

APPLICATION NUMBER

5306

A REQUEST FOR

**SIGN VARIANCE TO ALLOW THREE WALL SIGNS AND
ONE FREE-STANDING SIGN; A MAXIMUM OF TWO
WALL SIGNS AND ONE FREE-STANDING SIGN IS
ALLOWED ON A SINGLE-TENANT SITE**

LOCATED AT

3920 AIRPORT BOULEVARD, BUILDING 2

(North side of Airport boulevard, 150'± West of Berwyn Drive West)

APPLICANT/AGENT

BARNES QUALITY SIGNS

OWNER

RUBY TUESDAYS

BOARD OF ZONING ADJUSTMENT

MAY 2005

The applicant is requesting a Sign Variance to allow three wall signs and one free-standing sign; a maximum of two wall signs and one free-standing sign is allowed on a single tenant site.

The applicant states that due to an unforeseen technicality on their part, they were not aware they could not have a third building sign. The applicant states since Ruby Tuesday will not have their own ground identification sign, and instead would have a tenant panel sign on the shopping center pylon sign. The applicant states that a third wall sign located on the right building elevation would provide visibility to potential customers who enter from the Berwyn Drive entrance.

The owner submitted an Administrative Planned Unit application in November 2004 to allow multiple buildings on a site consisting of multiple lots with shared parking and access. The Administrative PUD was approved with several conditions, one that pertained specifically to signage; that the leased parcel be allowed one free-standing sign with a maximum overall height of 35-feet, limited to a maximum display area of one square foot per linear foot of street frontage of the leased parcel, and two wall signs limited to 30 percent of the wall space (per wall), up to a maximum of 350 square feet. In summary, the applicant was allowed the same amount of signage as a single tenant site.

All or the other businesses in this block comply with the sign Regulations. Furthermore, an existing Ruby Tuesdays located on Airport Boulevard, west of this site has only two building signs and one freestanding sign, and is in compliance with the sign Regulations.

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.

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 Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 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. The applicant was aware of the number and size of the signage allowed on the site, and additional wall signage proposed would serve no purpose but to duplicate the company logo on three elevations of the building.

RECOMMENDATION 5306**Date: May 2, 2005**

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

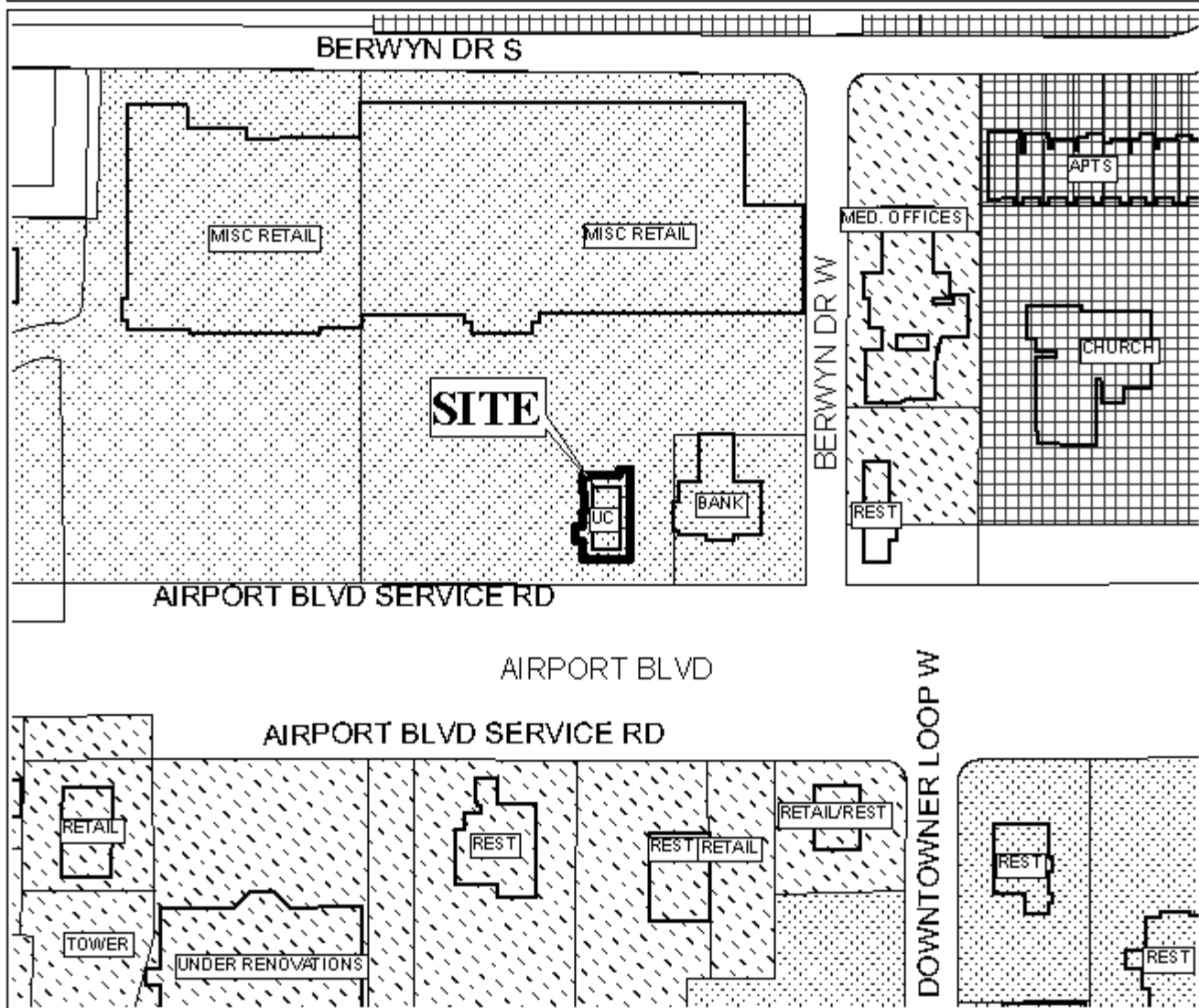
LOCATOR MAP



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APPLICANT Barnes Quality Signs (Ruby Tuesday, Owner)
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous businesses.

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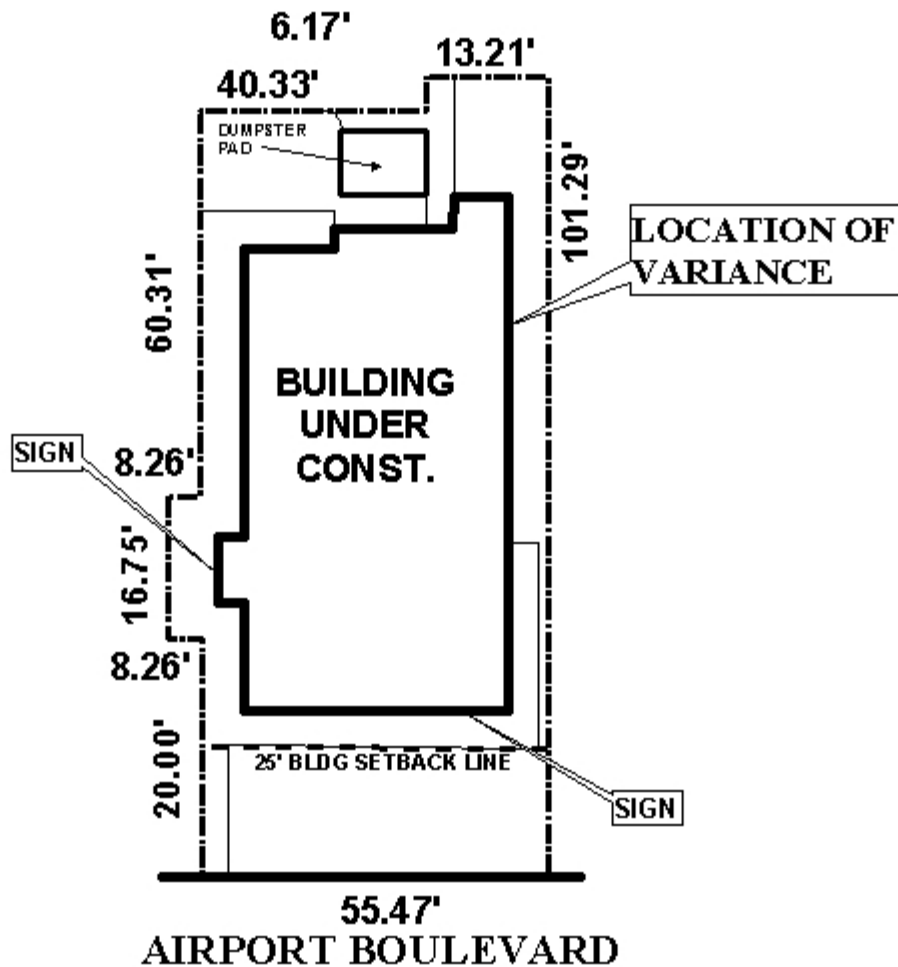
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LEGEND



SITE PLAN

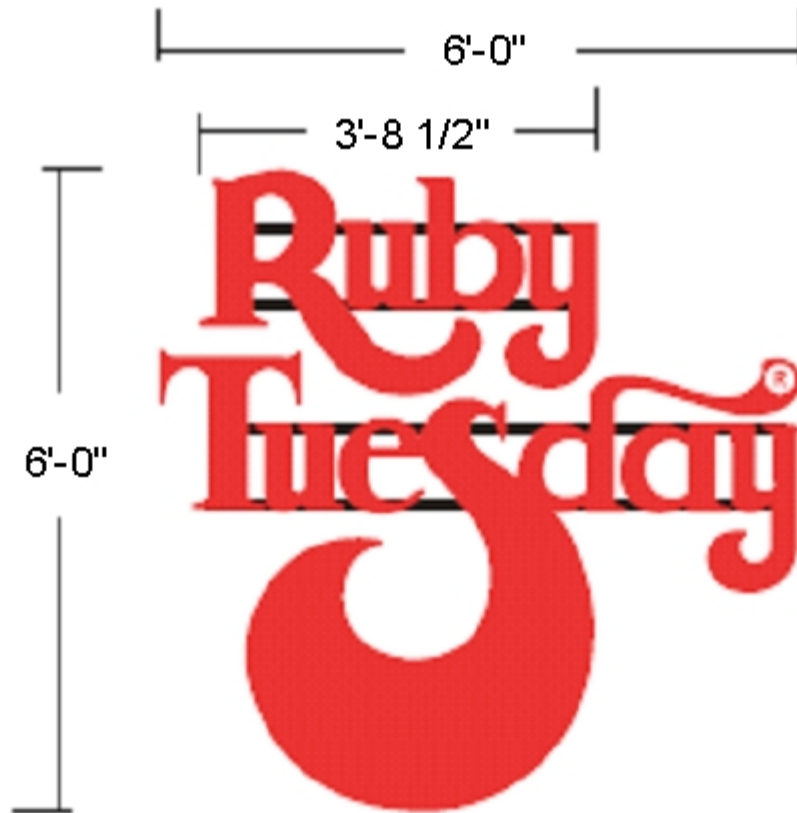


The site is located on the North side of Airport Boulevard, 150' West of Berwyn Drive West. The plan illustrates the structure under construction, along with the sign locations.

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DETAIL SITE PLAN



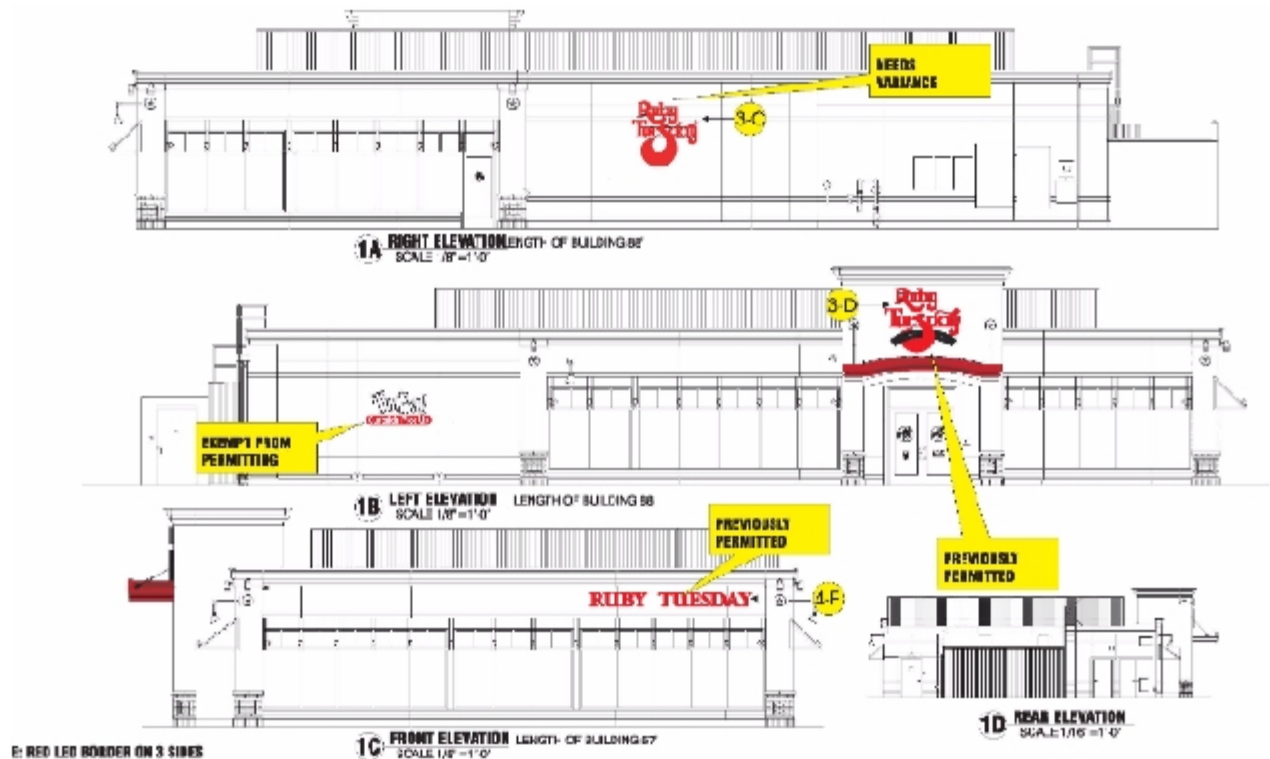
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DETAIL SITE PLAN



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