

**City of Sanford
Zoning Board of Appeals**

The Sanford Zoning Board of Appeals scheduled a meeting on Monday, June 10, 2013 at the Sanford City Hall. The meeting was called to order by Mark Patterson at 7:05 P.M

Members Present: Mark Patterson
Kimberly Stewart
Naila Aslam-Khan
Jane Bowker
Paul Demers
Joel Plourde

Members Absent with Notice: James Wendel

Representing Code Enforcement: Shirley S. Sheesley, Chief Code Enforcement Officer.
Jamie Cole, Code Enforcement Officer.

Applicant: Site Enhancement Services for Advance Auto Parts,
Patrick Huyge

The ZBA meeting commenced with the Pledge of Allegiance.

Minutes were approved for May 10, 2013.

Next, the administrative appeal of Site Enhancement Services for Advance Auto Parts, 1105 Main Street, Map K36, Lot 3 of Sanford, ME 04073.

The appellant was represented by Patrick Huyge.

With no conflict of interest from the appellant or the ZBA board members, the Chairperson called upon the Code Enforcement Officer to give a brief statement as to what gave rise to the appeal and the basis for it.

Shirley gave basis for the appeal on the denial of a sign permit for Advance Auto Parts of Sanford. Her calculations of the square footage for the sign(s) application exceeded the limit allowed.

The appellant, Patrick Huyge, announced he was representing Advance Auto Parts. A letter from Advance Auto Parts confirmed same.

His relief is based on the Code Officer incorrectly including the red façade area around the lettering of the sign during her calculation.

In demonstrating to the Board, Mr. Huyge pointed out that the red box known as a panel or cabinet was separate from the lettering and should not have been included in the calculation.

Mr. Huyge presented the Board with copies of the existing signage alongside the proposed signage. He noted that the proposed sign measured 60 sq. ft. and was within the limit for the SB zone. The only thing that illuminates is the lettering and not the red panel which is installed by another contractor, not the sign contractor. Hence, the red paneling is the branding for Advance Auto Parts and not the result in creating a border for the lettering. They are two different items.

Mark asked the appellant about the free standing sign on the road.

Mr. Huyge responded indicating that the cabinet housing the sign was illuminated and measured 5' x 12' for a total sq. footage of 60 sq. ft.

The appellant confirmed that the total of all signs was within the allowable sq. footage of 288 sq. ft., or hence, a total of 222 sq. ft.

Joel asked the appellant if the signs on the building were for advertising.

The appellant responded stating the red area was part of the architectural finish to the building and not part of the signage, again referring to the Company's branding.

When asked if it was intended to attract customers the appellant responded "yes", it is a part of their branding. Mr. Huyge confirmed, once again, that the only thing that illuminates is the lettering. The lettering is attached to the panel through to the wall.

Joel suggested they review the definition of a sign.

Next they discussed with the appellant, a temporary sign indication "coming soon". The appellant referred to it as a construction sign referring to the definition as stated in the ordinance. It must be removed after 10 days.

With no further questions from the Board, Mark invited Shirley to give her rebuttal.

Shirley handed out copies of the ordinance so the Board and appellant could follow along. Parts were highlighted in order to assist in viewing.

Shirley indicated that when reviewing an application she looks for completeness and compliance. On this particular application she did not view any measurements for the lettering so she included the red box in her calculations. Shirley stood on the ground that the red box is part of the signage as the box is raised above the roof level of the building. This was followed by reading the definition of a sign (Section 280-5 subsection B) along with the "face" definition.

Shirley went on to explain the error in the initial application putting the signage in the SB zone (Suburban Business) allowing a total of 120 sq. ft. The error was caught by the Code Enforcement Officer correcting the location to the UB zone (Urban Business) thus reducing the sq. footage to a total of 60 sq. feet.

Under the mythology presented by Shirley, the applicant is allowed two free standing signs (where the building fronts on two different streets) of 60 sq. ft each or a total of 120 sq. ft. The applicant is allowed 168 sq. ft. for signage on this property.

Next, Shirley described the ordinance regarding temporary signage, banners, etc., etc. The Codes Officer did not consider the temporary signage as a construction sign but more as an advertising sign.

Questions from the Board with the appellant centered around the lettering without the red box being included.

Shirley reminded the Board that since this was an administrative appeal she wanted the opportunity to rebut anything presented before the Board deliberated.

Paul questioned the signage for Auto Zone and what zone they were in.

Shirley responded indicating they were in the SB (suburban business) zone. Hence, they were allowed more sq. feet for their signage.

Paul asked Shirley if the appellant had to put his allotted signage on the two different streets because it is a corner lot. Shirley said there was nothing in the ordinance that said they had to.

The Chairperson asked if there were any people in the audience that wanted to speak in favor or who might be opposed toward the appeal.

Bill Kenney spoke up stating he had no objection to the signage.

Appellant stated that the red box does not project above the roof line stating again that this is an architectural feature. He initially submitted documents for SB zone and was only told afterward that it was in the UB zone.

Mark asked the appellant if this had gone through site plan review. The appellant answered "yes". The appellant confirmed his role as contractor for signage only.

Paul read the definition of a sign to the appellant with emphasis again on the design and symbol as outlined in the definition as all inclusive. He asked the appellant if he agreed.

Mark gave an example of architectural design to attract business like the carwash with a red roof.

Jane inquired as to the red paneling and how that was attached to the building.

The appellant noted that the building itself was made of brick. The panels are drilled to the brick and the signage is drilled within the panel directly to the brick wall.

Shirley added clarity to the original permit application explaining in detail as to how she calculated the total sq. footage using the box around the lettering and without the box. Bottom line, the applicant is still over the total permitted sq. footage for signage.

Mark asked Shirley if she expected the Board to make a decision on the appeal (or) give instructions to the appellant on how they should proceed.

Shirley reminded the Board that this was an administrative appeal and they should decide if the Code Officer made an error in the denial of the permit or misinterpreted the ordinance. She also clarified how the mistake with zoning came in after the application for signage came in with the wrong map and lot number.

With no further comments from Shirley or the appellant, Mark closed the meeting to the public to deliberate with the Board members prior to taking a vote.

You may review the "Findings of Fact" dated June 10, 2013 and made a part of the above minutes.

Old Business:

None

New Business:

Jane made the motion to table the By-Laws for the next ZBA meeting. The motion was 2nd by Naila and the Board voted 6-0 to accept.

The Board recommended that the Planning Board should review the sign ordinance to consider a more uniform ordinance. Shirley commented that the Planning Board was scheduled to meet on the 16th and will receive a copy of the Findings of Fact prior to their meeting.

A motion was made by Jane to adjourn. The motion was seconded by Kim and the Board adjourned at 9:08 P.M.

Dated: June 10, 2013

Patrick Huyge for Advance Auto Parts