



CITY OF IDAHO SPRINGS
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NOTICE AND AGENDA
VARIANCE BOARD OF ADJUSTMENTS
Idaho Springs City Hall
1711 Miner Street
Wednesday, August 17, 2022 – 5:30 p.m.

Call to Order

Roll Call

Approve Minutes of April 20, 2022

New Business- Public hearing

- 1. Variance request to allow a pole sign to be constructed in the Historic Downtown zoning district of 1601 Colorado Boulevard.**

Adjourn

**IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION
INSTRUCTIONS**

The Public is able to view and hear this meeting remotely at the following address on the City's website:

<https://www.colorado.gov/pacific/idahosprings/city-council-live>

To provide public comment remotely please use the link below

<https://us02web.zoom.us/j/81367731261?pwd=MW4xWUFxSHA0V1NlYnBVaTI5TVZLdz09>

Passcode: 545360

For in-person Unscheduled Public Comment, please sign-in at the entrance to the Council Chambers.

Each individual that is providing public comment is limited to three (3) minutes.



**VARIANCE BOARD OF ADJUSTMENTS
MINUTES
April 20, 2022**

CALL TO ORDER

Chairman Smith called the meeting to order at 5:38 PM.

Board members present were: Doug Smith, Ann Zimmerman and John Hatch. Board member Dru Van Doren was absent for the meeting. City staff present was City Administrator Andrew Marsh, City Attorney Carmen Beery (via ZOOM), Deputy City Clerk Wonder Martell and Community Development Planner Jerad Chipman.

APPROVAL OF MINUTES

Ann Zimmerman moved to approve the minutes of February 16, 2022

NEW BUSINESS

Public Hearing

514 Virginia Street- Proposed Variance to allow for a taller fence in the front yard.

Chairman Smith opened the public hearing at 5:41 pm.

Jerad Chipman presented the staff report outlining the request. Applicant Bethany Miller, owner of 514 Virginia Street has requested a variance to allow a fence that exceeds the maximum fence height in the front yard. Mr. Chipman brought up that the fence that is currently at 514 Virginia Street is non-conforming in nature. If this variance is approved the applicant will have a chance to change the material and remove some of the non-conformity. Mr. Chipman also noted that in order to meet the 15-foot setback, the fence would actually have to be located in the middle of the home due to the size of the lot. The usable space of the property is 50 feet and there is a retaining wall and steep slope behind the property.

Applicant testimony – Deputy City Clerk Wonder Martell swore in the applicant, Bethany Miller. Ms. Miller stated that she has owned this property for 10 years, and she has a dog and a daughter. Ms. Miller also mentioned that at her property, there is all side yard, there really is no front yard and there is no back yard because of the retaining wall and the mountain which makes the back yard not usable to her family.

PUBLIC COMMENT

There was no public comment for this public hearing.

DISCUSSION

Board member John Hatch stated that his variance is really straight forward, and he has no issues in approving this variance. Board member Ann Zimmerman agreed of Mr. Hatch's statement and was also in favor of approving this variance. Chair Doug Smith also concurred with the need of having a taller fence so that the dog would not be able to jump over the fence.

Chairman Smith closed the public hearing at 5:44 pm

Doug Smith moved to approve the variance to allow for a taller fence of the property located at 514 Virginia Street. Followed by an all-in favor roll call vote. Variance passes 3-0.

ADJOURN

With no further business before the board Chairman Smith adjourned the meeting at 5:45 p.m.

CITY OF IDAHO SPRINGS

Variance Board Communication



MEETING DATE: AUGUST 17, 2022

REPORT DATE: AUGUST 11, 2022

FROM: JERAD CHIPMAN, COMMUNITY DEVELOPMENT PLANNER

THROUGH: ANDREW MARSH, CITY ADMINISTRATOR

RE: POLE SIGN VARIANCE AT 1601 COLORADO BOULEVARD: VARIANCE REQUEST TO ALLOW A NEW POLE SIGN TO BE INSTALLED IN THE HISTORIC DOWNTOWN DISTRICT.

PROPOSAL:

Jonah Hearne (the Applicant), ownership partner of 1601 Colorado Boulevard (the Property), requests approval of a variance to allow a pole sign to be installed in the northwest corner of the property. Pole signs are not allowed within the zoning district of Historic Downtown.

BACKGROUND:

Property description. The property is currently under renovation and is approved to be used as a hotel once construction is completed. Internal and external construction has been permitted previously. As the construction is nearing completions, the Applicant has turned his attention towards signage. Currently, the property has a legal nonconforming pole sign located within the front yard. Legal nonconforming signs can generally continue on, but they cannot be replaced, improved or altered. The existing nonconforming pole sign, with approval from the Historic Preservation Review Commission (HPRC), is intended to be removed. The proposed new pole sign is much smaller than the existing sign at a proposed height of nine (9) feet. The sign area is proposed to be 3.19 square feet, similar in size to a street sign.

The HPRC reviewed the sign application insofar as historical criteria within its jurisdiction and recommended approval of a Certificate of Appropriateness (COA) for the new pole sign pending action by the Variance Board. The rationale that the HPRC used in approving the COA for the sign was that there is photographic evidence indicating a similar sign once existed on the property.

Zoning and Land Use. The property is zoned Historic Downtown (HD). The neighboring properties are zoned and used per the below table:

<u>Location</u>	<u>Adjacent Land Use</u>	<u>Adjacent Zoning</u>
North	Residential	R-3
East	Residential	C-1
South	Commercial	HD
West	Parking and Governmental	C-1

Applicable Zoning Ordinance regulations. The variance is being requested to Section 20-150 “Specific Sign Regulations by Sign Zone” of the Idaho Springs Municipal Code. The pole sign limitations are found within Table 20-150(a) “Specific Sign Regulations by Sign Zone”. The Historic Downtown zoning district is within Sign Zone II per section 20-136 “Establishment of Sign Zones”. An excerpt from the Municipal Code is as follows:

	SIGN ZONE I	SIGN ZONE II ¹	SIGN ZONE III	SIGN ZONE IV
TOTAL SIGNAGE	Allowed square footage (sf) of any type of sign in this table is based upon 2 sf of signage per linear foot of business frontage. Lots with two or more frontages may use all frontages, but no sign can be larger than the frontage size allows.			

POLE SIGNS				
Total number	1 per premises	Not allowed	Not allowed	1 per premises
Max size	120 sf per face, 2 sides max.			250 sf per face, 2 sides max.
Max height	50 ft.			50 ft.
Setback	10 ft.			10 ft.

ROLE OF THE VARIANCE BOARD:

The Board’s Authority. Per Section 21-109 of the City of Idaho Springs Land Development Regulations (LDR), the Variance Board may authorize variances from the requirements of the Municipal Code. A variance must be considered an extraordinary remedy. When considering a variance from a standard in the LDR, the Variance Board shall apply the criteria listed later in this staff report.

Conditions. In granting any variance, the Variance Board may prescribe appropriate conditions and safeguards in conformity with this Chapter and the Comprehensive Plan.

REFERRALS:

The application was referred to the following, with specific comments noted.

- City Administrator – reviews all staff reports to City boards.
- City Attorney – reviews all staff reports to City boards.
- Deputy City Clerk

STAFF ANALYSIS OF VARIANCE CRITERIA:

Per Section 21-109 of the Land Development Regulations, the Variance Board may authorize variances from the requirements of the Code. Additionally, Section 20-122 of the Signs Chapter grants the Variance Board authority to authorize variances pertaining to signs. A variance shall be considered an extraordinary remedy. When considering a variance from the requirements of this Chapter, the Variance Board shall apply the criteria set forth below.

1. *The Applicant would suffer hardship as a result of the strict application of these regulations, which hardship is not generally applicable to other lands or structures in the same zone district because of considerations relating to the preservation of historic structures, the unusual configuration of the Applicant's property boundaries, or unique circumstances related to existing structures or topographic conditions.*

Staff Analysis: The applicant has a unique circumstance that does not create hardship, but does allow for greater adherence to the historic character of the site. The proposed sign reduces the non-conformity of the site and promotes the intent of the sign code regarding historical integrity.

2. *There are no reasonable design alternatives or alternative locations for structures that would eliminate or reduce the need for the requested variance, or decrease the scope or extent of the variance required, that do not involve unreasonable expense under the circumstances.*

Staff Analysis: A change in the design could reduce the need for the requested variance, however, the proposed sign has been designed to mimic the historic sign indicated in the attached image of the property in the Victorian Era.

3. *The need for the variance does not result from the intentional, reckless or negligent actions of the Applicant or his or her agent, a violation of any provision of this Chapter, this Code, any other code or ordinance adopted and in effect in the City or a previously granted variance.*

Staff Analysis: The need for the variance is not a result of intentional, reckless or negligent actions on the part of the Applicant, but rather to be more historically accurate.

4. *Reasonable protections are afforded adjacent properties.*

Staff Analysis: The proposed variance is unlikely to have a large impact on neighboring properties as the sign is significantly smaller in size from what is currently on the property.

5. *The variance is the minimum variance that will make possible the reasonable use of the land or structure.*

Staff Analysis: The variance is the minimal variance request that will make possible a reasonable historic similarity to the attached historical photograph.

6. *The granting of the variance will:*

- a. *Observe the spirit of this Chapter;*

Staff Analysis: The proposed variance observes the spirit of this chapter, as the Signs Chapter Intent and Purpose section indicates the following:

“The intent and purpose of this Chapter is to establish the necessary criteria, standards and limits on all forms of signing to preserve and enhance the *historical* integrity of the City...”

b. *Secure the public safety and welfare; and,*

Staff Analysis: The proposed sign will have little effect on the public safety and welfare of the residents and visitors of Idaho Springs. The sign is varied in font and color from a street sign thereby mitigating potential motorist confusion.

c. *Ensure that substantial justice is done.*

Staff Analysis: If granted, this variance would not open the door to pole signs being allowed in the Historic Downtown district. The review of this variance request has been conducted with the unique reference to the history of the site and the request to better adhere the site back to its historic character. Other sites would be required to demonstrate a basis in history as well as arguments as to how the variance criteria have been met.

PUBLIC NOTICE:

A sign is posted on the property, and letters were sent to the owners of properties within 300 feet of this property, using information from the Assessor listed on the County's "Clear Map" website.

PUBLIC COMMENT:

As of the date of this report, no public comment has been received regarding the variance application.

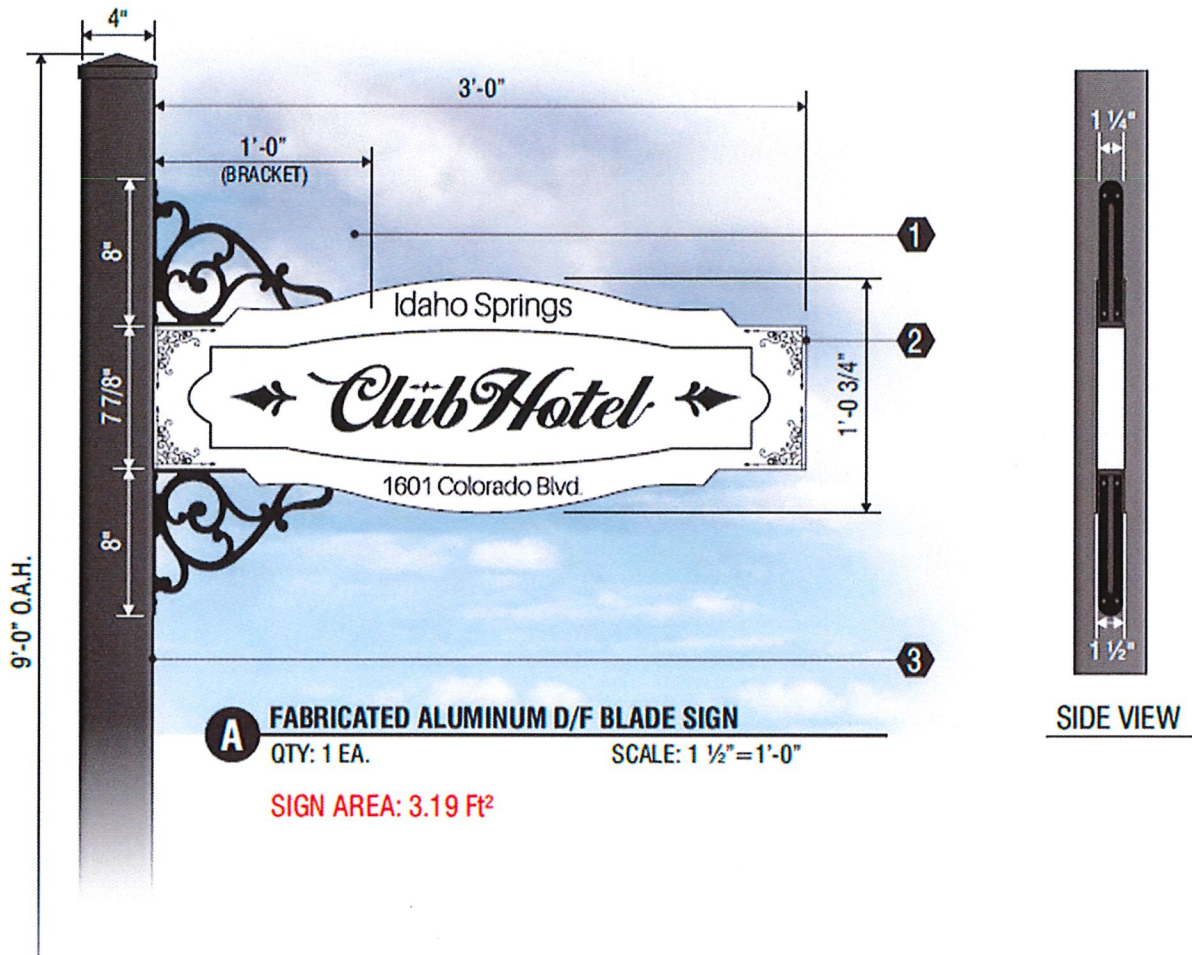
PLANNING STAFF SUMMARY AND RECOMMENDATION:

Staff recommends approval of the requested variance, despite Staff's opinion that not all of the findings meet the criteria for approval, as the proposed sign does reduce the existing non-conformity and has a basis in history that has been reviewed by the Historic Preservation Review Commission. Staff further recommends that the ongoing treatment of the new pole sign as a legal nonconforming sign is appropriate and should be made an express condition of approval for clarity.

PROPOSED MOTION AND FINDINGS:

Based on the findings made on the record of this matter and in the Resolution, I move to approve Resolution #VB 22-03; approving a Variance at 1601 Colorado Boulevard to allow a pole sign compliant within the attached plans to be installed on the property.

Proposed Sign.



Site Plan – Historic Reference.



Vintage Photograph of the Club Hotel, photo courtesy of the Historical Society of Idaho Springs

Site Map



IDAHO SPRINGS VARIANCE BOARD

RESOLUTION NO. VB 22 - 03

A RESOLUTION APPROVING AN APPLICATION FOR A VARIANCE AT 1601 COLORADO BOULEVARD TO ALLOW A NEW POLE SIGN TO BE LOCATED IN THE HISTORIC DOWNTOWN (HD) DISTRICT

WHEREAS, the Idaho Springs Variance Board (the "Board") has received an application (the "Application") requesting approval of a variance to replace an existing legal nonconforming pole sign at 1610 Colorado Boulevard, Idaho Springs, Colorado (the "Property") with a new pole sign at approximately the same location; and

WHEREAS, the Property is zoned Historic Downtown (HD), and new pole signs are not allowed in the HD District; and

WHEREAS, after conducting a public hearing on the Application after due and proper notice of the same was given, and after reviewing all the evidence and testimony given at the hearing, the Board finds that replacing the existing legal nonconforming pole sign at the Property with the new proposed pole sign meets the relevant variance criteria on balance and would not do substantial harm to neighboring properties or the City in general, as further set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE VARIANCE BOARD OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Findings: The application filed by Jonah Hearne (the "Applicant"), as ownership partner of the property known as 1601 Colorado Boulevard, Idaho Springs, Colorado, proposing the replacement of an existing nonconforming pole sign at the Property with a new pole sign, as reflected and specifically proposed on the plans filed with the Application, largely meets the Code criteria for variances found at Code Section 21-109.

The Board finds that the Applicant's proposal to replace the existing nonconforming sign with a similar type sign would lessen the degree of nonconformity, thereby observing and promoting the spirit of Chapter 20 of the Code as well as Code Sec. 21-109 (variances).

This variance approval for the new proposed pole sign does not confer any special status on the sign and, after it is located, it shall be and remain subject to the rules, requirements and limitations concerning nonconforming signs set forth in Code Sec. 20-129, as existing or hereafter amended. The new sign similarly remains subject to all relevant requirements of Chapter 22 of the Code (Historic Preservation) and proposed modifications of the sign in the future shall require HPRC review and approval.

Section 2. Decision: Based on the findings set forth in Section 1 above, the Board hereby APPROVES the Application.

DONE and ORDERED by a vote of ____ to ____ , on August 17, 2022.

Doug Smith, Chair

ATTEST:

Wonder Martell, Clerk to the Board