

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 2, 2012****CASE NUMBER**

5765

APPLICANT NAME

Electric Sign Service (Robert Williams, Agent)

LOCATION4439 Rangeline Road
(Northwest corner of Rangeline Road and Halls Mill Road).**VARIANCE REQUEST****SIGN:** Sign Variance to allow the replacement of a nonconforming wall sign with another nonconforming wall sign in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming wall sign in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

2.0± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow the replacement of a nonconforming wall sign with another nonconforming wall sign in a B-3, Community Business District; the Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming wall sign in a B-3, Community Business District.

The subject site was annexed into the City with the Theodore area annexation. Being a single-tenant site, it would be allowed one freestanding sign and two wall signs, or three wall signs if there were no freestanding sign. As it was originally developed while in the County, compliance with the City's sign regulations did not apply and any existing signage at the time of annexation was "grandfathered" as legal nonconforming. Multiple wall signs and freestanding signs were allowed by the County since it has no sign standards, and the subject site had three logo channel letter wall signs, one reader board wall sign, one on-premise monument (freestanding) sign, two on-premise freestanding pylon tenant panel signs, and one off-premise freestanding pylon tenant

panel sign. All such signs could be refaced according to the Sign Regulation provisions of the Zoning Ordinance; however, if any signs were to be completely removed, they could only be replaced if enough nonconforming signs were completely removed so as not to exceed the allowable signage. The previous tenant at the site, Ryan's Steak House, recently ceased operations and a new restaurant tenant planned to occupy the site and needed signage accordingly. The applicant submitted a sign package to reface all of the freestanding tenant panel signs and the wall reader board sign. Due to design constraints, none of the channel letter wall signs could be refaced and had to be completely removed. One new channel letter wall sign (the front) was proposed, but since the site still had excess signage, that particular sign could not be allowed to be completely replaced.

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.

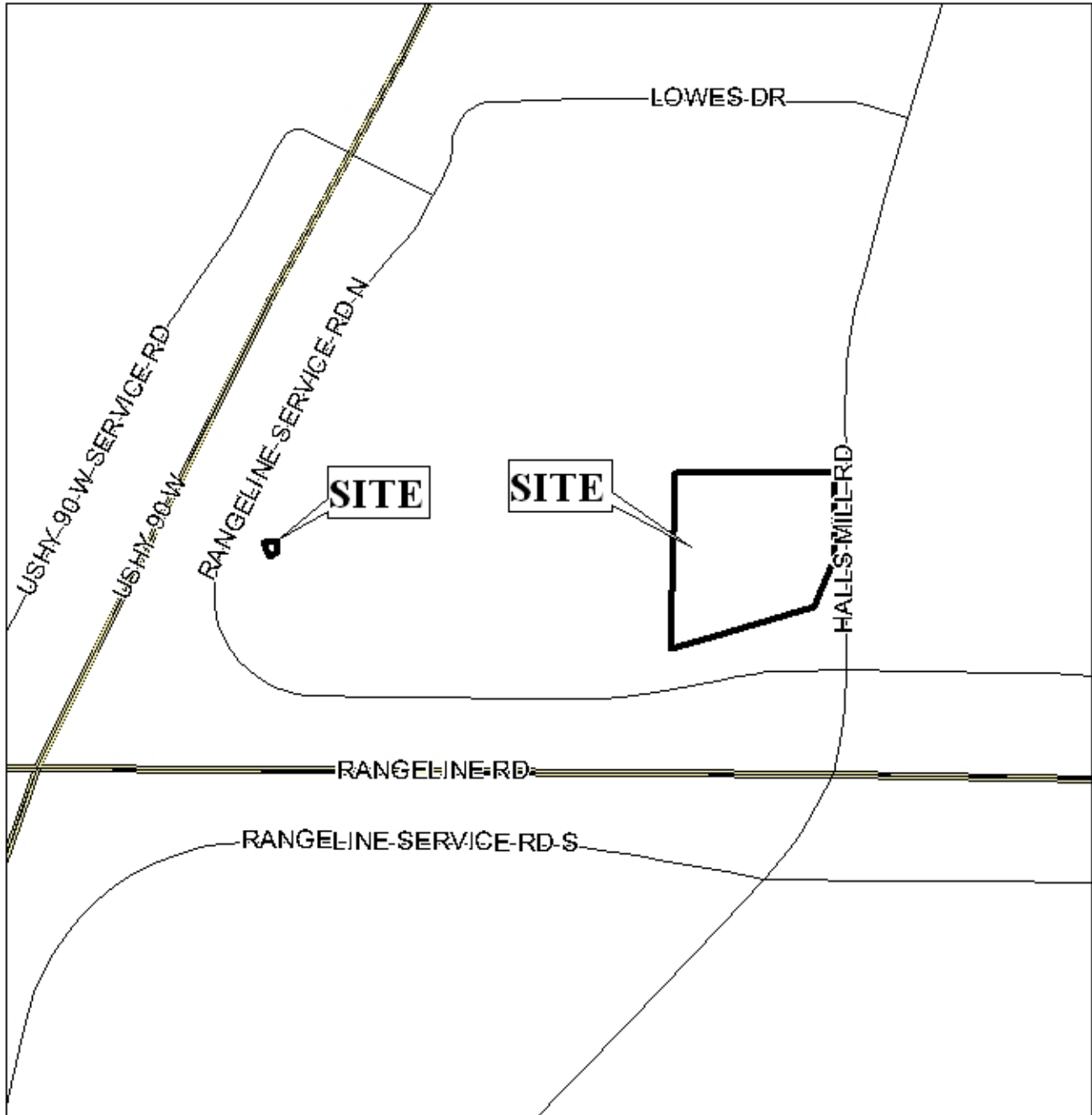
Either through misunderstanding of the allowable signage or miscommunication by staff, the applicant was of the understanding that the entire proposed signage package was approvable and proceeded to order all signs proposed. Even though only one logo wall sign is proposed, it is totally new and not allowable as a new nonconforming sign. However, this would leave the business without any front wall logo signage and no building identity as all tenant panel signs are either located on multi-tenant pylon structures or on the monument sign which is located next to an entrance drive serving multiple building sites. The one wall reader board sign allowed to be refaced is on an end wall facing Halls Mill Road and is not visible from the front.

Unlike other Sign Variance requests within the Theodore-Tillman's Corner annexed area where increased signage has been requested, the subject site already had increased signage via its "grandfather" status. Two of the three nonconforming logo wall signs for the subject site have been removed and will not be replaced. The allowance of the proposed front logo wall sign would still leave the site with a decreased number of nonconforming signs and the Board should consider this application for approval, especially in light of the fact that without the sign, there would be no building front face identity.

RECOMMENDATION: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) completion of the permitting process for the front wall logo sign; and
- 2) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



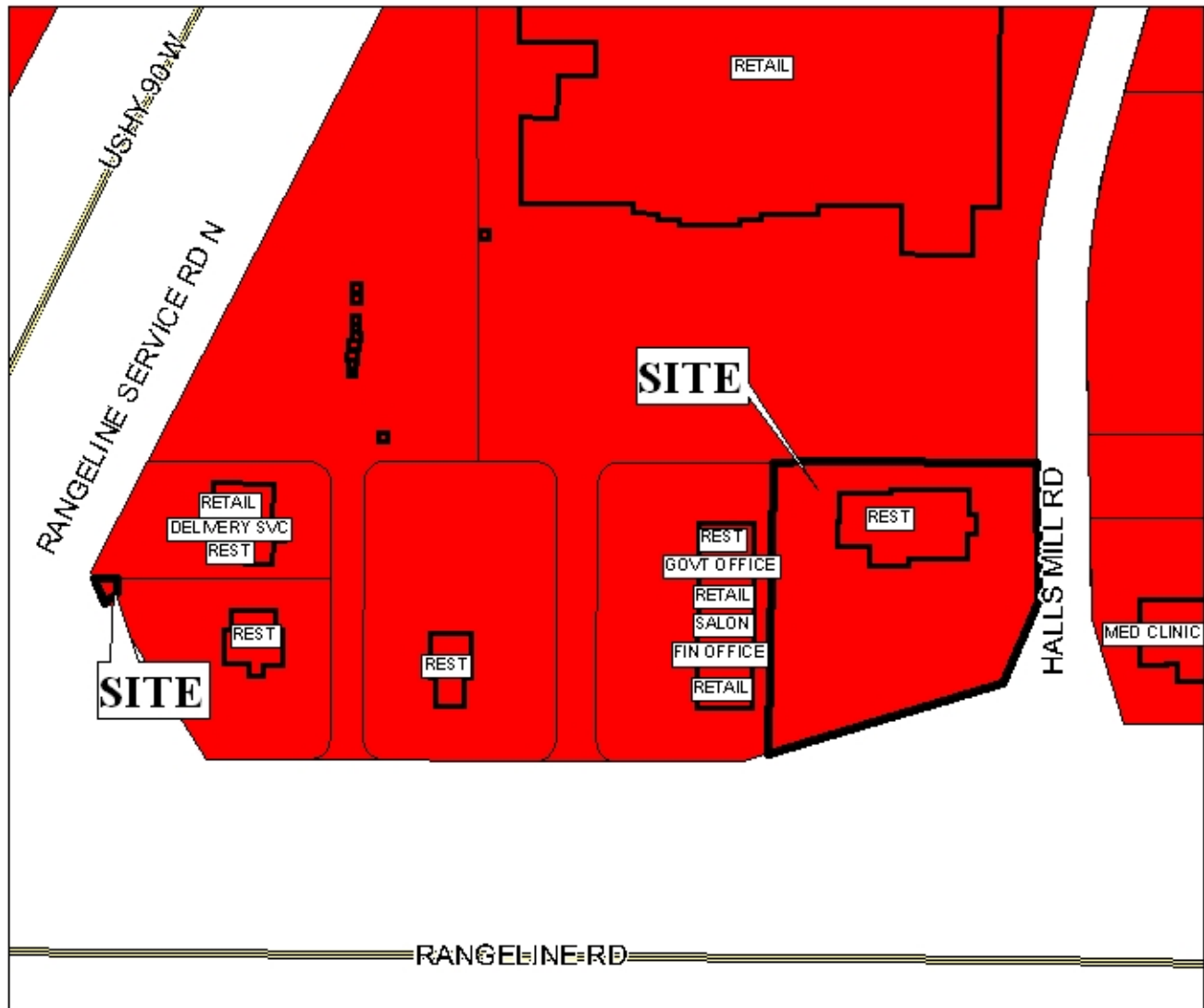
APPLICATION NUMBER 5765 DATE August 6, 2012

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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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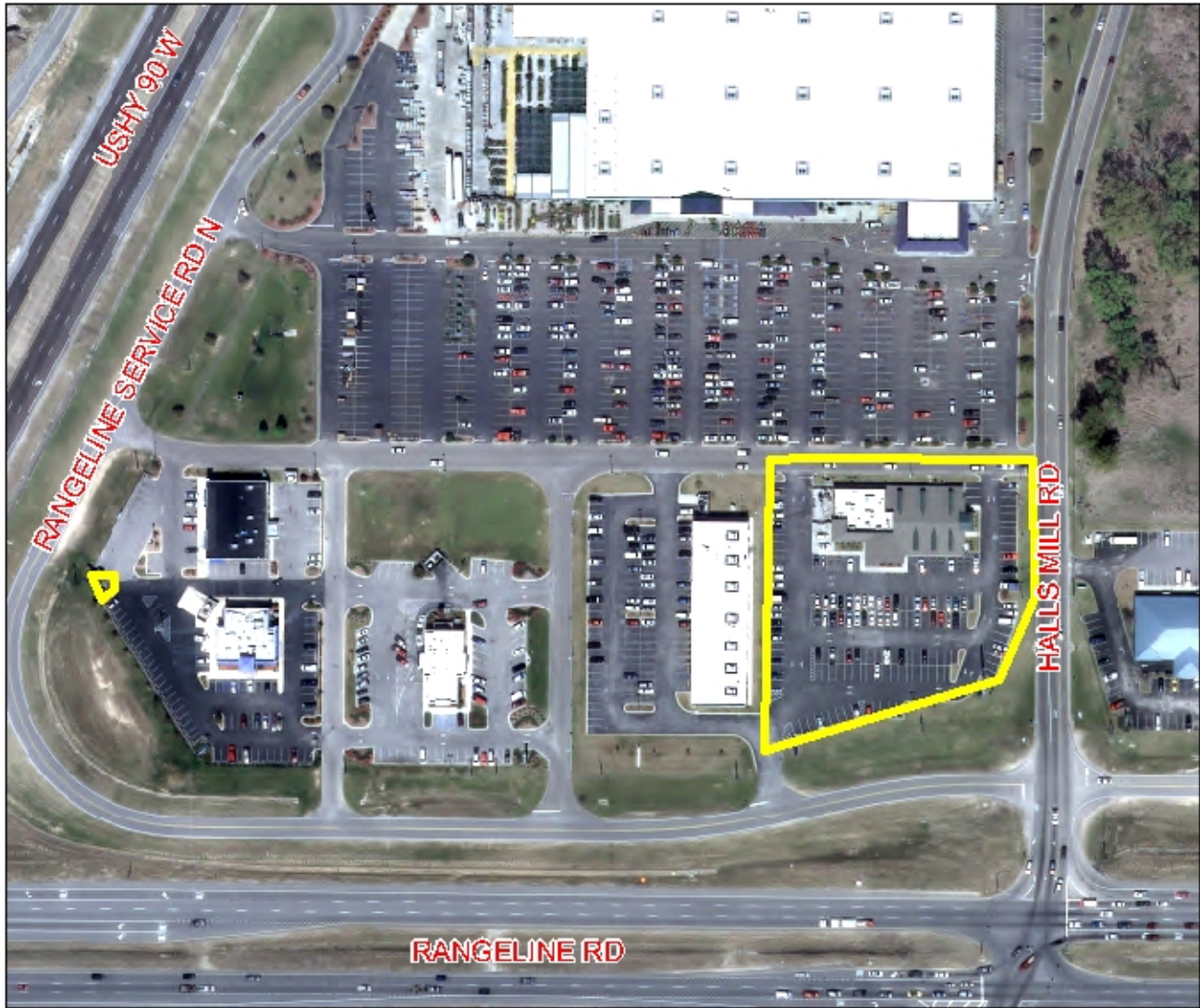
REQUEST Sign Variance

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

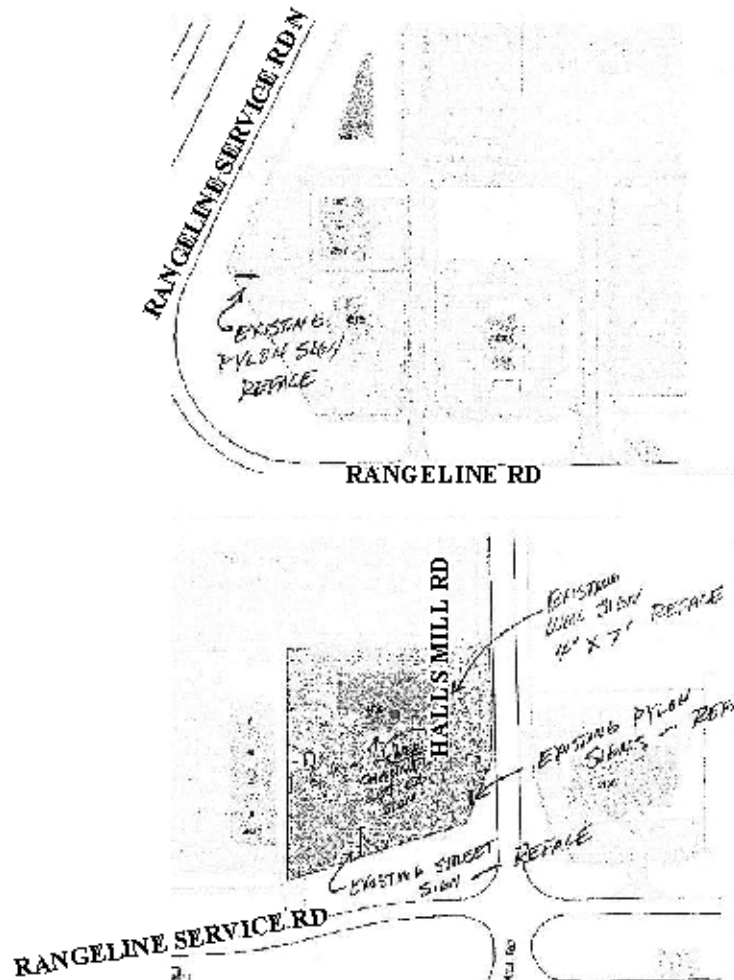


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SITE PLAN



The site plan illustrates the existing signs to be refaced.

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DETAIL SITE PLAN



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