AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Sign Variance Request; Centennial Storage Partners

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Centennial Storage Partners, LLC dba Discount Self Storage has requested a variance from the sign regulations to install an internally lit sign, 18 feet in height.

Fiscal Impact:

Submitted by: Cathie Pagano **Submitter's Email Address:** cpagano@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 3/10/2017 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 3/13/2017

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 10

Agenda Date: 3/21/2017

Revised April 2015

Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org
Email: planning@gunnisoncounty.org

To: BOCC

From: Cathie Pagano, Director of Community and Economic Development

Date: March 9, 2017

Re: Centennial Storage Partners, LLC (dba Discount Self Storage)

Centennial Storage Partners, LLC represented by Attorney Michael O'Loughlin has submitted a sign permit variance application as required in Section 13-109: M. *Variance from the Requirements of this Section* of the Gunnison County *Land Use Resolution*. Section 13-109: M (attached) allows the Board of County Commissioners authority to grant a variance from the Section according to the following criteria:

4. **CRITERIA FOR BOARD DECISION**. The Board shall consider the Building Inspector's report, the information included in the request for variance, and the presentation of the applicant. A variance shall be granted only upon a demonstration by the applicant by a preponderance of the evidence that the literal enforcement of this Section would cause unnecessary or undue hardship to the applicant, and that there will be no adverse impact to adjacent land uses or the general public; and upon written finding by the Board that **all of the following criteria** have been met:

a. **HARDSHIP NOT SELF-IMPOSED.** That the hardship has not been created by the applicant, or his/her predecessor;

b. **NO HARM TO PUBLIC SAFETY.** That there is no detriment to the public health, safety and welfare;

c. **DEMONSTRATION OF NEED.** That there exists a clear and reasonable need for the sign at the proposed location;

d. **CONSISTENCY WITH NEIGHBORHOOD**. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location;

e. **COMPLIANCE WITH ALL OTHER STANDARDS**. That the location, character and format of the proposed sign are not in conflict with the purposes of this Section, or of this *Resolution*.

f. **PUBLIC BENEFIT OUTWEIGHS IMPACTS**. That the benefits that the sign would provide to the public and county visitors would outweigh any adverse aesthetic or other impacts caused by the proposed sign.

The applicant is requesting a variance from two standards. The applicant is proposing the installation of a 50 square foot, internally lit sign. Section 13-109: E.16.e. prohibits internally lit signs. The applicant has submitted a site plan, sign design and letter from Mr. O'Loughlin dated February 3, 2017 explaining their conformance with the above criteria.

Staff has spoken with the property owner and Mr. O'Loughlin regarding the application. I have explained that an overhead light that is downward directed (as opposed to a ground light as described in Mr. O'Loughlin's letter) is compliant with County standards and would likely illuminate the sign in an effective and safe manner. Gunnison County sign and exterior lighting standards are stringent with the intent of protecting the rural aesthetic character of the community and protecting the dark night skies.

The applicant has not noted any vehicular accidents or issues that have occurred due to lighting at the property entrance and there does not appear to be an improvement of public safety because of the internally lit sign. The internally lit sign likely does not provide much additional light at the entrance since it is 16 feet from the ground and light will be directed horizontally rather than downward. A down light over the sign would likely provide additional illumination of the entrance.

The County has not approved an internally lit sign since the adoption of the LUR in 2001. There does not appear to be any particular public benefit that would outweigh the aesthetic impacts an internally lit sign creates. The neighborhood around the subject parcel is a mix of residential, commercial (PCI Contractors and Henry's TV) and agricultural. The propane gas operation is ¼ mile south of the subject parcel.

Because the application has not demonstrated by a preponderance of evidence that the literal enforcement of this Section would cause unnecessary or undue hardship to the applicant and does not meet all of the following criteria staff recommends denial of the variance request based on the following:

a. **Hardship not Self-Imposed**. The applicant has the opportunity to light the sign using a mounted light that is down facing and/or to create additional lighting at the entrance for safety. The hardship appears to be self-imposed.

b. **No Harm to Public Safety**. There is significant debate in jurisdictions of all sizes on the impact of internally lit (specifically digital) signs and their impact on vehicle safety. However, this sign would likely not impact public safety negatively.

c. **Demonstration of Need**. There is a need for a lit sign at the subject parcel, however there is not a clear demonstration that an internally lit sign or increased height is a greater need than a sign with a mounted light.

d. **Consistency with the Neighborhood**. The neighborhood is a mix of residential and commercial. The adjacent commercial uses include Martin Klinowski's parcel where he runs his contracting business and Henry's TV across Highway 135 (which predates the 2001 LUR). There are also adjacent residential and agricultural uses.

e. **Compliance with All other Standards**. Section 9-301: D.6. of the LUR requires that "Whenever exterior lighting is installed in a commercial or industrial development, it shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare, and shall comply with the applicable standards of Section 13-114: *Exterior Lighting*." Staff cannot confirm that all direct rays from the sign would be confined to the site, although it appears unlikely.

f. **Public Benefit Outweighs Impact**. There appears to be little to no public benefit for the variance request. The intent of Gunnison County's sign and exterior lighting regulations is to maintain our rural character and dark night skies and there does not appear to be any public benefits that outweigh this impact.

Please feel free to contact me with any questions. Thanks.

SECTION 13-109: SIGNS

A. GENERAL. This Section is designed to permit signs that facilitate communication, promote the safety of motorists and pedestrians, and encourage economic development by identifying businesses and other lands uses in ways that complement and enhance the environment. This provides a permitting system to govern the placement of outdoor advertising and other informational signs in the unincorporated areas of Gunnison County.

B. REPEAL OF GUNNISON COUNTY SIGN CODE. This Section repeals and replaces the requirements in the *Gunnison County Sign Code*.

C. RELATIONSHIP TO OTHER REGULATIONS. Nothing in this Section shall be construed as exempting an applicant from any other applicable county, state, or federal regulations, including but not limited to those in Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, pursuant to C.R.S. 43-1-420 (3).

D. PERMIT REQUIRED. Before any sign is erected, constructed, structurally altered or moved, it shall comply with the requirements in this Section and shall have received a permit from the Community Development Department, unless the sign is expressly exempted from the provisions of this *Resolution*.

1. **APPLICATION FORM.** The Community Development Department shall provide the appropriate application form, which, at a minimum, shall include the following:

   a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

   b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, notarized letter from the owner consenting to the application, must be submitted.

   c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the sign is proposed to be located. A copy of the recorded deed to the property should be included.

   d. **ILLUSTRATION OF SIGN.** A rendering, to scale and dated by the person who prepared it, of the dimensions and appearance of the proposed sign.

E. SIGNS ALLOWED WITHOUT PERMITS. The following signs do not require a Sign Permit:

1. **PUBLIC DIRECTIONAL SIGNS.** Signs required or authorized for a public purpose by law or statute, including traffic control signs, and excluding those defined by Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, pursuant to C.R.S. 43-1-420 (3).

2. **PUBLIC UTILITY LOCATION SIGNS**. Signs placed by a public utility showing the location of underground facilities.

3. **SIGNS LOCATED WITHIN A BUILDING,** so long as such signs are not oriented to and are not viewed from a public right-of-way, private road, parking area or public space outside the building

4. **TEMPORARY SIGNS.** Pennants or banners advertising a special event. Notice of such signs shall be required to be filed by the sponsoring organization with the Community Development Department before display. Such signs may be erected no sooner than two weeks before the event, and shall be removed in one week after the event; but in no event shall a banner be erected more than 30 days.

5. **LIVESTOCK DRIVES.** Signs necessary for the safe movement of livestock on public roads.

6. **OCCUPANT AND HOME OCCUPATION SIGNS.** One residential identification sign per residence, containing the name(s) of occupant(s), address of the premises, and/or identifying any home occupation as defined and regulated in this *Resolution*. These signs shall be limited to wall and ground signs that are no more than six sq. ft. in area, and may be illuminated by a concealed, non-flashing light source. Wall signs may be attached to any structure and/or fence.

7. **REAL ESTATE SIGN**. A temporary wall or ground sign not more than six sq. ft. advertising the sale, rental, or lease of a designated structure or land area for a permitted use on which the sign is located. One sign shall be allowed per lot, shall not be illuminated, except that when the subject property abuts two public roadways, there may be one sign facing each roadway. The sign(s) shall be removed immediately after the property is sold, rented or leased.

8. **CONSTRUCTION SIGN.** A temporary wall or ground sign not more than 32 sq. ft. advertising the construction, remodeling or rebuilding of a certain structure for a permitted use on which the signs are located. One sign shall be allowed per Project, shall not be illuminated and shall be removed immediately on completion of construction.

9. **MEMORIAL AND HISTORICAL SIGNS**. Cornerstones, monuments, commemorative tablets and historical signs of not more than ten sq. ft.

10. **HOLIDAY AND SEASONAL DECORATIONS**. Decorative, customary signs commonly associated with designated national, local or religious holidays or season.

11. **ADVISORY SIGNS**. Signs warning of prohibited activities including trespassing, hunting, fishing, or swimming may be posted without limitation as to numbers, but are limited to two sq. ft. or less per sign.

BUSINESS HOURS SIGNS. "Open/closed" and related hours-of-operation signs that do not exceed two sq. ft.

POLITICAL CAMPAIGN SIGNS. Political signs that do not exceed 32 sq. ft. in area are permitted. The signs shall be removed no later than one week following the date of the subject election.

12. **SIGNS INTEGRAL TO LAND USE CHANGE PERMITS.** A sign to be located in, or as an integral part of a development shall conform to the requirements of this Section except when differing sign requirements are 13. incorporated into, and approved as a part of the Land Use Change Permit by the applicable decision-making body.

14. **COMMERCIAL, INDUSTRIAL AND BUSINESS CLUSTER SIGNS**. Multiple businesses, commercial, or industrial establishments that are part of an industrial or business park may construct one cluster sign at each approved access to the development that includes the name of the development and/or listings of individual businesses in the development. Within the development, one sign per establishment is allowed, and each shall comply with the requirements of this Section.

15. **NONCONFORMING SIGNS**. All signs that existed as of the effective date of the *Gunnison County Sign Code,* or were permitted pursuant to its requirements, may be retained so long as they are kept in a state of good repair as specified in Section 13-109: J.3. *Repair or Removal,* and so long as they are not relocated, replaced, structurally altered, or damaged by wind, fire or other cause to the extent that 50 percent or more of their replacement value has been destroyed.

16. **GENERAL STANDARDS**.

    a. **ON-SITE LOCATION.** All signs shall identify or advertise only the business or establishment upon which the sign is located.

    b. **ONE SIGN PER USE**. There shall be one sign per primary use, except that when the subject property abuts two public roadways, there may be one sign facing each roadway.

    c. **NO SIGN IN ROAD RIGHT-OF-WAY.** No signs shall be allowed on any County or development road right-of-way, and existing signs in either of these rights-of-way shall be removed immediately upon request of the governing body.

    d. **EXTERNAL LIGHT SHALL BE MINIMIZED**. Externally lit signs shall be designed, installed and maintained to eliminate or minimize upward directed light and glare and so that lights illuminate only the sign and not property e. that adjoins or is nearby. Such light shall not interfere with the vision of motorists.

    e. **INTERNALLY LIT SIGNS PROHIBITED**. There shall be no internally lit signs.

    f. **NO MISLEADING INFORMATION**. Information presented on a sign shall not be misleading, erroneous or patently untrue.

g. **NO SETBACK LIMITATION SPECIFIC TO SIGNAGE**. There shall be no setback limitation except that sign placement shall not interfere with snow removal, or vision of motorists, and shall not significantly detract from the environmental or aesthetic character of the County.

J. CONSTRUCTION AND MAINTENANCE.

1. **STURDY CONSTRUCTION**. All signs and sign structures shall be constructed of materials of sufficient strength and quality to withstand weathering or deterioration by wind, moisture and other natural elements, and shall be maintained in a state of good repair with all braces, bolts, supporting framework, fastenings, lettering and design work free from deterioration.

2. **WIND LOAD**. Wind load requirements shall be equal to, or greater than 26 pounds per sq. ft. of sign area.

3. **REPAIR OR REMOVAL**. The County Building Inspector shall have the authority to order the repair, alteration or removal of any sign or structure that constitutes a hazard to public health and safety, or which is otherwise not pursuant to this Section. In the event that such a sign has not been removed, altered or repaired within 60 days after written notification by the Inspector, the Board may, after due public notice and hearing, require that sign or structure to be removed at the expense of the owner of the sign.

K. SIGN AREA MEASUREMENT.

1. **MAXIMUM INDIVIDUAL SIGN AREA.** The maximum permitted area of individual signs shall be 50 sq. ft.

2. **MAXIMUM AGGREGATE SIGN AREA.** The maximum permitted aggregate area for cluster signs shall be 70 sq. ft.

3. **MAXIMUM HEIGHT.** The maximum height of a sign shall be no greater than 16 feet above the natural grade of the ground on which it is placed, except that a sign located over a property's entranceway or exit way may be 20 feet above the road over which it is placed.

4. **MEASUREMENT OF SINGLE SURFACE.** To determine the surface area of a sign, the County Building Inspector shall measure the perimeter enclosing the extreme limits of the display surface(s) of the sign, including all graphic elements, borders and riders, but excluding the sign's structure or bracing unless those elements are part of the message or face of the sign. Where there are two faces back to back, the total area of the largest face shall determine the area of the sign.

5. **MEASUREMENT OF MULTI-FACETED SIGN.** Where two faces are placed at greater than 45-degree angles to one another, the sign area shall mean the total area of both faces.

L. SIGNS ALLOWED ONLY BY VARIANCE BY THE BOARD. The following signs are not permitted, except by variance issued by the Board, pursuant to Section 13-109: M: *Variances from the Requirements of this Section*:

1. **NON-COMPLIANT SIGNS**. Any sign not in compliance with the provision of these regulations.

2. **OFF-PREMISE SIGNS.** Off-premise signs except public directional signs, and those signs permitted pursuant to Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, which are allowed without a variance.

3. **PROJECTING ROOF-MOUNTED SIGNS**. Roof-mounted signs that Project above the highest point of a roofline or fascia of a building.

4. **SIGNS ADVERTISING LOTS IN PROPOSED DEVELOPMENTS.** Signs promoting lots or units for sale in a proposed development after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year. The sign shall include language that the development is pending approval.

5. **SIGNS ADVERTISING CONDOMINIUM AND TOWNHOMES.** Signs advertising condominium and townhouse construction may be posted after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year.

6. **OVERSIZE HOME OCCUPATION SIGN SIGNS**. Signs of more than six sq. ft. identifying a home occupation.

M. **VARIANCES FROM THE REQUIREMENTS OF THIS SECTION.** The Board may authorize a variance from this Section, in accordance with the following process:

1. **SUBMITTAL OF REQUEST BY APPLICANT.** The Community Development Department shall provide the appropriate application form that shall, at a minimum, include the following:

   a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.

   b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, notarized letter from the owner consenting to the application, must be submitted.

   c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the sign is proposed to be located. A copy of the recorded deed to the property should be included.

   d. **COMPLIANCE WITH CRITERIA OF DECISION**. An explanation of how the variance meets the requirements of Section 13-109: M. 4: *Criteria for Board Decision*.

2. **BUILDING INSPECTOR REVIEW.** The Building Inspector shall prepare a written report that includes:

   a. **SIGN PERMIT APPLICATION.** A copy of the Sign Permit application as submitted by the applicant.

   b. **DETERMINATION OF NON-COMPLIANCE**. Reference to the specific subsections of this Section with which the application does not comply.

3. **BOARD MEETING**. The request for variance shall be scheduled on the next available agenda of the Board.

   a. **BUILDING INSPECTOR'S REPORT.** The Building Inspector shall explain the sign application's noncompliance with the applicable standards of this Section.

   b. **APPLICANT'S PRESENTATION.** The applicant may present his request, including the reasons that the request complies with Section 13-109: M.4: *Criteria for Board Decision.*

4. **CRITERIA FOR BOARD DECISION**. The Board shall consider the Building Inspector's report, the information included in the request for variance, and the presentation of the applicant. A variance shall be granted only upon a demonstration by the applicant by a preponderance of the evidence that the literal enforcement of this Section would cause unnecessary or undue hardship to the applicant, and that there will be no adverse impact to adjacent land uses or the general public; and upon written finding by the Board that all of the following criteria have been met:

   a. **HARDSHIP NOT SELF-IMPOSED.** That the hardship has not been created by the applicant, or his/her predecessor;

   b. **NO HARM TO PUBLIC SAFETY.** That there is no detriment to the public health, safety and welfare;

   c. **DEMONSTRATION OF NEED.** That there exists a clear and reasonable need for the sign at the proposed location;

   d. **CONSISTENCY WITH NEIGHBORHOOD**. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location;

   e. **COMPLIANCE WITH ALL OTHER STANDARDS**. That the location, character and format of the proposed sign are not in conflict with the purposes of this Section, or of this *Resolution*.

   f. **PUBLIC BENEFIT OUTWEIGHS IMPACTS**. That the benefits that the sign would provide to the public and county visitors would outweigh any adverse aesthetic or other impacts caused by the proposed sign.

N. RECORD OF DECISION. The record of the Board's decision shall be included within the Board's meeting minutes.

O. VIOLATIONS AND ENFORCEMENT OF THIS SECTION.

1. **TYPES OF VIOLATIONS**. Any sign or sign structure erected, constructed, reconstructed, altered, maintained or used in a manner not in compliance with this Section shall be considered in violation.

2. **ENFORCEMENT**. Enforcement of this Section shall comply with the requirements of Article 16: *Enforcement.* To initiate enforcement, the Building Inspector shall notify the sign owner of the violation by certified mail at their last known address, citing portions of this Section that the sign specifically violates.

P. FEES. The cost of Sign Permits shall be as delineated in a schedule of fees charged for permits available in the Community Development Department, and adopted and amended by the Board.

Schumacher & O'Loughlin, LLC
~ Attorneys at Law ~

Jon R. Schumacher
jon@gunnisonlaw.net

232 W. Tomichi Ave., Suite 204
Gunnison, CO 81230
Phone: 970.641.4900
Fax: 970.641.5005
www.gunnisonlaw.net

Michael P. O'Loughlin
mike@gunnisonlaw.net

February 3, 2017

Gunnison County Board of County Commissioners
c/o Gunnison County Community Development Department
221 N. Wisconsin St., Suite D
Gunnison, CO 81230

Re: Sign Permit Variance Application
Owner: Centennial Storage Partners, LLC d/b/a Discount Self Storage
Property Address: 1825 State Highway 135, Gunnison, CO 81230

Dear Gunnison County Board of County Commissioners:

Attached to this cover letter is a packet requesting a sign permit variance consistent with the Gunnison County LUR. Included herein are:

1. The Gunnison County Sign Permit Variance Application;
2. An Improvement Location Certificate showing the location of the proposed sign;
3. A copy of the Warranty Deed showing proof of ownership of the parcel;
4. An explanation as to how the variance request meets the requirements of LUR § 13-109:M.4: *Criteria of Board Decision*;
5. A drawing to scale with square footage showing the proposed sign design;
6. A notarized letter from the applicant appointing the undersigned to serve as the owner's agent for purposes of this variance application; and
7. A check for $155 for the application fee.

Please contact the undersigned if Gunnison County requires any more documentation or information to process this variance request. It is my understanding that the soonest we can get on the County Commissioners' meeting agenda is February 21st. However, I am out of town that week, so can you please add this variance request to the March 7th meeting agenda? If possible, my client would like to call in to the meeting as he will be out of town on March 7th. Please let me know if March 7th will work, what time we will be on the agenda, and if my client can attend the meeting via telephone.

I look forward to further discussing this variance request with the Community Development Department and the County Commissioners at an upcoming County meeting. Thank you for the consideration.

Best regards,

Michael P. O'Loughlin
Attorney and Agent for Centennial Storage Partners, LLC

received
2/3/17

SP-17-00001

$155

GUNNISON COUNTY, COLORADO
SIGN PERMIT VARIANCE APPLICATION

GUNNISON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING OFFICE
221 N. WISCONSIN ST, STE D., GUNNISON, CO 81230
TELEPHONE: 970-641-0360 FAX: 970-641-8585
Website: ***http://www.gunnisoncounty.org/planning.html*** **Email:** ***planning@gunnisoncounty.org***

Application Fee: $155

DATE RECEIVED BY PLANNING OFFICE: 2/3/17
APPLICATION FEE PAID : 2/3/17 #2886

OWNER: Centennial Storage Partners, LLC dba DISCOUNT SELF STORAGE (Ken Snyder Owner)
MAILING ADDRESS: P.O. Box 1504 Gunnison, CO 81230
PHONE: HOME: _____ **WORK:** 641-6655 **CELL:** Ken Snyder (717) 487-4871
LEGAL DESCRIPTION OF PARCEL AND/OR EXISTING ADDRESS (if the property is located in a subdivision, include Lot and Blk) 1825 HWY 135 GUNNISON, CO

CONTRACTOR: The Sign Guys **PHONE:** 970-641-0688
PRIMARY CONTACT PERSON: Vicki Johnson **PHONE:** 970-641-0688

REASON FOR VARIANCE REQUEST:

- [X] Non-Compliant Sign
- [ ] Off-Premise Sign
- [ ] Projecting Roof-Mounted Sign
- [ ] Signs Advertising Lots in Proposed Developments
- [ ] Condominium and Townhome Advertisement
- [ ] Oversize Home Occupation Sign

THE FOLLOWING INFORMATION IS NEEDED FOR THE SUBMITTAL OF ALL SIGN VARIANCE APPLICATIONS:

- ✓ **One Site Plan** showing location of sign on the parcel
- ✓ A copy of the recorded **Warranty Deed** is required for proof of ownership. This may be obtained from the Recorder's Office, first floor of the Blackstock's Government Center.
- ✓ **Compliance with Criteria of Decision**, An explanation of how the variance meets the requirements of Section 13-109:M.4.: *Criteria of Board Decision*
- ✓ **Sign Design,** include a drawing to scale with square footage

Building Inspector: _____ **Date:** ___/___/___

Board Action: _____ **Permit Number Issued:** _____

The following, from Section 13-109 of the *Gunnison County Land Use Resolution* addresses those signs that are allowed only by a variance from the Board of County Commissioners, and the process by which a Sign Permit Variance Application s reviewed and acted on:

L. **SIGNS ALLOWED ONLY BY VARIANCE BY THE BOARD.** The following signs are not permitted, except by variance issued by the Board, pursuant to Section 13-109: M: *Variances from the Requirements of this Section*:

1. **NON-COMPLIANT SIGNS**. Any sign not in compliance with the provision of these regulations.
2. **OFF-PREMISE SIGNS.** Off-premise signs except public directional signs, and those signs permitted pursuant to Gunnison County Resolution Series 1989 No. 42: *Concerning Placement of Tourist-Oriented Directional Signs*, which are allowed without a variance.
3. **PROJECTING ROOF-MOUNTED SIGNS**. Roof-mounted signs that project above the highest point of a roofline or fascia of a building.
4. **SIGNS ADVERTISING LOTS IN PROPOSED DEVELOPMENTS.** Signs promoting lots or units for sale in a proposed development after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year. The sign shall include language that the development is pending approval.
5. **SIGNS ADVERTISING CONDOMINIUM AND TOWNHOMES.** Signs advertising condominium and townhouse construction may be posted after approval of Preliminary Plan, but before approval of the Final Plan. A variance for this type of sign may be granted for up to one year.
6. **OVERSIZE HOME OCCUPATION SIGN SIGNS**. Signs of more than six sq. ft. identifying a home occupation.

M. **VARIANCES FROM THE REQUIREMENTS OF THIS SECTION.** The Board may authorize a variance from this Section, in accordance with the following process:

1. **SUBMITTAL OF REQUEST BY APPLICANT.** The Planning Department shall provide the appropriate application form that shall, at a minimum, include the following:
   a. **APPLICANT.** The name, address, telephone and fax numbers, and e-mail address for the applicant, or if the applicant is to be represented by an agent, a notarized letter signed by the applicant authorizing the agent to represent the applicant and stating the same information for the agent.
   b. **PROPERTY OWNER**. Name of the owner of the property; if other than the applicant, notarized letter from the owner consenting to the application, must be submitted.
   c. **PROPERTY LOCATION**. The legal description (referencing lot and block or tract numbers, homesteads, or metes and bounds), property address and common description of the parcel on which the sign is proposed to be located. A copy of the recorded deed to the property should be included.
   d. **COMPLIANCE WITH CRITERIA OF DECISION**. An explanation of how the variance meets the requirements of Section 13-109: M. 4: *Criteria for Board Decision*.
2. **BUILDING INSPECTOR REVIEW.** The Building Inspector shall prepare a written report that includes:
   a. **SIGN PERMIT APPLICATION.** A copy of the Sign Permit application as submitted by the applicant.
   b. **DETERMINATION OF NON-COMPLIANCE**. Reference to the specific subsections of this Section with which the application does not comply.
3. **BOARD MEETING**. The request for variance shall be scheduled on the next available agenda of the Board.
   a. **BUILDING INSPECTOR'S REPORT.** The Building Inspector shall explain the sign application's noncompliance with the applicable standards of this Section.
   b. **APPLICANT'S PRESENTATION.** The applicant may present his request, including the reasons that the request complies with Section 13-109: M.4: *Criteria for Board Decision*.

4. **CRITERIA FOR BOARD DECISION**. The Board shall consider the Building Inspector's report, the information included in the request for variance, and the presentation of the applicant. A variance shall be granted only upon a demonstration by the applicant by a preponderance of the evidence that the literal enforcement of this Section would cause unnecessary or undue hardship to the applicant, and that there will be no adverse impact to adjacent land uses or the general public; and upon written finding by the Board that all of the following criteria have been met:

   a. **HARDSHIP NOT SELF-IMPOSED.** That the hardship has not been created by the applicant, or his/her predecessor;

   b. **NO HARM TO PUBLIC SAFETY.** That there is no detriment to the public health, safety and welfare;

   c. **DEMONSTRATION OF NEED.** That there exists a clear and reasonable need for the sign at the proposed location;

   d. **CONSISTENCY WITH NEIGHBORHOOD**. That the type, style, size and other characteristics of the proposed sign are consistent with the character of the proposed location;

   e. **COMPLIANCE WITH ALL OTHER STANDARDS**. That the location, character and format of the proposed sign are not in conflict with the purposes of this Section, or of this *Resolution*.

   f. **PUBLIC BENEFIT OUTWEIGHS IMPACTS**. That the benefits that the sign would provide to the public and county visitors would outweigh any adverse aesthetic or other impacts caused by the proposed sign.

N. RECORD OF DECISION. The record of the Board's decision shall be included within the Board's meeting minutes.

O. VIOLATIONS AND ENFORCEMENT OF THIS SECTION.

1. **TYPES OF VIOLATIONS**. Any sign or sign structure erected, constructed, reconstructed, altered, maintained or used in a manner not in compliance with this Section shall be considered in violation.

2. **ENFORCEMENT**. Enforcement of this Section shall comply with the requirements of Article 16: *Enforcement*. To initiate enforcement, the Building Inspector shall notify the sign owner of the violation by certified mail at their last known address, citing portions of this Section that the sign specifically violates.

P. FEES. The cost of Sign Permits shall be as delineated in a schedule of fees charged for permits available in the Planning Department, and adopted and amended by the Board.

Schumacher & O'Loughlin, LLC
~ Attorneys at Law ~

Jon R. Schumacher
jon@gunnisonlaw.net

232 W. Tomichi Ave., Suite 204
Gunnison, CO 81230
Phone: 970.641.4900
Fax: 970.641.5005
www.gunnisonlaw.net

Michael P. O'Loughlin
mike@gunnisonlaw.net

February 3, 2017

Gunnison County Board of County Commissioners
c/o Gunnison County Community Development Department
221 N. Wisconsin St., Suite D
Gunnison, CO 81230

Re: "Compliance with Criteria of Decision"
Sign Permit Variance Application
Owner: Centennial Storage Partners, LLC d/b/a Discount Self Storage
Property Address: 1825 State Highway 135, Gunnison, CO 81230

Dear Gunnison County Board of County Commissioners:

This letter accompanies the Sign Permit Variance Application that I submitted on behalf of my client, Centennial Storage Partners, LLC ("Centennial") d/b/a Discount Self Storage, and serves as the explanation of how the variance meets the requirements of Gunnison County LUR Section 13-109:M.4. Centennial purchased Discount Self Storage in October of 2016 and is seeking to improve the business and its property to ensure its vitality and sustainability for years to come in the Gunnison Valley.

Discount Self Storage is a self-storage business located just north of the Gunnison City limits (see address above). There is currently a sign pole located at the entrance, but no actual sign attached to the pole (*see e.g.* the Improvement Location Certificate included with the application packet). Ken Snyder, the owner of Centennial and Discount Self Storage, is requesting a variance for an internally lit sign[1] consistent with the sign's depiction included with the application packet.

The County's limitation on internally lit signs creates an unnecessary and undue hardship for Discount Self Storage for the following reasons:

- The entrance to Discount Self Storage is poorly lit. The addition of an internally lit sign will help illuminate the entrance located on State Highway 135. Such additional illumination will provide a safer entrance and exit from the Highway. This will enhance the safety of Discount Self Storage's customers and other Highway 135 users, as the entryway will be much easier to identify from the Highway once the sign is in place.

- Signs illuminated by ground lights are problematic because they provide substandard lighting and are prone to coverage by snow, which can hinder and potentially defeat their effectiveness. An internally illuminated sign, as is proposed here, will not lose its

[1] Internally lit signs are precluded by LUR § 13-109.E.16.e.

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effectiveness due to snowfall and other impediments and will stay lit despite the challenging natural elements that are common to Gunnison County. This is crucial to a viable and sustainable self-storage business.

- An internally lit sign provides better notice of the existence of the business for existing and potential new customers, as it is much easier to identify than a sign lit by ground lights. The Discount Self Storage property is setback from Highway 135 by some 100 feet, so a well illuminated sign is critical to help identify the business to new and existing customers. It is unlikely, given the setback of the business from the Highway, that the public would become aware of the business from ground-illuminated signs. An internally illuminated sign is necessary, in this instance, for the public to be able to identify and recognize the sign.

The internally lit sign will not cause an adverse impact to adjacent land users or the general public. Due to the proposed location of the sign, the internal light from the sign will not travel beyond the Discount Self Storage property boundaries, and will thus not impact the neighboring property owners. As discussed above, the proposed sign will also serve as a benefit to the general public, as it will increase the illumination of the entrance from Highway 135 making such entranceway safer for Highway users and Discount Self Storage customers.

This variance request meets the "Criteria for Board Decision" under § 13-109.M.4 of the LUR as follows:

a. *Hardship Not Self-Imposed* – The LUR precludes internally illuminated signs, so the hardship was created by and through this LUR rule, and is not a self-imposed hardship created by Centennial.

b. *No Harm to Public Safety* – As discussed above, the internally lit sign will enhance public safety, as it will illuminate the Discount Self Storage entranceway from Highway 135.

c. *Demonstration of Need* – There is currently no sign, so there exists a clear and reasonable need for the sign at the proposed location.

d. *Consistency with Neighborhood* – Discount Self Storage is in a commercial area immediately north of the Gunnison city limits. Due to the commercial nature of this area, the type, style, size, internal illumination and other characteristics of the proposed sign are consistent with the proposed location.

e. *Compliance with All Other Standards* – The location, character and format of the proposed sign are not in conflict with the purposes of the LUR. The variance request will help facilitate communication of the business to the public by appropriately identifying the business, and will help its viability and sustainability, which is in furtherance of the LUR Sign regulation purpose. *See* LUR § 13-109.A.

f. *Public Benefit Outweighs Impacts*. The enhanced illumination of the Discount Self Storage entranceway by the proposed sign would enhance the public safety and welfare for travelers on Highway 135. This benefit, along with the increased exposure to the Discount Self Storage business, far outweighs any adverse aesthetic or other impact that the proposed sign may cause, if any adverse impacts even exist.

I look forward to further discussing this variance request with the Community Development Department and the County Commissioners at an upcoming County meeting. Thank you for the consideration.

Best regards,

Michael P. O'Loughlin
Attorney and Agent for Centennial Storage Partners, LLC

Assessor Quick Links

Gunnison Assessor Home

Find Property Records

Gunnison County COLORADO

Assessor Property Record Search

Property Record Card (PRC)

Owner and Parcel Information

Owner Name & Mailing Address	
CENTENNIAL STORAGE PARTNERS LLC 4044 CARLISLE RD DOVER, PA 17315-3508	
Business Name:	DISCOUNT STORAGE

Today's Date:	February 3, 2017
Appraisal Year:	2017

Account Number:	R030869
Parcel Number:	3701-250-06-001
Account Type:	Mixed Use
Economic Area:	Econ Area 1
Tax District:	601
Mill Levy:	56.272

Property Location:	1825 STATE HIGHWAY 135 , GUNNISON
Neighborhood:	FLYING E RANCH
LEA:	FLYING E SUBD (12540)
Subdivision:	FLYING E RANCH SUBD
Condo:	
Legal Description:	LOT 3 FLYING E RANCH SUBD #642590
Parcel Notes	STATEMENT OF AUTHORITY #523567 ADVANCED ADBAG PACKAGING INC DEFINED BENEFIT PENSION PLAN A TRUST TOTAL PARCEL = 2.9 AC

Parcel Map	Show Parcel Map
Building Photos	Building Images
Building Sketches	Building Sketches

Generate Neighboring Owner List by Distance

Search Sales By Subdivision

2016 Assessment Information *(2017 reappraisal values will be posted by May 1, 2017)*

Land Actual Value	Land Assessed Value	Building Actual Value	Building Assessed Value	Total Actual Value	Total Assessed Value
$82,300	$21,450	$678,770	$132,410	$761,070	$153,860

Prior Year Assessment Information

Year	Actual Value	Assessed Value	Mill Levy	Ad Valorem Taxes
2016	$761,070	$153,860	56.272	$8,658.00
2015	$761,070	$153,860	55.585	$8,552.27
2014	$950,140	$231,150	56.853	$13,141.55
2013	$950,140	$231,150	50.446	$11,660.58
2012	$1,359,020	$332,740	44.797	$14,905.74
2011	$1,359,020	$332,740	44.988	$14,969.31
2010	$992,840	$222,240	41.575	$9,239.63
2009	$992,840	$222,240	40.414	$8,993.76
2008	$826,430	$188,960	42.029	$7,952.76
2007	$826,430	$188,960	36.828	$6,971.08
2006	$900,060	$218,390	44.434	$9,715.76

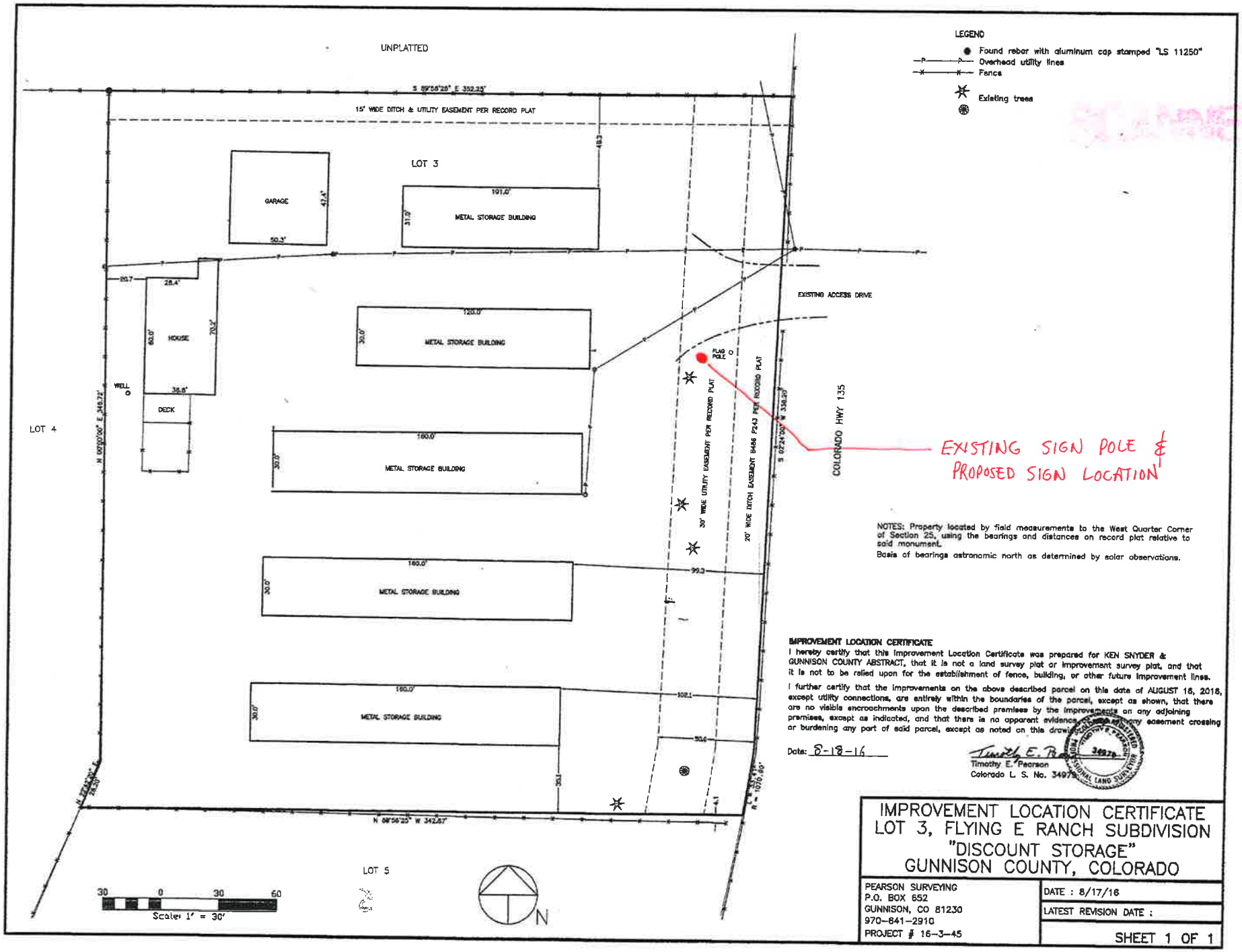
Contact the Treasurer's Office for current property tax amount due. Do not use the figures above to pay outstanding property taxes.

Land Information

Land Description	Land Type	Acres	Site Access	Electricity	Sewer	Water	Other Attributes
SINGLE FAM.RES.-LAND	Residential	0.410	YEAR ROUND	INSTALLED	ISDS SEPTIC SYSTEM INSTALLED	WELL INSTALLED	LAND TYPE PRIMARY - MEADOW
WAREHOUSE/STORAGE-LAND	Commercial	2.490	YEAR ROUND	INSTALLED	ISDS SEPTIC SYSTEM INSTALLED	WELL INSTALLED	LAND TYPE PRIMARY - MEADOW

Sales and Conveyance Information

Sale Date	Sale Amount	Adjusted Sales Price	Grantor	Grantee	Vacant or Improved (at time of sale)	Reception #	Deed Type
10/06/2016	$2,800,000	$2,800,000	ADVANCED ADBAG PACKAGING INC PROFIT SHARING PLAN	CENTENNIAL STORAGE PARTNERS LLC	Improved	642590	WARRANTY DEED - FEE



NOTES: Property located by field measurements to the West Quarter Corner of Section 25, using the bearings and distances on record plat relative to said monument.

Basis of bearings astronomic north as determined by solar observations.

IMPROVEMENT LOCATION CERTIFICATE

I hereby certify that this Improvement Location Certificate was prepared for KEN SNYDER & GUNNISON COUNTY ABSTRACT, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines.

I further certify that the improvements on the above described parcel on this date of AUGUST 16, 2016, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no visible encroachments upon the described premises by the improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or signs of any easement crossing or burdening any part of said parcel, except as noted on this drawing.

Date: 8-18-16

Timothy E. Pearson
Colorado L. S. No. 34979

IMPROVEMENT LOCATION CERTIFICATE
LOT 3, FLYING E RANCH SUBDIVISION
"DISCOUNT STORAGE"
GUNNISON COUNTY, COLORADO

PEARSON SURVEYING P.O. BOX 552 GUNNISON, CO 81230 970-641-2910 PROJECT # 16-3-45	DATE : 8/17/16 LATEST REVISION DATE : SHEET 1 OF 1

10" deep cabinet with internal lighting, 2 sided