



**CITY OF LA VISTA
BOARD OF ADJUSTMENT
SEPTEMBER 7, 2016
7:00 P.M.**

1. Call to Order and Roll Call
2. Approval of Meeting Minutes – September 28, 2011
- 3.
4. Old Business
5. New Business
 - A. Election of Officers (Secretary)
 - B. Variance request filed by Giri LLC dba La Vista Mart
 - i. Staff Report
 - ii. Public Hearing
 - iii. Recommendation
5. Adjournment



CITY OF LA VISTA
BOARD OF ADJUSTMENT

STAFF REPORT

VARIANCE REQUEST
AOI BUILDING EXPANSION SETBACK

DATE OF BOA MEETING:

September 7, 2016

SUBJECT:

Variance to Section 7.01.15 Permitted Signs and Limitations of the La Vista Zoning Ordinance

PROPERTY INFORMATION

APPLICANT:

Giri LLC dba La Vista Mart
9901 S 100th Street
La Vista, NE 68128

PROPERTY OWNER:

Giri LLC dba La Vista Mart
9901 S 100th Street
La Vista, NE 68128

SUBJECT PROPERTY:

Lot 250 Val Verde
9849 Giles Road
La Vista, Nebraska 68128

ZONING:

C-1, Shopping Center Commercial with Gateway Corridor Overlay District

BACKGROUND

Description of Request:

1. Giri LLC, dba La Vista Mart, is a commercial business located on Giles Road, East of Val Verde Drive and is operating as a convenience store with fuel sales.
2. The request is to allow the applicant to install a ground monument sign that is greater than the maximum 32 square feet allowed. The existing sign is 42" x 72", a total of 21 square feet. The request is for a sign measuring 54" x 97", a total of 36.375 square feet.
3. According to the application, the requested variance is for additional square footage and overall height for the monument sign. The hardship is stated as due to an "additional easement for a storm drain unique to this property."
4. The property lies along the southern side of Giles Road. A 30-foot sewer easement lies within the northern edge of the north property line abutting Giles Road, which effectively requires the sign to be setback at least 30 feet rather than the standard 10 feet allowed for ground monument signs.

Applicable Zoning Regulations:

7.01.05 Permitted Signs and Limitations

1. **Ground Monument**
 - A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
 - B. All ground monument signs shall be located on the same lot as the advertised use.
 - C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
 - D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
 - E. Setbacks for all ground monument signs are ten (10) feet.
 - F. The following criteria apply to Ground Monument signs:

District	Design Limitations for Ground Monuments		
	Max. Size	Max. Height	Max. Number
TA	50 square feet	10 feet	One (1) per lot frontage.
R-1	32 square feet	10 feet	One (1) per lot frontage.
R-2	32 square feet	10 feet	One (1) per lot frontage.
R-3	32 square feet	10 feet	One (1) per lot frontage.
R-4	32 square feet	10 feet	One (1) per lot frontage.
C-1	32 square feet	10 feet	One (1) per lot frontage.
C-2	32 square feet	10 feet	One (1) per lot frontage.
C-3	50 square feet	10 feet	Two (2) per lot frontage.
I-1	32 square feet	10 feet	One (1) per lot frontage.
I-2	32 square feet	10 feet	One (1) per lot frontage.
PUD	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district	The maximum allowed within the underlying zoning district

7.01.06 Permits Required

1. If a sign requiring a permit under the provision of the ordinance is to be placed, constructed, erected, or modified on a zone lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 7.04.01.
2. Furthermore, the property owner shall maintain in force, at all times, a sign permit for such sign in accordance with Section 7.04.09.
3. No signs shall be erected in the public right-of-way except in accordance with Section 7.03.01.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

CONDITIONS FOR VARIANCES

Section 8.03.03.01 and Nebraska Revised State Statutes Section 19-910:

The Board of Adjustment shall authorize no such variance, unless it finds that:

1. The strict application of the Ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

Bylaws and Rules of Procedure of the City Of La Vista Board of Adjustment – Section 7, Specific Requirements in Approval of a Variance:

In any action by the Board with regard to approval of a variance, such action shall be taken in accordance with the limitations of Nebraska law and the requirements and limitations of the applicable City Zoning Regulations and these Rules of Procedure. In any action to approve a variance, the Board shall make findings which shall be recorded in the minutes of the Board that:

A. The strict application of any applicable provision of the applicable City Zoning Regulation would, in each specific variance petition, result in **at least one** of the following:

3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

Staff Analysis: Other convenience stores with fuel sales in La Vista do not have similar easement issues restricting the location of the monument sign, however this easement effects all lots abutting the south side of Giles Road in this vicinity to varying degrees as the width of the easement varies along this stretch of Giles Road.

Specific requirement: satisfied / not satisfied

4. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by such variance;

Staff Analysis: Staff does not believe substantial detriment would occur on adjacent properties or within the zoning district.

Specific requirement: satisfied / not satisfied

5. The authorization of a variance is based upon reasons of demonstrable and exceptional hardship stemming from characteristics of the property involved in the petition and not for reasons of convenience, profit or desire of the property owner;

Staff Analysis: The variance request is related to the applicant's desire to increase the square footage of their ground monument sign which advertises gas prices in order to make the sign more visible and legible to traffic along Giles Street as they are not permitted to move said sign any nearer to Giles Street due to the sewer easement.

Specific requirement: satisfied / not satisfied

6. The condition or situation of the property included in such petition or the intended use of such property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the applicable City Zoning Regulations.

Staff Analysis: Staff does not believe an amendment to the zoning regulations for reasons associated with a sewer easement is appropriate.

Specific requirement: satisfied / not satisfied

Attachments to Report

- 1. Vicinity Map**
- 2. Prairie Rose Sign & Canopy – Drawing #2**
- 3. Prairie Rose Sign & Canopy – Drawing #3**

DECISION

Move to approve the variance request, as proposed and presented to the City of La Vista Board of Adjustment, finding that at least one hardship has been created by the strict application of the Zoning Ordinance and finding that each specific requirement has been satisfied.

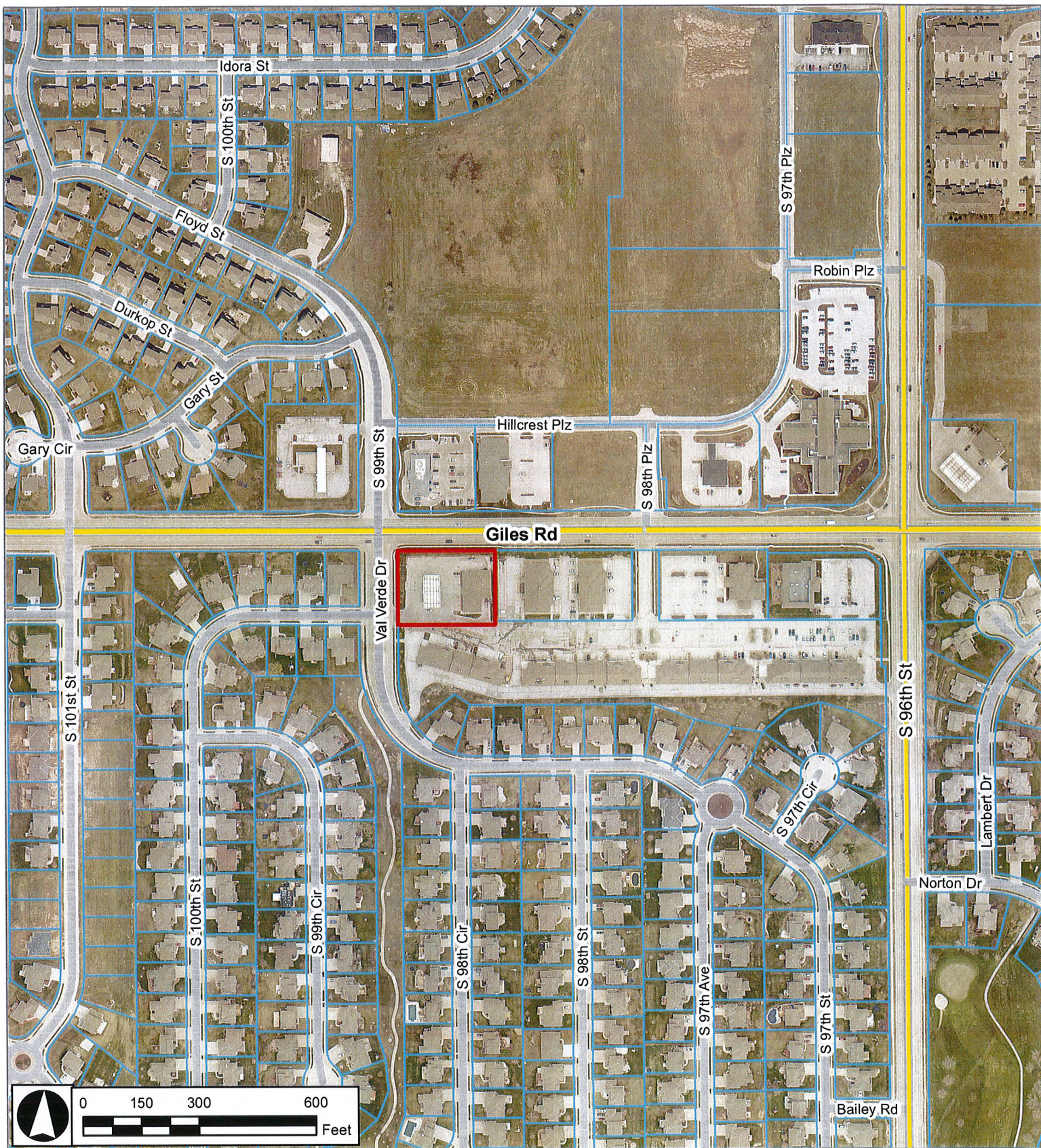
Seconded: _____

Vote: Ayes _____ Nays _____

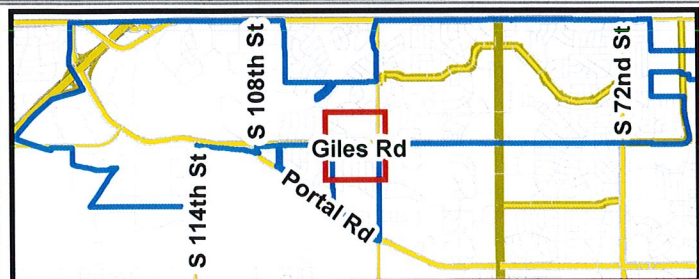
If motion to approve fails:

Move to deny the variance request, as proposed and presented to the City of La Vista Board of Adjustment based on the following reasons for denial:

Vote: Ayes _____ Nays _____



Project Vicinity Map



La Vista Mart - Sign Variance

8-31-2016

JMC





Prairie Rose Sign
 201 RD M47
 Walnut, IA 51577
 (712) 784-3515 Office
 (712) 784-2452 Fax

Client: Eddy's Convenience

Contact:

Sales Rep: Bryan Wright

Date: 8.1.16

____ **Client Approval** ____

Signed:

Date:

Changes to Artwork:

- ☐ Color
- ☐ Size
- ☐ Spelling
- ☐ None

____ **Landlord Approval** ____

Signed:

Date:

____ **Notes** ____

1. Printed colors may not exactly match color of actual product.

2. All work performed by licensed State of Iowa contractors.

3. This is an unpublished drawing submitted in connection with a planned project. It is not to be copied, reproduced, exhibited, or shown to anyone outside your organization without written approval.



EXISTING - 42"X72"



PROPOSED - 54"X97"

Project: Board of Adjustments Review

Location: 9849 Giles Rd LaVista, NE

Scale: Not to Scale



Drawing #

2



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201 RD M47
Walnut, LA 51577
(712) 784-3515 Office
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