

**Zoning Board of Appeals
February 26, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 25-0002; 2915 Boardwalk Drive

Summary:

James Johnson, representing property owner, is seeking a nine-foot variance from Table 5.24-3 Other Mixed Use and Nonresidential and Special Purpose Zoning District Permanent Signs. The applicant is replacing two existing nonconforming signs and installing two new signs at 29 feet in height. The maximum allowable height for the building is 20 feet. The property is zoned TC1 Transit Corridor.

Background:

The subject property is located on the east side of Boardwalk Drive north of East Eisenhower Parkway in the Bryant Pattengill East neighborhood. The building was constructed in 1992 and is 14,650 square feet in size.

Description:

Table 5.24-3: Other Mixed-Use and Nonresidential and Special Purpose Zoning Districts Permanent Signs require wall signs to be in the lowest 20 feet of the building when installed on a building less than 45 feet in total height. The subject building is approximately 25 feet in overall height. The applicant requests a variance to install a wall sign at a maximum height of 24 feet instead of the required 20 feet.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the Unified Development Code (UDC).

The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

Applicant response: *“The practical difficulty that this variance request would remedy stems from a discord in the intention of the ordinance, to limit signage above the 2nd story except on high rise buildings, and the location of the subject building, in an industrial park where there is no foot traffic, no upper story residential tenants, and where visibility for timely travel to and from a building is essential. Allowing the signs to be mounted where the existing signage has existed at 24'-29' allows for adequate visibility for traffic to identify the building.”*

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

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Applicant response: *“The practical difficulties resulting from a denial to this variance request will result in inadequate height of signage for visibility to direct traffic to the establishment.”*

(c). That allowing the variance will result in substantial justice being done,

considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Applicant response: *“Allowing the variance will result in substantial justice that would not affect others property. The proposed signage would adequately identify Grainger without imposing on surrounding businesses.”*

(d). That the conditions and circumstances on which the variance request is based shall not be a self- imposed hardship or practical difficulty.

Applicant response: *“The circumstances of this variance are not self-imposed. Previous versions of the sign ordinance, under which the existing building signage was installed, allowed signs to be installed at heights greater than 20'. The existing ordinance limits the overall height to 20' on moderate buildings without regard to the type of business or district the building is in. Signage type and placement that is suitable for a downtown area with pedestrians is not suitable for signage in an industrial manufacturing area where clear identification is a necessity.”*

(e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

Applicant response: *“The proposed variance is the minimum reasonable solution for the visibility of signage to identify Grainger in the industrial manufacturing area. Approval of this variance would provide placement of signs that would allow an appropriate reaction time for drivers looking for the business and mitigate any unnecessary confusion.”*

Respectfully submitted,



Jon Barrett
Zoning Coordinator