

Staff Report — 1409 W. Corbett Avenue

The application for variance was received in a timely manner, and the fee has been paid. The Notice of Public Hearing Sign at the property has been posted, and all adjacent property owners including the applicant were notified via first class mail.

Overview

The applicant for 1409 W. Corbett Avenue is requesting a variance to the Swansboro Unified Development Ordinance, specifically § 152.270 (Signs Requiring a Permit and Fee). The request aims to permit a commercial sign that exceeds the maximum permitted size allowed under the current sign regulations.

Evaluation of Multiple Use Sign Standards

Applicable Ordinance Provisions:

- **Swansboro UDO § 152.270:** Governs multiple use signs for non-residential unified commercial developments, establishing strict prerequisites and proportional sizing rules.
- **Swansboro UDO § 152.267:** Governs the computation of sign area.
- **Swansboro UDO § 152.016:** Gives the definition of the area of the sign (“*Sign, Area Of*”).

This specific definition was updated as of February 11, 2025.

- § 152.016 previously stated: “SIGN, AREA OF. Sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof, which will encompass the entire sign including lattice work, frame, or supports incidental to its decoration. In computing the area, only one side of a double-face sign structure shall be considered. Unless copy is not the same on both sides, then both sides should be calculated as area of sign.”
- § 152.016 now states: “SIGN, AREA OF. Sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof, which will encompass the entire sign including lattice work, frame, or supports incidental to its decoration. In computing the area, both sides of a double-face sign structure shall be considered.”

Staff Analysis & Reasons for Denial:

- To approve or support the sign application under the multiple use sign provisions, the proposal must satisfy all conditions outlined in section (H). Based on staff review, the application does not meet the necessary standards for the following reasons:
 - **Failure to Meet Sizing Limits:** Under the ordinance, allowed signage must be proportionally reduced for properties less than three acres, or capped at a maximum of 160 square feet for properties greater than three acres. Because the proposed

signage has a total face value of 198 square feet, the proposed sign exceeds these allowable dimensional limits for the property's parcel size (greater than three acres).

Evaluation of Hardships

Staff Comments in Bold

As stated in § 152.046 VARIANCES, when unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the Board of Adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - **Staff find that a desire for enhanced business visibility, branding, or an oversized display is a preference, not a legal hardship resulting from strict application of the zoning regulation.**
- Whether the hardship results from conditions that are peculiar to the applicant's property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - **Staff find that the physical characteristics of 1409 W. Corbett Avenue are common to standard commercial properties along the corridor, meaning any perceived limitation applies broadly to the neighborhood and general public rather than being an isolated physical defect of the land.**
- Whether the hardship is the result of the applicant's own action(s). The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
 - **Staff find that the necessity for a sign exceeding maximum permitted dimensions is driven by the applicant's own choices regarding branding, property layouts, or sign design, rather than unavoidable physical constraints imposed by the property itself.**
- The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured, and substantial justice is achieved.
 - **Staff find that the proposed sign would run counter to the purpose of the sign regulations, which are designed to control visual clutter, maintain equitable**

commercial standards, and preserve aesthetic harmony along public corridors. The proposed sign would fail to achieve "substantial justice" relative to neighboring commercial properties that are required to comply with the exact same dimensional limits.

- If any of those issues are not resolved as indicated herein, then the Board of Adjustment shall deny the requested variance.