

APPLICATION NUMBER

5295

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A 40 SQUARE FOOT,
DOUBLE-SIDED, NON-ILLUMINATED, FREESTANDING
OFF-SITE SIGN LOCATED IN THE RIGHT-OF-WAY; ALL
SIGNS MUST BE LOCATED ON-SITE (PRIVATE
PROPERTY)**

LOCATED AT

Southwest corner of Government Street and Dauphin Island Parkway, 30'± Northeast of
the centerline of the railroad right-of-way

APPLICANT

MARY PARKER

OWNER

CN/IC RAILROAD COMPANY

BOARD OF ZONING ADJUSTMENT

MARCH 2005

The applicant is requesting a Sign Variance to allow a 40 square foot, double-sided, non-illuminated, freestanding, off-site sign located in the right-of-way; all signs must be located on-site (private property).

The applicant states that the purpose of this application is to allow a freestanding sign to be located off-site from the property where the actual business is located.

Section IV.G.3.a (3) states that nonconforming signs that are in the public right-of-way shall be removed within 90 days of the enactment of this Ordinance. This provision essentially prohibits new signs in the public right-of-way.

The applicant has not given any reasons as to the hardship associated with the sign being placed on right-of-way or off-site. However, the applicant's business is located approximately 400 feet south of the sign location.

The Sign Regulations were adopted to enhance the aesthetic beauty of the city of Mobile, to allow signs appropriate to the planned character of each zoning district, to afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination of one over the other, and to protect the rights of citizens to enjoy Mobile's natural scenic beauty. In this particular case, the placement of the sign does not present a hardship, there are numerous commercial establishments complying with the Sign Regulations.

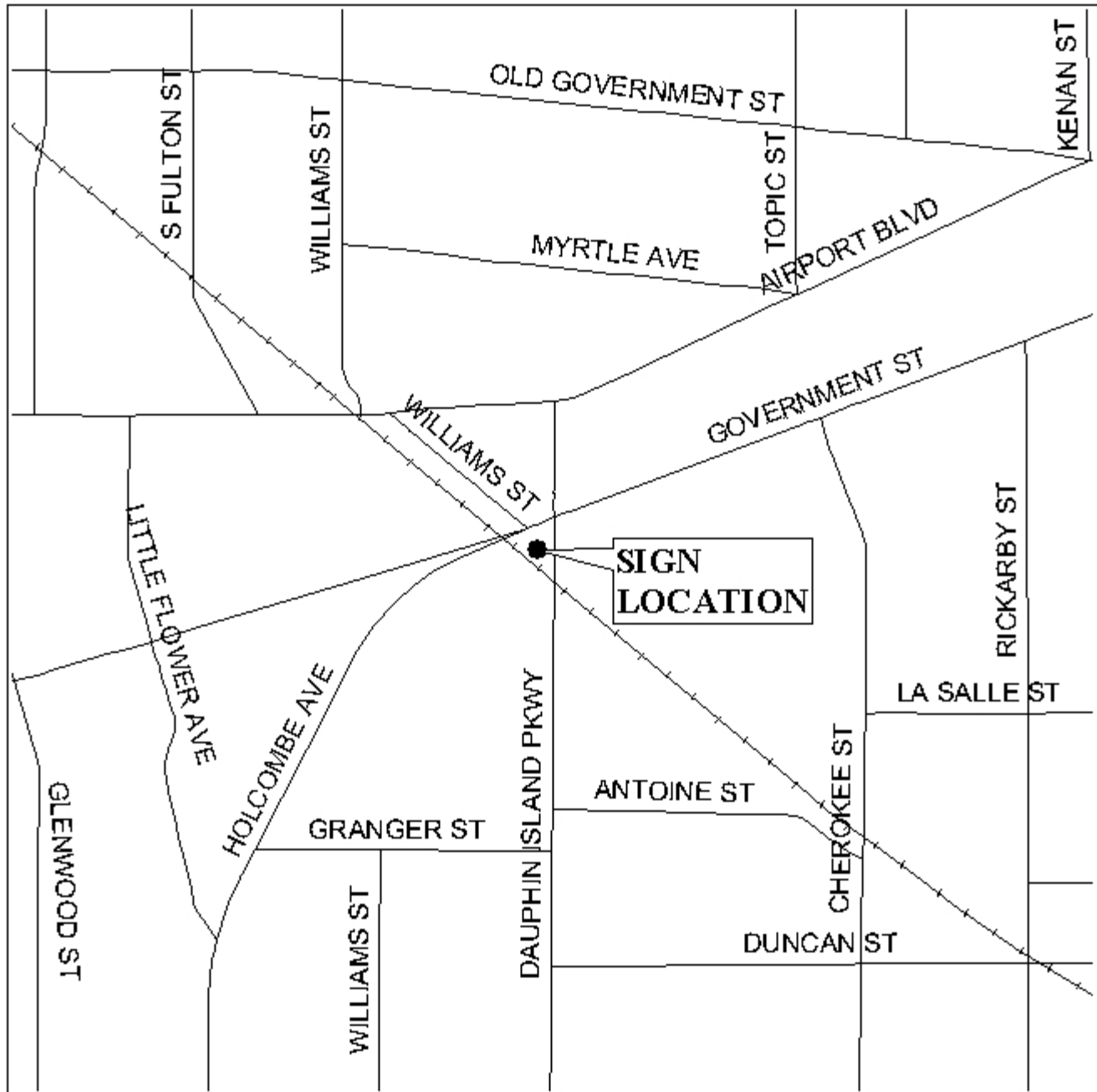
The Zoning Ordinance states that no variance shall be granted where **economics** are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal 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.

The proposed off-site sign location is in the railroad right-of-way along Government Street and Dauphin Island Parkway. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to locate a sign off-site and in the right-of-way.

RECOMMENDATION 5295**Date: MARCH 7, 2005**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



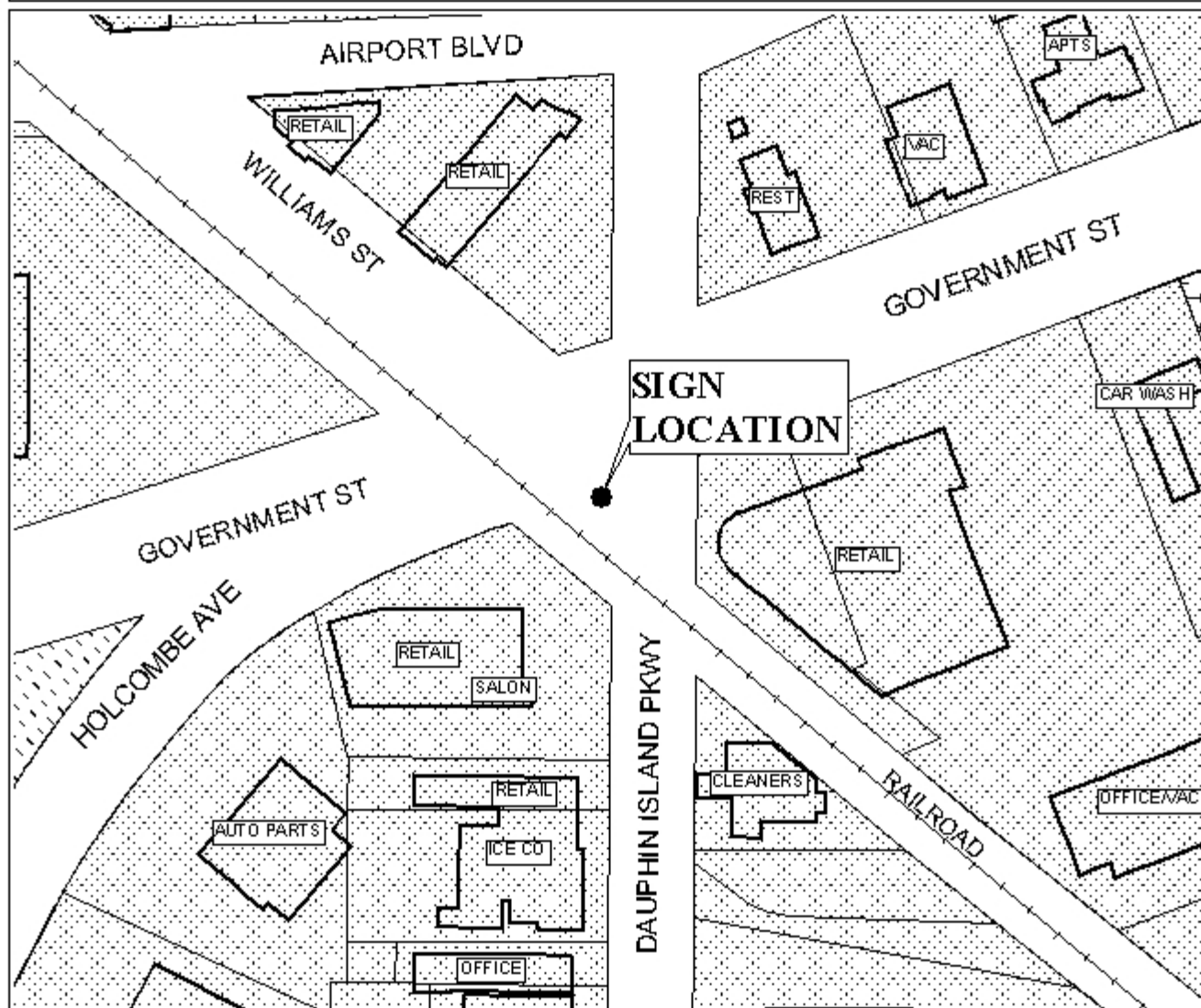
APPLICATION NUMBER 5295 DATE March 7, 2005

APPLICANT Mary Parker (CN/IC Railroad Company, Owner)

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous retail.

APPLICATION NUMBER 5295 DATE March 7, 2005

APPLICANT Mary Parker (CN/IC Railroad Company, Owner)

REQUEST Sign Variance

LEGEND

