

APPLICATION NUMBER

5503

A REQUEST FOR

SIGN VARIANCE TO ALLOW AN ILLUMINATED, DOUBLE-FACED, 16" X 30" OFF-PREMISE DIRECTIONAL SIGN WITH A CORPORATE LOGO IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT; THE ORDINANCE REQUIRES ALL DIRECTIONAL SIGNS TO BE LOCATED ON-PREMISE AND NOT CONTAIN ANY CORPOPRATE LOGO IN A B-2, NEIGHBORHOOD BUISNESS DISTRICT.

LOCATED AT

3920 COTTAGE HILL ROAD

(North side of Cottage Hill Road, 240' ± East of Azalea Road).

APPLICANT

COTTAGE HILL TENN, LLC

OWNER

FLAGSTAR ENTERPRISES & F&J COTTAGE HILL, LLC

AGENT

FRANK A. DAGLEY & ASSOCIATES, INC.

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2008

The applicant is requesting a Sign Variance to allow an illuminated, double-faced, 16" x 30" off-premise directional sign with a corporate logo in a B-2, Neighborhood Business District; the Ordinance requires all directional signs to be located on-premise and not contain any corporate logo in a B-2, Neighborhood Business District.

The applicant proposes to build a new auto parts store facing Cottage Hill Road with an access easement on Azalea Road, approximately 300' North of Cottage Hill Road, approved via a Planned Unit Development for shared access in 2003, but with a different site plan. It is stated that the primary access will be from Cottage Hill Road; however, due to traffic back-up on Cottage Hill Road from the traffic light at Azalea Road, ingress and egress via Cottage Hill Road will, at times, be very difficult. The proposed sign on Azalea Road is intended to provide traffic with an alternative to the Cottage Hill Road entrance. It is further argued that the Azalea Road access point is located along the lesser traveled artery and will provide a much safer alternative for both North and South bound Azalea Road customers and East bound Cottage Hill Road customers instead of the center turn lane. The applicant states that the approval of this request will alleviate the hardship that would be forced on the public traffic circulation at this very heavily traveled intersection with all the potential hazards of cross turning traffic.

Inasmuch as the Azalea Road access would alleviate some of the traffic circulation hazards associated with the site, the hardship in this case is not site access, but site access recognition. For the purposes of site access traffic direction, the Ordinance makes a provision for "signs directing and guiding traffic services on private property but bearing no advertising matter and not exceeding 20 square feet for each sign...". Directional signs must be on the property for which they direct traffic. In this case, the sign contains the corporate logo and business name and would be considered advertising in nature, and is off-premise on the adjacent property. Due to the location of the access easement, the fact it serves the applicant, and the fact that cross-traffic access during times of congestion could be hazardous, a directional sign on the Azalea Road access could be justified. However, such a sign need not contain the corporate logo to be effective. Generic lettering with an arrow would suffice, and could be in the company's "signature" color(s).

The sign is proposed to be placed within the 25' building setback line and be over 3' high; therefore, Traffic Engineering approval should be required to ensure traffic visibility is not obstructed. Since this would be an off-premise sign, although directional, a sign permit would be required by the Planning Section.

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.

With regard to the logo proposed on the sign, 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 erect an off-premise directional sign with a corporate logo identity. However, with regard to the site access recognition, the applicant has illustrated a potential hardship to be imposed, and the Board should consider the approval of the off-premise directional sign containing generic lettering and no corporate logo.

RECOMMENDATION 5503**Date: November 3, 2008**

Based on the preceding, this application is recommended for approval, with modifications, subject to the following conditions:

- 1) the sign is not to contain any corporate logo;
- 2) submission and approval of a revised PUD for shared access between the two sites;
- 3) subject to Traffic Engineering approval; and
- 4) the provision of obtaining a sign permit from the Planning Section.

LOCATOR MAP



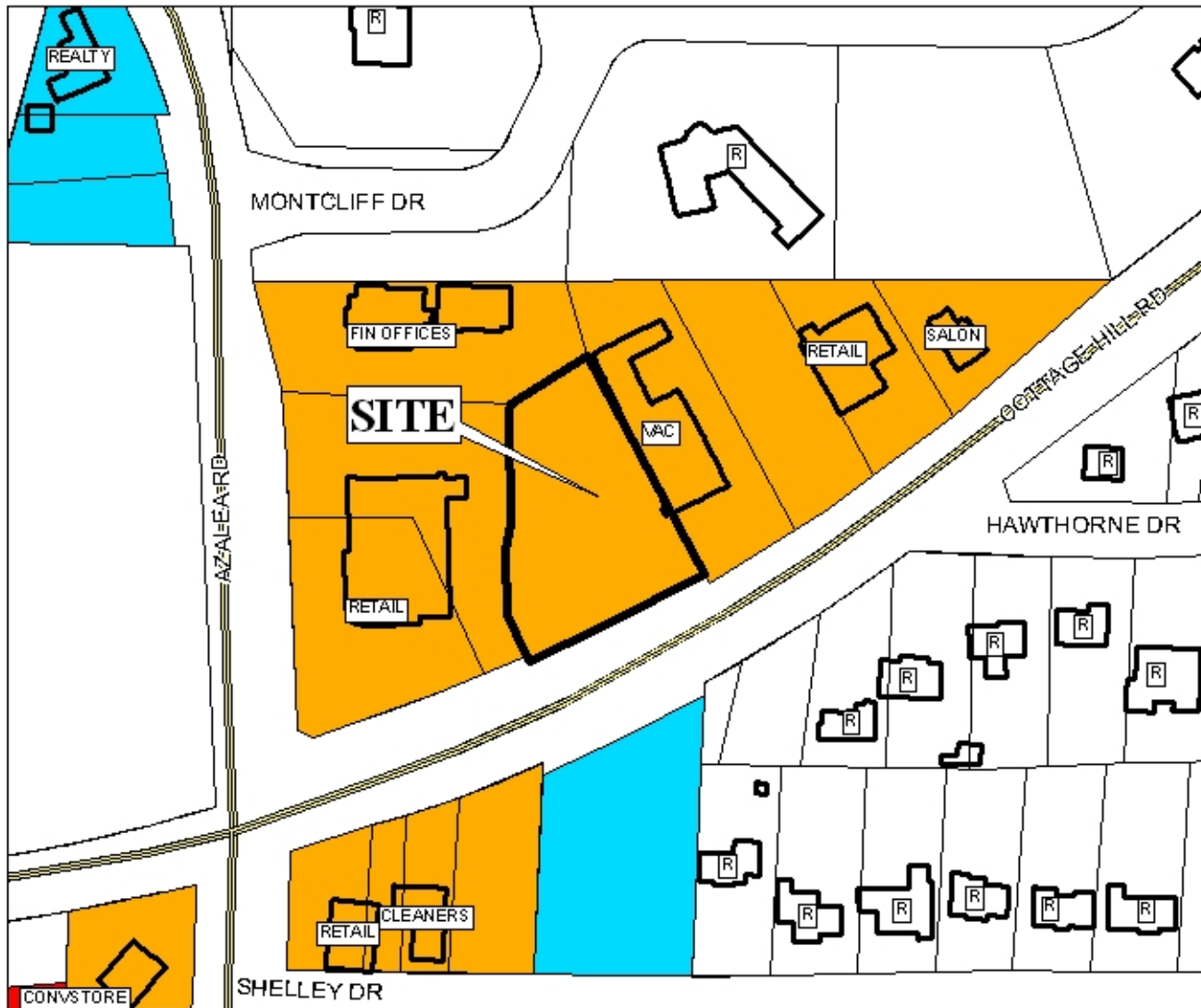
APPLICATION NUMBER 5503 DATE November 3, 2008

APPLICANT Cottage Hill Tenn, LLC (Charles S. Christman, Agent)

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

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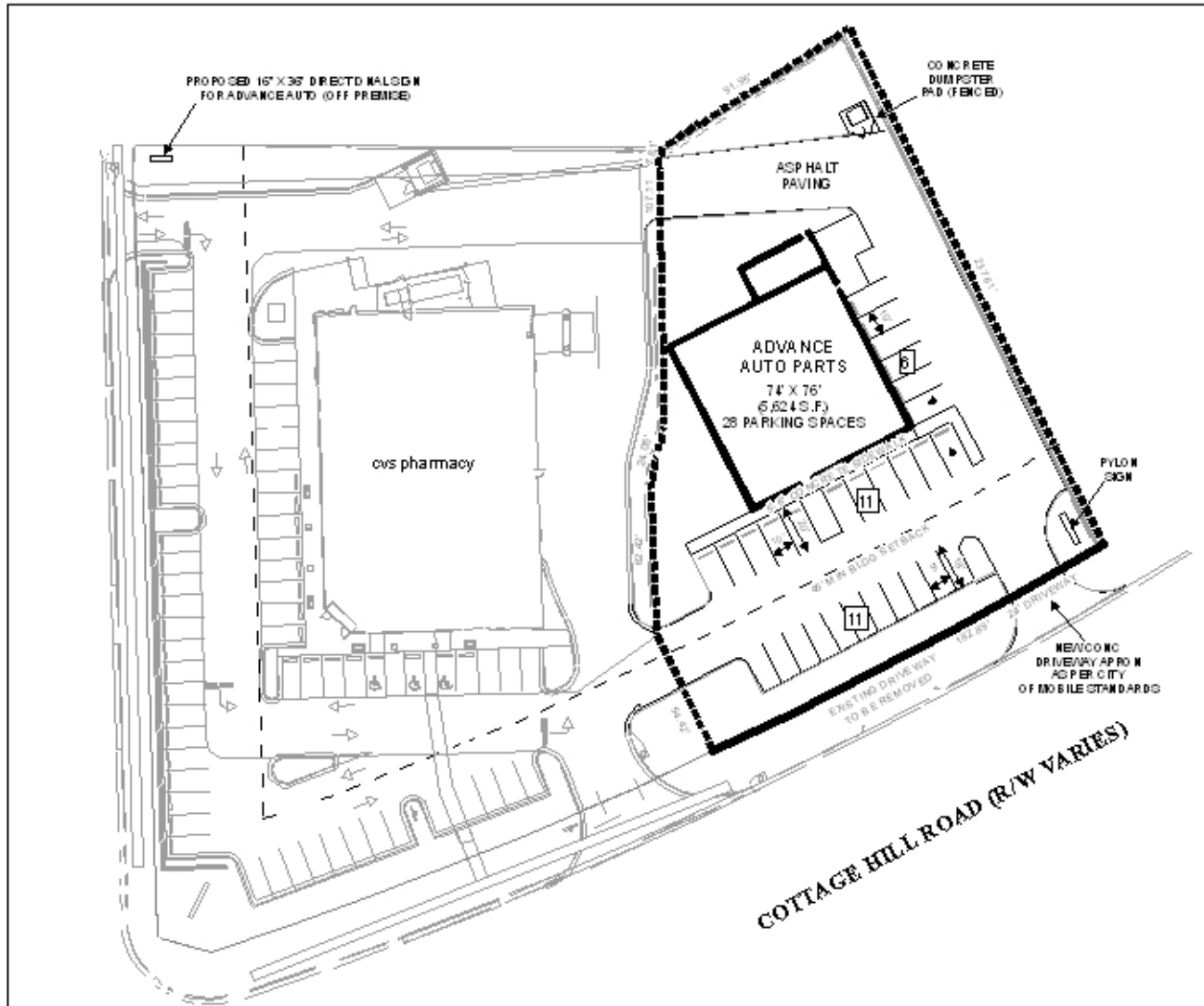
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LEGEND

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	NTS
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SITE PLAN

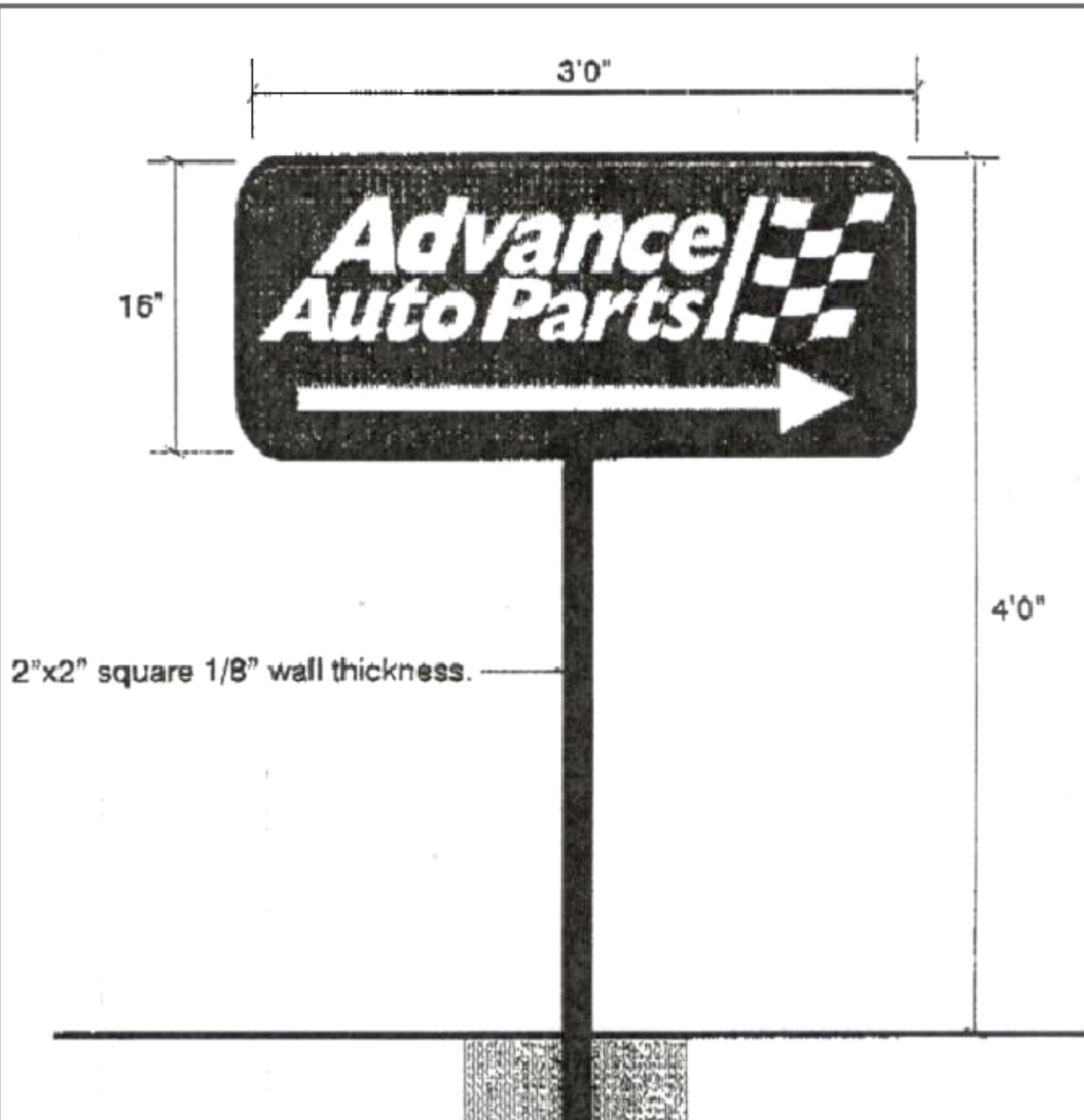


This site plan illustrates proposed retail store with surrounding parking.

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 NTS

DETAIL SITE PLAN



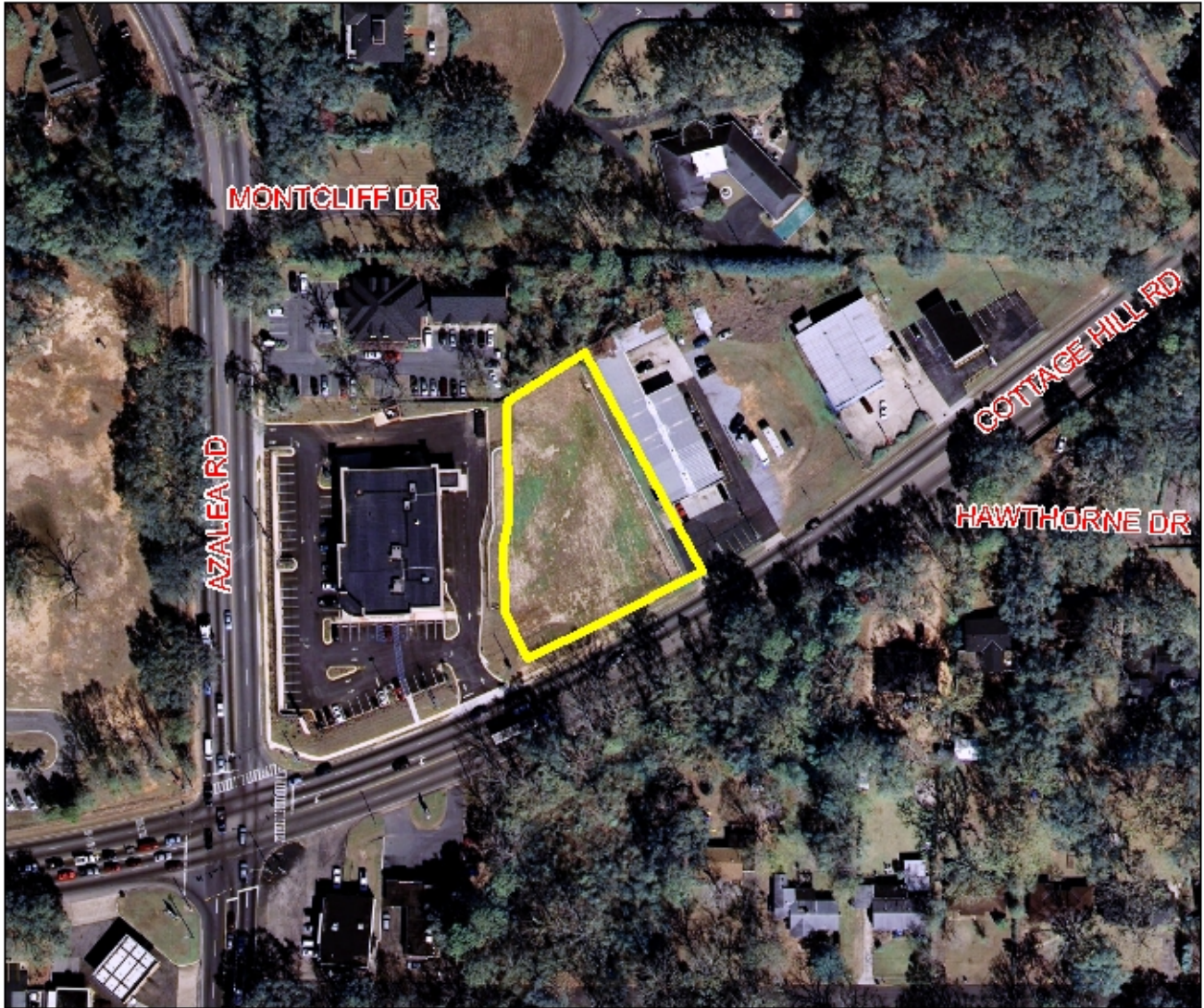
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