



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION

April 8, 2016

Doug Klyce
3308 Springdale Plaza
Mobile, AL 36606

Re: #6035
(Case #ZON2016-00544)
Bebo's Car Wash
6377 Old Shell Road
(Southeast corner of Old Shell Road and Hillcrest Road).

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

On April 4, 2016, the Board of Zoning Adjustment considered your request for **Sign Variance to allow a freestanding sign with digital gas prices and a digital reader board less than 300' from residentially zoned property and two additional wall signs, for a total of five signs on a single business site in a B-2, Neighborhood Business District** at the above referenced location.

After discussion, the Board determined the following findings of fact for Denial of the proposed digital reader board:

- 1) approving the variance will be contrary to the public interest in that the placement of a digital reader board sign as proposed would violate the Zoning Ordinance regulations regarding distance from residential properties, and that approving the request would not be consistent with previous decisions by the Board;
- 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; 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 proposed digital reader board sign will be a detriment to the neighborhood.

After discussion, the Board determined the followings findings of fact for Approval of the proposed remaining signage (without a digital reader board):

- 1) approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board's opinion, applicable to fuel price signs and the additional signage would allow advertisement of the business considering the

requirements per the agreement with the Shell image program and provide an equal playing field in terms of signage with other recently built convenience store/ gas stations;

- 2) special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, as well as the need for additional wall signage and advertising, such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs and two additional wall signs will not be a detriment to the neighborhood.

Therefore, this application approved, subject to the following conditions:

- 1) submission of sign permit applications;
- 2) submission of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

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 October 4, 2016, 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:


Bert Hoffman, Planner II

cc: Maurice and Gordon Mock

/lw