

Altoona Board of Adjustment Hearing – January 10, 2017 – 6:30 PM Altoona City Hall

Members Present – John Rullman, Mary Simon, Robert Hall, Lea Morris

Members Absent – None

Staff Present – John Shaw, Chad Quick, Susi Hoots, Jenn Naylor

Others Present – Bhupen Patel

Chairman Rullman called hearing to order at 6:32 p.m.

#1 Nomination and Election of Chairperson. Chairman Rullman tabled this item until next hearing.

#2 Nomination and Election of Vice-Chairperson. Chairman Rullman tabled this item until next hearing.

#3 Consider a request for variance from Bhupen Patel (Jai Ganesh), dba Best Western, for their property at 300 34th Avenue NW, Altoona, Iowa. The request is to replace a sign face in a non-conforming Interstate high rise sign that exceeds the distance from the Interstate right-of-way and highway, and is not setback the minimum required distance. Chapter 159.06 Signs for Interstate-oriented Businesses states that the distance from the lot to the Interstate right-of-way be no more than 1,000 feet, the travel distance be no more than 5,000 feet from the Interstate highway, and the minimum setback is 50-feet.

Bhupen Patel, 265 62nd Court, West Des Moines, Iowa, presented the request by explaining the sign is located at the Best Western motel. The Best Western franchise agreement requires that the sign face be changed to reflect Best Western's change in colors and logo. The existing lower marquee on the sign pole will be removed and the sign face only will be changed. Patel said the sign has been there a very long time. Patel explained that the hardship is that changing the sign is mandated by Best Western, he would not be doing it otherwise, and making the sign code-compliant is cost prohibitive.

Rullman commented that if denied, the sign may have to be taken down and replaced with a code-compliant sign with the signage as mandated by Best Western. This request is unique and not one he recalls this Board dealing with in the past.

Hall mentioned that Patel received a letter from the city in 2010 to make him aware no additional changes beyond those done in 2010 may be made to the existing sign. Patel acknowledged receipt of the letter and stated that the change is required by Best Western, not him.

Hall commented on the cost of a code-compliant sign and asked if Best Western would assist in any way. Patel replied that no, Best Western mandates a certain time deadline that all signage has to be changed and does not help or negotiate. Patel continued by stating signage is very important in the motel business.

Simon asked for clarification of the cost difference. Patel's response was that replacing the sign face is about \$19,000, replacement/relocation may be \$60,000 or much more, but he is not sure of the replacement/relocation cost as he has not gotten any bids or researched. Hall and Simon both expressed that it is unfortunate that a business may have to expend so much capital to comply with city ordinance. If no change is made to the sign, the sign may stay, as is, for many more years.

Rullman asked staff what would happen if a storm were to damage the existing sign face. Shaw explained that as the sign is non-conforming, it could not be re-constructed as is. Damage to the sign face would require the entire sign be re-constructed to comply with existing code. Shaw cited the former Pizza Hut sign as an example. Rullman mentioned other businesses that were required to change non-compliant signs in order to become compliant and businesses that applied for variances to install non-compliant signs, but were denied variances.

Morris asked for specific precedents. Shaw mentioned Community State Bank, Napa Auto Parts, Pizza Hut, Bosselman's, Sinclair.

Patel reiterated that he only needs to change the face of the sign and is removing the lower sign marquee/message board, resulting in less sign square footage. Patel said other metro communities always allow the change of sign faces on existing sign poles.

Morris encouraged Patel to try to explain the situation to the Best Western corporate office. Patel responded Best Western is not interested, as he signed a franchise agreement. Patel continued by saying that he paid a large amount for the property and for renovations to the property to convert from a Heartland Inn to a Best Western Inn. Patel also said he is constructing another motel in Altoona and is not requesting a high-rise sign at that location, because it would be too expensive, but as this sign is pre-existing, he should be able to change it as Best Western requires.

Rullman said that the code must be followed and it may have been preferable if the sign was made to comply when Patel purchased the property in 2009. Rullman asked what Mr. Patel's options may be if the variance is denied. Shaw responded that Mr. Patel may apply to Best Western or seek an ordinance amendment from City Council for relief.

Hall moved to deny the variance request. Seconded by Morris. Votes: Yes – Rullman, Simon, Hall, Morris. No – None.

#4. Consider a request for an appeal of an administrative decision from Bhupen Patel (Jai Ganesh), dba Best Western, for their property at 300 34th Avenue NW, Altoona, Iowa. The appeal is of a decision by the Zoning Official that staff is incorrectly applying Chapter 159.17 Time of Compliance, Nonconforming Signs and Signs without a Permit.

Bhupen Patel said he signed a franchise agreement with Best Western to follow their rules, restated this will be a big loss to them, and reiterated that other metro cities allow the changing of sign faces on pole signs.

Shaw referred the Board Members to Chapter 159.17.2 "...any nonconforming sign shall either be eliminated or made to conform with the requirements of this chapter when any proposed change, repair or maintenance would constitute an expense of more than twenty-five percent (25%) of the lesser of the original value or replacement value of the sign." Shaw said the sign was installed in 1990 and the valuation of the sign was \$15,000. The sign code changed in 1995, and the sign became non-conforming in 1995. The sign face change was allowed in 2010 due to the twenty-five percent clause. A change now will exceed the twenty-five percent number.

Members agreed that the sign is clearly not compliant with the existing sign code and agreed that the administrative decision rendered by city staff was correct based upon the existing code.

Morris moved to deny the appeal request. Seconded by Hall. Votes: Yes – Rullman, Simon, Hall. Abstain – Sikes. No – None.

#5 Minutes of the December 6, 2016 Hearing. Simon moved to approve the minutes. Seconded by Hall. Vote: Yes – Simon, Hall, Rullman. Pass – Morris. No – None.

Next meeting date will be February 7, 2017, if needed.

Hearing Adjourned at 7:10 p.m.

Respectfully submitted,
Susi Hoots
Community Development Administrative Coordinator