

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: September 10, 2012

CASE NUMBER

5777

APPLICANT NAME

Wrico Signs, Inc.

LOCATION

5530 Three Notch Road
(Northwest corner of Three Notch Road and U.S. Highway
90 West)

VARIANCE REQUEST

SIGN: Sign Variance to allow the replacement of a nonconforming freestanding sign with another nonconforming freestanding sign in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming sign in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

2.0± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow the replacement of a nonconforming freestanding sign with another nonconforming freestanding sign in a B-3, Community Business District; the Zoning Ordinance does not allow a nonconforming sign to be replaced with another nonconforming wall sign in a B-3, Community Business District.

The subject site was annexed into the City with the Theodore area annexation. Being a single-tenant site, it would be allowed three signs, with no more than one being a freestanding sign. As it was originally developed while in the County, compliance with the City’s sign regulations did not apply and any existing signage at the time of annexation was “grandfathered” as legal nonconforming. Multiple wall signs and freestanding signs were allowed by the County since it has no sign regulations. The subject site has three wall signs and two freestanding signs with

reader boards. All such signs could be refaced according to the Sign Regulation provisions of the Zoning Ordinance; however, if any signs were to be completely removed, they could only be replaced if enough nonconforming signs were completely removed so as not to exceed the allowable signage. One of the existing reader boards is digital, while the other is analog. It is now that applicant's desire to remove the existing analog reader board and replace it with a digital reader board.

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.

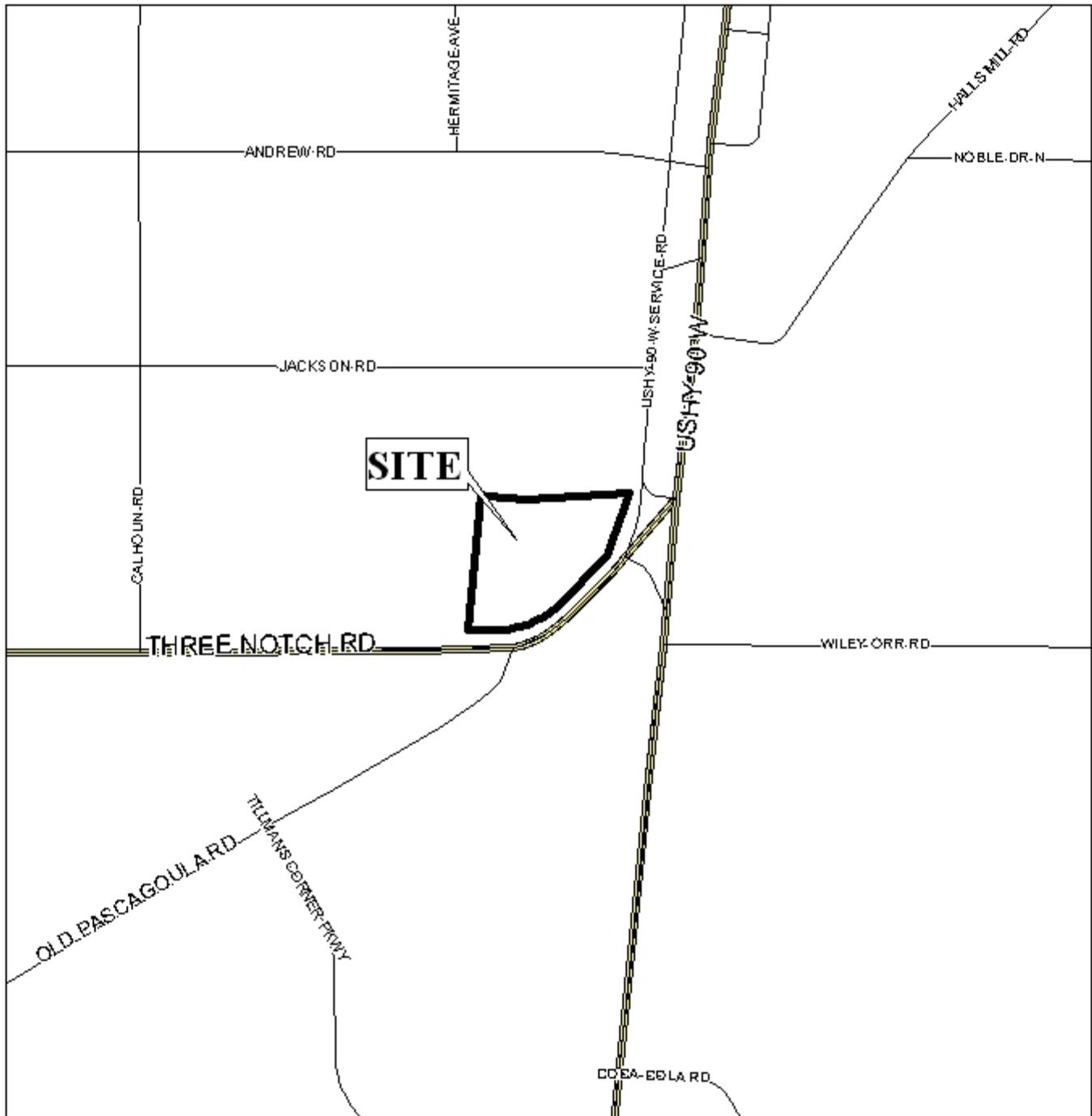
The site is on a corner with two street frontages. The applicant states that because of the location of the existing freestanding signs if they were to be reduced to one freestanding sign that the site would then not have adequate exposure to passersby, and would therefore result in a negative operational impact. While it is true that the existing freestanding signs are located at opposite ends of the site and that if one were to be removed, the other would not be visible from the other side of the property; the applicant still has wall signs facing both frontages, and would be clearly marked.

The applicant claims that if the site is not allowed to maintain two freestanding signs, that visibility would be reduced, and business would suffer. It should be noted however that the applicant could maintain both existing non-conforming freestanding signs if they do not replace the analog reader board with a digital one. The applicant has ample wall signage that the site would have visible signage to potential customers from either street if a freestanding sign were to be removed. It is simply the applicant's desire to not be in compliance with the Zoning Ordinance.

RECOMMENDATION:
for denial.

Based on the preceding, this application is recommended

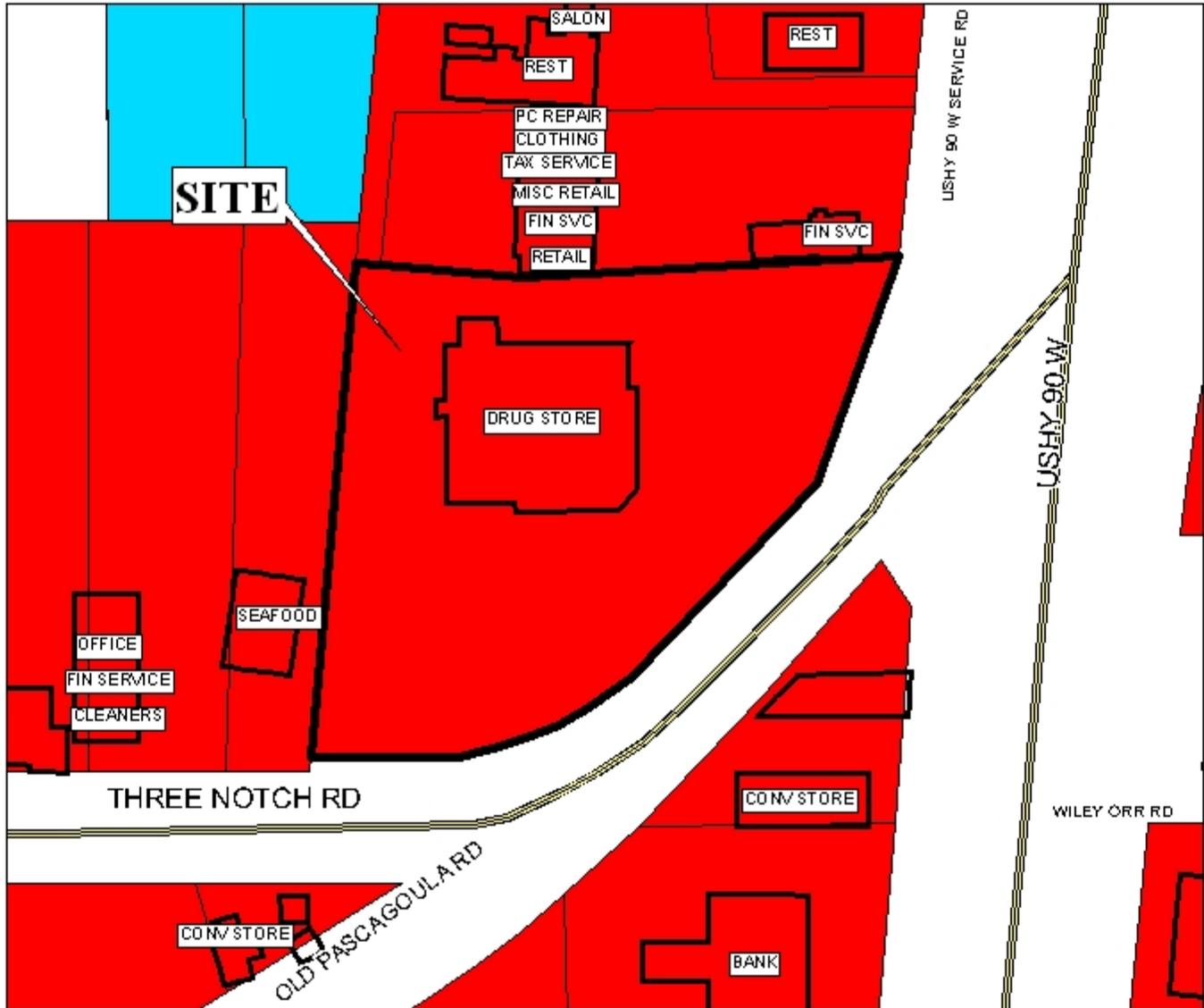
LOCATOR MAP



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APPLICANT Wrico Signs, Inc.
REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

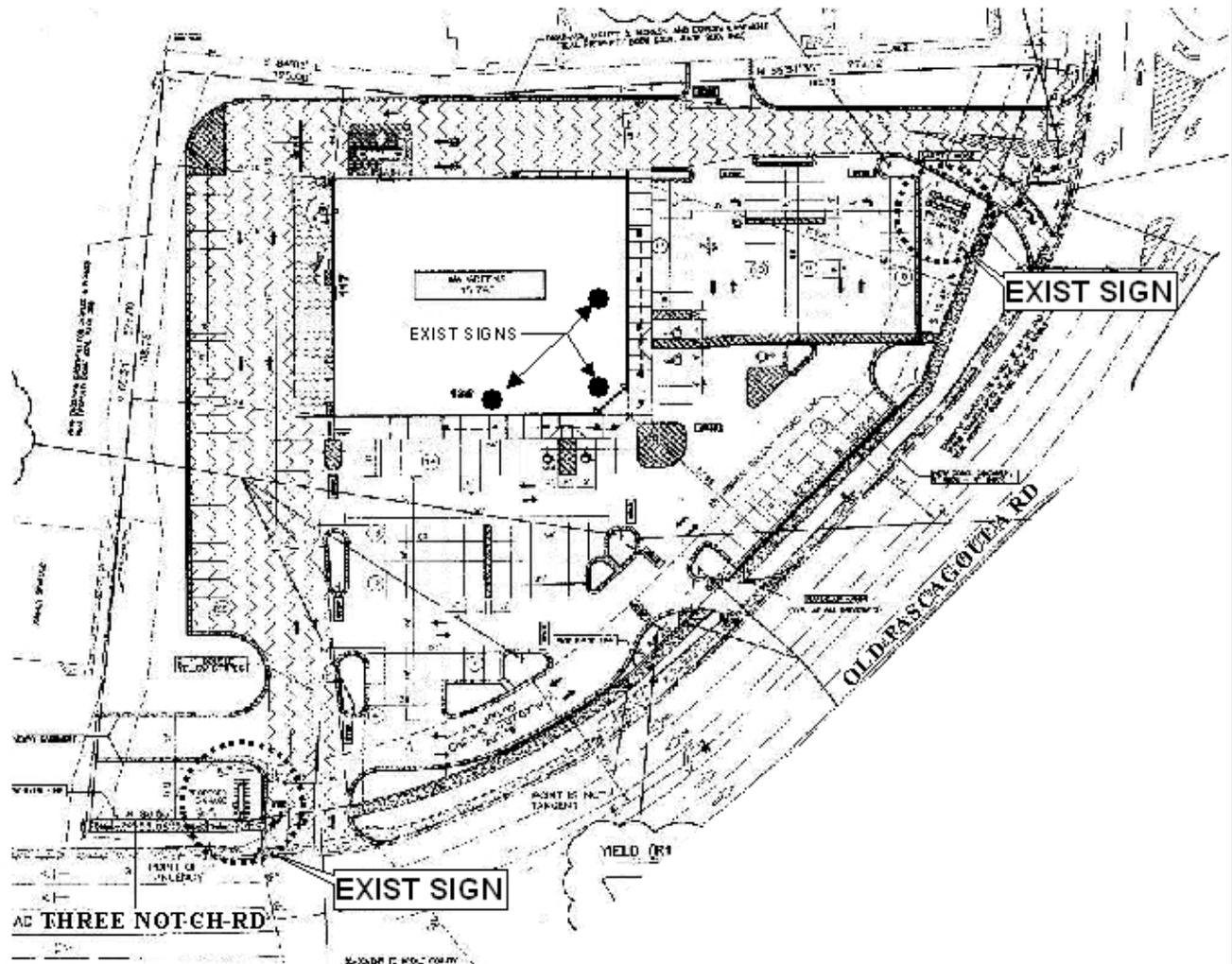


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SITE PLAN



The site plan illustrates the locations of the existing freestanding signs.

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