

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: July 6, 2015**

**CASE NUMBER** 5979/4584

**APPLICANT NAME** Image Designs, Inc.

**LOCATION** 851 Government Street  
(Southeast corner of Government Street and Broad Street).

**VARIANCE REQUEST** **SIGN VARIANCE:** To allow a 15’ wide by 8’ tall Individual Storefront Sign *and a 120 square foot painted mural on the primary frontage* in the Downtown Development District.

**ZONING ORDINANCE REQUIREMENT** **SIGN:** The Zoning Ordinance requires Individual Storefront Signs to be a maximum of 2’ tall by the store length *and painted murals are permitted only along secondary frontages and walls internal to a property* in the Downtown Development District.

**ZONING** Form Based Code T5.1

**AREA OF PROPERTY** 1.2 ± Acres

**ENGINEERING COMMENTS** No comments.

**TRAFFIC ENGINEERING COMMENTS** This request was not reviewed by Traffic Engineering.

**FIRE DEPARTMENT COMMENTS** All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**CITY COUNCIL DISTRICT** District 2

**ANALYSIS** The applicant is requesting a Sign Variance to allow a 15’ wide by 8’ tall Individual Storefront Sign in the Downtown Development District; the Zoning

Ordinance requires Individual Storefront Signs to be a maximum 2' tall by the store length in the Downtown Development District.

The subject site is a Greer's grocery store which recently opened where several grocery stores previously operated. As the previous stores had operated when the site was zoned B-4, General Business, signage was allowed under the Sign Regulation Provisions of the Zoning Ordinance. Since the Downtown Development District (DDD) was adopted by the City Council in 2014, all signage within falls under the Signage Standards of the DDD. The DDD is divided into several individual districts, of which the subject site falls into a T5.1 District. Within a T5.1 District, the Signage Standards restrict the size to a maximum height of 2' and the applicant proposes to be allowed a sign with a total height of 8'; hence this request.

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.

Variations 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: GREER'S TO INSTALL a 120 SF STORE FRONT SIGN.*
- 2 What are the conditions, items, faces or reasons which prevent you from complying with the requirements of the Zoning Ordinance? THE ORDINANCE WOULD NOT MAKE SIGN VISIBLE FROM ROAD.*
- 3. How did conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? SIZE FACTOR*
- 4. How is this property different from the neighboring properties? LARGER PARCEL, RETAIL GROCERY."*

The site was previously granted a Sign Variance by the Board in 1996 as a Delchamps grocery store to allow a 115 square-foot wall sign in a historic district. A total of 64 square feet of signage is allowed in a historic district. The basis of the hardship presented in that case was the size allowed would not be proportional to the size of the building fascia, and the setback from the building to the street would create a problem for the public in reading the sign at such a distance. Basically, the applicant uses the same argument in this case. As there has been no building expansion since that Variance was granted, the façade remains approximately 140' back from the street pavement curb. And this site has the greatest building setback of any along Government Street within the DDD, other than the Chamber of Commerce building. Therefore, a hardship could be considered to be imposed by a literal interpretation of the DDD Signage Standards by

not allowing the expanded sign size and the Board would be justified in granting the applicant's request. However, there are other factors to consider concerning the application.

The applicant has had a mural painted on the Broad Street façade of the building which is allowed under the Signage Standards of the DDD along secondary street frontages. But there is also a mural on the front, or primary, wall of the building, which is not allowed by the Signage Standards. Therefore, for that mural to remain, it must be approved via the Sign Variance process which would require that this application be revised to also include that mural. And there was no information furnished indicating the materials of which the sign is fabricated. If other than of painted wood, metal, or metal composite material as allowed in the DDD, this application should also be revised to request the allowance of such.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board that this application be heldover to the July meeting to allow the applicant to revise the application to also include the front wall mural and, if necessary, the type of material used for construction if other than painted wood, metal, or metal composite material. A revised application with new mailing labels and postage should be submitted no later than June 2<sup>nd</sup>.

***Revised for the July meeting:***

*This application was heldover at the Board's June meeting to allow the applicant to revise the application to also include the front wall mural and, if necessary, the type of material used for construction if other than painted wood, metal, or metal composite material. The applicant submitted the revised application to include the front wall mural and also indicated that the sign is constructed of painted aluminum.*

*The revised narrative states:*

- “1. The purpose of this application is to allow: GREER'S TO INSTALL a 120 SF STORE FRONT SIGN AND WALL MURAL.*
- 2 What are the conditions, items, faces or reasons which prevent you from complying with the requirements of the Zoning Ordinance? THE ORDINANCE WOULD NOT MAKE SIGN VISIBLE FROM ROAD.*
- 3. How did conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? SIZE FACTOR*
- 4. How is this property different from the neighboring properties? LARGER PARCEL, RETAIL GROCERY.”*

*There was no justification or hardship presented in the revised narrative for the allowance of the mural on the front wall and this would be reason for the Board to consider the allowance of such for denial. However, it should be noted that the Greer's grocery store chain was founded in Mobile and is the oldest extant local grocer still operating. The mural depicting the founders could be considered of relevance to the City's history and the Board should take this aspect into consideration when making a decision. However, the founders' mural could have been incorporated into the mural that was painted onto the West façade of the building.*

**RECOMMENDATION:** Staff recommends to the Board the following finding of facts for Approval of the Individual Storefront Sign:

- 1) Based on the fact that the site was granted a previous Sign Variance due to proportion ratios of the sign to the building façade and visibility from the street, the variance will not be contrary to the public interest;
- 2) These special conditions (the building front wall is setback approximately 140' from the street curb) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the subject building has the second greatest setback of any along Government Street within the Downtown Development District.

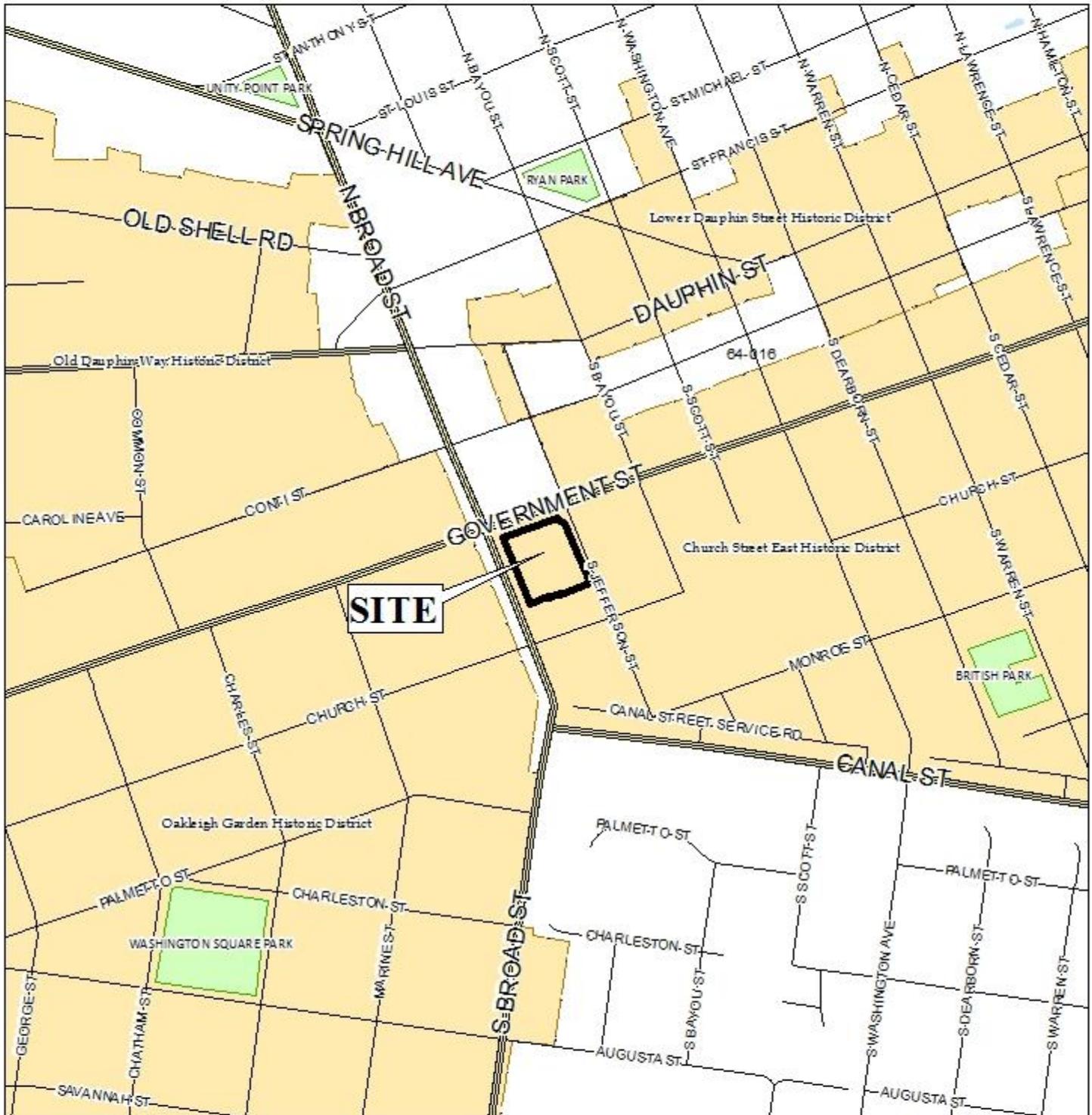
Therefore, this application is recommended for approval, subject to the following conditions:

- 1) the obtaining of an after-the-fact sign permit;
- 2) approval of the Architectural Review Board; and
- 3) full compliance with all municipal codes and ordinances.

Staff recommends to the Board the following finding of facts for Denial of the front wall mural:

- 1) Based on the fact that no hardship was indicated to justify the mural, the allowance of such would be contrary to the public interest;
- 2) Special conditions do not exist, primarily that the mural is not necessary for business advertising, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the Variance, in that it would allow for an excess in advertising signage above that normally allowed for a business within the Downtown Development District with primary and secondary street frontage.

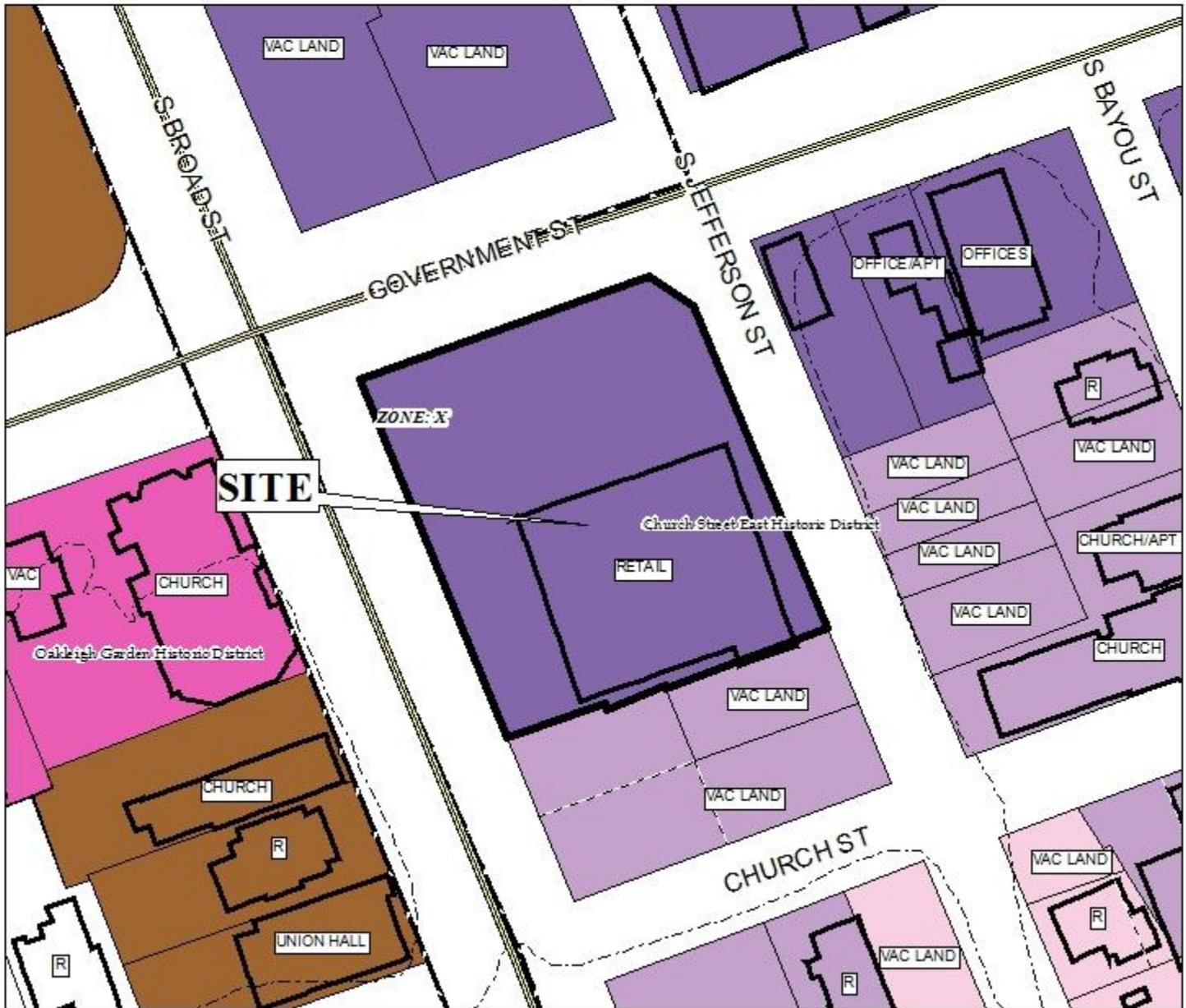
# LOCATOR MAP



APPLICATION NUMBER 5979 DATE July 6, 2015  
APPLICANT Image Designs Inc  
REQUEST Sign Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential units.

APPLICATION NUMBER 5979 DATE July 6, 2015

APPLICANT Image Designs Inc

REQUEST Sign Variance

|     |     |      |     |     |      |       |      |
|-----|-----|------|-----|-----|------|-------|------|
| 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   |



NTS

**BOARD OF ADJUSTMENT  
VICINITY MAP - EXISTING ZONING**



The site is surrounded by miscellaneous residential units.

APPLICATION NUMBER 5979 DATE July 6, 2015

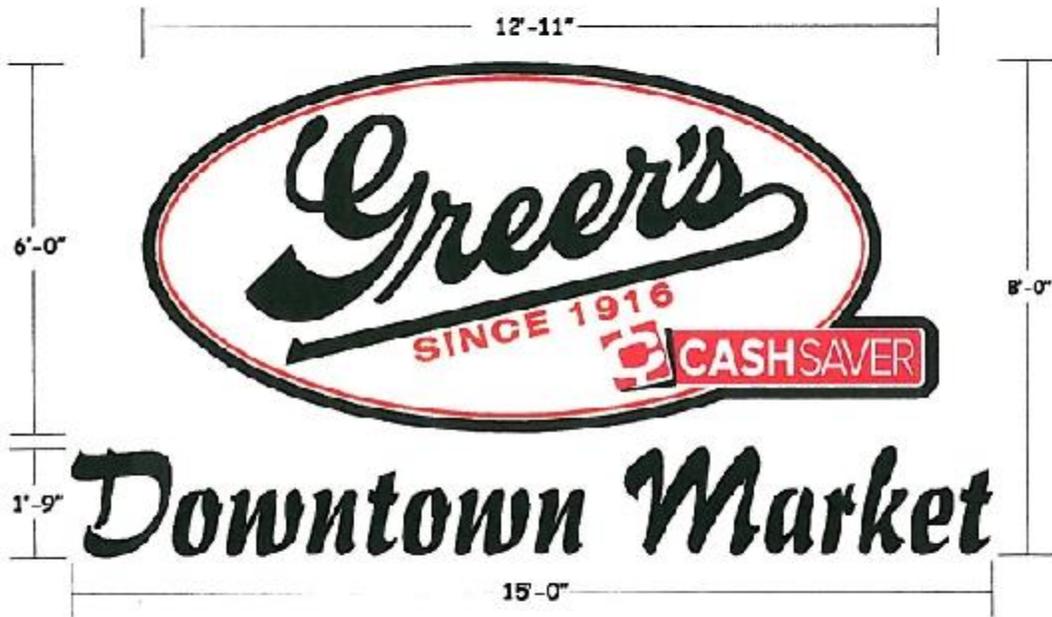
APPLICANT Image Designs Inc

REQUEST Sign Variance



NTS

# DETAIL SITE PLAN



8' x 15' = 120sqft

**1** BUILDING FRONT  
RIGHT SIDE SIGN  
SCALE: SIZE 3/8"=1'-0"



APPLICATION NUMBER 5979 DATE July 6, 2015

APPLICANT Image Designs Inc

REQUEST Sign Variance



# DETAIL SITE PLAN



APPLICATION NUMBER 5979 DATE July 6, 2015

APPLICANT Image Designs Inc

REQUEST Sign Variance

