

August 13, 2009

Minutes of the Alpine City Board of Adjustment held August 13, 2009 at Alpine City Hall at 20 North Main, Alpine, Utah. The meeting was called to order at 7:00 pm by Chairman Bill Sidwell. The following Board members were present and constituted a quorum:

Chairman Bill Sidwell
 Board Members: Mike Crossley, Lynn Armitstead
 Staff: Ted Stillman, Charmayne Warnock
 Others: None

The prayer was offered by Lynn Armitstead.

Lon Nield of 750 Quail Hollow Drive in Alpine requested a height variance of 2 ½ feet for a monument sign to be located at 375 S. Main in Alpine Utah for Western Community Bank. The Alpine City Sign Ordinance, Article 3.25 of the Alpine City Development Code restricted the height of a sign to 6 ft. as measured from the ground.

Mr. Nield requested a variance of 2 ½ feet which would raise the sign to a height of 8 ½ feet. He said on the application that the extra height was needed because the sign would be located behind a utility box, and the box would block the lower portion of the sign. With the variance, he planned to place the sign on a base that would raise the sign up above the utility box.

The following Findings of Fact were included in the packet.

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance.

The Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought; and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

- The alleged hardship (phone box) is located on the property.

The Board of Adjustment also may not find an unreasonable hardship if the hardship is self-imposed or economic.

- The alleged hardship could be considered self-imposed in that the developer or building of the bank would have had to work with the phone company to get the box put in for phone service and would have had opportunity to work with the phone company on where to locate that. If the developer and/or builder did not make any comments about the location of the box, this could then be considered as self-imposed.

As the request does not meet each criteria outlined by state law to be deemed an unreasonable hardship, the literal enforcement of the zoning ordinance would not cause an unreasonable hardship.

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.

In determining whether or not there are special circumstances attached to the property, the Board of Adjustment may find that special circumstances exist only if the special

circumstances relate to the hardship complained of; and deprive the property of privileges granted to other properties granted in the same zone.

- The only special circumstance that may exist is the location of the phone box.
- The property is not being deprived of privileges granted to other properties in the same zone. Each planned commercial development is allowed the same number of monument signs and are subject to the same size requirements. Additionally, this is not the only location that the sign could be placed.

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property owners in the same zone.

Granting the variance is not essential to the enjoyment of a substantial property right. The property owner is not being denied the use of his property. Other planned commercial developments are subject to the same requirements and this is not the only location for a monument sign next to this entrance.

4. The variance will not substantially affect the general plan and will not be contrary to the public interest.

The variance will not substantially affect the general plan and is not contrary to public interest.

5. The spirit of the zoning ordinance is observed and substantial justice is done.

The spirit of the zoning ordinance would not be observed and substantial justice would not be done as a substantial property right is not being denied.

Ted Stillman showed two photographs of the bank in which examples of the sign had been photo-shopped. The one photograph showed the sign with a base and the other showed the sign without the base. Both photographs showed the sign behind the utility box.

Mr. Stillman said the City Staff was recommending denial of the of the variance request because there were other alternatives. The sign could be located in places other than behind the utility box. There was, in fact, a question about whether or not the sign would actually fit in the location Mr. Niels was proposing because the sign had to be 14 feet from the driveway and it wasn't certain it could be squeezed in. Ted Stillman said Mr. Niels could put the sign on the knoll, or move it to the east. It could also be located in the north in the area from which the photograph was taken.

Ted Stillman said the City had spent a lot of time designing an ordinance to control signs. Other cities such as Orem with a more lax sign ordinance had signs everywhere. It was the intent of Alpine's Sign Ordinance to control the size and location of signs, as well as the amount.

Bill Sidwell said the bank currently had three signs, one on the south, one on the bank, and a realty sign.

Ted Stillman said the ordinance allowed a sign at each entrance. The one on the Canyon Crest side was very conservative. There was an office building under construction to the east on the same property. Those tenants may also want a sign.

Bill Sidwell asked why they didn't request a sign with the original building permit. Ted Stillman said they may have been waiting to see who the tenants were.

Lynn Armitstead said he would like to see the bank pursue some of the other alternatives. They could move it back by the sidewalk or ask the phone company to move the utility box. If they came back, he'd like to see written information that they had looked into the other alternatives.

In reference to the construction of Bateman Lane on the Van Burgess property, Mike Crossley said he'd heard that the utility company was willing to move the utility boxes, but only if they were paid.

Mike Crossley said of the two sign representations, the one with the base was prettier than the other – if beautification was a consideration.

Lynn Armitstead said they could do the same thing with the shorter sign, lower the base and lengthen it, but he would like to see them conform to the Sign Ordinance.

MOTION: Mike Crossley moved to deny the request for a variance to the Sign Ordinance for Lon Nield, representing Western Community Bank at 375 S. Main in Alpine Utah based on the finding that the five criteria have not been met. Lynn Armitstead seconded. Ayes: 3 Nays: 0. Motion passed. Bill Sidwell, Mike Crossly and Lynn Armitstead voted aye.

APPROVE THE MINUTES OF FEBRUARY 12, 2009

MOTION: Lynn Armitstead moved to the approve the minutes of February 12, 2009 and adjourn. Mike Crossley seconded. Ayes: 3 Nays: 0. Motion passed. Lynn Armitstead, Mike Crossley and Bill Sidwell voted aye.

The meeting was adjourned at 7:15 pm.