



Agenda Item # 4

BOA-002774-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

2500 Dawes Road

Applicant / Agent:

Marie Vermillion / Benjamin Bell, Agent

Property Owner:

Wal-Mart Real Estate Business Trust

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6564

Unified Development Code (UDC) Requirement:

- The UDC limits existing single tenant commercial developments to a maximum of one (1) freestanding sign with informational signs no larger than 20 square feet in an R-1, Single-Family Residential Suburban District.

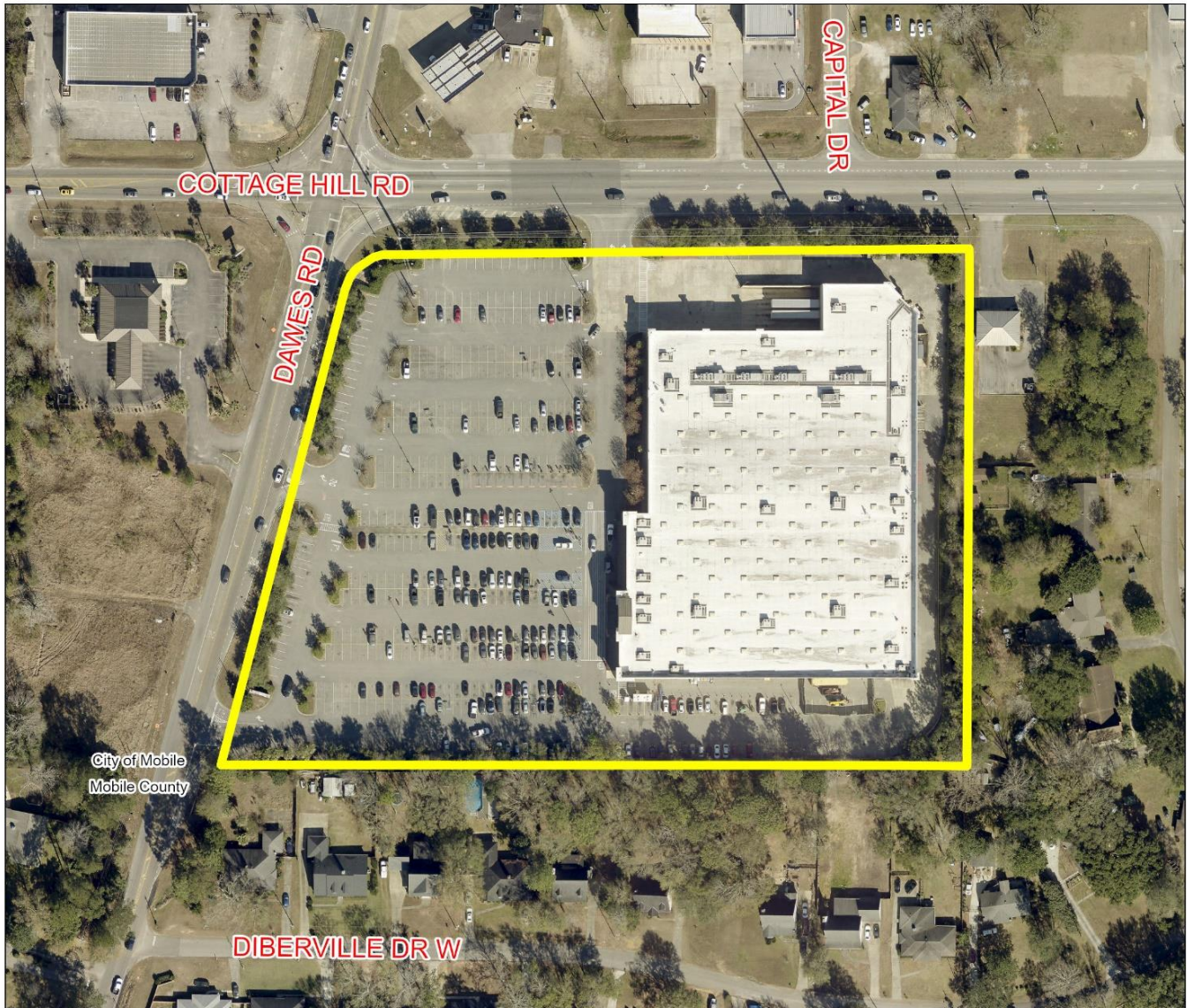
Board Consideration:

- To allow two (2) freestanding signs and two (2) informational signs larger than 20 square feet for an existing single tenant commercial development in an R-1, Single-Family Residential Suburban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6564</u> DATE <u>January 8, 2024</u>	 NTS
APPLICANT <u>Marie Vermillion (Benjamin Bell, Agent)</u>	
REQUEST <u>Sign Variance</u>	

SITE HISTORY

The subject site became Lot 1 of the Resubdivision of Dix Subdivision, approved by the Planning Commission in May, 2006, while within the Planning Jurisdiction. Shortly afterward, it was developed as its current use as a Wal-Mart store.

In July, 2023, the site was annexed into the City of Mobile and was assigned its current R-1, Single-Family Residential Suburban District zoning classification. Rezoning to a B-3, Community Business Suburban District zoning classification is pending City Council approval.

The site has never been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No traffic impacts anticipated by this variance request.

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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting a Sign Variance to allow two (2) freestanding signs and two (2) informational signs larger than 20 square feet for an existing single tenant commercial development in an R-1, Single-Family Residential Suburban District; the UDC limits existing single tenant commercial developments to a maximum of one (1) freestanding sign with informational signs no larger than 20 square feet in an R-1, Single-Family Residential Suburban District.

The entire application packet is available via the link on Page 1.

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.

The subject site is a single-tenant Wal-Mart store. Existing signage on the site was installed while under County regulations, and the applicant proposes to install two (2) informational/directional wall signs over 20 square feet each. One sign is "Pickup" with arrow, at 40.83 square feet, and one sign is a "Grocery & Pharmacy" sign at 106.13 square feet. The applicant states that both signs would be smaller than the existing signs to be replaced.

As the site was developed under County regulations, the City's sign regulations did not apply at the time of signage permitting. The site also has two (2) existing freestanding monument signs. The current City sign regulations allow the site to have one (1) freestanding sign. Any signage which was nonconforming upon annexation would be allowed to remain and could actually be refaced to be the same size or smaller. However, if any nonconforming signage is removed, all nonconforming signage must be removed and all signage brought into compliance with the current UDC signage regulations. As the two wall-mounted informational/directional signs are proposed to be removed, the site must be brought into compliance with the number of freestanding monument signs; thus, the request to allow two (2) freestanding signs.

As justification to allow the two (2) wall signs over 20 square feet each, the applicant states that the distance from the road and the size of the building and wall would make it difficult to see due to the trees along the street and around the store. Furthermore, as justification to allow the two (2) freestanding monument signs, the applicant cites the size of the site being so large and facing two (2) major street frontages, the monument signs are needed for site recognition from the streets they are facing.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; No variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or

- (c) Where the variance is otherwise unlawful

Considerations:

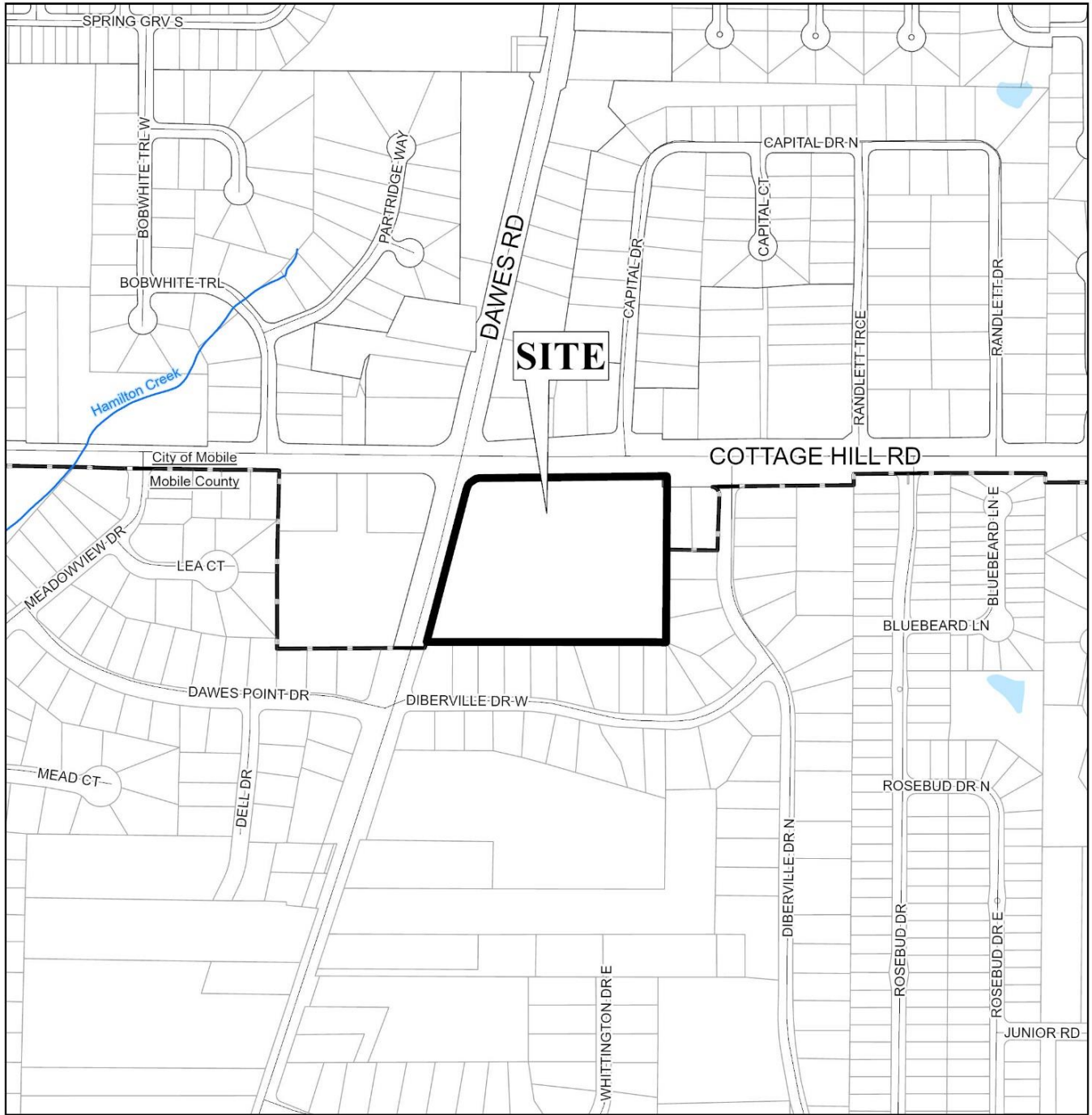
Based on the requested Variance application, and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Approval of all necessary sign permits; and
- 2) Full compliance with all municipal codes and ordinances.

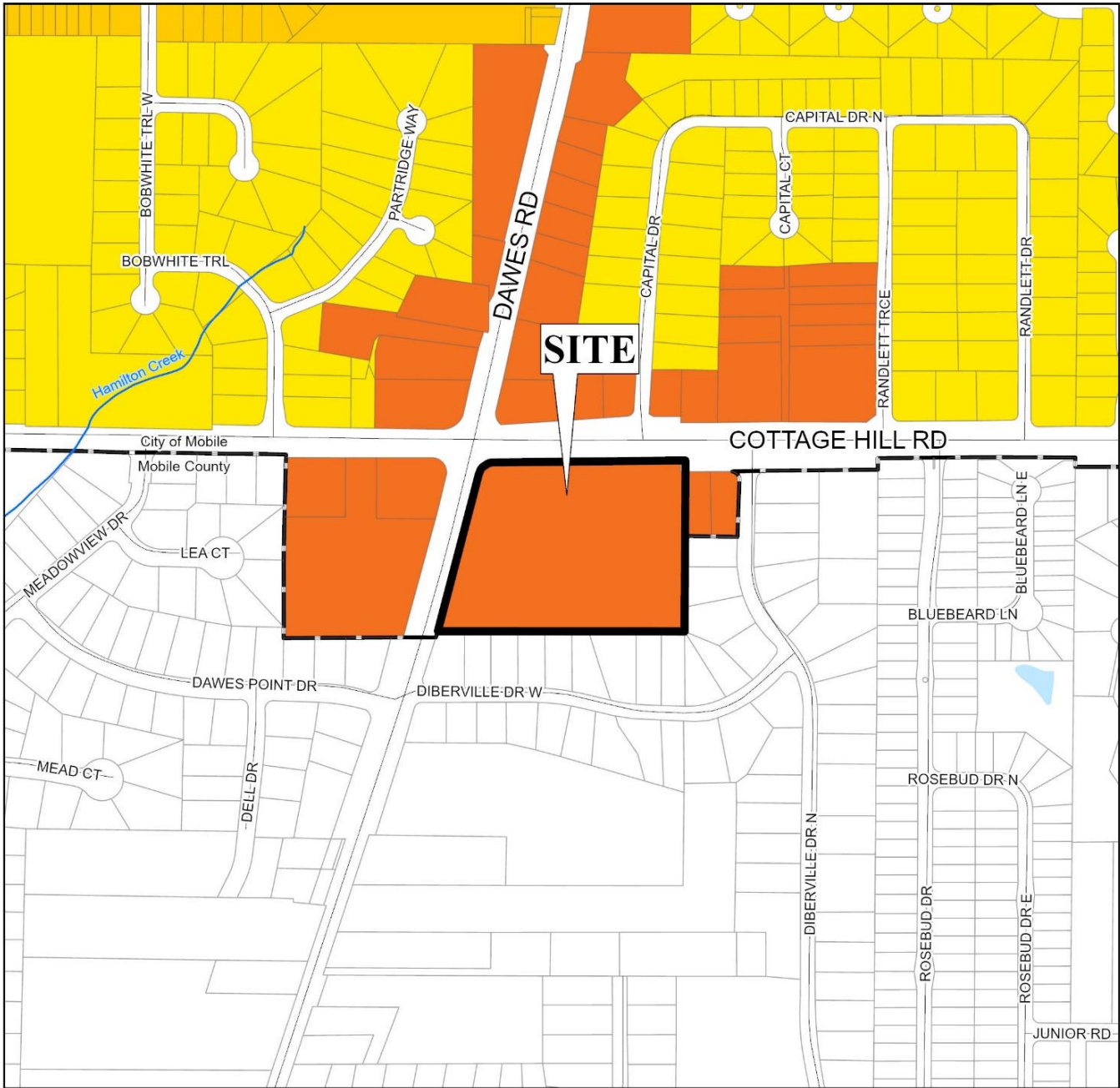
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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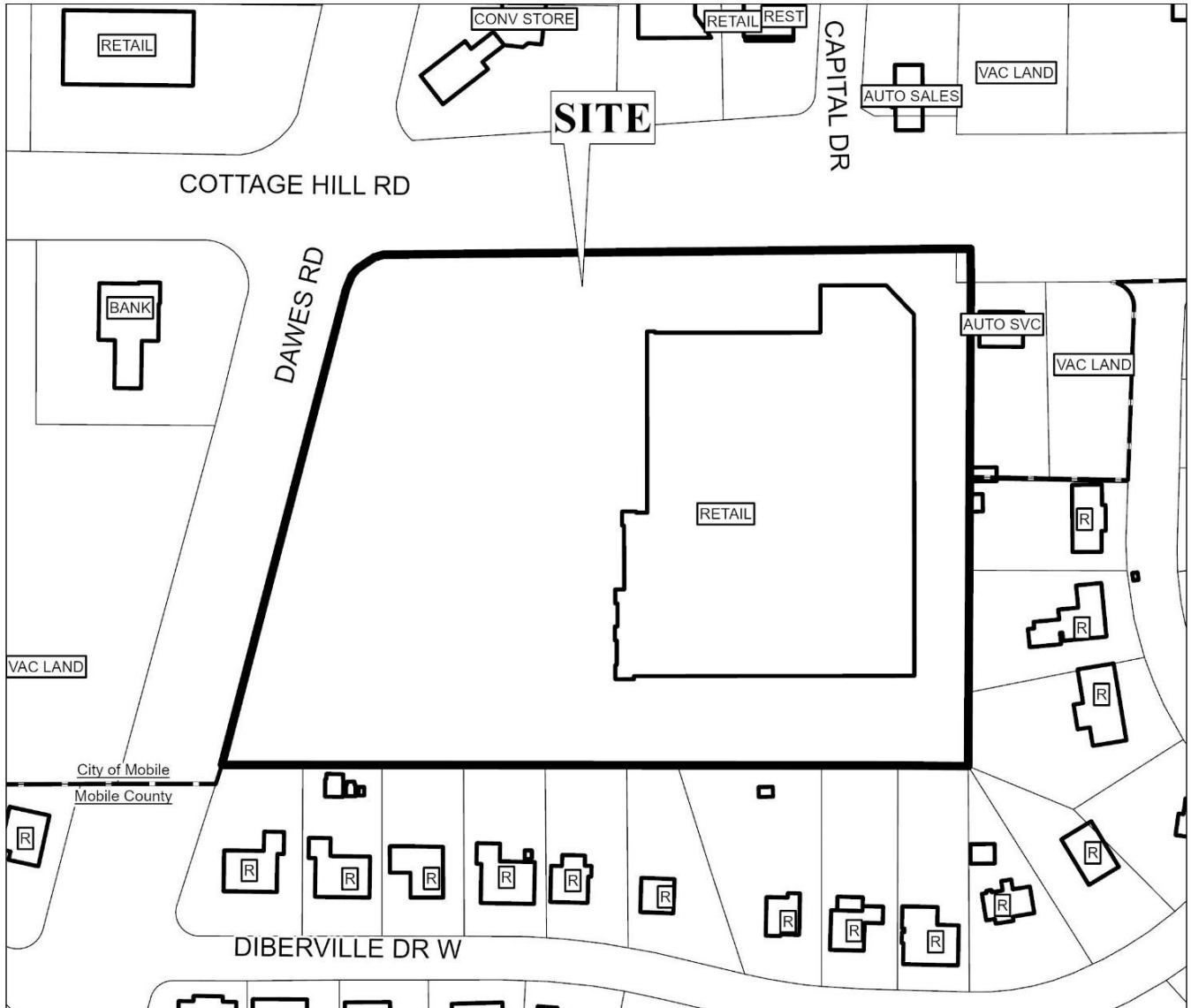
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- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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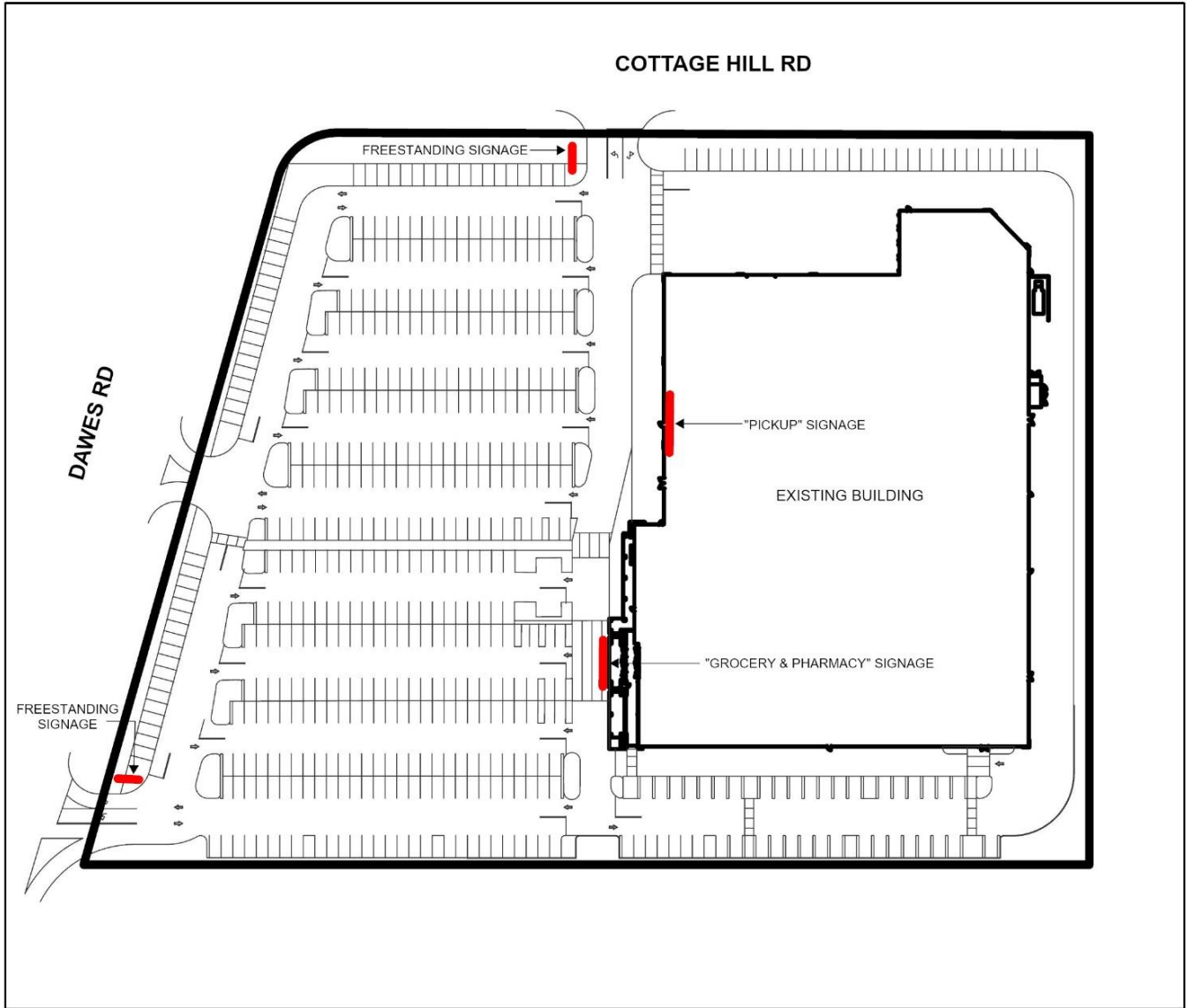
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



The site plan illustrates the property boundary and proposed signage.

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DETAIL SITE PLAN



MONUMENT SIGNS

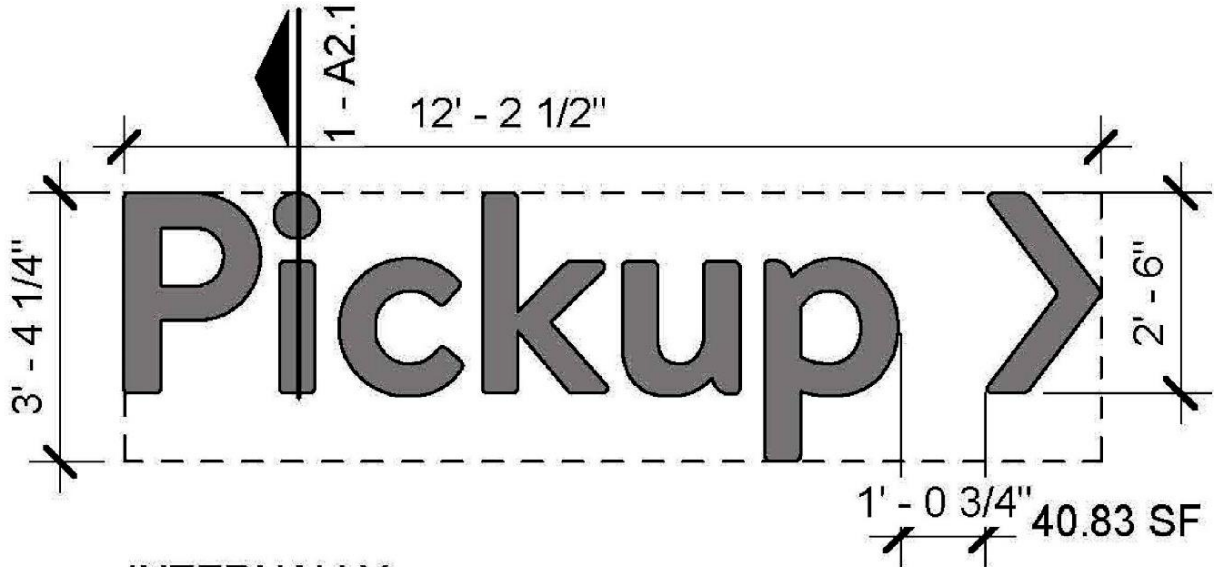
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DETAIL SITE PLAN



INTERNALLY
ILLUMINATED

PICKUP ARROW RIGHT

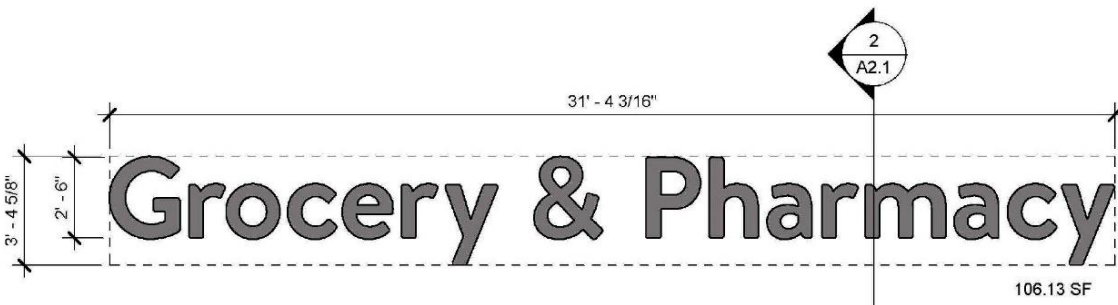
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DETAIL SITE PLAN



GROCERY AND PHARMACY

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ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■				■		■						□		
TWO-FAMILY RESIDENCE	R-2	■				■		■						□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■							□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■						□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■						□		
HISTORIC BUSINESS	H-B			■		■		■						□		
VILLAGE CENTER	TCD					■	■							□		
NEIGH. CENTER	TCD					■	■							□		
NEIGH. GENERAL	TCD					■								□		
DOWNTOWN DEV. DDD	T-6			■										□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□						□		
DOWNTOWN DEV. DDD	T-5.2			■		■								□		
DOWNTOWN DEV. DDD	T-4			■		■		□						□		
DOWNTOWN DEV. DDD	T-3			■		■								□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○			○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■					□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■					□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■					□	○	
COMMUNITY BUSINESS	B-3				■				■				○	□	○	
GEN. BUSINESS	B-4			■					■				○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■				□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED COMMERCIAL CORRIDOR (MCC)

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.