

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 7, 2013****CASE NUMBER**

5860/1411

APPLICANT NAME

Affordable Auto Painting & Collision, LLC

LOCATION2905 Government Boulevard
(South side of Government Street, 165'± West of Magnolia Road)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a total of five (5) signs with one (1) being a freestanding sign for a single tenant site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows a total of three (3) signs with one (1) being freestanding sign for a single tenant site in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

1.25± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting a Sign Variance to allow a total of five (5) signs with one (1) being a freestanding sign for a single tenant site in an B-3, Community Business District; the Zoning Ordinance allows a total of three (3) signs with one (1) being freestanding sign in a B-3, Community Business District.

The applicant states that they hired a licensed and bonded sign contractor to install the signs at the current location in 2005, however no invoice was provided to verify this. The applicant goes on to state that the wall signs were on the structure prior to the adoption of the Sign Regulations in 1992, and they were changed to reflect the name of the current occupant in 2005. If the signs were indeed in place prior to the adoption of the Sign Regulations, the non-conforming number of signs would have been allowed to remain as long as the cabinets were not replaced, and only refaced. Staff has no way to determine if the signs do indeed pre-date the Sign Regulations or if they would still have their non-conforming status.

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 Board of Zoning Adjustment has approved two sign variance for businesses close to the subject site. At its June 3, 2003 meeting, a variance was granted to allow four wall signs for a tenant on a multi-tenant site, and on December 7, 2012, the Board approved a variance to allow three freestanding signs on a single-tenant site. In both of those instances, the sites had a previous non-conformity.

It is unfortunate that the applicant hired a licensed and bonded sign contractor with the assumption that all necessary approvals would be obtained, however, the applicant did not do his due diligence to verify that the proper approvals had been obtained prior to allowing the installation of the signs. The applicant claims to have been familiar with the limitations for sizes of proposed signage, but not the number allowable, and states that to be forced to remove the business name from the building at the subject location would be financially devastating. However, it is important to remember that the applicant would be allowed to retain two wall signs and the freestanding sign, or three wall signs and no freestanding sign to ensure visibility to potential customers. Thus, the business name could remain if other wall signs were removed.

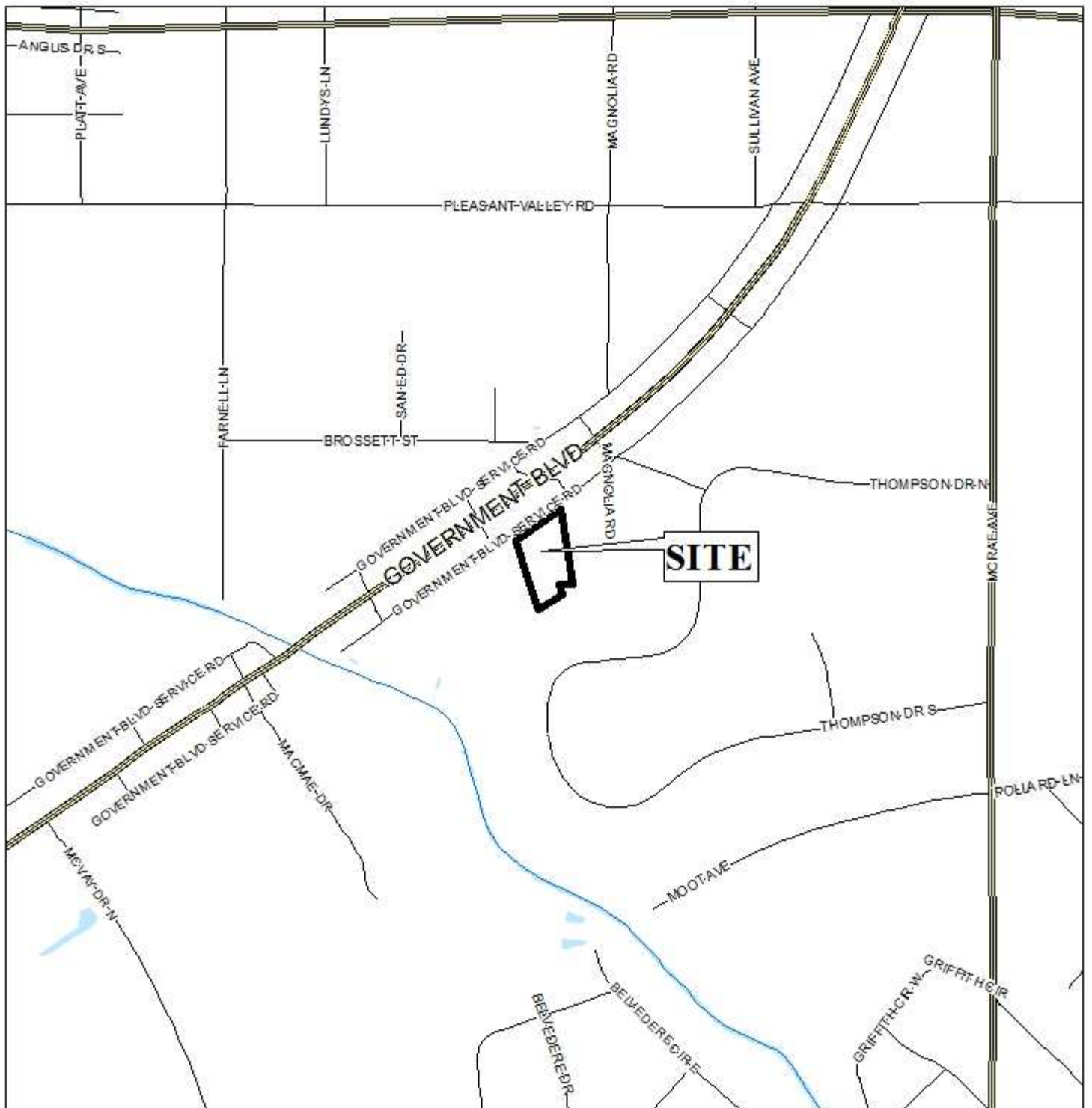
The applicant goes on to state the location of the freestanding sign on the property misleads customers to believe that the subject business is next door; however this could easily be remedied by relocating the freestanding sign with appropriate permits, to both increase visibility of the sign structure as well as more clearly indicate the business's location.

Because economics are not to be considered a hardship as the basis of approvals for variances to be granted, the allowing of excess signage goes contrary to the intent of the Sign Regulations of preventing an excess of signage, and signage may be relocated to provide greater visibility to potential customers, it seems the situation is a self-imposed hardship. Also, as previously stated, the applicant may choose which of the signs to remove in order to bring the site into compliance.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



APPLICATION NUMBER 5860 DATE October 7, 2013

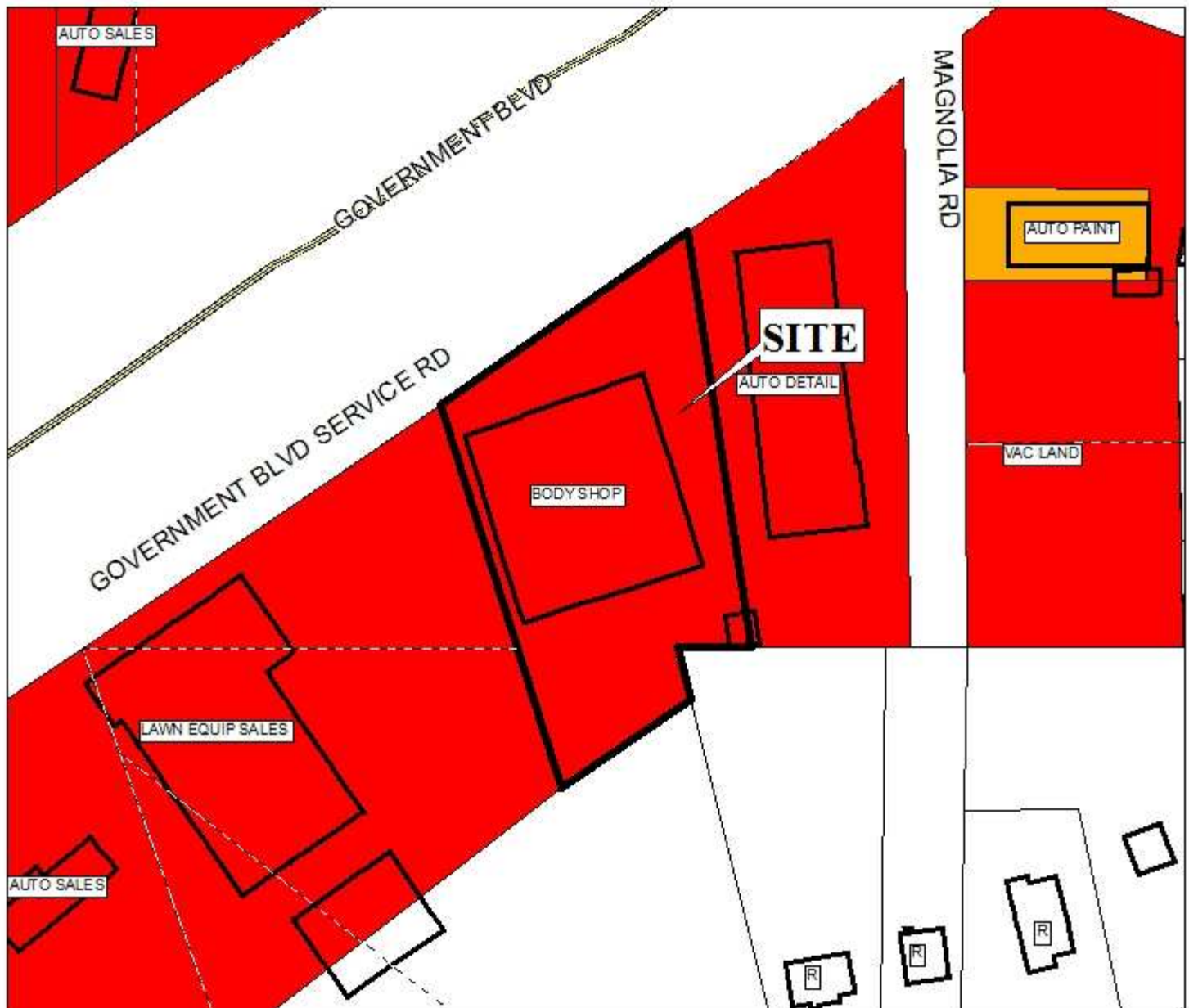
APPLICANT Affordable Auto Painting & Collision, LLC

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses. Single family residences are located to the south of the site.

APPLICATION NUMBER 5860 DATE October 7, 2013

APPLICANT Affordable Auto Painting & Collision, LLC

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses. Single family residences are located to the south of the site.

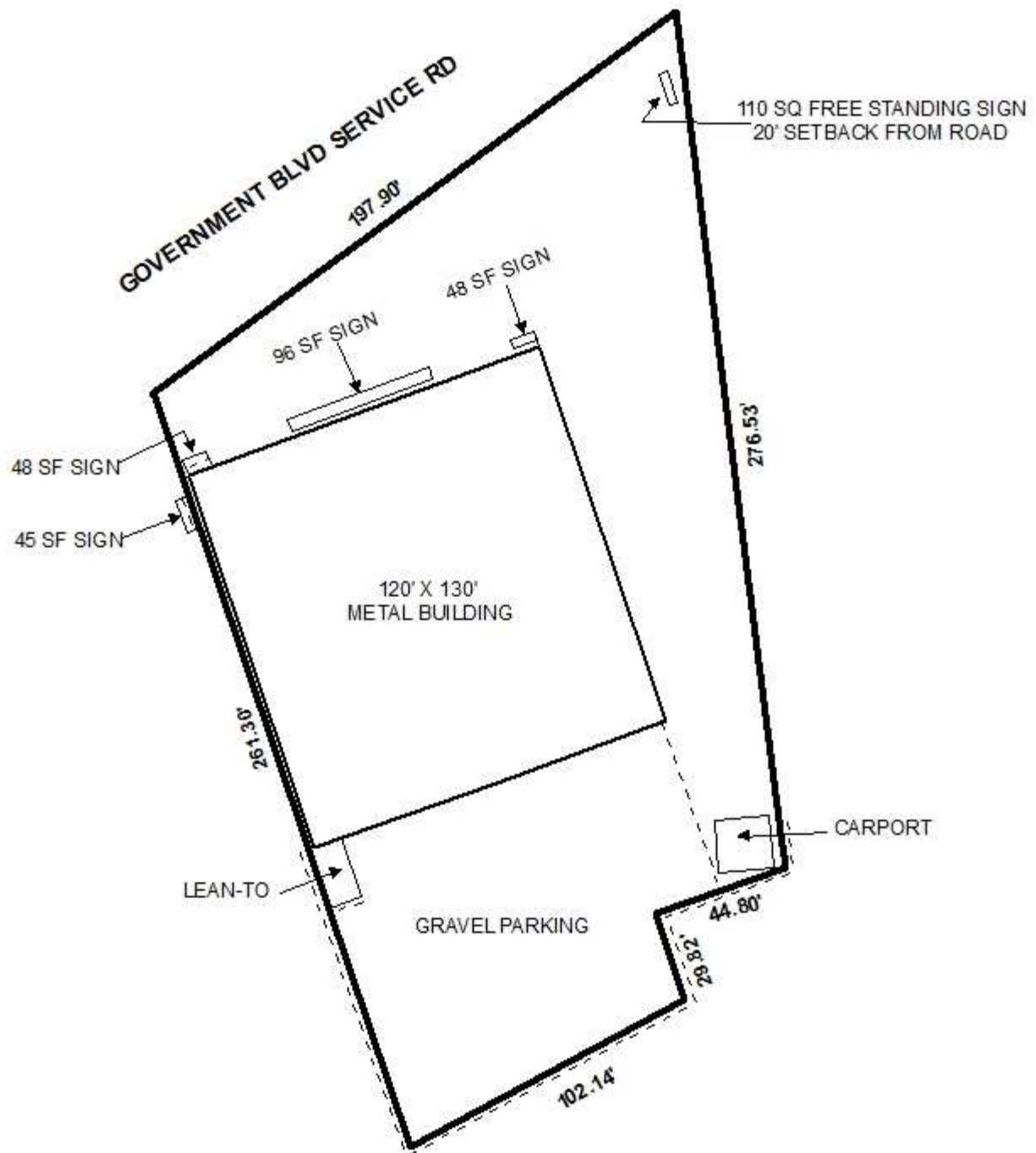
APPLICATION NUMBER 5860 DATE October 7, 2013

APPLICANT Affordable Auto Painting & Collision, LLC

REQUEST Sign Variance



SITE PLAN



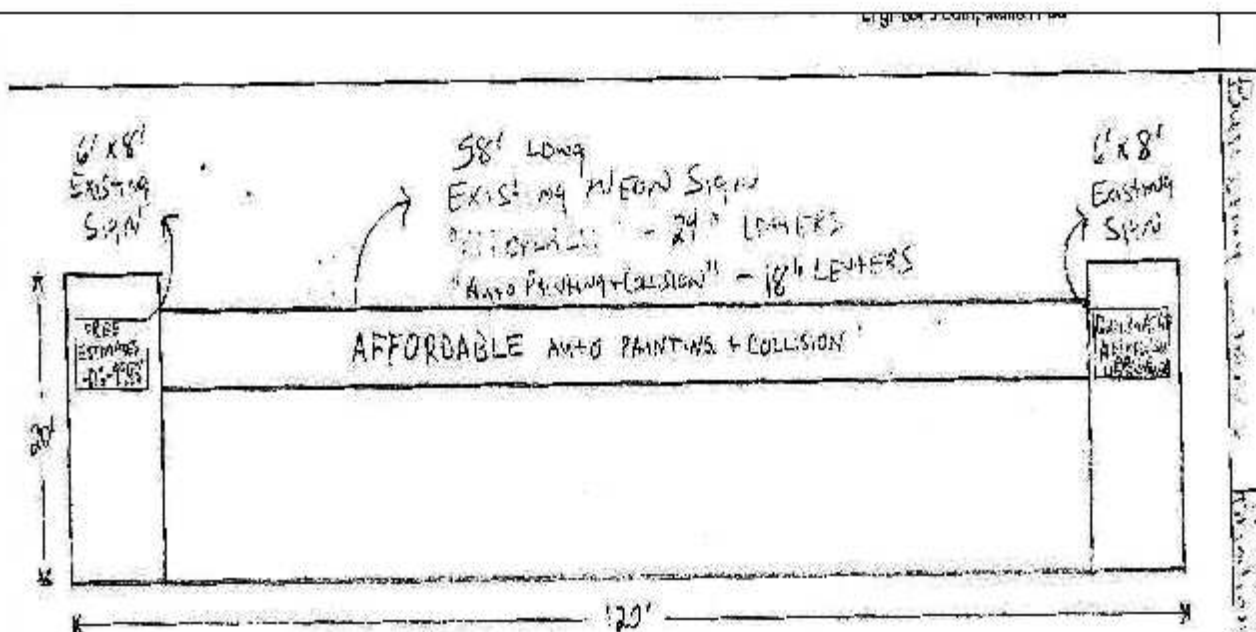
APPLICATION NUMBER 5860 DATE October 7, 2013

APPLICANT Affordable Auto Painting & Collision, LLC

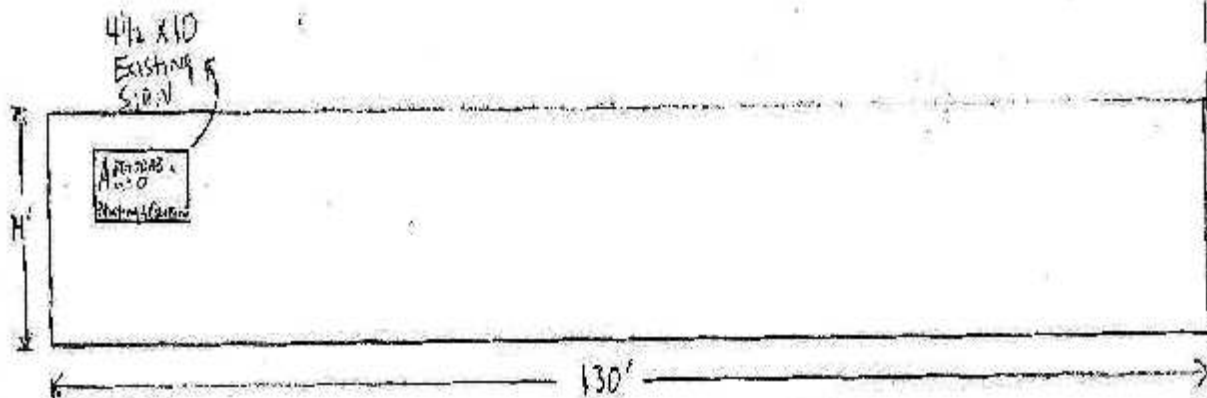
REQUEST Sign Variance



DETAIL SITE PLAN



FRONT VIEW



WEST SIDE VIEW

NO SIGNS ON EAST SIDE

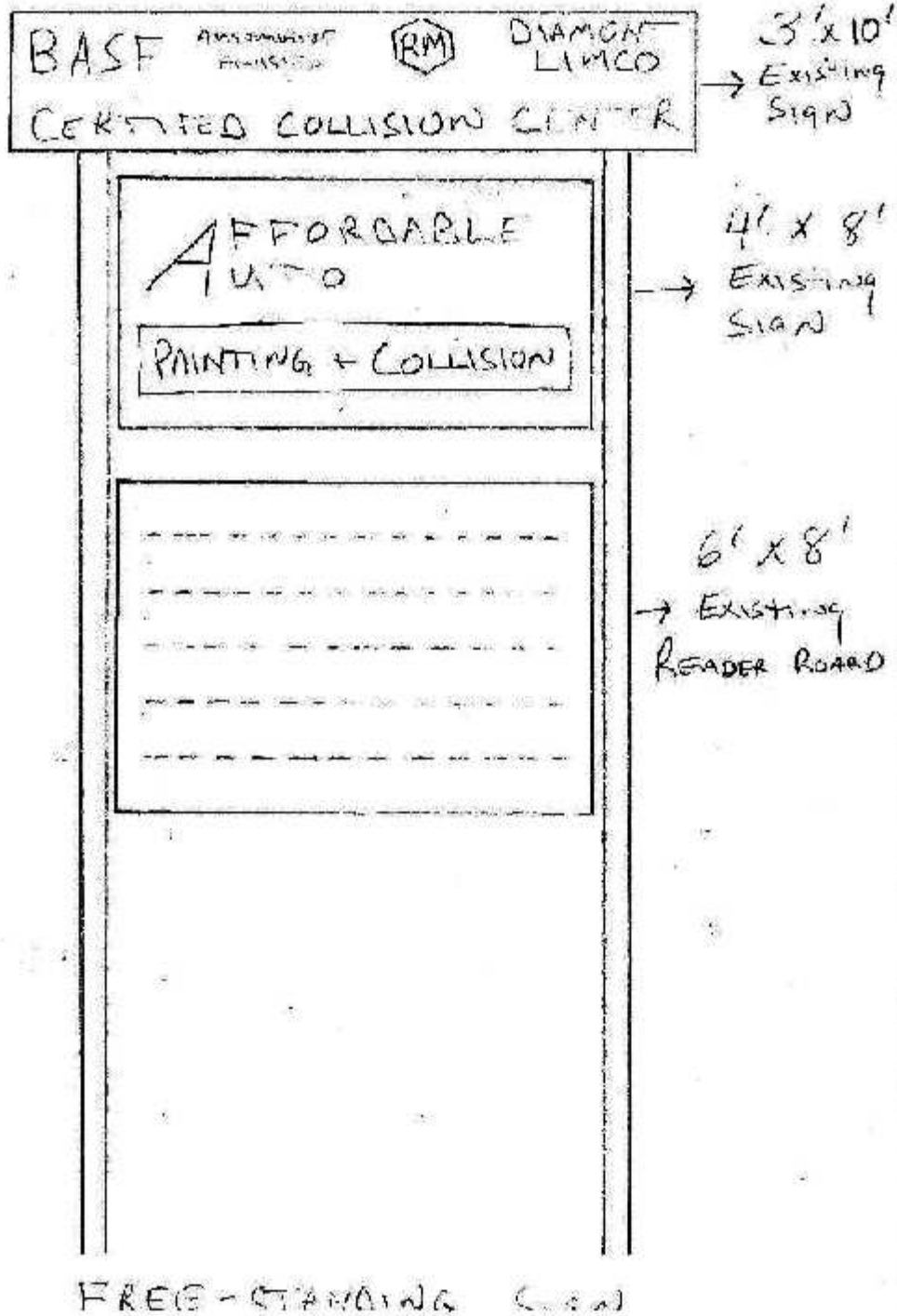
APPLICATION NUMBER 5860 DATE October 7, 2013

APPLICANT Affordable Auto Painting & Collision, LLC

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 5860 DATE October 7, 2013

APPLICANT Affordable Auto Painting & Collision, LLC

REQUEST Sign Variance

