

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 1, 2015**

<u>CASE NUMBER</u>	5979/4584
<u>APPLICANT NAME</u>	Image Designs, Inc.
<u>LOCATION</u>	851 Government Street (Southeast corner of Government Street and Broad Street).
<u>VARIANCE REQUEST</u>	SIGN VARIANCE: To allow a 15' wide by 8' tall Individual Storefront Sign in the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance requires Individual Storefront Signs to be a maximum of 2' tall by the store length in the Downtown Development District.
<u>ZONING</u>	Form Based Code T5.1
<u>AREA OF PROPERTY</u>	1.2 ± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>FIRE DEPARTMENT COMMENTS</u>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ANALYSIS</u>	The applicant is requesting a Sign Variance to allow a 15' wide by 8' tall Individual Storefront Sign in the Downtown Development District; the Zoning Ordinance requires Individual Storefront Signs to be a maximum 2' tall by the store length in the Downtown Development District.

The subject site is a Greer's grocery store which recently opened where several grocery stores previously operated. As the previous stores had operated when the site was zoned B-4, General Business, signage was allowed under the Sign Regulation Provisions of the Zoning Ordinance. Since the Downtown Development District (DDD) was adopted by the City Council in 2014, all signage within falls under the Signage Standards of the DDD. The DDD is divided into several individual districts, of which the subject site falls into a T5.1 District. Within a T5.1 District, the Signage Standards restrict the size to a maximum height of 2' and the applicant proposes to be allowed a sign with a total height of 8'; hence this request.

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.

The applicant states:

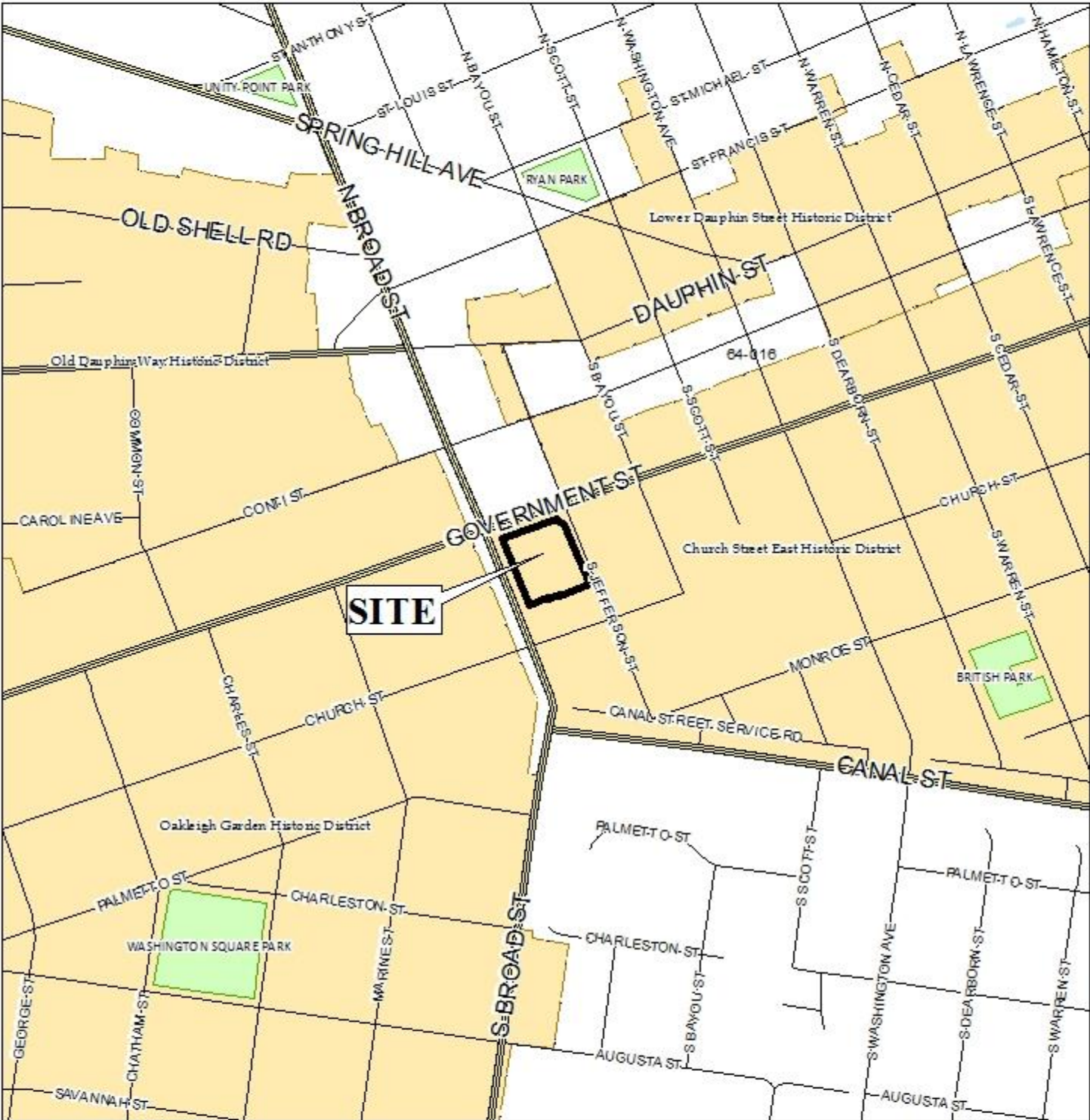
- "1. The purpose of this application is to allow: GREER'S TO INSTALL a 120 SF STORE FRONT SIGN.*
- 2 What are the conditions, items, faces or reasons which prevent you from complying with the requirements of the Zoning Ordinance? THE ORDINANCE WOULD NOT MAKE SIGN VISIBLE FROM ROAD.*
- 3. How did conditions, items, facts or reasons which prevent you from complying with the requirements of the Zoning Ordinance occur? SIZE FACTOR*
- 4. How is this property different from the neighboring properties? LARGER PARCEL, RETAIL GROCERY."*

The site was previously granted a Sign Variance by the Board in 1996 as a Delchamps grocery store to allow a 115 square-foot wall sign in a historic district. A total of 64 square feet of signage is allowed in a historic district. The basis of the hardship presented in that case was the size allowed would not be proportional to the size of the building fascia, and the setback from the building to the street would create a problem for the public in reading the sign at such a distance. Basically, the applicant uses the same argument in this case. As there has been no building expansion since that Variance was granted, the façade remains approximately 140' back from the street pavement curb. And this site has the greatest building setback of any along Government Street within the DDD, other than the Chamber of Commerce building. Therefore, a hardship could be considered to be imposed by a literal interpretation of the DDD Signage Standards by not allowing the expanded sign size and the Board would be justified in granting the applicant's request. However, there are other factors to consider concerning the application.

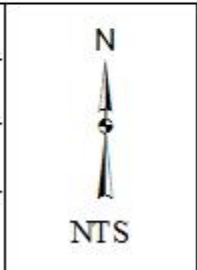
The applicant has had a mural painted on the Broad Street façade of the building which is allowed under the Signage Standards of the DDD along secondary street frontages. But there is also a mural on the front, or primary, wall of the building, which is not allowed by the Signage Standards. Therefore, for that mural to remain, it must be approved via the Sign Variance process which would require that this application be revised to also include that mural. And there was no information furnished indicating the materials of which the sign is fabricated. If other than of painted wood, metal, or metal composite material as allowed in the DDD, this application should also be revised to request the allowance of such.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board that this application be heldover to the July meeting to allow the applicant to revise the application to also include the front wall mural and, if necessary, the type of material used for construction if other than painted wood, metal, or metal composite material. A revised application with new mailing labels and postage should be submitted no later than June 2nd.

LOCATOR MAP



APPLICATION NUMBER	5979	DATE	June 1, 2015
APPLICANT	Image Designs Inc		
REQUEST	Sign Variance		



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential units.

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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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VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential units.

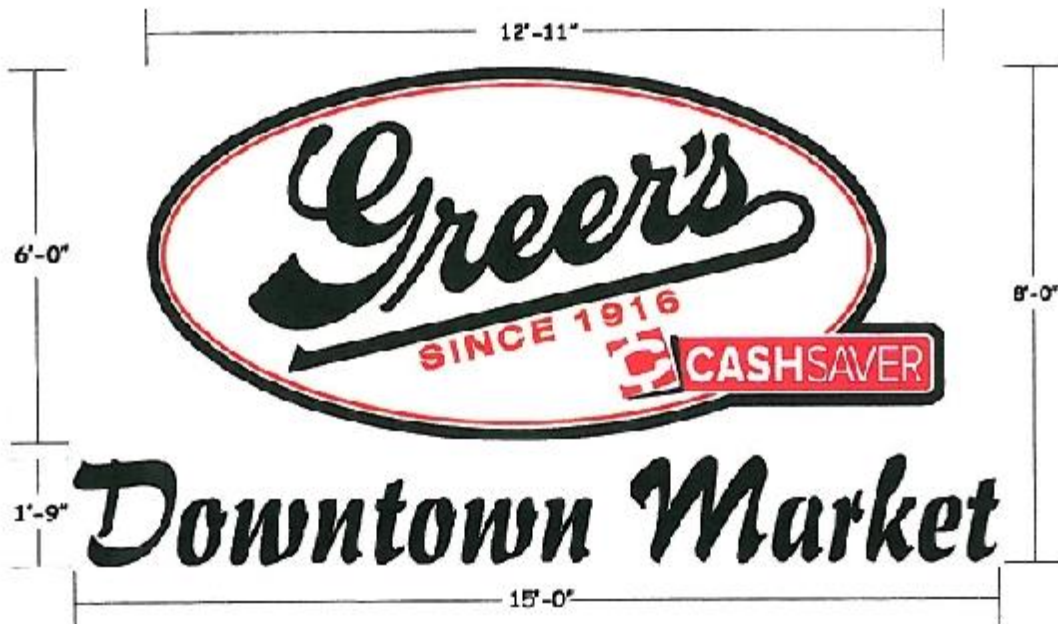
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DETAIL SITE PLAN



8' x 15' = 120sqft

1 BUILDING FRONT
RIGHT SIDE SIGN
SCALE: SIZE 3/8" = 1'-0"



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