

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF NOVEMBER 3, 2014 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, AUDITORIUM

MEMBERS

William Guess, Chairman
Vernon Coleman, Vice Chairman
Sanford Davis
Adam Metcalfe
Jeremy Milling
Russell Reilly
Lewis Golden

STAFF

Bert Hoffman, Planner II
Carla Davis, Planner II
Lisa Watkins, Secretary I

OTHERS

Doug Anderson, Attorney
George Davis, City Engineering
MaryBeth Bergin, Traffic Engineering
Gerard McCants, Urban Forestry

The notation *motion carried unanimously* indicates a consensus, with the Chairman voting.

ROLL CALL

✓	William Guess, Chairman
✕	Vernon Coleman, Vice-Chairman
✓	Sanford Davis
✓	Adam Metcalfe
✓	Jeremy B. Milling
✓	Russell Reilly
✓	Lewis Golden

CALL TO ORDER:

Chairman Guess advised all in attendance as to the policies and procedures of the Board of Zoning Adjustment. He noted the numbers of members present constituted a quorum and that the Board was on a supermajority voting system, so it would require approval of five members to pass a variance. He then called the meeting to order at 1:58 PM.

HOLDOVERS:

#5919/5866

(Case #ZON2014-01878)

New Cingular Wireless PCS, LLC

6311 Cottage Hill Road

(220'+ South of Cottage Hill Road, 780'+ East of Hillcrest Road).

Height, Setback, Residential Buffer, and Tree Planting Variances to allow a 150' monopole telecommunications tower setback 37.5' from a lease parcel line and 42.75' from residential property, with no tree planting provided, in a B-2, Neighborhood Business District; the Zoning Ordinance limits structures to a 45' height, with telecommunications towers to be setback the height of the tower (150') from a lease parcel line, and with a residential buffer separation of 200' or 150% of the height of the tower, whichever is greater (225'), and with one tree per every 30' of lease parcel perimeter, in a B-2, Neighborhood Business District. Council District 6

The Chair announced the matter, advising it had been recommended for approval. He advised the applicant should address the Board regarding the subject at that time.

Mr. Andy Rotenstreich, AT&T, 420 20th Street North, Birmingham, AL, spoke on behalf of the applicant, and made the following points in support of the request:

- When they were before the Board last month, the case was heldover to allow the neighborhood association 30 days to hire a consultant and get with AT&T to see if they could come up with an alternative solution;
- He was happy to report that they think they have come up with an alternative plan to co-locate on the existing tower behind the Publix supermarket, and they plan to come back before the Board in the future to request an extension of that tower to be able to make it work for AT&T;
- They will also look to co-locate on another tower on Knollwood Road in the future and will need to come before the Board again for an extension of this tower;
- They hope to have the first submission to the Board within 60 days;
- They presented a letter to Mr. Anderson signed by the Muir Woods Homeowners Association president, one of the members of the Homeowners Association, and himself stating this agreement;
- AT&T requested a 60 day holdover, but Mr. Anderson suggested that a 120 day holdover may be more appropriate;
- The existing height of this current tower is 150', and they will take it to 180'.

Mr. Leland Moore, 2509 Muir Woods Drive, Mobile, AL, spoke as representative of the Muir Woods Homeowners Association and stated that the homeowners association did endorse this plan, and they wished to thank AT&T for working so hard to accommodate them.

The Chair asked if there was anyone present in the audience in favor or in opposition to the matter.

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Bess Rich, 625 Cumberland Road East, Mobile, AL, spoke on behalf of the residents of Muir Woods as their City Council representative. She made the following points regarding the change in the location of the AT&T equipment:

- She applauded the efforts on the Muir Woods residents and the consultant they hired who helped them come up with an alternative solution to the proposed cell tower;
- The tower that AT&T is talking about extending backs up to the Inverness subdivision, and it is a major presence in that neighborhood already;
- She hoped that when the Board considers the request for the cell tower extension that they allow that neighborhood to weigh in as well;
- She stated that the consultant that Muir Woods hired stated that by co-locating on the two existing cell towers that AT&T could install their equipment beneath the existing equipment as well;
- Raising the Publix cell tower will have a significant impact on the Inverness Subdivision.

The Chair stated that the applicant requested a 60 day holdover, and Mr. Anderson reiterated that after talking with Council Attorney Jim Rossler that a 120 day holdover may be more appropriate to get the applications through the Planning Commission and the Board of Adjustment.

The Chair opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to holdover the application until the March 2, 2015 meeting, at the applicant's request, to allow the applicant to pursue another collocation opportunity in lieu of this site.

The motion passed unanimously.

PUBLIC HEARINGS:

#5925

(Case #ZON2014-02083)

Bobby W. & Robin H. Lankford

2001 Crescent Drive West

(Southeast corner of Crescent Drive West and Crescent Drive North).

Use Variance to allow an accessory structure and vehicular storage as the primary uses on a vacant lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires the primary use to be a single-family residence on a lot in an R-1, Single-Family Residential District.

Council District 3

The Chair announced the matter, advising it had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the matter:

Bobby W. Lankford, 2002 Crescent Drive West, Mobile, AL, spoke on his own behalf and made the following points in support of the matter:

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- Mr. Lankford purchased the lot across the street from his house over 10 years ago so that he could park his motorhome and two trailers there;
- His family has two hobbies: drag racing and competitive barbequing. They use one trailer for each hobby;
- He has been parking the motorhome and the trailers there since he purchased the property and the portion of the property taken up by these items is less than 1/6 of it;
- He provided pictures showing the condition of site when he purchased it – people were dumping on the lot;
- He has cleaned it up, maintains it, and hasn't cut down any trees or bushes;
- His house was built in 1952, and he has very little room to maneuver around the without cutting trees, moving utility poles or encroaching on his neighbor's property;
- He lives on Dog River, and his property is in a flood zone so it presents more problems for storing these items on the back of the property;
- Mr. Lankford received a notice of violation in July regarding a commercial vehicle being parked on the property. The items he stores there are not used commercially; they are for personal recreation;
- He does have a portable utility building on the property that is used for housing items related to his racing and barbequing hobbies as well as personal household items;
- He has neighbors present who support him, and he is unaware of any opposition.

Mr. Metcalfe asked if the notice of violation stemmed from a random driveby or from a complaint.

Mr. Hoffman stated that he thought that it was from a call into the complaint system, but he would have to check on that.

Mr. Lankford stated that he received the notice of violation regarding the commercial vehicle at the same time as he received another notice of violation. The other violation was from a couple of his neighbors cutting some trees down and piling the debris on the north side of his lot along the street because they didn't have room to put it on their own property. Someone from the City came out and looked and said that there would be a \$50.00 charge, which the neighbors paid. The trees did sit there for an extended amount of time because the City's truck was broken down. So he assumed that the first complaint/inspection brought about the second notice of violation.

Mr. Guess asked if the property was just a vacant lot or how it was being used at the time of purchase.

Mr. Lankford stated that it was just a vacant lot. He thought that there had been a house there that had been torn down around 20 or 30 years ago, but even before he bought it, he and his neighbors used it for additional parking. He now allows neighbors to use for additional parking when they have parties to keep the cars off the street.

Charles Sullivan, 2562 Crescent Drive North, Mobile, AL, spoke in support of the request and made the following points in favor:

- Before Mr. and Mrs. Lankford moved in, people drove by and dumped trash on the lot, and the grass was never cut;

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- He lives directly across the street, and there has been no problem since Mr. Lankford moved in; Mr. Lankford has kept everything clean and in order.

James North, 2560 Crescent Drive, Mobile, AL, also spoke in favor of the matter and made the following points in support of the request:

- He lives next door to Mr. Sullivan, and he agreed that Mr. Lankford cleaned up the lot and improved a bad situation.

Mr. Guess asked if he put anything down to park on.

Mr. Lankford stated that he did not put anything down to park on. He considers it an extension of his yard, but it just has a road running between the lots. He bought the lot to use for parking these items.

Mr. Sullivan stated that none of the neighbors have any parking when they have guests visit, and it really helps them all out that Mr. Lankford allows them all to park on his lot.

Mr. Hoffman stated one of the issues that staff may have is that although it is hard to tell, but it's possible that the trailers encroach on the right-of-way. He further stated that any storage shed put on the property does require a permit and needs to be anchored down.

Mr. Milling expressed concern for the Board to be setting a precedent regarding property being zoned R-1 being used for storage in a neighborhood.

Mr. Lankford stated that there is a similar situation down the road where there is R-1 property that was granted a variance to be used for an RV lot.

Mr. Metcalfe asked staff if there was any trigger for non-conforming use since Mr. Lankford has been there for ten years.

Mr. Hoffman replied that they would be hard-pressed to require him to put down any aggregate surfacing unless the Engineering Department suggested that should be considered. Since the structure has been there for several years, they may want to consider requiring him to anchor the building but not necessarily require a permit. It doesn't necessarily meet the non-conforming status, but when something has been on a property that long, the courts generally frown on the City trying to impose the regulations.

Mr. Anderson stated that, as he understands it, what he is doing isn't necessarily disallowed in R-1 districts, it is just because there isn't a house there that it is an issue as he has an accessory structure there before a residence.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Reilly, with second by Mr. Davis, to approve the above referenced matter.

The Board determined the following findings of fact for approval:

- 1) Based on the fact that the applicant maintains the property, and the site is no longer used as a dumping ground by others, the variance will not be contrary to the public interest;
- 2) These special conditions exist, such as the fact that the applicant's property is partially within a flood zone and that to store the items to the rear would require the removal of existing trees, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance because the applicant's continued use and maintenance of the property will prevent the future build up of noxious weeds and illegal dumping.

The approval is subject to the following requirement:

- 1) That the storage building be sufficiently anchored to comply with the 135-mph wind load requirement of the Building Code.

The motion passed unanimously.

#5926/4343

(Case #ZON2014-02146)

Advantage Sign Company

3964 Airport Boulevard

(North side of Airport Boulevard, 940'± West of South McGregor Avenue).

Sign Variance to allow a digital sign located 297' from R-1, Single-Family Residential property; the Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.

Council District 5

The Chair announced the matter, advising it had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

Ray Floyd, Advantage Sign Company, 5819 I-10 Industrial Parkway, Theodore, AL, spoke on his own behalf and made the following points in support of the matter:

- The City requires that digital signs be 300' from residentially zoned property, and this sign will be 298.5' away;
- The sign will be single-faced unit facing east so it faces opposite the neighborhood with no glare projecting toward the neighborhood;
- There is also a building in between the sign structure and the neighborhood;
- There is a sign already existing in this location with 30" steel pipe in deep concrete footings;
- The west side of the sign will have illuminated tenant panels.

Mr. Hoffman stated that the R-1 zoned property that is within 300' is the Mobile County Club maintenance building, so there is no residence on that side. The residents of Wimbledon Park

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are more than 300' away. Across the street it is zoned commercially, and there is also an apartment complex that is beyond the 300' requirement.

The Chair asked if there were any questions from the Board.

Mr. Milling asked how high the sign would be and how high the building was.

Bill Youngblood, 3964 Airport Boulevard, Mobile, AL, spoke on behalf of Pinebrook Investments, owner of the shopping center. He made the following points in support of the application:

- The building that is between the sign and the neighborhood is 34' in height, but the sign faces east and west where the neighborhood is to the north;
- The sign is below the height of the building, and they also have an expanded vegetative buffer at the rear of the building that additionally shields the neighborhood;
- They are agreeable to making the sign static after dark.

After discussion, the Chair opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Guess, to approve the above referenced matter.

The Board determined the following findings of facts for approval:

- 1) Based on the fact that the site is isolated from residentially-used properties, the variance will not be contrary to the public interest;
- 2) These special conditions (adjacent residentially zoned property is developed and used commercially and the sign would be masked by the sign structure and the existing shopping center building) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the sign will only be directly visible to the East along Airport Boulevard and the night-time glow will be obscured by the sign structure and the existing shopping center complex.

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

- 1) sign to be programmed to display a static (non-moving) message at night;
- 2) approval by Traffic Engineering for the sign prior to the issuance of a sign permit; and
- 3) full compliance with all other municipal codes and ordinances.

The motion passed unanimously.

#5927

(Case #ZON2014-02152)

Cimco Refrigeration, Inc.

2508 Commercial Park Drive

(North side of Commercial Park Drive, 360'± East of Government Boulevard Service Road, extending to the South side of Eslava Creek Parkway, 130'± East of Government Boulevard Service Road).

Surface Variance to allow gravel surfacing for an equipment lay-down yard in a B-3, Community Business District; the Zoning Ordinance requires an equipment lay-down yard to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

Council District 5

The Chair announced the matter, advising it had been recommended for holdover, and he reviewed the revisions requested by staff with the applicant.

Ben Blankenship, Cimco Refrigeration, Inc., 2502 Commercial Park Drive, Mobile, AL, spoke on his own behalf and stated that he just saw the staff's recommendation for holdover when he got here today.

Mr. Hoffman stated that this site had been through an administrative PUD previously and the problem arose with this site when the main building burned down in 2012. Cimco decided to demo another building as well and rebuild another building and a covered work area in addition to an existing building. The administrative PUD was required due to there being multiple buildings on multiple properties, and they also had some temporary offices that had to be accommodated while they built the new facility. The initial submission stated that they had over 9000 square feet of landscaped area. Now, on the site plan submitted, it shows the aggregate storage area extending into the landscaped area, but it still shows over 9000 square feet of landscaped area. Therefore, staff cannot verify that what they have submitted is accurate because initially there was no aggregate storage area proposed, based on our understanding of their initial request. Furthermore, there is a portable storage building that isn't shown on the site plan, access has now been paved in concrete between their driveway and the adjacent property to the east which was not considered previously. So, there are some issues with this site that have not been resolved and need to be clarified before the Board can really consider their application.

Mr. Blankenship stated that the only area where they were asking for the laydown area is behind the rebuild shop between the awning and the fence. The landscaped area to the right will remain landscaped. All the landscaping on the site plan is correct. The only thing that isn't accurate is that the storage building isn't shown on the plan, and the area where the driveway was poured is a connector from one Cimco owned property to another property they bought.

Mr. Hoffman stated that the problem is that they cannot get their final certificates of occupancy, and he has been talking to their engineering company for months now trying to get the issue resolved. They are here now to get a surfacing variance for their laydown yard. But, the photographs taken by field personnel show that there is equipment being stored in the landscaped areas around the trees and part of the landscaped area under the trees has now been graveled. These things may be minor, but they must be addressed as part of the final approval.

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The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Reilly, with second by Mr. Davis, to holdover the above referenced matter until the December 1, 2014 meeting, with the following revisions due by November 17th:

- 1) Revision of the site plan to accurately reflect "As-Built" conditions, including clearly delineating all aggregate surface areas that are or will be used for storage of materials, landscape areas (with each individual landscape area calculated in square feet), trees depicted in the actual locations planted, and showing all existing structures.

The motion passed unanimously.

#5928/5600

(Case #ZON2014-02160)

Modern Signs LLC

1431 East I-65 Service Road South

(East side of East I-65 Service Road South, 345' ± South of Pleasant Valley Road).

Sign Variance to allow a second freestanding sign on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

Council District 4

The Chair announced the matter, advising it had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the request:

- 1) Rick Armstrong, Modern Signs, 869-A Commerce Drive, Gulf Shores, AL, spoke on his own behalf, and
- 2) Roger Koby, Koby Subaru and Mitsubishi, 1431 East I-65 Service Road South, Mobile, AL, spoke on his own behalf.

They made the following points in support of the matter:

- Mr. Armstrong saw the staff recommendations for holdover to allow them to submit documentation showing where Mitsubishi requires dealers to have a freestanding sign;
- Mr. Koby had that documentation and presented it to the Board;
- Previously, the Mitsubishi franchise was down the street at Bullard, so he needs a sign out front so customers know where the Mitsubishi dealership is now;
- The Mitsubishi contract requires specific brand imaging;
- The sign he selected is one of the smallest ones allowed by Mitsubishi;
- He does already have one freestanding sign that advertises the Subaru brand;
- He's had the Mitsubishi dealership for a year now, and he has been hurt by Mitsubishi customers not being able to find the dealership.
- Although he has both the Mitsubishi and Subaru dealerships on the same lot, he is required to have separate signage and separate showrooms.

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Mr. Hoffman stated that the documentation provided by Mr. Koby is indeed what staff was requesting.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to approve the above referenced matter.

The Board determined the following findings of fact for approval:

- 1) Based on the fact that the applicant has provided documentation from the auto manufacturer requiring separate signage, as is typical with branded auto dealerships, the variance will not be contrary to the public interest;
- 2) These special conditions exist, such as the fact that the applicant is contractually obligated to provide separate signage, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance because the provision of a separate sign for a different auto brand is a common requirement within the automotive community.

The approval is subject to full compliance with all municipal codes and ordinances.

The motion passed unanimously.

#5929

(Case #ZON2014-02162

Modern Signs LLC

1854-B East I-65 Service Road North

(East side of East I-65 Service Road North, 550'± North of First Avenue).

Sign Variance to allow a second freestanding sign on a multi-tenant commercial site with 559 linear feet of street frontage in an I-1, Light Industry District; the Zoning Ordinance requires at least 600 linear feet of street frontage to allow a second freestanding sign on a multi-tenant commercial site in an I-1, Light Industry District.

Council District 1

The Chair announced the matter, advising that there is no quorum for voting on this case because two of the Board members, Mr. Milling and Mr. Metcalfe, will have to recuse themselves from the vote. He asked the applicant if they had been made aware of the lack of a quorum.

Rick Armstrong, Modern Signs, LLC, P. O. Box 81174, Mobile, AL 36689, stated that he was aware of the quorum issue. He did have a question regarding the staff recommendations. He stated that it called for legal documentation proving that RSG cannot co-locate on the existing GCR freestanding sign. He thought that GCR had sent a letter to the City stating that it was their corporate policy not to allow any other entity on their pylon signs.

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Mr. Hoffman confirmed that the legal documentation had been received.

Mr. Guess stated that he thought that letter should suffice for this condition.

The application was heldover to the December meeting due to a lack of a quorum.

#5930

(Case #ZON2014-02169)

DAT Holdings, LLC

5201 U.S. Highway 90 West

(East side of U.S. Highway 90 West, 475'± South of Halls Mill Creek, extending to the West side of Halls Mill Road at Halls Mill Creek).

Surface Variance to allow gravel surfacing for an equipment lay-down yard to remain for 24 months in a B-3, Community Business District; the Zoning Ordinance requires an equipment lay-down yard to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

Council District 4

The Chair announced the matter, advising it had been recommended for denial.

The Chair noted that there was no representative of the applicant present to present their case. He asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Reilly, with second by Mr. Metcalfe, to deny the above referenced matter.

The Board determined the following findings of facts for denial:

- 1) approving the variance request will be contrary to the public interest in that it is contrary to Section 64-6.A.3.a. of the Zoning Ordinance pertaining to surfacing parking lots with concrete, asphaltic concrete, asphalt or alternative parking surface;
- 2) special conditions regarding the use of the property, or the property itself, do not exist such 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 it will limit site accessibility for the mobility challenged, and, for fire apparatus, and because other nearby businesses developed since annexation into the City have complied with the surfacing requirements of the Zoning Ordinance and no other Surface Variances have been granted within the area.

The motion passed unanimously.

#5931

(Case #ZON2014-02170)

Wrico Signs

758 St. Michael Street

(Block bounded by St. Michael Street, North Bayou Street, St. Louis Street, and North Scott Street).

Sign Variance to allow a monument sign at an apartment building in the Downtown Development District; the Zoning Ordinance does not allow a monument sign in the Downtown Development District.

Council District 2

The Chair announced the matter, advising it had been recommended for denial. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the matter:

- 1) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on his own behalf, and
- 2) Morgan Counts, 758 St. Michael Street, Mobile, AL, spoke on her own behalf.

They made the following points in support of the matter:

- Ryan Park is currently directly in front of their building that hides their visibility;
- Their business is unique downtown as they offer an affordable rental housing option;
- There are not that many multi-family, affordable housing options downtown, so when new hires come to town to work for Airbus, RSI, etc., they need the visibility for these potential tenants to be aware of their location;
- The staff report states that they have three unpermitted signs which Ms. Counts says must be the flaps on their awnings which they can take down as they aren't visible anyway;
- They have explored other signage options, and they feel that the monument sign they are requesting gives them the best possible visibility and would contribute to the curb appeal downtown;
- Mr. Wright mentioned that this property takes up an entire city block, and he thought that a single-faced 50 square foot sign doesn't seem unreasonable for a property of this size;
- He stated that the way the building is designed and situated and how the windows are, there really isn't anywhere else to put a sign that would provide any visibility.

Mr. Metcalfe asked if this was in the new Downtown Development District and if a site that takes up an entire city block and is eight stories wouldn't be allowed to have this type of sign, what type of sign they would be allowed to have.

Mr. Hoffman stated that they would be allowed to have a sign painted on a wall almost from the top of the building all the way down, signage that spanned the 80 percent of the width of the building that could be three feet tall at the top and they could have some down lower that could identify the suites in the building, or they could have a blade sign. A monument sign would have been allowed prior to the adoption of the Downtown Development District code, but now monument signs are not allowed at all.

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Ms. Counts stated that they have talked to the director of the Downtown Mobile Alliance, and he stated that he was in support of them, but he was very busy and may not have had time to write a letter of support. They do have a lot of residents who dine and contribute to the downtown economy.

Mr. Milling stated that he thought that what they are proposing could be a benefit. He was very involved in the form-based code and thought this issue may have been something that was overlooked. His concern would be the quality and the aesthetics and how it would fit in the fabric of downtown. He hoped that they would have Mr. Renfrey from the Downtown Mobile Alliance there and maybe more input from the applicant showing the quality of materials and design. He would recommend considering a holdover for them to provide more information.

Mr. Guess agreed that he thought it would be beneficial to have someone present from the Downtown Mobile Alliance to see how they see this type of thing fitting in before the Board starts approving variances opposite of everything created by the revised code.

Mr. Hoffman stated that the regulations limit the material choices for signage to wood, metal and metal composite, and internally lit signs aren't allowed in this area.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Davis, to holdover the above referenced matter.

The Board heldover the request until the December meeting in order to allow the applicant to provide additional information regarding the materials of the proposed sign.

The motion passed unanimously.

#5932/5250

(Case #ZON2014-02171)

Wrico Signs

1419 East I-65 Service Road South

(Southeast corner of East I-65 Service Road South and Pleasant Valley Road).

Sign Variance to amend a previously approved Sign Variance for an automobile dealership at a multi-tenant commercial site with less than 1,200 linear feet of street frontage to allow a third freestanding sign, and to allow three wall signs for one of the tenants in a B-3, Community Business District; the Zoning Ordinance requires at least 1,200 linear feet of street frontage to allow a third freestanding sign at a multi-tenant commercial site, and allows one wall sign per tenant, in a B-3, Community Business District.

Council District 4

The Chair announced the matter, advising it had been recommended for holdover. He advised the applicant should address the Board regarding the subject at that time.

The following people spoke in support of the matter:

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- 1) Wade Wright, Wrico Signs, 3345 Halls Mill Road, Mobile, AL, spoke on his own behalf, and
- 2) Ty Bullard, 1419 East I-65 Service Road South, Mobile, AL, spoke on his own behalf.

They made the following points in support of the matter:

- Mr. Wright said he was surprised by the staff's request for additional information as he thought it had all been worked out;
- On the initial sign submitted, it didn't have "Range Rover" on the engineered drawings on it;
- All they are doing is moving an existing sign down the street to the existing location;
- A variance was approved when Hummer was in existence, and they are basically putting this sign up where the Hummer sign was; Jaguar is moving to the Hummer building. They are moving the Hummer/Land Rover/Range Rover sign to the location where the Hummer sign was up until about two years ago;
- This location currently has two freestanding signs: Cadillac Pre-Owned and Cadillac.

Mr. Milling stated that on previous applications, the Board required the applicant to provide documentation showing requirements that the dealership must have separate freestanding signs for separate brands, so in order to be consistent, they should require that here as well.

Mr. Bullard said they do have that documentation in their dealer agreement, he just doesn't have it with him.

Mr. Hoffman stated that the other portion of the variance request regarding wall signs is that they are requesting a wall sign variance to identify their dealership as the Gulf Coast regional dealership since the nearest other such dealerships are in New Orleans and Jacksonville.

Mr. Bullard stated that they cover a regional area from Jacksonville to New Orleans, Hattiesburg and Birmingham and that is how their branding is set up.

The Chair asked if there were any questions from the Board. Hearing none, he asked if there was anyone present in the audience in favor or in opposition to the matter. Hearing none, he opened the floor for a motion.

A motion was made by Mr. Metcalfe, with second by Mr. Milling, to approve the above referenced matter.

The Board determined the following findings of fact for approval:

- 1) Based on the fact that the auto manufacturers typically require separate signage, the variance will not be contrary to the public interest;
- 2) These special conditions exist, such as the fact that the applicant is contractually obligated to provide separate signage, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance because the provision of a

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separate sign for a different auto brand is a common requirement within the automotive community.

The approval is subject to the following condition:

Provision of documentation that Jaguar / Land Rover / Range Rover requires a separate freestanding sign, or that Cadillac requires a separate freestanding sign (preventing other brands from collocating).

The motion passed unanimously.

.OTHER BUSINESS:

With there being no further business before the Board, the meeting was adjourned at 3:18 PM.

APPROVED: April 6, 2015



Chairman of the Board

/lw