

## STAFF REPORT

**DATE:** September 27, 2017

**TO:** Board of Adjustment

**FROM:** Zoning Administration  
Planning & Development  
Services Department

**ACTIVITY NO. T17SA00256**

**C10-17-15 GOLF LINKS AUTOMOTIVE / ADDISIGNS / 7970 EAST GOLF LINKS ROAD, C-2**

The applicant's property is an automotive garage on a .92 acre site near the southeast corner of Golf Links and Pantano Roads, zoned C-2. The applicable sign district for the site is the General Business District, under which the development meets the definition of a self-contained premises due to shared access with adjacent property. As shown on submitted plans, the proposal consists of renovating the existing monument sign structure to allow replacement of the 50 square foot static message sign cabinet with a new 50 square foot cabinet with installation of an electronic message display.

### **THE APPLICANT'S REQUEST TO THE BOARD**

The applicant is requesting the following variance:

1. Per Sign Code Chapter 3-77.C.5.b: Exceed the maximum sign area of 32 square feet for a freestanding sign cabinet at a self-contained premises; to allow 50 square feet total freestanding sign cabinet area.

### **APPLICABLE TUCSON SIGN CODE SECTIONS**

Chapter 3 Sign Code sections applicable to this proposal include, but are not limited to, Article XI and Article VI. Signs By District, Division 2 Nonresidential Districts, Section 3-77 General Business District, C. Permitted Signs, 5. Freestanding signs, all types. b. Strip Development.

### **GENERAL DEVELOPMENT INFORMATION**

#### **Zoning and Land Use**

**SITE: ZONED C-2; (automotive service)**

North: Zoned C-1; (retail and a vacant, platted residential subdivision across Golf Links Road)

South: Zoned C-2; (residential subdivision)

East: Zoned C-2; (restaurant)

West: Zoned C-2; (retail/fuel station)

**RELATED PLAN REVIEWS**

**Engineering**

The Engineering Section of Planning and Development Services Department has no objection/adverse comments.

**Fire Department**

No objection/adverse comments.

**Transportation Department**

No objection/adverse comments.

**RELATED CASES**

Sign permit application T17OT00614 was reviewed for this proposal.

**BOARD OF ADJUSTMENT FINDINGS**

Article XI, Chapter 3 Sign Code, Sec. 3-122. Findings required in granting variances.

The board of adjustment may grant a variance only if it finds:

A. That, because there are special circumstances applicable to the property, strict enforcement of this sign code would deprive the property of privileges enjoyed by other property in the same district;

B. That the variance will not result in a special privilege to one individual property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances;

C. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood;

D. That the need for a variance is not the result of special circumstances or conditions that were self-imposed or created by the owner or one in possession of the property;

E. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the sign code provisions in question; and

F. That because of physical circumstances or conditions, such as irregular shape, narrowness or shallowness of the lot, or exceptional topographic condition of the specific property, the property cannot reasonably be signed in conformity with the provisions of this sign code.

**SIGN CODE ADMINISTRATION CONSIDERATIONS**

Golf Links Automotive was built in 1998. The site consists of a single story building, setback 120' from Golf Links Road. The location is bordered to the north by Golf Links Road, and by private properties to the east, south and west. The property is zoned C-2 commercial, subject to the General Business District of the Sign Code. The site is not a "stand alone premises", but a "self-contained premises" per the General Business District due to shared vehicular access with adjacent property. The sign area allowance in this sign district is three square feet of sign area per each linear foot of street development frontage. The site has 200' of frontage along Golf Links Road.

The establishment has a total displayed sign area of 56 square feet: an awning sign at 6 square feet and a freestanding monument sign permitted at 50 square feet in July of 1998. Per current code, the maximum size of a freestanding sign for a self-contained premises is 32 square feet. Thus, the freestanding sign cabinet is nonconforming for sign area. It is a static message display with a height of 9'2", as taken from the parking lot surface south of the sign (at the business). Golf Links Road top of street curb is 3 feet lower than the grade of the parking lot.

**Discussion**

The focus of the request, as shown on submitted plans, is to renovate the existing monument sign structure to allow replacement of the sign with a new 50 square foot cabinet with installation of an electronic message display. Per Sign Code Section 3-96.C., except for reasonable repairs, alteration of a nonconforming sign is prohibited unless the sign is brought into conformance with current code. The applicant is unable to alter the static message, nonconforming sign cabinet to an electronic message center at the existing sign size, as it is not a reasonable repair and would not bring the sign into conformance with the allowed sign area. The applicant seeks a variance to allow a new monument sign cabinet at 50 square feet sign area for a self-contained premise in the General Business District. The sign support structure would be retained, with installation of a new sign cabinet.

Given physical circumstances of the site, with significant setbacks from the roadway of both the building (120 feet) and the sign (50 plus feet), the variance request to maintain a 50 square foot freestanding sign cabinet is not objectionable. Of further considerations is that a freestanding sign has existed at 50 square feet in cabinet size for nearly 20 years at the site, and is nonconforming due to current code requirements, not site changes. The proposal to renovate the sign support structure to install an electronic message center cabinet, as shown on the submitted plans, is not contrasting, given the business area, arterial roadway, and 200 foot distance of the sign away from future residential property lines across Golf Links Road. Further, electronic message center signage must abide by the Outdoor Lighting Code, including dimming during curfew times after sunset (until sunrise). Per Outdoor Lighting Code Section 501.6, the sign curfew for this location is when business activities cease at the end of the day, or 12:00 a.m.; the later time applies.

**NEIGHBORHOOD CONTACT (BY APPLICANT)**

See the neighborhood notification dated June 13, 2017 and meeting summary dated June 23, 2017.

**PLANNING & DEVELOPMENT SERVICES RECOMMENDATION**

Staff has no objection to the variance request to (maintain) a 50 square foot cabinet sign area for a freestanding sign at this property. Should the Board grant the variance request as presented in the application and as shown on the submitted plans, PDSD Staff requests the following conditions of approval:

- 1) The new freestanding sign cabinet area shall not exceed 50 square feet.
- 2) The height of the sign, from top of cabinet, shall not exceed 10 feet, as measured from the parking lot surface just south of the sign.
- 3) The new freestanding sign cabinet shall contain the only electronic message center sign on the premises.
- 4) The freestanding sign structure must be renovated in the approximate present location.
- 5) Any future signage on the south side of the site, directly adjacent to a residential neighborhood, shall: not be illuminated, each be less than 6 square feet in area, and a maximum of 7 feet in height if building mounted or a maximum of 3 feet in height if detached.

It is the opinion of staff that the variance, if granted, will not result in a special privilege to one individual property and the circumstances are such that the variance would be appropriate for any property owner facing similar circumstances.

Heather Thrall, Lead Planner  
for  
Russlyn Wells, Acting Zoning Administrator  
RW:ht:s/zoning administration/ba/1715 REVISED