

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:

190-264 DEFINITIONS - "USE, ACCESSORY"

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 <i>4/12/21</i>	Date of hearing <i>5/11/21</i>	Application checked for completeness: <i>CF</i>
PLR: <i>A21-0098</i>	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: <i>190-264</i>			

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 proposed shed will benefit the homeowner and neighbors in the following ways: a.) It would replace an existing tarp over scaffolding system that can be prone to noise on rainy and windy days; b.) a shed will be far more attractive for abutters than flapping tarp; and, c.) a locked shed will provide a more secure manner of storing pool and lawn chemicals.

- 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 existence of a shed, rather than a tarp system, will not alter the essential character of the neighborhood, as other houses have similar structures. It's visibility will only be partial, as the back of the property is currently surrounded by a 6-foot solid wooden fence. Not only would a lockable shed not create a public health, safety, or welfare risk, it would seem to make storage of chemicals, including pesticides, safer.

- 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.)

Having a solid, secure shed, rather than a tarp that is vulnerable to the elements, would be a significant improvement to the property with the only likely impact on the neighborhood to be a neutral or positive one. In addition, access to the storage area under the tarp can be quite risky during the winter due to the considerable snow load after a storm.

- 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 limited visibility of the shed (likely only the roof peak), combined with its consistency with the character of the neighborhood, would make it unlikely to negatively impact surrounding property values. In addition, the approximate 1,000sf of accessory use of the property is an in-ground pool, which maintains a sense of open space within the backyard. Thus, the addition of a small shed will not contribute to a sense of the backyard being crowded in any way.

- 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.

I have been quite concerned for my safety when clearing heavy snow off the temporary structure, thinking that the whole structure could collapse at any moment.

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

4-12-21

 Date

Carol R. Houde

 Print Name

4-12-21

 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
- Please email it to me at choudephd@comcast.net
- Please mail it to me at []

HARRIS ST. (DEAD END)

75'

1 BLOCK = 5'

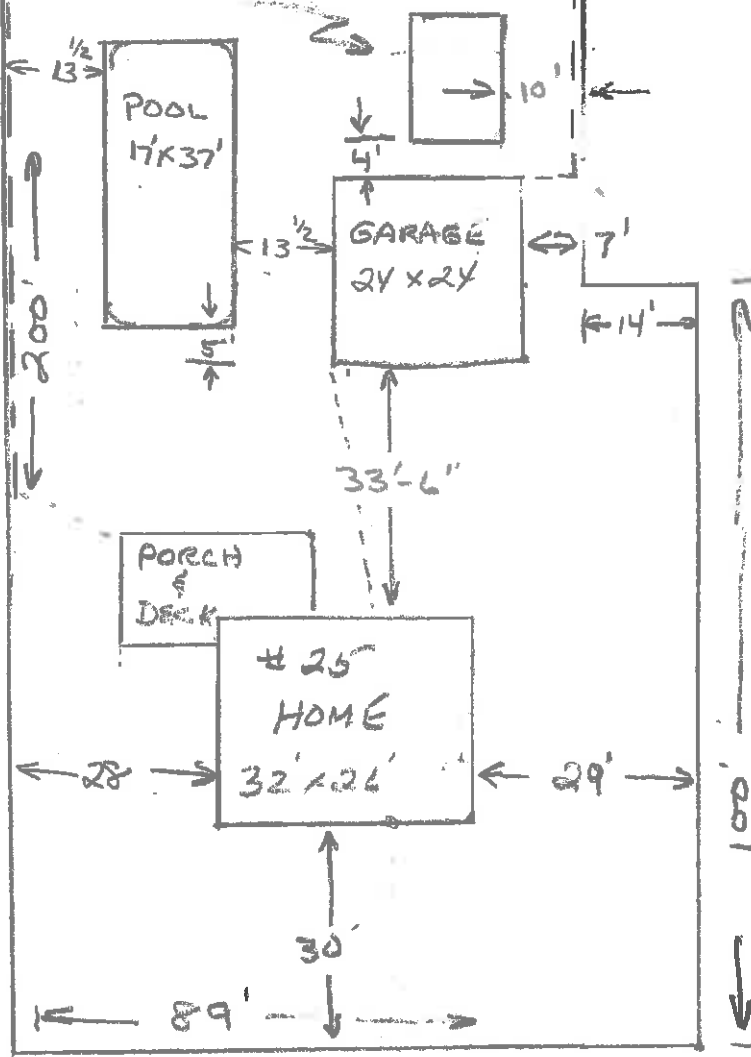
LOT 63
SHEET 110

FENCE

1" = 25'

POOL, GARAGE,
HOME, PORCH, FENCE
AND DECK
all existing structures

PROPOSED 199 ft²
SHED (12x16' EST)



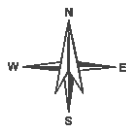
27
EASTMAN

23
EASTMAN

EASTMAN ST.

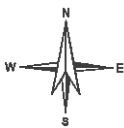


25 Eastman St





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WEB www.nashuanh.gov

March 29, 2021

Carol Houde & Stephen Gronberg
25 Eastman St
Nashua NH 03060

Re: Letter of Application Determination

Dear Mr. Gronberg,

The Zoning Department has received your Land Use Permit application to construct or add a 200 square foot shed, located at 25 Eastman St, Nashua NH.

There are a number of Land Use Codes that are reviewed for compliance when you submit your application, such as, Use of the request and if it complies with the Zoning District requirements. Dimensional setbacks from property lines, Open space for the lot, Driveway compliance, Accessory use percentage, Wetlands Ordinance as well as compliance with the Floodplain Management Ordinance.

After reviewing your application it has been determined that based on current Land Use ordinances, before the application can be approved it will require additional review and approval with the Zoning Board of Adjustment because the size of the shed is over the allowance of Accessory Use Percentage for this property. 190-264 requires that only 40% of the living area of the home is allowed. Current City of Nashua Assessing information has 2,496 sqft of finished living area, this gives you an allowance of 998.4 sqft. The existing garage (576) and in-ground pool (512) are already over the allowance.

I have attached a variance application, for your use. The request is **to allow 51% Accessory Use Percentage where 40% is allowed to construct a 200 sqft shed**. The application fee is \$345.00. The next application deadline is April 13th for a May 11th meeting. After approval, your building and land use permit will need to be issued to complete the approval of the variance.

Sincerely,

Marcia Wilkins
Planner I, Planning & Zoning Department

Cc: Property Account File