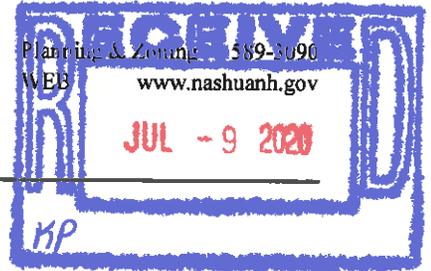




**City of Nashua**  
**Planning Department**  
 229 Main Street  
 Nashua, New Hampshire 03061-2019



**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.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST   
 Zoning District  Sheet  Lot

2. VARIANCE(S) REQUESTED:

**II. GENERAL INFORMATION**

1. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)  
 (Print Name):   
 Applicant's signature  Date   
 Applicant's address   
 Telephone number H:  C:  E-mail:

2. PROPERTY OWNER (Print Name):   
 \*Owner's signature  Date   
 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).

<b>OFFICE USE ONLY</b>	Date Received _____	Date of hearing <u>8/11/2020</u>	Application checked for completeness: <u>OK</u>
PLR# <u>A20-0084</u>	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 # _____	
Land Use Code Section(s) Requesting Variances From: <u>190-41 (B) (5)</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.")

The existing shape of the lot will not allow for the proposed site layout to meet both the required drive-through lane egress dimensions, as well as off-street parking dimensional requirements. The proposed drive-through exit lane is 20 feet wide and is only intended for one-way traffic.

- 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.")

Because of the width of the drive-through and the one-way traffic, it will allow the vehicles to safely maneuver the turn.

- 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.)

Because of the existing shape of the lot and the fact that vehicle safety will be maintained, it will allow the applicant to use the lot safely.

- 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 surrounding property is mainly retail/commercial with some office space and multi-family; this will be new construction.

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.

The character of the neighborhood is retail/commercial and is located on Amherst Street; the property will be used for a commercial use which is a reasonable use of the property.

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.

Signature of Applicant [Handwritten Signature]

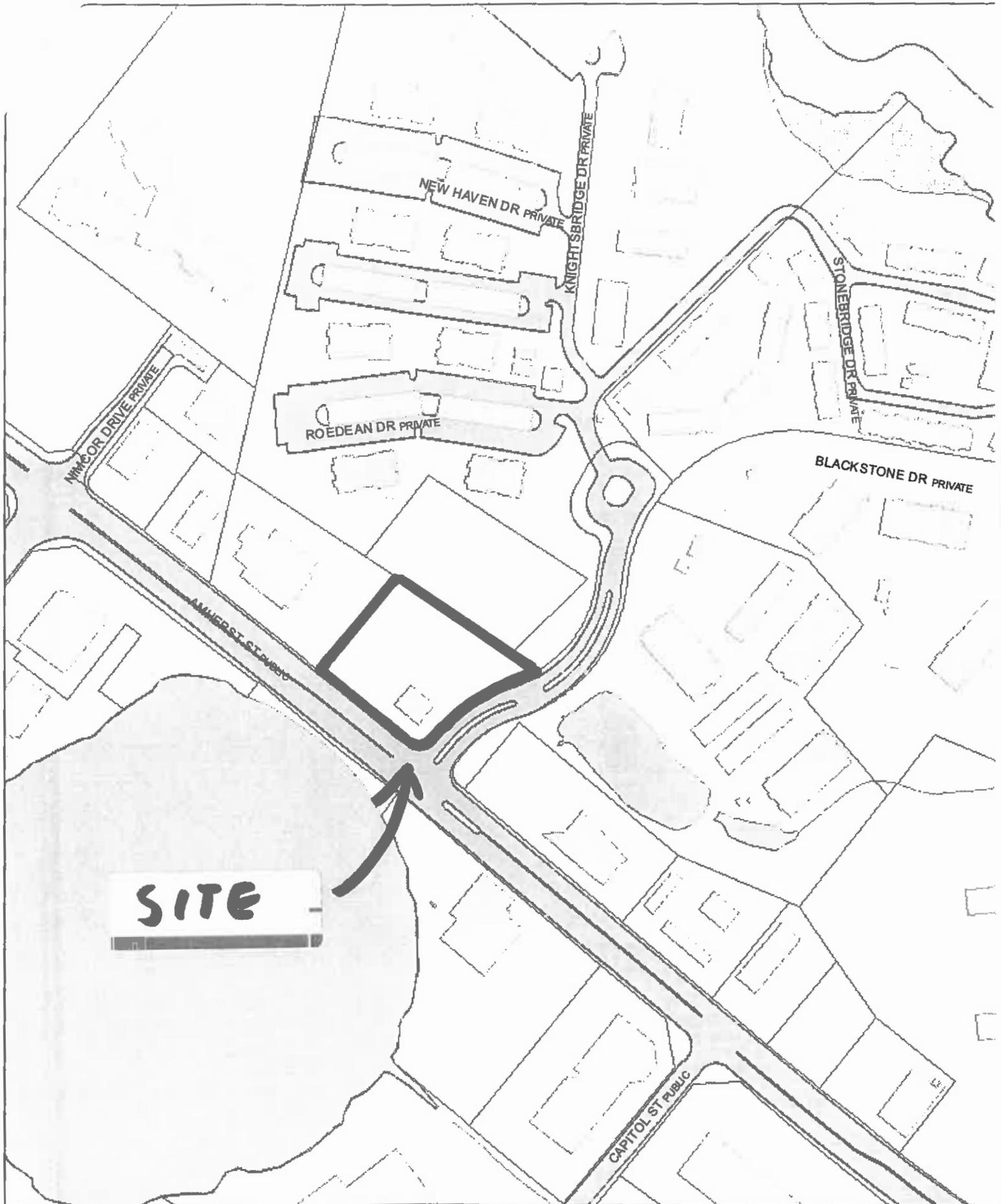
Date 7/8/20

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:

- [ ] I will pick it up at City Hall
[ ] Please email it to me at Because of the width of the drive-through and the one-way traffic, it will allow the vehicles to safely maneuver the turn.
[ ] Please mail it to me at Because of the existing shape of the lot and the fact that vehicle safety will be maintained, it will allow the applicant to use the lot safely.



**SITE**

# 4 Blackstone Drive

