

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 1, 2012**

<b><u>CASE NUMBER</u></b>	5785/5704
<b><u>APPLICANT NAME</u></b>	Volvo Construction Equipment Rents
<b><u>LOCATION</u></b>	4477 Laughlin Drive (South side of Laughlin Drive South, 380'± East of its West terminus)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to amend a previously approved variance to allow a company flag to be flown at a business in an I-1, Light Industry District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance does not allow flags to be displayed in connection with commercial promotion in an I-1, Light Industry District.
<b><u>ZONING</u></b>	I-1 Light Industry District
<b><u>AREA OF PROPERTY</u></b>	4.0± Acres
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 4

**ANALYSIS** The applicant is requesting a Sign Variance to amend a previously approved variance to allow a company flag to be flown at a business in an I-1, Light Industry District; the Zoning Ordinance does not allow flags to be displayed in connection with a commercial promotion in an I-1, Light Industry District.

A variance was granted at the Board of Zoning Adjustment's September 12, 2011 meeting to allow gravel parking for a heavy equipment sales and display area. The applicant now wishes to display a company flag alongside a national and a state flag. The applicant states that all proposed flags will be approximately 34 ± square feet.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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 currently has permits for three wall signs, two of which face Laughlin Drive, and one that faces Interstate-10. The proposed flags are shown to be located on the corner of the property facing Interstate-10. The applicant proposes to fly a grouping of three 34 square foot flags on 30' high poles. The three flags the applicant wishes to display include the national and state flags as well as the company flag. It should be noted that the displaying of the national and state flags is not a violation of the Zoning Ordinance, and would be allowed.

The applicant states that the three flags serve several functions. First, the three flags are meant to symbolize the three crowns in the Swedish flag, where the applicant's headquarter are located. Also, it is stated that at every facility the applicant has around the world displays three flags which send a message to customers that service and customer support are similar in all their locations. Finally, the logo font is meant to represent the applicant's core values of quality, safety, and care for the environment.

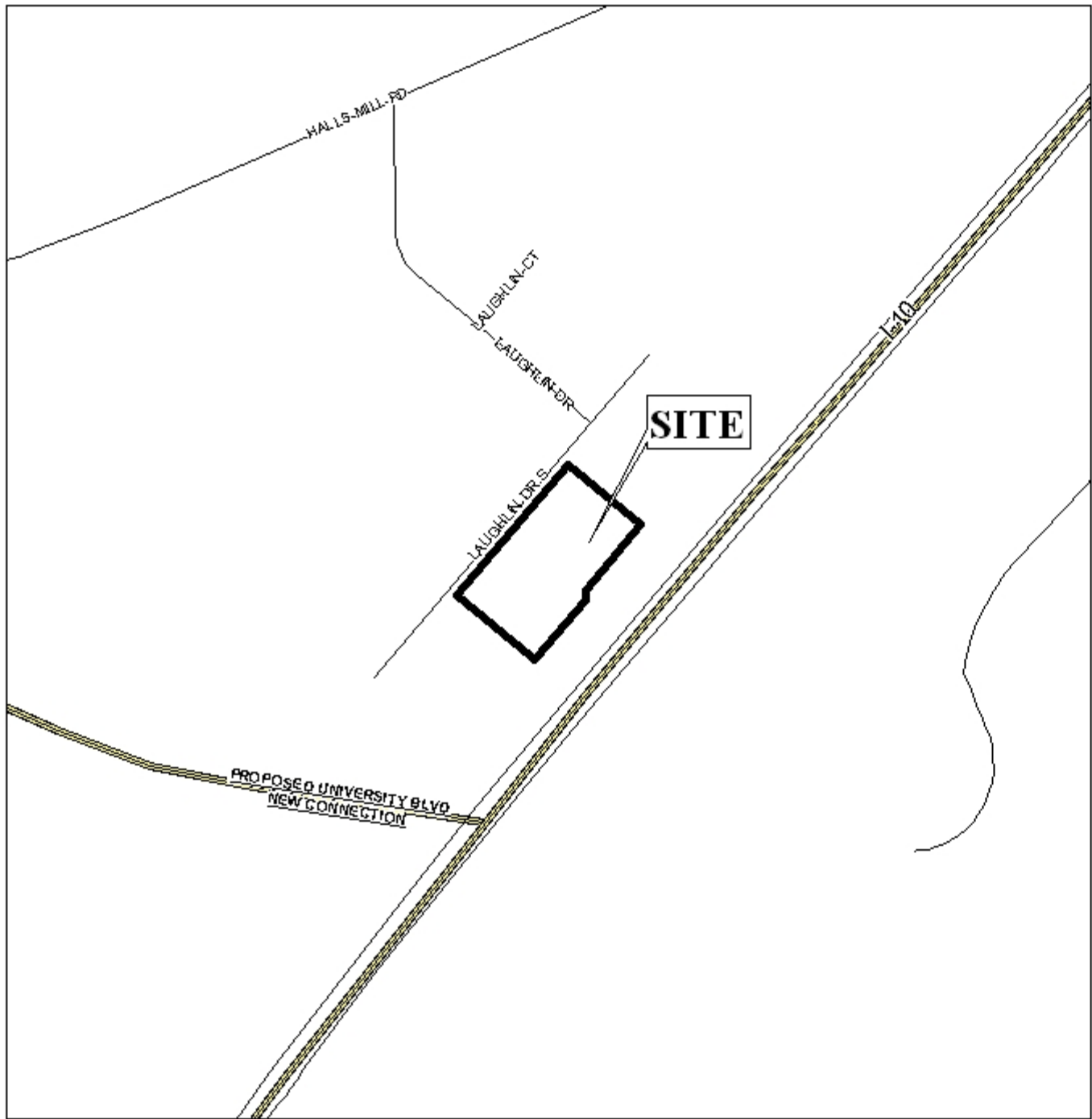
It should be noted that the Swedish flag does not have crowns on it; instead, it is a blue field with a yellow cross. This makes the claim that the flags are a reference to the Swedish flag erroneous. Furthermore, to state that every location around the world has three flags seems unlikely due to differing zoning regulations in different places around the world. The applicant has three wall signs which consist of the logo font adequately allowing potential customers to know where they are located.

The applicant has not proven that a hardship exists. It is simply the applicant's desire to place a company flag that is not in compliance with the Zoning Ordinance regulations.

**RECOMMENDATION:**  
for denial.

Based on the preceding, this application is recommended

# LOCATOR MAP



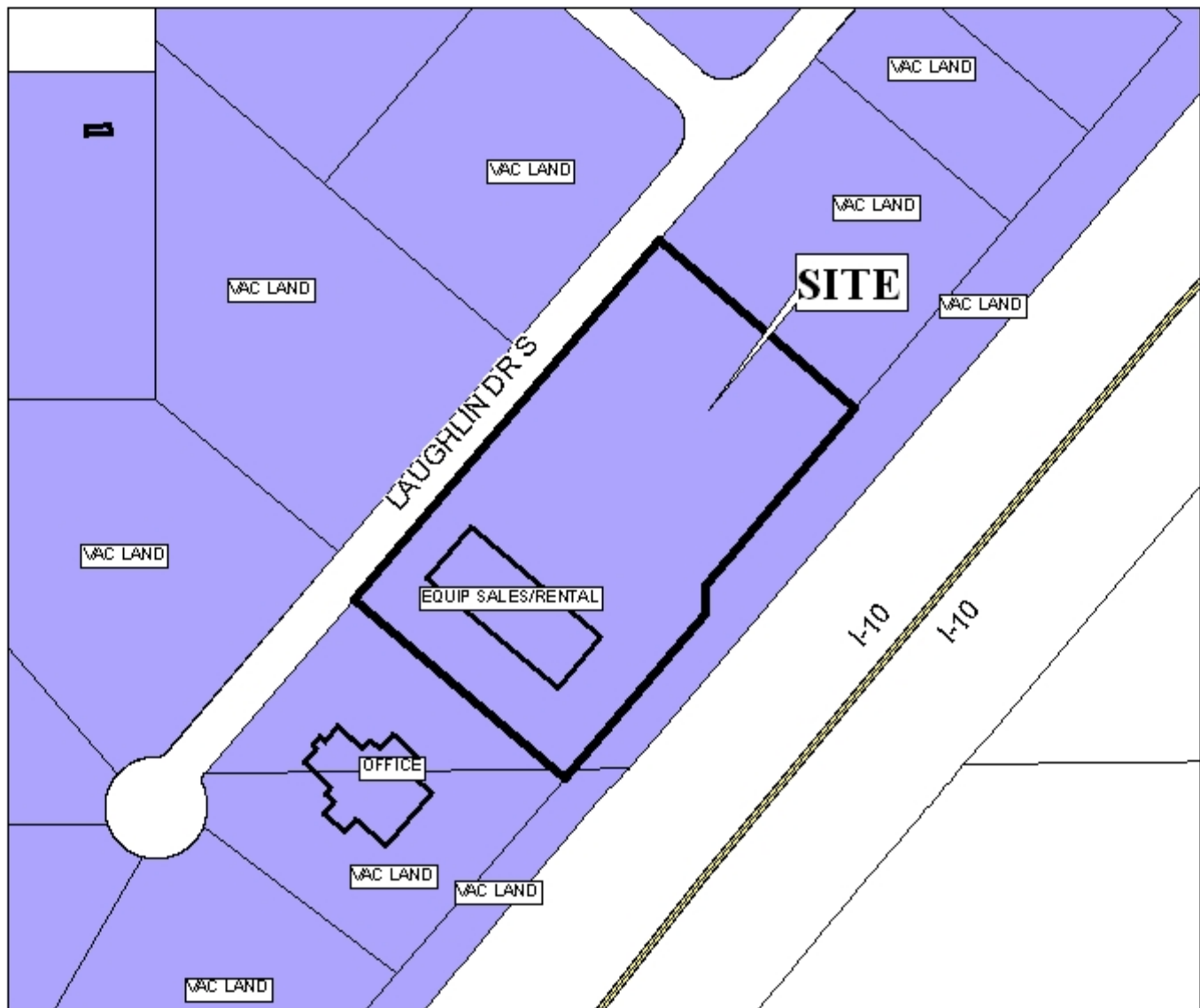
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APPLICANT Volvo Construction Equipment Rents

REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING





An office is located southwest of the site.

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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

N  
↑  
NTS

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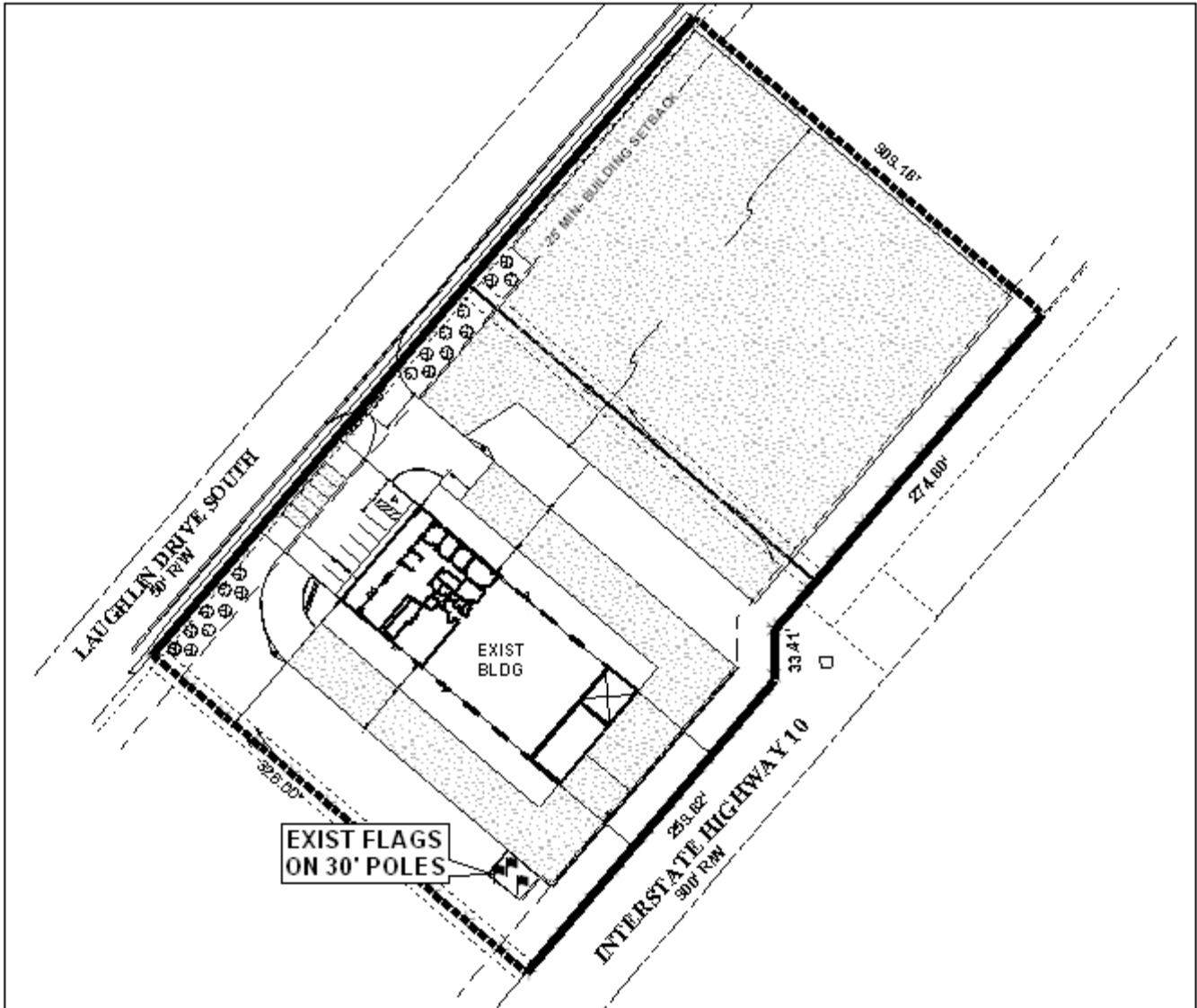
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## SITE PLAN



The site plan illustrates the existing development and existing flag locations.

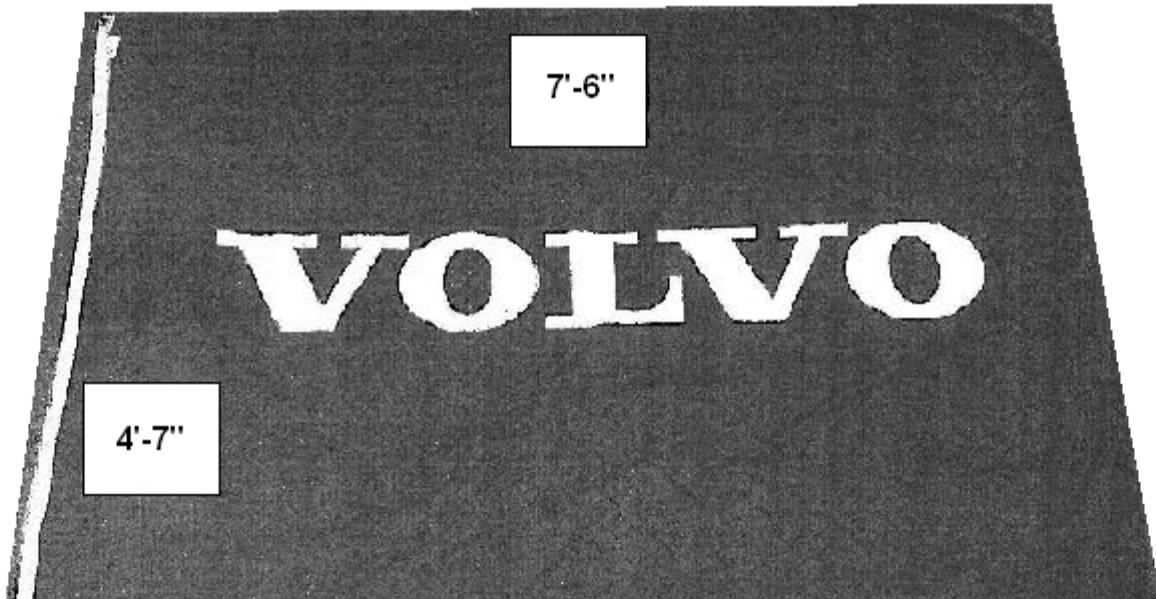
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## DETAIL SITE PLAN



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REQUEST Sign Variance

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NTS