

BRIGHAM CITY APPEAL AUTHORITY  
Brigham City Council Chambers  
August 10, 2016 – MEETING MINUTES

<b>PRESENT:</b>	Jay Naumann	Chair
	Leisa Bertine	Vice-Chair
	Barbara Stokes	Member
	Richard Kimber	Member
	Barbara Poelman	Member
	Lynda Berry	Alternate
<b>ALSO PRESENT:</b>	Mark Bradley	City Planner
	Christina Boss	Administrative Assistant
	Derek Walker	Applicant

**REGULAR MEETING:**

Jay Naumann opened the meeting and the Pledge of Allegiance was recited. Richard Kimber made a motion to approve the agenda as written; the motion was seconded by Barbara Stokes and passed unanimously.

**APPROVAL OF MINUTES**

**Minutes of January 13, 2016:**

**MOTION:** Leisa Bertine made a motion to approve the minutes of January 13, 2016 as written. The motion was seconded by Barbara Stokes and passed unanimously.

**APPLICATION #629 / VARIANCE / CITY CODE SECTION 29.27.080 TEMPORARY REAL ESTATE SIGN – AREA AND HEIGHT / LOCATED ON WEST SIDE OF INTERSTATE 15 AT APPROXIMATELY 1000 NORTH / BETTER CITY LLC**

Mr. Bradley introduced the variance request for height and area of a temporary real estate sign. He presented an aerial photo showing the existing sign location as well as an alternate location the Applicant is considering, both along southbound I-15. Mr. Bradley continued stating that the current sign sits on a low elevation site and is 4 feet by 8 feet, which is approximately one-half of the size allowed. Northbound visibility will be more limited than southbound due to the elevation grade. The Code allows sign height up to 10 feet and sign area up to 64 square feet and can be separated by up to 30 degrees and still count as one sign. Beyond 30 degrees, it counts as two separate signs. Mr. Bradley stated that Staff supports the variance for the sign height at 14 feet due to the elevation of I-15, but does not support sign area over 64 square feet.

Ms. Poelman pointed out that the sign ordinance was written with urban areas in mind. Ms. Berry quoted the ordinance stating that the purpose of the ordinance was to protect the central business district.

Mr. Bradley reviewed the ordinance with the Board and stated that they will have to identify the five criteria in Utah Code Section 10-9a-702, Variances, Subsection (2)(a) when making a decision on the variance request.

Derek Walker, the property owner's real estate broker, came forward and explained that the Reeder Ranch property can support 4 ½ million square feet of light industrial uses and, when built out, will employ 1,000 – 1,500 people. He feels that a larger sign will increase visibility and bring potential businesses to the site. He stated that the combination of a low elevation site and the 80 mph speed limit warrants a larger sign.

Mr. Walker confirmed that there is a typo on his request. It should state that the bottom of the sign would be four (4) feet off the ground. He explained that the request is for two 10 x 10 signs separated at a 30-degree angle. The location will be where the current 4 x 8 sign is now. Ms. Stokes asked the Applicant if he had considered a billboard. The Board discussed the lack of space and cost of another billboard in that area. The Applicant stated that if the variance were approved, there would most likely be one sign. If the request is not approved, they will likely install a double-sided sign perpendicular to the interstate. Ms. Poelman asked how the sign will be maintained if it remains on the property for a long period of time. The Applicant stated that it is in their best interest to keep the sign looking good. Mr. Bradley stated that the ordinance allows the City to request the owner to fix a sign if it becomes a nuisance. There is no limit on how long the sign can be posted as long as the property is still for sale. Ms. Berry asked the Applicant if he agrees with Staff's comment that graphics are not necessary. Mr. Walker agrees with Staff and stated that they would keep the Better City logo and the website but the focal point would be the acreage, zoning, and phone number. Ms. Berry asked Mr. Walker if they had considered an 8 x 8 sign. Mr. Walker stated that an 8 x 8 sign would be fine and would meet the regulation but the 10 x 10 sign would increase visibility. Their main focus is having the height of the sign increased to 14 feet. Ms. Berry asked Mr. Walker if he had considered putting up two signs, one facing north and one facing south. Mr. Walker stated that two signs were considered but that one sign back to back was more beneficial.

Mr. Bradley explained that the Reeder Ranch property has been rezoned from Agriculture to an M-G industrial district. Mr. Bradley stated that Staff would support the height increase for both parcels should the Applicant want to put up two signs.

The Members of the Board discussed how each of the five criteria of the Utah Code Section 10-9a-702 Variances Subsection (2)(a) relates to the height and area of the sign.

Ms. Berry asked how closely the Members have to adhere to the criteria. Mr. Bradley stated that the Members have to justify how they are meeting each criteria. Mr. Bradley stated that the City has a right to appeal the decision if there was an issue or if Staff had

concerns. The burden is on the Appeal Authority to address each of the criteria in case the decision should ever be questioned. Mr. Bradley suggested two motions be made - one for the sign height and one for sign area. Mr. Naumann agreed.

**MOTION:** Barbara Poelman made a motion on Application #629 that the Appeal Authority support the height variance from 10 to 14 feet with the findings of fact that the variance request meets the five criteria of the Utah Code Section 10-9a-702 Variances Subsection (2)(a) (i) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances due to the existence of the low elevation next to I-15 and the 75 mph speed limit; (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone due to the existence of the low elevation next to I-15 and the 75 mph speed limit; (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone due to the existence of the low elevation next to I-15 and the 75 mph speed limit; (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; (v) The spirit of the land use ordinance is observed and substantial justice done; and with the stipulation that the Appeal Authority approves that the Applicant can use either parcel, 03-074-0038 or 03-074-0032, as identified in the parcel ownership map for potential sign locations.

The motion was seconded by Barbara Stokes and passed unanimously.

**MOTION:** Barbara Stokes made a motion on Application #629 that the Appeal Authority support the signage area variance pertaining to increasing allowed area from 64 square feet to 100 square feet with the findings of fact that the variance request meets the five criteria of the Utah Code Section 10-9a-702 Variance Subsection (2)(a) (i) Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances due to the existence of the low elevation next to I-15 and the 75 mph speed limit as well as the fact that the ordinance was put in place for the central business district as opposed to rural properties; (ii) There are special circumstances attached to the property that do not generally apply to other properties in the same zone due to the existence of the low elevation next to I-15 and the 75 mph speed limit as well as the fact that the ordinance was put in place for central business district as opposed to rural properties; (iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone due to the existence of the low elevation next to I-15 and the 75 mph speed limit as well as the fact that the ordinance was put in place for central business district as opposed to rural properties; (iv) The variance will not substantially affect the general plan and will not be contrary to the public interest due to the location of the

sign being in an agricultural area and adjacent to an interstate having a greater right of way and separation compared to a main street; (v) The spirit of the land use ordinance is observed and substantial justice done considering the circumstances of the land and the Appeal Authority approving this variance request giving Reeder Ranch LLC proper use of their land; and with the stipulation that the Appeal Authority approves that the Applicant can use either parcel, 03-074-0038 or 03-074-0032, as identified in the parcel ownership map for potential sign locations.

The motion was seconded by Leisa Bertine and passed unanimously.

## **OTHER BUSINESS**

Mr. Bradley stated that an email was sent to the Board regarding the Land Use training event in Logan. There will be another training opportunity this Fall with the Box Elder County Planning office. When the information becomes available, Mr. Bradley will notify the Board.

**MOTION:** Barbara Poelman made a motion to adjourn. The motion was seconded by Richard Kimber and passed unanimously.

*This certifies that the minutes of August 10, 2016 are a true and correct copy as approved by the Appeal Authority on September 27, 2016.*

Signed: \_\_\_\_\_  
*Christina Boss, Administrative Assistant*