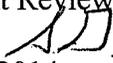


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin 
DATE: October 21, 2014
RE: 14-1030SN; 87 King Street

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: RH Ward: 5

Owner/Appellant: King Street Center

Request: Appeal of administrative denial of zoning permit for King Street Center sign

Applicable Regulations:
Article 12 (Variances and Appeals)

Background Information:
The appellant is appealing an administrative permit denial for a parallel sign at the King Street Center.

Recommendation: Uphold administrative permit denial as per, and subject to, the following findings:

I. Findings

On May 7, 2014, a zoning permit application was filed for a parallel sign for the King Street Center. The proposed sign spelled out "KING STREET CENTER" and consisted of individual letters mounted on top of the Center's front entry canopy. The proposed sign was to be 288" long by 10" tall (20 sf total area). No illumination was proposed.

On May 20, 2014, the permit application was determined to be complete. On that same day, the applicant was informed via email that the proposed sign could not be approved. The application was placed on hold pending a revised sign proposal. Several conversations between the applicant and staff took place thereafter.

On August 26, 2014, the applicant's architect met with staff and decided to pursue the sign as proposed via an appeal to the Development Review Board. Later that day, the zoning permit application for the sign was denied. It was denied for the following reason:

"The proposed sign is a parallel sign as defined in Article 13, *Definitions*, of the Comprehensive Development Ordinance. Per Sec. 7.1.9, *Types of Signs (c) Parallel Signs*, the sign shall not extend beyond the edge of any wall or other surface to which it is

mounted. As proposed, the entire sign extends beyond the canopy surface to which it is mounted and cannot be permitted.”

On September 10, 2014, the zoning permit denial was appealed. The appeal was filed in a timely manner.

The appeal asserts that the proposed sign is consistent with the provisions for parallel signs under Article 7, including Sec. 7.1.9. It argues that Sec. 7.1.9 (c) is intended to prevent signs that project above the uppermost parapet and/or roof of a structure. The appeal also notes that there is a “rich tradition” of similar top canopy signs throughout the United States.

It is uncontested that the proposed sign is dimensionally compliant and largely consistent with the standards for signs in the residential districts (the property is located in the High Density Residential zone). It is not, however, consistent with Sec. 7.1.9 (c). This section would indeed prevent signs that project above the uppermost parapet and/or roof of a structure. This section also prevents parallel signs from projecting “...beyond the edge of any wall or other surface to which it is mounted” (emphasis added). In this case, the proposed sign would be located entirely above the canopy face to which it would be mounted.

While the proposed sign is not aesthetically objectionable, it simply does not comply with the restrictions of Sec. 7.1.9, *Types of Signs (c) Parallel Signs*. The proposed lettering could be lowered onto the face of the canopy. If need be, the canopy could be modified to provide a wider face behind the lettering to prevent any projection of the sign.

II. Recommendation

Uphold the administrative permit denial because the proposed sign does not comply with the provisions of Sec. 7.1.9, *Types of Signs, (c) Parallel Signs*.

Scott Gustin

From: Scott Gustin
Sent: Tuesday, May 20, 2014 3:36 PM
To: 'vicky@kingstreetcenter.org'
Subject: King Street Center sign

Hi Vicky,

I've looked over your sign permit application for the King Street Center. The size and height are ok; however, as a "parallel" sign it cannot project above the canopy as is presently proposed. It needs to be flush-mounted to the fascia of the canopy or placed on the building wall.

Let me know if you have any questions. I'll hold onto the application pending receipt of a revised sign location.

Scott

Scott Gustin, AICP, CFM
Senior Planner
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED

SEP 10 2014

DEPARTMENT OF PLANNING & ZONING
Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 87 KING STREET BURLINGTON VT. 05401.

Subject Property Owner: KING STREET CENTER.

Appellant: KING STREET CENTER.

Agent/Representative: PAUL KIELMAN - TRUAX-CULLINS.

Mailing Address: 209 BATTERY STREET.

City, St, Zip: BURLINGTON VT. 05401.

Day Phone: 802-488-8227. Email: PKIELMAN@TRUAXCULLINS.COM

Appellant Signature: [Handwritten Signature] Date: 8.28.2014.

In order for your request to be considered complete, ALL of the following information must be provided, as applicable:

- The Appeal fee of \$250; ATTACHED.
Description of the decision under appeal; ATTACHED LETTER
Description of the property subject to the appeal;
Reference to the regulatory provisions applicable to the appeal;
Relief requested by the appellant;
Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 179 Amount Paid 250. Zoning Permit # 14-1030SN

RECEIVED
SEP 10 2014

DEPARTMENT OF
PLANNING & ZONING

September 9, 2014

Scott Gustin, AICP, CFM
Senior Planner
Department of Planning and Zoning
149 Church Street
Burlington, Vermont, 05401

Dear Scott,

As discussed recently, the King Street Center, located at 87 King Street in Burlington Vermont wishes to appeal the recent denial of their sign permit application dated May 7, 2014.

We, TruexCullins Architects are the authorized agents of the King Street Center with regard to this appeal.

1. We enclose a check in the amount of \$250.00 to cover the cost of the Appeal Fee.
2. The decision under appeal pertains to a proposed parallel sign that is described in the attached original application. The proposed sign was denied due to the fact that the 10" letters projected above the entrance canopy as illustrated in our application.
3. The property subject to the appeal is the King Street Center at 87 King Street, Burlington, Vermont. The Center is currently being reconstructed and enlarged. The property, when complete, will consist of a 24,000 square foot community center that serves families and children in Burlington, Vermont. The center is a two story building with a full basement and a rooftop playground. The structure covers approximately 80% of a .32 acre property. The site and rear yards are primarily devoted to circulation and playground space.
4. The regulatory provisions applicable to this appeal are sections 7.1.1, 7.1.9, 7.1.10, table 7.2.1 and section 7.2.2.
5. The King Street Center requests relief from the provisions of the signage ordinance so that the letter sign can be mounted on the front and upper edge of the newly constructed entry canopy.
6. The Center believes that the sign as proposed and designed meets the intent of the signage ordinance as outlined in Section 7.1.1. The sign/letters are proposed to be mounted to the upper front edge of a modest entry canopy at an approximate elevation of 10-12'. These letters/sign would have an additional second story of the structure immediately behind the sign. We perceive that the intent of this ordinance is to prevent projecting parallel signs above the upper most parapet and/or roof of a structure (as is stated in section 7.1.9 roof signs and this would not be the case in this instance. For that reason we would request consideration and approval of our appeal.

We would add that the rich tradition of top canopy mounted signage is extensive throughout the United States and elsewhere (please see Hanover, New Hampshire example provided). This method of

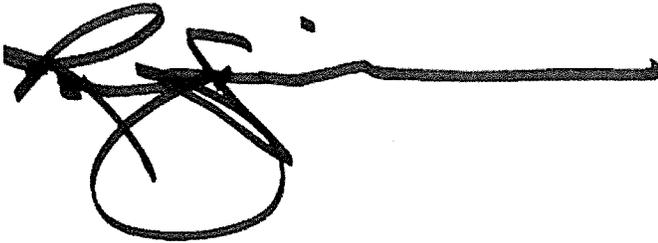
SEP 10 2014

DEPARTMENT OF
PLANNING & ZONING

signage is in keeping with community scale and serves to communicate effectively to prospective building visitors. In addition this type of sign placed on porch/canopy edges serves to activate building fronts. Such methods of providing signage are restrained and aesthetically appropriate given the size constraints/restrictions in place here in Burlington. Such a canopy mounted sign helps identify use and function as stated in Section 7.1.1 under Authority and Intent. Given those "intentions" the proposed King Street Center sign seems appropriate to its context in this historic neighborhood.

Thank you for your consideration.

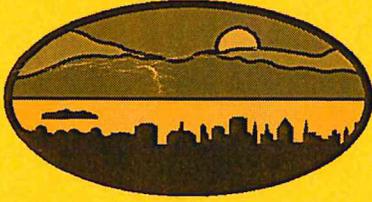
Sincerely yours

A handwritten signature in black ink, appearing to read 'Rolf Kielman', with a long horizontal line extending to the right.

Rolf Kielman, AIA
Principal

On behalf of the King Street Center, Burlington, Vermont





ZONING REQUEST DENIAL

SIGNS AND AWNINGS

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 05/07/2014

Appeal Expiration Date: 09/10/2014

Project Location: 87 KING STREET

District: RH

Owner: King Street Youth Center

Ward: 5

Address: PO Box 1615
BURLINGTON, VT 05402

Tax ID: 049-1-026-001

Project Type: Residential - Other Project Type

Project Description: Parallel sign for King Street Center. No illumination included.

Construction Cost:	\$0	Lot Size (Sq Ft):	14,510
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 14-1030SN

Decision By: Administrative

Level of Review: 1

Decision: Denied

See Reasons for Denial

Decision Date: August 26, 2014

Project File: NA

Zoning Administrative Officer

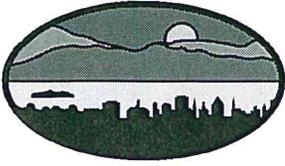
An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on September 10, 2014.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$90.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	<i>Not Applicable</i>		

Building Permit Required: **Not Applicable**

Received by: _____

Date: _____



Zoning Permit - Signs and Awnings – Reasons for Denial

ZP #: 14-1030SN

Tax ID: 049-1-026-001

City of
Burlington, Vermont
149 Church Street

Issue Date: August 26, 2014

Decision: Denied

Property Address: 87 KING STREET

Description: Parallel sign for King Street Center. No illumination included.

Reasons for Denial:

1. The proposed sign is a parallel sign as defined in Article 13, *Definitions*, of the Comprehensive Development Ordinance. Per Sec. 7.1.9, *Types of Signs (c) Parallel Signs*, the sign shall not extend beyond the edge of any wall or other surface to which it is mounted. As proposed, the entire sign extends beyond the canopy surface to which it is mounted and cannot be permitted.

Denied



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
Phone: (802) 865-7188
Fax: (802) 865-7195

www.burlingtonvt.gov/pz

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MAY 07 2014

DEPARTMENT OF
PLANNING AND ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 87 King Street, Burlington, VT 05401

PROPERTY OWNER*

King Street Center, Inc.

*If condominium unit, written approval from the Association is also required

APPLICANT: King Street Center, Inc.

POSTAL ADDRESS: P.O. Box 1615

CITY, ST, ZIP: Burlington, VT 05402

DAY PHONE: 802-862-6736

EMAIL: vicky@kingstreetcenter.org

SIGNATURE:

Vicky Smith

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

SIGNATURE:

Vicky Smith

Description of Proposed Project: Rebuilding and renovation of the King Street Center on the existing footprint.
(This application is for the proposed building sign)

Existing Use of Property: Single Family Multi Family: # Units Other: Community Center

Proposed Use of Property: Single Family Multi Family: # Units Other: Community Center

Will 400 sq ft or more of land be disturbed? (If yes, you will need to provide the 'Erosion Prevention Plan') Yes No

For Single Family & Duplex, will total area be more than 1000 sq ft? (If yes, you will need to provide the 'Stormwater Management Plan') Yes No

Are you proposing any work within the existing building footprint? (If yes, you will need to receive prior approval from the Building Department) Yes No

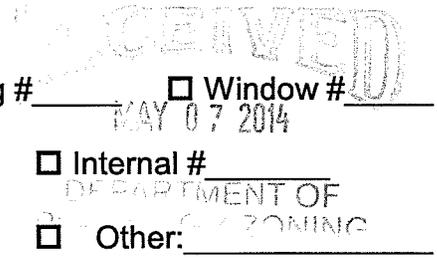
Estimated Construction Cost (value): 5/20/14 (*Estimated cost a typical contractor would charge for all work)

- Within 30 days of submission, the permit application will be processed administratively or referred to a board for review (30 days for administrative permit; 30 days for board permit).
 - A building (and/or electrical, mechanical, plumbing) permit is required. Call 802-863-9094 to inquire.
 - Please ask for assistance if you have any questions. You may visit the office in the lower level of City Hall, 149 Church Street.
- If complete, will be processed during an appeal period (15 days for administrative permit; 30 days for board permit).
Department of Public Works at 149 Church Street, Burlington, VT 05401
Zoning at 802-865-7188, or visit www.burlingtonvt.gov/pz

Office Use Only: Zone: RA Eligible for Design Review? Age of House 1475 Lot Size 14510
 Type: SN AW FC BA COA 1 COA 2 COA 3 CU MA VR HO SP DT MP
 Check No. 172 Amount Paid 90 Zoning Permit # 14-10305N

cannot project above canopy. E-mailed app. 5/20/14 Barbara wants to speak w/ h

Check All that Apply, Specify Number and Sizes:



Type: Freestanding # _____ Parallel # 1 Projecting # _____ Window # _____

Illumination: None # 1 External # _____ Internal # _____

Materials: Metal Neon Plastic Wood Other: _____

Building: Length of Building Frontage Devoted to your Business = 76 ft.

Sign A: Length = 288 in. Height = 10 in.
Area = 20 square feet. Height to top of sign = 10'-8" ft.

Sign B: Length = _____ in. Height = _____ in.
Area = _____ square feet. Height to top of sign = _____ ft.

Sign C: Length = _____ in. Height = _____ in.
Area = _____ square feet. Height to top of sign = _____ ft.

How many existing signs on the building or property are associated with your business? 2
(Removed during demolition)

How many existing signs are being replaced? 1 (new)

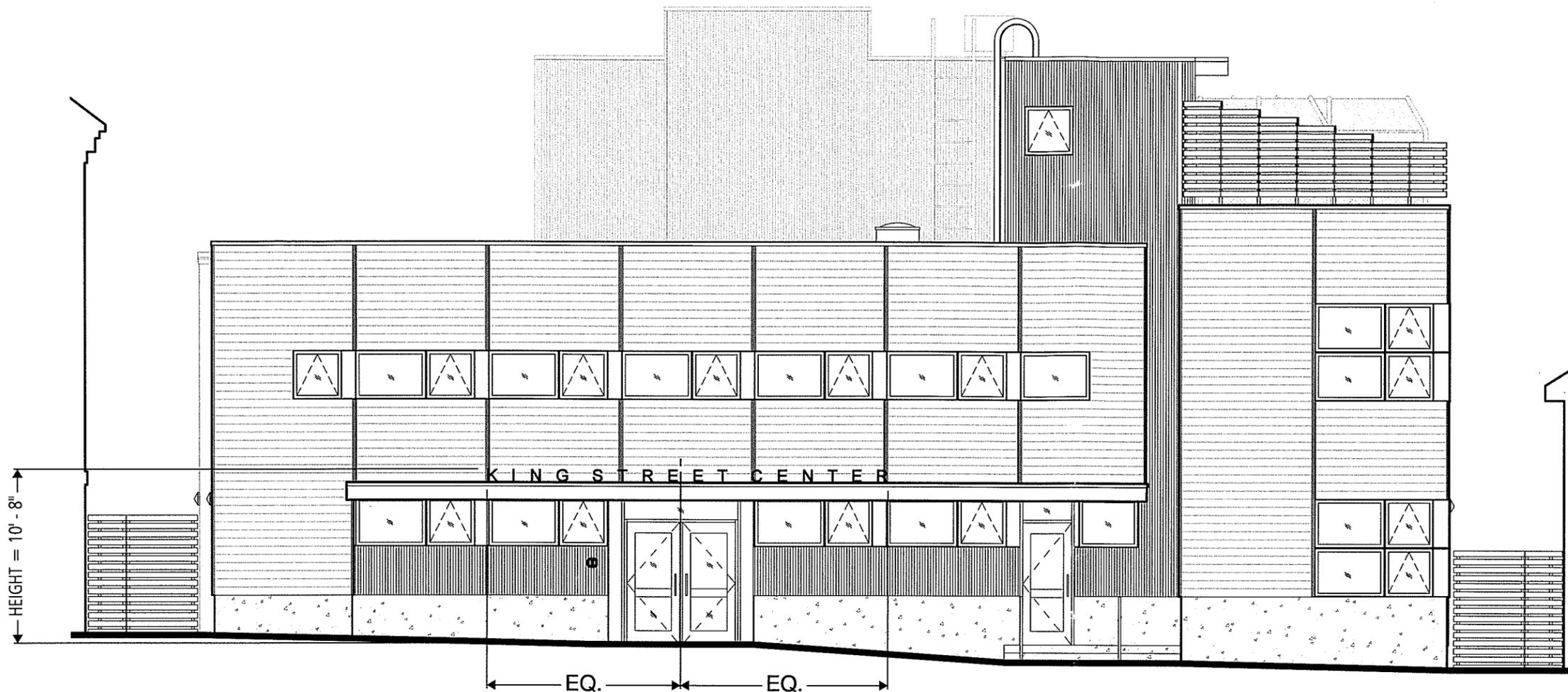
Total Cost of Proposed Sign(s): \$ 5000.00

Size of each existing sign: N/A

Proposed Signage Use: Retail Restaurant Office
 Home Occupation Other Community Center



This rendering shows the proposed sign on the North elevation along King Street



Sign Information

Number of New Signs : 1

Number of Existing Signs to be Removed : 2

Number of Existing Signs to Remain : 0

Color : Yellow (See Rendering)

Square Footage : 20 SF

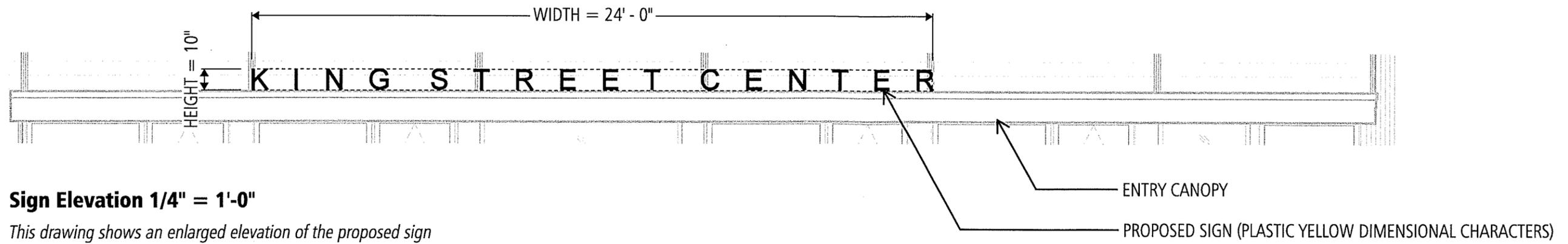
Height (to top) : 10' - 8"

Material : Plastic Dimensional Characters

Font : Arial

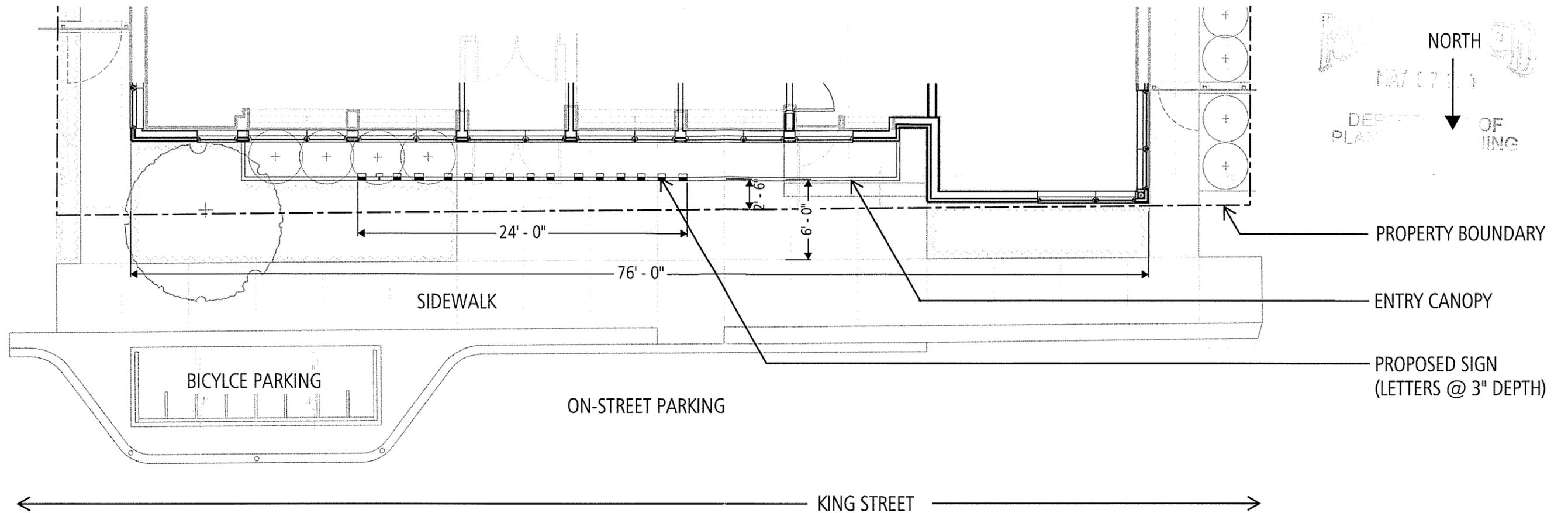
North Elevation 1/8" = 1'-0"

This drawing shows the proposed sign on the North elevation along King Street



Sign Elevation 1/4" = 1'-0"

This drawing shows an enlarged elevation of the proposed sign



Sign Plan 1/8" = 1'-0"

This drawing shows the proposed sign (10'-8" feet above ground) superimposed over the landscape plan in context with the property boundary and sidewalk

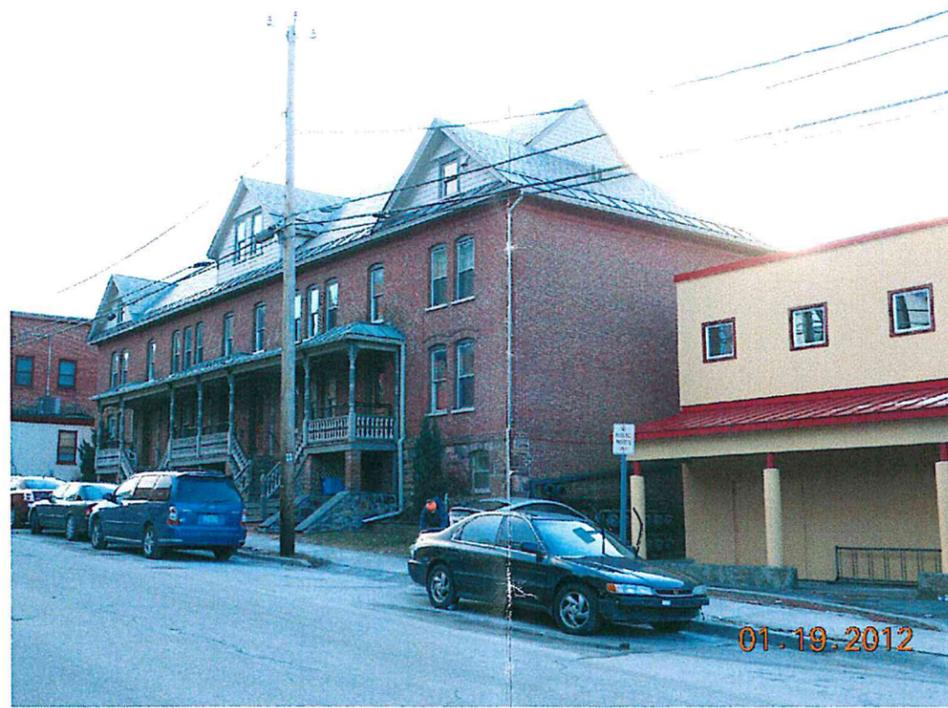


King Street Elevation NTS

This drawing shows the proposed sign in the context of the King Street neighborhood



King Street context east of the King Street Center



Burlington Housing Authority building east of the King Street Center



Existing King Street Center (With Existing Signs Removed during Demolition)



House west of the King Street Center



House west of the King Street Center



Existing Signs along St. Paul street within KSC context, High Residential District