

APPLICATION NUMBER

5550

A REQUEST FOR

**SIGN VARIANCE TO ALLOW THREE 1,219 SQUARE-
FOOT WALL SIGNS, FOR A TOTAL OF 3,657 SQUARE
FEET OF SIGNAGE; THE ZONING ORDINANCE LIMITS
WALL SIGNS TO 30% OF THE USEABLE WALL AREA
UP TO A MAXIMUM OF 350 SQUARE FEET PER SIGN
FOR A SINGLE-TENANT SITE IN AN I-2, HEAVY
INDUSTRY DISTRICT**

LOCATED AT

195 DUNLAP DRIVE

(Southeast corner of Addsko Road and Dunlap Drive, extending to the North side of
Pinto Pass)

APPLICANT / OWNER

AUSTAL USA, LLC

BOARD OF ZONING ADJUSTMENT

AUGUST 2009

The applicant is requesting a sign variance to allow three 1,219 square-foot wall signs, for a total of 3,657 square feet of signage; the Zoning Ordinance limits wall signs to 30% of the useable wall area up to a maximum of 350 square feet per sign for a single-tenant site in an I-2, Heavy Industry District.

The applicant is requesting the excessive square footage of the signage due to the size of the industrial building and its location within an industrial complex.

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 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 mentioned, the Zoning Ordinance limits wall signs to 30% of the usable wall area up to a maximum of 350 square feet per sign for a single-tenant site. The size of the building in question is over 360,000 square feet in total size, with approximately 23,000 and 16,500 square foot front and side walls respectively. While the applicant's request exceeds the allowable square footage, the signs are far less than 30% of the walls (5% – 7% proposed). Furthermore, the subject site is in a location surrounded by heavy industry, all of which having signage exceeding that allowed by the Ordinance. With that said, while the proposed signage is excessive, it does not violate the spirit and intent of the Ordinance.

It should be noted that some residences are located directly across from the facility on Dunlap Street. While it is the right of all citizens to enjoy Mobile's natural scenic beauty, these residences are currently non-conforming in an industrially zoned area and should not have any bearing on the Board's decision.

RECOMMENDATION 5550**Date: August 3, 2009**

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

