

Revised

PZBA12-00009

5631 Dyer Street

Walmart Real Estate

Applicant requests a Variance under Section 2.16.030 from Section 20.18.450 B., On-premise sign regulations.

The request is for a Variance from the sign regulations in the El Paso City Code, Section 20.18.450 B., On-premise signs, pole sign, C-4 zone district, primary sign with arterial frontage.

This would permit a pole sign with a height greater than the permitted 25 feet for a primary pole sign on a major arterial.

BACKGROUND

The applicant is requesting the Variance for a pole sign higher than 25 feet, with a sign area of 95 square feet, for their new Walmart store. The applicant's representative has been contacted to provide an elevation drawing that shows the requested sign height and also to explain the unnecessary hardship, by reason of topography of land or odd shaped lot. The applicant's response is that they are requesting a 45 feet high sign.

STAFF RECOMMENDATION

Staff recommends denial of the Variance request as there are no special conditions, neither topographic nor odd shape of the lot, existing on the subject property.

The Zoning Board of Adjustment is empowered under Section 2.16.030 to:

"Authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done."

The following questions should be carefully considered in order to grant a variance:

1. Is the variance consistent with public interest?
2. Is the need for the variance due to special conditions?
3. Would a literal enforcement of the ordinance create an unnecessary hardship?
4. Would the spirit of the ordinance be observed and substantial justice done if the variance is approved?

Definition of Unnecessary Hardship, Section 20.02.1128

"Unnecessary hardship" means a hardship by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Unnecessary hardship shall not include personal or financial hardship or any other hardship that is self-imposed.