



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

October 6, 2021

Mohammed Suid
1363 Government Street
Mobile, AL 36604

Re: #6412/6356/5279/5251/4007/3892/2258
(Case #BOA-001739-2020)
MA Foodmart 1, LLC (Mohammed Suid, Agent)
363 Government Street
(Southeast corner of Government Street and Everett Street).

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

On October 4, 2021, the Board of Zoning Adjustment considered your request for **Sign Variance to allow a freestanding digital pricing sign within 300' of residentially zoned property, and an existing canopy sign for more than 64 square feet in total signage at a single-tenant site in the Leinkauf Historic District in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow digital pricing signs within 300' of residentially zoned property and limits businesses in historic districts to no more than 64 square feet of signage in a B-2, Neighborhood Business District.**

After discussion, the Board determined the following Findings of Fact for Approval of the freestanding digital pricing sign:

- 1) Approving the freestanding digital pricing sign variance request will not be contrary to the public interest due to the fact that a similar variance has been approved within the vicinity of this site;**
- 2) Special conditions do appear to exist, primarily previous approval of the same request, 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 surrounding neighborhood by granting the freestanding digital pricing sign variance as the Board previously determined it will not affect residentially used property.**

The approval is subject to the following conditions:

- 1) The sign will retain a static display;**
- 2) The sign will be ground-mounted with no pylon;**

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- 3) The size of the sign will retain its current dimensions;
- 4) Approval by the Architectural Review Board;
- 5) Obtaining of all required permits for the sign; and,
- 6) Full compliance with all other municipal codes and ordinances.

After discussion, the Board determined the following Findings of Fact for Approval of the canopy sign:

- 1) Approving the canopy sign variance will not be contrary to the public interest, as the existing sign is a portion of the overall signage approved in 2010 for the north canopy elevation;
- 2) Special conditions exist (live oak trees in the abutting right-of-way) such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and,
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and surrounding neighborhood by granting the canopy sign variance because it will compensate for limitation in the signage allowances of the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) Approval by the Architectural Review Board;
- 2) Obtaining of all required after-the-fact permits for the sign; and,
- 3) 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 **April 4, 2022**, the variance will expire and become null and void.

For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: Marie York
Marie York, Principal Planner