

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 7, 2014****CASE NUMBER**

5898

**APPLICANT NAME**

Advantage Sign Company

**LOCATION**3449 Hillcrest Road  
(Northeast corner of Hillcrest Road and Girby Road)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital wall sign 210'± from the nearest residentially zoned property in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance requires all digital signage to be a minimum of 300' from residentially zoned property in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.70± Acres

**TRAFFIC ENGINEERING  
COMMENTS**

The proposed pylon sign has a clearance of +/-9', and the proposed location should not impact line of sight for the traveling public on either Hillcrest Road or Girby Road.

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a digital wall sign 210'± from the nearest residentially zoned property in a B-3, Community Business District; the Zoning Ordinance requires all digital signage to be a minimum of 300' from residentially zoned property in a B-3, Community Business District.

The applicant currently has active building permits which were issued on March 21, 2014 and March 28, 2014 to replace existing fuel tanks and fuel dispensers as well as construct a new steel canopy over the fuel dispensers at the subject site. A sign permit application was submitted on April 21, 2014 for an 85 square foot freestanding sign with digital gas price signs. Upon review, staff determined that the proposed signage is less than 300' from property zoned R-1, Single-Family Residential District, and the regulations regarding digital signs as adopted by the City Council on June 4, 2013 require a minimum straight line distance of 300' without regard to intervening structures or objects.

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 “The owner updates the gas canopy, pumps, tanks, and parking lot. The owner now sells Exxon gasoline, which requires new signage.” The applicant also states that “The price changer does not flash, scroll, animate or change color. It has a constant, one color number.”

Within the required 300’ buffer, to the South across Girby Road is a large tract of undeveloped land zoned R-1, Single-Family Residential; to the West across Hillcrest Road is primarily B-3, Community Business District, with a common area/detention area which is associated with a residential neighborhood as well as four lots with homes that are all zoned R-1, Single-Family Residential; to the North and West is a large tract of undeveloped land zoned B-3, Community Business District.

The applicant currently has an internally illuminated sign with gasoline price signage that is manually changed; a similar type sign would be compliant with the Zoning Regulations and reflect the new brand of gasoline being offered. The applicant simply wishes to have digital signage without regards to the digital sign regulations. The applicant states that the proposed digital signage is necessary due to the re-branding of an existing gasoline station and the renovations of the station associated with the re-branding. While it is understandable that the applicant wishes to have new signage to complete the renovated look, there is no hardship which exists that makes the digital signage necessary. The residential buffer requirement for digital signage was adopted prior to any permits being obtained for the renovations to the site, and if the applicant had performed the proper due diligence, it would have been determined that the digital signage was not allowed.

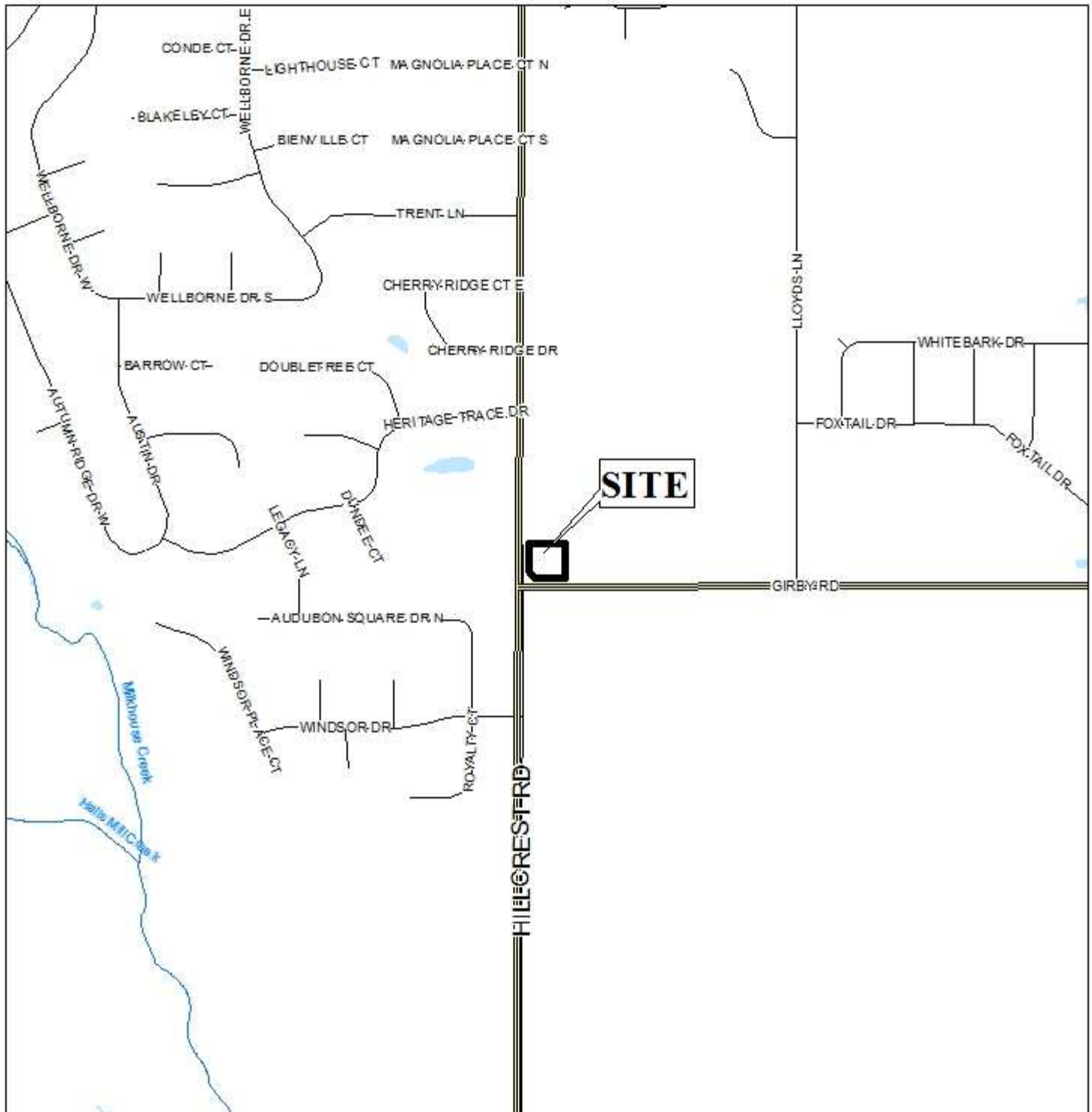
**RECOMMENDATION:**  
fact for Denial:

Staff recommends to the Board the following findings of

- 1) approving the variance will be contrary to the public interest in that the residential buffer requirement for digital signs is intended to reduce the intrusion of light emitted from digital signs onto nearby residential properties;
- 2) special conditions do not exist and there are no hardships which exist that make the placement of digital signage necessary; and

- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the existing internally illuminated signage on the subject site has, and a similar sign replacement would be compliant with the sign regulations and reflect the new brand of gasoline offered.

# LOCATOR MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A gym is located to the west of the site. Undeveloped land is located to the east and south of the site.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





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A gym is located to the west of the site. Undeveloped land is located to the east and south of the site.

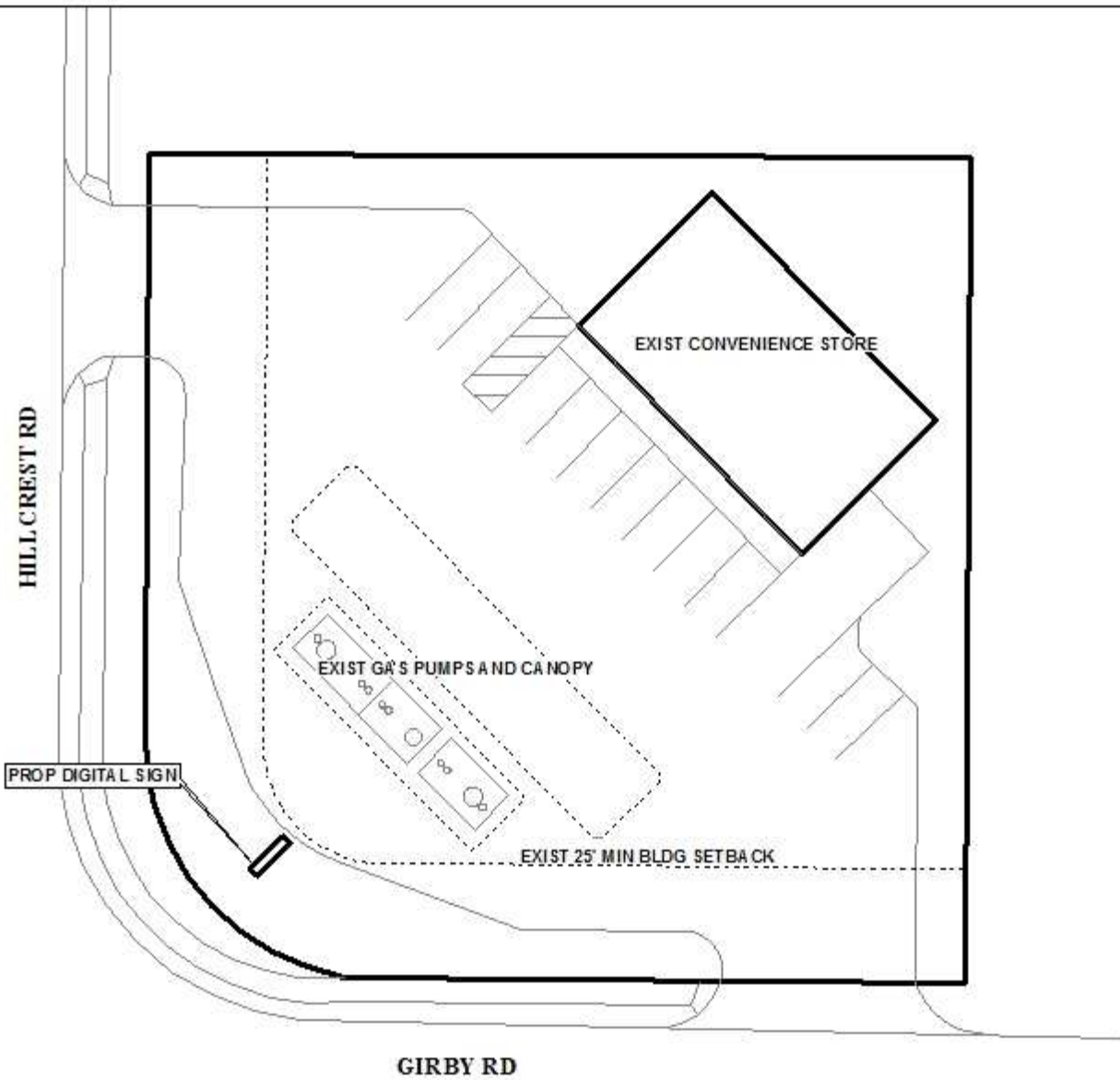
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# SITE PLAN



The site plan illustrates the proposed digital sign location.

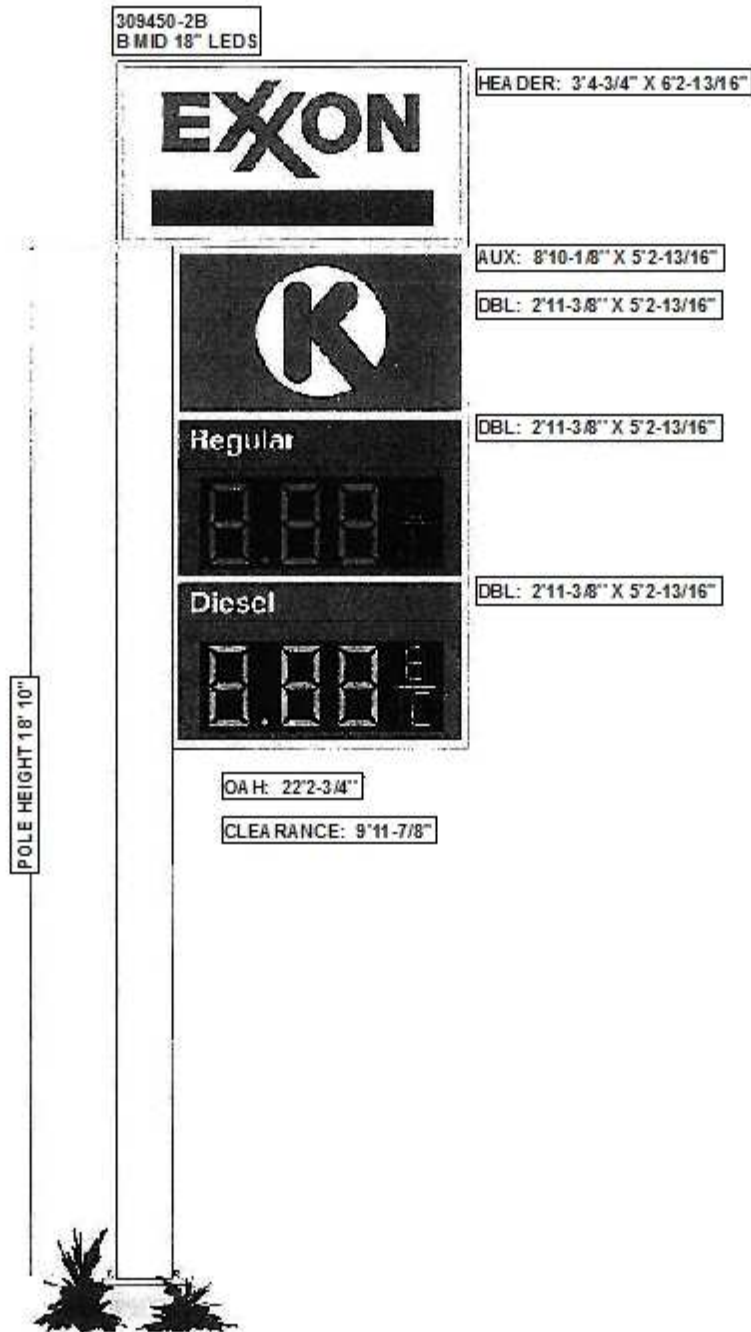
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# DETAIL SITE PLAN



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