

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 4, 2012**

<u>CASE NUMBER</u>	5751
<u>APPLICANT NAME</u>	Ali Chammout
<u>LOCATION</u>	1850 Airport Boulevard (Southwest corner of Airport Boulevard and Old Government Street)
<u>VARIANCE REQUEST</u>	SIGN: allow a total of five wall signs for a tenant with two street frontages on a group business site in a B-2, Neighborhood Business District
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: the Zoning Ordinance allows a tenant with two street frontages on a group business site to have two wall signs and a freestanding tenant panel in a B-2, Neighborhood Business District
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	11,645 square feet
<u>TRAFFIC ENGINEERING COMMENTS</u>	Please contact Traffic Engineering at 251-208-2960, to arrange a site visit to make sure that no line of sight issues will ensue.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting a Sign Variance to allow a total of five wall signs for a tenant with two street frontages on a group business site in a B-2, Neighborhood Business District; the Zoning Ordinance allows a tenant with two street frontages on a group business site to have two wall signs and a freestanding tenant panel in a B-2, Neighborhood Business District.

The applicant is proposing to place a total of 5 awning-type signs for their business, which is located in a multi-tenant site. The site has frontage onto Airport Boulevard and Old Government Street, and the applicant states that the triangular shape of the building and, more particularly, his leased space, necessitates the additional signage above the amount allowed by the Zoning Ordinance. The applicant states that the door entries require identification so that customers can locate the point of entry, which is somewhat separated from the existing large awning at the

point of the building which currently contains three signs for the business. The applicant further states that previous restaurants at this site also had 5 signs.

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 site and the specific tenant space have been home to numerous restaurants over the years. Review of permits for the site show that with the exception of the current business, only one sign permit has been issued (in 2008) for the location since 2000: no other records for sign permits could be found for the location. Staff is aware that previous restaurants had, in fact, multiple awning signs, however, it would appear that none of them were properly permitted.

While the building and tenant space are uniquely shaped, the site could be adequately signed with a total of three (3) signs: one awning sign over the main entrance from Airport Boulevard, one over the main entrance from Old Government Street, and one on the large awning at the point of the building. The fact that the previous restaurants had unpermitted, and apparently non-compliant signage is inadequate justification to allow the applicant to continue with signage in excess of that allowed by the Zoning Ordinance.

RECOMMENDATION: Based on the preceding, this application is recommended for Denial for the following reasons:

- 1) Previous excessive signage on the site was apparently unpermitted and in violation of the Zoning Ordinance;
- 2) Strategic placement of three (3) signs would adequately accommodate the unique shape of the building/tenant space; and
- 3) Literal enforcement of the ordinance will not create an undue hardship.

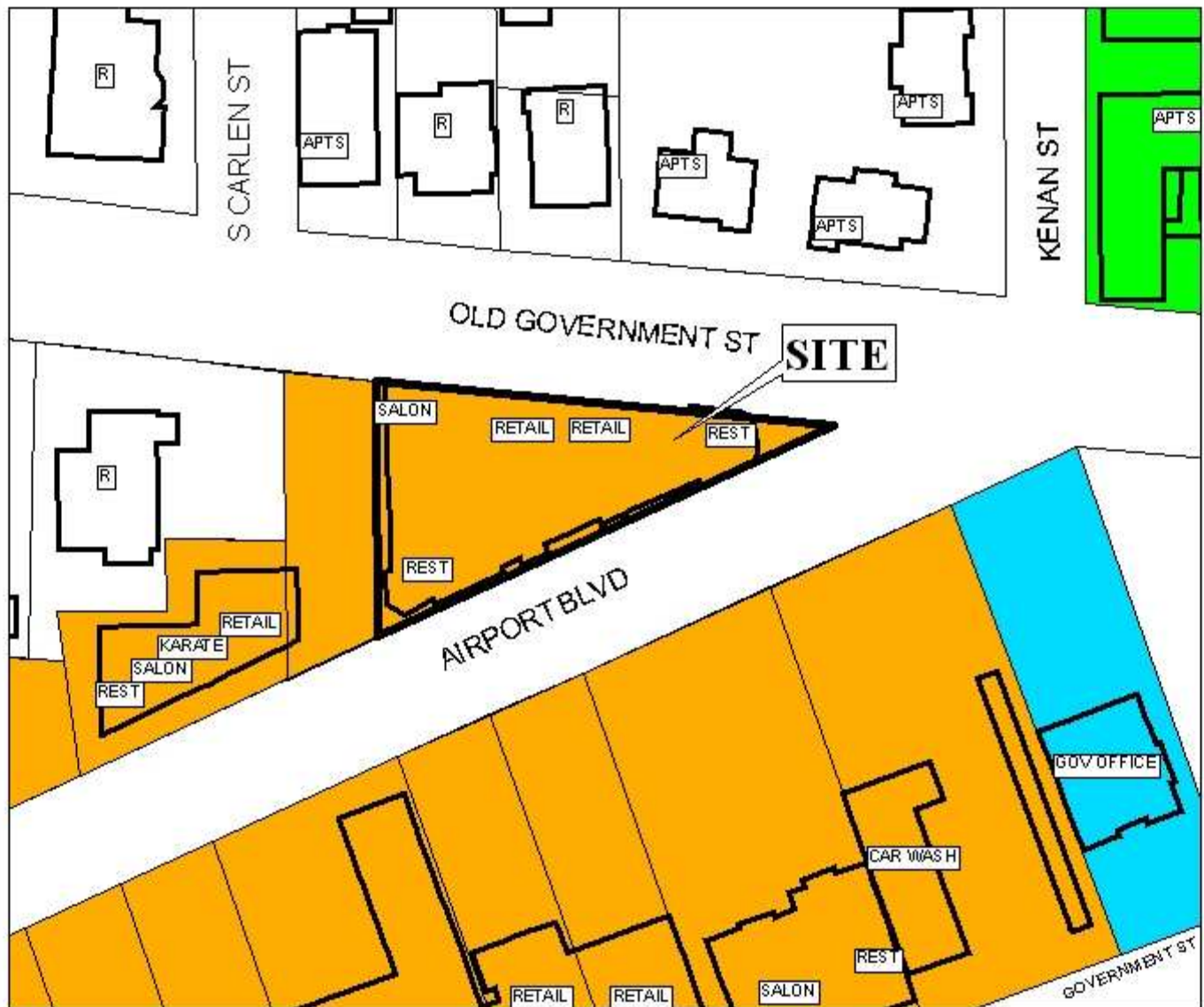
LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the north and west of the site.
Commercial land use is located to the south and west of the site.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

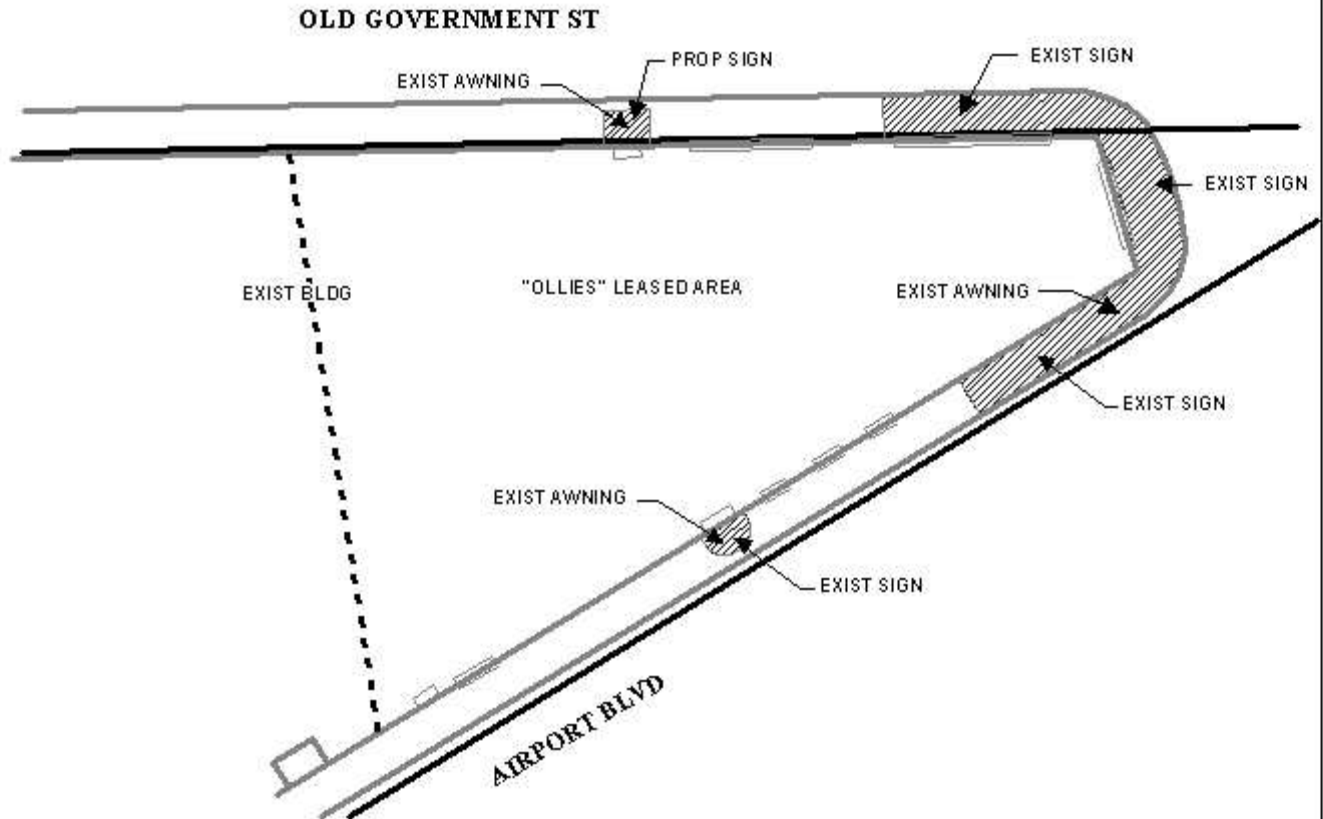


Residential land use is located to the north and west of the site.
Commercial land use is located to the south and west of the site.

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NTS

SITE PLAN

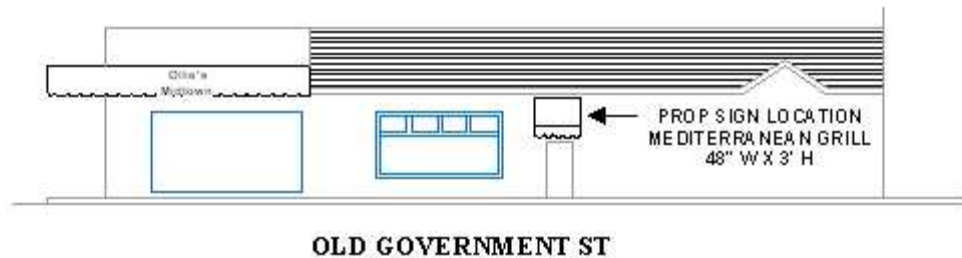
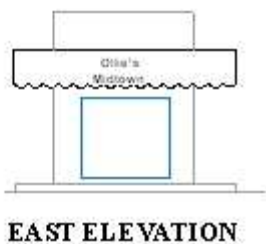
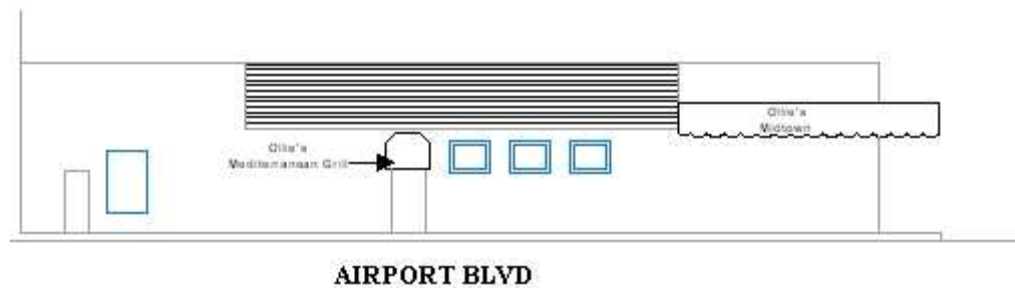


The site plan illustrates the existing and proposed signage.

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SIGN DETAIL



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