

APPLICATION NUMBER

5371

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A THIRD WALL SIGN (87
SQUARE FEET) FOR A BUSINESS ON A SINGLE TENANT
SITE; THE ZONING ORDINANCE ALLOWS A MAXIMUM
OF TWO WALL SIGNS ON A SINGLE TENANT SITE.**

LOCATED AT

3200 AIRPORT BOULEVARD

(NORTH SIDE OF AIRPORT BOULEVARD, 680'± EAST OF EAST I-65 SERVICE
ROAD SOUTH)

APPLICANT/AGENT

COMPLETE SIGNS

OWNER

DELANEY DEVELOPMENT, INC.

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2006

The applicant is requesting a Sign Variance to allow a third wall sign (87 square feet) for a business on a single tenant site; the Zoning Ordinance allows a maximum of two wall signs on a single tenant site.

This application is to allow a painted wall mural sign to remain with two other wall signs on a single tenant site. There are virtually no other elements to the mural other than the business logo. The mural was applied without a permit, and since it contains the business logo (Raising Cane's), it constitutes a third wall sign. Since the business has two other wall signs and a freestanding sign, all permitted, a third wall sign is not allowed. Another painted wall sign is strictly a directional sign for drive-thru service, and is allowed.

The applicant states that the painted mural is actually an architectural and art element of the building, and its purpose is not so much to identify the building as it is to add character and design. It is also stated that the problem arose because of an oversight on the part of the applicant (sign contractor), but that a request for a variance would have been applied for prior to installation of the mural.

With regard to the applicant's statement that the sign is actually an architectural and art element of the building and is not meant so much to identify the building, the sign is more than twice the size of the other wall signs (each 32 square feet), contains the business logo, and is prominently displayed on the front wall. The Zoning Ordinance does allow drawings painted on buildings that contain no copy, symbols, or other references to products or services. Such graphics are not considered signs and are exempt from the provisions of the Ordinance. The Ordinance specifically says that drawings painted on buildings that contain copy, symbols, or other references to products or services shall be considered wall signs and shall be subject to the regulations. In this instance, the mural is clearly a wall sign according to the Ordinance. Also, the building elevation drawings and photographs furnished with the application show several wall-mounted flagpoles intended to fly the Raising Cane's logo. To do such would be a further violation of the Ordinance in that signs that are not securely fixed on a substantial structure (i.e. flags) are prohibited.

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.

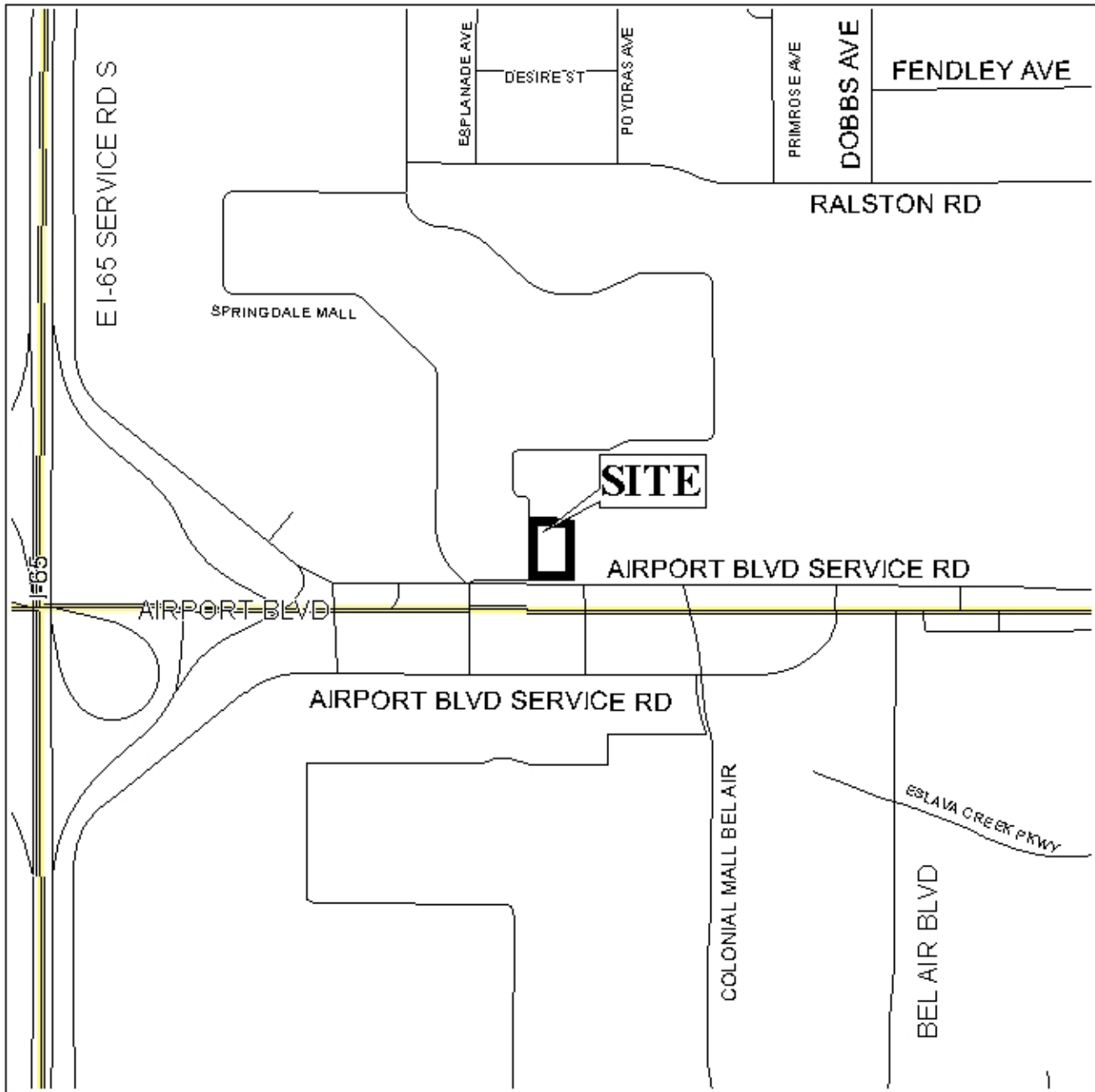
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

RECOMMENDATION 5371**Date: September 11, 2006**

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

LOCATOR MAP



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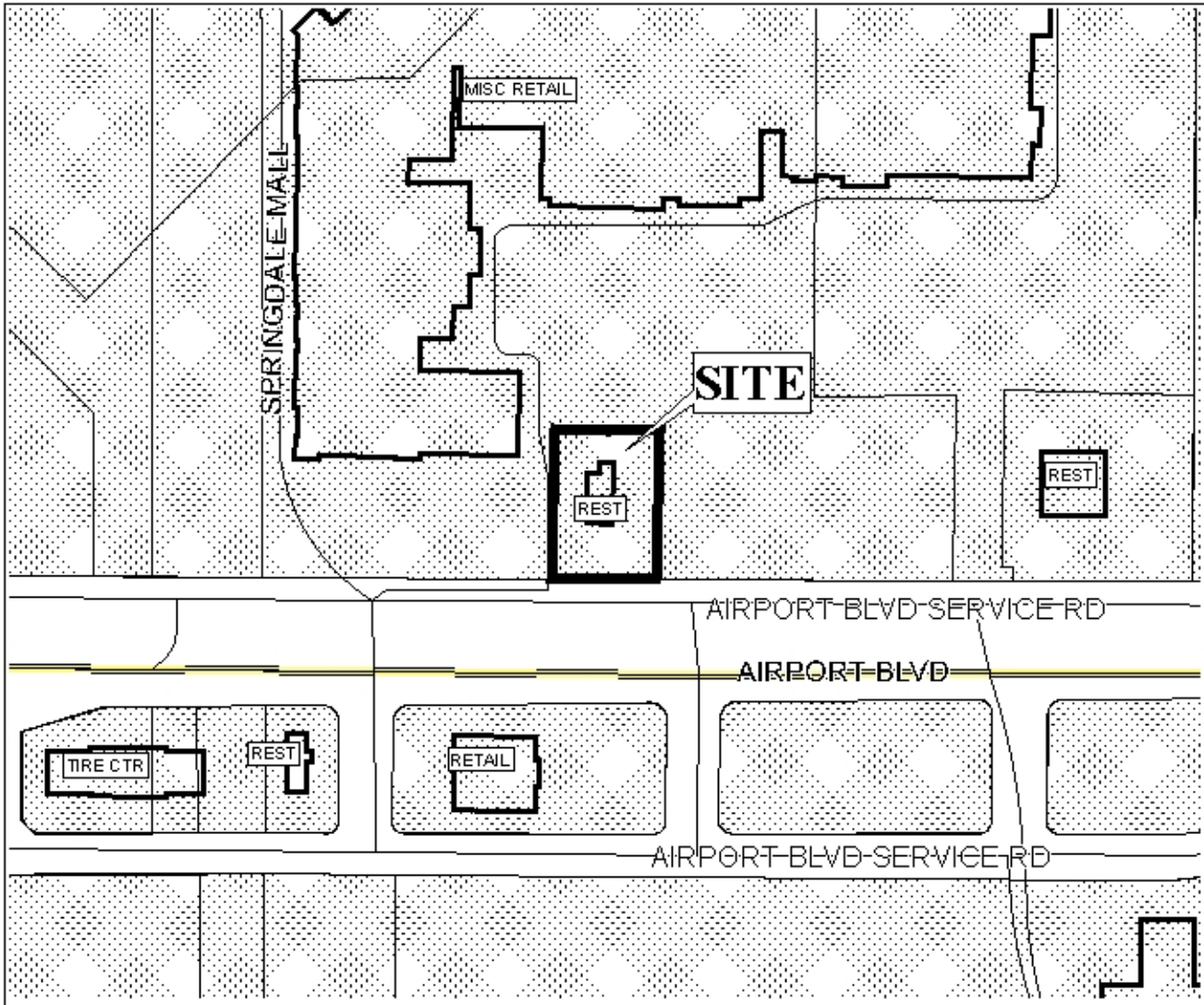
APPLICANT Complete Signs

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

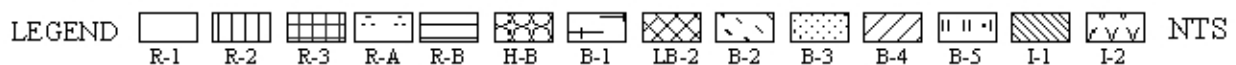


The site is surrounded by commercial land use

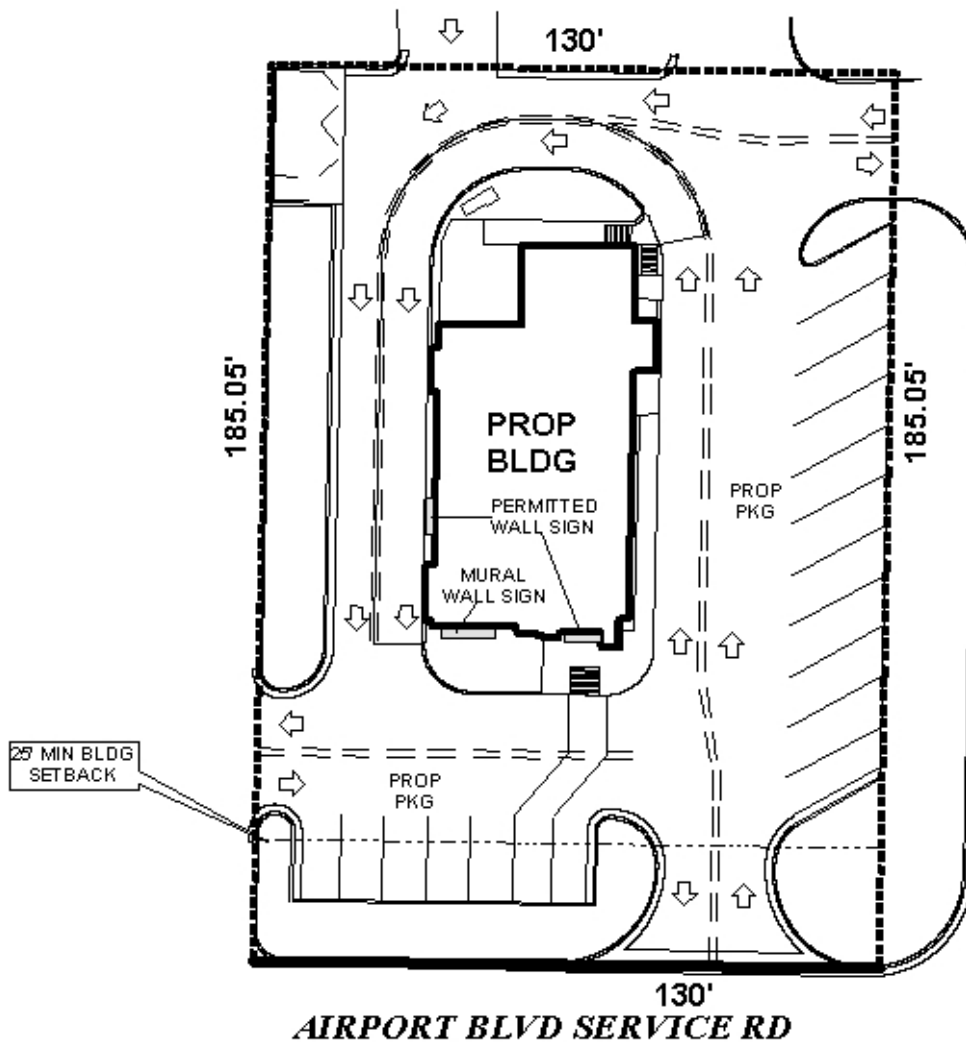
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APPLICANT _____ Complete Signs

REQUEST _____ Sign Variance



SITE PLAN



The site plan illustrates the proposed building, parking, and drives

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MURAL DETAIL



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