

BOARD OF APPEALS

November 18, 1992
9:33 a.m. - 10:07 a.m.

The regularly scheduled meeting of the Grand Junction Board of Appeals was called to order by Chairman Elmer at 9:33 a.m.

Present representing the Board of Appeals were Chairman John Elmer, William Putnam and Bill Collins.

Absent was Cindy Enos-Martinez.

In attendance representing the Community Development Department were Jan Koehn, Ivy Williams, Kathy Portner and Larry Timm. Also present were John Shaver, Assistant City Attorney and Marcia Petering, Secretary to record the minutes.

I. APPROVAL OF MINUTES

MOTION: (WILLIAM PUTNAM) "MR. CHAIRMAN, I MOVE THAT THE MINUTES BE APPROVED AS SUBMITTED."

Bill Putnam seconded the motion. The motion was unanimously approved.

II. PUBLIC HEARING

#92-7 CONSIDERATION OF A REQUEST TO VARY THE SIGN CODE REGULATIONS TO ALLOW MORE THAN ONE FREE-STANDING SIGN ON AN INDIVIDUAL PARCEL OF LAND.

PETITIONER: Tune-up King
REPRESENTATIVE: Dean Enfield
LOCATION: Highway 6 & 50

PETITIONER'S PRESENTATION

Dean Enfield said when he leased the building Tune-up King is located in there was a free-standing sign in existence already and all the surrounding buildings have their own free-standing signs. Mr. Enfield said they took down the existing sign because it was faded and ugly. Then they came in to get a sign permit to erect a new sign and were told that Tune-up King sits on the same parcel of land as Dale Broome and Olson Business Machines, both whom have their own free-standing signs, and that the code only allows one free-standing sign per parcel. Mr. Enfield said if they would have been aware of this situation they would not have leased this building as one sign can do much more than thousands of dollars worth of advertising.

Mr. Enfield said without the sign his business won't make it, even in this location with high traffic, as the building sits back from the road and can not even be seen coming from the east going west because it is blocked by Dale Broomes sign and coming from the mall we are blocked from view by trees and everyone else's signs. Mr. Enfield said they get calls all the time from people who get to the general area and then have to call to find exactly where they are located.

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John Elmer asked what size sign they are asking for? Dean Enfield said one large enough that can be seen from each direction; whatever you would ^{allow} also us; at least a taller than Dale Broome's.

Bill Collins asked if he had talked to his landlord and/or the other businesses about assistance or support in getting a mutually shared sign. Mr. Enfield said that he would be embarrassed to even talk to the other two businesses asking them to take down their signs; they have been there too long for something like that.

STAFF PRESENTATION

Jan Koehn said each of the other businesses located on the parcel do have a free-standing sign, Dale Broome's is billboard size and Olson Business Machines is a monument sign, however one of those is apparently a non-conforming sign as we only allow one per parcel, irregardless of how many businesses are located on the parcel. Staffs largest concern is that it could set a precedent especially in the areas out towards the west of town and in the newly annexed areas where the parcels are so large. People developing that property could intentionally build separate buildings on the property to have separate signage if this were allowed.

Staff feels there are other options for Mr. Enfield like a multiple use sign with Dale Broome and Olson Business Machines or subdividing the property into three parcels. Ms. Koehn reviewed the comments from other agencies. Ms. Koehn said there is a roof sign on the building now which is visible from Highway 6 & 50.

↓ (Enfield's)

QUESTIONS/COMMENTS

Bill Collins said if the roof sign was reduced in size the free-standing sign would still not be allowed, is that correct. Ms. Koehn said that is right, the issue here is that there are two free-standing signs on this parcel and the code only allows one.

Mr. Enfield said when the roof sign was built, it was built to its' size intentionally to leave the rest of the allowed signage for the monument sign. If we had known we couldn't build the free-standing sign we would have built the roof sign larger.

Bill Collins said when the roof sign was built, you obviously looked into the sign code at that time and didn't explore it far enough. Mr. Enfield said all he looked at was the amount of signage allowed; we assumed that we could do a monument sign as there was already a free-standing sign in existence.

Mr. Enfield said they do not have the 2 other options as they do not have the authority to subdivide the land; also Dale Broome and Olson Business Machines are not going to be willing to tear down their signs to go in on a shared sign just so I can have a little bit of signage.

Bill Collins said there is obviously some type of grandfather clause which allowed these signs to exist; was there some type of code change that made these non-conforming or were these signs just never caught up with? Ms. Koehn said she is not sure if both these signs were ever legal; there is a section in the non-conforming sign section which states they were all supposed to conform by May 1, 1984 and it is specific that any non-conforming sign which is damaged in excess of 50%, shall not

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be restored without conformance.

Bill Collins said then we still need to address the other signs existing on this parcel. Ms. Koehn said yes.

Mr. Enfield asked what was non-conforming about the existing signs. Ms. Koehn said the non-conformance comes from the fact that there are two signs where only one is allowed. Mr. Enfield said there are a lot of parcels out there with two signs and nothing has been done about any of them either. Ms. Koehn said yes, some parcels do have two signs but on corner lots you are allowed one per frontage and there are other multi-use parcels which have separate pad sites in front for the separate businesses and even though it appears the businesses are all on one parcel they are in fact separate parcels.

John Shaver said there is one point I would like to make. In Section 5-7-6.F of the Zoning Code it states: "Signs which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner of the premises within ninety days after the business ceases, or when the goods or services are no longer available." After the Radiator Shop moved out that non-conforming sign should have been removed within 90 days and so the argument that there was an existing sign doesn't really apply.

PUBLIC COMMENT

Kevin Brooks from Big O Tires said they were not opposed to Tune-up King receiving a sign but a 100 s.f. sign would block the sign for Big O Tires. My question is how big the proposed sign would be as we don't want it to obstruct ours?

Dean Enfield said the sign would not be built big enough to obstruct anyone's sign at all.

QUESTIONS/COMMENTS

William Putnam asked if the only option the Board has is to either grant the variance or not and all of these alternate suggestions, size of the sign, resubmission etc. would have to worked out?

John Elmer said we could table the request, approve the request based on what Staff feels is a good size for the sign, or deny the request.

Ms. Koehn said Staff doesn't feel the size of the sign is an issue, our concern is that it adds another illegal sign and increases non-conformity versus decreasing it.

Mr. Enfield said no one else in the area will be coming in requesting a free-standing sign as they already have them. He asked Ms. Koehn why she was changing her mind now and recommending against the request as when they met, and went out and looked at the site, she told him that she would not recommend against the request. Ms. Koehn said she told Mr. Enfield at the time what her concerns were and that she would be informing the Board of them.

John Elmer told Mr. Enfield that Staff's job is to offer information to the Board and present the facts of the matter. Mr. Enfield said he was just trying to make a point about the undue hardship

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associated with the property.

John Elmer said hardship is defined by the Code and the law and economics is not considered an hardship; the hardship has to be something unique to the property which in this case it is with three businesses on the same parcel, but it is a self inflicted hardship. John Elmer said there are other solutions yet you are afraid to attempt to do so; there is a lot of cluttering in this area and another free-standing sign does add to the problem. Mr. Elmer said he drove out to the business and had no trouble locating it, so in my opinion that the only hardship shown is an economic one and not one that satisfies the intent of the code for hardship.

Bill Collins said if there is not truly a grand-fathered clause of some kind pertaining to this, and I will assume Staff will follow through on the other non-conforming sign, that the landlord will have to step in and say we have a problem so lets fix it using one of the two solutions offered today. There are other things which need to be pursued before we should consider granting this variance.

William Putnam said he basically agreed with the other members of the Board and that it seemed to him that the hardship was self-inflicted therefore not subject to a variance.

MOTION: (WILLIAM PUTNAM) "MR. CHAIRMAN, IN REGARD TO ITEM #92-7, CONSIDERATION OF A REQUEST TO VARY THE SIGN CODE REGULATIONS TO ALLOW A FREE-STANDING SIGN FOR THE TUNE-UP KING, I MOVE THAT WE DENY THE REQUEST AS IT DOES NOT MEET THE REQUIREMENTS FOR UNDUE HARDSHIP."

Bill Collins seconded the motion. The motion was unanimously approved.

III. DISCUSSION ITEMS

Bill Collins verbally resigned from the Board of Appeals and Adjustments effective after this meeting in order to move to Fort Collins.

Chairman Elmer accepted his resignation.

Chairman Elmer closed the hearing and adjourned the meeting at 10:07 a.m.

STATE OF COLORADO

County of Mesa)
) ss.

Nancy Ketchum

being duly sworn, says that I am Legal Secretary of
The Daily Sentinel a daily newspaper, published and duly printed in Grand
Junction, Colorado in said County and State; that said newspaper has a general
circulation in said County and has been continuously and uninterruptedly
published therein, during a period of at least fifty-two consecutive weeks next
prior to the first publication of the annexed notice; that said newspaper is a
newspaper within the meaning of the act of the General Assembly of the State
of Colorado, entitled "An Act to regulate the printing of legal notices and
advertisements," and amendments thereto; that the notice of which the an-
nexed is a printed copy taken from said newspaper, was published in said
newspaper, and in the regular and entire issue of every number thereof, once a
day for 1 successive day; that said notice
was so published in said newspaper proper and not in any supplement thereof,
and that first publication of said notice as aforesaid, was on
the 11 day of November, 1992, and the last, on
the 11 day of November, 1992.

Nancy Ketchum

PUBLIC HEARING
The Grand Junction Board of Appeals will be holding a
Public Hearing at 9:00 a.m. on Wednesday, November 18,
1992 in the City Auditorium, 520 Rood Avenue to consider
the following item:
#92-7 SIGN VARIANCE
Consideration of a request to vary the sign code to allow
more than one freestanding sign on a parcel land.
Petitioner: Tune Up King
Location: 2470 Highway 6 & 50
Published: November 11, 1992

Subscribed and sworn to before me, this 12th day of November, 1992

Standa Curtis
My Commission expires 8-6-95

Printer's Fee \$.....