

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING
October 8, 2019

A public hearing of the Zoning Board of Adjustment was held on Tuesday, October 8, 2019 at 6:30 PM in the Auditorium, 229 Main Street, at City Hall.

Members in attendance were:

JP Boucher, Chair
Mariellen MacKay, Clerk
Rob Shaw
Jay Minkarah
Efstathia Booras
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. Matthew LeBlanc (Owner) 49 Blanchard Street (Sheet 103 Lot 296) requesting variance from Land Use Code Section 190-16, Table 16-3 to encroach 2 feet into the 10 foot required front yard setback to construct a roof over an existing front deck. RB Zone, Ward 6.**

Voting on this case:

JP Boucher, Chair
Mariellen MacKay, Clerk
Rob Shaw
Jay Minkarah
Efstathia Booras

Matthew LeBlanc, 49 Blanchard Street, Nashua, NH. Mr. LeBlanc stated that he recently put siding on the house, and was looking to do a farmers porch off the front of the house, and said that when he went to obtain the building permit, didn't realize that

the setback was so close to the house. He said that from the actual foundation to the curb there is 24 feet, and didn't realize that there is that 10 foot setback. He said that he was allowed to do the front porch off the front of the house, and now the request is just to put a roof over it, like a farmer's porch. He said that when it's roofed, it'll help with protection from snow.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Shaw 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 house is already set forward on the property, and they are adding a reasonable farmers porch that has an encroachment of two feet into the setback, also, the property line is nine feet from the curb, so by appearance, it looks like the setback is further away.

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

Mr. Shaw said that it would not negatively impact surrounding property values, although, there was no testimony either way.

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

SECONDED by Ms. Booras.

MOTION CARRIED UNANIMOUSLY 5-0.

2. Andrew Crocker (Owner) 15 Woodland Drive (Sheet 53A Lot 45) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3), to allow an accessory (in-law) dwelling unit within an existing house. R9 Zone, Ward 1.

Voting on this case:

JP Boucher, Chair
Mariellen MacKay, Clerk
Rob Shaw
Jay Minkarah
Nick Kanakis

Andrew Crocker, 15 Woodland Drive, Nashua, NH. Mr. Crocker said that he is proposing to install an in-law apartment in his basement, for his mother. He said that his current driveway is adequate for parking. He said that he wouldn't be putting in a separate entrance, as it already has a walkout basement, and there's nothing being done to the existing structure on the outside. He showed the Board a picture of the entryway, which would be the dedicated access to the house, and said that there is a secondary entrance that goes through the garage.

Mr. Boucher asked to confirm the square footage.

Mr. Falk said it is 722 square feet.

Mrs. MacKay asked if the unit will be accessible for handicap access, like if someone had a walking disability.

Mr. Crocker said that there still would be stairs through the garage, it would be three steps. He said that the back steps would accommodate a deck, with a down ramp if needed. He said he could build one.

Mr. Boucher asked about the special regulations, and if the applicant should go over each one.

Mr. Falk said that he spoke with the applicant, and all of the special regulations are met.

Mr. Crocker said that they are all met.

SPEAKING IN FAVOR:

Marjorie Johnson, 17 Woodland Drive, Nashua, NH. Ms. Johnson asked who can live in an in-law apartment.

Mr. Falk said that anyone can. He said that it previously was

only for a blood or marriage relative, but the law changed in June 2017, and now they can be used by anyone.

Mr. Boucher said that there is a letter in favor from Ellen Lundquist, 13 Woodland Drive, Nashua.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

No one.

Board members all expressed support for the application.

MOTION by Mr. Minkarah to approve the application on behalf of the owner as advertised. He said that the request is listed in the Table of Uses, Section 190-15, Table 15-1 (#3).

Mr. Minkarah said that the use will not create undue traffic congestion or unduly impair pedestrian safety.

Mr. Minkarah said that it will not overload public water, drainage or sewer or other municipal systems.

Mr. Minkarah said that all special regulations are fulfilled per testimony.

Mr. Minkarah stated that the use will not impair the integrity or be out of character with the neighborhood or be detrimental to the health, morals or welfare of the residents, also, the unit is totally contained within the existing house.

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

3. Roger & Linda Pellerin (Owners) 3 Daniels Street (Sheet 92 Lot 45) requesting variance from Land Use Code Section 190-264 for maximum accessory use area, 40% permitted - 104% proposed, to replace a 16'x19' shed with a 25'x26' storage building. GB Zone, Ward 4.

Voting on this case:

JP Boucher, Chair
Mariellen MacKay, Clerk
Rob Shaw

Nick Kanakis

Jay Minkarah

Roger Pellerin, 3 Daniels Street, Nashua, NH. Mr. Pellerin said that he also owns the property in front for the monument business, Gate City Monument. He said that the house on the property is so small, it's 650 square feet, so the ordinance only allows 40%, which is pretty small.

Mr. Pellerin said that the existing structure is in pretty bad shape, it was poorly constructed, and it's definitely an eyesore. He said that pictures were submitted in the package. He said that a lot of the items he's accumulated over the years have to stay outside for everyday business would like to put them under cover, that is why the proposed garage is a little bit bigger. He said that he already cleaned out a lot of brush around the existing structure.

Mr. Shaw asked to confirm that it would be a single-story structure, no living space above.

Mr. Pellerin said that it would be a single-story, with trusses above for the roof, one story.

SPEAKING IN FAVOR:

No one.

SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:

None.

Mr. Shaw said that the new structure would be larger than the existing one, but it's clear that this variance is needed due to the small size of the house, also, the proposed structure is not significantly larger than the existing one. He said that the request is totally reasonable, and it will be the size of a two-car garage.

Mr. Falk said that the new structure would be meeting the setbacks for an accessory structure, where the existing one does not.

Mr. Minkarah said that the new structure is a very standard size, and is typical for a two-car garage.

Board members all expressed support for the application.

MOTION by Mr. Shaw to approve the application on behalf of the owner as advertised. He said that He said that the Board believes that the variance is needed to enable the applicant's proposed use of the property, they are replacing an existing structure by bringing it up to something much more in repair in construction, and it will be a standard two-car garage size, and the primary challenge with this situation is that the property has an extremely small single-family home and the size of the structure is pretty large percentage-wise but the existing structure is very small, and the increase in size from the old structure to the new structure is not that significant, also the setbacks will be met with the new structure.

Mr. Shaw said that the Board feels that it is within the spirit and intent of the ordinance, and stated that if the garage structure were attached to the house, there would be no need for the variance.

Mr. Shaw said that there is no indication that it would negatively impact surrounding property values.

Mr. Shaw 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.

REGIONAL IMPACT:

The Board did not find any cases of Regional Impact.

MINUTES:

8-27-19:

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 CARRIED UNANIMOUSLY 5-0.

9-10-19:

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

SECONDED by Mr. Shaw.

MOTION CARRIED UNANIMOUSLY 5-0.

Mr. Boucher said that the Board has received a flyer for the Heritage Rail Trail East, there is a meeting to discuss the project, it is tomorrow at 6:00 p.m. in this auditorium.

ADJOURNMENT:

Mr. Boucher called the meeting closed at 7:05 p.m.

Submitted by: Mrs. MacKay, Clerk.

CF - Taped Hearing