

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: **Alan B. Goldstein, agent for Robert & Evelyn Greene & Shaw's Supermarkets, Inc.**

Applicant(s) Mailing Address: 927 Putney Road
Brattleboro, Vermont 05301

Address of the entity to be served: **97 East Main Street (VT RTE 9 East)**

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A copy of the request is filed in the office of the Board and is referred to as **Case # 161**

Description of Case per Public Notice: Signage for Video Store at site of rental space and on Plaza/Directory Sign

Notice for a public hearing was published in the Valley News on: May 20, 2004
May 27, 2004

Notice was posted in one public place on:

A copy was mailed to the appellant on :_____ May 18, 2004

The public hearing was held on: May 18, 2004

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

Appeal period for this Case expires on:	July 21, 2004
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A copy of these findings was sent Certified Mail to the appellant on: **June 21, 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
Alan Goldstein

Revised Jan 15, 2004

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.

1. The applicant is requesting a variance for both total square footage for signs on the property and also a variance to place a sign above the eaves of the building.
2. Letters of agency were supplied from Shaw's and from Bob and Evelyn Greene. **Exhibits A and B.**
3. The property is in the commercial district and presently has three business - Shaw's Supermarket, Rite Aid and Tae Kwan Do. The building's roof line height varies throughout the complex. The tallest parts of the building contains Shaw's and Rite Aid and the lower parts of the building contain Tae Kwan Do and the proposed video store. Shaw's and Rite Aid have identification signs on dormers that are above their respective sections of the complex. Tae Kwan Do has a large sign in their window. All three existing businesses have signs on a "plaza sign" that is at the Rte 9 end of the compex's entrance. The individual signs on the plaza sign for Rite Aid and Tae Kwan Do are approximately 22" by 72" and Shaw's panel is slightly larger.
4. The applicant would like to add a sign panel to the plaza sign. It would measure approximately 22" by 72" and would be consistent with the other panels in background color. **(Exhibit E)** It would contain "First Run Video" and the logo. The logo would be blue, black and white. As there are presently spaces between the existing panels, the applicant stated that his panel could be added with little or no increase to the total dimensions of the plaza signage.
5. The applicant would like to have a second sign on the roof above his section of the complex. **(Exhibit C and D)** This sign consists of two parts. The top part is a reproduction of the store's logo. The logo contains the words "First Run Video". The bottom part is a "marquee" that would list the new video arrivals. The smallest rectangle that would enclose these two parts would measure 6.5 ft. wide by

5 ft. tall. (32.5 sq. ft.) The logo part of the sign measures approximately 5 ft. wide by 3 ft tall and the marquee part measures approximately 6.5 ft. wide by 2 to 2.5 ft. tall. This sign would be illuminated by 2 flood lights attached to the roof. The applicant was unsure of the exact placement of the sign on the roof but estimated that it would be placed about 3 feet up from the bottom edge of the roof.

6. The applicant stated that his store, unlike Shaw's and Rite Aid, does not have a dormer on which to place his sign. This puts him at a disadvantage as compared to these two stores. He stated that trees and shrubs planted in front of his area would block the visibility of signs placed on the front wall of his building. Although he could cut or trim these plantings, he feels it is desirable to have plantings. He was also concerned with vandalism of the marquee sign if it was placed on the building.

II. The Board CONCLUDES:

1. The placement of a panel on the "plaza sign" at the entrance to the complex is consistent with customs of the trade and will not greatly increase the total area of the plaza sign.
2. Two of the three stores in this complex have signs on dormers. They are well above street level and are visible from the road and within the complex. The proposed roof top sign would not be higher than Shaw's and Rite Aid's sign but because of its place on the roof will be visually prominent. Individual businesses within a complex need to be identified. The plantings in front of the building, while desirable, do somewhat restrict the area available for signage. Also, any signs on the front of the building below the eaves would not provide identification from the road. Therefore, having no identification sign above the eaves in this section of the complex would create a hardship. However, having the additional marquee part of the proposed sign above the eaves does not create a hardship and a variance should represent the minimum that will provide relief. **Therefore, the Board concludes that a sign naming the store and using the logo is permitted above the eaves while the marquee part of the sign shall not be permitted above the eaves.**
3. The Board concludes that a marquee sign may be placed on the front wall or in the window of the building.

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

1. The **panel sign** shall measure no more than **22 inches by 72 inches**. The background color shall closely match the background color of the other panels. The wording and design of the panel shall be consistent with **Exhibit E**. The space between the other panels shall be made smaller so that the total distance when measured from the top of the top panel to the bottom of the bottom panel shall not be increased by more than 6 inches.
2. The **sign above the eaves** shall measure **no more than 5 ft. wide by 3 ft. tall and its wording and design shall be as presented in Exhibit D**. The placement of the sign on the roof shall be so that the top of the sign does not exceed the height of the ridge of the roof on which the sign is placed.
3. The **marquee sign** shall be **placed on the front wall or in the front window** of the building. This **sign shall not exceed a measurement of 6 ft. wide by 2.5 ft tall**. The **placement of this sign shall be consistent with one of the placements shown in Exhibit F, G or H**.
4. Lighting for the roof sign shall consist of up to two lights. They shall be aimed directly at the sign and shall be turned off at the close of business.
5. Lighting for the marquee sign shall consist of up to two lights. They shall be aimed directly at the sign and shall be turned off at the close of business.
6. No further lighting shall be permitted on the plaza sign.

Thus, the Sign Board of Adjustment **approves, with conditions,** the application for sign variances. The Board grants a total of three variances.

- a. Variance #1. The total allowable square footage for the complex is increased by 15 sq. ft for the sign above the eaves, 15 sq. ft for the marquee sign and not more than 3 sq. ft for the plaza sign.
- b. Variance #2. The applicant may place a sign that identifies the business above the eaves.
- c. Variance #3. The applicant may have a total of three signs. The allowed signs are the identifying store sign above the eaves, the marquee sign on the front of the building and the panel on the plaza sign near Rte. 9.

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 Steel

OPPOSED:

ABSTAINING:

ABSENT:

RECUSED:

_____ / _____

For the Board
Polly Steel

Date
Chairperson