

**Zoning Board of Appeals
May 24, 2023 Regular Meeting**

STAFF REPORT

Subject: ZBA 23-0014; 1401 Briarwood Circle

Summary:

James Horney with H&H Signs, representing property owner, is requesting a 649.34 square foot variance from Section 5.24.5 (B) Permanent Signs, Other Mixed Use and Nonresidential and Special Purpose Districts to install a new sign package for the Hilton Garden Inn. The maximum allowable signage for the property is 200 square feet. The proposed sign package is 849.34 square feet in size. The property is zoned PUD, Planned Unit Development.

Background:

The subject property is located within the Briarwood Mall Development between Briarwood Circle on the north side of the property and Interstate 94 to the south side of the parcel. The hotel was built in 2012 and is 82,748 square feet in size.

Description:

The hotel received a sign permit SIGN12-0039 that was reviewed under Chapter 61 Signs & Outdoor Advertising and approved under the previous Zoning ordinance prior to the current Unified Development Code (UDC). The definition of sign area at the time states "where a sign consists solely of lettering painted or mounted on a wall, any blank area which is more than 10 percent of the area of the sign as otherwise computed shall be disregarded."

Based on that review criteria, the existing signs for the subject business exceed the allowable 200 square feet of signage that is currently allowed and are now existing non-conforming.

The Sign code was amended in December of 2020 and sign area now states, "the area of a rectangle or rectangles enclosing the extreme limits of writing, representation, emblem, or any figure or similar character on a sign, regardless of opacity or missing space within the rectangle or rectangles." Staff at the time reviewed the four wall signs and it appears only the lettering on the wall signs was calculated and the blank space or area was disregarded.

The proposed sign package is for four wall signs (one per elevation) and a new detached ground-mounted monument sign. The signs on the north and south elevations are 123.58 square feet each. The signs on the east and west elevations are 266 square feet each. The monument sign is proposed to be 35 square feet for both faces totaling 70 square 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 states, the additional signage requested is necessary due to the location of the building. This building is located off the main roads and is not easily seen/recognized without well lit, visible signage present on all sides of 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.***

There is concern that reducing the amount and/or area of signage present will result in a loss of revenue for the property owner as they would no longer be easily recognized for the service they provide by the general public.

- (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.***

The approval of this variance would benefit the public as well as the property owner as it will allow for visitors/residents to see and recognize the business for the services offered without requiring them to have previous knowledge of the business and/or its location. This would also have little to no impact on the surrounding businesses as there will be minimal changes from the existing sign setup.

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

Applicant contends, the difficulty being experienced in this instance is location based. With this building being located right off 94, there is minimal opportunity for the public to see the signs present on the building unless one is present on each side of the building that is made up of large, easily read lettering.

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

Applicant responded that the variance being requested is the minimum that would be needed by this property owner to be reasonably recognized by the greater public. Any decrease to the requested area/quantity of signs present could result in the direct loss of revenue to the property owner as well as an injustice to the greater public who would not be able to recognize this building without researching

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or having prior knowledge of the business' presence and/or location within the community.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large, overlapping loops.

Jon Barrett-
Zoning Coordinator