

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 3, 2014**

<b><u>CASE NUMBER</u></b>	5929
<b><u>APPLICANT NAME</u></b>	Modern Signs LLC
<b><u>LOCATION</u></b>	1854-B East I-65 Service Road North (East side of East I-65 Service Road North, 550'± North of First Avenue)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> To allow a second freestanding sign on a multi-tenant commercial site with 559 linear feet of street frontage in an I-1, Light Industry District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance requires at least 600 linear feet of street frontage to allow a second freestanding sign on a multi-tenant commercial site in an I-1, Light Industry District.
<b><u>ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	10.7± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments received.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1

**ANALYSIS** The applicant is requesting a Sign Variance to allow a second freestanding sign on a multi-tenant commercial site with 559 linear feet of street frontage in an I-1, Light Industry District; the Zoning Ordinance requires at least 600 linear feet of street frontage to allow a second freestanding sign on a multi-tenant commercial site in an I-1, Light Industry 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 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.

Applicant's statement:

*Dear Board Members,*

*Please consider our request for a variance of the On Premise Sign Ordinance.*

*Our client, Roofing Supply Group (RSG), would like to install a freestanding sign on the above referenced property but the sign ordinance only allows for one freestanding sign.*

*Currently there already is a freestanding sign that belongs to GCR Tire Centers and they will not allow (RSG) to be added to their sign, so they will need to have their own freestanding sign.*

*We feel they have a true hardship because their business is located approximately 500' from the service road and they have no visibility. Customers and vendors are having a very difficult time finding their business. Even a wall sign that would be facing South would not be visible from the service road*

*RSG has over 70 locations nationwide and they have made a significant investment in coming to Mobile. We are asking for help with exposure for RSG and make them a successful business in our community.*

Typically, businesses within a multi-tenant commercial site are allowed one wall sign and one tenant panel sign on one freestanding sign structure, by-right. A second freestanding sign may be allowed if the linear feet of street frontage exceeds 600'. This site appears unique in that RSG appears to be hindered from its allowable advertisement along the street and the fact that the site is only 41'± shy of allowing a second freestanding sign structure by-right also would appear to result in a hardship to the applicant. No legal documentation has been provided to establish the fact that RSG cannot also locate on the GCR freestanding sign.

Approval from the Traffic Engineering Department would be required if the sign is proposed within the 25' minimum building setback.

Approving the variance request would not appear to be contrary to the public interest and substantial justice done to the applicant and surrounding area since not approving the variance would result in a continued unnecessary hardship for the business owner and potential customers due to an insufficient amount of signage.

**RECOMMENDATION:**

The application is recommended for holdover for the following reason:

- 1) To allow the submittal of legal documentation proving that RSG cannot locate on the existing GCR freestanding sign, as stated by the applicant.

***Revised for the December 1<sup>st</sup> meeting:***

*The application was heldover from the November 3<sup>rd</sup> meeting due to a lack of a quorum. Additional information was submitted substantiating the applicant's claim. As such, the fact that GCR Tire Centers does not allow other business to locate signage on its sign structures could be perceived as a hardship. Any proposed signage and sign structures shall be properly permitted.*

**RECOMMENDATION:**

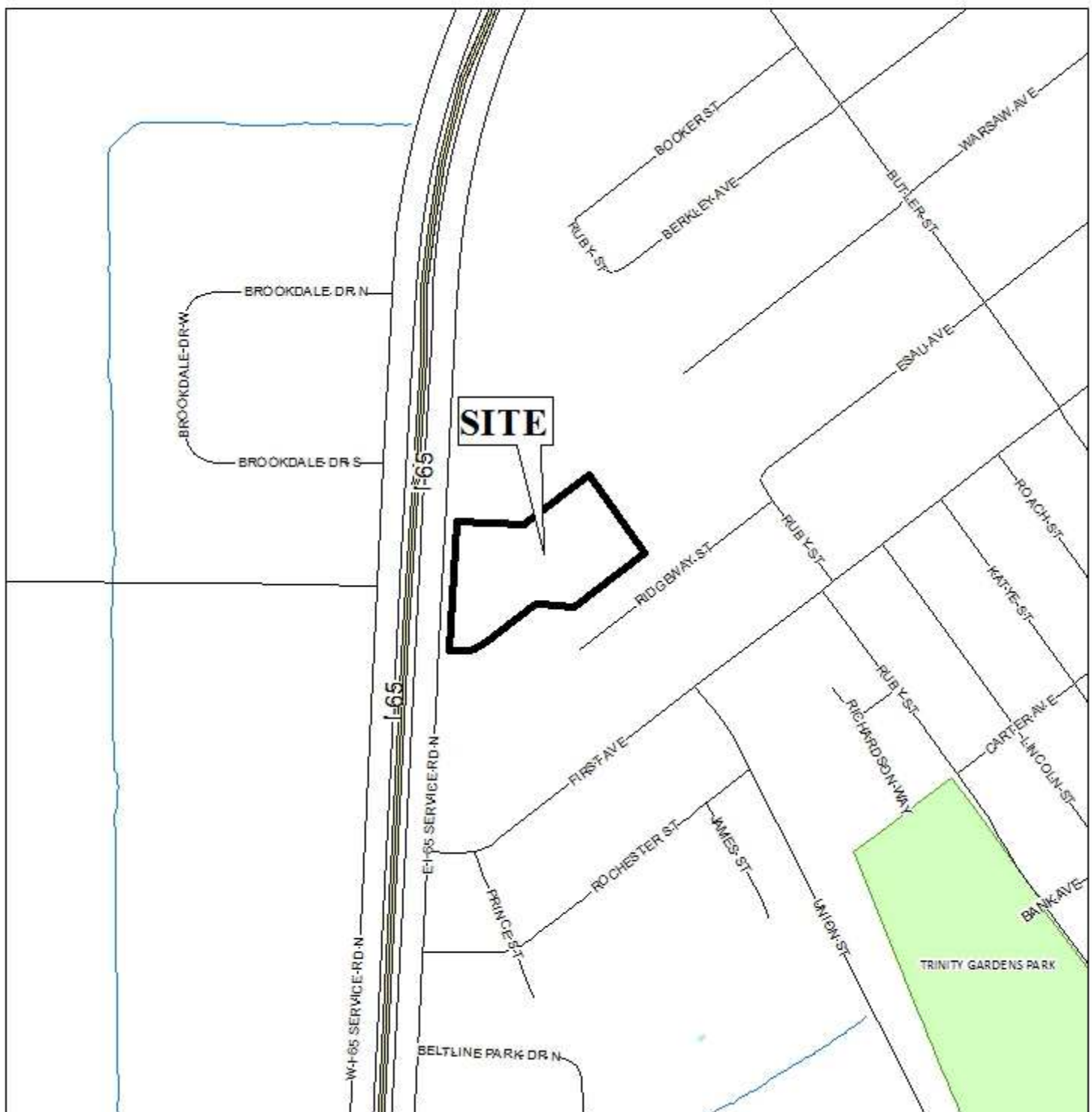
*Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:*

- 1) *Approving the variance request will not be contrary to the public interest given the fact that adequate signage for any business is necessary to both the business owner and customers;*
- 2) *Special conditions appear to exist, including the current site condition and lease agreement, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and*
- 3) *That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since not approving the variance would result in a continued unnecessary hardship for the business owner and potential customers due to an insufficient amount of signage.*

*The approval is subject to the following conditions:*

- 1) *Obtainment of the proper permitting for any proposed signage and sign structures.*

# LOCATOR MAP



APPLICATION NUMBER 5929 DATE December 1, 2014

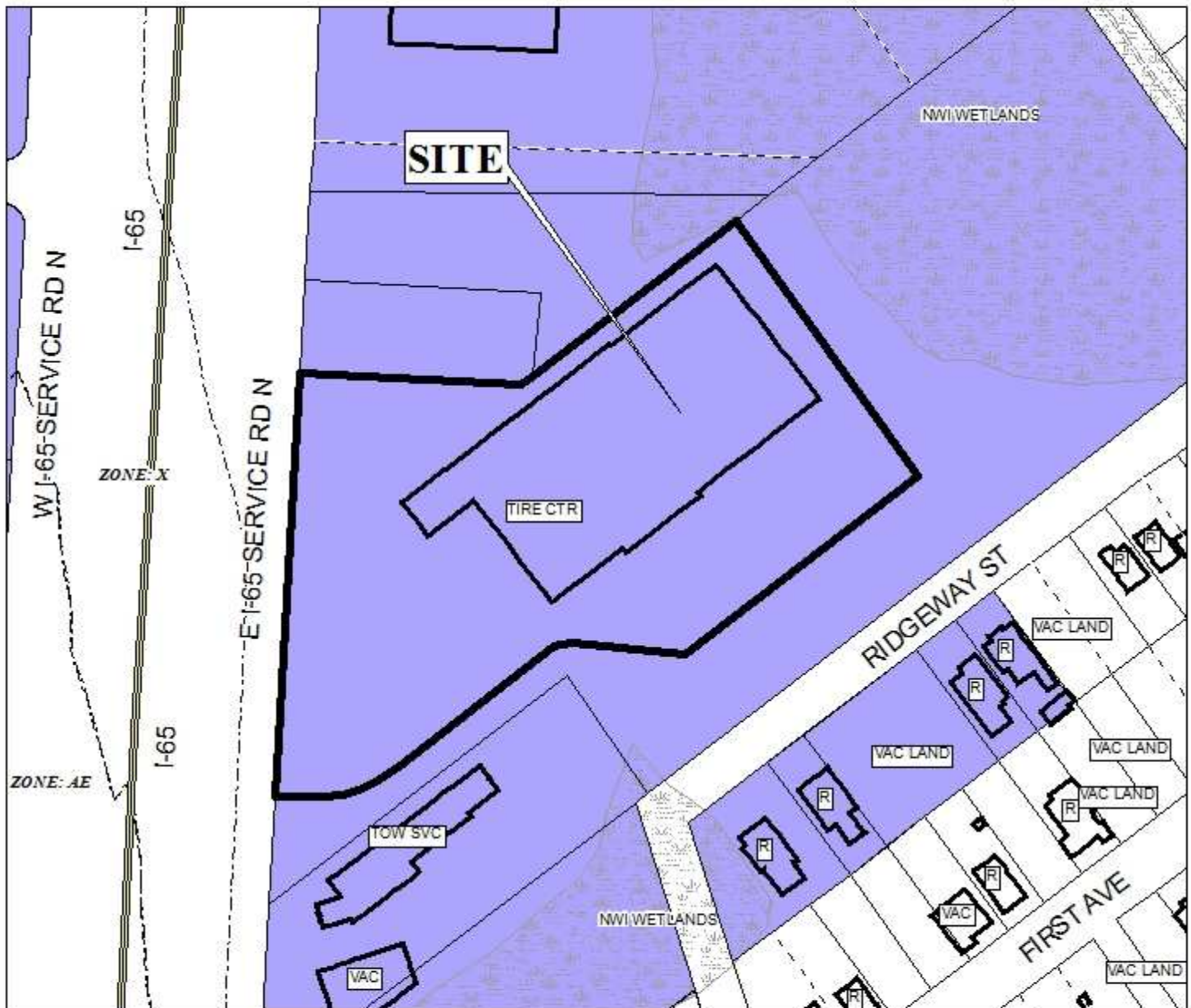
APPLICANT Modern Signs LLC

REQUEST Sign Variance



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by a towing service to the south west, and residential units to the southeast of the site.

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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 ZONING



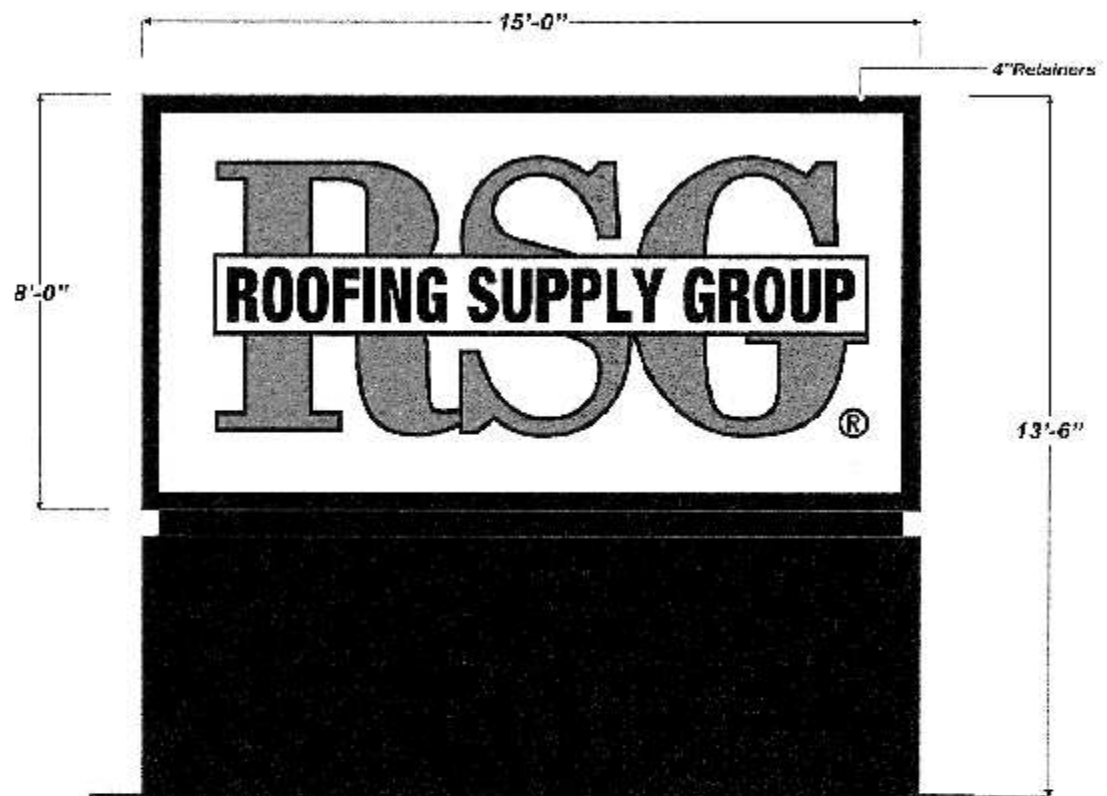
Residential units are located to the southeast of the site.

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## DETAIL SITE PLAN

***Lighted Monument OPTION - 1***



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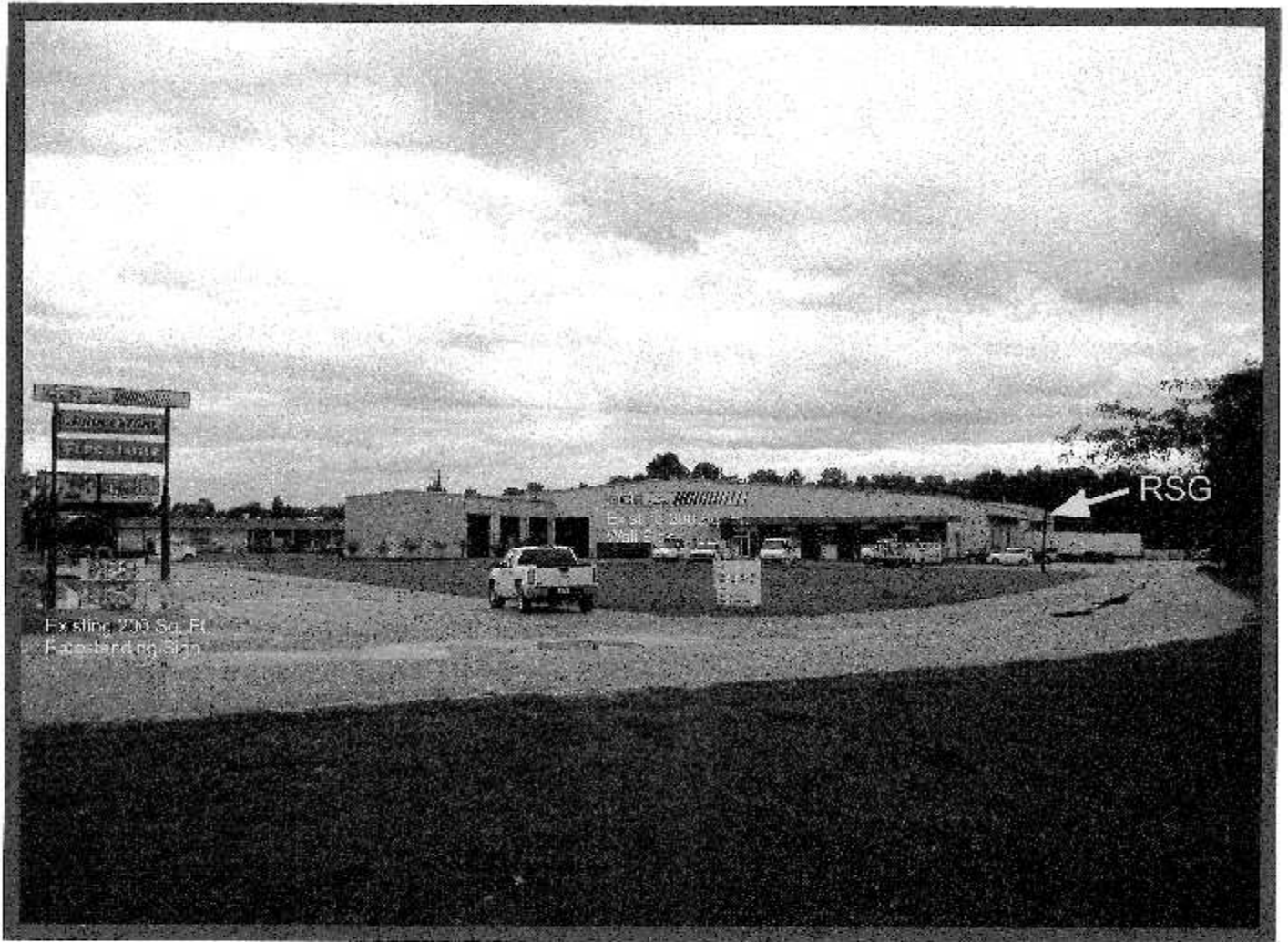
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