



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 NOT BE ACCEPTED

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
 Zoning District Sheet Lot

2. VARIANCE(S) REQUESTED:

II. GENERAL INFORMATION

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

(Print Name):
 Applicant's signature Date
 Applicant's address
 Telephone number H: C: E-mail:

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

*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).

A21-0095
4/7/21 Sub.
5/11/21 Mtg.

CF

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

I'm going to be putting a privacy fence around my yard and i won't be encroaching on my neighbors

- 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.")

my pool will be 20 feet from the road and any utility work that needs to be done will not be affected by the pool

- 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.)

To put the pool in other parts of the yard would put it either to close to the house or to close to neighbors property lines

- 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 pool would not encroach on there properties and we would be putting up a fence

- 5. **Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship,** because: (The applicant must establish that 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.

if we were to move the pool any closer it would be closer than 10 feet from the house or to close to the neighbors property line

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

n/a

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

Swimming pool, privacy fence and new deck

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 points specifically mentioned are affected by action taken on this appeal.

Signature of Applicant

David Fillebrown

Print Name

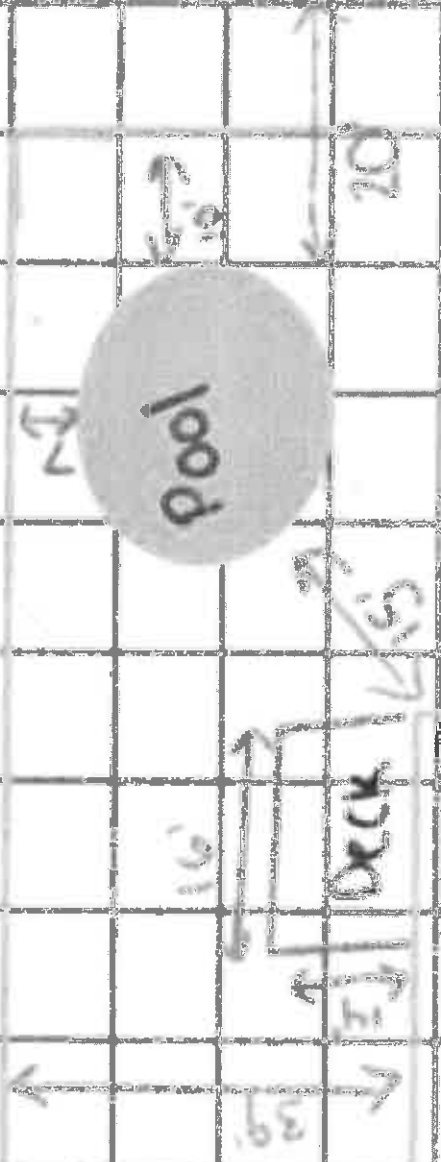
Date

4/6/2021

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 dfillebrown@comcast.net
- Please mail it to me at _____



Shed

House

Driveway

Hyannis St

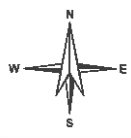
pool

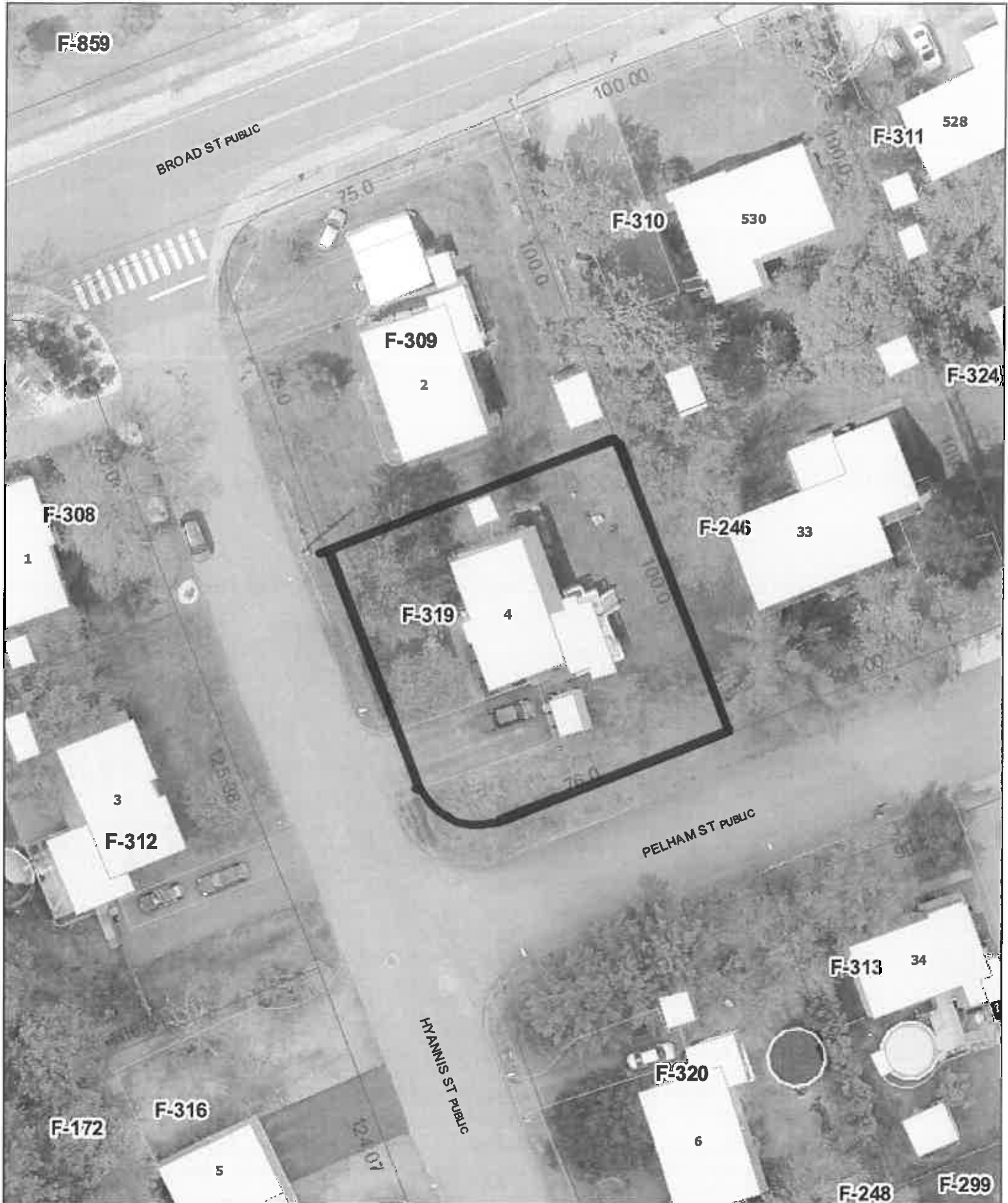
Deck

Palmer St



4 Hyannis St





F-859

BROAD ST PUBLIC

100.00

F-311

528

F-310

530

75.0

100.0

F-309

2

F-324

F-308

1

F-246

33

F-319

4

PELHAM ST PUBLIC

F-312

3

F-313

34

HYANNIS ST PUBLIC

F-320

6

F-316

5

F-248

F-299

F-172

4 Hyannis St



Falk, Carter

From: Dave <dfillebrown@comcast.net>
Sent: Tuesday, April 06, 2021 11:40 AM
To: CD- Planning Dept
Subject: Pool Permit 4 Hyannis St

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

Hello,

Sorry to bother you I know you're all busy, I'm not sure if this is the right department. My name is David Fillebrown and I recently got a permit for a swimming pool at 4 Hyannis St. It's my own fault that I misunderstood the setback regulations that the pool needed to be 20 feet from my side yard property line which is 10 feet into my yard, I thought it was 20 feet from the road so i had the pool people dig and level my yard 21 feet from street to be safe (the pool is not installed) which is now only 11 feet from the side property line and 21 feet from the road, not the required 20 feet. I've measured my yard in different spots and the pool ends up either to close to the house or to close to neighbors property lines and I was wandering if there is anything I can do to have my pool installed in the current location. I appreciate your help and if this isn't the right department could you point me in the right direction.

Thank You
David Fillebrown