

**Town of Milford  
Zoning Board of Adjustment Minutes  
November 4, 2010  
Contemporary Chrysler  
Case #32-10  
Variance**

Present: Steven Bonczar  
Kevin Johnson  
Fletcher Seagroves  
Zach Tripp

Absent: Katherine Bauer – Board of Selectmen’s representative  
Steve Winder  
Laura Horning  
Michael Unsworth - Alternate

Secretary: Kathryn Parenti

The applicant, Contemporary Chrysler Dodge Jeep, along with 320 Elm Street Realty, owner of 320 Elm Street, Map 16, Lot 4-1 in the Commercial “C” district, is seeking two (2) variances to the Milford Zoning Ordinance Article VII, Section 7.06.7:E.2 (Wall Signs). Case #34-10 is to allow a total of approximately 90 square feet of wall sign area where 27.5 square feet is allowed; Case #32-10 is to permit five (5) wall signs where one (1) is permitted.

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Steve Bonczar, Chairman, read the notice of hearing into the record as well as the list of abutters; David Hammer of Contemporary Chrysler and JD Iles of Jutras Signs, were present. He then invited the applicant forward to present his case.

S. Bonczar stated this case was similar to the previous case, #34-10 and he didn't want the applicant to have to repeat himself. He noted the square footage was made up of five (5) signs. The signs on the building facing the street will be removed and placed on the side where the entrance is. The total square footage of the signs will be ninety (90) square feet.

D. Hammer stated he had brought a copy of the brand book that noted all the requirements for the rebranding of the business, in more detail.

S. Bonczar asked the board if they had any questions.

Z. Tripp asked if the franchise agreement required the signs to be all individual signs or could they be combined down to three (3) signs. He also asked if they would be precast.

D. Hammer replied they had to be separate and stated JD Ilse of Jutras Signs was present to answer any questions on the individual signs or the sign package. He said the agreement was just about written in stone; the brands are individual and each logo is slightly different than before.

JD Ilse stated the sign package is standard throughout the country. They are doing the same package in Manchester in about three (3) weeks and all Chrysler dealers in the country are doing the exact same thing. The contract with the principal group does not allow any deviation; it is very controlled.

S. Bonczar stated each town and municipality has their own rules and the franchisee can't be made to do anything that violates town ordinances. He asked if there were any comments or questions from the board. There were none so he opened the meeting to public comment; there was none so he closed that portion of the meeting and asked the applicant to go through the criteria for a variance.

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

D. Hammer stated he was relocating the existing wall signs. The total square footage of the new wall signs is approximately ninety (90) square feet. This includes the Contemporary, Chrysler, Dodge, Ram, and Jeep signs. The change is required due to a new franchise agreement with Chrysler Group, LLC.

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

D. Hammer replied the total square footage of the signs remains under the allowed one hundred (100) square foot limit. The signs are required to accurately reflect the brands sold and they will be relocating the existing wall signs and not adding any new ones.

**3. Granting the variance would do substantial justice because:**

D. Hammer stated Contemporary is a long standing business in the Milford community. It is obligated under its franchise agreement with Chrysler to make these modifications. Granting the variance will allow Contemporary to continue on its current successful path.

**4. The proposed use would not diminish surrounding property values:**

D. Hammer stated the requested sign area remains under the one hundred (100) square foot limit. The variance is to allow five (5) individual signs so that all brands represented may be displayed. The overall project will enhance the existing facility and surrounding properties.

**5. Denial of the variance would result in unnecessary hardship.**

**A). "Unnecessary hardship means that, owing to special conditions of the property that distinguish it from other properties in the area:**

**i). 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:**

D. Hammer stated the requested sign area is approximately ninety (90) square feet, less than the one hundred (100) square foot limit. A variance is required because the total of five (5) wall signs are requested. Three (3) of five (5) signs represent existing wall signs that are being relocated. The request falls within the spirit of the ordinance.

**ii) and; The proposed use is a reasonable one because:**

D. Hammer replied the sign area is within guidelines. The additional sign count allows for proper and accurate representation of all brands sold at Contemporary. Three (3) of the five (5) requested signs are existing signs being relocated from the side of the building that abuts the road.

**B) If the criteria in Section (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance. A variance is therefore necessary to enable a reasonable use of the property because:**

D. Hammer stated the variance would allow five (5) wall signs, one (1) each for Contemporary, Chrysler, Dodge, Jeep and Ram. The requested sign area is less than one hundred (100) square feet, which is permitted under the ordinance. Contemporary is required under its franchise agreement to complete this modification.

S. Bonczar asked the board if they had any additional questions or comments; they did not so they proceeded to discuss the criteria for a variance.

**1. Would granting the variance not be contrary to the public interest?**

K. Johnson felt there was no way the variance would be contrary to the public interest; there would be no harm to the public by allowing five (5) signs.

F. Seagroves agreed; the total sign square footage could be one hundred (100) square feet and the applicant is using ninety (90) square feet. He thought the proposed signage looked good.

Z. Tripp agreed; the proposed signage looks better.

S. Bonczar agreed for the same reasons. It is not contrary, does not violate the spirit of the ordinance which is written to reduce the clutter of a lot of wall signs.

**2. Could the variance be granted without violating the spirit of the ordinance?**

Z. Tripp stated this was a more difficult question as the ordinance spells out one (1) sign is allowed. The applicant currently has three (3) signs and wants to increase it to five (5) signs. To judge the spirit of the ordinance, one must take into consideration of the purpose and intent of the ordinance. He read from Article VII, Section 7.06.1: "*A. The purposes of these sign regulations are to: 1. Encourage the effective use of signs as a means of communication in the Town of Milford; 2. Retain the Town's ability to attract and encourage economic development and growth; 3. Improve pedestrian and vehicle traffic safety; 4. Respect the environment; 5. Address new technologies; 6. Minimize potential adverse effects of signs on nearby public and other private property; 7. Complement the character of the zoning districts' existing land uses, including, without limitation, the Oval Sub-District's central role in the social, political and economic life of the Town; and 8. Enable fair consistent enforcement of the sign regulations.*" He felt the five (5) signs satisfy all eight (8) of the conditions and would not have any adverse affect on the spirit of the ordinance.

K. Johnson reiterated the purpose and intent of the ordinance is to encourage the effective use of signs and more. He read from Article VII, Section 7.06.1:B: "*It is further intended that this Article will help the Town in its efforts to protect the safety and welfare of the public, implement the Town's Master Plan and reduce potential visual clutter by*

*encouraging the effective use of signs.*” He looked at other signs in the area and the felt the request would be a more effective way of communicating the brands and would reduce the clutter. If they limited it to a single sign, it would be not work as these are recognizable trade marks. He believed granting a variance for five (5) signs will be well within the spirit of the ordinance. If they adhered to the ordinance and put all of the signs on the side facing the road, it would have a much worse visual impact.

F. Seagroves agreed; it would look much better than one (1) sign.

S. Bonczar agreed for all the reasons stated.

### **3. Would granting the variance do substantial justice?**

F. Seagroves agreed; he didn’t see any substantial justice being done if this request was denied. He read from The Handbook: *“Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.”* He didn’t see where the public would gain if this was denied. He believed the new signage would look good.

K. Johnson agreed; there would be no gain to the public by forcing all of the information to be on one (1) large sign.

Z. Tripp agreed.

S. Bonczar agreed; denial of the request would be an injustice, as stated by the board.

### **4. Could the variance be granted without diminishing the value of abutting property?**

Z. Tripp stated there would be no diminution of property values if this was granted. The number of signs would not negatively impact the public.

F. Seagroves agreed; there would be no decrease in value.

K. Johnson also agreed; this will have no affect on abutting properties.

S. Bonczar agreed; five (5) signs versus one (1) sign would cause no diminution to property values.

### **5. Would denial of the variance result in unnecessary hardship taking the following into consideration:**

**A) i. 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;**  
**ii. The proposed use is a reasonable one.**

**B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

K. Johnson stated denial of the variance would be a hardship. It is reasonable for there to be signs for the individual logos and the name of the business. He looked at other businesses in the area with similar signage and to restrict the applicant to one (1) sign would not serve any general public purpose of the ordinance. He felt B. was not necessary.

F. Seagroves agreed; it would be a hardship to put up one (1) sign versus the five (5) the applicant is asking for. The serves the purpose better because of the layout of the building.

Z. Tripp agreed; having the applicant make five (5) individual signs into one (1) would be a hardship. This is a reasonable request and would look better. The requirements of A have been met and B is not needed.

S. Bonczar agreed; the purpose of the ordinance as applied to this request would require a single sign; that is the hardship. The use is a reasonable one and the request meets criteria

A. The characteristics of the building, with multiple frontages makes it unique. It would not be reasonable to force the applicant to follow the ordinance; it would be a hardship.  
S. Bonczar asked if there were any additional comments; there were none so he stated after reviewing the petition and after hearing all of the evidence and by taking into consideration the personal knowledge of the property in question, he called for a vote.

**1. Would granting the variance not be contrary to the public interest?**

F. Seagroves – yes    K. Johnson – yes    Z. Tripp – yes    S. Bonczar – yes

**2. Could the variance be granted without violating the spirit of the ordinance?**

K. Johnson – yes    Z. Tripp – yes    F. Seagroves – yes    S. Bonczar – yes

**3. Would granting the variance do substantial justice?**

Z. Tripp – yes    F. Seagroves – yes    K. Johnson – yes    S. Bonczar – yes

**4. Could the variance be granted without violating the spirit of the ordinance?**

F. Seagroves – yes    K. Johnson – yes    Z. Tripp – yes    S. Bonczar – yes

**5. Would denial of the variance result in unnecessary hardship taking the following into consideration:**

**A) i. 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;**

**ii. The proposed use is a reasonable one.**

**B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.**

K. Johnson – yes    F. Seagroves – yes    Z. Tripp – yes    S. Bonczar – yes

S. Bonczar asked if there was a motion to approve case # 32-10, a request for a variance.

K. Johnson made the motion to approve Case #32-10, with the above mentioned condition.

F. Seagroves seconded the motion.

**Final Vote**

Z. Tripp – yes    K. Johnson – yes    F. Seagroves – yes    S. Bonczar – yes

S. Bonczar reminded the applicant of the thirty (30) day appeal period.