

**GRAND JUNCTION BOARD OF APPEALS**  
**May 10, 1995**  
**8:10 a.m.-8:45 a.m.**

**I. CALL TO ORDER**

The regularly scheduled Board of Appeals hearing was called to order at 8:10 a.m. in the City/County Auditorium by Chairman John Elmer.

In attendance representing the Board of Appeals were: Chairman John Elmer, William Putnam, Jeff Driscoll, Joseph Marie, and Lewis Hoffman, III. In attendance representing Community Development Department staff was Michael Drollinger. Also present was Assistant City Attorney John Shaver. Bobbie Paulson was present to record the minutes.

There were four citizens, including the petitioners, present during the course of the hearing.

**II. CONSIDERATION OF MINUTES**

**MOTION: (William Putnam) "Mr. Chairman, I move that we approve the minutes of the April 12, 1995 meeting."**

Jeff Driscoll seconded the motion. A vote was called, and the motion passed 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.**

**1. #VAR-95-73 VARIANCE FROM SIGN CODE - 858 GRAND AVE**

**Request for approval of a variance from Section 5-7-7.A of the Zoning and Development Code for an 18 square foot freestanding sign and a four square foot wall sign in a RMF-64 (Residential Multifamily with a density not to exceed 64 units per acre) Zone District.**

**Petitioner: Cynthia Hand-Treece**

**Location: 858 Grand Avenue**

**City Staff: Michael Drollinger**

**STAFF PRESENTATION**

Michael Drollinger outlined the request to increase the sign allowance up to 25 square feet for a nonconforming office use in a RMF-64 (Residential Multifamily not to exceed 64 units per acre) Zone.

The existing land use at 858 Grand Avenue is an office building with the surrounding land uses being single family to the North, a bed and breakfast across the street to the South, Mesa Developmental Services to the East, and various office uses to the West. The surrounding zoning is PB (Planned Business) to the West, RMF-64 to the East, B-1 (Limited Business) to the South, and RMF-32 (Residential Multifamily, not to exceed 32 units per acre) to the North. The particular Code requirement from which the variance is requested is Section 5-7-7.A, the type and size of sign permitted in a residential zone district. The types of signs allowed in a residential zone district are

bulletin signs up to 24 square feet for churches and other quasi-public uses. There is no sign allowance provision in the Zoning and Development Code for a business zone. An office use and signage were approved with a Conditional Use Permit (CUP) at 858 Grand Avenue in 1979. Since that time the zoning has been changed such that the office uses are no longer permitted in residential zones with a CUP; however, the use can remain as a nonconforming use. The signage as approved with the CUP back in 1979 was permitted only on the building. The previous occupants of the building erected a free-standing sign without a permit along the Grand Avenue frontage. Based on the records supplied by the applicant and verified by the petitioner's sign contractor, staff ascertained that various free-standing signs have existed at the premises since the 1980's. The existing tenant of the building had a sign contractor attempt to obtain a permit for the new free-standing sign and at that time it was discovered that no permits had previously been issued for a free-standing sign. The existing free-standing was not permitted with the previous CUP approval. The petitioner erected the sign without a permit and was subsequently advised by staff to either remove the sign or, if a permit was issued later based on the Board of Appeal's decision, pay a \$100 penalty for erecting the sign without first obtaining a permit. Mr. Drollinger explained that the Code provides for the payment of two times the permit fee ( $\$50 \times 2 = \$100$ ) for signs that are put up without a permit.

Mr. Drollinger continued; staff concurs with the petitioner that the requested signage is in keeping with the character of the area which contains many businesses along the 800 block of Grand Avenue with signage of a similar size and character. Staff believes that granting this variance would not have a detrimental impact on the surrounding area. The request was originally for a 18 sq. ft. free standing sign and a four sq. ft. wall sign. Based on staff comments/questions to the petitioner regarding the need to advertise additional businesses that may occupy office space in the building in the future, the petitioner amended the request to 21 sq. ft. for the free standing sign and four sq. ft. for wall signs.

Under staff findings, strict interpretation of the sign regulation would not permit the requested signage. However, the type of sign is in conformance with the existing business signage in the vicinity of this property. Furthermore, the Grand Avenue corridor has undergone a gradual transition from primarily residential use to primarily non-residential. This transition is in conformance with the corridor guidelines. The condition relative to this property is unusual in that this use is no longer permitted in this zoning and that the sign regulations contain no provisions for this type of use in a residential zone. Staff believes this variance request would allow for signage that is generally consistent with what has historically been present on the property. If the signage should be considered favorably by the Board, staff recommends that the approval be subject to the following conditions:

1. Freestanding sign shall not exceed 21 sq. ft. in area and five ft. in height and be located on the Grand Avenue frontage only.
2. Building signs shall be of a flush wall type only, shall not exceed a total of four sq. ft., and may be located on either street frontage.

In summary, staff recommends approval of this request with the conditions stated.

### **QUESTIONS/DISCUSSION**

Jeff Driscoll asked if the amended square footage would allow for advertising of all businesses that may occupy the building in the future?

Michael Drollinger replied affirmatively; the petitioner felt 21 sq. ft. would be sufficient to advertise all businesses.

Jeff Driscoll asked if the four sq. ft. of flush wall signage was for more than one sign?

Michael Drollinger replied that it was the total square footage allowance for all flush wall signs.

John Elmer asked if it included directional signs?

Michael Drollinger replied affirmatively. The signs the petitioner is proposing and the existing signs not only indicate direction to the entrance of the building but also advertise the business; therefore, they count as part of the total signage allowance.

### **PETITIONER'S PRESENTATION**

Cynthia Hand-Treece stated that because this building utilized a shared parking area, her tenant felt it was important to have the business name on the directional sign. The free-standing sign located in front of the building has been there for the past 15 years and no one has complained. The sign contractor, Bud's Signs, thought he did not need to be concerned about this sign since the new sign is smaller in size than what has been there in the past. Ms. Hand-Treece requested that the Board waive the \$100 penalty.

### **PUBLIC COMMENT**

There was no public comment.

### **QUESTIONS/DISCUSSION**

John Elmer asked staff to elaborate on why a \$100 fine was being imposed.

Michael Drollinger explained that Bud of Bud Sign's came to the Community Development Department to apply for a permit. After researching this property, Mr. Drollinger told Bud that there may be a chance that these signs may not be allowed on that property. Mr. Drollinger said that Bud told him when he left the office to obtain the permit, his employees also left to install the sign assuming that there would not be a problem. Mr. Drollinger then advised Bud that he had two choices:

1) remove the signs until the Board makes a decision on a sign variance, or 2) leave the signs and if approved by the Board, pay a \$100 penalty at the time a permit is issued.

Joseph Marie asked if the Board has the ability to levy fines as a way to let people know it is important that they research and obtain a permit prior to installing a sign?

John Shaver explained to the Board the reasoning behind the \$100 fee. He stated that a significant number of signs were being erected without benefit of a permit. Often times, a sign permit would be obtained after the fact or sometimes not at all. So by virtue of the Community Development Director's authority a regulation was written that if a sign is erected without a permit, a penalty of twice the cost of the sign permit will be assessed. That is where the \$100 came from, it was not an arbitrary decision.

The regulation was adopted not only to encourage the permitting process but also to send a message that if a sign is erected without a permit there is a cost. The authority to assess the fine comes from

the Community Development Director not the Board; however, a recommendation could be proposed if the Board chooses.

Joseph Marie asked if the new sign would match the scheme of the building?

Cynthia Hand-Treece replied that the color scheme would match better than it has in the past. She added that a free-standing sign was erected and used by many reputable businesses at this property for the past 15 years and no one has complained or been fined in the past.

**MOTION: (Lewis Hoffman) “Mr. Chairman, on item #95-73 a variance request from the permitted type and size of signs in residential zone at 858 Grand Avenue, I move that we approve the request with conditions 1 & 2 in the staff report.”**

The motion was seconded by Jeff Driscoll. A vote was called, and the motion passed by a vote of 4-1, with Joseph Marie against.

**VAR 95-72 VARIANCE FROM SIDE YARD SETBACK IN RMF-32 ZONE DISTRICT**  
**Request for approval of a variance from the required side yard setback in an RMF-32 (Residential Multifamily with a density no to exceed 32 units per acre) Zone District from the required 10 feet to 8 feet for a 2 foot variance.**  
**PETITIONER: Todd Crone**  
**LOCATION: 1415 Texas Avenue**  
**CITY STAFF: Kristen Ashbeck**

**STAFF PRESENTATION**

Michael Drollinger stated that 1415 Texas Avenue is a single family residence with a detached garage in a primarily single family residential neighborhood with a zoning of RMF-32 (Residential Multifamily, not to exceed 32 units per acre). The zoning to the North is RSF-8 (Residential Single Family, not to exceed eight units per acre) and the zoning to the South, East and West is RMF-32. The variance request is from Section 4-2-8B, the minimum side yard setback for a principal structure. The Code requirement is 10 feet for a side yard setback for principal structures. The variance request is for two ft. allowing an eight ft. setback for an addition to the principal structure. The applicant is proposing to construct a 14 ft. x 30 ft. addition on the east side of the existing residence. The applicant, in the narrative, stated that they would like the variance to create a more livable space in the addition. They feel the ten foot requirement would make the addition too narrow to be of much value in terms of added space. Staff believes there are no unique physical qualities associated with the property that would render it unusable without this variance. However, if the zoning would reflect the character of this area, which is primarily single family residential, there would be no need for a variance. The set back for principal structures in a RSF-8 zone is only five feet. Staff concurs that this variance would not have an impact on the character of the neighborhood, nor would it be detrimental to surrounding properties. Under findings, staff feels that this proposal would not conflict with the public interest and that the exceptional condition or hardship in this case is the zoning of the property which again is RMF-32 which requires a side yard setback greater than if this property were zoned RSF-8. Finally staff finds the proposal will not injure surrounding area or reduce the value of surrounding properties. In summary, staff’s recommendation is the approval of the side yard setback variance.

John Elmer asked for clarification; does staff feel RSF-8 is a more appropriate zoning given the uses in this area?

Michael Drollinger replied that the RSF-8 would work given the density of the area. He added that the City's Growth Plan consultant will be reviewing the zoning in these areas to see if it matches the uses/character of the area.

**PETITIONER'S PRESENTATION**

Todd Crone asked that Mr. Drollinger distribute some photographs of his residence to the Board that had been submitted with the original packet. (He did and the Board reviewed the photographs.) Mr. Crone added that his family of four, soon to be five, needed the additional living space.

John Elmer asked Mr. Crone if he would be using the same brick on the addition that is on the existing house?

Todd Crone replied no, the addition does not extend to the front of the house where the existing brick is.

Joseph Marie asked Mr. Crone if he was going to move the shed to another location in the yard?

Todd Crone replied affirmatively.

**PUBLIC COMMENT**

There was no public comment.

John Elmer stated that he felt there was a clear hardship based on the inappropriate zoning. Joseph Marie agreed.

**MOTION: (Jeff Driscoll) "Mr. Chairman on Variance item No. 95-72, request for a variance of two feet for a principal structure to be located eight feet from the side property line at 1415 Texas Avenue, I move that we approve the request for the reason stated in the staff's finding of review."**

The motion was seconded by Lewis Hoffman. A vote was called, and the motion passed by a vote of 5-0.

The Board and John Shaver briefly discussed parliamentary procedures.

The meeting was adjourned at 8:45 a.m.