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Members of the City Commission
City of Coconut Creek
4800 W Copans Road
Coconut Creek, FL 33063

Re: Sign Deviation Justification Narrative

Dear Members of the City Commission:

This firm represents Gunther Motor Co, (the “Applicant”), regarding an application for a sign deviation for the property located at 4350 N. State Road 7, Coconut Creek, FL 33073 (the “Property”). In support thereof, Applicant hereby provides the following justification pursuant to City of Coconut Creek Land Development Code:

Compliance with the Regulations for the Use and Control of Signs, Section 13-456(d)

1. The proposed sign will enhance the visual environment of the City both day and night.

The proposed Volvo sign will enhance the visual environment both day and night. The separate location of the Gunther and Volvo lettering will provide distinct identifying marks on either side of the exterior façade. Both the Gunther and Volvo brand are well-known and have positive reputations in the community. Approval of this deviation will allow users to identify the brands without confusion. The signs are appropriately illuminated so as to allow those in the community to view the brands, while dim enough so as there are no adverse effects.

2. The proposed sign will integrate with its surroundings.

The proposed sign will appropriately integrate with its surrounding environment. The Gunther facility has existed on the Property for many years. The Gunther brand is known with the community and has adapted to its surroundings. The proposed deviation resulted as a product of the implementation of a Volvo dealership. The proposed design seamlessly incorporates the two brands into the building design, and as a result, its surroundings while maintaining adequate separation.

3. The proposed sign is creative in the design, lighting and construction, including the use of the typefaces, colors, and materials.

The proposed sign will be the Volvo trademarked brand. The sign is specific to all Volvo products and is a unique identifier of the brand. The sign is appropriately lit so as to have an on-street presence, but also mitigates any adverse effects to surrounding neighborhoods. The sign uses classic typeface and traditional Volvo coloring.

4. The proposed sign is expressive of the identity of the individual proprietors or of the community as a whole.

The proposed sign is expressive of the Volvo identity and incorporates corporate standards for the Volvo trademarked product.

5. The proposed sign is legible under the circumstances in which it will be seen.

The proposed sign is legible under the circumstances in which it will be seen. The lettering is in a classic typeface and clearly identifies the Volvo trademark known worldwide. The sign is visible during both daytime and nighttime.

6. The proposed sign is conducive to promoting traffic safety by preventing visual distraction and providing clear direction.

The proposed sign does not provide a visual distraction and does provide clear direction for consumers. The building is setback from the roadway so it does not distract from the adjacent State Road 7. The setback mitigates any adverse effects of a visual distraction. State Road 7 is also highly populated with automobile dealerships. Simultaneously, the internationally known brand provides a unique identifier for consumers to know the location of the facility if they are seeking to purchase a Volvo.

7. The proposed sign will effectively and efficiently communicate in simple, straightforward and attractive manner.

The proposed sign effectively and efficiently communicates that the facility is a Volvo dealership in a straightforward and attractive manner. The unique Volvo trademark is classic in design and straightforward. Any consumer of the Volvo brand would instantly know they are approaching a Volvo dealership.

Compliance with the Sign Deviation Standards, Section 13-473(c)

1. The requested deviation is not contrary to the public interest, and is in harmony with the general intent and purpose of the signage regulations.

The requested deviation is not contrary to the public interest, and is in harmony with the general intent and purpose of the signage regulations. Applicant cannot meet the current sign

regulations because it would cause a likelihood of confusion among consumers. The Volvo and Gunther trademarks are separate and unique. The current sign code would require the Gunther and Volvo trademarks to be placed on top of one another. This would cause a likelihood of confusion between the brands and would diminish the value of each brand's trademark. The likelihood of confusion standard is the basis for trademark infringement. Gunther and Volvo cannot allow this likelihood of confusion because they are required to protect their trademark. Gunther and Volvo are separate and unique entities, and must maintain this status by avoiding any likelihood of confusion.

2. Approval of the requested deviation will not adversely affect the character of the surrounding development or applicable uniform sign plan.

Approval of the requested deviation will not adversely affect the character of the surrounding development or applicable uniform sign plan. As mentioned, the deviation is necessary to protect the trademark of Volvo and Gunther and to avoid any likelihood of confusion. The combined square footage of the signs does not exceed the square footage provided under code. Applicant cannot place the Gunther above the Volvo, as code requires, because it will appear as though Gunther owns the Volvo brand, which is not the case. Therefore, approval of this deviation is warranted and will not adversely affect the surrounding area.

3. The literal interpretation and application of the sign regulations will deprive Petitioner of sign visibility or effectiveness shared by other property owners.

The literal interpretation and application of the sign regulations will deprive Applicant of its rights to its unique trademarks. As mentioned, the Gunther trademark above the Volvo sign is likely to give the appearance that Gunther owns Volvo, which is not the case. The standard for trademark infringement is a likelihood of confusion standard, and placement of the trademarks according to code will likely create that confusion. The separation of Gunther and Volvo will adequately protect the unique identifiers, while still informing consumers of the facilities. Therefore, the current sign regulations deprive the Applicant of effectiveness of its brand, which other property owners are able to enjoy.

4. Approval of the requested deviation will not degrade the area involved or be detrimental to public welfare.

Approval of the requested deviation will not degrade the area involved or be detrimental to public welfare. The signage will be placed on the exterior of the building and will be adequately set back so as to avoid any adverse effects. The deviation only applies to the separation of the Gunther and Volvo trademarks, and the square footage of the sign does not exceed that provided by code. Therefore, the requested deviation will not be detrimental to public welfare.

5. See below

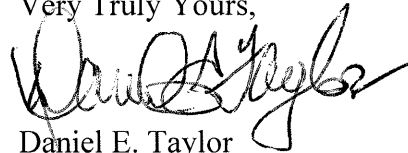
- a. The conditions that exist that are not the result of Petitioner's actions, such that a literal enforcement of the regulations involved would result in unnecessary or undue hardship.**

Literal enforcement of the sign regulations would result in unnecessary or undue hardship to the Applicant. As stated, the positioning of the signage under current code would create a likelihood of confusion. If a likelihood of confusion exists, it could subject the companies to unnecessary litigation over the rights of the trademark. Applicant is required by law to vigorously protect their trademark rights. Therefore, literal enforcement of the regulations would result in unnecessary hardship to Applicant.

- b. There is something unique about the land, building, or site configuration that would cause the signage permitted by this sign code of the ineffective in identifying a use or a structure that would otherwise be entitled to a sign.**

As mentioned above, the positioning of the signage would result in potential confusion of the Gunther and Volvo trademarks. This result would be ineffective in identifying the use that would otherwise be entitled to a sign.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daniel E. Taylor", written over a horizontal line.

Daniel E. Taylor
For the Firm