

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 6, 2017**

<u>CASE NUMBER</u>	6086/6051/5882
<u>APPLICANT NAME</u>	Bienville Square Hotel, LLC
<u>LOCATION</u>	15 North Conception Street (Southwest corner of North Conception Street and St. Francis Street, extending to the East side of North Joachim Street, 88' + South of St. Francis Street)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow a sign to extend above the roofline of a structure in a B-4, General Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow signs to extend beyond the roofline of structures located in B-4, General Business Districts.
<u>ZONING</u>	B-4, General Business District.
<u>AREA OF PROPERTY</u>	1.31± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a sign to extend above the roofline of a structure in a B-4, General Business District; the Zoning Ordinance does not allow signs to extend beyond the roofline of structures located in B-4, General Business Districts.

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 site was previously the subject of Access and Maneuvering Variances to allow the access and maneuvering area for a dumpster to be within the public right-of-way and not completely on-site of a proposed hotel in a B-4, General Business District. Most recently, the site was the subject of Access, Maneuvering, and Site Variances to amend the previous Variances to allow relocation of a dumpster/compactor with maneuvering to occur within the right-of-way, and to allow modifications to the site plan to include a parking court for food trucks in a Downtown Development District T5.2 Sub-District.

The initial Variances were approved by the Board of Zoning Adjustment at its April 7, 2014 meeting, with an extension granted at the October 6, 2014 meeting. Subsequent amendments to the previously approved Variances were denied at the August 1, 2016 meeting of the Board; however, it was determined by the City's Legal Department that such amendments were unnecessary due to the government function of the dumpster. As such, the site is being developed for a food truck court, and is being developed under the previous Zoning Ordinance regulations when the site was designated as a B-4, General Business District.

The applicant wishes to construct signage for the parking court for food trucks above the roofline of a structure on the site; however, no justification for such a request was provided.

While the proposed sign visibly extends beyond the roofline of a proposed pergola on a sketch provided to Staff, specifications of the proposed sign, including its dimensions and the maximum wind load to be withstood by the sign, are not provided. Architectural plans of the pergola provided to Staff seemingly indicate that signage could be attached to any one of the beams supporting the proposed structure in such a way that complies with City of Mobile sign regulations. Furthermore, no similar Sign Variances have been approved within the vicinity of the subject site.

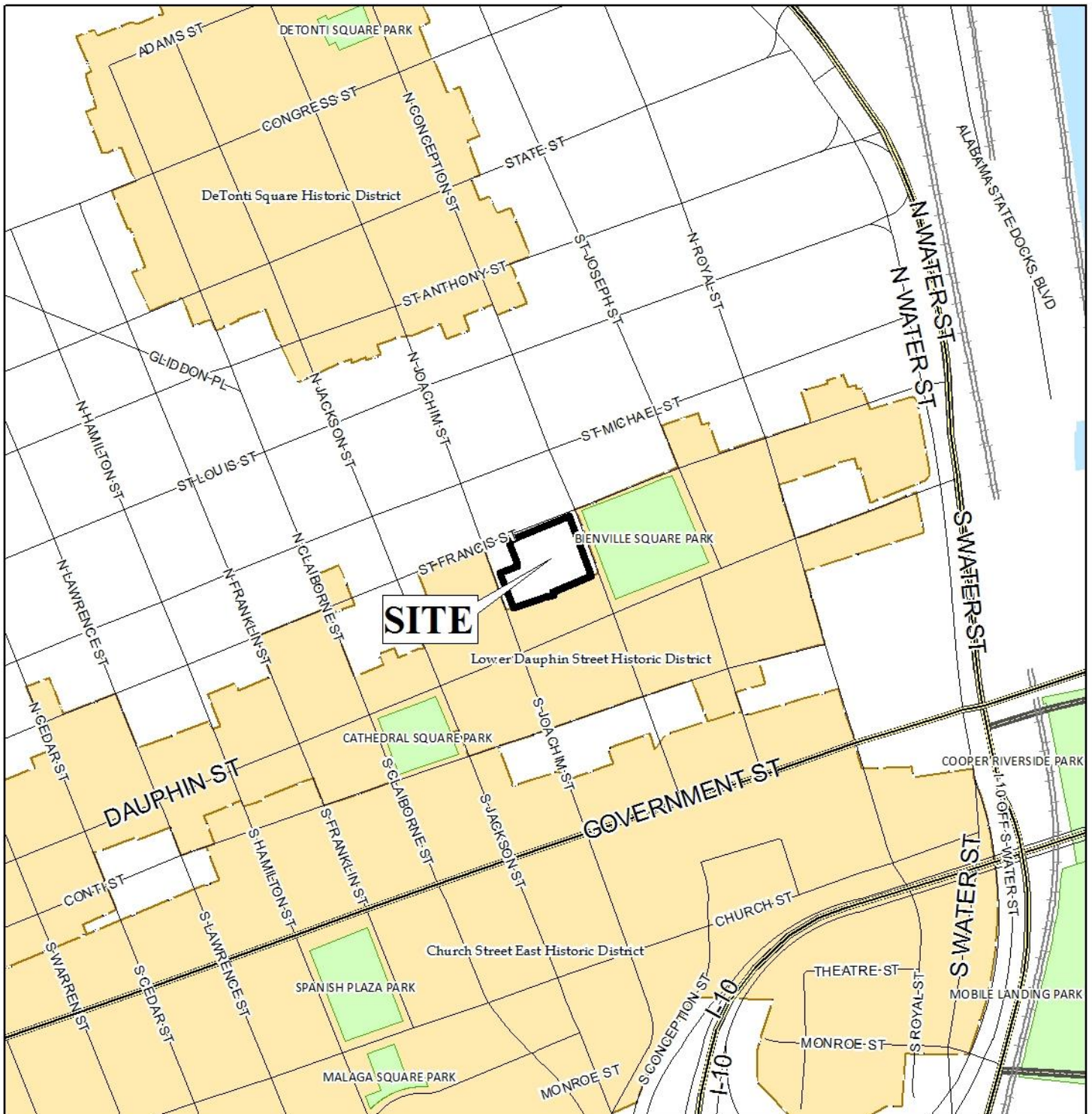
It should be noted that the purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect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

Considering the preceding, the applicant has not demonstrated that a literal enforcement of the Sign Regulation Provisions of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have a sign extending above the roofline of the building. As such, the Board should consider this application for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for denial:

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the area an equal and fair opportunity to advertise and promote their products and services;
- 2) No special conditions were shown to exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 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 proposed signage could set a precedent for other businesses within the area to be allowed signage protruding above a roofline, thus creating a cluttered and unfavorable physical image.

LOCATOR MAP



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The map displays a grid of streets in downtown St. Louis. The 'SITE' is located at the intersection of St. Francis St. and N. Jackson St. Key streets shown include Adams St., Congress St., State St., N. Conception St., St. Joseph St., N. Royal St., N. Water St., S. Water St., N. Franklin St., St. Anthony St., N. Jackson St., N. Joachim St., St. Michael St., St. Louis St., N. Claiborne St., St. Francis St., S. Conception St., St. Emanuel St., St. Joachim St., S. Jackson St., Government St., Dauphin St., S. Claiborne St., S. Franklin St., S. Lawrence St., S. Hamilton St., S. Warren St., S. Cedar St., Church St., Civic Center Dr., Monroe St., S. Conception St., I-10, Theatre St., Monroe St., S. Royce St., and S. Water St. The map also shows the Mississippi River and the Alabama State Docks Blvd. The 'SITE' is highlighted with a black box and a callout label.

REQUEST_____Sign Variance



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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



The site is surrounded by commercial units.

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DETAIL SITE PLAN



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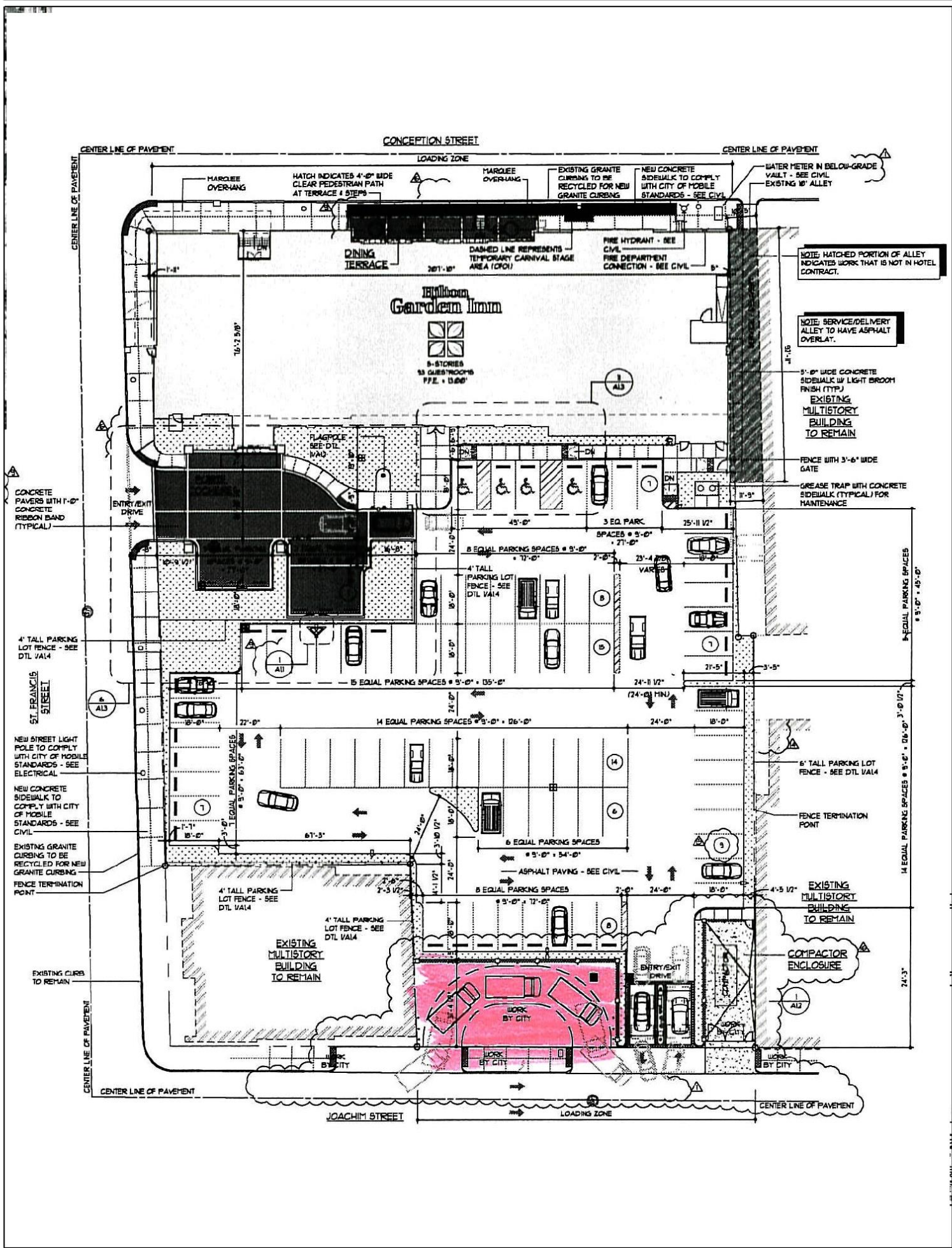
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DETAIL SITE PLAN



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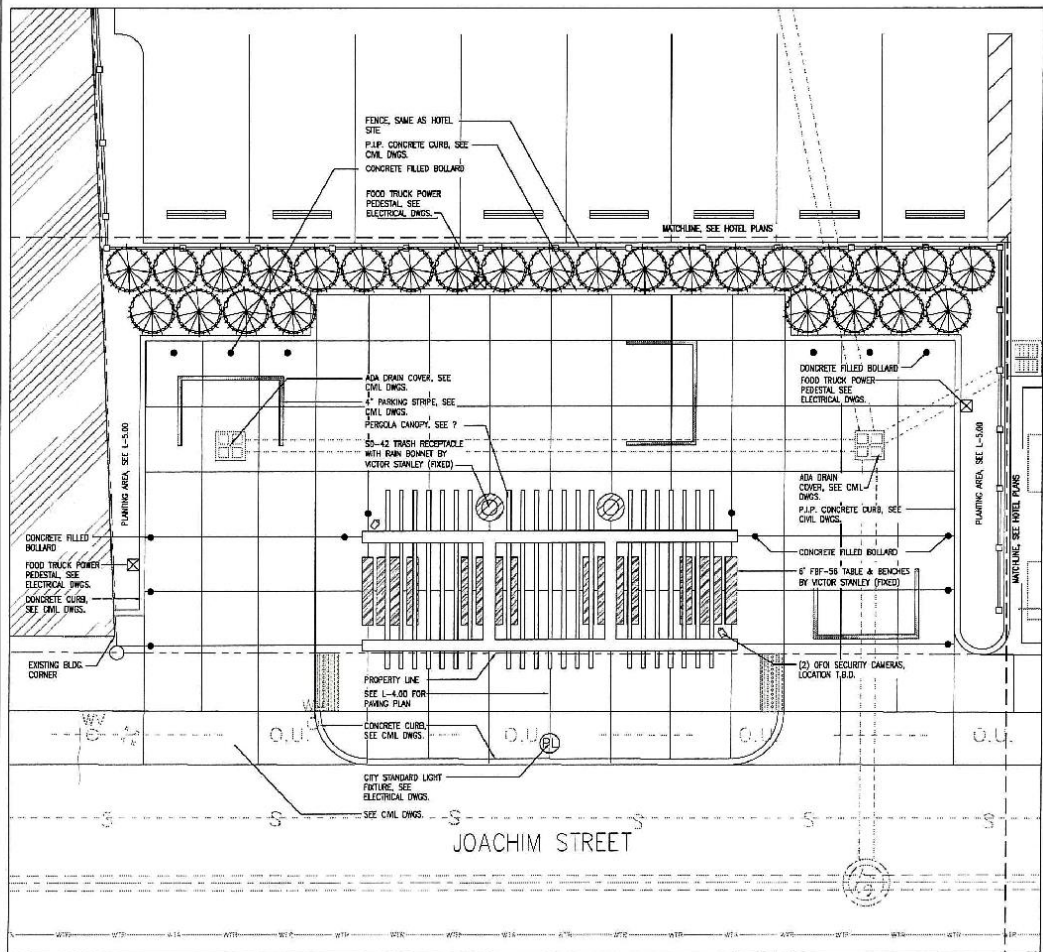
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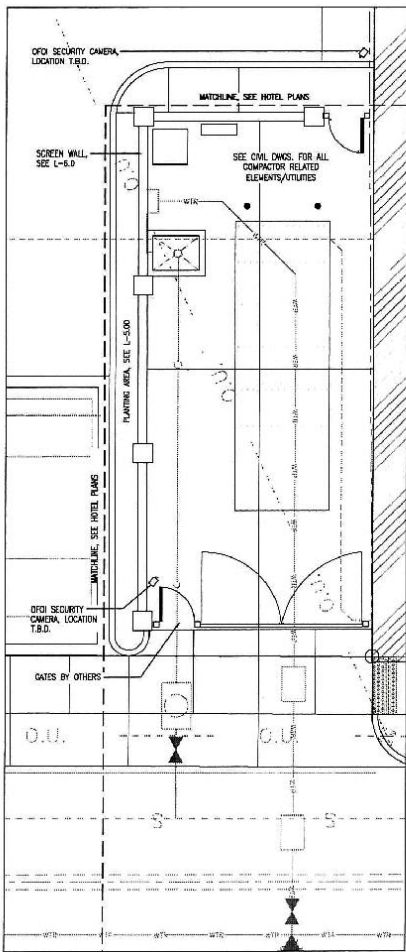
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DETAIL SITE PLAN



1 FOOD TRUCK COURT - OVERVIEW PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



2 COMPACTOR - OVERVIEW PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



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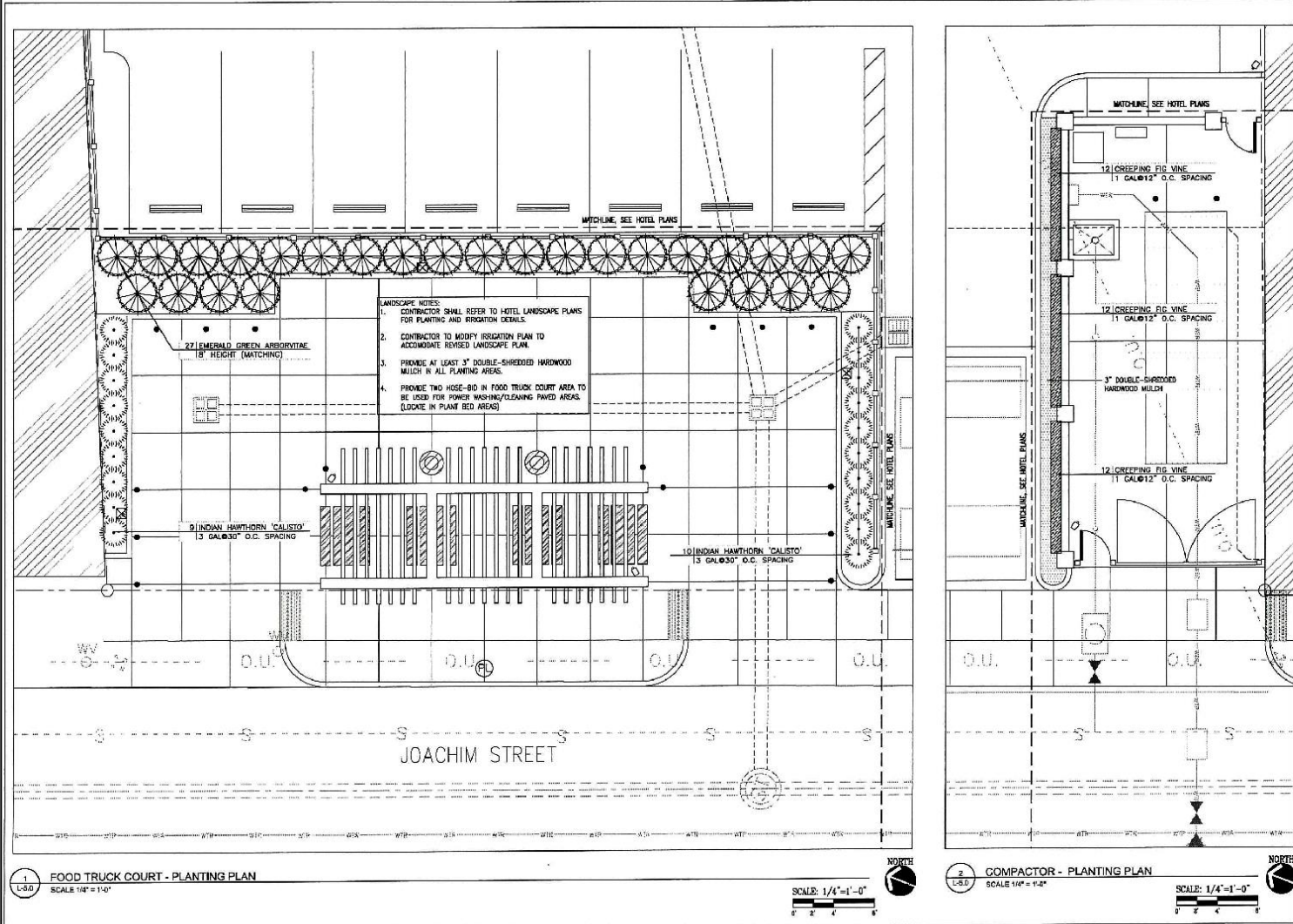
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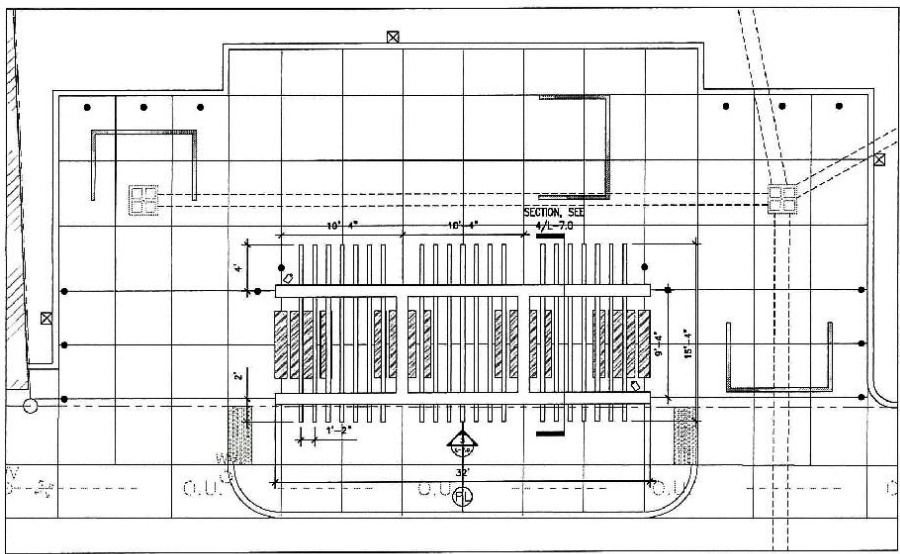
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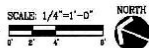


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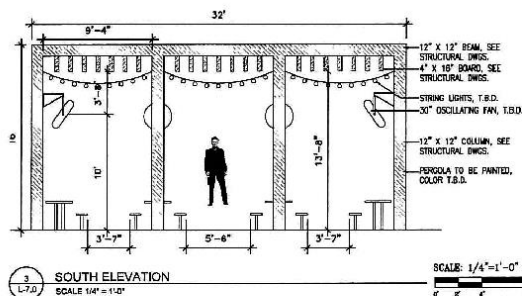
DETAIL SITE PLAN



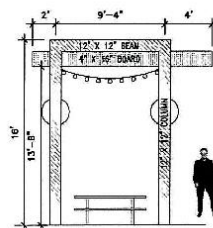
1 HILTON GARDEN INN - PERGOLA PLAN
SCALE 1/4" = 1'-0"



2 HILTON GARDEN INN - PERGOLA AXON
NOT TO SCALE



3 SOUTH ELEVATION
SCALE 1/4" = 1'-0"



4 SECTION A
SCALE 1/4" = 1'-0"



5 HILTON GARDEN INN - PERGOLA AXON
NOT TO SCALE

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