

states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and that substantial justice is 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 states:

1. *The purpose of this application is to allow:
The Sugar Mill Village Owners would like to renovate their development with new architectural roofing, exterior paint, signage, site and building lighting along with upgrades to canopy ceilings, benches, landscaping and other accents. One main component is the signage for the renovation, and we would like to move the current individual building tenant signs from their current location which is mounted on the beam of the covered canopy along the front façade to a minimal amount higher on the false mansard just above the beam and below the dormer as shown on the drawings and the actual mock up of a new sign enclosed in our submittal.*
2. *What are the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance?
As mentioned above, the current signs are on the beam of the covered canopy along the front façade and they encroach on the visibility of the individual tenants. They are also semi-dangerous due to being in reach of some patrons. Unfortunately, the existing beam, which is sometimes used for signage on similar developments, is not deep enough for allowed signage without this encroachment. We were assuming our false mansard over the covered canopy of the façade was an allowable location since it is not the actual roof. Most of the development roof is actually a low slope roof behind the false mansard.*
3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur.
Again, our renovations were based upon upgrading the Sugar Mill Village with a new color scheme, renovations to the mansard along with items mentioned above and unfortunately with existing conditions, the beam height, height of the beam above the sidewalk are fixed conditions. We cannot raise the beam or lower the sidewalk so with this being the case, we actually have no location adequate in size for allowable well proportioned signage and looked to accomplish all of this with the beam on the false Mansard shown in the design enclosed.*
4. *How is this property different from the neighboring Properties?
In some of the photos, you can see that other shopping centers or developments have a false stucco façade hiding their roofs, but allowing for large signage opportunities which are in most cases larger and higher than our design. Other properties are single businesses which have the opportunity to provide a wall or gable rake where signs can go on the façade, again higher and larger than what we are proposing.*

As stated, the applicant desires to seek relief from the sign requirements of the Zoning Ordinance by providing signage that is located above the roofline in a B-2, Neighborhood Business District. The applicant desires to place proposed signage on a false mansard above a total of 13 businesses within Sugar Mill Village. The properties' current signage is located on covered canopies and does not extend above the roofline.

According to Section 64-11.6.e. of the Zoning Ordinance, "*The following signs are unlawful, and are prohibited in the city: Roof-mounted signs. Such signs are prohibited to the extent that any portion of the sign extends above the façade of the building*".

The applicant states that this request is due to proposed aesthetic improvements to the Sugar Mill shopping center. The applicant also expresses a desire for improved visibility for the tenants who are currently located under a canopy. The current signage, according to the applicant's narrative, could not only obstruct the view of each business but it could also pose safety concerns because of its height. Currently, all of the signs in this multi-tenant development are located below the roofline. The false mansard that is proposed would be just above the roofline according to illustrations provided by the applicant. The proposed placement of the new signage is only a few feet higher than the existing signage.

The applicant argues that visibility is an issue with the current signage location however; the Sugar Mill shopping center has a freestanding sign with tenant panels that allow potential customers to identify the stores in addition to the wall signs in question. The applicant addresses the possibility of safety due to the height of the current signage. Sign applications from 2013 for Southern Escapes located at 855 Hillcrest Road indicate that the height from the ground level to the bottom of the sign is 9 feet which is not within reach of most average height adults. Staff is unaware of any accidents caused due to the positioning of existing signage at this location. It should also be noted that GIS data shows that there have been no signs located above the roofline at this location dating back to at least 1984. In regards to the applicant's mention of signage in the shopping center located to the North, at the time of review, staff concluded that the signage was not above the roofline and therefore approvable.

It should be noted that the sign regulations of the Zoning Ordinance have been enacted to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

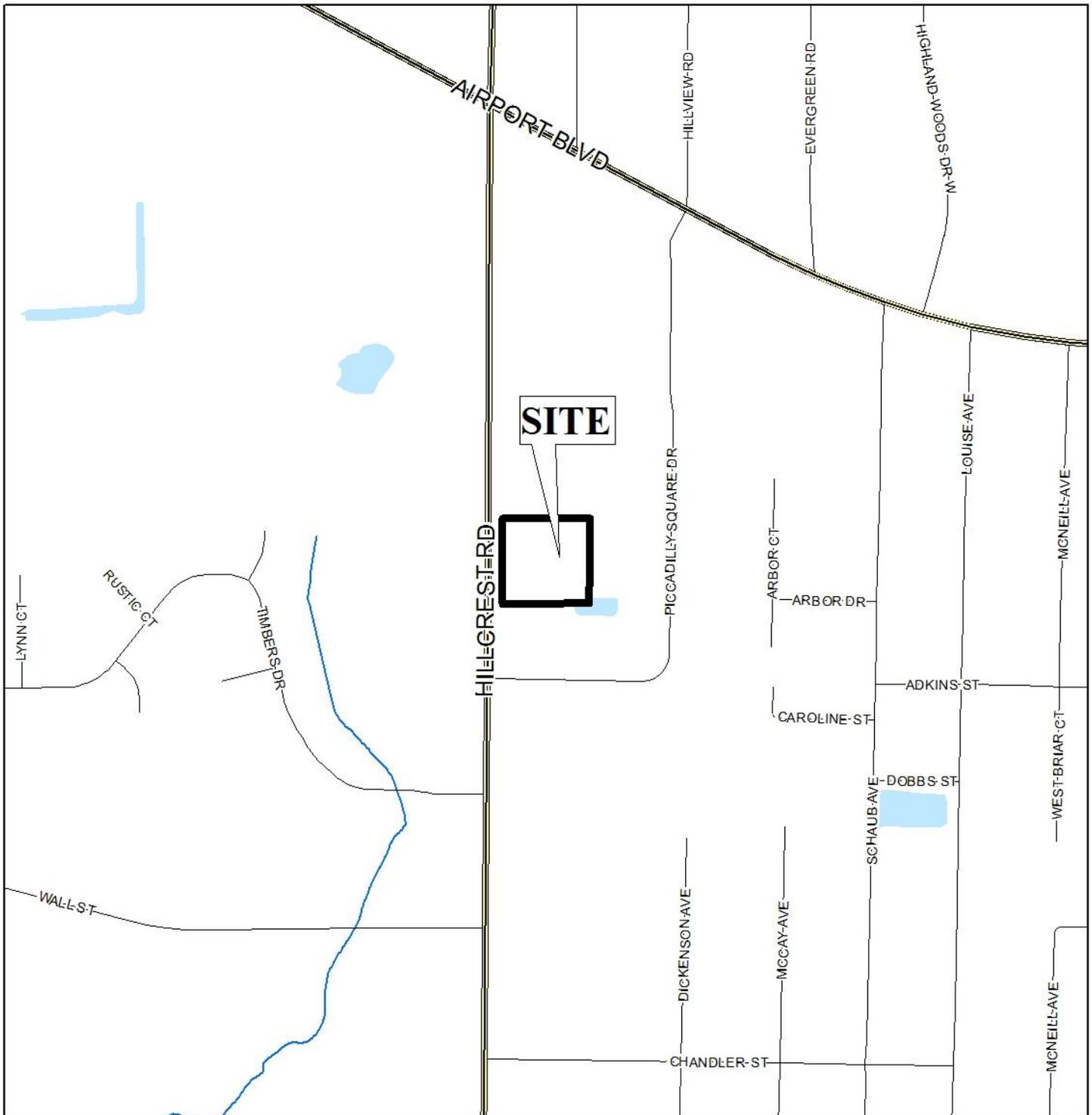
There are no conditions which exist at this site that require signage to be placed above the roofline at this location based on the information presented by the applicant. The applicant could choose to keep the signage in their existing location in order to remain compliant with the requirements established by the Zoning Ordinance. It seems that it is simply the applicant's desire to have signage above the roofline at this location.

Finally, it should be noted that roof-mounted signs are subject to a higher level of windload, thus would correspondingly require a more robust attachment to the roof.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to public interest in that the Zoning Ordinance does not allow signage to be located above the roofline in a B-2, Neighborhood Business District in order to protect the health, safety, and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing uniform standards for the locations, spacing, height, setback, lighting, and other regulations of off-premise and on-premise signs within the city;
- 2) Special conditions do not exist and there are no hardships which exist that make the placement of signage above the roofline necessary; it seems to simply be the applicant's desire to make aesthetic changes on site. The applicant has the option of keeping the signage in its current location in addition to the tenant panel on the existing freestanding sign which will aid in the visibility of each tenant located in the shopping center;
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the subject site has been developed in compliance with the Zoning Ordinance.

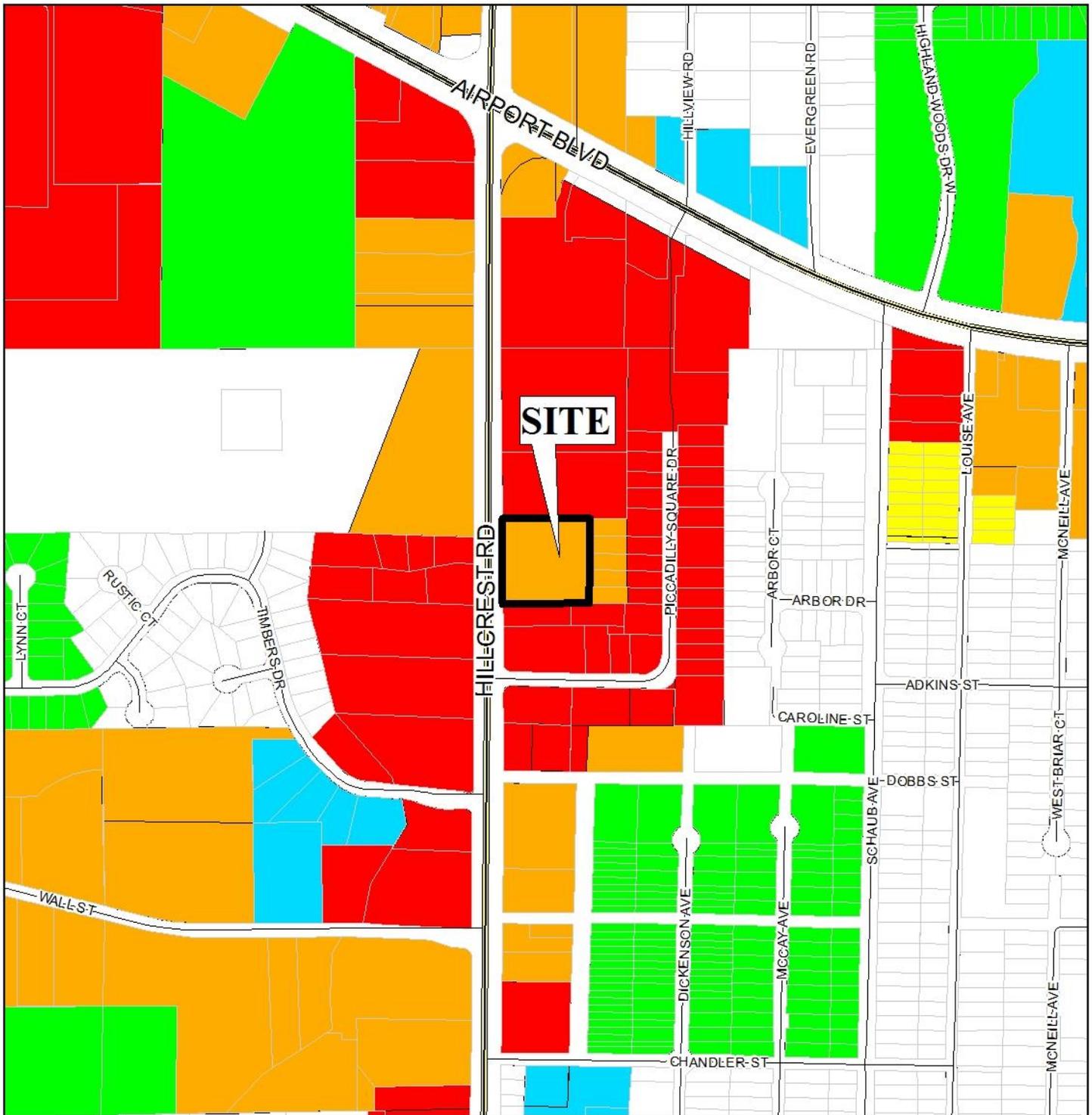
LOCATOR MAP



APPLICATION NUMBER 6097 DATE April 3, 2017
APPLICANT Walcott Adams Verneville Architects, Inc. (Clay Adams, Agent)
REQUEST Sign Variance



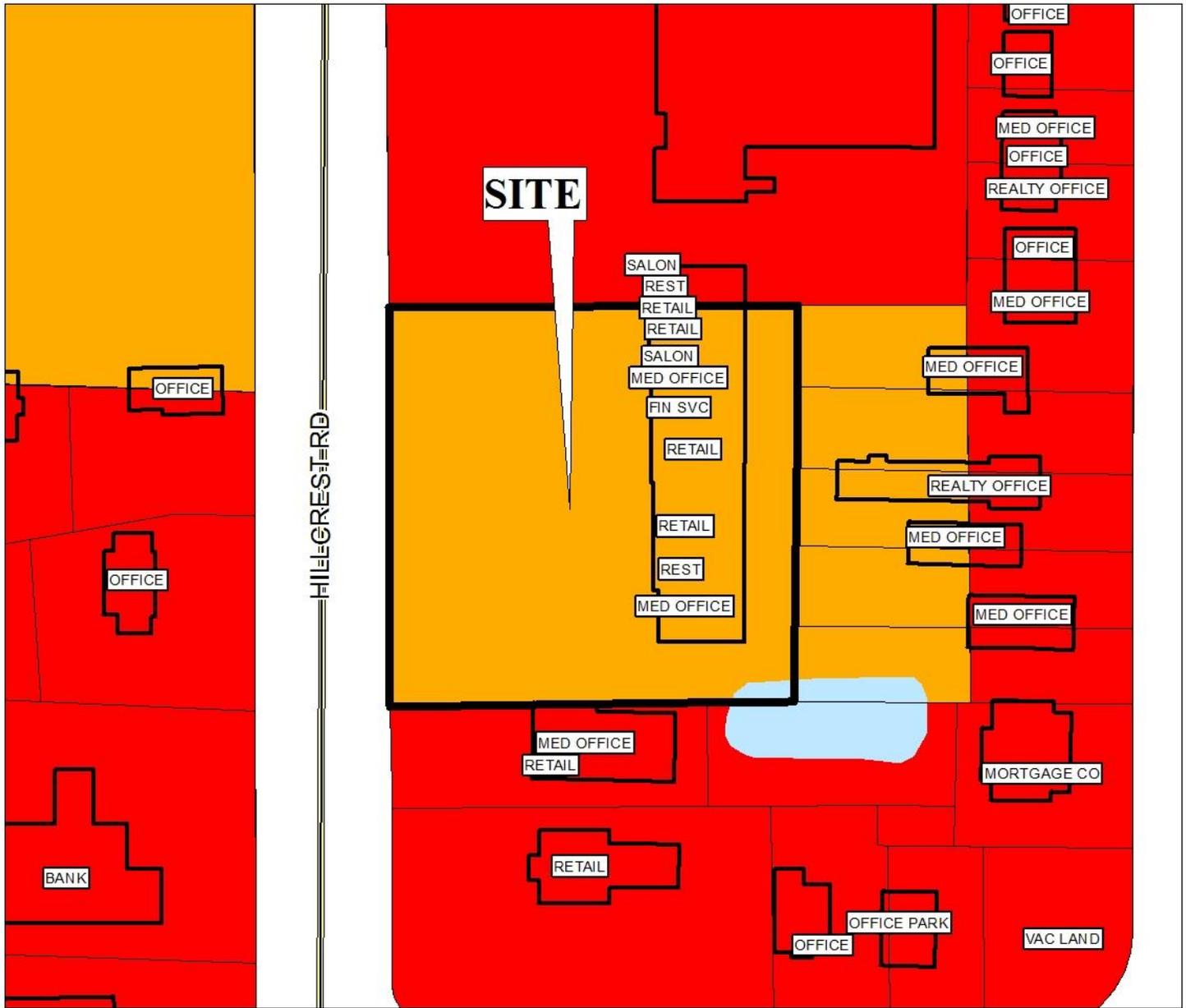
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

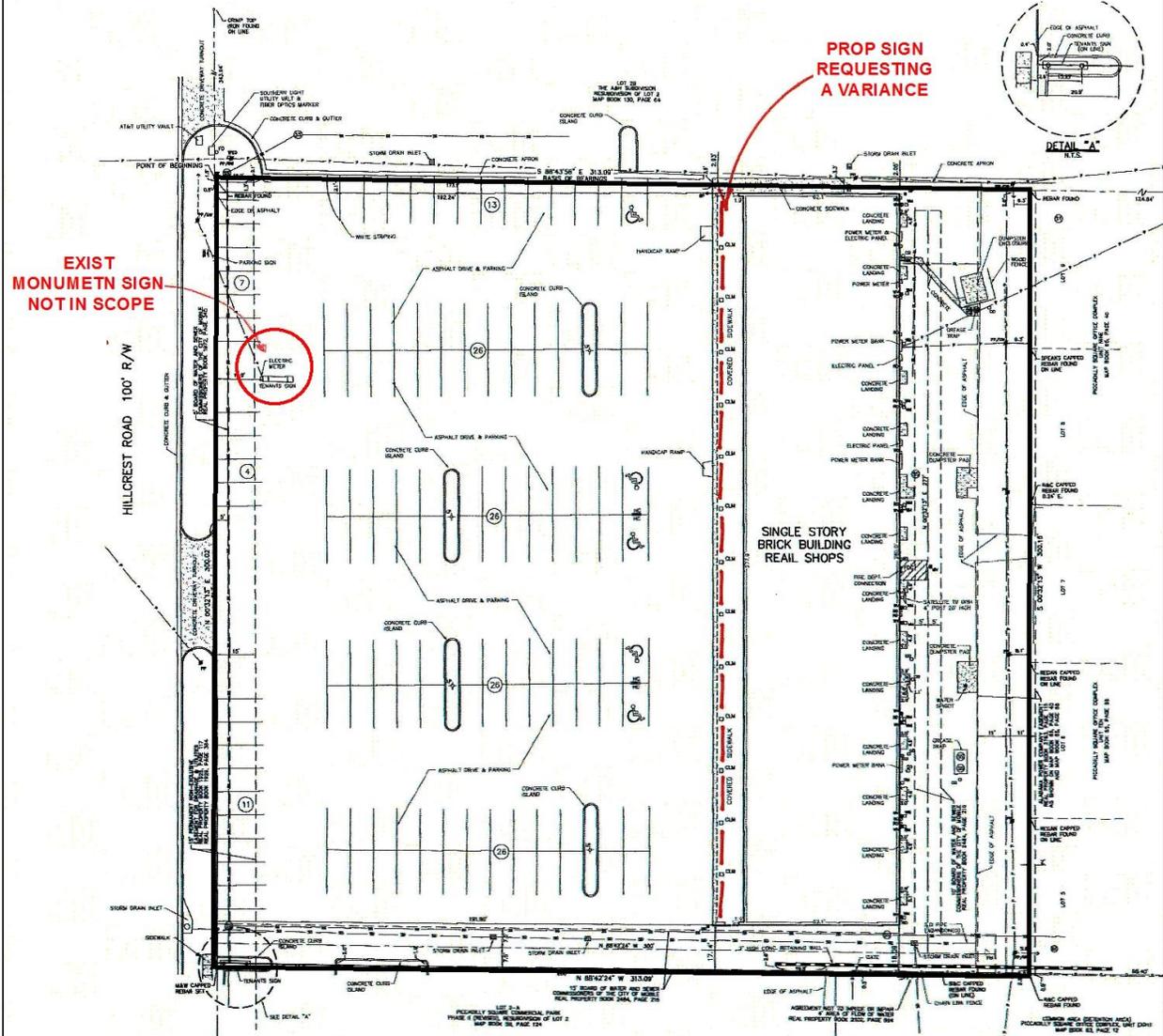


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SITE PLAN



The site plan illustrates the retail shops, parking, and the proposed sign locations.

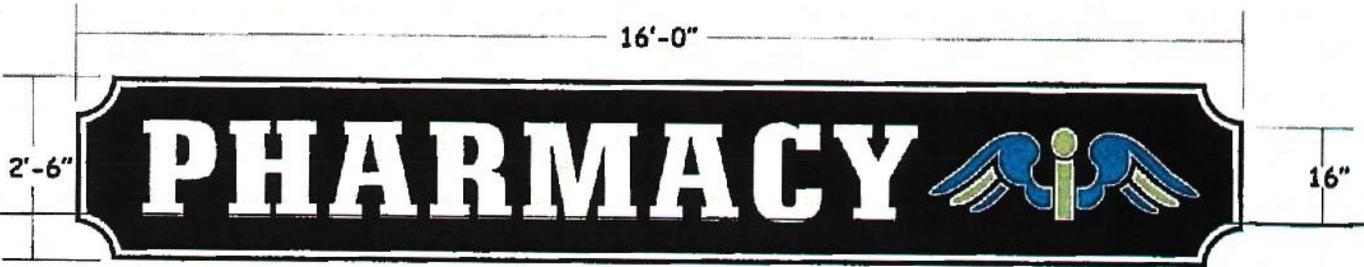
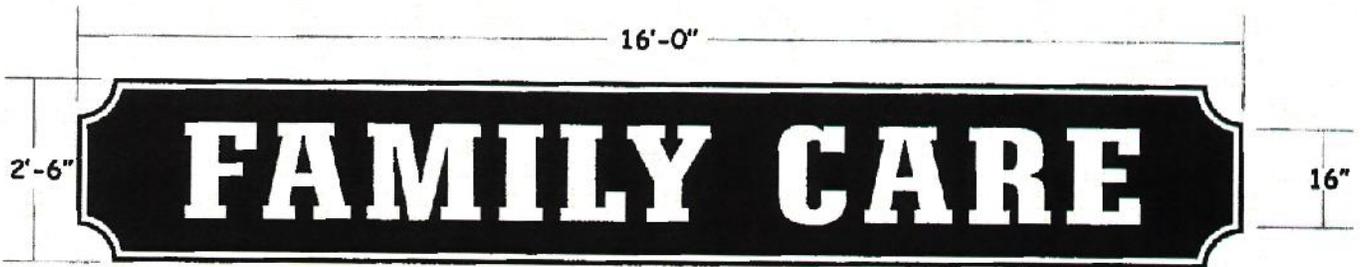
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NTS

DETAIL SITE PLAN

LED LIGHTED CHANNEL LETTERS



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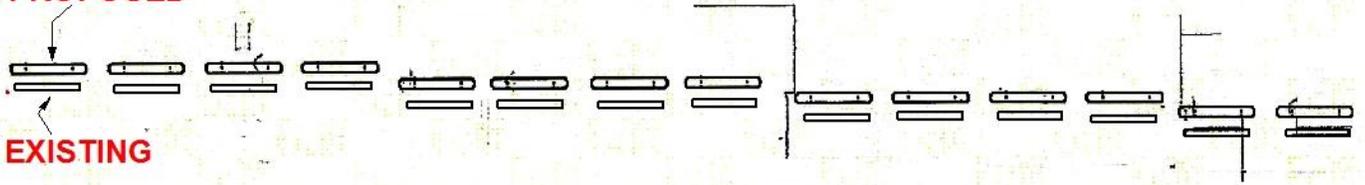


DETAIL SITE PLAN

SIGNAGE SCOPE
TENANT SIGN AND BRACKETS

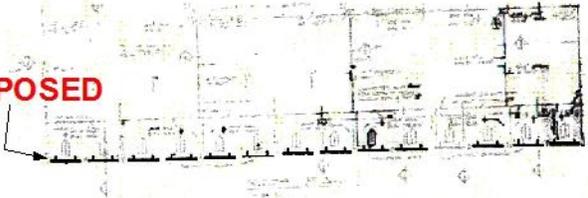
PROPOSED

EXISTING



SIGNAGE SCOPE
ROOF TENANT SIGN AND BRACKETS

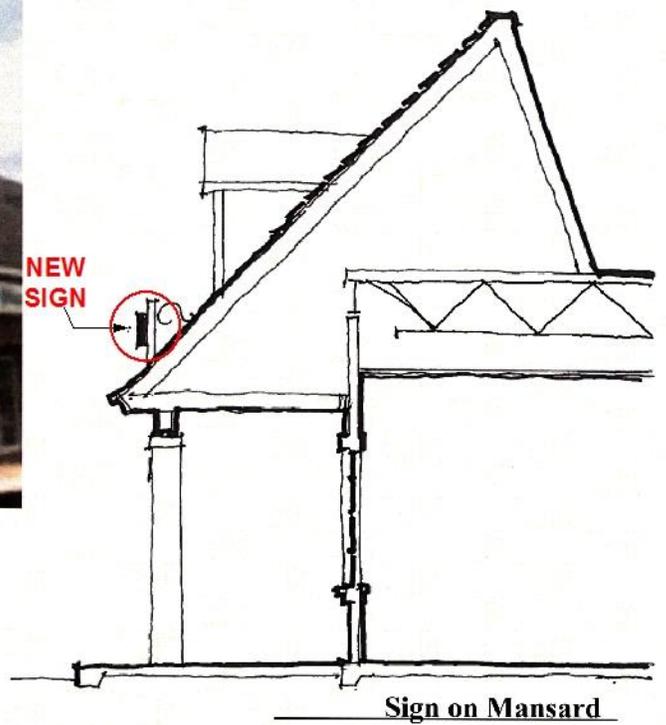
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