



ZBOA Agenda Item # 8

DECEMBER 5, 2017

Variance Request by Messiah Lutheran Church File #: APP-2017-07

Messiah Lutheran Church is requesting a variance to LDR Section 230-9(E)(6)(a) as it pertains to the location of variable message boards. The subject property consists of 1.99 acres and is located at 500 Baytree Road, which is at the NE corner of Baytree Road and McLeod Road. It is currently zoned R-10 and contains an existing church. The church is requesting a variance to allow a variable message board on a residentially zoned parcel.

In residentially zoned districts, institutional uses (such as churches and schools) are allowed monument signs that are no larger than 24 square feet and no taller than 6 feet in height.

Messiah Lutheran Church has a 37.44 square foot sign, consisting of a 15.6 square foot static panel and a 21.84 square foot changeable copy (manual) reader board. The sign is 8 feet in height, from the ground to the top of the sign (including the brick base). The sign is currently legal and nonconforming because it is larger than what is allowed under today's regulations. Because this a corner parcel, a secondary sign along the other street frontage could be allowed with a maximum size of 16 square feet and no taller than 6 feet in height. The church is requesting a variance to allow a variable message board on their R-10 zoned parcel; the variable message board will replace the manual reader board. Variable message boards are allowed only on C-C and C-H zoned parcels.

Between Baytree's terminus at N. Oak Street and Baytree's intersection at Jerry Jones/Melody Lane, there are three digital signs. One is on DR-10 zoned property, and is southeast of the church property. However, this property is owned by VSU, which is exempt from zoning regulations. The second is located at a gas station at the intersection of Jerry Jones/Melody Lane, which is zoned C-C. The third is located at a drive-through restaurant at the intersection of Jerry Jones/Melody Lane. There is a distinct difference between the two segments of Baytree. The portion where the church is located is predominantly residentially zoned and residentially oriented, where electronic signs are inappropriate. The portion of Baytree between McLeod and Jerry Jones/Melody Lane is more commercial in nature and in use, where electronic signage is more appropriate. Additionally, approximately half of the properties in this other segment of Baytree are zoned C-C, which DOES allow electronic message boards.

Variances are intended to give relief in situations beyond design's control. Staff understands the desire to update from a manual reader board to a variable message board. Variable message boards allow more versatility in the number of messages displayed and how frequently they are changed. However, variances are designed to provide an opportunity for relief in circumstances beyond design's control where it would be difficult if not impossible to meet the regulations. Staff reviewed the case and found no hardship to recommend approval of the request. However, if ZBOA is inclined to approve the variance as requested, staff recommends that this sign be the only sign on the parcel with no additional signage on McLeod Road.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and deny the request.