

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 5, 2018**

<u>CASE NUMBER</u>	6216
<u>APPLICANT NAME</u>	Coburn Construction Company
<u>LOCATION</u>	7107 Zeigler Boulevard (Southwest corner of Zeigler Boulevard and Cody Road North).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital pricing sign within 300' of residentially zoned property, and three canopy signs on a multi-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property, and allows one canopy sign per tenant on a multi-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	54,348± Square-Feet / 1.25± Acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a digital pricing sign within 300' of residentially zoned property, and three canopy signs on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property, and allows one canopy sign per tenant on a multi-tenant site in a B-3, Community Business District.

Upon review, staff determined that the proposed digital sign would be 200'± from property zoned R-1, Single-Family Residential District. Additionally, the applicant proposes two (2) logo

signs and one (1) channel letter sign to be placed on an existing canopy. The applicant references business competition from neighboring gas stations as justification for these requests, stating:

“The purpose of this letter/application is to obtain approval for a sign variance in which we would like to install a Chevron digital LED gas price sign and two Chevron logo canopy signs at 7107 Zeigler Blvd.

This is a commercial gas stationing site and in order to compete with surrounding gas stations we need a digital price sign to advertise are prices to be competitive. The Chevron image requires a minimum of one set of Chevron channel letters and two logo signs on the gas canopy.

Chevron is requiring this new image at all there locations in order to comply with their guidelines. This new image will not only increase sales within the area but will also enhance the appearance of the store.

This piece of property is a commercial site in a high traffic area on a corner lot across from the Fair Grounds.”

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 that substantial justice is 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 Regulations is to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on premise signs within the city.

Regarding the proposed digital pricing sign, Section 64-11.8.c(7) of the Zoning Ordinance states: *“electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property”*. Additional requirements further state that *“on- premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this Chapter”*.

Information submitted by the applicant indicates the proposed digital sign is for a Chevron gasoline station which will meet the conditions of Pricing Signs within the Zoning Ordinance regarding size, and it will not flash or have any animated motion; however, information regarding illumination standards and how the sign will comply with such standards was not provided. If approved, the sign must comply with Section 64-11.8.c(7) of the Zoning Ordinance regarding illumination.

The proposed sign will be perpendicular to Zeigler Boulevard and its lights, therefore, are not directed toward the adjacent R-1, Single-Family Residential property.

Within the 300' buffer required of electronic or digital sign placement, all adjacent properties to the Northeast, East, South, and West are commercially zoned; and it should be noted that the residentially zoned site to which the subject site is adjacent is used commercially as the Greater Gulf State Fairgrounds.

Regarding the proposed, additional canopy signs, Section 64-11.8.c(3) of the Zoning Ordinance permits each establishment on a commercial site with more than one establishment to erect one (1) wall, projecting, awning, canopy, or marquee sign.

Information regarding the proposed canopy signs indicates that two (2) parts of the Chevron logo will be placed along the East and West sides of an existing canopy, and that a brand sign with channel letters will be placed on the North side of the same canopy. The sizes of the canopy signs are not provided, and the data given to staff concerning the canopy signs depicts various size options without indicating which ones are proposed for the subject site.

It should be noted that, if approved, each of the proposed canopy signs and the proposed digital sign structure must meet the 145 mph wind load requirement.

Regarding the applicant's statement, Variances cannot be granted where economics are the basis for the application; they must be based on a hardship associated with the property. Increased signage to compete with similar businesses in the area is arguably a situation through which the applicant would benefit economically, thus approval of the request may be inappropriate.

No Sign Variances have been approved by the Board within the vicinity of the subject site. It is understandable that the applicant wishes to maximize their visibility from Zeigler Boulevard, but the applicant has not provided information on how complying with the Sign Regulation Provisions of the Zoning Ordinance would not do so. As such, the applicant has not demonstrated that a literal enforcement of the Sign Regulation Provisions of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have a digital sign and additional canopy signs. Approving the Variance would, therefore, be contrary to at least Sections 64-11.8.c(7) and 64-11.8.c(3) of the Zoning Ordinance and, as such, may establish a precedent by which future, less desirable Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

It should be noted, however, that in previous cases concerning digital signs, the Board has ruled in favor of the applicant's request. Most recently, at its April 2nd meeting, the Board approved

(with conditions) the placement of a new digital electronic message center sign within 300' of residentially zoned property along Moffett Road. Additional Sign Variances have also been granted within the past year for digital pricing signs and drive-thru menu boards throughout Mobile. As such, approval of at least the digital pricing sign may be appropriate.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of the digital pricing sign within 300' of residentially zoned property:

- 1) Approving the variance will not be contrary to the public interest since digital pricing signs are commonly approved by the Board without incident;
- 2) Special conditions exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the sign would face residentially zoned property that is used commercially;
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed signage will not affect residentially used property.

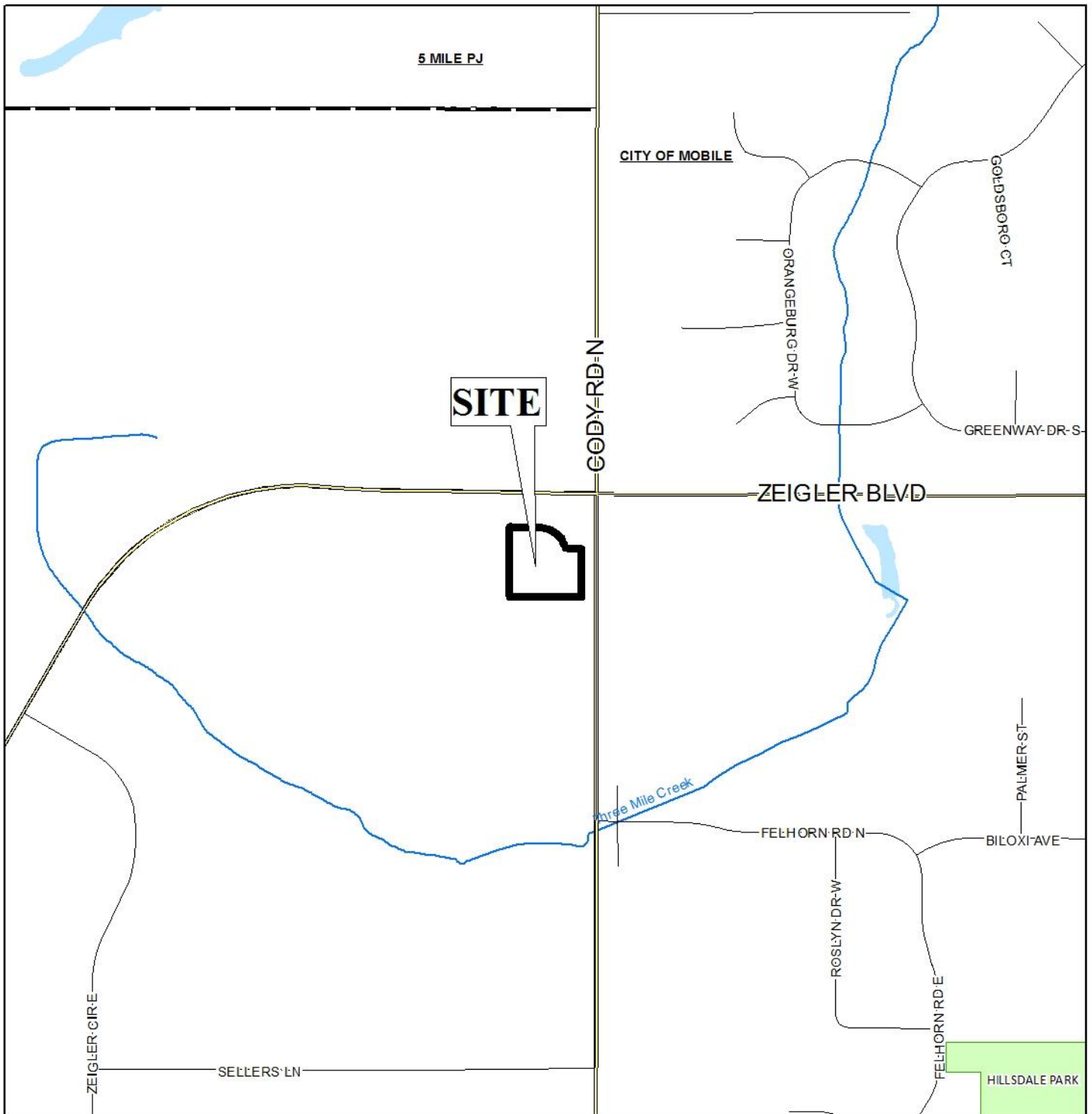
The approval is subject to the following conditions:

- 1) Completion of the sign permit process; and,
- 2) Full compliance with all other municipal codes and ordinances.

Staff recommends to the Board the following findings of fact for Denial of the additional canopy signs on a multi-tenant site:

- 3) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(3) of the Zoning Ordinance;
- 4) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the applicant simply wishes to have additional signage for economic purposes;
- 5) 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 proposed signage may establish a precedent by which future, less desirable Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

LOCATOR MAP



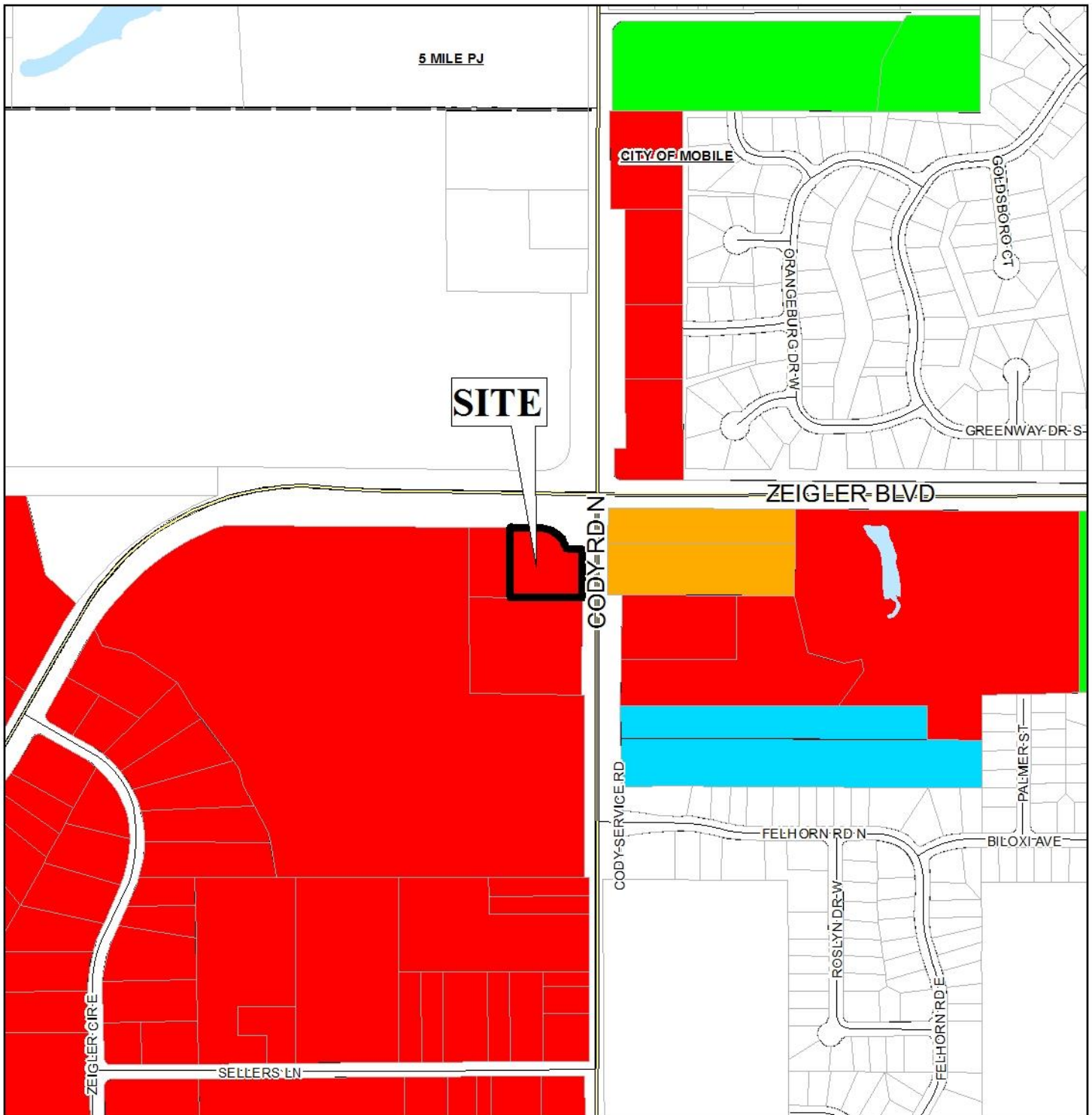
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APPLICANT Coburn Construction Company

REQUEST Sign Variance



LOCATOR ZONING MAP



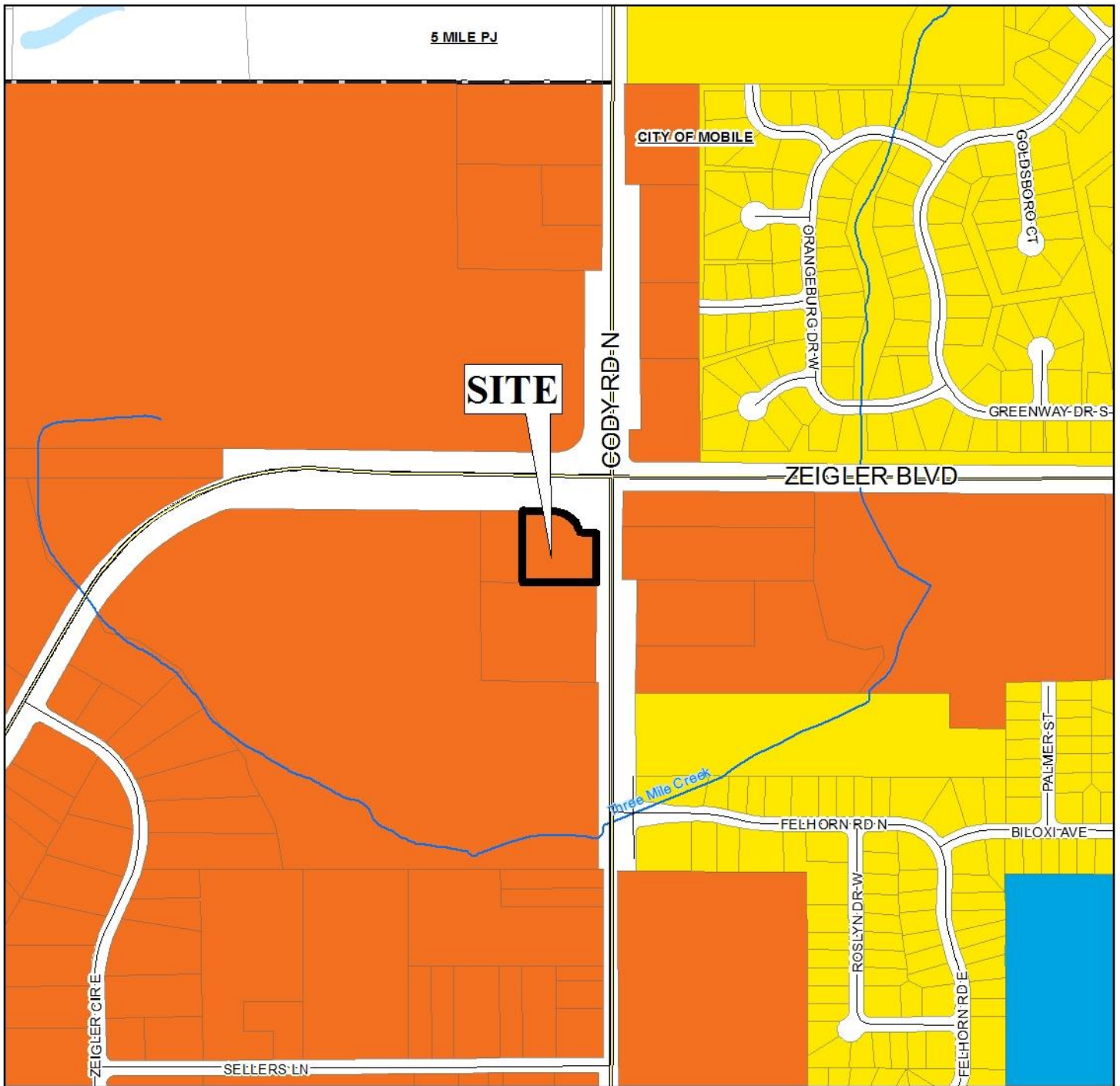
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FLUM LOCATOR MAP



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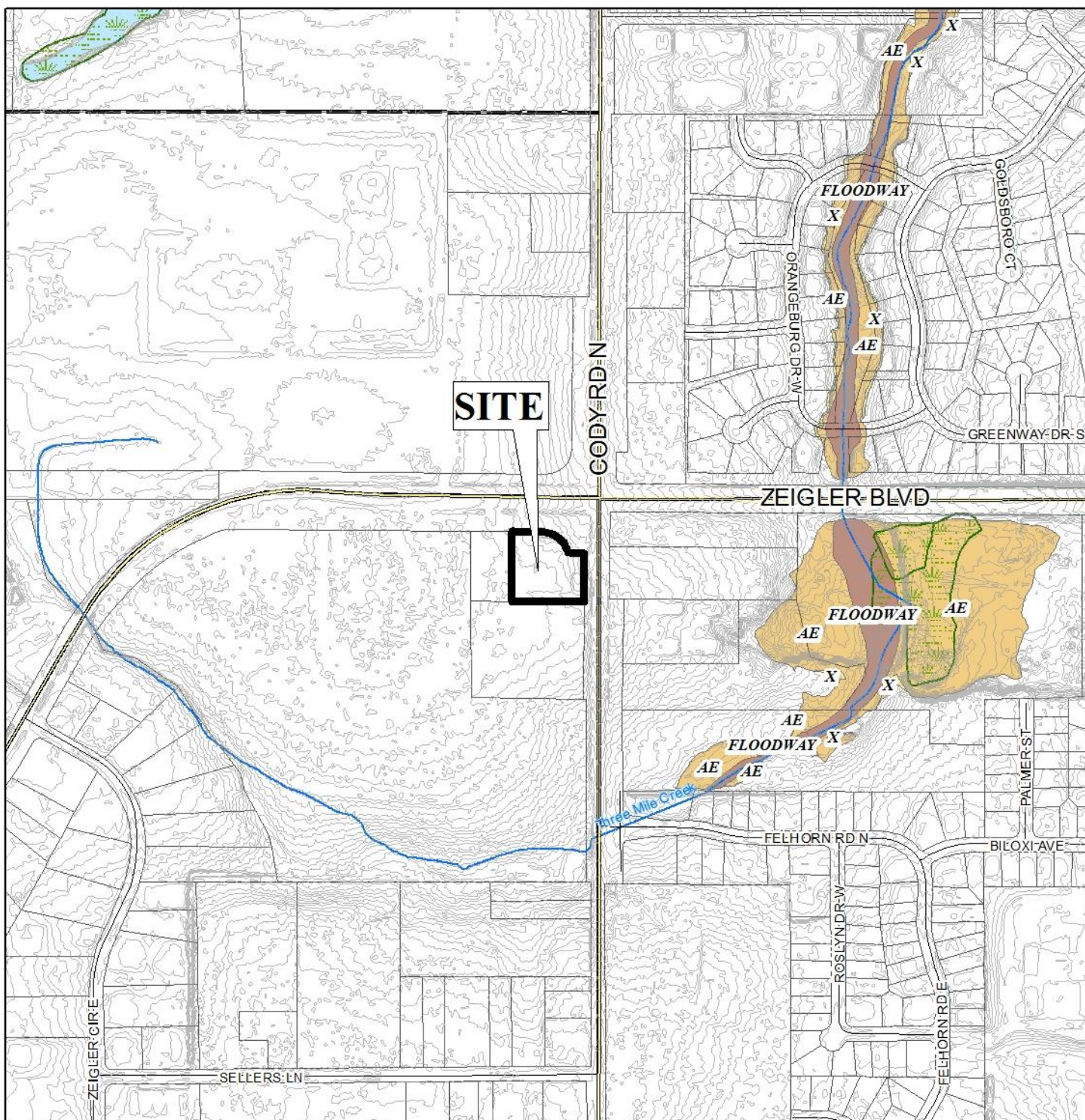
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REQUEST Sign Variance

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



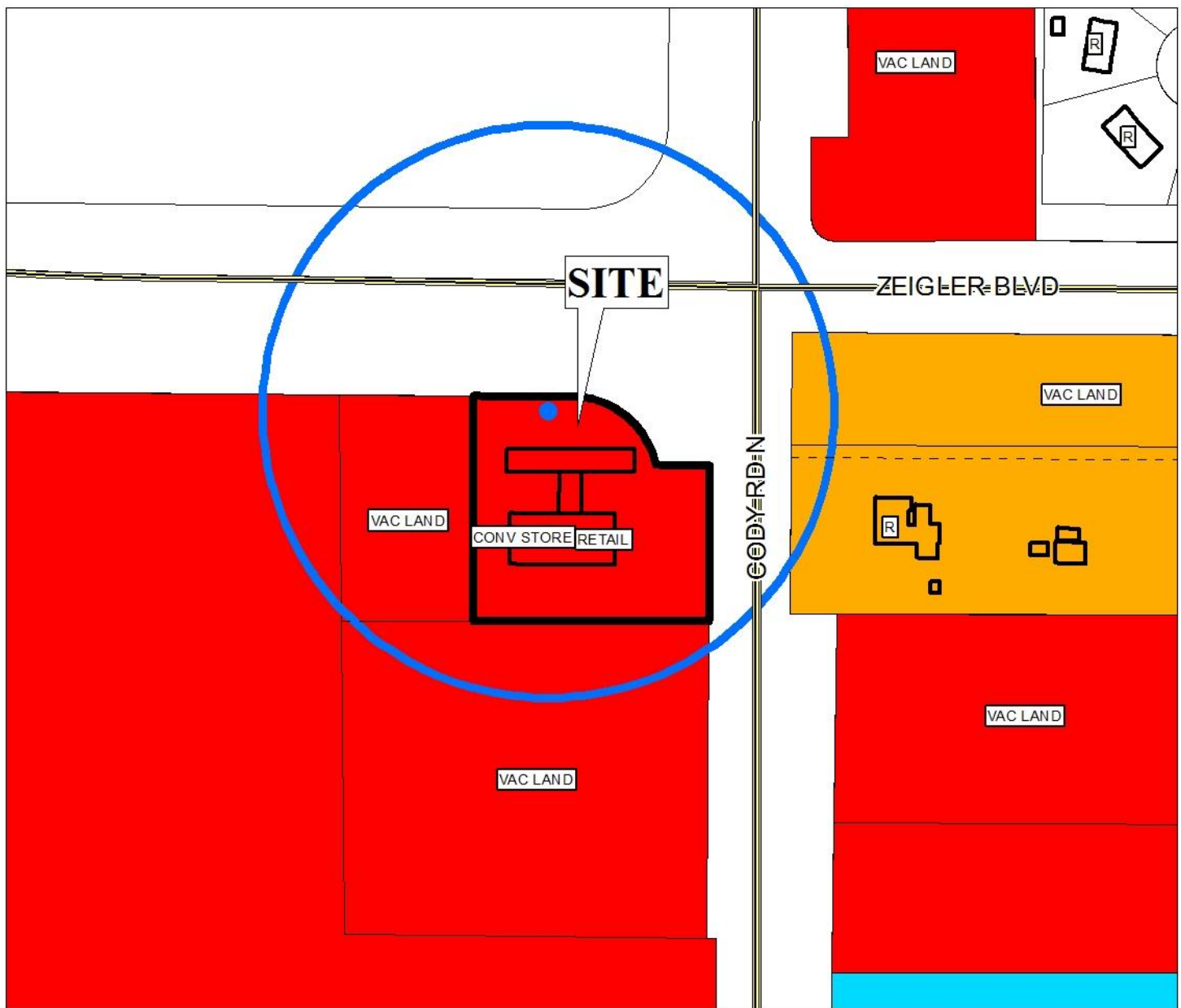
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BOARD OF ADJUSTMENT VICINITY MAP - 300FT BUFFER



The site has a residential unit to the east.

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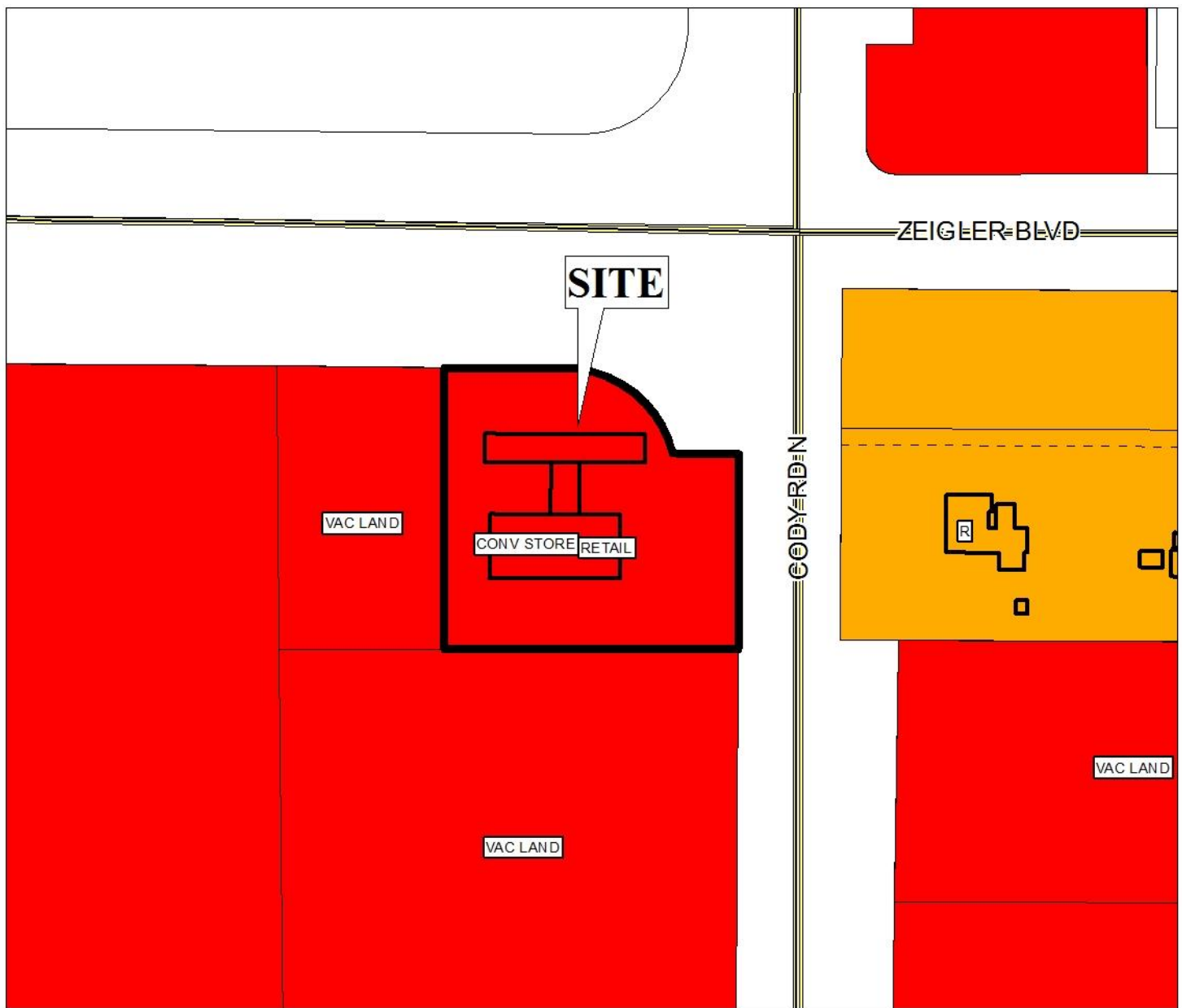
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site has a residential unit to the east.

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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 AERIAL

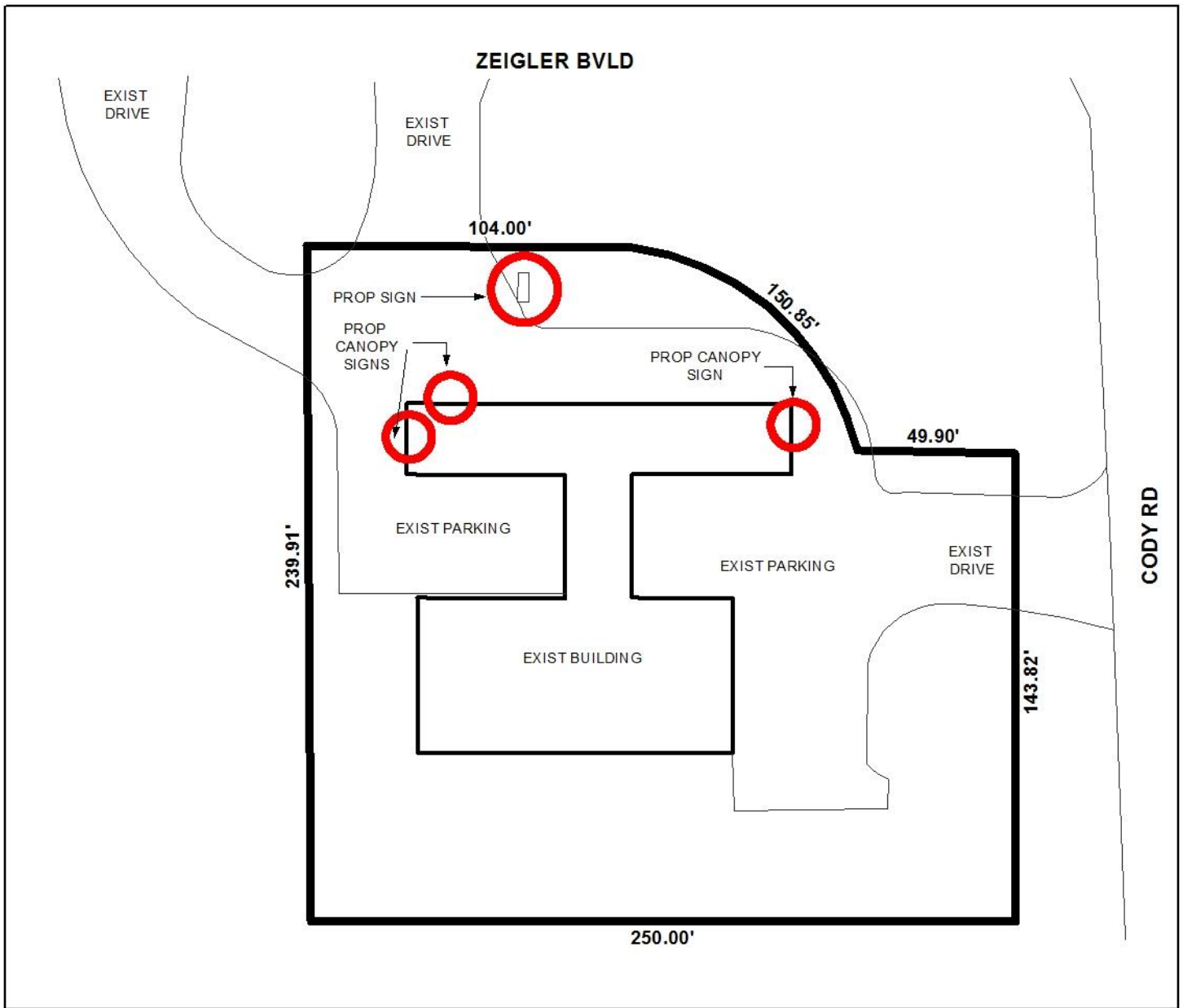


The site has a residential unit to the east.

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SITE PLAN



The site plan illustrates the existing building, existing parking, drives, and propsoed sign locations.

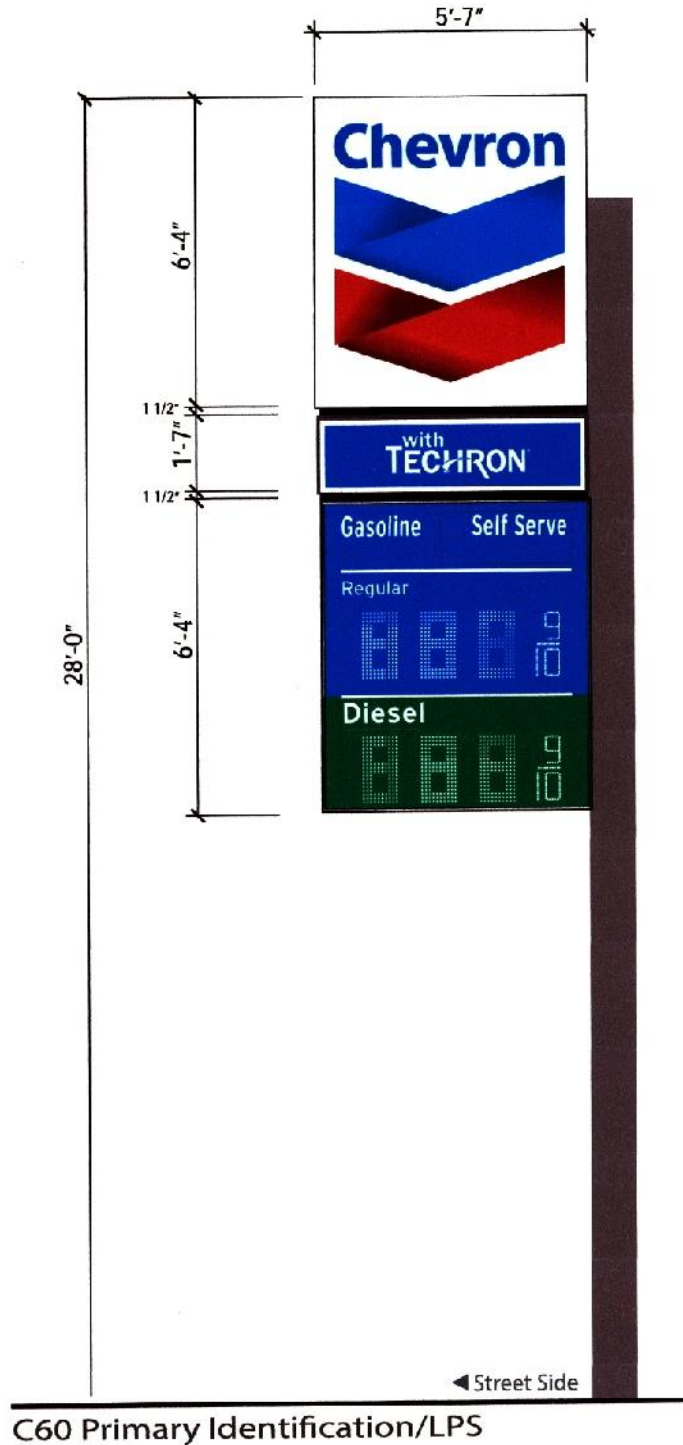
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DETAIL SITE PLAN

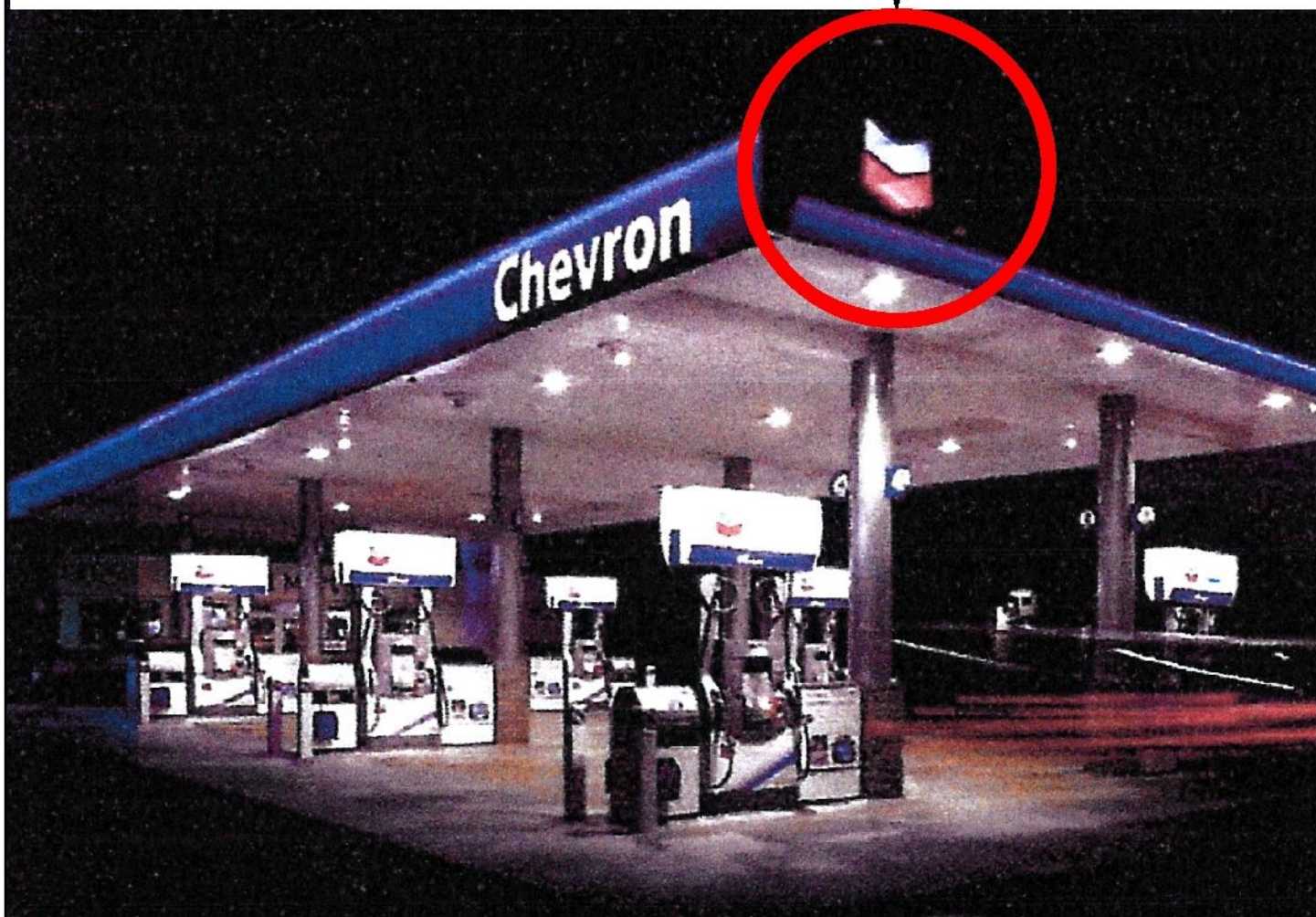


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DETAIL SITE PLAN

PROP CANOPY SIGN



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