

APPLICATION NUMBER

5545

A REQUEST FOR

**SIGN VARIANCE TO ALLOW THREE WALL SIGNS AND
A FREESTANDING SIGN AT A SINGLE-TENANT
COMMERCIAL SITE IN A B-2, NEIGHBORHOOD
BUSINESS DISTRICT; THE ZONING ORDINANCE
ALLOWS TWO WALL SIGNS AND ONE FREESTANDING
SIGN FOR A SINGLE-TENANT COMMERCIAL SITE IN A
B-2, NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

5454 ZEIGLER BOULEVARD

(Northeast corner of North University Boulevard and Zeigler Boulevard)

APPLICANT

HOVEN OIL COMPANY, INC

AGENT

ADVANTAGE SIGN COMPANY

BOARD OF ZONING ADJUSTMENT

JULY 2009

The applicant is requesting a Sign Variance to allow an additional wall sign for a single tenant on a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant on a multi-tenant commercial site in a B-3, Community Business District.

This site is the location of a new Chevron service station that has just been completed. Upon final building inspection, it was noticed that three wall signs on the gasoline canopy that had been put up without permits. A freestanding sign was also up at the location; however, the freestanding sign had been permitted. A notice of violation was issued for the excess signage, hence this application. Additionally, there are two informational signs at the location, indicating the convenience shop and the car wash. As these do not contain a commercial message, they are not considered to be a part of the overall sign total.

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 states that “due to the position of the property and the size of the intersection, signs on the building alone will not attract the customers to our location...” The applicant fails to mention that there is a large 167-square-foot freestanding sign at the corner of University Boulevard and Zeigler Boulevard which negates an argument for additional wall signage on the canopy. It should also be noted that the site is clearly visible from both roadways, further negating the applicant’s argument.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. The applicant simply wishes to have excessive signage on a single-tenant site which is not allowed by the zoning ordinance.

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RECOMMENDATION 5545**Date: July 6, 2009**

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

LOCATOR MAP



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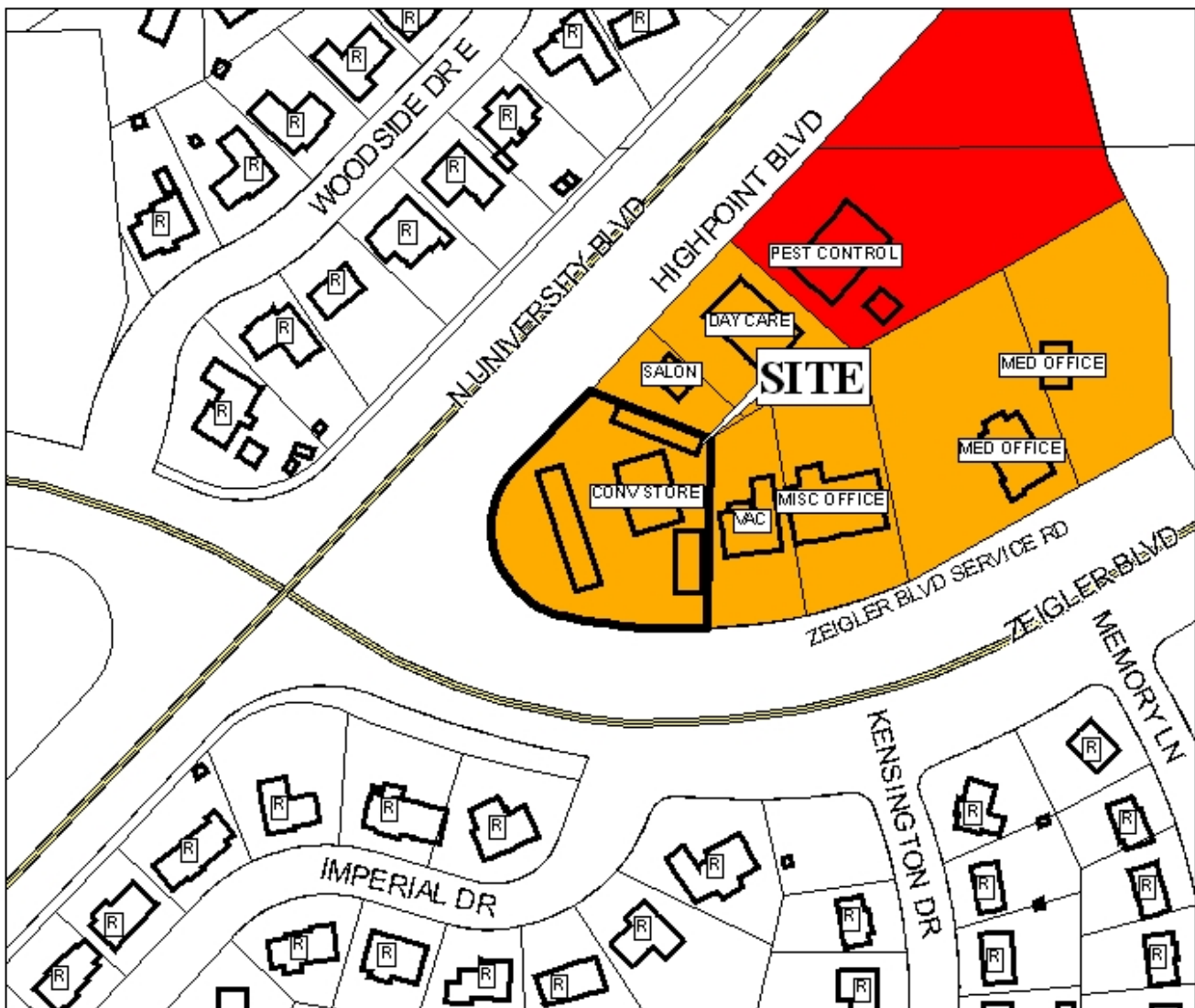
APPLICANT Advantage Sign Co.

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north and east of the site. Single family residential units are located to the south and 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 NTS



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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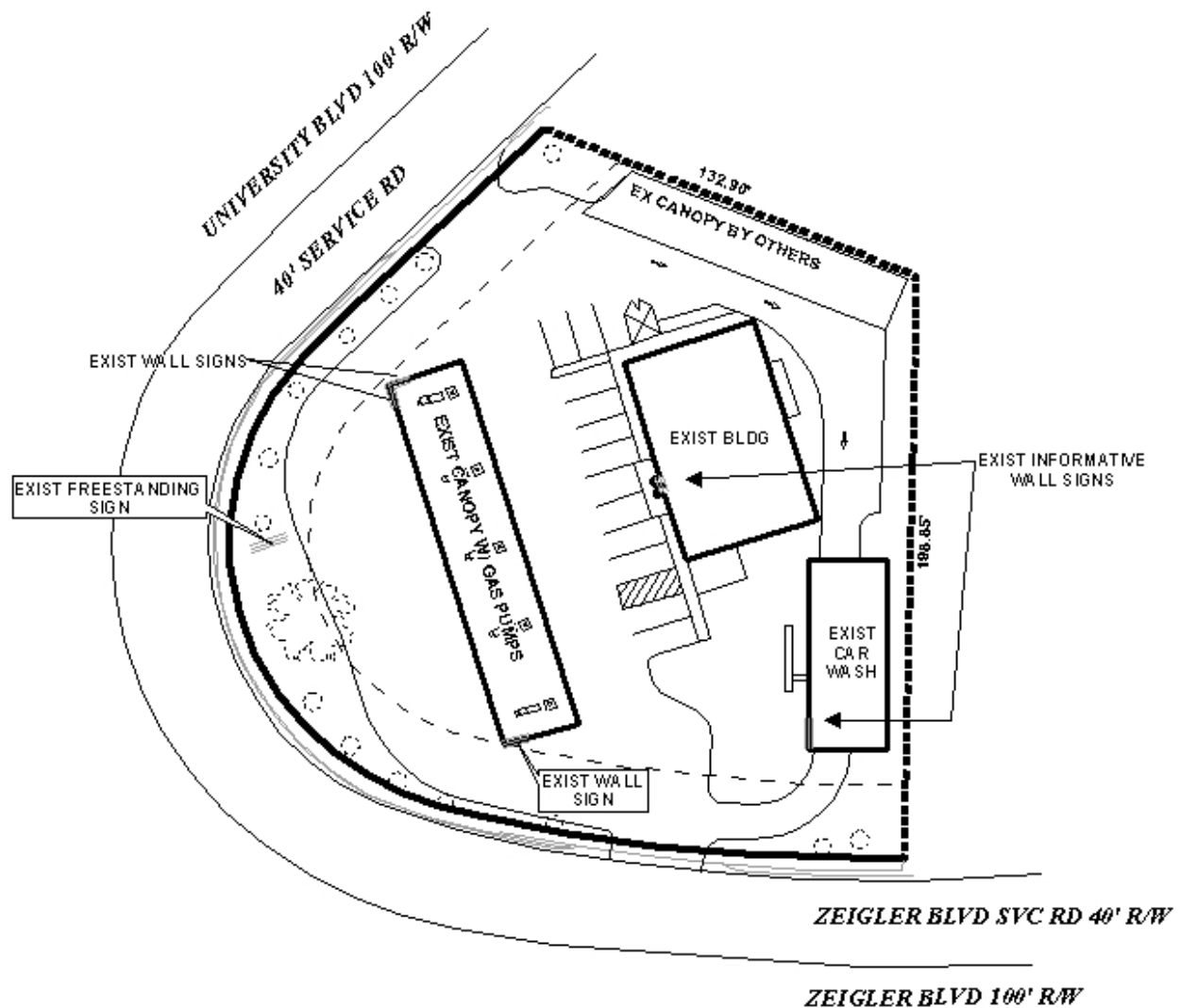
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SITE PLAN



The site plan illustrates the existing development and proposed sign locations.

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