

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 3, 2012****CASE NUMBER**

5789/4880/4373

APPLICANT NAME

Victor Sign Company (Orin Robinson, Agent)

LOCATION3025 Government Boulevard
(Southeast corner of Government Boulevard and McVay
Drive North)**VARIANCE REQUEST****SIGN:** Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs on a single-tenant commercial site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

10.4± Acres

TRAFFIC ENGINEERING**COMMENTS**

Please contact Traffic Engineering to determine that the sign location will not cause line of sight or other traffic concerns.

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

CITY COUNCIL**DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to amend a previously approved Sign Variance to allow two freestanding signs on a single-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance allows only one freestanding sign on a single-tenant commercial site in a B-3, Community Business District.

The subject site was granted a Sign Variance in 1993 to allow a ninth freestanding sign on the site which was then a multi-tenant site, on which three freestanding signs would have been the

maximum allowed. The site had other existing nonconforming signs erected prior to the adoption of the Sign Regulation Provisions of the Zoning Ordinance in 1993. A condition of approval of that variance was that all site signage be brought into compliance by October, 1994, which was the deadline for compliance under the newly-adopted Provisions. A subsequent variance, again as a multi-tenant site, was approved in 1999 to allow for replacement of a wall sign allowed to remain under the 1993 approval with a larger wall sign. The site has since changed ownership and is now a single-tenant site and the Ordinance allows only one freestanding sign for a single-tenant site; hence this variance request.

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.

A review of the subject site indicates there are currently two on-premise freestanding signs; therefore, this request would actually be to allow a third freestanding sign on a single-tenant site. As this would differ from the request as submitted and publicly advertised, a revised request description would be required as well as new mailing notification labels.

As the site has over 1,200 linear feet of public street frontage, the applicant has been advised that if a second City business license were to be obtained for the collision repair facility on-site, that would classify the site as multi-tenant and would allow for three freestanding signs on-site. In that instance, no Variance for such would be required. The applicant has taken this option under consideration, and if a second license were to be obtained prior to the Board meeting, this application could then be withdrawn.

RECOMMENDATION: Based on the preceding, this application is recommended for holdover to the December meeting to allow the applicant to revise the request to allow three freestanding signs on a single-tenant commercial site, with new mailing notification labels and a revised request description due to Planning by November 6, 2012. In the event the applicant receives a second City business license for the site for the collision repair facility, it is recommended that the applicant be allowed to withdraw this current request.

Revised for the December 3, 2012 meeting

This application was heldover from the November meeting to allow the applicant to revise the request to allow three freestanding signs on a single-tenant commercial site, with new mailing

notification labels and a revised request description submitted to the Planning Section. The applicant subsequently submitted all required items for the review to continue.

The applicant did not pursue obtaining a second City business license which would have allowed three freestanding signs on the site due to the fact that the site has over 1,200 linear feet of street frontage.

The applicant states that the site currently has one freestanding dealer sign along Government Boulevard, and one freestanding collision center sign along McVay Drive. It is stated that the dealer sign is inadequate as it cannot be easily seen from the intersection of McVay Drive and Government Boulevard, nor is it viewable at all when traveling on McVay Drive or Macmae Drive (East of the site). It is also stated that the new sign is more consistent with the nationwide branding of BMW. The existing sign facing Government Boulevard is approximately 18'-5" tall, and the proposed sign is 35' tall.

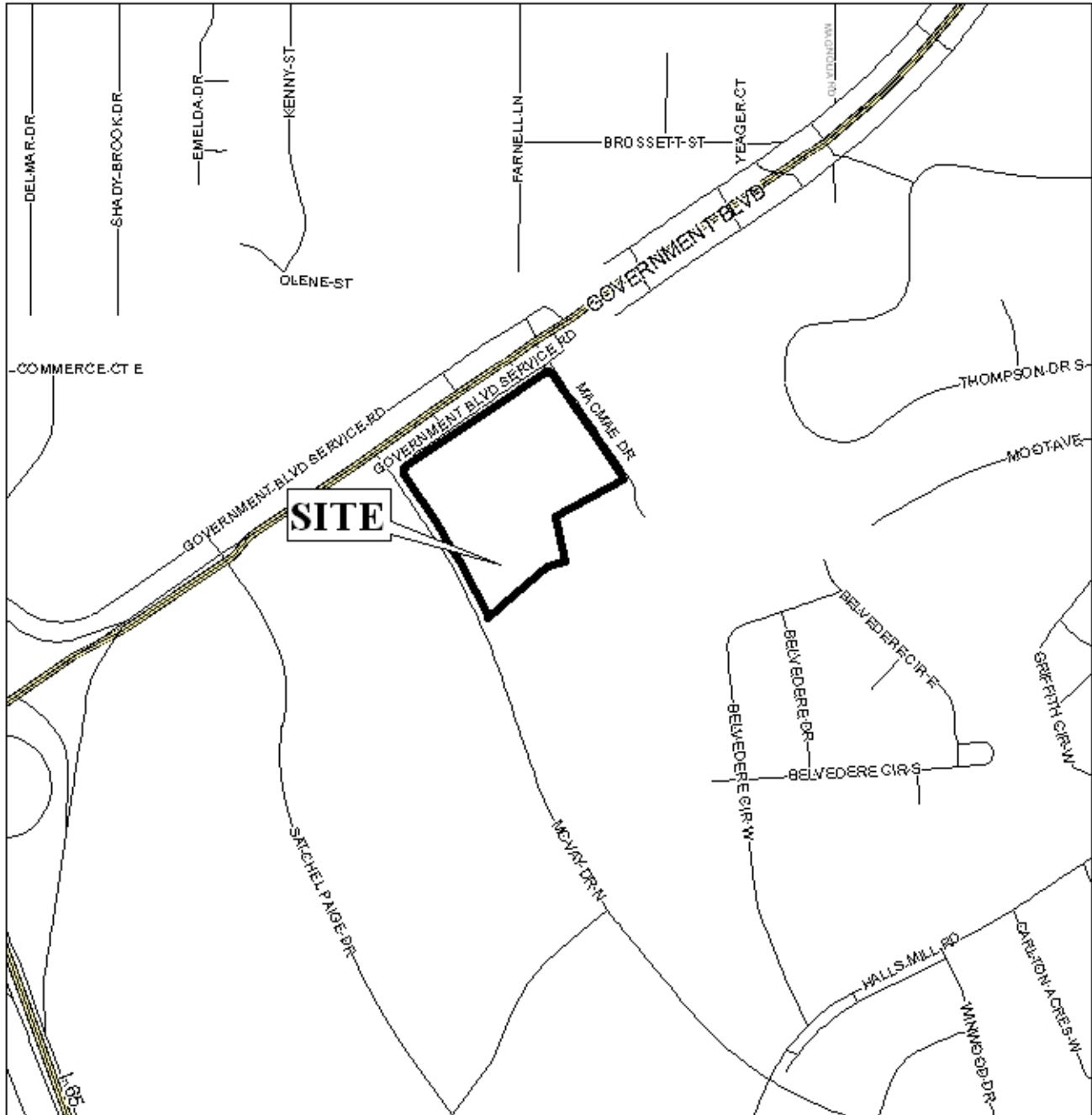
In the past, the Board has heard and been sympathetic to cases where car dealerships have proposed multiple freestanding signs on one site due to multiple brands of vehicles being sold and national brands often-times requiring a brand-specific freestanding sign for a dealership. In this instance, only BMW is sold at this dealership. And if the existing freestanding sign along Government Street is considered insufficient, logic would dictate that it be removed entirely.

The collision center sign (refaced) is a remnant of the site having been multi-tenant, and the dealership sign was a new sign structure, both of which were permitted. But the allowance of a second dealership sign on the site would go against the intent of Section 64-11.1.e. of the Sign Regulation Provisions of the Ordinance in that it would afford an unfair opportunity to advertise and promote products and services and would show discrimination of one business over another.

RECOMMENDATION:

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

LOCATOR MAP



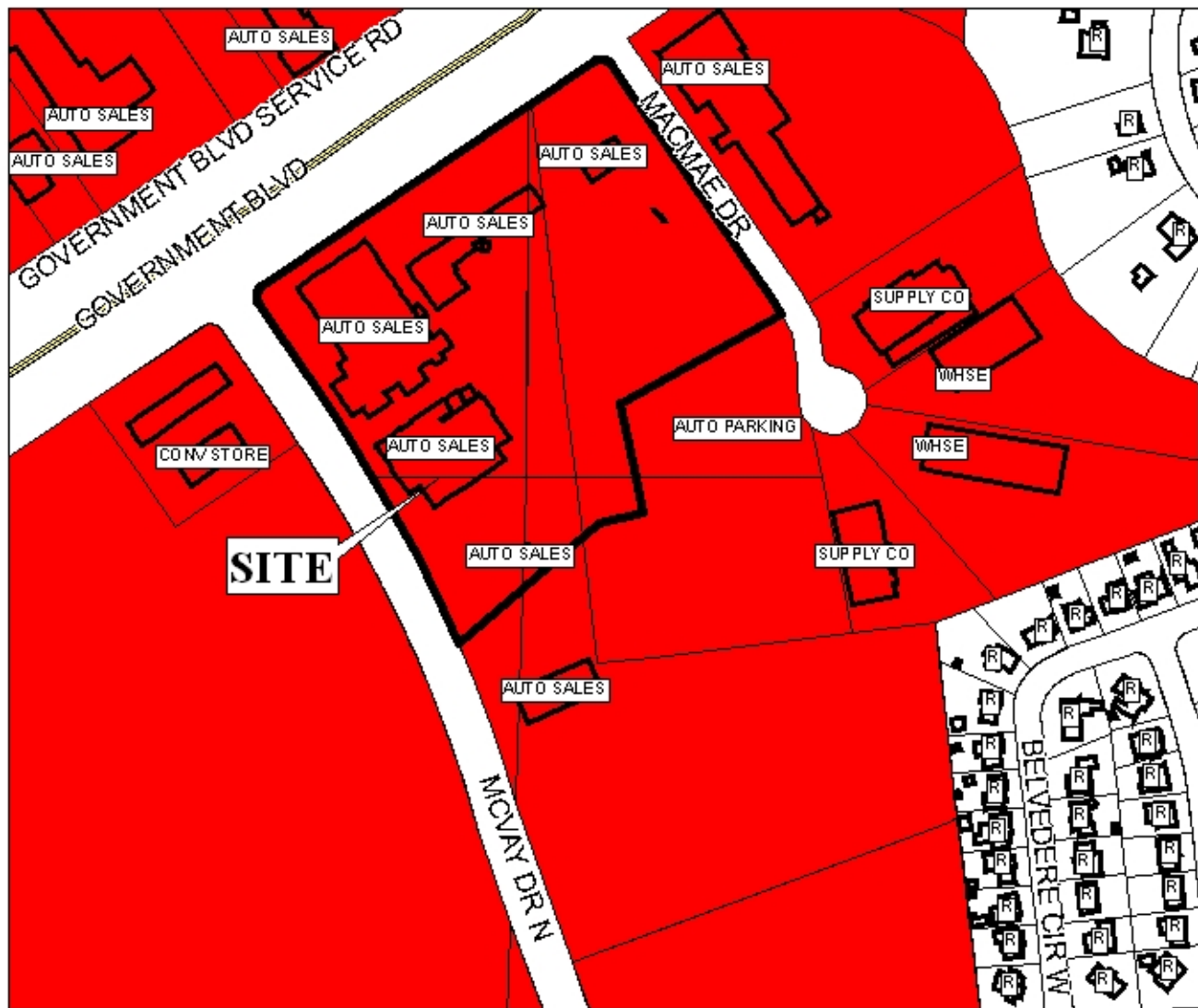
APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

APPLICANT Victor Sign Company (Orin Robinson, Agent)

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by businesses.

APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

APPLICANT Victor Sign Company (Orin Robinson, Agent)

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

NTS



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



The site is surrounded by businesses.

APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

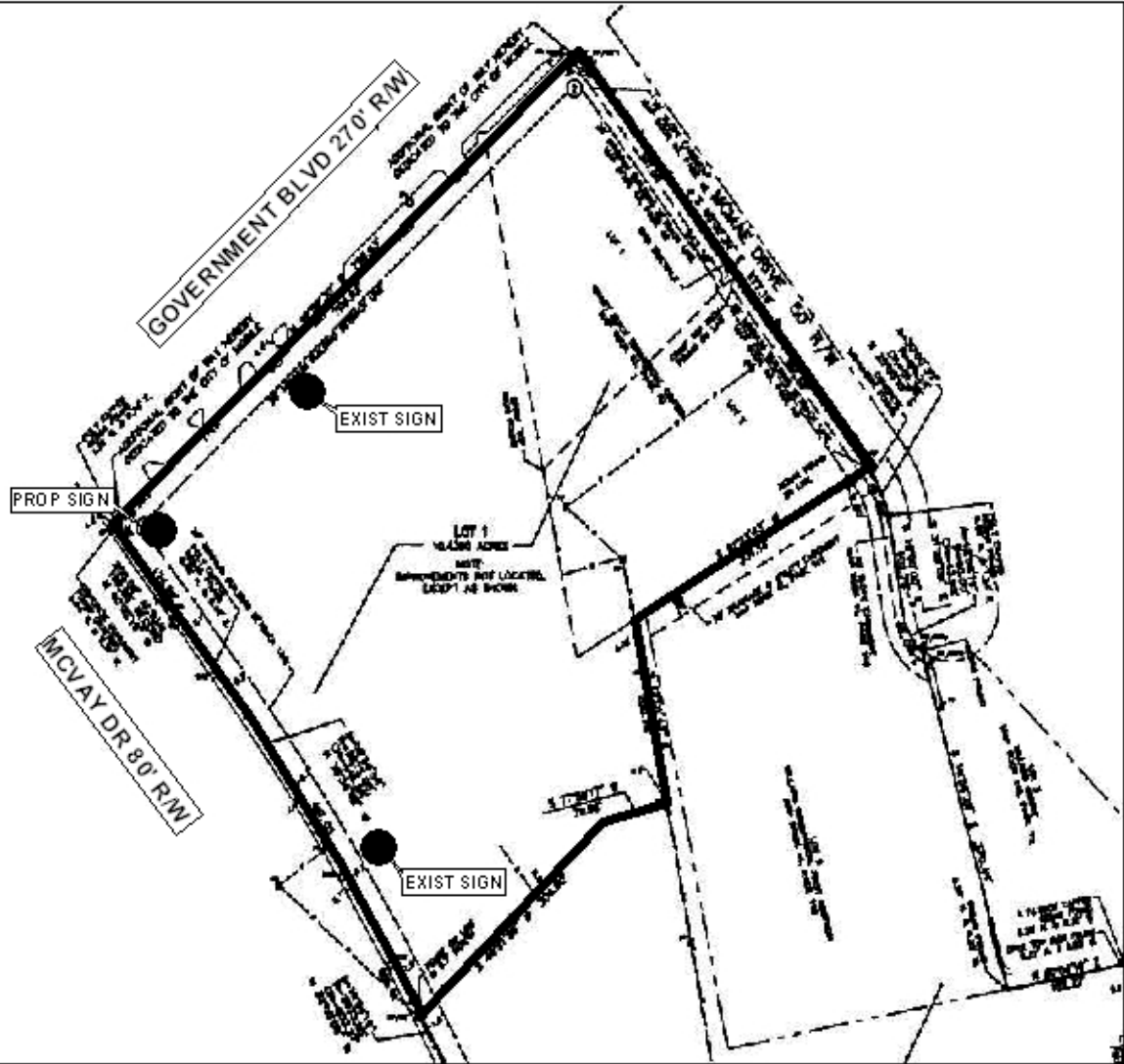
APPLICANT Victor Sign Company (Orin Robinson, Agent)

REQUEST Sign Variance



NTS

SITE PLAN



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

APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

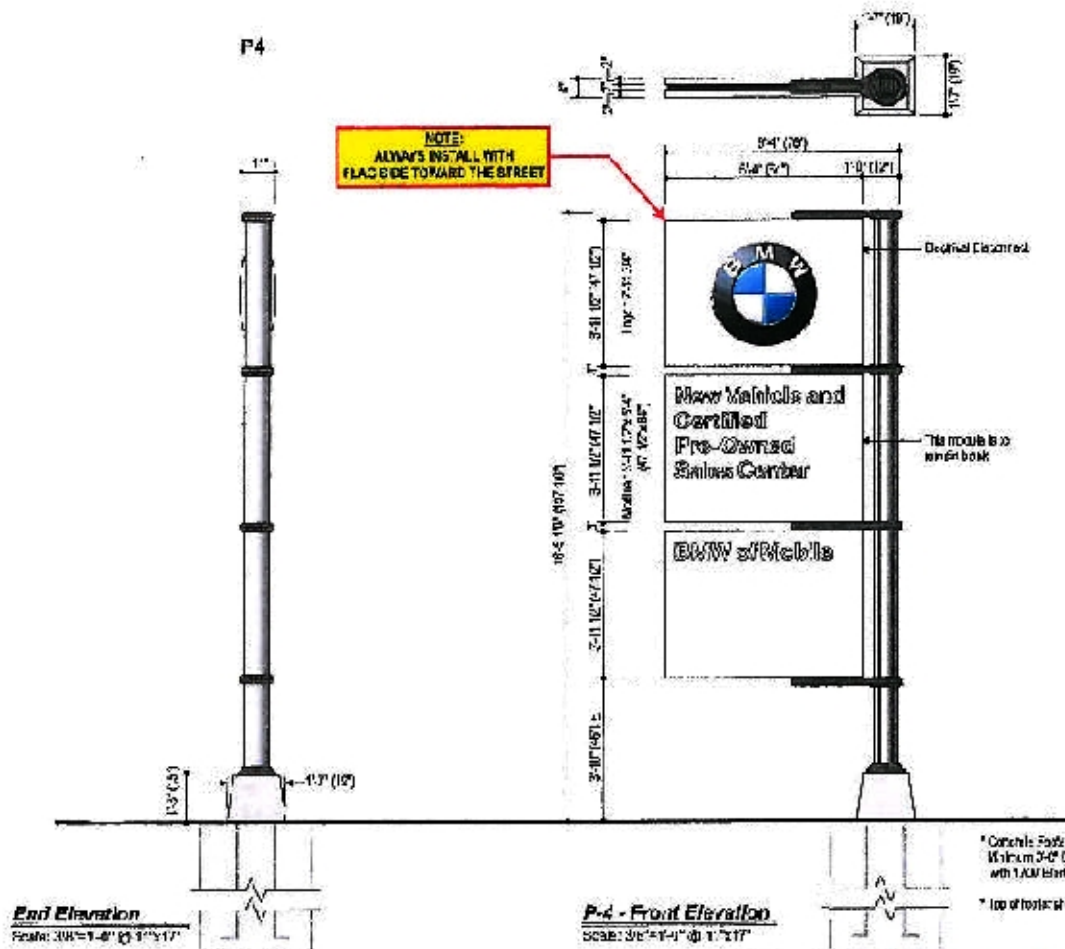
APPLICANT Victor Sign Company (Orin Robinson, Agent)

REQUEST Sign Variance



EXISTING SIGN DETAIL

EXISTING SIGN



APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

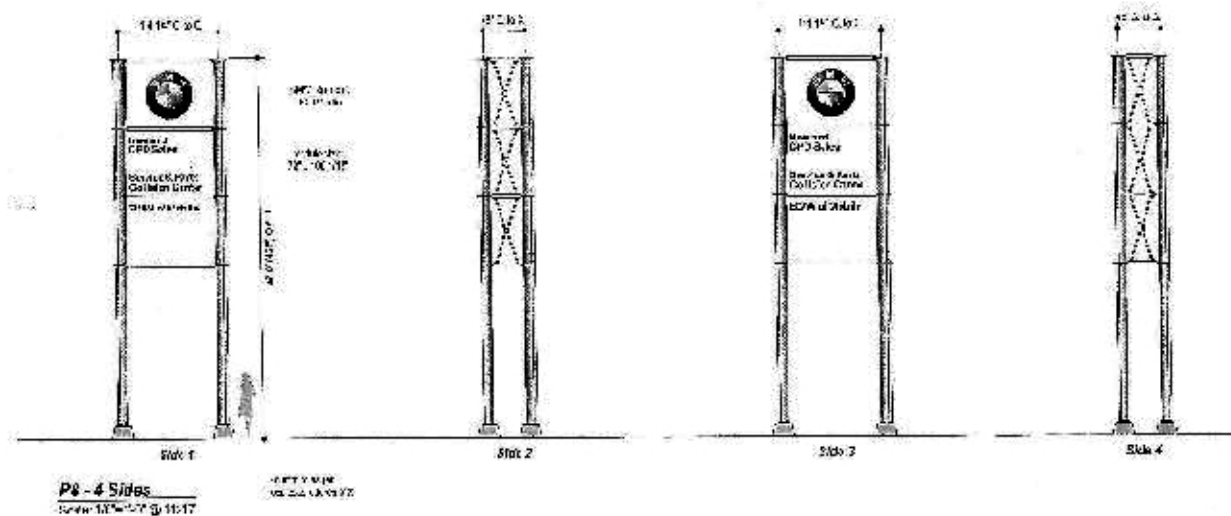
APPLICANT Victor Sign Company (Orin Robinson, Agent)

REQUEST _____ Sign Variance _____



NTS

PROPOSED SIGN DETAIL



APPLICATION NUMBER 5789/4880/4373 DATE December 3, 2012

APPLICANT Victor Sign Company (Orin Robinson, Agent)

REQUEST _____ Sign Variance

