

REPORT TO THE BOARD OF ZONING APPEALS

DATE: March 19, 2026

SUBJECT: Case #260417 – 146 US Highway – 72 Guff’s Wine and Liquor – Appeal of Staff Decision related to a wall sign in a multi-tenant shopping center

INTRODUCTION:

- Guff’s Wine and Liquor (Jason Guff), a tenant in Connection Marketplace (formerly Roseview) shopping center at 146 E Highway 72, is requesting an appeal of a staff decision related to a recently altered wall sign (see Exhibit 2).
- The decisions in question are whether a sign permit was required to alter an existing non-conforming sign and the applicable design requirements for the wall sign (see Exhibit 2).
- Guff’s Wine and Liquor is within the tenant space previously occupied by Wilkinson’s Liquor Store.
- The 6.276-acre property, owned by Ronnie Privette Living Trust (John Paul Privette), is zoned SCC: Shopping Center Commercial and GC: General Commercial. The Guff’s Wine and Liquor tenant space is within the portion zoned GC.
- The multi-tenant and multi-building shopping center was built in 1973, prior to the Town’s current signage regulations.

BACKGROUND:

- The Town amended its signage regulations at some point to prohibit plastic face cabinet signs, such as the wall sign in question, with the exception of multi-tenant ground signs known as “project signs”. This made the Wilkinson’s Liquor Store a legal nonconforming sign per §151.181.
- Guff’s Wine and Liquor became the new tenant at 146 E Highway 72 in 2025 after Wilkinson’s Liquor Store ceased to operate. The wall sign lost its legal nonconforming sign status when the tenancy changed per §151.181(A).
- Guff’s Wine and Liquor replaced the face of the existing plastic façade cabinet sign (see Exhibit 2) and converted the internal lighting to LED without a sign permit. An electrical permit was not obtained, as one is not required for wiring in a sign or for the sign connection to an existing electrical box within six feet.
- Town Staff informed the new tenant (Guff’s) a permit is required for the wall sign alterations.
- Guff’s Wine and Liquor applied for wall sign permit November 20, 2025 (see Exhibit 2). Revisions were needed to comply with the Town’s regulations.
- A separate application was made to add the new tenant’s name to the project sign (see Exhibit 6) for the shopping center. Project signs lawfully constructed prior to 2010 may continue the use of plastic sign panels.
- Town Staff denied the wall sign permit on February 12, 2026, citing a lack of compatibility with the adjacent business (see Exhibit 2). The applicant was given until March 13, 2026, to remove the wall sign.
- The applicant filed an appeal of the staff’s decision on February 24, 2026, (Exhibit 3).

KEY POINTS:

1. The sign permit process allows for Town staff to verify wall signs in shopping centers fully comply with the Zoning Ordinance:

- Changing the face of the sign for a new tenant is beyond routine maintenance per §151.176 (B)(2) (see Exhibit 6).
- The sign permit process allows for proper evaluation of signage illumination:
 - The color temperature of the new internal LED lighting is unclear from the permit application, although the applicant stated via email the temperature is 4,500K.
 - §151.178 (D)(4)(E) prohibits internal illumination of a sign with a light color temperature exceeding 5,000K.
- The sign permit process allows for proper review of the sign for compatibility with adjacent businesses (see Exhibit 6). A to-scale rendering with sign dimensions was not provided with the wall sign permit.

2. The tenant believes Development Department staff has acted in error in applying the compatibility standards of §151.178 (C)(1)(C), citing the varied design of signage in the shopping center.

- The Zoning Ordinance does not define the phrase “adjacent existing businesses”; however, § 151.003 says, “Where words have not been defined, the standard dictionary definition shall prevail. For definitions related to signage see § 151.171.”
 - Based on the Merriam-Webster definitions, Staff interprets “adjacent” in this content to mean the nearest tenant space touching the tenant space in question (see Exhibit 4).
 - Guff’s Wine and Liquor is an end tenant space, meaning it only has one (1) adjacent tenant to the left/north.
 - The adjacent wall sign (Southern Styles) is not illuminated and has white letters on a stained wood background. The sign is also fully within the sign band (see Exhibit 3).
- The Connection Marketplace shopping center does not have its own comprehensive signage policy for its tenants.
- The wall signs in the Connection Marketplace shopping center do not have a consistent design. The applicant is willing to install a different sign but wants a design with internally illuminated letters.
- Prior to comprehensive changes to the Town’s signage regulations in 2010, Town staff would assist in enforcing private sign policies for shopping centers, with the Desing Review Commission (DRC) needing to review and approve sign permits not in compliance with the sign policy on file.
- The Town cannot enforce private restrictions, which is why the practice of enforcing private sign policies outside of Planned Developments (PDs) was removed from the sign permit process in 2010.
- §151.178 (C)(1)(C) was added to the Zoning Ordinance in 2010 to require compatibility of sign design in multi-tenant shopping centers (see Exhibit 6).

3. The BZA should determine if the Development Department staff acted in error, or has acted in an arbitrary manner, in its determination on February 12, 2026. Three notable determinations made where a sign permit was required since the work was beyond routine maintenance of the sign, the previous sign lost its legal nonconforming status because the tenant changed, and the compatibility standards established in 2010 apply to this wall signage.

STAFF RECCOMENDATION & NEXT STEPS: A staff recommendation is not provided for appeals of staff decisions. The example motion is based on applicant’s request. Exhibit 2 contains the

staff's interpretations of the Zoning Ordinance. If staff's determination is affirmed, then the new wall sign must meet the requirements of the Town's Zoning Ordinance (permit required, compatibility, illumination, etc.) and Staff will pursue removal of the sign per the letter dated February 12, 2026. Any aggrieved party may appeal any decision of the Board of Zoning Appeals (BZA) to a court of competent jurisdiction as provided for by State Law.

If the BZA votes to overrule staff's determination, the BZA should be specific on whether:

- a sign permit is required;
- the legal nonconforming status of the previous tenant's sign was lost; and,
- the wall sign should be compatible with adjacent businesses and how compatibility should be defined.

ATTACHMENTS:

[Exhibit 1 - Location Map and Contacts.pdf](#)

[Exhibit 2 - Guff's Wine and Liquor Wall Sign Denial Letter with Permit 2-12-26.pdf](#)

[Exhibit 3 - Applicant's Appeal to Staff Decision 2-24-26.pdf](#)

[Exhibit 4 - webster definition.pdf](#)

[Exhibit 5 - Sign Comparisons.pdf](#)

[Exhibit 6 - Zoning Ordinance Excerpts.pdf](#)

PROPOSED MOTION:

To overturn the staff's February 12, 2026, decision related to a wall sign in a multi-tenant shopping center.