

APPLICATION NUMBER

5554/5544/4839

A REQUEST FOR

**SIGN VARIANCE TO ALLOW THREE WALL SIGNS AND
A FREESTANDING SIGN AT A SINGLE-TENANT
COMMERCIAL SITE IN A B-2, NEIGHBORHOOD
BUSINESS DISTRICT; THE ZONING ORDINANCE
ALLOWS TWO WALL SIGNS AND ONE FREESTANDING
SIGN FOR A SINGLE-TENANT COMMERCIAL SITE IN A
B-2, NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

3050 COTTAGE HILL ROAD

(Northeast corner of Cottage Hill Road and Bel Air Boulevard)

APPLICANT

MCGUIRE OIL COMPANY

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2009

The applicant is requesting a Sign Variance to allow three wall signs and a freestanding sign at a single-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows two wall signs and one freestanding sign for a single-tenant commercial site in a B-2, Neighborhood Business District.

This site is the location of a new Chevron service station that has just been completed. Upon final building inspection, it was found that two wall signs on the gasoline canopy had been installed without permits. A freestanding sign and a wall sign had also been installed; however, both of these signs had been permitted. A notice of violation was issued for the excess signage, hence this application.

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 they do not believe that the site is out of compliance and is asserting that the wall sign on the food mart, which reads "Com-Pac" is an "informational" sign and, therefore, does not fall under the sign regulations. In the past, such signs have been counted towards the total number of signs if they contained a logo or brand name instead of a generic "food mart" or "store" copy. In this case, the sign is clearly a commercial sign as it contains both a brand name and a logo. Therefore, the sign cannot be considered informational.

The applicant further states that without the additional sign, the gasoline canopy would be dark and brand identity would be lost. The site currently has a 99 square-foot freestanding sign and a 33 square-foot wall sign currently approved and permitted. Additionally, the site is equipped with illuminated pump toppers which display the Chevron name (which are allowed under the ordinance). The signs that are up without permits are a 22 square-foot "Chevron" wall sign and a 5 square-foot Chevron logo wall sign. As the site is allowed three signs, the removal of one wall sign is all that would be required to comply. Given the large signs advertising Chevron gasoline elsewhere on the site and the fact that the site is clearly visible from all directions, the assertion that brand identity would be lost would seem to be invalid given that compliance could be achieved

by simply removing a 5 square-foot wall sign on a side of the building that already has a other signs clearly visible.

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 excessive signage on a single-tenant site which is not allowed by the zoning ordinance.

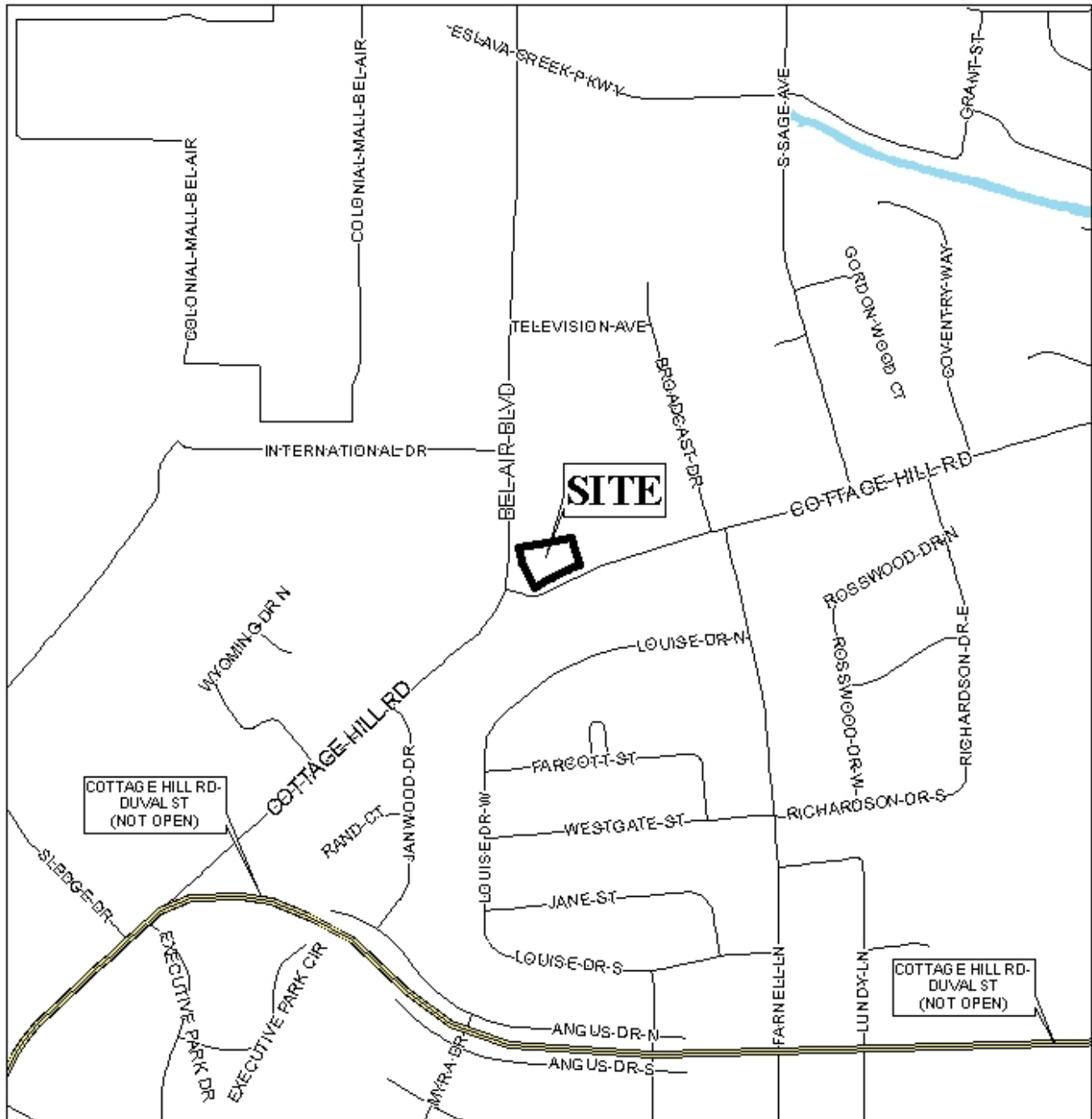
It should also be noted that the Board has heard a substantially similar application at the last meeting, and the Board, at that time, denied the request.

RECOMMENDATION 5554/5544/4839

Date: September 14, 2009

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

LOCATOR MAP



APPLICATION NUMBER 5554/5544/4839 DATE September 14, 2009

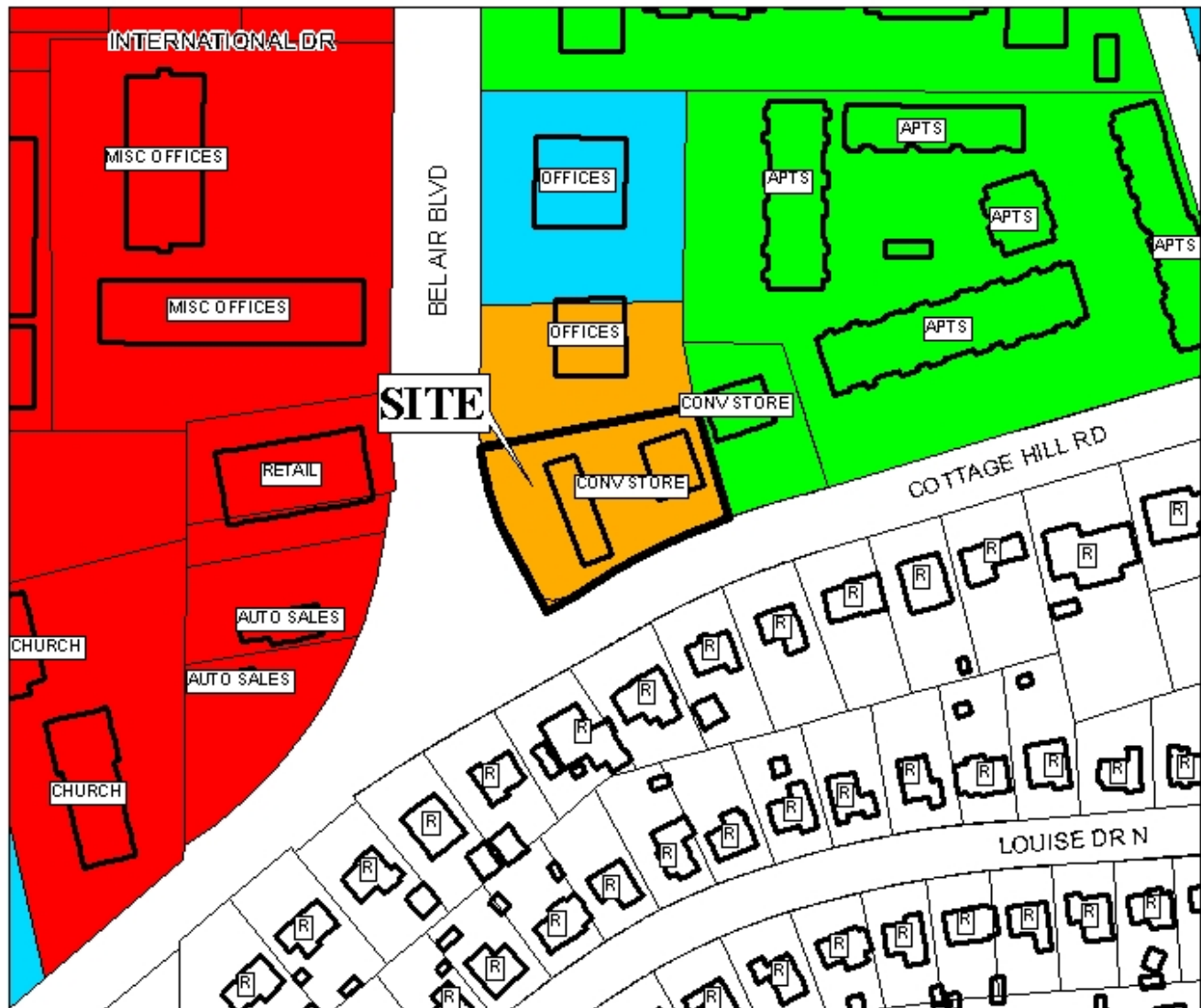
APPLICANT McGuire Oil Company

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use to the west and north
with residential land use to the east and south.

APPLICATION NUMBER 5554/5544/4839 DATE September 14, 2009

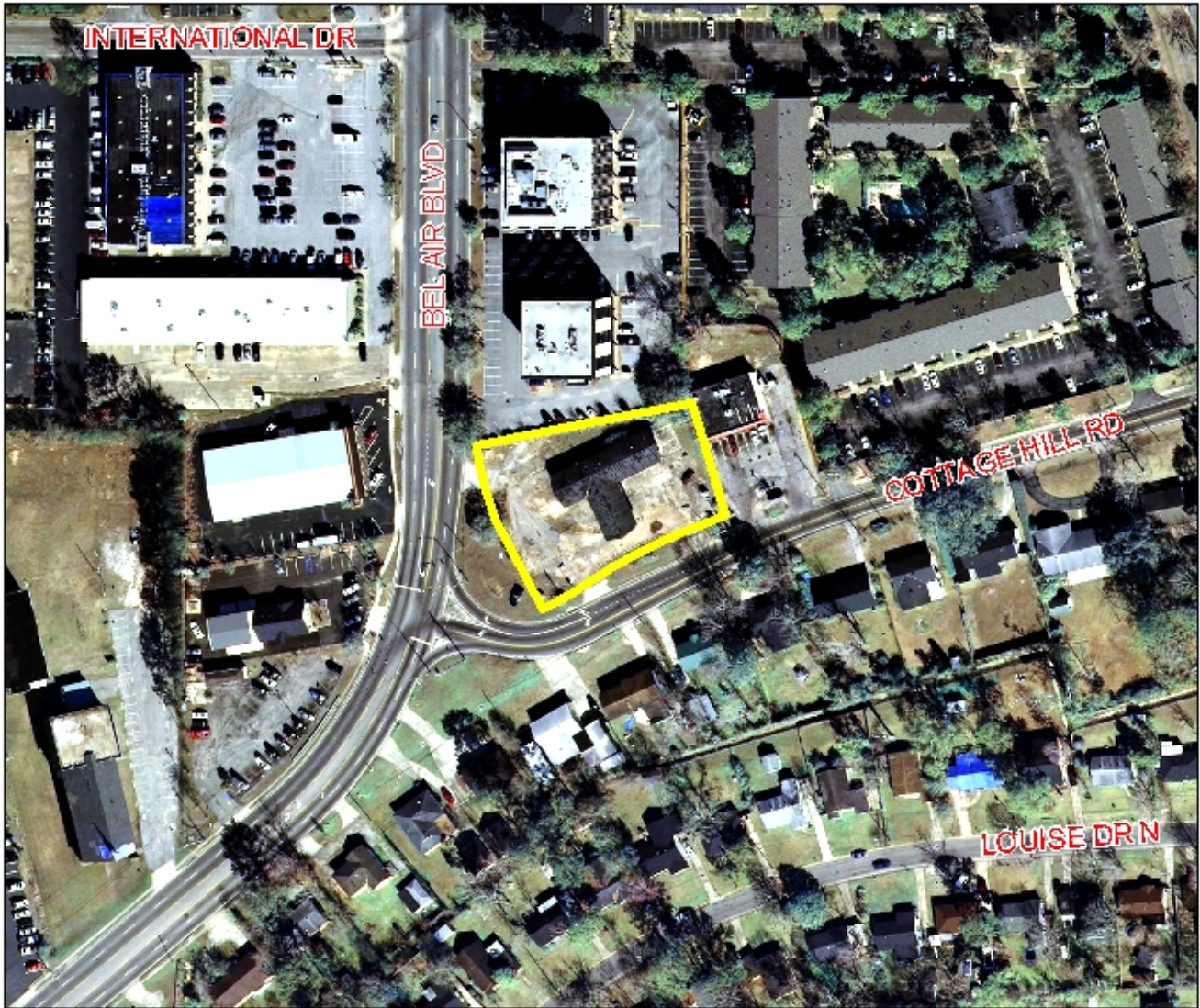
APPLICANT McGuire Oil Company

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	NTS
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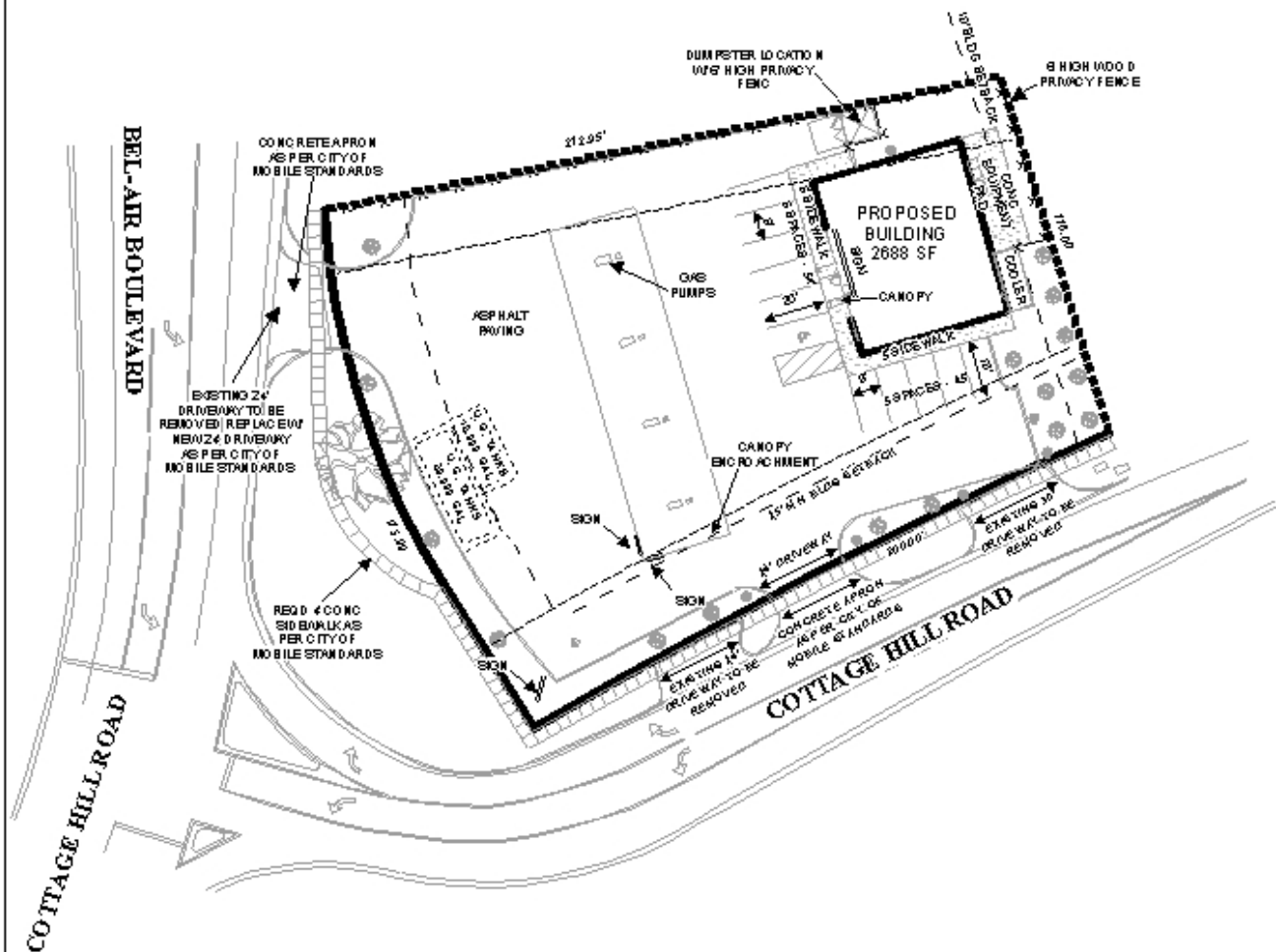
APPLICATION NUMBER 5554/5544/4839 DATE September 14, 2009

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N
NTS

SITE PLAN



This site plan illustrates the existing lot configuration, structures, and sign locations.

APPLICATION NUMBER 5554/5544/4839 DATE September 14, 2009

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