

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 3, 2016**

<u>CASE NUMBER</u>	6057/5646
<u>APPLICANT NAME</u>	Alco Signs Inc.
<u>LOCATION</u>	2101 & 2103 Airport Boulevard (South side of Airport Boulevard between Mohawk Street and Glenwood Street).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital sign less than 300' from residentially zoned property in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires all digital signs to be a minimum of 300' from residentially zoned property.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	0.6± Acres per application 0.9± Acres per GIS data
<u>ENGINEERING COMMENTS</u>	No Comments
<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 less than 300' from residentially zoned property in a B-3, Community Business District. The Zoning Ordinance requires all digital signs to be a minimum of 300' from residentially zoned property.

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 that substantial justice is 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 applicant states:

To Whom It May Concern:

My name is Julie Courtney of Alco Signs Inc. I represent Gulf Coast Gun & Pawn at 2103 Airport Blvd. Mobile Alabama. This property is recently purchased by my client and they are making new renovation, and part of this is the signage, the signage proposed is a digital sign that will replace the existing signage.

Our proposed is that the digital sign will not be visible to the surrounding residential properties due to the buildup of commercial business that surround proposed sign package. The Current sign ordinance in place is putting a hardship on the business, there is no allowance for signs which will not be visible from residential property, and in this Case, the developed sites of the larger buildings that are in front of the zoned residential areas are completely blocking from the view of the sign and will not be affected by the sign. And it would be allowed.

Thank you,

Alco Signs Inc.

Gulf Coast Gun & Pawn

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing digital signage in a B-3, Community Business District that will be less than the required 300' feet from residentially zoned property. As a process of updating the aesthetic character of this site, the new owners desire to replace the existing signage with a digital sign. The property's signage currently consists of one (1) freestanding sign and one (1) wall sign. It should be noted that the submitted site plan does not indicate the exact desired location of the proposed signage. It appears that the applicant is requesting to replace the existing freestanding sign for a digital sign.

According to Section 64-11.8.c.(7). of the Zoning Ordinance, "*electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property*". Additional requirements further state that "*on- premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this Chapter*". It should be mentioned that the applicant did not provide details of the proposed sign in regards to what it would display, or its compliance with the other requirements of Section 64-11.8.c.(7).

As stated by the applicant, the proposed signage will not be visible from the residentially zoned property. The property zoned residential is located directly behind the development site along Mohawk Street. According to the applicant's description, the new signage would face Airport Boulevard; if located on the existing freestanding sign, the proposed sign would be 148± feet from the nearest residential property.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

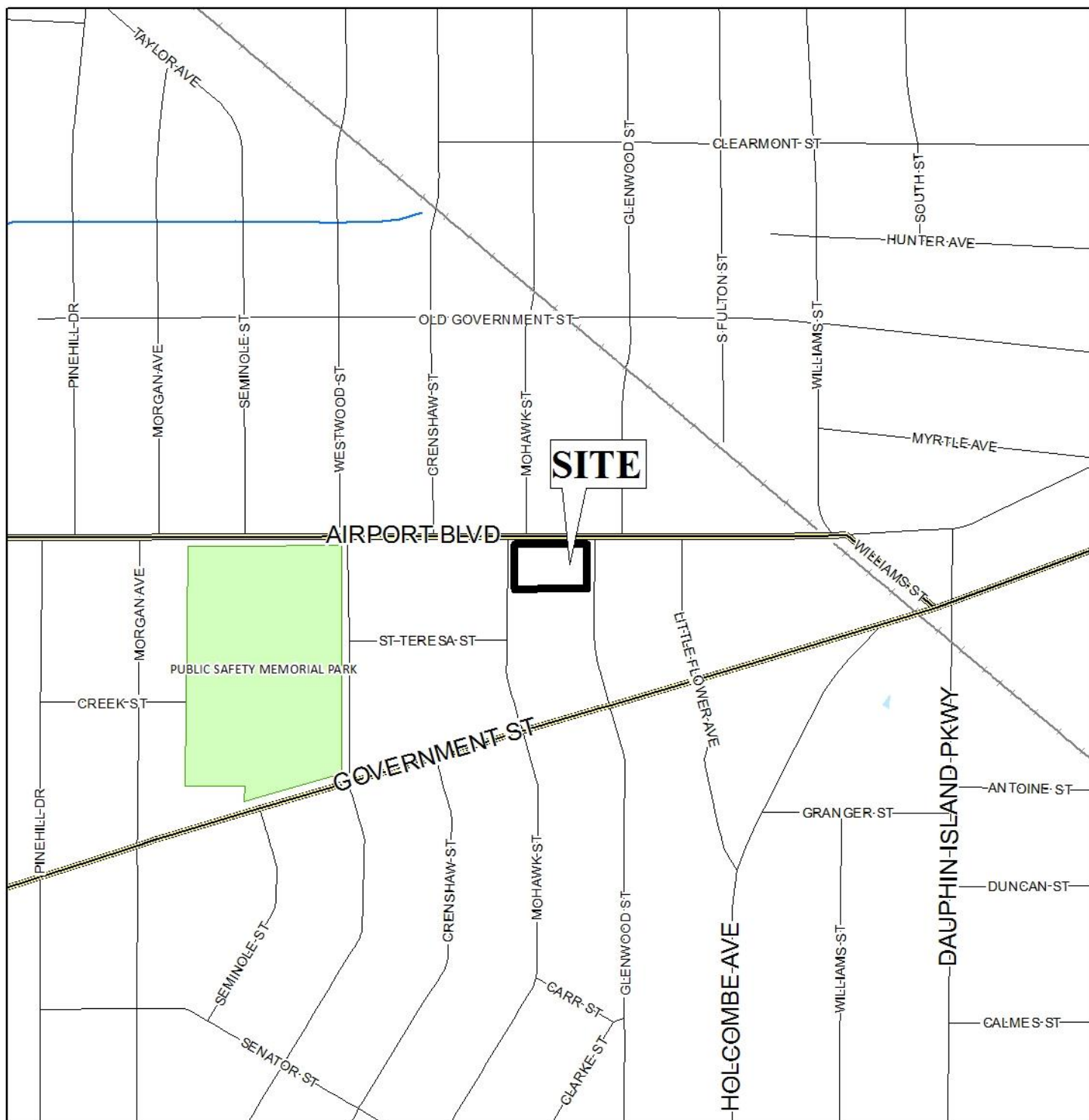
The Board approved a digital fuel pricer sign for a site 1000± feet West of the site at its January 5, 2015 meeting. No other digital sign requests have been received for this section of Airport Boulevard since the new sign regulations were adopted. There do not appear to be any on-premise digital signs for any other commercial site along this section of Airport Boulevard.

There are no conditions which exist at this site that require digital signage at this location based on the information presented by the applicant. In order to remain compliant with the requirements established by the Zoning Ordinance, the applicant could choose a non-digital option. It seems that it is simply the applicant's desire to have digital signage at this location.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance does not allow digital signs within 300' of residentially zoned property in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of digital signs necessary; the applicant has the option of a non-digital sign at this location;
- 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 subject site can be developed without the need for a variance as the digital sign can be eliminated in order to reflect compliance with the Zoning Ordinance.

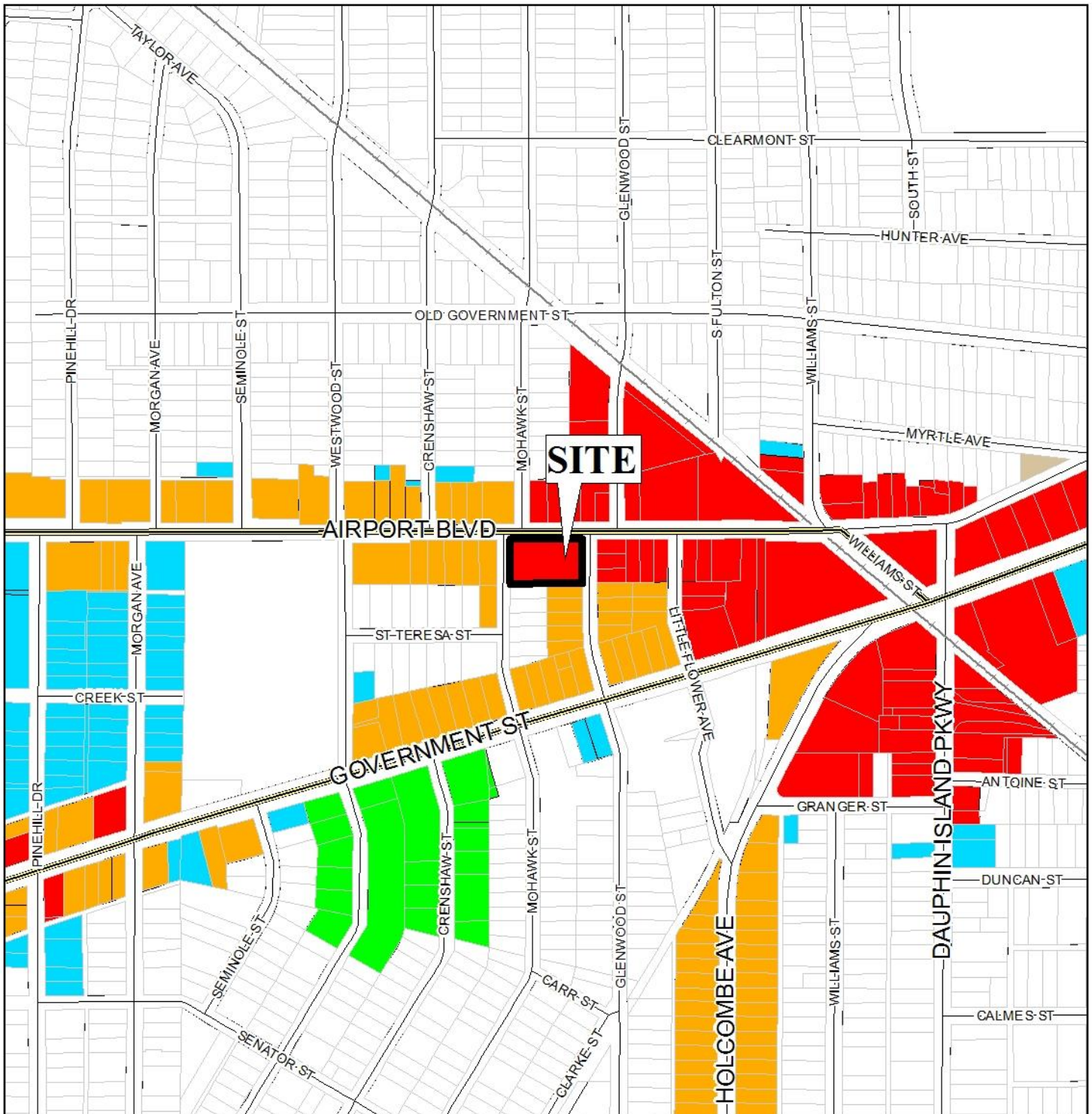
LOCATOR MAP



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LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6057 DATE October 3, 2016

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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 AERIAL

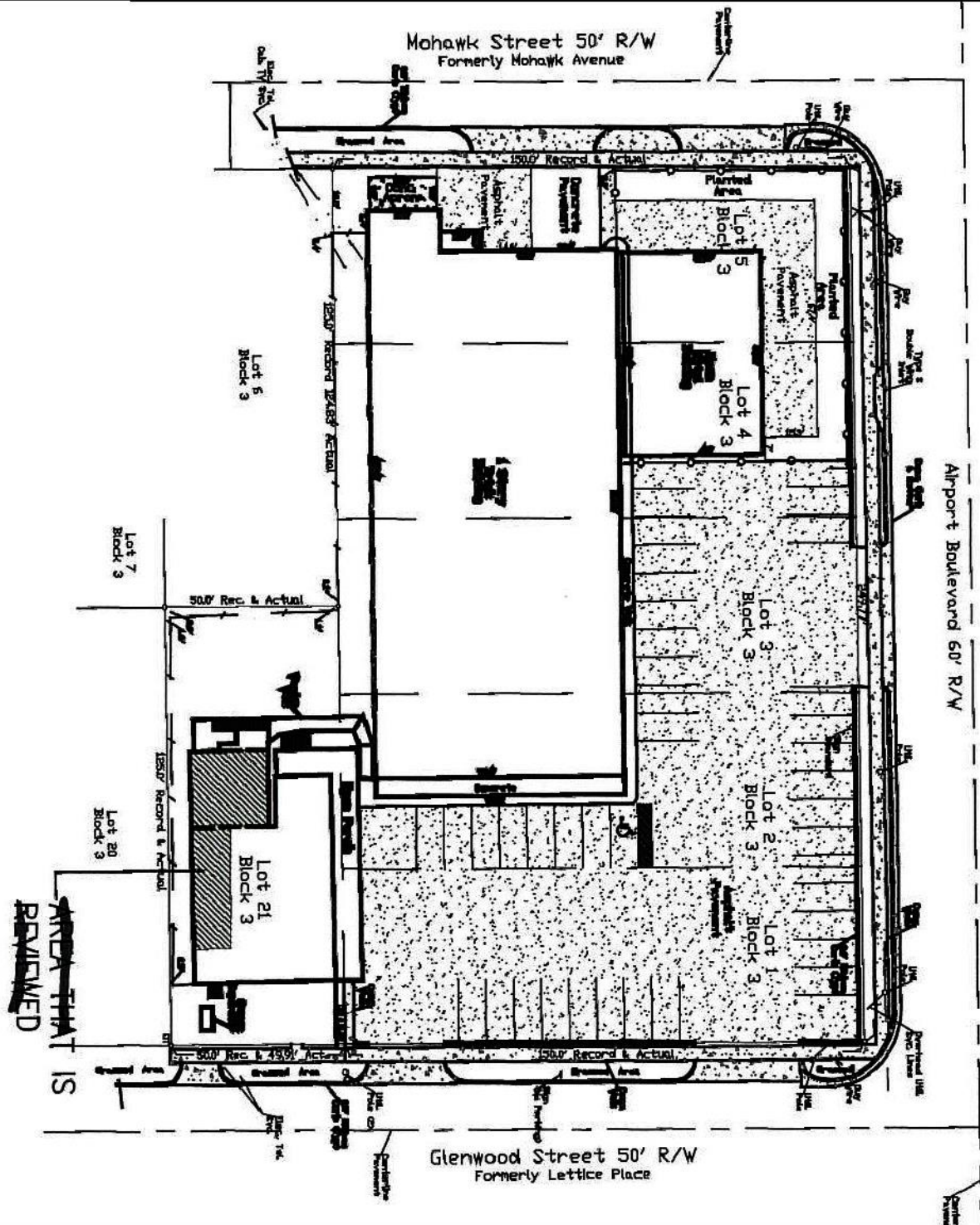


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DETAIL SITE PLAN

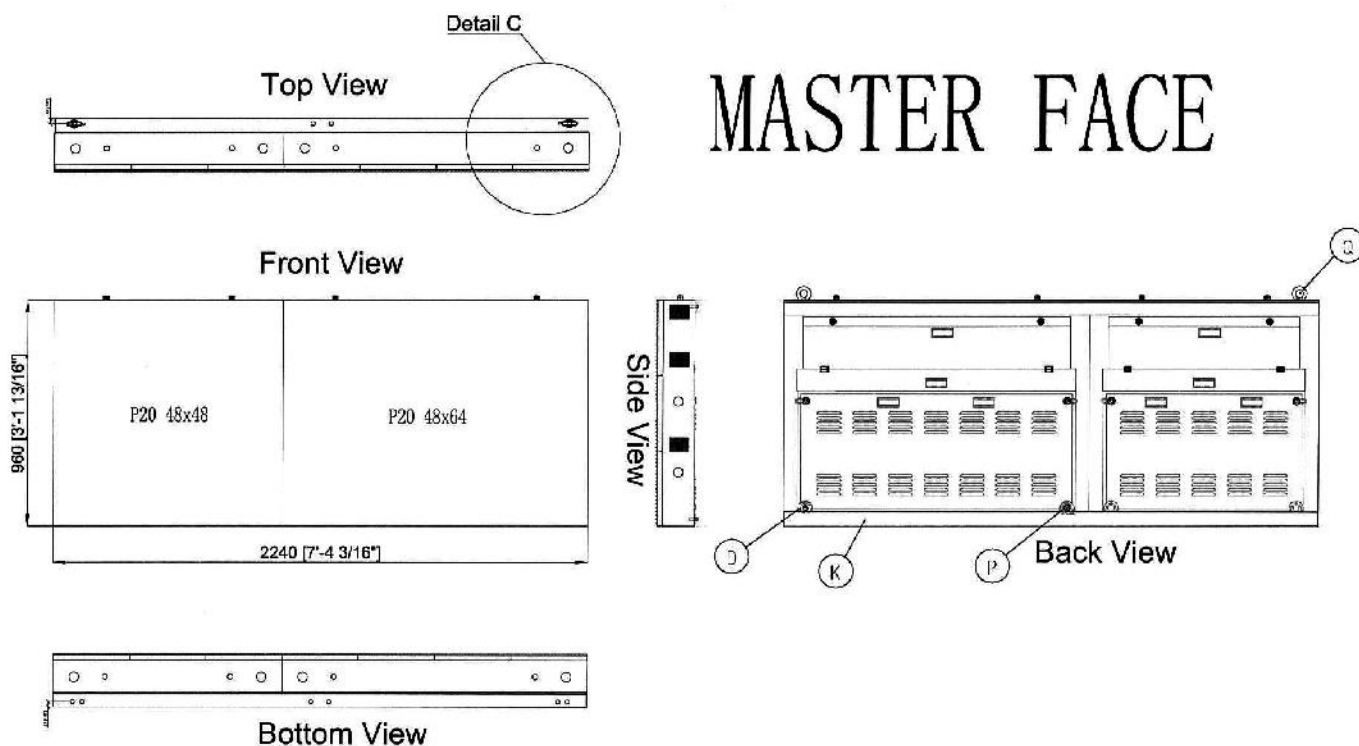


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DETAIL SITE PLAN

MASTER FACE

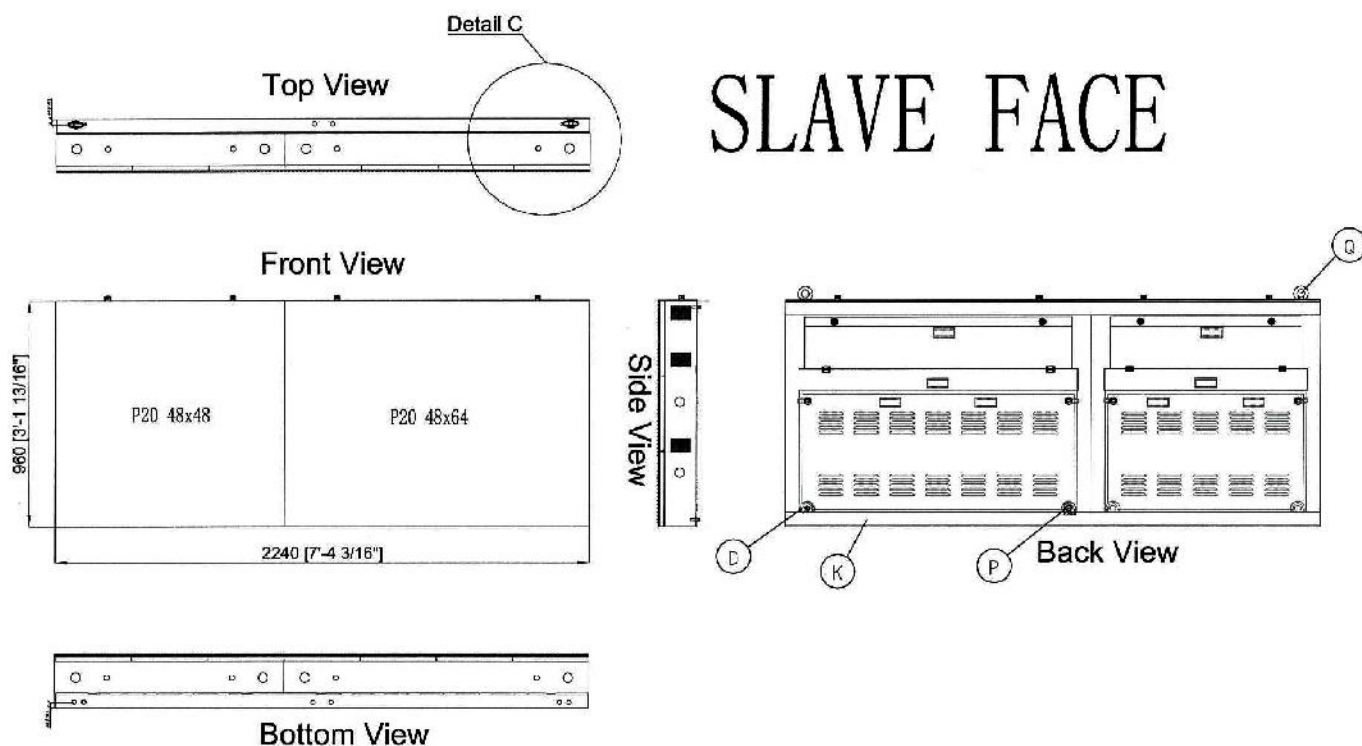


APPLICATION NUMBER 6057 DATE October 3, 2016
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DETAIL SITE PLAN

SLAVE FACE



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