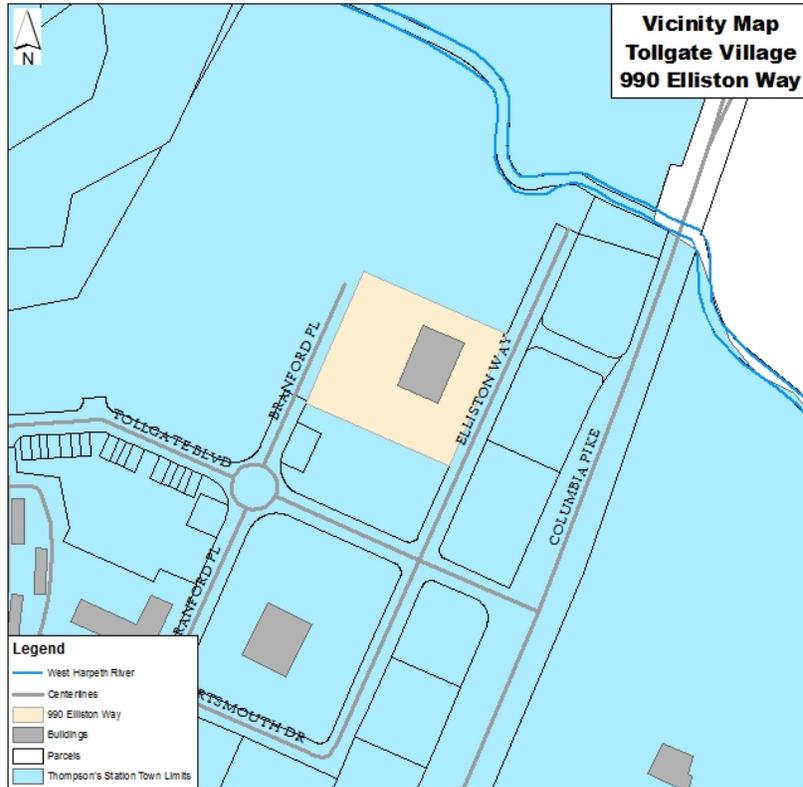


**Thompson's Station Board of Zoning Appeals  
Staff Report - Item 1 (BZA 2020-002)  
November 4, 2020**

**Request for approval of a sign variance to permit a 47.5 square foot wall sign on the building located at 990 Elliston Way.**

**PROJECT DESCRIPTION**

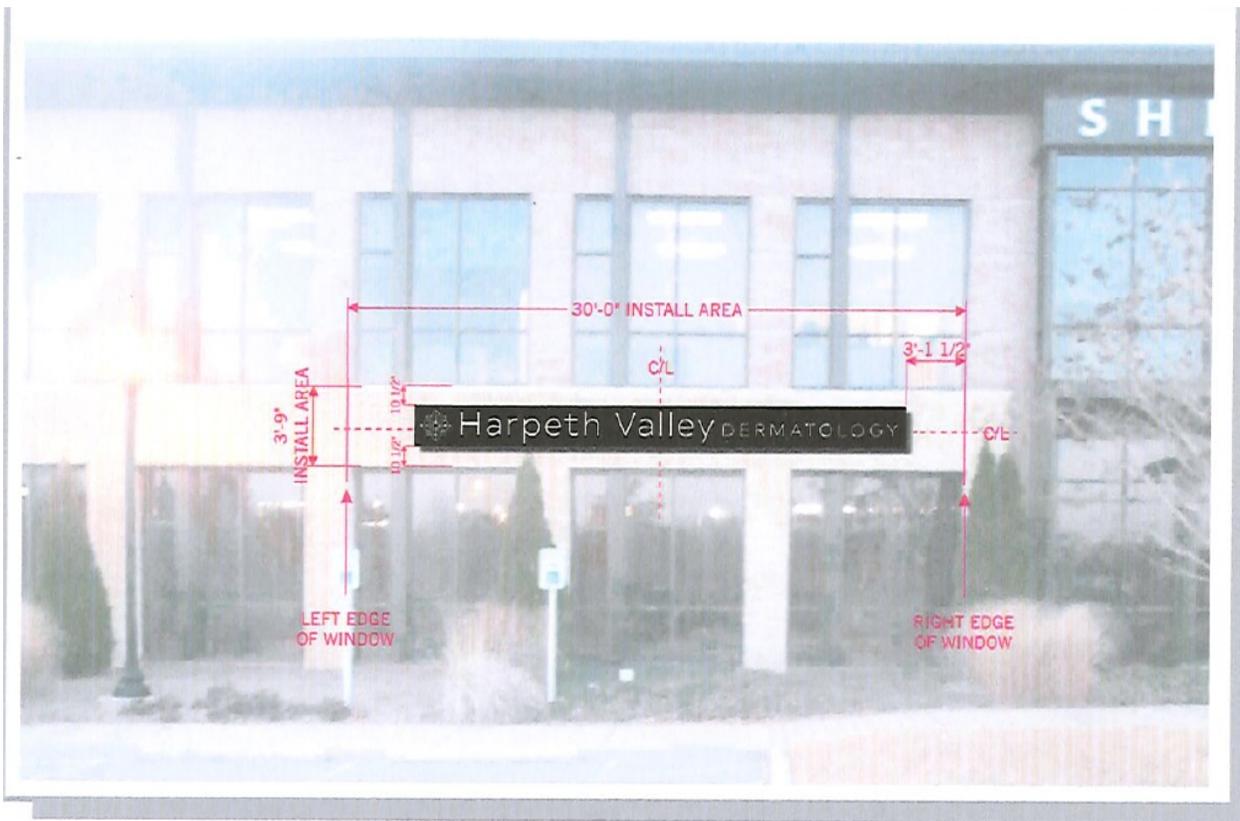
The appellant, Harpeth Valley Dermatology is requesting approval of a sign variance to install a wall sign with a total of 47.5 square feet. The project site is located at 990 Elliston Way.



**ANALYSIS**

*Project Site*

The dermatologist office is located in the Shelter Insurance building in the commercial section of Tollgate Village and is zoned Neighborhood Commercial (NC). The building has an existing wall sign on site that utilizes all available wall signage per the LDO. The site has other tenants that do not have additional wall signs. The sign plan submitted for the variance request is included on the next page.



**Variance**

A variance is a request to deviate from the strict adherence to the standards in the Land Development Ordinance (LDO). In this request, the sign variance is to deviate from the wall sign standards within the LDO.

Table 4.26 establishes the signage standards for the Neighborhood Commercial (NC) zone. Wall signs are permitted with 1 per frontage, with a maximum sign area of 1.5 square feet per 1 linear foot of the building and the maximum sign copy 24 inches / 36 inches for more than one line of copy.

**Table 4.26 GENERAL USE DISTRICT SIGN RESTRICTIONS**

SIGN TYPE	NC	CC	IL	IM	NUMBER	MAX. SIGN AREA	MAX. COPY HEIGHT
Wall	P	P	P	P	1 per frontage	1.5 s.f. per 1 linear ft.	24 in. / 36 in. for more than one line of copy

**Standards for Variances by the BZA**

The LDO in Section 5.5.5(i)(iii) establishes the specific criteria that must be fully satisfied prior to the BZA granting a variance from the Zoning regulations within the LDO. The appellant has provided a justification letter with their explanation. Staff has cut in the appellant response in blue

text and provided staff's analysis related to each in orange text. The BZA should review the appellant's justification letter in full in addition to the information provided below.

Per the LDO: *The BZA shall not grant a variance, except where special circumstances or conditions fully described in the findings of the BZA, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the BZA shall ascertain that the following criteria are met:*

*1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.*

**Appellant Response:** The physical surroundings provide a visibility hardship for our business given that we are over 350 feet away from Columbia Pike. Additionally, we are located next to a construction site at the corner of Tollgate Blvd and Elliston Way that further obstructs visibility due to the presence of construction vehicles and machinery. Many of our patients are elderly and have to undergo skin cancer surgery at our clinic and thus do not need the additional burden, stress, and confusion of not finding our office on the day of their treatment.

**Staff response:** The appellant has not established any evidence that the physical conditions of the lot create any undue hardship as opposed to a mere inconvenience. Site distance from a main thoroughfare and temporary construction activity do not meet this threshold. Each of these claims would be generally applicable throughout the Town and would create a precedent for allowing variance requests that do not meet the true qualifications under the LDO and the TCA.

*2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.*

**Appellant Response:** Our request is not applicable to the other businesses within our building as the pediatric office has been present for several years and has no interest in additional signage and the dentist office is located in the rear of the building. However, the presence of the Shelter Insurance sign on the building provides additional confusion to our patients looking for their dermatology clinic and thus an additional wall sign would alleviate this confusion.

**Staff Response:** Each of these claims would be generally applicable throughout the Town and would create a precedent for allowing variance requests that do not meet the true qualifications under the LDO and the Tennessee Code Annotated.

*3. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land structures, or buildings in the same district.*

**Appellant Response:** Our request in variance does not provide us with any special privilege as it pertains to other nearby buildings as I am sure the newly constructed spaces leased to future businesses off of Tollgate Blvd and Elliston Way will have the opportunity to identify themselves with a sign.

**Staff Response:** Granting this variance would confer a special privilege onto this business that is not available to others throughout the Town.

4. *The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.*

**Appellant Response:** Our request for a variance is minimal when considering that a wall sign identical to the style of the existing "Shelter Insurance" sign would be aesthetically pleasing. However, if we were to pick an alternative sign (ie Canopy, Awning, or Window Sign) as to not impose a variance and abide by the zoning regulations, this alternative would certainly be less aesthetically pleasing.

**Staff Response:** No evidence offered as to if this is the minim variance and no evidence of any true hardship. The appellant has use of the land, building, and structure without a sign variance.

5. *That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.*

**Appellant Response:** An additional Wall sign would pose no detriment to public welfare and would instead be an asset for the community of patients we treat in Thompson's Station and beyond by easing visibility.

**Staff Response:** While the wall sign may not be detrimental to the public welfare, as the appellant claims, it would substantially impair the intent and purpose of the Zoning District and of the general provisions of the LDO. Section 1.2.10 of the LDO states the intent for signs throughout Town:

**1.2.10 Signs**

- a. That signs provide property owners and occupants an opportunity for effective identification and identification of goods sold or produced or services rendered.
- b. That signs reflect the character of their zoning districts.
- c. That signs maintain or improve the aesthetic character of their context, and that they not distract motorists or demand excessive attention.
- d. That signs protect pedestrians and motorists from injury and property damage wholly or partially caused by cluttered, distracting, poorly constructed, or poorly maintained signs.

Granting this variance would impair the clear intent of the LDO for signs.

6. *That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.*

**Appellant Response:** Our sign would not impair any adjacent property given that the nearest adjacent building is over a hundred feet away. Our office location is off of main roads such as Columbia Pike and Tollgate Blvd thus there should be no increase in public street congestion nor will we pose any additional danger to the public by adding an additional wall sign.

**Staff Response:** The proposed sign variance will not result in any impairment as identified in this finding.

*7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.*

**Appellant Response:** This hardship has not knowingly and intentionally been created by any person having interest in the property.

**Staff Response:** The hardship is self-created since this sign variance is requested with no other identified hardships or practical difficulties.

#### RECOMMENDATION

Staff recommends that the Board of Zoning Appeals disapprove the request for the sign variance, since it does not meet the statutory thresholds for granting of a variance and would set a precedent for other properties in Town.

#### ATTACHMENTS

Application, Sign Plan, and Justification Letter