

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: August 3, 2015

CASE NUMBER 5991

APPLICANT NAME Gregory Bone/Mount Sinai Missionary Baptist Church

LOCATION 860 South Warren Street
(Northwest corner of South Warren Street and North
Caroline Street).

VARIANCE REQUEST **SIGN:** Sign Variance to allow a digital sign at a church in
an R-1, Single-Family Residential District and within 300'
of other residentially zoned properties.

**ZONING ORDINANCE
REQUIREMENT** **SIGN:** The Zoning Ordinance requires all digital signage
to be a minimum of 300' from residentially zoned property
in an R-1, Single-Family District.

ZONING R-1, Single-Family Residential

AREA OF PROPERTY 1.1± Acres

**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 at a church in an R-1, Single-Family Residential District and within 300' of other
residentially zoned properties; the Zoning Ordinance requires all digital signage to be a
minimum of 300' from residentially zoned property.

Within the required 300' buffer, the property directly to the West and South of the sign is zoned
R-1, Single Family Residential; the property to the East of the sign is zoned B-2, Neighborhood
Business District and R-1, Single Family Residential; and the property to the North of the sign is
zoned R-1, Single Family residential, but is comprised of commercial uses, primarily a school
and a facility for motor vehicle maintenance.

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 that substantial justice is 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:

The purpose of this application: To allow the Mt. Sinai Missionary Baptist Church to install a LED Sign on its current marquee.

What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance? The church is zoned for a residential neighborhood.

How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? The church faces a residential neighborhood and also a Shell service station. The marquee faces Virginia Street and the Shell station. The Shell station has a Marquee.

How is this property different from the neighboring properties? We are a church. There are homes located in the neighborhood.

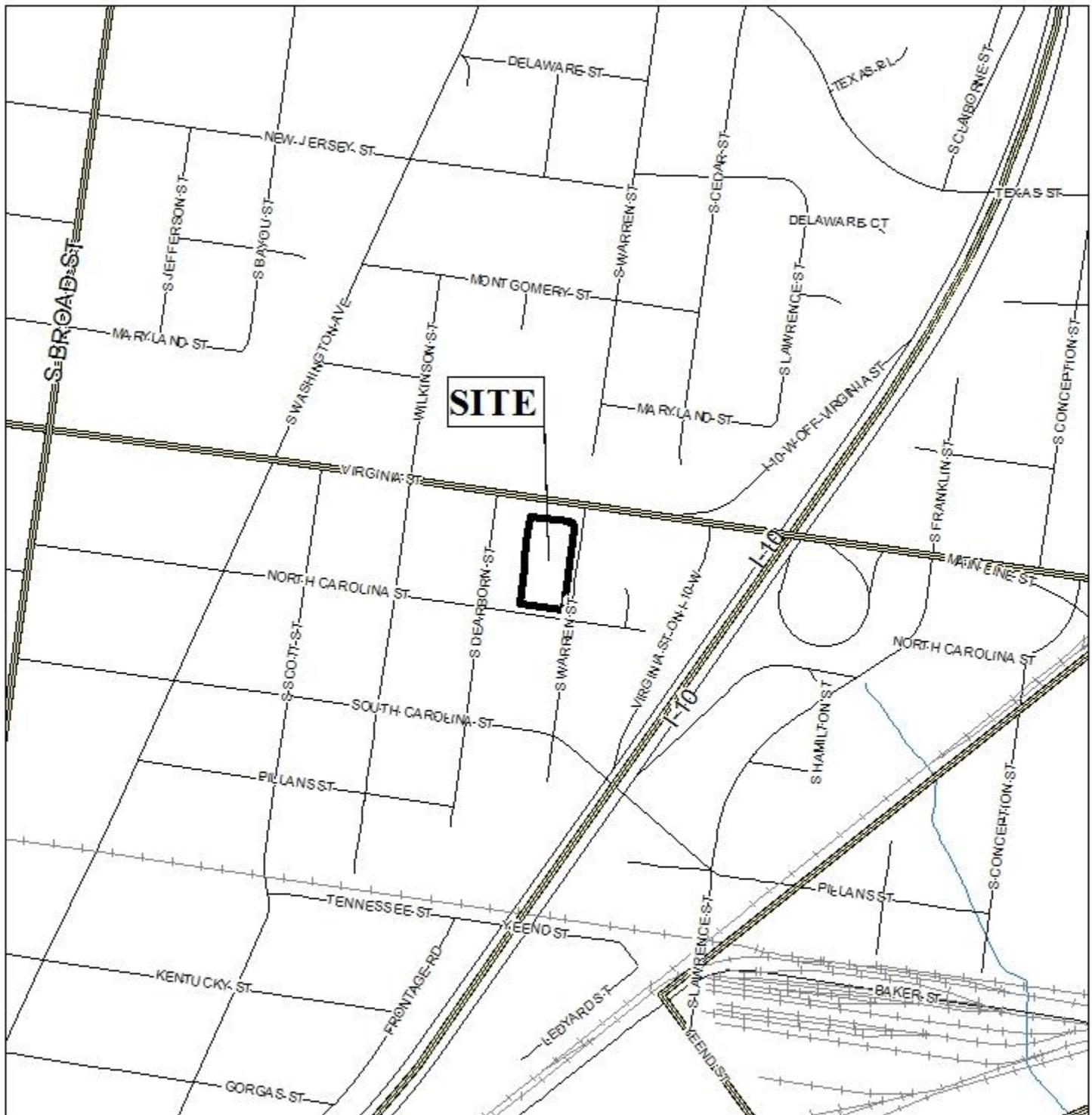
As mentioned, the applicant desires to add a digital LED message board sign to an existing freestanding sign on the church's property. While it is understandable that the applicant desires to have new digital signage, it appears that no apparent hardship has been presented regarding any unusual circumstances or characteristics of the property which would require signage. The applicant further states that the orientation of the church is a deterrent that prevents them from complying with the requirements of the Zoning Ordinance. The stated reason does not justify a need or a hardship for the addition of the digital LED sign considering that the face of the sign itself could be oriented parallel to Virginia Street in order to mitigate any adverse effects of the digital signage on surrounding residential properties. The applicant makes mention of the marquee on the freestanding sign located on the site of the adjacent Shell service station; however, that marquee is manual, and not digital in nature.

It should be noted that the face of the existing sign is oriented towards commercial and residential properties to the East of the sign and residential properties located to the West of the sign. The proposed digital LED sign would be placed in the same location with the same orientation. The height of the proposed digital sign is 2'-2 1/4", but the placement height from grade to the top of the cabinet is 9'-8 1/4"; therefore there is some concern that the intensity of the illumination from light emitting from the digital signage may impact surrounding adjacent residential properties.

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

- 1) Based on the fact that a hardship regarding the need for a digital LED sign was not clearly presented, granting the variance will be contrary to the public interest because it has been determined by the adoption of specific regulations by the City Council that digital message boards should not be allowed in residential districts;
- 2) Special conditions do not appear to exist with the site and that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as there appears to be no apparent 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 existing sign and proposed digital signage can be redesigned and/or oriented to fit within the parameters of the sign regulations as defined by the Zoning Ordinance.

LOCATOR MAP



APPLICATION NUMBER 5991 DATE August 3, 2015
APPLICANT Gregory Bone Mount Sinai Missionary Baptist Church
REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

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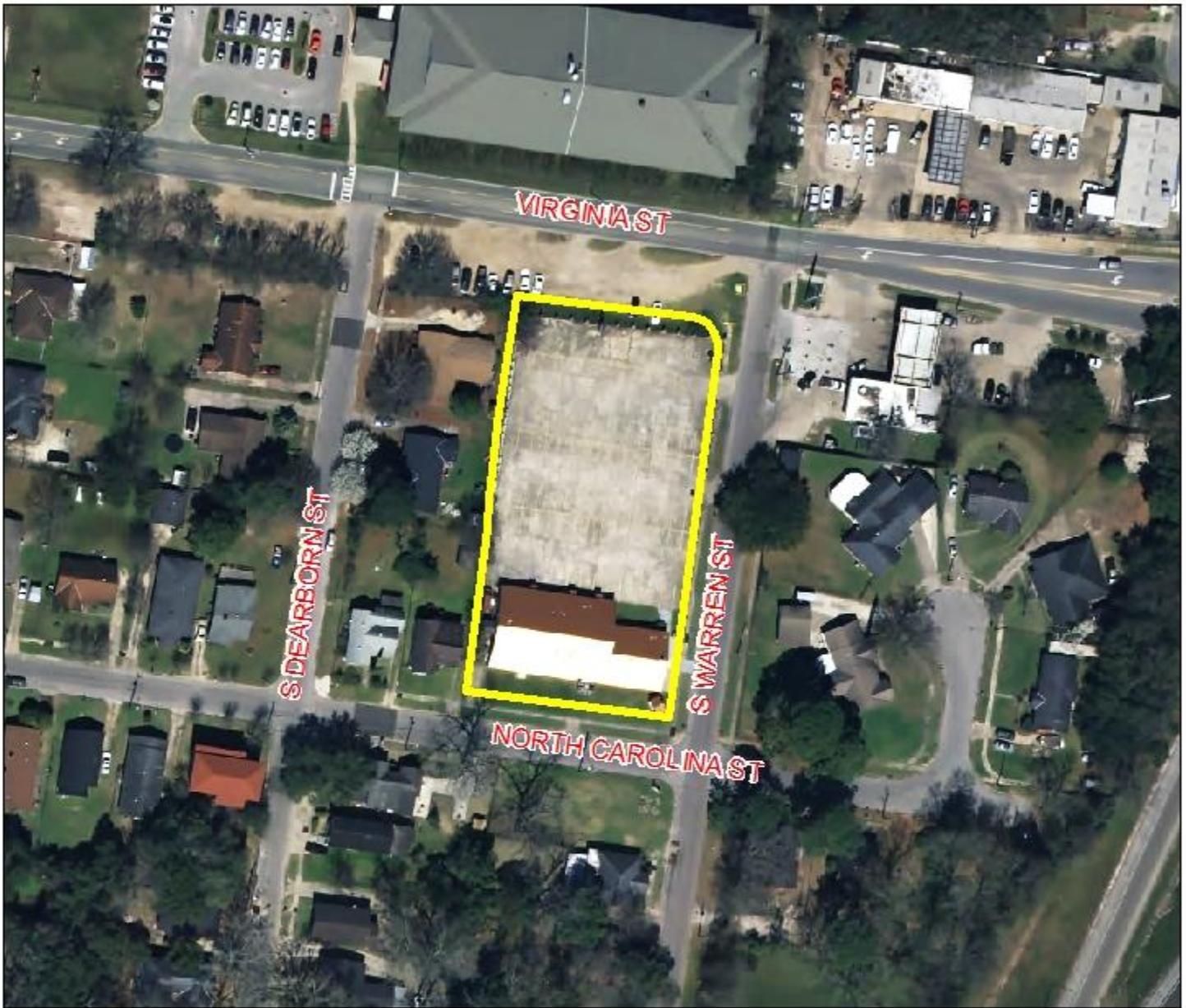
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REQUEST Sign Variance

 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**



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DETAIL SITE PLAN



RENDERING
ILLUSTRATED BY FACE
 DESIGN

POLE SKIRTING
DETAILS PROVIDED

7'-5 5/8"
 SQUARE POLE

21'-0"
 5'-0"
 2'-2 1/4"
 7'-6"

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