

**Village of Hamilton
Zoning Board of Appeals
June 17, 2010
7:00pm
Village Library Community Room**

APPROVED MINUTES

Present: Chairman Michael Clough; Trustee Carl Albrecht; CEO Paul McGinnis; Members: Morgan Davies, Marilyn Upton, Tim Trueworthy.

Public Present: Aaron Robertson and Brian Jenkins, 70 Lebanon St. Property; Bill and Carolyn Todd, residents; LeRoy Hodge and Jeral Forger, Dunkin Donuts/Subway.

Call to Order: Chairman Clough called the meeting to order at 7:00pm

Approval of Agenda: None printed.

Approval of Minutes: Member Upton read the minutes of the July 14, 2009, meeting. Minor changes were requested. A **motion** was made by Member Davies to approve minutes as amended. The **motion** was seconded by Member Trueworthy and carried.

New Business

Request for Area Variance, 70 Lebanon St., R1 District

A site plan was submitted by Brian Jenkins, designed by Joseph J Wissenbach, dated September 12, 1994. This is a corner lot and owner must determine which yard is the front yard. Either yard is not in compliance with the rear setback requirement of 50' or the side setback requirement of 10'. Mr. Jenkins gave a brief overview of project. The owners are requesting to construct a garage with a family room. Member Upton stated the original house was built before zoning ordinances went into effect. The Board is in agreement that the back yard is farthest from Lebanon St. The existing driveway is on Milford St. There is not a garage on existing property. No input has been received from surrounding property owners. Chairman Clough stated this is a unique sized lot with position of existing building. Member Upton stated the owners want to improve their property and really have no other options. Chairman Clough stated being in a business district lessens the impact on the neighborhood. Chairman Clough read the criteria for granting an area variance. Member Davies stated in relation to neighboring properties it would be unjust to impose the setback. All agreed.

A **motion** was made by Member Davies to grant the area variance. The **motion** was seconded by Member Trueworthy and carried.

Chairman Clough stated they must justify their decision.

- 1) property is surrounded on two sides by business district; there is no undesirable change to community.
- 2) the existing structure was built before zoning ordinances, property would not be in compliance

today, this proposed addition maintains the character of the Village.

3) the Board determined the owner has no other alternatives given size of lot without the variance.

Variance from Sign Law, Provision 134-14A(1), 34 Utica St

Jeral Forger and LeRoy Hodge have submitted diagrams of proposed signs for display on the exterior of their building, dated 4/29/10 by KW. Chairman Clough read Provision 134-14A(1). The maximum area of wall sign graphics allows 1 ½ sq. ft for each linear ft of building frontage. The existing building frontage is 76sq ft, the total proposed is 90.5 sq. ft. Mr Hodge stated the Subway and Dunkin Donuts entrances will be on the south side of the building. The existing free standing sign is in compliance and is not at issue. Member Upton questioned if ordinance applies to road frontage or business frontage. Chairman Clough stated frontage is determined by facing a sidewalk, street or public places. Mr. Hodge and Mr. Forger stressed the point that two businesses are being housed in the same building and signage is important. They are using the smallest signs available without having them custom made. Mr. Hodge stated this building is unique in the fact that the entrances are located on the side of the building. Member Davis stated there has been great effort on the business owner's part to minimize the impact of the sign to the surrounding neighborhood. All agreed.

A **motion** was made by Member Trueworthy to approve the request of two signs facing the parking lot. The **motion** was seconded by Member Upton and carried.

Justification of decision is as follows:

- 1) entrance not from the street, but from parking lot, they have 90 linear ft of building which allows for 135 sq. ft of signage, well within the intent of the law.
- 2) endeavors to minimize signage shows good faith.
- 3) the design and size will not negatively impact the neighborhood.

There being no further business to come before the Board, Member Upton made a **motion** to adjourn. The **motion** was seconded by Member Davies and carried. The meeting adjourned at 7:45pm.

Respectfully submitted,

Kim Taranto