

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 2, 2011**

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<b><u>CASE NUMBER</u></b>	5676
<b><u>APPLICANT NAME</u></b>	Commerce Group, Inc.
<b><u>LOCATION</u></b>	3653 & 3659 Airport Boulevard (Southwest corner of Airport Boulevard and Western America Drive)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGNAGE AMOUNT:</b> Allow two freestanding signs at a multi-tenant commercial site with 475 linear feet of street frontage.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGNAGE AMOUNT:</b> One freestanding sign is allowed at a multi-tenant commercial site with 600 linear feet, or less, of street frontage.
<b><u>ZONING</u></b>	B-2, Neighborhood Business District
<b><u>AREA OF PROPERTY</u></b>	1.2 Acres ±
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	None received
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5

**ANALYSIS** The applicant is requesting a Sign Variance to allow two freestanding signs on a multi-tenant commercial site with 475 linear feet of public street frontage in a B-2, Neighborhood Business District; the Zoning Ordinance requires at least 601 linear feet of public street frontage for a multi-tenant commercial site to be allowed two freestanding signs in a B-2, Neighborhood Business District.

The applicant wishes to erect two, 200 square-foot signs on a single building site. There is a multi-tenant commercial building on the site. The site is actually two legal lots of record, however, the lots are combined by a Planned Unit Development (PUD) because of the buildings crossing the property lines and because of shared access and parking. Essentially the two lots function as one. As such, and because the site only has 475 linear feet of public street frontage, only one freestanding sign is allowed on the building site, and each tenant space is allowed one wall sign, except for corner units facing two streets, which are allowed two wall signs.

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 does not specifically state what, if any hardship, exists on the site; the applicant merely wishes to state that they believe that the ordinance allows two signs, one on each separate lot.

As stated previously, the lots are combined via the PUD and function as a single building site. In fact, Section 64-11.8.c.3. of the Zoning Ordinance specifically refers to “building sites” and not “lots” when indicating the number of allowed signs. Building site is defined in Section 64-2. of the Ordinance as “The land occupied or to be occupied by a structure and its accessory structures and including such open spaces, yards, minimum area, off-street parking facilities and off-street truck loading facilities as are required by this chapter; every building site shall abut upon a dedicated street for at least twenty-five (25) feet.” This site clearly meets the definition of “building site” as defined by the Ordinance.

The applicant also incorrectly states in the application narrative that a high rise sign is allowed on the site because it is within 1,000 feet of the interstate. This is also incorrect. High rise signs are allowed only on single-business sites, and only within 1,000 feet of the center line of the interstate; this site is neither.

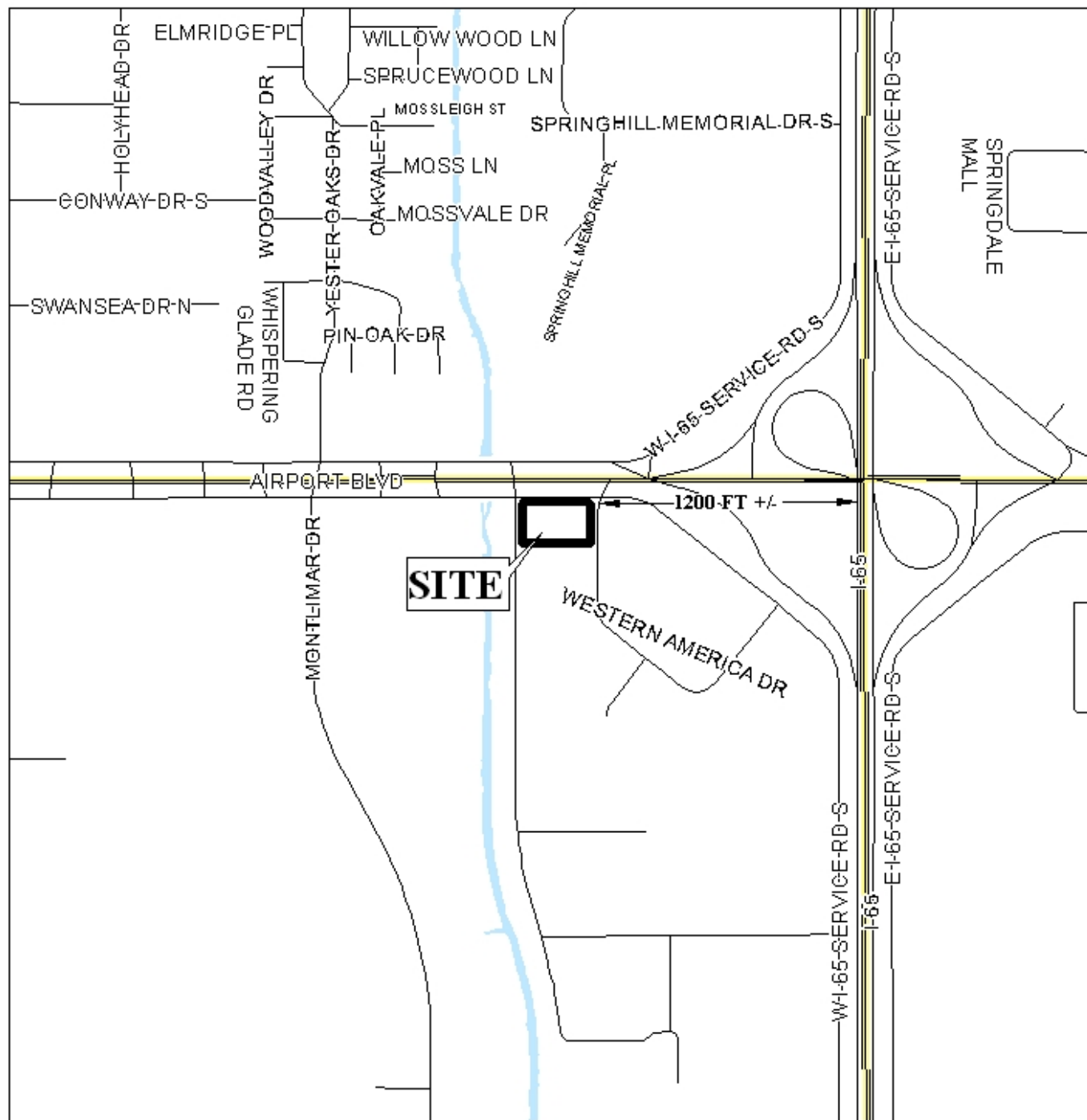
Regarding the actual site itself, it is bounded on three sides by streets, one, however, is a private street and functions as the entrance to Windsor Place Apartments. The site does have access to this private street. While usually not counted as a public street for the purposes of sign allowances, a precedent has been set at this location when a tenant in Unit C of the building, which faces Airport Boulevard and the private street was allowed two wall signs, albeit in error. Counting the private street as a public street for sign purposes, the total street frontage becomes 650 linear feet. With 650 linear feet, the Ordinance allows two freestanding sign structures for a multi-tenant site. As such, it would seem that there are unusual circumstances that prevail on the property, and the variance could be considered appropriate.

### **RECOMMENDATION**

Based upon the preceding, the Sign Variance is recommended for approval subject to the following condition:

- 1) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



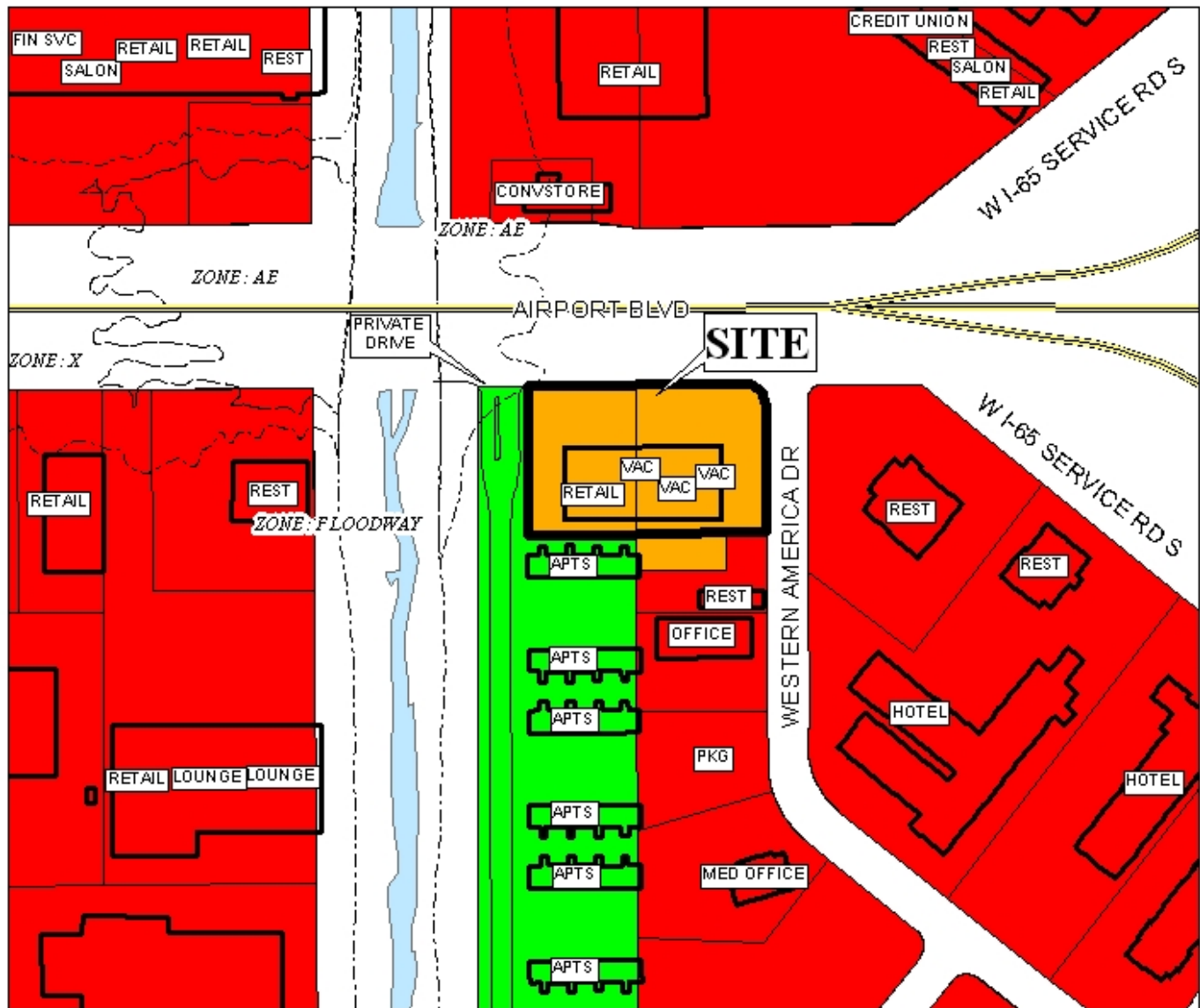
APPLICATION NUMBER 5676 DATE May 2, 2011

APPLICANT Commerce Group, Inc.

REQUEST Sign Variance

N  
NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by business land use with apartments to the south.

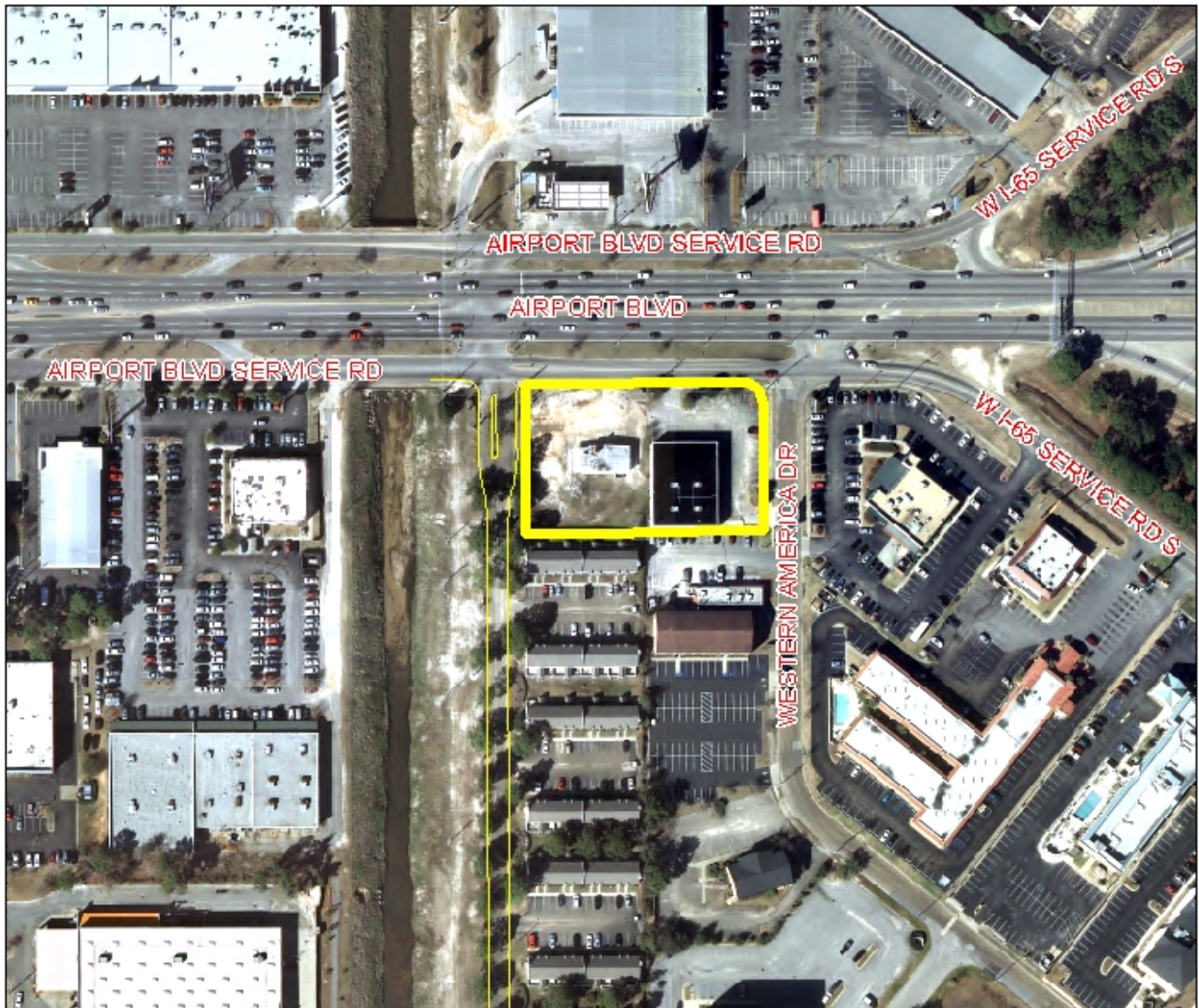
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LEGEND  R-1  R-2  R-3  R-A  R-B  H-B  T-B  B-1  LB-2  B-2  B-3  B-4  B-5  I-1  I-2 N  
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NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by business land use with apartments to the south.

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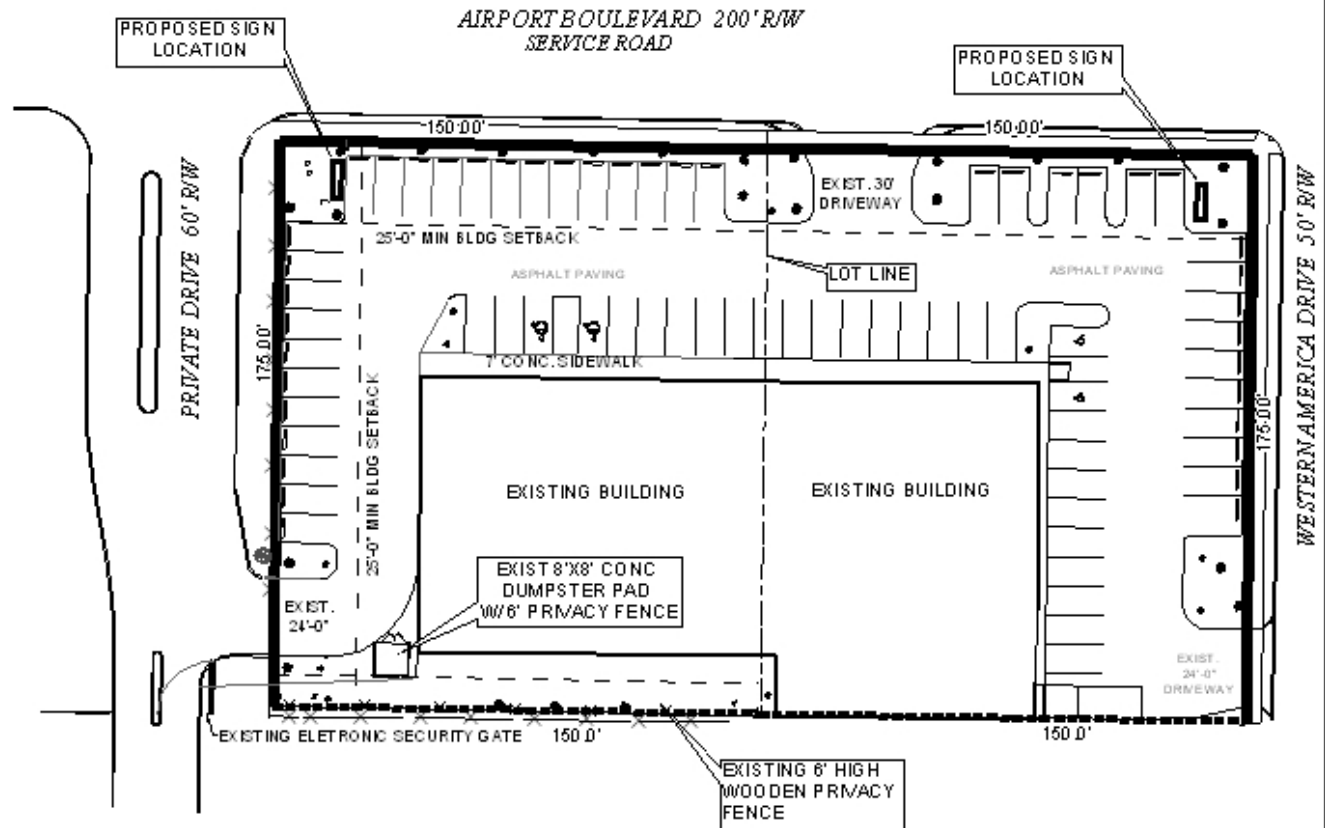
APPLICANT Commerce Group, Inc.

REQUEST Sign Variance





# SITE PLAN



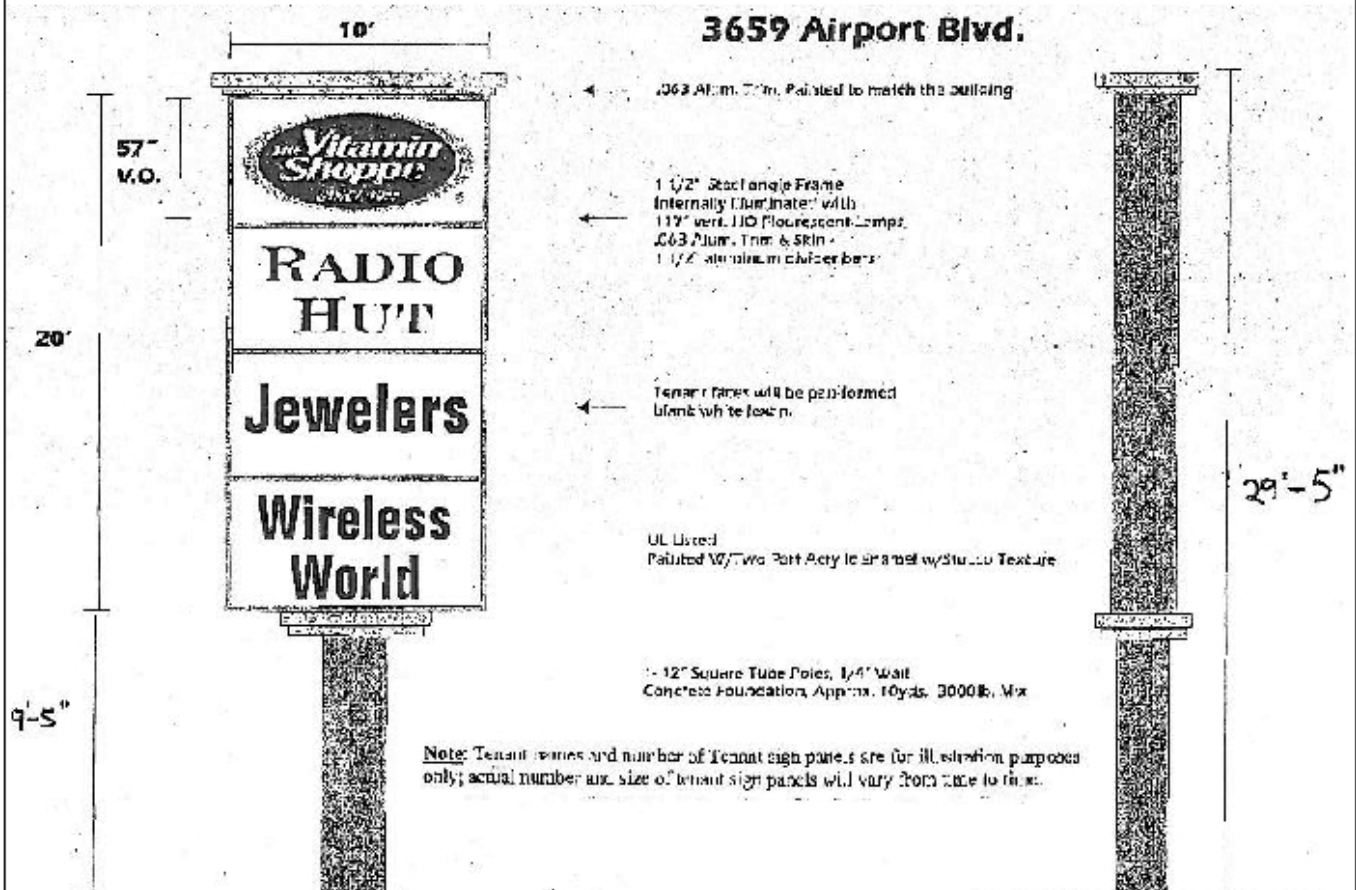
The proposed location of signs, existing building, and parking are illustrated in the site plan.

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# SIGN DETAIL 1

## 10' X 20' PYLON SIGN



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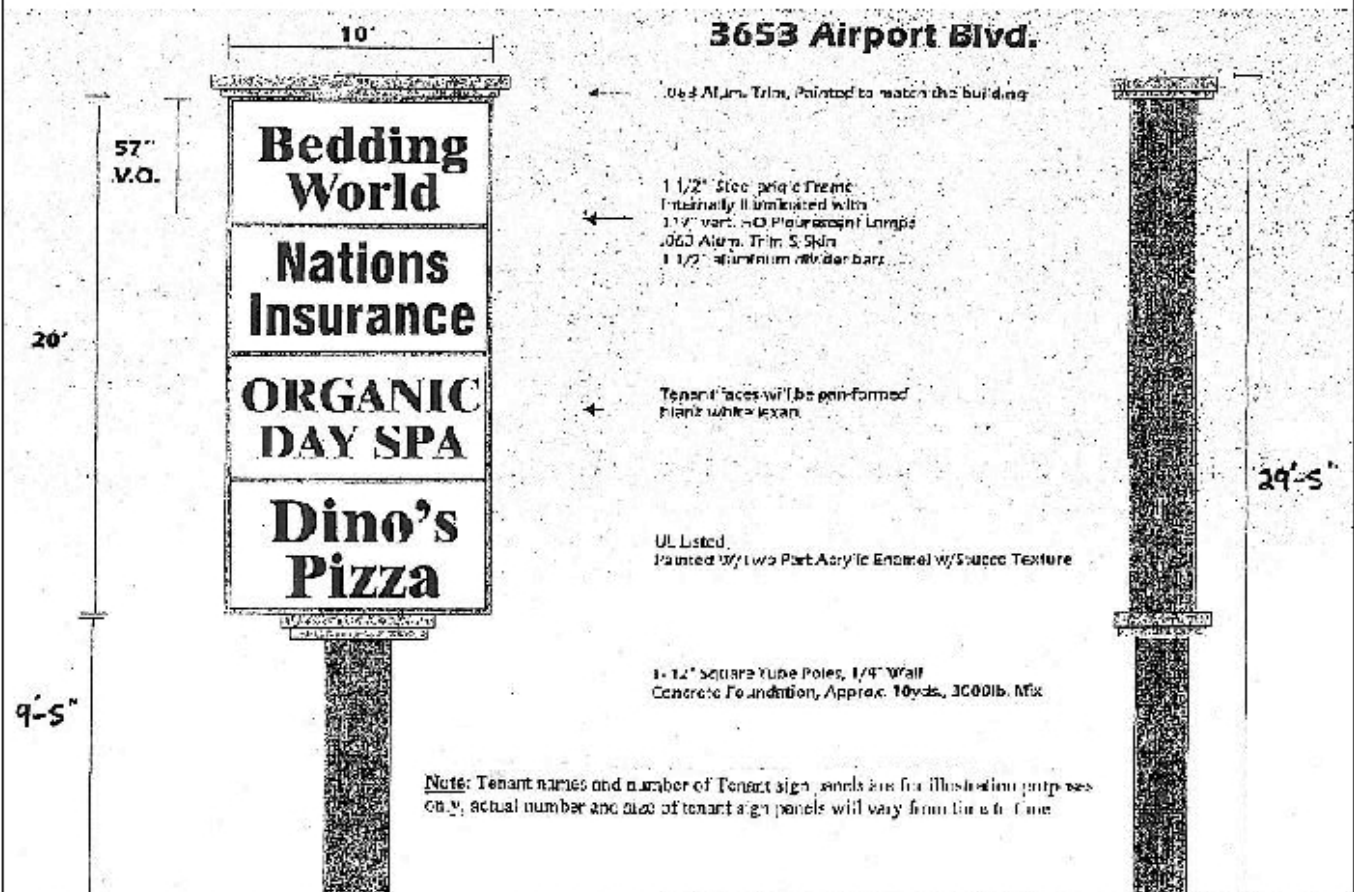
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NTS

## SIGN DETAIL 2

### 10' X 20' PYLON SIGN



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