

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 7, 2012**

<u>CASE NUMBER</u>	5746/5449
<u>APPLICANT NAME</u>	William Tindall
<u>LOCATION</u>	2032 Airport Boulevard (Northwest corner of Airport Boulevard and the CN Railway right-of-way).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to amend a previous Sign Variance to allow two wall signs for a tenant at a multi-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one wall sign per tenant at a multi-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	1.4± Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to amend a previous Sign Variance to allow two wall signs for a tenant at a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant at a multi-tenant site in a B-3, Community Business District.

The subject site was granted a Sign Variance in December, 2007, to allow an on-premise sign to also include off-premise advertising. The applicant desires to amend that variance to allow an end unit tenant to have one wall sign on the unit's front wall and one wall sign on the unit's end wall. Both signs are existing; the end wall sign was permitted, but the applicant's sign contractor also installed a front wall sign without a permit. The un-permitted sign cannot be permitted since the site is not located at a public street intersection which would allow a wall sign on both the front and end walls of the end unit. The applicant now seeks this variance to allow the un-permitted sign to remain.

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 the one wall sign which was permitted is behind a row of trees (required frontage landscape trees) and cannot be seen from moving traffic and that due to the building's placement on the site, one must be in the center of the parking lot before being able to see the business's location in the strip center. It is further stated that two wall signs are needed for the business to survive. The applicant notes that other businesses within the area have more than one wall sign and that it would be a hardship to remove the second sign.

With regard to the permitted sign not being readily visible from moving traffic, the applicant and sign contractor should have assessed the site for the most advantageous location for the sign to provide maximum visibility, and the sign contractor should have advised the applicant that only one wall sign would be allowed at this particular site. The installation of the sign on the wall obscured by trees would not be a hardship created by the site but more by poor installation location selection. Also, the fact that the removal of the un-permitted sign would create a hardship is an issue the applicant should address with the sign contractor as it was knowingly installed without a sign permit or electrical connection permit. It should be noted that the applicant also has a 32 square-foot per face double-faced tenant panel on the large freestanding sign on the site which is readily visible from Airport Boulevard.

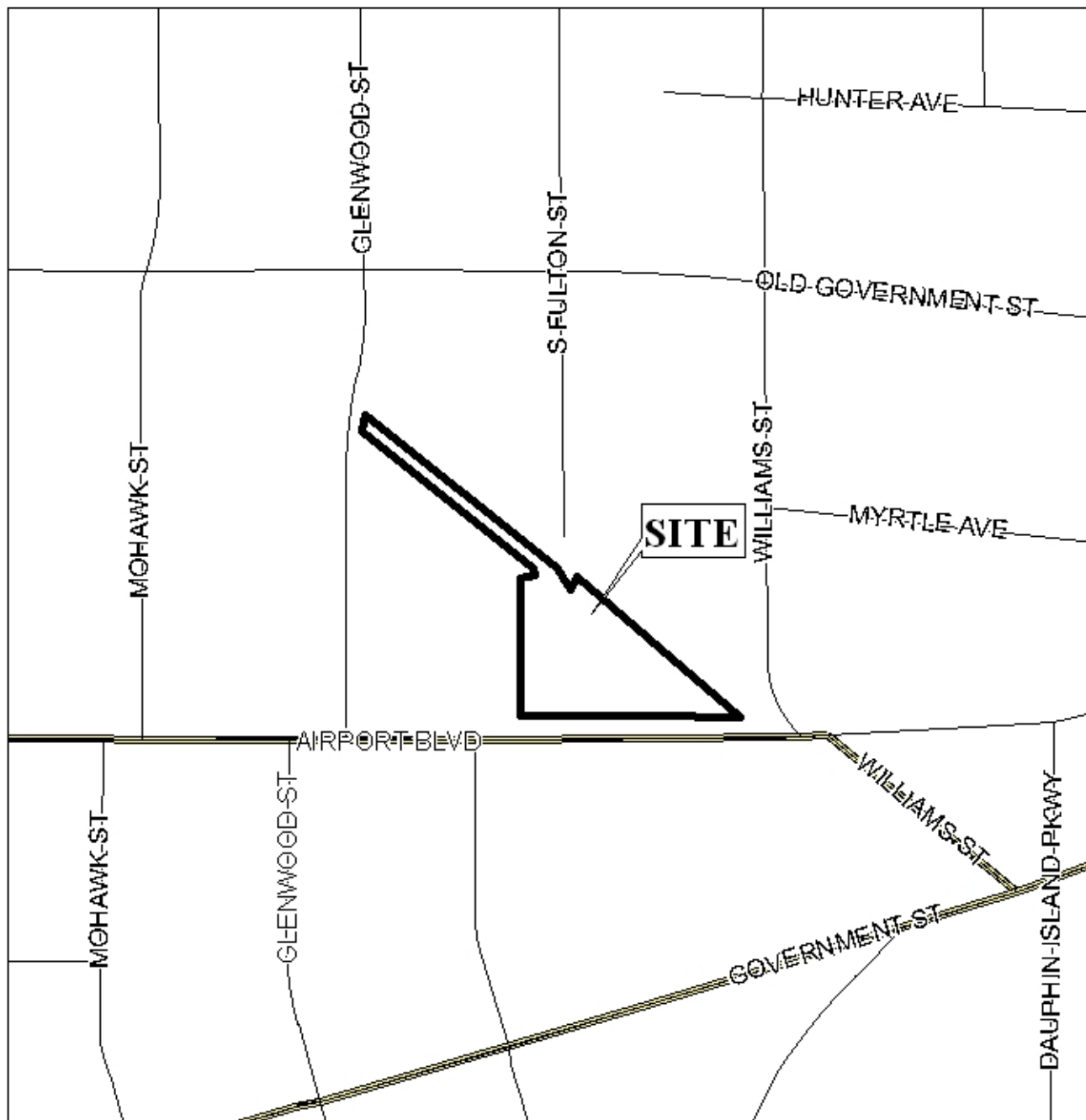
As to the applicant's argument that other businesses within the area have two wall signs, such are allowed on single-business sites. As in the applicant's case, businesses located on multi-tenant sites are limited to one wall sign each, unless a business is located in an end unit at a public street intersection, in which case one wall sign is allowed on each wall facing a public street.

One of the intentions of the Sign Regulation Provisions of the Zoning Ordinance is to protect the general aesthetics of the city by controlling the proliferation of signage. Had the applicant's sign contractor attempted to obtain a sign permit prior to installing the second non-compliant wall sign, such sign would not have been allowed and the violation could have been avoided. The applicant has not demonstrated a hardship created by a literal interpretation of the Zoning Ordinance. Since the sign was installed without a permit, the applicant has created a self-imposed hardship and the Board should consider this application for denial.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



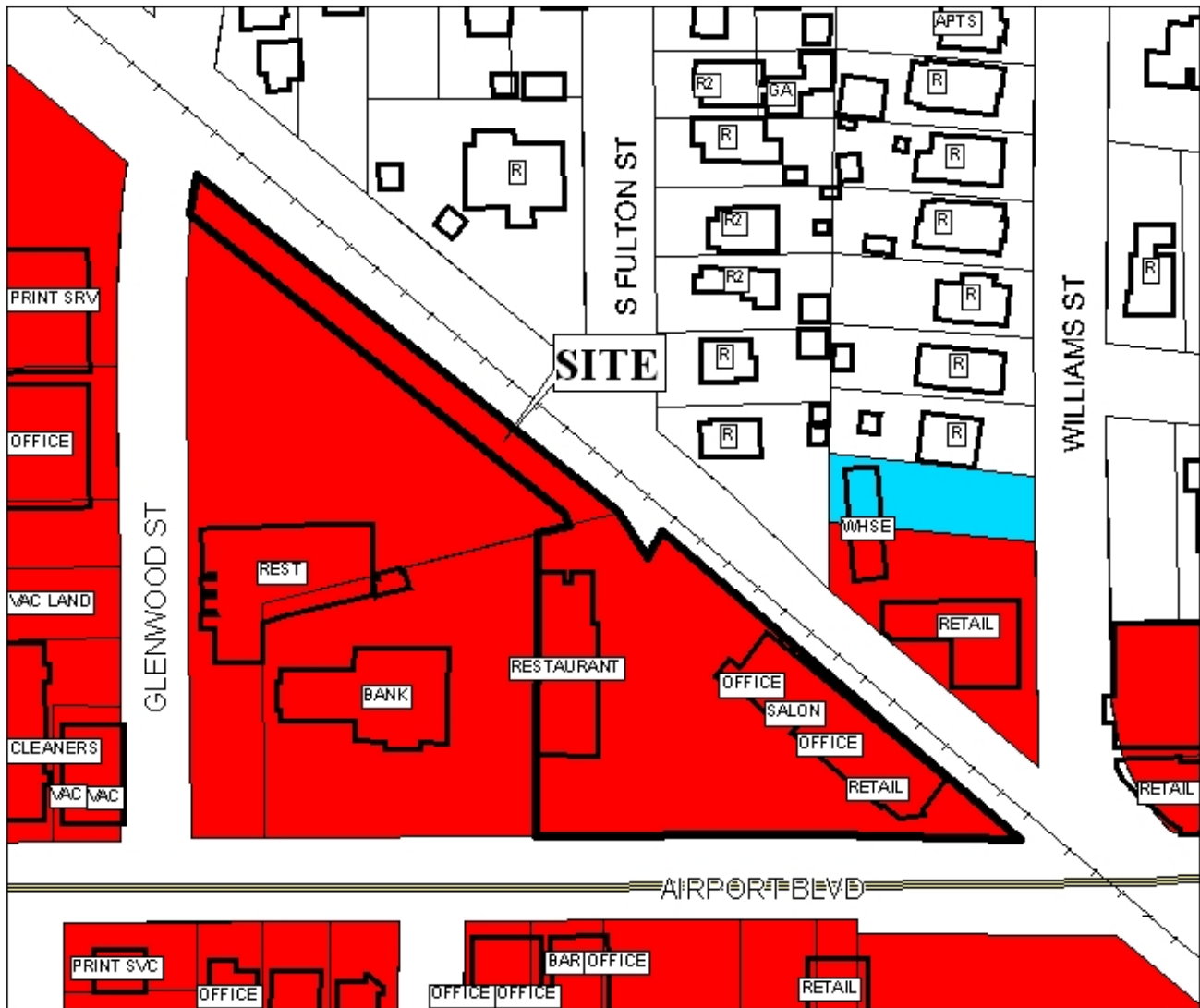
APPLICATION NUMBER 5746/5449 DATE May 7, 2012

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.
Residential land use is located to the north of the site.

APPLICATION NUMBER 5746/5449 DATE May 7, 2012

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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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

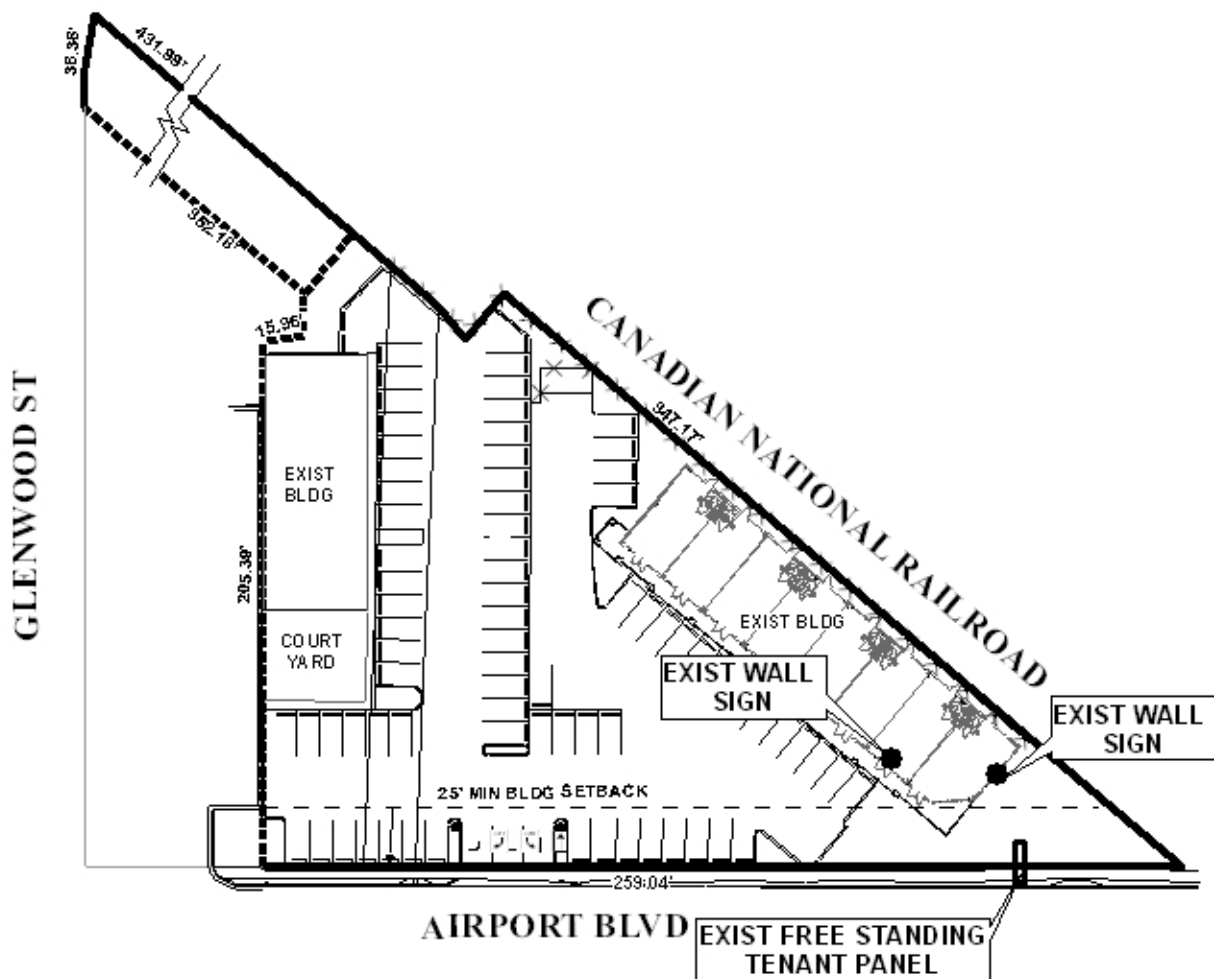


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SITE PLAN



The site plan illustrates the existing sign locations.

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