

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 5, 2012**

<u>CASE NUMBER</u>	5735
<u>APPLICANT NAME</u>	American Family Care
<u>LOCATION</u>	900 Montlimar Drive (West side of Montlimar Drive, 615'± South of Airport Boulevard)
<u>VARIANCE REQUEST</u>	SIGNAGE: Sign Variance to allow a sign which exceeds 30% of the usable wall area in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGNAGE: The Zoning Ordinance limits the size of wall signs to no more than 30% of the usable wall space in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District.
<u>AREA OF PROPERTY</u>	0.8± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 5

ANALYSIS The applicant is requesting a Sign Variance to allow a wall sign for a single business that exceeds 30% of the usable wall area in a B-3, Community Business District; the Zoning Ordinance limits the size of wall signs to no more than 30% of the usable wall area in a B-3, Community Business District.

The applicant proposes to install a 24' wide by 2'-4" high wall sign (55.92 square feet) on a front drive-up canopy truss facade 25' wide by 2'-11" high (72 square feet). The sign would occupy 77.66% of the face area of the truss. The Zoning Ordinance allows 30% maximum of the usable wall area (face area of the truss) to be occupied by signage, or 21.6 square feet.

The sign fabricator contacted the Planning Section in August, 2011, concerning allowable signage for the subject site. The end area of the canopy measures approximately 25' wide by 22' high, or approximately 550 square feet. If that whole area were considered usable wall space, the proposed sign would only occupy approximately 10% of that space. However, upon review

of the proposed sign illustrated on the canopy facade wall truss, staff determined that the truss area only constituted the usable wall area as the rest of the end of the canopy was open space with no in-fill wall; therefore, the open space would not be considered usable wall space.

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.

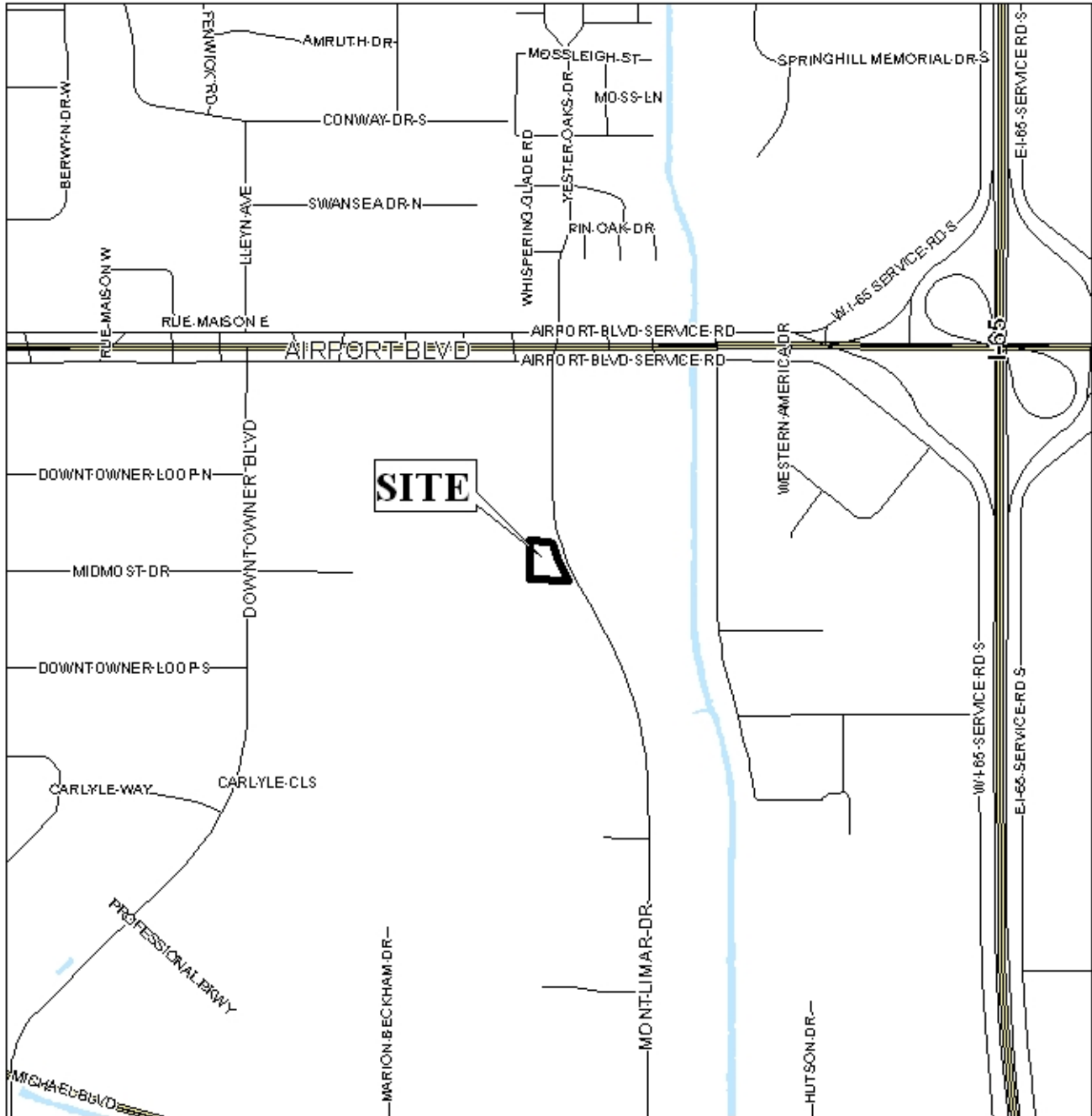
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The proposed sign is a wall sign. As the Zoning Ordinance defines a wall sign as a sign painted on or attached to a wall of a building and parallel to the wall, there must clearly be a wall present to mount the sign. In this instance, the wall measures 25' wide by 2'-11" high, or 72 square feet. Therefore, any wall sign would be limited to 30% of that area, or 21.6 square feet. The allowance of non-wall space to be considered as usable wall space goes against the intent of the Sign Regulation Provisions of the Ordinance, and the applicant has not demonstrated that a hardship exists on the property which would justify such allowance. Therefore, the Board should consider this application for denial.

RECOMMENDATION

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

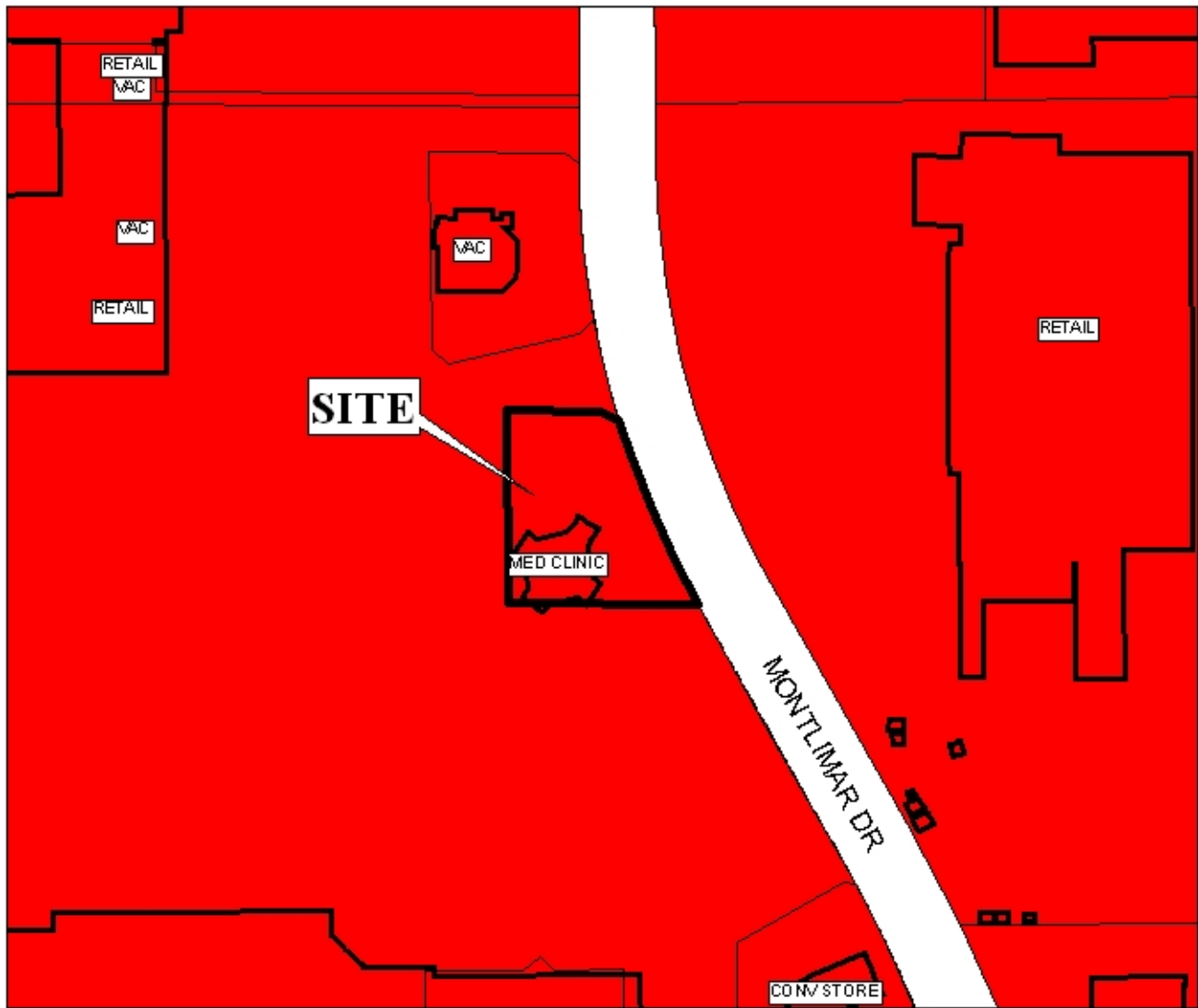
LOCATOR MAP



APPLICATION NUMBER 5735 DATE March 5, 2012
 APPLICANT American Family Care
 REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 5735 DATE March 5, 2012

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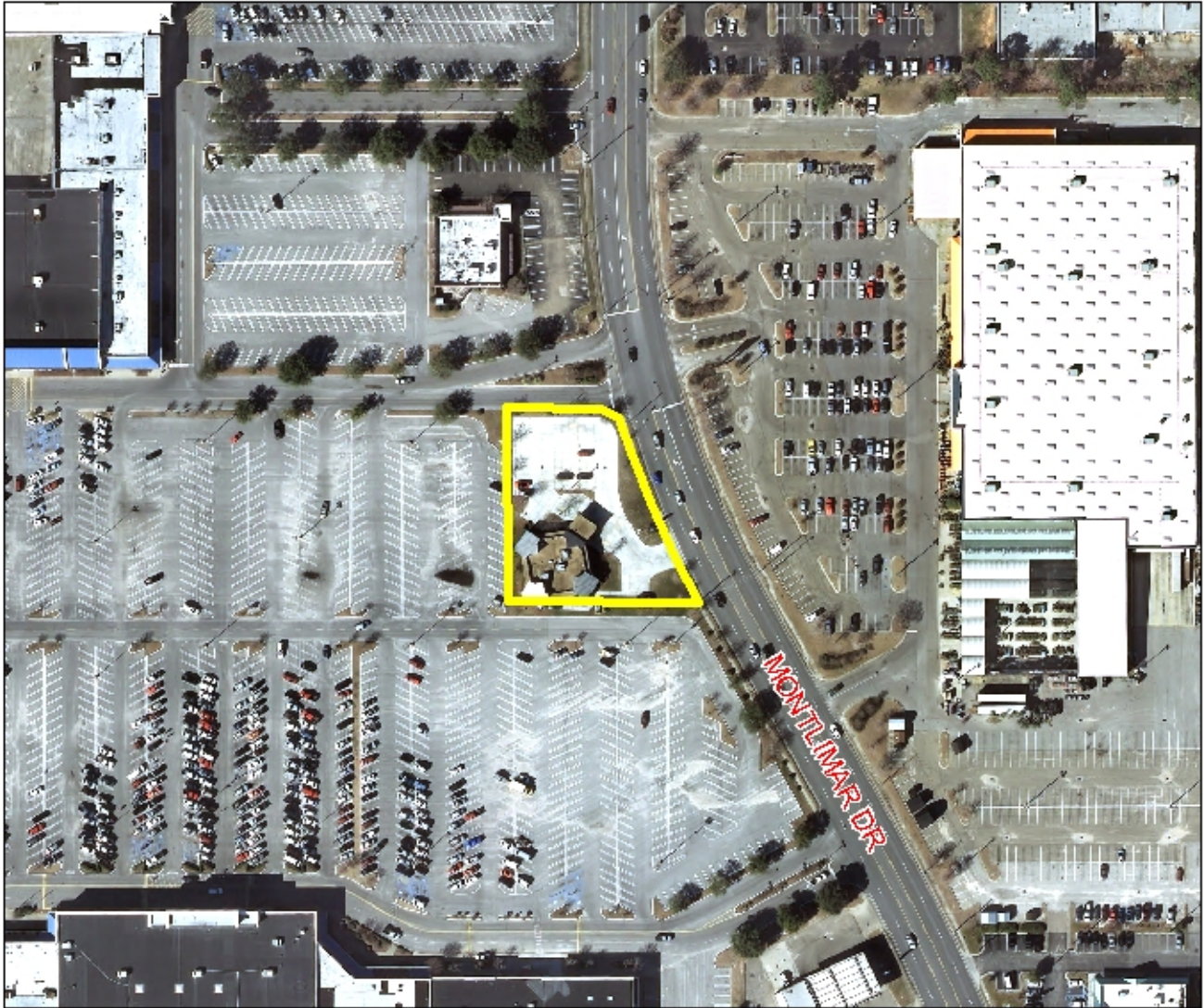
REQUEST Sign Variance

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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

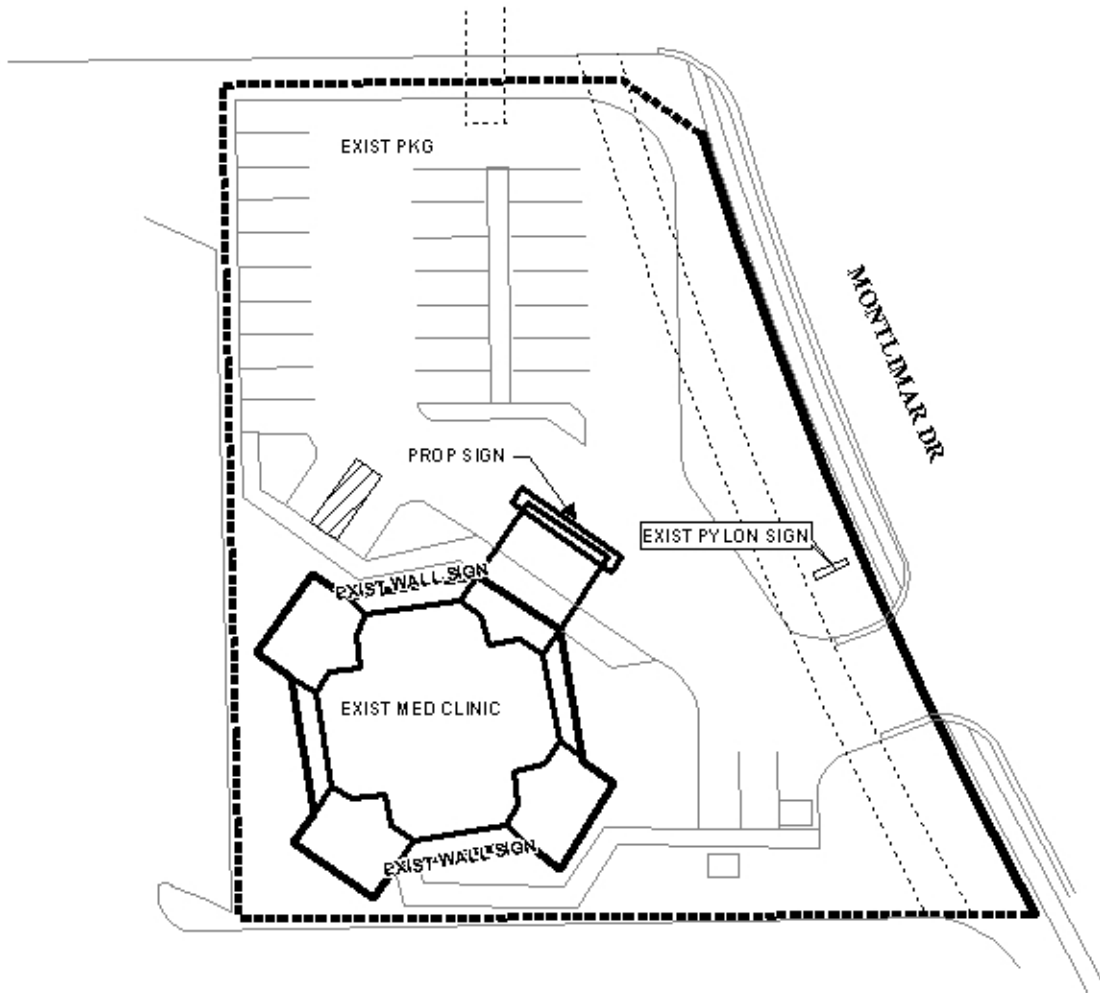
APPLICATION NUMBER 5735 DATE March 5, 2012

APPLICANT American Family Care

REQUEST Sign Variance



SITE PLAN

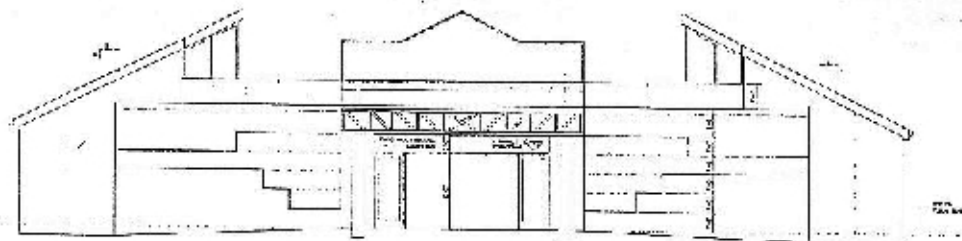


The site plan illustrates the existing and proposed signage.

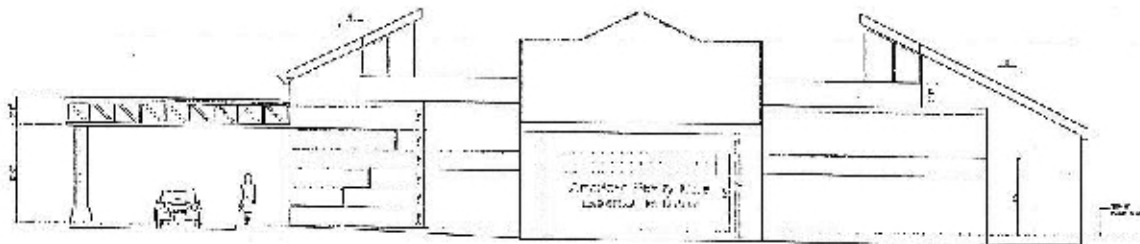
APPLICATION NUMBER 5735 DATE March 5, 2012
APPLICANT American Family Care
REQUEST Sign Variance



EXISTING SIGN ELEVATIONS



EXISTING EAST ELEVATION



EXISTING NORTH ELEVATION

APPLICATION NUMBER 5735 DATE March 5, 2012

APPLICANT American Family Care

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PROPOSED EAST ELEVATION



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