

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 14, 2011**

<u>CASE NUMBER</u>	5663
<u>APPLICANT NAME</u>	Mobile Carnival Museum (Kathryn M. Kearley, Agent)
<u>LOCATION</u>	355 Government Street (Southeast corner of Government Street and South Franklin Street)
<u>VARIANCE REQUEST</u>	SIGNAGE: Sign Variance to allow a 10' high freestanding sign at a single-tenant commercial site in an R-B, Residential Business District, and in a Historic District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGNAGE: The Zoning Ordinance allows a maximum height of 8' for a freestanding sign in an R-B, Residential-Business District and Historic District.
<u>ZONING</u>	R-B, Residential-Business District
<u>AREA OF PROPERTY</u>	36,068 Square Feet / 0.8± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting a Sign Variance to allow a 10' high freestanding sign at a single-tenant commercial site in an R-B, Residential-Business District and in a Historic District; the Zoning Ordinance allows a maximum height of 8' for a freestanding sign in an R-B, Residential-Business District and Historic District.

The subject site is the former Museum of Mobile location and is now occupied by the Mobile Carnival Museum as a Mardi Gras museum. Since the site is located on Government Street and within the Church Street East Historic District, signage for the site is governed by the Signs in Historic Districts and along Government Street section of the Sign Regulation Provisions of the Zoning Ordinance. This section states that no portion of a freestanding sign shall exceed 8' in height. The museum currently has a compliant sign in the front yard, but due to the 4'-10" high iron fence along the front property line, that sign is obscured to a great degree. A more-visible sign which would be entirely above the fence height is proposed, but since the overall height would be 10' above grade, a variance is required; hence this application. It should be noted that

the applicant has already received a Certificate of Appropriateness from the Architectural Review Board for the proposed sign.

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.

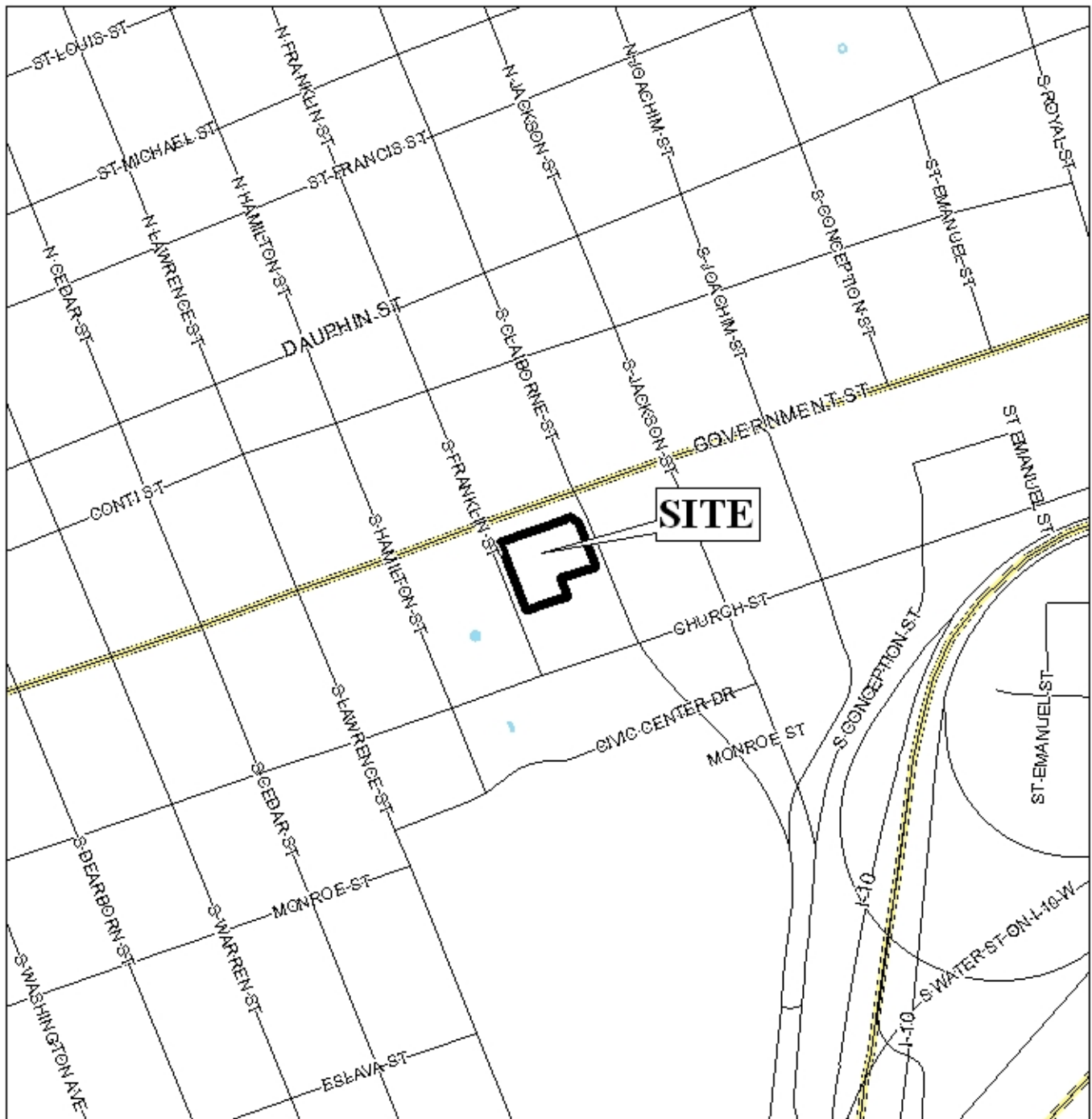
The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The proposed sign would sit atop two brick pillars with the museum name on a cross piece just above the fence height with an iron arch above extending to the proposed 10' height. The arch would support the letters MCM, and between the letters and the cross-piece sign would be a silhouette of two jesters which has become a main symbol of the Mobile Mardi Gras tradition. The proposed signage may be excessive when compared to the usual commercial signage allowed in historic districts. However, its identity with the show-place of the unique history surrounding the original founding of Mardi Gras in Mobile may indicate that a literal application of the Sign Regulations could result in an unnecessary hardship to the property. And the existing historic iron fence which greatly obscures the area below its 4'-10" height can be considered as a hardship imposed by the property. Inasmuch as the Carnival Museum serves to preserve and promote the rich history and cultural heritage of Mobile's Mardi Gras, not only for the local citizens, but for visitors from all points, approval of this application would be justified.

RECOMMENDATION Based upon the preceding, this application is recommended for approval, subject to the following condition:

- 1) the obtaining of a sign permit for the sign.

LOCATOR



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APPLICANT Kathryn M. Kearley

REQUEST Sign Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

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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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

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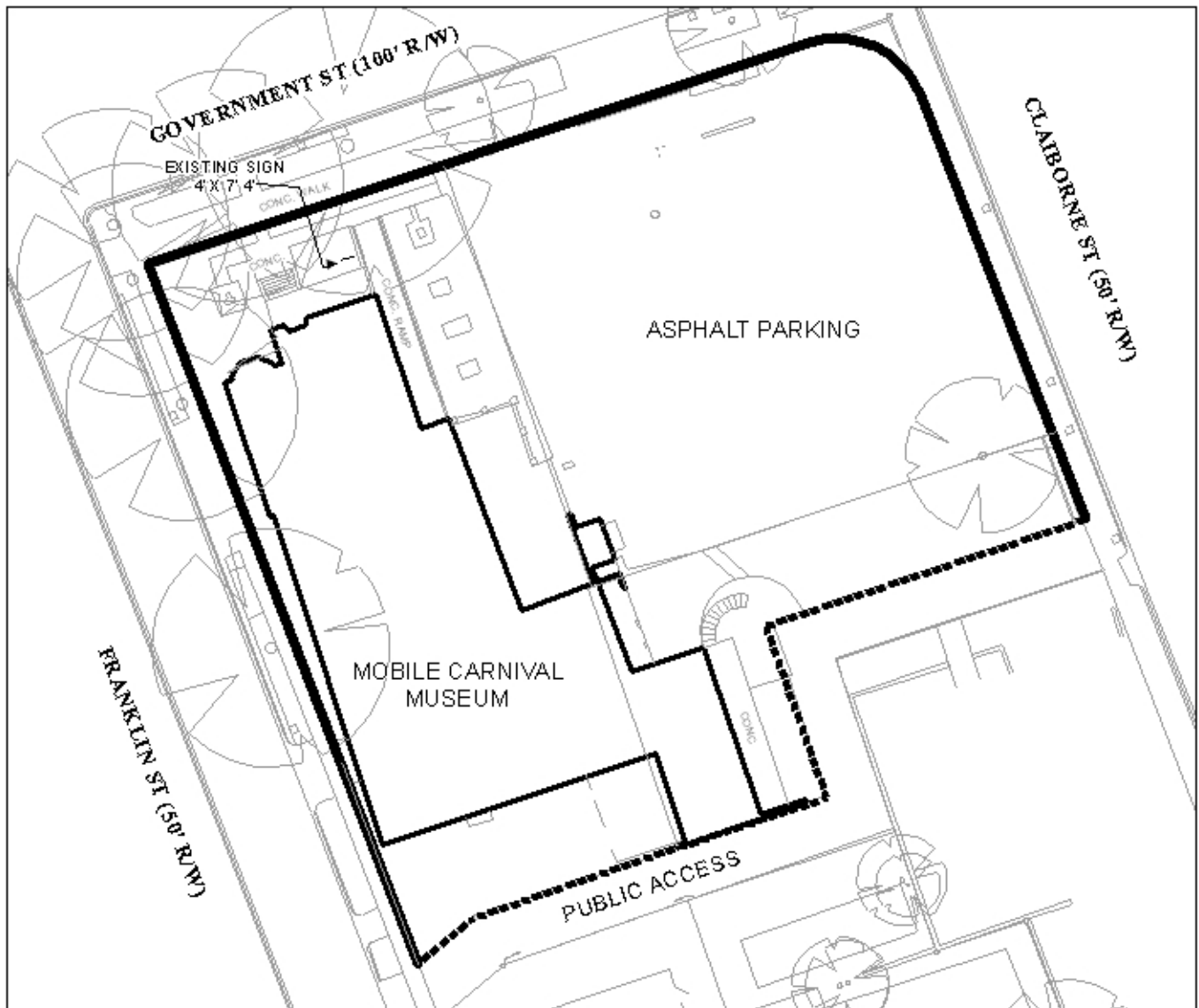
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SITE PLAN



This site plan illustrates the existing buildings and parking.
See detail site plans for proposed signage.

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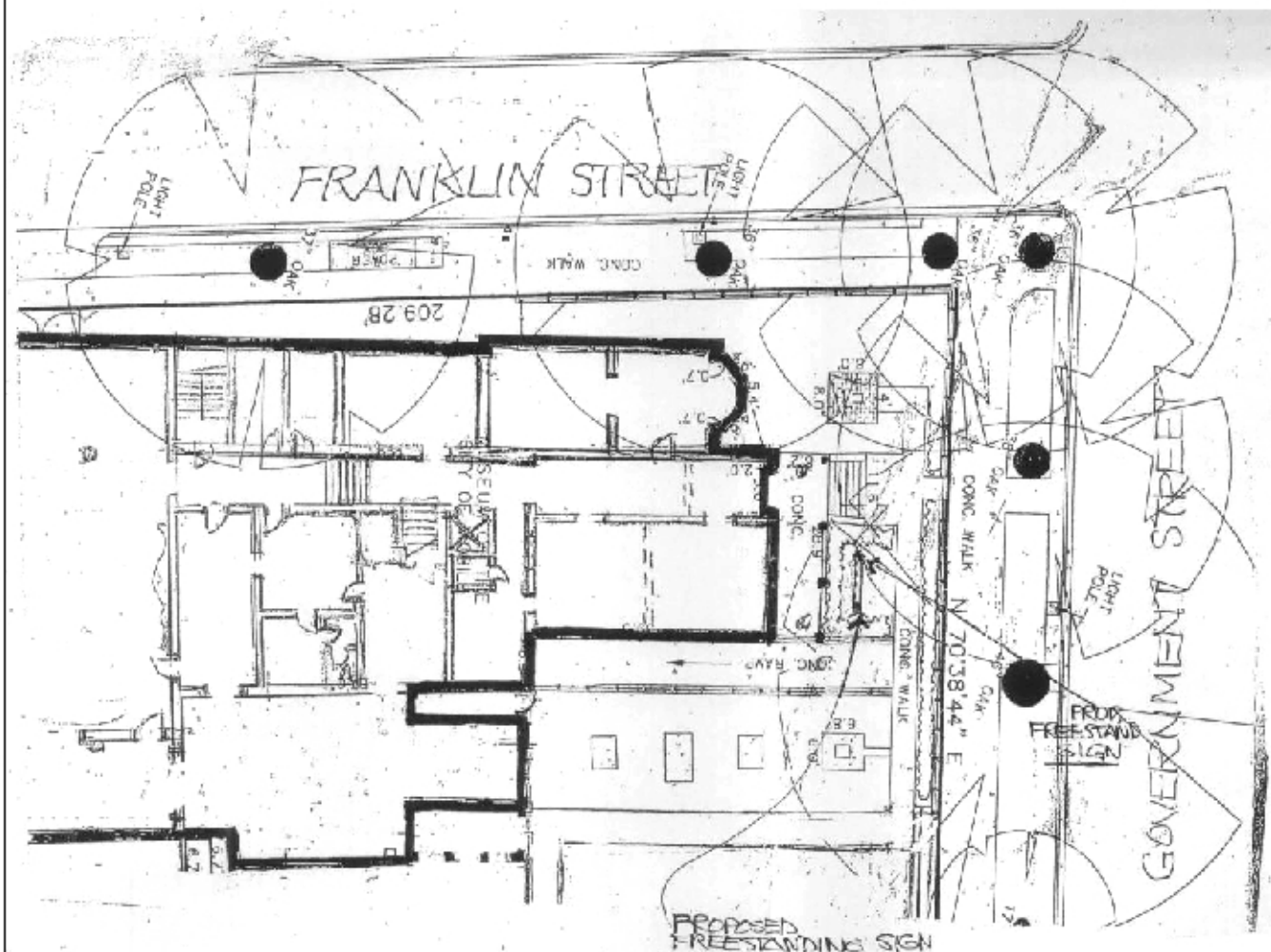
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SITE LOCATION PLAN



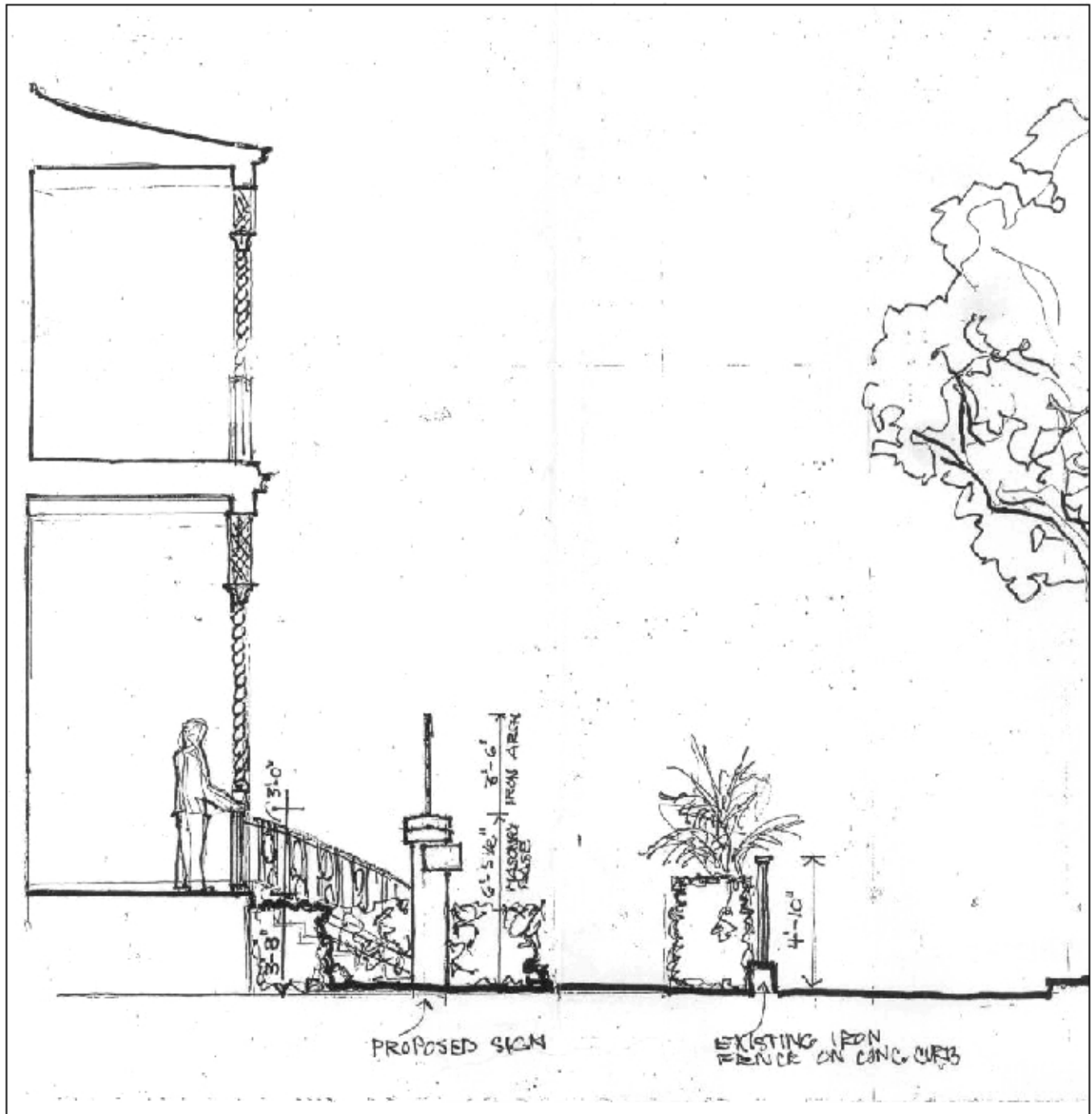
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FRONTAGE PROFILE



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GOVERNMENT STREET ELEVATION



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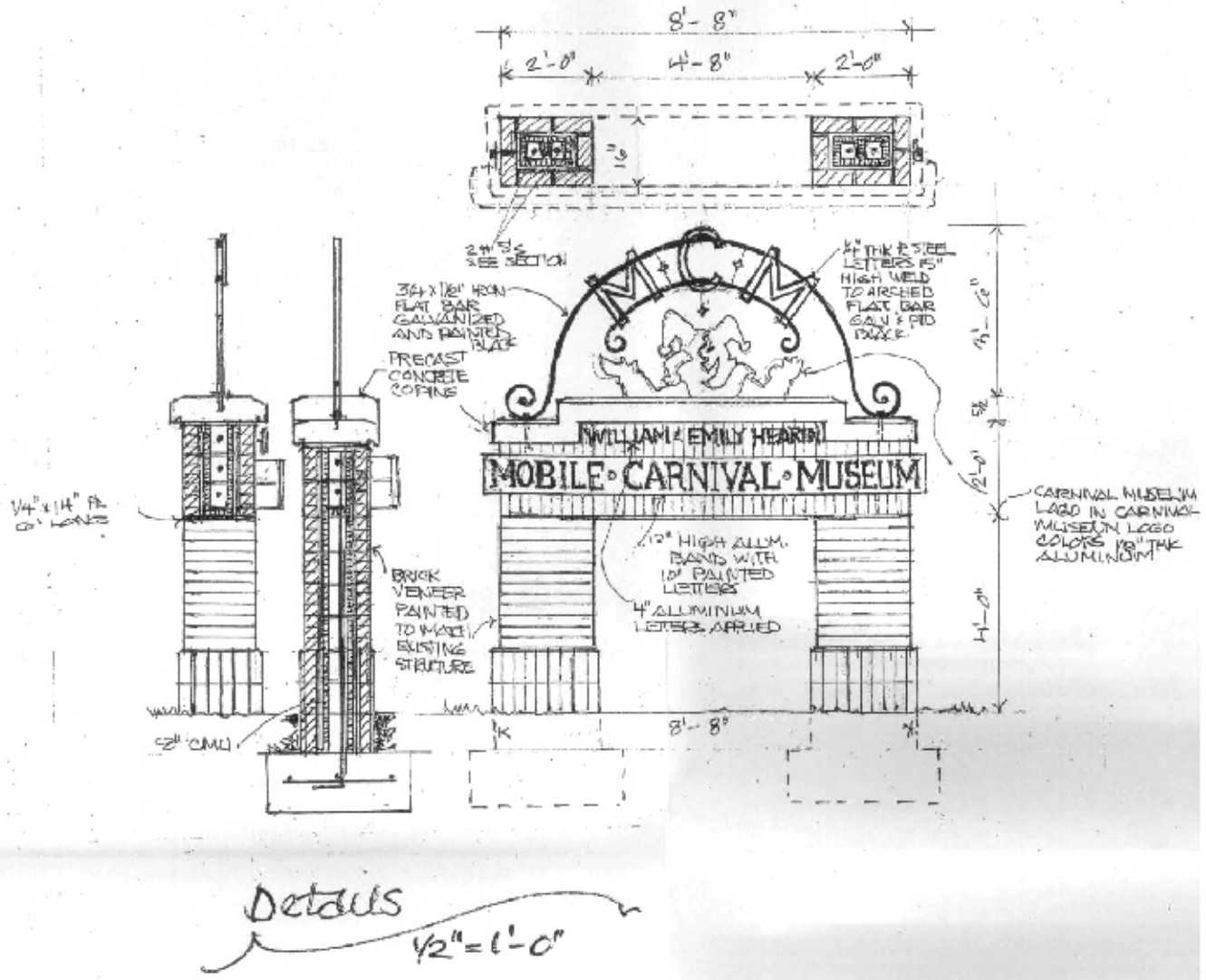
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SIGN DETAILS



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