

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: February 6, 2017**

<b><u>CASE NUMBER</u></b>	6084
<b><u>APPLICANT NAME</u></b>	Stephen Quinnelly
<b><u>LOCATION</u></b>	2450 East I-65 Service Road North (Southeast corner of East I-65 Service Road North and Main Street)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow a wall sign to extend above the roof-line in an I-2, Heavy Industry District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance does not allow signs to extend above rooflines in I-2, Heavy Industry Districts.
<b><u>ZONING</u></b>	I-2, Heavy Industry District
<b><u>AREA OF PROPERTY</u></b>	1.3± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This request was not reviewed by Traffic Engineering.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1

**ANALYSIS** The applicant is requesting a Sign Variance to allow a wall sign to extend above a roofline in an I-2, Heavy Industry District; the Zoning Ordinance does not allow signs to extend above rooflines in I-2, Heavy Industry Districts.

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.

In September, 2016, sign permit applications were submitted by a sign contractor for two signs at the subject site. One was for a 12' wide by 3' high horizontal sign on the front façade of the main building wall and one was for the subject 17' wide by 21' high sign on the former billboard projecting forward of the main building and above the building roofline. The horizontal wall sign was tentatively approved pending the sign contractor obtaining an electrical connection permit for the sign and revising the sign permit application to include the electrical permit number. The electrical permit was obtained, but the revised sign permit application with that electrical permit number was never submitted and the sign was installed without the required sign permit. The sign contractor was informed that the large sign on the former billboard would not be allowed. A site investigation revealed that both signs had been installed without permits, a Notice of Violation was issued and hence this application.

The applicant states:

*"Please consider us on our variance of signage on I65 Service Road. We have done several locations of these remodel projects in north Alabama, as this is the concept for the company and its colors of the exterior look to the new building signage. The existing billboards adjacent to building were incorporated into the structure of our remodeled building for the purpose of sign. We have talked with several of our neighbors and received positive feedback and feels it provides a new look to the area."*

Tax records indicate the subject site was developed in 1979 and aerial imagery of the building taken in 1984 does not indicate the large protruding portion of the building. Imagery from 1997 indicates a detached billboard structure placed in front of the building. City Revenue Department tax records indicate a lapse in occupation and commercial activity for the site from 2006 until the applicant's occupation in February, 2016. As the on-premise billboard would be a nonconforming structure, any re-use as such would have expired in 2008. The applicant's renovation plans to the existing building clearly indicated the modification and incorporation of the billboard's structural components into the front façade of the building, but did not indicate the placement of signage on this structure.

Inasmuch as the billboard has been structurally incorporated into the building façade for the purpose of allowing more signage area, the signage placed on it violates two aspects of the Sign Regulation Provisions. The sign projects above the roofline of the building, and the sign occupies far more than 30% of the wall plane surface of the façade projection. The fact that other similar signage has been incorporated into the applicant's projects in other areas of the state does not constitute a need or hardship to justify such in this instance. As this is a single-tenant site, the allowance of a sign on this wall plane occupying 30% of the wall surface would

be allowed in addition to the horizontal sign on the adjacent front wall plane. Pertaining to the horizontal wall sign installed without a permit, the applicant is advised that the permitting process for that sign should be finalized and a permit issued, with double-fee for installation without a permit.

The applicant has not demonstrated that a literal enforcement of the Sign Regulation Provisions of the Zoning Ordinance would result in an undue hardship. The applicant simply wishes to have a sign extending above the roofline of the building and the Board should consider this application for denial, especially in light of the fact that the sign contractor was specifically informed at the time of sign permit application submittal that the sign was not allowable as proposed.

**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;
- 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; 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 signage protruding above a roofline creating a cluttered and unfavorable physical image.

The applicant is advised that the subject sign can be made compliant if it does not occupy more than 30% of the wall plane area on which it is placed, and does not extend above the roofline of the building. Also, any allowable signage must have permits.

***Revised for the February meeting:***

*This application was heldover from the January meeting so that the following can be provided:*

- 1) *Photo examples of the signage at other facilities owned by the applicant;*
- 2) *Photo examples of the truck wraps used for advertising; and*
- 3) *That the sign contractor responsible for the unpermitted installation of the signage (Advantage Sign Company) be present at the meeting to answer questions that the Board may wish to ask.*

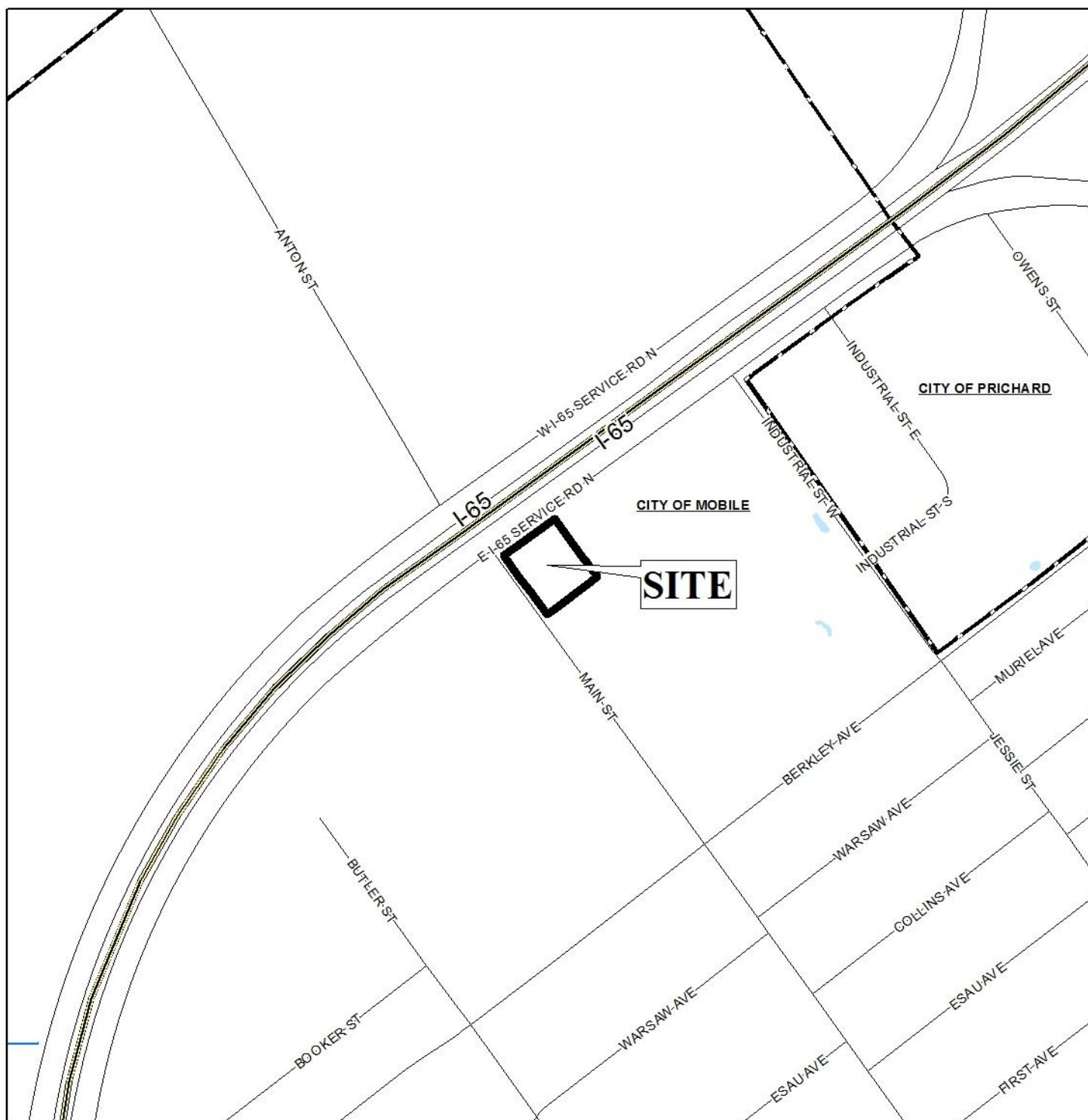
*As no new information has been submitted, the original recommendation would stand.*

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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; 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 signage protruding above a roofline creating a cluttered and unfavorable physical image.*

*The applicant is advised that the subject sign can be made compliant if it does not occupy more than 30% of the wall plane area on which it is placed, and does not extend above the roofline of the building. Also, any allowable signage must have permits.*

# LOCATOR MAP



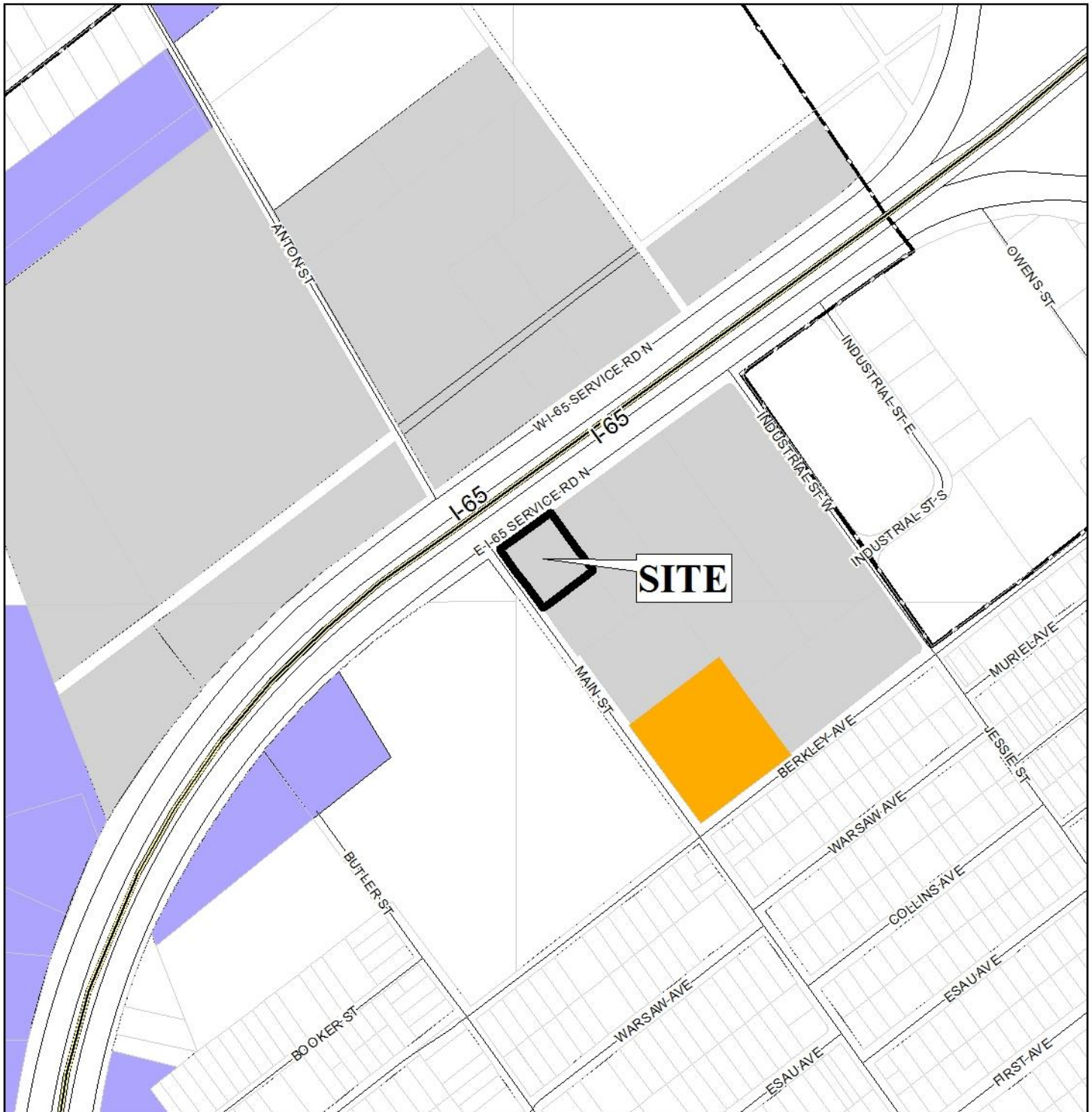
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REQUEST Sign Variance



# LOCATOR ZONING MAP

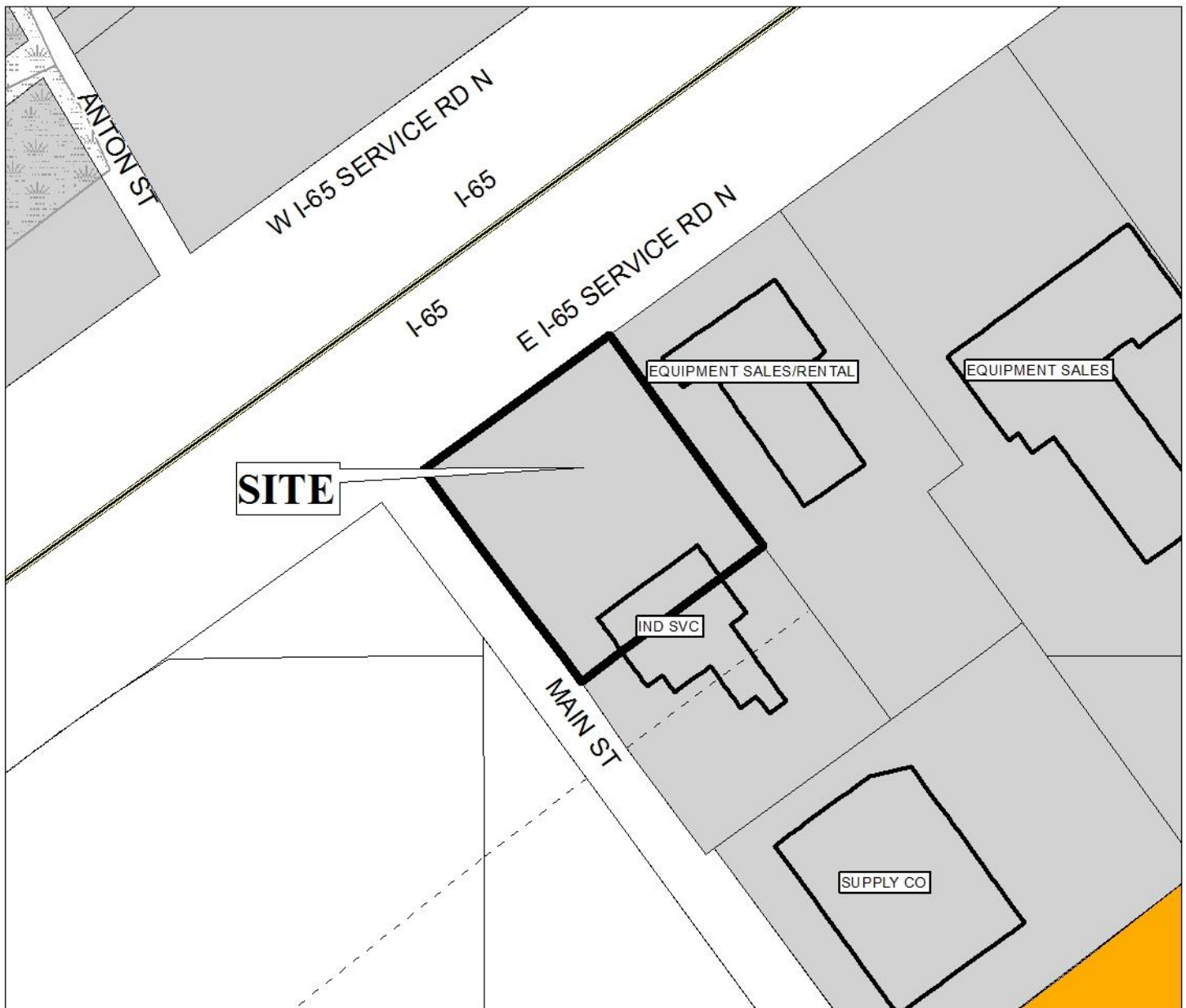


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightcoral; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: magenta; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightcoral; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

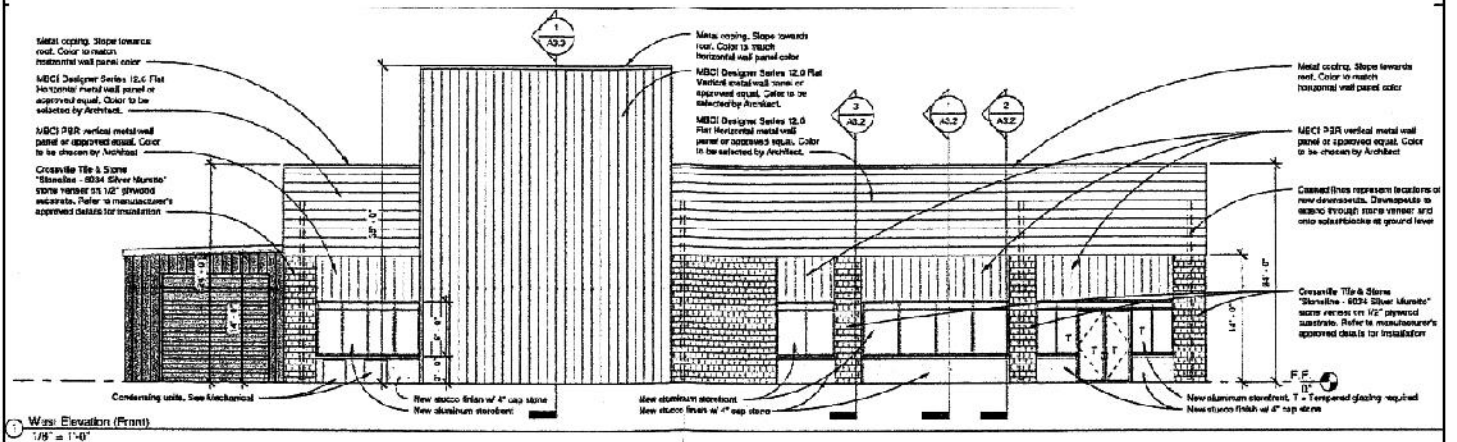
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# DETAIL SITE PLAN



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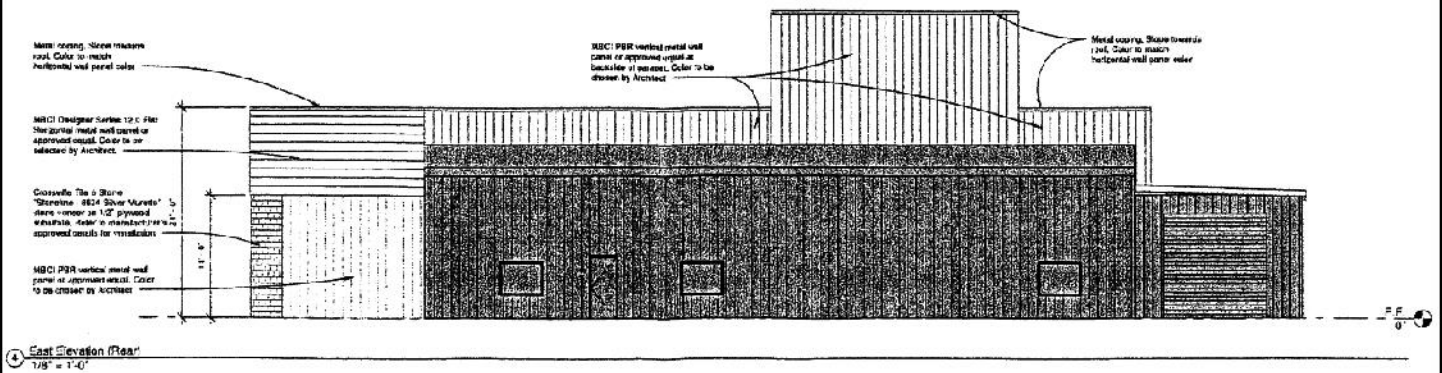








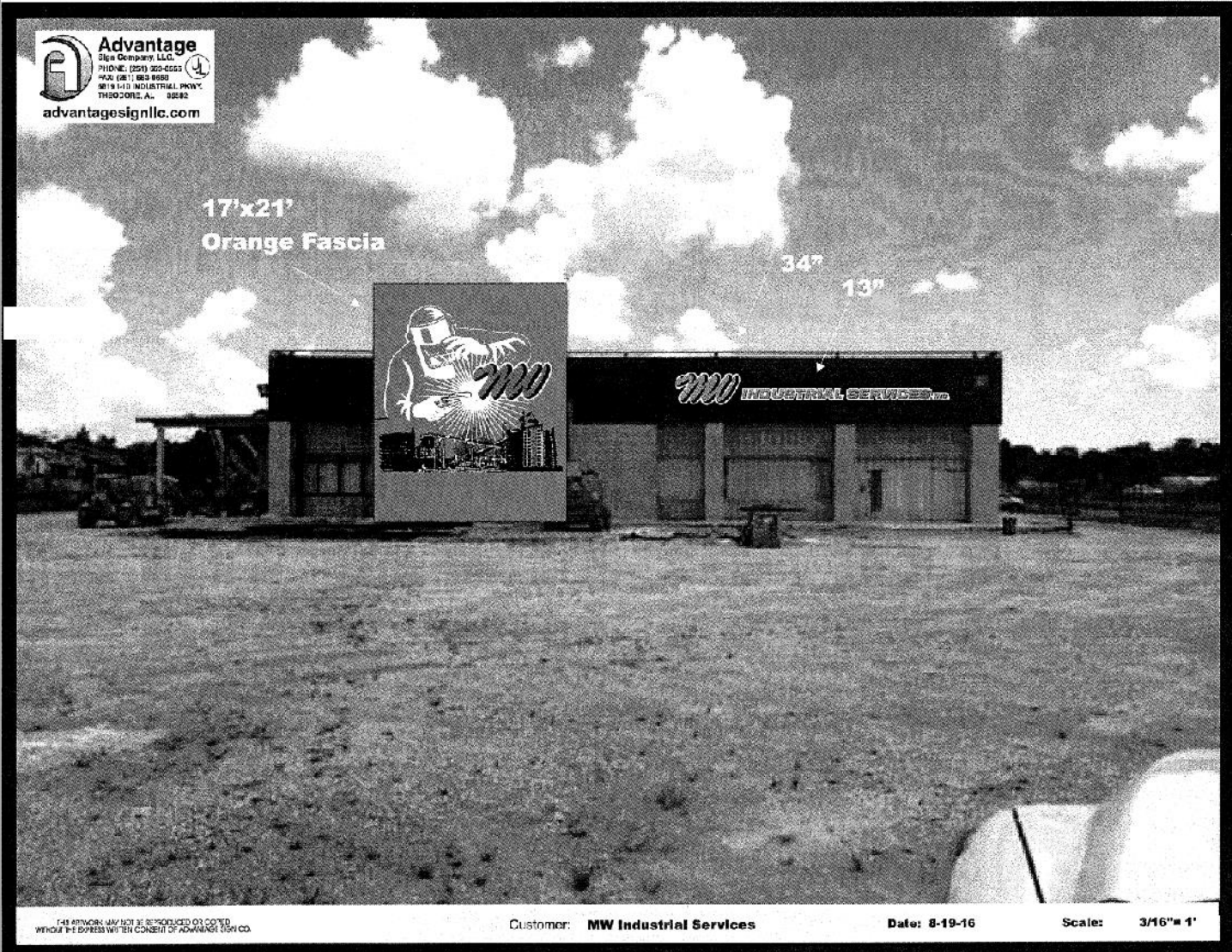
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