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MEMORANDUM

TO: Town of Belleair
Planning and Zoning Board
and
Mayor and Town Commission

FROM: David Healey, FAICP 
Calvin, Giordano & Associates

THROUGH: Micah Maxwell, ICMA - CM
Town Manager

SUBJECT: Application for Sign Variances
By Belleair Country Club, for and on
behalf of JMC Communities, Inc., Agent

DATE: September 6, 2016

Background

As part of the Belleview Place redevelopment project on the former Belleview Biltmore Hotel property, JMC Communities and the Belleair Country Club have proposed temporary on-premises sales/directional signage as a means of directing interested parties to their sales center.

These temporary sales/directional signs are in addition to the variances for permanent signs for the Country Club and JMC, Inc. considered by the Planning and Zoning Board on July 11, 2016 and approved by the Town Commission on July 19, 2016; and the temporary sign proposed on the Belleview Place property on this same agenda.

A series of three (3) temporary off-premise signs are proposed on Belleair Country Club property - each of which necessitates one or more variances from the strict application of the Town of Belleair Land Development Code pertaining to signs.

The three (3) signs proposed for the Belleview Place project to be located on the Belleair Country Club property are at Ft. Harrison Ave. and Belleview Blvd. (2 signs), and Alexander Rd. and Druid Rd. (1 sign) respectively.



A copy of the application and accompanying sign plan prepared by Phil Graham Landscape Architecture received on August 15, 2016 has been provided to the Planning and Zoning Board for your review and recommendation, and to the Town Commission for their determination and action.

Please see in particular the applicants' justification for the requested variances in response to Item 7. on the Town's application form.

Summary Description of Requested Variances

A summary outline of each proposed sign and the nature of the variance requested is set forth below:

Temporary Signs #1 and 2 - Are proposed to be located at the northwest corner of Ft. Harrison Ave. and Belleview Blvd. (Parcel No. 21-29-15-06480-000-0100) on property zoned RPD, Residential Planned Development, to permit two (2) temporary off-premise signs for Belleview Place, with each of the two signs located adjacent to the existing Belleair Country Club sign.

The proposed sign structures are to consist of painted white PVC posts measuring 6 feet in height, plus a decorative cap, with each sign measuring 20 square feet. The sign structure and each sign face comply with the Town's sign regulations for sign size and height in the RPD district.

The proposed setbacks are eight (8) feet from the right-of-way for South Ft. Harrison Ave. and Belleview Blvd. respectively; whereas a ten (10) feet setback is required in each instance.

The variances required for each of these two signs are as follows:

- A variance to Chapter 74, Section 74-572 (b) which states in part "Temporary off-premise signs for the purpose of providing direction or advertising a sale or event are prohibited."
- A variance to Chapter 74, Section 74-572 (c) which states that "Temporary signs and support structures are to be posted not less than ten (10) feet from the edge of a street and shall not be posted on or over a public right-of-way or easement."

In summary the request for Temporary Signs #1 and 2 are to allow two (2) temporary off-premise signs not otherwise permitted, and to allow an eight (8) feet setback from each of the two rights-of-way where ten (10) feet is required - variances of two (2) feet for each sign.

The variance for Temporary Signs #1 and 2 is proposed "during the selling phase of the new Belleview Place community".



Temporary Sign #3 - Is proposed to be located at Alexander Rd. and Druid Rd. (Parcel No. 21-29-15-06462-075-0100) on property zoned R-1, Single Family Residential, to permit one (1) additional temporary off-premise sign in an R-1 zoning district for Belleview Place adjacent to the existing Country Club sign.

Temporary Sign #3 is identical in size, height and design to signs #1 and 2.

The variances required for Temporary Sign #3 are as follows:

- A variance from Chapter 74, Section 74-572 (b) that prohibits temporary off-premise signs;
- A variance from Chapter 74, Section 74-572 (c) to allow a setback from the right-of-way of Druid Road of 0.5 ft. and from Alexander Rd. of 8.3 ft., where ten (10) feet is required in each instance;
- A variance from Chapter 74, Section 74-572 (e) (1) which limits the size and height of signs in the R-1 district "on which a one-family or two-family residence is located"¹ "to five (5) square feet in size and four (4) feet in height", to allow a sign of twenty (20) square feet and six (6) feet in height.

In summary, Temporary Sign #3 requires variances to (1) allow for the off-premise temporary sign; (2) to allow less than the (10) feet required setback from each of the two rights-of-way; and (3) to allow for a size and height greater than otherwise permitted in the R-1 zoning district (See footnote 1).

The time period requested for this third temporary off-premise sales/directional signs is to allow such sign to be placed "during the selling phase of the new Belleview Place community".

Applicable Criteria and Related Considerations

The process and criteria for consideration of the requested variances is governed by Article V, Variances, Nonconformities and Hardship Relief, Section 66-251 and 66-253. 7

Section 66-251, Purpose of Division, states that *"The purpose of this division is to provide mechanisms for obtaining relief from the provisions of this land development code where hardship would otherwise occur."*

Section 66-253, Variances, grants authority to the Town Commission, *"Where there are practical difficulties or unnecessary hardships incurred in the literal enforcement of the provisions of this land development code, the town commission shall have the power in specific and appropriate cases, and after due notice and a public hearing, to grant upon petition such variance from or exception to the terms of this Code as may not be contrary to the public interest and in order that substantial justice may be done.."*

¹ Note: It is noted that this language which applies to the R-1 district appears to limit its applicability to properties on which a residence is located. Since there is no residence on the property in question, this subsection may not be applicable.



The criteria for granting variances are included in Section 66-253 (b) 1. - 6. as follows:

(b) *Criteria for granting; conditional approval; expiration of approval.*

(1) *Initial determination.*

a. *Before granting any variance, the town commission shall determine that:*

1. *Special conditions and circumstances exist which are peculiar to the land, structure or buildings involved.*
2. *The special conditions and circumstances do not result from actions of the applicant.*
3. *Literal interpretation of the provisions of this Code would work unnecessary and undue hardship on the applicant.*
4. *The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, structure or building.*
5. *A grant of variance will be in harmony with the general intent and purpose of this Code, and that such variance will not be injurious to the zoning district involved or otherwise detrimental to the public interest.*
6. *A grant of variance will not result in any land use not specifically provided for in the schedule of district regulations (section 74-82 of this Code) for the zoning district in which the property is located.*

It is the applicant's responsibility to establish that the application for variance(s) addresses and satisfies the applicable criteria.



Summary

The Planning and Zoning Board's role is to assess the relative merits and eligibility of the requested variances in relationship to the requirements of the Code and provide an advisory recommendation to the Town Commission. It is ultimately the Town Commission's purview to weigh the application against the requisite criteria and make a finding and determination with respect thereto.

The Commission may approve, deny, or approve with conditions, the request for variance(s).

The guiding principles for the Commission in rendering its decision are found in the purpose statement for variances identified above that gives the Town Commission the power to grant variances *..where there are practical difficulties or unnecessary hardships incurred in the literal enforcement of the Code.....that are not contrary to the public interest and in order that substantial justice maybe done.....*

Among the considerations to be evaluated by the Board and Commission relative to the justification for temporary off-premise sales/directional signage, in relationship to the specified criteria, are the following:

- **The special conditions or circumstances that warrant such signs;**
- **The number of proposed signs;**
- **The size of the sign in the R-1 district if the more restrictive size limitation in the R-1 district is determined applicable;**
- **The location of the sign relative to their setbacks; and**
- **The time period applicable to the signs.**