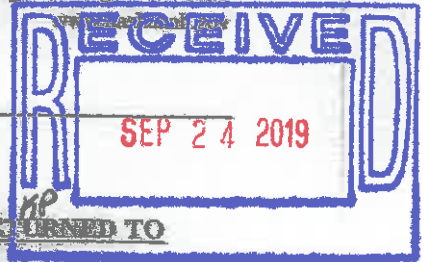




**City of Nashua**  
**Planning Department**  
 229 Main Street  
 Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3000  
 WEB: [www.nashua-nh.gov](http://www.nashua-nh.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 303 MAIN STREET

Zoning District DB/MLA Sheet 100 Lot 5

b. VARIANCE(S) REQUESTED:

<del>STACKING LENGTH DRIVE-THRU APPROACH</del>	<u>86' / 1' REQ'D</u>
<del>STACKING LENGTH DRIVE-THRU EXIT</del>	<u>31' / 60' REQ'D</u>

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM PD.41 B (4) & (6)

**2. GENERAL INFORMATION**

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

GC PIZZA HKT

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

Applicant's address 116 RADIO CIRCLE DRIVE SUITE 200, MCKISCO, NY 10849

Telephone number H: (106) 614-2712 E-mail: SIVEY@GCPICAZA.HKT.COM

b. **PROPERTY OWNER** (Print Name): CHRISTOPHER P. SCHANNIOTALES

Owner's signature \_\_\_\_\_ Date 9-24-19

Owner's address 303 MAIN STREET NASHUA, NH 03060

Telephone number H: \_\_\_\_\_ E-mail: \_\_\_\_\_

\*Agents and/or optum holders must supply written authorization to submit on behalf of applicant.

**OFFICE USE ONLY** Date Received 9/24/19 Date of hearing 10/22/19 Application checked for completeness: CF

PLR: 2019-00192 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 # _____

VARIANCE APPLICATION

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 ATTACHED)

- 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 ATTACHED)

- 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 ATTACHED)

- 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 ATTACHED)

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 ATTACHED)

**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 14 Number of employees per shift 2-8
- b. Hours and days of operation 10:30am to 11:00pm SUNDAY-THURSDAY & 10:30am to 12:00am FRIDAY & SATURDAY
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors 50/DAY
- d. Number of daily and weekly commercial deliveries to the premises 3 PER WEEK
- e. Number of parking spaces available 7
- f. Describe your general business operations:

PIZZA CARRY-OUT AND DELIVERY RESTAURANT.

- g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation:
- SITE IMPROVEMENTS WILL INCLUDE NEW PAVEMENT, LANDSCAPING, BUILDING IMPROVEMENTS AND ACCESSIBLE ACCESS

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.

Suzanne Ivey  
Signature of Applicant

9/24/19  
Date

SUZANNE IVEY  
Print Name

9/24/19  
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 \_\_\_\_\_



Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

September 24, 2019

Carter Falk  
Zoning Administrator  
City of Nashua Planning Department  
229 Main Street  
Nashua, NH 03061-2019

**Re: Variance Request  
303 Main Street Nashua (Lot 100-5)**

The applicant is proposing to renovate an existing 1,220 sf building for a proposed Pizza Hut takeout-only restaurant (no on-site ordering or dining area) in the D3/MU zone at the corner of Main Street and Lake Street. The parcel is approximately 0.23 acres located at 303 Main Street in Nashua, the current Poor Pierre's restaurant site.

As part of the renovation of the existing building, the applicant is proposing to resume use of a drive-thru pickup window along the south side of the building, along with 7 parking spaces for employees and customers. A restaurant with a drive-thru is allowed in the D3/MU district as a conditional use. The proposed use is unlike a typical fast-food drive-thru since it generates much lower traffic and limited vehicle stacking, does not utilize on-site ordering and is for pickup of pre-ordered and/or pre-paid food only. Because of the limited size of the lot, relief from certain dimensional requirements is required.

Relief is sought from Article 190.41 B (4) for minimum distance for on-site stacking where 160 feet is required, and 86 feet is proposed as well as from Article 191.41 B (5) for minimum distance to the drive-thru exit where 60 feet is required, and 31 feet is proposed.

Pursuant to the City of Nashua land use ordinance, the Zoning Board of Adjustment shall grant a request for a variance only when an applicant can demonstrate, in writing, the following:

**1. Granting of the requested variance would not be contrary to the public interest because:**

The proposed use and its drive-thru component do not alter the essential character of the neighborhood as it is replacing an existing restaurant and compliments surrounding properties in the area. Restaurants with drive-thru windows are permitted in the D3/MU zone by conditional use permit.

Specifically, the proposed drive-thru for this user is unlike those used by typical fast-food restaurants as the nature of the use generates much lower vehicle traffic and stacking, does not provide for on-site ordering and is for pickup of pre-ordered food only. The This drive-thru is designed for picking up call ahead orders at a designated time, thereby limiting the

volume of customers at any one time and the resulting stacking of vehicles. Parking spaces are being provided for customers picking up orders as well. As a result, vehicle stacking would not extend into the public right-of-way and would have no negative impact on the public in general.

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

A restaurant with drive-thru is permitted as a conditional use within the D3/MU zone. The length of both the stacking lane and the drive-thru exit proposed are sufficient for the proposed use, given the nature of the operation of the site, and therefore observe the spirit of the ordinance by avoiding the unnecessary stacking of vehicles within a public right-of-way.

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

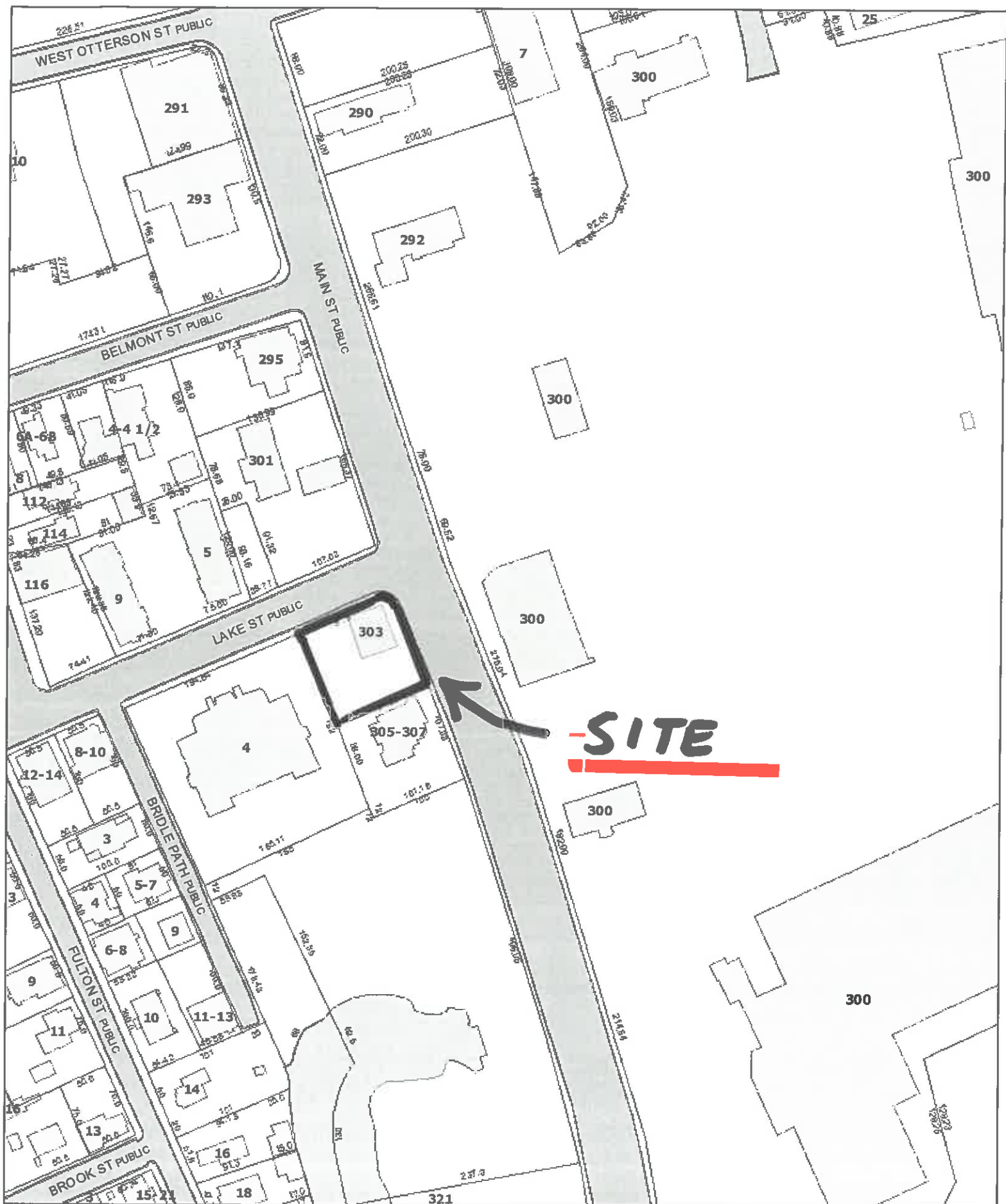
The specific nature of the proposed business relies on the ability to have customers pick up orders at a drive-thru window, thereby reducing the need for additional customer space within the existing building footprint and additional on-site parking. Granting of the variance would allow the applicant to move forward with the specific use as proposed. The applicant is proposing to renovate the existing building, repave the lot and add landscaping areas to improve both the site and surrounding neighborhood.

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

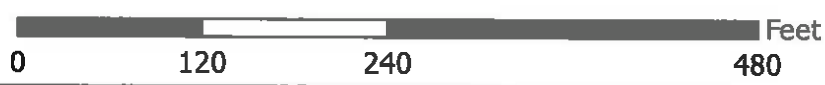
The applicant would significantly improve the existing 1,220 sf building in its current location to meet the needs of the proposed Pizza Hut. In addition, there will be proposed site improvements including landscaping, new pavement and building accessibility. The proposed use will improve an existing, dated building, replace worn paved areas and improve the value of the site and in turn the values of the surrounding properties as a result.

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

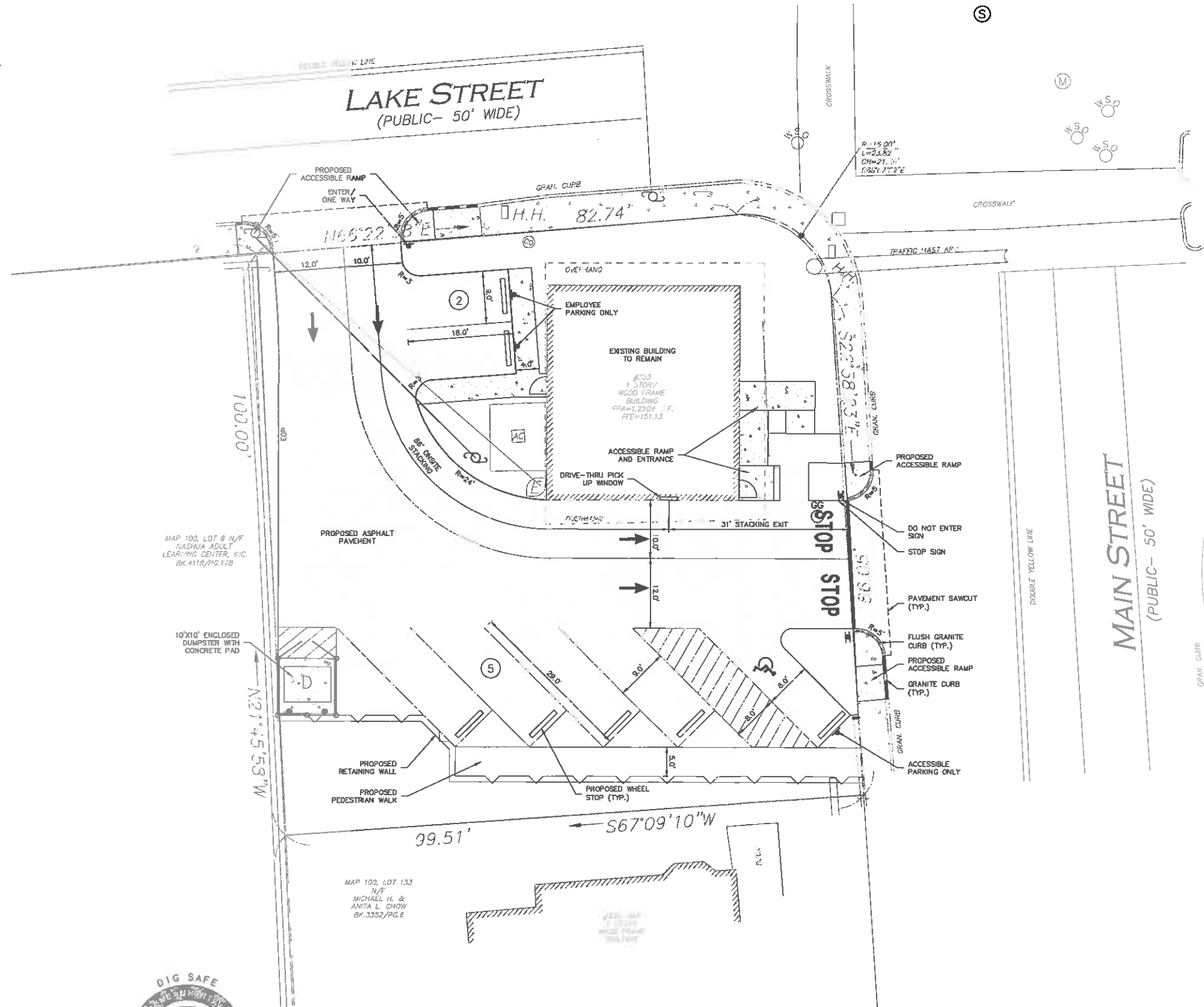
The proposed drive-thru is unlike a typical fast-food drive-thru since it has much lower traffic demand and vehicle stacking, does not provide on-site ordering and is for pickup use only. Because of the limited size of the lot, relief from on-site stacking and exit stacking is necessary for the applicant to incorporate the drive-thru portion of their business model. Literal enforcement would eliminate the ability for the applicant to resume historical use of a drive-thru component to the restaurant that is critical for the intended use.



# 303 Main Street







**NOTES**

- CURRENT ZONING IS DOWNTOWN DISTRICT 3/MIXED-USE OVERLAY (D-3/MU) ZONING DISTRICT.
 

MIN. LOT SIZE:	REQUIRED	PROVIDED
MIN. LOT FRONTAGE:	NO MIN.	9,888 S.F.
MIN./MAX. BUILDING SETBACKS:	NO MIN.	192±'
FRONT	0'/10'	5.5±' (ROOF OVERHANG)/
		9.4±' (BUILDING)
SIDE	0'/10'	48.5±'
REAR	10'	N/A
MAX. BUILDING HEIGHT:	80' (+ ST.)	<80'
MAX. LOT COVERAGE:	0%	N/A
MAX. FLOOR AREA RATIO:	0	N/A
- PARKING/LOADING CALCULATIONS:  
 REQUIRED: DRIVE-THRU/ WALK-IN RESTAURANT  
 MIN. 1 SPACE PER 75 SF (1,220 SF) = 17 SPACES  
 MAX. 1 SPACE PER 65 SF (1,220 SF) = 19 SPACES  
 PROPOSED: \*7 SPACES (WAVES REQUIRED, (SEC. 190-190))  
 REQUIRED LOADING: NO LOADING REQUIRED FOR BUILDINGS LESS THAN 5,000 SF.
- STACKING REQUIREMENTS:
 

MIN. STACKING DISTANCE (1 LANE):	REQUIRED	PROVIDED
MIN. DRIVE-THRU DISTANCE TO EXIT:	180'	*86' (VARIANCE REQUIRED, (SEC.191.41 B(4)&(5))
	80'	*31' (VARIANCE REQUIRED, (SEC.191.41 B(4)&(5))

MAP 100, LOT 6 N/F  
 NASHUA ADULT  
 LEARNING CENTER, S/C.  
 BK. 4118/P.G.17B

10'X10' ENCLOSED  
 DUMPSTER WITH  
 CONCRETE PAD

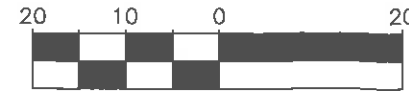
MAP 100, LOT 133  
 N/F  
 MICHAEL H. &  
 ANITA L. CHOW  
 BK. 3352/P.G.6



CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

September 24, 2019

FOR REVIEW ONLY  
 Not For Construction



Graphic Scale in Feet

TAX MAP 100 LOT 5  
**ZBA SITE PLAN**  
**303 MAIN STREET**  
**NASHUA, NH**  
 OWNED BY  
**CHRISTOS & DENISE SCUMNIOTALES**  
 PREPARED FOR  
**QC PIZZA HUT**  
 SCALE: 1"=20' SEPTEMBER 24, 2019



Civil Engineers  
 Structural Engineers  
 Traffic Engineers  
 Land Surveyors  
 Landscape Architects  
 Scientists  
 48 Constitution Drive  
 Bedford, NH 03110  
 Phone (603) 472-4488  
 Fax (603) 472-9747  
 www.tfmoron.com

FILE	18009.00	OR	SCV	FR	-
		CHK	RD	CA/PL	18009-00 Site
					SHEET 1

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