

**GRAND JUNCTION BOARD OF APPEALS
MAY 12, 1999 MINUTES
8:03 a.m. to 9:40 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 vacant.

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

Also present was John Shaver (Asst. City Attorney).

Terri Troutner was present to record the minutes.

Other than the petitioners and their representatives, there were no other citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes of the April 14, 1999 meeting.

MOTION: (HONG) “Mr. Chairman, I move that we approve the minutes of the April 14, 1999 meeting.”

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

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

VAR-1999-104 VARIANCE—6’ FENCE IN FRONT YARD SETBACK ON DOUBLE FRONTAGE LOT

A request for approval of a variance from section 5-1-5.A.1 of the Zoning and Development Code to allow a 6’ fence in the front yard setback area on a double frontage lot.

Petitioner: Greg Assenmacher

Location: 409 Montero Street

PETITIONER’S PRESENTATION

Greg Assenmacher, petitioner, noted his lot’s location using an overhead transparency. He pointed out that only a small triangular portion of his lot touched Altamira Court. He believed that the lot’s configuration was an error on the part of the developer, and that his lot was unique to the subdivision. He stated that an existing fence had been erected by abutting residents residing at 404 and 406 Altamira Court. Erecting a 30-inch fence along that portion of his lot would not present a contiguous fenceline along the cul-de-sac. Mr. Assenmacher said that he’d decided to install the 6-foot fence to demonstrate

how much more aesthetic the higher fence would look (photos submitted). In addition, the higher fence would afford him more privacy and better contain his pets and children. No sight distance nor other visual problems would be created by the higher fence.

QUESTIONS

Ms. Hong asked if the portion of lot touching Altamira Court was the petitioner’s backyard, to which Mr. Assenmacher replied affirmatively. He added that while that was his backyard, to the adjacent neighbors located along Altamira, it was also a front yard.

Michael Drollinger asked the petitioner to provide a brief history of how the fence had come to be erected, which was provided. Mr. Assenmacher acknowledged that if his variance request was denied, he would have to remove or reduce the height on that portion of his existing fence.

STAFF’S PRESENTATION

Mr. Drollinger referenced the Location Map on an overhead transparency and again noted the triangular portion of the subject lot. He briefly outlined the request as contained in the May 6, 1999 Project Review and agreed that the lot was unique in its configuration. Erecting a fence along this portion of the lot would facilitate maintenance, would not create a “tunnel effect” along the street’s frontage, and would not pose a visual impact on surrounding properties. Further, a 6-foot-high fence would be consistent with the existing fenceline. Staff recommended approval of the variance request.

QUESTIONS

Chairman Elmer asked if there had been any adverse comments received by the neighbors, to which Mr. Drollinger replied negatively.

PUBLIC COMMENTS

There were no comments either for or against the request.

DISCUSSION

Mr. Putnam could find no reason to oppose the request. He concurred with the petitioner and staff’s findings.

Chairman Elmer agreed that the shape of the lot was indeed unique. He noted that only a very small point of the petitioner’s property touched the right-of-way. A hardship would be created in that isolating the corner of the lot would pose maintenance problems. The higher fence did not affect sight distances nor did it create a “tunnel” along the right-of-way. He also expressed support for the request.

Ms. Hong agreed that the higher fence would present a more consistent fenceline and fit in better with the neighborhood.

MOTION: (NALL) “Mr. Chairman, on item VAR-1999-104, a request for variance to the maximum fence height in a front yard setback at 409 Montero Street, I move that we approve the variance for reasons as stated by staff and the applicant.”

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

VAR-1999-108 VARIANCE—ADAM’S MARK SIGN

A request for a variance from section 5-7-7.B.7 of the Zoning and Development Code to allow an oversized freestanding sign.

Petitioner: Adam’s Mark Hotel/Tom Montgomery

Location: 743 Horizon Drive

PETITIONER’S PRESENTATION

Tom Montgomery, petitioner, submitted into the record various drawings depicting the site layout, the old Hilton signage configuration and both the initial and currently proposed Adam’s Mark sign configurations. He briefly recounted the history of the initial sign proposal and said that reconfiguration of the sign was needed to add the word “hotel.” He said that the hotel had been mistaken for condominiums, a hospital, a retirement facility, etc. and that clarification was needed. None of the available wall signs contained the word “hotel” either. Mr. Montgomery described signage calculations and said that he would be allowed only 202 square feet for the freestanding sign, when the initial Hilton permit allowed for a 300 square foot sign. Mr. Montgomery stated that the marquis below the existing freestanding sign would be eliminated. He pointed out that the hotel’s entrance was a City right-of-way. Since it was only used by the hotel, he suggested that if vacated, the additional frontage would give him the extra square footage needed for a 300 square foot sign. Placement of the sign on the corner was needed for visibility since the hotel was set so far back from the street. The extra square footage was needed, he said, so that the sign would accommodate the word “hotel” and be visible from the interstate.

QUESTIONS

Chairman Elmer and Ms. Hong asked if the biggest change in the new sign and the basis for the request was the addition of the word “hotel,” to which Mr. Montgomery replied affirmatively. He added that the sign would be sent out for bid; however, in preliminary discussions with sign contractors, the lowest bidder seemed to be from Dallas, TX. He elaborated that only the letters of the sign would be illuminated at night.

Mr. Nall asked if the petitioner had created any sign models to see if the sign’s size or lettering could be reduced to conform with Code requirements. Mr. Montgomery said that the lettering size was needed for visibility. The sign would be approximately 6 feet high by 30 feet wide. If reduced to 202 square feet, the sign’s height would be reduced by approximately 3 feet, which was unacceptable to the petitioner. Mr. Nall remarked that surely some balance of sign size and lettering could be achieved. Mr. Montgomery said that the proposed lettering height was consistent with the hotel chain’s standard.

Chairman Elmer wondered how big the existing sign was. Mr. Montgomery answered that its dimensions were approximately 8 feet high by 30 feet wide.

John Shaver asked that the petitioner mark submitted exhibits and reference them by number. Mr. Montgomery noted each exhibit and referenced them as Exhibits A through E. The exhibits were received into evidence.

When Mr. Putnam asked about the “primary purpose” of the sign, Mr. Montgomery introduced Larry McDonald, one of the hotel’s representatives, who said that since the Adam’s Mark name was not easily recognizable by the public, the sign had to attract the “drive-by” market. When asked about the percentage of customers who fell into that category, Mr. McDonald introduced Phil McCullum, another hotel representative, who answered that approximately 50 percent of their business came from a drive-by clientele.

Mr. Putnam wondered if the hotel had been aware of the existing sign conflict at the time of purchase. Mr. Montgomery said that the company’s president had brokered the deal so he was unaware of what had

transpired. He noted, however, that the Sign Code had been adopted in 1976 and the Hilton's sign had been erected in 1983. Since the current sign was non-compliant, Mr. Montgomery wondered how it had been approved.

STAFF'S PRESENTATION

Mr. Drollinger said that after review and analysis, staff had concluded that the hotel already possessed a large inventory of signage for the property (quantity and type noted using overhead transparencies). Mr. Drollinger continued stating that in his professional opinion the hardship was self-imposed and granting the variance would only contribute to the proliferation of signage along Horizon Drive. Referencing an overhead transparency of the subdivision's plat, he noted the three frontages adjacent to the hotel and said that other signage options were available to the petitioner. Having found that the request failed to meet variance criteria, staff recommended denial.

Mr. Drollinger presented overhead transparencies of hotel photos taken from Interstate 70, both from an eastbound and westbound direction. He said that only a portion of the freestanding sign would be seen at all from the highway prior to the exits, and by the time motorists could fully see the sign, they would already be past the exits. He noted that the hotel's most visible signs were those affixed to the building.

QUESTIONS

Chairman Elmer asked if sufficient sign allowance was available for sign placement along Horizon Court. Mr. Drollinger replied affirmatively and said that the hotel already had signage placed along that frontage. He presented the board with sign calculations to clarify the square footage of sign allowances. Chairman Elmer asked at what point a sign was considered "placed" on Horizon Court versus Horizon Drive, Mr. Drollinger provided clarification. Chairman Elmer noted that sufficient sign allowance and frontages were available to allow two smaller freestanding signs in lieu of one larger one. Mr. Drollinger agreed with that conclusion but said that doing so would defeat the intent of what the petitioner was trying to achieve.

Mr. Putnam asked if the petitioner had been given a copy of the staff report, to which Mr. Drollinger replied affirmatively.

Chairman Elmer wondered if the Rodeway Inn had been allowed 300 square feet of signage allowance. Mr. Drollinger said that while a number of hotels had the same overall allowance, how they partitioned it between freestanding and wall-mounted signs depended on the hotel's preferences.

Chairman Elmer asked if two freestanding signs were allowed per frontage. Mr. Drollinger clarified that only one was allowed per frontage.

Mr. Nall asked staff to elaborate briefly on variance criteria, which was done.

PUBLIC COMMENTS

There were no comments either for or against the request.

PETITIONER'S REBUTTAL

Mr. Montgomery added only that placing a similar freestanding sign in the existing sign's location would help minimize costs.

DISCUSSION

Mr. Putnam said that consideration of economics was not within the board's purview. He expressed concern that nowhere in his presentation had the petitioner addressed variance criteria.

Ms. Hong asked for further clarification of sign allowance numbers, which was provided. She felt there were sufficient options available to the petitioner without the need for the variance. She asked also if some of the existing trees and vegetation could be cut back to improve visibility from the interstate. Mr. McDonald said that trees could be cut down but stated that they were fully grown mature trees. He felt that the biggest hindrance to visibility from the interstate was the size and height of Burger King's sign.

Mr. Nall agreed with the petitioner that the property was unique in layout and building placement. He also acknowledged that the petitioner had tried to comply with Code criteria and staff's requirements. However, the petitioner had failed to demonstrate how the hardship was anything other than self-imposed. He didn't feel that the initial sign was intended to attract motorists from the interstate; rather, to attract them from the Horizon Drive corridor once they exited from the interstate. He concurred with staff's findings that other more preferable options were available to the petitioner.

Chairman Elmer expressed concern that the hotel could erect another freestanding sign. He wondered if the board could restrict the number of signs to a single sign. Mr. Shaver said that doing so would only be an option in a planned zone. Specific sign allowances were provided in straight zones. He advised considering the request on its own merits rather than attempting to fashion a remedy other than what had been applied for.

Chairman Elmer suggested the petitioner come before the Planning Commission with a planned zone request. At that time, consideration could be given to specific sign allowances. Mr. Shaver said that doing so would be difficult "after the fact." Further discussion was that sign packages generally work well with new planned development.

Chairman Elmer noted the large inventory of signage already available to the petitioner. He didn't feel that a 300 square foot freestanding sign was needed to identify the building from the interstate; however, sufficient allowance was already available to attract motorists from the Horizon Drive corridor. He expressed support for staff's findings.

MOTION: (PUTNAM) "Mr. Chairman, on item VAR-1999-108, a request for variance from section 5-7-7.B.7b, I move that we deny the variance for the [following] reasons: 1) that the petitioner has failed to address the application of his situation to the situation of the criteria for granting variances as set out in section 10-1-1 of the Zoning and Development Code of the City of Grand Junction, and 2) we agree with staff's reasoning, as stated in their report, that the 10-1-1 criteria for a variance has not been met."

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

IV. GENERAL DISCUSSION

A brief discussion ensued over general sign Code allowances and the specific options for Adam's Mark.

With no further business, the hearing was adjourned at 9:40 a.m.