



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: October 2, 2015

TO: BOARD OF ADJUSTMENT District 2

FROM: Miguel A. Velez, Assistant Executive Secretary *MV*

SUBJECT: **P15VA00013 Southern Convenience, LLC – East Irvington Road**
Scheduled for public hearing on October 13, 2015

LOCATION:

The subject site is located on the southwest corner of Irvington and Palo Verde Roads. The property is zoned CI-1 (Light Industrial/Warehousing Zone).

SURROUNDING ZONING / LAND USES:

North	CI-1	Hotel/Vacant Commercial
South	CI-1	Interstate 10
East	CI-1	Hotel/Restaurant
West	CI-1	Government Office/RV Sales

PUBLIC COMMENT:

To date, no public comments have been received.

PREVIOUS CASES ON PROPERTY:

There have been no previous Board of Adjustment cases on this property.

REQUEST:

The applicant requests the following variances:

1. **To allow electronic changeable copy on two (2) existing freestanding identification signs.** Section 18.79.020B5a of the Pima County Zoning Code defines a changeable copy sign as an on-site sign designed to permit the changing of messages by means of **non-electronic** sign copy.

TRANSPORTATION AND FLOOD CONTROL REPORT:

This request does not require transportation review.

BACKGROUND:

The subject property is approximately 1.29 acres and is zoned CI-1. It was originally recorded on Block "A" of Butterfield Business Center (Book 37, Page 76). On March 25, 1998 this parcel was approved in final Subdivision Plat as Butterfield Station (Book 50, Page 94), allowing for commercial and industrial uses. This parcel is referenced as Lot 28 in the final Subdivision Plat. On August 18, 2000 a development plan was approved

in P1200-050 for Buzz Mart, a combination restaurant and convenience store/station. The property has been in continuous use since 2001 as a Wendy's fast food restaurant and Chevron gasoline station. The gasoline station recently changed vendors and is now a Shell gasoline station. There is an issued permit in P15CP04052 for changes in signage for the new fuel vendor. The pending variance will allow existing two ground signs to be electronic.

The parcel is located in an area zoned CI-1. To the north the property uses are a hotel and vacant commercial land. To the south there is Interstate 10. The properties to the east are a hotel and a restaurant and to the west there is a government office and an RV sales facility.

The variance requests an exception from the Pima County Sign Code to allow electronic changeable copy on two (2) existing freestanding identification signs. Section 18.79.020B5a of the Pima County Zoning Code defines a changeable copy sign as an on-site sign designed to permit the changing of messages by means of non-electronic sign copy.

The applicant indicates a variance from the strict application of the Code is necessary in order to properly inform customers of the real time prices of fuel. The variance request is part of upgrading in order to improve the image, functionality and visibility of the site. The signage is located outside the required the required bufferyard as required by Code and is setback from the 30 feet from the property line. A recent site inspection of this property indicates the potential visual, lighting or noise effects appear minimal due to the existing sign location, the surrounding commercial uses nearby with similar signage and electronic copy and the non-obtrusive size of the signage.

Analysis: Staff supports the variance. The justification for variance support is the strict application of the provision would work an unnecessary hardship and the variance will not cause injury to or adversely affect the rights of surrounding property owners and residents, as evidenced by the ongoing use since 2001, congruent commercial uses adjacent and in the area, and the lack of objections submitted by affected residents for the proposed variance.

RECOMMENDATION:

Staff recommends **APPROVAL** of the variance.

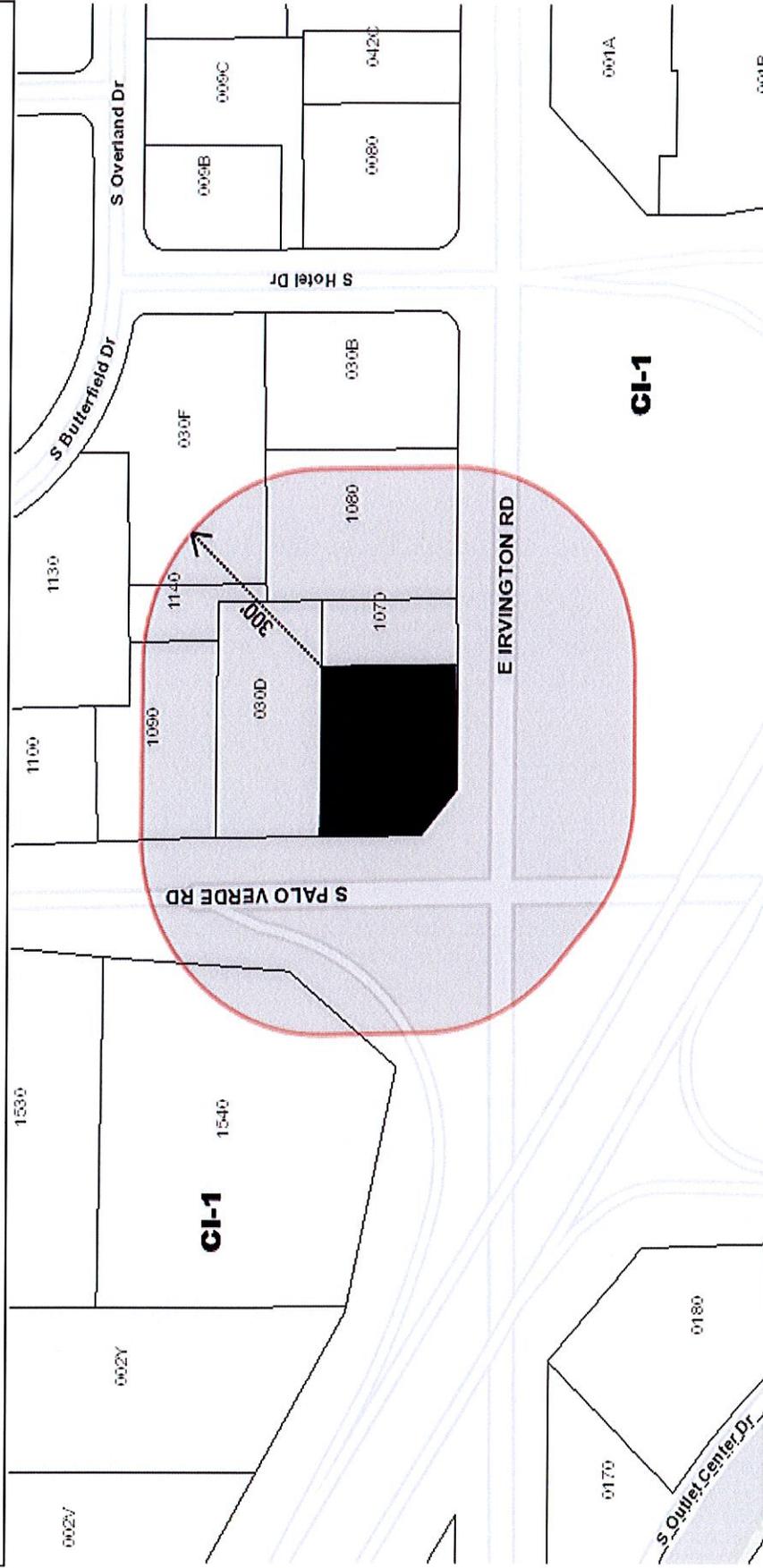
Standards that must be considered by a board of adjustment when considering a variance request include:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the Code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;

8. The variance is in harmony with the general intent and purposes of the Code and the provision from which the variance is requested;
9. The variance does not violate State law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

NOTIFICATION MAP

HOLLAND REAL ESTATE LLC—E. IRVINGTON ROAD



LEGEND

- Petition Area
- Notification Area

NOTES

File no.:	P15VA00013	Tax Code(s):	132-20-1060
Application:	VARIANCE	Base Map:	14
		Drafter:	A.H.



9/09/2015

S. Palo Verde Rd.



Paint structure Shell white.

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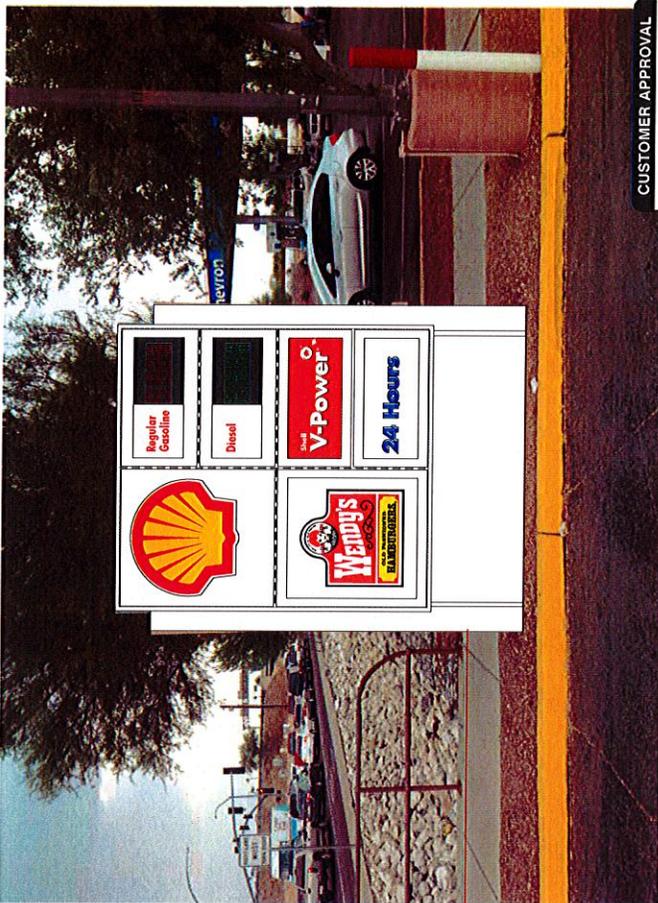
PROJECT: Shell
LOCATION: 86314 Arizona
9200 Valley Rd. Prescott Valley, AZ
800-257-5095



Account Executive: Dale Johnson
Designer: AL
Design Number: 3372
DATE: 02/11/2015
SCALE: AS NOTED
REVISIONS: RT-05/27/2015
R2-05/28/2015

SHEET: 11 of 16

CUSTOMER APPROVAL
BY: _____ DATE: _____
 W/ CHS W/ CHS



Paint structure Shell white.

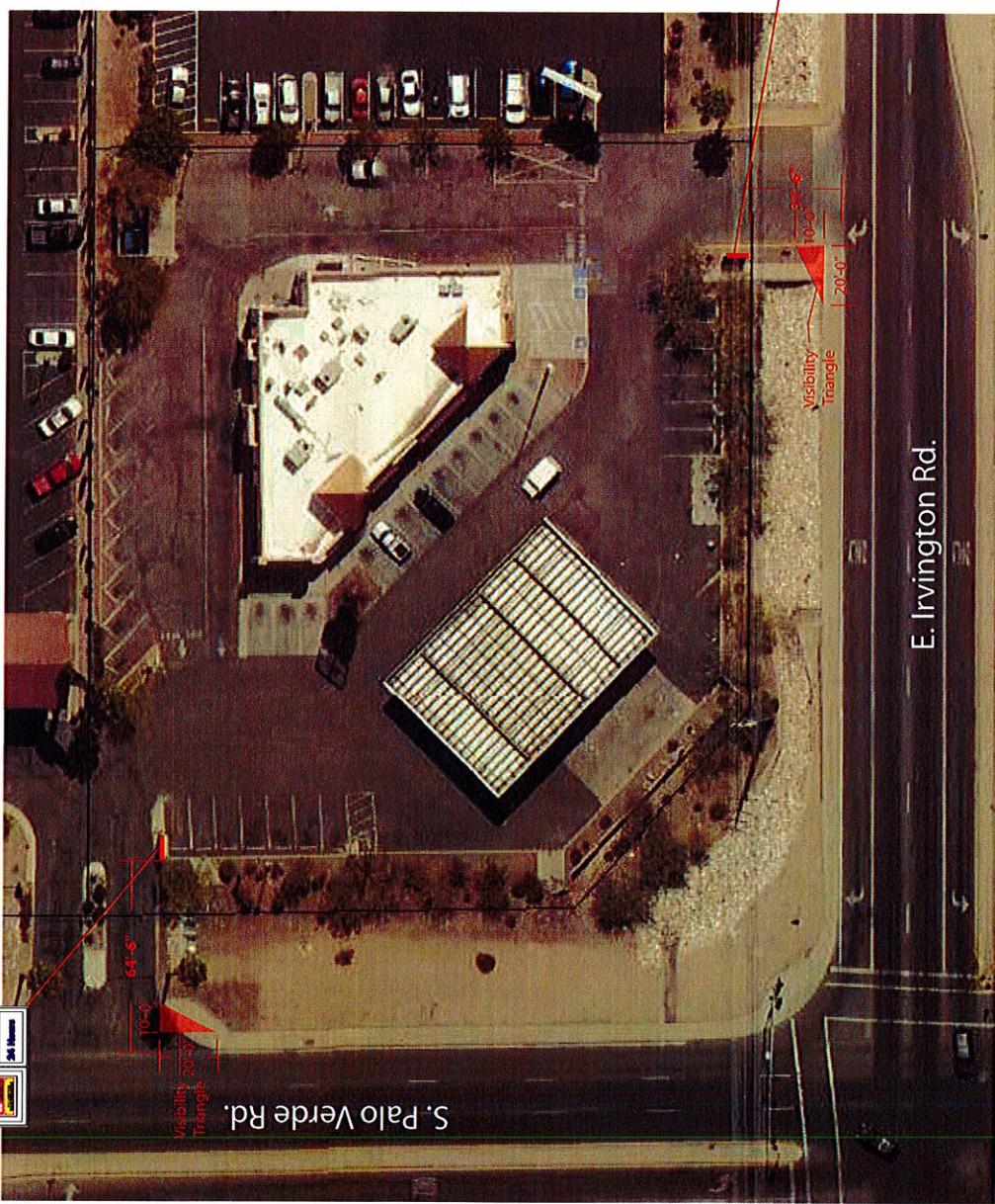
MONUMENT PRICER CHANGE
Scale: 3/8" = 1'-0"
Electronic change of copy.

E. Irvington Rd.

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

PROJECT: Shell LOCATION: 3535 E. Irvington Road, Arizona 86314 9200 Valley Rd. Prescott Valley, Arizona 86314 800-257-5095		Account Executive: Dale Johnson Designer: AL Design Number: 5572 DATE: 02/11/2015 SCALE: AS NOTED REVISIONS: 1-02/27/2015 R2-02/28/2015	SHEET: 2 of 16 CUSTOMER APPROVAL BY: _____ DATE: _____ <input type="checkbox"/> W/ CHGS <input type="checkbox"/> W/ CHGS
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SITE MAP
Scale: 1"=40'



**SOUTHERN CONVENIENCE, LLC
1515 North Academy Blvd., #400
Colorado Springs, CO 80909**

LETTER OF AUTHORIZATION

Southern Convenience, LLC, an Arizona limited liability company ("Company"), hereby appoints and authorizes Bruce Holbrook and Express Stop AZ, LLC, an Arizona limited liability company, as the Company's authorized agent and representative, to take any and all actions necessary for the Company to obtain the necessary and required licenses, permits, and approvals, to open and operate a fuel dispensing facility located at 3535 Irvington Road, Tucson, AZ.

Signed this 18th day of March, 2015.

Southern Convenience, LLC,
an Arizona limited liability company

By 
Thomas J. Reinhard, Manager



Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: Holland Road Estate LLC Phone: _____

Owner's Mailing Address: 1515 N. Academy Blvd # 400 City: Colorado Sp Zip: 85909-2749

Authorized Representative: Chris Totten Phone: (602) 316-3948

Rep's Mailing Address: 2810 E. Potosi Ln City: Pine Zip: 85690

Property Address: 3535 E. Irvington Rd City: Tucson Zip: 85719

Tax Code Number(s): 132 - 00 - 1060 Zone: C1

Does the subject parcel have an active building or zoning code violation? NO

Owner or Applicant's Email Address: CHRIS@recreonesignsplus.com

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.
Signature: [Signature] Date: 8-25-2015

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

*****FOR OFFICE USE ONLY*****

Case Title: P15VA00013 Co10(_____)
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) 18.79.020 B5a of the Pima County Zoning Code which requires to allow electronic change of copy

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY [Signature] DATE 8/25/15

Board of adjustment District 7 Board Members,

I request a variance to add Electronic Change of Copy to (2) existing ground signs located at 3535 E Irvington Rd., Tucson.

I need the variance to help improve the productivity and properly inform the customers in real time the prices of fuel. Pima County code currently does not allow for Electronic Change of Copy without a Variance, please see the attached corrections request. This site is currently upgrading the image and looking to better improve functionality and visibility.

Thank you for your time and consideration.

Chris Totton

Signs Plus

chris@arizonasignsplus.com

602.316.3948