

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
August 27, 2019

A public hearing of the Zoning Board of Adjustment was held on Tuesday, August 27, 2019 at 6:30 PM in the Auditorium, 229 Main Street, at City Hall.

Members in attendance were:

JP Boucher, Chair
Steve Lionel, Vice Chair
Rob Shaw, Acting Clerk
Jay Minkarah
Nick Kanakis

Carter Falk, Deputy Planning Manager/Zoning

Mr. Boucher explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Boucher explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Boucher also explained procedures involving the timing light, as well as the projector in front of the stage for plans to show the audience.

1. Marjie A. Sands (Owner) 104 Conant Road (Sheet C Lot 661) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 5 feet into the 10 foot required right side yard setback to construct an attached 20'x20' garage. R9 Zone, Ward 9.

Voting on this case:

JP Boucher, Chair
Steve Lionel, Vice Chair
Rob Shaw, Acting Clerk
Jay Minkarah
Nick Kanakis

Mr. Boucher said that he has just been informed that the request is to change the proposed garage into a carport. He said that it is the same encroachment.

Marjie Sands, 104 Conant Road, Nashua, NH. Mrs. Sands said that she wants to have an attached carport, 20'x20', and it would encroach 5 feet into the side setback. She said that this area has a hill, and it is very slippery. She said that with the carport, she can go directly from the house under the carport, and it will be much easier for access. She said that many times she is stuck in the house with the ice on the driveway.

Mr. Lionel said that the picture that was submitted for the garage, and asked what the new carport would look like.

Mrs. Sands showed a drawing that the construction company came up with. She said it will have a slanted roof now. She said that currently, the area is just a driveway.

Mr. Lionel asked why she has decided to change the plan.

Mrs. Sands said that they want the same money for the garage as what she paid for the house originally. She said that the carport is significantly less expensive.

Mr. Lionel said that it looks like the reason that the variance is needed is because this side of the lot is angled, so the back corner of the carport wouldn't be encroaching.

Mrs. Sands said that is correct. She said that she is stuck in the house in the winter.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Mr. Lionel said that he sees no issues with this application, and is in support.

Mr. Minkarah said that it is a customary use, and the size that is proposed for two cars, so there is an effort to keep the encroachment at a minimum.

Mr. Kanakis said that there are many other garages and carports in the area, and the carport would be less intrusive than a

garage, and it's a minor encroachment, and is in support.

Mr. Boucher agreed as well, and the request is reasonable and makes sense.

MOTION by Mr. Lionel to approve the application on behalf of the owner as advertised. He said that the Board believes that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the lot line being angled, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Lionel said that the Board feels that it is within the spirit and intent of the ordinance.

Mr. Lionel said that it would not negatively impact surrounding property values.

Mr. Lionel said that the request is within the public interest, and substantial justice is served.

SECONDED by Mr. Minkarah.

MOTION CARRIED UNANIMOUSLY 5-0.

2. Stephen M. & Lisa A. Nute (Owners) "L" Almont Street (Sheet 103 Lot 103) requesting variance from Land Use Code Section 190-16, Table 16-3 for the following: 1) minimum land area, 6,000 sq.ft required, 5,000 sq.ft existing; and, 2) minimum lot width, 60 feet required, 50 feet proposed - both requests to construct a new single-family home on a nonconforming lot of record. RB Zone, Ward 6.

Voting on this case:

JP Boucher, Chair
Steve Lionel, Vice Chair
Rob Shaw, Acting Clerk
Jay Minkarah
Nick Kanakis

Stephen & Lisa Nute, 18 Hummingbird Lane, Hudson, NH. Mr. Nute said that they've owned this property on Almont Street for over 30 years. He said he and many family members grew up in this

neighborhood. He said that all along, they have maintained the property, cutting the grass, raking leaves, and picking up trash on the lot. He said that the recent windstorm caused the shed roof to have a lot of damage, and for safety reasons, removed the shed. He said that all is left is the floor, and the framing of the shed.

Mr. Nute said that many family members have passed away, or have moved. He said that at this time, they're moving on from the property, and giving the opportunity for someone to build a home.

Mr. Nute said that he has researched the ordinance, and Section 190-16, and there are two items that need variances for this to become a buildable lot, for the land area and the width. He said that their block has 13 homes, which 5 have identical 50'x100' sized lots. He said that the lot right next door is the same size, and the lot behind their lot is the same size, with a single-family home. He said that the neighborhood also has duplexes, as well as a condex. He said that all they want is approval for a buildable lot, to build a single-family home. He said that a new home would be compatible to the character of the neighborhood.

SPEAKING IN FAVOR:

Joseph Thomas, 73 Monroe Street, Nashua, NH. Mr. Thomas said that this is a smart move that they make good use of the land. He said that he does not know the Nute's, but they have maintained the property.

Bernice Thomas, 73 Monroe Street, Nashua, NH. Mrs. Thomas asked how far from the back fence would a house be located.

Mr. Falk said that they would have to meet the rear yard setback, which in this case would be 20 feet.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Boucher to approve the application on behalf of the owner as advertised. He said that the Board believes that

the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the Board discussed that this is an existing neighborhood that at one time this was a legal lot of record, and there is evidence in this block and other surrounding blocks that have identical lot sizes, and the benefit sought by the applicant cannot be achieved by some other method reasonably feasible for the applicant to pursue, other than the variance.

Mr. Boucher said that the Board feels that it is within the spirit and intent of the ordinance.

Mr. Boucher said that it would not negatively impact surrounding property values.

Mr. Boucher said that the request is within the public interest, and substantial justice is served.

SECONDED by Mr. Lionel.

MOTION CARRIED UNANIMOUSLY 5-0.

3. Michelle McGadden & Chris Beigel (Owners) 27 Waltham Drive (Sheet A Lot 584) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach up to 18 feet into the 25 foot required front yard setback (on Peach Drive) to construct an attached 16'x24' garage addition and entryway. RA Zone, Ward 7.

Voting on this case:

JP Boucher, Chair
Steve Lionel, Vice Chair
Rob Shaw, Acting Clerk
Jay Minkarah
Nick Kanakis

Michelle McGadden, 27 Waltham Drive, Nashua, NH. Ms. McGadden said that they want to build a small entryway and a one-car garage. She said that her parents bought this house in 1972, and they are in the process of renovating the interior, and want a 16'x24' garage and entryway. She said that the plans were attached in the application.

Mr. Boucher said that the property is a corner lot, with two front yard setbacks. He asked if there were any other considerations, or any other challenges on the lot.

Ms. McGadden said that the lot is an oddly shaped lot, it's a long slope around the corner, and there is nowhere else that a garage could be built on the lot. She said that she believes that they have one of the smaller sized lots in the neighborhood.

Mr. Minkarah said that the garage at 16 feet is not wide, and asked about the purpose of the breezeway.

Ms. McGadden said that the entryway is specifically for their elderly parents and grandparents, and it is difficult for them to get inside. She said that the entryway will make it easier to enter the house.

SPEAKING IN FAVOR:

Mr. Boucher said that there was a letter of support signed by the owners at 70 Elgin Street, 24 Waltham Drive, 24 Kennedy Drive, 25 Peach Drive, 26 Waltham Drive, 72 Elgin Street, 25 Waltham Drive and 67 Elgin Street.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Lionel to approve the application on behalf of the owner as advertised. He said that the Board believes that the variance is needed to enable the applicant's proposed use of the property, given the special conditions of the property, the Board stated that it is a corner lot, with two front yard setbacks, and it's an oddly shaped lot, with a rounded corner, and the benefit sought by the applicant cannot be achieved by some other means to pursue, other than the area variance.

Mr. Lionel said that the Board feels that it is within the spirit and intent of the ordinance.

Mr. Lionel said that it would not negatively impact surrounding property values, and there are numerous letters of support from abutters and neighbors.

Mr. Lionel said that the request is within the public interest, and substantial justice is served.

SECONDED by Mr. Kanakis.

MOTION CARRIED UNANIMOUSLY 5-0.

MISCELLANEOUS:

REHEARING REQUESTS:

None.

MINUTES:

8-13-19:

MOTION by Mr. Boucher to approve the minutes as presented, waive the reading, and place the Minutes in the permanent file.

SECONDED by Mr. Minkarah.

MOTION APPROVED UNANIMOUSLY 5-0

REGIONAL IMPACT:

The Board did not find any cases of Regional Impact.

ADJOURNMENT:

Mr. Boucher called the meeting closed at 7:10 p.m.

Submitted by: Mr. Shaw, Acting Clerk.

CF - Taped Hearing