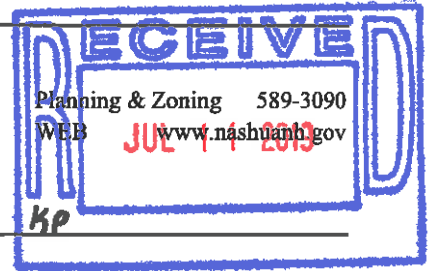




**City of Nashua**  
**Planning Department**  
 229 Main Street  
 Nashua, New Hampshire 03061-2019



**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 4 CUSHING AVE  
 Zoning District AB Sheet 04 Lot 104

b. VARIANCE(S) REQUESTED:  
POOL - EXCEED EXCESSOR USE AREA BY 24'

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM 190-264 Definition - "use, accessory"

**2. GENERAL INFORMATION**

a. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)  
 (Print Name): MATT & LEAH DONAHUE  
 Applicant's signature [Signature] Date 7/11/19  
 Applicant's address 4 CUSHING AVE  
 Telephone number H: - C: 813-363-0207 E-mail: MJDONAHUE19@GMAIL.COM

b. **PROPERTY OWNER (Print Name):** MATT DONAHUE  
 \*Owner's signature [Signature] Date 7/11/19  
 Owner's address 4 CUSHING AVE  
 Telephone number H: - C: 8133630207 E-mail: MJDONAHUE19@GMAIL.COM

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

<b>OFFICE USE ONLY</b>	Date Received <u>7/11/19</u>	Date of hearing <u>8/13/19</u>	Application checked for completeness: <u>CF</u>
PLR# <u>2019-00127</u>	Board Action _____		
\$ <u>330</u> application fee <input checked="" type="checkbox"/>	Date Paid _____	Receipt # _____	
\$ <u>15</u> signage fee <input checked="" type="checkbox"/> <u>301</u>	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.")

POOL WILL INCREASE VALUE OF HOUSE AND  
 ABUTTING HOUSES

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- 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.")

NO CONFLICT

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- 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.)

NO HARM TO GENERAL PUBLIC

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- 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.)

WILL INCREASE SURROUNDING PROPERTY VALUES

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VARIANCE APPLICATION

Address \_\_\_\_\_

Page 3

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.

OUR 12-4 YEAR OLD DAUGHTER SUFFER FROM A RARE BONE CONDITION, KNOWN AS BRITTLE BONE DISEASE, AND IS WHEEL CHAIR BOUND. THE SAFEST AND PRIMARY FORM OF EXERCISE AND MOVEMENT IS WITHIN WATER, SPECIFICALLY PRIVATE POOLS WHERE THE INTRODUCTION OF RISK AND DANGER OF BREAKING ARE MINIMIZED. IN ADDITION, THE POOL ALLOWS FOR THE NEEDED SOCIAL BENEFITS FOR A DISABLED CHILD, WHERE SHE NOW HAS A JACKYARD (POOL) TO "PLAY" IN WITH HER FRIENDS.

\* 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

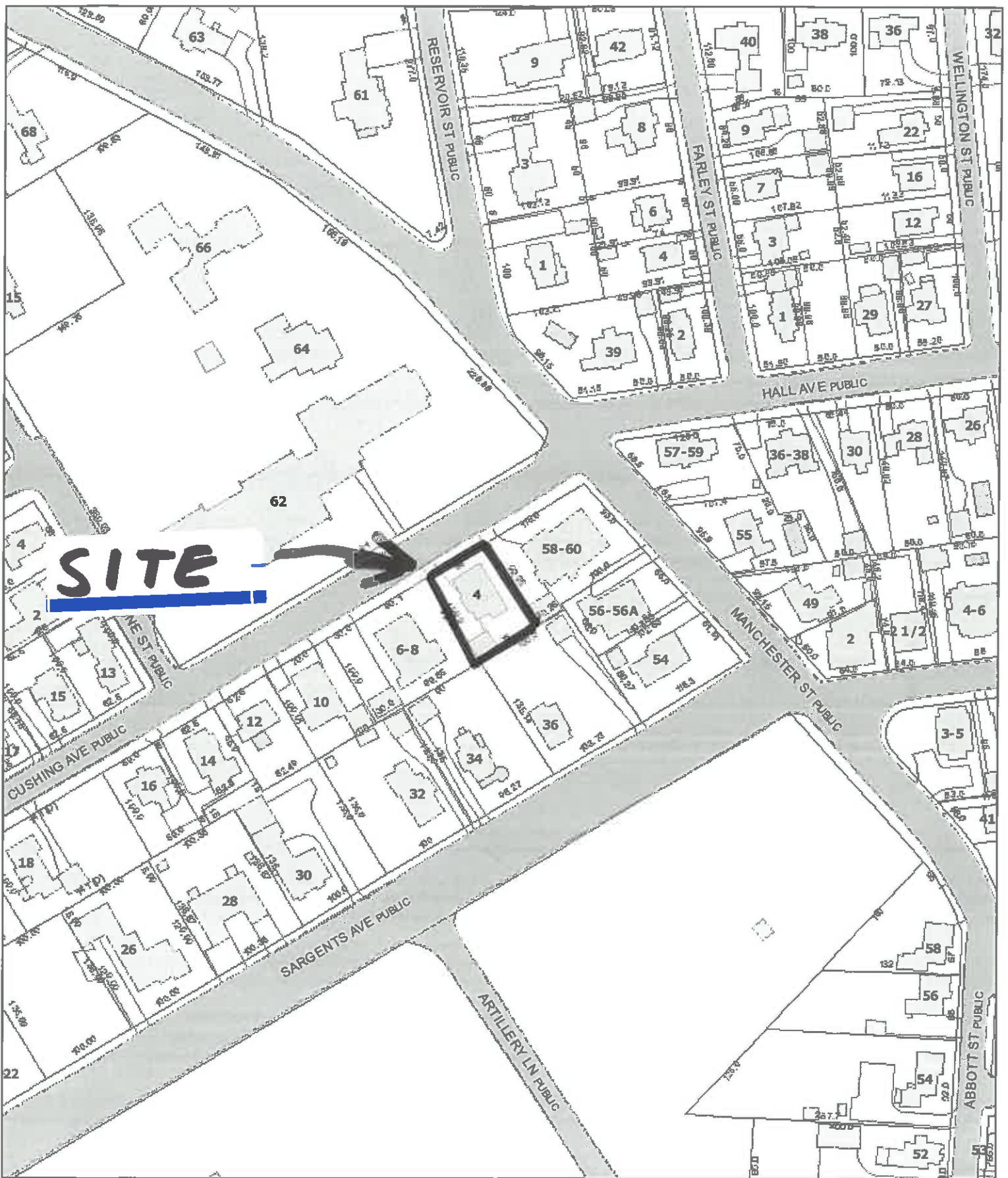
7/2/19
Date

MATHEW DENTON
Print Name

7/11/19
Date

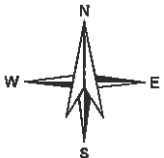
The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

- [ ] I will pick it up at City Hall
[ ] Please email it to me at \_\_\_\_\_
[x] Please mail it to me at 4 CUSHING AVE NASHUA NH 03064



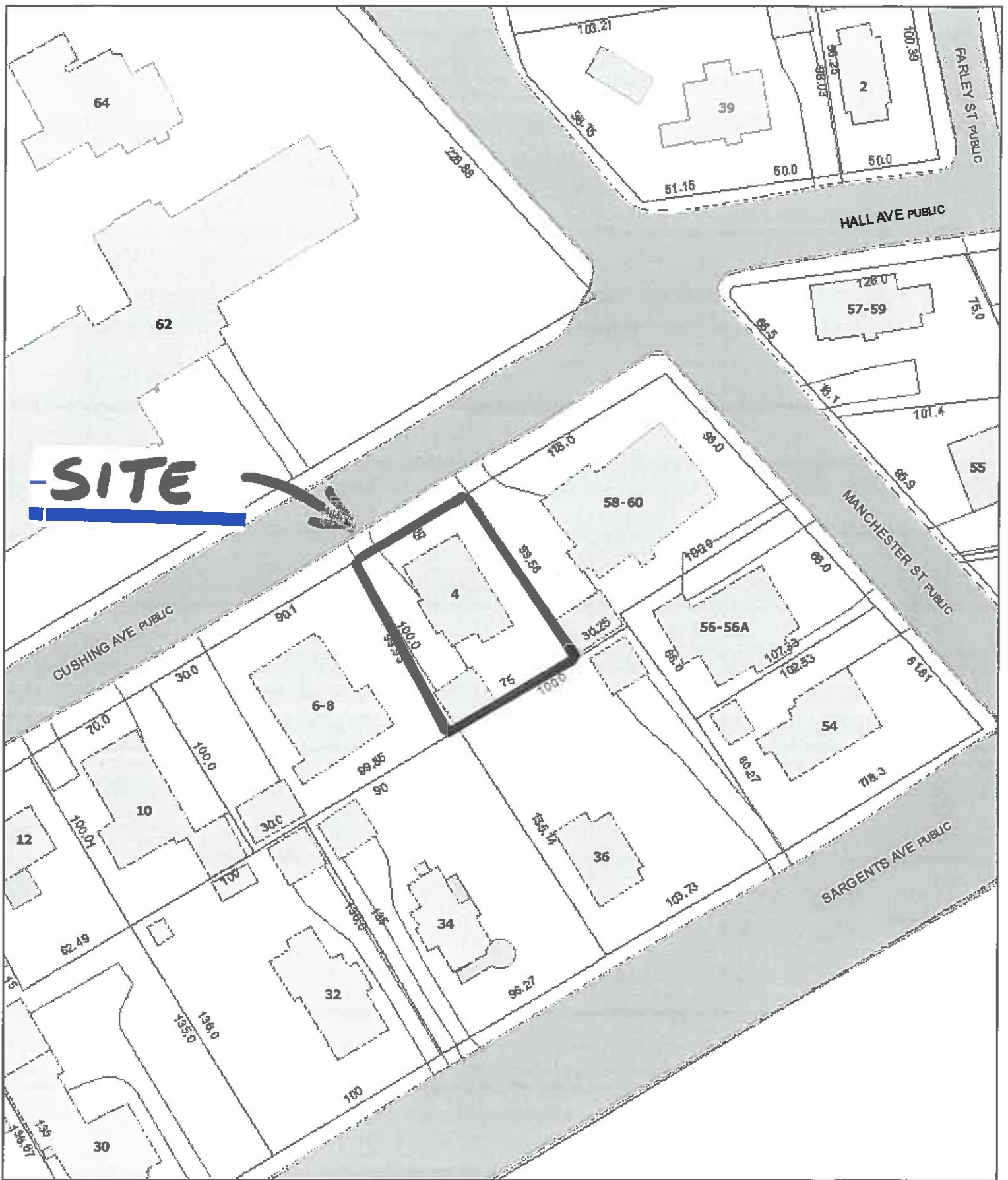
**SITE**

**4 Cushing Avenue**

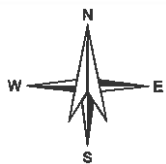


NASHUA  
New Hampshire

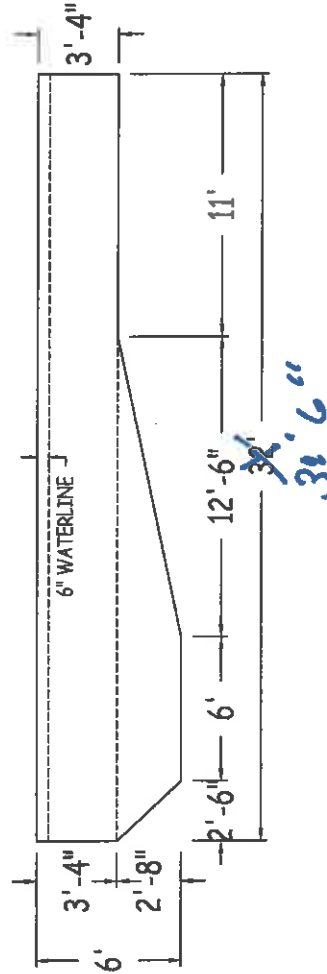
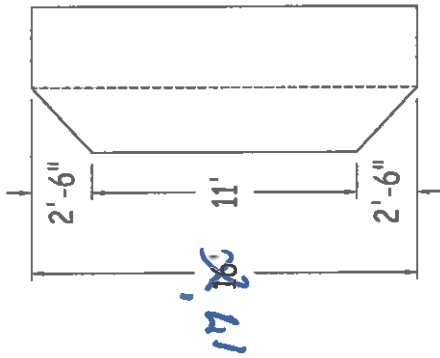
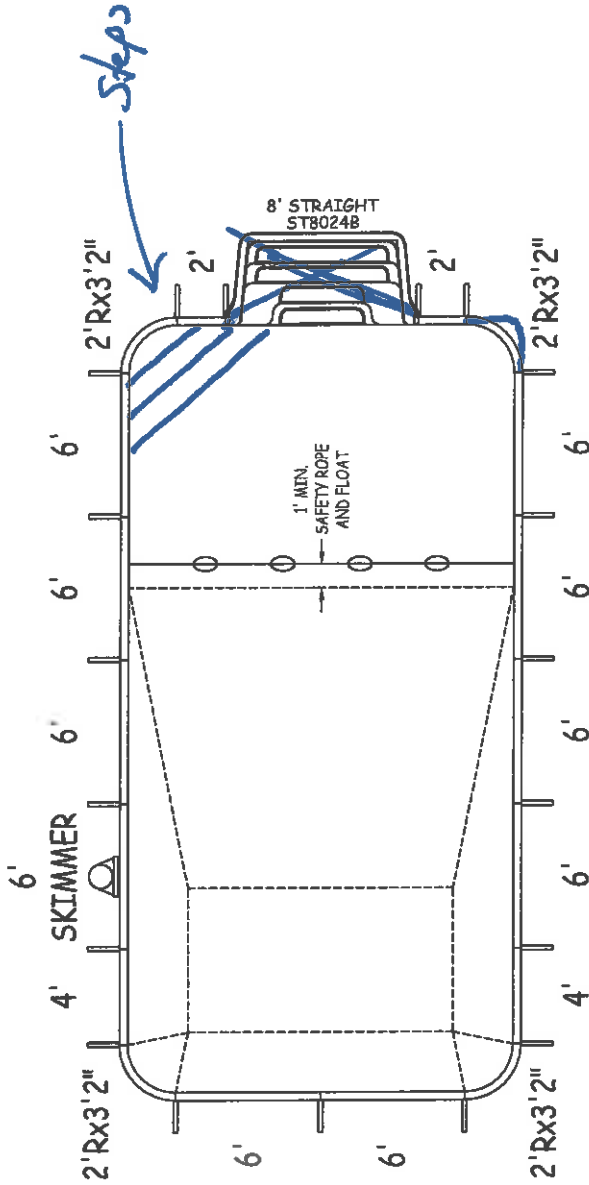




### 4 Cushing Avenue



IN ACCORDANCE WITH ANSI/APSP/ICC-5 2011, THE INSTALLER IS RESPONSIBLE FOR PLACING ONE SKIMMER FOR EVERY 800 SQUARE FEET OF SURFACE AREA AND ONE RETURN FOR EVERY 300 SQUARE FEET OF SURFACE AREA.



<b>RECTANGLE 2FT RAD 16-0 x 32-0</b>		CUSTOMER: SCP/N.ANDOVER, MA JOB NAME: DAIGLE POOLS	
<b>NON-DIVING POOL</b> USE OF DIVING EQUIPMENT IS PROHIBITED		ALL ASPECTS OF THIS DRAWING COMPLIES WITH ANSI/APSP/ICC-5 2011 AND 2015 ISPSC	
PERIMETER: 92'-7"	VOLUME (US Gal): 14200		
SURFACE (ft <sup>2</sup> ): 509	VOLUME (Liters): 53700	RECTANGLE	
LINER (ft <sup>2</sup> ): 512	DATE: 6/25/2019	DSR:	
COVER (ft <sup>2</sup> ): 612	SCALE: 1/8" = 1'-0"	SHEET: 1 OF 2	



PROPOSED POOL

CUSHING AVE PUBLIC

70.0

30.0

100

64-122

6-8

90.1

432.91

64-86

62

99.93

100.0

65

64-104

4

175

100.0

99.58

64-124

118.0

64-124

65

6