

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 12, 2022****CASE NUMBER**

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 allow a digital sign within 300 feet of residentially zoned property in a B-2, Neighborhood Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance does not allow 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 (2012 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 allow a digital sign within 300 feet of residentially zoned property in a B-2, Neighborhood Business District; the Zoning Ordinance does not allow 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.).

The applicant is proposing to place a freestanding, double-faced eight-foot by eight-foot LED digital sign in the front yard of an existing commercial site. A review of Google street images indicates that there is currently no freestanding sign on the subject site. Any new signage must be in compliance with the Sign Regulations, and, since the proposed sign is digital and would be within 300 feet of residentially-zoned property, it is not allowed; hence this application.

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

The purpose of this variance request is to allow a digital display within the 300' buffer of residentially zoned property. The residential property within the buffer is either commercial businesses, Pep Boys Auto Service, Shell Gas and Convenience Store and Diamonds Gentleman's Club or asphalt portions of parking lots. The Shell Gas and Convenience Store across Airport Blvd. has, in operation, a digital display on their existing freestanding sign.

One would have to assume that as the area was developed the zoning changes that should have been made, were not.

In our opinion, since all of the "residential" property is not really "residential", then there is no hardship on any "residents" created in having a digital display on the subject property.

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, in 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.

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 has demonstrated that a hardship would be imposed by a literal interpretation of the Ordinance, and the Board should consider this application for approval.

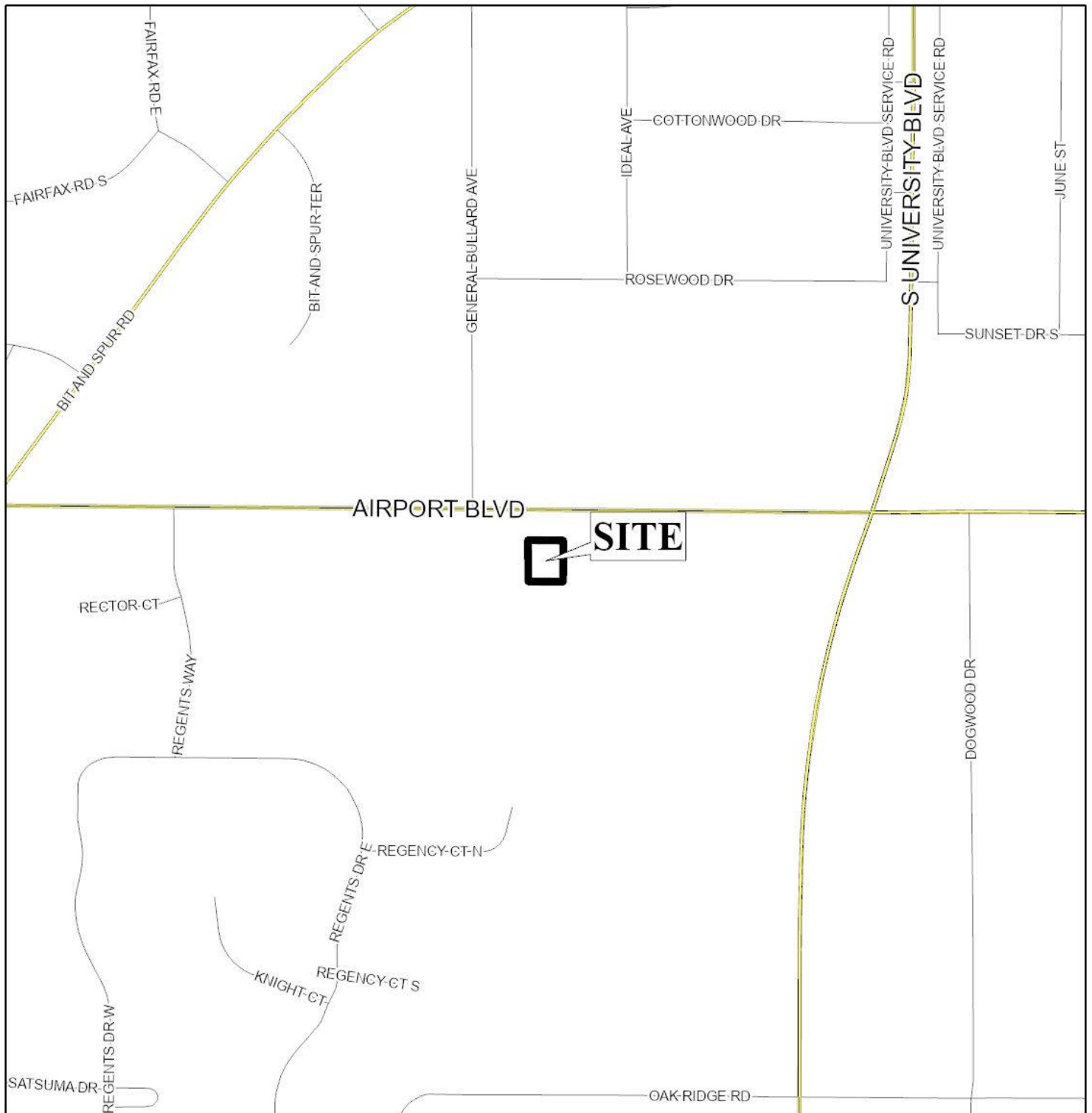
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval:

- 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.

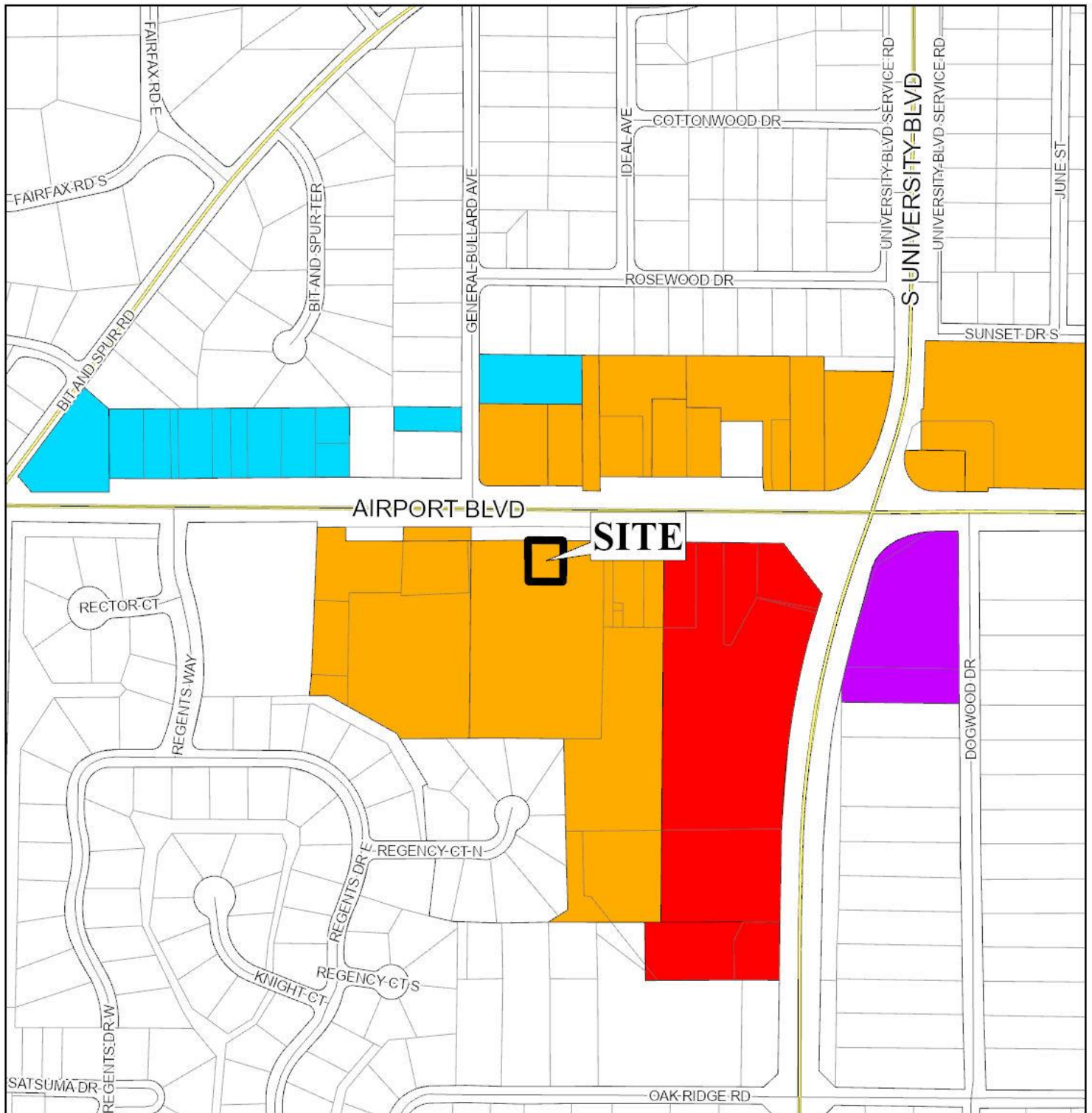
LOCATOR MAP



APPLICATION NUMBER 6473 DATE September 12, 2022
 APPLICANT Victor Sign Company
 REQUEST Sign Variance



LOCATOR ZONING MAP



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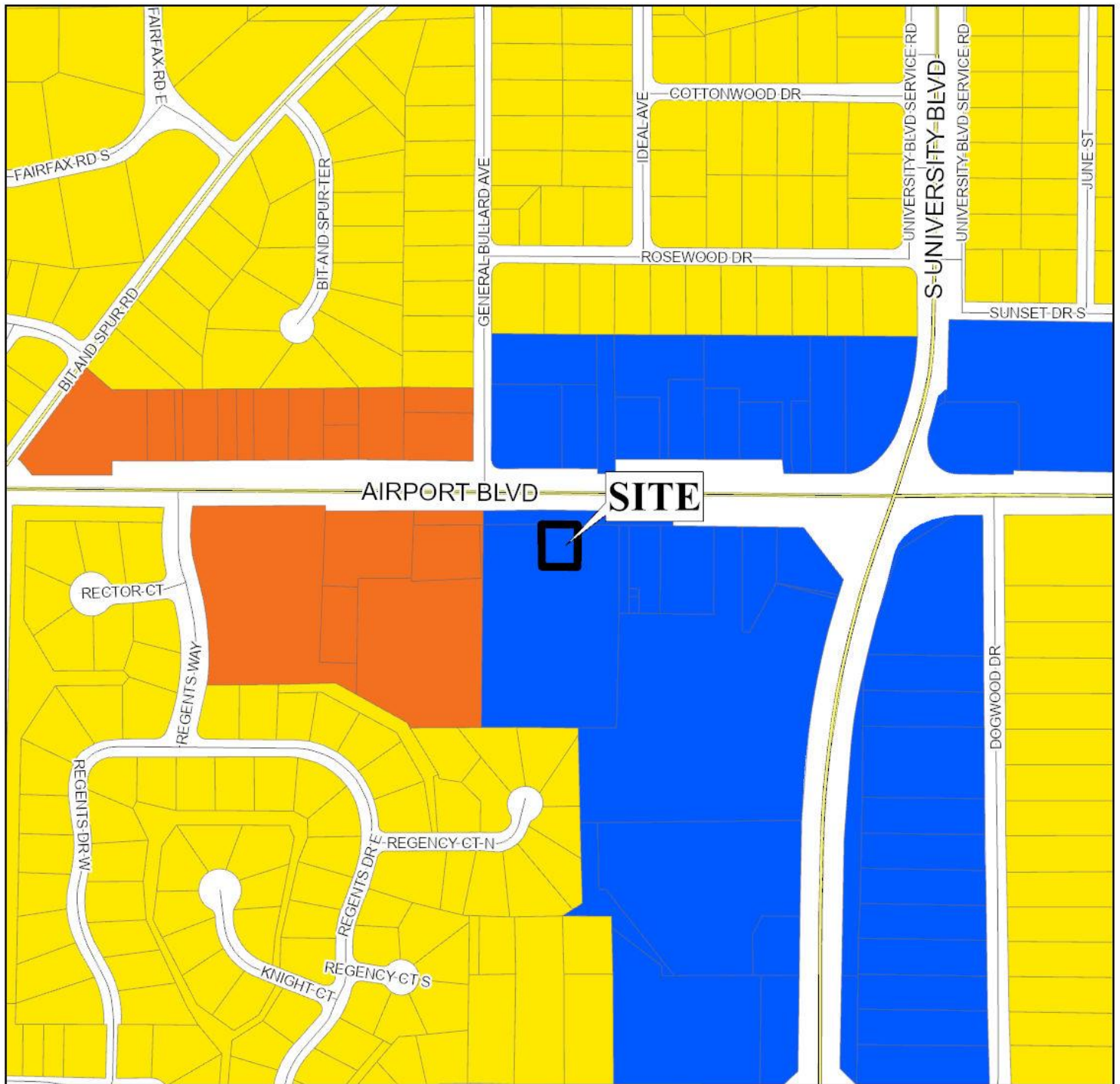
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FLUM LOCATOR MAP



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APPLICANT Victor Sign Company

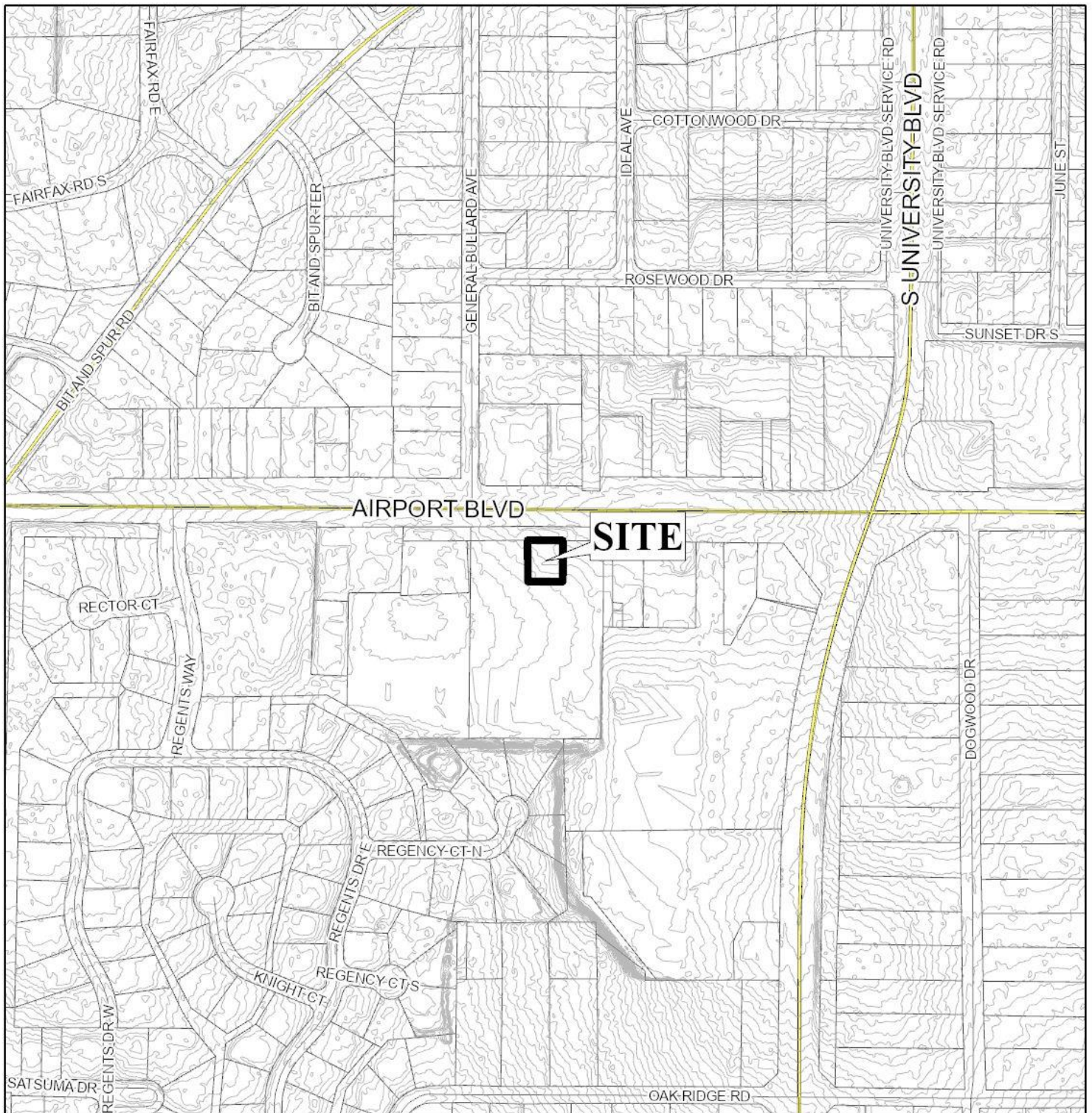
REQUEST Sign Variance

Layer2

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



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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REQUEST_____Sign Variance

 R-A
  R-3
  T-B
  B-2
  B-5
  MUN
  SD-WH
  T5.1

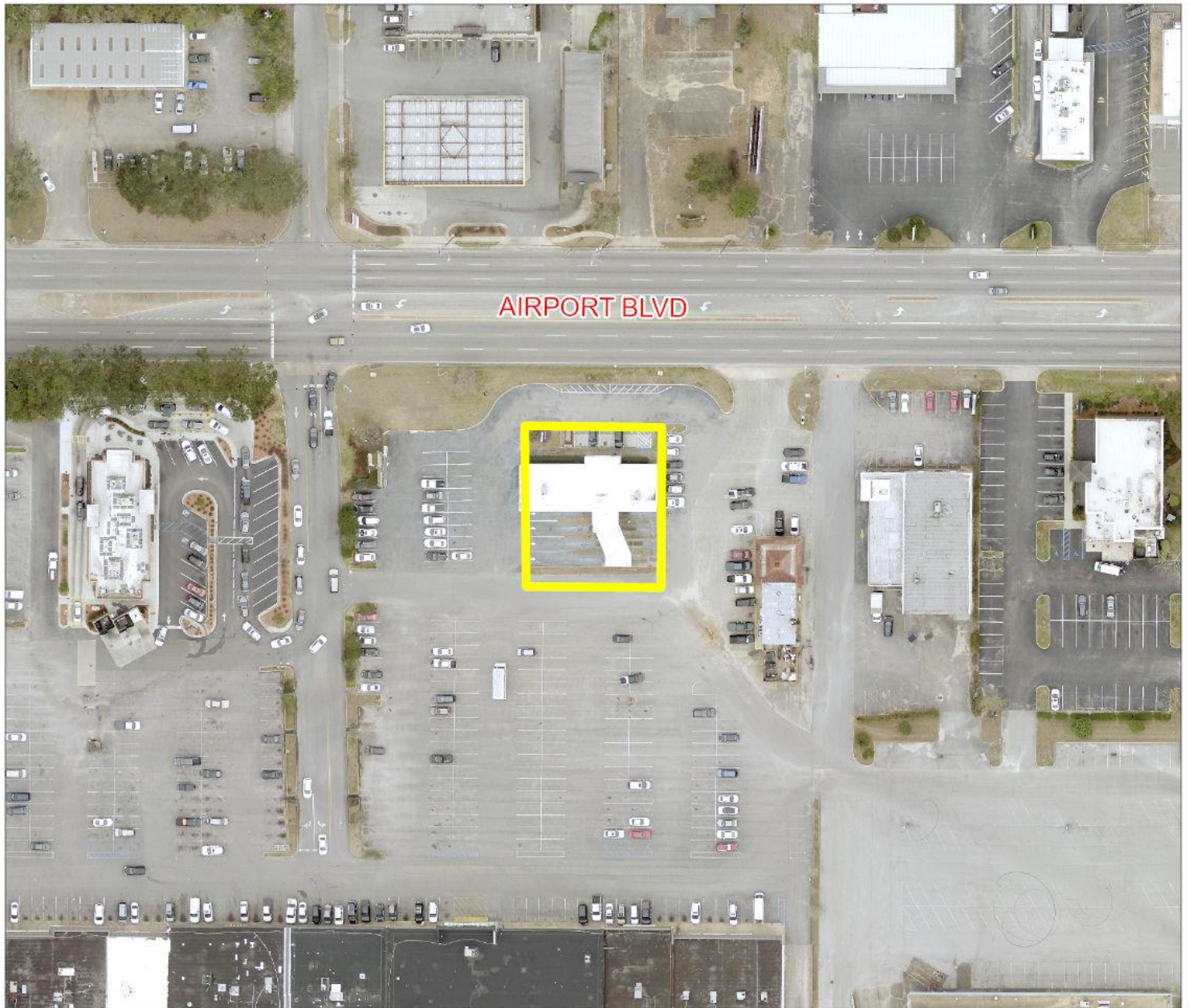
 R-1
  R-B
  B-1
  B-3
  I-1
  OPEN
  T3
  T5.2

 R-2
  H-B
  LB-2
  B-4
  I-2
  SD
  T4
  T6



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

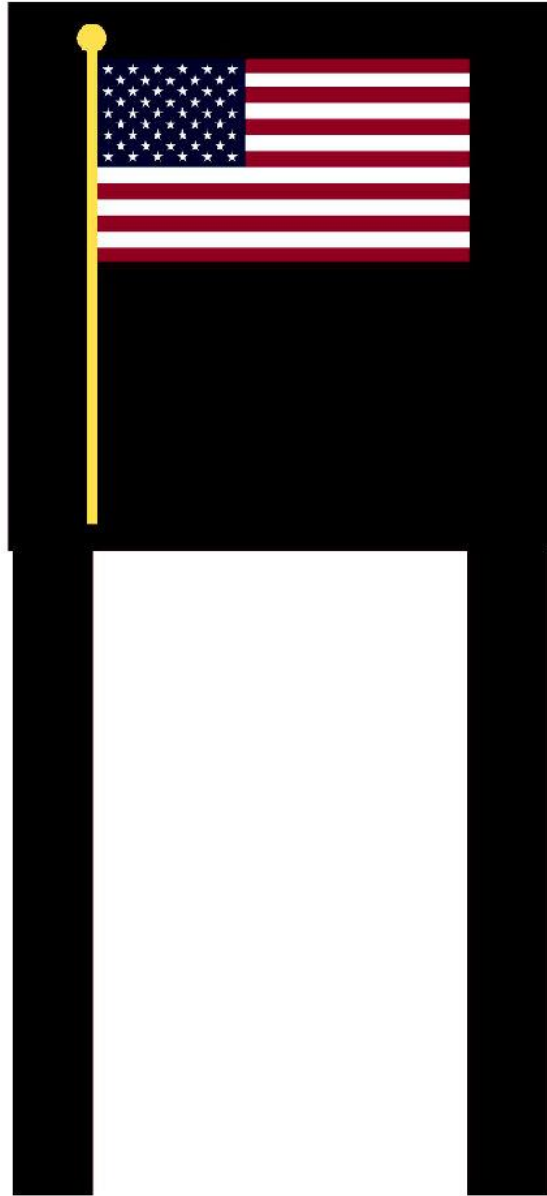


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DETAIL SITE PLAN



**8" x 8"
LED Display**

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