

APPLICATION NUMBER

5549/5389/4356

A REQUEST FOR

**SIGN VARIANCE TO AMEND A PREVIOUSLY
APPROVED SIGN VARIANCE TO ALLOW THE
ADDITION OF A 37.5 SQUARE-FOOT, DOUBLE SIDED,
FREESTANDING MONUMENT SIGN TO THE EXISTING
5 WALL SIGNS FOR A TOTAL OF 6 SIGNS, AND 364
SQUARE FEET OF SIGNAGE FOR A TENANT IN A
MULTI-TENANT SITE; THE ZONING ORDINANCE
ALLOWS A MAXIMUM OF 1 WALL SIGN PER TENANT
AND 1 FREESTANDING SIGN FOR THE ENTIRE
DEVELOPMENT, AS WELL AS A MAXIMUM
ALLOWABLE TOTAL SIGNAGE OF 64 SQUARE FEET
PER TENANT IS ALLOWED IN A HISTORIC DISTRICT
IN A B-4, GENERAL BUSINESS DISTRICT.**

LOCATED AT

301 GOVERNMENT STREET

(Block bounded by Government Street, Jackson Street,
Church Street, and Claiborne Street)

APPLICANT

BAYOU, INC. (dba HOLIDAY INN)

BOARD OF ZONING ADJUSTMENT

AUGUST 2009

The applicant is requesting a Sign Variance to amend a previously approved sign variance to allow the addition of a 6-foot high, 37.5 square-foot, double sided, freestanding monument sign to the existing 5 wall signs for a total of 6 signs, and 364 square feet of signage for a tenant in a multi-tenant site; The Zoning Ordinance allows a maximum of 1 wall sign per tenant and 1 freestanding sign for the entire development, as well as a maximum allowable total signage of 64 square feet per tenant is allowed in a historic district in a B-4, General Business District.

The subject site is within the Church Street Historic District and the Zoning Ordinance limits signage to 64 square feet per tenant in historic districts. In 1992, the site's tenants requested a variance to allow 277.5 square feet of signage; they were granted approval to allow 254 square feet of signage for the hotel. In 2006, the Board approved a Holiday Inn request for a variance to amend the 1992 variance to increase the overall square footage to 507 square feet, and increase the number of signs from four walls signs to five. The applicant now requests a monument sign for travelers on Government Street.

The applicant states that guests of the hotel have complained that there is not a ground level sign identifying the hotel on Government Street. The applicant further states that the present signage that the hotel has cannot be seen from Government Street when driving by.

Currently the hotel has 289 square feet of signage installed. This is a reduction from the 447 square feet of signage that was installed with the original sign package in 2007. The change is due the hotel's rebranding efforts, which included smaller signs. The addition of the freestanding sign would add 75 square feet to the total, bringing it to 364 square feet, which is still less than the signage approved in 2007.

The proposed signage still would far exceed that of any other existing hotel in the Church Street East Historic District. The next closest signage total is the Radisson Admiral Semmes which, by variance, is allowed a total of 300 square feet, 200 square feet of which is allowed to be split between two wall signs. In the Board's approval of the 1992 and 2006 sign variances for Holiday Inn, the uniqueness of the property due to its size was taken into consideration and that there could feasibly be more signage for multiple tenants. The Board, therefore, allowed the additional signage and square footage and made such approval subject to the Architectural Review Board's approval of a maximum of 10 square feet for each additional tenant. Since these variance approvals the building has not expanded in footprint or height, and there have been no contributing factors to warrant an increase above the previously approved signage square footage.

Additionally, the hotel is clearly identifiable as such from Government Street, which is contrary to the applicant's assertion that the current signage cannot be seen from Government Street.

Additionally, it should be noted that Mobile Historic Development Commission staff has commented that the Architectural Review Board (ARB) generally restricts the size of monument signs to 50 square feet total (25 square feet per side), exclusive of the base and frame. The ARB also reserves the right to restrict the size of the base and frame. The ARB also generally restricts the overall height of monument signs to 5 feet. Finally, internally illuminated, plastic face signs are not allowed by the ARB. The signage as proposed does not conform to ARB guidelines. Approvals by the Board, if any, should take ARB guidelines into account.

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.

While the applicant failed to illustrate that an enforcement of the previously approved sign variances would result in an unnecessary hardship, the proposal is, in fact, less square footage than previously approved, albeit an increase in the number of signs.

RECOMMENDATION 5549/5389/4356

Date: August 3, 2009

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

However, should the Board entertain approval of this request, size and height should be adjusted to correspond with ARB guidelines, with the final design and materials to be approved by the ARB.

LOCATOR MAP



APPLICATION NUMBER 5549/5389/4356 DATE August 3, 2009

APPLICANT Bayou, Inc. (dba Holiday Inn)

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



There is a parking garage to the east of the site, offices to the west and the south, and a church to the north of the site

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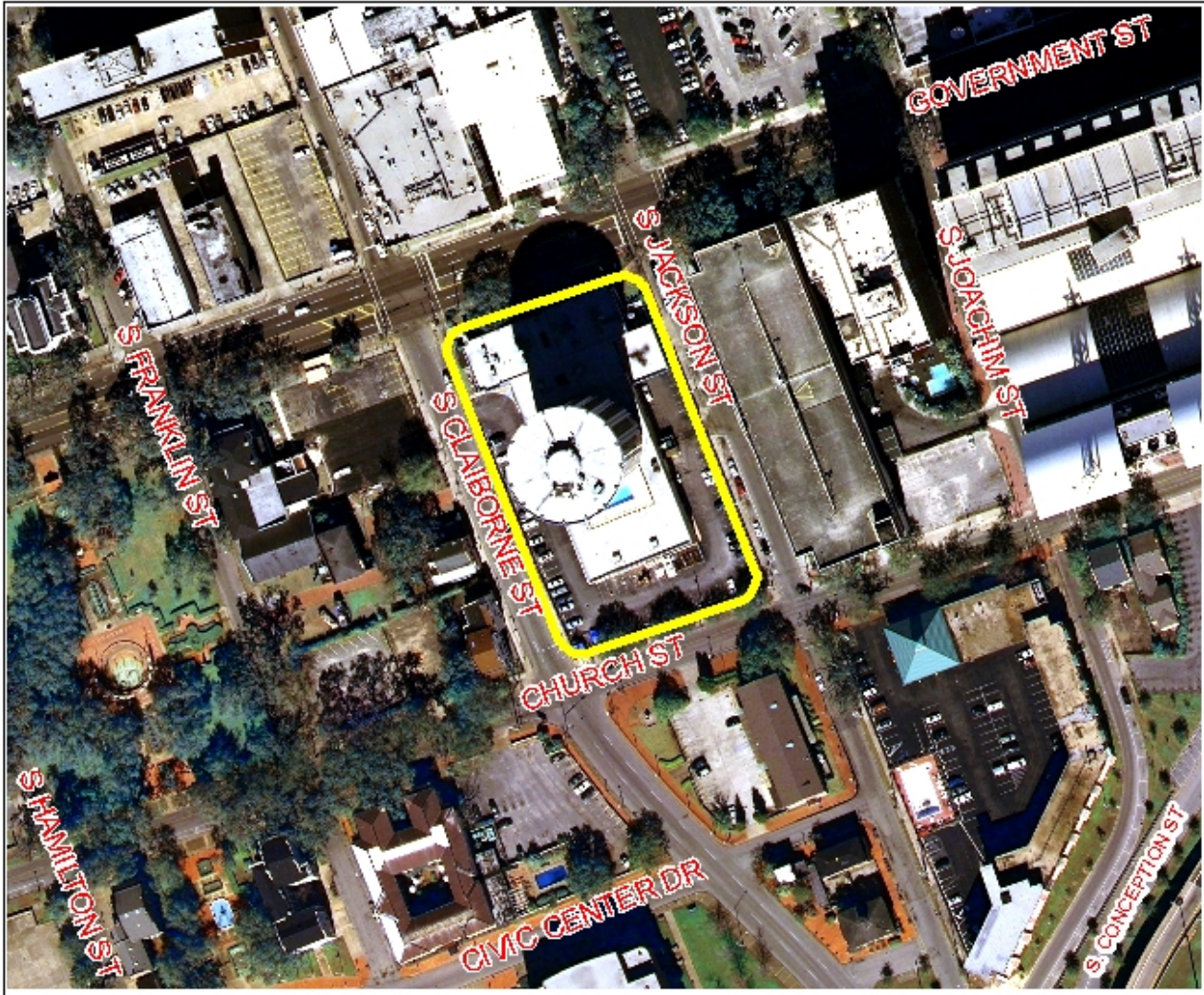
LEGEND

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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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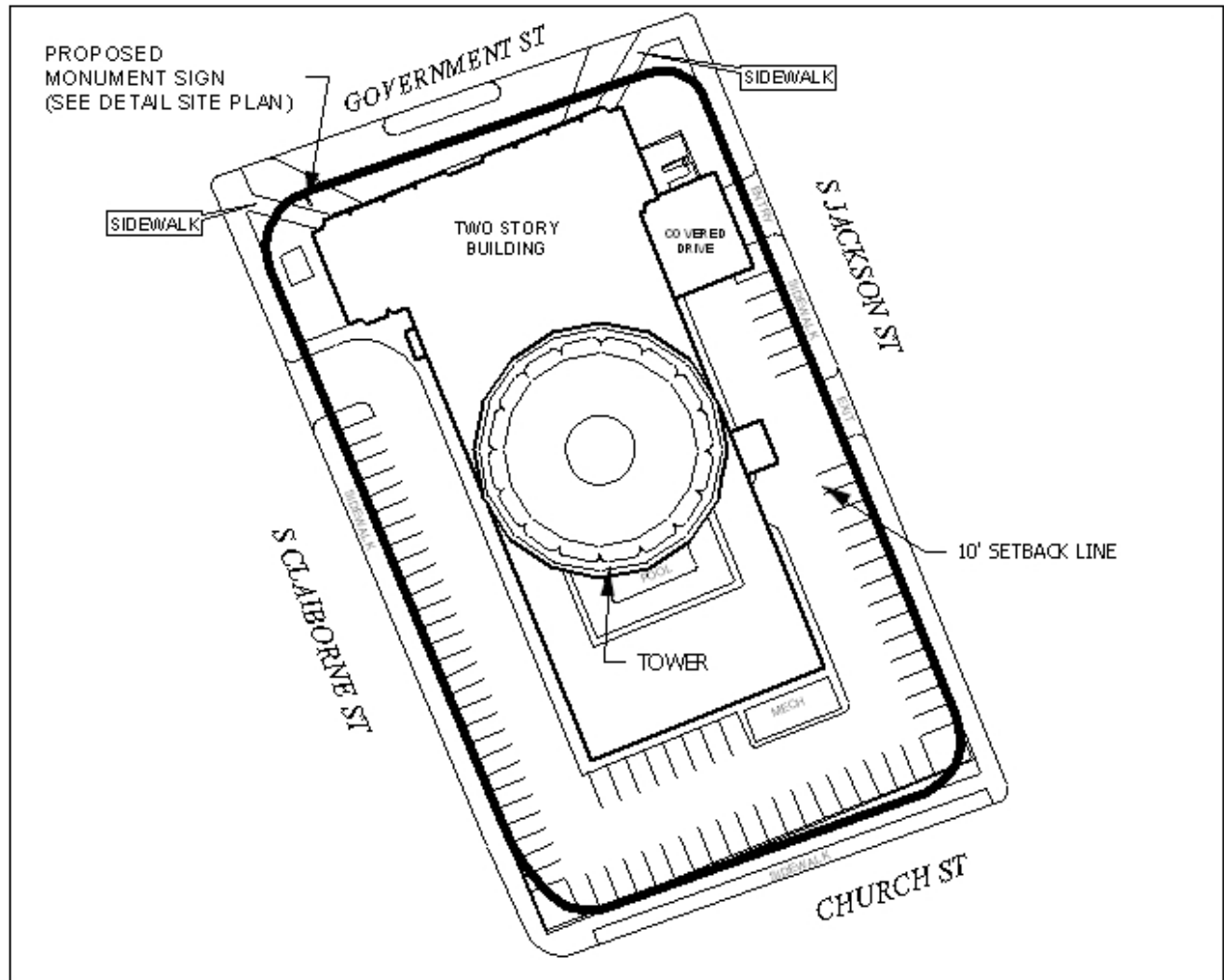
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SITE PLAN



The site plan illustrates existing building , parking, and proposed sign.

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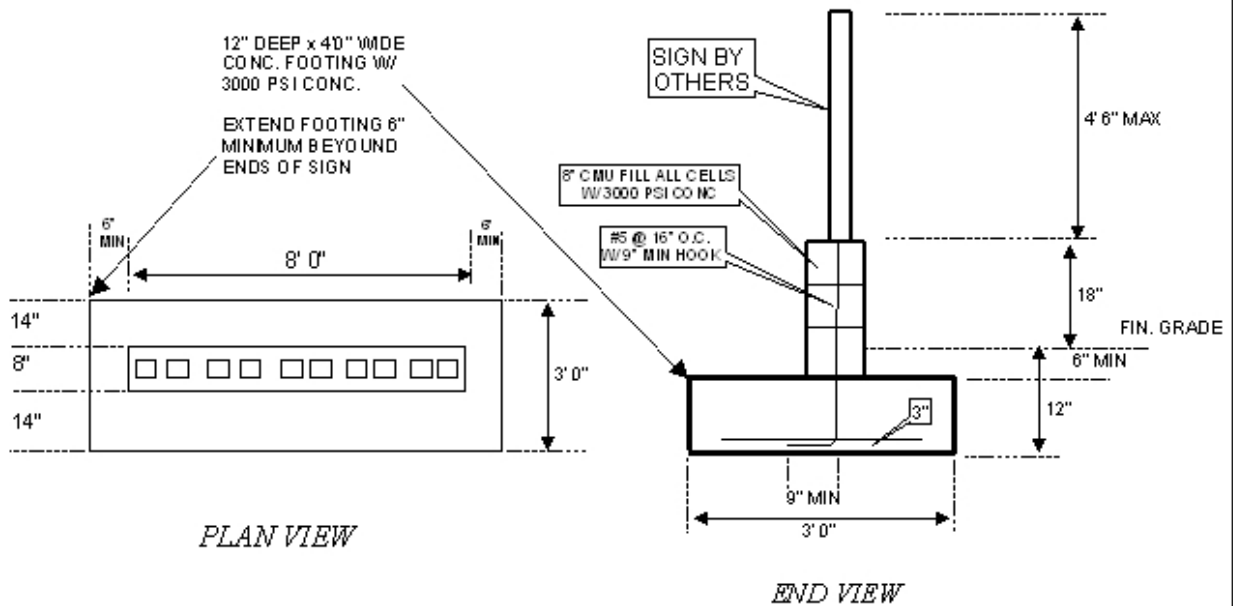
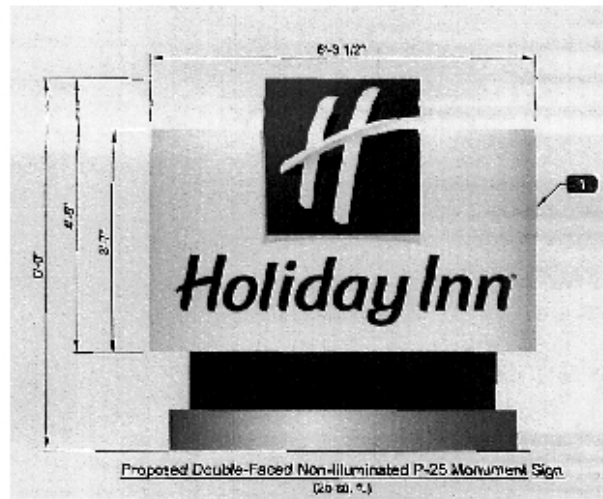
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DETAIL SITE PLAN



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