

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 7, 2021**

<b><u>CASE NUMBER</u></b>	6386/2920/1658
<b><u>APPLICANT NAME</u></b>	Cummings Architecture Corp.
<b><u>LOCATION</u></b>	1501 Old Shell Road (Southeast corner of Old Shell Road and North Catherine Street).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> Sign Variance to allow a second freestanding monument sign for a single-tenant church school site in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIGN:</b> The Zoning Ordinance limits a single-tenant church school site to one freestanding monument sign in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	14.3± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No traffic impacts anticipated by this variance request.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2

**ANALYSIS** The applicant is requesting a Sign Variance to allow a second freestanding monument sign for a single-tenant church school site in an R-1, Single-Family Residential District; the Zoning Ordinance limits a single-tenant church school site to one freestanding monument sign in an R-1, Single-Family Residential District.

The site has been given Institutional (INS) 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 designation includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities, but exclude parks and public open space which are identified under a separate land use classification (see below). Semi-public uses such as grammar and high schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included. Parks and public open space are not included but have their own land use classification.

Note: Small-scale properties (less than 2 acres) accommodating subsidiary public and semi-public facilities, such as branch libraries, substations, satellite clinics, etc., may not be specifically called out in the FLUM under this land use designation, but may instead be considered part of the array of integrated complementary uses typically found in a residential neighborhood or a mixed-use center or corridor. The specific location and design of these complementary uses is subject to zoning.

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 that substantial justice is 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 Regulations is to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

The applicant states:

*The McGill-Toolen campus encompasses most of a city block in mid-town. The block is bounded by Old Shell Road, Lafayette Street, Dauphin Street and Catherine Street. A monument sign is currently present at the corner of Old Shell and Catherine. The plan is*

*to remove the existing monument sign and replace it with a new single sided monument sign. A new monument sign has been permitted to be constructed at the corner of Lafayette and Dauphin. We are told that only one monument sign is allowed for the campus. The variance request is for two monument signs. The campus is large and the two monument signs will not be visible at the same time.*

A permit was recently issued for an identical freestanding monument sign for the school at the Northwest corner of Dauphin Street and North Lafayette Street. The Zoning Ordinance allows one freestanding monument sign for a single-tenant site; therefore, a Sign Variance is required to allow the proposed sign. It should be noted that there is an existing older monument sign at the location of the proposed sign which staff was not aware of when approving the other monument sign, and that sign is proposed to be removed and replaced by the proposed sign. It should also be noted that the McGill-Toolen campus is situated within the Old Dauphin Way Historic District, and the total amount of signage per tenant within historic districts is limited to 64 square feet by the Zoning Ordinance. The approved sign at the Northwest corner of Dauphin Street and North Lafayette Street is one-sided, with a total of 50 square feet, and received approval by the Mobile Historic Development Commission Architectural Review Board. The proposed sign is the same size and design and has also been approved by that Board, but, since the combined square footage for both signs would be 100 square feet, this requested variance should also consider allowing the overage in signage area.

The main campus for McGill-Toolen High School spans approximately 14.3 contiguous acres, and the distance from the already-approved monument sign to the proposed sign is approximately 1,200 feet diagonally across the campus. As the applicant has pointed out in the narrative, both signs cannot be viewed at the same time. Due to the size and configuration of the subject site, a hardship could be considered to be imposed by a literal interpretation of the Zoning Ordinance of both the limitation to one allowable freestanding monument sign and the limitation to 64 total square feet of signage in a historic district, and the Board should consider this request for Approval.

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

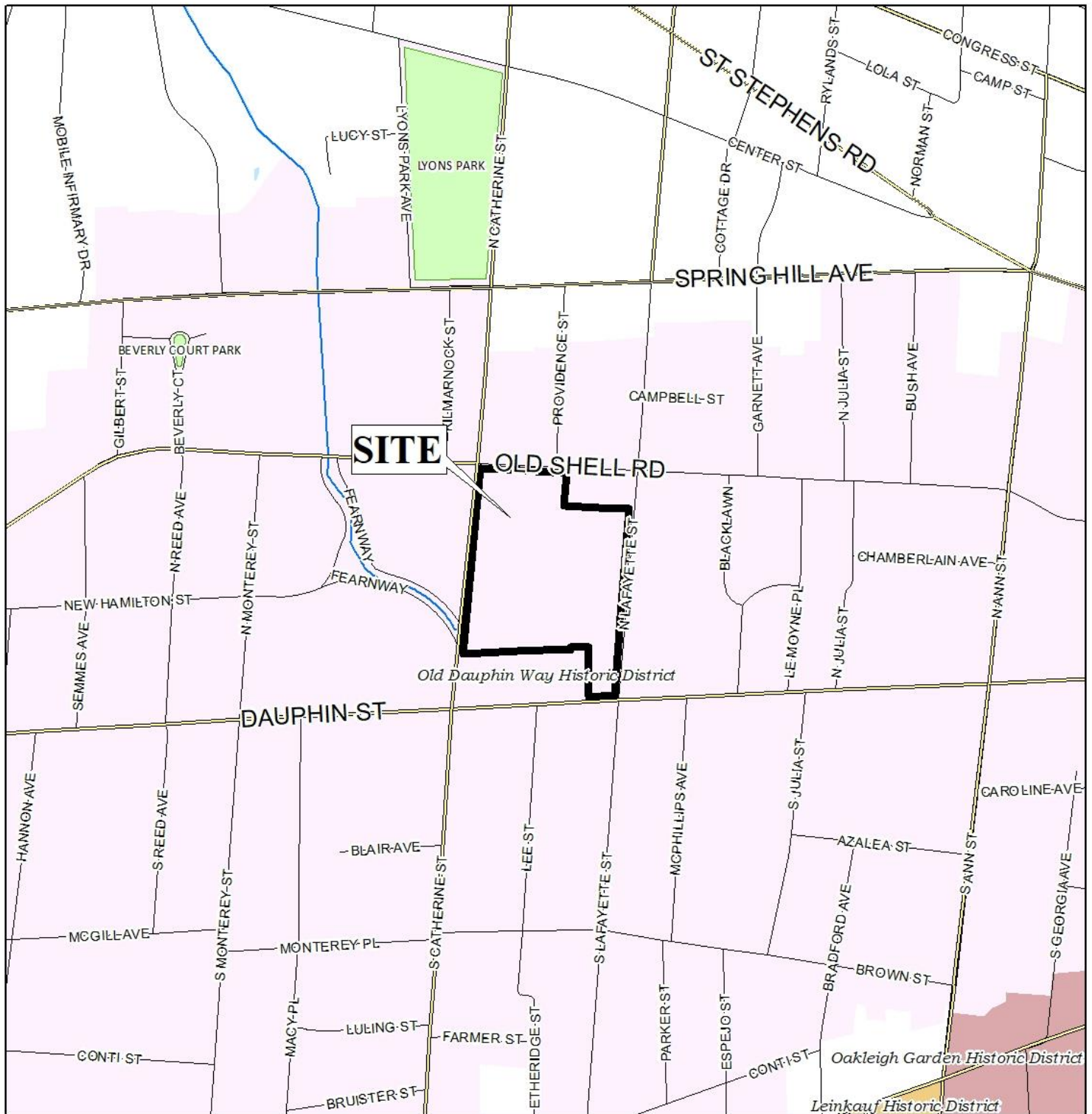
- 1) Approving the variance will not be contrary to the public interest in that it will not contribute to signage clutter within a historic district or on the subject site;
- 2) Special conditions (the over-all size and configuration of the subject site) exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance because it will allow for site identification from two different and very distant signage points.

The Approval is subject to the following conditions:

- 1) obtaining the necessary sign permit for the sign; and

- 2) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6386 DATE June 7, 2021

APPLICANT Cummings Architecture Corp.

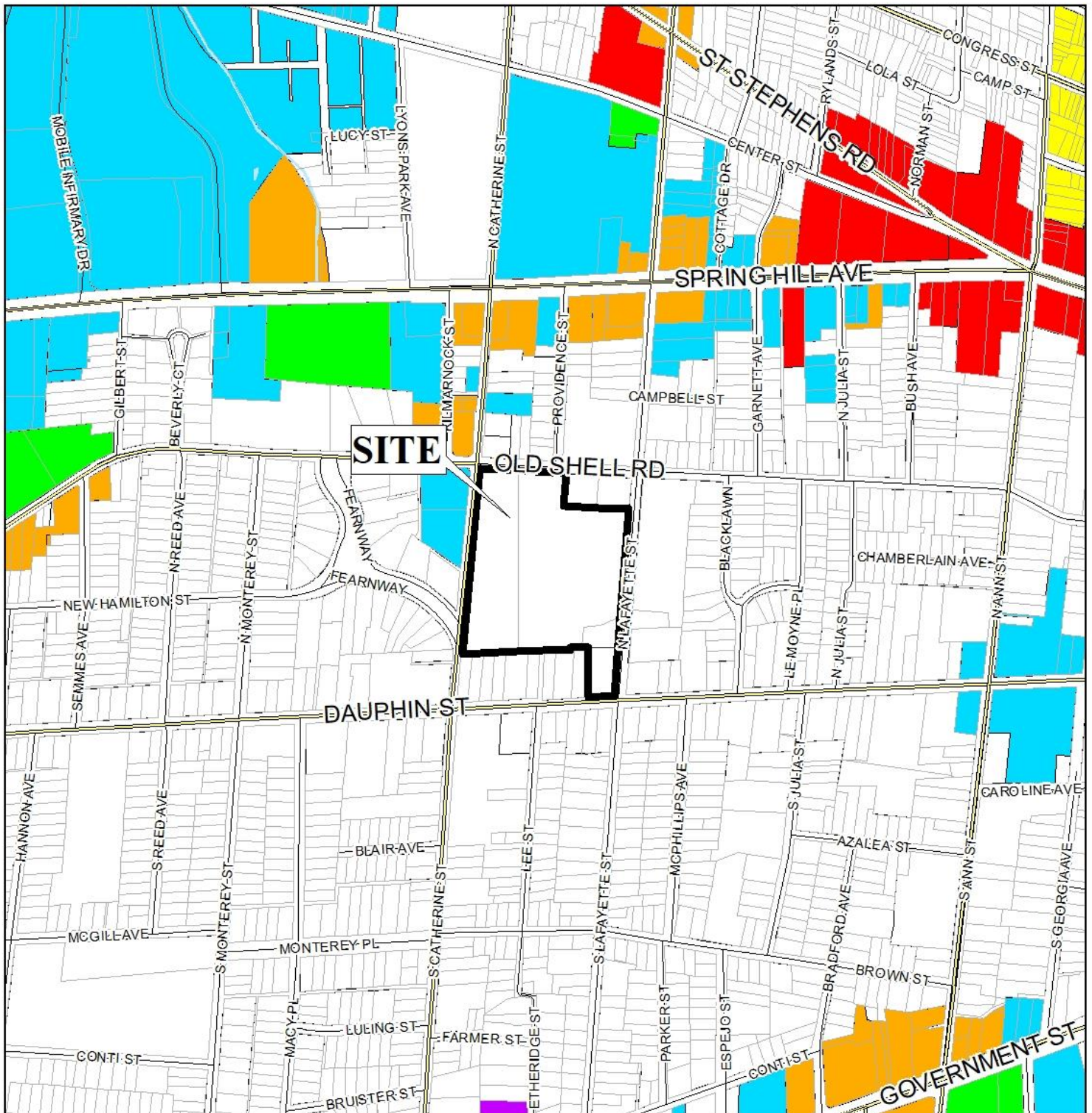
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# LOCATOR ZONING MAP



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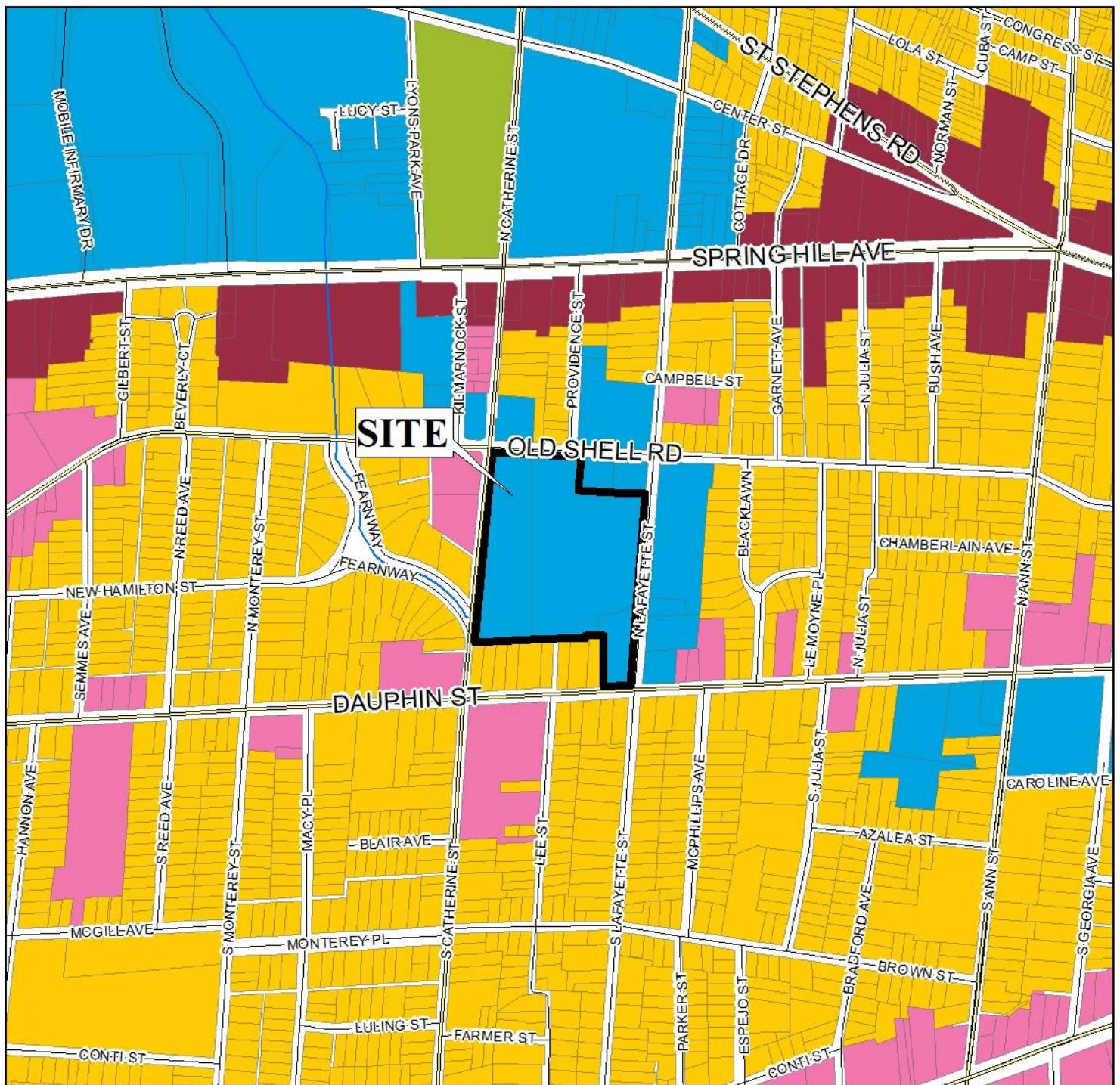
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REQUEST Sign Variance





# FLUM LOCATOR MAP



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APPLICANT Cummings Architecture Corp.

REQUEST\_\_\_\_\_Sign Variance

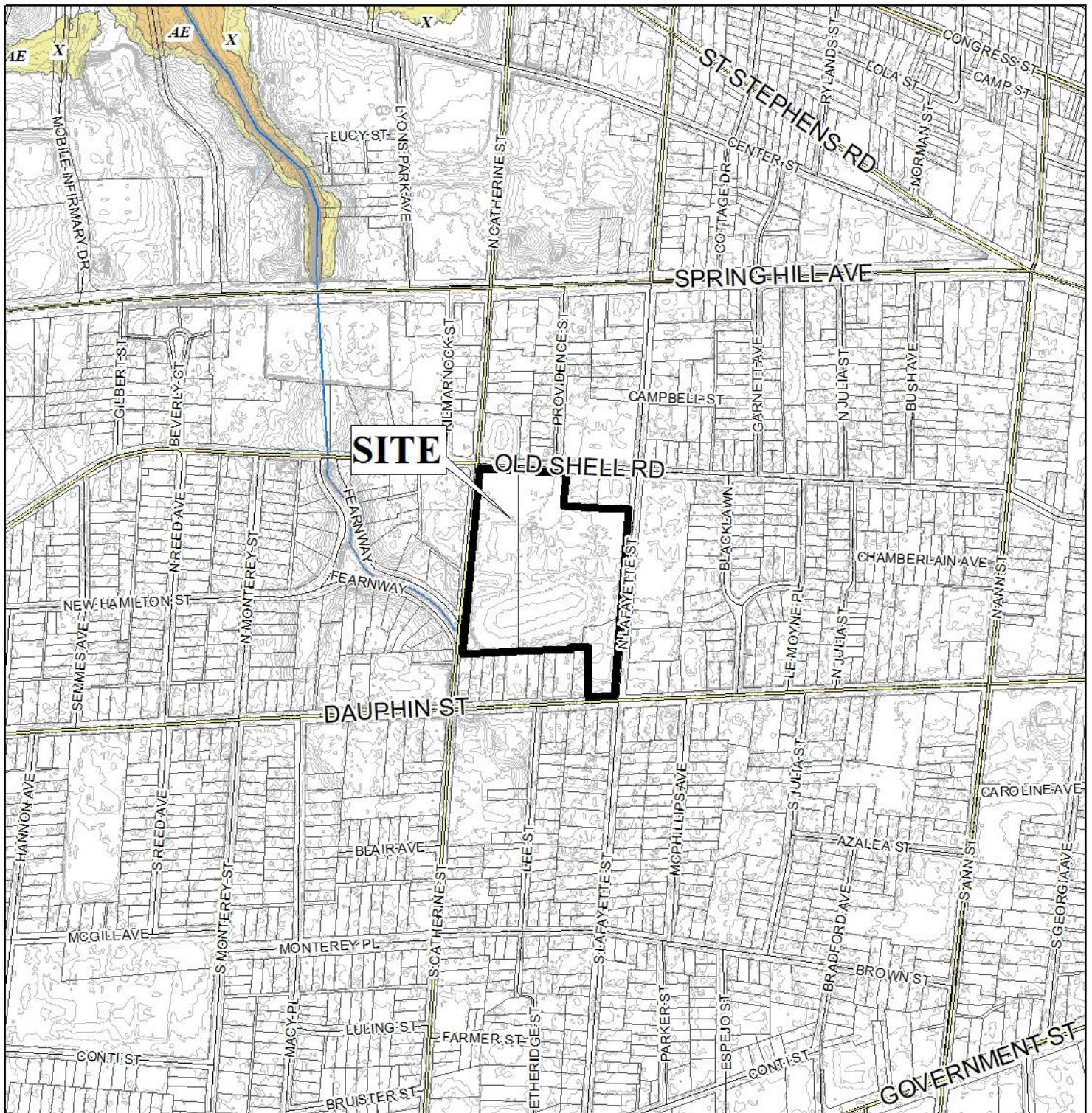
- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential   | Neighborhood Center - Traditional | Downtown Waterfront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



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# ENVIRONMENTAL LOCATOR MAP



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REQUEST Sign Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, medical offices, and school buildings.

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REQUEST Sign Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units, medical offices, and school buildings.

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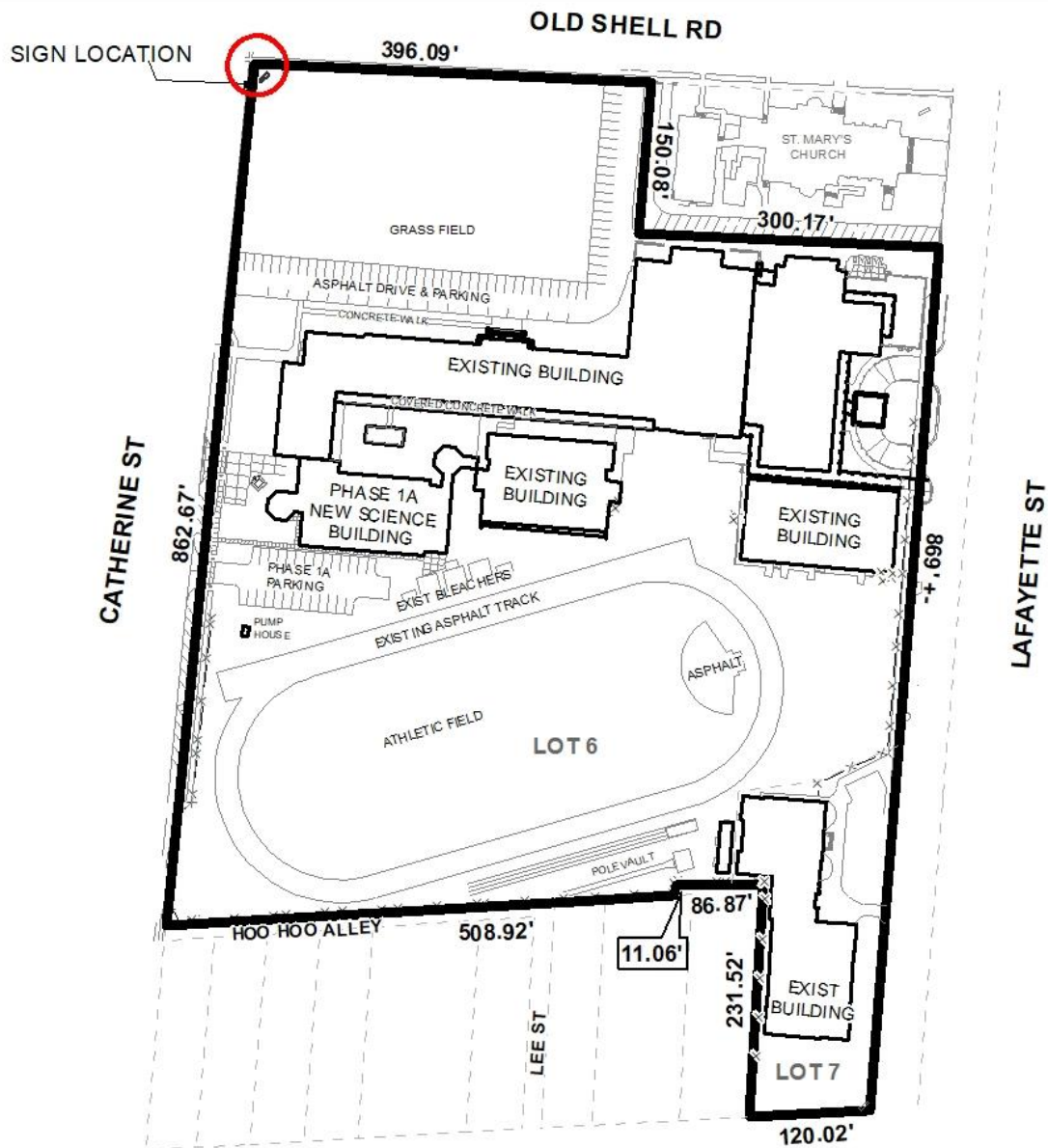
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REQUEST Sign Variance





# SITE PLAN



The site plan illustrates existing and proposed buildings, parking areas, right of ways and proposed sign placement.

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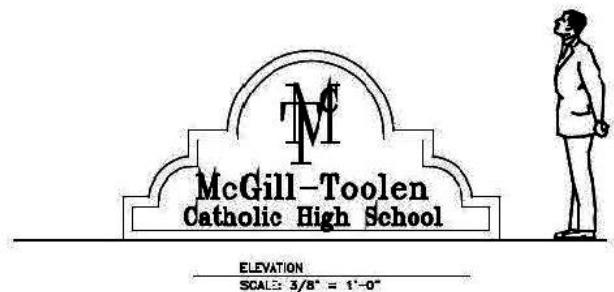
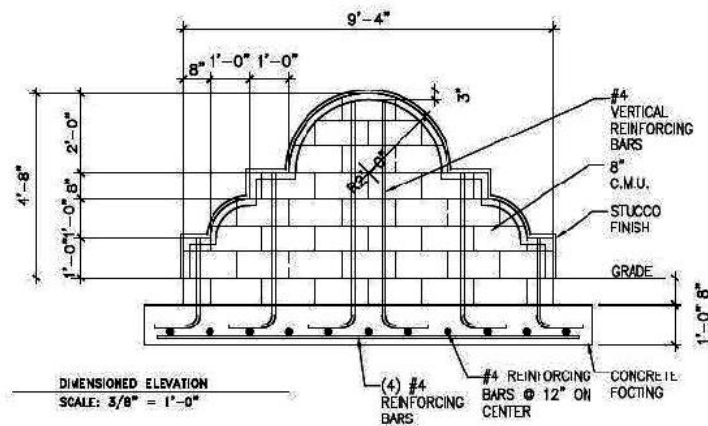
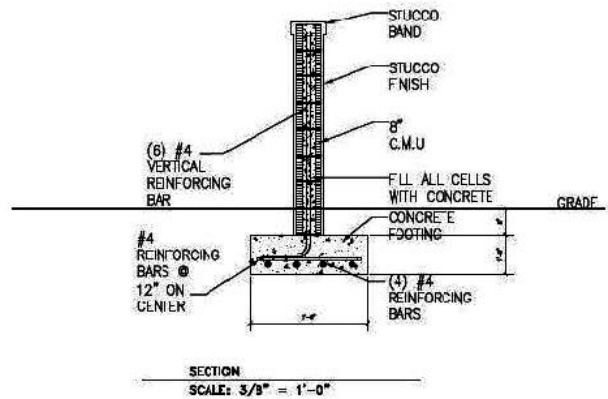
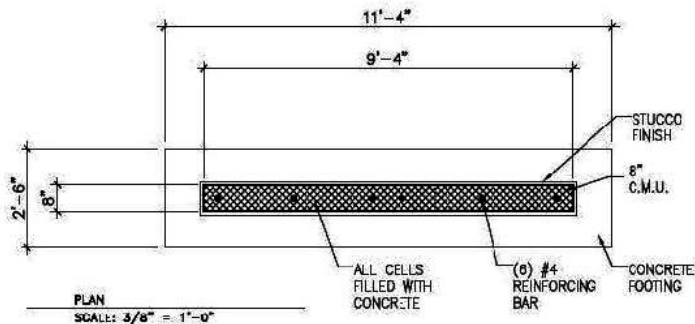
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# DETAIL SITE PLAN



APPLICATION NUMBER 6386 DATE June 7, 2021

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REQUEST Sign Variance





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