



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision - DENIAL** **Request for Variance – Canopy Sign** **Bunamus, LLC: Celeste Burns, Mgr.** **Tax Map 52, Lot 27**

**February 3, 2021**

**Applicant:** Bunamus, LLC  
Celeste Burns, Manager  
26 Driftwood Drive  
Moultonborough, NH 03254

**Location:** 967 Whittier Highway, Moultonborough, NH (Tax Map 52, Lot 27)

On February 3, 2021, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Bunamus, LLC (hereinafter referred to as the "Applicant" and/or "Owner") for a Variance from sections 5.3.2, 5.4. & 7.5.1 of the Moultonborough Zoning Ordinance (MZO) to allow for an LED Fuel Price Sign where LED lighting is not allowed, a sign illuminated with LED's on the gas canopy and to increase the existing non-conforming area of the freestanding sign by 3 sq ft. on a parcel located in the Commercial Zone C and the Village Center Overlay District (VCOD).

Based on the application, testimony given at the hearings, and additional documentations, the Board hereby makes the following findings of fact for

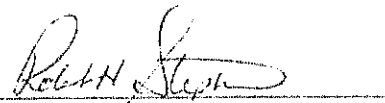
- 1) The property is located on 967 Whittier Highway (Tax Map 52, Lot 27).
- 2) The applicant is the owner of record for the lot.
- 3) The applicant was represented at the Public Hearing(s) by Peter March; N.H. Signs
- 4) The lot is located in the Commercial Zone C Zoning District, the Ground Water Protection Overlay District, and the Village Center Overlay District (VCOD).
- 5) On February 3, 2021, the Public Hearing was continued to March 3, 2021.

- 6) The Applicant's agent submitted a revised application on February 17, 2021, in which they clearly identified the two requests for Variance's separately (Freestanding Sign not increasing in area and Gas Canopy Sign).
- 7) This Variance is for relief from MZO sections 5.3.2 and 5.4.4 to allow for an externally illuminated single Mobil logo (sign) 12.75 square feet on the Canopy, with said sign to be lit with external LED illumination where LED lighting is not allowed.
- 8) MZO Section 5.3.2 Commercial Business Signs. A Commercial site is allowed two (2) advertising sign boards on the property where the business is located based on the following:  
B. Additionally, each business may display a business identification sign externally on the building and such sign shall not exceed 16 square feet.
- 9) Mr. March suggested that the gas canopy be recognized as a building, therefore the sign is allowed, and they are seeking relief for the sign to be externally illuminated with LED's on the gas canopy.
- 10) Members questioned if there was signage on the gas pumps identifying the brand.
- 11) Members questioned the size of the proposed Mobil logo.
- 12) Two members of the public spoke in opposition of the Variance request.
- 13) Granting the Variance would be contrary to the public interest as the Board felt that the Mobil logo (sign) would alter the essential character of the neighborhood (VCOD) on a permanent basis and not be in keeping with the vision for the village.
- 14) Granting the Variance would not be consistent with the spirit of the Ordinance for the same reasons as Criteria 1 contained above in #13 above.
- 15) By granting the Variance, substantial justice would not be done because the loss would be greater to the public and the VCOD overall because it would be allowing something that would be going against what the village vision is.
- 16) Granting the Variance does not diminish the value of surrounding properties because the proposed Mobil logo sign will be displaying the same information on the Gas Canopy.
- 17) There is a fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision in denying the additional signage on the Gas Canopy because the Town has expressed a specific motif and character vision for the village. No Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there is already signage on the site, as well as a reasonable use of the property.

On February 3, 2021 the Board voted by a roll call vote of five (5) in favor (St. Peter, Jenny, DeMeo, Bickford, Stephens) and none (0) opposed, to deny the request for a variance from sections 5.3.2 and 5.4.4 to permit a 12.75 square foot sign, and LED illumination of said sign for Bunamus, LLC, Tax Map 52, Lot 27 as it was the opinion of the Board that four of the five criteria did not meet the statutory requirements for the granting of a variance as requested. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next Zoom meeting.

The Board of Adjustment, on April 7, 2021, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, St. Peter, Jenny, DeMeo, Poloian) and none (0) opposed.

The decision made to deny the variance on March 3, 2021, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date: April 7, 2021

cc. Map Lot Document File  
Don Booth, NH Signs (by email only at [permitnow@gmail.com](mailto:permitnow@gmail.com))