

City of Keene
New Hampshire

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

Tuesday, September 6, 2016 6:30 PM City Hall, Second Floor Committee Room

Members Present:

Louise Zerba, Chair
Joshua Gorman, Alternate
Jeffrey Stevens
Nathaniel Stout

Staff Present:

Gary L. Schneider, Plans Examiner

Members Not Present:

David Curran
Joseph Hoppock
John Rab, Alternate
Stephen Bragdon, Alternate

1) Introduction of Board Members:

Chair Zerba called the meeting to order at 6:30 PM and introduced the Board members.

2) Minutes of Previous Meeting:

Chair Zerba noted one correction to the minutes of August 1, 2016. On page 4/5 in the first full paragraph, line five, "Mr. Clearly," should be corrected to, "Mr. Cleary."

Mr. Stevens made a motion to approve the minutes of August 1, 2016 as corrected. The motion was seconded by Mr. Stout and carried unanimously.

3) Unfinished Business: None

4) Hearings:

ZBA 16-41:/ Petitioner, Nedrob Investments, LLC of 55 Langley Road, Keene, requests a Variance for property located at 463 Washington St., Keene, owned by David Borden, of 55 Langley Road, Keene, which is in the Low Density District. The Petitioner requests a Variance to allow signage in a residential Low Density District per Division 7, District Regulations of the Zoning Ordinance.

Chair Zerba introduced the application and noted that the description of the property in the Low Density District should refer to 463 Washington Street, not 55 Langley Road. Mr. Schneider explained the location of this property and the brand new Williams

Construction Building. The location is near Woodbury Street, People's Linen, and other commercial properties. The applicants are requesting a Variance because signage is not allowed in Low Density Zones.

Mr. Gorman asked what the property was used for before this new building. Mr. Schneider replied that for as long as he knows, it has been office space.

Chair Zerba recognized David and Lee Borden of 55 Langley Road, Keene. Mr. Borden noted the property they bought was an older building which abuts People's Linen. When they inspected the building they realized it was in bad shape and decided to rebuild. He remembers the building having a sign of some sort near the road. Chair Zerba asked why they want a sign. Mr. Borden replied to advertise businesses in the building. He said they looked at other signs around town to develop the design for their sign. Chair Zerba asked if the width and height of the sign listed in the application were accurate. Mr. Borden replied yes.

Chair Zerba noted the design includes a light on the sign and asked the hours of operation for the light. Mr. Borden stated he was open to suggestion, continuing that he likes lighting for safety, and would like to have it on in the evening as some businesses operate later.

Mr. Gorman asked Mr. Schneider if he will make sure the sign meets Ordinance if passed. Mr. Schneider replied that there are no signage specifications for a Low Density Zone and therefore any specifications need to be determined by the Board. Mr. Stout noted the Board would like the light to be a full cut-off that only shines downward. Mr. Borden agreed. Chair Zerba noted that her concern is if the light will be bothersome to neighbors. Mr. Borden noted that with a full cut-off it will contribute more toward safety. Mr. Stevens agreed the downward light will be less of a nuisance. Chair Zerba said she would like the light to be on a timer to be turned off no later than 10:00 PM. Mr. Borden agreed.

Mr. Gorman stated that to him, Mr. Borden took a lesser quality commercial space and made it better. Given the amount of investment to have this commercial space, a sign makes sense. He does not think the sign or light will detract from neighbors.

Mr. Schneider suggested being flexible in specifications of how many tenants can be listed on the sign. Mr. Stevens asked Mr. Schneider if this sign would meet requirements in the Central Business Zone. Mr. Schneider replied he is unsure but there are requirements for distance from the right of way in the Central Business Zone which this sign is under the maximum for at 8.4 feet.

Mr. Gorman asked if the sign represents the total number of tenants. Mr. Borden replied yes, the eight spaces listed will be sufficient as they are 60% rented now.

Chair Zerba closed the public hearing.

Mr. Stevens noted that he thinks the sign is helpful for those driving by and that it improves safety. Mr. Stout stated he thinks the sign is tastefully designed and hopes it will be the same as constructed.

Mr. Stout made a motion to approve ZBA 16-41 with the conditions that the light will be a full cut-off, the light will be turned off at 10:00 PM, the tenant names on the sign are flexible but only eight tenant spaces are allowed on the sign, and that the sign appears as it does in the application. The motion was seconded by Mr. Stevens.

Chair Zerba agreed with the motion noting that other businesses in that area have signs.

Chair Zerba reviewed the Findings of Fact.

Granting the Variance would not be contrary to the public interest: Granted 4-0.

If the Variance were granted, the spirit of the Ordinance would be observed: Granted 4-0.

Granting the Variance would do substantial justice: Granted 4-0.

If the Variance were granted, the values of the surrounding properties would not be diminished: Granted 4-0.

Unnecessary Hardship

E. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the Variance would result in unnecessary hardship because:

ix. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property: Granted 4-0.

x. The proposed use is a reasonable one: Granted 4-0.

On a vote of 4-0, the Zoning Board of Adjustment approved ZBA 16-41 with the conditions that the light will be a full cut-off, the light will be turned off at 10:00 PM, the tenant names on the sign are flexible but only eight tenant spaces are allowed on the sign, and that the sign appears as it does in the application. The motion was seconded by Mr. Stevens.

- 5) **New Business:** None
- 6) **Communications and Miscellaneous:** None
- 7) **Non Public Session: (if required)** None
- 8) **Adjournment:**

Hearing no further business, Chair Zerba adjourned the meeting at 6:50 PM.

Respectfully submitted by,
Katie Kibler, Minute Taker