

1. Zoning Board Of Adjustment Regular Zoom Meeting Agenda(PDF)

Documents:

[20200909 ZBA AGENDA.PDF](#)

2. 20200909 Case Packets

Documents:

[20200909 525 AMHERST ST.PDF](#)  
[20200909 4 BATES DR.PDF](#)  
[20200909 4 HOLLY DR.PDF](#)  
[20200909 17 NORTHWOOD DR.PDF](#)  
[20200909 24 LINCOLN AVE.PDF](#)

3. 20200909 ZBA Decision Sheets

Documents:

[20200909 ZBA DECISIONS.PDF](#)



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

Planning & Zoning 589-3090  
Fax 589-3119  
WEB [www.nashuanh.gov](http://www.nashuanh.gov)

August 25, 2020

The following is to be published on ROP August 30, 2020, under the Seal of the City of Nashua, Public Notice Format 65 MP 51.

The Zoning Board of Adjustment will meet on **Wednesday, September 9, 2020**, at 6:30 PM via **Zoom**. Real-time public comment can be addressed to the Board utilizing Zoom virtual meeting software for remote access. This will allow users to view the meeting and ask questions to the Board via the chat function. The public is also encouraged to submit their comments via email ([planningdepartment@nashuanh.gov](mailto:planningdepartment@nashuanh.gov)) to the Department email or by mail (please make sure to include your name/address and comments) before 5:00 p.m. on September 9, 2020 and read into the record at the appropriate time. Letters should be addressed to City of Nashua, Planning Department, P.O. Box 2019, Nashua, NH 03061. Plans can be viewed online starting September 2, 2020, at [www.nashuanh.gov](http://www.nashuanh.gov) in the Calendar or Agendas and Minutes.

To access Zoom:

Join Zoom Meeting

<https://us02web.zoom.us/j/82538285375?pwd=TC9QZDRxMnQ2SkEyU1ZHQkNQMWZJQT09>

Meeting ID: **825 3828 5375**

Passcode: **498853**

To join by phone: 1 (929) 436-2866

If you are not able to connect to **Zoom**, please contact the Planning Department at (603) 589-3056.

1. 525 Amherst Street, LLC (Owner) 525 Amherst Street (Sheet H Lot 150) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum lot area, 470,448 sq.ft required, 369,126 sq.ft provided, in which 135 multi-family dwelling units exist, 105 would be permitted after proposed lot subdivision. RC/HB Zones, Ward 2.
2. Victoria M. Horan Rev. Tr. (Owner) Victoria Horan & George Filippides (Applicants) 4 Holly Drive (Sheet 138 Lot 261) requesting variance from Land Use Code Section 190-31 to

encroach 4 feet into the 6 foot required rear yard setback to construct a detached 11'x24' shed. R9 Zone, Ward 1.

3. KatieJo & Jamaal Forman (Owners) Kieran Rice, Ulster Property Services (Applicant) 17 Northwood Drive (Sheet E Lot 1216) requesting variance from Land Use Code Section 190-44 to exceed maximum fence height, 6 feet permitted - 9 feet proposed for 3 foot tall retaining wall with 6 foot tall fence on top for 9 foot total height along 45 linear feet along rear property line; and up to 11 feet proposed on right side yard property line with 2'-4' foot tall retaining wall with up to 6 foot tall fence on top for 102 linear feet. R9 Zone, Ward 1.
4. Jeanette Dupont (Owner) Catherine E. Laliberte (Applicant) 4 Bates Drive (Sheet 48 Lot 216) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 32 feet existing - 32 feet requested, to replace existing driveway. RA Zone, Ward 3.
5. Timothy A. Jensen (Owner) 24 Lincoln Street (Sheet 8 Lot 19) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 47 feet existing - 47 feet requested, to replace existing driveway. RB Zone, Ward 7.

OTHER BUSINESS:

1. Review of Motion for Rehearing:
2. Review of upcoming agenda to determine proposals of regional impact.
3. Approval of Minutes for previous hearings/meetings.

"SUITABLE ACCOMMODATIONS FOR THE SENSORY IMPAIRED  
WILL BE PROVIDED UPON ADEQUATE ADVANCE NOTICE."



City of Nashua
Planning Department

229 Main Street

Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090

WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

2

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.

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. Please print clearly or type.

I. VARIANCE INFORMATION

1. ADDRESS OF REQUESTOR 525 Amherst Street

Zoning District HB+RC Sheet H Lot 150

2. VARIANCE(S) REQUESTED: 5
Allow 135 units when 107 are allowed
CF per Atty Prunier 8-20-2020

II. GENERAL INFORMATION

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

(Print Name): 525 Amherst Street, LLC

Applicant's signature [Signature] Date August 18, 2020

Applicant's address c/o Gerald R. Prunier, Prunier & Prolman, PA, 20 Trafalgar Sq, Nashua, NH 03063

Telephone number H: 603-883-8900 C: E-mail: gprunier@prunierlaw.com

2. PROPERTY OWNER (Print Name): 525 Amherst Street, LLC

\*Owner's signature [Signature] Date August 18, 2020

Owner's address c/o Gerald R. Prunier, Prunier & Prolman, PA, 20 Trafalgar Sq, Nashua, NH 03063

Telephone number H: 603-883-8900 C: E-mail: gprunier@prunierlaw.com

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

OFFICE USE ONLY section with fields for Date Received, Date of hearing (9-9-2020), Application checked for completeness (checked), PLR#, Board Action, application fee, signage fee, certified mailing fee, Date Paid, Receipt #, and 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 that it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

The site on Amherst Street presently exists with 135 units and multi-family units that are to remain in their present state. The Applicant desires to subdivide the lot (10.217 acres) into two lots with one being 1.634 acres and the other being 8.583 acres; the smaller lot will be developed and the larger lot remaining with the multi-family units; the proposed plan will not alter the essential character of the neighborhood; nothing changes except a subdivision.

- 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 lot will remain multi-family; the front lot will be developed in the future.

- 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 proposed front lot is not being used except for a lawn; it will allow the Applicant a better use of his property and a better use for the City; there are other properties in the City that have higher densities.

- 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.)

Nothing changes; the property values will remain the same.

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 manner in which this lot was developed left a possible front lot; since the rear can stand on its own if the variance is granted, it would be a benefit to the Applicant and to the City.

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:

[ ]

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]
Signature of Applicant

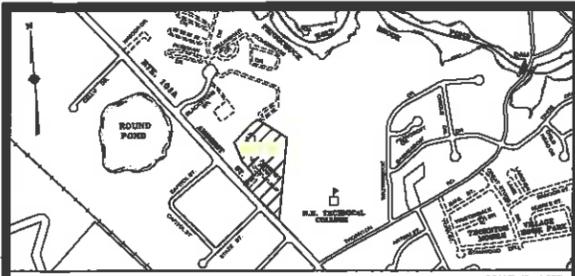
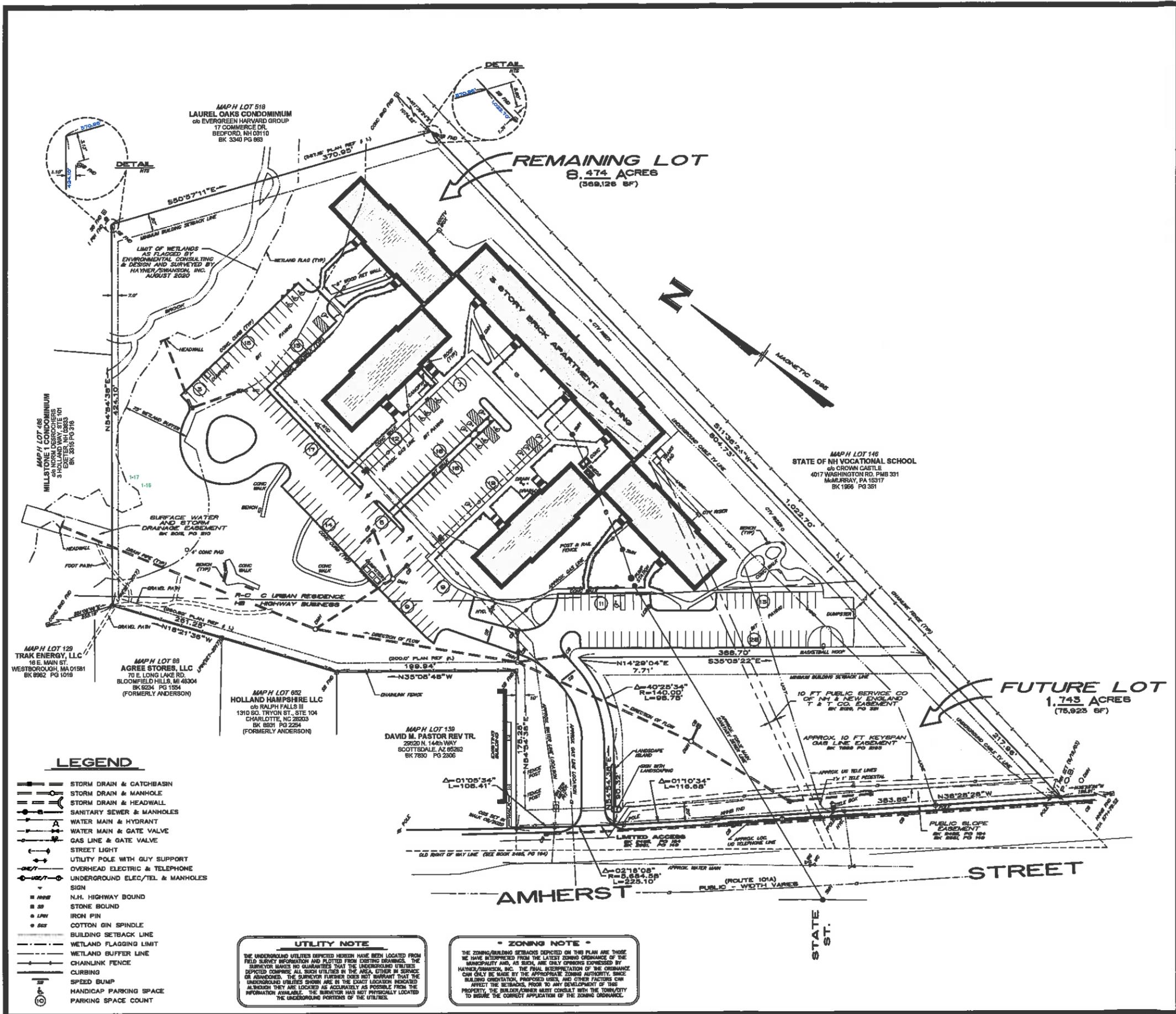
8/18/2020
Date

GERALD R. PRUNIER
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 The lot will remain multi-family; the front lot will be developed in the future.
[ ] Please mail it to me at The proposed front lot is not being used except for a lawn; it will allow the Applicant a better use of his property and a better use for the City; there are other properties in the City that have higher densities.



**PLAN REFERENCES:**

- SUBMISSION LAND OF A ROLAND CADORRETT NASHUA, N.H. SCALE: 1"=100', DATED: JAN, 1989 AND PREPARED BY ROLAND R. GIRAUDARD RECORDED: HCRD - PLAN No. 4014.
- STATE OF NEW HAMPSHIRE HIGHWAY PLANS - "PLAN OF NASHUA U-010-1110" - P-1330-B ON FILE IN THE NEW HAMPSHIRE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS.

**NOTES:**

- SITE AREA: MAP H, LOT 180: 10.217 ACRES (445,049 SF)
  - LOT NUMBERS REFER TO THE CITY OF NASHUA, NH ASSESSORS MAP H.
  - PRESENT ZONING PER PRELIMINARY REPORT PREPARED BY ZONING-INFO, INC. DATED JULY 20, 202
- ZONING DISTRICTS: "R-C" (C URBAN RESIDENCE) AND "HB" (HIGHWAY BUSINESS) (NO REQUIREMENTS FOR HB DISTRICT ARE CONTAINED WITHIN THIS REPORT AS THERE ARE NO BUILDING IMPROVEMENTS WITHIN THAT PORTION OF THE LOT)
- |                       |                   |
|-----------------------|-------------------|
| -MIN LOT AREA         | 5,000 SF          |
| -MIN LOT WIDTH        | 50 FT             |
| -MIN LOT DEPTH        | 75 FT             |
| -MIN. OPEN SPACE      | 35%               |
| -MAX. DENSITY         | 12.5 DU/ACRE      |
| -MAX. FLOOR RATIO     | 1.0               |
| -MIN. LANDSCAPED AREA | 10%               |
| MAX. HEIGHT           | 100 FT/10 STORIES |
- BUILDING SETBACK REQUIREMENTS:**
- |                  |       |
|------------------|-------|
| -MIN. FRONT YARD | 10 FT |
| -MIN. SIDE YARD  | 7 FT  |
| -MAX. SIDE YARD  | 20 FT |
| -MIN. REAR YARD  | 20 FT |
- LANDSCAPE BUFFER:** 30 FT WHEN ADJUTING HB DISTRICT
- PURPOSE OF PLAN:**
- TO SHOW FUTURE SUBMISSION OF ONE LOT INTO TWO
- PRESENT OWNERS OF RECORD:**
- MAP H, LOT 180  
525 AMHERST STREET, LLC  
c/o JOHN M. CORCORAN & CO. LLC  
100 GRANDVIEW ROAD, SUITE 203  
BRAintree, MA 02184  
BK. 7142, PG. 1994

**PRELIMINARY**  
DESIGN REVIEW

**ZONING BOARD OF ADJUSTMENT PLAN**  
TAX MAP H, LOT 180  
**AMHERST PARK APARTMENTS**  
517-525 AMHERST STREET - RTE. 10A  
NASHUA, NEW HAMPSHIRE  
PREPARED FOR:  
**JOHN M. CORCORAN & CO. LLC**  
100 GRANDVIEW ROAD-SUITE 203 BRAINTREE, MASSACHUSETTS 02184  
OWNED BY:  
**525 AMHERST STREET, LLC**  
c/o JOHN M. CORCORAN & CO. LLC 100 GRANDVIEW ROAD-SUITE 205 BRAINTREE, MA 02184

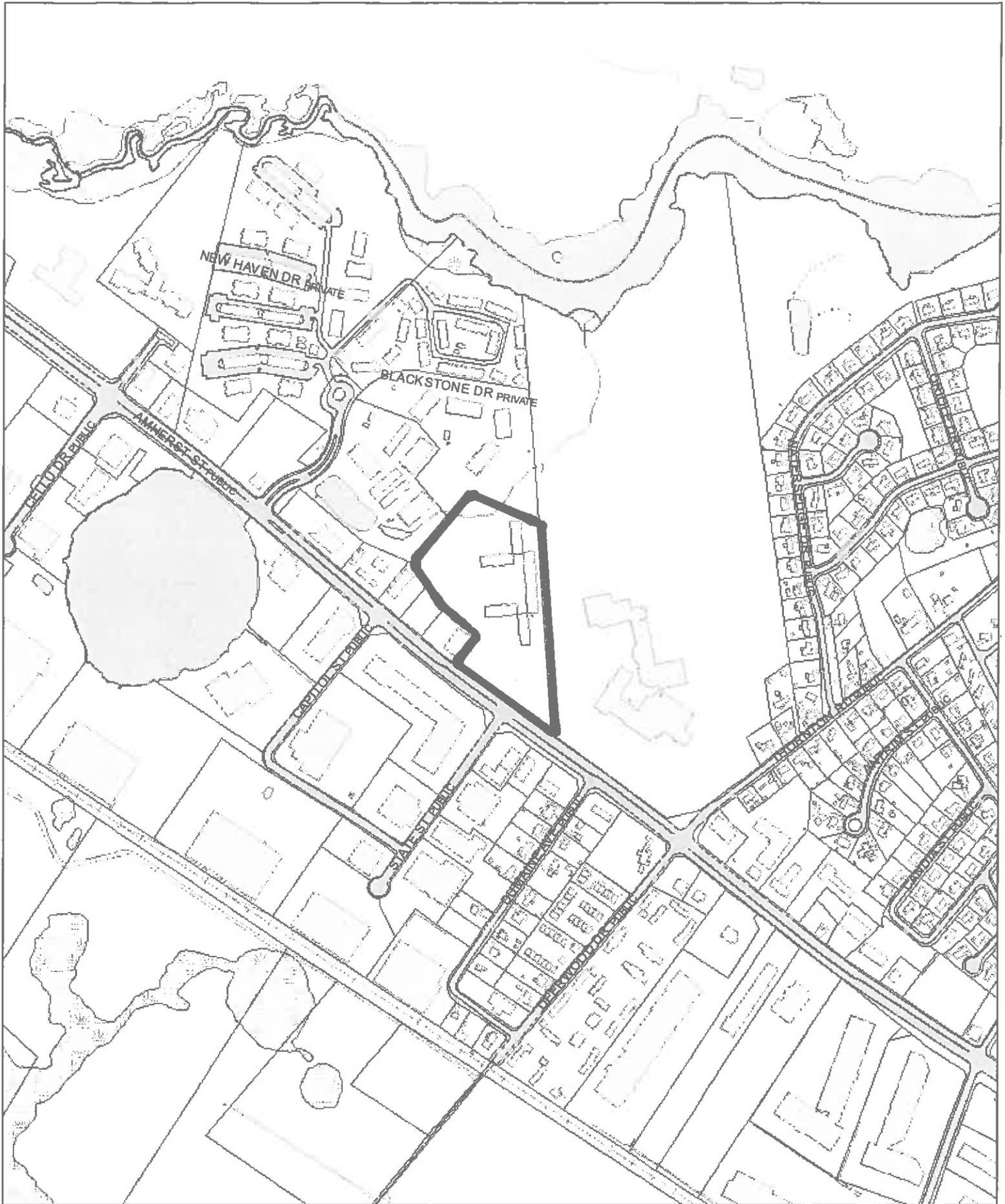
SCALE: 1"=50 Feet  
1"=15.240 Meters

**18 AUGUST 2020**

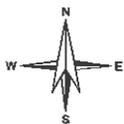
**HISI** Hayner/Swanson, Inc.  
Civil Engineers/Land Surveyors  
3 Congress Street  
Nashua, NH 03062  
(603) 883-9257  
www.haynerswanson.com

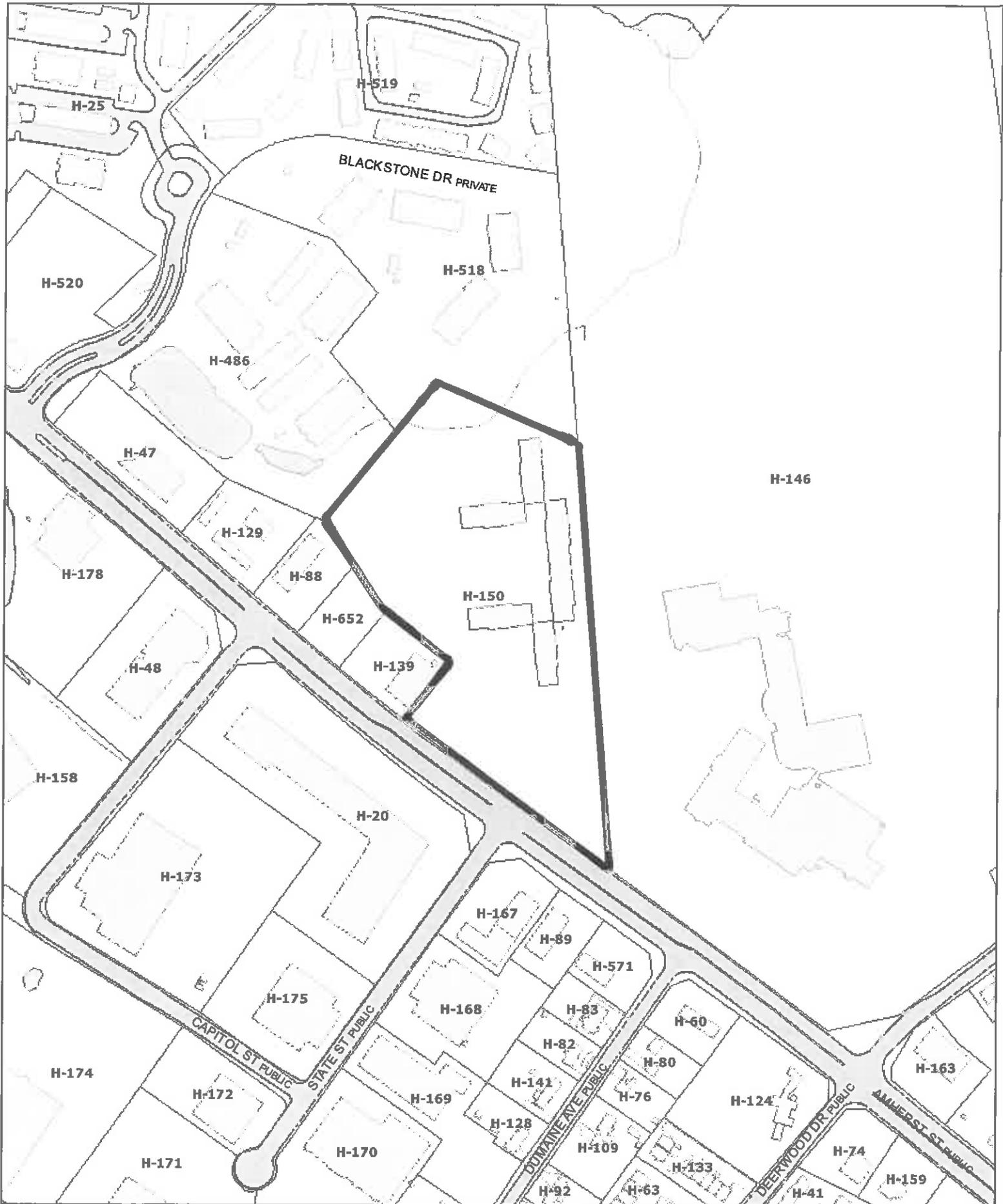
131 Middlesex Turnpike  
Westinghouse, MA 03003  
(603) 203-1901

FIELD BOOK: 801/1120 DRAWING NAME: 4044P221 4049 1 OF 1  
DRAWING LOC.: V:\000\4049 025 AMHERST ST\DWG PG: 1/1

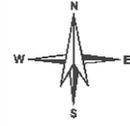


# 525 Amherst St





# 525 Amherst St





# 517-525 Amherst Street





**City of Nashua**  
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 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 BE RETURNED TO APPLICANT.**

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. Please print clearly or type.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 4 Bates Drive

Zoning District RA Sheet 48 Lot 216

2. VARIANCE(S) REQUESTED:

allow paving of my 32' driveway where 24' allowed

**II. GENERAL INFORMATION**

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

(Print Name): Catherine E Laliberte

Applicant's signature Catherine E Laliberte Date 8-11-20

Applicant's address 4 Bates Drive, Nashua, NH 03064-1701

Telephone number H: 880-3856 C:  E-mail: claliberte@comcast.net

2. PROPERTY OWNER (Print Name): willed to me by my father - currently in probate

\*Owner's signature  Date

Owner's address

Telephone number H:  C:  E-mail:

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

9/9/2020

**OFFICE USE ONLY** Date Received 8/14 Date of hearing 9/10/20 Application checked for completeness: er

PLR# A20-0112 Board Action

\$ 330 application fee  Date Paid  Receipt #

\$ 15 signage fee  Date Paid  Receipt #

\$  certified mailing fee  Date Paid  Receipt #

Land Use Code Section(s) Requesting Variances From: 190-192 (c)

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

My driveway was originally paved to its current 32' width over 30 years ago. Repaving to its 32' width will keep it at its current dimensions. It allows increased parking in my driveway and keeps cars off the street.

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.")

Each year I am able to complete one home improvement project. I have to prioritize and this year replacing the dry, cracked, sinking driveway rose to the top of the list. A new, improved driveway makes the neighborhood look better and my home well kept.

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.)

I have double gates leading into my back yard. My wider driveway allows access for the landscaper to mow the back yard without obstacles. The wider driveway makes a smooth transition through the double gates to the back yard.

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.)

My new driveway is now more in line with my neighbors' driveways. They have been resurfaced more recently and are in better shape than mine was. There is more uniformity with my neighbors' driveways. It improves the appearance of our homes as soon as you turn the corner.

- 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 32' width of the driveway allows room for the snow when it is plowed to be pushed toward my fence without digging up the lawn. When snow is plowed to the extra room in the driveway it allows ready access into and out of my garage.

**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:

*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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

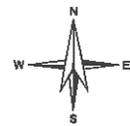
\_\_\_\_\_  
Date

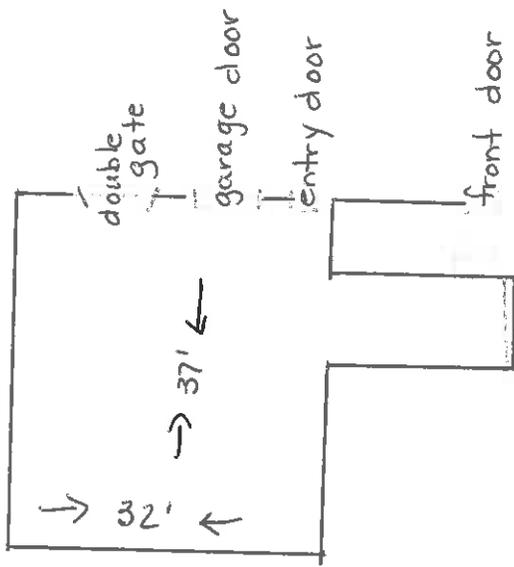
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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



# 4 Bates Drive





## Poirier, Kate

---

**From:** Klee, Patricia  
**Sent:** Monday, August 03, 2020 10:37 AM  
**To:** Poirier, Kate  
**Subject:** Re: Variance Application

**Categories:** Applications

Truthfully what she did was wrong and I am not sure why she did it but I think it was a slight misunderstanding. I explained to her that I had a conversation with Director Marchant & that I learned that we DO NOT grandfather anyone in. I also told her that she had a reputable paving company because they went for a permit which I have learned is not always the case. She asked how was that possible and I said because the city doesn't have the time to drive around and look at every driveway but that neighbors turn in neighbors. She made a side comment that her neighbors would never have done that and I said well she was lucky. I think she misunderstood me in saying that is what she should do.

She knows that she needs to go through the full process and accept whatever happens.

Thank you.

Trish

Sent from my iPhone

> On Aug 3, 2020, at 8:44 AM, Poirier, Kate <PoirierK@nashuanh.gov> wrote:

>

> Good Morning,

>

> Please find attached a variance application. If she has any questions, she is more than welcome to reach out to me. I can't tell her what specifically to write on the form, but I can help her understand what the questions are asking for and provide examples of how they have been filled out in the past.

>

> In my experience the Board is not very sympathetic towards applicants who knew that they shouldn't, and did it anyways. That being said, the Board is independent and I can't predict their decisions. Like anyone who applies, I would do my best to see that the process ran as smoothly and painlessly as possible.

>

> Our next submission deadline is August 11th, for the September 8th meeting. I can be reached at 589-3056, or by email.

>

> Sincerely,

> Kate

>

>

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> From: Klee, Patricia

> Sent: Friday, July 31, 2020 8:30 PM

> To: Poirier, Kate

> Subject: Variance Application

>

> Kate - I have a constituent who needs to fill out an application for a variance for a driveway in excess of 24'. She was told that she needed to get a permit and a variance before replacing her existing driveway. I spoke to Director Marchant asking if we (the city) does a grandfathering of existing driveways. She explained that we don't. I explained that to my constituent but somehow she misunderstood what I said and with the possibility of an increase in price she had it paved without the variance. Like I said, the bottom line is that she went ahead and got it paved.

>

> I have spoken to her and she now understands what she did was wrong and I have convinced her to do the right thing and request the variance even after the fact. She knows that she may be forced to tear it up but realizes that she needs to do the right thing.

>

> One of the reasons that she had abandoned the application is that she was quite confused by the whole thing. Sarah has suggested that my constituent could seek your help in filling out the application. Before I give her your name I wanted to make sure that you are the correct person. If so, what number should she call? Also could you send me the application that she needs to file.

>

>

> Trish

> Ward 3 Alderman Patricia Klee

> 603-883-1942

>

> Sent from my iPhone

> <Variance Application for Web.pdf>



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**VARIANCE APPLICATION (ZBA)**

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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. Please print clearly or type.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 4 Holly Drive, Nashua, New Hampshire 03063

Zoning District R-9 Sheet 138 Lot 261

2. VARIANCE(S) REQUESTED:

Variance to build a detached 11' by 24' shed within 4 feet of the back property line in order to be adjacent to the pre-existing in ground swimming pool to store pool pump and filter, pool plumbing, pool equipment, supplies and chemicals, as well as household tools, gardening equipment, and other outdoor supplies.

*\* encroach 4 FT into 6' setback per George Filippides 8/18/2020 CF*

**II. GENERAL INFORMATION**

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

(Print Name): Victoria M. Horan and George Filippides

Applicant's signature [Signature] Date \_\_\_\_\_

Applicant's address 4 Holly Drive, Nashua, NH 03063

Telephone number H: 978.726.4602 C: 978.967.6470 E-mail: gkretikos@hotmail.com

2. **PROPERTY OWNER (Print Name):** Victoria M. Horan

\*Owner's signature [Signature] Date \_\_\_\_\_

Owner's address 4 Holly Drive, Nashua, NH 03063

Telephone number H: 978.726.4602 C: 978.967.6470 E-mail: vmhoran@gmail.com

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

*9/9/2020 wed*

**OFFICE USE ONLY** Date Received \_\_\_\_\_ Date of hearing 9/18/20 Application checked for completeness: CF

PLR# A20-0113 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: 190-31

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

The proposed use does not infringe or otherwise affect the use or enjoyment of any abutter or other member of the community because it is consistent with other structures that exist or have been built by other members of the neighborhood, it does not create any adverse conditions for any neighbors, and it is contained fully within the backyard. It poses no threat to public health or safety, nor does it otherwise injure public rights.

- 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 essential character of the neighborhood is residential use and the proposed shed is consistent with that character. There are similar structures in other properties located in the neighborhood. The proposed shed allows for pool components and equipment to be stored inside, which eliminates their unsightly appearance and also serves to reduce noise from such equipment being located outside. It also allows for other larger outdoor equipment to be stored inside it, which has the same benefit. The shed does not pose any risk to public safety or welfare, and in fact, serves as a barrier to the backyard pool and any chemicals thereby promoting higher levels of safety.

- 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 pre-existing shed located on the property is aged and in dire need of replacement. Replacing it with one that is located adjacent to the pool allows the homeowners to store the pool pump and other equipment closer to the pool, which reduces wear and tear on such equipment and the plumbing serving it, from being exposed to the elements of the outdoors. The location also allows the homeowners to have better use and enjoyment of their backyard and prevents their young children from getting access to the pool.

- 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.)

Granting this variance will allow the homeowners to tear down the pre-existing shed, which is unsightly. A newly constructed shed will give the home more "curb appeal" and could positively affect the value of surrounding properties. It does not diminish property values of abutters or others in the neighborhood in any way.

- 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 has a pre-existing pool. The pump and other equipment presently must either be stored outdoors or inside a smaller shed on the opposite side of the property, forcing the homeowners to extend pipes across their backyard. These pipes are exposed to wind, rain, and snow, which over time, will cause them to deteriorate faster. These pipes diminish the appeal of the backyard and also pose a slight tripping hazard. Any chemicals, nets, or pool toys and other equipment must be stored in a shed that is not near the pool. Allowing the homeowners to construct a shed that is directly next to the pool will allow them to get the fullest benefit of a backyard shed.

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:

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

Print Name

Date

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

**NEW ENGLAND LAND SURVEY**  
**Professional Land Surveyors**  
 **710 MAIN STREET**  
**N.Oxford, MA 01537**  
**PHONE: (508) 987-0025**  
**FAX: (508) 234-7723**  
**REGISTRY HILLSBOROUGH**

**MORTGAGE INSPECTION PLAN**

**NAME** \_\_\_\_\_  
**LOCATION** 4 HOLLY DRIVE  
NASHUA, NH  
**SCALE** 1"=30'      **DATE** 10/22/19

19MP15452

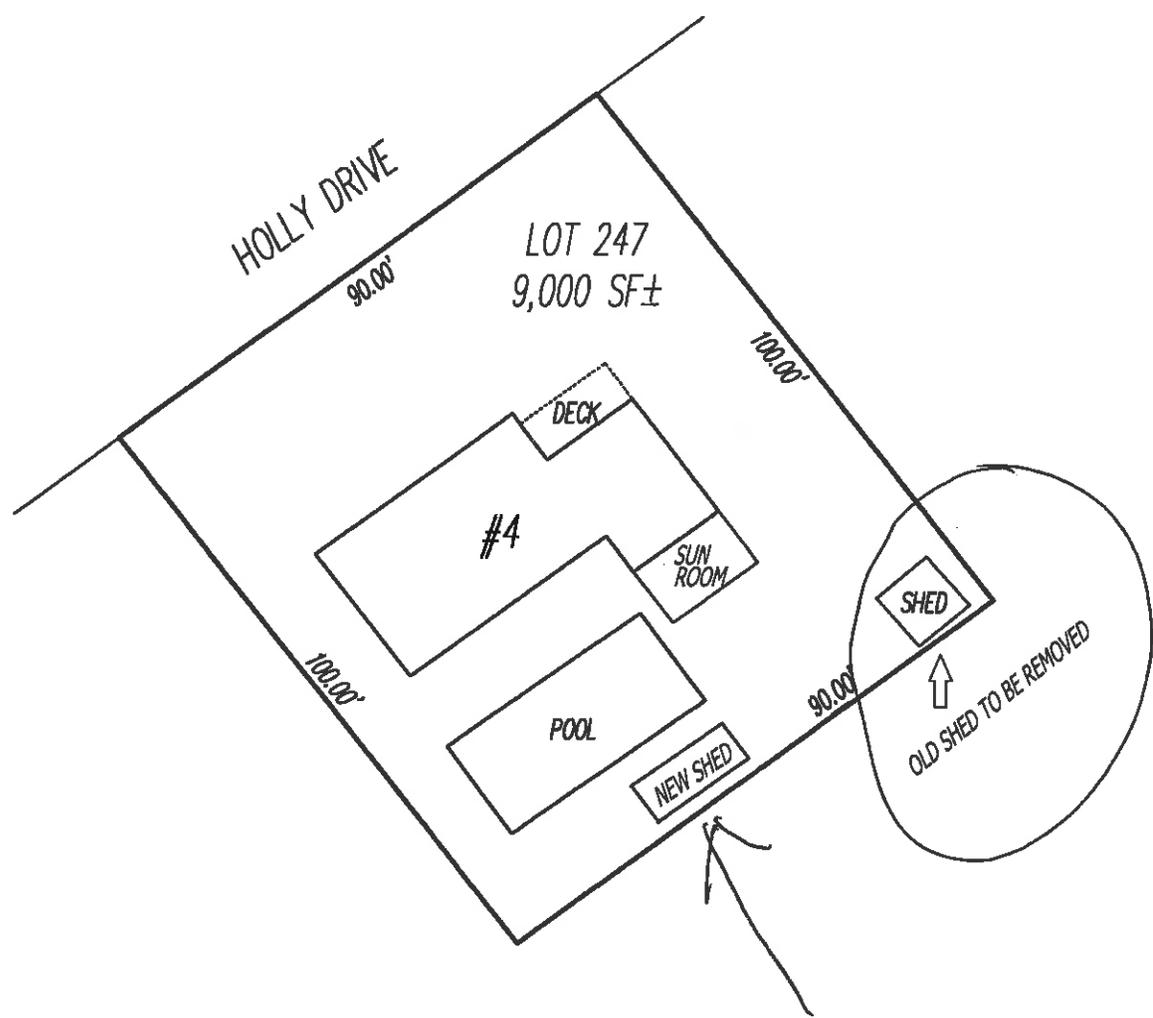
BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW). NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

**DEED REFERENCE:** 9048/2213  
**PLAN REFERENCE:** #2000

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

33011C0494D DTD: 09/25/2009

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

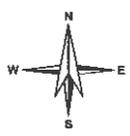


REQUESTED BY: SUNSET SETTLEMENT  
 DRAWN BY: CRC  
 FIELD BY: AB  
 CHECKED BY: GES  
 FILE: 19MP15452





# 4 Holly Dr





**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 BE RETURNED TO APPLICANT.**

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. Please print clearly or type.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 17 Northwood Drive/ Nashua, NH 03063

Zoning District R9 Sheet E Lot 4 1216

2. VARIANCE(S) REQUESTED:

Combined height of retaining wall and fence on right side and rear of back yard. Rear yard have retaining wall with max height of 3', with height 6' fence. Max height for rear yard combined 9' span 45' long. Right side yard, retain wall spanning front to back of property, wall spanning from 2'-4' high with 5-6' fence topping this section. Total combined height of right side not to exceed 11'

**II. GENERAL INFORMATION**

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

(Print Name): Kieran Rice - Ulster Property Services

Applicant's signature Kieran Rice Date 8/13/2020

Applicant's address 4 Tamarack Trail/ Bedford, NH 03110

Telephone number H: \_\_\_\_\_ C: 603-714-9931 E-mail: ulsterpropertyservices@gmail.com

2. **PROPERTY OWNER (Print Name):** KatieJo Forman

\*Owner's signature KatieJo Forman Date 8/13/2020

Owner's address 17 Northwood Dr/ Nashua, NH 03063

Telephone number H: \_\_\_\_\_ C: 603-396-5855 E-mail: katiejo0912@gmail.com

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

8/9/2020 wed

<b>OFFICE USE ONLY</b>	Date Received <u>8/14/20</u>	Date of hearing <u>8/17/20</u>	Application checked for completeness: <u>CF</u>
PLR# <u>A20-0114</u>	Board Action _____		
\$ <u>330</u> application fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
Land Use Code Section(s) Requesting Variances From: <u>190-44</u>	_____		

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

The added fence on an existing retaining wall will be to surround a pool within the yard. Its an essential safety feature. This will in no way threaten public health or safety, but will actually improve it to ensure pool safety.

- 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 fits in with the character of the neighborhood. Home is in a very hilly neighborhood and many properties have worked to add retaining walls to give some usable/flat space in the yard. Directly across the street there is a similar retaining wall/fence separating the properties. The retaining wall is grey stone and the fence is white vinyl similar to many properties.

- 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.)

This upgraded retaining wall/fence increases the value of both the property and neighbors property. All plans have been coordinated with neighbors who are in agreement and happy with the work. The vinyl fence alone replaced a rotten old wooden fence that was in disrepair and a safety issue to my children and the neighbors children.

- 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 work done on the property positively impacts both the property value of 17 Northwood and surrounding neighbors. General upkeep and improvements seen from the street are a marked improvement and add to the neighborhood aesthetics. Removed wood fence with rot that was in disrepair and replaced it with a vinyl fence and nicely done retaining walls. Neighbors have complimented the currently installed retaining walls. Adding the vinyl fence on top of the retaining wall will align with most properties in the neighborhood that are fenced in. In addition, its a needed/required safety feature with the existing pool in the backyard.

Address 17 Northwood Dr / Nashua, NH

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.

My back yard was on a steep slope spanning left to right, downhill. Last year we got a permit approval to install an above ground pool. The pool we installed had the ability to be back-filled and buried, and when the permit approver arrived he noted we would need locked gates given the grade of the yard rolled into the pool. This set us down a path of working to determine the best way to utilize the yard, and in addition we wanted a flat area for a playset for our children. In an attempt to create some level areas in our yard it required retaining walls to span along the existing property line where a fence currently existed. We set down the path of upgrading our back-yard with our neighbors in mind, consulting them along the way. The final piece of the project is adding a white vinyl fence on top which is necessary given the pool. Also, we can not get insurance on our home until the fence is installed.

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:

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.

Kieran Rice

Signature of Applicant

8/14/20

Date

Kieran Rice

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

This fits in with the character of the neighborhood. Home is in a very busy neighborhood and many properties have needed to add retaining walls to give some functional space in the yard. Directly across the street there are similar retaining walls facing the properties. The retaining wall is grey stone and the top is

Please mail it to me at

This upgraded retaining wallface increases the value of both the property and neighbors property. All plans have been coordinated with neighbors who are in agreement and happy with the work. The vinyl fence alone replaced a rotten old wooden fence that was in danger and a safety issue to our children and the

Ulster Property Services  
@gmail.com  
Katiejo 8912@gmail.com

4' wall with 5' fence on top.

174.0 HIGH @ 9' HIGH

9' @ 9' HIGH

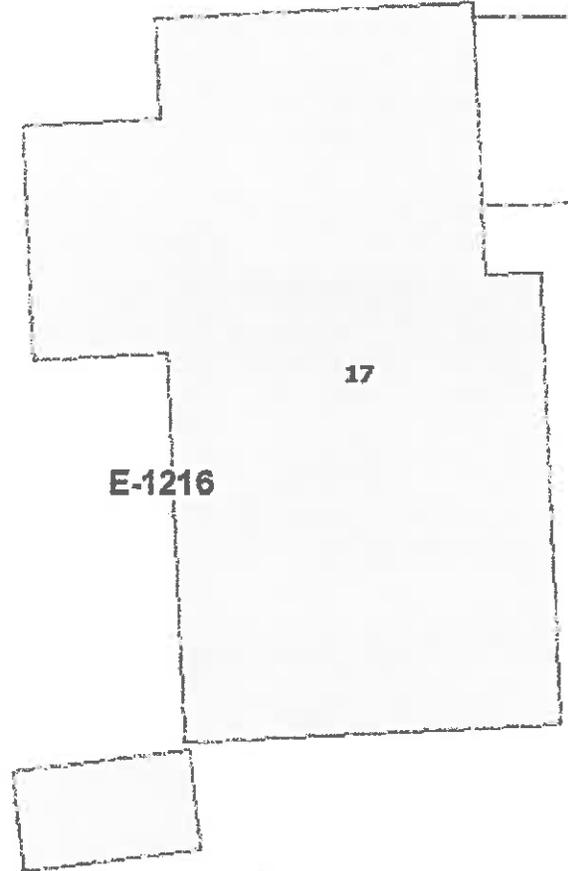
93' @ 11' HIGH

E-1124

4 FT wall with 5' fence on top

120.0

97.0



E-1216

17

120.0

100.0

E-1217

PLOT PLAN

LOT 41  
 SHEET 524  
 SCALE 1" = .....ft.

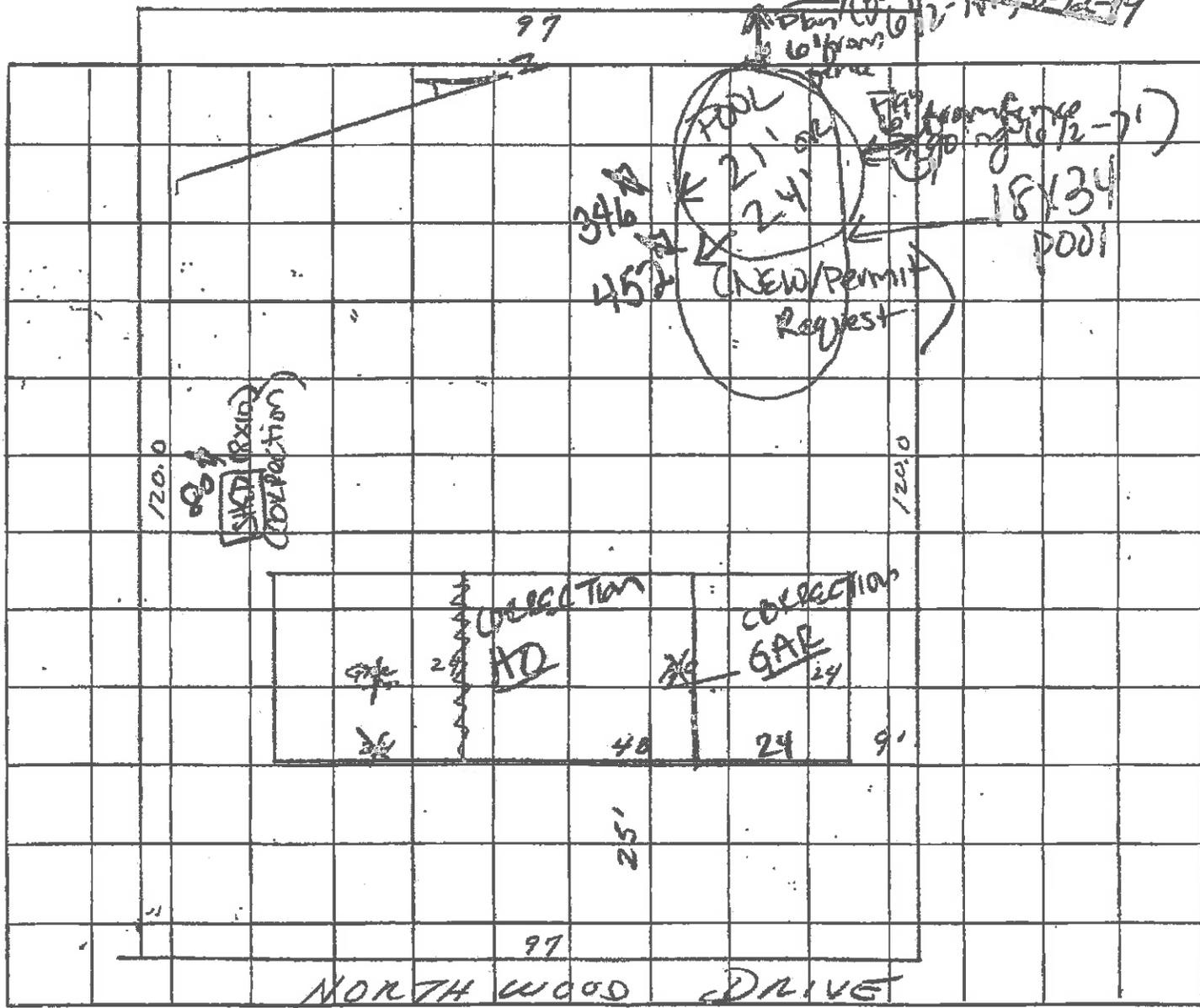
J. Richard BEANHAND  
 Owner's Name  
17 NORTHWOOD DR.  
 No. Street  
"A"  
 District

Occ. No.	Date	Permits No.
	10-17-69	23396
	3-10-78	29987
PIA	3,060	

REMARKS SINGLE RES. 40' X 24' ATT. GAR. 24' X 24'

② add roof over existing patio 12 X 20

**REVISED**  
 8-12-19

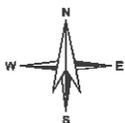


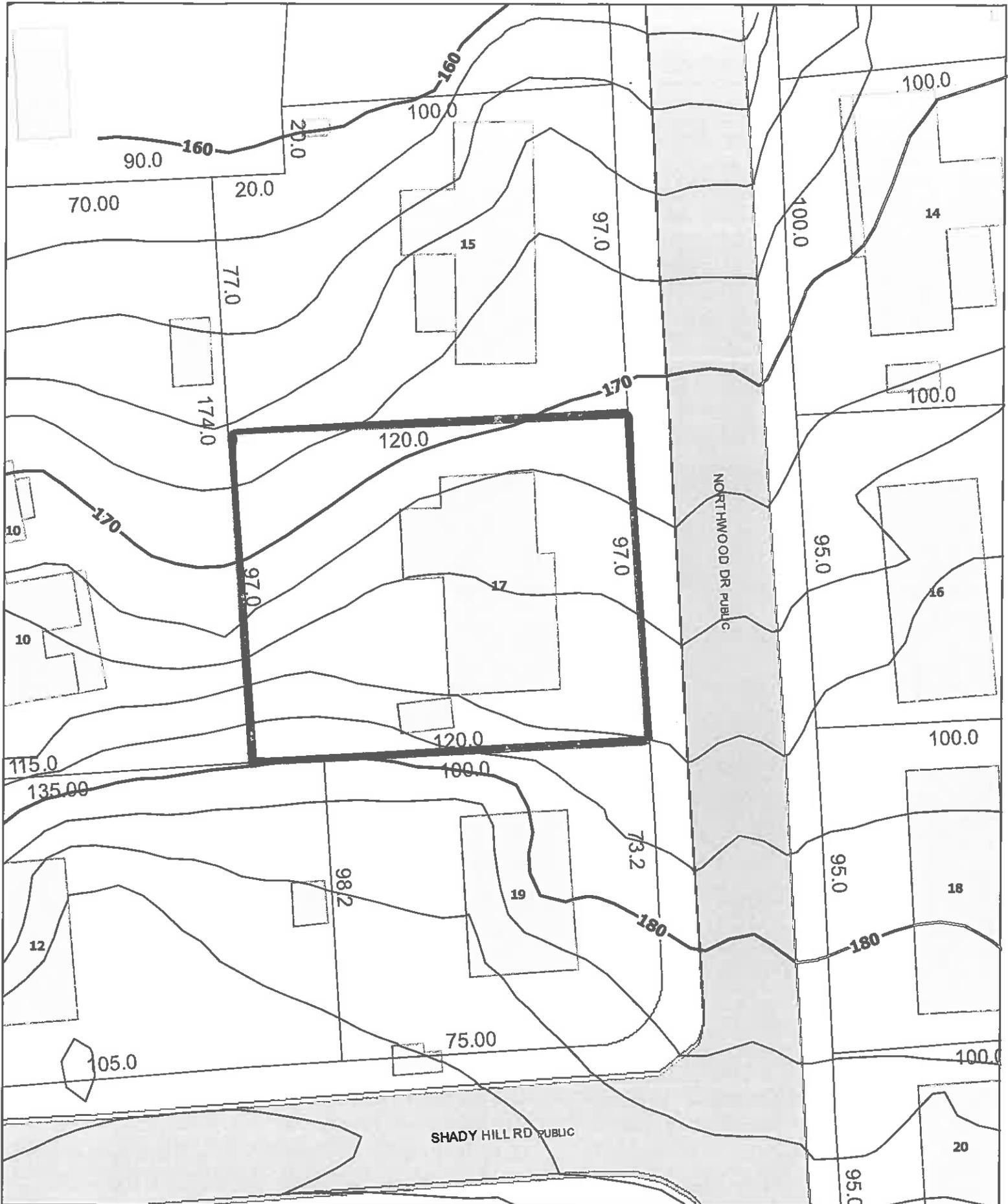
I, ..... certify this plot. Date .....



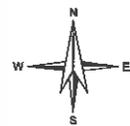


# 17 Northwood Drive



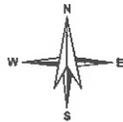


# 17 Northwood Dr - Lot contours





# 17 Northwood Dr





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

Planning & Zoning 589-3090-7  
 WEB www.nashuanh.gov

**VARIANCE APPLICATION (ZBA)**

**PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL BE RETURNED TO APPLICANT.**

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. Please print clearly or type.

**I. VARIANCE INFORMATION**

1. ADDRESS OF REQUEST 24 LINCOLN AVE, NASHUA NH 03060

Zoning District RB Sheet 0008 Lot 00019

2. VARIANCE(S) REQUESTED:

RIP AND REPLACE EXISTING 47' WIDE DRIVEWAY

**II. GENERAL INFORMATION**

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

(Print Name): TIM JENSEN

Applicant's signature T. Jensen Date 8/2/20

Applicant's address 24 LINCOLN AVE NASHUA NH 03060

Telephone number H: \_\_\_\_\_ C: 781-704-4045 E-mail: TJENSEN994@GMAIL.COM

2. **PROPERTY OWNER (Print Name):** TIM JENSEN

\*Owner's signature T. Jensen Date 8/2/20

Owner's address 24 LINCOLN AVE NASHUA NH 03060

Telephone number H: \_\_\_\_\_ C: 781-704-4045 E-mail: TJENSEN994@GMAIL.COM

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

9/9/2020 Wed

**OFFICE USE ONLY** Date Received \_\_\_\_\_ Date of hearing \_\_\_\_\_ Application checked for completeness: CF

PLR# 420-0115

\$ \_\_\_\_\_ application fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

\$ \_\_\_\_\_ signage fee  Date Paid \_\_\_\_\_ Receipt # \_\_\_\_\_

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

Land Use Code Section(s) Requesting Variances From: 190-192 (C)

**RECEIVED**  
 Board Action  
 AUG - 4 2020

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

ACQUIRING THIS VARIANCE WILL ENHANCE THE ESTHETICS OF THE OVERALL NEIGHBORHOOD, IT WILL REPLACE THE EXISTING FOOTPRINT OF THE DRIVEWAY THAT HAS DETERIORATED CONSIDERABLY AND IS BEYOND REPAIR.

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 WILL PROVIDE PARKING FOR 4 VEHICLES AS THIS IS A 2 FAMILY HOUSE AND 4 PARKING SPACES NEED TO BE AVAILABLE, NOT JUST 2 AS IS COMMON FOR A SINGLE FAMILY. ON STREET PARKING IS NOT AN OPTION AS THERE ARE PARKING BANS. I DO NOT HAVE THE OPTION OF CONFIGURING THE DRIVEWAY ANY OTHER WAY TO ACCOMMODATE 4 VEHICLES. (GARAGE, RETAINING WALLS AND SLOPE OF YARD RESTRICT SUCH OPTIONS)

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.)

REPLACING THE DRIVEWAY WOULD ADD VALUE TO THE PROPERTY AND ENHANCE THE OVERALL ESTHETICS OF THE NEIGHBORHOOD, I HAVE BEEN UPDATING AND MAINTAINING THE OVERALL HOUSE OVER THE PAST 18 YEARS AND THE DRIVEWAY IS THE LAST ITEM THAT NEEDS REPLACEMENT

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 PROPOSED USE WILL ENHANCE THE VALUE OF SURROUNDING PROPERTIES AND OVERALL NEIGHBORHOOD AS OTHER HOMES HAVE DONE IN RECENT YEARS. LEAVING THE DRIVEWAY IN ITS CURRENT CONDITION AND NOT REPLACING IT WILL DIMINISH VALUES OF 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.

NO OTHER OPTIONS EXIST AS THIS PROPERTY IS A 2 FAMILY WHICH NEEDS PARKING FOR 4 VEHICLES. I CAN NOT EXTEND THE LENGTH OF THE DRIVEWAY AS THERE IS A GARAGE, RETAINING WALL AND A SLOPING YARD WHICH PROHIBITS THIS. OVERNIGHT PARKING ON PUBLIC WAYS IS PROHIBITED SO THAT IS NOT AN OPTION.

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.

- 1. Total number of employees X Number of employees per shift X
- 2. Hours and days of operation X
- 3. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors X
- 4. Number of daily and weekly commercial deliveries to the premises X
- 5. Number of parking spaces available 4
- 6. Describe your general business operations: X

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

REPLACE EXISTING 47' WIDE CONCRETE AND ASPHALT DRIVEWAY WITH 47' WIDE ASPHALT DRIVEWAY, REPITCH TO COWSIDE WITH NEW STREET ELEVATIONS FOR WATER RUNOFF AND DRAINAGE.

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]  
Signature of Applicant

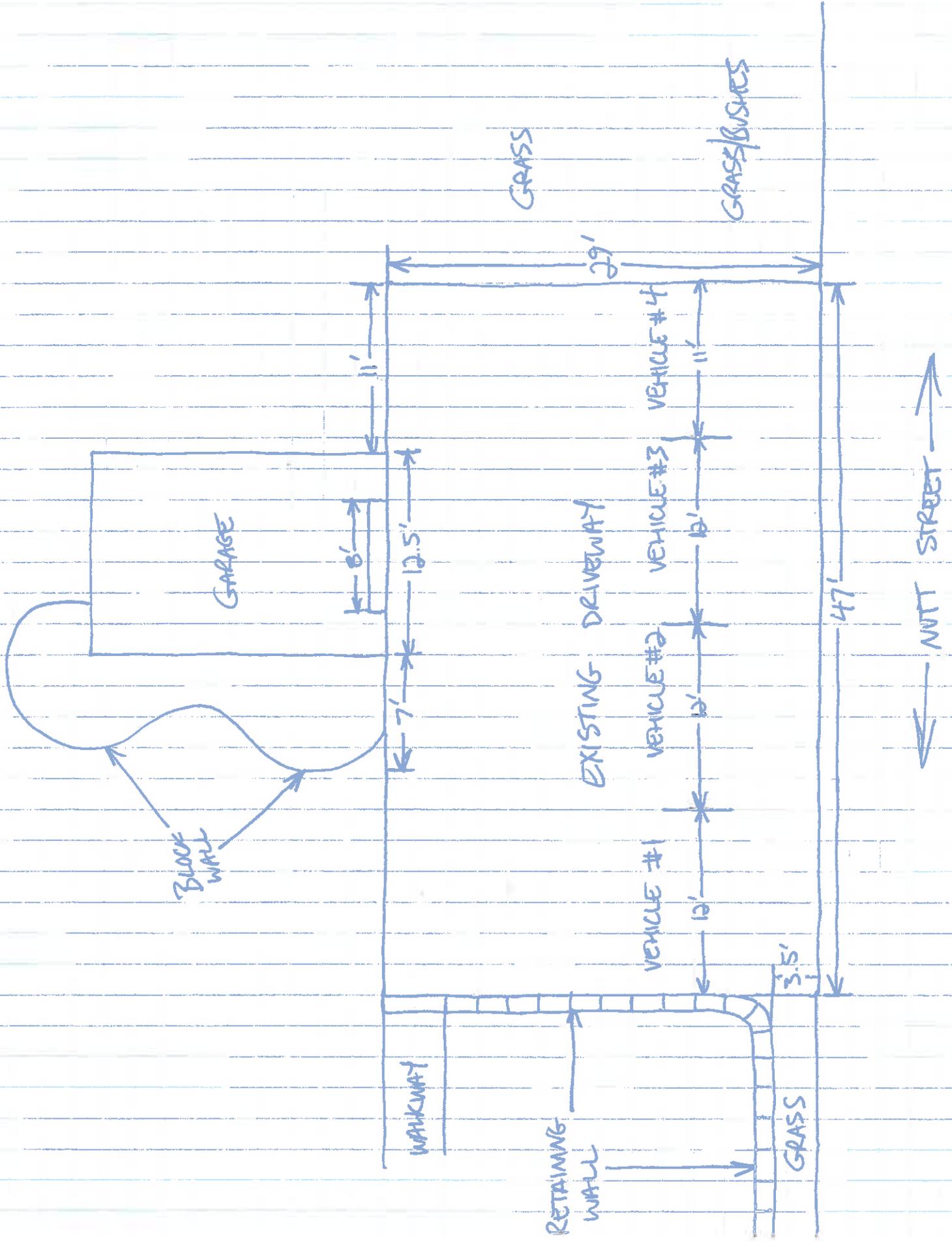
8/2/20  
Date

TIM JENSEN  
Print Name

8/2/20  
Date

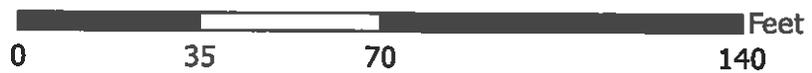
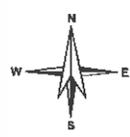
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

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





# 24 Lincoln St





**ZBA MEETING ATTENDANCE**

MEETING OF: **September 9, 2020**

Robert Shaw

Jay Minkarah

Jack Currier

Steve Lionel

J.P. Boucher

Efstathia Booras

Mariellen MacKay

Nick Kanakis

\*\*\*\*\*

**APPROVAL OF MINUTES**

Minutes of **August 11, 2020**

MOTION BY: **Lionel**

SECONDED BY: **Shaw**

Corrections:

None

APPROVED

DENIED

TABLED

\*\*\*\*\*

Minutes of **August 25, 2020**

MOTION BY: **Shaw**

SECONDED BY: **Lionel**

Corrections:

None

APPROVED

DENIED

TABLED

\*\*\*\*\*

**STAFF ATTENDANCE**

Carter Falk

Kate Poirier

Marcia Wilkins

\*\*\*\*\*

**REGIONAL IMPACT**

Yes

No

1. **525 Amherst Street, LLC (Owner) 525 Amherst Street (Sheet H Lot 150) requesting variance from Land Use Code Section 190-16, Table 16-3 for minimum lot area, 470,448 sq.ft required, 369,126 sq.ft provided, in which 135 multi-family dwelling units exist, 105 would be permitted after proposed lot subdivision. RC/HB Zones, Ward 2.**

**VOTING MEMBERS: MacKay, Currier, Lionel, Shaw, Boucher**

**REQUEST #1**

MOTION TO: **Deny**

MOTION BY: Lionel

SECONDED BY: Shaw

1. The Board found that the variance **is not** needed to enable the applicant's proposed use of the property, and given there **are no** special conditions associated with the property, the benefit sought by the applicant **can** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **deny** this request.
3. The Board has no opinion on the impact to property value by this request.
4. The Board found that the request **is** contrary to the public interest.
5. Substantial justice **will not** be served to the applicant by granting this request.

**Stipulations of Approval: None**

VOTE: Unanimous vote in support of the denial. 5-0

2. **Victoria M. Horan Rev. Tr. (Owner) Victoria Horan & George Filippides (Applicants) 4 Holly Drive (Sheet 138 Lot 261) requesting variance from Land Use Code Section 190-31 to encroach 4 feet into the 6 foot required rear yard setback to construct a detached 11'x24' shed. R9 Zone, Ward 1.**

**VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Shaw**

**REQUEST #1**

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Shaw

1. The Board found that the variance **is/** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Board finds that the location of the pool, and the fact that the shed will house the pool equipment warrant the placement of the shed at the proposed location. The Board notes that the abutters are supportive of the replacement of the existing shed with this new shed.

**Stipulations of Approval:**

The existing shed is to be removed as per testimony by the applicant.

VOTE: Unanimous in favor. 5-0

Clerk: Jack Currier

3. **KatieJo & Jamaal Forman (Owners) Kieran Rice, Ulster Property Services (Applicant) 17 Northwood Drive (Sheet E Lot 1216) requesting variance from Land Use Code Section 190-44 to exceed maximum fence height, 6 feet permitted - 9 feet proposed for 3 foot tall retaining wall with 6 foot tall fence on top for 9 foot total height along 45 linear feet along rear property line; and up to 11 feet proposed on right side yard property line with 2'-4' foot tall retaining wall with up to 6 foot tall fence on top for 102 linear feet. R9 Zone, Ward 1.**

**VOTING MEMBERS: Currier, MacKay, Shaw, Lionel, Boucher**

**REQUEST #1**

MOTION TO: **Approve**

MOTION BY: Shaw

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

**Board finds that the property has the special conditions of a steep slope within the property, and location of the pool warrant the proposed fence to enhance the safety of the property.**

**Stipulations of Approval:** None

VOTE: Unanimous in favor. 5-0

Clerk: Jack Currier

4. Jeanette Dupont (Owner) Catherine E. Laliberte (Applicant) 4 Bates Drive (Sheet 48 Lot 216) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 32 feet existing – 32 feet requested, to replace existing driveway. RA Zone, Ward 3.

**VOTING MEMBERS: MacKay, Boucher, Shaw, Lionel, Currier**

**REQUEST #1**

MOTION TO: **Table to Sep 22, 2020**

MOTION BY: MacKay

SECONDED BY: Boucher

1. The Board found that the variance **is/is not** needed to enable the applicant's proposed use of the property, and given there **are/are not** special conditions associated with the property, the benefit sought by the applicant **can/cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve/Deny** this request.
3. The Board found that property values **will/will not** be negatively impacted by this request.
4. The Board found that the request **is/is not** contrary to the public interest.
5. Substantial justice **will/will not** be served to the applicant by granting this request.

**Stipulations of Approval:**

VOTE: Unanimous vote 5-0 to Table to Sep 22, 2020

5. **Timothy A. Jensen (Owner) 24 Lincoln Street (Sheet 8 Lot 19) requesting variance from Land Use Code Section 190-192 (C) to exceed maximum driveway width, 24 feet permitted, 47 feet existing – 47 feet requested, to replace existing driveway. RB Zone, Ward 7.**

**VOTING MEMBERS: MacKay, Lionel, Boucher, Shaw, Currier**

**REQUEST #1**

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Shaw

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

**Board finds the special condition that the existing driveway has been present for many years and has become a part of the neighborhood, and does not create any problems.**

**Stipulations of Approval:** None

VOTE: Unanimous in favor. 5-0