

APPLICATION NUMBER

5363

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A SECOND WALL SIGN (57
SQUARE FEET) FOR ONE TENANT (BUSINESS) ON A
MULTI-TENANT SITE; ONLY ONE WALL SIGN PER
BUSINESS IS ALLOWED ON A MULTI-TENANT SITE.**

LOCATED AT

325 EAST I-65 SERVICE ROAD SOUTH

(East side of East I-65 Service Road South, 2/10 mile± South of Emogene Street)

APPLICANT/AGENT

BLU RABBIT'S PARADISE

OWNER

NEW PLAN REALTY TRUST

BOARD OF ZONING ADJUSTMENT

AUGUST 2006

The applicant is requesting a Sign Variance to allow a second wall sign (57 square feet) for one tenant (business) on a multi-tenant site; only one wall sign per business is allowed on a multi-tenant site.

The purpose of the variance is to allow Blu Rabbit's Paradise an additional wall sign on the West face of the building fronting East I-65 Service Road South. This business is located in a detached building with and between two other businesses, West of the main complex of Springdale Mall but on the same lot of record as the West portion of the main mall complex. It has an existing wall sign on the East wall facing the main Springdale Mall complex.

The applicant states that the business is currently in compliance with the Zoning Ordinance, but is in an older building which has been at this location for more than fourteen years. It is further stated that the business is severely handicapped since it cannot place a sign on the building facing I-65 where there is a tremendous amount of traffic and that practically all of the businesses in this area have two or three building signs... The applicant states that one of the businesses located in the building has three wall signs and a freestanding sign but that business would not allow the applicant to share space on the freestanding sign structure. This is believed to be unfair, and, since the building is old, the applicant is asking to be "grandfathered" and the variance allowed.

The argument made by the applicant that it is unfair that other businesses have more than one wall sign can be addressed by the fact that some of the Springdale Mall businesses are corner units on double or triple street frontage lots, or are single businesses on single lots, both of which allow for additional wall signage. Other businesses in the complex may be "grandfathered" with legal nonconforming numbers of signs which predate the adoption of the Sign Ordinance. Businesses not falling into those categories are limited to a single wall sign.

The purpose of the Sign Ordinance 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 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.

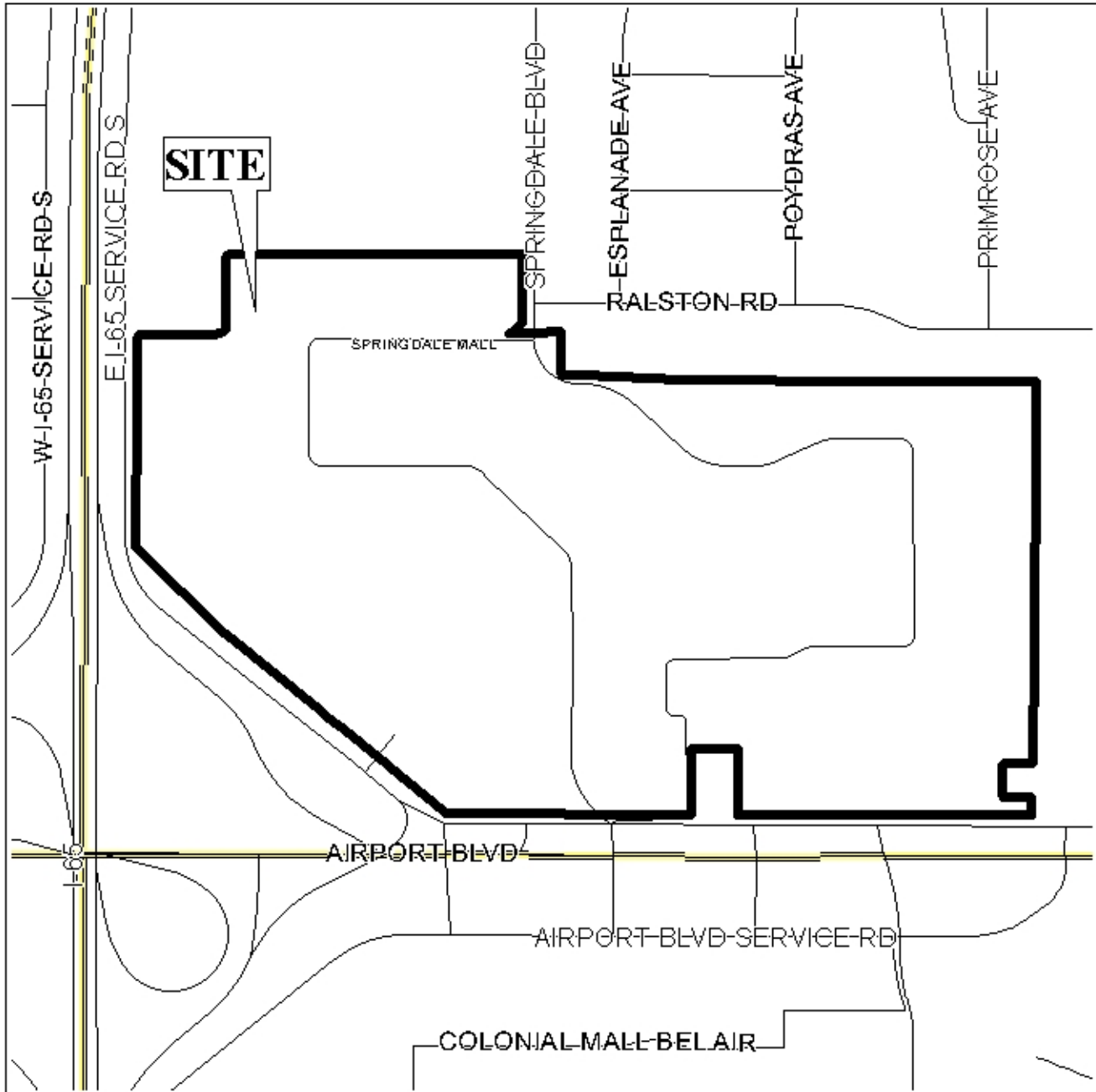
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The 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 have additional signage.

RECOMMENDATION 5362**Date: August 7, 2006**

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

LOCATOR MAP



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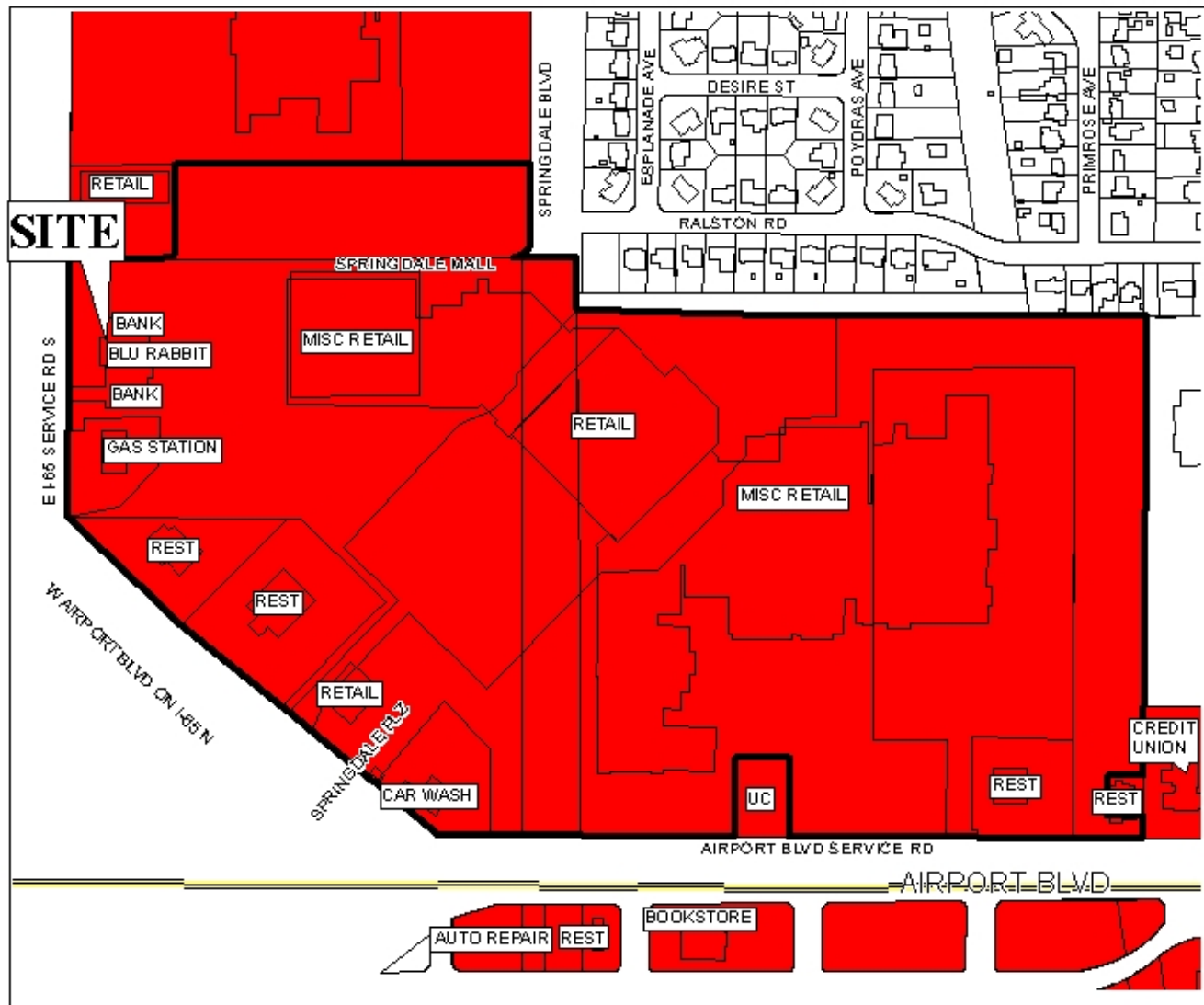
APPLICANT Blu Rabbit's Paradise

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use. Single family residential units are located to the east of the site.

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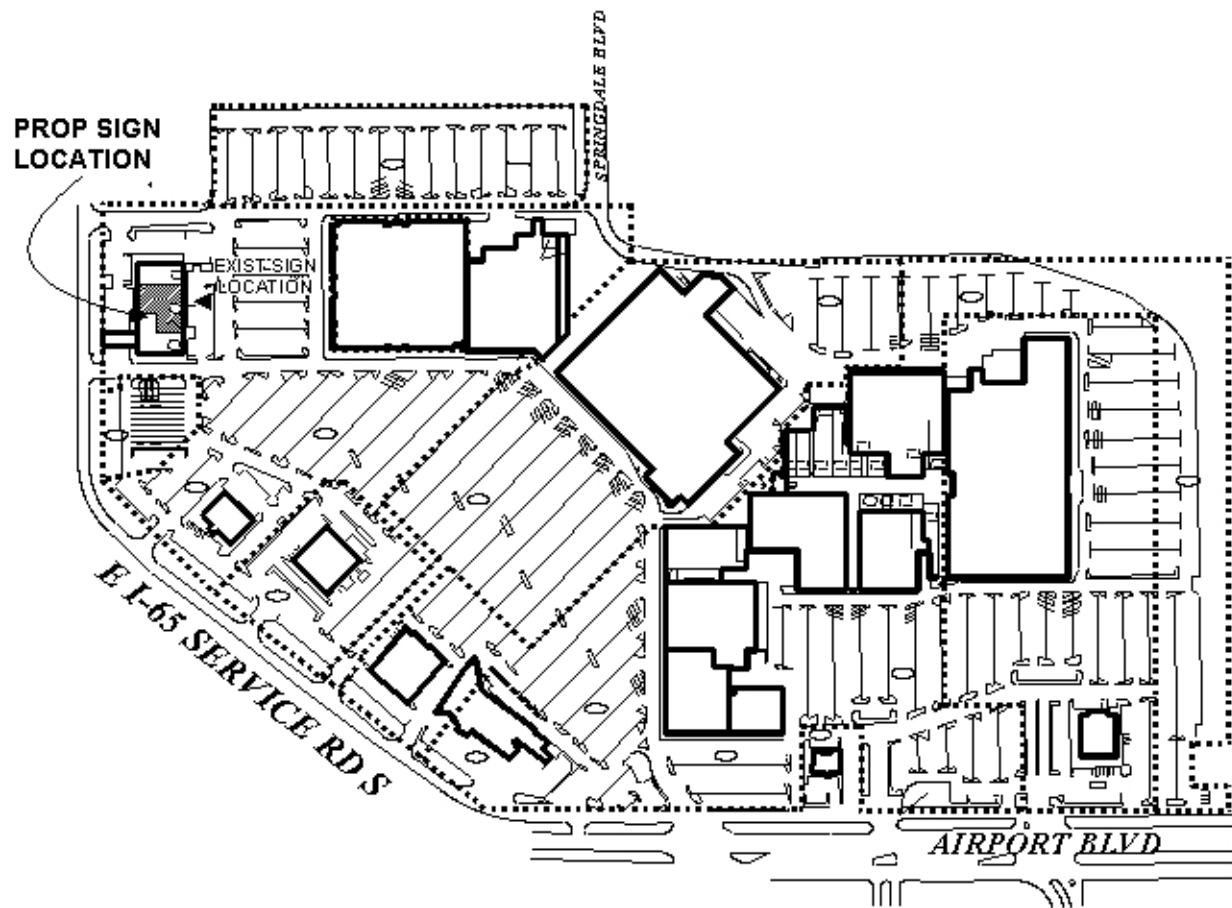
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LEGEND R-1 R-2 R-3 R-A R-B H-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2 NTS



SITE PLAN



The site plan illustrates the existing buildings, parking, and proposed sign location

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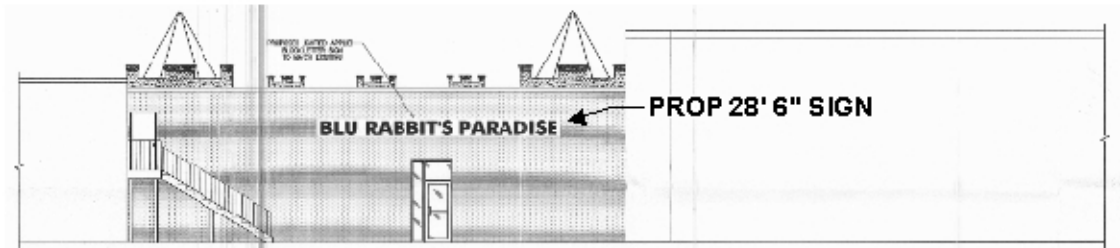
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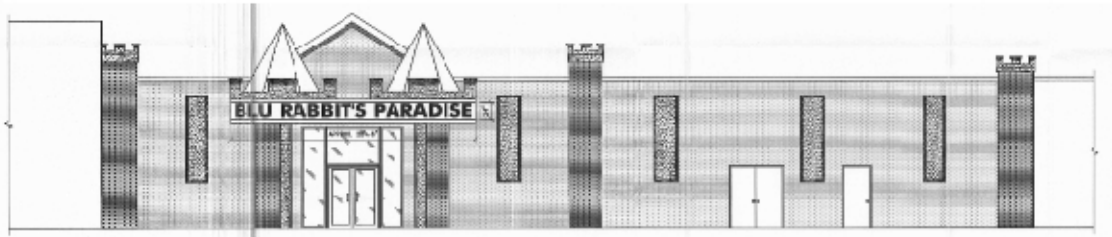


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DETAIL SITE PLAN



PROPOSED WEST ELEVATION



EXISTING EAST ELEVATION

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