

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 1, 2010****CASE NUMBER**

5641

APPLICANT NAME

Wrico Signs

LOCATION

5441 US Highway 90 West
(East side of US Highway 90 West, 580'± North of Coca-Cola Road)

VARIANCE REQUEST

SIGNAGE: Sign Variance to allow an existing nonconforming freestanding sign structure at a multi-tenant commercial site containing 608.5 square feet ± of signage per face to be relocated and maintain the same square footage

**ZONING ORDINANCE
REQUIREMENT**

SIGNAGE: Nonconforming freestanding sign structures at multi-tenant commercial sites must be brought into compliance with the allowable square footage of signage (1 square foot of signage per linear foot of street frontage, with a maximum of 350 square feet per face) when relocated

ZONING

B-3, Community Business District.

AREA OF PROPERTY

11.1 Acres ±

**TRAFFIC ENGINEERING
COMMENTS**

None received

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow an existing nonconforming freestanding sign structure at a multi-tenant commercial site containing 608.5 square feet ± of signage per face to be relocated and maintain the same square footage in a B-3, Community Business District; the Zoning Ordinance requires nonconforming freestanding sign structures at multi-tenant commercial sites to be brought into compliance with the allowable square footage of signage (1 square foot of signage per linear foot of street frontage, with a maximum of 350 square feet per face) when relocated in a B-3, Community Business District.

The site has recently received subdivision approval from the Planning Commission to create an outparcel for a proposed new restaurant development. The new outparcel includes the area where this existing sign is located. The applicants wish to relocate this existing sign to a location that would be on their property, not on the out parcel.

With the sign relocation, the lot would have two freestanding sign structures on a lot with less than 600 linear feet of street frontage. Additionally, the sign would exceed that maximum allowable size even if it was the only freestanding sign on the site.

The Zoning Ordinance states in Section 64-11.3.b. that nonconforming signs can continue in operation and maintenance until they are relocated, among other things. As such, removal of the sign would discontinue any nonconforming status the sign has, and the sign would not be allowed to be rebuilt or relocated. It should also be noted that as the sign is non-conforming, without a variance being granted, the sign could remain as is at its current location.

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.

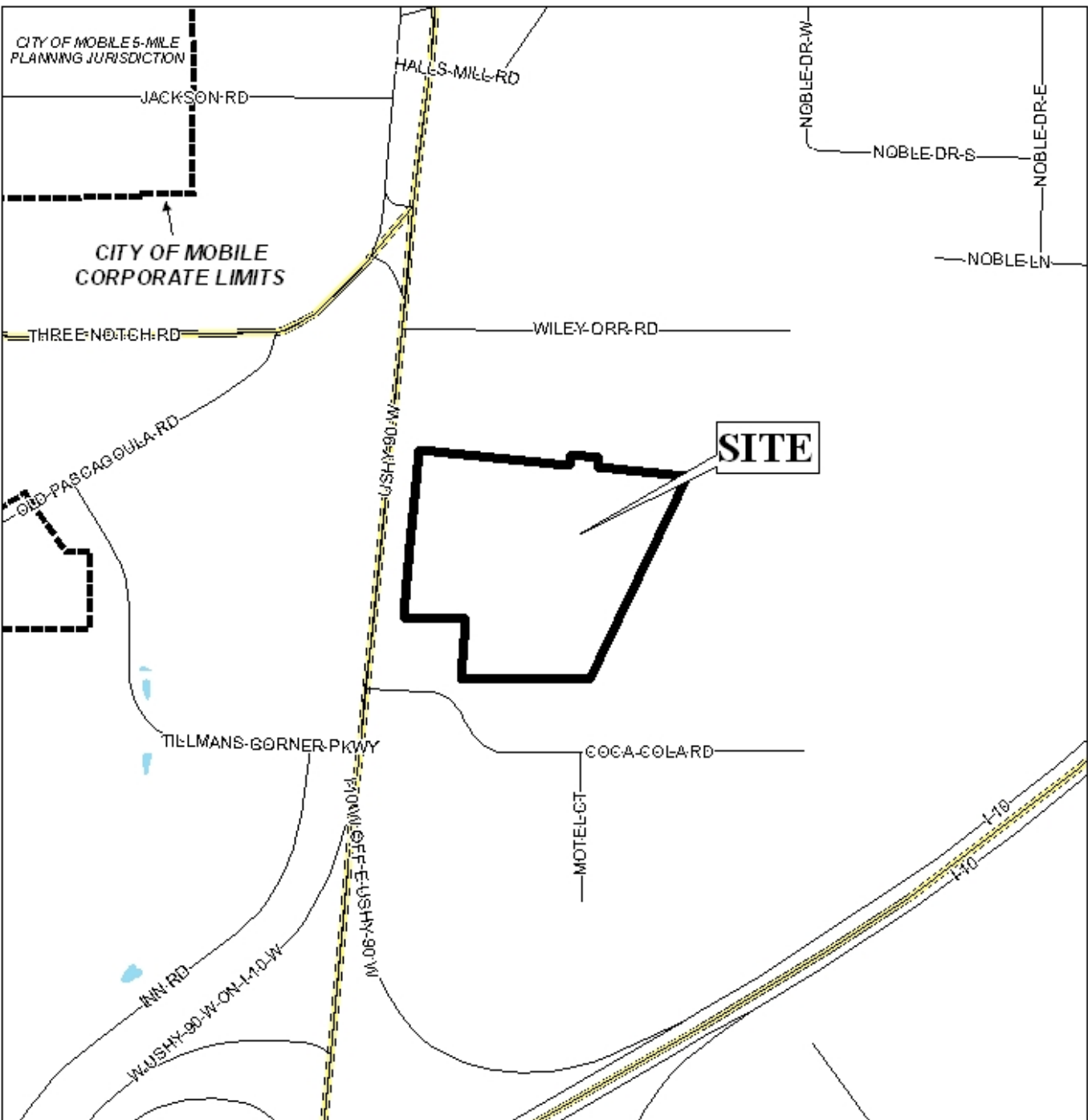
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant's justification for hardship is that they are contractually obligated to maintain the size of the signs, and that not allowing the sign to remain would jeopardize a development project. This is a self imposed hardship, and not justification for granting of a variance.

RECOMMENDATION
for denial.

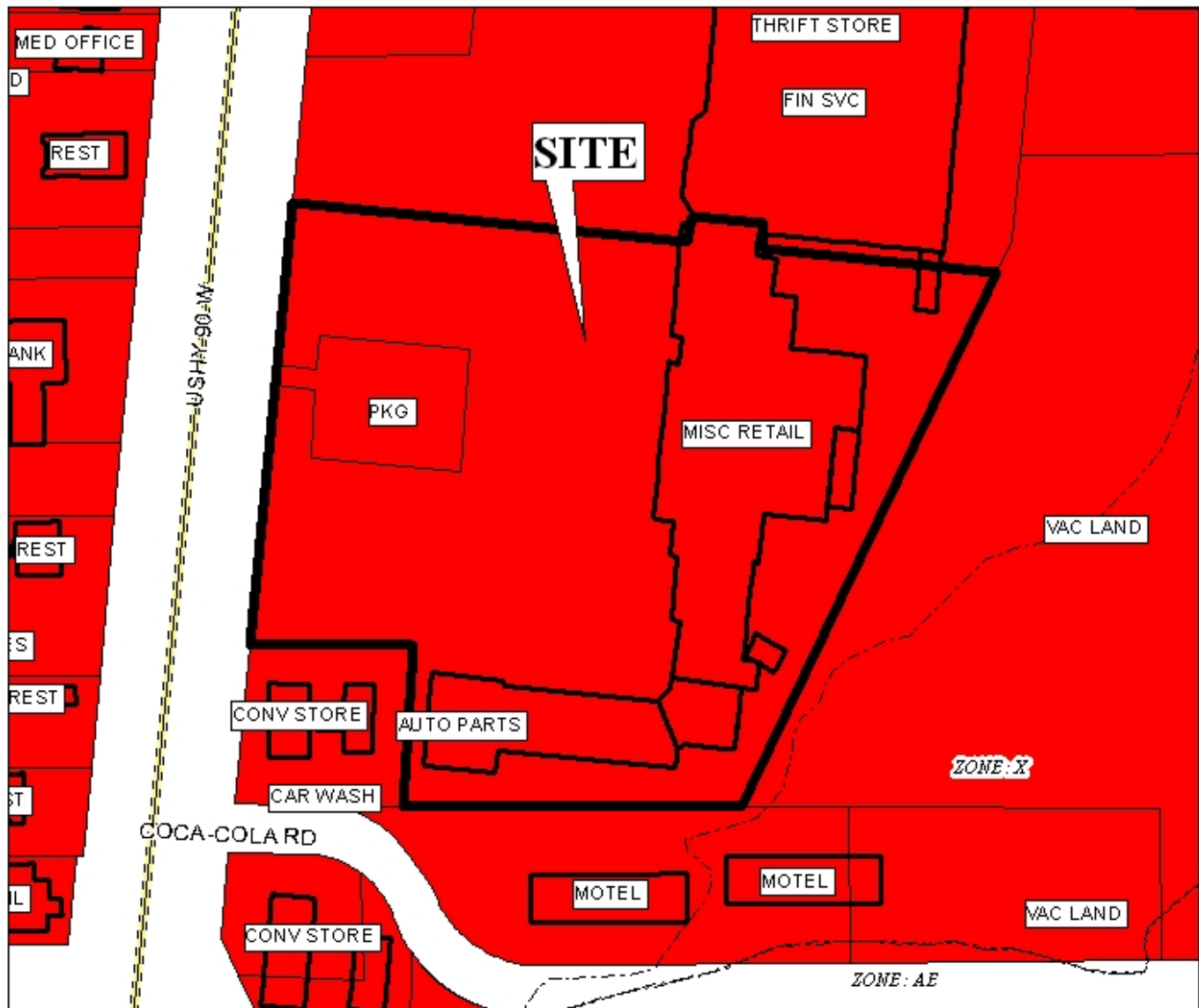
Based upon the preceding, this application is recommended

LOCATOR



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial land use.

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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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 NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

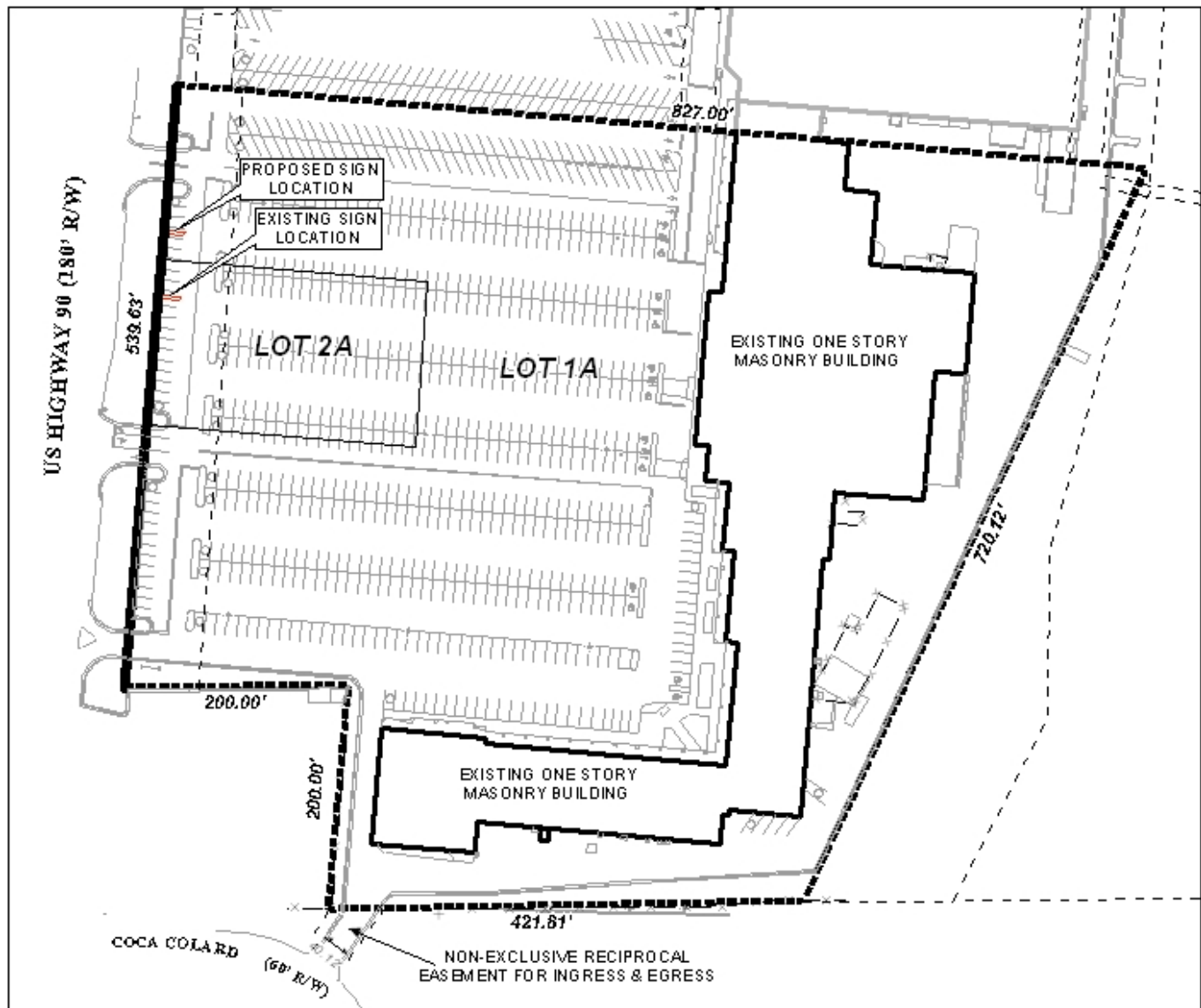


This site is surrounded by commercial land use.

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SITE PLAN



This site plan illustrates the existing and proposed sign location.

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