



City of Nashua
Community Development Division
 City Hall, 229 Main Street, PO Box 2019
 Nashua, New Hampshire 03061-2019

Community Development 589-3095
 Planning and Zoning 589-3090
 Building Safety 589-3080
 Code Enforcement 589-3100
 Urban Programs 589-3085
 Economic Development 589-3070
 Conservation Commission 589-3105
 FAX 589-3119
 www.nashuanh.gov

VARIANCE APPLICATION

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. The ZBA will not consider incomplete or inaccurate applications for action. ~ PLEASE PRINT OR TYPE ~

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 40 Linton Street
 Zoning District RA Sheet 129 Lot 254

b. VARIANCE(S) REQUESTED
To allow a shed of 14' X 40' to be within 3.8' and 4.1' of the side and rear setbacks when 6' is required.

2. GENERAL INFORMATION

a. APPLICANT / OPTIONEE (List both individual name and corporate name if applicable)
Robert D'Ortona
 Applicant's signature [Signature] Date 1/28/16
 Applicant's address by Gerald R. Prunier, his attorney, 20 Trafalgar Sq., Nashua, NH 03063
 Telephone number (home) _____ (work) 883-8900

b. PROPERTY OWNER Robert D'Ortona
 Owner's signature [Signature] Date 1/28/16
 Owner's address 40 Linton Street, Nashua, NH
 Telephone number (home) _____ (work) 883-8900

Case number _____ Application Deadline _____ Date Received _____ Date of hearing 2/23/16
 Notices: Newspaper Abutters Board Action _____
 \$ _____ fee Date Paid _____ Receipt # _____
 \$ _____ application fee Date Paid _____ Receipt # _____
 \$15 signage fee \$100 recovery fee Date Paid _____ Receipt # _____

2016-00022

3. **PURPOSE OF REQUEST**

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attached 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.")

Because of its location there is sufficient room for circulation around the shed. The rear of the shed abuts the school departments open space and parking lot.

- 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 purpose of the setbacks are to allow circulation for safety purposes. There is sufficient room around the shed.

- 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.)

Because of the size of the shed it would be difficult to move. The shed also serves to provide privacy for the abutting neighbors.

- 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 shed fits into the neighborhood and adds value to the 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.

The property abuts the school department land, which is all open space, moving of the shed would be costly.

4. USE VARIANCE ADDITIONAL INFORMATION

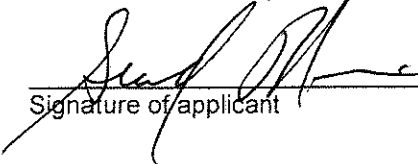
Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- 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.

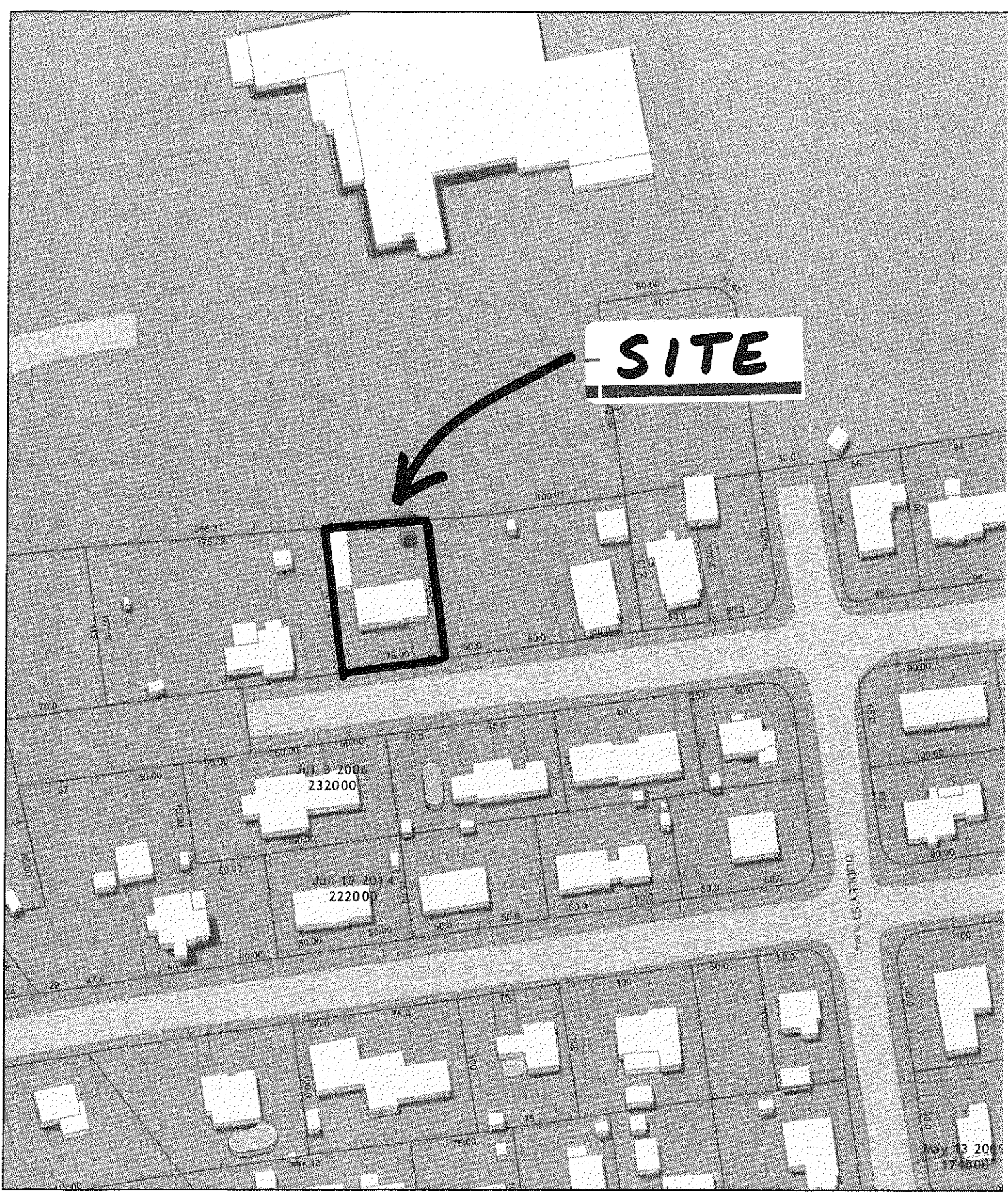
I understand that only those point specifically mentioned are affected by action taken on this appeal.


Signature of applicant

1/28/16
Date

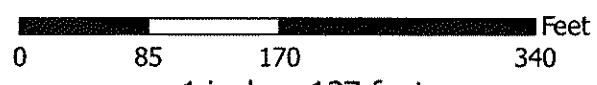
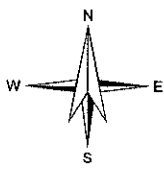
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- I will pick it up at City Hall
- Please email it to me at _____
- Please mail it to me at _____



SITE

40 Linton



1 inch = 127 feet

