



Agenda Item # 5

BOA-002436-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5440-D U.S. Highway 90 West

Applicant / Agent (as applicable):

Wrico Signs, Inc. (Kelli Johnson, Agent)

Property Owner:

Waterstone Southeast Portfolio LLC

Current Zoning:

B-3, Community Business District

Future Land Use:

District Center

Case Number(s):

6508/6209

Unified Development Code (UDC) Requirement:

The following are the applicable code requirements:

- **Request:** The UDC allows one (1) wall sign for a tenant on a multi-tenant commercial site in a B-3, Community Business District.

Board Consideration:

The following variance is requested:

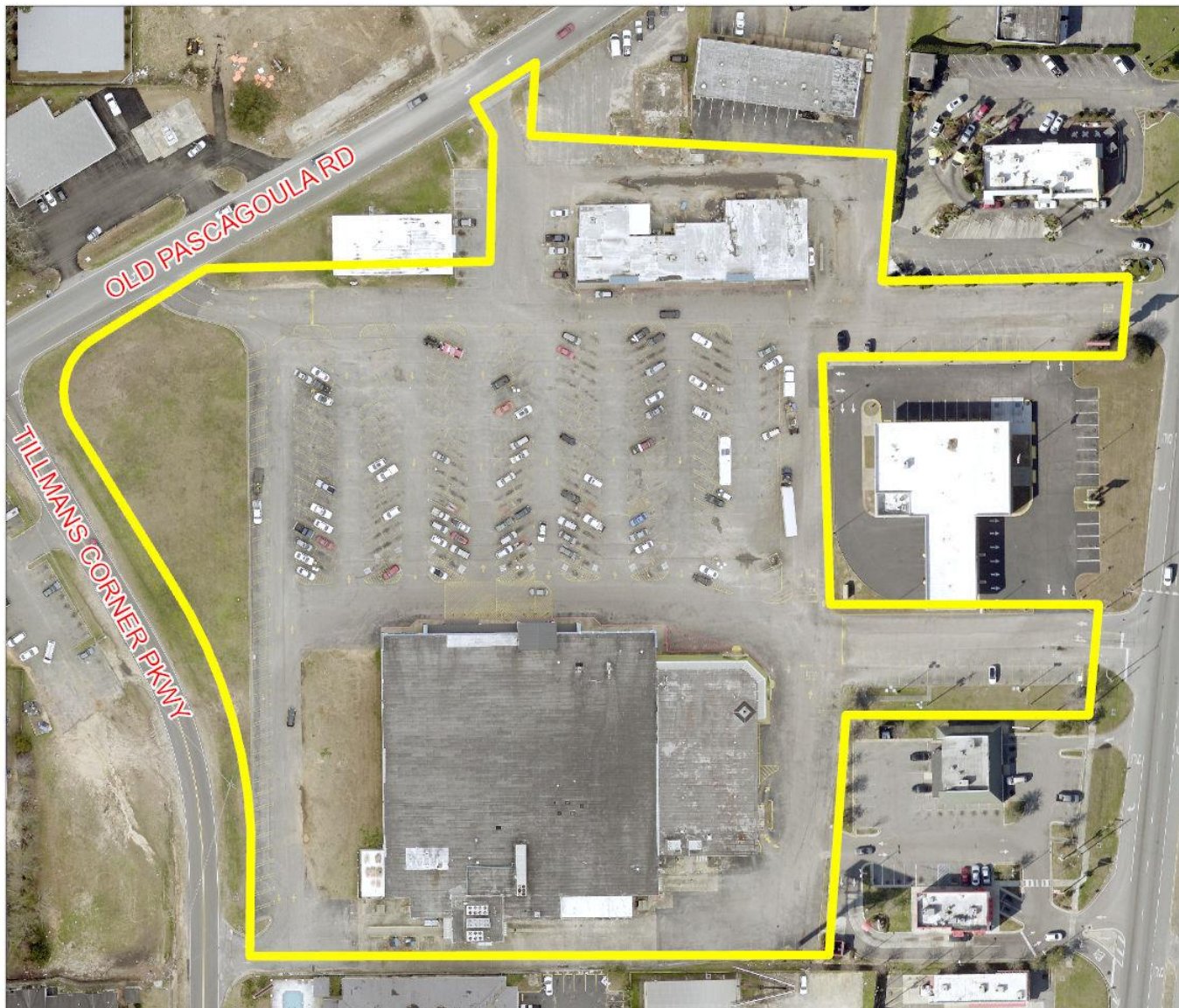
- **Request:** To allow two (2) wall signs for a tenant on a multi-tenant commercial site in a B-3, Community Business District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6508 DATE April 3, 2023

APPLICANT Wrico Signs (Kelli Johnson, Agent)

REQUEST Sign Variance



NTS

SITE HISTORY

A previously approved Sign Variance allowed two (2) informational signs greater than 20 square feet for the site.

STAFF COMMENTS

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 (2021 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.

Planning Comments:

The applicant is requesting a Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant commercial site in a B-3, Community Business District; the Unified Development Code (UDC) allows one (1) wall sign for a tenant on a multi-tenant commercial site in a B-3, Community Business District.

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 multi-building, multi-tenant shopping center. The building for which the variance is requested is a strip mall and contains a Little Caesars restaurant in an end cap unit with the front wall facing the interior parking lot of the shopping center, and the end wall facing Government Boulevard. Both walls currently have a sign for Little Caesars, and the end wall also has a sign for Subway restaurant, which is actually located in an interior unit of the building. Google Street View indicates that both end wall signs have been in place since at least 2018. As the end wall sign would be considered nonconforming, and any new signage must be conforming, a variance is required to allow such; hence this application.

The applicant states that Little Caesars is located in the corner suite of the shopping center and that there are several entrances into the shopping center. Signs are needed on both elevations to direct customers to the store's entrance and drive through. The applicant also states that the tenant space has limited visibility from the main entrance of the shopping center.

The subject site was developed while in the County prior to the annexation of the Theodore area into the City in 2009. The site's signage history upon annexation is unknown. 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 require compliance with Section 64-4-14, Signs, of the Unified Development Code.

Units within a multi-tenant site are allowed one wall sign each, unless a unit is an end-cap unit, in which case one wall sign is allowed on each wall with a public street frontage. In this instance, the subject unit has public street frontage only on Government Boulevard. However, as the end wall sign is proposed above the drive-up service window for Little Caesars, and as Subway also has a noncompliant wall sign on the same wall above the Little Caesars drive-through aisle, the allowance of the proposed Little Caesars end wall sign would seem justified to identify the drive-up, and to provide visibility from Government Boulevard. Furthermore, the sign would allow Little Caesars with an equal and fair opportunity to advertise its services within the unit the sign is proposed to be on.

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

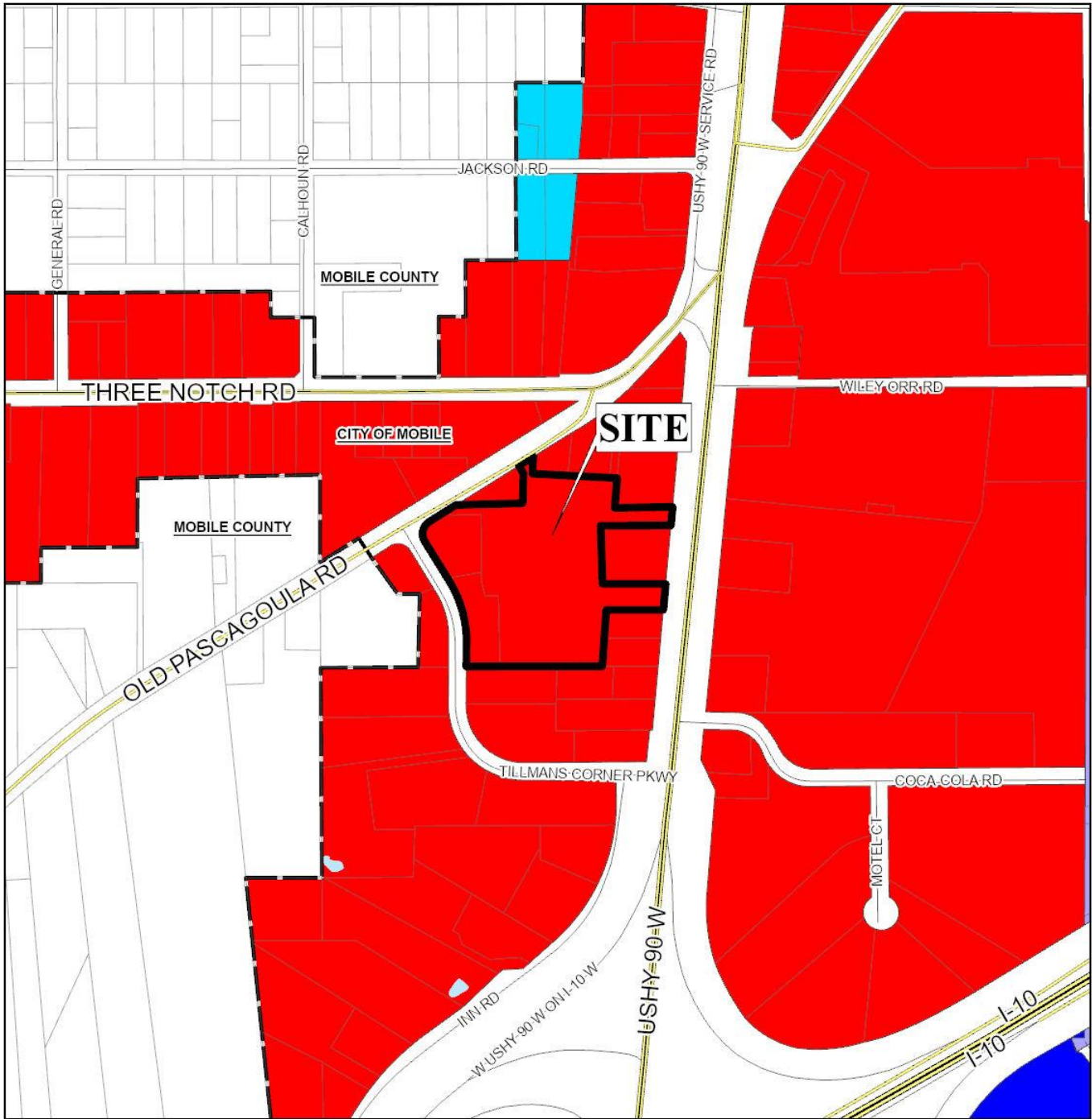
Considerations:

Based on the requested Variance application, the Board should consider the following findings of fact for approval or denial of the request:

- 1) The variance **will / will not** be contrary to the public interest;

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

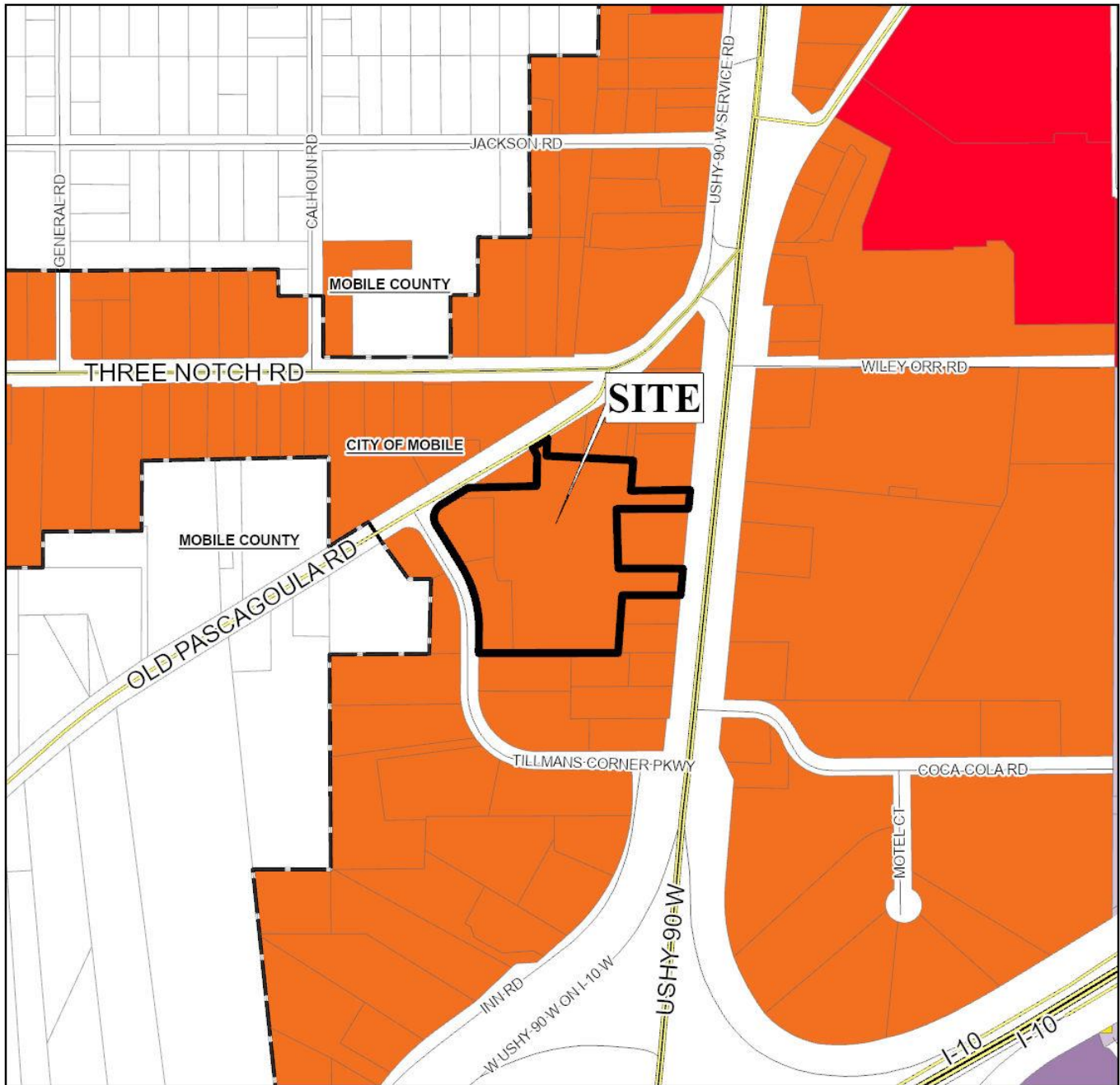
LOCATOR ZONING MAP



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APPLICANT <u>Wrico Signs (Kelli Johnson, Agent)</u>	
REQUEST <u>Sign Variance</u>	



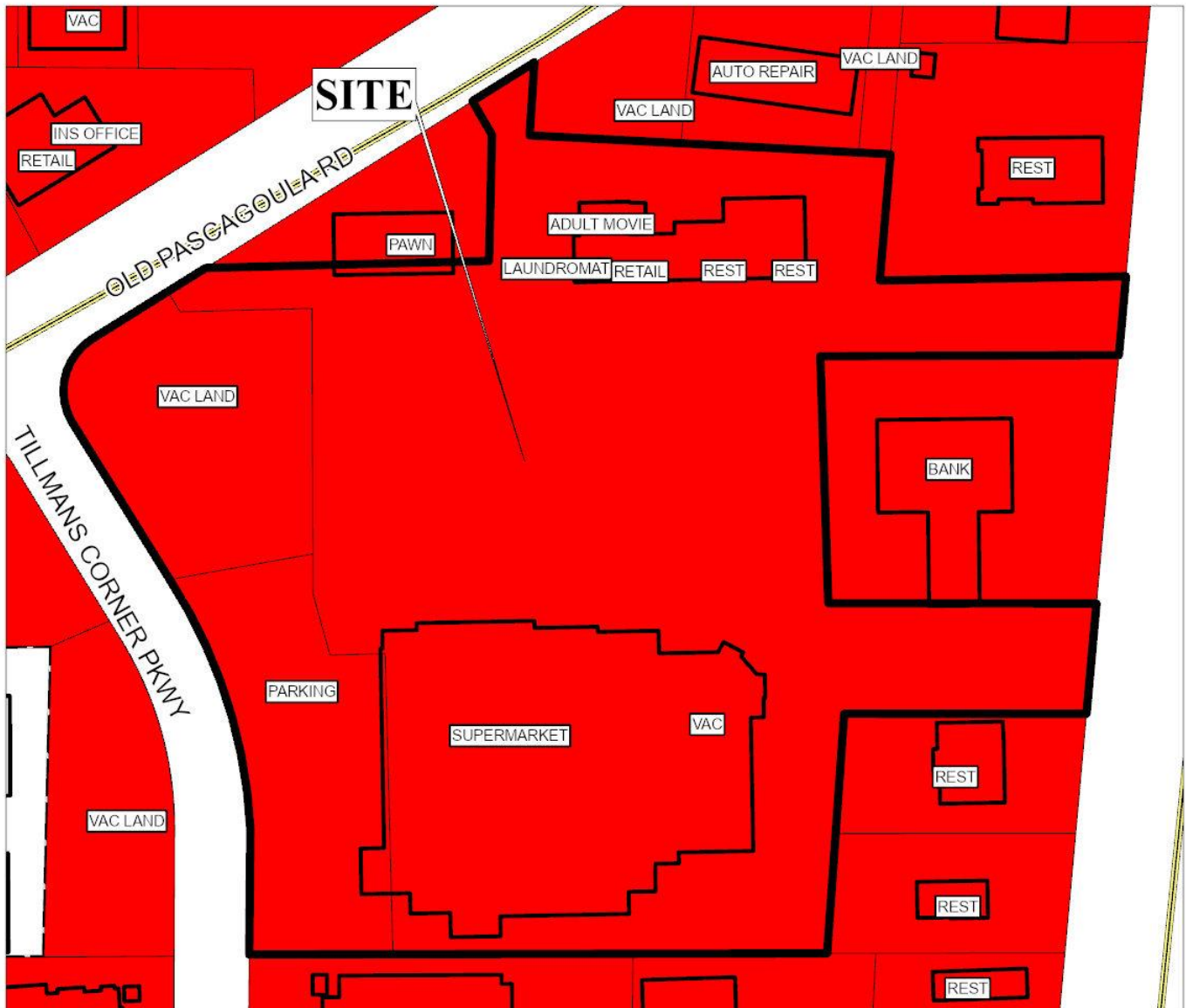
FLUM LOCATOR MAP



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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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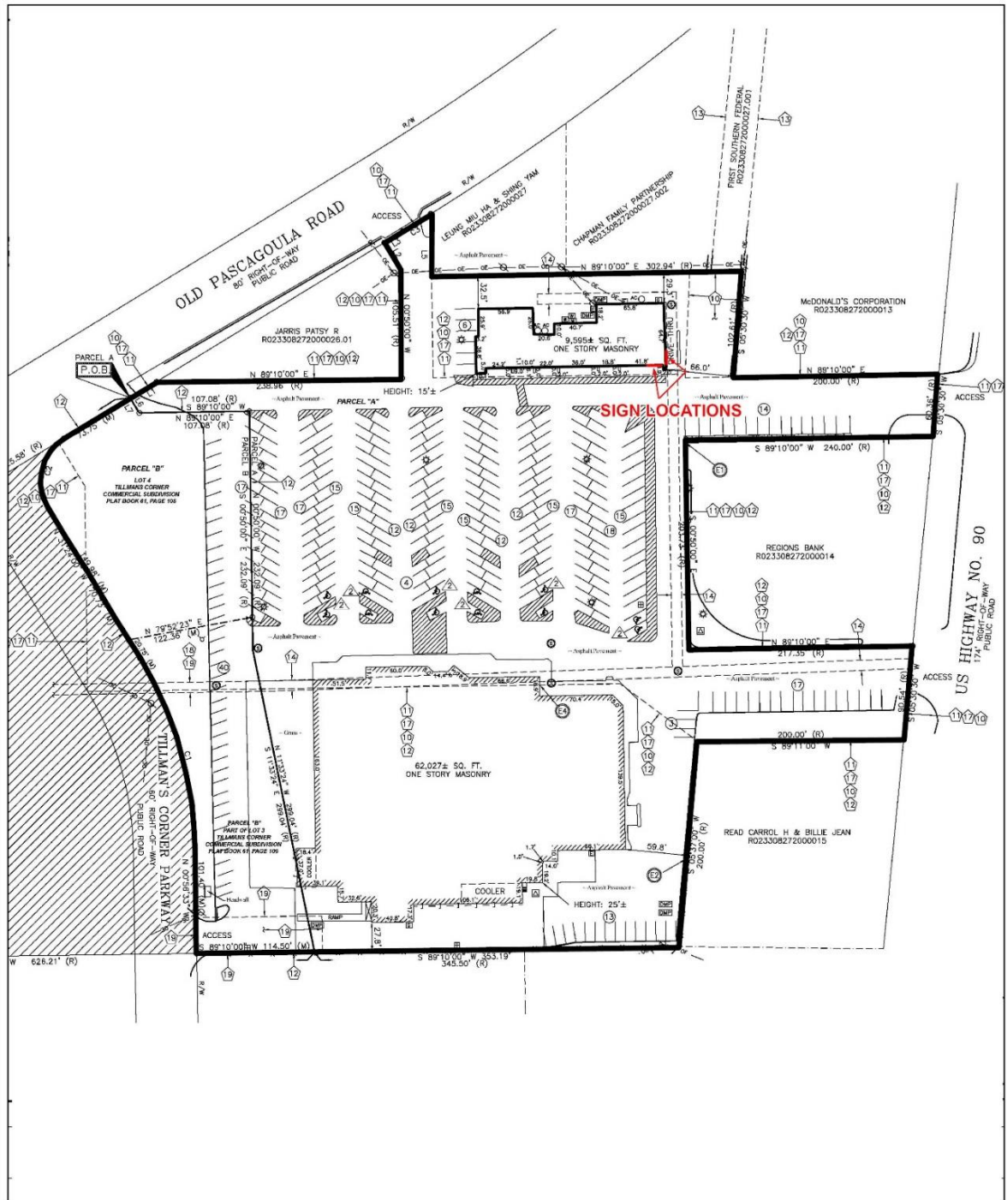
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



SITE PLAN



The site plan illustrates the existing buildings, parking, and proposed sign locations.

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DETAIL SITE PLAN

SOUTH ELEVATION



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DETAIL SITE PLAN

EAST ELEVATION (LEAVE AS IS)



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NTS

