



BOARD OF ADJUSTMENT/APPEALS

REGULAR MEETING

August 25, 2016 - 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 Thursday prior to the meeting to make arrangements.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board
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.

B. CONSENT CALENDAR

C. BOARD ACTION

1. Public Hearing – Variance of Municipal Code Section 16-9-60(f) pertaining to an electronic message center sign in the Single Family Residential (SF-1) zoning district– Joe Ippolito, 1201 Cornerstone LLC./Tolmar, Inc., applicant
 - Staff presentation: Paul Hornbeck, Senior Planner
 - a. Motion to open public hearing to receive evidence and comment regarding the variance request and second
 - b. Presentation of variance request by applicant
 - c. Receipt of any comments from the public regarding the variance request
 - d. Staff report and Recommendation
 - e. Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel
 - f. Motion to close public hearing and second
 - g. Motion on variance and second
 - h. Board discussion
 - i. Board action on variance request
2. Public Hearing – Variance of Municipal Code Section 16-9-100(a)(4) pertaining to an illuminated building-mounted sign within 150 feet of a residential zone district – Wayne Yauk, Bethel Lutheran Church, applicant
 - Staff presentation: Paul Hornbeck, Senior Planner

- a. Motion to open public hearing to receive evidence and comment regarding the variance request and second
- b. Presentation of variance request by applicant
- c. Receipt of any comments from the public regarding the variance request
- j. Staff report and Recommendation
- k. Questions and answers to/from BOA members to/from applicant, public, staff, legal counsel
- l. Motion to close public hearing and second
- m. Motion on variance and second
- n. Board discussion
- o. Board action on variance request

D. COMMUNICATIONS

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

E. ADJOURN

STATE LAW DICTATES THAT A FAVORABLE VOTE OF 4 OUT OF 5 MEMBERS OF THE BOARD OF ADJUSTMENT IS REQUIRED TO GRANT ANY VARIANCE. A SIMPLE MAJORITY VOTE IS NOT SUFFICIENT.

NOTE TO APPLICANTS: This agenda is considered tentative and may be revised at any time prior to the meeting. Applicants are advised to be present at 7:00 p.m. Final agendas will be available at the meeting.

Applicants may discuss the requests and the recommendations with staff during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. For the convenience of the applicants, appointments are recommended.

Upcoming Meeting Dates

<u>Thursday, September 22, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, October 27, 2016</u>	7:00 P.M.	Regular Board of Adjustment Meeting*
<u>Thursday, December 8, 2016</u>	7:00 P.M.	Special Board of Adjustment Meeting*

* All regular and special meetings of the Board of Adjustment are subject to the receipt of an item of business to be placed on the meeting agenda.



MEMORANDUM

Date: August 25, 2016
To: Board of Adjustment
Via: Scott Ballstadt, AICP, Director of Planning
From: Paul Hornbeck, Senior Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-60(f) pertaining to an electronic message center sign in the Single Family Residential (SF-1) zoning district
Location: 328 Walnut St, Lot 1, Town of Windsor Subdivision 6th Filing
Item #: C.1

Background/Discussion:

The applicant, Mr. Wayne Yauk, representing Bethel Lutheran Church, is requesting two variances relating to electronic message center signage. Bethel Lutheran Church, at 328 Walnut Street, is zoned Single Family Residential (SF-1).

Municipal Code section 16-9-60(f) defines electronic message center as follows:

For the purposes of this Section, electronic message center shall mean the portion of an on-premise freestanding sign capable of displaying words or images that can be electronically changed by remote or automatic means. Electronic message center shall not include temporary Town-owned messaging facilities. Permanent Town-owned messaging facilities shall be subject to the limitations set forth herein.

The first requested variance is to allow electronic message center signage in the Single Family (SF-1) zone district. Municipal Code Section 16-9-60(f)(1) states the following:

Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

The second requested variance is to allow electronic message center signage that exceeds the maximum allowed square footage. Municipal Code Section 16-9-60(f)(2) states the following:

The maximum allowed size of an electronic message center in a freestanding sign shall be no greater than fifty percent (50%) of the total allowed sign area.

In this case, as a property within a residential district, the total allowed sign area is twenty four (24) square feet, therefore making the maximum size of the electronic message center twelve (12) square feet. Municipal Code Section 16-9-80(2) states the following:

Signs identifying any of the following uses in a residential district shall be allowed, subject to a maximum sign area of twenty-four (24) square feet, and, further, not more than one (1) such sign per street frontage shall be erected on any single lot or parcel, not to exceed a total of two (2) such signs. Such freestanding signs identifying the

following uses shall not exceed six (6) feet in height and shall be located in accordance with the offset and setback requirements of this Section:

- a. Public or private school.*
- b. Places of assembly (small).*
- c. Nursing or rest home.*
- d. Public park or recreation area.*
- e. Conditional use grants and home occupations which have obtained all appropriate approvals from the Town.*
- f. Any entry feature signage identifying a platted residential subdivision within a Residential Mixed Use (RMU) zoning district. All such developments shall be allowed to erect such entry feature signs at separate entrances to the development. In the event that such signs are proposed for both sides of the street at any one (1) entrance, this "set" of signs shall be considered as one (1) development entrance sign.*

Analysis:

The Municipal Code was amended in 2014 to better address electronic message centers. During the process to amend the code, both the Planning Commission and Town Board were opposed to the idea of allowing electronic message center signage in residential zone districts for any use, including places of assembly. As such, the Municipal Code section on electronic message centers restricts their use to commercial and industrial areas outside of downtown.

Municipal Code Section 16-6-60(Variances) states the following:

Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

The submitted application materials do not outline any hardship.

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

- a) A situation where the property cannot be reasonably used under the conditions allowed by this Code.***

The property can be reasonably used as allowed by the code.

- b) The situation shall result from circumstances unique to the property and shall not be created by the landowner.***

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

c) *The variance, if granted, will not alter the essential character of the surrounding neighborhood.*

Allowing electronic message centers in residential zone districts, particularly when immediately adjacent to residential homes, will alter the essential character of the surrounding neighborhood by introducing lit advertising on a primarily residential street. The property is surrounded on three sides by residential zoning and single family homes.

d) *Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.*

The application materials failed to document a hardship of any kind, economic or otherwise. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation:

Variance to Section 16-9-60(f)(1)

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request to allow electronic message center signage in the SF-1 zone district.

Since all motions are to be made in the affirmative, staff also 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 16-9-60(f)(1)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote “yes”; all opposed to the variance request vote “no”, with a minimum of four “yes” votes required to approve the variance request.

Furthermore, staff recommends the following findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case; and
2. Approval of the variance would alter the residential character of the neighborhood.

Should the BOA be inclined to approve the variance request, findings of fact should be included to support the decision.

Variance to Section 16-9-80(2)

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request to exceed the maximum allowed size for an electronic message center signage in the SF-1 zone district.

Since all motions are to be made in the affirmative, staff also 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 16-9-60(f)(1)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote “yes”; all opposed to the variance request vote “no”, with a minimum of four “yes” votes required to approve the variance request.

Furthermore, staff recommends the following findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case; and
2. Approval of the variance would alter the residential character of the neighborhood.

Should the BOA be inclined to approve the variance request, findings of fact supporting the decision are required.

Notification:

August 11, 2016 development sign posted on the subject property
August 12, 2016 public hearing notice placed on the Town of Windsor’s website
August 12, 2016 public hearing notice posted in the paper

Enclosures: Application Materials
Presentation Slides

pc: Mr. Wayne Yauk, Bethel Lutheran Church, applicant



APPLICATION FOR VARIANCE

TOWN OF WINDSOR
301 Walnut Street
WINDSOR, CO 80550

(Please see the Town of Windsor Fee Schedule for Application Fees)

Office: (970) 674-2415
Fax: (970) 674-2456
www.windsorgov.com

TO BE COMPLETED BY APPLICANT

A request is hereby made for a variance of the Town of Windsor ordinances due to **special conditions where a literal enforcement of the ordinance would result in unnecessary hardship** on the property located at:

Street Address*: 328 Walnut St

Lot: 1 Block: _____ Subdivision: Town of Windsor 6th Filing

Describe the nature of the request for variance and the restriction(s) imposed by the ordinance(s). Attached additional sheet(s) if necessary*:

we would like to add an electronic message aspect to our current sign.

Describe specific conditions, practical difficulties or undue hardship believed to justify this request* Attached additional sheet(s) if necessary:

SCALED DRAWINGS AND SPECIFICATIONS NECESSARY FOR THE PROPER CONSIDERATION OF THIS VARIANCE SHALL BE SUBMITTED WITH THIS APPLICATION. WITH NEW CONSTRUCTION PROJECTS YOU MUST CONTACT SAFEbuilt COLORADO, INC (970-686-7511) TO DETERMINE IF ANY SPECIAL REQUIREMENTS EXIST ACCORDING TO THE INTERNATIONAL BUILDING CODE.

I hereby depose and state under the penalties of perjury that all statement, proposals and plans submitted within this application are true and correct to the best of my knowledge.

Submitted this 28 day of July, 20 16

Wayne Yank
Applicant (please print)

x Wayne Yank
Applicant's Signature

Wayne Yank
Property Owner* (please print)

x Wayne Yank
Property Owner's Signature*

Mailing Address (street, city, state, zip)

Mailing Address* (street, city, state, zip)

Telephone Number (during the day)

Telephone Number* (during the day)

Fax Number: _____

Fax Number: _____

Email: _____

Email*: _____

Applicant's Representative (if any):

Name: Bethel Lutheran Church

Address: 328 Walnut St

Telephone: 686-2863 Fax: _____

Email: S.Camp@bethellutheranwindsor.com

* indicates required fields



FREESTANDING SIGN PERMIT APPLICATION

\$50.00 Application Fee per Sign

1

CHECKLIST:

- Applicant has reviewed Article IX of the Municipal Code for all applicable sign regulations
- Attached drawings show height, width and square footage of sign; and height of the sign letters
*Total height of sign is measured from average finished grade to the top of the sign, including the monument base, and the height and width of the monument base portion of the sign
- Attached landscape plan and site plan must show the location of the sign on the lot, including:
 - distance from the sign to each property line;
 - all existing easements;
 - length of all street frontages between property lines;
 - street names; and
 - approximate location of existing freestanding signs along street
- For a proposed Electronic Message Center, please review Sec. 16-9-60 of the Municipal Code
*Include notes on the sign drawing to reflect the criteria in this section
- Approval: *Owner/Landlord agrees that if the sign is in need of repair or if the building becomes vacated, owner shall repair, replace or remove the sign at the owner's expense.*

2

APPLICANT:

Name: Wayne Yauk of: Bethel Lutheran Church
 Address: 721 Locust St Windsor, CO 80550
 Phone #: 970-686-2329 Email: whyauk@yahoo.com

BUSINESS:

Name: Bethel Lutheran Church
 Address: 328 Walnut St Windsor, CO 80550
 Phone #: 870-686-2863 Email: administration@bethellutheranwindsor.com

3

Legal Description: Lot 1 Town of Windsor 6th filing
 Total Square footage of building: 14,295 Square footage of unit: 18 sq ft
 Valuation of Sign: 10,000
 Sign: Width 6 x Height 3 = 18 Total Square Feet
 Monument: Width 10' 6" x Height 4' 3" = 44.6 Total Square Feet
 Letter Height(s): 6" Total Sign Height: 4' 3"
 Number of Adjacent Signs Existing on this Street Lot Frontage: 1
 Sign Materials: Aluminum, Stone
 Illumination Type: LED
 Sign Distances from Property Line(s): N E S 0' W 7'

4

Signature: *X Wayne Yauk* Date: _____
 Print Name: _____

Office Use Only		
ZONING:	TENANT CLASS. (SEC 16-2-20):	LANDLORD APPROVAL:
SUBAREA:	SQ. FT. OF BUILDING:	TOTAL LETTER HEIGHT(S):
STREET CLASS:	TOTAL SIGN HEIGHT:	REVIEWER:

Bethel Lutheran Church

Application for Variance

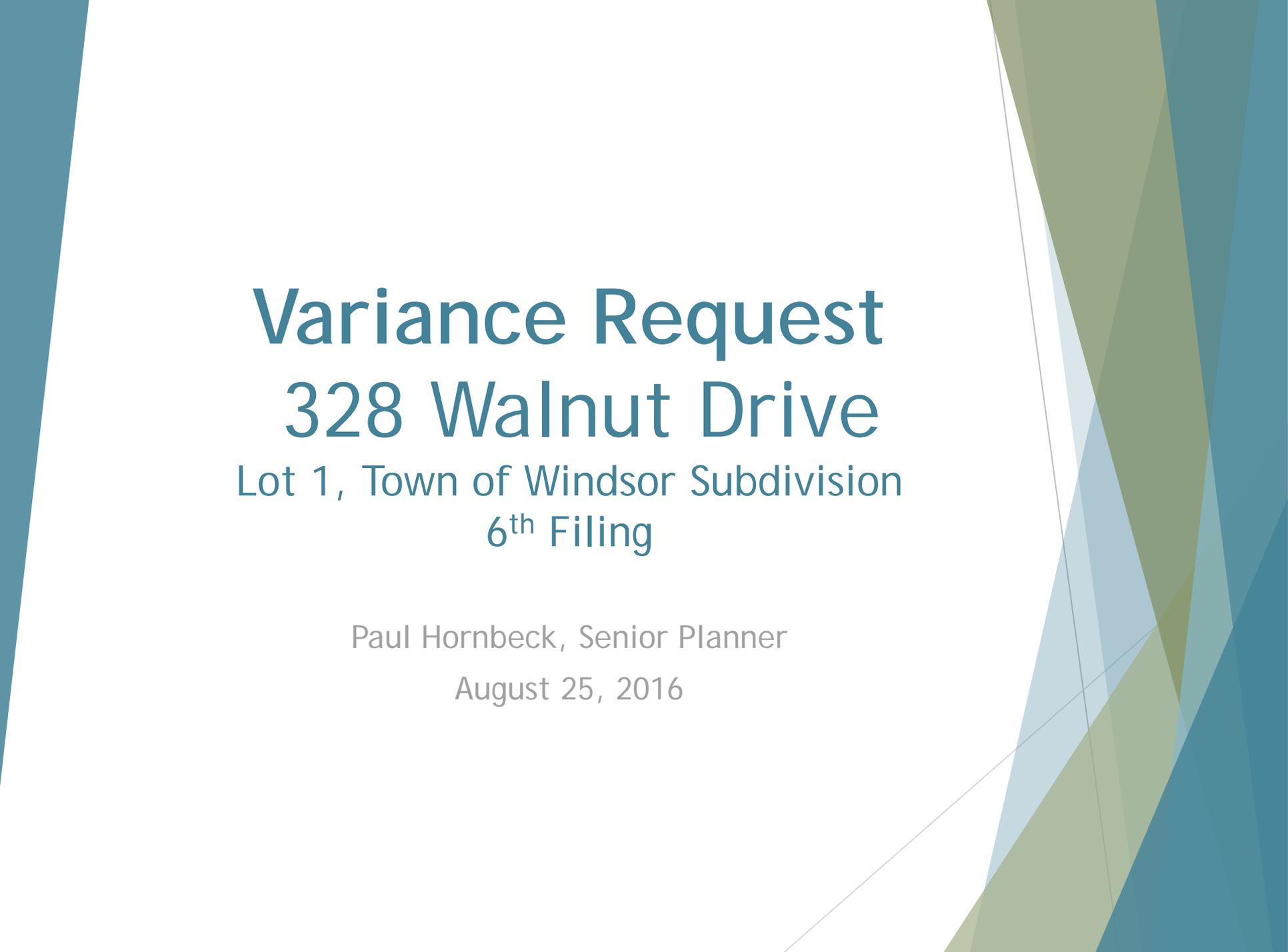
August 8, 2016

Bethel Lutheran Church has been at the 328 Walnut St. location since 1945. Its current sign has served as one of its main methods of communication for most of that time. As the community and times have changed, Bethel Lutheran is requesting a variance to improve the method of communication and update the look of the church to portray an update, modern church that is in keeping with the changes in the community.

Bethel sits in a residential area but has commercial property to the north of its boundary. That commercial area is changing and being updated, including the old mill property. Due to the mixed used of the area, we would like to be exempt from the code restricting the use of electronic signs in residential areas.

An electronic sign would allow for ease at changing messages and virtually eliminate the need for temporary vinyl banners.

Bethel is willing to keep the use of the sign to a minimum during evening/night hours and keep it to a lower light. The sign we are proposing would not be full color but rather use a two color system. (red or gray-scale)



Variance Request

328 Walnut Drive

Lot 1, Town of Windsor Subdivision
6th Filing

Paul Hornbeck, Senior Planner

August 25, 2016

Variance Requests

Variance request from Section 16-9-60(f)(1):

Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

Variance Requests

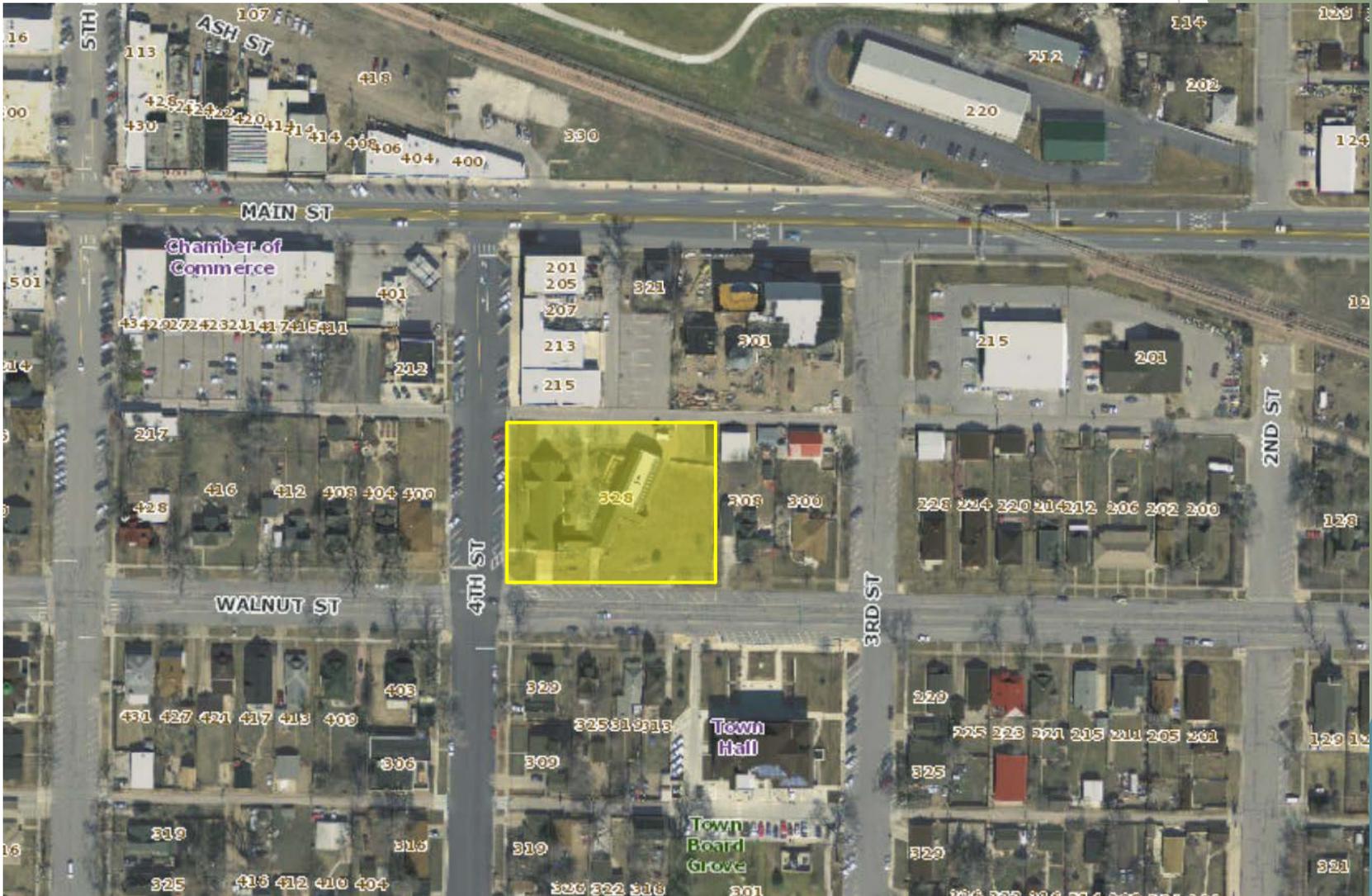
Municipal Code Section 16-9-60(f)(2):

The maximum allowed size of an electronic message center in a freestanding sign shall be no greater than fifty percent (50%) of the total allowed sign area.

Section 16-9-80(2) :

Signs identifying any of the following uses in a residential district shall be allowed, subject to a maximum sign area of twenty-four (24) square feet, and, further, not more than one (1) such sign per street frontage shall be erected on any single lot or parcel, not to exceed a total of two (2) such signs.

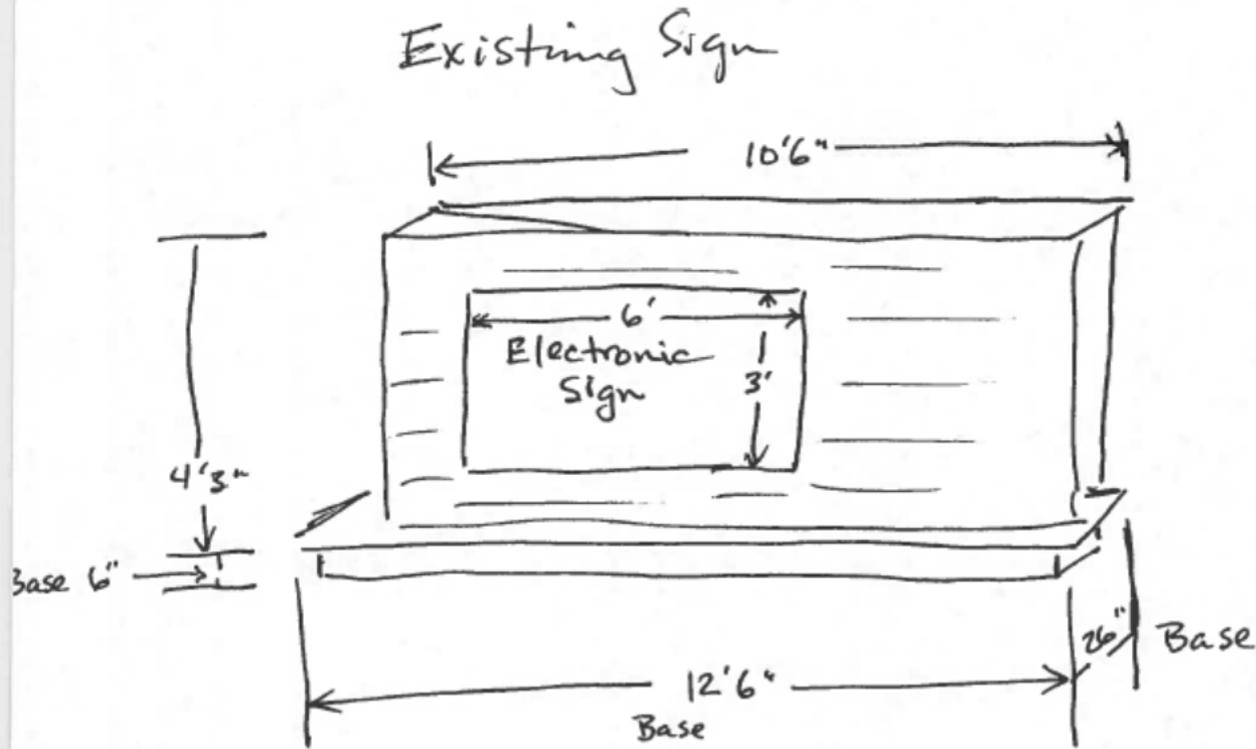
Site Vicinity Map



Site Proximity Zoning Map



Proposed Sign



Bethel lots 7, 9, & 11, Block 11
Section 21, Township 6 North, Range 67, West of the 6th P.M.

Analysis

Municipal Code Section 16-6-60(Variations) states the following:

Variations may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variations will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

Analysis

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

- ▶ *A situation where the property cannot be reasonably used under the conditions allowed by this Code.*

The property can be reasonably used as allowed by the code.

- ▶ *The situation shall result from circumstances unique to the property and shall not be created by the landowner.*

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

Analysis (cont.)

- ▶ *The variance, if granted, will not alter the essential character of the surrounding neighborhood.*

Allowing electronic message centers in residential zone districts, particularly when immediately adjacent to residential homes, will alter the essential character of the surrounding neighborhood by introducing lit advertising on a primarily residential street. The property is surrounded on three sides by residential zoning and single family homes.

- ▶ *Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.*

The application materials failed to document a hardship of any kind, economic or otherwise. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation

Variance to Section 16-9-60(f)(1)

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request to allow electronic message center signage in the SF-1 zone district.

Recommended motion

1. A motion to approve the request for a variance from Section 16-9-60(f)(1)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote "yes"; all opposed to the variance request vote "no", with a minimum of four "yes" votes required to approve the variance request.

Recommended findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case; and
2. Approval of the variance would alter the residential character of the neighborhood.

Recommendation

Variance to Section 16-9-80(2)

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request to exceed the maximum allowed size for an electronic message center signage in the SF-1 zone district.

Recommended motion

1. A motion to approve the request for a variance from Section 16-9-60(f)(1)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote "yes"; all opposed to the variance request vote "no", with a minimum of four "yes" votes required to approve the variance request.

Recommended findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case; and
2. Approval of the variance would alter the residential character of the neighborhood.



MEMORANDUM

Date: August 25, 2016
To: Board of Adjustment
Via: Scott Ballstadt, AICP, Director of Planning
From: Paul Hornbeck, Senior Planner
Re: Public Hearing – Variance of Municipal Code Section 16-9-100(a)(4) pertaining to an illuminated building-mounted sign within 150 feet of a residential zone district – Joe Ippolito, 1201 Cornerstone LLC./Tolmar, Inc., applicant
Location: 1201 Cornerstone Drive, Lot 1, Block 1 Cornerstone Subdivision 1st Filing
Item #: C.2

Background/Discussion:

The applicant, 1201 Cornerstone LLC. / Tolmar Inc., represented by Mr. Joe Ippolito, is requesting a variance to allow an illuminated building-mounted sign within 150 feet of the nearest residential zone district. The subject property is located at 1201 Cornerstone Drive and is zoned Limited Industrial (IL). The proposed sign is located less than 150 feet east of the Single Family Residential (SF-1) zone district. Municipal Code Section 16-9-100(a)(4) states the following:

In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development.

Analysis:

Municipal Code Section 16-6-60(Variations) states the following:

Variations may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variations will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

- a) A situation where the property cannot be reasonably used under the conditions allowed by this Code.**

The property can be reasonably used as allowed by the code.

- b) The situation shall result from circumstances unique to the property and shall not be created by the landowner.**

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

c) *The variance, if granted, will not alter the essential character of the surrounding neighborhood.*

In this case, allowing an illuminated wall mounted sign should have minimal impact on the essential character of the surrounding neighborhood due to the orientation of the sign and the sign location on the property. The sign faces south, with a setback of approximately 250 feet from Eastman Park Drive. Additionally, no homes are within 150 feet of the sign.

d) *Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.*

The application materials failed to document a hardship of any kind, economic or otherwise. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation:

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request.

Since all motions are to be made in the affirmative, staff also 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(a)(4)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote "yes"; all opposed to the variance request vote "no", with a minimum of four "yes" votes required to approve the variance request.

Furthermore, staff recommends the following findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case.

Should the BOA be inclined to approve the variance request, findings of fact supporting the decision are required.

Notification:

August 11, 2016 development sign posted on the subject property
August 12, 2016 public hearing notice placed on the Town of Windsor's website
August 12, 2016 public hearing notice posted in the paper

Enclosures: Application Materials
Presentation Slides

pc: Mr. Joe Ippolito, 1201 Cornerstone LLC / Tolmar Inc., applicant



APPLICATION FOR VARIANCE

TOWN OF WINDSOR
301 Walnut Street
WINDSOR, CO 80550

(Please see the Town of Windsor [Fee Schedule](#) for Application Fees)

Office: (970) 674-2415
Fax: (970) 674-2456
www.windsorgov.com

TO BE COMPLETED BY APPLICANT

A request is hereby made for a variance of the Town of Windsor ordinances due to **special conditions where a literal enforcement of the ordinance would result in unnecessary hardship** on the property located at:

Street Address*: 1201 Cornerstone Drive

Lot: 1CS1-1 Block: 1 Subdivision: Cornerstone SUB 1st FG B1 L1

Describe the nature of the request for variance and the restriction(s) imposed by the ordinance(s). Attached additional sheet(s) if necessary*:

The Tolmar illuminated building mounted sign was placed under less than 150 feet from a residentially zoned district. Windsor Municipal Code Section 16-9-100 (a) (4) states: In no event shall any illuminated building-mounted sign be allowed within one hundred fifty (150) feet of the nearest residential district or development, with this distance being measured from the nearest portion of the sign to the nearest property line contained within any such residential district or development. The Cornerstone Baptist church is the nearest residentially districted property and is approx 120' away.

Describe the specific conditions, practical difficulties or undue hardship believed to justify this request* Attached additional sheet(s) if necessary:

The reason the sign was placed in its current location was so it could be visible to the West, South and East entering the turnabout located on the corner of Cornerstone and Eastman Park.

SCALED DRAWINGS AND SPECIFICATIONS NECESSARY FOR THE PROPER CONSIDERATION OF THIS VARIANCE SHALL BE SUBMITTED WITH THIS APPLICATION. WITH NEW CONSTRUCTION PROJECTS YOU MUST CONTACT SAFEbuilt COLORADO, INC (970-686-7511) TO DETERMINE IF ANY SPECIAL REQUIREMENTS EXIST ACCORDING TO THE INTERNATIONAL BUILDING CODE.

I hereby depose and state under the penalties of perjury that all statement, proposals and plans submitted within this application are true and correct to the best of my knowledge.

Submitted this 7 day of July, 2016

1201 Cornerstone LLC; By: TOLMAR, Inc., its Manager

1201 Cornerstone LLC; By: TOLMAR, Inc., its Manager

Applicant (please print)

Property Owner* (please print)

 Joe Ippolito 7-7-16

 VP, Engineering & Facilities

Applicant's Signature

Property Owner's Signature*

701 Centre Ave., Fort Collins CO 80526

701 Centre Ave., Fort Collins CO 80526

Mailing Address (street, city, state, zip)

Mailing Address* (street, city, state, zip)

(970) 212-4500

(970) 212-4500

Telephone Number (during the day)

Telephone Number* (during the day)

Fax Number:

Fax Number:

Email: Joe.ippolito@tolmar.com

Email*: Joe.ippolito@tolmar.com

Applicant's Representative (if any):

Name:

Joe Ippolito, Vice President Engineering and Facilities, TOLMAR, Inc.

Address:

9351 Eastman Park Drive, Windsor, CO

Telephone:

(970) 212-5828

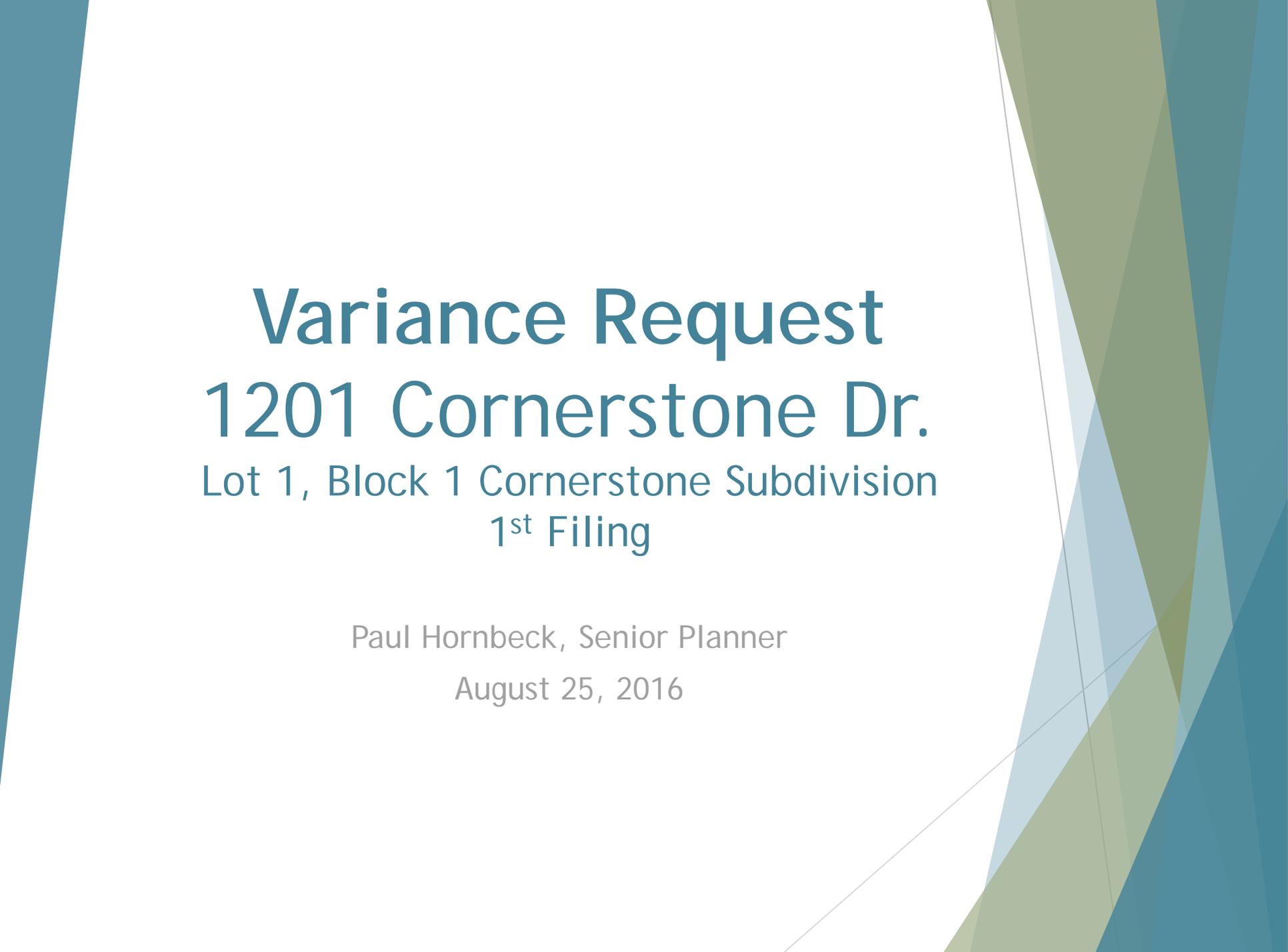
Fax:

Email:

joe.ippolito@tolmar.com

* indicates required fields

Revised 03/13/2014



Variance Request

1201 Cornerstone Dr.

Lot 1, Block 1 Cornerstone Subdivision
1st Filing

Paul Hornbeck, Senior Planner

August 25, 2016

Variance Request

- ▶ Variance request from Section 16-9-60(f)(1):

Electronic message center signs shall be permitted in the following zoning districts only: General Commercial (GC), Neighborhood Commercial (NC), Limited Industrial (I-L), Heavy Industrial (I-H), and the commercial portions of Residential Mixed Use (RMU).

Site Vicinity Map



Site Proximity Zoning Map



Proposed Sign

8" 9'-0" 2'-11 1/2" 2'-1" 8"

F1 3630-143 POPPY RED

F2 3635-0170 DAY/NIGHT FILM

ALUMINUM CONSTRUCTED CABINET WITH ALUMINUM FACE ROUTED AND BACKED WITH WHITE ACRYLIC, AND 3M FILM OVERLAYS. ILLUMINATED WITH WHITE LED'S.

A	SIGN TYPE	ILLUMINATED WALL CABINETS	SCALE	3/4"=1'-0"
B1	QUANTITY	1 S/F	JOB TYPE	MANUFACTURE & INSTALL

26'-6" out.

ILLUMINATED RENDERING

EXISTING CONDITIONS - NO REMOVALS

PROPOSED COMPLETION RENDERING

ALL ILLUMINATED DISPLAYS SHOWN IN THIS DESIGN ARE BUILT TO 120 VOLT SPECIFICATIONS UNLESS OTHERWISE NOTED

<p>Phone 970-593-1334 Fax 970-593-0443 1-888-309-5571 3597 Draft Horse Ct Loveland, CO 80538</p>	<p>CLIENT: TOLMAR INC.</p> <p>ADDRESS: 1201 CORNERSTONE DR, WINDSOR, CO 80550</p>	<p>SALES: PATRICK SHERRY DESIGNER: J. VALASEK CUSTOMER APPROVAL: _____ DATE: _____</p>	<p>Rev. # 1: 10/5/15- CORRECTED LIGHTING OF LOGO, SIDE VIEW OF INTERIOR SIGN, DEL PG 5 Rev. # 2: Rev. # 3: Rev. # 4: Rev. # 5:</p>	<p>DESIGN #: 13573R1</p> <p>PAGE # 1 OF 2</p>
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SCHLOSSER SIGNS, INC. 2007

Analysis

Municipal Code Section 16-6-60(Variances) states the following:

Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

Analysis

The Municipal Code defines unnecessary hardship as follows, with staff analysis below:

- ▶ *A situation where the property cannot be reasonably used under the conditions allowed by this Code.*

The property can be reasonably used as allowed by the code.

- ▶ *The situation shall result from circumstances unique to the property and shall not be created by the landowner.*

There appear to be no circumstances unique to this property, such as topography or lot dimensions, that would justify the variance.

- ▶ *The variance, if granted, will not alter the essential character of the surrounding neighborhood.*

In this case, allowing an illuminated wall mounted sign should have minimal impact on the essential character of the surrounding neighborhood due to the orientation of the sign and the sign location on the property. The sign faces south, with a setback of approximately 250 feet from Eastman Park Drive. Additionally, no homes are within 150 feet of the sign.

Analysis (cont.)

- ▶ *Economic considerations alone shall not constitute an unnecessary hardship if a reasonable use for the property exists under the provisions of this Code.*

The application materials failed to document a hardship of any kind, economic or otherwise. The property as it exists today can be reasonably used under the provisions of the Code.

Recommendation

Staff considers that the literal enforcement of the Code will not result in an unnecessary hardship, as defined by the Municipal Code and outlined above, and therefore is recommending denial of the variance request.

Since all motions are to be made in the affirmative, staff also 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(a)(4)
2. A second; and
3. The Chair calling for the vote as follows: All members in favor of the variance vote "yes"; all opposed to the variance request vote "no", with a minimum of four "yes" votes required to approve the variance request.

Furthermore, staff recommends the following findings of fact:

1. No hardship, as defined by the Municipal Code, exists in this case.