

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 3, 2023

CASE NUMBER

6506/6473

APPLICANT NAME

Victor Sign Company

LOCATION

4685 Airport Boulevard
(South side of Airport Boulevard, 200'± East of the South terminus of General Bullard Avenue).

VARIANCE REQUEST

SIGN: Sign Variance to amend a previously approved Sign Variance to allow an increased area for an approved digital sign within 300 feet of residentially zoned property in a B-2, Neighborhood Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance limits the area of approved digital signs within 300 feet of residentially zoned property in a B-2, Neighborhood Business District.

ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.3 ± Acre

**CITY COUNCIL
DISTRICT**

District 6

**ENGINEERING
COMMENTS**

No comments.

**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.

ANALYSIS

The applicant is requesting a Sign Variance to amend a previously approved Sign Variance to allow an increased area for an approved digital sign within 300 feet of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance limits the area of approved digital signs within 300 feet of residentially zoned property in a B-2, Neighborhood Business District.

The site has been given a Neighborhood Center – Suburban (NC) land use designation, per the recently adopted 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 smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

The following are General Principles for Neighborhood Centers (NC): NC should support a limited amount of commercial employment. NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures. The residential density in NC designations – ranging from 4 to 10 du/ac— must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next. The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments. The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

NC in traditional contexts: These tend to be in those areas east of the Beltline and correspond to MxDR neighborhoods. In these NCs, buildings should orient to the street, with on-site parking typically pushed to the back of the site. The design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.

NC in suburban contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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 applicant was granted a Sign Variance at the Board's September 2022 meeting to allow a freestanding, double-faced, eight-foot by eight-foot (64 square-foot) LED digital sign in the front yard of an existing commercial site within 300-feet of residentially zoned property. The applicant proposes to expand the size of the sign to eight feet (8') by twelve feet (12'), or 96 square feet. As the previous variance limited the size of the sign to 64 square feet, that variance must be amended to allow the expanded size; hence this application.

The applicant states the following reasons to explain the need for the variance:

On 9/12/22 a variance request to allow a digital display within the 300' buffer of residentially zoned property was approved. All of the nearby residentially zoned property is in use as commercial property. (Variance Case #BOA-002141-2022). At that time a drawing was submitted depicting an 8' x 8' digital display.

The owners would like to increase the size of the digital display to 8' x 12'. This increase in size remains below the allowable square footage for freestanding signage for this parcel.

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.

Section 64-11.8.c(7) of the Zoning Ordinance states: "electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property".

The subject site has frontage along Airport Boulevard and is bordered to the East, South and West by other B-2 zoning, all in commercial use. Directly across Airport Boulevard is B-2 zoning, also in commercial use. The closest residential zoning is R-1, Single-Family Residential, approximately 265-feet to the Northwest across Airport Boulevard at the Northwest corner of Airport Boulevard and General Bullard Avenue, a legal nonconforming commercial use as a tire store. Adjacent to the West of that site is also R-1 zoning, and in use as a fire station. The closest residentially zoned property, in residential use, is approximately 430-feet to the Northwest of the subject site.

The subject site has 100 linear feet of public street frontage, which allows 100 square feet per face for any freestanding signage. The applicant proposes the approved signage be increased to 96 square feet per face, within the allowable size range. In light of the fact that the only residentially zoned property within 300-feet of the subject site is a legal nonconforming commercial use, and the closest actual residential use, on residentially zoned property, is approximately 430-feet from the subject site, the applicant may have demonstrated that a hardship would be imposed by a literal interpretation of the Ordinance, and the Board should consider this application for approval.

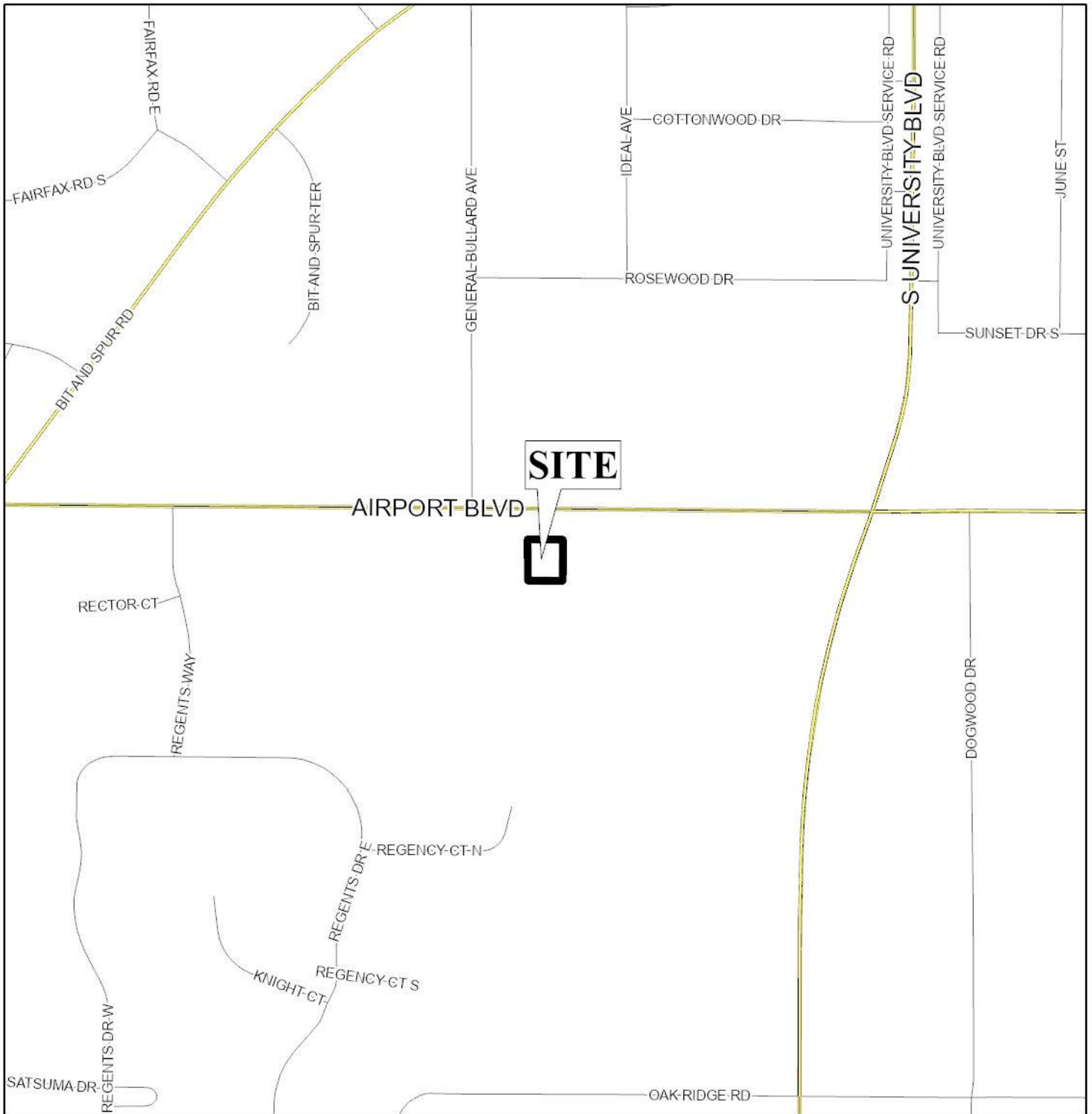
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval:

- 1) Approving the variance will not be contrary to the public interest in that the residentially zoned property within 300 feet of the subject site is in legal nonconforming commercial use;
- 2) Special conditions exist (the residentially zoned property within 300 feet of the subject site is actually in commercial use) such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and surrounding neighborhood by granting the variance because it will not be a detriment to the neighborhood.

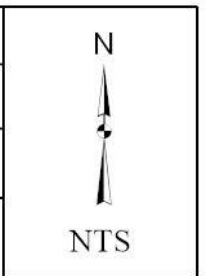
The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permit, with the sign manufacturer's certifications of compliance with the digital sign standards;
- 2) obtaining of an electrical permit; and
- 3) full compliance with all other municipal codes and ordinances.

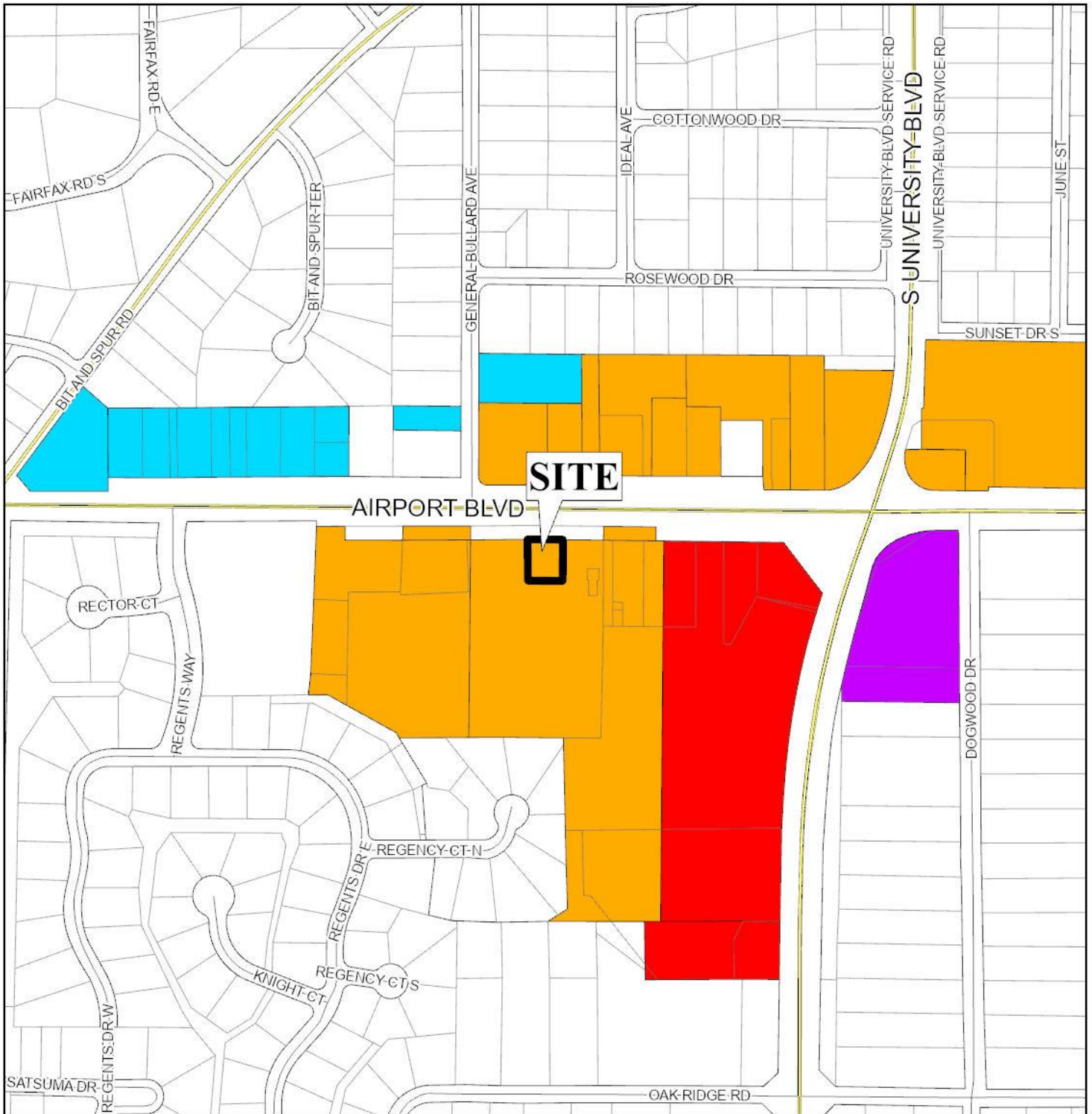
LOCATOR MAP



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REQUEST <u>Sign Variance</u>	



LOCATOR ZONING MAP



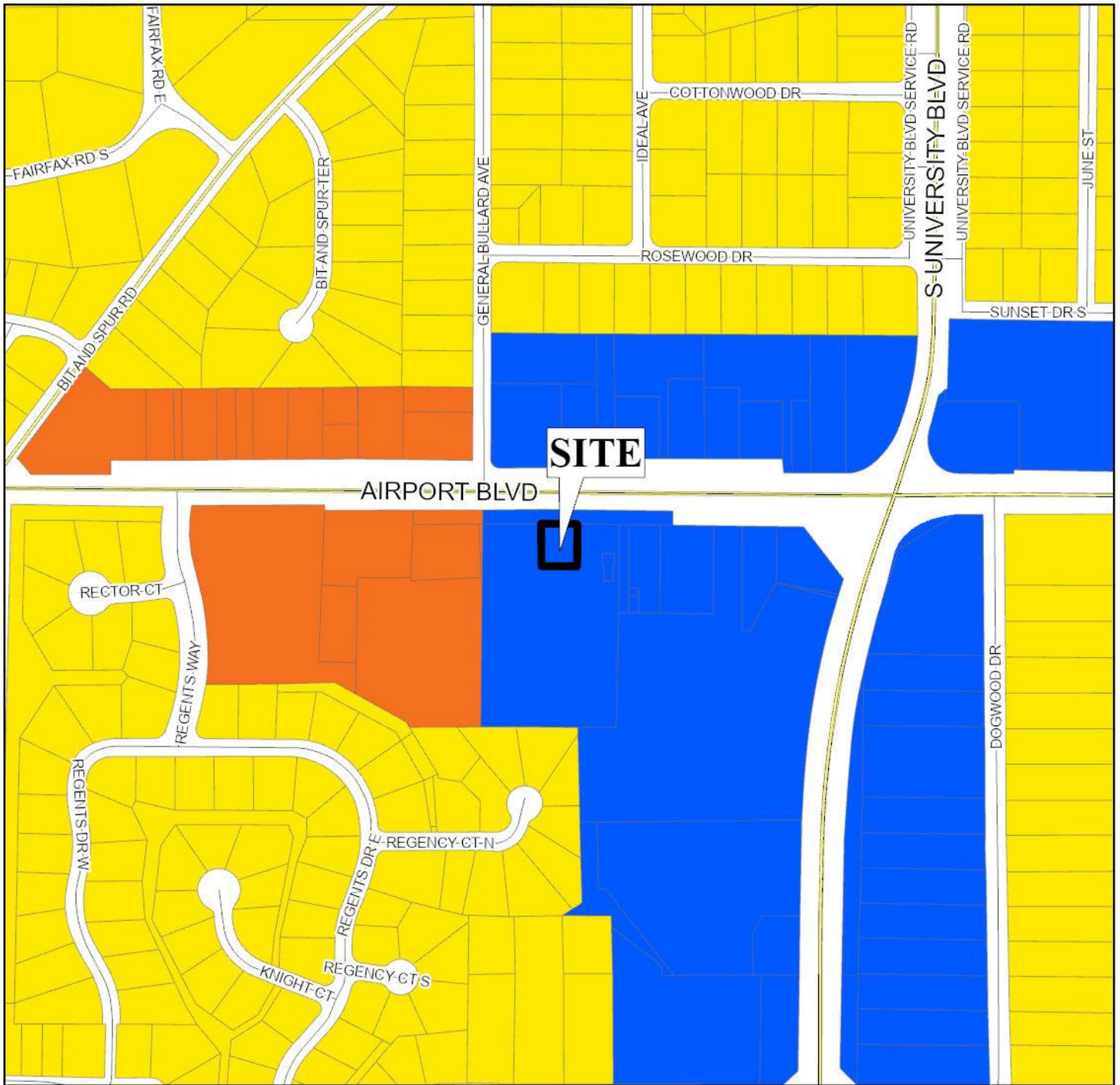
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FLUM LOCATOR MAP



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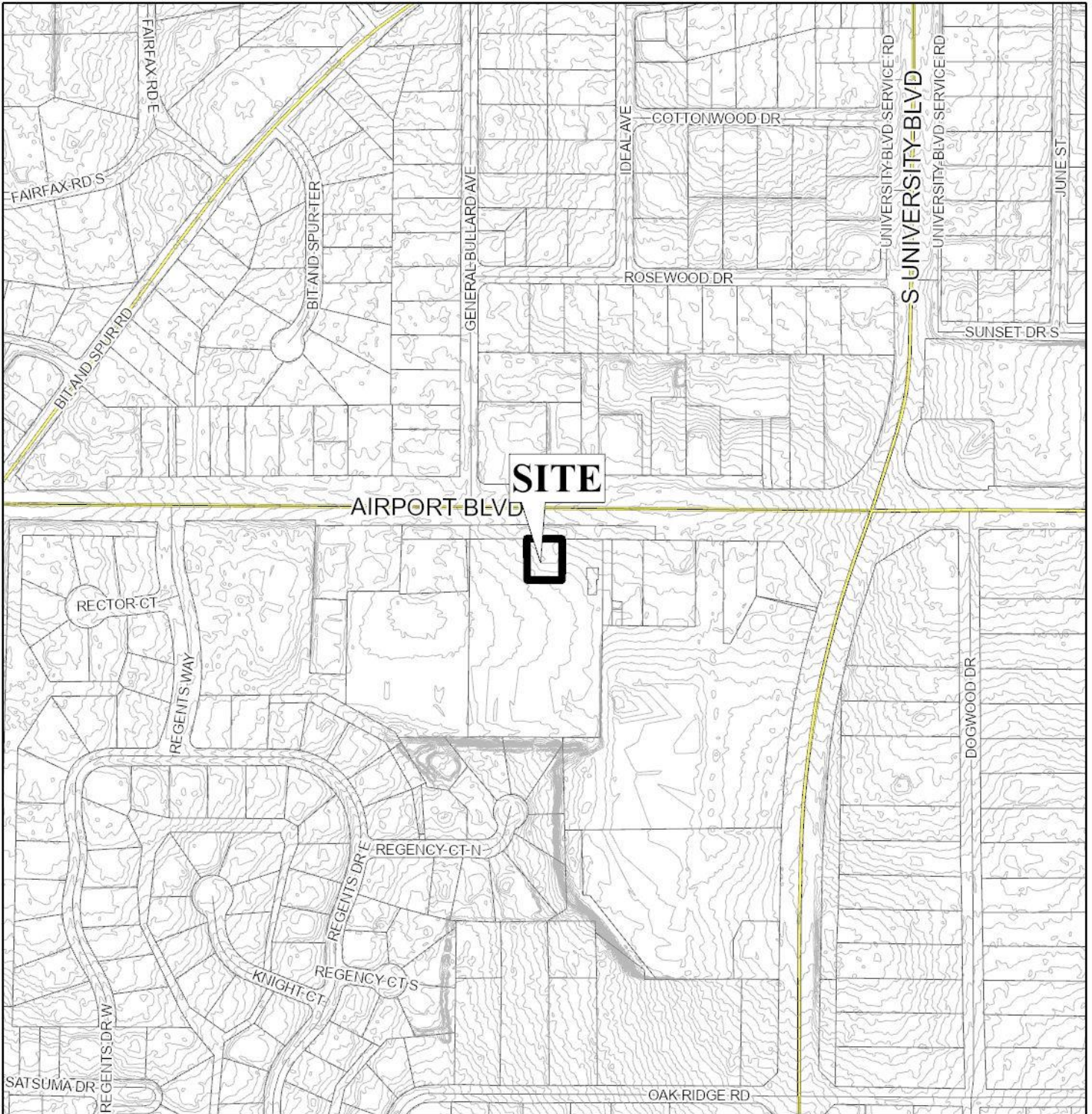
REQUEST Sign Variance

FLUM

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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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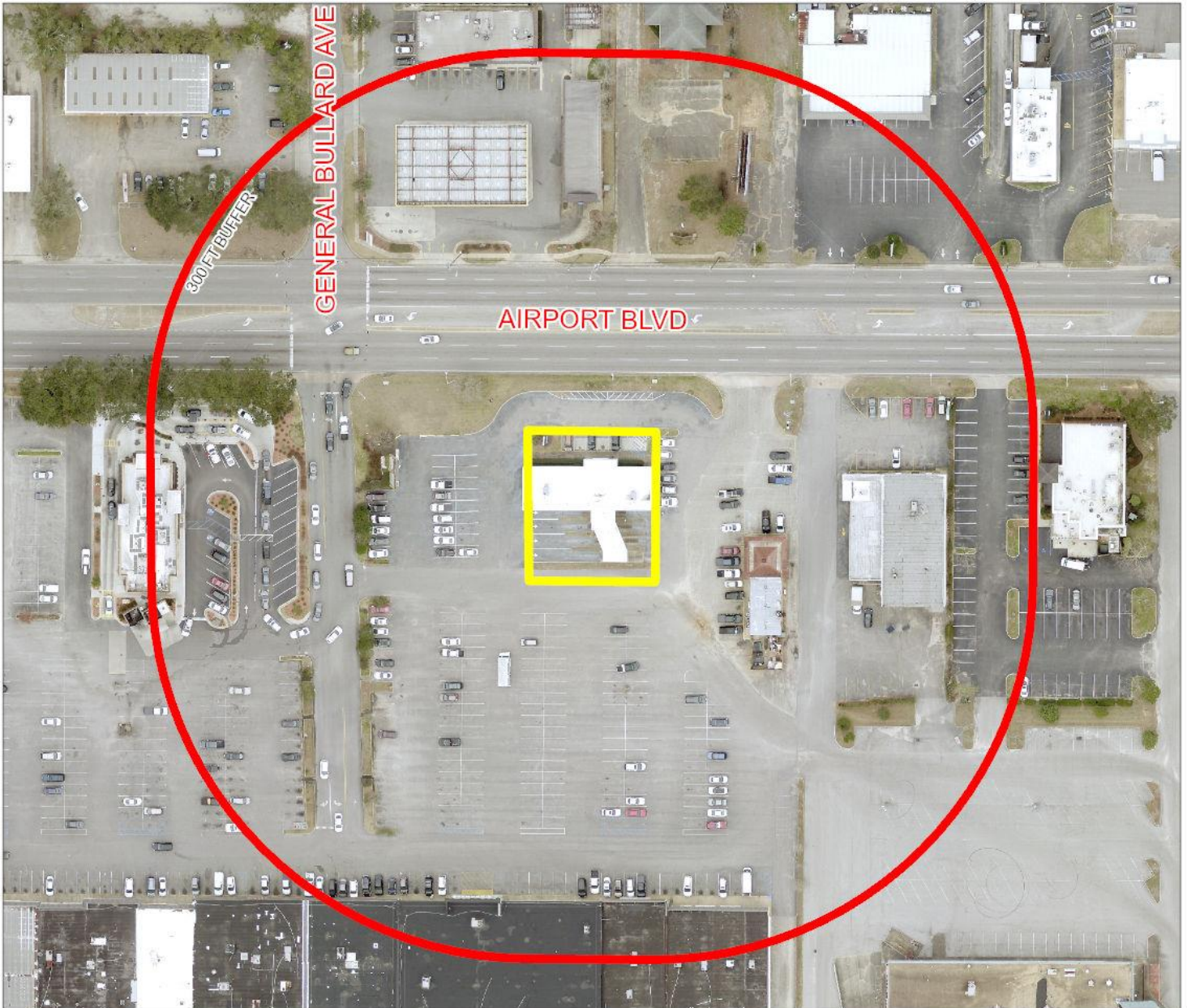
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

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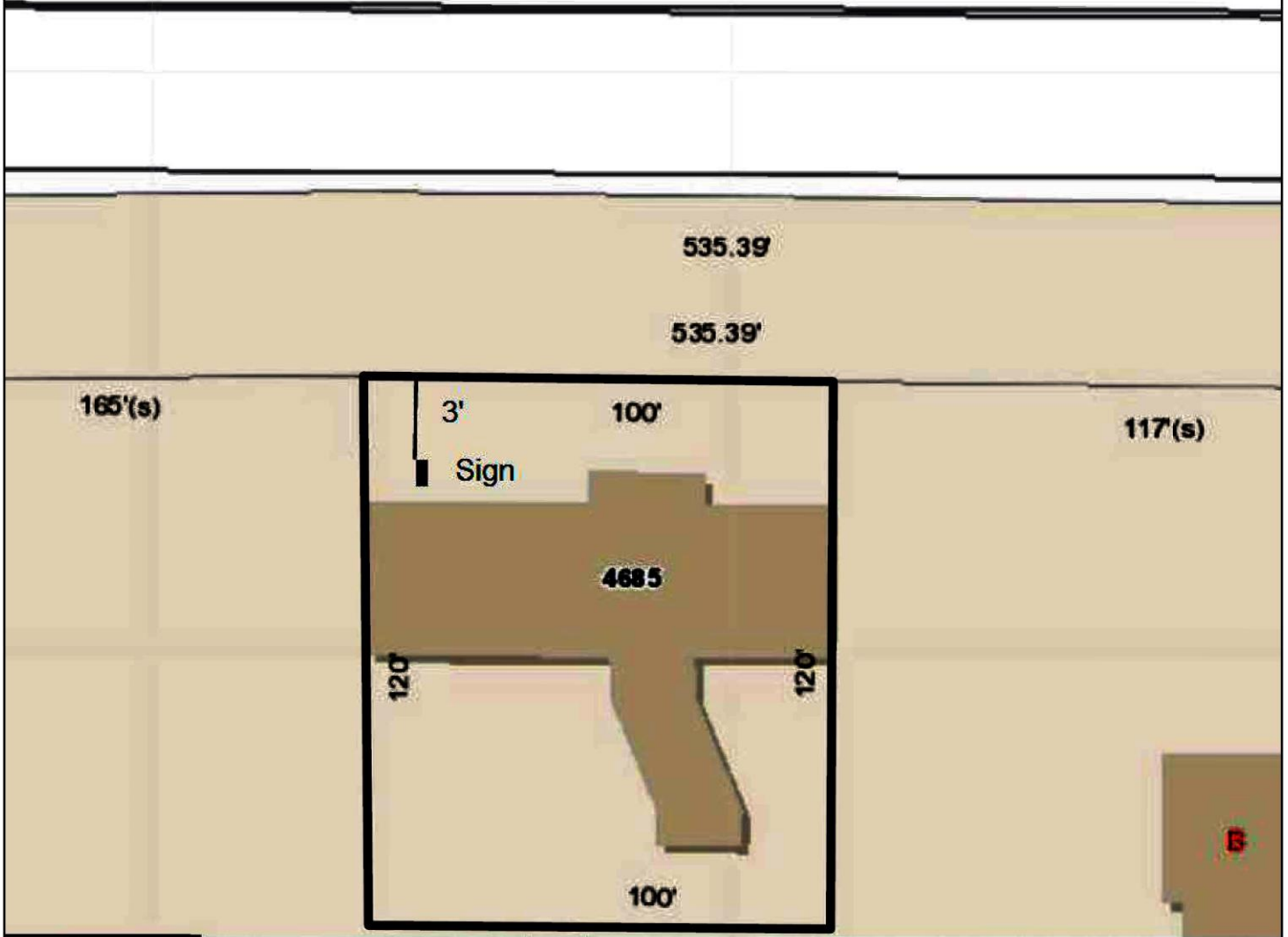
REQUEST Sign Variance



NTS

SITE PLAN

AIRPORT BLVD



The site plan illustrates the existing building, and proposed digital sign.

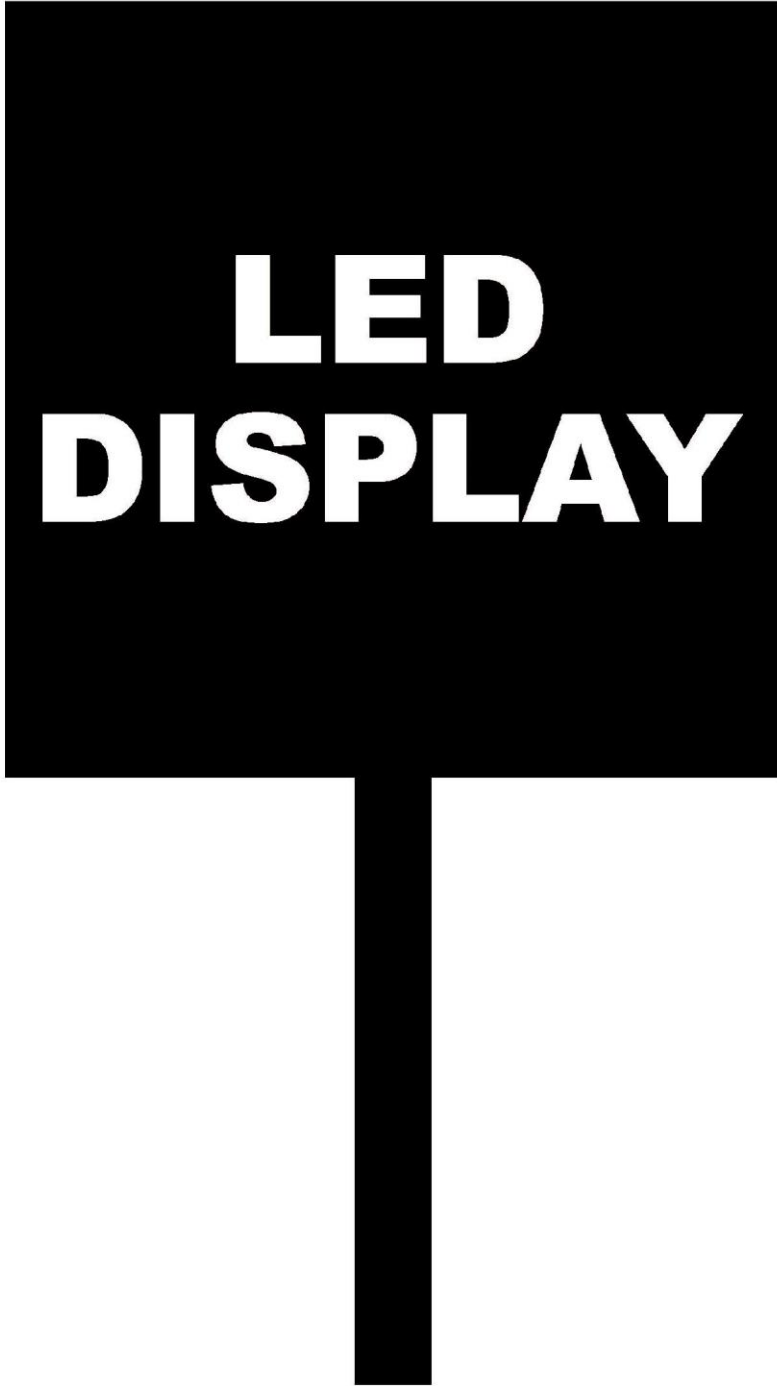
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DETAIL SITE PLAN



**8" x 12"
LED Display**

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