

BOARD OF ZONING ADJUSTMENT

RESULTS AGENDA

December 5, 2022 - 2:00 P.M.

Auditorium, Government Plaza

I. CALL TO ORDER:

Chairman William Guess

II. ROLL CALL

X	William L. Guess, Chairman
X	Sanford Davis, Vice-Chairman
X	Lewis Golden
X	Adam Metcalfe
X	Jeremy B. Milling
X	Chris Carroll
X	Gregory Morris, Sr.

Staff: Doug Anderson, Margaret Pappas, Marie York, Bert Hoffman, Tracy Screws, George Davis

III. ADOPTION OF THE AGENDA:

Motion made by Jeremy Milling. Second by Gregory Morris. **Adopted.**

IV. PUBLIC HEARINGS

1. #6481

(Case #BOA-002243-2022)

Robert K. Moore and Jacqueline L. Moore

4660 Airport Boulevard

(North side of Airport Boulevard, 200'± West of South University Boulevard).

Parking Ratio Variance to allow reduced parking for a lounge in a B-2, Neighborhood Business District; the Zoning Ordinance requires full compliance with the parking requirements for a lounge in a B-2, Neighborhood Business District.

Council District 6

Motion to holdover by Gregory Morris. Second by Jeremy Milling/Adam Metcalfe.
Heldover to the February 6, 2023 meeting.

After discussion, the Board heldover the application at the request of the applicant to the February 6, 2023 meeting, to allow the applicant time to meet with nearby property owners.

Adam Metcalfe left

2. #6482/5095

(Case #BOA-002244-2022)

Branded Image Group (Robin Smith, Agent)

3471 Spring Hill Avenue

(Southwest corner of Spring Hill Avenue and Bishops Lane North).

Sign Variance to allow a digital pricing sign within 300 feet of residentially zoned property, and to allow three (3) wall signs, in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signs within 300 feet of residentially zoned property, and does not allow three (3) wall signs, in a B-2, Neighborhood Business District.

Council District 7

Motion to approve William Guess. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

The Approval is subject to the following conditions:

- 1) Right-of-Way approval or relocation of the sign to private property;
- 2) obtaining of the necessary sign permits;
- 3) obtaining of the electrical permits;
- 4) logos only to be on the canopy, at the same size (or smaller) as existing logos;
- 5) brightness to be reduced on digital signage at night; and
- 6) full compliance with all other municipal codes and ordinances.

3. #6483

(Case #BOA-002245-2022)

Branded Image Group (Robin Smith, Agent)

6900 Airport Boulevard

(Northwest corner of Airport Boulevard and Foreman Road).

Sign Variance to allow a digital pricing sign and electronic message center within 300 feet of residentially zoned property, and three (3) wall signs in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signs and electronic message centers within 300 feet of residentially zoned property, or three (3) wall signs in a B-2, Neighborhood Business District.

Council District 7

Motion to approve William Guess. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;**
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.**

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;**
- 2) obtaining of the electrical permits;**
- 3) logos only to be on the canopy, at the same size (or smaller) as existing logos;**
- 4) brightness to be reduced on digital signage at night; and**
- 5) full compliance with all other municipal codes and ordinances.**

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;**
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**

- 3) **The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.**

4. #6484

(Case #BOA-002247-2022)

Branded Image Group (Robin Smith, Agent)

1401 Knollwood Drive

(Southeast corner of Knollwood Drive and Grelot Road).

Sign Variance to allow a digital pricing sign and electronic message center within 300 feet of residentially zoned property, and three (3) wall signs in a B-3, Community Business District; the Zoning Ordinance does not allow digital signs and electronic message centers within 300 feet of residentially zoned property, or three (3) wall signs in a B-3, Community Business District.

Council District 4

Motion to approve William Guess. Second by Chris Carroll. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) **Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;**
- 2) **Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and**
- 3) **The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.**

The Approval is subject to the following conditions:

- 1) **obtaining of the necessary sign permits;**
- 2) **obtaining of the electrical permits;**
- 3) **logos only to be on the canopy, at the same size (or smaller) as existing logos;**
- 4) **brightness to be reduced on digital signage at night; and**
- 5) **full compliance with all other municipal codes and ordinances.**

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

5. #6485/5938

(Case #BOA-002248-2022)

Branded Image Group (Robin Smith, Agent)

3500 Knollwood Drive

(Southwest corner of Knollwood Drive and Girby Road, extending to the East side of Arrington Drive).

Sign Variance to amend a previously approved Sign Variance to allow a digital pricing sign and electronic message center within 300 feet of residentially zoned property, and three (3) wall signs in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs and electronic message centers within 300 feet of residentially zoned property, or three (3) wall signs in a B-2, Neighborhood Business District.

Council District 4

Motion to approve William Guess. Second by Sanford Davis. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;
- 2) obtaining of the electrical permits;
- 3) logos only to be on the canopy, at the same size (or smaller) as existing logos;

- 4) brightness to be reduced on digital signage at night; and
- 5) full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;
 - 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
 - 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.
6. #6486/5898

(Case #BOA-002249-2022)

Branded Image Group (Robin Smith, Agent)

3449 Hillcrest Road

(Northeast corner of Hillcrest Road and Girby Road).

Sign Variance to amend a previously approved Sign Variance to allow a digital pricing sign and electronic message center within 300 feet of residentially zoned property, and three (3) wall signs in a B-3, Community Business District; the Zoning Ordinance does not allow digital pricing signs and electronic message centers within 300 feet of residentially zoned property, or three (3) wall signs in a B-3, Community Business District.

Council District 6

Motion to approve William Guess. Second by Gregory Morris. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;
- 2) obtaining of the electrical permits;
- 3) logos only to be on the canopy, at the same size (or smaller) as existing logos;
- 4) brightness to be reduced on digital signage at night; and
- 5) full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

7. #6487/6092

(Case #BOA-002260-2022)

Branded Image Group (Robin Smith, Agent)

5601 and 5611 Moffett Road

(Northwest corner of Moffett Road and Howells Ferry Road).

Sign Variance to amend a previously approved Sign Variance to allow two (2) freestanding signs with digital pricing signage and electronic message centers within 300 feet of residentially zoned property, and three (3) wall signs in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs and electronic message centers within 300 feet of residentially zoned property, two (2) freestanding signs, or three (3) wall signs in a B-2, Neighborhood Business District.

Council District 7

Motion to approve William Guess. Second by Gregory Morris. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval to allow two freestanding signs with digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) such that the

literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and

- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;
- 2) obtaining of the electrical permits;
- 3) logos only to be on the canopy, at the same size (or smaller) as existing logos;
- 4) brightness to be reduced on digital signage at night; and
- 5) full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

8. #6488/3373/2960/2766/2733/2696/730

(Case #BOA-002267-2022)

Berwyn 163 LLC (Gerald Byrd, Agent)

2 North Florida Street and 2504 Dauphin Street

(Northeast corner of North Florida Street and Dauphin Street, extending to the West side of Hurlbert Street, 145'± North of Dauphin Street).

Use Variance to allow off-site parking in an R-1, Single-Family Residential District, for a commercial site in a B-1, Buffer Business District; the Zoning Ordinance does not allow off-site parking in an R-1, Single-Family Residential District, and requires all parking to be on-site for a commercial site in a B-1, Buffer Business District.

Council District 1

Motion to holdover Jeremy Milling. Second by Chris Carroll. **Heldover to the January 9th meeting.**

After discussion, the Board heldover the application to the January 9, 2023 meeting, with revisions due by December 12th to address the following:

- 1) Provision of a complete list of mailing labels and associated fees.

9. #6490/5567

(Case #BOA-002277-2022)

SIGNCORP, Inc (Kathleen Jax, Agent)

2 South Water Street

(Southeast corner of Dauphin Street and South Water Street).

Sign Variance to allow a monument sign and an unspecified wall sign in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow monument signs or unspecified wall signs in a T-6 Sub-District of the Downtown Development District.

Council District 2

Motion to approve Jeremy Milling. Second by Lewis Golden. **Approved.**

After discussion, the Board determined the following Findings of Fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that the subject site is a historic building with unique architecture which will not allow for a compliant, legible wall sign;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to residents in the surrounding area in that the monument sign structure is existing, and no structural modifications are proposed; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the Variance.

The Approval is subject to the following conditions:

- 1) Obtain necessary approvals and sign permits;
- 2) Obtain necessary electrical permits; and
- 3) Full compliance with all municipal codes and ordinances.

V. OTHER BUSINESS: