



**TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT**
8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
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RECEIVED
Town of Durham
JUN 22 2022
Planning, Assessing
and Zoning

VARIANCE

#497^o pd. 4/22
Check #
70798

Prior to seeking a variance, the property owner must have been denied a building permit by the Building Inspector or denied an approval by the Planning Board.

Name of Applicant Slipknot Properties, LLC

Address: 26 Newmarket Road, Durham, NH 03824

Phone # 541-408-0466 Email: sletomd@gmail.com

Owner of Property Concerned same
(If same as above, write "Same")

Address: _____
(If same as above, write "Same")

Location of Property: 15 Newmarket Road
(Street & Number)

Tax Map & Lot number Map 108, Lot 69

A Variance is requested from Article(s) II & XVII Section(s) 175-7 & of the Zoning Ordinance to permit: 175-96.G.4 & 175-96.H

conversion of office space into two hotel suites and installation of signage in the Historic District in excess of six square feet per sign

All applications must include a statement explaining how the applicant meets each of the five (5) statutory requirements for granting a variance, (A) through (E), which are found on page 2. (See page 3 for guidance.) The Zoning Board of Adjustment may consider the variance application incomplete if these five statements have not been addressed. In addition all applications must be accompanied by adequate plans and exhibits.

SLIPKNOT PROPERTIES, LLC
15 NEWMARKET ROAD
APPLICATION FOR VARIANCE
RE: SIGNAGE

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INTRODUCTION

Slipknot Properties, LLC recently purchased the former Town Hall located at 15 Newmarket Road. The applicant seeks to renovate the property into a site that will contain food trucks as well as a “Tap Room” and retail to go into the renovated building formerly housing the Town Hall. Signage for the building has been designed and it comports with the sign ordinance generally, however, because the property is located within the Historic District, the signs are subject to the additional requirement that they each be no greater than six square feet in size. The proposed signage includes a total of six signs, all of which are attached to the wall and in a location determined in conjunction with review by the Historic District Commission. Of the six proposed signs, five are non-conforming as to size within the Historic District, and thus variance relief is required from this Board.

FACTS SUPPORTING THIS REQUEST

1. The variances will not be contrary to the public interest:

Granting the variances will not be contrary to the public interest. To be contrary to the public interest, the variance must unduly and to a marked degree, violate the relevant ordinance’s basic zoning objectives. Here, the basic zoning objective of the ordinance is to ensure that the signage on site will not be excessively large so as to be out of character with the historic nature of the property or the Historic District. Determining whether the basic objective of the ordinance is violated can be measured by whether the variance will alter the essential character of the locality, or by whether it would threaten public health, safety or welfare.

The grant of variance relief to allow for signage in excess of the allowed six square feet will not alter the essential character of the locality which includes a variety of commercial uses, many if not all of which have signage which is subject to Historic District Commission oversight as applicable. The attached images (see Exhibit C) show what the signage will look like on the building and on from various points on the property and clearly will not threaten public health, safety or welfare.

2. The spirit of the ordinance is observed:

Under New Hampshire law, this variance criteria is essentially merged with the “public interest” criteria. As stated above, the spirit of the ordinance is to prevent overly large signs out of character with the historic property and the Historic District. For the reasons stated above, the spirit of the ordinance will be observed if the variance is granted.

3. The values of surrounding properties are not diminished:

Granting the variance to allow five of the signs to exceed the allowed size of six square feet will not diminish the values of surrounding properties many of which consist of commercial operations with their own signage. The proposed scale of the signage in relation to the building and the property, and the fact that it will otherwise be subject to the oversight and approval of the Historic District Commission increases the likelihood that it will enhance and not diminish the value of surrounding properties. The applicant is not aware of any information or evidence that would suggest that the proposed size of the signage will decrease the value of the surrounding properties.

4. Substantial justice is done:

The relevant analysis under this element of the variance criteria is whether the benefit to the applicant of granting the variance will be outweighed by a detriment or loss to the individual or to the public at large. The benefit to the applicant is that the size of the signs will enable patrons on all portions of the property as well as off site to clearly identify what portions of the building contain what services. There is no known detriment to any individual or to the public in allowing the applicant to have five signs in excess of the allowed amount where all other design elements of the signs will be subject to HDC oversight. Accordingly, substantial justice is done by granting the requested variance.

5. Unnecessary Hardship

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:

As shown on the site plan (See Exhibit B), the subject property sits on a lot which is close to an acre in size. The existing building is situated on the southwesterly side of the lot and contains approximately 5,543 square feet on the first and second floor. As shown on the attached images (see Exhibit C), the signs will be positioned on various sides of the building and at various angles, and people reading the signs could be at some distance away on another portion of the lot. Requiring strict adherence to the requirement that each sign be no greater than six square feet means that people using the site will find it more difficult to read the signs from various points on the property.

B. 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 because:

The general public purpose of the requirement that each sign be no larger than six square feet is to ensure that the size of the signs are not out of character with the size and scale of the historic building or the out of character with the Historic District itself. Here, the applicant is working closely with the Historic District Commission to ensure that the design and placement of the signs is appealing and therefore there is a high likelihood that despite the size of the signs, that the overall appearance of the proposed signage will be attractive and in keeping with the Historic

District. As a result, there is no fair and substantial relationship between the purpose of the ordinance and application to the proposal at hand.

C. The proposed use is a reasonable one:

The proposed signage is a reasonable use. While the size of five of the signs exceeds that which is allowed in the Historic District, the design and the placement of the signs on the building will blend nicely with both the building and the site such that that the overall appearance will be attractive. Further, and as stated above, given the size of the building and the lot, it is necessary to have the signs be reasonably large so that people can easily read them. For this reason, the proposed use is reasonable.