

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 6, 2014**

<u>CASE NUMBER</u>	5873
<u>APPLICANT NAME</u>	Oak Park Ministries
<u>LOCATION</u>	3321 Sollie Road (East side of Sollie Road, at the East terminus of Raleigh Boulevard)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a double-faced 4' x 8' digital sign in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires that on-premise digital signs be a minimum of 300' from residentially zoned property.
<u>ZONING</u>	R-1, Single-Family Residential
<u>AREA OF PROPERTY</u>	19.5± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This variance request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a double-faced 4' x 8' digital sign in an R-1, Single-Family Residential District; the Zoning Ordinance requires that on-premise digital signs be a minimum of 300' from residentially zoned property.

A freestanding sign was approved for the church in 2003, and in 2007, an additional freestanding sign was approved for the associated school. Since the site was considered to be multi-tenant and had over 600' of linear street frontage, both signs were allowed. The applicant now proposes to remove both of those signs and construct one freestanding sign structure to include a digital reader board sign. The recently-adopted amendment to the Sign Regulation Provisions of

the Zoning Ordinance prohibits digital signs within 300' of residentially zoned property; therefore, this variance request.

The applicant states "We are a 700 member church affiliated with the Church of God, Cleveland, TN. We have been located at 3321 Sollie Rd since 1997. We are also on the City side of Sollie Rd. We have the Falling Leaf subdivision to our North and undeveloped land to our South, however the sign would be placed 331 ft from the property lines well exceeding the 300 ft minimum. We are very active in our community and we are sure that this sign will assist in getting the word out about the services we provide. The sign will also take the place of the 2 signs we have in place now."

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.

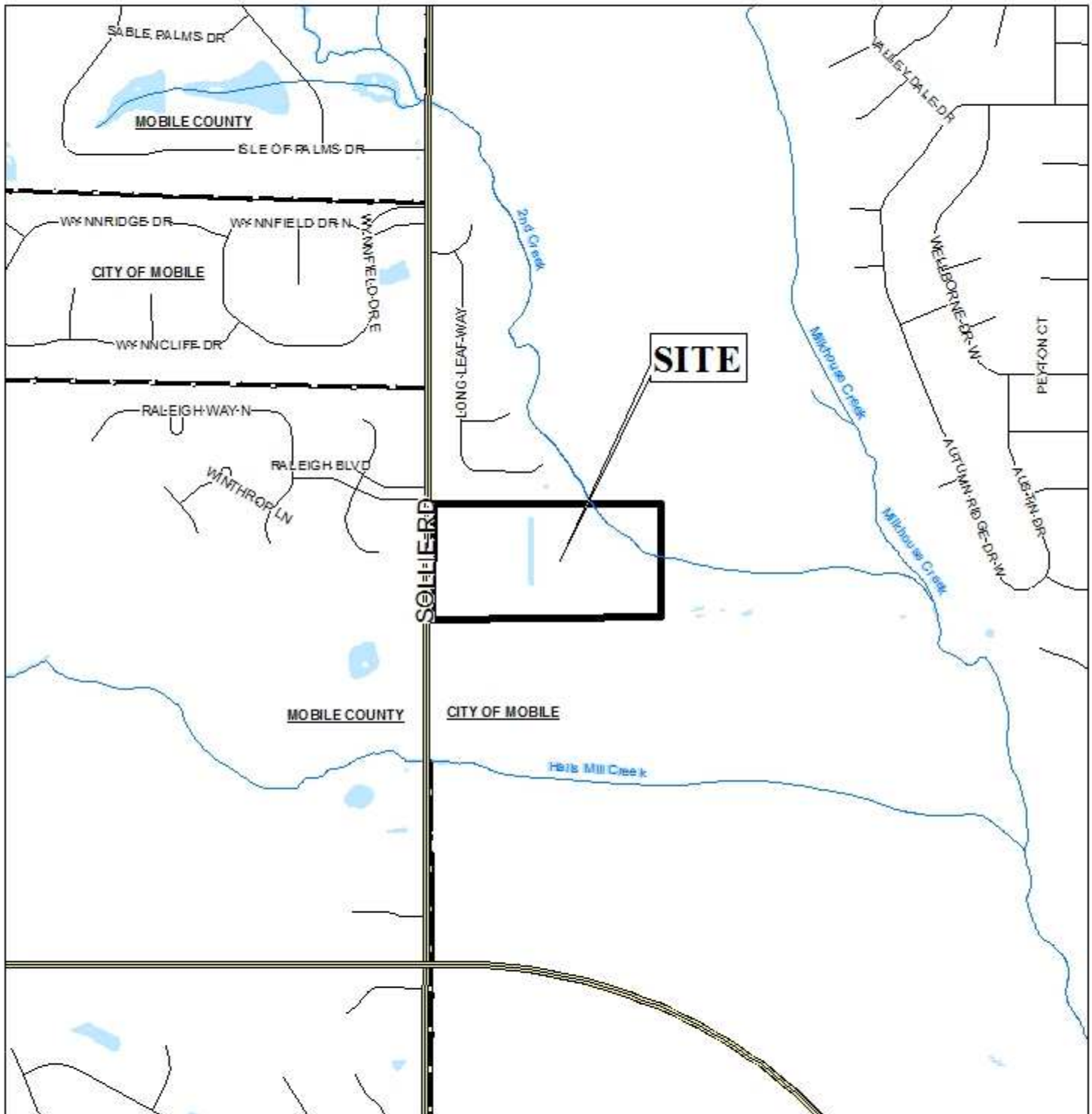
As the applicant has stated, the proposed sign would indeed be more than 300' from other residential zoning to the North and South of the subject site. However, directly across Sollie Road in the County and well within 300' of the sign is Raleigh Subdivision, a single-family residential development. Although there is currently no zoning within the unincorporated areas of the County, the use of properties adjacent to the City limits is taken into consideration when reviewing applications within the City. The intent of the digital sign regulation is to provide a buffer between residential use and the more intense visual impact of electronic and digital signage associated with commercial identity and advertising.

As the proposed digital sign would be placed within 300' of residentially used property, the allowance of such would be directly contradictory to the basic intent of the recently-enacted digital sign amendment. Also, the applicant has not demonstrated that a hardship would be imposed by a literal interpretation of the Zoning Ordinance in restricting the allowance of a digital sign. Therefore, the Board should consider this application for denial.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

LOCATOR MAP



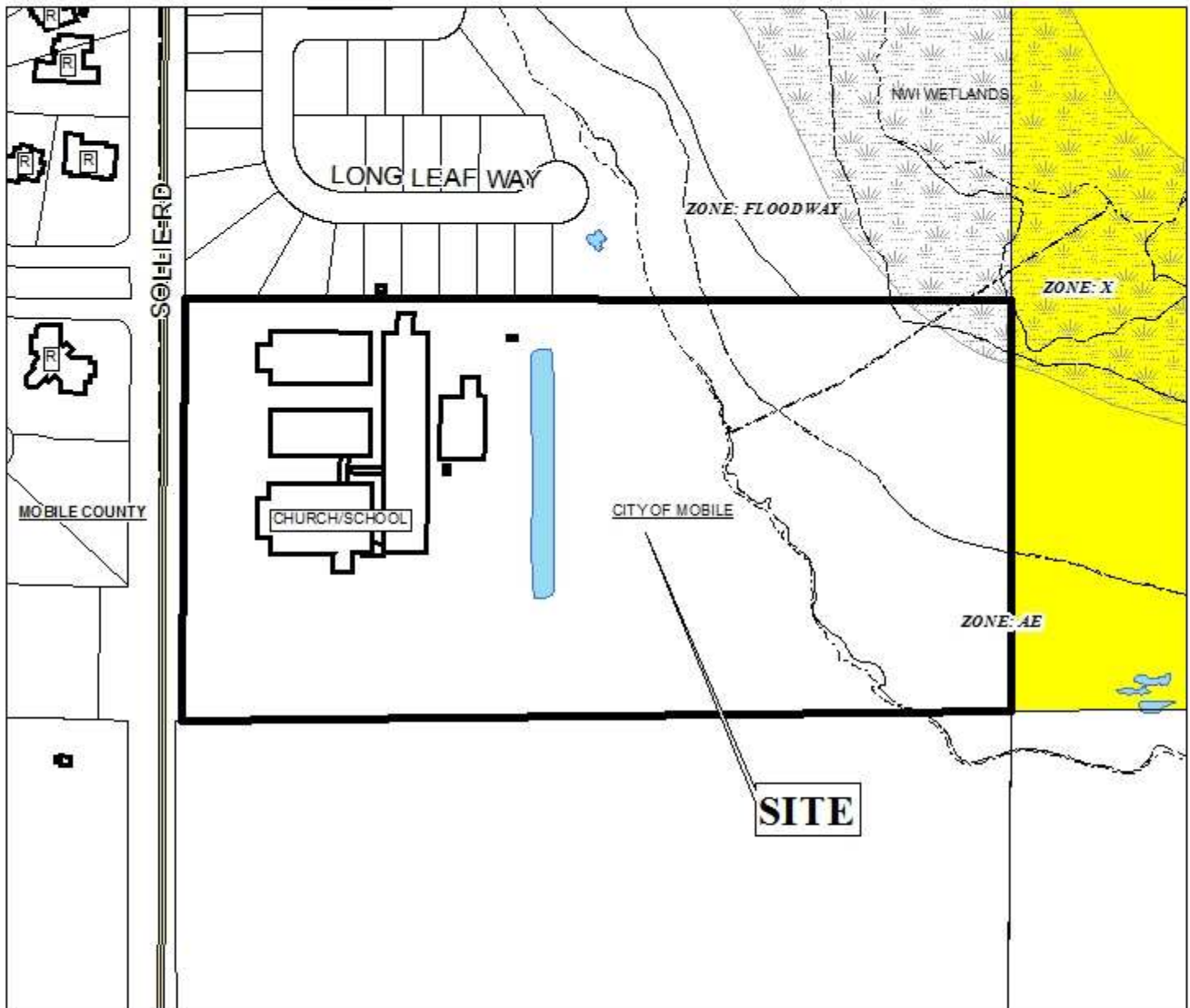
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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single family residences are located to the 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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single family residences are located to the west of the site.

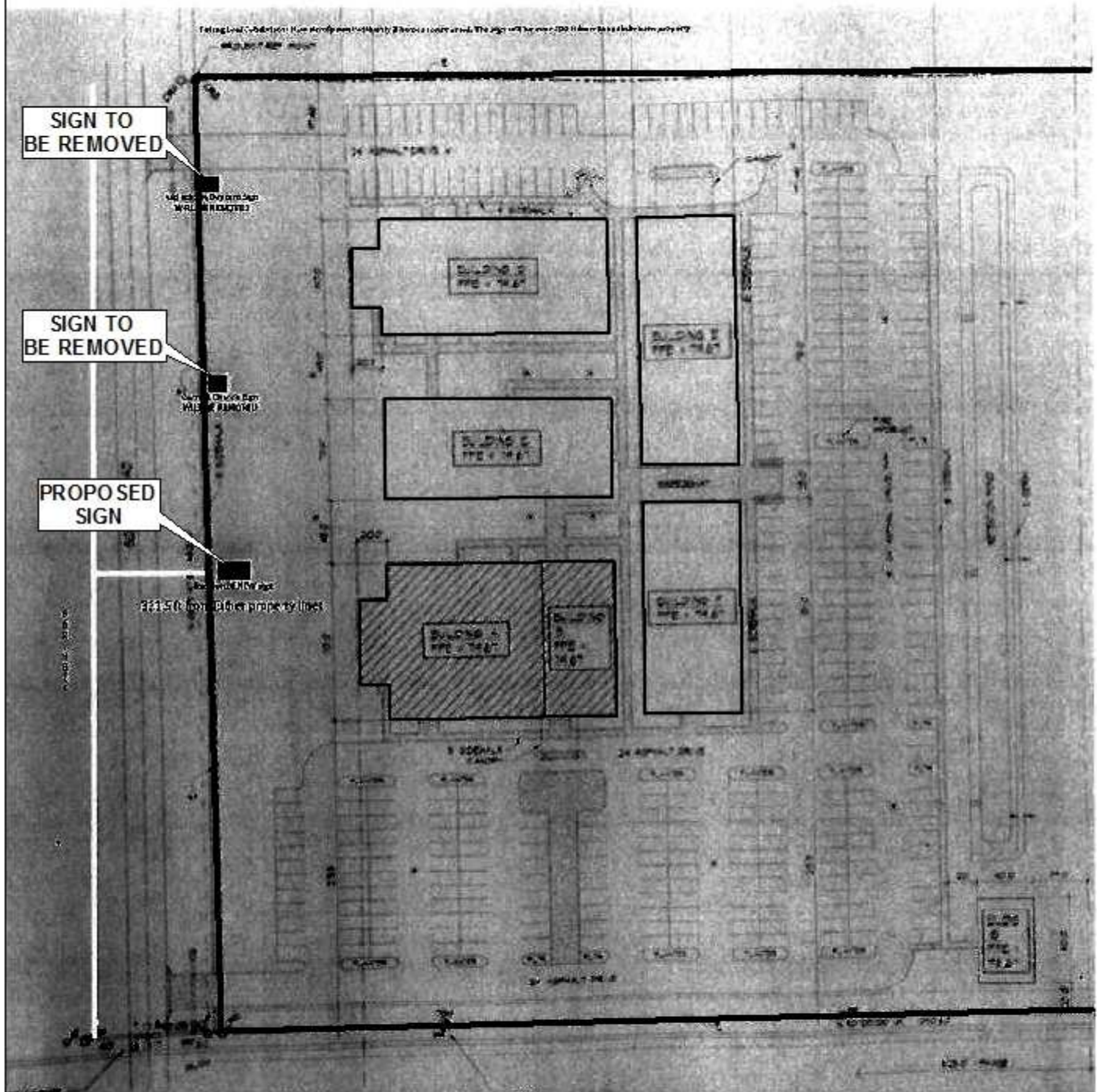
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SITE PLAN



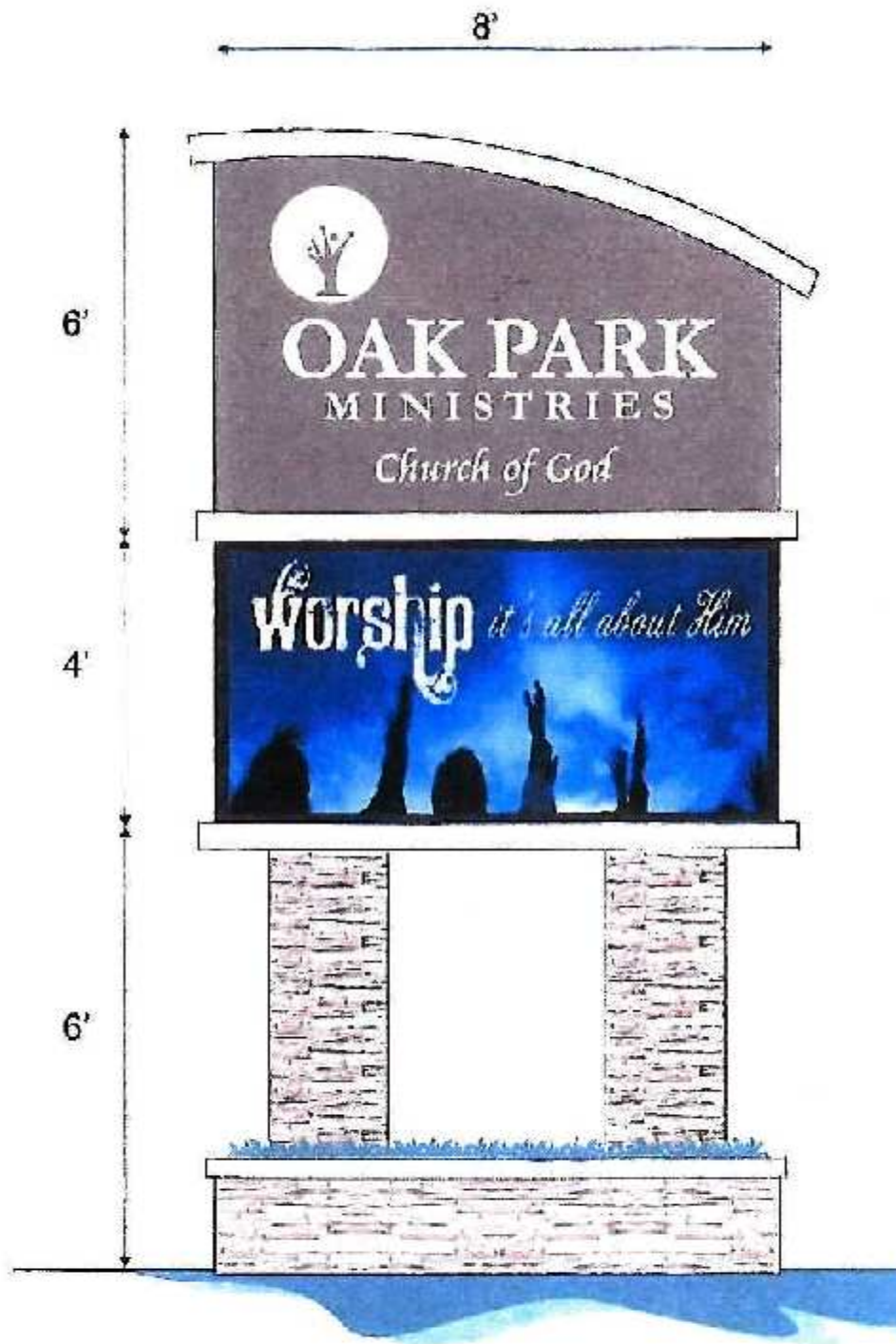
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DETAIL SITE PLAN



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REQUEST Sign Variance

