

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: August 2, 2021

CASE NUMBER

6403

APPLICANT NAME

Wrico Signs, Inc.

LOCATION

5300 Halls Mill Road
(Southwest corner of Halls Mill Road and Rangeline Road).

VARIANCE REQUEST

SIGN: Sign Variance to allow three (3) wall signs for a tenant in a multi-tenant commercial site in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance limits a tenant to one (1) wall sign in a multi-tenant commercial site in a B-3, Community Business District.

ZONING

B-3, Community Business

AREA OF PROPERTY

1.8± Acres

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Sign Variance to allow three (3) wall signs for a tenant in a multi-tenant commercial site in a B-3, Community Business District; the Zoning Ordinance limits a tenant to one (1) wall sign in a multi-tenant commercial site in a B-3, Community Business District.

The site has been given a District Center (DC) 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 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.

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers (DC) generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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 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.

The applicant states:

We are requesting additional signage over the allowed city code due to more enhanced visibility for the rear elevation based on the traffic flow behind the store.

When Sally leased this property and moved in, the old tenant (Payless Shoe) had an exterior sign on the back of the store totaling 3 signs, so our upper management request is to have that same option for a rear sign.

The subject site was developed while in the County prior to the annexation of the Theodore area into the City in 2009. Any signage which was nonconforming upon annexation was allowed to remain as legal nonconforming. Such signage can be refaced, but any replacement signage structures or cabinets will require compliance with Section 64-11., Sign Regulation Provisions, of the Zoning Ordinance. The subject site had excess wall signage upon annexation, and the subject unit was occupied by Payless Shoes, which had one wall sign on that unit's front wall (facing North), one wall sign on the building's end wall (facing East), and one wall sign on the building's rear wall (Facing South).

Units within a multi-tenant site are allowed one wall sign each, unless that unit is an end-cap unit, in which case one wall sign is allowed on each wall with a public street frontage. However, in this instance, the subject unit is an interior unit and is limited to one wall sign, in addition to a tenant panel on a freestanding sign. The unit has been vacated by Payless Shoes and re-occupied by Sally Beauty Supply. Staff has issued a sign permit for the replacement of the front wall sign, and has erroneously issued a permit for the replacement of the end cap unit wall sign. The applicant is proposing a replacement sign on the rear wall which has no public (or private) street frontage.

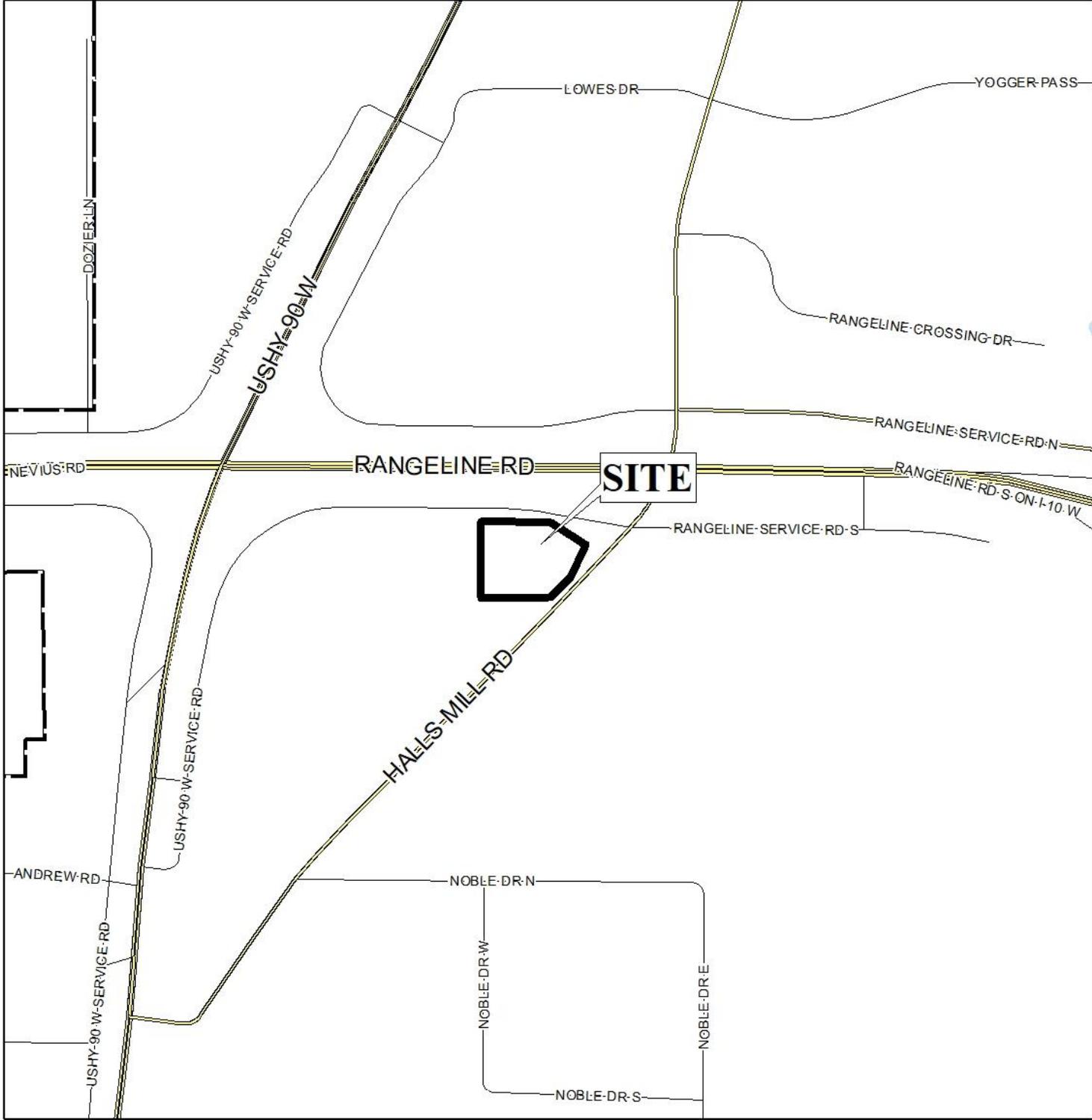
The applicant maintains that the proposed sign is for "*more enhanced visibility for the rear elevation based on the traffic flow behind the store*". The building is at an angle to Halls Mill Road with about the same visibility to both the end wall and rear wall. As the erroneously-permitted wall sign is already in place providing visibility to Halls Mill Road, an additional sign on the rear wall would seem excessive, especially since there is no rear customer entrance to the store, and there is no rear vehicle access to the site. As one drives along Halls Mill Road beside the site, the end wall sign is clearly visible before reaching the driveway into the site.

The Board has approved similar types of Sign Variances due to visibility issues. However, in this instance, a hardship does not appear to be imposed by a literal interpretation of the Zoning Ordinance, and the Board should consider this application for denial.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial of the request to allow three (3) wall signs for a tenant in a multi-tenant commercial site in a B-3, Community Business District:

- 1) Approving the variance request will be contrary to the public interest due to the fact that no hardship for its allowance has been demonstrated;
- 2) Special conditions do not appear to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the variance in that it would allow a business further public visibility which would ordinarily not be possible without the demonstration of a hardship.

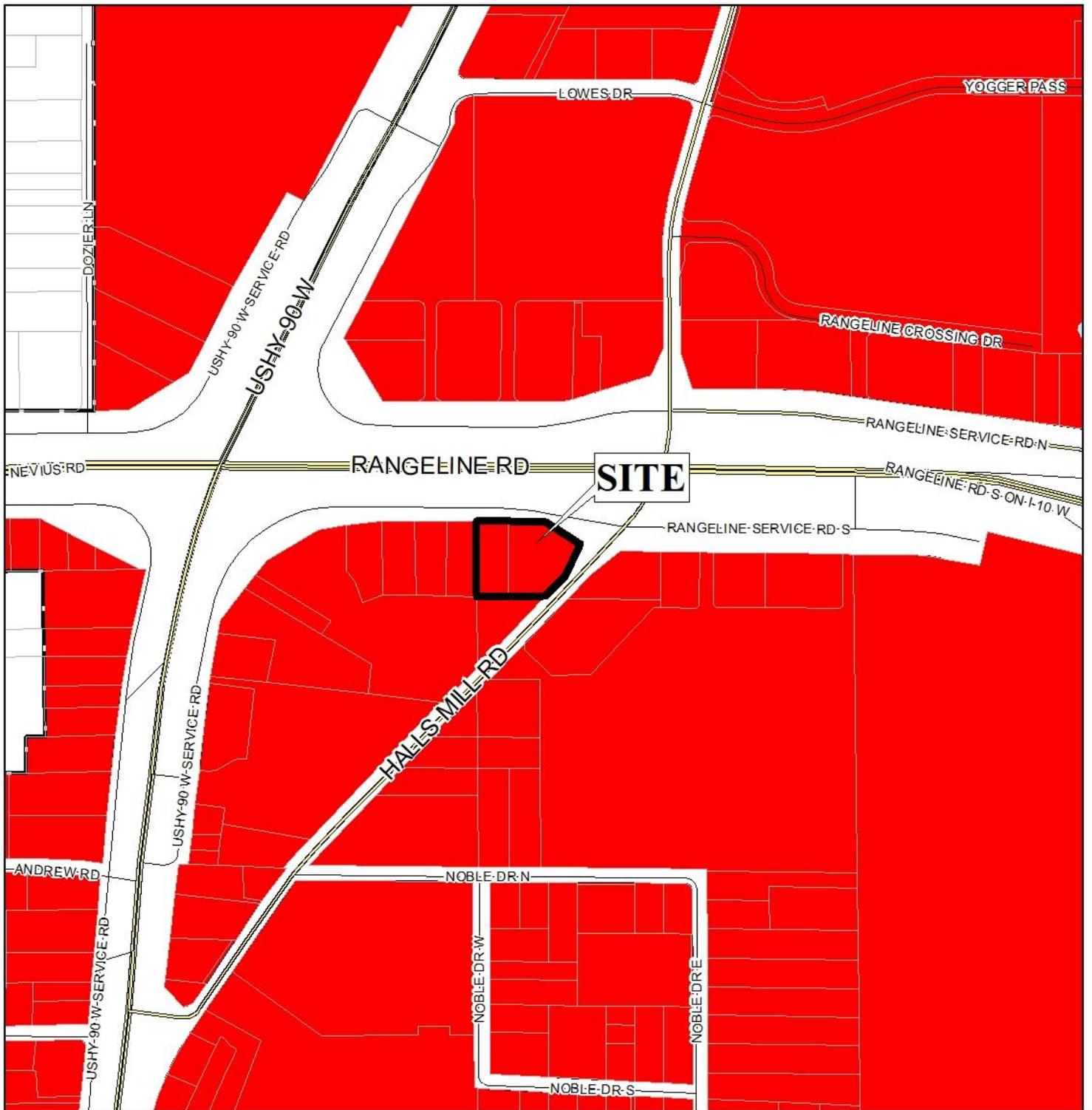
LOCATOR MAP



APPLICATION NUMBER	6403	DATE	August 2, 2021
APPLICANT	Wrico Signs, Inc.		
REQUEST	Sign Variance		



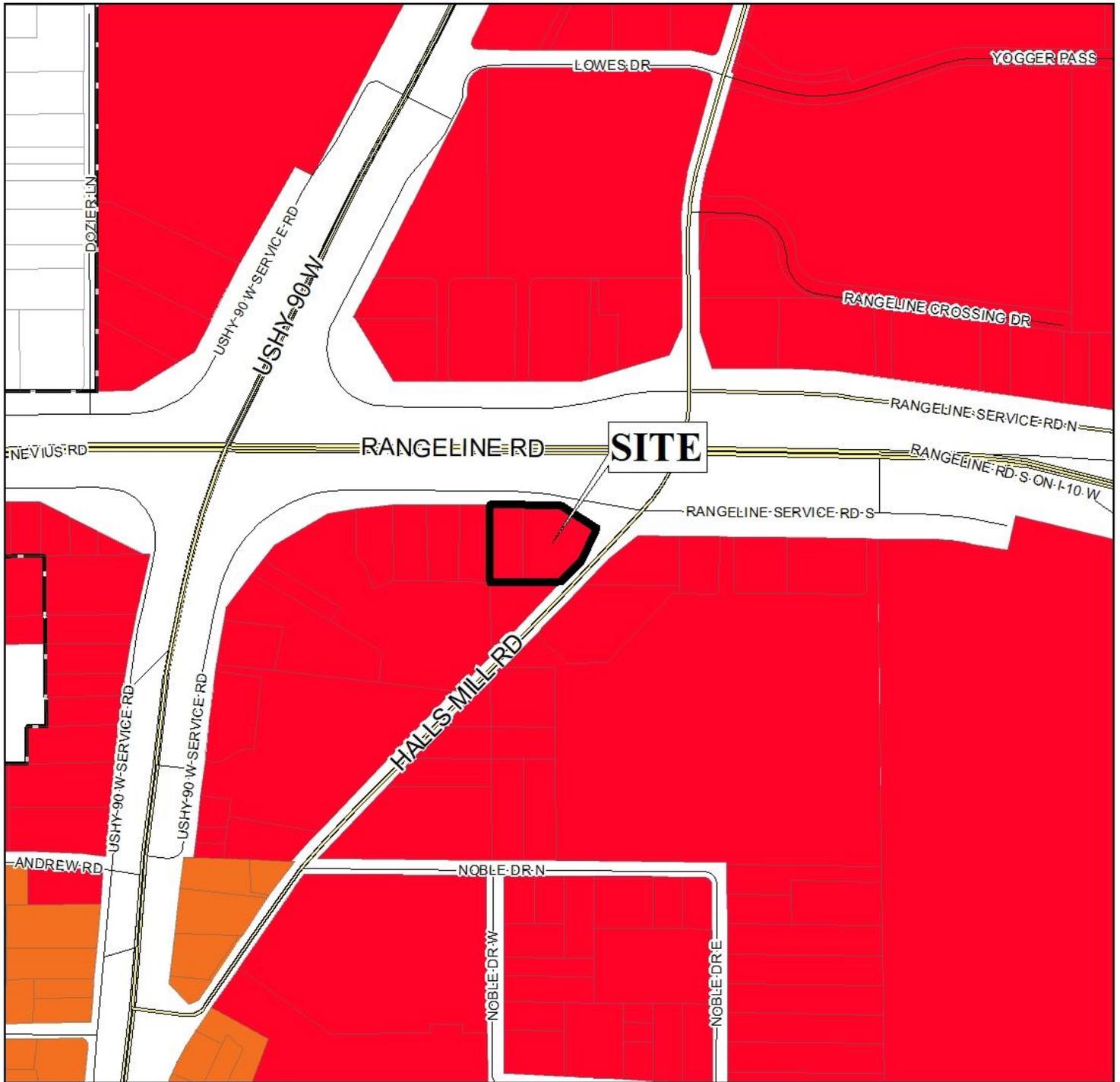
LOCATOR ZONING MAP



APPLICATION NUMBER 6403 DATE August 2, 2021
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REQUEST Sign Variance



FLUM LOCATOR MAP



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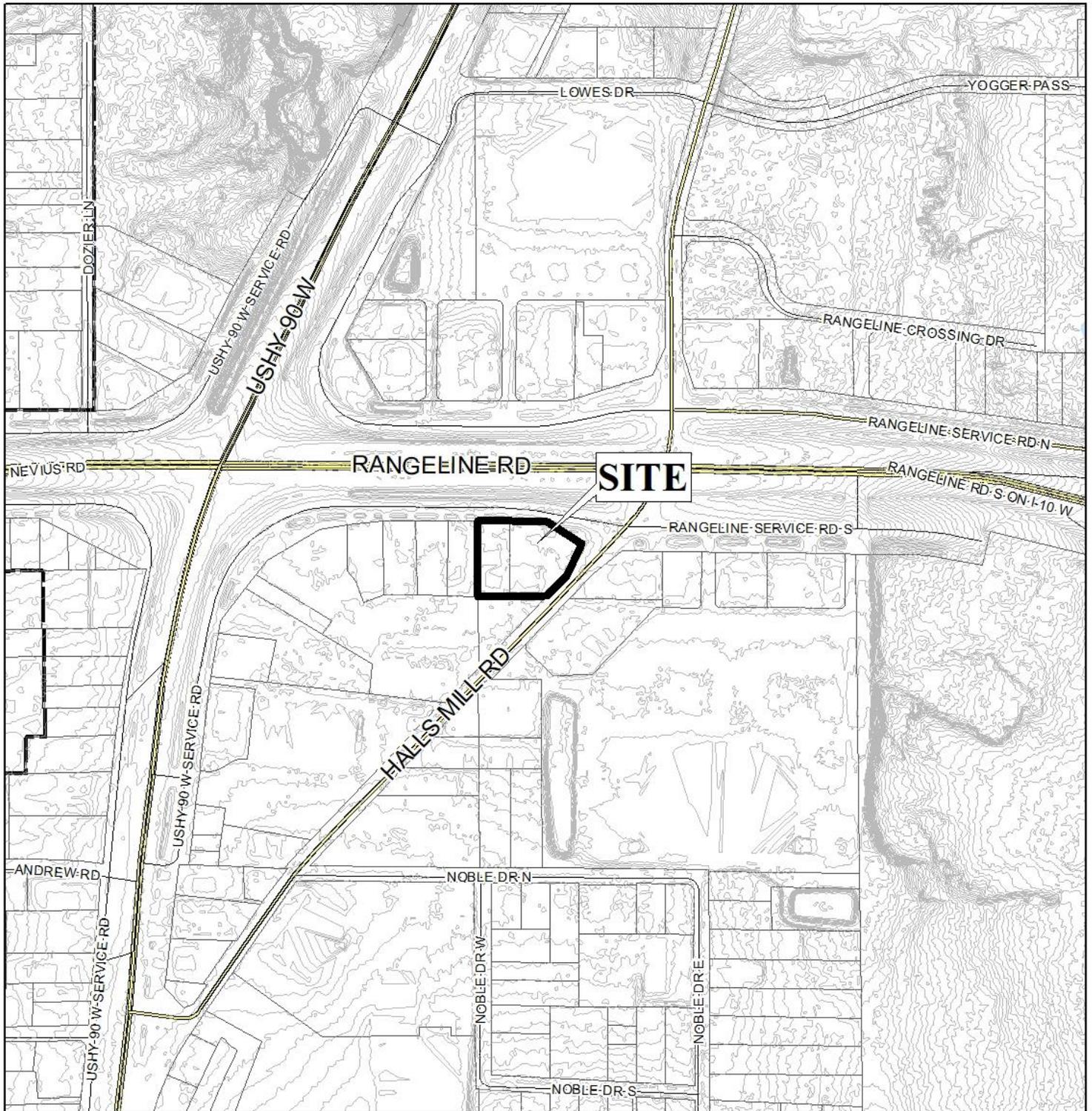
REQUEST Sign Variance

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



NTS

ENVIRONMENTAL LOCATOR MAP

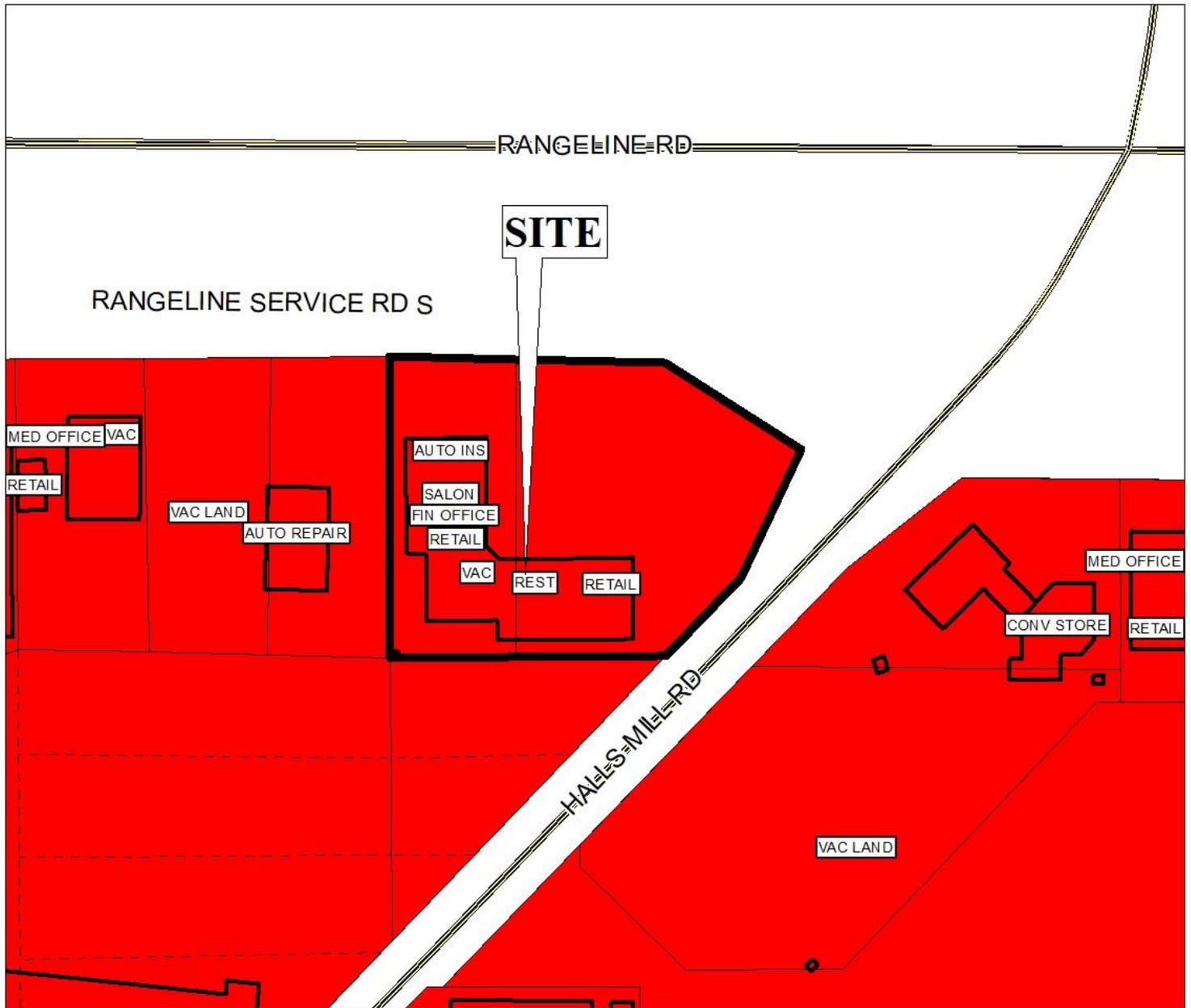


APPLICATION NUMBER 6403 DATE August 2, 2021
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6403 DATE August 2, 2021

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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 retail units, auto sales sites, offices, restaurants, and a church.

APPLICATION NUMBER 6403 DATE August 2, 2021
APPLICANT Wrico Signs, Inc.
REQUEST Sign Variance



SITE PLAN



The site plan illustrates current retail units, parking and right of ways.

APPLICATION NUMBER 6403 DATE August 2, 2021

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DETAIL SITE PLAN

EXISTING



PROPOSED



3'-6 1/2"

APPLICATION NUMBER 6403 DATE August 2, 2021
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REQUEST Sign Variance



DETAIL SITE PLAN

EXISTING



PROPOSED



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DETAIL SITE PLAN

EXISTING



PROPOSED



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