

**HOLDOVER**

APPLICATION NUMBER

**5404**

A REQUEST FOR

**SIGN VARIANCE TO ALLOW FOUR OFF-PREMISE  
FREESTANDING SIGNS, DOUBLE-FACED, 12' HIGH  
WITH 3' WIDE ADDRESS AND TENANT PANELS, IN THE  
PUBLIC RIGHT-OF-WAY FOR A MULTI-TENANT SITE  
WITH LESS THAN 600' OF LINEAR STREET FRONTAGE;  
THE ZONING ORDINANCE REQUIRES ALL SIGNS TO  
BE ON-PREMISE AND ALLOWS ONE FREESTANDING  
SIGN ON A MULTI-TENANT SITE WITH LESS THAN 600'  
OF STREET FRONTAGE.**

LOCATED AT

**2518, 2530, 2534, & 2540 OLD SHELL ROAD**

(Northeast corner of Old Shell Road and North Florida Street)

APPLICANT/OWNER

**ASHLAND STATION, L.L.C.**

AGENT

**JOHN VALLAS**

**BOARD OF ZONING ADJUSTMENT**

FEBRUARY 2007

# **HOLDOVER**

## **ANALYSIS APPLICATION 5404**

**Date: February 5, 2007**

The applicant is requesting a Sign Variance to allow four off-premise freestanding signs, double-faced, 12' high with 3' wide address and tenant panels, in the public right-of-way for a multi-tenant site with less than 600' of linear street frontage; the Zoning Ordinance requires all signs to be on-premise and allows one freestanding sign on a multi-tenant site with less than 600' of street frontage.

The subject site was a refurbishment of four dilapidated commercial buildings spanning five metes-and-bounds parcels, and the applicant has refurbished them into a retail center which is basically a Planned Unit Development (P.U.D.) with shared parking and access between the properties, and with off-site parking via a variance granted by the Board in March, 2006. Since the site is considered a multi-tenant site and has less than 600' of linear street frontage, it is limited to one freestanding sign located on-site. The applicant is requesting one freestanding sign for each building/address and proposes to locate the signs off-site in the grass/landscaping island in the Old Shell Road right-of-way. The applicant has a right-of-way use agreement for site landscaping in the island.

The applicant states that the site is limited in green space in which to locate the signs on-site due to the former Old Shell Road service road having been vacated and now used as drive aisles on-site. It is further stated that there is not enough parking located on-site which would allow for removal of parking to locate the signs on-site, therefore, the placement of the signs in the right-of-way is needed.

A review of the site plan submitted with the application indicates, at a minimum, 28' from the back of the parking stalls along the Old Shell Road building facades to the new front property line. This dimension allows for two-way traffic via two 12'-wide traffic aisles with 4' remaining to the property line. The grass/landscaping island is located approximately 2' out from the property line. The applicant proposes to have 3' wide oval-shaped address/tenant panels on each sign. With a slight modification to the site plan, a 4'-wide island or an inward projection from the grass/landscaping island could be located within the property line. With a reduction of the panels to 2'-6" width and allowing for the required 1'-6" setback from the property line, a sign could be located on a 4'-wide island inside the property line and on-site. Toward the West end of the site's Old Shell Road frontage, the dimension from the back of the parking stalls to the property line increases to 38'-3" and this distance adequately allows for two-way traffic aisles and a landscaping island or inward projection of the off-site island which could accommodate a freestanding sign.

With regard to the size of the proposed signs, all are proposed to be 12' high. The signs at the East and West ends of the island are proposed to have two oval panels each, with the bottom of the lower panels proposed to be just below 8' above grade. The two inner signs are proposed to have four panels each with the lowest panels below 4' above grade. The Ordinance states that no sign shall obstruct vision between a height of 3' and 8'

## HOLDOVER

measured vertically from the street level at the base of the sign, and also states that in no case may a sign exceeding 10' in height be located within 18 inches of the right-of-way. As proposed, all four signs have panels within the visibility zone and all are proposed in the right-of-way, both matters which raise traffic safety and City liability issues.

With regard to the multiple signs proposed, even though the site is composed of four buildings and five metes and bounds parcels, it is considered one development limiting it to one freestanding sign. The applicant contends that the site is no different from other adjoining properties that are under individual ownership and feels that there should not be a penalty because multiple properties were redeveloped by one group. If the different properties had been redeveloped and operated as individual sites, even with shared access and parking, each would be allowed its own freestanding sign. But the site is operated as one site with multiple buildings, and that limits it to one freestanding sign.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to be allowed four off-premise freestanding signs for a multi-tenant site.

*At the Board meeting of January 2007, this application was held over to the February meeting at the applicant's request.*

## **HOLDOVER**

**RECOMMENDATION 5404**

**Date: February 5, 2007**

Based on the preceding, this application is recommended for denial.

## LOCATOR MAP

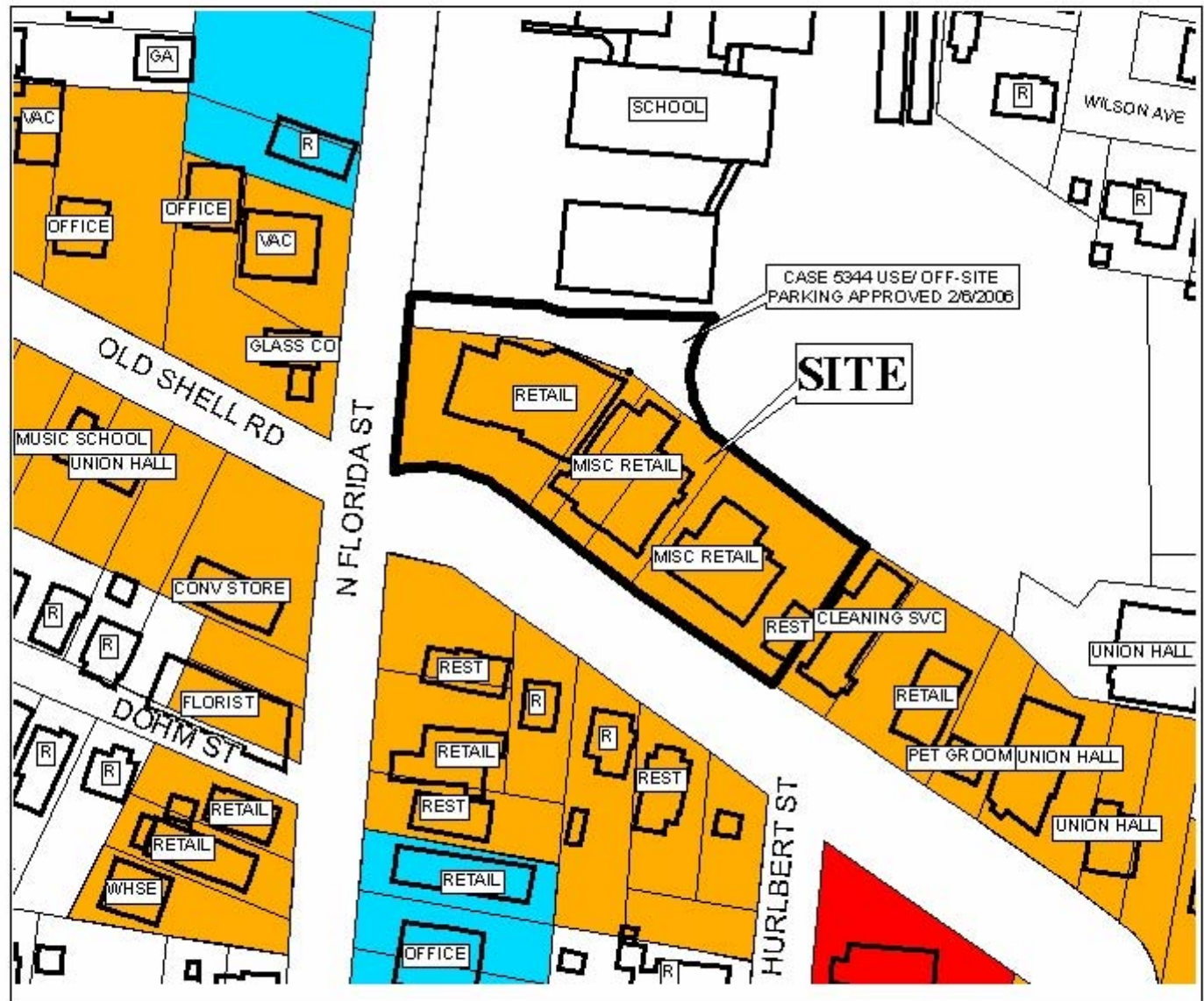


APPLICATION NUMBER 5404 DATE February 5, 2007  
APPLICANT Ashland Place, L.L.C.  
REQUEST Sign Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

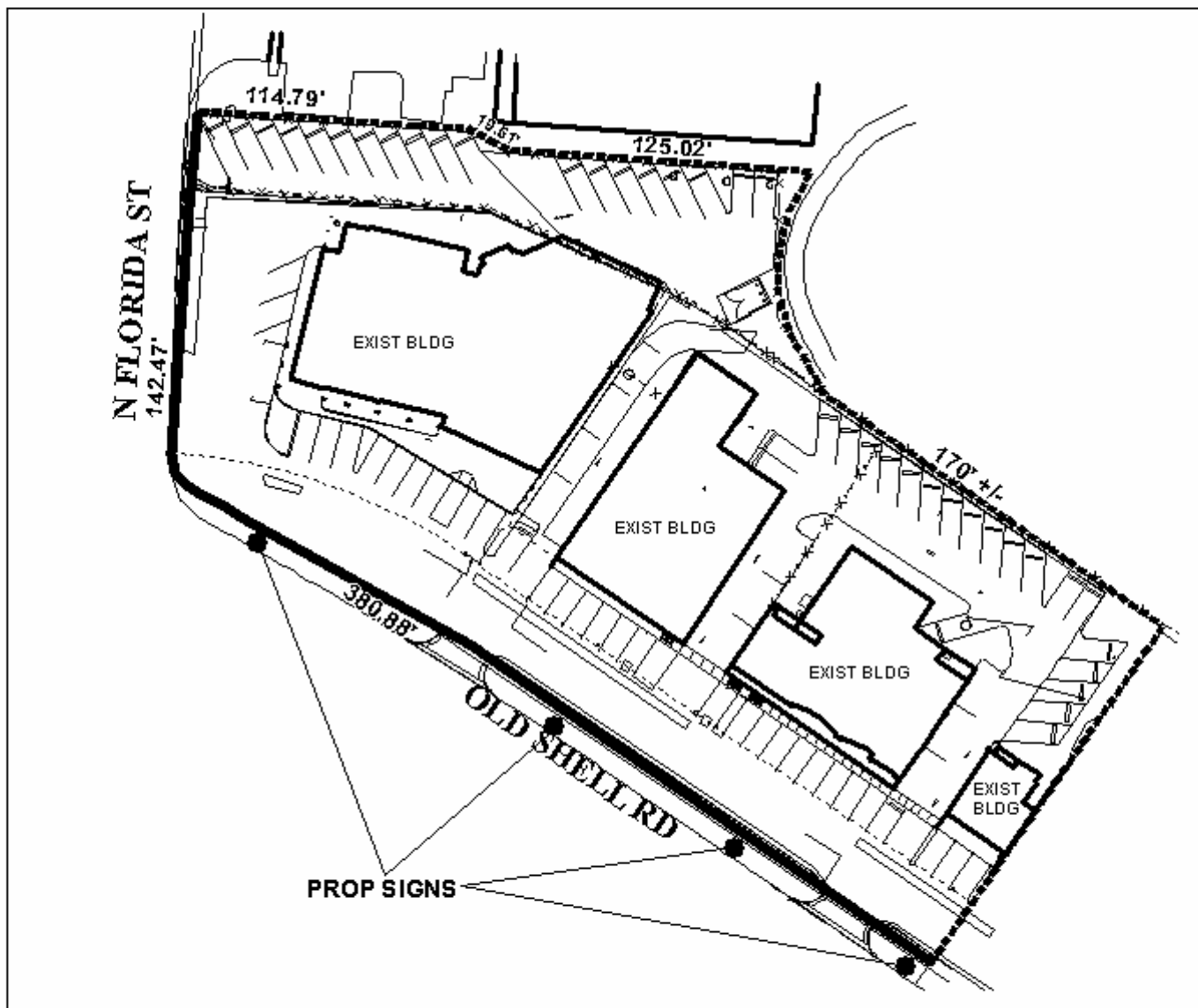
APPLICATION NUMBER 5404 DATE February 5, 2007  
 APPLICANT Ashland Place, L.L.C.  
 REQUEST Sign Variance

LEGEND               
 R-1 R-2 R-3 R-A R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2



NTS

# SITE PLAN



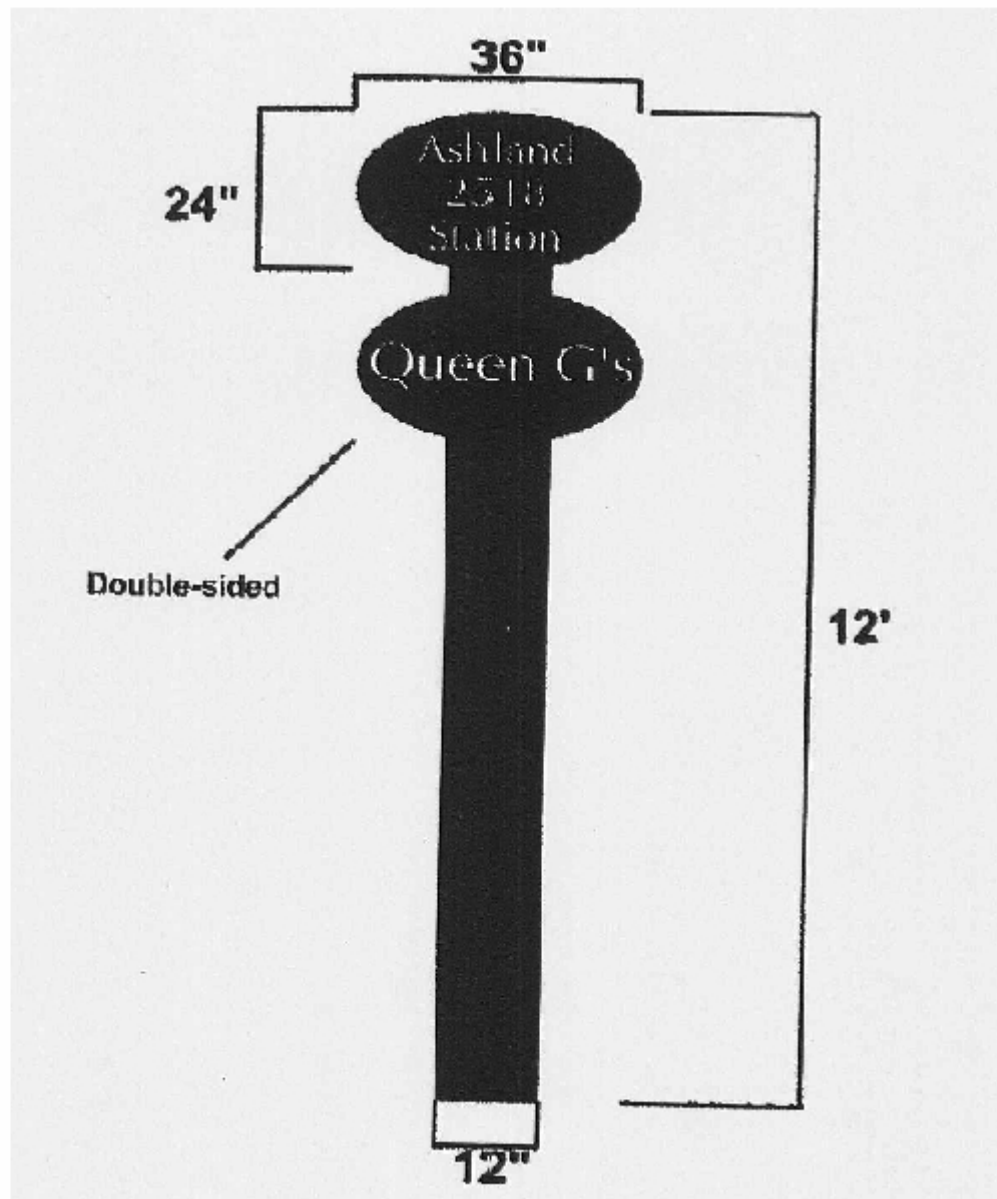
The site plan illustrates the existing development and proposed sign locations

APPLICATION NUMBER 5404 DATE February 5, 2007  
 APPLICANT Ashland Place, L.L.C.  
 REQUEST Sign Variance



NTS

## SIGN DETAIL



APPLICATION NUMBER 5404 DATE February 5, 2007

APPLICANT Ashland Place, L.L.C.

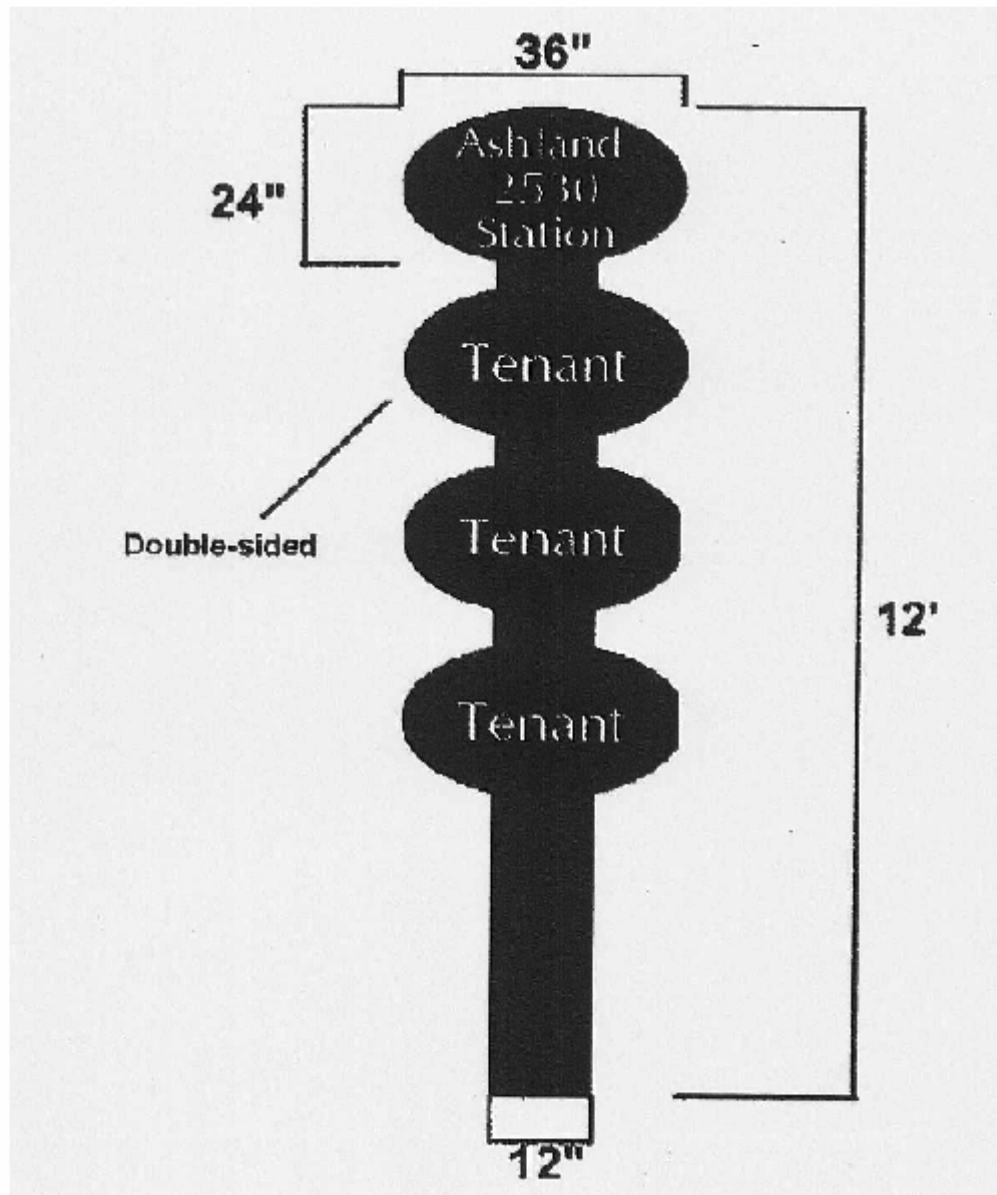
REQUEST Sign Variance



NTS



## SIGN DETAIL



APPLICATION NUMBER 5404 DATE February 5, 2007

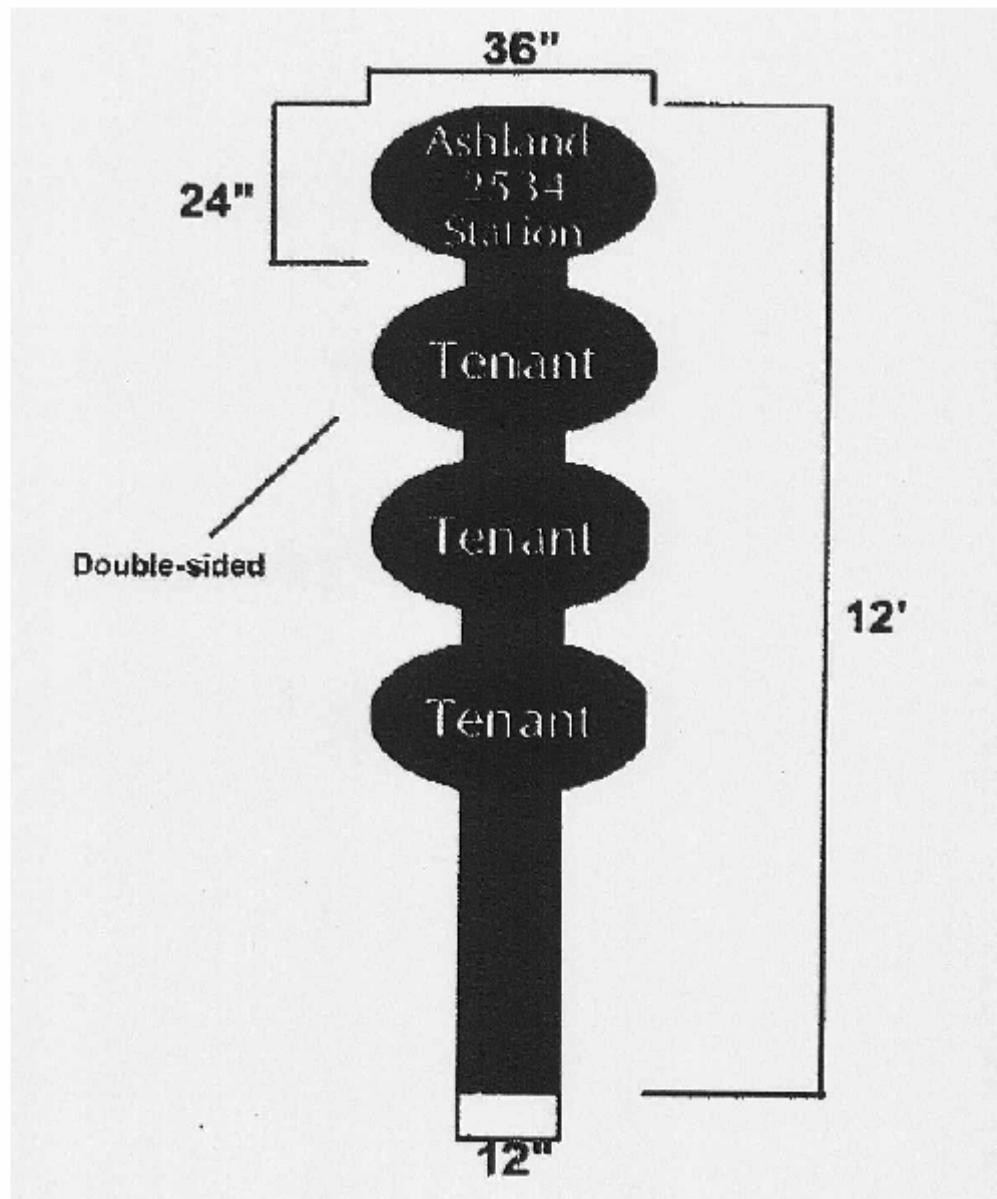
APPLICANT Ashland Place, L.L.C.

REQUEST Sign Variance



NTS

## SIGN DETAIL



APPLICATION NUMBER 5404 DATE February 5, 2007

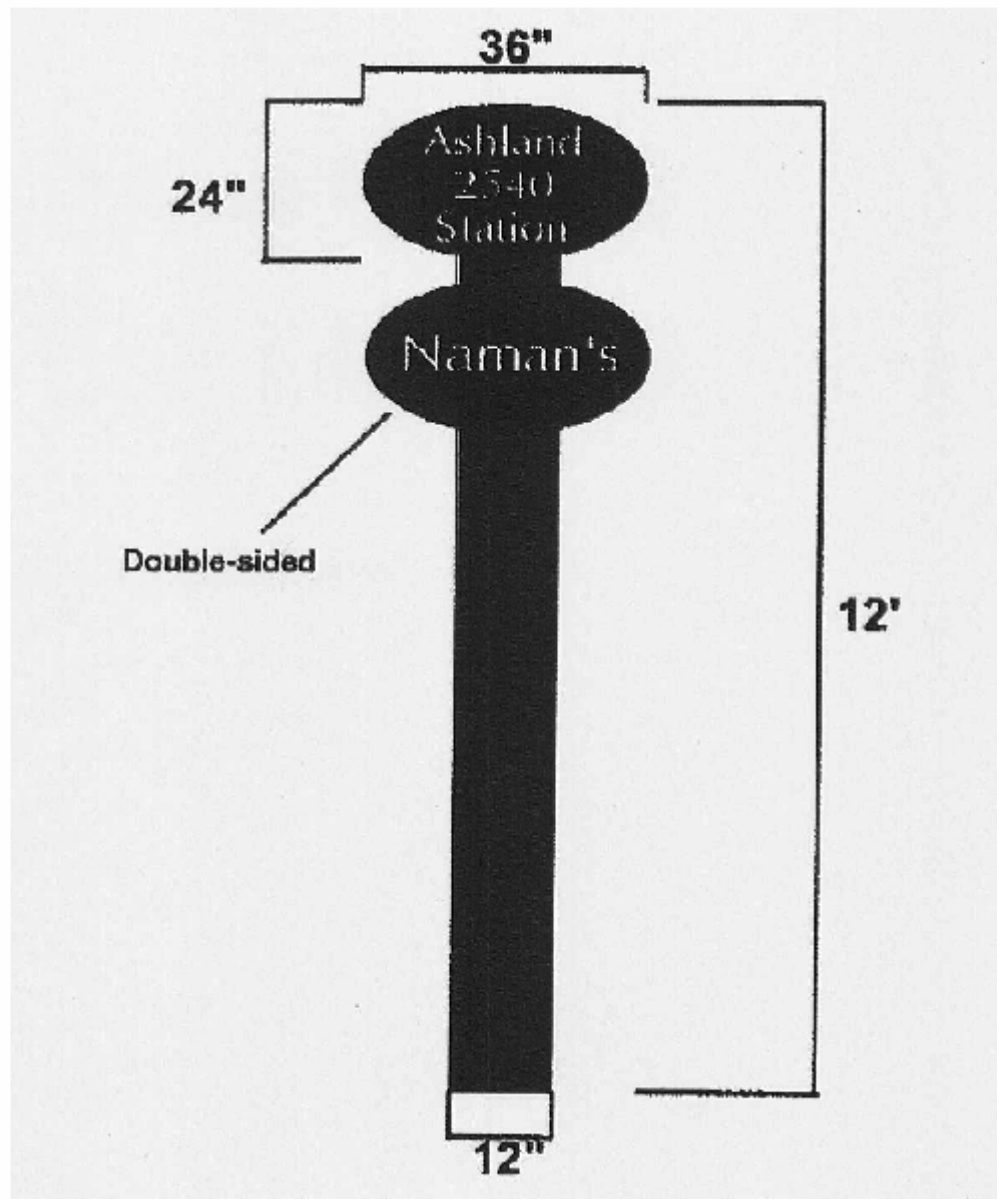
APPLICANT Ashland Place, L.L.C.

REQUEST Sign Variance



NTS

## SIGN DETAIL



APPLICATION NUMBER 5404 DATE January 8, 2007

APPLICANT Ashland Place, L.L.C.

REQUEST Sign Variance



NTS