

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** February 21, 2023  
**RE:** ZAP-23-1; 126 College Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: FD6 Ward: 3C

Owner/Appellant: Investors Corporation of Vermont / Julia Booth (VT Law School)

**Request:** Appeal of zoning application denial ZPS-22-69 to install a wall sign for Vermont Law School.

### **Overview:**

The appellant is seeking approval to install a wall sign for Vermont Law School at 126 College Street. The law school is a 4<sup>th</sup> story tenant in this existing commercial building. The proposed wall sign would locate along the first floor College Street frontage of the building. No sign is presently located where the proposed wall sign would be installed.

While a variety of sign types are permissible, the fundamental problem in this case is that wall sign area is allowed only for first and second story tenants.

**Recommendation:** **Uphold administrative zoning denial** based on the following findings:

### **I. Findings:**

The subject sign application was filed and completed December 8, 2022. The proposed wall sign consisted of a basic sign panel affixed to the exterior brick wall next to the building's College Street entrance. No illumination was proposed. Denial of the application was anticipated by the applicant.

The application was reviewed and administratively denied December 22, 2022. Denial was based on the following:

The proposed wall sign is subject to the standards of Sec. 7.2.13: Wall Sign, of the Comprehensive Development Ordinance. Wall sign area is allowed for first floor tenants and for second floor tenants with only a ground floor entryway. The proposed wall sign is for a 4<sup>th</sup> floor tenant. There is no provision for wall sign area for tenants beyond the first or second floors. As a result, the requested wall sign cannot be approved.

The administrative denial was appealed January 5, 2023 (and completed January 6) within the 15-day appeal period.

The appeal makes a number of assertions that are not germane to the standards of *Article 7: Signs* of the Comprehensive Development Ordinance, such as economic development and access to legal services. As to the standards in Sec. 7.2.13, *Wall Signs*, the appellant argues that wall signs are not expressly prohibited for 4<sup>th</sup> story tenants. The appellant also argues that, lacking specific standards for 4<sup>th</sup> story tenants, the proposed wall sign is allowed under the blanket maximum provision of 15% of the building's façade or 200 sf, whichever is less.

The appellant is correct that Sec. 7.2.13, *Wall Signs*, does not expressly prohibit wall signs for 4<sup>th</sup> story tenants. However, the applicant's argument that this lack of express prohibition enables larger signs for upper story tenants than for first and second story tenants turns the standard on its head. The wall sign standard expressly allows 2 sf sign area per linear foot of street frontage associated with a first floor tenant and 10 sf total for a second floor tenant with only a first floor entryway. It is incongruous that a 2<sup>nd</sup> floor tenant would be allowed only 10 sf of wall sign area, but upper story tenants would be allowed wall signs limited only by the 15% or 200 sf maximum for the entire building. Approved signs must comply with the applicable standards. In the case of wall signs, the applicable standards pertain to first and second story tenants.

It bears mentioning that other sign types are available for the appellant, including window signs and a directory sign. Given the multiple tenants in the building, a master sign plan that affords greater flexibility as to sign types and location may also be possible. A wall sign; however, cannot be permitted.

**II. Recommended Motion:**

Uphold administrative zoning denial ZPS-22-69.