

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 6, 2014**

<b><u>CASE NUMBER</u></b>	5871
<b><u>APPLICANT NAME</u></b>	Glass Masters
<b><u>LOCATION</u></b>	7064 Airport Boulevard (North side of Airport Boulevard, 330 ± East of Cody Road)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow a second freestanding sign cabinet on an existing structure at a single-tenant commercial site with one existing off-premise multi-tenant freestanding sign in a B-3, Community District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows one freestanding sign per single-tenant site in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	0.47 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This variance request was not reviewed by Traffic Engineering
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow a second freestanding sign cabinet on an existing structure at a single-tenant commercial site with one existing off-premise multi-tenant freestanding sign in a B-3, Community District; the Zoning Ordinance allows one freestanding sign per single-tenant site in a B-3, Community Business District.

The site currently has two existing freestanding sign structures along the 100' ± of road frontage along Airport Boulevard. The structure furthest east, cited as the "Spectrum sign" in the applicant's justification, has a 3-tenant panel sign and an additional readerboard sign near the

base of the structure. The other structure is only a pole without any signage and is located 38' ± west. There does not appear to be any sign permits associated with the Spectrum sign, however, there are sign permit applications submitted in 2005 for each of the three tenant panels. Also, within the documents submitted in 2005 is a signed statement stating that the pole without signage would be taken down but it seems that those permit applications were never issued and the sign pole still stands.

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 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.

Applicant's statement: *Glass Masters has a building on the front property at 7064 Airport Blvd. Spectrum Collision has a building behind Glass Masters. Spectrum Collision has a pylon sign on Airport Blvd road frontage, but Glass Masters does not. There is an existing pole on the property in front of Glass Masters building. They want to put their cabinet on the existing pole. **The hardship is they want to have a nice size sign to advertise their business.** There is a small 1'x8' panel on the Spectrum sign that they could use, but is so small that you can't see it. They are asking that you let them put their cabinet on the existing pole.*

The applicant proposes an 8' H x 12' W sign atop the existing pole currently without any signage. The applicant does not include any measurements for the existing tenant panels on the Spectrum sign but does state that there is a 1' H x 8' W tenant panel on the Spectrum sign that could be used by Glass Masters. Documents submitted from the 2005 sign permit applications depict the tenant panel with a measurement of 2' H x 12' W, and as such, it would appear to be sufficient space for advertisement and the hardship stated by the applicant does not appear to be a hardship associated with this property and it is simply the applicant's desire to not comply with the Zoning Ordinance.

It should be pointed out that the site is part of an active PUD which includes three adjacent lots of the same ownership as the property in this request, previously mentioned. There are several buildings within these lots which contain existing signage for Spectrum Collision, and it appears the existing signage on one of the freestanding Spectrum sign in this request, as well as an additional freestanding sign and several wall signs on the adjacent lots, appear to have been **installed without any sign permits**. Thus far, there does not appear to have been any effort made by the property owner to bring signage into compliance, thus it can be assumed that the existing signage will remain in violation for the foreseeable future.

It should also be noted that there is currently a Subdivision and Planned Unit Development (PUD) application, which includes this site and the 3 adjacent lots, set to be heard by the Planning Commission at its January 2, 2014 meeting. This site and the 3 adjacent lots are all of the same ownership and the owner intends to combine all 4 lots into one large 3.73-acre lot. This is of significance because currently, there are 3 existing freestanding signs among the 4 lots and the approval of this request in addition to the current applications to the Planning Commission would result in a total of 4 freestanding signs along 280'  $\pm$  of frontage along Airport Boulevard. The Zoning Ordinance would typically allow one freestanding multi-tenant sign for such a site.

**RECOMMENDATION:**

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

***Revised for the February 3<sup>rd</sup> meeting:***

*The application was heldover from the January 6<sup>th</sup> meeting to allow the applicant to submit additional information regarding the height and size of the proposed sign, as well as height and size information regarding the existing freestanding sign on the site.*

*It should be pointed out that 7 additional photos were submitted; however, 3 of the photos were of a freestanding sign on the **adjacent lot to the East** and the applicant failed to depict the size and height of the existing freestanding sign on this site, as requested. The size of the proposed new sign was provided in one of the photos and is depicted as 6' x 10', 36 square feet smaller than originally proposed, but the applicant did not provide the height of the proposed sign, as requested.*

*The site, if considered a "single tenant" site, would be allowed up to 99  $\pm$  square feet of freestanding signage per face. The applicant proposes 60 square feet, and the existing freestanding multi-tenant sign on the property is 120 square feet and thus combined there would be a total of 180 square feet of freestanding signage (per face) on the "single tenant" site (not including the readerboard on the multi-tenant sign), far exceeding the 99 square feet allowed. If the property is considered part of the overall multi-tenant site due to the existing planned unit development, the tenant would not be allowed its own freestanding sign, and the overall development would be limited to one freestanding sign with 280 square feet per face, with the allocation of the area to be determined by the property owner.*

*It should be pointed out that the business added an awning sign to the building, without permits, replacing an existing awning that only said "welcome."*

*As it appears that the existing sign pole in question has been without a sign cabinet since at least 2006, and as approving the request to place a 60 square foot sign on the pole, in addition to the existing 120  $\pm$  square-foot multi-tenant sign on the property, would far exceed the 99  $\pm$  square feet allowed for this property, it is recommended that the request be denied.*

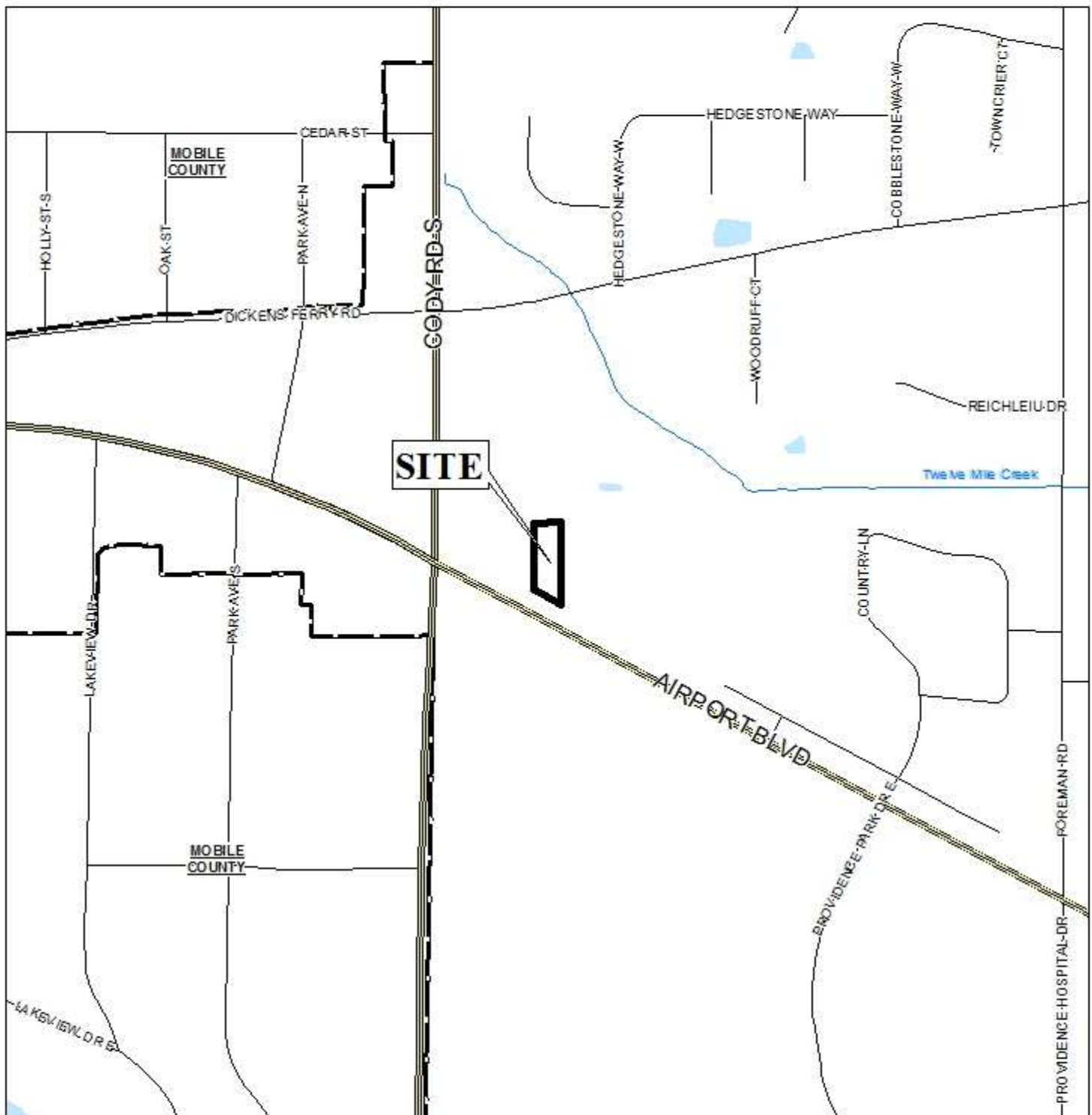
*Approval of the request would be contrary to the public interest, as it would exacerbate an already non-compliant signage situation. Furthermore, there are no special conditions*

*associated with this property that would prevent the location of signage within the existing unpermitted multi-tenant sign. Finally, the spirit of the Sign Regulations would not be observed, nor would justice be done to other nearby businesses along Airport Boulevard if the Sign Variance request was granted.*

**RECOMMENDATION:**  
*for Denial.*

*Based on the preceding, this application is recommended*

# LOCATOR MAP



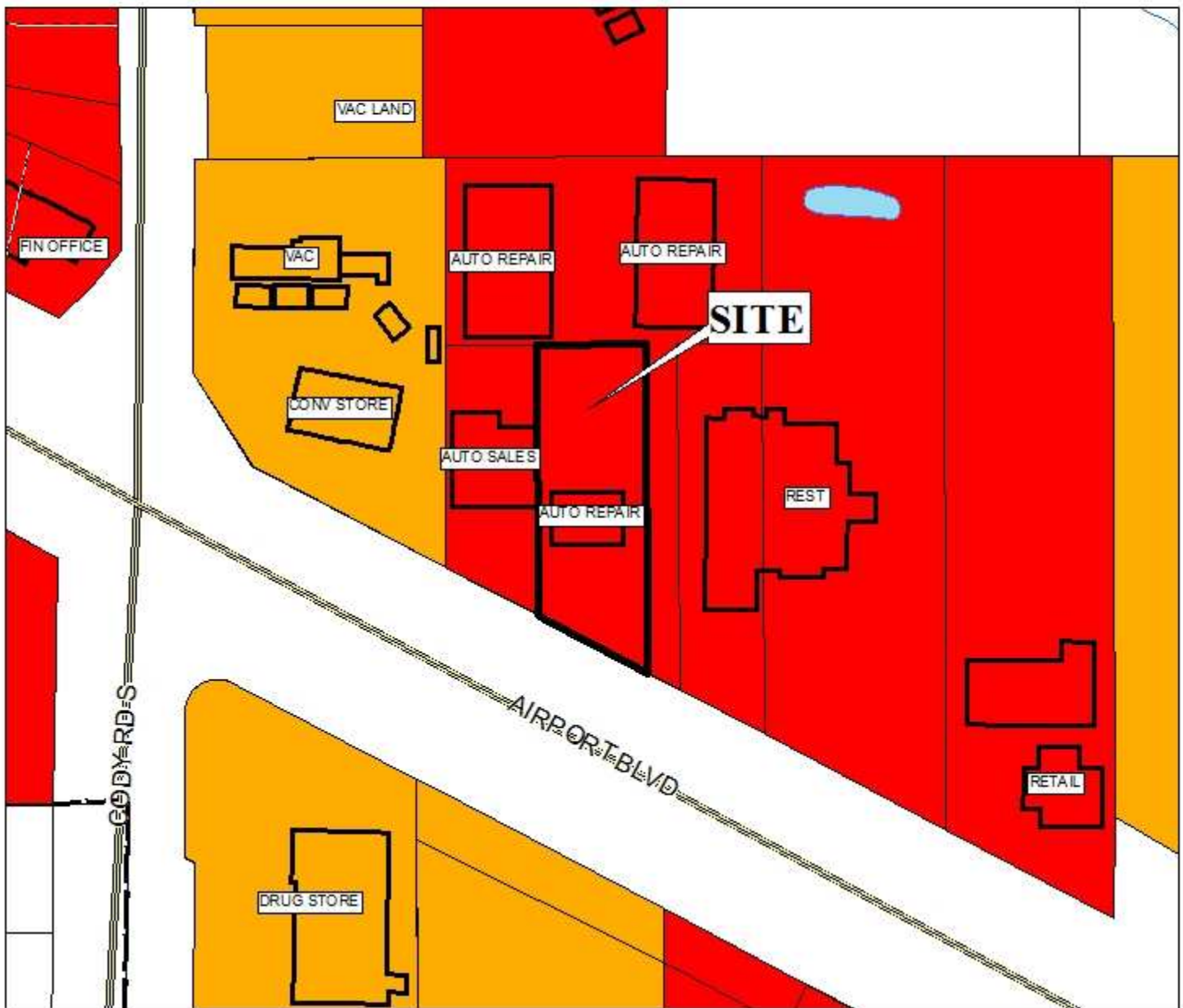
APPLICATION NUMBER 5871 DATE February 3, 2014

APPLICANT Glass Masters

REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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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





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The site is surrounded by commercial land use.

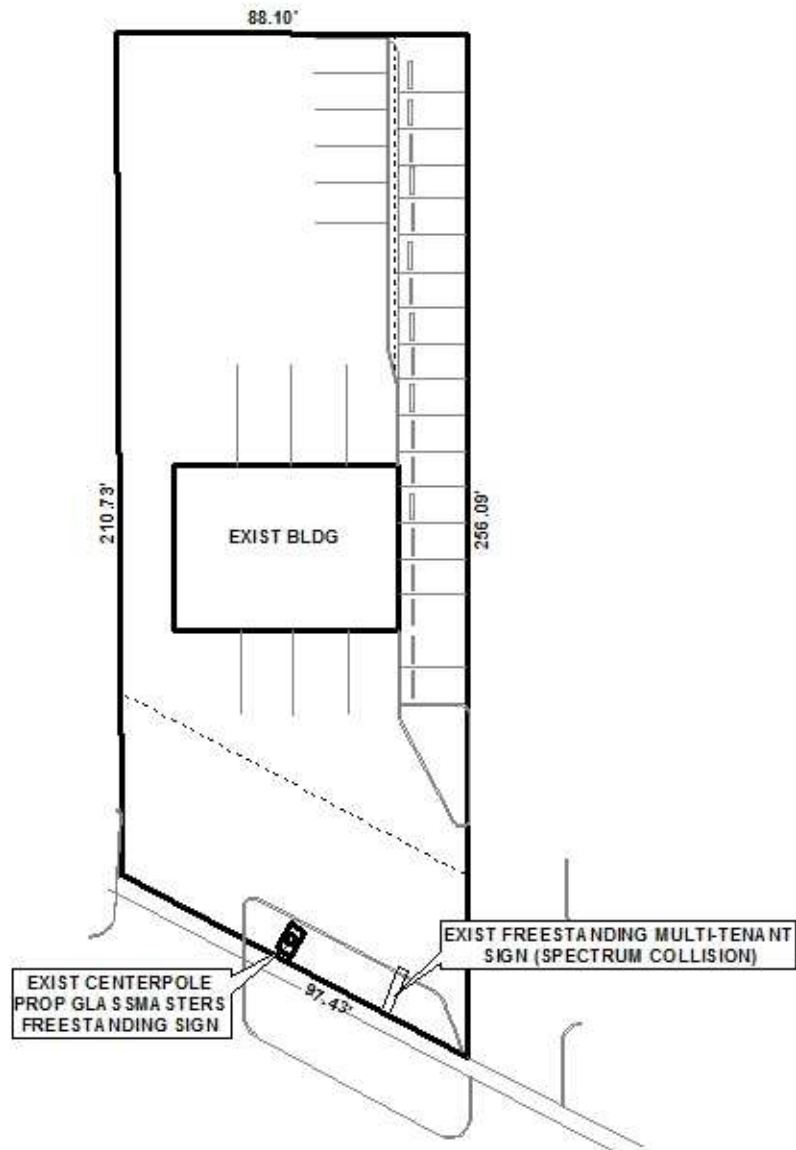
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# SITE PLAN



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

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