

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2011**

<u>CASE NUMBER</u>	5727
<u>APPLICANT NAME</u>	Suzuki of Mobile LLC (Hall's Motor Sports)
<u>LOCATION</u>	1520 West I-65 Service Road South (West side of West I-65 Service Road South, 860'± South of Cottage Hill Road)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a total of four wall signs and one freestanding sign on a single business site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	Zoning Ordinance allows a total of three signs (with no more than one being a freestanding sign) on a single business site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	0.76± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a total of four wall signs and one freestanding sign on a single business site in a B-3, Community Business District; the Zoning Ordinance allows a total of three signs (with no more than one being a freestanding sign) on a single business site in a B-3, Community Business District in a B-3, Community Business District.

When permit applications were submitted for one freestanding sign and two wall signs, a rendering was submitted that illustrated all signs to be on the premises including two graphics that display products available at the site which are the subject of this variance request. However, when staff reviewed the application these graphics did not have an accompanying

permit application, and were overlooked. Despite an oversight by staff, the applicant is still required to comply with all municipal codes and regulations.

The applicant states that per Section 64-11.2.i. of the Zoning Ordinance the two graphics on the wall should be considered “building graphics” which are defined as: “Drawings painted on buildings that contain no copy, symbols, or other references to product or services shall not be considered signs and shall be exempt from the provisions of the article. Drawings painted on buildings that do contain copy, symbols, or other references to products or services shall be considered wall signs and shall be subject to the regulations of the district in which they are located.” Because the graphics in question illustrate products available at the location, it does not meet the definition of a building graphic, and is therefore subject to the sign regulations. The applicant should have verified if these graphics would be considered as signage prior to their installation.

The applicant states that the graphic artwork was designed by the architect in the design and construction of the building in order to serve “as a counterbalance to the large windows which are also included on the façade of the new structure” and improves the aesthetics along an “otherwise routine commercial stretch of road”. This illustrates that the applicant or his designer did not consider municipal ordinances and their potential impact on the design of the structure and therefore are experiencing a self-imposed hardship.

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.

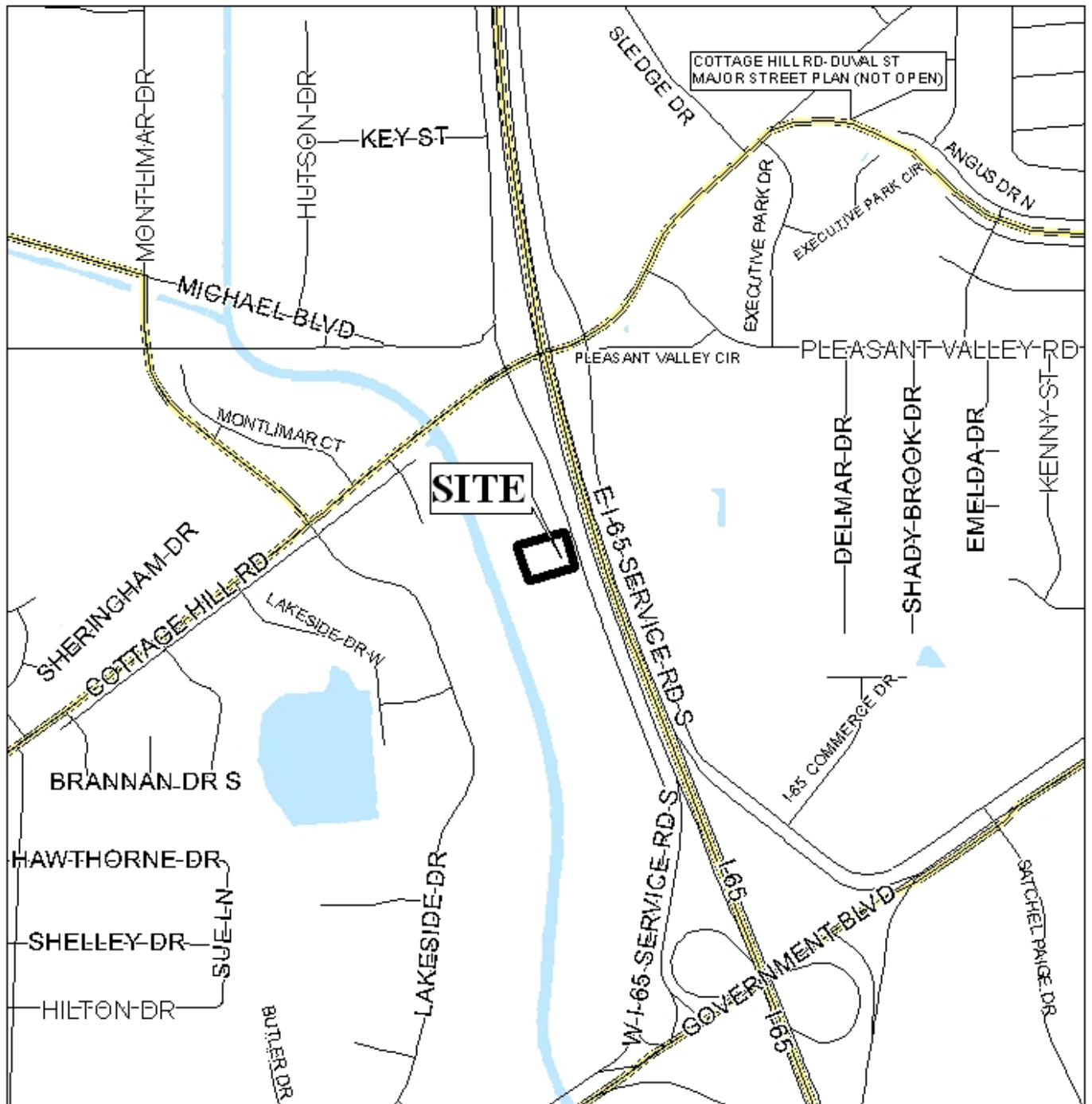
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Because the applicant/designer did not consider municipal ordinances when designing the building, and aesthetics are the primary reason for the applicant seeking this variance, it is a matter of a self-imposed hardship. The applicant could replace the existing images with ones that do not represent items or services available at the site and would be in compliance with sign regulations.

RECOMMENDATION
recommended for denial.

Based upon the preceding, this application is

LOCATOR MAP



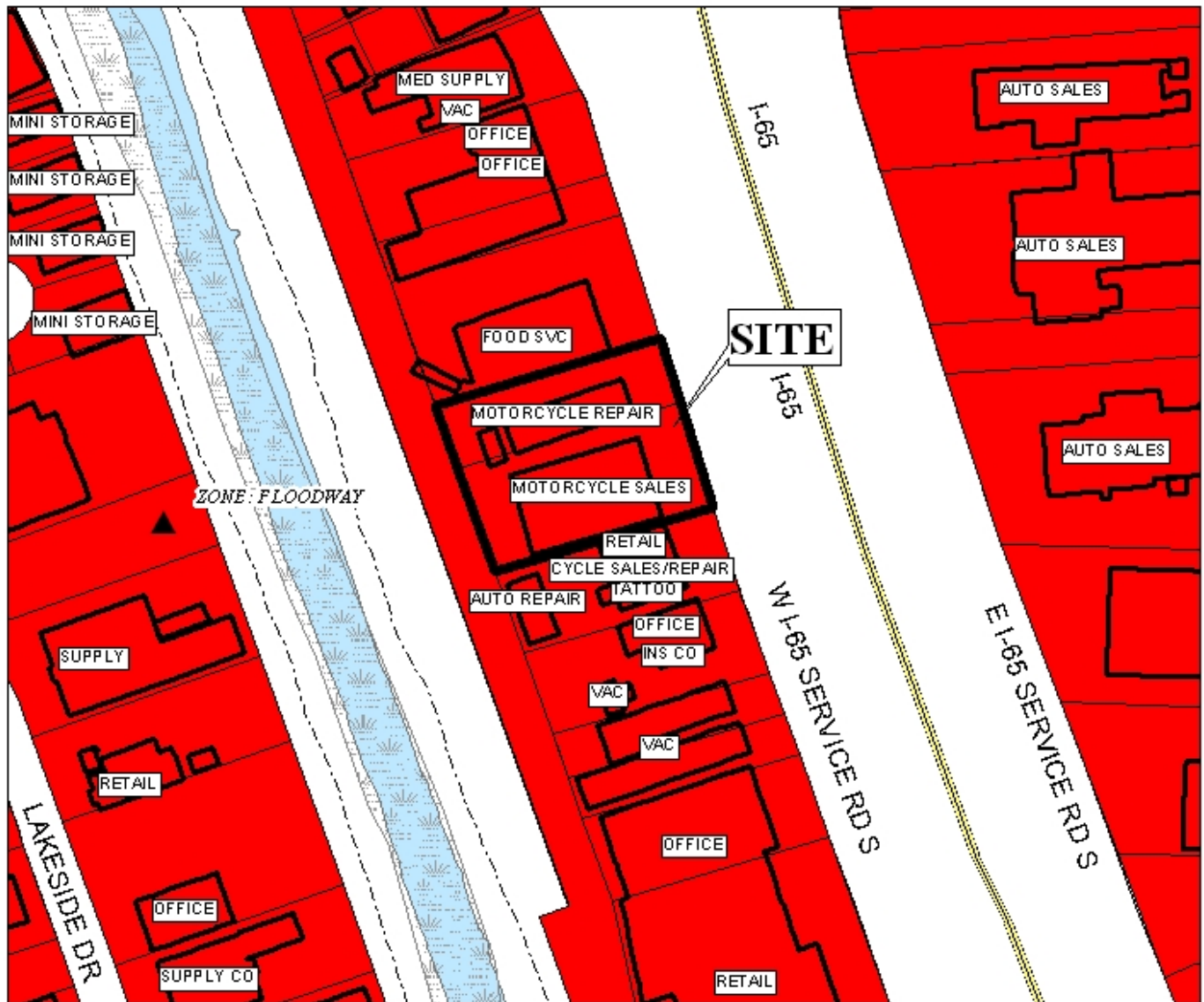
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



















The site is surrounded by commercial land use.

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LEGEND

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 T-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	 NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.


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[illegible]

The site plan illustrates the existing development and proposed signs.


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N

 NTS


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N

 NTS

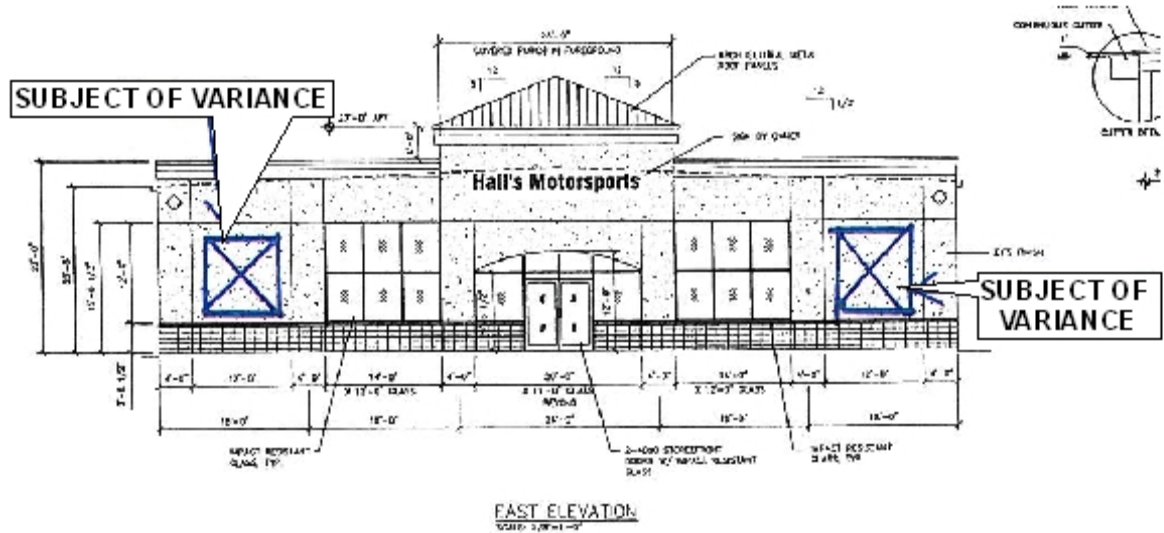
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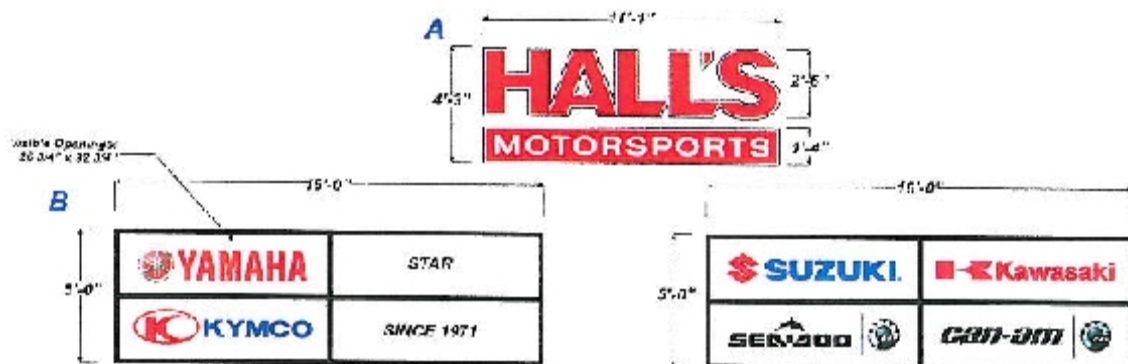
SIGN DETAIL



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SIGN DETAIL



Specifications

- A -** MANUFACTURE AND INSTALL ONE SET OF LIGHTED CHANNEL LETTERS "HALL'S MOTORSPORTS" MOUNTED ON RACEWAY. THE FACES WILL HAVE RED VINYL OVERLAY WHITE OUTLINE, BLACK TRIM AND BLACK MOUNTS.
- B -** MANUFACTURE AND INSTALL TWO SINGLE FACE LIGHTED SIGNS. THE FLAT PLASTIC FACES WILL TRANSLUCENT VINYL DECORATION, PER LOGO SPECIFICATIONS. THE SIGNS WILL HAVE DIVIDER BARS FOR FUTURE CHANGES AND WILL CONTAIN LIGHT OUTPUT LAMPS.
- C -** MANUFACTURE AND INSTALL TWO SINGLE FACE FLEXIBLE MOUNTED GRAPHICS. THE GRAPHICS WILL BE MOUNTED ON AN ALUMINUM RAMPONATED ROUND TUBE FRAME STRUCTURE. THE STRUCTURE WILL BE MOUNTED IN THE DESIGNATED AREA ON THE SIGN FRONT. FLAT ALUMINUM PLATES WILL SECURE FRAME TO WALL.

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NTS