

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: November 5, 2012

CASE NUMBER

5789/4880/4373

APPLICANT NAME

Victor Sign Company (Orin Robinson, Agent)

LOCATION

3025 Government Boulevard
(Southeast corner of Government Boulevard and McVay Drive North)

VARIANCE REQUEST

SIGN: Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs on a single-tenant commercial site in a B-3, Community Business District.

ZONING ORDINANCE REQUIREMENT

SIGN: The Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

10.4± Acres

TRAFFIC ENGINEERING COMMENTS

No comments.

CITY COUNCIL DISTRICT

District 4

ANALYSIS

The applicant is requesting a Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

The subject site was granted a Sign Variance in 1993 to allow a ninth freestanding sign on the site which was then a multi-tenant site, on which three freestanding signs would have been the maximum allowed. The site had other existing nonconforming signs erected prior to the adoption of the Sign Regulation Provisions of the Zoning Ordinance in 1993. A condition of approval of that variance was that all site signage be brought into compliance by October, 1994, which was the deadline for compliance under the newly-adopted Provisions. A subsequent variance was approved in 1999 to allow for replacement of a wall sign allowed to remain under the 1993 approval with a larger wall sign. The site was multi-tenant/multi-branded for both of

the previous variance applications, but has since changed ownership and is now a single-tenant site and the Ordinance allows only one freestanding sign for a single-tenant site; hence this variance request.

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.

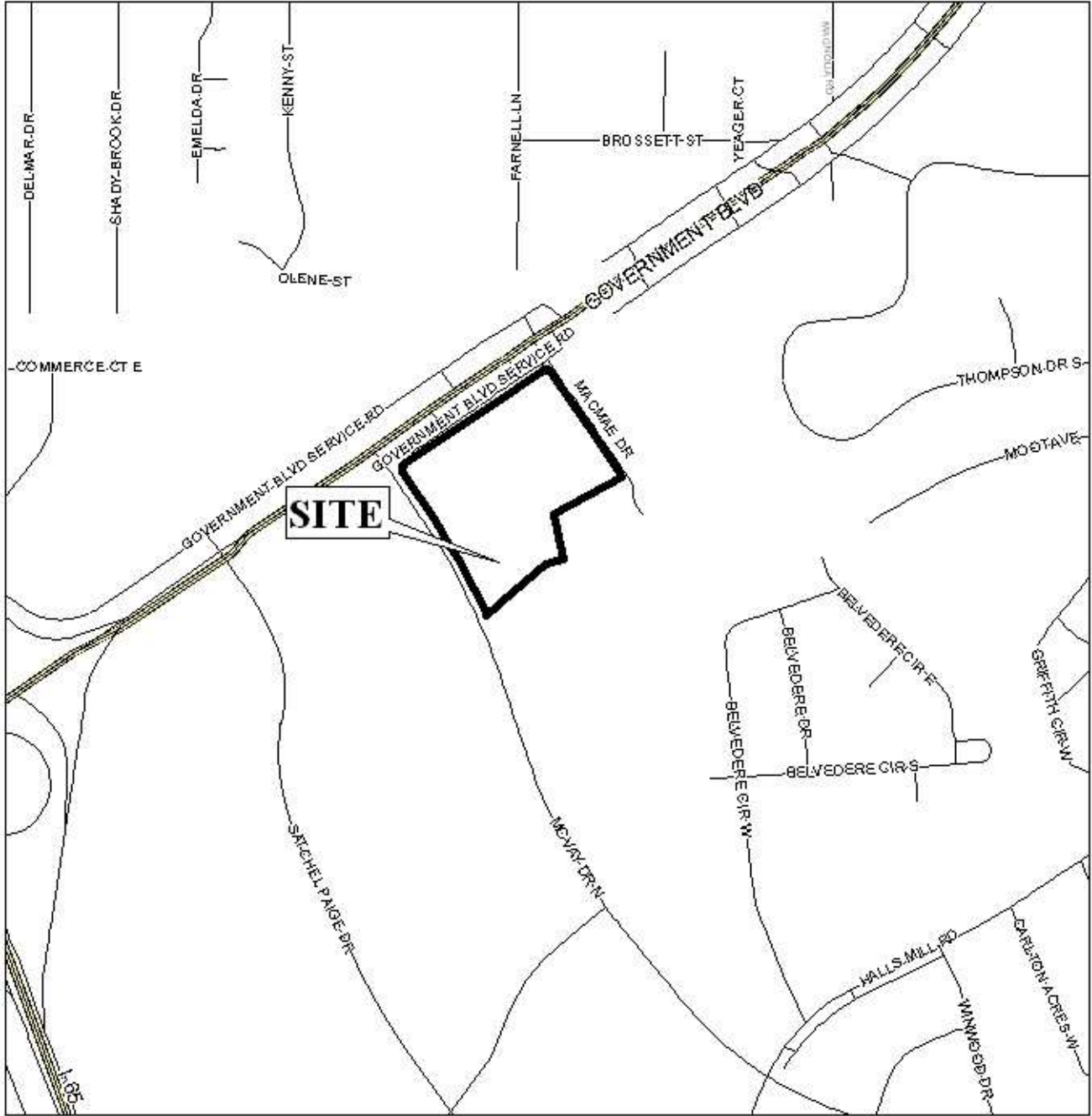
Variations are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

A review of the subject site indicates there are currently two on-premise freestanding signs; therefore, this request would actually be to allow a third freestanding sign on a single-tenant site. As this would differ from the request as submitted and publicly advertised, a revised request description would be required as well as new mailing notification labels.

As the site has over 1,200 linear feet of public street frontage, the applicant has been advised that if a second City business license were to be obtained for the collision repair facility on-site, that would classify the site as multi-tenant and would allow for three freestanding signs on-site. In that instance, no Variance for such would be required. The applicant has taken this option under consideration, and if a second license were to be obtained prior to the Board meeting, this application could then be withdrawn.

RECOMMENDATION: Based on the preceding, this application is recommended for holdover to the December meeting to allow the applicant to revise the request to allow three freestanding signs on a single-tenant commercial site, with new mailing notification labels and a revised request description due to Planning by November 6, 2012. In the event the applicant receives a second City business license for the site for the collision repair facility, it is recommended that the applicant be allowed to withdraw this current request.

LOCATOR MAP



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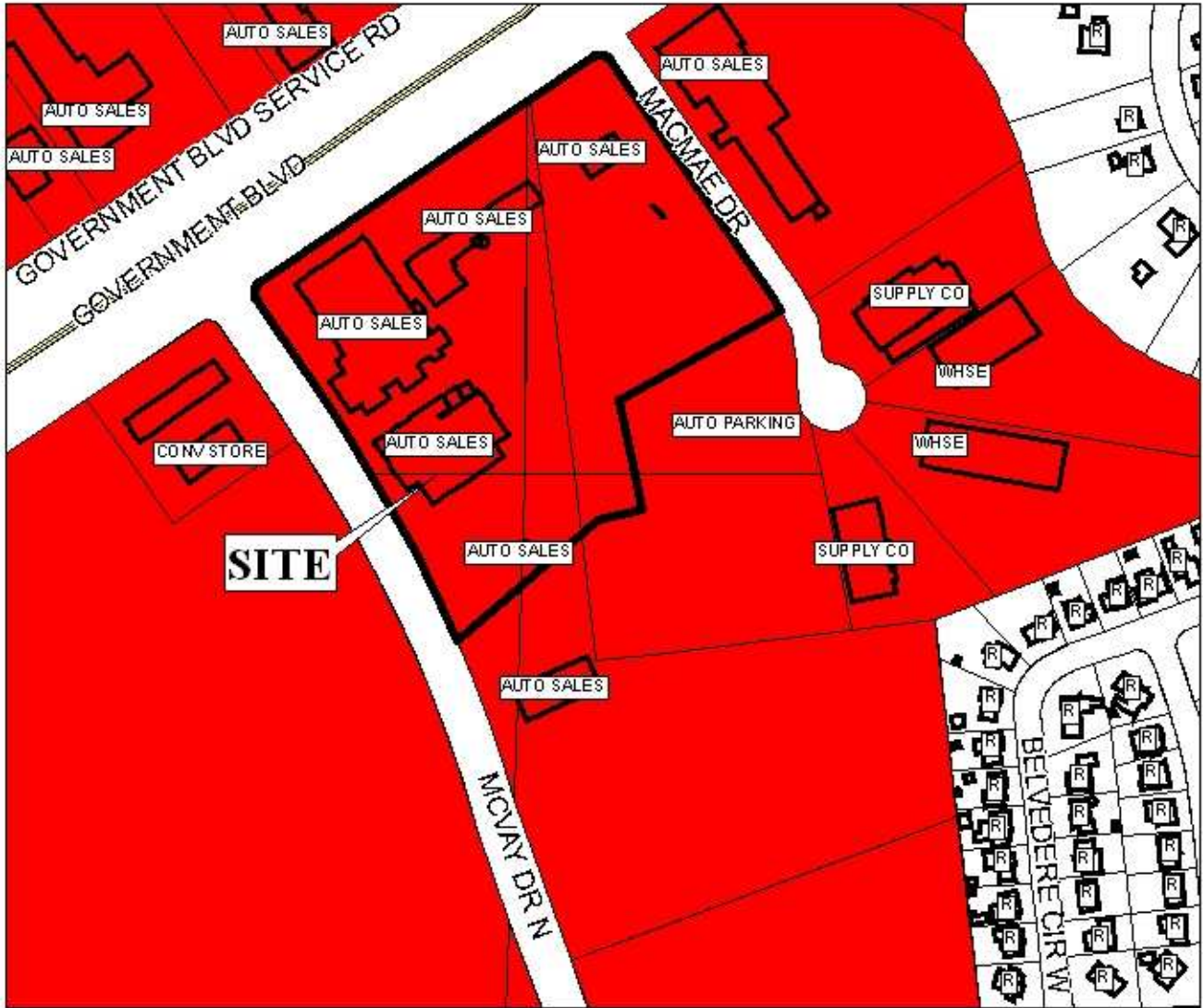
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses.

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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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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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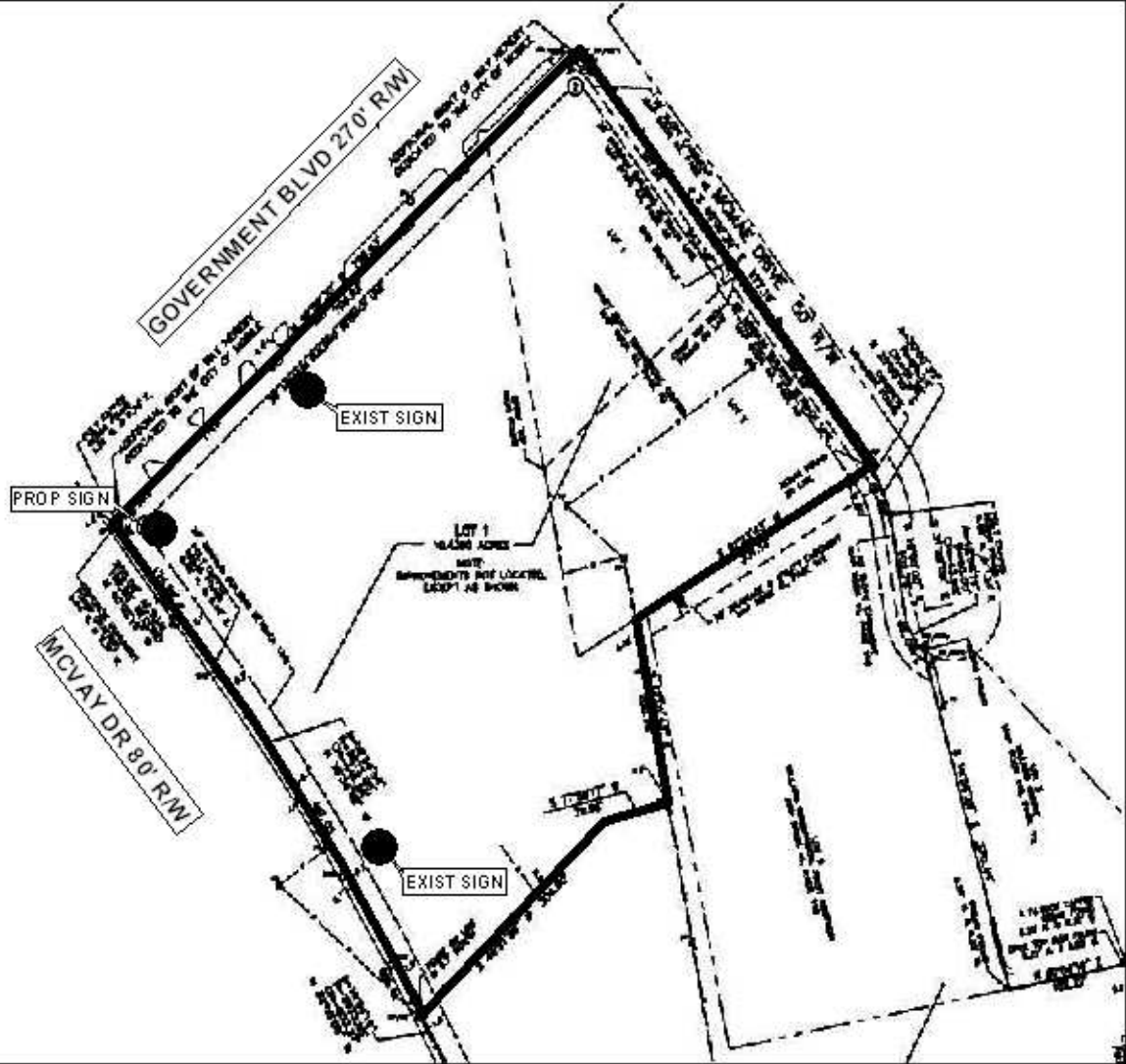
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SITE PLAN



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

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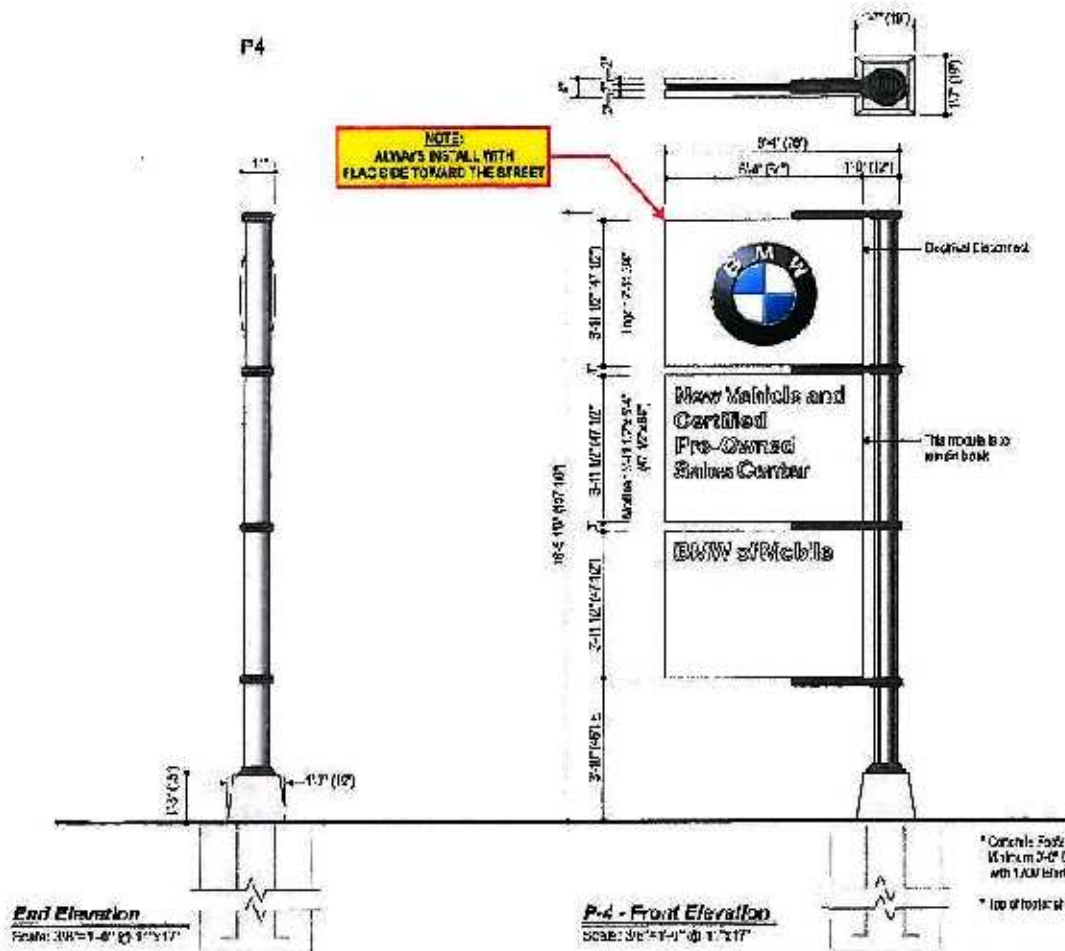
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EXISTING SIGN DETAIL

EXISTING



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