



City of  
Burlington, Vermont  
645 Pine Street

## Zoning Application Denial – Reasons for Denial

ZP #: ZPS21-5

Tax ID:

Issue Date: August 23, 2021

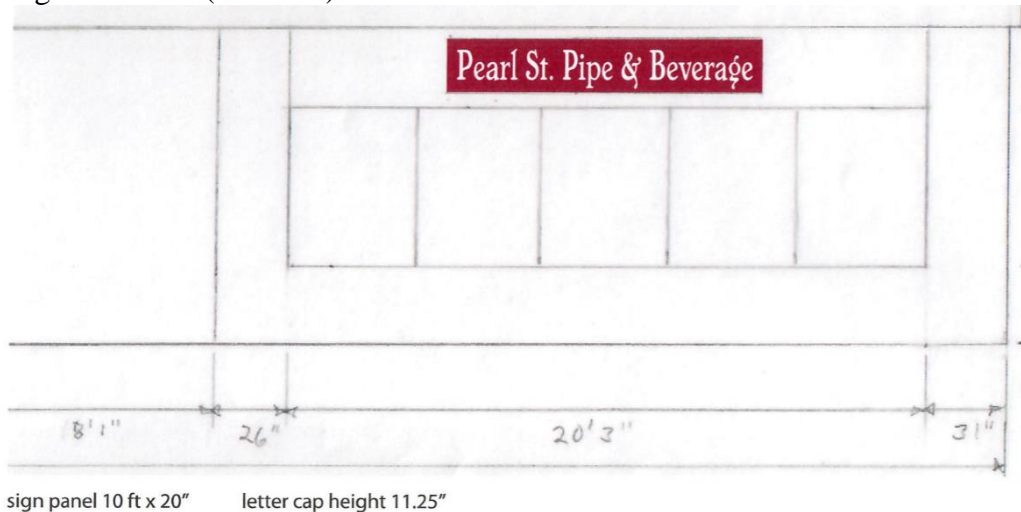
Decision: Denied

Property Address: 240-242 Pearl Street

**Description:** Replace sign damaged by fire. Pearl St. Pipe & Beverage

### Reasons for Denial:

The Pearl Street Beverage was damaged by a fire July 1, 2020. There were two existing wall signs, permitted April 1980, sized 18" x 12', and 2' x 16'. (Permit #80-857.) The applicant requested a replacement sign 20' x 10' (16.66 sf.)



### 1. Section 3.2.4 Application Forms and Fees

#### (a) Fees

*Any application shall be deemed incomplete until such time as all applicable application fees are paid.*

Application fees were paid July 29, 2021, the date the application was complete.

### 2. Section 3.2.5 Completeness of Submission, Administrator's Action

*An application for a zoning permit shall not be complete until all submission requirements have been provided to the satisfaction of the administrative officer. The administrative officer shall take action with regard to a complete application within 30 days.*

The pre-fire existing wall sign was non-conforming to the zoning district (RM). The non-conformity was related to the size of the sign.

The applicant filed a zoning permit application June 5, 2021, but application fees were not paid until July 29, 2021, rendering the application incomplete until that time. As more than one year

had elapsed from the date of the fire (July 1, 2020), the one year allowance for continuance of a non-conformity had elapsed. The non-conformity therefore may not be continued.

**3. Section 7.1.6 Non-Conforming Signs**

*A non-conforming Sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article.*

***Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.***

The permit application was not complete until payment was received; July 29, 2021. That is more than one year since the fire (July 1, 2020) and therefore outside the one year allowance for replacement of the non-conforming sign.

A conforming wall sign in a residential district is limited to 6 sf. (**Section 7.2.13**)