

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: Families First in Southern Vermont, Inc.
Doreen Grover, Agent

Applicant(s) Mailing Address: PO Box 939
Wilmington, VT 05363

Address of the entity to be served: **34 East Main St.**
Wilmington, VT 05363

A copy of the request is filed in the office of the Board and is referred to as **Case #: 165**

Description of Case **Variance:** Application is being made by Doreen Grover,
per Public Notice: Agent for Families First in Southern Vt., Inc., for a variance
from the 15 foot set back requirement for signage.

Notice for a public hearing was published in the Valley News on: Feb. 3 & 10, 2005

Notice was posted in one public place on: Feb. 2, 2005

A copy was mailed to the appellant on :____ Feb. 2, 2005

The public hearing was held on: **February 21, 2005**

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:	April 3, 2005
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A copy of these findings was sent Certified Mail to the appellant on: **March 4, 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
For the Applicant – Doreen Grover
Zoning Administrator – Bonnie Lorimer

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 following Exhibits were entered:

- A. Letter of Agency
- B. Sign Design
- C. Sign Dimensions
- D. Site Plan

The property is located in the Commercial District. It is not in the Design Control District.

The two sided sign will be placed on an existing sign frame. Although the frame has been used by previous owners for their signs for an indeterminate period of time, there has never been a request for a variance from setback before this Board.

The sign is less than the maximum 64 sq. ft. allowed by the Wilmington Sign Ordinance.

The sign frame is 11 feet 3 inches from the edge of the public sidewalk. The ground slopes up toward the building and the base of the frame is about 3 to 4 feet higher than the sidewalk.

The sign and frame is 27.5 feet from the edge of the driveway. Its placement does not interfere with the sight line of a vehicle exiting from the property.

The westerly end of building juts out (Exhibit D) toward the road.

II. The Board CONCLUDES:

The sign area is less than the maximum allowed in the Ordinance and is not part of this request.

As the property is not in the Design Control District, the design and colors of the sign are not relevant to this application.

The Sign Ordinance states that “No sign shall be permitted within fifteen feet of a property line ...” The frame for this sign is 11 feet 3 inches from the edge of the sidewalk. The Board finds that the edge of the public sidewalk is considered the property line. Therefore, the applicant needs a 3 foot 9 inch variance.

A variance may be granted if it “will not be contrary to the public interest where owing to special consideration a literal enforcement of the provisions of this ordinance will result in an unnecessary hardship, or where the Board determines that variance from the provisions of the ordinance will result in furthering the public interest.”

The Board finds that the proposed placement of the sign allows it to be seen while travelling in either direction but does not obscure the sight of either the traveling public or those exiting from the driveway. If the sign was placed a full 15 feet from the sidewalk, it would be at least partially obscured by the building. This would create a hardship to the applicant if the sign is not easily visible from both ways. The public interest is furthered when a business is clearly identified by signage.

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

1. The existing frame in its present location shall be used for the sign.
2. There shall be no flags or other accessories attached to the frame that would encroach further into the setback.

Thus, the Sign Board of Adjustment **approves** the application for a three (3) foot nine (9) inch variance from the setback from the front property line.

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:
ABSTAINING:
ABSENT:
RECUSED:

none

_____ / _____
For the Board Date
Polly Steel Chairperson

