

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 3, 2016**

<u>CASE NUMBER</u>	6058
<u>APPLICANT NAME</u>	Liz Garza
<u>LOCATION</u>	119 Dauphin Street (South side of Dauphin Street, 85'± East of St. Emanuel Street)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow an unclassified wall sign in a T-5.2 Zoning Sub-District in the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires a wall sign to be either an Upper Building, an Individual Storefront, or a Painted Sign, the proposed signage does not meet the criteria for any of those signs in a T-5.2 Zoning Sub-District in the Downtown Development District.
<u>ZONING</u>	T-5.2, Downtown Development Sub-District
<u>AREA OF PROPERTY</u>	1,500± Square Feet
<u>ENGINEERING</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS

The applicant is requesting a Sign Variance to allow an unclassified wall sign in a T-5.2 Zoning Sub-District in the Downtown Development District. The Zoning Ordinance requires a wall sign to be either an Upper Building, an Individual Storefront, or a Painted Sign, the proposed signage does not meet the criteria for any of those signs in a T-5.2 Zoning Sub-District in the Downtown Development District.

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 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.

It should be noted that the sign regulations of both the Zoning Ordinance and the Downtown Development District Code 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 uniform standards for the location, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

The applicant states:

- 1. The purpose of this application is to allow an Upper building Sign that exceeds the three foot maximum signage type.*
- 2. The variance is necessary for two reasons, and both are related to the large, windowless, upper building façade. First, the façade is very tall. Upper Building Signs are supposed to be at the top of the building. If you locate the sign at the top of the building, the sign will not be visible. Next, the name and logo of the business is foy, in lowercase font. Because the f is tall and the y dips low, to measure a block around the sign would be very small and not to scale. So those are the conditions which necessitate the variance.*
- 3. The conditions that prevent us from complying with the zoning ordinance is the unusual nature of the tall upper façade of the building and the chosen font of the business name.*
- 4. This property is different from others in that it is a very historic, narrow and tall building with a windowless, unattractive concrete skin over the upper building façade.*

The Downtown Development District Code only allows 1 sign per building located within the frieze, with a maximum height of 3' tall by the building's length. Due to modifications to the building, the frieze is not readily definable, thus the required sign is not easily classified. As indicated in the aforementioned statement, the applicant desires to erect building signage that exceeds the 3' height limitation required of buildings located within T-5.2 Sub-Districts in the Downtown Development District (DDD). The applicant purports that the unusual nature of the tall upper building façade, the chosen font, the narrowness of the building, and the windowless, unattractive concrete skin are all conditions that prevent compliance with the Zoning Ordinance, and which necessitate the need for a variance.

According to the proposed renderings, the sign will measure 5'-11" wide by 5'-7 ¾" high, or 33.4± square feet. The letters will be 3" deep with a brushed aluminum finish and installed over faux grass on the building's facade. The letter "F" will have a proposed height of 3'-6", the

letter “o” will have a proposed height of 2’-2 ½”, the letter “y” will have a proposed height of 2’-11”, and the icon located at the base of the letter “y” will have a proposed height of 1’-3 7/8” making the height of the proposed sign 2’-7 ¾” more than what is allowed within this Sub-district. In terms of sign area, however, a 60 square foot Upper Building Sign would be allowed (3 feet x 20 feet), versus the proposed 33.4 ± square feet.

It should also be noted that a secondary wall sign, which will read as “Organic Superfoods,” will be flat cut out with a brushed aluminum finish, and affixed to a proposed wooden fascia that will be furnished by the client. It will be 10” high and located below the “Foy” logo sign.

The subject building is known as the Beckhoeffer Building and was originally built as a three-story structure circa 1859. The exterior of the building has seen many changes throughout the years. The façade was first altered around 1925 when the original brick was covered over with a stucco skin. In the 1960s, the storefront was enlarged and modernized with large recessed glass storefront windows, tile floors were installed, and concrete masonry panels were added to the building’s upper façade. The subject structure is located within the Lower Dauphin Historic District and is currently listed as a non-contributing structure on the National Register of Historic Places.

The Board has, on occasion, approved sign variances for increased signage height for commercial development sites, such as the Trustmark Building, that are located within the Downtown Development District.

As it relates to the subject site, the hardship presented does not appear to be based on an impediment of the site itself, but more so, one that is rooted in the aesthetics of the proposed signage chosen for the site, as well as in the aesthetics of the building’s current façade and exterior skin. The signage could possibly be configured in a way that would reflect compliance with the Downtown Development District Code and the Zoning Ordinance; however, as previously stated, the multiple changes to the building’s façade and exterior skin over the years has perpetuated an aesthetic hindrance that may make it hard for future tenants to fully comply with the requirements of the DDD Code and the Zoning Ordinance.

It should be noted that the sign has been reviewed and approved by the Consolidated Review Committee, subject to Board of Zoning Adjustment approval

Should the Board move to approve the current variance request, proper sign permitting would be required.

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

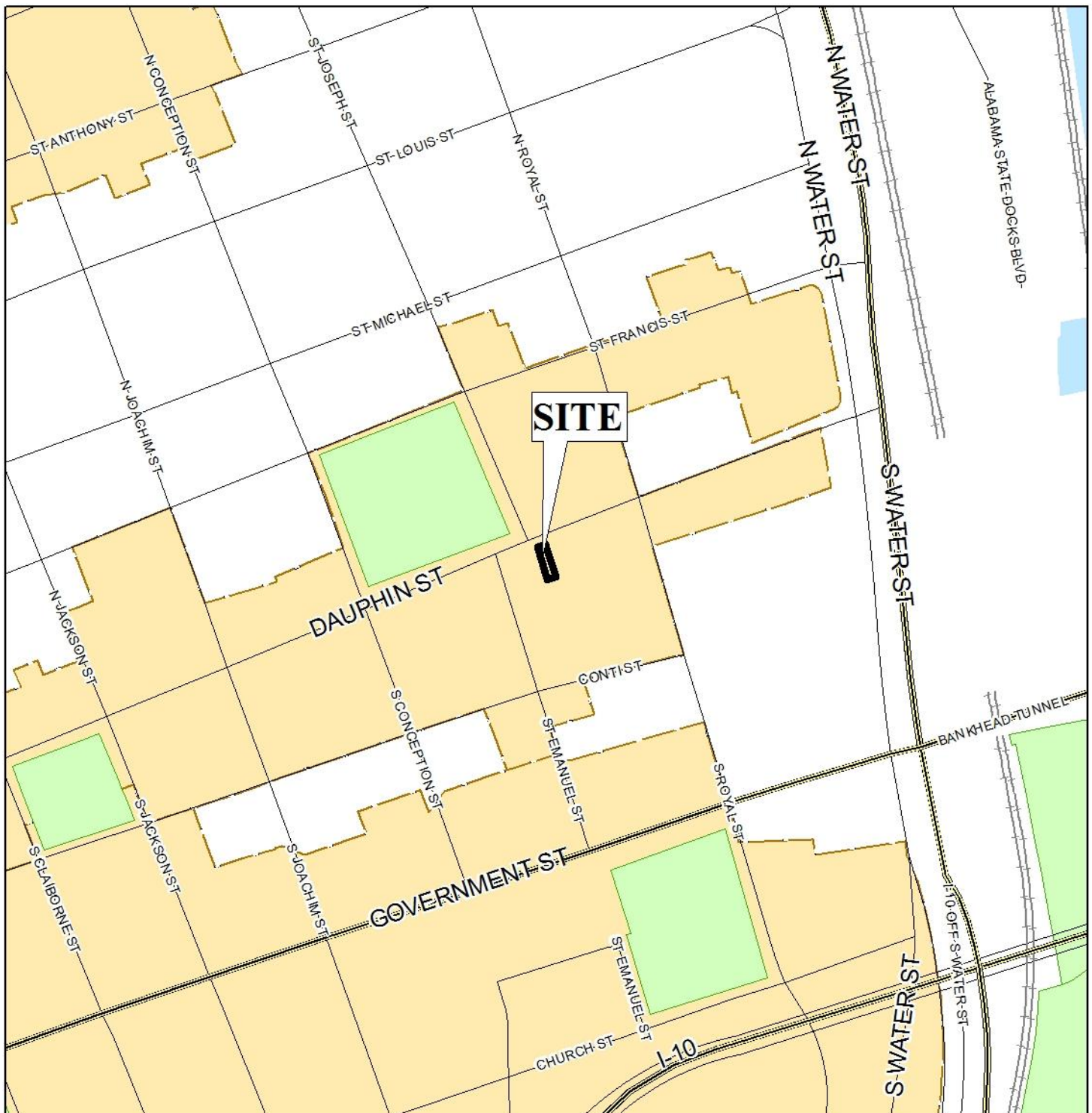
- 1) Approving the variance will not be contrary to public interest in that the Board has approved sign types not addressed by the Downtown Development District Code, yet necessary due to the unusual circumstances of each site;
- 2) Special conditions appear to exist and there may be hardships present that make the increased height and placement of the unclassified sign necessary in order to encourage patronage by pedestrians at street level; and

- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding area by granting the variance because the changes to the façade of the building over the past 50+ years have created an unusual architectural condition not anticipated by the Downtown Development Code.

The approval is subject to the following conditions:

- 1) Architectural Review Board Approval;
- 2) Obtainment of a Sign Permit prior to installation; and
- 3) Full compliance with all other municipal codes and ordinances.

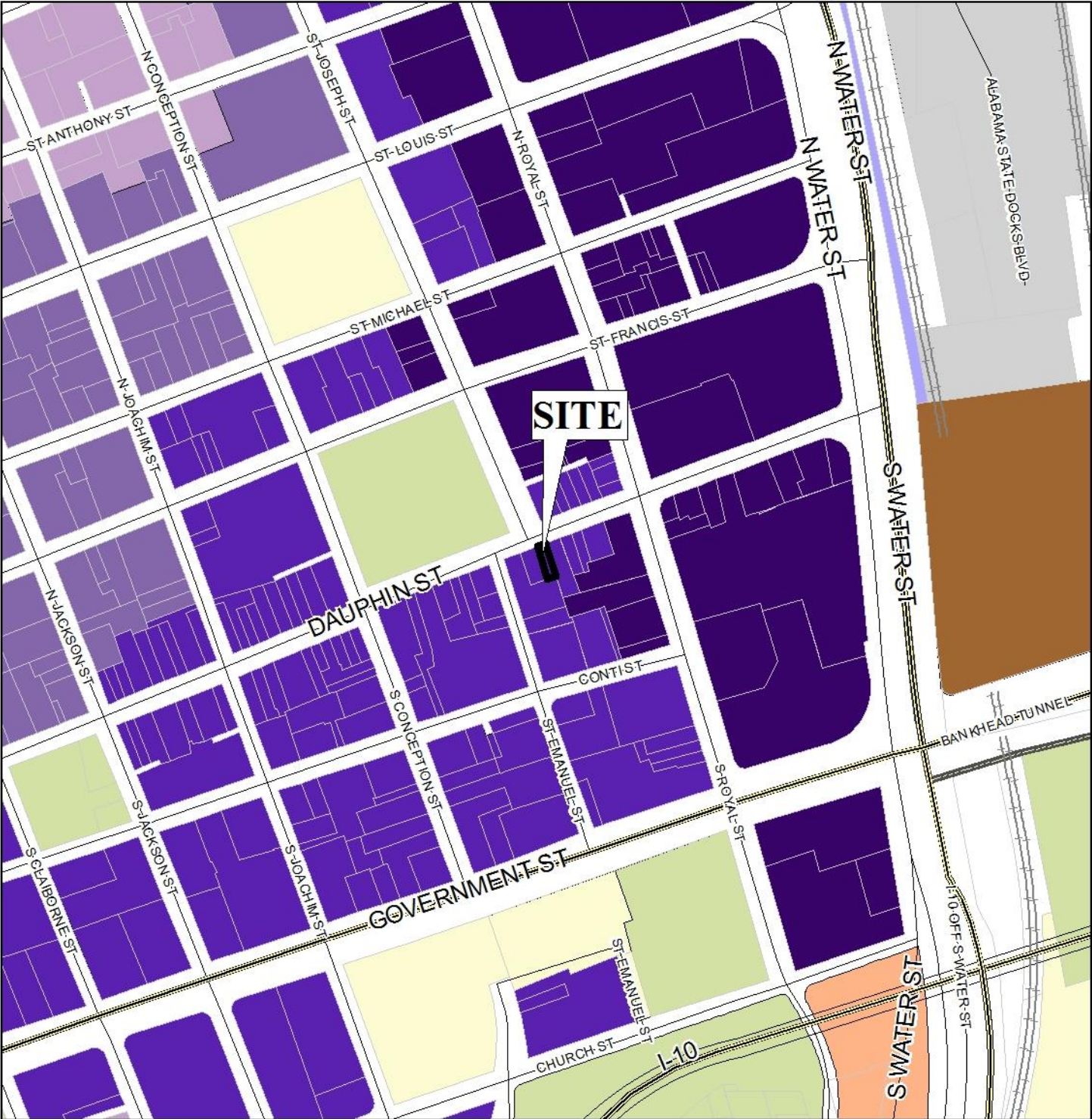
LOCATOR MAP



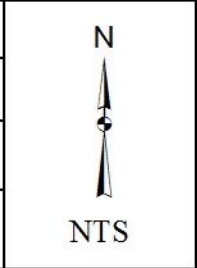
APPLICATION NUMBER 6059 DATE October 3, 2016
APPLICANT Liz Garza
REQUEST Sign Variance



LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. A park is located to the northwest.

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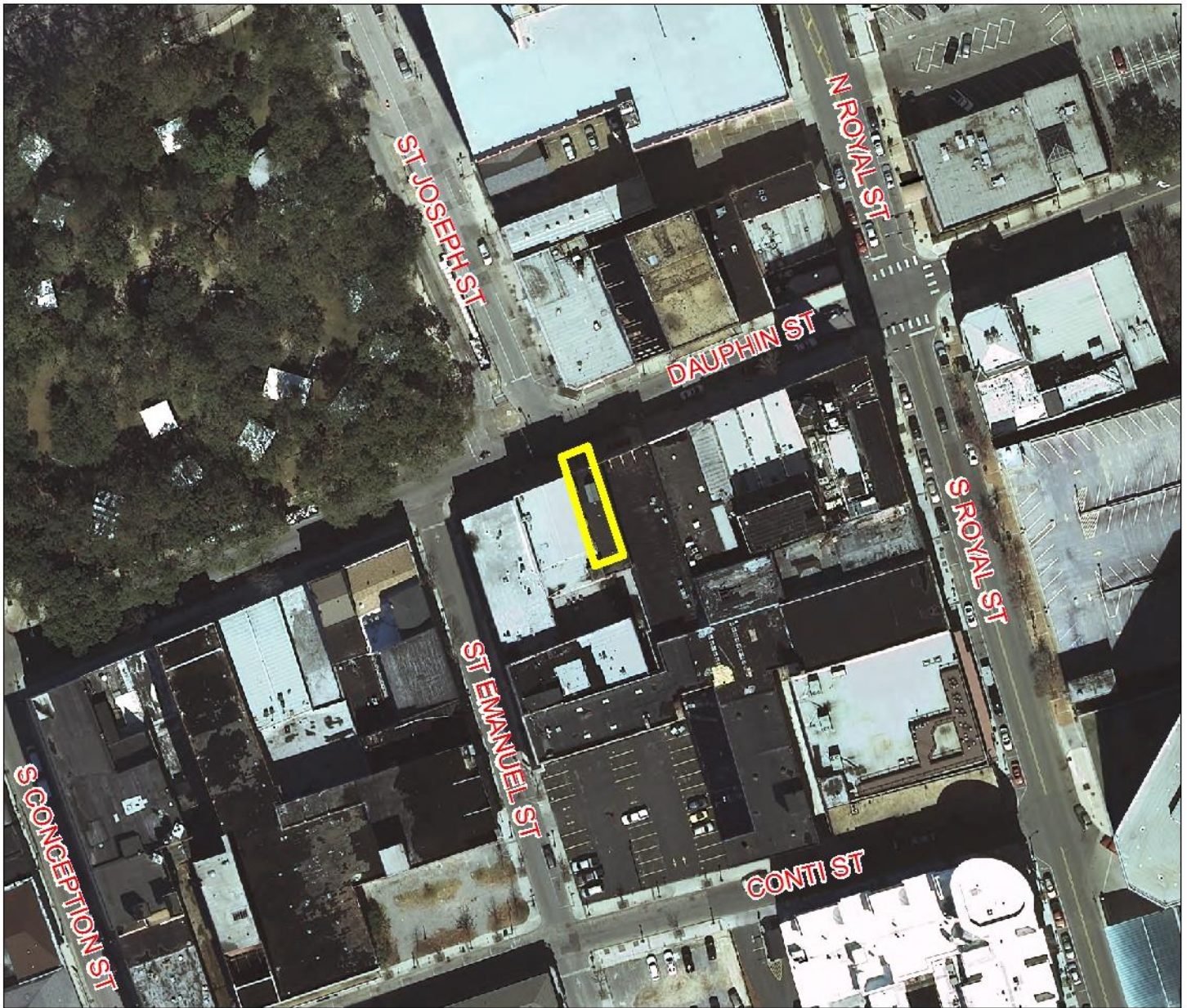
REQUEST Sign Variance

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



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



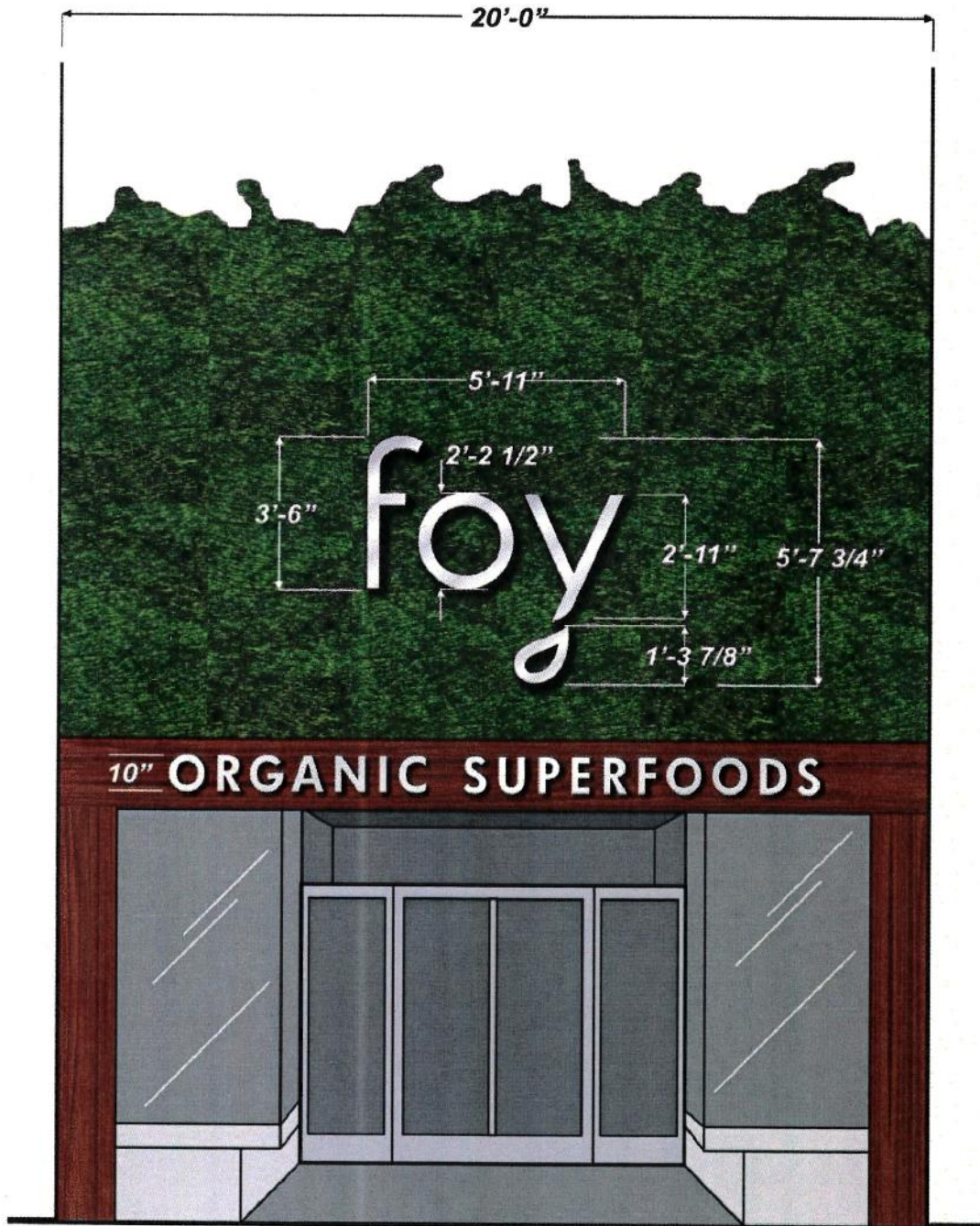
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DETAIL SITE PLAN

Building Letters **OPTION - 1**



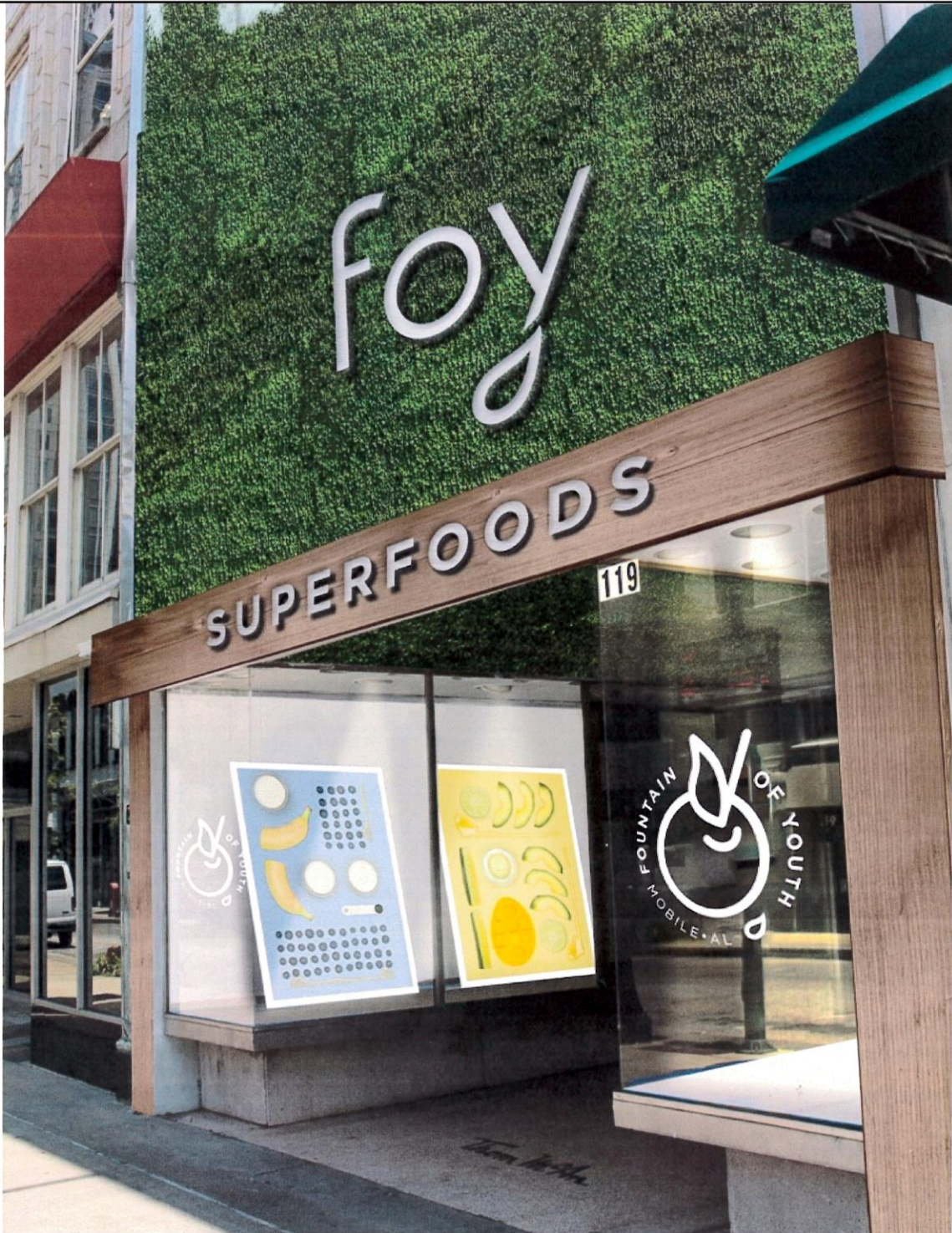
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