



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

December 7, 2022

Robin Smith
227 East Emory Road
Powell, Tennessee 37849

Re: #6486/5898
(Case #BOA-002249-2022)
Branded Image Group (Robin Smith, Agent)
3449 Hillcrest Road
(Northeast corner of Hillcrest Road and Girby Road).

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

On December 5, 2022, the Board of Zoning Adjustment considered your request for a **Sign Variance to amend a previously approved Sign Variance to allow a digital pricing sign and electronic message center within 300 feet of residentially zoned property, and three (3) wall signs in a B-3, Community Business District; the Zoning Ordinance does not allow digital pricing signs and electronic message centers within 300 feet of residentially zoned property, or three (3) wall signs in a B-3, Community Business District.**

After discussion, the Board determined the following Findings of Fact for Approval to allow digital pricing signs within 300 feet of residentially zoned property, and to allow three (3) wall signs:

- 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;**
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) 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 will not be a detriment to the neighborhood.**

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permits;**
- 2) obtaining of the electrical permits;**
- 3) logos only to be on the canopy, at the same size (or smaller) as existing logos;**
- 4) brightness to be reduced on digital signage at night; and**
- 5) full compliance with all other municipal codes and ordinances.**

After discussion, the Board determined the following findings of facts for Denial of the request for an electronic message center:

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;**
- 2) Special conditions do not exist in such a way that a 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 the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.**

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 **June 5, 2023**, the variance will expire and become null and void.

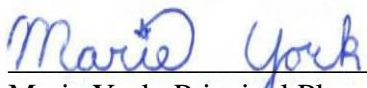
For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Marie York, Principal Planner

BOA-002249-2022 Branded Image Group

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