

**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT**

July 27, 2016

MINUTES

- I. Meeting called to order at 8:59 AM after the Planning Commission Meeting
- II. Roll Call indicated present: Dick Norman, Mike Davlin, Doug Robbins, Cliff Anderson, and Brad Holzwarth. Roger Kish, and George Stevens as alternates.
- III. Approval of minutes – June 6, 2016 not available
- IV. Conflicts of Interest: None were heard.
- V. New Business

- A. Wells Fargo – Commercial Sign Increase

Community Development Director Shockey presented the staff report.

Owner’s Detailed Description of Variance Request: “Requesting to allow a total of 45.4 square feet of sign area on the property. The existing signs on the property total 58 square feet but are in very poor condition. The company would like to replace these with updated versions.”

Applicable Town Code:

Section 6-2-7-7A – Commercial Signs

Maximum Sign Area: Each business location (see definition of Business) shall be allowed sign area of thirty (30) square feet for all signs combined (i.e., commercial signs, freestanding signs, individual business signs, hanging panels, permanent window signs, illuminated, neon, awning signs, marquee signs). Exempt, convenience, temporary, special event, primary and secondary multiple use facility identification signs and temporary window signs shall not be included in this limitation.

Criteria to Grant Variance (Town Code sections 6-2-9):

- A. Intent of Variance Provision: Variance from the terms of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter deprives such property privileges enjoyed by other property in the vicinity, and under identical zoning classification and other restrictions.
- B. Authority of Board of Adjustment: The board of adjustment shall have the authority to grant variances from the strict application of the rules, regulations, and provisions of this chapter as follows:

- 1. Jurisdiction: Before the board of adjustment shall have jurisdiction to grant a variance, the applicant must show that due to the peculiar shape, size, location or topography of the property, there are unusual conditions involved which would make the literal enforcement of the regulations of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter and which would

deprive the subject property of privileges enjoyed by other properties in the vicinity in the same zoning district classification and under the same sign ordinance restriction.

2. Limitations: Any variances which if granted, shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the provisions herein, and with the limitations on other properties in the vicinity in the same zoning district and under the same ordinance restrictions in which the subject property is located.

3. Minimum Adjustment: In granting the variance under the provisions of this section, the amount of adjustment granted shall be the minimum necessary to equalize the property rights. Conditions and safeguards shall be prescribed in this chapter therewith as are necessary to protect the purpose and intent of this chapter, the master plan of the town, and the general welfare of the community.

4. Public Welfare: The granting of any variance shall not be materially detrimental to the public welfare or injurious to the property improvements in the vicinity. The board of adjustment shall ensure that the granting of a variance will be compatible with the purpose and intent of this chapter, and the master plan of the town, and will not be injurious to the public health, safety and general welfare.

The applicant requested to install two signs that would exceed the permitted square footage per Section 6-2-7-7 of Town Code. The Code allows for up to 30 sqft per business for all signage. The applicant's proposal is for 45 sqft – Freestanding Sign – 34 sqft / Wall Sign – 11.4 sqft.

Wells Fargo currently has a freestanding sign (27 sqft) and wall sign (31 sqft). The two signs together equal 58 sqft and have been installed on the building for a number of years. Staff reviewed previous variance requests and couldn't find any resolutions permitting the increase. The applicant is requesting the increase due to their location off Highway 40. The freestanding sign allows patrons to identify the location from the highway and the wall sign provides assurance once they turn into the parking lot.

The Board of Adjustment should consider if there are unusual conditions involved with this application which would make the literal enforcement of the regulations of this chapter result in the practical difficulties which are unnecessary for the purpose of this chapter. The Board should determine if the additional signage is necessary to allow patrons to identify the location of the structure and the entrance into the building.

A variance should be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of this chapter deprives such property privileges enjoyed by other property in the vicinity, and under identical zoning classification and other restrictions.

Wayne Jefferson was present to represent the applicant.

Discussion was held by the Board.

Board Member Robbins and Board Member Davlin moved to approve the variance request.

The variance is approved for the following reason:

- Visibility was a true hardship since there is no actual Highway 40 frontage; while their

address is listed as being on Highway 40.

Motion carried: 5-0

There being no further business, upon a previously adopted motion the meeting was adjourned at 9:09 AM.