

Midway City Council  
23 May 2018  
Regular Meeting

TJ's Auto and Small Engine  
Repair / Non-Conforming Sign



**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** May 23, 2018  
**NAME OF PROJECT:** TJ’s Auto and Small Engine Repair  
**NAME OF APPLICANT:** Travis Zaccardi  
**AGENDA ITEM:** Non-Conforming Historical Sign Determination  
**LOCATION OF ITEM:** 565 East Main Street  
**ZONING DESIGNATION:** C-2

**ITEM: 8**

**TJ’s Auto and Small Engine Repair / Non-Conforming Sign**– Discuss and Possibly Determine if a Non-Conforming Sign for TJ’s Auto and Small Engine Repair (Formerly Midway Automotive), Located at 565 East Main Street, is of Historical Significance.

**BACKGROUND:**

Travis Zaccardi from TJ’s Auto and Small Engine Repair is requesting that the City Council determine that the sign located at 565 East Main is exempted from the sign code requirements of the Midway City Land Use Code. The sign in question is non-conforming for several different reasons.

- The sign is a pole sign and exceeds the height requirement of the code. The height limit for a sign is 8’, this does not include any design features such as decorative tops or sign roofs.
- The sign is backlit which is also not allowed by the code.

- The maximum size is 32 square feet and the existing sign is 48 square feet.

Current code would allow for a monument sign that is less than 8' in height and less than 32 square feet in size. Also, any lighting would need to be projected onto the sign and not be backlit.

The code does have a provision for non-conforming signs. The definition of a non-conforming sign is the following:

*25. Non-conforming Sign. Signs which lawfully existed within the City of Midway prior to the effective date of this Chapter, but which do not comply with the requirements of this code Chapter, and which uninterruptedly continue to advertise the same business name and exist past the effective date of this Chapter in a state of non-compliance, shall be deemed non-conforming signs.*

Travis is proposing to change the sign to “TJ’s Auto and Small Engine Repair” from the existing “Midway Automotive & Tire” sign. It could be interpreted that the sign is not non-conforming based on the definition because of the change of advertising from one business name to another. If that interpretation is made, then the sign would need to comply with the current code if any change is made.

Section 16.21.6 addresses non-conforming signs and defines when a sign can be altered if it is non-conforming. The states the following:

*A. Any change to the physical structure, shape, type, or size of an existing non-conforming sign shall immediately terminate the lawful nonconforming status of the sign, and said sign shall be required to come into compliance with this Chapter immediately.*

The applicant is not proposing any changes to the structure, type, or size of the existing sign but he would like to change the business name itself. He, therefore, is asking for an exemption that is described in the code with the following language:

*B. Certain historical signs may be exempted from the requirements of this Chapter if the City Council finds that the signs have historical significance and that removal or alteration of the sign would be detrimental to the public interest.*

There are a few findings that would need to be made to grant the exemption from current requirements. The first is that the sign must have historical significance. A historical sign is defined as the following:

*17. Historic Sign. A sign that by its construction materials, age, prominent location, unique design, or craftsmanship, provides historic character, individuality, and a sense of place or orientation regarding clues to a building's history.*

The second finding is that “*removal or alteration of the sign would be detrimental to the public interest.*”

To grant the exemption, the City Council will need to find that both aforementioned findings are true for the “Midway Automotive & Tire” sign.

The Visual and Architectural Committee reviewed the sign and made a recommendation of a possibility of how to handle the proposed change to the sign. The motion is as follows:

*Natalie Streeter made two-part motion:*

- *paint the pole black and the perimeter of the sign black with a matt finish*
- *aluminum composite sign*
- *remove the backlit and install down lights*
- *any wording or font changes to be approved via email by the committee*
- *recommend (per code 16.21.6) historical status by City Council with the condition that when UDOT condemns the 13' of right of way that the sign comes into conformance with the current sign code*

*Rob Bouwhuis seconded the motion and the motion carries with the following vote:*

*Aye: Judith Griffin*

*Aye: Elizabeth Crittenden*

*Aye: Bob Adams*

*Aye: Rob Bouwhuis*

*Aye: Natalie Streeter*

**POSSIBLE FINDINGS:**

- The sign is non-conforming to the current code for height, area, and lighting
- Any change in business advertising will terminate the sign's non-conforming status
- It is believed the sign was installed in 1992

- A finding of historical and significance and a finding that removal of the sign would be detrimental to the public interest must be made to grant the sign ordinance exemption

**ALTERNATIVE ACTIONS:**

1. Approval of code exemption (conditional). This action can be taken if the City Council feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Continuance. This action can be taken if the City Council feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Denial of code exemption. This action can be taken if the City Council feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**POSSIBLE CONDITIONS:**

1. Paint the pole black and the perimeter of the sign black with a matt finish.
2. The sign will be an aluminum composite sign.
3. Remove the backlit lighting and install down lights that conform to the code.
4. Once State Road 113 is widened, the sign will need to comply with the code.



12' x 4' New Sign Faces  
Paint Pole

