

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 7, 2016**

<b><u>CASE NUMBER</u></b>	6030
<b><u>APPLICANT NAME</u></b>	Goodwyn Mills & Cawood, Inc. (Tracy Bassett, Agent)
<b><u>LOCATION</u></b>	2 North Royal Street (Northeast corner of North Royal Street and Dauphin Street)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow two individual storefront signs, one wall plaque, and three traffic directional signs for a business in a T-6 Sub-District within the Downtown Development District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows one individual storefront sign, no wall plaques, and does not address traffic directional signs for a business in a T-6 Sub-District within the Downtown Development District.
<b><u>ZONING</u></b>	Form Based Code T-6
<b><u>AREA OF PROPERTY</u></b>	0.24± Acre
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow two individual storefront signs, one wall plaque, and three traffic directional signs for a business in a T-6 Sub-District within the Downtown Development District; the Zoning Ordinance allows one individual storefront sign, no wall plaques, and does not address traffic directional signs for a business in a T-6 Sub-District within the Downtown Development 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.

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 proposed signage is for the existing Servis 1<sup>st</sup> Bank at the subject location.

The applicant states:

**1. The purpose of this application is to allow:**

*"A variance for size of allowable signs and multiple signs appearing on building corner."*

**2. What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?**

- a. *"The wall plaque is an existing sign that the tenants have requested to bring over from their current location."*
- b. *"The character of the building and existing balconies made the appeal of a large diagonal corner sign unattractive to the owner and Tenant. Therefore two smaller signs are proposed for placement under the balconies, close to building corners at West & South Elevations for traffic recognition from both sides of the building."*
- c. *"The sign for the Drive-Thru entrance is necessary. The Open/Closed signage will be covered by pull down doors when parking deck is closed, thus hidden for 12 hours a day. This is only informational."*

**3. How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning ordinance occur?**

*"These occurred due to the requests from banking tenant to the Building owner for their signage to be recognizable to passing car traffic at street level."*

**4. How is the property different from the neighboring properties?**

*"This is a corner building with a single tenant. The drive thru along the side of the building is a critical part of providing service to Servis1st customers. Trustmark Bank is*

*located on neighboring property and has similar entry signage and exposure on different streets as well as drive thru identification."*

*Requested Location A Signage per City Ordinance is Wall Plaque on West Elevation.*

*Allowable Area is 2 square feet*

*Requested Area is 1'-9" tall by 2'-4" = **4.5 square feet***

***Variance requested for this sign size is 2.5 square feet** (Note: this is less than 4% of the allowed total)*

*Requested Location B signage per City Ordinance is Building Sign on West Elevation*

*Allowable Area is 3' tall by building length (74'-4") = 223 sf*

*Requested Area is 1'-10" tall by 4'-9-1/2" = **8.78 square feet***

*Requested Location C Signage per City Ordinance is Building Sign on South Elevation*

*Allowable Area is 3' tall by building length (131') = 393 sf*

*Requested Area is 1'-10" tall by 4'-9-1/2" = **8.78 square feet***

***Negative Size Variance requested for Location B & C together, size is smaller than one allowable Diagonal Corner Sign (3' x 15' = 45 sf) or two allowable Building Signs (calculations above).***

***The only variance we can determine is for re-use of the Wall Plaque, and a Building Sign appearing on each side of a corner building.** (Note: this is less than 4% of the allowed total).*

*Requested Location D Signage on Separate Building – Dauphin Street Side of Parking Deck Per City Ordinance is Building Sign Allowable Area is 3' tall by building length (108'-9') = 326.25 sf (1 per building located within the frieze)*

*Requested Area for Drive-Thru Sign is 8" tall by 4'-7" = **3.06 square feet***

*Requested Area for Open/Closed Sign is 8" tall by 1'-6" = 1 square foot x 2 signs = **2 square feet***

***Variance requested for multiple signs on one elevation: Total signage area = 5.06 square feet***

It should be noted that the proposed signage has been reviewed by the Consolidated Review Committee as required within the Downtown Development District (DDD). The subject site is not within a historic district, thus the proposed signage is not subject to Architectural Review Board (ARB) approval.

The subject site is located at a street corner and the DDD signage regulations allow one diagonal corner sign per building at street corners. However, the subject building has balconies along both street frontages which would make such a sign unattractive, and this type of sign would encroach into walking space along the balcony level. And due to the balcony and roof overhangs, this type of sign would be somewhat obscured from visibility. Due to the street corner location, the applicant proposes one individual storefront sign to be placed on the balcony fascia at the corner facing each street. Each sign would be 1'-10" high by 4'-9-1/2" wide, or 8.78 square feet each. As the DDD signage regulations allow individual storefront signs to be 3' high by the length of the building (74'-4" along the Royal Street front, and 131' along the Dauphin Street front), the proposed signs would only be a fraction of what would normally be allowed along each frontage.

The proposed wall plaque would be a re-use of an existing sign at another location of the Servis 1<sup>st</sup> Bank and is proposed to be close to the main pedestrian entrance at the middle of the building. This would be the only identity signage visible to pedestrians within that street block. Wall plaques are not allowed in a T-6 district, but are allowed up to 2 square feet in T-3 and T-4 districts within the DDD. The proposed plaque is 2.5 square feet, just slightly over the allowable size in other districts. The plaque would not be much different from a painted wall sign which is allowed within T-6 districts with no size restrictions. Therefore, the re-use of an existing sign well within the allowable size area of a painted wall sign would not seem to be against the intent of the DDD Signage Standards.

Also proposed by the applicant are three traffic directional signs at the banking drive-thru street entrance (two OPEN/CLOSED signs and one DRIVE-THRU sign). Although classified as a building sign by the applicant, traffic directional signs are not even addressed in the DDD Signage Standards and the proposed signs must be included in the Variance request. The DRIVE-THRU sign would be 3 square feet, and the OPEN/CLOSED signs would each be 1 square foot. Such signs are allowed without permits up to 20 square feet in commercial districts outside the DDD and up to 40 square feet at hospitals. Due to the fact that such signage is necessary to identify the vehicular entrance to the banking drive-thru facility and to designate the status of the two traffic lanes, the allowance of such signage would actually be a matter of practicality and safety.

The applicant has illustrated a hardship to justify the request for two individual storefront signs due to the fact that the building is a corner site and the architectural features of the building would make a diagonal corner sign impractical. No genuine hardship has been illustrated for the request of the plaque sign as opposed to an allowed painted wall sign, but the proposed re-use would not seem out of character for the site. And the proposed traffic directional signs should be considered a necessity for the banking drive-thru facility. Therefore, the Board should consider all requested signage 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 at a public street corner and the balcony would make a diagonal corner sign impractical, a wall plaque would not be much different from a painted wall sign, and vehicular directional signage is a necessity for the banking drive-thru facility, the variance will not be contrary to the public interest;
- 2) These special conditions (the site has two public street frontages, limited wall visibility due to the balcony, wall plaques can closely resemble painted wall signs, and vehicular visibility is necessary for the drive-thru facility) 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 proposed signs would encompass far less wall space than the maximum allowed and traffic flow would be enhanced by the directional signs.

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

- 1) obtaining of sign permits for the two individual storefront signs and the wall plaque;
- 2) obtaining of electrical permits for the illuminated traffic directional signs; and
- 3) full compliance with all other municipal codes and ordinances.

## LOCATOR MAP



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## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial 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: brown; 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: orange; 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: pink; 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: magenta; 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: grey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; 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





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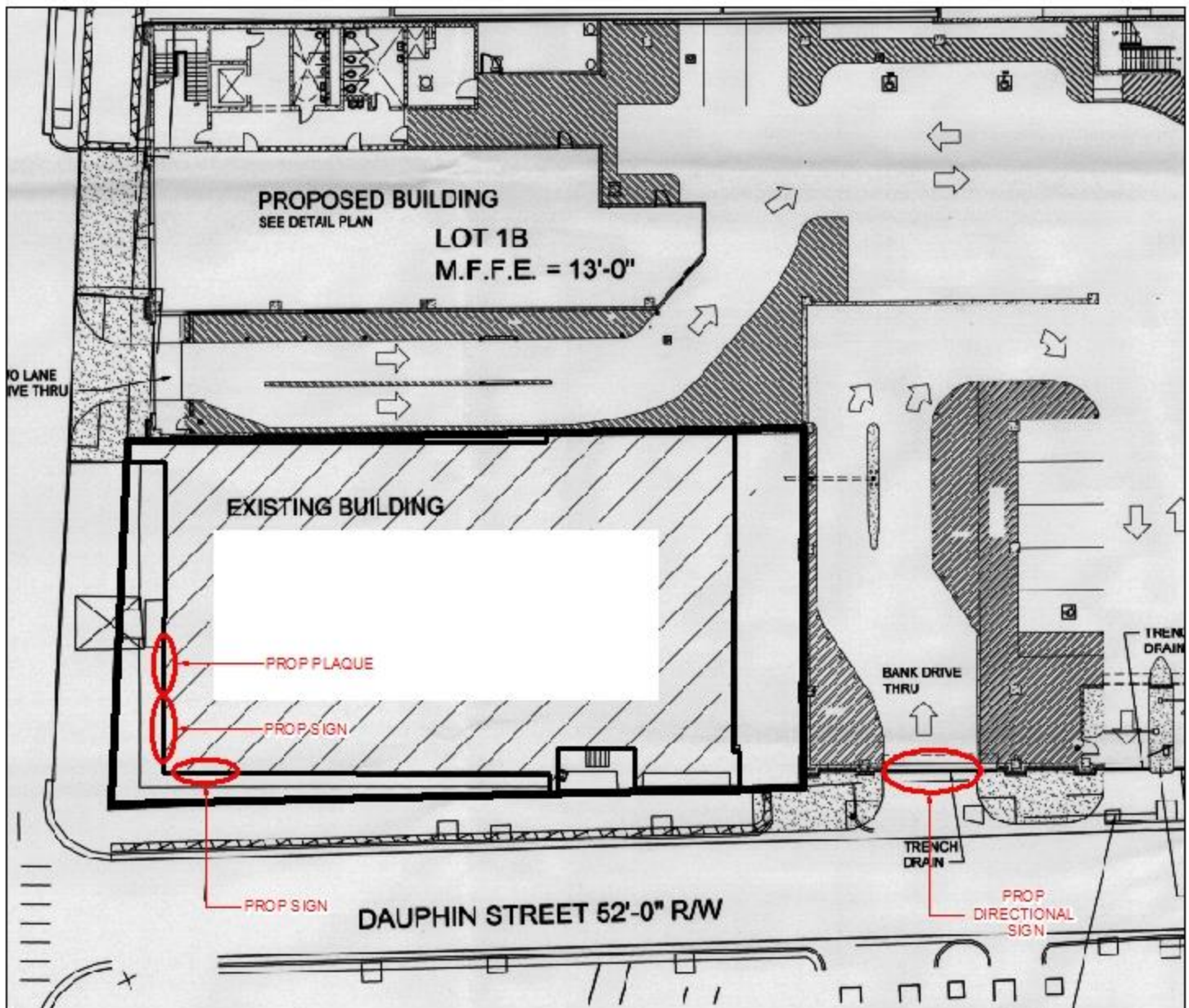
The site is surrounded by commercial units.

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# SITE PLAN

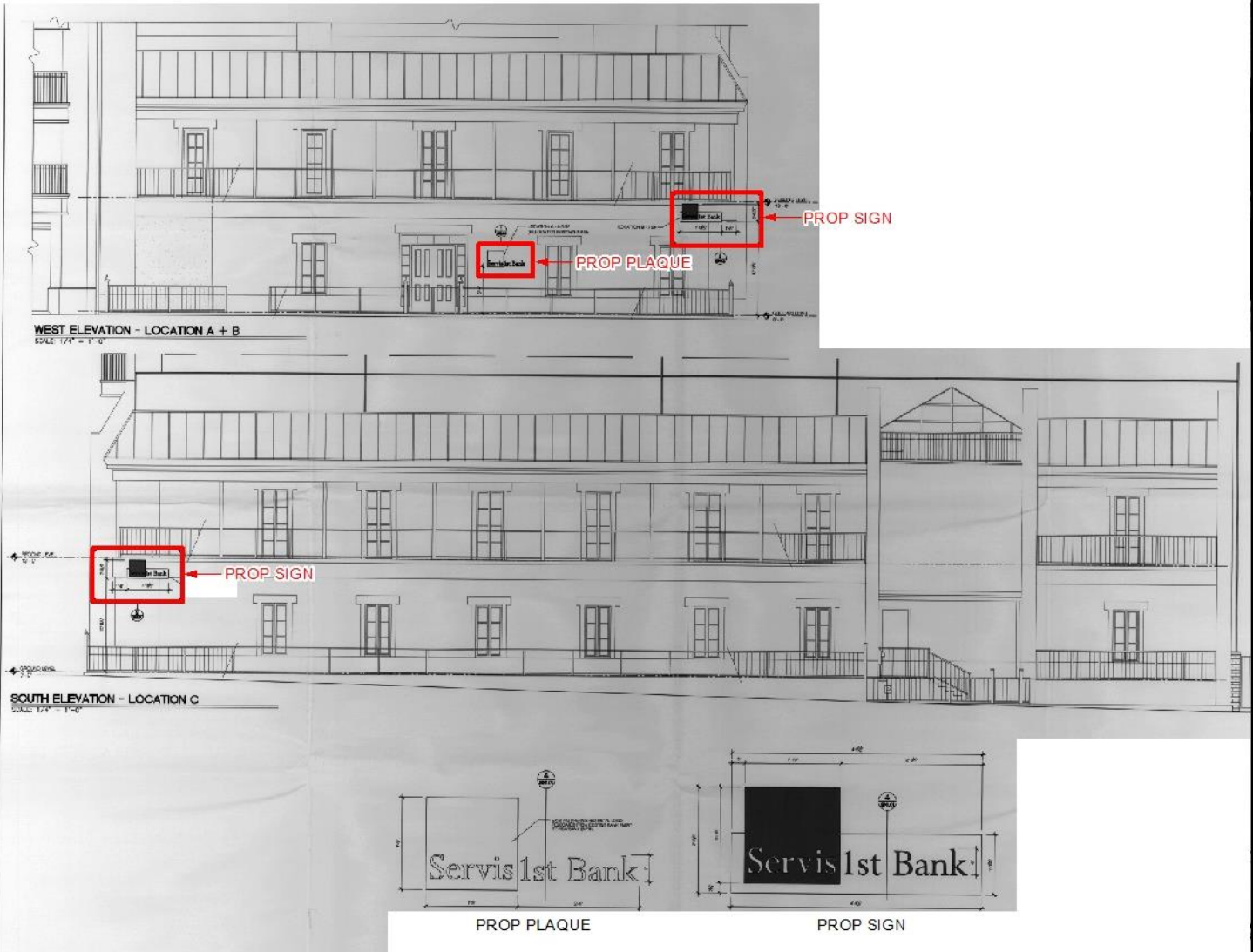


The site plan illustrates the existing building and the proposed signs, plaque, and directional signs locations.

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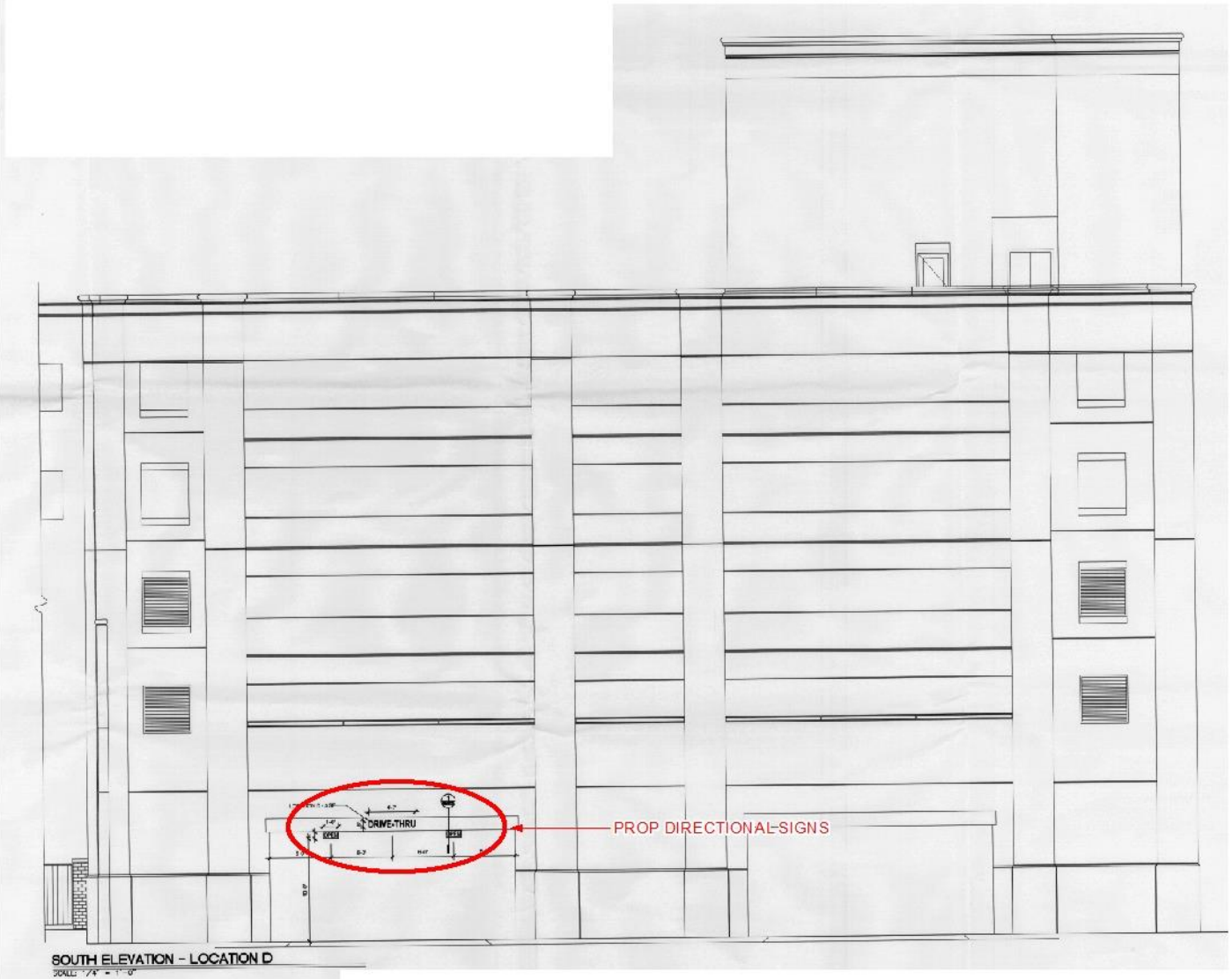
# DETAIL SITE PLAN



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