the spirit of the ordinance, because:

The granting of these dimensional variances meet the spirit of the ordinance that intends for multi-family dwelling units to have adequate off-street/on-premises parking. It is only the pre-existing lot size and existing conditions that necessitate some dimensional adjustments from the ordinance.

3. Substantial justice would be done to the property-owner by granting the variance, because:

As a matter of practicality and reasonableness, in addition to the intention of the zoning ordinance, today's 3-family apartment buildings require up to 2 spaces per unit to allow the tenants (often couples) to commute to their respective jobs. These units are often occupied by entry level renters/homeowners, who require affordable housing and their own transportation to contribute to the local workforce and economy. The granting of these variances allows the applicant to continue to rent units to working couples/two car households, which is a public benefit that outweighs their denial. There is no harm to the general public by granting these variances.

4. The proposed use will not diminish the values of surrounding properties, because:

The overall appearance of the property will not change by the granting of these dimensional variances because it facilitates the on-premises/off-street parking of up to six vehicles in the rear of the building. There will be no diminution in surrounding property values. There has always been parking in the rear of the building (although on the grassed area as well as the paved and concrete areas) and this will continue. There will be no

parking on the neighbors front paved area by the tenants and these variances will ensure orderly and safe parking for all tenants in the rear of the building and off the street as required by City ordinance prohibiting overnight parking.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:

The special conditions of this property causing hardship arise out of the conflicting standards and intent of the ordinance to provide adequate on-premise parking for multi-family dwellings on one hand and the parking and green space dimensions on the other. The property is special and unique in its shape (long rectangle), small size (the lot is only 6,880 s.f. or .158 ac.) and immutable features (the original 1930 footprint of the building and the surrounding concrete 5-foot wide sidewalk on the east side, the 12-foot wide concrete driveway on the west side yard and 10-foot concrete sidewalk/apron in the rear) constitute **52%** of the lot area. Literal enforcement of these parking dimensions would only allow for four 10' x 20' parking space and would still violate the green space requirements of the Code.

Therefore, as described above there is no substantial relationship between the public purposes of these dimensional provisions and this specific application (allowing modifications to provide 6 on-premises parking spaces for 3 units). As discussed earlier, granting these dimensional variances will have no negative affect on the surrounding properties or neighborhood, is reasonable and achieves the purpose of six on-premises spaces with minimal impact considering the special conditions of the lot.

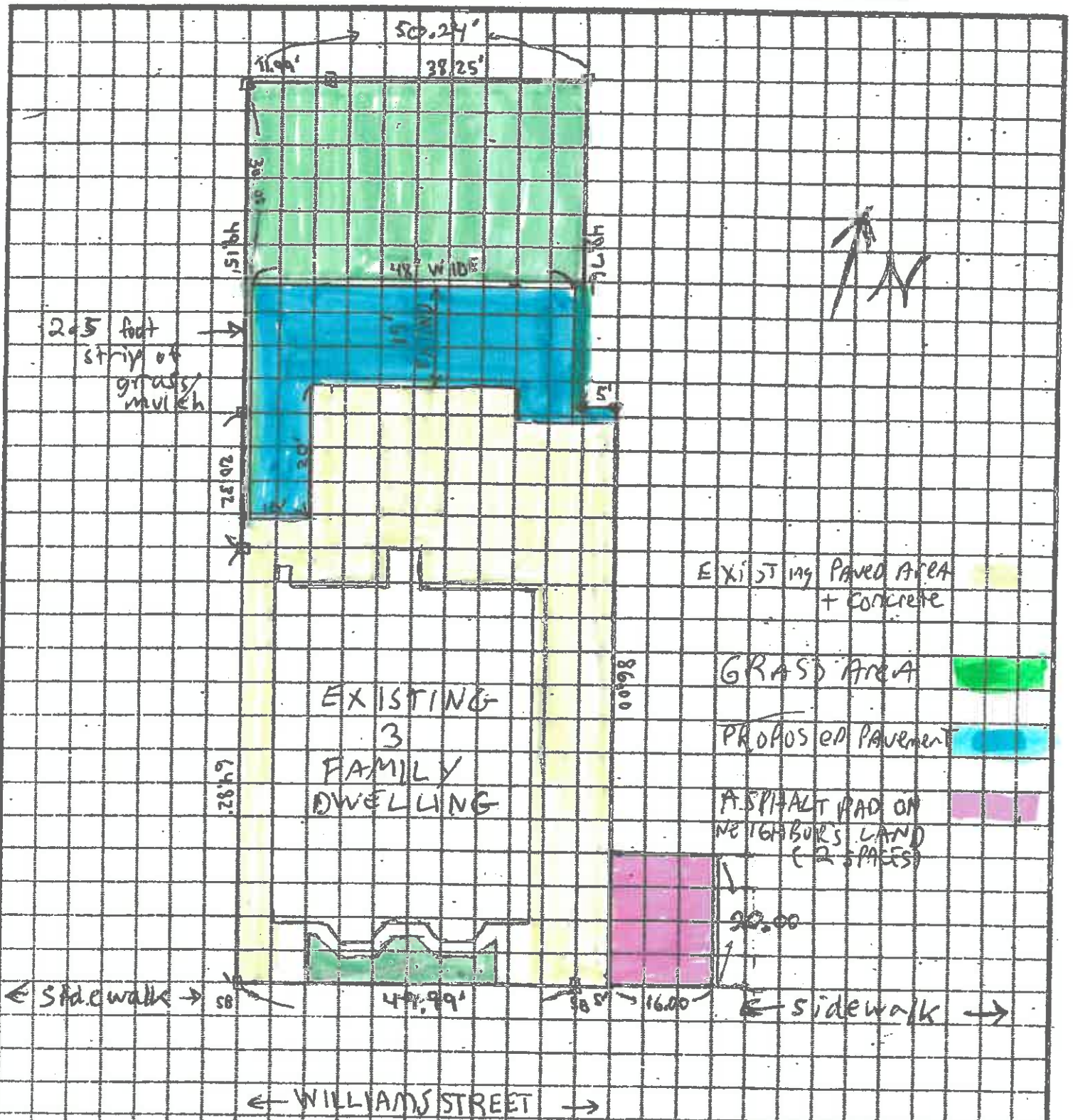
"PLAN FOR

(3 Family Home)

55-57 WILLIAMS ST. Project 55-57 Williams St. NASHUA, NH 030

Date 5/27/19 Prepared By Andre Quirion

1 sq = 5' x 5' Scale 1" = 20' Sheet 1 of 1



NOTE: LOT LINE INFORMATION AND DWELLING LOCATION TAKEN FROM PLAN RELOCATION OF LOT LINE LOT 55 & LOT 66 WILLIAMS STREET NASHUA, NH BY A.E. MAYNARD CIVIL ENGINEER, WITH REVISION DATE OCTOBER 1978.

BLOW-UP OF PROPOSED PARKING SPACES (6)

Project 55-57 WILLIAMS ST.
Date 7-31-19 Prepared By André Quirion
Scale 1" = 10' Sheet 1 of 1

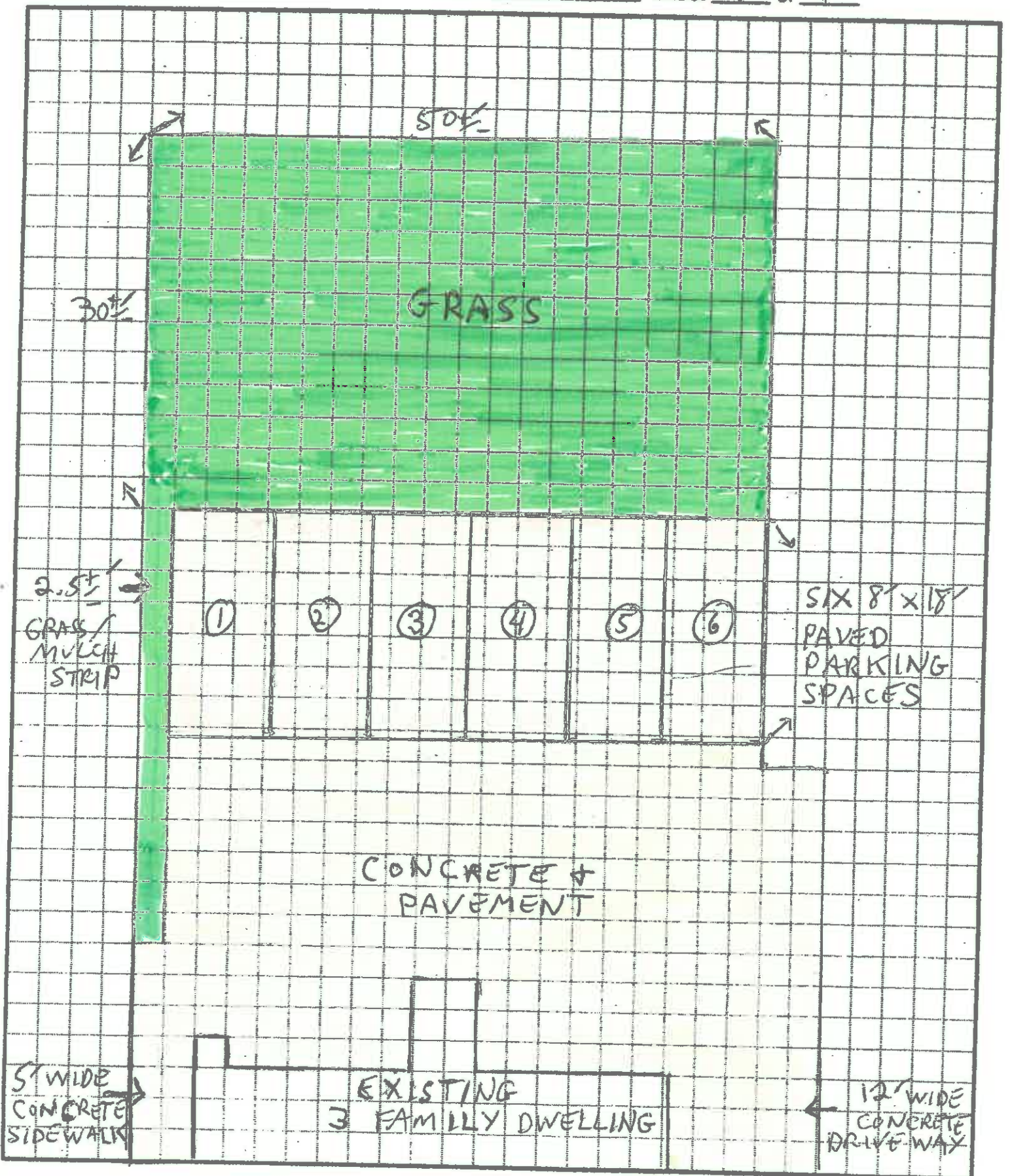




PHOTO #1



PHOTO #2



PHOTO #3



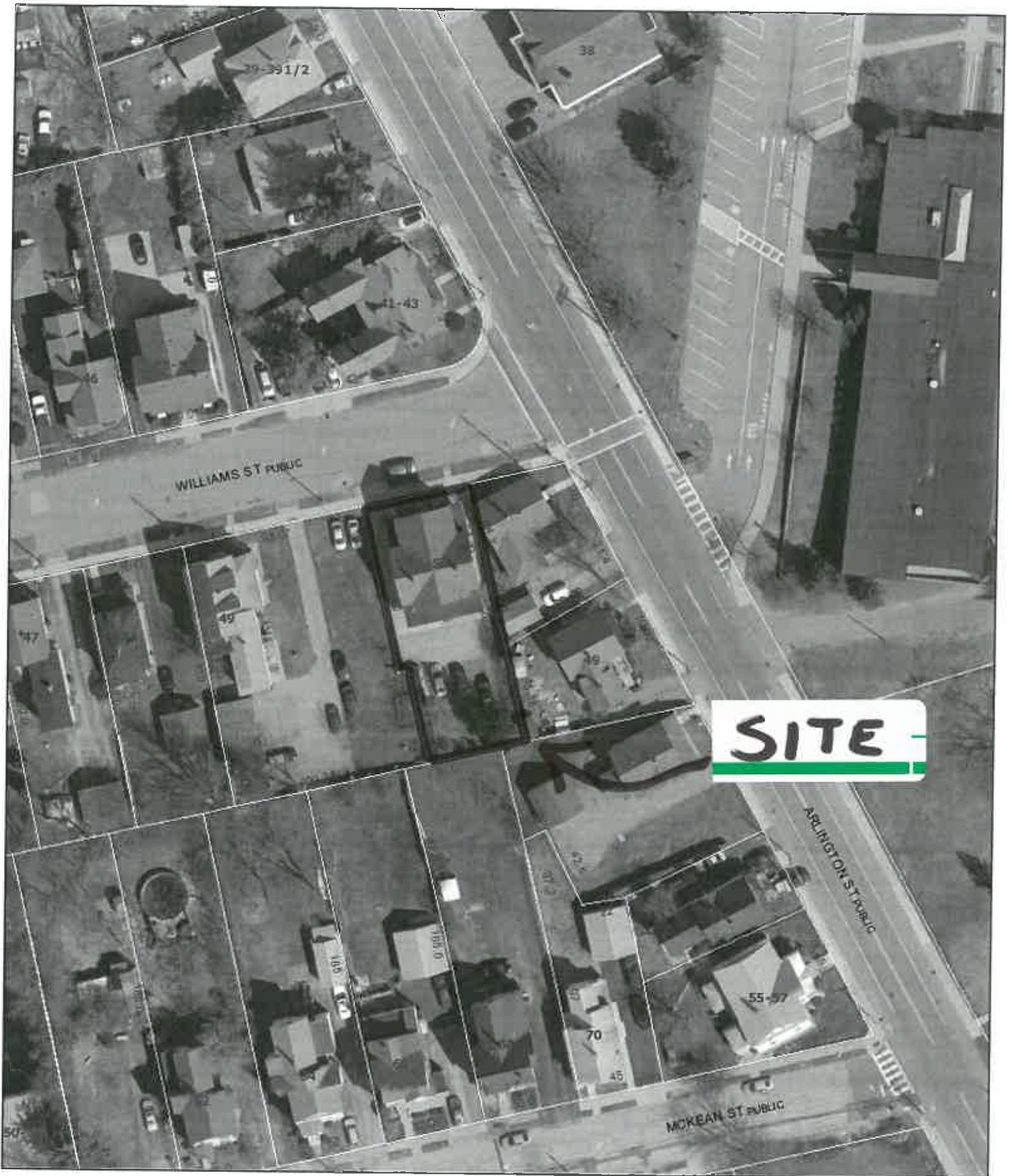
PHOTO #4



PHOTO #5

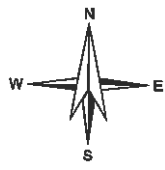


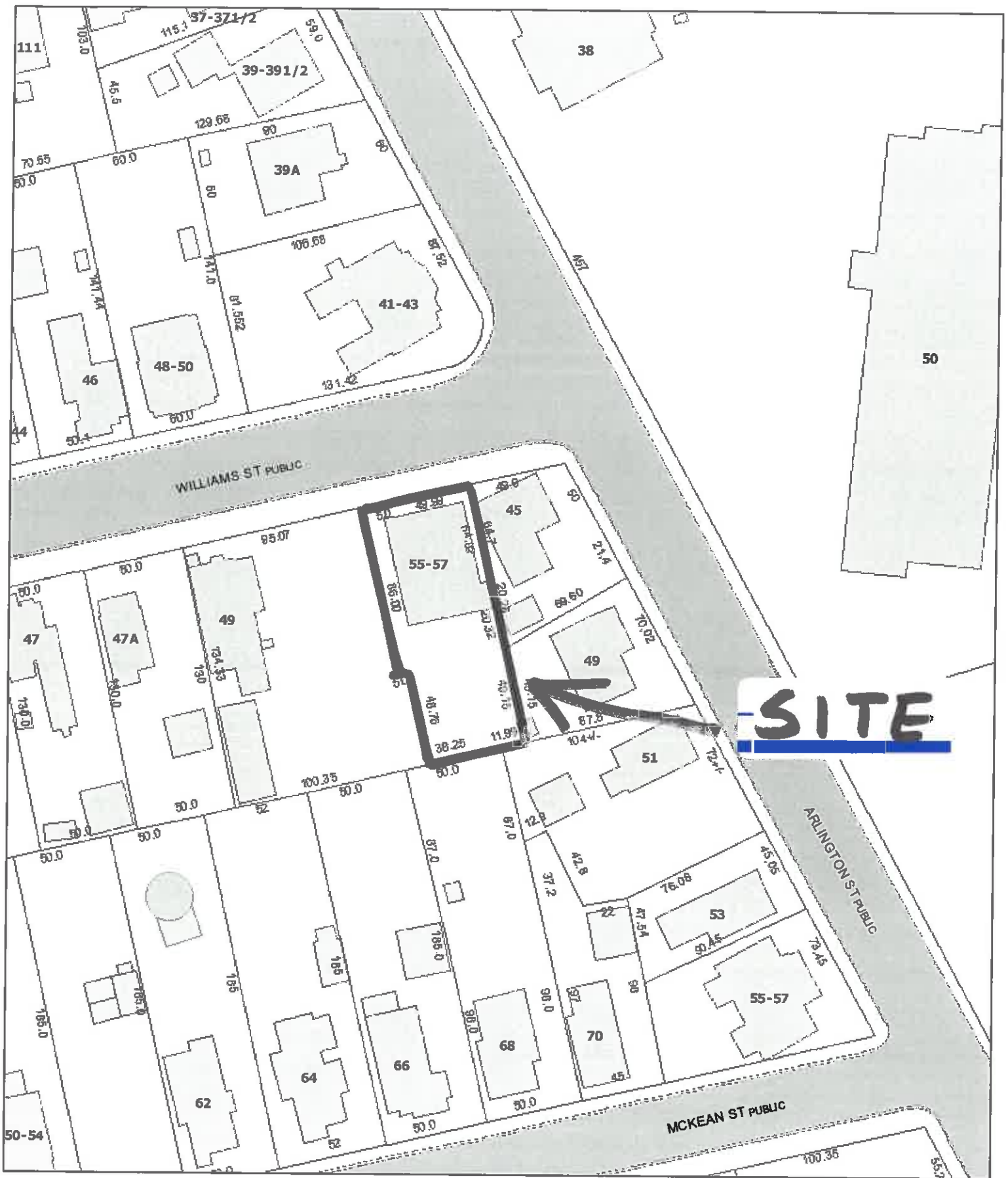
PHOTO #6



SITE

55-57 Williams Street





SITE

55-57 Williams Street

