

APPLICATION NUMBER

5528/5087

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A SECOND
FREESTANDING PYLON SIGN PROJECTING 3-1/2" INTO
THE PUBLIC RIGHT-OF-WAY AND TWO WALL SIGNS
AT A BUSINESS ON A MULTI-TENANT SITE IN A B-3,
COMMUNITY BUSINESS DISTRICT; THE ZONING
ORDINANCE ALLOWS ONE FREESTANDING PYLON
SIGN WITH A 1'-6" PROPERTY LINE SETBACK AND
ONE WALL SIGN PER TENANT ON A MULTI-TENANT
SITE IN A b-3, COMMUNITY BUSINESS DISTRICT.**

LOCATED AT

South side of Airport Boulevard, 740' ± East of Hillcrest Road.

APPLICANT/AGENT

WRICO SIGNS, INC.

OWNER

JAY-E, LLC

BOARD OF ZONING ADJUSTMENT

MARCH 2009

The applicant is requesting Sign Variances to allow a second freestanding pylon sign projecting 3-1/2" into the public right-of-way and two wall signs at a business on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one freestanding pylon sign with a 1'-6" property line setback and one wall sign per tenant on a multi-tenant site in a B-3, Community Business District.

Permits were issued for the two wall signs and the freestanding sign, but after-the fact determinations were made that the site should be considered a tenant space on a multi-tenant site thereby reducing the signage allowances. The subject site is a lease parcel consisting of one building containing one business (a single tenant lease parcel) but which shares access with other parcels and buildings within an over-all retail/office complex (a multi-tenant site). The site was developed prior to the requirement that such developments be reviewed via an Administrative Planned Unit Development or a Planned Unit Development and other pertinent applications to the Mobile City Planning Commission. By the strictest interpretation of the Zoning Ordinance, on such a multi-tenant site, each tenant is allowed one wall sign and must share tenant panel space on one freestanding sign. A previous tenant on the subject parcel was allowed an additional 72 square feet on the complex's nonconforming existing 805 square-foot freestanding sign (350 square feet maximum allowed) in 2002. That sign is located on the complex entrance drive adjacent to the subject lease parcel.

In instances where a new lease parcel is proposed to be created and developed for a single business on an existing multi-tenant site and there is not to be a new lot of record created, the normal pre-development site review consists of an Administrative Planned Unit Development. In such cases, the tenant has typically been allowed one freestanding sign and two wall signs as if the lease parcel were a separate lot of record. In this instance, the lease parcel and the over-all complex were developed prior to such reviews, but by the standards currently applied to such reviews, the tenant should be afforded the same signage allowances. By that rationale, the single tenant in the single building on the subject lease parcel should be allowed one freestanding sign and two wall signs, compliant with the square footage allowances for the lease parcel. The issue of allowing the second wall sign and the freestanding should, therefore, be a moot point.

However, the freestanding sign was erroneously erected not conforming to the 18" setback requirement from the front property line/right-of-way line for the leading edge of the sign. In this instance, the leading edge of the sign cabinet not only encroaches completely into the 18" setback requirement, but actually projects approximately 3-1/2" beyond the property line into the public right-of-way. The allowance of freestanding business signs in the public right-of-way is not totally unheard of, as four freestanding signs were allowed by variance all within the right-of-way along Old Shell Road East of Florida Street in 2007, but the proper right-of-way use agreements were obtained. Portions of that site consist of vacated right-of-way with service road improvements for parking up to the front property line. In that instance, a hardship was demonstrated in

that the site did not have any on-site space for the placement of the signs. In this instance, sufficient area exists on-site, but the sign was erroneously located.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

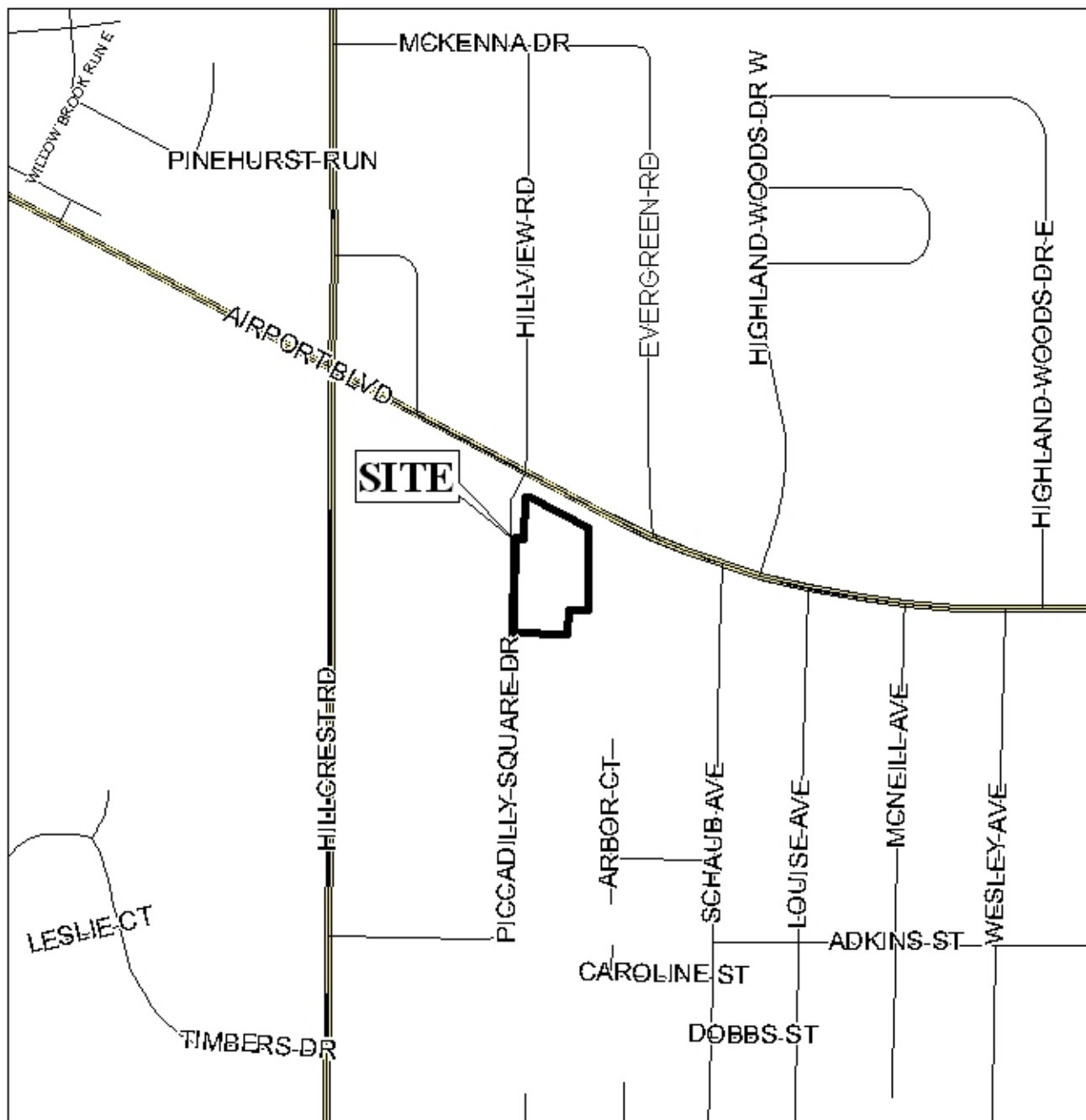
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

With regard to the allowance of the second wall sign and a freestanding sign for a single tenant on the subject lease parcel, the precedence has been established justifying such. However, the freestanding sign should be relocated to be in compliance with the setback requirements of the Sign Regulations of the Zoning Ordinance, and the additional signage cabinet(s) allowed on the complex freestanding sign should be removed, if still in place. The applicant failed to illustrate a hardship imposed by the property to justify the sign in its nonconforming location. Any hardship would be considered self-imposed in this instance.

RECOMMENDATION 5528/5087**Date: March 2, 2009**

Based on the preceding, the request to allow the second wall sign is recommended for approval. The request to allow the freestanding sign projecting 3-1/2" into the public right-of-way is recommended for denial.

LOCATOR MAP



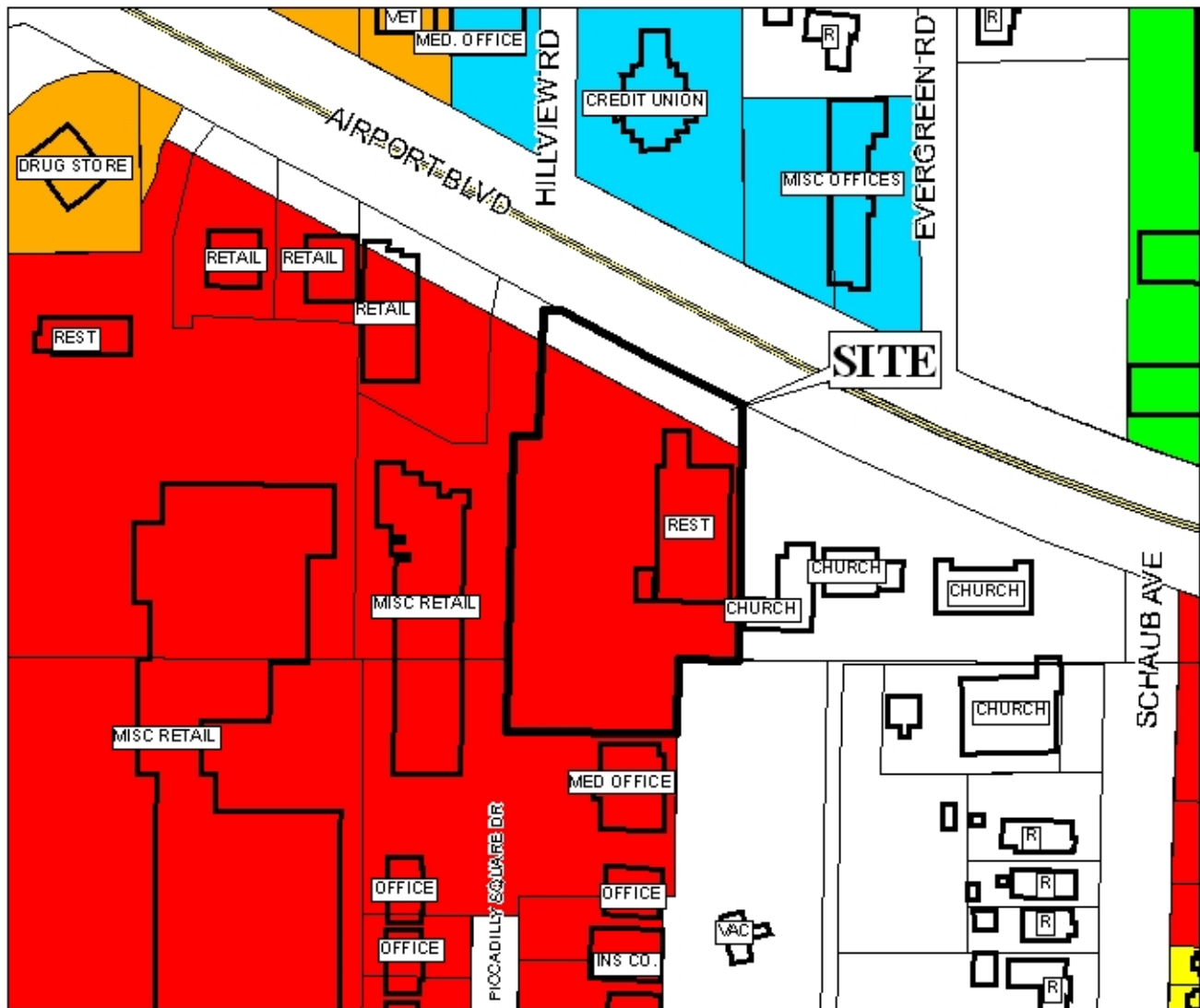
APPLICATION NUMBER 5528/5087 DATE March 2, 2009

APPLICANT Wrico Signs, Inc.

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.
Residential sites are located to the south of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

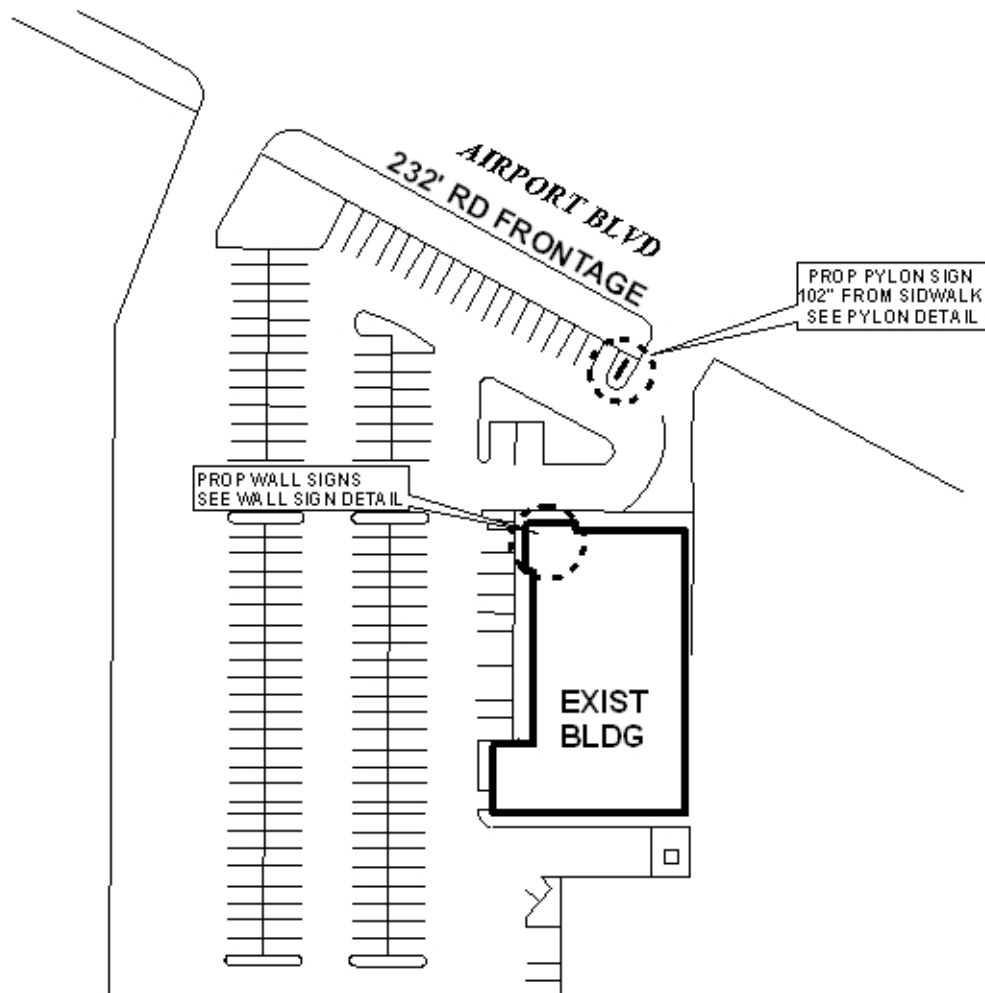


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SITE PLAN



The site plan illustrates the existing development and proposed sign locations

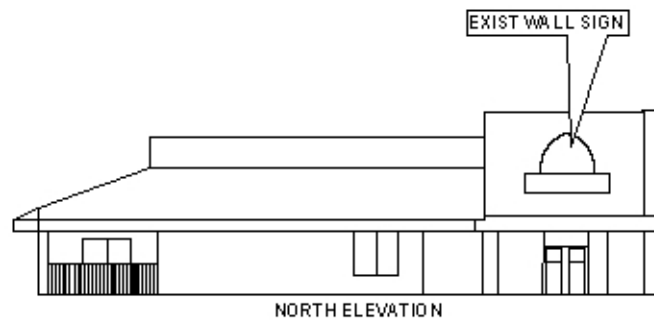
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WALL SIGN DETAIL



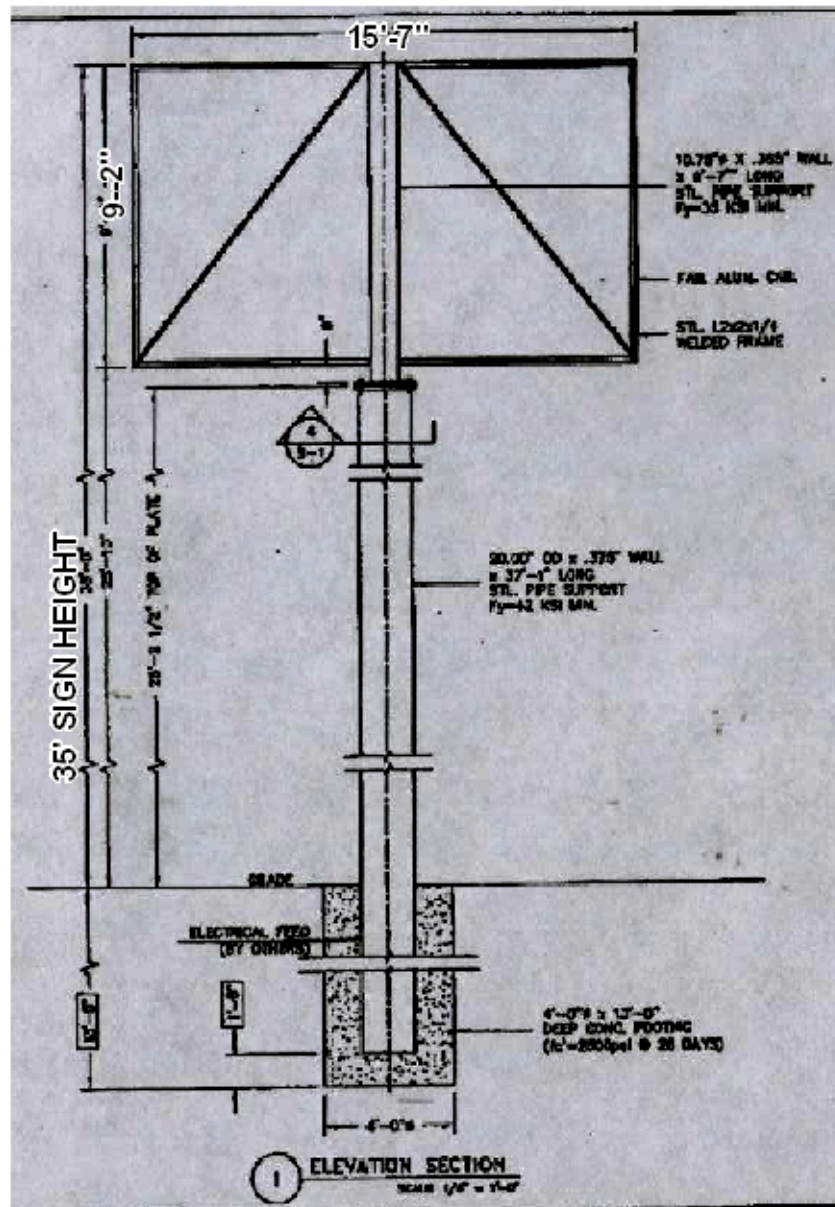
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PYLON SIGN DETAIL



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