

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: January 5, 2014

CASE NUMBER 5940/5879/4504/2211

APPLICANT NAME Wrico Signs, Inc.

LOCATION 2306 & 2308 Airport Boulevard
(Northeast corner of Airport Boulevard and Morgan Street)

VARIANCE REQUEST **SIGN:** Sign Variance to allow 2 LED digital pricing signs and 1 additional wall sign on a gas pump canopy at a multi-tenant commercial site in a B-2, Neighborhood Business District.

ZONING ORDINANCE REQUIREMENT **SIGN:** The Zoning Ordinance does not allow digital signs within 300’ of any residentially zoned property and allows one wall sign per tenant, in a B-2, Neighborhood Business District.

ZONING B-2, Neighborhood Business District

AREA OF PROPERTY 0.51± Acres

TRAFFIC ENGINEERING COMMENTS This request was not reviewed by Traffic Engineering.

CITY COUNCIL DISTRICT District 1

ANALYSIS The applicant is requesting a Sign Variance to allow 2 LED digital pricing signs and 1 additional wall sign on a gas pump canopy at a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signs within 300’ of any residentially zoned property and allows one wall sign per tenant, in a B-2, Neighborhood Business District.

A variance was granted at the Board of Zoning Adjustment’s April 7, 2014 meeting to allow a gas pump canopy within 4.5’ of the front property line. The applicant now wishes to place two digital pricing signs on the new canopy as well as an additional wall sign.

The applicant states that:

The purpose of this application is to allow for (2) LED digital gas price displays to be placed on the east and west elevations of the canopy. We are also seeking (1) additional wall sign to be placed on the south canopy.

Due to the limited size of the property and the newly erected canopy over the dispensers, the pylon sign had to be removed to safely accommodate the flow of traffic from Airport Boulevard. Due to the height of the canopy, installing a manual gas price changer would present a safety and logistical issue for the employees. In addition, the Quick Mart is located within 300' of residentially zoned property. These displays are static and operated by a hand held controller. The displays do not flash or produce any kind of animated motion. Furthermore, these displays will not be visible from the residential properties.

This is a multi-tenant site allowing for (1) wall sign per tenant, per street frontage. Quick Mart currently has a wall sign displaying the name of the store. Typically, businesses that sell gas display the brand of gas they sell on the pylon, which in this case had to be removed. The additional wall sign will be placed on the south elevation of the canopy facing Airport Boulevard. Without the freestanding sign, this will be the only signage available to display the brand of fuel sold.

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.

Within the required 300' buffer, there are several single-family homes to the North zoned R-1, Single-Family Residential District and a parking lot zoned B-1, Buffer Business District; commercial businesses to the East and West zoned B-2, Neighborhood Business District; a commercial business to the South zoned B-1, Buffer Business District and a park zoned R-1, Single-Family Residential District.

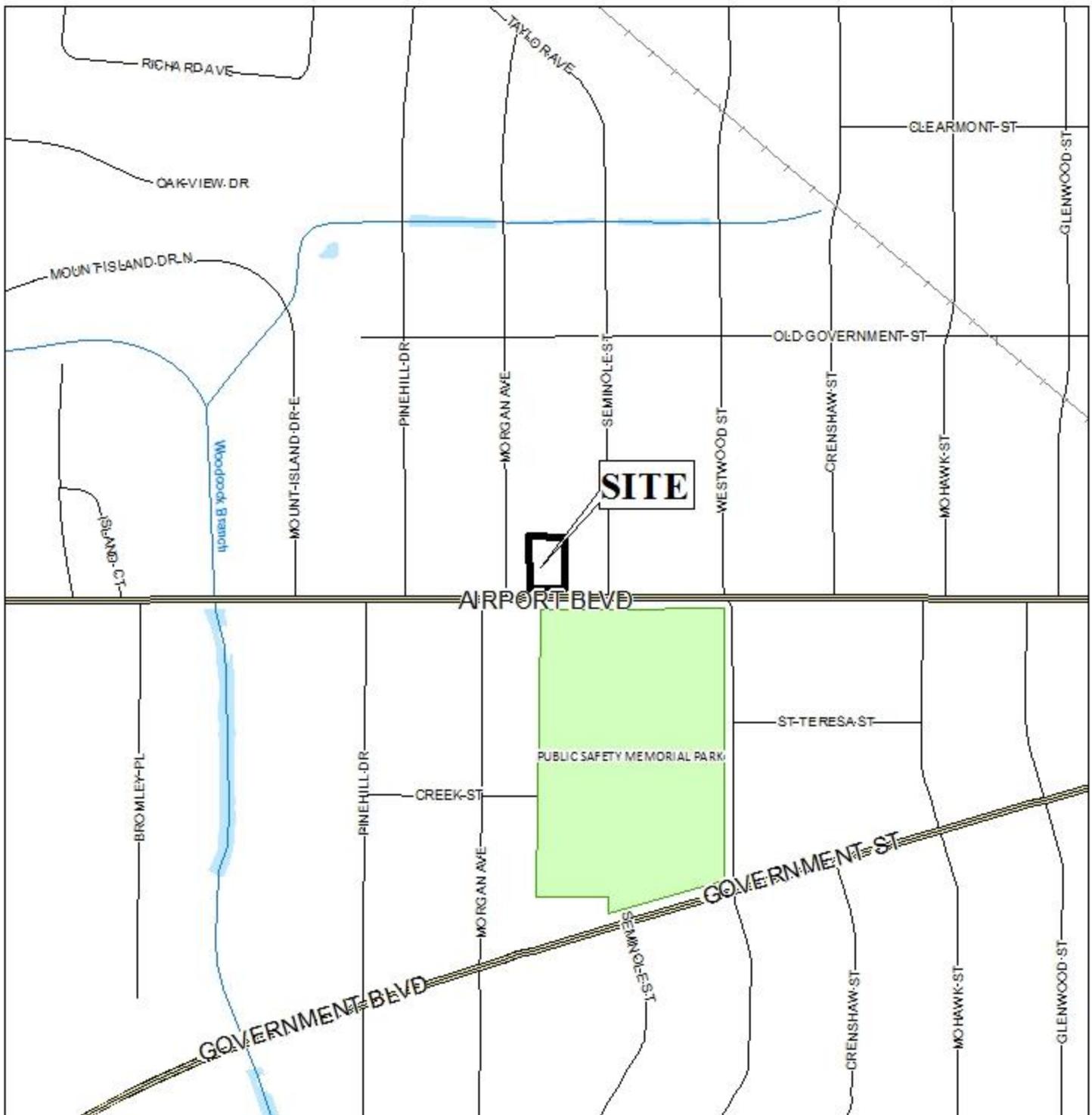
The applicant is allowed to have a tenant panel on a freestanding structure as well as one wall sign. The applicant had a freestanding sign with analog price displays that was removed during the installation of the new gas pump canopy: it should be noted that the City did not require the removal of this sign. The applicant states that a second wall sign is needed to identify the brand of gasoline now sold, however there is no mention as to why a new freestanding sign would not be feasible on the site. It is simply the applicant's desire to have additional wall signage that is not allowed.

In regards to the proposed digital price displays, the applicant states that the height of the canopy the displays will be attached to cause safety and logistical issues for the employees, however, the applicant would be allowed to have a freestanding sign with analog price displays similar to the former freestanding sign on site. The applicant further states that the proposed digital price displays will not be seen from the adjacent residences, however no information is provided regarding the amount of nits that will be emitted from them. Without this information, staff is unable to determine if they will meet the maximum allowed brightness allowed by the Zoning Ordinance, and if light from the proposed signs will be bright enough to affect the residences.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 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 and an additional wall sign 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 site is allowed a freestanding sign to advertise the brand of gas available with analog price displays.

LOCATOR MAP



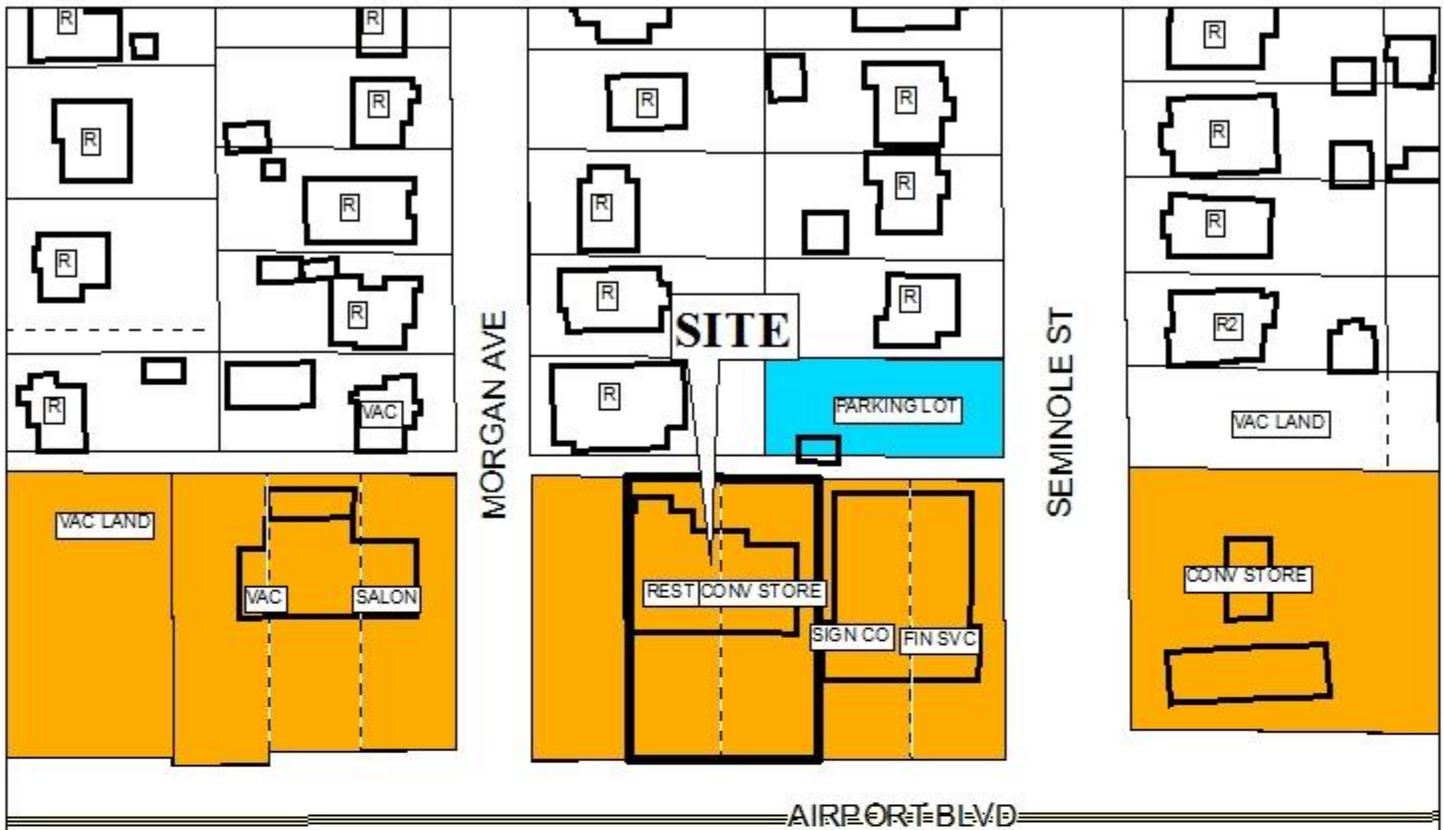
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north, and commercial units to the west, east and south.

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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



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**

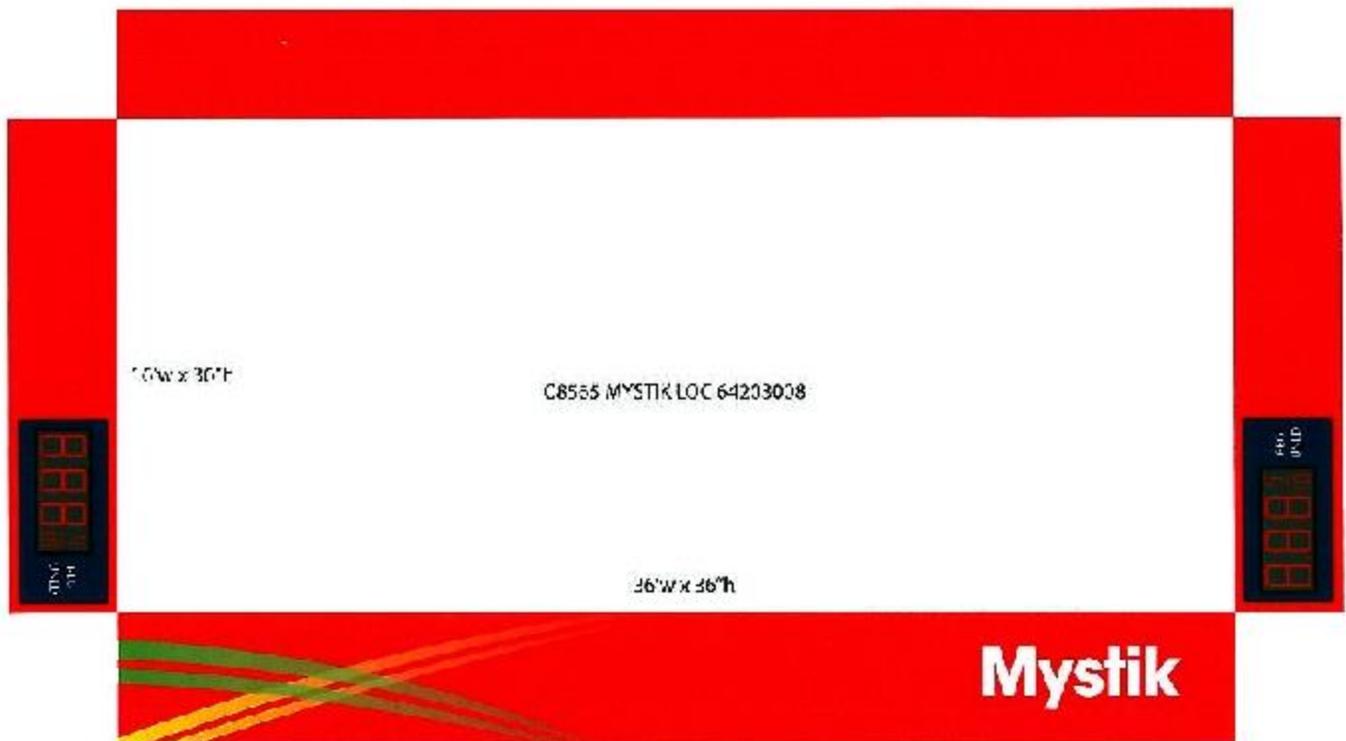


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DETAIL SITE PLAN



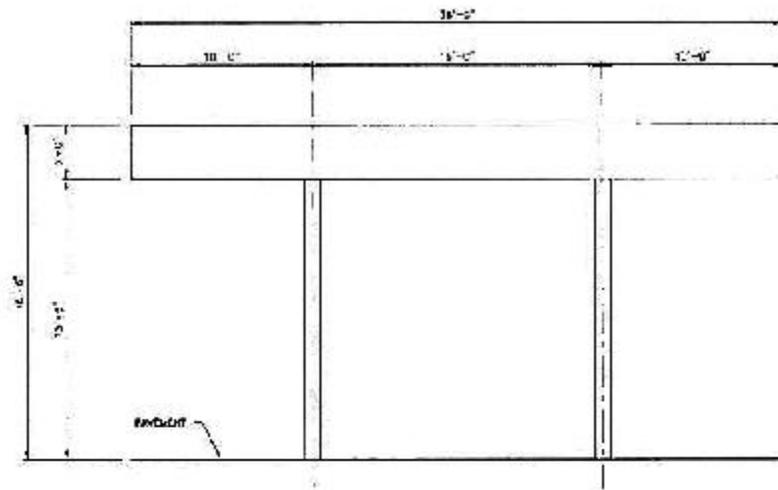
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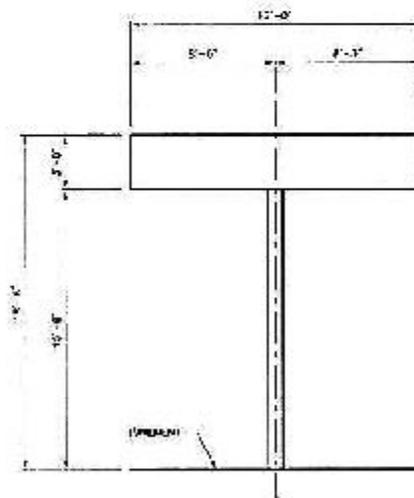


DETAIL SITE PLAN



SIDE ELEVATION

SCALE 1/4" = 1'-0"



END ELEVATION

SCALE 1/4" = 1'-0"

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