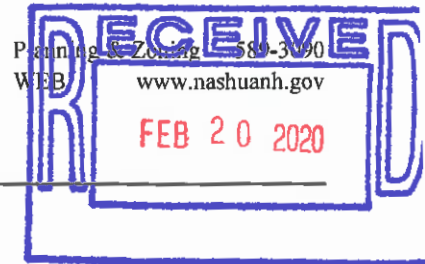




City of Nashua
Planning Department
 229 Main Street
 Nashua, New Hampshire 03061-2019



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 130 Spit Brook Road
 Zoning District PI Sheet B Lot 2428

b. VARIANCE(S) REQUESTED:
To locate a ground sign at 0' setback, where 10' is required. (\$200); To locate a larger than 25 sq ft ground sign in the R18 zone where 12 square feet is the maximum size (\$200); To allow an Electronic Message Center in an R18 zone where none is permitted (\$330.00)

c. LAND USE CODE SECTION(S) REQUESTING VARIANCE(S) FROM ~190

2. GENERAL INFORMATION

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

(Print Name): Signs Now NH C/O Charles Raz
 Applicant's signature [Signature] Date 2/14/20
 Applicant's address 71 Bridge Street, PO Box 184 Pelham, NH 03076-0184
 Telephone number H: 603.635.2292 C: E-mail: info@SignsNowNH.com

b. **PROPERTY OWNER (Print Name):** Grace Lutheran Church
 *Owner's signature [Signature] Date 2/14/20
 Owner's address 130 Spit Brook Road
 Telephone number H: (603) 888-7579 C: 603-305-6982 E-mail: treasurer@gracelutherannashua.org

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

OFFICE USE ONLY	Date Received _____	Date of hearing _____	Application checked for completeness: _____
PLR# _____	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.")

Allowing the requested sign variances for sign placement a similar distance from the pavement as neighboring signs will improve the safety of the drivers and pedestrians in the area because the location improves sign visible for traffic and individuals approaching from in both directions, allowing drivers to see the sign early enough to safely slow for the turn into the parking area. New visitors to the church such as those seeking to obtain donations from the church's Food Pantry often state they failed to see the sign placed on the property line 80 feet from the roadway. Allowing the EMC sign variance will allow timely notification of Food Pantry donations, block parties, and other free events.

- 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.")

Allowing the requested sign variances is in the public interest, because the proposed sign location on the state highway right of way is the same as neighboring signs like World Academy and Public Storage as this location improves the safety of the drivers and pedestrians in the area. The improved visibility that the proposed sign location nearer to the roadway would allow drivers to see a smaller 32 sq ft sign located at the ROW line than the current 50 sq ft sign located 80 feet from the roadway. The proposed EMC will display three rows of text, not graphics, large enough for reading the text in vehicles passing on the roadway. Although the proposed sign location is a R18 zone, the neighboring properties on the north side of Spit Brook Road are commercial businesses and not residential or park industrial. The 2 ft 1 3/16 in by 6 ft 6 1/2 in EMC is less than the 50% of sign area allowed for the EMC portion of the sign, but allows viewing of text by passing vehicles.

- 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.)

Requiring placement of the sign 80 ft or more from the road way makes the sign unreadable by passing vehicles, while allowing a readable 32 sq ft sign with a EMC area placed at the ROW does not harm the public. Vehicles using the Access Easement to enter Spit Brook Road have 40 of unrestricted view for cross traffic and pedestrians. The 80 ft set back at property line restricts the property owner's building identifications. Restricting the EMC area restricts the publics ability to view of public posting food pantry and other notices of free public event dates and times. The proposed sign location at the ROW line provides a viewable location consistent with other signs on the north side of the roadway. Allowing the proposed sign location will help avoid confusion for vehicles entering Access Easement shared by the two properties as drivers to see the sign in time to safely slow for the turn into the parking area.

- 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 sign will not diminish the values of the surrounding properties because other property owners on Spit Brook Road have illuminated signs similar distance from the roadway. A permanent sign placed at the ROW line will allow the property owner to discontinue the use of temporary 4 ft by 8 ft banners to announce food pantry and other notices of free public event dates and times. A permanently mounted well constructed sign will improve aesthetics when viewed from the roadway.

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 relocation of Spit Brook Road 80 ft from the existing property line established a Special Condition for this property that literal enforcement would cause unnecessary hardships for the property owner by make a sign unreasonably hard to read for vehicles passing on the roadway. Thus, allowing placement of the proposed 32 sq ft sign with EMC at the state highway ROW line 40 ft from roadway would remove the unfair and unreasonable restriction without increased public safety risk compared to other similar properties on Spit Brook Road. Allowing an proposed 32 sq ft sign with EMC allows adequate viewing from the roadway improved safety and public awareness, without diminishing property values.

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 6 Number of employees per shift 6
b. Hours and days of operation Sunday through Saturday; 7 am to 9 pm
c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors ~100-200/day
d. Number of daily and weekly commercial deliveries to the premises 3 per day
e. Number of parking spaces available 120

f. Describe your general business operations: Religious organization providing church services, Christian education and charitable services such as food pantry, and nonprofit meeting space.

g. Describe any proposed site renovations, including, but not limited to - landscaping, lighting, pavement, structural changes, signage, access and circulation: Relocation of sign closer to roadway for improved viewing

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 [Handwritten Signature]

Date 2/14/20

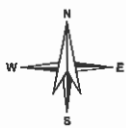
Print Name Charles Raz for Signs Now NH

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 chuck@SignsNowNH.com
Please mail it to me at

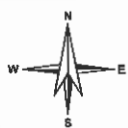


130 Spit Brook Road





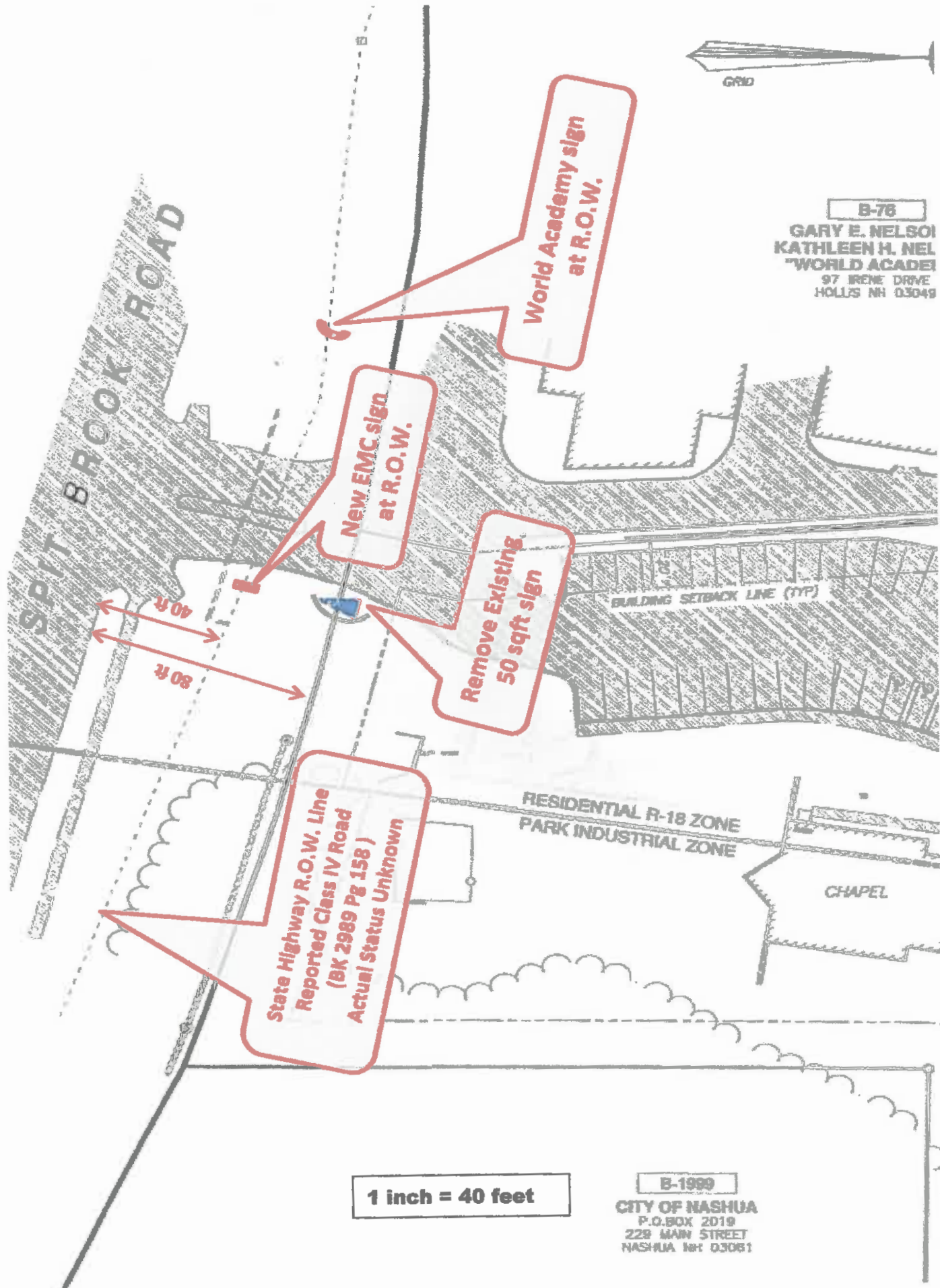
130 Spit Brook Rd





B-78

GARY E. NELSON
KATHLEEN H. NELSON
"WORLD ACADEMY"
97 IRENE DRIVE
HOLLIS NH 03049



World Academy sign
at R.O.W.

New EMC sign
at R.O.W.

Remove Existing
50 sqft sign

State Highway R.O.W. Line
Reported Class IV Road
(BK 2989 Pg 158)
Actual Status Unknown

1 inch = 40 feet

B-1999

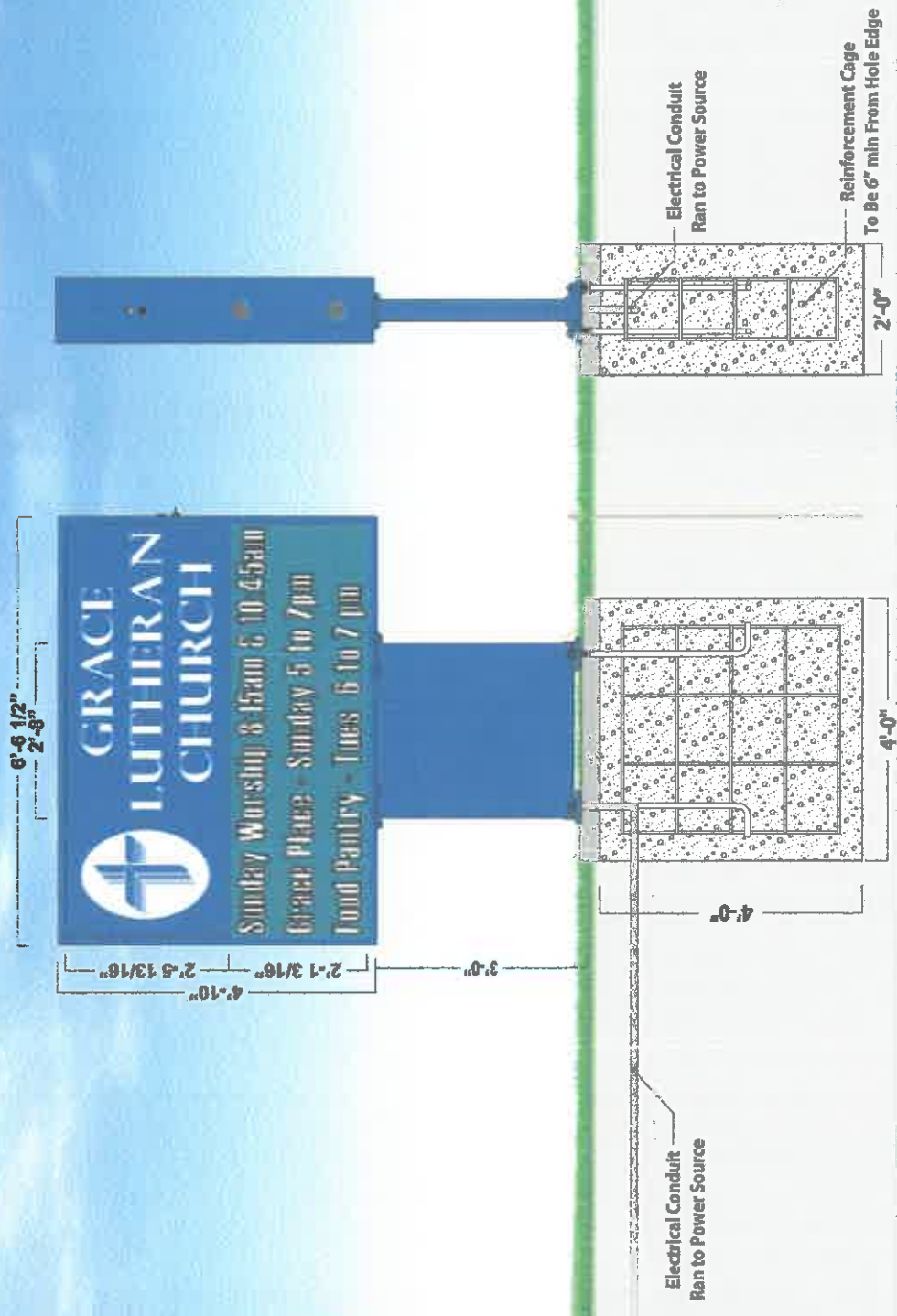
CITY OF NASHUA
P.O. BOX 2019
229 MAIN STREET
NASHUA NH 03061

PROJECT NO.	1924 RANUN RD. STE 100, HOUSTON, TX 77073
DATE	02/28/2011
CLIENT	GRACE LUTHERAN CHURCH
DESIGNER	1924 RANUN RD. STE 100, HOUSTON, TX 77073
PROJECT NO.	1924 RANUN RD. STE 100, HOUSTON, TX 77073
DATE	02/28/2011
CLIENT	GRACE LUTHERAN CHURCH
DESIGNER	1924 RANUN RD. STE 100, HOUSTON, TX 77073

Relocate and replace 50 sq ft (10ft by 10ft) 2 Faced Sign with new 32 sq ft sign within Access Easement and at the State Highway R.O.W. line
 4' 10" x 6' 6-6 1/2" Sign Cabinet - each face contains 2' 1-3/16" x 6' 6-1/2" LED in order to comply with Nashua requirement for LED portion no larger than 50% of sign



Replace 50 sq ft (10ft by 10ft) 2 Faced Sign at Property line

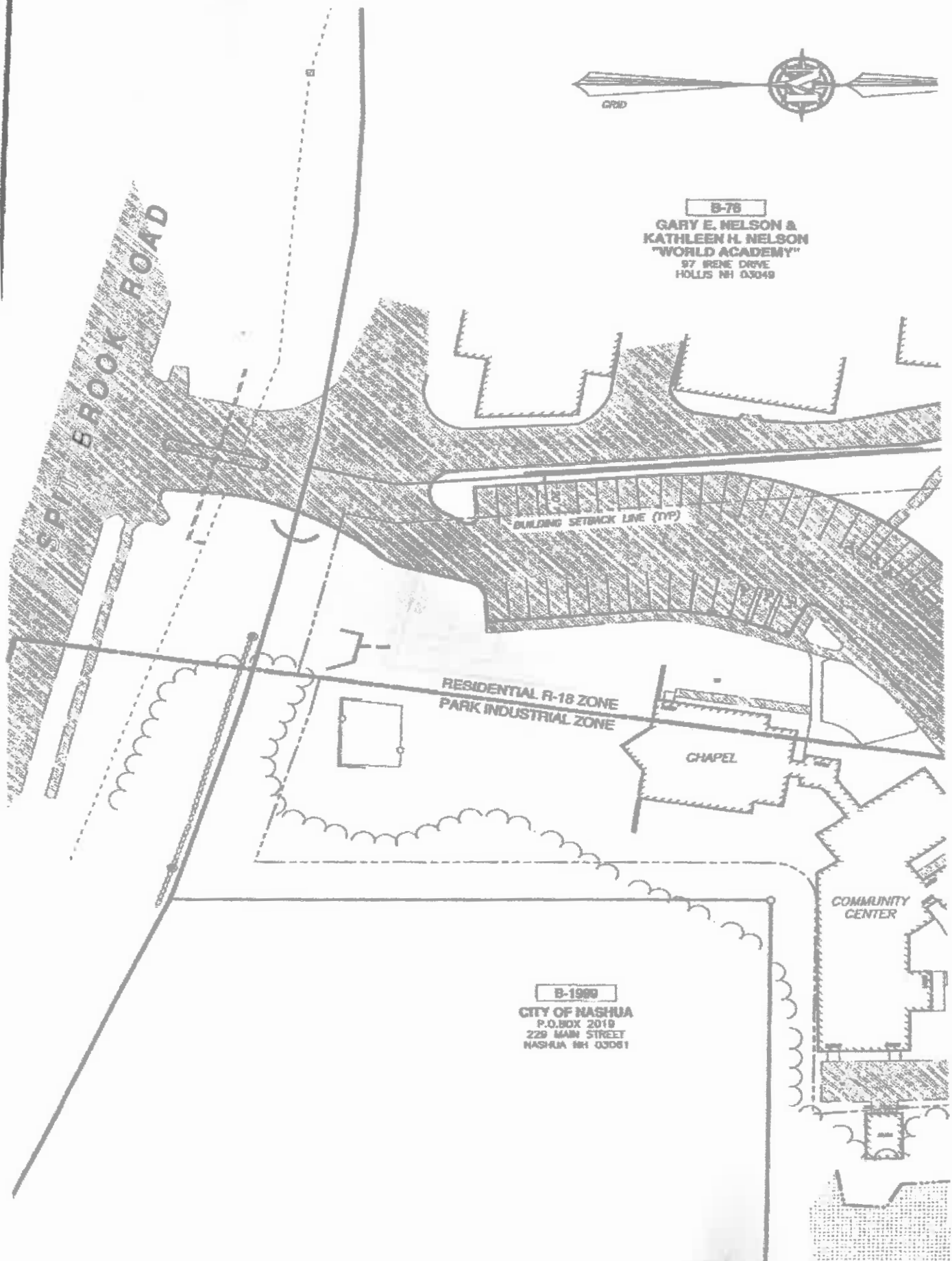


SIGNS NOW FOR GRACE LUTHERAN CHURCH CLIENT NAME		CONCEPTUAL DRAWING NUMBER	QUO-07293-S68BD4 PROPOSAL ID	KARRIE ENDECOTT SALES CONSULTANT	02/07/2020 DRAWING DATE	REVISION DATE
DROP SHIP INSTALL ADDRESS EAGLE SERIES 2'-8" X 6'-9" HD FULL COLOR 16MM 40X120 MATRIX DOUBLE FACE OUTDOOR LED DISPLAY SIGN		APPROVED BY				





B-76
GARY E. NELSON &
KATHLEEN H. NELSON
"WORLD ACADEMY"
97 IRENE DRIVE
HOLLIS NH 03049



B-1989
CITY OF NASHUA
P.O. BOX 2018
228 MAIN STREET
NASHUA NH 03061

Mrs. Krailo said she didn't feel the hardship has been proven. This is a land use board, not an economics board and financial considerations are out of their purview. This property has not been on the market as a residential use per testimony.

She also stated she had trouble with the fact that the immediate surrounding properties are all residential and this would probably adversely affect those residential properties by introducing some commercial property there.


MOTION by Mrs. Krailo to deny the variance for the reasons stated above.

SECONDED by Mrs. Meckel. She doesn't see the hardship. There is plenty of commercial property that a lawyer's office can be put into. She said this is clearly a residential area. She is a realtor and she has customers who like these old homes who like to live within walking distance of the city. She said if you take one property and allow them to put a parking lot in a back yard you're destroying the properties around it. It will lower the values of the other properties in a residential area.

Mr. Dowd agrees with what's been said, although he doesn't think a family with young children would want to live there because of the proximity of Main Street.

MOTION CARRIED UNANIMOUSLY

At this point, Mrs. Krailo excused herself from the Board due to illness. Mr. McAfee said if anyone wished to postpone due to having only four members, they should advise the Board so the case may be heard at the next meeting.

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2. **Grace Lutheran Church, Inc. (Owner) 130 Spit Brook Road (Sheet B Lot 2428) requesting variances as follows: A) To erect a ground sign which has 1) Setback: 20 feet required, 0 feet proposed;;; 2) Area: 20 square feet maximum, 33.25 square feet proposed; and 3) Height: 8 foot maximum, 12 feet proposed and B) Erect additional 8 square foot ground sign with changeable copy. R18/PI Zones.**

Tim Desclos, P.O. Box 1137, Hollis, NH. He is an agent for Grace Lutheran Church.

He said he remembers when he was growing up in Nashua Spit Brook Road was a very curvy little side street. When Spit Brook Road was

upgraded the property line is about eighty feet from the edge of Spit Brook Road. They are asking that they not be required to meet the 20 foot setback from the property line because that would put them at 100 feet from the road. Mr. Desclos said if the sign were 100 feet from the road, a 20 square foot sign would be ineffectual.

He said with that in mind they are asking for a variance to put the sign at the property line and not 20 feet to the rear of it and also to increase the sign surface area by 20 square feet, which would give them 32 square feet for the main ground sign and an extra 8 square feet for an additional sign for the church which would indicate the activities going on at the church. He provided copies of what they were talking about and pictures to the Board to illustrate the problem they have with the site. These pictures were taken from different locations to show visibility.

Mrs. Meckel referred to Page 7 of the materials. She asked where they wanted to put the sign.

Mr. Desclos said they would be further to the north. It doesn't show in that photo. He referred the Board to the aerial photo on Page 1. There is a temporary sign. He said there is a median strip - go directly to the east of the median strip where there is a bare spot of ground. That is the proposed location of the sign. It shows up on the plot plan on Page 2.

Mrs. Meckel asked if both signs would be using the same pole.

Mr. Desclos said they would be on separate poles located in the same spot.

Discussion ensued.

Mr. Desclos said even if they had the sign at the property line, they are still 80 feet away from the road.

Mrs. Meckel said it's wide and open out there. She said the church is very visible coming down Spit Brook Road.

Mr. Desclos said it is, but in order to give it some kind of identity you have to be able to read the sign. At 80 feet off the road it will be difficult to read a 20 square foot sign. If you're going east to west on Spit Brook Road, it's a PI Zone until you get to this property.

He pointed out the other materials in the package which point out signs that are in proximity to or abutting their property.

Mrs. Meckel asked if they wanted to go bigger than the Roby Park sign.

Mr. Desclos said no - they want to go bigger than what they are allowed. They are allowed 20 square feet and they want a total of 40 square feet of signage. The larger sign they want is shaped like a pyramid.

Mrs. Meckel asked what size the pyramid shaped sign was.

Mr. Desclos said the sign surface area was 32 square feet.

She asked how tall it was.

Mr. Desclos said it would be 12 feet above grade.

Mrs. Meckel asked how wide it was.

Mr. Desclos said it was 7 feet wide at the base. It would have 5" letters. He continued to say the eastern part of the property is in the Park Industrial Zone and if it were not wooded, it would be allowed a 50 square foot sign. Trees would have to be cut down in order to put a sign there. He believes the mini storage has a 50 square foot sign. This is the next lot to the east.

Mrs. Meckel asked if part of the land they are on is zoned PI.

Mr. Desclos said the very eastern boundary is. The majority of the land is in the R18 Zone.

He said if they had an overview of the whole area, they would see that the setback is not indicative of the other properties on Spit Brook Road. When they straightened the road out, they never moved the property lines, which accidentally produces a severe setback, especially for this particular property, not indicative of the other properties.

Mr. McAfee asked why it was so important for a church to have such signage. He said there are parishioners who worship there on Sundays and they find out about the different functions when they attend.

Mr. Desclos said for identity. At 80 feet there is hardly any legibility. They didn't want to do a rectangle with great big letters on it. They wanted to do something that's in keeping with the architecture.

Discussion ensued.

Mr. Dowd asked about the other sign.

Mr. Desclos said it is a small ground sign parallel to Spit Brook Road. It would be single faced and similar to that shown on Page 14. That is in planning stage as it is a sign which would have changeable copy. At this time they are trying to go for location with the requested amount of signage.

Mr. Dowd said this would be next to the other sign.

Mr. Desclos said it would be.

SPEAKING IN FAVOR

Dave Everbeck, 17 Westbrook Drive. He said the adjacent property is Small World. The Lutheran Church is down the road. There is no signage for either of these properties. -- He doesn't know if the reason is due to the setback or if it's for other reasons, but they should have signage.

The area is posted at 30 - 35 miles per hour and people are going 50 - 60 miles per hour coming up the hill and others are trying to get into the church area or to Small World. He said visibility at the corner is not very good.

Mr. McAfee said Small World does have a sign.

Mr. Everbrook said it's a small sign - about 5' X 6'.

Mr. McAfee said he thought they came to the Board for a variance for that sign.

Woody Taylor, the individual who signed the application and a representative of the Grace Lutheran Church. Mr. Taylor said they want signage and want to conform to whatever the zoning ordinances are.

He said they feel there is some hardship with the property. They are trying to perform a service to the community. When people drive by they need to have some way of determining what is going on at that church, ie, what's the name of the church, what are the hours of services, etc. The congregants know, but other people in the community don't.

There is a large ravine and when someone is coming from the east, you don't see the church until you're right even with it and they can't put a sign in front because it's down in a deep ravine so it needs to be put where it can be seen. Because of the bend in the road they want to bring it up a little closer. They are trying to come up with a nice decorative sign that matches the architecture of the building. They will abide by the Board's decision, but they do believe there is a hardship.

SPEAKING IN OPPOSITION OR WITH CONCERN

Mr. Dowd said despite people knowing that this is a church, people don't know what denomination the church is. The topography of the land and the fact that the city owns quite a bit of the land before their property line begins lends itself to a hardship. He doesn't see the city using that property. He doesn't have a problem with the sign going on the boundary line of the church's property. He says the only thing to consider is the size of the sign and the fact that they want two ground signs.

Mrs. Meckel asked if the Board allowed them to put signage at the boundary line today and the city decides to widen the street, what happens to the sign.

Mr. McAfee said it stays. The variance runs with the land.

Mr. Dowd asked Mr. Yeomans for his clarification.

Mr. Yeomans said that if the road is widened right up to the property line, the sign could stay as it would be on the church's property. If they were to take some of the church's property, the church would have to move the sign.

Discussion ensued regarding the possibility of placing a stipulation if they were to grant the request.

Mr. McAfee said he can see the hardship for the sign(s) as well.

MOTION by Mr. Dowd to grant to request due to the setback of the property line and the topography of the land. There is a hardship because of these factors. It is in keeping with the character of the neighborhood in that the sign is going to reflect the same type of general construction of the church. Because this is an artistic quality sign versus a billboard with letters, it will go to increasing the property values. It is a public benefit to the public so they can find the church. Allowing them to have a sign

that will be readable adds to substantial justice.

SECONDED by Mr. Maffee.

Mrs. Meckel asked about a stipulation concerning the possibility of the city widening Spit Brook Road.

MOTION by Mr. Dowd amending his motion to state that if the parkway comes through requiring the widening of the road up to the property line and if the city felt the sign should be moved back for public safety or public benefit, the church must move the sign back to conform to the regulations.

SECONDED by Mrs. Meckel.

MOTION CARRIED UNANIMOUSLY

4. **Maria Andromidas D/B/A Nashua Buffet Lunch Restaurant (Owner) 25 Canal Street (Sheet 41 Lot 56) requesting variance to expand non conforming structure with less than required front yard setback to construct new entry and ramp. GI Zone.**

Maria Andromidas. Mrs. Andromidas passed out pictures to the Board as to what she wants to do at the site.

She said she has been at this location for 2 ½ years. At the back side of the building there is an indentation near the entrance. It's big enough for a person to hide in. Every morning she finds bottles, coffee cups, bags, vomit, condoms, etc. She even has people urinating there and in the summertime the odor is unbelievable. She wants to close it in.

She said the building looks so ugly from the outside, although the inside is very nice. People don't know this if they're just driving by. They want to make the property look nicer which will also reflect nicely to the others around them. They want to do some painting and some landscaping as well.

She has eight employees and has been working 20 hours a day to get the business going. Business is improving and she would like it to stay that way.

Mrs. Meckel asked if the sidewalk would be taken away.

Mrs. Andromidas said no.