

Town of Lyme
ZONING BOARD OF ADJUSTMENT
Minutes – August 19, 2010

Board Members: Present - Alan Greatorex, Chair; Ross McIntyre, Walter Swift, Frank Bowles

Absent: Robert Titus

Staff: Dave Robbins, Planning & Zoning Administrator

Public: Robert Coyle

The meeting came to order at 7:30 pm. Minutes of the July 15th meeting were approved as amended on a motion by Frank seconded by Walt.

Application #2010-ZB-34, Robert Coyle (Tax map 201 Lot 73) 5 Main Street, Lyme Common Zoning District.

Bob Coyle, Owner of Stella's and Lyme Hardware has applied for a variance to increase the square footage of signs at his property at 5 Main Street. The Lyme Zoning ordinance Section 6.22 states that the total area of on-premises signs on any lot shall be limited to 16 square feet per side for businesses. Mr. Coyle currently has 78.5 square feet of signs. He is requesting a variance to increase the square footage of signs by 62.5 square feet. Mr. Coyle is not intending to add any additional signs but would like to be able to keep the current signs on his property.

Alan advised Mr. Coyle that there were only three members of the board present (Member McIntyre arrived late) and that he could request a continuance until there was a full board present. Mr. Coyle stated he was willing to continue with just three members present.

Alan asked the Planning and Zoning Administrator for testimony as to the current signs on the lot. The Planning and Zoning Administrator stated that he along with Mr. Coyle measured the current signs on the property that related to Stella's, Lyme Hardware and the other businesses in the upstairs portion of the building. The Planning and Zoning Administrator had not included the Post Office or the bank signs because he felt that they were present prior to the adoption of zoning and therefore grandfathered under zoning.

Walt noted that on the Selectman's agenda he had seen Stella's Site Plan Review Discrepancies and asked if the sign issue was one of the discrepancies. The Planning and Zoning Administrator stated that the issue with the signs was a separate issue but the Selectboard was aware of the issue.

Alan then asked Mr. Coyle if he had more testimony that he would like to add. Mr. Coyle stated that he felt that the additional signs were needed to help direct patrons to the proper entrance to the business that they were patronizing. By directing the patrons to the proper entrance, they would be able to park in the proper place thus spreading the parking through out the entire lot.

There was no one else present to give testimony so Walt moved to go in to deliberations. Frank seconded the motion. Alan called for a vote and it passed unanimously.

Deliberations: Walt noted that the ordinance is very clear that only 16 square feet of sign area is allowed per lot. He felt that there was no testimony or information in the application that ~~that~~ would give the Board legal justification to grant a variance. Walt continued by saying that he felt that this was a Planning Board issue, in his opinion the applicant should return to the Planning Board, and request that the Site Plan Review be re-opened and the issue of the expansion of the sign area be addressed as allowed for under Section 6.13.A. He felt that this issue should have been more thoroughly addressed during the original Site Plan Review as required in Section 6.13 of the Zoning Ordinance but noted that at the time of the original site plan review the applicant did not have complete information regarding the tenants to the building. Frank and Alan both agreed

Walt made a motion to deny the request for a variance to allow an additional 62.5 square feet of sign area for Mr. Coyle's property based on the following finding of facts based on Section 10.50.A:

1) The proposed use will not diminish the surrounding properly values. There was no evidence presented to the Board demonstrating that the surrounding properly values would not diminish, in addition the Board had no evidence that the surrounding properly values would diminish.

2) The granting of the variance will not be contrary to the public interest. The current location of the signs is somewhat contrary to the public interest because they do not encourage the public to use the rear [\(main\)](#) entrance to the hardware store, instead cause the majority of patrons to use the side entrance thus increasing [parking](#) congestion [in the Post Office entrance area](#).

3) The use will not be contrary to the spirit of the ordinance. The requested increase in sign area would be an increase by a factor of 4 over the area allowed by the ordinance. Allowing an increase of this magnitude could set a precedent that could eventually lead to the placement of large single signs that would be contrary to the intent of the ordinance.

4) By granting the variance substantial justice will be done. The applicant has not provided any information to support that by granting the variance substantial justice will be done.

5) The denial of the variance would result in unnecessary hardship for the owner. Although the owner states that the limit of 16 square feet of signs on the lot severely impacts his ability to provide direction and advertising for the 8 businesses on the lot, the applicant did not provide any data to support unnecessary hardship.

Other Findings of Fact:

The Board sympathizes with the applicant that the 16 square foot area limitation per lot [\(section 6.22 \(A\)\)](#) ~~is may not be inadequate~~ for advertising and directions for customers, due to the number of businesses on this one lot. The Board recommends that the applicant request that the Planning Board re-open the Site Plan Review [\(per section 6.13\)](#) to address the increase of sign area as permitted in section 6.22 [\(A\)](#) of the Lyme Zoning Ordinance. The Board feels that the sign issue was not fully addressed in the original Site Plan Review.

Ross seconded the motion, Alan called for a vote and the motion passed with four members voting for the denial and none against.

Ross then made a motion that the Zoning Board request that the Planning Board review the sign ordinance to determine if changes should be made to accommodate the needs of property owners where there are multiple businesses on a single lot. [Ross also expressed hope](#) ~~The Board also requests~~ that the Select Board not enforce the area requirement of the sign regulations (Section VI of the Zoning Ordinance) until such time as the Planning Board reviews the ordinance.

Frank seconded the motion, Alan called for a vote and the motion passed with four members voting to approve the motion and none against.

The meeting adjourned at 8:44 pm.

Respectfully submitted,
David A. Robbins
Lyme Planning and Zoning Administrator.