

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: **Leigh Thomson**

Applicant(s) Mailing Address: **106 Town Farm Road, Wilmington VT. 05363**

Address of the entity to be served: **247 Rte. 9 East, Wilmington**

Tax Map #**021-22-071.000**

A copy of the request is filed in the office of the Board and is referred to as: **Case #: SBA-2007-055**

Description of Case per Public Notice: Request for Variance to allow installation of Signs consisting of three double sided pylon signs (displayed together), fourteen single-sided wall signs and two A-frame signs, totaling 292 sq. ft., in the Commercial District.

Application # SBA2007-000; Owner: Leigh Thomson of LBT Associates.;
Section of Sign Ordinance: 8.B. Application being made for Variance
request to allow installation of a wall, pylon and a-frame signs. Property
Location: 247 Rte. 9 South.

Notice for a public hearing was published in the Valley News on: **07/05/07**

Notice was posted in three public places on: **06/13/07**

A copy was mailed to the applicant on: **06/13/07**

The public hearing was opened on: **07/16/07 and was recessed until 08/20/07. The hearing was closed on 08/20/07.**

In *addition* to the Applicant / Agent the following persons were heard by the Board in connection with this request: (Copies were mailed to those persons listed below as having been heard.)

Alice Herrick, Zoning Administrator

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 subject property is in the Commercial District of the Town of Wilmington. The property is known as Tax Map 021-22-071.000. The property is located at the busy intersection of State Route 9 and State Route 100. The speed limit at the subject property on Route 9 (East to West) is 40 miles per hour and the speed limit on Route 100 (South) is 50 miles per hour.

The applicant is applying for a total of 256.34 square feet of signage and a total of 13 signs to be placed on the subject property.

There are multiple businesses on the subject property. The southern most building is a garage and presently houses Thomson and Son, A – Z Services. The large main building was recently approved for Retail Sales and/or Sales Room. There are currently three businesses in this building. The third building on the property is a small coffee house located on the easterly side of the property. This building shares a parking lot with the main building. The garage has its own parking area and is accessed from Route 100.

Many of the signs that currently exist on the property have not been properly permitted.

The property has been subject to sign approvals in the past. Sign Board Case #134 allowed for garage signage. The approval in that case is terminated, as the business in question relocated. Sign Board Case # 168 allowed for a variance in number of square feet for a business in the main building and approval of garage signage. The variance in that case is terminated as the business relocated. The Zoning office has no other records of sign approvals or permits.

The garage building is currently occupied by the property owner's business. This business currently has two signs. One sign (1'x2' single sided) lies flush to the building over the door. The other sign (1.33'x2', double sided) hangs over the door. The applicant stated that upon viewing the photographs in Exhibit I, he has decided to take down one of the signs. He is approved for one sign, 6 sq. feet.

The Coffee House currently has five signs. None of these signs are approved or permitted. They are as follows:

- (2) Coffee House signs 11'x1.865' single sided, hung on the eaves of the coffee building.
- (1) 8 Coffee Flavors sign, sandwich board or A-frame style 3'x4.208' double sided, located near the roadside of the coffee building.
- (1) Coffee Shop Open sign, sandwich board or A-frame style 3'x4' single sided, located on the Route 100 side of the subject property.
- (1) Ice Coffee, Hot Coffee, Smoothies, Espresso/Cappuccino, Cold Drinks, Muffins, Pastry sign. Roll-out sandwich board or A-frame style, 3'x4' double sided, located by the entrance of the coffee building.

The large building houses three businesses, none with permitted or approved signage. The businesses and signage are as follows:

U-Haul Rentals

- (1) U-Haul Rentals sign 3.42' x 2' sign double sided. Currently hanging from a bracket off the side of the Plaza Sign (Pylon Sign) in the parking lot.

Almost Old Shop (Sprague)

- (1) Barn Sale Sign 1.98' x 2.833' double sided sandwich board or A-frame style sign, usually located near the Plaza Sign (Pylon Sign) in the parking lot.

Tallulah's

- (1) Tallulah's sign (actually a large vinyl banner) 7.75' x 3.5' double sided located on the Plaza Sign (Pylon Sign) in the parking lot. Existing.
- (1) Group Shop sign 7.5' x 2' double sided, located under the Tallulah's sign on the Plaza Sign (Pylon Sign) in the parking lot. Existing.
- (1) Antiques sign 3.625' x 1.08' single sided, hanging from the overhang near the store entrance. Existing
- (1) Proposed Tallulah's sign 8' x 4' single sided sign to be hung at the rear of the property. Proposed.

EXHIBITS:

Application (Form A)

A Form S – Signs

B List of previously approved / existing signs

C Photo of Coffee Shop

D Photo of Pylon Sign

E Dimensions of Pylon Sign

F Abutters List

G Revised Form S

H Revised List of previously approved / existing signs (2 sheets)

I Photos of existing signs (3 sheets)

II. The Board CONCLUDES:

Applications in the Commercial District which request more than two signs, more than 64 sq. ft. of signs or more than 35 sq. ft. of area on one side of a sign, require that a Variance be granted before a permit may be issued. Section 6.B of the Wilmington Sign Ordinance provides that:

- 1. No premises shall contain more than two signs except as provided in Section VI. C. However, any such sign may designate more than one business or activity on the premises.**

- 2. No premises shall contain more than sixty-four (64) square feet of signs. When more than one side of a sign is used, the area of all sides shall be included in the total allowable area.**
- 3. No sign shall contain more than thirty-five (35) square feet of area on one side.**

Sections 8.B.2 – 4 provide for Variances. The Sign Board of Adjustment has the duties and powers prescribed by law including but not limited to the following:

- 2. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where owing to special considerations a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, or where the Board determines that variance from the provisions of the ordinance will result in furthering the public interest.**
- 3. Before decision on appeals, the Board shall take into consideration such factors as the effect on public highway safety, the convenience of the traveling public, custom of trade, the preservation of scenic beauty and the expressed opinions, desires or other evidence brought forward by interested persons. Scenic beauty shall be deemed to include but not be limited to location of signs in relation to other structures, shape of signs, colors of signs and other items related to the effect created**
- 4. In rendering a decision in favor of an appellant under this section, the Board of Adjustment may attach such conditions to such variance as it may consider necessary and appropriate under the circumstances to implement the purposes of the ordinance including but not limited to time limits on variances.**

The Board finds that there are factors in this case that creates a general hardship for the property. Those factors include:

- The property is located at the intersection of two busy State highways. Therefore, vehicles are approaching from three different intersections.
- The speed of vehicles driving by is often 40 mph or more.
- There are multiple businesses on this property. It would create hardship if each business did not have its own signage.
- The garage is separated from the other two buildings, has access off of a different highway, and has a separate parking area. This makes the possibility of this business being included on a “plaza sign” type of signage less practical.

Furthermore, the Board also finds that the current “jumble” of signs of different sizes,

styles and colors detract from the scenic beauty of the area. In fact, the excessive signage may even have a negative effect on public highway safety due to the erratic signage and placement of signs.

Therefore, the board concludes that a more orderly signage plan must be instituted. Signs of uniform width and proper utilization of the existing Plaza Sign (Pylon Sign) will help to mitigate the unsightliness and confusion to the public. It will also help to improve the overall appearance of the property.

With regards to the criteria for a Variance, the Board concludes that this proposal *will* conform to the requirements of the Wilmington Sign Ordinance and the Variance criteria with the following conditions and requirements.

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

- The existing Plaza Sign shall be utilized by the three businesses in the main building. Signs in this Plaza Sign shall be of uniform size and orderly.
- The approved signs shall be as follows:
 - (1) Tallulah's 9'x2.5' double sided sign to be placed in the existing Plaza Sign.
 - (1) U-Haul Rentals 9'x2.5' double sided sign to be placed in the existing Plaza Sign.
 - (1) Almost Old 9'x2.5' double sided sign to be placed in the existing Plaza Sign.

These three signs shall all be placed between the existing supports of the existing Plaza Sign.

Signs on the buildings shall consist of the following:

- (1) Antiques 4'x1' single sided sign to be hung from the overhang near the store entrance.
- (1) Antiques single sided sign, not to exceed 15 sq. feet, to be hung on the back of the building in the location indicated on Exhibit I.
- (1) Thomson & Son, A to Z Services sign, either single or double sided, not to exceed 6 sq. feet, to be hung on the garage building.
- (2) Coffee Shop 11'x1.865' single sided signs to be hung on the coffee building as shown in Exhibit I.

Sandwich board or A-frame style signs shall consist of the following:

- (1) Coffee Shop Open sign, sandwich board or A-frame style 3'x4' single sided, located on the Route 100 side of the subject property.

This allows a total of 9 signs, totaling 213.03 square feet.

- No new illumination shall be installed without further application.

- As long as there continues to be three businesses in the main building, each business shall be allowed one 9’x2.5’ double sided sign on the Plaza Sign. Said signage shall be placed between the two pylons. If there is a reduction in the number of businesses in the main building, there shall be a reduction in the number of signs. Old signage shall be promptly removed.
- If there is a change in signage (wording) without an increase in size, a permit shall be issued by the Administrative Officer without further applications to this Board.
- Applications for additional signage or an increase in sign sizes must be approved by the Sign Board of Adjustment.

Thus, the Development Review Board does **approve** the Variance for **Signs consisting of a variance for 7 (seven) signs and a variance of 149.03 sq. feet of signage in the Commercial District.**

If unused, this Approval expires 1 year from the date of issue. A request for extension may be made in writing to the Sign Board of Adjustment 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 APPROVAL FOR the above referenced application, with whatever restrictions, requirements, limitations or specifications are contained herein:

Polly (Nicki) Steel
 Andrew Schindel
 Sherry Brissette
 Dave Kuhnert
 Tom Manton

OPPOSED: none

ABSTAINING: none

ABSENT: none

RECUSED: none

For the Board: Polly Steel, Chairperson

Date: _____