

Minutes of the Antrim Board of Adjustment Hearings August 2, 1988

Present: Joseph Timco, Everett Chamberlain, Howard Humphrey, Sr.,
Patricia Hammond-Grant, Clerk, and David Penny, Acting
Chairman.

Case #117--McWalters & Byk, P.A. for a Variance concerning Article XIV, Section C, 1, b & c and Special Exception concerning Article XIV, Section C of the Zoning Ordinance. The Applicant proposes to erect a sign over six (6) square feet on property located at Main Street in the Route 202 Business Zone. The sign will extend into the State of New Hampshire right of way. The Acting Chairman, David Penny, made the observation that there could be a conflict of interest on his part, as he has done business with the Applicant and asked if the public present had any objection to his serving on the Board. Hearing no objection he proceeded. The Chairman outlined the procedure for granting a Variance or Special Exception. The Clerk read the Application. Notice had been published in the Messenger Outlook and all abutters notified by Certified Mail. All receipts returned and no other correspondence. The Chairman read the Article in question and quoted the requirements for granting a Variance. The Applicant represented by Joseph Byk presented his case addressing the five requirements for granting a Variance. Hardship: He referred to the setback requirement and stated that under the Ordinance all signs in the Business District are in violation as the setback requirement is impossible to meet. Diminution of value: This is a tasteful sign and sight line requirements have been met. Justice: The sign is the same as the Keating sign and there are other signs in the neighborhood. Spirit and Intent of the Ordinance: Here again the sign is the same as the Keating sign and it is tastefully done. Public Interest: It is not in the public interest to over regulate. Mr. Byk's argument for the Special Exception was that the sign is attractive on one post with a stanchion located between the present sign and the tree twenty five feet from the existing sign. The site review indicated that it did not block sight distance. Shawn Hickey spoke in favor of the sign. Robert Gladding also in favor he said that if you are to run a business you need a visible sign. Elaine Cuddihy expressed her concern that additional signs might be erected if the property had additional tenants. The question of the Board's authority in the State right of way was raised. It was established that the Board cannot override the State. Bruce Cuddihy made a comment to this point. The Chairman asked the Board's pleasure about deliberations. The consensus was to go into deliberations and resolve this case. The Board was asked to comment. Everett Chamberlain saw no reason for objection as the stonewall defines the lot. Howard Humphrey stated that he was not as concerned with the sign as he was with parking. Joseph Timco in favor based on the testimony. Patricia Hammond-Grant in favor. The Chairman addressed the five points. 1. Diminution-sign looks good and the sight distance is clear. . Benefit to the Public Interest-yes, the sign designates the location. 3. Denial a Hardship to the Owner-yes. Substantial Justice-yes. Use is not contrary to the Spirit and Intent of the Ordinance-yes. Patricia Hammond Grant moved to grant a Variance to Article XIV, Section C, 1, b & c. The Board finds that all conditions for granting a Variance have been met. Joseph Timco second. Everett Chamberlain, yes; Howard Humphrey, yes; Joseph Timco, yes; David Penny, yes.

The Special Exception was then addressed. The sign is attractive and in keeping with the neighborhood and the Variance has been granted. Therefore Joseph Timco moved to grant the Special Exception as all conditions for granting a Special Exception have been met and the Variance had been granted. Second Howard Humphrey, Sr. Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Joseph Timco, yes; Patricia Hammond Grant, yes; David Penny, yes; unanimous.

Case #118 James J. and Linda S. Curran for a Variance concerning Article VII, Section C, 1, e of the Zoning Ordinance. The Applicant proposed to construct a deck that is less than the required side yard setback. Here again David Penny observed that he would be in conflict because the Currans are close personal friends of his. He will chair the hearing but will not vote. The Clerk read the Application the Notice was published in the Messenger Outlook and Certified mail sent. There was one piece of correspondence from the Merrifields stating that they had no objection. The applicant presented his case and testimony heard from the abutters pro and con. Shawn Hickey brought up the fact that all the owners of lot T were not notified. In light of this information Howard Humphrey, Sr., moved to adjourn the hearing until all parties have been properly notified and a Hearing date set. Patricia Hammond Grant second. Everett Chamberlain, yes; Howard Humphrey, Sr., yes; Patricia Hammond-Grant, yes; Joseph Timco, opposed; David Penny Abstained.

Meeting adjourned.

Respectfully submitted,

Barbara L. Elia