

APPLICATION FOR APPEAL

RECEIVED
NOV 03 2021

To:
Zoning Board of Adjustment
Town of Greenville
Greenville, NH 03048

Do not write in this space
Case No _____
Date filed _____
(signed - ZBA)

Name of applicant New Hampshire Signs
Address 66 Gold Ledge Ave Auburn Nh 03032
Owner Country Corner Mile Realty LLC
(if same as applicant, write "same")

Location of property 766 Fitchburg Rd
Map 1 - 47 & 48 (number, street) zoning = commercial / industrial
(map number & lot number, zoning district)

NOTE: Fill in Section 1, 2, 3, or 4 as appropriate. This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate. Sign application at end.

Section 1. APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of zoning ordinance.

Decision of the enforcement officer to be reviewed _____

_____ Number _____ Date _____

article _____ section _____ of the zoning ordinance in question: _____

Section 2. APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the zoning ordinance article _____ section _____

Section 3. APPLICATION FOR VARIANCE

A variance is requested from article 4.5 section E - G - K of the zoning ordinance to permit _____ to allow additional signage on the fuel canopy where only 2 signs are allowed on the property and to allow said signs to be illuminated _____

Facts supporting this request:

1. The proposed use would not diminish surrounding property values because:

_____ see attached _____

2. Granting the variance would not be contrary to public interest because:

_____ see attached _____

3. Denial of the variance would result in "unnecessary hardship" to the owner. The applicant must either meet the criteria of I or II below.

I. Unnecessary hardship means owing to the special conditions of the property that distinguish it from other properties in the area:

a. No fair and substantial relationship exists between the general public purposes of the zoning ordinance provision and the specific application of that provision to the property; and
_____ see attached _____

b. The proposed use is a reasonable one.

_____ see attached _____

II. If the criteria for unnecessary hardship above are not met an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions on the property that distinguish it from other properties in the area, the property cannot be used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it. _____

_____ see attached _____

I. Granting the variance would do substantial justice because:

_____ see attached _____

II. The use is not contrary to the spirit of the ordinance because:

_____ see attached _____

Section 4. APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS

An Equitable Waiver of Dimensional Requirements is requested from article _____
Section _____ of the zoning ordinance to permit _____

1. Does the request involve a dimensional requirement, not a use restriction?
() yes () no
2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town _____


- or -

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bonafide purchaser _____

And how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake _____

3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area _____
4. Explain how the cost of correction far outweighs any public benefit to be gained _____

SIGNATURE

Applicant  PETER MARCH Date 11/2/2021
(Signature)

Variance for additional signs at Country Mile, 758 Fitchburg Rd, Greenville

We are requesting two illuminated signs on a new Canopy on this site where the code allows two signs on the property. The code says:

E. The total number of permitted signs for a single business or industrial and/or commercial lot within the downtown, agricultural, industrial, industrial/commercial, and commercial districts shall not exceed two (2), of which only one (1) may be free-standing and:

G. In addition to the above, one (1) wall sign shall be permitted for each separated business unit. not to exceed twenty-five (25) square feet per unit.

We are also requesting that the sign be illuminated:

K. Artificial illumination of outdoor signs shall be permitted, subject to review and approval of the proposed illuminated sign by the Planning Board.

This business is in the commercial zone and comprises a C Store with an attached NH Liquor store, a separate Diesel canopy with 3 signs totaling 50 sf, and a new Gas Canopy that replaces the old canopy. The old Gas canopy had illuminated signage.

The viability of the station is dependent on the gas component of the business. For gas stations, the name of the site and the price of gas are two critical elements to the success of a station. Signage is extremely important to these businesses. In this case, it is doubly important to identify the gas canopy:

1. There are 2 canopies, gas and diesel; the diesel is identified, this signage serves to identify the gas canopy
2. The canopies are set back off the road, but for these signs, the gas canopy would not be identified either during the day, or more importantly, at night.

The fueling portion of the Site (gas and diesel canopies) had 114 sq ft of signage (please refer to Table A)

We are asking to apply the signage from the Old Gas Canopy (64 sq ft) to the new canopy in the form of Country Mile signage (58 sq ft). This would result in a reduction of the aggregate signage on the fueling portion of the site from 114 sq ft to 108 sq ft.

Allowing the signs has little or no negative effect on the area but will:

- a) Enhance the owner's chance of success substantially
- b) improve traffic flow and traffic safety.

1) Granting this variance would not be contrary to the Public Interest

This site offers consistently cheaper gas to the public than the branded sites; identifying the brand is a key element of this. The site is being remodeled to provide better and easier access and less congestion; the old Gas canopy was in front of the store and led to congestion and traffic issues. The new layout will reduce congestion and confusion, but the gas canopy needs

to be identified. The site is open from 8 am to 9pm; this includes 4 or 5 hours of darkness in the winter.

The public interest is served by:

- a) Allowing businesses to identify different elements of their offering
- b) Maintaining the viability of this site.
- c) Attracting people that drive by and direct them to the correct area of the site.

2) The proposed use will observe the spirit of the ordinance:

The Zoning Ordinance is designed to promote the health, safety, convenience, and general welfare of the Town by encouraging the appropriate and wise use of land in Greenville

Specifically, the Ordinance is designed to provide adequate provisions for transportation and to secure public safety.

The ordinance clearly does not account for a site like this with more than one distinct operation or use; in this case, the site is a C Store, Liquor Store, Diesel and Gas fueling site.

These signs provide clear identification of a distinct part of this business to traffic travelling on Fitchburg Road.

The changes:

- a) Make the site identification easy to read
- b) Make this canopy distinct from the store and the diesel fueling stations.
- c) Promote public safety

3) Substantial Justice would be done to the Property owner by granting the Variance:

The investment in the upgrades to the site are significant. There are no other reasonable alternatives to identify the Gas canopy other than to add the modest signage we are proposing. It is necessary to identify the Gas canopy for traffic purposes as well as promotional reasons.

Adding signage will ensure that the owner's investment is capitalized on. Additionally, the old canopy was allowed 2 sets of Haffner's letters

4) The proposed use will not diminish the values of surrounding properties:

The investment in the site will have a positive effect on the area.

The signs, which replace other older signs, will logically not influence property values.

5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

A site of this complexity, with this many distinct operations cannot have been considered when the code was written, as the code would limit it to a single sign in addition to the ID Sign. It is assumed that the signs on the old Gas canopy were permitted, and we are merely looking to replace them.

Granting this variance will be unique to this site in this specific vicinity; no other business in this area has this many distinct operations, each in need of signage. We request the boards favorable attention.

Table 1: Existing, Previous or Proposed Signage

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Building (remains)	<u>h (in)</u>	<u>w (in)</u>	<u>Total Sq Ft</u>		
Cigarettes	48	144	96		
State Agency	60	308		257	exempt
Country Mile- facing DD	48	192	128		
Country Mile- Front right	24	114	38		
		Total	262		
ID Sign (remains)	78	120	130		
Gas Canopy (old)	<u>h (in)</u>	<u>w (in)</u>	<u>Total Sq Ft</u>		
Haffners (2)	34	120	57		
Oval Jenny (1)	24	46	8		
		Total	64		
Diesel Canopy (remains)					
Haffners (1)	34	120	28		
Diesel (1)	20	100	14		
Oval Jenny (1)	24	46	8		
		Total	50		
		Total Previous	114		
Total New					
Gas Canopy (new)	<u>h (in)</u>	<u>w (in)</u>	<u>Total Sq Ft</u>		
Country Mile	24	173	58		
		Total	58		



To whom it may concern:

This letter authorizes Indaba Holdings, dba NH Signs of 66 Gold Ledge Ave., Auburn, NH, to act as an authorized agent for COUNTRY CORNER MILE REALTY LLC property owner of 758 Fitchburg Rd, Greenville, NH 03048 with respect to the submission of applications for sign permits, sign waiver requests, variances, or other permit related documents to the Town of Greenville NH

As an authorized agent of the owner, NH Signs is allowed to sign and submit all forms necessary for the aforementioned application.

Date: 8/31/21

Regards,


Signature

LLC MANAGER
Title

173.00"

24"

INTERNALLY ILLUMINATED (LED)
CHANNEL LETTERS. WHITE TRIM CAP
AND WHITE ALUMINUM RETURNS.
4" +/- LETTER DEPTH

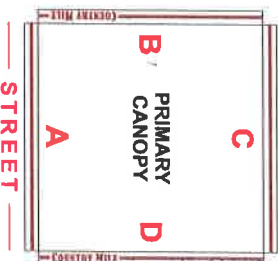
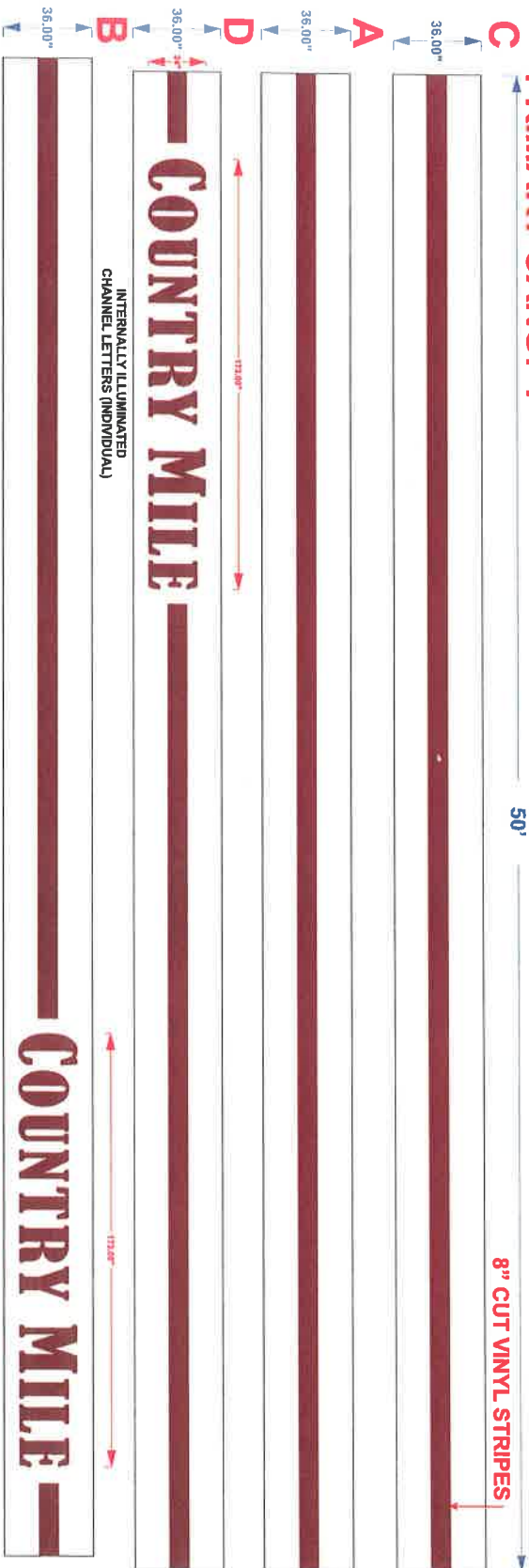
COUNTRY MILE

COUNTRY MILE

PRIMARY CANOPY

50'

8" CUT VINYL STRIPES



DESIGN • MANUFACTURE • INSTALL • SERVICE
nhsigns.com • 603.437.1200
 66 Gold Ledge Avenue, Auburn, NH 03032
 FAX 603.437.1222

CLIENT: COUNTRY MILE CONVENIENCE
 LOCATION: GREENVILLE, NH
 DATE: 7.26.21
 DESIGNER: I Sample
 ACT. REF: DAN HUTCHINS

BY: [Signature] DATE: / / 16

REVISION	NOTES	BY	TYPE
1	8.13.21		
2	8.31.21		
3			

MORE INFORMATION
 SINGLE REQUEST FOR
 FINAL DRAWINGS
 ALSO INCLUDE:
 PRINTS / PRODUCTION
 MAJOR HOLDINGS
 HIS SERVICE AGREEMENT, THE CONTRACT, THE SUPPLEMENTAL AGREEMENT,
 AND SCOPE OF WORKS. PLEASE CONTACT US FOR MORE INFORMATION.

