

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: August 3, 2015

CASE NUMBER 5988/5939

APPLICANT NAME Wrico Signs, Inc. for Riverside Food Mart

LOCATION 1751 Riverside Drive
(Southwest corner of Riverside Drive and Clubhouse Road)

VARIANCE REQUEST **SIGN:** Sign Variance to allow a digital sign located on a nonconforming commercial site and less than 300' from other residentially zoned property in an R-1, Single-Family Residential District.

ZONING ORDINANCE REQUIREMENT **SIGN:** The Zoning Ordinance does not allow digital signs in an R-1, Single-Family Residential District and requires a minimum of 300' from other residentially zoned property.

ZONING R-1, Single-Family Residential District

AREA OF PROPERTY 19,764 Square Feet / 0.4± Acre

ENGINEERING COMMENTS No comments

TRAFFIC ENGINEERING COMMENTS This request was not reviewed by Traffic Engineering.

CITY COUNCIL DISTRICT District 3

ANALYSIS The applicant is requesting a Sign Variance to allow a digital sign located on a nonconforming commercial site and less than 300' from other residentially zoned property in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow digital signs in an R-1, Single-Family Residential District and requires a minimum of 300' from other residentially zoned property.

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 purpose of this application is to allow digital gas price sign within 300’ of a residential zoned property. The current manual gas price changer on the existing freestanding sign has become impractical and a safety issue.”*

“The digital gas pricers that we are seeking approval for are within the 12 square foot limitation of the current sign ordinance, but are within 300’ of a residential zoned property. The digital gas pricer is a static display much like a manual gas pricer, and has to be changed by a hand held controller. The digital gas pricer does not flash or have any kind of animated motion. The proposed digital gas pricers have a dimming feature that reduces the brightness at night time to prevent overly bright displays when less sign brightness is needed.”

The subject site is imbedded within a predominately residential neighborhood, completely surrounded by R-1 zoning, and with no commercial uses nearby. It should be noted that the site has been used as a convenience store since the 1960’s and is currently being renovated with a new gas pump canopy. A previously approved Variance allowed for the new canopy within the 25’ front setback and no landscaping or tree planting requirements. As part of the renovation a new freestanding sign is proposed to include a digital gas pricing display. One pricing sign is proposed with approximately 2.5 square feet of display area per face.

With the trend toward digital fuel pricing signage, a hardship could be considered to be imposed by the disallowance of the latest digital signage technology which could rapidly display changes in fuel prices in order for businesses to maintain a competitive edge. The applicant has stated that there would not be any flashing, or animation associated with the sign and the graphic indicated with the application indicates only a digital numeric display. Unlike digital reader boards, digital pricing signs generally have low levels of light emission.

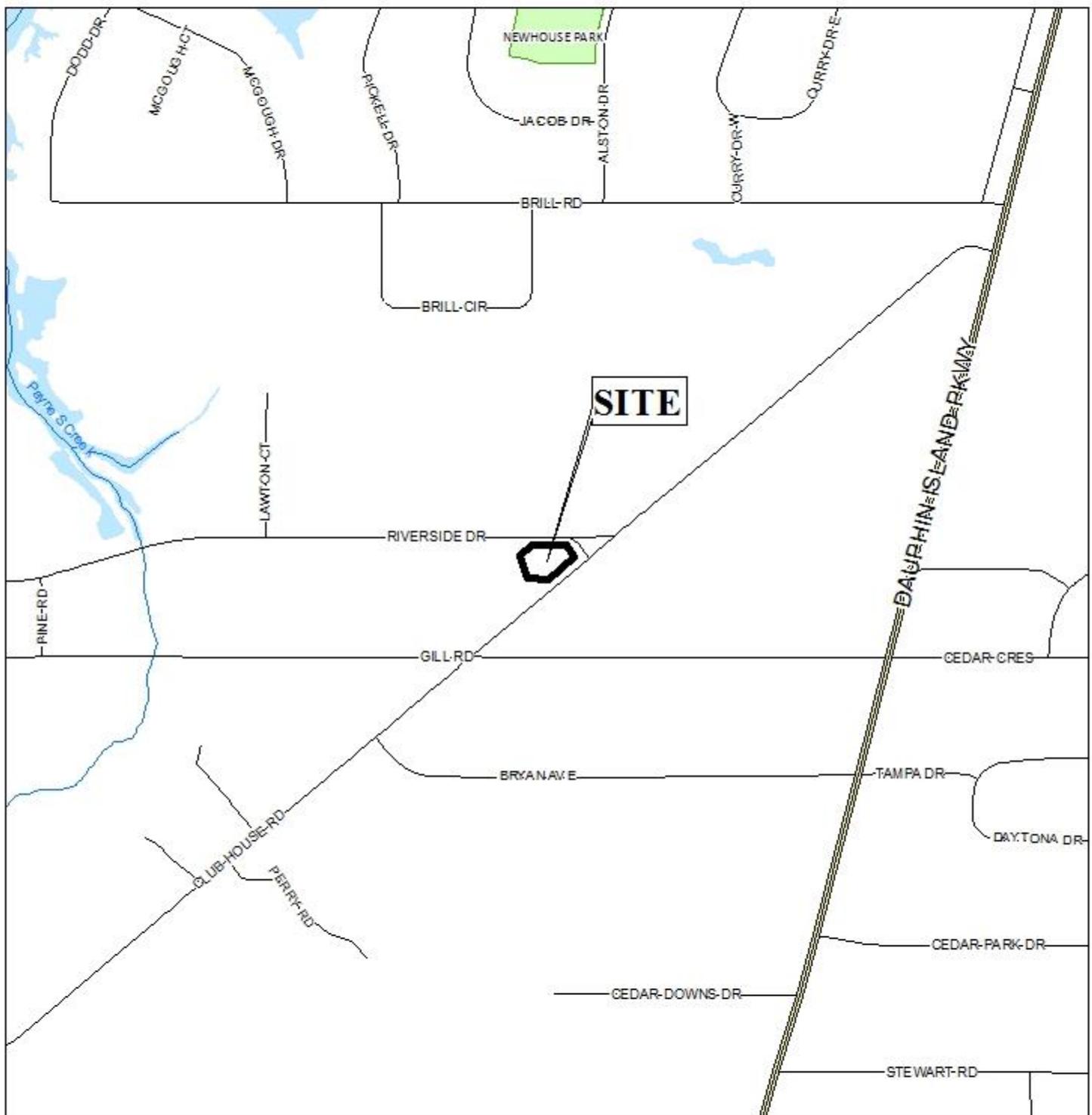
In previous cases regarding digital fuel pricing signs, the Board has ruled in favor of the applicant’s request for sites within commercially zoned districts. The approval of this request, due to the site itself being residentially zoned, and within a residential district, might not be appropriate given the nonconforming status of the business.

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 Digital Sign Regulations are intended to provide a buffer to residential properties from intrusive signage;

- 2) Special conditions (the applicant would not have any fuel pricing capabilities) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 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 the proposed digital fuel price sign will be a detriment to the residential character of the neighborhood.

LOCATOR MAP



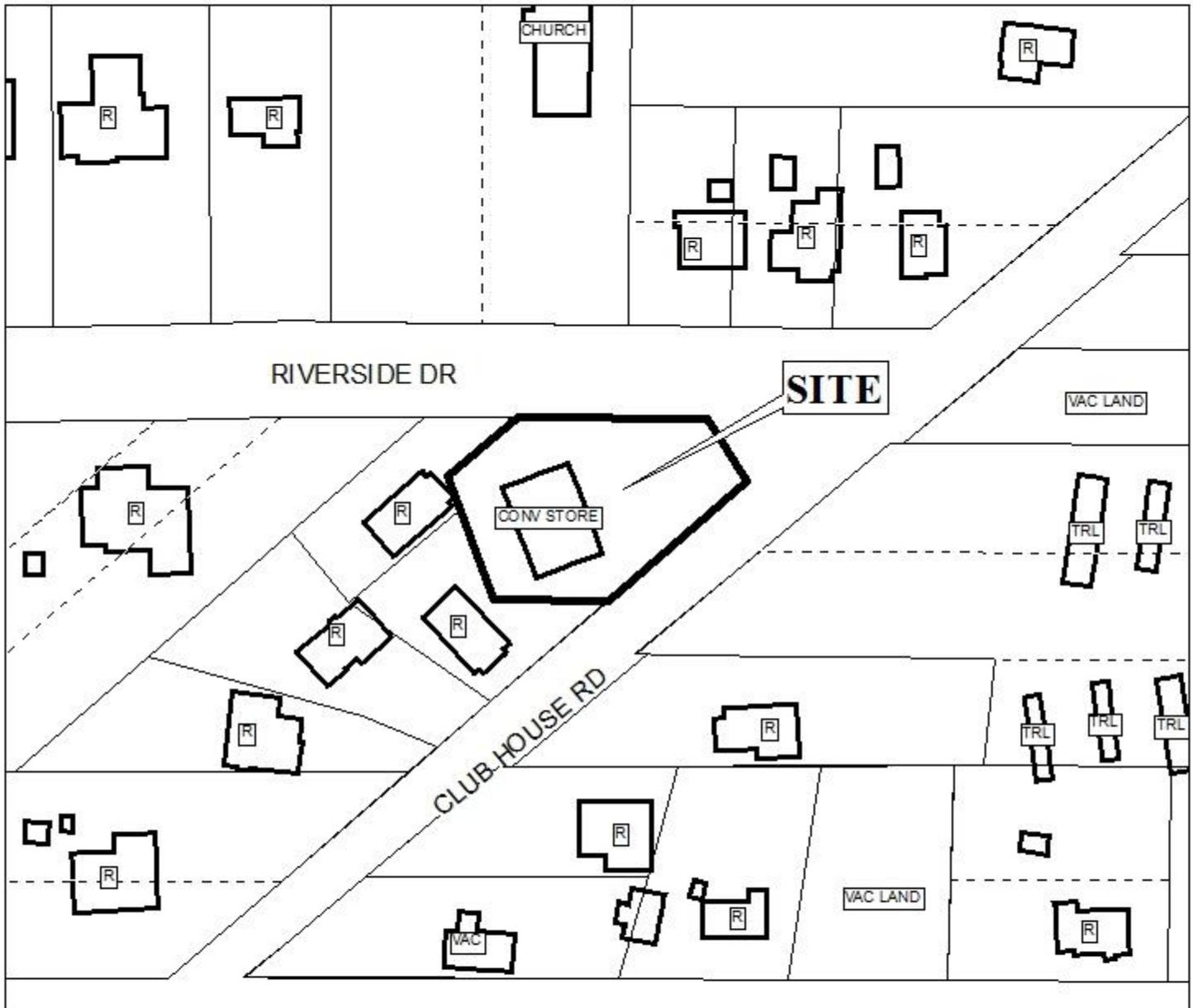
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A church lies north of the site.

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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



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



The site is surrounded by residential units. A church lies north of the site.

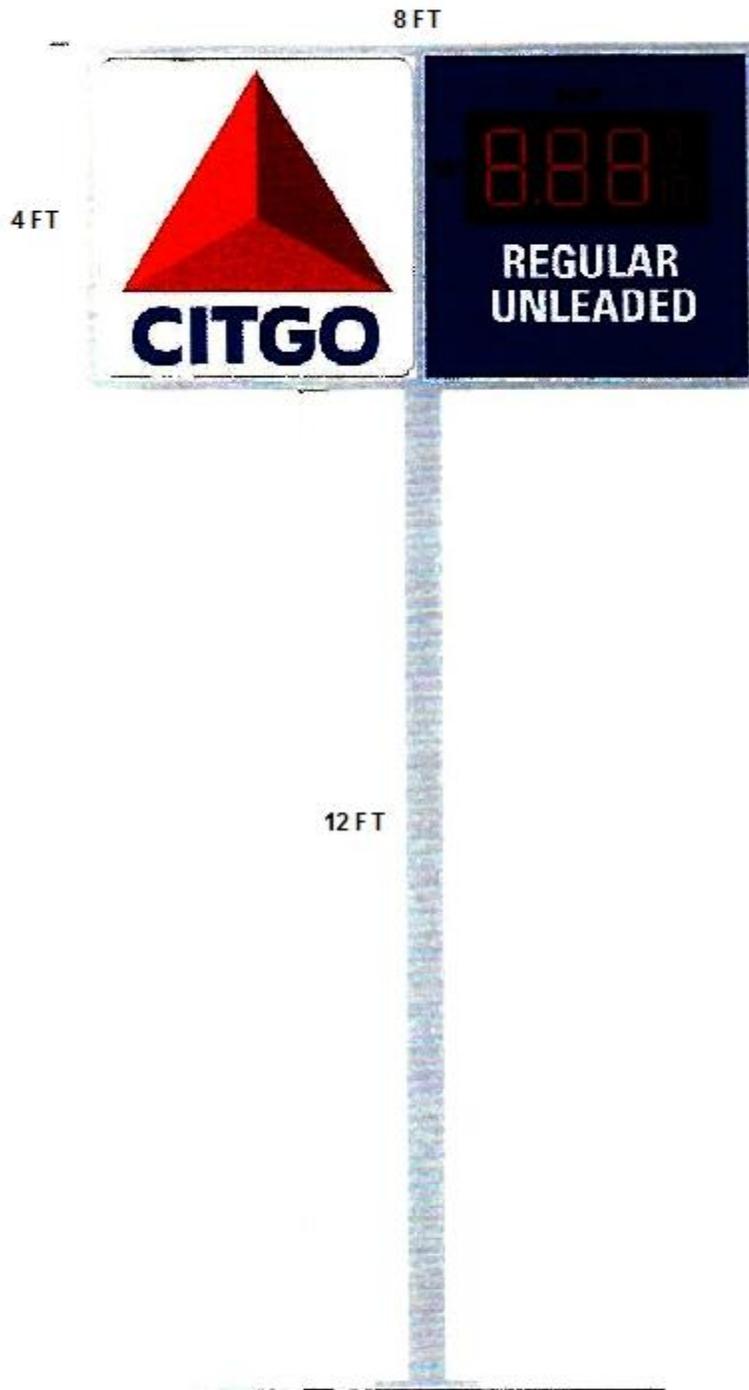
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DETAIL SITE PLAN



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DETAIL SITE PLAN

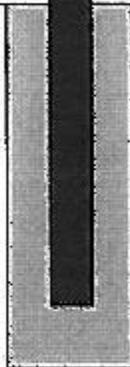
Rectangle sign
Width = 8'-00"
Height = 4'-00"



6 x 6 x 3/16
steel tube A500B



2' dia. X 5.7712' deep
Concrete footing



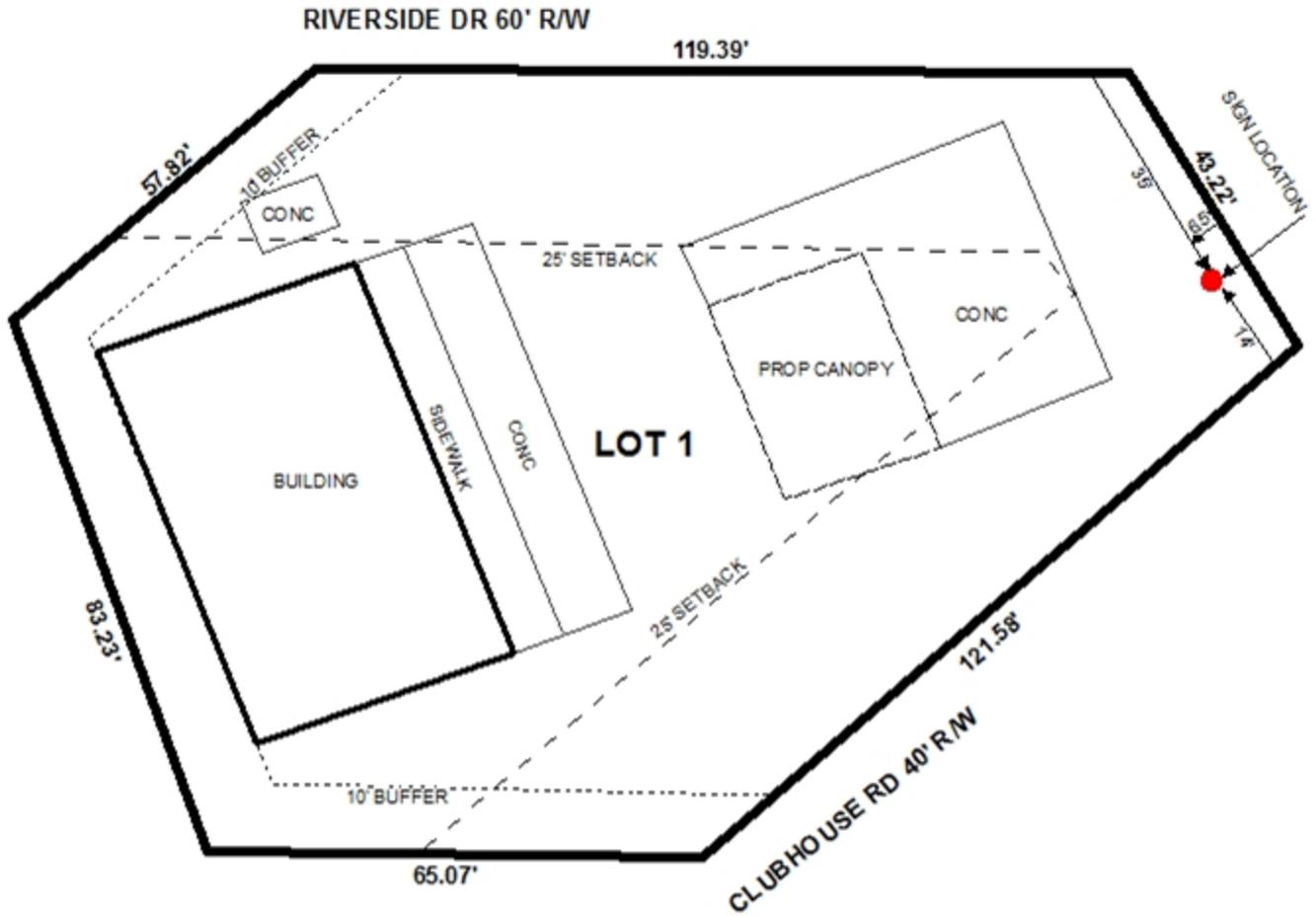
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SITE PLAN



The site plan illustrates the existing building, the proposed canopy, and the sign location.

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