

APPLICATION NUMBER

5454/4379/2665

A REQUEST FOR

**SIGN VARIANCE TO AMEND A PREVIOUSLY
APPROVED SIGN VARIANCE TO ALLOW 141 SQUARE
FEET OF SIGNAGE FOR A SINGLE TENANT ON A
MULTI-TENANT SITE IN A HISTORIC DISTRICT; A
MAXIMUM OF 64 SQUARE FEET OF SIGNAGE IS
ALLOWED PER TENANT IN A HISTORIC DISTRICT.**

LOCATED AT

255 CHURCH STREET

(Block bounded by Church Street, Jackson Street, and Joachim Street)

APPLICANT

ADAMS CONSTRUCTION COMPANY, LLC

AGENT

ADAM TOPOLNICKI

OWNER

ANITA NGUYEN LLC

BOARD OF ZONING ADJUSTMENT

JANUARY 2008

The applicant is requesting a sign variance to amend a previously approved sign variance to allow 141 square feet of signage for a single tenant on a multi-tenant site in a historic district; a maximum of 64 square feet of signage is allowed per tenant in a historic district.

The subject site came before the Board in 1993 for a sign variance to allow a total of 118.56 square feet of signage for a single tenant on a multi-tenant site. It was the applicant's contention that as the site incorporates an entire city block, with street frontage on all sides, the maximum square footage allowed for signs in historic districts was not adequate for a hotel/motel that relies on business attracted from interstate traffic. The proposed signage included two freestanding monument signs, one single-sided and one double-sided, at 14.64 square feet per side. They also proposed a sign at 60 square feet. The Board granted the variance with the condition that the signage be **limited to the sizes submitted with the application** (118.56 square feet). However, only 81 square feet of signage was actually erected. Furthermore, it should be noted that the 36 square foot wall sign on the South side of the building, which is included in the above mentioned 81 square feet, was also erected without permitting or approval. The applicant should submit an application to the Planning Department of Urban Development, and a double fee should be applied.

In 2005, another sign was installed without a permit, or approval from the Architecture Review Board, on the wall facing East-bound I-10 traffic. The sign is approximately 45 square feet. This is in violation to the condition of approval of the 1993 sign variance, as it has increased the total square footage to 126 square feet. The applicant recently received a Notice of Violation for the offense, hence this application.

The applicant is in the hotel business, which the applicant states is largely dependent upon exposure to travelers. He states that without signage facing East-bound I-10 traffic, many potential customers will be lost. The applicant also states that the size of the facility should warrant consideration concerning signage allowance to do business. Since there is traffic all around the business, being able to identify the business from all sides is critical to maximizing hosting potential customers.

The purpose of the Sign Regulation Provisions 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. 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 have a total of 154.56 square feet of signage for one tenant of a multi-tenant site in a historic district, to include a sign erected without proper permitting and approval.

RECOMMENDATION 5454/4379/2665

Date: January 7, 2008

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

LOCATOR MAP



APPLICATION NUMBER 5454/4379/2665 DATE January 7, 2008

APPLICANT Adams Construction Company, LLC

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING











The site is surrounded by commercial land use.

APPLICATION NUMBER 5454/4379/2665 DATE January 7, 2008

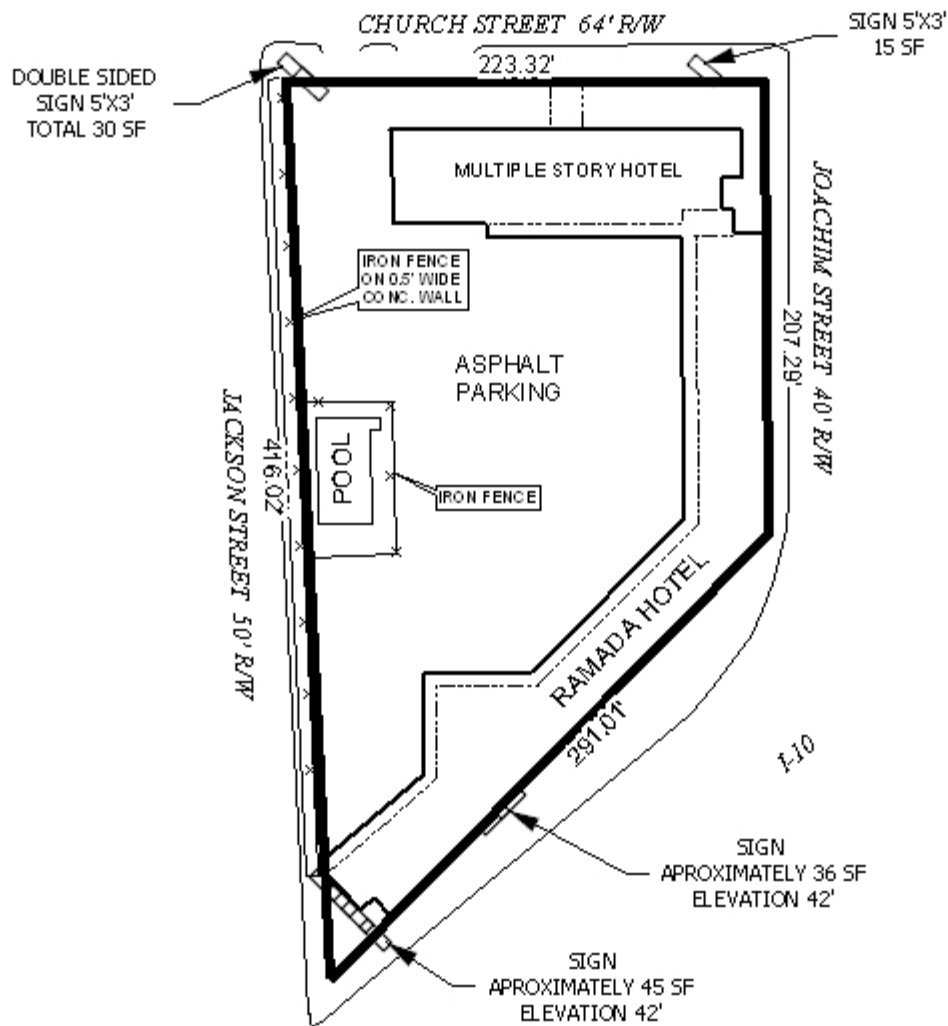
APPLICANT Adams Construction Company, LLC

REQUEST Sign Variance

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



SITE PLAN



The site plan illustrates existing buildings, parking, fences, and signs.

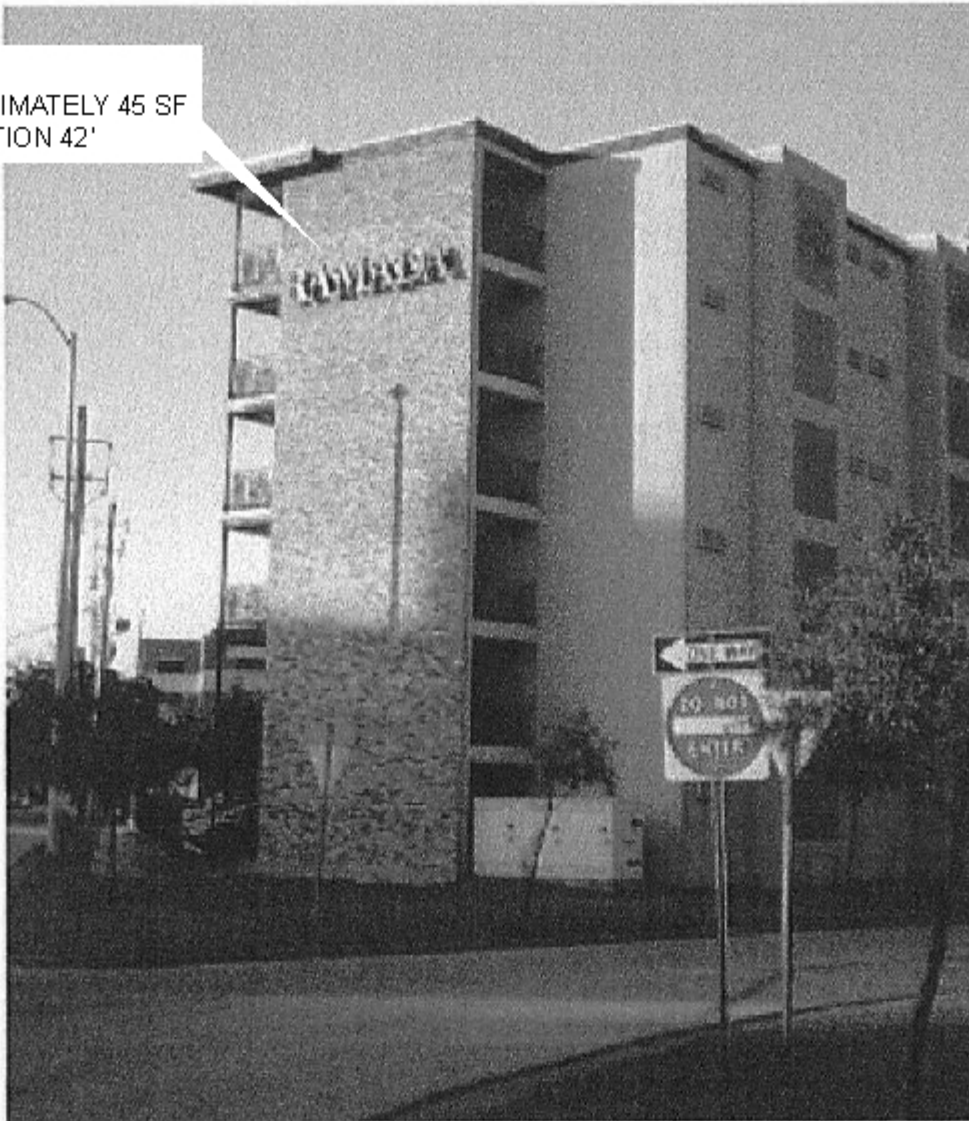
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NTS

SIGN DETAIL

SIGN
APPROXIMATELY 45 SF
ELEVATION 42'



Facing I-10 East Bound

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NTS