



**Board of Adjustment
Zoning Variance
Staff Report & Findings**

TO: City of Asheville Board of Adjustment
FROM: Shannon Tuch, RLA
Zoning Administrator

DATE: April 25, 2016

PREPARED BY: Janice Williams
Development Review Specialist

SITE INFO: Tax Description (PIN#): 9655-25-0866
Street Address: 1856 Hendersonville Rd
Zoning: Commercial Industrial (CI)
Property Owner: Skyland Town Center Investors LLC

Summary Statement:

The petitioner, Mark Browning with Masstar Sign, is requesting a variance to Section 7-13-4(c)b(2)b (*On-Premise signs: Multiple Tenant Identification*) of the UDO in order to increase the size of the existing attached "Earth Fare" wall sign an additional 88 square feet for a total of 275 square feet for the existing multi-tenant building.

Variance Request(s):

Freestanding sign area	UDO Max. Allowance	Applicant Request	Variance
Commercial Industrial	200 sq. ft. (multi-tenant)	275 sq. ft.	138%

Background:

The UDO regulates the number, size, height and setbacks for on-premise signs based on the zoning classification of each parcel and whether the development is a single tenant or multiple tenant development. Specifically, the Sec. 7-13-4(c)b(2)b of the UDO states:

On-Premise signs: Multiple Tenant Identification signs are allowed for each exterior public business entrance. The total allowable sign area for the building frontage shall be 25 square feet or one square foot per one linear foot of the said building frontage, whichever is greater, but in no event shall the area be greater than the maximum square footage per face for a development or joint identification sign in the zoning district where the business is located.

The Earth Fare Store is the primary tenant in an existing multi-tenant development center. The UDO defines a multi-tenant identification as:

Identification sign means a sign used to identify, indicate or advertise the name, logo or other identifying symbol of a building, business, profession, institution, service, or entertainment conducted on the lot upon which the sign is located

Review, Analysis & Considerations:

- The subject property is zoned Commercial Industrial (CI) and is bounded by Community Business II to the north and Highway Business zoned properties to the west and south which support other commercial and retail uses. The property to the east is zoned CI-Conditional Zoned which supports a large multi-family apartment development.
- The parcel is 6.2 acres and supports a 55,807 square foot multi-tenant building and large parking field.

- The property is accessed primarily through two well-marked entrances off of Hendersonville Rd. A secondary access point connects to the apartment development to the east.
- The building sits approximately 200-feet from the edge of pavement of Hendersonville Rd. and enjoys good and clear visibility from the road corridor.
- The size, character, shape, layout and use of the subject property is typical of the commercial properties in the area.
- Earth Fare recently installed a new compliant internally illuminated wall sign at 187.11 square feet.
- The existing free-standing multi-tenant sign was recently changed to a 199.85 square foot LED sign and is 25 feet tall and has very good visibility from Hendersonville Rd. Earth Fare is listed at the top with the majority of the sign devoted to this tenant.
- Property and shopping center were developed and constructed in 1996 where a change in tenants has resulted in updated and compliant signage.

Driving Directions:

From downtown, head northwest on Court Plaza toward College St. Follow College St. to S. Charlotte St. Turn right onto S. Charlotte St. Turn left onto Biltmore Ave. and continue along as Biltmore Ave, turns into Hendersonville Rd. 1856 Hendersonville Rd. is located on the left (east) side of Hendersonville Rd.

FINDINGS:

In order for the Board of Adjustment to grant this variance request, the following findings of fact must be made:

- 1) Unnecessary hardship would result from the strict application of the ordinance.
- 2) The hardship results from the conditions that are peculiar to the property, such as location, size, or topography.
- 3) The hardship did not result from actions taken by the applicant or the property owner.
- 4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Attachments:

Exhibit A – Aerial Map

Exhibit B – Existing Sign Photos

Date Petition Filed: March 22, 2016

Date Reviewed by Board of Adjustment: April 25th, 2016