

**BOARD OF ADJUSTMENT
MINUTES
June 3, 2021 @ 5:00 p.m.**

The Board of Adjustment held a special called virtual meeting on Thursday June 3, 2021 at 5:00 p.m.

Members Present

Chairman Blake Tarpley
Vice-Chairman Don Jacimore
Paul Gray

Members Absent

Secretary Justin Cothren
Wendell Miller

Visitors Present: Mayor Richard Harris, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, and City Engineering Tech Armando Diaz.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Board of Adjustment May 6, 2021.

Member Jacimore made the motion to approve the minutes as written. The motion was seconded by Member Gray and passed unanimously.

The Second Order of Business is a Variance from Article 3.6.1 to allow an 8' fence despite the 6' height limit, located at 206 Wisteria Court. Submitted by Mark Wright. (VARI-0521-000082) Application was withdrawn by applicant.

Member Jacimore made the motion to withdraw the application. The motion was seconded by Member Gray and passed unanimously.

The Third Order of Business is a Variance from Article 5, to allow an additional 200 square feet of signage located at 2109 W Main Street. Submitted by Harrison French and Associates on behalf of Walmart. (VARI-0521-000086)

Planner I Marchant said this application is to allow the replacement of the façade signage at the Walmart neighborhood market located at 2109 West Main Street. They are varying from the square footage by approximately 200 square feet. It is located within the West Main District. It is an existing Walmart neighborhood market surrounded by a variety of uses including a massage parlor, medical offices, a church, and residential homes. This application is to allow for the replacement of that façade signage, which will exceed the maximum allotment for sign square footage. They are proposing a total square footage of approximately 400 square feet, where the

maximum shall not exceed 200 square feet. In Article 9.3.2 the Board of Adjustment has been given specific guidelines in order to grant a variance. 1. Applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands. Staff was unable to find that special conditions or circumstances exist. Precedence has been set for sign variances which allow a greater square footage of signage than can be permitted in two instances: A. When a business is first being constructed (when such business has illustrated special conditions exist); and B. When the applicant is reducing the overall square footage and coming closer into compliance. No precedence currently exists which has allowed a sign variance to go further out of compliance. However, the proposed signage is not extravagant in nature, extraordinary in general size, there is not an excessive number of signs, and they are decreasing from 6 signs to 4. 2. Non-conforming uses in the area shall not be considered grounds for granting a variance. No other non-conforming uses in the area were considered as grounds for granting this variance. 3. The application demonstrates reasons that justify a variance and the variance is the minimum to make reasonable use of the land. The granting of the variance is the minimum variance allowing reasonable use of land. 4. Make a finding that granting the variance will be in harmony with the general purpose and intent of the zoning code. The granting of this variance is in harmony with the purpose and intent of the code. 5. The board of Adjustment may prescribe appropriate conditions and safeguards. There are no additional safeguards required. 6. The Board of Adjustment may not grant a variance to allow a use not permissible in the zone code. The proposed use is in conformance with the Table of Permitted Uses.

Staff recommends denial of this application to allow approximately 400 square feet of signage on the front of this building however staff would support an approval to retain the existing square footage allotment of 316.41 square feet on this frontage as a result of the findings below:

1. No special conditions were found
2. There is currently no precedence for increasing a signage square footage which is already over the total square footage allotment making the signage further out of compliance.

Member Tarpley clarified that the applicant was over 200 square feet but they're currently at 316 square feet. Planner I Marchant confirmed the applicant was currently at 316 square feet and was proposing to go to 400 square feet.

Member Jacimore asked if the square footage of the signage was based off the square footage of the building. Planner I Marchant stated signage on the façade is permitted at one sign not exceeding two square feet for each one linear foot of building face. However there is a 200 foot maximum limit set on that façade signage.

Member Jacimore asked what was done on the East Main Walmart signage at the previous Board of Adjustment Meeting. Planner I Marchant stated they were varying but they were coming closer into compliance. So that was one of those situations where although they were still over that maximum square footage, they were bringing their overall down and closer into that 200 square foot compliance.

Jessica Ellington of Harrison French and Associates spoke on behalf of Walmart Incorporated. She stated she was there to ask for this variance and that Walmart was doing a rebranding. They were taking away the bright loud green and they were replacing that and going back to a more neutral Walmart blue. Due to this rebranding, they were looking at making all of the Walmarts more uniform and in doing so they were looking to have more uniform signage. One of the things they would like to do is center the building signage and in doing so they feel like going from a 3'6" to a 4'6" in height on that main neighborhood market with the spark it would make a difference in the aesthetics of the building to make it a little more visible. It was currently offset and in addition that is the only sign that we are increasing the size of. Everything else is being replaced like for like. Just bring it in with the rebranding and the color changes that Walmart is incorporating.

Member Gray stated he was not seeing how the size of the sign is going to make it more aesthetically pleasing. He asked Ms. Ellington if it was just for uniformity? Ms. Ellington stated they did want uniformity. They were going through a major rebranding where they're taking out the knockout green. They were bringing everything so that they'll have that trademark Walmart blue. Also, they were looking to center the signs on the neighborhood markets and felt like it needed to be a little bit bigger in doing so.

Member Gray made a motion to deny the increase in signage but approve the applicant to stay at the current square footage of 316.41 square feet per staff's recommendation. The motion was seconded by Member Jacimore and passed unanimously.

Meeting Adjourned.
