

APPLICATION NUMBER

5196

A REQUEST FOR

SIGN VARIANCE TO ALLOW A 16 SQUARE FOOT OFF-SITE FREESTANDING SIGN LOCATED IN CITY RIGHT-OF-WAY; ALL SIGNS MUST BE LOCATED ON-SITE (PRIVATE PROPERTY).

LOCATED AT

(Right-of-way located at the Southeast corner of Spring Station Road and Airport Boulevard -- median located between Airport Boulevard and Service Road)

APPLICANT

JACQUE PATE

OWNER

COUNTRY CLUB JOINT VENTURE

BOARD OF ZONING ADJUSTMENT

AUGUST 2003

The applicant is requesting Sign Variance to allow a 16 square foot off-site freestanding sign located in city right-of-way; all signs must be located on-site (private property).

The applicant states that the purpose of this application is to allow a for sale sign to be located in the right-of-way for Country Club Court subdivision.

Section IV.G.3.a (3) states that non-conforming signs that are in the public right-of-way shall be removed within 90 days of the enactment of this Ordinance. This provision essentially states that no new signs are to be allowed in public right-of-way.

Traffic Engineering conducted a review of the site and determined the sign could possibly cause line-of-sight problems brought about by signs being placed in the right-of-way, increasing the chance encounter of vehicle collisions and subsequent injuries brought about by the sign placement.

The applicant did not give any reasons as to the hardship associated with the sign being placed in right-of-way. However, the lots offered for sale do not front Airport Boulevard—they are located at the end of Spring Station Road.

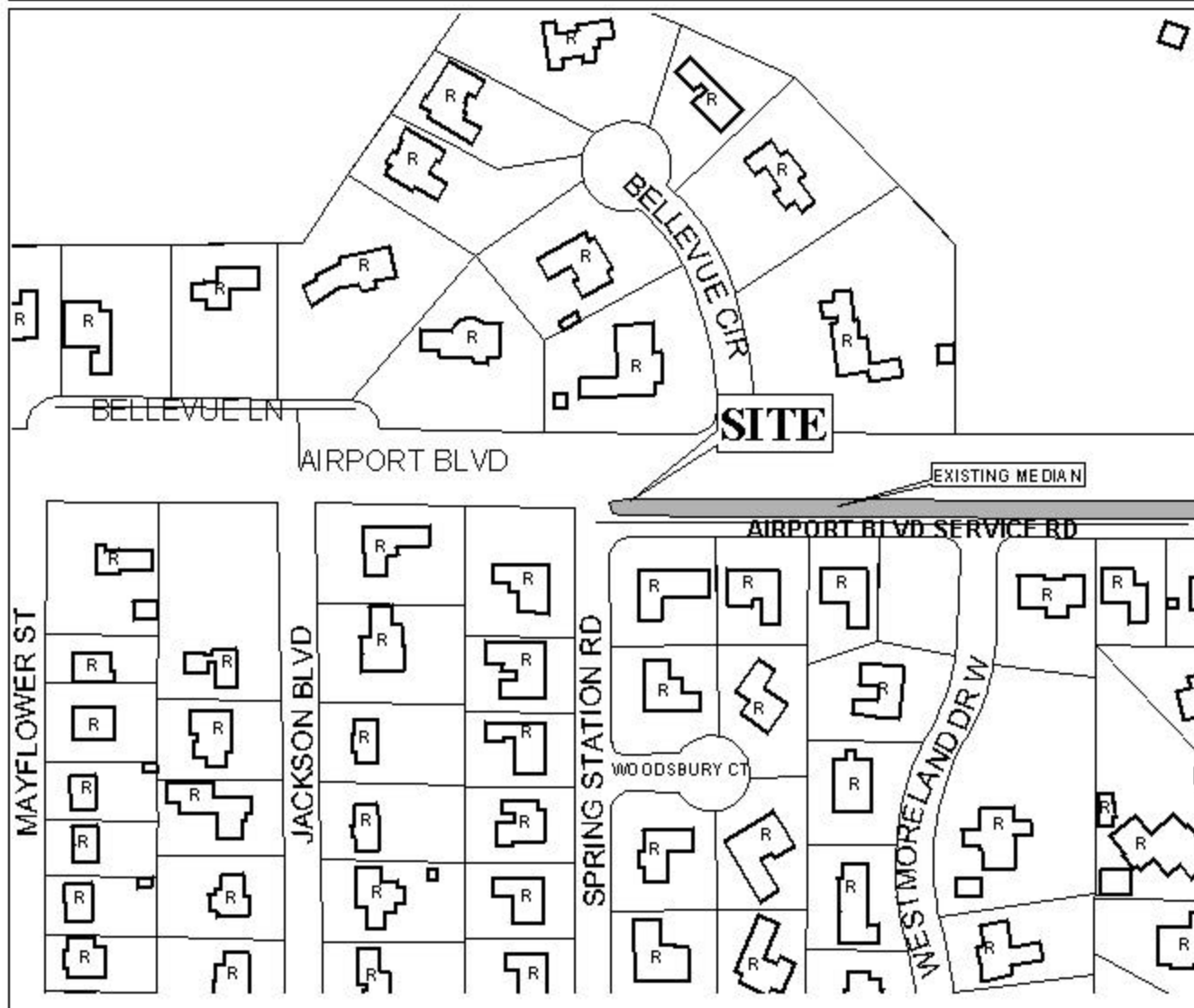
The Zoning Ordinance states that no variance shall be granted where **economics** are the basis for the application. Additionally, no variance shall be granted unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special 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.

The proposed location is in the median between the service road and Airport Boulevard and as outlined above, could pose a visibility problem. Additionally, Traffic Engineering has indicated they will not approve signs in the right-of-way. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's to locate a sign in the right-of-way

RECOMMENDATION 5196**Date: August 4, 2003**

Based upon the preceding, this application is recommended for denial.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

APPLICATION NUMBER 5196 DATE August 4, 2003

APPLICANT Jacque Pate, (Country Club Joint Venture, Owner)

REQUEST Sign Variance

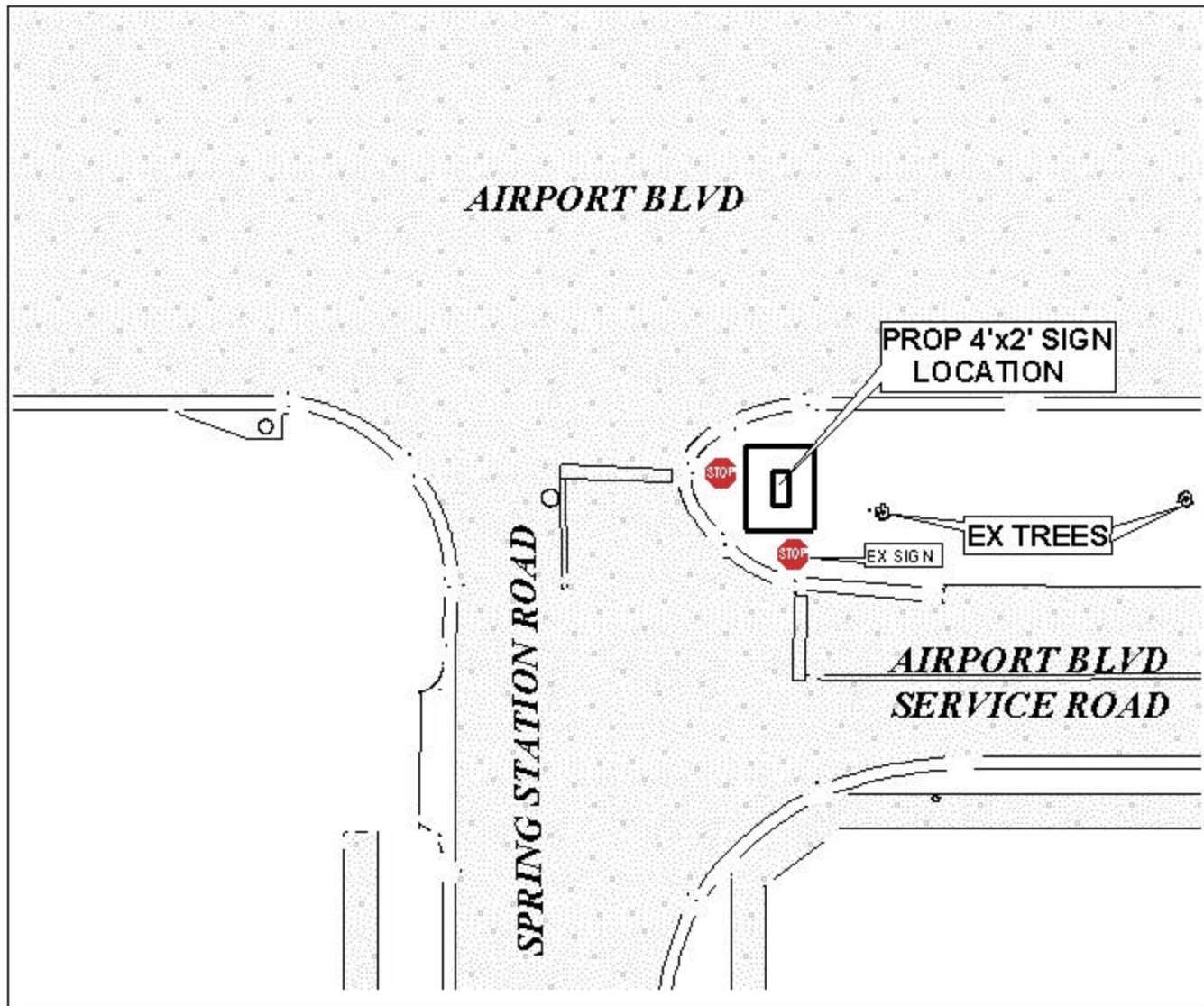
LEGEND



NTS



SITE PLAN

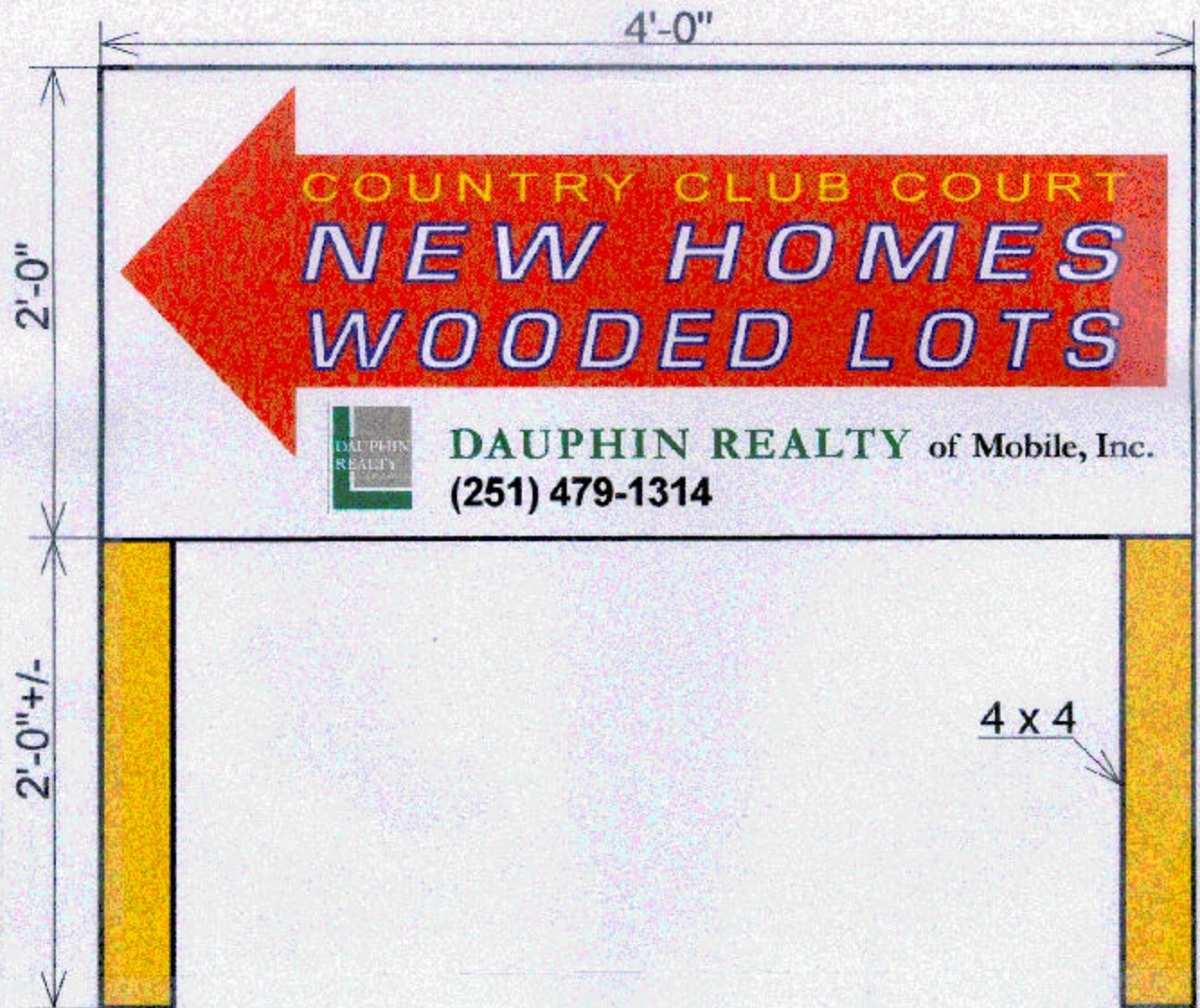


Right-of-way located at the southeast corner of Spring Station Road and Airport Boulevard-median located between Airport Boulevard and Service Road, the site plan illustrates the proposed sign location, existing traffic signs and landscaping.

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SIGN DETAIL



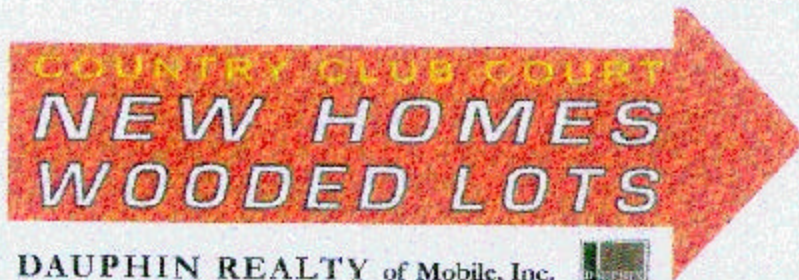
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SIGN DETAIL



DAUPHIN REALTY of Mobile, Inc.
(251) 479-1314



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