

ZONING BOARD OF ADJUSTMENT  
FEBRUARY 12, 2014 MEETING  
DRAFT MINUTES

Board members present included Chairman Christopher Carley, Andrew Winters, Nicholas Wallner and James Monahan. Also present was Zoning Administrator Craig Walker and Clerk of the Board Rose Fife.

**21-13** **Carolyn A. Parker for VSH Realty, Cumberland Farms:** (Request for Rehearing) (Recessed until March 5, 2014 pending Council action) Applicant wishes to install a scroller type sign and requests Variances to Article 28-7-7, Signs Prohibited Under this Ordinance:

- 1) Section (a), to permit a sign which has parts and surfaces that physically or visually move when signs that have parts or surfaces that physically move are prohibited,
  - 2) Section (r), to permit an electronically activated changeable message sign (EMC) when EMC signs are prohibited in the City of Concord,
- for property at 47 Fisherville Road in a CG General Commercial District.

**40-13** **Barlo Signs for Carlsons Motorcorp:** (Recessed until March 5, 2014 pending Council action) Applicant requests the Zoning Board overturn the Zoning Administrator's determination that the use of a remotely programmable electronic message sign for variable background illumination is a use that is not permitted under the City of Concord's Zoning Ordinance for property at 13 Manchester Street in a GWP Gateway Performance District.

**41-13** **Barlo Signs for Baron's:** (Recessed until March 5, 2014 pending Council action) Applicant requests the Zoning Board overturn the Zoning Administrator's determination that the use of a remotely programmable electronic message sign for variable background illumination is a use that is not permitted under the City of Concord's Zoning Ordinance for property at 350 Loudon Road in a GWP Gateway Performance District.

Case #21-13, Case #40-13, & Case #41-13. A motion was made to Recess the cases was made by Wallner, seconded by Monahan and passed by a unanimous vote.

**57-13** **William Merisotis:** Applicant wishes to construct a 24 foot by 24 foot garage and requests variances to Article 28-4-1(h), Table of Dimensional Regulation to permit a building with a side setback of 18.5 feet where a side setback of 40 feet is required and a front setback of 25.7 feet where a 50 foot setback is required for property at 11 Currier Road in an RO Residential Open Space District. This case was recessed from 1/8/14.

William Merisotis testified along with Brian Beaudin. Mr. Merisotis explained the new plans that he brought forward today. The plans show what exists now and what will exist after the construction work is done. He explained the site plan. His neighbor was concerned about water run-off onto his driveway. He plans to place an underground drain pipe to direct water into a gully to drain it away from both his and his neighbor's homes.

Brian Beaudin testified that the neighbor was indeed concerned with water conditions. They explained if they created a swale to redirect the water into an existing drainage swale it would help with the situation. Mr. Merisotis' neighbor agreed, per Mr. Merisotis' testimony.

Mr. Winters asked if the drainage is offsetting any additional water. Mr. Beaudin testified that they do not believe there will be any additional runoff but it's a good faith gesture on their part. Mr. Merisotis' neighbor said he couldn't make it to tonight's meeting but he had no objections to the new plan. Mr. Merisotis stated that his home dates from the 50's and his neighbor's home dates from the 70's.

Mr. Monahan asked how many additional feet would be added to the footprint of the house. They are removing the breezeway so they are adding basically half a garage (14' feet net gain). Mr. Beaudin stated that the garage is 24' from the existing home. Mr. Monahan stated that a 40 foot setback needed. Mr. Merisotis stated that his house is already beyond that. His home is also within the 50 foot setback from the front yard (street). Mr. Monahan asked if the house is already less than 40 feet from the property line and they are adding 12 feet. Mr. Beaudin stated that that was correct. Mr. Merisotis stated that 18.5 feet is shown on his drawing.

Mr. Beaudin stated that the new garage would be 14' out from the existing structure. Mr. Winters asked if as it exists, it doesn't meet the setback requirements. Mr. Merisotis stated that that was correct. This will add value to his home.

Mr. Carley asked what the reasons are that they cannot put this garage behind the house. Mr. Beaudin stated that the septic system is behind the home and there is a little hill back there. On the other side of the property there are some trees and there is no driveway cut there. His entire lot is 175 feet in the front. Winters asked if a two car garage in that area was the norm. Is it a reasonable use? Mr. Merisotis stated that just about every home on the street has a 2 car garage; it is fairly standard.

In favor: none.

In opposition: none.

Comments from Code: none.

DECISION: A motion to approve the request was made by Wallner seconded by Winters and passed by a unanimous vote.

Wallner was persuaded there was a hardship (no other reasonable location for the structure due to the existing conditions). It is a reasonable use as there are 2 car garages in the area. Winters was persuaded as there are other homes in the neighborhood that have a 2 car garage. He also felt that the other conditions of a variance are met (Will not diminish property values) (The runoff will not have negative affect on adjacent property) (No negative impacts on public facilities).

**1-14 Alexander J. Constant:** Applicant request a Variance to Article 28-6-9(a), Table of Maximum Sign Dimensions for Non-residential Districts, to permit 50 square feet of building signage where a maximum of 27 square feet is permitted for property at 39 South Main Street in a CBP Central Business Performance District.

Tedd Jarvis testified. He represents the Constant family. Their business has been there over 20 years. Their current sign is 30+ years old or older. The sign is now past its time, the boxes are deteriorating. They would like to use the existing structure to build the new channel letters to it for a new sign. Fluorescent lit signs are inefficient and not environmentally friendly. They are using LED lighting for the new sign. It will be a cleaner, whiter light. Downtown is being revitalized. There has been new construction. In keeping with the revitalization, they would like to update their sign to make them more in line with the new look of the area. It will be similar to the look and feel of the other businesses in the downtown area. He displayed Gibson's bookstore sign. It would cost them more money to update what they have vs. creating a new sign.

Dave Constant, co-owner of Constantly Pizza testified. Their building is a little small compared to the bigger surrounding buildings. They would like to get all the business they can, including the drive by business. They would like a new sign that is a little cleaner, neater, crisper, and keeping within what is in the neighborhood.

Mr. Wallner asked about their current square footage. Mr. Jarvis stated that they have 53.7 s.f. The new sign will be 51 or 52 s.f. Mr. Carley asked if it is signage being combined that creates the greater size? (Correct, but it is actually less s.f.) Mr. Winters asked if they currently exceed the Ordinance. (Yes.) Walker explained the calculation of sign size prior to the change in the Ordinance in 2001 versus what is currently permitted. Mr. Carley asked about the height regulations above the second story. Mr. Walker stated he needed to check into that that question. Mr. Carley mentioned that the medallion is new and higher. He asked if there were a variance request missing for that item. Mr. Walker was unsure.

Mr. Constant explained that the medallion is important for visibility purposes. Their building is recessed. It would be hard to see even the new sign.

John Constant testified. The medallion will help them to attract people that are not from the area to be able to see them.

Mr. Winters felt that he would be hard pressed not to let someone replace their sign with the same size sign.

Mr. Walker looked into the roof top signage. He stated that the Ordinance will allow it as it was a roof sign and not a wall sign.

Mr. Monahan questioned if the letters would be internally illuminated? (Yes.) Did you design the sign to the size that is allowed by Ordinance? Mr. Jarvis stated that if they did that, you wouldn't be able to see the sign at all. Mr. Carley asked about the size of the letters. Are 17.5 inches? (Correct.)

Mr. Winters calculated that the letters would be approximately 6" high were the sign to comply with the ordinance.

Dave Constant stated that if they were to keep the old sign it would look old and boxy. They would like to keep within what is happening downtown.

In favor: Kevin Curdie, in support of the sign. The channel letters will fit in better with the 'new' look. It will be a lot easier to notice.

In opposition: none.

Comments from Code: none.

DECISION: A motion to grant the request was made by Winters seconded by Monahan and passed by a unanimous vote.

Mr. Monahan asked Mr. Walker if they could put signage on the north side of the building. Mr. Walker stated that they could but they are only allowed the square footage permitted by their street frontage of 27'. Mr. Wallner was persuaded because they are not adding to the square footage. It is a better look and they are sticking with a smaller size. Mr. Winters is hard pressed not to agree to allow them to replace the same size sign. They do have one of the smallest commercial buildings in that area. The Board felt it was reasonable considering the location of the property and the massing of the buildings immediately the building warranted the larger signage for visibility. The new sign would not diminish surrounding property values and would not be inconsistent with the spirit and intent of the Ordinance of encouraging effective use of signage as a means of communication. Mr. Winters felt there would not be any benefit (for the city which would not be outweighed by the loss to the owner) by discouraging the owners from improving their signage.

MINUTES: A motion to approve the Minutes was made by Wallner, seconded by Monahan and passed by a unanimous vote.

Motion to Adjourn was made by Monahan seconded by Winters and passed by a unanimous vote at 7:45 pm.

A TRUE RECORD ATTEST,

Rose M. Fife, CLERK  
ZONING BOARD OF ADJUSTMENT