

**STAFF REPORT**  
**Board of Adjustment**  
**October 4, 2012**

**Case No. 13626:** Request of R & P Enterprises, LLC (d.b.a Jiffy Lube), for a Variance to permit an accessory sign exceeding the maximum height limit in the C-3 Community Commercial District, located at 7412 S. Pennsylvania Avenue.

**I. GENERAL INFORMATION**

**A. CASE HISTORY:**

This is a new application.

**B. EXISTING ZONING AND LAND USE:**

Subject site:	.28 acre/C-3/oil change facility
North:	C-3/bank
South:	C-3/restaurant
East:	C-3/vacant
West:	C-3/bank & retail

**C. ZONING ORDINANCE:**

Chapter 3, Section 102(c)(5)a concerns the 30 foot maximum height limit for an accessory sign.

**II. SUMMARY OF APPLICATION**

The applicant is proposing to replace an accessory sign on the subject site. The proposed sign would be 50 feet in height. In the C-3 District, the maximum permitted sign height is 30 feet.

**III. STATUTORY STANDARDS**

In order for a variance to be granted in accordance with State Statute requirements, the applicant must prove:

- (a) The application of the Ordinance to the particular piece of property would create an unnecessary hardship;
- (b) Such conditions are peculiar to the particular piece of property involved;
- (c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance or Comprehensive Plan; and
- (d) The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship.

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The applicant has submitted the following information to address the statutory standards:

Jiffy Lube's present sign is perpendicular to Pennsylvania and short enough that it is somewhat hidden by trees and cannot be seen from I-240 until one has passed the exit. If you knew it was there and you were looking for the sign; thence, greatly diminished visibility of our identifying sign.

Jiffy Lube is reimagining our signs and we would like to at this time install the new sign and change it to be perpendicular to I-240 at a height of 50 feet so our sign can be seen easily from I-240 in time for potential customers to exit the highway. Most of the businesses around us already enjoy this privilege.

**IV. COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

**V. DEVELOPMENT SERVICES DEPARTMENT REVIEW**

**Favorable Considerations**

**Unfavorable Considerations**

1. The proposed sign is almost twice the height allowed by the code.
2. The sign requirements of the C-3 District appear to be adequate for this location.

In order for this variance to be granted, the required statutory standards listed above must be satisfied, as determined by a majority vote of the Board from information provided in this staff report, and/or evidence presented at the hearing by the applicant, Board Members, or others, in support or protest of the application.