

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 6, 2012****CASE NUMBER**

5774/4459/4458/4453

APPLICANT NAME

Rainbow Sign Company (Craig Inabinett, Agent)

LOCATION1550 Government Street
(Northwest corner of Government Street and South
Catherine Street).**VARIANCE REQUEST****SIGN:** Sign Variance to amend a previously approved sign variance to allow an additional 108.8 square feet of signage for a total of 277.8 square feet of signage for a tenant at a multi-tenant commercial site in a Historic District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance allows a maximum of 64 square feet of total signage per tenant in a Historic District.**ZONING**

B-2, Neighborhood Business

AREA OF PROPERTY

4.9± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Sign Variance to amend a previously approved sign variance to allow an additional 108.8 square feet of signage for a total of 277.8 square feet of signage for a tenant at a multi-tenant commercial site in a Historic District; the Zoning Ordinance allows a maximum of 64 square feet of total signage per tenant in a Historic District.

The site has been the subject of previous sign variances. One in 1994 to allow the existing 220 square-foot Weinackers Shopping Center pylon site identifier to remain was denied by the Board, but that decision was ultimately overturned in court. In January, 1995, a sign variance was requested to allow a 150 square-foot wall sign for Harco Drugs to remain, and approved to allow 100 square feet of wall signage, subject to the removal of the nonconforming pylon tenant panel sign for the business. At that same meeting, Delchamps, Inc., requested a sign variance to allow a 435 square-foot wall sign to remain, and was approved for a 200 square-foot wall sign. Since then Winn Dixie has taken the entire building space occupied by both the Harco and

Delchamps stores and combined them into one store. Winn Dixie currently has a 169 square-foot wall sign (under the 200 square feet allowed by the 1995 variance) and now desires to have a 108.8 square-foot tenant panel sign (54.4 square feet per face) on the pylon structure. This would increase that tenant's total signage for the site to 277.8 square feet; hence this variance request. The additional tenant, a sushi bar café located within Winn Dixie, has no exterior signage.

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 that the sign will help to better identify the location and that since the approval of the last sign variance for this location, the store has expanded to its current 42, 510 square feet, after incorporating the vacant Harco Drugs space into the Winn Dixie store. It is contended that if the same space were divided into ten tenant spaces, the signage allowance would be 640 square feet and that with the allowance of the proposed pylon sign, the total Winn Dixie signage would still be less than 300 square feet.

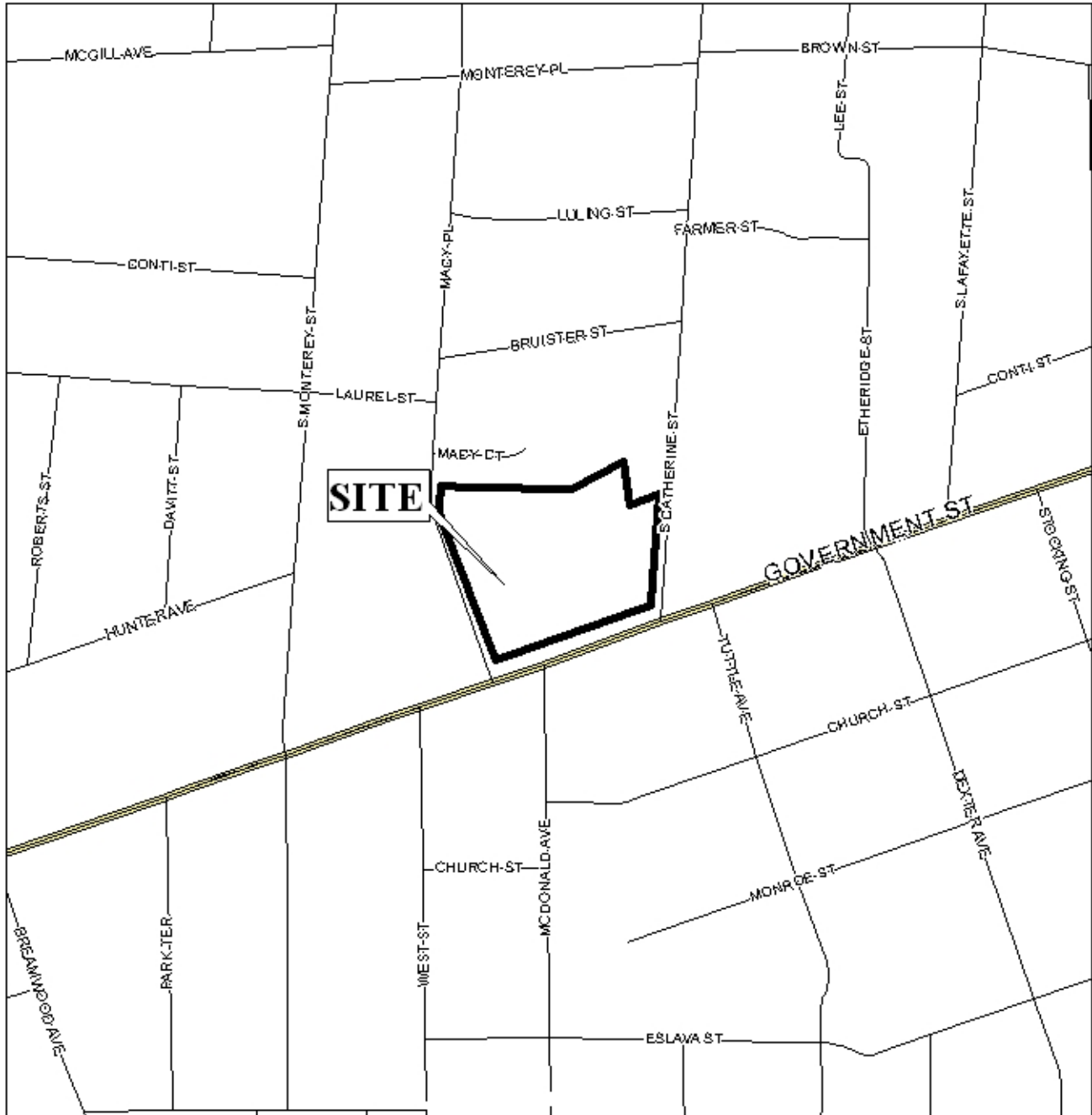
The Board has, with other applications, approved sign variances for the larger buildings in Historic Districts and/or along Government Street, notably the Holiday Inn at Government Street and South Claiborne Street, Riverview Plaza Hotel at Government Street and South Royal Street, and the Hampton Inn at South Royal Street and Conti Street. The Board has traditionally allowed a wall sign for the major tenant of a large building for each street frontage as well as the associated ground signage for ground-level identification. Winn Dixie currently only has the one wall sign which faces South Catherine Street and there is no signage for the store facing Government Street. Regarding the size of the signs, the large size of the building at the subject site requires larger signs for the signs to be in the same scale as the building and to be read from street level. The site is one of the largest along Government Street governed by the Historic District sign regulation limitation of 64 square feet per tenant. The Mobile Historic Development Commission office has verbally determined that the increase in square footage will not impair the historical or architectural character of the area and that the Architectural Review Board would likely be in favor of approving the sign.

The applicant has illustrated the need for additional signage in light of the fact that there is no signage exposure to Government Street, and the Board should consider this request for approval.

RECOMMENDATION: Based on the preceding, this application is recommended for approval, subject to the following conditions;

- 1) approval of the sign by the Architectural Review Board; and
- 2) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



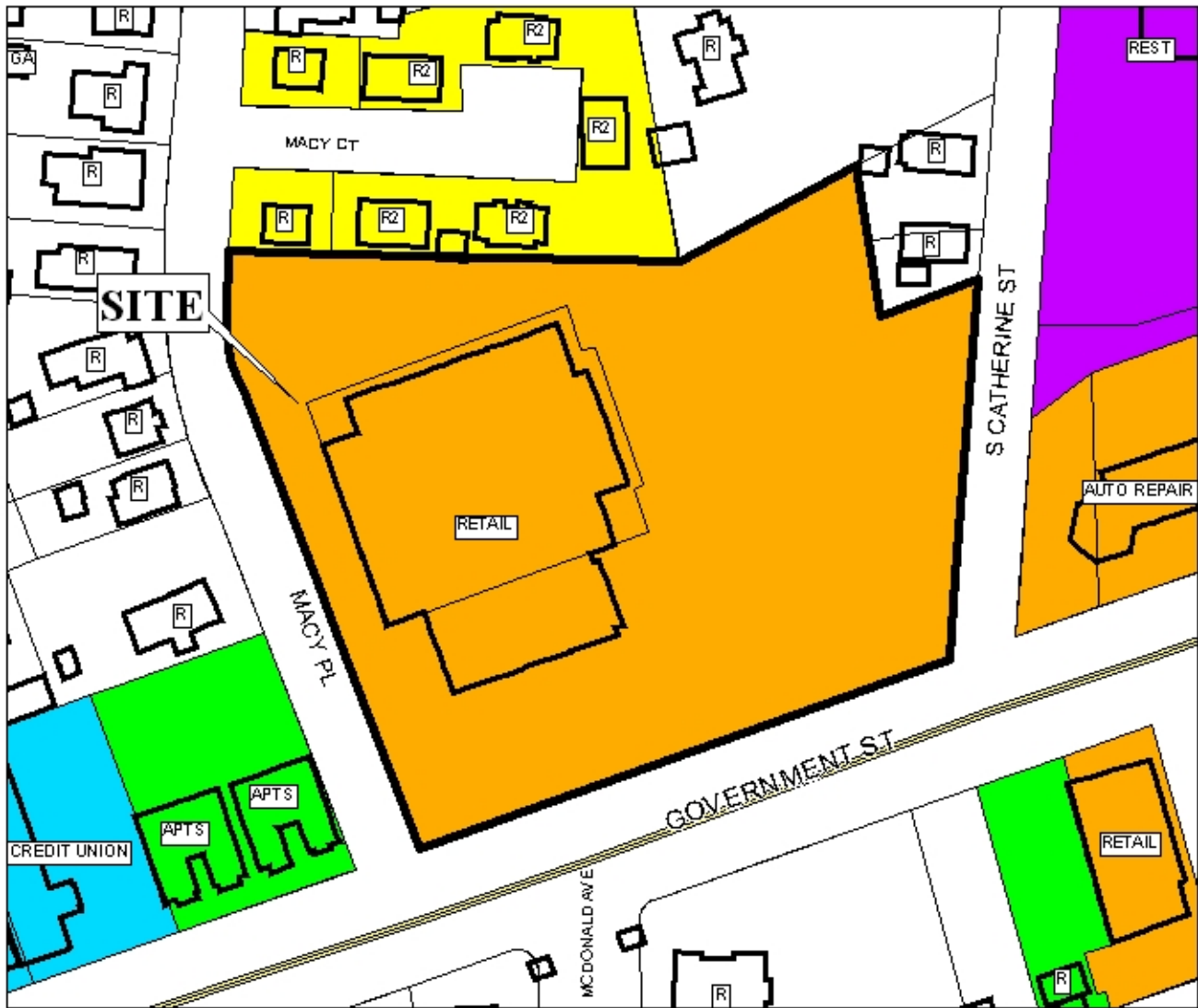
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the west and north of the site. Commercial land use is located to the east 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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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

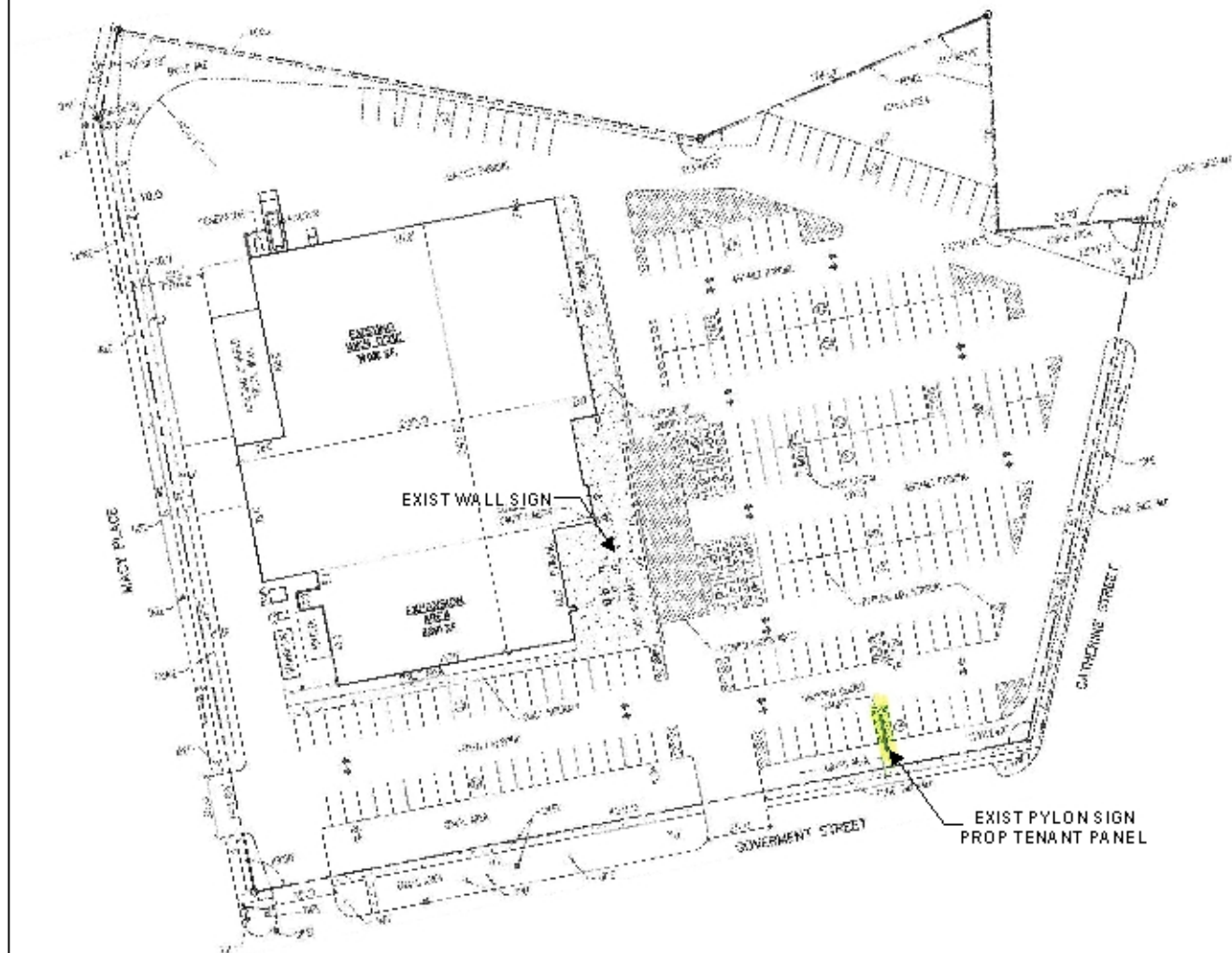


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SITE PLAN



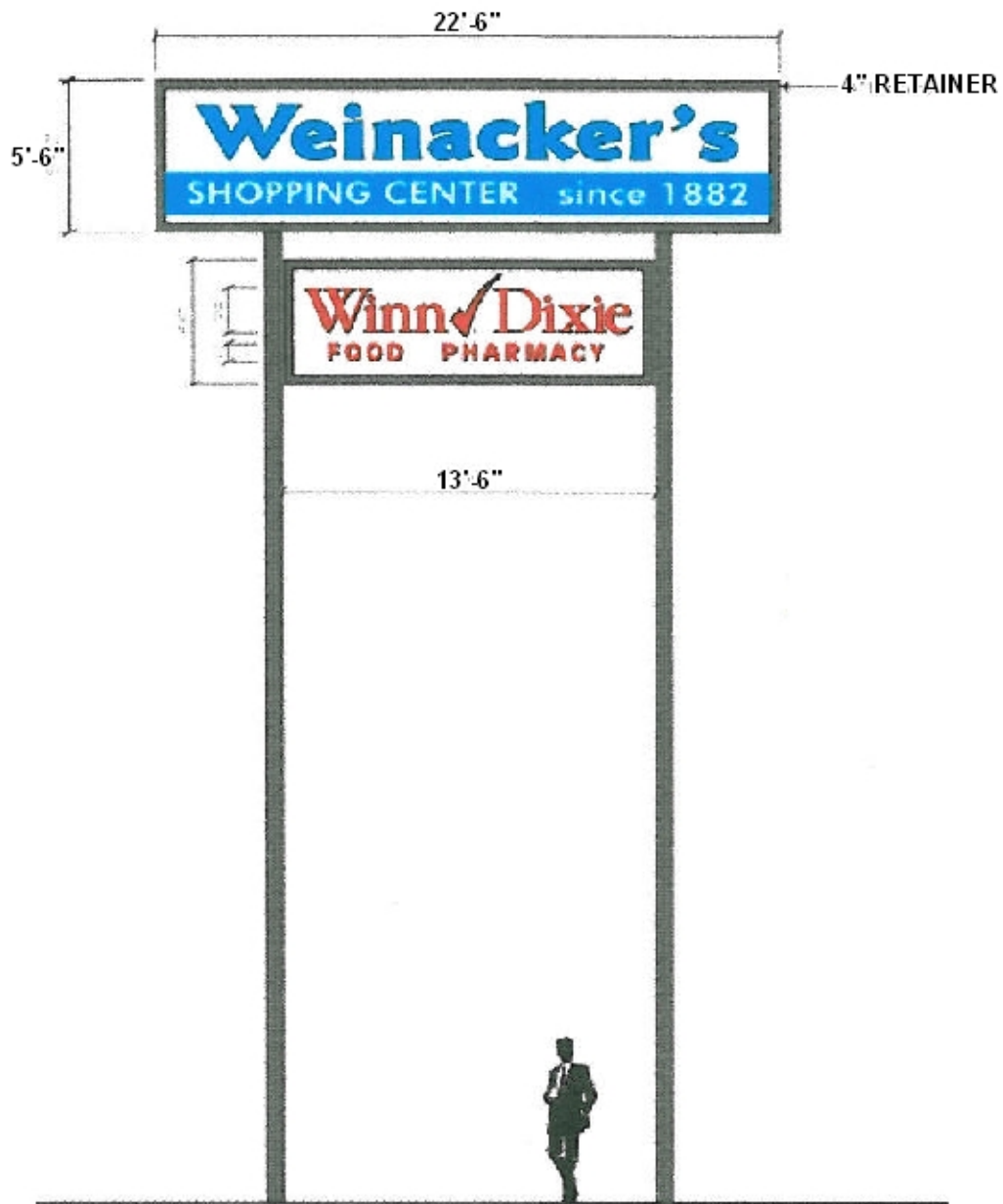
The site plan illustrates the existing development.

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DETAIL SITE PLAN



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