

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: **Robert Rubin, Agent for James Barnes of Hermitage Inn Real Estate Holdings LLC**

Applicant(s) Mailing Address: P.O. **Box 2210, West Dover, VT 05356**

Address of the entity to be served: **10 Gatehouse Trail, Wilmington, VT 05363**

Tax Map #**HAYSTACK.SKI**

A copy of the request is filed in the office of the Board and is referred to as: **Case #: 2013-002-S**

Description of Case per Public Notice:

Application # 2013-002-S; owner: Hermitage Inn Real Estate Holding Co.; Application being made for Sign Variance to allow installation of a 30 sq. ft. sign (30 feet per side); Sign Ordinance Section 6 & 11; location: 10 Gatehouse Trail.

Notice for a public hearing was published in the Valley News on: **1/31/2013**

Notice was posted in three public places on: **1/30/2013**

A copy of the notice was mailed to the applicant on: **1/31/2013**

A copy of the notice was mailed to the abutters on: **1/30/2013**

The public hearing was held on: **2/19/2013**

Appeal period for the case expires on: April 8, 2013

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 evaluation.

EXHIBITS:

- Application (three pages)
- A request summary, 1/11/2013
- B photo of proposed sign
- C photo of previous sign
- D Abutters List (two pages)
- E Map with sign location

The subject property is in the Town of Wilmington. The property is known as Tax Map **HAYSTACK.SKI**

1. The case number was noted as being incorrect. The Warning was posted as Case #2013-001-S, and was corrected to Case #2013-002-S.
2. The Applicant testified that the newly installed sign was in the same location as the previously existing sign. The new sign was constructed to match the same dimensions as the previous sign and the only differences were in the name and logo. There is no change to the lighting.
3. The Zoning Administrator testified that the previously existing sign was installed before her tenure, sometime in 2006, and stated that in her research she was unable to find documentation that it had been permitted at that time.
4. The main sign is set on a knoll with rocks and plantings and measures 135 inches by 32 inches (approximately 30 square feet). On top of this sign is an iron sculpture showing the outline of stag that measures about 32 inches by 20 inches (approximately 4.4 square feet). The stag is the logo of the Hermitage Club. These are the only two signs at the entrance.
5. The signs are located in a rural area at the entrance to the business's access road with the gatehouse being the only building visible from the main road. The gatehouse is set back from the road. The business does not have any other building, outdoor display, or other means, except the sign, to direct customers to its site.
6. The entrance to the access road is set on a curve with limited sight lines, especially when coming from the east. The speed limit is 45 mph.

II. The Board CONCLUDES:

Applications in Wilmington which request more than two pole signs, more than 64 square feet of signs, more than 32 square feet of area on one side of a sign or a pole sign of more than 16 square feet, require that a Variance be granted before a permit may be issued.

Section 6 of the Wilmington Sign Ordinance provides that:

A. Each business is allowed four (4) signs in the manner described below, provided that the total area of the signs for the business does not exceed sixty-four (64) square feet.

- 1. Pole or Freestanding Signs. No lot is allowed more than one (1) pole sign, which shall not exceed sixteen (16) square feet for each business. The sign shall be set back at least ten (10) feet from any non-street property line.**
- 2. Wall Signs. Two (2) wall signs are allowed for each business provided they do not exceed a total of forty-eight (48) square feet in area.**
- 3. Projecting Signs. Each business may have one (1) projecting sign. The sign shall not exceed eight (8) square feet in area and it shall meet the requirements below:**

B. No sign may contain more than thirty-two (32) square feet of area on one side.

Section 11.B.2 provides for Variances. The Sign Board of Adjustment has the duties and powers prescribed by law including but not limited to the following:

1. To authorize upon appeal in specific cases such variance from the terms of this ordinance:

a. where owing to special considerations the literal enforcement of the provisions of this ordinance will result in unnecessary hardship

Yes. The ordinance, as written, is difficult to justify under the extenuating circumstances of this case, and would cause undue hardship on the applicant. The location of the access road and the fact that a person approaching it would not see it until they were quite close makes a larger sign a reasonable request. It is also unusual for a business not to be visible from the public way. Therefore, the Applicant must rely totally on signage to direct people to its business.

b. where such hardship is not created by the appellant

The original signage was constructed by the previous owners. The fact that the activities of the property (ski area, proposed hotel, residential dwellings) are located out of view from the road is the result of topography, not the Applicant.

c. where the variance will not alter the essential character of the neighborhood

No. The signage has been in place since 2006. Although it falls under the definition of Pole or Freestanding sign, the fact that it sits on a landscaped knoll means that the visual impact is not nearly as great as a pole sign sticking up in the air. The logo on top is minimal in its visual impact.

d. so that the relief granted will be the minimum variance from the bylaw

Yes. The board concludes that the logo portion of the sign (Exhibit B) should be considered to be a second sign. The main sign is larger than the maximum of sixteen square feet for a Pole or Freestanding sign but the total of the 34.4 square feet is significantly smaller than the 64 square feet allowed for a property and the total of two signs is less than the four signs that are allowed.

e. where there are unique physical consideration, such as exceptional topography, location of buildings on the lot, sight lines, speed limits and driveway cuts, and the hardship is due to these conditions.

The 45 MPH speed limit on this section of road was also a factor that was considered. The lack of visibility by traffic at this speed warrants the larger size of the entrance sign.

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.

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

There shall be no alterations to the newly installed sign, or the existing lighting.

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.

Thus, the Development Review Board does **approve** the Variance for the newly installed sign and logo.

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:

Gil Oxley
Nicki (Polly) Steel
Andrew Schindel
Dave Kuhnert

OPPOSED:

none

For the Board: Polly Steel, Chairperson

Date: March 8, 2013