

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 7, 2017**

<u>CASE NUMBER</u>	6126
<u>APPLICANT NAME</u>	HSC Mobile LLC
<u>LOCATION</u>	635 Schillinger Road North (West side of Schillinger Road North, 250'± South of Zeigler Boulevard)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a 216 square-foot wall sign to occupy 49.5% of a 436 square-foot usable wall area on a single-tenant site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow a wall sign to exceed 30% or 131 square feet of a 436 square-foot usable wall area on a single-tenant site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business
<u>AREA OF PROPERTY</u>	4.26± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS The applicant is requesting a Sign Variance to allow a 216 square-foot wall sign to occupy 49.5% of a 436 square-foot usable wall area on a single-tenant site in a B-3, Community Business District; the Zoning Ordinance does not allow a wall sign to exceed 30% or 131 square feet of a 436 square-foot usable wall area on a single-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.

Tractor Supply is constructing a new store on the subject site and proposes to install a 24' wide by 9' high (216 square-foot) wall sign within the protruding front entrance façade which contains 436 square feet of usable wall area. The proposed sign would occupy 49.5% of that area. As the Sign Regulation provisions of the Zoning Ordinance allow a wall sign to occupy a maximum of 30% of the usable wall area, the maximum size sign allowed in this instance would be 130.8 square feet.

The applicant states:

"The purpose of this application is to allow the building signage to be greater than the required maximum 30% of the useable wall area. The useable wall area calculated for this variance is that of only the entry tower area, not the entire front elevation of the building."

"The sign dimensions are 9' x 24'. The sign is located on the entry tower of the store which is only a portion of the store's front elevation. Only the area of the entry tower has been used for the useable wall area."

"The standard prototypical building sign for the TSC 19K SF store is proposed"

"The adjacent property to the north is a Race Way convenience store. The property to the south and west of this site is vacant/wooded as is the property located to the east (across Schillinger Road)."

It should be noted that the same size sign wall sign was allowed at the Tractor Supply store on US Highway 90 West in 2011. However, the elevation drawing for that sign did not indicate that the entrance façade protruded forward of the main façade wall. Therefore, a sign of nonconforming size was erroneously allowed in that instance.

If considering strictly the total front façade wall area of the subject store (main wall and entrance tower wall), the proposed sign size would be allowable. But staff considers the usable wall area by façade plane; therefore the main front façade and the entrance tower façade are two separate wall areas.

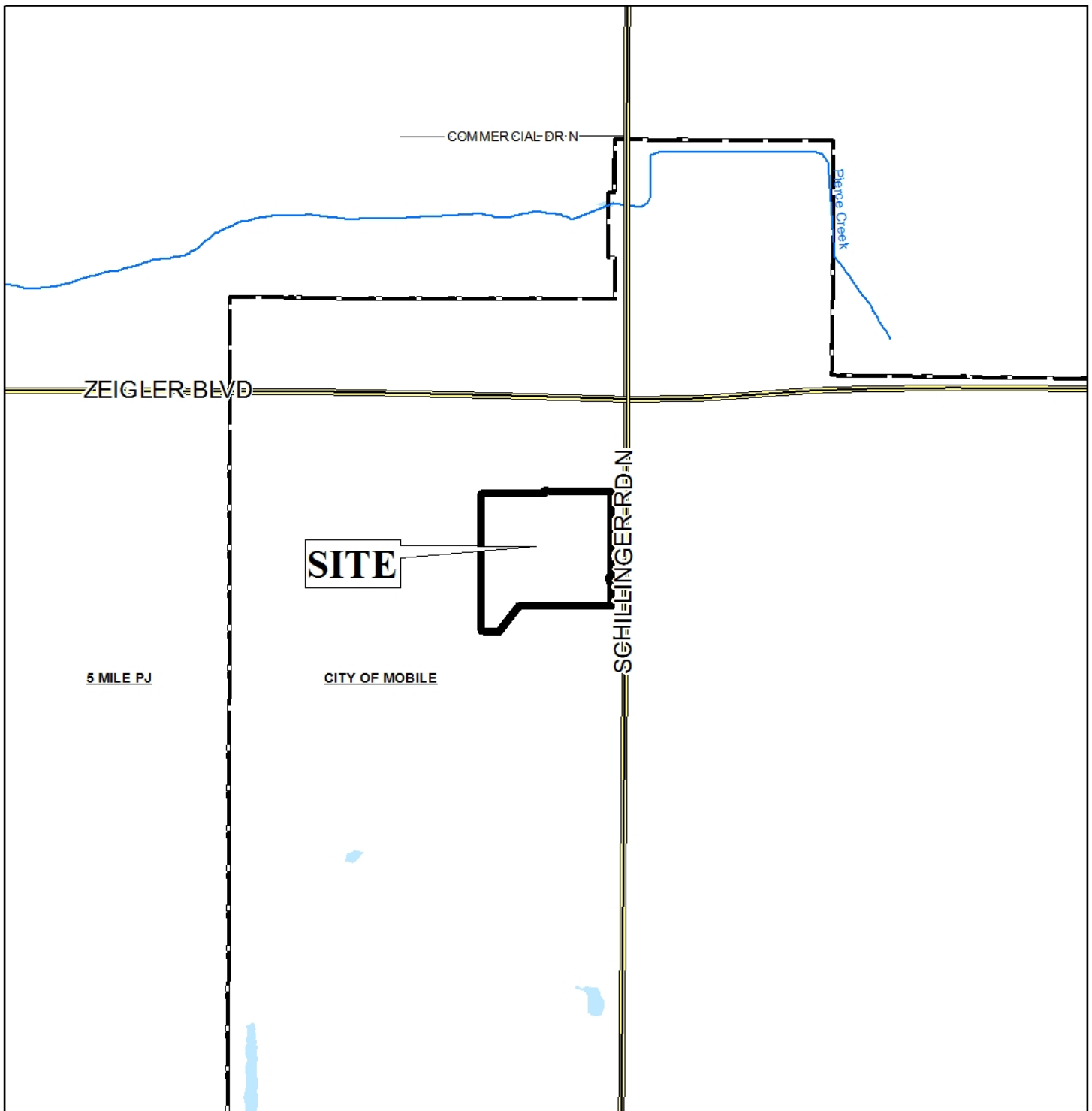
The fact that the proposed sign is a standard size used by Tractor Supply cannot be considered as a basis for a hardship to allow that size in this instance. Just as building codes vary from location to location and must be adhered to, so must signage regulations.

The applicant has not demonstrated that a literal enforcement of the Sign Regulation Provisions of the Zoning Ordinance would result in an undue hardship. The applicant simply wishes to install a sign over the size limitations for the proposed sign location and the Board should consider this application for denial

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

- 1) Approving the variance request will be contrary to the public interest in that it would allow for signage area disproportionate to that of other conforming signs;
- 2) Special conditions (the proposed size is a company standard) do not exist 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 not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since approving the variance will set precedence for other businesses to seek similar signage requests.

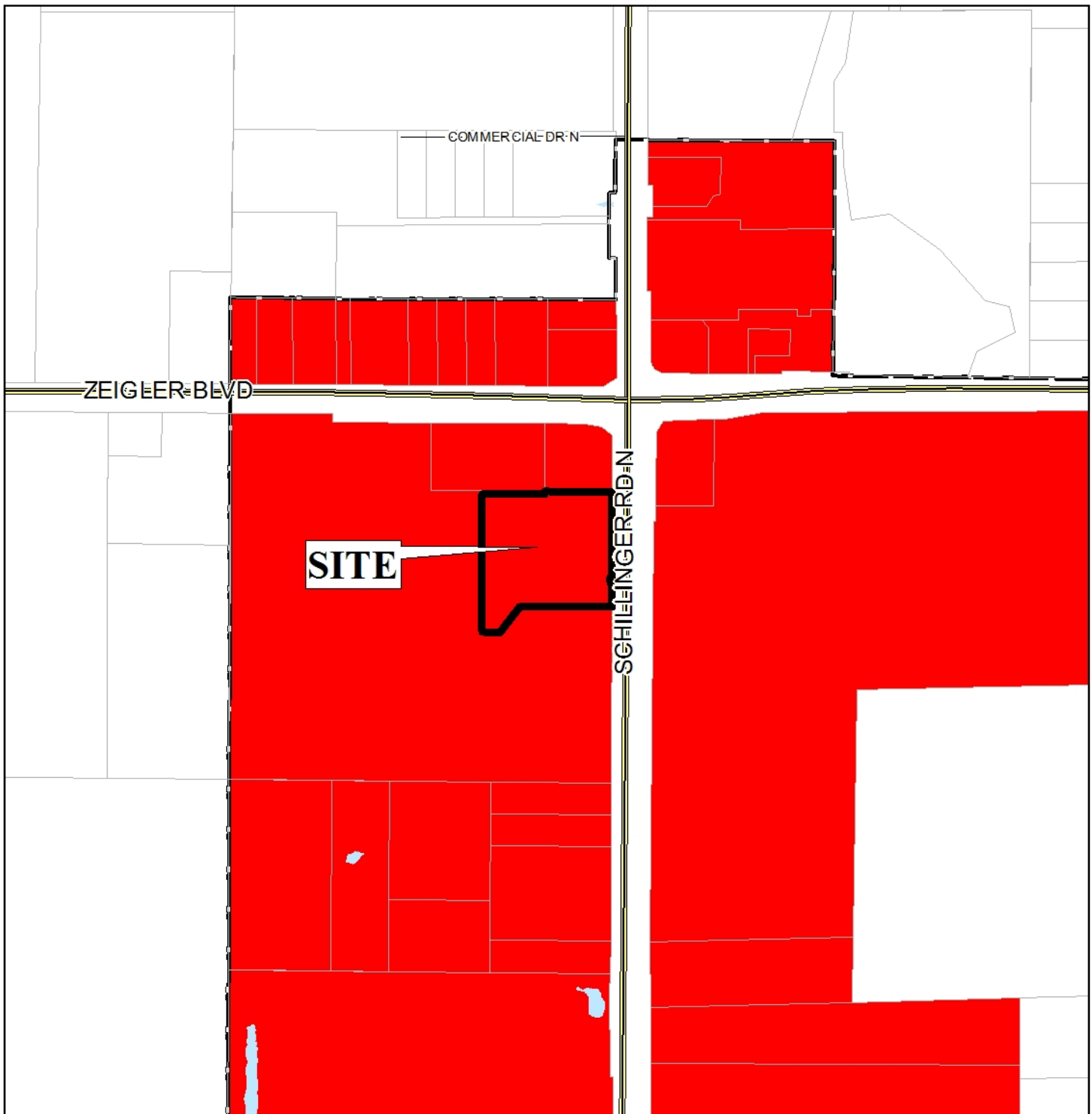
LOCATOR MAP



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LOCATOR ZONING MAP

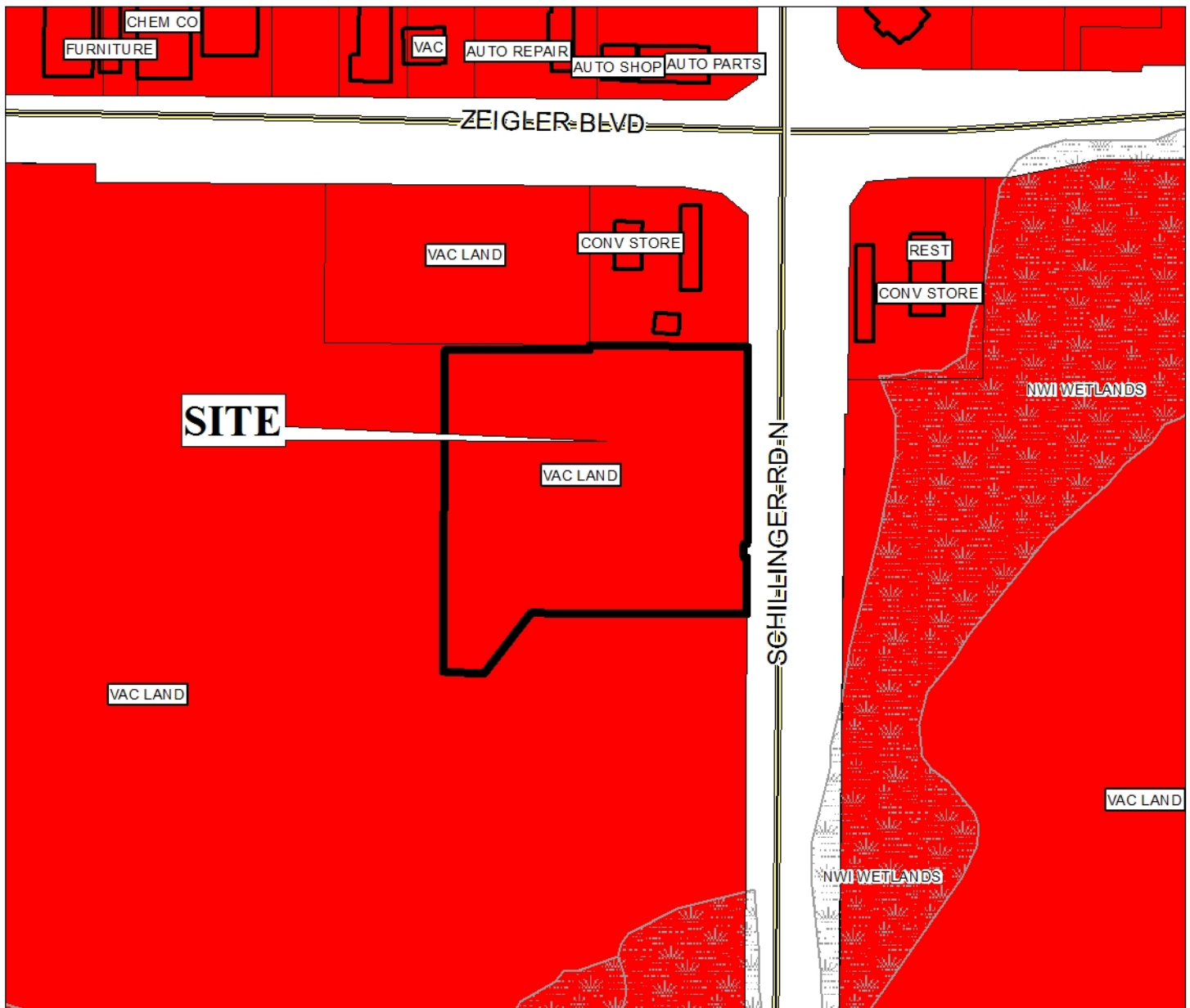


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VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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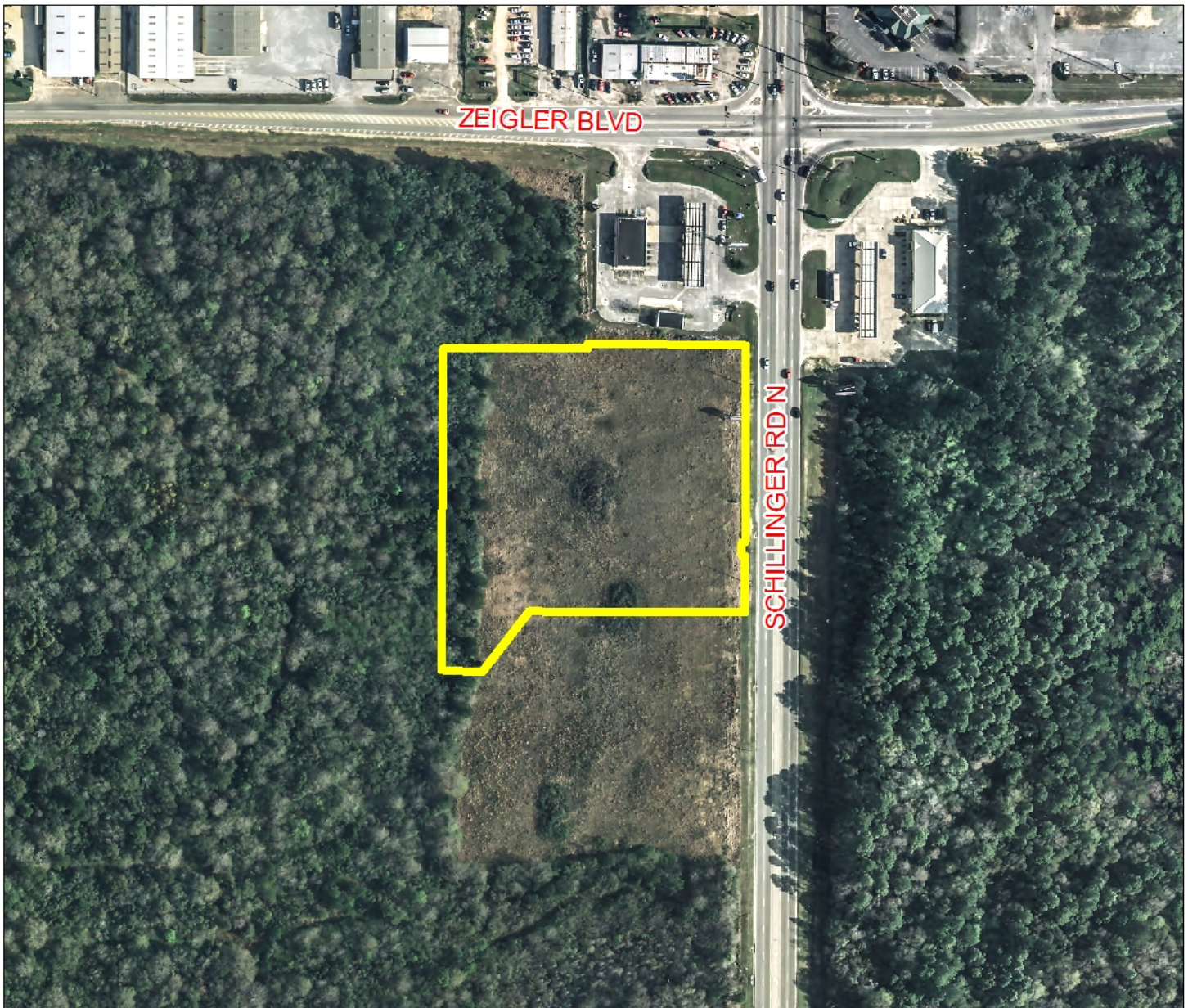
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

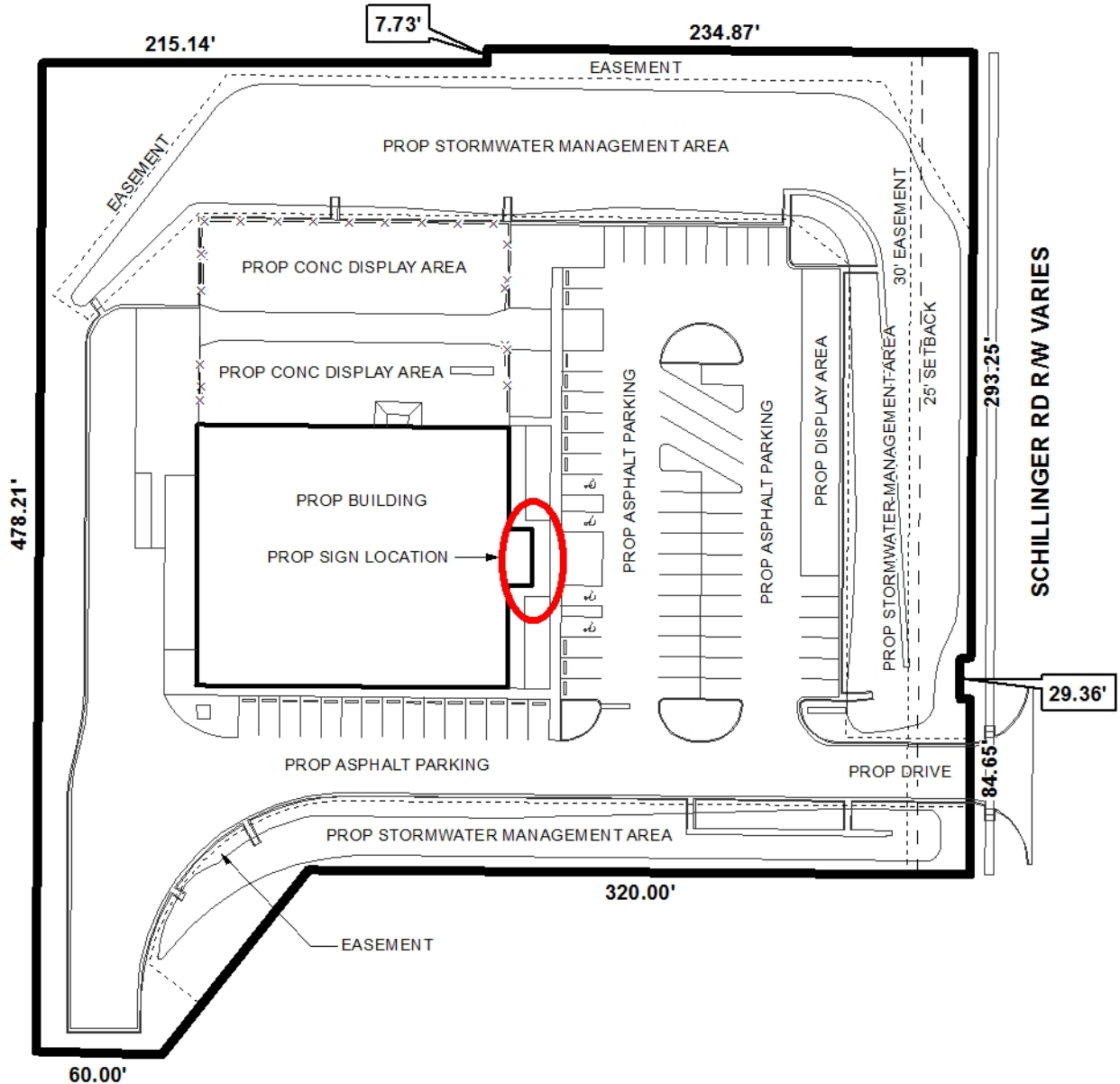


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SITE PLAN

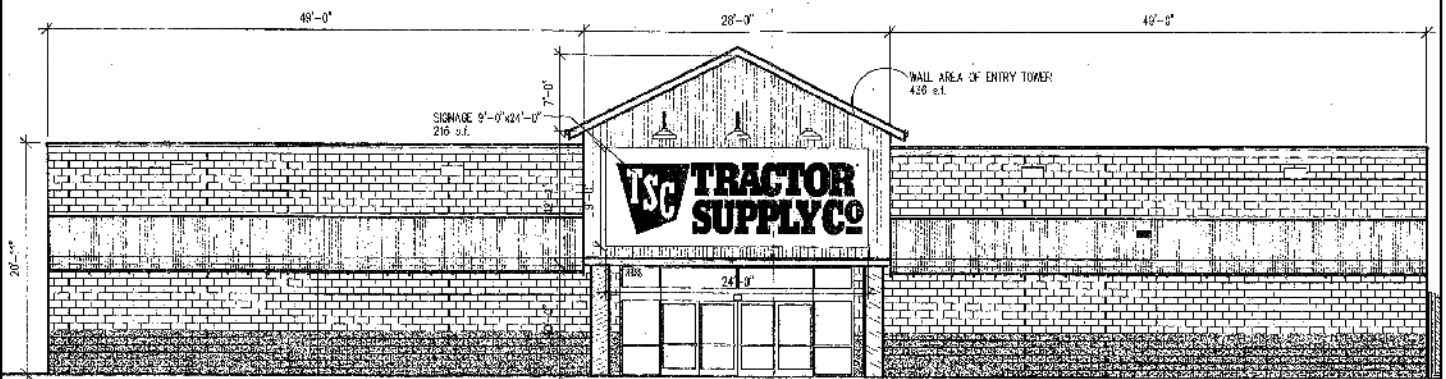


The site plan illustrates the proposed building, proposed parking, setback, easements, and proposed sign location.

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DETAIL SITE PLAN



1 ELEVATION
SCALE: NTS FRONT

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