

**MINUTES OF PUBLIC HEARING
HELD BY THE ZONING BOARD OF APPEALS
VIRTUAL MEETING HELD VIA ZOOM
FEBRUARY 24, 2021**

MEMBERS PRESENT: James R. Stevenson, Chair
Keshet Spadaccini, Secretary
Robert Haley
Albert Gionet
Edward Slegeski

ALTERNATE PRESENT: Linda Harris

ABSENT: Sandra DeCampos
Jonathan Mitchell

ALSO PRESENT: James Davis, Zoning Enforcement Officer
Megan Pilla, Senior Planner
Nancy Martel, Recording Secretary

The Chair opened the Public Hearing at 7:00 PM.

JOHN WILPER – Application #2021-008 – Request variances from Art. II, Sec. 26.08.09(B)(9) and Art. IV, Sec. 13.04.02 to permit an internally illuminated sign that does not have an opaque background (opaque background required) at 274 Broad Street, Form-Based Zone.

Mr. John Wilper, 274 Broad Street, Manchester, introduced himself. Mr. Wilper sought to illuminate an upgraded sign that he applied to the front of his property at 274 Broad Street, Manchester. He explained that he had a sign installed in 1987 that had become in a state of disrepair. Because of COVID-19, stated Mr. Wilper, he had to close his location in West Hartford. As a result, he moved the sign from West Hartford to his Manchester location. It has the ability to be illuminated from the inside and he requested that he be allowed to illuminate the sign on Broad Street.

Ms. Harris inquired what the hardship is in this instance.

Mr. Wilper responded by noting that Taylor Rental is a franchise and, because of the regulations of the franchise, he is required to abide by certain trademark regulations and is not allowed to change the logo or the display of the branding. The branding for Taylor Rental has a yellow background with black lettering, similar to the marquee sign. Because it is a registered trademark of Taylor Rental nationwide, he must abide by the franchise agreement with the parent company.

Ms. Harris said that in 1987, when the applicant had the first sign erected, it had a yellow background with black lettering. She inquired what has changed since 1987 to require an illuminated sign.

In 1987, Taylor Rental corporate was its own entity and they had a certain amount of discretion with what they allowed their franchisees to do, stated Mr. Wilper. Since that time, Taylor Rental has been purchased by True Value Corporation. True Value requires strict adherence to the registered trademarks for their rental entities.

Ms. Harris inquired whether the illuminated sign is part of the corporation's requirement.

Mr. Wilper reiterated that the illuminated sign is from his other location. He reported that the need for the illuminated sign is for both visibility and economy. When his father erected the sign in 1987, it was illuminated exteriorly from the lawn with an 800 W halogen light, which is still on the property. The interior lighting would allow Mr. Wilper to modify the light so it is LED, which is more economical and would create better visibility because, unlike the exterior light on the lawn, it would not be blocked by snow or debris.

Ms. Spadaccini assumed that there is not a requirement to have an illuminated sign.

Mr. Wilper responded that Ms. Spadaccini was correct, and added that he cannot change the sign from a branding perspective. The illuminated sign enables the branding required, in a more economical fashion, and would be aesthetically pleasing.

Ms. Spadaccini understood Mr. Wilper's position but was unsure whether that would meet the definition of a hardship.

Mr. Wilper acknowledged that the hardship is the visibility of the company. The old sign had fallen into disrepair. He viewed his business as an anchor company on Broad Street, which it has been for a number of years. The visibility, in his opinion, adds value to not only his company, but also surrounding businesses. Mr. Wilper stated that lighting it from the interior gives it value because it will be very clear, very clean, and professional looking along with other companies on Broad Street that have this type of signage. The Town of Manchester has worked hard to beautify Broad Street and the sign would not detract from that.

Mr. Haley asked about the business's hours of operation, to which Mr. Wilper responded that they are open from 7:30 A.M. to 5:30 P.M. Monday through Saturday, closed on Sunday. Mr. Haley observed that, with spring coming, they will not have any darkness to require illumination. He added that the business has operated with an unlit sign for many years.

Mr. Haley questioned whether Mr. Wilper has investigated whether a sign company could make the yellow opaque.

Mr. Wilper reported that he has constraints around his ability to change the lettering vs. background signage due to the franchise agreement. The sign company who installed the sign

made modifications within the construction of the sign itself. He reiterated that it is LED and has economy built into it.

Mr. Haley noted that the problem is the light can only shine through the letters. He assumed there must be a way to block out the sign so light cannot shine through, which would make the sign compliant.

Mr. Wilper restated that he has constraints around the sign. "Taylor Rental" is black and the background is yellow. He cannot switch the colors.

Mr. Haley thought there must be a way to prevent light from shining through it.

Mr. Wilper said he has the opportunity, because of the availability of the sign, to illuminate it in a way that he can identify his business and have the sign be an upgrade to a more cohesive appearance with all of the other businesses on Broad Street. Mr. Wilper stated that it is a clean, professional sign which adds to the aesthetic of both the building and the sign.

Mr. Slegeski understood that the previous sign was in disrepair, and unfortunately Mr. Wilper had to close his West Hartford location, resulting in moving the sign from West Hartford to Manchester. The issue is that the sign does not comply with the Manchester zoning regulations. The Board's issue is whether to approve a noncompliant sign.

Mr. Wilper reported that he has not illuminated the sign because he wanted to get through this meeting first. After the installation, he illuminated it to get an idea of what it might look like, and it has a very short throw.

Ms. Pilla reported no comments from Staff in terms of review of the application. There were no specific issues that arose. She read two public comments: (1) From George Hatem, CEO of Action Blueprint and Supplies, 284 Broad Street, who approved of the signage; and (2) From Matthew and Nicola Maratta, operators of CJ's Giant Grinders, 273 Broad Street, who approved of the signage.

Mr. Davis reported that he has worked with Mr. Wilper on this application when he first made application to relocate the sign from West Hartford to Manchester. He added that the previous sign was directly illuminated from the ground and this sign has the ability to be illuminated internally. His permit restricted the applicant from illuminating the sign until he had permission from the Zoning Board of Appeals.

Mr. Haley asked Mr. Davis if there are signs on Broad Street that are illuminated illegally.

Mr. Davis was unable to determine when the illuminated signs regulations were adopted by the Planning and Zoning Commission. The pictures in the packet of other businesses predated the regulation. All the signs that exist on Broad Street are non-conforming.

Mr. Haley asked if the Board is approving the illumination of the sign or the illumination and the sign itself.

Mr. Davis responded that the application is for the internal illumination of the sign; the sign not illuminated is completely compliant. Additionally, the sign externally illuminated would also be compliant.

Mr. Haley sought confirmation that the applicant will not be required to take down the sign, and Mr. Davis replied that he will not be required to take it down.

Mr. Prause asked Mr. Wilper if the free-standing sign is illuminated and Mr. Wilper confirmed that it always has been.

Mr. Wilper stated that the goal of the company, from his parents before him and now himself, is to enhance the neighborhood. His opinion is that internal LED illumination would both help his electric bill and also add to the professionalism of the look of Broad Street. In his opinion, with the enhancements coming to Broad Street, allowing the variance would be a benefit to his company and also ensure he is in good standing with his parent company.

The public hearing portion of the meeting was adjourned at 7:30 P.M.

I certify these minutes were adopted on the following date:

March 24, 2021

Date

James Stevenson, Chair

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.