

APPLICATION NUMBER

5431

A REQUEST FOR

**SIGN VARIANCE TO ALLOW A FREESTANDING
MONUMENT SIGN (50 SQUARE FEET) FOR ONE
TENANT (BUSINESS) ON A MULTI-TENANT SITE WITH
A TOTAL OF 110 SQUARE FEET OF SIGNAGE
(EXISTING AND PROPOSED) IN A HISTORIC DISTRICT;
THE ZONING ORDINANCE ALLOWS ONE
FREESTANDING SIGN, AND A MAXIMUM OF 64
SQUARE FEET OF SIGNAGE IS ALLOWED PER TENANT
IN A HISTORIC DISTRICT.**

LOCATED AT

55 NORTH WATER STREET

(Northwest corner of North Water Street and Saint Francis Street)

APPLICANT/AGENT

QUALITY SIGN COMPANY

OWNER

EMPLOYEES RETIREMENT SYSTEM OF ALABAMA

BOARD OF ZONING ADJUSTMENT

September 2007

The applicant is requesting a Sign Variance to allow a freestanding monument sign (50 square feet) for one tenant (business) on a multi-tenant site with a total of 110 square feet of signage (existing and proposed) in a historic district; the Zoning Ordinance allows one freestanding sign, and a maximum of 64 square feet of signage is allowed per tenant in a historic district.

The subject site already has two wall signs permitted, each 30 square feet, for Wachovia Bank. The bank now wishes to erect a double faced monument sign in one of two location options in the green space between the sidewalk and building at the street corner. Each face is proposed to be 25 square feet (50 square feet, total), with an overall height of six feet. Since the site is in the Lower Dauphin Street Historic District, the proposed sign has had an Architectural Review Board review, and has received a Certificate of Appropriateness. The sign still must receive a variance to be installed, hence this application.

Since the site is a multi-tenant site located on a street corner in a historic district, each corner unit tenant is allowed two wall signs and a tenant panel on a freestanding or monument sign, with a total of 64 square feet allowed per tenant. The bank currently has the two wall signs, one facing Saint Michael Street, and one facing Saint Francis Street, totaling 60 square feet and now wishes to have its own monument sign with no provision for other tenants collocating on the sign, effectively making it a third tenant sign.

The applicant states that the condition preventing compliance with the Zoning Ordinance is that the historic district provisions only allow a total of 64 square feet per tenant for all signage. It is also stated that the site was not developed in a historic manner, but is still governed by the Architectural Review Board due to the fact that a historic structure was once located on the site prior to the current structure being built.

Although the historic district section of the Sign Regulation Provisions may be restrictive in allowances as compared to other districts, the fact remains that many other businesses have been able to operate within the historic districts while being compliant with these regulations. And, inasmuch as the Architectural Review Board approved the request, the allowance of a separate monument sign for one tenant on a multi-tenant site could establish an undesirable precedent on this and other sites, both within and out of historic districts.

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.

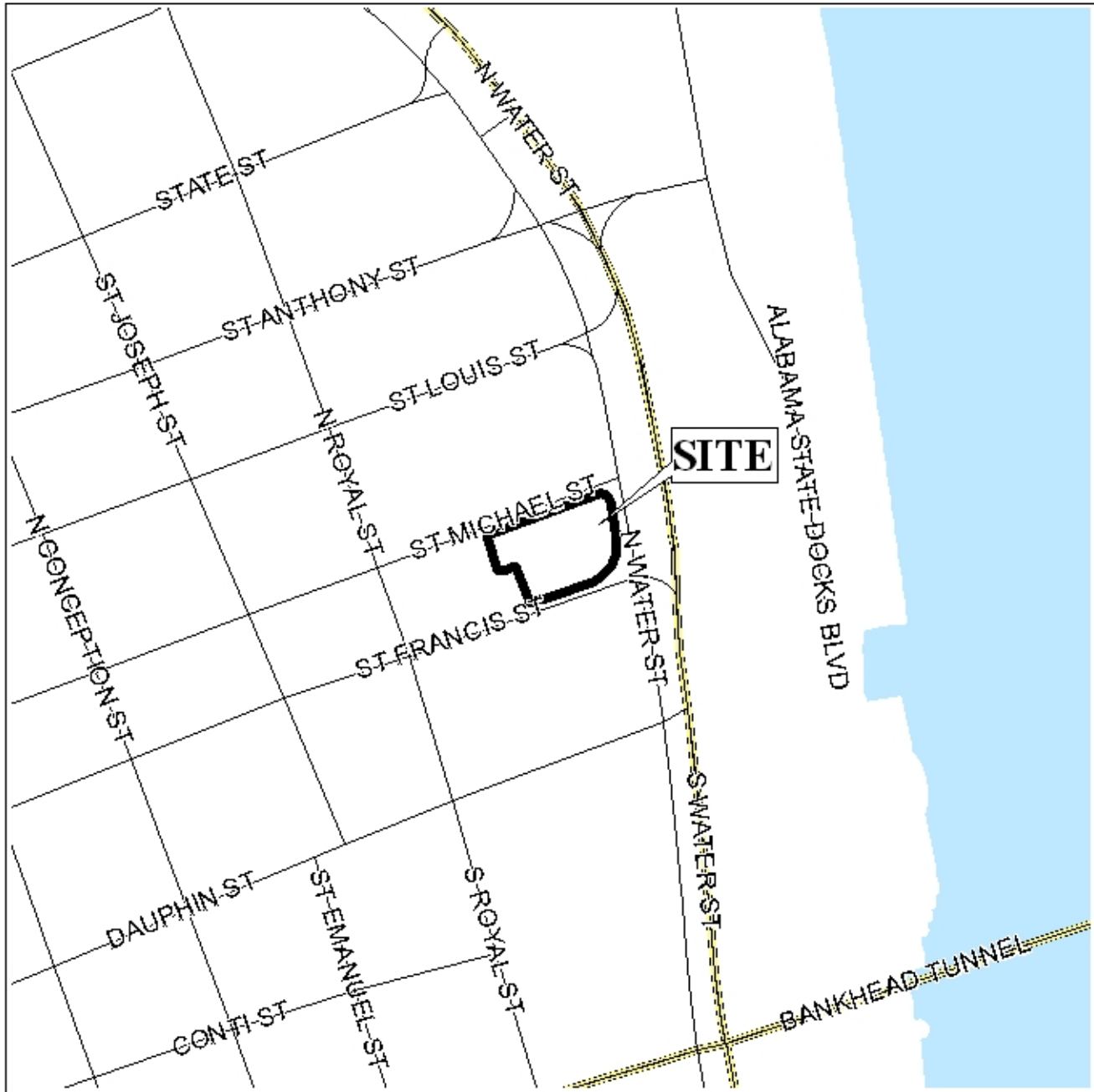
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined 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 install a freestanding monument sign for one tenant on a multi-tenant site with a total of 110 square feet of signage in a historic district.

RECOMMENDATION 5431**Date: September 10, 2007**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5431 DATE September 10, 2007

APPLICANT Quality Sign Company

REQUEST Sign Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

APPLICATION NUMBER 5431 DATE September 10, 2007

APPLICANT Quality Sign Company

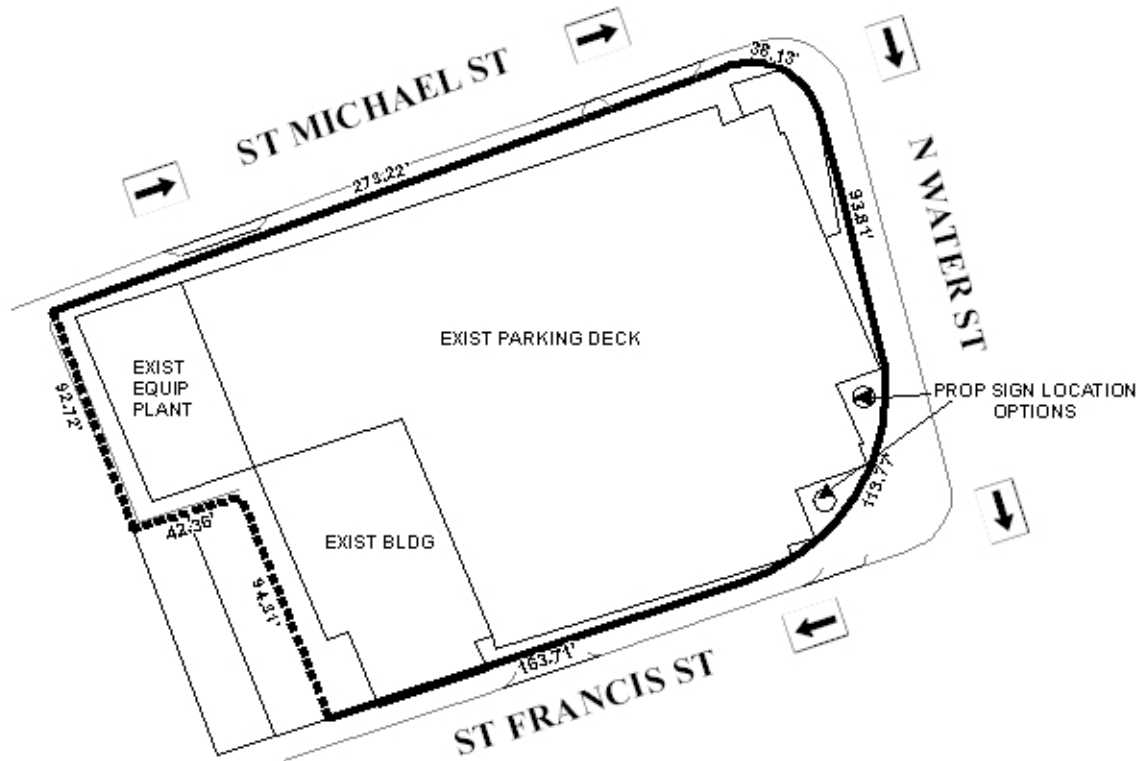
REQUEST Sign Variance

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

SITE PLAN



The site plan illustrates the existing buildings and proposed sign locations

APPLICATION NUMBER 5431 DATE September 10, 2007

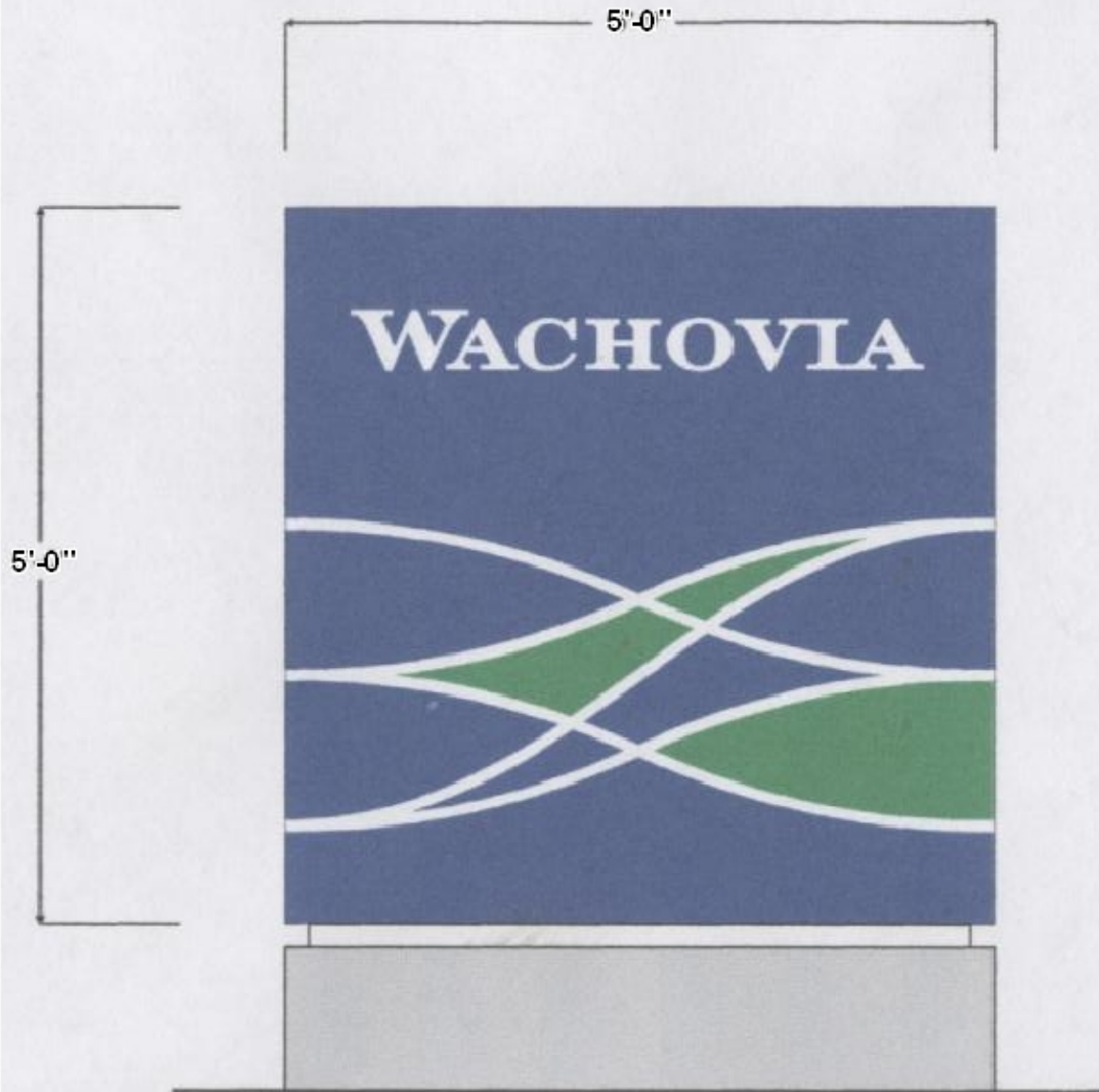
APPLICANT Quality Sign Company

REQUEST Sign Variance



NTS

SIGN DETAIL



APPLICATION NUMBER 5431 DATE September 10, 2007

APPLICANT Quality Sign Company

REQUEST Sign Variance



NTS