

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

<b><u>CASE NUMBER</u></b>	6140/ 3421/ 69
<b><u>APPLICANT NAME</u></b>	Ken Knuckles (Development Management Group, LLC)
<b><u>LOCATION</u></b>	1753 Spring Hill Avenue (Southwest corner of Spring Hill Avenue and Mobile Infirmary Boulevard).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow an 8' tall monument sign and five additional wall signs for a multi-tenant site in a B- 2, Neighborhood Business District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance limits the height of monument signs to 5' and allows one wall sign per tenant, per street frontage on a multi-tenant site in a B-2, Neighborhood Business District.
<b><u>ZONING</u></b>	B-2, Neighborhood Business District
<b><u>AREA OF PROPERTY</u></b>	0.9± Acres
<b><u>ENGINEERING</u></b>	No Comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1

**ANALYSIS** The applicant is requesting a Sign Variance to allow an 8' tall monument sign and five additional wall signs for a multi-tenant site in a B-2, Neighborhood Business District. The Zoning Ordinance limits the height of monument signs to 5' and allows one wall sign per tenant, per street frontage on a multi-tenant site in a B-2, Neighborhood Business District. The total number of signs requested for the site is nine wall signs and one monument sign. Based on the Zoning Ordinance, only 4 wall signs and one monument sign are allowed, thus the reason for the applicant's variance requests.

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 the following reason to explain the need for the variance requests:

*“Per code, a multi-tenant building may erect one (1) monument style sign with a maximum size of 75SF per side and height of 5FT or one (1) freestanding sign with a maximum of 350SF per face and a height of 50FT per street frontage.*

*The proposed development has elected to install one (1) monument style ground sign not to exceed 8FT in height with signage area totaling 48SF per side. The monument is to be located at the corner of the development as depicted on the site plan provided with this request. As noted above the area of the ground sign is well below the maximum allowed, however the applicant is hereby requesting variance approval to allow the proposed ground sign to exceed the maximum height allowed by 3FT.*

*Additionally, code allows each tenant one (1) wall sign per street frontage that it faces not to exceed 30% of the usable wall area to a maximum of 350SF. The applicant is requesting variance approval to allow additional wall signs as described below:*

	Tenant	Wall Area	Allowed	Proposed	
Front Elevation - Facing Springhill Ave	Tenant 'A'	559 SF	167 SF	70 SF	No variance requested. All three tenant signs meet code requirements
	Tenant 'B'	432 SF	129 SF	70 SF	
	Tenant 'C'	452 SF	135 SF	70 SF	
Left Elevation - Facing Mobile Infirmary Blvd	Tenant 'A'	1434 SF	350 SF	155 SF	Requesting variance to allow a second wall sign (1 sign permitted)
Rear Elevation	Tenant 'A'	510 SF	0	60 SF	Requesting variance to allow three (3) 60SF tenant signs (0 signs permitted)
	Tenant 'B'	420 SF	0	60 SF	
	Tenant 'C'	439 SF	0	60 SF	
Right Elevation -					Requesting variance to
'Tenant 'A' (Dunkin Donuts East) - Tenant 'B' (Center Space) - Tenant 'C' (End Tenant West)					
facing interior of development	Tenant 'C'	1,614 SF	0	70 SF	allow one (1) Tenant sign (0 signs permitted)

*The proposed development is surrounded by existing business uses and is not*

*adjacent to residential properties. Additionally, several of the adjacent businesses appear to have signage in excess of what is permitted in the zoning ordinance.*

*We respectfully request approval of the enclosed signage package as discussed above and as depicted on the exhibits submitted with this request. With the strategic use of the building signage we are able to avoid the need for an additional freestanding ground sign and are able to keep the wall signage scaled to be within proportion with the building and in keeping with the aesthetics of the neighborhood.*

*Based on the date of our submittal we are anticipating placement on the 11/05/17 BZA agenda. Please review the materials provided and let me know if you have any questions or need additional information to facilitate our request. Thanks as always for your assistance with our project."*

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing signage in excess of what is allowed for a multi-tenant site. In the applicant's narrative regarding the monument sign, it states that although the sign size exceeds the height limitation, it is well below the maximum square footage allowed for a monument sign. However, there is no justification or hardship provided that explains why the sign cannot meet the height requirements. It would appear that if the total square footage of the sign can be altered to fall below the requirements, the height of the sign can be adjusted to comply as well.

With regards to the wall sign requests the applicant does provide a chart that breaks down the tenant spaces, the amount of signage allowed, what is proposed, and the wall area for each side of the building. Based on the square footage of the wall area facing Springhill Avenue Tenant A would be allowed a wall sign up to 167 square feet; Tenant B would be allowed a wall sign up to 129 square feet; and Tenant Space C would be allowed a wall sign up to 135 square feet. The total square footage proposed for each wall sign for each tenant space facing Springhill Avenue is 70 square feet which complies with the sign regulations. However, the applicant wishes to add 2 additional wall signs for the tenant space facing Mobile Infirmary Boulevard (Tenant A), 3 additional wall signs for the rear of the building behind each tenant space, and 1 additional wall sign for the interior wall of the development (Tenant C). The proposed square footage for the rear wall sign will be 60 square feet each and the proposed square footage for the interior wall sign (Tenant C) will be 70 square feet. Thus, proposing a total of 4 wall signs for Tenant A, 2 wall signs for Tenant B, and 3 wall signs for Tenant C; with a combined total of 9 wall signs (615 sf) for the multi-tenant site. Again, the applicant highlights the fact the proposed signage is less than the maximum square footage allowed for 4 wall signs (781 sf), but fails to provide a justification for the substantial number of signs requested for the development. Although the proposed signage will occupy less than 30% of the usable wall area of the building's surfaces, the number of signs proposed still remains problematic.

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.

It appears that the applicant is making an attempt to maximize visibility for traffic coming eastbound on Spring Hill Avenue and northbound traffic on Mobile Infirmary Boulevard.

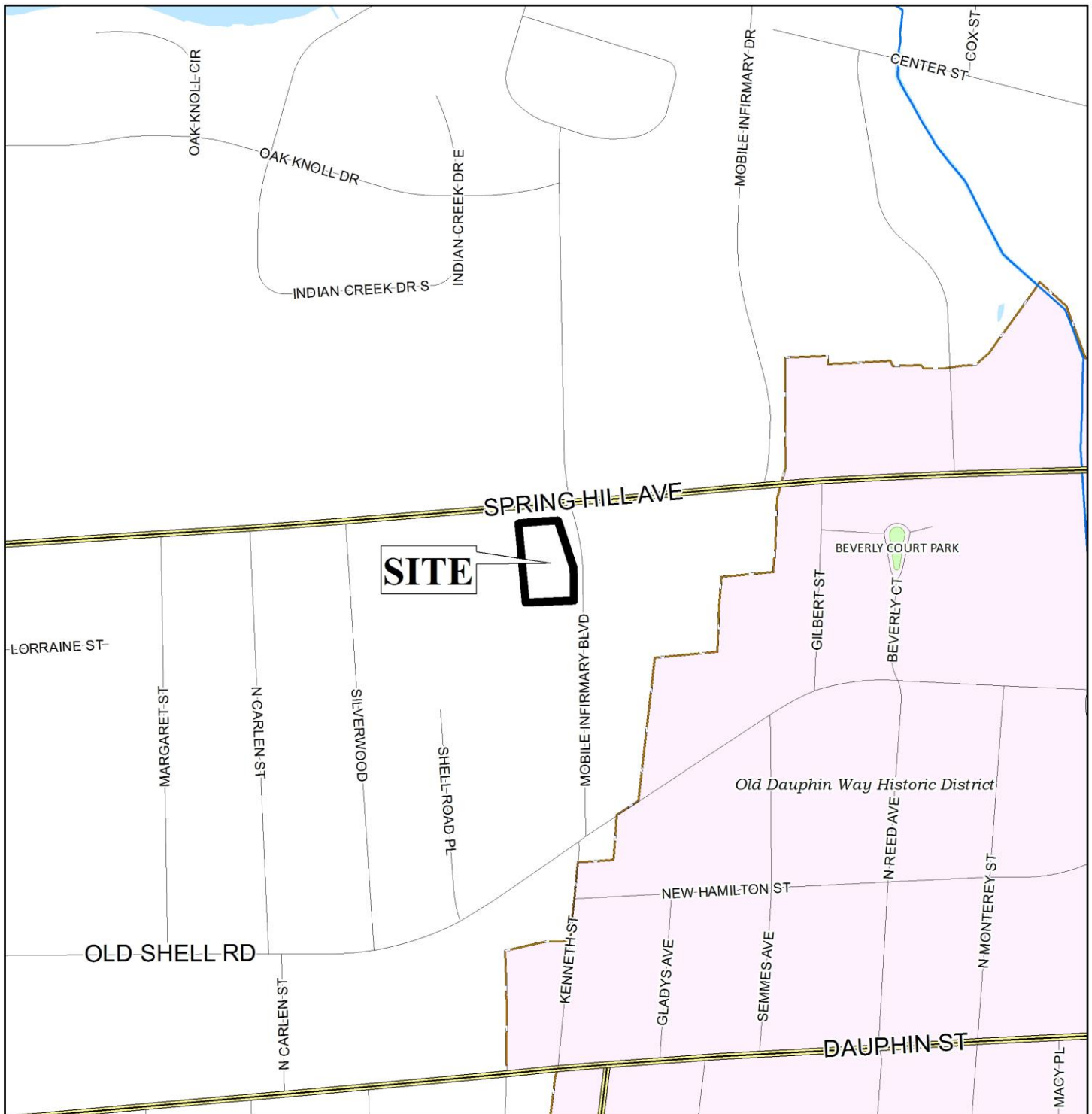
However, the total amount of signage requested for this site (although less square footage than the allowable amount) still seems excessive and exceeds the total number of signage requested for any other local Dunkin Donuts site or the abutting bank and adjacent drug store developments; which further confirms that this is simply the applicant's desire for additional signage and not a corporate or branding requirement.

There are no conditions which exist at this site that require 5 additional wall signs and an 8' tall monument sign. The applicant should possibly consider eliminating the 3 rear wall signs, the interior wall sign for Tenant C, and removing the "DD" logo from the coffee cup located along the portion of the building fronting Mobile Infirmary Boulevard (Tenant A) in an attempt to become compliant with the sign requirements established by the Zoning Ordinance. It seems that it is simply the applicant's desire to have 9 wall signs that exceed total number of signs and 1 monument sign that exceeds the height limitation at a multi-tenant site in a B-2, Neighborhood Business District. Furthermore, no hardship or justification has been provided to allow staff to recommend the multiple sign requests for approval.

**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 only allows one wall sign per tenant, per street frontage and a 5' tall monument sign on a multi-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 5 additional wall signs and a 8' monument sign necessary for this site to operate efficiently; and
- 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 can be developed without the need for a sign variances as 3 of the rear wall signs, 1 of the interior walls signs and the removal of the "DD" logo from the coffee cup located along the portion of the building fronting Mobile Infirmary Boulevard can be eliminated in order to reflect compliance with the Zoning Ordinance.

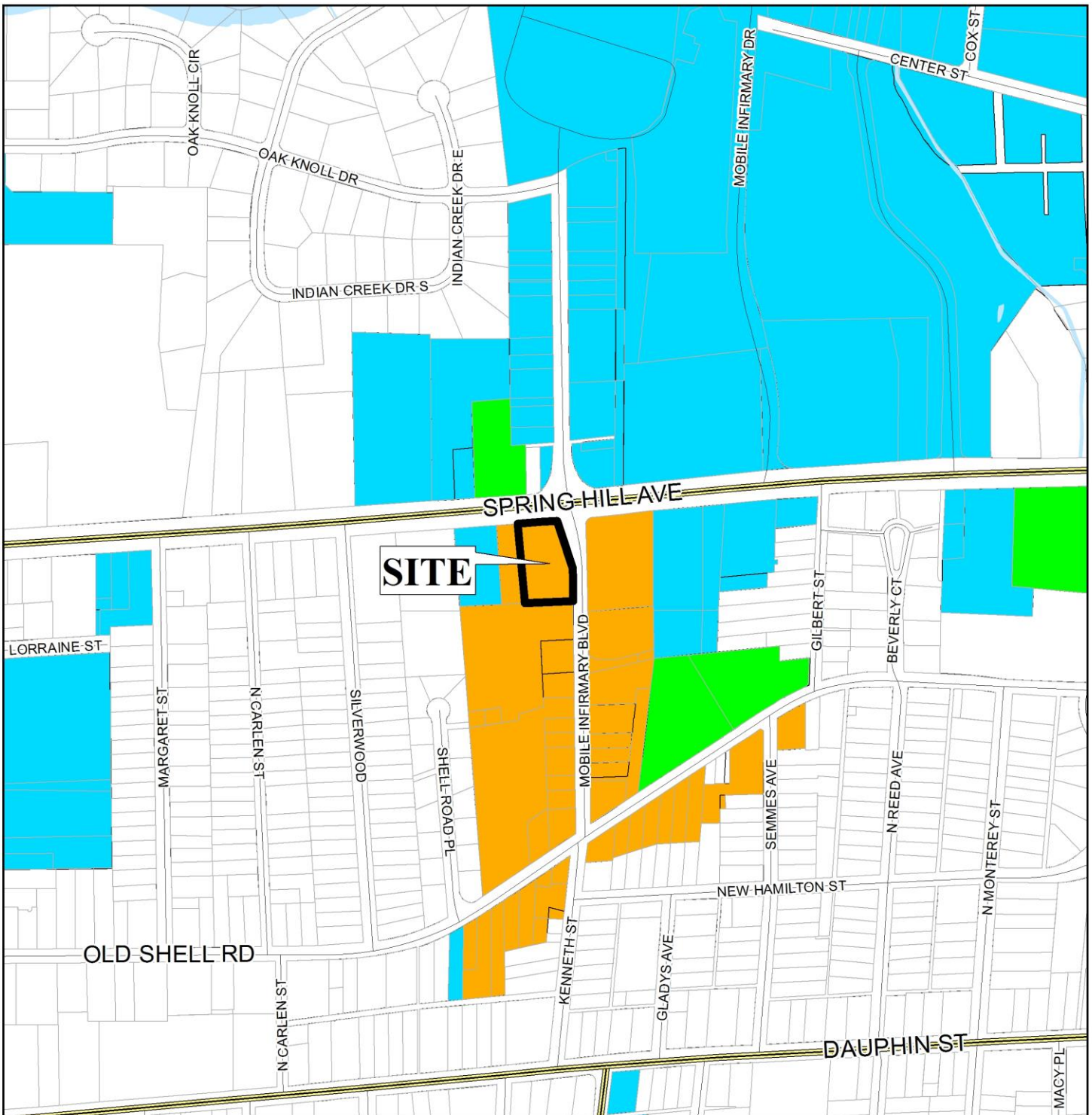
# LOCATOR MAP



APPLICATION NUMBER 6140 DATE November 6, 2017  
APPLICANT Ken Knuckles (Development Management Group, LLC)  
REQUEST Sign Variance



# LOCATOR ZONING MAP

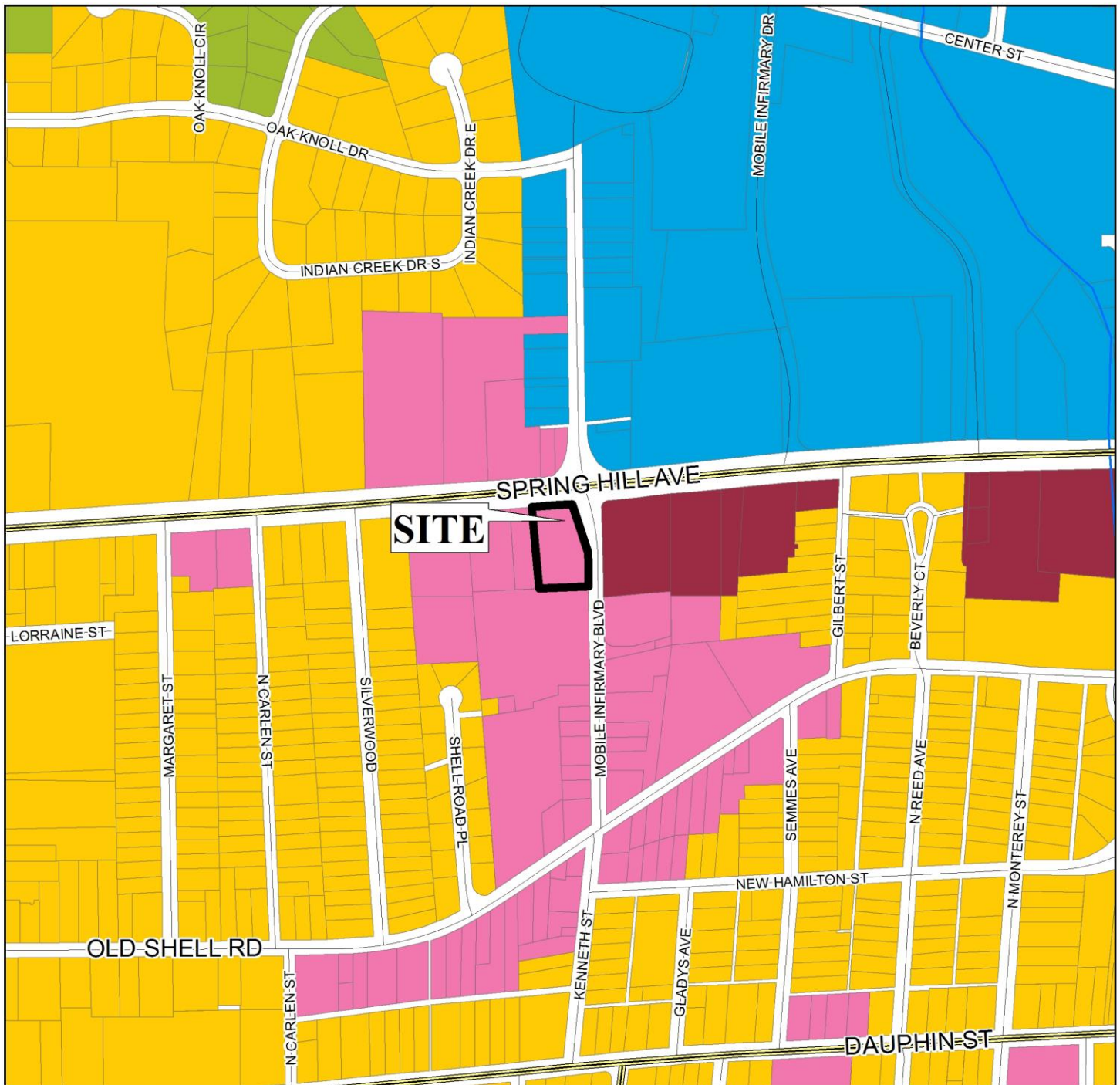


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# FLUM LOCATOR MAP



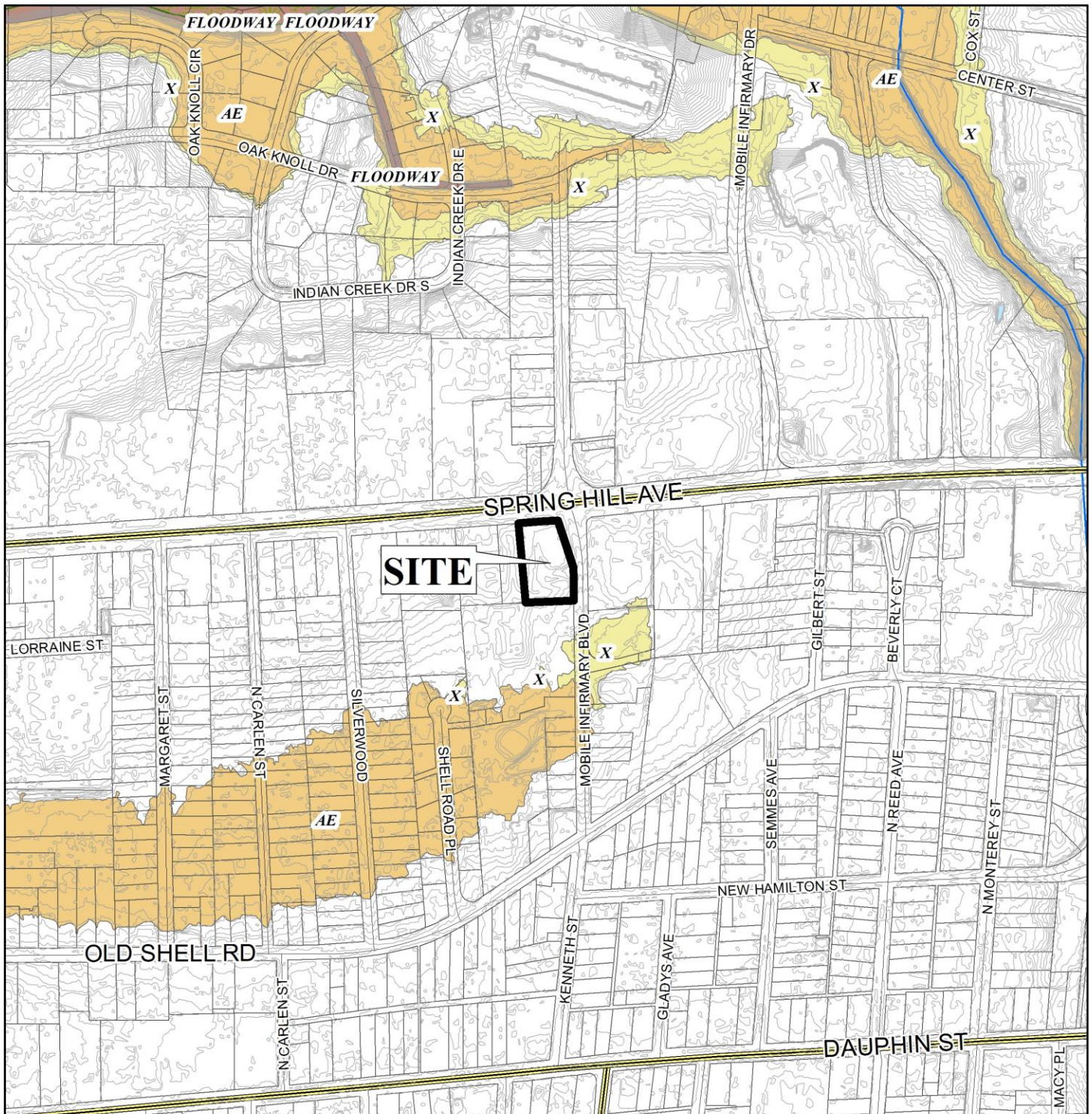
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Low Density Residential	Neighborhood Center- Traditional	Downtown Waterfront	Water Dependent
Mixed Density Residential	Traditional Corridor	Light Industry	Parks & Open Space
Downtown	Neighborhood Center- Suburban	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP

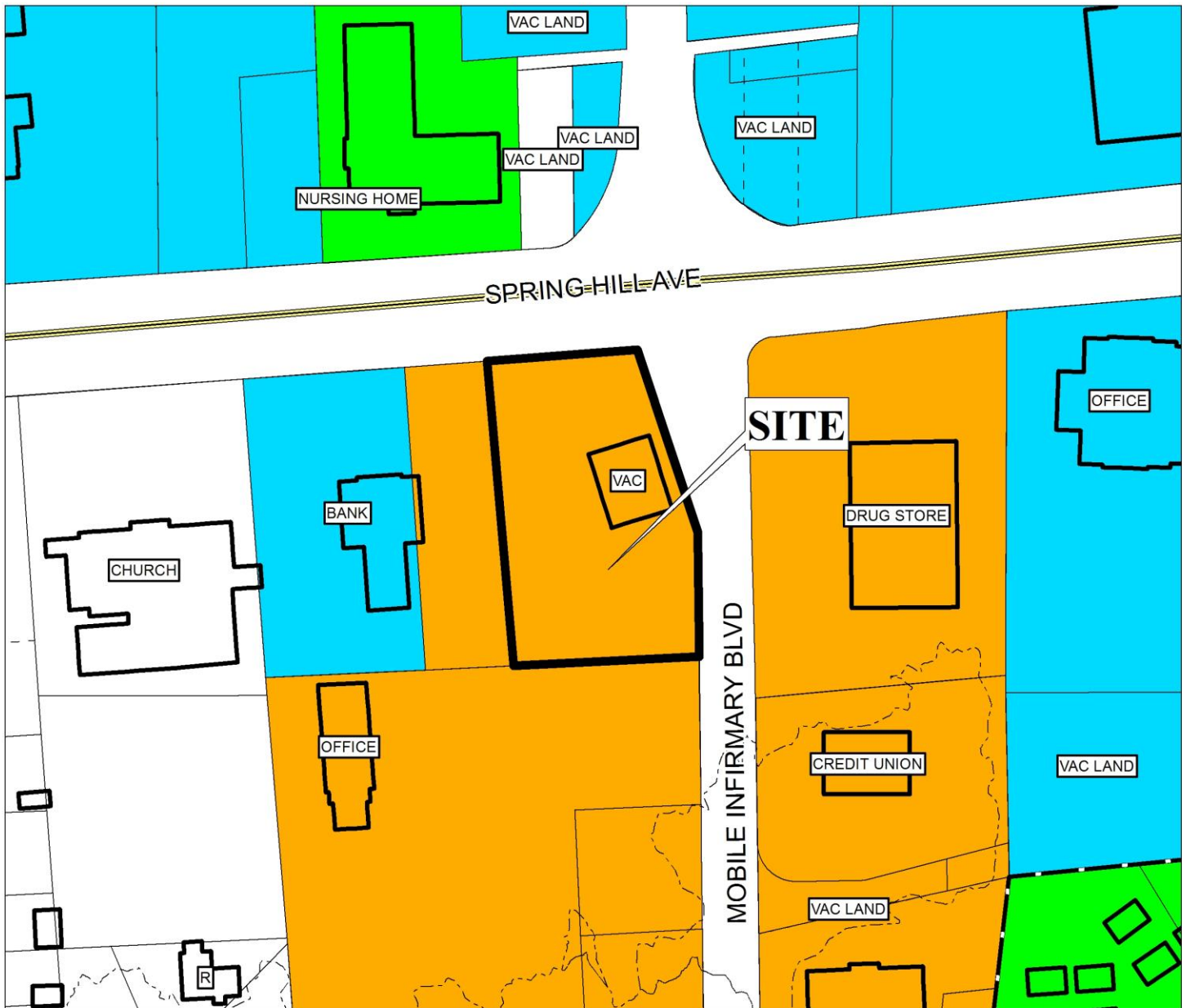


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

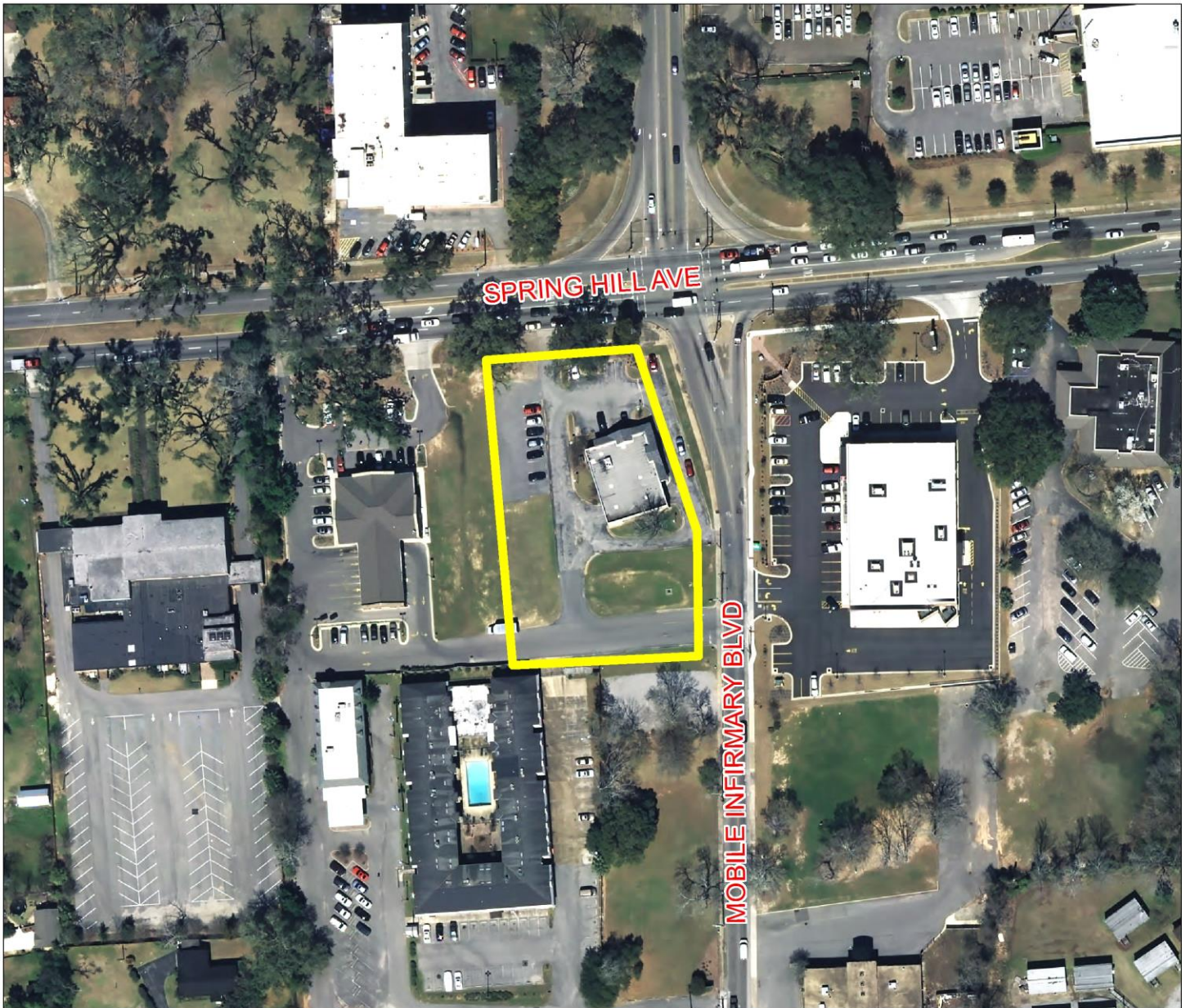
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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightcoral; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



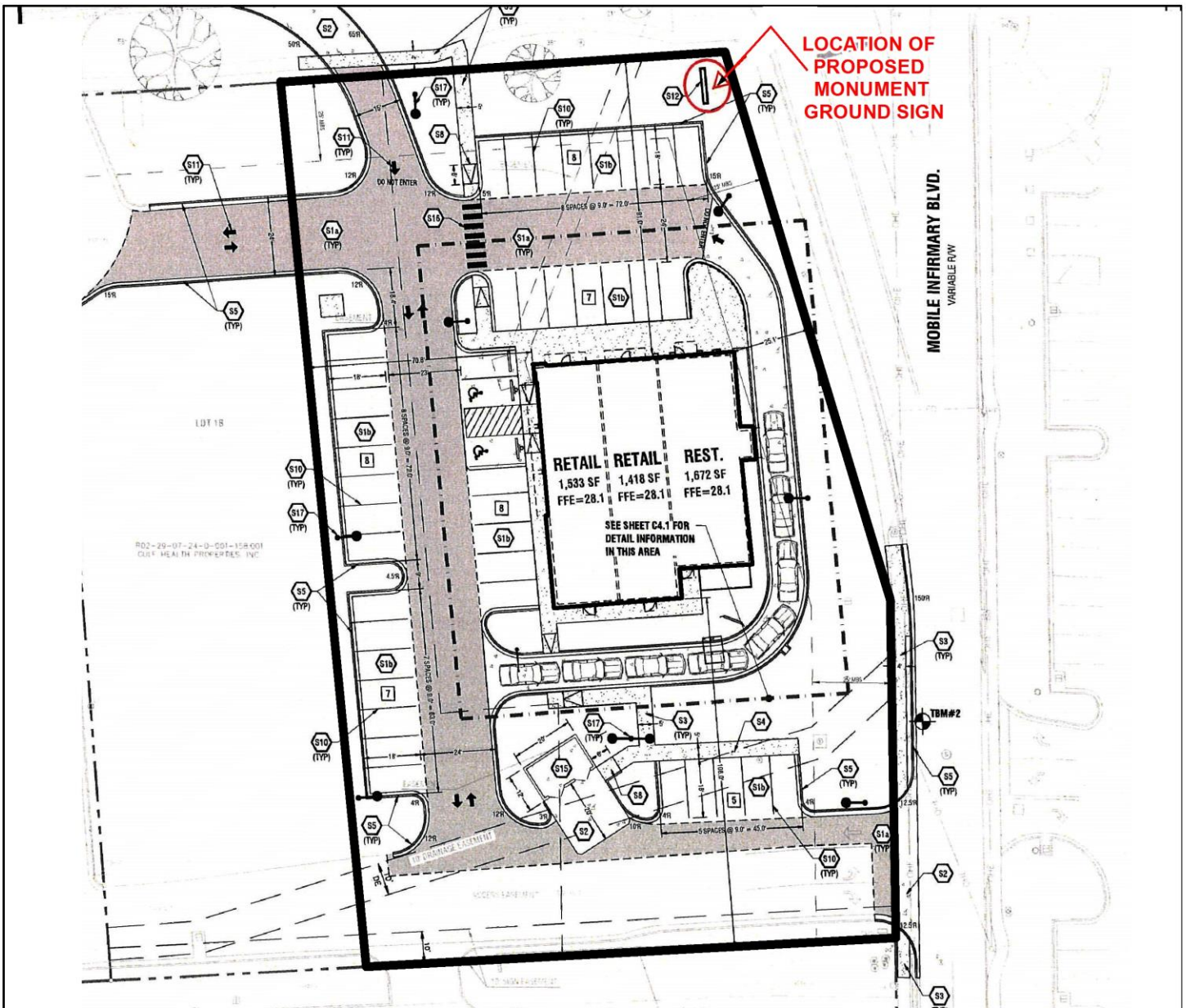
The site is surrounded by commercial units.

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REQUEST <u>Sign Variance</u>	





# SITE PLAN



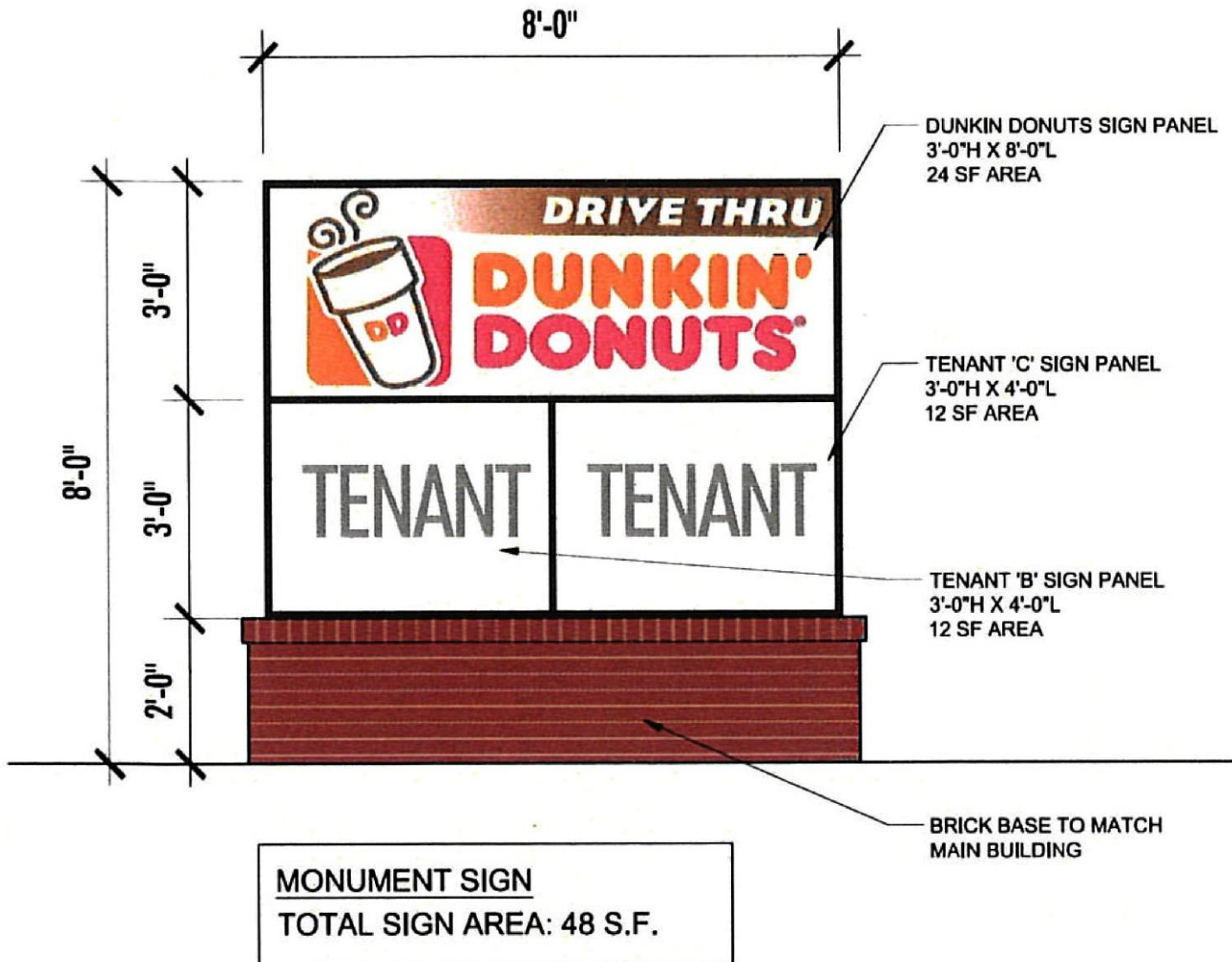
The site plan illustrates the proposed ground sign location, existing building, and parking.

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# DETAIL SITE PLAN



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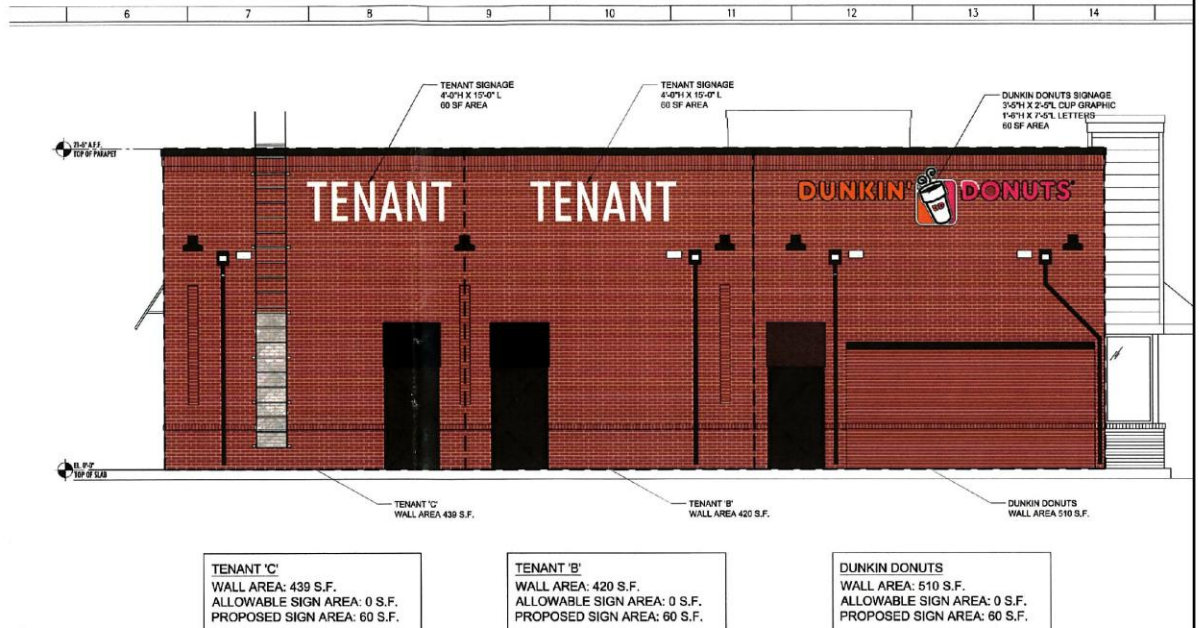
## DETAIL SITE PLAN



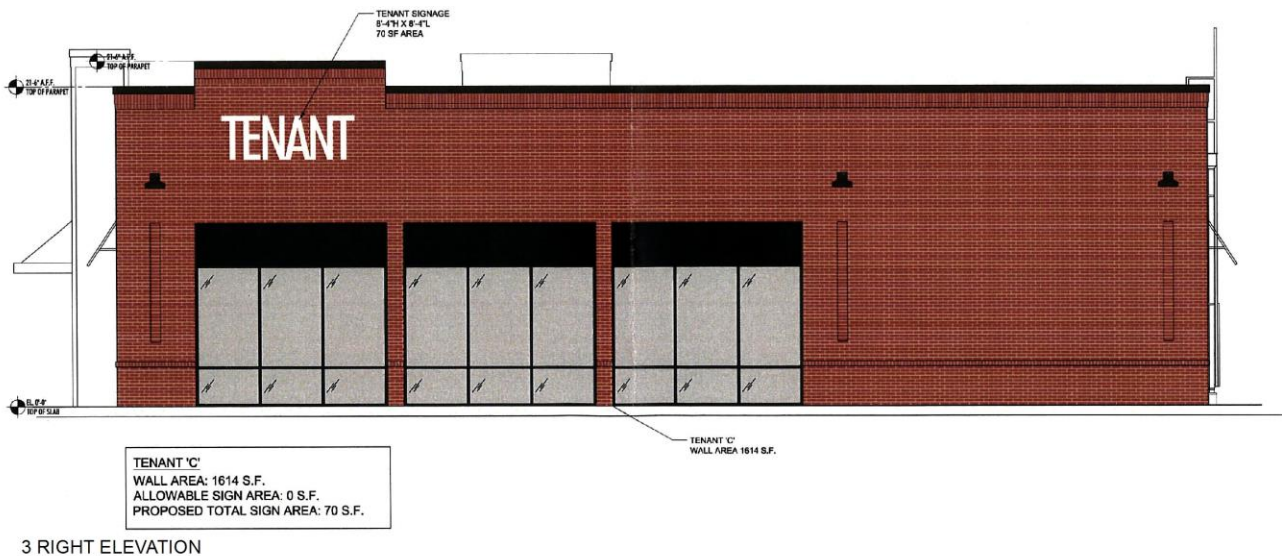
N  
NTS



# DETAIL SITE PLAN



2 REAR ELEVATION  
1/4" = 1'-0" NOTE



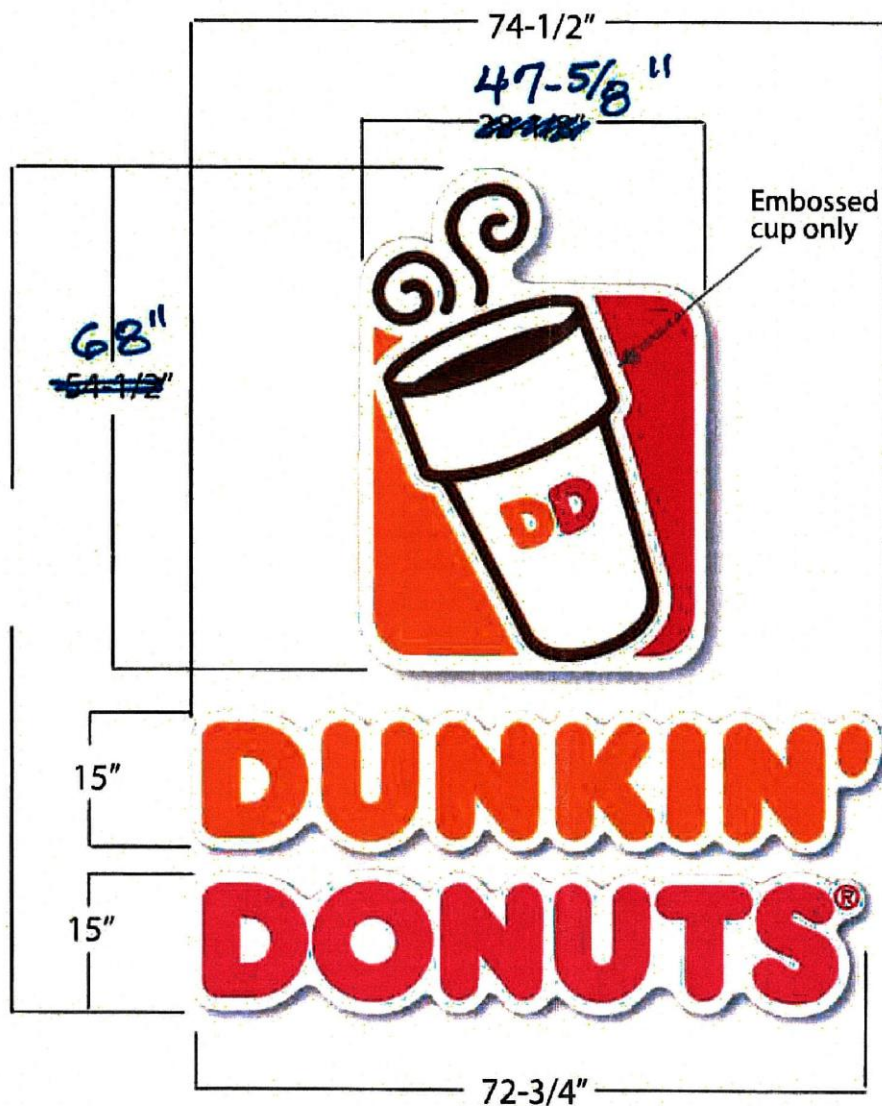
3 RIGHT ELEVATION

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# DETAIL SITE PLAN



~~KT02469B: E003636B & E004012B~~

~~5"~~ LED CLOUD CUP/15" LED CLOUD DUNKIN DONUTS

68"

3 RIGHT ELEVATION

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REQUEST Sign Variance



