

**GRAND JUNCTION BOARD OF APPEALS  
OCTOBER 13, 1999 MINUTES  
8:00 a.m. to 9:05 a.m.**

The regularly scheduled Board of Appeals meeting was called to order at 8:00 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), William Putnam and Pamela Hong. James Nall and Dr. Paul Dibble were absent.

In attendance, representing the Community Development Department, was Kristen Ashbeck (Sr. Planner).

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

Terri Troutner was present to record the minutes.

There were 7 citizens present during the course of the meeting.

**I. APPROVAL OF MINUTES**

Available for consideration were the minutes of the September 8, 1999 meeting.

**MOTION: (PUTNAM) “Mr. Chairman, I move we approve the minutes of the September 8<sup>th</sup> meeting as presented.”**

Ms. Hong seconded the motion. A vote was called and the motion passed by a vote of 3-0.

**II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS**

There were no announcements, presentations and/or visitors.

**III. FULL HEARING**

**VAR-1999-216 VARIANCE—SIGN VARIANCE**

**A request for a variance from section 5-7-7A.2.a of the Zoning and Development Code to increase the allowed maximum sign size from 24 square feet to 48 square feet for freestanding signs and to allow a flush wall sign.**

**Petitioner: Fellowship Church  
Location: 765 – 24 Road  
Representative: Dan Hooper**

Chairman Elmer asked for clarification of the freestanding sign request. Ms. Ashbeck said that the petitioner was requesting an increase in sign allowance of another 197 square feet; of which, the request included two 30-square-foot freestanding signs and a wall sign up to 185 square feet.

**PETITIONER’S PRESENTATION**

Pastor Dan Hooper, petitioner, said that the church’s site was near commercial uses and was also uniquely located near I-70, considered to be a gateway into the City. He introduced Brian Tapp, owner of “Signs First,” who stepped up to the podium.

Mr. Tapp said that the proposed signage would be viewed primarily by highway traffic, not from the nearby residential areas. Proposed freestanding signage would not be overly large, would be appealing, would not

contain any internal lighting apparatus, nor would they be obnoxious. Citing similar signage located at local middle and high schools as well as at a nearby liquor store, he felt that the applicant was only asking for what had been granted to other businesses.

Pastor Hooper said that square footage of the two freestanding signs was only slightly larger than what the sign Code allowed. Larger signs were needed because the site was so much larger (approx. 26 acres) than a typical church site. Photos of a similar church were given to Board members, which depicted lettering to be from approximately 36 inches to 3 ½ feet in size. Mr. Hooper took issue with how the Code addressed signage for churches and felt that its limitations were too restrictive. He noted some of the good works performed by the church and said that the City should be supportive of their efforts.

Pastor Jim Grey, representing the petitioner, agreed that there was a recognized need to advertise the church and its services. The church, he said, was competing against other businesses and less desirable elements such as adult book stores and liquor stores.

### **QUESTIONS**

Chairman Elmer noted the three different examples of flush-mounted wall signage contained within the petitioner's packet. He asked which was intended? Entered into the record as the exhibit referencing the flush-mounted sign was the drawing labeled with the Western Neon Sign Company's logo and the words Electric Sign Specialists in the lower left-hand corner of the page. Mr. Hooper said that the flush-mounted wall sign would be placed only on the south side of the building.

Chairman Elmer asked if, with regard to the freestanding signs, the panel itself would be limited in size to 4 feet by 12 feet, to which Mr. Hooper replied affirmatively. Mr. Hooper added that signs would have a stucco finish, with landscaping at their bases. Entered into the record as the exhibit referencing the freestanding sign was the drawing labeled with the Western Neon Sign Company's logo and the words Electric Sign Specialists in the lower left-hand corner of the page.

Chairman Elmer asked if the 185 square feet denoted in the staff report for the wall sign included the dimensions of the cross. Ms. Ashbeck said that she had asked for a measurement without the cross dimensions. Mr. Hooper was unsure but thought that the 185 feet was without the cross.

Chairman Elmer asked where the 85-inches by 310-inches measurement came from. Mr. Hooper explained that letters were 36-inches each with space in between. Mr. Tapp said that the sign would be approximately 8 feet by 25 feet if a perfect rectangle. Based on that, the overall area should be approximately 185 square feet, which excluded the void area behind the word church.

### **STAFF'S PRESENTATION**

Kristen Ashbeck said that the site's allowance for freestanding signage was 24 square feet per each sign for two signs, based on measurement of the sign's lettering. Staff's position is that the hardship is self-inflicted since the petitioner selected the site with a prior awareness of the underlying zoning and corresponding regulations. The petitioner also knowingly chose to utilize an architectural style more reminiscent of a commercial structure than a church. If the petitioner wanted the same signage rights as commercial businesses, the church should have been situated within a commercial or business zone.

Since I-70 is more of a commercial corridor, staff recommended approval of a 30-square-foot freestanding sign along I-70; however, since 24 Road was a residential corridor, freestanding signage should still be no larger than 24 square feet. Staff also recommended denial of the wall sign altogether. Several phone calls from residents expressing opposition were received and note of the same was made for the record.

### **QUESTIONS**

Chairman Elmer asked how high a freestanding sign could be in a residential zone, to which Ms. Ashbeck responded that they were limited to 8 feet and could be pole-mounted.

Chairman Elmer wondered if some properties to the east had been commercially-designated following adoption of the Growth Plan. Ms. Ashbeck said that commercial land use was located directly across the street from the church; however, north of the church's entryway, land use is residential.

Chairman Elmer wondered if the 24 Road freestanding sign could be seen from the interstate, to which Ms. Ashbeck responded negatively. Ms. Ashbeck said that other alternatives had been discussed for placement but, while the sign might be visible from the intersection, it probably couldn't be seen from the interstate.

Mr. Putnam wondered if land use classifications for the subject area were expected to change when the Growth Plan's annual review was undertaken. Clarification on current land use designations were provided by Chairman Elmer and Mr. Shaver. It was noted that the area south of the interstate was part of the study area to be reviewed by the City. Some modification had been achieved with adoption of the North Central Valley Area Plan.

Chairman Elmer wondered why the church's site had been assigned a residential zone designation upon annexation if the City knew the site would be used for a church. Ms. Ashbeck said that City zoning had been comparable to the County's designation.

#### **PUBLIC COMMENTS**

There were no comments either for or against the request.

#### **PETITIONER'S REBUTTAL**

Mr. Hooper disagreed with staff's comments and recommendations and said that he had studied church growth across the country. He commented that churches deserve the same consideration as other businesses. He reiterated that a 30-square-foot sign was not much different in appearance than a 24-square-foot sign. Lettering less than 36-inches in height, he said, would not be visible. He felt that the sign Code's method of dealing with churches needed to be changed.

#### **QUESTIONS**

Chairman Elmer noted that the petitioner's proposal requested a freestanding sign height of 6 feet. Since the Code allowed for signs up to 8 feet, if approved, only 6-foot heights would be allowed. Mr. Hooper said that since they were just entry signs, 6-foot heights were sufficient.

Chairman Elmer asked if there would be any problem with limiting the square footage of the freestanding sign along 24 Road since some of the neighbors had expressed opposition. Mr. Hooper said that signage less than the 30-square-feet proposed would be "lost" in the site's landscaping.

#### **DISCUSSION**

Chairman Elmer felt the property to be unique because of its size and location. Clearly, the site's location and setting was not residential since industrial uses lay to the west and commercial uses lay to the east. While agreeing with the intent of the sign Code, he did not feel that there was a conflict in the current instance. He expressed support for the monument-style design of the freestanding signs.

Mr. Putnam did not agree with the petitioner's assertion that the Code was biased against churches. He noted that if a regulation was deemed inappropriate, there were means by which to change it but that was not a Board of Appeal's function.

Chairman Elmer remarked that the site's zoning was technically wrong for its use.

Mr. Putnam asked if churches were allowed only with a CUP. A brief explanation was provided by Chairman Elmer.

Ms. Hong referenced submitted photos and asked if a freestanding sign would still be needed off of 24 Road if wall signage is approved. Chairman Elmer said that the two freestanding signs were intended to identify driveways into the site.

Mr. Putnam concurred with staff's assessment that the hardship was self-imposed. He stated that he did not have a strong position either way on the freestanding signage.

Ms. Hong asked if a church was viewed more as a residential or commercial use. Chairman Elmer reiterated that the area around the subject site was more commercial in its character. The proposed signage was attractive and would not add to visual clutter.

Mr. Putnam cited St. Mary's Hospital as a commercial use within a primarily residential area. He noted the existence of a large, wall-mounted, illuminated sign on the front of its building. He noted that if the site had been commercially zoned, the church would have been allowed up to 300 square feet of signage.

**MOTION: (HONG) "Mr. Chairman, I move that we approve, on item VAR-1999-216, the approval of a sign variance for a 30-square-foot sign along I-70 frontage road."**

Mr. Putnam seconded the motion.

A brief discussion ensued over whether individual consideration would be given to each facet of the request. Since Ms. Hong wanted to make separate recommendations on the various facets, she opted to separate her motions. Chairman Elmer said that the same result could be achieved by including all recommendations in a single motion.

The motion was withdrawn and restated as follows:

**MOTION: (HONG) "Mr. Chairman, on item VAR-1999-216, I move that we approve the sign variance for a 30-square-foot sign along the I-70 frontage road and also denial of the sign variance request for the freestanding sign on the 24 Road frontage as well as a denial on the wall sign on the church building for the parcel at 765 – 24 Road."**

The motion failed for lack of a second.

**MOTION: (PUTNAM) "Mr. Chairman, on the request for a variance from section 5-7-7A.2.a of the Zoning and Development Code to increase the allowed maximum sign size from 24 square feet to 48 square feet for freestanding signs and to allow for a flush wall sign, I move approval of the variance for the freestanding signs up to 30 square feet per freestanding sign on I-70 frontage road and 24 Road as requested and denial of the request for flush wall sign for the reasons stated in the staff report."**

Ms. Hong seconded the motion.

Chairman Elmer clarified that denial of the flush wall sign was based on staff's recommendation and that the height of freestanding signs would be limited to 6 feet as presented by the petitioner. Mr. Putnam concurred with proffered clarification.

A vote was called and the motion failed by a vote of 1-2, with Chairman Elmer and Ms. Hong opposing.

**MOTION: (HONG) “Mr. Chairman, on item VAR-1999-216, I move that we approve the request for 197-square-foot variance of the sign allowance at 765 – 24 Road, and in three parts: the first part is approval of a sign variance for a 30-square-foot sign along I-70 frontage road; also, an approval of the sign variance request for the freestanding sign on 24 frontage road; and thirdly, approval of a wall sign on the church building face for the reasons presented by the applicant, and that the site is unique.”**

Mr. Putnam seconded the motion.

Chairman Elmer clarified that the recommendation for approval was based on the exhibits entered into the record, limiting the freestanding signs to 6 feet in height. On the wall-mounted signage, lettering would be restricted to the exhibit as presented. Mr. Shaver designated the referenced sign exhibits as Exhibits 1 (wall-mounted sign) and 2 (freestanding signs).

A vote was called and the motion failed by a vote of 1-2, with Mr. Putnam and Ms. Hong opposing.

A brief discussion ensued over what to do to break the impasse. Mr. Putnam suggested tabling the item until more board members could be present; however, Mr. Shaver advised there was nothing to table but the Board’s deliberations. Hr advised against tabling since any other Board member that would later be present would still have to rehear the presentation in its entirety.

Since consensus had been reached on the two freestanding signs, Chairman Elmer suggested crafting a motion that addressed just those two signs. The petitioner could then come back before the Board with another proposal on the wall-mounted sign.

**MOTION: (PUTNAM) “Mr. Chairman, on the issue of VAR-1999-216, a request for a variance from section 5-7-7A.2.a of the Zoning and Development Code to increase the allowed maximum sign size from 24 square feet to 48 square feet for freestanding signs and to allow a flush wall sign, I move that the variance for the freestanding signs be approved up to a 30-square-foot maximum for each of them and to deny the request for a flush wall sign variance for the reasons given in the staff report.”**

Ms. Hong seconded the motion.

Chairman Elmer asked Mr. Putnam if he objected to just the size of the proposed wall sign or to the sign altogether. Mr. Putnam said that he would consider something smaller.

A vote was called and the motion passed by a vote of 2-1, with Ms. Hong opposing.

With no further business, the hearing was adjourned at 9:05 a.m.