

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 4, 2016**

<u>CASE NUMBER</u>	6031/5764
<u>APPLICANT NAME</u>	Michael J. Habel (Brett Flodder, Agent)
<u>LOCATION</u>	3201 Airport Boulevard (South side of Airport Boulevard near main building entrance to Colonial Bel Air Mall)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow four wall signs for a tenant at a multi-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows two wall signs for a tenant with dual frontages at a multi-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	52.9± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow four wall signs for a tenant at a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows two wall signs for a tenant with dual frontages at a multi-tenant site in a B-3, Community Business District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The proposed signage is for the Belk Department Store which is under renovation to replace the closed Sears store in the mall.

The applicant states:

1. The purpose of this application is to allow:

"Apply for a signage variance allowing the Belk Department Store to have a sign on three building elevations, one of which would have two signs. The North and West elevations would each have a single wall sign. The East elevation would have two wall signs, one over each existing store entrance. Please refer to the attached Signage Variance package."

2. What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?

"Per the current zoning code this building can have one wall sign on each street front elevation. This store has four elevations fronting the street so a sign is permitted on each of the elevations. Instead of providing a sign on the South elevation, Belk is proposing to provide two signs on the East elevation. Each sign may occupy 30% of the usable wall area of that particular wall, up to a maximum of 350 square feet. Each proposed wall sign is 200 square feet."

3. How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning ordinance occur?

"Belk is proposing moving the South elevation sign to the East elevation so that both entrances into the store are clearly marked. This elevation of the building is 493' long. Signing both existing entrances seems appropriate for this existing elevation. Please refer to the attached Signage Variance package."

4. How is the property different from the neighboring properties?

"This property is very similar to the Dillard's store – both are mall anchors. Dillard's currently has two signs on each of its exterior elevations, one is a large illuminated sign

found in the upper corner while the other is a small sign above each entrance into the store. This property, formerly Sears, had a sign on the East, North and South elevations. Refer to the existing signage photos in the Signage Variance package.”

The Sears store had three wall signs which appear to pre-date the enactment of the Sign Regulation Provisions of the Zoning Ordinance in 1993. Ordinarily a tenant store in a multi-tenant site is allowed one wall sign, except that units at public street corners are allowed two wall signs, one per street frontage. Sears had one wall sign each on the North, East and South elevations. The applicant proposes to have two wall signs on the East elevation (one above each entrance on that elevation, one above the entrance on the North elevation, and one on the blank wall on the West elevation. No sign is proposed above the rear entrance on the South elevation. It should be noted that a Sign Variance was granted in 1994 for the ten-story office tower on the West side of the mall complex to allow seven wall signs with a total of 1,500 square feet.

The Sears/Belk store is the largest anchor store at the Bel Air Mall complex and is one of the larger retail stores within Mobile, with 232,875 square feet. Within the Bel Air Mall, Dillard's is the next largest at 208,990 square feet. The Costco store in the McGowin Park development is 149,665 square feet. Inasmuch as Costco was allowed three wall signs and other stores were allowed excess wall signage by virtue of the Planned Unit Development (PUD) for that site, it would seem to stand that the much larger Belk store should be allowed the three wall signs over three of its four entrances. The fourth proposed sign would be on the blank West wall which protrudes approximately 100' beyond the nominal façade plane of the mall's North elevation due to an expansion in the past and there is no store identity associated with that wall. It should be noted that the stores facades are located approximately 460' from the centerline of Airport Boulevard, and 650' from the centerline of Bel Air Boulevard.

Due to the store's size, as well as distance from the abutting structure, the applicant has illustrated a hardship to justify the request for the allowance of the three wall signs above the store entrances. Although not specifically mentioned by the applicant, the allowance of the fourth wall sign on the West wall would seem justified due to the fact that the West wall has no store identity as seen from the expanse of the parking area North of the mall building. Therefore, the Board should consider all requested signage for approval, subject to conditions, especially in light of the re-use of one of the largest existing established store buildings within the City, and the allowances that have been provided to other recent large-scale retail developments.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the mall site has double public street frontage and the Belk store is the largest within the mall complex, the variance will not be contrary to the public interest;
- 2) These special conditions (the subject store is very expansive with four exterior entrances, a large wall façade area, lengthy distances from Airport Boulevard and Bel Air Boulevard, and protrudes beyond the wall plane of the remaining mall building) exist

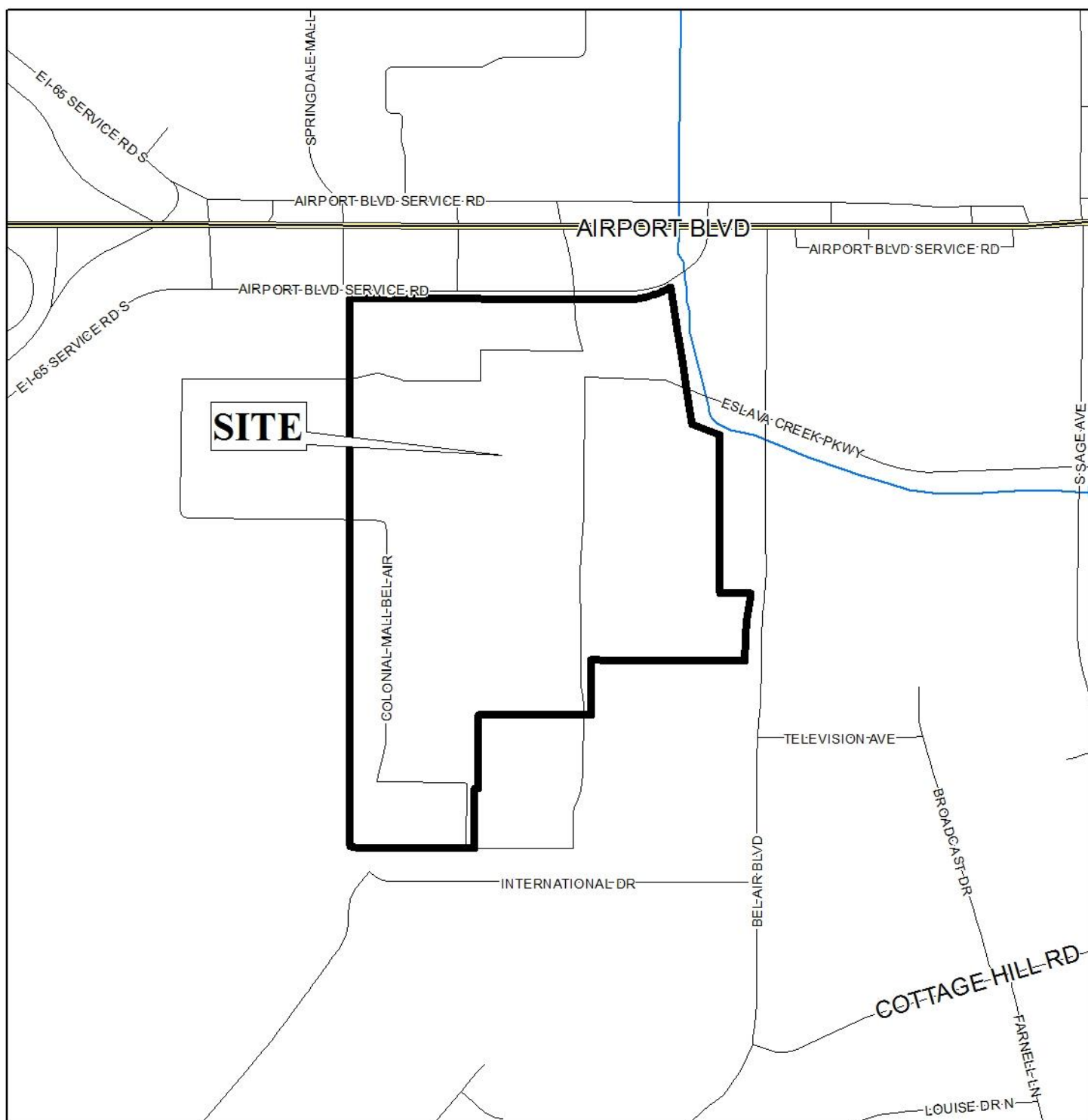
such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and

- 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 a Sign Variance was granted for much more signage for another tenant within the mall complex and a similar blanket request has been granted via a PUD for new stores of smaller sizes in another development.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) obtaining of sign and electrical permits for all approved signs; and
- 2) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



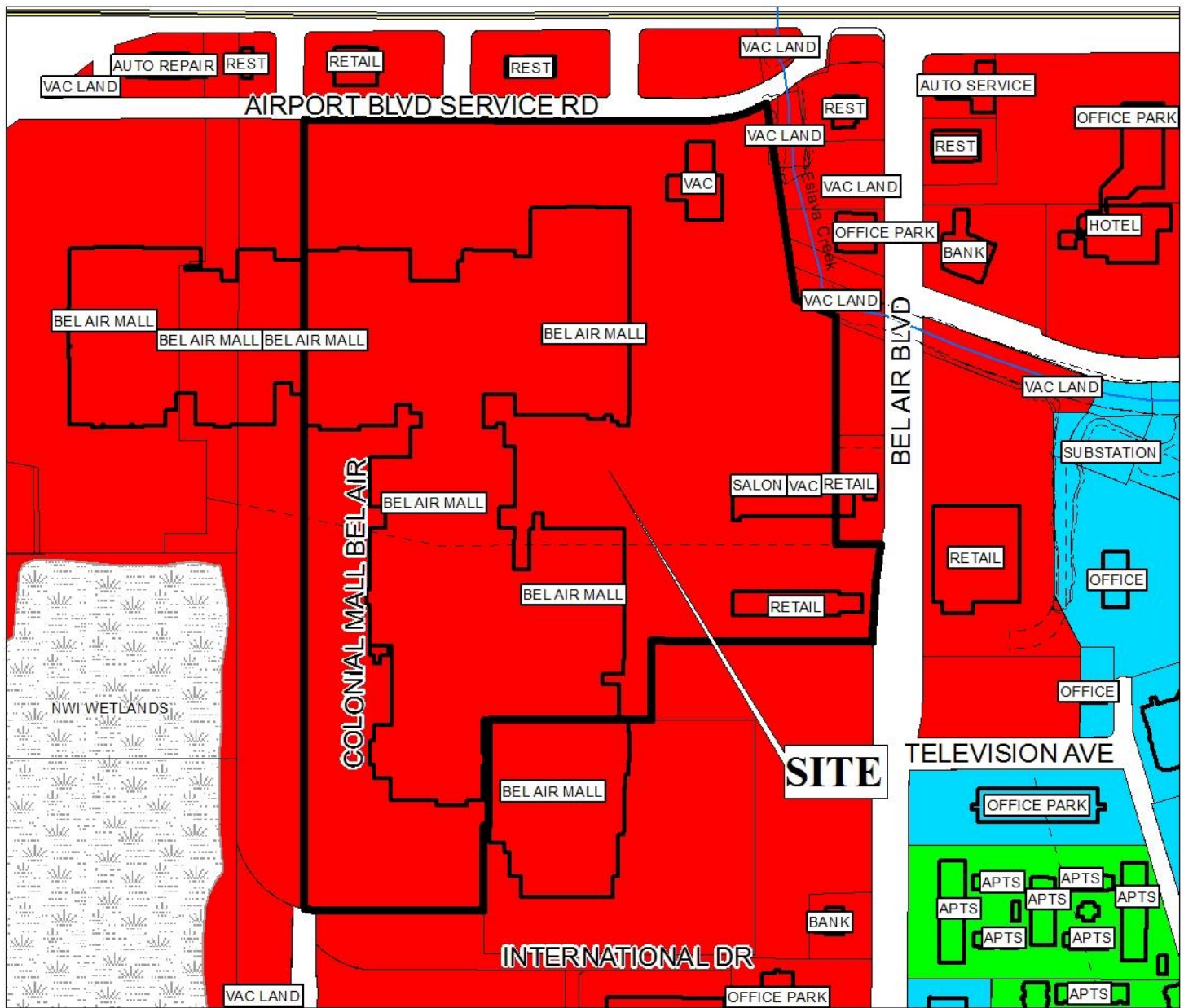
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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units to the southeast.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



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The site is surrounded by commercial units and residential units to the southeast.

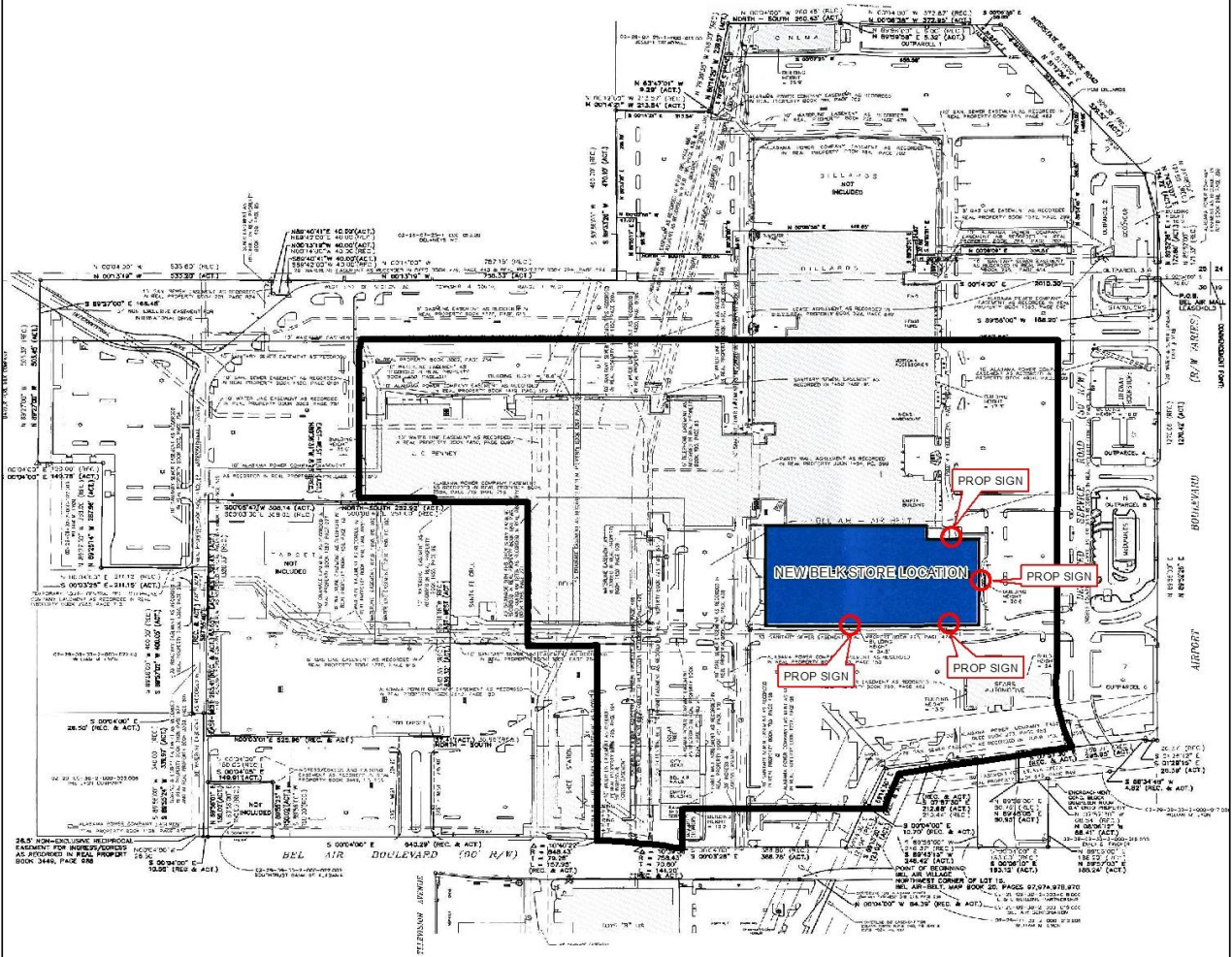
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SITE PLAN



The site plan illustrates the proposed sign locations.

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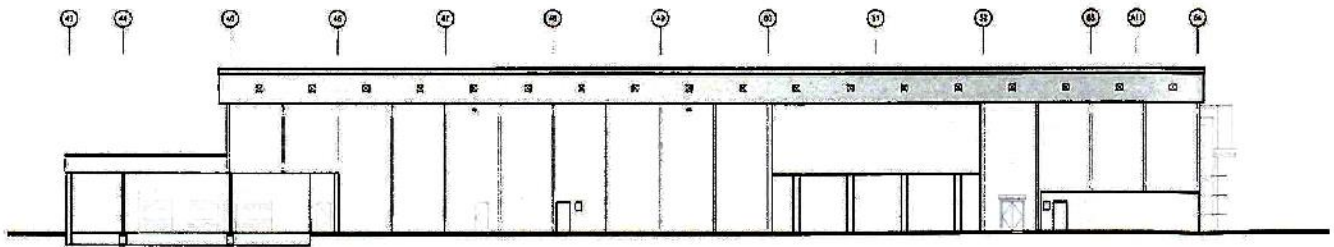


NTS

DETAIL SITE PLAN



NORTH ELEVATION



SOUTH ELEVATION

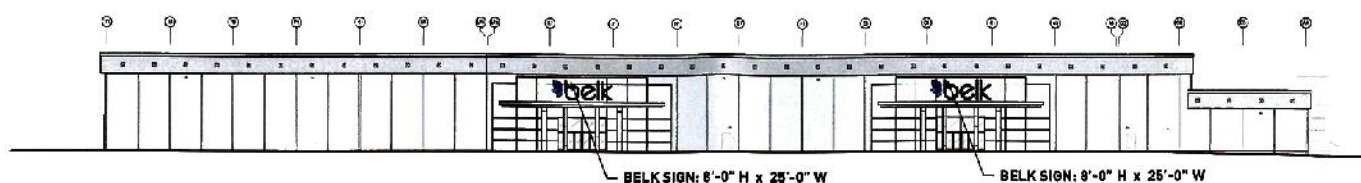
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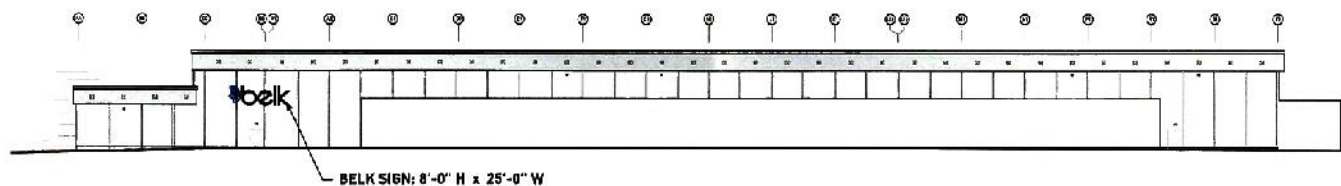
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DETAIL SITE PLAN



EAST ELEVATION



WEST ELEVATION

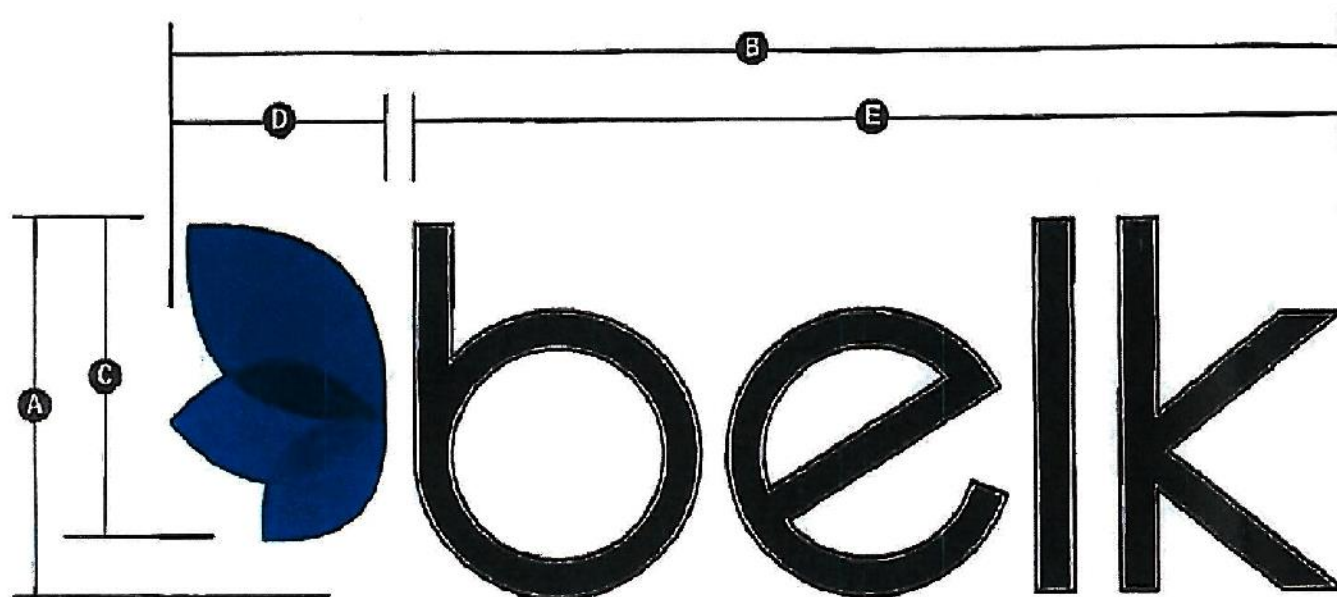
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DETAIL SITE PLAN



Channel Letter Layout - Size Chart
Not to Scale

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