

GRAND JUNCTION BOARD OF ADJUSTMENTS

M I N U T E S

November 9, 1988

The regularly scheduled meeting of the Grand Junction Board of Adjustments was called to order at 8:05 a.m. in the City/County Auditorium by Chairman Aden Hogan.

Other members present included: Lee Gibson, Steven Thurman, and David Reinertsen.

Sign Code Only members, Bruce Baurle and Mark Gamble, were present.

Linda Weitzel, representing the City Planning Department, was present.

Terri Troutner was present to record the minutes.

The minutes of September 14, 1988 were approved as submitted.

1. #88-8 Consideration of a request to vary a frontyard setback along Patterson Road from 20 feet to 10 feet in a Residential Single Family (RSF-5) zone to allow construction of a two-car garage. Consideration of designating this "frontyard" along Patterson Road as "rearyard" in order to maintain a 3 foot sideyard setback for the construction of said garage.

Petitioner: James A. and Marlene A. Bonella
Location: 245 Park Drive

Mr. Bonella gave a brief outline of his intention to build a garage. He received two property line locations from a local consultant, and would build according to the more restrictive one. No access had ever existed off Patterson Road, and the large retaining wall would prohibit any future access.

A letter expressing approval for the proposal was received by Raymond Phipps, 2650/2550 North 1st Street (Olympic Arms Apts.).

Linda said there seemed to be a hardship existing with the City's placement of the retaining wall along Patterson Road.

Discussion ensued between staff and Board members regarding whether this would be a hardship for other properties in a similar situation along Patterson Road.

Linda said that the motion could include consideration for adjacent properties, which would then be considered by staff should neighboring properties want to do the same thing.

THURMAN/GIBSON 3-0 to approve designation of Patterson Road "frontyard" as "rearyard" at 245 Park Drive and setting the garage according to the City established property line. Chairman Hogan abstained from voting.

Steve Thurman felt that, since approval was granted, a waiver of the submittal fee (or recommendation of waiver) would also be in order. Other Board members concurred with this thought. Chairman Hogan suggested the Board contact the City Council with a request to waive the fee.

THURMAN/GIBSON 2-1 to approve recommendation to City Council for fee waiver, with David Reinertsen opposing and Chairman Hogan abstaining.

2. #88-9 Consideration of an appeal of an administrative decision regarding the definition of "sign."
Petitioner: Colorado's Own, Gretchen Bering and Cathey Pabst
Location: 1745 North 7th Street

There was a lot of discussion on not only the definition of "sign," but also the definition of "art." All agreed that the banner as displayed by the petitioner was a form of art, yet it was also acknowledged that the Zoning and Development Code did not define "art." As defined by the Code, the banner, regardless of what it looked like or where it was located, was still a banner, and therefore constituted a wind-driven sign.

Concerns were expressed by sign code representatives Baurle and Gamble as well as several Board members that if the banners were allowed for one business, other businesses could tack up banners, pennants, etc. and call them "art."

Possible alternatives were presented to the petitioner. They include: 1) Apply for a variance which would address extenuating circumstances and be site specific, 2) a special events permit must be obtained which would be good for flying the banner(s) for 30 consecutive days per calendar quarter, and 3) initiating a text amendment for the definition of "art."

Concerns were expressed between staff and Board members, however, in the text amendment alternative. It might mean the formation of a panel of experts to decide "what is art."

REINERTSEN/GIBSON 2-1 to uphold staff interpretation of sign. Steven Thurman opposed; Chairman Hogan abstained.

3. General Discussion

Linda went over various text amendment proposals which would affect the Board, giving them additional responsibility.

The meeting was adjourned at 9:18 a.m.