

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 5, 2017****CASE NUMBER**

6112/6098/6001

APPLICANT NAME

Anchor Sign, Inc. (Jill Hopkins, Agent)

LOCATION7765 Airport Boulevard
(Southeast corner of Airport Boulevard and Schillinger
Road South)**VARIANCE REQUEST****SIGN:** Sign Variance to allow two wall signs for a tenant with one street frontage on a multi-tenant site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows one wall sign for a tenant with one street frontage on a multi-tenant site in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

Not specified.

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 6

ANALYSIS

The applicant is requesting a Sign Variance to allow two wall signs for a tenant with one street frontage on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one wall sign for a tenant with one street frontage on a multi-tenant site 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.

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 over-all site is a group business (multi-tenant) shopping center facing both Schillinger Road and Airport Boulevard with the main complex situated approximately 350' back from Schillinger Road and 125' back from Airport Boulevard. The subject business site is a new out-building with two tenant spaces near the intersection of the two streets and surrounded by the parking lot for the shopping center. The applicant's lease space is in the South unit of the building and faces Schillinger Road. The Zoning Ordinance allows one wall sign for a tenant with one street frontage in multi-tenant site, but not two wall signs.

The applicant states:

"Aspen Dental Management, Inc. is requesting a variance from the Zoning code that allows only one wall sign facing the street frontage. The Aspen Dental will be located in an out building in front of the main shopping center with the side of the building very visible to shoppers as they approach the clinic from the South on Schillinger Road. The lack of signage on the Side South elevation, which overlooks a vast parking lot, does not allow patrons to properly determine the location of the Aspen Dental and therefore creating a safety hazard when attempting to arrive at the facility."

"It appears that the majority of multi-tenant outbuildings with only one street frontage and overlooking parking lots have been allowed signage on a side and/or rear elevation for identification purposes therefore we feel that it would be a hardship to Aspen Dental to not be provided with the same privilege."

It should be noted that the examples of signage on other out buildings with only one street frontage within the complex cited by the applicant are not pertinent to the subject situation in that those businesses are each on a separate legal lot of record and are not subject to the same limitations as the applicant. Each would be considered a single-tenant site for signage purposes and allowed one freestanding sign and two wall signs. And as this shopping center was developed prior to annexation, some signage may be legal nonconforming in nature. The applicant's location is on the same legal lot of record as the main building complex and is therefore, on a multi-tenant site with different signage allowances.

The Zoning Ordinance allowance of one wall sign per tenant in a multi-tenant site assumes an interior unit within one building mass and does not take into consideration the possibility of an out-building on the same site facing both a street and a large parking lot. In such a scenario, there exists a possibility that tenants in the out-building may not have any signage exposure to

the parking lot expanse and, therefore, no recognition from the interior of the site. And that scenario is present at the subject site.

The adjoining unit in the subject out building was granted a Sign Variance by the Board at the April 3rd meeting to allow three wall signs. Since it is an end unit at a public street corner, it is allowed one wall sign per public street frontage. The third wall sign was allowed due to the same hardship displayed in this instance, that being non-recognition from the expanse of the parking lot.

The Board has been sympathetic in similar situations to increased signage allowances for out-buildings backing to expansive parking lots, and the Planning Commission approved increased signage allowances for similar situations via the Planned Unit Development for the McGowin Park development. The applicant has illustrated that a literal interpretation of the Zoning Ordinance would result in an undue hardship with relation to recognition at the subject site and the Board should consider this request for two wall signs for approval.

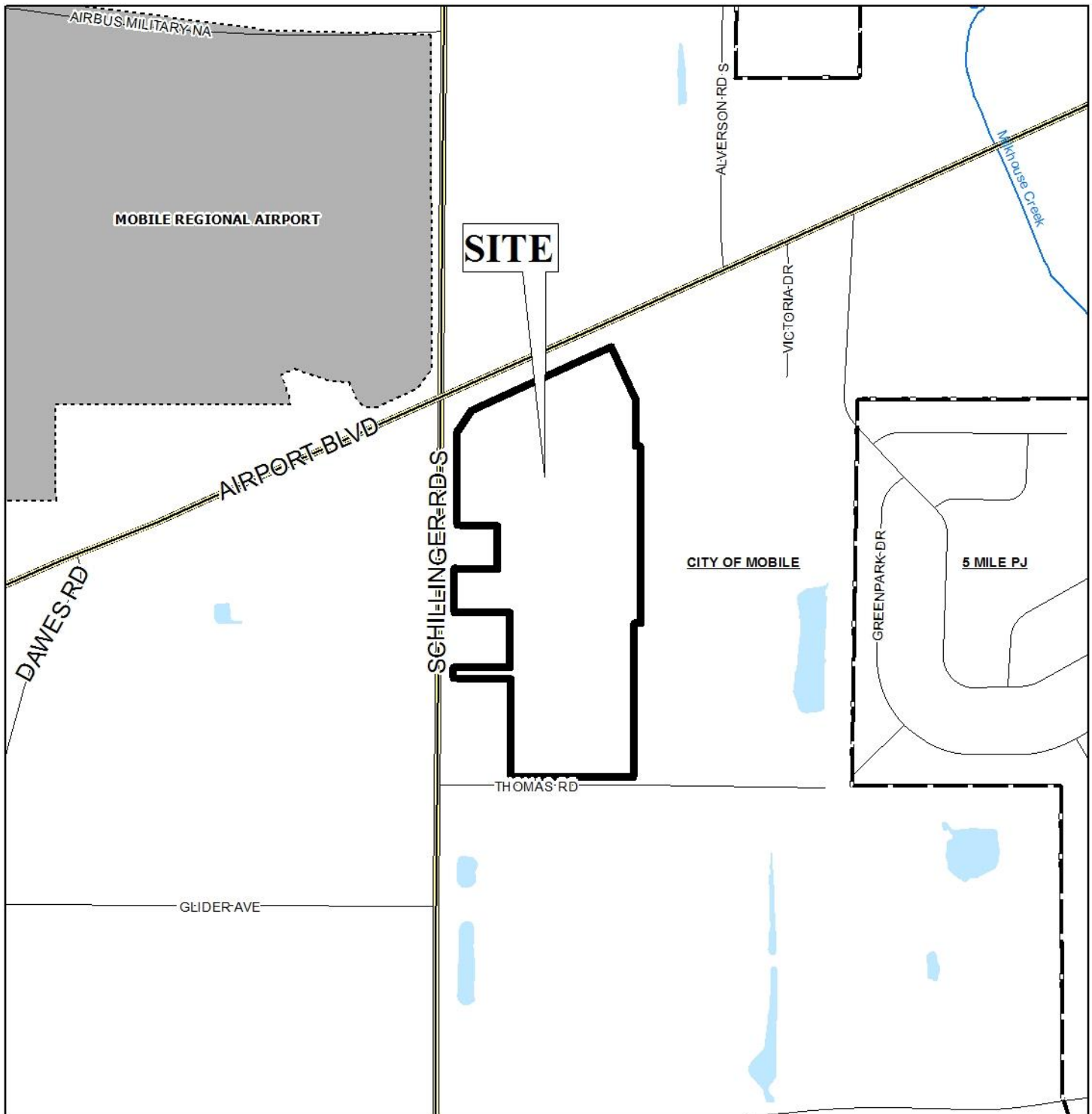
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the subject unit is in an out-building and faces both a public street and a large parking lot, the variance will not be contrary to the public interest;
- 2) These special conditions (the site is an out-building separate from the main shopping center building and vehicular visibility is necessary for recognition) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the subject business would be afforded adequate signage exposure and identity along both a public street and an expansive parking lot.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) obtaining of sign permits for both signs; and
- 2) full compliance with all other municipal codes and ordinances.

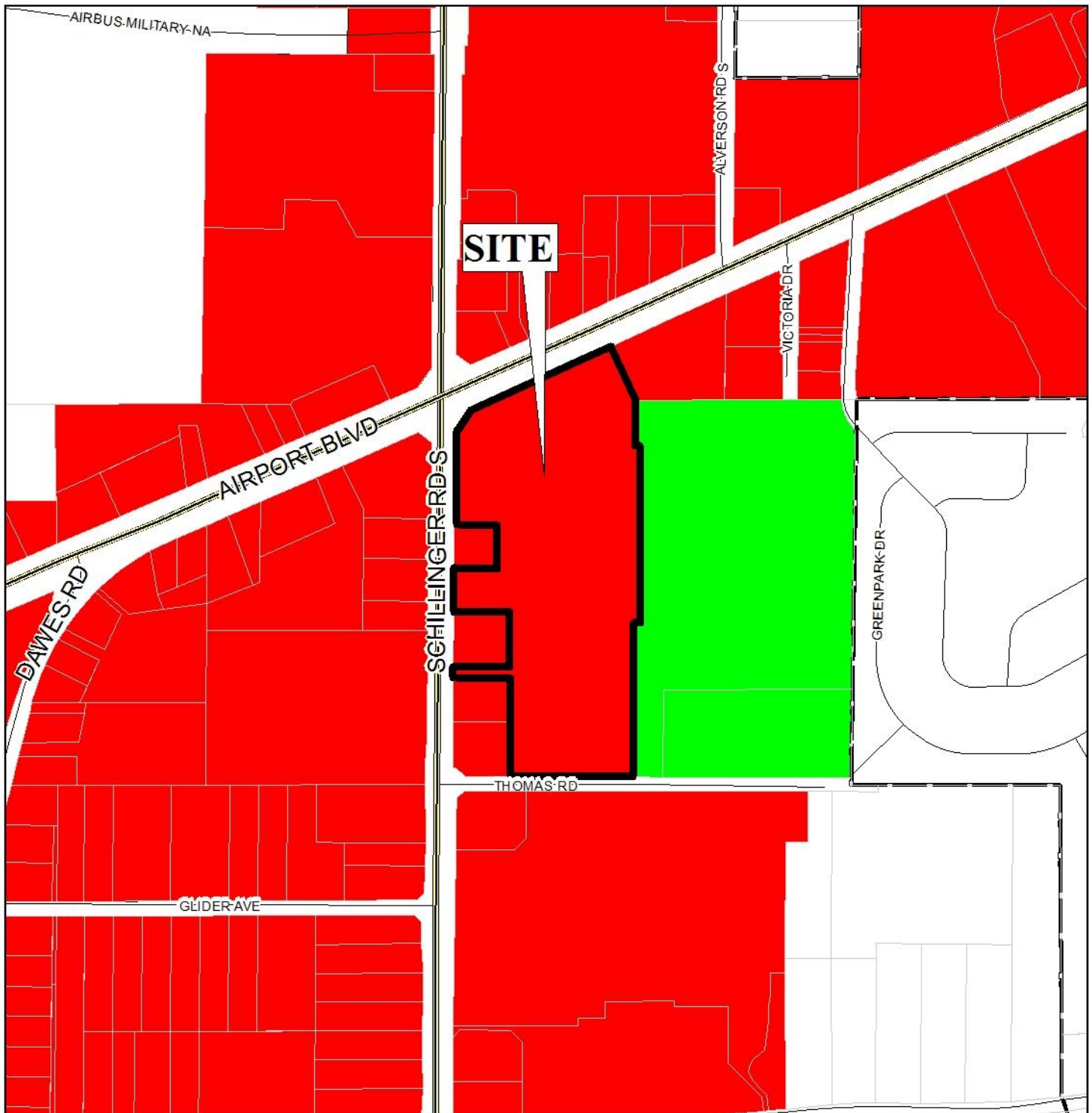
LOCATOR MAP



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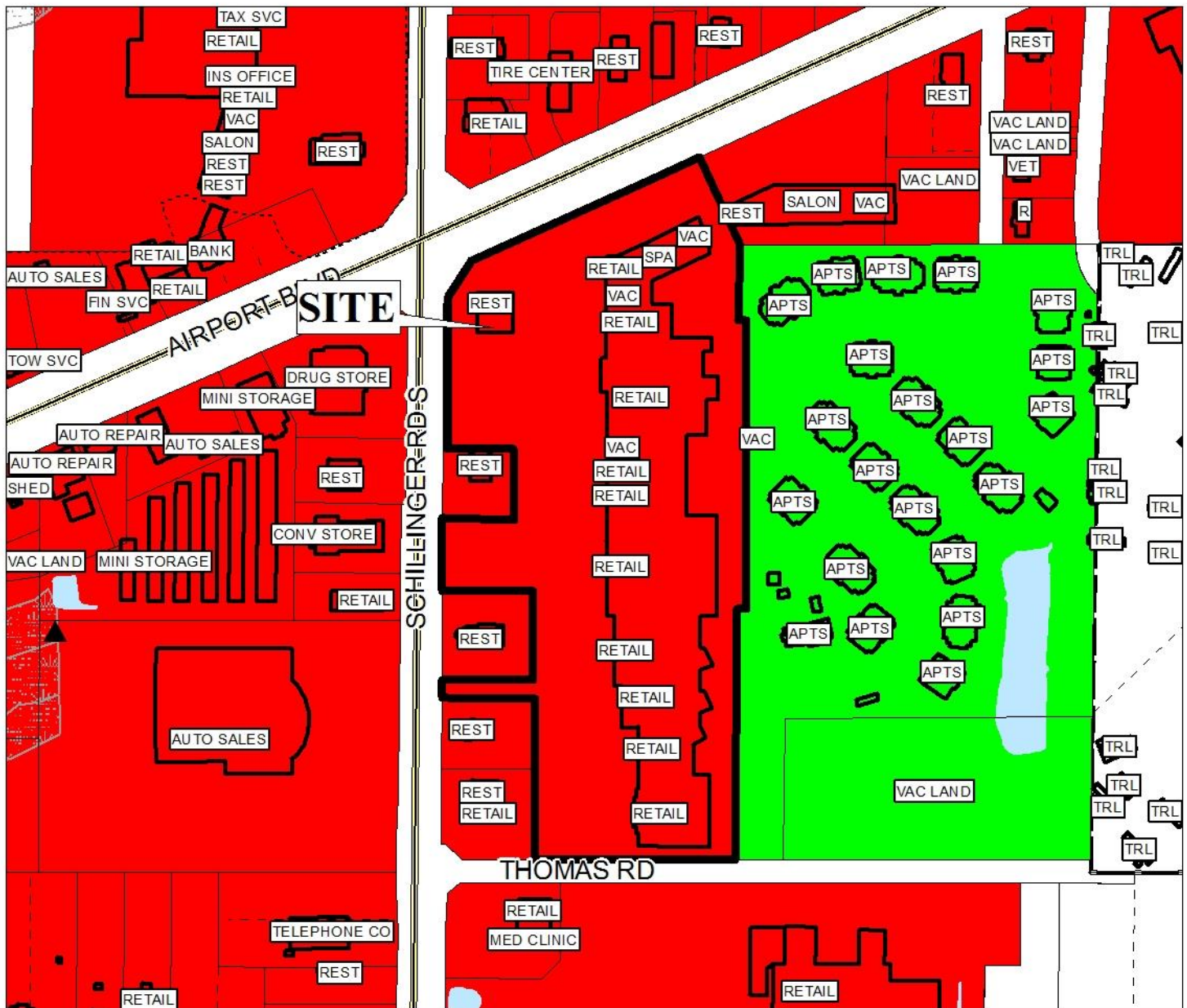
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units to the east.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

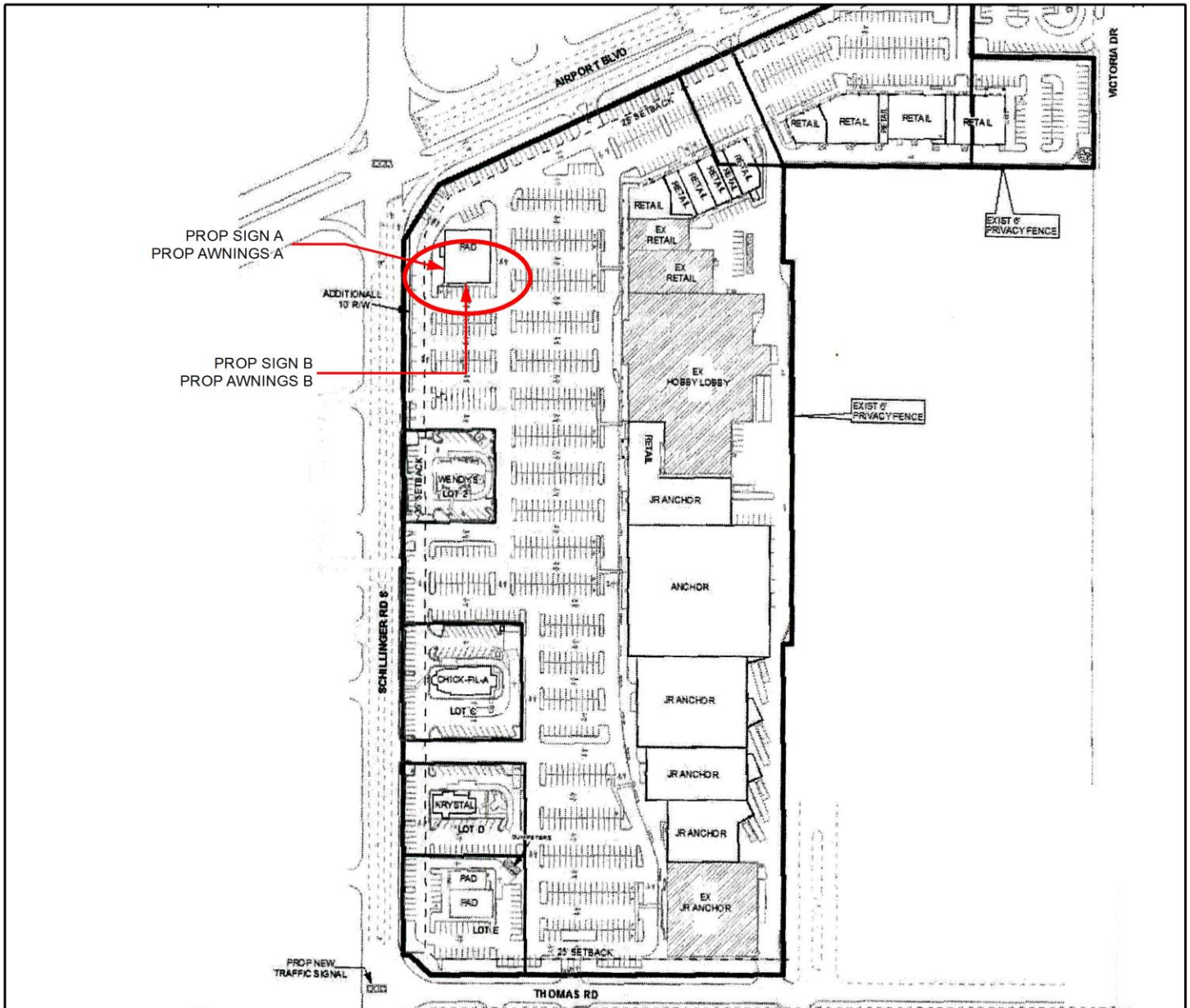


The site is surrounded by commercial units and residential units to the east.

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SITE PLAN



The site plan illustrates the existing buildings and proposed sign locations.

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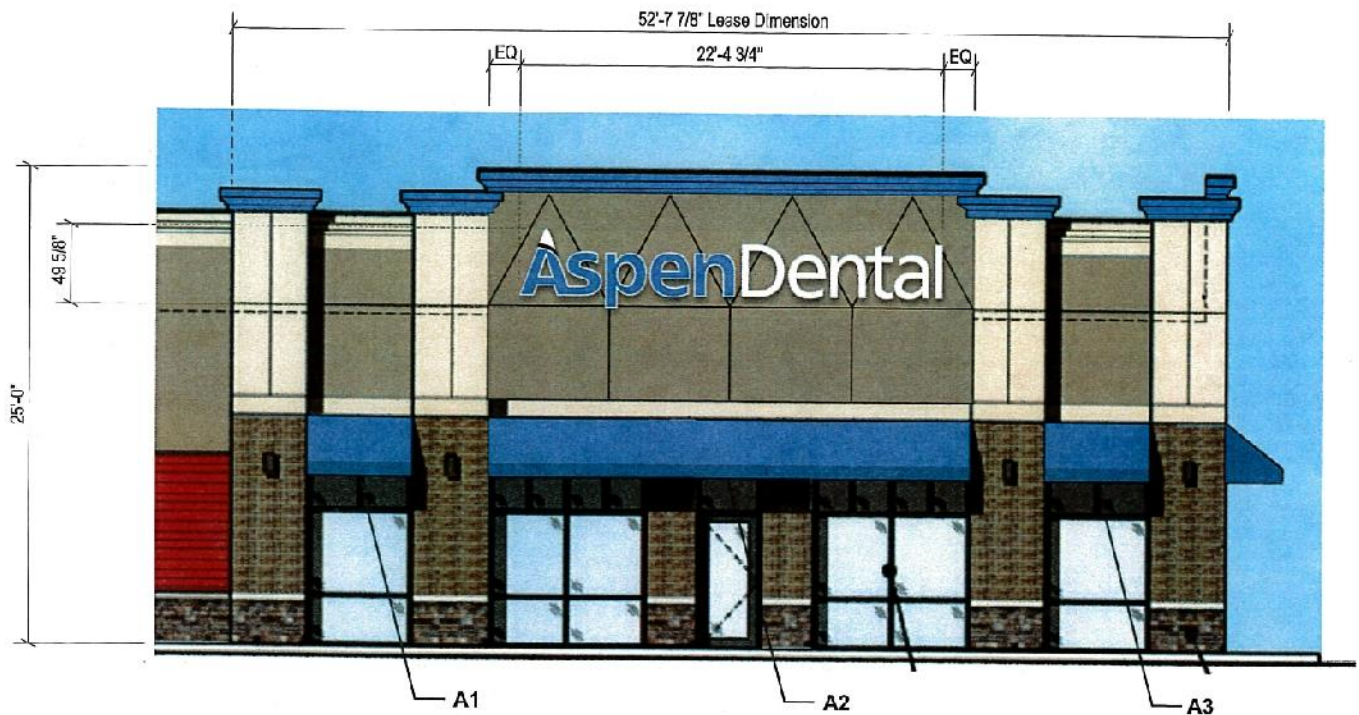
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NTS

DETAIL SITE PLAN



Front Elevation (West)

Scale: 1/8" = 1'-0"

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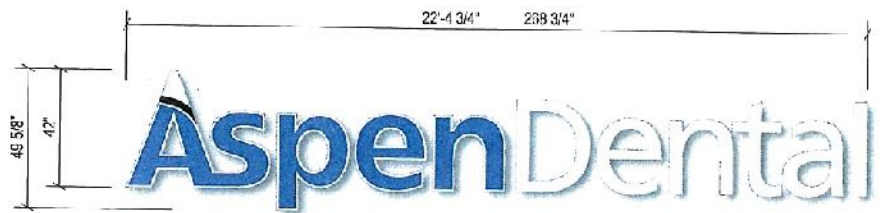
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DETAIL SITE PLAN

SIGN A	42" Aspen Dental
Type:	Individual Channel Letters
Illumination:	Internally Illuminated LED
Square Footage:	92.81
To Grade:	Top of sign to grade = 21'-11 1/2" Bottom of sign to grade = 17'-9 7/8"



Sign Layout Detail

Scale: 1/4" = 1'-0"

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DETAIL SITE PLAN



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DETAIL SITE PLAN

SIGN B	42" Aspen Dental
Type:	Individual Channel Letters
Illumination:	Internally Illuminated LED
Square Footage:	92.61
To Grade:	Top of sign to grade = 21'-11 1/2" Bottom of sign to grade = 17'-8 7/8"



Sign Layout Detail

Scale: 1/4" = 1'-0"

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