

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 2, 2016**

<u>CASE NUMBER</u>	6039
<u>APPLICANT NAME</u>	Mitchell Signs, Inc. (Polly Talley, Agent)
<u>LOCATION</u>	6587 Airport Boulevard (South side of Airport Boulevard, 3/10 mile \pm West of Hillcrest Road).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a LED electronic message center sign for a bank less than 300' from residentially zoned property in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires all digital signs to be a minimum of 300' from residentially zoned property.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1.8 \pm Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a LED electronic message center sign for a bank less than 300' from residentially zoned property in a B-3, Community Business District; the Zoning Ordinance requires all digital signs to be a minimum of 300' from residentially zoned property.

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 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 power to grant variances from the local zoning ordinances is established as follows:

- 1. The variance will not be contrary to the public interest. This type of sign and digital medium has been accepted within the City of Mobile, most recently within the updated zoning ordinance to allow the technology. Such freestanding signs within the same geographic area with no substantial argument from the general public. This sign follows the square footage allowances and characteristics.*
- 2. The spirit of the ordinance is observed. This sign is located in a mixed use commercial area. All properties within the area are zoned commercial with alterations in zoning to allow for both commercial and residential use. This sign will also only operate during the business hours so there are no disturbances.*
- 3. Substantial justice is done by allowing an effective sign that allows the business owner to integrate product and services and identification of the business name.*
- 4. The value of surrounding properties will not diminish due to the installation of this sign. This sign type of sign is used throughout the city and will have the same properties of a static sign in both brightness and usage. The electronic message center will provide information such as time and temperature for the passing traffic.*
- 5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship due to how the zoning is being considered. Although one property is considered commercial, it also is being used as partial residential. This is the only reason that this sign is being reviewed within a variance application.*
 - a. This sign will also take additional step to minimize brightness at night.*
 - b. It's a reasonable use because our assumption is that this district is truly a commercial area. Surrounding parcels are heavily populated with (?)*

Request for Relief for the Proposed:

As seen in the attached drawing it will keep with Community Bank's branding at their other locations.

The design was intended to keep with the spirit of the ordinance and also fit aesthetically. We believe it is an upgrade that the community will be pleased to see and we ask for this relief to Community Bank and allow them to prosper for years to come.

The proposed digital reader board sign would contain approximately 35 square feet per face. The applicant received approval in June 2013, for a larger digital reader board sign containing approximately 62 square feet per face at another Community Bank located at 111 West I-65 Service Road North. In that instance, the sign was located well over 300' from any residentially zoned properties. However, in this instance, the sign would be within approximately 240' of R-1, Single-Family Residential property across Airport Boulevard to the Northeast.

Regarding digital signs, the Board has generally been favorable to requests to allow digital pricing signs for convenience stores and such within 300' of residentially zoned properties by taking the position that such are not of the same classification and intensity as digital reader board signs and should not be regulated by the Digital Sign Provisions of the Zoning Ordinance. On the other hand, requests for reader board digital signs have generally been denied, even for proposed signs with much less square footage than proposed here, except in cases where the sign would not be directly visible from residential properties.

There are other digital reader board signs for businesses along Airport Boulevard within 300' of residentially zoned properties, but most pre-date the adoption of the Digital Sign Provisions. Only one (Pinebrook Shopping Center) has been installed via a Variance, and one was erroneously approved by staff shortly after the adoption of the Digital Sign Provisions. In this instance, the sign would be directly visible from the residential properties across Airport Boulevard.

There are no conditions which exist at this site that would prevent the placement of a sign with a non-electronic message center to provide information to the community. It is simply the applicant's desire to have a digital sign.

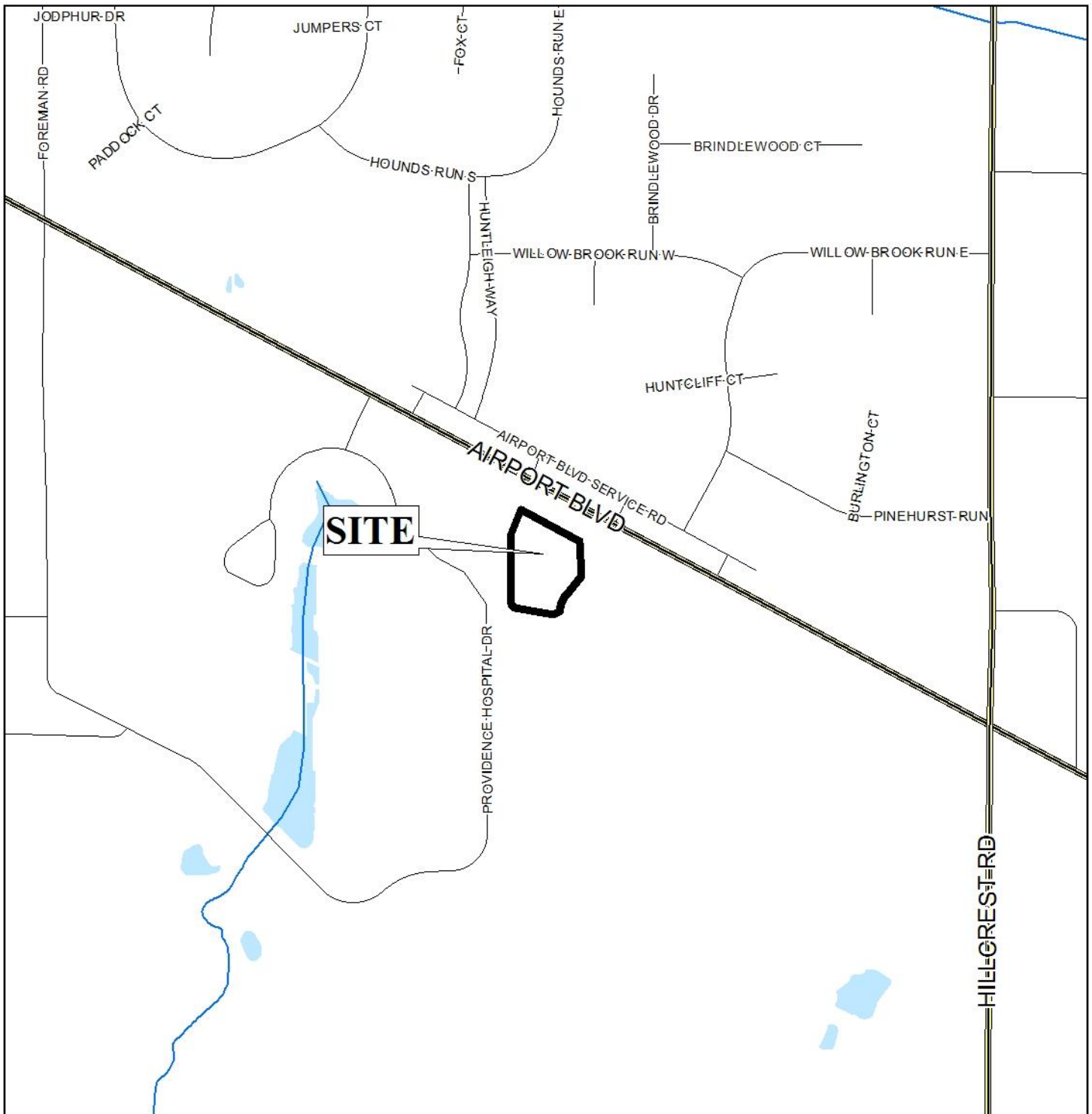
RECOMMENDATION:

Staff recommends to the Board the following findings of

fact for Denial:

- 1) Approving the variance will be contrary to the public interest in that the residential buffer requirements for digital signs are intended to reduce the intrusion of light emitted from digital signs onto nearby residential properties;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of digital signage necessary; 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 proposed sign would be allowed to have a non-electronic message center.

LOCATOR MAP



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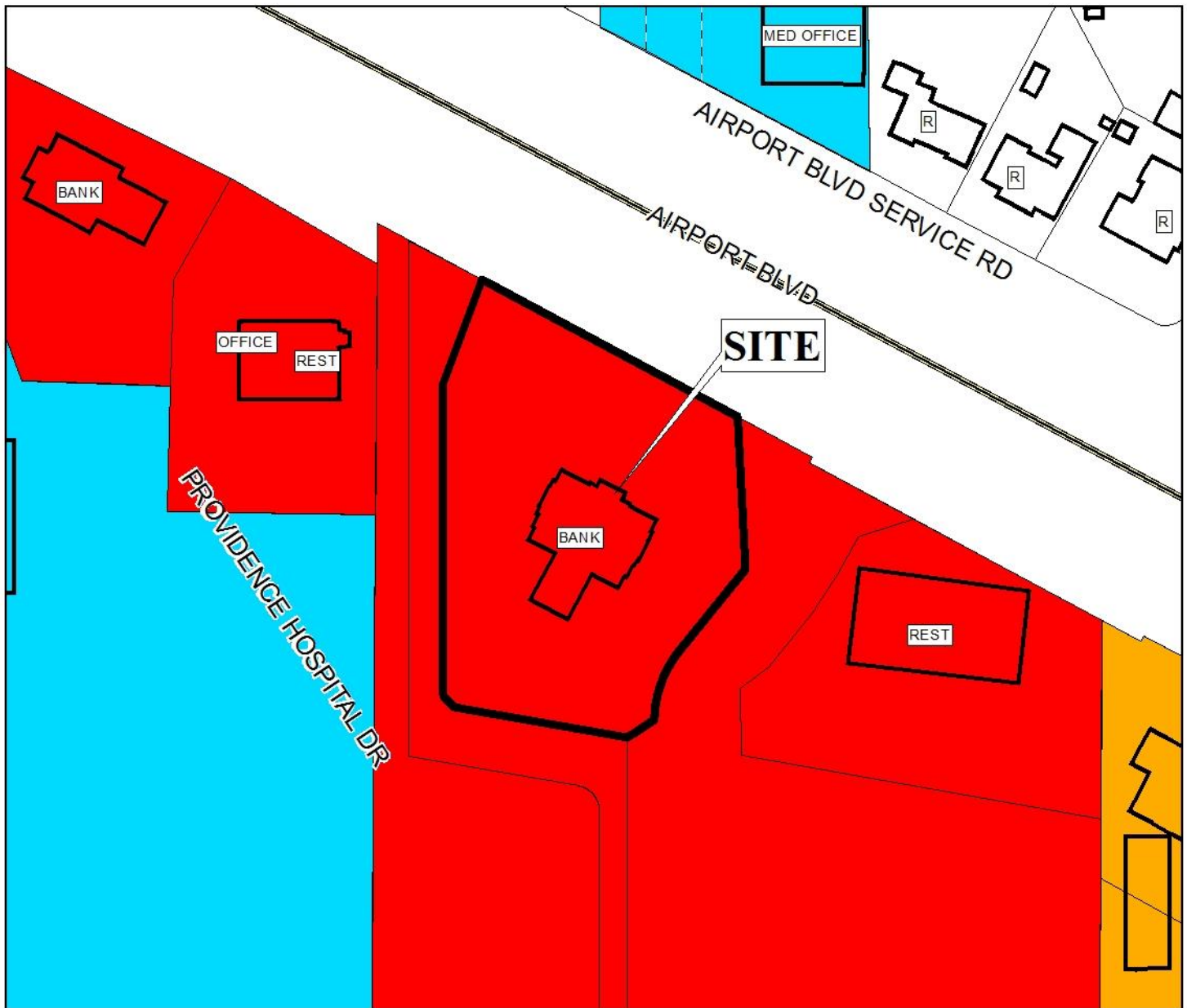
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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



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The site is surrounded by commercial and residential units.

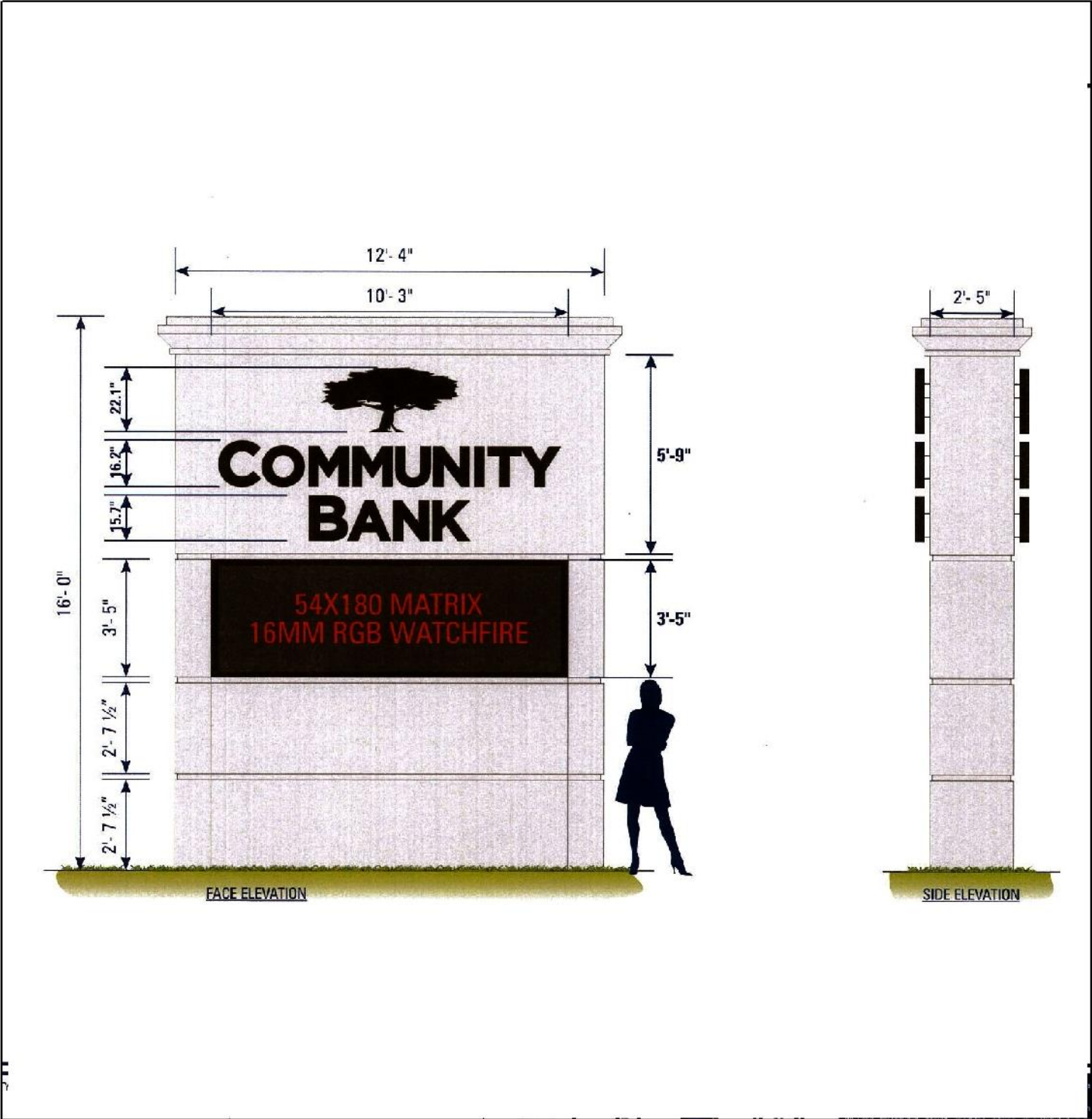
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DETAIL SITE PLAN



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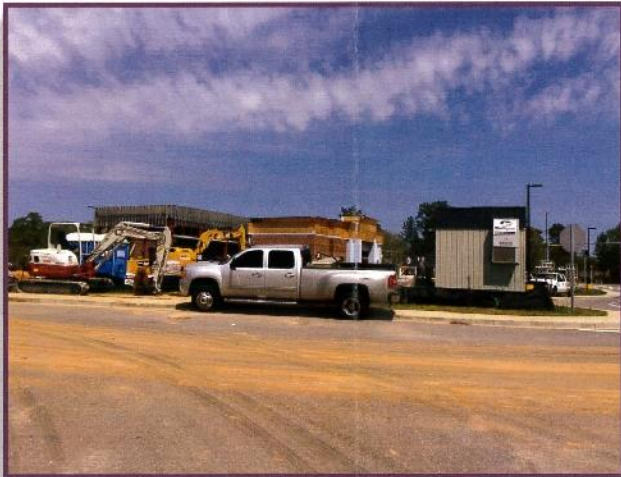
DETAIL SITE PLAN



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

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