

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 6, 2015**

<u>CASE NUMBER</u>	5960
<u>APPLICANT NAME</u>	Palmer's Airport Hyundai
<u>LOCATION</u>	7680 Airport Boulevard (North side of Airport Boulevard, 180' ± East of Alverson Road South).
<u>VARIANCE REQUEST</u>	SIGN VARIANCE: To allow two freestanding signs, six wall signs, and six informational/directional signs with logos on a single-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows one freestanding sign and two wall signs, and does not allow logos on informational/directional signs, in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	4.2 ± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>FIRE DEPARTMENT COMMENTS</u>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<u>CITY COUNCIL DISTRICT</u>	District 7
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow two freestanding signs, six wall signs, and six informational/ directional signs with logos on a single-tenant site in a B-3, Community Business District; the Zoning Ordinance allows one freestanding

sign and two wall signs, and does not allow logos on informational/directional signs, on a single-tenant site in a B-3, Community Business District.

The subject site has been an automobile dealership since at least the latter part of 1987 and a Hyundai dealership since the latter part of 2003. In 2007, the area was annexed into the City of Mobile and any nonconforming signage was allowed to remain. As Hyundai is requiring its affiliated dealerships to update their signage packages, the applicant proposes to basically keep the same number of signs without bringing the signage package into compliance with the Sign Regulation Provisions of the Ordinance as is required once nonconforming signage is removed and replaced

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's states "*The variance request for additional sign area is due to what we believe is lack of adequate signage for the Hyundai image on the subject property.*"

"Palmer's Airport Hyundai has made major improvements to the site in a short period of time. As a Hyundai dealer there are rules for the Hyundai incentives including signage that meets the Hyundai image. The proposed sign will provide an updated solid structure that will meet the Hyundai standardized sign requirements."

The site currently has two freestanding signs, one for the Hyundai logo (proposed to be removed and replaced), and one for the used vehicle sales (proposed to be refaced). A review of the existing logo sign compared to the proposed indicates a very close square footage if not slightly less for the proposed (approximately 105 square feet) and well under the 200 square feet per face allowed by the Ordinance. The proposed reface of the used vehicle sales sign would be the same size as existing (40 square feet per face), and combined with the logo sign, would still be under the 200 square feet per face allowed for the site. As it is not unusual for automotive dealerships to have both a brand logo freestanding sign and a used vehicle sales freestanding sign, and since the Board has been sympathetic toward the allowance of such, it would stand that the allowance of the two freestanding signs would be justified in this instance.

Pertaining to the requested wall signage, the proposed package consists of four logo signs (three on the front façade and one on the East façade), and two business name signs (one on the front façade and one on the East facade). The total square footage of the four logo signs would be less than the 350 square feet allowed for one wall sign as would the total square footage of the two proposed business name signs. One of the proposed wall signs is a 144 square-foot Hyundai brand name and logo high on the front wall. Another is a 37 square-foot “Palmer’s Airport” also proposed for the upper portion of the front wall. Of the other proposed front façade logo signs, one is over a vehicle service bay entrance and one over the main pedestrian entrance. However, as the site is single-tenant and allowed two wall signs in addition to a freestanding sign, the allowance of the large 144 square-foot Hyundai sign with both the brand name and logo prominently displayed on the upper portion of the front wall would allow adequate visibility and brand recognition. The allowance of the “Palmer’s Airport” would also allow adequate dealership recognition. The Board should consider the request for the three additional wall logo signs and one additional wall business name sign for denial.

The site currently has one double faced informational/directional sign with the business name and Hyundai logo for the service area entrance. This is proposed to be replaced and updated and retain the Hyundai logo and brand name. However, only one sign is actually proposed. The applicant erroneously calculated the proposed double-faced sign with three panels per face as being six signs, and only the top panel is actually proposed to have the Hyundai logo and brand name. The lower two panels are true informational/directional for “Service” and “Entrance”. The Zoning Ordinance allows information/directional signs up to 20 square feet per face but without any corporate branding. As the Ordinance allows these types of signs to be within a site for traffic assistance only and not meant as advertising or site identity, and as no hardship is presented to warrant the placement of the Hyundai name and logo on the sign, the Board should consider this request for denial.

The applicant has illustrated that a hardship would be imposed by a literal interpretation of the Ordinance if the second freestanding sign containing the site identification and branding were not allowed to be replaced and the Board should consider the request to allow two freestanding signs for approval, with conditions. No hardship has been illustrated with respect to the request for the six wall signs and the informational/directional sign with logos and brand name and the Board should consider those requests for denial.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval of the request to allow two freestanding signs:

- 1) Approving the variance request will not be contrary to the public interest in that similar requests for two or more freestanding signs have been granted for automobile dealerships;
- 2) Special conditions exist, primarily that automobile dealerships have a freestanding sign for the brand and dealership name and one within the area of the used vehicle sales, 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 by granting the variance in that it will maintain an equal and fair opportunity for the applicant to advertise and promote products and services.

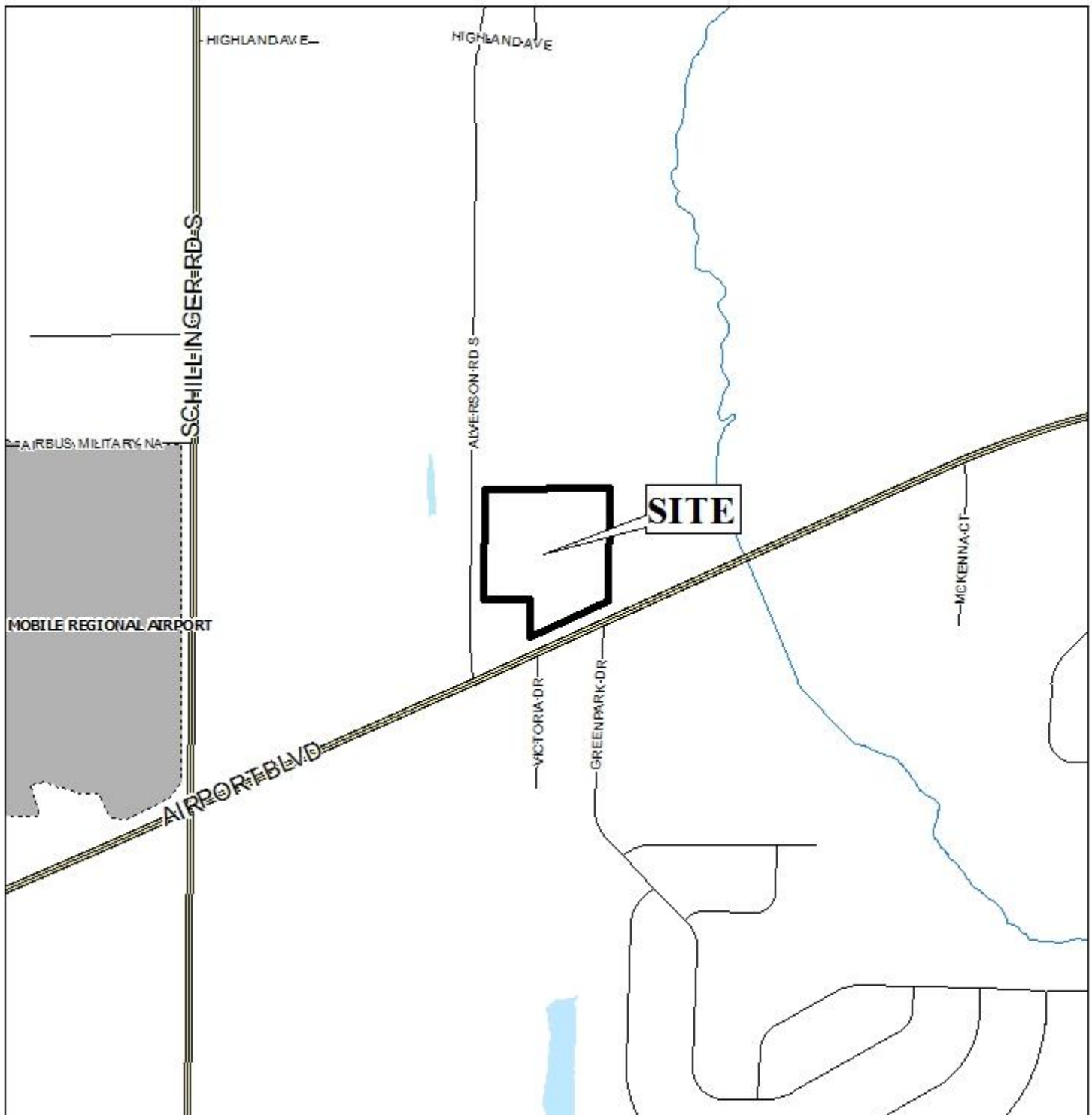
The approval is subject to the following condition:

- 1) the obtaining of the proper sign permits; and
- 2) full compliance with all other municipal codes and ordinances.

Based upon the preceding, Staff recommends to the Board the following findings of fact for the denial of the request for six wall signs and informational/directional signs with logos:

- 1) Approving the variance request will be contrary to the public interest in that the subject site would have an inordinate amount of wall signs and freestanding signage;
- 2) Special conditions such as requiring four logo/brand name and two dealership name signs and logo/brand name on informational/directional signs, do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done by granting the variance in that it will set a precedence for allowing other commercial sites to have inordinate numbers and types of signage, and will also go against the intent of the chapter to bring removed and replaced signage within annexed areas into compliance.

LOCATOR MAP



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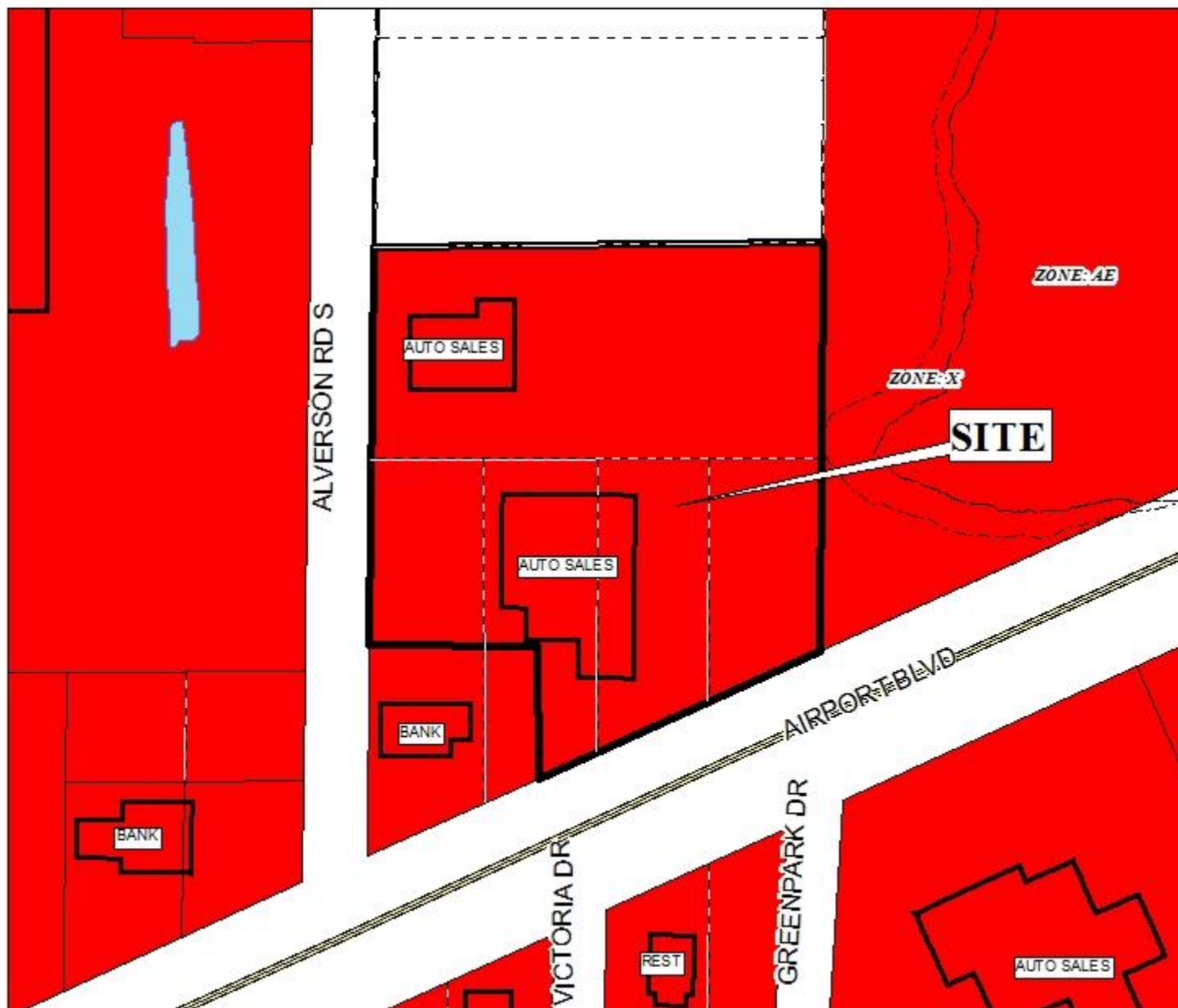
APPLICANT Palmer's Airport Hyundai

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use.

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APPLICANT Palmer's Airport Hyundai

REQUEST Sign Variance

 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

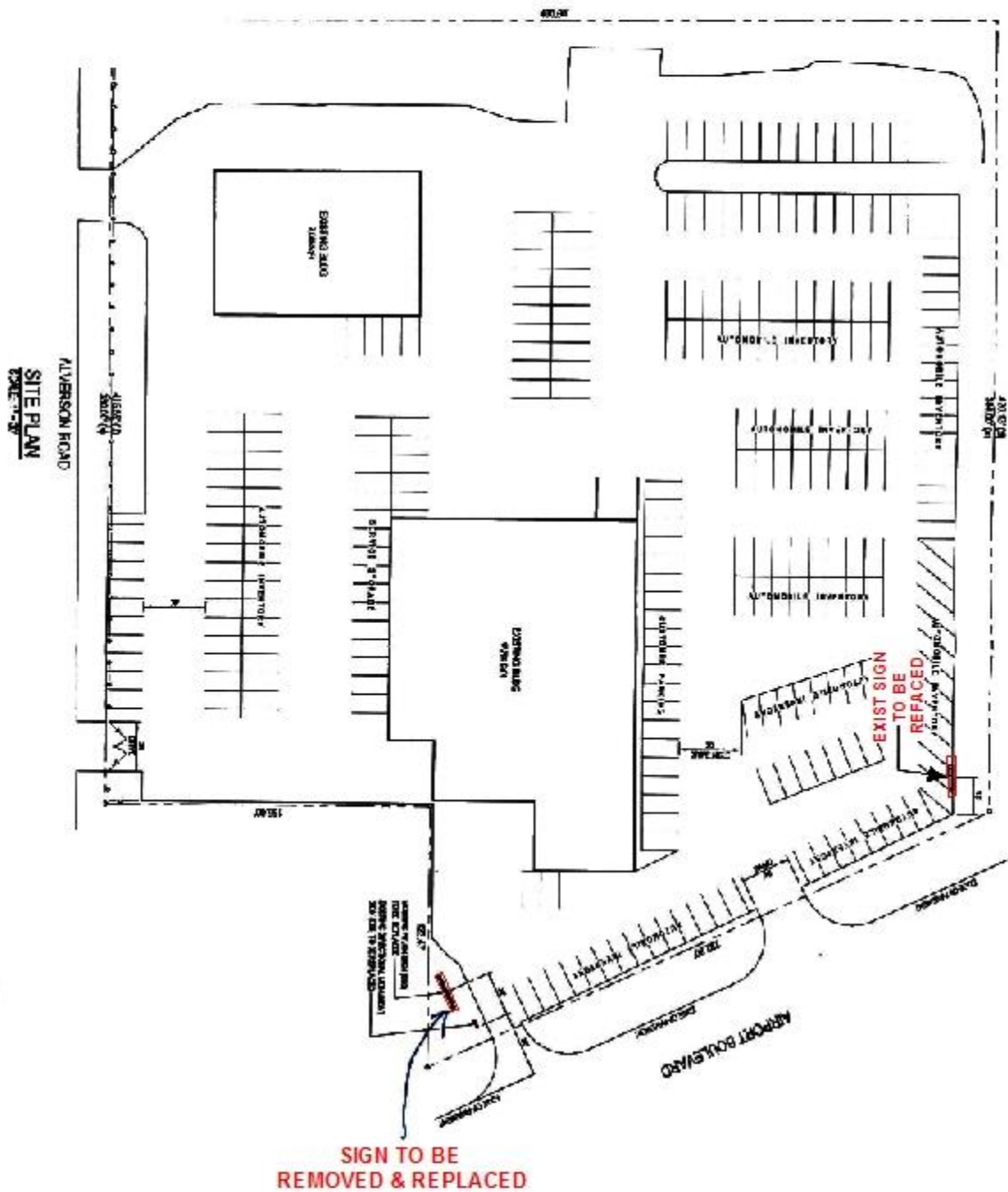


The site is surrounded by commercial land use.

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DETAIL SITE PLAN



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APPLICANT Palmer's Airport Hyundai

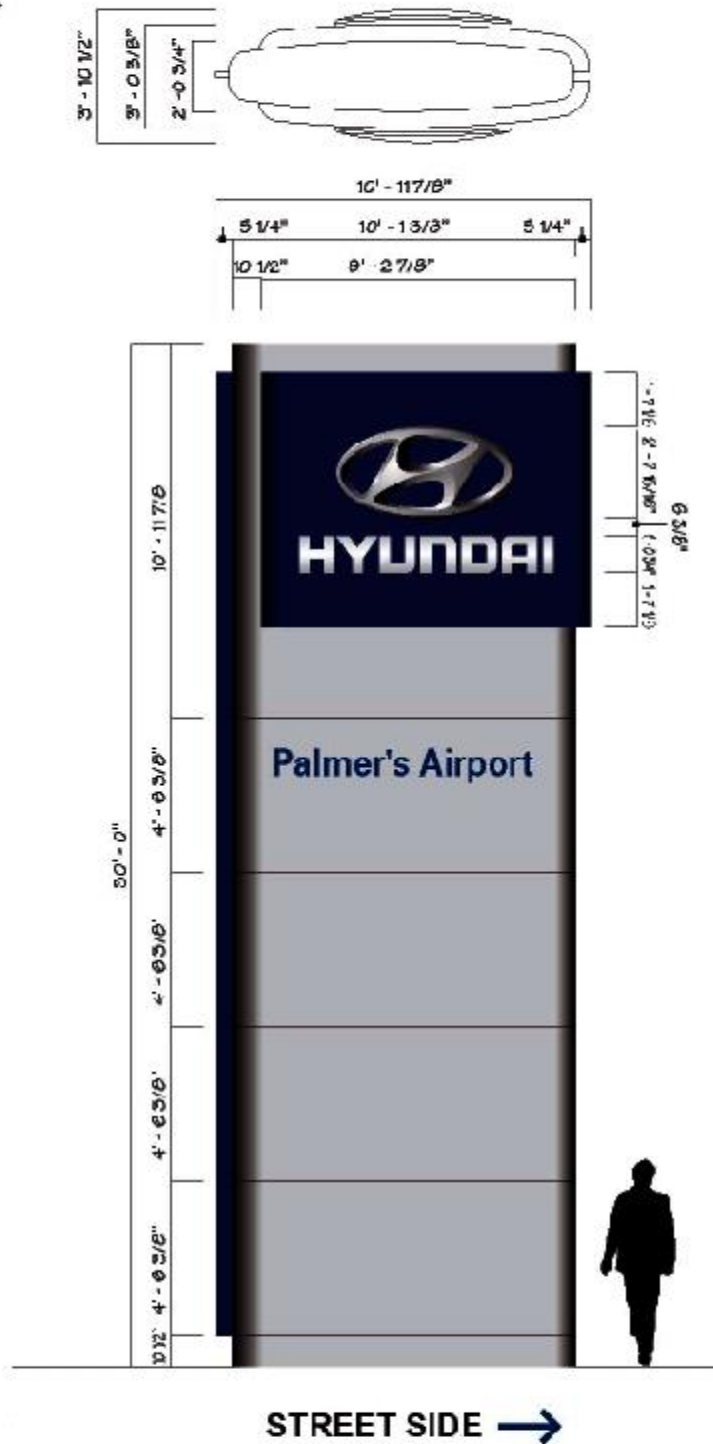
REQUEST Sign Variance



NTS

DETAIL SITE PLAN

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 APPLICANT Palmer's Airport Hyundai
 REQUEST Sign Variance



DETAIL SITE PLAN



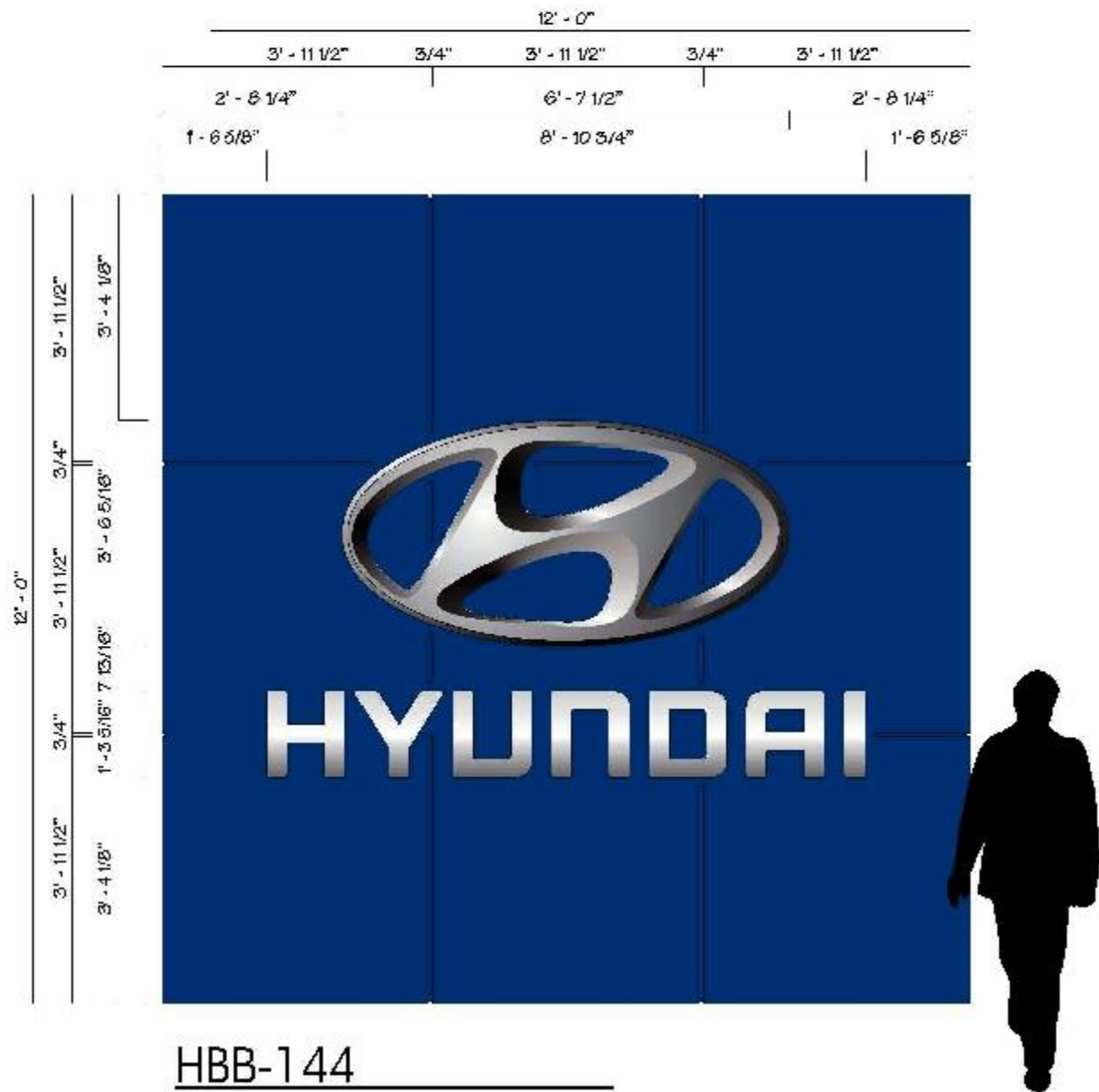
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DETAIL SITE PLAN



HBB-144

SYMBOL: 23.36 SF.

LOGO: 11.35 SF.

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DETAIL SITE PLAN

18'-8 5/16"

24"

Palmer's Airport

DB-24

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REQUEST Sign Variance



NTS

DETAIL SITE PLAN



HF-LG

86.05 sq ft

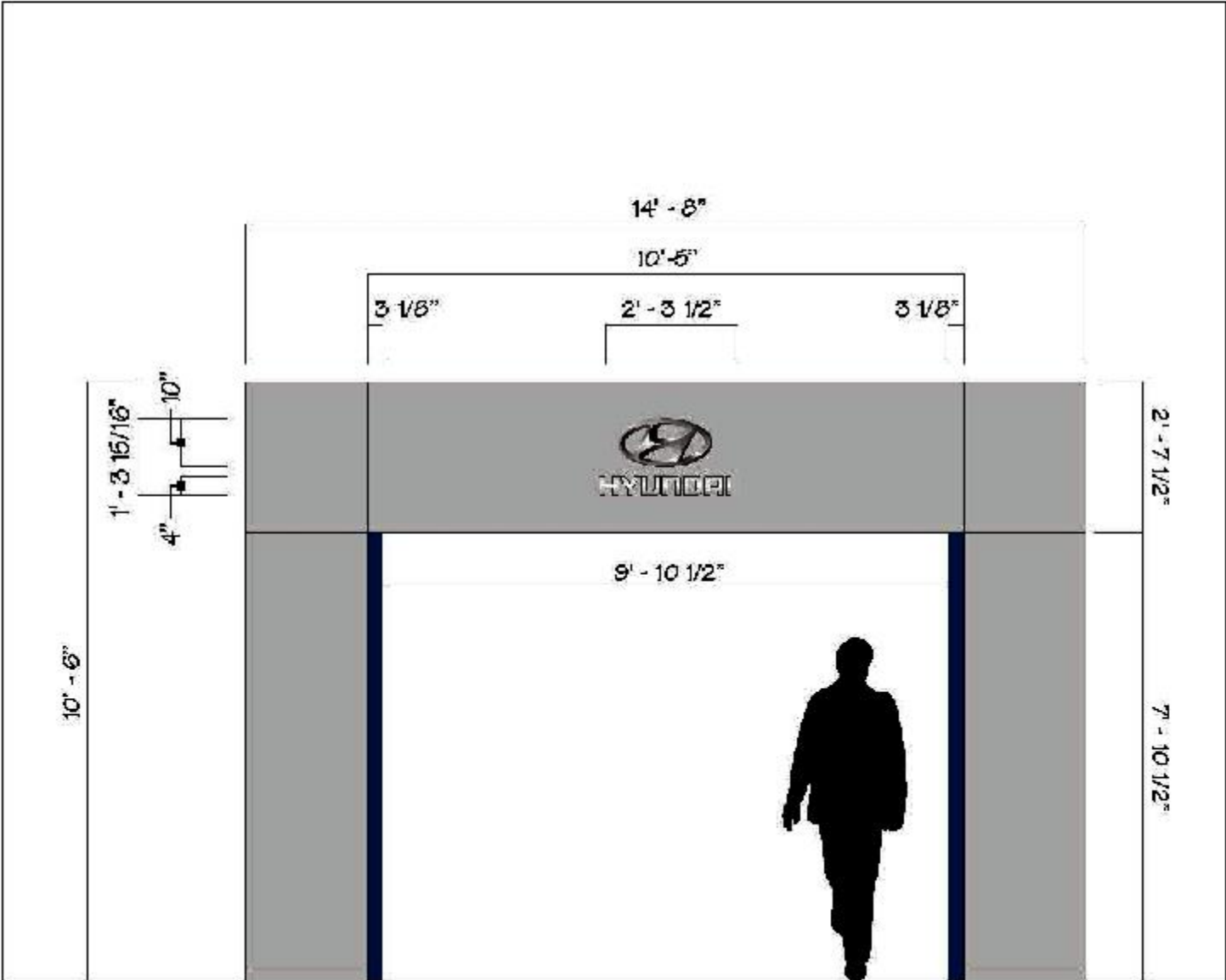
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DETAIL SITE PLAN



3.0 sq ft (SYMBOL & LOGO)

NTS

DETAIL SITE PLAN



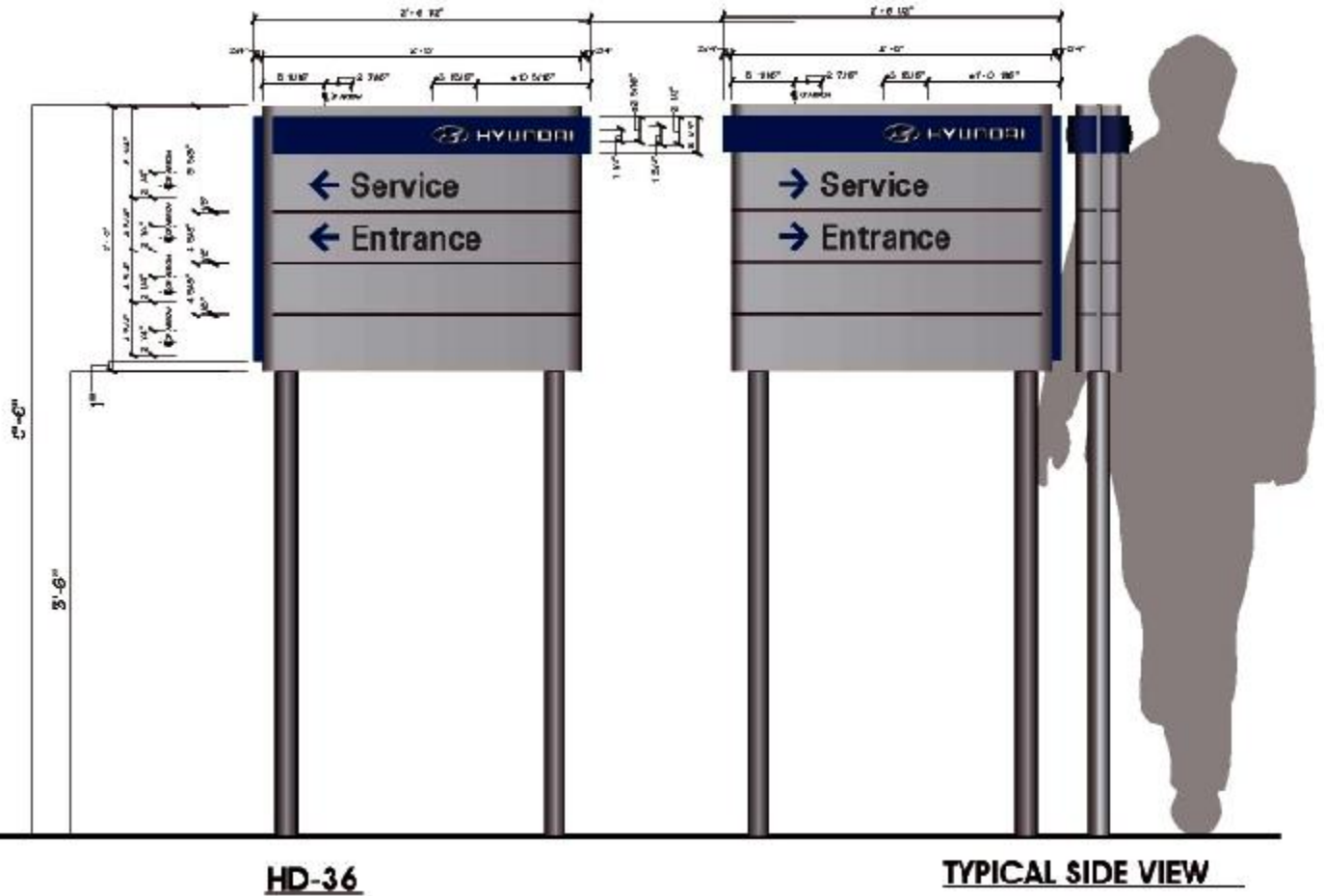
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DETAIL SITE PLAN



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