

ZONING BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 20, 1992

MEMBERS PRESENT: Joyce Bowden, Bill Colbath, Dean Trefethen,
Chris Jacobs, and Brenda Whitmore

ALSO PRESENT: Tom Clark, Steve Stancel

Meeting brought to order by Joyce Bowden at 7:05 p.m.

ITEM #1: New Business

Bill Colbath made the motion to approve the minutes of July
16, 1992.

Chris Jacobs seconded the motion.

VOTE U/A

Motion for Rehearing granted at July 16th. meeting:

H92-8, Christian Linker & Lawrence Raiche, (owner: Greg
Koutrelakos), 595 Central Ave., a/k/a Assessor's Map
27, lot 1, zoned Office, requests a variance from (1)
the terms of Article IX Section 170-32.I(3) (b) to
maintain a free-standing sign larger than four (4) sq.
ft. per tenant and exceeding twelve (12) sq. ft. in
total area; and (2) the terms of Article IX, Section
170-32.0(1) to increase a non-conforming sign.

Chris Linker presented written copies of her information on
new evidence to the Board members. The sign maker had
informed Ms. Linker that the size of the sign had not changed
from the previous one.

Steve Stancel - Asked Chris Linker what portion of the
previous sign was measured.

Chris Linker - Does not know what portion of sign was
measured.

Steve Stancel - There is no record of a Sign Permit being
issued for the previous sign.

Chris Linker - To her knowledge a Sign Permit was issued.

Steve Stancel - Since the 1st sign went up without a Sign
Permit, there is nothing to Grandfather.

Dean Trefethen -When did the present sign ordinance go into
effect.

Tom Clark - In 1984

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Joyce Bowden - Asked Tom if he found any record of a Sign Permit being issued.

Tom Clark - We could not find any record of a Sign Permit.

Bill Colbath - Questioned the size of sign as presented by sign builder. Also questioned how measurement was made.

Tom Clark - As he recalls the sign was a separate piece between 2 posts. It should have been 4 sq. ft. The problem began when Mr. Raiche gave the size of the original sign on the variance application. The original sign should have required a variance.

Joyce Bowden - You no longer have the original sign or a picture of the sign.

Chris Linker - No the original sign was destroyed.

Steve Stancel - From the Planning Department's point of view we have to speak against the variance because, (1) there was no Sign Permit for the original sign; (2) a variance would have been necessary for the 1st sign and there was none; (3) the original sign is no longer available to compare. The burden of proof is on the applicant.

Chris Linker - Referred to last month's meeting in which a variance was grant to someone for the same thing that she was requesting. She believed her hardship was the inaccurate information that she was given.

Chris Jacobs - Last month's variance was granted due to the hardship being a tree obstructed the view of the sign.

Joyce Bowden - This applicant needs to address the hardship. The burden of proof is on the applicant. No record of a Sign Permit issued for the original sign.

Chris Jacobs - Must remain within the sign ordinance. Applicant needs to show that sign was Grandfathered.

Mr. Linker - Mrs. Linker relied on others and she was given inaccurate information. She has invested a lot of money for the sign and the variance process. The sign cannot be altered without more cost. Asks the Board take these things into consideration.

Joyce Bowden - Offered sympathy for position however the burden of proof is on the applicant. There is no evidence - no old sign and no Sign Permit. No harm is being served by

allowing applicant to keep sign and the City gains nothing by having applicant reduce sign. It would appear that the original applicant, Mr. Raiche is not paying attention to what is happening, and the Board has to decided not to punish but to correct him and Mrs. Linker is being punished in the process.

Brenda Whitmore - Was the original sign a non-conforming sign?

Tom Clark - That is correct.

Brenda Whitmore - Then there is no documentation to the expansion of the non-conforming sign.

Joyce Bowden - That is correct.

Steve Stancel - I have heard the Board make the comment that the City has nothing to gain by making the applicant reduce the sign. This has been used in the past to get variances. Central Ave. has been zoned for offices and it has maintained its character and the zoning has worked there. 4 sq. ft. per sign has been adequate for business identification. Some signs are non-conforming but for the most part they are conforming.

5 CRITERIA

1. The applicant does not face an unnecessary hardship.
2. The variance will not deliver substantial justice in that the applicant is allowed the same criteria as existing businesses in the area for identification.
3. The variance will not be in harmony with the spirit and intent of the zoning ordinance in that it allows 4 sq. ft. per tenant and a max.. of 12 sq. ft.
4. The variance will not result in a diminution in value of surrounding properties as no evidence was present.
5. The variance will not be of benefit to the public interest because the public interest is in keeping with the current zoning.

Chris Jacobs made the motion to deny the request.

Brenda Whitmore seconded the motion.

VOTE U/DENIED

ITEM 2: Old Business

H92-12, James and Heidi Croteau (applicant: Raymond Bardwell), 548 Sixth St., a/k/a Assessor's Map B, lot 4H, zoned R-40 requests variances from, 1) the terms of Article V, Section 170-16, to construct a second floor addition within eighteen (18) feet of a front property line where fifty (50) feet is required; and 2) the terms of Article X, Section 170-41.A to increase a non-conforming structure.

Ray Bardwell represented the owner. Not increasing the footprint of the house. Converting a ranch style house into a cape to give more living area for the family.

Brenda Whitmore made the motion to accept the case.
Dean Trefethen seconded the motion.

Dean Trefethen - Asked if there were to be any windows or dormers on the front.

Ray Bardwell - The dormer will be on the back and a skylight on the front.

Steve Stancel - The Planning Dept. has no objection to this variance request. The septic system is ok for this family size.

PUBLIC HEARING CLOSED

5 CRITERIA

1. The applicant does face an unnecessary hardship because the septic and slope of the land renders any addition impossible.
2. The variance will deliver substantial justice in that it allows use similar to neighboring properties.
3. The variance will be in harmony with the spirit and intent of the zoning ordinance in that it is a single family dwelling and it will remain the same.
4. The variance will not result in a diminution in value of surrounding properties because no evidence is present to the contrary.
5. The variance will be of benefit to the public interest because it will upgrade the structure and bring up to current standards that surrounding properties enjoy.

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Cris Jacobs made the motion that the variance be granted.
Bill Colbath seconded the motion.
VOTE U/A WITH THE FOLLOWING CONDITION:

The footprint of the building will not increase.

For the purposes of discussion only, the Planning Dept. and the Zoning Board of Adjustment discussed the conceptual idea of sub-dividing buildings in the B-2 zoning district.

A discussion was also held on the Elderly Housing Proposal.

MEETING ADJOURNED