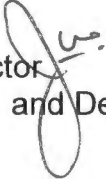




Interoffice Memorandum

October 19, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Planning, Environmental, and Development Services
Department

CONTACT PERSON: **Jennifer Moreau, AICP, Zoning Manager**
Zoning Division
(407) 836-5856

SUBJECT: November 15, 2022 Board Called Hearing
Applicant: Craig Swygert for Clear Channel
BZA Case #VA-22-09-080, September 1, 2022; District 3

Board of Zoning Adjustment (BZA) Case # VA-22-09-080, located at 722 W. Michigan Street, Orlando, Florida 32805, in District 3, is a Board called public hearing. The applicant is requesting seven Variances in the C-2 zoning district to allow an existing non-conforming 672 sq. ft. billboard to be modified as follows: 1) to allow a northwest side setback of 2 ft. in lieu of 5 ft; 2) to allow a 2 ft. setback in lieu of 50 ft. of the nearest edge of the right-of-way of a limited access highway (Interstate 4); 3) to allow a south setback of 20.9 ft. in lieu of 200 ft. from the nearest property line of a residential district; 4) to allow a maximum height of 75 ft. in lieu of 40 ft.; 5) to allow a northeast 1,025 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4); 6) to allow a southwest 1,350 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4); and 7) to allow a west 480 ft. distance separation from a billboard in lieu of a 1,000 ft. distance separation along the same side of a non-limited access highway (W. Michigan St.).

At the September 1, 2022 BZA hearing, staff recommended denial of the variance requests. The BZA also recommended denial of the variance requests.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

Page Two
November 15, 2022 – Board Called Public Hearing
Craig Swygert
BZA Case #VA-22-09-080, September 1, 2022; District 3

If you have any questions regarding this matter, please contact Jennifer Moreau at (407) 836-5856.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 3.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
November 15, 2022**

The following is a public hearing before the Board of County Commissioners on November 15, 2022 at 2:00 p.m.

- APPLICANT:** GRAIG SWYGERT FOR CLEAR CHANNEL
- REQUEST:** Variances in the C-2 zoning district to allow an existing non-conforming 672 sq. ft. billboard to be modified as follows:
- 1) To allow a northwest side setback of 2 ft. in lieu of 5 ft.
 - 2) To allow a 2 ft. setback in lieu of 50 ft. of the nearest edge of the right-of-way of a limited access highway (Interstate 4).
 - 3) To allow a south setback of 20.9 ft. in lieu of 200 ft. from the nearest property line of a residential district.
 - 4) To allow a maximum height of 75 ft. in lieu of 40 ft.
 - 5) To allow a northeast 1,025 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4).
 - 6) To allow a southwest 1,350 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4).
 - 7) To allow a west 480 ft. distance separation from a billboard in lieu of a 1,000 ft. distance separation along the same side of a non-limited access highway (W. Michigan St.)..
- LOCATION:** 722 W. Michigan St., Orlando, Florida, 32805, south side of W. Michigan St., southeast of Interstate 4, east of S. Orange Blossom Trl.
- TRACT SIZE:** +/- 0.9 acres (40,079 sq. ft.)
- ZONING:** C-2
- DISTRICT:** #3
- PROPERTIES NOTIFIED:** 130

BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:

Staff described the proposal, including the history and location of the property relative to Interstate 4, the site plan and sign specifications, the location of the nearest residences to the south of the property, the location of the three nearest billboards in the area and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial.

Staff noted that no comments were received in support and three comments were received in opposition.

The applicant stated that the proposal complies with the intent of the previous administrative sign approval and the location of the sign would remain the same as existing, but only would be raised to a height of 75 feet, and further stated that the visibility of the existing sign was negatively affected by the recent Interstate 4 redesign.

There was no one in attendance to speak in favor of the request and two were in attendance in opposition to the request.

The BZA discussed the intent of the billboard code requirements, the negative visual effects of the proposal to the closest residences, including the distance requirements between billboards located adjacent to limited access roads and non-limited access roads, and expressed concerns about deviating from distance separation and height requirements of the billboard code. The BZA made a motion to recommend approval of the Variances which failed with a 4-2 vote, with one absent. The BZA subsequently recommended denial of the Variances by a 4-2 vote, with one absent.

BZA HEARING DECISION:

A motion was made by Deborah Moskowitz, seconded by John Drago and carried to recommend DENIAL of the Variance requests in that the Board finds it does not meet the requirements of Orange County Code, Section 30-43(3) (4 in favor, 2 opposed, 1 absent).

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEP 01, 2022**

Commission District: **#3**

Case #: **VA-22-09-080**

Case Planner: **Taylor Jones, 407-836-5944**

Taylor.Jones@ocfl.net

GENERAL INFORMATION

APPLICANT(s): CRAIG SWYGERT FOR CLEAR CHANNEL

OWNER(s): FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT)

REQUEST: Variances in the C-2 zoning district to allow an existing non-conforming 672 sq. ft. billboard to be modified as follows:

- 1) To allow a northwest side setback of 2 ft. in lieu of 5 ft.
- 2) To allow a 2 ft. setback in lieu of 50 ft. of the nearest edge of the right-of-way of a limited access highway (Interstate 4).
- 3) To allow a south setback of 20.9 ft. in lieu of 200 ft. from the nearest property line of a residential district.
- 4) To allow a maximum height of 75 ft. in lieu of 40 ft.
- 5) To allow a northeast 1,025 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4).
- 6) To allow a southwest 1,350 ft. distance separation from a billboard in lieu of a 2,640 ft. distance separation along the same side of a limited access highway (Interstate 4).
- 7) To allow a west 480 ft. distance separation from a billboard in lieu of a 1,000 ft. distance separation along the same side of a non-limited access highway (W. Michigan St.).

PROPERTY LOCATION: 722 W. Michigan St., Orlando, FL 32805, south side of W. Michigan St., southeast of Interstate 4, east of S. Orange Blossom Trl.

PARCEL ID: 03-23-29-0180-58-070, 03-23-29-0180-58-010

LOT SIZE: +/- 0.9 acres (40,079 sq. ft.)

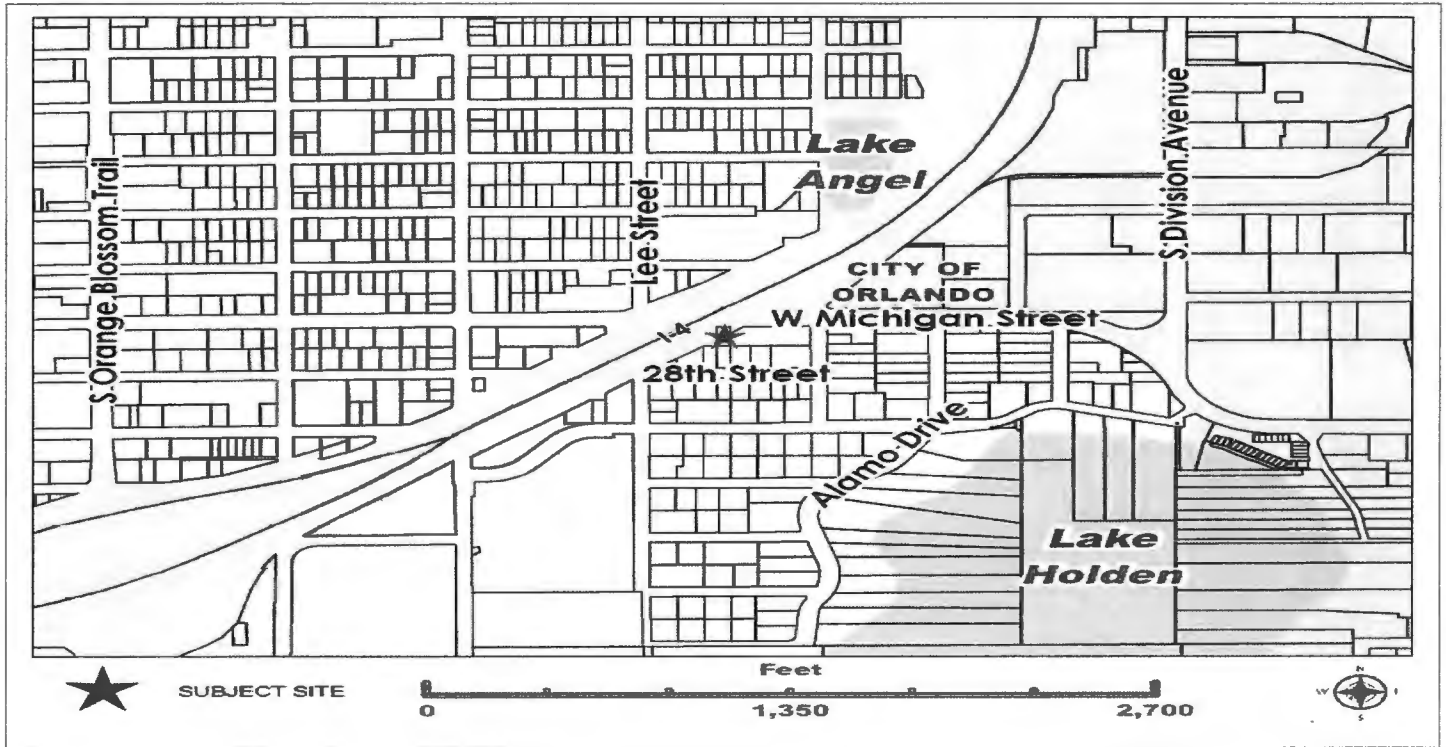
NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 130

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	City of Orlando	R-2, R-1A	C-2	City of Orlando
Future Land Use	C	N/A	LMDR	C	N/A
Current Use	Retention Pond	Interstate 4 On-ramp	Single-family residential	Commercial	Interstate 4

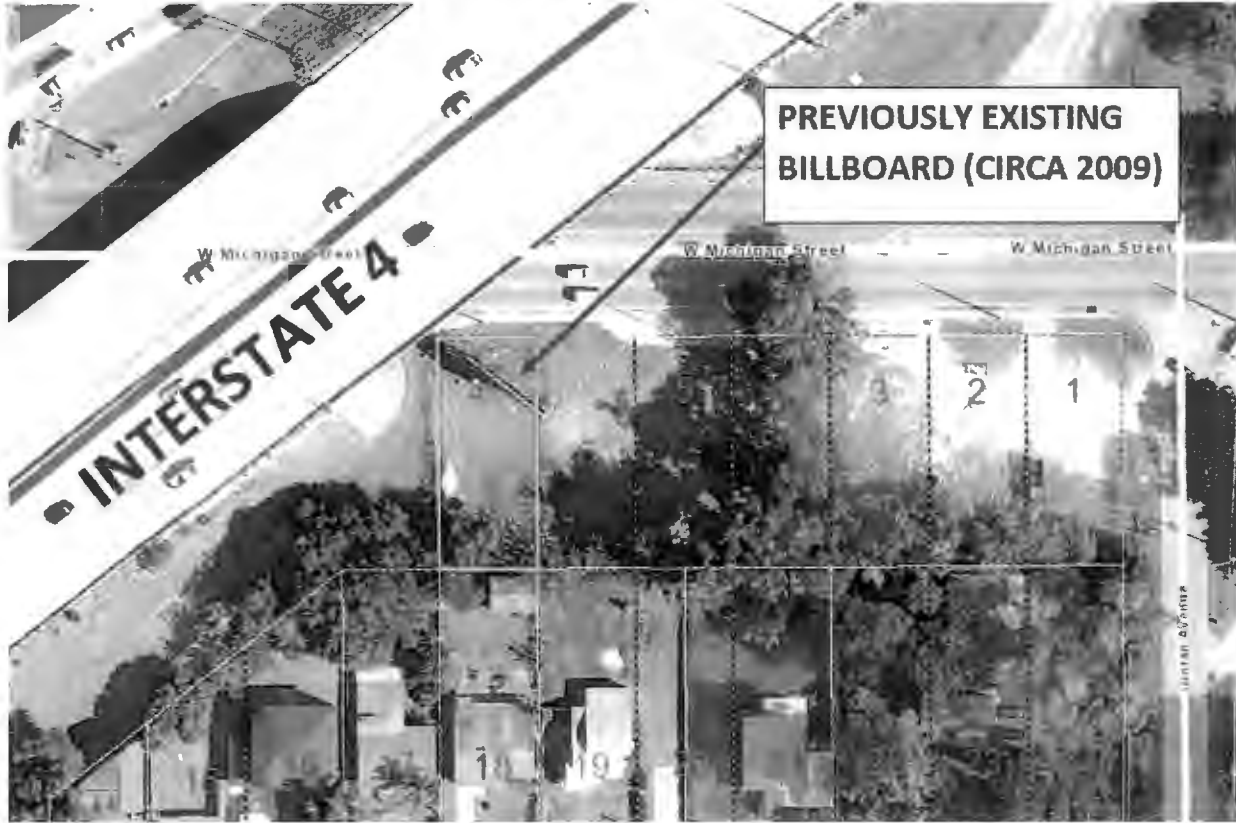
BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-2, General Commercial district. The C-2 district allows general commercial uses. Billboards are a permitted use in the C-2 zoning district, subject to compliance with all code standards.

The subject property is 0.9 acres in size, and is comprised of portions of Lots 1 through 7 of the Angebilt Addition plat, recorded in 1923. The property is owned by the Florida Department of Transportation (FDOT), and in addition to the existing non-conforming billboard that is the subject of the variance request, also contains a retention pond, which was completed recently as part of the Interstate 4 widening project. The FDOT acquired the property as part of the road widening of Interstate 4, acquiring lots 1 through 6 in 2006 and lot 7 in 2009. Lot 7 was acquired from Clear Channel Outdoor. At the time FDOT acquired the property, a 45 ft. tall, 672 sq. ft.

non-conforming billboard, built in 1976, existed on the site. An aerial photograph from 2009, as well as a picture from 2009 (taken from Google Street view) shows the previous sign.



2009 Aerial Photo



2009 Google Street View Image of Previous Billboard

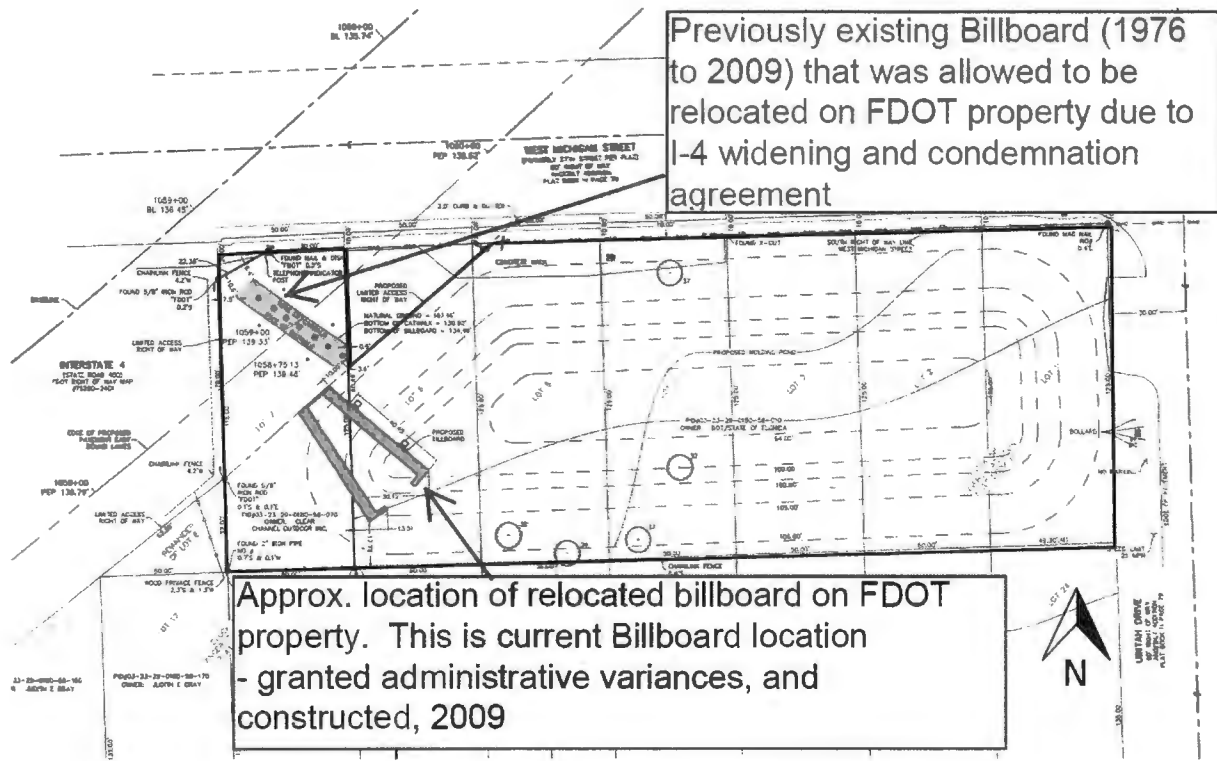
As part of the acquisition of the parcel from Clear Channel, the FDOT offered an initial \$1.3 million (for both the billboard, and underlying property). Clear Channel however valued the property and billboard at \$3.1 million. The two parties then came to a final agreement, in which the FDOT would pay Clear Channel \$1.1 million dollars for the property, and grant Clear Channel an easement over the property they had just acquired, to allow for the relocation of the existing billboard on FDOT property (out of the line of the new road construction but still adjacent to I-4).

In 2009, in conjunction with the agreement with FDOT, Clear Channel was granted several administrative variances by the Zoning Manager at the time, to relocate and rebuild the existing non-conforming billboard elsewhere on the property (now owned by FDOT), with the same overall copy area and height. Sec. 30-640(2) of County Code allows the Zoning Manager to make a determination that the relocation of a sign that is the subject of condemnation or taking by the government is as close to code as possible or practical, and grant any such needed variances. State statutes, specifically Statute 70.20, allows for local governments to enter into relocation agreements for billboards, with the purpose of saving taxpayer money, as should the local government not allow for the relocation, they would be responsible for the compensation of the asset taken by the State.

The administrative variances granted by the Zoning Manager allowed a new 45 ft. tall, V-shaped billboard to be erected in place of the previous billboard. Those variances included the following:

1. Distance Separation from residential districts to the south (varying distances in lieu of 200 ft.)
2. Height of 45 ft. tall (same as existing was) in lieu of 40 ft.
3. Distance separation from existing billboards on same side of interstate 4 (approx. 1000 ft in lieu of 2500)
4. Distance from a limited access highway (0 ft. in lieu of 50ft)

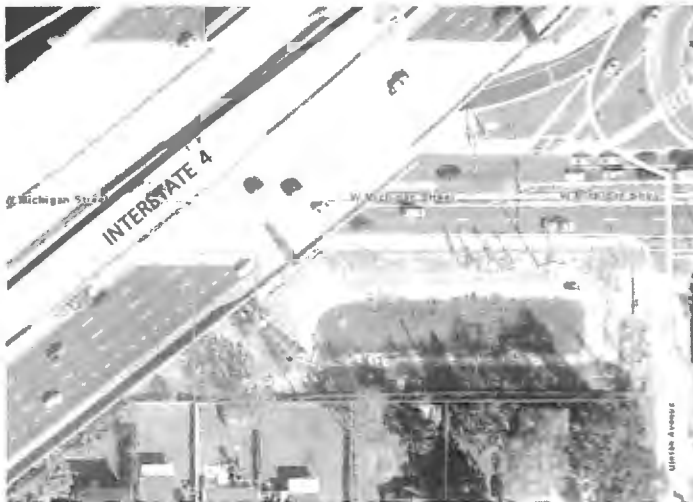
The new billboard was permitted and constructed in accordance with the administrative variances granted in 2009. The billboard that was constructed is the currently existing, non-conforming billboard that is the subject of this variance request. The site plan below shows the previously existing billboard in relation to the relocated billboard (that was granted administrative variances and constructed).



The below side by side aerials show that Interstate 4 was ultimately widened to the approximate edge of the relocated (and currently existing) billboard.



2009 AERIAL PHOTO



2022 AERIAL PHOTO

The request is to increase the non-conformity by raising the existing non-conforming billboard from a height of 45 ft. tall, to a height of 75 ft. tall, so that it has visibility from Interstate 4. By raising the height of the billboard, the overall non-conformity is increased, therefore necessitating new variance requests for separation distances that are already not satisfied. These include separation from the abutting limited access highway (Interstate 4) and side property line to the northwest (Variances # 1 and # 2), residential zoning districts to the south (Variance # 3), separation from existing billboards along the same side of a limited access highway to both the northwest and southwest (Variances # 5 & 6), and separation from a billboard on the same side of a non-limited access highway (W. Michigan St.), which is Variance # 7. The increase in height to 75 ft. tall is Variance # 4.

While the Code allows for billboards, the provisions are intentionally restrictive. Over the years the code has become increasingly more restrictive with respect to billboards. Further, the County's standard practice over the past 20-30 years has been to add a prohibition on any new billboards for any rezoning to commercial or industrial or PD that is approved to further restrict the allowable locations of billboard in the county and further limit the total number of billboards.

While Clear Channel may have worked with FDOT in regard to reducing the amount paid by FDOT, and avoided a formal condemnation process, ultimately they were compensated for the land they sold both monetarily, as well as in the ability to relocate a billboard onto FDOT property, and Clear Channel agreed to relocate the sign in its current location and height, rather than lose the billboard altogether. The current billboard is a legal non-conforming billboard, and still has the ability to be utilized for purposes of off-site advertising, as it is still visible from W. Michigan Street.

The current billboard is already in close proximity to the homes along 28th Street to the south of the subject property, being only 21 feet from the nearest residential rear yard. The previously approved administrative variances already increased the impact on the residential districts by moving the billboard some 50 ft. closer than it had previously existed. The increase in height will further impact the abutting residences to their detriment. At its current height, the billboard is partially screened in some instances from the residences by rear yard vegetation and tree cover, which helps to mitigate the billboards effects. This is evident in some site photos included in this staff report. Increasing the height of the billboard an additional 30 ft. (to an overall height of 75 ft. tall) will negate any sort of existing screening, and make the billboard more visible, and thus increase the already existing negative impact on the abutting residences. While the horizontal distance to the residential districts may not be changing, the impact on the abutting residences is increased with any increase in height.

As of the date of the writing of this report, two correspondence from the abutting residential neighborhood to the south have been received in opposition to the request.

Special Conditions and Circumstances

There are no special conditions and circumstances particular to this site relative to the distance of the building from the adjacent right-of-way, residential districts, or other billboards. The existing billboard has already been granted administrative variances to be in its current location at its current height with respect to the separation requirements. The billboard owner was already previously compensated for the land they owned, as well as allowed to relocate a billboard on FDOT property that doesn't meet code requirements, due to the road widening of Interstate 4, so has already benefited from any special conditions and circumstances that may have existed. The existing billboard has visibility on W. Michigan St., and is already recognized as a legal, non-conforming billboard, and thus can remain in its current location consistent with Sec. 38-53(c).

Additionally, there is nothing preventing the applicant from finding a code compliant location for a billboard with visibility from Interstate 4. The sign regulations permit signage along limited access highways, subject to meeting various code requirements. This location is substandard to those code requirements. The billboard is permitted to remain in its current location, and still be utilized for off-site advertising, as the sign has visibility from W. Michigan Street.

Not Self-Created

The need for the variance is self-created, as an existing, non-conforming billboard has already been allowed to remain on the site, and is currently in use, and visible from W. Michigan Street. The applicant agreed to sell the property where their previous billboard was located, and entered into the voluntary purchase agreement with FDOT at their own behest. The applicant has been granted an easement by FDOT, and administrative waivers from Orange County to allow this sign to be in its current location, and as such has been compensated relative to the widening of Interstate 4. The request to increase the non-conformity of the existing sign is therefore self-created.

While the applicant contends that no variance would be needed if not for the FDOT's acquisition under threat of condemnation, a variance would still be needed if the sign was not required to have been relocated. The previous billboard was also only 45 ft. tall and non-conforming, so even if it did not need to be relocated for the widening, any raising of the height of the Interstate 4 would have resulted in the billboard not being visible from Interstate 4.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege denied to others. Other billboards along I-4 have been impacted by the widening and raising of the interstate, either due to visibility issues, or condemnation. Many of the billboards are already non-conforming, but would not be able to be increased in height, given their zoning district, or location in an overlay district. Any billboards that were removed as a result of the interstate widening would have received compensation as part of the taking. The current billboard was allowed to be relocated onto FDOT property, and compensation received for underlying land, and administrative variances already granted. As such, the current billboard has already been the beneficiary of a special privilege conferred. Increasing the non-conformity already granted would be an increase of an existing special privilege that other properties are denied of.

Deprivation of Rights

There is no deprivation of rights, as the applicant was already granted the ability to relocate a non-conforming billboard, and granted administrative waivers. The existing billboard has visibility on W. Michigan St., and as such is not being deprived of rights to off-site advertising. It can remain as an existing legal non-conforming billboard.

Minimum Possible Variance

The request is not the minimum possible, as the request is asking to increase a non-conformity that already exists. By increasing the overall height, a variance is needed from all already existing non-conformities, increasing the impact on abutting residential districts, and limited access highway traffic. While the setback to the limited access highway and residential districts is not increased horizontally, the vertical increase in signage has an increased, negative impact on both the residential districts and limited access highway travelers. The increased height will also negatively impact the aesthetics of the newly installed Pylons on the overpass portion of I-4 over W. Michigan St., which were specifically built as overall beautification elements of the I-4 ultimate project. The below side by side comparisons show the existing conditions relative to the abutting residences and interstate, and what the increased height may look like, based on renderings created by the Planning Division:



Actual conditions (existing sign at 45 ft. tall)



Rendering of sign at 75 ft. tall



Actual conditions (existing sign at 45 ft. tall)



Rendering of sign at 75 ft. tall

Purpose and Intent

Per Sec. 31.5-126(n) of County code, the control of billboards in areas adjacent to limited access highways and residential districts within the County is declared to be necessary to protect the public investment in limited access highways, attract visitors and residents to the County by preserving the natural beauty of the County near limited access highways and residential districts, and to assure that information in the specific interest of the traveling public is presented safely and aesthetically. Approval of the increase in height, and thus increase in non-conformity in regard to separation from the limited access highway itself, and abutting residential districts, would go against the purpose and intent of the billboard regulations, by further impacting areas near limited access highways, and residential districts. Further, the purpose of the sign code is to ensure that a consistent amount of signage is permitted for all properties and to avoid sign clutter. Adding another sign visible from the interstate, already in conflict of the zoning code in regard to separation of such signs, increases the number of signs and sign clutter.

Additionally, while the existing sign was granted administrative variances to be relocated, as code allows, Sec. 30-641(2) of code specifically does not allow the existing nonconformity of a sign, other than setback or distance separation, to be granted an administrative variance to be increased, which is referring to the sign height. While this is a variance application to allow an increase in height, and making the request is permitted through this process, it would seem such a request would go against the intent of code in regard to relocation of signs due to condemnation and taking. Approval of the requested increased height, and resulting separation impacts, would not be in harmony with the purpose and intent of the Zoning Regulations and will be detrimental to the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and sign specifications dated June 8, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
 2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
 4. A permit shall be obtained for the billboard within 2 years of final action on this application by Orange County, or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.
 5. The sign faces of the billboard shall be limited to static faces, and shall not be converted to electronic message center (EMC) faces.
- C: Craig Swygert
5333 Old Winter Garden Rd
Orlando, FL 32811

EXHIBIT "B"

The items listed in this exhibit correspond to requests (1) through (6), inclusive, at pages 13 and 14 of the variance application.

This section of the variance application outlines how the request meets the 6 listed criteria for the variance.

Criteria: Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances.

1. *Special Conditions and Circumstances* - Special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the same zoning district.

CCO's structure was subject to an acquisition under threat of condemnation by the Florida Department of Transportation ("FDOT") for the widening of State Road No.: 400(I-4) in November 2009. The property now consists of 0.378 acres (16,508/SF) of irregularly shaped land, owned in fee simple by FDOT and having an Orange County use code of 8078. That acquisition created unique conditions and circumstances peculiar to the subject property and structure which are not applicable to other lands, structures, or buildings in the same zoning district.

FDOT designated the property, including an existing sign structure owned by CCO, as Parcel 199. FDOT acquired Parcel 199 for roadway improvements and for stormwater management purposes. FDOT constructed I-4 as a design/build project. The subject property is located generally on the north side of Michigan Ave. west of its intersection with I-4. The property is at an existing grade of approximately 107 feet, and the current elevation of I-4 is approximately 140 feet. I-4's height obscures visibility to the sign structure for east bound and west bound I-4 traffic. Because FDOT did not have final construction plans detailing the I-4's final elevation, CCO accommodated FDOT's project with the goal of later securing variances and permits to increase the structure's height if I-4 obscured its visibility.

FDOT's initial offer was for \$1,299,200.00 for the land and sign structure. CCO's counteroffer was for \$3,100,000.00, exclusive of statutory attorneys' fees and costs. FDOT and CCO subsequently

negotiated a voluntary purchase agreement in lieu of condemnation. That agreement included an exchange of the fee simple interest FDOT acquired with a perpetual sign easement to construct a new sign in the area of the easement.

This agreement resulted in the FDOT paying compensation of \$1,100,000.00, inclusive of attorneys' fees and costs, thereby resulting in a net savings to FDOT of \$2,000,000.00 based on CCO's counteroffer. FDOT did not compensate CCO for the taking of the structure or the loss of visibility to the structure.

Under the terms of the agreement with FDOT, CCO owns a perpetual easement over the remainder of Parcel 199 for its outdoor advertising structure. *See*, Composite Exhibit "1;" (Closing statement, settlement justification, perpetual sign easement).

2. ***Not Self-Created*** - The special conditions and circumstances supporting this variance application do not result from CCO's actions.

These special conditions and circumstances do not result from CCO's actions. Rather they are a result of FDOT's acquisition. But for FDOT's acquisition under threat of condemnation, the pre-existing structure would have remained without the need of a variance.

3. ***No Special Privilege Conferred*** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

CCO worked diligently with FDOT to limit FDOT's I-4 right of way acquisition costs. Granting this variance affords CCO no special privilege because, but for FDOT's acquisition under threat of condemnation, CCO would not need a variance. The reason for the variance is because of an acquisition, under threat of condemnation, which resulted in the construction of I-4 at an elevation of approximately 140 feet.

4. ***Deprivation of Rights*** - Literal interpretation of the provisions contained in this Chapter would deprive CCO rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on CCO.

Literal interpretation of the Code would deprive CCO of the opportunity to enjoy the use of this asset in its portfolio of structures. Approval of this application will allow CCO to enjoy the benefits of its perpetual easement. A literal application of the terms of the code

conversely would deny CCO of all beneficial use of its perpetual easement. Denial would require CCO to bear the burdens of a public project which obscured visibility to its structure.

5. ***Minimum Possible Variance*** - The zoning variance is the minimum variance that will make possible the reasonable use of the easement and structure.

The requested variance is the minimum needed to reestablish visibility to the sign structure for east bound and west bound I-4 traffic.

The structure will be in the same location and footprint before and after granting the variance.

Attached as Exhibit "2" is a survey of the proposed location of the new structure. Exhibit "3" are copies of plans indicating the structure's proposed height.

6. ***Purpose and Intent*** - Approval of the zoning variance will be in harmony with the purpose and intent of Orange County's Code of Ordinances and will not be injurious to the neighborhood or otherwise detrimental to public welfare.

The structure will maintain its same footprint and will be no closer to any adjacent structures or property after granting the variance. Granting this variance request will not change the character of the neighborhood since the variance will result in raising a preexisting sign structure. Moreover, the structure will comply with all applicable building codes and standard and, therefore, will not be injurious the neighborhood or detrimental to the public welfare.

Approval of this variance application is consistent with the policy behind the Zoning Regulations and the remedial measures expressed in Sec. 30-367:

It is the intent of this article to establish a fair procedure by which the appropriate county staff can grant waivers and exceptions to county land development, sign and engineering codes and regulations, or to seek such waivers or variances before the appropriate boards, in order that property owners who have been subjected to the condemnation process have a *viable and fair alternative in preventing any adverse impact upon their property as a result of the condemnation process and allow the continued use of their property in a manner similar to its precondemnation condition.* Further, it is the intent of this article to establish procedures which will reduce the cost

of acquisitions of real property needed for public improvements. (emphasis added).

Similarly, Sec. 30-641 of the Orange County Code of Ordinances provides

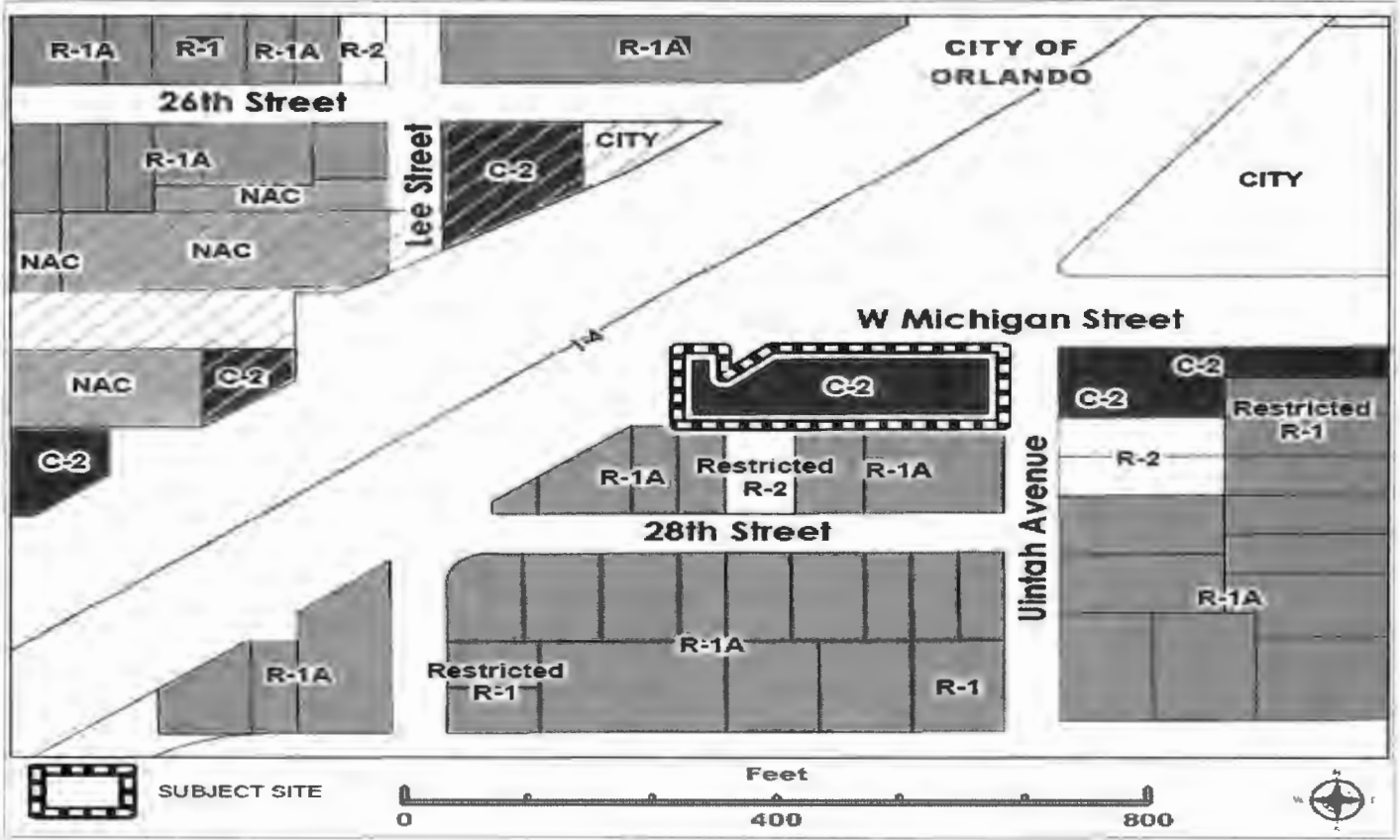
A sign which is located on a parcel that is subject to condemnation action by a governmental or public agency may be allowed to be relocated on the remaining portion of the parcel in accordance with the following:

(1) The sign is to be relocated on the remaining parcel in such a manner as to meet the setback and distance separation requirements. If due to the size and/or configuration of the remaining parcel setback and distance separation requirements cannot be met, then, subject to the zoning manager's discretion, the sign may be relocated so as to comply with such regulations to the greatest extent practicable as determined by the zoning manager.

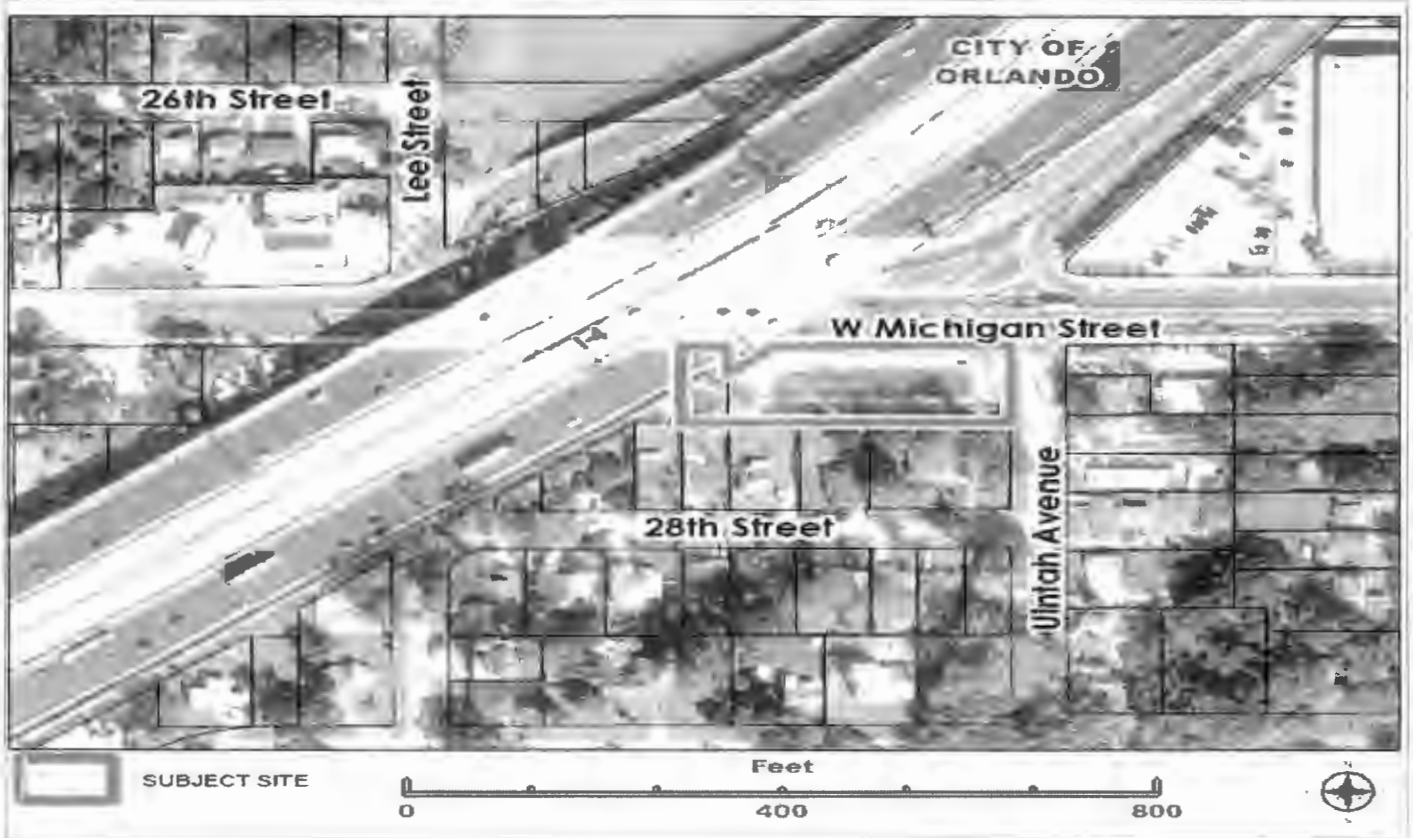
(2) Any existing nonconformity of a sign, other than setback or distance separation, shall not be increased upon relocation.

(3) If the sign to be relocated is a nonconforming sign, upon proof submitted by the applicant and subject to the determination by the zoning manager that public harm would not occur, then such sign may be relocated pursuant to this subsection notwithstanding the provisions of subsection 31.5-12(a) of the county sign ordinance as codified in chapter 31.

ZONING MAP



AERIAL MAP



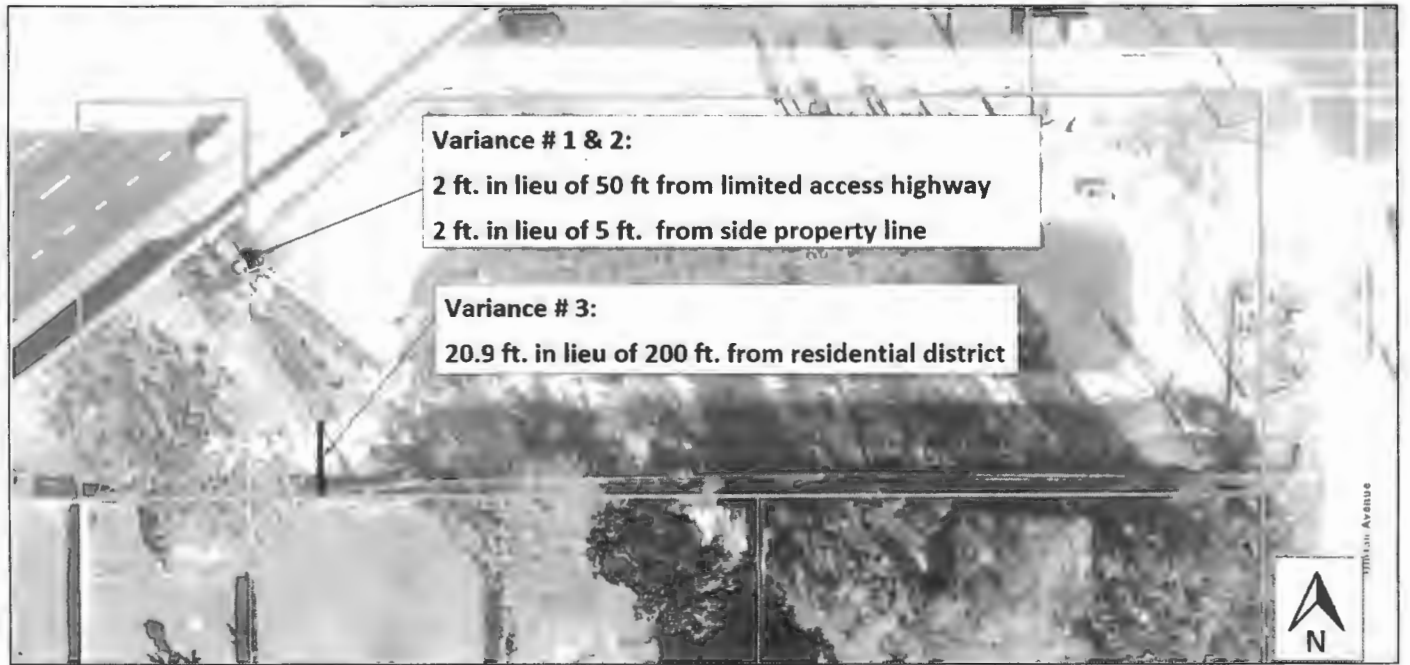
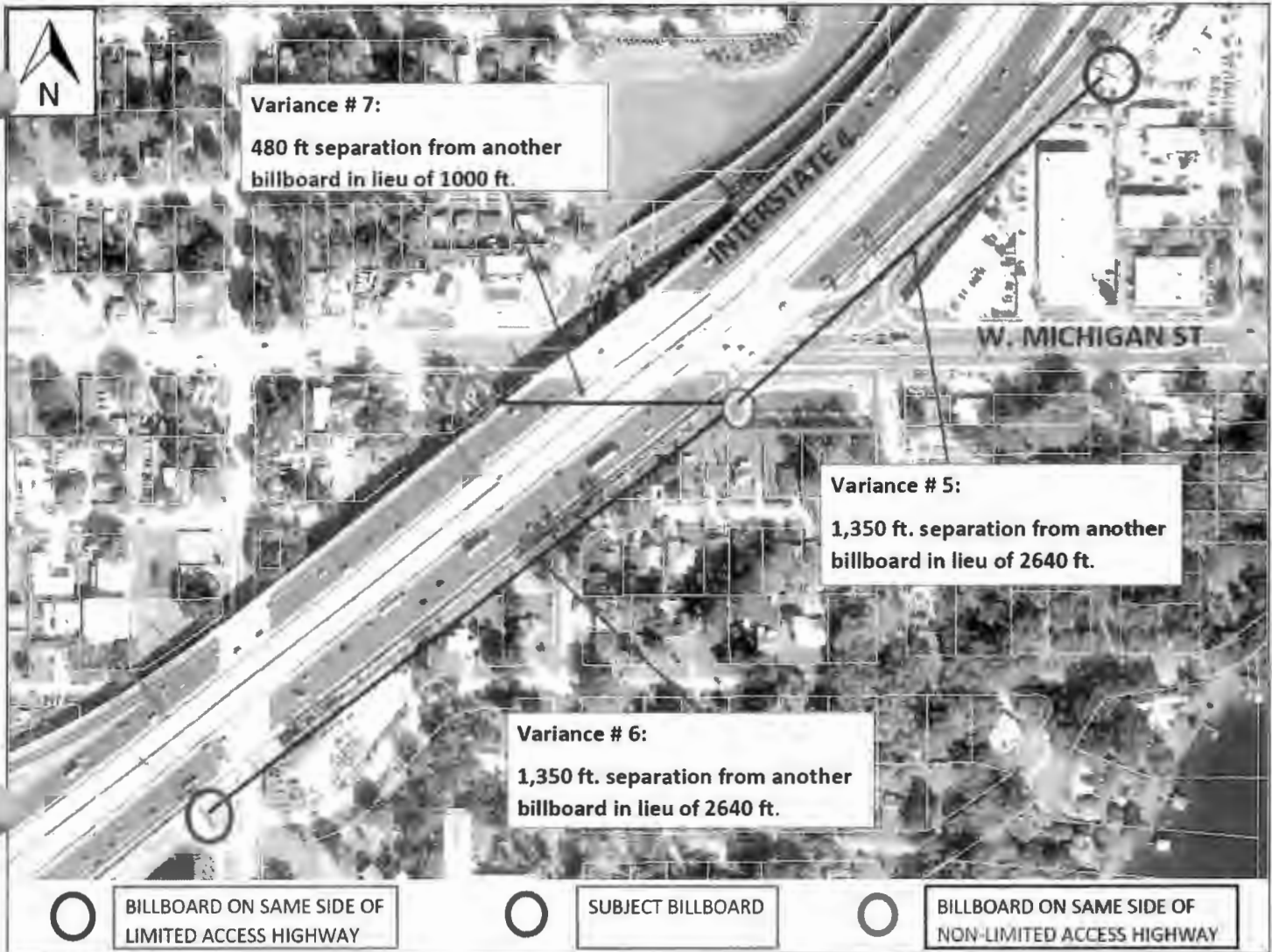
ENHANCED AERIAL MAP



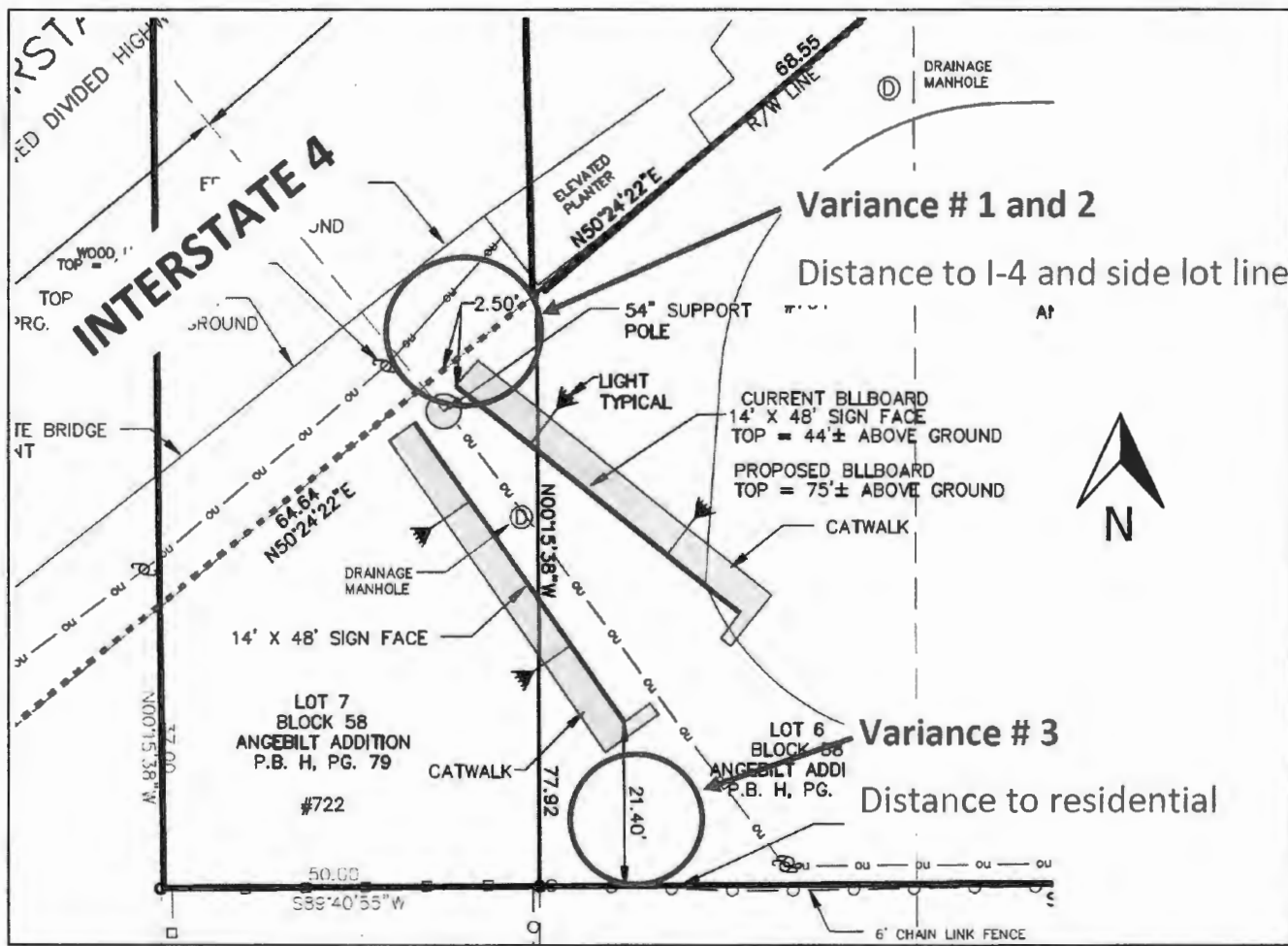
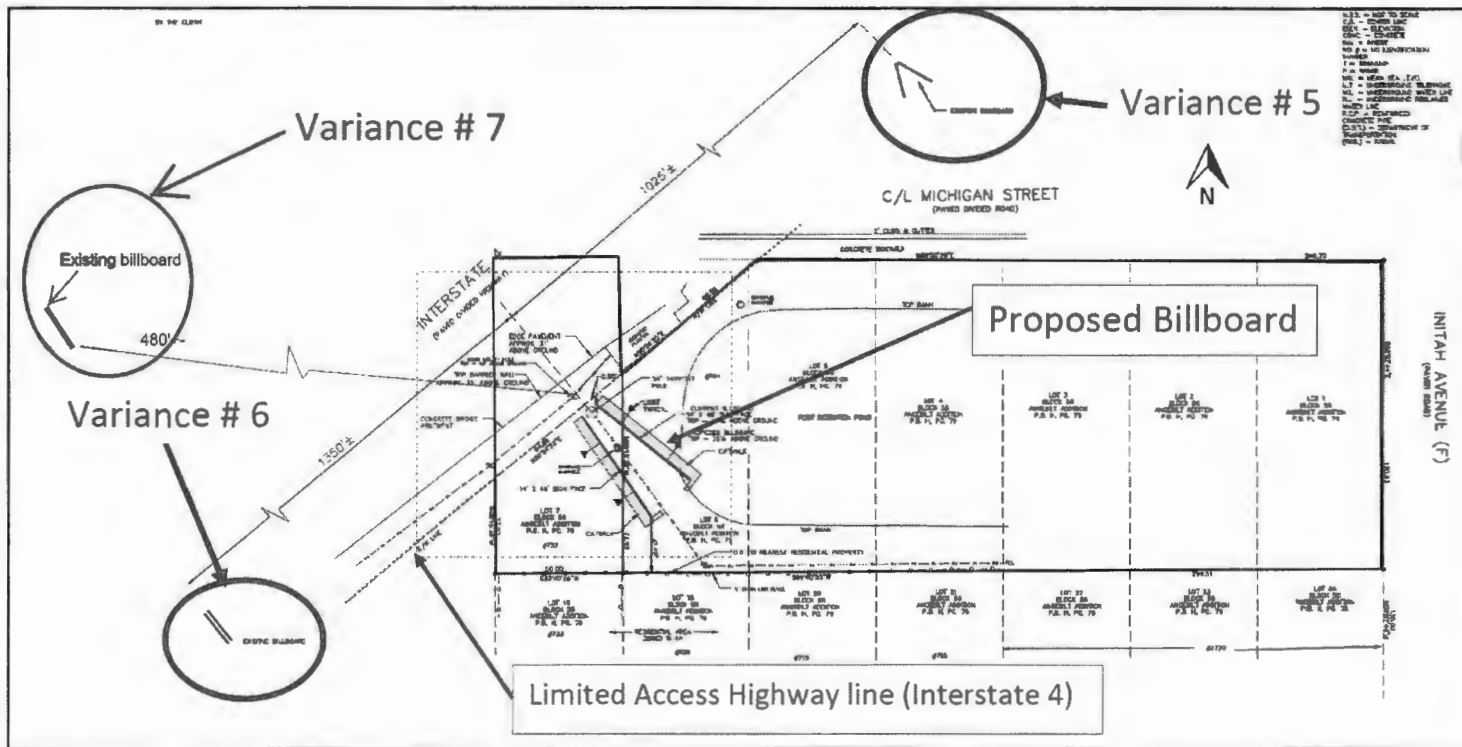
BILLBOARD FROM W. MICHIGAN STREET



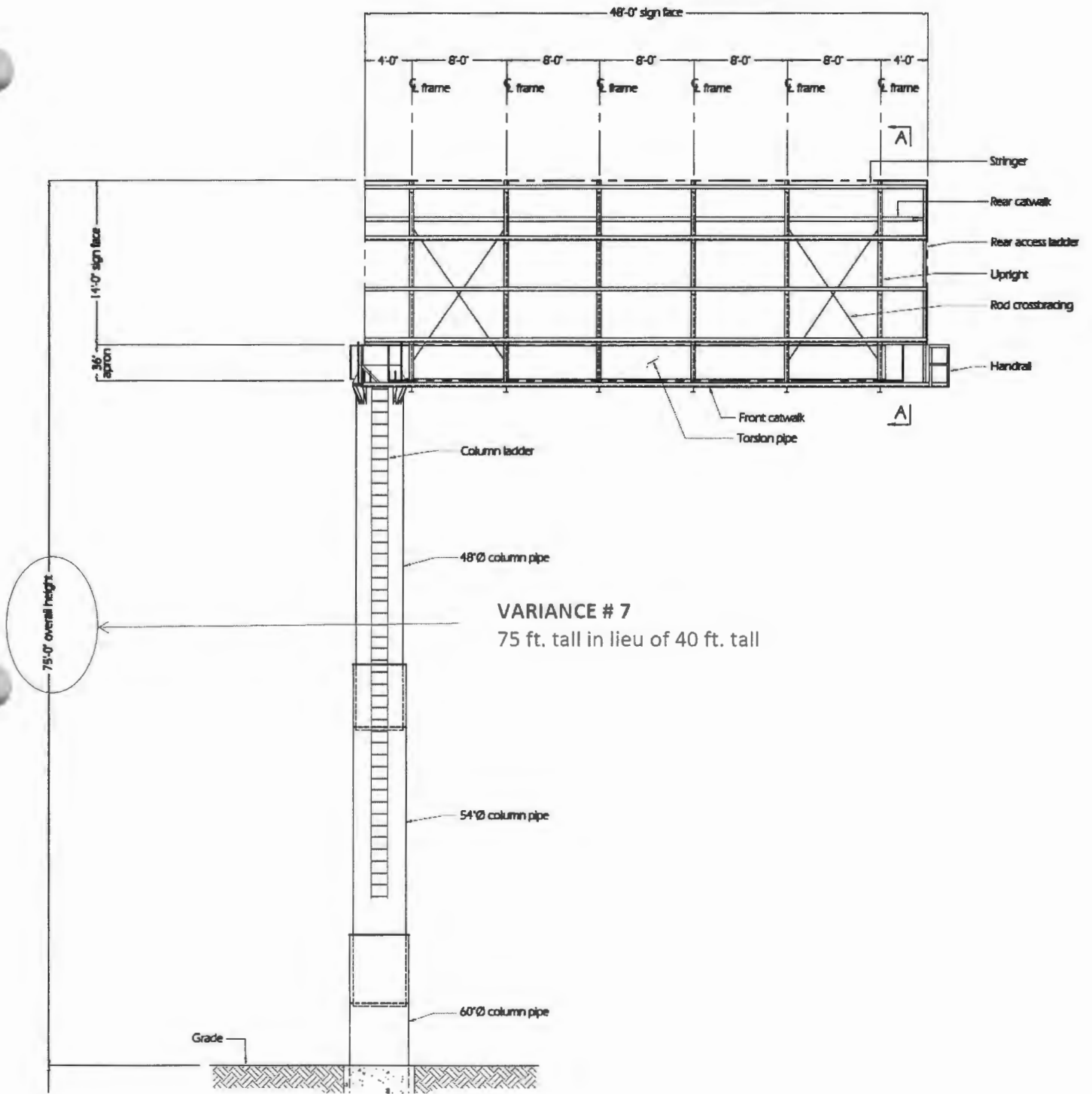
VARIANCE REQUESTS EXHIBIT



SITE PLAN



BILLBOARD ELEVATION



SITE PHOTOS



Billboard, view facing southwest from W. Michigan Street



Billboard, view facing southwest from W. Michigan St, from under Interstate 4 overpass

SITE PHOTOS



Billboard, view facing west from Unita Ave (at west property boundary)



Billboard, view facing north from 28th Street (front yards of abutting residences)

SITE PHOTOS



Billboard, view facing northwest from 28th Street (from street)



Billboard, viewed facing northwest from 28th Street (front yards of abutting residences)

SITE PHOTOS



Billboard, view facing northeast from 28th Street (front yards of abutting residences)



Billboard, view facing northeast from 28th St & Lee St. intersection

SITE PHOTOS



View of Billboard, approaching from East Bound Interstate 4



View of Billboard, approaching from eastbound Interstate 4, with pylon in view