

GRAND JUNCTION BOARD OF APPEALS

May 9, 1990

8:00 a.m. - 8:30 a.m.

The regularly scheduled meeting of the Board of Appeals was called to order at 8:00 a.m. in the City/County Auditorium by Vice Chairperson Jan Pomrenke.

In attendance, representing the Board, were: John Elmer, Katie Worrall and Sheliah Renberger. Aden Hogan was absent. Mark Gamble, who is a non-voting member of the Board of Appeals regarding sign code matters only, was also present.

In attendance, representing the City Planning Department, was Linda Weitzel.

Bobbie Darlington was present to record the minutes.

Vice Chairperson Pomrenke welcomed and introduced the new Assistant City Attorney, John Shaver to the Board of Appeals. She also welcomed Katie Worrall as the newest member of the Board of Appeals.

I. MINUTES

Jan Pomrenke requested that page 3, paragraph 3 of the February 28, 1990 minutes be corrected by changing the wording to read that Ms. Costello was asked only to retain a record of the part-time job duties.

Elmer/Renberger - Motion to approve the minutes of the February 28, 1990 meeting as corrected. Vote 4-0.

II. FULL HEARING

#90-2 Consideration of a request to vary the sign allowance from 300 square feet to 330 square feet for the addition of an "1 HOUR PHOTO" sign to an existing pole sign at the intersection of First Street and White Avenue.

Petitioner: City Market Inc., John Caldwell

Location: 200 Rood Avenue

PETITIONER'S PRESENTATION

Jim Willis, representing the petitioner, 1700 I-70 Business Loop, gave a brief presentation of the proposed sign. Mr. Willis submitted a sketch of the existing sign and the proposed sign as the Code currently allows. The Board of Appeals reviewed the sketch. The latter sign is permitted legally according to the Code, and is based on the frontage on White Avenue. It is a double-faced 3' x 10' sign mounted on a pole which is the same height as the sign proposed to be mounted to the main pylon.

Mr. Willis referred to the criteria set forth in the Code. City Market feels that this proposal is more in the public interest, because it would eliminate the clutter of another free-standing sign. There would not be a negative impact on the adjacent properties. Mr. Willis felt that strict interpretation of the Code would create a hardship on the applicant because of the unsightly location, the visual pollution and the expense of erecting a separate sign.

Mr. Willis continued; the proposed "1 HOUR PHOTO" sign would be placed directly under the existing "24 HOUR SAVINGS" sign on the corner of 1st Street and White Avenue. The proposed sign would be internally illuminated with a dark blue background and white lettering with acrylic faces.

QUESTIONS

Katie asked if this would be the only sign advertising the "1 hour photo", or if there were plans to place another sign on the building.

Mr. Willis replied that City Market considered putting this sign on the building, but decided against it.

John Elmer asked Mr. Willis if City Market would be willing to forfeit the right to install another free-standing sign if this variance was granted.

Mr. Willis replied that City Market would not forfeit anything at this point, but they would go along with whatever the Board of Appeals decides. He felt that this would not be an unreasonable thing to stipulate in the variance.

STAFF PRESENTATION

Linda Weitzel gave a brief summary of the request. The Code allows one free-standing sign per parcel, except on corner lots, which are allowed one free-standing sign per street side. City Market is located West of 1st Street, between White and Rood Avenues; their parking area extends to Main Street. There are two existing free-standing signs on the City Market property. One sign is on Main Street, the other is on the corner of 1st Street and White Avenue. The allowance for the existing 300 square foot sign at the corner of 1st Street and White Avenue came from the White Avenue side. Therefore, City Market is allowed, according to the Code, to erect an additional 300 square foot free-standing sign along 1st Street.

Linda stated that she did not have any concerns with this variance, adding that the 30 square foot sign attached to the 300 square foot sign follows the intent of the Code better than having another free-standing sign on 1st Street, using the 1st Street allowance.

Linda recommended to the Board of Appeals that if City Market decided to put in a free-standing sign using the 1st Street allowance, then a condition be made that all other signs come in to conformity, i.e. City Market can be required to remove the 30 square foot "1 HOUR PHOTO" or its equivalence and attach it to the new sign. Linda added that she felt that City Market had done a very tasteful job with their existing signage.

John Shaver suggested that the Board be careful in specifying a waiver of any sign rights as pertaining to 1st Street, but that a condition may be made to make the nonconforming sign conforming at any time City Market chose to exercise additional rights it may have.

Mr. Willis concurred with Linda and John that this would not be an unreasonable request.

Mark Gamble, non-voting member of the Board of Appeals, stated that he was in support of this variance. He felt that this proposal was an appropriate way to solve a problem that exists with any multi-use property. Quite often it is difficult for multi-use structures to identify all the services that are available on a single property. Mark stated that by granting the variance exactly like Linda outlined it, was a good solution.

There were no comments for or against this proposal.

ELMER/WORRALL - A MOTION TO APPROVE ITEM #90-2 CONSIDERATION OF A REQUEST TO VARY THE SIGN ALLOWANCE FROM 300 SQUARE FEET TO 330 SQUARE FEET, CONDITIONED UPON THE REQUIREMENT IF ANY OTHER FREE STANDING SIGN IS ERECTED, THEN THE VARIANCE ALLOWED FOR THIS NONCONFORMING SIGN SHALL BE RESCINDED. VOTE 4-0

GENERAL DISCUSSION

Election of chairperson and vice chairperson was held.

ELMER/WORRALL - A MOTION TO NOMINATE JAN POMRENKE FOR A ONE YEAR TERM.

There were no other nominations. A vote was called and the motion passed unanimously by a vote of 3-0, with Pomrenke abstaining.

POMRENKE/RENBERGER - A MOTION TO NOMINATE JOHN ELMER FOR VICE CHAIRPERSON.

There were no other nominations. A vote was called and the motion passed unanimously by a vote of 3-0, with Elmer abstaining.

Jan reported that the landscaping outside the fence at 710 Hill Avenue (referring to a previously granted variance) has been seriously neglected. Jan explained that a variance of the front yard setbacks was approved allowing the resident to construct a six foot high wood fence. The property is located on the edge of a historical neighborhood. It appears that the resident has created an environment within the fence, and has disregarded the appearance outside of the fence which was once a beautiful landscaped lawn, but now has turned into weeds.

Jan asked the staff if they have had any complaints.

Linda answered that no complaints had been received but she had talked with the resident. The resident was upset because people would walk across her yard and that was part of the reason for not watering the lawn outside the fence.

Jan suggested that the Board send a letter to the resident stating the observation of the neglected grounds outside of the fence, and that the approval of the variance for the placement of the fence has apparently contributed to this problem. The resident would be notified that in the event that something was not done to rectify the situation, the Board may consider rescinding the variance.

John Elmer wondered whether or not maintenance was a part of the discussion in granting the variance.

John Shaver suggested that the staff review the minutes from that meeting. John did not feel there would be a problem in notifying the resident about the Board of Appeal's concern with this. There may be a problem trying to enforce the petitioner to maintain the property outside the fence if a condition was not placed on the variance specifically contingent on the continued maintenance of the property. As long as the weeds are kept under control and no other City Ordinances are violated, there may be a problem revoking the variance, simply based on the failure to maintain a portion of the yard.

Jan recalled that the petitioner's presentation included the following:
1) a beautiful six foot high wood fence was going to be constructed and,
2) the petitioner was going to redo the sprinkling systems so that it watered within and outside the fence.

John Shaver stated that if those items were specifically discussed in the granting of the variance, then it would be justified to proceed with notification of non-compliance with the conditions of the variance, allowing the resident opportunity to comply before setting a hearing date.

Jan Pomrenke asked Linda to proceed on what had been discussed.

Linda announced that a general Planning Commission and Board of Appeals workshop is scheduled for the 15th of May at 7:00 p.m. in City Hall.

Meeting was adjourned at 8:30 a.m.