

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 1, 2019

CASE NUMBER

6248/5842

APPLICANT NAME

Mitchell Signs, Inc.

LOCATION

111 West I-65 Service Road North
(West side of West I-65 Service Road North, 210'± North
of College Lane)

VARIANCE REQUEST

SIGN: Sign Variance to allow a total of three (3) wall signs and a single freestanding sign on a single tenant site in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance allows a total of three signs for a single business site in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

1.24± Acres

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Sign Variance to allow a total of three (3) wall signs and a single freestanding sign on a single tenant site in a B-3, Community Business District; the Zoning Ordinance allows a total of three signs for a single business site in a B-3, Community Business District.

At the Board of Zoning Adjustment’s August 5, 2013 meeting the applicant made an identical request, which the Board denied. Prior to the August 5, 2013 meeting the applicant obtained sign permits for two wall signs and one freestanding sign which have since been installed. This is the maximum amount of signage allowed at a single business site.

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.

The applicant states:

Community Bank invested in the Springhill area in 2013 by constructing a new branch located at 111 N I-65 West Service Road. The city sign ordinance allowed for two signs on the building and a freestanding sign. The bank installed signs on the south and east elevations of the building. Although the initial building plans included the same sign on the North Elevation, the bank was informed that a third sign would not be allowed. At that time the north side of the property had not been developed and was not visible to passing traffic, and therefore the third letterset on the north elevation was not needed.

Since opening the bank in 2013, the adjacent property to the north of the bank has been developed, with the landscape being cleared, therefore the bank would like to add a sign to the North Elevation of the building. This elevation of the building is highly visible from I-65 and Service Road traffic that is traveling from the North.

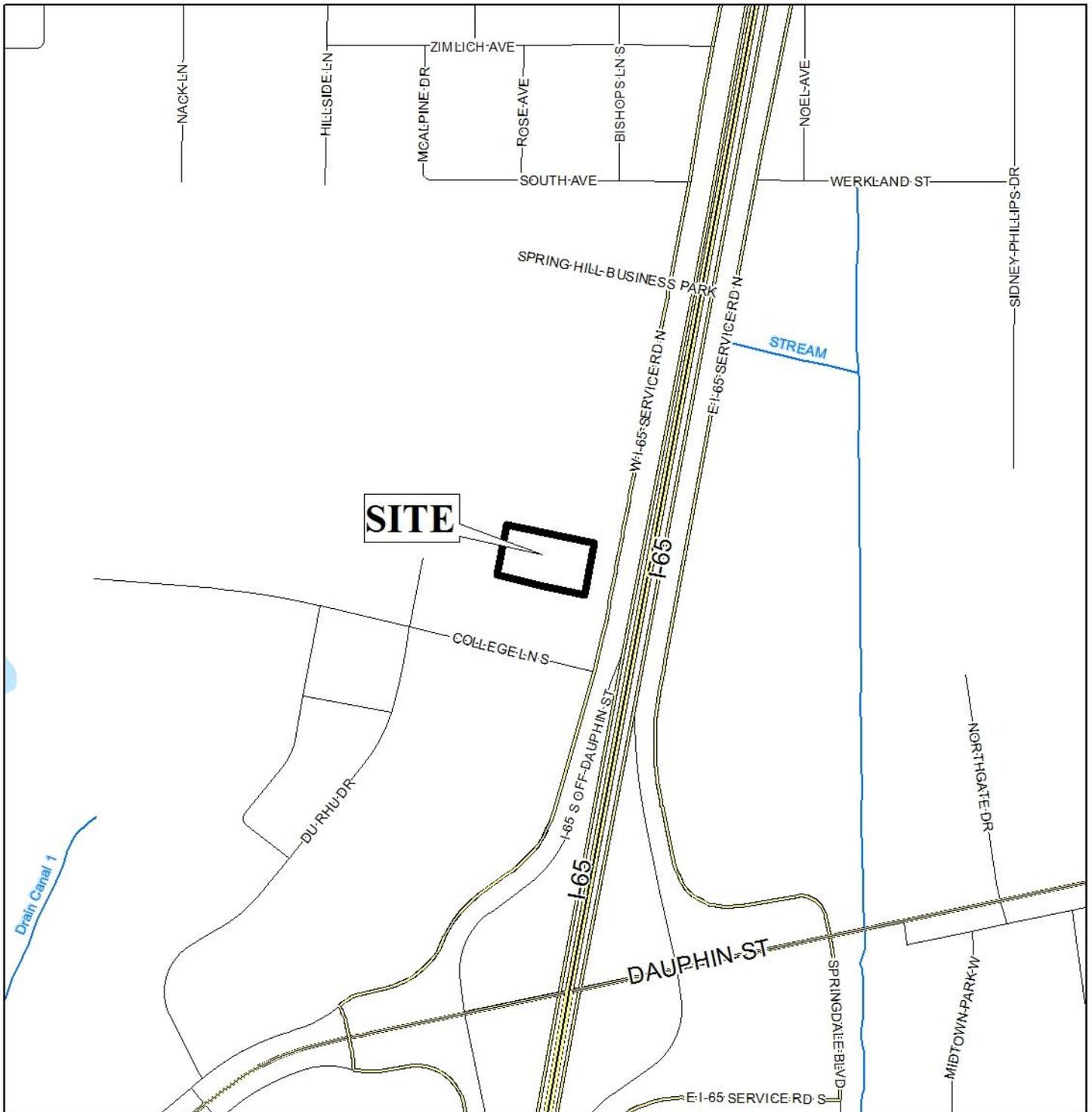
It is our understanding that the City Ordinance does not allow for a third sign on the building, however, upon investigation we realize that other businesses on the same road have three signs and a freestanding sign, see attached pictures of BB&T building and signage as reference. We are asking that Community Bank be granted a variance to allow for the construction and installation of a third sign on the north elevation. We believe that a previous precedent has already been established with the BB&T signage (also a financial institution next door to Community Bank) and therefore respectfully ask for the same allowance be granted to Community Bank signage.

The applicant states that the approval of the variance at the nearby site justifies the approval of the current request. However, the fact that this is a single business site with one street frontage while the other location is a multi-business site with three frontages is not an equal comparison due to the different allowances for multi-tenant sites. The applicant is allowed two wall signs with a freestanding sign, and had the option to choose the two elevations they felt would be most visible to potential customers. Furthermore the applicant has the option to remove the existing free-standing sign, and install a third wall sign. The applicant simply wishes to have more signage than is allowed, and there is no hardship to justify the allowance of additional signage.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Sign Variance to allow a total of three (3) wall signs and a single freestanding sign on a single tenant site.

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the area an equal and fair opportunity to advertise and promote their products and services;
- 2) No special conditions were shown to exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 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 proposed signage could set a precedent for other businesses within the area to be allowed excess branding signage.

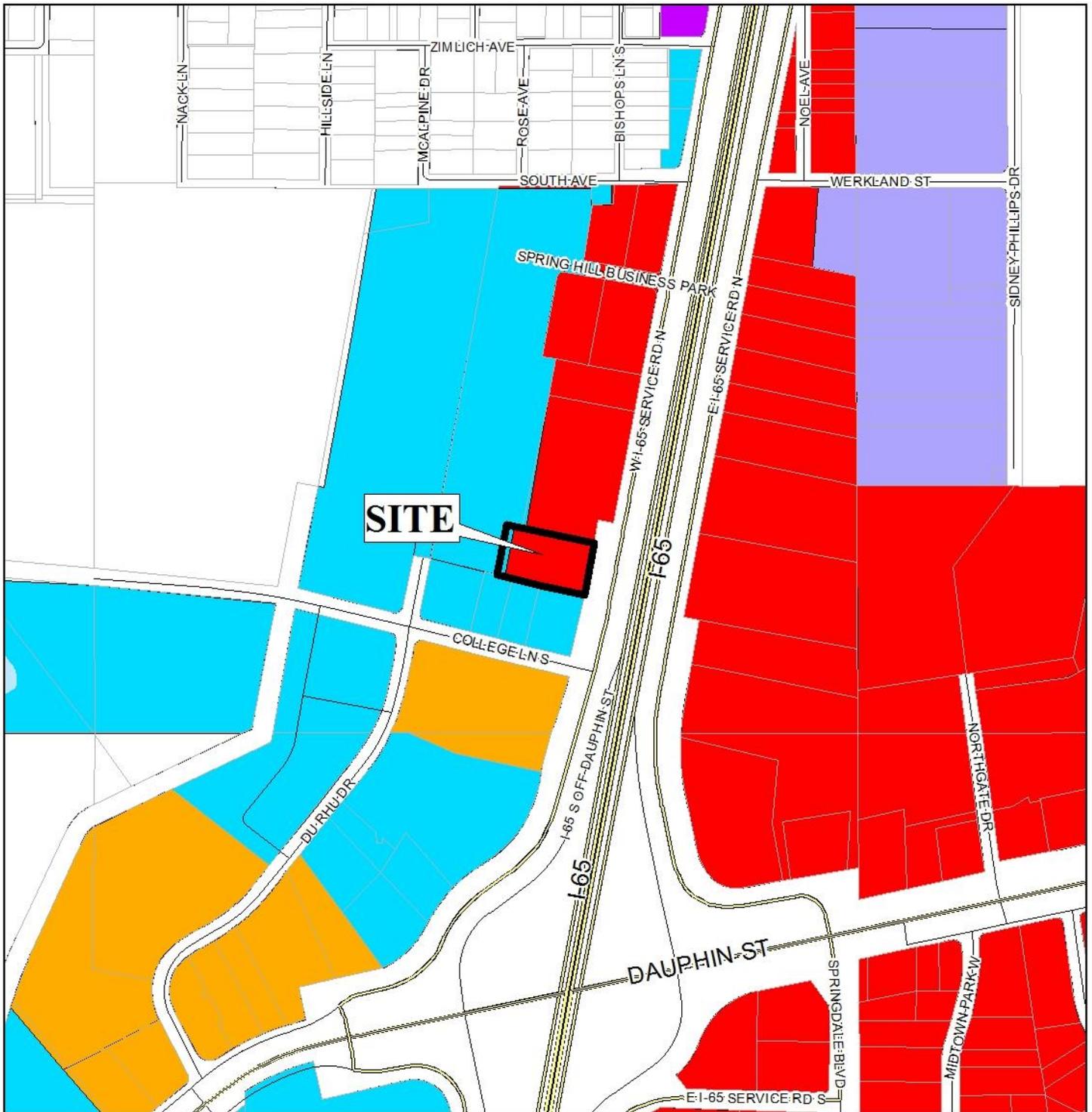
LOCATOR MAP



APPLICATION NUMBER	6248	DATE	April 1, 2019
APPLICANT	Mitchell Signs, Inc.		
REQUEST	Sign Variance		



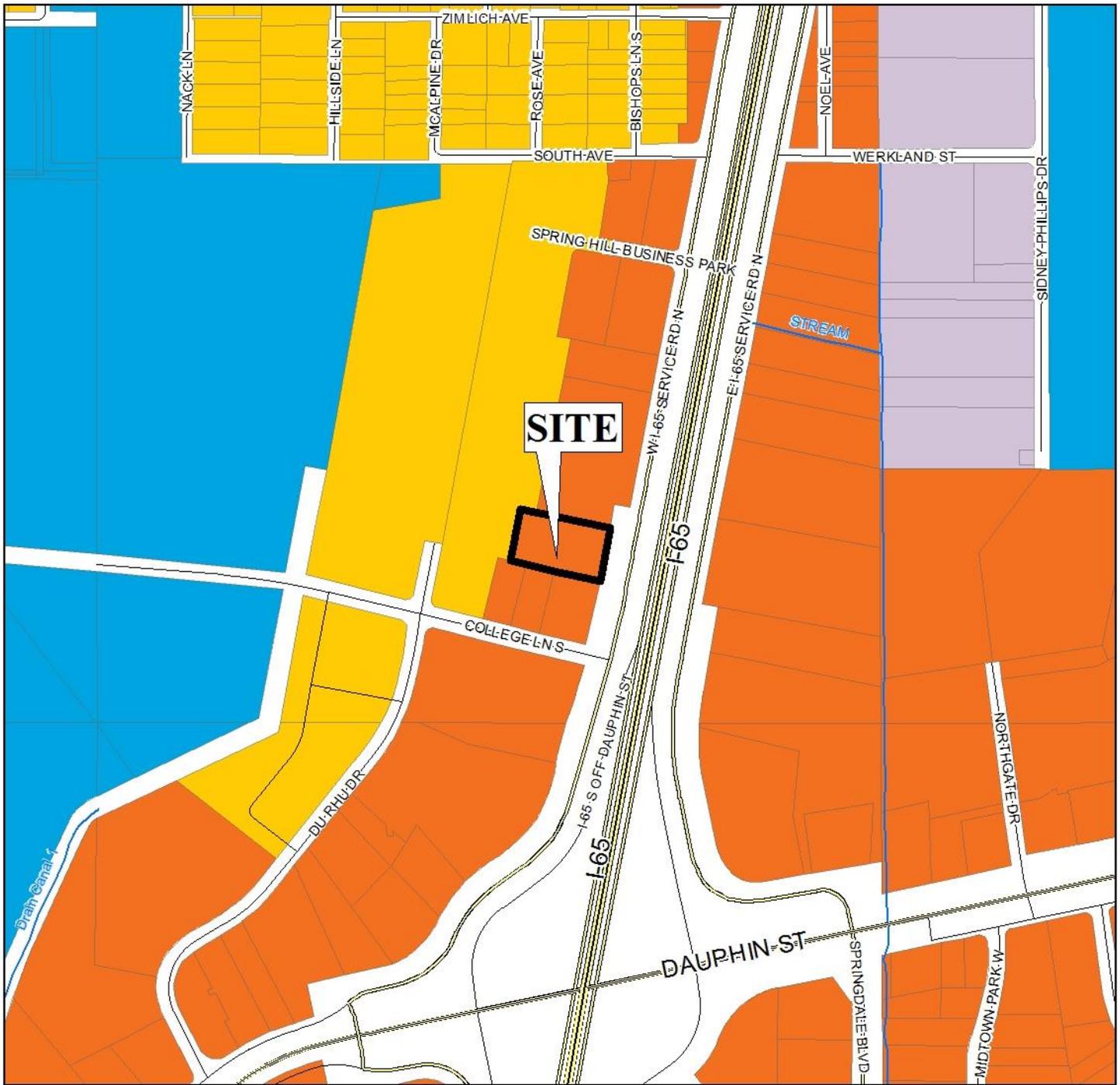
LOCATOR ZONING MAP



APPLICATION NUMBER 6248 DATE April 1, 2019
APPLICANT Mitchell Signs, Inc.
REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6248 DATE April 1, 2019

APPLICANT Mitchell Signs, Inc.

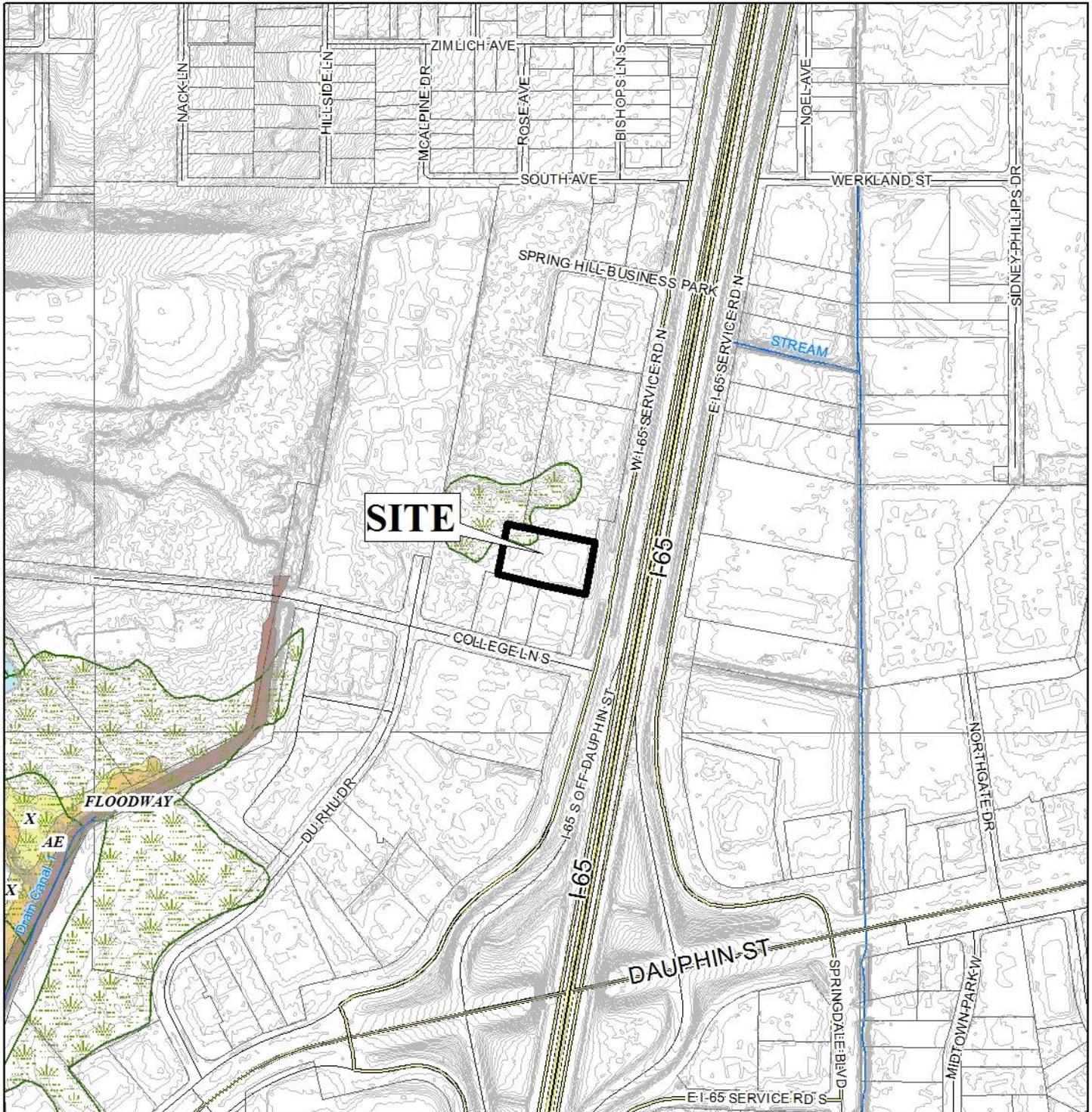
REQUEST Sign Variance

- | | | | |
|---|---|---|--|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



NTS

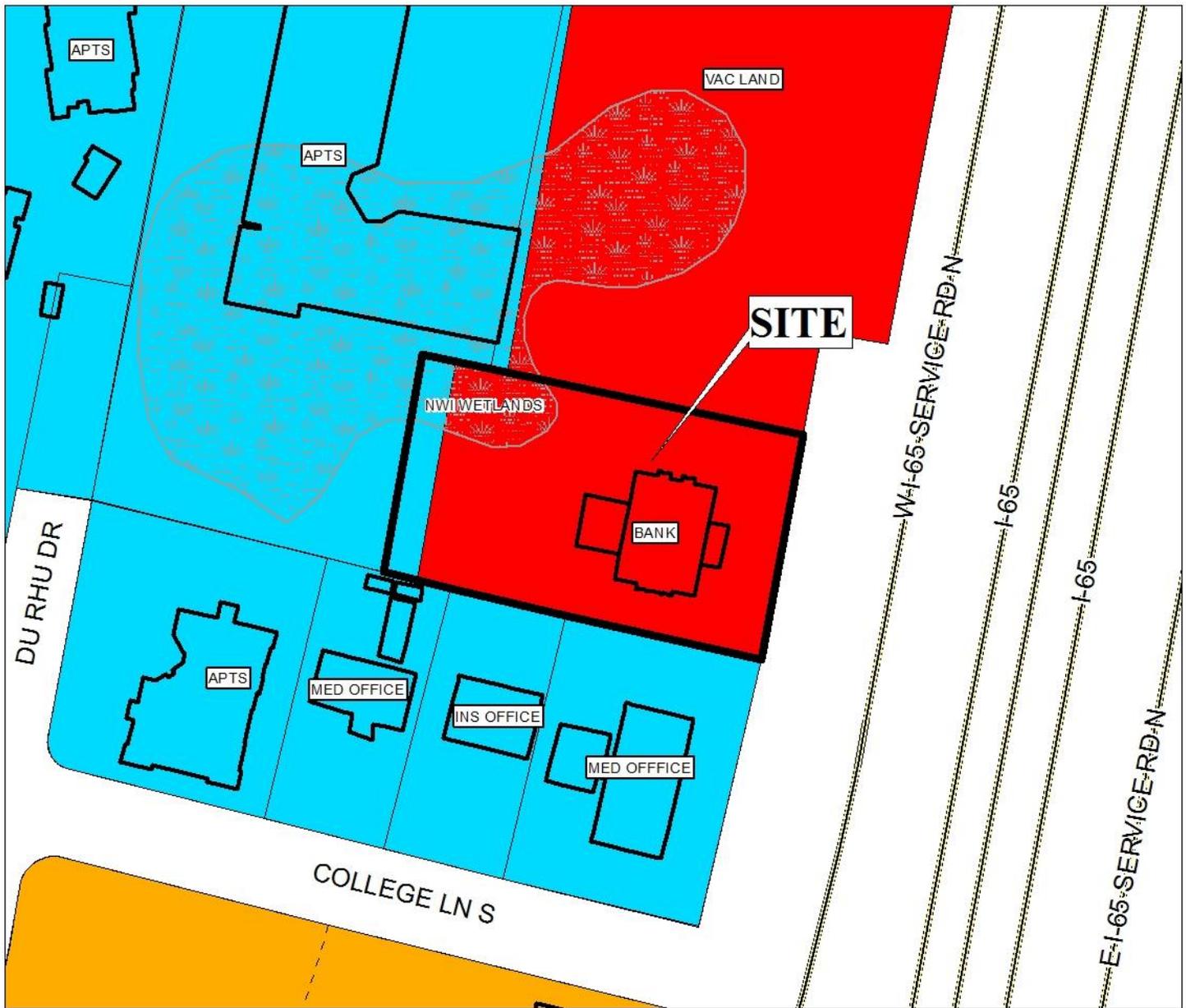
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6248 DATE April 1, 2019
 APPLICANT Mitchell Signs, Inc.
 REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6248 DATE April 1, 2019

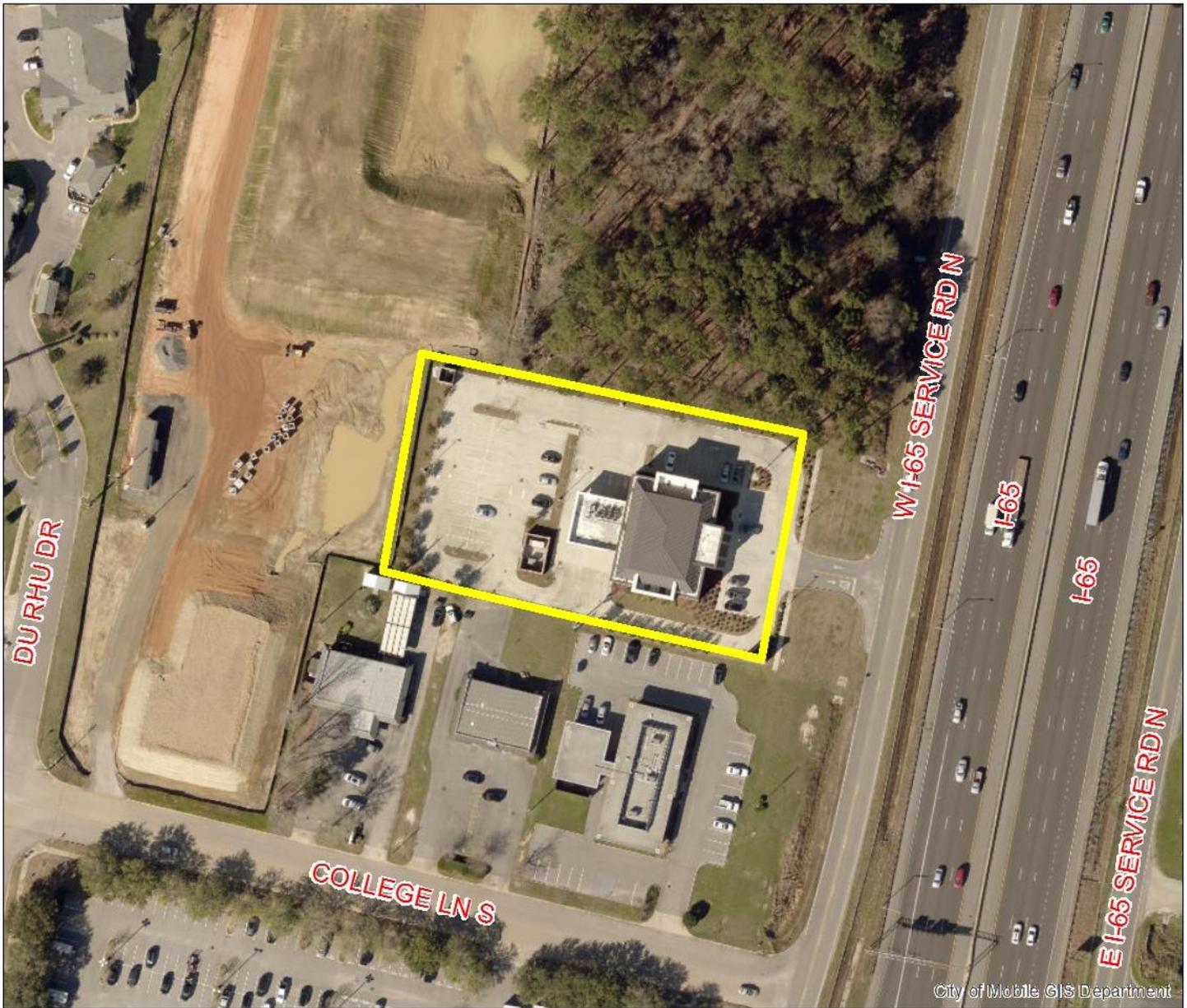
APPLICANT Mitchell Signs, Inc.

REQUEST Sign Variance

 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 AERIAL



The site is surrounded by commercial and residential units.

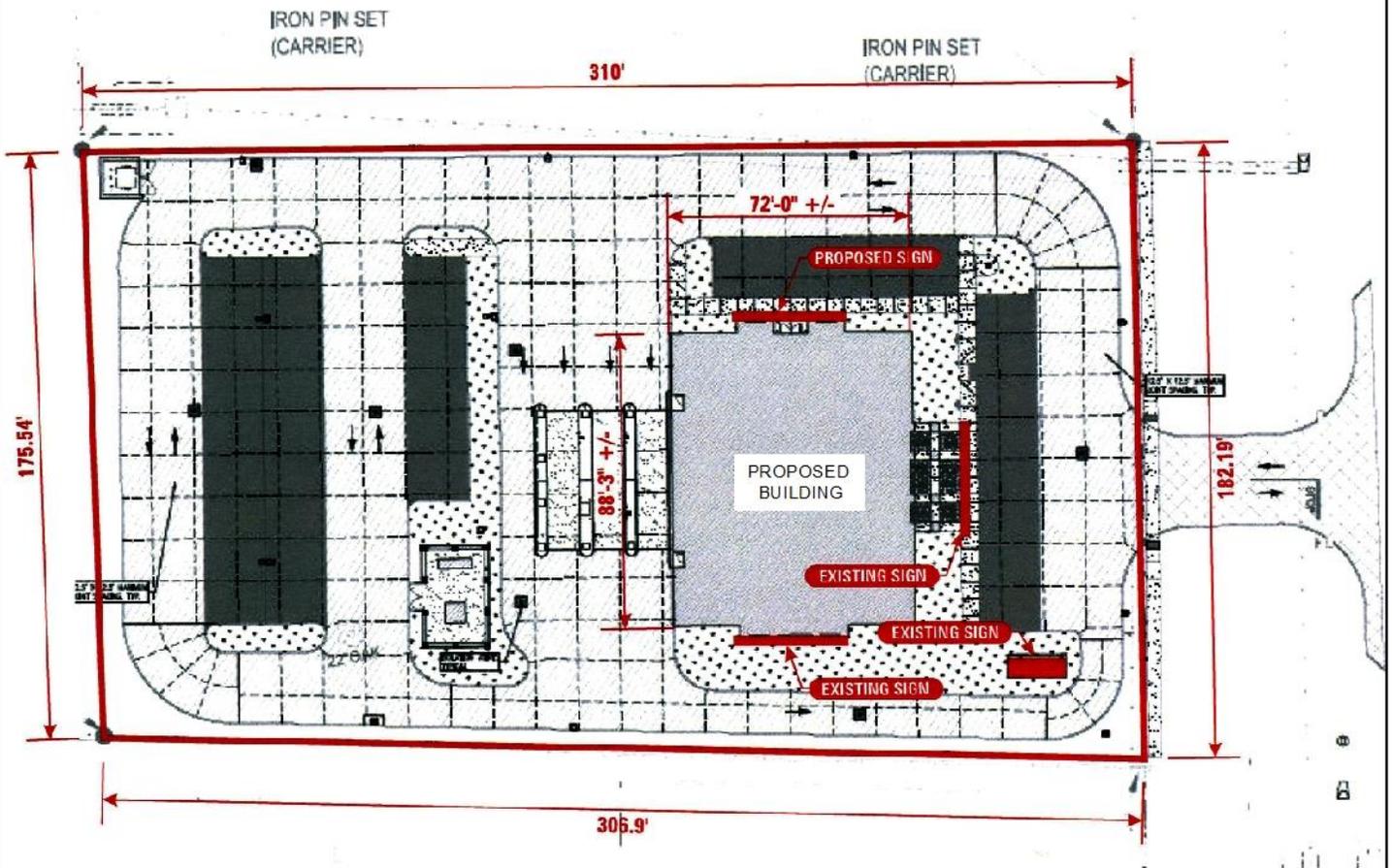
APPLICATION NUMBER 6248 DATE April 1, 2019

APPLICANT Mitchell Signs, Inc.

REQUEST Sign Variance



SITE PLAN



The site plan illustrates the proposed building, existing signs, and proposed sign.

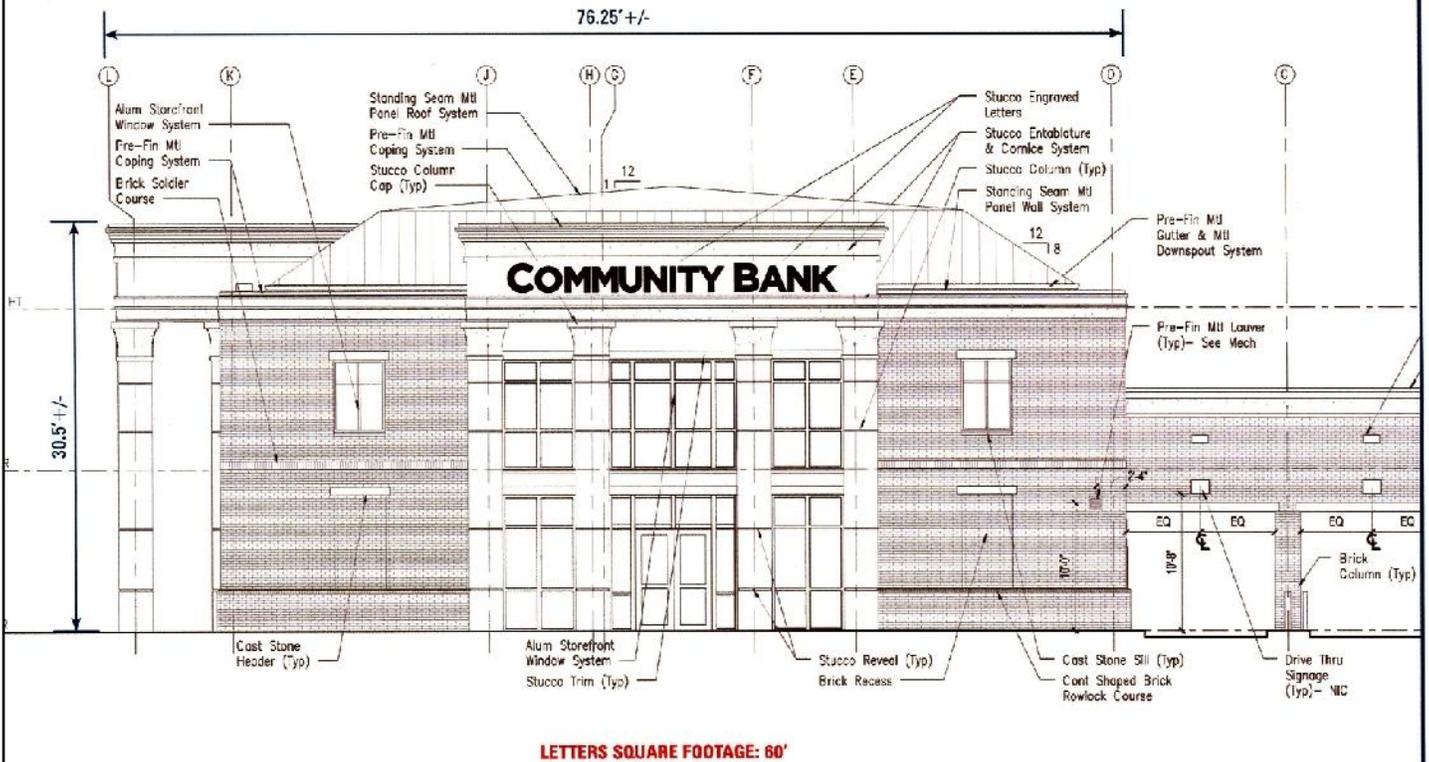
APPLICATION NUMBER	6248	DATE	April 1, 2019
APPLICANT	Mitchell Signs, Inc.		
REQUEST	Sign Variance		

N

NTS

DETAIL SITE PLAN

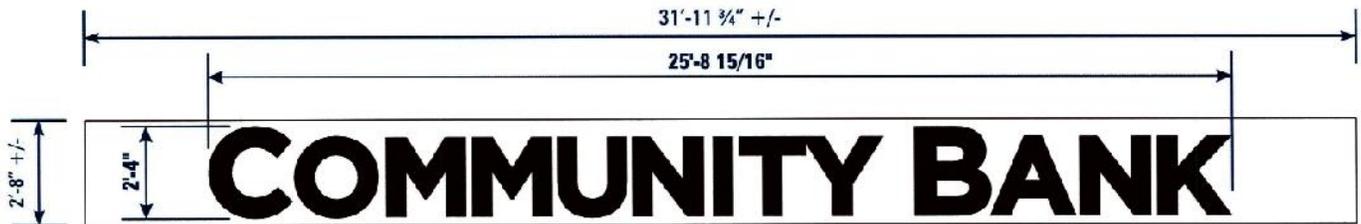
NORTH ELEVATION



APPLICATION NUMBER 6248 DATE April 1, 2019
 APPLICANT Mitchell Signs, Inc.
 REQUEST Sign Variance



DETAIL SITE PLAN



SQUARE FOOTAGE: 60'

FABRICATED REVERSE ALUMINUM CHANNEL LETTERS. 4" RETURNS AND FACES WITH SATIN BLACK FINISH.
INTERNAL WHITE LED 4100K ILLUMINATION

APPLICATION NUMBER 6248 DATE April 1, 2019

APPLICANT Mitchell Signs, Inc.

REQUEST Sign Variance

