

Minutes of the Board of Adjustment Meeting June 27, 1988
Special Meeting for deliberations Case #113, Case #115 and Case #116
Held upstairs in the Antrim Town Hall

Present: David Penny, Everett Chamberlain, Joseph Timco, Patricia Hammond-Grant, Clerk and Mary Allen, Chairman.

Mary Allen, Chairman opened the meeting and explained the conditions of the deliberations. Howard Humphrey Sr. has been taken ill and cannot sit on the Board, therefore, there will be only four members on each Board. It will take a vote of three to one to approve or disapprove any action taken by the Board.

The first case taken is #113 an application by McWalters and Byk, PA for a Special Exception for a sign at the Keating Building on Route 202. The Board opened deliberations. The Board had some problem with the setback requirements as the State right of way extends into the property as far as the back post of the existing sign. Joseph Timco cited the appropriate RSA and expressed his opinion that the sign did not meet the required set back. Mary Allen said that this could be entertained as a Variance because it doesn't meet the requirements for a Special Exception. The Board consulted with its Attorney, Phil Runyon as to the definition of Variance and Special Exception. A consensus of the Board was taken and it was three to one for requesting the Applicant to reapply for a Variance. The Board moved out of deliberations into Public Hearing. Joseph Timco moved to deny the Application for Special Exception because it does not meet two of the three requirements for granting a Special Exception, as outlined in Article XIV, Section C of the Antrim Zoning Ordinance. Second Patricia Hammond-Grant. The vote went as follows: Joseph Timco-yes, Patricia Hammond-Grant-yes, Everett Chamberlain-no, Mary Allen-yes. Special Exception denied and the Applicant was advised of his right to appeal or to file for a Variance. Joseph Byk, the applicant, made a comment that under existing conditions of the Zoning Ordinance it prevents signs from being placed on the right side of Main Street.


The Board opened deliberations on Case #115, an application by William and Arvilla Lang for a Variance to Article VI, C, 1, a. The Applicant proposes to annex two non-conforming lots of record, which will be subdivided at a later date. Mary Allen, Chairman, stepped down from the Board as she is a neighbor. The Board hearing this case was: David Penny, Chairman, Patricia Hammond-Grant, Clerk, Joseph Timco, Everett Chamberlain. Inasmuch as, Howard Humphrey, Sr. was absent due to illness, this will be a four member board and will require a vote of three to one to pass or deny a motion. David Penny outlined the procedure followed in the deliberations. The Board must consider the five criteria for granting a Variance as outlined in Article XVI, Section B, 3. The Board deliberated on each point as outlined in the Article and at the close of deliberations Patricia Hammond-Grant moved that the Variance to Article VI, Section C, 1, a of the Antrim Zoning Ordinance be granted as all criteria for granting a Variance have been met. Joseph Timco second. The vote went as follows: Everett Chamberlain-yes, Joseph Timco, yes, Patricia Hammond-Grant-yes, David Penny-yes. The vote was unanimous.

The next item on the agenda was Case #116, an application for a Variance to Article VII, Section B of the Antrim Zoning Ordinance made by William MacCulloch (owner of the property) and Steven Lape (Artek).

The Applicant proposes to operate a light manufacturing business for museum reproductions on property located at Gregg Lake Road in the Rural District. David Penny stepped down from these deliberations as he lives in that area. The Board for this hearing will be Mary Allen, Chairman, Patricia Hammond-Grant, Clerk, Everett Chamberlain, and Joseph Timco. Mary Allen, Chairman observed that since this property had been involved in three prior cases before the Board of Adjustment she would like to meet with Attorney Runyon under the rules of Attorney-Client privilege. Joseph Timco moved that the Board adjourn to meet with Counsel. Patricia Hammond-Grant seconded the motion. So moved. The Board asked the public to leave the area as there was no place to which the Board could adjourn.

The Chairman reopened the public deliberations. Patricia Hammond-Grant moved that the Application be denied on the grounds that it fails to meet the following criteria for granting a Variance: 1. The proposed use would create a strong likelihood of diminution of surrounding property. 2. It would not be beneficial to the public interest. 3. Denial will not result in a hardship. 4. Substantial justice would not be done. 5. The proposed use would be contrary to the spirit of the Ordinance. Joseph Timco seconded the motion. The Chairman opened the motion to discussion. Mary Allen, Chairman, asked the Board to comment on each point of the denial. Point #1. Everett Chamberlain was of the opinion that granting the Variance would not harm the value of surrounding property. Joseph Timco felt that the increased traffic and transportation of chemicals would be a detriment to the value of such property. Patricia Hammond-Grant concurred. Mary Allen commented on the effect the light manufacturing business would have in the Rural Zone. Point #2 was then addressed. Joseph Timco was of the opinion that the same problems of traffic and transportation of chemicals applied to this point. Everett Chamberlain felt that it was in the public interest to grant this Variance as the business employs townspeople. Mary Allen commented that it was in the public interest to uphold the Zoning Ordinance. Point #3 unnecessary hardship was the next item taken up. Everett Chamberlain commented on the fact that this building was too small for a big business and too big for a small business, therefore it was a hardship. Patricia Hammond-Grant that the building could be used for something else as it previously had had an apartment in it. Joseph Timco commented that it should be used for something more in compliance. Mary Allen said that it should be something that would suit this particular property. #4 Substantial Justice was next. Joseph Timco commented that to alleviate an injustice by creating an injustice was not the intent of the Ordinance. Everett Chamberlain felt that justice would be served by granting the Variance. Mary Allen's opinion was that this was spot zoning. #5 Spirit and Intent of the Ordinance was taken up next. The consensus of the Board is that to grant this Variance would be contrary to the spirit and intent of the ordinance, with Everett Chamberlain of the opinion that it would comply with the spirit and intent of the Ordinance. The Board waived the reading of the motion and the Chairman took the vote as follows: Joseph Timco-yes that it be denied; Patricia Hammond-Grant-yes that it be denied; Mary Allen-yes that it be denied; Everett Chamberlain-no that it be granted. The Application for the Variance is denied. The Chairman outlined the procedure for appeal. William MacCulloch, Applicant, asked about attorney client privilege and Richard Schacht commented on the length of time spent by the Board in session with its attorney. Patricia Hammond-Grant moved for adjournment. Second Joseph Timco. So moved.

Respectfully submitted,


Barbara Elia, Secretary Antrim Board of Adjustment