

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: July 6, 2015**

**CASE NUMBER** 5982/5922/5751

**APPLICANT NAME** Orin Robinson

**LOCATION** 1854 Airport Boulevard  
(Southwest corner of Airport Boulevard and Old Government Street)

**VARIANCE REQUEST** **SIGN:** Sign Variance to allow a digital sign located less than 300'± from the nearest residentially zoned property in a B-2, Neighborhood Business District.

**ZONING ORDINANCE REQUIREMENT** **SIGN:** The Zoning Ordinance requires all digital signs to be a minimum of 300' from residentially zoned property in a B-2, Neighborhood Business District.

**ZONING** B-2, Neighborhood Business District

**AREA OF PROPERTY** 0.46 ± Acres

**TRAFFIC ENGINEERING COMMENTS** No comments

**CITY COUNCIL DISTRICT** District 2

**ANALYSIS** The applicant is requesting a Sign Variance to allow a digital sign located less than 300'± from the nearest residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires all digital signage to be a minimum of 300' from residentially zoned property in a B-2, Neighborhood Business District.

The applicant is proposing to install a multi-tenant, freestanding sign with a digital, double-faced readerboard that will be available to all tenants within the six suite building, and five individual tenant panels. The site has frontage on two streets, Airport Boulevard and Old Government Street.

This site was most recently before the Board on October 6, 2014 to allow a digital sign to be located less than 300'± from the nearest residentially zoned property in a B-2, Neighborhood Business District. That request was also denied with staff stating that *“approving the variance will be contrary to the public interest in that the residential buffer requirement for digital signs is*

*intended to reduce the intrusion of light emitted from digital signs onto nearby residential properties.” Staff also stated that “...substantial justice shall not be done to the surrounding neighborhood by granting the variance because each tenant will have space on the proposed illuminated pylon sign, eliminating the need for a digital sign that might also prove distracting to driver in Airport Boulevard.” The applicant is again proposing to install a digital, multi-tenant free-standing sign, including a new tenant panel for the tenant who was denied the variance in 2012.*

Prior to the 2014 request, a tenant-based sign variance request for one of the suites went before the Board on June 4, 2012 to allow a total of five wall signs for a tenant with two street frontages on a group business site in a B-2, Neighborhood Business District. That request was denied and staff stated that *“the building and tenant space are uniquely shaped, the site could be adequately signed with a total of three (3) signs: one awning sign over the main entrance from Airport Boulevard, one over the main entrance from Old Government Street, and one on the large awning at the point of the building.”* The applicant is now proposing to install a digital multi-tenant free-standing sign.

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 applicant states the following reasons to explain the need for the variance:

*The denial of this permit is creating a further hardship on the bleek area from the start of Airport next to Government the addresses being 1850 through 1860 Airport Boulevard a commercial buildings in this area I have lost many tenants not being able to update and have now two spaces vacant.*

*Expressions was my tenant since 1985 and has had to moved to Old Shell Road.*

*A new pylon sign with a message center would vastly improve the looks and the economics for all tenants businesses.*

The proposed size of the overall multi-tenant sign is approximately 130 square feet, which is allowed; however the distance of the proposed digital sign would be less than 65 feet from the closest residentially zoned/ utilized piece of property. Within the required 300’ buffer, the site is bounded to the South across Airport Blvd. by a B-2 Neighborhood Business District, to the West by a B-2 Neighborhood Business District, and to the North and East by R-1, and R-3 Districts.

The purpose of the required 300' minimum distance from residentially zoned property is to provide a visual buffer for residents. Approval of this request could impact many of the residents in the area.

It should be noted that all of the parking on this site, with the exception of a small parking lot, require backing out into either Airport Boulevard or Old Government Street. The placement of a digital reader board may cause more distraction and potential accidents on Airport Boulevard, which is an already congested and narrow street at this location.

It should also be pointed out that the existing, as well as the proposed, freestanding pylon sign appears to be too close to the adjacent property and looks as if it belongs to the adjacent suite to the west of the subject site. Any new freestanding sign will have to meet setbacks to provide 18' from the right-of-way line.

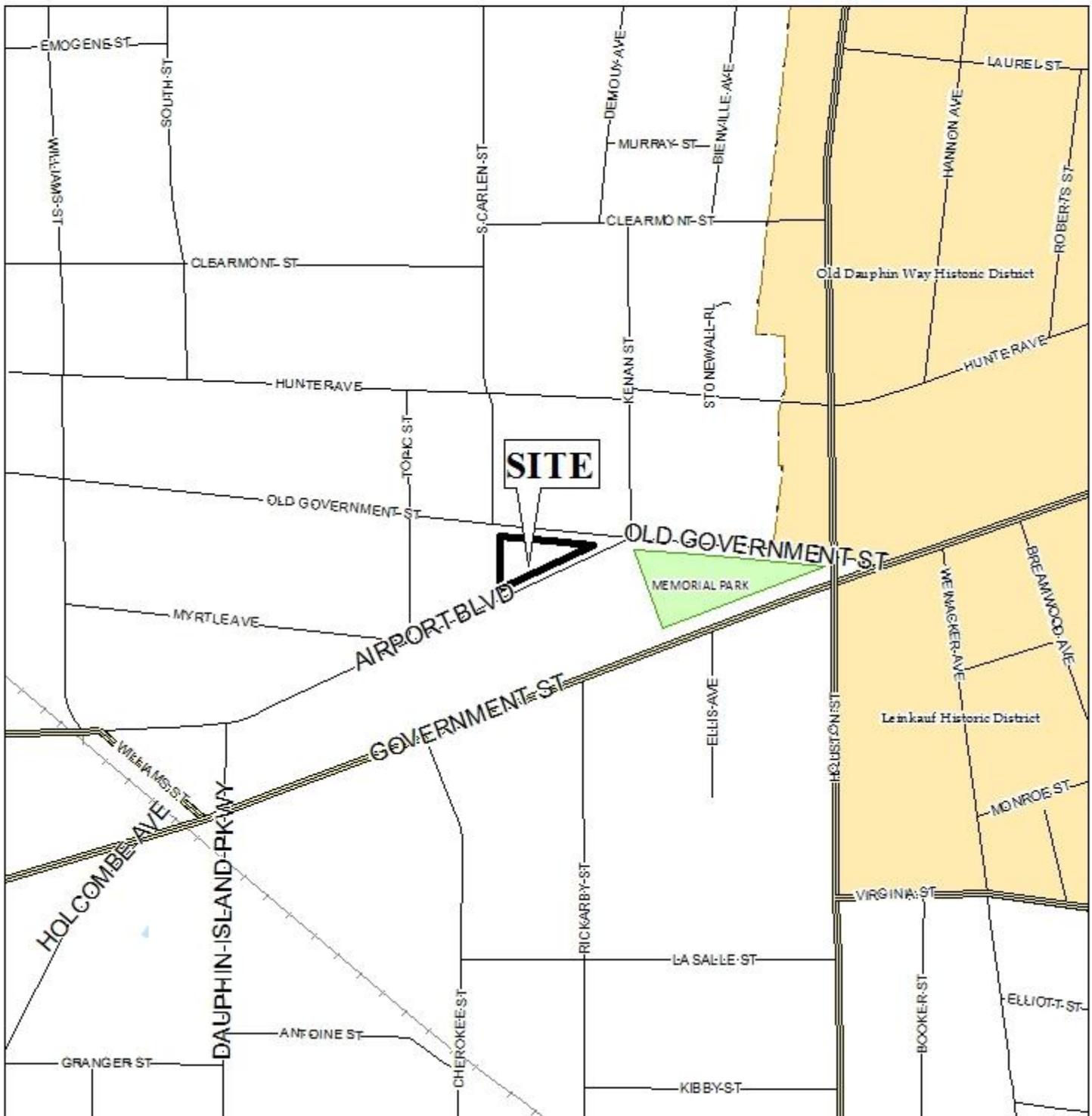
The previous request had the LED board near the top of the pylon. This request has the board at the bottom, so there has been a change, and it appears the LED board will be below the roof line of the adjacent commercial buildings. However, two residences on Old Government Street would still have a direct line of sight of the proposed LED board.

Finally, while this site may not be a City regulated Historic District (and does not require ARB approval), it is within the federally recognized Midtown Historic District, thus preserving the character of the area is encouraged.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Denial:

- 1) approving the variance will be contrary to the public interest in that the residential buffer requirement for digital signs is intended to reduce the intrusion of light emitted from digital signs onto nearby residential properties;
- 2) special conditions do not exist and there are no hardships which exist with this building or location that make the placement of digital signage necessary; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because each tenant will have space on the proposed illuminated pylon sign, eliminating the need for a digital sign that might also prove distracting to drivers on Airport Boulevard.

# LOCATOR MAP



APPLICATION NUMBER 5982 DATE July 6, 2015

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REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north, and commercial units to the south.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



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VICINITY MAP - EXISTING ZONING**



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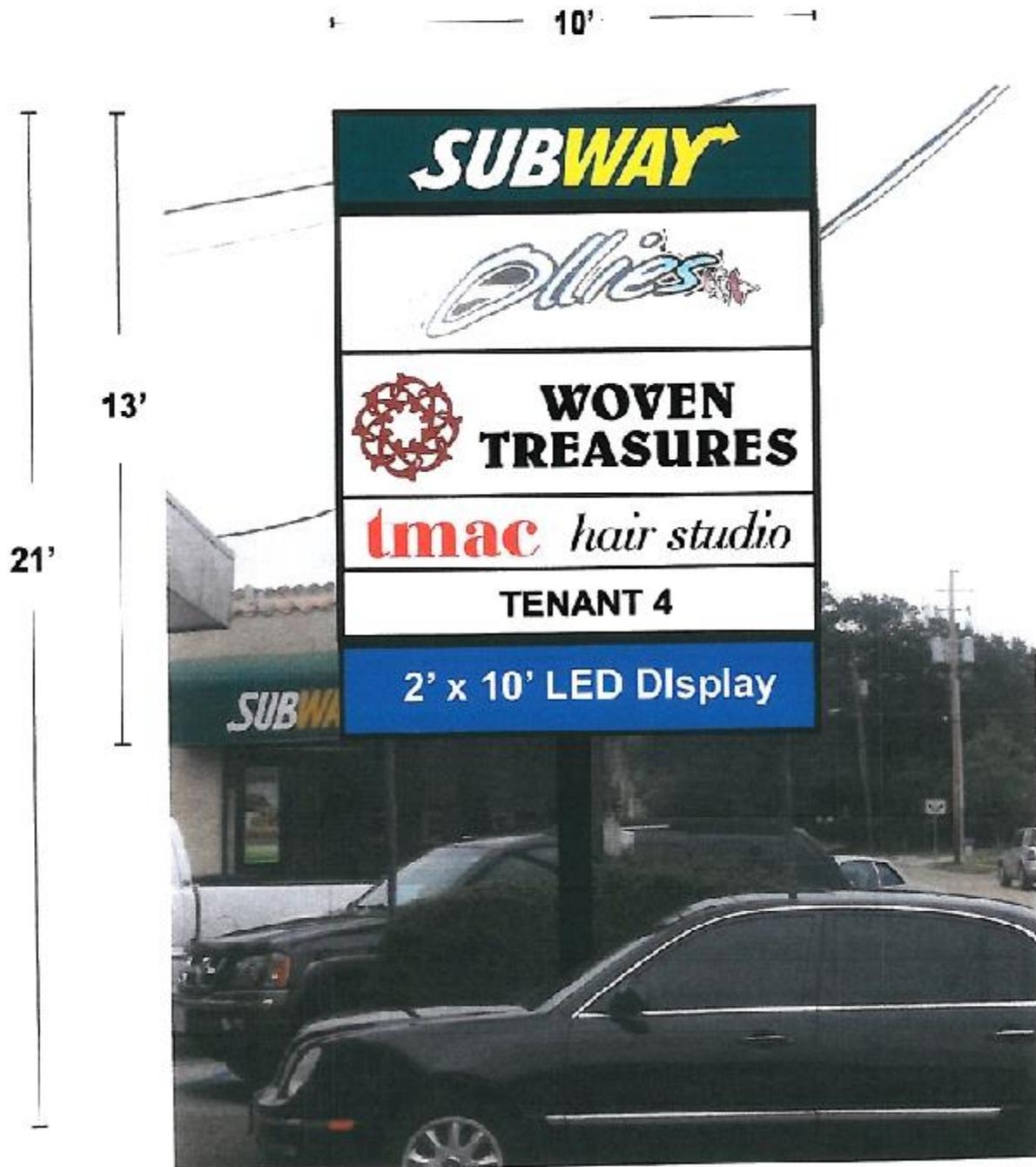
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# DETAIL SITE PLAN



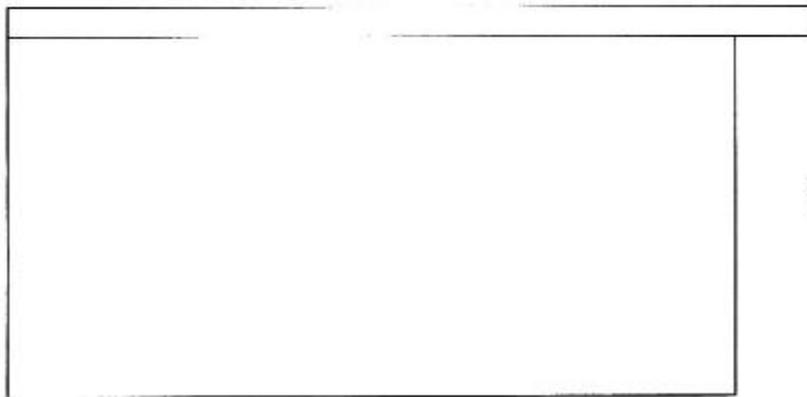
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# DETAIL SITE PLAN



10' 10"



8'

10'

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REQUEST Sign Variance



NTS

