

**June 5, 2018 Board of Adjustment Regular Meeting
Staff Recommendation**

PETITIONER: Jake Zunamon, for HTG Arbor View, LLC

LOCATION: 3100 N State Road 7

ZONING: TOC-G Gateway district

INTRODUCTION

The subject property of this application is a new 100-unit apartment building that is nearing completion of construction at the northeast corner of State Road 7 and NW 31st Street. The apartment building is age-restricted, such that the minimum age to live there is 55 years old. The property abuts a townhouse development to the north and the west. The townhouse development includes a wooded preserve area that is located along the northern property of the subject property. Due to roadway and site limitations, there is only one vehicle entrance for this development, which is located on NW 31st Street.

HEARING NO.: BA-04-2018

SECTION OF CODE: Section 39.5(D) of the Margate Zoning Code

Code limits identification wall signs for multifamily buildings to a maximum of twenty square feet in area. Petitioner is requesting permission to install an identification wall sign that is 312 square feet in area.

The proposed sign presented by the applicant is 312 square feet in overall gross area. Of the 312 square feet, the lettering used to identify the name of the Arbor View apartment complex is 52 square feet in area. Next to the lettering is a decorative metal cutout in the shape of a tree that is 208 square feet in area. While there is no specific commercial language in the tree, it does technically meet the definition of a sign, as provided in the Margate Sign Code. The tree cutout is therefore included in the total area of the sign.

Section 39.19 of the Margate Zoning Code provides that a decision to grant a sign waiver by the Board of Adjustment must be in conformance with three specified criteria. Those criteria are as follows:

- 1) There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign.
- 2) The granting of a waiver is not contrary to the intent of the sign code, the aesthetics of the area, or does not create a nuisance or adversely affect any neighboring properties.
- 3) Literal enforcement of this article would result in unreasonable and undue hardship upon the petitioner.

The first criterion for granting a sign waiver speaks to whether the signage permitted by the Sign Code would be ineffective in identifying a use or structure. The Sign Code allows a maximum of 20 square feet in area for a wall sign, but offers alternative signage options, including a freestanding monument sign. At this time, there has not been any application submitted for the installation of a monument sign at the subject property. As such, staff finds that the granting of this sign waiver request would be premature because the property owner has not adequately explored all signage options.

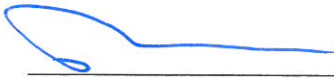
Additionally, a monument sign is currently under construction at the subject property without a building permit. While staff has not been afforded an opportunity to review the details of this monument sign because no building permit has been submitted, it is clear that the location of the sign conflicts with the Sign Code. Residential monument signs are required to be erected at the entrance to the residential development. The sign that is under construction at the subject property is located roughly 300 feet west of the entrance to Arbor View.

The third criterion described in Section 39.19 of the Margate Zoning Code further supports staff's position that until the applicant explores all signage opportunities provided by the Code, there is no unreasonable or undue hardship in the literal enforcement of the Sign Code provision limiting multifamily residential wall signs to a maximum of 20 square feet in area. **Staff recommends denial of this variance request.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Development Services

5/31/18

Date