

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: September 8, 2014****CASE NUMBER**

5914/5087

**APPLICANT NAME**

Wrico Signs, Inc.

**LOCATION**6347-A Airport Boulevard  
(South side of Airport Boulevard, 500'± East of Hillcrest Road)**VARIANCE REQUEST****SIGN:** Sign Variance to allow 2 wall signs for a tenant located on a group business site in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance allows 1 wall sign per tenant located on a group business site in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.9± Acre

**TRAFFIC ENGINEERING  
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Sign Variance to allow 2 wall signs for a tenant located on a group business site in a B-3, Community Business District; the Zoning Ordinance allows 1 wall sign per tenant located on a group business site in a B-3, Community Business District.

The applicant was issued a wall sign permit for the wall facing the parking lot for T-Mobile at the subject site. The business unit has frontage on both the parking lot and Airport Boulevard. An additional wall sign permit application was submitted for the end wall facing Airport Boulevard but was denied due to the fact that only one wall sign is allowed per tenant at a group business site, unless the tenant is in an end unit at a public street intersection. The subject site has street frontage strictly along Airport Boulevard and, therefore, the tenant does not qualify for a second wall sign; 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 *"Section 64-11 (8)(c)(3)(a) of the Sign Ordinance allows "Each tenant to be allowed one (1) wall sign per street frontage that it faces not to exceed thirty (30) percent of usable wall area not to exceed three hundred fifty (350) square feet." T-Mobile is requesting a variance from this portion of the sign ordinance to allow a second wall sign at 32 Sq Ft that faces the front entrance parking lot, in addition to the 1<sup>st</sup> store front elevation wall sign that has been permitted at 38.125 Sq Ft. The combined square footage will still be under the total allowance maximum of 350 square feet."*

*"Building identification visibility is key to the commercial success of a business. This allowance is restrictive to the point of not providing an adequate number of signs to generate the necessary attention for a commercial business. Specifically for T-Mobile, their business sales are predicated by the impulse buyers and low visibility is detrimental to the success of the business"*

*"The suite that T-Mobile occupies faces east to the parking lot of Piccadilly Square, where a store front sign exists to direct people from the parking lot to the store. This sign cannot be seen when traveling east on Airport. A sign on the north elevation facing Airport Blvd would aid the public in identifying the T-Mobile store."*

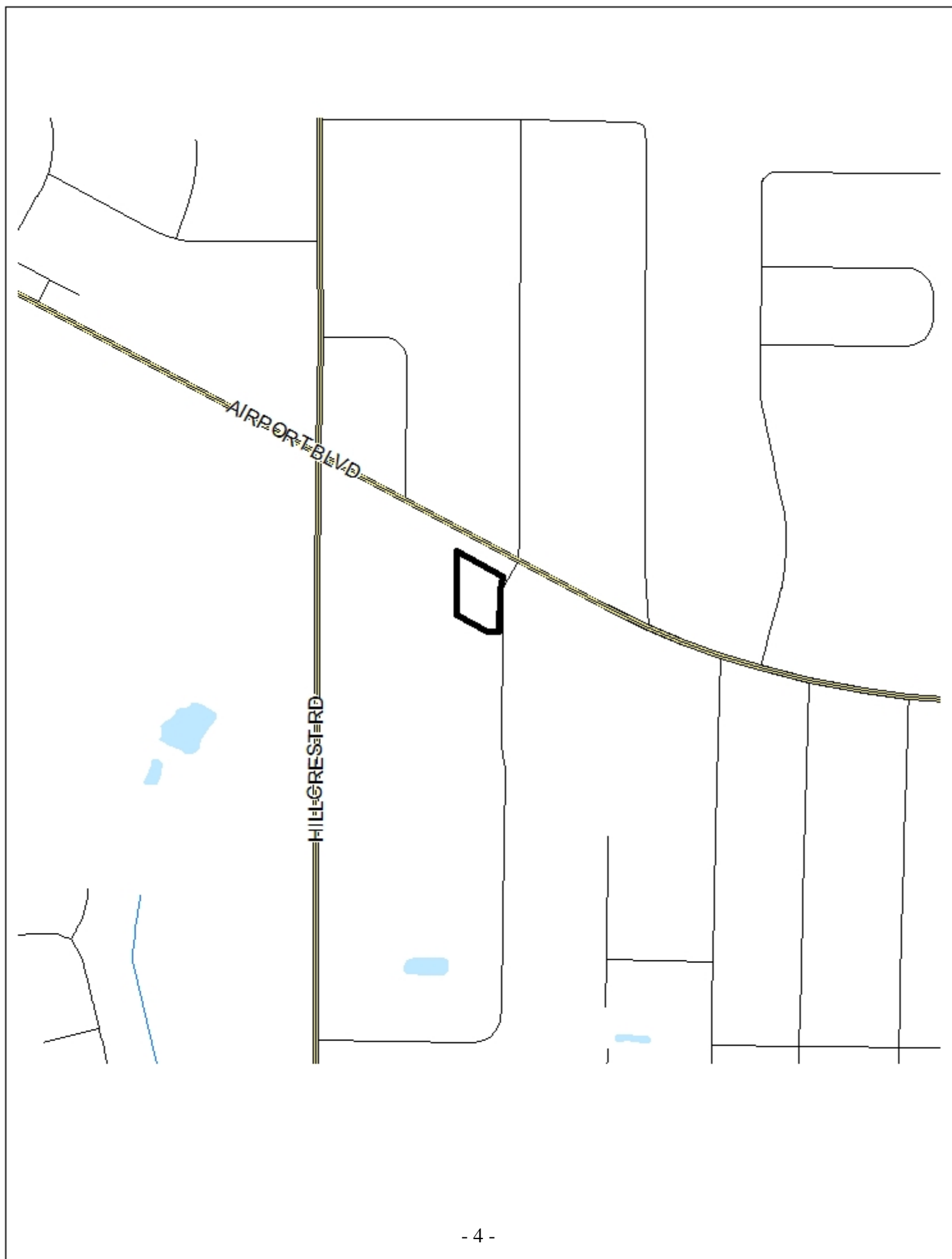
It should be noted that the over-all Piccadilly Square Shopping Center was granted a Sign Variance in 2002 to allow an additional 72 square feet of freestanding signage per face on an existing 805 square-foot per face freestanding sign for the site. That sign was already nonconforming in that the site would normally be allowed a maximum of 350 square feet of signage per face on the freestanding sign. In addition to the already-permitted wall sign, the applicant also received permission to reface the existing 14'-wide by 2'-high T-Mobile tenant panel on the freestanding sign without a permit since the panel had been previously permitted. This particular tenant panel is the bottom one on the pylon sign and not imbedded within the other tenant panels and is easier to recognize for this fact. It is visible while traveling either East or West along Airport Boulevard.

An approved variance goes with the property. Therefore, any future business in this tenant space would be allowed two wall signs. The approval of this request could set a precedent for similar multi-tenant sites in the future.

The applicant argues that the one store front sign facing the parking lot cannot be seen when traveling East along Airport Boulevard. However, the easily-visible tenant panel would advertise that T-Mobile is located within the shopping center, and the front wall sign facing the parking lot would easily identify the store's location. The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the Sign Regulations any more-so than to other businesses within that particular building or that a second wall sign is actually needed. The applicant simply wishes to have more signage than is allowed, and the Board should consider this application for denial.

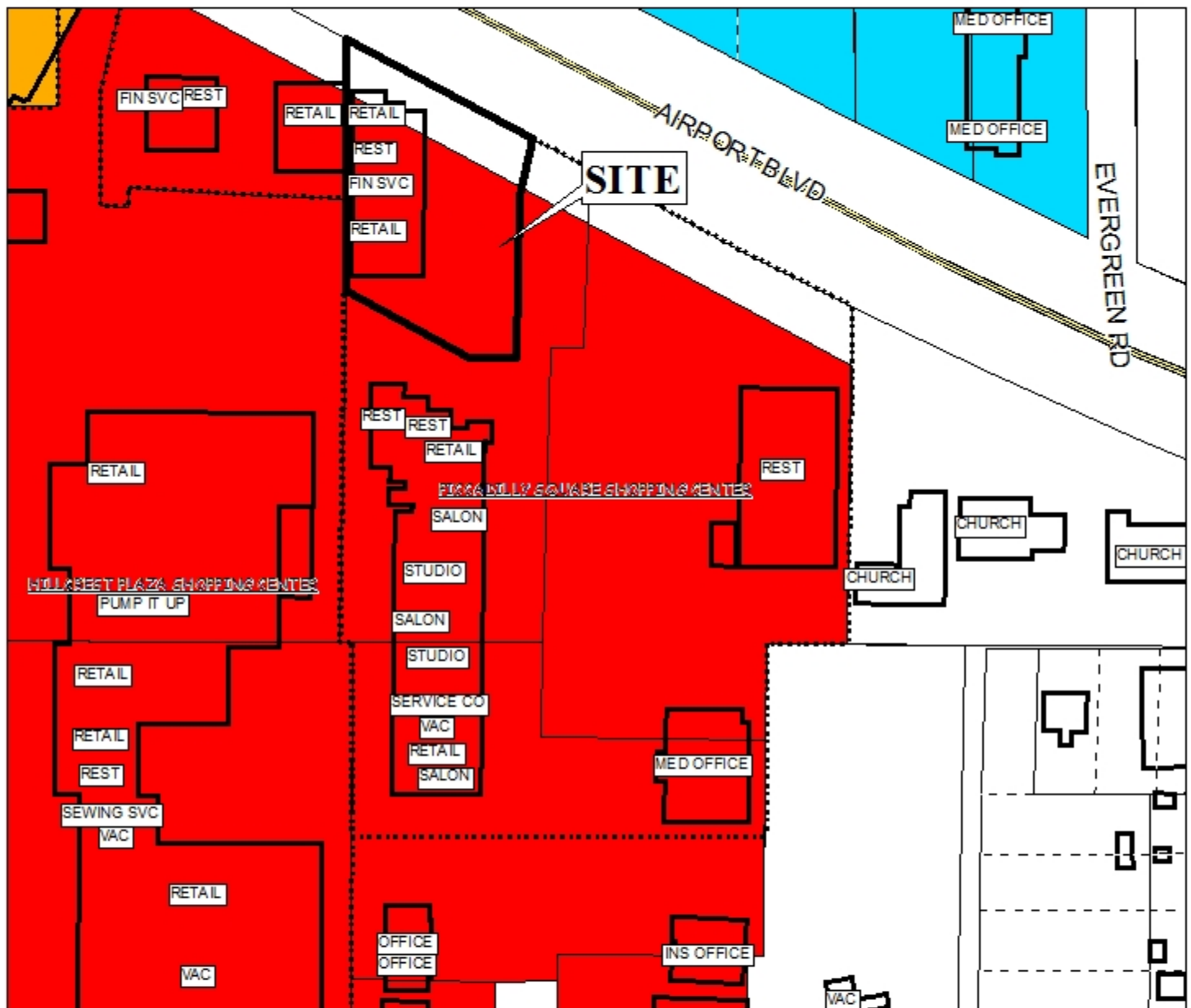
**RECOMMENDATION:** Based upon the preceding, this application is recommended for denial as the Board finds that the variance request:

- 1) will be contrary to the public interest in that it is contrary to Section 64-11.1. of the Zoning Ordinance pertaining to providing for uniform standards for on-premise signs within the city;
- 2) in that special conditions such as limited visibility, multiple street frontages or unusual site constraints do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) that 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 most of the near-by businesses appear to be in compliance with the Sign Regulation Provisions of the Zoning Ordinance and no other similar Sign Variances have been granted within the immediate area, and the approval of this variance request could set a precedent for similar multi-tenant sites in the future.



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

APPLICATION NUMBER 5914 DATE September 8, 2014

APPLICANT Wrico Signs Inc.

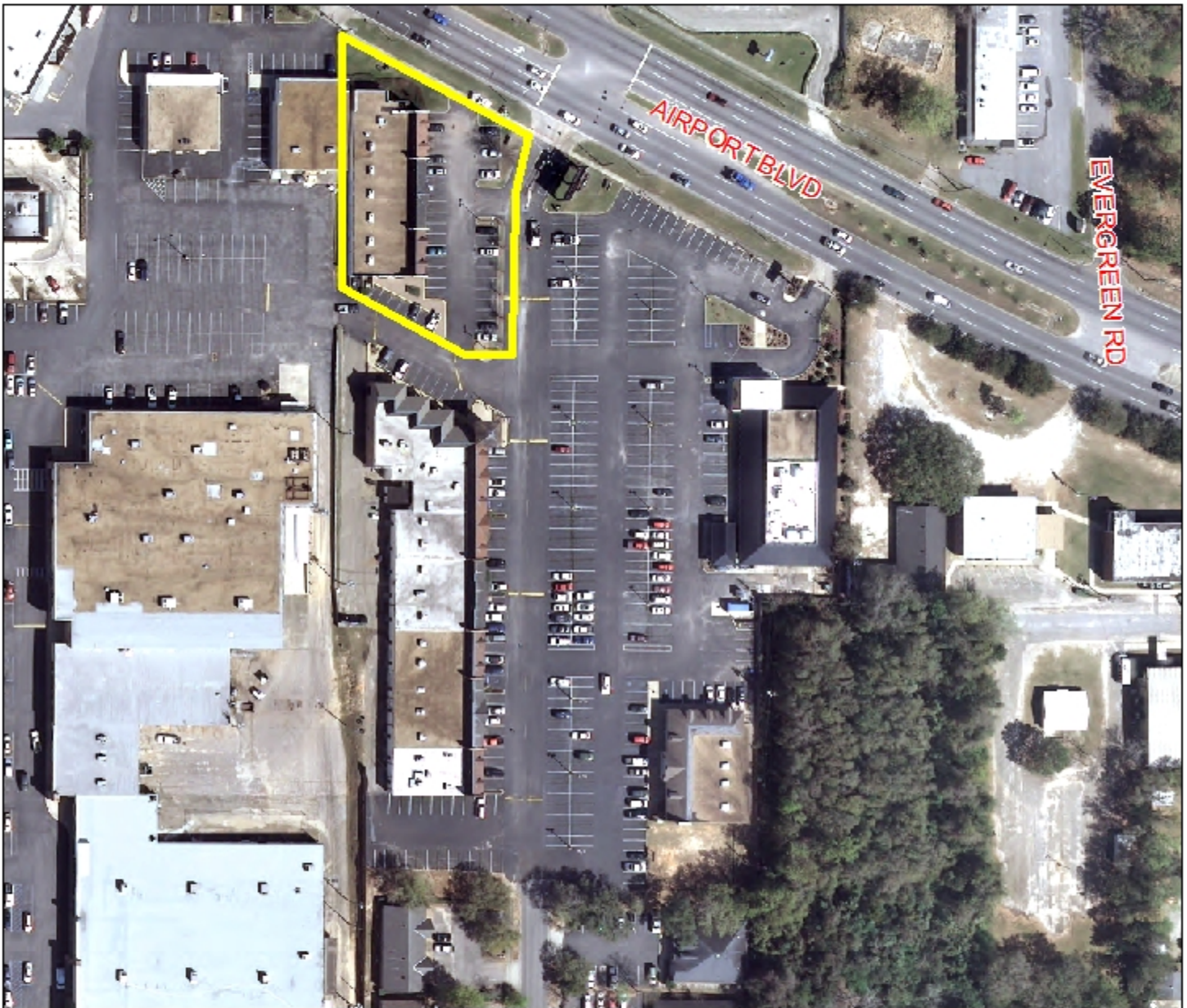
REQUEST Sign Variance

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

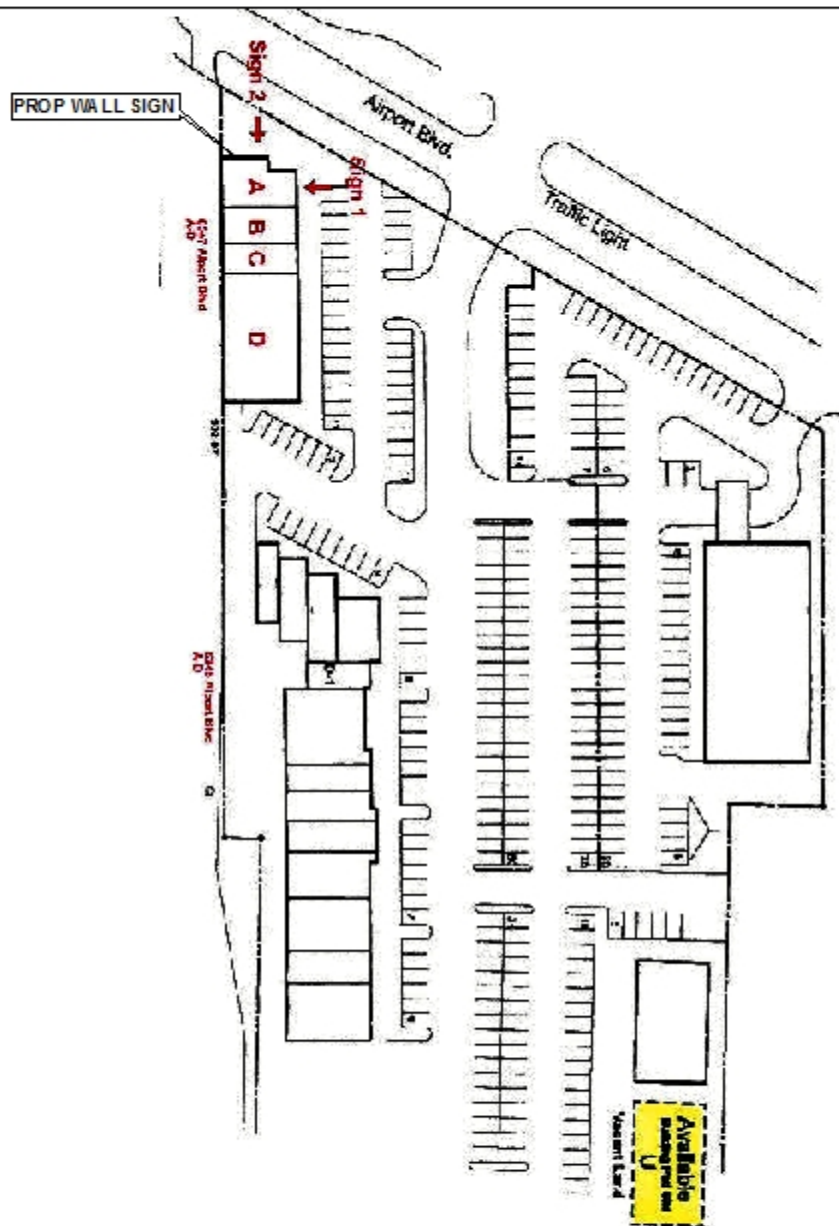


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# SITE PLAN

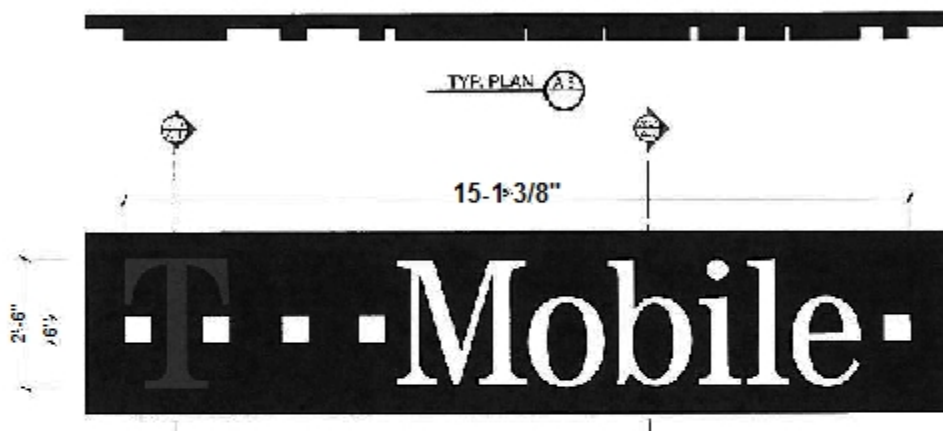


The site plan illustrates the existing development and proposed sign location.

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# DETAIL SITE PLAN



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