

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 3, 2015****CASE NUMBER**

5990/5149

APPLICANT NAME

Advantage Sign Company

LOCATION669 Azalea Road
(North side of Azalea Road, 570'± East of Village Green Drive)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital sign at a church in an R-1, Single-Family Residential District and within 300' of other R-1, Single-Family Residential properties.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow digital signs in an R-1, Single-Family Residential District and requires a minimum of 300' from other residentially zoned property.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

3.73± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Sign Variance to allow a digital sign at a church in an R-1, Single-Family Residential District and within 300' of other R-1, Single-Family Residential properties; the Zoning Ordinance does not allow digital signs in an R-1, Single-Family Residential District and requires a minimum of 300' from other residentially zoned property.

A variance was granted at the Board of Zoning Adjustment's January 6, 2003 meeting to allow a second freestanding sign, however, no permits were obtained and the approval subsequently expired. The applicant now wishes to replace the existing freestanding sign on the site with a new sign which is proposed to include a digital messaging center. The site plan submitted illustrates the location of the existing sign, but does not state if the new sign is proposed to be located in the same spot. Furthermore, no information regarding the brightness of the proposed sign was submitted.

The applicant states that:

#1 The purpose of this application is to allow: An LED display at 669 Azalea Rd. The First Church of the Nazarene

#2 What are the conditions, items, facts or reasons which prevent you from complying with the requirement of the zoning ordinance? The newly adopted ordinance states that LED displays are not allowed within 300' of a residence. The sign will be 120' from the nearest residential property.

#3 How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? The Church purchased a display from an out of town company and did not know the ordinance had changed in the city of Mobile

#4 How is this property different from the neighboring properties? The property is surrounded by other commercial properties except one lot across Azalea Rd There is what appears to be an abandoned structure on the 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 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.

Within the required 300' buffer, to the East are properties that are mostly vacant, but with at least one dwelling, that are zoned R-1, Single-Family Residential District; to the South is a vacant lot and a church both zoned R-1, Single-Family Residential District; to the North is an apartment complex zoned R-3, Multi-Family Residential District; and to the West are a real estate office and television broadcast station zoned B-1, Buffer Business District.

The applicant's existing signage has a non-electronic message center, and there is no reason why the existing sign could not be replaced with a message center similar to the existing one. The only hardship the applicant presents is that the church did not do its proper due diligence in regards to the Zoning Ordinance requirements for signage prior to purchasing the sign, which is a self-imposed hardship.

RECOMMENDATION:
fact for Denial:

Staff recommends to the Board the following findings of

- 1) approving the variance will be contrary to the public interest in that the residential buffer requirement for digital signs is 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 site is allowed a non-electronic message center similar to the one that currently exists on the site, and to allow a digital message center could result in an increase in light intrusion.

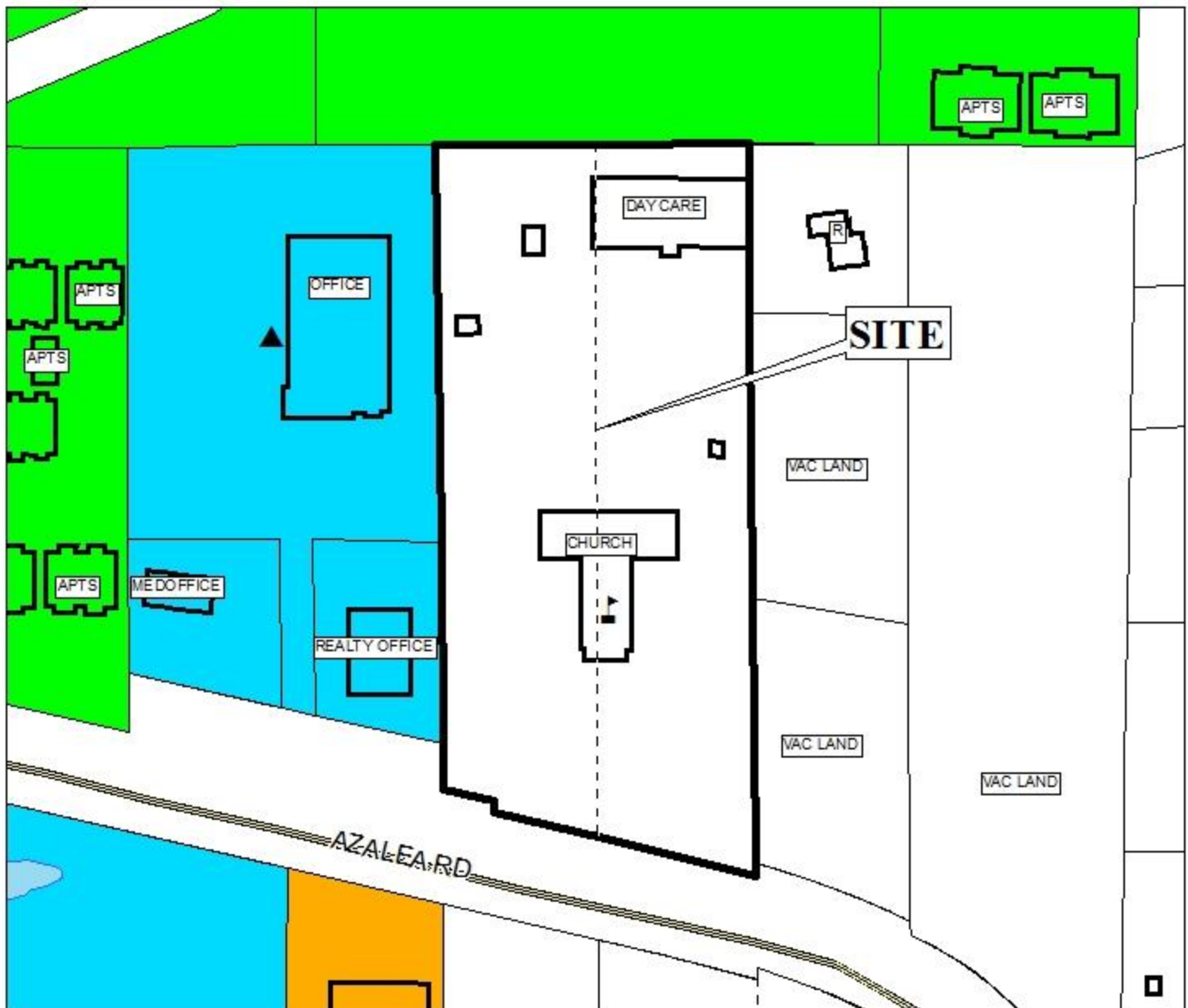
LOCATOR MAP



APPLICATION NUMBER 5990 DATE August 3, 2015
APPLICANT Advantage Sign Company
REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units.

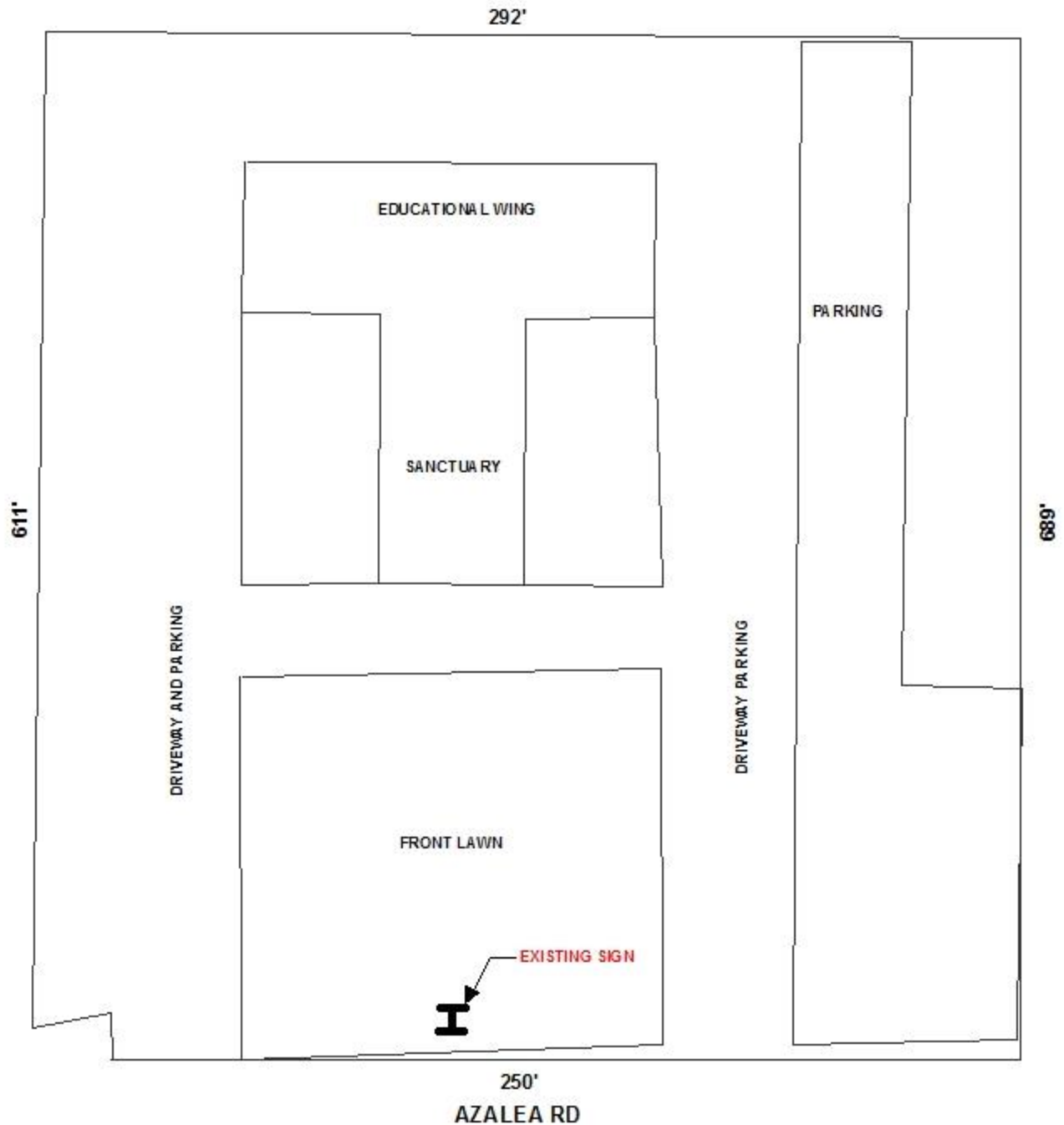
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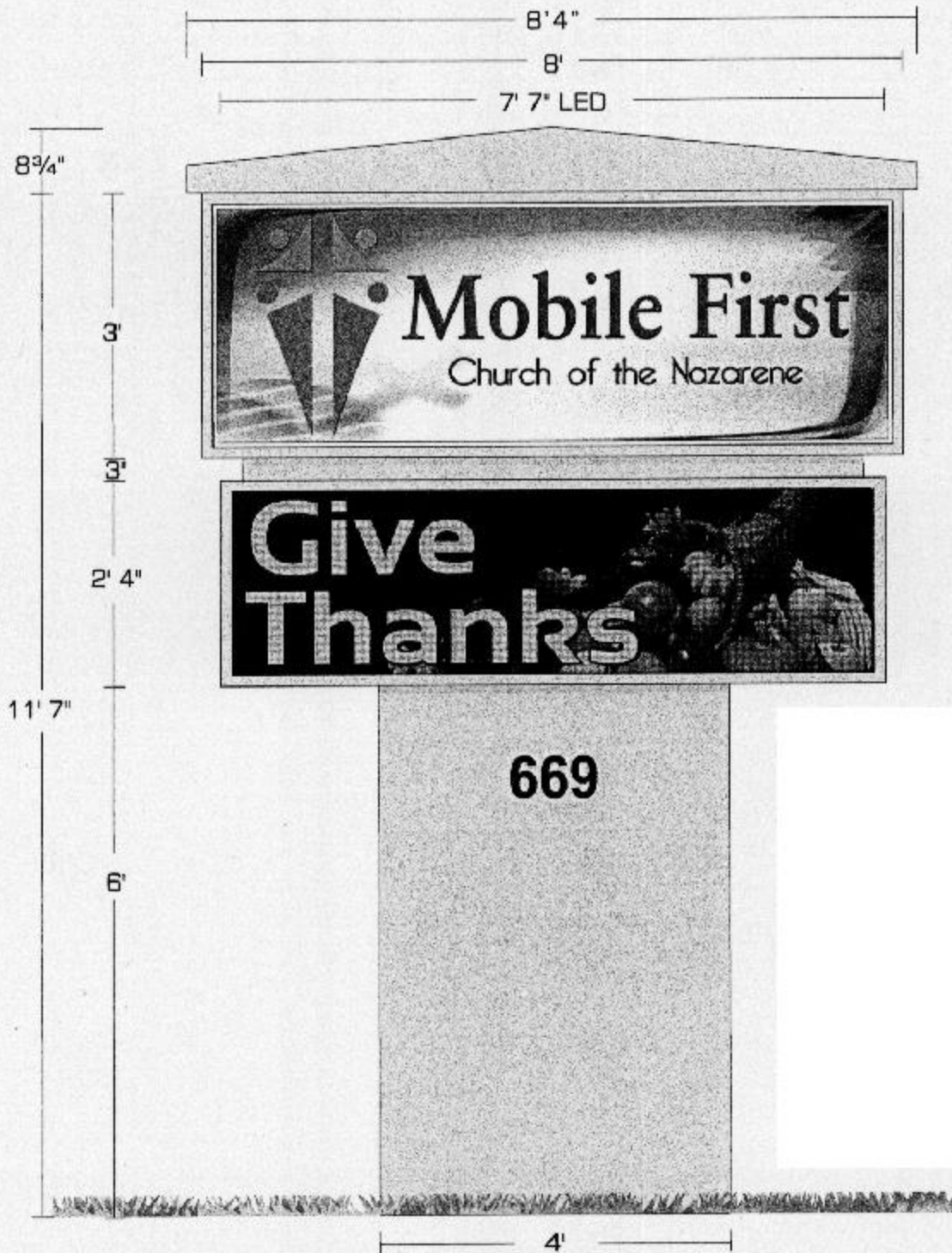
DETAIL SITE PLAN



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