

**STAFF DETERMINATIONS**

The Board of Adjustment shall make the following determinations prior to granting a variance:

- 1. That special conditions and circumstances exist which are peculiar to the land, the lot or something inherent in the land which causes the hardship, and which are not applicable to other lands in the same district;**

There are special circumstances that exist which are peculiar to the land. The existing use is an allowed use within the A-1 zone and the Highway Commercial (HC) zone. In 2017, the applicant chose to re-zone from R-150 to the A-1 zone in order to eliminate any potential conflicting future uses in the neighborhood. If the applicant had chosen the HC zone, a sign variance would not be required for the size or height of the proposed sign. These circumstances are peculiar to the property and are not applicable to other land in the same area or district.

- 2. That a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other tracts in the same district;**

Allowing the variance would give the applicant rights commonly enjoyed by other tracts in the same district. There has been one similar variance (2007) and there similar sized signs with the interstate corridor in the county. Most comply with the County zoning requirements for the commercial zoning where they are located. The Billings Nursery sign at 7900 S Frontage Rd (near Zoo Drive) is over 120 square feet per side and in the A-1 zoning district. This sign does not comply with the County zoning requirements. Denying the variance would deprive this applicant of rights commonly enjoyed by other property in the area.

- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other land in the same district;**

Granting this variance would not confer a special privilege to this applicant as similar sized signs exist throughout the interstate corridor and in similar neighborhoods. Granting the variance requested will not confer on the applicant a special privilege that is denied by this Chapter to other land in the same district.

- 4. That the granting of the variance will be in harmony with the general purpose and intent of this Chapter and with the Growth Policy;**

The variance is in harmony with the general purpose and intent of the zoning regulations and the growth policy.

- 5. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Chapter. Violation of such conditions and safeguards, when made a part of the terms upon which the variance is granted, shall be deemed a violation of this Chapter;**

Staff makes the following recommended conditions of approval:

1. The variance is to allow a free-standing sign of 240 square feet per side, with a maximum height of 40 feet with external illumination for the existing veterinary hospital on the property. No other variance is intended or implied.
2. The variance is limited to Lot 7A, Block 1, Kimble Subdivision, 3<sup>rd</sup> Filing, generally located at 2312 Kimble Dr.
3. The new sign will be built in substantial conformance with the submitted site plans. Minor deviations that do not create a violation of another zoning requirement are acceptable.
4. There will be no construction prior to 7 am or after 8 pm daily.

5. The sign will not be converted to an off-premise or billboard sign at any time. The sign may only advertise businesses, occupations, or activities that occur on the subject property.
6. The applicant will obtain a sign permit in accordance with the approved variance within 6 months of Board approval. Construction on the approved sign will begin within 4 months of sign permit approval and completed within 1 year of Board approval.
7. These conditions of variance approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, lease holders, heirs and assigns.

**6. The Board shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the time limit set shall void the variance; and**

Staff is recommending a sign permit be submitted within six months and construction on the sign be completed within one year.

**7. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Chapter in the district involved. A variance shall not be a grant of special privilege inconsistent with limitations placed upon other property in the district.**

Granting this variance will not approve a use that is not allowed in the A-1 zoning district. Signs of certain sizes and heights are allowed within the A-1 zone district.