

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: March 7, 2022

CASE NUMBER

6445

APPLICANT NAME

Lamar Advertising

LOCATION

826 South Conception Street
(Southwest Northwest corner of South Conception Street
and New Jersey Street).

VARIANCE REQUEST

SIGN: Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height and within 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District.

**ZONING ORDINANCE
REQUIREMENT**

SIGN: The Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, and no closer than 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District.

ZONING

I-1, Light Industry

AREA OF PROPERTY

0.5± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Sign Variance to allow an outdoor advertising sign in excess of 300 square feet per face, in excess of 35 feet in height, and within 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District; the Zoning Ordinance limits outdoor advertising signs to a maximum of 300 square feet per face, with a maximum height of 35 feet, and no closer than 1,000 feet of another outdoor advertising sign in an I-1, Light Industry District.

The site has been given a Downtown Waterfront (DW) land use designation, per the 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 an area generally bound by Virginia Street to the south, I-10 to the west, Beauregard Street to the north, and the Mobile River to the east. The primary intent of this designation is to promote opportunities for expanding public waterfront access and the possibility of additional public-oriented activities to make the waterfront more inviting and safe. The area may include incremental public access improvements and amenities that emphasize internal pedestrian and bicycle connections, as well as new linkages to Downtown and the surrounding neighborhoods.

Land uses in areas designated DW include existing industrial and heavy commercial facilities, but may also include complementary businesses and public facilities, as well as open spaces and access points to enhance the enjoyment and appreciation of the natural shoreline environment.

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.

Specific to the applicant's requests, the Sign Regulation Provisions of the Zoning Ordinance place a Moratorium on off-premise signs to the extent as stated in Section 64-11.A.2.(a):

No outdoor off-premise advertising structure shall be constructed or erected after the date of the enactment of this ordinance except for signs conforming to all of the following provisions:

Replacement of an outdoor off-premise advertising structure for an existing outdoor off-premise advertising structure in B-2, B-3, B-5, I-1 and I-2 zoning districts will be permitted subject to compliance with all other provisions of this ordinance. V-type or back to back signs shall be considered as one (1) sign.

The applicant states:

Lamar Advertising is requesting a variance for a potential sign to be located at 826 S Conception St. (Parcel # R022910380006096.002). Due to the directive from the State of Alabama, relating to the upcoming River Bridge Project, Lamar Advertising is being forced to relocate structures that currently have "grandfather" status with the City of Mobile. Such relocations are resulting in the loss of "grandfather" status and inhibiting Lamar Advertising's ability to operate at normal capacity.

The first of our requests to help make the relocation as unnoticeable as possible, is that the City grant us permission to have the relocated structure's size exceed the current City Ordinance's limit of 300 square feet. The State's relocation effort has pushed our potential billboard site much further from the current roadway, which will greatly limit the visibility of our advertising structure unless we are able to build at a larger size, specifically 14'X48' (672 sq. ft.).

The second request is that we are allowed to build at a height that removes any concern of vegetation as an obstacle from road view. Lamar Advertising has tree removal permit requests pending, but said trees are now on State-owned property, and if the State does not cooperate we will be left with unusable advertising space. The current City Ordinance limits new structures to be no more than 35 feet above road grade. We would request the ability to exceed this number if the billboard would be blocked by vegetation at this height. With trees, we believe the total height required would be 95'. Without trees, 55' total height.

These requests are made so that Lamar Advertising can in good faith continue to work with the State in preparation for the River Bridge Project.

A similar request for the proposed sign was heard at the Board's November 1, 2021 meeting, but for the site at 850 South Conception Street (two lots to the South). As the applicant has opted for a different site, a new variance specific to the new site must be reviewed; hence this application.

An existing off-premise advertising billboard sign at the West terminus of New Jersey Street will be removed due to acquisition of that area by the Alabama Department of Transportation for right-of-way for the proposed Mobile River Bridge. The applicant proposes to replace the sign approximately 300 feet to the Southeast and out of the State right-of-way. The applicant requests that the proposed sign be allowed to exceed the maximum 300 square feet in area (672 square feet proposed), the maximum height of 35 feet due to visibility issues from Interstate 10 associated with trees and vegetation within the right-of-way, and within 1,000 feet of another off-premise advertising billboard sign. The Zoning Ordinance requires full compliance with the size and height limits for off-premise billboard signage; hence this request.

It should be noted that no specific site plan was submitted with the application; therefore, the precise location of the sign on the subject site cannot be determined. It should also be noted that the proposed location is more than 1,000 feet from any other existing or proposed off-premise advertising billboard sign; therefore, the spacing request would be a moot point.

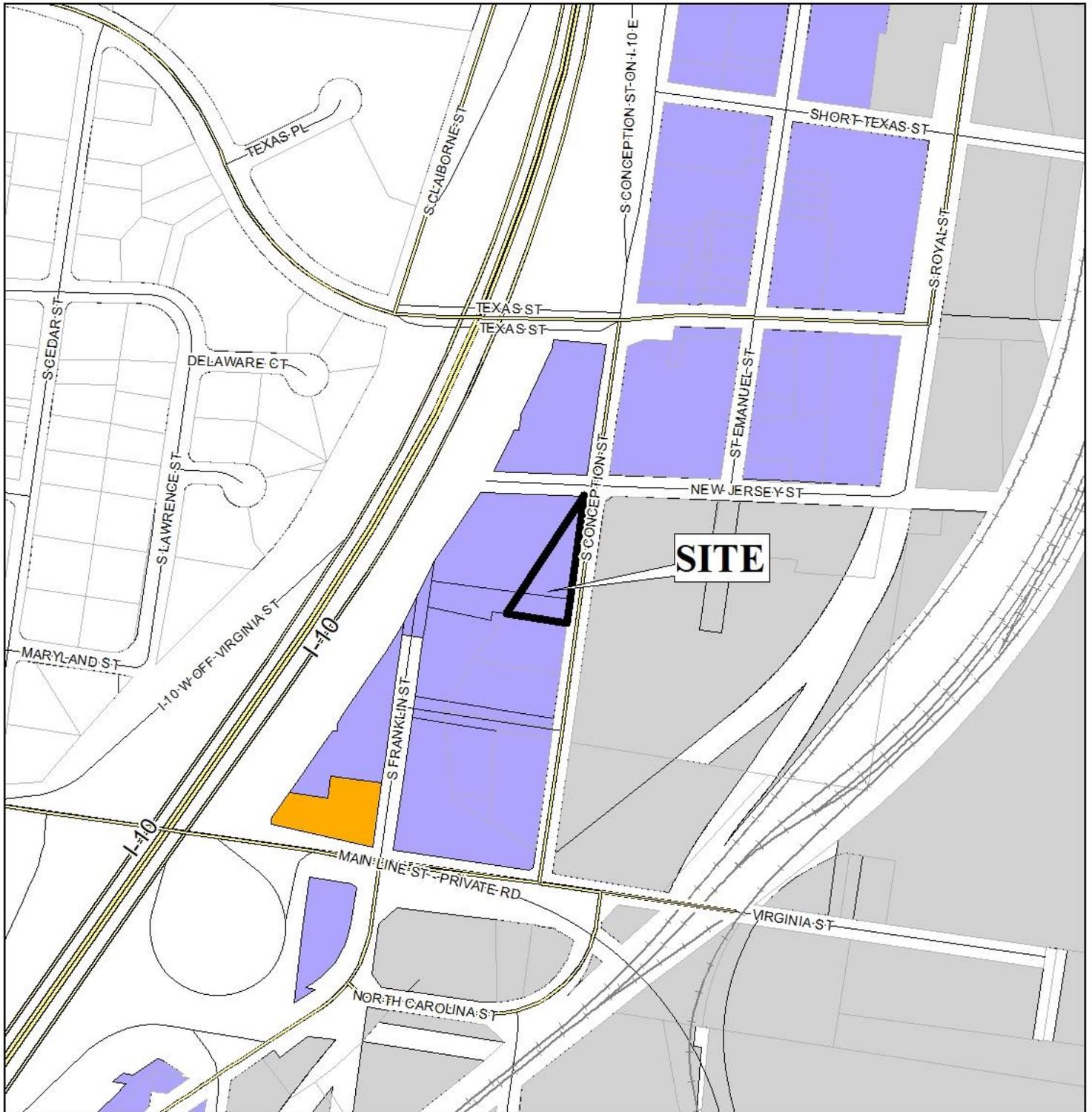
Inasmuch as the circumstances surrounding the proposed relocation are due to a public infrastructure project, and as the applicant's request for increased signage size is far greater than that allowed by the Ordinance, and the request for increased height is within a range from 55 feet to 95 feet above grade, staff recommends that the Board take into consideration all factors as may be presented by the applicant and public to reach a decision on this matter.

RECOMMENDATION:

When considering the application, the Board should bear in mind the following:

- a. approving the variance request will/will not be contrary to the public interest;
- b. special conditions appear/do not appear to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- c. that the spirit of the chapter shall/shall not be observed and substantial justice done/not done to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP



APPLICATION NUMBER 6445 DATE March 7, 2022

APPLICANT Lamar Advertising

REQUEST Sign Variance



FLUM LOCATOR MAP



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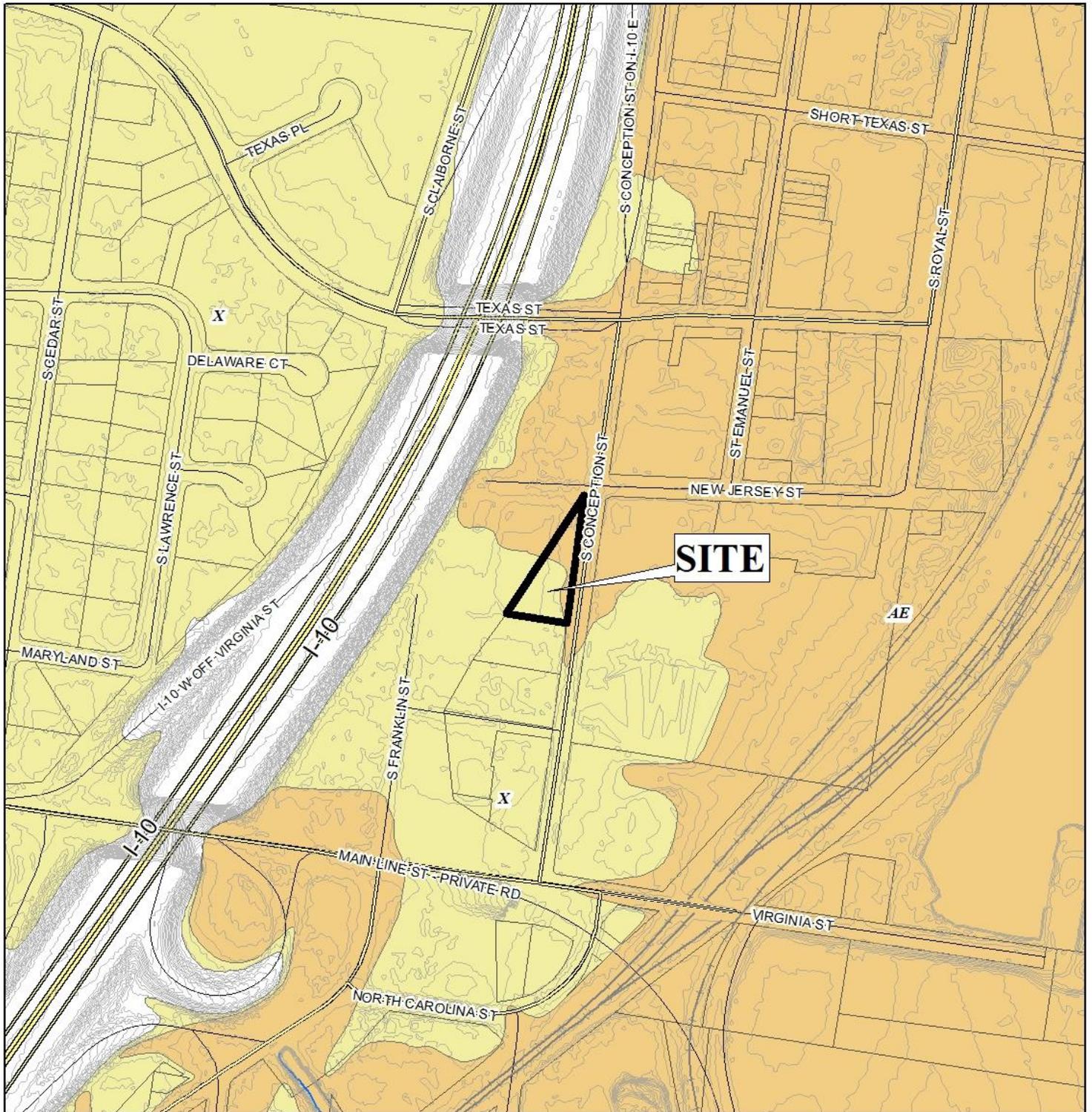
REQUEST Sign Variance

- | | | | |
|---|---|---|---|
| ■ 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



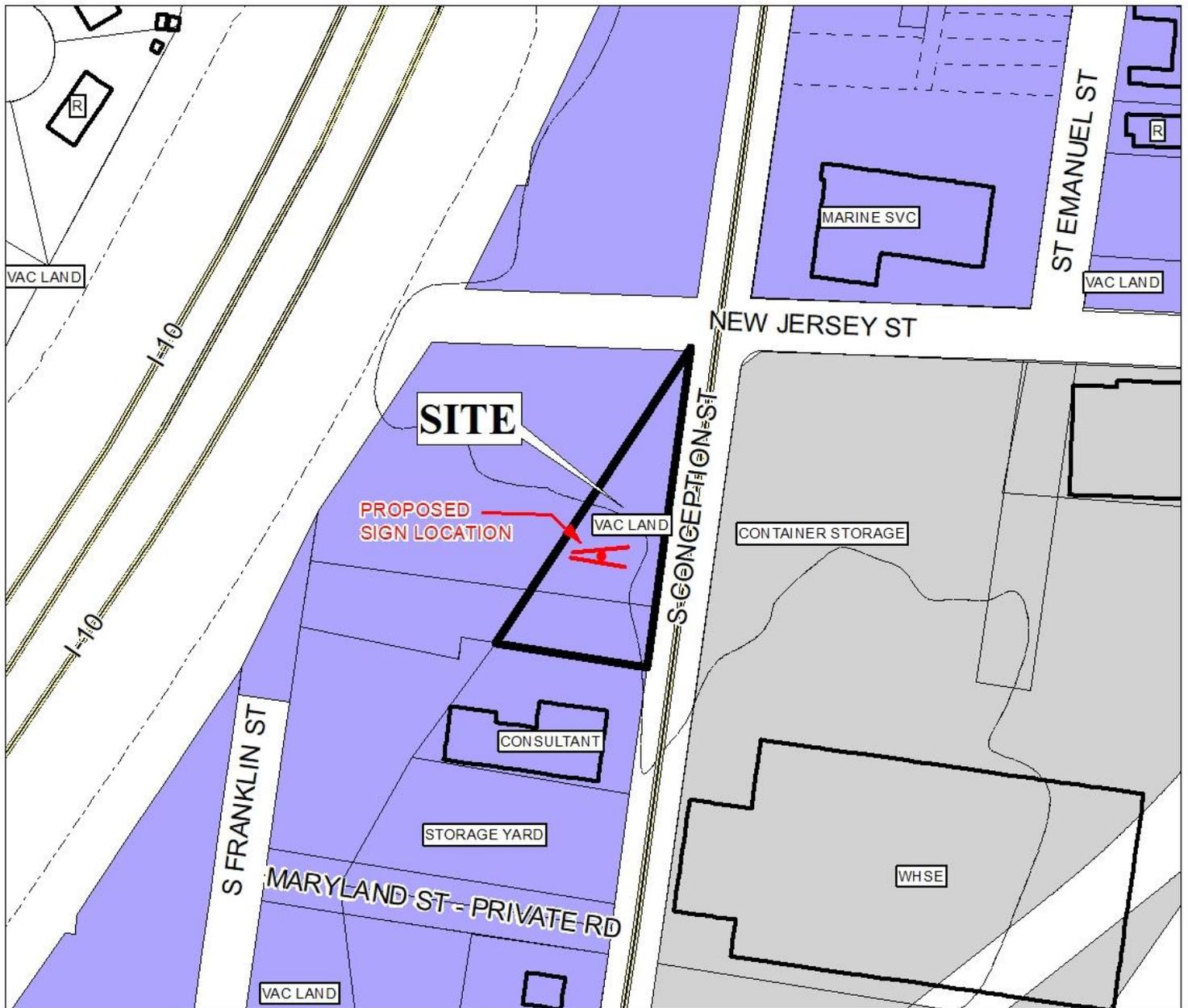
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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and warehouses
with residential sites to the northwest.

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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

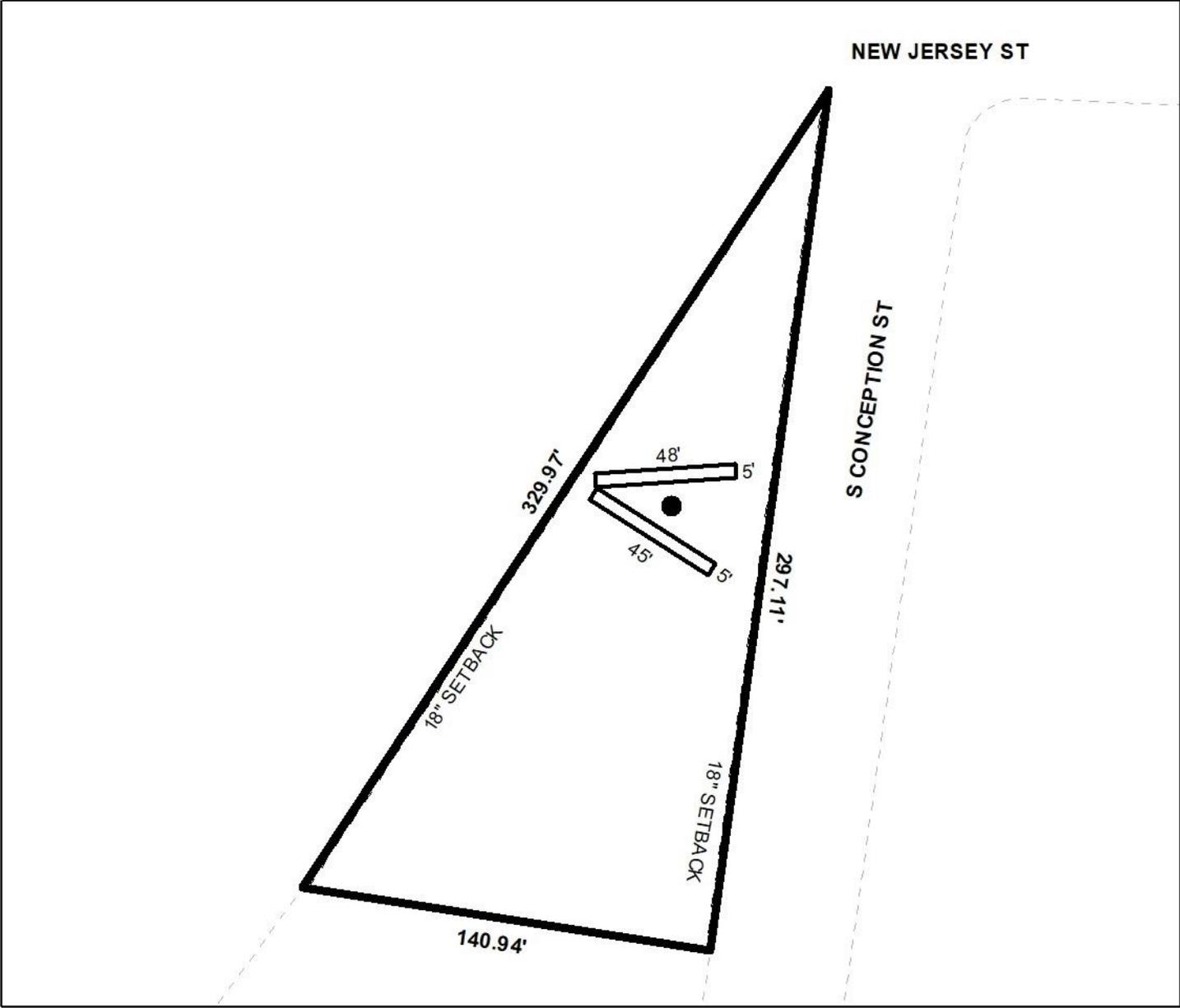


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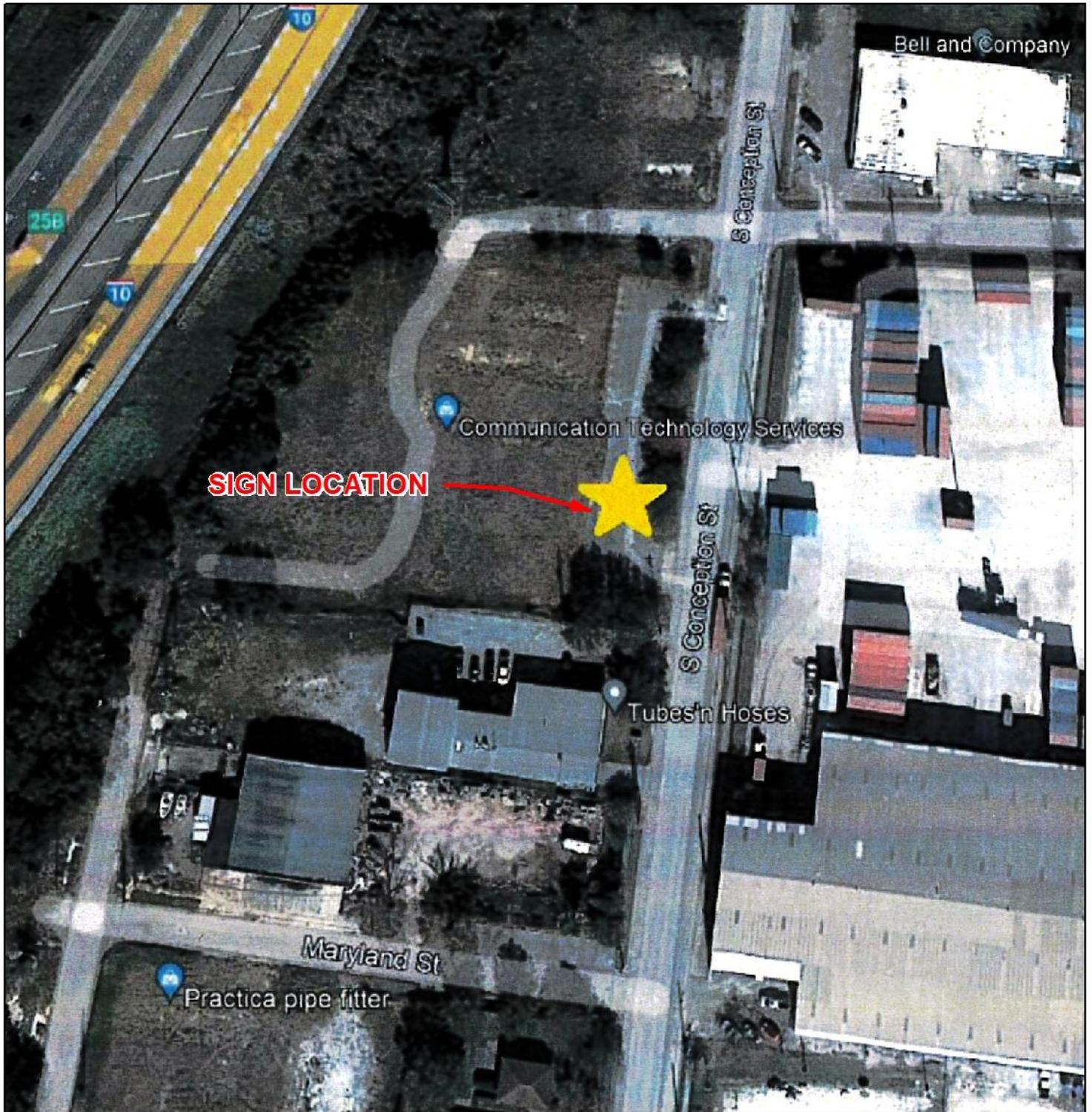
SITE PLAN



The site plan illustrates existing setbacks and proposed sign location.

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DETAIL SITE PLAN

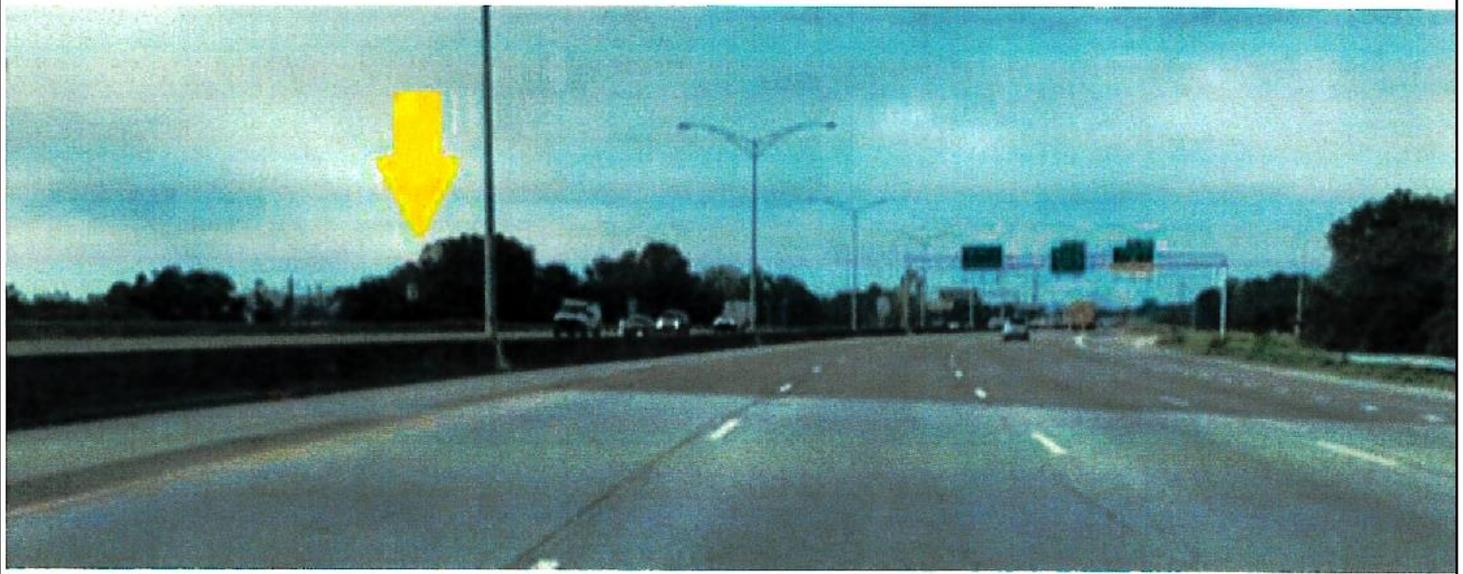
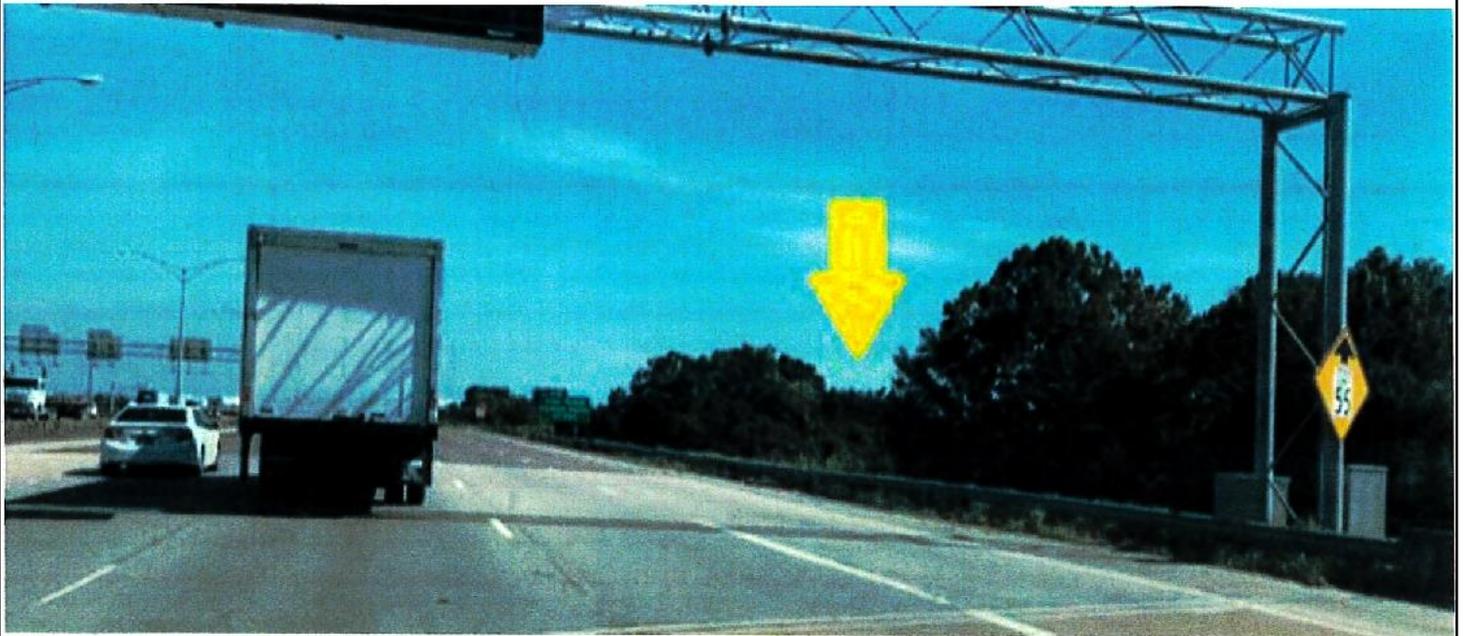


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