

Grand Junction Board of Adjustment

M I N U T E S

August 7, 1986

The regularly scheduled meeting of the Grand Junction Board of Adjustments was called to order at 8:10 a.m. by Acting Chairperson, Anita Johnson. Other members present included JAN POMRENKE, ALFRED LEFEBRE, MEARLEN BROWN, and two non-voting members, DEAN DICKEY and BRUCE BAURLE.

Also present were Development Officials, MIKE SUTHERLAND and KATHY PORTNER.

TERRI TROUTNER was present to record the minutes.

The minutes of April 3, 1986 were approved as submitted.

1. #86-3 Consideration of a request to vary the sideyard setback from 20 feet to 10 feet to allow construction of a carport.

Petitioner: Marie M. Pahler  
Location: 404 North 24th Street

Mike Sutherland indicated the location of the property on the site plan and outlined the intent of the petitioner. He continued that the residence was built with a 10' setback at the time when the Code called for that requirement, thus built to a less strict standard. Since that time, the Code has changed to reflect a more strict standard; however, the petitioner would like to build the carport to match the existing residence--conforming to the old requirements. Mike noted that there was an alley located behind the property, and although there were comments that this carport may obstruct the view from the alley onto Grand Avenue, the petitioner did have a right to erect a fence along this alley and it was felt the fence would create more of an obstruction than the carport.

Acting Chairperson Johnson asked how the City felt about the situation.

Mike responded that many variances had been received with attached conditions that the residences meet the old setback requirements rather than the new. Since the petitioner can build to the new setbacks, the City had some problem with it; therefore, the City felt it could not give a firm recommendation either for or against.

Acting Chairperson Johnson questioned whether the petitioner would need to return before the board should she wish to enclose the carport, thus making it more of a garage.

Mike replied negatively, saying that because this is being treated as a front yard setback, the differentiation between carport and garage is not applicable.

Bruce Baurle asked if this were approved, whether it would cause other residents to follow suit and ask for variances to do the same thing with their properties.

Mike felt that this was possible.

Jan Pomrenke added that her concern was in the possibility of residents later closing off the carport, or converting the garage to a family room and becoming a regular addition to the residence.

Mike once again felt that this was a possibility. Mike added that if this property were not located on a corner, the sideyard setback would only be 5' and 3' for a carport. Originally he thought that building the carport would create a sight distance problem until he realized that a fence would perhaps create more of an obstruction.

Jan asked the petitioner what sort of construction was to take place, including the type of building materials to be used.

Ms. Pahler responded that it was to consist of two sides and a roof (non-enclosed) and painted to match the existing residence. The type of building materials was to be left to the contractor.

Mike reiterated that the question being considered was whether varying the sideyard setback from 20' to 10' was applicable for properties in this area, or whether it would create an unfavorable precedent.

MOTION: (ALFRED LEFABRE) "I MAKE A MOTION THAT WE GRANT THIS VARIANCE."

Mearlen Brown seconded the motion.

A vote was called and the motion passed unanimously by a vote of 4-0.

2. #86-4 Consideration of a request to increase the maximum height allowed for a sign from 40 feet to 45 feet to have acceptable visibility from I-70.

Petitioner: Wendy's Restaurant, Del Newkirk (Kurt Steidly representative)

Location: Northeast corner of Horizon Drive and I-70

Kathy Portner indicated the location on the site plan, stating that Wendy's did receive approval of the plan itself at the last Planning Commission hearing. She continued that the reason for the variance was that Wendy's had a new design for the sign which included a cameo on the top center; it was this cameo which would

exceed the present 40' height restriction. It was felt by Wendy's that traffic could not see the wording of the sign unless the wording itself was elevated to 40', the cameo extended approximately 5' beyond this. Kathy noted that a variance request from the Motel 6 on Horizon Drive to increase their sign's height from 40' to 60' was denied.

Mearlen Brown stated that any questions he had were answered before the meeting. These concerned the heights of other signs in the area, specifically the Amoco sign, and surrounding businesses.

Kurt Steidly commented that tests performed showed the Amoco sign to be elevated to approximately 80'. This measurement was obtained by using the standard sign contractor's tool for measuring elevation.

Acting Chairperson Johnson asked for a further explanation of the procedure which Dean Dickey provided.

Acting Chairperson Johnson requested an explanation from the Planning Department on why this non-compliance of the sign code was being allowed.

Mike replied that until this present consideration, they were not aware that there were businesses whose signs still exceeded the 40' height requirement. These businesses were supposed to have met the new code in 1984, and it appeared that some businesses slipped through the enforcement of this regulation.

Dean commented that at the time there were so many non-conforming signs, it became impossible to enforce the regulation to its fullest extent.

Mike disagreed saying that this was not the sentiment of the Planning Department. They felt that the 40' limitation should be enforced and that there be no businesses excepted. He added that since the Planning Department did not have a boom truck, they had to rely mainly on old records; it seems that a few did get by.

Acting Chairperson Johnson asked if the Department planned to enforce that regulation presently.

Mike said that Don Warner had been working on it, and was not aware of this discrepancy. He plans to contact the owners of these non-conforming signs and make them aware that they are in violation of the present Code. Mike felt that this notification would increase the requests for variances from these owners.

Dean asked Mike if the excessive height had created any problems to date.

Mike responded that he was not aware of any. The Code had been adopted many years ago, however, and these businesses were given eight years to comply. Apparently, they still have not done so. The only alternative for allowing those signs presently non-conforming would be to change the Code. Therefore, it was necessary for the owners of presently non-conforming signs to either come into compliance or request a variance.

Bruce Baurle gave a brief history on the adoption of the sign code, stating that it had begun with what appeared to be a contest on North Avenue between businesses on who could produce the largest and/or highest sign, and each trying to outdo the other. Since this was having an obviously negative impact on North Avenue and the view to surrounding amenities, a sign code was proposed, meetings were held, and the 40' height restriction was imposed and adopted. He felt it was important to refrain from granting variances to businesses on a regular basis.

Mike commented that to his knowledge all North Avenue businesses were brought into conformance. He pointed out to the board that due to increasing staff cuts in the Planning Department, enforcement was forcibly curtailed. Presently, it is performed only on a complaint-received basis.

Dean asked how many of the North Avenue businesses conformed--60?

Mike replied that to his knowledge they all did. He was unsure if letters had gone out to those businesses on Horizon Drive.

Bruce felt that 5' was not enough to make an exception for, and that it could lay the foundation for creating another North Avenue type situation. It was his impression that the lighting alone during evening hours would indicate businesses in this area, thereby drawing the interstate traffic.

Acting Chairperson Johnson repeated her concern over the currently existing non-conforming signs along Horizon Drive.

Mike reaffirmed that Don Warner would contact these people and try to get them on a program for compliance. Whether or not the Wendy's variance was approved, it was likely that the board would receive future requests for variances. These owners have considerable amounts of money tied up in their signs and would probably not hesitate to pursue a variance.

Mearlen Brown pointed out that it appeared that the cameo would take up a very small percentage of the overall sign, and therefore, not create any noticeable difference. (An estimate was given from between 5% and 15%.)

Mike commented that logos were considered in the overall signage just as if it were wording. Wendy's did come under the allowable sign area.

It was Mearlen's position that since the main body of the sign conformed with existing regulations, he had no problem with approving the variance.

Kurt Steidly addressed the board saying that normally the 40' height restriction would be more than adequate, and Wendy's felt that 40' was a reasonable restriction. However, this property has a severe grade at the back of the property, topped with trees, so as to limit visibility from traffic moving from east to west only. The 5' additional height would compensate for this problem and increase the visibility from this direction.

Mearlen asked if this sign was to be located on the highest corner, to which Kurt responded affirmatively.

Discussion ensued on the various grade changes of the properties and the relationship of the sign to those grade changes. Mike pointed out that, depending on the grade change from business to business, the signs could appear taller or shorter.

Bruce reiterated his concern that variances for signs in one instance would open the door to increased requests, thereby creating increased problems.

Acting Chairperson Johnson expressed further concern over the present non-conforming signs.

Mike said that the motion could be worded to reflect the reasoning behind the approval or denial of this request. Mike reaffirmed that these businesses would be contacted concerning their non-conforming signs and that the Department would go out and look at the existing signage on Horizon Drive. He felt that variances should probably be considered based on the proximity of the business to the interstate, with those farthest away from the interstate being perhaps less likely for the granting of a variance. No matter what the outcome of this request, it was felt there would be enforcement problems.

Bruce thought that the logo should already be synonymous with the business.

Kathy Portner said that Howard Johnson's had expressed some concern over this situation. She was under the impression that a representative would be here at the hearing, however none showed up.

Kurt specified that certain tests had been conducted regarding visibility from the highway, and since their logo was not yet synonymous with the restaurant (such as the golden arches of McDonald's), it was necessary to have the sign elevated enough that the wording was visible also.

MOTION: (MEARLEN BROWN) "I MOVE THAT WE GRANT THE VARIANCE SINCE THE PORTION THAT STICKS UP (BEYOND THE 40' MAXIMUM) IS NOT THAT GREAT. ALSO STRICT UNIFORMITY ALONG HORIZON DRIVE WOULD BE MONOTONOUS, AND SOME VARIATION IS CONSIDERED ACCEPTABLE."

Jan Pomrenke seconded the motion.

A vote was called and the motion was passed unanimously by a vote of 4-0.

The meeting was adjourned at 8:57 a.m.

GRAND JUNCTION BOARD OF ADJUSTMENT

A G E N D A

DATE: August 7, 1986

TIME: 8:00 a.m.

PLACE: Patriotic Room, Basement of the Old County Courthouse

1) Call to Order

2) Approval of Minutes

3) #86-3 Consideration of a request to vary the sideyard setback from 20 feet to 10 feet to allow construction of a carport.

Petitioner: Marie M. Pahler. Location: 404 North 24th Street.

4) #86-4 Consideration of a request to increase the maximum height allowed for a sign from 40 feet to 45 feet to have acceptable visibility from I-70.

Petitioner: Wendy's Restaurant, Del Newkirk. Location: Northeast corner of Horizon Drive and I-70.

5) Discussion

6) Adjournment