

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 10, 2017**

<u>CASE NUMBER</u>	6122/6121/6045
<u>APPLICANT NAME</u>	Fikes Wholesale Inc. (Costorde LLC, Authorized Agent)
<u>LOCATION</u>	2704 Spring Hill Avenue (Northwest corner of Spring Hill Avenue and Mobile Street)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a total of six (6) signs for a single business site including digital gas pricers within 300' of residentially-zoned property in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows a total of three (3) signs for a single business site and requires all digital signs to be a minimum of 300' from all residentially-zoned properties in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	1.34+ 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 1
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a total of six (6) signs for a single business site including digital gas pricers within 300' of residentially-zoned property in a B-3, Community Business District; the Zoning Ordinance allows a total of three (3) signs for a single business site and requires all digital signs to be a minimum of 300' from all residentially-zoned properties 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 applicant was approved for seven signs at the Board's June 10, 2016 meeting, but that approval expired.

The applicant states:

1. *"Re-application for sign variance approval granted June 10, 2016 and expired December 06, 2016 prior to developer's ability to submit and obtain building permits"*
2. *"The purpose of this application is to allow for development of a Cefco convenience (grocery/sundries) in an underserved market. The new development is acquiring three existing parcels for use as one development. As the current parcels exist and per the ordinance, 3 signs could be allowed for each parcel, totaling 9 signs. With the combination of the parcels for a single user, the single user is penalized by only being allowed 3 signs in the same overall development area."*
3. *"The current zoning ordinance "Signage" is arduous to a fuel consumer and supplier not allowing for pricer signs and proper identification at store entrances; potentially causing unnecessary or additional patron traffic to the store. Pricer Signs previously approved by variance on June 10, 2016."*
4. *"Review of the zoning ordinance "signage" in comparison to our standard sign requirements reveals evident concern especially when considering the combination of the parcel uses, diminishing potential 9 allowable signs to 6 as previously approved June 10, 2016."*
5. *"The property is an acquisition of 3 properties for the construction of a new convenience store, which is arduous on the proposed use as it diminishes the allowable 9 signs for the 3 properties to a combination of 1 use and an allowable 3 signs."*

It should be noted that the one lot subdivision to combine the three parcels into one lot was approved at the March 17, 2016 Planning Commission meeting and the plat was signed on

August 22, 2016. Plans for the site land disturbance were submitted on December 20, 2016, but due to various revisions required, the Land Disturbance permit was not issued until June 1, 2017. The site is currently under development.

The applicant has dropped one of the previously-proposed store front signs from the current request. The original request included one pylon sign with the digital gas pricers and logo branding; two store wall signs with logo branding; two circular frozen yogurt store wall signs; and two gas canopy signs with logo branding. The applicant now proposes only one circular frozen yogurt wall sign. The narrative is basically the same as the original submitted with the 2016 Variance request and worded prior to the finalizing of the one-lot Subdivision. However, the essence of the wording was what the Board based its previous approval on and should also consider as justification to approve the current request, especially in light of the fact that one sign previously proposed has been eliminated from the previous request.

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

- 1) Approving the variance will not be contrary to the public interest in that the digital sign regulations are not, in the Board's opinion, applicable to fuel price signs;
- 2) Special conditions exist and there are hardships which exist, in that the Board is of the opinion that the digital sign regulations are not applicable to fuel price signs, such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the surrounding neighborhood by granting the variance because the proposed digital fuel price signs will not be a detriment to the neighborhood.

Therefore, the pylon-mounted digital pricer 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.

Staff recommends to the Board the following finding of facts for Approval of the request to allow a total of six (6) signs:

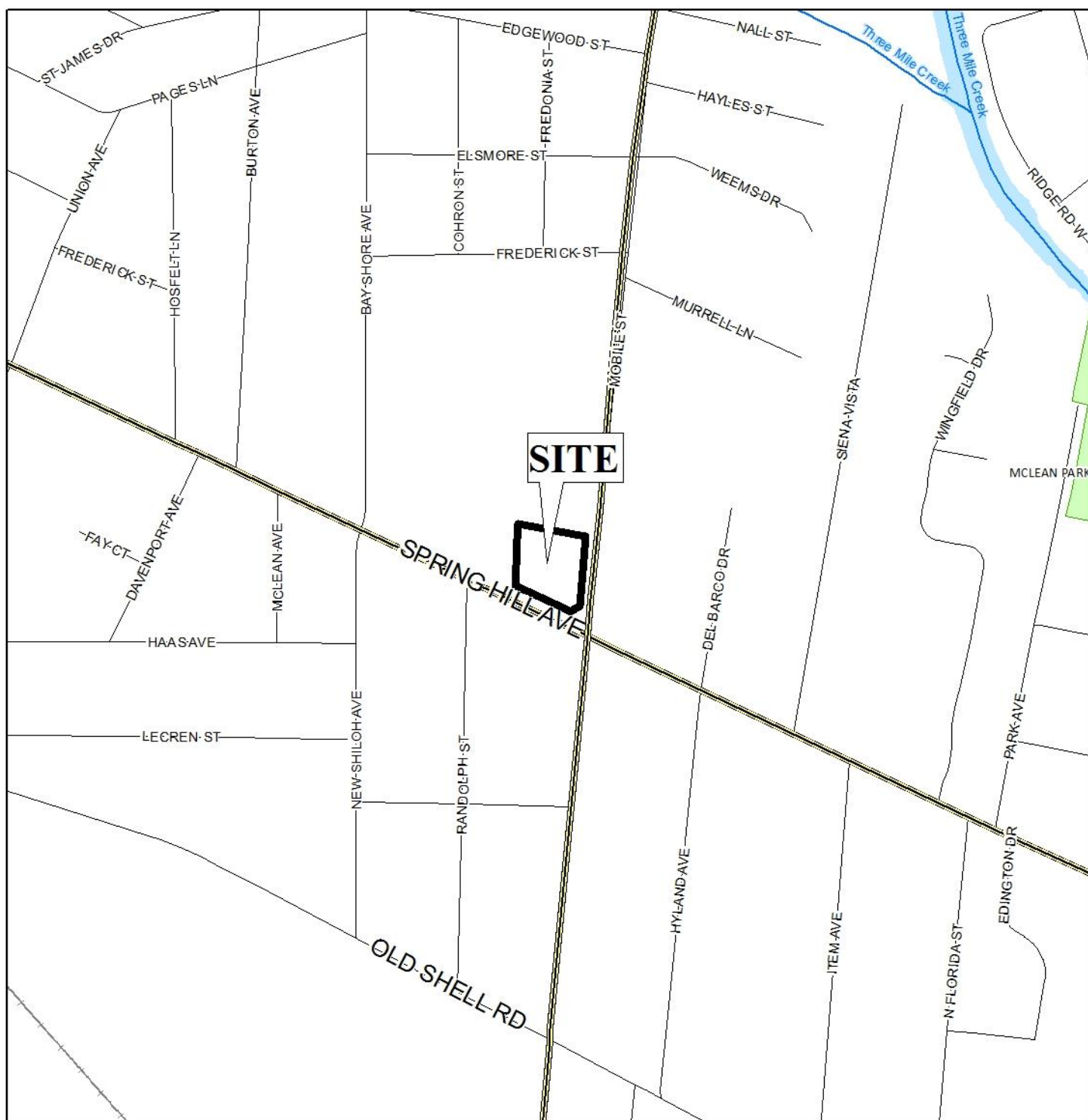
- 1) Approving the variance will not be contrary to the public interest in that the site is located at an intersection where additional signage is needed to inform the public about the opportunity to make a safe turn into the subject site;
- 2) Special conditions do exist and there are hardships which exist that make the placement of six (6) signs necessary due to the site having two street frontages; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed signage is

similar to that of other convenience stores in the area, and a similar variance was previously approved for the subject site.

The approval for the six (6) signs is subject to the following conditions:

- 1) obtaining a sign permit for each sign;
- 2) obtaining an electrical permit for each illuminated sign; and
- 3) full compliance with Section 64-11 of the Zoning Ordinance and all other municipal codes and ordinances.

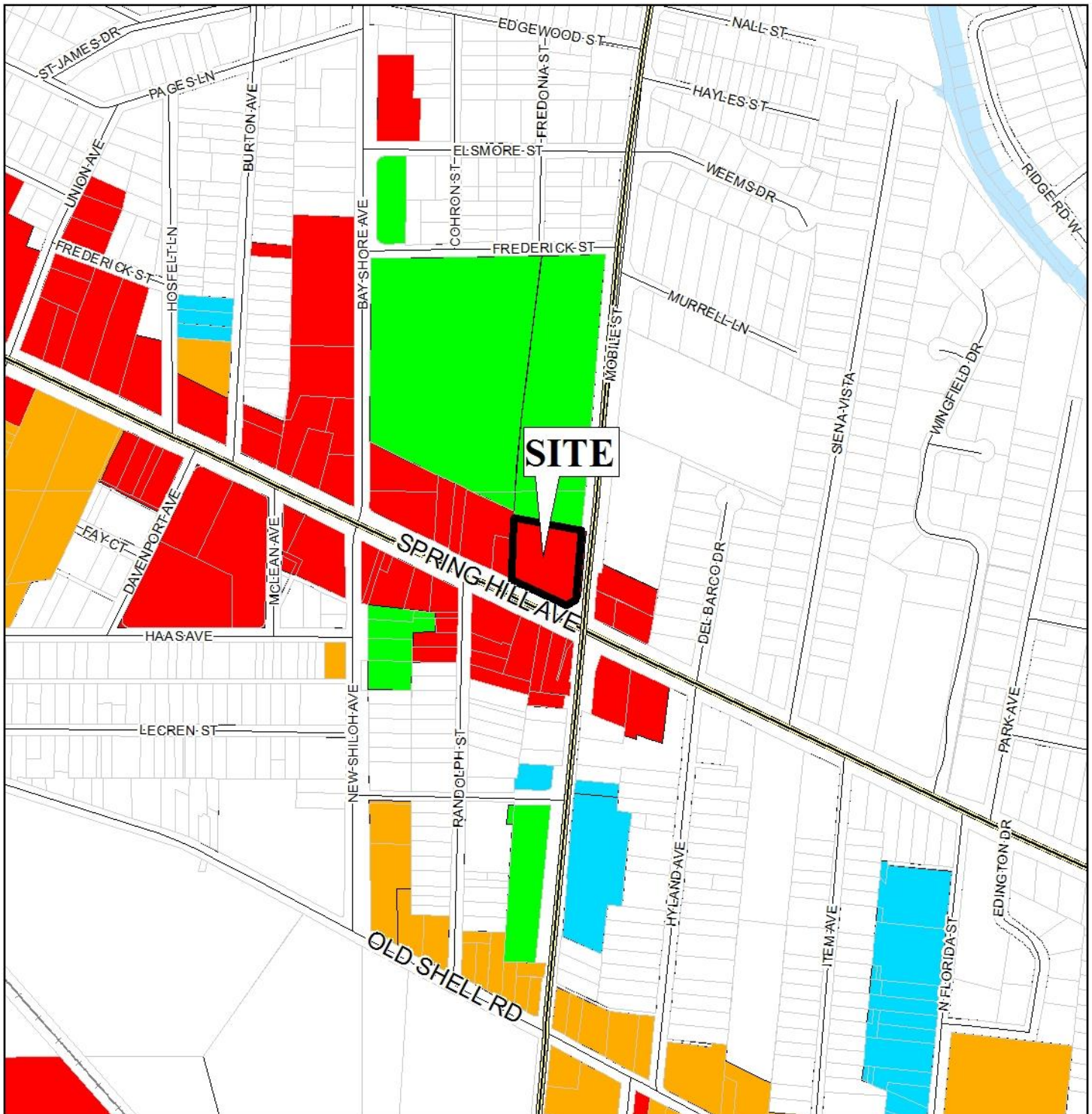
LOCATOR MAP



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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. Residences lie east of the site.

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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

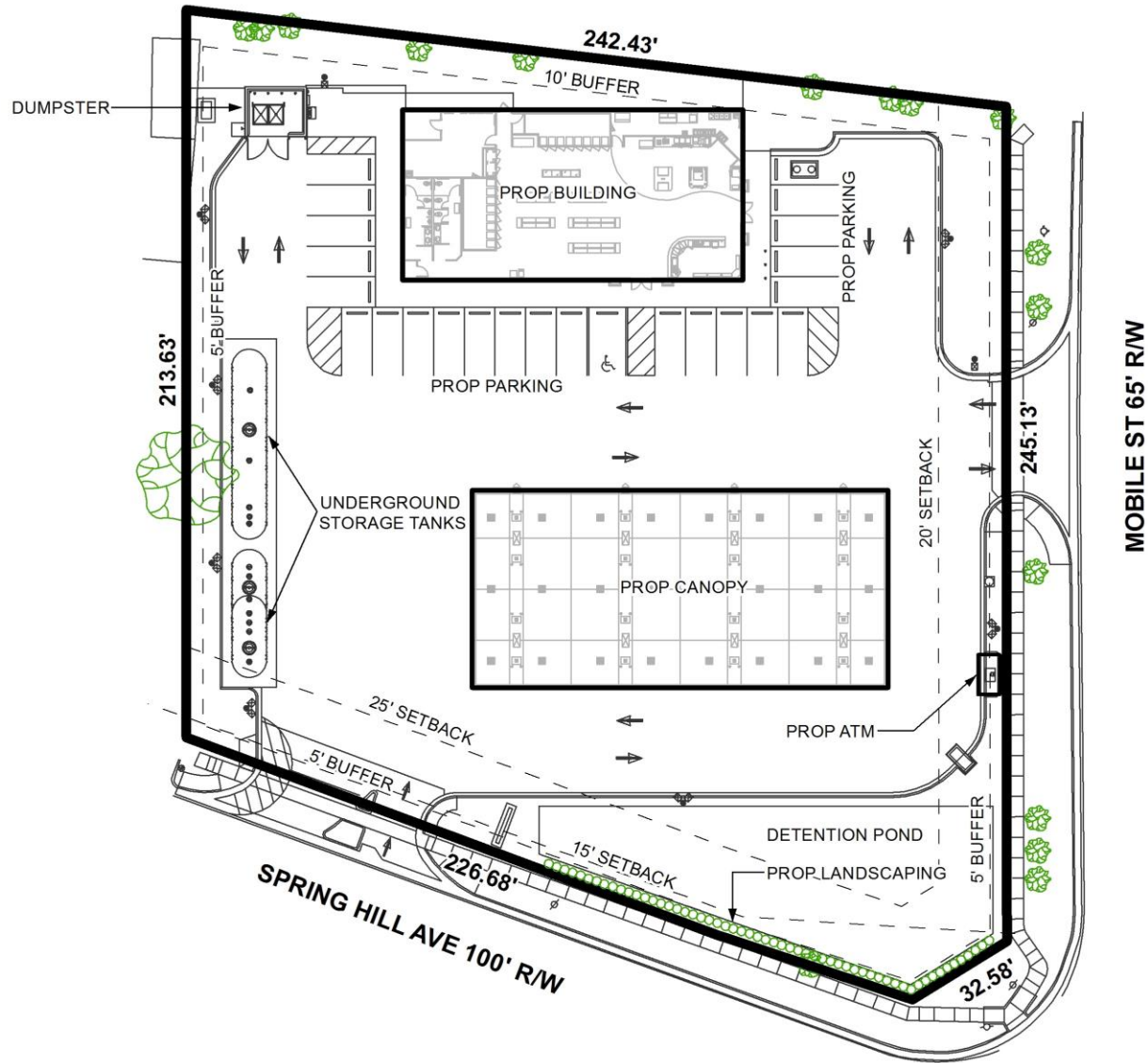


The site is surrounded by commercial units. Residences lie east of the site.

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SITE PLAN

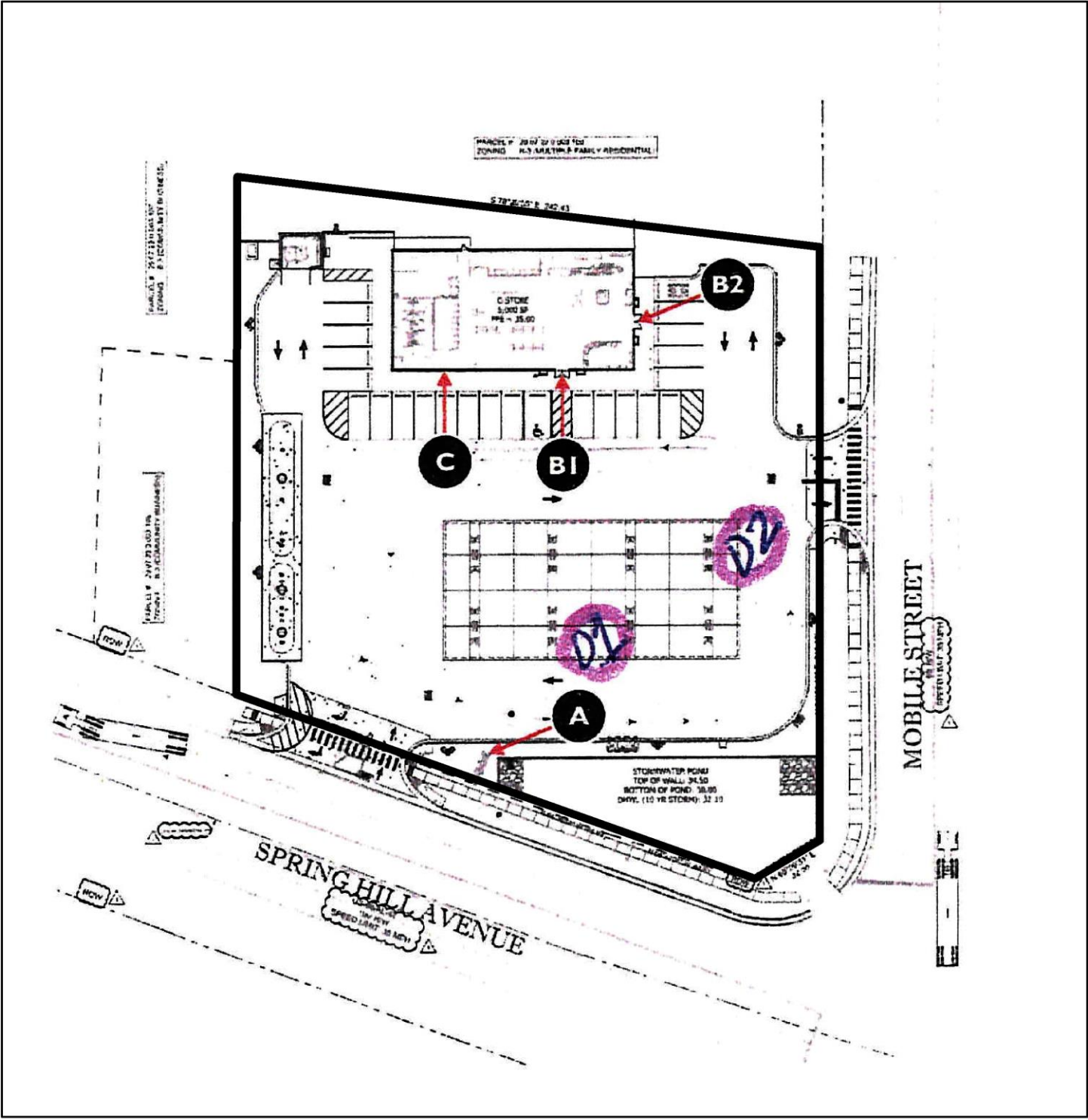


The site plan illustrates the proposed building, proposed canopy, proposed parking, proposed detention pond, setbacks, proposed landscaping, and proposed atm machine.

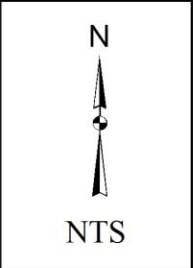
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DETAIL SITE PLAN



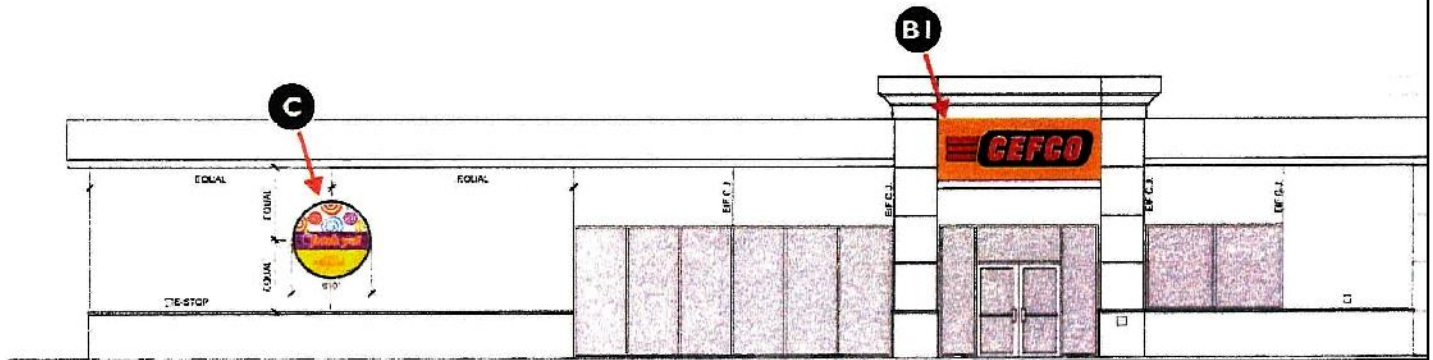
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RIGHT ELEVATION



FRONT ELEVATION

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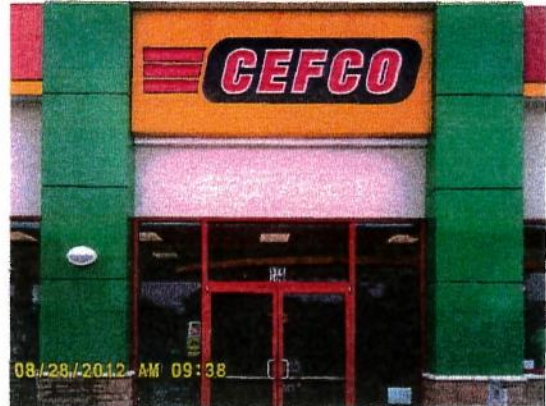
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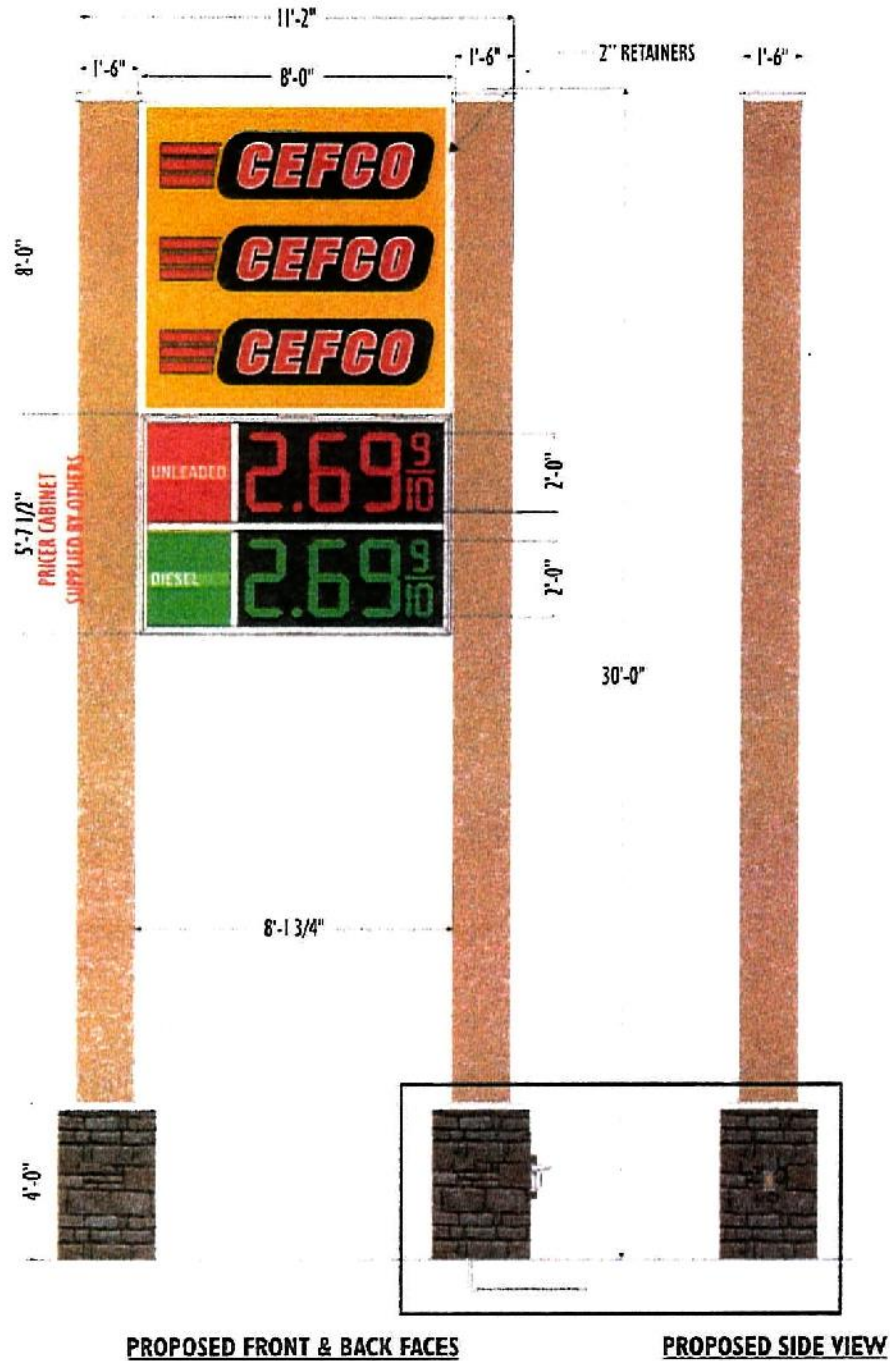


EXAMPLE OF INSTALLED SIGN

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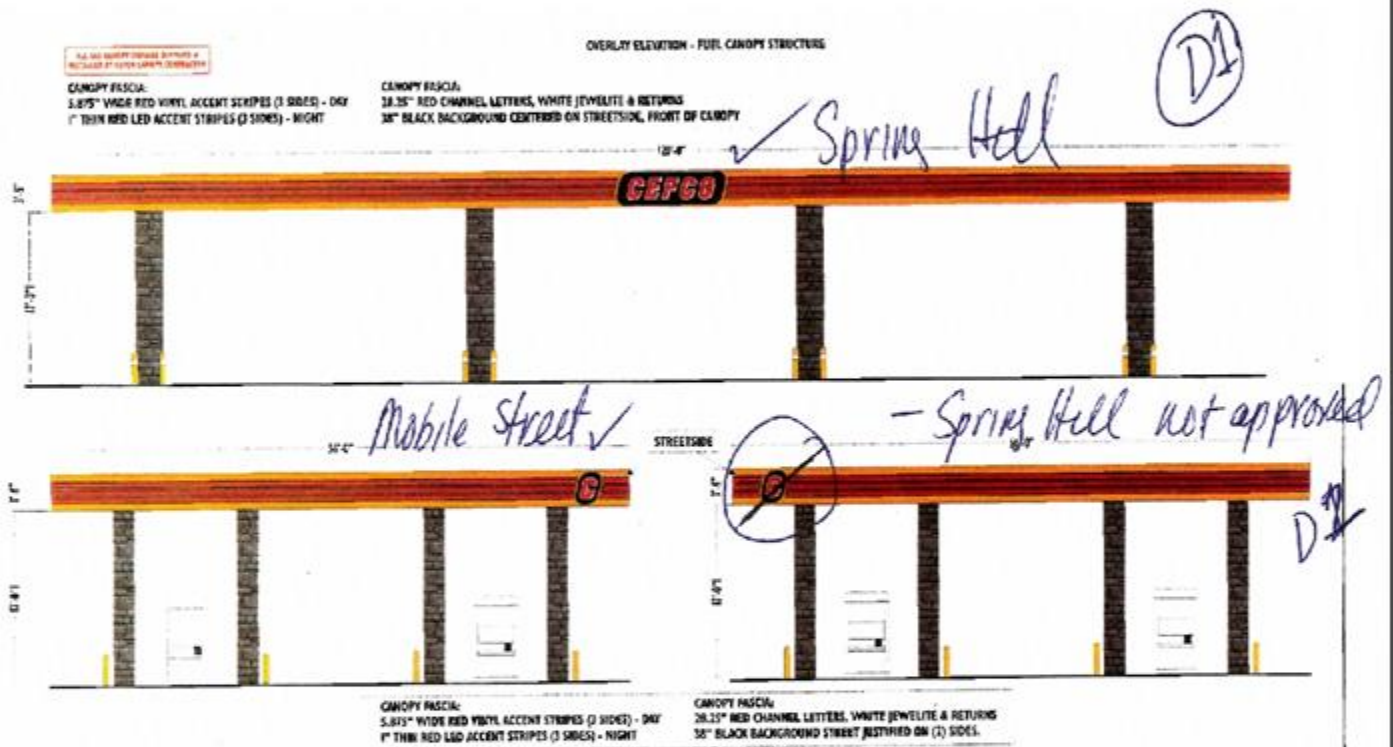
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