

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 9, 2023****CASE NUMBER**

6492/3565

APPLICANT NAME

Wrigo Signs

LOCATION6051 Old Shell Road
(Southwest corner of Old Shell Road and Center Drive).**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital electronic message center sign within 300 feet of residentially zoned property in a B-1, Buffer Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow a digital electronic message center sign within 300-feet of residentially zoned property in a B-1, Buffer Business District.**ZONING**

B-1, Buffer Business District

AREA OF PROPERTY

1.7± Acres

**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 electronic message center sign within 300 feet of residentially zoned property in a B-1, Buffer Business District; the Zoning Ordinance does not allow a digital electronic message center sign within 300-feet of residentially zoned property in a B-1, Buffer Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the adopted 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 mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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 is proposing to replace an existing non-illuminated freestanding, double-faced sign with a digital electronic message center sign in the front yard of a campus ministries religious service organization. As the location of the sign would be within 300-feet of residentially zoned property, a variance is required to allow such; hence this application.

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

The purpose of this application is to allow a replacement of the current sign for Sacred Heart of Jesus Catholic Student Center with the new sign with updated information and LED message board.

Sacred Heart of Jesus is a campus ministry of the Archdiocese of Mobile and our building is a meeting place for Catholic Student Association (CSA, student organization) of the University of South Alabama. Our facilities are accessible 24/7 for the members of the CSA but our services and events (including social events with free food) are opened to all college students. It is important for us to have a visible and recognizable sign which will easily allow young people to find us. Current sign is not in a good shape and the feedback that we constantly receive confirms that it's not visible which makes it difficult for some people to locate our building. New sign will be larger and elevated, match our building and visible from both sides of Old Shell.

Additionally, LED screen included in the new sign will allow us to display updated information on the events and services.

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 Old Shell Road and Center Drive. It is bordered to the West by vacant B-2, Neighborhood Business District zoning; to the South by R-3, Multi-Family Residential District zoning in use as apartments; and to the East across Center Drive by R-3, Multi-Family Residential District zoning, also in use as apartments. To the North across Old

Shell Road is R-1, Single-Family Residential District zoning used as the University of South Alabama baseball stadium. Although the properties to the South are zoned R-1, those properties are more than 300-feet from the proposed sign's location. The 300-foot buffer requirement is measured from the location of a proposed sign, not from the subject site property boundaries. The apartments directly across Center Drive are within the 300-foot buffer required for digital signs.

The proposed sign would be in the same location as the existing monument sign, approximately one (1) foot behind the right-of-way line, although no setback dimension was provided on the site plan. The required sign setback is 18 inches from the right-of-way line. Thus, the sign should be relocated to meet setback compliance if it does not actually do so. The existing sign is approximately four (4) feet above grade over-all height, and the proposed sign is approximately 7'-4" above grade, over-all height.

It should be noted that no variances for digital reader board signs have been granted within the vicinity of the subject site. A variance for digital gasoline pricer signage within 300-feet of residentially zoned property was granted at the Southeast corner of Old Shell Road and Hillcrest Road, approximately ½-mile West of the subject site, but a request for a digital reader board sign at that location was denied.

While approving the request for digital signage within 300-feet of residentially zoned property may increase visibility for the student center's activities and services, no hardship associated with the site has been identified by the applicant that would preclude standard signage. Additionally, the applicant has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have a digital reader board sign. Approving the Variance would be contrary to at least Section 64-11.8.c(7) of the Zoning Ordinance and, as such, may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist. Moreover, the Board has consistently denied these types of requests. As such, the Board should consider this application for Denial.

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

- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the existing sign is adequately visible from the roadway; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

LOCATOR MAP



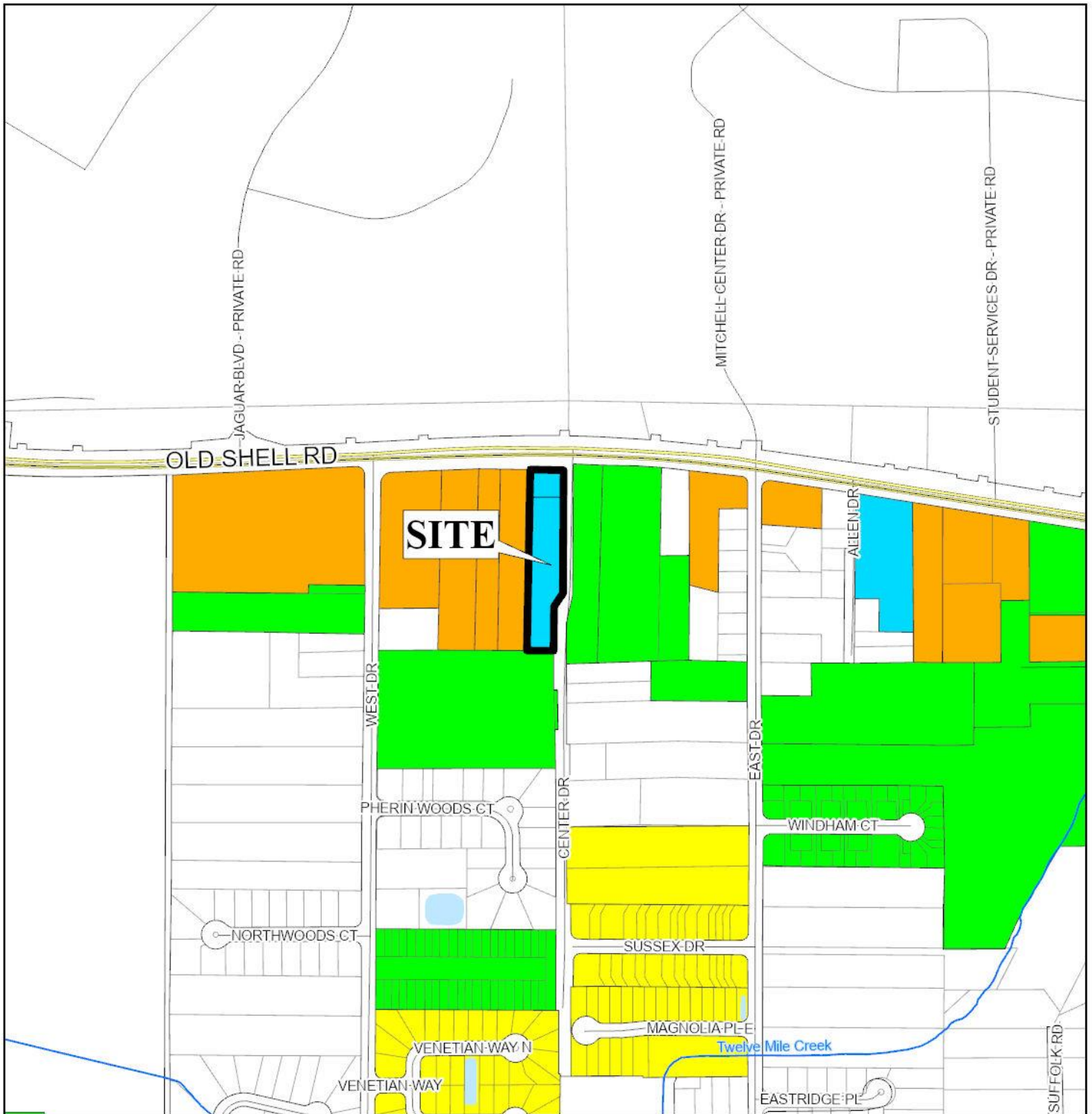
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APPLICANT Wrico Signs

REQUEST Sign Variance



LOCATOR ZONING MAP



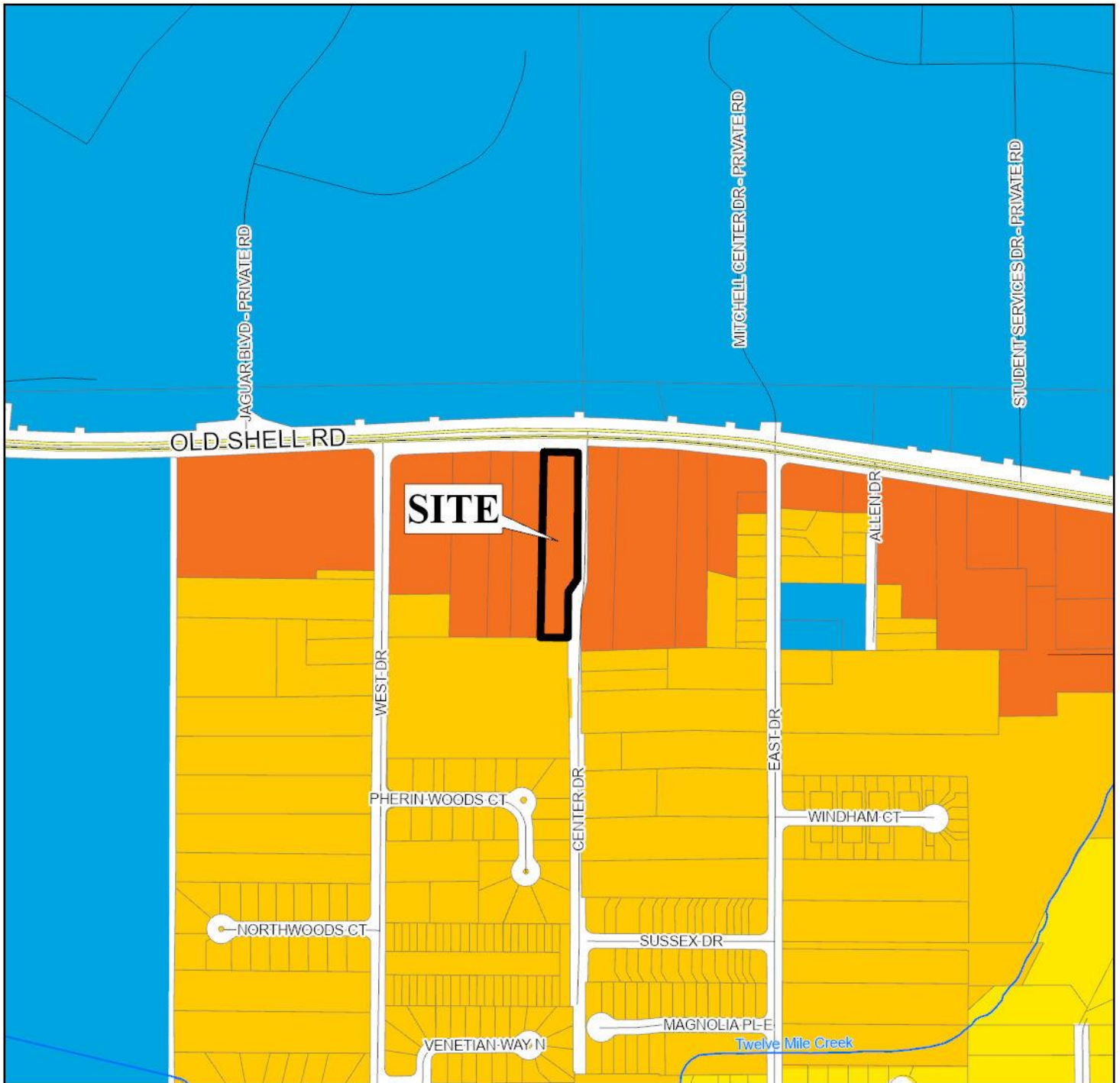
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FLUM LOCATOR MAP



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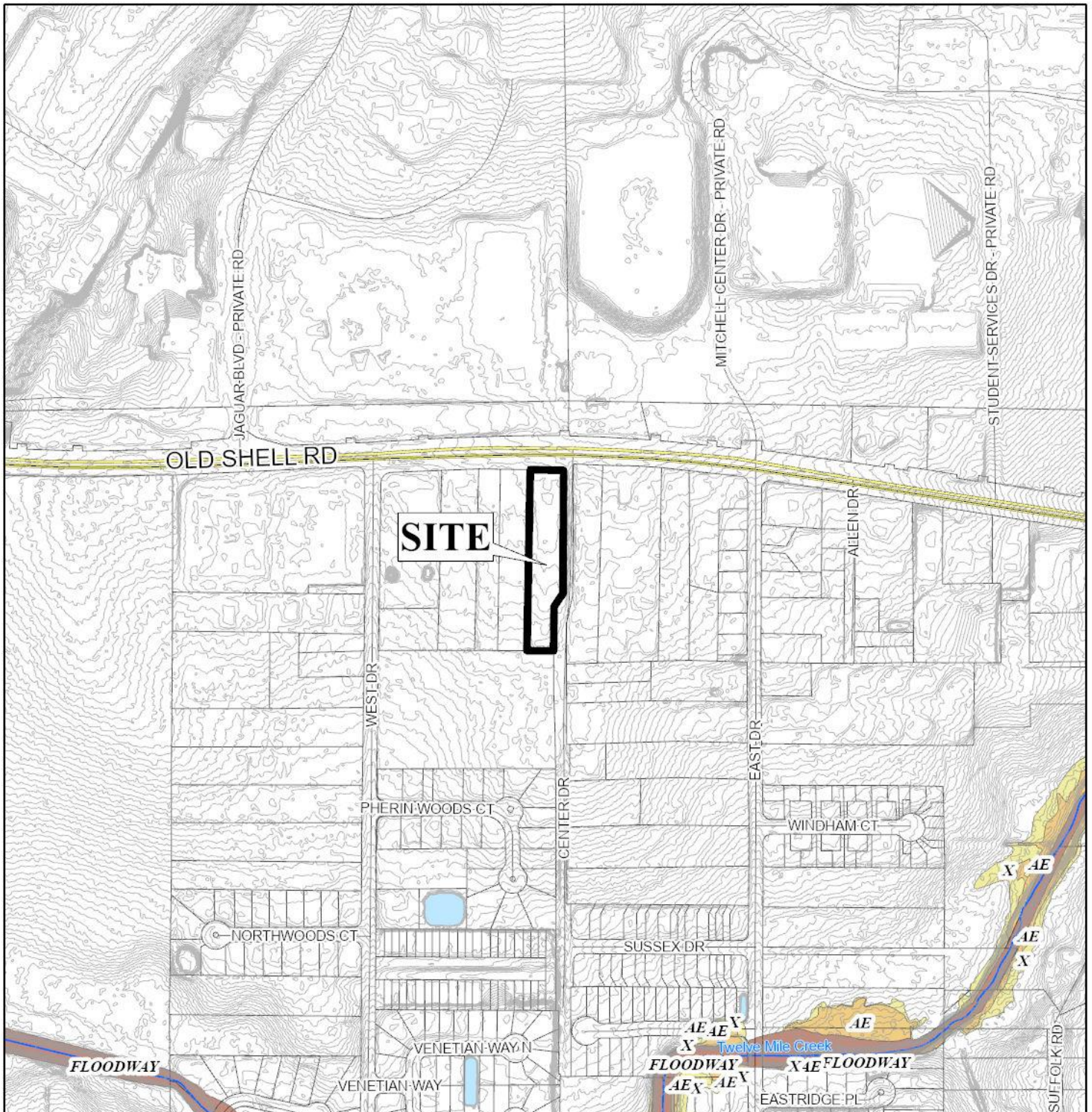
REQUEST Sign Variance

FLUM

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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the east, and commercial units to the west.

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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 residential units to the east, and commercial units to the west.

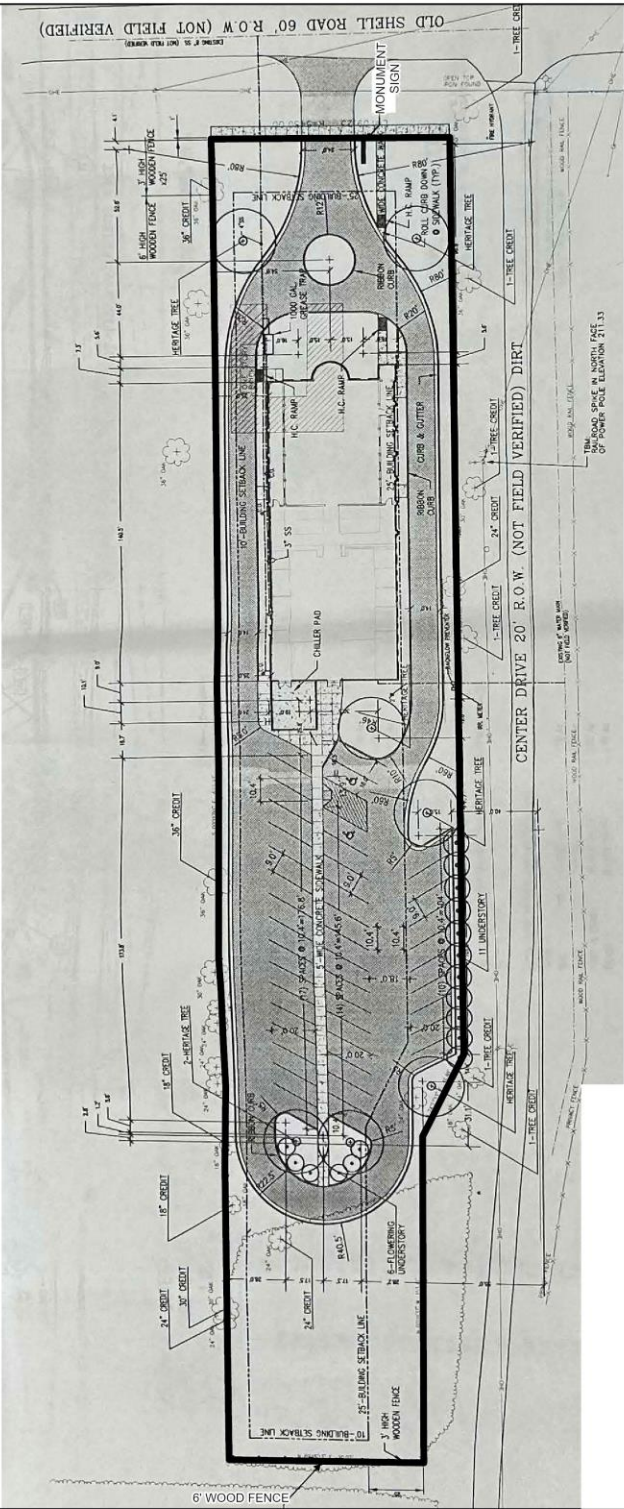
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SITE PLAN



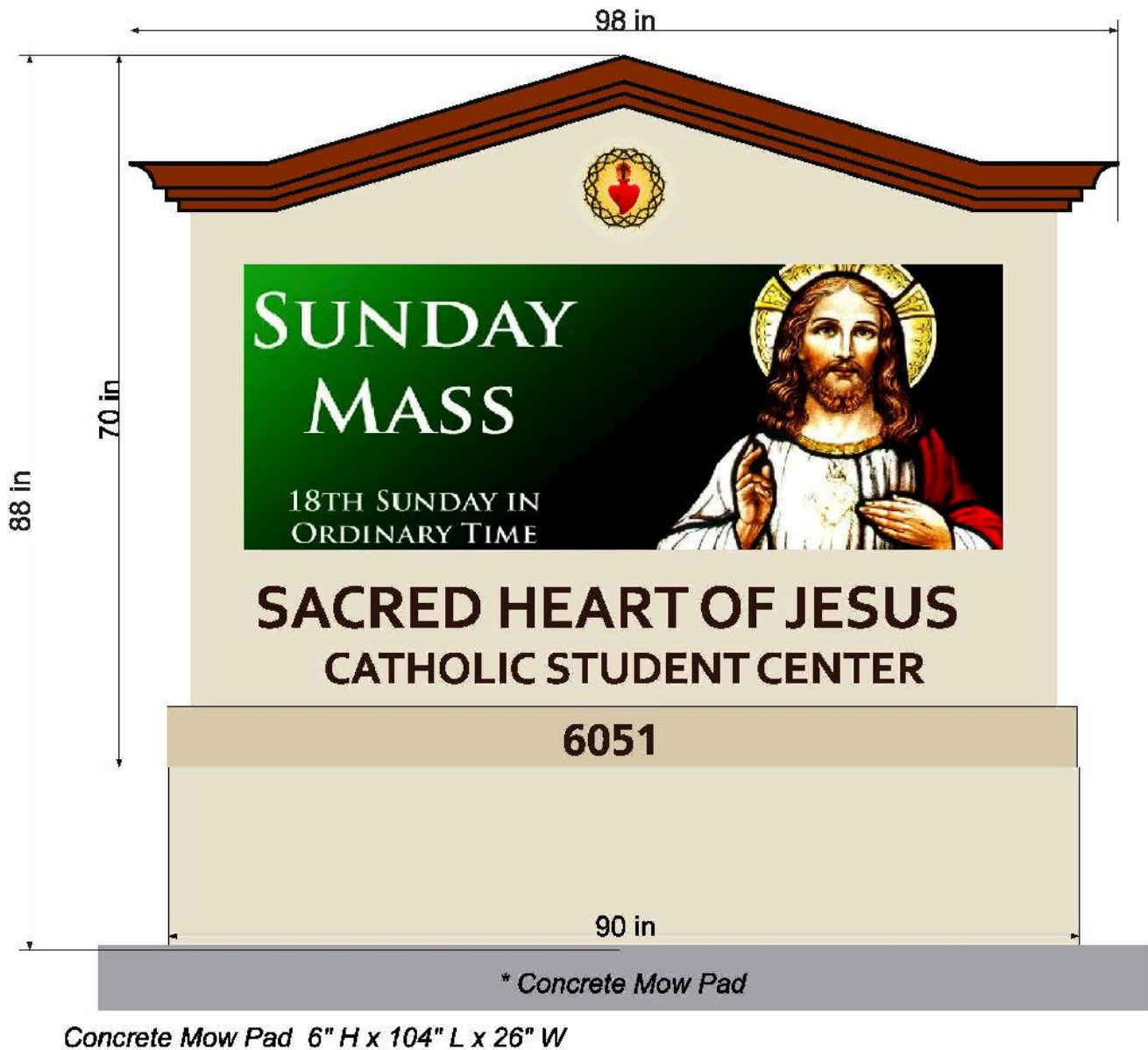
The site plan illustrates the existing building, trees, parking, setbacks, and monument sign.

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DETAIL SITE PLAN



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