

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: January 5, 2015

CASE NUMBER 5944/5732/5632

APPLICANT NAME Mobile Area Chamber of Commerce

LOCATION 451 Government Street
(Block bounded by Government Street, South Hamilton Street, Church Street, and South Lawrence Street).

VARIANCE REQUEST **SIGN:** Sign Variance to allow two (2) 25’ x 10’ wall banners, and eight (8) 3’ x 2’ gas light post banners in the Downtown Development District.

ZONING ORDINANCE REQUIREMENT **SIGN:** The Zoning Ordinance does not allow banners in the Downtown Development District.

ZONING FBC T4 and FBC T5.2

AREA OF PROPERTY 49,056 Square Feet / 1.1± Acres

ENGINEERING COMMENTS No comments

TRAFFIC ENGINEERING COMMENTS No traffic impacts anticipated by this variance request.

CITY COUNCIL DISTRICT District 2

ANALYSIS The applicant is requesting a Sign Variance to allow two (2) 25’ x 10’ wall banners and eight (8) 3’ x 2’ gas light post banners in the Downtown Development District; the Zoning Ordinance does not allow banners in the Downtown Development District.

The applicant proposes to hang the banners from January 2015 to December 2017.

The applicant was granted a Sign Variance in January, 2012, to allow the same banners as proposed in this application for an eighteen month period to celebrate their “Believe in Mobile” campaign, and was also granted a Sign Variance in September, 2010, to allow two 25’ x 10’ wall banners, three 5’ x 5’ wall banners (with a total of 575 square feet of banners), and four 3’ x 2’ lamp post signs, for a period of sixteen months in celebration of the Chamber’s 175th anniversary

of promoting the economic, cultural, historic, and tourism aspects of the City of Mobile and the local area.

As in the previously approved variance, the proposed wall banners would be hung on the building walls and the lamp post signs would be hung below the arms of various gas antique-style lamps on the property. The City Council adopted the Form Based Code Ordinance in the spring of 2014 which created the Downtown Development District (DDD). The Signage Standards of that ordinance do not allow any banners in the DDD as had been previously allowed when the subject site was zoned B-4, General Business; hence this application.

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.

Variations 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 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.

As the site is within the Church Street East Historic District, the Architectural Review Board (ARB) must approve any proposed signage. The applicant appeared before the ARB at its December 3rd meeting for approval of the proposed banners. Although recommended for approval by the ARB staff, the Board denied the request for the two wall banners. That denial is the subject of an associated Appeal to the Board of Zoning Adjustment. The proposed banners on the lamp posts were approved.

The applicant states: *"The Mobile Area Chamber of Commerce is requesting approval for continued display of two 25ft. X 10ft. banners and four sets of 3ft. X 2ft. gas light posts on its single tenant commercial property, located at 451 Government Street, from January 2015 — December 2017. Each banner and set of gas light posts will bear the message (on a solid background): Believe in Mobile. Belong to the Chamber. As evident in the enclosed photographs, a historic oak tree dominates the front (Government Street) view of the building - which compromises visibility."*

"Neighboring properties include a city-owned park, state government offices, commercial businesses and residential properties."

The Board has typically been lenient toward granting Sign Variances for single businesses occupying larger structures in the historic districts. Inasmuch as the Chamber of Commerce serves to promote the entire Mobile area's economic development and not just one particular business, approval of this application would be justified, especially in such stressful economic times when local area promotion is vitally important to all governmental and business interests.

It should be noted that in May, 2014, the United States Department of Commerce awarded the Chamber the President's "E" Star Award for Export Service, the highest recognition bestowed in the United States for contributing to the expansion of U.S. exports. That, coupled with the recent naming of Mobile as one of the top fifteen Hottest American Cities for 2015, should justify the allowance of special promotion of the Chamber's efforts.

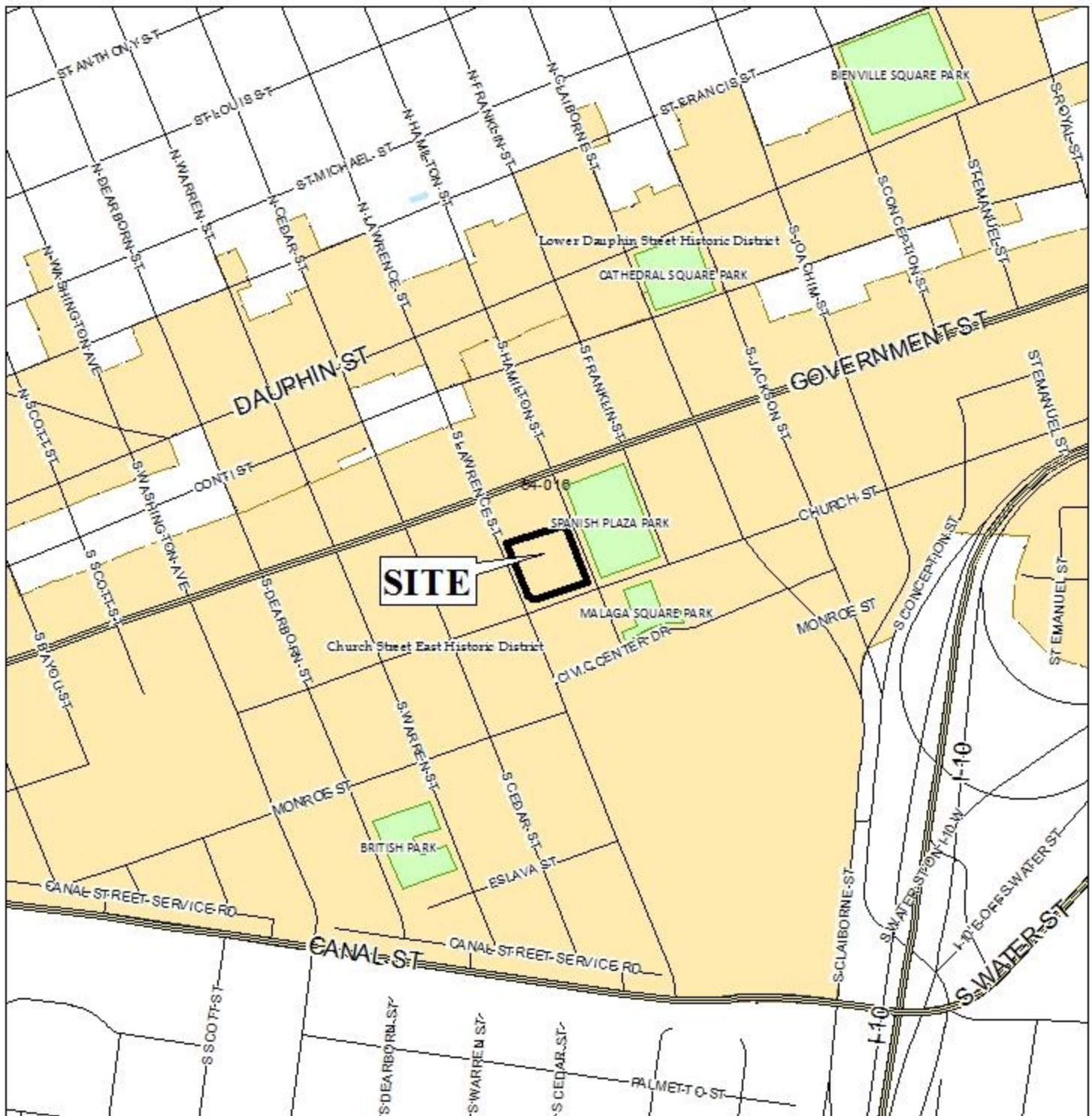
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that the site is the headquarters for an organization which promotes the economic enhancement of a community in general and not a specific business, the variance will not be contrary to the public interest;
- 2) These special conditions (the Downtown Development District Signage Standards make no reference to allowing banners, nor do the Standards specifically disallow banners) exist such 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 in that the banners will serve to promote the activities of an organization devoted area-wide enhancement.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) the banners are allowed for the period of January 2015 to December 2017;
- 2) the approval by the Board of Zoning Adjustment of the appeal of the Architectural Review Board's denial of the wall banners; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5944 DATE January 5, 2015

APPLICANT Mobile Area Chamber of Commerce

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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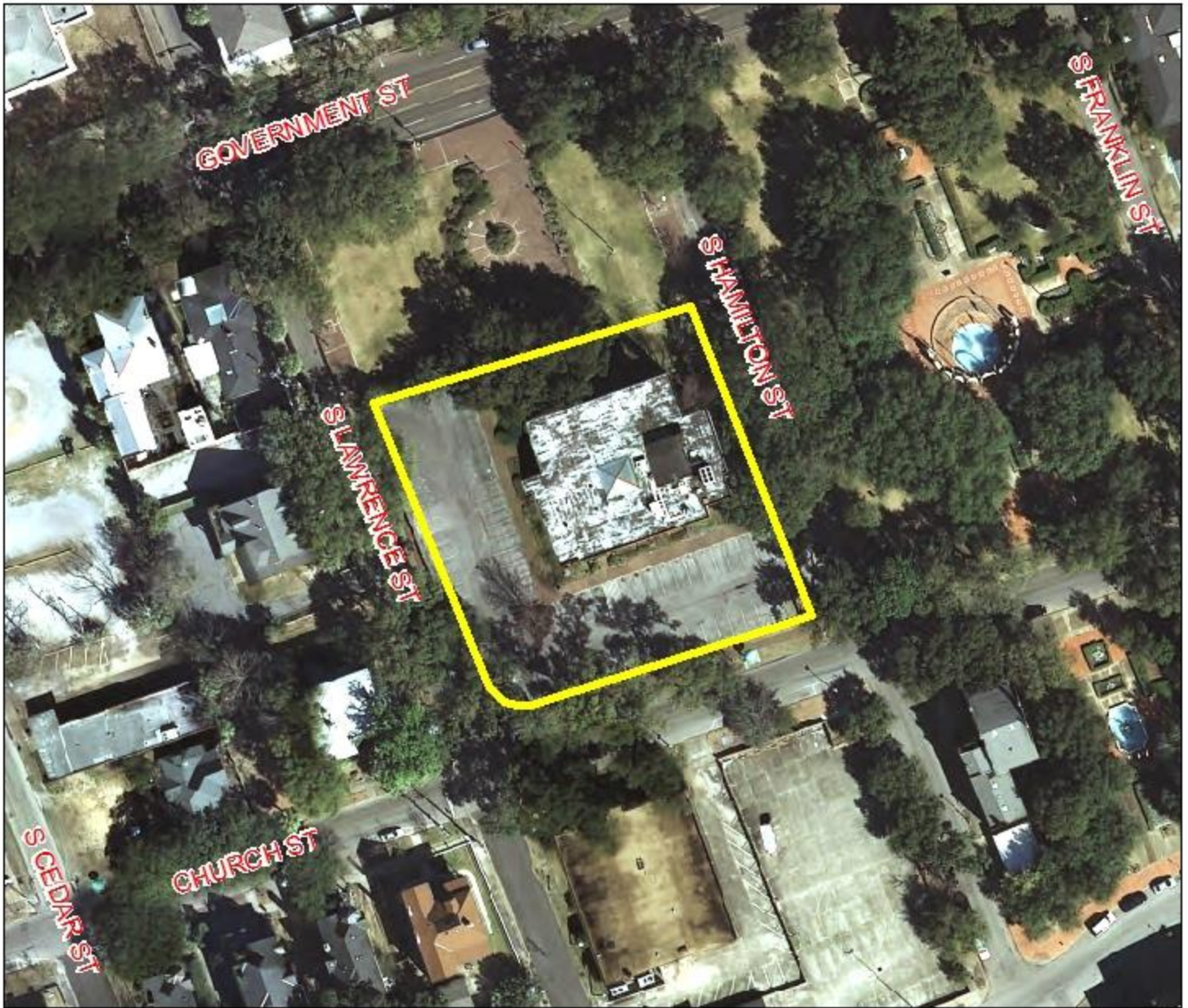
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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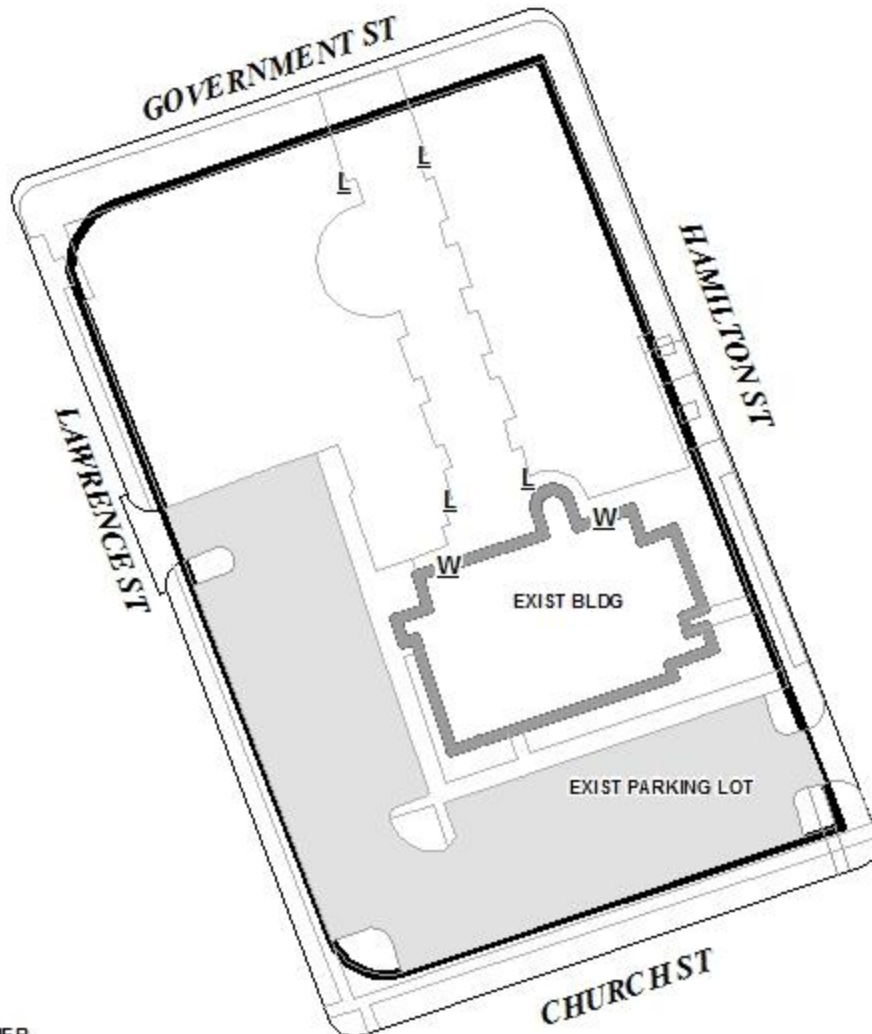
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SITE PLAN



W= EXIST WALL BANNER
L= EXIST LAMP POST

The site plan illustrates the existing development.

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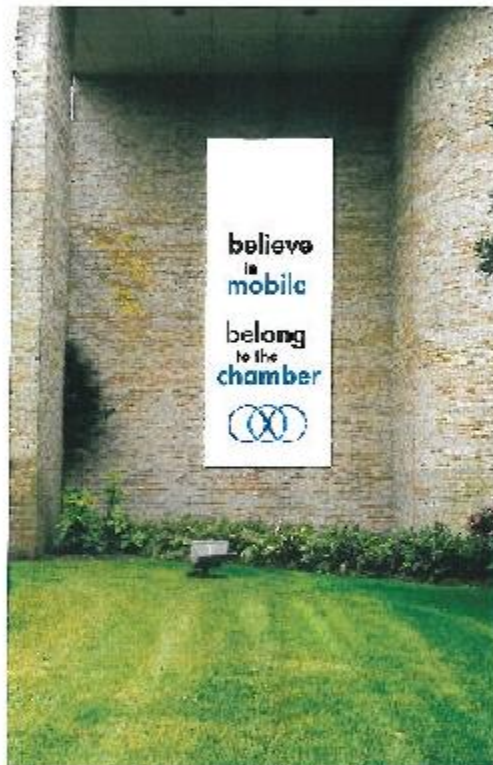


BANNER DETAIL

PROP 3FT X 2FT LAMP POST BANNERS



EXIST LAMP POST BANNER APPROVED BY VARIANCE 5632



PROP 25FT X 10FT WALL BANNER

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