

**STEAMBOAT SPRINGS BOARD OF ADJUSTMENT MEETING MINUTES  
SEPTEMBER 18, 2008**

The regular meeting of the Steamboat Springs Board of Adjustment Public Hearing was called to order at approximately 6:00 p.m., on Thursday, September 18, 2008, in Citizens' Meeting Room, Centennial Hall, 124 10th Street, Steamboat Springs, Colorado.

Board members in attendance were Chairman James Moylan, Tom Effinger, Ryan Spaustat, and alternates Warren Harner and Bryan Alkema. Absent: Rick Pighini and David Levine.

Staff members present were Planning Project Manager John Eastman, City Planner Jason Peasley, and Staff Assistant Tami Heskett.

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**APPROVAL OF MINUTES**

The approval of minutes was postponed to the end of the meeting.

**PUBLIC COMMENTS**

None.

**Valley View Lodge Townhomes #VAR-08-04 Variance request to permit existing retaining walls that encroach into the front setback and Right of Way and exceed the maximum retaining wall height of 11 feet**

Discussion on this agenda item began at approximately 6:05 p.m.

**DISCLOSURE**

Board Member Spaustat –

He needs to step down because the applicant is a client of Landmark Consultants.

**STAFF PRESENTATION**

Jason Peasley –

This is an application for retaining walls that are over 4' within setbacks and also in the right of way. There are portions of the retaining wall that are over 11' in height. The retaining walls exist. The reason for this is that it is an error on the City's part since the building permit did go through for this project and we failed to notice the need for a variance. These retaining walls are currently legal nonconforming. The applicant is applying for these walls to be converted to legal conforming retaining walls. There is a public comment made by John and Suzanne Rohde.

**APPLICANT PRESENTATION**

Dan Berkey –

Purpose of our request is to clear any problems on the title for the current and future owners of this property. This project was approved and inspected. The current owner's legal counsel had discovered this to be a potential problem on the title and that it is properly given a variance. If the original design team, which is Eric Smith Associates, had been aware that a variance needed to take place then they would have applied for it. They did meet with the Building Department and Planning Staff and discussed the walls and the location for them, which was approved.

This neighborhood has fairly steep slopes, which requires these fairly large retaining walls. The wall was designed in necessity. A permit was approved by the City to allow for a small portion of the retaining wall to extend beyond the property boundary and into the right of way. Staff has found that we do meet all of the variance criteria and have asked that the variance be approved.

**PUBLIC COMMENT**

John Rohde (Professional Engineer) –

He gave a little bit of his background in regards to this application. He encourages the board to not accept this variance. This retaining wall is one of the ugliest things in our neighborhood. I think that the owners could do a lot to make this wall look much prettier than what it is now.

Chairman Moylan –

How would you propose that this be remedied?

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John Rohde –

The choice of materials is one thing that could help to remedy this. Concrete is very ugly. Stacked boulder walls can be made to look nice. They are much easier to deal with than the concrete. A stacked wall would be much easier to do than this.

Board Member Harner –

What are we talking about relative to the boulder wall?

John Rohde –

In the outset of the construction of this I would have not chosen concrete, but rather a stacked boulder wall.

Board Member Harner –

Why do you think that a steep wall was chosen for this?

John Rohde –

The stacked walls are much more efficient than the concrete wall. By stacking back the wall it is more efficient than a concrete wall and you don't need the same supports at the bottom. I've seen someone fall off of this wall and break his arm. I've seen other walls similar to this one, but not with the physical impact that this wall has. I would propose stepping some of this wall back.

Chairman Moylan –

Is your objection to the variance its appearance or its height or both?

John Rohde –

Height really adds to that look but the materials selection is not typical to anything else in the neighborhood. The steepness makes me nervous.

Chairman Moylan –

Have you or any of your neighbors had any dialogue with the owners with respect to what you're talking to us about now?

John Rohde –

I did not talk with the current owners, but I did talk with their consultant and that went nowhere.

Chairman Moylan –

Your position on this would be to deny the variance and have the owners initiate litigation with the design team that had originally built the retaining wall and at their expense remedy it.

John Rohde –

The owners should, in my opinion, be responsible and build a wall that should have been approved at the outset of the construction process. They don't have to do

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anything, but if they wanted to clear the title then they would have a pathway to come back and satisfy the board and be able to fit in with the rest of the community.

Jason Peasley –

Mr. Rohde's is correct in saying that this is an error on the City's part in approving this wall. If they were to change this wall then it would be at the good graces of the landowner and not the City.

Chairman Moylan –

That's why I was asking this question about where we go with this. It is now a legal use and even if the landowner went back to whoever designed the retaining wall to be this way then their defense would be that it's a legal use now.

John Eastman –

You need to look at this variance as if the wall never existed. It has to meet the criteria for approval whether it exists or not. If the variance meets all of the criteria then approve it. If it doesn't, then explain why and deny the variance. You are under no obligation to approve this just because the City made a mistake.

Board Member Effinger –

On the license that allows the wall to be in the right of way, was that issued before or after they built it?

Jason Peasley –

It was after.

Board Member Effinger –

They didn't realize that they were building in the right of way?

Jason Peasley –

That's correct.

Board Member Effinger –

Does the site plan show the wall in the right of way?

Dan Berkey –

There is a note from City Planning that references the right of way.

Board Member Effinger –

They said that it was ok?

Dan Berkey –

Yes, they said that this was ok. We're not using the argument that because it was approved then it's allowed. The criteria are all the same from before this wall was built and now. The landscape architects of the current owners are a little bit concerned with the appearance of the wall. We have been working on some plants to put on this wall to

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help with the eyesore effect. Above the second wall there is an easement for a parking pad. This parking pad is the adjacent owner's and sits right on top of the wall. To push back the top portion of that wall, from what I can tell, wouldn't work since there is this parking pad there. The Ski Trail Lane's pavement doesn't quite match up and so even though the wall extends into the right of way, there is some pavement that also goes into the right of way.

Board Member Effinger –

The material is a major part of it. We've never granted a variance and can't grant one to build outside of the lot. I'm surprised that they issued that permit. Did they issue that permit to make it a legal nonconforming retaining wall?

Dan Berkey –

I think that it was a function that this wall and its location had to be built as is. This had to do some with the choice of materials and location.

Board Member Effinger –

They had to talk with Public Works and they were very strict at that time. I can't imagine that they would allow it to be built in the right of way. Did they actually say that?

Dan Berkey –

I can't answer that since I wasn't at that meeting.

Board Member Effinger –

Sometimes they will look at the plans and say that everything looks ok and issue the building permit. There have been a lot of circumstances in town where they had issued building permits and the builder would say that he's got a building permit so everything must be ok. It wasn't ok and ended up being a lawsuit. Maybe when they issued the building permit they didn't realize that.

Jason Peasley –

When the City signs off on a building permit we're done.

Board Member Effinger –

The City doesn't expect that the building is going to be in conformance with the plans?

Jason Peasley –

It was built in conformance with the plans.

Board Member Effinger –

The plans showed the retaining wall to be in the right of way.

John Eastman –

In the past when we've encountered this and we've tried to get the owner to fix it, it's gone to a lawsuit and the City lost. We don't do that anymore. When we make a mistake when we issue the permits then we're not going to require them to change it.

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That has no effect on your decision today. You're decision is to focus on the criteria for approval.

Board Member Effinger –

One of the criteria is legal use and I would not want to grant a variance that had illegal use. This is an illegal use in my mind.

John Eastman –

The variance is only for the property. What happened in the past is not part of the decision in front of the Board.

Board Member Effinger –

It does affect our decision making process.

John Eastman –

The applicant can't ask for a variance on public property. The existing wall is not part of the BOA's deliberations today.

Board Member Effinger –

It's part of the variance process. Would you agree to that?

All of the Board Members agreed that this was an illegal use.

Board Member Alkema –

If this would have come before us before it was built then we can only talk about the part that is legal. We can't grant a variance on something that is illegal.

John Eastman –

It is a legal use and has a revocable permit.

Board Member Effinger –

Not if you considered this before it was built. Let's look at this as if it wasn't there.

Lee Fischer –

He explained that currently his geotechnical engineer isn't allowing them to build walls of this height since a wall collapsed on one of the workers working on the wall at the time. The steepest part of the wall is by the parking pad. He gave his input about why this variance should not be approved.

Board Member Harner –

What's the engineering and architecture feasibility of the wall being terraced and not affecting the adjacent lot?

Lee Fischer –

The engineering and architecture has the wall being a height of 4' and then being terraced at 4' and so on.

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Board Member Harner –  
The wall would have to go back 30'?

Lee Fischer –  
The wall would be terraced at 4-8' for every 4' of wall. This would put the wall back 30-60' rather than having a very tall steep wall.

Board Member Harner –  
What does the City Attorney have to say about the variance taking place tonight?

Chairman Moylan –  
I don't think that he has been consulted and it's not part of our report.

Jason Peasley –  
There's a letter in your packet from the City Attorney on pg 3-12.

Board Member Harner –  
In a situation like this I would have thought that we would have the City Attorney present.

Jason Peasley –  
It's not standard practice to have the City Attorney at the BOA meetings.

Board Member Harner –  
I understand, but this situation lends itself to having the City Attorney present.

John Eastman –  
This deliberation is no different than any other deliberation. The City has made a mistake and has it in writing with the City Attorney's signature in the letter in your packet on pg 3-12. The applicant has chosen to pursue a variance for their own reasons in regards to the title. This is a BOA request just like any other. It's no different from any other hearing that you would be reviewing.

**BOARD DELIBERATION**

Board Member Alkema –  
As John Eastman stated that we should look at this as if it didn't exist. If this wall had not existed then I would have seen several stumbling blocks. The big stumbling block being the fact that there is a portion of the wall outside of the property line. I don't think that we can render a positive decision in allowing for the building outside of the property line. I'm not in favor of the variance. The hardship is not imposed by the applicant. It does come down to legal use and equal enjoyment. As unsightly as it is, I don't think that we can use that criteria. There is a hardship because of the topography of the land, but it's not self-imposed. What I heard from John Rohde is that it is the minimum relief in that they could not step that back since it would take up the entire property. At this

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point it is not conforming and it does have a nonconforming permit. I don't know of any special circumstances that would fit this, but it all comes down to the fact that we could not grant a variance to an illegal building out of the property line.

Board Member Harner –

I concur with Alkema without having to restate what he just said.

Board Member Effinger –

If this was just coming before me and I hadn't ever seen it, I know that I would push for a different material and that I would say that this may not be the minimum relief. We don't know all of the details about it.

When I saw the wall being built I thought that they were coming off of the driveway too soon. I was wondering in my mind when I saw the wall going up, "how did they get a permit to do that?" I assumed that this wall was a legal use. I thought that they should have moved the driveway a little bit and given themselves the room that they needed at the entrance and used a little bit of the outside wall that's closer to the utility easement and used that land more effectively to minimize the size of this other wall. The problem with this one is that the easement above with the adjoining lot makes it a very tight situation.

If we had looked at this again then we would encourage the developer to make the minimum. We know that it's going to be a "big face". This is what we have done on other walls that have had a "big face" we've encouraged them to use a material that wasn't bright and was natural looking. In every case, the developers have said that could be done. This appeased the people that were against the walls and everybody came to an agreement. We pushed for the minimum relief for a wall that didn't have such a "big face".

I don't think that it meets the criteria for legal use or equal enjoyment. I think that this does constitute a special privilege in being able to put up this unsightly cheap wall when everybody else had to put up a slightly expensive wall. There is a hardship and it's not self-imposed since that is just too steep.

The injury to the adjoining property is not being mitigated by this wall. I think that the injury to the adjoining property isn't that it's causing any erosion on the property, but that everybody in the adjoining property has to look at it. We don't have any information on whether there are any alternatives out there so we don't know about the minimum relief. This is a special circumstance. I don't know if I could resolve what I just said into a positive vote for this variance. Due to the design and location, this wall cannot be consistent with the CDC policies and plans.

Chairman Moylan –

This variance application does not meet #1 legal use, #2 equal enjoyment, #5 injury to adjoining property as not being mitigated, or #9 not consistent with CDC

policies and plans. Looking at the point of view from the fact that we are looking at this for the first time and that this has already been accomplished.

**ANALYSIS OF APPROVAL CRITERIA**

**CDC - Section 26-70 (d): *Criteria for review and approval.* Variances may be approved when it is determined from evidence at the public hearing that the variance is consistent with the purposes of this section and that all of the following criteria or alternative criteria in subsection (e) or alternative criteria for floodplain development permit variances in section 26-164 or alternative criteria for sign variances in article IX have been met:**

(1) *Legal use.* The property and the use of such property for which the variance is requested is in full compliance with all requirements of the zone district in which the property is located, or there is a legal nonconforming structure or lot, or there is a conforming structure housing a legal nonconforming use. No variance may be granted which would permit or expand any unlawful use of property.

***Staff Analysis: Consistent.*** Retaining walls are permitted in all zone districts.

(2) *Equal enjoyment.* The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zoning district in which the subject property is located.

***Staff Analysis: Consistent.*** Many properties in the vicinity of this property have been granted variances for large retaining walls to accommodate a driveway on similarly steep lots.

(3) *Hardship.* The special circumstances of the subject property make the strict enforcement of the provisions of this CDC an unnecessary hardship to the property owner.

***Staff Analysis: Consistent.*** Due to the steepness of the property and the need to maintain driveway grades that meet the Steamboat Springs Fire Protection District standards, significant retainage is necessary.

(4) *Hardship not self-imposed.* The special circumstances of the subject property are not the result of the actions of the applicant.

***Staff Analysis: Consistent.*** The steepness of the lot creates a special circumstance of the subject property that is not the result of the applicant's action. The retaining walls are needed to gain access to the buildable area of the lot.

(5) *Injury to adjoining property mitigated.* The variance will not permanently injure or adversely impact legal conforming uses of adjacent property; or the applicant has accurately assessed the impacts of the proposed variance and has agreed to mitigate those impacts. In making this determination the board shall begin with the assumption that variations from development standards create impacts on adjacent properties, and shall place the burden of proof on the applicant to show:

- a. Impacts to adjacent properties are presumed.

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b. That there are no impacts, or that the impacts have been adequately mitigated. Unsupported opinions of impacts from surrounding property owners shall not be conclusive evidence of impacts.

Staff Analysis: **Consistent.** The proposed variance does not negatively impact the surrounding properties. The applicant has installed landscaping to buffer the view of the large retaining walls from surrounding properties.

(6) Minimum relief. The requested variance is the least modification possible of the provision of the CDC that will afford relief to the applicant.

Staff Analysis: **Consistent.** The retaining walls are the minimum necessary to create a driveway that meets the Steamboat Springs Fire Protection District standards for driveway grades.

(7) No increase in nonconformity. The variance does not expand the scope of any nonconforming use or does not increase the degree of nonconformity of any existing nonconforming structure by more than twenty (20) percent.

Staff Analysis: N/A

(8) Special circumstances. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zoning district in which the subject property is located.

Staff Analysis: **Consistent.** The steepness of the property requires the retaining walls to encroach into the setback and to be larger than the approved height to gain access to the site.

(9) Consistent with CDC, policies and plans. The variance is consistent with the purposes and intent of this CDC and purpose of the CDC and adopted land use policies or plans, as applicable. In granting any variance, appropriate conditions and safeguards may be prescribed to ensure that the purpose and intent of this title will not be violated.

Staff Analysis: **Consistent.** The variance request is consistent with the purpose and intent of the Community Development Code and the adopted land use policies and plans. The variance will accommodate the development of the lot consistent with all other standards of the CDC and consistent with Policy LU-2.2 of the Steamboat Springs Area Community Plan.

(10) Previous variance. Every piece of property is unique, so evidence that a variance was previously granted under similar circumstances shall not be considered binding grounds for granting a variance.

Staff Analysis: N/A

**RECOMMENDED MOTION**

Staff finds this variance request in compliance with the City of Steamboat Springs Community Development Code Section 26-70.

**MOTION**

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Board Member Effinger moved to deny #VAR-08-04 for Valley View Lodge Townhomes, Citing criteria 1, 2, 5, and 9 as not being met. Board Member Harner seconded the motion.

**VOTE**

Vote: 4-0

Voting for approval of motion to deny: Effinger, Moylan, Alkema, and Harner.

Stepped Down: Spaustat.

Absent: Levine and Pighini.

Discussion on this agenda item ended at approximately 6:50 pm.

**The Victoria, Unit 100D (10<sup>th</sup> Street Barber Shop) #VAR-08-05 Sign Variance to allow for a traditional rotating, internally illuminated barber pole.**

Discussion on this agenda item began at approximately 6:50 p.m.

**STAFF PRESENTATION**

Jason Peasley –

This is an application for a new barbershop located in the Victoria. Currently the CDC does not allow for any animated signs. What is being traditionally proposed now is a barber pole that spins and is externally located.

**APPLICANT PRESENTATION**

Barbara Porteous –

We are proposing a barber pole, which is a traditional landmark for a barbershop. This is a rotating pole that shows that this barbershop is open for business.

**BOARD QUESTIONS**

Board Member Harner –

Do you currently own the facility?

Barbara Porteous –

Yes, I do.

Board Member Effinger –

Is there any way that you could put this barber pole inside the building?

Barbara Porteous –

Yes, we could do that. It is a hardship for me to not have it outside since this is a symbol to show that I am open for business.

Board Member Effinger –

If this was right by the window then you would still be able to see it from the outside of the building.

Barbara Porteous –

Yes, you could see it from the outside. I feel that it fits in well with the downtown area being on the outside.

Chairman Moylan –

How high off the ground would it be?

Barbara Porteous –

It would be about 8' high. It's not in the public right of way, but in the building right of way.

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Board Member Effinger –  
Is the building owner ok with this?

Barbara Porteous –  
Yes, they are ok with this.

Board Member Harner –  
I misunderstood; I thought that you were the building owner.

Barbara Porteous –  
It's the Victoria Building and this application is only for our unit.

Board Member Harner –  
You're unit is what we're talking about.

Barbara Porteous –  
Correct.

Board Member Effinger –  
You don't actually own the walls do you?

Barbara Porteous –  
The interior walls are owned by me along with the adjoining units.

Board Member Harner –  
Has the Condominium Association been contacted about this?

Barbara Porteous –  
There are only about 5 units that have been sold. All of these owners have been notified.

Board Member Harner –  
This is in compliance with your Condominium documents?

Barbara Porteous –  
As far as I know yes.

**PUBLIC COMMENTS**

None

**FINAL STAFF COMMENTS**

Jason Peasley –  
If you have any concern about the Association knowing about this, such as signing off on this, you could make that a condition of approval.

Board Member Harner –

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When you asked for a variance it's my expectation that this type of situation has been blessed by the Condominium Association and has no issues with anyone living in that building. That's the first step. The second step is to come to this Board and ask for a variance. It appears that has not been done.

Jason Peasley –

I think that the applicant has explained what she has gone through.

Barbara Porteous –

The majority of the units have not been bought yet.

Chairman Moylan –

I think this is a situation where the developer still controls the Condominium Association.

Board Member Harner –

I'm sure it is. There is not anything in writing indicating that they signed off on that.

John Eastman –

I would agree with you in this case. In processing this application there should have been the consent of the Condominium Association. If you feel that it meets the criteria then I would request that you put that as a condition. The Condominium Association is the legal owner of the exterior of the building. Barbara Porteous is the owner of the interior.

Chairman Moylan –

Under these circumstances I think that we can vote on this. If the variance is granted then it will be subject to a letter from the Condominium Association to the City to be included in the file, as opposed to having Barbara Porteous come back.

John Eastman –

It could be as simple as having them sign the original application and that would indicate their consent. That would be a normal way for them to do this. Give us a letter or sign the original application.

Board Member Harner –

I would ask for a letter since that would be a legally binding document within the Condominium Association. It also allows other owners to pursue similar things.

John Eastman –

If they consent to the application in writing on the application, then we would accept that. Make sure that they follow our normal procedure, which you have highlighted has not happened. 90% of the time it is in the form of a letter, but if they came over and signed off on the application form then that would be acceptable to us as well.

**BOARD DELIBERATION**

Board Member Alkema –

I would like to note that this would not be the first one that we have had in town. The unfriendly barber on 4<sup>th</sup> street also had one until they were forced to leave town.

Chairman Moylan –

I think that there may also be a barber pole off of 13<sup>th</sup> as well, but I could be wrong.

Board Member Spaustat –

I feel that it meets all of the conditions.

Board Member Harner –

I think that the barber pole brings back some of the character that is needed in our community.

Chairman Moylan –

We need to make sure that this conforms with section 26-226 (a) of the CDC.

Board Member Alkema –

I don't feel that it fits in because it is an animated sign and it could be perceived as an unfit business practice. We could end up setting a precedent to other people that they can put out specific signs for their business. It is internally lit. I think that she can achieve the same thing by fitting into the code with a variance that doesn't need to be met and having the same thing within the confines of her business. I believe that is acceptable and that we won't set a precedent for other people that want to have symbols for their specific businesses popping up through town. I do feel that it is a part of her business and that her business is within the confines of the building. I feel that is where her signage should be and not on the outside of the building. I don't feel that this variance should be granted since it does put a hardship on other businesses.

**ANALYSIS OF APPROVAL CRITERIA**

**Sec. 26-226 Variances**

(a) General variances. The board of adjustment may grant variances to this article consistent with the following guidelines:

**Staff Analysis**

<b>Staff Analysis</b>	
	<b>Variance Request</b>
Guidelines Sec. 26-226(a)	Animated and internally illuminated barber pole located in the CO Zone District.

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<p><i>1) It is the responsibility of the board of adjustment to approve signage which is informative, creative and aesthetically acceptable and which contributes to the common welfare and needs of local residents, businesses and guests alike.</i></p>	<p>The proposed barber pole is an aesthetically acceptable signs which contribute to the common welfare and needs of the local residents, businesses, and guests alike. It is the type of signage traditionally found on a historic Main Street such as Lincoln Avenue.</p>
<p><i>2) Signs should be limited to the fewest number reasonable necessary to accomplish the purpose for which they are intended.</i></p>	<p>Not applicable</p>
<p><i>3) Signs should be sized with consideration of the purpose of the sign, the distance from which it must be viewed, the size of other signs in the vicinity, the amount of total sign area related to the same use and the speed of passing vehicles. Consideration should also be given to the size of the building upon which the sign is placed and the size of the building site as it relates to the proportion of the sign.</i></p>	<p>The proposed barber pole is 28 inches in height by 9 inches in width, projecting 11 inches from the building face. This is within the allowable sign area for the building and is designed to relate to the speed of passing vehicles and pedestrians.</p>
<p><i>4) Excessively tall signs should be avoided to prevent visual obstruction of the natural scenery surrounding the city. Factors to be considered include: the topography of the site, location of the sign on the site, and the sign's relationship to pedestrian and vehicular circulation from which the sign is viewed.</i></p>	<p>The sign is proposed to be mounted to the building a minimum of 8' above the sidewalk (per Public Works requirements).</p>
<p><i>5) The board of adjustment should consider unique and geographic characteristics of the property and of the district in which the property lies.</i></p>	<p>The proposed barber pole is appropriate signage for the buildings in the downtown district given their historical use in downtown areas. This type of signage is encouraged by the CO Zone Design Standards.</p>
<p><i>6) Projecting signs should not substantially obscure any part of another sign relating to another use.</i></p>	<p>The proposed projection will be in accordance with the standards of the CDC and the requirements of the Public Work Department. The proposed sign will not obscure any other signs.</p>
<p><i>7) Artificial illumination should be no brighter than necessary to accomplish the purpose for which the sign is intended. It should be a goal to avoid illumination which penetrates residential areas or may hinder the vision of drivers of motor vehicles passing by.</i></p>	<p>The internal illumination of the sign in no brighter than necessary. The internal illumination of the sign will not penetrate residential area given its location on Lincoln Avenue.</p>

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<p>8.) <i>Variances should not be granted which would allow any business use an unfair advertising advantage over any other business use.</i></p>	<p>The proposed variance will allow for signage that is traditionally associated with a barber shop. This variance would not create an unfair advertising advantage over any other business use.</p>
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**RECOMMENDED MOTION**

Staff finds that the request meets the requirements of Section 26-226(a) of the Steamboat Springs Community Development Code for a sign variance.

**MOTION**

Board Member Spaustat moved to approve the recommended motion for The Victoria, Unit 100D (10<sup>th</sup> Street Barber Shop) #VAR-08-05 with the condition that the applicant receives the Condominium Association's blessing. Board Member Harner seconded the motion.

**VOTE**

Vote: 3-2

Voting for approval: Spaustat, Moylan, and Harner.

Against: Alkema and Effinger.

Absent: Levine and Pighini.

Discussion on this agenda item ended at approximately 7:05 pm.

**APPROVAL OF MINUTES FOR AUGUST 21, 2008**

**Changes:**

Board Member Alkema –

Under my comment on Page 13, strike the second set of words 'giving you' which is right before 'guidelines'.

**MOTION**

A motion was made by Board Member Effinger and seconded by Board Member Alkema to approve the minutes of the August 21, 2008 meeting as corrected.

**VOTE**

Vote: 3-0

Voting for approval: Effinger, Spaustat, and Alkema.

Absent: Levine and Pighini.

Abstaining due to absence: Moylan and Harner.

**DIRECTOR'S REPORT**

None

**ADJOURNMENT**

A vote was unanimous to adjourn the meeting with no particular Board Member moving to adjourn the meeting.