

TOWN OF KILLINGTON ZONING BOARD OF ADJUSTMENT
Meeting of October 2, 2013

PRESENT: Ron Riquier, Chair
Lou Grob
Jay Hickory
Marty Post
Richard Horner, Zoning Administrator

START: 4:08 p.m.
END: 5:26 p.m.

GUESTS: Chris Karr; Seth Webb

Ron Riquier, Chair opened the meeting at 4:08 p.m.

1. Approval of Agenda

Lou Grob moved to approve the agenda. Marty Post seconded. All in Favor.

2. Approval of the Minutes

Lou Grob moved to approve the minutes of May 23, 2013 as may be amended. Marty Post seconded. Questions were raised as to a deadline to demolish the old Killington Apartments building and if the fence requirement was placed on the entire site or just the site around the open foundation site if the area is not filled in. Horner advised that the building must be demolished by November 30th to preserve the non-conforming status of the property for 5 years. Additionally, if the foundation was deemed salvageable then the open footprint (area of danger) would be required to be fenced in. Horner advised that these conditions are noted in the Findings of Fact which supersede the minutes.

Vote on minutes of May 23, 2013 as presented. All in Favor.

3. Application 13-029

Ron Riquier opened the hearing on Application 13-029 by Bill's LLC for a variance to permit the use of roof signs on the building located at 2219 Route 4, Tax Map #21-47.

Dick Horner advised that approximately one year ago the old Bill's Country Store building was purchased by a group of investors under the name of Bill's LLC. This building has always had a roof sign when it was operated as Bill's Country Store. A year before the building went to auction, Dick wrote a letter to the owners requiring that they remove the sign because it was no longer in conformance since the business had not been in operation for over 2 years and Town Zoning does not allow roof signs. The new owners of the building intend to use the building for a public use to house the Chamber of Commerce/Welcome Center and they would like to reinstate a roof sign similar to what had previously existed but that would say "Killington, Vermont". Horner distributed an artist's rendering of the proposed roof size.

Chris Karr, representing Bill's LLC, added that the intent of the group from the beginning was to create a Visitor/Welcome Center for the Killington area. Bill's LLC has entered into a long-term lease and purchase and sales agreement with the Chamber of Commerce. The group intends to transfer the building to the Chamber of Commerce at some point in the future at no

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profit. Bill's LLC will retain a Right of First Refusal should the Chamber in the future no longer wish to operate an office and visitor's center in the building. Because of the historical nature of that building having had a roof sign and because a Park and Ride component is part of the plan for this property, it was thought a roof sign stating "Killington, Vermont" would be appropriate.

There being no further discussion, the ZBA moved into review of criteria under **Section 770**:

Criterion 1. Lou Grob moved that there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Bylaws in the neighborhood or District in which the property is located. Marty Post seconded. Discussion

Dick Horner advised that the building is located very close to the property line, which is unusual. The State Highway right-of-way runs across the property up to the front porch eliminating the possibility of erecting a free standing sign.

After some further discussion, vote on motion as stated. All in Favor.

Criterion 2. Lou Grob moved that as result of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaws and that the authorization of a variance is therefore necessary to enable the reasonable use of the property. Marty Post seconded. All in Favor.

Criterion 3. Lou Grob moved that such unnecessary hardship has not been created by the appellant. Marty Post seconded. All in Favor.

Criterion 4. Lou Grob moved that the variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare. Marty Post seconded. Discussion.

Jay Hickory expressed concern over possibly setting a precedent. Through discussion, the Board clarified that it is considering allowing this sign because the proposed roof sign is not promoting a business but is a location sign that is promoting the Town of Killington as a whole.

Vote on Criterion 4 as stated. All in Favor.

Criterion 5. Lou Grob moved that the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the zoning regulations and of the comprehensive plan. Marty Post seconded. All in Favor.

The Board placed the following conditions on this variance: i) The roof sign on both sides of the roof can only say "Killington, Vermont". ii) The size of the letters shall not exceed 36" for "Killington" and 24" for "Vermont" and the length of the sign shall not exceed the length of the existing rails on the roof. iii) A 2 sided sign attached to the front of the building. The sign is not to exceed 32 sq. ft. as shown on Exhibit #2 and is limited to advertising the Chamber of Commerce and Welcome/Visitor Center.

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Lou Grob moved that the variance be granted as conditioned above. Marty Post seconded. All in Favor.

Lou Grob moved to authorize Ron Riquier to sign the Findings of Fact on behalf of the Board. Marty Post seconded. All in Favor.

Marty Post moved to close the public hearing at 5:25 p.m. Lou Grob seconded. All in Favor.

4. **Other Business** – None.

The meeting was adjourned at 5:26 p.m.

Respectfully submitted,

Lucrecia Wonsor
Recording Secretary

NOTE: These minutes have not been approved by the Zoning Board of Adjustment and are, therefore, subject to change.