



BOARD OF ADJUSTMENT/APPEALS REGULAR MEETING

July 23, 2015 – 7:00 P.M.

Third Floor Council 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

A. CALL TO ORDER

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

1. Roll Call

The following members were present:

Chairman Danny Horner
Cindy Scheuerman
Rick Bowers
Jose Valdes

Absent:

Benjamin George
Jim McIntyre
Ken Gerlach

Also present: Associate Planner
Permit Technician

Paul Hornbeck
Robin Volner

2. 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.

3. Reading of the statement 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.

4. Public invitation to be heard

Chairman Horner opened the meeting for public comment to which there was none.

B. CONSENT CALENDAR

1. Approval of the minutes of March 26, 2015

Ms. Scheuerman motioned to approve the March 26, 2015 meeting minutes; Dr. Valdes 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 a building mounted sign in the Central Business (CB) zoning district – Davinci Signs, Applicant

- Staff presentation: Paul Hornbeck, Associate Planner

Ms. Scheuerman motioned to open the Public Hearing; Dr. Valdes seconded the motion. Motion carried unanimously.

The applicant, DaVinci Sign Systems, representing the Hearth Restaurant & Pub is requesting a variance to the Municipal Code Sign height requirements for the building mounted signs in order to construct two new signs on the property located at 205 ½ 4th Street. The applicant presented a power point presentation to show how the signs would be placed on the building. The applicant stated his client is asking for an exception as they feel the code does not address these types of signs. He continued to explain that technically the sign will pass code by rotating 90 degrees, only the clients logo is not oriented that way. If the sign was rotated it would be too small to read if held to the strict interpretation of the written code. The code penalizes any use of vertical signage. My client would ask the board to consider one 3'6" wide by 11' vertical sign on the west elevation and one wall mounted sign of the same size on the north elevation. The signs would be made of aluminum with wood overlays and use LED illumination.

Public Comments: No public comment

Associate Planner Paul Hornbeck stated the applicant, DaVinci Sign Systems, representing the Hearth Restaurant & Pub 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 205 ½ 4th Street. The subject building is 3750 square feet in size, with 100 feet of frontage along Main Street and 45 feet along 4th Street. The business occupies the second floor, and being less the 5000 square feet, is classified as a minor tenant. The subject property is zoned Central Business (CB) and surrounded by other CB zoned properties.

The variance requested is from Municipal Code Section 16-9-100(c)(1) for a building mounted sign, which states the following:

Minor tenant. The height of building-mounted signs for minor tenants shall not exceed either twenty-five percent (25%) of the height of the building elevation upon which the sign is mounted or five (5) feet in height, whichever is less.

Mr. Hornbeck continued explaining that the applicant is proposing to construct one wall mounted sign on the west elevation and one wall mounted sign on the north elevation. The proposed signs would each be 3'6" wide by 11' in height, for an area of 38.5 square feet. The building elevations upon which the sign would be mounted have a height of 31 feet; therefore, a maximum sign height of 5 feet is allowed. The signs would be made of aluminum with wood overlays and use LED illumination.

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 signs be approved based upon the following findings of fact:

1. The applicable sign regulation does not appear to adequately address vertically oriented signs;

2. The overall size of the signs are in proportion to the size of each building wall upon which each sign will be mounted;
3. The granting of this variance request will not alter the character of the surrounding neighborhood;
4. The proposed height of the subject signs meets the spirit and intent of the sign regulations; and
5. The granting this variance will not pose any public safety or welfare concerns.

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)(1) of the Municipal Code as depicted in the variance application to allow the construction of two wall mounted signs with a height of 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.

Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel:
No comments or questions

Chairman Horner ask for a motion to close the Public Hearing.

Ms. Scheurman motioned to close Public Hearing; Mr. Bowers seconded the motion. Motion carried unanimously.

Chairman Horner asked for a motion on the variance.

Ms. Scheurman moved to approve the variance; Dr. Valdes seconded the motion.

Motion was approved.

D. COMMUNICATIONS

1. Communications from the Board Members
None.
2. Communications from staff
Discussion on setback certifications.
3. Communications from the Town Attorney
None.

E. ADJOURN

Mr. Bowers motioned to adjourn; Dr. Valdes seconded the motion. Motion carried unanimously.

The meeting was adjourned at 7:15 p.m.

Robin L. Volner, Permit Technician