



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 NOT BE ACCEPTED

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 54 Robinhood Road, Nashua, 03062
 Zoning District R-9 Sheet B Lot 1527

2. VARIANCE(S) REQUESTED:

A residential driveway may not exceed 24 feet in width at the right of way line (ROW). Code 190-17E. Variance requested to allow for a driveway to accommodate an extra car that would not block access to the existing 2 car garage. The additional space would add 7 feet to the existing width bringing the total at the ROW to 32 feet.

II. GENERAL INFORMATION

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

(Print Name): David and Sarah Hall
 Applicant's signature [Signature] Date 4-11-22
 Applicant's address 54 Robinhood road
 Telephone number H: 603-886-2733 C: 603-557-6274 E-mail: SHALL54@gmail.com

2. **PROPERTY OWNER (Print Name):** David and Sarah Hall

*Owner's signature [Signature] Date 4-11-22
 Owner's address 54 Robinhood Road
 Telephone number H: 603-886-2733 C: 603-557-6274 E-mail: SHALL54@gmail.com

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

OFFICE USE ONLY Date Received 4/11/22 Date of hearing 5/10/22 Application checked for completeness: cf

A# 22-0069 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____
 \$ _____ signage fee Date Paid _____ Receipt # _____
 \$ _____ certified mailing fee Date Paid _____

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 it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

- It will increase the parking in our driveway keeping additional cars off of the street during the day.
- It will reduce the need to reorganize cars early in the morning or late in the evening due to lack of adequate parking that does not block the existing garage.
- The additional spot will not block the existing sidewalk at all.
- It is similar to multiple houses in close proximity to the property. See examples for homes with similar variance.

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.")

- It does not encroach on the side (20') setback rule. This corner lot has no back setback line.
- It does not result in a paved surface that covers a substantial portion of the 0.26 acre lot.
- This project will be part of repaving of the existing driveway keeping the home well maintained and visually pleasing.
- The additional parking spot will not block the existing sidewalk at all.
- It results in a driveway similar to adjacent neighbors and multiple homes in the neighborhood. See attachment for example homes.

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.)

The placement of this home, built in 1972, on the corner lot is incredibly close to the road leaving very limited parking for a traditional sized family of 4. Approving the variance will allow the family to easily park an additional car. Should the variance be approved the driveway construction will be initiated. The driveway without the variance will be insufficient and may require the owners to drive or park on the grass to ease the very limited parking on the property.

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.)

- Additional driveway square footage will increase the features and overall value of the residence keeping parked cars off of the street during the day.
- It does not encroach on the side (20') setback requirements for the property. This corner lot has no back setback line.

The proposed driveway size will be similar to similar homes in the area.

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship**, because: (The applicant must establish that 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 position on the plot of the 1972 house on this corner lot has resulted in far less driveway square footage than is typical for a house in this family oriented neighborhood. The property does not provide adequate, reasonable parking for a family of four due to its location so close to the road. The very short distance from the front of the garage to the ROW line (11') does not allow the parking of any additional car that would not block access to the garage. A parking spot added to any different location on the property is not logical or practical.

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:

Pending approval, property owners will initiate re-surfacing the existing driveway and expanding it. A walkway made of pavers will also be added to the back of the driveway to the side fence gate.

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 points specifically mentioned are affected by action taken on this appeal.

David and Sarah Hall
Signature of Applicant

4-11-22
Date

Print Name

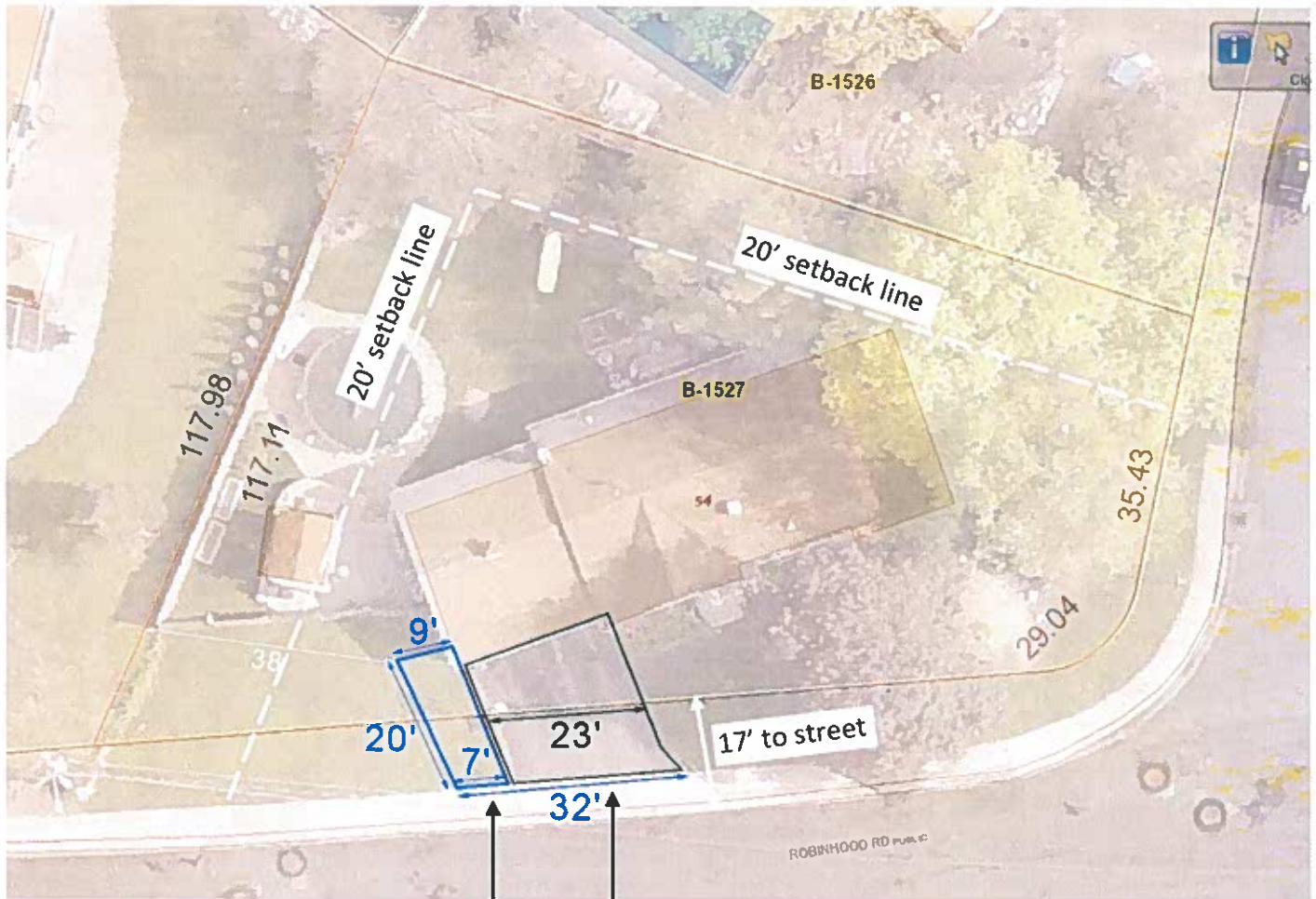
Date

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
- Please mail it to me at

Plot Plan

- Side (20') setbacks shown. Note: Corner lot does not have a back setback.
- The existing driveway is 24 feet wide at the sidewalk, but 23 feet at the property line or ROW line.
- Nashua GIS maps indicate the front property line is approximately 17 feet from the street.
- The unique sidewalk does not have a curb and is level with both the street and the driveway. An approximately 3 inch deep indented channel is located on the road side to direct water. This sidewalk does not change any characteristics in front of the existing driveway. Mark Jennings from DPW came out to look at it on March 23, 2022 – see attached email.

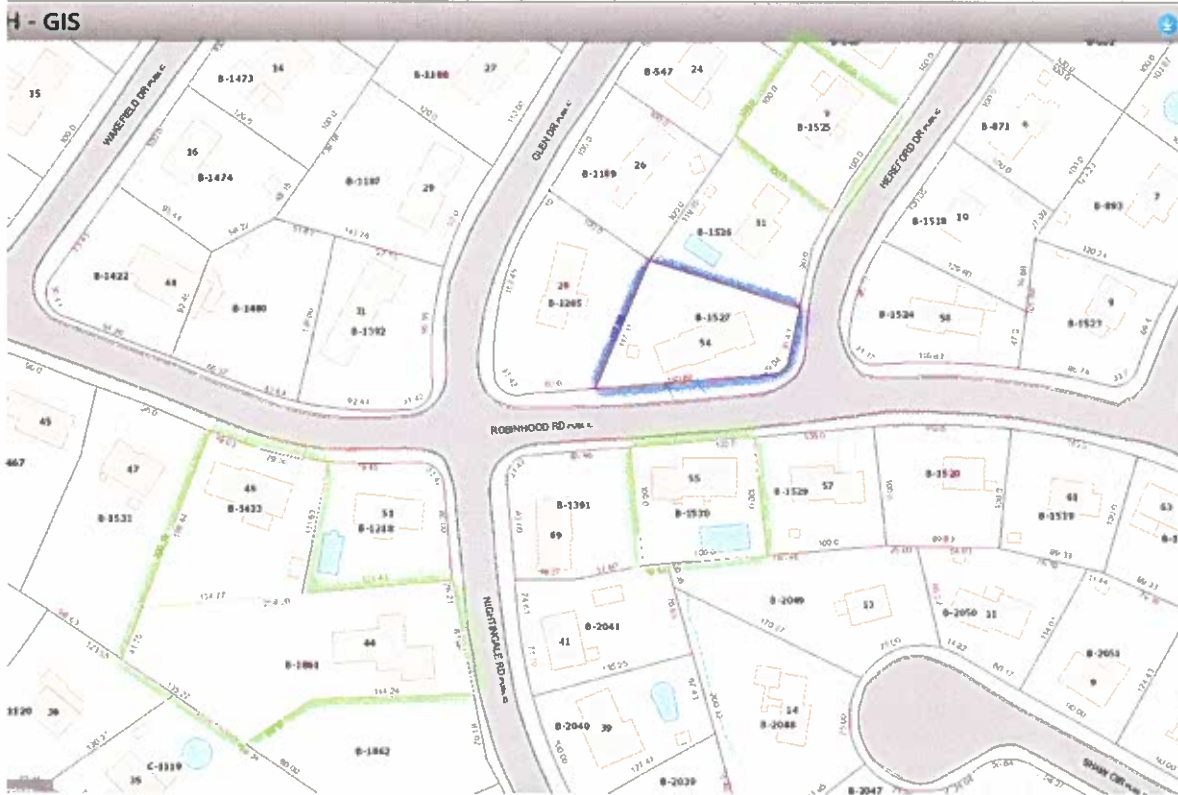


Existing Driveway

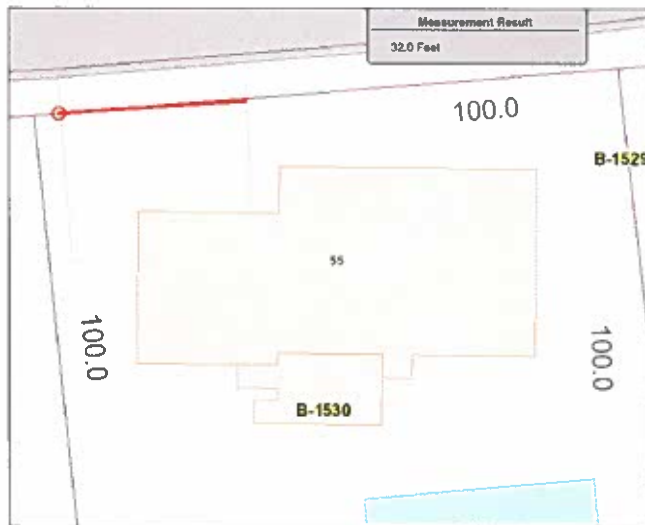
Proposed driveway Addition

Neighborhood Homes with similar driveway variances

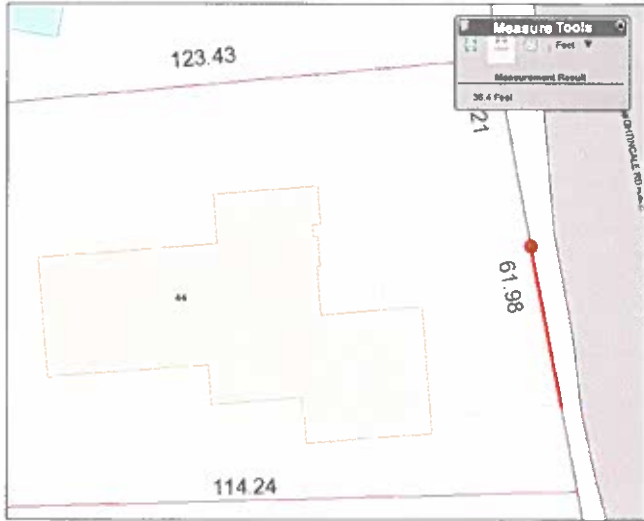
54 Robinhood road is highlighted in blue. The four comparative homes are highlighted in green. They all appear to exceed the maximum of 24 feet in width at the property line. Many of these houses are placed close to the front property line resulting in limiting parking like 54 Robinhood road. Examples are shown to illustrate how the variance would not negatively impact the neighborhood.



Home #1: 55 Robinhood Road – 32 feet wide driveway



House #2: 44 Nightingale Road– 36 feet wide driveway



House 3: 9 Hereford Drive – 27 feet wide driveway

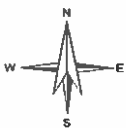


House 4: 49 Robinhood Road – 44 feet (2 driveways)





54 Robinhood Rd





54 Robinhood Rd



Additional attachments:

- Letter of support from Mark Jennings, Nashua City Surveyor
- Letter of support from neighbor across the street 55 Robinhood Road
- Letter of support from abutting property on the side of the expansion 28 Glen Drive

Driveway expansion

Jennings, Mark <JenningsM@nashuanh.gov>
To: Sarah Hall <shall54@gmail.com>

Thu, Apr 7, 2022 at 8:09 AM

Hi Sarah,

I talked to the City Engineer Dan Hudson and told me it was ok for you to widen your driveway and go over the existing sidewalk that was there, and no driveway permit was needed because you were staying on private property. But must conform to all requirement of variance.

Thanks

MARK JENNINGS

CITY SURVEYOR

9 RIVERSIDE STREET

NASHUA, N.H. 03062

603-589-3144

From: Sarah Hall <shall54@gmail.com>
Sent: Friday, April 01, 2022 5:34 PM
To: Jennings, Mark <JenningsM@nashuanh.gov>
Subject: Driveway expansion

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

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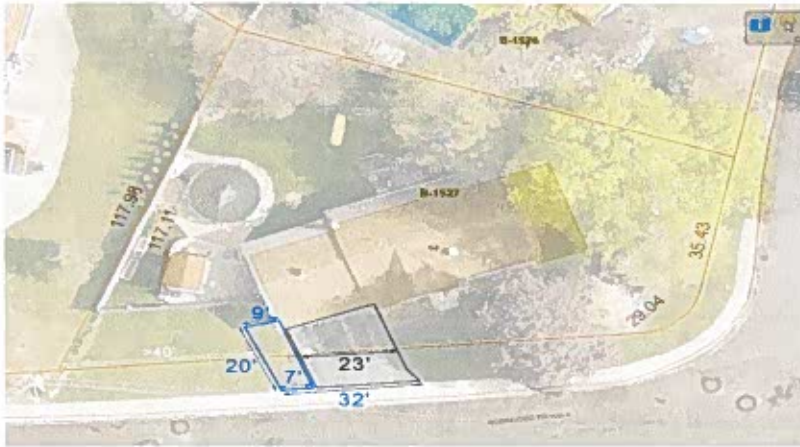
This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations

Steve and Charisa Martin
28 Glen Drive Road
Nashua, NH 03062

April 1, 2022

Dear Zoning Board Members,

We share a property line with the Hall family. They spoke to us about their desire to expand their driveway (details below) and we are happy to support their application for a variance to expand their driveway 8 feet beyond the 24 foot max. We think it will help their lack of parking and do not have any concerns of it negatively impacting the flow of traffic or the character of our neighborhood.



Sincerely,

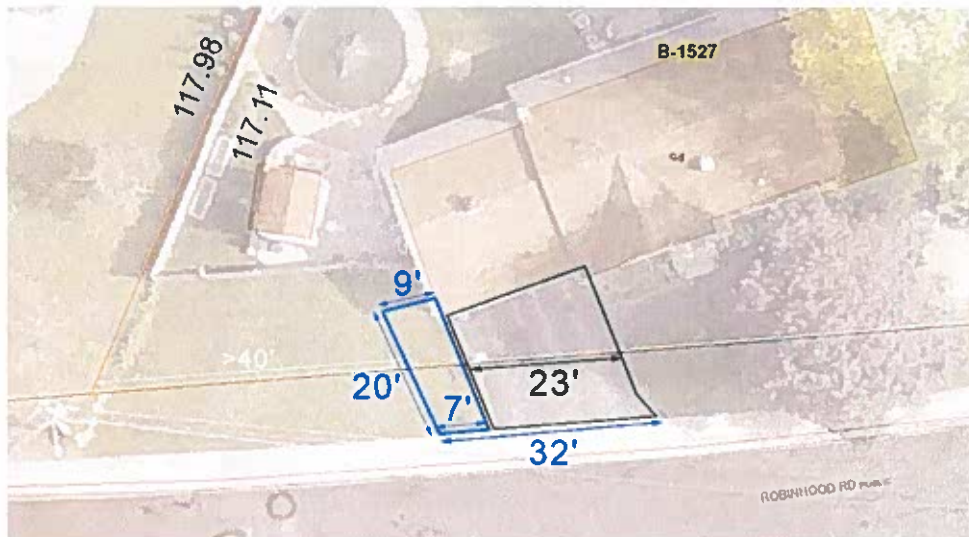
Charisa C. Martin
Charisa C. Martin
STEPHEN MARTIN
[Signature]

Paul and Lynne Ouellette
55 Robinhood Rd
Nashua, NH 03062

April 2, 2022

Dear Zoning Board Members,

We live directly across the street from the Hall family. They spoke to us about their desire to expand their driveway (details below) and we are happy to support their application for a variance to expand their driveway 8 feet beyond the 24 foot max. We think it will help their lack of parking and do not have any concerns of it negatively impacting the flow of traffic or the character of our neighborhood.



Sincerely,

Handwritten signature of Paul Ouellette.