

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

<u>CASE NUMBER</u>	5926/4343
<u>APPLICANT NAME</u>	Advantage Sign Company
<u>LOCATION</u>	3964 Airport Boulevard (North side of Airport Boulevard, 940'± West of South McGregor Avenue)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital sign located 297' from R-1, Single-Family Residential property.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	15.3± Acres
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 5

ANALYSIS The applicant is requesting a Sign Variance to allow a digital sign located 297' from R-1, Single-Family Residential zoned property; the Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.

In 1992 the Board denied a Sign Variance request for the site to allow an additional 200 square-foot sign panel to be added to an existing free standing sign due to the fact that it would result in that sign structure exceeding the maximum allowable of 350 square feet per face. The current application is not related to that request.

The subject site currently has three freestanding sign structures serving the entire Pinebrook shopping center. One of those signs is along the McGregor Avenue frontage, and the other two are along the Airport Boulevard frontage. As part of the renovations to the shopping center, the applicant proposes to modify the pylon sign structure on the West end of the Airport Boulevard frontage to include a 14'-6" wide by 12' high single-sided electronic digital reader board sign on the East face of the structure. Along with proposed tenant panels and the Pinebrook logo site identifier, the total signage on that face would be approximately 324 square feet, below the 350

square-foot maximum allowed. But the sign would be approximately 297' from the residentially zoned Mobile Country Club golf course property to the West. The sign would be approximately 465' from the residentially zoned and used property to the North of the shopping center. The Zoning Ordinance does not allow digital signs within 300' of residentially zoned property; 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 *"Pinebrook Investments LLC is asking for a digital display sign to be installed on the far West pylon sign at 3964 Airport Blvd. The city ordinance states that any digital sign must be at least 300 feet from any residential property. This sign will be 297 feet from a residential property; also the sign will be single face sign and will face the east traffic on Airport Blvd. The residential property is on the west side of the sign. There is also a building between the sign and the residential property, so there will not be any glare that will affect the residential property at all."*

The mentioned property to the West of the site is zoned R-1, Single-Family Residential, and is the Southern portion of the golf course of the Country Club of Mobile. The portion of that property closest to the proposed sign is actually the maintenance facility for the Club grounds. The next closest residentially zoned and used property along Airport Boulevard is approximately 970' West of the proposed sign.

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 West of the subject site is already developed and used commercially. The proposed sign would face East, not West toward that property. The sign would further be masked from visibility from the West by the existing Western portion of the Pinebrook Shopping Center complex extending to the South toward Airport Boulevard. And, as previously mentioned, the residentially zoned and developed property to the North and rear of the shopping center is approximately 465' from the proposed sign. As the sign would be highly visible along Airport Boulevard for West-bound traffic, it should be programmed so as to be non-animated at night, and Traffic Engineering 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.

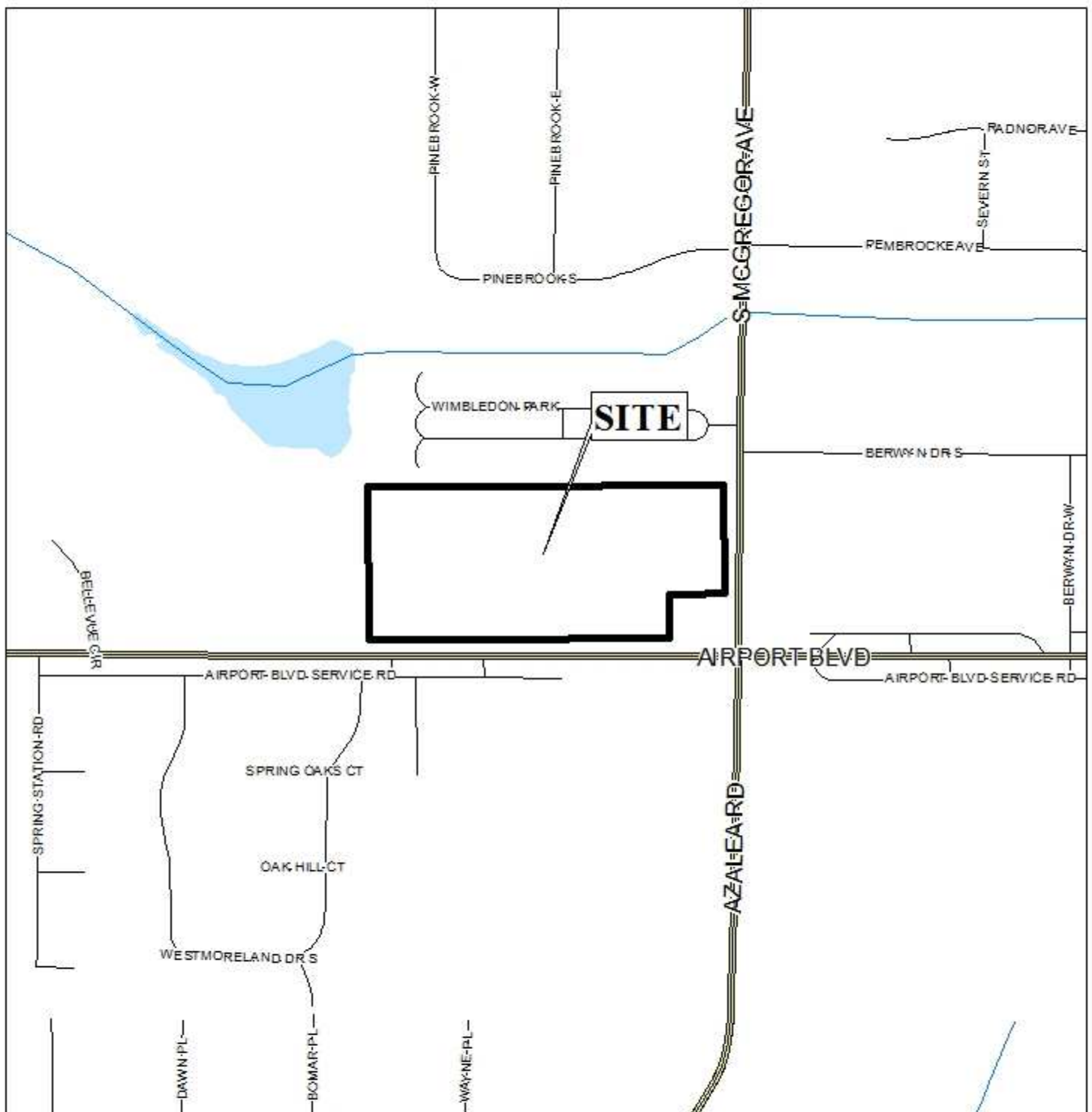
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 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 and used commercially and the sign would be masked by the sign structure and the existing shopping center building) 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 to the East along Airport Boulevard and the night-time glow will be obscured by the sign structure and the existing shopping center complex.

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

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

LOCATOR MAP



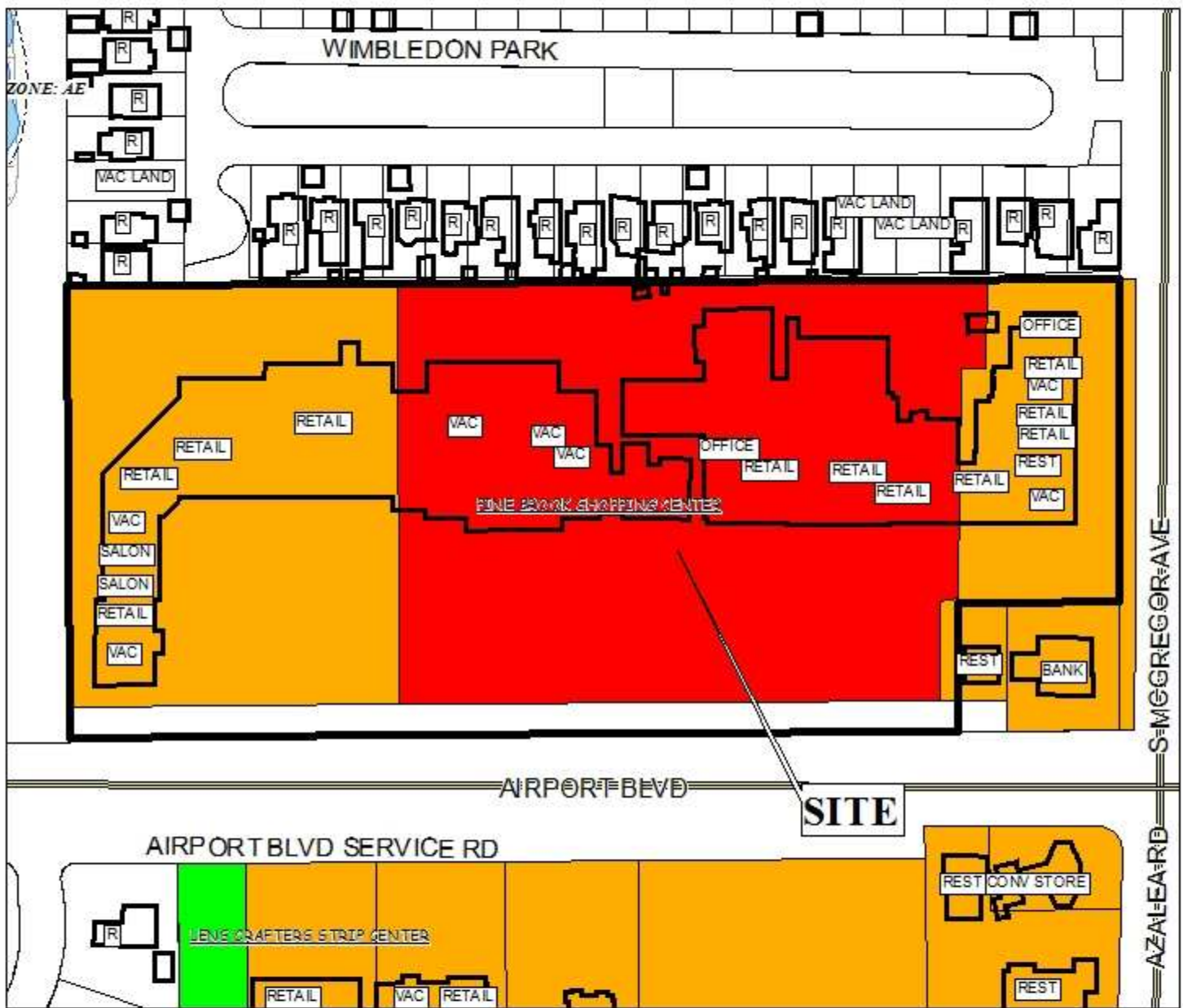
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north, and commercial units to the south.

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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



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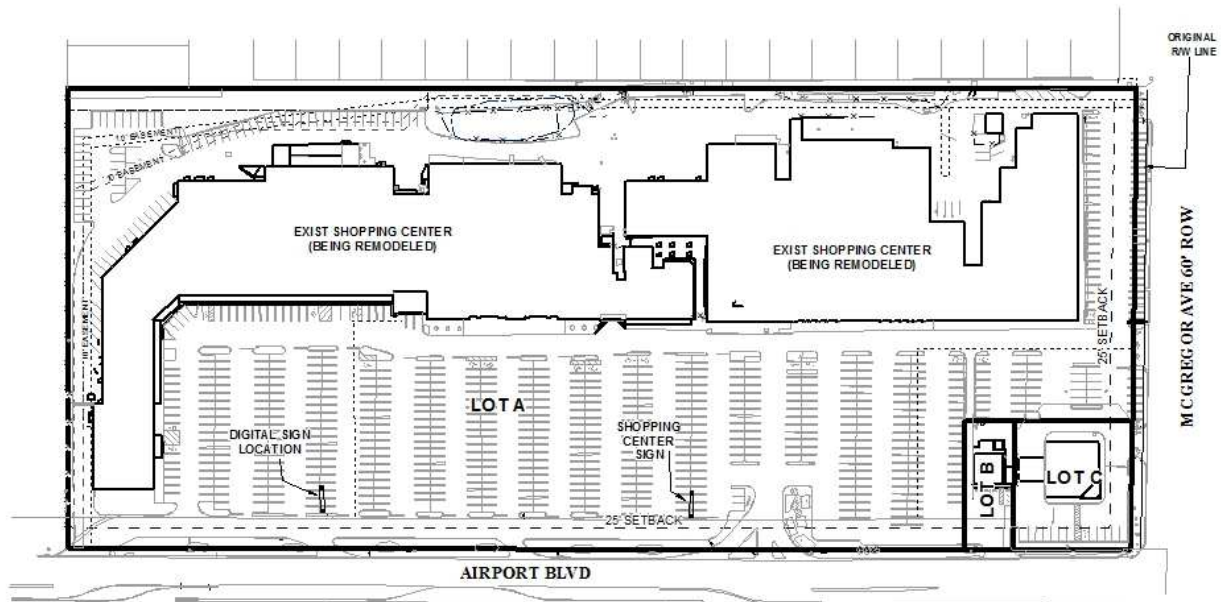
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SITE PLAN



The site plan illustrates the parking configuration, existing structures, easements, and setbacks.

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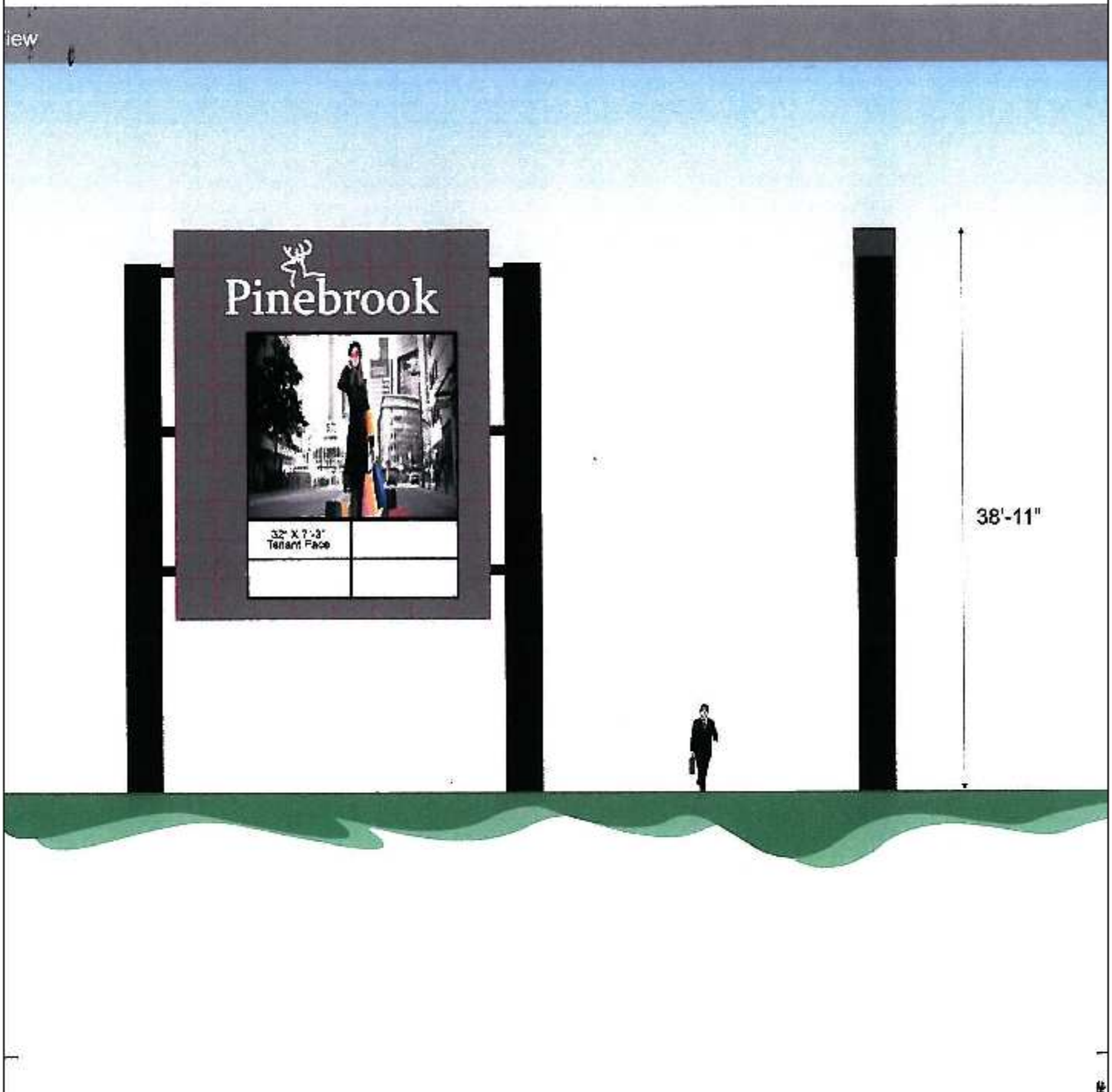
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NTS

DETAIL SITE PLAN



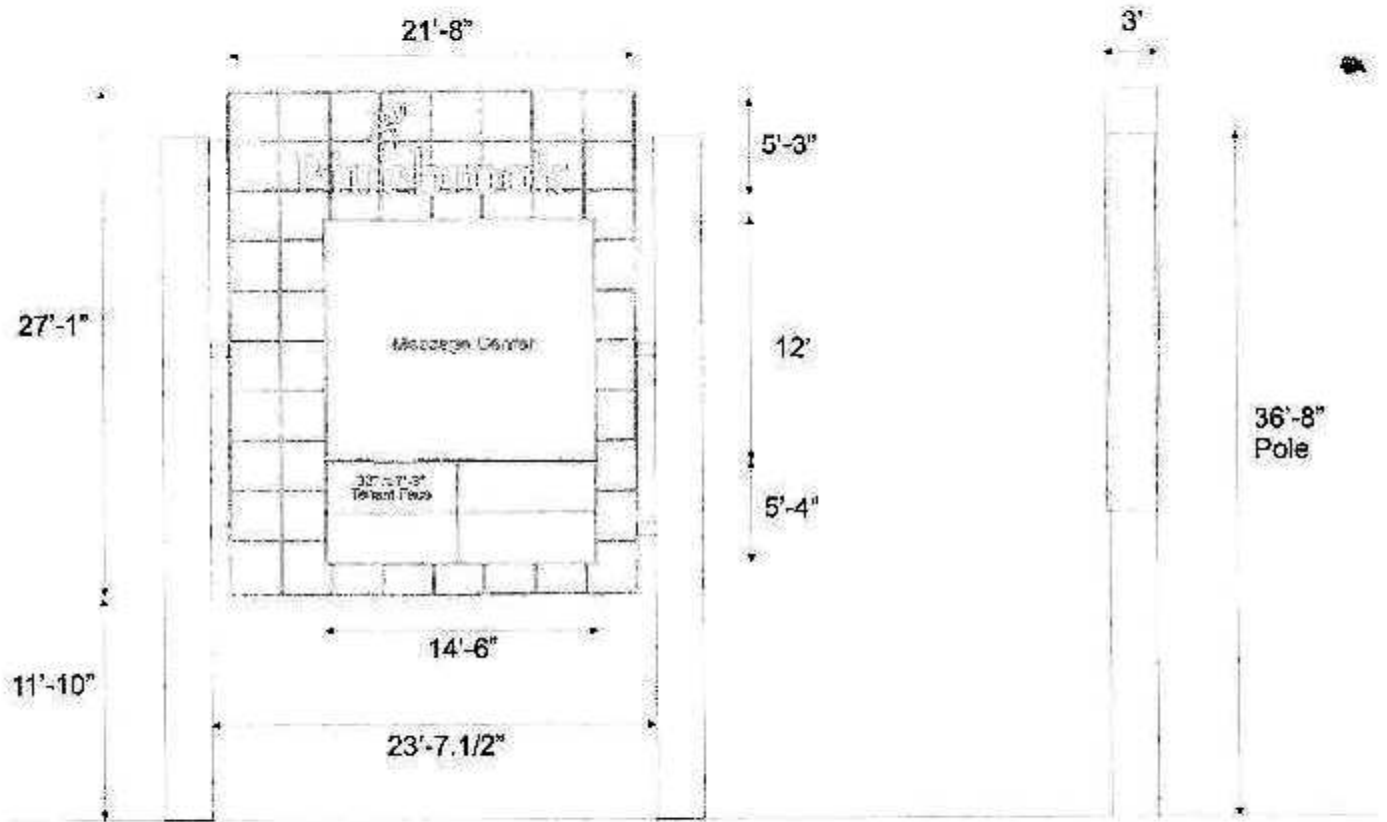
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