

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 3, 2021**

<u>CASE NUMBER</u>	6377/5184/12748
<u>APPLICANT NAME</u>	Victor Sign Co.
<u>LOCATION</u>	2900 Government Boulevard (North side of Government Boulevard, 321'± West of Brossett Street).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow four (4) wall signs for a single business site in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance limits a single business site to no more than three (3) signs in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	6.2± Acres
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	This request was not reviewed by Traffic Engineering.
<u>URBAN FORESTRY COMMENTS</u>	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 (2012 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 buildings and 600' of sprinkled buildings.

ANALYSIS The applicant is requesting a Sign Variance to allow four (4) wall signs for a single business site in a B-3, Community Business District; the Zoning Ordinance limits a single business site to no more than three (3) signs in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 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.

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 that substantial justice is done to the applicant and the surrounding neighborhood.

Variations 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 Regulations is to protect the health, safety and welfare of the citizens of the City of Mobile and the general aesthetics of the city by providing for uniform standards for the locations, spacing, height, setback, lighting, and other regulation of off-premise and on-premise signs within the city.

The applicant states:

We are requesting a variance to the sign ordinance to allow a third building sign where there are only two allowed by the current ordinance.

There was a variance granted in 2003 to Nelson Sign Company for the same situation when the Chevrolet Dealership was named Bay Chevrolet. When applying for the permits for the new Joe Bullard signs it was brought to our attention that we would have to apply for a new variance for us to have the same number of signs as are existing now.

We are replacing the current signs with the Bay name with signs bearing the new owners name, Joe Bullard.

We are not adding more signage than is there now. We are replacing existing signs with the new owner's name.

We respectfully request relief in this case as the visibility of the company name will be greatly reduced if we are not allowed to have signage on the front elevation as well as the east and west elevations.

The applicant cites the Sign Variance granted in 2003 to allow Bay Chevrolet to have three BAY wall signs, in addition to the existing Chevrolet "tie" logo and CHEVROLET name, and the existing freestanding sign on the site. The dealership recently changed its name to Joe Bullard Chevrolet which necessitates new business name signage. The applicant submitted sign permit applications for three JOE BULLARD wall signs to replace the three existing BAY signs. Sign Variance approvals are specific to the shape of approved signage, and since the new signs must be a different shape to accommodate the longer JOE BULLARD name, a new variance is required to amend the previous approval. If the applicant were able to simply reface the existing signs with the same shape, no variance would be required.

It should be noted that the new signs are proposed to be in the same locations as the previously-approved signs. The "tie" logo and CHEVROLET name sign, and the freestanding sign, are not proposed to be altered in shape.

It seems the applicant may have illustrated that a hardship would be imposed by a literal interpretation of the sign regulation provisions of the Zoning Ordinance, and the Board should

consider this application for approval, especially in light of the fact that a similar variance was previously approved for the site.

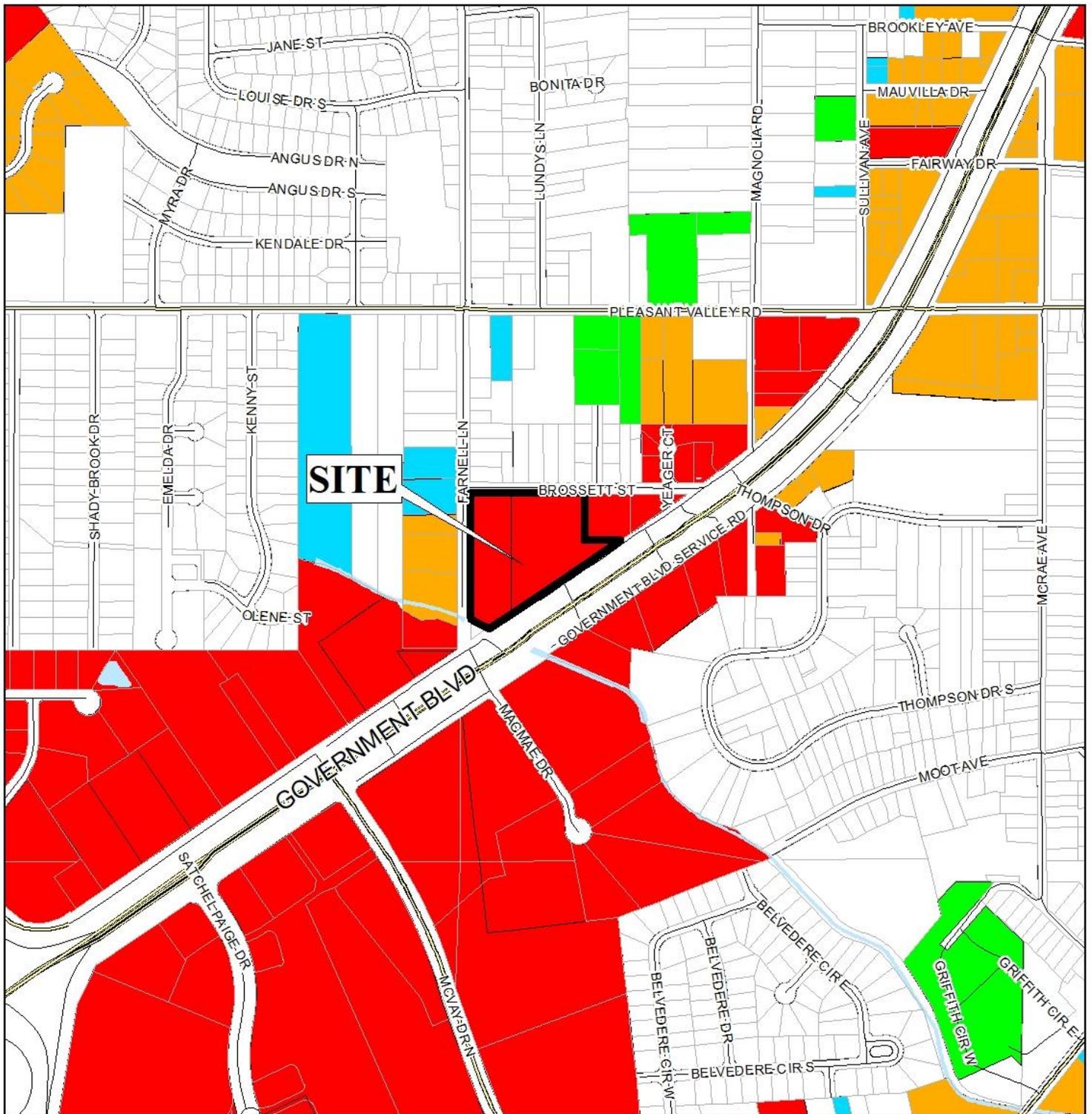
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that it is similar to the previous Sign Variance approved for the subject site;
- 2) Special conditions (the limitation of the shape of the previously-approved signs) exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and surrounding neighborhood by granting the variance because it will allow for a simple business name change to signage in the existing wall locations.

The Approval is subject to the following conditions:

- 1) obtaining the necessary sign permit for the sign; and
- 2) full compliance with all other municipal codes and ordinances.

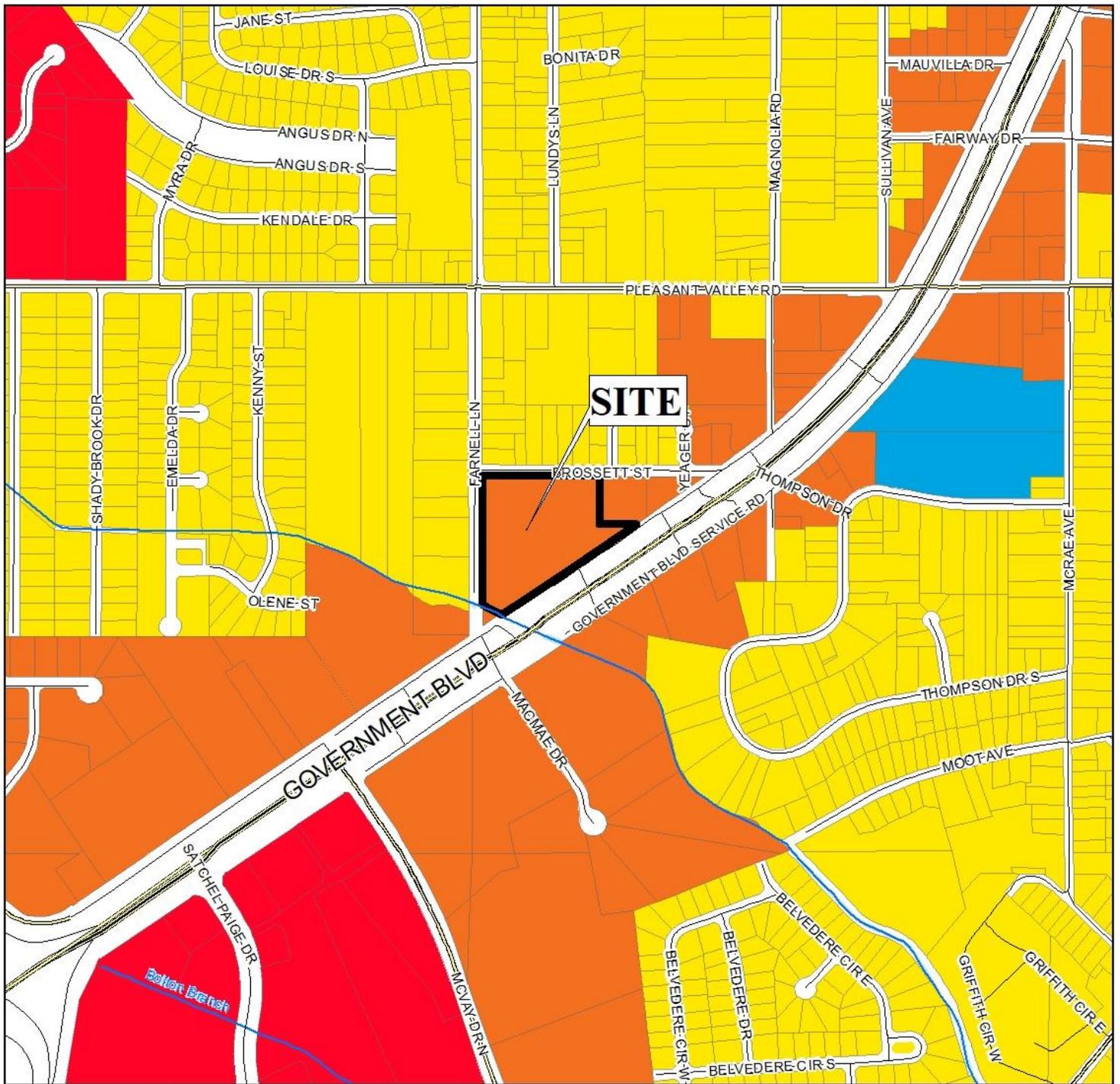
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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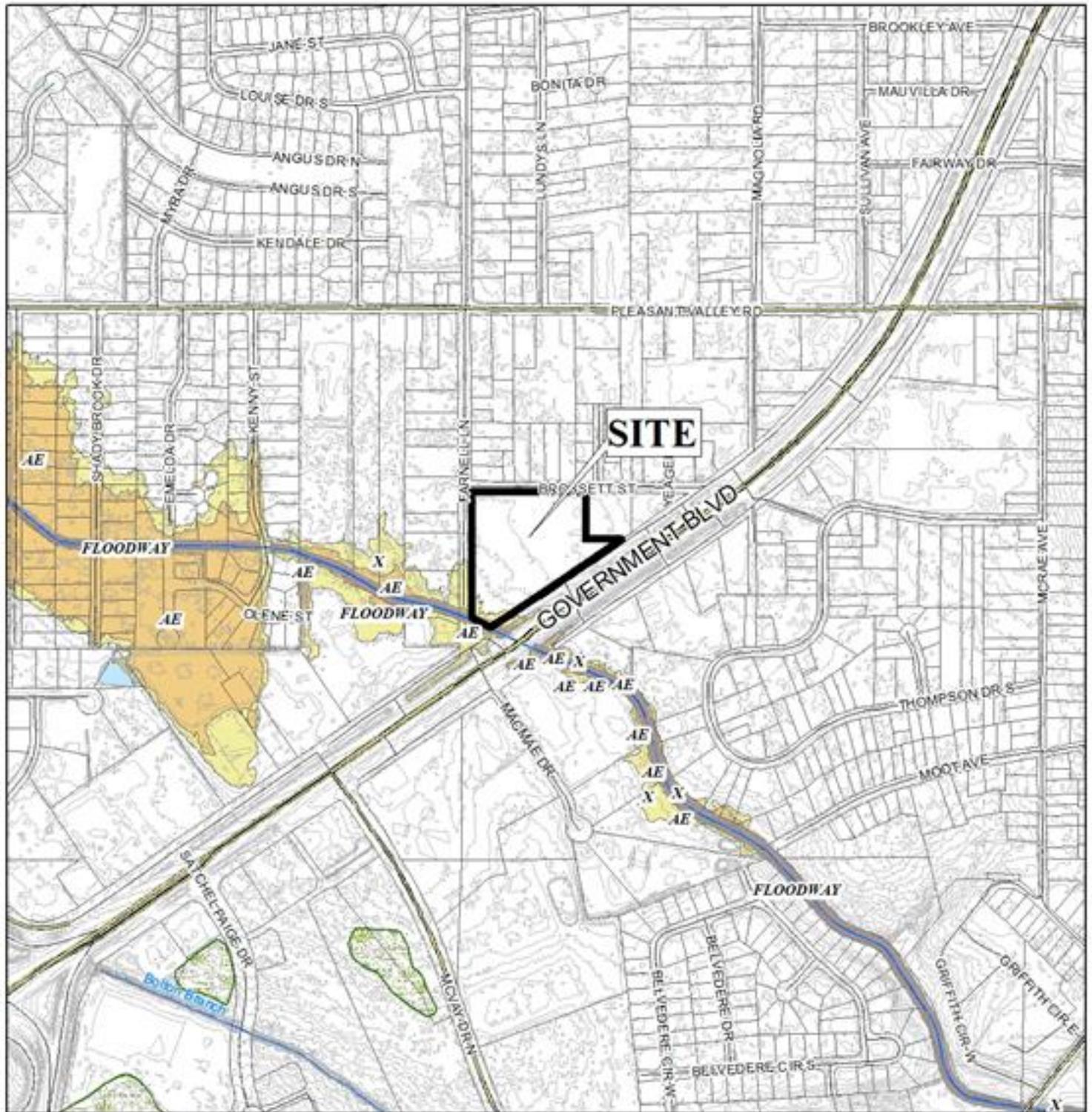
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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood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



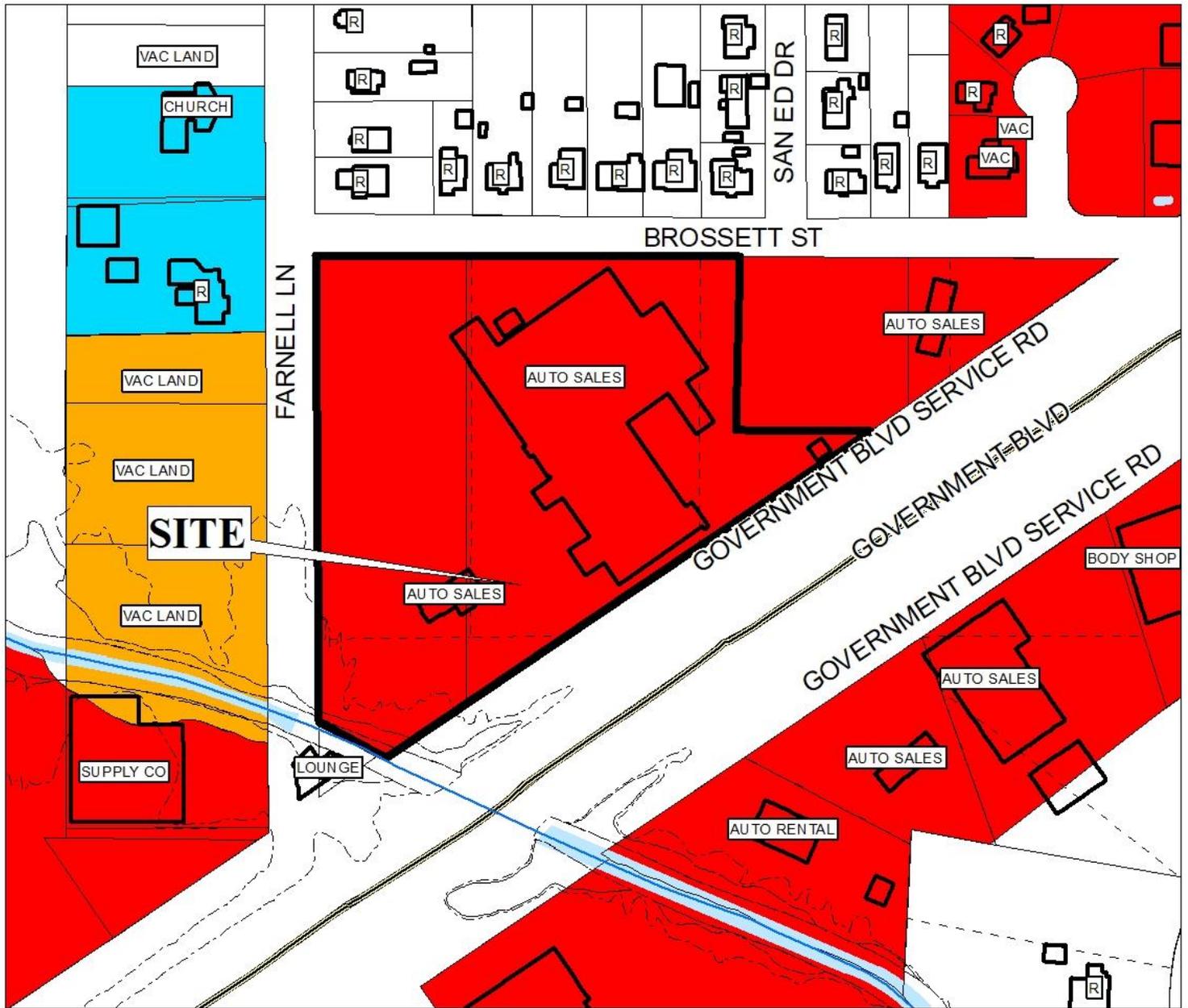
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units, vacant lands, a church, and commercial units.

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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

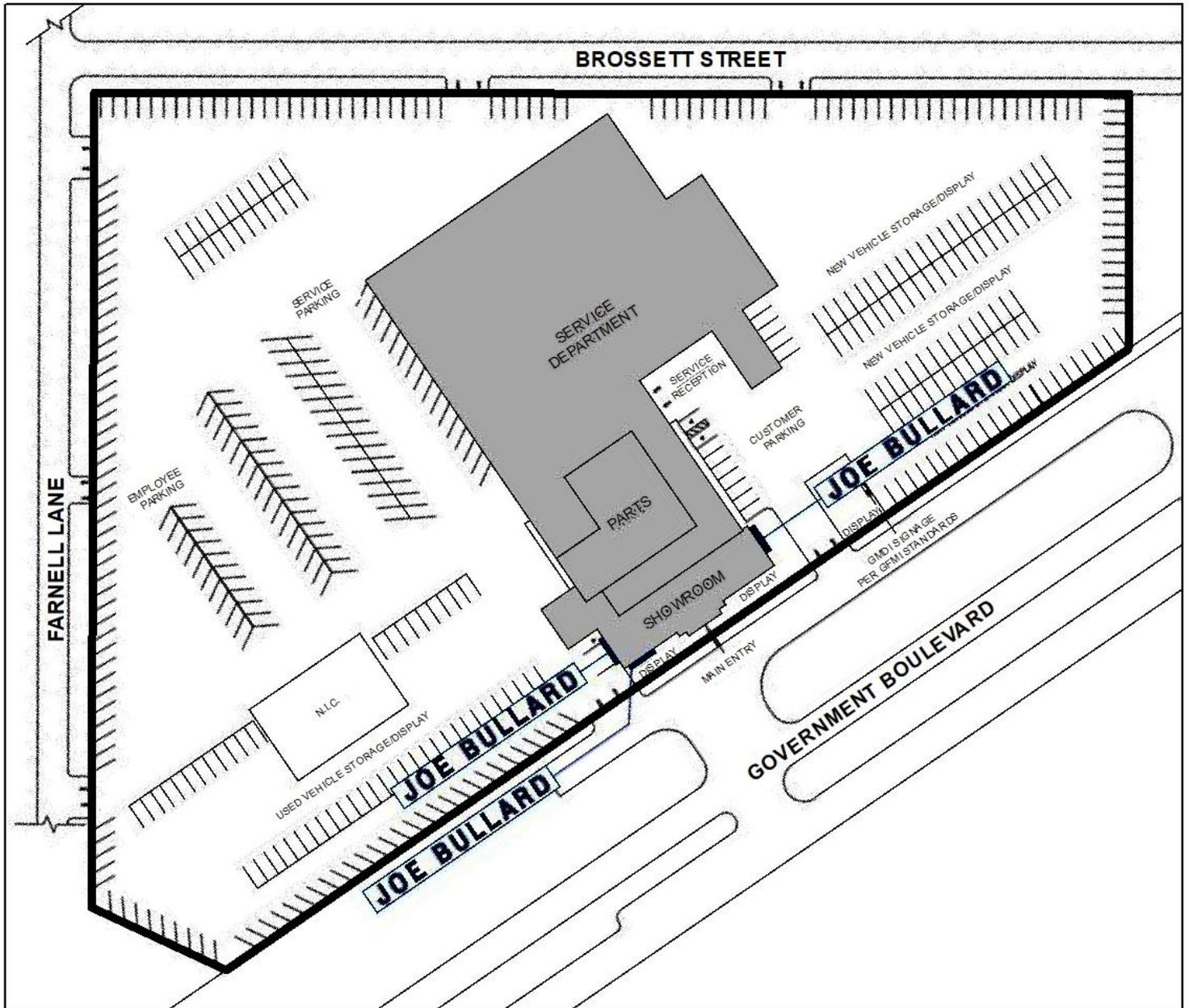


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SITE PLAN



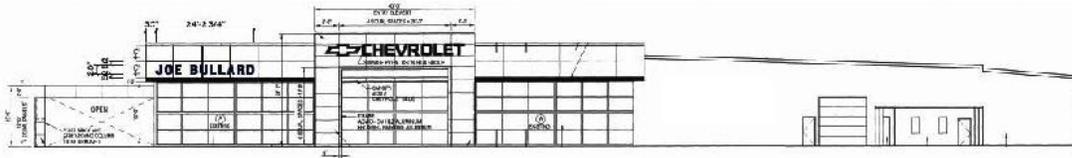
The site plan illustrates existing buildings and surfaces, with proposed signs.

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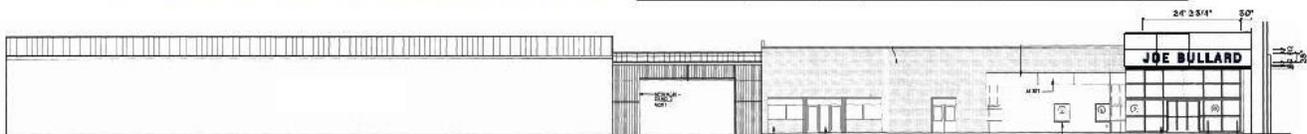
DETAIL SITE PLAN

	24' - 2 3/4"	Dealer Name Letterset				
28"	JOE BULLARD	A HEIGHT	B LENGTH	SQUARE FT.	WEIGHT	ELECTRICAL
		28"	24'-2 3/4"	56.53	120 lbs	5 amps



SOUTH ELEVATION

	24' - 2 3/4"	Dealer Name Letterset				
28"	JOE BULLARD	A HEIGHT	B LENGTH	SQUARE FT.	WEIGHT	ELECTRICAL
		28"	24'-2 3/4"	56.53	120 lbs	5 amps



WEST ELEVATION

	24' - 2 3/4"	Dealer Name Letterset				
28"	JOE BULLARD	A HEIGHT	B LENGTH	SQUARE FT.	WEIGHT	ELECTRICAL
		28"	24'-2 3/4"	56.53	120 lbs	5 amps



EAST ELEVATION

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