

APPLICATION NUMBER

**5600**

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A TOTAL OF TWO  
FREESTANDING SIGNS FOR A SINGLE-TENANT  
COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS  
DISTRICT; THE ZONING ORDINANCE ALLOWS ONE  
FREESTANDING SIGN FOR A SINGLE-TENANT  
COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS  
DISTRICT**

LOCATED AT

**1431 EAST I-65 SERVICE ROAD SOUTH**

(East side of East I-65 Service Road South, 325'+ South of Pleasant Valley Circle)

APPLICANT / OWNER

**SRK HOLDINGS, LLC**

**BOARD OF ZONING ADJUSTMENT**

MARCH 2010

The applicant is requesting a Sign Variance to allow a total of two freestanding signs for a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows one freestanding sign for a single-tenant commercial site in a B-3, Community Business District.

The applicant operates an automotive dealership, which, according to the applicant, sells many different brands of vehicles. The applicant is requesting an additional freestanding sign to advertise one specific brand. The applicant further states that they enjoyed two freestanding signs at their previous location, which they are hoping may justify the request.

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.

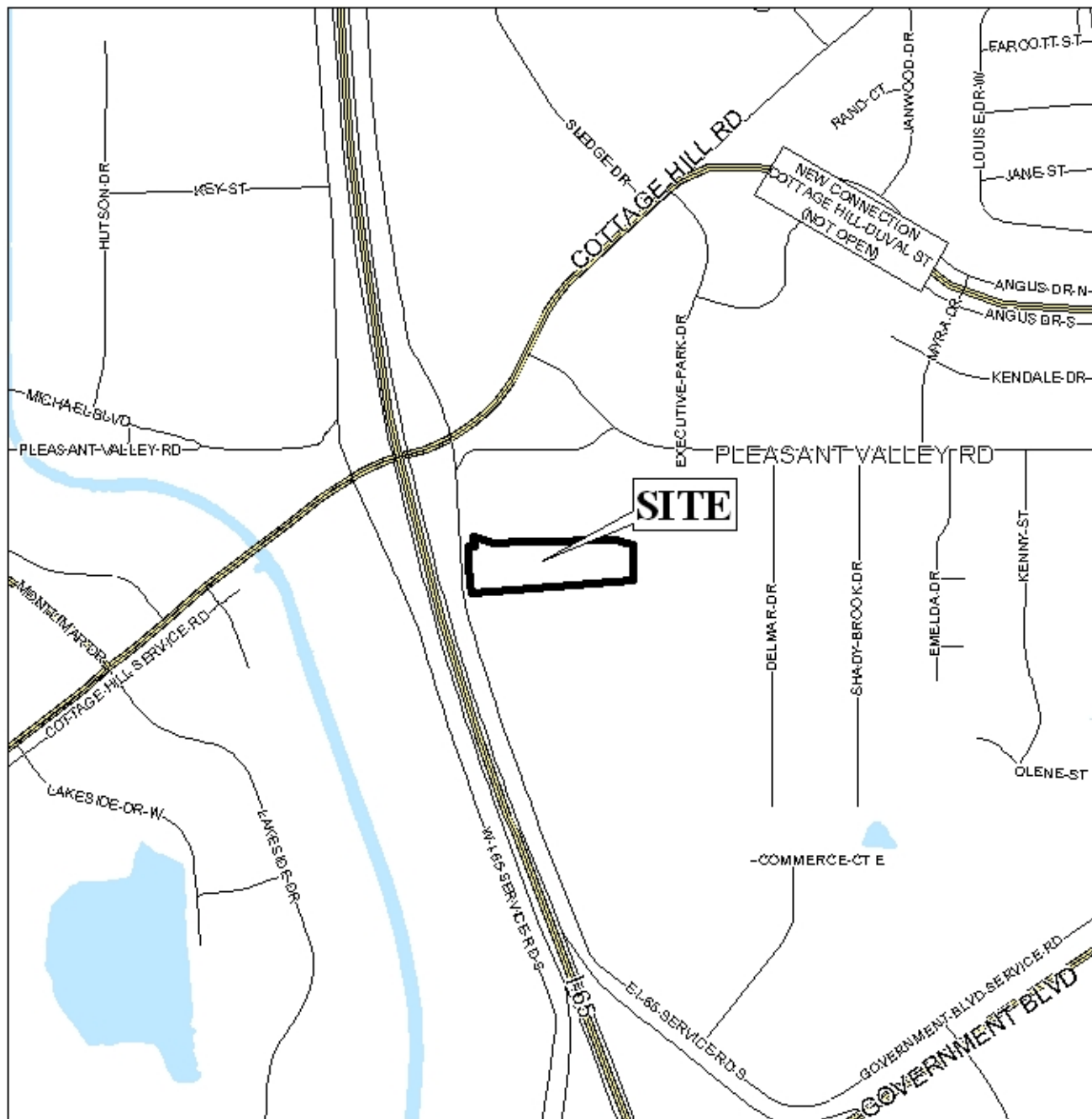
It appears that the applicant's sole argument rests upon the existence of multiple freestanding signs at a separate location nowhere in the vicinity of the subject site. Nevertheless, staff researched the applicant's testimony and found no approvals for two freestanding signs on file; actually, the two freestanding signs in question are NOT on the same building site. Furthermore, while automobile dealers usually sell more than one brand of automobiles, it is no different from any common retail establishment; the regulations still apply. The Sign Ordinance allows for only one freestanding sign for this particular business site.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

**RECOMMENDATION 5600****Date: March 1, 2010**

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

# LOCATOR MAP

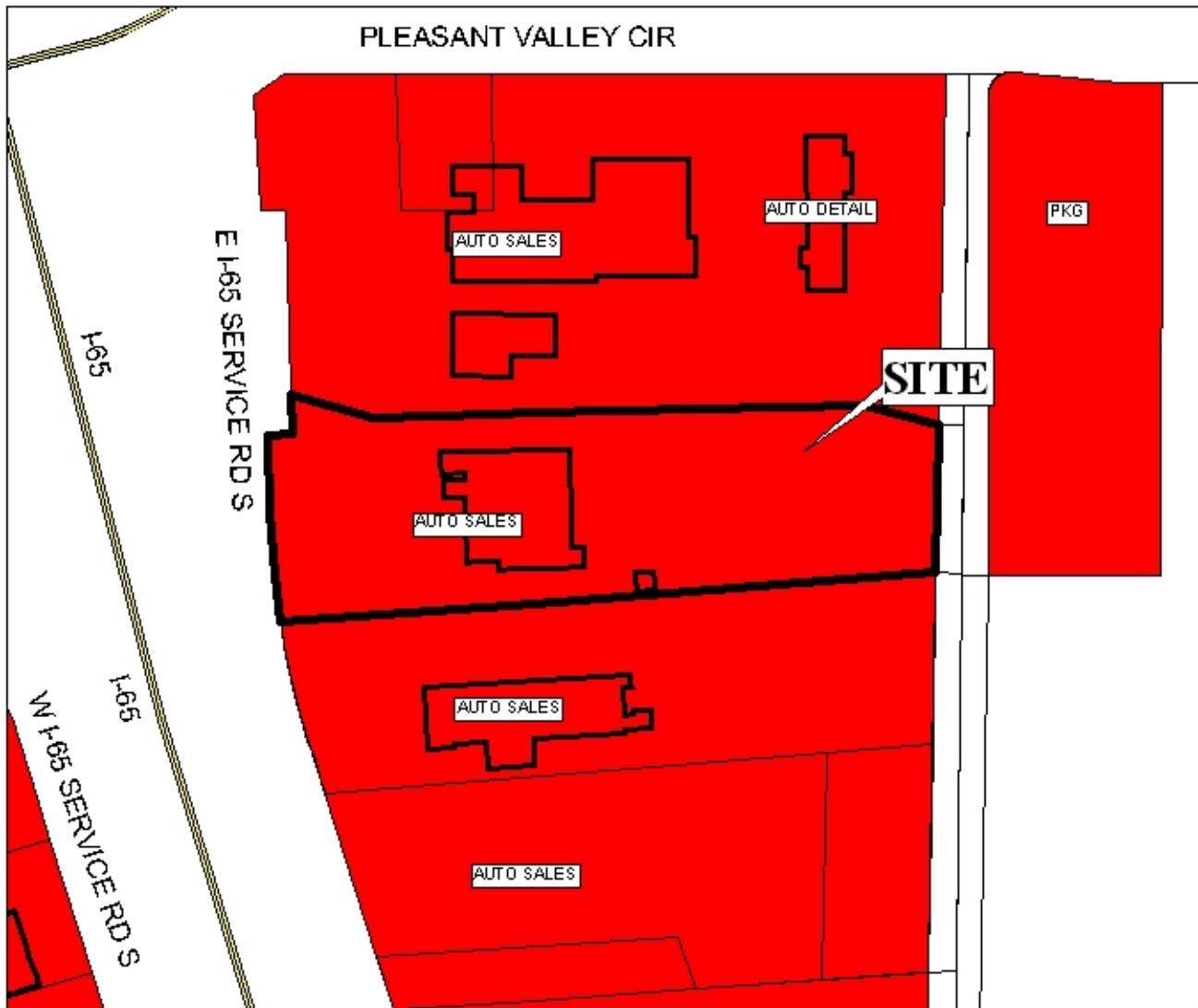


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APPLICANT SRK Holdings, LLC  
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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



Auto sales are located to the south and the north of the site. Undeveloped land is located to the east of the site.

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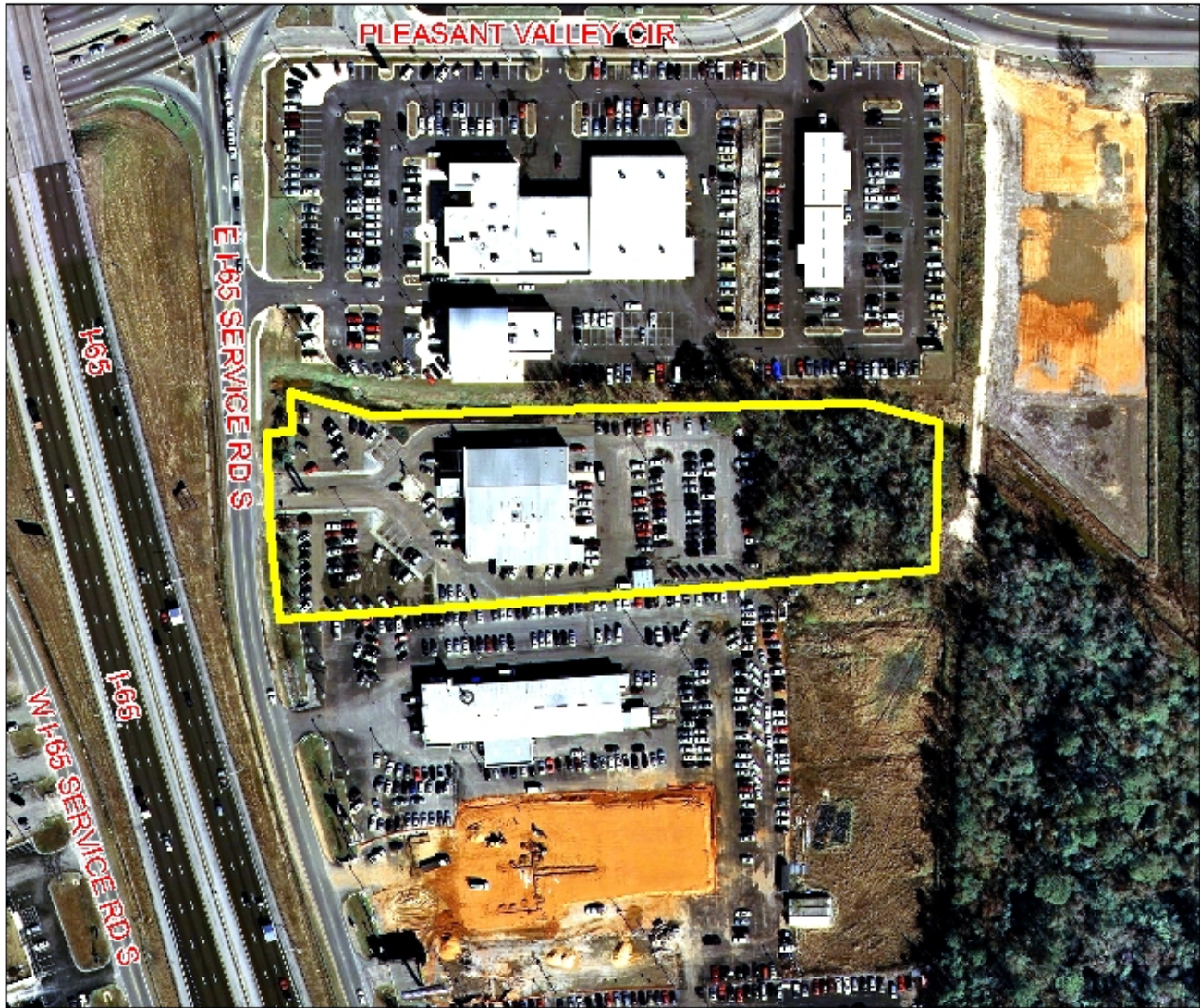
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	NTS
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

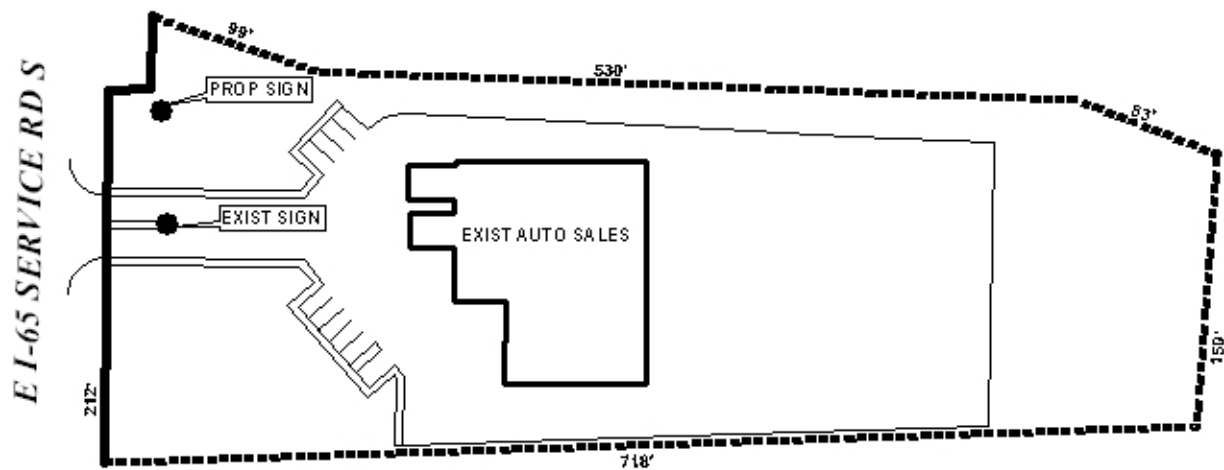


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## SITE PLAN



The site plan illustrates the existing sign location and proposed sign location.

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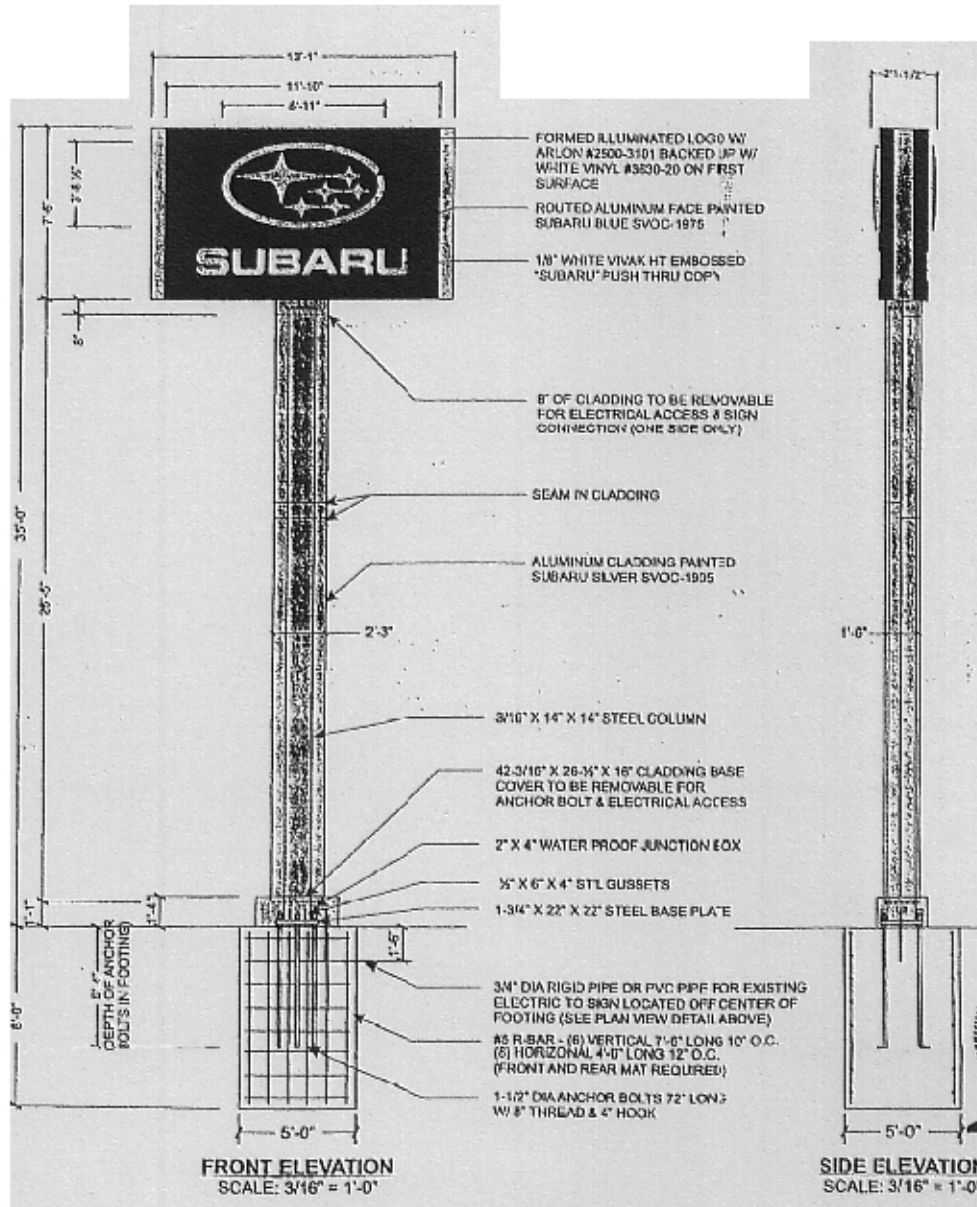
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# SIGN DETAIL



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