

MEMORANDUM

TO: Cochise County Board of Adjustment
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: Docket VAR 23-03 (Chevron Sign), Application for a Variance
DATE: April 25, 2023, for the May 3, 2023, Meeting

Docket VAR 23-03 (Chevron Sign)

An applicant requests an increase in the allowable sign area for two commercial signs on an arterial roadway in GB zoning. The subject property is located at 1275 E Business Loop Bowie, AZ/APN 302-28-004 in unincorporated Cochise County. The applicant requests a variance to Section 1907.02 (Permitted Signs RU, GB, LI, and HI Districts) of the Zoning Regulations to increase the sign area on two existing ground signs. Specifically, the applicant requests increasing the sign area on one sign from 328 SF to 848.71 SF (sign A) and increasing the sign area on a second sign from 99.19 SF to 147.54 SF (sign B). The Applicant is Mr. Michael Everett from Texas Republic Signs. The granting of a variance is subject to approval from the Cochise County Board of Adjustment. If the Board approves the Docket, the Applicant must then obtain a building permit to construct any new structures or make modifications to any existing structures.

Figure 1: Request Location



Location
VAR 23-03 Chevron Sign



I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 6.35 Acres
Zoning: GB (General Business)
Growth Area: Category C
Plan Designation: Developing
Area Plan: None
Existing Uses: Convenience store and gas station with two ground-mounted signs
Proposed Uses: Same, with enlarged sign area on existing ground-mounted signs

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Business Loop Road, Undeveloped
South	RU-4	I-10 road, agricultural
East	R-36	I-10 road
West	R-36	Undeveloped

II. SITE HISTORY

A convenience store, and likely the 66’9” tall sign subject to this variance (sign A), was constructed in 1972, prior to the adoption of the Cochise County Zoning Regulations. Subsequently, a second 21’3” tall sign (sign B) was also installed along with roof signage on the convenience store. In 1993, all roof and ground-mounted signage were granted variances through dockets BA3-93-04 and BA3-93-07. Docket BA3-93-04 permitted the installation of a 120SF sign addition to Sign A, increasing the total allowable SF from the permitted 80 SF to 264 SF. Docket BA-93-07 permitted the excess height for both sign A and B. Essentially, following approvals of both variances, the intent was to legitimize all existing signage on APN 302-28-004. However, both signs ultimately exceeded the sign area of what was permitted by the 1993 variance dockets. The applicant reports Sign A is 66’9”, which is 1’9” higher than the approved 65’ tall sign approved by variance. The applicant reports Sign A is 328 SF in sign area which is 64 SF larger than the approved 264 SF. The applicant reports Sign B is 21’3”, is less than the approved 25’ in height but exceeds the allowable sign area of 80 SF by 19.19 SF, because it is 99.19 SF.

III. REQUEST DESCRIPTION

The Applicant requests to add additional sign panels to two existing ground-mounted signs. Both signs currently exceed the sign area allowed by either zoning or two previous variances. More specifically, the applicant requests 848.71 SF of sign area for sign A (5 new sign panels) and 147.54 SF of sign area for sign B (one new sign panel). All new sign panels would be installed on existing sign frames and there would be no associated height increases.

Figure 2: Site Plan

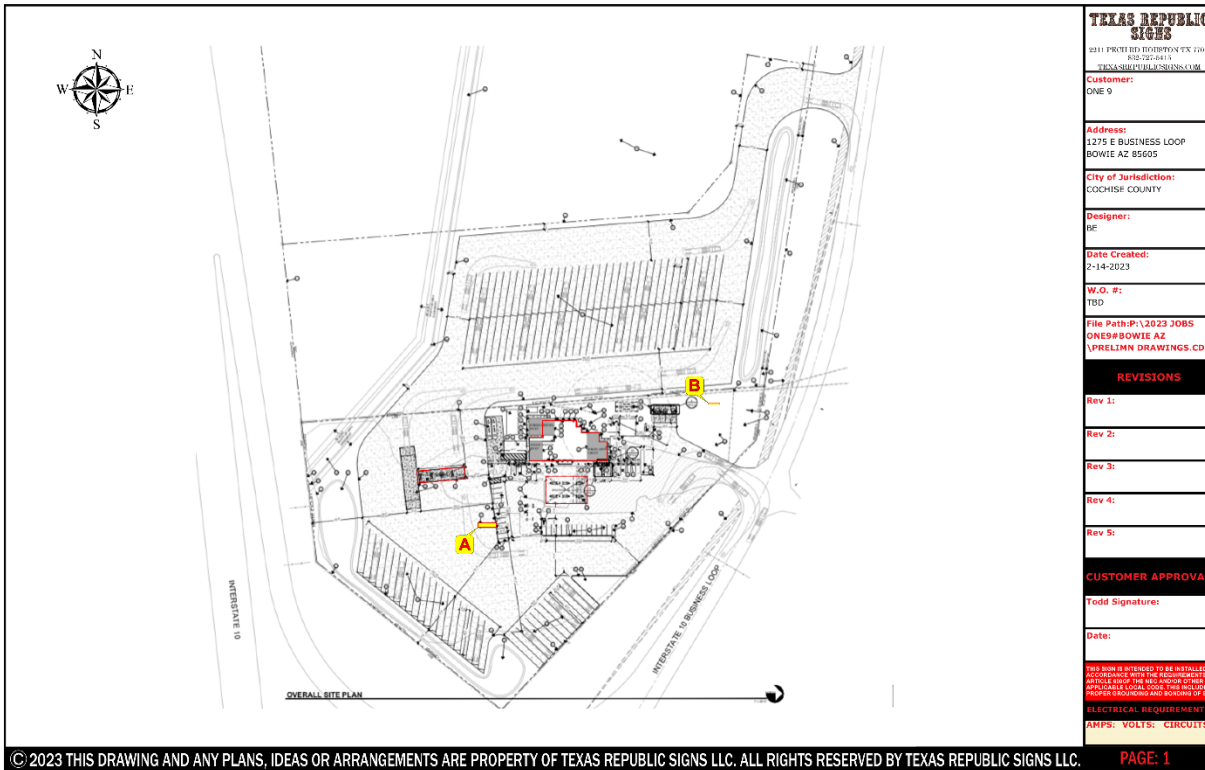


Figure 3: Sign A

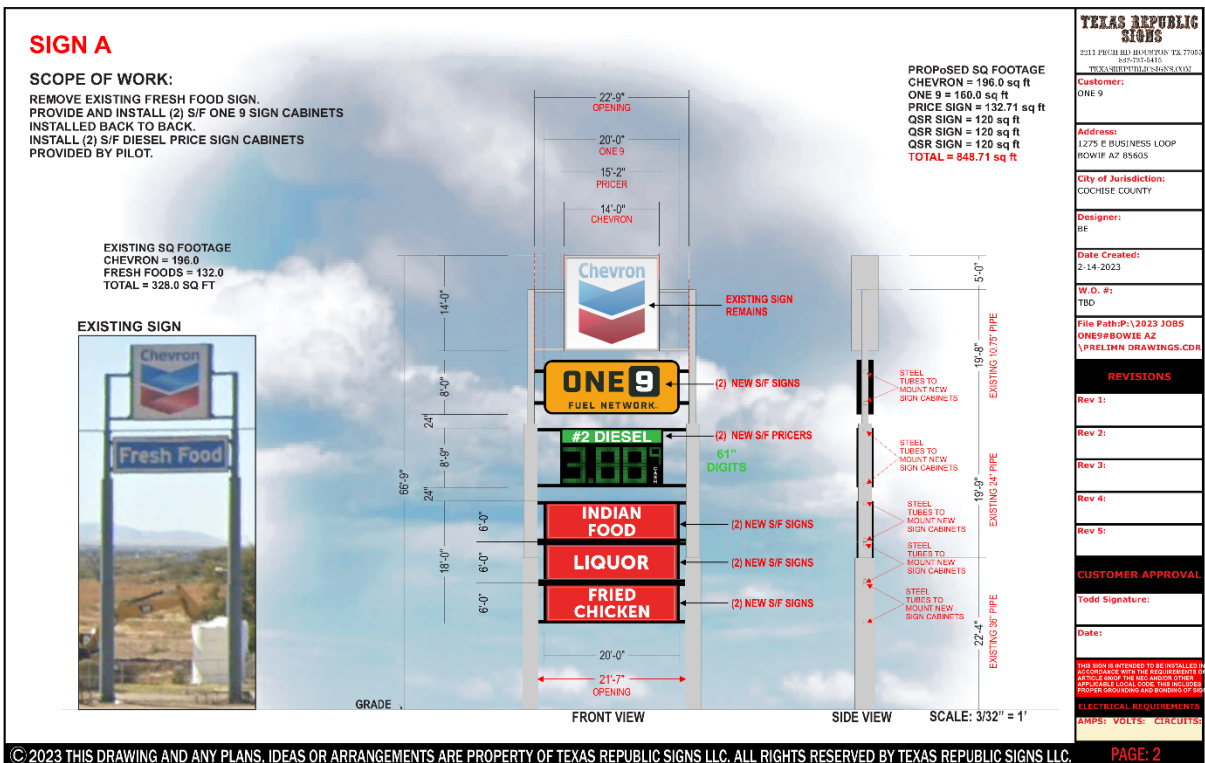
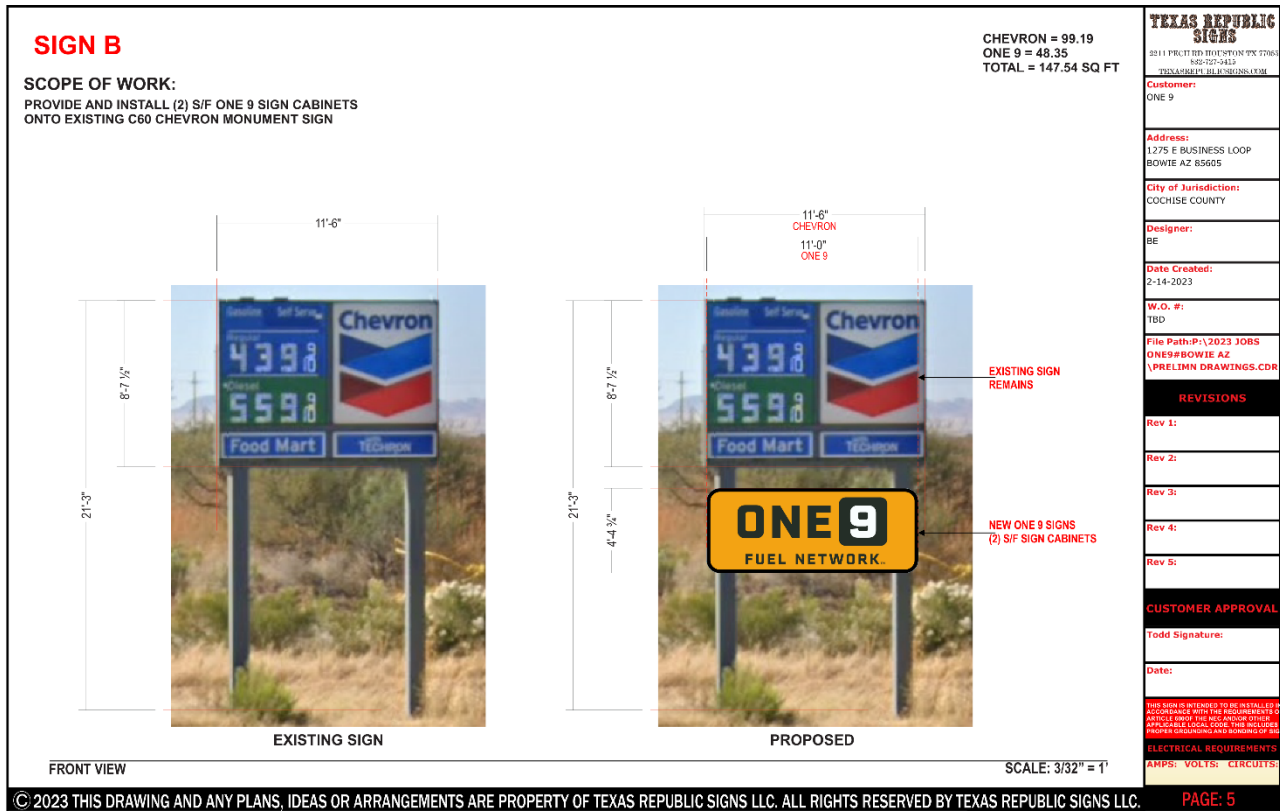


Figure 3: Sign B



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH VARIANCE FACTORS

Section 2102.02 of the Zoning Regulations provides a list of eight factors with which to evaluate variance applications. Staff uses these factors to help determine the suitability of a given variance request, whether to recommend approval for a variance, as well as to determine what conditions and/or modifications may be needed. With the information provided, eight (8) factors apply to this request. The project, as submitted, fully complies with six (6) of the factors. One factor partially complies, and it does not comply with one factor (minimum degree of relief).



SIGN "A"



SIGN "B"

1. There is an unnecessary hardship created by zoning regulations - Complies

The type of sign permitted, as well as its maximum area and height, depends on the zoning district and adjacent street classification. Parcels with General Business zoning along arterial roads are permitted to have ground signs one-square foot per lineal foot of street frontage where the sign faces, up to a maximum of 80 SF (per sign). A maximum height of 24 SF above grade is permitted. The "interstate roadway" category is not included in the Zoning Regulations. If it were, it would likely provide additional sign face area beyond what is allowed adjacent to arterial roads. In addition, if the applicant were allowed to follow the one-square foot per lineal foot of street frontage, without the 80 SF limitation, he would be permitted approximately 1,391 SF of sign area, which exceeds the 996.25 SF variance request.

2. There are peculiar site conditions present– Complies

This is a fairly unique parcel in Cochise County. It is a 6.35-acre, GB zoned, developed parcel. It was first developed prior to zoning and has changed ownership several times over the decades. It is surrounded on three sides by street frontage (I-10/Business Loop Road). The site is slightly lower than the surrounding roads. There are not many commercial parcels in unincorporated Cochise County adjacent to I-10. The majority of commercial parcels in Cochise County adjacent to I-10 fall under Benson or Willcox municipal sign regulations. Consequently, the Zoning Regulations may not adequately provide for the property owner's advertising needs. When comparing County sign regulations to the city of Willcox, the County is much more limiting, which puts business in the county along I-10 at a competitive disadvantage to those under the city's jurisdiction.

3. This is not a self-created hardship – Complies

Both signs are existing. The business, and at least one ground sign, were in place prior to the effective date of the Zoning Regulations. The applicant does not propose moving or elevating the signs. He does propose adding additional sign panels, lower on the existing structure.

4. This is the minimum to afford relief – Does Not Comply

The request to add six additional sign faces to existing ground signs, totaling 996.25 SF, which significantly exceeds what is allowed by the maximum area for two signs along an arterial road with GB zoning. By right, each sign area would be limited to 80 SF total.

5. This is a permitted use in Zoning Regulations – Complies

Each site is in GB zoning is permitted at least one ground or projecting Sign per street frontage, but not more than one per 300-lineal feet of street frontage. The parcel subject to this request has two existing ground signs and three street frontage. Both signs are at least 300’ apart on the site. The application is for an increase in the maximum area of ground signage. The use is permitted within the zoning district and will not change as a result of this request.

6. There is no adverse impact to surrounding property owners – Complies

The parcel is mostly surrounded by interstate roadway. The signage is directed towards street frontage. The large sign (sign A) is close to the center of the site, rather than the perimeter. Neither the height nor the location of the existing signs will change as a result of this request.



7. General harmony with the intent and purposes of the Zoning Regulations – Partially Complies

As stated in the purpose section of Article 19, Signs (1901.02), “Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, protecting scenic views and dark night skies, and preventing adverse impacts upon community appearance.” As stated in 1901.02, “These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and character of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views.”

The request is to allow a total of 1,176.71 SF of total ground sign area. The majority of the sign face will be allocated to the sign “A” (848.71 SF). This amount of signage could be considered excessive and bulky. However, overall, because of the isolated nature of the parcel and the fact the sign advertising is directed at the interstate, it can ultimately be considered appropriate.

8. No violation of state or federal law – Complies

The applicant will be required to obtain building permits if this variance is granted. No state or federal law shall be violated.

V. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 300-feet on April 3, 2023. Staff posted the property on April 14, 2023 and published a legal notice on April 7, 2022. To date, staff has received no response.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. This variance request is fully consistent six of the eight criteria used by staff to help determine the suitability of a given variance request.
2. The applicant proposes using existing sign structures, which are in place and were legitimized in 1993. He does not propose increasing the height or changing the location of signs.
3. The Zoning Regulations do not consider or provide additional allowances for signs directed towards an interstate, which can place similar parcels in the county at a competitive disadvantage with those under city jurisdiction.

Factors Against Approving the Variance

1. The request is not the minimum degree of relief possible (factor 4, section 2101.04).
2. The proposal is not in full compliance with the purpose statement of Article 19, which reads in part, "These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of sign...."

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **Conditional Approval** of the Variance as requested.

It is the applicant's responsibility to obtain any additional permits or meet any additional conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations. Compliance with site visibility and lighting must be preserved to the satisfaction of the county and will be verified during permitting.

Sample Motion: Mr. Chairman, I move to approve Docket VAR 23-03 (Chevron Sign), APN 302-28-004, granting the Variance as requested by the Applicant, with the Condition of Approval recommended by staff; the Factors in Favor of approval constituting the Findings of Fact.