

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
October 3, 2019

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Jule Stuver at 3:00 p.m. in the Commission Chamber of the Civic Center.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Jule Stuver, Chair
Ms. Krista Smith, Vice Chair
Mr. Joe McMillen
Ms. Aspen Northerner
Mr. Kyle Palagi

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Craig Raymond, Director of P&CD
Mr. Tom Micuda, Deputy Director of P&CD
Mr. Brad Eatherly, Planner I
Ms. Jamie Nygard, Sr. Administrative Assistant

Others present:

Mr. Joseph Cik, Assistant City Attorney
Ms. Lisa Kunz, City Clerk

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chair Stuver asked if there was a motion to approve the meeting minutes for the July 11th, 2019 meeting. Mr. Micuda stated that they would be on the next Agenda.

OLD BUSINESS

There was no old business.

NEW BUSINESS

4100 10th Avenue South- Variance from § 17.60.4.050B of the Official Code of the City of Great Falls (OCCGF) regarding the allowed separation distance between freestanding signs and the number of signs allowed on Premises exceeding 50,-000 square feet.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

Chair Stuver asked if there was any Conflict Disclosure/Ex Parte Communications and Ms. Northerner stated that the law firm that she works for has represented Taylor's AutoMax and Taylor's Transportation in the past. It had nothing to do with the variance that they are requesting at this meeting. Mr. Cik asked if it would in any way influence her decision and if she had any personal benefit from the outcome of the meeting. Ms. Northerner stated no to both questions. Mr. Cik stated that the disclosure should be good enough and that there should be no conflict of interest. Mr. Cik did also ask if her employer would have any kind of financial benefit and Ms. Northerner stated no.

Mr. Eatherly said Taylor's AutoMax is requesting a variance for the number of allowed signs and perimeter separation of free-standing signs. He reviewed site photos of the property and where the current signs are and the location for the new proposed sign.

Mr. Eatherly reviewed code provisions for freestanding-signs. It states that one freestanding sign of no more than two hundred square feet is allowed per street frontage and that a perimeter separation of two hundred fifty feet is required between any two freestanding signs on any premise. The variance that is being requested is to allow more than one freestanding sign per street frontage. They are requesting three, which exceeds the allowable number of two. Also, the applicant is requesting to allow the third sign to deviate from the required perimeter separation of 250 feet. The proposed sign is approximately 230 feet from the existing Taylor's AutoMax sign and 140 feet from the Nissan sign.

Mr. Eatherly stated the findings for the basis of decision. The first is the variance is not contrary to the public interest. 17.60.1.020 (B) contains an Intent and Purpose Statement to "Improve Great Falls_ community image by eliminating sign clutter." The placement of a third sign along 10th Avenue South would not be consistent with the code's intent to reduce the number and spacing of freestanding signs over time. The second criterion is that a literal enforcement of the code would result in unnecessary hardship, owing to conditions unique to the property. The applicant asserts that hardship is present due to three conditions. The first being the unique demands placed upon the business by its dealer requirements regarding signs. Second is the large nine acre property size which creates the need to accommodate multiple dealers and multiple individual signs and third is the relatively limited 10th Avenue frontage (394 feet) in comparison to the overall lot depth of 1,026 feet.

Mr. Eatherly said staff understands these arguments, but notes that the dealer requirements regarding the need for individual signs are a business-related hardship rather than something

unique to the configuration or location of the property itself. The applicant has the option of combining the Taylor sign and the GMC sign or moving the Taylor signage to the building. The third finding for the Basis of Decision is the spirit of this Title would be observed and substantial justice done by granting the variance. Staff concludes that the spirit of this Title would not be observed by granting the requested variance. As noted in Variance Criterion #1, § 17.60.1.020(B) of the Sign Code contains an intent statement to "Improve Great Falls' community image by eliminating sign clutter." The requested sign variance would increase sign clutter by allowing three signs on a property that by code should only have two. Additionally, there is not enough street frontage to allow three signs along 10th Avenue South while maintaining the required perimeter separation distance of 250 feet between any two signs. Despite the applicant's large property size and dealership sign requirements, the code's requirements are reasonable and can be met with some compromise from the applicant. Staff recommends denial of the variance based on the findings of the staff report, which cannot find adequate justification of the variance request.

PETITIONER'S PRESENTATION

Mr. Steve Taylor, Taylor's AutoMax, 3443 7th Ave S, said they are required by the manufacturer to have a sign up for GMC/Buick. They used to have one up for Volkswagen and want to know if they could just put the one for GMC/Buick up where they took the Volkswagen one down.

OPPORTUNITY FOR BOARD MEMBERS TO ASK QUESTIONS

Mr. McMillen asked if there was any consequences to not have the sign out on 10th Avenue South.

Mr. Jim Taylor, 3911 Huckleberry Drive, stated the manufacturer is requiring them to have the sign. Mr. McMillen also asked what the dimension difference is between the old sign and the new sign. Mr. Taylor did not know the measurements. Mr. Eatherly stated that even if the third sign was granted, they would be under their allotted square footage.

Ms. Smith asked if they could make the Taylor's AutoMax sign a monument sign. Mr. Micuda responded that this is what the City suggested but that wasn't feasible for Taylor's AutoMax. The current Taylor's AutoMax sign is their brand that they have been building since 1996.

Mr. Stuver asked if they would still need to get a variance, even with the monument sign, because of the spacing. Mr. Micuda responded that yes, they would still need a variance.

Ms. Northerner asked the staff that in 2014 when the decision was made to grant the Volkswagen sign, who made that decision. Mr. Raymond stated that back in 2014 when the decision was made, the zoning code had different verbiage in it than it does now and it allowed him to be able to make the decision. Ms. Northerner also asked that if they had left the sign up for Volkswagen and left it blank, would they have been able to switch it out. Mr. Micuda responded that yes, they would have been able to just switch them out.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPPONENTS OPPORTUNITY TO SPEAK

There were no opponents.

BOARD DISCUSSION AND ACTION

Mr. Micuda noted that if the Board wished to make a different decision than recommended by staff, they would need to develop alternative findings of fact. Mr. McMillen indicated that he wished to make a motion to approve the variance and this motion was seconded by Ms. Smith. Mr. Micuda and Mr. Cik advised the Board to take a short recess so alternative findings could be reviewed with Mr. McMillen.

Chair Stuver, called for a recess at 3:38pm.

Chair Stuver, called the meeting back to order at 4:43pm. Mr. McMillen indicated that he was ready to make a motion to approve the project and enter alternative findings into the record.

MOTION: That the Board of Adjustment, based on the findings for the Basis of Decision, approve the application of Taylor's AutoMax for the requested variance from City Code Title 17, Chapter 60, Sign Code, based on the following findings.

1. The variance is not contrary to the public interest according to OCCGF § 17.60.1.020 A intent and purpose. The intent of the sign code is to promote a positive economic and business climate through distinctive and effective signage. Allowing the proposed GMC/Buick sign will allow a long standing business to effectively promote its new dealer brand and remain competitive with other vehicle dealerships.
2. A literal enforcement would result in unnecessary hardship owing to conditions unique to the property. Hardship is present due to three conditions. Unique demands placed upon the business by its dealer requirements regarding signs, large 9 acre property size which creates the need to accommodate multiple dealers and multiple individual signs, and relatively limited 10th Avenue South frontage (394') to meet ordinance requirements for spacing and number of signs. The spirit of this title would be observed and substantial justice done by granting the variance. Substantial justice would be achieved by granting the requested variance because it would assure the dealer brand that its sign requirements can be accomplished. This will allow the applicant's business to remain stable and complete.
3. Substantial justice would be achieved by granting the requested variance because it would assure the dealer brand that its sign requirements can be accomplished. This will allow the applicant's business to remain stable and compete.

Made by: Mr. McMillen
Second: Ms. Smith

VOTE: All in favor, the motion passed.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair Stuver adjourned the meeting at 3:50 p.m.