

# Meeting of the Board of Zoning Adjustment

October 1, 2013  
Custer County Courthouse  
Westcliffe, Colorado

## **Present:**

Board of Zoning Adjustment: Ken Patterson, Lockett Pitman, Dorothy Nepa & Jean Canterbury  
Absent: Ken Lankford & Brad Stam  
Associate Member: Dale Mullen  
Staff: Jackie Hobby, Chuck Ippolito

The meeting was called to order at 1:00 P.M. by KEN PATTERSON, Board of Zoning Adjustment Chairman.

Pledge of allegiance recited;

PATTERSON: Asked the Associate Members DALE MULLEN to replace KEN LANKFORD and move to a seated position.

PATTERSON: We need to approve or amend the minutes from August 6, 2013. Is there any additions or corrections?

No comment

PATTERSON: The minutes are approved.

PATTERSON: JACKIE will give us a zoning report.

HOBBY: In the month of September we had nine septic inspections, two special conferences and five compliance inspections. Permits issued during this month are eleven septic permits compared to seven last year and eighteen zoning permits compared to eighteen last year. Permits issued year to date for 2013 are forty nine septic and one hundred and forty six zoning permits compared to 2012 are fifty eight septic permits and one hundred and fifty zoning permits.

PATTERSON: The agenda item is a request by Custer County for an oversized sign. The schedule number is 101-32-200 at 26278 Hwy 96. The applicant's statement reads: "*Interpretive travel byway sign to provide local and historic information to travelers*" Is the applicant present?

LYNN ATTEBERY: Chairman of the Custer County Commissioners will represent the application and ALLEN BUTLER Vice Chairman and KIT SHY Commissioner are also present.

PATTERSON: Were the adjoining land owners notified?

HOBBY: Yes, five adjoining land owners were notified and we received no comments.

PATTERSON: Is there anything that you would like to add or further explain?

PATTERSON: Any questions from the Board?

ATTEBERY: We are asking for a variance for a larger sign than what the Zoning Regulations allow. This will be about eight foot by twelve foot about ninety six square feet total. On the description on your packet on the placement date. Unknown at this time depending on how the project

LANKFORD: You will shut the light out at 7:30 P.M. there will be a timer?

SMITH: We will put a timer on the electric; we do not need it illuminated. We were doing this strictly for CHRISTE FELDMAN because she said in an emergency situation they would need it to be illuminated. In order to have illumination on our sign we will need permission from the county also. In regard to MR. ANGUS THOMPSON response not everyone buys a newspaper to get information, so that was one of the reasons we spoke with Office of Emergency Management. The county information would take preference over our information that would be on the sign.

MULLEN: For clarification you said that it is the size of a four foot by eight foot piece of plywood. In our documentation the size is three and half feet by eight feet?

SMITH: That was a reference for demonstration purposes only, its forty inches.

STAM: I know it can be effective to control the light with a shield. Will the shield that you are purposing be that effective?

SMITH: I was not in the conversation with MR. BRADBURN and MIKE WILHITTE one of the associates in our church it was suggested that was something that he would like. A two foot roof would reflect the light from going up in the sky. The only purpose of lighting is only necessary for emergency situations; it would only be an asset to the county.

MULLEN: My understanding is that the Cowboy Church point of view is that you would prefer not to light the sign? You are only requesting to have the sign lit because Custer County is requesting that you light the sign?

SMITH: No, Custer County is not requesting that we light the sign only if there were an emergency. Having a sign that was lit would be able to provide the necessary information at night of a road closure, fire etc.

MULLEN: What is your preference non- light? Or lighted?

SMITH: I do not have a preference; if we are going to just advertise our events a non-lighted sign would be perfect. The county is not requesting we do this it was a suggestion from the Office of Emergency Management. We were just trying to be friendly with the county.

MULLEN: My question is, if this was approved not to be lit you are ok with that?

SMITH: Yes, we sure are.

PATTERSON: I understand it would be cheaper to get the pre made sign from Sam's Club, could you not get a twenty square foot sign to serve the same purpose?

SMITH: If it is going to be used to broadcast information about emergency you would want to make sure that passing motorist driving by at sixty five miles an hour would not have to slow down in order to read it.

PATTERSON: I did not know if you had explored for that possibility.

MULLEN: A follow up question for JACKIE, the purpose of this meeting is a variance for a twenty eight square foot sign? It's the eight feet that is oversized because you are allowed a twenty square foot sign?

HOBBY: Yes

PATTERSON: If the applicants would take a seat we will take comments from the audience and then you will be able to address the comments at the end.

HAL JULSEN: Custer County resident and I drive by it on the way to my ranch and I can see this property from my front door. One thing I did not understand is how far from the road is this going to be?

SMITH: From the actual pavement of the road approximately one hundred feet.

JULSEN: Do you manually go slide the letters in?

SMITH: Yes

JULSEN: At that point could you turn the light on? The light personally affects me.

SMITH: We do not have to have a light.

JULSEN: How do you change the letters on the sign?

SMITH: You slide them in and out.

JULSEN: So you could turn the light on when you did that?

SMITH: Yes, we could do that. I understand the situation and we want to be sensitive to that. If you approve this we could have a clause that only under emergency situations the sign would be lit. If for emergency situation the light would probably need to stay on all night.

JULSEN: That is better than on all night.

SMITH: If we were approved an illuminated sign we would put a timer on it.

JULSEN: No one has a light on in Range View Sites, I am against the light.

BONNIE JULSEN: Custer County, We have property in two locations and my main concern.

The sign can go up the church is considered a business and is allowed a sign am I correct.

HOBBY: Yes, you are allowed a sign but it cannot be any larger than twenty square feet. It does not matter if you are residential or a business you are allowed this size of sign.

JULSEN: I believe that a church is a business. A lot of talk around here is oh good we are going to have a county sign. I wonder if someone has tested the legally and if a sign was put up and there was incorrect information and it caused physical harm. That could be a big responsibility to the church and possibly the county. I know CHRISTE from cattle women but I do not know if she has the legal ability to place county information on it.

HOBBY: We do not have a residential and business area and the Cowboy Church has an approved Special Use Permit for that property. Now they would like to have a sign that is larger than the Custer County Zoning Regulations will allow so they needed to apply for a Zoning Variance that relieves them from the Zoning Regulations.

JULSEN: I have a problem with the sign and also with it being lighted. It is the beginning of an agricultural area.

PATTERSON: Would the applicants like to answer these concerns or wait until the end of the audience comments?

WILHITTE: As far as the legality CHRISTE is using the school, should she put Uranus information on the school it would be the same situation.

JULSEN: No it would not.

WILHITTE: Sure it would, this sign would be per her instructions, per the particular emergency. The school would have the same information. As far as the lighting goes we would only light the sign for an emergency.

JULSEN: The school is a county entity, the church is not. I am sure that the school has its own attorney in dealing with the legal matters.

JIM BRADBURN: I am representing two people. I live across the county line on Copper Gulch road and I am also representing Dark Skies. I have had a discussion with the Cowboy Church and I do appreciate the fact that the church contacted us. I had some concerns about the size and the fact it was illuminated, the glare on the highway. It would be lit from 4:30 P.M. to 7:30 P.M. only in the winter months was my understanding. I told him that I was a architect and that the sign needed a little dressing up, these comments are from the being the president of Dark Skies. Our board believes that this valley should remain as dark as possible and only be lit by natural lighting like the Milky Way. It's opposed to a light that's lit at any time. If the church is not willing to light that sign we would be much happier. I would like to offer language for your

Zoning Regulations to address lighting in your signs. I have spoken with VIC BARNES and I will be sending something in. That is our position, we do not believe that the sign is necessary and I believe that using it as an emergency notification is a bit weak personally.

ANGUS THOMPSON: What the county needs if it's going to inform the county of an emergency is not an organization with a sign. I am fifteen miles south how will this sign help me? How many people in this room attended the five days of meetings in 1999 where the people of Westcliffe decided what they wanted? They decided they did not want anything to do with large signs or lighted signs. Thank you.

PATTERSON: Any other comments or questions?

No reply

MULLEN: This is a question for JACKIE, looking at 6.5 in the Zoning Regulations. They are entitled to a sign of twenty square feet when they applied for a Special Use Permit. Could Samuelson on the other side put up a twenty square foot sign?

HOBBY: When the Cowboy Church approved the Special Use Permit they did not include a sign at that time. Everyone is allowed twenty square foot sign.

LANKFORD: I would like to approve their sign size wise, the lighting of the sign is what I don't want. If we have the ability that emergency services could activate the illumination of the sign I might consider that.

HOBBY: I don't believe that this is a good idea. Who will be responsible for making sure that this condition is followed?

WILHITTE: We will enforce this we do not have a problem with that.

STAM: May I make a motion, I do not hear anyone in the room advocating for illumination. The county, if they have an interest in the subject, they have not come forward. I make a motion that we approve the variance as far as the sign size without illumination.

MULLEN: I second the motion.

PATTERSON: All in favor

Three were in favor, two opposed

HOBBY: This motion automatically is denied we need four in favor to be approved.

PATTERSON: Yes, JEAN do you have a comment?

CANTERBURY: I am not sure what the motion was. I was voting for the original request of a large sign with illumination.

PATTERSON: So you voted against it?

CANTERBURY: I voted against not having illumination.

STAM: She voted correctly.

CANTERBURY: I want the sign and the illumination.

HOBBY: The motion is three in favor of the sign size and no illumination, one against the motion they want the sign size and illumination and one against sign size and illumination.

PATTERSON: Let's start over with one singular motion.

STAM: I will restate my motion; I move that to deny the application for illumination.

BUTLER: Mr. Chairman, point of order. May I hear the original motion?

HOBBY: The original motion was from Mr. Stam and it was to approve the forty x eight feet sign as stated in the application without illumination.

BUTLER: Period that was the end of the motion. Now you have voted on it now you want to change your mind? You are out of order sir.

HOBBY: We had three in favor and two opposed.

STAM: The Zoning Resolution says that if you have a five member board any motion that does not have four in favor is denied. The simple majority is four. What has happened is that we

have three in favor and two against. Unfortunately what has happened for the applicant is that you have nothing.

MULLEN: We are at ground zero here, we have a clean slate right now and we are awaiting a new motion.

CANTERBURY: I make a motion that we accept the sign as submitted without the illumination.

LANKFORD: I second the motion.

PATTERSON: All in favor?

Four in favor and one opposed

REASONS:

STAM: Yes, I did not hear any serious arguments against the size of the sign. Most of the concern was the lighting of the sign.

MULLEN: Yes, I voted in favor of the motion I felt one hundred feet off the road and the six and one half variance was a non-issue. Since the applicant did not care about lighting there was no one here today to request lighting it was a non-issue.

CANTERBURY: Yes, I voted because most of the adjoining property owners had no problem with it. I particularly liked DAVE NEQUETTE comment, I would also like to say that there is a big sign on the road that is painted on a yellow backboard that says that this is not the dam lake road and it's been there for how many years? Nobody cares about that, but if somebody wants to put up a sign for a business or a church we are offended.

LANKFORD: Yes, I voted in favor of it because they are already entitled to a twenty square foot sign, we are not talking about that much bigger and since it will not be illuminated.

PATTERSON: No, I was going back to the old adage if you are not going to stand by the rules why make them. All the signs of the same size are in the city limits with a twenty five mile an hour speed limit, they are also closer to the road. I don't feel like if you are doing sixty five miles an hour you are going to be able to read the sign.

Hobby: Thank you, The Cowboy church sign is approved without illumination.

STAM: I would like to say one more thing, I appreciate that the church also was trying to think of the community with their sign also.

MULLEN: Made a motion to adjourn

PATTERSON: Seconded the motion

Meeting adjourned at 1:57 P.M.