



THE CITY OF MOBILE, ALABAMA  
BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

February 20, 2017

Advantage Sign Company (Irv Horton, Agent)  
5819 I-10 Industrial Parkway  
Theodore, AL 36582

Re: #6082/4140/1874  
(Case #ZON2016-02346)  
Advantage Sign Company (Irv Horton, Agent)  
559 Virginia Street  
(Southeast corner of Virginia Street and South Warren Street).

Dear Applicant(s) / Property owner(s):

On February 6, 2017, the Board of Zoning Adjustment considered your request for a **Sign Variance to allow an LED price changer sign for a gas station less than 300' from residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance requires all digital signs be at least 300' from residentially zoned property in a B-2, Neighborhood Business District** at the above referenced location.

**After discussion, the Board determined the following findings of facts for Denial:**

- 1) approving the variance will be contrary to the public interest in that the digital sign regulations are to protect residentially zoned property, and residences are within less than 300' from the proposed digital sign, and thus the sign may be visible from the rear of the residences due to no intervening structures or vegetation;
- 2) special conditions do not exist and there are no hardships which exist, such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the existing pricing sign is located out of the traffic flow of the site and thus can be accessed safely by employees; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because, in this instance, the proposed digital

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fuel price sign will be a detriment to the neighborhood, and due to the fact that the Board denied a digital message board sign request in 2015 for the site next door to the site in question.

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before August 6, 2017, the **Sign Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By: Marie York  
Marie York, Planner II

cc: Merrit & Walding Properties

/lr