



**Meeting Date:** May 2, 2019

**AGENDA MEMORANDUM**

**To:** Board of Adjustment

**From:** Tammy King  
Zoning Manager

**Title:** Combolisk Request for Approval of Variance from the prohibition of off-premises signage, maximum sign area per lot, maximum sign area per face, and maximum sign height

**Subject Property:** 732 Jerry Street

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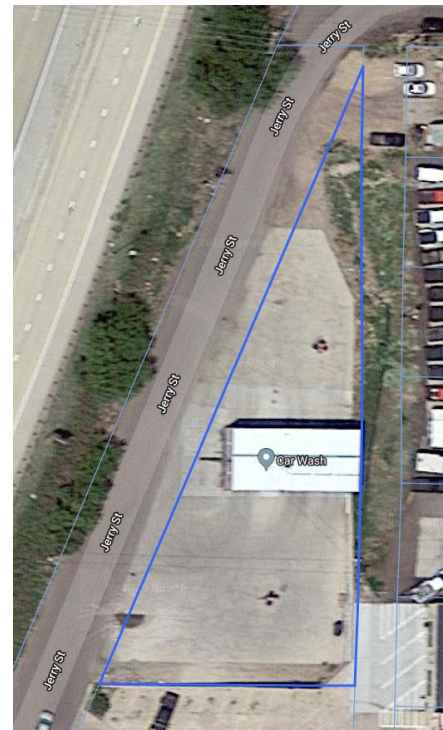
**Summary**

Michael L. Macgowan, Jr., on behalf of Combolisk, is requesting action by the Board of Adjustment for a sign variance application in the following four areas:

1. To allow off-premises signage,
2. From the maximum fifty square feet (50sf) sign area per face,
3. From the maximum sign area per lot, and
4. From the maximum twenty foot (20') sign height.

The applicant has submitted a sign application proposing the following variances:

Variance Type	Proposed Application	CRMC Requirements	Variance Request
Off-Premises Signage	Allow Off-Premises signage	Prohibits Off-Premises signage	Allow Off-Premises signage
Sign Area Per Lot	756 sf	345.2 sf	410.8 sf
Sign Area Per Face	378 sf	50 sf	328 sf
Height	35'	20'	15'



The subject property is addressed as 732 Jerry Street, also known as North 39' lot 19 and part lots 20-24 Blk 11 Wilcox Addition to Castle Rock 0.396 AM/L. An existing carwash business operates at this location.

The subject property is within the Business/Commercial zone and Downtown Overlay District and is subject to the Town of Castle Rock Municipal Code, Title 19.

## **Notification and Outreach**

The sign variance application has been noticed in accordance with the Town of Castle Rock Municipal Code. The Town posted notice on the property, mailed meeting notices to property owners within 300 feet (300') of the property, and published the hearing notice on the Town's website.

## **Discussion**

The subject property is governed by the Castle Rock Municipal Code ("CRMC") Chapter **19.04** Sign Code Regulations. CRMC **19.04.011** provides the legislative intent of the Town in the adoption of the Sign Code Regulations, including:

1. To protect the health, safety and welfare of the residents of the Town by regulating the design, construction, size, location and installation of signs in the Town;
2. To provide businesses the right to identify themselves by using signs that are accessory and incidental to the uses on the premises where the signs are located;
3. To balance the right of the business to identify itself and its purpose and the right of the public to be protected against the visual discord that results from unrestricted proliferation of signs;
4. To ensure that signs are compatible with adjacent land uses and with the total visual environment of the community; and
5. To protect the public from hazardous conditions by prohibiting signs that obscure or distract the vision of motorists or compete or conflict with necessary traffic signs and warning signals.

The applicant proposes a sign that will display commercial messages unrelated to the business on the subject property, and a sign structure that exceeds the size allowed for three specific areas of the sign code. These four variance requests are discussed in detail in the following sections.

Variances from the standards of CRMC Chapter 19.04 are reviewed pursuant to CRMC section **19.04.080.G**, which states as follows:

- G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:
1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.

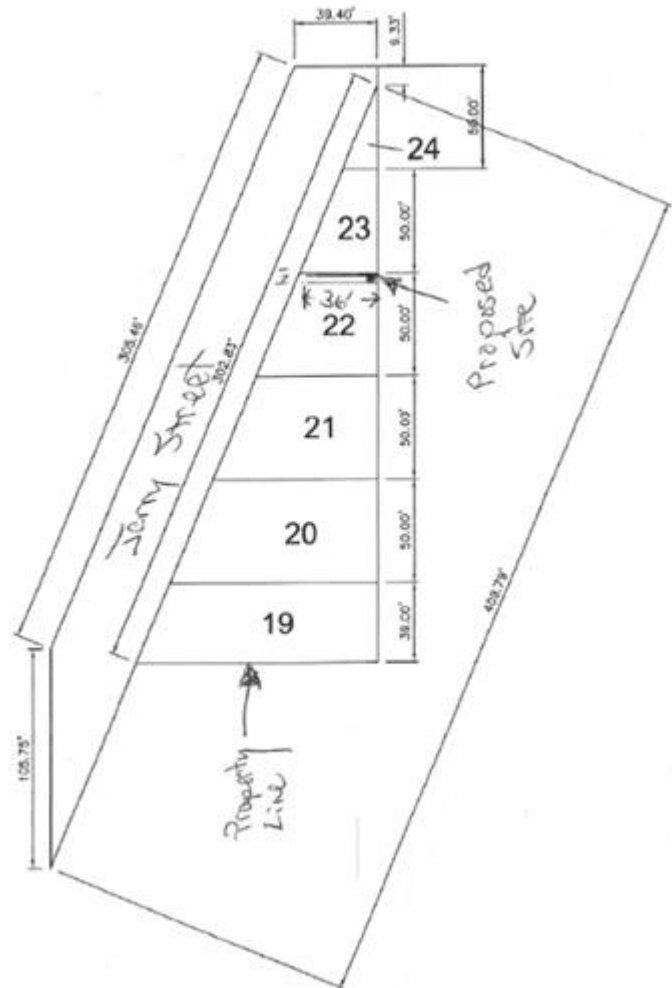
Under Colorado law, in order to obtain the requested variances, the applicant must demonstrate practical difficulty or unnecessary hardship pertaining to the *subject property*, not the business of the applicant, and the hardship may not be self-created. See, e.g., *Murray v. Bd. of Adjustment*, 594 P.2d 596, 598 (Colo. App. 1979). Each of the requested variances is analyzed below.

Off-Premise Message: CRMC section **19.04.042.R** prohibits “off-premises” advertising signs in the Town of Castle Rock and any other sign that is clearly not related to the permitted use of the property, unless such sign is part of an approved sign plaza or neighborhood/village directional sign. Off-premises signs are defined in CRMC as being “any sign which serves to communicate information about a business, product, service or activity not conducted, sold or offered on the premises on which the sign is located.” In addition, CRMC section **19.04.054.B** states commercial messages displayed on electronic message signs shall not direct attention to a business, product or service or entertainment conducted, sold or offered off the premises of where the electronic message sign is located. This section of CRMC does allow “noncommercial community event messaging” on any electronic message sign. The applicant proposes a sign unrelated to the carwash business on the subject property. The applicant requests a sign to display both nonprofit messages and off-premises commercial advertising. The requested variance from both of these CRMC sections is to allow off-premises commercial advertising.

Maximum Sign Area per Lot: CRMC section **19.04.052.C.2.b** states the maximum sign area per lot is calculated as one and one-half (1½) square feet of sign for each linear foot of lot frontage for the first two hundred (200) feet of lot frontage and one-half (½) square foot for each additional linear foot. The allowable maximum sign area for this lot is calculated as follows:

$(1.5 \times 200' = 300sf) + (.5 \times 90.36' = 45.2sf) = 345.2 \text{ sf of Maximum Sign Area per Lot allowed}$

The proposed sign has a sign area of thirty six (36) feet wide by ten and half (10.5) feet tall. The sign area per face of the sign is calculated as 36' x 10.5', resulting in three hundred seventy-eight (378) sf of sign area per face. The sign has two faces, therefore the total sign area proposed is seven hundred and fifty-six (756) square feet, calculated as 378 sf x 2 sides = 756 sf. As this is the only sign proposed for the lot, and there are no other existing signs on the lot, the total proposed sign area for the lot is 756 sf. The variance request is four hundred ten and eight tenths (410.8) square feet for maximum sign area per lot.

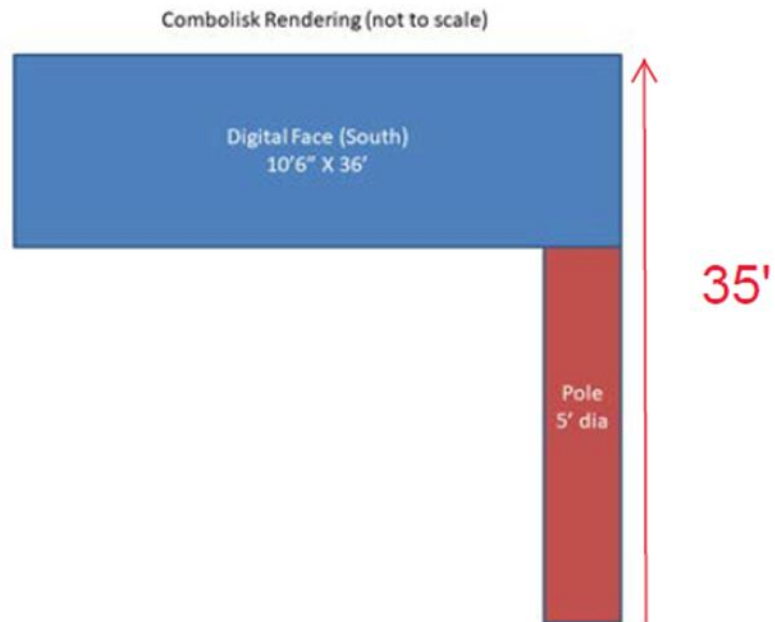


Freestanding Sign Maximum Sign Area: CRMC section **19.04.053** applies to signs in the Downtown Overlay District. Per the CRMC section **19.04.053.A.4**, the proposed sign is a freestanding sign, and is therefore subject to review under CRMC section **19.04.053.D.5** which states the freestanding sign maximum sign area per face is fifty (50) square feet. The proposed sign is thirty six (36) feet wide by ten and half (10.5) feet tall. The sign area per face of the sign is calculated as 36' x 10.5', resulting in three hundred seventy-eight (378) sf of sign area per face. The variance requested is three hundred twenty-eight (328) square feet for each face of the sign.

Freestanding Sign Height:  
CRMC section **19.04.053.E.4** states the freestanding sign maximum sign height is twenty (20) feet. The proposed sign is thirty-five (35) feet. The variance requested is fifteen (15) feet for sign height.

Additionally, in 2007 the Town Council approved Ordinance 2007-24, which established CRMC section **19.04.077** for Legal Nonconforming Freeway-Oriented Business Signs. While the proposed sign is not an existing sign regulated by this ordinance, the language in Ordinance 2007-24 provides

Council's intent and purpose in adopting the Ordinance, including that "the Town desires to limit the aesthetic impact of large signs directed at interstate travelers by prohibiting future freeway-oriented signs." This is relevant to the discussion on the proposed sign, as it is the type of sign that the Town determined in 2007 was not desired.



### **Board of Adjustment Powers and Duties**

CRMC section **17.06.020** states that the Board of Adjustment shall hear and decide an appeal on specific cases for a variance to Title 19, Sign Code Regulations, except as limited under Subsection **19.04.080.H**, CRMC. Per CRMC section **19.04.080.H**, the Board of Adjustment's approval of a variance for an increase in sign height that also allows an increased sign area would require subsequent approval by Town Council. Therefore, a variance approval by the Board of Adjustment for an increase in sign height that also increases sign area shall be conditioned on Town Council's approval.

The Board of Adjustment shall consider the six criteria in CRMC section **19.04.080.G** in determining whether the application has shown practical difficulties and unnecessary hardship:

- G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:
1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.

## **Staff Recommendations**

Staff has reviewed the applicant's proposal in accordance with the existing Sign Code Regulations and the variance criteria set forth in CRMC **19.04.080.G**. CRMC **19.04.080.G** lists the criteria that the Board of Adjustment shall make in considering a variance from the Sign Code. CRMC **19.04.080.G** indicates that "the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed." The following staff recommendations are based on the physical characteristics of the proposed sign and the commercial off-premises nature of the sign, as indicated by the applicant in its variance request. Staff analysis on each variance criterion follows.

**This independent staff analysis and the staff recommendations take into account the representations made in the application and attachments submitted to date. The Board should also consider any information presented at the hearing in making its decisions.**

## **VARIANCE REQUEST FOR OFF-PREMISES SIGNAGE**

*Regarding the requested variance to allow a prohibited "off-premises" sign at this location, CRMC **19.04.080.G** states "G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:"*

*As further analyzed below, it is staff's position that the applicant has not presented sufficient evidence to carry its burden to establish that the characteristics of the subject property would result in practical difficulties or unnecessary hardship as necessary to vary the CRMC's prohibition on off-premises commercial advertising signage.*

1. The intent and purpose of this Chapter;
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*The legislative intent of the Town's Sign code is detailed in CRMC 19.04.011 and specifies that "the Town Council recognizes that signs are a necessary means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are **accessory and incidental to the uses on the premises** where the signs are located." (emphasis added). Further, this section states "the Town Council recognizes that the right of the citizenry to fully exercise the right of free speech by the use of signs containing noncommercial messages, subject to reasonable noncontent based regulation regarding placement, structural integrity, traffic safety and community aesthetics."*

*The applicant has not presented information demonstrating that the request to allow off-premises commercial messaging at this location meets the intent and purpose of the Town's Sign Code, Title 19 of the CRMC. Indeed, the legislative intent statement in CRMC 19.04.011 indicates a clear legislative intent to allow signs that are accessory and incidental to the uses on the premises. Off-premises commercial advertising is neither accessory nor incidental to the operation of the carwash business on the premises.*

2. Current Town Council policies and interpretations of this Chapter;
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*Off-premises signage is allowed under Chapter 19.04 if it is located in a sign plaza or is a neighborhood/village directional sign that is located within the same neighborhood or village*

*identified on the sign, or that the neighborhood or village advertised in such sign is under common development and marketing with the neighborhood or village where the sign is situated.*

*The applicant references the large electronic display at the Factory Shops Outlet mall located in a different business neighborhood approximately 3 miles north of the subject lot. Town Council approved that signage as part of Planned Development zoning for that property, as it is a sign plaza that may advertise only commercial businesses located at the Factory Shops Outlet mall. That sign is prohibited from displaying off-premises messaging.*

*No other Town Council policies or interpretations allow off-premises signage outside of an approved sign plaza or neighborhood/village directional sign under Chapter 19.04.*

*The applicant has not presented information demonstrating the allowance of off-premises signage is consistent with current Town Council policies and interpretations of Chapter 19.04.*

3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;

*The applicant has not presented any information regarding the characteristics of the property, including the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, sufficient to establish a need to allow prohibited off-premises signage.*

4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in this area;

*The applicant has not presented information demonstrating that its circumstances are unique and not generally applicable to other businesses and properties in this area. Instead, the applicant's narrative statement appears to assert general grievances pertaining to the CRMC's prohibition on off-premises signage, and further asserts a purely financial hardship resulting from such prohibition. Notably, the CRMC's prohibition on off-premises advertising applies to all businesses and properties in the Town, meaning that the applicant's circumstances are identical to every other property owner in the Town.*

5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and

*The applicant has not presented any information pertaining to the effect of the requested variance upon neighboring properties and businesses. The applicant has stated that allowing a prohibited "off-premises" sign will allow the "for profit Combolisk to fund a nonprofit Combolisk Organization". It is unclear from the proposal how the allowance of off-premises commercial advertising on a small property in the downtown area would affect neighboring properties or businesses.*

6. The reasonableness of the request in comparison to the need shown.

*The applicant has not presented information comparing the reasonableness of its request to have a prohibited "off-premises" sign to the applicant's need for the sign. The "need" identified by the applicant to allow off-premises signage appears entirely related to the applicant's financial circumstances, as the narrative request indicates that the commercial off-premises advertising would be used to generate revenue to fund a proposed nonprofit Combolisk Organization. Under the variance criteria, the applicant is required to demonstrate practical difficulty or unnecessary hardship pertaining to the characteristics of the property. In addition, the applicant proposes lifting*

*a Town-wide prohibition on off-premises signage with respect to its property, which is a substantial departure from Town regulations.*

## **VARIANCE REQUESTS FOR SIGN AREA PER LOT AND SIGN AREA PER FACE**

*Regarding the requested variance to allow an additional four hundred ten and eight tenths (410.8) square feet of sign area per lot, and the request to allow the sign face area an additional three hundred and twenty eight (328) square feet per sign face, CRMC 19.04.080.G states "G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:"*

*As further analyzed below, it is staff's position that the applicant has not presented sufficient evidence to carry its burden to establish that the characteristics of the subject property would result in practical difficulties or unnecessary hardship as necessary to vary the CRMC's limitations on sign area per lot or sign area per face.*

1. The intent and purpose of this Chapter;
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*The legislative intent of the Town's Sign code is detailed in Chapter 19.04.011 and specifies that "Town Council . . . intends by this Chapter to ensure that signs are compatible with adjacent land uses and with the total visual environment of the community." Another purpose of the sign code is stated as protecting the public from the visual discord that results from the unrestricted proliferation of signs and from hazardous conditions by prohibiting signs that obstruct or visually distract the vision of motorists.*

*Total maximum sign area allowed on this lot is calculated as 345.2 sf. The applicant requests a sign that is more than double the sign area currently permitted by the CRMC. The existing carwash building does not have any signage. If future signage were requested on the lot or on the existing carwash building, an additional variance would need to be requested at that time. The Town's current regulations for total allowable signage area per lot are intended to provide consistent regulations among properties and protect the visual character of the Town.*

*Total maximum sign area allowed per sign face is 50 square feet. The applicant is requesting a sign that will have a total sign area per face of three hundred and seventy eight (378) square feet, which is more than 7.5 times the maximum sign area. The fifty (50) square foot sign area provision of the Code applies uniformly to freeway oriented business signs created after 2007 and to all signs in Town that are governed by CRMC Chapter 19. The sign code regulates the total allowable sign area per face in order to balance the needs of signage and protect against the over proliferation of signage in Town.*

*The applicant has not presented any information demonstrating that doubling the allowable total signage for this lot and allowing a sign face that is 7.5 times the allowed area meets the intent and purpose of the Town's Sign Code, Title 19 of the CRMC. It is staff's position that these variance requests would frustrate the intent and purpose of Chapter 19.04 as set forth above.*

2. Current Town Council policies and interpretations of this Chapter;
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*The applicant makes reference to the large electronic display at the Factory Shops Outlet mall located in a different zoning district approximately 3 miles north of the subject property. Town Council approved that signage as part of the Planned Development zoning regulations for that property, which has its own set of criteria governing size and signage area, and is not governed by this Chapter.*



*In 2007, the Town Council approved Ordinance 2007-24, enacting CRMC 19.04.077 for Legal Nonconforming Freeway-Oriented Business Signs. While the proposed sign is not an existing sign regulated by this ordinance, the language in Ordinance 2007-24 provides Council's intent and purpose in adopting the Ordinance, including that "the Town desires to limit the aesthetic impact of large signs directed at interstate travelers by prohibiting future freeway-oriented signs."*

*The applicant has not presented information demonstrating that the request to exceed the allowable total signage area for this property is consistent with current Town Council policies and interpretations of this Chapter. The Town Council does not have any current policies departing from the strict enforcement of this Code.*

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| 3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance; |
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*The applicant has not presented any information regarding the characteristics of the property, including the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, sufficient to establish a need to allow a sign that exceeds the permitted sign area.*

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| 4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in this area; |
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*The applicant has not presented information demonstrating that its circumstances are unique and not generally applicable to other businesses and properties in this area. Instead, the applicant's narrative statement appears to assert general grievances pertaining to the CRMC's restrictions on sign area, and further asserts a purely financial hardship resulting from such restrictions. Notably, the CRMC's area limitation applies uniformly to all businesses and properties in business areas in the Town, meaning that the applicant's circumstances are identical to every other commercial property owner in this area of Town.*

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| 5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and |
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*The applicant has not presented any information pertaining to the effect of the requested variance upon neighboring properties and businesses. Staff expects that allowing one property owner to exceed its total allowable signage area by more than double, and to exceed the sign face area requirements by 7.5 times, would give that property owner an unfair business advantage as compared to surrounding businesses.*

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| 6. The reasonableness of the request in comparison to the need shown. |
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*The applicant has not presented information comparing the reasonableness of its request to exceed allowable sign area to the applicant's need for the sign. The "need" identified by the applicant to allow the proposed sign appears entirely related to the applicant's financial circumstances. The applicant states that the purpose of the sign area is to meet the smallest industry supported size and provide visibility of the sign from the I-25 corridor, which is unrelated to any specific characteristics of the property. Under the variance criteria, the applicant is required to demonstrate practical difficulty or unnecessary hardship pertaining to the characteristics of the property. Moreover, the requested 756 square foot sign would be significantly larger than any other sign on neighboring properties, which is not reasonable.*



## **VARIANCE REQUEST FOR HEIGHT**

*Regarding the requested variance of fifteen (15) feet for sign height, CRMC 19.04.080.G states "G. In determining whether or not a variance should be granted or denied, the burden shall be upon the applicant to show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board shall take into consideration the following:"*

*As further analyzed below, it is staff's position that the applicant has not presented sufficient evidence to carry its burden to establish that the characteristics of the subject property would result in practical difficulties or unnecessary hardship as necessary to vary the CRMC's sign height limitations.*

1. The intent and purpose of this Chapter;
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*The legislative intent of the Town's Sign code is detailed in CRMC 19.04.011 and specifies that "the purpose of this Chapter is to protect the health, safety and welfare of the residents of the Town by regulating the design, construction, size, location and installation of signs in the Town." Further, the "The Town Council also intends by this Chapter to ensure that signs are compatible with adjacent land uses and with the total visual environment of the community." Another purpose of the sign code is identified as protecting the public from hazardous conditions by prohibiting signs that obstruct or visually distract the vision of motorists.*

*The applicant has not presented information demonstrating that exceeding the maximum allowable freestanding sign height of twenty (20) feet, meets the intent and purpose of the Town's Sign Code, Title 19 of the CRMC. It is staff's position that this variance request would frustrate the intent and purpose of Chapter 19.04 as set forth above.*

2. Current Town Council policies and interpretations of this Chapter;
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*The applicant references the large electronic display at the Factory Shops Outlet mall located in a different zoning district approximately 3 miles north of the subject property. Town Council approved that signage as part of the zoning regulations for that property, which has its own set of criteria governing size and signage area, and is not governed by this Chapter.*

*In 2007, the Town Council approved Ordinance 2007-24, enacting CRMC 19.04.077 for Legal Nonconforming Freeway-Oriented Business Signs. While the proposed sign is not an existing sign regulated by this ordinance, the language in Ordinance 2007-24 provides Council's intent and purpose in adopting the Ordinance, including that "the Town desires to limit the aesthetic impact of large signs directed at interstate travelers by prohibiting future freeway-oriented signs."*

*The applicant has not presented information demonstrating that the request to exceed the allowable freestanding sign height for this property is consistent with current Town Council policies and interpretations of this Chapter. The Town Council does not have any current policies departing from the strict enforcement of this Code.*

3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
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*The applicant has not presented information regarding the characteristics of the property, including the existence of buildings, topography, vegetation, sign structures or other matters on*

*adjacent lots or within the adjacent public or private right-of-way, sufficient to establish a need to allow a sign that exceeds the permitted sign height.*

4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in this area;

*The applicant has not presented information to show that their circumstances are unique and not applicable in general to other businesses and properties in this area, in regards to the request to exceed the allowable freestanding sign height by fifteen (15) feet.*

*The applicant has stated that the height variance is requested because this property sits lower than surrounding properties and I-25, therefore a taller sign is proposed so it is visible over the top of the carwash building and surrounding uses. However, the applicant has not provided detailed topographic information to support this request. Staff has conducted a site visit and reviewed topographic mapping of the area and have noted that the subject property, which fronts onto Jerry Street, is similarly situated to the other properties on Jerry Street, in that they follow the general grade of the street sloping down as it moves north. Businesses to the east of this property, that front onto Wilcox Street, are approximately 10-12 feet higher than this property, and their signage generally faces toward Wilcox Street. The applicant has not presented information to indicate how their desire for a variance in sign height is unique and not applicable in general to the other businesses and properties in this area. The purpose of the Sign Code is to provide uniform regulations in the areas governed by it and “to provide a reasonable balance between the right of a business or individual to identify itself and its purpose, and the right of the public to be protected against the visual discord that results from the unrestricted proliferation of signs.”*

*The applicant has not presented information to show the requested variance of fifteen (15) feet for freestanding sign height is unique and not applicable in general to other businesses and properties in this area.*

5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and

*The applicant has not presented any information pertaining to the effect of the requested variance upon neighboring properties and businesses. The applicant states that the purpose of the sign height is to provide visibility of the sign from the I-25 corridor and surrounding areas. Visual observation of neighborhood businesses along Jerry Street and Wilcox Street demonstrate that the requested fifteen (15) foot variance would yield a significantly taller freestanding sign than any neighboring properties currently have. Staff expects that such a tall sign would have a negative visual effect on surrounding properties, and may also have negative economic effects on such properties where such tall signage is not permitted.*

6. The reasonableness of the request in comparison to the need shown.

*The applicant has not presented information comparing the reasonableness of its request to exceed allowable sign height to the applicant's need for the sign. The “need” identified by the applicant to allow the proposed sign appears entirely related to the applicant's financial circumstances. The applicant states that the purpose of the sign height is to increase visibility in order to attract corporate sponsors so they can be profitable. Under the variance criteria, the applicant is required to demonstrate practical difficulty or unnecessary hardship pertaining to the characteristics of the property. Moreover, the requested 15-foot height increase would yield a sign that is significantly larger than any other sign on neighboring properties—and also taller than several surrounding buildings—which is not reasonable in light of the demonstrated need.*

### **Staff Recommendation**

Based on the applicant's variance application and information submitted to date, staff recommends **DENIAL** of all four requested variance requests due to:

- The criteria under **19.04.080.G** have not been met.
- The applicant has not shown show practical difficulties and unnecessary hardship if the strict letter of the code were to be followed.

## **Motions**

### **Off-Premises Signage**

**In accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 19.04.080 APPEALS AND VARIANCES:**

Option 1 Approve Off-Premises Signage
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**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from prohibiting off-premises signage in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have been met. Specifically the applicant has shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.

**I FURTHER MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from prohibiting off-premises signage in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed Downtown Overlay District on the property listed with the following conditions:

\_\_\_\_\_.

Option 2 Deny Off-Premises Signage
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**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from prohibiting off-premises signage in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and

6. The reasonableness of the request in comparison to the need shown.
- and for reasons set forth in this staff report.

Option 3 Continuance
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**I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JUNE 6, 2019.**

### Sign Area Per Lot

**In accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 19.04.080.G APPEALS AND VARIANCES:**

Option 1 Approve Sign Area Per Lot
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**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum three hundred forty five and two tenths (345.2) square feet sign area per lot in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have been met. Specifically the applicant has shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.
- and for reasons set forth in this staff report.
- In addition, the existing carwash building does not have any signage, therefore with the approval of this variance, the 756 sf proposed would also be the total square footage allowed for the entire lot. If future signage were requested on the lot or on the existing carwash building, an additional variance would need to be requested at that time.

**I FURTHER MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum three hundred forty-five and two tenths (345.2) square feet sign area per lot in B Zone (Business/Commercial)/ Downtown Overlay District on the property listed with the following conditions:\_\_\_\_\_.

Option 2 Deny Sign Area Per Lot
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**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum three hundred forty five and two tenths (345.2) square feet sign area per lot in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;

4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.
- and for reasons set forth in this staff report.

Option 3 Continuance
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**I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JUNE 6, 2019.**



### Sign Area Per Face

**In accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 19.04.080.G APPEALS AND VARIANCES:**

Option 1 Approve Sign Area per Face
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**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** that Town Council also Approve the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum fifty square foot (50sf) sign area in B Zone (Business/Commercial) /Downtown Overlay District on the property listed based on the following:

- The criteria under **19.04.080.G** have been met. Specifically the applicant has shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.
- and for reasons set forth in this staff report.

**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** that Town Council also Approve the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum fifty square foot (50sf) sign area in B Zone (Business/Commercial) / Downtown Overlay District on the property listed with the following conditions:

\_\_\_\_\_.

Option 2 Deny Sign Area per Face
----------------------------------

**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum fifty square foot (50sf) sign area in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based on the following:

- The criteria under **19.04.080.G** have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and

6. The reasonableness of the request in comparison to the need shown.

Option 3 Continuance
----------------------

**I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JUNE 6, 2019.**

## Height

### **In accordance with criteria as stated in the Town of Castle Rock Municipal Code Section 19.04.080.G APPEALS AND VARIANCES:**

#### **Option 1 Approve Sign Height**

**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** that Town Council also Approve the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum twenty foot (20') sign height in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have been met. Specifically the applicant has shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.
- and for reasons set forth in this staff report.

**I MOVE THAT THE BOARD OF ADJUSTMENT APPROVE with the CONDITION** that Town Council also Approve the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum twenty foot (20') sign height in B Zone (Business/Commercial)/Downtown Overlay District on the property with the following conditions:

#### **Option 2 Deny Sign Height**

**I MOVE THAT THE BOARD OF ADJUSTMENT DENY** the Michael L. Macgowan, Jr., on behalf of Combolisk, request for the sign variance from the maximum twenty feet (20') sign height in B Zone (Business/Commercial)/Downtown Overlay District on the property listed based upon the following:

- The criteria under **19.04.080.G** have not been met. Specifically the applicant has not shown practical difficulties and unnecessary hardship if the strict letter of the code were to be followed. In this regard, the reviewing board took into consideration the following:
  1. The intent and purpose of this Chapter;
  2. Current Town Council policies and interpretations of this Chapter;
  3. Special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public or private right-of-way, that create a need for a variance;
  4. That circumstances of the applicant are unique and not applicable in general to other businesses and properties in the area;
  5. The effect of a variance upon neighboring properties and businesses and the injury it may cause, if any; and
  6. The reasonableness of the request in comparison to the need shown.

**I MOVE THAT THE BOARD OF ADJUSTMENT CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING ON JUNE 6, 2019.**

**Attachments:**

Attachment A: Variance Application

Attachment B: Applicant PowerPoint Presentation (PDF)

Attachment B1: Applicant PowerPoint Presentation (PPT)

Attachment C: BOA Application Packet – BOA18-0009 – 732 Jerry Street