

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 7, 2014****CASE NUMBER**

5884

APPLICANT NAME

Michael Crowley (McDonald's USA, LLC)

LOCATION2 Springdale Boulevard
(Southwest corner of Dauphin Street and Springdale
Boulevard)**VARIANCE REQUEST****SIGN:** Sign Variance to allow three nonconforming freestanding signs to remain and two menu board signs to be installed at an existing restaurant in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows one freestanding sign and does not allow the expansion of nonconforming signage in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

1.0± Acre

**TRAFFIC ENGINEERING
COMMENTS**

This variance request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Sign Variance to allow three freestanding signs to remain and two menu board signs to be installed at an existing restaurant in a B-3, Community Business District; the Zoning Ordinance allows one freestanding sign and does not allow the expansion of nonconforming signage in a B-3, Community Business District.

The subject site currently has three freestanding signs which appear to pre-date the 1992 adoption of the Sign Regulation Provisions of the Zoning Ordinance. Such signage is allowed to remain unless the replacement of a sign or sign structure is proposed. Since the signage allowance for the site is exceeded, no new signs are allowed which would increase the signage nonconformity. As this is a single-business site, one freestanding sign and two walls signs are allowed, or three wall signs are allowed if no freestanding sign is erected. The existing restaurant is in the process of being renovated. The existing nonconforming wall signs have

been removed and no new ones are proposed. However, two new menu board signs are proposed which would again increase the nonconforming signage for the site; hence this application.

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 applicant states *"The purpose of this application is to allow two menu boards to be permitted and installed at the McDonald's restaurant located at 2 Springdale Blvd in Mobile, AL."*

As conditions, items, facts or reasons which prevent compliance with the requirements of the Zoning Ordinance, the applicant states *"The current number of free-standing signs is in violation of the Zoning Ordinance which therefore prohibits the permitting and erection of any new free-standing signs on the property unless all existing signs are brought into compliance with the Zoning Ordinance."*

Addressing how conditions, items, facts or reasons prevent the compliance with the requirements of the Zoning Ordinance, the applicant states that *"Prior to the current Zoning Ordinance being instituted, the McDonald's restaurant at 2 Springdale Blvd in Mobile, AL had erected three free-standing road signs. Whereas they were allowed at the time of installation by local codes, the current code now prohibits their existence and requires that the number of signs and the size of the signs be brought into compliance prior to issuing any permits for new signage on this property. Since bringing these signs into compliance would substantially reduce the visibility of this McDonald's, and since the proposed menu boards for this location require permits, we are requesting that a variance be granted to allow the permitting and installation of the menu boards while being allowed to maintain the existing signage."*

Pertaining to how this property is different from the neighboring properties, the applicant states *"This property is the location of a McDonald's restaurant and therefore differs from neighboring properties by providing fast food services which are not otherwise offered by the neighboring properties. Thus, this property attracts consumers to this neighborhood who might not otherwise transact business there."*

The proposed menu boards calculate to be approximately 38 square feet each which is well below the 48 square feet now allowed by Section 64-11.8.c.2.f, as amended February 11, 2014. No corporate imaging is indicated on the boards, only menu selections.

By definition, a menu board is a sign serving drive-through facilities listing items and prices. It is not intended to serve as a means of visibility for a business in the sense that a free standing or wall sign does. In light of the fact that the three existing freestanding signs are considered to be legal nonconforming and no wall signs are proposed which would contain corporate imaging, and the fact that no corporate imaging is proposed on the menu boards, the allowance of the menu boards would not be considered a true expansion of the nonconforming signage situation associated with this site. The disallowance of the menu boards could be considered a hardship which would be imposed by a literal interpretation of the Zoning Ordinance, and the granting of this variance request would not be considered to be contrary to the public interest.

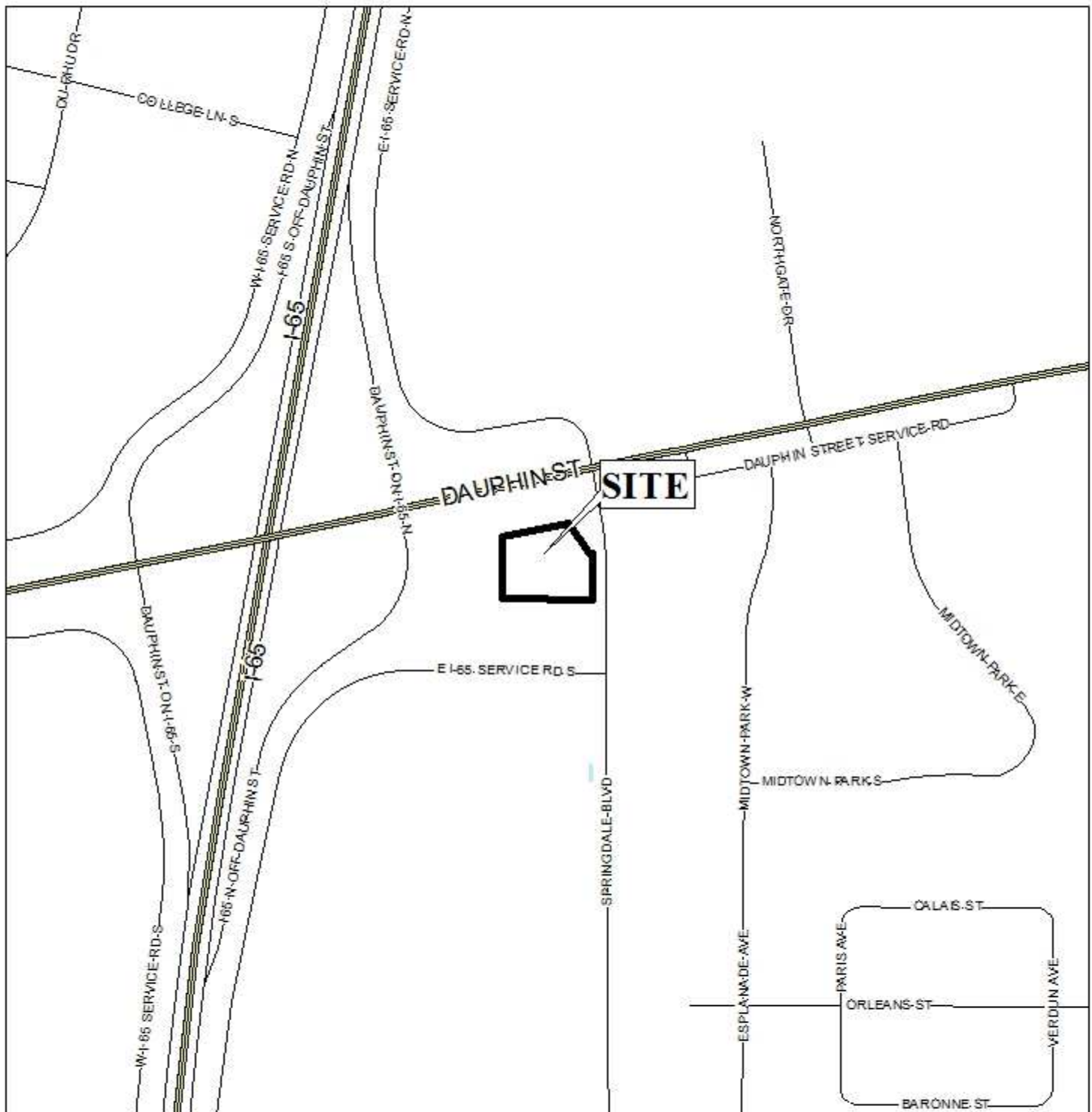
RECOMMENDATION: Staff recommends to the Board the following findings of facts:

- 1) Based on the fact that the proposed menu boards are not considered branding advertising and no increase in advertising signage is proposed, the variance will not be contrary to the public interest;
- 2) These special conditions (existing legal nonconforming freestanding signs) 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 there will not be any increase in site identity or advertising signage.

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

- 1) the obtaining of all necessary permits associated with the menu boards;
- 2) no corporate imaging to be placed on the menu boards;
- 3) no other signage on the site to contain any corporate imaging, other than the three existing legal nonconforming freestanding signs; and
- 4) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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REQUEST Sign Variance

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

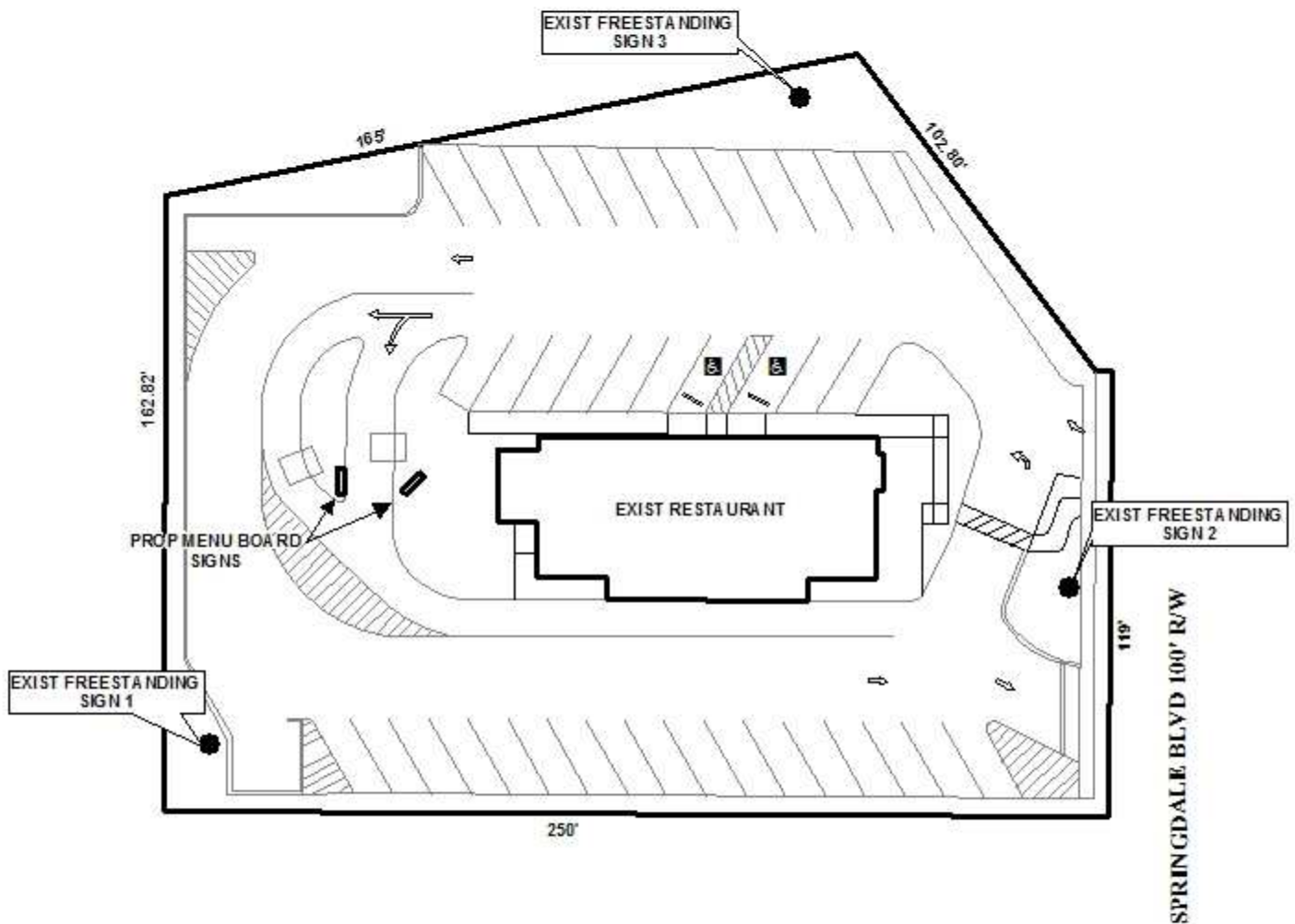


The site is surrounded by commercial land use.

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SITE PLAN



The site plan illustrates the existing and proposed signs.

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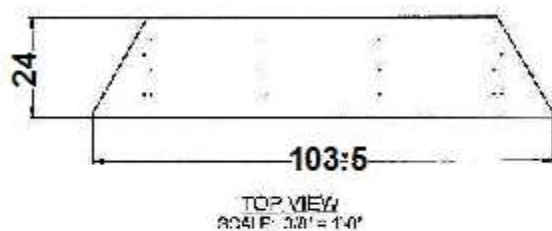
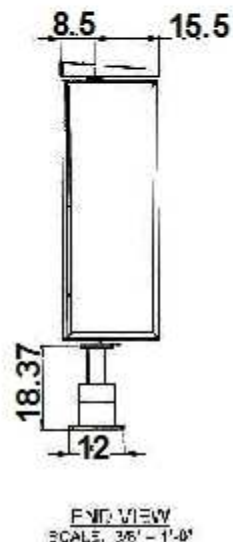
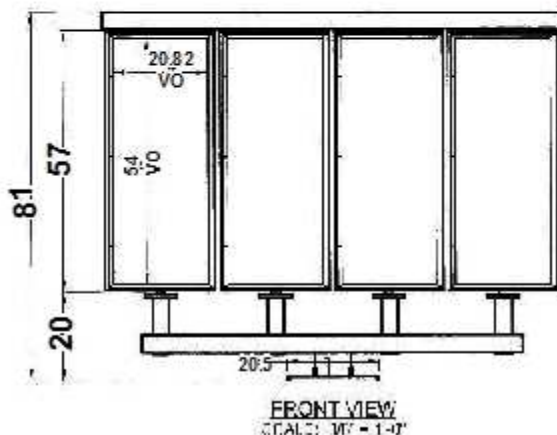
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MENU BOARD SIGN DETAIL

WINDLOAD : 140 mph



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FREESTANDING SIGN 1 DETAIL



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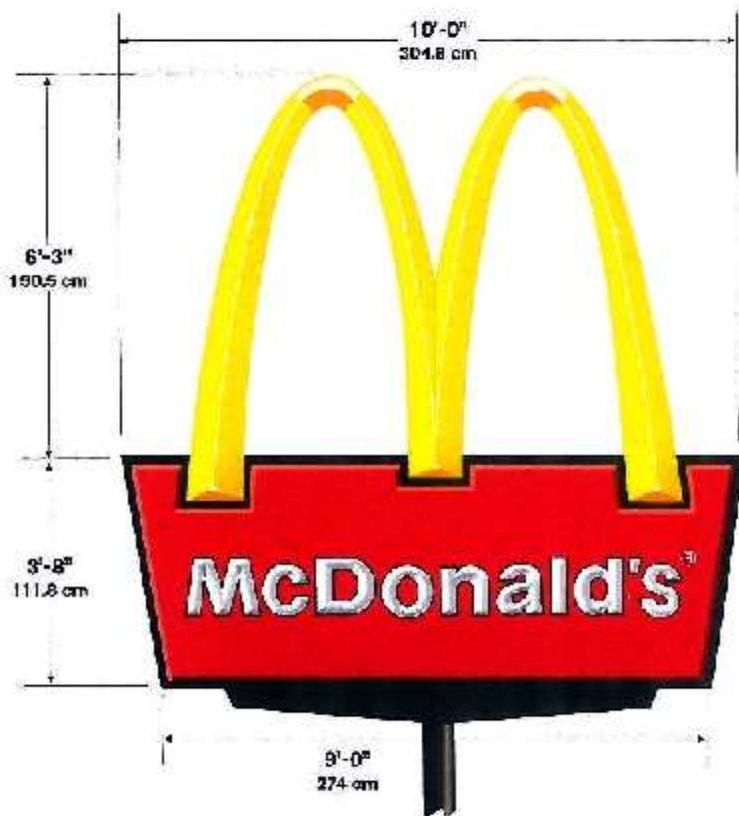
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FREESTANDING SIGN 2 DETAIL

70/50 Road Sign

Freestanding Sign 2



Illumination: 4 F-10 T12 CW/10-Arch
1 F-48 T12 CW/HO-Arch
8 F-90 T12 CW/HO-Arch

2 F-30 T12 CW/HO-Round
4 F-90 T12 CW/HO-Bass

Electrical: 8.0 Amps 120V 60Hz

Ballast: 2- Full on Sign Horse SN5-120-3648 IS

Ship Weight: 1000 lbs.

20' tall (overall height)

* Please Note: Sign information was gathered based on survey from Google Earth. Actual size/weight may be different.

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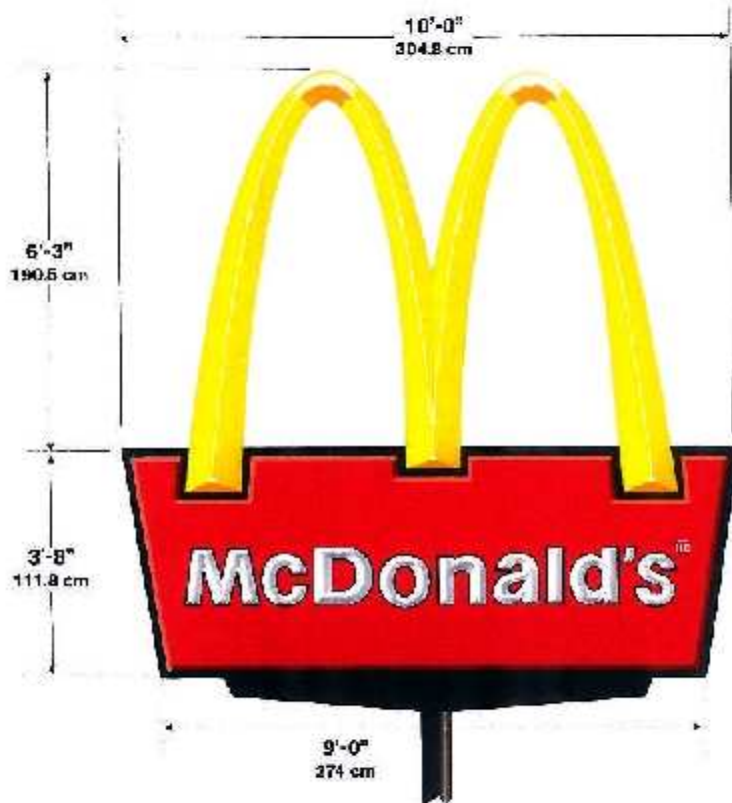
REQUEST Sign Variance



FREESTANDING SIGN 3 DETAIL

70/50 Road Sign

Freestanding Sign 3



Illumination:	2 F-13 T12 CW/110-Arch
	1 F-48 T12 CW/HO-Arch
	3 F-65 T12 CW/110-Arch
	2 F-36 T12 CW/1 G-Base
	4 F-06 T12 CW/HO-Base
Electrical:	80 Amps 120V 60Hz
Ballast:	2 Fulham Sign Horse SMS-120-8048-15
Ship Weight:	1300 lbs.

40' tall (overall height)

* Please Note - Sign dimensions were surveyed using google earth - Actual size was not verified by physical survey

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NTS