

APPLICATION NUMBER

5203

A REQUEST FOR

SIGN VARIANCE TO ALLOW THREE WALL SIGNS AND TWO FREESTANDING SIGNS FOR A SINGLE-TENANT SITE; ONLY TWO WALL SIGNS AND ONE FREESTANDING SIGN ARE ALLOWED FOR A SINGLE-TENANT SITE.

LOCATED AT

1015 EAST I-65 SERVICE ROAD SOUTH

(East side of East I-65 Service Road South, 683' ± North of International Drive)

APPLICANT

MUNN ENTERPRISES INC.

OWNER

PAT PECK

BOARD OF ZONING ADJUSTMENT

OCTOBER 2003

The applicant is requesting Sign Variances to allow three wall signs and two freestanding signs for a single-tenant site; only two wall signs and one freestanding sign are allowed for a single-tenant site.

The applicant states the reason for the variance request is the relocation and replacement of an existing freestanding (Nissan, Pre-Owned Vehicle) signs and an additional wall sign to be installed on the North elevation of the main sales building. Since the existing freestanding sign is non-conforming and existed prior to the adoption of the Sign Ordinance it may remain; however, the applicant wishes to remove and replace this sign with a new sign in a new location. This replacement of the sign would not increase the square footage of the existing signage.

As it stands the site has two existing non-conforming freestanding signs and the allowed walls signs (one wall sign per building), the Ordinance states that non-conforming signs can be refaced within the same dimensions as the existing sign and considers the removal and replacement as a new sign. In this particular case the applicant proposes to move the non-conforming freestanding sign to a different location and add an addition wall sign to the main sales building.

While Automobile dealers usually sell more than one brand of automobile or have multiple licenses, the Sign Ordinance allows for only one wall sign per business. The sign Ordinance also states that nonconforming signs may be refaced but shall not be increased in nonconformity, such as in this particular case. The Ordinance considers the removal and replacement of a nonconforming sign as a new sign.

The Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with 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 Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to remove and replace an existing non-conforming sign. The applicant could apply for a sign permit to reface the existing sign with no approval from this Board. The additional wall signage

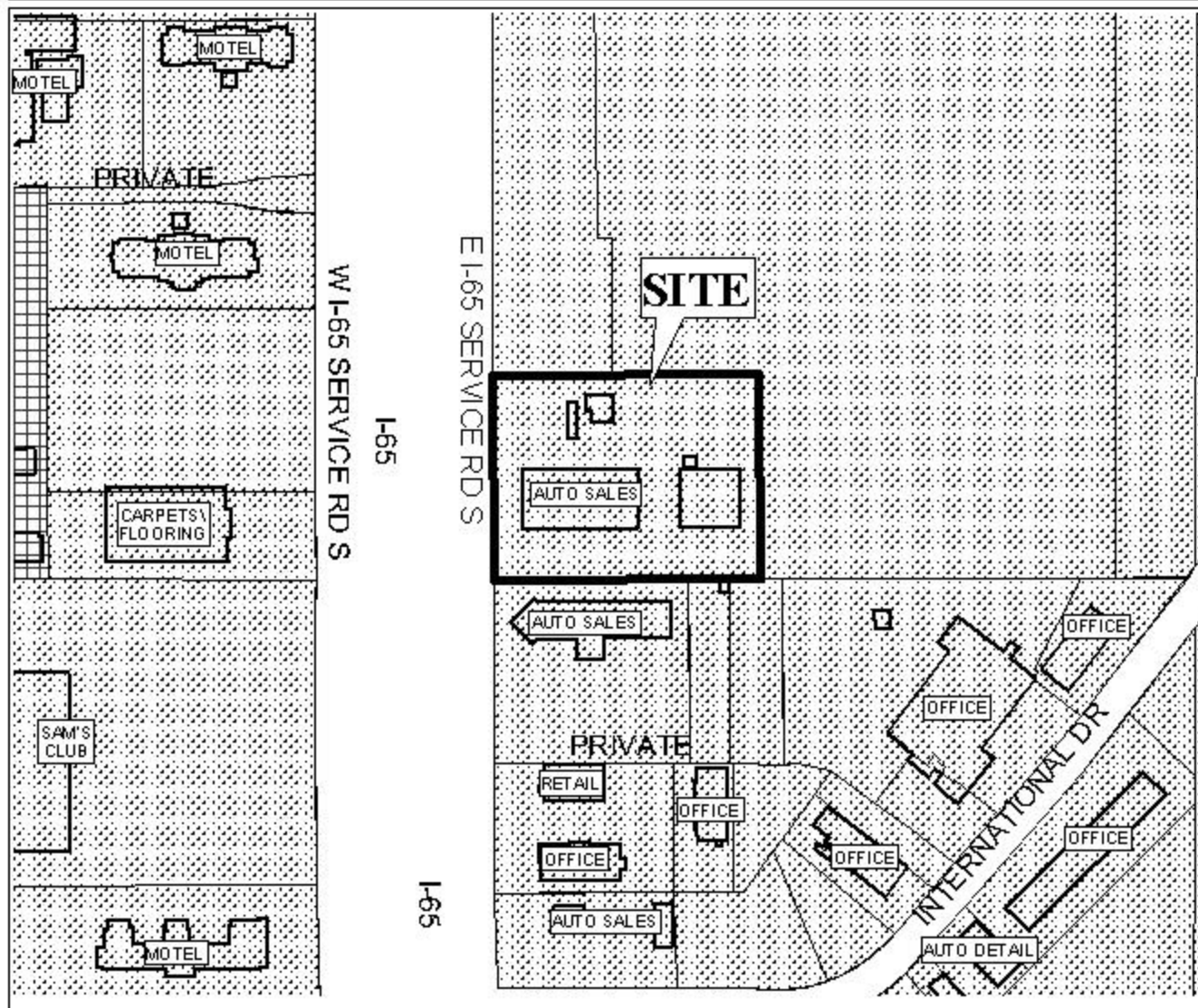
proposed on the North elevation of the main sales building would serve no purpose but to identify the brand of car that the applicant sells.

RECOMMENDATION 5203**Date: October 6, 2003**

Based on the preceding, it is recommended that this application be denied.

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



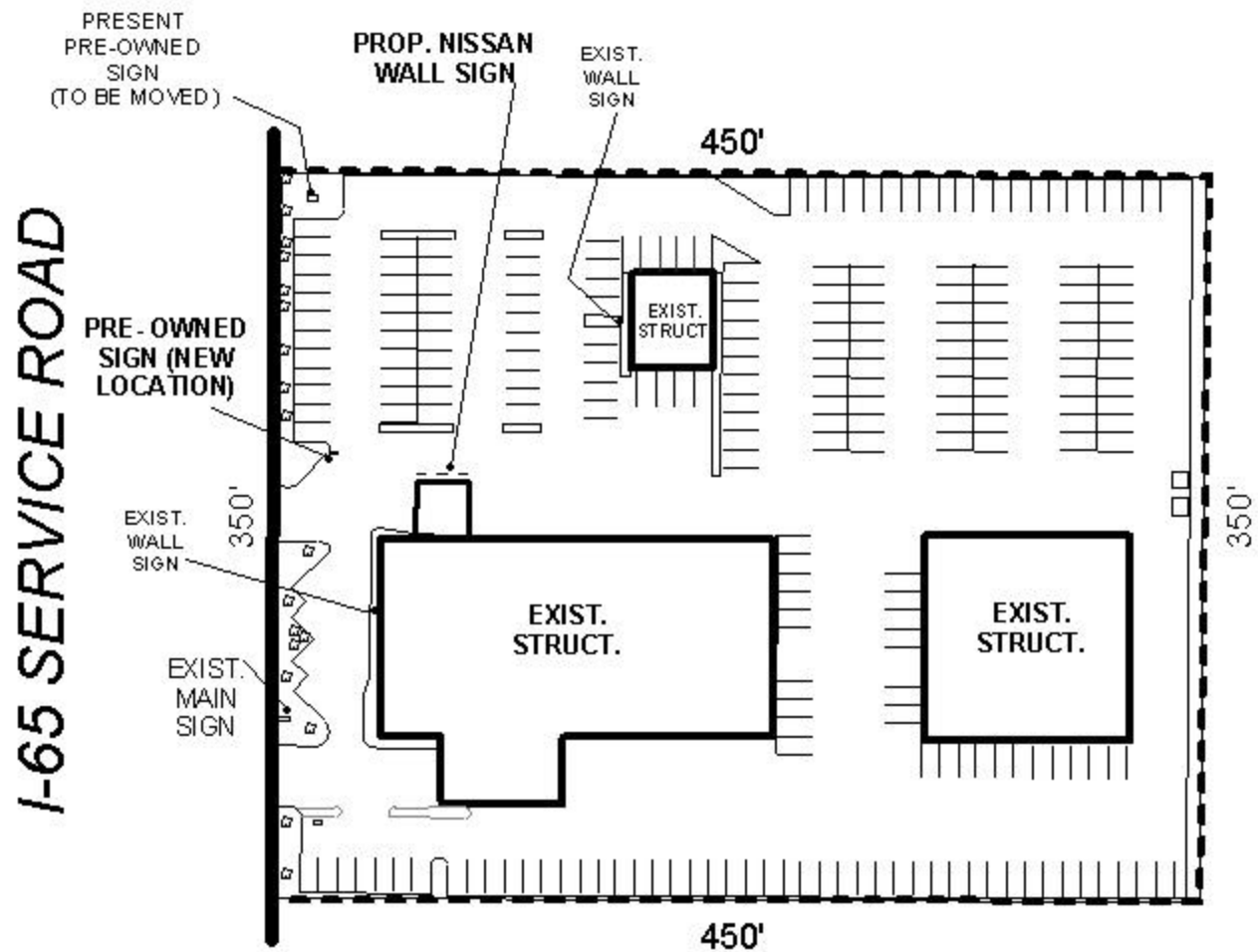
The site is located in an area of mixed commercial land use.

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 REQUEST Sign Variances

LEGEND



SITE PLAN

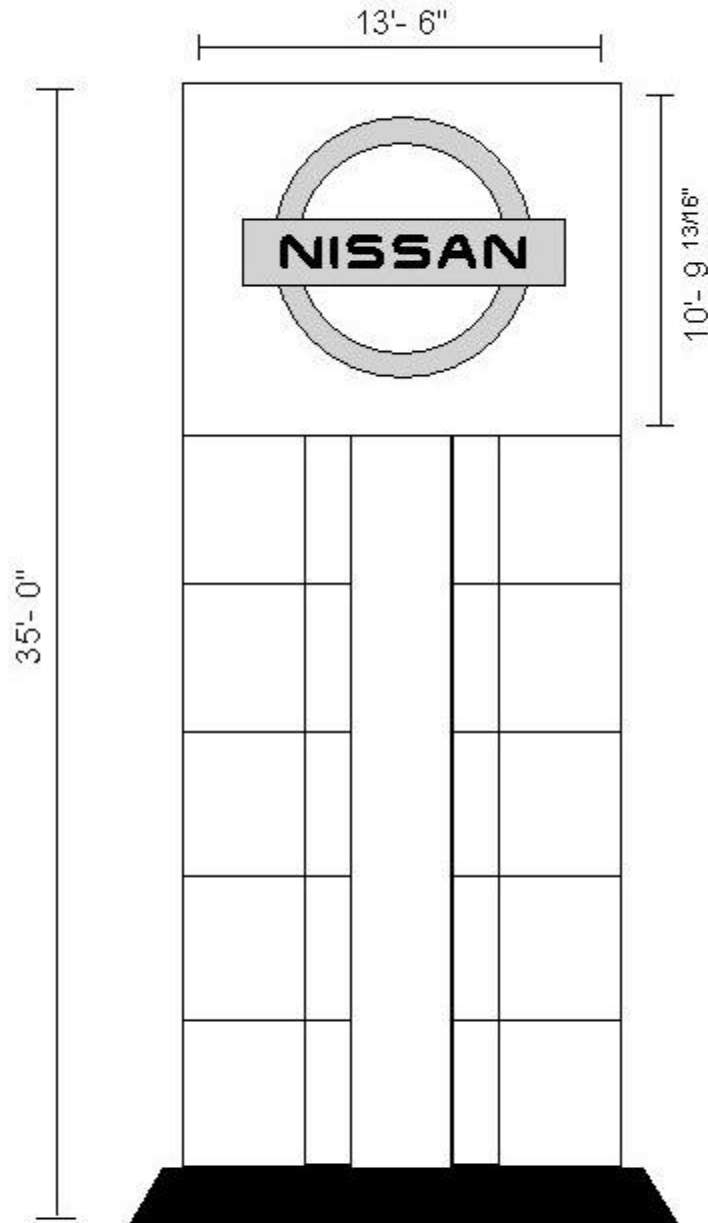


The site is located on the East side of East I-65 Service Road South, 683' North of International Drive. The plan illustrates the existing and proposed structures and signs.

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EXISTING FREE STANDING SIGN

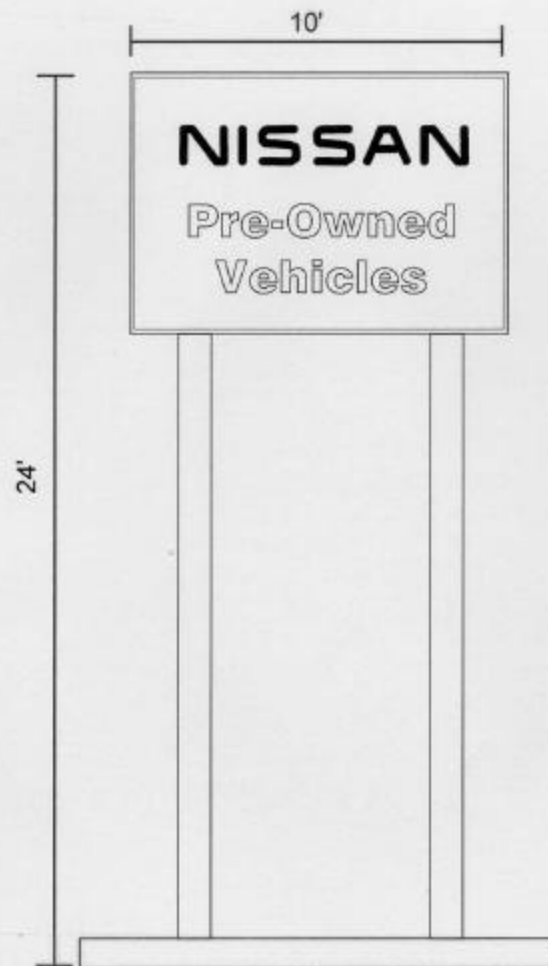


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NTS

**EXISTING FREE STANDING SIGN
(TO BE REMOVED AND REPLACED)**



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EXISTING WALL SIGN

27'-2 9/16" 2' 13'-8 15/16" 18" 24"

Pre-Owned Vehicles **NISSAN**

APPROX. 86 sq ft

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NTS

EXISTING WALL SIGN

52' 4"



APPROX. 156.5 sq ft

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NTS

NEW WALL SIGN

249 13/32"

36"

NISSAN

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NTS