

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 5, 2017****CASE NUMBER**

6108/5414

APPLICANT NAME

Wrico Signs, Inc. for Pottery Barn

LOCATION9 Du Rhu Drive
(West side of Du Rhu Drive, 390'± North of Dauphin Street.)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a second wall sign mounted on a canopy and three reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District.

AREA OF PROPERTY

9.4± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Sign Variance to allow a second wall sign mounted on a canopy and three reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District. The applicant references a lack of signage identifying the tenant's suite from the rear of the building for customer access as justification for the request, stating:

The purpose of this application is to allow placement of signage at the back alley behind the Williams Sonoma store at the Legacy Shopping Center located at 9 Du Rhu Drive, Suite 340, Mobile, AL. Section 64-11(8)(c)(3)(a) of the Sign Ordinance allows 'each

tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed thirty (30) percent of usable wall area not to exceed three hundred fifty (350) square feet.'

Currently, the alley at the customer pickup/shipping/receiving door does not have any identifying signage. Providing this sign will provide direction for the customers as well as delivery vehicles. The sign on the building will be approximately 7" wide by 10" tall, 0.5 SF. The Length of the back of house wall belongs to Williams Sonoma is 68'-6".

Additionally, to keep from blocking any traffic along this alley, we are proposing signage at adjacent parking spaces in the alley near the customer pick up door to indicate where customers can park. We have two parking spaces that can be allocated to our tenant space along this alley. We would like to have signage for these parking spaces to better direct customers to the customer pickup door. Each sign is approximately 12"x18", 1.5 S.F.

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 site was previously the subject of Sign Variance approval allowing six wall signs for a single tenant on a multi-tenant site at the May 7, 2007 meeting of the Board of Zoning Adjustment. A Sign Variance request similar to the application at hand is concurrently being considered for a neighboring tenant.

The applicant wishes to provide signage identifying rear access and parking to the tenant suite for customer convenience regarding shipping and receiving of off-site purchases from the Pottery Barn company; however, the narrative provided defends signage for a neighboring tenant – Williams Sonoma. Nevertheless, the applications are similar inasmuch as they both propose signage identifying access to the suites from the rear of the property via two (2) freestanding parking signs, and one (1) additional wall sign. Where they differ is Pottery Barn proposes a canopy sign affixed above the suite's rear entrance. It should be noted that this was not clear upon application to the Board of Zoning Adjustment since the information provided by the applicant only illustrated a sign mounted above a canopy affixed to the suite's main entrance and two (2) freestanding parking signs.

With regards to the proposed freestanding signs identifying parking spaces reserved for customers of Pottery Barn, there are no delineated parking spaces behind the tenant suite; rather,

it appears the applicant is proposing reserving queuing space along an alley in the rear of the property. Doing so, however, would impede required maneuverability to and from the rear of the building. Also, the site is the subject of a Planned Unit Development most recently amended at the April 19, 2012 meeting of the Planning Commission to allow multiple buildings on a single building site with reduced, shared parking. As such, parking spaces reserved for exclusive use by a single tenant inherently negates the objective of the Planned Unit Development; especially when reduced parking would further be impacted by precluding spaces for use by other tenants and their customers.

The proposed additional wall sign identifying rear access to the Pottery Barn suite would be 18 inches high and approximately 44 inches wide. Again, while the narrative attempts to justify a neighboring tenant's additional wall sign, Staff can speculate a similar defense of Pottery Barn's proposed signage. However, where a suite is not identified by tenant-specific signage, it is traditionally distinguished by a suite number or some other denomination thereof. Such informational displays do not generally require approval of a sign permit.

Regarding the proposed canopy sign, it appears it would be affixed above the suite's rear entrance. Information provided by the applicant proposes its height would be 14 inches and its width would be approximately 13 feet. Considering the narrative provided by the applicant concerns a neighboring tenant who is not proposing an additional canopy sign, Staff cannot speculate justifying the request at hand.

The proposed canopy-mounted sign above the suite's main entrance cannot be considered as part of this request since the application to the Board only proposed two (2) freestanding parking signs, one (1) additional wall sign, and one (1) canopy sign.

It should be noted that the purpose of the Sign Regulations 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, promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

Considering the preceding, the applicant has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have additional signage. As such, the Board should consider this application for denial.

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

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the area an equal and fair opportunity to advertise and promote their products and services, it would impede required maneuverability to and from the alleyway, and it would negate the previously approved Planned Unit Development;

- 2) No special conditions were shown to exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, especially when informational signage less than 20 square feet is permissible; 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 could set a precedent for other businesses within the area to be allowed excessive signage, potentially contributing to a cluttered and unfavorable physical image.

Revised for the July 10, 2017 meeting:

The application was heldover from the June 5, 2017 meeting at the applicant's request. Since that time Staff has received revised information clarifying the request at hand with respect to the types, amount and location of proposed signage.

The applicant is requesting a Sign Variance to allow a second wall sign mounted on a canopy, a third wall sign in the rear of the tenant suite, and three reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District. The applicant references a lack of storefront visibility, and a lack of signage identifying the tenant's suite from the rear of the building for customer access as justification for the request, stating:

The purpose of this application is to allow a dimensional sign at the front edge of a metal canopy over the main entry doors and additional way finding signage at the back alley behind the Pottery Barn store at the Legacy Shopping Center located at 9 Du Rhu Drive, Suite 385, Mobile, AL. The proposed canopy sign would be secondary to the main halo-lit sign which will be located on the building façade above the entry canopy.

Section 64-11 (8)(c)(3)(a) of the Sign Ordinance allows "each tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed thirty (30 percent of usable wall area not to exceed three hundred fifty (350) square feet.

Entry canopies are a common feature at our stores, and it has been learned that they can interfere with the visibility of our main façade sign. At the pedestrian level the canopy itself can completely obscure our main façade sign; therefore, a secondary canopy sign is desired.

The Pottery Barn suite differs slightly from neighboring tenants in that it is actually two suites that have been combined into one. In reviewing the site plan you can see that there are two lengths of exterior storefront walls that meet in an obtuse angle. Typically we would propose signage at each entry point; however, the brand feels that the canopy sign is the most versatile way to maintain visibility to our brand.

Currently, the alley at the customer pickup/shipping/receiving door does not have any identifying signage. Providing this sign will provide direction for the customers as well

as delivery vehicles. The sign on the building will be approximately 3' wide by 1'6" tall, 4.5 SF. Providing this sign will provide direction for the customers as well as delivery vehicles.

Additionally, to keep from blocking any traffic along this ally, we are proposing signage at adjacent parking spaces in the alley near the customer pick up door to indicate where customers can park. We have three parking spaces that can be allocated to our tenant space along this ally. We would like to have signage for these parking spaces to better direct customers to the customer pickup door.

With regards to the potential canopy-mounted sign, it is understandable that such a structure will obscure the view of the tenant's wall sign; however, the most recent Google Street View images of the tenant suites in which the proposed tenant will occupy show that canopies have previously been placed in such a way as to maximize visibility of tenant wall signs: instead of placing an additional canopy over the tenant suite entrances, previous tenants limited canopy coverage to storefront windows to allow unobstructed storefront views. As such, constructing a storefront canopy that limits storefront visibility is arguably a self-imposed hardship; especially when additional signs identifying the tenant can be placed on the interior of the tenant's windows so as to be exempt from current sign regulations.

Regarding the proposed additional wall sign identifying rear access to the Pottery Barn suite, Staff can reiterate that, where a suite is not identified by tenant-specific signage, it is traditionally distinguished by a suite number or some other denomination thereof. Such informational displays do not generally require approval of a sign permit.

Finally, the applicant has clarified that, instead of two freestanding signs, they are requesting three freestanding signs to reserve queuing space for customers of Pottery Barn along an alley in the rear of the property. As mentioned in the original Staff report, doing so would not only impede required maneuverability to and from the rear of the building, but also negate the objective of the Planned Unit Development regarding reduced, shared parking.

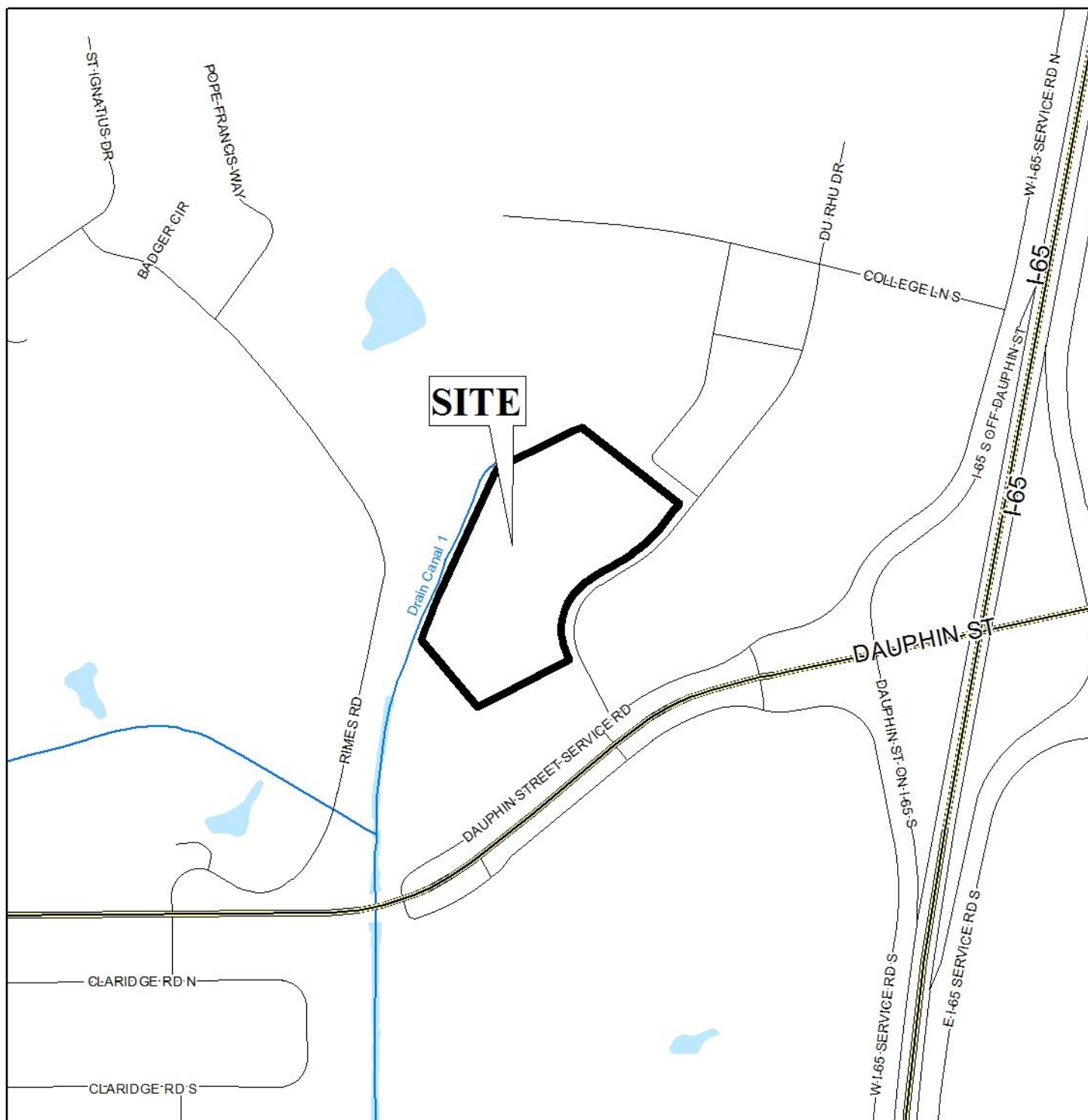
Considering the preceding, the applicant has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have additional signage. As such, the Board should consider this application for denial.

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- 2) *No special conditions were shown to exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, especially when interior window signs and informational signage less than 20 square feet is permissible; 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 could set a precedent for other businesses within the area to be allowed excessive signage, potentially contributing to a cluttered and unfavorable physical image.*

LOCATOR MAP



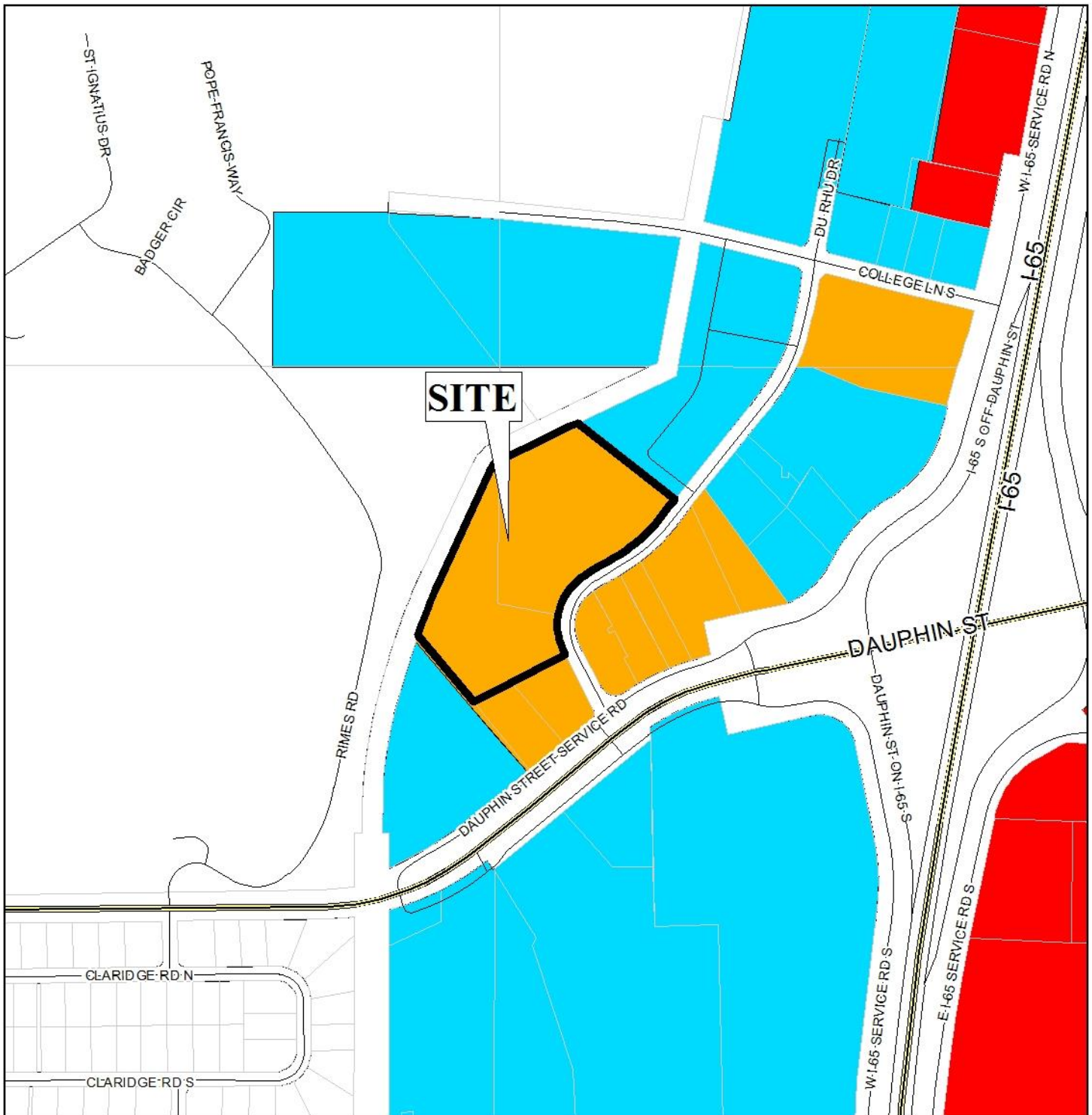
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LOCATOR ZONING MAP



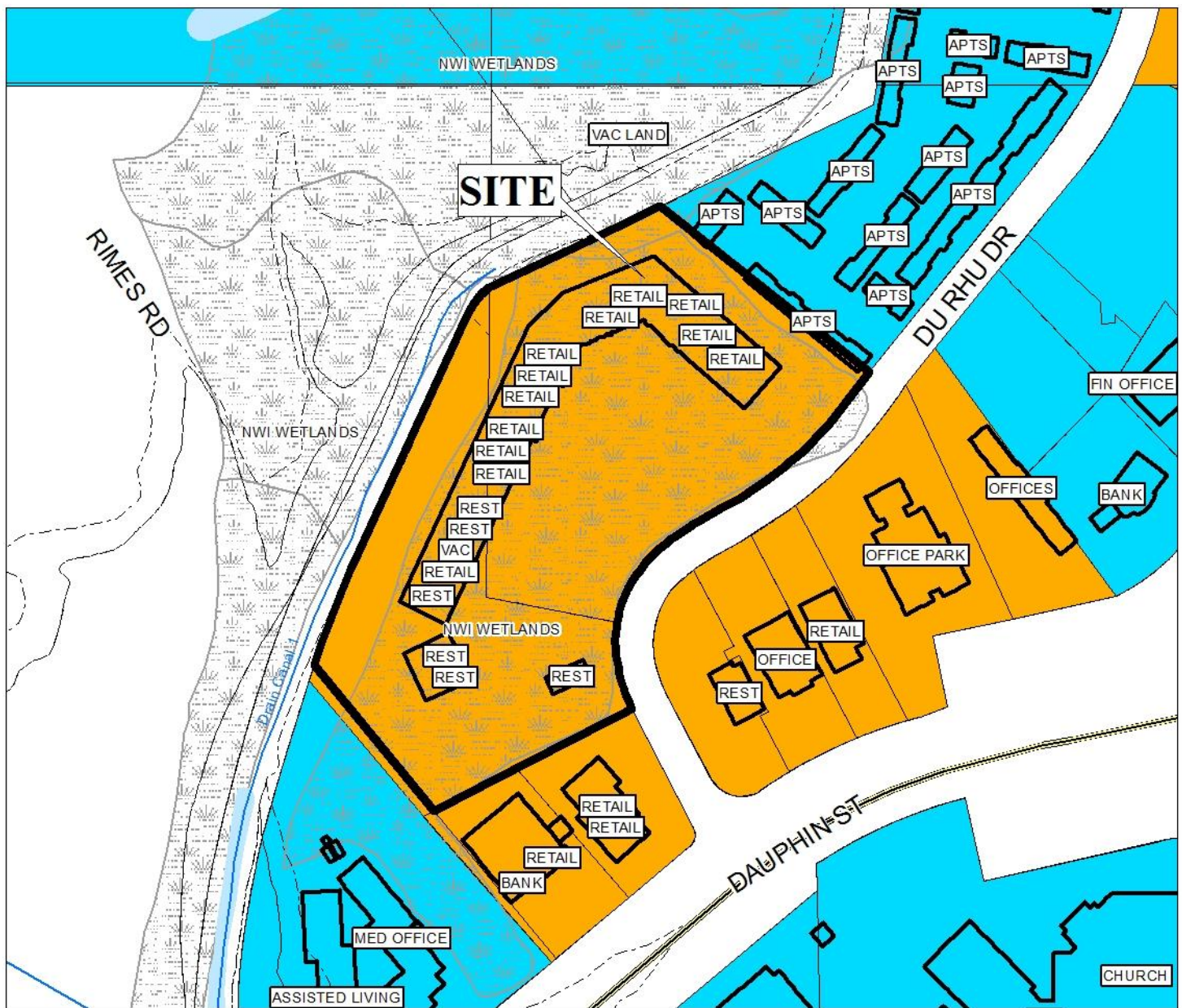
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

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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 commercial units and residential units to the northeast.

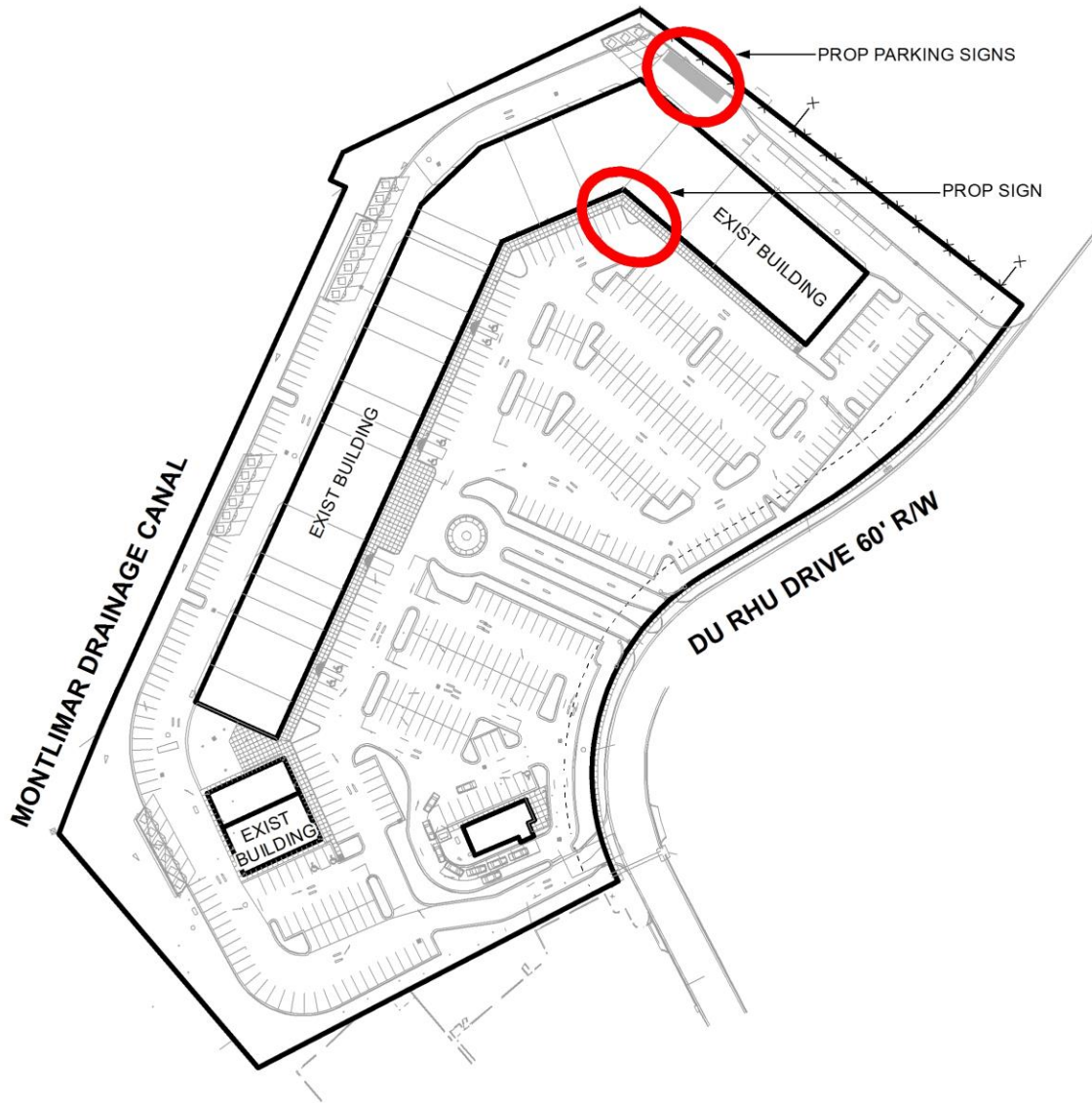
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SITE PLAN



The site plan illustrates the existing buildings and proposed sign locations.

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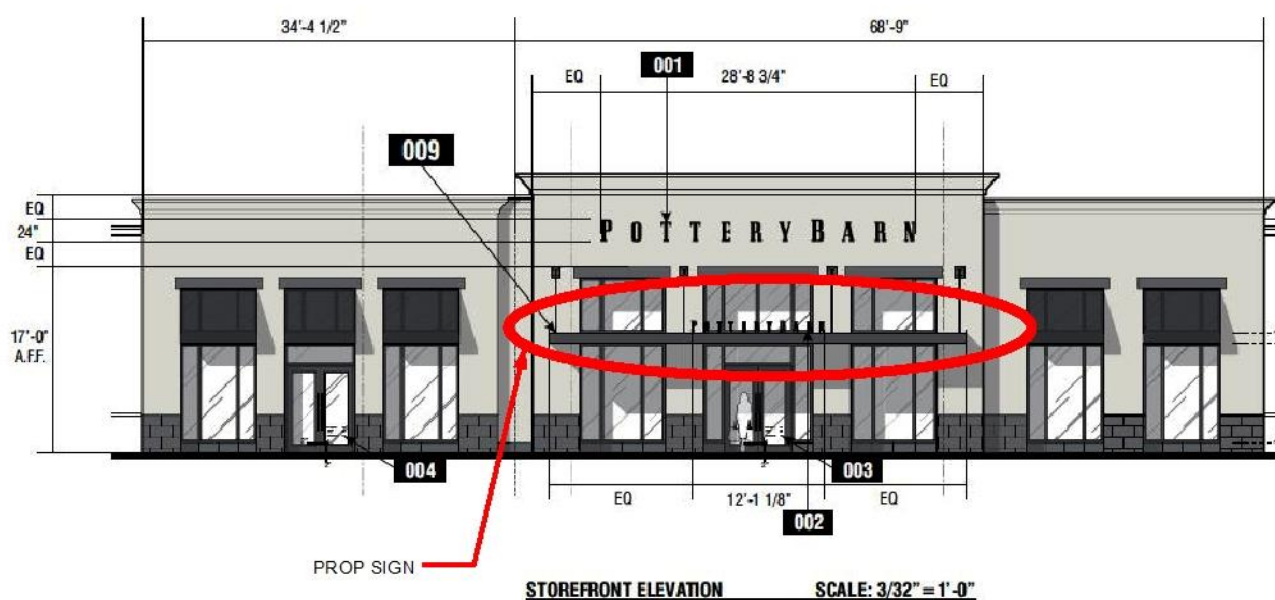
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NTS

DETAIL SITE PLAN



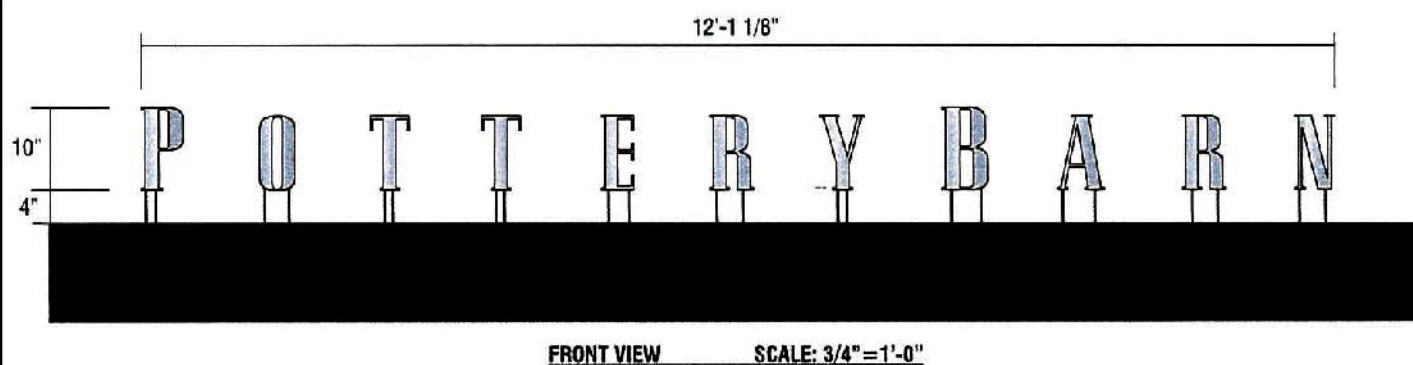
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DETAIL SITE PLAN



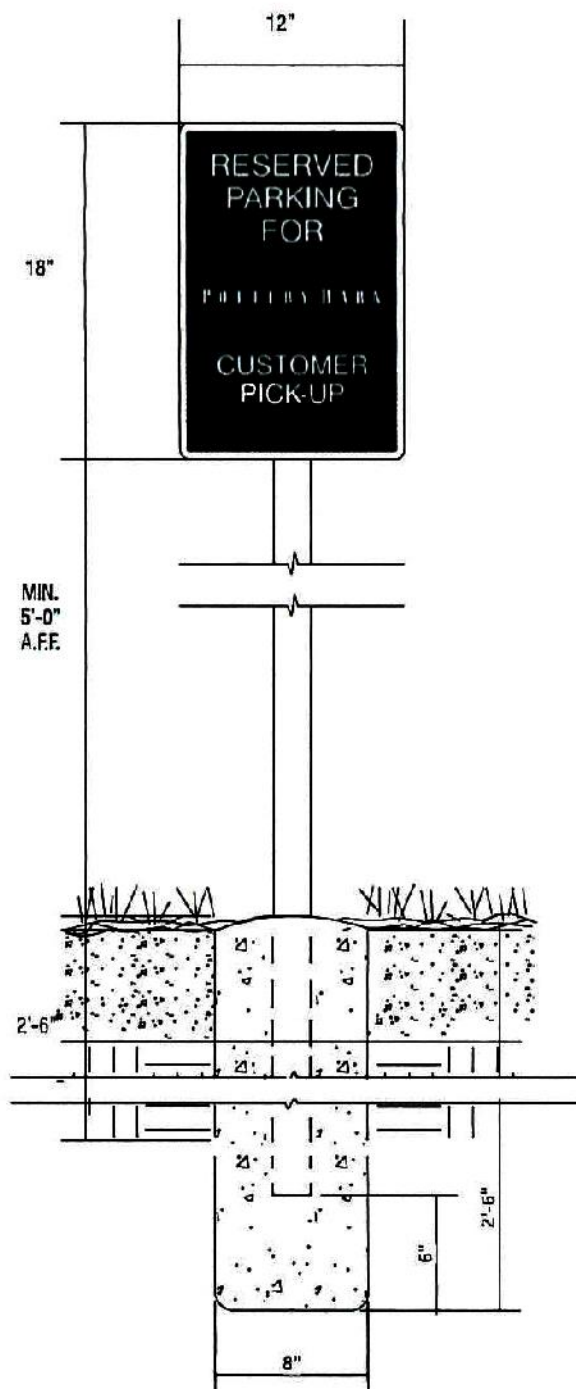
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DETAIL SITE PLAN



SCALE: 1 1/2" = 1'-0"

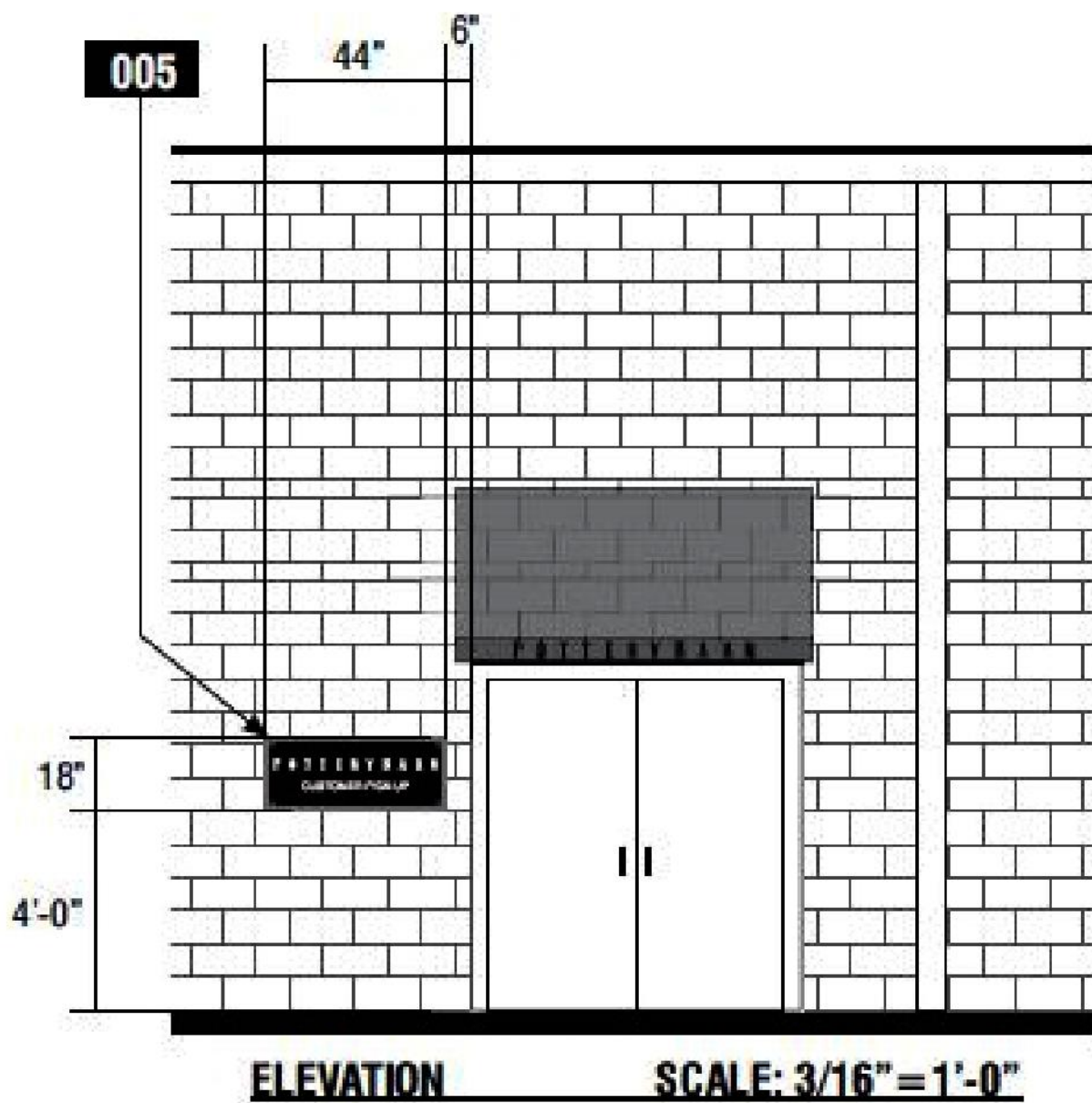
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