



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

TO: City of Asheville Board of Adjustment **DATE:** January 8, 2016
FROM: Shannon Tuch, RLA
Zoning Administrator
PREPARED BY: Ricky L Hurley, AICP
Plans Review Coordinator
SITE INFO: Tax Description (PIN#): 9658-70-2812-00000 & 9658-71-9278-00000
Street Address: 800 Fairview Road
Zoning: RB (Regional Business)
Property Owner: Horne-River Ridge II

Summary Statement:

The petitioners, Horne-River Ridge II, are requesting a variance to Section 7-13-4(c)b(1)b *On-Premise signs: Multiple Tenant Development* of the UDO in order to allow the construction of a single 348 square foot, freestanding, multi-tenant sign for the River Ridge Market Place shopping plaza. Unified Development Ordinance (UDO) Section 7-13-4(c)b(1)b *On-Premise signs: Multiple Tenant Development* limits the maximum sign area for a multiple tenant development within the Regional Business zoning classification to two 200 square feet in area and 25 feet tall.

Variance Request(s):

Freestanding sign area	UDO Max. Allowance	Applicant Request	Variance
Regional Business	200 sq. ft.	348 sq. ft.	174%

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 of the UDO states:

For a multiple tenant development, the development itself is allowed one identification sign, either freestanding (maximum of two faces per sign), or attached for each property boundary with street frontage with a maximum of two identification signs allowed per development. All other permitted tenant identification signs as allowed in subsection 7-13-4(c)(b)2 must be attached to the building(s).

The River Ridge Market Place is comprised of two separate parcels with two separate multi-tenant buildings. Normally, a single retail development is limited to one sign, however, the two halves of the development operate somewhat independently of each other and can be considered separate developments. The UDO defines multiple tenant development as:

Multiple tenant development means a development in which there exists a number of individual and separate occupiable spaces in in which there are appurtenant shared ancillary facilities (such as parking area or pedestrian mall areas) with each space having a separate and operable public entrance opening onto or leading to the area of shared facilities.

As a result, the property is eligible to two separate multi-tenant signs. The petitioner is seeking to combine these two allowances into a single sign structure but reduce the total square footage of area to 348 square feet.

The subject property and associated plat were recorded on October 4, 1984 in Plat Book 50, Page 148.

Review, Analysis & Considerations:

- The subject property is zoned RB (Regional Business) and is bounded by Regional Business zoned properties on the northwest and east. Oakley Plaza to the southeast of subject property is zoned Commercial-Industrial (CI) with RM-16 (Residential Multifamily-High Density) adjacent to the north.
- Interstate I-240 abuts the subject property to the west and south.
- Parcel 1 (eastern half of the development) is 15.58 acres and supports a 134,900 square foot multi-tenant building; Parcel 2 (western half) is 12.38 acres and supports a 68,912 square foot multi-tenant building.
- The two halves of the development share a common driveway entrance accessed from Fairview Road. Secondary access is provided from Bleachery Boulevard via River Ford Parkway along the western boundary of the property.
- McDonald's was granted two sign variances on April 16, 1984 to allow for one off premise freestanding sign as well as an additional roof and wall sign.
- McDonald's and Kentucky Fried Chicken were issued separate sign permits as single-tenant developments independent of the retail center.
- The existing free-standing multi-tenant sign is 192 square feet and 26 feet tall and has very good visibility from Fairview Rd.
- Each property is allowed a one 200 square foot freestanding sign, for a total of 400 square feet of sign area allowed if both were installed.
- Property and shopping center were developed and constructed in 1984 as a destination retail center.

Driving Directions:

From downtown, proceed east on I-240 East and exit at Fairview Road. Turn left onto Fairview Road, crossing over I-240, subject property is on the left at next traffic light.

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.

Date Petition Filed: December 21, 2015

Date Reviewed by Board of Adjustment: January 25, 2016