



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

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).

OFFICE USE ONLY	Date Received <input type="text" value="4/9/21"/>	Date of hearing <input type="text" value="5/11/21"/>	Application checked for completeness: <input checked="" type="checkbox"/>
PLR= A21-0097	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: _____			

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.")

Placing the structure at 1'9" (as opposed to 6' as required by 190-31) from side boundary is more conducive to the essential character of the neighborhood. The carport's sleek and open design is intended for suburban backdrops. It is quite minimalist: two pillars holding up a translucent canopy for 2 vehicles. It will not undermine the green, open and spacious suburban character of the neighborhood. Photos of the carport structure are attached for reference.

- 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.")

We understand the many benefits of proper setbacks including but not limited to privacy, sound isolation and better landscape. Placing the carport at 1'9" instead of 6' from property line does not violate the rationale behind the setback. We already park our vehicles where we want to install the carport. The tall arborvitae lining the property line already provide privacy and isolation and carport's modern minimalist design will enhance the current landscape without being aesthetically or physically intrusive to neighbors

- 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.)

There is absolutely no harm to general public or adjacent lot owners. By placing at 1'9" as opposed to 6', it will be mostly hidden from public view as well as adjacent lot by the presence of trees. The variance will allow the property owners to protect their vehicles from summer sun and winter snow while keeping the proposed carport/shelter protruding out into the their driveway and blocking the facade of their home.

- 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.)

Placing the structure 1'9" away as opposed to 6' (that requires no variance) will be hardly noticed by the neighbors. As mentioned earlier, the structure is mostly concealed from adjacent lot H-587 due to a line of tall Arborvitae. If a variance is not granted, we will have no choice but to place the structure at 6' from property line where it will partially block the facade of our home, potentially diminishing our property's value as well as the value of surrounding properties.

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.

Literal enforcement of the ordinance (placing structure 6' from side instead of 1'9") would cause the structure to protrude into the driveway, partially blocking facade of the house and potentially diminishing the value of the owner's and surrounding properties. It will also block access to the backyard by truck to load/unload landscaping materials. A previous variance was granted for placing a shed 1'9" from the same property line. Grant of this variance would be in the same spirit.

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

HASSAN JAFRI

Print Name

4/7/21
Date

4/7/21
Date

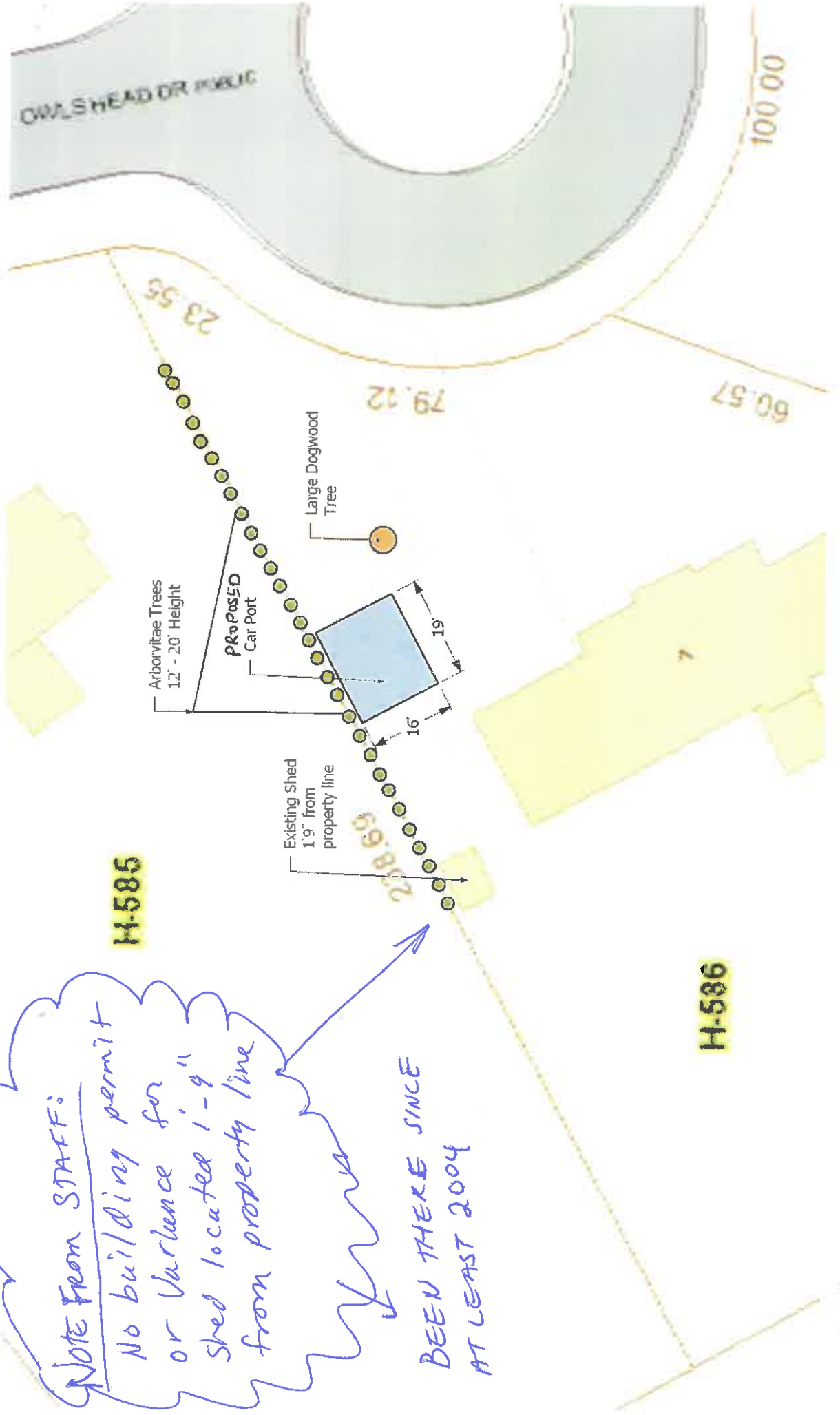
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- [] I will pick it up at City Hall
[x] Please email it to me at HASSAN.M.JAFRI@GMAIL.COM
[] Please mail it to me at []

PROPERTY VIEW

OF

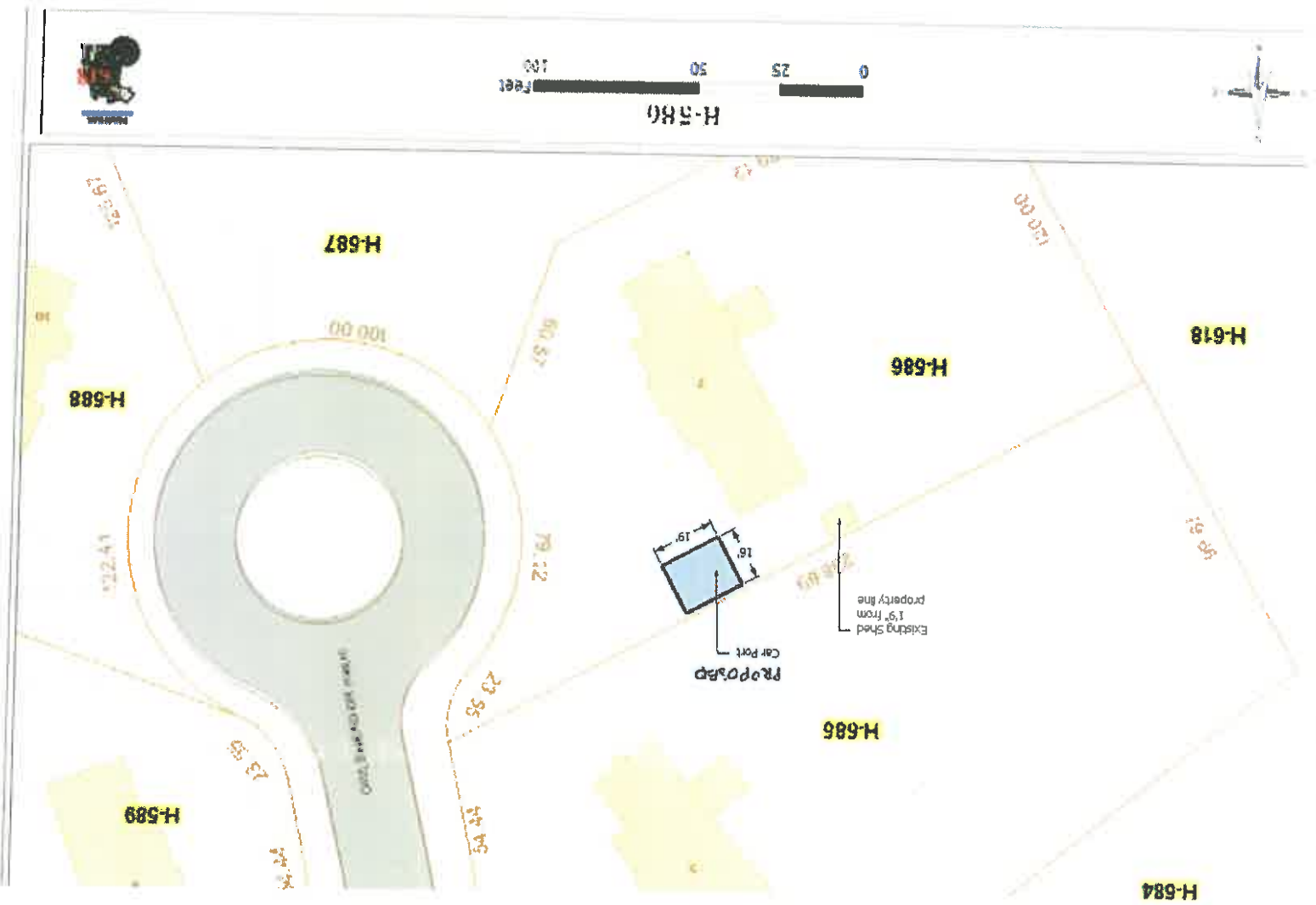
7 OWLS HEAD DR.



Note from STAFF:
 No building permit
 or Variance for
 shed located 1'-9"
 from property line

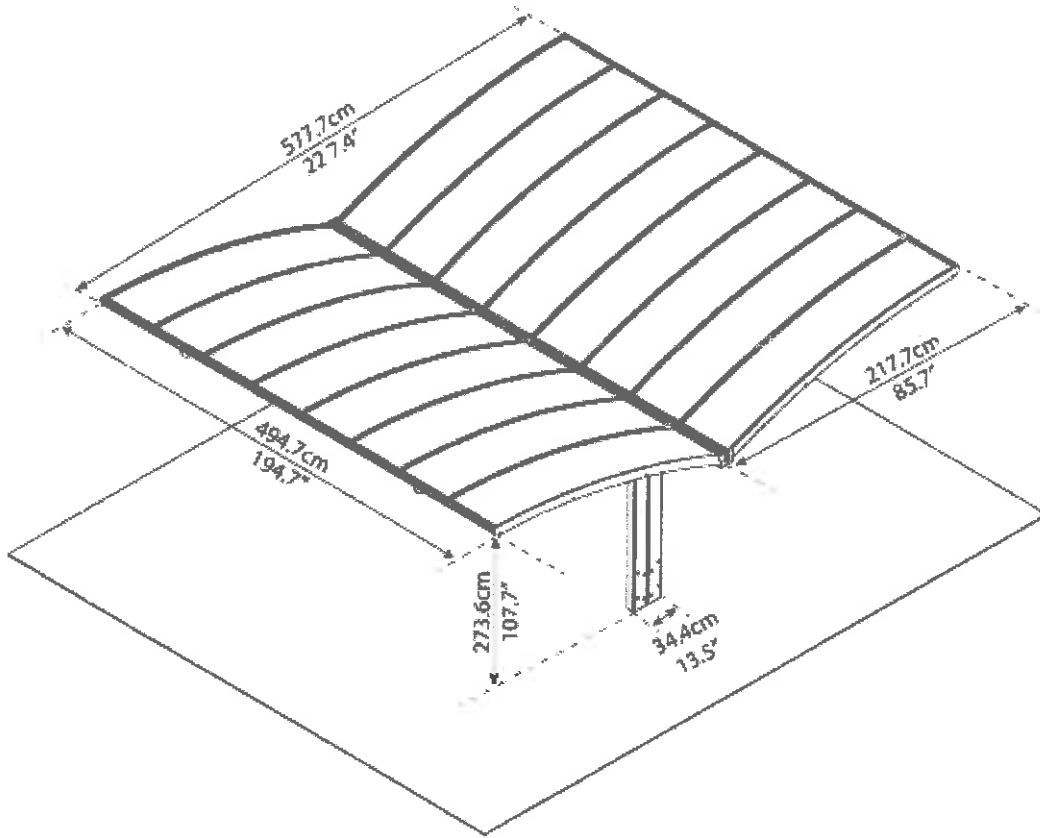
BEEN THERE SINCE
 AT LEAST 2004

NEIGHBORHOOD VIEW OF 7 OWLS HEAD DR.



NEIGHBORHOOD VIEW
7 OWLS HEAD DR.

CARPORT DIMENSIONS

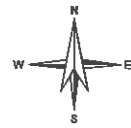


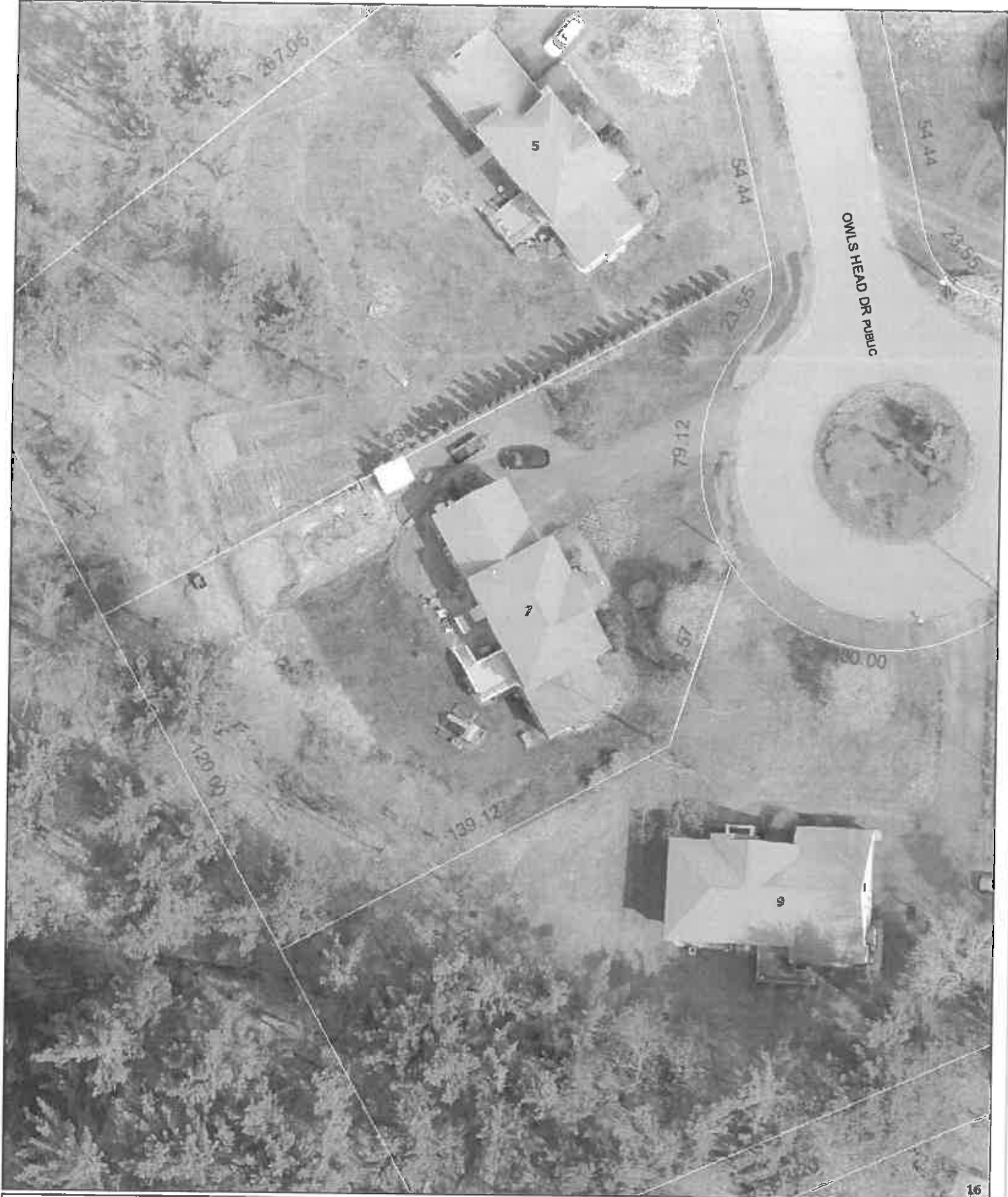
CARPOR T
FRONTAL VIEW





7 Owls Head Drive





7 Owls Head Dr

