

**GRAND JUNCTION BOARD OF APPEALS MINUTES  
OCTOBER 11, 1995  
8:05 a.m. - 8:35 a.m.**

**I. CALL TO ORDER**

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

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

Also in attendance were John Shaver (Asst. City Attorney) and Kristen Ashbeck (Associate Planner).

Bobbie Paulson was present to record the minutes.

There were no citizens present other than the petitioners.

**II. APPROVAL OF MINUTES**

**MOTION: (JEFF DRISCOLL) “Mr. Chairman, I move to approve the minutes of the September 13, 1995 meeting as presented.”**

Lewis Hoffman seconded the motion. The motion was approved by a vote of 5-0.

**III. NEW BUSINESS**

**VAR-95-162 VARIANCE--ADDITIONAL FREE-STANDING SIGN ON A PARCEL OF LAND  
Request for approval of a variance from Section 5-7-7.B.7.a of the Zoning and Development Code  
for a second free-standing sign on a parcel of land located at 1100 Independent Avenue for a  
proposed Golden Corral Restaurant.**

**Petitioner: Fred Turner, IKB, Corporation**

**Location: 1100 Independent Avenue**

**Representative: James Hathaway**

**City Staff: Kristen Ashbeck**

**STAFF PRESENTATION**

Kristen Ashbeck gave a brief overview of the variance request to allow two free-standing signs on one parcel. Sam's Club placed a free-standing sign along the Independent Avenue frontage when the store opened in 1992. A plat was recorded in June, 1993 which subdivided the Sam's Club parcel. The Sam's Club sign was placed on Lot 2 (current Golden Corral Restaurant parcel) prior to the plat being recorded which created the separate lot, thus resulting in an off-premise sign for Sam's Club. The permit issued for the Sam's Club sign is for Faith Street frontage; however, when the sign was actually placed, it was located on Independent Avenue instead of Faith Street. The Golden Corral restaurant is proposing to place a second free-standing sign on the Independent Avenue frontage on Lot 2, approximately 100 feet to the east of the existing Sam's Club sign.

Ms. Ashbeck continued; staff reviewed other options for the proposed Golden Corral signage. The entire subdivision could be treated as a shopping center where, typically, there are pad sites for outlying businesses separate from the main retail center. In this regard and based on the entire subdivision, the

total sign allowance for the site is close to 2,400 square feet. Sam's Club is using 615 square feet which includes the free-standing sign along Independent on Lot 2, a free-standing sign along 25 Road and several wall signs. The existing Sam's Club signage (615 square feet) and the proposed Golden Corral Restaurant signage (341 square feet) is well under the total that would be allowed for the entire site. If the Board denies the second free-standing sign, Sam's Club could be required to move their sign either over to Faith Street or onto Lot 1 which means the sign still could be placed along Independent Avenue approximately 100-150 feet from the proposed Golden Corral Sign. Staff felt that because of those circumstances and the unique factual that the free-standing sign Sam's Club put up is beyond the Golden Corral owner's control, constitutes a unique hardship warranting the Board's consideration. Based on this, staff recommends approval of the second free-standing sign on Lot 2. The sign for the Golden Corral Restaurant shall be allowed in addition to that located on the same lot.

### **QUESTIONS**

Joseph Marie asked staff if placing the signs on the same pole was considered?

Ms. Ashbeck replied that she was not aware of this being considered; however, the Golden Corral representatives could respond to that question.

Joseph Marie read the written comments from Dr. Baurle which stated that, "This particular site has plenty of exposure to U.S. Highway 6 & 50. There is no reason to provide more signage. This would result in just the kind of clutter that our code was constructed to avoid. The variance request should not be approved." Mr. Marie felt that by locating both signs on one pole it would help alleviate some clutter.

Ms. Ashbeck added that if the Board approved this variance request, staff recommends a condition that no other free-standing signs be allowed on Independent Avenue.

The Board discussed the possibility of future subdivided lots which would create more signage. Ms. Ashbeck pointed out that this probably would not happen as Sam's Club would likely not want to remove any of their existing parking spaces in order to make additional lots.

### **PETITIONER'S PRESENTATION**

James Hathaway (6879 S. Prince Way, Littleton, CO 80120) and Thomas Frazier (110 Alpine Drive, Frisco, CO) represented the Golden Corral Restaurant. Mr. Hathaway stated that Sam's Club owners would not tolerate their sign and the Golden Corral sign on the same pole.

Mr. Hathaway asked staff for clarification on the requirements of free-standing signs projecting into the right-of-way. He stated that the City's Zoning and Development Code states that a sign face may project up to 72" into a City right-of-way. City staff's review comments states that the sign cannot project into right-of-way. He asked if the right-of-way was State or City owned?

Ms. Ashbeck stated that CDOT does not usually allow any part of the sign to project into a state right-of-way; however, the City does allow signs to project into a City right-of-way. She added that it is questionable whether this particular location is considered City or State right-of-way and that staff would review it again before issuing a sign permit.

**PUBLIC COMMENT**

There were no public comments.

**DISCUSSION/QUESTIONS**

John Elmer asked for clarification; if the free-standing sign for Golden Corral is approved on Lot 2, legally how can Sam's Club be restricted from installing an additional free-standing sign on their lot (Lot 1) because the variance approval will be tied to Lot 2?

John Shaver stated that the Sam's Club sign on Independent Avenue is technically a nonconforming off-premise sign. According to the Golden Corral representatives, Sam's Club made it a condition in the contract for the purchase of Lot 2 that the Sam's Club sign remain on the Golden Corral parcel. Because of these facts, it would be appropriate for the Board to have the variance refer to Lot 1 and 2 and preclude additional signage for Sam's Club on Independent until Sam's Club signage is conforming.

**MOTION: (William Putnam) "Mr. Chairman, in reference to Variance 95-162 request, I move that we approve the variance with the understanding that the entire subdivision has used up any sign allowance for free-standing signs for Independent Avenue frontage, one for each frontage, and specifically that the owner of parcel one will not erect another sign on Independent Avenue without removing the existing sign on Lot 2."**

Joseph Marie seconded the motion. The motion was approved by a vote of 5-0.

The meeting was adjourned at 8:35 a.m.