



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
March 14, 2019**

MEMBERS PRESENT:

Hannah Cicioni
Andrew Curry
Ben Kaufman
Aaron Smith, Chair
Eriks Zvers, Planning Commission Representative

OTHERS ATTENDING:

Lori Ericson, Planning Administrator
Beth Johnson, Planner II
Kara King, Planning Technician

Chair Aaron Smith called the meeting to order at 4:00 pm.

OLD BUSINESS

19-15: A request by Speakeasy Tattoo Lounge for a variance to allow a freestanding pole sign at 14.17 feet in height and 72 square feet at 425 W. Walnut St. in the city's COM (Commercial Mixed Use) zoning district.

The applicant requested to withdraw the application. **WITHDRAWN.**

19-17: A request by Sherwood Urgent Care for a variance to allow one additional wall sign at 2301 W. Pleasant Grove Rd. in the city's C-2 (Highway Commercial) zoning district and the city's Overlay District.

The applicant requested to withdraw the application. **WITHDRAWN.**

19-18: A request by David A. Smith for a variance to allow a rear setback and utility easement reduction from 20' to 9' at 3713 N. 2nd Place in the city's RSF-5 (Residential Single-Family, 5 units per acre) zoning district.

David A. Smith representing the request stated the request is to allow for the construction of a pool.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Cicioni asked if there were any constraints preventing them from constructing the pool closer to the existing home. David A. Smith responded that the proposed location would allow for more clearance between the house and the pool.

Kaufman motioned to approve the variance request for a rear yard setback reduction from 20' to 9'. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-19: A request by Eyemart Express for a variance to allow one additional wall sign and 69.7 square feet of additional wall sign area at 2600 W. Pleasant Crossing Dr. in the city's C-2 (Highway Commercial) zoning district and in the city's Overlay District.

Laura Tucker and Mike Jones with Best Sign Group representing the request, stated that the applicant occupies two tenant spaces in the building. Staff outlined that the building's total sign area is 380 square feet and Eyemart Express would only be allowed one wall sign at 25 square feet. They are requesting one additional wall sign and 69.7 square feet of additional sign area.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Zvers motioned to approve the variance request for one additional wall sign. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

Zvers motioned to approve the variance request for 69.7 square feet of additional sign area. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-20: A request by TruCraft Remodeling for a variance to allow a rear setback reduction from 20' to 10' at 1702 W. Gilligan Avenue in the city's R-SF (Residential Single-Family) zoning district.

Colin Wells representing the request stated the request is to allow for the construction of a pool.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Zvers asked if the applicant could move the proposed pool closer to the existing home. The site plan presented shows 30' from the proposed pool to the existing home. Wells was unsure of the accuracy of the site plan presented.

The applicant requested to table the application. Motion by Zvers to table the variance request. Second by Kaufman. Voice vote: (unanimous). Motion carried. **TABLED.**

19-21: A request by Mercy Medical Center for a variance to increase the total sign area and to allow additional wall signs at 2710 S. Rife Medical Ln. in the city's C-2 (Highway

Commercial) zoning district.

The applicant requested to withdraw the application. **WITHDRAWN.**

19-22: A request by Shipley Donuts for a variance to allow a pole sign at 22' and 168 square feet in total sign area at 2119 W. Walnut St. in the city's C-2 (Highway Commercial) zoning district and in the city's Overlay District.

The applicant requested to table the application. Motion by Cicioni to table the variance request. Second by Kaufman. Voice Vote: (unanimous). Motion carried. **TABLED.**

NEW BUSINESS

19-24: A request by Patrick and Leslie Fitzgerald for a variance to allow a rear setback reduction from 20' to 11'3" and exterior side setback reduction from 30' to 29'3" at 2704 W. Amour Dr. in the city's R-SF (Residential Single-Family) zoning district.

Justin Reed, with Bates and Associates, represented the request. The rear setback reduction is to allow for the construction of a pool. The exterior side setback reduction is to bring the existing home into compliance.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Motion by Cicioni to approve the variance request for a rear yard setback reduction from 20' to 11'3". Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Motion by Cicioni to approve the variance request for an exterior side yard setback reduction from 30' to 29'3". Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

19-25: A request by Daniel H. Smith for Saltgrass Steak House for a variance to allow a pole sign at 65' and 235 square feet in total sign area, 26 square feet of sign area for a canopy sign, 5 additional wall signs, and 147 square feet of total wall sign area at 4044 S. JB Hunt Dr. in the city's C-2 (Highway Commercial zoning district).

Daniel H. Smith for Saltgrass Steak House represented the request.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Staff outlined that the request for a pole sign at 65' in height and 235 square feet in total sign area would be considered an interstate sign due to its large size. The site is outside the City's Interstate Sign district. The site would be allowed one pole sign at 24' in height and 150 square feet in total sign area. Staff finds a sign at 24' in height with 150 square

feet in total sign area would be sufficient for wayfinding purposes and does not support the request for additional height and area on a pole sign.

Daniel H. Smith presented images of the visibility of the proposed pole sign from locations around the site. Smith amended the request for a 50' tall pole sign with 200 square feet in total sign area. Smith stated that a pole sign at 24' in height would be blocked by their 25' tall building.

Curry asked staff if there were any interstate signs outside the Interstate Sign District. Staff stated there are a few. The majority of interstate signs outside the Interstate Sign District were either permitted with the Interstate Sign District was larger or were approved through a variance. The interstate signs approved through a variance were multitenant signs.

Curry stated that the request for an interstate sign does not fit the intent of the Uptown zoning districts and the surrounding area.

Motion by Zvers to deny the request for a 50' pole sign with 200 square feet of total sign area. Second by Kaufman. Voice vote: (unanimous). Motion carried. **DENIED.**

Staff outlined that the site is permitted one canopy sign by right at 12 square feet, with the sign area to be deducted from the total wall sign area. Staff stated that based on the measurements for the canopy provided would be 15 square feet, not 50 square feet as presented by the applicant. The variance request would be for 3 additional square feet of canopy sign area.

Daniel H. Smith stated that reducing the size of the canopy sign would be difficult and that the 3 additional square feet requested is a minor increase in the area.

Motion by Cicioni to approve 3 additional square feet on a canopy sign. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Daniel H. Smith stated that the additional wall signs will provide the site greater visibility as the surrounding properties are developed.

Cicioni stated that previous requests for multiple wall signs on an elevation have been denied. Cicioni asked if the applicant could reduce the sign sizes for the additional wall signs, Daniel H. Smith stated they do not wish to reduce the sign sizes to keep their nationwide branding consistent. Cicioni stated that one sign per elevation could accomplish Saltgrass's branding and identification goals.

Motion by Kaufman to approve the request for one additional wall sign on the North elevation at 96 square feet. Second by Cicioni. Voice vote: Yes – Kaufman and Smith. No- Cicioni, Curry, and Zvers. Motion failed. **DENIED.**

Motion by Zvers to deny the variance request for one additional wall sign on the North elevation at 48 square feet. Second by Cicioni. Voice vote: (unanimous). Motion carried. **DENIED.**

Motion by Curry to approve the request for one additional wall sign on the West elevation at 96 square feet. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Motion by Zvers to approve the request for one additional wall sign on the East elevation at 96 square feet. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

Motion by Curry to deny the request for one additional wall sign on the East elevation at 60 square feet. Second by Zvers. Voice vote: Yes- Cicioni, Curry, Smith, and Zvers. No-Kaufman. Motion carried. **DENIED.**

Previous minutes: February 14, 2019.

Curry motioned to approve the minutes from February 14, 2019. Second by Zvers. Voice vote: (unanimous). Motion carried. **APPROVED.**

Meeting adjourned at 5:02 pm.

Roger Clark, Board of Adjustment Secretary