

ZBA MEETING ATTENDANCE

May 10, 2022

Rob Shaw	_____	Jay Minkarah	_____ X
Jack Currier	X (Zoom)	Steve Lionel	_____ X
J.P. Boucher	X	Efstathia Booras	_____
Mariellen MacKay	X	Nick Kanakis	_____ X

APPROVAL OF MINUTES

Minutes of: None

Motion To: **Approve/Deny/Table**

Motion By: _____ Seconded By: _____

Notes:

Minutes of: None

Motion To: **Approve/Deny/Table**

Motion By: _____ Seconded By: _____

Notes:

STAFF ATTENDANCE

Carter Falk _____ X _____ Kate Poirier _____ X _____ Matt Sullivan _____

REGIONAL IMPACT

Yes _____

No _____ Unanimous – no regional impact

**Zoning Board of Adjustment
May 10, 2022**

- 1. Sarah G. Marshall (Owner) Joseph Landry, Build Savvy, LLC (Applicant) 6 Carter Circle (Sheet B Lot 2155) requesting special exception from Land Use Code Section 190-15, Table 15-1 (#3) to remove a 10'x20' one story addition and construct a 24'-8" x 28' attached garage with accessory (in-law) dwelling unit above on right side of house. R9 Zone, Ward 9.**

VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Kanakis

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Lionel

- 1) This use **is** listed in the Table of Uses, City of Nashua Land Use Code Section **190-15, Table 15-1 (#3)**.
- 2) This use **will not** create undue traffic congestion or unduly impair pedestrian safety.
- 3) This use **will not** overload public water, drainage, or sewer, or have negative impacts on municipal systems.
- 4) Special use regulations **are** fulfilled.
- 5) This use **will not** impair the integrity, **will not** be out of character with the neighborhood, and **will not** be detrimental to the health, morals, or welfare of the residents.

Stipulations: None

Notes: Board notes that the 9 requirements of a special exception / ADU are met by the application.

VOTE: 5-0

**Zoning Board of Adjustment
May 10, 2022**

- 2. The Sarah K. Zimmerman Rev. Tr. (Owner) 33 Fairmount Street (Sheet 62 Lot 192) requesting variance from Land Use Code Section 190-264 for accessory use area, 40% allowed – 62% existing – 58% proposed - to remove a 900 sq.ft boat house and replace with a new 750 sq.ft garage. RB Zone, Ward 3.**

[POSTPONED TO THE JUNE 14, 2022 MEETING]

**Zoning Board of Adjustment
May 10, 2022**

- 3. Joseph M. Conway III (Owner) 70 Ridge Road (Sheet C Lot 191) requesting variance from Land Use Code Section 190-264 for accessory use area, 40% allowed, 85% proposed, to construct a 24'x30' detached garage. R40 Zone, Ward 5.**

VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Minkarah

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Minkarah

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Notes: Board concurs that the existing home is relatively small at 950 sq ft, and that the lot is rather large at nearly an acre. Board also concurs that the size of the proposed garage is consistent with garages in the neighborhood

Stipulations: None

VOTE: 5-0

**Zoning Board of Adjustment
May 10, 2022**

- 4. Scupp Realty, LLC (Owner) Falcetti Pianos, LLC (Applicant) 323 Daniel Webster Highway (Sheet A Lot 384) requesting variance from Land Use Code Section 190-108 (C)(2) to exceed maximum wall sign area, 75 sq.ft allowed, 104 sq.ft proposed. HB Zone, Ward 7.**

VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Kanakis

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Lionel

SECONDED BY: Boucher

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice will/will not be served to the applicant by granting this request.

Notes: Board notes that the proposed sign, being on the back of the building, is needed for reasonable identification of the business – which is also in the back of the building.

Stipulations: None

VOTE: 5-0

**Zoning Board of Adjustment
May 10, 2022**

- 5. Martin A. Santos Lantigua & Elizabeth Ovalle (Owners) 33 Lock Street (Sheet 43 Lot 88) requesting the following: 1) variance from Land Use Code Section 190-16, Table 16-3 for minimum land area, 1,944 sq.ft existing, 6,970 sq.ft required; and, 2) variance from Land Use Code Section 190-198, Table 198-1 (#6) for minimum parking, 3 spaces existing, 4 spaces required – to convert a single-family home with an approved accessory dwelling unit to a two-family dwelling. RC Zone, Ward 3.**

VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Minkarah

REQUEST #1 & 2

MOTION TO: Deny

MOTION BY: Lionel

SECONDED BY: MacKay

- 1.** The Board found that the variance **isn't** needed to enable the applicant's proposed use of the property, and given there **aren't** special conditions associated with the property, the benefit sought by the applicant **can** be achieved by some other method reasonably feasible for the applicant to pursue.
- 2.** The Board found that the spirit and intent of the ordinance being kept in good faith to **Deny** this request.
- 3.** The Board found that property values **will** be negatively impacted by this request.
- 4.** The Board found that the request **is** contrary to the public interest.
- 5.** Substantial justice **will not** be served to the applicant by granting this request.

Board finds that the requested overage is too large for this small lot. Board finds that the driveway, which perhaps can accommodate 3 cars (parking in front of each other) is inadequate for a 2 family home. Board does not find any special conditions of the property that warrants conversion to a two family.

Stipulations: None

VOTE: 5-0

**Zoning Board of Adjustment
May 10, 2022**

- 6. David L. & Sarah H. Hall (Owners) 54 Robinhood Road (Sheet B Lot 1527) requesting variance from Land Use Code Section 190-17 (E)(1) to exceed maximum driveway width, 23 feet existing, 24 feet permitted – up to an additional 9 feet proposed on left side of driveway for a total width of 32 feet. R9 Zone, Ward 9.**

VOTING MEMBERS: MacKay, Lionel, Currier, Boucher, Kanakis

REQUEST #1

MOTION TO: **Approve**

MOTION BY: Boucher

SECONDED BY: Kanakis

1. The Board found that the variance **is** needed to enable the applicant’s proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Board finds that the house is situated near the road on a corner lot, and the house is angled such that the driveway is unusually short. Board believes these special conditions warrant the large width. Board notes that there are a few driveways of this proposed width in the neighborhood.

Stipulations: None

VOTE: 5-0

**Zoning Board of Adjustment
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7. **Sylvia A. & Kenneth I. Jelley (Owners) 130 Pine Street (Sheet 96 Lot 121) requesting variance from Land Use Code Section 190-16, Table 16-3, for minimum land area, 3,293 sq.ft existing, 6,970 sq.ft required – to convert a single-family home into a two-family home. RC Zone, Ward 6.**

VOTING MEMBERS:

REQUEST #1

MOTION TO: Approve

MOTION BY: Boucher

SECONDED BY: Minkarah

1. The Board found that the variance **is** needed to enable the applicant's proposed use of the property, and given there **are** special conditions associated with the property, the benefit sought by the applicant **cannot** be achieved by some other method reasonably feasible for the applicant to pursue.
2. The Board found that the spirit and intent of the ordinance being kept in good faith to **Approve** this request.
3. The Board found that property values **will not** be negatively impacted by this request.
4. The Board found that the request **is not** contrary to the public interest.
5. Substantial justice **will** be served to the applicant by granting this request.

Special Conditions: Board concurs that the evidence presented demonstrates that this house previously was a 2-family home. Board also concurs that the neighborhood is primarily 2-family homes and that this request is within the character of the neighborhood.

Stipulations: None

VOTE: 5-0