

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 7, 2021****CASE NUMBER**

6388

APPLICANT NAME

Wrico Signs, Inc. (for Delaney Development)

LOCATION3698, 3700, 3702 and 3704 Airport Boulevard
(Northwest corner of Airport Boulevard and Yester Oaks Drive).**VARIANCE REQUEST****SIGN:** Sign Variance to allow the construction of a new freestanding pylon sign while allowing an existing nonconforming freestanding pylon sign with off-premise advertising to remain on a multi-tenant site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance requires compliance and an existing nonconforming freestanding pylon sign must be removed if a new freestanding pylon sign is constructed on a multi-tenant site in a B-3, Community Business District.**ZONING**

B-3, Community Business District.

AREA OF PROPERTY

1.0± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Sign Variance to allow the construction of a new freestanding pylon sign while allowing an existing nonconforming freestanding pylon sign with off-premise advertising to remain on a multi-tenant site in a B-3, Community Business District; the Zoning Ordinance requires compliance and an existing nonconforming freestanding pylon sign must be removed if a new freestanding pylon sign is constructed on a multi-tenant 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 that substantial justice is 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 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:

The purpose of this application is to allow the relocation of an existing pylon sign for Yester Oaks shopping center that was damaged by a tornado a couple of years ago. We propose to place the new sign (shopping center pylon only) just west of the existing sign as shown on the attached exhibit. The Yester Oaks apartment signage will remain as is. We will just remove the shopping center pylon from this structure.

The existing shopping center pylon sign was erected between and attached to structural poles that belong to the Yester Oaks Apartments. At the time this was done, we also were the owners of the Apartments and the shopping center signage. When the tornado hit the apartment sign it slightly twisted the poles holding the apartment signage, thus our shopping center sign shifted and was damaged in this process.

The existing shopping center sign is a terrible eyesore at present and the new proposed sign will greatly increase the curb appeal in this area. There are no structural changes or improvements to the apartment sign planned at this time.

We are not asking for any increase in sign area, just permission to relocate, an existing sign approximately 80 feet to the west.

The existing pylon sign was constructed prior to the adoption of the Sign regulation provisions of the Zoning Ordinance in 1993. The sign was constructed to not only advertise the tenants within the Yester Oaks Shopping Center, but also the Yester Oaks Apartments which are located adjacent to the North side of the shopping center, and were owned by the applicant at that time. As there were no signage regulations at that time, off-premise advertising was allowed on a multi-tenant pylon sign. The regulations do allow for two freestanding signs on the subject site as it has over 600 linear feet of public street frontage. However, the regulations stipulate that if any new signs are proposed on a site with noncompliant signage, the site must be brought into compliance with the sign regulation provisions of the Zoning Ordinance; hence this request.

The proposed replacement pylon sign appears to be in compliance with the allowances of the sign regulation provisions and would be located on a grass island at the Airport Boulevard Service Road entrance to the site. All tenant panels currently on the Yester Oaks Apartments sign structure would be removed and relocated to the proposed pylon structure. The existing damaged sign structure for the apartments sign would remain with no changes proposed for the structure or sign at this time. As this could technically be considered an allowable continuation of a legal nonconforming sign usage, staff is of the opinion that a Sign Variance should be

required to allow the new sign structure and signage in addition to the nonconforming sign and structure.

As the off-premise apartment sign has been located on the site since prior to the adoption of the sign regulation provisions of Chapter 64-11 of the Zoning Ordinance, and as no structural improvements are proposed for the sign structure or for the existing nonconforming sign at this time, the allowance of the sign to remain would not seem contrary to the sign regulation provisions. Therefore, the Board should consider for approval this request to allow the construction of a new freestanding pylon sign while allowing an existing nonconforming freestanding pylon sign with off-premise advertising to remain on a multi-tenant site in a B-3, Community Business District.

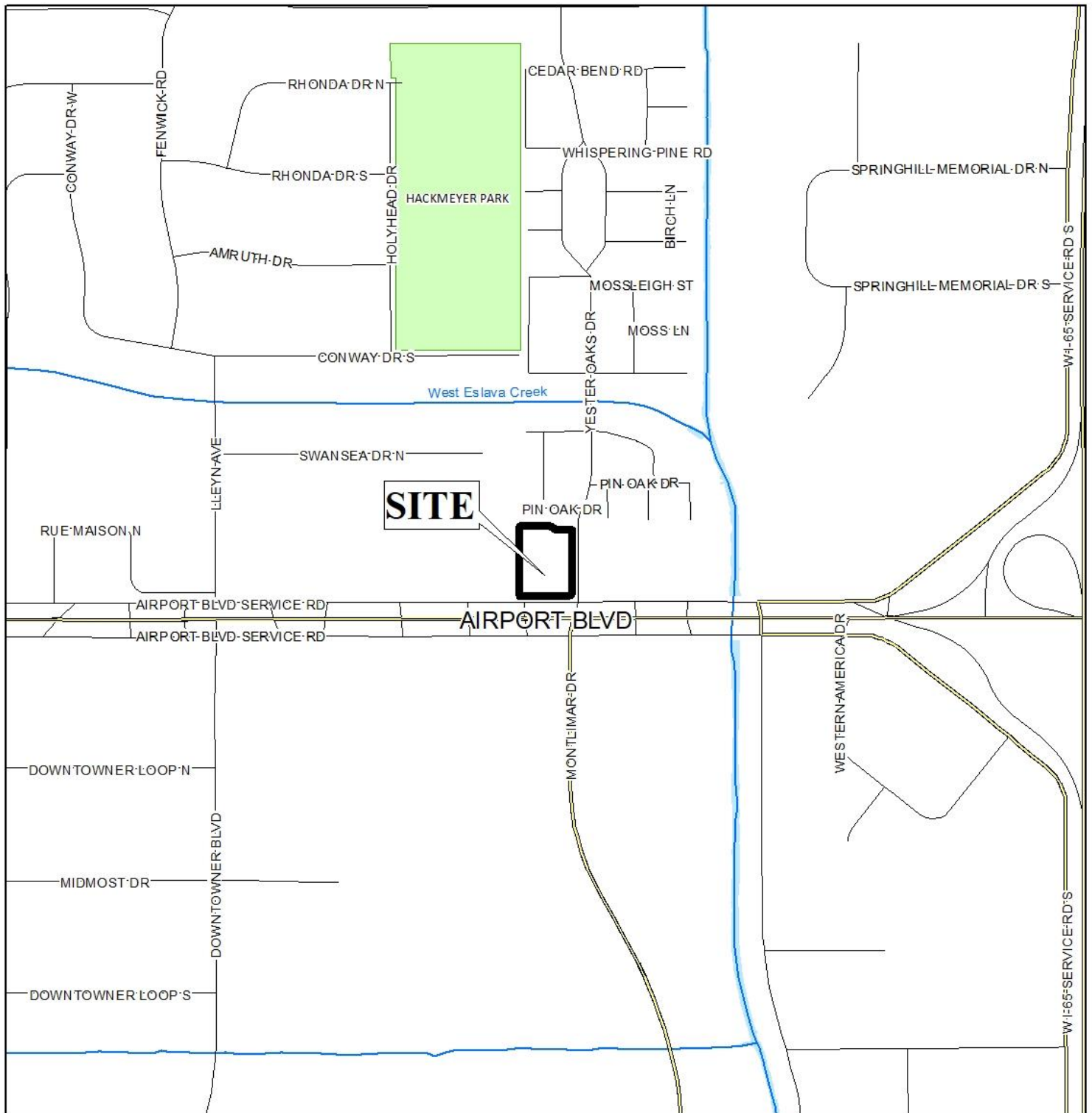
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Based on the fact that the existing nonconforming sign has been located on the site since prior to the adoption of the sign regulation provisions, the variance will not be contrary to the public interest;
- 2) This special condition (the sign could technically be considered legal nonconforming) exists 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 the surrounding neighborhood by granting the variance in that the allowance of the sign to remain would not seem contrary to the sign regulation provisions.

The Approval is subject to the following conditions:

- 1) obtaining of the necessary sign permit for the proposed sign;
- 2) no structural improvements are to be made to the existing off-premise apartment sign or structure; and
- 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



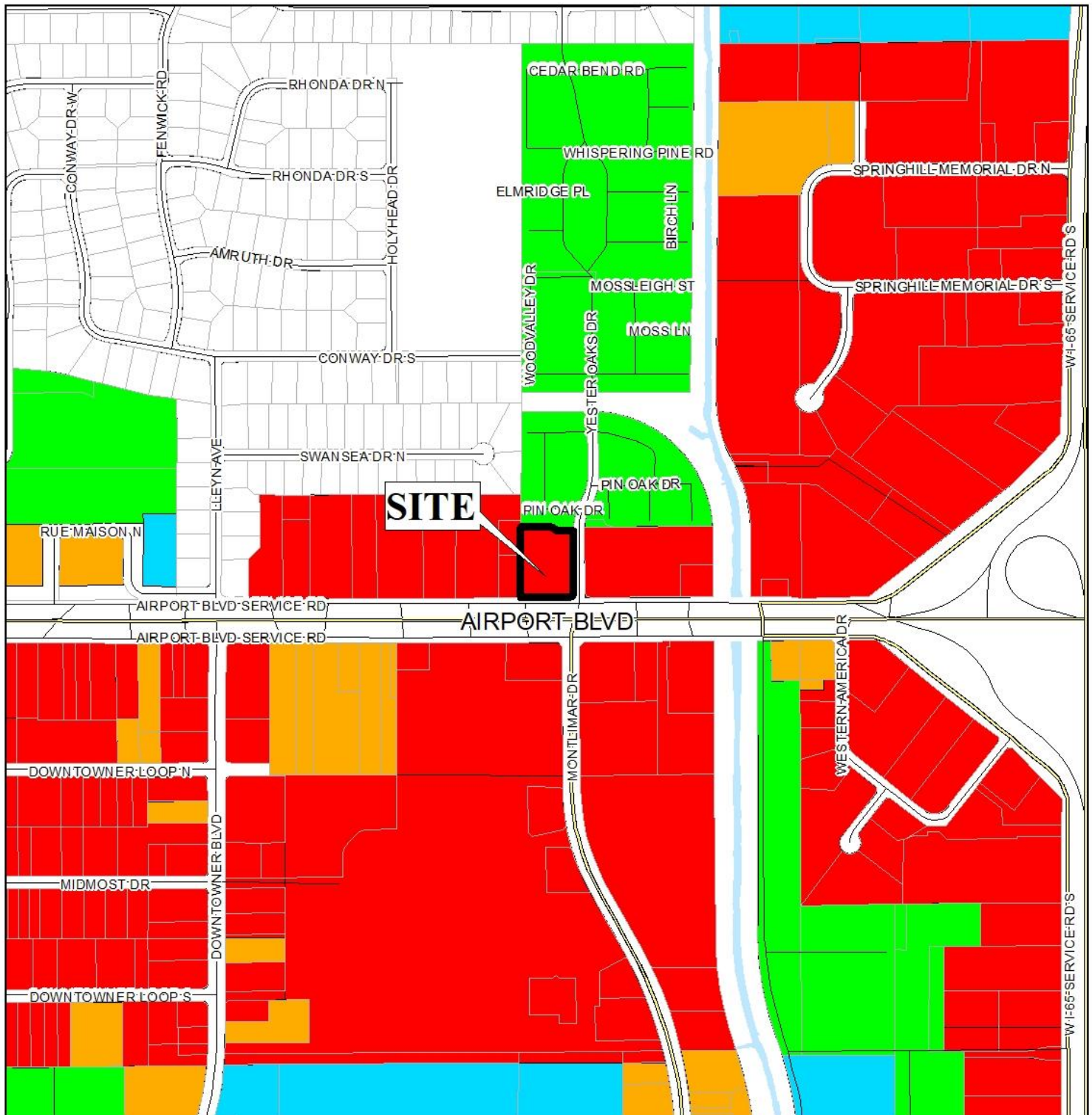
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REQUEST Sign Variance



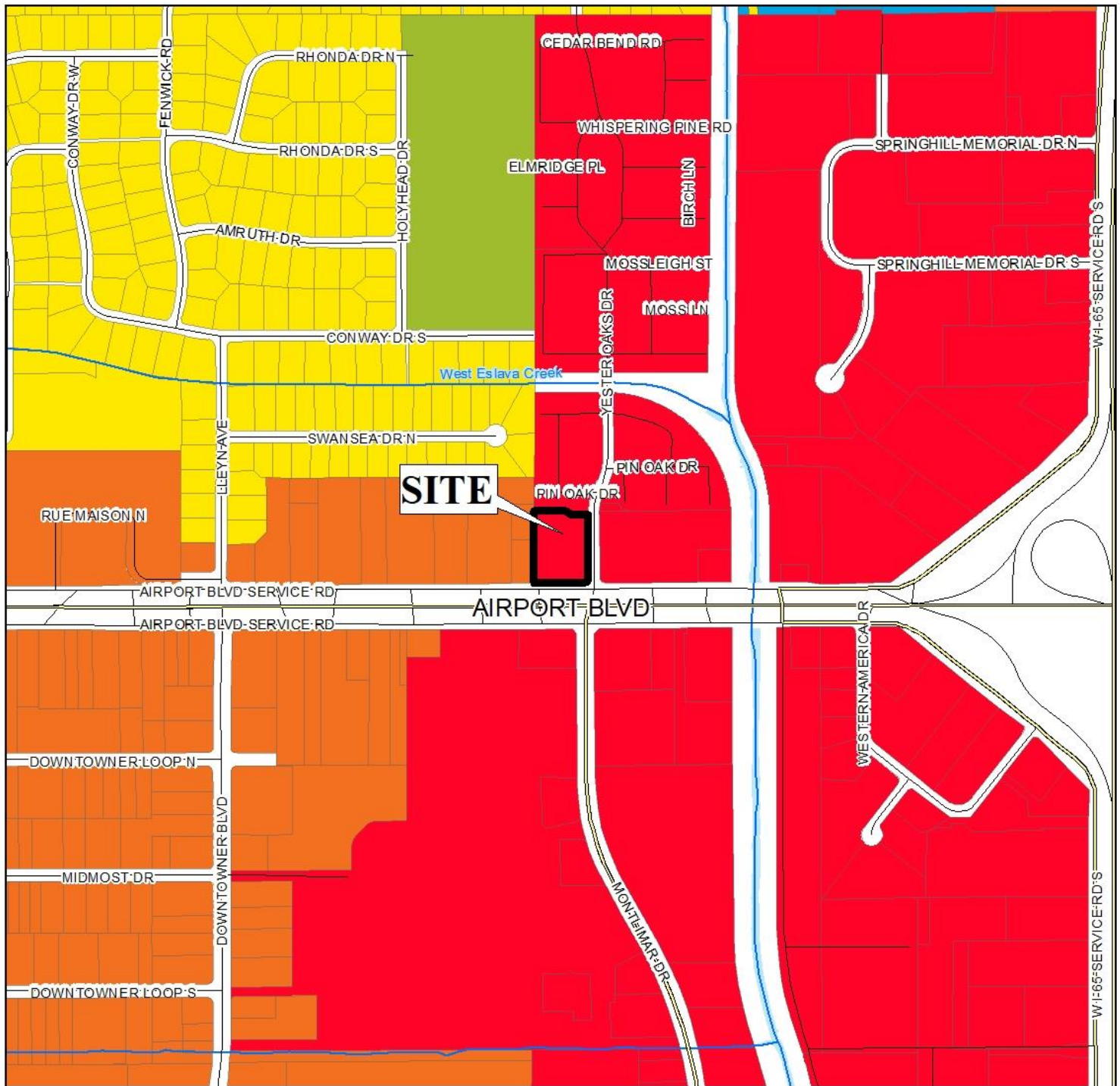
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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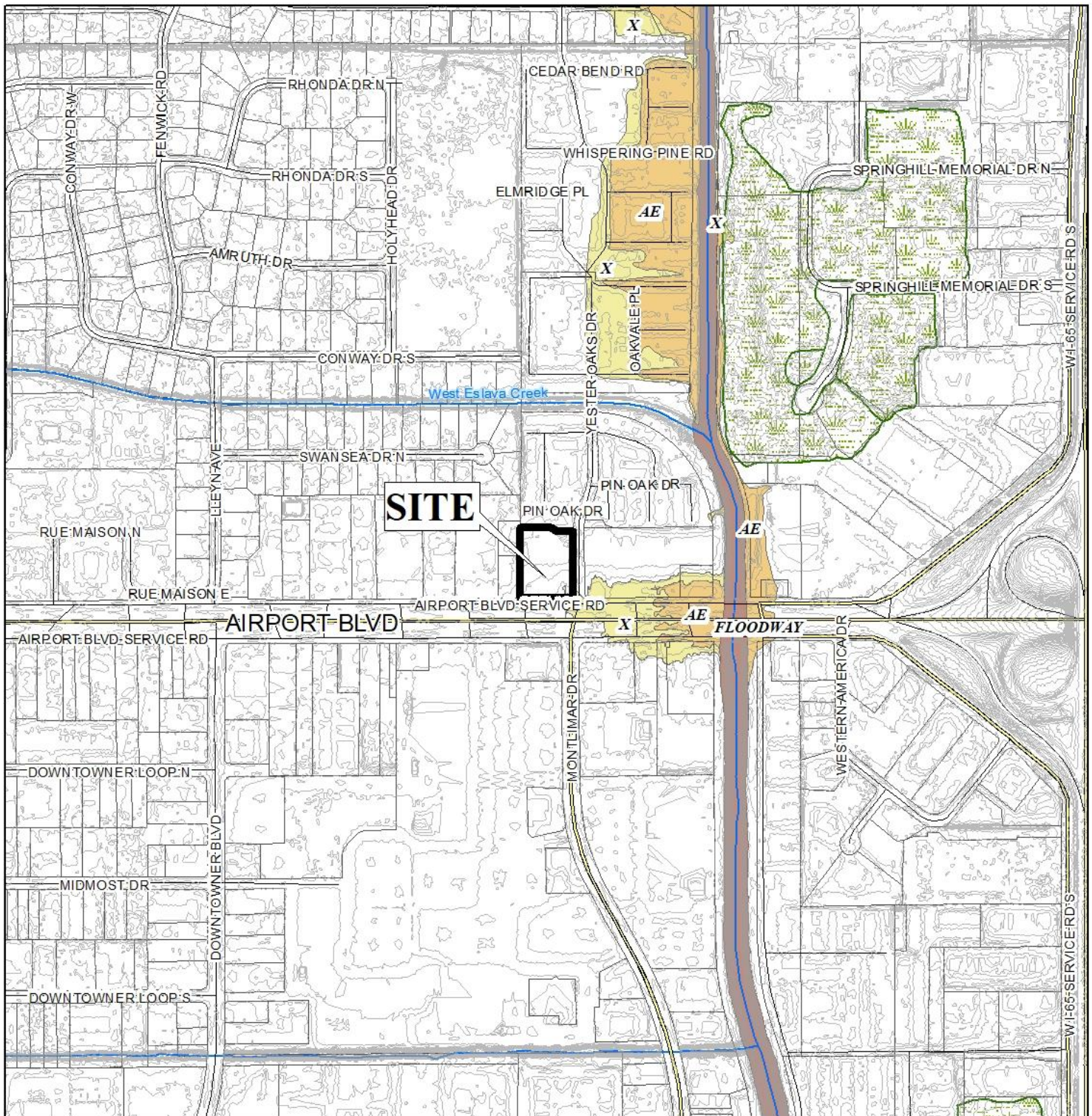
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



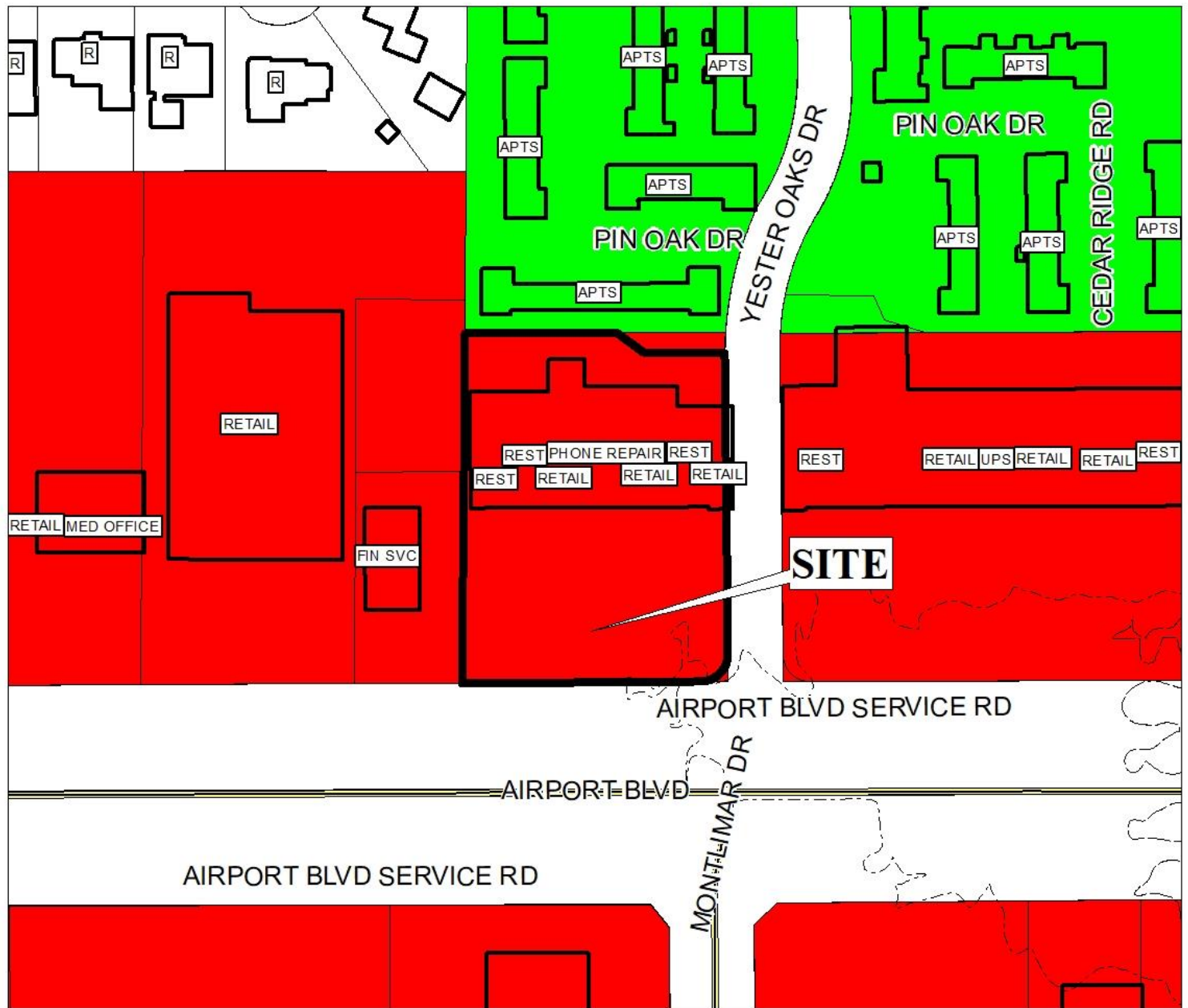
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, restaurants, retail sites and a medical office.

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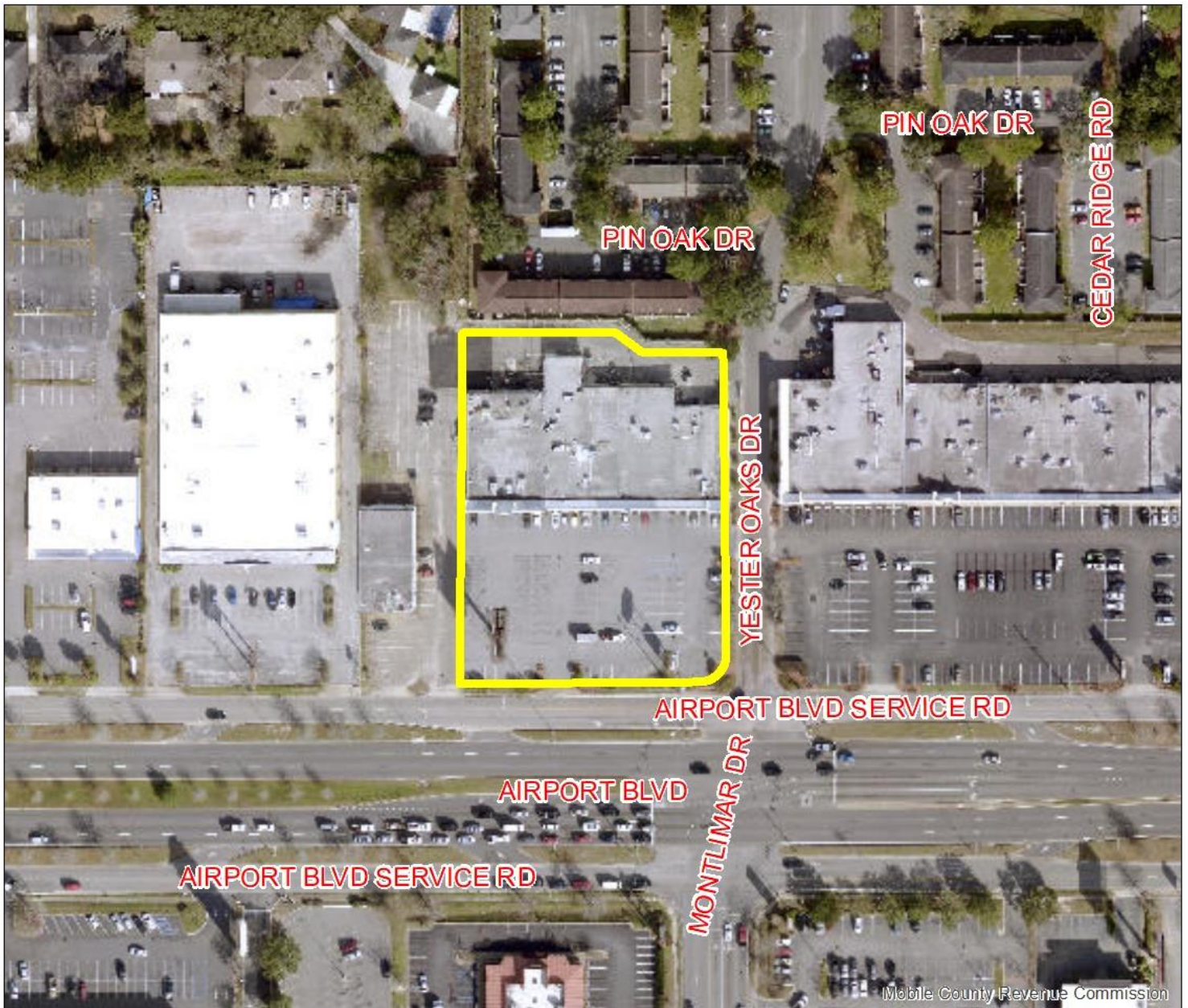
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

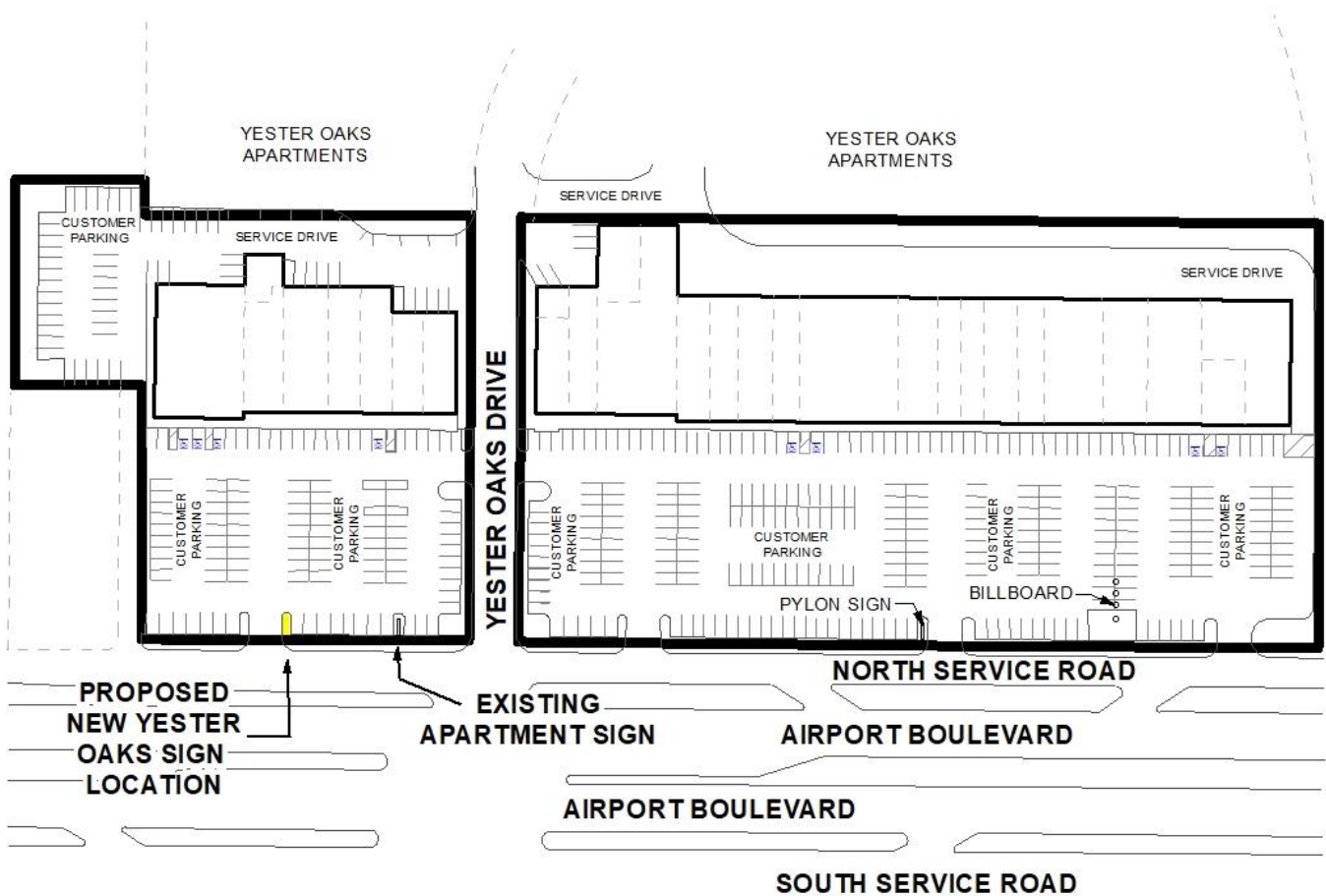


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SITE PLAN



The site plan illustrates existing buildings, parking areas, signs and right of ways, as well as proposed sign placement.

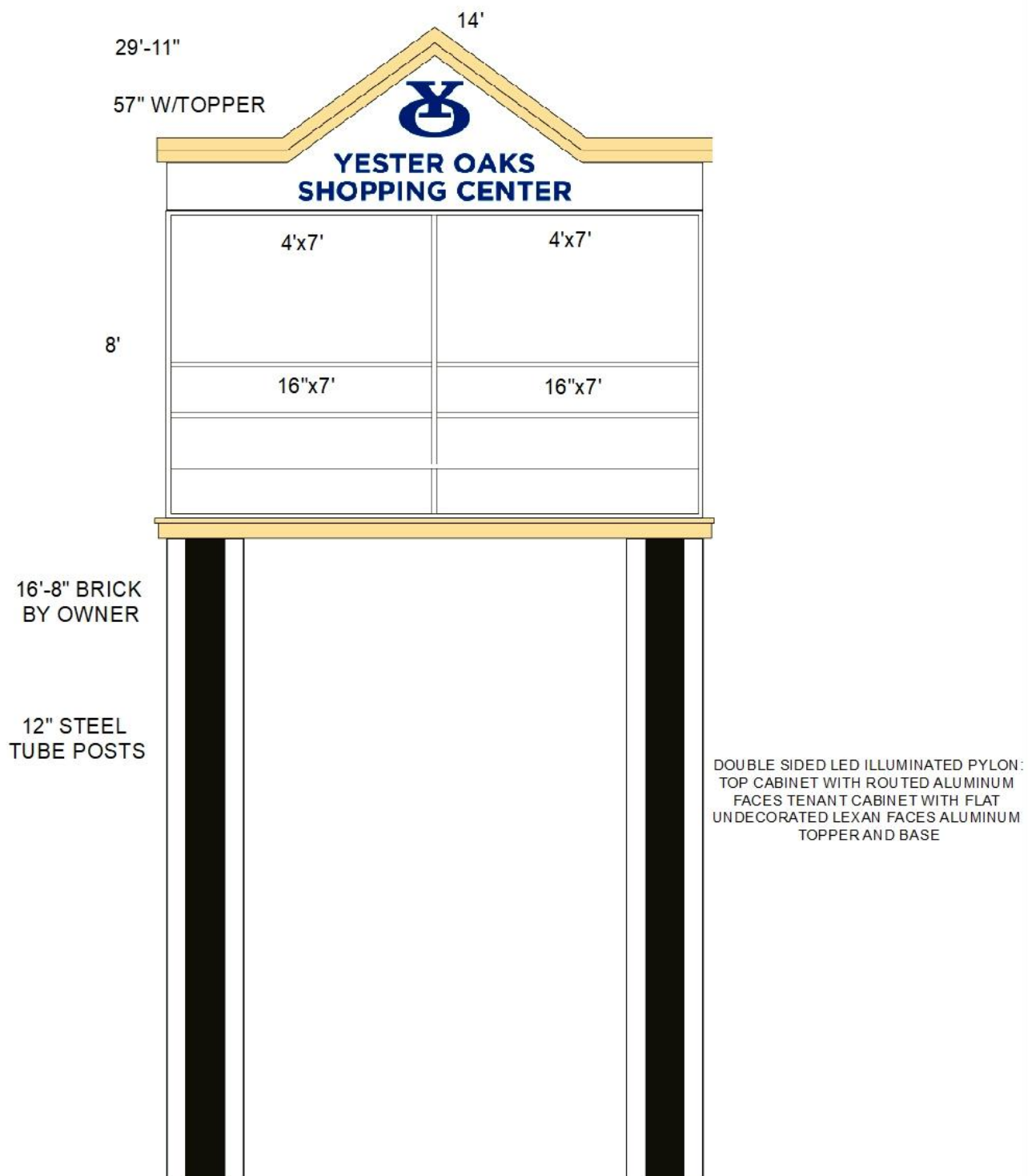
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DETAIL SITE PLAN



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DETAIL SITE PLAN



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