

TOWN OF WILMINGTON
SIGN BOARD OF ADJUSTMENT
FINDINGS OF FACT AND STATEMENT OF FINDINGS
WILMINGTON, VERMONT 05363

A request for a permit was made to the Board by: **Cindy Wiesner, agent**

Applicant(s) Mailing Address: 87 Green Road
Wilmington, Vermont 05363

Address of the entity to be served: **716 Route 100 N.**
Wilmington, Vermont 05363

A copy of the request is filed in the office of the Board and is referred to as **Case #: 162**

Description of Case Application is made by Cynthia C. Wiesner, Agent for Old Ark
per Public Notice: Properties, LLC for signage on property located at 716 Route
100 N (formerly known as the North Country Fair). Any
additional Signage on the subject property exceeds the number
of signs allowed by the Sign Ordinance and requires a Variance.

Notice for a public hearing was published in the Valley News on: **June 03, 2004**

June 10, 2004

Notice was posted in one public place on:

May 28, 2004

A copy was mailed to the appellant on : ____ **May 28, 2004**

The public hearing was held on: **June 21, 2004**

Action taken on this application may be appealed by anyone identified as an interested party,
pursuant to Vermont Statutes Annotated.

Appeal period for this Case expires on:	July 30, 2004
--	----------------------

A copy of these findings was sent Certified Mail to the appellant on: **June 30, 2004**

Copies were mailed to those persons listed below as having been heard.

The following persons were heard by the Board in connection with this request

Agents: Mary Jane Finnegan
John Lyddy
Cindy Wiesner

Revised Jan 15, 2004

I. The Board FINDS:

The following are the circumstances which give rise to the request, and the following are facts and opinions presented to the Board at the hearing and developed by the Board in independent investigation.

The applicants are requesting variances for allowable square footage, number of signs and placement of sign above the eaves.

A letter of agency was received from Brien Engler for Mary Jane Finnegan, John Lyddy and Cindy Wiesner. **(Exhibit A)**

The property has frontage on both Old Ark Road and Route 100. There is a stream that bisects the property. On the north side of the stream is a large building that houses a retail operation called "Twice Blessed" and a senior center. There are also special events such as bingo, an out door flea market and other gatherings and meetings, some open to the public. The access to this building is off of Rte 100. On the southern side of the stream there is a large parking lot. This lot is accessed from Old Ark Road. There is a small footbridge across the stream which allows people to go between the building and the large parking lot. The bridge is located between the two food carts. Permission has been granted for two food carts in the large parking lot, one serving ice cream and one serving food. **(Exhibit E)**

The application describes a request for a 6.5 ft by 1.5 ft. double-sided sign above the eaves. **(Exhibit B)** This request was changed during testimony to a **single sided sign 8 ft. long by 1.5 ft. high** to be placed above the eaves of the ice cream cart. **(12 sq. ft.)**

The applicant also wants to have a **two ft. by three ft. single-sided signs. (6 sq. ft)** This sign shows a picture of an ice cream cone. It would be placed on the south side of the bridge, facing the large building and would not be visible from the road. It would be taken in when the ice cream stand is closed.

No additional lighting for any of the signs is requested. The parking lot area is already well lit.

There would also be a sign as part of the "marquee" that is requested as part of SBA Case #163.

Testimony was given that, as an additional business, the ice cream stand needs additional signage.

The placement above the eaves is the only feasible place on the cart that is visible from Rte 100. The cart measures 8 ft. by 24 ft. Because the service window runs along the long side of the cart that faces the parking lot, a sign cannot be placed on this side. The side of the cart facing Rte 100 is not readily visible from Rte 100 or Old Ark Road. Also, this side of the cart also contains a door, so there is little useable space on the wall.

It shall be noted that this property is also part of SBA Case #163 that requests signage for the

“Twice Blessed”, the senior center, special events and a food cart. The hearings were held at the same time.

II. The Board CONCLUDES:

That since SBA Cases #162 & 163 are concerning the same property and the hearings were on the same night, that consideration of the requests in both cases shall be considered by the Board when making the decision for each individual case.

It would create a hardship for a business, especially one in its own structure, not to have its own identification. Therefore, the Board grants a variances for additional square footage for the premise and for the total number of signs on a premise.

Because of the small size of the cart and because the placement of the service window and door, placement of a sign below the eaves impossible. The 1.5 ft. height of the sign will not be visually distracting. Therefore, the Board grants a variance for the sign to be place above the eaves..

That the 2 ft. by 3 ft. sign with a picture of an ice cream cone, if not able to be seen from a traveled way, is not a sign under the Wilmington Sign Ordinance and therefore, does not need a variance.

It shall not be considered that “the sign use has been terminated” if the sign is taken down as part of a seasonal closing.

This is granted subject to the following restrictions, requirements, limitations or specifications:

1. The 2 ft. by 3 ft. one sided sign with the picture of an ice cream cone shall not be visible from a public road.
2. The sign to be placed above the eaves of the cart shall not exceed **8 ft. by 1.5 ft. (12 square ft.)** and shall be **single sided**. No other signage, except the signage approved in SBA Case #163, shall be permitted.
3. No additional lighting shall be permitted.

Thus, the Sign Board of Adjustment **approves** the application for additional square footage on the premise and a sign above the eaves.

Sign variances *do not* run with the land. The sign(s) approved in this Case may not be replaced if the sign use is terminated. Any new sign(s) will require a new application.

If unused, this Approval expires 1 year from the date of issue. A request for extension may be made in writing before the expiration date. Such request shall be in the form of an APPLICATION FOR EXTENSION.

This approval **does not relieve you**, as applicant, from obtaining any and ALL applicable State and other local permits.

IN FAVOR of granting *approval* FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Carl Boyd
Sherry Brissette
Louis Clark
Peter Libby
Polly (Nicki) Steel

OPPOSED:

none

ABSTAINING:

ABSENT:

RECUSED:

_____ / _____

For the Board
Polly Steel

Date
Chairperson