

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 5, 2012**

<b><u>CASE NUMBER</u></b>	5734
<b><u>APPLICANT NAME</u></b>	American Family Care
<b><u>LOCATION</u></b>	535 Schillinger Road (Southeast corner of Schillinger Road and Thomas Road)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGNAGE:</b> Sign Variance to allow three additional wall signs per tenant at a group business site.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGNAGE:</b> At a group business site, each tenant is allowed one wall sign per street frontage that the tenant faces.
<b><u>ZONING</u></b>	B-3, Community Business District.
<b><u>AREA OF PROPERTY</u></b>	1.1 ± Acre
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	None received
<b><u>CITY COUNCIL DISTRICT</u></b>	District 6
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow three additional wall signs per tenant on a group business site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign per tenant and one freestanding sign for the development on a group business site in a in a B-3, Community Business District.

American Family Care has renovated the former Blockbuster Video building, and converted it into a group business site with two tenants, American Family Care and a vacant suite. The site has street frontage onto two public streets, Schillinger Road, to the West, and Thomas Road to the North. The site also faces to an internal accessway for Wal-Mart to the South, however, this accessways is not a public street. As such, the applicants are allowed two wall signs for the vacant suite that has frontage on two public streets, and the American Family Care suite with one street frontage would be limited to one wall sign. The applicants have chosen to place their permitted signs facing Schillinger Road to the West. The applicants now wish to have signage for each tenant on each exterior wall of the buildings, for a total of four wall signs per tenant.

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 applicant states that the previous tenant, Blockbuster Video, had signage on both ends of the building. The previous tenant was also the only tenant, and the building, at that time, was a single business site, and would have been allowed two wall signs. Additionally, the Blockbuster Video store was developed prior to annexation into the City of Mobile, and any non-conforming signs would have been "grandfathered." The fact that the building has been completely redeveloped, and converted into a group business site means that compliance with the sign ordinance is required.

The existing signs, which are legally permitted, are located at the entrance. The proposed signs are located elsewhere around the building. The site also has a legal, 22-foot high freestanding sign, which can be seen with little effort from Schillinger Road and Thomas Road alike. There does not seem to be any sign visibility issues associated with the property.

It should be noted that similar variances for additional signage have been denied for both Verizon and Blu Rabbit Paradise near Springdale Mall in 2005, 2006, and 2009. This is not a unique requirement, but is and has been applicable city-wide since 1991.

The applicant has failed to show that any hardship exists on the site. Also, this application and others by the same applicant for different locations clearly illustrates that there is no hardship, but a sign package that simply does not comply with sign regulations.

### **RECOMMENDATION**

Based upon the preceding, this application is recommended for denial.

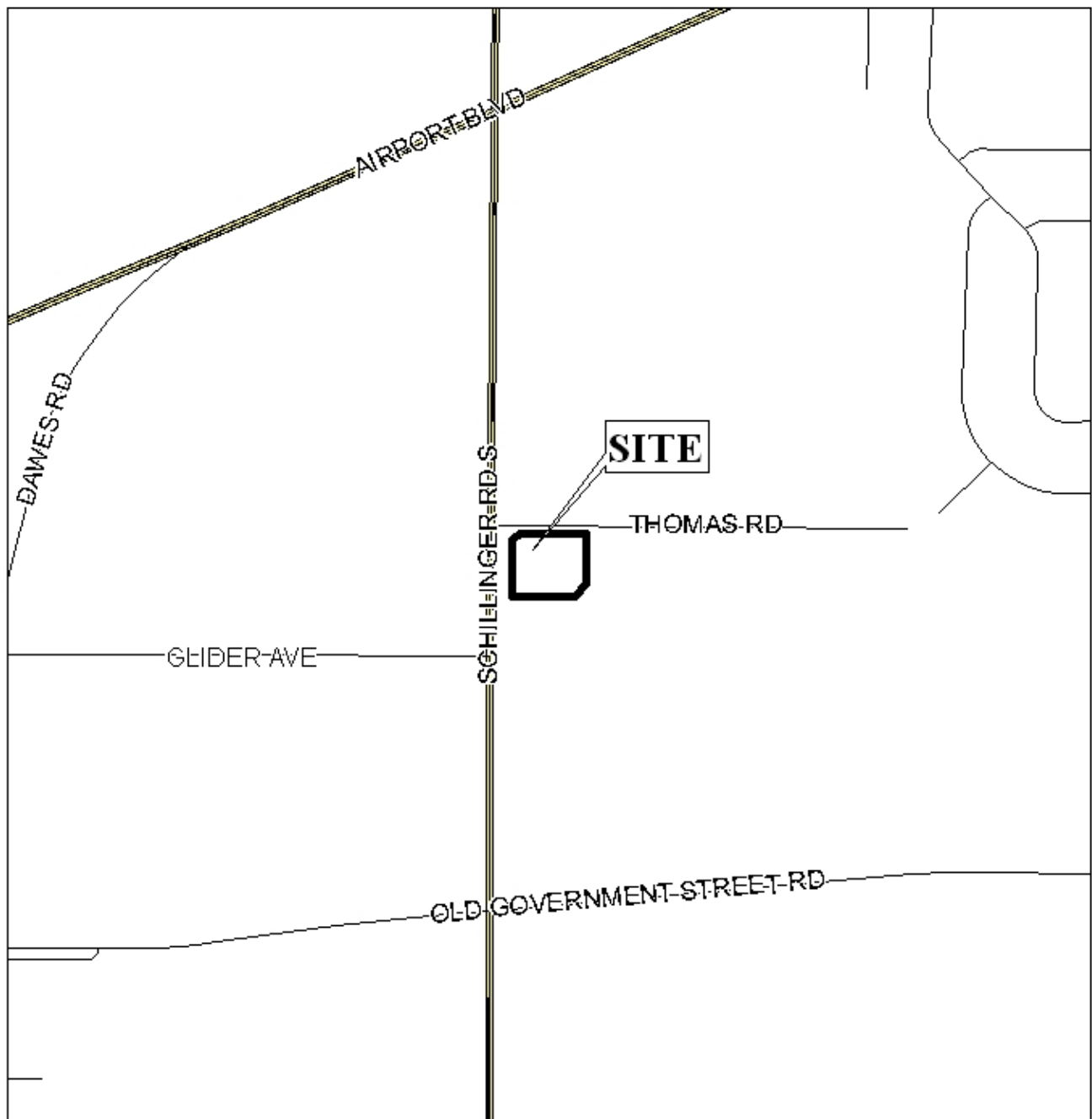
### ***Revised for the April 2, 2012 meeting:***

*The application was heldover from the March 5, 2012 meeting due to a lack of quorum. No additional information has been submitted by the applicant, and as such, the recommendation remains the same.*

### **RECOMMENDATION**

Based upon the preceding, this application is recommended for denial.

## LOCATOR MAP



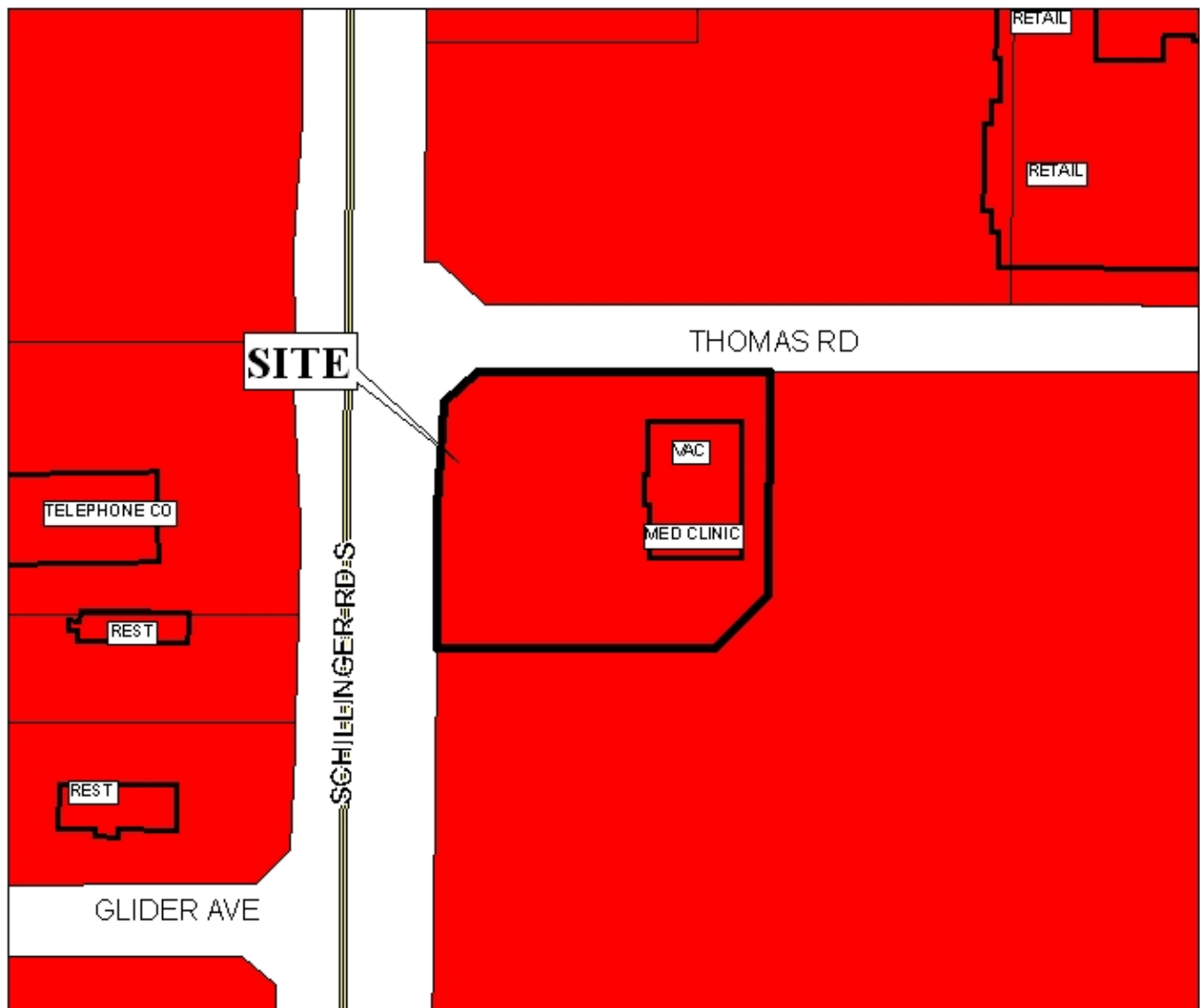
APPLICATION NUMBER 5734 DATE April 2, 2012

APPLICANT American Family Care

REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 5734 DATE April 2, 2012

APPLICANT American Family Care

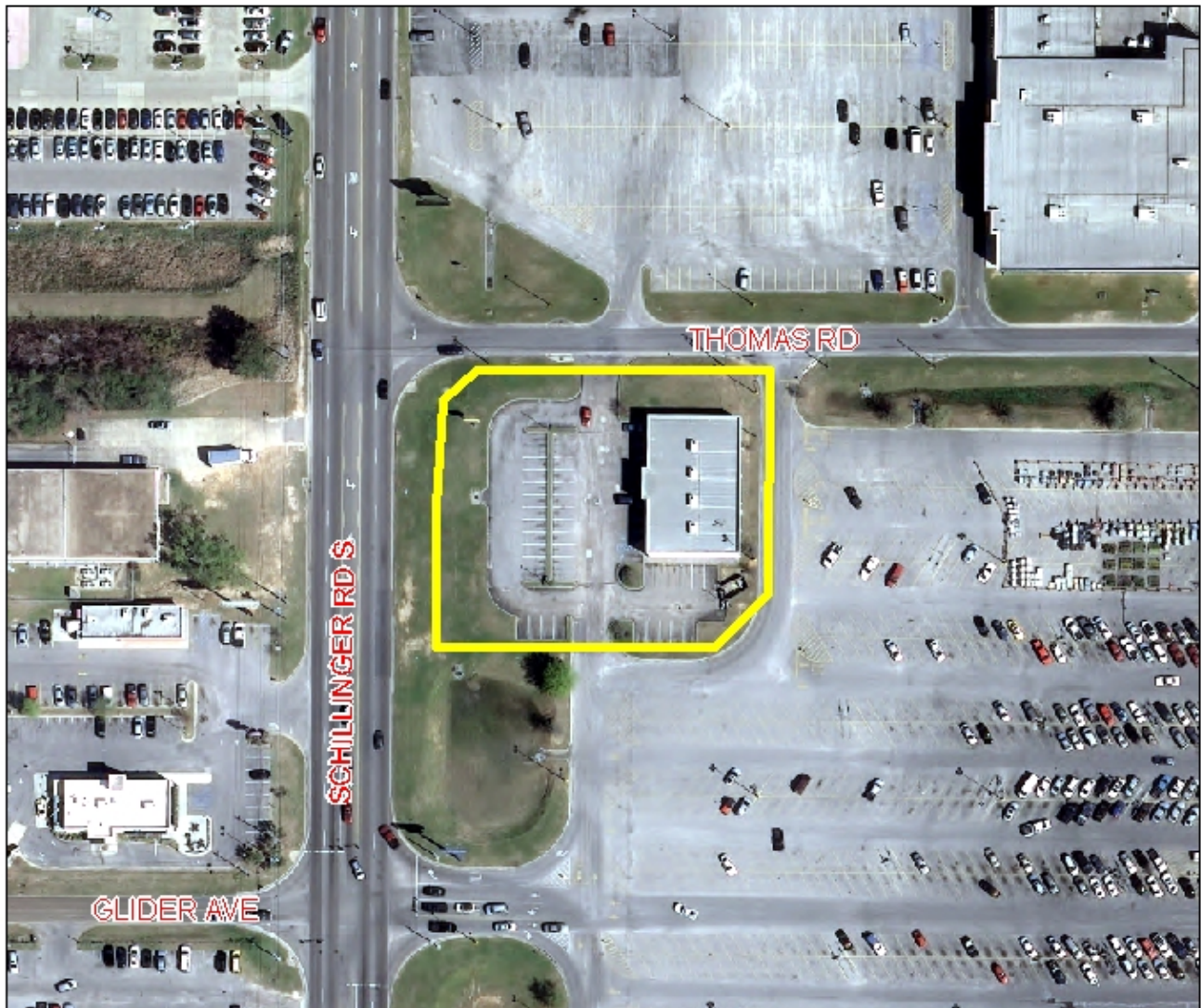
REQUEST Sign Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

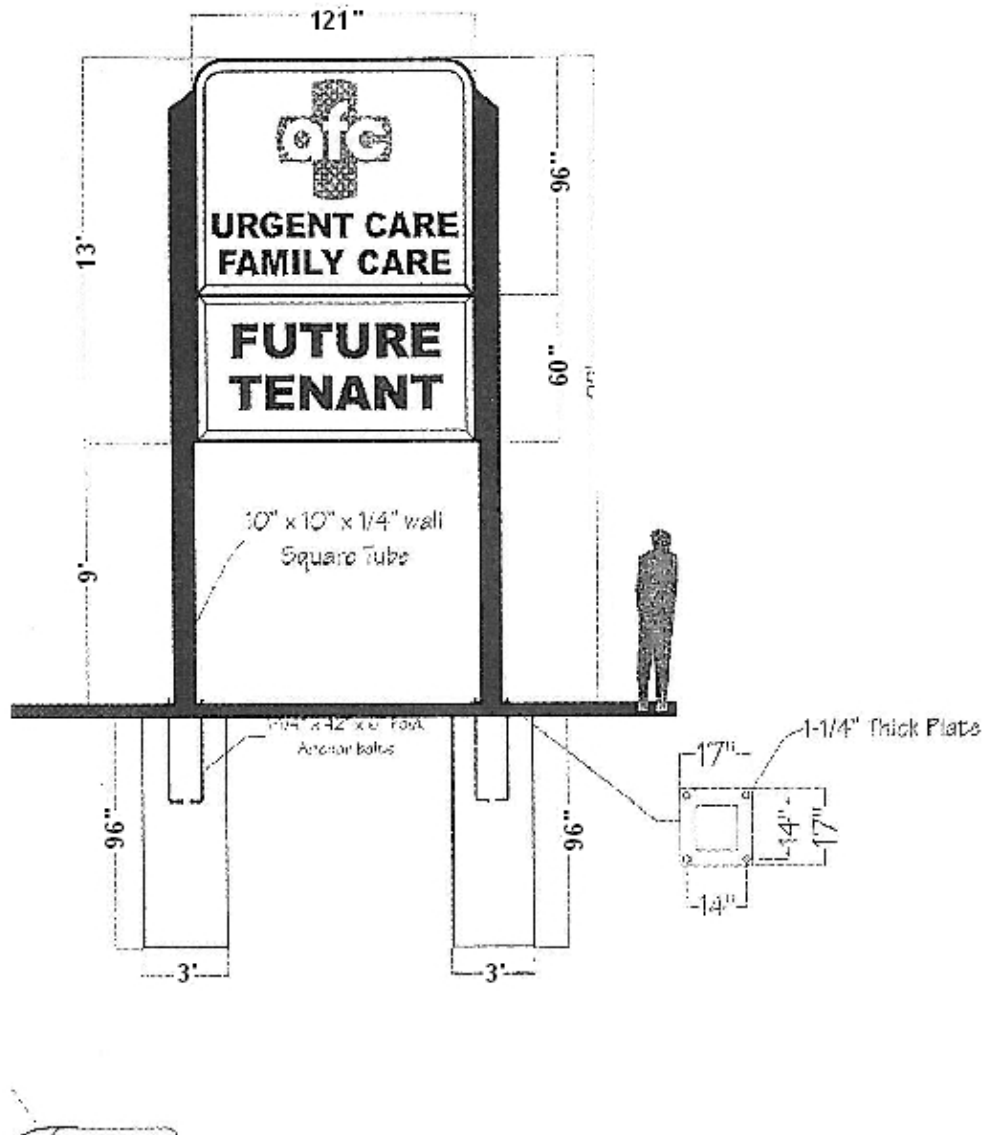
APPLICATION NUMBER 5734 DATE April 2, 2012

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## EXISTING PYLON DETAIL



APPLICATION NUMBER 5734 DATE April 2, 2012

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## EXISTING WEST ELEVATION



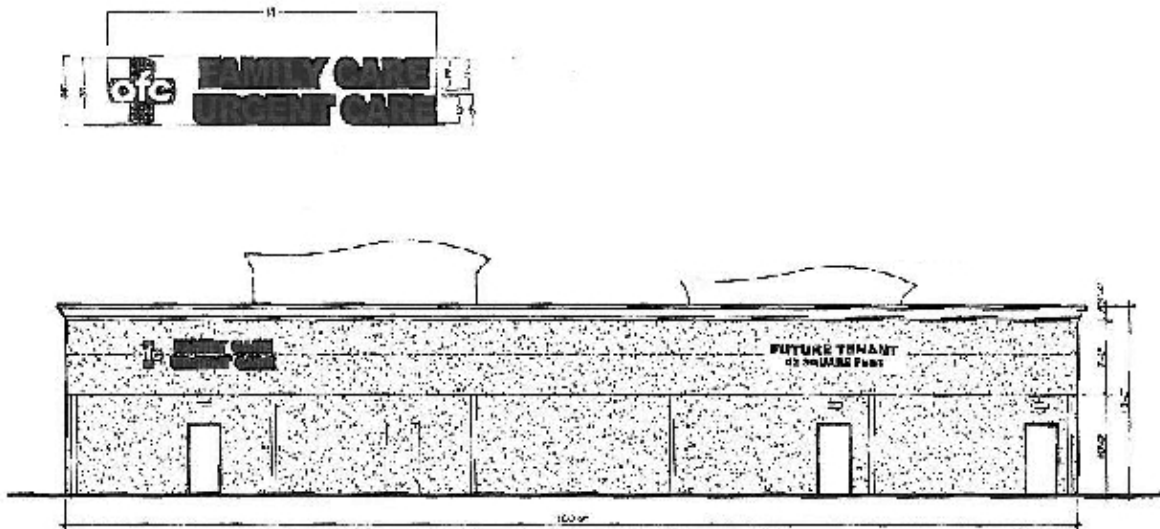
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## PROPOSED EAST ELEVATION



APPLICATION NUMBER 5734 DATE April 2, 2012

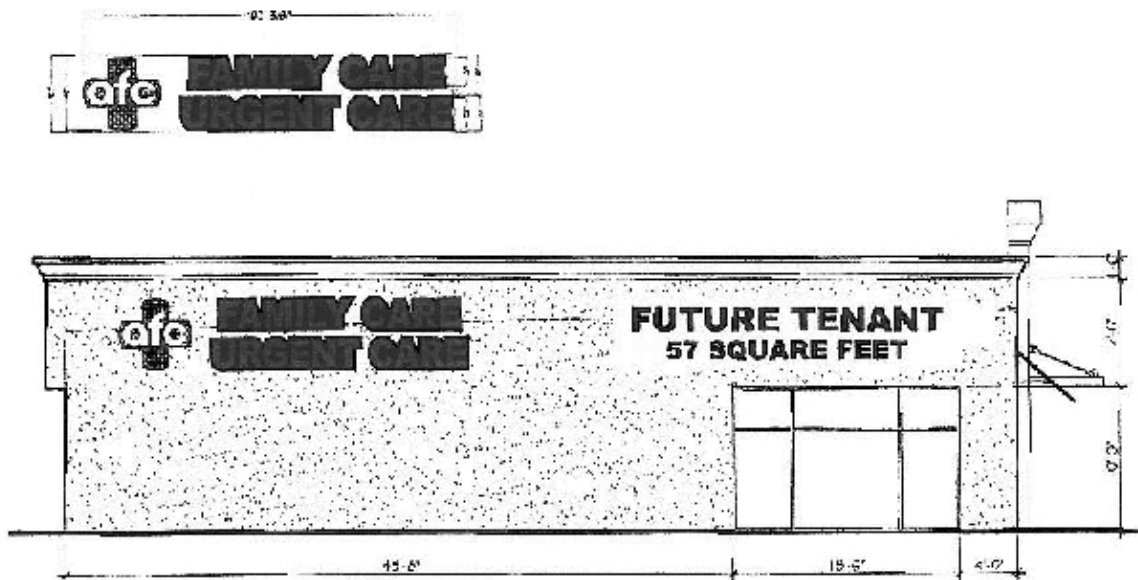
APPLICANT American Family Care

REQUEST Sign Variance





## PROPOSED NORTH ELEVATION



APPLICATION NUMBER 5734 DATE April 2, 2012

APPLICANT American Family Care

REQUEST Sign Variance



### PROPOSED SOUTH ELEVATION

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