

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 2, 2015**

<u>CASE NUMBER</u>	6008/5824
<u>APPLICANT NAME</u>	Center for the Living Arts
<u>LOCATION</u>	301 Conti Street (Southwest corner of Conti and South Royal Streets)
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow two banner signs, one 287± square feet and one 323± square feet, to be hung for a six-month period at a non-profit art facility in a T5.2 Sub-district.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow banners in a T5.2 Sub-district.
<u>ZONING</u>	T5.2, medium intensity mixed-use.
<u>AREA OF PROPERTY</u>	39,690± sf.
<u>ENGINEERING COMMENTS</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 two banner signs, one 287± square feet and one 323± square feet, to be hung for a six-month period at a non-profit art facility in a T5.2 Sub-district; the Zoning Ordinance does not allow banners in a T5.2 Sub-district.

The applicant proposes to hang the banners until April 30, 2016, but does not specifically identify any anticipated start date. The exhibition associated with the banners is on display from March 12, 2015 through April 30, 2016: The exhibition has been open for 8 months, without the requested banners.

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.

Applicant's statement:

1. *The purpose of this application is to allow:*

Centre for the Living Arts (DBA Alabama Contemporary Art Center) located at 301 Conti Street, Mobile, AL 36602 respectfully requests permission to hang two oversized banners with extended time period providing the name of our current exhibition (History Refused to Die) on the exterior walls of building from the approved time through April 30, 2016. These banners will hang for the entire exhibition and spark the interest of the community to visit the gallery. Located on Cathedral Square in the former Press Register building, it is our belief that the banners will aid in clarifying that Alabama Contemporary Art Center is an art gallery, and that we have much to offer visitors, who are both local and out-of-town.

In addition to our exhibition, which is offered free to the public every Friday, the Alabama Contemporary is currently organizing a slate of educational and public programming to compliment and amplify History Refused to Die, which features over 75 works by 15 Alabama self-taught artists from the collection of William S. Arnett and Souls Grown Deep Foundation. History Refused to Die examines the textured African American experience in Alabama.

2. *What are the conditions, items, facts, or reasons which prevent you from complying with the requirements of the Zoning Ordinance?*

No known conditions or reasons

3. *How did the conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur?*

No known conditions or reasons.

4. *How is this property different from neighboring properties?*

We are the only down town contemporary art gallery.

The applicant was previously granted a Sign Variance at the Board of Zoning Adjustment's May 6, 2013 meeting to allow two banner signs, one 264 square feet and one 300 square feet, to be hung for a nine-month period. It appears as though the applicant is proposing to increase the square footage of each proposed banner by 23 sf; however, the anticipated size increase does not appear to have any more of an adverse effect on the surrounding neighborhood than the previously approved banners or the existing murals on the building.

The site is within the Downtown Development District, and the sign regulations for the DDD do not allow banners in any sub-districts.

The site is adjacent to Cathedral Square, is one block from Dauphin Street and thus within an area of downtown that accommodates many frequent and pedestrian-oriented events and festivals through the year. The proposed banners would not appear to be contrary to the public's interest and special conditions appear to exist as this site is located within one of the city's two established entertainment districts and the fact that the Center for the Living Arts is the only downtown contemporary art gallery and adequate signage is an important component in sustaining a valued quality of life for nearby residents and visitors to the downtown area.

It should be pointed out that this site is also located within the Church Street East Historic District. Should the Board consider approval of the current request, the City of Mobile Architectural Review Board and Mobile Historic Development Commission approval will be required. Furthermore, the applicant will be required proper sign-related permitting in upholding the spirit of the Chapter.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

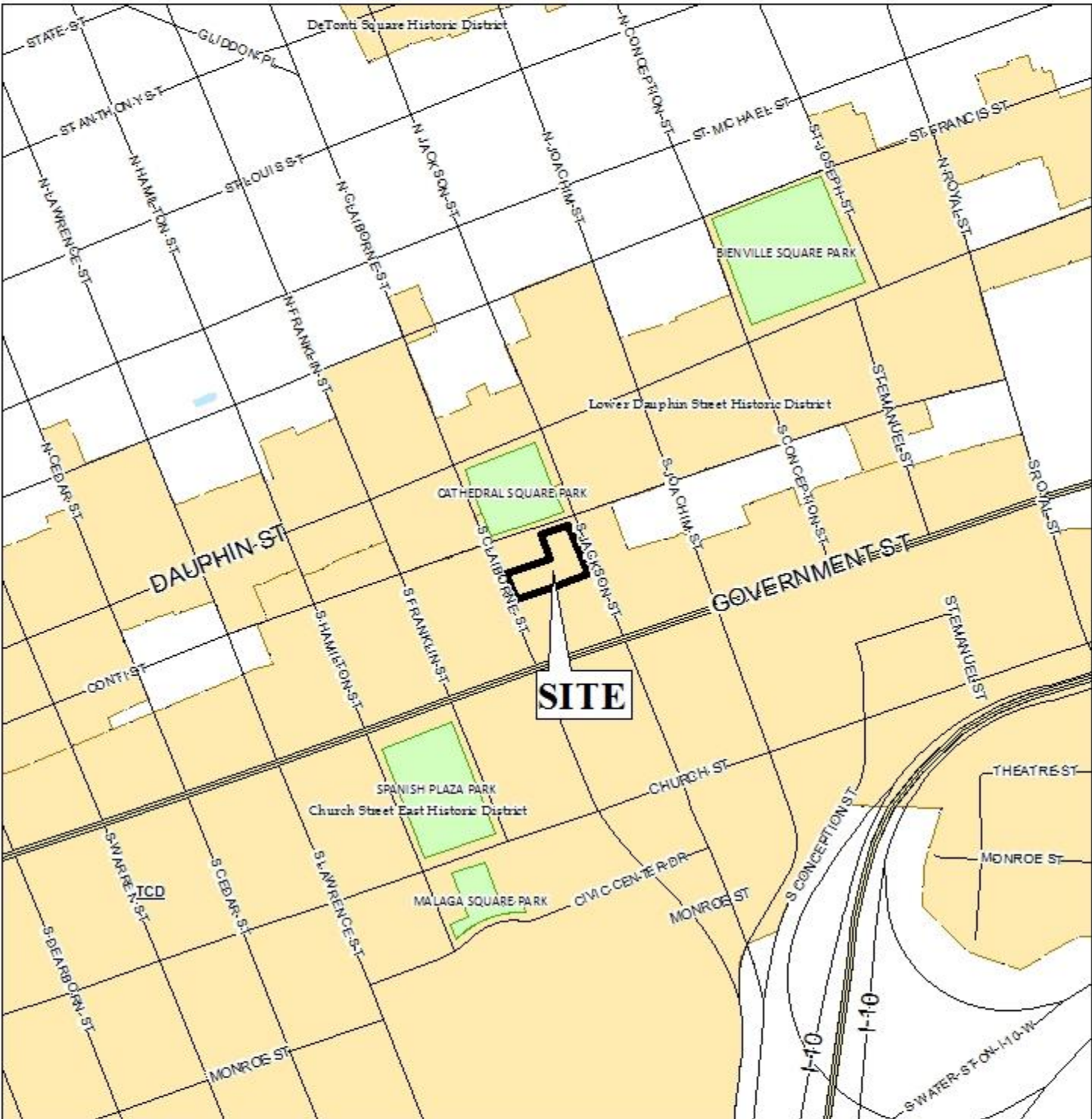
- 1) Approving the variance request will not be contrary to the public's interest given the fact that the Board approved a similar request for this site in 2013 and the fact that adequate signage is important for residents and visitors that frequent this area of downtown;
- 2) Special conditions appear to exist, given the building's location within one of the city's two established entertainment districts and its proximity to Cathedral Plaza and Dauphin Street, 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 since the banners' duration will not exceed April 30, 2016, the applicant will be required to obtain all applicable historic district approvals, and the fact that the Center for the Living Arts is the only downtown contemporary art gallery and not approving the variance may result in unnecessary hardship for nearby residents and visitors to the area due to an insufficient amount of signage.

The approval is subject to the following conditions:

- 1) Approval from the City of Mobile Architectural Review Board / Mobile Historic Development Commission, prior to permitting;

- 2) Obtainment of the proper sign-related permits for both banners; and
- 3) Banners to be removed by April 30, 2016.

LOCATOR MAP



APPLICATION NUMBER 6008 DATE November 2, 2015

APPLICANT Centre for the Living Arts

REQUEST _____ Sign Variance _____



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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APPLICANT Centre for the Living Arts

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



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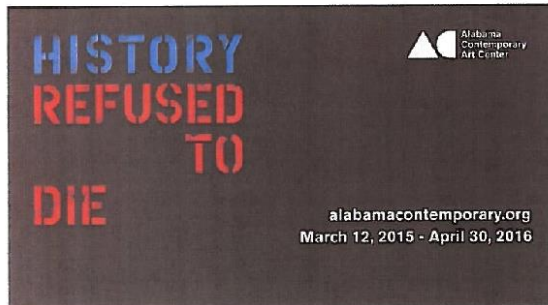
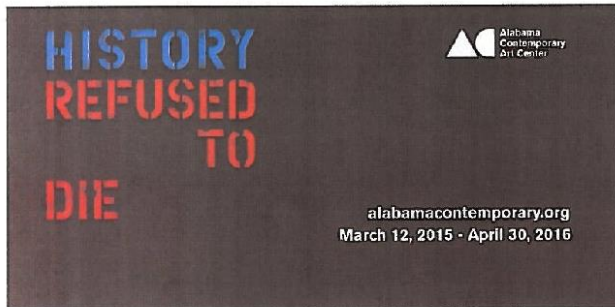


DETAIL SITE PLAN

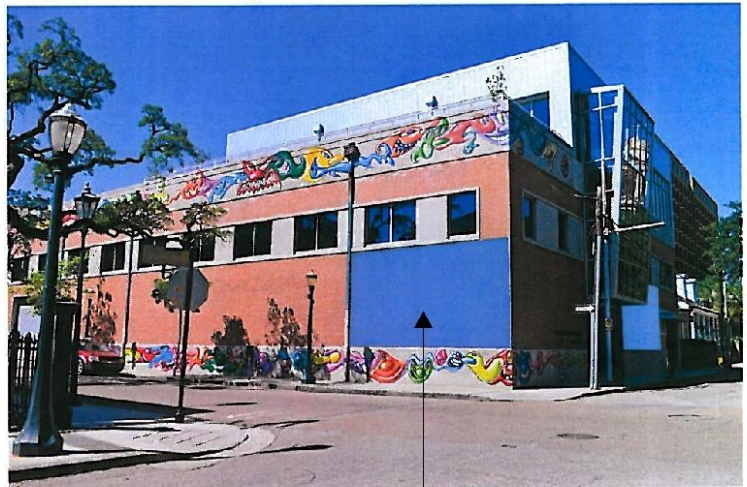
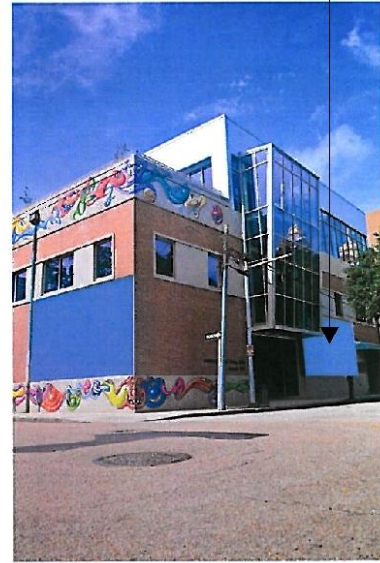
BANNERS

Conti Street Exterior Wall: 25' 5" wide x 12' 8" long

Jackson Street Exterior Wall: 22' 7" wide x 12' 8" long



CONTI ST BANNER



JACKSON ST BANNER

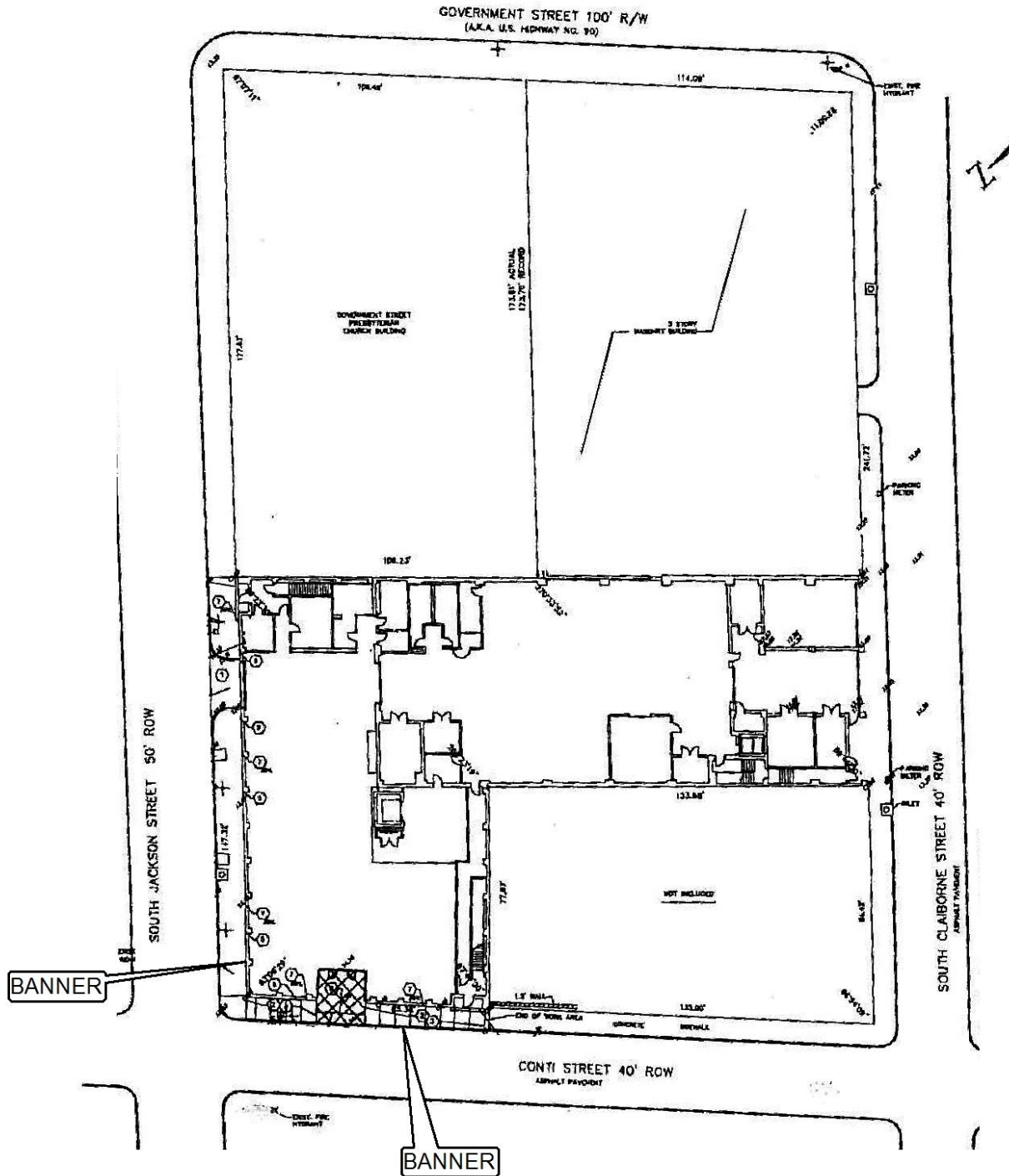
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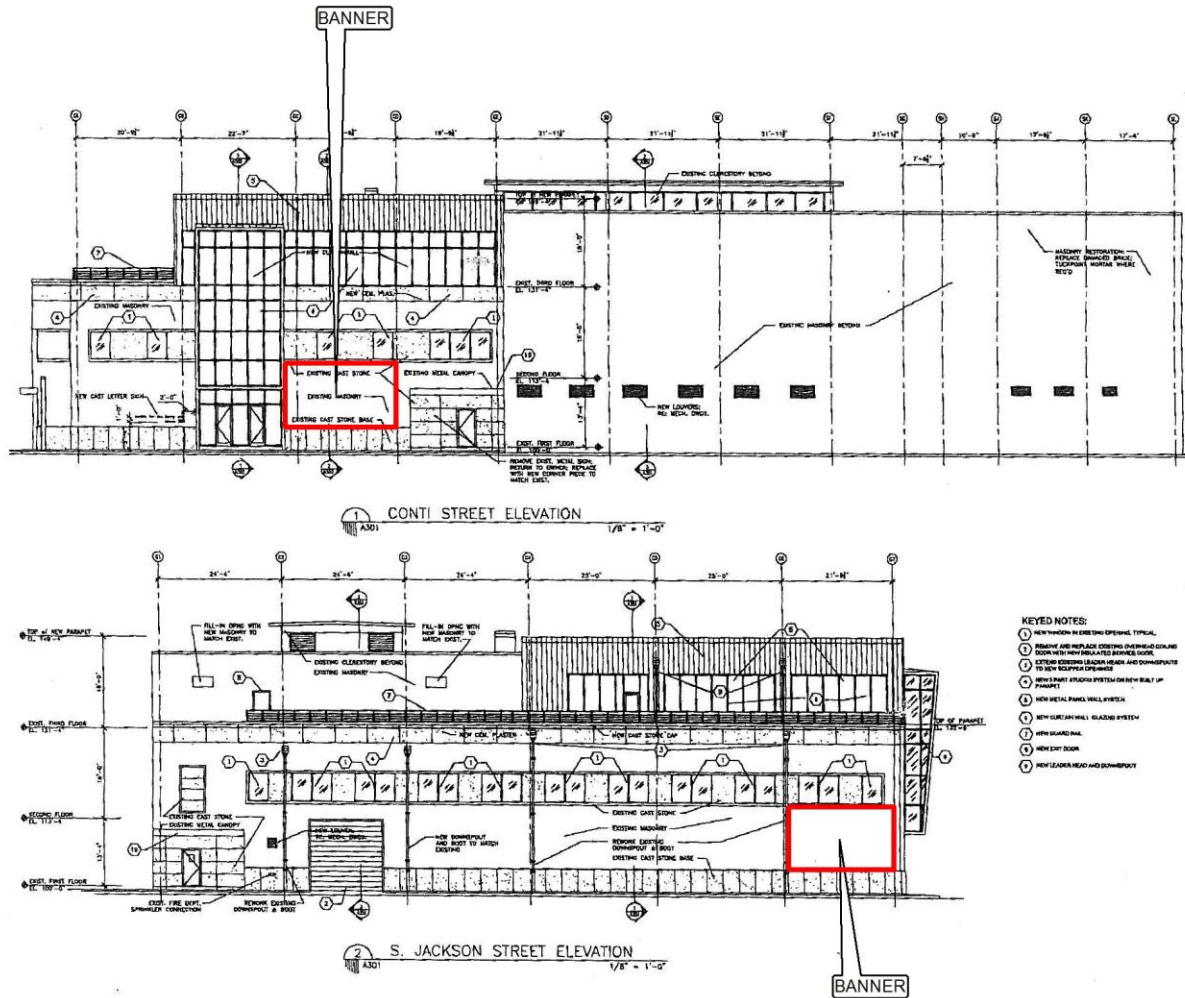
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