

To: Zoning Board of Adjustment

From: Carter W. Falk, AICP, Deputy Planning Manager/Zoning

Date: March 4, 2019

Subj: **USE VARIANCE: Denise Barry (Owner) 505 West Hollis Street, Unit 206 (Sheet E Lot 1387) requesting Use Variance from Land Use Code Section 190-15, Table 15-1 (#110) to allow a real estate office in a multi-tenant building. PI Zone, Ward 5.**

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**PROPOSAL:**

The applicant, Denise Barry, is requesting a use variance to occupy an office suite for a real estate office in a multi-tenant building at the above-mentioned address. The property is located in the Park Industrial (PI) Zone. The property is 192,535 square feet in area (4.42 acres).

**SITE HISTORY:**

- Nov 1981      **Use Variance – granted** – to allow multi-tenant retail businesses in a professional office building.
- Jan 1984      **Use Variance – granted** – to allow medical, dental & psychiatrist offices and related services in excess of 50% of the total building square footage.

Meeting minutes for the above-mentioned cases are included in the package.

**SITE ANALYSIS:**

The subject site is located on the north side of West Hollis Street, between Panther Drive and Riverside Street (see attached maps). To the north, across Riverside Street, is the Conway Ice Arena and the DPW garage and offices, zoned PI. To the east, across Panther Drive, is the Nashua Police Station, zoned PI. To the south, across West Hollis Street, are single-family residences, zoned C-Suburban Residence (R9). To the west, across Riverside Street, is a vacant lot, zoned PI.

According to the Land Use Code, Section 190-15, Table 15-1, Table of Uses (#110), “*real estate, sales, rental and leasing*” is only allowed as a Conditional Use with a superscript (<sup>1</sup>), subject to Planning Board approval as long as at least 75% of the gross floor area is reserved for uses listed in the “industrial and manufacturing” category. Neither the unit the applicant has purchased nor the entire building has any uses listed in the industrial and manufacturing categories, therefore, the submitted request is the Use Variance.

The entire building has approximately twenty-two individual condominiums. The building is approximately 40,500 square feet in size. The applicant has purchased unit #206, which has 1,580 square feet of space. Access to the building is from one two-way driveway located on the north side of the lot. A majority of the existing condominiums in the building are medical related – eye doctors, dermatologists, orthodontics, dentists and counseling services.

The site has 180 parking spaces. The proposed use of a real estate office requires a maximum parking requirement of 1:1,000, therefore, two spaces will be required. The site has sufficient parking spaces.

The City's Future Land Use Plan identifies the subject property as "Commercial". In order for the ZBA to grant the variance request, the applicant must satisfy all the relevant points of law, as listed below:

**Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship:** The applicant must establish that, owing to special conditions of the property that distinguish it from other properties in the area, that (1) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (2) that the proposed use is reasonable.

**The applicant states that literal enforcement of the ordinance would result in a hardship to other condo owners in this complex, as this location makes it easier for clients access.**

**The proposed use will observe the spirit of the ordinance:** 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 applicant states that the proposed use, being a real estate sales office, operated during normal work hours, will not adversely affect public health.**

**The proposed use will not diminish the values of surrounding properties:** 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 applicant indicates that the proposed change in use will not diminish the values of surrounding properties, as it is a business that will be a positive addition to the general neighborhood. .**

**Granting of the requested variance will not be contrary to the public interest:** 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".

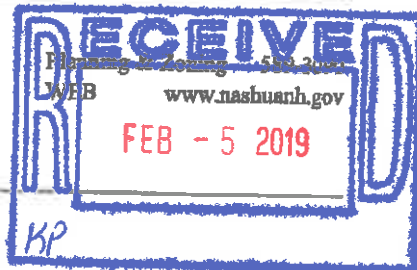
**The applicant states that based on the existing businesses located along this section of West Hollis Street, in this vicinity, will not be impacting the public interest.**

**Substantial justice would be done to the property owner by granting the variance: the benefits to the applicant must not be outweighed by harm to the general public or to other individuals.**

**The applicant states that the property owner will be moving this Nashua-based business to this location, and remain in the City.**



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



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.

**1. VARIANCE INFORMATION**

a. ADDRESS OF REQUEST 505 West Hollis Unit 206  
 Zoning District PJ Sheet E1387 Lot \_\_\_\_\_

b. VARIANCE(S) REQUESTED:  
Real Estate Office

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-15, Table 15-1 (#110)

**2. GENERAL INFORMATION**

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

(Print Name): Denise Barry  
 Applicant's signature [Signature] Date \_\_\_\_\_  
 Applicant's address 51 Legacy Drive  
 Telephone number H: \_\_\_\_\_ C: 320-4147 E-mail: topsell@empire.net

b. **PROPERTY OWNER (Print Name):** Denise Barry  
 \*Owner's signature [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).

<b>OFFICE USE ONLY</b>	Date Received <u>2/5/19</u>	Date of hearing <u>3/12/19</u>	Application checked for completeness: <input checked="" type="checkbox"/>
PLR# <u>2019-00031</u>	Board Action _____		
\$ _____ application fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ signage fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ _____ certified mailing fee <input type="checkbox"/>	Date Paid _____	Receipt # _____	

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. 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.")

Based on the existing businesses located along this stretch of West Hollis Street (in the vicinity of 505 West Hollis, this would not be contrary to the public interest.

- 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 proposed use being a Real estate sales office - operated as a normal business - will not adversely affect public health.

- 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 property owner will be moving the Nashville based business to this location still within Nashville.

- 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 change in use will not diminish the values of surrounding properties. It is a business that will be a positive addition to the general neighborhood.

VARIANCE APPLICATION

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Address 505 West Hill 206

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.

Literal enforcement of the ordinance would result in a hardship to other condo owners in this complex. This location makes it easier for clients access.

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 2 Number of employees per shift \_\_\_\_\_
- b. Hours and days of operation M-S 9-5
- 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 M-S
- e. Number of parking spaces available Condo development
- f. Describe your general business operations:  
Topsell Realty LLC is a General Real Estate Brokerage.

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

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 Denise Barry  
Print Name Denise Barry

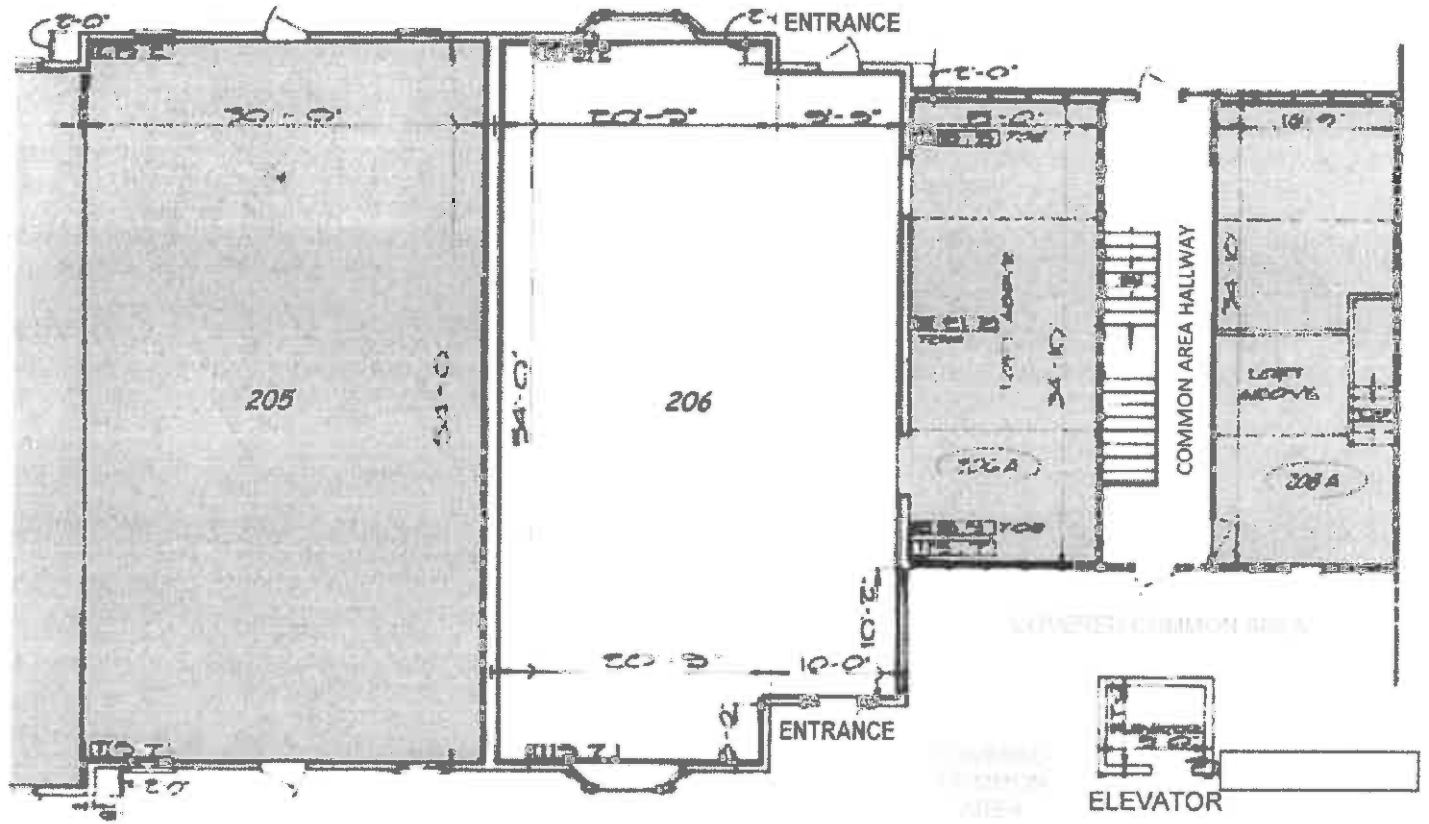
Date \_\_\_\_\_  
Date \_\_\_\_\_

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:

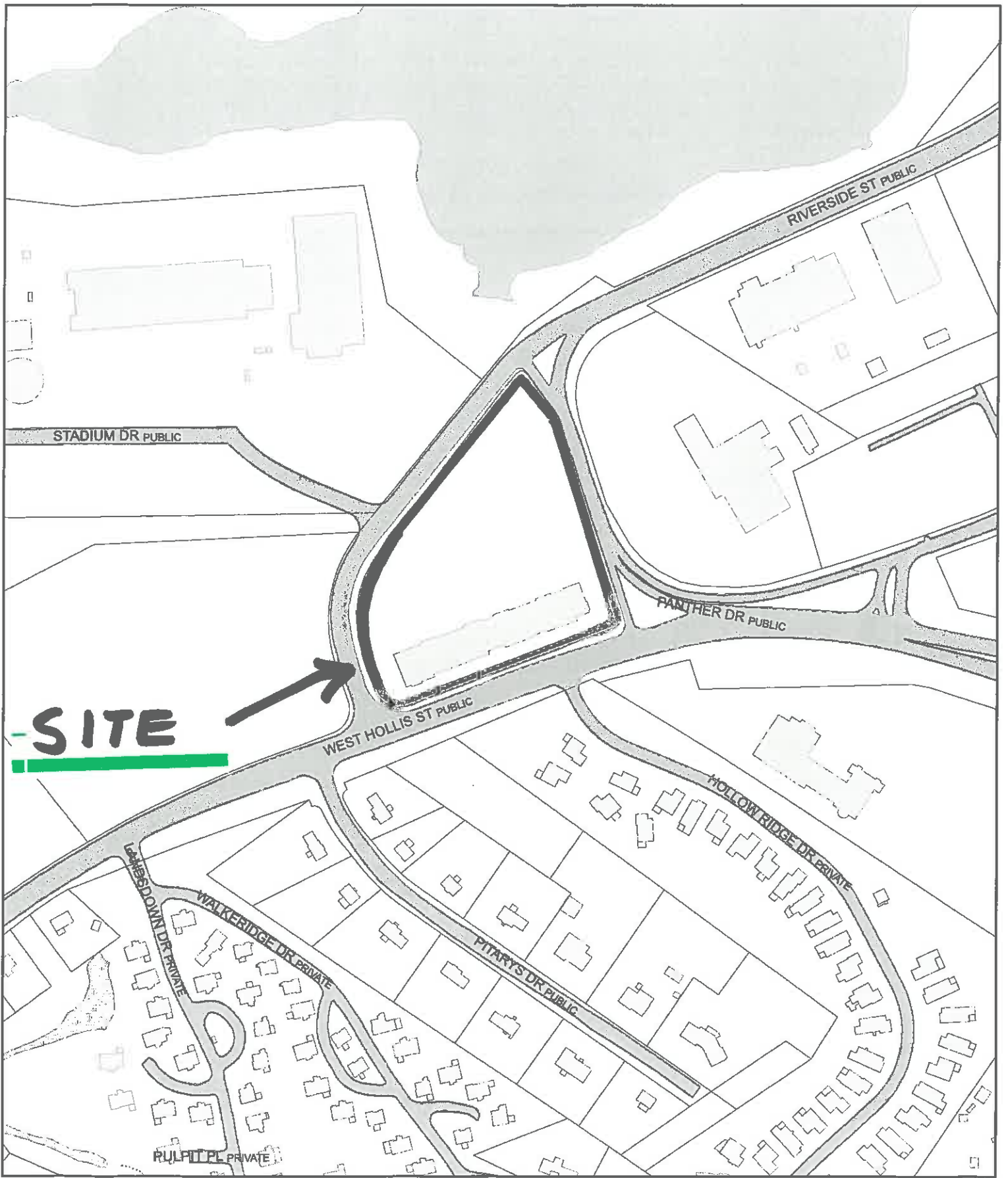
- I will pick it up at City Hall
- Please email it to me at topsell@empire.net
- Please mail it to me at \_\_\_\_\_

**OFFICE CONDOMINIUM FOR SALE**  
505 WEST HOLLIS STREET, UNIT 206  
NASHUA, NEW HAMPSHIRE

**FOOT PRINT**



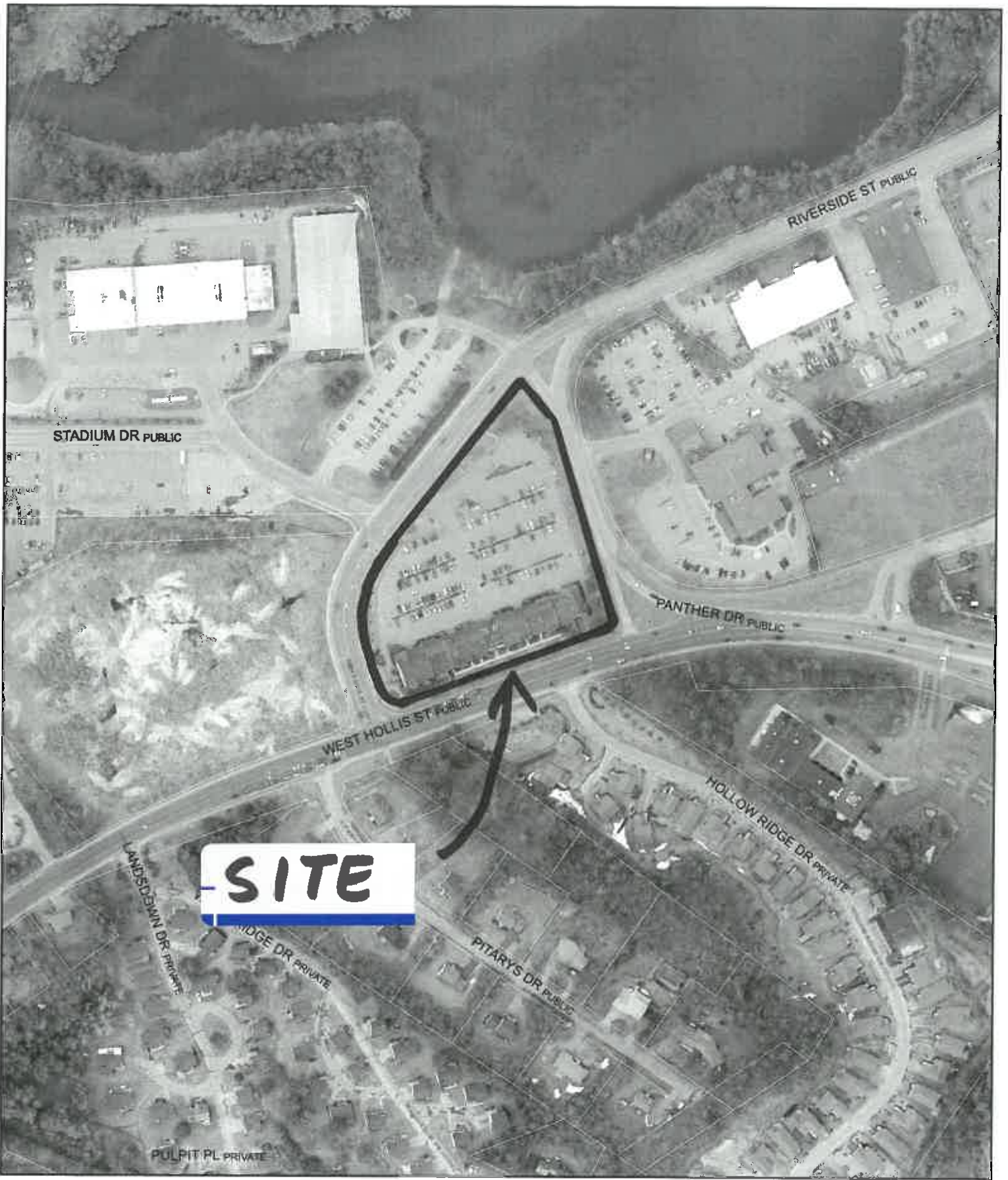
NOT TO SCALE | INTERIOR LAYOUT NOT DEPICTED



**505 West Hollis Street, Unit 206**

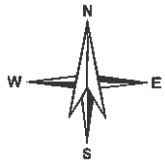


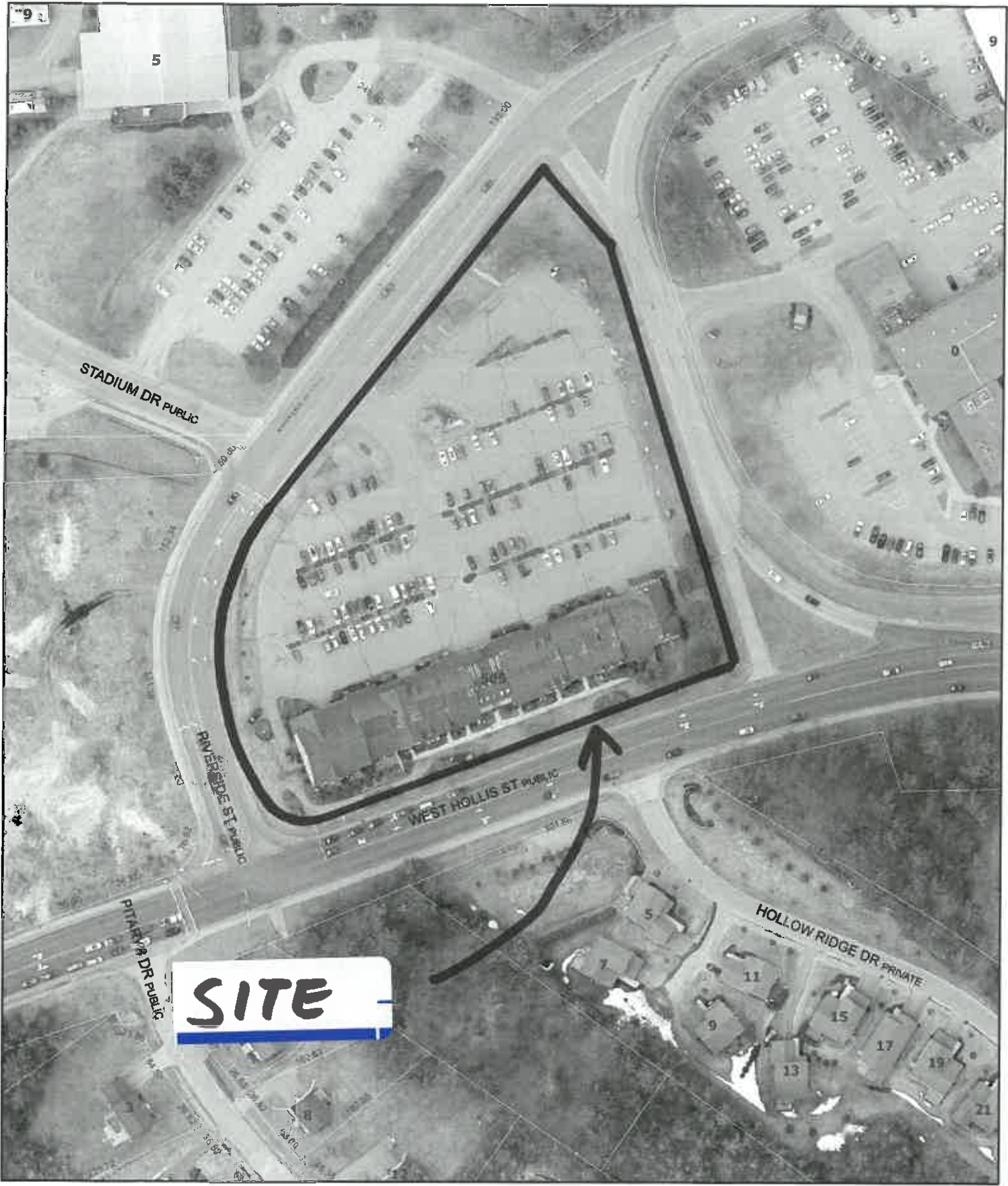




**SITE**

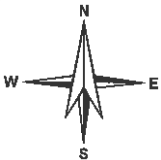
**505 West Hollis Street, Unit 206**





**SITE**

**505 West Hollis Street, Unit 206**



buildings. The survey averaged 242 of those were vacant.

Mr. Kudzma asked if all the spaces needed were in the Maple Street lot. Atty. Shapiro said yes.

Mr. Turner said that this particular lot can be leased out.

Mrs. Haggerty wanted to know if they would be able to use those spaces at night or if they were going to be metered. Mrs. Haggerty said that she was in favor of the plan. Atty. Ball said yes. Mrs. Haggerty said that when she gets home at 3:00 pm, they cannot find a space in the parking lot. They have to park on the street or in the yard because the lot is full.


Aldermen Dyer said that they can park in the lot at night. The only time they have to move their cars is for snow removal. They are allowed to park there from 5:00 pm to 8:00 am.

Mr. Kudzma wanted to know if the factory operation of the old bakery was going full tilt at the time the survey was being done. Mr. John Collins said yes. He said that the type of survey that he ran was similar to what has to be provided for HUD when they went to their operations on building on sites throughout the community. He said that he was asked to conduct a survey on the Elm Street lot, Seniors lot, and the Mulberry Street parking lot. He said that Mrs. Haggerty was incorrect in stating that she cannot find a parking space in the Mulberry Street lot. There is adequate parking there at all hours of the day.

Mr. Kudzma asked Mrs. Haggerty if it were possible for her to find a parking space if they came in from Elm Street. Mrs. Haggerty said that she came in from Elm Street. Any time they go into their yard, they are breaking the law. If they come down Main Street, they can't turn down Mulberry Street. If they come up Maple Street, they can't come into their yard.

NO ONE WAS OPPOSED.

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James & Lionel Forest, lots 1387 & 1388, West Hollis Street & Riverside Drive; requesting a use variance to allow multi-tenant retail businesses in a professional office building. PI zone.

Atty. John C. Karriger stated that he was practicing in MA, but resides at Coburn Woods, Nashua and is representing Mr. Forest for this site. Atty. Karriger submitted a colored rendering of what the site would look like to the board. He said that the site in question is 4+ acres of land at the corner of Riverside Drive and West Hollis Street. He said that they have found rubble, rubbish, etc. on the site. The site is zoned PI, which permits the construction and erection and the use of business offices, as well as a number of other things. He said that their examination of the site shows that although the zoning ordinance permits the development in approximately 40% of the lot, only about half of that or a third is feasible. He said that they have a hardship on the parcel of land. More than 2/3 of it used to be a dump. The site is now

developing potentially hazardous run-off, etc. into the adjoining residential areas. He said that their proposed use of the site would be more beneficial than leaving it as it is now. They would be paving a great part of it. Atty. Karriger said that they have been engaged for some years in the development of office condominiums. Atty. Karriger submitted photos to the board showing a recently completed office condominium development that was done two years ago in Chelmsford, MA. He said that this completed project is very similar, though larger in scale, than what is planned for here. West Hollis Street is a very active situation. You have the new Police Department and BPW garage. There is MTHP and WSMN is across the street. You have some elderly housing down the street and some nice residential areas. What they would like to do is build a building of approximately 40,000 square feet in two phases that would be devoted to general office use. He said that they have found that in a development such as this, that if there is not some small service oriented commercial uses, that it's a subtraction. They would like to use approximately 15% of the 40,000 square feet to be devoted to small retail commercial uses.

Atty. Karriger said that he thought the area could be well served by a pharmacy, a barber/beauty shop, and a food service establishment. He said that they would like the board to pose some binding restrictions on the uses. What they propose to do is develop this project as condominiums so that each of the unit owners of office or retail space will be an owner in common with all the other units. If they were allowed to operate 15% of this space for commercial uses, they could realize a profit which might lower the cost for the business offices.

Atty. Karriger said that their engineers say that it is not feasible to build buildings on 40% of the lot. Only the green area shown on the map can be effectively used. He said that they've filled the land and spent a lot of money on it. A building cannot be put economically on this site. The picture that the board has depicts a building that is multi-level. There is a non-access line from West Hollis Street so that there would be no entrance from West Hollis Street. The entrances would be opposite the Police Station and Riverside Drive. They can provide a multi-level building that will be attractive from Hollis Street. It would be roughly one story on the Hollis Street side and two stories on the downhill side towards the BPW. There is a need for first class, custom built office space in Nashua. It would be an asset to the area. He said that they are concerned that they are close to the high school. They don't want to attract any students. He said that he didn't want the students to be able to buy beer, or play video games. Atty. Karriger asked the board to restrict them in that area. They don't want high school kids hanging around there in the afternoon.

Atty. Karriger said that he did not think that this site would be developed except in this way. They have added the extra parking to use up the site for two reasons: (1) For the professional business offices; and (2) It's sealed off so that they don't get any dumping refuse or leakage. He said that he didn't think that they could build a professional business complex without the commercial uses.

Mr. Kudzma said that the board could not state that there be no liquor sales on the premises when the state law says that a convenience store can sell wine and beer. The question comes if this were granted, whether or not they would put a deed restriction in the sale of all the condominiums that certain uses would not be permitted. Atty. Karriger said that they could do that. He said that he thought the board had the right to impose such restrictions.

Mr. Stata asked Atty. Karriger how he would propose the signage on the site. Atty. Karriger said that what they have used at other places is small carb signboards. Mr. Stata wanted to know how that was controlled. Atty. Karriger said through the condominium approval.

Mr. Kudzma said that one of the problems in store parking lots is the gathering of students. How do you propose to control that? Mr. Ross Richardson, Dracut, MA, said that the way the parking is set up, it's somewhat inconvenient for the people to use. Their complex in MA has their lights on til 11:00 pm. They have posted "No Overnight Parking" signs and no truck parking after 8:00 pm. They could work with the Police Department and the Traffic Commission on that.

Alderman Dyer said that they came to him and showed him the proposal some time ago. He said that he thinks that the proposal would compliment the city buildings and it would clean up the site. It's an eyesore. It would not interfere with any dwellings in the area. It would serve many of the residents in the area. The development has guaranteed that there would be no liquor sales on the premises. The traffic will enter by Panther Drive, which is a one way street in and also by Riverside Drive. It will exit only by Riverside Drive. There will be no entrances or exits on West Hollis Street. The taxes generated by this type of development would benefit the city. The services for something like this would be minimal.

Mr. Kudzma asked Atty. Karriger if he could live with 6,500 square feet. Atty. Karriger said yes.

Mr. Billings wanted to know if this had been discussed with the school administration. Atty. Karriger said no.

Mr. Kudzma read the staff report by Roger Hawk, Planning Department (Attch. #2).

NO ONE WAS OPPOSED.

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Stephen Nicoli, 28 Abbott Street; requesting a special exception to allow a 4 family dwelling unit & requesting a variation of the minimum lot area from requested 14,000 sq. ft. to 3,510 sq. ft. RB zone.

This case was postponed at the request of the owner.

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Alfred J. Beaudry, 151 West Hollis Street; requesting a variation of the sign requirements to allow less than required 10' setback and to allow a 20' height where 15' is required. RB zoned (buffered business zone).

Mr. Robert Beaudry, President of Rousseau Oil, 151 West Hollis Street, said that on September 1 of this year they terminated their relationship with Getty Oil Company and began a relationship with Gulf Oil. What they have had to do as a result of that was cover the Getty's sign with plastic. If they hadn't done that, it would be a trademark violation. What they are asking for is to take the Getty sign off and put the Gulf sign in the same location. The Gulf sign is actually 2 feet smaller than the old one. It's 17 feet high. As far as the hardship, they are abutted by one house. If they moved the sign to where it was supposed to be, it would be in the middle of their loading ramp. The Getty's sign has been there for 45 years. It would not affect the other owners in the area. It is essential to advertise your brand of gasoline.

Mr. Kudzma wanted to know if Gulf Company were going to pay for the new sign. Mr. Beaudry said that with an oil sign, you have to pay an annual rental fee. Mr. Kudzma wanted to know why they couldn't put the sign so that the top of it would only be 15 feet high. Mr. Beaudry said that he could not answer that.

Mr. William Perry of the Gulf Company said that they could lower the sign to 15 feet. Mr. Kudzma said so they would be willing to have a 15 foot sign. Mr. Perry said yes. They would use the old base.

Mr. Turner said that if they had just popped out the plastic and put in the new sign, they would not need a variance. But the different oil companies have different shape signs, so they had to remove the whole thing.

NO ONE WAS IN FAVOR OR OPPOSED.

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Samuel A. Tamposi (owner), Donald Humen (optionee), lot 74, Riverside Drive; requesting a use variance to allow a professional office building. PI zone.

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This case was withdrawn at the request of the owner.

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Mr. Kudzma read a letter from Mr. Ronald Eskin asking for clarification.

Mr. Kudzma said that the question remains as to whether or not they should continue to pave the driveway and essentially create an additional parking spot on their property on Main Street.

Mr. Turner said that in looking at the plan, that is going above and beyond the driveway.

Daniel & Pearl Gribetz, 253-255 Main Street & 1-3 Mulberry Street; requesting a special exception to allow substitute parking in a municipal lot for a professional office building. CB zone.

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MOTION BY Mr. Kudzma to grant this request.  
SECONDED BY Mrs. Goodman.  
MOTION CARRIED UNANIMOUSLY.

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James & Lionel Forest, Lots 1387 & 1388, West Hollis Street & Riverside Drive; requesting a use variance to allow multi-tenant retail businesses in a professional office building - PI zone.

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MOTION BY Mr. Kudzma to grant this request with the following stipulations:

1. Conform with recommendation (5) engineering report from environmental report from Environmental Engineering Services, Inc.;
2. Retail establishment not to exceed 6,500 sq. ft.;
3. Use variance shall conform to variance application;
4. No sale of alcoholic beverages;
5. No amusement center or theater;
6. No entertainment center.

SECONDED BY Mr. Billings.  
MOTION CARRIED UNANIMOUSLY.

\*\*\*\*\*

Alfred J. Beaudry, 151 West Hollis Street; requesting a variation of the sign requirements to allow less than required 10' setback and to allow a 20' height where 15' is required. RB zoned (buffered business zone).

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MOTION BY Mr. Kudzma to grant the first request and deny the second request.  
SECONDED BY Mr. Richards.  
MOTION CARRIED UNANIMOUSLY.

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Rehearing request from Steven Cates, 32 Cataline Lane.

MOTION BY Mr. Stata to deny this request, as there was no new evidence.  
SECONDED BY Mr. Richards.  
MOTION CARRIED 4 - 0 (Mr. Billings abstained).

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Rehearing request by Christie Pashley, 33 Tenby Drive.

MOTION BY Mr. Kudzma to deny this request, as there was no new evidence.  
SECONDED BY Mrs. Goodman.  
MOTION CARRIED 4 - 0 (Mr. Billings abstained).

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There being no further business, the meeting of the Zoning Board of Adjustment was adjourned at 11:00 PM.

January 26, 1984

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talking at once, could not pick up one voice.

John Gaudett, 47 Abbott St. - (\*Break in tape) whether there are ten or nine spaces, when you divide that by 1.75 how many does it come out there? Who has the calculator? Ms. White answered less than required. (\*Break in tape) This is where things began on Abbott Street. The hardship has still not been conveyed. The spirit of the Ordinance should be upheld. Certainly, nine has been demonstrated to be too many. There is evidence (\*Break in tape) and testimony that the cars park over the sidewalk and into the street.

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Thomas F. Monahan, 3 Harvard St.; requesting a variation of the front yard setback from 12' req. to 10' & variation of the req. min. lot area from 14,000 s.f. to 11,282 s.f. to allow 2 additional dwelling units. RC zone

This case was postponed indefinitely.

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Michael Swabowicz, 0 Charlotte St.; requesting a use variance to allow miscellaneous professional & business offices in a divided RA/LB zone

This case was postponed indefinitely.

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J. Carragher, A. Lampert and R. Fox, lots 1387 and 1388, Sht. E, West Hollis St.; requesting a use variance to allow medical, dental & psychiatrist offices & related services in excess of 50% of the total square footage. PI zone.

(\*Break in tape) Could not pick up any of his testimony.

Karen White asked if he could describe the owners on the northwest side? She said it was indicated as the City of Nashua. Then asked if it was the entire northwest side? He said it was all part of the Public Works land. She asked if that was the position they had been discussing at one time for the Public Works garage? He said he didn't think this piece had been considered for the Public Works garage. (\*Break in tape) Ms. White said that in essence that land that is owned by the City of Nashua is the only land in that area that abutts you that could be developed as Park Industrial. He said that is correct. ? asked how much in excess of 50% were they considering? He said he didn't know. ? said that what he is trying to get at is that if they grant this as it is written, in theory he could convert the entire building into medical offices. He said that was correct. ? said then it would be a medial facility. He said that no, it would not. (\*Break in tape) Ms. White said that the question is, of course, if there is no control about who they are sold to in the future unless you change this, there could be a violation on sales sometime in the future. (\*Break in tape) my clients coming forward and saying we have this problem that has been brought to our attention and we would like to rectify it. We feel we have a hardship and I think they do. That is why we are before you this evening.

NO ONE IN FAVOR OR OPPOSITION

Insert letter from Al Turner

(\*Break in tape) Could not understand rebuttal about letter

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Eber Currier/Demers-Vega, Inc. (owner), 256 Investment Associates (optionee), 635 Amherst St; requesting a special exception to allow a Wendy's restaurant to serve some food consumed off-premises & special exception to allow the filling in of a



Karen White explained that in 1974 this was rezoned. Prior to that time, in multi-family zones, you only had to have 1,750 s.f. per unit. At that time it was recognized that the inter-city might become overcrowded and so the (\*Break in tape) was doubled. So he got eight units under the old zoning. (\*Break in tape)

MOTION CARRIED UNANIMOUSLY

Ms. White said that the second part was for a special exception to allow a 9th dwelling unit.

MOTION BY to deny because it is contrary to the spirit of the Ordinance and it encourages overcrowding in an already densely populated district. (\*Break in tape)

SECONDED BY

MOTION CARRIED UNANIMOUSLY

\*\*\*\*\*

Thomas F. Monahan, 3 Harvard St.; requesting a variation of the front yard setback from 12' req. to 10' & variation of the req. min. lot area from 14,000 s.f. to 11,282 s.f. to allow 2 additional dwelling units. RC zone.

This case was postponed until February 28, 1984.

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Michael Swabowicz, 0 Charlotte St.; requesting a use variance to allow miscellaneous professional & business offices in a divided RA/LB zone.

This case was withdrawn.

\*\*\*\*\*

J. Carragher, A. Lampert & R. Fox, lots 1387 & 1388, Sht. E, West Hollis St.; requesting a use variance to allow medical, dental & psychiatrist offices & related services in excess of 50% of the total square footage. PI zone.

Ms. White said that she thinks this was a very interesting interpretation of that portion of the Ordinance (\*Break in tape) to the Board when they received their original permit. (\*Break in tape) Ms. White said that the area that they are in is certainly good for it. (\*Break in tape) these are businesses each into themselves. Ms. White said that is one point that they make in that the parking is different and is considered unnecessarily higher for medial offices, but the testimony was (\*Break in tape)

MOTION BY to grant because it would be a medical office building rather than a medical facility. There is definitely a hardship in that it would have been very difficult for him to have told when they started construction that there was any problem. (\*Break in tape) The spirit & intent of the Ordinance would not be broken.

SECONDED BY

MOTION CARRIED UNANIMOUSLY

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