

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 3, 2019****CASE NUMBER**

6258/4549/2439

**APPLICANT NAME**

Advantage Sign Co. (Irv Horton)

**LOCATION**1262 Government Street  
(Northeast corner of South Ann Street and Government Street)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a freestanding digital pricing sign within 300' of residentially zoned property, and two canopy signs for more than 64 square feet in total of signage at a single-tenant site in the Oakleigh Garden District in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property and limits businesses in historic districts to no more than 64 square feet of signage in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1.08± Acres

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a freestanding digital pricing sign within 300' of residentially zoned property, and two canopy signs for more than 64 square feet in total of signage at a single-tenant site in the Oakleigh Garden District in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property and limits businesses in historic districts to no more than 64 square feet of signage in a B-2, Neighborhood Business 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 site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The subject site has R-1 Single Family Residential abutting to the North, B-1 Buffer Business District to the East, R-3 Multi Family Residential to the South across Government Street, and B-2 Neighborhood Business District to the West across South Ann Street.

The applicant states:

*#1 Purpose. To install a LED price point on the existing monument sign and two 4' x 4' canopy logos*

*#2 Conditions. The LED price point is digital. However, it does not flash or scroll. It only display's numbers for the current gas price. The monument sign is 4' x 8', which counting both sides is a total of 64 sq. ft. Shell requires logo's on it's gas canopies according to its size. Therefore, they recommend two logo's totaling 16 sq. ft. That's the smallest size offered. Including all signage, the total square footage is 96.*

*#3 Occurrence. Both the monument sign and canopy are existing.*

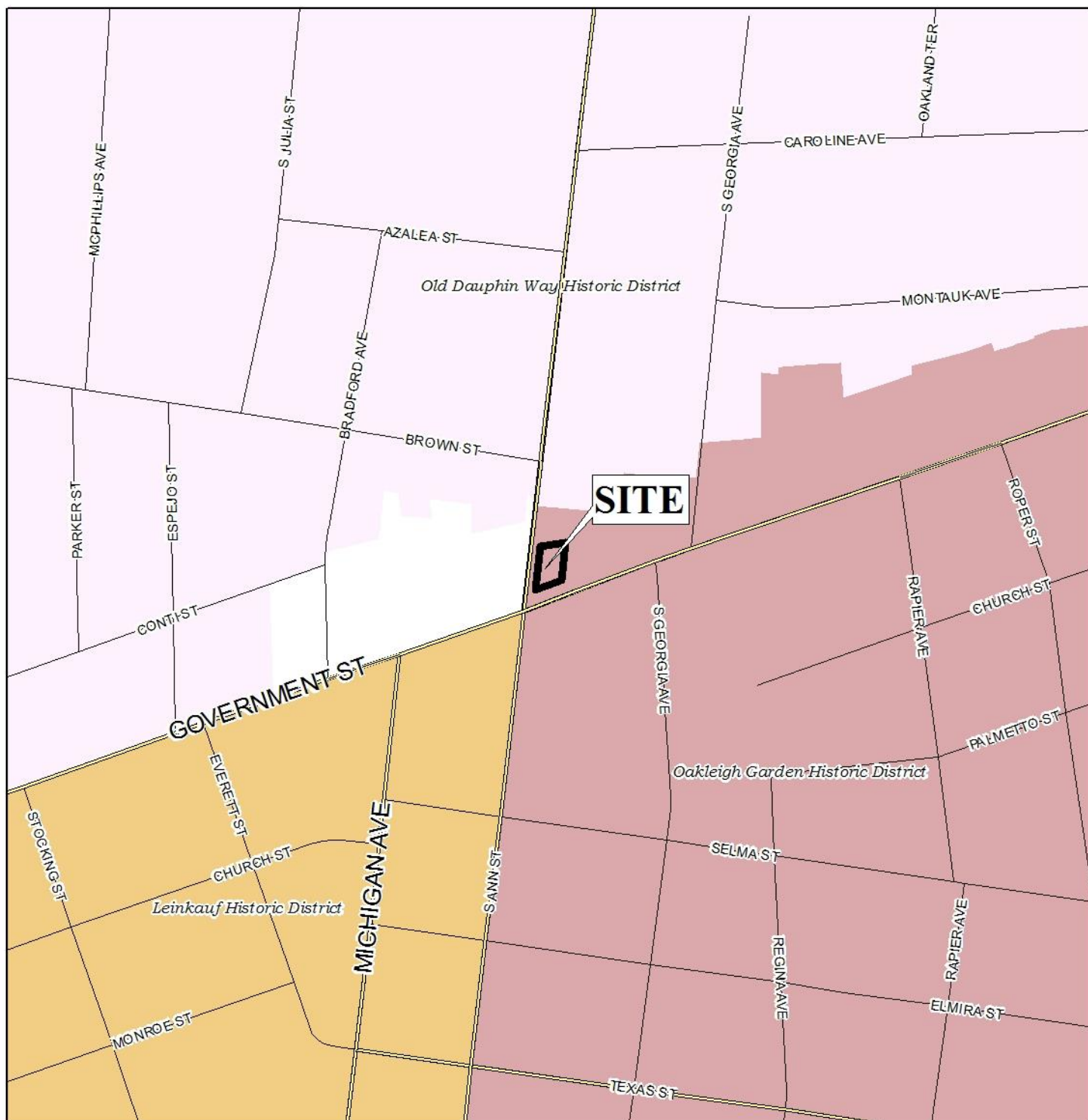
*#4 Neighboring properties. There is a convenience store located across South Ann Street. Most other properties are commercial with the exception of residential behind the store.*

The subject property is located within the Oakleigh Garden Historic District and as such has received a Certificate of Appropriateness for the proposed LED sign and canopy logos. It is also important to note that the Board has approved similar sign variances in the area (although they did not include LED signage). At both the March 5, 2001 and March 1, 1999 meeting of the Board of Zoning Adjustment, variances were approved to allow 80 square feet of total signage for businesses located at 1312 Government Street which is not located in a historic district but along the Government Street corridor and 150 South Ann Street which is located in the Leinkauf Historic District. It appears that this would be the first request for a digital sign along the Government Street corridor, between Water Street and Dauphin Island Parkway.

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

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64-11.8.c.(7)(a)i. of the Zoning Ordinance regarding the prohibition of electronic or digital signs in Historic Districts;
- 2) Special conditions and hardships do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for a variance ; and
- 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 signage can be redesigned to be compliant.

# LOCATOR MAP



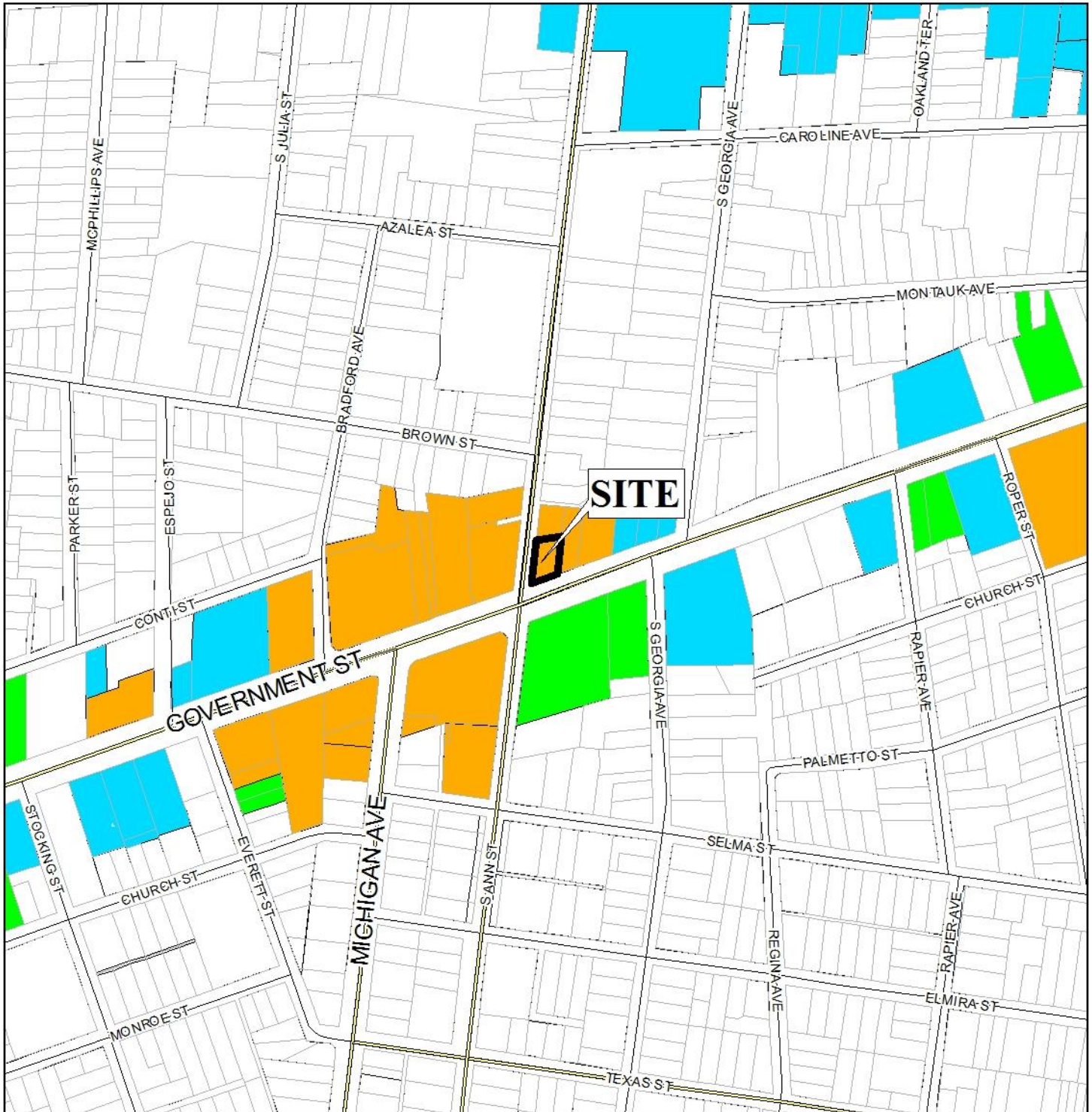
APPLICATION NUMBER 6258 DATE June 3, 2019

APPLICANT Avantage Sign Co. (Irv Horton)

REQUEST Sign Variance



# LOCATOR ZONING MAP



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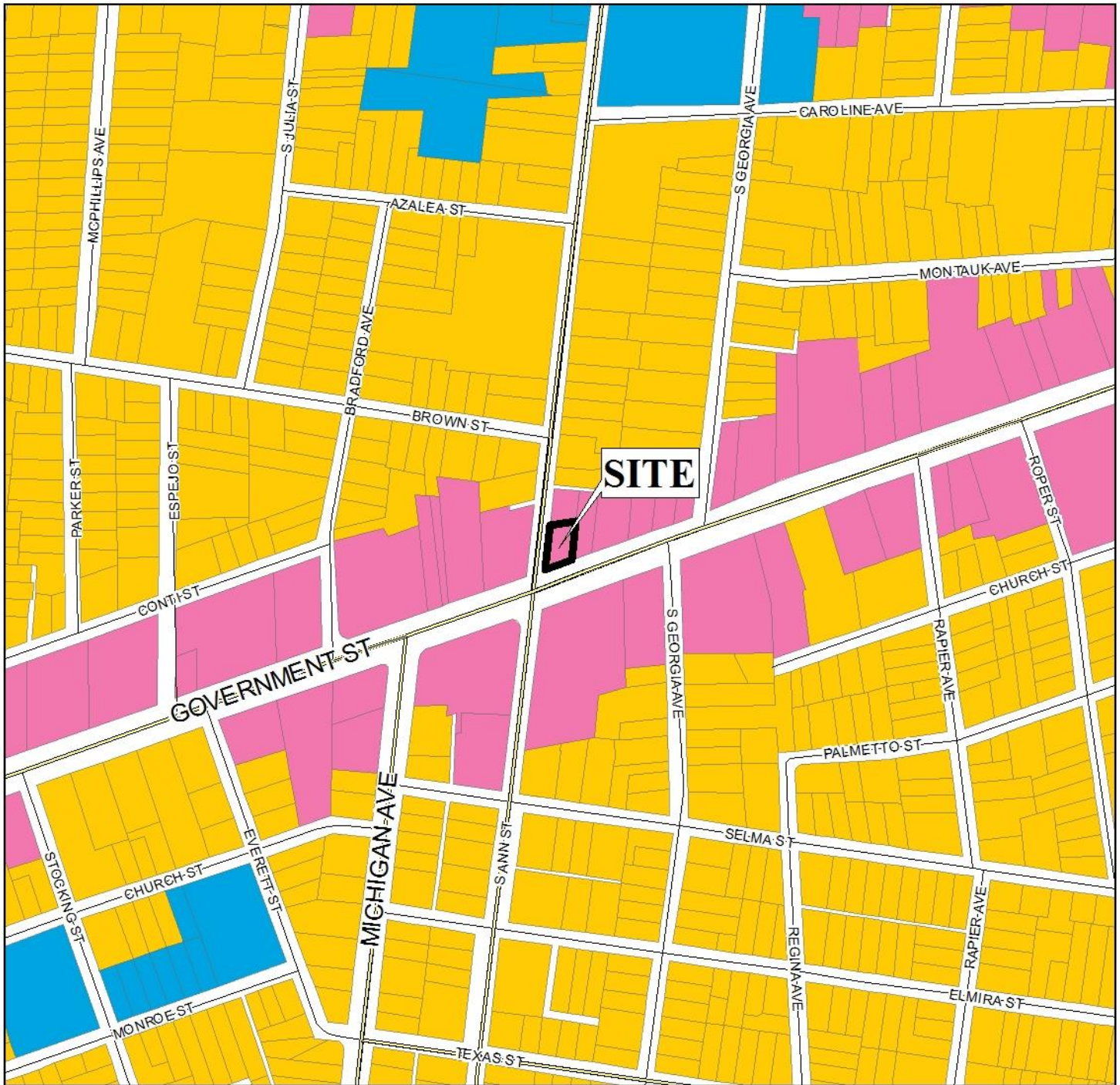
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# FLUM LOCATOR MAP



APPLICATION NUMBER 6258 DATE June 3, 2019

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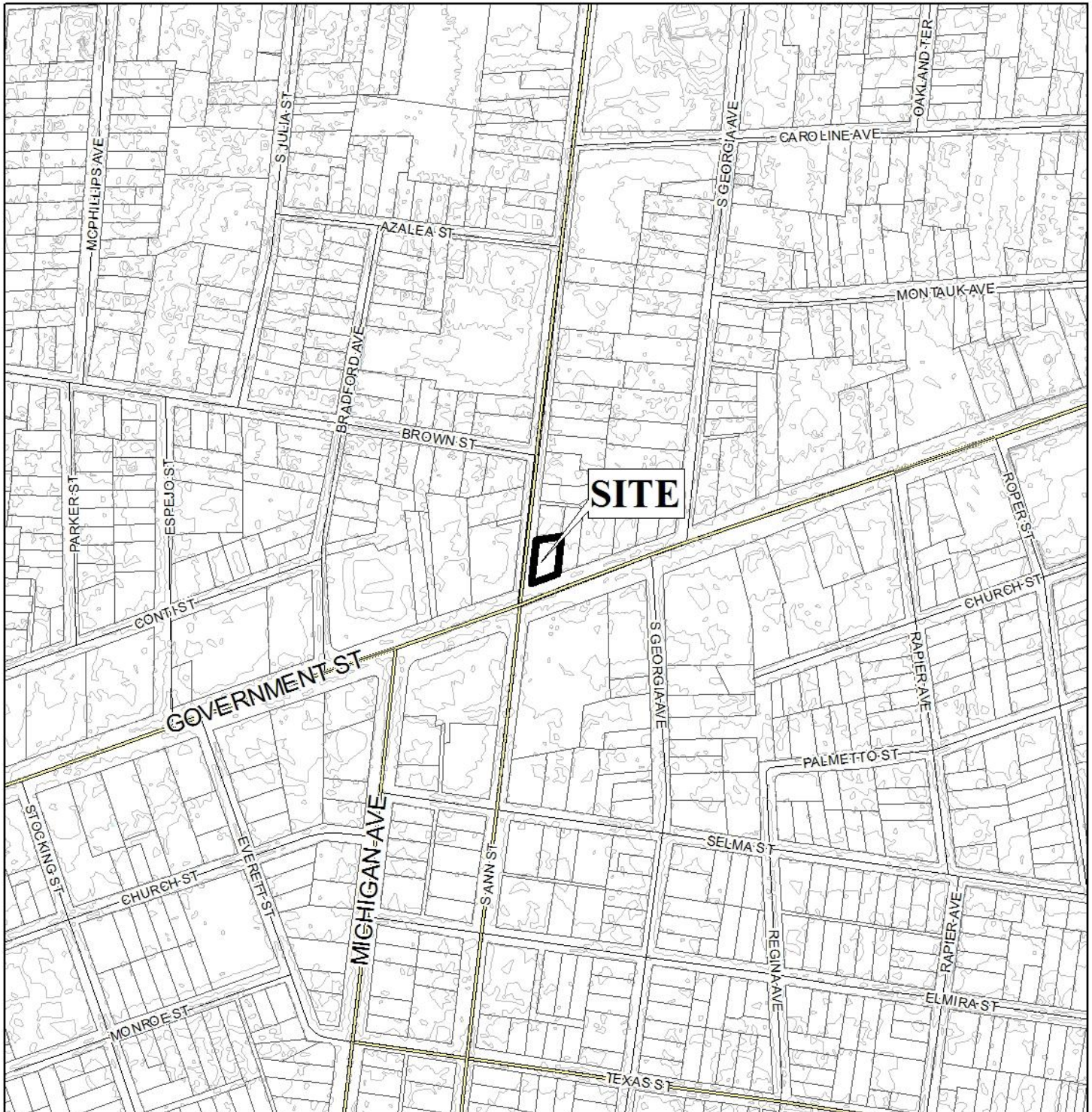
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6258 DATE June 3, 2019

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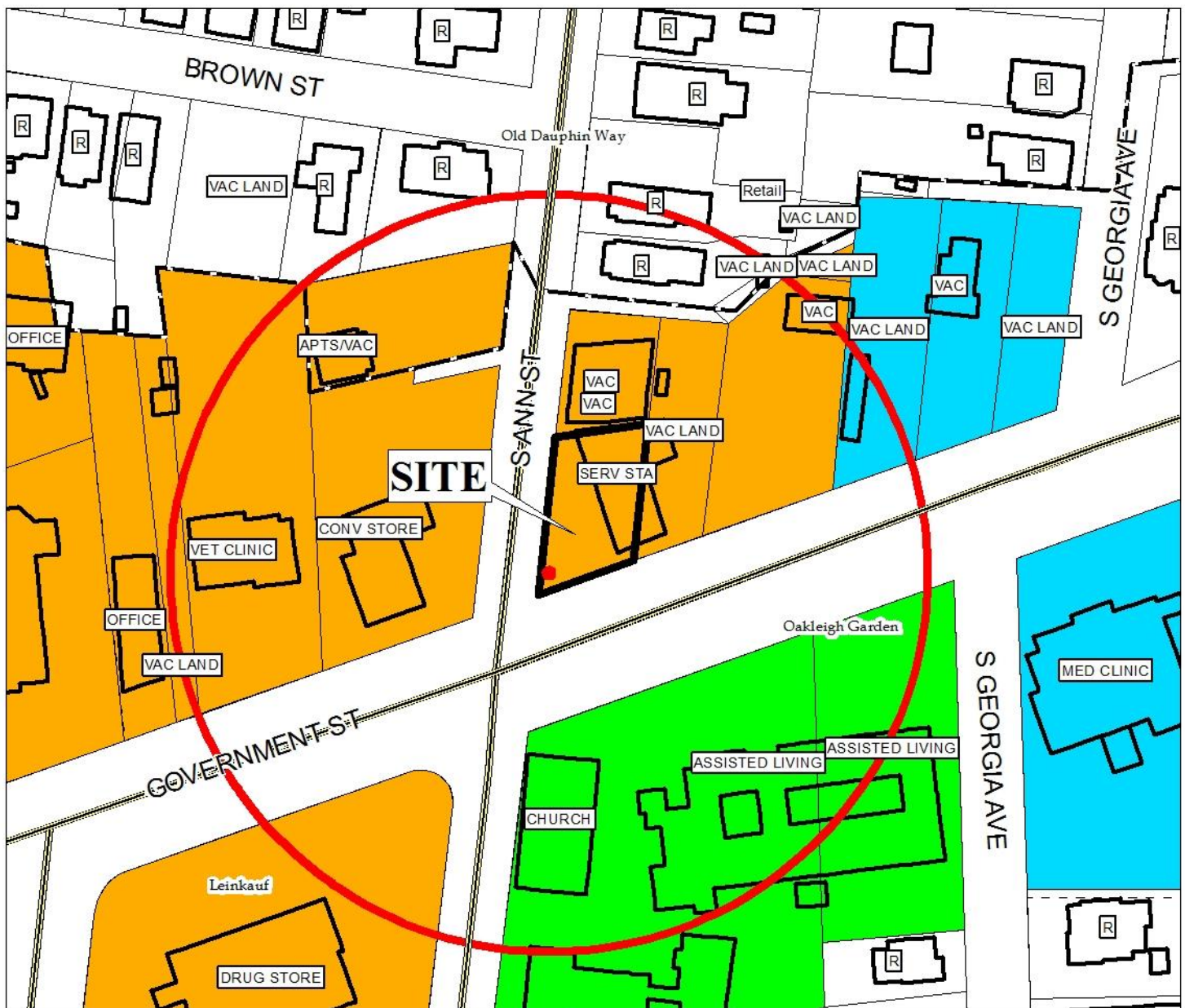
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6258 DATE June 3, 2019

APPLICANT Avantage Sign Co. (Irv Horton)

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<span style="background-color: #00FFFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-A	<span style="background-color: #00FF00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-3	<span style="background-color: #D2B48C; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T-B	<span style="background-color: #FFA500; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-2	<span style="background-color: #0000FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-5	<span style="background-color: #FFFF00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> MUN	<span style="background-color: #FF4500; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> SD-WH	<span style="background-color: #800080; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T5.1
<span style="background-color: #FFFFFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-1	<span style="background-color: #FF00FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-B	<span style="background-color: #00FFFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-1	<span style="background-color: #FF0000; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-3	<span style="background-color: #CCCCFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> I-1	<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> OPEN	<span style="background-color: #FFC0CB; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T3	<span style="background-color: #4B0082; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T5.2
<span style="background-color: #FFFF00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-2	<span style="background-color: #FFA07A; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> H-B	<span style="background-color: #8A00FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> LB-2	<span style="background-color: #654321; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-4	<span style="background-color: #D3D3D3; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> I-2	<span style="background-color: #FF8C00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> SD	<span style="background-color: #9370DB; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T4	<span style="background-color: #000080; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

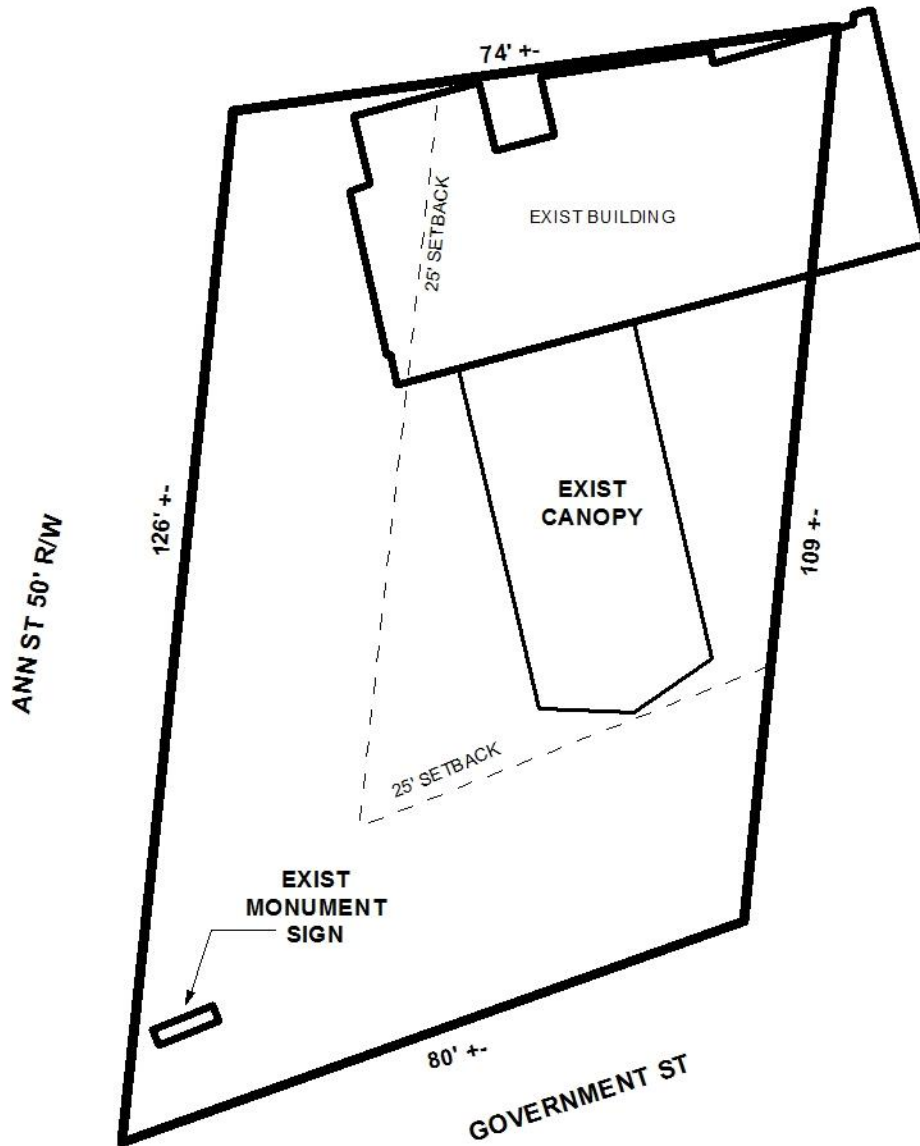
APPLICATION NUMBER 6258 DATE June 3, 2019

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# SITE PLAN



The site plan illustrates the existing monuments sign, the existing canopy, the existing building and setbacks.

APPLICATION NUMBER 6258 DATE June 3, 2019

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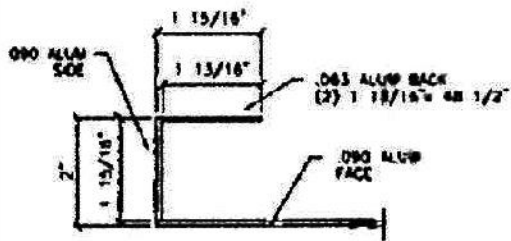
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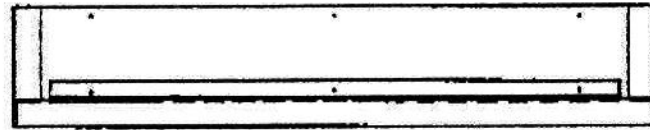
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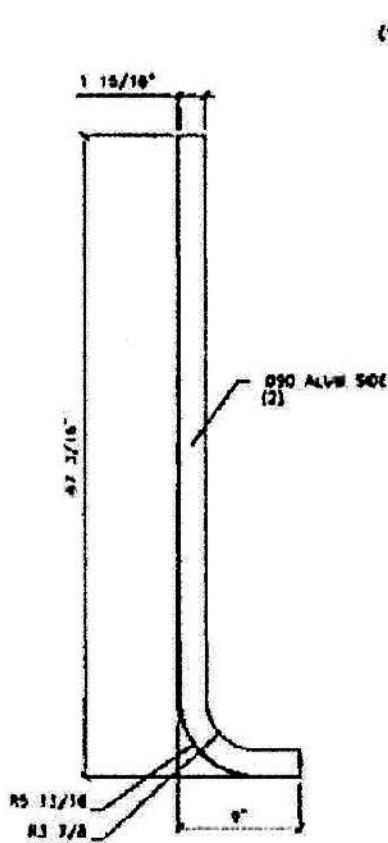
# DETAIL SITE PLAN



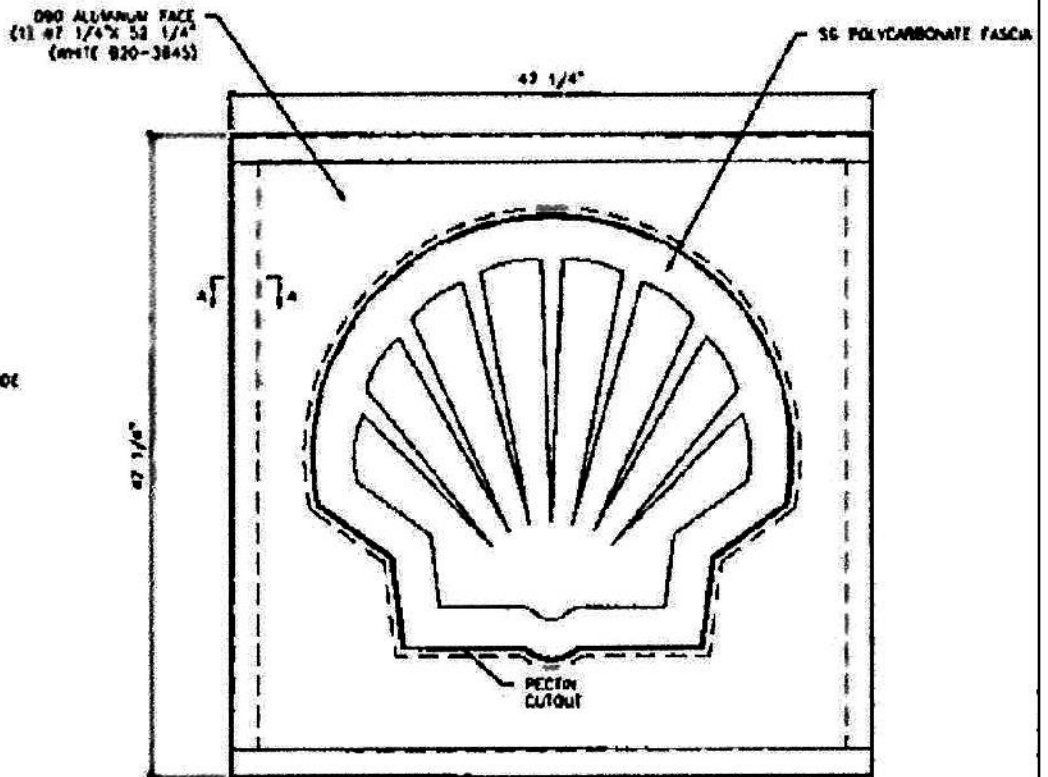
**SECTION A-A**  
SCALE: NTS



**TOP VIEW**  
SCALE: 1"=1'-0"



**SIDE DETAIL**  
SCALE: 1"=1'-0"

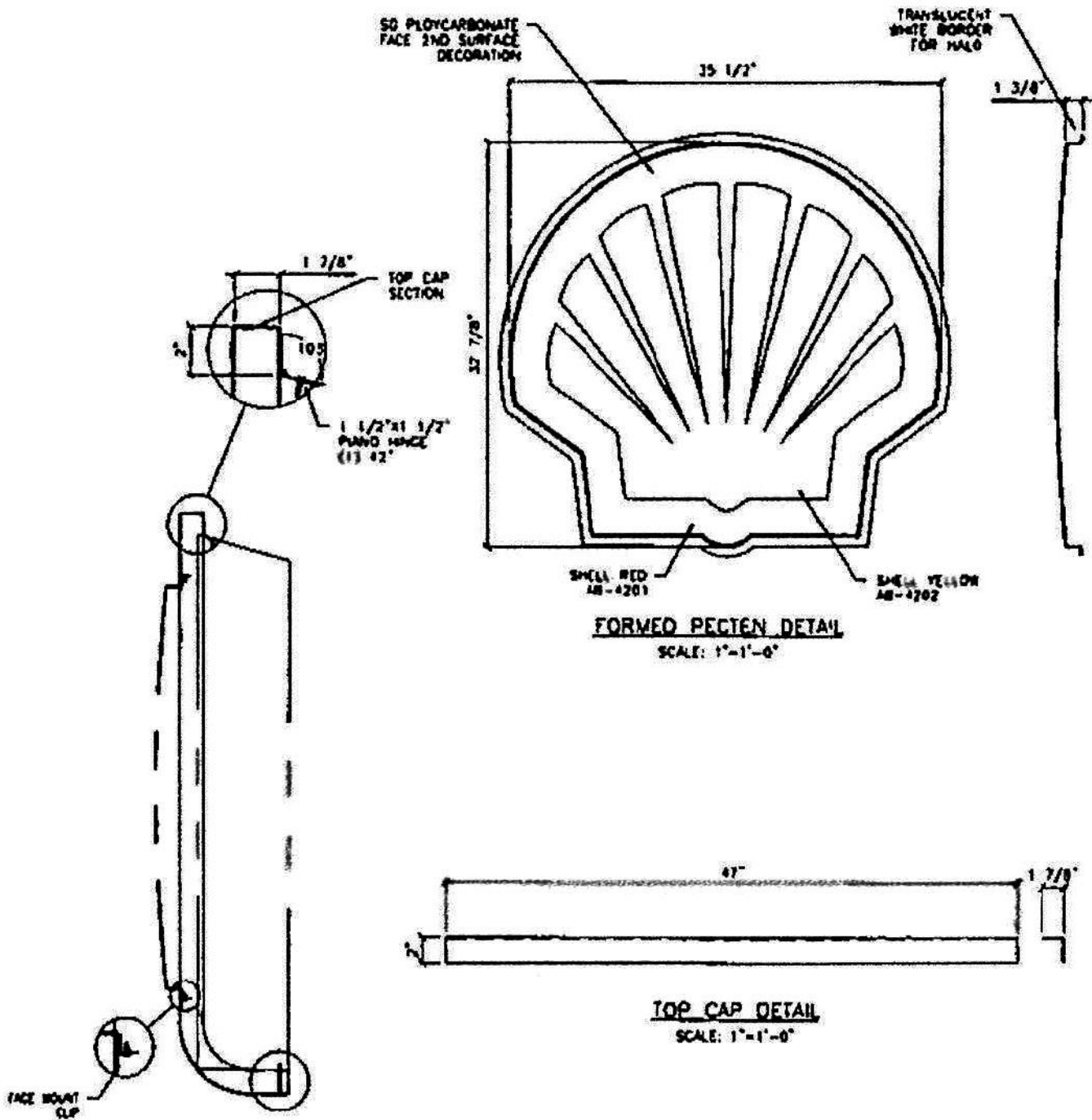


**CANOPY FACE DETAIL**  
SCALE: 1"=1'-0"

APPLICATION NUMBER 6258 DATE June 3, 2019  
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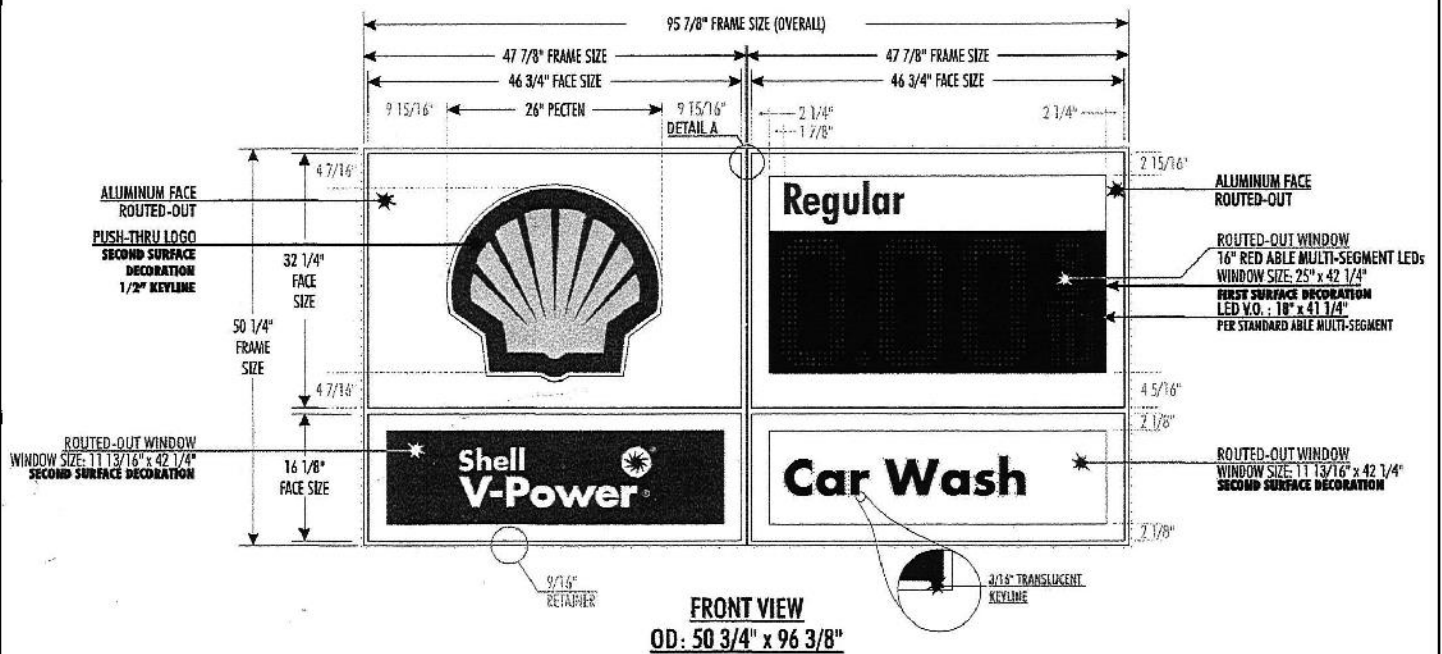
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# DETAIL SITE PLAN



TO BE MANUFACTURED WITH ABLE MULTI-SEGMENT LEDS - **1SR16L1P-S**

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