

**GRAND JUNCTION BOARD OF APPEALS
AUGUST 14, 2002 MINUTES
12:00 P.M. to 12:55 P.M.**

The regularly scheduled Board of Appeals meeting was called to order at 12:00 P.M. by Chairman Paul Dibble. The public hearing was held in the City Hall Auditorium.

In attendance, representing the Board of Appeals, were Paul Dibble (Chairman), Bill Pitts and Mark Williams.

In attendance, representing the Community Development Department, were Bob Blanchard (Planning Director), Pat Cecil (Development Services Supervisor) and Senta Costello (Assoc. Planner).

Stephanie Rubinstein, Asst. City Attorney, was also present.

The minutes were recorded by Bobbie Paulson and transcribed by Terri Troutner.

There were no citizens present during the course of the meeting.

I. APPROVAL OF MINUTES

Available for consideration were the minutes from the July 10, 2002 meeting.

MOTION: (Mr. Pitts) "I move that we approve the minutes of July 10, 2002."

Mr. Williams seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

II. ANNOUNCEMENTS, PRESENTATIONS AND/OR VISITORS

There were no announcements, presentations and/or visitors.

III. FULL HEARING

**VAR-2002-126 VARIANCE—HOLIDAY INN EXPRESS SIGN VARIANCE
(Continued from July 10, 2002.) A request for a variance from the 24 Road Corridor Design Standards and Guidelines to allow a sign to have letters higher than 12 inches.**

Petitioner: Budget Motel Management, Inc., Jim Koehler

Location: 625 Rae Lynn Street

Representative: Western Neon Sign Company, John Abramson

STAFF'S PRESENTATION

Senta Costello said that staff had met with the petitioner to discuss available options. However, even though the petitioner intended to present a somewhat different proposal, staff was still recommending denial because compliance to the Code's variance requirements was still unmet.

PETITIONER'S PRESENTATION

Jim Koehler, petitioner, said that staff had agreed to consider averaging letter heights. There was a smaller franchise sign package available that he felt he could live with. As part of the alternate proposal, the average letter height without the logo was 12.267 inches. With the star logo, letter height was 12.758 inches. Photos of proposed signage and the site were presented. The current proposal represented the smallest sign package that Holiday Inn Express would consider. The franchise, he said, took issue with

any alteration of its starburst logo and refused to allow its reduction. The “H” would be approximately 2 feet in height. Any alteration would incur an upcharge.

Mr. Koehler said that he’d spoken with an attorney, who felt that the regulations could be interpreted by the Board of Appeals members, that they were the final arbiters. Rae Lynn Street hadn’t been dedicated until May of this year and wasn’t an arterial street. It hadn’t even existed until after the land was under contract. Not having access to an arterial street was a hardship to him and not one that was self-imposed.

QUESTIONS

Chairman Dibble asked for confirmation that the current proposal contained channel lettering. Mr. Koehler answered that letters contained neon inside a metal letter casing. While not ideal, he would willingly accept the alternate sign package. This included the deletion of the freestanding and monument signage.

Chairman Dibble asked for clarification of the various drawings/photos contained in the new packet, which was given.

A brief discussion ensued over submitted dimensions and sign configuration.

When asked by Mr. Williams for staff’s position on the alternate sign package, Ms. Costello said that while conceptually the alternative might be acceptable, she could only go by Code criteria. In this case, the Code limited lettering heights to no more than 12 inches.

Chairman Dibble wondered if the petitioner would be amenable to reducing the word “Express” to 16 inches in height. If that brought the average closer to 12 inches, would that be acceptable? Mr. Koehler said that Holiday Inn Express would not be willing to adjust their patented and copywrited signage as suggested. He’d spoken with their legal representation, and the only alternative available was the package currently under consideration.

Ms. Rubenstein asked about the upcharge mentioned by the petitioner. Mr. Koehler said that this upcharge would be approximately 30 percent, with the reduction affecting the entire sign. Franchise approval would still have to be secured before any adjustment could be made.

Chairman Dibble asked the petitioner if he’d given any consideration to a dual-purpose monument sign. Mr. Koehler said that Holiday Inn Express would never approve such signage (*e.g.*, advertising the name of the hotel and the restaurant together). Staff’s future consideration of a small 3-foot entrance sign would be helpful, but it wouldn’t solve the problem.

Mr. Williams asked if staff understood that the freestanding sign had been deleted, to which Ms. Costello replied affirmatively.

Chairman Dibble asked staff if they knew how Rae Lynn Street would be classified once extended to F ½ Road. Ms. Costello thought that it would be classified a “collector” street.

Mr. Koehler submitted photos of a Holiday Inn Express hotel constructed elsewhere with the same lettering package currently proposed. He also referenced a letter of support received from Charlie Doss of Appleton Kennels.

Ms. Rubenstein said that contrary to the statements purported to have been made by Mr. Koehler’s attorney, the Code’s variance criteria were not open to negotiation. All four criteria must be met before a variance could be granted. Mr. Williams clarified that Board members were not the ultimate arbiters of variance regulations.

Mr. Koehler presented and referenced a study by the U.S. Sign Council along with the Pennsylvania Transportation Institute and Penn State University regarding signage visibility. He also referenced safety issues and presented photos of a driver who'd been in an accident out in front of the hotel.

DISCUSSION

Mr. Williams asked staff if safety considerations had been taken into account with regard to the current sign package. Ms. Costello said that the Code didn't offer that latitude; however, the Board could take this into account if it wished.

Chairman Dibble reiterated that the primary issue was in determining whether or not the hardship was self-imposed. Both the property and Rae Lynn Street would be a benefit to the petitioner.

Mr. Williams felt that construction of Rae Lynn introduced a hardship to the property. Ms. Costello said that the petitioner showed the street on the original set of plans based on what the Major Street Plan showed at the time. "When" the Major Street Plan was approved versus when the petitioner purchased the property and began designing the site was unknown. Mr. Williams felt that the Board could base hardship upon the presence of Rae Lynn Street. Bob Blanchard said that the 24 Road Corridor Guidelines anticipated a secondary access to 24 Road; it wasn't specific in the actual plan. Rae Lynn Street had been designated as that access.

Mr. Williams noted the presence of other larger signs in the area which posed greater impact to the 24 Road corridor. The hotel's signage wouldn't impact property values, and it would conform to the character of the area. It was also conceptually acceptable to the City. He reiterated that the presence Rae Lynn Street served as evidence of a non self-imposed hardship.

Chairman Dibble didn't feel that safety was an issue. The uniqueness of the sign indicated that it was a Holiday Inn hotel.

MOTION: (Mr. Williams) "Mr. Chairman, on variance VAR-2002-129, assuming that the signage is as depicted in the exhibits given to us today and assuming that the standing signs have been deleted, I move that we find the project consistent with the Growth Plan, the 24 Road Design Standards and Guidelines, and that the findings required by section 2.16.C.5 of the Zoning and Development Code can be made for approval of the variance."

Mr. Pitts seconded the motion. A vote was called and the motion passed unanimously by a vote of 3-0.

With no further business to discuss, the meeting was adjourned at 12:55 P.M.