

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: January 5, 2015

<u>CASE NUMBER</u>	5943/5732/5632
<u>APPLICANT NAME</u>	Mobile Area Chamber of Commerce
<u>LOCATION</u>	451 Government Street (Block bounded by Government Street, South Hamilton Street, Church Street, and South Lawrence Street).
<u>APPEAL</u>	Appeal of the Architectural Review Board denial to allow two (2) 25' x 10' wall banners.
<u>ZONING</u>	FBC T4 and FBC T5.2
<u>AREA OF PROPERTY</u>	49,056 Square Feet / 1.1± Acres
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting an Appeal of the Architectural Review Board (ARB) denial to allow two (2) 25' x 10' wall banners; the Zoning Ordinance states that any person aggrieved by a decision of the ARB may, within fifteen (15) days thereafter, appeal such decision to the Board of Zoning Adjustment.

The applicant submitted an application to the ARB to allow two (2) 25' x 10' wall banners and eight (8) 3' x 2' gas light post banners to be hung at its office site on Government Street. Since the site is within the Church Street East Historic District, all exterior signage must be approved by the ARB. The ARB approved the light post banners, but denied the wall banners. The Zoning Ordinance specifies that grievances with the ARB's decisions concerning signage must be made through the Board of Zoning Adjustment; hence this application.

The site is also within the Downtown Development District (DDD) where banners are not allowed by the Zoning Ordinance and the applicant has also submitted a Sign Variance request to allow the banners in the DDD to be heard in conjunction with this appeal.

The applicant's banner request was heard at the December 3, 2014, ARB meeting. Although the ARB staff recommended approval of the entire request based upon the belief that the banners would not impair the architectural and historical character of the surrounding district, and a request for the same signage had been approved by the ARB in January, 2012, for the Chamber's 175th anniversary celebration, the ARB denied the wall banners request on the basis that those banners would impair the historic integrity of the district or the building. The applicant had contended that the signage could be redesigned to work in concert with an upcoming 180th anniversary for the Chamber, but the ARB informed the applicant to apply for those celebratory banners closer to that anniversary date. There was no public opposition to the applicant's request at the ARB meeting.

For this appeal the applicant states: *"On December 3, 2014, The Architectural Review Board (ARB) denied the Chamber of Commerce's request to allow continued display of wall banners. The Mobile Area Chamber is appealing the ARB's decision for the following reason:*

A historic oak tree dominates the front (Government Street) view of the building (which is nearly 200 ft from Government Street). The Chamber is the business advocate for the City of Mobile and spearheads ongoing economic development and job growth.

1. *The staff provided the ARB with valid, fact-based (as agreed upon by the ARB and noted in the minutes) reasons to support this application.*
2. *Signage on the Mobile Area Chamber of Commerce building does not obscure any of its architectural features (plain brick façade) or the historic integrity of the district. The building was constructed in the 1970s, and is flanked by a parking lot, a park, a "strip mall-type" building (across Government Street) and two businesses in historic structures.*
3. *Placement of the banners neither impacts nor detracts the sight line of any historic structure located within the building's perimeter. There are no residences around the building's Government Street side, where the banners are located. In 2011, the Chamber removed 8 ft. x 8 ft. banners that flanked the west and south side of the building. They were originally hung as part of the Chamber's 175th anniversary, and were taken down in December 2011.*
4. *The two banners on the front of the Chamber have a two-fold message — one of community pride, and the other of Chamber membership. The emphasis of copy on the banners "Believe in Mobile." The banner design is simple and clear and in keeping with the buildings modern architecture.*
5. *There was a misunderstanding in discussion of the Chamber's 180th celebration. We will not be promoting that anniversary.*
6. *Mr. Blackwell correctly noted that use of the banners do not distract from the modern character of the Chamber building, the mission of this organization to be a pro-business advocate to promote the Mobile area's well-being.*
7. *The Hearin Oak, a nearly 250+ year-old live oak, is the dominant feature of the Chamber's property at 451 Government Street. The banners and a good portion of the building are covered from street view due to the tree, which the Chamber maintains and values."*

"There was misunderstanding (during the December 3rd ARB hearing) that the Chamber would be using banners to celebrate its 180th anniversary. It is not."

“Larger, progressive metropolitan areas throughout the United States - including Washington, Philadelphia and Chicago are use wall banners for marketing and to raise awareness. See enclosed photographs.”

“Mr. Blackwell's statement (according to in the December 3rd ARB hearing minutes) explains that the Metropolitan Museum of Art in New York (one of historic cultural significance) is ordinarily festooned with banners that do not detract from its character or mission.”

“Just as the display of wall banners on the Metropolitan Museum of Art in New York serves as a highlight of its appeal, so do wall banners on the Mobile Area Chamber of Commerce.”

“The Chamber is requesting reconsideration of the wall banner denial by the Architectural Review Board. The banners' white background and simple design increase visibility and aesthetics of the building. The banners will read, "Believe in Mobile. Belong to the Chamber".”

Given the non-historic status of the building and the general mission of the Chamber of Commerce to serve as a progressive advocate for business needs to promote the Mobile area's economic well-being, it would seem reasonable that positive modern imagery would be necessary to enhance that mission. The contributions made by the Chamber make it the leading catalyst for economic expansion in the Mobile area, building more opportunity and an enhanced quality of life for its citizens. Yes, the site is within a historic district and banners are not allowed within the new DDD, but a progressive community must present progressive imagery, especially at the main headquarters of an organization devoted to the over-all economic enhancement of an area. With that being said, the disallowance of the wall banners would not allow the Chamber to fully exhibit its efforts and to promote new membership within. Staff is of the opinion that the ARB should have considered more than just historical aesthetics when making its determination.

RECOMMENDATION

Since this is an appeal of the Architectural Review Board, the Board of Adjustment should consider all factors. Based upon the preceding, this application is recommended for approval, subject to the following condition:

- 1) the approval by the Board of Zoning Adjustment of the applicant's associated Sign Variance request to allow the two wall banners.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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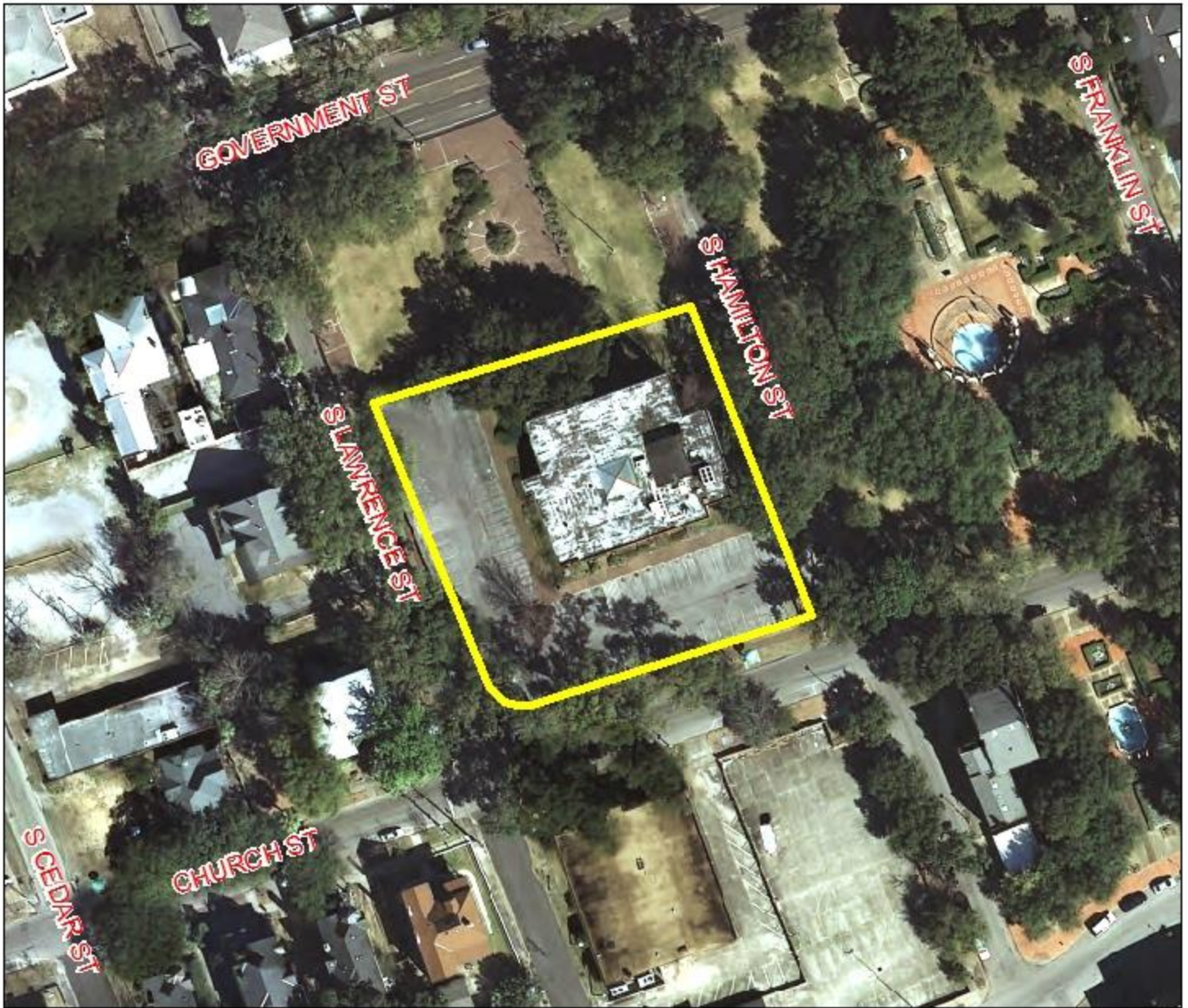
APPLICANT Mobile Area Chamber of Commerce

REQUEST Administrative Appeal of ARB Decision

 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 ZONING**



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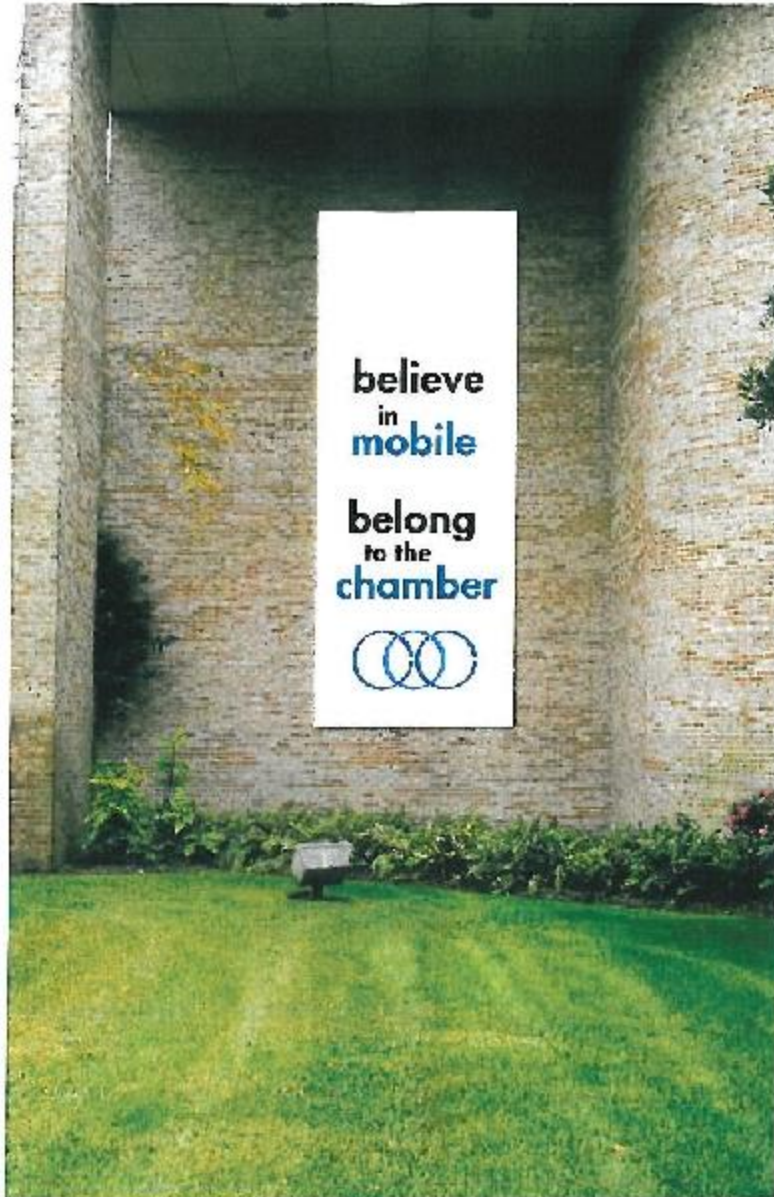
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DETAIL SITE PLAN



PROP 25FT X 10FT WALL BANNER

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