

ZONING BOARD OF ADJUSTMENT PUBLIC HEARING AND MEETING  
March 12, 2019

A public hearing of the Zoning Board of Adjustment was held on Tuesday, March 12, 2019 at 6:30 PM in the Auditorium, 229 Main Street, at City Hall.

Members in attendance were:

JP Boucher, Chair  
Steve Lionel, Vice Chair  
Jack Currier  
Efstathia Booras  
Jay Minkarah

Carter Falk, Deputy Planning Manager/Zoning

Mr. Boucher explained the Board's procedures, including the points of law required for applicants to address relative to variances and special exceptions. Mr. Boucher explained how testimony will be given by applicants, those speaking in favor or in opposition to each request, as stated in the Zoning Board of Adjustment (ZBA) By-laws. Mr. Boucher also explained procedures involving the timing light.

**1. Denise Barry (Owner) 505 West Hollis Street, Unit 206 (Sheet E Lot 1387) requesting Use Variance from Land Use Code Section 190-15, Table 15-1 (#110) to allow a real estate office in a multi-tenant building. PI Zone, Ward 5.**

Voting on this case:

JP Boucher, Chair  
Steve Lionel, Vice Chair  
Jack Currier  
Jay Minkarah  
Efstathia Booras

Denise Barry, 51 Legacy Drive, Nashua, NH. Ms. Barry said that she is a small business, and has been for over twenty-three years, and is downsizing her business, so it will be just her, another broker, and her daughter. She said that she is selling her office, and wants to downsize to this condo. She said that

she won't overtax the parking, and won't have any negative impact on the other businesses in the building. She said that there are other similar businesses in the building, non-doctor offices.

Mr. Boucher read some of the businesses that are in the building, such as computer training, Allstate Insurance, a counseling service, and a TSP realty office. He said that there are several eye doctors and dentists.

**SPEAKING IN FAVOR:**

No one.

**SPEAKING IN OPPOSITION OR WITH QUESTIONS OR CONCERNS:**

No one.

Mr. Currier said that the testimony indicated that the points of law are all met, and was glad to see another realty business, there, and didn't think what is proposed is out of character with what is there now, it meets the criteria.

Mr. Lionel agreed, and is in support.

Mr. Minkarah agreed, and always thought that this was a general professional office building, and agrees that they meet the criteria, and noted the history of variances granted at the property.

Ms. Booras agreed, and is in support.

Mr. Boucher agreed, there will be very little traffic at the office, and is in support.

**MOTION** by Mr. Lionel to approve the use variance application on behalf of the owner as advertised. He said that the variance is needed to enable the applicant's proposed use of the property, as the property has had tenants with similar uses, including another real estate office, and has had multiple variances granted in the past, and there is no other alternative other than a use variance to enable the use of the property.

Mr. Lionel said that it is within the spirit and intent of the ordinance, as the history provides.

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Mr. Lionel said that it will not adversely impact property values.

Mr. Lionel said that the request it is not contrary to the public interest, and substantial justice is served.

**SECONDED** by Ms. Booras.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**MISCELLANEOUS:**

**REHEARING REQUESTS:**

None.

**MINUTES:**

2-26-19:

**MOTION** by Mr. Boucher to approve the minutes as presented, waive the reading, and place the minutes in the file.

**SECONDED** by Mr. Minkarah.

**MOTION CARRIED UNANIMOUSLY 5-0.**

**REGIONAL IMPACT:**

The Board did not see any cases that would have Regional Impact.

**ADJOURNMENT:**

Mr. Boucher called the meeting closed at 6:45 p.m.

Submitted by: Mr. Currier, Acting Clerk in Mrs. MacKay's absence.

CF - Taped Hearing