



APPEALS AND VARIANCE HEARING OFFICER

Notice is hereby given that the Draper City Appeals and Variance Hearing Officer will hold a Public Meeting, at 4:00 p.m., on Wednesday, January 22, 2014 in the Administration Conference Room of City Hall, 1020 East Pioneer Road.

The Agenda will be as follows:

1. The request of Paul McGarrell, representing Farmers Insurance for approval of a variance to allow the sign size on the west side of the building at 254 East 12200 South, Ste 200 to be based on 1.5 square feet per linear foot of wall. This application is known as the Farmer's Insurance Sign Variance, Application #140106-254E. Staff contact is Dennis Workman at 801-576-6522 or email Dennis.Workman@draper.ut.us.

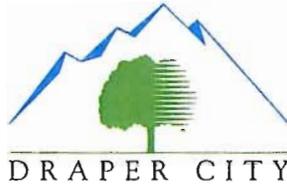
SALT LAKE COUNTY/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, certify that copies of the agenda for the **Appeals and Variance Hearing Officer** public meeting to be held the **January 22, 2014** were posted on the Draper City Bulletin Board, Draper City website www.draper.ut.us, the Utah Public Meeting Notice website at www.utah.gov/pmn, and sent by facsimile to The Salt Lake Tribune, and The Deseret News.

City Seal

Rachelle Conner, City Recorder, MMC
Draper City, State of Utah

Any person aggrieved by a final decision of the Appeals and Variance Hearing Officer shall file a written notice of appeal with the District Court stating the grounds therefore within 30 days from the date of such determination as provided in Section 9-4-050(h)



Community Development Department
1020 East Pioneer Road
Draper, UT 84020
(801) 576-6539 Fax (801) 576-6526

STAFF REPORT

January 10, 2014

To: Tracy Cowdell, Appeals and Variance Hearing Officer
Business Date: January 22, 2014

From: Dennis Workman, Planner II
Community Development

Re: Farmers Insurance Sign Variance

Application No.: 140106-254E
Applicant: Paul McGarrell
Project Location: 254 E. 12200 S. #200
Zoning: CR
Acreage: 0.01 acre
Request: To allow size of sign on west side of building to be based on 1.5 square feet per linear foot of wall

SUMMARY AND BACKGROUND

Farmers Insurance occupies the westernmost tenant space in the Laurel Square strip mall, located directly south of the post office. The office manager wishes to increase the allotted amount of signage on the west side of the building. Signage for the Laurel Square development is regulated by Chapter 9-26. Subsection 070-A-1-i of that chapter states that “[f]or any one side of a building the maximum sign area for each one lineal foot of building wall shall be one square foot.” Immediately thereafter, in Subsection 070-A-1-ii, there is the following provision: “When the wall on which the sign is placed is more than 200 feet from any public right-of-way, the maximum sign area for each one lineal foot of building wall shall be 1½ square feet.” The applicant wishes to have his signage allotment figured on the 1½ to 1 ratio, rather than the 1 to 1 ratio due to what he feels is a site-related hardship. In other words, this application is a request for a variance from the requirement that the larger size of sign be denied if any public right-of-way is within 200 square feet.

ANALYSIS

Criteria for Approval of Variance. Utah State Code section 10-9a-702 and Draper City Code section 9-5-110 set forth five criteria that must be met for a variance to be granted. In this section, these five criteria are stated, followed by staff’s opinion on whether that criterion is met. The applicant has also responded to these five criteria, and his responses are contained on the accompanying sheet entitled Detail Support.

(1) Literal enforcement of this Title [Zoning Ordinance] would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title [Zoning ordinance].

Literal enforcement of the 1-to-1 formula for calculating signage does not constitute an unreasonable hardship because the applicant has a sign on his north side that is easily seen and readable from the public right-of-way that the building fronts on. The hardship the applicant

perceives to have is economic, which is not a valid consideration for a variance.

(2) There are special circumstances attached to the property that do not generally apply to other properties in the same district.

Staff acknowledges that the businesses in the Draper Peaks development are allowed to figure signage on a 2-to-1 basis. These businesses are in a different zone (Draper Peaks CSD Zone) and the City Council approved regulations for this special district that they evidently did not feel were right for the city as a whole. The signage allotment for the applicant is the same as for all other tenants in the Laurel Square development.

(3) Granting the variance is essential to the enjoyment of a substantial property right possessed by other people in the same district.

The applicant already enjoys a substantial property right in that he is able to market his product freely and openly in a fair-market environment without undue burden by any regulating entity.

(4) The variance will not substantially affect the General Plan and will not be contrary to the public interest.

Staff concedes that approving the variance request would not substantially affect the General Plan. In general, however, it is considered contrary to the public interest to allow a zoning condition that does not conform to the ordinances adopted by the elected City Council.

(5) The spirit of the Zoning Ordinance is observed and substantial justice done.

Staff believes that the spirit of the Zoning Ordinance is observed best by applying the rules uniformly according to the regulations of the zone in which a business is located. The zoning ordinance recognizes the need for signage to be seen from a public right-of-way, but not from a parking lot.

Signage at Town Square. The applicant has furnished photos and dimensions of signs within the Town Square development, located at approximately 450 E. 12300 S. His purpose in doing so was to show that the 1-to-1 ratio, as required for these businesses, has not been followed. Staff has pulled the approved sign permit on four of these to verify the accuracy of his statements, and found the following:

Business	Allowable Sign Size	Sign Size Stated by Applicant	Sign Size per Approved Permit
Max Muscle	25 ft ²	29.7 ft ²	26.5 ft ²
Papa Murphy's	24 ft ²	33.5 ft ²	22.5 ft ²
Utah Gold Buyers	20 ft ²	46.7 ft ²	19.68 ft ²
State Farm	20 ft ²	29.5 ft ²	23 ft ²

Engineering Department Review. The Draper City Engineering Department does not have any comments regarding this application.

Unified Fire Authority Review. The Unified Fire Authority does not have any comments regarding this application.

Noticing. Notice of this application has been issued to neighboring property owners in the manner outlined in the City Code.

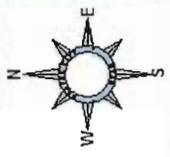
DECISION

If the Appeals and Variance Hearing Officer finds that this application meets all of the criteria for granting a variance, then the request by Paul McGarrell, application 140106-254E, should be approved, subject to the following findings and conditions:

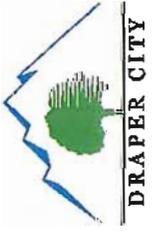
1. List all finding and conditions.

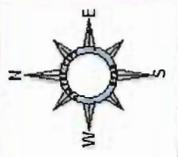
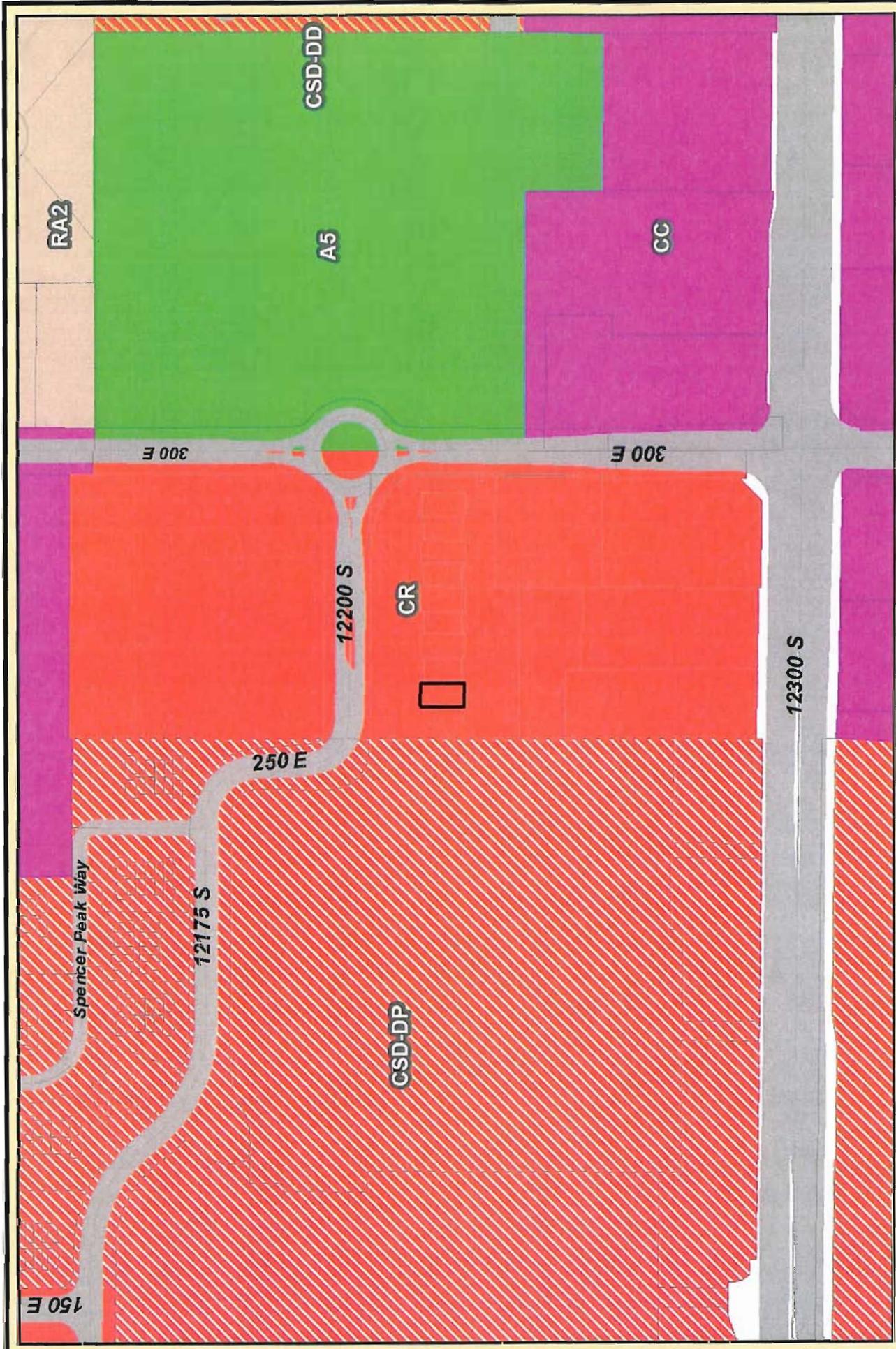
If the Appeals and Variance Hearing Officer finds that this application does not meet all of the criteria for granting a variance, then the request by Paul McGarrell, application 140101-254E, is not warranted and should be denied.

1. List all findings.



Aerial Map for Farmers Insurance Sign Variance





Zoning Map for Farmers Insurance Sign Variance



12.17.2013

1. Does literal enforcement of the Zoning Ordinance cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance? If yes, why?

Yes. Property is somewhat landlocked. However, the Zoning Administrator has determined that a public right-of-way is too close to the subject property (within 200ft) and therefore prevents the proposed sign from being authorized at 1.5sf per linear foot of wall. Please note that the 1.5sf rule is already written into the ordinance.

The Zoning Ordinance was written with the 1.5sf exception rule to allow businesses that are far away from a public right-of-way to have a somewhat larger sign, so they can actually be seen from the right-of-way more easily.

In this case, the sign cannot even be seen clearly from the right-of-way at all, and therefore needs to be able to be seen by patrons in the parking lot of the adjacent shopping center. There is over 2000 linear feet of shopping center parking lot in front of the sign. The property owner's request is simply to allow the larger size sign already provided for within the ordinance to be permitted so that they might reasonably advertise the location of their business in a similar fashion to businesses within the shopping center.

2. Are there special circumstances attached to the property that do not generally apply to other properties in the same district? If yes, what are they?

Yes. Property is adjacent to and proposed sign location overlooks the Draper Peaks special district whose owners have been authorized double the size of signs within their special district. Due to this unique orientation and adjacent proximity, this property owner should be granted the same signage allowances as has already been afforded those within the shopping center development. Furthermore, there are other properties along 12300 S which have been granted larger signs despite the 200' rule.

3. Is granting this variance essential to the enjoyment of a substantial property right possessed by other properties in the same district? If yes, why?

Yes. As previously indicated, property is directly adjacent to a shopping center whose owners are allowed larger signs under the developers master site plan. The application of the same 200ft to a right-of-way rule would have prevented many of those businesses from having signs as large as they are today. Property owner requests same sign allowance as these adjacent property owners.

4. Will the variance substantially affect the Draper City General Plan, & will it be contrary to the public interest? If no, why?

No. Since the Draper Peaks District has already been permitted to have larger signage per linear ft of wall space, it would seem that Draper City has already determined that such signage would not be contrary to the public interest and subject property faces into the Draper Peaks district.

5. Will the spirit of the Zoning Ordinance be observed & substantial justice be done if the variance is granted? If yes, why?

It is believed that the spirit of the Zoning Ordinance is to prevent signs from being too large unless they are too far away to be seen. In this case the Zoning Ordinance seems to allow a sign to be 50% larger to compensate for the fact that a sign is further away from a street. Since the proposed sign cannot be seen from any street, the larger sign allowance already provided for within the ordinance should be granted to this property owner and provide some equivalency to the rights of adjacent property owners within the Draper Peaks shopping center district.



FARMERS

254 E 12200 S
SUITE 200

801-553-1173

254

Today - great day
Feel good.

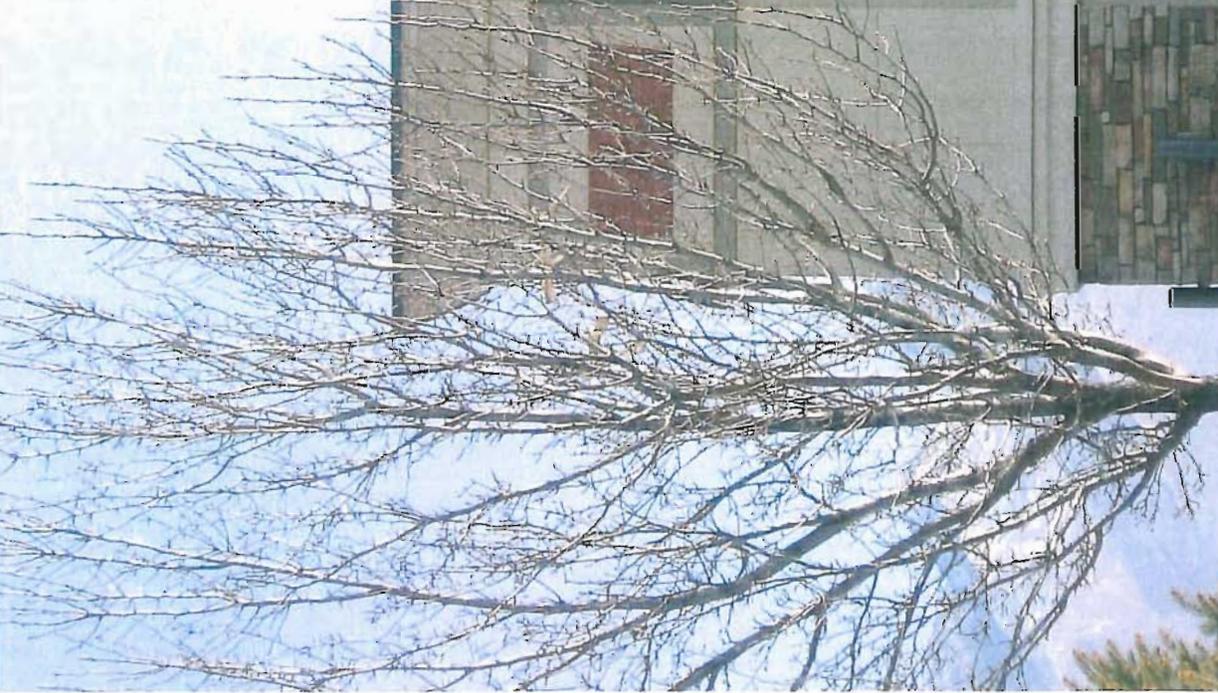
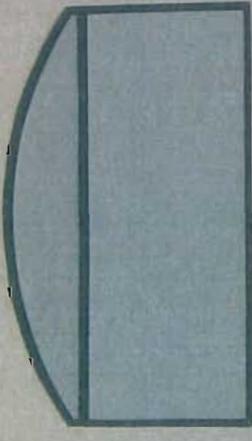

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254 E 12200 S, Suite 200
Provo, UT 84601



PAUL MCGARRELL



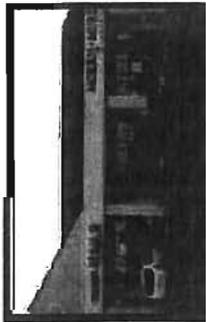


800-553-1173



APPROVED: *Y.M. Daman* 2/21/2012
 EVIDENCE TO THIS PLAN, REQUIRES
 ANY MODIFICATION TO THIS PLAN, REQUIRES

BACK PANEL ADDITION

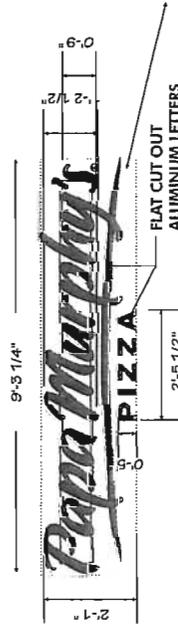


EXISTING CONDITIONS

CHANNEL LETTER SPECIFICATIONS

- CHANNEL LETTERS
- CONSTRUCTION 125 ALUMINUM PAINTED 1 1/2"
- RETURN DEPTH 5"
- RETURN COLOR BLACK
- TRIMCAP 1" BLACK
- FACES 3/16" WHITE PLEX
- LED'S WHITE
- BACKGROUND PANEL
- CONSTRUCTION 1/2" ALUMINUM PAINTED 1 1/2"
- TOP HALF PAINTED PMS 186C RED
- BOTTOM PAINTED PMS 348C GREEN
- BORDER PAINTED PMS 7407 GOLD
- DISK WHITE VINYL APPLIED TO RIGID
- BORDER LED'S RED & GREEN LED'S BEHIND PANEL
- RACEWAY TO WRAP AROUND ENTIRE PANEL PAINTED WHITE

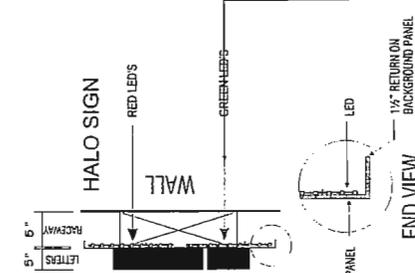
PRODUCTION NOTES:
 RE-USE EXISTING LETTERS READING "PAPA MURPHY'S"
 MANUFACTURE LETTERS READING: "PIZZA"



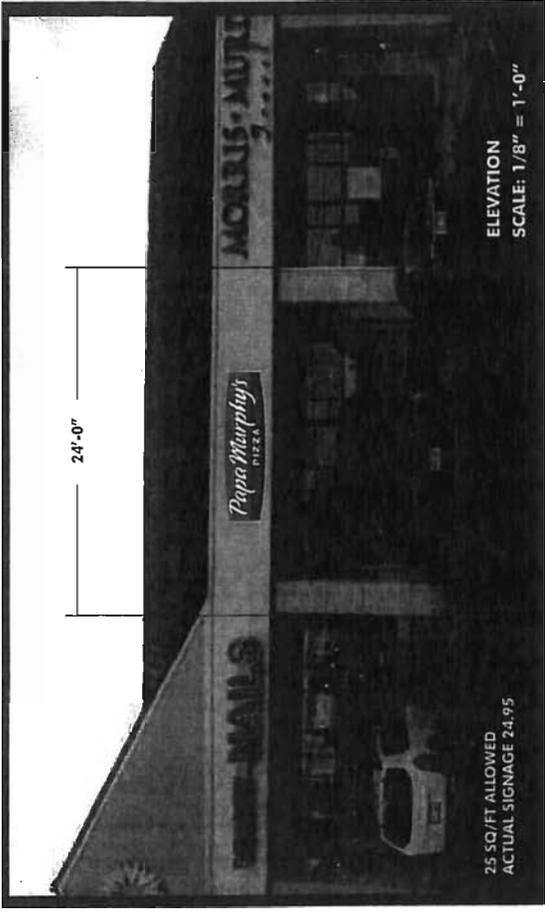
PAINT SCHEDULE

■	PMS 186C RED
■	PMS 348C
■	PMS 7407C

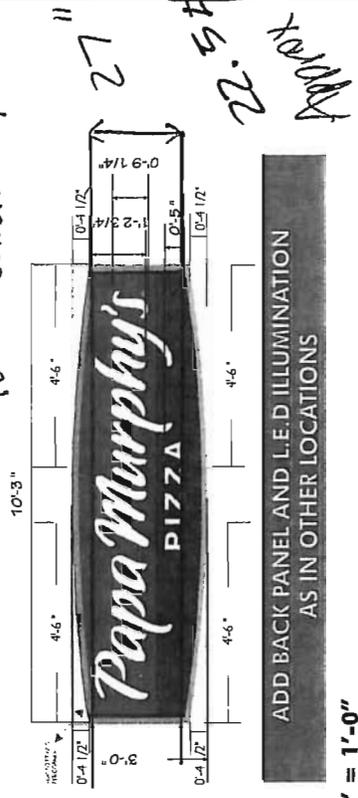
LAYOUT
 SCALE: 3/8" = 1'-0"



REMOVE SLASH UNDER LETTERS
 PAINT LETTERS PIZZA WHITE



25 SQ/FT ALLOWED
 ACTUAL SIGNAGE 24.95
 ELEVATION
 SCALE: 1/8" = 1'-0"
 120" (EXCLUDING BORDER)



LAYOUT
 SCALE: 3/8" = 1'-0"

Utah Contractors: 375805-5501 • Nevada: 60486 • Colorado: 23778 • Idaho: RCE-29969

ALLIED ELECTRIC SIGN & Aiming

Signs that build business!

Client: Papa Murphy's
 Address: 408 East Legood South
 Ogden, UT
 Date: 2-8-2013

SALES APPROVAL:
 Designer: Jason
 Sales: Chris
 File: Papa Murphy (08101) - 10-0-1

CUSTOMER APPROVAL:

1920 SOUTH 900 WEST • SALT LAKE CITY, UT • 801-972-5503 • ALLIED-SIGN.COM

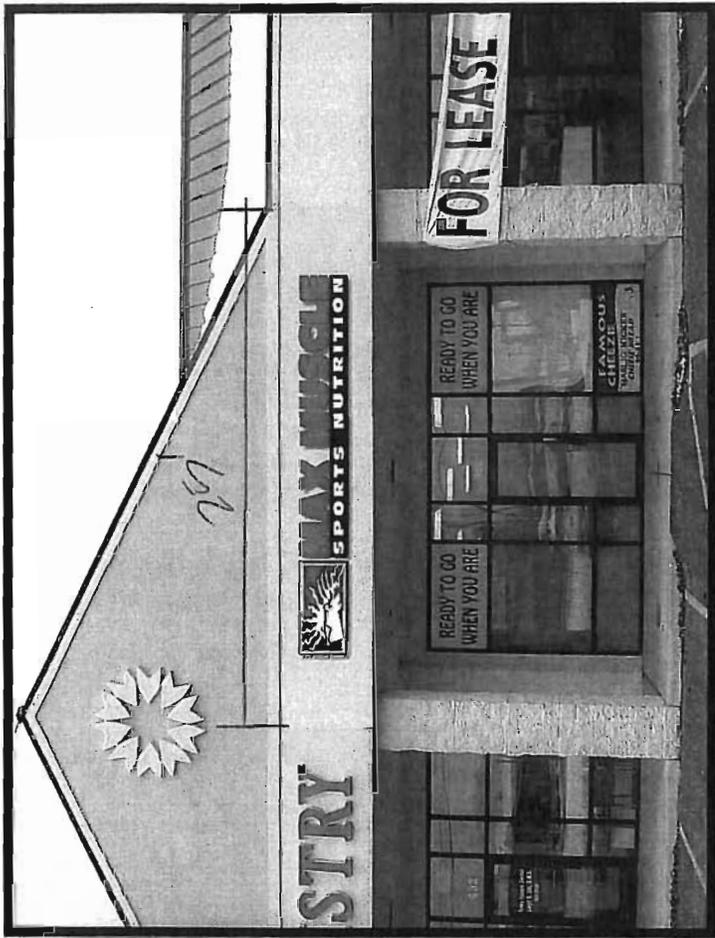
IA 9 UNIFORM NIBOC

Scope of Work

**Illuminated Channel Letter Cabinet
Flush Mounted onto Building Surface**

**Allowable 25 Sq ft of signage
Actual Sign Sq Footage = 25.5 sq ft**

**APPROVED: [Signature]
CITY APPROVAL. [Signature]
APPROVED TO THE SIGNAGE
7/27/12**



13" x 8"

**MAX MUSCLE
SPORTS NUTRITION**

15'

General Commercial Zone



22.2"

15.5'

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CLIENT **Kyle Dudley**
 JOB NAME **Max Muscle**
 PHONE **801-750-0658** FAX
 ADDRESS **628 E 12300 S**
 CITY, STATE, ZIP **Draper, UT 84020**
 SALESPERSON **Carsten**
 EMAIL
 ARTIST **McCullough**



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CUSTOMER APPROVAL

Date:

DATE TO BE HANDS ON THE DRAWING PROCESS (YOUR SIGN MAY NOT PROBE)



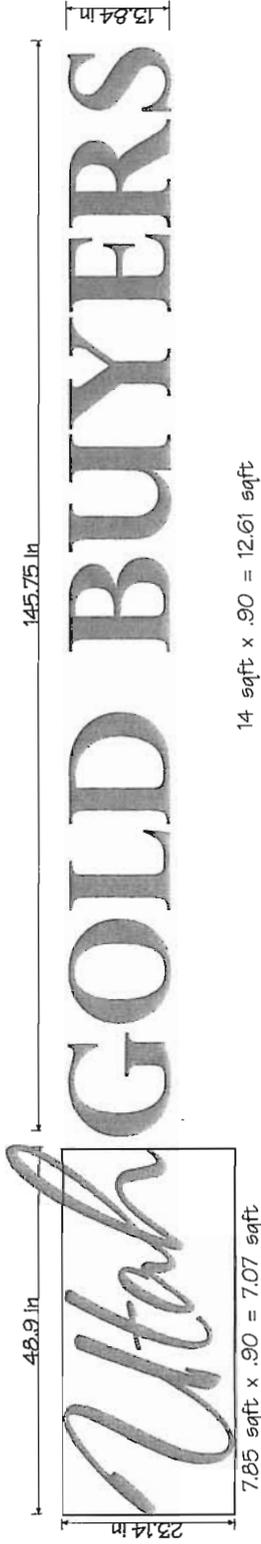
FREEDOM LED SIGNS INC IN WRITING.

26.5' P

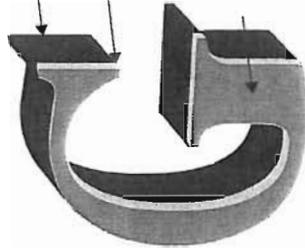
Gold Buyers

7/5/2011

Ray Ragsdale



7.07 sqft + 12.61 sqft = 19.68 total sqft



5" ALUMINUM RETURNS (BLACK)

1" TRIM CAP (BRIGHT GOLD)

3/16" SG ACRYLIC FACES (RED)

ALUMINUM INTERNALLY LIT CHANNEL LETTERS
 12 VOLT HIGH OUTPUT L.E.D. LIGHTING
 BRIGHT GOLD TRIM CAP
 3/16" TRANSLUCENT ACRYLIC FACES
 5" ALUMINUM RETURNS

INSTALLATION - FLUSH MOUNTED TO FASCIA.



SILVERCREST
 SIGNS & DESIGN

APPROVED: *VM* *DM* 7-8-11
 BY DATE
 ANY MODIFICATION TO THIS PLAN, REQUIRES
 A NEW APPROVAL

23th

31.5" x 30.4"



STATE FARM

**MIKE LEBARON
942-1133**

86.5" x 10.2"

86.5" x 17.2"

APPROVED: *M. Alvar* 4-3-06
BY DATE
ANY MODIFICATION TO THIS PLAN, REQUIRES
CITY APPROVAL.