

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 7, 2011**

<u>CASE NUMBER</u>	5659
<u>APPLICANT NAME</u>	Domino's Pizza (Lea Chris, Agent)
<u>LOCATION</u>	5369-A U.S. Highway 90 West (East side of U. S. Highway 90 West, 750'± North of Halls Mills Road)
<u>VARIANCE REQUEST</u>	SIGNAGE: Sign Variance to allow a an additional wall sign for a tenant in a multi-tenant site.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGNAGE: One wall sign per street frontage the tenant faces for a multiple-tenant commercial site.
<u>ZONING</u>	B-3, Community Business District.
<u>AREA OF PROPERTY</u>	15,000 square feet/0.34 ± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Sign Variance to allow an additional wall sign for a tenant in a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows only one wall sign per tenant on a multi-tenant site in a B-3, Community Business District.

The site is within the Theodore Annexation Area. The Land Use Study done at the time of annexation shows that there were a number of legal non-conforming signs at the site, including an additional wall sign for the applicant. The applicant, at the time of annexation, had a 36 square-foot tenant panel on the freestanding pylon sign, a 48 square-foot wall sign on the front of the building, and a 25 square-foot wall sign on the rear of the building. As the ordinance only allows one wall sign per tenant, one of the existing wall signs was considered legal non-conforming. At some point, the applicant added an additional 216 square-foot wall sign to the side of the building without any permits. The applicant is now requesting a variance and after-the-fact approval for the sign.

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.

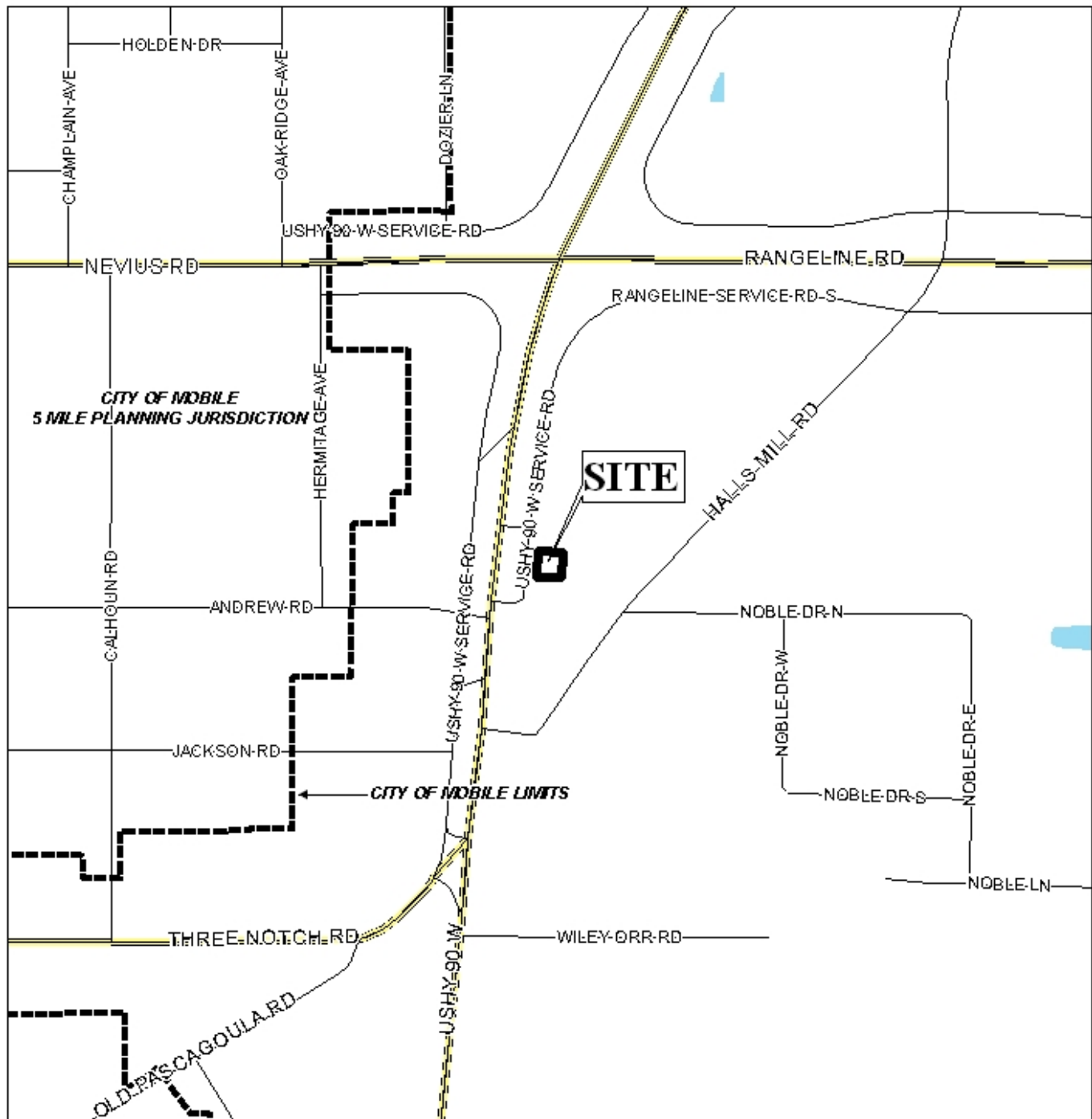
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant states that their reason for hardship is that “the main road sign is blocked at different angles and can not be seen from the road in certain areas.” Given the amount of signage that was existing at the site and the photographs provided by the applicant, this explanation does not seem to be accurate. The site has excellent visibility from U.S. Highway 90 West, as well as visibility from Halls Mill Road, and thus, there does not appear to be any hardship. As such, the application should be denied.

RECOMMENDATION

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

LOCATOR



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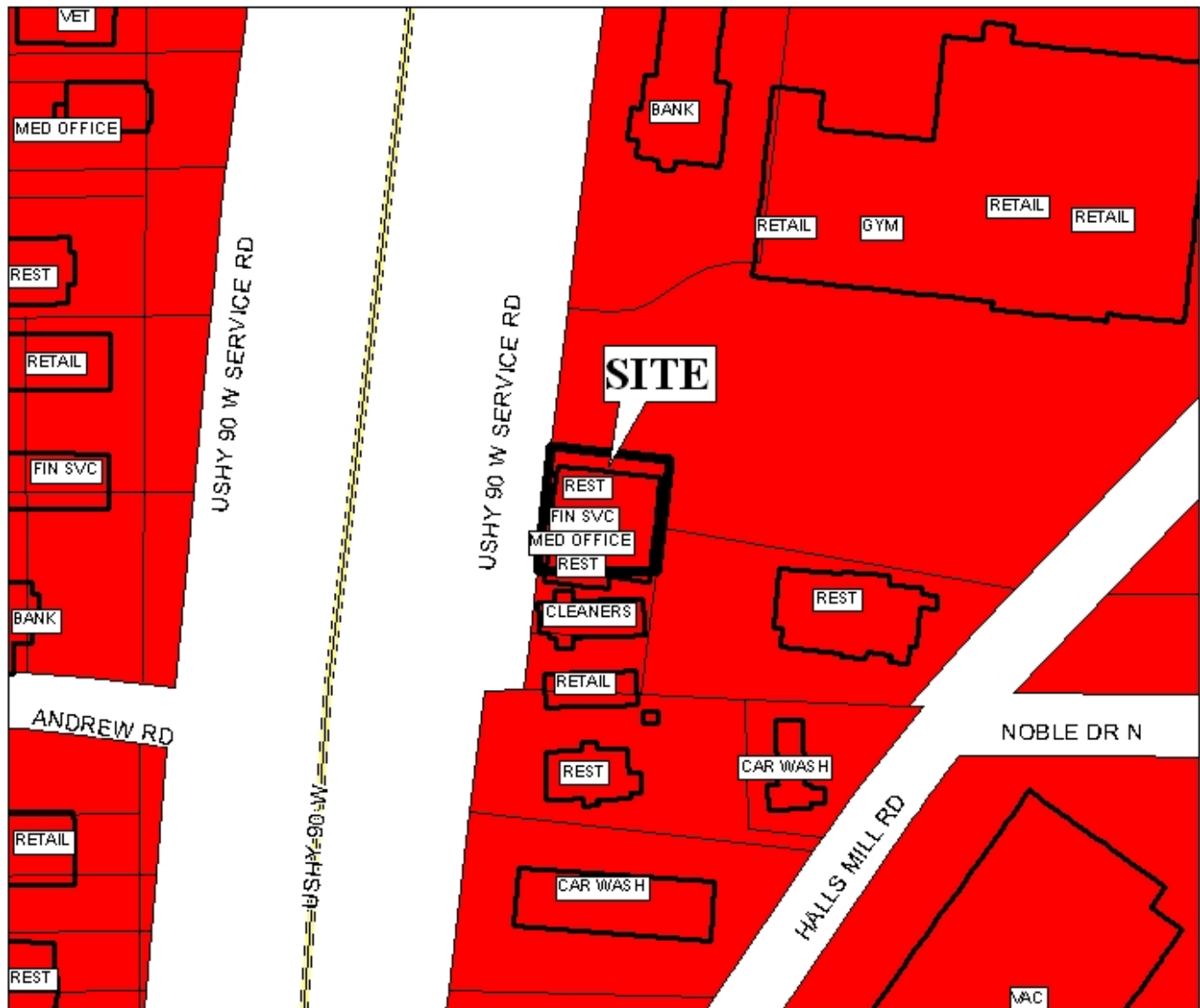
APPLICANT Domino's Pizza (Lea Chris, Agent)

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business 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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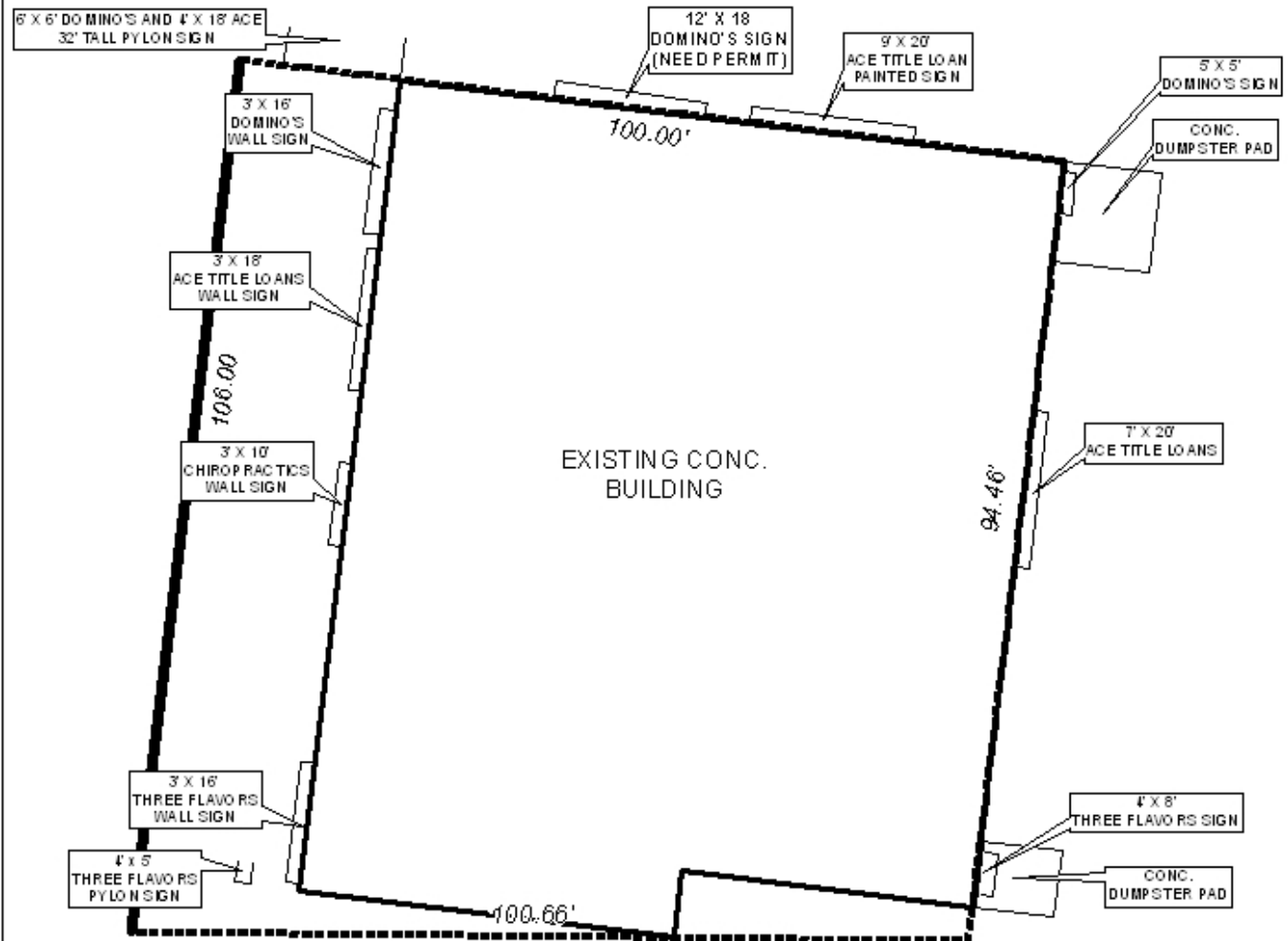
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SITE PLAN



This site plan illustrates the existing building and sign locations.
The proposed Domino's sign is located on the north side of building.

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DETAIL SITE PLAN



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