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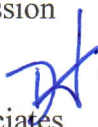
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MEMORANDUM

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
on behalf of JMC Communities, Inc.
for Belleair Place

DATE: September 6, 2016

Background

As part of the Belleview Place redevelopment project on the former Belleview Biltmore Hotel property, JMC Communities has proposed additional temporary on-premise sales/directional signage as a means of directing interested parties to their sales center.

This temporary sales/directional sign is 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 off-premise temporary signs also being considered at this hearing for JMC on the Belleair Country Club property.

This proposed sign is to be located on the Belleview Place property at the property entrance on Belleview Boulevard.

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 variance in response to Item 7. on the Town's application form.



Summary Description of Requested Variance

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

Temporary Sign #4 - Is proposed to be located at the entrance to the Belleview Place and Inn project (Parcel No. 21-29-15-06480-000-0301) on property zoned PMU, Planned Mixed Use, to permit one (1) additional temporary on-premises sign for Belleview Place.

The proposed sign structure is to consist of painted white PVC posts measuring 6 feet in height, plus a decorative cap, with a sign face measuring 20 square feet in area.

While the standard requirements for an on-premises temporary sign would allow a sign 6 feet in height and 20 square feet in area, since this is an additional sign, the sign is allowed subject to the reduced size and height provisions in Section 74-572 (e) as noted below.

The proposed setback is five (5) feet from the right-of-way to the entrance of the project for Belleview Blvd.; whereas a ten (10) feet setback is required.

The variances required for this sign are as follows:

- A variance to Chapter 74, Section 74-572 (e) which allows for one additional on-premises temporary sign, limited to five (5) square feet in area and four (4) feet in height
- 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 Sign #4 is to allow an additional temporary on-premises sign of 20 square feet, 6 feet in height, where 5 square feet in area and 4 feet in height are permitted - a variance of 15 square feet in area and 2 feet in height; and to allow a 5 feet setback as opposed to the 10 feet required - a variance of 5 feet.

The variance for Temporary Sign #4 is proposed to "remain in this location until the completion of sales or January 1, 2021 whichever shall first occur".



Applicable Criteria and Related Considerations

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

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.."*

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 an additional temporary on-premises sales/directional signage, in relationship to the specified criteria, are the following:

- **The proposed size and height of the sign;**
- **The location of the sign relative to its setback; and**
- **The time period applicable to the sign**