



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION

April 8, 2016

BHDP
Brett Flodder
302 W. 3rd Street, Suite 500
Cincinnati, OH 45202

Re: #6031/5764
(Case #ZON2016-00475)
Michael J. Habel (Brett Flodder, Agent)
3201 Airport Boulevard
(South side of Airport Boulevard near main building entrance to Colonial Bel Air Mall).

Dear Applicant(s) / Property Owner(s):

On April 4, 2016, the Board of Zoning Adjustment considered your request for **Sign Variance to allow four wall signs for a tenant at a multi-tenant site in a B-3, Community Business District** at the above referenced location.

After discussion, the Board determined the following findings of fact for Denial of the proposed sign on the West elevation:

- 1) Based on the fact that the previous tenant, Sears, did not have a sign on the West elevation, the variance will be contrary to the public interest;**
- 2) These special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship as there is no entrance on the West elevation; and**
- 3) That the spirit of the chapter shall not be observed and substantial justice not done to the applicant and the surrounding neighborhood by granting the variance in that three signs will be sufficient to make the applicant's location known to the general public.**

The Board also determined the followings findings of fact for Approval for all other proposed signage:

- 1) Based on the fact that the mall site has double public street frontage and the Belk store is the largest within the mall complex, the variance will not be contrary to the public interest;
- 2) These special conditions (the subject store is very expansive with four exterior entrances, a large wall façade area, lengthy distances from Airport Boulevard and Bel Air Boulevard, and protrudes beyond the wall plane of the remaining mall building) 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 a Sign Variance was granted for much more signage for another tenant within the mall complex and a similar blanket request has been granted via a PUD for new stores of smaller sizes in another development.

The Approval is subject to the following conditions:

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

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

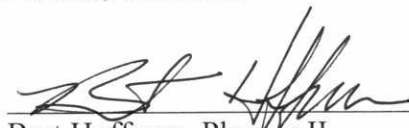
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before October 4, 2016, the **Sign Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman, Planner II

cc: Rouse Properties
Speaks and Associates Consulting Engineers, Inc.

/lw