

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 1, 2015**

<u>CASE NUMBER</u>	5974
<u>APPLICANT NAME</u>	Wrico Signs
<u>LOCATION</u>	811 Dauphin Island Parkway (Southeast corner of Dauphin Island Parkway and Duval Street)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital gasoline price sign within 300' of residentially zoned property.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	.36± Acres
<u>TRAFFIC ENGINEERING</u>	
<u>COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 3
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a digital sign located within 300' of residentially zoned property; the Zoning Ordinance does not allow digital signs within 300' of any residentially zoned property.

Upon review, Staff determined that the proposed digital sign is 140'± from property zoned R-3, Multiple-Family Residential District, and is 273'± from property zoned R-1, Single-Family Residential District. The regulations regarding digital signs, as adopted by the City Council on 04 June, 2013, require a minimum straight line distance of 300'.

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:

The purpose of this application is to allow digital gas pricers within 300' of a residential zoned property. The current manual gas price changer on the existing freestanding sign has become impractical both from a logistical stand point and a safety issue.

The digital gas pricers that we are seeking approval for are within the 12 square foot limitation of the current sign ordinance, but are within 300' of a residential zoned property; however the digital gas pricer will not be visible from the residential zoned property. The digital gas pricer is a static display much like a manual gas pricer, and has to be changed by a hand held controller. The digital gas pricer does not flash or have any kind of animated motion. The proposed digital gas pricers have a dimming feature that reduces the brightness at night time to prevent overly bright displays when less sign brightness is needed.

As mentioned, the applicant desires to replace the existing, manual gasoline price sign with a digital gasoline price sign. The applicant states that the current manual gasoline price sign is logistically impractical and has become a safety hazard. The proposed signage will meet the conditions of Pricing Signs within the Zoning Ordinance regarding size and will not flash or have any animated motion. Additionally, the brightness of the proposed signage will be remotely controlled to prevent excessive illumination. While the applicant has proposed the installation of a digital gasoline price sign which will meet current Zoning Ordinance regulations regarding size and illumination, there is no apparent hardship presented. Furthermore the applicant has not provided information regarding the size of the existing, freestanding sign in which the proposed digital gasoline price sign will be placed; if the digital price sign increases the total sign area or the load on the existing sign structure, the structure may not meet the 145 mph wind load requirement effective June 01, 2015. Thus, any approval must be subject to wind load compliance.

The existing sign is perpendicular to Dauphin Island Parkway and its lights, therefore, are not directed toward the adjacent R-3, Multi-Family Residential District. The lights of the existing sign are also not directed toward the R-1, Single-Family Residential District to which it is also perpendicular. The proposed sign would be placed in the same location with the same orientation.

Within the 300' buffer required of electronic or digital sign placement, all adjacent properties to the northeast, east, southeast, southwest, west and northwest are zoned B-3, Community Business Districts. The aforementioned residential districts are located to the north and south. The proposed digital gasoline price sign will face both the northeast and the southwest commercial properties.

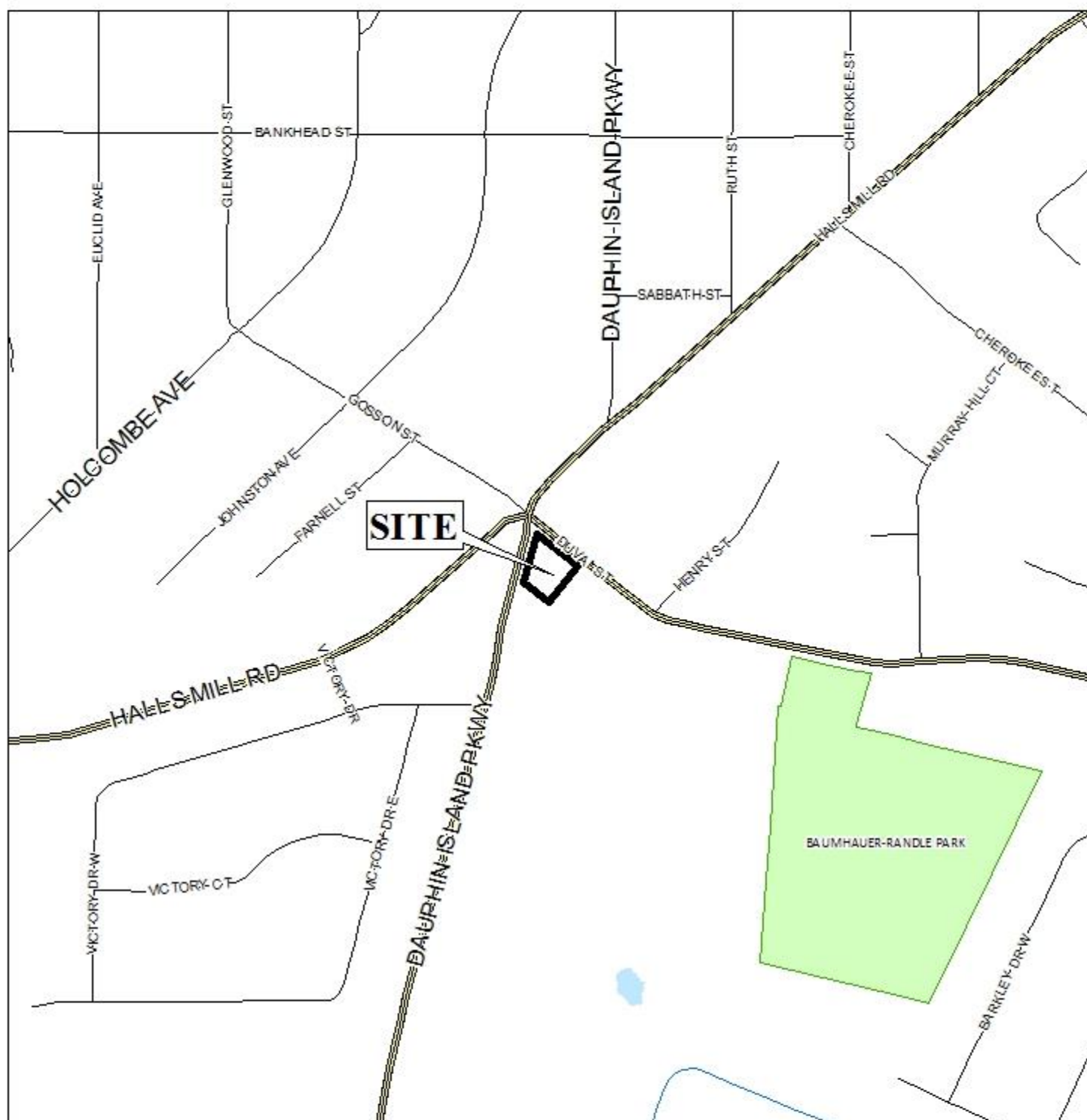
It should be further noted that in previous cases regarding digital gasoline pricing signs, the Board has ruled in favor of the applicant's request. Most recently, at its April 6th meeting, the Board approved (with conditions) the replacement of an existing digital gasoline price sign located 190'± from residentially zoned property; this property is also located along Dauphin Island Parkway. In keeping with the Board's previous actions, the approval may seem appropriate. However, the aforementioned request included information regarding the size of the proposed digital gasoline price sign. If the size of the sign of the current, proposed digital gasoline price sign is altered, evidence of wind load compliance will be required.

Lastly, the issue of pricing signs needs to be carefully considered. Seeing as review must be content neutral, if a business were to solicit a digital pricing sign for a product they sell (any product), the Board would be hard-pressed to deny the request should a trend of approval be extant.

RECOMMENDATION: Staff recommends Holdover to the July 6th meeting, with revisions submitted by June 15th, so the following can be addressed:

- 1) Information regarding the size of the existing freestanding signs; and
- 2) Submission of wind load compliance information.

LOCATOR MAP



APPLICATION NUMBER 5974 DATE June 1, 2015

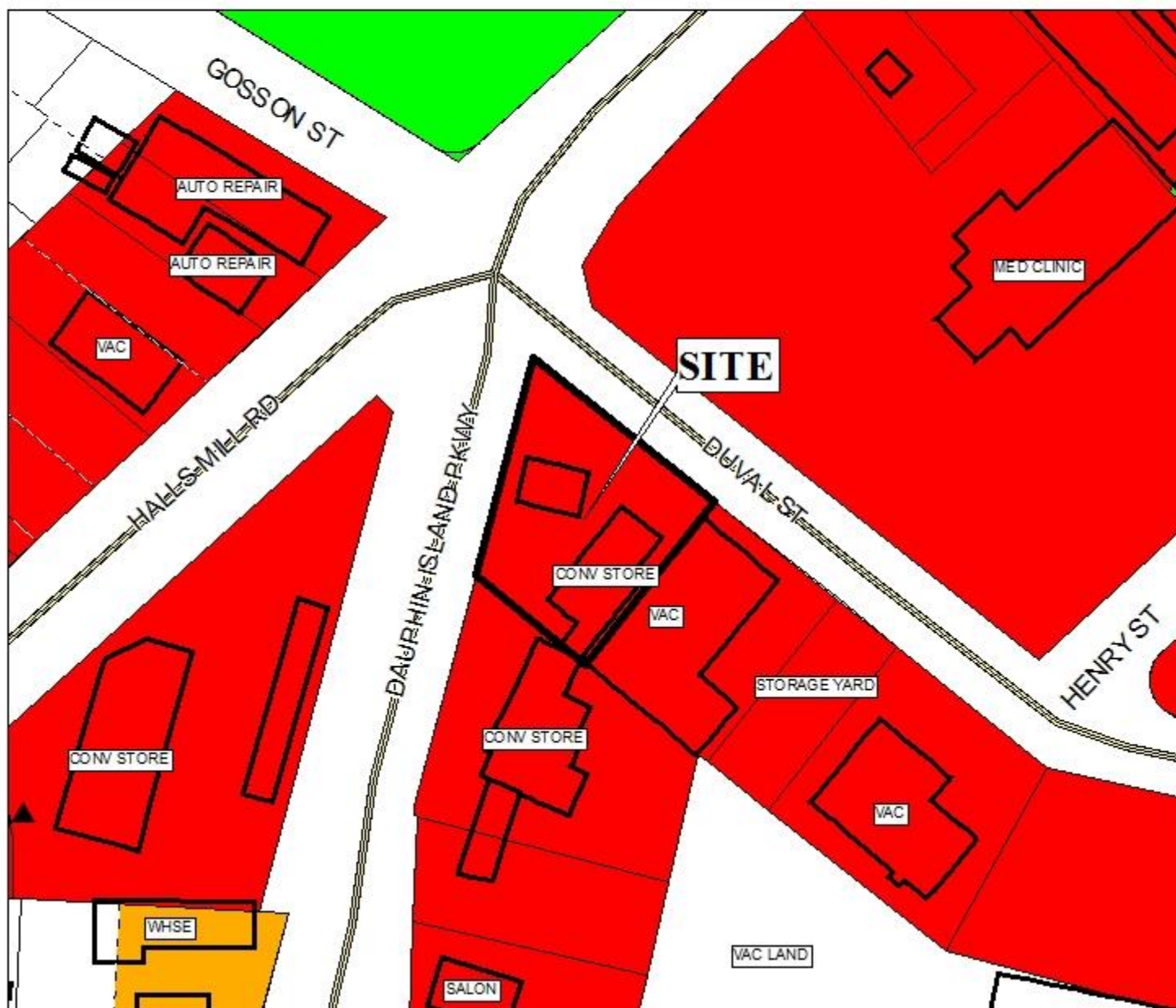
APPLICANT Wrico Signs Inc / Exxon

REQUEST Sign Variance



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VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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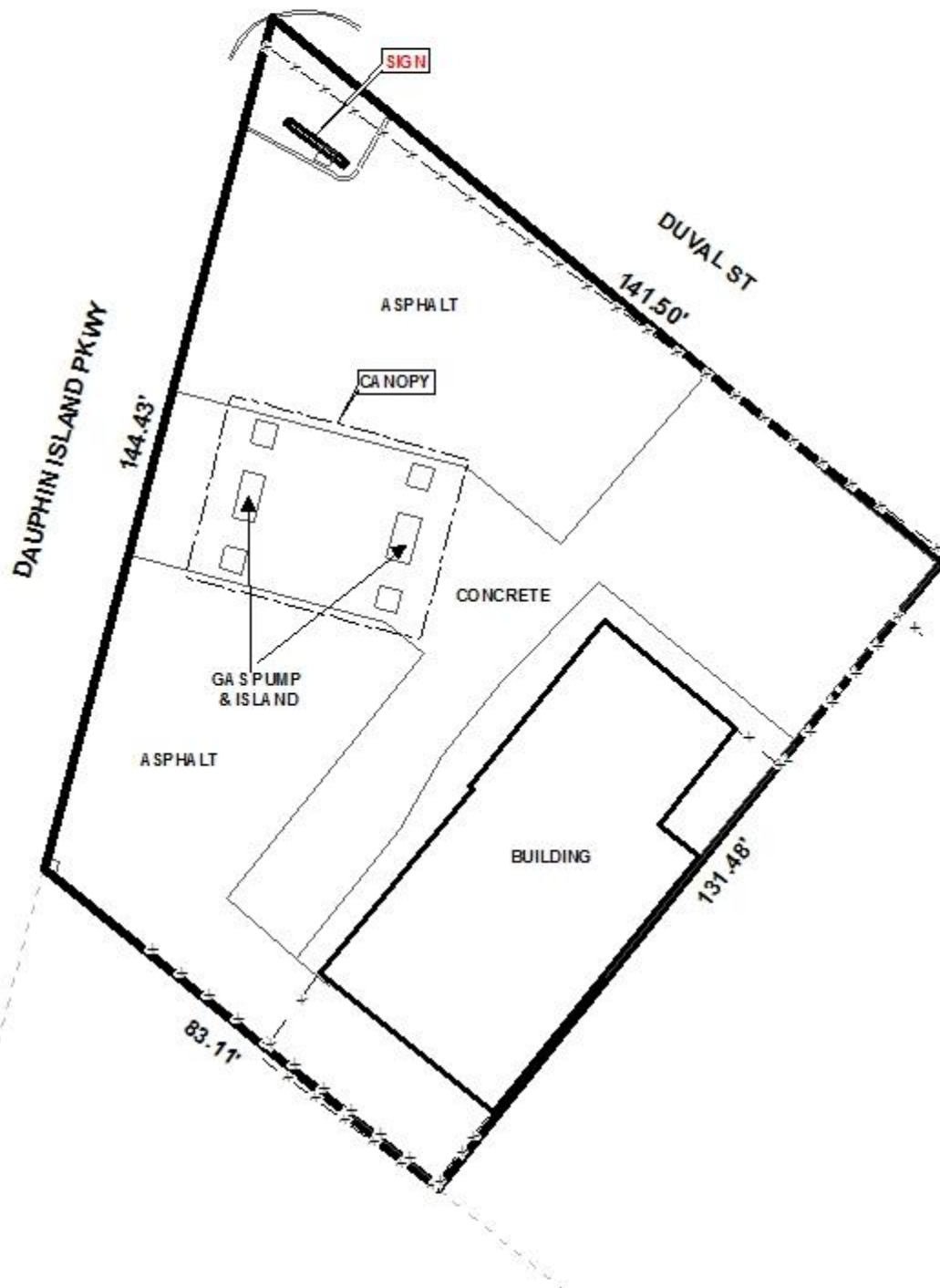
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



SITE PLAN



APPLICATION NUMBER 5974 DATE June 1, 2015

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DETAIL SITE PLAN



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