

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 6, 2015****CASE NUMBER**

5955

APPLICANT NAME

Coburn Construction Co.

LOCATION2206 Dauphin Island Parkway
(West side of Dauphin Island Parkway, 100' ± North of
Ellen Drive)**VARIANCE REQUEST****SIGN:** Sign Variance to allow the replacement of a nonconforming digital gasoline price sign within approximately 190' of an R-1, Single-Family Residential District; the Zoning Ordinance does not allow any digital signs within 300' of any residentially zoned property.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance requires all digital signage to be a minimum of 300' from residentially zoned property in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.7± Acres

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting a Sign Variance to allow the replacement of a nonconforming digital gasoline price sign 190'± from the nearest residentially-zoned property. The Zoning Ordinance requires all digital signage to be a minimum of 300' from residentially-zoned property.

A sign permit application was submitted in February 2015 for a freestanding sign with digital gasoline price signs. Upon review, Staff determined that the proposed signage is less than 300' from property zoned R-1, Single-Family Residential District. The regulations regarding digital signs, as adopted by the City Council on June 4, 2013, require a minimum straight line distance of 300'.

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:

A new LED digital price sign to replace the existing LED digital price sign.

The existing digital LED price sign was installed prior to the zoning ordinance, at this time no complaints of the brightness of the sign has been a problem. I have been contracted to replace the existing sign.

The existing sign was up prior to the amendment.

This is a commercial site with a frontage facing Dauphin Island Parkway.

As mentioned, the site currently has a free standing sign with LED gasoline price signage that is digitally changed. The applicant desires to replace the existing digital LED price signage with new LED digital price signage. The applicant states that the current digital gasoline price signage existed prior to the passing of new regulations regarding digital signs. While it is understandable that the applicant desires to have new digital signage to keep with the character of the existing digital signage, there is no apparent hardship presented.

The existing sign is perpendicular to Dauphin Island Parkway, thus its lights are not directed towards the residential area on Ellen Drive. The proposed sign would be placed in the same location with the same orientation.

Within the required 300' buffer, the property to the North and South of the subject site is commercially zoned, and the property to the East and West of the subject site is residentially zoned. There are existing commercial businesses located across Dauphin Island Parkway East of the subject site in an R-1 district; as well as residential housing located directly behind the subject site to the West.

It should be further noted that in previous cases regarding digital gasoline pricing signs, the Board has ruled in favor of the applicant's request. Most recently, at the January 5th meeting, the Board approved a digital gasoline price sign at the Circle K site located near the corner of Girby Road and Knollwood Drive; the gasoline price signage was located approximately 95± feet from residentially zoned property. Furthermore, in keeping with the Board's previous interpretation of the Zoning Ordinance, the approval would seem appropriate.

RECOMMENDATION:

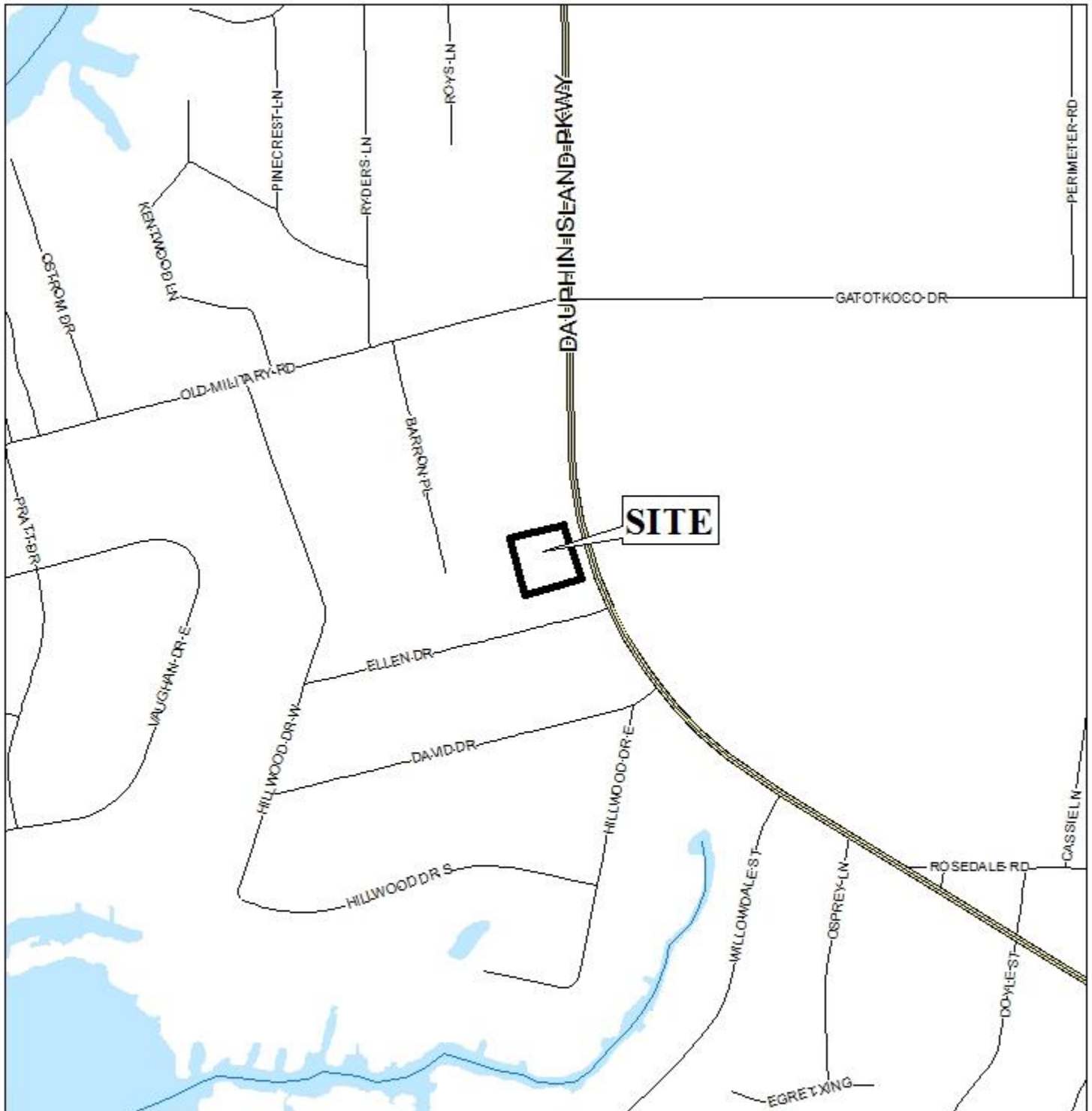
Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that the Digital Sign Regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist (the applicant would not be allowed to use the latest pricing display technology, and the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs) 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 be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because proposed digital fuel price signs will not be a detriment to the neighborhood.

The approval is subject to the following conditions:

- 1) Completion of the sign permitting process; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5955 DATE April 6, 2015

APPLICANT Coburn Construction Co

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

APPLICATION NUMBER 5955 DATE April 6, 2015

APPLICANT Coburn Construction Co

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



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

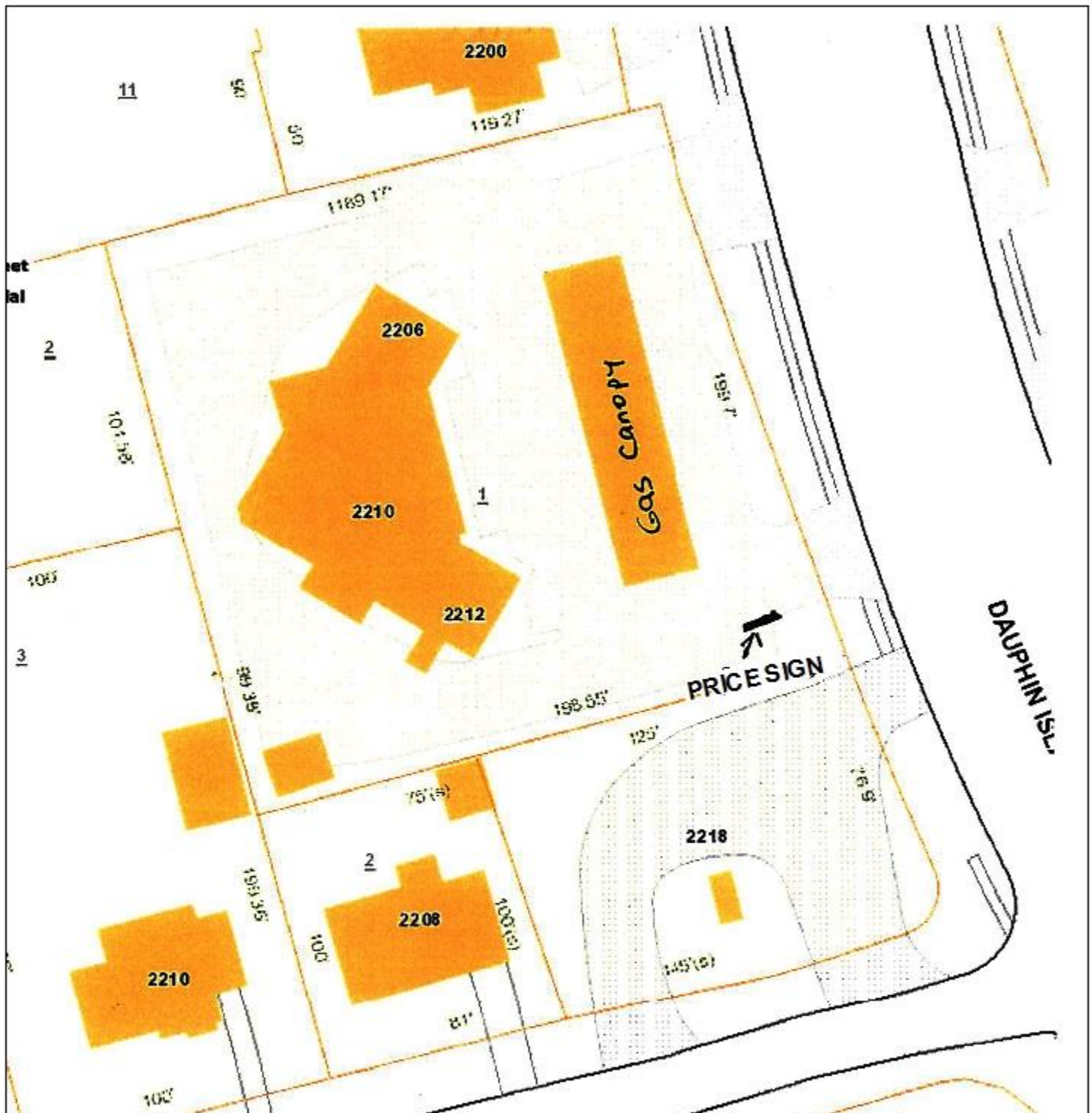
APPLICATION NUMBER 5955 DATE April 6, 2015

APPLICANT Coburn Construction Co

REQUEST Sign Variance



DETAIL SITE PLAN



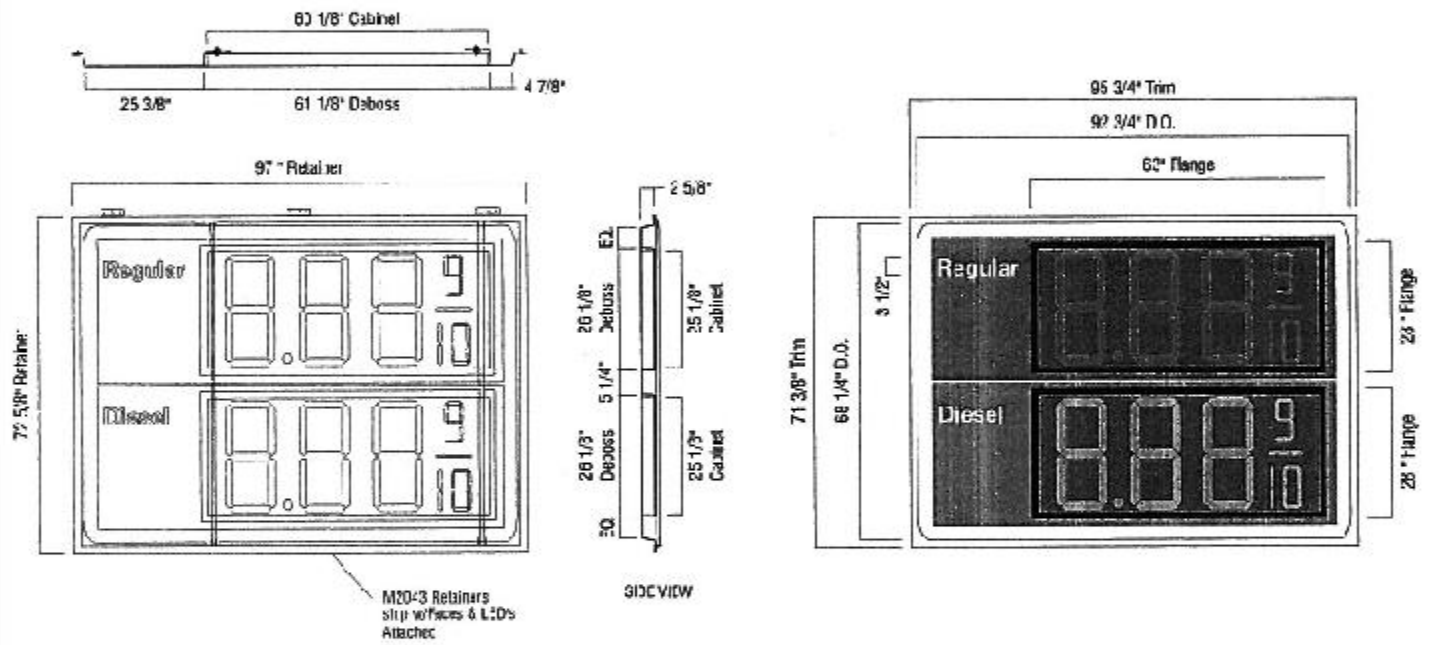
APPLICATION NUMBER 5955 DATE April 6, 2015

APPLICANT Coburn Construction Co

REQUEST Sign Variance



DETAIL SITE PLAN



APPLICATION NUMBER 5955 DATE April 6, 2015

APPLICANT Coburn Construction Co

REQUEST Sign Variance

