

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 4, 2016**

<u>CASE NUMBER</u>	6033
<u>APPLICANT NAME</u>	Sign Planet
<u>LOCATION</u>	150 Springdale Boulevard (Southwest side of Springdale Boulevard and Emogene Street)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a total of four signs for a single business site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance allows for a total of three signs for a single business site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	1.3± Acres
<u>ENGINEERING</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No Comments
<u>CITY COUNCIL DISTRICT</u>	District 5

ANALYSIS The applicant is requesting a Sign Variance to allow a total of four signs for a single business site in a B-3, Community Business District. The Zoning Ordinance allows for a total of three signs for a single business 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 that substantial justice is 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 applicant states:

We (Sign Planet) are representing Murphy Oil in applying for a sign variance for the location at 150 Springdale Boulevard to be allowed to display a total of (4) signs rather than (3) stated in the ordinance..

We have been installing 'PRICE' signs for their new locations all over the southeast US for three years now. Historically, the 'ID' or "CANOPY LOGO" signs have always been permitted by the electrical contractors as they are considered to be part of the construction of the canopy and only require an electrical permit. Also, the construction and permitting of the canopy itself has always been completed by the time we arrive on site to install all the PRICE signs. Obviously, this was not the case at this particular location for reasons unknown to us. Regardless, we have been asked to remedy this situation.

I would like to draw your attention to code 64-11.8.c.(2).a, which states that the maximum size and height for canopy signage is (30)% of the usable wall area @ (350) sq. ft. maximum. All three existing signs total (146) sq. ft., which translates to (11.3)% of the usable wall area (1,294) sq. ft.. So in fact, at present under this section of the code, this location is only utilizing (42)% of the allowable square footage for the signage. This is just combined among (3) signs rather than the other (2) allowed (besides the pylon sign).

Thank you for your consideration on behalf of Murphy Oil

*Chris Chamberlin
Sign Planet*

This site received a Notice of Violation on December 18, 2015 for two unpermitted wall canopy signs that were discovered during a final inspection of the site for the associated building permits. Two sign permit applications for this site were approved and issued on December 10, 2015, in which the commercial establishment received approval for one freestanding illuminated sign with a price changer and for an illuminated canopy fuel price sign. No sign permit applications were submitted for the two non-illuminated "Murphy Oil" wall signs currently on the canopy. The applicant is now seeking after-the-fact approval to allow four signs on the subject site.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

As the applicant iterated in the aforementioned statement, Section 64-11.8.c.2.a. of the Zoning Ordinance states that "a wall, awning, or canopy may occupy 30% of the usable wall area of a building's surface, 350 square feet maximum, and should not exceed beyond the structure's

roofline;” however, according to Section 64-11.8.c.2. of the Zoning Ordinance, a single commercial establishment is only entitled to three (3) signs per site even if the percentage for all three wall signs is less than 30% of the usable wall area. This site currently consists of one free standing sign, two canopy wall signs located on the North and South sides of the service station canopy, in addition to a fuel price sign located on the Northwest side of the canopy, in which one of the four signs is not allowed according to the Zoning Ordinance.

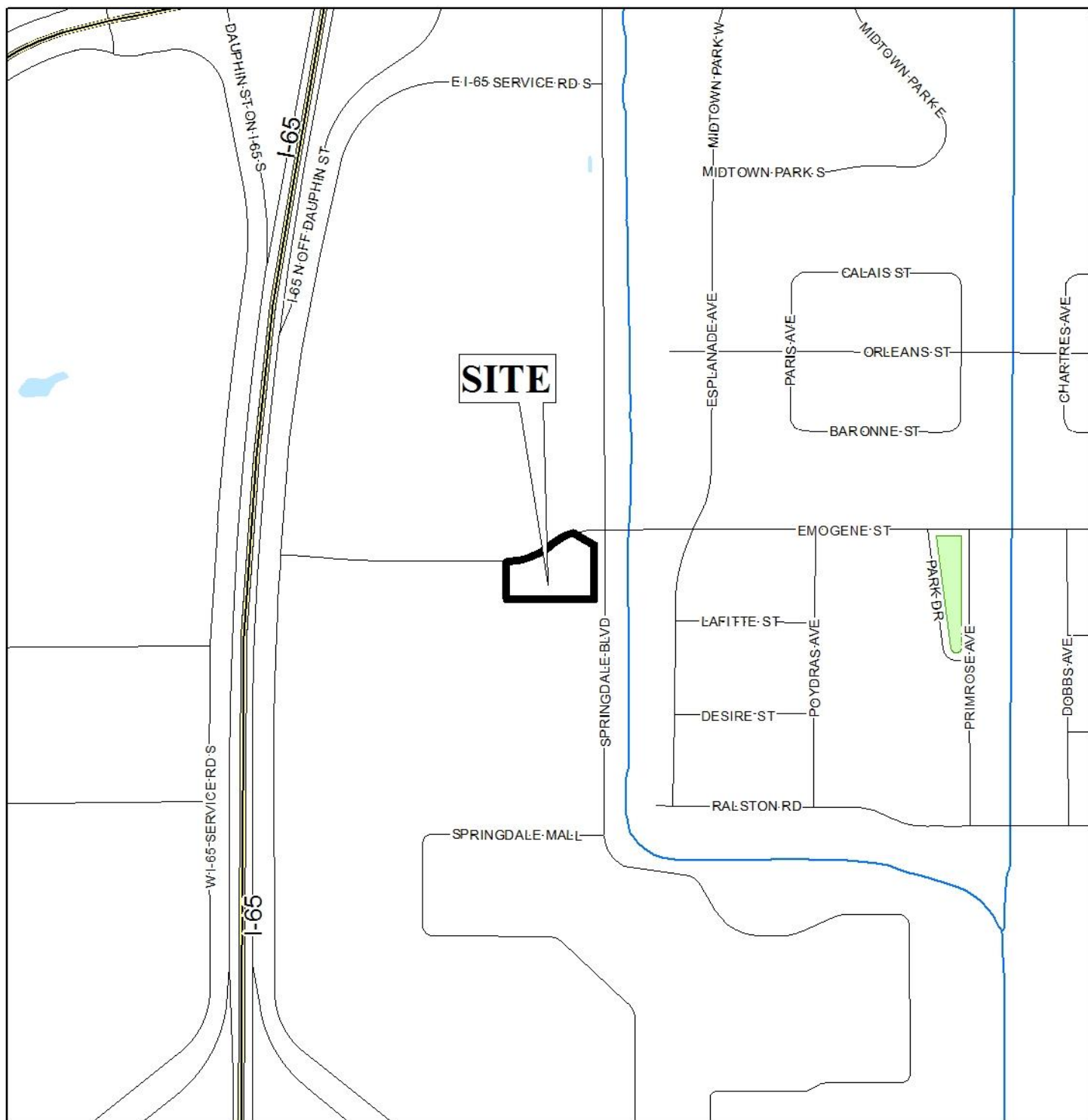
It should be mentioned, that the Board of Zoning Adjustment approved a sign variance to allow two freestanding signs on a single building site with a total display area of 289 square feet at its March 4, 1996 meeting for a service station located to the North of the subject site near the intersection of Dauphin Street and East I-65 Service Road North. The approval allowed the addition of a fourth sign, a pylon sign, in addition to an existing freestanding sign and two wall signs.

There are no conditions which exist at this site that would prevent the removal of the canopy fuel price change sign or one of the “Murphy Oil” wall canopy signs in order to meet compliance with the Zoning Ordinance, as the freestanding sign already contains a logo and a price change sign that can be seen in either direction by passersby, if approaching from the North or South of the main thoroughfare, due to its height of 35’. In order to reflect compliance with the Zoning Ordinance, the fourth sign needs to be removed and the third sign needs to be permitted. Furthermore, the applicant has not provided any sufficient information as to why the fourth sign is needed outside of it being a “*national standard*.” There does not appear to be any special conditions or hardships as it relates to the site to substantiate the need for a fourth sign, and/or no mention as to how the addition of a fourth sign will not be contrary to the public’s interest or provide substantial justice to the surrounding neighborhood. It seems that it is simply the applicant’s desire to have four signs on a single commercial site in a B-3, Community Business District.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance only allows three signs on a single commercial site in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of a fourth sign necessary, as conforming to the *national standard* does not equate a hardship; 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 subject site already consists of a 35’ illuminated freestanding sign that contains the company’s name and logo, in addition to an illuminated fuel price change sign that is sufficiently visible to the public due to its size, height, and location.

LOCATOR MAP



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APPLICANT Sign Planet

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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

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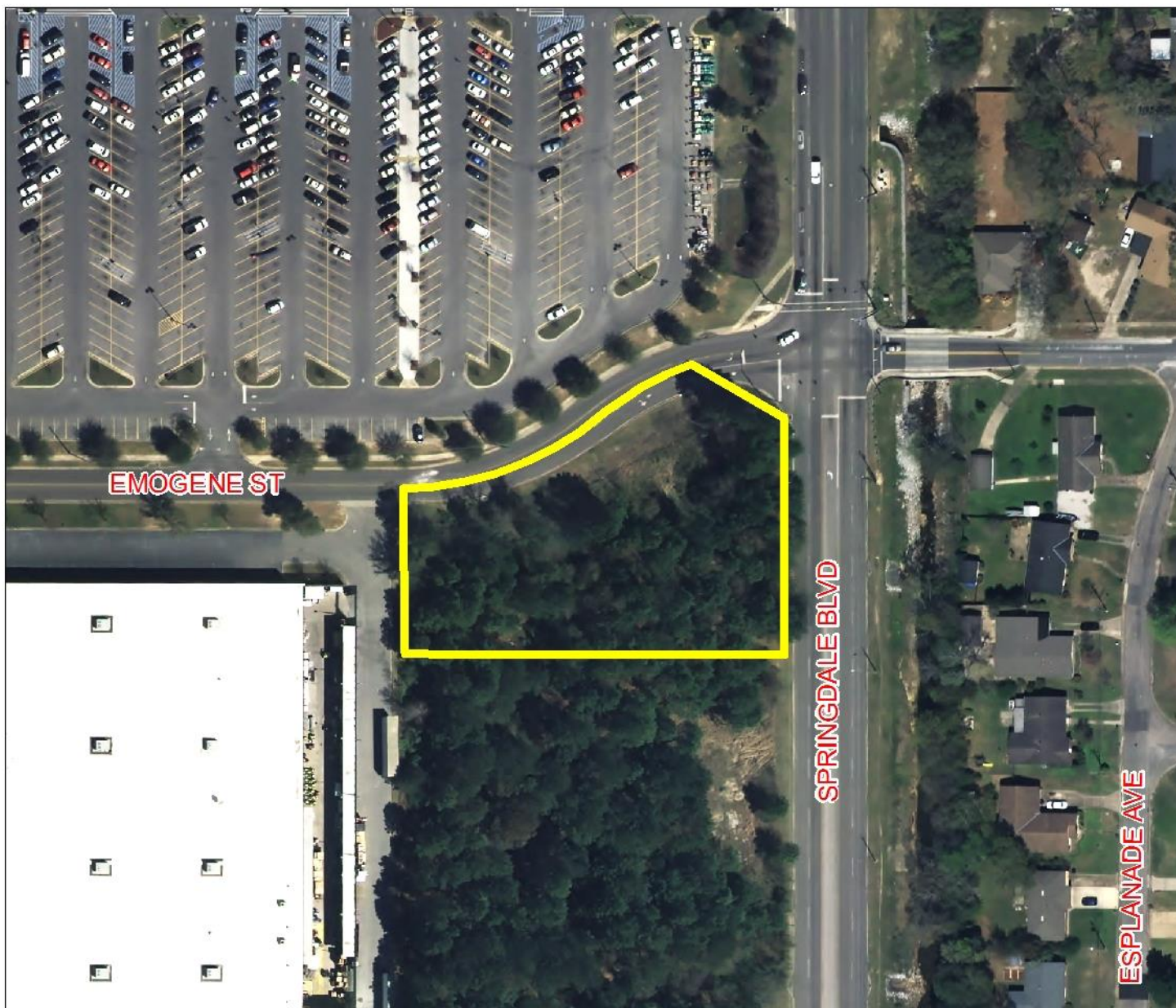
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REQUEST Sign Variance

 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

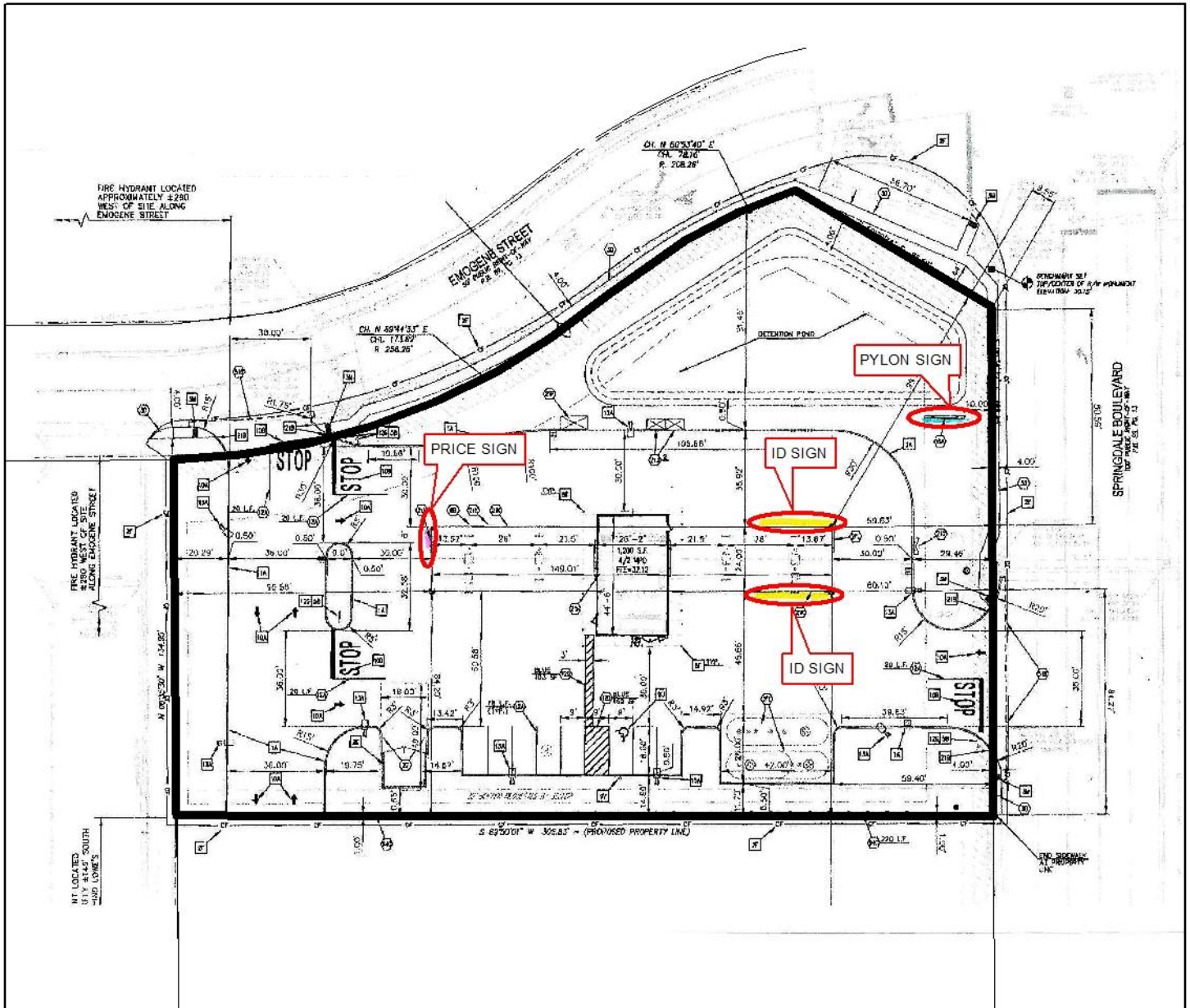


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SITE PLAN

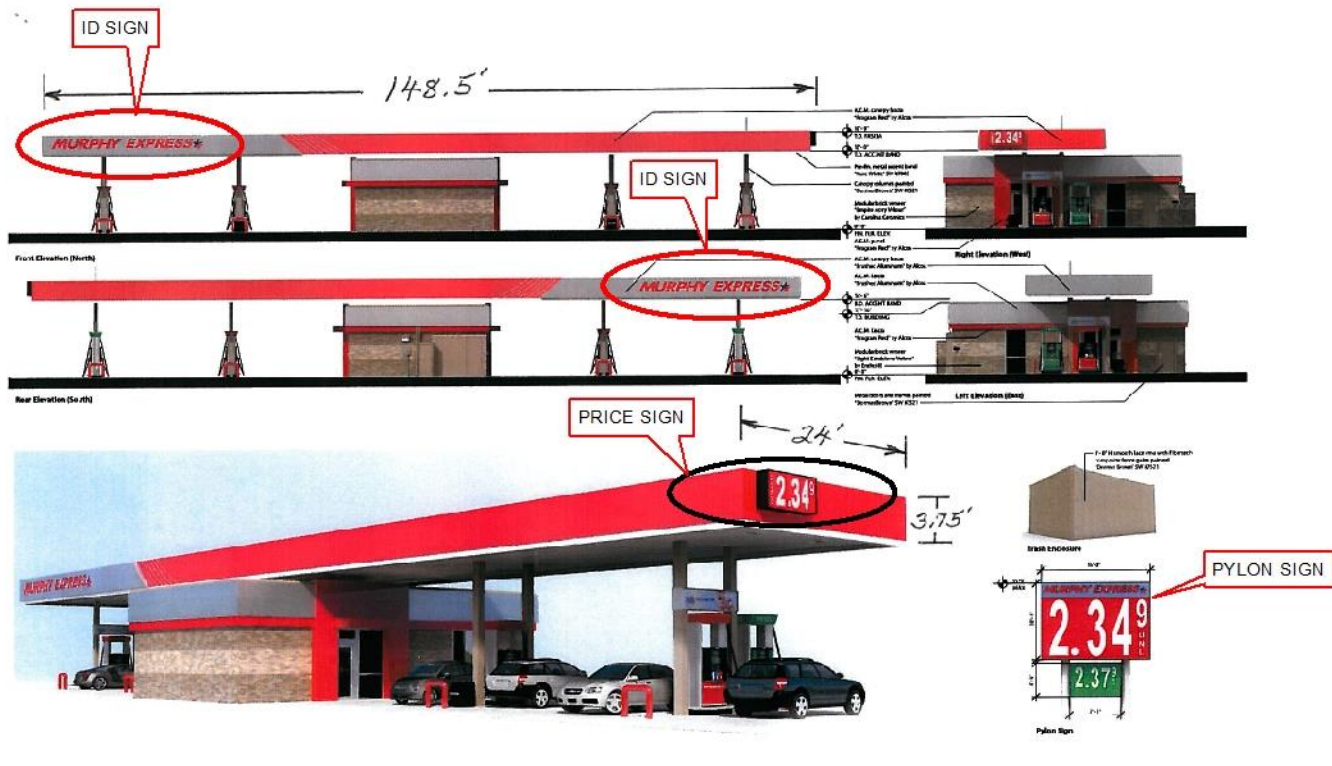


The site plan illustrates the pylon, ID, and price sign locations.

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DETAIL SITE PLAN



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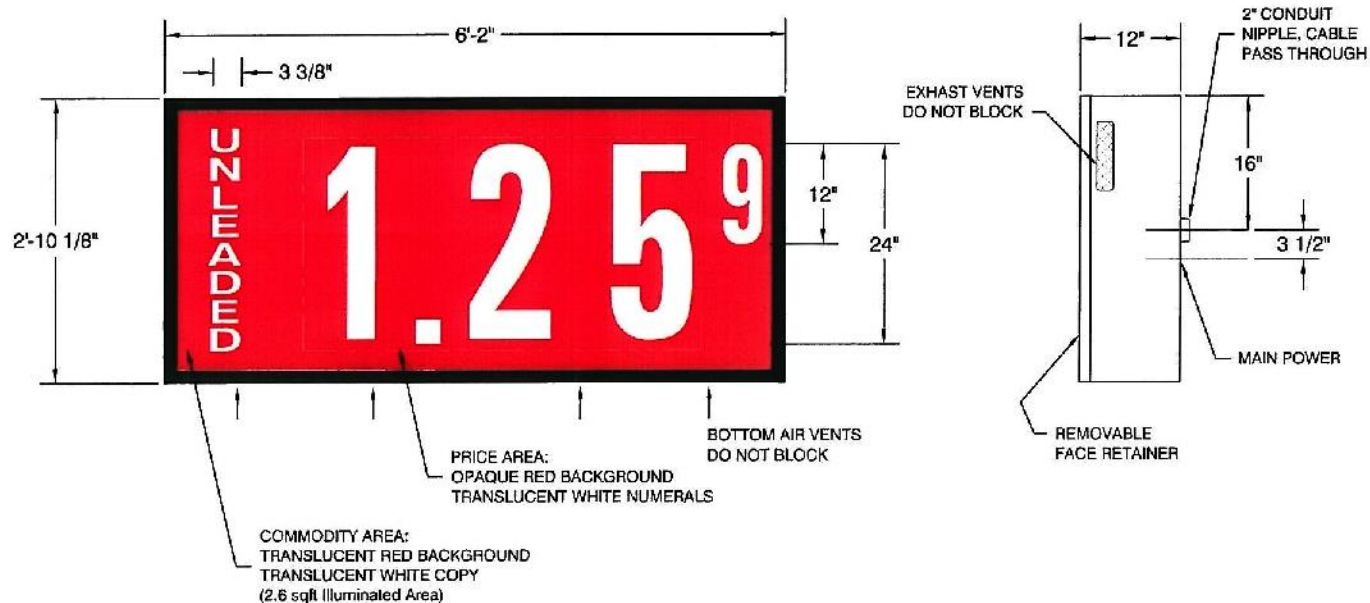
APPLICANT _____ Sign Planet _____

REQUEST_____Sign Variance



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DETAIL SITE PLAN



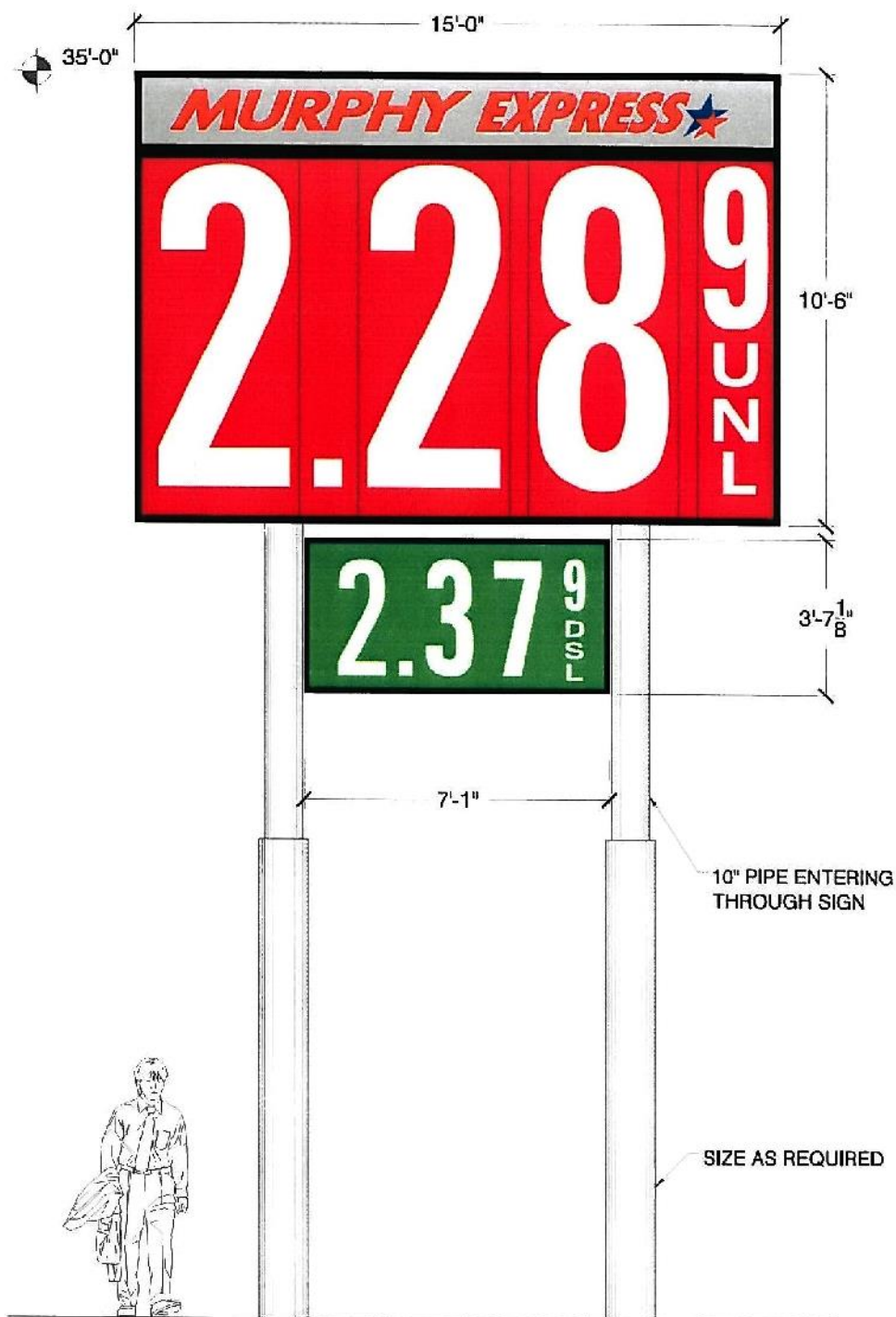
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DETAIL SITE PLAN



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