

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 5, 2018**

<u>CASE NUMBER</u>	6165
<u>APPLICANT NAME</u>	Alan Chastain – L.A. Signs
<u>LOCATION</u>	1124 Hillcrest Road (West side of Hillcrest Road, 350'± South of Johnston Lane)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a digital electronic message center sign within 300' of residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow digital signage within 300' of any residentially zoned property in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	0.65± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 6
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a digital electronic message center sign within 300' of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital signage within 300' of any residentially zoned property in a B-2, Neighborhood Business District.

The subject site is single-tenant and contains a lighting supply and service business. There is an existing sign along the street frontage with the business name on it. The applicant proposes to add an electronic message center to the structure. As there is residentially zoned property both to the South and rear within 300' of the proposed sign, the sign would not be allowed; hence this application.

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:

1. *The purpose of this application is to allow: A & W Lighting to install an electronic message center on their existing monument sign in place of the current reader board.*
- 2./3. *A & W Lighting has spent thousands of dollars on a new LED sign. They believed that electronic message centers were not allowed in his area. Once the owner saw Volunteers of America, located on a residential property three properties down from them, install a new electronic message center, the owner believed he could also. He purchased the unit without knowing he would need a permit because he was adding to his existing sign, not increasing the square footage of the sign. Since he cannot return his new sign, he will be at a loss. The owner also believes the Volunteers of America sign is more efficient in capturing attention than his sign and needs the electronic message center to compete for attention. If a variance is not granted, he will not be able to compete for his potential clients attention.*
4. *This property is different for the following reasons: there are two residential properties within 300 ft of the sign. One is the Volunteers of America (which was granted a variance for such a sign on a residential property) and the other is 6447 Johnston Rd. The latter address is located on a different street and the new proposed LED sign will not be visible in anyway. There are 2 large buildings blocking its view as well as a large fence and a lot of foliage. Having a LED sign will not detract from the neighborhood and negatively affect the area due to Volunteers of America sign previously approved by the City through a variance.*

Properties to the North and South of the subject site and across Hillcrest Road are zoned B-2 and are in commercial use. The property to the rear (West) is zoned R-1 and used as a single-family dwelling. Approximately 200' to the South is R-3, Multi-Family Residential zoning used as a church and corporate offices for the Volunteers of America Southeast.

The site has been given a Mixed Commercial Corridor land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

It should also be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

In similar Sign Variance requests where a proposed digital sign would be masked by buildings from residentially zoned properties, the Board has been sympathetic to the request. In this instance the R-1 property to the rear of the subject site would be masked from the sign by the building on the site and heavy vegetation on the residential site. The dwelling on that site is situated approximately 500' from the existing sign structure proposed to be modified. Under those circumstances, the digital sign would have negligible impact on that residentially zoned property.

As to the R-3 property to the South, it is situated approximately 250' from the proposed sign location and is used as a church and administrative offices for a volunteer organization and not for residential purposes. Also, that site was granted a Sign Variance in May, 2015 to allow a similar digital message center sign. Therefore, the allowance of the proposed sign would not seem out of order or out of character with the neighborhood.

The applicant has illustrated that a hardship could be considered to be imposed by a literal enforcement of the Digital Sign Ordinance and the Board should consider this application for approval, subject to conditions.

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

- 1) Based on the fact that the site is isolated from residentially-used properties, the variance will not be contrary to the public interest;
- 2) These special conditions (nearby residentially zoned property along Hillcrest Road is developed commercially and residentially zoned property to the rear is isolated from view of the proposed sign) 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 sign will not be visible to any residentially used property.

Therefore, the digital electronic message center sign request is recommended for approval, subject to the following conditions:

- 1) obtaining of a sign permit;
- 2) obtaining of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6165 DATE March 5, 2018

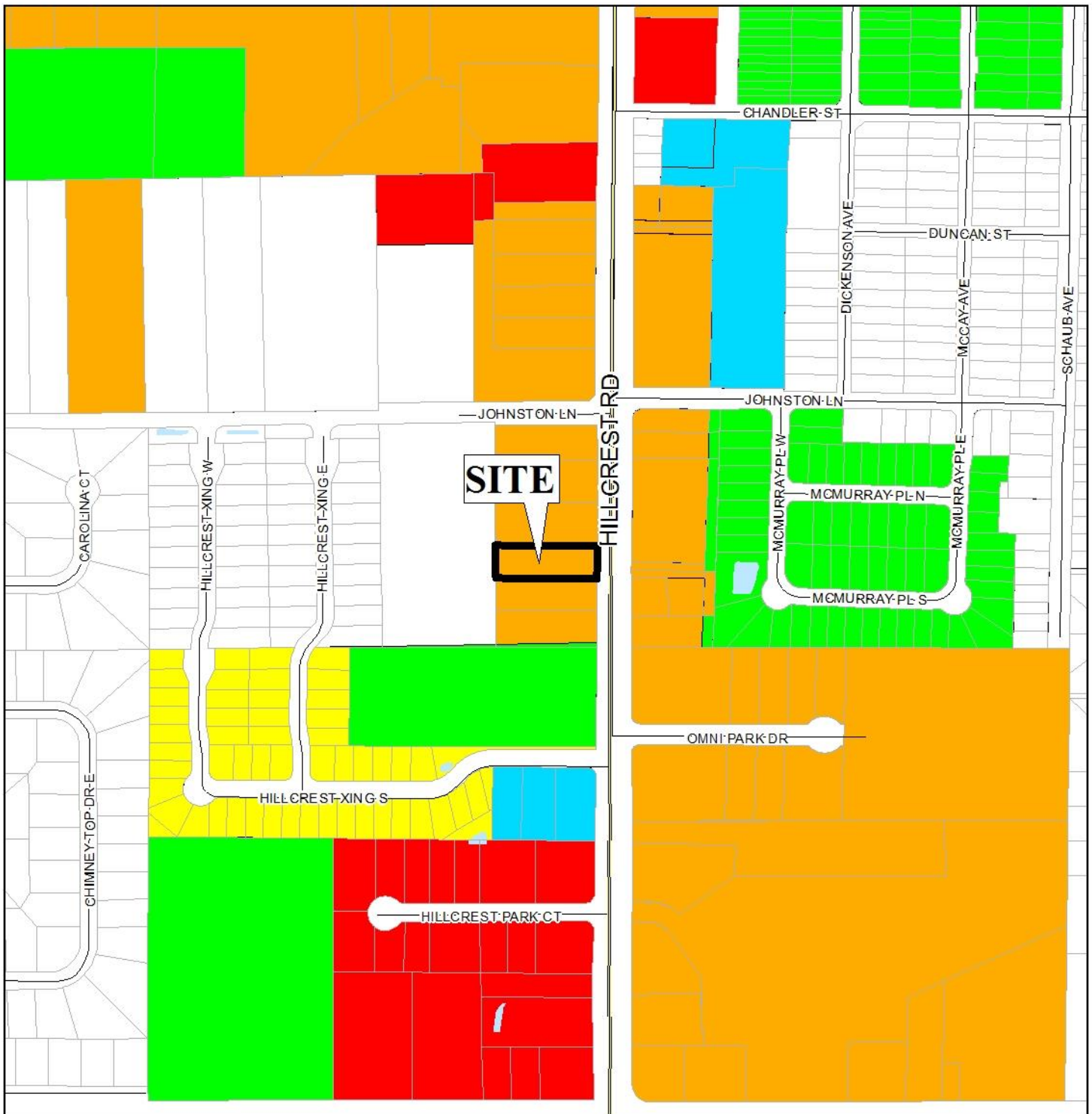
APPLICANT Alan Chastain- L A Signs

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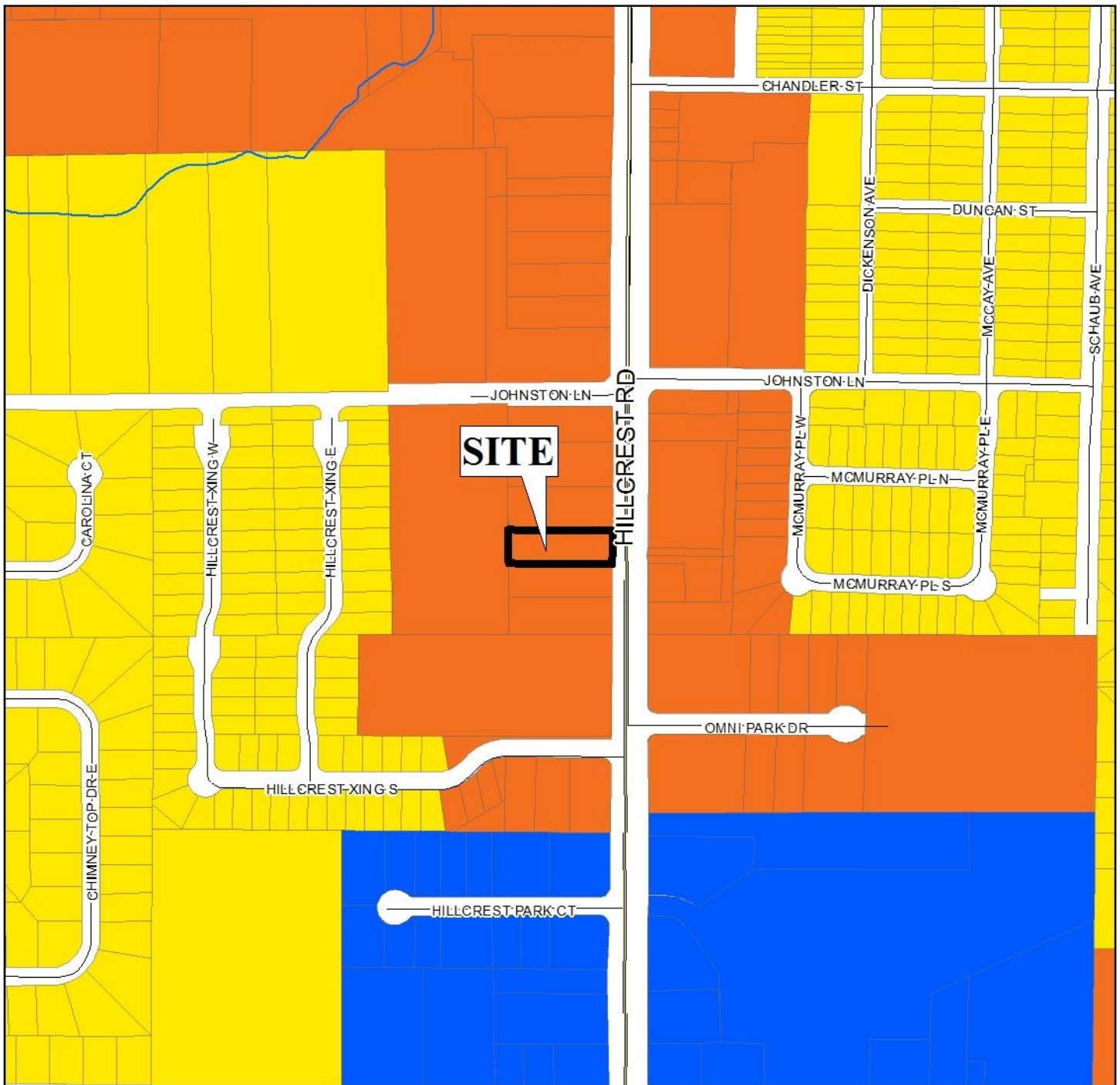
LOCATOR ZONING MAP



APPLICATION NUMBER 6165 DATE March 5, 2018
 APPLICANT Alan Chastain- L A Signs
 REQUEST Sign Variance



FLUM LOCATOR MAP



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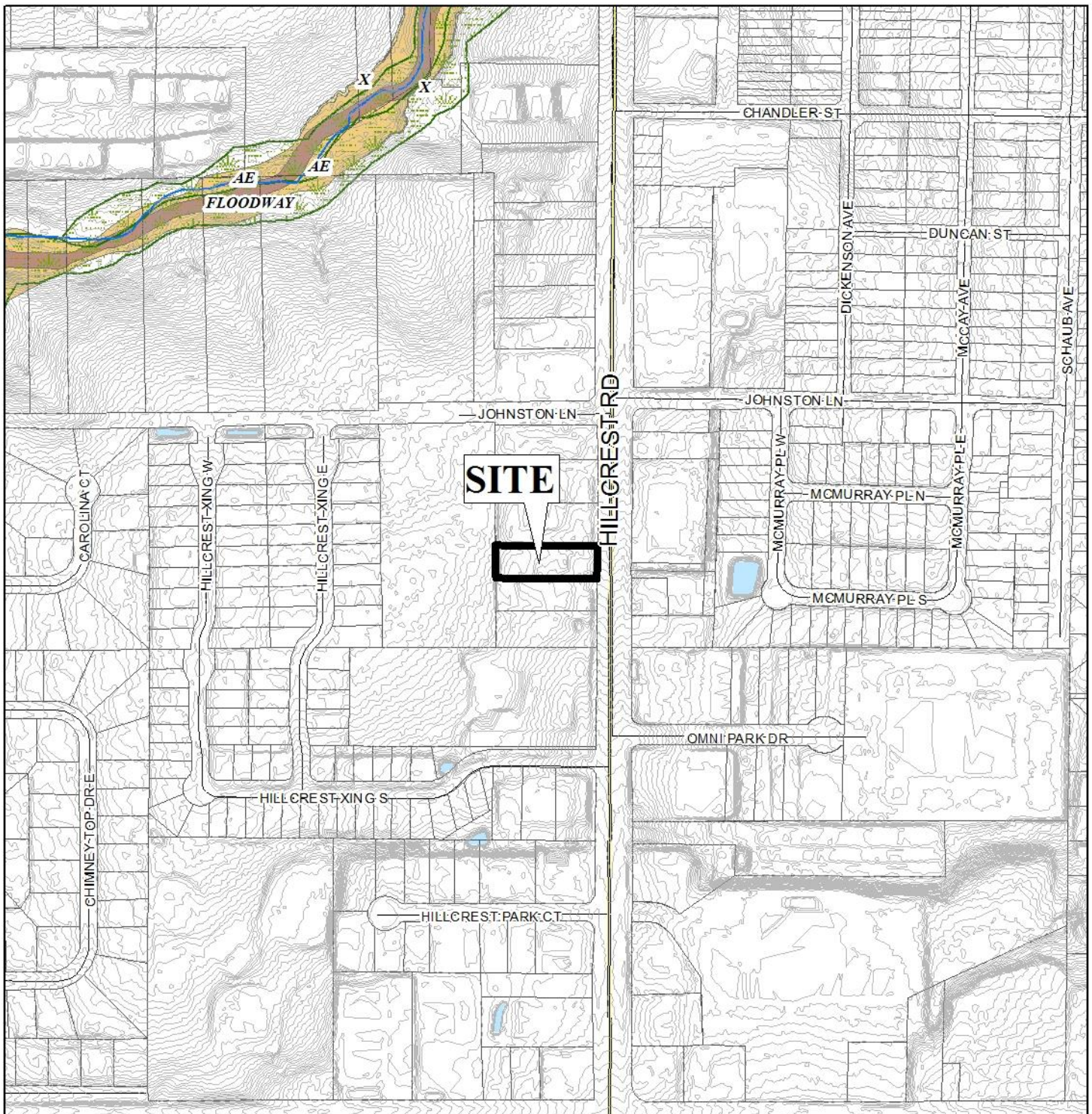
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6165 DATE March 5, 2018

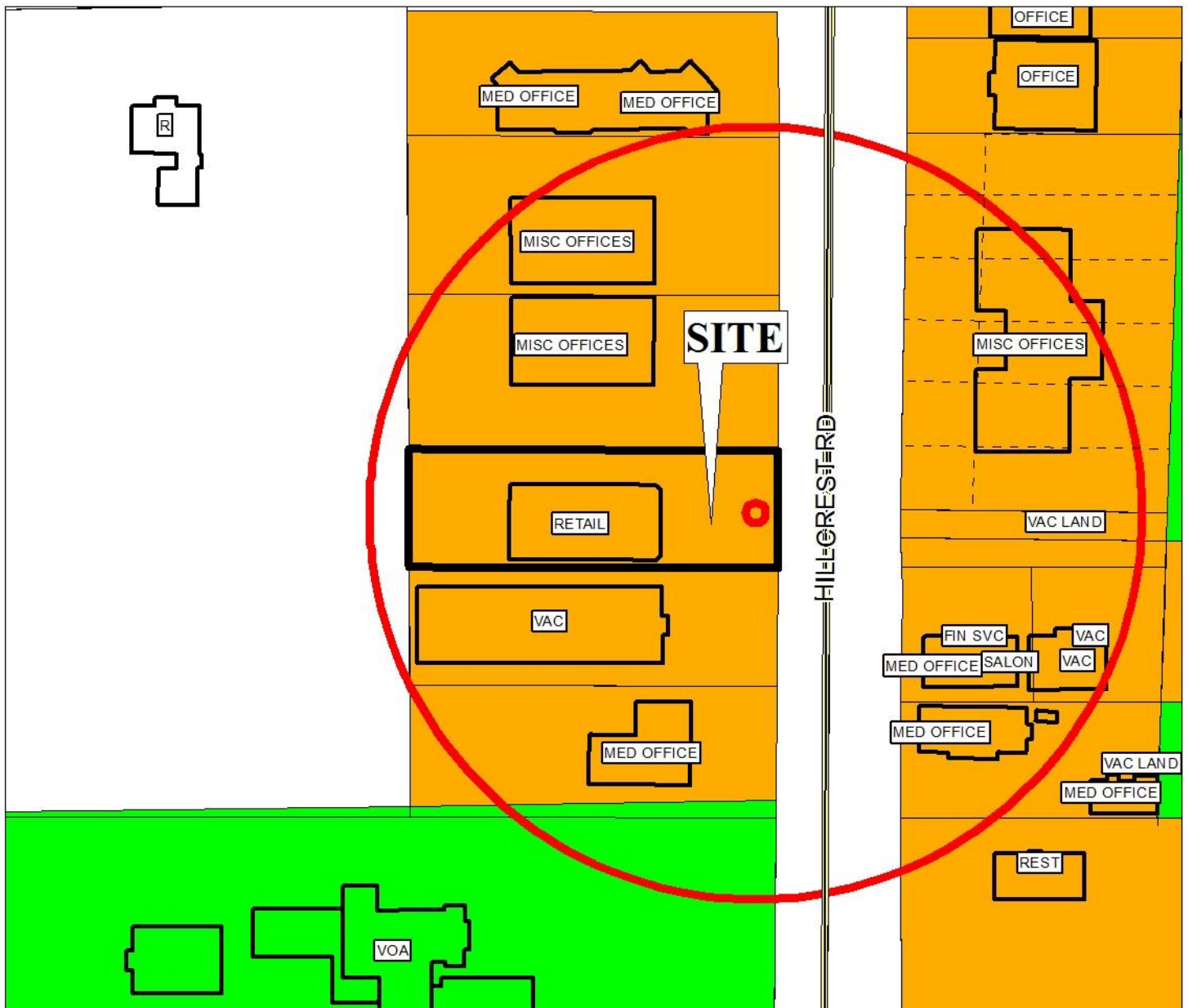
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6165 DATE March 5, 2018

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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

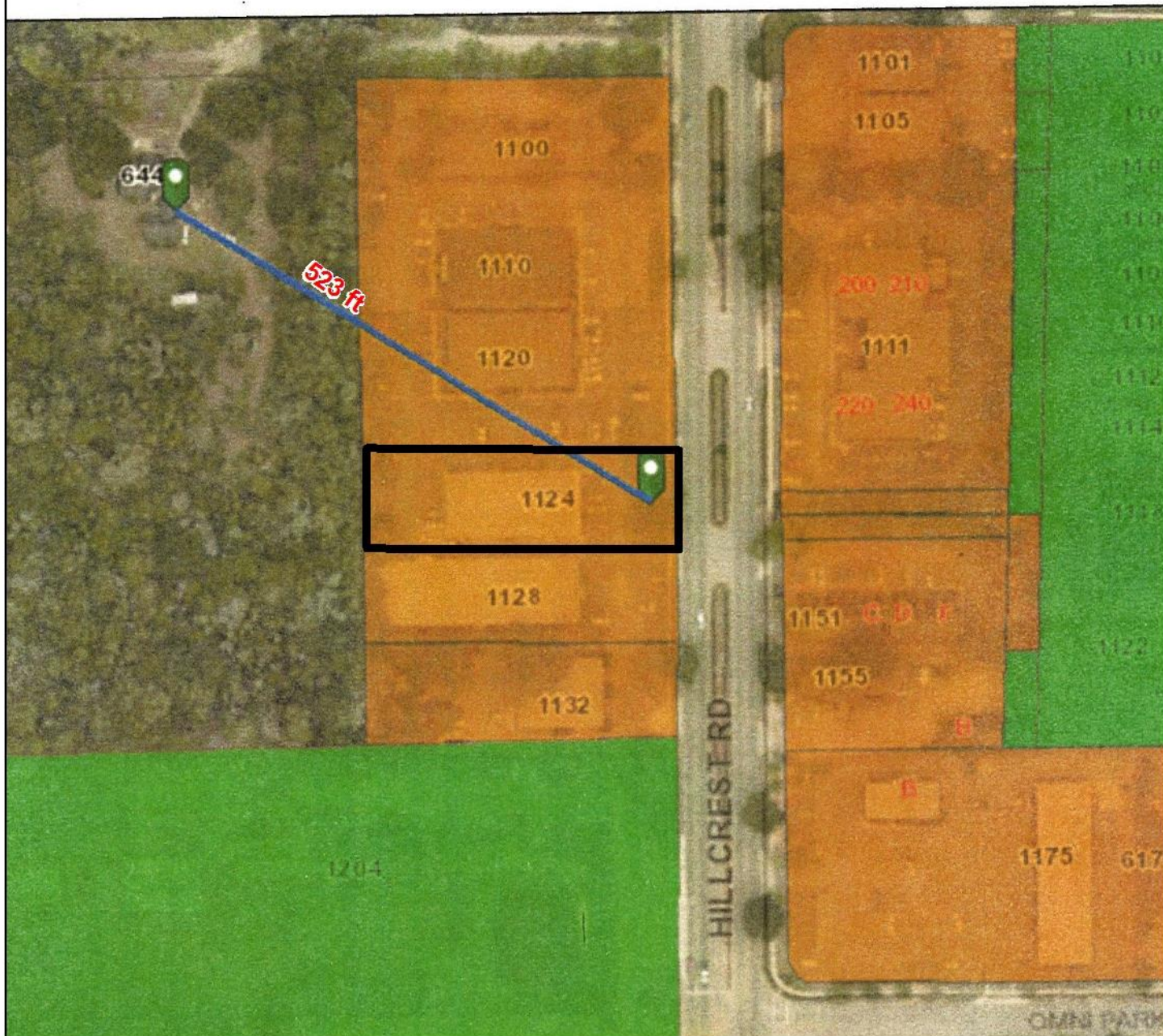


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APPLICATION NUMBER 6165 DATE March 5, 2018
 APPLICANT Alan Chastain- L A Signs
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DETAIL SITE PLAN



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