

BOARD OF ADJUSTMENT & APPEALS

Council Chambers

July 12, 2017

Present: Charles Block, Larry Wright, Donna Amandus, Mike Pulis, Tim Wondra (arrived at 6:04)

Absent:

Staff: Doug Krogmeier

Visitors: Kevin Steeples, William McCarl, Bill Harry, Steve Probst

**Charles Block called the meeting to order at 6:00.** A quorum was declared with five members present.

**Minutes from the June 23, 2017, meeting were approved with corrections on a motion by Block; seconded by Amandus. Approval was unanimous.**

**NON-AGENDA ITEMS: none**

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**Case File 17-06: Special Use Permit to allow for LCD/Message Board sign for Holy Trinity High School at 2600 Ave A facing west.**

Staff reviewed report.

**Block opened public hearing at 6:12 pm.**

Amandus asked about the proposed sign in comparison to the existing. Krogmeier explained they planned to replace the existing with a 2'x8' new LED sign facing east with another the same size facing west. Wondra asked if there were stipulations to shut the sign off at night in the original special use permit for the existing sign facing east and Krogmeier said the reviewed the minutes from that meeting and did not see any but it is something to consider for this special use.

Steve Probst from Sherwood Company explained the newer LED signs have more capabilities than the existing sign, such as a built-in sensor system to automatically dim 50% at night as it is not necessary to be as bright to be visible when it's dark out. He continued to explain that it can be set to whatever brightness level is desired using the included software and some cities have ordinances to restrict the brightness at night and the company can preset the sign to comply as well as adjust it later as needed using the software. It can be set to shut off at certain times of the day. Krogmeier asked if daylight savings would affect that setting and Probst said it uses GPS to keep the time correct. Wright asked if it will be red LED like the existing sign and Probst said the new signs will be multicolor and he believed they are less intrusive than the glowing red. Block asked if there were neighbor complaints who would be making adjustments and Probst said the school should be able to but they could send someone to change it in the software and adjust it until it is acceptable. Block also asked for clarification on a requirement to shut off at certain times and Probst said that is a capability of the sign and Krogmeier said that is an option to make a stipulation on approval of the special use as well as possibly do a trial run for a couple months to see how it affects the neighborhood. Block mentioned with neighbor comments there is at least one neighbor very opposed at this time who lives directly across the street from the existing/proposed sign. Wright then pointed out another concern being with traffic seeing both ways as the sign could be too bright for vehicles to see clearly. He continued to explain that a residential neighborhood does not have much ambient light like a business district would and drivers eyes may have trouble adjusting as they approach the sign. He proposed putting blinders on the sides of the sign to eliminate ambient light encroaching on neighboring properties and Probst said that would hinder the visibility of the sign. Wright thought the sign being multicolor would be harder on people's eyes at night and Block agreed that red light is easier on night vision. Block also pointed out the code says signs must not be illuminated to cast light on residential properties and Amandus said that's already happening with the current sign which Block replied is the reason special use permits are decided case by case and just because it was allowed before does not make it right. Wright asked why there was no representative from Holy Trinity Catholic (HTC) School present and Probst said they believed he could answer the questions better in regard to the sign capabilities. Block said it would be nice to know their intentions and Wright agreed that he'd like to know if they had plans to shut it off at night. Or, Amandus stated, dim it down at night and suggested tabling it to get more information and see a demonstration before making a decision. Wright agreed he would like to get more information and revisit. Block asked if HTC would be fine with

restrictions and Krogmeier said they could always see how it goes and have follow up meetings with HTC to adjust settings.

**Block closed the public hearing at 6:22 pm.**

**Amandus moved, seconded by Wright, to table the Special Use Permit to allow LCD/Message Board sign for Holy Trinity High School at 2600 Ave A facing west.**

**Vote: 5-yes, 0-no. Motion passed. Case Tabled.**

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**Case File 17-10: Variance to reduce required side yard (add additional storage units to south).**

Staff reviewed report.

The board discussed the shape of the lot and that the setback would drop down to 1.6' on one side. Krogmeier explained that the fire department prefers at least 3' so there is room to get through in case of an emergency however there are no direct neighbors on that side with plans for a walking path but no structures although there are setbacks for a reason and if there was an issue on the road side there would be a setback regardless of neighboring structures.

**Block opened public hearing at 6:29pm.**

Block asked about the fire hydrant and how the fire department would have access if there were an emergency on the south side of the structures. Krogmeier said he did not think they would try driving a truck back in that area so they'd likely pull the hose down along the grassy area. Block pointed out if they only have 1.6' that would be difficult to do and Krogmeier said they would likely use the walking path for access to that side of the structure if necessary. Krogmeier discussed the possibility of conditions on door placements or fence installation to avoid a safety issue with people hiding in the area to rob or attack as people are utilizing the walking path. He said the representative from L&L Storage did indicate he planned to install fencing in the future. Wright pointed out that the finding of fact says it has to be a unique circumstance and cannot be exclusively for financial gain, however this does not appear to meet those criteria. Krogmeier agreed it needs to meet all the criteria for a variance approval and the lot size is not an issue but the way the existing structures are laid out restricts options for new storage units. Amandus asked about the possibility of acquiring another lot and Krogmeier said he tried to get the city owned lot but plans for the walking path were already in the works so the city would not sell it.

William McCall spoke on behalf of the Eagles Club and explained their concern that people would be crossing their property to access the storage units in the back. Amandus mentioned having questions for the applicant before making a decision.

**Block closed the public hearing at 6:40 pm.**

**Amandus moved, seconded by Wright, to table the variance to reduce required side yard (add additional storage units to south).**

**Vote: 3-yes, 2-no. Motion passed.**

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**Old Business:** None

**Other/New Business:** None

**Block moved, seconded by Amandus, to adjourn the meeting.**

**Vote: 5-yes, 0-no.**

**Meeting adjourned at 6:42PM.**

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**Charles Block**