



Agenda Item # 1
BOA-002613-2023

View additional details on this proposal and all application materials using the following link:
[Applicant Materials for Consideration](#)

DETAILS

Location:
2291 St. Stephens Road

Applicant / Agent:
Diane Ginieczki-Foley

Property Owner:
McDonald’s Corporation

Current Zoning:
LB-2, Limited Neighborhood Business Urban District

Future Land Use:
Traditional Center

Case Numbers:
6546

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) limits single-business sites to a maximum of three (3) signs and prohibits digital signs within 300 feet of residentially zoned property in an LB-2, Limited Neighborhood Business Urban District.

Board Consideration:

- To allow a total of eleven (11) signs: three (3) wall signs, five (5) directional signs with logos, one (1) freestanding sign and two (2) menu boards for a single business site and to allow digital menu boards within 300 feet of residentially zoned property in an LB-2, Limited Neighborhood Business Urban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u> 6546 </u> DATE <u> October 2, 2023 </u>	 NTS
APPLICANT <u> Diane Ginieczki-Foley </u>	
REQUEST <u> Sign Variance </u>	

SITE HISTORY

The front portion of the subject site was rezoned from R-1 to B-3 in July, 1987.

In June, 2004, the rear portion of the site was rezoned from R-1 and B-3 to LB-2 to eliminate split zoning in preparation for a fast food restaurant.

In August, 2004, the site was made a legal lot of record via Toulminville Subdivision, Resubdivision of Lot 33, a one (1)-lot subdivision.

Tax records indicate the site was developed as a McDonald's restaurant in 2005.

The site has never been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

All signs must be located on private property and NOT within the public ROW.

Traffic Engineering Comments:

No comments.

Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant is requesting a Sign Variance to allow a total of eleven (11) signs: three (3) wall signs, five (5) directional signs with logos, one (1) freestanding sign, and two (2) menu boards for a single business site, and to allow digital menu boards within 300 feet of residentially zoned property in an LB-2, Limited Neighborhood Business Urban District; the Unified Development Code (UDC) limits single-business sites to a maximum of three (3) signs and prohibits digital signs within 300 feet of residentially zoned property in an LB-2, Limited Neighborhood Business Urban District.

The entire application packet is available via the link on Page 1.

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.

The subject site is a single-tenant fast food restaurant. As such, it is allowed a total of three (3) branding signs either two (2) wall signs and one (1) freestanding sign, or three (3) wall signs, and is not allowed to have digital signage within 300 feet of residentially zoned property. Any directional/informational signage is not allowed to have corporate branding.

The site was developed after the 1993 adoption of the sign regulation provisions, and permits were obtained in 2005 for one (1) freestanding sign and two (2) wall signs. Otherwise, the site has never been before the Board to allow the existing excessive signage. Thus, it would seem that such was installed without any staff reviews or permits.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; No variance shall be granted:

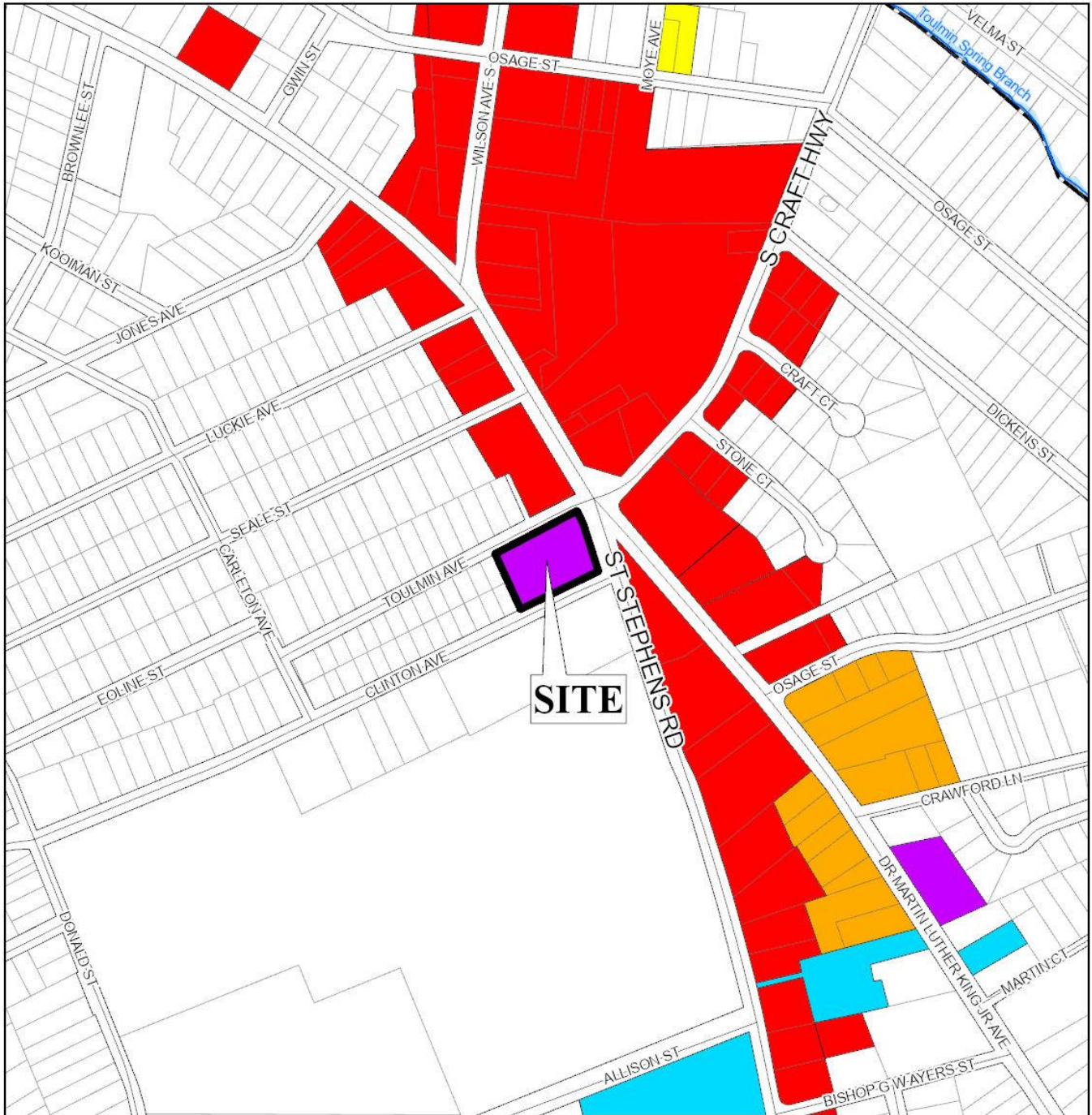
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application, and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

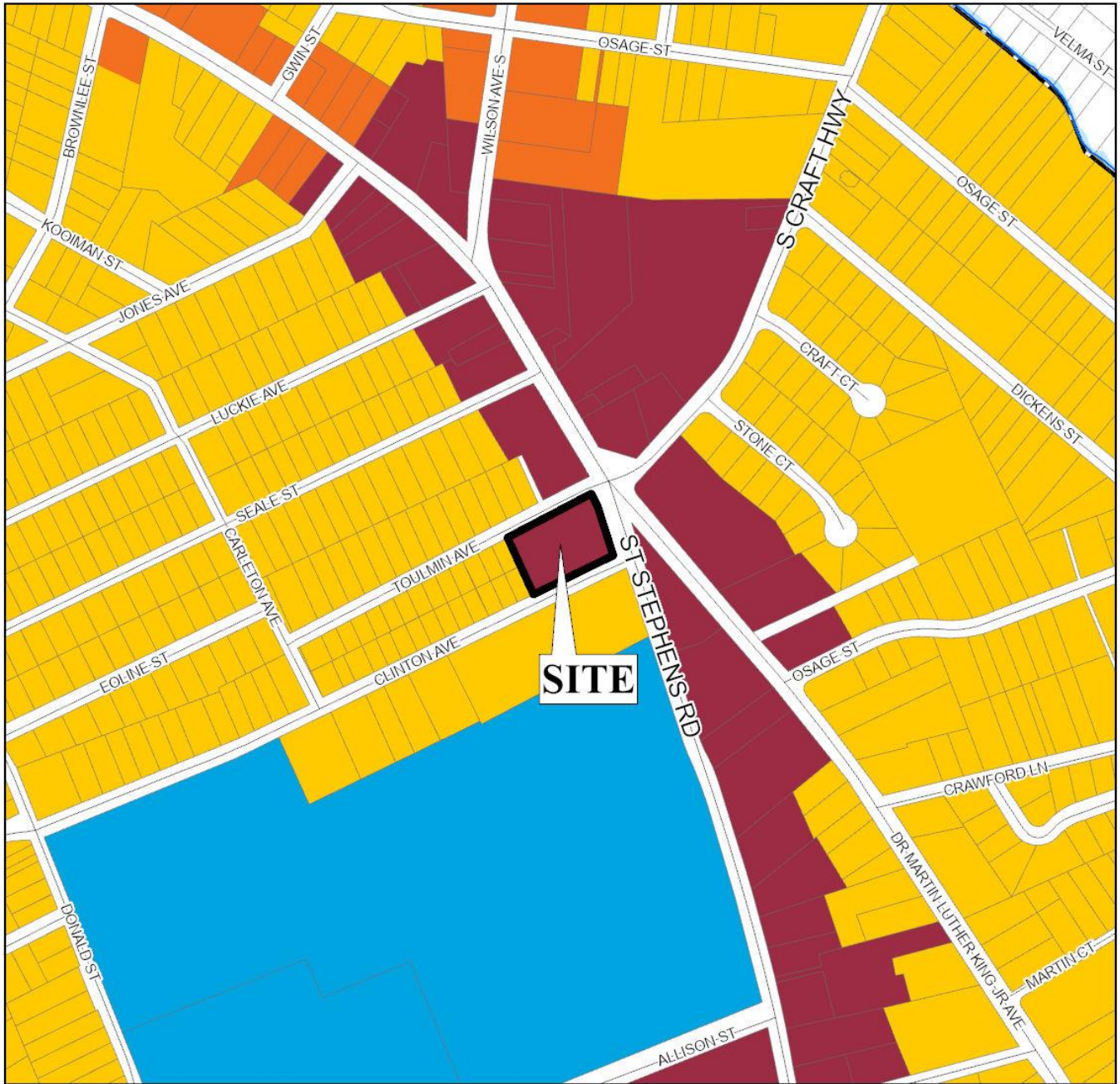
LOCATOR ZONING MAP



APPLICATION NUMBER 6546 DATE October 2, 2023
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FLUM LOCATOR MAP



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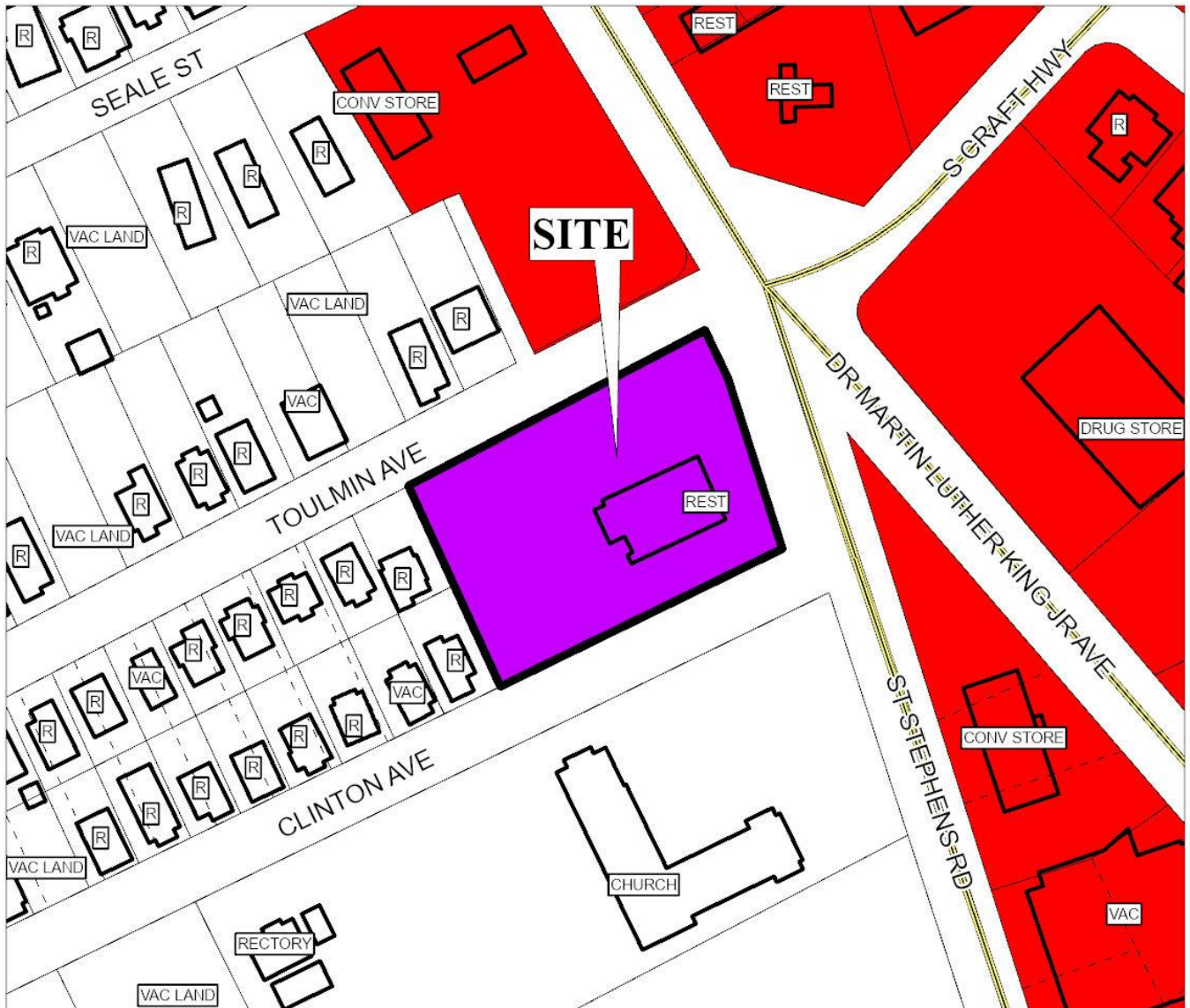
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REQUEST Sign Variance


- | | | | |
|---|---|--|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



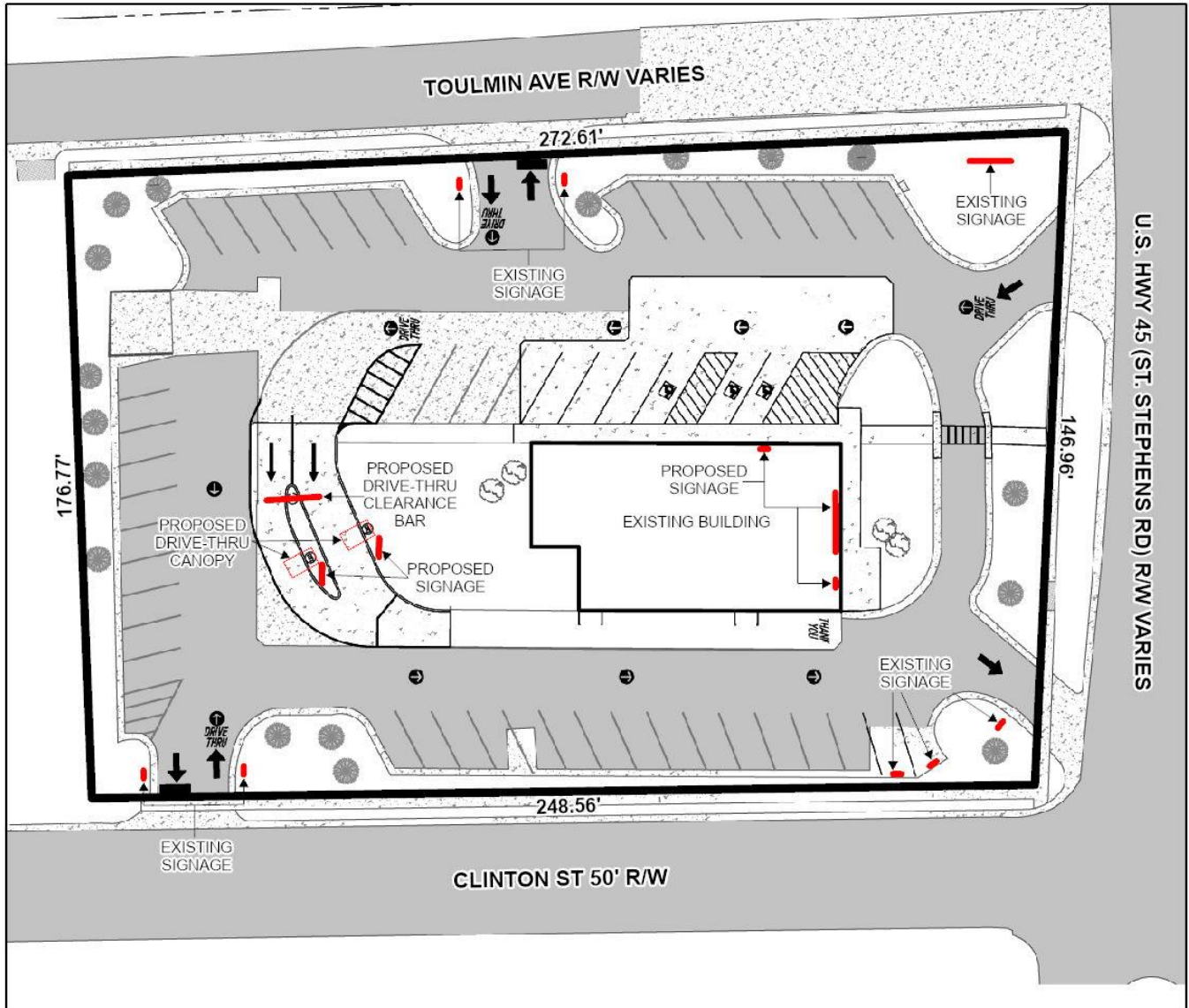
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>					 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
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 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																										

SITE PLAN

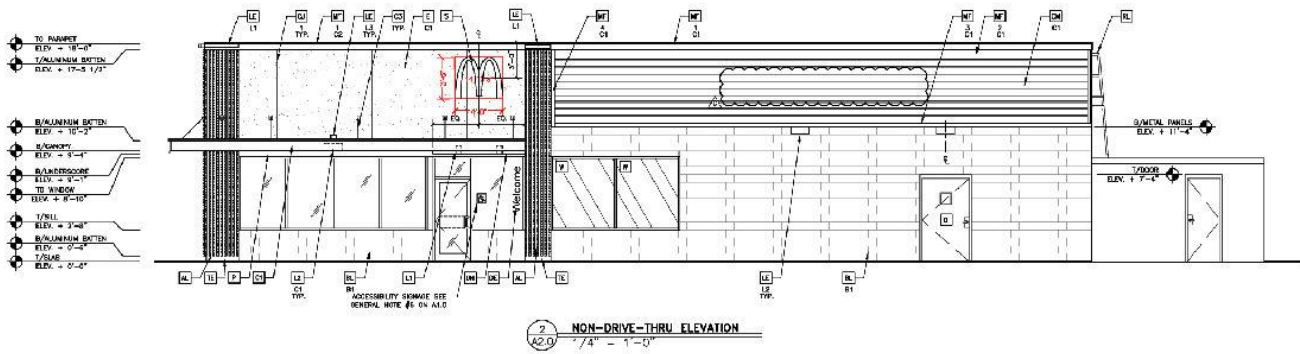
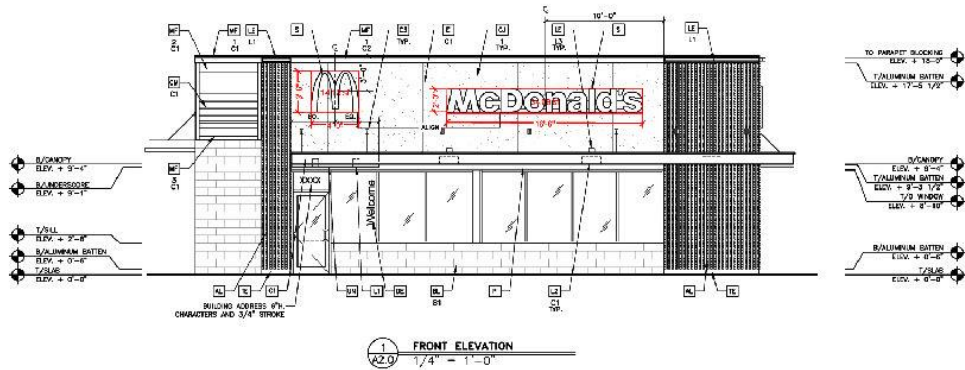


The site plan illustrates the property boundary and proposed signage.

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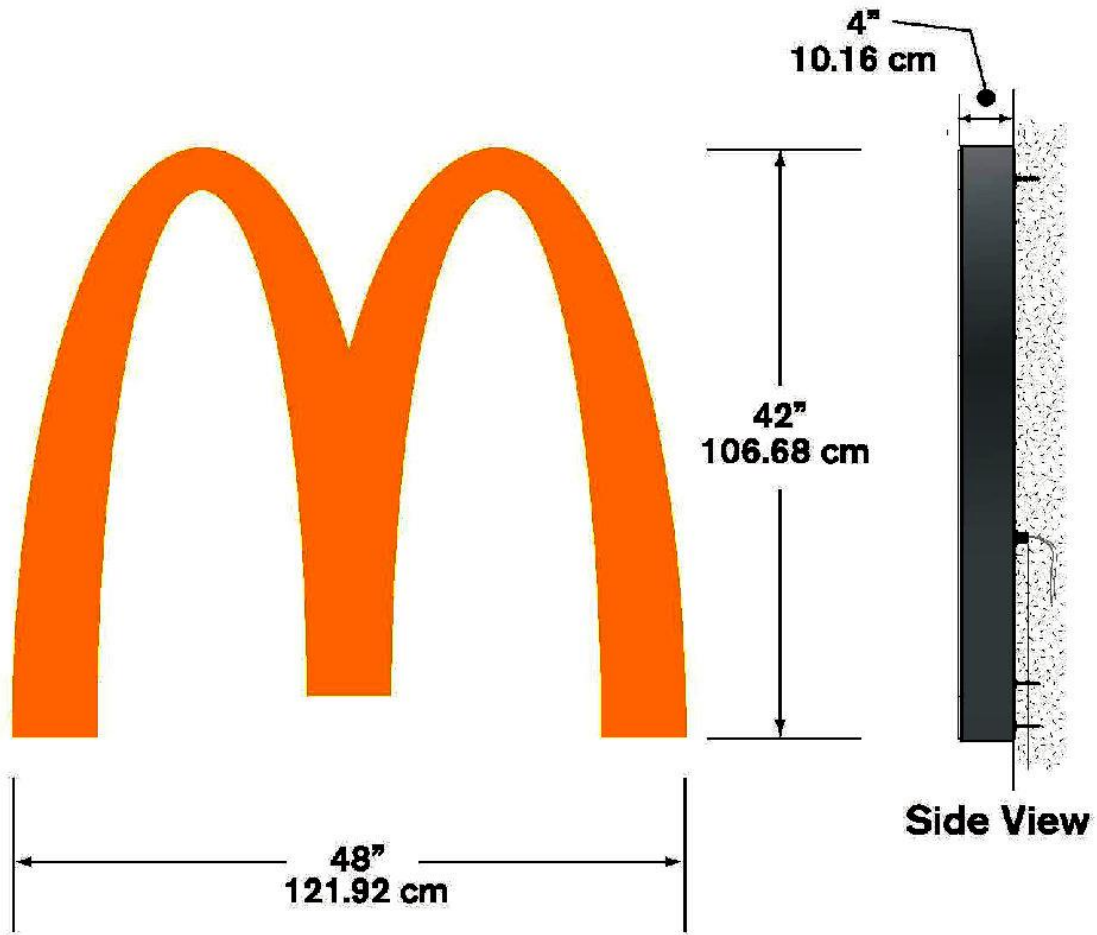
DETAIL SITE PLAN



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DETAIL SITE PLAN



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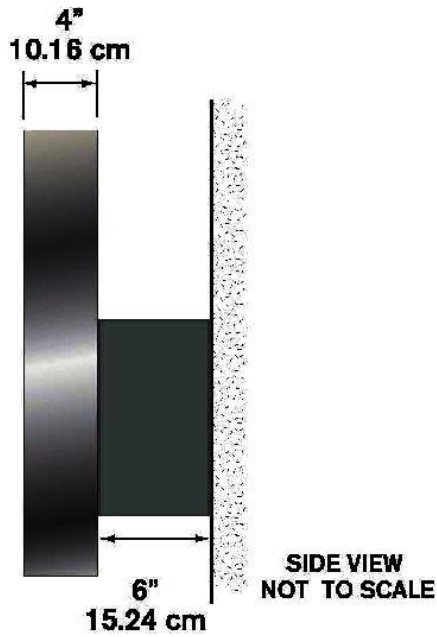
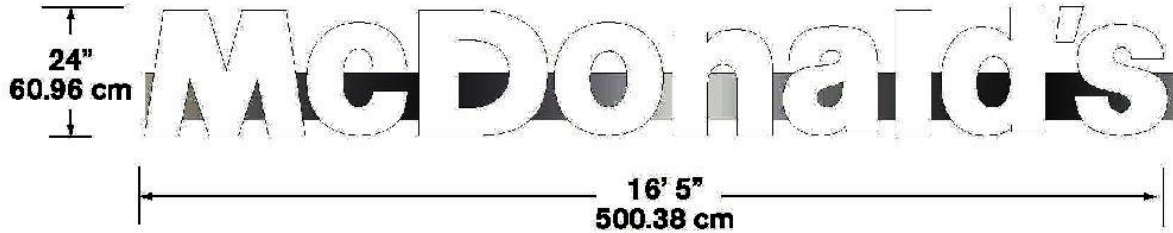
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DETAIL SITE PLAN



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REQUEST Sign Variance



DETAIL SITE PLAN



OF THE FIVE DIRECTIONAL
SIGNS TO REMAIN AND
NON-DRIVE THRU SIDE
EW FROM TOULMIN AVE)

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DETAIL SITE PLAN



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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.