

APPLICATION NUMBER

5536/5320

A REQUEST FOR

**SIGN VARIANCE TO ALLOW AN ADDITIONAL WALL
SIGN FOR A SINGLE TENANT ON A MULTI-TENANT
COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS
DISTRICT; THE ZONING ORDINANCE ALLOWS ONE
WALL SIGN PER TENANT ON A MULTI-TENANT
COMMERCIAL SITE IN A B-3, COMMUNITY BUSINESS
DISTRICT.**

LOCATED AT

171 EAST I-65 SERVICE ROAD SOUTH

(East side of East I-65 Service Road South, 635'± South of Emogene Street)

APPLICANT

RPI-RITE DEVELOPMENT, LLC

AGENT

WRICO SIGNS, INC.

BOARD OF ZONING ADJUSTMENT

JUNE 2009

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

The applicant states that Verizon Wireless has merged with Alltel, and, as a result, rebranding of several retail stores is underway. The applicant currently has a valid permit for an 89 square-foot, illuminated, wall sign on the South façade of the building, which is where the entrances to the tenant spaces are located. The applicant also has a valid permit for a double-sided, illuminated, 37 square-foot tenant panel sign to be placed on the existing group-development freestanding sign which faces I-65. The applicant is requesting a second illuminated wall sign, 44 square feet in size to be placed on the west façade of the building facing I-65. The zoning ordinance only allows one wall sign per tenant business on a multi-tenant commercial site.

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.

The applicant states that “[m]ost business establishments on I-65 Service Road S have signage facing the main thoroughfare (I-65 and I-65 Service Rd S) and include Belk’s, RBC, Piccadilly, Logan’s, etc.” Most of these businesses are located on parcels with multiple public right-of-way frontages. The applicant also states that the wall sign that is currently permitted, and which will replace the existing Alltel signage, is perpendicular to I-65 and cannot be seen while travelling South on I-65. It is true that many businesses have signage along the I-65 Service Road, including this site. A large, 37 square-foot tenant panel (the largest for the entire group development), already exists facing I-65 and can be easily seen from the interstate, thus negating the applicant’s argument that the site does not have adequate visibility from the Interstate.

It should be noted that when Alltel first occupied this same tenant space in 2005, they applied for this exact same variance. In 2005, the Board denied the variance request. Further, this request is substantially similar to the Blu Rabbit Paradise variance request in 2006 which was also denied by the Board.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. The applicant simply wishes to have a second wall sign on a multi-tenant site which is not allowed by the zoning ordinance.

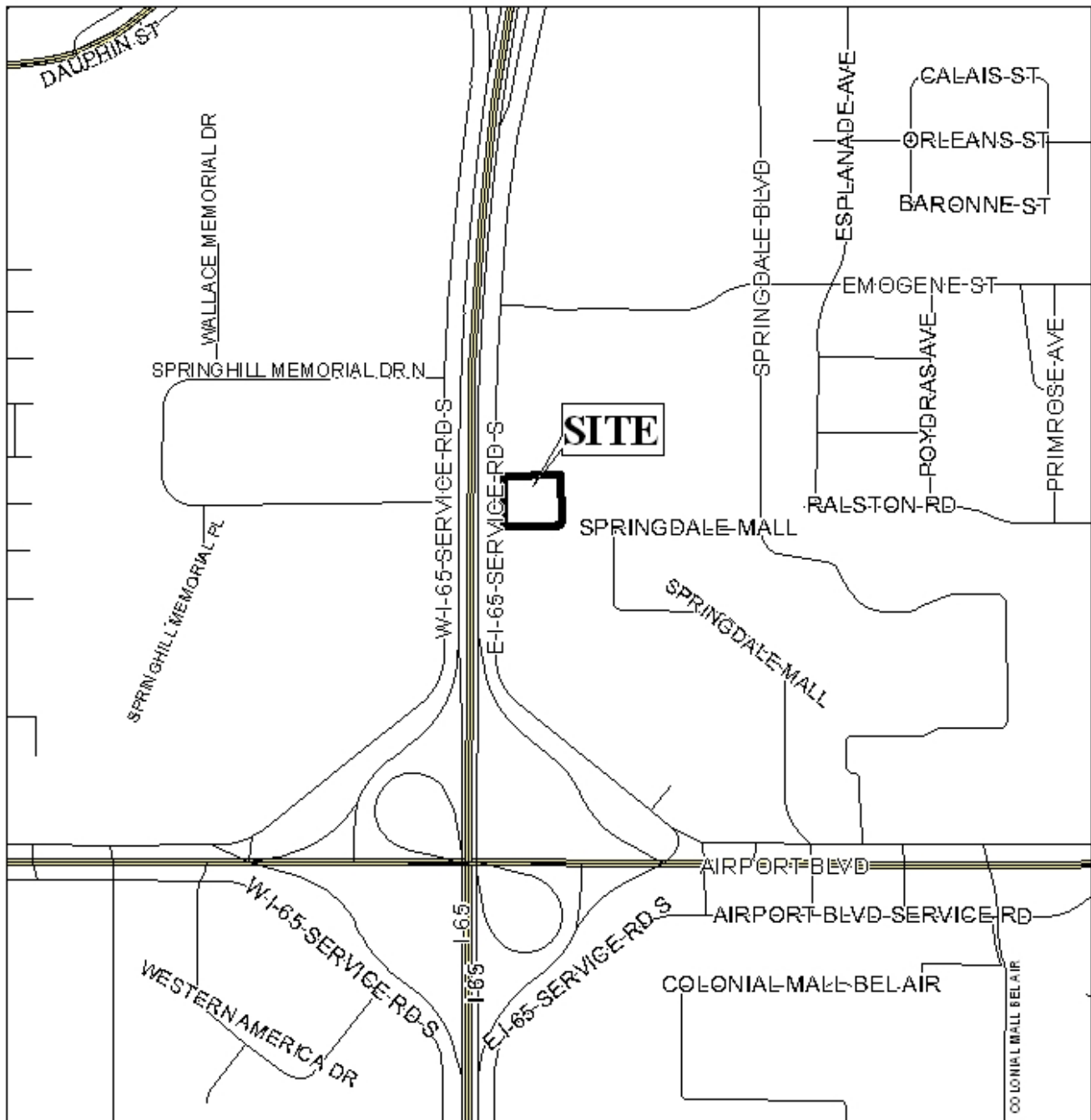
Further, to approve this variance after already denying the exact same request at the same location, and a substantially similar request less than 500 feet away would be arbitrary and capricious, and would undermine the integrity of the Board and its decisions.

RECOMMENDATION 5536/5320

Date: June 1, 2009

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

LOCATOR MAP



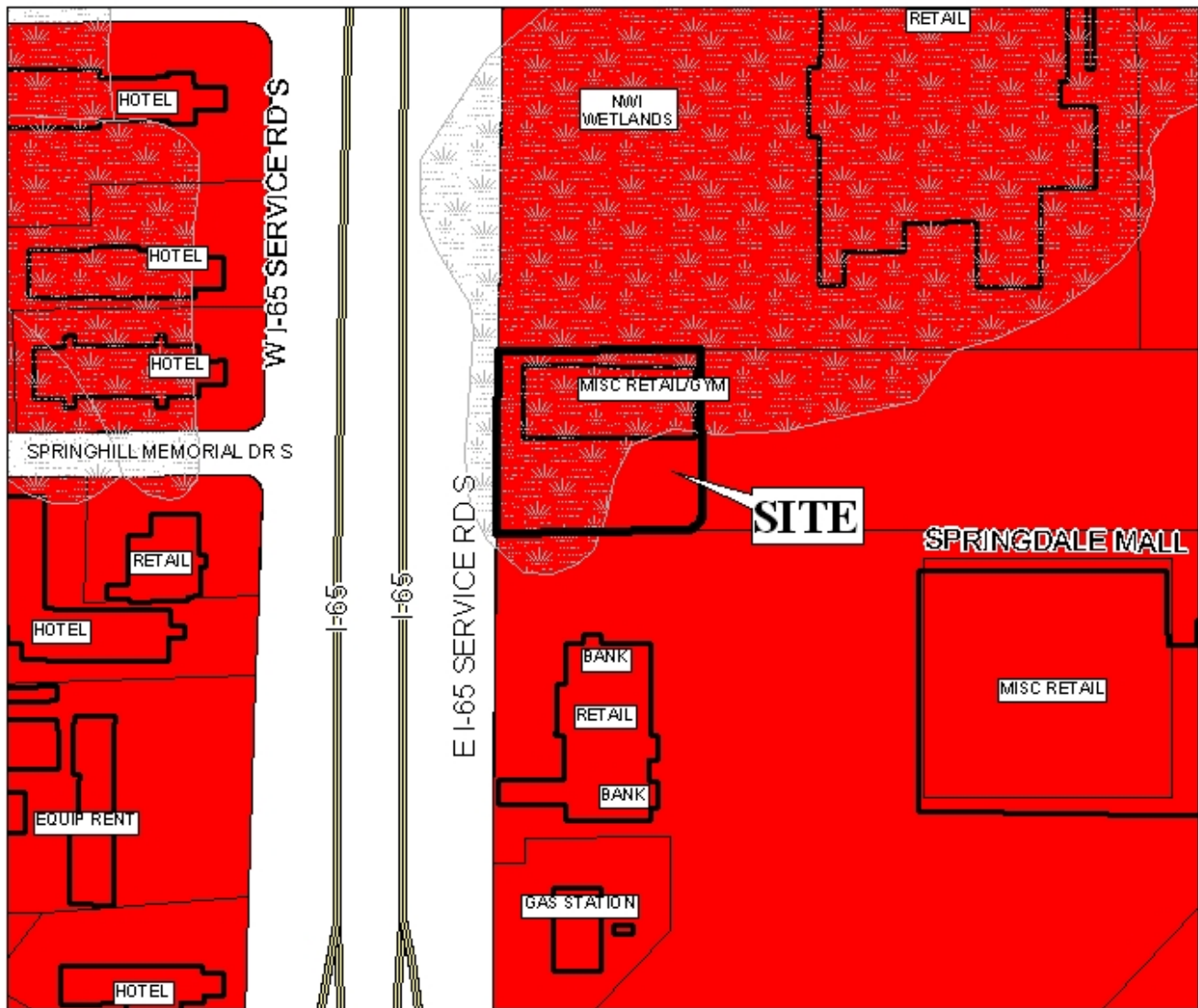
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APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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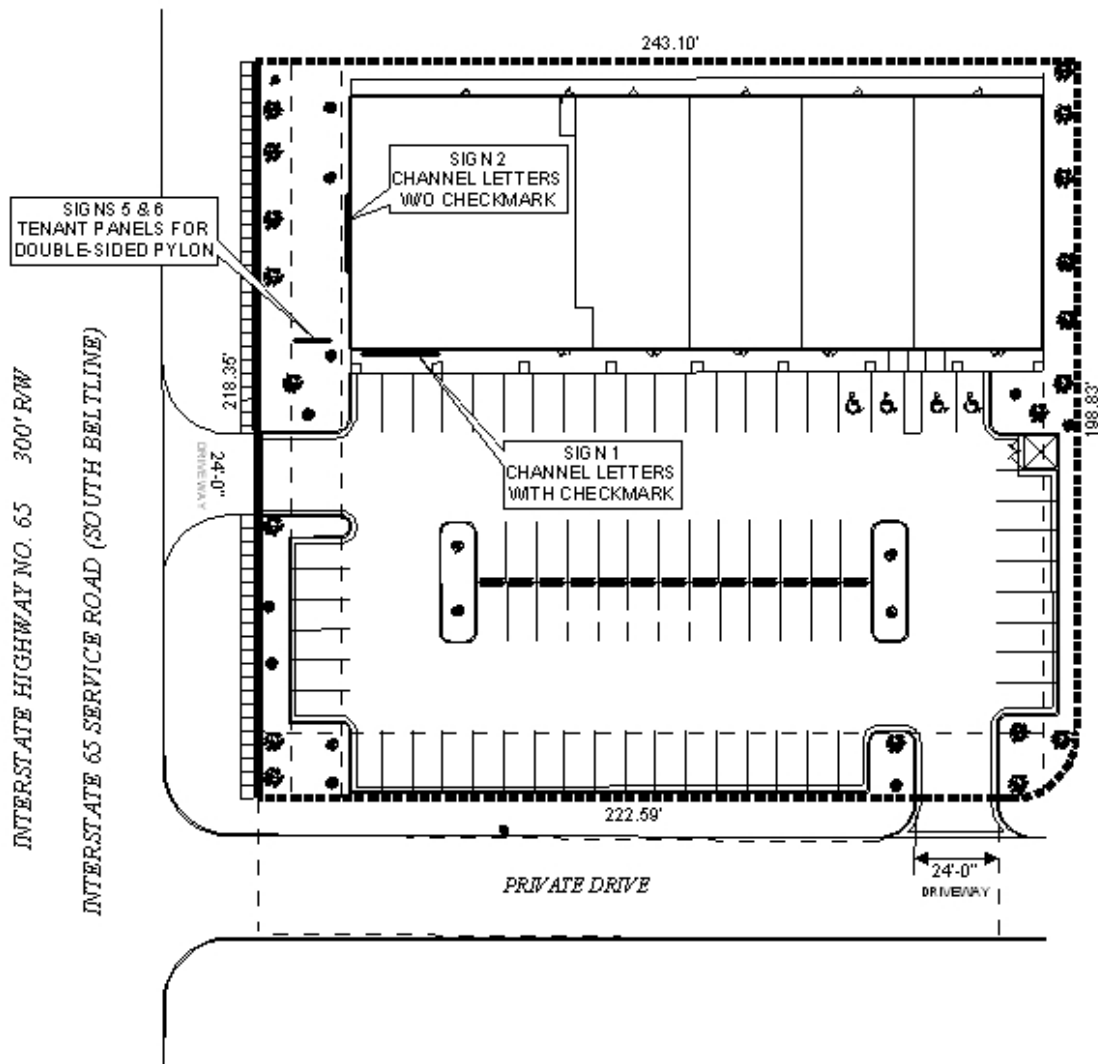
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LEGEND															
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site plan illustrates the proposed signs, existing buildings, and parking.

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SIGN DETAIL 1



Proposed Conditions (South Elevation)

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N
NTS

SIGN DETAIL 2



Proposed Conditions (West Elevation)

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APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance

