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## City Council Regular Meeting

**DEPARTMENT:** Development Services

**FROM:** Tony McIlwain, Development Services Director

**MEETING:** November 13, 2023

**SUBJECT:**

Gina's Pizza at 319 NW Renfro St. (Case 23-287): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to conformity, location and separation of a pole sign. *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*

**SUMMARY:**

On October 2, 2023, an application was submitted by Dianne Moriarty representing Global Signs, Inc. on behalf of Otto Arslanovski for sign variances to allow for the alteration of a pole sign without bringing it into complete conformity. The owner of Gina's Pizza is requesting to install a new cabinet for an existing pole sign which is currently considered non-conforming. The newly proposed sign was revised to match the new remodel of the restaurant.

**Non-conforming Signs:** The City's sign regulations requires that any structural change, alteration, modification, or change in the name, design, letters, message or other matter on the nonconforming sign, shall require the sign to be brought into conformity with the requirements of this chapter unless otherwise exempt by section. The applicant is requesting to modify existing sign cabinet without bringing the rest of the sign into conformity.

**Pole Sign:** The City's sign regulations do not allow pole signs to be erected outside of the North Wilshire Sign Corridor, or on properties that do not have frontage on IH35. The applicant is requesting for the existing pole sign to remain located outside of the permitted corridors.

**Pole Sign Separation:** The City's sign regulations required that pole signs shall maintain a 100-foot separation from an adjacent pole sign on each premises and minimum of 50 feet on adjacent premises on the same side of the street. The applicant is requesting for the existing sign to maintain a 25 foot separation from another pole sign on the same side of the street.

The applicant's justification for approval in granting the variances has been attached as Exhibit 3.

**Planning Analysis**

Section 63-3 (Nonconforming signs) of the Sign Ordinance contains the following requirements:

- (1) Shall not be changed to another nonconforming sign.
- (2) Shall not be structurally altered so as to change the shape, size, type or design of the sign; except where alterations are necessary to abate a threat to public safety.
- (3) Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the reproduction cost.
- (4) Any structural change, alteration, modification, or change in the name, design, letters, message or other matter on the nonconforming sign, other than a face (copy) change, shall require the sign to be brought into conformity with the requirements of this chapter unless otherwise exempt by section 63-10(e).

Section 63-56 (Pole Signs) of the Sign Ordinance contains the following requirements:

(a) Location.

- (1) Signs must be premises signs.
- (2) Signs shall not be allowed in residentially zoned districts.
- (3) Signs shall maintain a 100-foot separation from an adjacent pole sign on each premises and minimum of 50 feet on adjacent premises on the same side of the street.
- (4) Signs shall be allowed to locate on premises with frontage onto IH 35 and within the North Wilshire Sign Corridor only.

Approval Standards in Granting a Variance.

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

Consideration
Special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.
The strict interpretation of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this chapter.
Special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.

Granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare

The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and

Granting the variance will be in harmony with the spirit and purpose of this chapter.

**OPTIONS:**

- 1) Approve the resolution for all requested sign variances with or without conditions; or
- 2) Approve a resolution for one or more of the requested sign variances with or without conditions; or
- 3) Deny the resolution for the sign variances.

**RECOMMENDATION:**

Staff is in support of the variances to Chapter 63, Sign Regulations, relating to conformity, location and separation of a pole sign.

**FISCAL IMPACT:**

None.

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