

APPLICATION NUMBER

5595/2945

A REQUEST FOR

**SIGN VARIANCE TO ALLOW TWO BUILDING WALL
SIGNS PROJECTING 5' ABOVE THE ROOFLINE IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT; THE ZONING
ORDINANCE DOES NOT ALLOW BUILDING WALL
SIGNS TO PROJECT ABOVE THE BUILDING ROOFLINE
IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

5753 OLD SHELL ROAD

(South side of Old Shell Road, 175'± West of South University Boulevard)

APPLICANT/AGENT

SIGNS PLUS, INC.

OWNER

STEVEN FRANK WELLER

BOARD OF ZONING ADJUSTMENT

JANUARY 2010

The applicant is requesting a Sign Variance to allow two building wall signs projecting 5' above the roofline in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow building wall signs to project above the building roofline in a B-2, Neighborhood Business District.

The subject site was previously "Solomon's". The applicant states that this request does not include illuminated signs, and based upon the presence of high traffic impacts the visibility of any signage erected at a size and setback as prescribed by the Zoning Ordinance. The applicant also states that this 5' variance will not be injurious to the neighborhood or detrimental to public welfare; and the approval of the variance would not confer on Signs Plus or Mr. Weller any special privilege denied by others. The applicant further states that they are a new business to the City of Mobile and their signage is like other businesses in the area (Mellow Mushroom, Hardees and other food service providers). A notice of violation was issued for the improper signage, hence this variance application.

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.

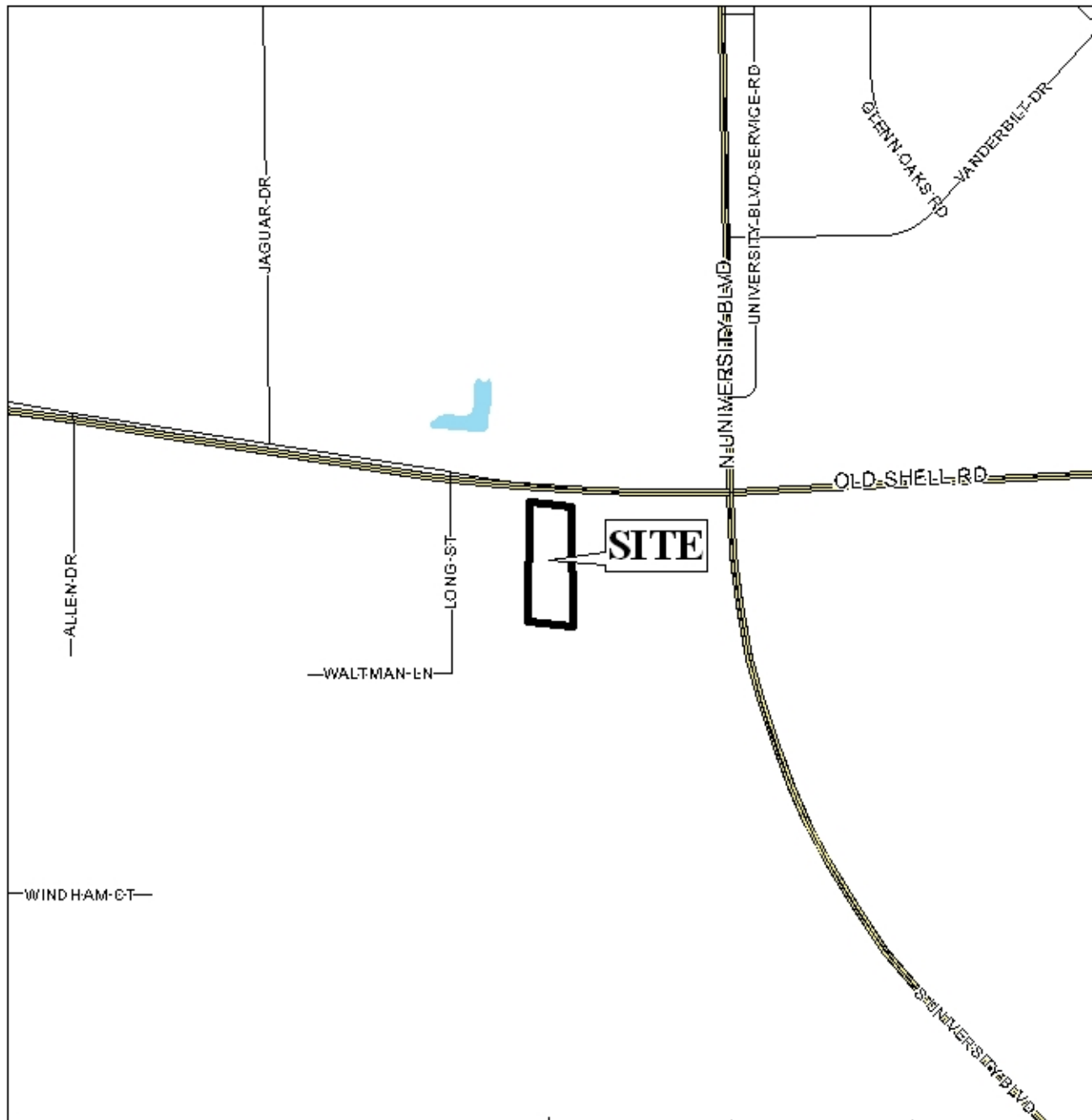
The presence of high traffic in the area negates an argument for roof-mounted signage. It should be noted that the 15.4' x 7.7' on-site freestanding sign is clearly visible from the Old Shell Road and University Boulevard intersection, negating the applicant's argument. Also, it should be pointed out that Hardee's, Mellow Mushroom, Waffle House, Camille's, Hungry Howie's and other nearby restaurants do not have signs extending above the roofline: allowing the applicant to have such a sign would be unfair to these businesses. One of the many purposes of the Sign Regulation Provisions is to preserve and promote the health, safety, and welfare of the citizens in the City of Mobile; therefore, erecting signage that projects above the roofline may constitute a direct danger to pedestrians and property, especially during periods of high winds.

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 erect two wall signs projecting 5' above the roofline.

RECOMMENDATION 5595/2945**Date: January 4, 2010**

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

LOCATOR



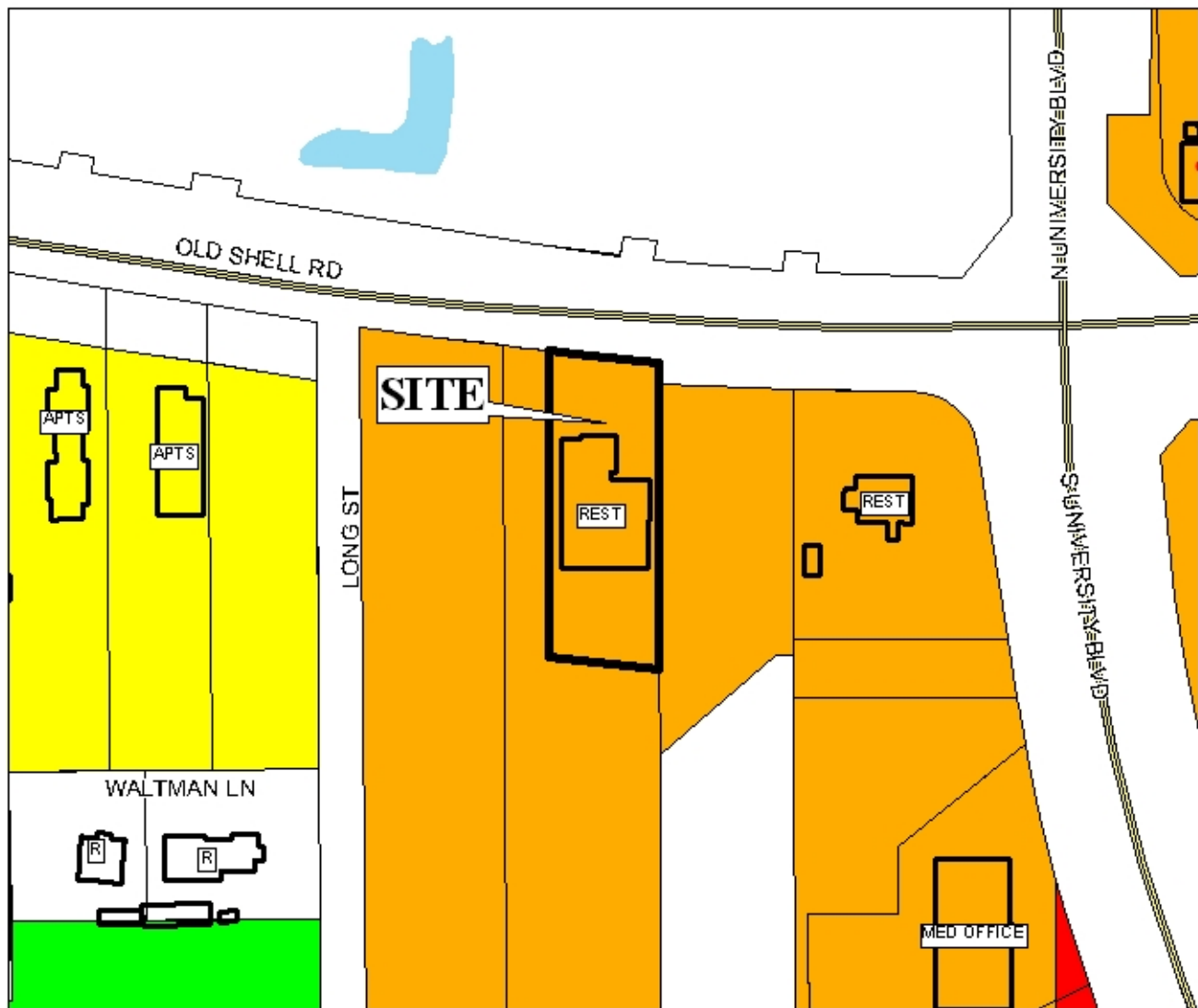
APPLICATION NUMBER 5595/2945 DATE January 4, 2010

APPLICANT Signs Plus, Inc.

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use with residential land use to the west.

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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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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use with residential land use to the west.

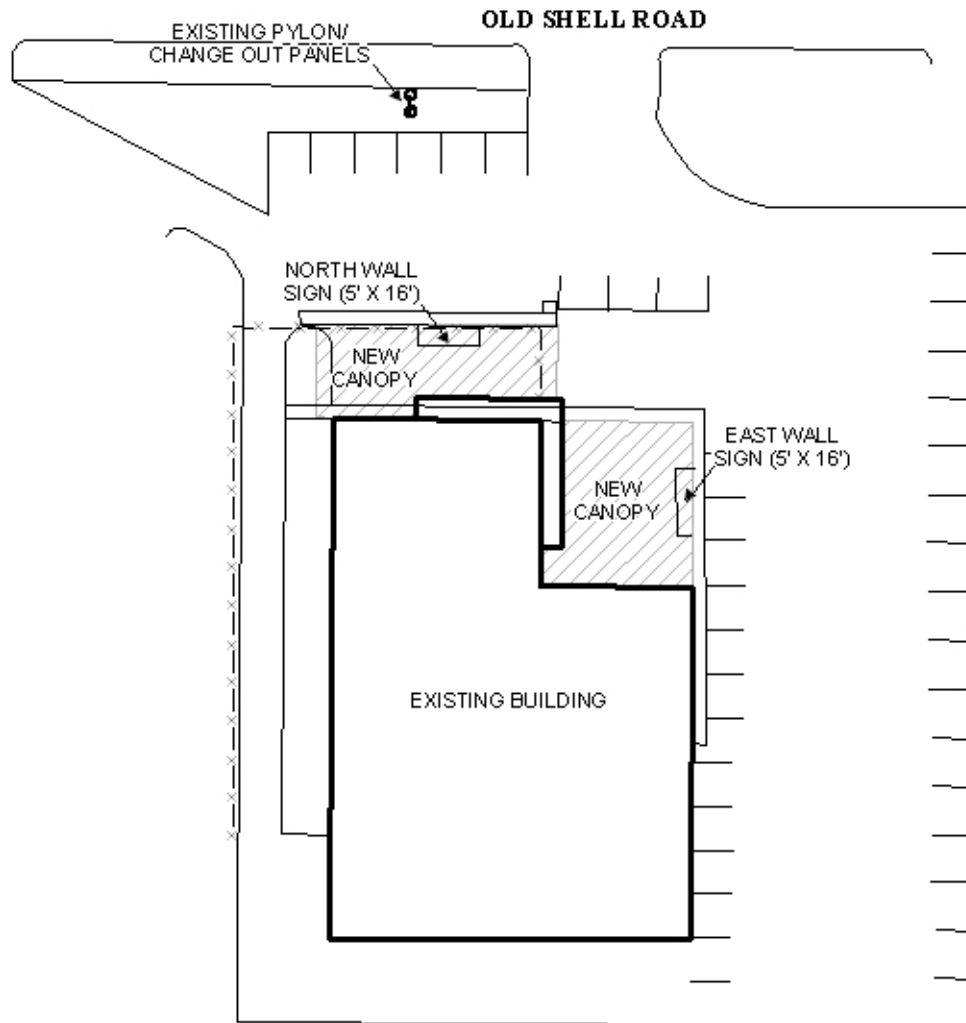
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SITE PLAN



This site plan illustrates the proposed signs' locations.

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