

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 2, 2012**

<u>CASE NUMBER</u>	5742
<u>APPLICANT NAME</u>	Wrico Signs, Inc.
<u>LOCATION</u>	5319 U.S. Highway 90 West (South side of U.S. Highway 90 West, 420'± East of Rangeline Road).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two additional wall signs for a tenant in a group business site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one wall sign per tenant and one freestanding sign for the development on a group business site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	0.9± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Sign Variance to allow two additional wall signs for a tenant in a group business site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant and one freestanding sign for the development on a group business site in a B-3, Community Business District.

The applicant previously obtained permits to install one illuminated wall sign on the front of the building for a restaurant located on the subject site, and one illuminated tenant panel on the pylon sign. Since the site is multi-tenant and is not located at a public street intersection, each tenant is allowed one wall sign and one tenant panel sign on the pylon structure. At some point in time two more wall signs were installed, one on the rear of the building, and one on the South end wall, both having been installed without sign permits. The violation was discovered and the applicant was issued a Notice of Violation and now wishes to seek approval of a Sign Variance to allow the two additional 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 states that the restaurant is the end-cap unit facing another restaurant on the adjacent site to the South, and that the end of the building is visible from the intersection of U.S. Highway 90 and Rangeline Road. It is further stated that the rear wall of the building faces a cut-through road and Rangeline Road as well and the rear wall sign would afford visibility to traffic coming from Interstate 10. The applicant references the previous multiple wall signs for a previous restaurant in the building as being justification to allow the additional signs, but since that restaurant has been closed for over five years, they are erroneously referred to as being “grandfathered” since the two-year legal nonconforming status has expired. Also referenced are the other businesses within the area which have multiple signs; however, these are mostly “grandfathered” due to the Theodore area annexation (enforcement beginning in February, 2009) and must be brought into compliance once nonconforming signage is removed, destroyed or sites are vacant for two years or more and lose legal nonconforming status.

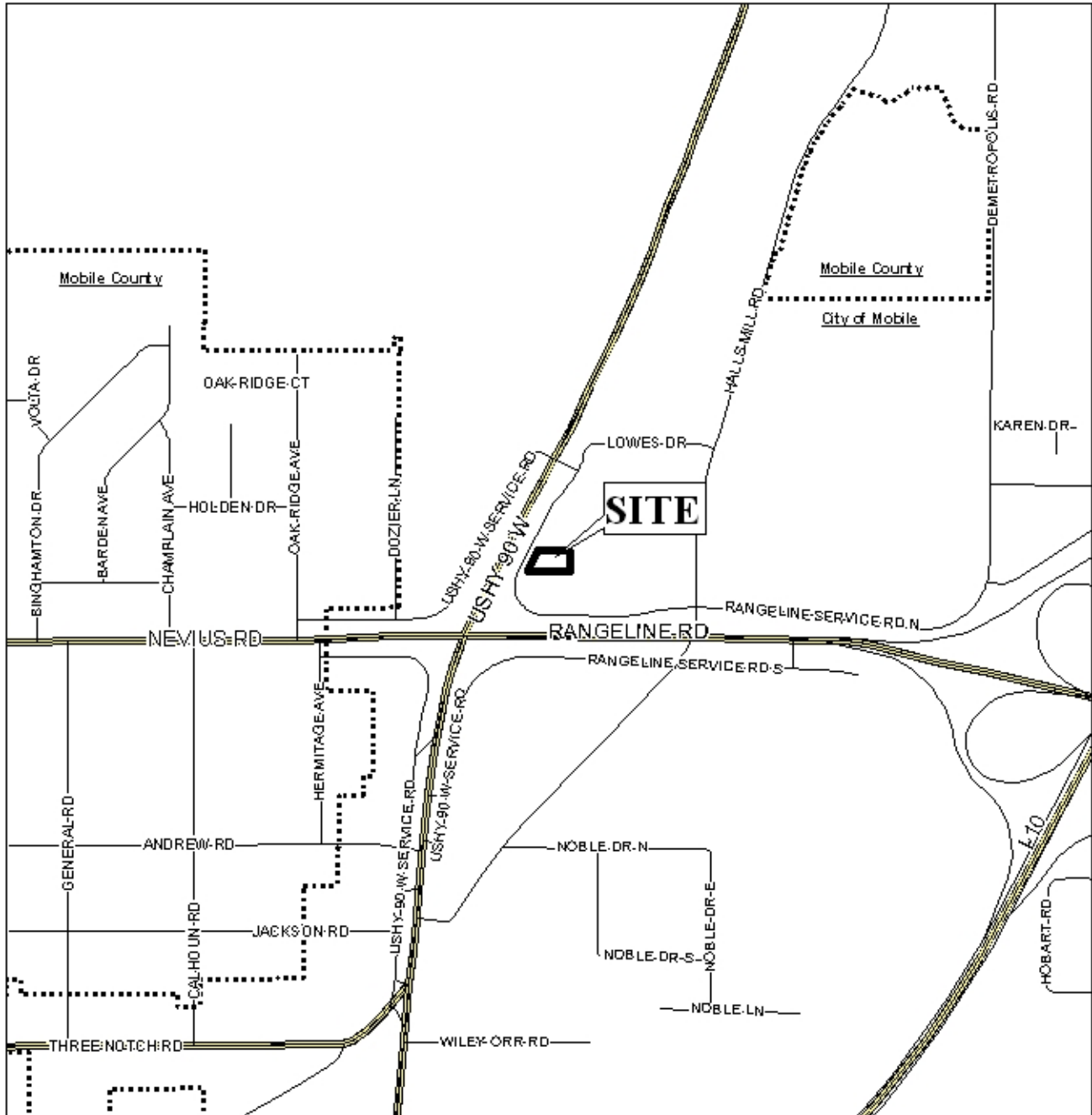
One of the intentions of the Sign Regulation Provisions of the Zoning Ordinance is to protect the general aesthetics of the city by controlling the proliferation of signage. Inasmuch as recently-annexed areas may contain excess “grandfathered” signage, the granting of variances to allow further excess signage would go against the intent of the Sign Regulation Provisions. Had the applicant’s sign contractor attempted to obtain sign permits prior to installing the two additional non-compliant wall signs, such signs would not have been allowed and the violation could have been avoided. The applicant has not demonstrated a hardship created by a literal interpretation of the Zoning Ordinance. Since the signs were installed without permits, the applicant has created a self-imposed hardship and the Board should consider this application for denial.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

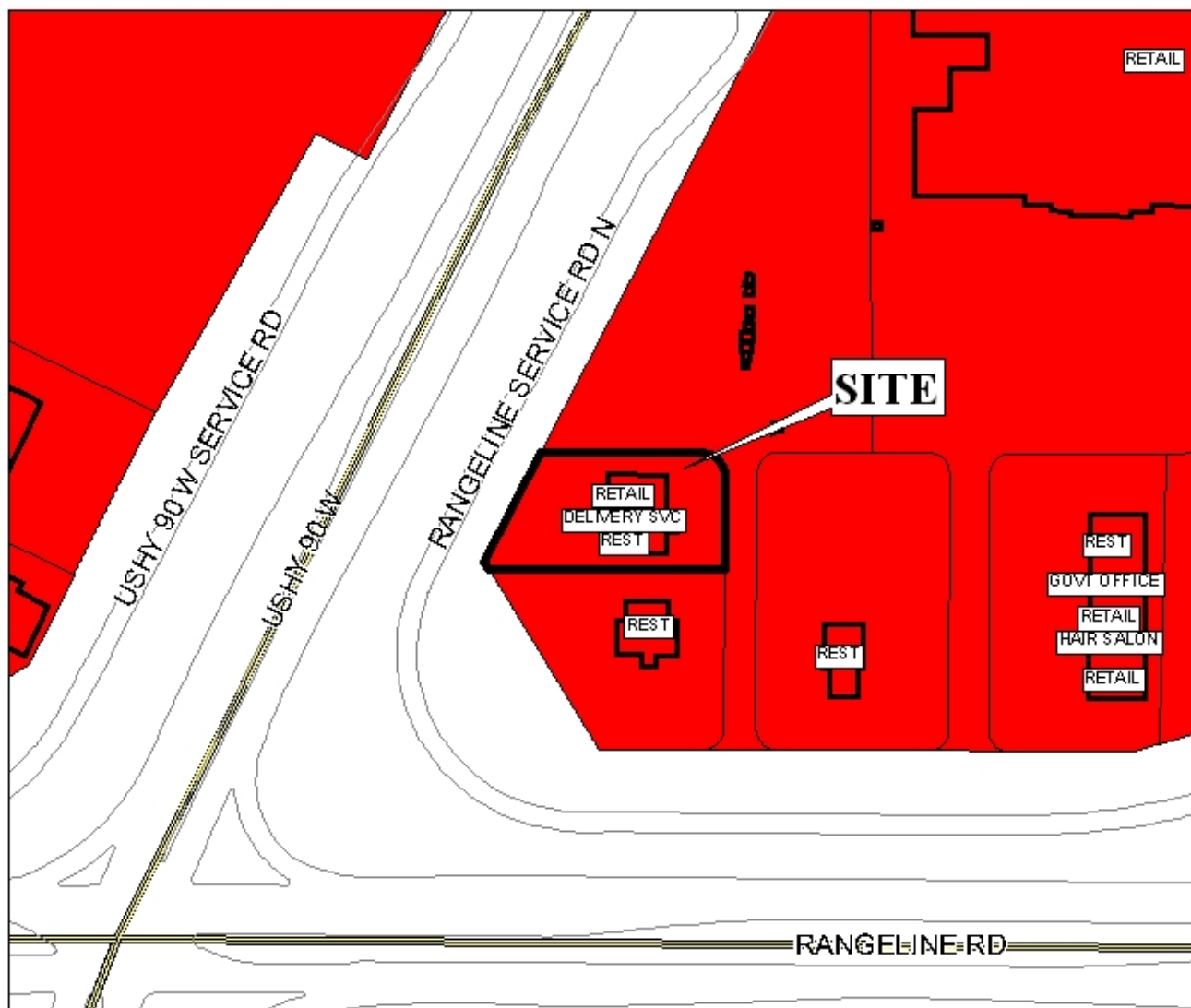
LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial business 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	NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

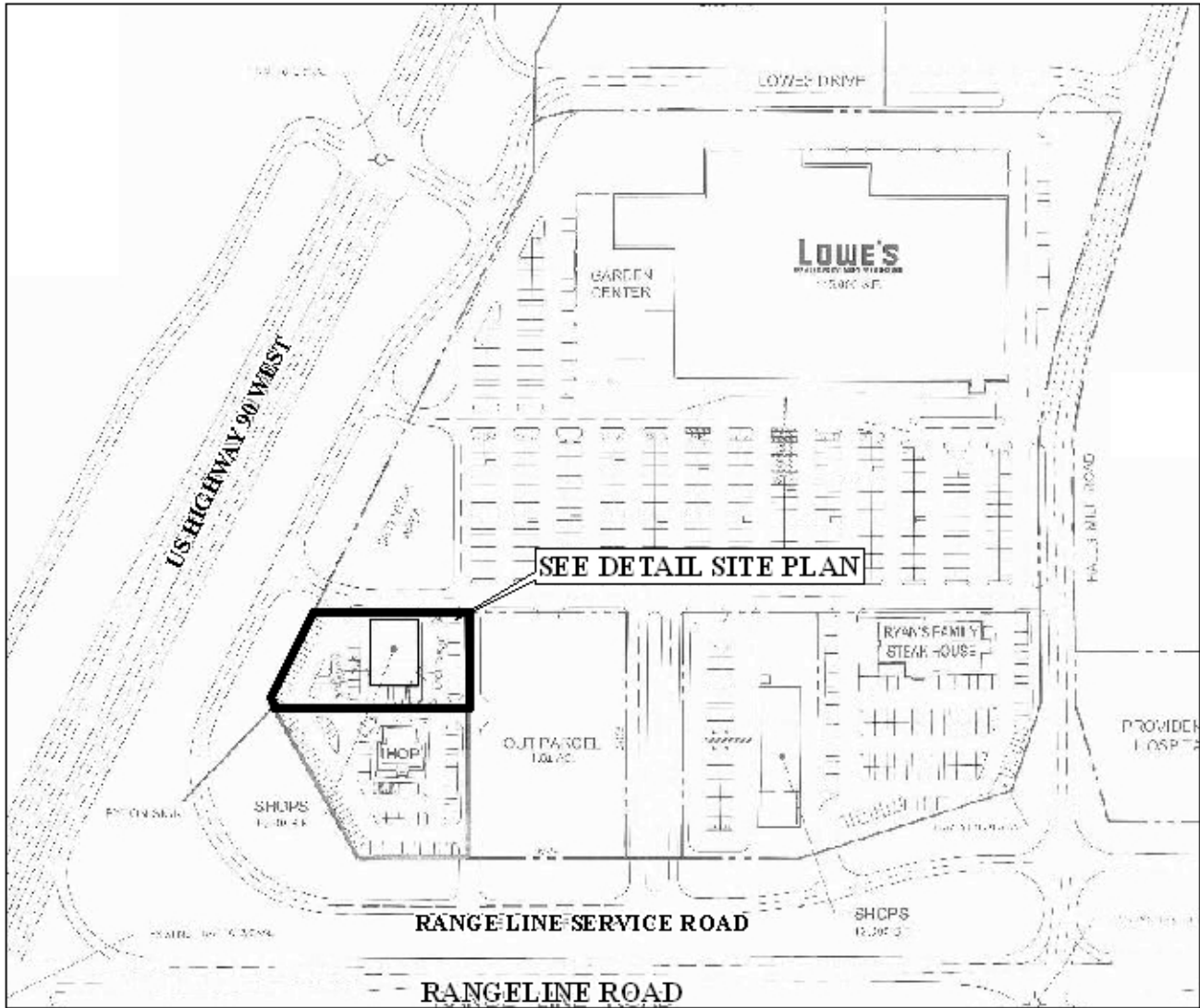


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SITE PLAN

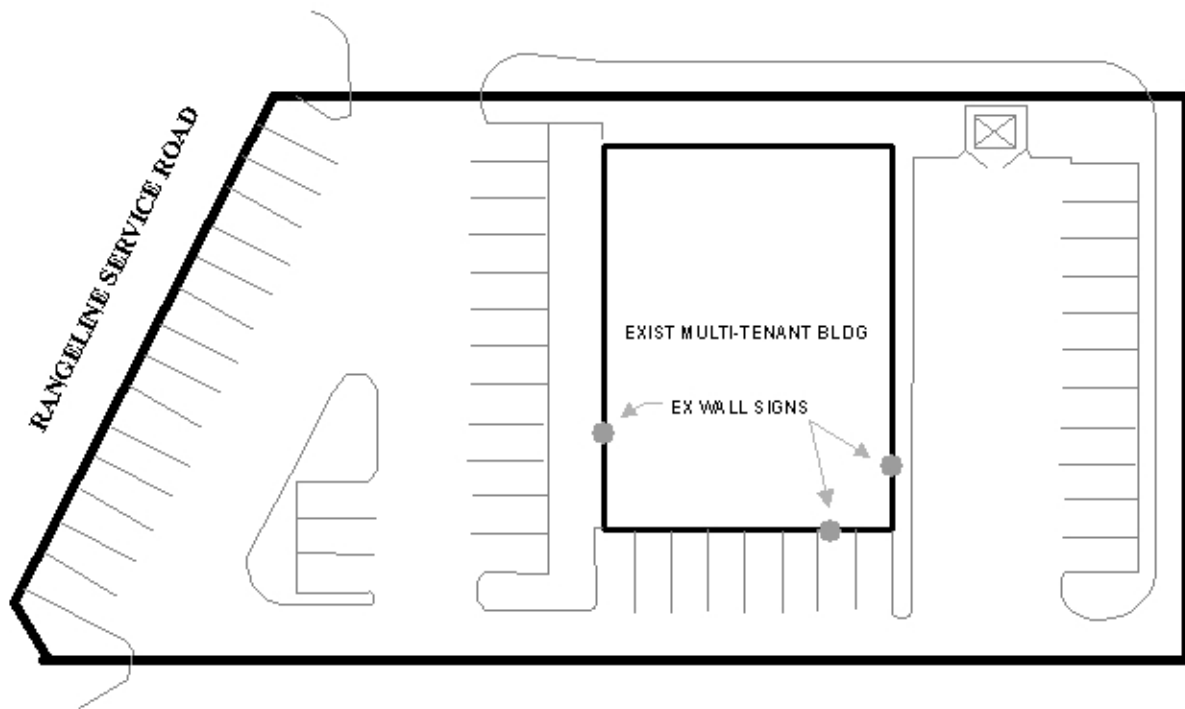


The site plan illustrates an overview of the existing development.

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DETAIL SITE PLAN



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SIGN DETAIL

3'x12' Wall Sign



Flat Painted Face Painted PMS 186C w/White Letters
Cabinet Painted Black

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N
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NTS