

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 8, 2014****CASE NUMBER**

5916/5109

APPLICANT NAME

Modern Signs, LLC

LOCATION3347 Halls Mill Road
(East side of Halls Mill Service Road (private street), 230'±
South of Halls Mill Road)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital sign 180'± from the nearest residentially zoned property in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow digital signs within 300' of the nearest residentially zoned property in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

0.7± Acre

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow a digital sign 180'± from the nearest residentially zoned property in a B-3, Community Business District; the Zoning Ordinance does not allow digital signs within 300' of the nearest residentially zoned property in a B-3, Community Business District.

A previous property owner was granted unrelated Use, Landscaping and Parking Variances for the subject site in 2002. The current property owner operates a floor sales business and construction company at the site. Since this is a multi-tenant site, each business is allowed one wall sign. The floor sales business already has one wall sign and the applicant recently submitted a sign permit application for a digital reader board wall sign for the construction company. Since the sign would be within 300' of residentially zoned property, the sign permit was denied; 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 *"Please hear our request for a variance on the on premise sign ordinance. We were denied a sign permit for a digital wall sign because of a residential property located less than 300 feet behind the building where sign is to be placed. The ordinance requires that there be at least a 300 foot spacing between digital signs and residential properties. Although the property behind this building is zoned residential it appears to be in commercial use at this time and should not be affected by the installation of this digital sign because the sign will be facing the interstate and not be able to be seen from the residential property."*

The mentioned property to the rear is zoned R-1, Single-Family Residential, and extends Southward from Halls Mill Road adjacent to the rear of all the businesses situated along Halls Mill Service Road. GIS aerial photography indicates that the site was developed commercially at least as early as 1975 and was last used as a construction company with a storage yard. The site is currently vacant. Properties adjacent to the East side of that site and along Dunlop Street are also zoned R-1 and within 300' of the proposed sign. There is also an R-1 zoned property within 300' adjacent to the West side of the above-mentioned property adjacent to and owned by the neighboring business North of the subject site. That property is undeveloped but is used as a contractor's storage yard.

In a very similar request to allow a front wall digital sign along Government Boulevard at a site with the Heron Lakes Country Club Golf Course (zoned R-1) to its immediate rear, staff made the argument that the golf course could potentially be developed into residences as had been done in other portions of the golf course. It was also argued that a glow from the signage may be visible at night. Also, no information was submitted verifying that the proposed sign would meet the brightness limits set forth in the Digital Sign Ordinance. That request was granted by the Board with the condition that the message board be programmed to display a static (non-moving) message at night.

Pertaining to the current application, the adjacent property to the rear of the subject site is already developed commercially. The wall on which the sign is proposed in this application is

covered above by at least a 5' eave projection which would help mask any glow from the sign, and all requirements of the Digital Sign Ordinance, other than being within 300' of residentially zoned property, are met in the sign permit application. Since the sign would face Interstate 65 and could possibly be distracting to drivers, it should be programmed so as to be non-animated at night, and ALDOT should approve the sign prior to the issuance of a permit for it.

The applicant has illustrated that a hardship could be considered to be imposed by a literal enforcement of the Digital Sign Ordinance and the Board should consider this application for approval, subject to conditions.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the site is isolated from residentially-used properties, the variance will not be contrary to the public interest;
- 2) These special conditions (adjacent residentially zoned property is developed commercially and extended eave projection would mask night-time glow) exist such 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 in that the sign will only be directly visible along the Interstate 65 frontage and the night-time glow will be obscured by the extended eave overhang.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) message board to be programmed to display a static (non-moving) message at night;
- 2) approval by ALDOT for the sign prior to the issuance of a sign permit; and
- 3) full compliance with all other municipal codes and ordinances.

Revised for the October meeting:

This application was heldover from the September meeting due to insufficient notification of adjacent property owners. The applicant has corrected the mailing labels in order to notify all property owners required to receive notification of the requested variance.

Staff has learned that ALDOT does not regulate on premise digital message boards; it only regulates off premise signs.

As no new information relating to the request has been presented, the original recommendation for approval would stand.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

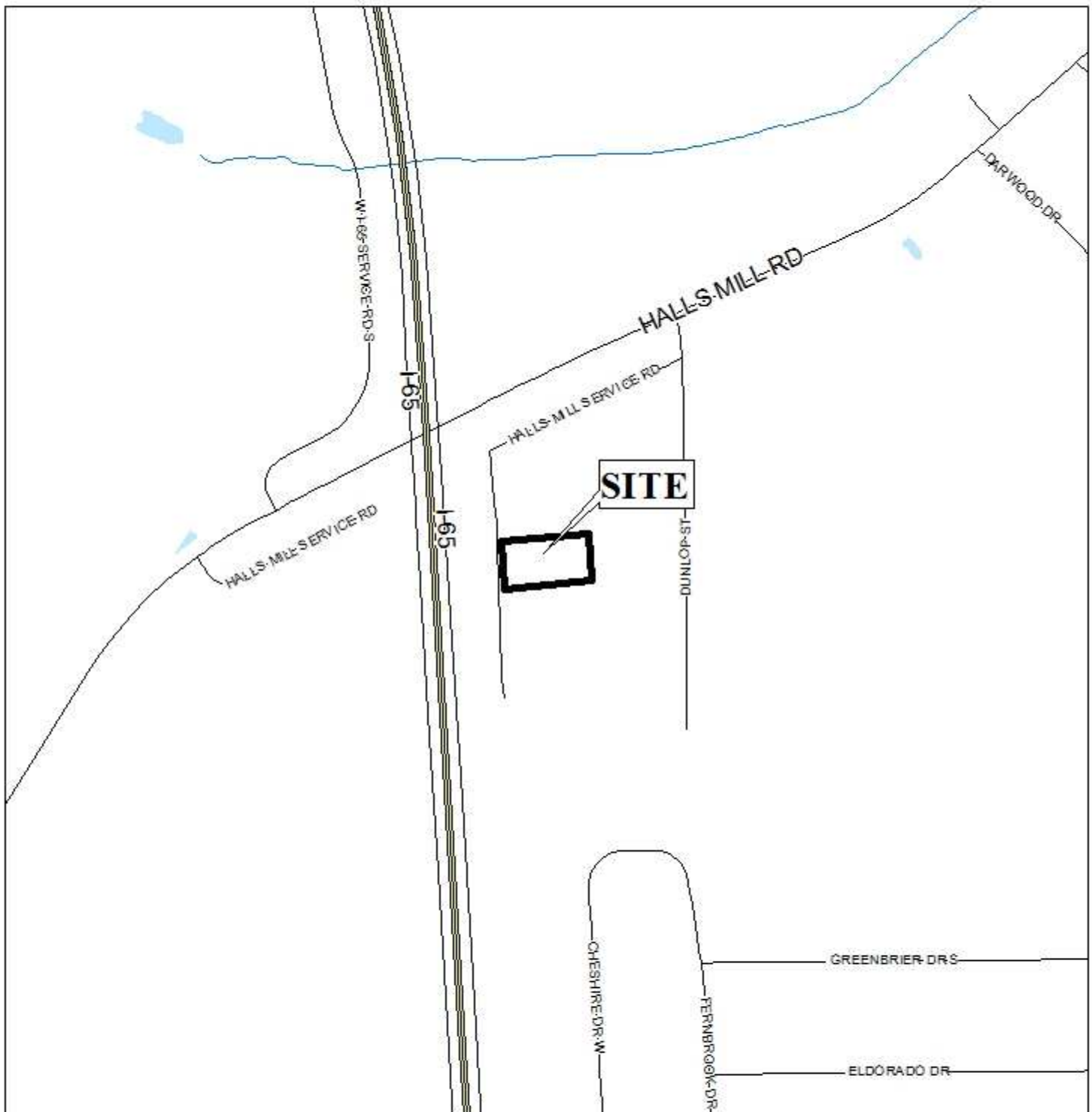
- 1) *Based on the fact that the site is isolated from residentially-used properties, the variance will not be contrary to the public interest;*

- 2) *These special conditions (adjacent residentially zoned property is developed commercially and extended eave projection would mask night-time glow) exist such 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 in that the sign will only be directly visible along the Interstate 65 frontage and the night-time glow will be obscured by the extended eave overhang.*

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) *message board to be programmed to display a static (non-moving) message at night; and*
- 2) *full compliance with all other municipal codes and ordinances.*

LOCATOR MAP



APPLICATION NUMBER 5916 DATE October 6, 2014

APPLICANT Modern Signs LLC

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



Commercial land use is located to the south and north of the site.
Single-family residences are located to the east of the site.

APPLICATION NUMBER 5916 DATE October 6, 2014

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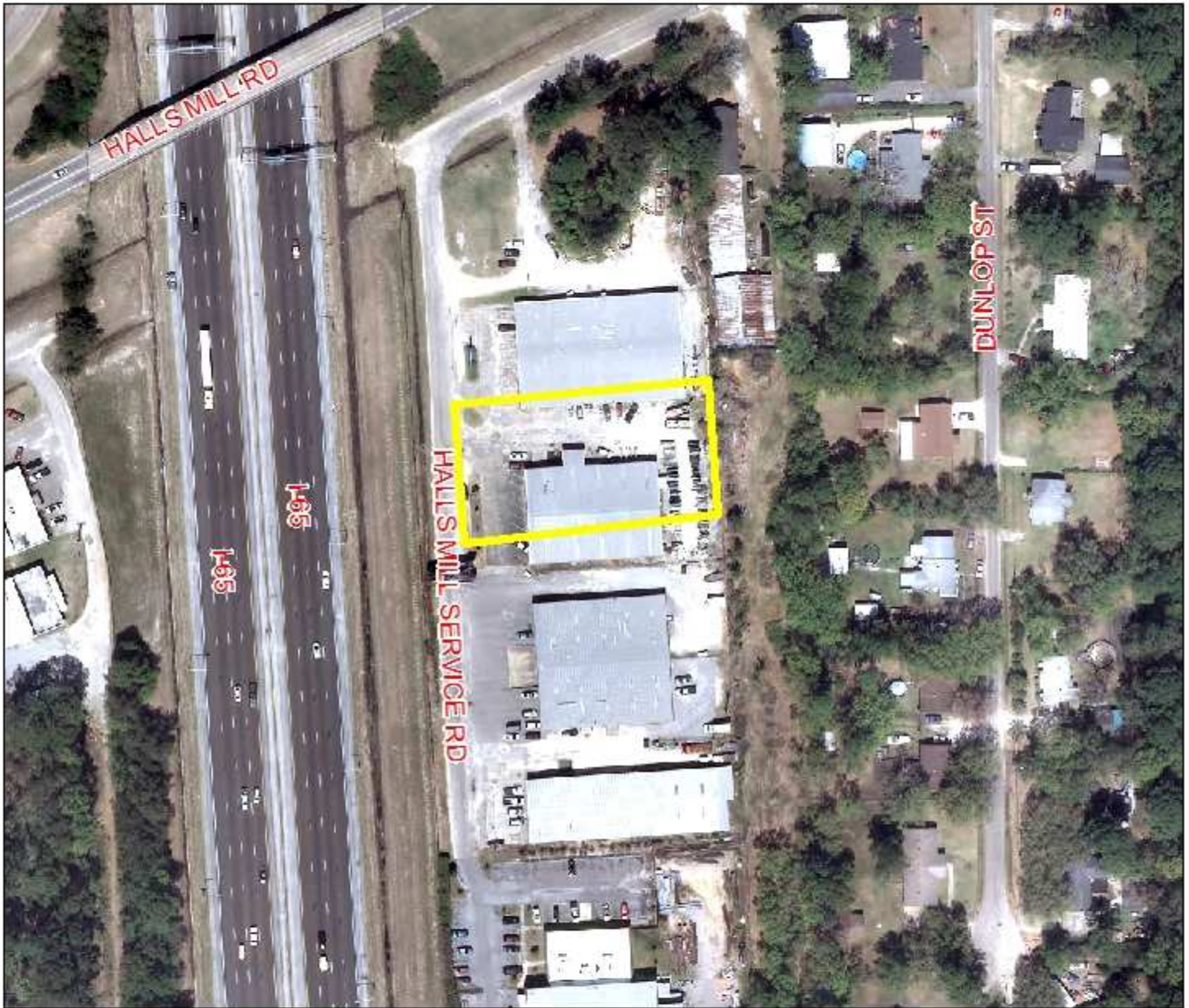
REQUEST Sign Variance

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

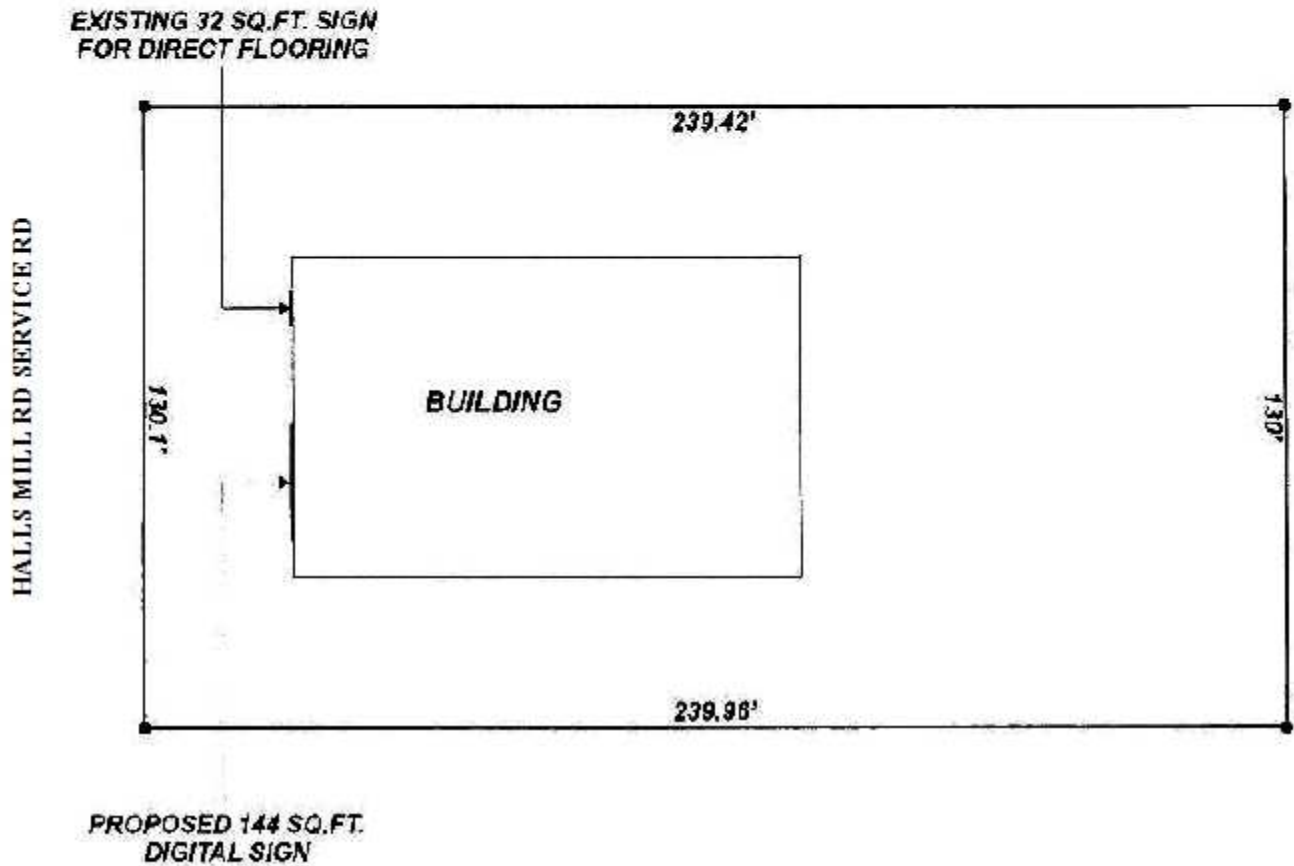


Commercial land use is located to the south and north of the site.
Single-family residences are located to the east of the site.

APPLICATION NUMBER	5916	DATE	October 6, 2014
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SITE PLAN



The site plan illustrates the existing building, sign, and proposed digital sign location.

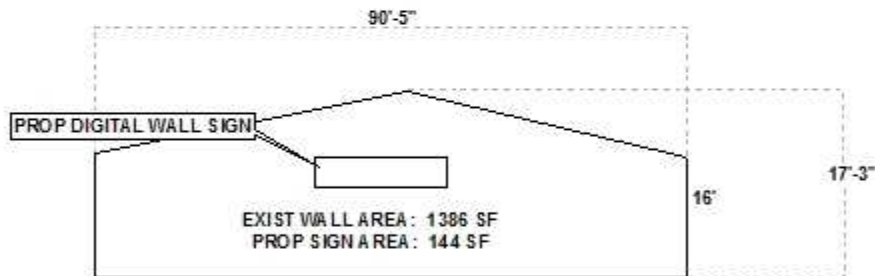
APPLICATION NUMBER 5916 DATE October 6, 2014

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REQUEST Sign Variance



DETAIL SITE PLAN



Full Color EMC OPTION - 1



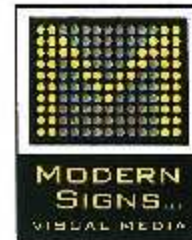
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 P.O. Box 8500, Chicago, Ill. 60680
 R.O. Box 8500, Chicago, Ill. 60680

地址: 北京海淀区中关村大街27-1号

Chas. H. Myers Associates

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Ph. A. Wilson et al. / *Journal of Macroeconomics* 24 (2002) 549–574

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has a high probability of failure in the field. In a review, Kuo (1992) described the problems in the mobile phone industry, based on a review of the literature. Kuo (1992) points out that in designing mobile phone systems, the designers have ignored the human factors. The designers have not taken into account the human factors, such as the human factors in the design of the mobile phone system. The designers have not taken into account the human factors in the design of the mobile phone system. The designers have not taken into account the human factors in the design of the mobile phone system.

☐ **ANALYST** ☐ **Supervisor or Manager**

11/1/2017

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REQUEST _____ Sign Variance

