



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 4 Bates Drive

Zoning District RA Sheet 48 Lot 216

2. VARIANCE(S) REQUESTED:

allow paving of my 32' driveway where 24' allowed

II. GENERAL INFORMATION

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

(Print Name): Catherine E Laliberte

Applicant's signature Catherine E Laliberte Date 8-11-20

Applicant's address 4 Bates Drive, Nashua, NH 03064-1701

Telephone number H: 880-3856 C: E-mail: claliberte@comcast.net

2. PROPERTY OWNER (Print Name): willed to me by my father - currently in probate

*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).

9/9/2020

OFFICE USE ONLY Date Received 8/14 Date of hearing 9/10/20 Application checked for completeness: er

PLR# A20-0112 Board Action

\$ 330 application fee Date Paid Receipt #

\$ 15 signage fee Date Paid Receipt #

\$ certified mailing fee Date Paid Receipt #

Land Use Code Section(s) Requesting Variances From: 190-192 (c)

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.")

My driveway was originally paved to its current 32' width over 30 years ago. Repaving to its 32' width will keep it at its current dimensions. It allows increased parking in my driveway and keeps cars off the street.

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.")

Each year I am able to complete one home improvement project. I have to prioritize and this year replacing the dry, cracked, sinking driveway rose to the top of the list. A new, improved driveway makes the neighborhood look better and my home well kept.

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.)

I have double gates leading into my back yard. My wider driveway allows access for the landscaper to mow the back yard without obstacles. The wider driveway makes a smooth transition through the double gates to the back yard.

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.)

My new driveway is now more in line with my neighbors' driveways. They have been resurfaced more recently and are in better shape than mine was. There is more uniformity with my neighbors' driveways. It improves the appearance of our homes as soon as you turn the corner.

- 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 32' width of the driveway allows room for the snow when it is plowed to be pushed toward my fence without digging up the lawn. When snow is plowed to the extra room in the driveway it allows ready access into and out of my garage.

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 _____

Date _____

Print Name _____

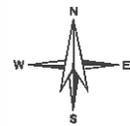
Date _____

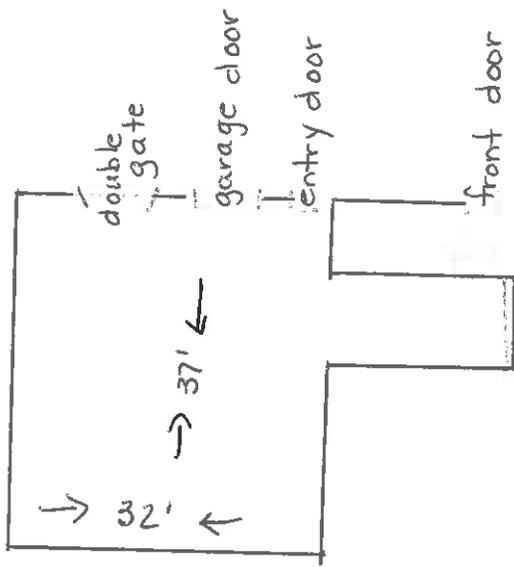
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at claliberte@comcast.net
- Please mail it to me at []



4 Bates Drive





Poirier, Kate

From: Klee, Patricia
Sent: Monday, August 03, 2020 10:37 AM
To: Poirier, Kate
Subject: Re: Variance Application

Categories: Applications

Truthfully what she did was wrong and I am not sure why she did it but I think it was a slight misunderstanding. I explained to her that I had a conversation with Director Marchant & that I learned that we DO NOT grandfather anyone in. I also told her that she had a reputable paving company because they went for a permit which I have learned is not always the case. She asked how was that possible and I said because the city doesn't have the time to drive around and look at every driveway but that neighbors turn in neighbors. She made a side comment that her neighbors would never have done that and I said well she was lucky. I think she misunderstood me in saying that is what she should do.

She knows that she needs to go through the full process and accept whatever happens.

Thank you.

Trish

Sent from my iPhone

> On Aug 3, 2020, at 8:44 AM, Poirier, Kate <PoirierK@nashuanh.gov> wrote:

>

> Good Morning,

>

> Please find attached a variance application. If she has any questions, she is more than welcome to reach out to me. I can't tell her what specifically to write on the form, but I can help her understand what the questions are asking for and provide examples of how they have been filled out in the past.

>

> In my experience the Board is not very sympathetic towards applicants who knew that they shouldn't, and did it anyways. That being said, the Board is independent and I can't predict their decisions. Like anyone who applies, I would do my best to see that the process ran as smoothly and painlessly as possible.

>

> Our next submission deadline is August 11th, for the September 8th meeting. I can be reached at 589-3056, or by email.

>

> Sincerely,

> Kate

>

>

> From: Klee, Patricia

> Sent: Friday, July 31, 2020 8:30 PM

> To: Poirier, Kate

> Subject: Variance Application

>

> Kate - I have a constituent who needs to fill out an application for a variance for a driveway in excess of 24'. She was told that she needed to get a permit and a variance before replacing her existing driveway. I spoke to Director Marchant asking if we (the city) does a grandfathering of existing driveways. She explained that we don't. I explained that to my constituent but somehow she misunderstood what I said and with the possibility of an increase in price she had it paved without the variance. Like I said, the bottom line is that she went ahead and got it paved.

>

> I have spoken to her and she now understands what she did was wrong and I have convinced her to do the right thing and request the variance even after the fact. She knows that she may be forced to tear it up but realizes that she needs to do the right thing.

>

> One of the reasons that she had abandoned the application is that she was quite confused by the whole thing. Sarah has suggested that my constituent could seek your help in filling out the application. Before I give her your name I wanted to make sure that you are the correct person. If so, what number should she call? Also could you send me the application that she needs to file.

>

>

> Trish

> Ward 3 Alderman Patricia Klee

> 603-883-1942

>

> Sent from my iPhone

> <Variance Application for Web.pdf>