



Agenda Item # 5

BOA-002776-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

685 Schillinger Road South

Applicant / Agent:

Marie Vermillion / Benjamin Bell, Agent

Property Owner:

Brick Walk Associates WOS LLC, Pine Tree c/o Kleban Properties LLC & Wal Mart Property Tax Department

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Number(s):

6566

Unified Development Code (UDC) Requirement:

- The UDC does not allow informational signs larger than 20 square feet in a B-3, Community Business Suburban District.

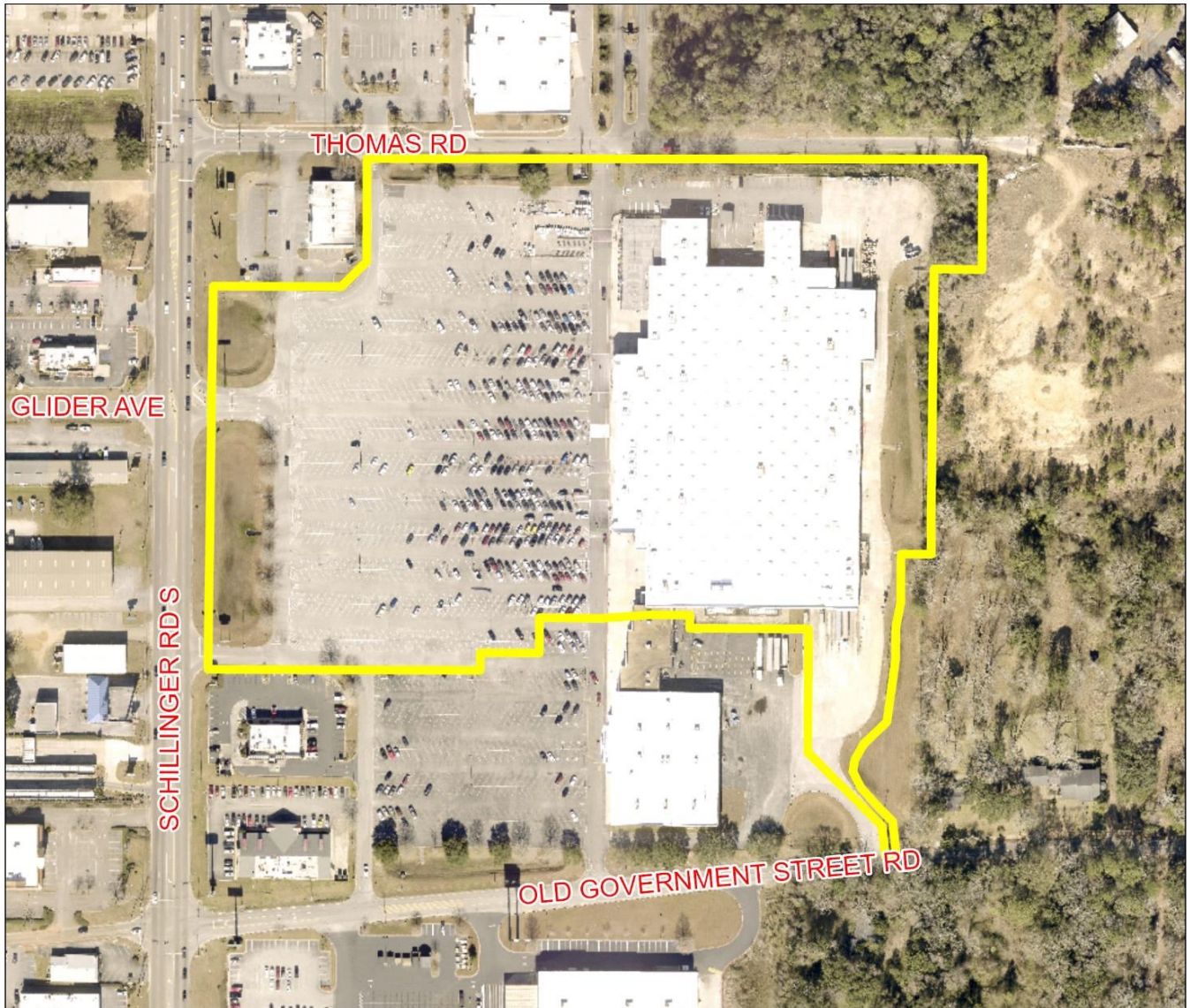
Board Consideration:

- To allow informational signs larger than 20 square feet in a B-3, Community Business Suburban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Residential units lie east of the site.

APPLICATION NUMBER <u>6566</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 was recorded as Lot 4, Schillinger Towne Center Subdivision, a four (4)-lot subdivision, approved by the Planning Commission in 1996 while within the Planning Jurisdiction.

The site appears to have been developed prior to the September, 2007 annexation into the City. It was assigned an R-1, Single-Family Residential District upon annexation.

In January, 2008, the site was rezoned from R-1 to B-3, Community Business District.

In September 2012, the Planning Commission approved the Resubdivision of Lot 4, Schillinger Towne Center Subdivision, a two (2)-lot subdivision, and the site was recorded as Lot A of that subdivision. Concurrent with that resubdivision, a Planned Unit Development (PUD) was also approved by the Commission to allow shared access and parking between multiple building sites.

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 informational signs exceeding 20 square feet in a B-3, Community Business Suburban District; the Unified Development Code (UDC) does not informational signs larger than 20 square feet in a B-3, Community Business 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 multi-tenant site with a Wal-Mart store. Existing signage on the site was installed while under County regulations, and the applicant proposes to install five (5) informational wall signs over 20 square feet each. The proposed signs are:

- "Pickup" for the pharmacy, at 32.22 square feet.
- "Grocery", at 41.05 square feet.
- "Outdoor", at 20.57 square feet.
- "Auto Care", at 24.75 square feet.
- "Home & Pharmacy", at 94.90 square feet.

Each proposed sign, other than the "Auto Care", would be on the main front building elevation, facing West toward Schillinger Road South.

The "Auto Care" sign would be on a recessed wall along the main front portion of the store, also facing to the West.

The applicant has stated that the justification for the request is due to the distance from the street and the size of the parking lot making the signs not viewable at a distance.

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:

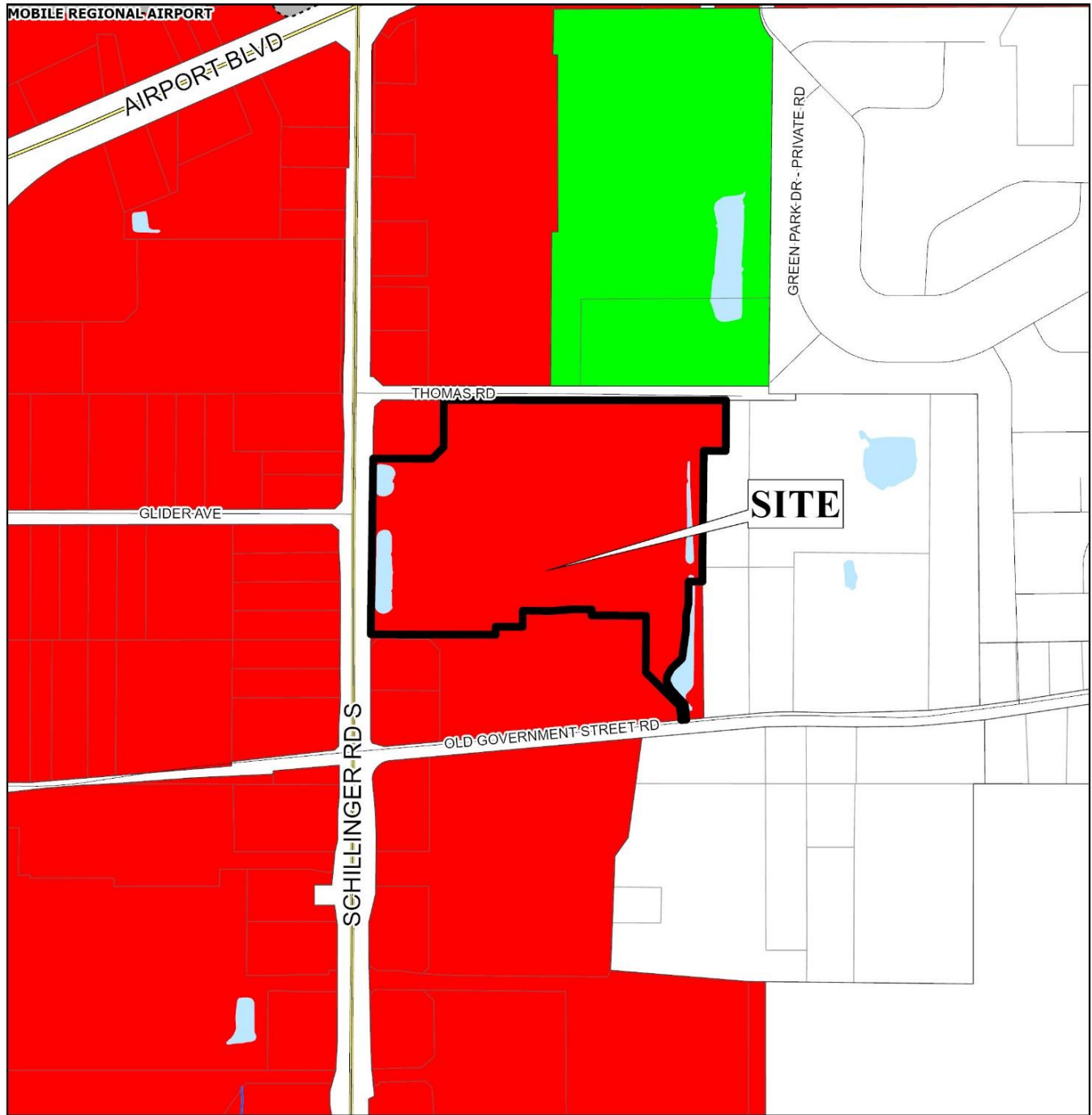
Based on the requested Variance application, and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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 and electrical permits; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



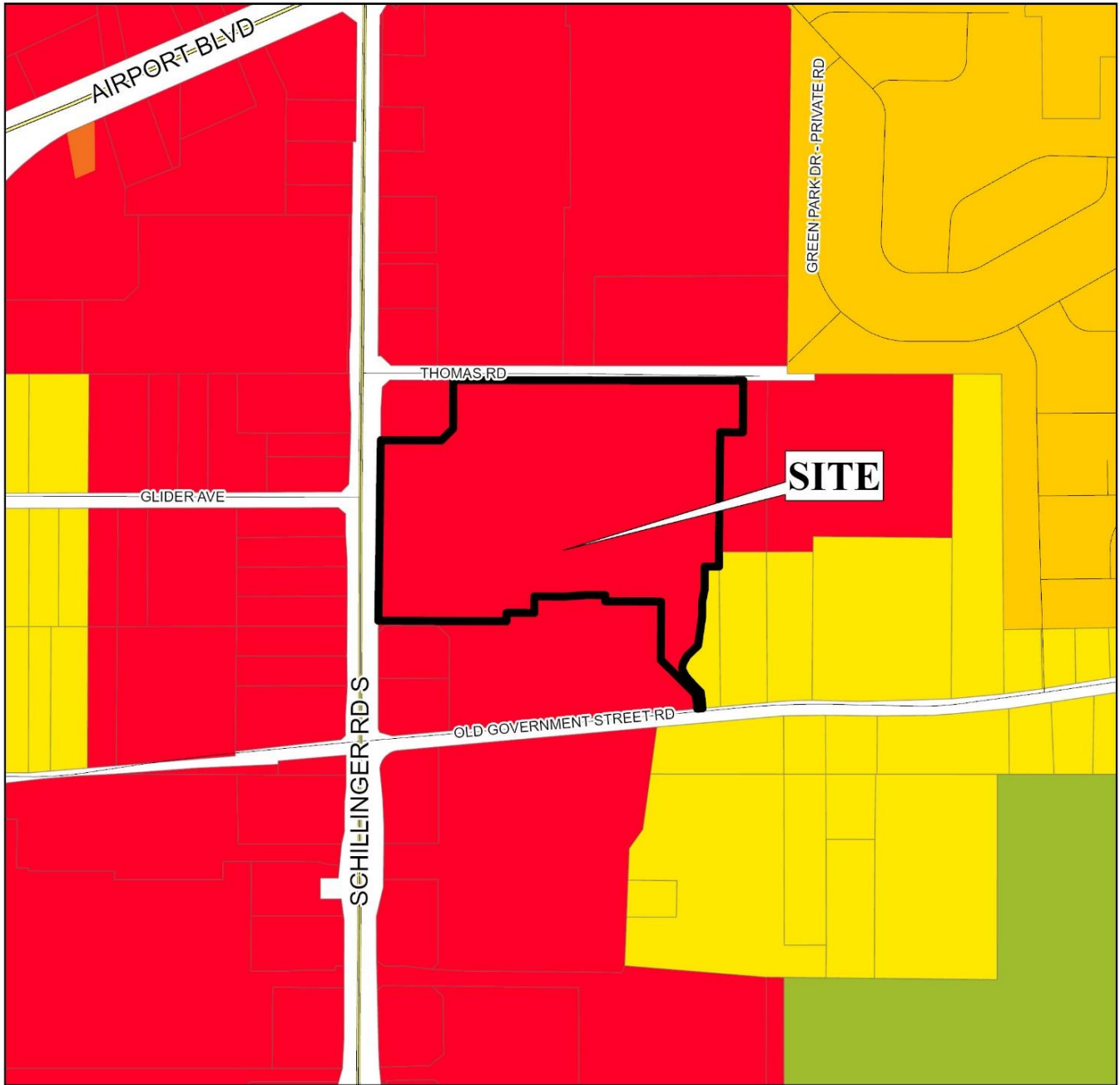
APPLICATION NUMBER 6566 DATE January 8, 2024

APPLICANT Marie Vermillion (Benjamin Bell, Agent)

REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6566 DATE January 8, 2024

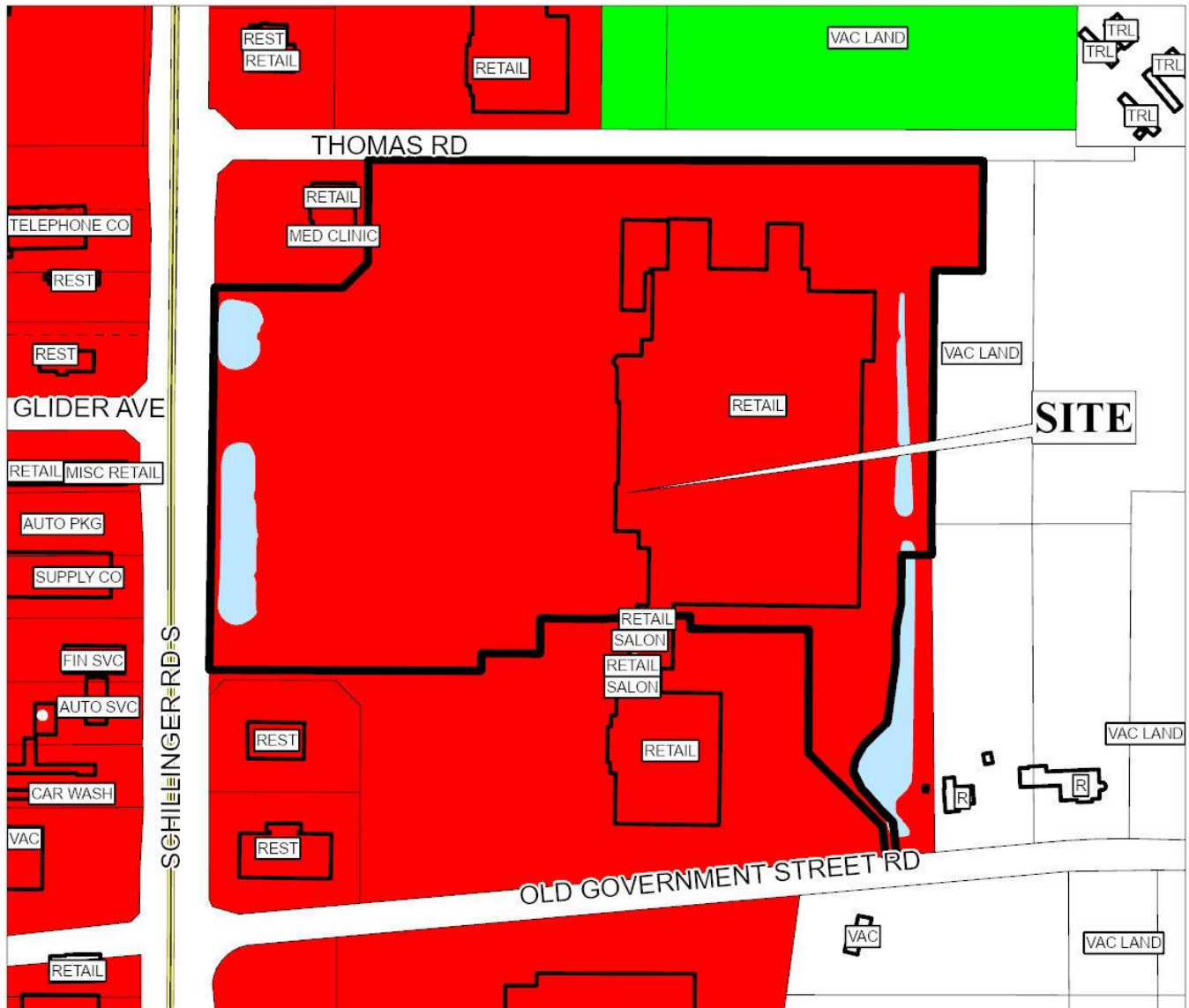
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- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |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



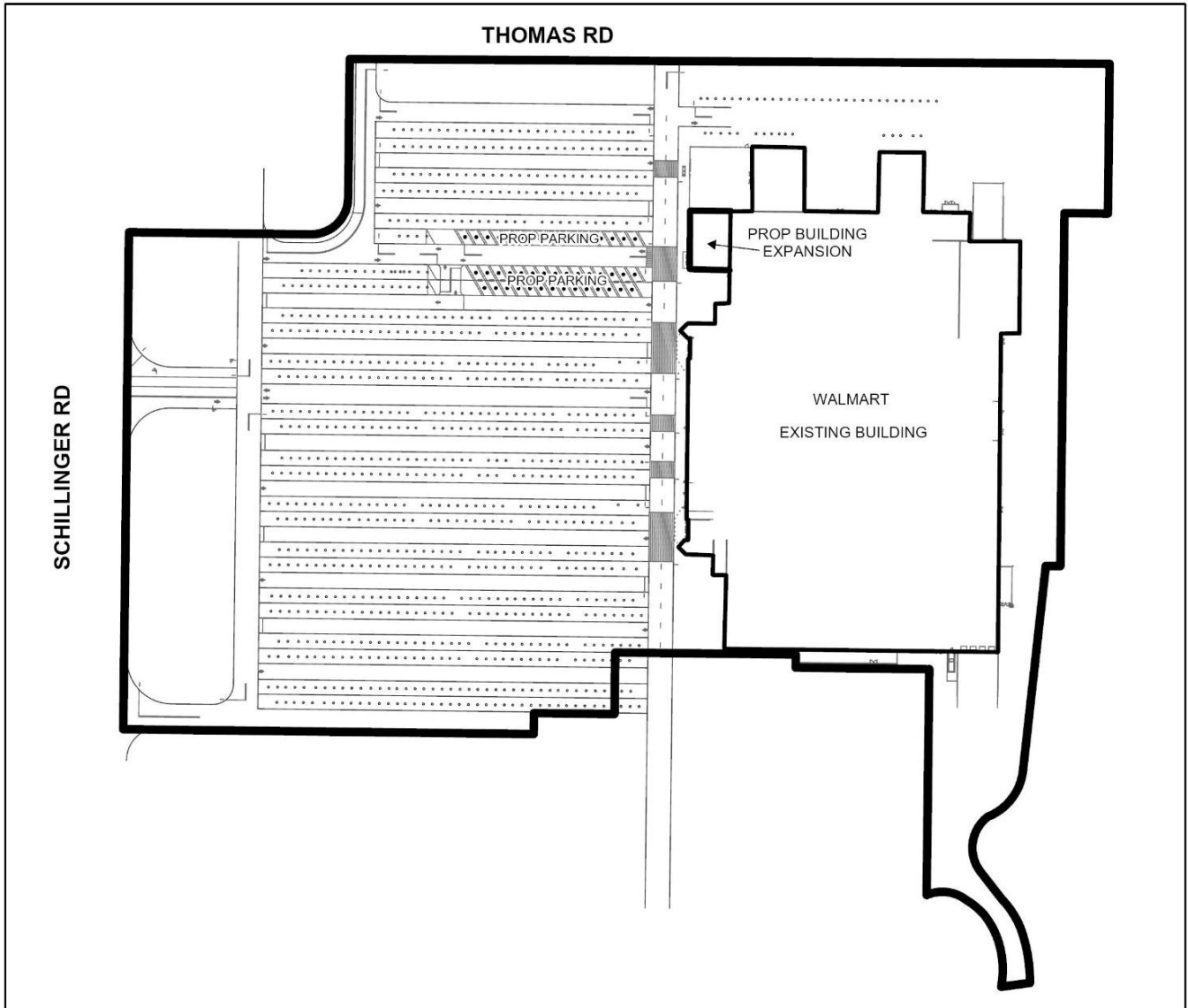
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units. Residential units lie east of the site.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 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	
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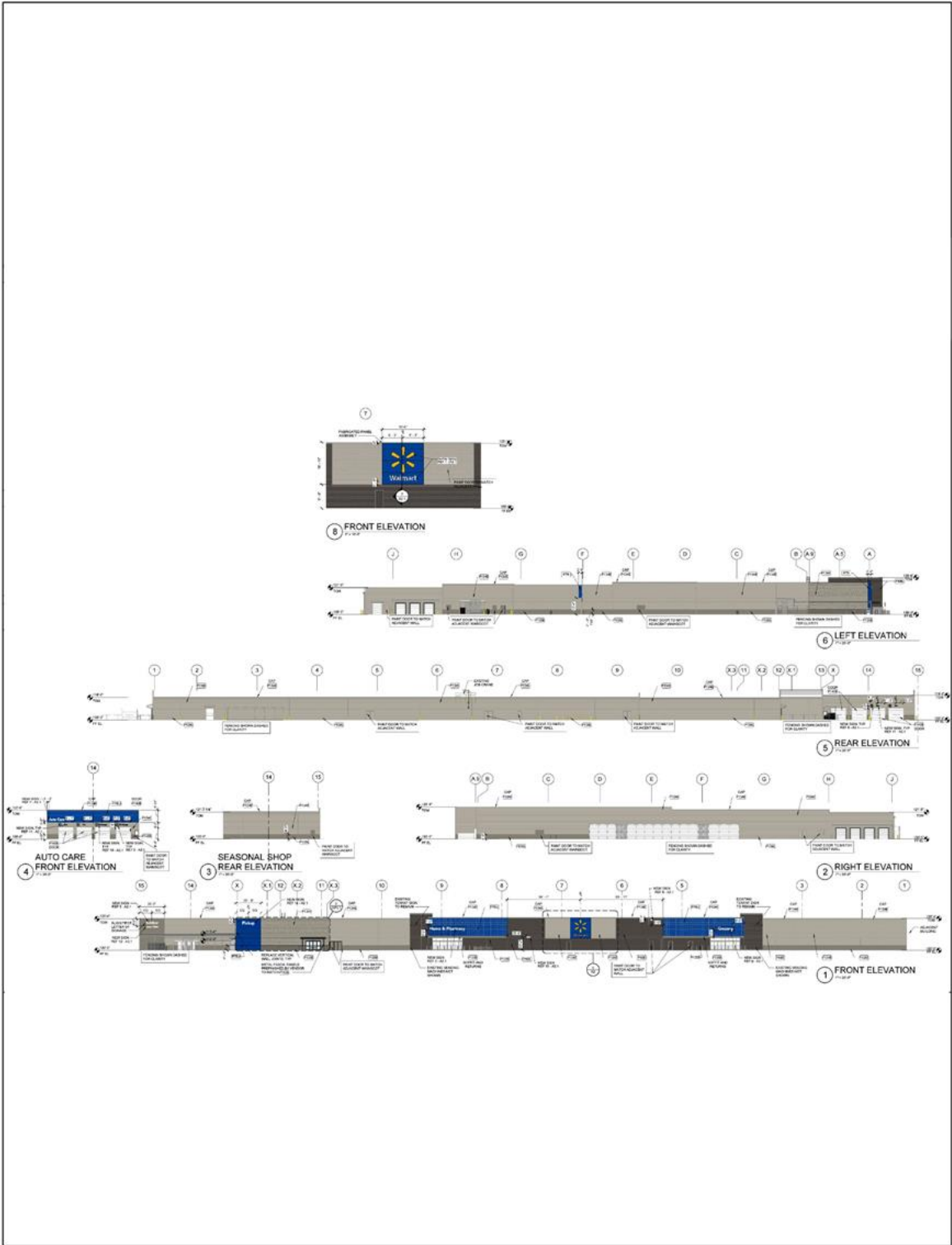
SITE PLAN



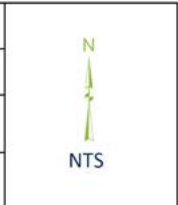
The site plan illustrates the existing building, parking, and proposed building expansion.

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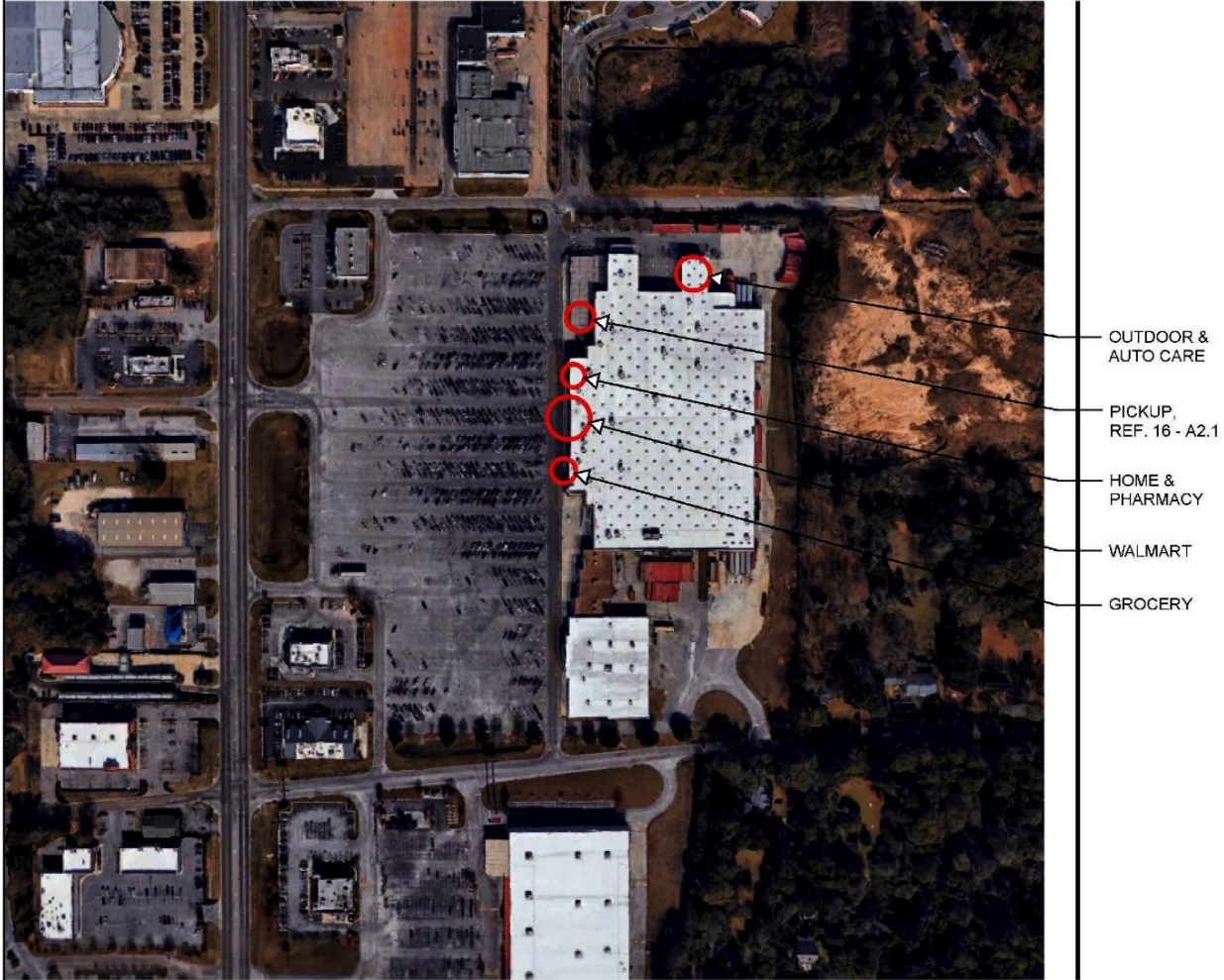
DETAIL SITE PLAN



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DETAIL SITE PLAN



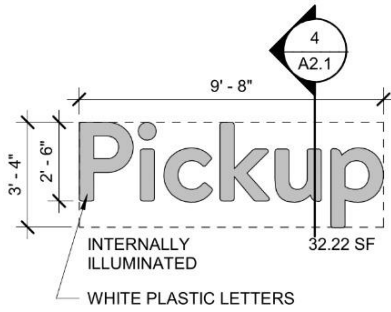
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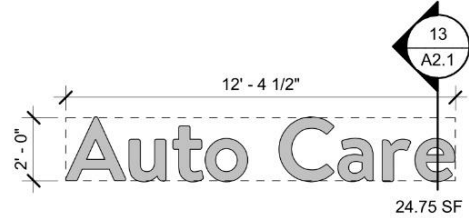


DETAIL SITE PLAN

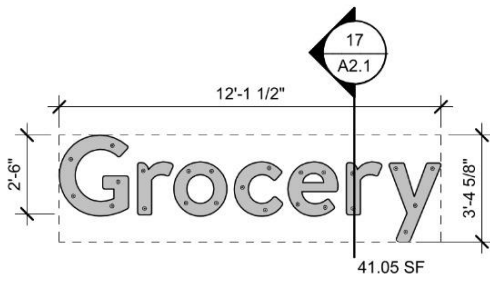


NOTE:
ALL SIGN PENETRATIONS ABOVE
ROOF LEVEL MUST BE A CLEAR
MINIMUM OF 8" ABOVE DECK

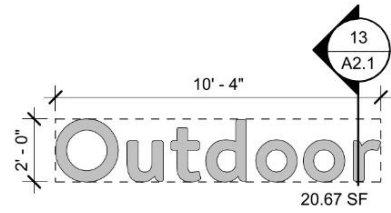
14 2'-6" PICKUP
1/4" = 1'-0"



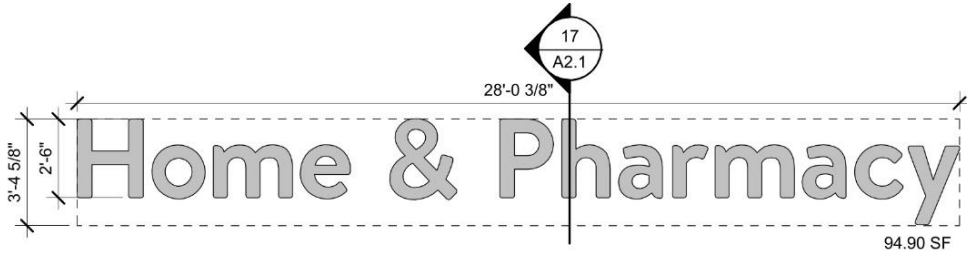
7 2'-0" AUTO CARE
1/4" = 1'-0"



6 2'-6" GROCERY
1/4" = 1'-0"



5 2'-0" OUTDOOR
1/4" = 1'-0"



2 2'-6" HOME & PHARMACY
1/4" = 1'-0"

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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)



DISTRICT CENTER (DC)

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 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers 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.