



ZONING BOARD OF ADJUSTMENT
MINUTES NOVEMBER 17, 2014
APPROVED MEETING OF DECEMBER 15, 2014

Present: S. Bogert, **Chair**; S. Perley, **Vice-Chair/Secretary**; D. Greski; O. Gibbs; M. Foote; K. Geraci, **Alternate**, G. Ober, **Alternate**

Absent: S. Saunders, **Planning Director**; R. Smith, **Alternate**

S. Bogert welcomed everyone to the November meeting. He said the first business to be addressed would be the minutes from the October 20, 2014 meeting.

MINUTES: Motion: M. Foote moved to accept the minutes from the October 20, 2014 ZBA meeting. The second was made by O. Gibbs and all voted in favor of approval, 5-0.

S. Bogert said he would read both hearings into the record as bhe feels they would be both discussed back and forth since they are related. Separate motions will be made.

HEARINGS:

Application # 2014-0027	MSL 426-220-2	P Zone
Byse Agency	208 Union Ave	Special Exception

The applicant is requesting a Special Exception under 235-26, in order to erect an Electronic Message Center.

Applicant: Jeff Flanders appeared along with Ben Barr, from Watchfire Signs, and Chris Brower of United Signs. He said they have been in this location since 1972 and are looking to have the electronic message center.

Ben Barr of Watchfire said he would first address the Special Exception criteria.

He said the use of the EMC is authorized with the granting of the Special Exception.

The requested use of an electronic message center will not cause undue traffic congestion or impede pedestrian safety. The City of Laconia has been permitted this type of signage for some time. This is an accepted form of communication. These signs can now change every 5 minutes, and this should not create undue traffic congestion.

As this is a sign it will have no bearing on the public water, drainage or municipality systems.

The use will not create any excessive demand for municipal services. The applicant plans to run the sign in accordance with the newest zoning change concerning EMC signs. They will abide by the requested dimming and transition times put forth by the zoning ordinance.

The provisions set forth are fulfilled except for the small overage which is going to be addressed in the variance request.

The requested use of the sign will not create hazards to the health, safety, or general welfare of the public. EMC's have been studied by the City of Laconia, Penn State College, Texas A&M, and the federal highway administration, finding no conclusive evidence that they create any potential hazards.



ZONING BOARD OF ADJUSTMENT
MINUTES NOVEMBER 17, 2014
APPROVED MEETING OF DECEMBER 15, 2014

The proposed location is appropriate for the requested use. The sign is not changing the permitted height of 11' or width. The only aspect that would be changing is the removal of the "Personal, Commercial, Life" panel with a 2' x 6' EMC in this place, and a small 15" identification of the Concord Group sign below that.

The requested use is consistent with the spirit and intent of this chapter and the Master Plan.

The proposed sign enhancement is following the spirit of the sign ordinance. This allows the applicant to provide information on its services within the property. It will also provide community alerts and time and temperature.

It will allow for appropriate letter size for a complete thought/message to hold static on the sign for a time no shorter than the permitted 5 minutes.

The proposed sign will follow the illuminance standards of the sign ordinance. It will be equipped with software and hardware photocell for dimming.

S. Perley asked for clarification on the overage and was told that is overall coverage.

D. Greski said he wanted clarification on Section H. The applicant said they plan to do no off site advertising. He feels we should word this stronger and say there is to be no rental of the sign to advertise off-site products. B. Barr said the sign will only apply to products and services on this property.

B. Barr said the business has been there for a number of years. This is a commercial area and there are differences in how the businesses here are presented. There are dramatic differences in what is permitted within just a mile. They are asking for a small relief here. There is another business that is the same which is permitted almost double the signage. That is similar to what is seen in other business districts. B. Barr mentioned signs within a 2 mile area.

D. Greski said those businesses are located in different zones so it is not fair to compare to those businesses. S. Bogert said this would be the first ECM in the Professional district. D. Greski said the businesses in the other zones are allowed to have larger signs, and we should not be comparing to the other zones. S. Bogert said he feels they are just stating that this is what is permitted in the other zones, and are not asking for anything like that, just a bit more than what permitted in the Professional zone.

B. Barr said he would address the Variance criteria.

He said the use will not be contrary to public interest. This type of sign and the digital medium has been accepted in the City of Laconia for many years. There are similar signs located in the same geographic area with no substantial arguments from the general public. This sign will be half the size allowed in other similar business districts. The business has grown with the city.

The spirit of the ordinance is observed as the sign is within 30% of the allowable square footage. The other businesses related districts are permitted to have signs that are two to five times larger.

Substantial justice is done by allowing an effective sign that allows the business owner to integrate product, services and identification of the business name.



ZONING BOARD OF ADJUSTMENT
MINUTES NOVEMBER 17, 2014
APPROVED MEETING OF DECEMBER 15, 2014

The value of surrounding properties will not be diminished due to the installation of this sign. This sign type is used regularly on Union Avenue and is not a unique installation for this setting. Within eye sight, this type of sign is visible from surrounding businesses. The electronic message center will provide information with conformance to the current zoning code, and also provide community information such as time and temperature for the passing traffic.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship due to manufacturer's standard sizes and proper letter size for adequate viewing distances, and complete messages on the LED sign to keep within the City's 5 minute time regulation for digital signs.

Signs are only built to certain sizes and they don't sell a size that conforms to the current standards. The business has been there for some time, before the current regulations were put into place. This business, if treated equal to the other businesses located on Union Avenue, would not be required to obtain a variance for size. Other districts that hold similar characteristics are permitted much more signage.

They can remove the word "INC" from the wall sign to further conform but think that if they do that, the wording will still show as it has been there since 1972. They can take it down but would like to try to keep it if allowed.

Chris Brower, of United Signs, said if removing the "INC" portion of the sign, it does take back some of the overage, but aesthetically it will probably create a problem. S. Bogert mentioned the shadow effect. This is a non-illuminated sign and you will probably still see it. S. Bogert said he thinks it will make the sign appear broken. S. Perley said keeping it has no impact to her. She asked again that the EMC sign will be no taller and no wider, and was told yes.

Public: S. Weeks, of Shore Drive, said he is here in favor of the applicant. He feels it is important that they are able to promote their business in an effective way. This is not a big change and this is a main corridor through the city. He said the area was zoned as Professional a long time ago, and he thinks that should be changed.

No one else from the public spoke for or against the proposals.

Board: S. Perley said this is a good application, was well presented, fits in, and the proposal makes sense. M. Foote agreed and said he is glad we are looking at this.

S. Bogert closed the hearing to the public.

Board: S. Bogert asked if the other board members had issues with the word "INC" remaining and was told no. O. Gibbs said if that is removed it will just look like the letters fell off the building. Aesthetically it should remain.

M. Foote asked if the EMC sign was only red and was told it is in color but static.

D. Greski should he does not think we should be comparing the Professional zone to the other zones. That is how the rule was written at the time. We will probably see more of these types of signs. He said that maybe we should be looking at this zone. Something is wrong at the foundation level. He has no issue with the sign.

S. Perley said the City is currently re-doing the Master Plan and will be looking at districts as we go through the process.



ZONING BOARD OF ADJUSTMENT
MINUTES NOVEMBER 17, 2014
APPROVED MEETING OF DECEMBER 15, 2014

S. Bogert said this sign fits with the time. Upgrades are needed as we would not want businesses to leave the city because of an increase of 5 SF. S. Perley said the situation is appropriate.

Motion: S. Perley moved to approve Application # 2014-0027 for a Special Exception to allow the electronic message center to be installed on the property at 208 Union Avenue. The use is authorized with the granting of the Special Exception. The ordinance has undergone a planning process to permit this type of sign.

The use of the EMC will not cause undue traffic congestion or impair pedestrian safety. The sign will not flash and will adhere to the ordinance, which states it cannot change for 5 minutes.

The proposed use of the sign has no bearing on public water, drainage or runoff to other properties.

The requested use of the sign will not create any demand on the municipal services.

There are no special provisions.

The requested use of the sign will not create any hazards to health, safety or general welfare of the public.

The use of the sign will not be out of character in the neighborhood. The location is appropriate and fits into the area.

The requested use of the sign is consistent with the spirit and intent of the chapter and of the Master Plan. The sign will enable the applicant to advertise his business.

D. Greski said he would like to add that there is to be no offsite use of the sign and S. Perley said that is written into the ordinance and that they said the intent is to use the sign to promote his business, make public service announcements, and show time and temperature.

M. Foote seconded the Special Exception request and all voted in favor of approval, 5-0.

Application # 2014-0028
Byse Agency

MSL 426-220-2
208 Union Ave

P Zone
Variance

The applicant is requesting a Variance from Table VI, Table of Sign Regulations, in order to erect an Electronic Message Center which will be 35.5 SF instead of the 24 SF permitted for this zone. The applicant has voluntarily offered to make the size of the wall sign smaller than what is currently permitted, which would give the site 49.95 SF of total signage, which is only 5.95 SF over that is currently allowed.

S. Bogert asked the ZBA if they are all in agreement about letting the applicant keep the "INC" on the current wall sign and increase the variance request to approximately 11 SF. They agreed they felt it would be aesthetically better to keep the wording since it had been in place for so long.

Motion: S. Perley moved to approve Application # 2014-0028 to allow the applicant an increase in the size of their overall sign coverage, adding approximately 11 SF over what is currently permitted on the site.



ZONING BOARD OF ADJUSTMENT
MINUTES NOVEMBER 17, 2014
APPROVED MEETING OF DECEMBER 15, 2014

She said the proposal is not contrary to public interest as this is a small amount, only about 11 SF, and similar to what exists in the area now.

The spirit of the ordinance is observed. This doesn't violate the basic zoning ordinance. The "INC" portion of the sign has been there for some time. Adding the new signage gives the applicant the ability to compete in the market place.

Substantial justice is done as the benefit to the applicant far outweighs any impact to the general public. The sign fits into the area.

The addition to the overall signage should not diminish property values as this is similar to what exists in the area. The sign will be lit but will meet the lighting standards in the Zoning and Sign Ordinance.

No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property. Permitting the increase in the overall sign coverage doesn't alter the essential character of neighborhood. There is a small increase in the size of the existing freestanding sign, but there is no increase in height or width. The EMC portion is a small part of the overall sign. This doesn't alter the neighborhood.

The use is reasonable. Permitting the 5.95 SF increase to the freestanding sign and not removing "INC" for aesthetic and consistency allows the applicant to keep their logo intact.

S. Bogert reopened the hearing for point of clarification on the signs. He asked the applicant to further explain the square footage of the signage.

B. Barr said the top portion is 11.67 SF, the middle – LED – portion is 15.7 SF, and the Concord Group sign is 8.125 SF, which is 35.5 SF total. The overall aggregate would be 11.5 SF addition.

Public: No one from the public spoke for or against the proposal.

S. Bogert re-closed to the hearing to the public.

Board: M. Foote seconded the motion. S. Bogert added that we change the total permitted to the additional 11.5 SF and state that it was requested by the board that the "INC" remain on the wall sign for aesthetic purposes.

S. Perley amended her motion, M. Foote seconded, and all voted in favor of approval, 5-0.

OTHER BUSINESS: ZBA Rules: S. Perley said she had drafted new language regarding the ZBA continuations when there is a short board. She went over that with S. Saunders and it has now gone to legal for review. She hopes to have that ready by next month for the ZBA's review.

ADJOURNMENT: M. Foote moved to adjourn the November 17, 2014 meeting of the ZBA. O. Gibbs seconded and the meeting adjourned at 7:50 pm.

RESPECTFULLY SUBMITTED BY:

Kristine Y. Snow, Zoning Technician