

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March, 6 2017**

<u>CASE NUMBER</u>	6092
<u>APPLICANT NAME</u>	Wrico Signs, Inc.
<u>LOCATION</u>	5601 Moffett Road (Northwest corner of Moffett Road and Howells Ferry Road).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two freestanding signs with digital pricing signs within 300' of residentially zoned property and 7 wall signs, on a single-tenant commercial site in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one freestanding sign and two wall signs on a single-tenant commercial site, and does not allow digital pricing signs within 300' of residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District
<u>AREA OF PROPERTY</u>	2.54± acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting a Sign Variance to allow two freestanding signs within 300' of residentially zoned property and 7 wall signs, on a single-tenant commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance allows one freestanding sign and two walls signs on a single-tenant commercial site and does not allow digital pricing signs within 300' of residentially zoned property in a B-2, Neighborhood Business District.

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 applicant states:

In reference to the Circle K/Exxon LED signage, at the new site, located at 5601 Moffett Rd., we are requesting a variance due to the safety issue associated with employees have to manually change the prices, as well as the visibility that will be gained, by displaying illuminated price digits.

Since there are 2 main roads bordering this property, we would also like to request authorization to display an additional LED illuminated road sign. The existing road sign services Howells Ferry Rd., and the proposed sign will be displayed on the Moffett Rd side.

In addition to the pylon signs, we would also like for the board to review the allowance of 3 additional building, and 2 additional canopy signs, which will allow for more recognition, of the site

For the above referenced reasons, we request hardship exception.

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing digital signage in a B-2, Neighborhood Business District that will be less than the required 300' feet from residentially zoned property. The applicant also desires to erect 5 additional signs, one of which would include the digital freestanding gas pricer sign. The property's signage currently consists of one (1) freestanding, illuminated sign with a non-digital pricer, one (1) wall sign and one (1) canopy sign. In total, the applicant is requesting the allowance of nine (9) signs at this location: two (2) freestanding, four (4) wall signs and three (3) canopy signs.

According to Section 64-11.8.c.(7).(a).iii). of the Zoning Ordinance, "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". Additionally, Section 64-11.8.c.(2) states "Building sites with one (1) establishment. Any establishment located on a building site with one (1) establishment may erect signs as follows: Permitted number: Maximum of three (3) signs, but in no case shall two (2) freestanding signs be allowed on the same building site...".

The applicant states that this request is due to the desire for increased visibility as well as the safety of employees who currently have to manually change the prices on the freestanding pricer sign. The current freestanding sign has technology that, while not digital, allows the pricers to be changed remotely, therefore employee safety is not a concern. The existing sign is currently located at the intersection of Moffett Road and Howells Ferry Road. Also, the current freestanding sign is illuminated and is within 300' of residential property. If the applicant's request is approved and the existing freestanding sign is replaced with a digital sign, the closest residentially zoned property will be less than 70'± from the new digital signage. It should be noted that the closest residential property is a church building and not a dwelling.

The applicant is also requesting relief from the number of allowable signs on site. There are currently three (3) signs on site but, according to the applicant, they desire increased recognition of the Exxon/ Circle K gas station.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted 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 regulation of off-premise and on-premise signs within the city.

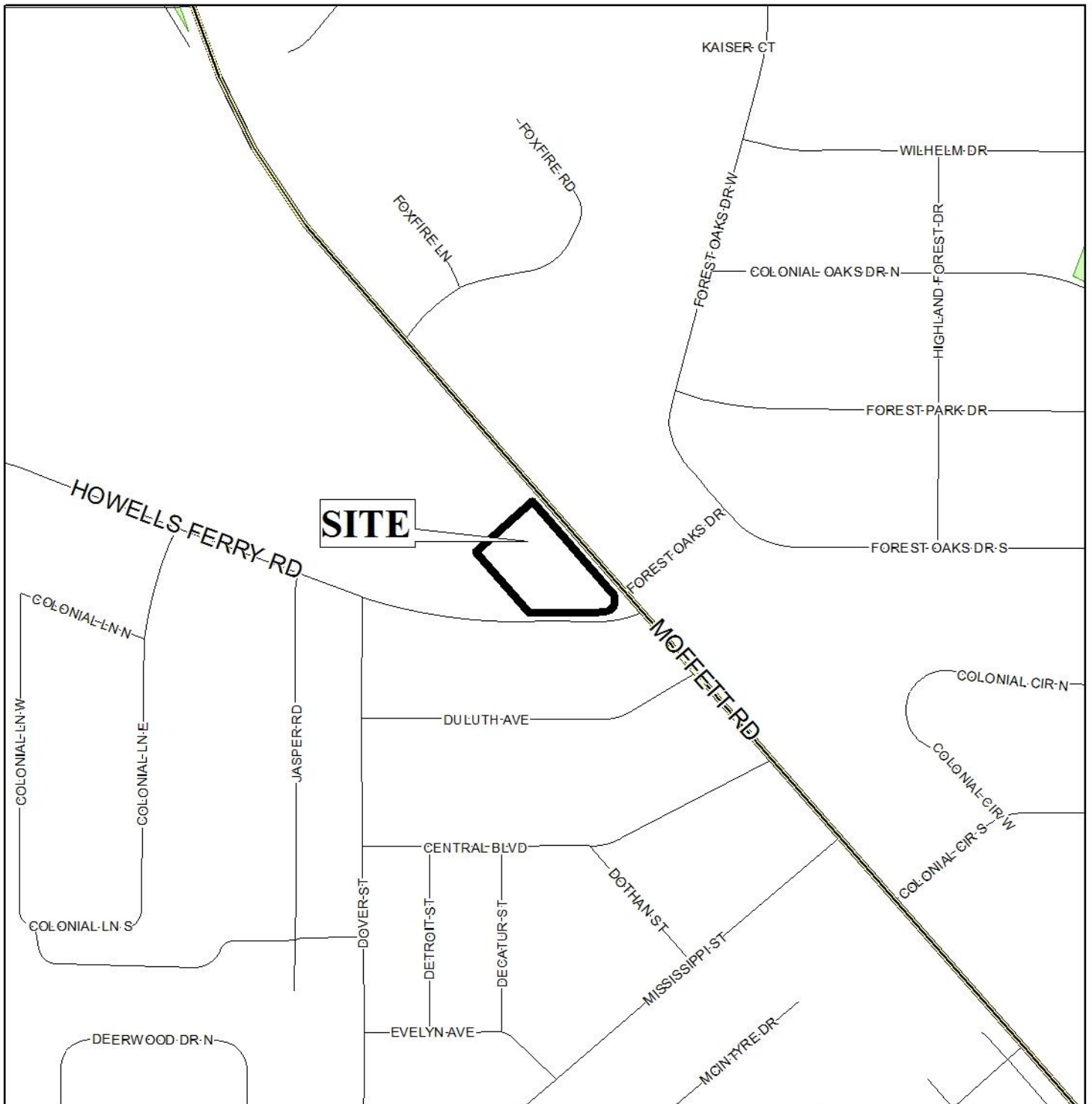
There are no conditions which exist at this site that require digital signage at this location based on the information presented by the applicant. The applicant could choose to keep the existing non-digital, illuminated signage in order to remain compliant with the requirements established by the Zoning Ordinance. It seems that it is simply the applicant's desire to have digital signage at this location. Secondly, there are no conditions which exist at this site that would require nine (9) signs on a single tenant site. Due to the property's location at an intersection, it is acknowledged that there is a desire for signage to address traffic along both Howells Ferry Road and Moffett Road. Due to the location of the existing freestanding sign, it could be positioned to address both roadways. In lieu of an additional freestanding sign, the applicant could relocate and/or reorient the existing sign.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance does not allow digital signs within 300' of residentially zoned property, nor does it allow more than three (3) signs on a single tenant site in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of digital signs necessary; the applicant has an illuminated, non-digital freestanding sign at this location that can remain. Special conditions do not exist and there are no hardships which exist that make the allowance of additional signs necessary; it seems to simply be the applicant's desire for additional signage on site;

- 3) 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 subject site has been developed in compliance with the Zoning Ordinance.

LOCATOR MAP



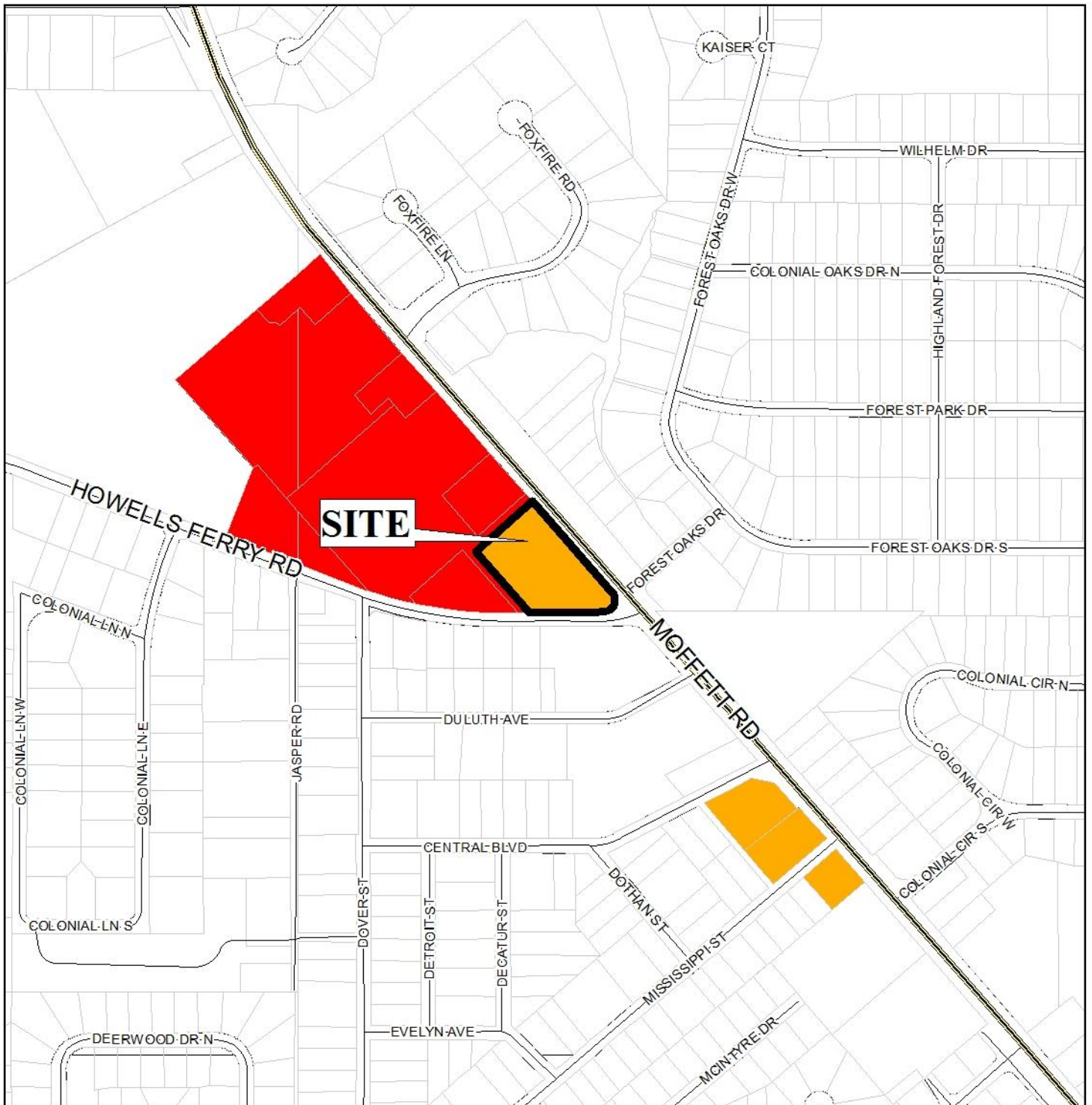
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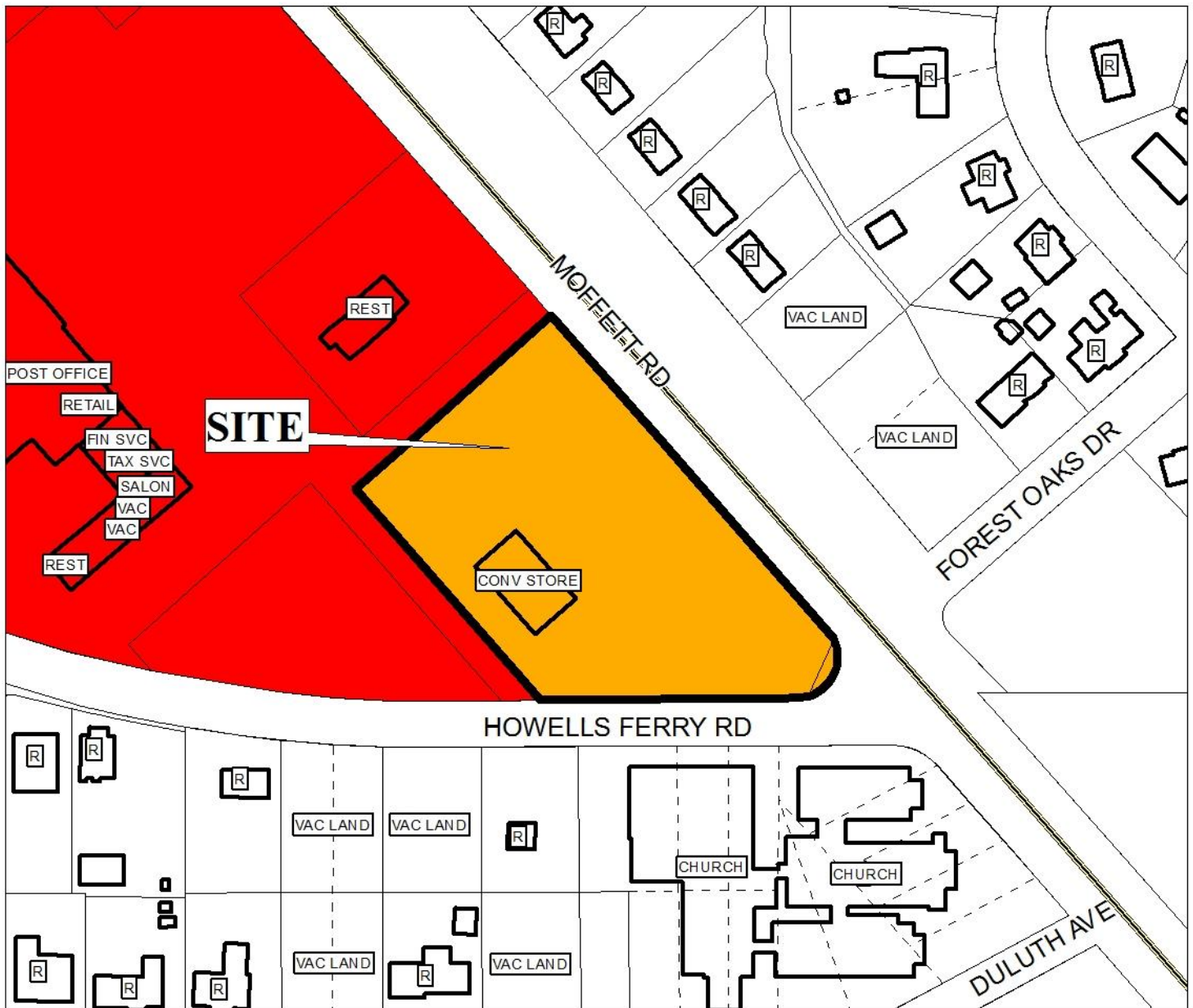
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the south and northeast.
Commercial units are located to the northwest.

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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

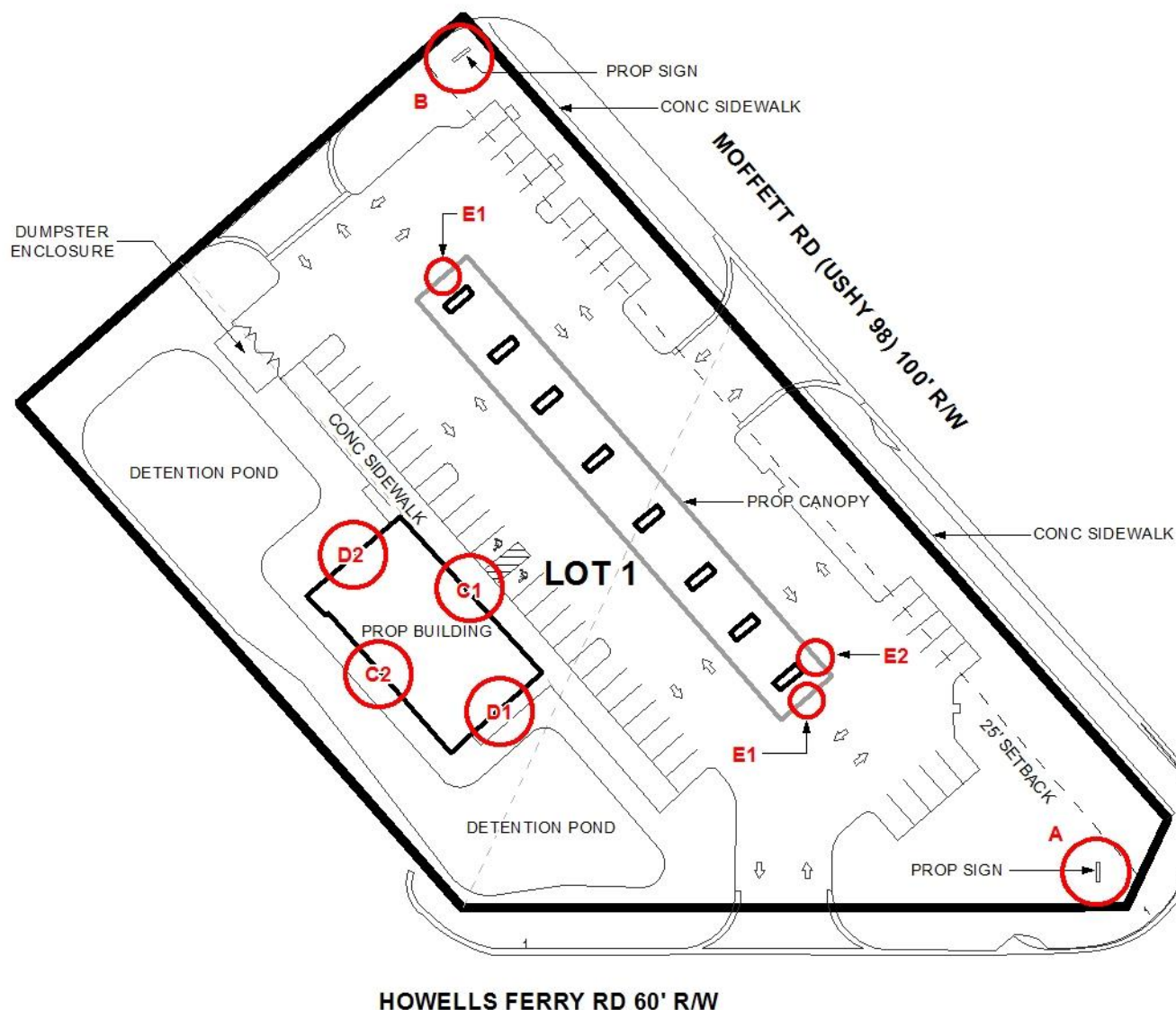


The site is surrounded by residential units to the south and northeast.
Commercial units are located to the northwest.

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SITE PLAN

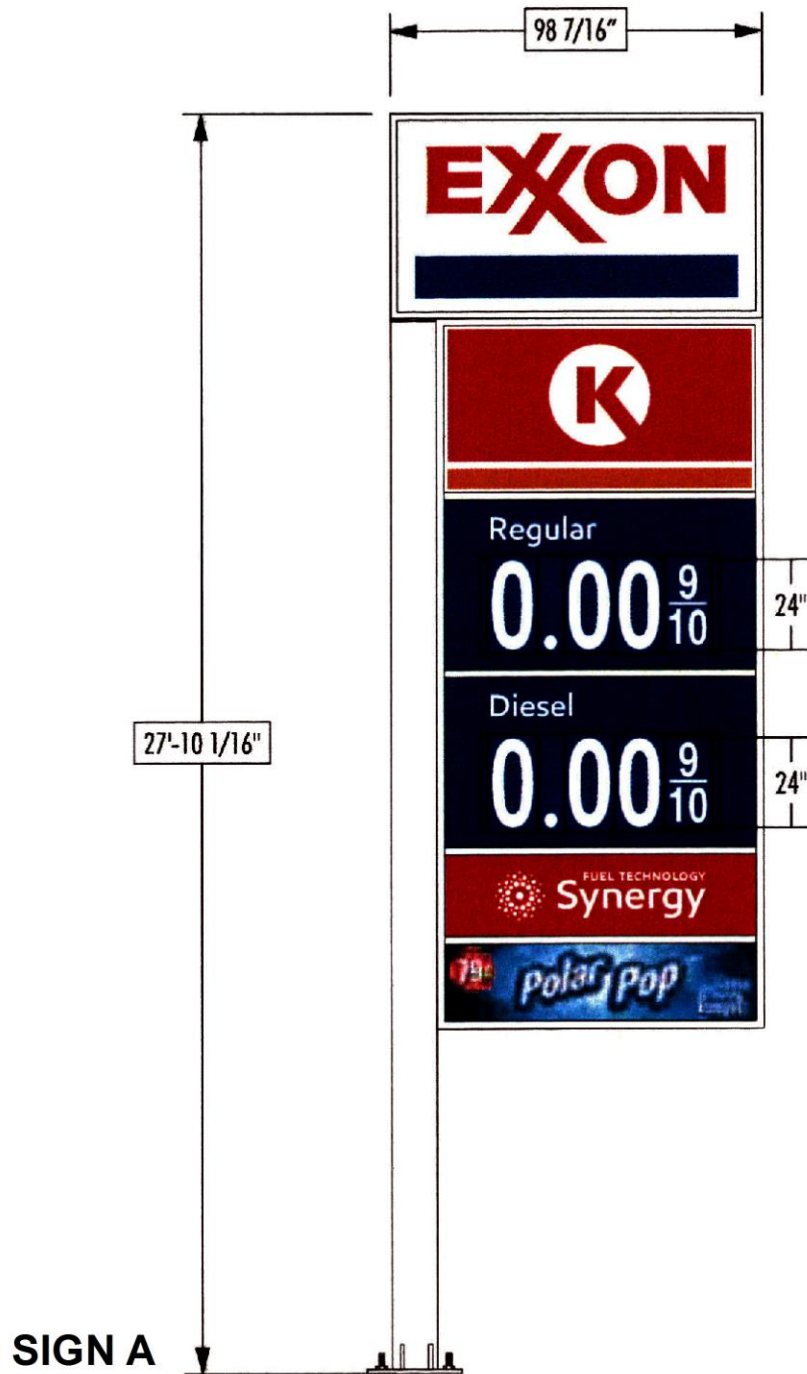


The site plan illustrates the proposed building, setback, and proposed sign locations.

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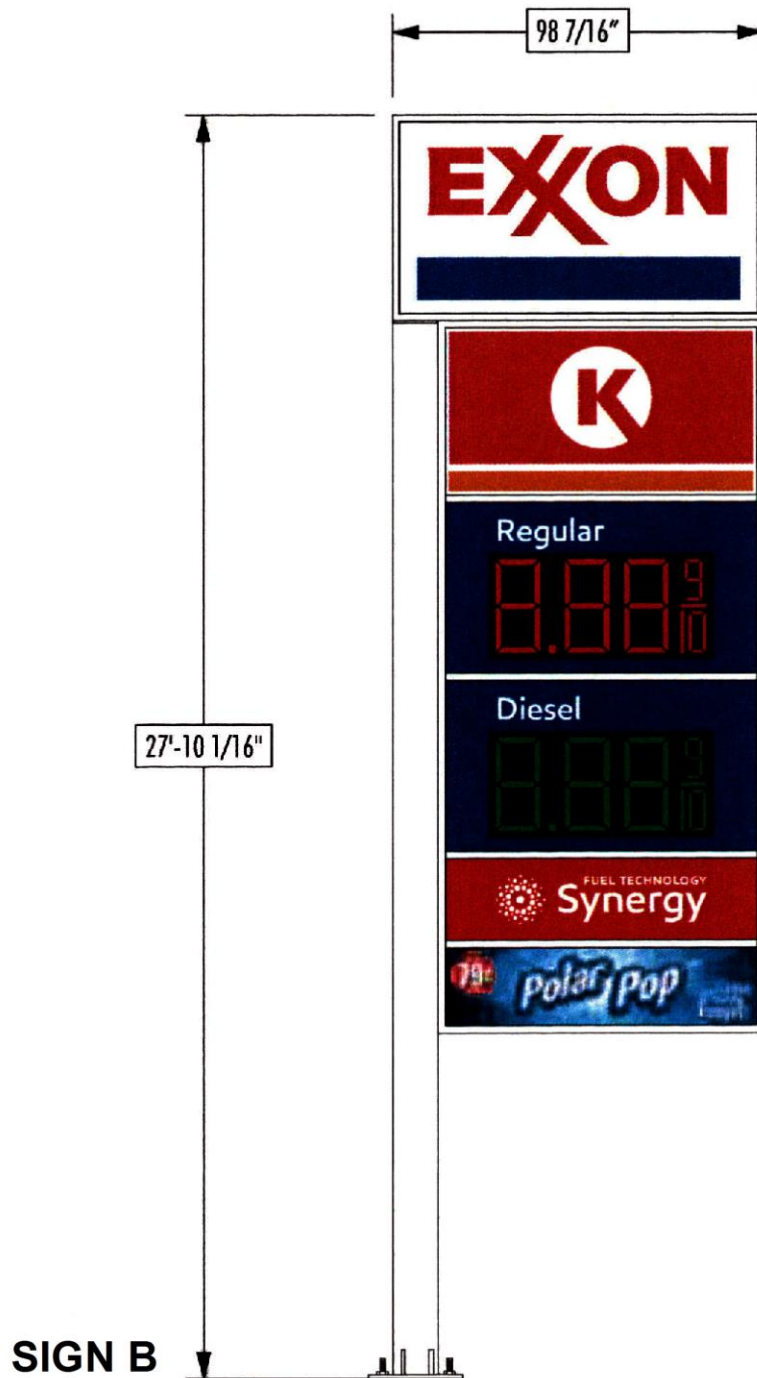
DETAIL SITE PLAN



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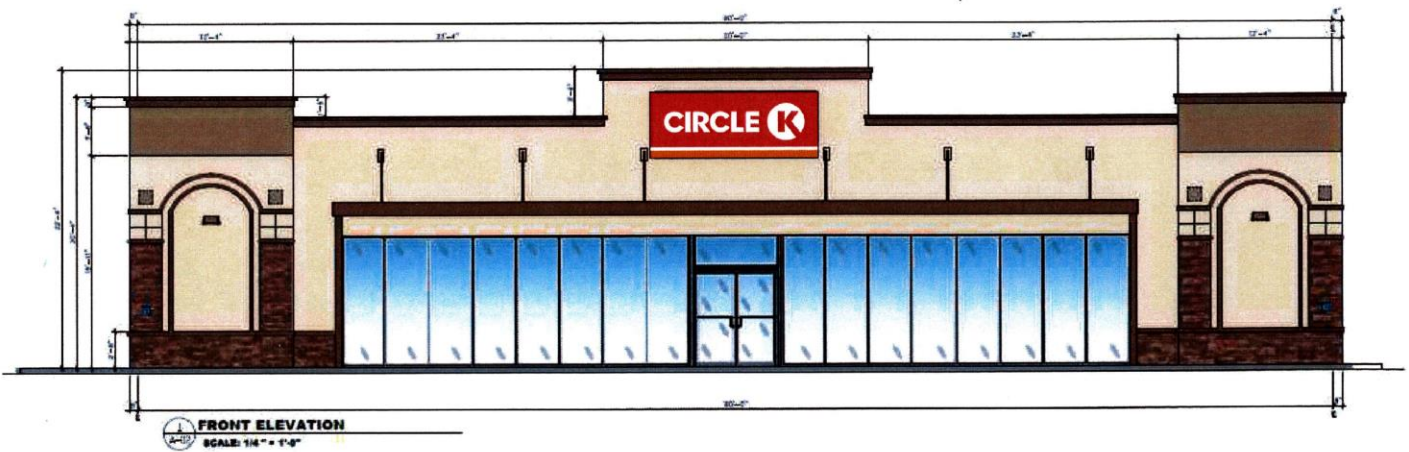
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DETAIL SITE PLAN

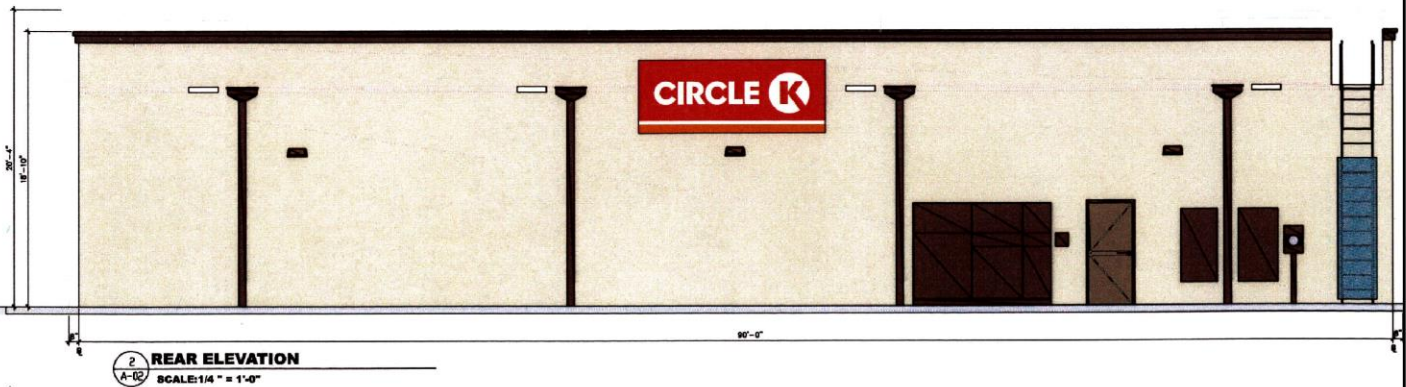


SIGN C1

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DETAIL SITE PLAN

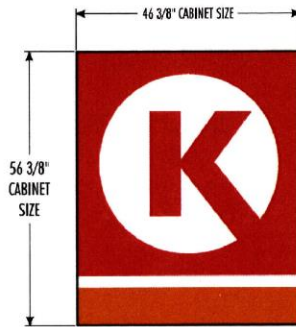


SIGN C2

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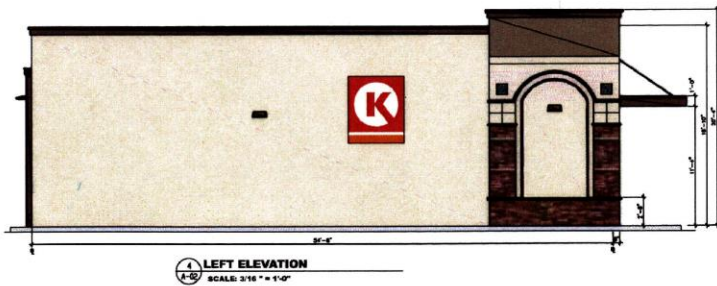
DETAIL SITE PLAN



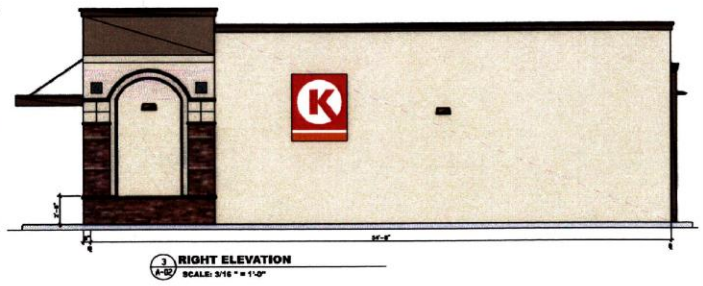
FRONT VIEW

M096

SR PART #: CKS0504WALL



1 LEFT ELEVATION
SCALE: 3/16" = 1'-0"



2 RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

SOUTH ELEVATION

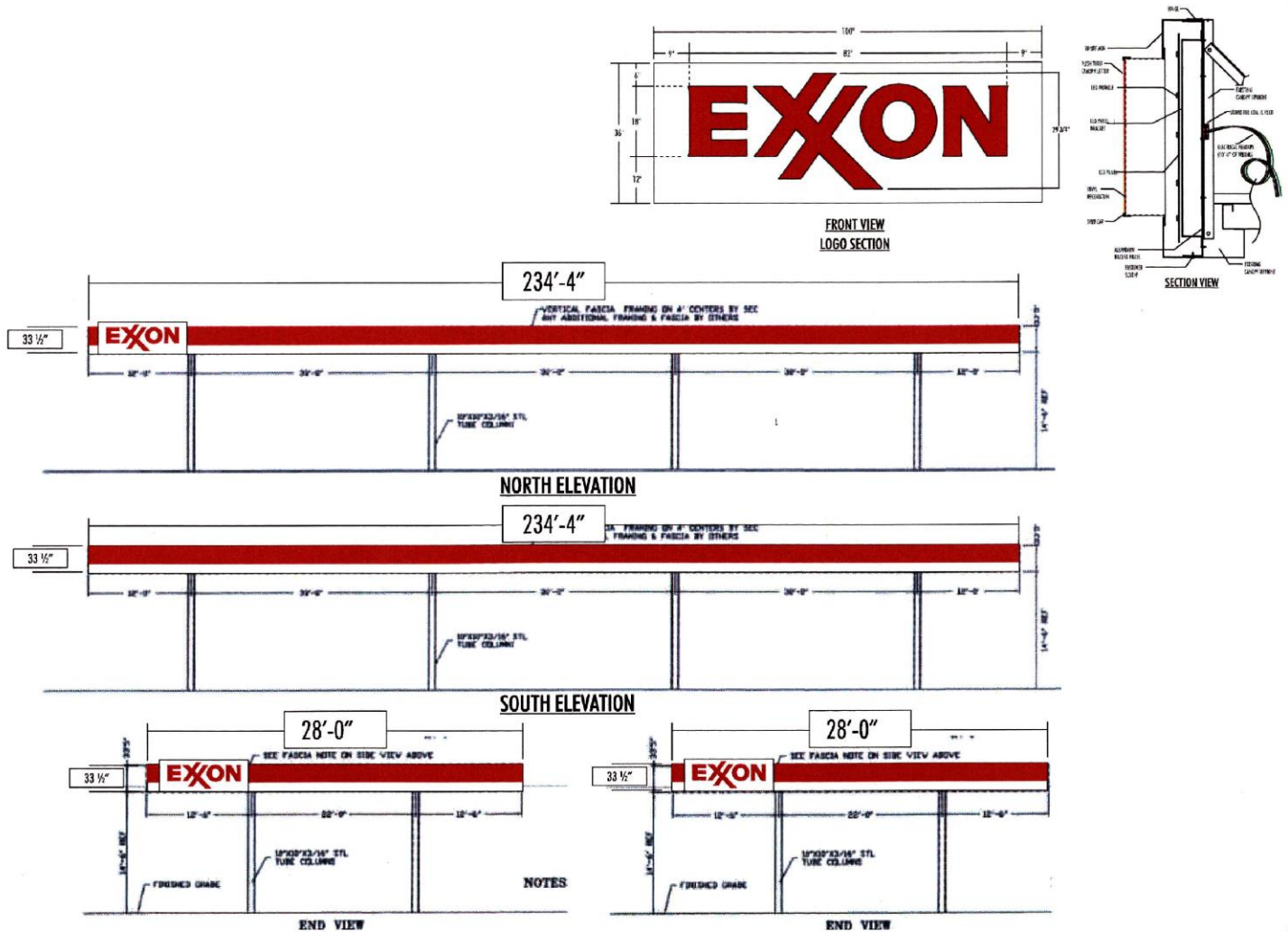
NORTH ELEVATION

SIGNS D1 & D2

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DETAIL SITE PLAN



SIGNS E1, E2, & E3

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