

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2016****CASE NUMBER**

6068

APPLICANT NAME

Wrico Signs Inc. for Christ United Methodist

LOCATION6101 Grelot Road
(South side of Grelot Road, 913'± West of Knollwood Drive).**VARIANCE REQUEST****SIGN:** Sign Variance to allow an electronic message center sign for a church less than 300' from other residentially zoned property in a R-3, Multiple-Family District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance requires all electronic message center signs to be located a minimum of 300' from residentially zoned property in an R-3, Multiple-Family District.**ZONING**

R-3, Multiple-Family District

AREA OF PROPERTY

34.2 ± Acres per GIS data

**ENGINEERING
COMMENTS**

No Comments

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 6

ANALYSIS

The applicant is requesting a Sign Variance to allow an electronic message center sign less than 300' from residentially zoned property in an R-3, Multiple-Family District. The Zoning Ordinance requires electronic message center signs to be located a minimum of 300' from other residentially zoned property in an R-3, Multiple-Family 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 that substantial justice is 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 applicant states:

This letter is a request for a variance for Christ United Methodist Church to replace the electronic message center on our existing sign at 6101 Grelot Road with a similar size and style electronic message center.

Christ United Methodist Church has served the needs of the community for 37 years. We are a 501(c)(3) nonprofit organization and our property is zoned R-3. Our existing sign is used to provide important service and other information to people in the area.

The electronic message center of our existing sign recently failed and is inoperable. Attempts to repair the existing message center were unsuccessful due to unavailability of parts, since the sign was purchased over 16 years ago. The message center must therefore be replaced to continue in its current use.

Although the sign currently sits within 300 feet of R-1 zoned property, there are several conditions worth noting:

- 1. The existing sign structure will remain in place; only the message center will be replaced. The new message center is nearly identical to the old one: same size, same color (black), and same electronic message lighting (amber, not full color).*
- 2. The existing sign predated the neighborhood in question (MacArthur Place). Furthermore, the distance to the nearest home is 292 feet, only 8 feet within the limit. Only one home is inside the 300-foot limit.*
- 3. The sign has been in place for over 16 years, and we are aware of no complaints from residents. We have multiple church members who live in McArthur Place.*
- 4. Due to the location of mature trees and foliage the sign is visible from only one or two homes, if any. All other properties within sight are businesses.*

We greatly appreciate the City of Mobile's work to ensure all signage is appropriately informative and aesthetically pleasing. This is also our desire. We believe continued use of our sign is a benefit to the community and consistent with our mutual goals, and we appreciate your consideration.

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing digital signage in a R-3, Multiple-Family District that will be less than the required 300' feet from residentially zoned property. Due to an unrepairable failure of their existing digital message board, the applicant desires to replace the existing digital message center with a

new message center comparable to existing one. The property's signage currently consists of one (1) freestanding sign and one (1) wall sign.

According to Section 64-11.8.c.(7). of the Zoning Ordinance, *“electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property”*. Additional requirements further state that *“on- premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this Chapter”*. It should be mentioned that the applicant did state that the message board would provide service information but did not discuss any display effects.

A photo of the existing sign was submitted with the application and dimensions drawn on the photo show a 36"x 99" message board, however staff is not sure if this is for the existing or proposed message board. The applicant indicated that the new message center would be similar but has not indicated if the electronic message center will be the exactly the same in size and style as the existing sign.

As stated by the applicant, only one home is within 300' of the existing sign. This home is located at the entrance of the MacArthur Place neighborhood on MacArthur Place Court, however, the house faces away from this sign, and there are numerous trees and a wall between the house and the sign. However, the property located at 6110 Grelot Road directly across the street from Christ United Methodist Church, is zoned R-1, Single-Family Residential as well (but is a commercial structure and use by variance). The existing sign is within 115'± of this property. According to the applicant's description and site plan, the signage will be situated perpendicular to Grelot Road.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

It should also be noted that on October 5, 2015, the Board of Zoning Adjustment approved a request for a Sign Variance to allow a new digital message board sign for a church less than 300'± from other residentially zoned property in an R-3, Multiple-Family District at a property located nearby at 1204 Hillcrest Road. As with the request at hand, the residences within 300 feet were situated in such a way as to be minimally impacted by a digital sign.

There are no conditions which exist at this site that require digital signage at this location based on the information presented by the applicant. In order to remain compliant with the requirements established by the Zoning Ordinance, the applicant could choose a non-digital message board option. It seems that it is simply the applicant's desire to maintain digital signage at this location.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance does not allow digital signs within 300' of residentially zoned property in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of digital signs necessary; the applicant has the option of a non-digital sign at this location;
- 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 subject site can be developed without the need for a variance as the digital sign can be eliminated in order to reflect compliance with the Zoning Ordinance.

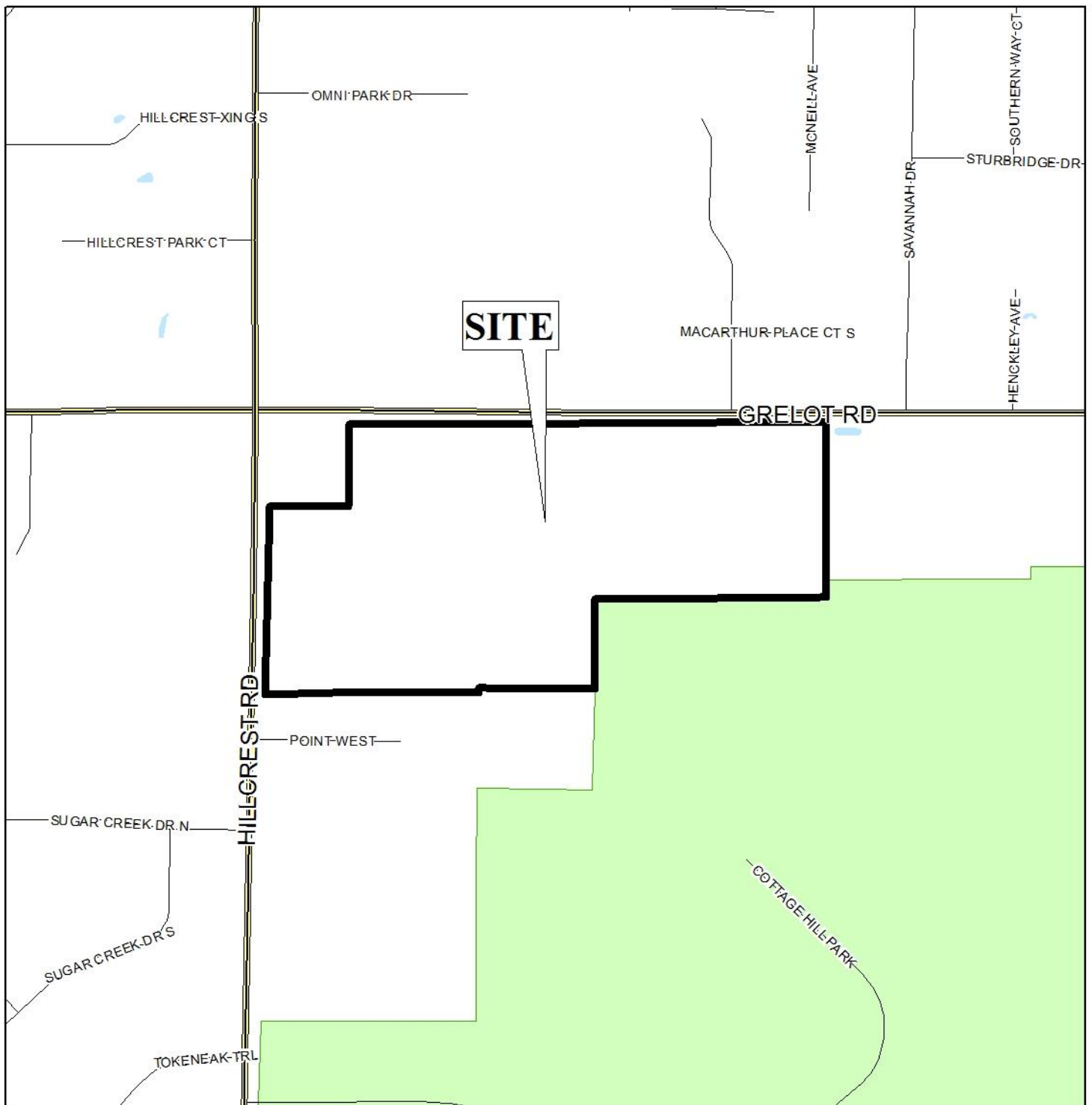
Revised for the January 9, 2017 meeting:

This application was heldover from the December 5, 2016 meeting at the applicant's request. No additional documentation was submitted. The recommendation for denial still remains applicable.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

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- 2) Special conditions do not exist and there are no hardships which exist that make the placement of digital signs necessary; the applicant has the option of a non-digital sign at this location;
- 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 subject site can be developed without the need for a variance as the digital sign can be eliminated in order to reflect compliance with the Zoning Ordinance.

LOCATOR MAP



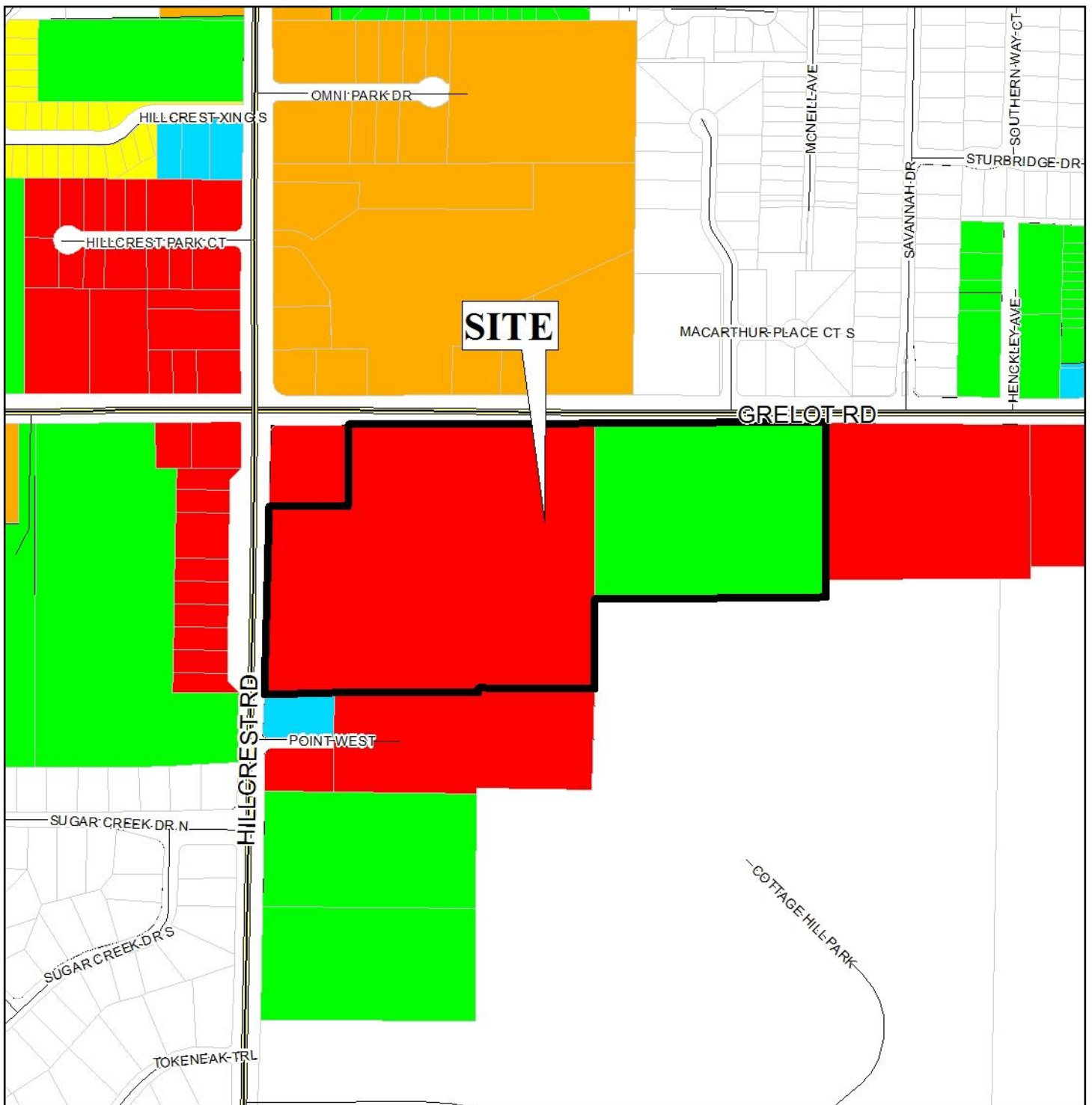
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APPLICANT Wrico Signs Inc for Christ United Methodist

REQUEST Sign Variance



LOCATOR ZONING MAP



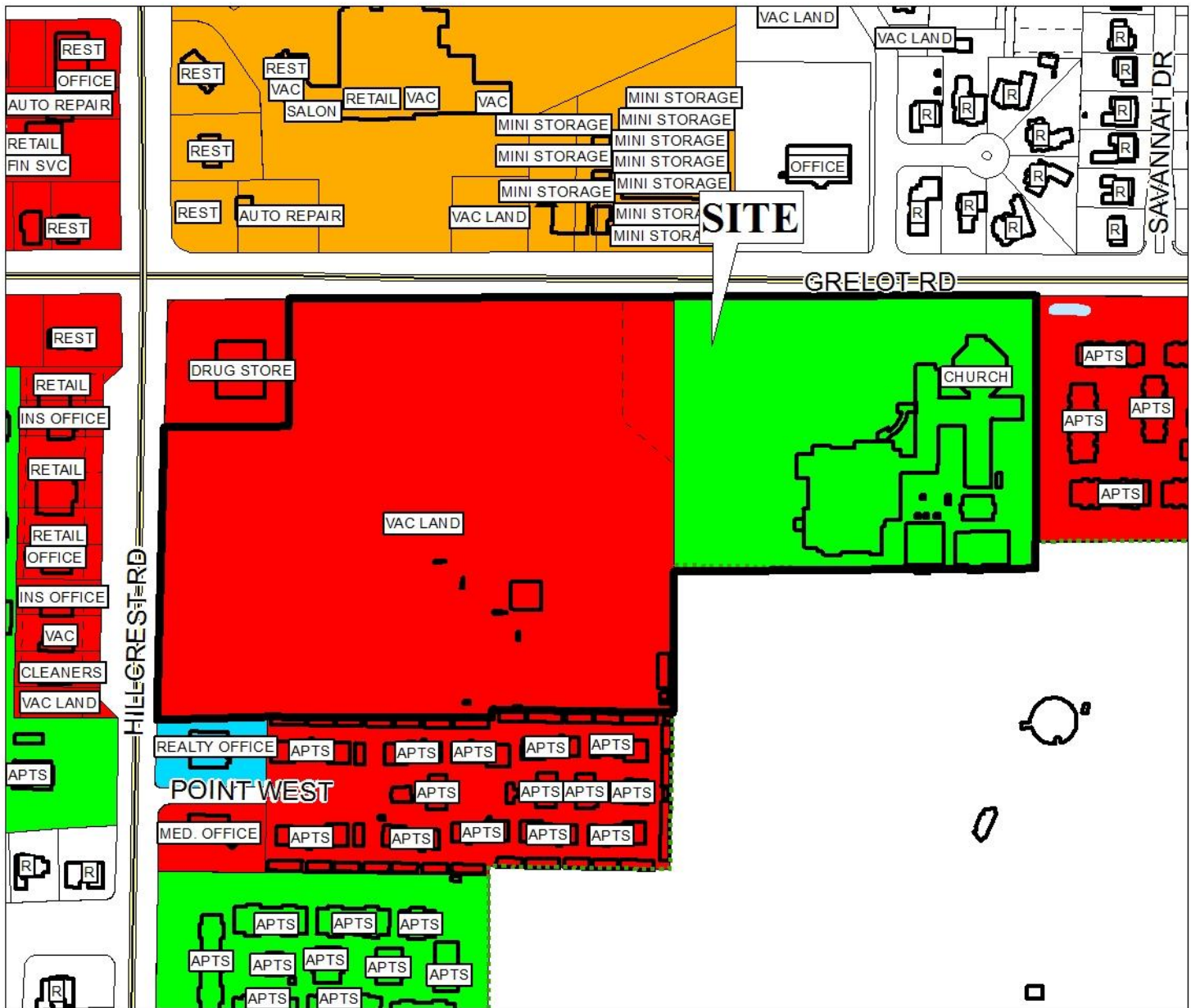
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

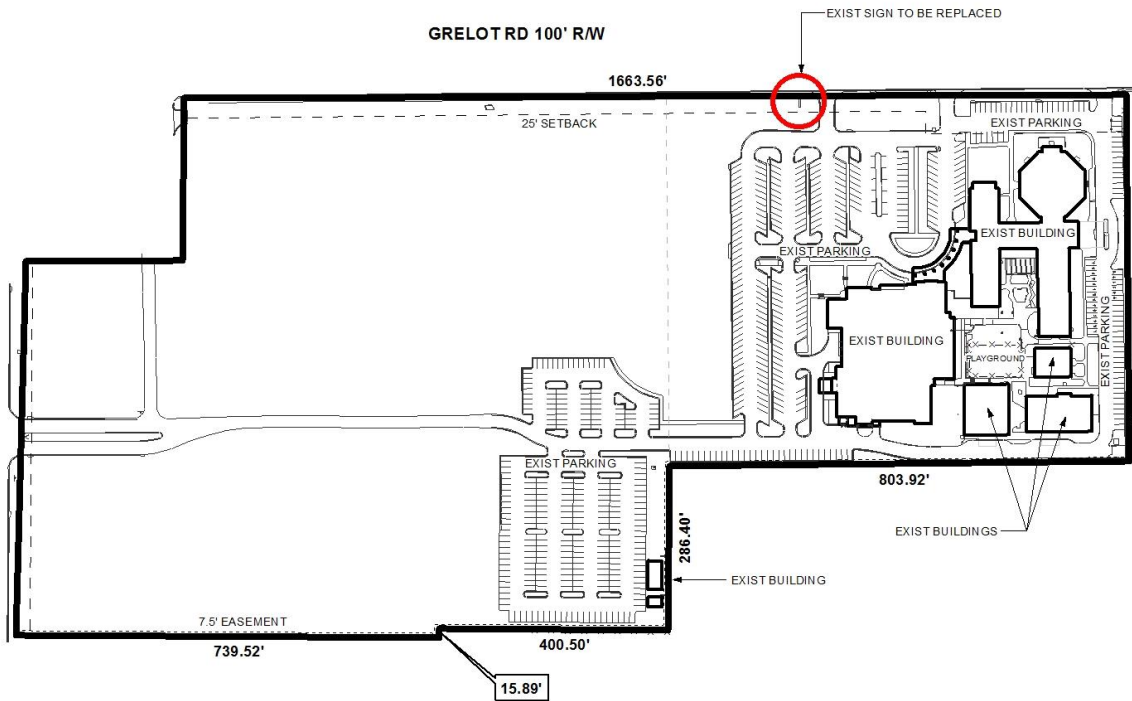


The site is surrounded by residential units to the east and commercial units to the west.

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SITE PLAN



The site plan illustrates the existing buildings, easements, setbacks, and sign to be replaced.

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NTS

