

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 4, 2016****CASE NUMBER**

6035

**APPLICANT NAME**

Bebo's Car Wash

**LOCATION**6377 Old Shell Road  
(Southeast corner of Old Shell Road and Hillcrest Road).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a freestanding sign with digital gas prices and a digital reader board less than 300' from residentially zoned property and two additional wall signs, for a total of five signs on a single business site in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****SIGN:** The Zoning Ordinance requires all digital signs to be a minimum of 300' from all residentially zoned properties and only allows a total of three signs on a single business site in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1.5 ± Acres

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Sign Variance to allow a freestanding sign with digital gas prices and a digital reader board less than 300' from residentially zoned property and two additional wall signs, for a total of five signs on a single business site in a B-2, Neighborhood Business District; the Zoning Ordinance requires all digital signs to be a minimum of 300' from all residentially zoned properties and only allows a total of three signs on a single business site in a B-2, Neighborhood Business District.

This site appeared before the Planning Commission in July 2014, where the applicant sought Planned Unit Development Approval to allow multiple buildings on a single building site, and shared access between two building sites, as well as Subdivision approval to create two legal lots of record from two existing metes and bounds parcels. The applications were approved and the applicant has since started construction. The applicant is now seeking approval by the Board to allow digital gas price signs and a digital reader board along with 2 additional wall signs to be located on the site.

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 applicant states the following reasons to explain the need for the variance:

*“Our client, Bebo's Car Wash would like to install a freestanding monument sign with digital gas changers and a digital reader board but that would not be allowed due to the 300' buffer requirement between digital signs and residentially zoned property. They would also like two logo wall signs but the sign ordinance only allows for a total of three signs.*

*Currently there is a pending sign permit for two Shell logo signs to be installed on the gas canopy as required by Shell's image program and that would prevent our customer from having their name anywhere on the building.*

*We feel they have a hardship because Bebo's Car Wash will not have any use of their brand images on the building for their convenience store or car wash and we think that this is a special case for a digital sign consideration because of the location of the proposed freestanding monument sign. Although the sign will be approximately 200' from the residentially zoned property to the North West which is The Grove Apartments, the closest building on that property to the location of the freestanding sign is 504'.*

*The residentially zoned property to the East is 230' from proposed sign and is actually an abandoned home that does not face the monument sign. The abandoned home sits 280' feet from the proposed sign.*

*Bebo's has invested millions of dollars in this development and needs to maximize their advertising potential in order to be successful.”*

Within the required 300' buffer, the site is bounded to the North of Old Shell Road by predominantly R-1, Single-Family Residential property (although the property is utilized by the University of South Alabama); to the East by R-1, Single-Family Residential, and to the South and West by B-2, Neighborhood Business District.

It should be pointed out that there have been numerous variances granted within the area dating as far back as 1958; however, all of the variances were for use variances. This variance request will be the first sign variance presented within the area and immediate vicinity.

The applicant states that they believe they have a hardship because Bebo's Car Wash will not have any use of their brand images on the building for their convenience store or car wash. Although the Zoning Ordinance only allows a total of 3 signs for a single business site, it appears that car dealerships and gas stations have recently expressed a need for additional signage, due to corporate branding requirements or nationwide trends. Typically car dealerships will provide documentation from the vendor proving that each brand is required its own sign. The applicant states there are two proposed Shell logo signs waiting to be installed on the gas canopy as required by Shell's image program. It would appear that a contract is in place which would require Shell's logo to be placed on their canopy which is very similar to the contracts that have been set in place with car dealerships, in which the Board has honored.

It should also be pointed out that in previous cases regarding digital fuel pricing signs, the Board has ruled in favor of the applicant's request. One of the most recent approvals was during the June 1, 2015 meeting, during which the Board approved a digital fuel pricing sign located at the East side of U.S. Highway 90 West 265' ± North of East Drive, that was within 151' of a residentially zoned property.

Regarding the digital reader board on the proposed monument sign, the lack of such a reader board would appear to put this facility at a disadvantage when compared to other recently built facilities.

Furthermore, although there does not appear to be any hardship associated with the property nor any reason why the applicant cannot install an internally illuminated sign that is manually changed, or operate within the signage requirements for a single business site; it would seem that in keeping with the Board's previous interpretation of the Ordinance that the approvals would seem appropriate.

**RECOMMENDATION:**

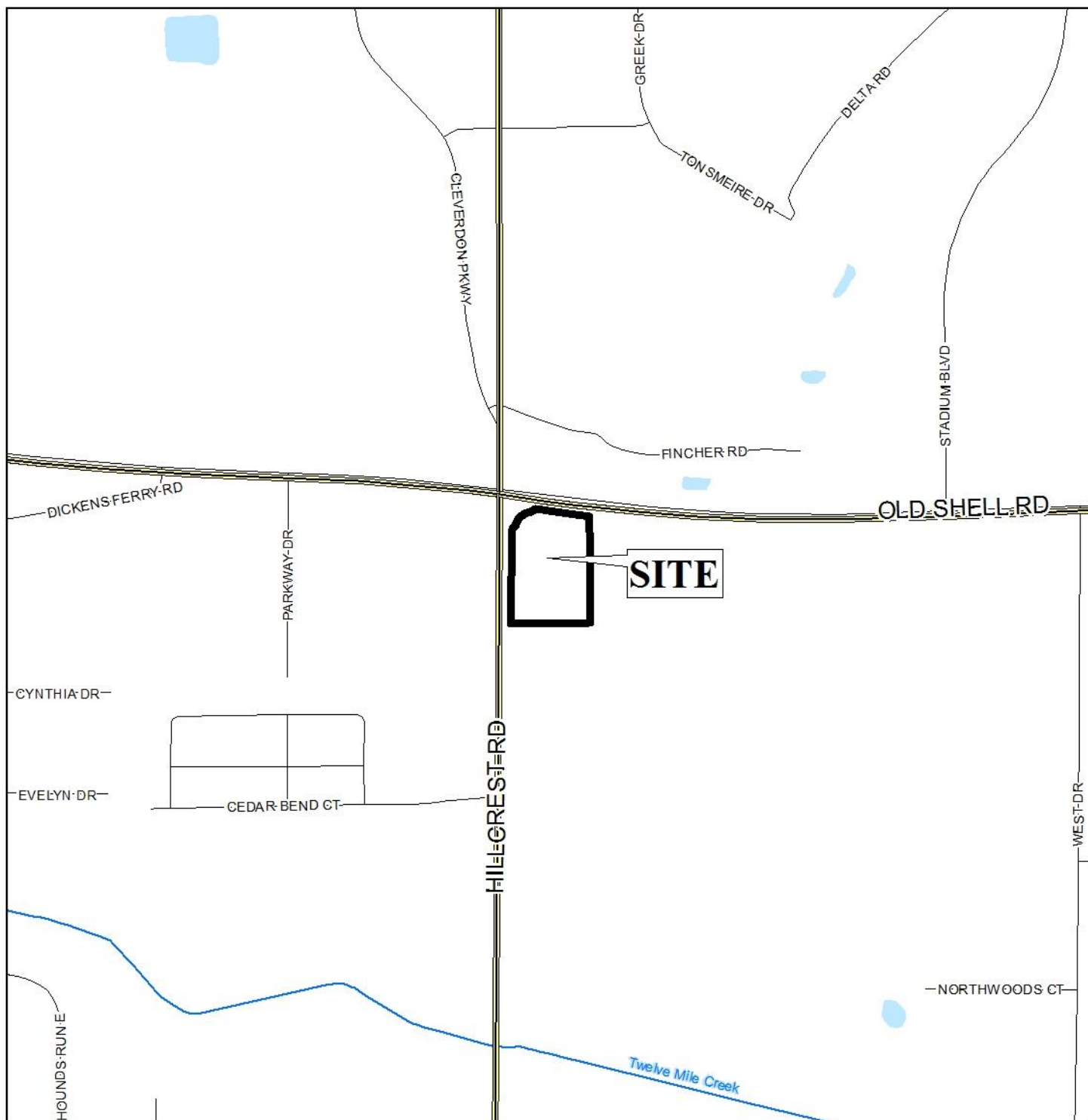
Staff recommends to the Board the following findings of fact for Approval:

- 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 and the additional signage would allow advertisement of the business considering the requirements per the agreement with the Shell image program and provide an equal playing field in terms of signage with other recently built convenience store/ gas stations;
- 2) special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, as well as the need for additional wall signage and advertising, 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 and digital reader board and two additional wall signs will not be a detriment to the neighborhood.

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

- 1) submission of sign permit applications;
- 2) submission of a electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



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APPLICANT Bebo's Car Wash  
REQUEST Sign Variance



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



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

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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





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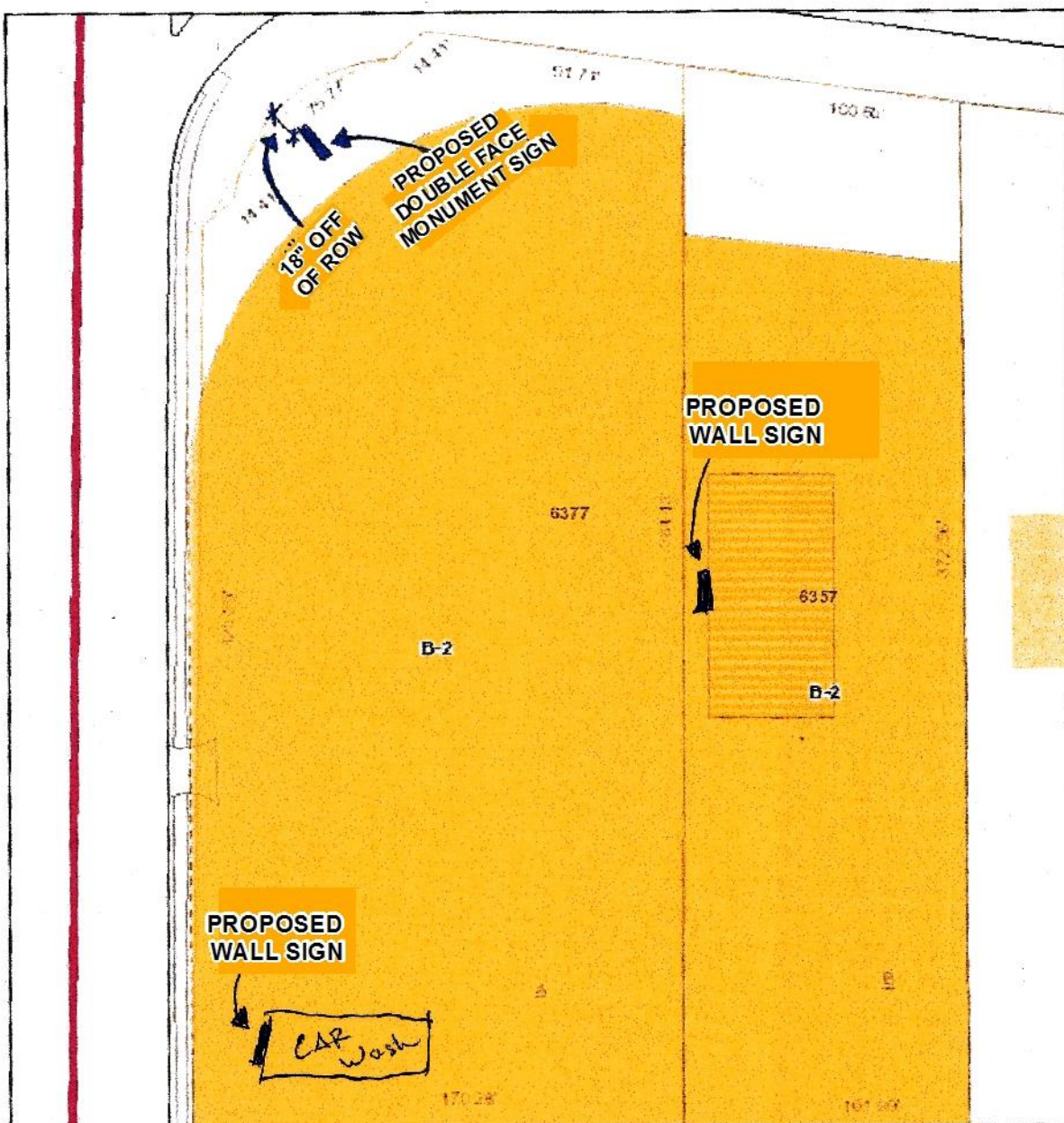
REQUEST Sign Variance





# DETAIL SITE PLAN

City Map



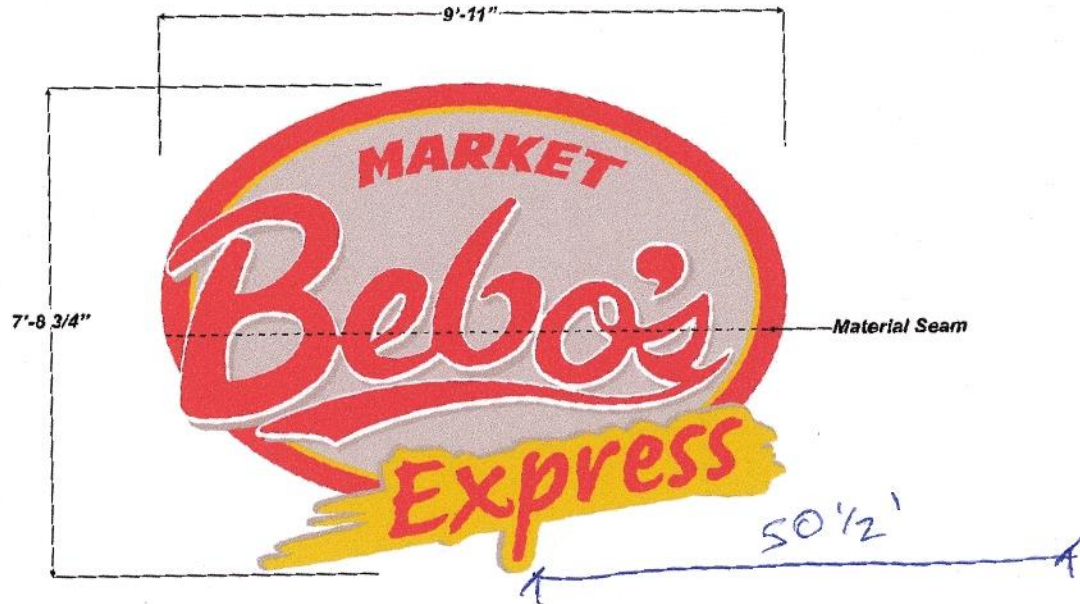
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# DETAIL SITE PLAN

**Building Front OPTION - 1**



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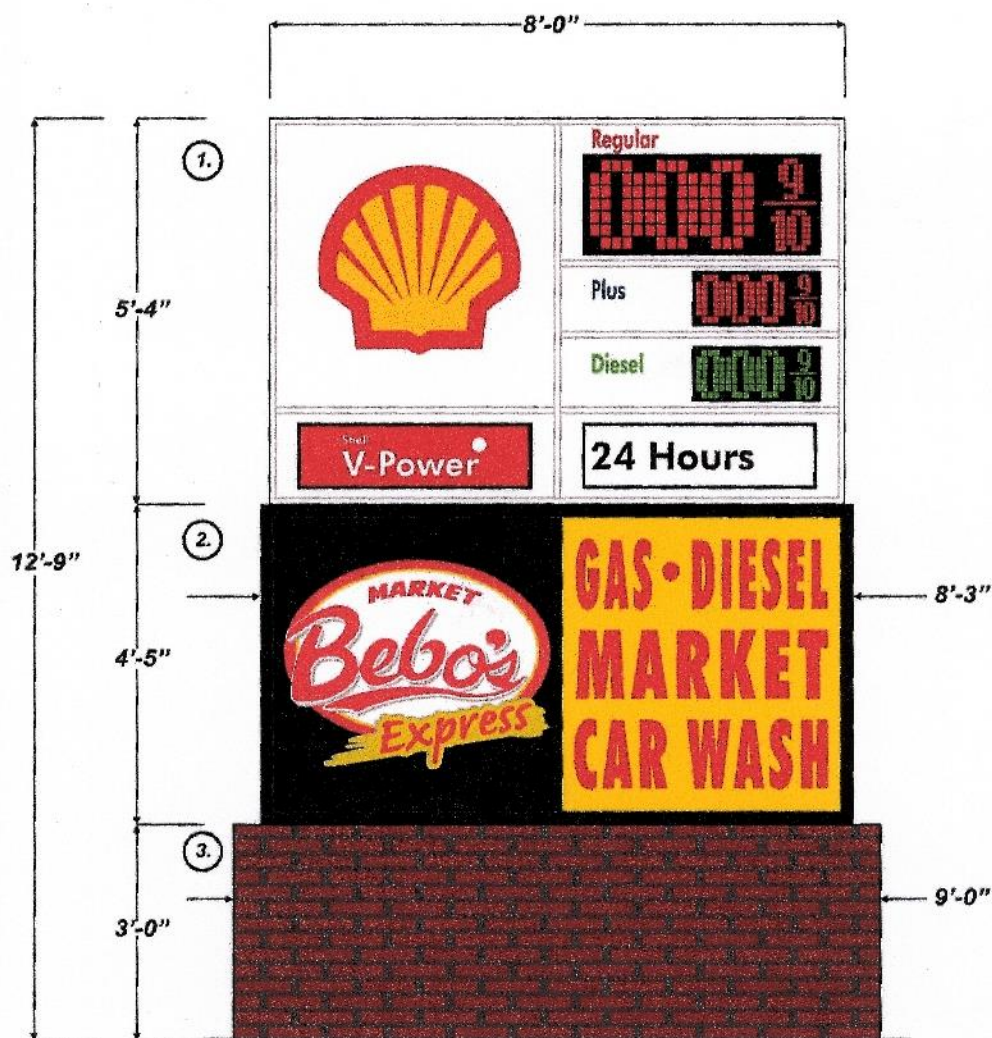
REQUEST Sign Variance



NTS

# DETAIL SITE PLAN

***Monument w/Full Color EMC OPTION - 1A***



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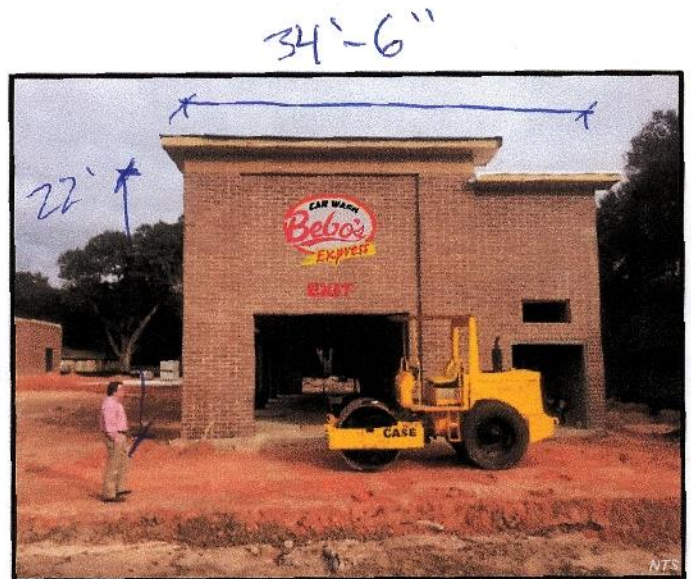


# DETAIL SITE PLAN

**Building Car Wash** OPTION - 3



1'-0" **EXIT**



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