



BOARD OF ADJUSTMENT

Minutes of Meeting

September 25, 2014

1. CALL MEETING TO ORDER

The meeting was called to order by Vice Chair GRIEGO at 7:01 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL

Board Members Present: Janet Bell
Paul Hovland
David Kuntz
Betty Jo Page
Lily Griego
Thomas Abbott

Alternates Present: Rocky Germano

Board Members Absent: Paul Griffith
Sally Banghart

Staff Members Present: Meredith Reckert, Sr. Planner
Kim Waggoner, Recording Secretary

3. PUBLIC FORUM

No one wished to speak at this time.

4. PUBLIC HEARING

A. Case No. WA-14-14: An application filed by Dye Enterprises for approval of a sign setback variance for a freestanding sign exceeding 15-feet in height on property located at 4855 Miller Street in the C-1 zone district.

The case was presented by Meredith Reckert. She entered the contents of the case file and packet materials, the zoning ordinance and the digital presentation into the record. She stated all appropriate notification and posting requirements have been met and advised the board there was jurisdiction to hear the case. She reviewed the digital presentation.

Board Member PAGE asked for clarification of the sign leading edge for setbacks. Ms. Reckert stated the setback is measured to the leading edge of the sign, not the pole.

Board Member HOVLAND asked if the existing sign could remain if the variance is not approved and if the setback is measured from the property line. Ms. Reckert replied the existing sign could remain if the variance is not approved; it is non-conforming and the setback should be measured from the property line which is coincident with CDOT right-of-way for the Frontage Rd.

Vice Chair GRIEGO reiterated the existing sign and off-site sign could remain if the variance is denied. Ms. Reckert concurred and stated the applicant agreed to remove both signs if the variance was approved.

Board Member KUNTZ questioned whether the applicant could add another 50-foot sign if the variance was not approved. Ms. Reckert stated as long as it meets the setbacks. She stated the applicant does not want to utilize prime display area on the lot and a 43 square foot sign on a 50-foot pole would look awkward.

Vice Chair GRIEGO asked what the maximum sign area square footage is for the property. Ms. Reckert stated 87 square feet for a single sign with combined square footage and stated there are many non-conforming signs in the area.

Board Member ABBOTT commented on the criteria language. He suggested replacing the word “possible” with “practical”.

There was a discussion about the sign pole location within the 30-foot setback.

Vice Chair GRIEGO stated the visibility of a smaller sign on a 50-foot pole would be inproportionate due to the size.

Board Member BELL stated the sign needs to be closer to Frontage Road for visibility.

Board Member HOVLAND inquired if the off premise sign met the required setback. Ms. Reckert replied probably not.

Board Member KUNTZ stated since the area has many non-confirming signs the board should enforce the code. It is not a hardship to adhere to the code for the request.

Vice Chair GRIEGO stated staff has a proactive approach the sign code. Ms. Reckert stated the current complaints for signs are in relation to LED signs and brightness. Complaints usually come from adjacent business owners.

Vice Chair GRIEGO asked if the variance was approved would the sign remain if the applicant vacated the property. Ms. Reckert replied yes.

In response to Board Member PAGE's inquiry, Ms. Reckert replied the trees appear to be Ash trees and which get quite tall. She stated there is a requirement for the number of street trees based on the street frontage and that the requirements are the same for all commercial properties.

Vice Chair GRIEGO inquired about the balloons and Bronco signs visible on the site in the photos shown. Ms. Reckert stated balloons are not regulated and the Bronco pennant signs are allowed temporarily only.

Vice Chair GRIEGO asked if a condition could be added restricting these types of advertising devices if the variance were granted. Ms. Reckert replied yes.

Discussion about sign placement continued.

Vice Chair GRIEGO opened the public hearing.

David Dye

4855 Miller St.

Mr. Dye stated he has entered into an agreement with the property owner for a 15-year lease. He chose the location because of the traffic on I-70. The reason he would like to replace the existing sign is due to the traffic sight distance at the intersection of Miller Street and Frontage Road and that many improvements occurred since he has leased the property.

Mr. Dye indicated that he would remove the sign if the business left the property.

Board Member HOVLAND inquired about sign placement next to the entrance with in the L shaped island.

Mr. Dye replied that would be a challenge because of the high volume of traffic on Miller. In the existing landscaping cut way it opens the intersection and the old signs would be removed for the least amount of clutter and traffic will not have to negotiate the corner. There is a lot of semi-truck traffic. He stated the expense of the electrical/concrete work is a factor as well.

Discussion continued.

Vice Chair GRIEGO stated the municipal code is in place for a reason and zoning provides many things. Why would the board continue to allow the lack of non-conformity.

Board Member KUNTZ opined that from his perspective, the best solution is to redesign the landscaping to install a sign consistent with city code.

Vice Chair GRIEGO stated she is struggling with this decision and she concurs with Board Member Kuntz. She asked if the economics of the case are part of the review. Ms. Reckert stated typically not, but this is a recurring issue.

Board Member ABBOTT stated the board deals with practicality and encouraged staff to consider a language change in the criteria.

Upon a motion by Board Member PAGE and second by Board Member BELL, the following resolution was stated:

WHEREAS, application Case No. WA-14-14 was denied by an administrative officer; and

WHEREAS, Board of Adjustment Case No. WA-14-14 is an appeal to this Board from the decision of an administrative officer; and

WHEREAS, the property has been posted the fifteen days required by law and in recognition that there were no protests registered against it; and

WHEREAS the relief applied for may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of the regulations governing and City of Wheat Ridge

NOW, THEREFORE BE IT RESOLVED that Board of Adjustment application Case No. WA-14-14 be, and hereby is APPROVED.

TYPE OF VARIANCE: An 11-foot variance from the required 30-foot setback for a freestanding sign.

FOR THE FOLLOWING REASONS:

- 1. The variance would not alter the essential character of the locality.**
- 2. The applicant is proposing a substantial investment to the property.**
- 3. The granting of the variance would be not detrimental to the public welfare or injurious to other property or improvements in the area.**
- 4. A alleged difficult is identified in the billboard on the property to the east.**
- 5. The required setback is not practical for the current lot layout.**

With the following conditions:

- 1. The off-site sign copy will be removed.**

The motion was approved by a vote of 6-1 with Board Member KUNTZ voting no.

Board Member KUNTZ stated had the applicant owned the property he would have voted yes.

5. CLOSE PUBLIC HEARING

Vice Chair GRIEGO closed the public hearing.

6. OLD BUSINESS

7. NEW BUSINESS

A. Approval of Minutes – June 26, 2014

It was moved by Board Member PAGE and seconded by Board Member BELL 7-0 to approve the minutes as written. The motion passed 7-0.

There was discussion about the vote and the language of the vote.

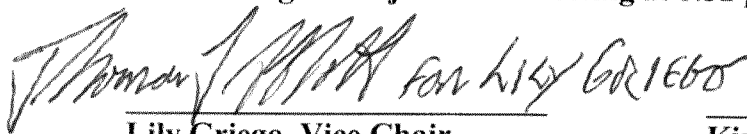
B. Ms. Reckert informed the board that two new planners have been hired and will be working with the board.

C. Ms. Reckert informed the board that Sally Payne, Long Range Planner, resigned and moved to Washington. Lauren Mikulak has been promoted to her position.

D. Alternate Board Member Larry Richmond was in the audience and greeted the Board.

8. ADJOURNMENT

Chair Griego to adjourn the meeting at 8:32 p.m.



Lily Griego, Vice Chair



Kim Waggoner, Recording Secretary