

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 13, 2021**

<u>CASE NUMBER</u>	6406/6383/4797/4783/671
<u>APPLICANT NAME</u>	Stephen Howle
<u>LOCATION</u>	1812 Old Shell Road (North side of Old Shell Road, 105'± East of Shell Road Place).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow suspended signage outside a historic district in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance does not allow suspended signage outside a historic district in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business
<u>AREA OF PROPERTY</u>	1.2± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 1

ANALYSIS The applicant is requesting a Sign Variance to allow suspended signage outside a historic district in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow suspended signage outside a historic district in a B-2, Neighborhood Business District.

The site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 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 applicant states:

Suspended signage is not specifically allowed in a commercial district; however, it is allowed in a historic district which this property is adjacent to. In keeping with the historic character of the neighborhood, we are seeking approval to install suspended, non-illuminated signage.

The subject site is not within a historic district and is currently being developed for commercial/residential mixed-use. The building will have commercial uses on the ground

floor and residential use on the two upper floors. The applicant proposes to suspend the signage for the commercial uses from an awning projecting past the building facade instead of mounting the signage directly onto the building wall. The Zoning Ordinance does not allow hanging signs outside of historic districts; hence this application.

The building design is an adaptation of an architectural style popular for commercial structures during the early to mid-20th Century and is meant to be harmonious with other commercial buildings of that time period within the Midtown area. In keeping with that theme, there are five commercial units along the ground floor front which are entirely glass window facades with a central doorway for each. The awning projects approximately four feet from the main building facade and extends over the entire expanse of the units slightly above the glass facades. Each unit is proposed to have a sign centered on the unit suspended from the face of the awning. The awning is braced to the building facade by support rods angled back and up from the top of the awning.

The signs are proposed to be approximately 20 inches high by varying widths. As the awning is only about eight inches thick, if the signs were mounted on the face of the awning, and occupied the allowable 30% of a unit's awning face, the resultant signs would be extremely limited in size and impractical. Sufficient area is provided above the awning where signs could be placed, but visibility of the signs could be impaired by the braces extending from the wall to support the awning. Additionally, the commercial signage just below the residential windows on the second floor would seem out of character for the residential use.

The applicant seems to have illustrated that a hardship could be imposed by a literal interpretation of the Sign Regulation Provisions of the Zoning Ordinance with respect to the location of the proposed signs, especially when considering the intent of the applicant to convey an image in keeping with that of historic districts, and the Board should consider this application for approval, subject to conditions.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval of a Sign Variance to allow suspended signage outside a historic district in a B-2, Neighborhood Business District:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that it will be in keeping with the applicant's intent to convey an image in keeping with the nearby historic district;
- 2) Special conditions appear to exist, primarily the all-glass commercial unit facades, minimal awning thickness, and residential use above the awning, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow businesses in a historic-designed development proper identification which would ordinarily not be possible under standard regulations.

The approval is subject to the following conditions:

- 1) limitation of the signage to a height of 20 inches each;
- 2) provision of a minimum of eight (8) feet above grade to the bottom of the signs;
- 3) the obtaining of the proper sign permit for each sign; and
- 4) full compliance with all municipal codes and ordinances.

Revised for the September 13th meeting:

This application was heldover from the August 2nd meeting due to a lack of a quorum to hear this particular case. As no new information has been submitted, the original recommendation for approval would stand.

RECOMMENDATION: *Based upon the preceding, Staff recommends to the Board the following findings of fact for approval of a Sign Variance to allow suspended signage outside a historic district in a B-2, Neighborhood Business District:*

- 1) Approving the variance request will not be contrary to the public interest due to the fact that it will be in keeping with the applicant's intent to convey an image in keeping with the nearby historic district;*
- 2) Special conditions appear to exist, primarily the all-glass commercial unit facades, minimal awning thickness, and residential use above the awning, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and*
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow businesses in a historic-designed development proper identification which would ordinarily not be possible under standard regulations.*

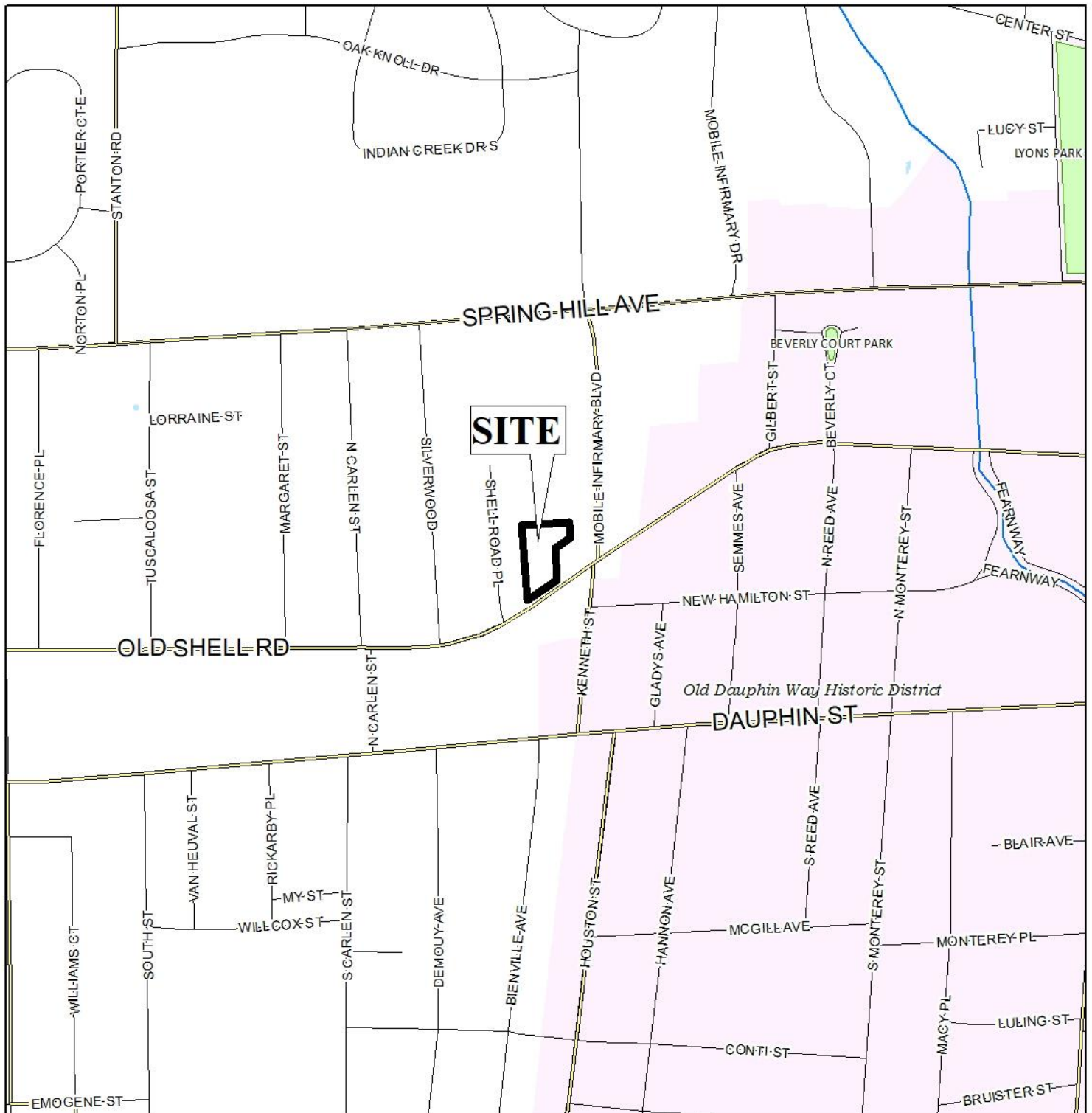
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- 3) the obtaining of the proper sign permit for each sign; and
- 4) full compliance with all municipal codes and ordinances.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 10th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 10th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

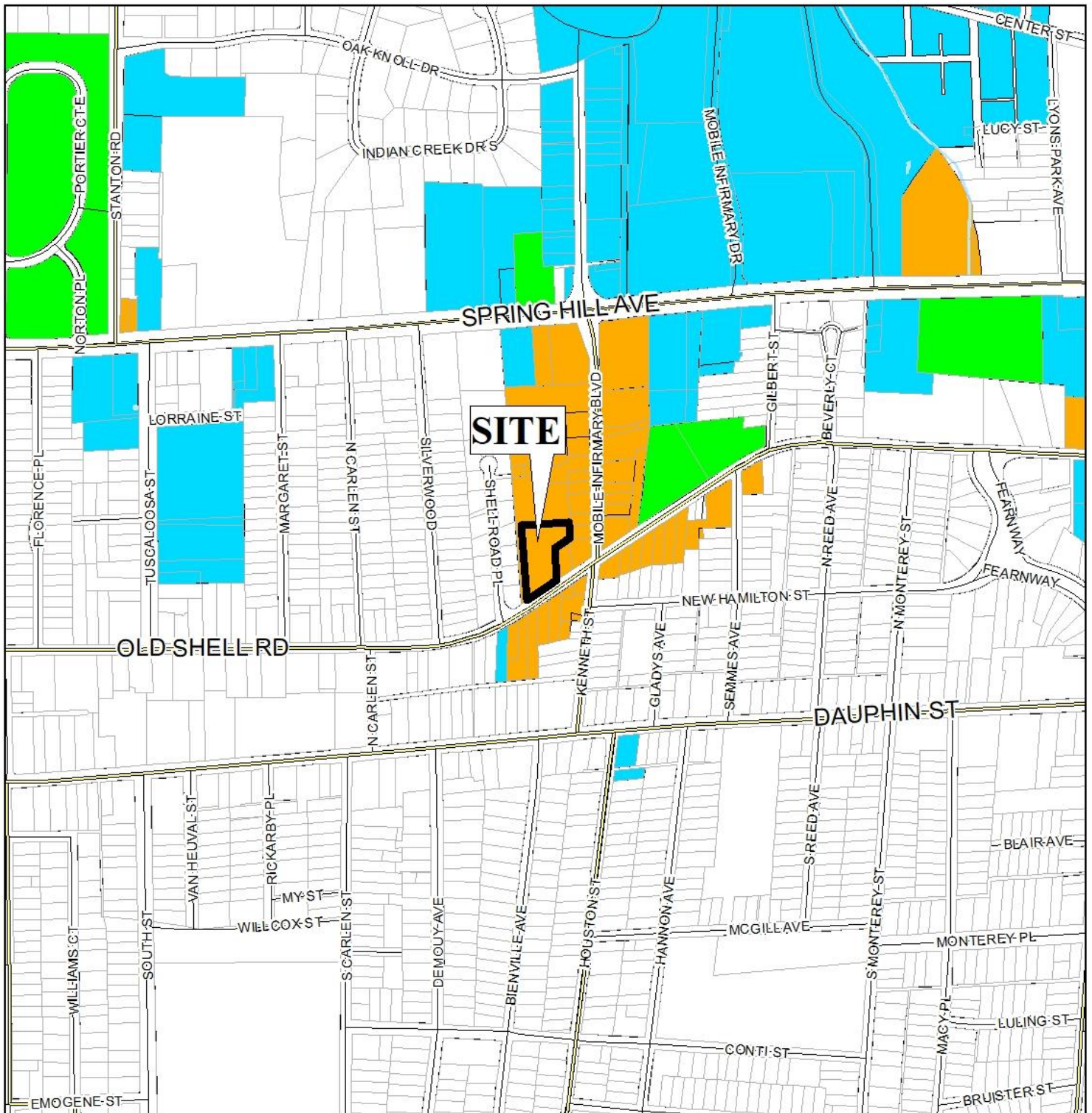
LOCATOR MAP



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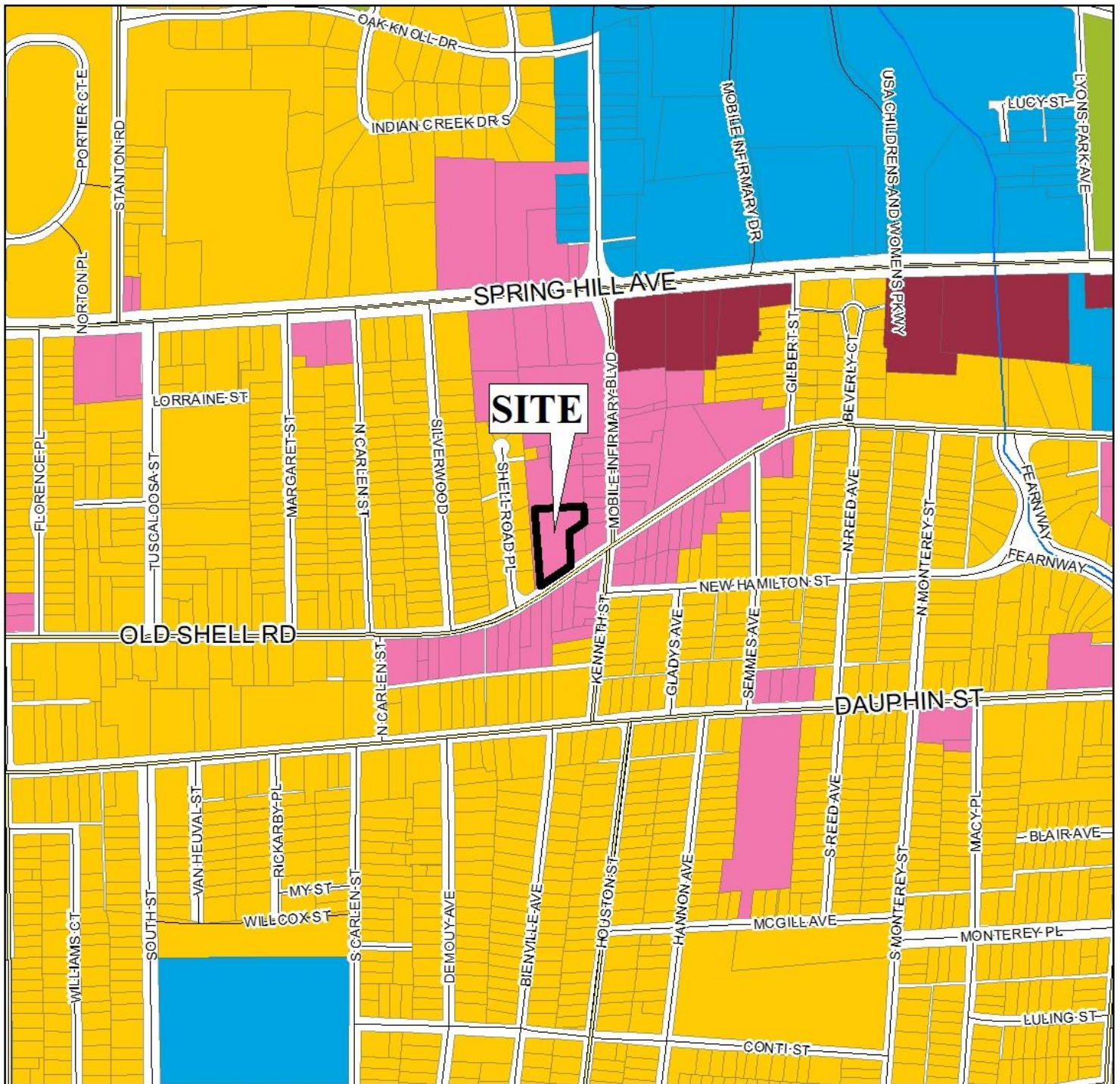
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

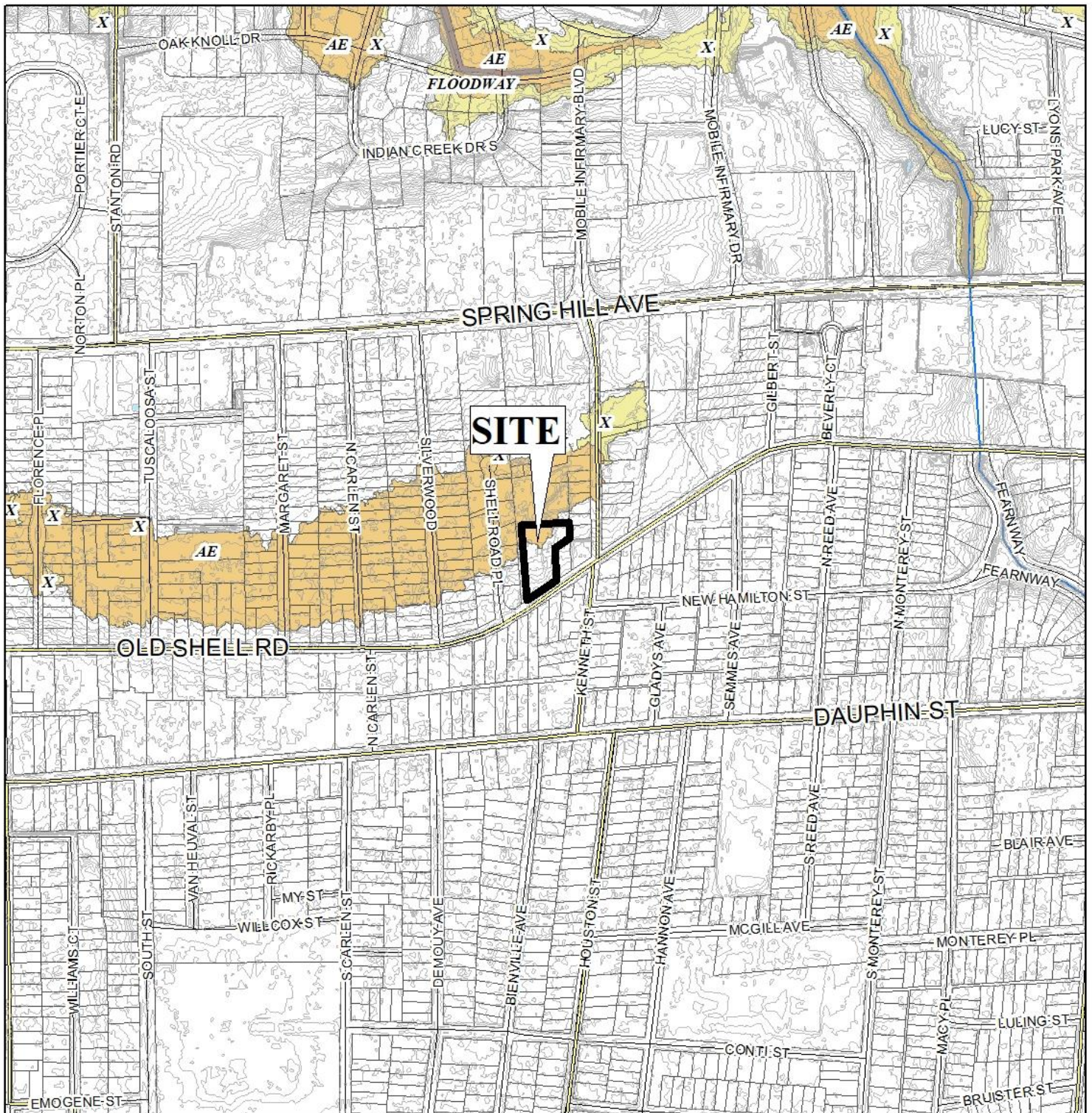


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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



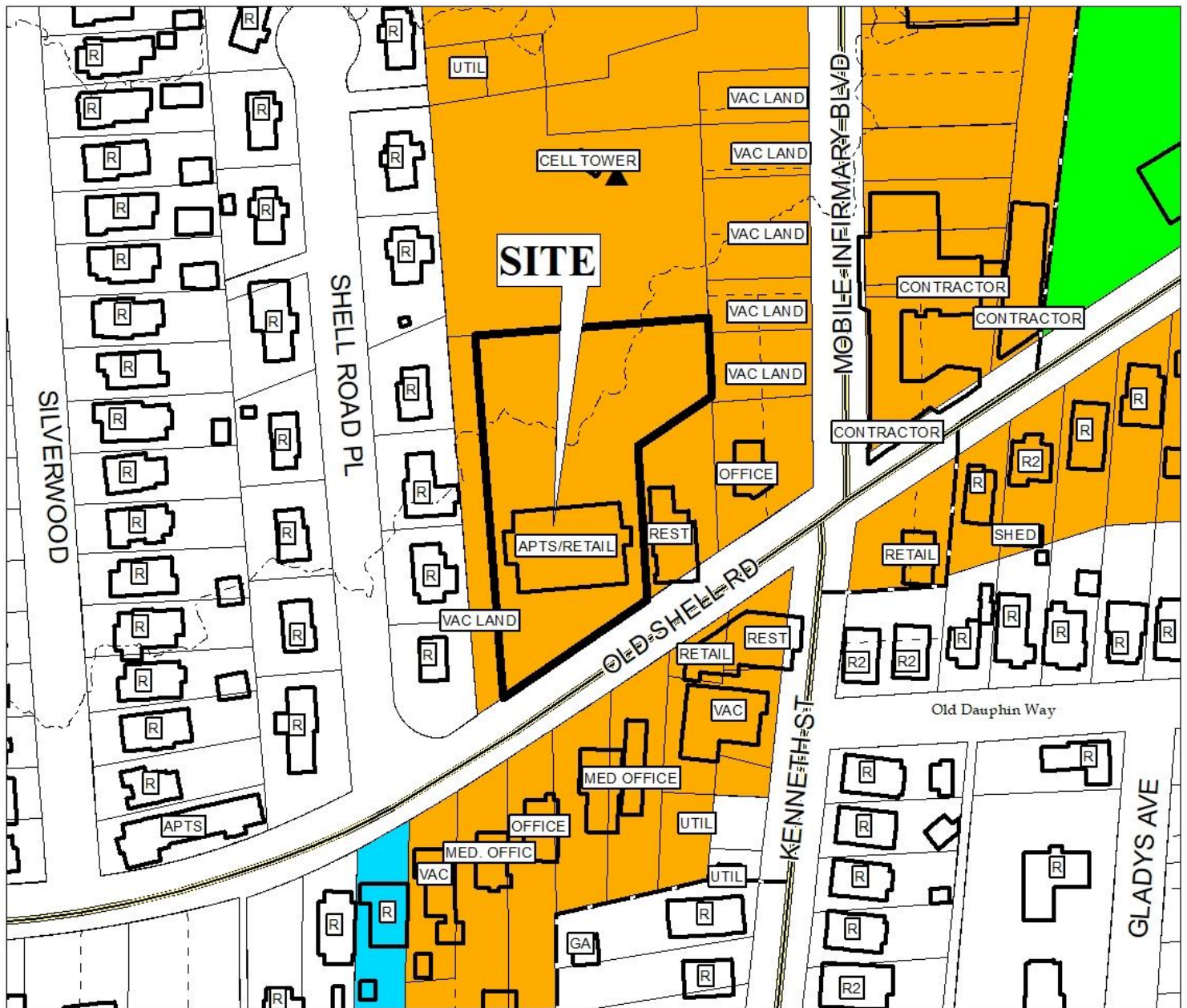
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REQUEST_____Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

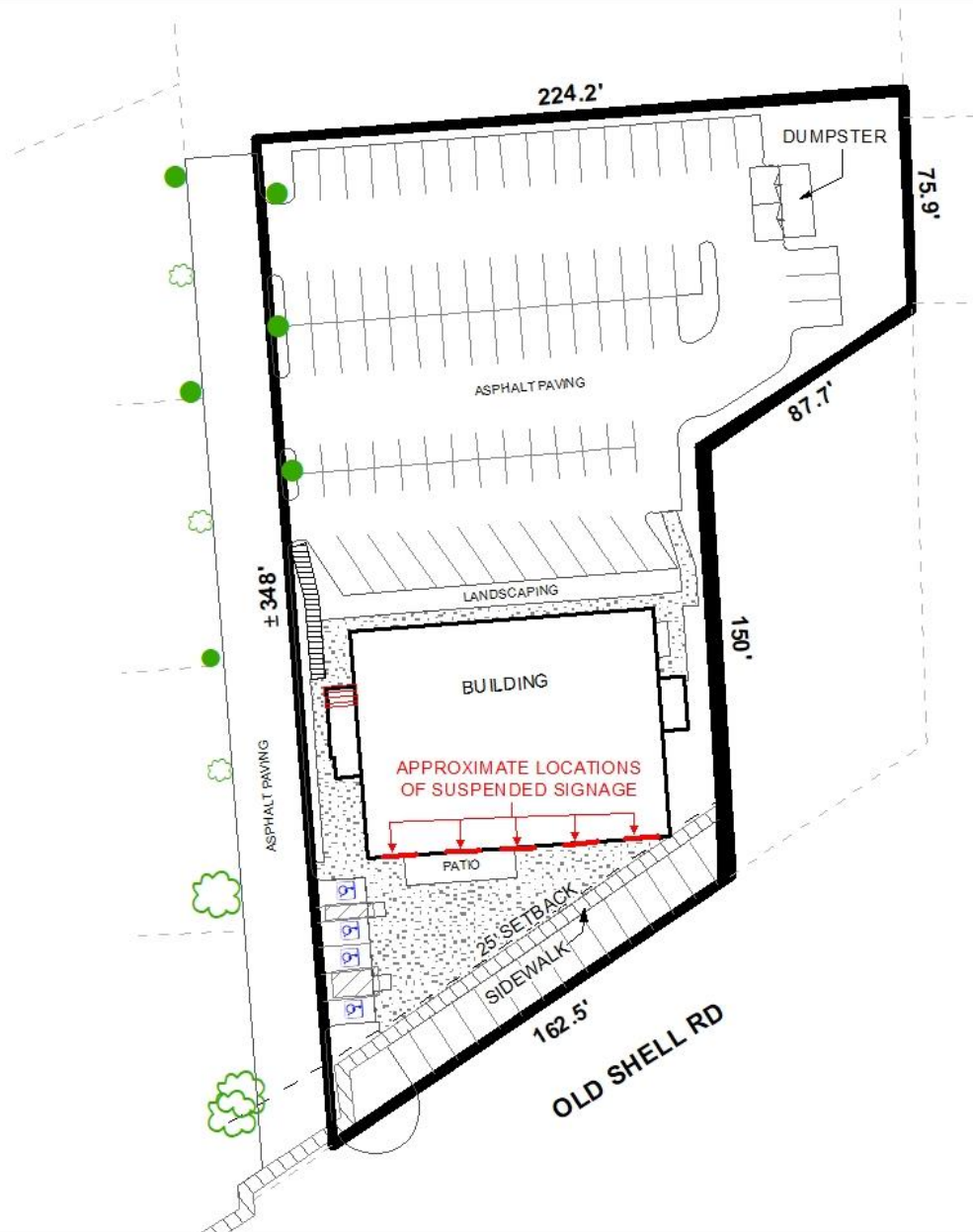


The site is surrounded by single family residential units, multi-family residential units, commercial sites, vacant lands, and medical offices.

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SITE PLAN



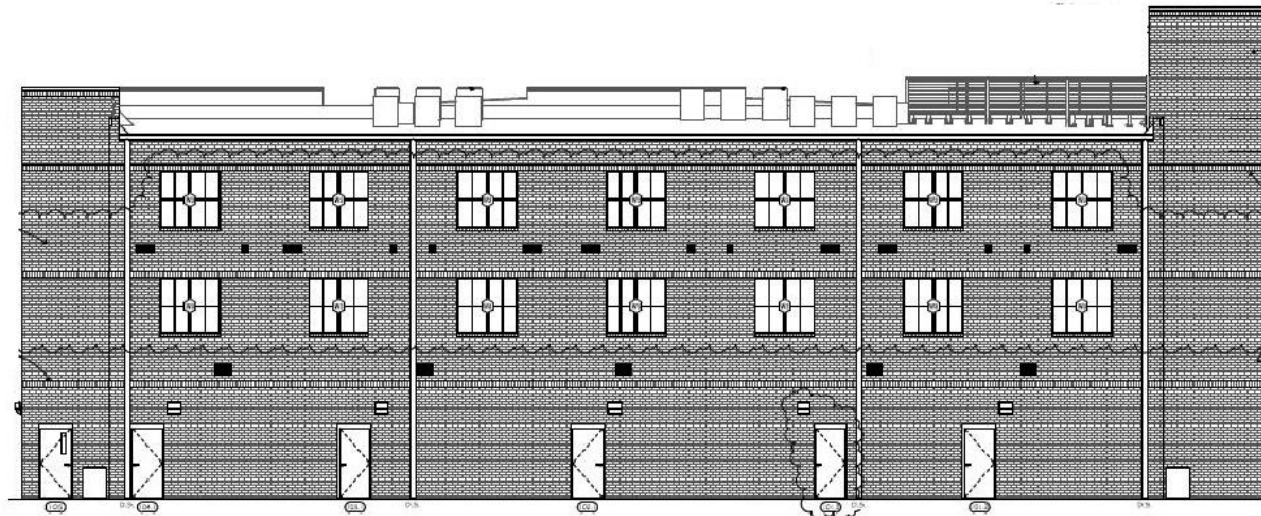
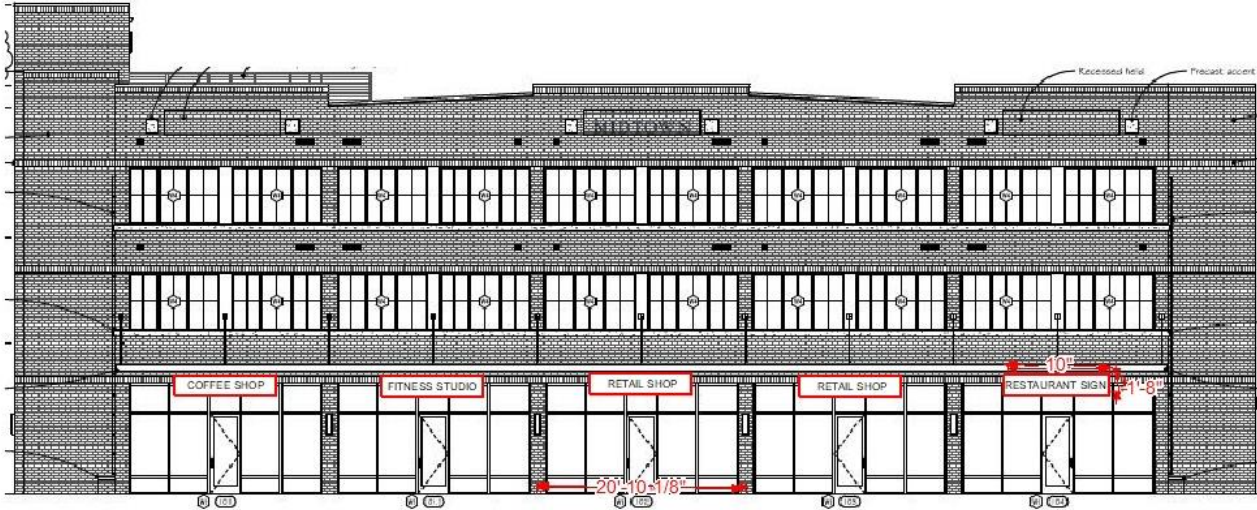
The site plan illustrates existing building, setback, sidewalk, and proposed parking area, and the proposed suspended signage locations.

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NTS

DETAIL SITE PLAN



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