

**GRAND JUNCTION BOARD OF APPEALS
February 8, 1995
8:07 a.m.-8:39 a.m.**

I. CALL TO ORDER

The regularly scheduled Board of Appeals hearing was called to order at 8:07 a.m. in the City/County Auditorium by Chairman John Elmer.

In attendance representing the Board of Appeals were: Chairman John Elmer, William Putnam, Joseph Marie, Lewis Hoffman, III, and Jeff Driscoll.

In attendance representing Community Development Department staff was Tom Dixon.

Also present was Asst. City Attorney John Shaver.

Amanda Campbell was present to record the minutes.

There were approximately 4 interested citizens present during the course of the hearing.

II. CONSIDERATION OF MINUTES

MOTION: (Joseph Marie) "Mr. Chairman, I move that we approve the minutes of the January 11, 1995 meeting."

Lewis Hoffman seconded the motion.

A vote was called and the motion passed unanimously by a vote of 5-0.

III. ANNOUNCEMENTS, PRESENTATIONS, AND/OR PRESCHEDULED VISITORS

There were no announcements, presentations, and/or prescheduled visitors.

IV. PUBLIC HEARING ITEMS FOR CONSIDERATION BY THE BOARD.

**#VAR-95-15 VARIANCE FROM SIGN CODE - 125 & 133 GRAND AVENUE
Request for approval of a variance from Section 5-7-7.B.7.a of the zoning and Development
Code to allow for an additional free-standing sign.
Petitioner: Far/Max LLC
Location: 125 & 133 Grand Avenue
City Staff: Tom Dixon**

STAFF PRESENTATION

Tom Dixon outlined the property owners' proposal to have 2 signs on one parcel. According to the Zoning and Development Code, only one free-standing sign is permitted per parcel; however this particulate site contains 2 parcels, and now needs to be combined into one parcel. The owners of the parcels went through a site plan review to construct a building. The site plan showed 1 sign, as the owners were intending for there to be two parcels, and therefore two signs allowed. Due to the construction of the building, and confusion regarding the construction of the building, the building crosses parcel lines in such a manner that it is now necessary to combine the two parcels into one parcel. The owners never intended for this to occur.

The requirements for granting a sign variance from the Zoning and Development Code were reviewed. Staff finds that this parcel does meet all four conditions in that the following were found:

- 1) The site does have an unusual condition.
- 2) Staff finds there is a large investment in the Grand Avenue corridor. A strong relationship between the buildings and street with strong pedestrian emphasis has been achieved. The modest sign allowance proposed is appropriate to the scale of improvements to the Grand Avenue corridor over the past year.
- 3) There is some concern over whether this same circumstance could arise at another time elsewhere in the City, but Staff is not aware of any similar circumstances. Generally, the unusual circumstances found regarding this property will not apply to other properties.
- 4) Staff finds the impact of the proposed signs appropriate, especially considering there used to be large billboard on this particular property at one time.

If the petitioners held to the two signs proposed, staff approves and supports granting this variance.

QUESTIONS

Joseph Marie inquired whether the trees indicated in the drawing provided by the Petitioner are in accordance with the Grand Avenue guidelines. Mr. Dixon replied that the request for landscaping is minimal. The Petitioners have indicated they plan to place more landscaping in the area. All landscaping plans are in accordance with Grand Avenue guidelines.

Joseph Marie inquired as to whether the provided plan would be a good example for other businesses to follow. Mr. Dixon replied affirmatively, but that Staff had hoped the building would be orientated differently on the property so that parking would not be between the building and the street. However, given the manner of development, the site plan is in good relation to the street scape.

Jeff Driscoll pointed out that on the plan, the building appears to sit on 4 lots, and inquired as to whether this is an unusually large number of lots for one parcel. Mr. Dixon replied that in the downtown area, it is no unusual for multiple platted lines to be crossed. The area was platted many years ago before the building and fire codes evolved to require better building. What is unusual

about his variance request is that the building crosses two parcel lines. If the building crosses parcel lines without a fire wall, consolidating into one parcel is necessary.

PETITIONER'S PRESENTATION

Steve Fleming, one of four owners of the property, addressed the Board's concerns. The original intent was for the property to remain two parcels, thus allowing two signs. When the majority of construction had been completed, the owners realized there was a problem with the foundation crossing parcel lines. The owners have no problems consolidating the two parcels into one parcel, but they are desirous of having two signs. Mr. Fleming pointed out that if you review the drawings provided, the two free-standing signs are much more aesthetically pleasing than the one large sign which would be allowed by the sign code.

Jay Felhauer, another owner of the property, addressed the Board. Mr. Felhauer pointed out that, as pointed out by Mr. Dixon, they had originally submitted with one sign indicated on the site plan as they were not concerned at the time with what kind of sign would be desired or what kind of tenants would be in the building. With the planning clearance, they had planned two of everything: sewer, water, etc. They did concede to consolidating two planned driveways into one drive. Mr. Felhauer pointed out that they went through site plan review process, the building department even came and gave them a building permit, and nothing was ever said about having to consolidate to one parcel.

QUESTIONS

Jeff Driscoll pointed out that there are currently two businesses on the property. Should the petitioners decide to sublet space to a third business, this variance would still only allow for only two signs. Mr. Felhauer replied they see no need for more signage at this time as they have no intention of subletting space away from the two businesses currently in the building.

Joseph Marie pointed out that this plan is a good lead for other businesses to follow for the Grand Avenue corridor, as it has a very nice pedestrian walkway.

PUBLIC COMMENTS

There were no comments either for or against the proposal.

DISCUSSION

John Elmer indicated concern that the petitioners may come back at another time for another variance.

William Putnam indicated he had no problem with the variance if it was made clear in granting the variance that it would be for two signs and no more.

MOTION (William Putnam): “Mr. Chairman, with regard to #VAR-95-15, variance from the sign code, I move we approve the variance as requested with the specific limits set forth by the staff recommendation.”

Joseph Marie seconded the motion.

A vote was called and the motion passed unanimously 5-0.

V. DISCUSSION ITEMS

General discussion was had regarding staff proposing a motion in the staff recommendation. The Board appreciates the spirit of the intent of the wording, but the Board may run the risk of appeal by those who might view the proposed motion’s wording as partiality on behalf of the Board. Discussed whether one proposed motion for and one proposed motion against would be appropriate. John Elmer noted that there are many times that the motions the Board makes are not clear. Requested of Staff that they not recommend a motion, but perhaps a general format for motions could be distributed for the Board to follow for future motions.

It was noted that Joseph Marie had admitted to discussing the variance before the Board today with the Petitioner at a previous time. John Elmer warned all Board members that they should not be discussing appeals with Petitioners as that might cloud the Board member’s impartiality. John Elmer stressed that Board members should go see the site in question, but avoid talking to the Petitioners prior to the petitioner’s presentation before the Board.

VI. ADJOURNMENT

The meeting was adjourned at 8:39 a.m.