

APPLICATION NUMBER

5414

A REQUEST FOR

**SIGN VARIANCE TO ALLOW SIX WALL SIGNS FOR
ONE TENANT 9BUSINESS) ON A MULTI-TENANT SITE;
ONLY ONE WLL SIGN PER BUSINESS IS ALLOWED ON
A MULTI-TENANT SITE.**

LOCATED AT

9 DU RHU DRIVE

(West side of Du Rhu Drive, 390'± North of Dauphin Street)

APPLICANT

JOS. A. BANK CLOTHIERS, INC.

AGENT

DOUG ANDERSON

OWNER

SPRING HILL COLLEGE

BOARD OF ZONING ADJUSTMENT

MAY 2007

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

The applicant is located within a recently developed multi-tenant commercial site. Zoning inspections of the site revealed that several of the tenants had multiple wall signs in violation of the Zoning Ordinance limitation of one wall sign per tenant. Seven wall signs were found to be placed on the applicant's store front – one large logo sign above the entrance door, three window canopy signs, two wall plaques placed on either side of the entrance door, and one projecting blade wall sign. The large logo sign above the entrance door was subsequently permitted with an after-the-fact double fee and the applicant wishes to retain the other signs, except the projecting blade sign, hence this application.

The argument is made that the signage installed is typical of the applicant's sign package at their other sites, and that the entire sign package was submitted to and approved by City reviewing authorities. The sign permit application for the large logo sign was received September 19, 2006 and approved that date, and is the only sign which was approved for the applicant on this site. On December 13, 2006, it was discovered that this sign and the others had been installed without permits, hence the double-fee for the large logo sign. The applicant was issued a Notice of Violation for the additional signage. The applicant further contends that the shopping center where located (Legacy Village) is unlike any other in Mobile and is classified as a "lifestyle" center which is becoming popular throughout the country. Similar centers have been built in Baldwin County and the attempt is to make these centers more pedestrian friendly and reminiscent of downtown metropolitan shopping of decades past. The argument is made that in such shopping centers the typical walking shopper does not see the large wall sign above the door but relies on eye level viewing of the store signs that could not be seen from the nearby public street and that "lifestyle" centers typically have numerous stores with additional signage allowed.

With regard to the argument that the entire sign package was submitted to and approved by City reviewers, no such sign package was approved by UDD; only the large logo sign was approved.

With regard to the "lifestyle" center pedestrian shopper not being able to see a large wall sign above the door, the subject "lifestyle" center is developed like many other shopping centers with an expansive parking lot between store fronts and the public street allowing for unhindered store front visual exposure and nose-in parking. The shopper's store identification and selection can be made from a distance without the need for walking searches.

With regard to the argument that “lifestyle” shopping centers have numerous stores with additional signage allowed, some such centers are built in areas not governed by signage limitations and some municipalities may have allowances for such additional signage, but the Mobile Zoning Ordinance has no such allowances. Contractors working on the applicant’s store and others within the Legacy Village failed to coordinate signage with the City Planning staff and subsequently installed an excess of signage.

The purpose of the Sign Regulation Provisions of the Zoning 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 approval of this variance could set a precedence for other tenants within the subject shopping center to also seek and be approved similar variances for excessive signage which could, in turn, have a domino effect at other multi-tenant commercial sites within the City.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

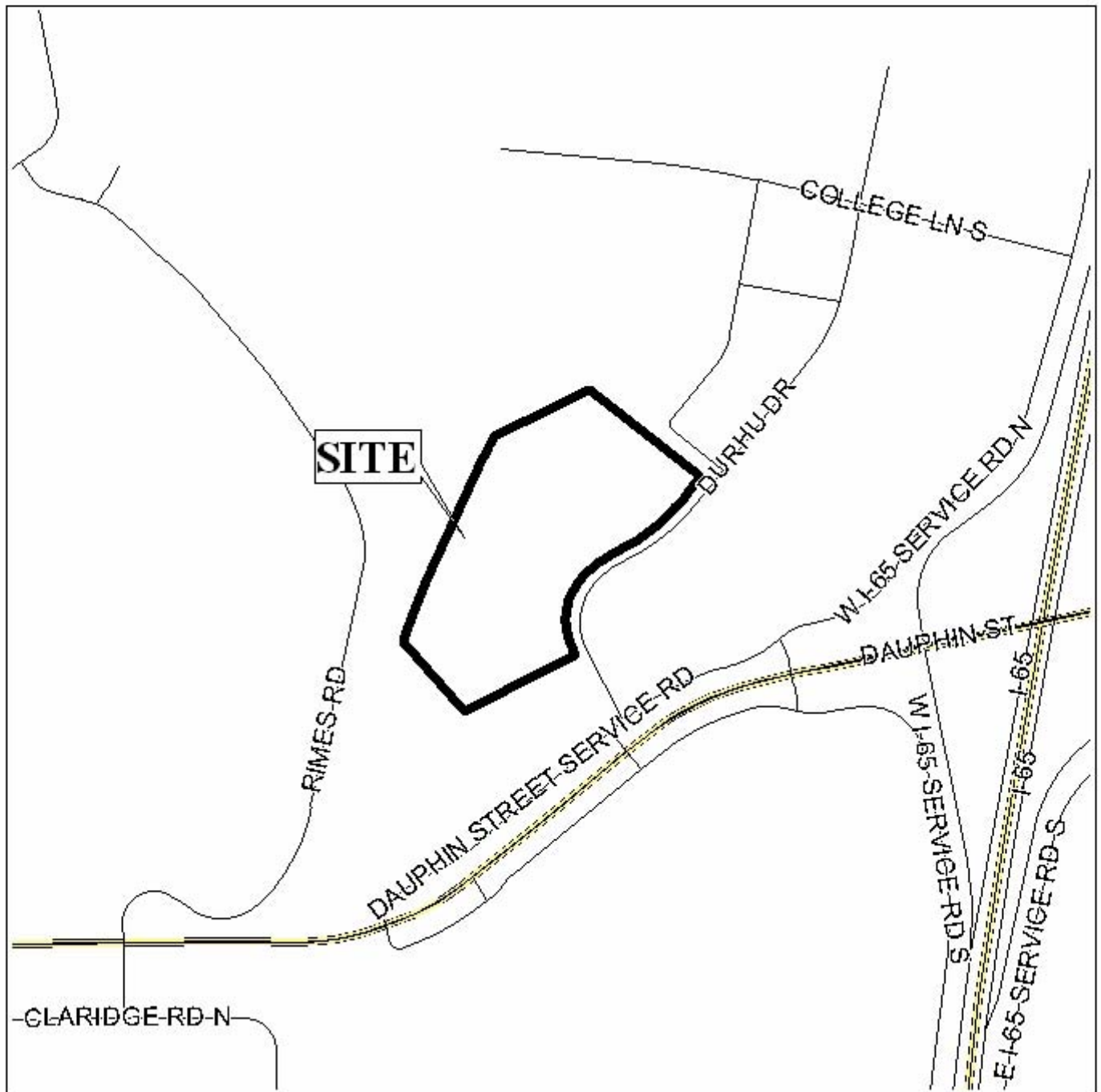
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 be allowed six wall signs on a multi-tenant site.

RECOMMENDATION 5414**Date: May 7, 2007**

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

LOCATOR MAP

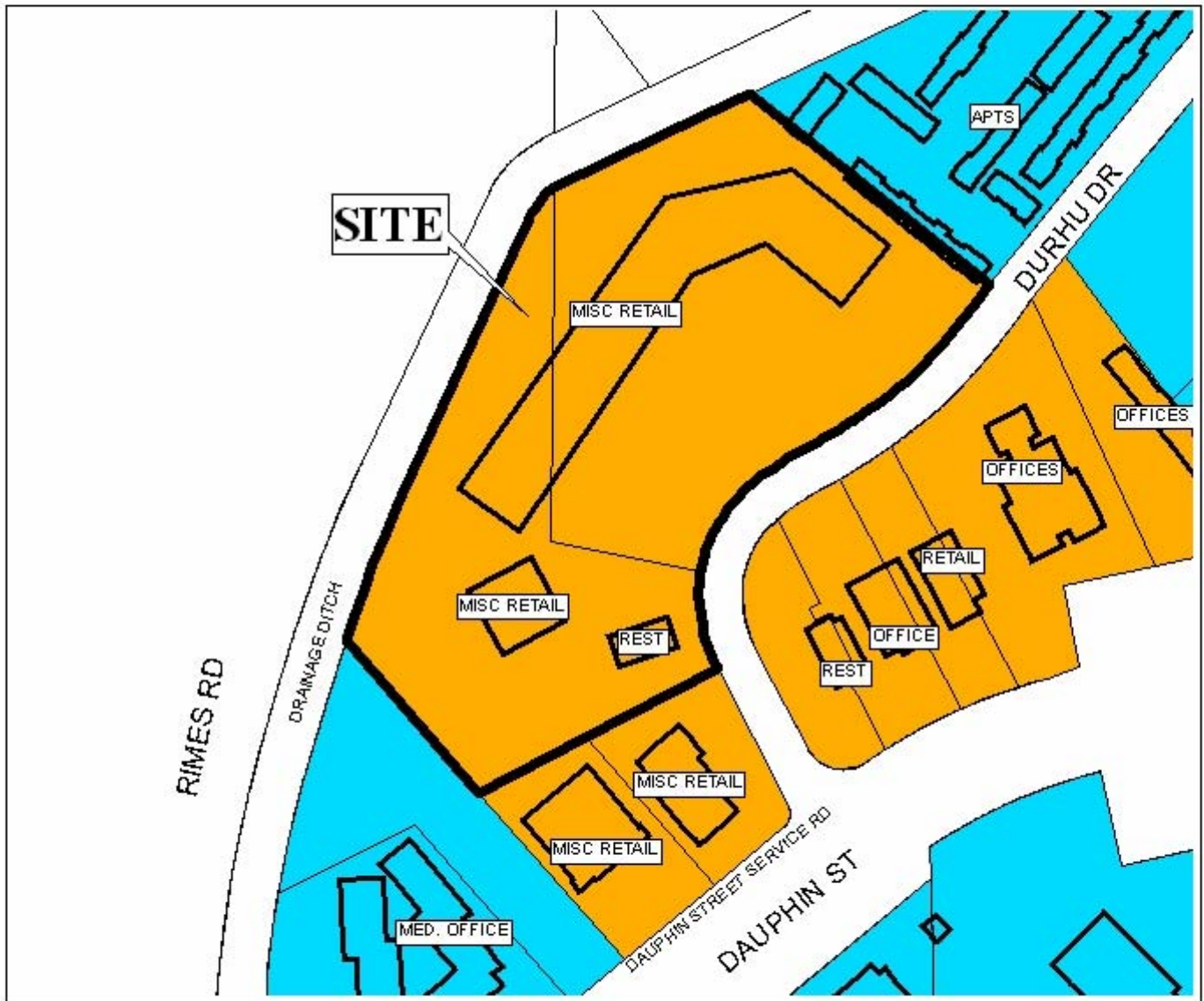


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Apartments are located to the north of the site. Commercial land use is located to the south and east of the site.

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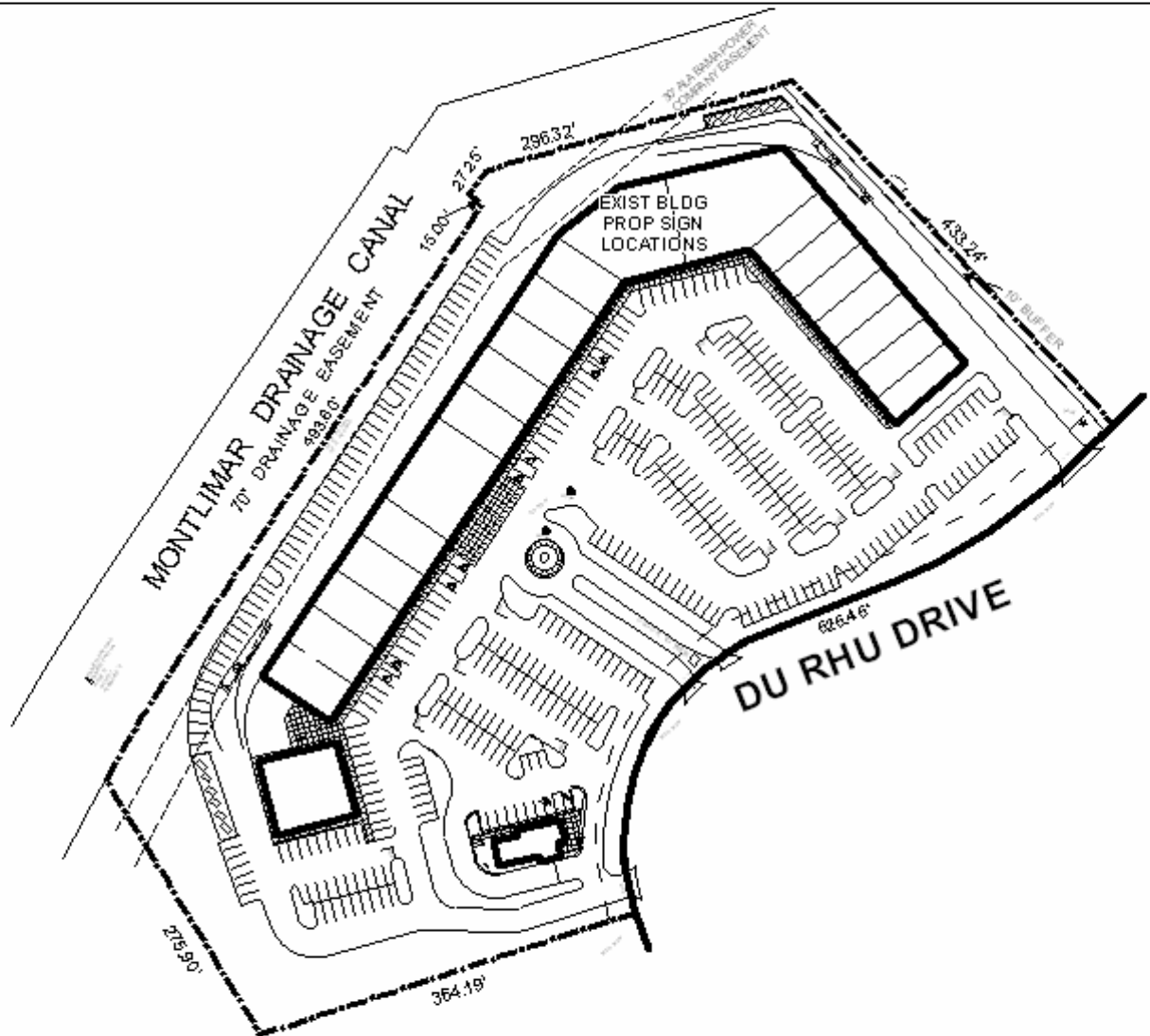
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LEGEND

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
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SITE PLAN



The site plan illustrates the existing development and proposed sign locations

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