

Board of Adjustment  
November 30, 2022  
BOA-2223-8

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	FASTSIGNS, on behalf of Diamond Crest Apartments
<b>LOCATION</b>	101 Crestland Drive
<b>ZONING</b>	RM-6, Medium Density Apartment District
<b>REQUESTED ACTION</b>	VARIANCE of 25' to the 25' setback under 18:505(a)(2) to allow two ground signs for an apartment complex
<b>SUPPORTING DATA</b>	Location Map Application with attachments Drawing of Proposed Sign

**SYNOPSIS:** The applicant requests a variance of 25' to the required 25' setback for two ground signs on property zoned RM-6, Medium Density Apartment District. Applicant requests two one-sided ground signs that will not exceed 20 SF each and will be no higher than 6', which meet the code requirements other than the 25' setback. The two signs are proposed to be placed at or in the existing fence line, which is located on the property line.

The application, proposed site plan, and drawings of the proposed sign are attached for your review. Please see the applicant's responses to the three sign variance criteria below.

**VARIANCE CRITERIA PER SECTION 441.11:**

A variance from the terms of Chapter 18 of this code shall not be granted by the Board of Adjustment unless and until an applicant shall comply with all provisions of this section and also indicate by written application that:

- (1) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desired to draw attention and do not apply generally to all business or enterprises.

- (2) The variance would be in general harmony with the purposes of this code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.
- (3) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

**Before any SIGN VARIANCE can be granted, the Board shall make a finding that the following three requirements have been met by the applicant:**

1. ***There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structure or other matters on right-of-way, which would substantially restrict the effectiveness of the sign in question: provided, however that such special circumstances or conditions must be peculiar to the business or enterprise to which the applicant desired to draw attention and do not apply generally to all businesses or enterprises.*** Diamond Crest Apartments located on E. Alameda and Crestland Drive has frontage that faces several commercial properties with similar signage to our request. Although the Diamond Crest Apartments is zoned residential, the nature of the signage requested is advertising in nature similar to many properties located on Alameda within 1 mile of our property.
2. ***The variance would be in general harmony with the purposes of this code, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desired to draw attention is located.*** The variances requested is similar to other properties in the area (see photos).
3. ***The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.*** The existing fencing would prohibit the view of the signs with a 25' setback as required by the code. The proposed signage would be located in/at the existing fence line which is located on the property line.

**DISCUSSION:** The proposed sign variance would place the signs in the fence line so it can be viewed by the public. Ground sign height is limited to 6' and, without the variance, would not be visible to the public at the 25' setback as required due to screening vegetation and fencing. The signs requested will meet the square footage and height requirements for the medium density residential sign code. There are other signs in the area located similarly, some with the same zoning and some in other zoning designations.

**CONCLUSION:** Staff forwards this request for BOA-2223-8 to the Board of Adjustment for consideration.