

ADDENDUM A: APPLICATION FOR A VARIANCE – Harmony Homes Sign Variance

A Variance is being requested from Article XXIII, Section 175-129A to permit the placement of a ground mounted business sign within the NHDOT Right-of-Way.

- 1) No decrease in value of surrounding properties would be suffered because:
The placement of a business sign within the NHDOT ROW on the subject property will have no impact to surrounding property values. The reason that the sign will have no impact to any surrounding property values, is because there are no building(s) within 700'+/- of the sign location. The Durham sewage treatment plant is the closest neighbor.
- 2) Granting the variance would not be contrary to the public interest because:
The reason for the request to place the sign within the NHDOT ROW is to improve visibility for passing motorists and provide drivers with adequate decision making time to enter the property. Therefore, it will improve the safety for passing motorists.
- 3) (A) 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:
 - a) 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 because: the general public purpose of the ordinance is to control the placement of signs within the public ROW to protect the public safety of passing motorists. The special conditions of this particular property, due to the excessive width of the NHDOT ROW, would cause the opposite effect to the general public, because placing the sign so far back from the roadway would impeded the visibility of passing drivers and cause potential safety issues by minimizing driver reaction time. Approaching from the west, the topography is significantly higher than the road surface and blocks the view into the site until a driver is very close to the entrance.
 - b) the proposed use is a reasonable one because: it is consistent with the purpose of the ordinance and provides greater safety to the vehicle operator with this placement.

OR

(B) Owing to special conditions of the property that distinguishes it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

- 4) Substantial justice would be done because: denial of the variance would be equally damaging to the owner and the public. Both from the standpoint of reduced advertising for the owner and reduced safety for the general public. Substantial justice would be done by granting the variance because there would be a gain for everyone.

- 5) The use will not be contrary to the spirit and intent of the ordinance because: the proposed sign placement within the NHDOT ROW will not be contrary to the spirit and intent of the ordinance because the location will provide a safer situation for motorists. Not placing the sign in the ROW and placing it so far back off the roadway will create a more dangerous situation for motorists.