

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 3, 2014**

<u>CASE NUMBER</u>	5928
<u>APPLICANT NAME</u>	Modern Signs LLC
<u>LOCATION</u>	1431 East I-65 Service Road South (East side of East I-65 Service Road South, 345'± South of Pleasant Valley Road)
<u>VARIANCE REQUEST</u>	SIGN: To allow a second freestanding sign on a single-tenant commercial site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one freestanding sign per single-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	3.5± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments received.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Sign Variance to allow a second freestanding sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows one freestanding sign per single-tenant site in a B-3, Community Business District.

This automotive retailer site most recently appeared before the Board at its May 4, 2010 meeting where the Board denied a request for a second freestanding sign but approved a request for a size variance to allow a single, larger 305.5 sf freestanding sign.

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.

Applicant's statement:

Dear Board Members,

Please consider our request for a variance of the On Premise Sign Ordinance.

Our client, Koby Mitsubishi, would like to install a second freestanding Mitsubishi manufacturer's brand sign on the above referenced property but the sign ordinance only allows for one freestanding sign.

Currently there already is a 148.12 Sq. Ft. freestanding sign that has a Subaru logo sign and an electric message center.

Mitsubishi Motors requires that their dealers display a freestanding sign and a wall sign to advertise their product. The Mitsubishi product line sales are suffering due to the lack of exposure.

We would ask that you allow a second freestanding sign for this product line.

Typically, a single-tenant commercial site would allow two wall signs and one freestanding sign by-right. As the dealership sales consists of two separate car brands on this site, it appears that Mitsubishi Motors would not allow its signage to co-locate with another car brand and instead would require a separate sign structure altogether, which results in a hardship to the applicant as this site allows only one sign structure by-right. The applicant, however, has not provided any documentation to prove this is a requirement of Mitsubishi.

It should be pointed out that the site plan appears to illustrate the proposed freestanding sign within a drainage easement, which would be contrary to the public interest as no structure can be placed or erected in any easement, unless otherwise approved by the Engineering Department. As such, a revised site plan should show the proposed sign in a compliant location, exclusive of easements, which would provide a substantial justice to the surrounding neighborhood.

Approval from the Traffic Engineering Department would be required if the sign is proposed within the 25' minimum building setback.

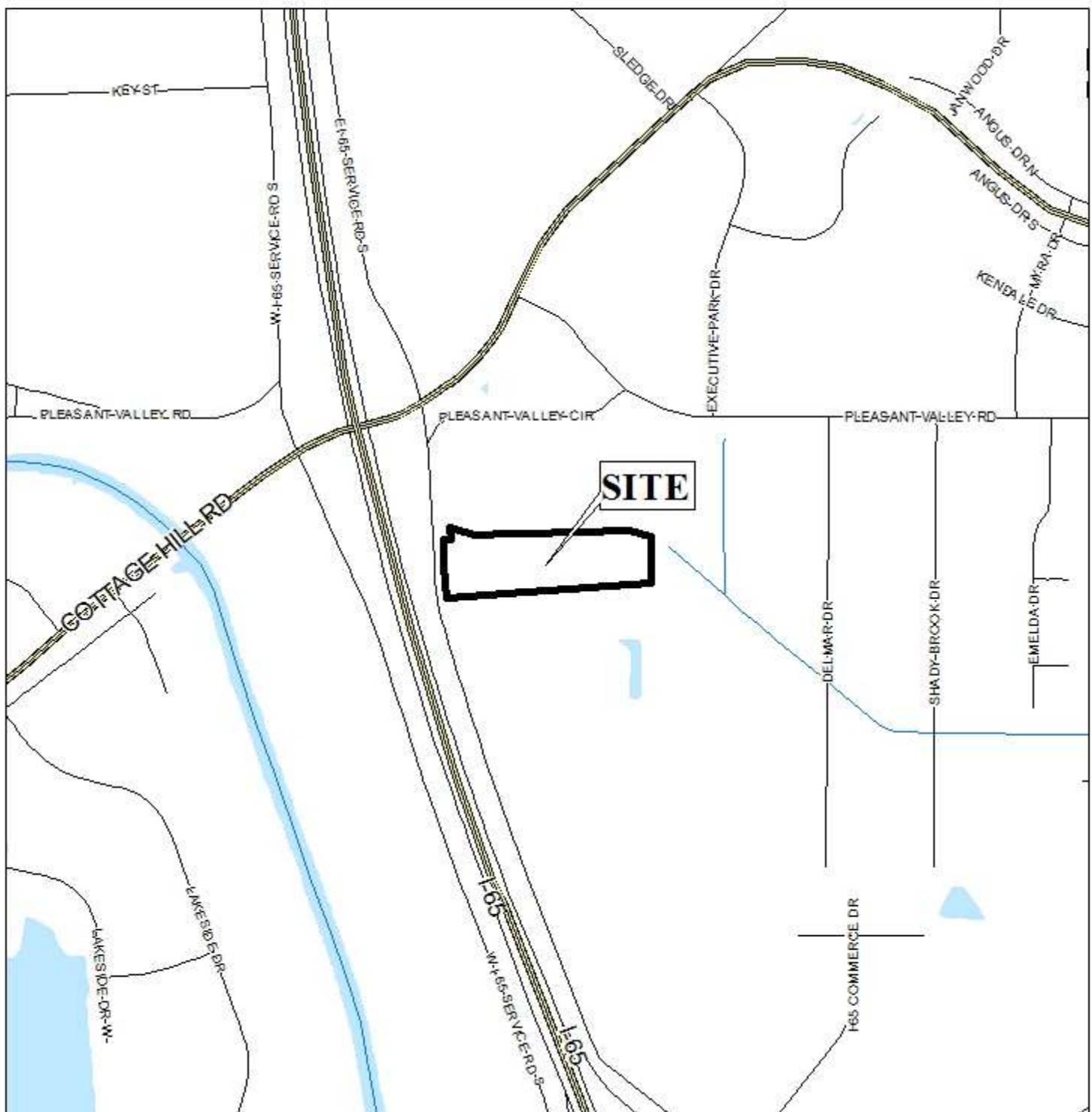
Approving the variance request may not appear to be contrary to the public interest, in that Staff research shows that only three other auto dealerships in the nearby area have received approvals to place multiple freestanding signs on a single site. Of the three variances, all of which were approved, two of them dealt with dealers that sell more than one auto brand (Cadillac/Hummer, and Volvo/Lincoln/Mercury). It should also be noted that the Board has approved 13 of the 15 sign variances requested by auto dealers in the vicinity since 1993.

RECOMMENDATION:

The application is recommended for holdover for the following reason:

- 1) Submission of a contract or other legal documentation to prove Mitsubishi's freestanding sign requirement, as stated by the applicant.

LOCATOR MAP



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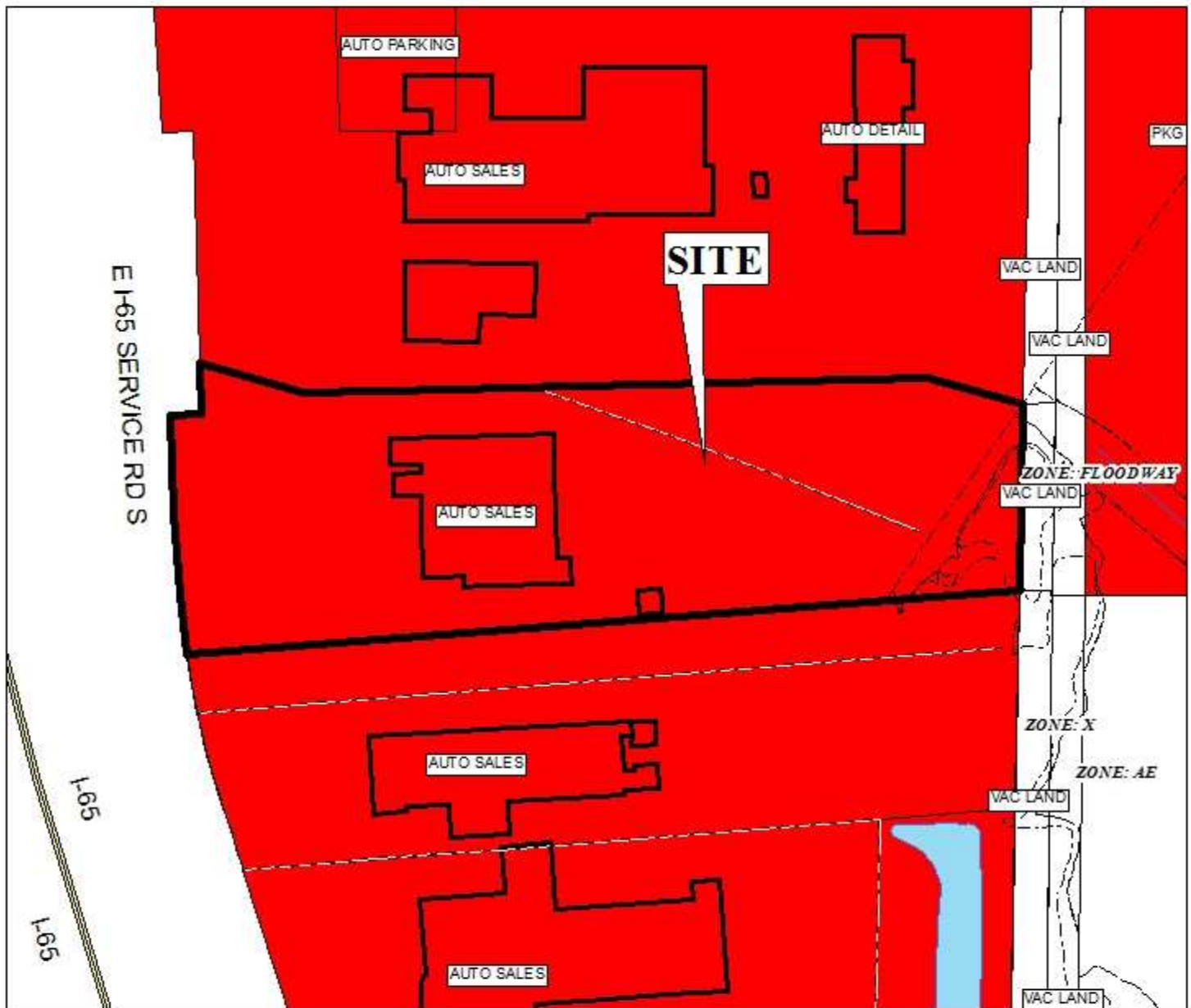
APPLICANT Modern Signs LLC

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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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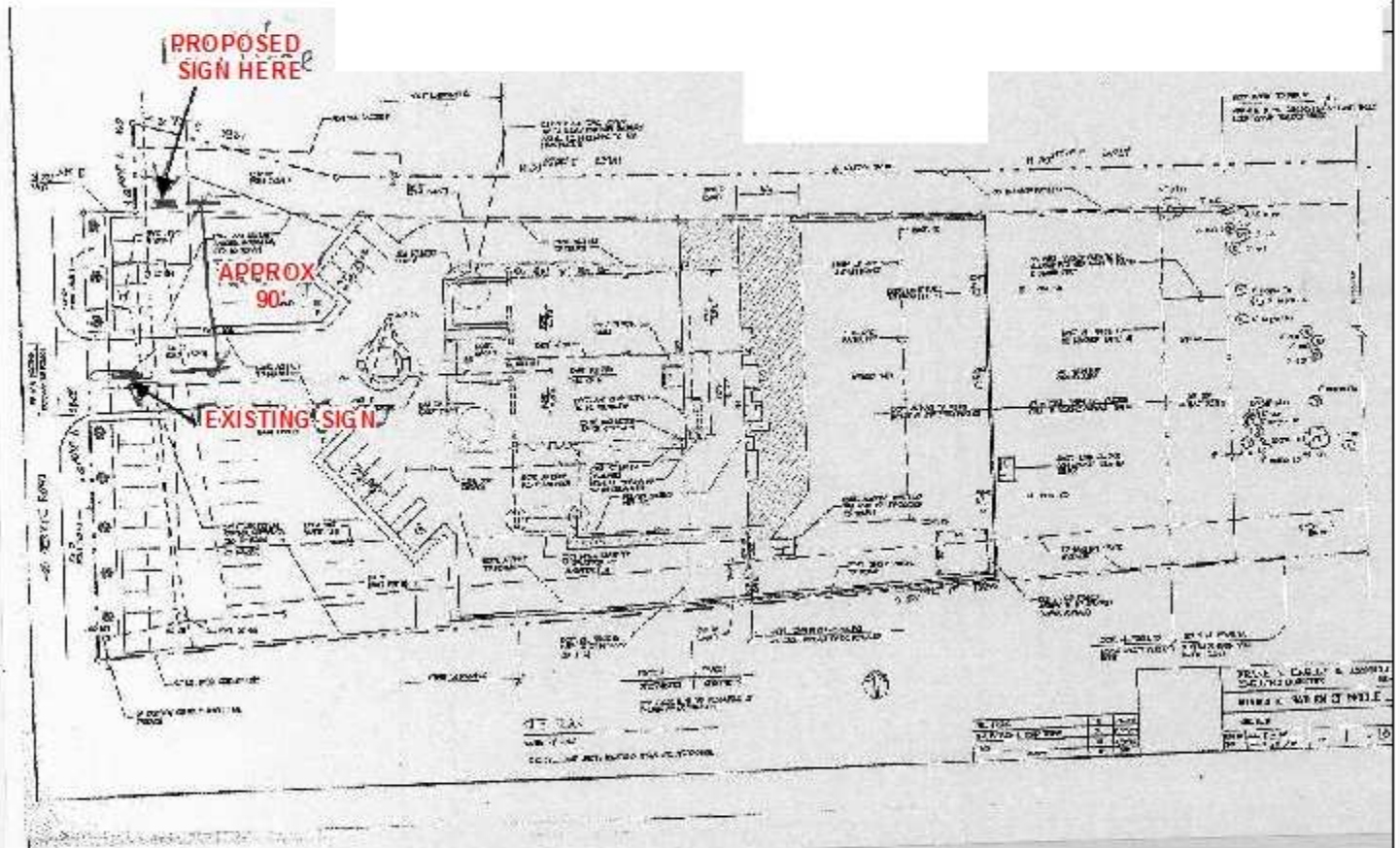
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DETAIL SITE PLAN



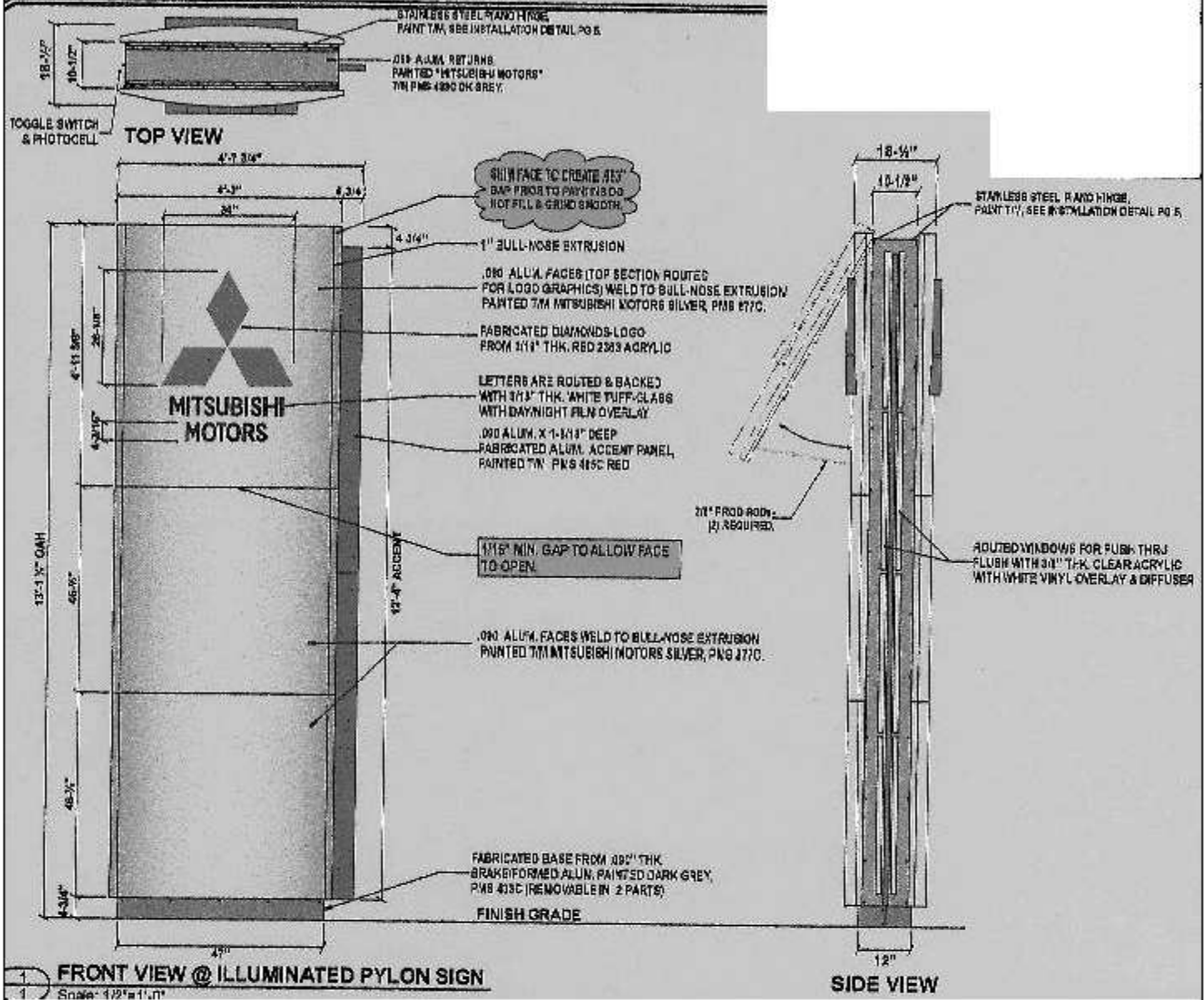
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