

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 8, 2014****CASE NUMBER**

5912

APPLICANT NAME

Scott Electric Sign Company

LOCATION3118 Government Boulevard
(North side of Government Boulevard at the North terminus of Satchel Paige Drive).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a total of seven (7) wall signs and one (1) freestanding sign for a single business site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows a single business to have a total of three (3) signs, with only one being a freestanding sign in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

6.8± Acre

**ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow a total of seven (7) wall signs and one (1) freestanding sign for a single business site in a B-3, Community Business District; the Zoning Ordinance allows a single business to have a total of (3) signs, with only one being a freestanding sign in a B-3, Community Business District.

The purpose of this Sign Variance is to allow seven (5) additional wall signs to be used as advertisement for the expansion of an existing car dealership. The applicant has already received approval from staff for the freestanding pylon sign and is allowed two (2) wall signs for this site. However, the five (5) additional wall signs exceed the maximum amount of signage allowed at a single business site and requires the approval of the Board; hence the reason for this application.

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 applicant states that *"The purpose of this application is to allow wall signage to exceed the City of Mobile's ordinance requirements. The reason which prevents compliance with the requirements of the zoning ordinance is that the wall signs which are scheduled to be installed have been manufactured at a specific length and height. With the specific length and height of each wall sign added together, the total square footage exceeds the allowable limit of the zoning ordinance. This project has been pending because the dealership has changed ownership since we first began to take on this project. We have been approved for the freestanding pylon sign for the dealership. However, the wall signs were put on hold until the name change and new ownership of the auto dealership was approved. This property will be a new Automobile dealership with four different automobile manufactures: Chrysler, Dodge, Jeep, and Ram"*

Based on the applicant's statement it appears that the justification for the variance is simply because the proposed wall signs have already been manufactured at a specific length and height, which does not exemplify any hardship to be associated with the property. In fact, with some size readjustments to the 4 proposed wall signs and by moving the AutoNation sign upward, the building façade appears to indicate that the 4 signs could be located under the central portion of the façade above the arched window; this would allow signage to be grouped, effectively reducing the number of signs.

It should be noted that the approved freestanding pylon displays four (4) of the seven (7) signs that the applicant wishes to display on the building for wall signs. Chrysler, Dodge, Jeep, and Ram appear on the freestanding sign the same way they would appear for the wall signs. The approval of four (4) additional wall signs would seem to be excessive signage.

In certain instances such as a single car dealership selling multiple brands of cars, the Board has been sympathetic to the need for a separate signs for each brand. But the applicant has not illustrated that a hardship would be imposed by a literal interpretation of the Sign Regulations or that five (5) additional wall signs is actually needed. The applicant simply wishes to have more signage than is allowed, and the Board should consider this application for denial.

RECOMMENDATION: Based upon the preceding, this application is recommended for denial as the Board finds that the variance request:

- 1) will be contrary to the public interest in that it is contrary to Section 64-11.1. of the Zoning Ordinance pertaining to providing for uniform standards for on-premise signs within the city;
- 2) in that special conditions such as limited visibility, multiple street frontages, or unusual site constraints do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) that the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding area by granting the variance to allow excessive signage that would encourage additional requests in the future for business in the surrounding area.

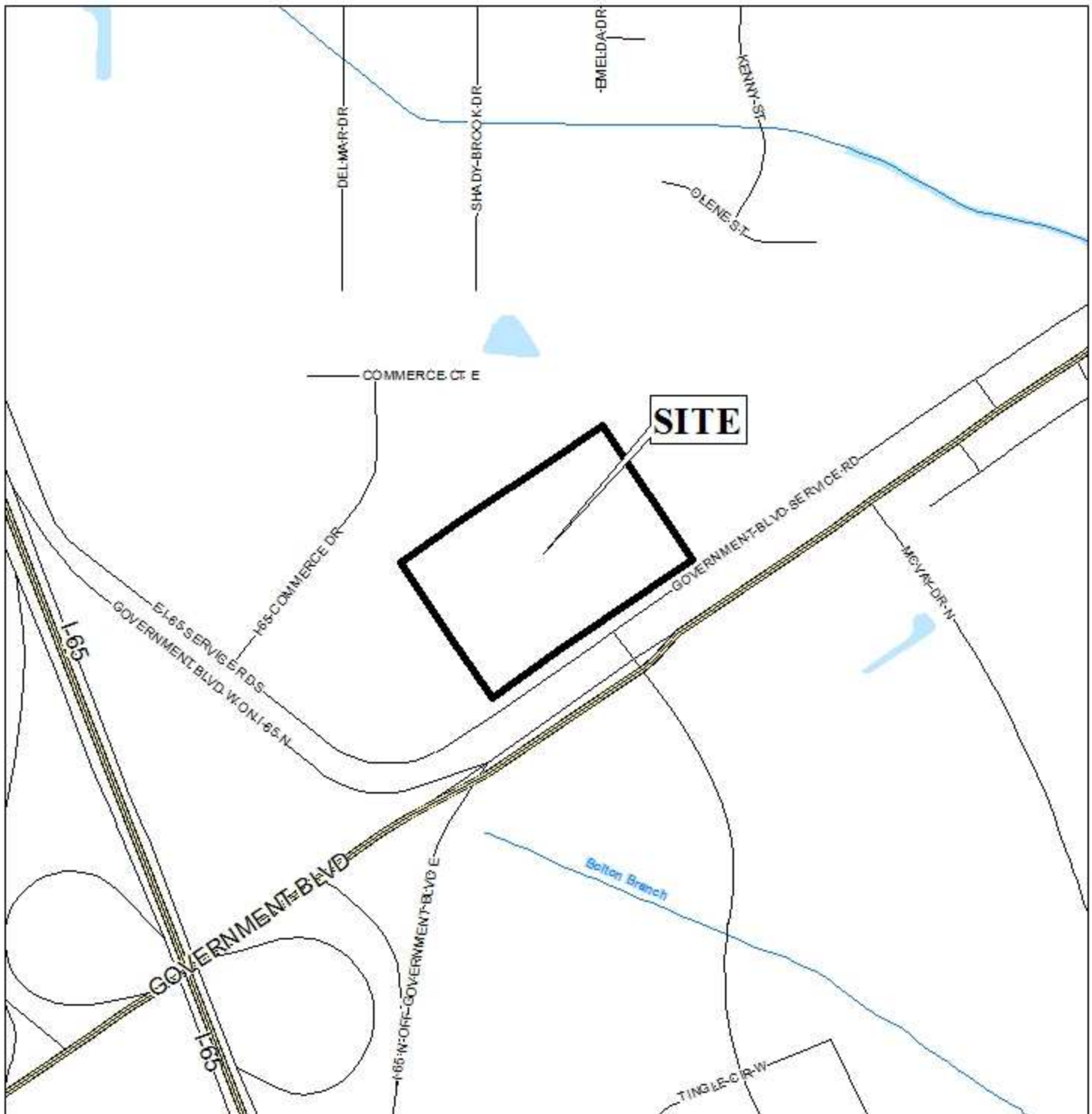
Revised for the October 6th meeting:

This application was requested to be heldover by the applicant at the September 8th meeting to allow the applicant to submit additional documentation. No documentation has been provided, thus staff stands with the previous recommendation for denial.

RECOMMENDATION: *Based upon the preceding, this application is recommended for denial as the Board finds that the variance request:*

- 1) *will be contrary to the public interest in that it is contrary to Section 64-11.1. of the Zoning Ordinance pertaining to providing for uniform standards for on-premise signs within the city;*
- 2) *in that special conditions such as limited visibility, multiple street frontages, or unusual site constraints do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and*
- 3) *that the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding area by granting the variance to allow excessive signage that would encourage additional requests in the future for business in the surrounding area.*

LOCATOR MAP



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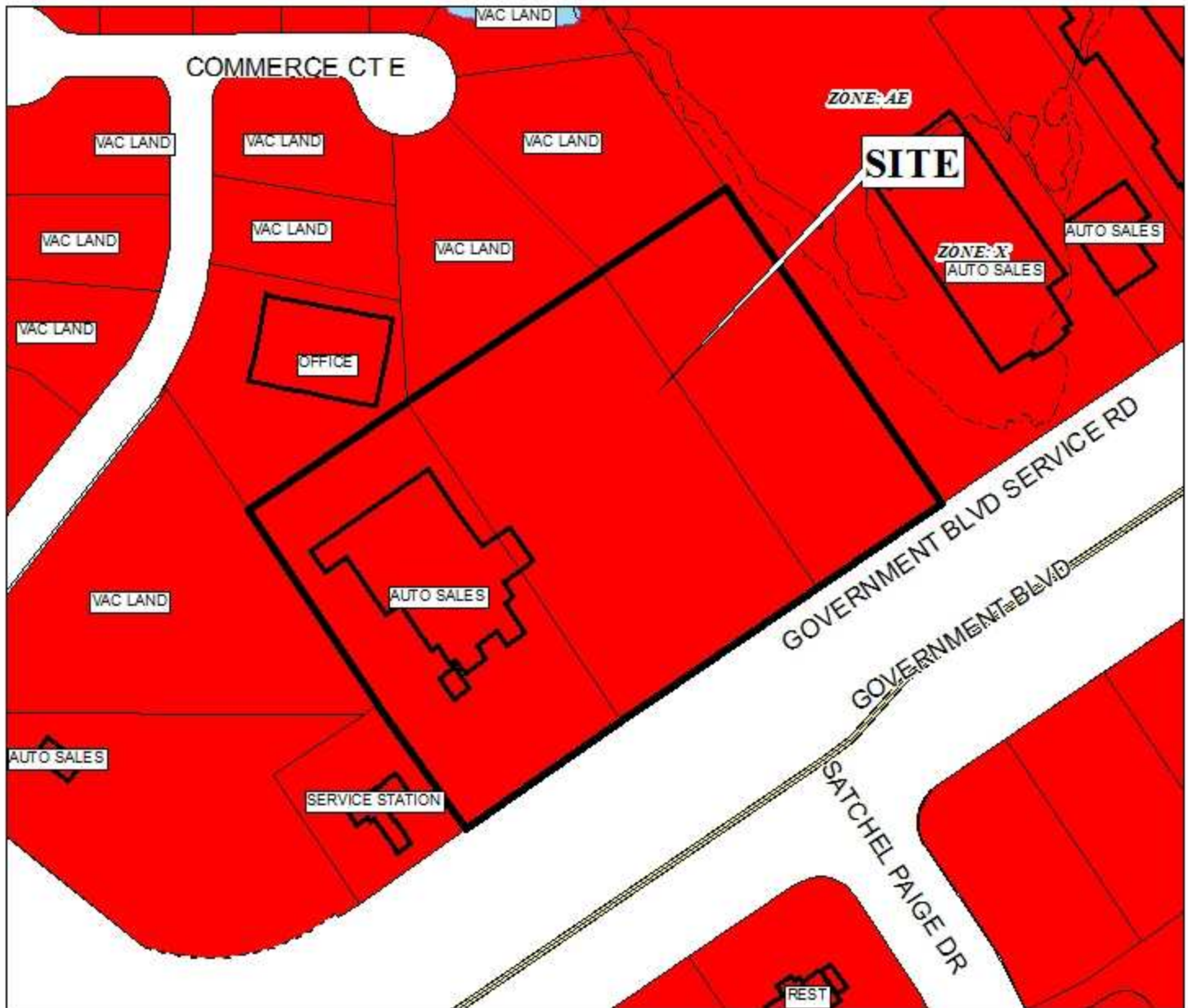
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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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



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

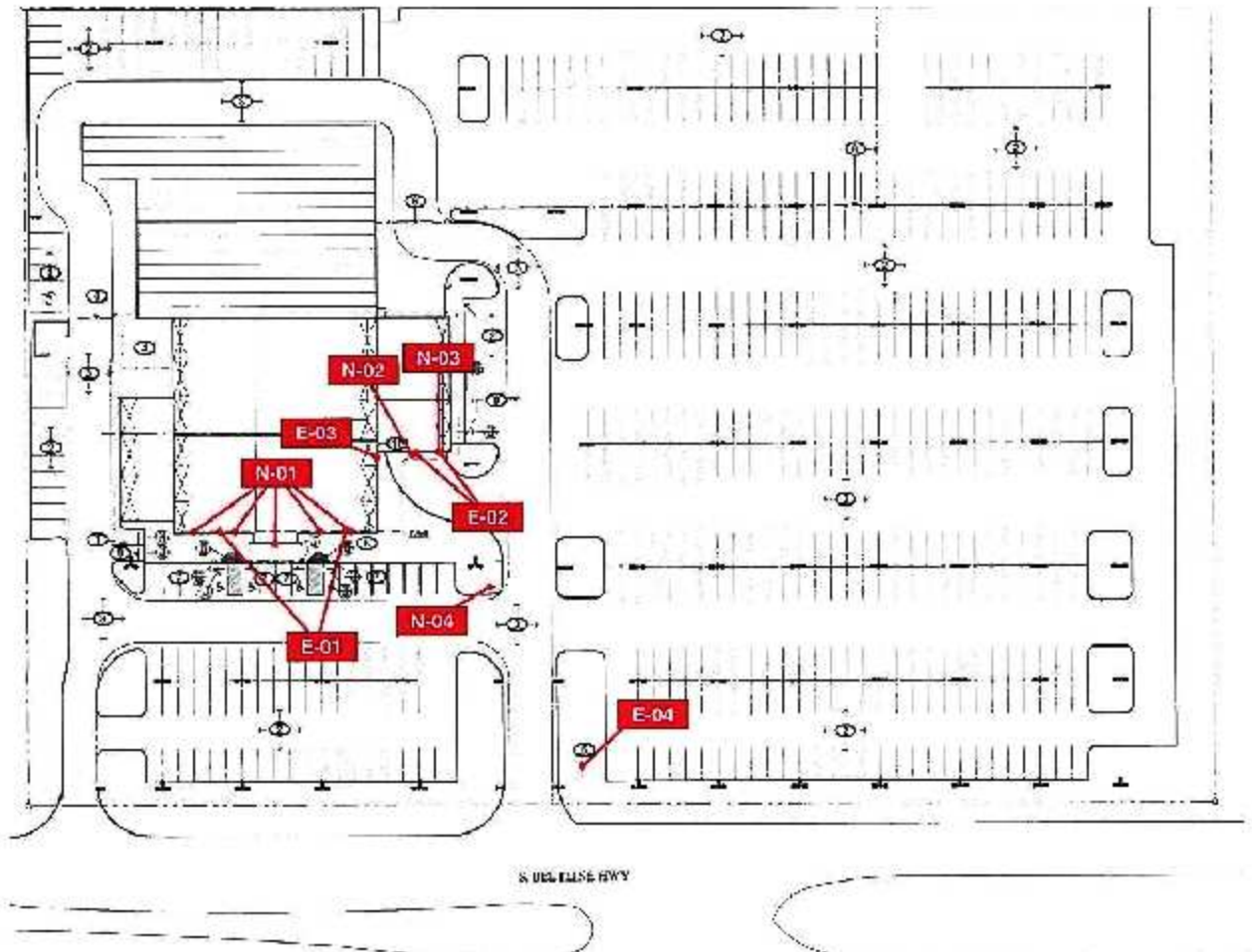


The site is surrounded by commercial land use.

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SITE PLAN



The site plan illustrates the existing sign locations for the previous car dealership.

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EXISTING SIGNS TO BE REMOVED



Dealer to remove non-conforming vinyl.

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SIGN DETAIL

E-04



Inventory Comments

Photo represents existing site conditions.



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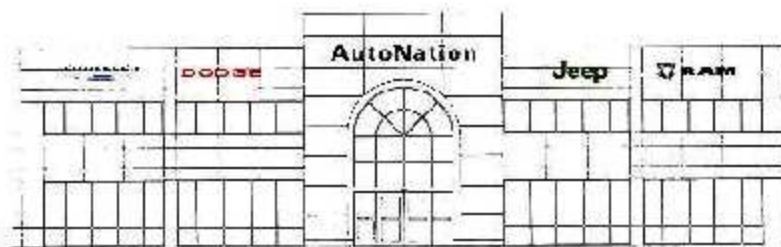
SIGN DETAIL

N-01



Inventory Comments

Photo represents existing site conditions.



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SIGN DETAIL

N-02



Inventory Comments

Photo represents existing site conditions.



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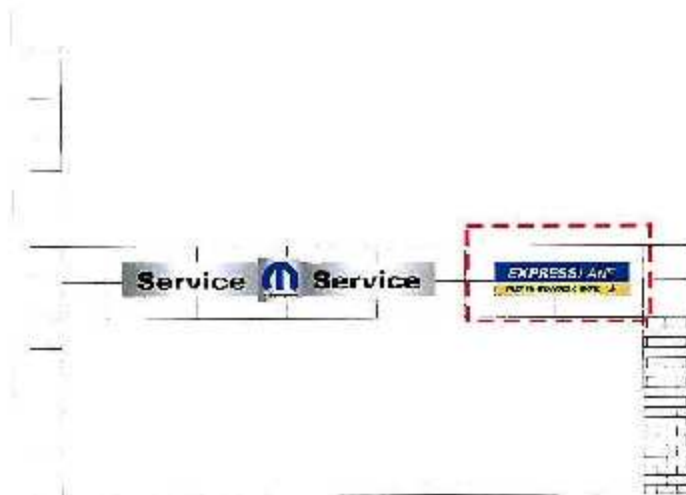
SIGN DETAIL

N-03



Inventory Comments

Photo represents existing site conditions.



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SIGN DETAIL

N-04

No Existing Sign

Inventory Comments

N/A



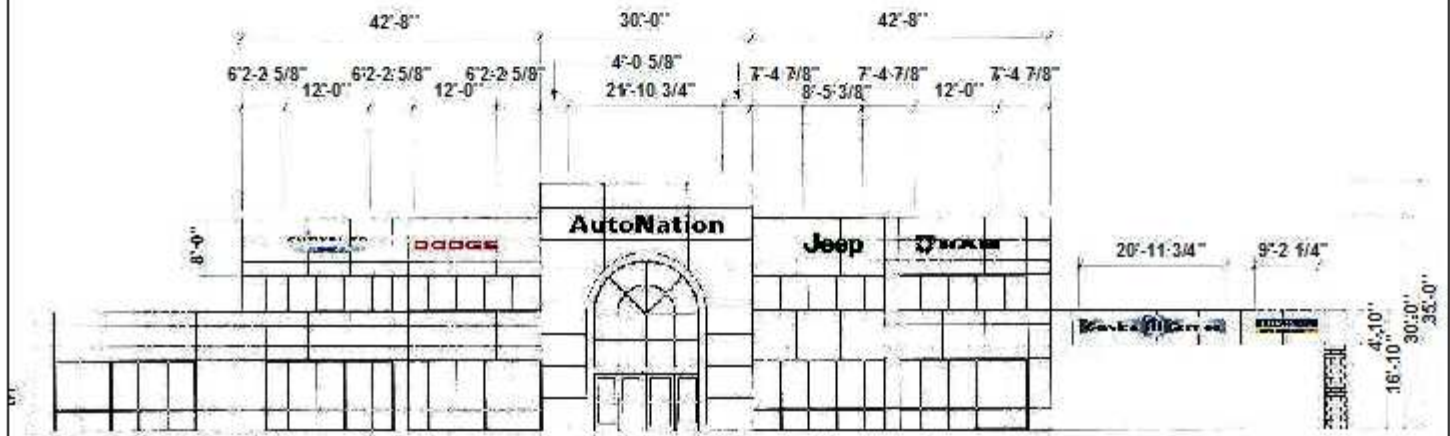
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ELEVATION DETAIL



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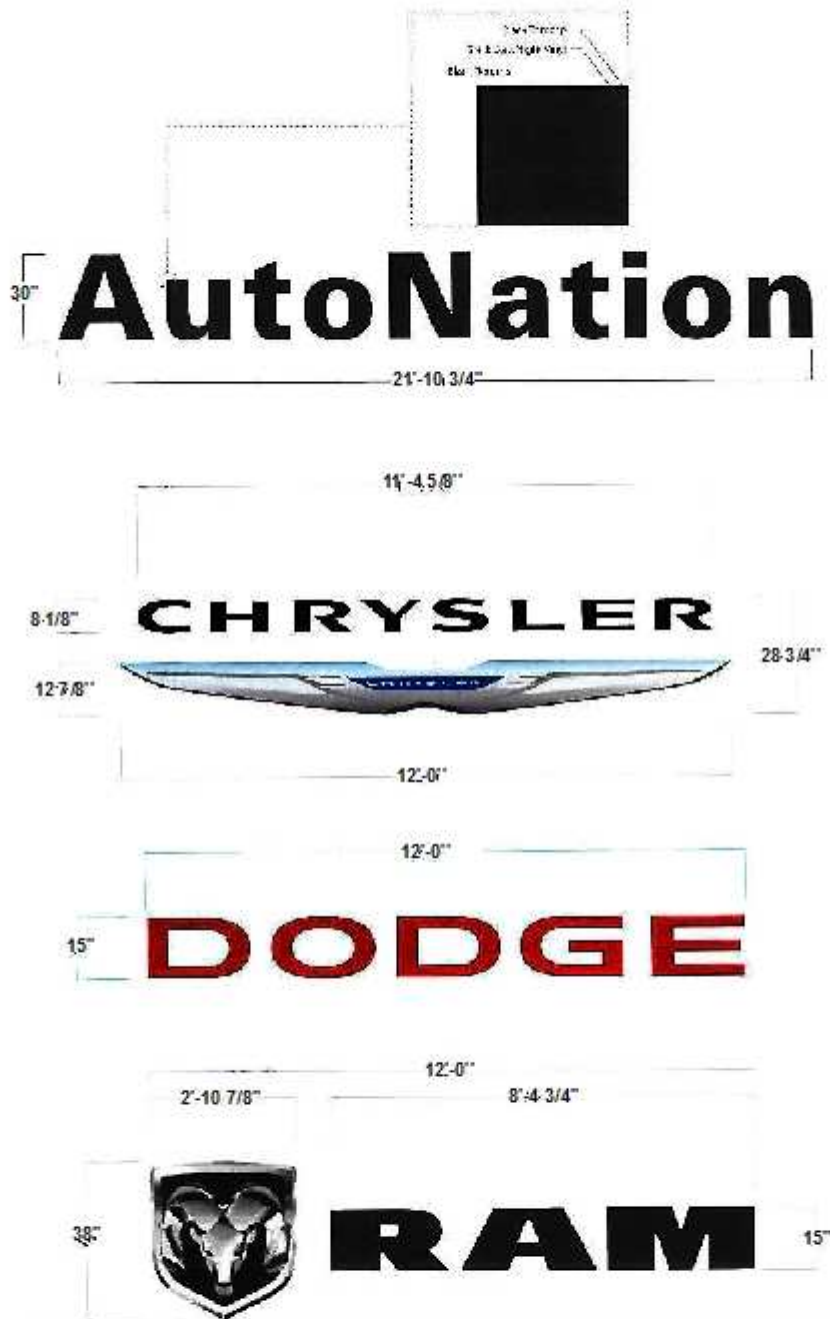
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PROP WALL SIGN DETAIL



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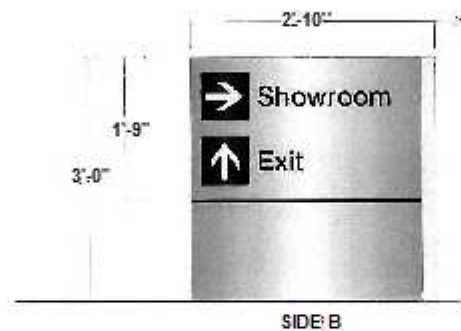
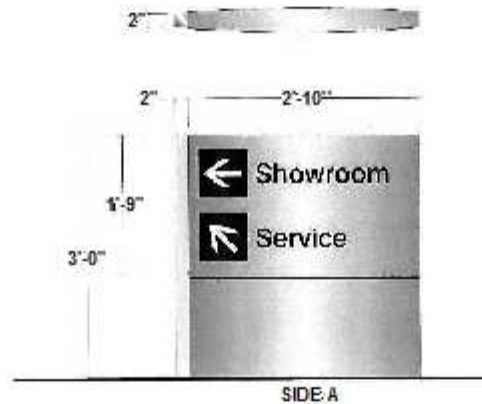
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PROPOSED SIGN DETAIL



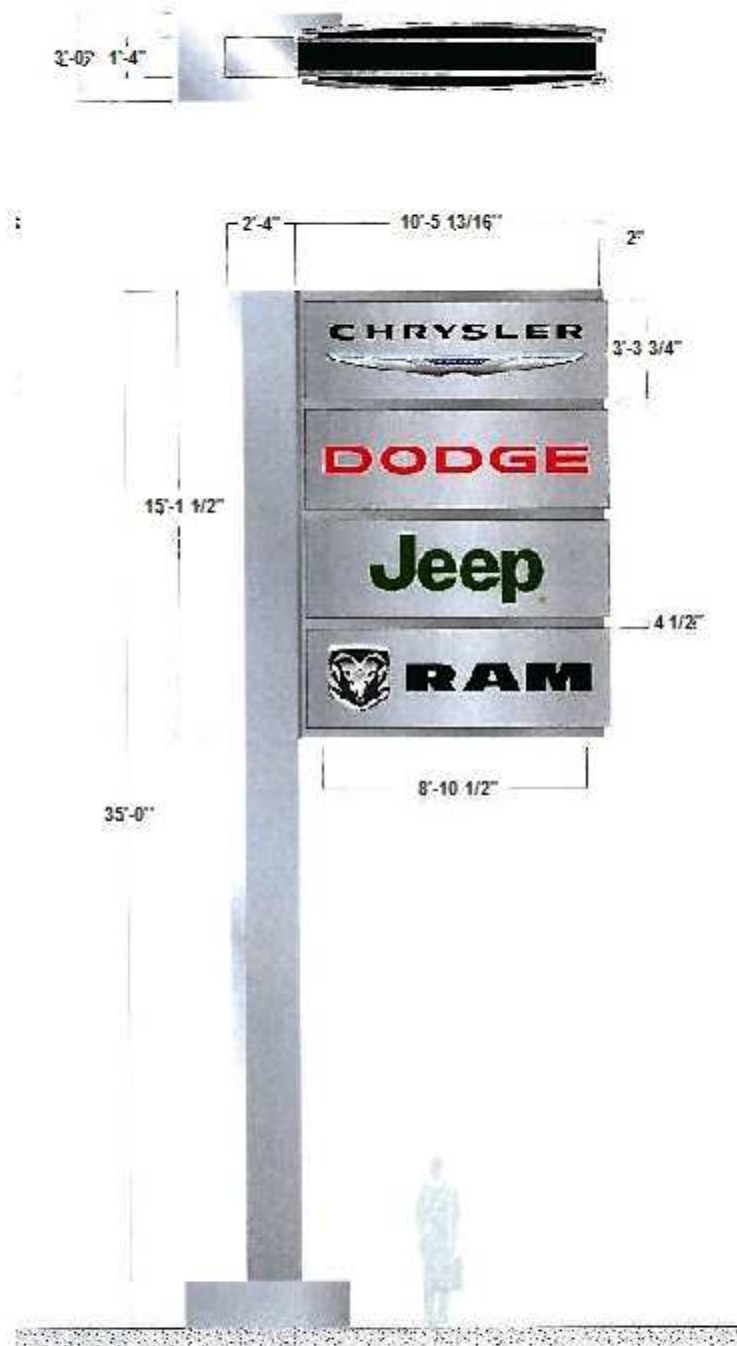
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PYLON DETAIL



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REQUEST Sign Variance

