

APPLICATION NUMBER

5461

A REQUEST FOR

**SIGN VARIANCE TO ALLOW EIGHTEEN WALL SIGNS
FOR A SINGLE TENANT ON A MULTI-TENANT
COMMERCIAL SITE; THE ZONING ORDINANCE
ALLOWS ONE WALL SIGN PER TENANT ON A MULTI-
TENANT COMMERCIAL SITE**

LOCATED AT

4406 OLD SHELL ROAD

(North side of Old Shell Road, 145'+ East of North McGregor Avenue)

APPLICANT

CVS PHARMACY

AGENT

BRAD HENTSCHEL

OWNER

THOMAS CARWIE – OSM, LLC

BOARD OF ZONING ADJUSTMENT

FEBRUARY/2008

The applicant is requesting a sign variance to allow eighteen wall signs for a single tenant on a multi-tenant commercial site; the zoning ordinance allows one wall sign per tenant on a multi-tenant commercial site.

The purpose of this application, according to the applicant, is to allow the placement of self-adhesive decal signs on the exterior of the windows of an existing CVS Pharmacy. The applicant understands that these window graphics would be allowed if they were placed on the inside of the window, but due to pre-existing conditions, the inside of the windows are not accessible in order to apply these graphics. The pre-existing conditions consist of permanent fixtures and displays that prohibit access to the inside of the windows. The applicant further states that these graphics will not be illuminated and will not be a distraction to any nearby motorists.

With regard to the applicant's request for a sign variance for eighteen wall signs, the Sign Ordinance specifically states that each tenant in a multi-tenant site is allowed only **one** wall sign. In essence, if approved, the entire face of the building/store will become signage. The pre-existing conditions, that the applicant states are preventing the graphics to be placed on the inside of the windows, do not appear to place an unnecessary hardship upon the applicant, as they are **self-imposed**. Furthermore, 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.

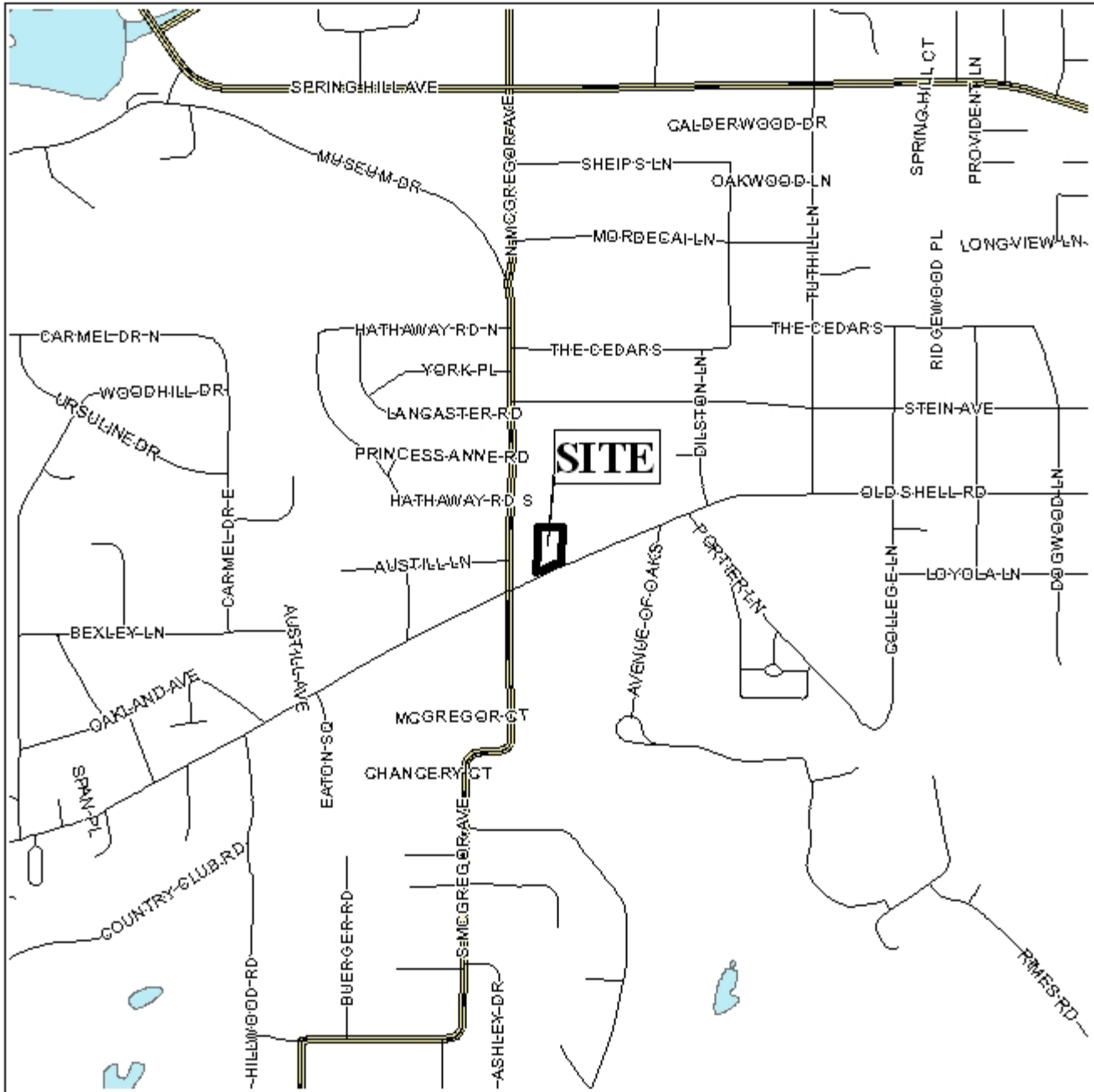
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 eighteen signs for one tenant of a multi-tenant site.

RECOMMENDATION 5461**Date: February 11, 2008**

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

LOCATOR MAP



APPLICATION NUMBER # 5461 DATE February 11, 2008

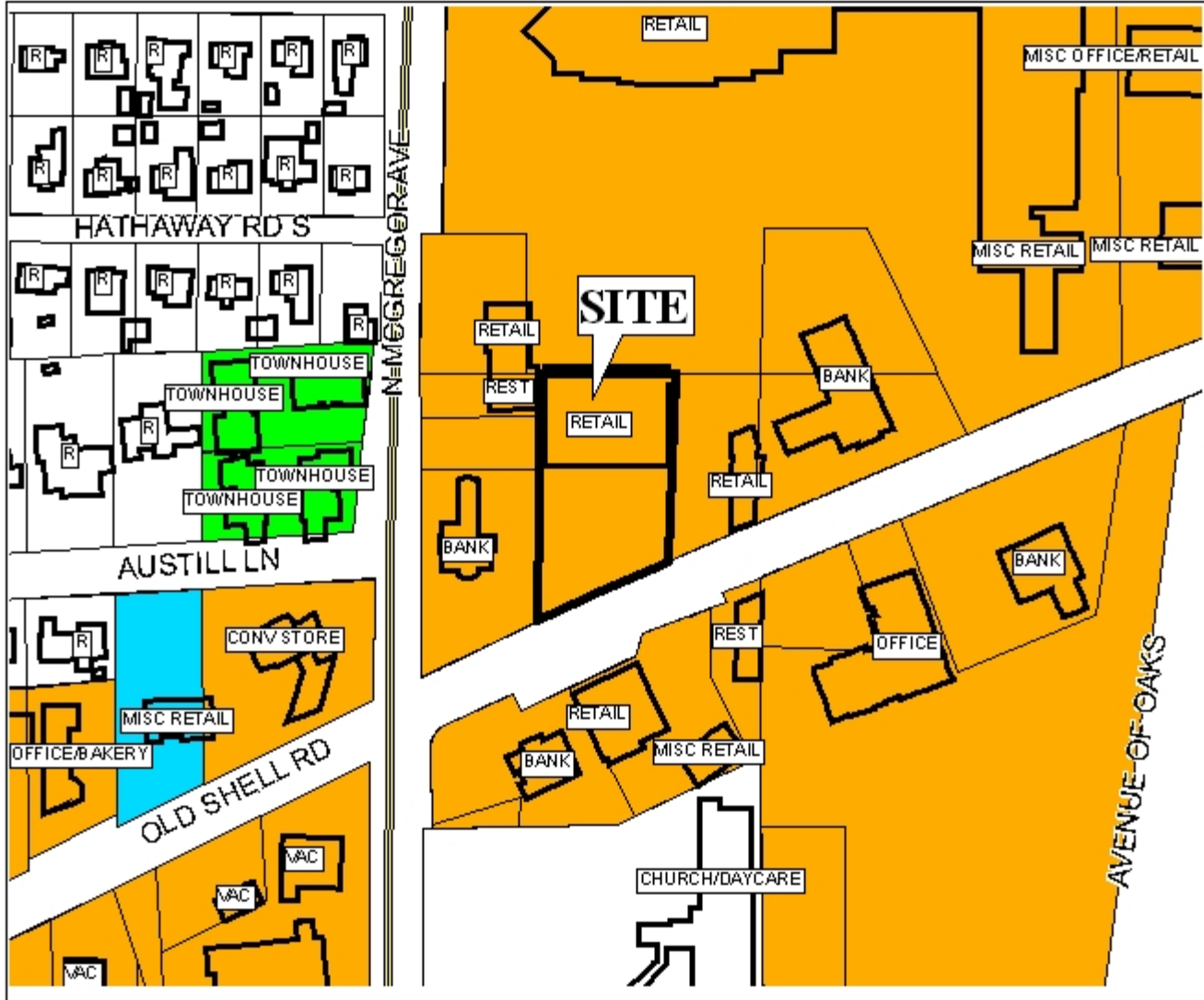
APPLICANT CVS Pharmacy (Brad Hentschel, Agent)

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by miscellaneous land use.

APPLICATION NUMBER # 5461 DATE February 11, 2008

APPLICANT CVS Pharmacy (Brad Hentschel, Agent)

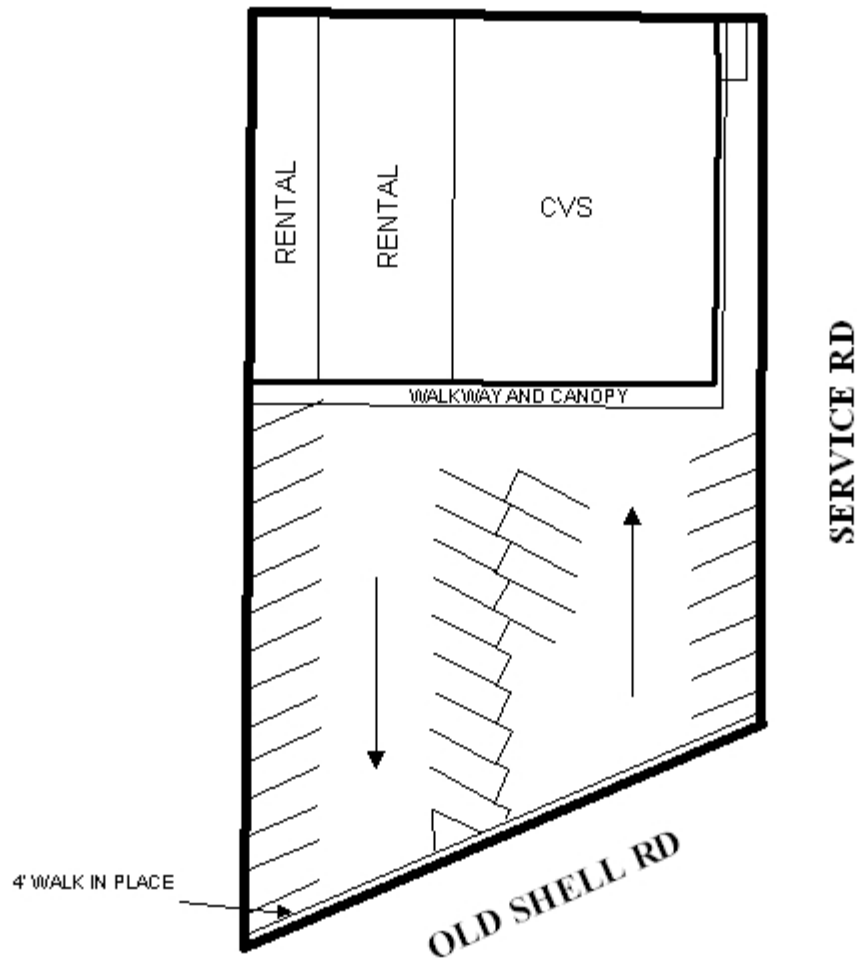
REQUEST Sign Variance

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



NTS

SITE PLAN



This site plan illustrates existing retail building and lot configuration.

APPLICATION NUMBER # 5461 DATE February 11, 2008

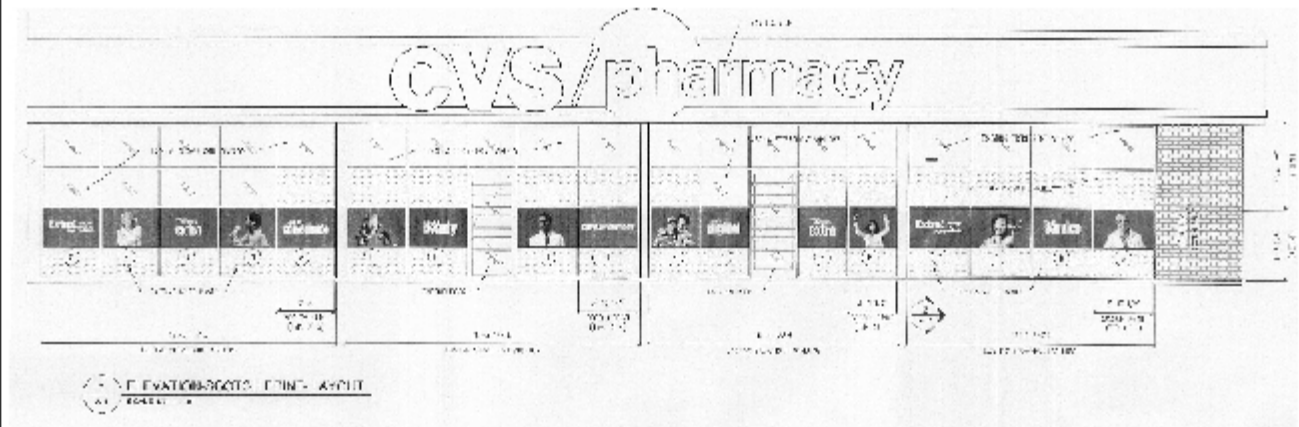
APPLICANT CVS Pharmacy (Brad Hentschel, Agent)

REQUEST Sign Variance



NTS

DETAIL SITE PLAN



STORE FRONT

APPLICATION NUMBER # 5461 DATE February 11, 2008

APPLICANT CVS Pharmacy (Brad Hentschel, Agent)

REQUEST Sign Variance



NTS