

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 7, 2014****CASE NUMBER**

5880

**APPLICANT NAME**

Victor Sign Co.

**LOCATION**3811 Airport Boulevard  
(South side of Airport Boulevard, 225'± West of  
Downtown Boulevard)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a third wall sign for a single-tenant commercial site with two (2) wall signs and a freestanding sign, for a total of four (4) signs in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance allows a total of three (3) signs at a single-tenant site in a B-2, Neighborhood Business District.**ZONING**

B-2, Community Business District

**AREA OF PROPERTY**

0.9± Acre

**TRAFFIC ENGINEERING  
COMMENTS**

This variance request not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 5

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a third wall sign for a single-tenant commercial site with two (2) wall signs and a freestanding sign, for a total of four (4) signs in a B-2, Neighborhood Business District; the Zoning Ordinance allows a total of three (3) signs at a single tenant site in a B-2, Neighborhood Business District.

The applicant is in the process of obtaining sign permits for the new Panda Express restaurant for a freestanding sign and two wall signs, which is the maximum amount of signage allowed at a single business site. A third wall sign is also proposed which would exceed the maximum number allowed, hence 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 *"Panda Express is a national restaurant chain with standard signage incorporated into the branding of their restaurants. The Airport Boulevard Panda Express restaurant will be the first location of its kind in the City of Mobile, AL. With only two (2) wall signs on the building, the East elevation of the store would not have any identifying branding for vehicles to recognize traveling Westbound on Airport Boulevard or Airport Boulevard Service Road."*

*"Panda Express would also be at a competitive disadvantage to such close competitors that have additional signage than what is required by the Zoning Ordinance. For instance, the Arby's restaurant located at 3739 Airport Boulevard has wall signage on each store elevation which is viewable from the main arterial roadways, in addition to having a free-standing sign. Giving up the free-standing sign for extra wall signage would place Panda Express at a disadvantage as the majority of neighboring businesses, especially competitors, have a large free-standing sign."*

*"Panda Express is a national restaurant chain serving Asian cuisine in a casual environment. The store also offers a drive thru option for customers. This location will be the first panda Express in Mobile, AL bringing Panda Express' newest store design and signage branding to the area. Of the neighboring properties, panda Express is the only restaurant. The previous business located on the property at 3811 Airport Boulevard was a dance hall. Customers seeking a dining experience may not readily identify the location as a restaurant in an immediate area which did not previously offer any such options."*

The applicant focuses on the fact that the Arby's restaurant approximately 1,000' East of the subject site has a sign on each of its four faces, plus a freestanding sign. That site was developed prior to the adoption of the Sign Regulations and such signage is either legal nonconforming or has been installed without permits as no permits are found for such signage. A review of sign permitting history of other business sites along Airport Boulevard within 500' of the subject site indicates compliant signage with the exception of one multi-tenant site which was erroneously issued two wall sign permits. There have not been any Sign Variances granted within the immediate area for excessive signage.

The applicant also argues that there would be no branding identification on the East side with only two wall signs. However, this section of Airport Boulevard has very few tree plantings to reduce visibility and the subject site will have a 10'-diameter, 35' tall freestanding sign which

should be easily viewable from any direction traveling along both Airport Boulevard and the parallel service road.

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 freestanding sign 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 a third wall sign 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 neighborhood by granting the variance because most of the near-by businesses appear to be in compliance with the Sign Regulation Provisions of the Zoning Ordinance and no other Sign Variances have been granted within 1,000' of the subject site along Airport Boulevard.

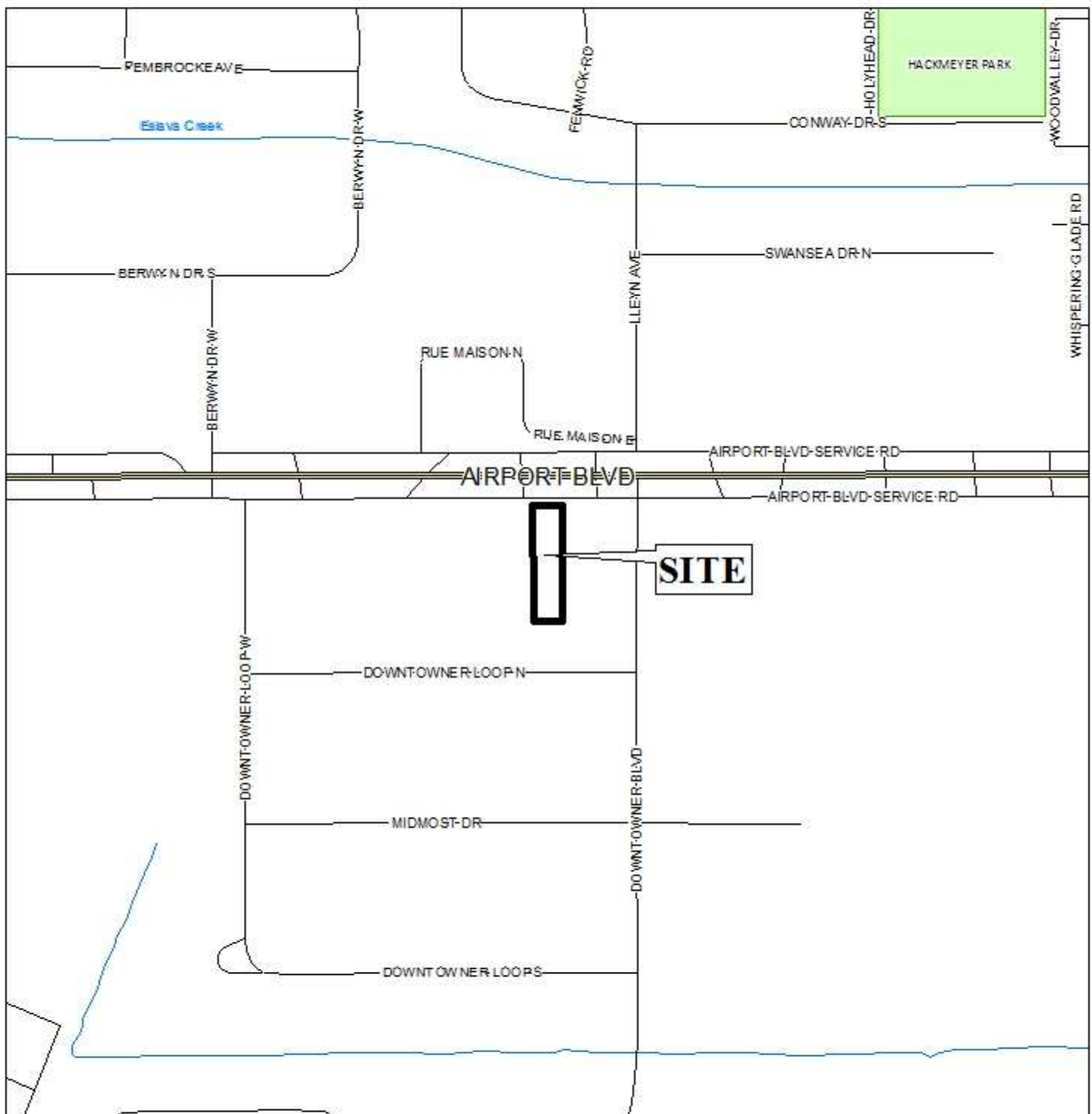
***Revised for the April meeting:***

*This application was heldover from the March meeting at the applicant's request. As no new information has been submitted, the original recommendation would stand.*

**RECOMMENDATION:** *Based upon the preceding, staff recommends to the Board the following findings of facts for denial:*

- 1) *approving the variance request 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) *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) *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 most of the near-by businesses appear to be in compliance with the Sign Regulation provisions of the Zoning Ordinance and no other Sign Variances have been granted within 1,000' of the subject site along Airport Boulevard.*

# LOCATOR MAP



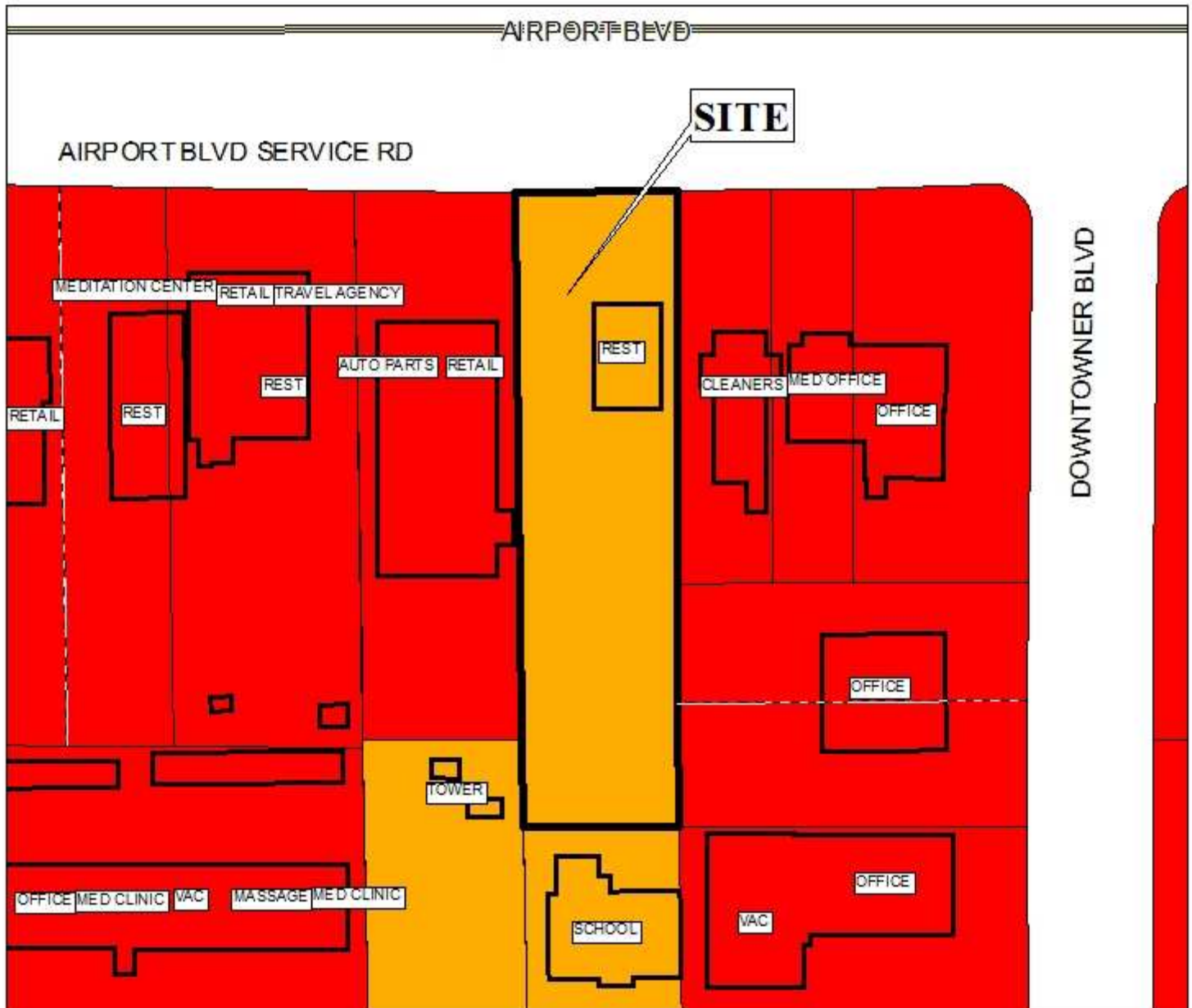
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use units. A school lies to the south of the site.

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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





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

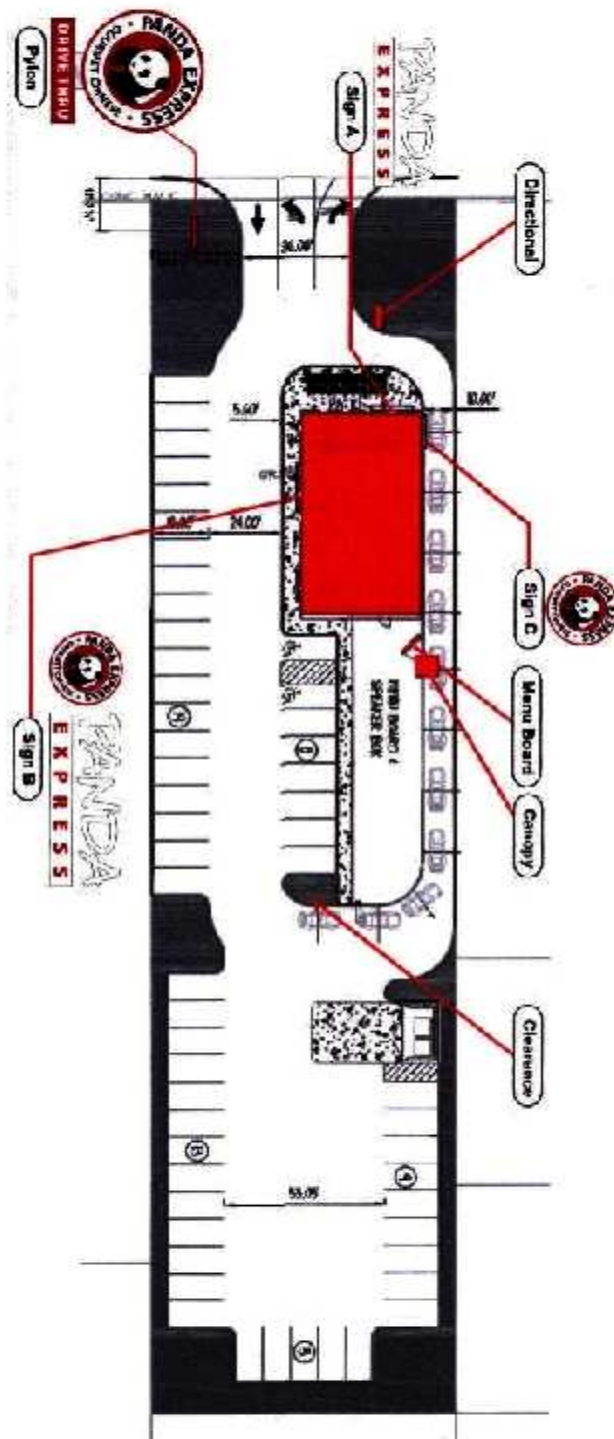


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# SITE PLAN



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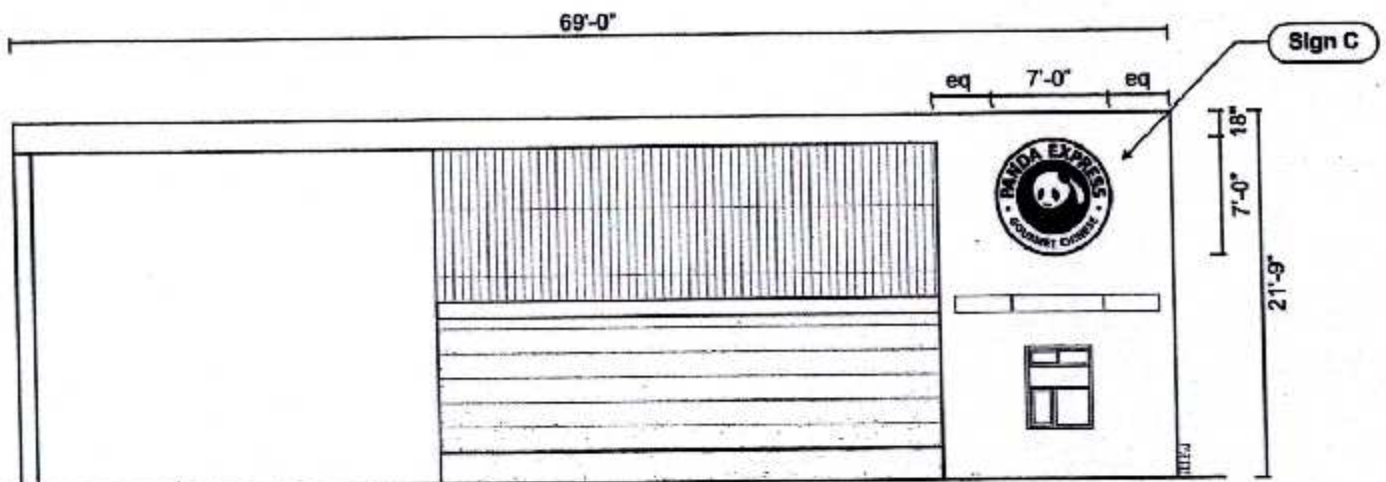
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# DETAIL SITE PLAN

Sign C	Drive Thru Elevation		
Proposed	Height	Width	Area
84" Logo	7'-0"	7'-0"	49 SF
Top To Grade		Bottom to Grade	
Allowed SF per code		30% usable wall area or 350 sq ft max	



**Drive Thru Elevation**

Scale: 1/8" = 1'-0"

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