

**VILLAGE OF ESSEX JUNCTION  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
May 19, 2009**

**MEMBERS PRESENT:** Tom Weaver (Chairman); Ron Gauthier, Jim Moody, Mary Gauthier, Bruce Murdough  
**ADMINISTRATION:** None.

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**1. CALL TO ORDER and AUDIENCE FOR VISITORS**

Chairman Tom Weaver called the meeting to order at 7 p.m. There were no comments from the public. Chairman Weaver announced this is the last meeting for Mary Gauthier who is moving to South Burlington. Mary Gauthier has served on village boards since 1976 including the Board of Trustees, Planning Commission, and Zoning Board. Thanks and appreciation were extended to Mary Gauthier for her dedication and service to the community.

**2. ADDITIONS/AMENDMENTS TO AGENDA**

There were no changes to the agenda.

**3. MINUTES**

April 21, 2009

**MOTION by Ron Gauthier, SECOND by Jim Moody, to approve the 4/21/09 minutes as written. VOTING: 5 ayes; motion carried.**

**4. PUBLIC HEARING**

The function of the Zoning Board as a quasi-judicial board and the hearing procedure were explained. Individuals to give testimony before the Board were sworn in.

Variance application for relief from the maximum size of a projecting sign for Champlain Valley Agency on Aging at 76 Pearl Street in the TOD by Design Signs, agent for Pearl Street Partners, LLC, owners

John Floyd and John Barbour appeared on behalf of the application.

**STAFF COMMENTS**

An emailed memo from Robin Pierce, dated 5/18/09, was read by Chairman Weaver. The memo noted the proposed sign will provide direction to the elevator entrance to Champlain Valley Agency on Aging (CVAA) which is on the second floor of the building at 76 Pearl Street. The entrance is obscured and set back over 100 feet from Pearl Street. The sign will identify the entrance and help with traffic/pedestrian movement in the busy location. Staff had no objections to the application.

There was discussion of the need for a better sign to direct people to CVAA, especially with the building being located over 100' from Pearl Street and the area being very busy with vehicular and pedestrian traffic. A directional sign listing all uses in the shopping

center would be helpful as well. Tom Weaver noted the Planning Commission has not addressed the issue of what is seen (visibility) from a right-of-way relative to signs.

Ron Gauthier pointed out all the signs on the front of the building are at least 20 s.f. in size. A sign could be posted on the corner of the building to direct people to CVAA. Mr. Gauthier expressed concern about the sign being a banner which may not last very long or become ragged looking.

#### APPLICANT COMMENTS

John Floyd, Design Signs, stated the sign will be made of a heavy canvas and is less expensive to replace. The sign could be made of a rigid material, such as aluminum, but there is less of a wind load on the building with a banner.

There was further discussion of the need for signs to help alleviate confusion by drivers trying to find businesses in the building. Mr. Floyd stated having the sign closer to the entrance to the Post Office could be a problem. It is preferred to have the sign directly over the entrance so people know where to enter the building.

John Barbour, CVAA, stated \$300,000 was invested by CVAA and \$250,000 was invested by the landlord to renovate 10,000 s.f. on the second floor of the building for CVAA. The space is very nice. There is another entrance to CVAA, but most people prefer to use the elevator. CVAA wants to have a nice sign. The banner will be 250' from Pearl Street and should be large enough to be seen when turning into the parking lot at the traffic light. It is expected people coming to CVAA will park by Kinney Drugs and the Post Office. Other examples of banner signs can be found on the Chace Mill and a building on the roundabout in Winooski, stated Mr. Barbour.

#### PUBLIC COMMENTS

There were no comments from the public on the application.

**MOTION by Mary Gauthier, SECOND by Jim Moody, to close the public portion of the variance application for a projecting sign at 76 Pearl Street by Champlain Valley Agency on Aging. VOTING: 5 ayes; motion carried.**

#### DELIBERATION/DECISION

Variance, Projecting Sign, 76 Pearl Street, CVAA

##### FINDINGS OF FACT:

1. The proposed sign is two feet wide and ten feet tall (20 s.f.).
2. Section 714.F(2) & (3) limit projecting signs to no more than three feet from the wall and no more than two feet high.
3. The applicant is requesting a variance of 14 square feet for a 20 square foot projecting sign.
4. No other new signs are proposed by CVAA at this time.
5. The proposed projecting sign will meet the setback and height restrictions with no part being less than eight foot above ground level (Section 714.F.4) and not projecting more

than three feet from the wall (Section 714.F.2) or projecting over a public right-of-way (Section 714.F.5).

6. The entrance to space occupied by CVAA is perpendicular to Pearl Street and set back over 100' from Pearl Street which makes it difficult for CVAA clients to see the entrance to the offices which are located on the upper level of the building and served by an elevator from the entrance.

7. There is no provision in the ordinance that addresses visibility of signs in relation to the public right-of-way (i.e. allows for the increase in the size of the sign as the distance from the right-of-way increases).

8. The sign as proposed will enhance visibility and public safety in the intersection area.

9. There was no public comment for or against the variance application.

#### CONCLUSION:

1. Findings #1-#9 satisfy the variance criteria of Section 1703.C.

**MOTION by Mary Gauthier, SECOND by Tom Weaver, based on the Findings and Conclusion to grant the variance for relief from the maximum size of a projecting sign for Champlain Valley Agency on Aging at 76 Pearl Street with the condition the sign consist of a rigid material and not be a banner. VOTING: 5 ayes; motion carried.**

#### 5. OTHER BUSINESS

None.

#### 6. ADJOURNMENT

**MOTION by Mary Gauthier, SECOND by Ron Gauthier, to adjourn the meeting. VOTING: 5 ayes; motion carried.**

The meeting was adjourned at 7:40 p.m.

*RScty: M.E. Riordan*