



**TOWN OF DURHAM
ZONING BOARD OF ADJUSTMENT**

8 NEWMARKET RD
DURHAM, NH 03824
PHONE: 603/868-8064
www.ci.durham.nh.us

fees \$379
1082
Paid 11/6/23

VARIANCE

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: Same
(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) XVII Section(s) 176-96.G.4 & 175-96.H of the Zoning Ordinance to permit: Installation of signage in the Historic District in excess of six square feet

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. 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.

Owner Authorization and Signature:

1. I/we do hereby authorize Owner to file this application with the Zoning Board of Adjustment, to appear before the Board and to act on my/our behalf.
2. I/we do hereby authorize members of the Zoning Board of Adjustment and/or staff to enter upon the property on the afternoon prior to the Zoning Board meeting for purposes of reviewing this application.
3. To the best of my/our knowledge the information contained in this application is complete and accurate.

Owner's Signature(s): Lawrence Scott Letourneau Date: 10/5/2023

Date: _____

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

INTRODUCTION

Slipknot Properties, LLC converted the former Town Hall located at 15 Newmarket Road into a multiple-use set of businesses. The centerpiece and anchor of the project is the restaurant and craft beer taproom Tideline Public House.

The Zoning Board and Historical District Commission have previously approved a signage package which has been in place since approximately April, 2023. All of the existing signage is building-mounted, and 4 out of the 6 signs are either on the rear of the building or on the Salt Shed and are not visible from Newmarket Road. In addition, the word "Tideline" is not present in any of the signage facing Newmarket Road. The Applicant has received a great deal of feedback from customers who are confused about the location and nature of the business due to inadequate signage and due to the fact that nearly all of the outdoor activity is behind the building and not visible from Newmarket Road.

The applicant proposes installation of a single ground-mounted 45" x 45" (14.06 sf) two-sided sign with a matte finish identical in style and materials to the existing sign just outside the rear entrance. It will be mounted between two white 6" x 6" capped posts and lit with ground mounted lighting shielded to prevent glare. Lights to be on a timer set to turn off within an hour of the close of business. The location would be in the grassy area to the right of the main entrance as seen from Newmarket Road.

This sign 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.

Applicant also proposes to hang from the bottom of the sign an additional 5" x 32" (1.11 sf) rotating message sign (Examples: "GIFT SHOP", "LIVE MUSIC TONIGHT", "TRIVIA TONIGHT", "INDUSRTY NIGHT TONIGHT", "OYSTER SPECIAL TONIGHT").

The proposed sign (15.17 square feet total) is 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 of which have signage which is subject to Historic District Commission oversight as applicable. The attached images show what the signage will look like 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 an additional sign 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 new signage will enable patrons, especially those travelling in both directions on Newmarket road, to clearly identify the business as *Tideline* Public House and that it is primarily a craft beer and dining establishment.

There is no known detriment to any individual or to the public in allowing the applicant to have additional signage 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:

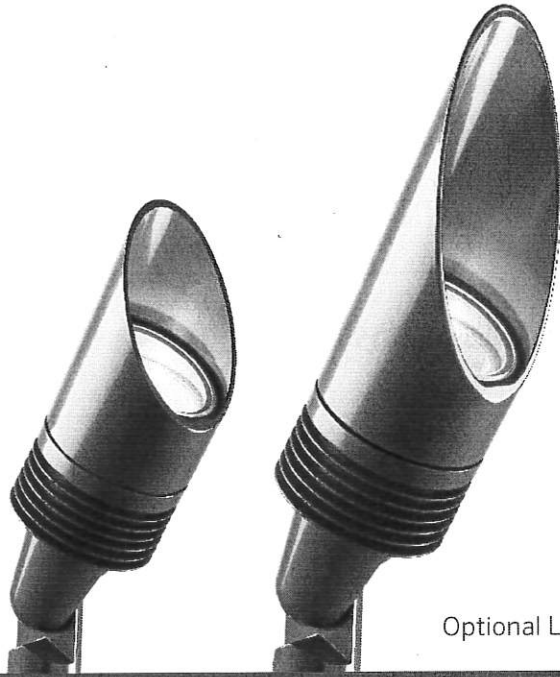
The existing signage facing Newmarket Road does not clearly identify the business as "Tideline". Further, requiring each sign be no larger than six square feet in area would render the sign unreadable by members of the public travelling by in vehicles.

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 continues to work closely with the Historic District Commission to ensure that the design and placement of the sign is appealing and therefore there is a high likelihood that despite the size of the sign, 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 the sign exceeds that which is allowed in the Historic District, the design and the placement of the sign will blend nicely with both the building and the site such that that the overall appearance will be attractive. Further, 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 and to match the scale of the size of the building and property. For this reason, the proposed use is reasonable one.



Optional Long Shroud

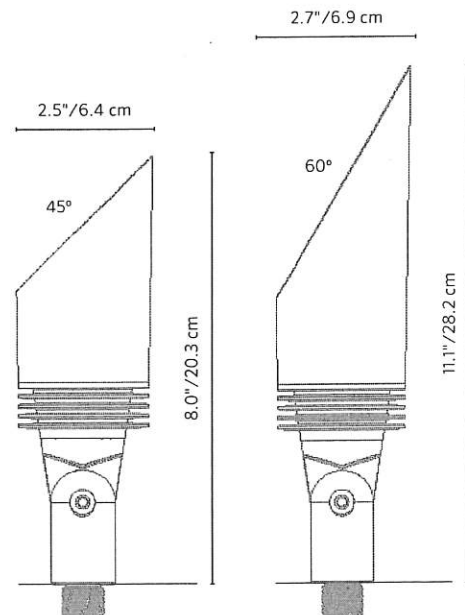
PROJECT
CATALOG #
TYPE
NOTES

NP Up Light DESIGNER PLUS

Expertly engineered with 45° or 60° shroud options to illuminate a variety of spaces in 1, 3, 6, or 9 LED. An RGBW version is also available for use with LuxorZDC systems.

Quick Facts

- Die-cast aluminum
 - Two-layer marine-grade anodization and powder coat finish
 - Cree® integrated LEDs
 - ProAim™ adjustability
- Tamper-resistant features
 - Color temperature filters
 - Compatible with Luxor® technology
 - Phase and PWM dimmable
 - Input voltage: 10-15V



Proposed Light Fixture x 2

Details:

Main sign 45"x45"x2" High Density Urethane.
Sign 80" tall to grade, 35" bottom of sign to grade.

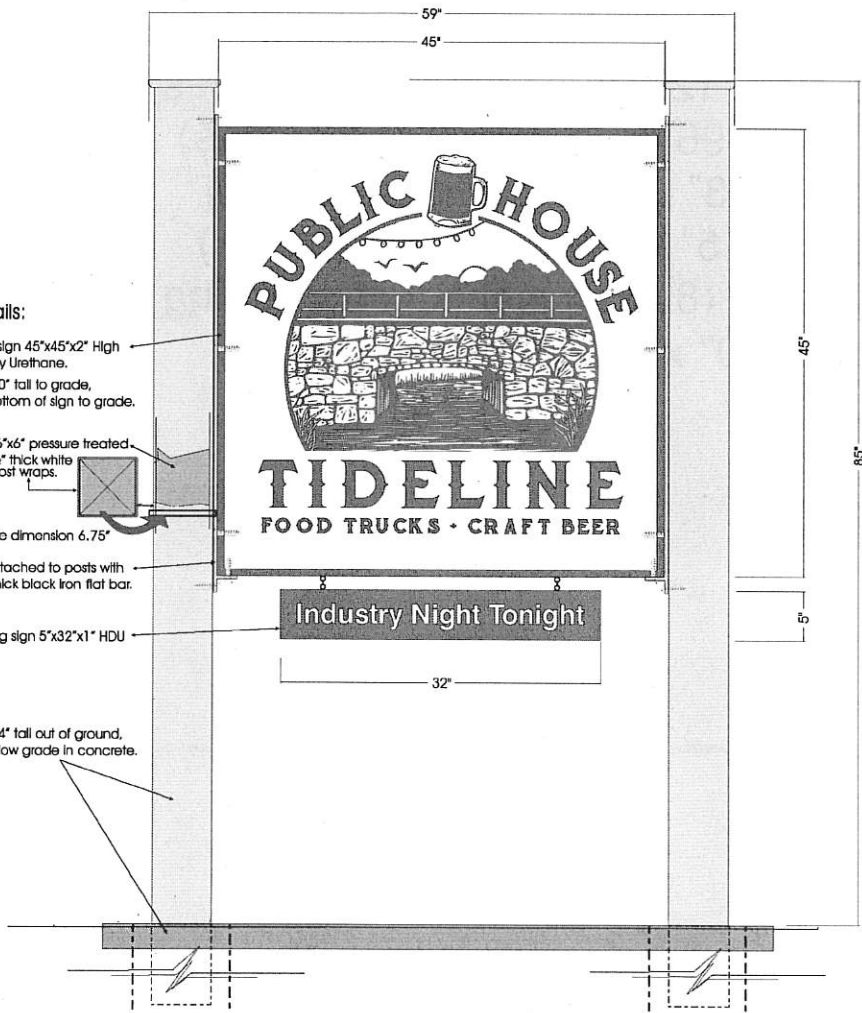
Posts 6"x6" pressure treated with 1/2" thick white pvc post wraps.

Outside dimension 6.75"

Sign attached to posts with 1.4" thick black iron flat bar.

Hanging sign 5"x32"x1" HDU

Posts 84" tall out of ground, 36" below grade in concrete.



Client:
Tideline Public House

Job Location
Durham

Date
10/4/2023

Job Details
Double-sided freestanding sign

Approved By

Date of Approval



SUMMIT SIGNS

64 Kingston Road Exeter NH 603-329-9484
summitsigns.net mike@summitsigns.net

Existing Building Mounted Signs

Public House Front: 120" x 20" (2,400 sq inches)

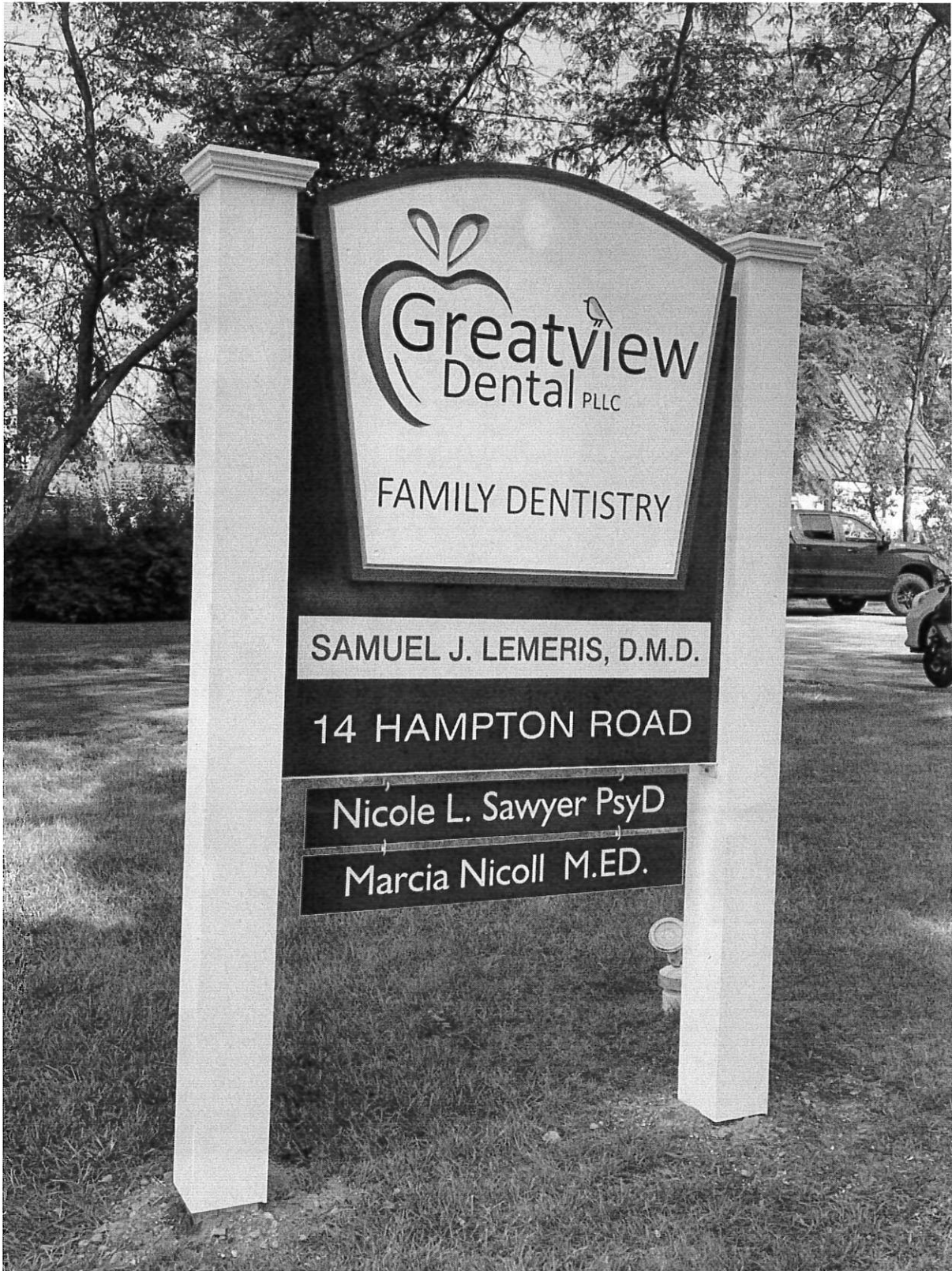
Public House Back: 96" x 16" (1,536 sq inches)

Mercantile Front: 103" x 20" (2,060 sq inches)

Mercantile Back: 82.5" x 16" (1,320 sq inches)

Salt Shed: 59" x 14" (826 sq inches; conforming)

Square logo sign: 40" x 40" (1,600 sq inches)



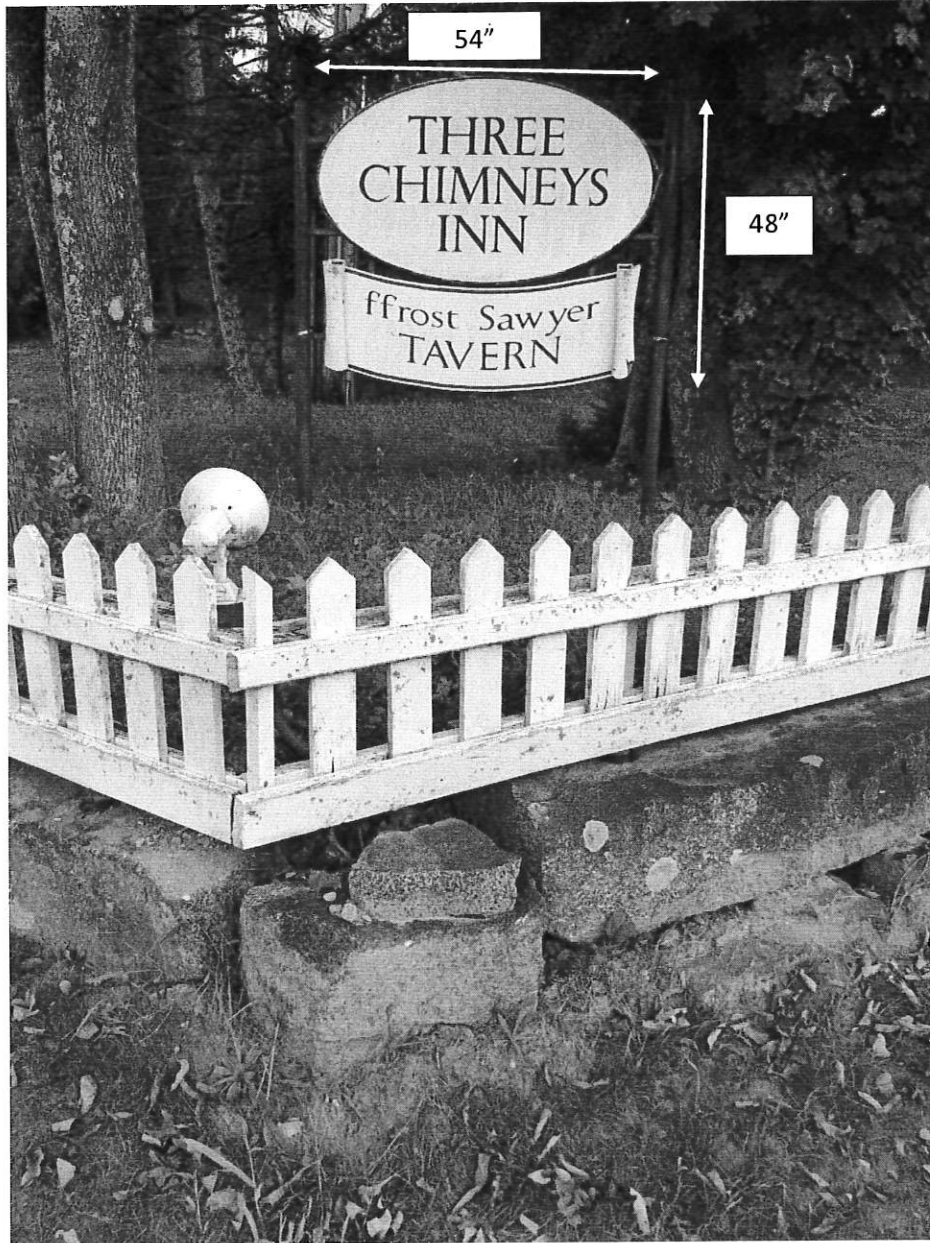
POST DETAIL

Nearby Sign for Comparison

Top of sign 88" above sidewalk

sign 54" x 48"

62" outer post to outer post





TOWN OF DURHAM
8 NEWMARKET RD
DURHAM, NH 03824-2898

AUDREY CLINE
Zoning Administrator
Code Enforcement Officer
Health Officer

TEL: (603) 868-8064
acline@ci.durham.nh.us

Decision or Order of the Building Inspector/Code Enforcement Officer

175-12. Administrative Appeals.

Any person who believes that the Zoning Administrator has made an error in the interpretation or application of the provisions of this Ordinance, may appeal such determination to the Zoning Board of Adjustment as an administrative appeal under the provisions of Section 175-19. If the Board finds that the Zoning Administrator erred in his/her interpretation of the Ordinance, it shall modify or reverse the decision accordingly.

175.19. Powers and Duties

B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and may make such order or decision as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

Applicant: Tideline Public House/Tideline Mercantile, 15 Newmarket Road, Durham NH 03824

Date of order: 10/16/2023

Deadline for application for appeal: 11/25/2023

Decision or Order of the Building Inspector/Code Enforcement Officer:

Sign Permit dated 6/21/2022 for businesses located at 15 Newmarket, Durham, is DENIED as the proposal does not meet the requirements under Durham's Zoning Ordinances below:

ARTICLE XVII DURHAM HISTORIC OVERLAY DISTRICT

175-96. Standards for Review.

G. Signage – Design Standards. The following design standards shall apply to all signs that are subject to review by the Historic District Commission (per Subsection 175-94 Purview of Board)

4. Size and shape.

a. Signs shall not exceed 6 square feet

And:

H. Signage – Other Provisions.

1. The maximum size for any sign in the Historic District, including temporary signs, is 6 square feet.

By Durham's Building Inspector/Code Enforcement Officer:



Audrey Cline CEO

