



BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

July 31, 2014 – 7:00 P.M.

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Monday prior to the meeting to make arrangements.

Minutes

1. The meeting was called to order by Chairman Danny Horner at 7:00 p.m.

2. Roll Call

The following members were present:

Chair - Danny Horner
Cindy Scheuerman
Mary Ann Baak
Jim McIntyre
Ken Gerlach

Also Present: Director of Planning
Associate Planner

Joe Plummer
Paul Hornbeck

3. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board.

There were no changes to the agenda.

4. Reading of the statement by Chairman Horner of the documents to be entered into the record:

I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

5. Public Invited to be Heard

There was no public comment.

B. CONSENT CALENDAR

1. Approval of the minutes of June 26, 2014

Ms. Scheuerman moved to accept the Consent Calendar as presented; Mr. McIntyre seconded the motion. Motion carried unanimously.

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-9-100(c)(1) pertaining to the height of building mounted signs for a large-scale tenant located in the General Commercial (GC) zoning district located at 4455 Fairgrounds Avenue, Lot 1, Block 1, Eagle Crossing Subdivision, Second Filing in the Town of Windsor – Nick Cashion, Applicant – Paul Hornbeck

Ms. Scheurman moved to open the Public Hearing; Ms. Baak seconded the motion. Motion carried unanimously.

Mr. Nick Cashion, 4455 Fairgrounds Ave Windsor, stated that the logo design on the building mounted sign exceeds the allowable height and would like a variance to keep the sign as it was designed.

Mr. Chuck Hand who designed the sign stated they are not trying to maximize square footage but are trying to allow people to read the sign and keep it proportional to the building.

Mr. Hornbeck stated that the applicant, Mr. Nick Cashion, Summit Entertainment Centers of Northern Colorado, is requesting a variance to the Municipal Code sign height requirements for building mounted signs in order to construct two new signs on the subject property located at 4455 Fairgrounds Avenue. Mr. Hornbeck explained that the subject property encompasses one block totaling 206,031 square feet or 4.73 acres, with approximately 400 feet of frontage along Fairgrounds Avenue. The building footprint, as depicted on the approved site plan totals 49,818 square feet or 1.14 acres. The subject property is zoned General Commercial (GC) and surrounded by commercially zoned properties in Windsor and across Fairgrounds Avenue to the west in Loveland.

Mr. Hornbeck stated that this variance requested is from Municipal Code Section 16-9-100(c)(3) for a building mounted sign, which states the following:

Large-scale tenant. The height of building-mounted signs for large-scale tenants shall not exceed twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted. However, in no event shall such sign exceed twenty (20) feet in height.

Mr. Hornbeck continued explaining that the applicant is proposing to construct two wall mounted signs, one on the south elevation and one on the east elevation. The proposed signs would each be 8'11" high by 20' wide with an area of approximately 178 square feet. The building elevations upon which the signs are mounted have a height of 30'; therefore, a maximum sign height of 7'6" is allowed. The sign on the south elevation would use fluorescent illumination while the no illumination is proposed for the sign on the east elevation. Mr. Hornbeck stated that the applicant has already received approval of eight other wall mounted signs totaling 568 square feet and one free standing sign of 84 square feet (per side).

Mr. Hornbeck continued stating that Municipal Code Section 16-6-60 (Variances) outlines the regulations and provisions for granting variances. Staff has reviewed the application materials, zoning code, and the site vicinity. Staff has analyzed whether special site specific conditions exist; the impact on public interest, safety, and welfare; impacts to neighborhood character; and whether an unnecessary hardship exists. Unnecessary hardship is defined in the code as a situation where the property cannot be reasonably used under the conditions

of the zoning code. The situation shall result from circumstances unique to the property and shall not be created by the landowner. Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of the zoning code. Variances will not be granted contrary to the public interest and will only be considered when the spirit of the zoning code can be observed and public safety and welfare secured. The Board of Adjustment is empowered to approve or deny variances based on the criteria listed above.

Mr. Hornbeck stated that staff considers that the literal enforcement of the Code will result in an unnecessary hardship and practical difficulty, and therefore is recommending that the variance request for the proposed sign height as presented in the application for both of the subject signs be approved based upon the following findings of fact:

1. The proposed increase in height of the subject signs is in proportion to the size of each building wall upon which each sign will be mounted;
2. The applicable sign regulation does not appear to adequately address large-scale commercial uses relative to Finding No. 1 above;
3. The building is situated along Fairgrounds Avenue which is an arterial street with a 5 mile-per-hour speed limit, which could cause safety concerns with motorists slowing down to try and read a smaller size sign that is allowed by sign regulations;
4. The building is situated approximately 800 feet north of Crossroads Boulevard which is an arterial street with a 45 mile-per-hour speed limit, which could cause safety concerns with motorists slowing down to try and read a smaller size sign that is allowed by sign regulations;
5. The granting of this variance request will not alter the character of the surrounding neighborhood since all activities within this neighborhood will be commercial developments;
6. The proposed height of the subject signs meets the spirit and intent of the sign regulations; and
7. The granting this variance will not pose any public safety or welfare concerns.

Mr. Hornbeck stated that staff recommends that the following motion, second and action on the petition be made as follows:

1. A motion to approve the request for a variance from Section 16-9-100(c)(3) of the Municipal Code as depicted in the variance application to allow the construction of two wall mounted signs with a height of 8' 11" based upon the aforesaid findings of fact and the applicant obtaining the applicable sign permits;
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance request vote "yes"; all opposed to the variance request vote "no", with a minimum of four "yes" votes required to approve the variance request.

Ms. Baak asked what size the sign needs to be to meet code.

Mr. Hand stated that to meet code it would need to be 7' 6" and the sign now is 8' 11".

Mr. McIntyre asked how many building mounted signs are allowed on a building.
Mr. Hand stated that the code is by a percentage bases and not by the number of signs.

Ms. Baak moved to close the Public Hearing; Ms. Scheuerman seconded the motion. Motion carried unanimously.

Ms. Baak moved to approve the request for a Variance of Municipal Code Section 16-9-100(c)(3) of the Municipal Code as depicted in the variance application to allow the construction of two wall mounted signs with a height of 8'11" based upon the aforesaid findings of fact and the applicant obtaining the applicable sign permits; Ms. Scheuerman seconded the motion. Motion carried unanimously.

D. COMMUNICATIONS

1. Communications from the Board Members
2. Communications from staff

Mr. Plummer stated that the technicians calculate the percentage of signs and it's done as part of the sign permit process.

E. ADJOURN

Upon a motion duly made and seconded, the meeting was adjourned at 7:35 p.m.

CERTIFICATION

Approved by the Board of Adjustment/Appeals this 28th day of August 2014.



Submitted By:
Joy Liberty-Anglado
Secretary