

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: May 4, 2015**

<b><u>CASE NUMBER</u></b>	5964/4594/4617/5342/5362
<b><u>APPLICANT NAME</u></b>	Wrico Signs, Inc./Joe Bullard Pre-Owned
<b><u>LOCATION</u></b>	1151 East I-65 Service Road South (Southeast corner of East I-65 Service Road South and International Drive).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN VARIANCE:</b> To allow a second wall sign on a multi-tenant site in a B-3, Community Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows only one wall sign per tenant on a multi-tenant site in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business
<b><u>AREA OF PROPERTY</u></b>	4.7 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This request was not reviewed by Traffic Engineering.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5
<b><u>ANALYSIS</u></b>	The applicant is requesting a Sign Variance to allow a second wall sign on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows only one wall sign per tenant on a multi-tenant site in a B-3, Community Business District.

The subject site is a legal lot of record with three automobile sales buildings. One building is the applicant's Infiniti dealership and one is his Acura dealership, both with separate City business licenses. The third building once had the applicant's Jaguar, Land Rover, and Range Rover dealerships, but those have been relocated to another separate site which the applicant owns, although the Jaguar City business license is still for the subject site. There is also an active City business license on the subject site for a wrecker service. As the site is multi-tenant, each tenant is allowed one wall sign. The applicant proposes to install a wall sign for pre-owned vehicle sales on the front wall of the middle sales building where the Jaguar, Land Rover and Range Rover dealerships once were. Since there is no separate business license proposed for this operation and since each active dealership already has wall signage, no additional wall signage can be allowed; 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 *"This City of Mobile will not issue sign permits to companies without a separate business license for a specific address. Due to the process required for dealerships to receive State Licensing, this is not practical since this license is not necessary for the operation of our business, but just for the City of Mobile to grant a sign permit."*

*"In addition, this parcel is a multi-tenant location. The customer would be allowed to have a sign stating "Pre-Owned", but this does not allow them to identify to the public that the cars are offered for sale (by) Joe Bullard Automotive. It is important to identify the name of Joe Bullard since they have been in business since 1955, which gives their customers piece of mind in purchasing a pre-owned automobile."*

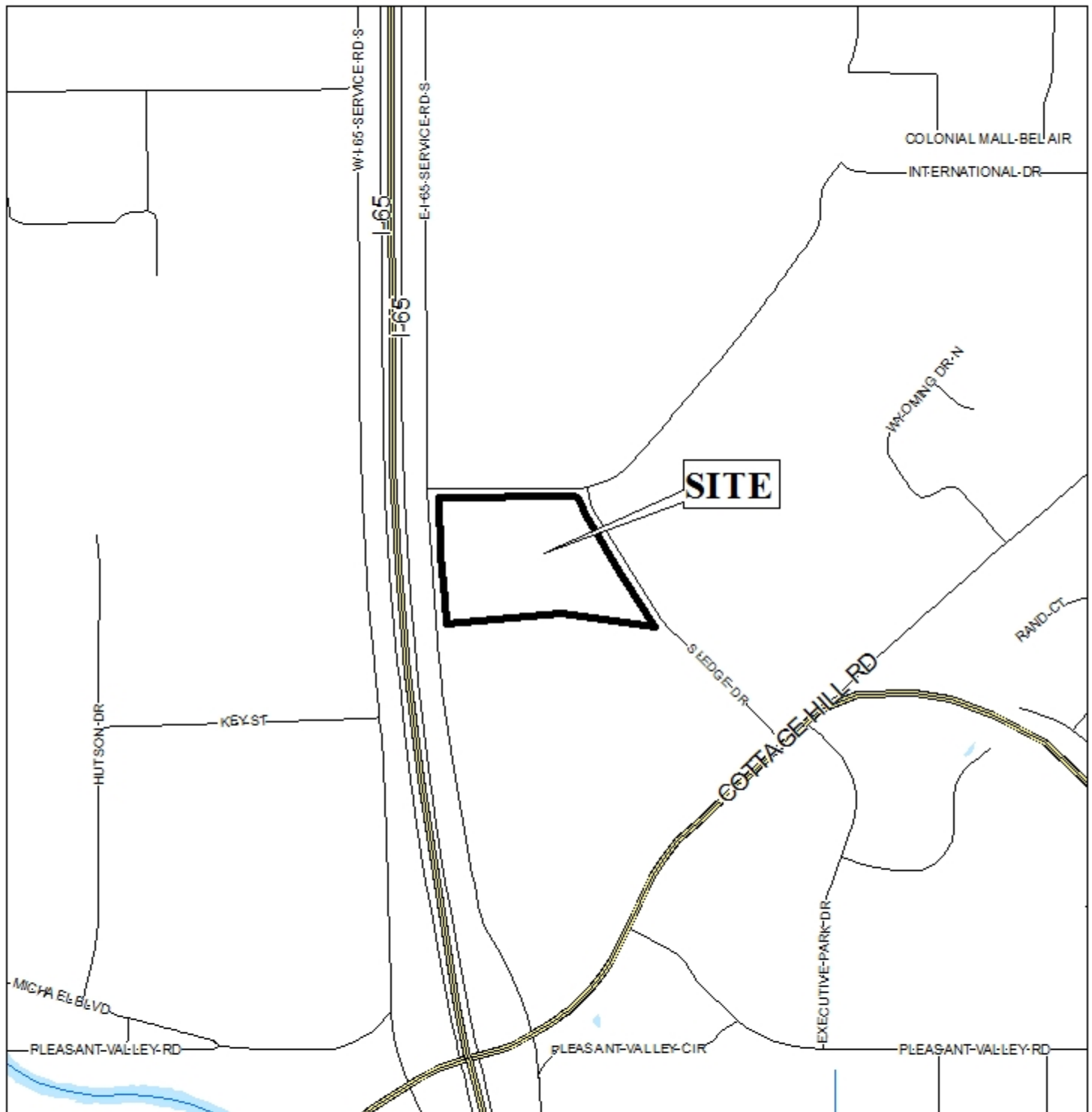
The applicant's Infiniti dealership has two wall signs allowed by a Sign Variance approved in 2006, and the Acura dealership has one wall sign. The proposed sign would replace the Jaguar, Land Rover, and Range Rover signs which have already been removed. As automobile dealerships are generally contractually-bound to display the individual names and/or logos of the affiliated brands, this can cause diminished signage allowances for dealerships. The Board has

been sympathetic in such instances and has approved increased signage allowances sufficient for a dealership to advertise its business operations. However, as the used vehicle sales is proposed to be in the building once housing the Jaguar/Land Rover/Range Rover sales, it would stand to reason that a separate business license for this operation could be obtained to allow the dealership name in signage. The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the Ordinance by not allowing the additional wall sign for the used vehicle sales with the dealership name and the Board should consider the request for denial.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for denial of the request to allow the second wall sign:

- 1) Approving the variance request will be contrary to the public interest in that it would allow additional advertising for a site without a separate business license;
- 2) Special conditions do not exist, primarily that the used automobile sales operation is not a separate dealership, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 1) 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, in that it would allow for an excess in advertising signage above that normally allowed for a licensed business activity, especially in light of the fact that the proposed business operation would not be under a separate business license.

# LOCATOR MAP



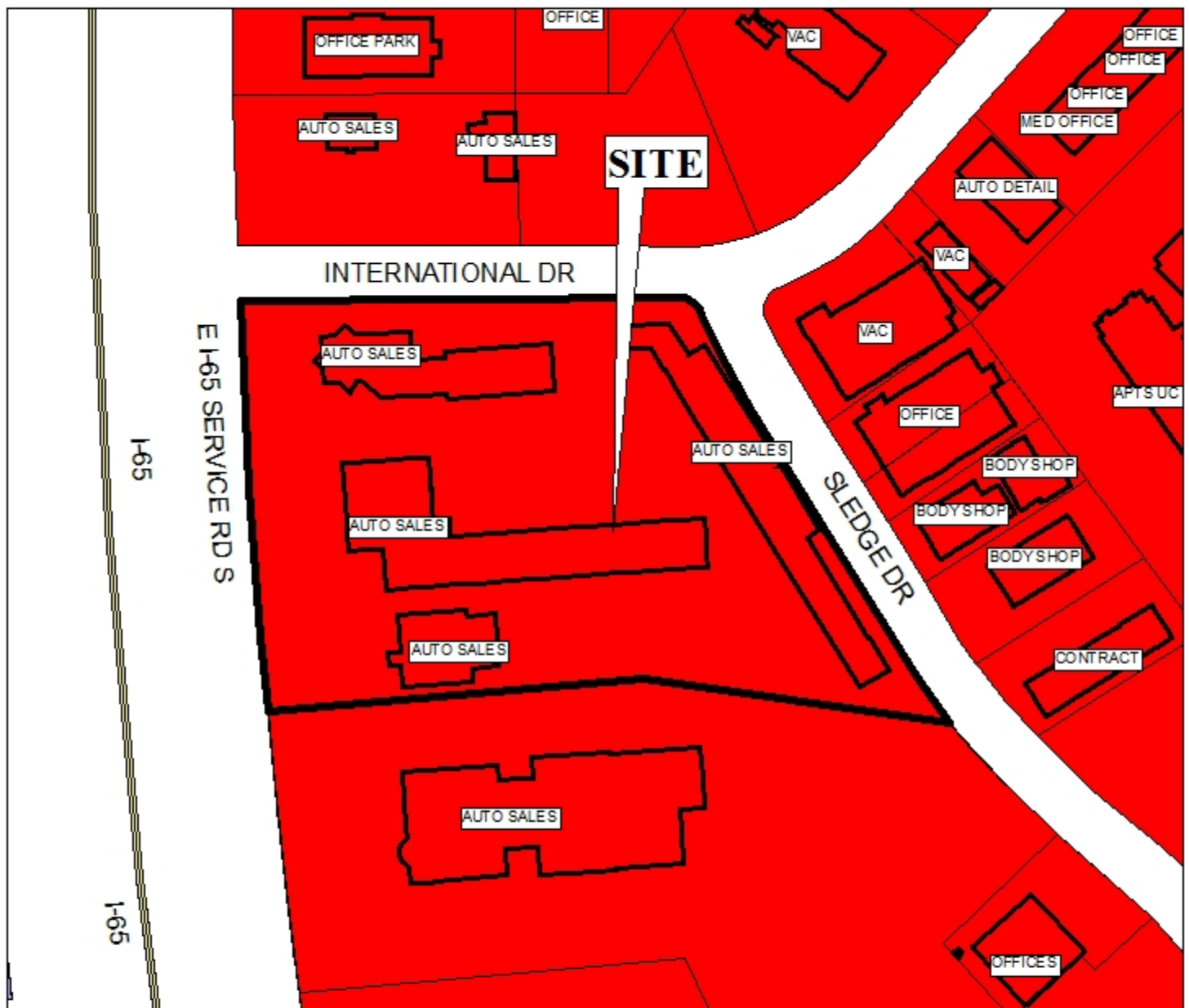
APPLICATION NUMBER 5964 DATE May 4, 2015

APPLICANT Wrico Signs, Inc./ Joe Bullard Pre Owned

REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 5964 DATE May 4, 2015

APPLICANT Wrico Signs, Inc./ Joe Bullard Pre Owned

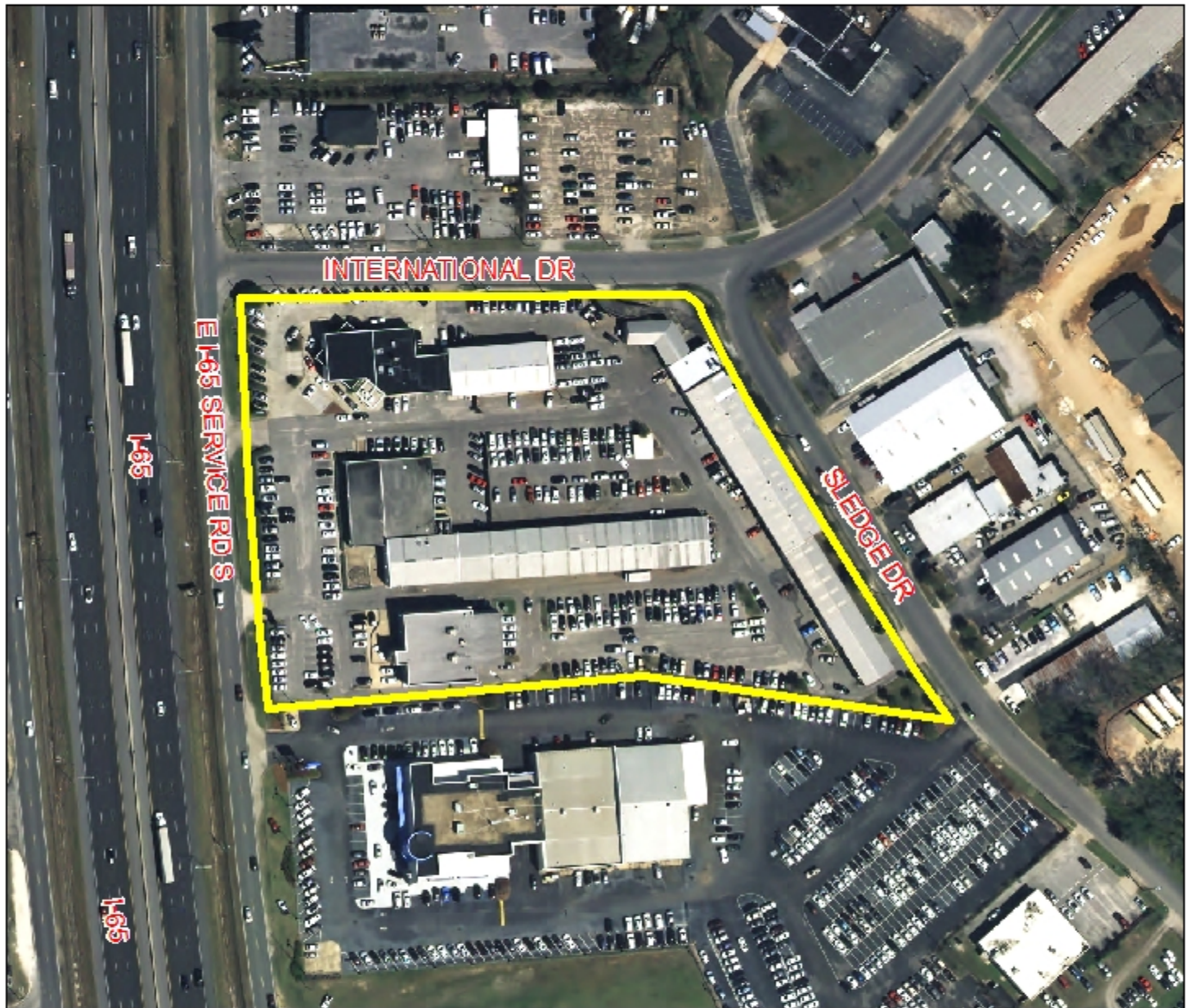
REQUEST Sign Variance

<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: blue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
<span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-B	<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OPEN	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T3	<span style="background-color: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.2
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2	<span style="background-color: peachpuff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> H-B	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> LB-2	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-4	<span style="background-color: gray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T4	<span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

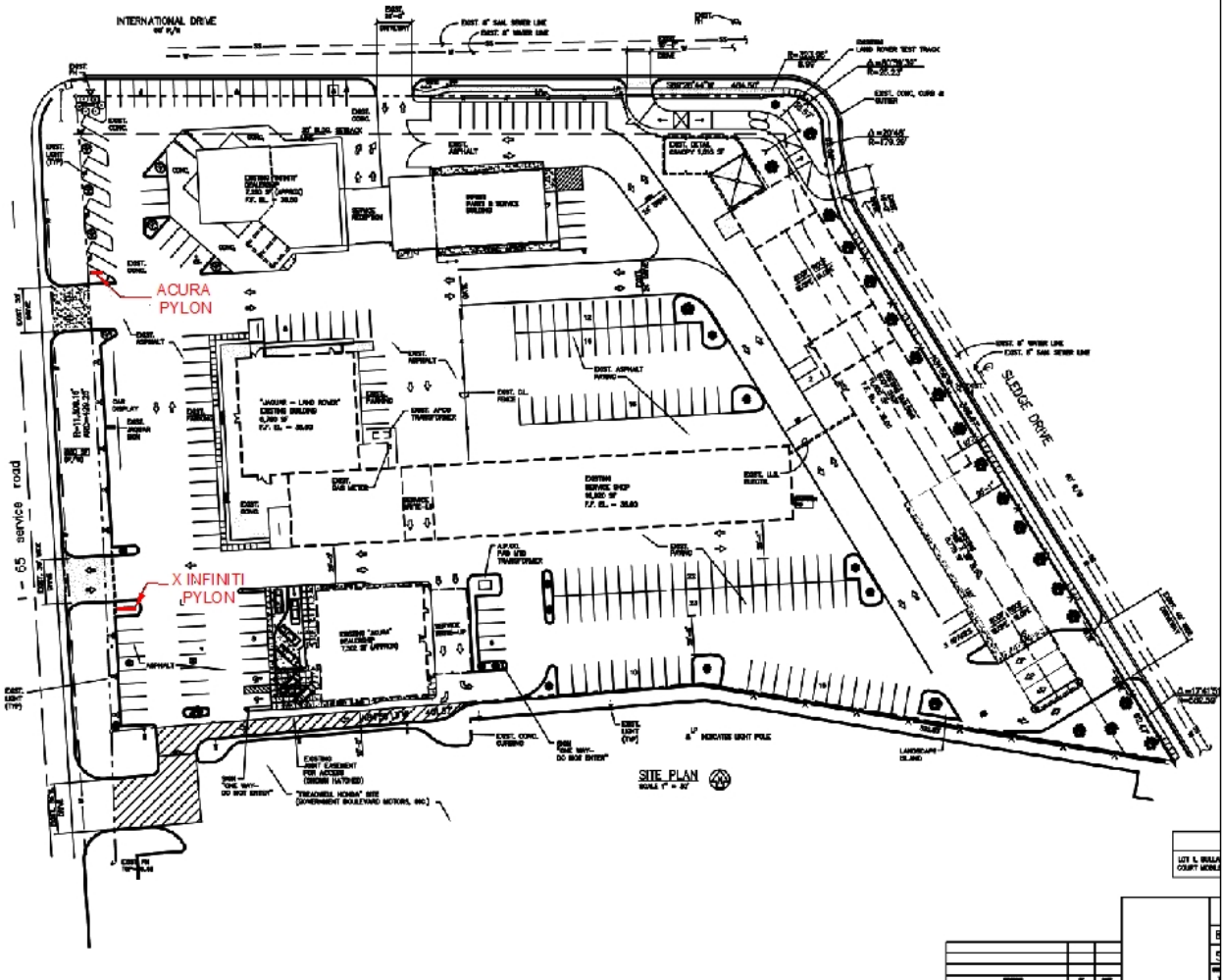
APPLICATION NUMBER 5964 DATE May 4, 2015

APPLICANT Wrico Signs, Inc./ Joe Bullard Pre Owned

REQUEST Sign Variance



# DETAIL SITE PLAN



APPLICATION NUMBER 5964 DATE May 4, 2015

APPLICANT Wrico Signs, Inc./ Joe Bullard Pre Owned

REQUEST Sign Variance



NTS



# DETAIL SITE PLAN



APPLICATION NUMBER 5964 DATE May 4, 2015

APPLICANT Wrico Signs, Inc./ Joe Bullard Pre Owned

REQUEST Sign Variance

