

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 6, 2016**

<u>CASE NUMBER</u>	6042/6031/5764
<u>APPLICANT NAME</u>	Randall Miller
<u>LOCATION</u>	3201 Airport Boulevard (South side of Airport Boulevard near main building entrance to Colonial Bel Air Mall)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow exterior signage for a tenant without an individual entrance to a multi-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires tenants to have an individual entrance to allow exterior signage at a multi-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	52.9± Acres
<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 5
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow exterior signage for a tenant without an individual entrance to a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance requires tenants to have an individual entrance to allow exterior signage at a multi-tenant 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 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 proposed signage is for the Versona store which was originally located near the main front entrance to the mall and had a direct exterior entrance into the store. Due to the current reconfiguration of the mall the store has been relocated along one of the interior mall corridors and no longer has its own direct entrance from the mall's exterior. Because of such, it is no longer allowed an exterior wall sign, but the applicant proposes to allow the existing sign to remain; hence this Variance request.

The subject sign was permitted in June, 2012, and in August, 2012, a Sign Variance was granted to the business to have two additional window awning signs. The awning signs are not a part of this current request.

The applicant states:

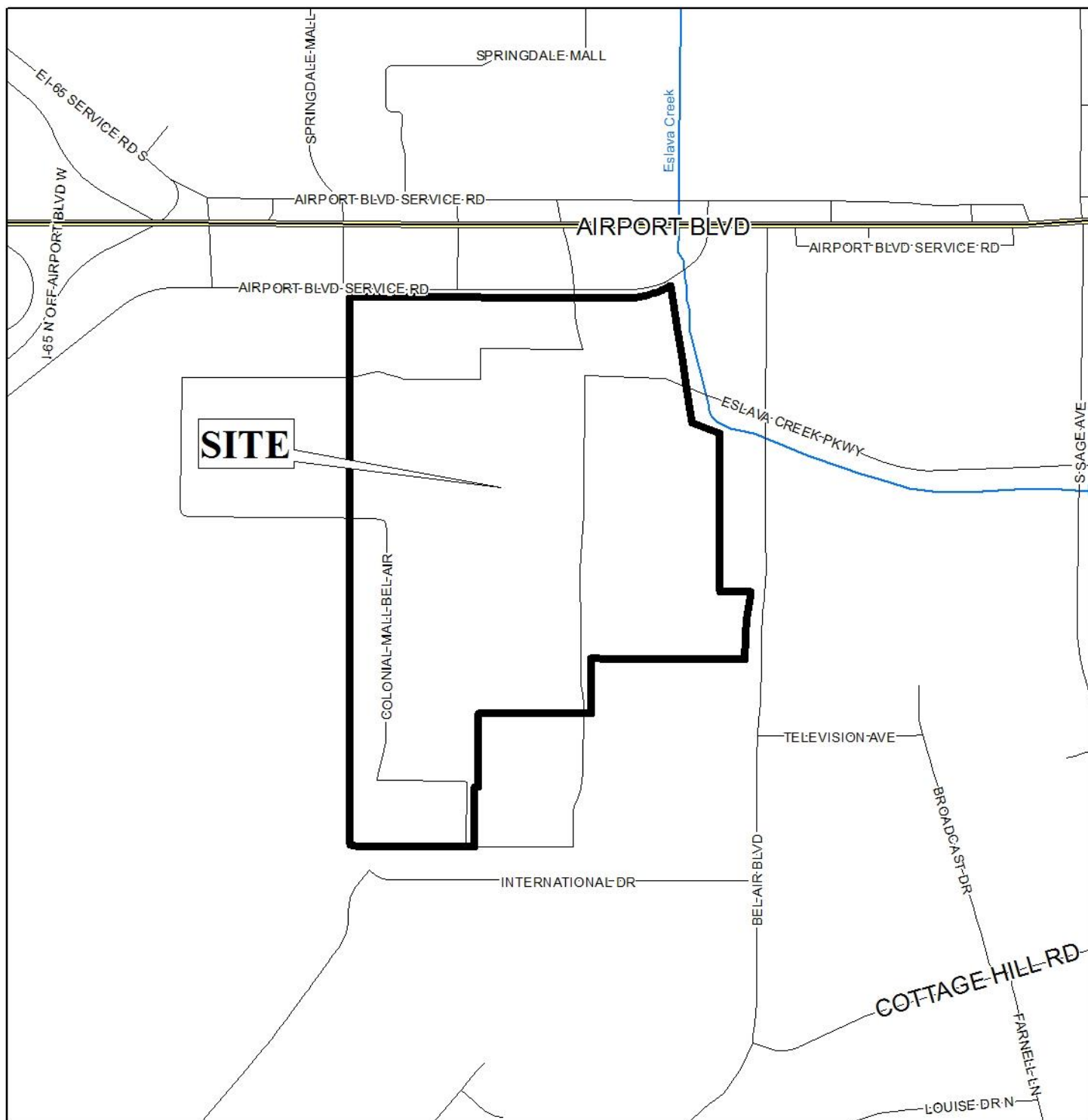
"We are applying for this variance in order to have our sign maintained on the outside face of the mall based on our lease agreement with Rouse Properties, the mall owner. Though they are moving us to a different location within the mall, they have guaranteed that we may keep our sign on the exterior of the mall. Our concern is that if the sign is removed, our customers would think we were no longer at the mall. It is very important for our business to maintain a sign on the exterior face of the mall as agreed to in our lease"

It should be noted that only a small percentage of the stores within the mall have direct public access from the building's exterior. The granting of this particular request could set a precedent for other similar requests. If each interior store were allowed signage on the exterior walls of the building, a situation could possibly be created causing a cluttered and confusing appearance which would be contradictory to the intent of the Sign Regulation Provisions of the Zoning Ordinance. The fact that the property owner agreed in a lease to allow exterior signage once the store was relocated to the interior of the mall would not constitute an undue hardship, but rather, a self-imposed hardship, as both the lessor and lessee should be aware of signage regulations within the Zoning Ordinance.

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

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the mall equal and fair opportunity to advertise and promote their products and services;
- 2) Special conditions (customers would think that the store was no longer at this location) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship as other advertising means are available; 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 proposed sign could set a precedent for other interior mall stores to be allowed exterior wall signage creating a cluttered and unfavorable physical image.

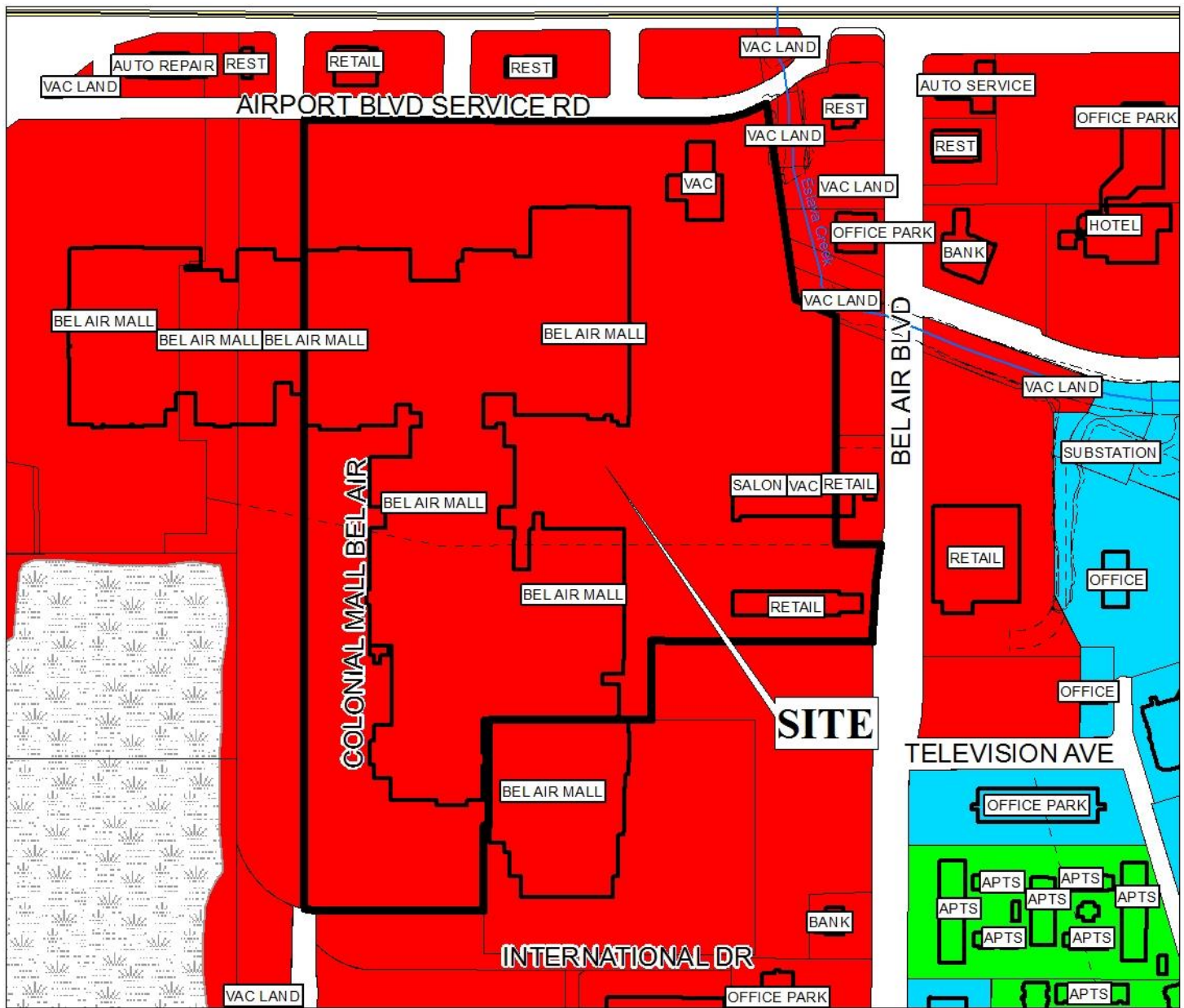
LOCATOR MAP



APPLICATION NUMBER 6042 DATE June 6, 2016
 APPLICANT Randall Miller
 REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units are located to the southeast.

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APPLICANT Randall Miller

REQUEST Sign Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

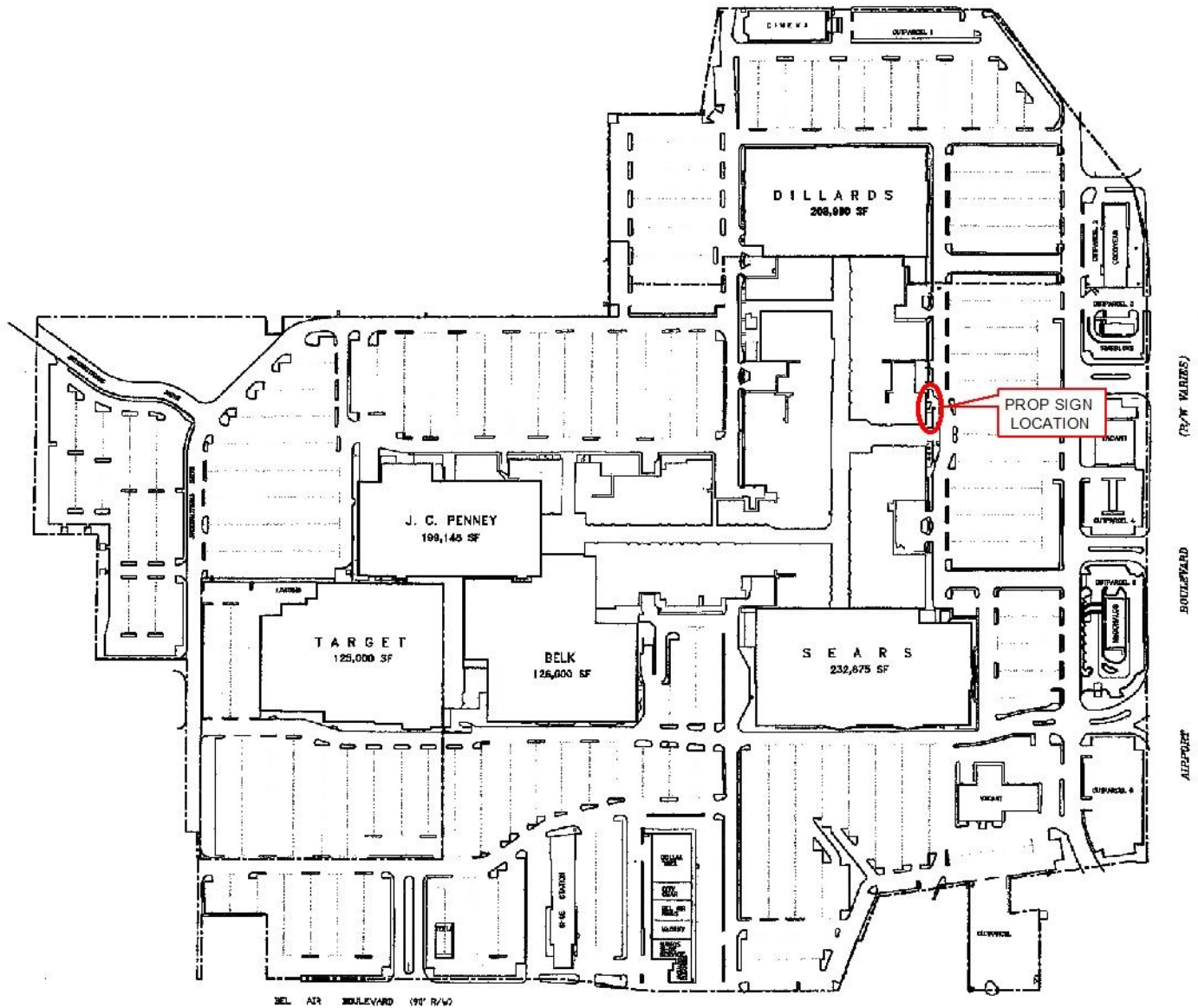


The site is surrounded by commercial units and residential units are located to the southeast.

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SITE PLAN



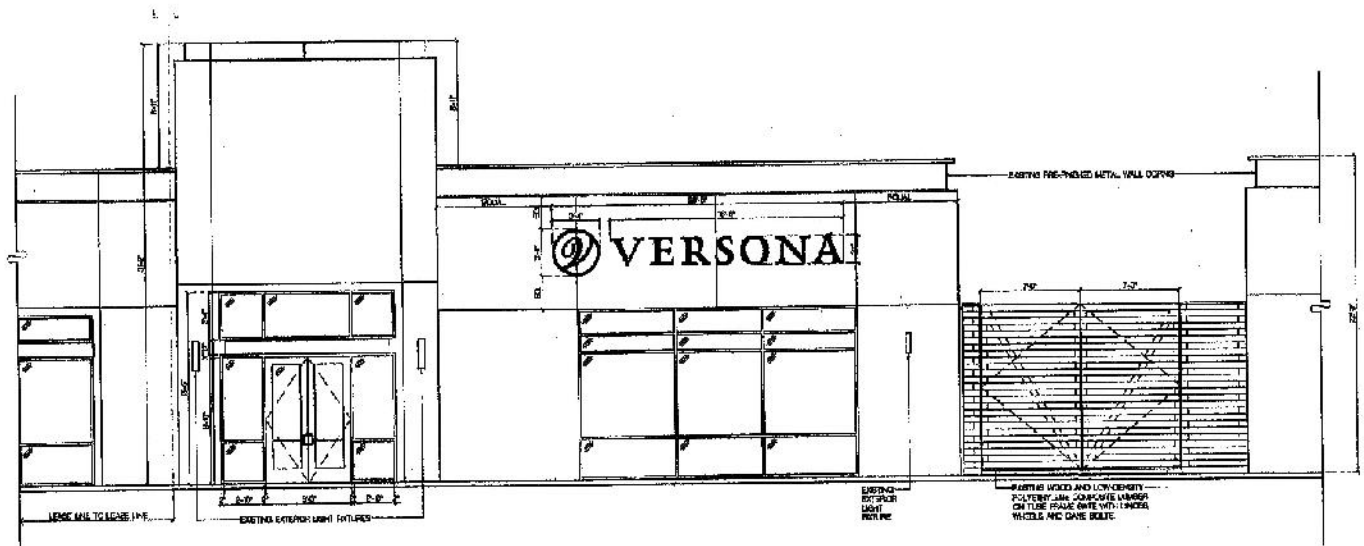
The site plan illustrates the proposed sign location.

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DETAIL SITE PLAN



1
50 STOREFRONT ELEVATION - EXTERIOR
SCALE 1/4" = 1'-0"

40" VERSIONA, 24" LOGO
BLACK LETTERS FACE-LIT LED ILLUMINATED
DIRECT WALL MOUNTED LETTERS

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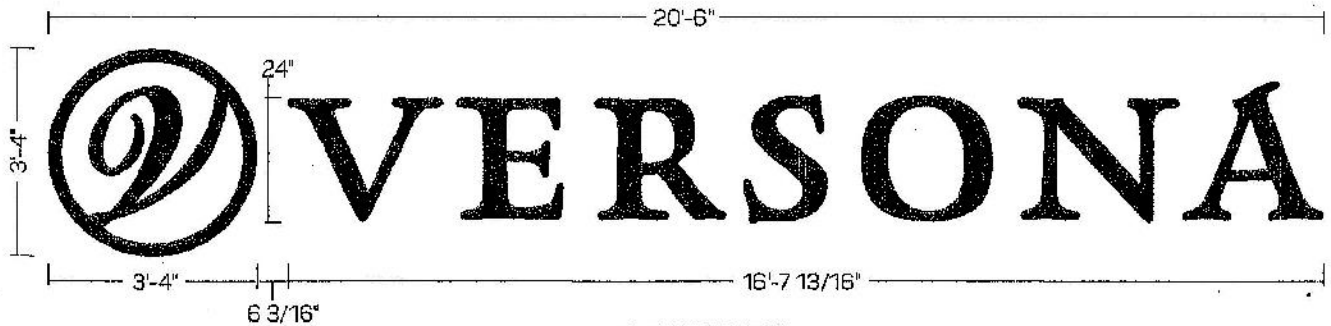
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REQUEST _____ Sign Variance



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DETAIL SITE PLAN



NOTE: LETTERS ARE CENTERED VERTICALLY ON THE ICON

GRAPHIC DETAIL
SCALE: 3/8" = 1'-0"

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