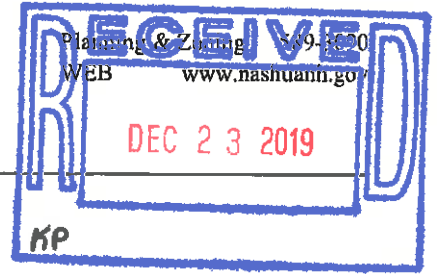




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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 39 Amherst St
 Zoning District BB Sheet 63 Lot 27

b. VARIANCE(S) REQUESTED:
* Increase Driveway Width
* Increase Percentage of Frontyard Driveway
* Decrease Percentage of Open Space

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-16, Table 16-3
190-192 G

2. GENERAL INFORMATION

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

(Print Name): Albert Monaco
 Applicant's signature [Signature] Date 12-21-19
 Applicant's address 39 Amherst St,
 Telephone number H:6035665240 C:6035665240 E-mail: MONACOATZ@yahoo.com

b. PROPERTY OWNER (Print Name): Albert Monaco

*Owner's signature [Signature] Date 12-21-19
 Owner's address 39 Amherst St
 Telephone number H:6035665240 C:6035665240 E-mail: MONACOATZ@yahoo.com

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

OFFICE USE ONLY	Date Received <u>12/23/19</u>	Date of hearing <u>1/14/20</u>	Application checked for completeness: <u>CF</u>
PLR# <u>2019-00202</u>	Board Action _____		
\$ <u>730</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.")

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

VARIANCE APPLICATION

Address 39 Amherst St

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 N/A Number of employees per shift N/A
- b. Hours and days of operation N/A
- c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors N/A
- d. Number of daily and weekly commercial deliveries to the premises N/A
- e. Number of parking spaces available N/A
- 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:

new Residential Garage

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

12-21-19
Date

ALBERT MONACO
Print Name

12-21-19
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 MONACOATZ@yahoo.com
- Please mail it to me at 39 Amherst St, Nashua NH 03064

Albert Monaco
39 Amherst St
Nashua NH
03064
1-603-566-5240
monacoa72@yahoo.com
12-21-19

Variance Application

Attached:

1. Granting this variance will not be contrary to public interest for any reason.
 - *This variance matches consistency for character of neighborhood.
 - *There are multiple driveways in the neighborhood including one abutter to requestor that exceed zoning requirements.

2. This variance observes the spirit of the ordinance because.
 - *There is no threat to public health, safety, in any way.
 - *This variance will not cause any conflict in the property use.
 - * This property is solely for residential use.

3. Granting this variance is fair and reasonable because.
 - *This variance in no way causes harm to any individual or the general public.
 - *Justice will be done not only to the property owner but the whole neighborhood aesthetically.
 - *The proposed variance will look like it belongs by matching surrounding driveways.

4. The proposed request will only increase surrounding homes neighborhood property values.
 - * This scope of work will be completed professionally and properly to a high standard.

5. Special conditions exist under the zoning ordinance causing hardship as well as a safety issue.
 - *Property lines are considerably further away do to Artillery Ln. Right of way. Causing hardship for proposed footprint to be obtainable without a variance.
 - *There are 4 vehicles coming and going from the home at different times do to residents busy off hrs work schedules. This causes residents to move multiple vehicles multiple times to access safe and reasonable parking conditions.
 - *Artillery Ln. is an extremely busy road during to and from school hours, events at the stadium, and while fields are being used for sporting and social events. There are times when residents cannot access parts of 39 Amherst st. existing driveway do to volume of parked cars on Artillery Ln.
 - *Parking on Artillery Ln. is not always an option due to the volume of other cars parked in front of residence during those busy hours.

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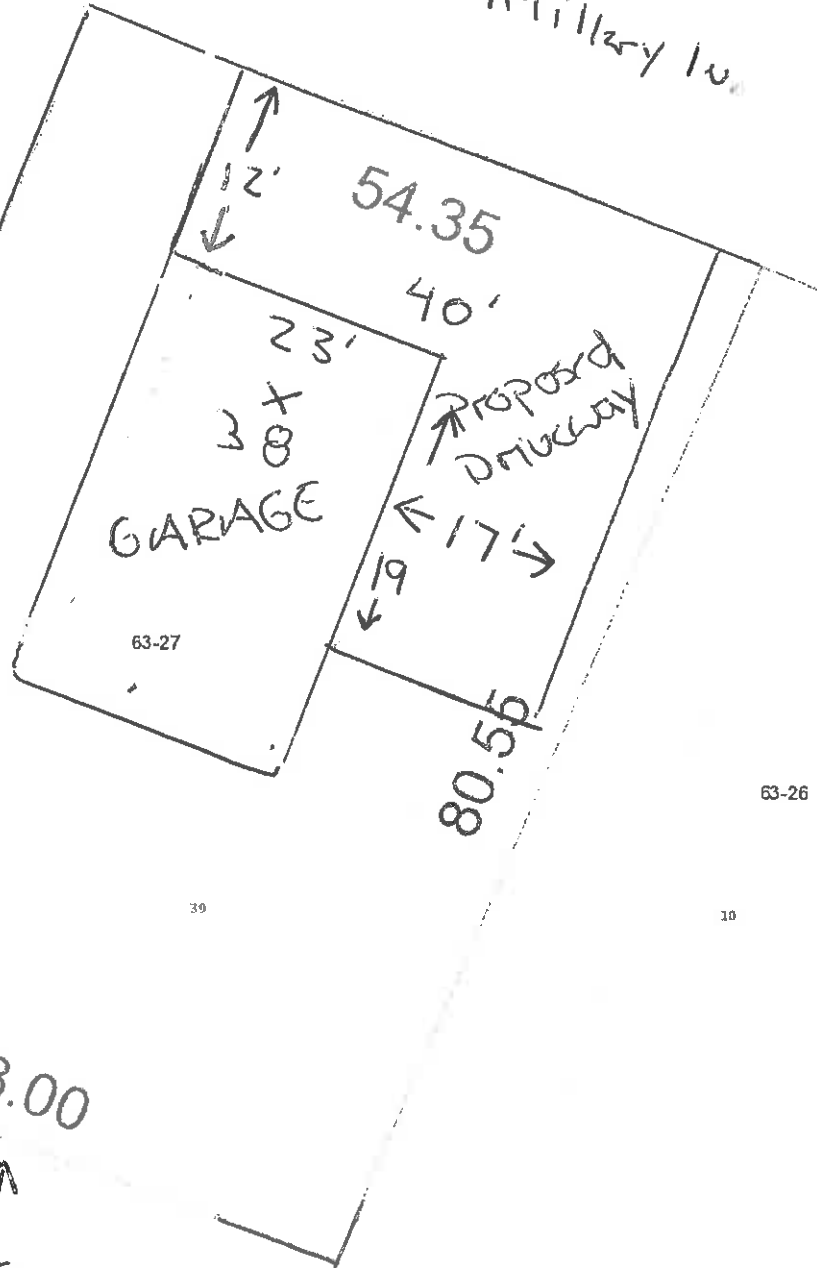


63-28 14

13

82.40

Artillery Ln



63-26

10

53.00

39 Amherst ST



City of
Nashua
NH -
GIS



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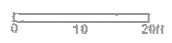
36' CURB CUT
↓
CUT

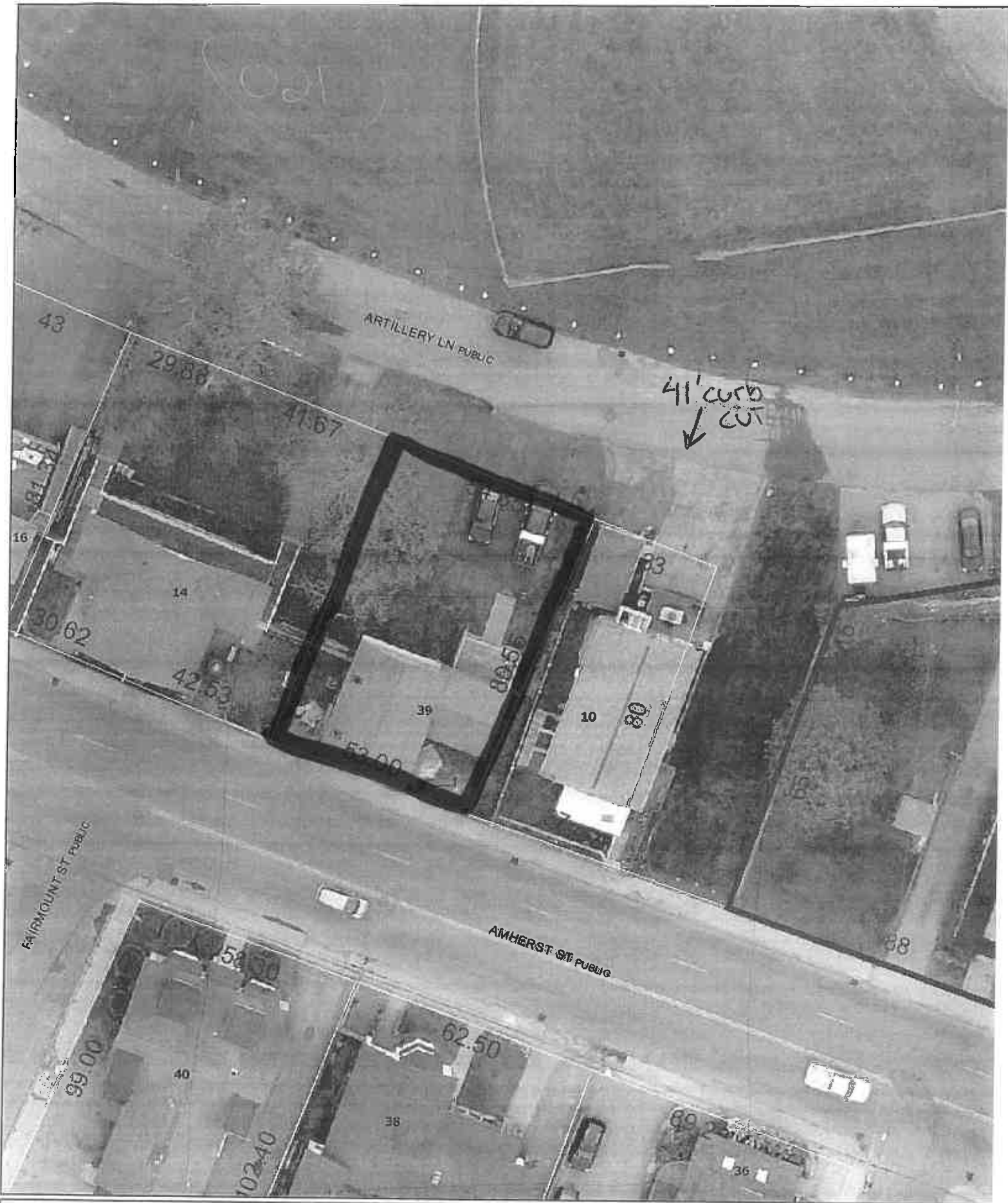


62-1



City of
Nashua
NH -
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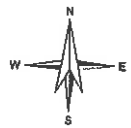
Foot

41' curb
↓
cut

ARTILLERY LN PUBLIC

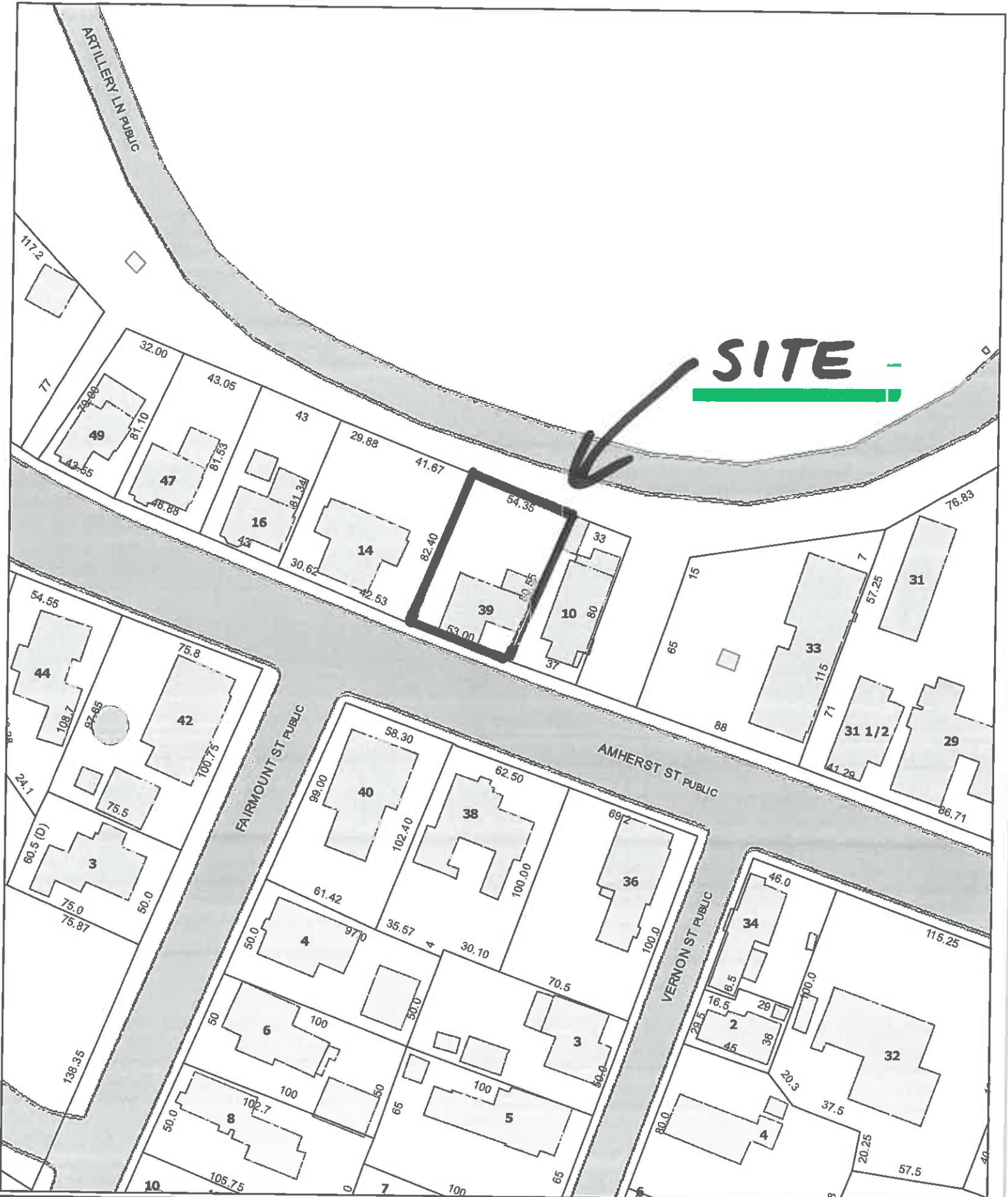
FAIRMOUNT ST PUBLIC

AMHERST ST PUBLIC



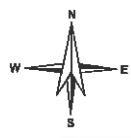
39 Amherst ST





SITE

39 Amherst St





39 Amherst st

39 Amherst st

