

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

A request for a variance was made to the Board by: **Peter Libby and Lynn Bucossi, Agents for Harraseeket, LLC**

Applicant(s) Mailing Address: PO Box 428
Wilmington, Vt 05363

Address of the entity to be served: 211 A Rte. 9 West
Wilmington, Vt.

A copy of the request is filed in the office of the Board and is referred to as **Case # 164**

Description of Case per Public Notice: Request for a variance to increase the square footage of signage and the number of signs on the subject property, pursuant to Sections 6.D.5. and 6.B.2. of the Ordinance.

Notice for a public hearing was published in the Valley News on: July 29, 2004

Notice was posted in one public place on: August 5, 2004
July 27, 2004

A copy was mailed to the appellant on : _____ July 27, 2004

The public hearing was held on: August 16, 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:	October 2, 2004
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A copy of these findings was sent Certified Mail to the appellant on: **September 2, 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:

Note: A person with appropriate standing may seek review of the Sign Board of Adjustment in Superior Court.

Revised Jan 15, 2004

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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 a variance from the Sign Ordinance to increase the square footage of signage and the number of signs at their business located at 211 A Rte. 9 West .

A letter of authorization from Harraseeket, LLC was presented for Peter Libby and Lynn Bucossi to submit an Application for Sign Permit, for an internally lit " Ace Hardware" sign located on the premises at 211 A Rte. 9 West (Exhibit A).

A letter of authorization from Harraseeket, LLC was presented for Deerfield Valley Supply to apply for a permit for an internally lit " Ace Hardware "sign located on the premises at 211 A Rte. 9 West (Exhibit B).

Presently there is an eternally lit double sided sign with a total area of 60 square feet located near the intersection of the driveway to the property and Vt. Rte.9. There is also a 2 ft. by 2 ft. (4 sq. ft,) sign for the Southwest Vermont Supervisory Union on the front of the building. This brings the total signage presently on the property to 64 square feet.

Although the building is quite large, the face is quite small (60' wide x 15' high) and nondescript and is 130 feet from the highway. The front of the building houses the Southwest Supervisory Union Superintendent's offices. Items that are for sale at Deerfield Valley Supply are not on display at the front

of building. Because of the deep setback the building is not readily visible when approached from the east (Exhibit F-3) and partially obscured when approached from the west due to the trees, state highway signs and utility poles on that side of the property

(Exhibit F-4). Because this property has an Act 250 permit removal of the trees would require District Environmental Commission approval (Exhibit C).

The applicants would like to install an "Ace Hardware" sign on the front of the building that faces Vt. Rte. 9. The sign is red, 2.5 feet high and 13 feet long and is internally lit. This is the same sign that was approved and installed at Mill Street Lumber a few years ago. This would add 32.5 square feet to the property's signage for a total of 96.5 square feet. The additional sign would also bring the total number of signs on the property to three. A computer generated photograph showing the proposed installation of the sign on the front of the building was submitted (Exhibit F-5). There are no buildings directly across from this location and all other buildings are at an oblique angle.

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II. The Board CONCLUDES:

The Board reviewed this application under the criteria listed in Section 8.B.2. & 3. of the Sign Ordinance and determined that in consideration of the setback of the building and the location of the applicant's business at the rear of the building which is occupied by multiple entities, the placement of additional signage on the front of the building would be permitted for the following reasons:

- A. It will not effect public safety.
- B. It will be a convenience to the traveling public.
- C. It is consistent with other SBA decisions of allowing large properties or buildings with multiple businesses variances for additional signage, both in total square footage and in the number of signs.
- D. It will have little impact on the scenic beauty of the area. The placement of an addional sign on the front of the building will have less impact and is more easily

reversible than cutting the trees at the front of the property.

E. Internally lit signs are not prohibited by the Ordinance.

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

A. Is limited to the placement of the internally lit 2.5 ft x 13 ft. "Ace Hardware" sign on the front of the building as shown in **Exhibit**

F-5.

B. That the internally lit sign shall be on a timer and that the sign will not be illuminated between the hours of 12:00 midnight and 6:00 A.M.

Thus, the Sign Board of Adjustment approves the application for an additional sign of 32.5 square feet for a total of three signs that have a total of 96.5 square feet.

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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:

Polly (Nicki) Steel
Sherri Brissette
Lana Palumbo
Carl Boyd

OPPOSED:

ABSTAINING:

ABSENT:

Louis Clark

RECUSED:

Peter Libby

/s/ Polly Steel
For the Board
Polly Steel

/September 2, 2004
Date
Chairperson