



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

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 Planning & Zoning 589-3090
 WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE ACCEPTED

I. VARIANCE INFORMATION

7 1/2 - 73

1. ADDRESS OF REQUEST 73 Walnut Street

Zoning District RC Sheet 81 Lot 67

2. VARIANCE(S) REQUESTED:

Add two (2) studio apartments on 3rd floor of building

II. GENERAL INFORMATION

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

(Print Name): James Gebo, - Alpha Landscape Contractors

Applicant's signature [Signature] Date _____

Applicant's address 11 Highland Road Windham NH 03087

Telephone number H: _____ C: 603-818-6655 E-mail: jamesagebo@gmail.com

2. **PROPERTY OWNER (Print Name):** Axis Realty

*Owner's signature [Signature] Date _____

Owner's address 270 Nashua Road Londonderry NH 03053

Telephone number H: _____ C: 603-818-6655 E-mail: jamesagebo@gmail.com

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

OFFICE USE ONLY Date Received _____ Date of hearing 1/24/23 Application checked for completeness: ✓ CF

A# 22-0260 Board Action _____

\$ _____ application fee Date Paid _____ Receipt # _____

\$ _____ signage fee Date Paid _____ Receipt # _____

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

Land Use Code Section(s) Requesting Variances From: 190-16, table 16-3



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.")

This improvement project will be very positive for the neighborhood due to the fact that this will provide an additional 2 units that are fully renovated with off-street parking. We use high quality fit and finish in our apartments, and carefully screen our tenants which will only bring quality people into the neighborhood. We currently own and manage 53 apartment units in the City of Nashua, we take pride in all of our properties and invest considerable capital to make our buildings as nice as possible as well as a positive addition to any community we become a part of.

- 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.")

This building resides on Walnut Street, which is primarily other multi-family dwellings, we feel our proposed use stays within the character of the other residences both on this street and in the general neighborhood.

- 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 current space that we are looking to convert was clearly used as residential space in the past as the area is still somewhat finished with drywall, outlets, door jambs, etc. The current parking lot can support the additional vehicles that the units would require as we have 16 spaces available. It would not be beneficial to convert these to additional bedrooms as opposed to single family units, as this tends to attract large groups of roommates with excess vehicles, more risk of disturbances, etc. In our experience small units tends to attract young professionals that work at area businesses such as BAE. We feel that the level of quality that we put into our apartments attracts an excellent quality tenant that will benefit the neighborhood as well as surrounding businesses.

- 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.)

This improvement project will not in any way diminish the surrounding properties. Instead it will enhance the neighborhood by attracting quality tenants who will patronize the local businesses.

- 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.

In our opinion, it would be unreasonable to deny this request and presents a hardship to us by continuing to waste usable space that could supply more available rentals to the community. We believe that using this additional space to make new smaller units that are highly sought after by young business professionals, is the best, and only viable option. Increasing the current two bedroom units to four bedroom units would attract groups of younger, unrelated tenants looking to "share" the space. This leads to extra vehicles overloading the street parking, higher noise levels, and other disturbances. in turn causing hardships to our current tenant population.

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:

Real Estate operations providing quality housing/apartments in the Southern NH region

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:

No proposed site renovations at this time

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.


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
- Please mail it to me at





71 1/2 - 73 Walnut Street



71 1/2 - 73 Walnut Street



Poirier, Kate

From: jamesagebo@gmail.com
Sent: Thursday, December 29, 2022 2:06 PM
To: Poirier, Kate
Subject: RE: 73 Walnut St Variance - Information Needed

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

Yes, the property is owned by directly Chestnut Woodburn, LLC and Chestnut Woodburn LLC is owned by Axis Realty. 2 layers of ownership

From: Poirier, Kate <PoirierK@nashuanh.gov>
Sent: Thursday, December 29, 2022 11:03 AM
To: jamesagebo@gmail.com
Subject: 73 Walnut St Variance - Information Needed

Good Morning,

This is in regards to your recent variance application. Assessing records indicate that the ownership of this property is under Chestnut Woodburn LLC, yet your application states that the owner is Axis Realty. Can you please confirm the ownership status of this property?

Sincerely,
Kate

Kate Poirier
Zoning Coordinator
Planning Department
603-589-3056
PoirierK@nashuanh.gov

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees and City volunteers regarding the business of the City of Nashua, are government records available to the public upon request. Therefore, this email communication may be subject to public disclosure.



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