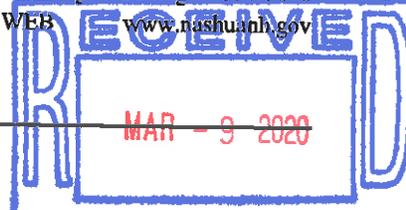




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

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.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 17 ORLANDO ST NASHUA NH 03064

X Zoning District RB Sheet 0130 Lot 00095 ✓

2. VARIANCE(S) REQUESTED:

① NEW PAVING AND REPLACEMENT PAVING OF DRIVEWAY & EXISTING PAVINGS IS 24' WOULD LIKE TO ADD 2' OF ADDITIONAL PAVING TO MAKE DRIVEWAY WALK TO WALK.

② REDUCE THE WALKWAY FROM 9' TO APPLICABLE SIZE WALKWAY.

II. GENERAL INFORMATION

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

(Print Name): ANDRE L ROY

Applicant's signature Andre L Roy Date 3/9/2020

Applicant's address 17 ORLANDO ST NASHUA NH 03064

Telephone number H: _____ C: 603-231-7539 E-mail: ANDRE.L.ROY@YAOU.COM

2. **PROPERTY OWNER** (Print Name): ANDRE L. ROY

*Owner's signature Andre L. Roy Date 3/9/2020

Owner's address 17 ORLANDO ST NASHUA NH 03064

Telephone number H: _____ C: 603-231-7539 E-mail: ANDRE.L.ROY@YAOU.COM

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

OFFICE USE ONLY		Date Received <u>3/9/20</u>	Date of hearing <u>4/28/20</u>	Application checked for completeness: <u>CF</u>
PLR# <u>20-0011</u>	Board Action _____			
\$ <u>530.00</u> application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
\$ <u>15.00</u> signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____		
Land Use Code Section(s) Requesting Variances From: <u>190-192 (C)</u>				

III. 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.")

This change will not be contrary to public interest because adding the new driveway will ^{not} smother and have no health, safety, or property violations to the neighborhood.

- 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 change will not conflict with explicit or implicit purpose of the ordinance & will not alter the character of the neighborhood because it will look better than existing driveway and walkway.

- 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.)

This will be justified by the improvement of the property with the new driveway & walkway.

- 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 improvement of my property will enhance to the neighborhood!

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.

Not really applicable because of no hardships to the neighborhood.

IV. 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.

Andre, J. Roy
Signature of Applicant

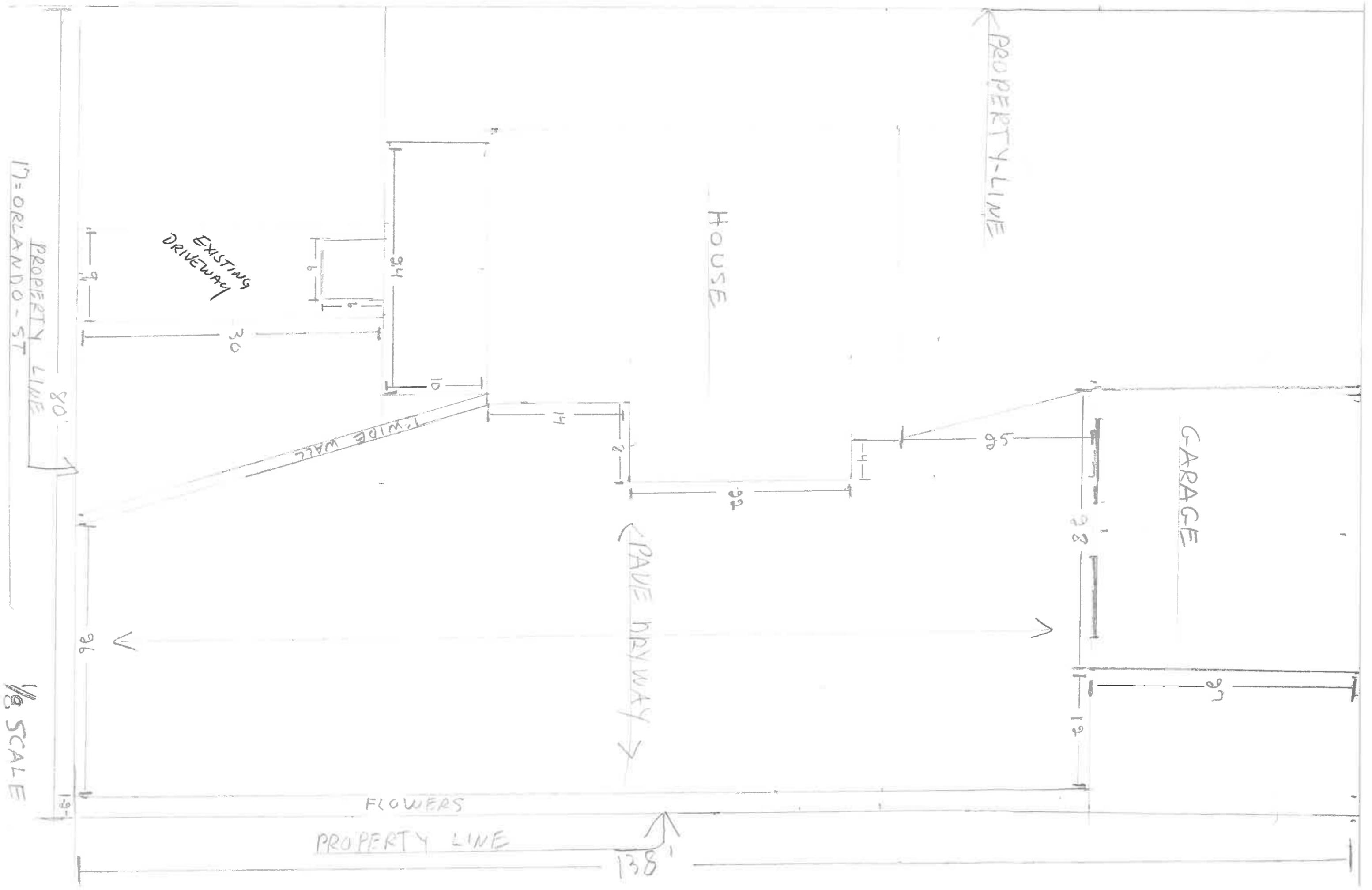
3/9/2020
Date

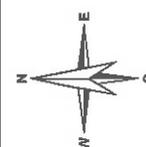
ANDRE L ROY
Print Name

3/9/2020
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 _____





this would be something he had to talk to an insurance agent about as far as liability.

Mrs. Picard said the driveway is so long she doesn't see how anyone would want to back out of it.

Mr. Duffy agreed, especially in the winter. He said when he saw the topography of the driveway nobody is going to back out.

MOTION by Mr. Duffy to grant the special exception for 75 Conant Road for a day care for a maximum of nine children. This is listed in the Table of Uses. It will not create additional undue traffic congestion or unduly impair pedestrian safety. It will not overload public water, drainage, sewer, or other municipal systems. The criteria for a major home occupation are met. (He covered these in his motion). This use will not impair the integrity or be out of character of the neighborhood or be detrimental to the health, welfare or morals of the residents. Special Conditions: No outdoor play before 9:00AM. Hours of operation Monday through Friday from 7:00AM - 5:30PM. All day care participants not to back out onto Conant Road - exit in a forward direction.

SECONDED by Mr. Malkasian

 **MOTION CARRIED UNANIMOUSLY**

9. **Andre L. Roy (Owner) 17 Orlando Street (Sheet 130 Lot 25) requesting the following two variances: 1) to exceed maximum accessory use area, 40% allowed - 67% requested, and 2) to exceed maximum height for an accessory building, 20 feet allowed, 24 feet requested - both requests to construct a 30'x30' two-car garage with room above. RB Zone.**

Andre Roy, 17 Orlando Street. Mr. Roy said he would like to replace an existing 26' X 28' garage with a 30' X 30' with a room above.

Mr. Milligan asked Mr. Roy to go through the five points of law in order to prove he meets the criteria for the variance

to be granted.

Mr. Roy said his existing garage is falling apart and he needs a new one. At this point he faltered indicating he didn't understand due to his language barrier.

Mr. Milligan asked if he would feel comfortable just reading the answers from the application and Mr. Roy said he could do that.

Mr. Roy said the house was built many years ago, prior to existing zoning regulations. This will improve an existing building. This will increase the value of the property. By improving the property, the taxable value will increase without impacting City services. He will be able to upgrade an old building up to current construction standards and enjoy the use of the building. The current use of the property is a single family residence with a two car garage.

Mr. Duffy said the current garage is a single story and he is requesting two stories. He asked what the use of the second story would be.

Mr. Roy agreed. He said the second story would be used for a recreation room.

Mr. Milligan asked if it would be heated or have plumbing.

Mr. Roy said it will probably have heat. He said he is going to have a bathroom and sink downstairs.

Mr. Duffy asked if there were other houses in the neighborhood that have garages and additions as big as this one.

Mr. Roy said when he bought the house fifteen years ago the existing garage was there. He wants a larger garage.

Mrs. Picard asked if there was a foundation on the garage.

Mr. Roy said there is no foundation. He wants to put in a frost wall.

Mr. Malkasian asked why this garage with room above is so high.

Mr. Roy said he doesn't know the rules about the height. He said he thought 24' would give him a nice pitch.

Mr. Malkasian said the maximum height is 20'. He asked if this was acceptable and Mr. Roy said it is.

Mr. Malkasian asked the height of the arborvitae on Mr. Roy's property.

Mr. Roy said 13'.

Mr. Milligan asked Mr. Roy if he had spoken to his neighbors about this.

Mr. Roy said he had not, but he is sure they will be glad to see it replaced because of its condition.

Mr. Milligan said he was concerned about the height of the structure because it might cast a shadow on the abutting property.

Mr. Falk explained the building height is measured at the mid point between the eave and the ridge, not the very top of the building.

Mr. Milligan asked how tall the peak of the building would be.

Mr. Roy said he was going to do the first floor at 9', 1' for the floor, and then another 8' and another 5' for the roof.

Mr. Jenkins said with the size building there is a lot of potential for an apartment, especially if there is plumbing, heating, and electricity.

Mr. Duffy asked if Mr. Roy would be amenable to keeping the size of the new garage 26' X 28' and have a second story.

Mr. Roy said he would be.

SPEAKING IN FAVOR

No One.

SPEAKING IN OPPOSITION

No One.

Mr. Malkasian said 67% is a lot.

Mrs. Picard & Mr. Jenkins said it is already there.

Mr. Malkasian agreed. He said the current garage is only one story. The proposal is to have a second story and the peak might go to 27'.

Discussion ensued.

Mr. Jenkins said he isn't opposed to the 26' X 28' as it already exists. He said they don't necessarily have to grant the second request for the height.

MOTION by Mr. Jenkins to grant a 26' X 28' garage with a room above at 17 Orlando Street. The hardship is that this predates zoning and the garage already exists.

SECONDED by Mr. Malkasian.

MOTION CARRIED UNANIMOUSLY

MOTION by Mr. Jenkins to deny the request for the height variance at 17 Orlando Street because it is out of character with the neighborhood.

SECONDED by Mr. Milligan.

MOTION CARRIED UNANIMOUSLY

10. Sandra A. Fabre & Olga A. Gombins (Owners) 32 Wilder Street (Sheet 96 Lot 71) requesting special exception for