

Board of Adjustment  
April 26, 2023  
BOA-2223-13

**STAFF REPORT**

**GENERAL INFORMATION**

<b>APPLICANT</b>	Metro Sign, on behalf of Church of Christ
<b>LOCATION</b>	1660 24 <sup>th</sup> Avenue S.E.
<b>ZONING</b>	A-2, Rural Agricultural District
<b>REQUESTED ACTION</b>	VARIANCE of 49' to the 50' setback requirement in 28-508(a)(2)(b)
<b>SUPPORTING DATA</b>	Location Map Application with attachments Drawing of Proposed Sign

**SYNOPSIS:** The applicant requests a 49' variance to the required 50' setback from the property line for a digital electronic monument sign. Alternately, there is an option of 100' from the centerline of the adjacent roadway, whichever is greater, but the variance for that option is equidistant as that from the property line. The digital electronic monument sign will be two-sided for viewing from north and south bound traffic on 24<sup>th</sup> Avenue SE and the applicant requests it to be placed about 1.5' inside the property line. The restrictions for height and square footage will meet the requirements of 28-508(b)(1)(d) and the applicable portions of 28-413 before approval of the permit.

The application, existing and proposed site plans are attached for your review.

**VARIANCE CRITERIA PER 36-570(k)(5):**

A variance from the terms of Chapter 36 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:

- (a) 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.
- (b) 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.

- (c) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

**The applicant provided responses to the three variance criteria. Please see the attached Existing Sign Variance Conditions sheet to review their response.**

**DISCUSSION:** The proposed sign variance would place the requested digital electronic monument sign behind the sidewalk so it can be viewed by the public traveling along 24<sup>th</sup> Avenue SE. The 50' setback requirement would not allow the sign to be adequately viewed due to fencing and trees on the neighboring properties to the north and south of applicant. This property is already developed; placing the sign at the 50' setback would place it in the middle of the existing parking lot. With the requested variance, the proposed sign would meet the requirement to be 20' from the closest street. Digital electronic signs are required to be 50' from a signalized intersection; the proposed sign would meet this criterion. The adjacent property to the north is also zoned A-2 (currently a residential use), and the property to the south is zoned RM-6. The property across the street to the east is zoned A-2 (Reagan Elementary) and R-2 across 24<sup>th</sup> Avenue to the southeast of applicant property.

**CONCLUSION:** Staff forwards this request for BOA-2223-13 to the Board of Adjustment for consideration.