



## Legislation Text

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**File #:** 20-0459, **Version:** 1

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**ZV 2020-02 - 03, Burlington at Pembroke Crossings, 11930 Pines Boulevard, variance request.**  
(Dean)

### **SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:**

Jeff Katims of Mellgren Planning Group, acting as agent for the owner, is requesting two (2) sign variances for Burlington @ Pembroke Crossing. Variance request #ZV 2020-02 is for a maximum of 66 inch high letters instead of the maximum allowed 48 inch high letters and Variance request #ZV 2020-03 is for a total of 184 square feet of signage, instead of the allowed maximum 120 square feet of signage at 11930 Pines Boulevard.

Burlington received approval for their façade changes (process #MSC 2019-18) by the Planning & Zoning Board on September 12, 2019. They are occupying the vacant space that was previously Babies 'R' Us.

### **VARIANCE REQUEST DETAILS:**

**ZV 2020-02)** To allow 66 inch high letters instead of the maximum allowed 48 inch high letters.

*Code Reference:* §155.324 PERMANENT SIGNS.

(C) Business Zoning Districts.

(1) Shopping center signs. A uniform sign plan shall be required by the city for all attached tenant wall signs within shopping centers. The uniform sign plan shall be submitted as both 8.5 inch by 11 inch hard copy and in electronic format.

Uniform sign plans shall:

(f) Uniform sign plans shall include the following standards and specifications:

1. Height (sign copy). Sign copy shall have a maximum of 48 inches;

**ZV 2020-03)** To allow 184 square feet of signage instead of the allowed maximum 120 square foot of signage.

*Code Reference:* §155.324 PERMANENT SIGNS.

(C) Business Zoning Districts.

(1) Shopping center signs. A uniform sign plan shall be required by the city for all attached tenant wall signs within shopping centers. The uniform sign plan shall be submitted as both 8.5 inch by 11 inch hard copy and in electronic format.

Uniform sign plans shall:

(f) Uniform sign plans shall include the following standards and specifications:

3. Tenants shall be allowed a maximum of 1.5 square feet per lineal foot of leased frontage, or 120 square feet whichever is less;

## **VARIANCE DETERMINATION**

The Planning and Zoning Board shall not grant any non-single-family variances, permits, or make any decision, finding, and determination unless it first determines that:

1. Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.
2. In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:
  - A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
  - B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
  - C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.