

APPLICATION NUMBER

5330

A REQUEST FOR

SIGN VARIANCE TO ALLOW A 3' X 8' NON-ILLUMINATED, DOUBLE-SIDED, MULTI-TENANT, FREESTANDING SIGN IN A LB-2, LIMITED BUSINESS DISTRICT WITHIN 10" FROM THE FRONT PROPERTY LINE; THE ZONING ORDINANCE REQUIRES FREE-STANDING SIGNS TO BE A MINIMUM OF 1.5' FROM THE FRONT PROPERTY LINE

LOCATED AT

2401 OLD SHELL ROAD

(Southwest corner of Old Shell Road and Homer Street)

APPLICANT

PETE J. VALLAS, AIA

OWNER

ASHLAND VILLAGE, LLC

BOARD OF ZONING ADJUSTMENT

DECEMBER 2005

The applicant is requesting a Sign Variance to allow a 3' x 8' non-illuminated, double-sided, multi-tenant, sign in a LB-2, Limited Business District within 10" from the front property line; the Zoning Ordinance requires free-standing signs to be a minimum of 1.5' from the front property line.

The applicant states that the purpose of this application is to allow the newly erected freestanding sign to remain as it is, 10-inches from the front property line. The applicant states it is difficult to locate a sign on the site due to the location between the side street (Homer Street) and a fire station, and working with the Urban Forester to save a 95-inch Live Oak. Furthermore, saving the tree caused the parking lot to be closer to the east property line along Homer Street, and within 4-feet of the Old Shell Road property line.

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 site was recently developed and received a Certificate of Occupancy in June 2005. As a new development, the site fully complied with all codes and ordinances, and this would include the Sign Regulations. When the sign permit was obtained in May 2005, the application illustrated the required 18-inch setback. Additionally, the permit was only obtained for the shopping center identification sign (Ashland Village), and the configuration of the sign has changed thus invalidating that permit. Furthermore, none of the tenant signs have been permitted.

It should be noted the exiting sign pole could be shifted approximately 8-inches to the south and then the sign would comply. While a portion of the sign would extend over the asphalt driveway for the shopping center, the driveway exceeds the minimum width requirements of the Ordinance, and as the applicant could install a barrier (such as additional curbing) to protect both the sign and vehicles.

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

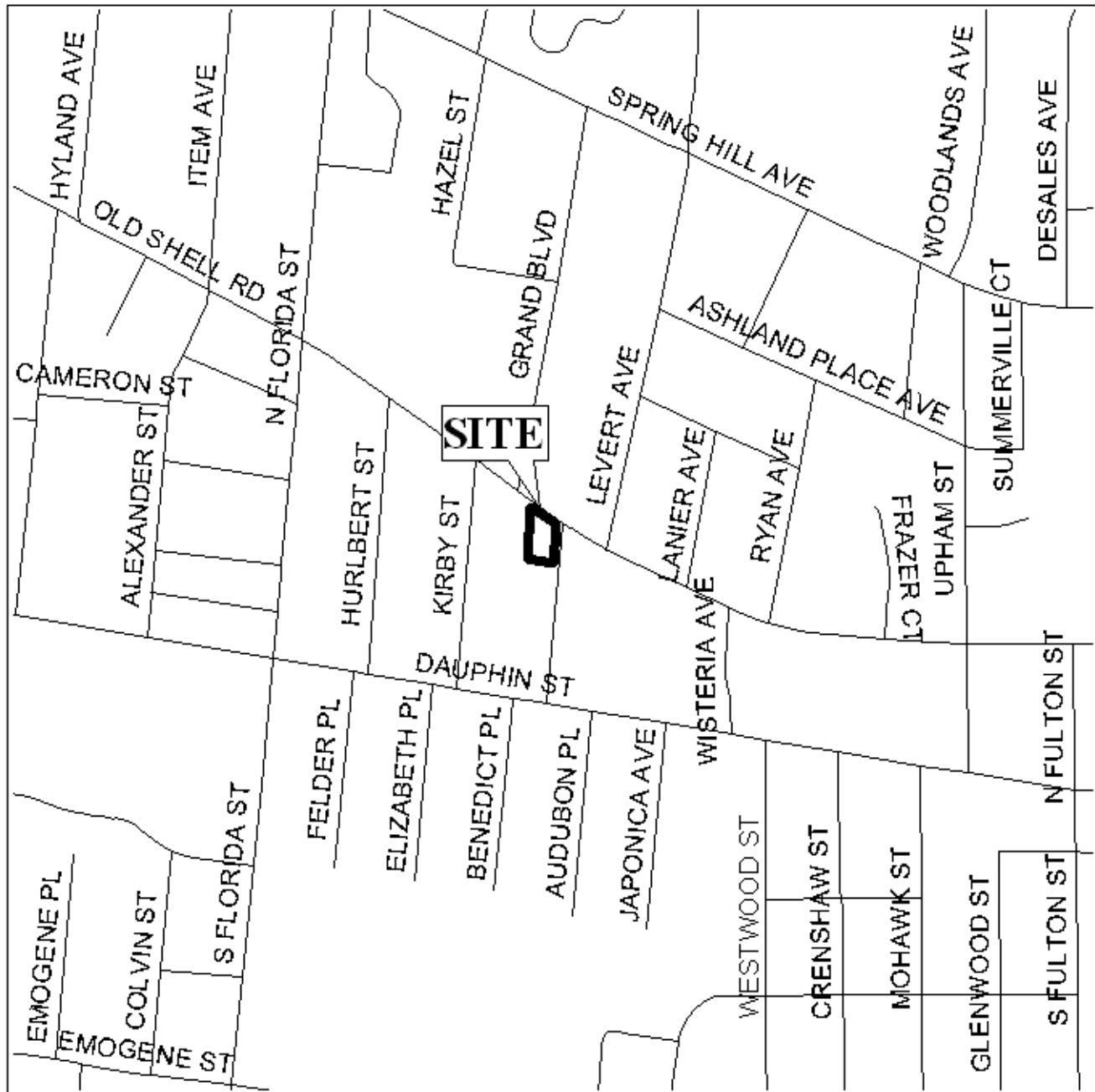
variance should not be approved unless the spirit and intent of the Ordinance is observed, and substantial justice done to the applicant and the surrounding neighborhood.

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 signage closer to the property line. The applicant was aware of the distance the sign was allowed to be erected on the site, as illustrated on the sign permit application approved by the department.

RECOMMENDATION 5330**Date: December 5, 2005**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 5330 DATE December 5, 2005

APPLICANT Pete J. Vallas, AIA (Ashland Village, LLC)

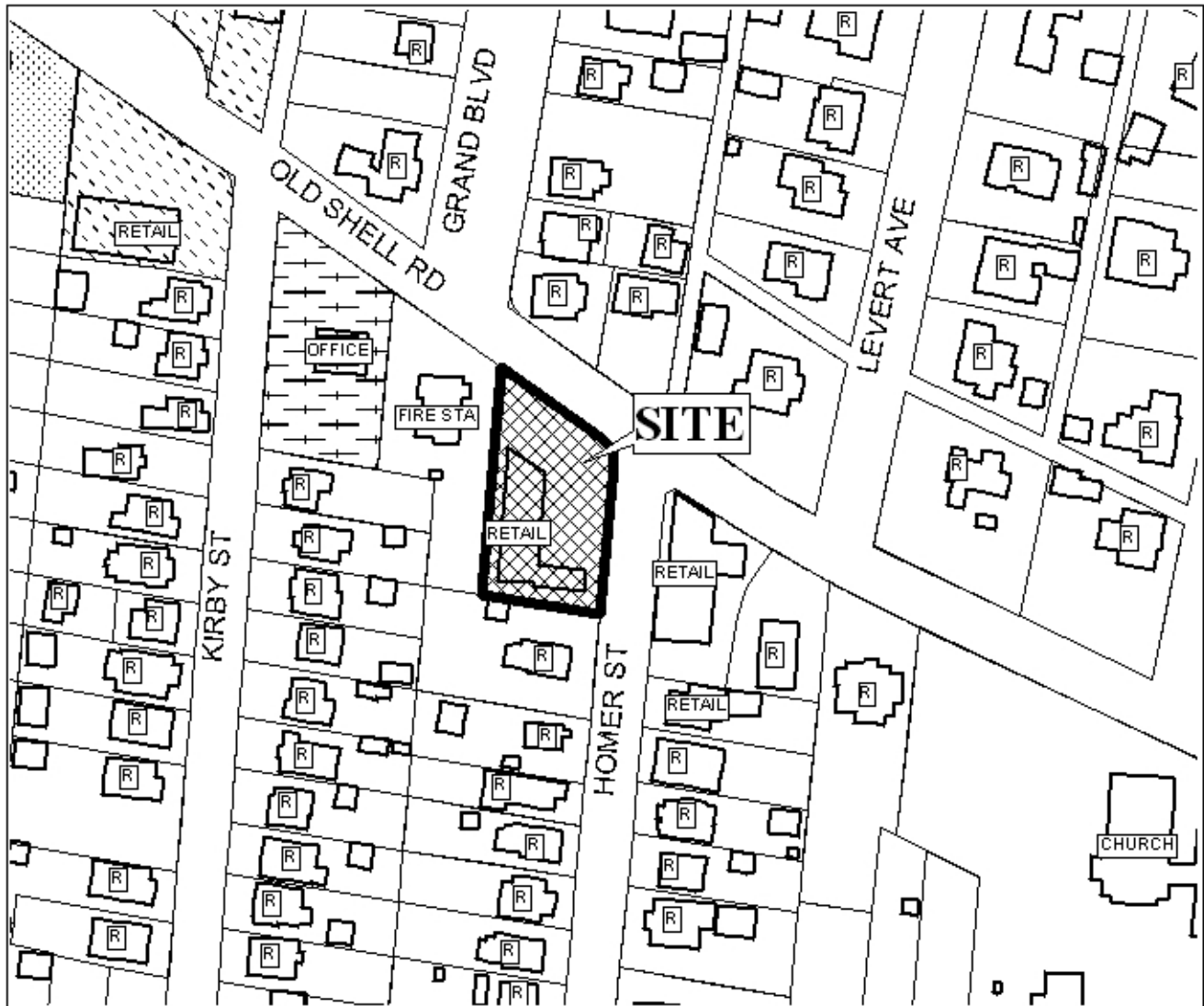
REQUEST Sign Variance

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed land use.

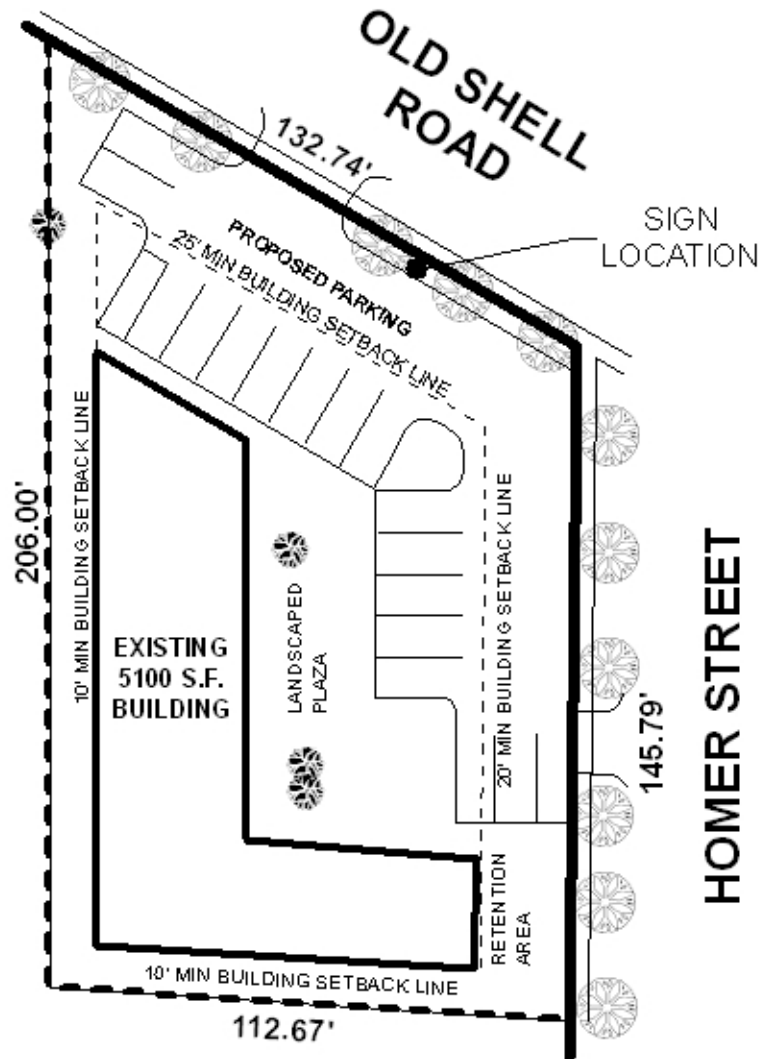
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LEGEND

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



SITE PLAN



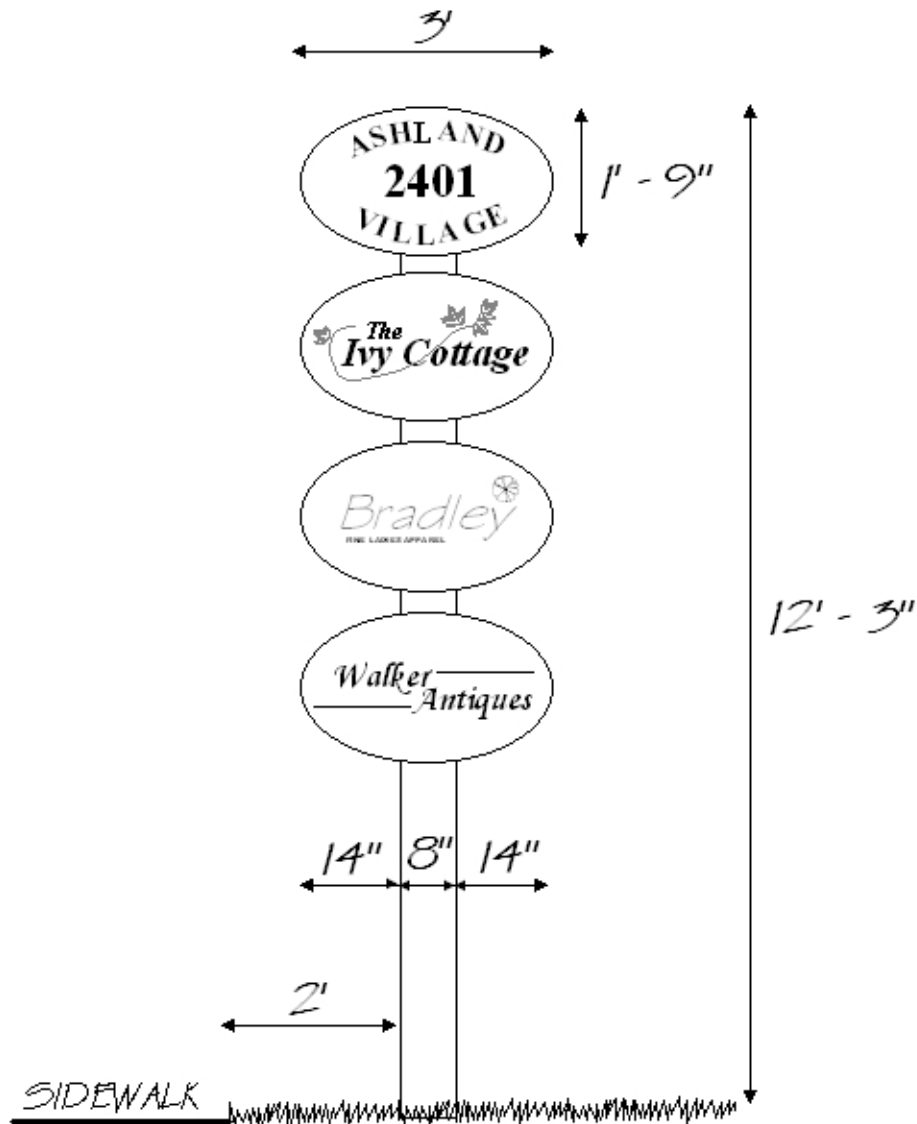
The site is located on the Southwest corner of Old Shell Road and Homer Street.
The plan illustrates the proposed building and parking.

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SIGN



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