



City of Tucson Development Services

**Sign Code Advisory and Appeals Board
City/County Public Works Building
201 N. Stone Avenue
Tucson, AZ 85701
Basement Conference Room "C"
March 14, 2007, 2006**

Board Members Present:

Fletcher Sliker
Frank Mascia, Chair
John Roberts
Stephen Bohn
Leigh Robinson

Staff Present:

Chuck Stephenson, Sign Inspector II, DSD
Sue Montes, Secretary, DSD
Kristin Page-Iverson, City Attorney's Office

Guests Present:

Kent Coplin, Cars by Kent
Tony Freita, SES/Value Place
Larry Dalton, Value Place

Summary Minutes

Call To Order & Roll Call. Roll was called, a quorum established, and the meeting called to order at approximately 2:00 pm.

CASE NO. S-06-15, (RECONSIDERATION), 3101 E. PRINCE ROAD; CARS BY KENT; OWNER, KENT STEPHEN COPLIN; APPLICANT, OWNER, KENT COPLIN.

STAFF RECOMMENDATION:-Staff recommends approval with the condition that the sign remain in its current location as shown on the submitted site plan. Based upon the fact that the roadways are elevated above the applicant's property, that vehicles are displayed along the front of the property, and the sign is located back from the streets, staff would support this variance with the above stated condition. Staff feels that there are special circumstances applicable to the property including its physical circumstances, which prevent compliance with the City Sign Code, that the variance will not result in a special privilege to the property, and is not the result of a self-imposed condition. Additional, that the variance is the minimum to afford relief and will not materially affect the health, safety, and welfare of the neighborhood.

AUDIENCE: Audience did not speak at this meeting because the reconsideration was to hear the case at the April 2007 meeting.

BOARD DISCUSSION: Mr. Mascia explained to the applicant that someone decided the applicant turned in their request for reconsideration too late. The Board can vote to suspend their rules and hear

whether we are going to reconsider the case. It does not mean we will reconsider it today or anytime in the future, it means we will decide if we want to reconsider the case. Along with the decision to reconsider the case we need to decide when we will reconsider the case. The Board needs to decide if they want to reconsider the case at all because staff has determined with legal council that this request for reconsideration was outside of the 30 day limit to file a reconsideration. **Mr. Roberts made a motion to suspend the Board rules based on a technicality, seconded by Mr. Bohn regarding the reconsideration request being submitted more than 20 days after the denial of the previous request. Vote passes 5-0.**

Mr. Roberts made a motion to reconsider the case and hear it at the April meeting, seconded by Mr. Sliker. Vote passes 5-0.

DECISION – RECONSIDERATION REQUEST GRANTED: The Board voted unanimously to suspend the Board’s rules regarding a reconsideration request to be filed within 20 days after the action taken on the variance request. The Board also granted the applicant’s request to reconsider the variance request at the April 2007 meeting. The Board felt that, since there was opposition to the variance request by the neighborhood, the neighborhood should be notified that the Board would reconsider the case.

CASE NO. S-07-01 3340 N. COUNTRY CLUB ROAD; HAZEN ENTERPRISES; OWNERS, AEH INVESTORS, LLC ½ & PMH INVESTORS, LLC ½; APPLICANT, SIGN AGE, KAY NELSON.

STAFF RECOMMENDATION: Staff recommends denial. The requested variance far exceeds what the current Sign Code allows and would result in a special privilege to the property.

AUDIENCE: The applicant submitted a letter asking the Board to continue this case at the April 2007 meeting.

BOARD DISCUSSION: Mr. Bohn made a motion to continue this case at the April 2007 meeting, seconded by Mr. Sliker. Vote passes 5-0.

DECISION – REQUEST TO CONTINUE THE CASE GRANTED: The Board voted unanimously to grant the applicant’s request and continue this case at the April 2007 meeting.

CASE NO. S-07-03, 1421 W. GRANT ROAD, VALUE PLACE; OWNER, SMITH FAMILY TRUST; APPLICANT, SITE ENHANCEMENT SERVICES, COURTNEY NAWROT, SENIOR ZONING SPECIALISTS.

STAFF RECOMMENDATION: Variance requests #1, #2, & #3
Staff recommends approval with the following conditions: 1) that the height of the freestanding sign not exceed 48 feet and 2) that the proposed use of the property does not change. The proposed use of the site would rely on the freeway traffic for their business and would not be able to compete with other businesses of the same type in that area. Also, there is the size, irregular shape of the property, setback of the building, and the limited amount of street frontage along Grant Road. Staff feels that these variances, if granted with the above stated conditions, would not result in a special privilege to one property and the circumstances are such that the variance would be appropriate for any property owner

facing similar circumstances. Additional, that the variance is the minimum to afford relief and will not materially affect the health, safety, and welfare of the neighborhood.

Variance request #4

Staff recommends denial. Based upon the fact that the scrolling or moving or changing of the text/copy more than once per hour is prohibited by the Tucson Sign Code.

Mr. Mascia said regarding the animated sign the City Attorney's Office has decided that we can't hear that part of the variance. Mrs. Iverson said "The rules provide that you ask if there are objections to the recommendation of the Attorney's Office, and if there is then you have the ability to take arguments on that issue. The applicant should have the opportunity to speak to that as well. The Tucson Sign Code expressly prohibits animated signs that change more than once per hour and as such this Board does not have the jurisdiction to grant a variance from that flat out prohibition. Mr. Mascia asked for any objections to that decision. Hearing none he calls to the audience.

AUDIENCE: Tony Freitas, Site Enhancements, we are requesting one 48-ft. high 250-sq.ft. freestanding sign, three 125-sq.ft. Wall signs, and based on my conversation with Chuck and listening to the Attorney, we would like to withdraw our variance for the rate of change animation if that is ok with everyone. We are in complete agreement with the staff comments. The hotels and the IHOP across the street we feel that this request is not out of character, and we are not asking for anything special. Value Place Hotels has a weekly rate that is displayed on the message board, not a nightly rate. Most of our traffic is drive by traffic, which makes it crucial that we have a larger sign that can be seen from the freeway. We felt that 50 were possible, but we feel that we can live with 48. If we do a code compliant monument no one will see our hotel. I think that Chuck did a great job describing what our needs are and why we feel that we need it.

BOARD DISCUSSION: Mr. Mascia said I would like to thank you for coming in before the signs are actually in place and built. Ms. Robinson said could you actually see this 250-sq. ft. 48-ft. high sign from the freeway? Mr. Freitas said if you drive by on I-10 you can see the IHOP sign very visible and that gives an accurate feel as to how our sign will look from that distance. I can read IHOP very clearly and we are right across the street. Ms. Robinson asked Chuck how high the IHOP sign is. Chuck said it is 48-feet and 360-sq.ft. in area and 48-feet above grade with two businesses identified on the sign. Mr. Bohn said I don't see this as outrageous. If somebody purchases a parcel behind that and feels they want to do that also. Mr. Mascia said I am assuming you just bought the dirt but who did the split? Larry Dalton, Value Place, said the reason for the split is that we are 4-story and they wanted to do 1-story retail in front of us. We did not split the land, the seller split it. Mrs. Iverson said the Board's rules expressly provide that no action of the Board will set a precedent and each case is decided on it's own merit. Mr. Sliker said I think the remaining lots will cause this organization to be in front of us at a future date in terms of signage. Larry Dalton said we have an agreement with lot "B", which is the one closest to the freeway, but we don't have any control over the other lot, but lot "B" is going to come in up front like we are in regards to what we are going to do. Initially we are thinking about a multi-tenant sign. We were going to address both lots at the same time, but we were unable to do that at this hearing. Lot "B" will be coming in at a later time. Ms. Robinson said I agree that they probably need this if they are indeed aiming at getting traffic from the freeway, and apparently we do need more hotels in this town according to the paper. Since you can see this sign from the freeway and it actually will help then perhaps it is okay. **Mr. Bohn made a motion to approve variance requests 1-3 based on the staff recommendation with the conditions that 1.) the height of the freestanding sign not exceed 48 feet**

and 2.) the proposed use of the property does not change, seconded by Mr., Roberts. Vote passes 5-0.

DECISION – VARIANCE CONDITIONALLY GRANTED: The Board voted unanimously to grant the applicants request with conditions due to the fact the proposed use of the site would rely on the freeway traffic for their business and would not be able to compete with other businesses of the same type in that area. Also, the size and irregular shape of the property, setback of the building, and the limited amount of street frontage along Grant Road. The Board feels that this variance would not result in a special privilege to one property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances. Additionally, the variance is the minimum to afford relief and will not materially affect the health, safety, and welfare of the neighborhood.

CASE NO. S-07-04, 2494 & 2498 E. RIVER ROAD (LOTS 4 & 6); HACIENDA DEL SOL OFFICE COMPLEX; OWNER, MALEK, MICKEL A. FAMILY TRUST; APPLICANT, SIGN MAGIC, ROBERT KUHLMANN.

STAFF RECOMMENDATION:—Staff recommends approval. Staff believes that because the additional sign area will be placed approximately 220 feet from River Road, and that lots 1 & 2 are located in front of the applicant’s property, staff would support the granting of this variance. Staff feels that the variance will not result in a special privilege to one property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances. Additional, that the variance is the minimum to afford relief and will not materially affect the health, safety, and welfare of the neighborhood.

Mr. Mascia asked if the signage on this property was based on a .75-sq.ft. of frontage and that is divided by all the tenants? Mr. Stephenson said the allowable sign area is based on the amount of street frontage and they have 290 some square feet of frontage and the ratio is .75-sq. ft. of frontage there. When the first building was being built and they came in for signage, the sign contractor said you need to get the landlord involved in this because a limited amount of sign area is going to be allowed this peace of property. Based on this the landlord came up with the criteria for the amount of street frontage for each one of the fifteen lots. Mr. Mascia said we would be changing that by giving 1.0 to allow this to happen and all that additional would go to this one guy? Mr. Stephenson said in order for them to have 100and some sq.ft. divided by the two tenants on the two lots there it would have to allow the development to have more than the .75, and now the development would need 1-sq.ft. of sign area

AUDIENCE: The applicant did not appear to represent their case. David Mason, the developer of this project and was here before you in May of 2005 when we asked you to decline this request. The owner of these two lots is not in compliance with numerous issues of the CC&R’s, which we are dealing with through legal channels. This is another one of the owner’s not wanting to follow the rules. I have nine protests here from lot owners. It is the general consensus of this development that people moved into this lot and built their own developments because of the strict CC&R’s that were placed on the property, and they would like you to deny this request. If there were some leniency that this board could give we would want that to be given across the board to all of the lot owners. We want what is fair for everybody. This development is in the Scenic Corridor and we think this request is above and beyond what is allowed. Everyone else has complied with the signage criteria and the CC&R’s.

BOARD DISCUSSION: Mr. Mascia said we are not in the position and do not have the ability to deal with violation or enforcement of the CC&R's. If you take subdivision through the approval process it is not easy and if you start early on and talk to Chuck before you build this thing and you all work out something about what the signage is going to be. If you come up with a package that fits the criteria and does not have to come before us, I think we would be doing this service to the process and the people who actually get in the spirit of it by granting this kind of a variance. Mr. Roberts said because they wanting double what everyone else has I do not think it is fair. I think this is a special privilege. Mr. Mascia said there have been no findings that would allow us to continue this at all. **Mr. Roberts made a motion to deny the variance, seconded by Ms. Robinson. Vote passes 5-0.**

DECISION – VARIANCE DENIED: The Board denied the requested variance based on the fact there were no findings.

1. **NEXT MEETING DATE:** April 11, 2007.

ADJOURNMENT: Mr. Bohn made a motion to adjourn at approximately 2:40, seconded by Mr. Roberts. Vote passes 5-0.

One new case and one reconsideration, with one carried over to the April meeting.