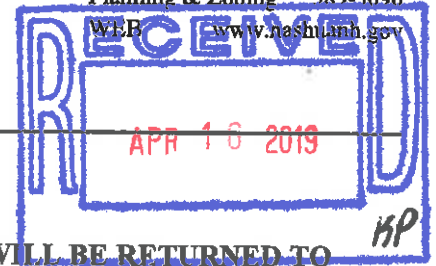




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019

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.

1. VARIANCE INFORMATION

a. ADDRESS OF REQUEST 103 Lund Rd.
 Zoning District R-9 Sheet _____ Lot B-2753

b. VARIANCE(S) REQUESTED:
Reliefe of 11% is being sought from zoning by-law requiring accessory structures to be no greater than 40% of the total living area (1,904 sq.ft.)

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 19D-264 Definitions - "use, accessory"

2. GENERAL INFORMATION

a. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)
(Print Name): Jay Henshall (Gibraltar Pools Corp.)
 Applicant's signature [Signature] Date 4-15-19
 Applicant's address 435 Boston St Topsfield, MA 01983
 Telephone number H: 978-887-2424 C: 978-852-2218 E-mail: jay@usaswim.com

b. **PROPERTY OWNER (Print Name):** Jo.
 *Owner's signature [Signature] Date 4-15-19
 Owner's address 103 Lund Rd Nashua, NH
 Telephone number H: _____ C: 978-421-5947 E-mail: monicauch@yahoo.com

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

OFFICE USE ONLY	Date Received <u>4/16/19</u>	Date of hearing <u>5/14/19</u>	Application checked for completeness: <u>CP</u>
PLR# <u>2019-00070</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.")

The proposed above-ground pool is for private use and is not visible or
intrusive to surrounding properties, while allowing the homeowner reasonable
recreational use of the property

- 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 proposal will allow the home owner recreational use of their
residential property and home

- 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 pool is above-ground and can be easily removed if future
situations required, creating no nuisance or hazard to surrounding properties

- 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.)

This proposal is within the spirit of the use of private residential
property

VARIANCE APPLICATION

Address _____

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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 basement of this property is heated but although the homeowner does intend to eventually finish it, it remains unfinished at this time. If the basement was finished the square footage of the home would allow for the proposed above-ground pool.

4. USE VARIANCE ADDITIONAL INFORMATION

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

- a. Total number of employees _____ Number of employees per shift _____
b. Hours and days of operation _____
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors _____
d. Number of daily and weekly commercial deliveries to the premises _____
e. Number of parking spaces available _____
f. Describe your general business operations: _____

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

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those point specifically mentioned are affected by action taken on this appeal.

Signature of Applicant _____

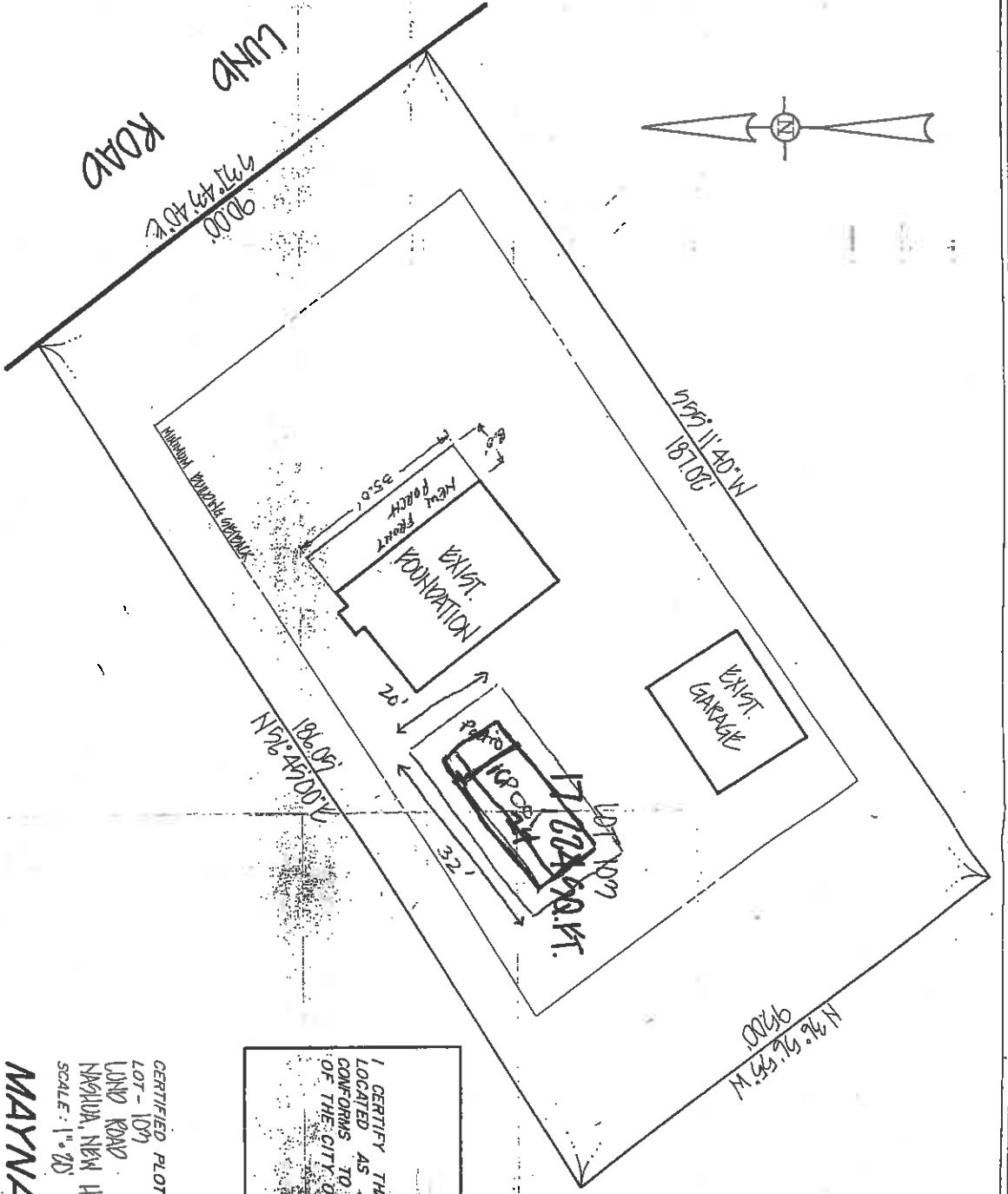
Date _____

Print Name _____

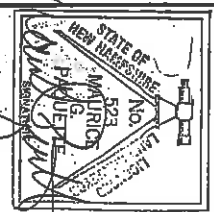
Date _____

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 _____



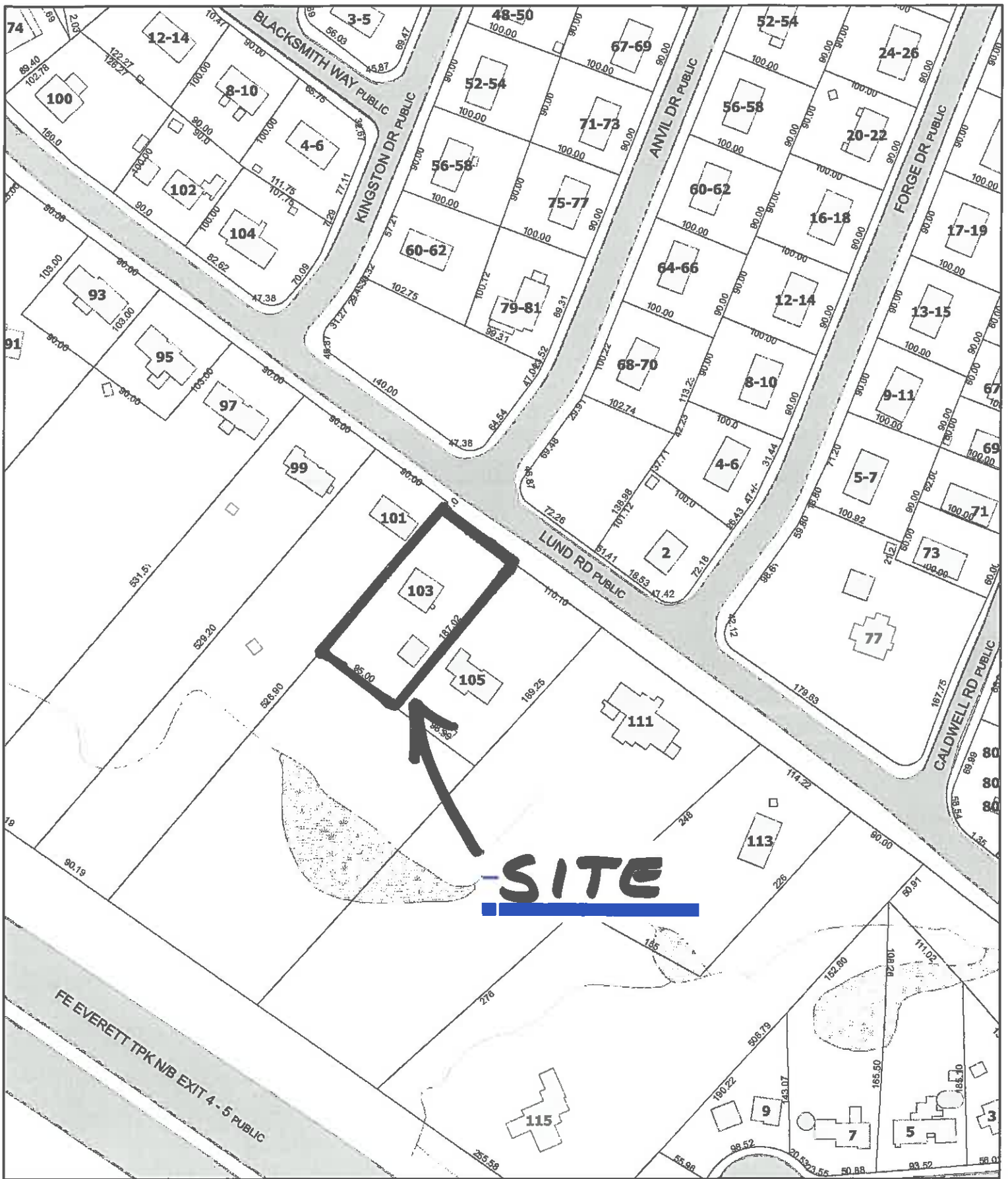
I CERTIFY THAT THE FOUNDATION WAS LOCATED AS SHOWN AND THAT IT CONFORMS TO THE ZONING ORDINANCES OF THE CITY OF WASHUVA.



CERTIFIED PLOT PLAN
 LOT - 109
 LUND ROAD
 WASHUVA, NEW HAMPSHIRE
 SCALE: 1" = 20'

DATE: FEBRUARY 5, 1998
MAYNARD & PAQUETTE INC.

CONSULTING ENGINEERS & LAND SURVEYORS
 23 EAST PEARL STREET WASHUVA, N. H. 03080 (603) 883-8384
 FAX: (603) 883-8384



103 Lund

