

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 7, 2014**

<b><u>CASE NUMBER</u></b>	5886
<b><u>APPLICANT NAME</u></b>	LL&T Properties, LLC
<b><u>LOCATION</u></b>	8010 Airport Boulevard (North side of Airport Boulevard, 150' ± West of the North terminus of Dawes Road)
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow two freestanding signs at a multi-tenant commercial site with less than 600 linear feet of street frontage in a B-3, Community District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance allows only one freestanding sign at a multi-tenant commercial site with less than 600 linear feet of street frontage in a B-3, Community Business District.
<b><u>ZONING</u></b>	B-3, Community Business District
<b><u>AREA OF PROPERTY</u></b>	2.89 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This variance request was not reviewed by Traffic Engineering
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7

**ANALYSIS** The applicant is requesting a Sign Variance to allow two freestanding signs at a multi-tenant commercial site with less than 600 linear feet of street frontage in a B-3, Community District; the Zoning Ordinance allows only one freestanding sign at a multi-tenant commercial site with less than 600 linear feet of street frontage in a B-3, Community 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 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.

Applicant's statement:

*Item No. 1*

*The purpose of this application is to allow 2 pylon signs on a single lot that has less than 600 feet of road frontage.*

*Item No. 2 & 3*

*This property was fully developed as a County site prior to being annexed into the City of Mobile. Since there were no restrictions with respect to the number of signs allowed in the County, 2 signs were installed and are existing. Due to the location of a large billboard sign immediately west of this site, one of the existing pylon signs is completely blocked; therefore, the owner desires to have the sign relocated so it will be visible to traffic going east on Airport Blvd.*

*Item No. 4*

*This site has 496 feet of road frontage and the 2 buildings located on the site are separated by approximately 200 feet of undeveloped space. The 2 signs will be located approximately 300 feet apart.*

As mentioned above, the site currently has two existing freestanding sign structures along 500' ± of road frontage along Airport Boulevard. As stated by the applicant, this site was recently annexed into the City in 2007 and, as such, the existing signs on the site are considered non-conforming.

Although this site is within a recently annexed area, the majority of the commercial properties which may have non-conforming signage in the immediate vicinity, appear to have complied with the regulations of Section 64-11.3.b. of the Zoning Ordinance regarding non-conforming signs since annexation.

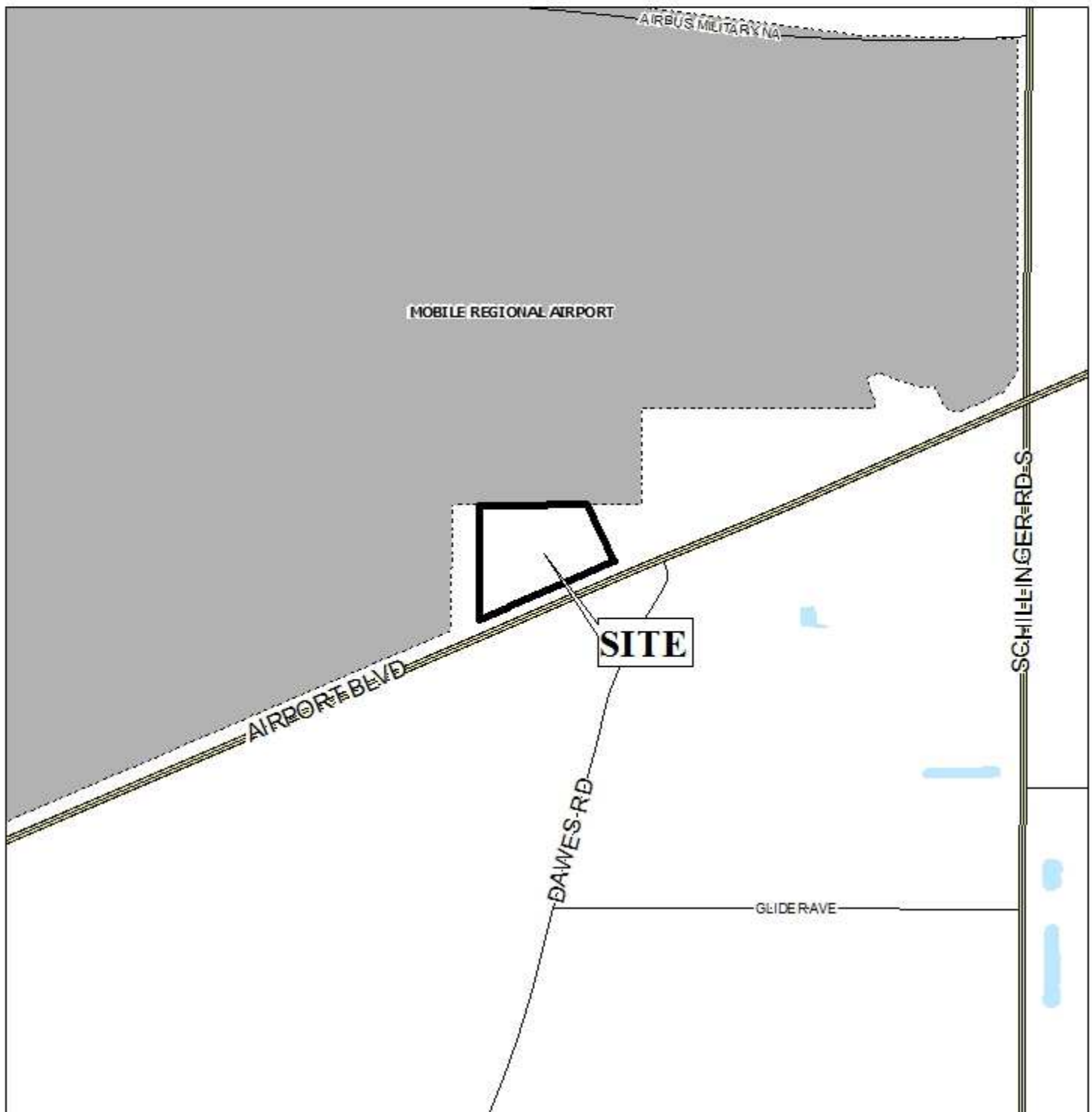
The applicant now proposes to relocate one of the existing non-conforming signs and replace it with what appears to be a larger sign cabinet. The Zoning Ordinance regulates existing non-conforming signs, and according to Section 64-11.3.b., the applicant's proposal would not be allowed due to the proposed expansion of the sign, and the proposed relocation of the sign structure.

It should be noted that the applicant chose the variance route due to timing and a need to expedite the sign approval process for their client. If the applicant submits an application for a Planned Unit Development (PUD) or Subdivision request, a sign variance may not be required as the PUD request would consider the sign request, or the Subdivision request could create a separate lot for the proposed business, thus allowing its own sign.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for denial:

- 1) Approval of the variance will be contrary to the public interest in that it is contrary to Section 64-11.3.b. of the Zoning Ordinance regarding regulations for non-conforming signs;
- 1) Special conditions, such as a hardship to the property, do not exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 2) 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 although this site is within a recently annexed area, the majority of the commercial properties which may have non-conforming signage in the immediate vicinity appear to have complied with the regulations of Section 64-11.3.b. of the Zoning Ordinance regarding non-conforming signs.

# LOCATOR MAP



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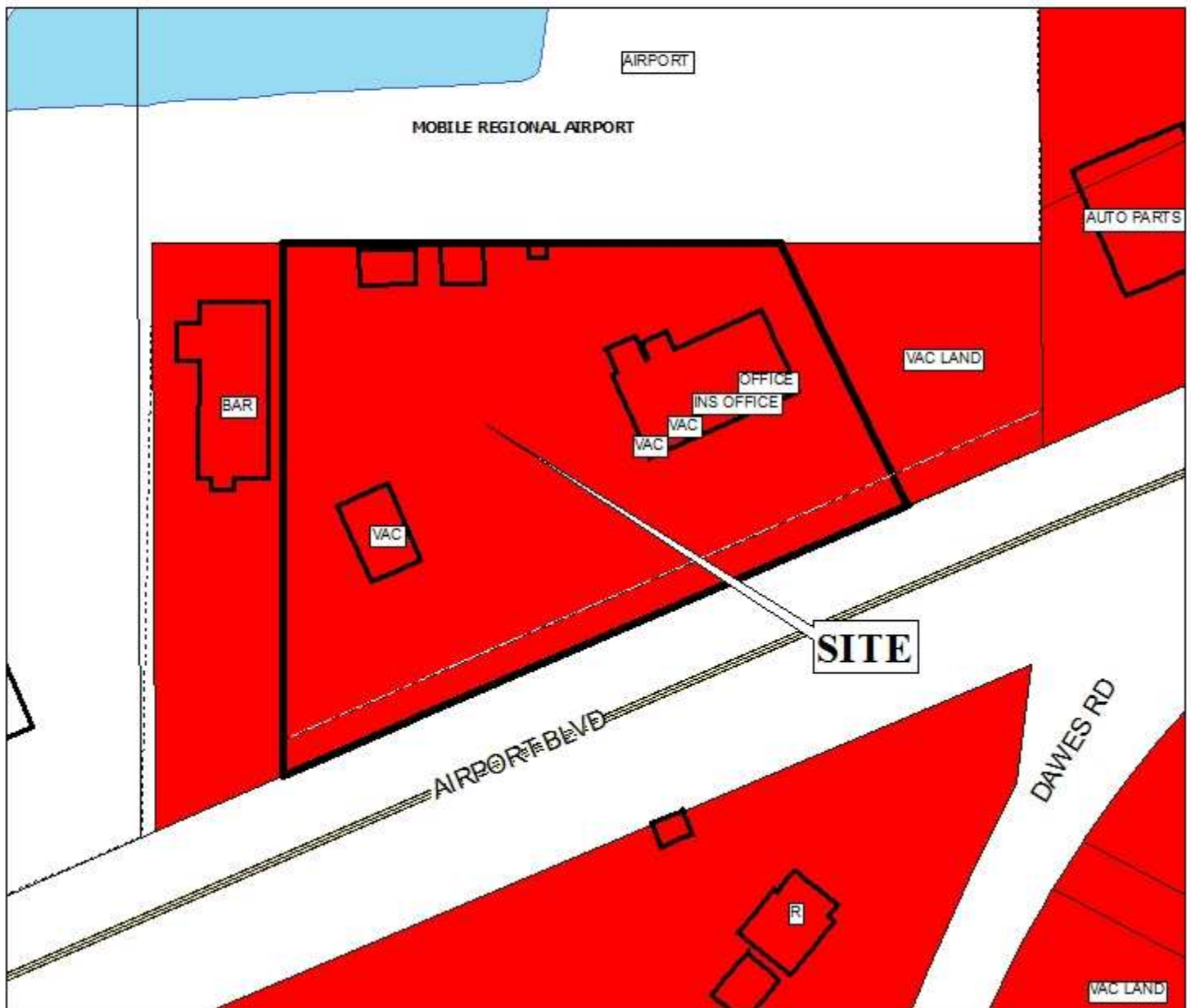
APPLICANT LL&T Properties, LLC

REQUEST Sign Variance



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



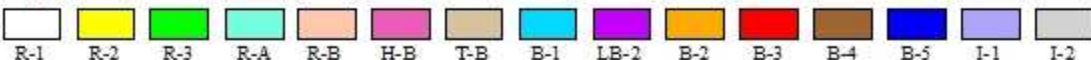
A bar lies to the west of the site, and a residence lies to the south.

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LEGEND





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A bar lies to the west of the site, and a residence lies to the south.

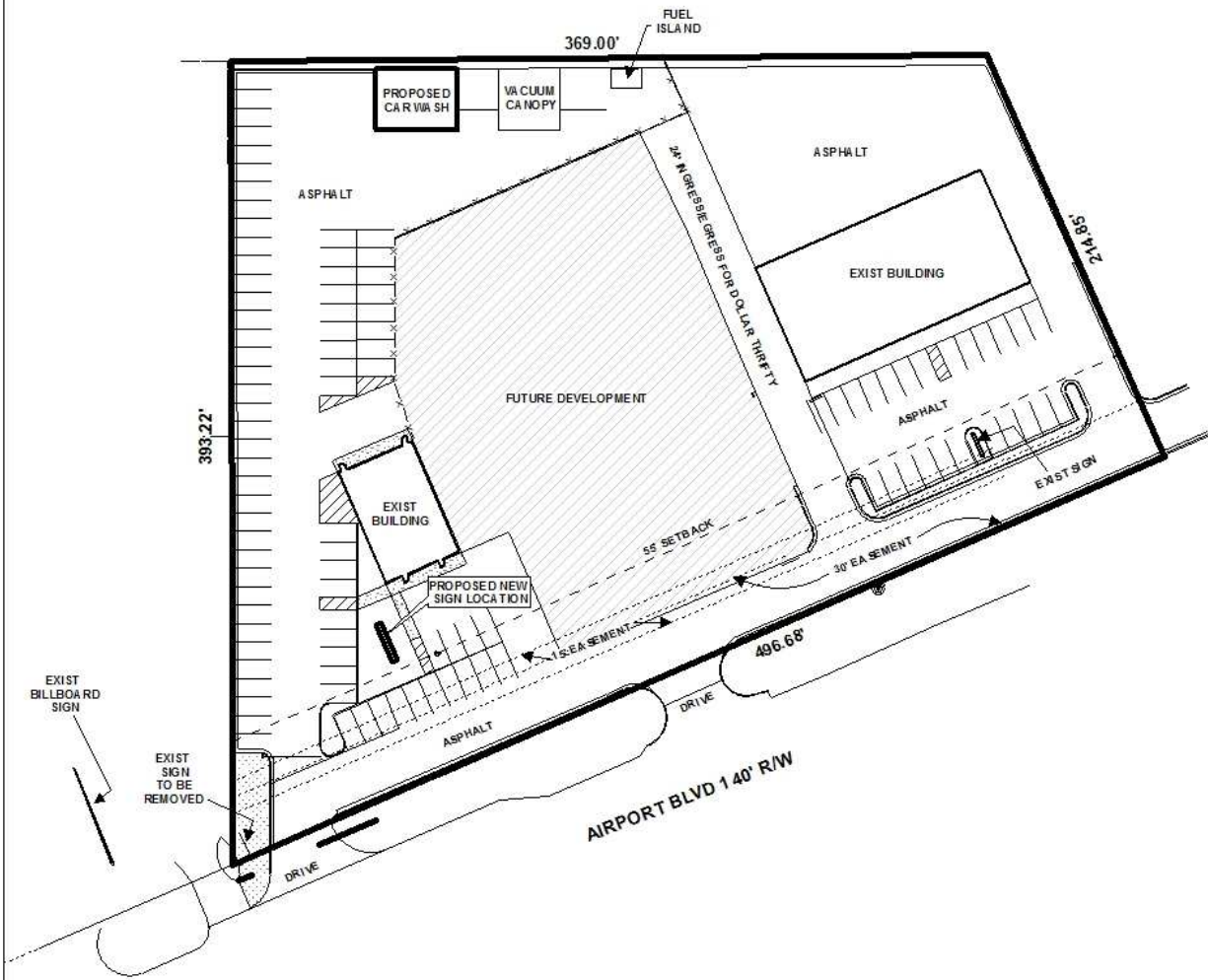
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SITE PLAN



The plan illustrates the existing signs, proposed sign, drives, buildings, setback, and easements.

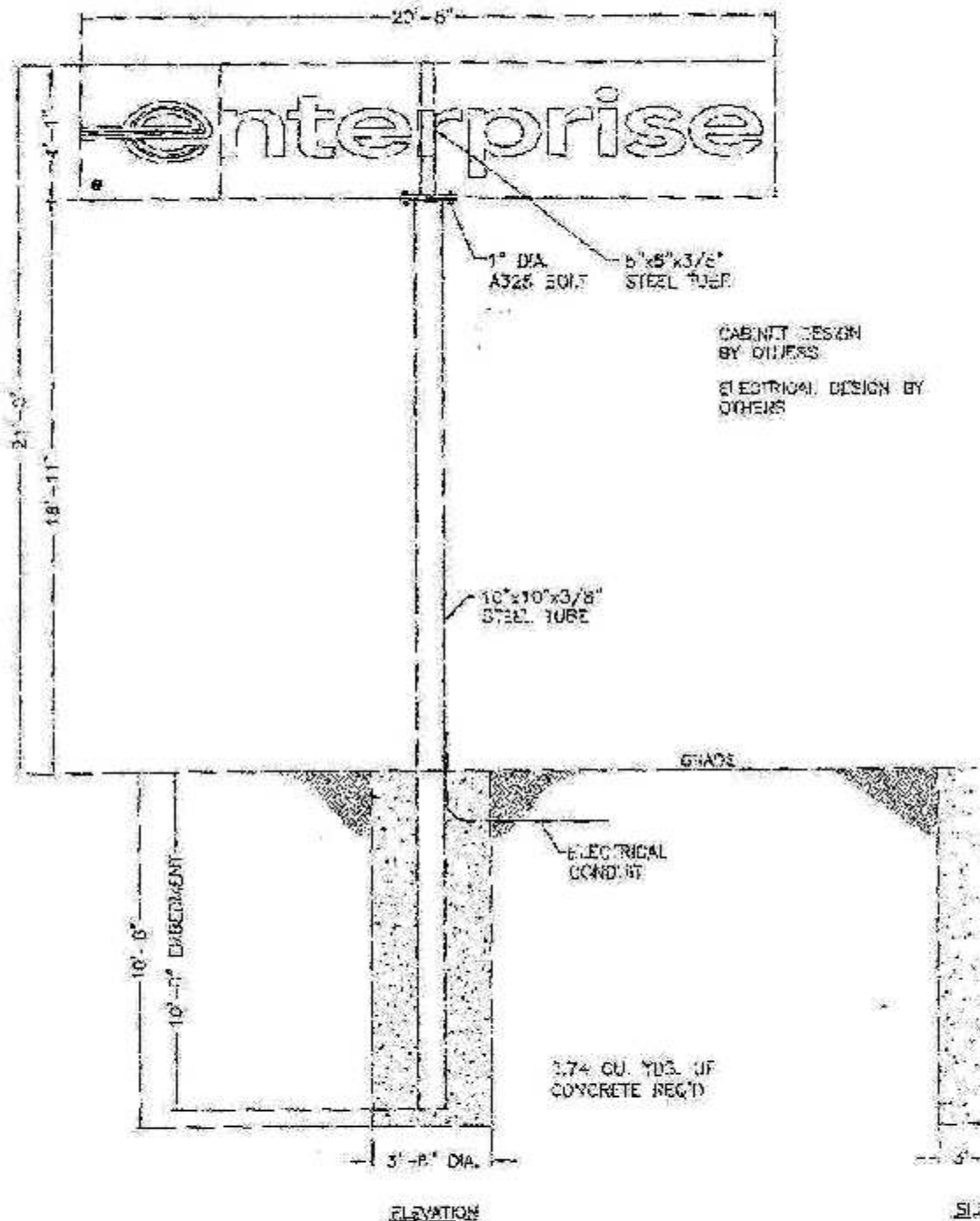
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# DETAIL SITE PLAN



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