

**GRAND JUNCTION BOARD OF APPEALS
APRIL 14, 1999 MINUTES
8:03 a.m. to 9:30 a.m.**

The regularly scheduled Board of Appeals meeting was called to order at 8:03 a.m. by Chairman John Elmer. The meeting was held at Two Rivers Convention Center.

In attendance, representing the Board of Appeals, were: John Elmer (Chairman), James Nall, Pamela Hong and William Putnam. One position is presently vacant.

In attendance, representing the Community Development Department, was Michael Drollinger (Development Services Supervisor).

Also present were Dan Wilson (City Attorney), John Shaver (Asst. City Attorney) and Jack Scott (City Councilman).

Terri Troutner was present to record the minutes.

Other than the petitioner and his representative, there were no other persons present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the November 18, 1998 meeting.

MOTION: (PUTNAM) "Mr. Chairman, I move that we approve those minutes as presented."

Mr. Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0, with Chairman Elmer abstaining due to his absence from November's meeting.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-1999-047 VARIANCE—PIPE TRADES

A request for a variance from section 5-7-7B.8b of the Zoning and Development Code to allow an off-premise outdoor advertising sign spaced from other off-premise signs less than the minimum distance required by Code.

Petitioner: Pipe Trades Education Center

Location: 2384 Hwy 6 & 50

Mr. Nall disclosed that he was an employee of the State of Colorado. A permit would be required by the state for any approved sign, and he was charged with overseeing that program. Mr. Nall felt that he could be impartial in rendering a decision. With no objection expressed by other board members, he was allowed to participate in deliberations.

PETITIONER'S PRESENTATION

James Lange, representing the petitioner, said that the proposed three-sided sign would be used to sell advertising, which would help defray the costs of the Pipe Trades' educational programs. All advertising proceeds, he said, would be applied towards funding those programs. Mr. Lange briefly reviewed the proposed design of the billboard. He had been informed by staff that the sign's proposed location at the corner of F Road and Highway 6 & 50 would be situated too close to an existing non-conforming sign to the west. He presented an overhead transparency of the non-conforming sign and asked that consideration be given to varying the distance requirement.

Mr. Lange asked that he be allowed to submit a notebook detailing other instances where permits for non-conforming signs had been issued by the board. Prior permitting of such signage, he said, established precedent. John Shaver advised against admitting the notebook as evidence since it had no direct bearing on the current application. Mr. Shaver added that if permits had been issued erroneously or if signs were in violation of Code requirements, such instances needed to be addressed by the Code Enforcement Division. Past errors, if such were made Mr. Shaver said, did not make current ones acceptable.

Lengthy discussion ensued between board members, legal staff and the petitioner's representative on why the notebook could not be entered as evidence. Chairman Elmer further explained the variance process and the limited authority of the board. The notebook was not admitted into evidence.

Mr. Lange disagreed with staff's contention that the hardship was self-imposed. He said that the proposed location was the only place a three-sided sign could be placed for the best exposure. He reiterated that revenues received would be applied to educational programs. If the 2-foot portion of non-advertisement space was eliminated from the non-conforming sign (to the west), he said that the Code's distance criterion could be met. He asked that the board discount the 2-foot portion of signage since it did not contain actual advertising verbiage. If and when the non-conforming sign was brought into compliance, the currently proposed sign and its location would comply with the Code's spacing requirement.

QUESTIONS

Chairman Elmer asked if the petitioner's primary justification for the sign's proposed location was financial, to which Mr. Lange responded affirmatively.

Mr. Nall asked if advertising was typically sold in templated blocks. The applicant's response was unresponsive to the question.

When asked by Mr. Putnam how much revenue could be lost if the sign was not placed in its proposed location, Mr. Lange responded that approximately \$500 to \$800 per month could be lost per each sign face.

Mr. Nall asked if the site's boundary had been accurately reflected on the aerial photo. Mr. Drollinger replied that it was more accurately represented on the location map.

Ms. Hong asked for clarification on the sign's proposed location. Clarification was given by the applicant and Mr. Drollinger. When asked where the sign would be placed if moved back 90 feet, a location almost directly in front of the Pipe Trades Educational Center was noted by Mr. Lange.

Chairman Elmer asked if there was anything to prevent the sign from being located in the southeast corner of the property. Mr. Lange responded negatively, but added that a southeast location would be

less visible from the highway due to the adjacent parking of semi-trucks. He said that it would not be visible from F Road at all.

STAFF'S PRESENTATION

Michael Drollinger referenced documents contained within the April 6, 1999 Project Review. A brief history of the request and review of the report were given. Allowance of the sign as proposed would undermine sign spacing requirements of the Code. Mr. Drollinger stated that no unusual constraints were apparent with the property and other options for placement were available. The petitioner's primary reason for placing the billboard at its proposed location was strictly financial. Having found that the request could not meet variance criteria in section 10-1-1.B.3.a-d of the Grand Junction Zoning and Development Code, staff recommended denial.

QUESTIONS

Mr. Shaver noted that options mentioned by staff could require altering the sign's proposed configuration. Mr. Drollinger concurred.

Ms. Hong asked if a two-sided or three-sided sign could be used as an on-premise sign. Mr. Drollinger explained that an on-premise sign would be governed by a different set of Code criteria.

PUBLIC COMMENTS

FOR:

Matthew Burtis, director in charge of the Pipe Trades Educational Center (Center), explained that a number of organizations used the facility to train their employees. The proposed signage, he said, would be a valuable revenue source and would facilitate expansion of existing programs. He reiterated that if the 2-foot non-advertisement portion of the non-compliant sign were removed, not only would the offending sign be brought into compliance, but the Center's proposed sign would be allowed without modification. He pointed out the contributions made in the past to the community by the Center.

Mr. Nall asked what objections the Center had to placing the sign in another location on the site. Mr. Burtis said that the biggest problem was that in the two locations referenced by staff on the aerial photo, large semi-trucks were parked in the immediate vicinity, making the sign less visible to passing motorists.

Ms. Hong asked if the Center was a legal non-profit agency, to which Mr. Burtis responded affirmatively.

AGAINST:

There were no comments against the request.

PETITIONER'S REBUTTAL

No rebuttal testimony was offered.

DISCUSSION

Mr. Nall could not see where moving the sign the required 90 feet would pose a significant hardship to the petitioner. He felt that the petitioner could conform to Code requirements and still have viable signage for at least two and one-half directions. Mr. Nall concurred with planning and legal staff's findings and recommendations.

Chairman Elmer asked staff about reducing the size of the non-conforming size by the 2 feet suggested by the petitioner's representatives. Would the sign still be non-conforming? Dan Wilson said that the 2 feet could be removed by the sign's owner; Mr. Shaver elaborated that since it would be a modification of the sign, its owner would have to agree that at no future time would the sign be enlarged. If such an

agreement were given and if the sign was no larger than 300 square feet, it would then be considered “conforming.”

Chairman Elmer agreed that the nature of the hardship seemed strictly economic, even though the mission of the Center sounded to be very noble. He reiterated that economic hardship was not an acceptable variance criterion and could not be considered by the board.

Mr. Putnam agreed that the hardship seemed purely economic. He added that the Board of Appeals represented the public at large. He felt it better to “err on the side of reducing the amount of visual clutter” along the City’s highways.

At this point the petitioner’s representatives left the room.

Ms. Hong said that if the Center was non-profit, she would support the sign’s proposed location only if it was used to advertise the Center. She agreed that denial was appropriate and suggested that the petitioner look at other funding sources.

MOTION: (HONG) “Mr. Chairman, on item VAR-1999-047, a request for variance from sections 5-7-7B.8b, I move that we deny the variance for the reasons in the staff report and other things that we talked about.”

Mr. Nall seconded the motion. A vote was called and the motion passed unanimously by a vote of 4-0.

IV. GENERAL DISCUSSION

Mr. Wilson asked if there was an amortization proposal for signage contained within the new Code. If not, he suggested that such a proposal be brought before the public for consideration.

Chairman Elmer said that if the issue of non-conforming signage was brought into new Code deliberations, it would significantly delay adoption of the Code due to expected public sentiment. He suggested that amortization would be better considered only after adoption of the new Code.

Mr. Putnam also expressed a willingness to further discuss amortization of signage. Mr. Wilson cited another municipality where a 6-month amortization schedule had been adopted. Board members felt that a longer timeframe would be more acceptable.

Mr. Drollinger agreed to keep the board apprised on the City’s efforts to secure another board volunteer.

With no further business, the hearing was adjourned at 9:30 a.m.