

TOWN OF ANTRIM BOARD OF ADJUSTMENT

Minutes for August 26, 1986

Case no. 91, Variance

There was a hearing of the Antrim Board of Adjustment on Tuesday, August 26, 1986, at 7:30 p.m. at the Little Town Hall to consider the request of Roger Croteau for a variance to replace a store sign from a 3'x 3' to a 3'x 4'; in accordance to Article IV, Section H7 of the Zoning Ordinance.

The roll call for the Board was as follows:

David Penny, Chairman	-present
Robert Flanders, Vice Ch.	-present
Harvey Goodwin	-present
Ed Hemas	-present
Mary Allen	-present
Howard Humphrey, Sr., Alt.	-absent
Linda Lester, Alt.	-absent
Patricia Hammond-Grant, Alt.	-present

The Chairman called the hearing to order at 7:35 p.m. and outlined the procedure that would be used for the hearing. The notice for the hearing was read and the Board sitting for this case was introduced: David Penny, Ed Hemas, Robert Flanders, Harvey Goodwin, Mary Allen.

The Clerk then read the application for the variance. Notices were sent by certified mail, return receipt requested; to the applicant and to the abutters. Notices of the hearing had also been sent to the Board of Selectmen, Town Clerk, Chairman of the Planning Board and Town Counsel; and all members and alternates of the Board of Adjustment. Public notices had been published in the Hillsbro Messenger on August 14, 1986 and had been posted in two public places in town.

The Chairman then read the sections of the Antrim Zoning Ordinance concerning the variance requested and Article VIII (e) 1.2.3.

The Clerk read a letter written by an abutter, Martha Jennison, in opposition. Mrs. Jennison felt the sign would be a distraction and would spoil the image of the old building.

The applicant, Mr. Croteau, represented himself and requested a variance to replace his store sign from a 3'x 3' to a 3'x 4'. Mr. Croteau explained that when he bought the store four years ago there was a 3'x 4' sign by Coke. He had asked Coke to replace the sign in his name but at the time Coke denied him because of financial reasons. Mr. Croteau feels the sign can not be seen from the road at night. He has two spot lights on the store now but feels the sign still is not visible. The sign would be a standard plastic Pepsi sign advertising Roger's Country Store with a lighted system set on a timer with no blinking lights. Mr. Croteau feels there is an unnecessary hardship in that Pepsi does not make signs smaller than 3'x 4'.

Mr. Croteau was asked if he had checked into other signs that could comply and he answered in the negative. The Board had discussed how exceptions have been made before with signs but only where it was the only size the vendors made and dealt strictly in that product, such as gas stations.

The Board went into deliberation at 7:40. There was discussion on the gas stations being approved because they dealt with their major product. The Board also felt Pepsi would be advertising Pepsi and not so much the store. There was also concern with the different businesses that have already been approved to go in may try to put up 3'x 4' signs. The Board felt that could be a big distraction in town. Feelings were with the business being so close to the road there should not be so much of a visibility problem.

The motion was moved by Ms. Allen and seconded by Mr. Hemas, "that the variance be denied. The Board feels that a case for hardship has not been demonstrated and further that granting the variance will not be in harmony with the purpose and intent of the variance."

The motion was passed unanimously and the variance was denied.

The Board proceeded into their meeting. The minutes from the previous meeting were read and approved.

The Board went into discussion concerning Daniel and Laura Grant (Case no. 90). The Board read the letter from the Town Counsel on the legality of a temporary variance. The following issues were then discussed: The past history of the applicant, the possible precedents set by previous variances, the merits of the applicants proposal, the requirements for a variance listed in the ordinance, and the possibility of a temporary variance. The Boards main issue was on the two year period Grant has already had and how there had not been any substantial changes made. The Board still believes a variance would have never been granted for this kind of business on a 3/4 acre lot with the topography of the land being to steep to go back any further and too boney to support this type of commercial business. Comment was made that it is unfair to those who come to the Board legally for a variance and are denied, to those who build and then come to the Board for a variance with the building existing. The Board strongly feels it is a variance that would have never been granted and should not be granted.

The following motion was moved by Mr. Goodwin and seconded by Ms. Allen: "that the request for a variance from Article V, Section A.1.a(5)(e) be denied. The Board has not found any substantial difference in this case and the previously heard Case #82. The Board thereby reaffirms its June 11, 1985 decision that the evidence presented shows that this particular piece of land will not support the auto repair business for which the variance was sought and that the three (3) conditions means

for a variance have not been met. The changes made to the property by the applicant since June 11, 1985 do not affect the set-back for which the original variance was denied.

Respectfully submitted

Patricia Hammond-Grant

from minutes prepared by Debi Barr