

APPLICATION NUMBER

5630

A REQUEST FOR

**SIGN VARIANCE TO ALLOW FOUR WALL SIGNS ON AN
ATM KIOSK AND ONE BUILDING WALL SIGN (FIVE
TOTAL WALL SIGNS) FOR A TENANT ON A MULTI-
TENANT COMMERCIAL SITE IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT; THE ZONING
ORDINANCE ALLOWS ONE WALL SIGN PER TENANT
ON A MULTI-TENANT COMMERCIAL SITE IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

3704 DAUPHIN STREET

(North side of Dauphin Street, 150'± West of Du Rhu Drive)

APPLICANT

BEN CUMMINGS

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2010

The applicant is requesting a Sign Variance to allow four wall signs on an ATM kiosk and one building wall sign (five total wall signs) for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District.

This site is currently a multi-tenant site with two tenants, a retail store and a bank. The bank located at this site in 2009, and constructed an ATM kiosk in the front parking area. The kiosk was constructed with permits, however, the kiosk has four signs with commercial messages, which were erected without proper permits.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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 is requesting a variance to keep the four signs on the ATM canopy in addition to the wall sign on the building and the tenant panel on the freestanding monument sign. The building wall sign and the tenant panel were each properly permitted.

The applicant states that the ATM is operational 24 hours a day and requires a higher level of safety for customers. Further, they state that the ATM signage clearly labels the ATM. In addition, the applicant asserts that the kiosk is pre-manufactured. The applicant further states that an ATM kiosk is similar to a gas station, and should be treated accordingly.

None of the applicant's points appear to justify a hardship. The ATM could be clearly indicated with informational signage stating "ATM" or "24 Hour Banking" in order to guide customers into the ATM. Removing commercial signage would have no impact whatsoever on customer safety. Regarding the point that the kiosk is pre-manufactured, this would be a self-imposed hardship, and thus not a basis for hardship.

Regarding the applicant's statements that an ATM is similar to a gas station, gas stations are held to the same sign standards as any other commercial site with the single exception

of “gasoline pump” signs. Gasoline pump signs are allowed without a permit and may include commercial messages. In any case, as an ATM is not a gas pump, this provision does not apply.

A point of note, this is, to staff’s knowledge, the first ATM canopy signage request before the Board of Adjustment. Other banks, even when being informed of a signage violation, have ultimately complied with the ordinance. Granting of this variance would likely set a precedent for every other ATM and bank in the City. Lastly, it should be noted that the applicant was informed that the kiosk could not contain any commercial signage at the time of permitting.

The applicant has failed to present any evidence that a hardship exists on the property.

RECOMMENDATION 5630

Date: September 13, 2010

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



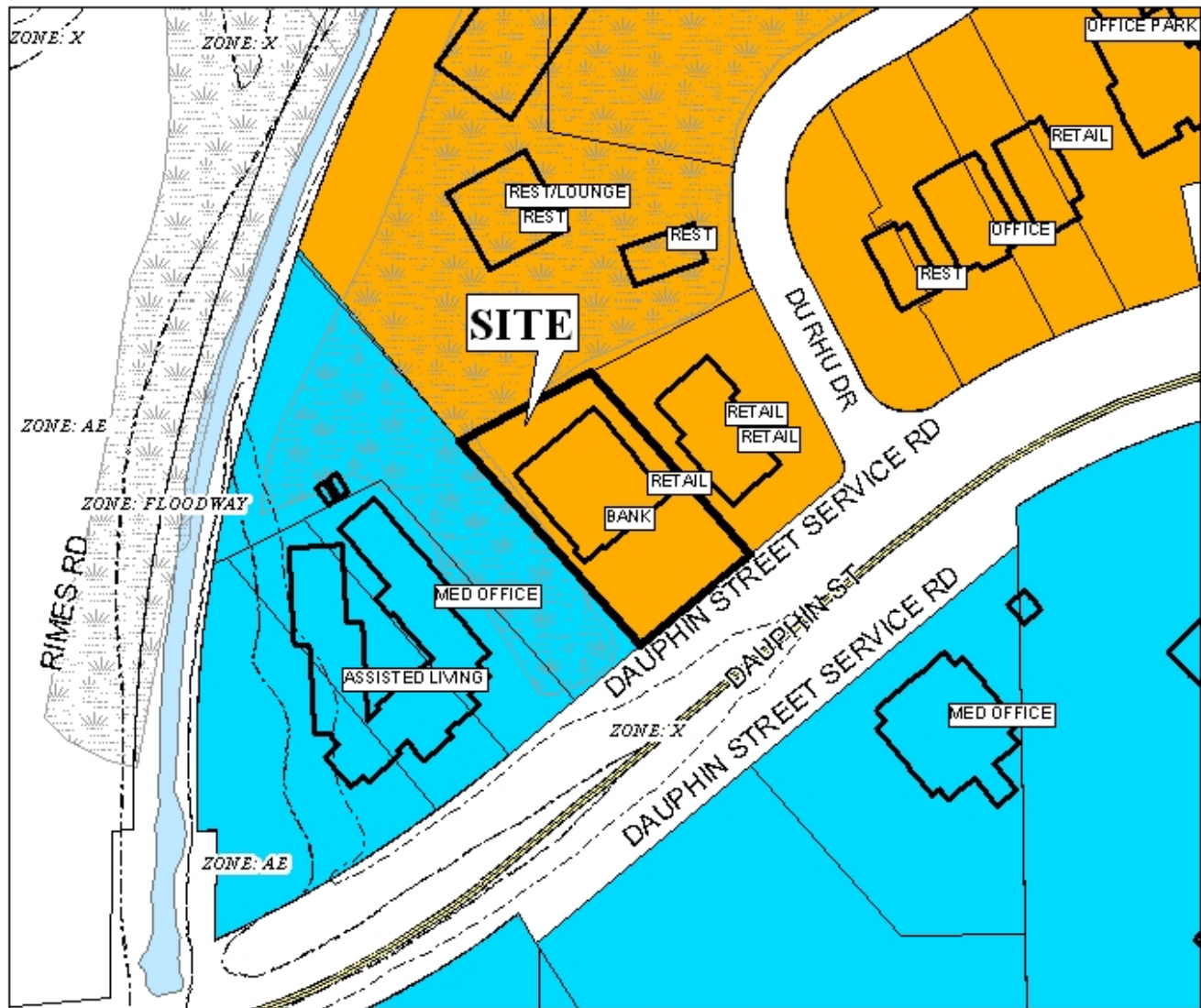
APPLICATION NUMBER 5630 DATE September 13, 2010

APPLICANT Ben Cummings

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is an assisted living facility and medical office to the southwest of the site, miscellaneous retail to the northeast and east, and a medical office to the southeast.

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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

N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

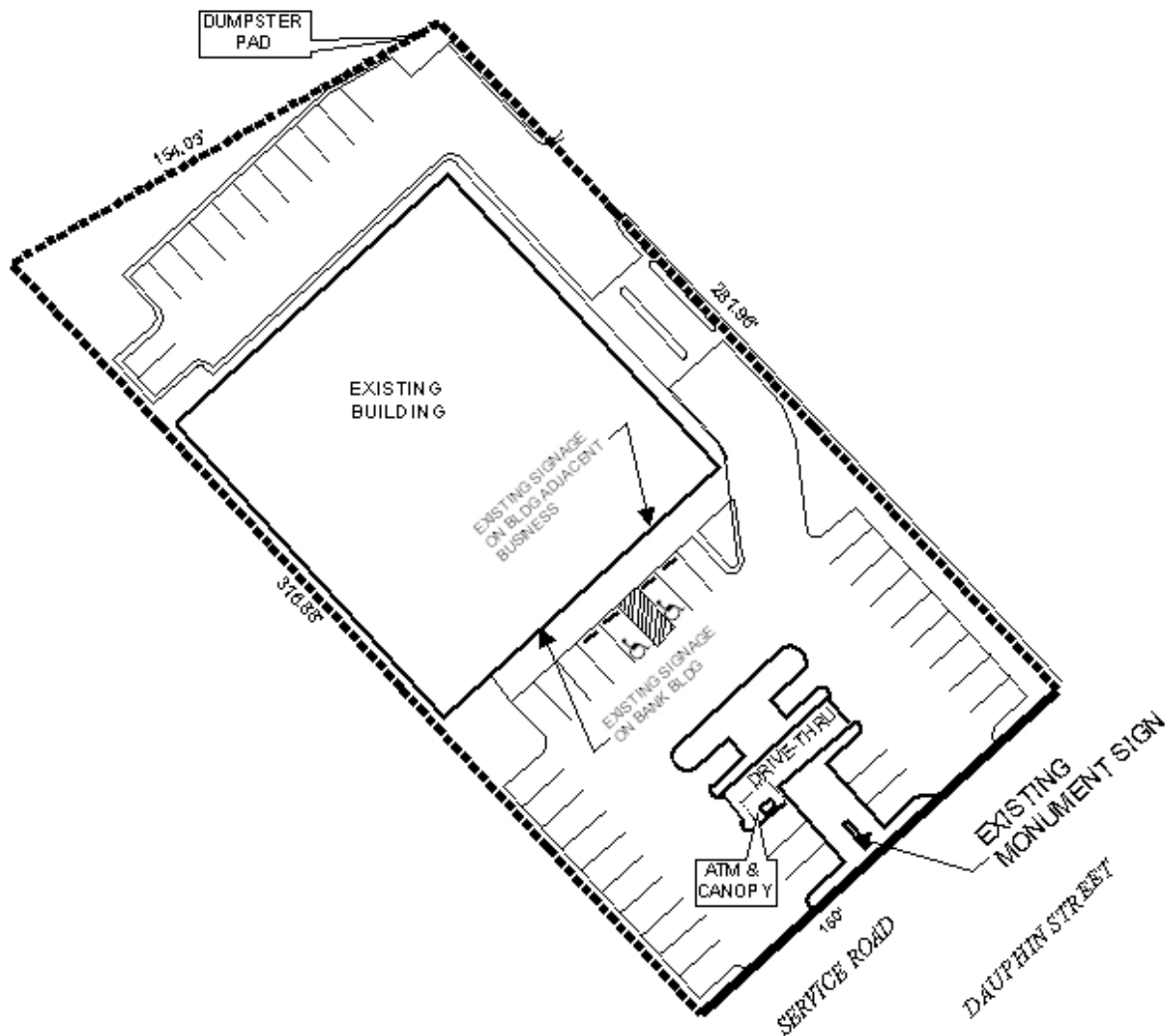


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SITE PLAN



The existing and proposed sign locations are illustrated in the site plan.

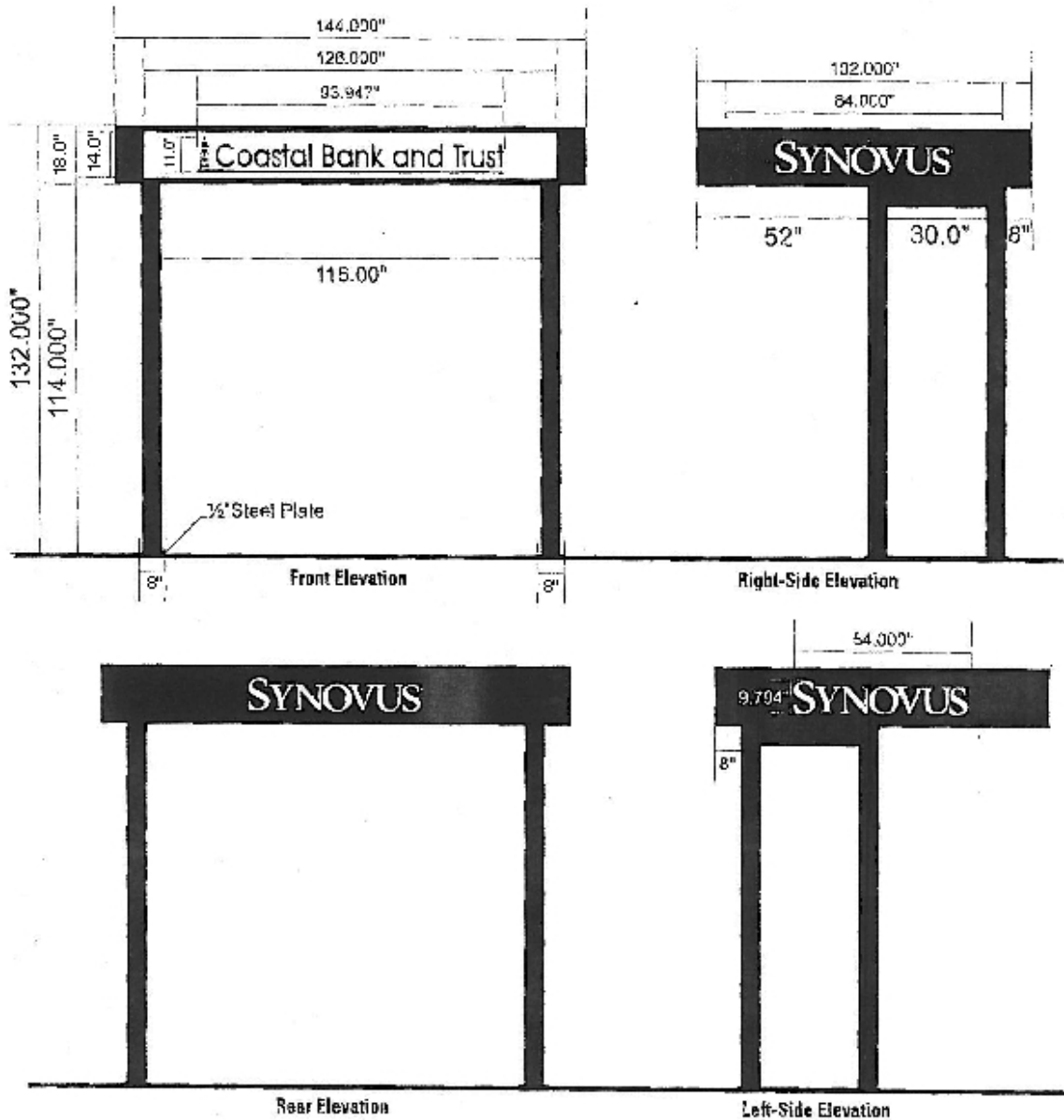
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SIGN DETAIL 1



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 NTS