

**MINUTES OF THE MEETING
LEE ZONING BOARD OF ADJUSTMENT
Wednesday, March 16, 2016
7:00 PM**

MEMBERS PRESENT: Jim Banks, Chairman; John A. Hutton; Frank Reinhold, Alternate (Non-voting) Craig Williams, Alternate, Roy Wilson, Alternate (Non-voting) and Peter Hoyt, Alternate.

OTHERS PRESENT: Kevin & Jane Crawford; Bill Callen, Lee USA Speedway; and Caren Rossi, Planning/Zoning Administrator.

Roy Wilson arrived late so therefor he was a non-voting member.

(ZBA1516-10)

Kevin Crawford representing Spring House Management. The property is located at 455 Calef Highway and is known as Lee Tax Map # 19-07-0800. The applicant is requesting the following Variances & Special Exceptions to the of the 2015 Town of Lee Zoning Ordinance. The applicant is requesting a variance to Article XVII; Signs, Section III- Permitted Signs, section C-5 Special Exception Signs; items c and e for the following; Item c, to allow sign of approximately 6 feet by 6 feet (6' x 6' +/-) with supporting post to also include an attached interchangeable sign being hung at the bottom of the main sign of approximately 1 foot by 5 feet (1' x 5' +/-) for a total aggregate square footage of approximately 41 square feet (+/-) where only eight (8) square feet is allowed. Item e, to allow the top of such sign (if granted) to be approximately twelve feet (12' +/-) in height measured from the crown of the road (Route 125) where only eight feet (8) is allowed. Note: The Board may act on each of the above listed items or combine the two during this meeting.

John Hutton clerked.

Kevin Crawford explained that he is asking for the exact size and sign that his neighbor, Make A Difference Landscaping has. His sign will be the exact thing just about 700 feet apart. Same speed zone. He addressed the variance criteria in his application.

Public comment
None

Jim Banks, Chairman asked if the sign would be lit?

Kevin Crawford explained, yes, boxed in as needed.

John Hutton made a motion to combined the requests into one.
Peter Hoyt second.
Vote: all

The Board determined the Following Findings of Fact.

PRELIMINARY FINDING

After reviewing the petition and having heard the presentation by the applicant, the Board finds that it does not have sufficient information upon which to render a decision. The public hearing will be postponed until _____.

There is sufficient information before the Board to proceed. **Yes all**

FINDINGS

After reviewing the petition and considering all of the evidence as well as the Board members' personal knowledge of the property in question, the Board makes the following determinations pursuant to RSA 674:33. The Board has checked each statement that applies.

- 1) Granting the Variance will not be contrary to the public interest. Yes majority
- 2) Granting the variance would be consistent with the spirit of the ordinance. Yes majority
- 3) In granting the variance, substantial justice is done. Yes majority
- 4) In granting the variance, the values of surrounding properties are not diminished. Yes majority
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship to applicant. (A)Yes Majority

A) To find that an “unnecessary hardship” exists, the Board must find:

- **There are special conditions on the subject property that distinguish it from other properties in the area; *and***
- No fair and substantial relationship exists between the purpose of the ordinance and its application to the property in question.

John Hutton made a motion to grant the request by Kevin Crawford representing Spring House Management. The property is located at 455 Calef Highway and is known as Lee Tax Map # 19-07-0800. The applicant is requesting the following Variances & Special Exceptions to the of the 2015 Town of Lee Zoning Ordinance. The applicant is requesting a variance to Article XVII; Signs, Section III-Permitted Signs, section C-5 Special Exception Signs; items c and e for the following; Item c, to allow sign of approximately 6 feet by 6 feet (6' x 6' +/-) with supporting post to also include an attached interchangeable sign being hung at the bottom of the main sign of approximately 1 foot by 5 feet (1' x 5' +/-) for a total aggregate square footage of approximately 41 square feet (+/-) where only eight (8) square feet is allowed.

Item e, to allow the top of such sign (if granted) to be approximately twelve feet (12' +/-) in height measured from the crown of the road (Route 125) where only eight feet (8) is allowed.

Peter Hoyt second.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal period to the applicant.

(ZBA1516-12)

Applicant, First Strafford Realty Trust, Jennifer MacDonald Trustee, wish to amend a previous decision granted on September 19, 2012, granting a Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for outdoor sport shows and auctions to be held on the property. The applicant wishes to extend the hours of operation past approved time of 6pm. The property is located at 380 Calef Highway and is known as Lee Tax Map #18-02-0000.

Caren Rossi explained that he is here tonight because they received an approval back in 2012 to have outdoor sporting events. As part of their presentation they included a sheet that said the hours would be 8am to 6pm. The Board approved the application as per that. They would like to host an event but it isn't predicted to end until 9 pm. They would either like the hours changed, or eliminated. They have gone to the BOS and received approval from them as required by the racetrack ordinance.

Bill Callen felt if the hours were the same as the race track ordinance it would simplify it for all involved.

The Board discussed the application and agreed.

Public comment.

None

Frank Reinhold commented that with no abutters present he felt it was a good indicator that there was not any issues. He also agreed, consistently would be better.

The other Board members agreed.

John Hutton made a motion to grant the request from First Strafford Realty Trust, Jennifer MacDonald Trustee, wish to amend a previous decision granted on September 19, 2012, granting a Variance to Article XXIII, Section (3), Non-Conforming Uses to allow for outdoor sport shows and auctions to be held on the property. To allow the hours of operation to coincide with the hours of operation on the existing race track ordinance. The property is located at 380 Calef Highway and is known as Lee Tax Map #18-02-0000.

Peter Hoyt second.

Vote: all, motion carried.

Jim Banks, Chairman explained the 30-day appeal process to the applicant.

MINUTES TRANSCRIBED BY:

Caren Rossi, Planning & Zoning Administrator

MINUTES APPROVED BY:

Jim Banks, Chairman

John Hutton

Peter Hoyt, Alternate

Craig Williams, Alternate

Frank Reinhold
