



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

May 11, 2018

David Roberts
2540 Old Shell Road
Mobile, AL 36606

Re: #6176/6164/5635/5404/1858
(Case #BOA-000481-2018)
David Roberts
2540 Old Shell Road
(Northeast corner of Old Shell Road and North Florida Street.)

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

On May 7, 2018, the Board of Zoning Adjustment considered your request for a **Sign Variance to amend a previously approved Sign Variance to allow a second wall sign for a tenant on a multi-tenant commercial site in a B-2, Neighborhood Business District** at the above referenced location.

After discussion, the Board determined the following findings of fact for approval of a second wall sign for a tenant on a multi-tenant commercial site:

- 1) Approving the variance request will not be contrary to the public interest in that the existing sign regulations are outdated, and do not take into account the current trends in signage in multi-tenant centers with outparcels;**
- 2) Special conditions exist, including the construction of a new multi-tenant shopping center with outparcels behind the building, such that the literal enforcement of the provisions of the chapter will result in an 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 along both a public street and an expansive parking lot.**

The approval is subject to the following conditions:

- 1) obtaining of a sign permit; and**
- 2) full compliance with all municipal codes and ordinances.**

After discussion, the Board determined the following findings of fact for denial of a mural with business-specific imagery:

- 1) Approving the variance request will be contrary to the public interest in that it would allow for a disproportionate amount of advertising than would normally be allowed for a tenant on multi-tenant sites;
- 2) Special conditions (the mural is critically important in attracting students to the studio) 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 business-specific mural requests.

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.

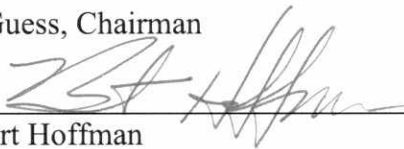
No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before November 7, 2018, the **Sign Variance** will expire and become null and void. For additional assistance call (251) 208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:


Bert Hoffman
Principal Planner

cc: Ashland Station, LLC
Clark, Greer, Latham & Associates, Inc.