

RECORD OF PROCEEDINGS

Regular Meeting of the Estes Valley Board of Adjustment

June 2, 2009, 9:00 a.m.

Board Room, Estes Park Town Hall

Board: Chair Chuck Levine, Members John Lynch, Bob McCreery, Wayne Newsom, and Al Sager; Alternate Member Bruce Grant

Attending: Members Levine, Lynch, McCreery, Newsom, and Sager

Also Attending: Director Joseph, Sign Code Officer Carolyn McEndaffer, and Recording Secretary Thompson

Absent: None

Chair Levine called the meeting to order at 9:00 a.m.

1. PUBLIC COMMENT

None

2. CONSENT AGENDA

- a. Approval of minutes dated April 7, 2009

It was moved and seconded (Newsom/Sager) to approve the minutes as presented, and the motion passed unanimously

3. METES & BOUNDS PARCEL IN THE TOWN OF ESTES PARK SUBDIVISION, located at 205 Virginia Drive – Request for variance from EPMC 17.66.060, Prohibited Signs (12) Roof Signs, and variance from EPMC 17.66.130 (1)(5)(7) Nonconforming signs. Request to allow a prohibited sign located on a roof more than 45 degrees from vertical.

Staff Report:

Director Joseph stated the applicant, Vega LLC, wishes to change the lettering on the sign face of an existing roof sign at the Courtyard Shops to advertise Vega Tapas restaurant, which is located in the former Smiling Elk Restaurant location. The property is owned by Trail Inn, LLC and is zoned CD – Commercial Downtown. It is approximately .67 acres in size and is a mixed-used property.

The applicants, Ron and Carolyn Kilgore, are the current tenants. Director Joseph reviewed the history of this particular sign, noting the sign code was interpreted incorrectly and permitted in error for the previous business, Smiling Elk Restaurant. The correct interpretation is an effort to allow a wall sign on a very steep roof. All Board of Adjustment members commented on the difficulty of interpreting the two various ways that were highlighted in the staff report. Director Joseph believes special circumstances exist, due to the fact the restaurant is tucked back toward the rear of the property at the top, with little actual frontage on Virginia drive for exposure to the public. The current location of the sign is one of the few places it can be seen from the public right-of-way.

Director Joseph noted it is Staff's opinion that the current tenants were not aware of the nonconforming issues related to this particular sign until they came in to the building department to request a permit to change the sign. The Kilgore's assumed they would be able to maintain the current sign and use it as advertising for Vega Tapas Restaurant.

Planning Staff supports this variance request. Sign Code Officer McEndaffer has reviewed the square footage of the existing sign and has determined it is within the limits for the allotted square footage.

Director Joseph recommends approval of the requested variance with conditions. He noted this variance approval is good only for this particular sign. Changes to the existing

sign can only be for repair and maintenance, and also the sign lettering if new tenants move in. These changes can be done without Board of Adjustment review. Director Joseph stated any new owners that want to change the size of the sign or install a new sign will have to apply for a variance if they want it in the same location.

Board and Public Comment:

Member McCreery thinks this particular sign has a ridge-line building effect, being higher than any surrounding signs. Although he does not object to this sign, it is not a type of advertising that he would continually support.

It was moved and seconded (Newsom/Lynch) to APPROVE the Request for variance from EPMC 17.66.060, Prohibited Signs (12) Roof Signs, and variance from EPMC 17.66.130 (1)(5)(7) Nonconforming signs with the following conditions:

- 1. Compliance with the submitted application. Change of copy will be permitted as part of the variance without further review by the Board of Adjustment provided it does not result in a new violation of the effective sign code at the time of the change.**
- 2. At, or prior to, the time of issuance of a sign permit for the roof sign, the applicant shall obtain permits for any Vega signs on the Courtyard Shop property that require a permit.**

4. REPORTS

Director Joseph told the members about the Sign Code Task Force that has been meeting for about four weeks. This committee is discussing existing sign code issues and will provide suggestions as to how to address those issues. He gave a brief history of the current sign code. After the task force makes its recommendations, Staff will begin drafting language to take to the Planning Commission for review and approval.

There was discussion between Staff and the Board concerning banners and the regulations and exceptions currently in force. It was noted that enforcement continues to be a problem and the task force is aware of that issue.

There being no further business, Chair Levine adjourned the meeting at 9:30 a.m.

Chuck Levine, Chair

Karen Thompson, Recording Secretary