

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 1, 2021****CASE NUMBER**

6425

APPLICANT NAME

Lamar Advertising

LOCATION

(East side of South Conception Street, 365'± North of Elmira Street).

VARIANCE REQUEST**SIGN:** Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, no closer than 1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.**ZONING**

I-1, Light Industry

AREA OF PROPERTY

0.7± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, no closer than 1,000 feet of another outdoor advertising sign, and no closer than 500 feet of residentially zoned property in an I-1, Light Industry District.

The site has been given a Downtown Waterfront (DW) land use designation, per the Future Land Use Plan and Map. 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 applies to an area generally bound by Virginia Street to the south, I-10 to the west, Beauregard Street to the north, and the Mobile River to the east. The primary intent of this designation is to promote opportunities for expanding public waterfront access and the possibility of additional public-oriented activities to make the waterfront more inviting and safe. The area may include incremental public access improvements and amenities that emphasize internal pedestrian and bicycle connections, as well as new linkages to Downtown and the surrounding neighborhoods.

Land uses in areas designated DW include existing industrial and heavy commercial facilities, but may also include complementary businesses and public facilities, as well as open spaces and access points to enhance the enjoyment and appreciation of the natural shoreline environment.

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.

Specific to the applicant's requests, the Sign Regulation Provisions of the Zoning Ordinance place a Moratorium on off-premise signs to the extent as stated in Section 64-11.A.2.(a):

No outdoor off-premise advertising structure shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:

Replacement of an outdoor off-premise advertising structure for an existing outdoor off-premise advertising structure in B-2, B-3, B-5, I-1 and I-2 zoning districts will be permitted subject to compliance with all other provisions of this ordinance. V-type or back to back signs shall be considered as one (1) sign.

The applicant states:

Lamar Advertising is requesting a variance for a potential sign to be located at 601 S Conception St. (Parcel # R022906390002166.000), Due to the directive from the State of Alabama, relating to the upcoming River Bridge Project, Lamar Advertising is being forced to relocate structures that currently have "grandfather" status with the City of Mobile. Such relocations are resulting in the loss of "grandfather" status and inhibiting Lamar Advertising's ability to operate at normal capacity.

The first of our requests to help make the relocation as unnoticeable as possible, is that the City grant us permission to have the relocated structure's size exceed the current City Ordinance's limit of 300 square feet. The State's relocation effort has pushed our potential billboard site much further from the current roadway, which will greatly limit the visibility of our advertising structure unless we are able to build at a larger size.

Our final request is that the City match the State's distance restriction of 500 feet between sign locations. The current City Ordinance requires signs to be no closer than 1000 feet, however the State's relocation order has placed our potential billboard site within that limit. As described above, this limit was not applicable when the structures were originally built, so to assist with Lamar Advertising's attempt to comply with the State's instruction, we request that the City reduce their limit to match the State's.

These requests are made so that Lamar Advertising can in good faith continue to work with the State in preparation for the River Bridge Project.

There is an existing off-premise advertising billboard sign on the subject site which is not within the right-of-way for the proposed Mobile River Bridge. The applicant proposes to replace the existing sign in the same location with a 672 square foot monopole sign. There is also another existing off-premise advertising billboard sign approximately 670 feet to the South of the subject site which is also out of the proposed bridge right-of-way which the applicant proposes to have remain. The proposed replacement sign would be less than 500 feet from R-1, Single-Family Residential property across Interstate 10, used as a City park. The proposed replacement sign would be over the maximum allowable 300 square feet in area (672 square feet proposed), would be within 1,000 feet of another outdoor advertising sign, and within 500 feet of residentially zoned property. The Zoning Ordinance requires full compliance with the size and spacing limits for off-premise billboard signage; hence this request.

It should be noted that no specific site plan was submitted with the application; therefore, the precise location of the sign on the subject site cannot be determined.

Inasmuch as the circumstances surrounding the proposed relocation are due to a public infrastructure project, and as the applicant's request for increased signage size is far greater than that allowed by the Ordinance, and the location of the proposed sign does not meet the spacing requirements of the Ordinance, staff recommends that the Board take into consideration all factors as may be presented by the applicant and public to reach a decision on this matter.

RECOMMENDATION:

When considering the application, the Board should bear in mind the following:

- a. approving the variance request will/will not be contrary to the public interest;
- b. special conditions appear/do not appear to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- c. that the spirit of the chapter shall/shall not be observed and substantial justice done/not done to the applicant and the surrounding neighborhood by granting the variance.

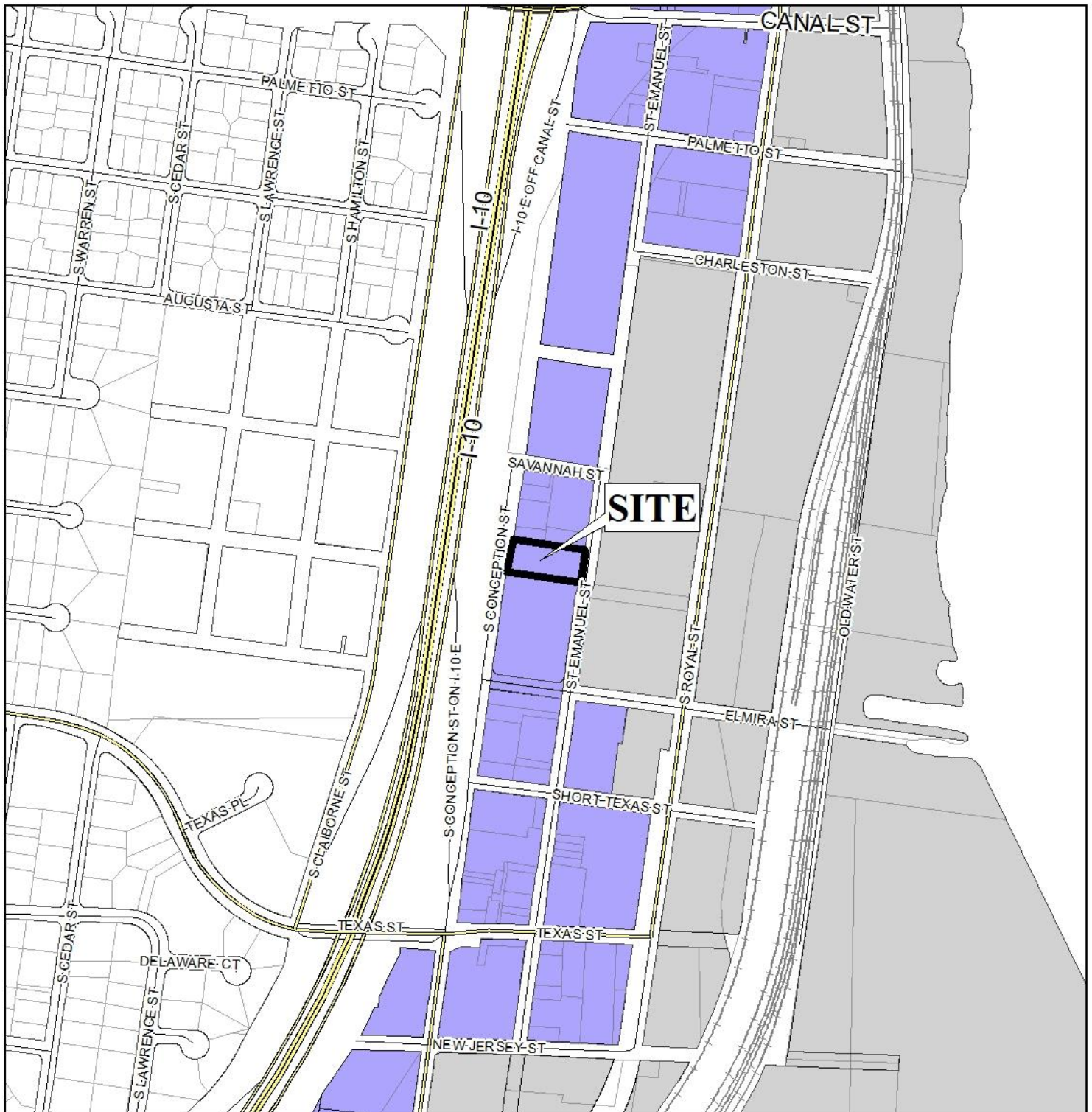
LOCATOR MAP



APPLICATION NUMBER 6425 DATE November 1, 2021
APPLICANT Lamar Advertising
REQUEST Sign Variance



LOCATOR ZONING MAP



APPLICATION NUMBER 6425 DATE November 1, 2021

APPLICANT Lamar Advertising

REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6425 DATE November 1, 2021

APPLICANT Lamar Advertising

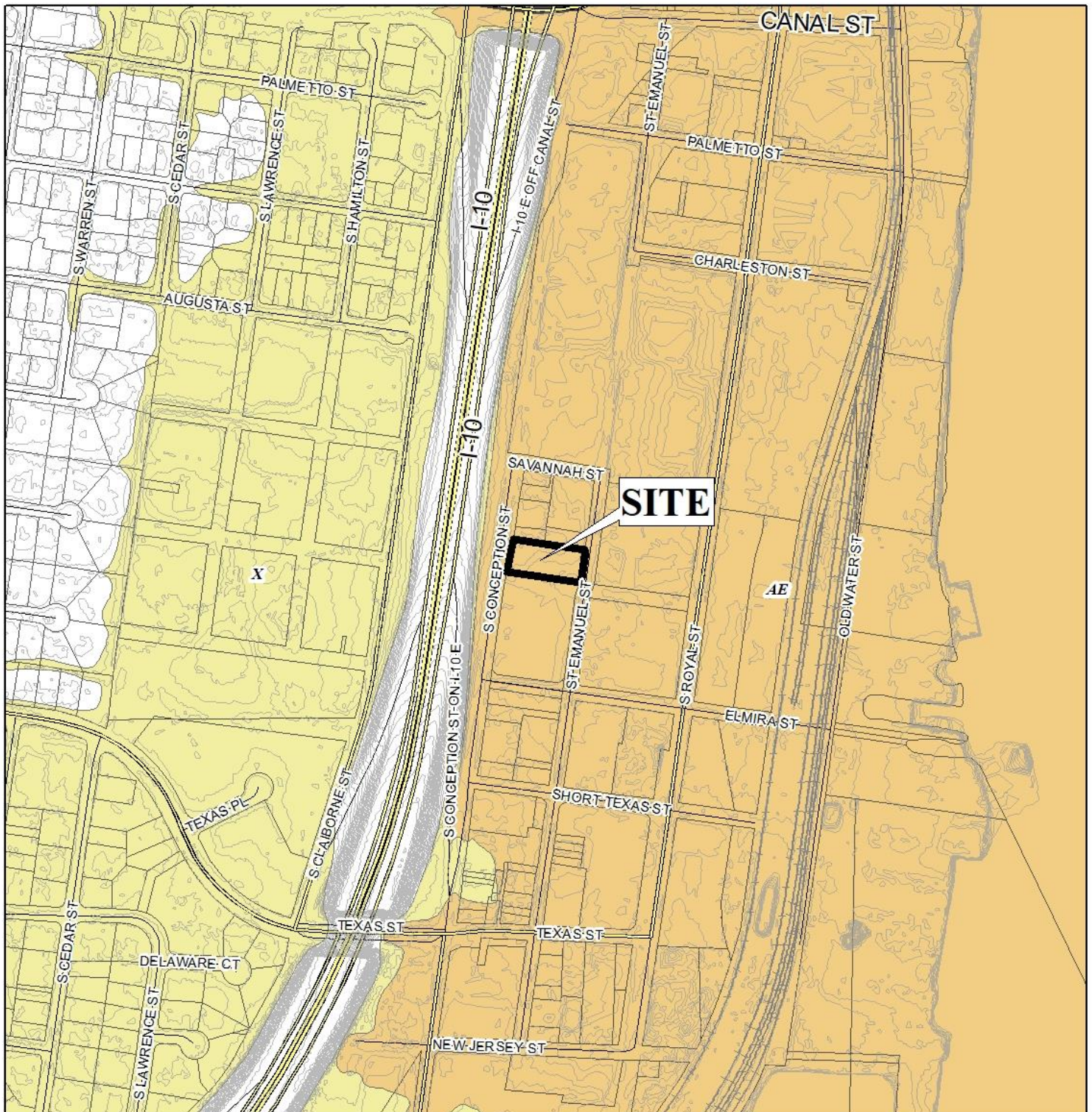
REQUEST Sign Variance

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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 | |



NTS

ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6425 DATE November 1, 2021

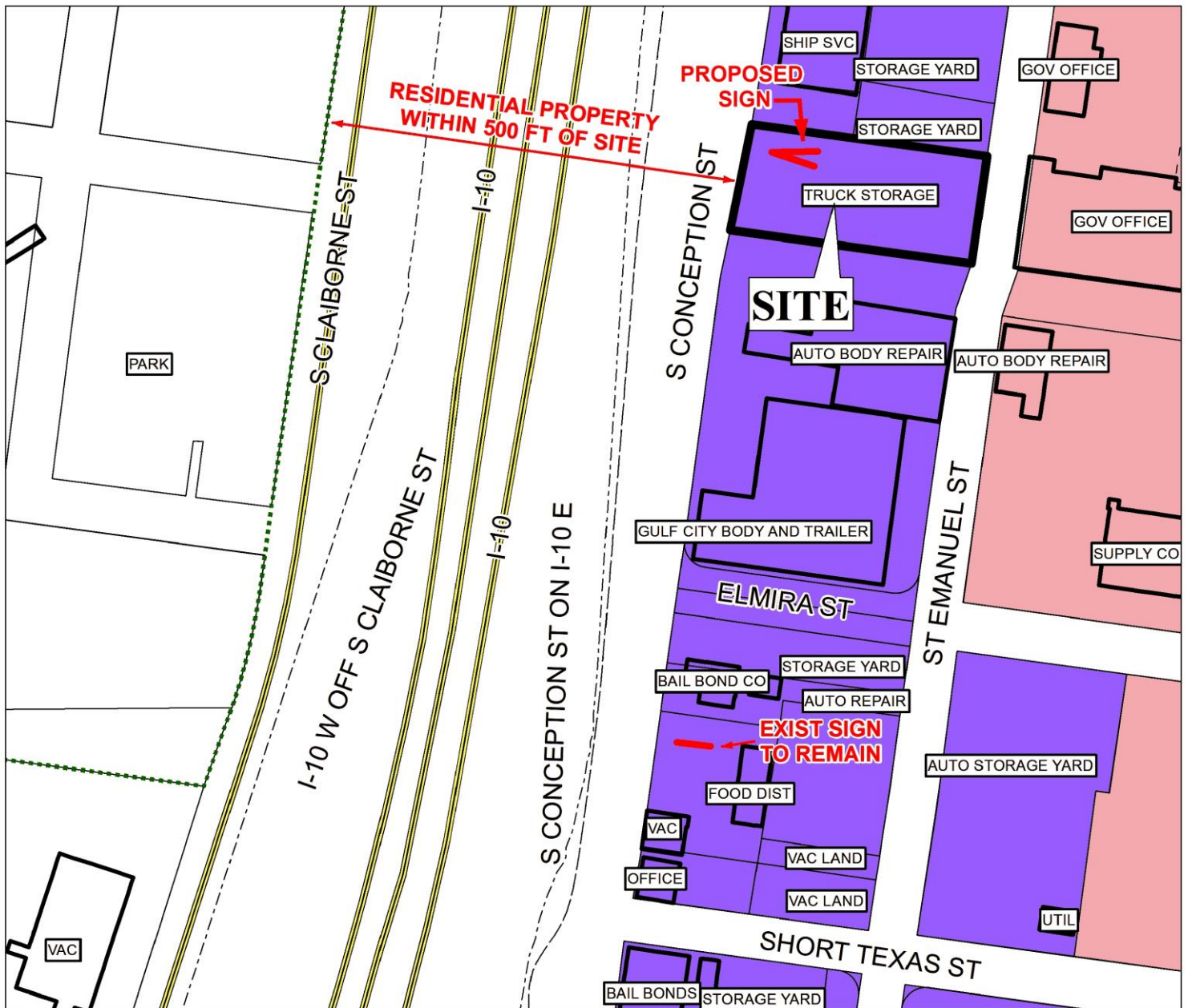
APPLICANT Lamar Advertising

REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6425 DATE November 1, 2021

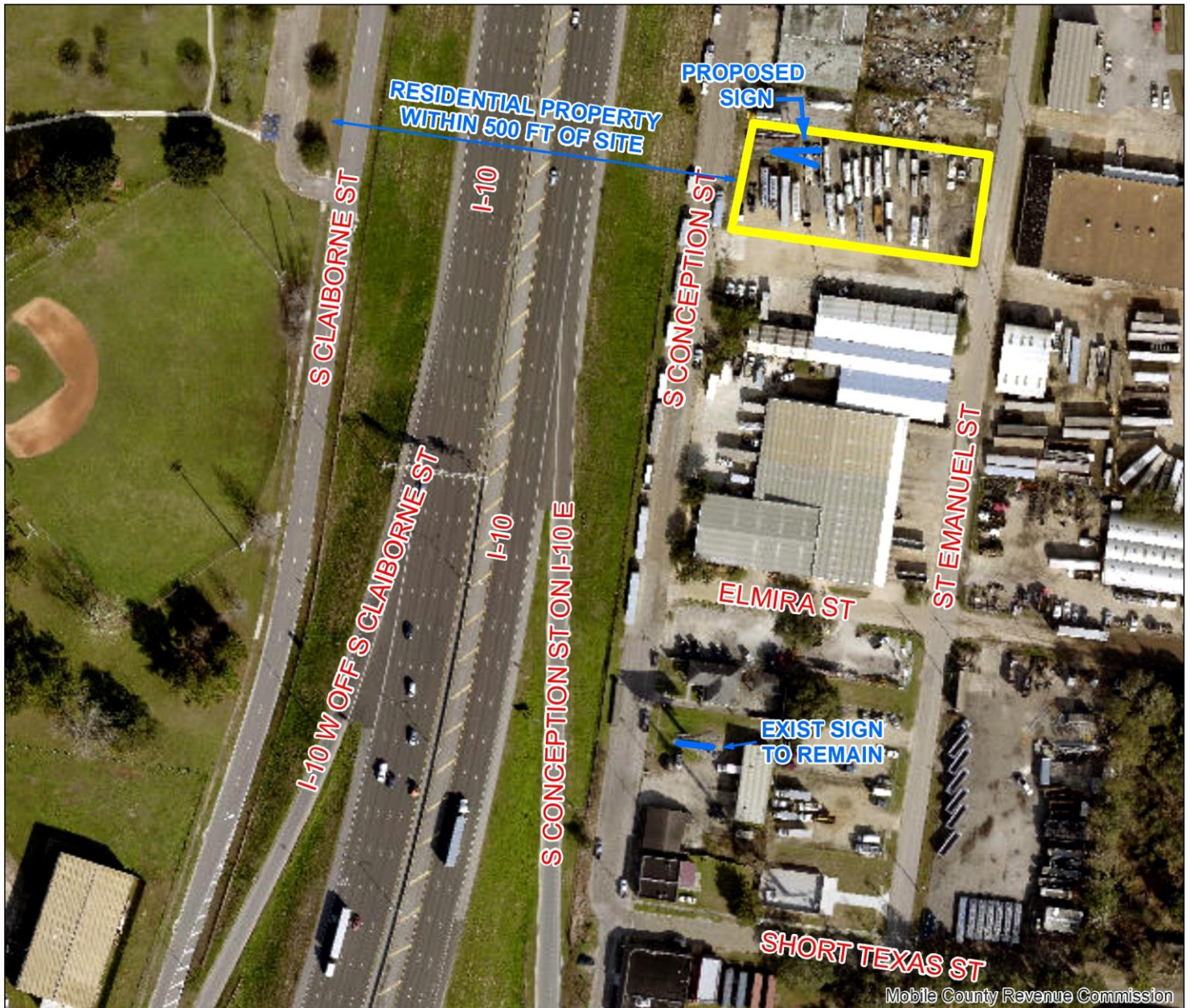
APPLICANT Lamar Advertising

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

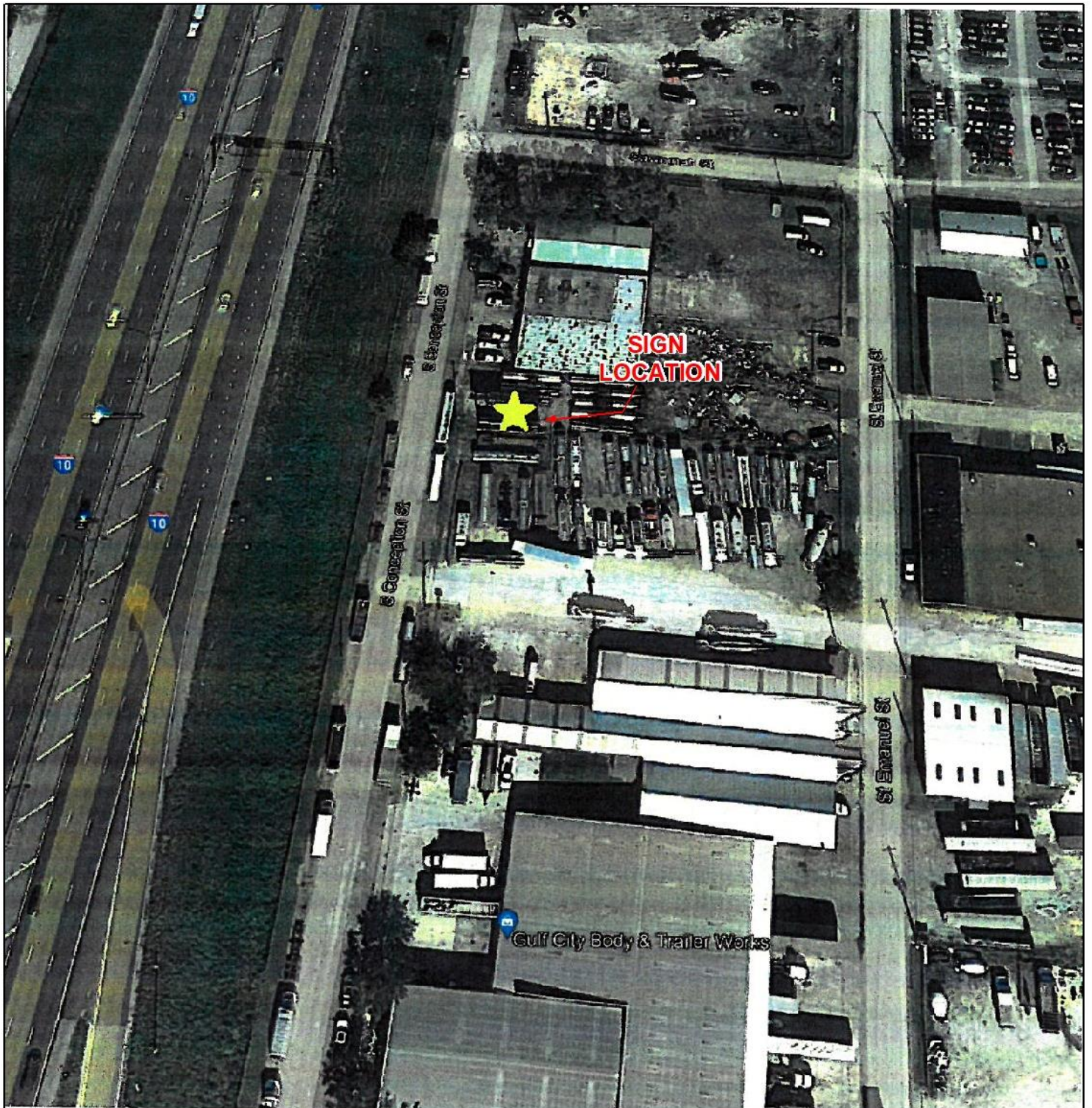


The site is surrounded by commercial units.

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DETAIL SITE PLAN



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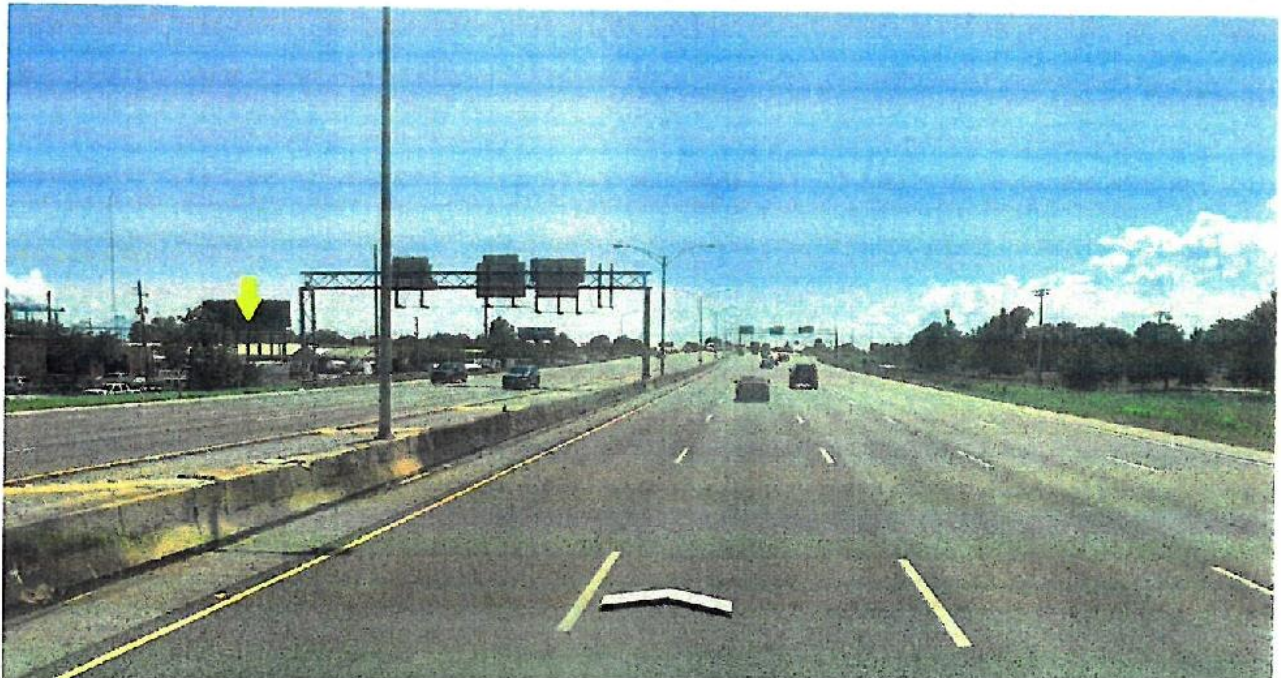
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