

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 5, 2017****CASE NUMBER**

6109/6108/5414

APPLICANT NAME

Wrico Signs, Inc. for Williams Sonoma

LOCATION9 Du Rhu Drive
(West side of Du Rhu Drive, 390'± North of Dauphin Street.)**VARIANCE REQUEST****SIGN:** Sign Variance to allow two wall signs and two reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District.

AREA OF PROPERTY

9.4± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Sign Variance to allow two wall signs and two reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District. The applicant references a lack of signage identifying the tenant's suite from the rear of the building for customer access as justification for the request, stating:

"The purpose of this application is to allow placement of signage at the back alley behind the Williams Sonoma store at the Legacy Shopping Center located at 9 Du Rhu Drive, Suite 340, Mobile, AL. Section 64-11(8)(c)(3)(a) of the Sign Ordinance allows 'each tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed

thirty (30) percent of usable wall area not to exceed three hundred fifty (350) square feet.'

Currently, the alley at the customer pickup/shipping/receiving door does not have any identifying signage. Providing this sign will provide direction for the customers as well as delivery vehicles. The sign on the building will be approximately 7" wide by 10" tall, 0.5 SF. The Length of the back of house wall belongs to Williams Sonoma is 68'-6".

Additionally, to keep from blocking any traffic along this alley, we are proposing signage at adjacent parking spaces in the alley near the customer pick up door to indicate where customers can park. We have two parking spaces that can be allocated to our tenant space along this alley. We would like to have signage for these parking spaces to better direct customers to the customer pickup door. Each sign is approximately 12"x18", 1.5 S.F."

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 site was previously the subject of Sign Variance approval allowing six wall signs for a single tenant on a multi-tenant site at the May 7, 2007 meeting of the Board of Zoning Adjustment. A Sign Variance request similar to the application at hand is concurrently being considered for a neighboring tenant.

The applicant wishes to provide signage identifying rear access and parking to the tenant suite for customer convenience regarding shipping and receiving of off-site purchases from the Williams Sonoma company.

With regards to the proposed freestanding signs identifying parking spaces reserved for customers of Williams Sonoma, the site is the subject of a Planned Unit Development most recently amended at the April 19, 2012 meeting of the Planning Commission to allow multiple buildings on a single building site with reduced, shared parking. As such, parking spaces reserved for exclusive use by a single tenant inherently negates the objective of the Planned Unit Development; especially when reduced parking would further be impacted by precluding spaces for use by other tenants and their customers.

No information for the proposed, additional wall sign identifying rear access to the Williams Sonoma suite was submitted to Staff; therefore Staff cannot speculate the dimensions of the

proposed additional wall sign. Nevertheless, where a suite is not identified by tenant-specific signage, it is traditionally distinguished by a suite number or some other denomination thereof. Such informational displays do not generally require approval of a sign permit.

It should be noted that the purpose of the Sign Regulations 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, promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

Considering the preceding, the applicant has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have additional signage. As such, the Board should consider this application for denial.

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 and would negate the previously approved Planned Unit Development;
- 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, especially when informational signage less than 20 square feet and content neutral is permissible; 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 excessive signage, potentially contributing to a cluttered and unfavorable physical image.

Revised for the July 10th meeting:

The application was heldover from the June 5, 2017 meeting at the applicant's request. Since that time Staff has received revised information clarifying the request at hand with respect to the types, amount and location of proposed signage.

The applicant is requesting a Sign Variance to allow a second wall sign in the rear of the tenant suite, and three reserved parking signs for a tenant on a multi-tenant site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one wall sign per tenant and no reserved parking signs on a multi-tenant site in a B-2, Neighborhood Business District. The applicant references a lack of signage identifying the tenant's suite from the rear of the building for customer access as justification for the request, stating:

The purpose of this application is to allow placement of signage at the back alley behind the Williams Sonoma store at the Legacy Shopping Center located at 9 Du Rhu Drive, Suite 340, Mobile, AL.

Section 64-11 (8)(c)(3)(a) of the Sign Ordinance allows “each tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed thirty (30 percent of usable wall area not to exceed three hundred fifty (350) square feet.

Currently, the alley at the customer pickup/shipping/receiving door does not have any identifying signage. Providing this sign will provide direction for the customers as well as delivery vehicles. The sign on the building will be approximately 7” wide by 10” tall, 0.5 SF. The length of the back of house wall belonging to Williams Sonoma is 68’-6”.

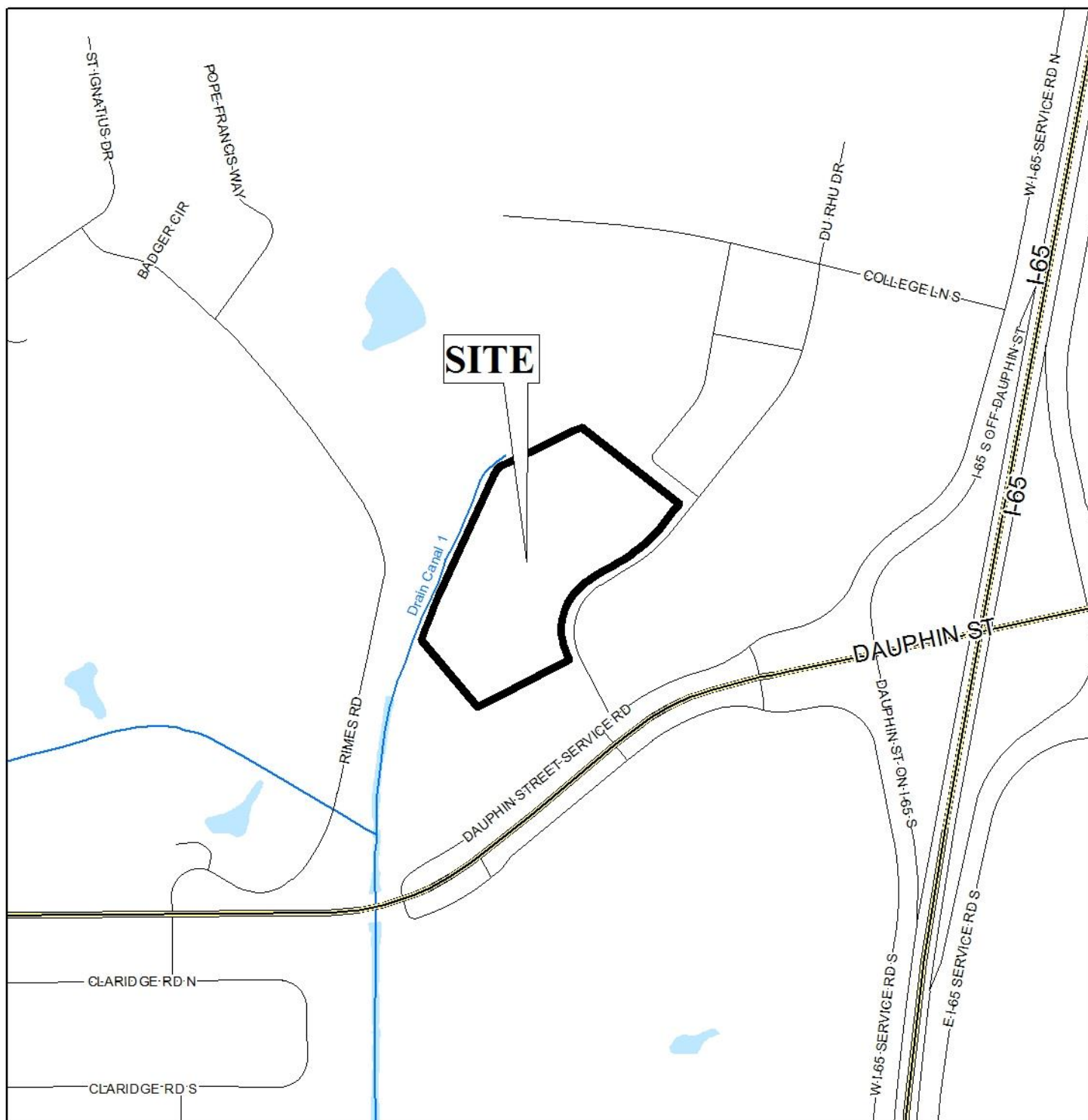
Additionally, to keep from blocking any traffic along this ally, we are proposing signage at adjacent parking spaces in the alley near the customer pick up door to indicate where customers can park. We have three parking spaces that can be allocated to our tenant space along this ally. We would like to have signage for these parking spaces to better direct customers to the customer pickup door. Each sign is approximately 12”x18”, 1.5 S.F.

With the exception of the previously omitted information concerning the proposed wall sign and the inclusion of a third freestanding sign to identify parking spaces reserved for customers of William Sonoma, the request at hand is similar to the original request. However, the applicant still has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, as previously mentioned, the applicant simply wishes to have additional signage. As such, the Board should consider this application for denial.

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 and would negate the previously approved Planned Unit Development;*
- 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 excessive signage, potentially contributing to a cluttered and unfavorable physical image.*

LOCATOR MAP



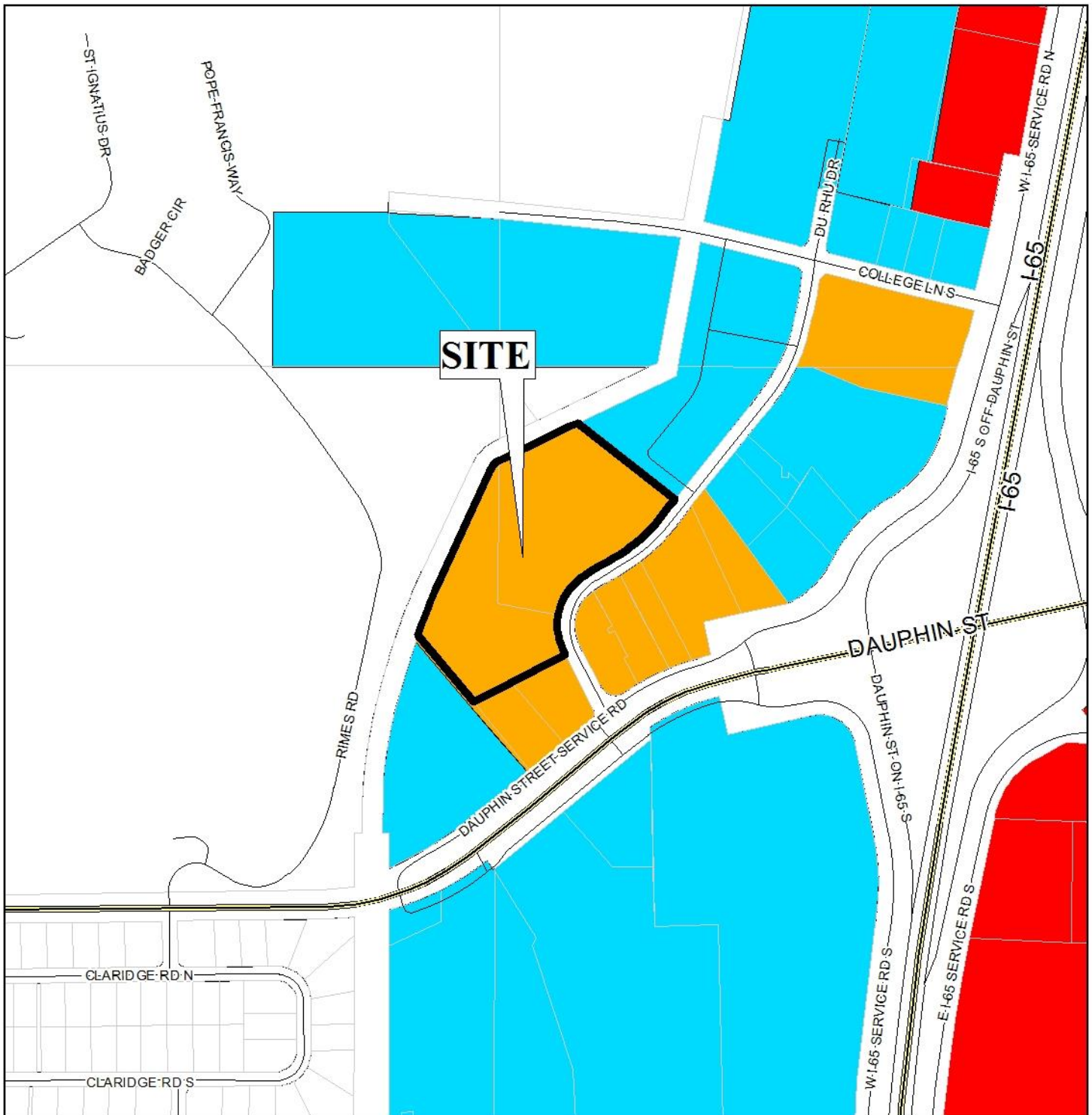
APPLICATION NUMBER 6109 DATE July 10, 2017

APPLICANT Wrico Signs, Inc. for Williams Sonoma

REQUEST Sign Variance



LOCATOR ZONING MAP



APPLICATION NUMBER 6109 DATE July 10, 2017

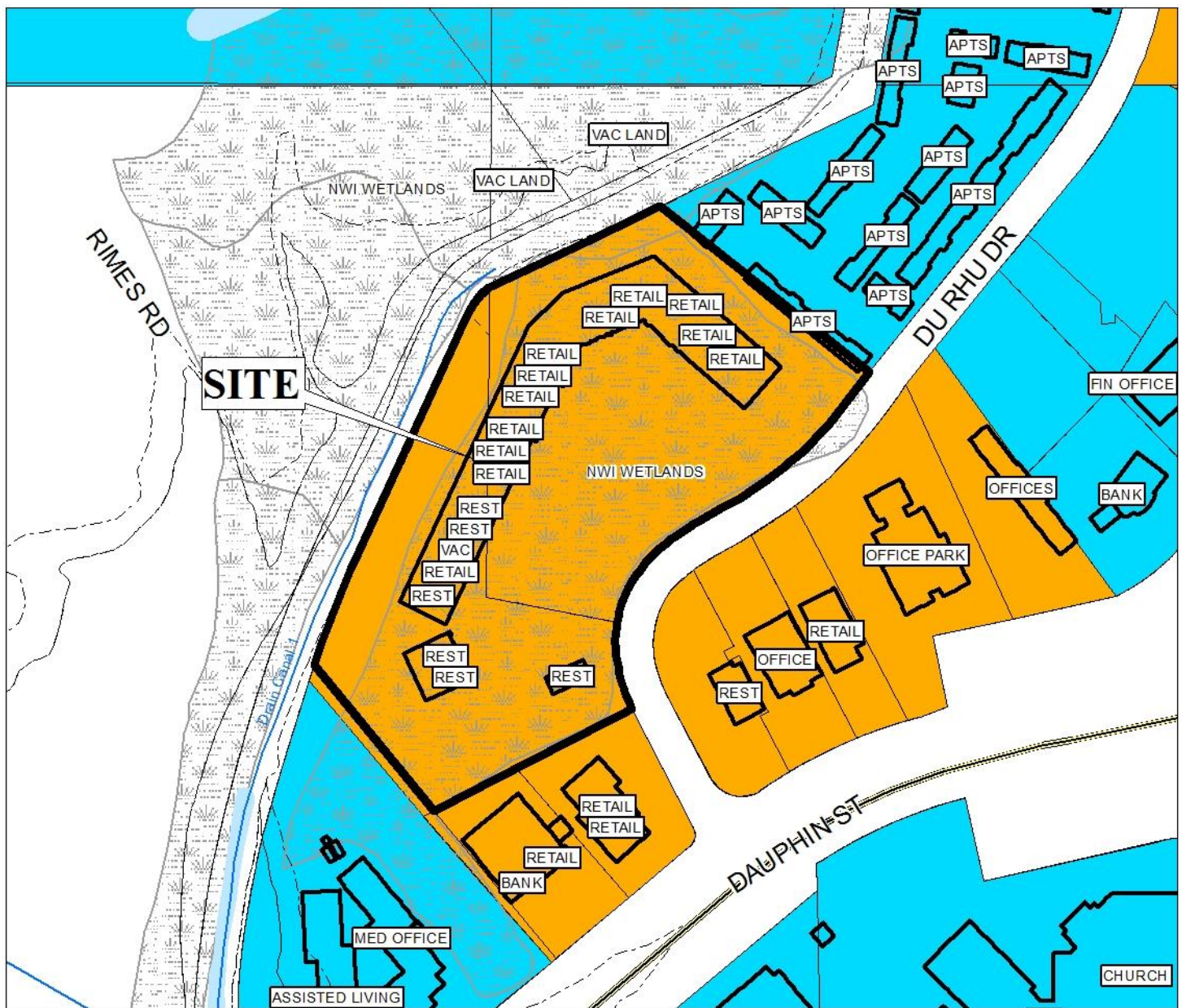
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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units to the northeast.

APPLICATION NUMBER 6109 DATE July 10, 2017

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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 AERIAL

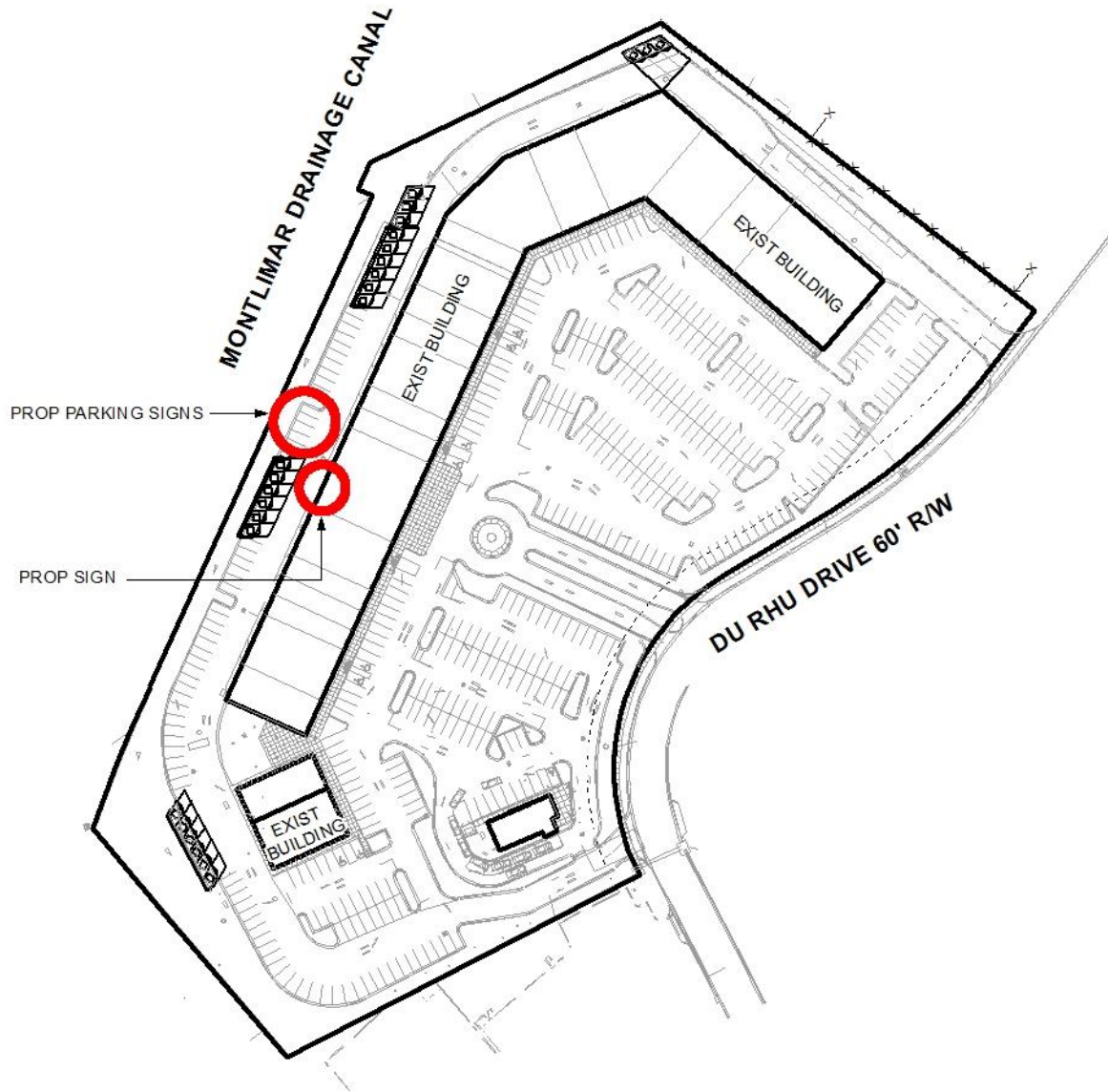


The site is surrounded by commercial units and residential units to the northeast.

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SITE PLAN



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

APPLICATION NUMBER 6109 DATE July 10, 2017

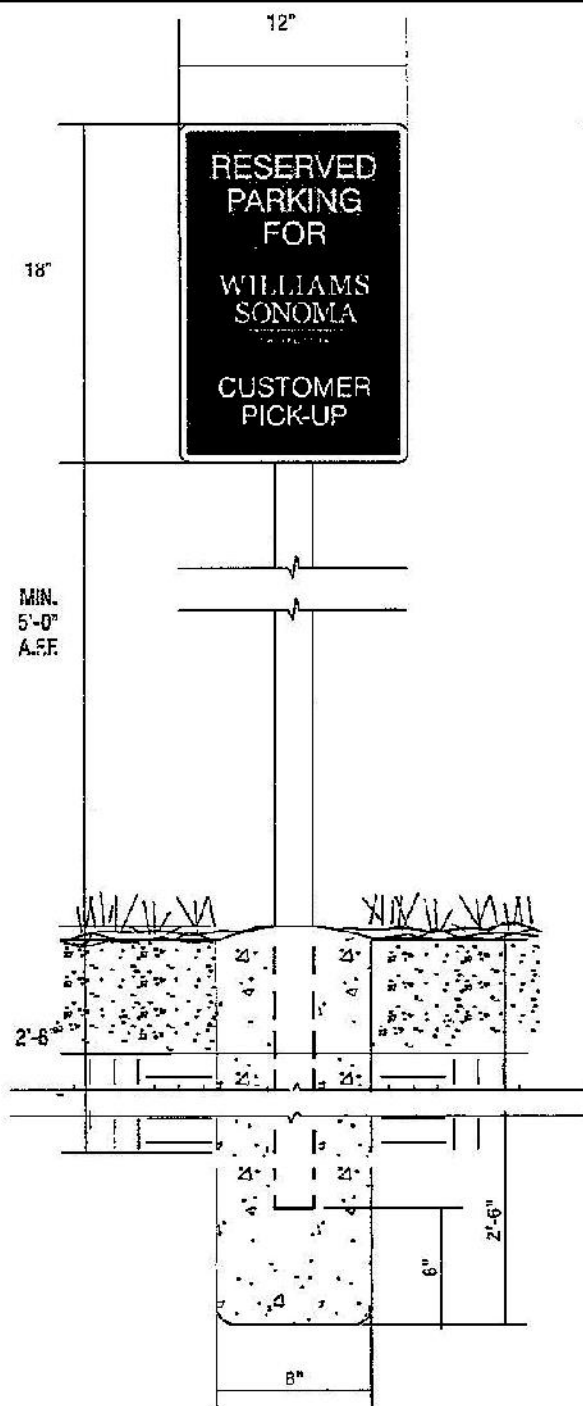
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NTS

DETAIL SITE PLAN



SCALE: 1 1/2" = 1'-0"

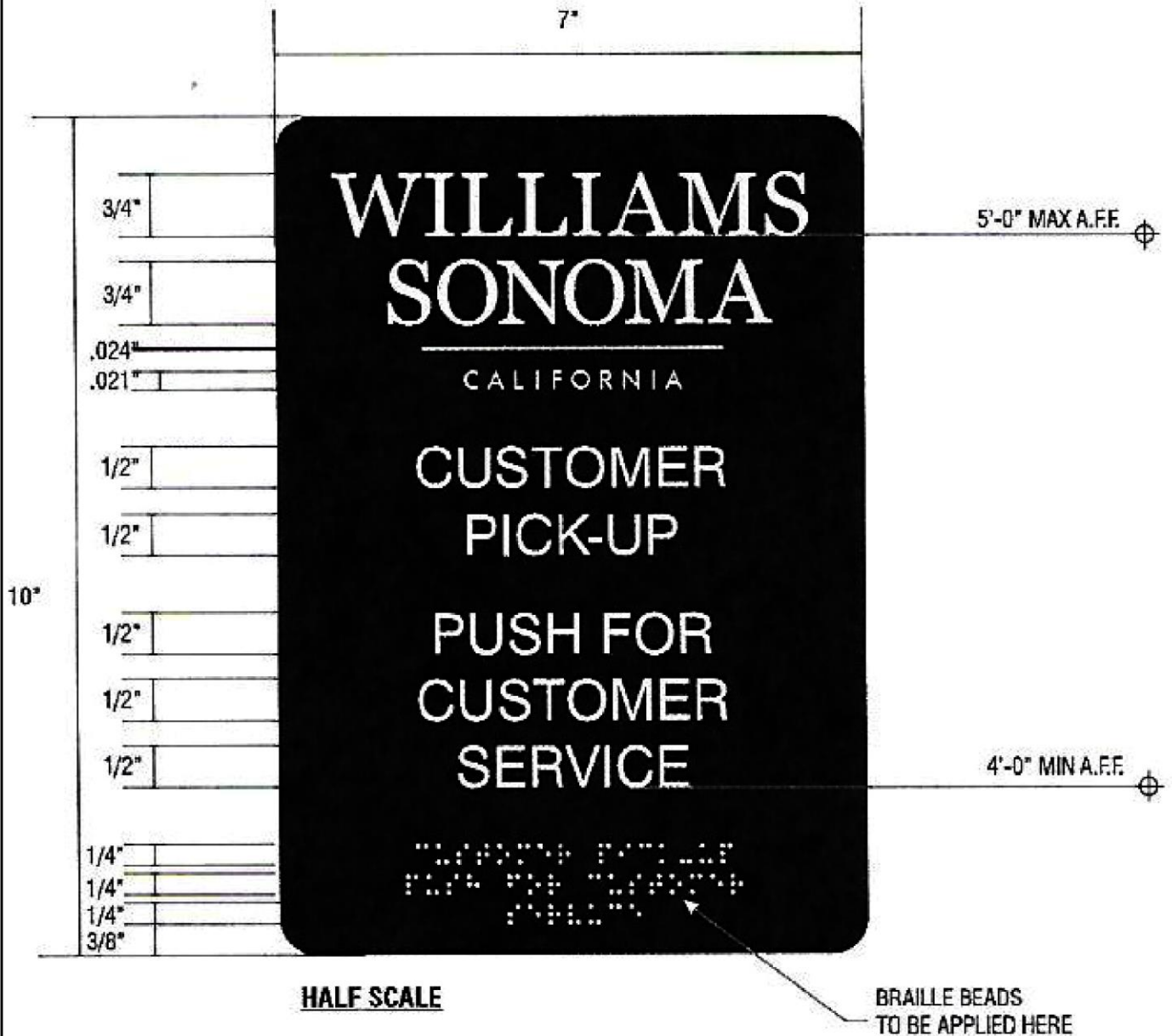
APPLICATION NUMBER 6109 DATE July 10, 2017

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