

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 **J and J Real Estate Enterprises,**
the Board by: **LLC**

Applicant(s) Mailing **P O Box 145**
Address: **Stratton, Vt. 05360**

Address of the entity to **Beaver Brook Estates**
be served: **Cornell Way off of Vt. Rte. 9 East,**
Wilmington, Vt.

Tax Map #: **010-02-005.000**

A copy of the request is filed in the office of **Case # 167**
the Board and is referred to as

Description of Case per Public Notice: **Application is being made by Joseph Kohanik, Agent for J and J Real Estate Enterprises, LLC for variance from the square footage requirements of the Sign Ordinance.**

Notice for a public hearing was published in **September 15, 2005**
the Valley News on:

Notice was posted in three public places on: **September 22, 2005**
September 14, 2005

A copy was mailed to the **September 14, 2005**
appellant on :_____

The public hearing was held on: **October 3, 2005**

Action taken on this application may be appealed by anyone
identified as an interested party, pursuant to Vermont Statutes
Annotated. Said appeal shall be made to the Environment Court.

Appeal period for this Case expires on:	November 27, 2005
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A copy of these findings was sent Certified **October 28, 2005**
Mail to the appellant on:

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

In addition to the Applicant/ Agent the following persons were
heard by the Board in connection with this request:

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 items were presented as evidence and labeled as shown:

Exhibit A A letter authorizing Joseph Kohanik to act on the behalf of J and J Real Estate Enterprises, LLC.

Exhibit B A map showing the location of the existing sign in relation to Vt. Rte.9 and the Right of Way for Cornell Way.

Exhibit C A photograph of the existing sign with dimensions of the sign and supporting structure.

Mr. Kohanik stated that the single sided sign is 4 feet by 8 feet and is mounted on the front of two pressure treated posts which he believed to be 4 inches square and 11 feet tall. The bottom of the sign is 7 feet above the ground. The sign is parallel to and 60 feet from the north edge of Vt. Rte. 9. It is perpendicular to Cornell Way with a distance of 14 feet from the west side of the Right of Way to the closest edge. The sign is not lighted. The posted speed on Vt. Rte. 9 is 50 MPH at this location.

Bonnie Lorimer, Wilmington Zoning Administrator said she had asked the Town's legal council for a clarification on determining the area of a sign. He stated that the square footage of the sign and the supporting structure should be included in determining the area of the sign but not the voids between the structure and the sign.

In an attempt to verify whether the support posts on this sign were a true 4" x 4" or the nominal 3.5" x 3.5" that are sold at lumber supply outlets it was found that the posts were actually 5.5" x 5.5" (so called 6 x 6). It was also found that

the height to the top of the posts from the ground is 11 feet 8 inches. Therefore the area of the existing sign is determined as follows:

Single sided sign area = 4 feet x 8 feet =
32.00 square feet
Structure area of 2 posts = 2 x .458 feet x (11.667 - 4 feet) = 7.03 square feet
Total area of the existing sign =
39.03 square feet

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The Board noted that the sign is situated parallel to and well back from the main highway and therefore does not interfere with the view of drivers exiting from Cornell Way or being seen by the heavy high speed traffic on Vt. Rte. 9.

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 that the single sided sign is located over 50 feet back from and parallel to Vt. Rte. 9 the additional square footage of the sign would be permitted for the following reasons:

- A. The distance that the sign is set back from the intersection of Vt. Rte. 9 and Cornell Way provides an unobstructed view for drivers on both highways and reduces the chances of the sign being struck by a vehicle.
- B. The present height of the sign allows for snow to be plowed away from the intersection without obscuring the bottom part of the sign. The square footage of the structure could be reduced by putting a mound of fill or planter at the base of the sign but this would still not change the position of the sign relative to its surroundings.
- C. The small amount of additional signage is offset by the distance of the sign from the highway, the speed of the traffic and the necessity to be almost directly in front of the sign to be able to read it.

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

- A. That the top of the supporting posts shall be removed above the top of the 4' x 8' single sided sign. (This is a reduction of .92 square feet)
- B. This is limited to the existing structure. Replacement of the existing structure will require a new permit.
- C. This is limited to the existing two 5.5" x 5.5" supporting structures and the attached 4' x 8' single sided sign. The bottom of this sign shall not be more than 7 feet above the existing ground level. This is an approval of 38.11 square feet of signage. Any additional signage will require a new permit.

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Thus, the Sign Board of Adjustment **approves** the application for a variance from the square footage requirements of the Sign Ordinance.

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 to the Development Review Board 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 the PERMIT FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

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

OPPOSED:

None

ABSTAINING:

None

ABSENT:

None

RECUSED:

None

/s/ Polly Steel
For the Board
Polly Steel

/October 28, 2005
Date
Chairperson

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