

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: April 3, 2017**

**CASE NUMBER**

6098/6001

**APPLICANT NAME**

Anchor Sign, Inc. (Jill Hopkins, Agent)

**LOCATION**

7765 Airport Boulevard  
(Southeast corner of Schillinger Road and Airport  
Boulevard)

**VARIANCE REQUEST**

**SIGN:** Sign Variance to allow three wall signs for a tenant with two street frontages on a group business site in a B-3, Community Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**SIGN:** The Zoning Ordinance allows two wall signs for a tenant with two street frontages on a group business site in a B-3, Community Business District.

**ZONING**

B-3, Community Business

**AREA OF PROPERTY**

Not specified.

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Sign Variance to allow three wall signs for a tenant with two street frontages on a group business site in a B-3, Community Business District; the Zoning Ordinance allows two wall signs for a tenant with two street frontages on a group 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 substantial justice done to the applicant and the surrounding neighborhood.

Variations 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 over-all site is a group business (multi-tenant) shopping center facing both Schillinger Road and Airport Boulevard with the main complex situated approximately 350' back from Schillinger Road and 125' back from Airport Boulevard. The subject business site is a new out-building with two tenant spaces near the intersection of the two streets and surrounded by the parking lot for the shopping center. The applicant's lease space is in the North unit of the building and faces both street frontages. The Zoning Ordinance would allow one wall sign per public street frontage for a tenant in a street corner unit in a multi-tenant site, but not three wall signs.

The applicant states:

*"Chipotle is asking for a variance from the Zoning code that allows only one wall sign facing the street frontage. The Chipotle will be located in an out building in front of the Shopping center so that the side and rear of the building will be very visible to shoppers as they look to approach the restaurant. We are asking that Chipotle be permitted to attached signage to both the side and rear elevation."*

*"This would not be a hardship on the property as other restaurants on the same shopping center property such as Chic-fil-A and Krystal have been permitted signage on multiple elevations and in fact would be a hardship on Chipotle if they are not permitted similar signage than their neighbors"*

It should be noted that the examples of signage on other businesses within the complex cited by the applicant are not pertinent to the subject situation in that those businesses cited are each on a separate legal lot of record and are not subject to the same limitations as the applicant. Each would be considered a single-tenant site for signage purposes. The applicant's location is on the same legal lot of record as the main building complex and is therefore, on a multi-tenant site with different signage allowances.

The Zoning Ordinance allowance of one wall sign per tenant in a multi-tenant site pertains to interior units only if the site is situated at a public street intersection and the subject unit is an end-unit facing both streets. In such a case, the end-unit tenant would be allowed one wall sign per public street face. The Ordinance is written with the concept of only one unit being the end-unit and does not take into consideration the possibility of an out-building on the same site facing two street frontages, nor the out building backing to a large parking lot. In such a scenario, there exists a possibility that tenants in the out-building may not have any signage exposure to the parking lot expanse and, therefore, no recognition from the interior of the site. And that scenario is present at the subject site.

The Board has been sympathetic in similar situations to increased signage allowances for out-buildings backing to expansive parking lots and the Planning Commission approved increased signage allowances for similar situations via the Planned Unit Development for the McGowin Park development. The applicant has illustrated that a literal interpretation of the Zoning Ordinance would result in an undue hardship with relation to recognition at the subject site and the Board should consider this request for three wall signs for approval.

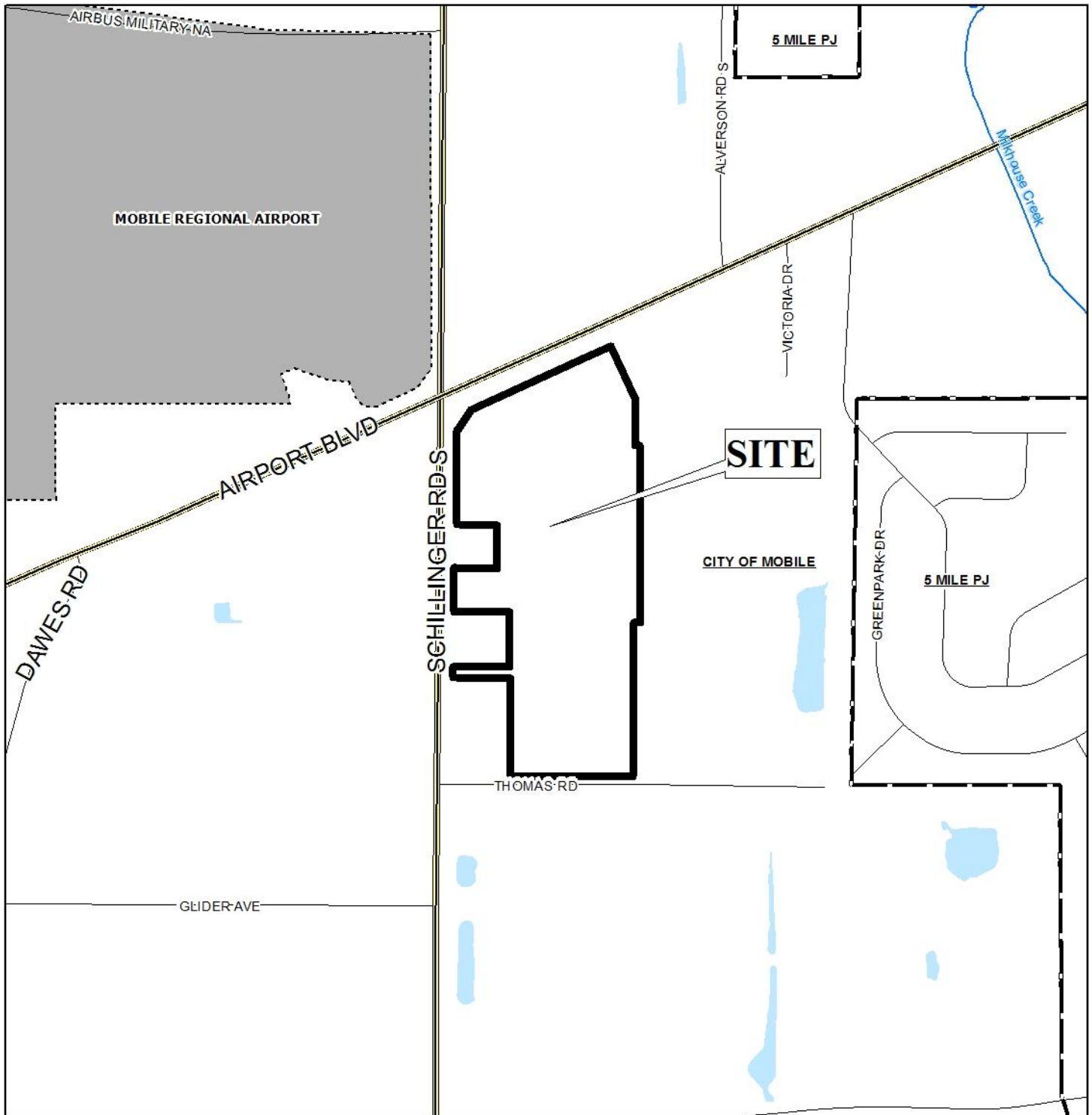
**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the site is at a public street corner and is also backed by an expansive parking lot, the variance will not be contrary to the public interest;
- 2) These special conditions (the site is an out-building separate from the main shopping center building and vehicular visibility is necessary for recognition) exist 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 and the surrounding neighborhood by granting the variance in that the subject business would be afforded adequate signage exposure and identity at a street corner location backed by an expansive parking lot.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) obtaining of sign permits for all three signs; and
- 2) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



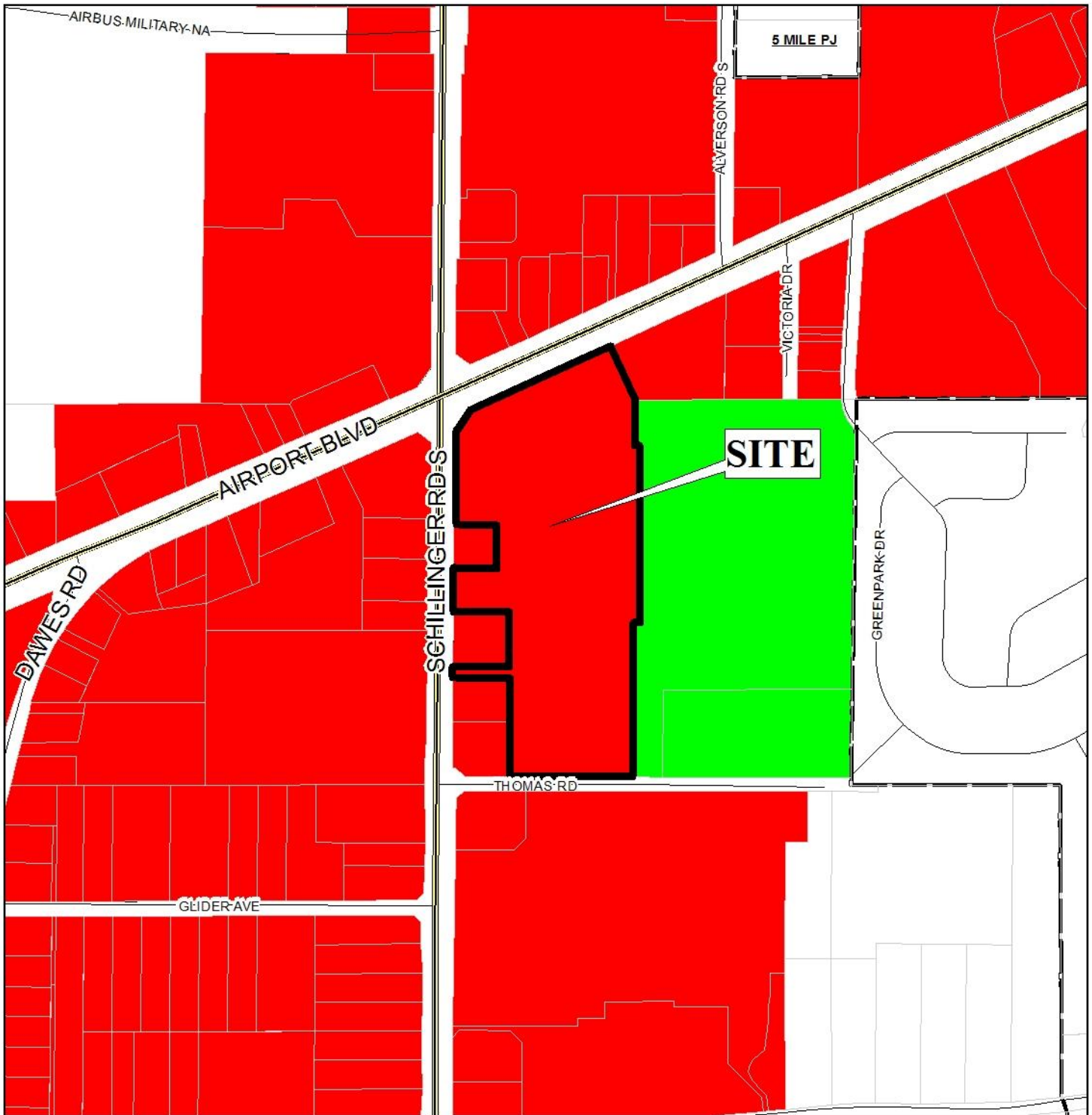
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REQUEST Sign Variance



# LOCATOR ZONING MAP



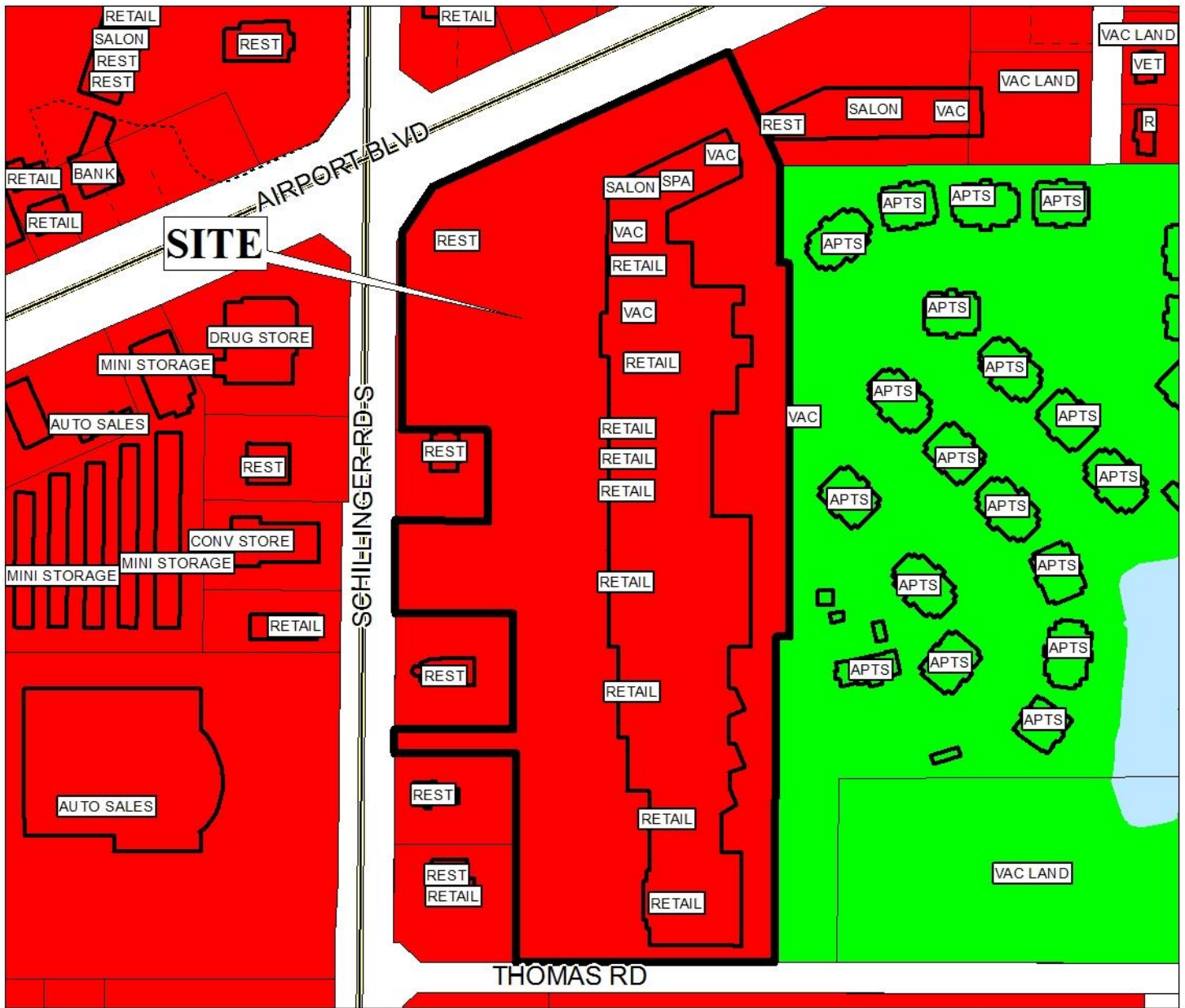
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



























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

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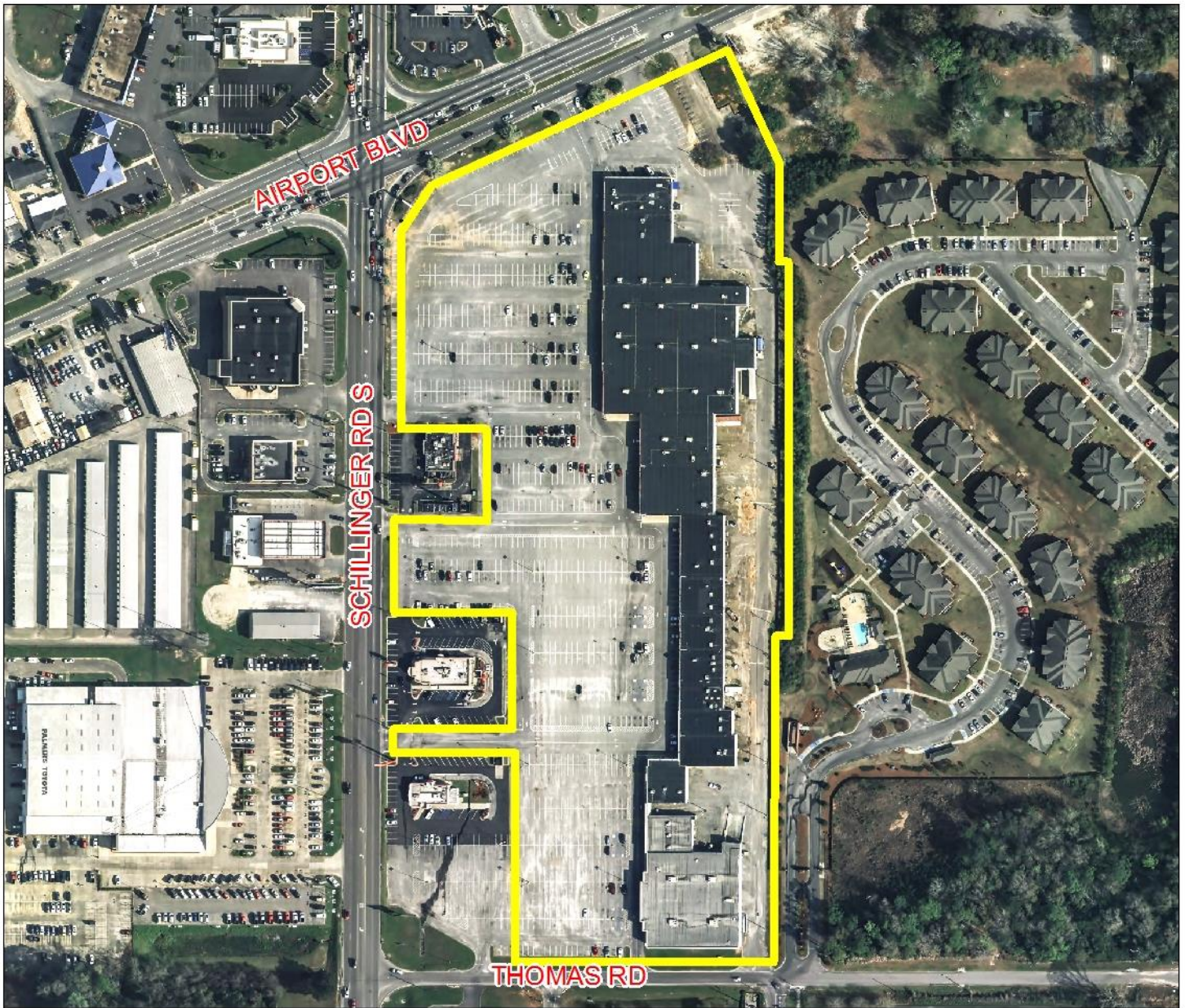
 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



NTS



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



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

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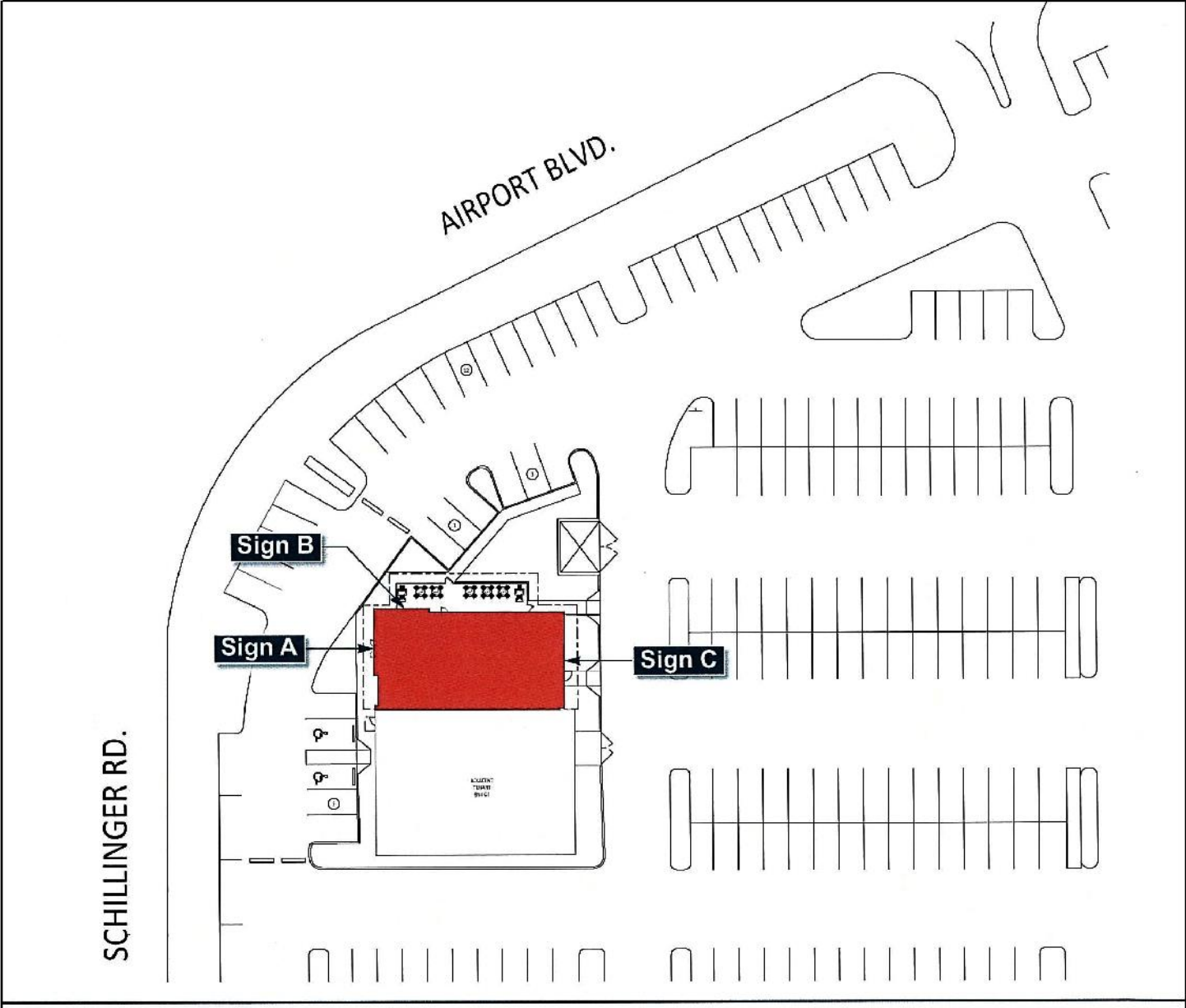
REQUEST Sign Variance




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# SITE PLAN

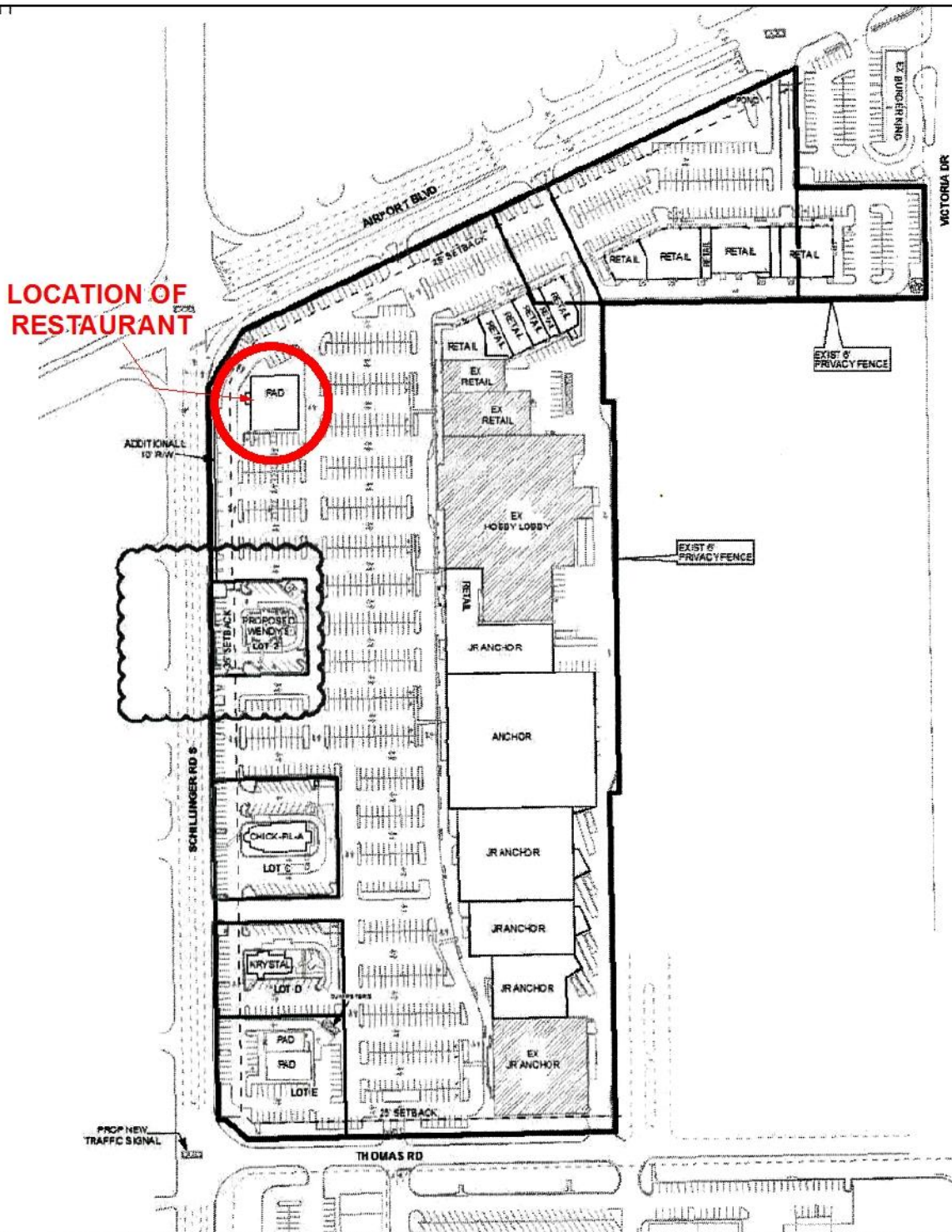


The site plan illustrates the new restaurant, and the proposed sign locations.

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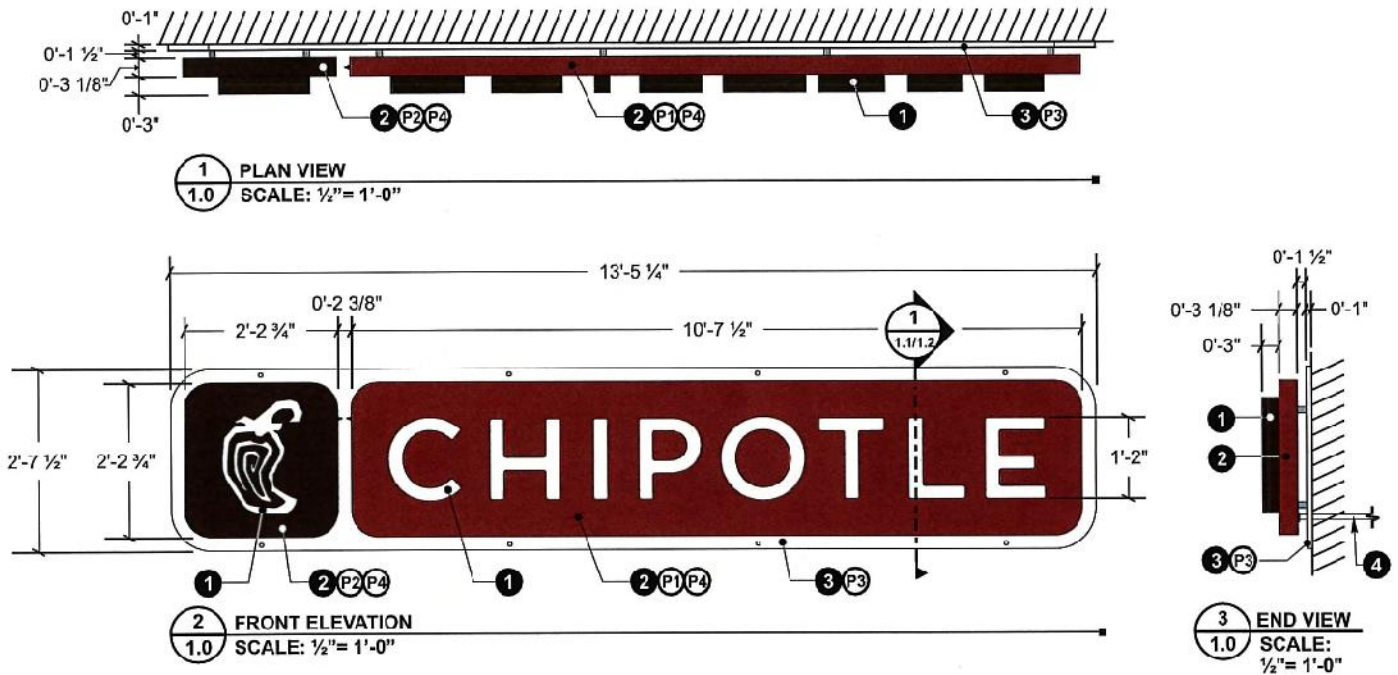
# DETAIL SITE PLAN



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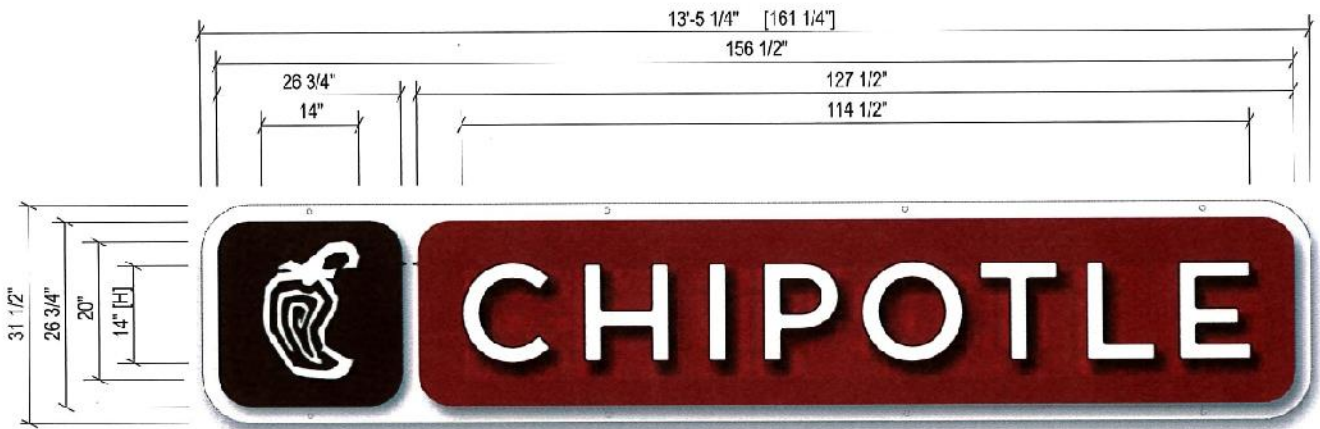
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# DETAIL SITE PLAN



SIGN TYPE **AW-3**

**Sign Layout Detail**

Scale: 1/2" = 1'-0"

**SIGN B**

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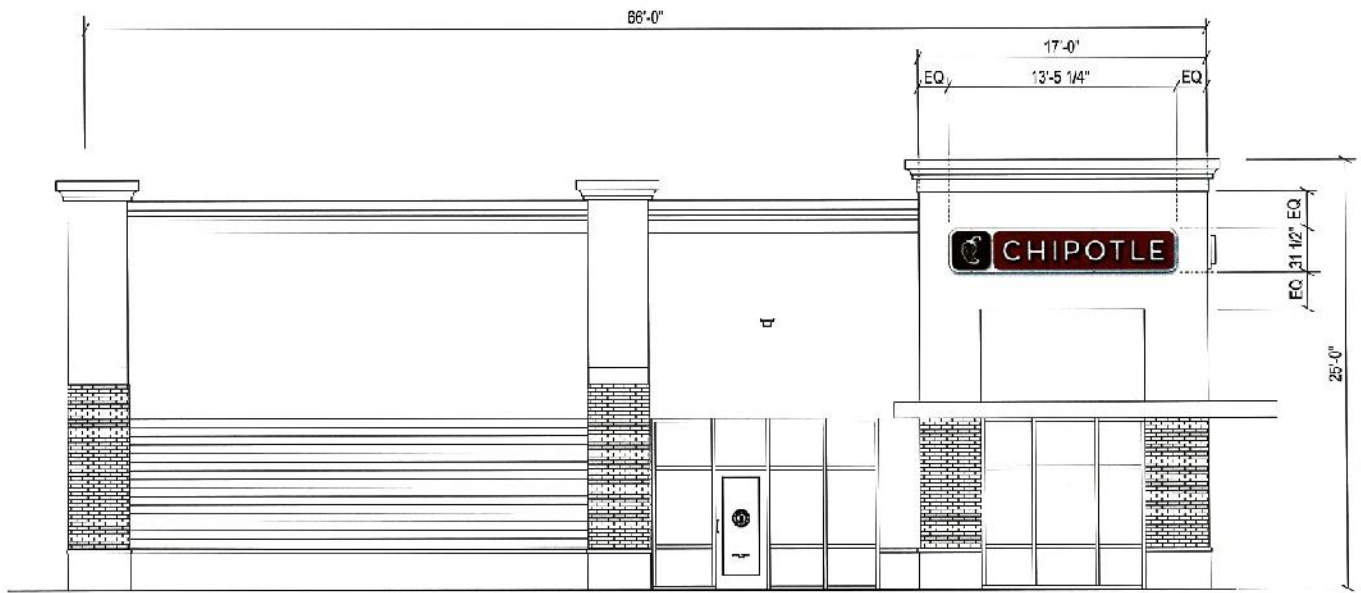


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# DETAIL SITE PLAN

## SIGN B



**Side Elevation (North)**  
Scale: 1/8" = 1'-0"

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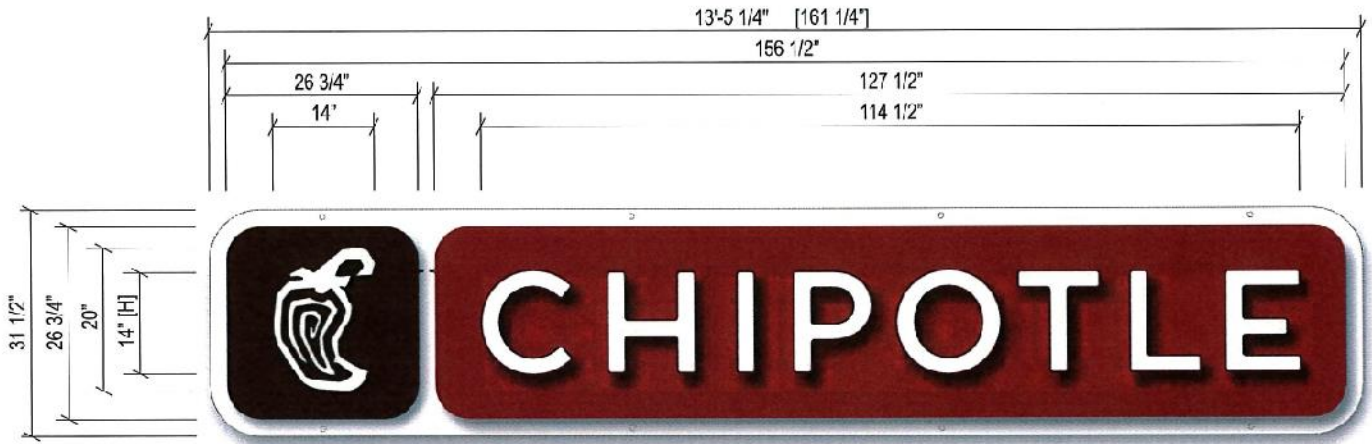
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# DETAIL SITE PLAN



SIGN TYPE **AW-3**

### Sign Layout Detail

Scale: 1/2" = 1'-0"

**SIGN C**

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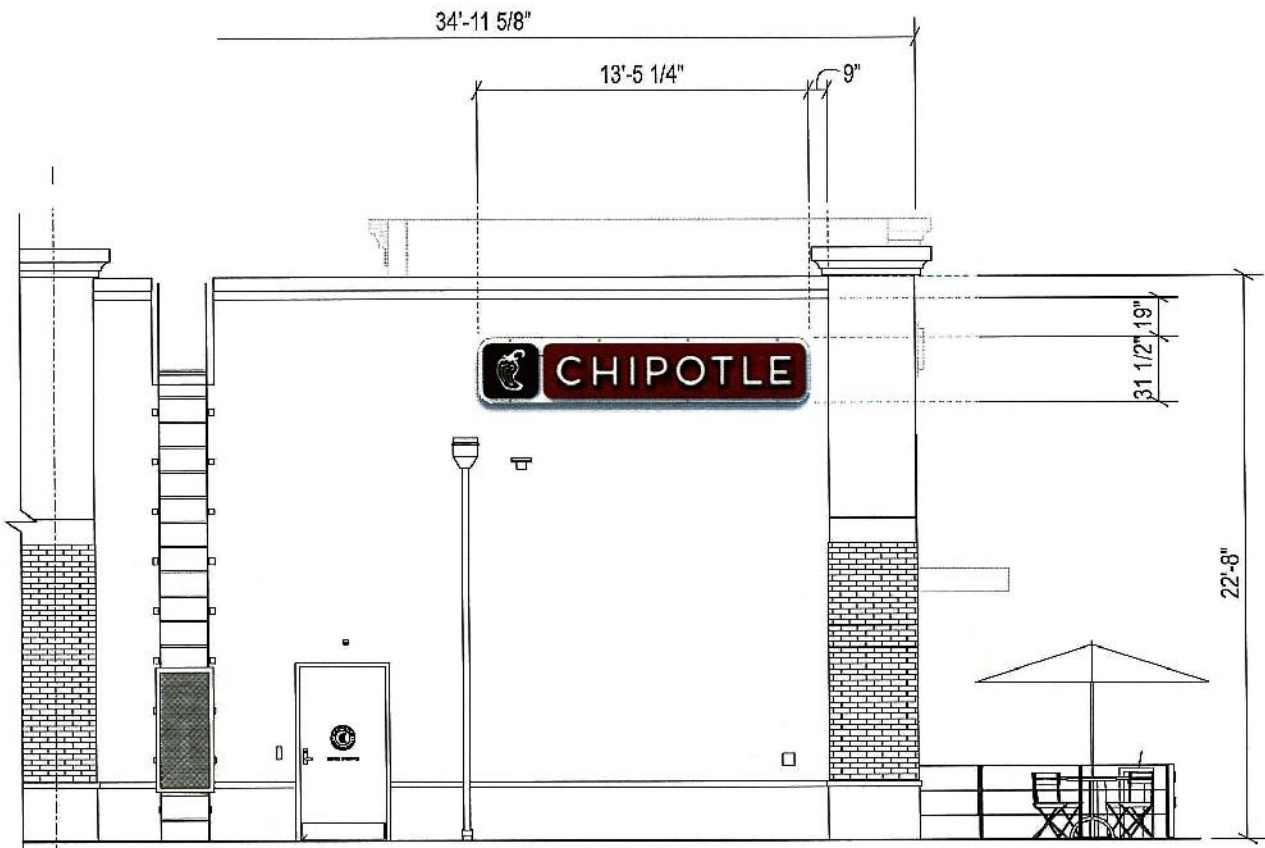
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# DETAIL SITE PLAN

## SIGN C



### Rear Elevation (East)

Scale: 1/8" = 1'-0"

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