

APPLICATION NUMBER

**5470**

A REQUEST FOR

**SIGN VARIANCE TO ALLOW AN EXISTING OUTDOOR  
OFF-PREMISE ADVERTISING SIGN TO BE RELOCATED  
WITHIN 430'± OF ANOTHER EXISTING OUTDOOR  
ADVERTISING SIGN, AND WITHIN 400'± OF  
RESIDENTIALLY ZONED PROPERTY; THE ZONING  
ORDINANCE REQUIRES AT LEAST 1000' OF  
SEPARATION BETWEEN OUTDOOR OFF-PREMISE  
ADVERTISING SIGNS, AND AT LEAST 500'  
SEPARATION FROM RESIDENTIALLY ZONED  
PROPERTY.**

LOCATED AT

Southwest corner of West I-65 Service Road North and First Avenue (unopened public  
right-of-way.

APPLICANT/OWNER

**NAZAREE FULL GOSPEL CHURCH**

AGENT

**GREGORY E. HOLMES**

**BOARD OF ZONING ADJUSTMENT**

JUNE 2008

The applicant is requesting a Sign Variance to allow an existing outdoor off-premise advertising sign to be relocated within 430'± of another existing outdoor advertising sign, and within 400'± of residentially zoned property; the Zoning Ordinance requires at least 1000' of separation between outdoor off-premise advertising signs, and at least 500' separation from residentially zoned property.

In April, the applicant received Planned Unit Development approval and Planning Approval to build a church school at the Southwest corner of West I-65 Service Road North and First Avenue, an unopened public right-of-way. In order to avoid wetlands mitigation as much as possible for areas toward the back of the proposed school, the school building is planned to be at the 25' front building setback line. There exists a double-faced outdoor off-premise advertising sign within approximately 10' of the Northeast corner of the proposed building and adjacent to a proposed entrance drive curb, and another existing outdoor off-premise advertising sign approximately 470' North of that sign at the applicant's existing church site. Approximately 750' to the South of the subject sign is another existing outdoor off-premise advertising sign. The applicant proposes to relocate the sign which would be close to the corner of the school building and entrance drive curb to a location approximately 40' to the North which would place it within approximately 430' of the Northern-most sign. The proposed relocation would also be within approximately 400' of residentially zoned property across I-65 at the Southeast corner of Rochester Street and East I-65 Service Road North.

Inasmuch as the development of the site necessitates the removal of the existing sign, it is already considered to be nonconforming in two senses. First, it is within 1000' measured along the same side of the street from another outdoor off-premise advertising structure, and second, it is within 500' measured in any direction from residentially zoned property. The intent of the off-premise advertising section of the sign regulation provisions of the Zoning Ordinance is to discourage outdoor off-premise advertising signs within the City, and to provide as much separation as possible between individual signs and between any sign and residential districts. The proposed relocation area would move the sign closer to the other existing sign to the North, and closer to other residential zoning along First Avenue just East of the East I-65 Service Road North and within 500'. In addition to the proposed relocation, the display area square footage per face is proposed to increase from 220 square feet to 247 square feet, or an approximately 12% increase, and the overall height is proposed to be 35'-2" above ground level, 2" above the 35' maximum height limit. The relocation would, in essence, be a four-aspect increase in the nonconformity of the situation.

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.

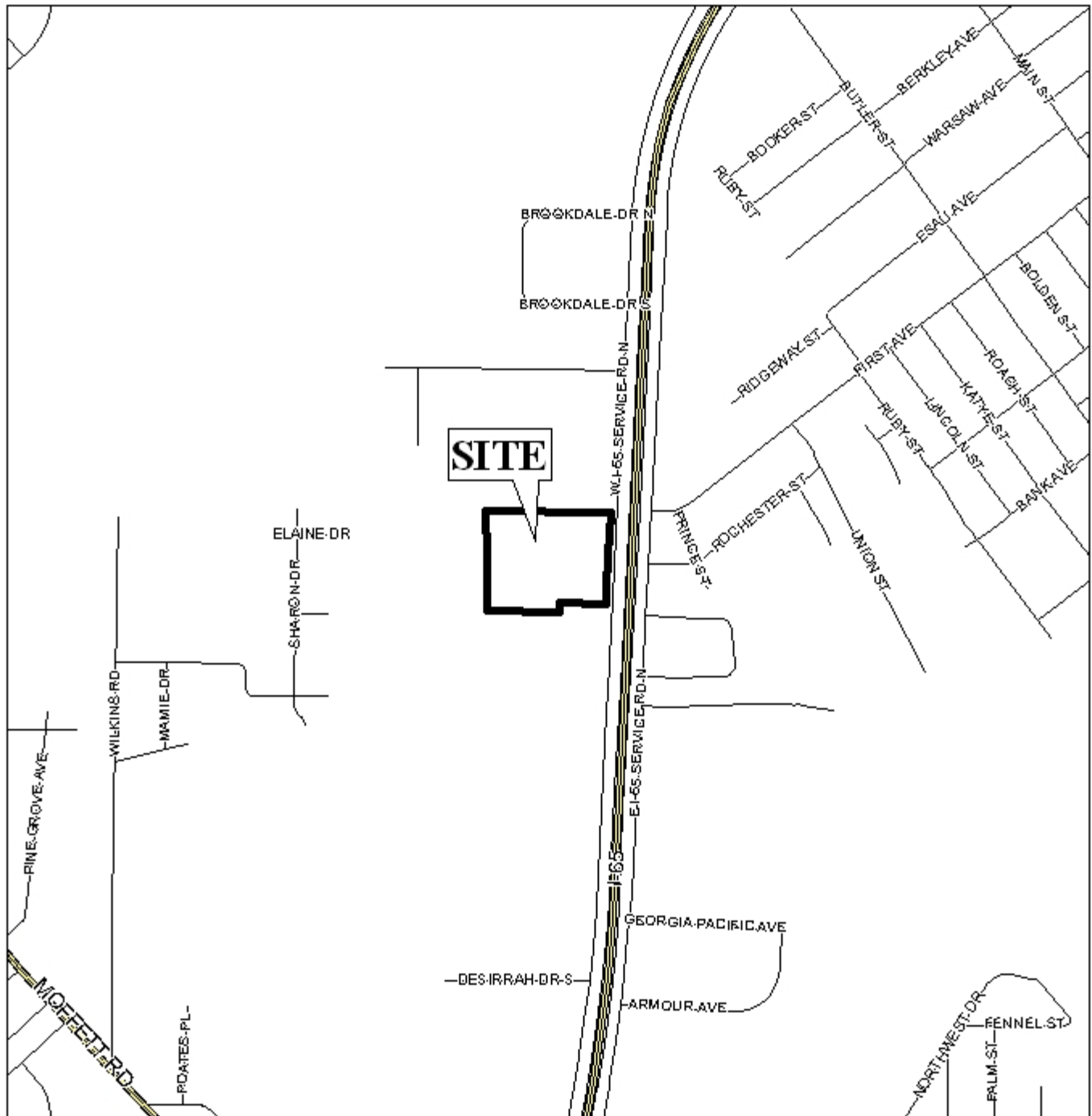
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 attempt to relocate a nonconforming outdoor off-premise advertising sign into a more nonconforming location while also increasing the size and height of the sign.

**RECOMMENDATION 5470****Date: June 2, 2008**

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

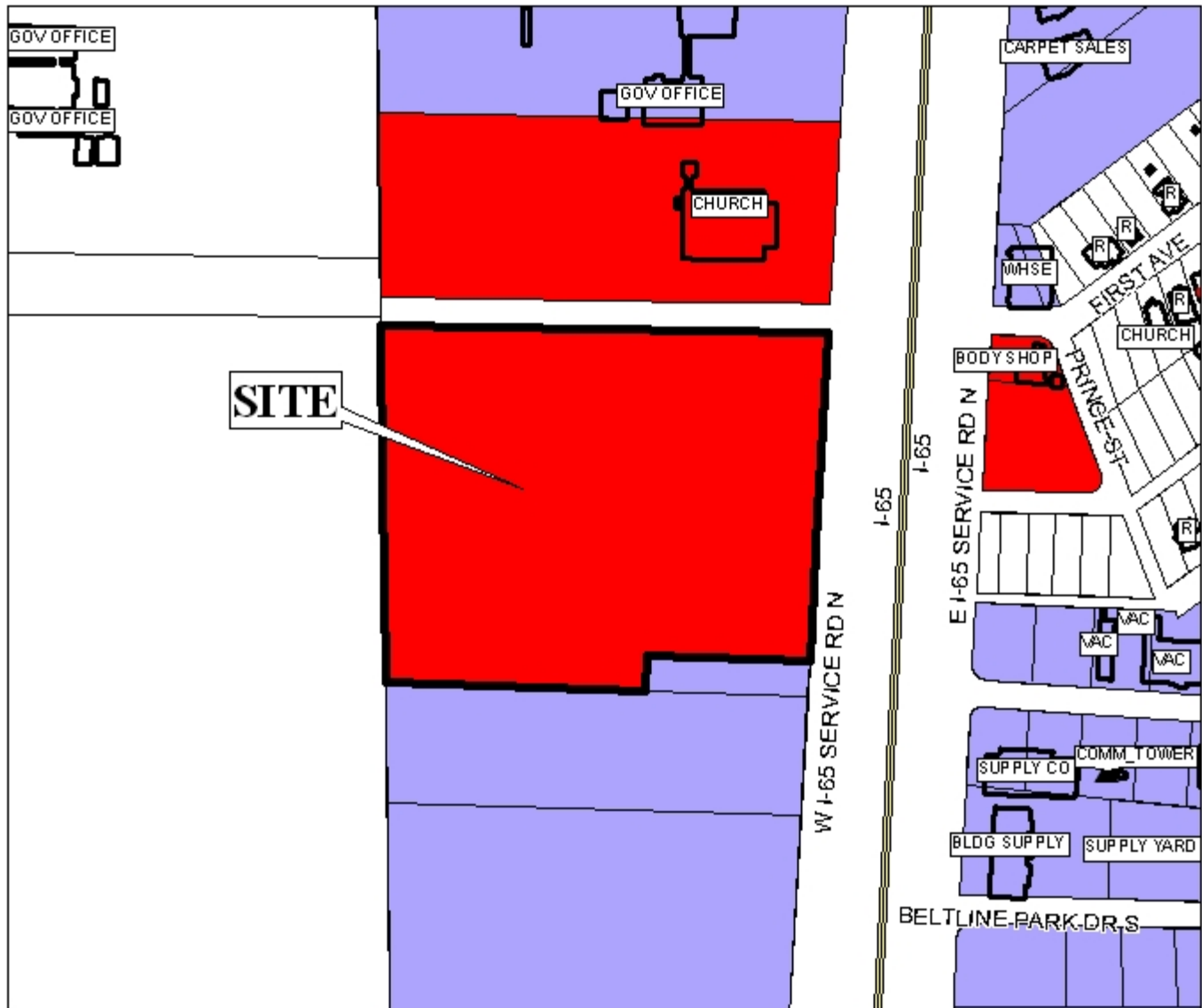
# LOCATOR MAP



APPLICATION NUMBER 5470 DATE June 2, 2008  
APPLICANT Nazaree Full Gospel Church / Nazaree Christian School  
REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial land use.

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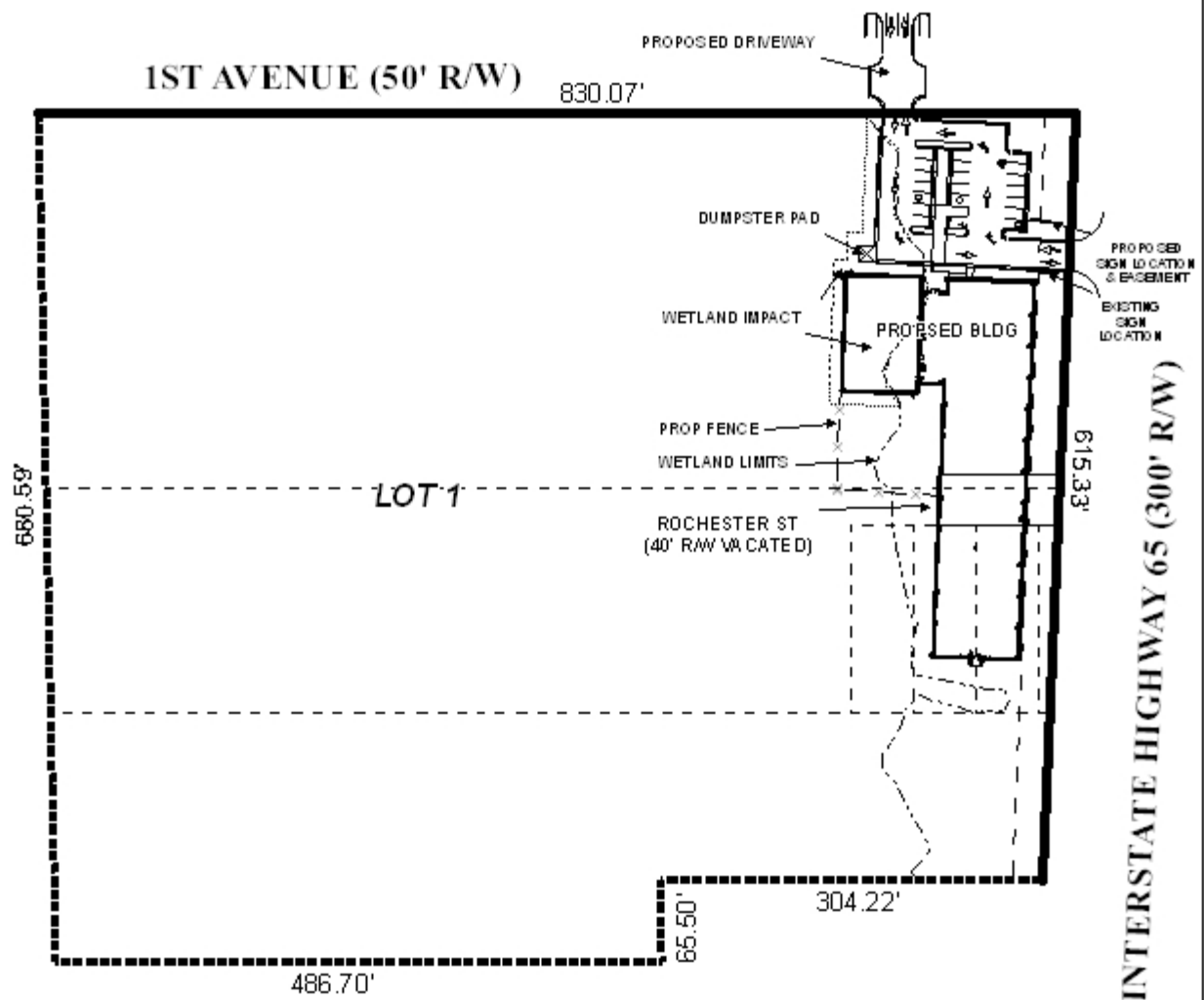
REQUEST Sign Variance

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
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# SITE PLAN



This site plan illustrates existing and proposed structures.

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