



Agenda Item # 7
BOA-002836-2024

View additional details on this proposal and all application materials using the following link:
[Applicant Materials for Consideration](#)

DETAILS

Location:
5327 Halls Mill Road

Applicant / Agent:
Wricon Signs, Inc.

Property Owner:
MODWASH c/o Karen Hutton

Current Zoning:
B-3, Community Business Suburban District

Future Land Use:
District Center

Case Number(s):
6575

Unified Development Code (UDC) Requirement:

- The UDC limits a single business site in a B-3, Community Business Suburban District to a total of three (3) signs.

Board Consideration:

- To allow four (4) wall signs and one (1) freestanding sign for a single business site 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.

APPLICATION NUMBER <u> 6575 </u> DATE <u> March 4, 2024 </u>	 NTS
APPLICANT <u> Wrico Signs, Inc. </u>	
REQUEST <u> Sign Variance </u>	

SITE HISTORY

Since being annexed into the City of Mobile in 2008, the site was rezoned in 2009 by the City Council from R-1, Single-Family Residential District to B-3, Community Business District.

The site has been before the Planning Commission several times for various Subdivisions and Planned Unit Developments (PUD). Most recently, the subject site was before the Planning Commission at its March 3, 2022 meeting to create two (2) legal lots of record from one (1) legal lot of record as part of the Resubdivision of Wal-Mart Store #866 Subdivision, and to request a PUD to allow shared access between multiple building sites and a unique sign package. At the March 2022 meeting the applicant requested that the unique sign package be removed from the request. With that revision, the Planning Commission approved both the Subdivision and PUD.

The 2022 Subdivision was allowed to expire in March of 2023. However, the approved PUD was subsequently developed in accordance with the approved site plan. It should be noted that the site is a legal lot of record.

There have been no Board of Zoning Adjustment or Planning Commission cases associated with 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 four (4) wall signs and one (1) freestanding sign for a single business site in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits single business site in a B-3, Community Business Suburban District to a total of three (3) signs.

A detailed description of the proposed Sign Variance request is available via the link on Page 1 of this report.

In summary, the site has received permits for two (2) wall signs and is in the plan review process for one (1) freestanding pylon sign. The applicant would like to add two (2) additional wall signs for a total of four (4) wall signs and one (1) freestanding pylon sign.

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 single business site. The business for which the variance is requested is currently in the final phase of construction for development as an automatic carwash. The West wall of the structure faces Halls Mill Road and the North wall faces an abutting gas station. Both walls currently have a sign advertising the proposed carwash business.

The applicant states that due to the angle of the building and location of the site as an out parcel to Wal-Mart, there is a lack of visibility for the site. As such, additional signage is needed on the South and West elevations to direct customers to the car wash's entrance and drive through tunnel.

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.

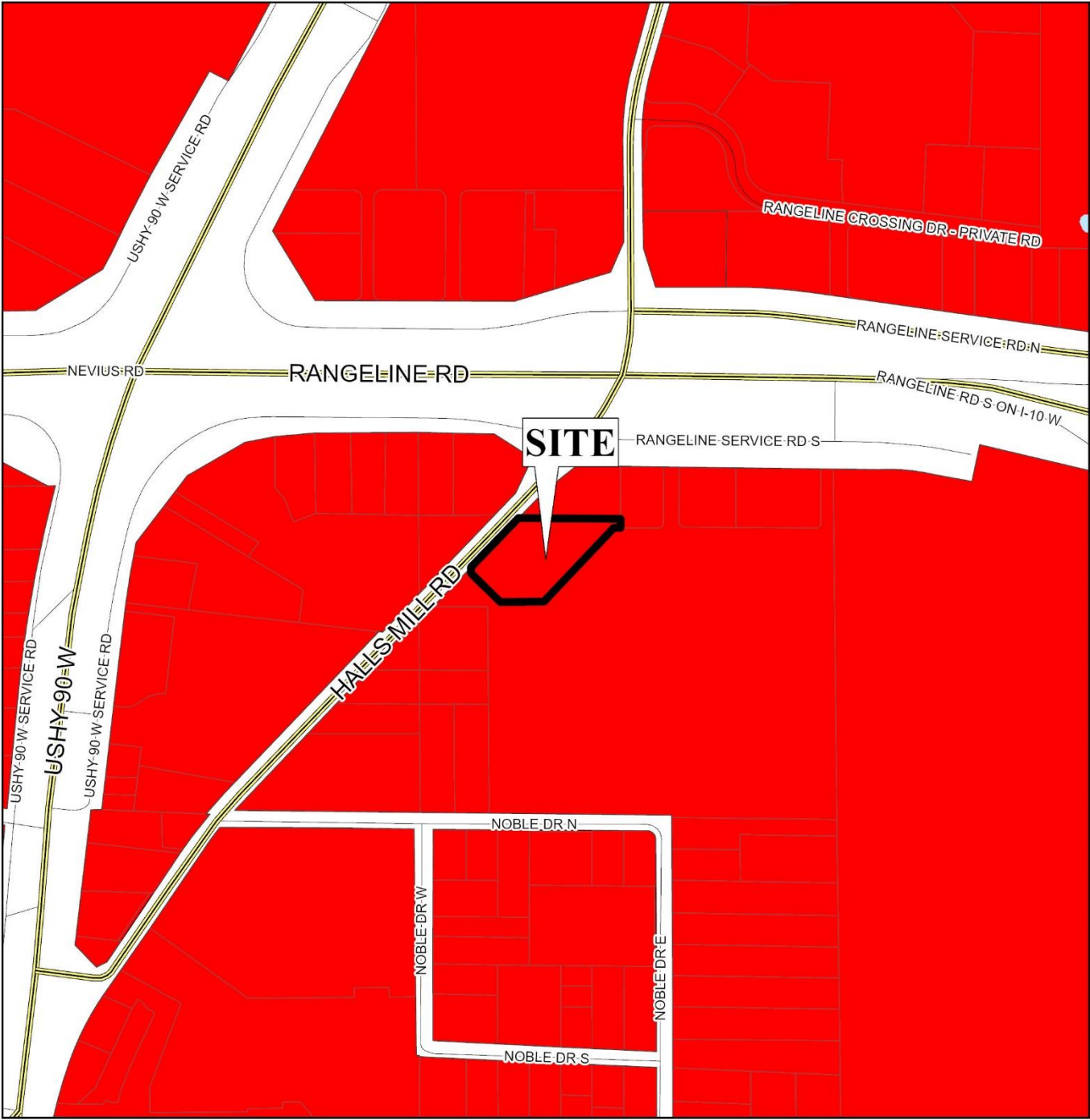
Considerations:

Based on the requested Variance application, 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.

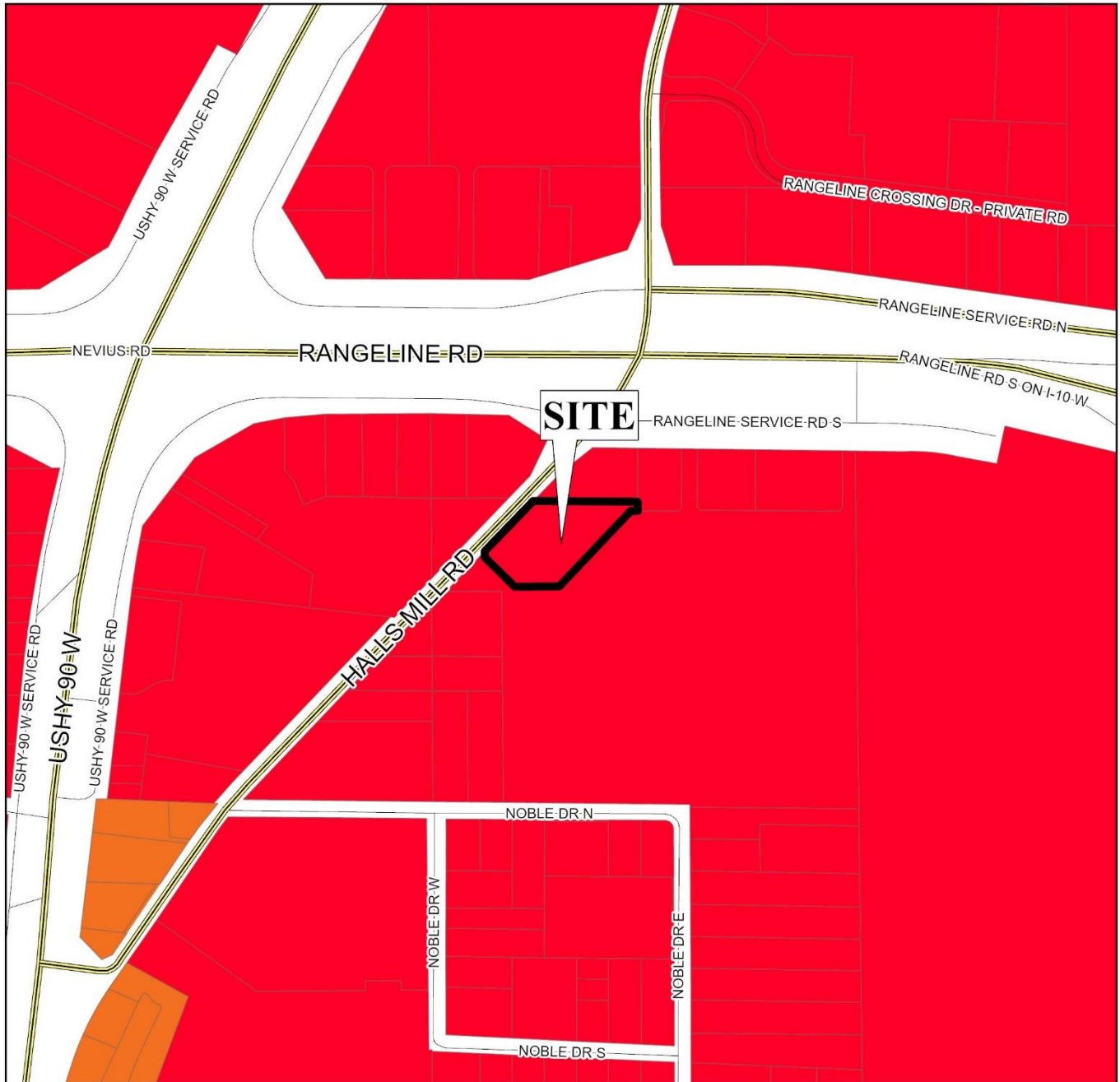
LOCATOR ZONING MAP



APPLICATION NUMBER	6575	DATE	March 4, 2024
APPLICANT	Wrico Signs, Inc.		
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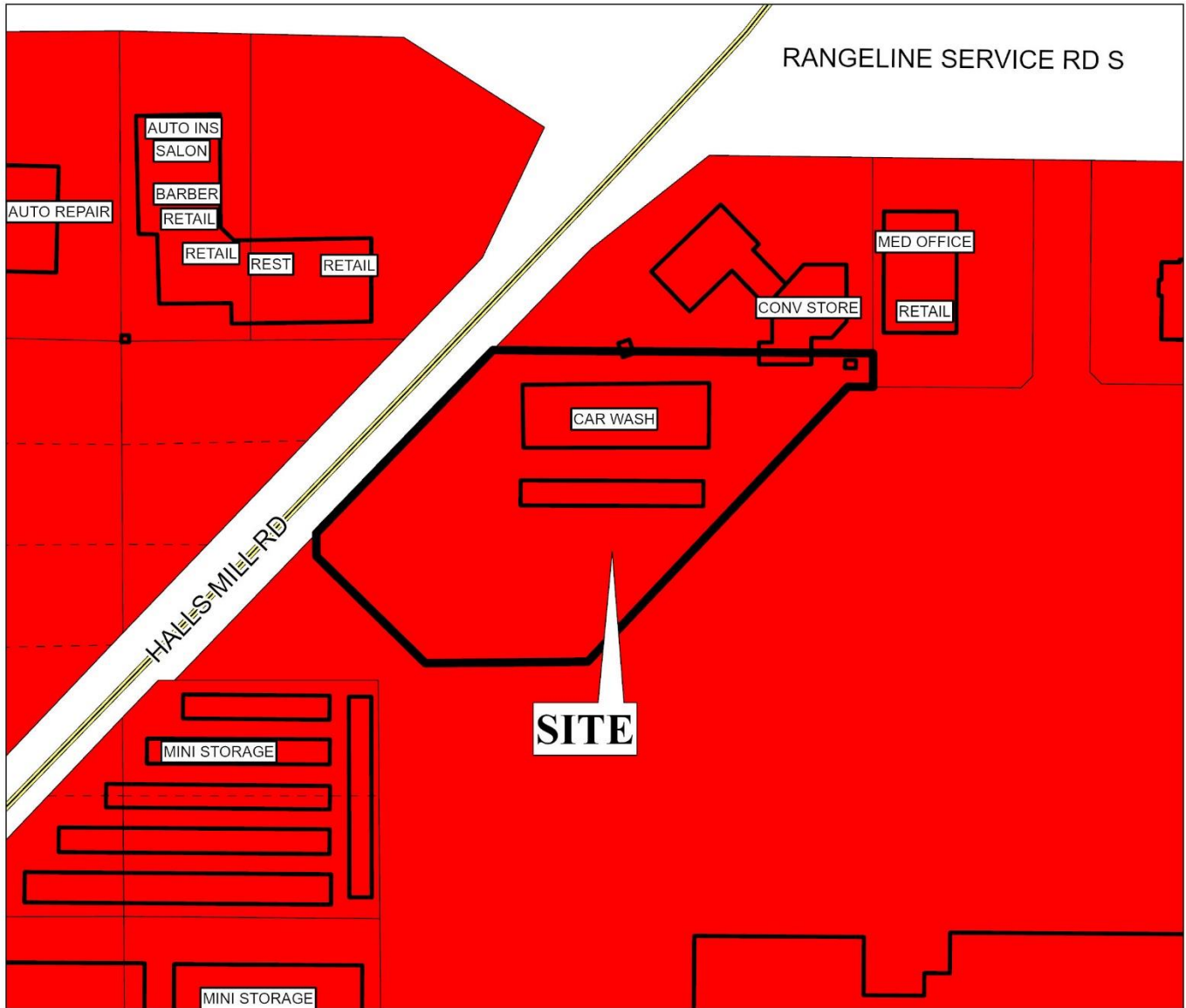


FLUM LOCATOR MAP




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<ul style="list-style-type: none"> Low Density Residential Mixed Density Residential Downtown District Center 	<ul style="list-style-type: none"> Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial Corridor 	<ul style="list-style-type: none"> Light Industry Heavy Industry Institutional 	<ul style="list-style-type: none"> Parks & Open Space Water Dependent
			 NTS

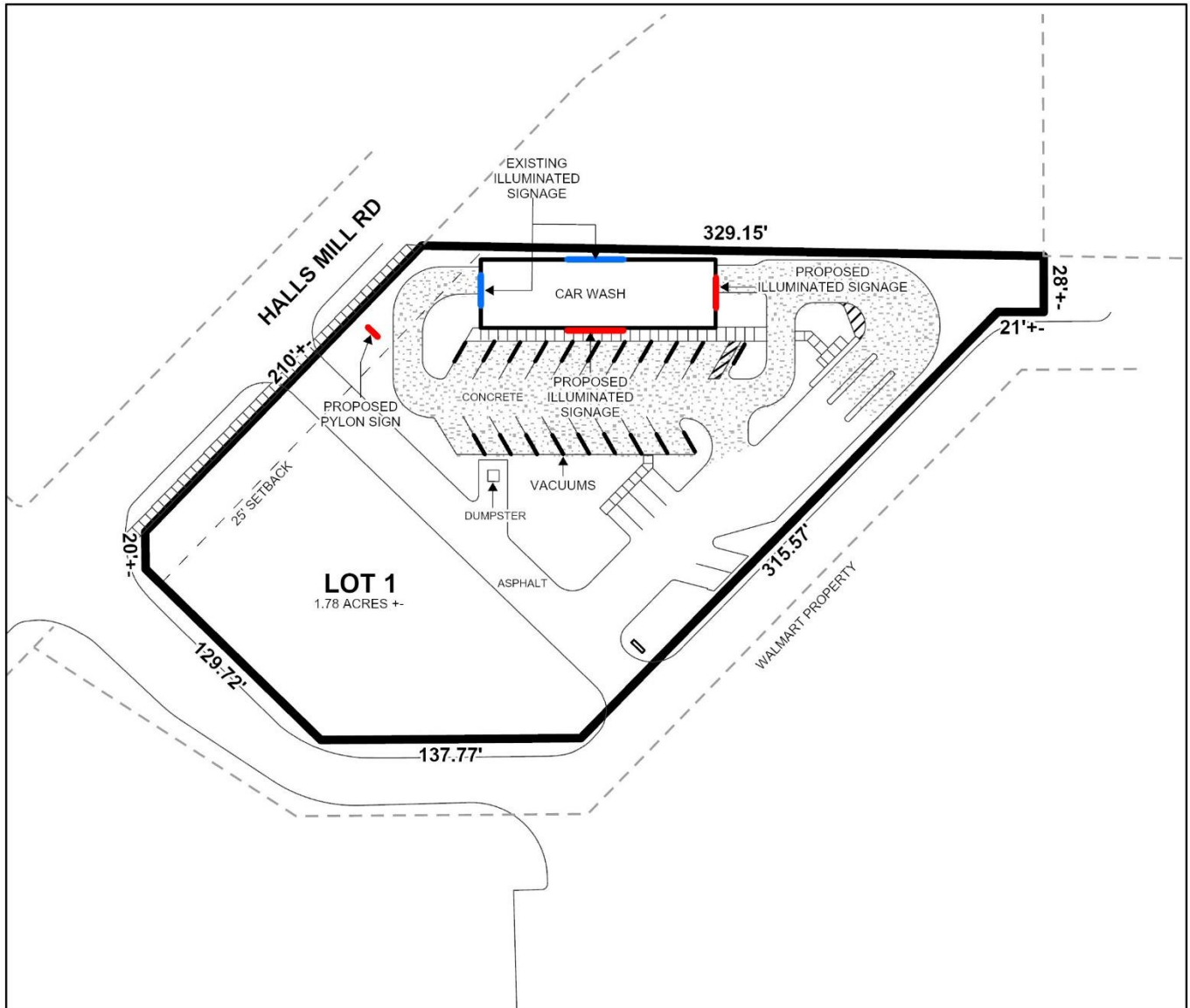
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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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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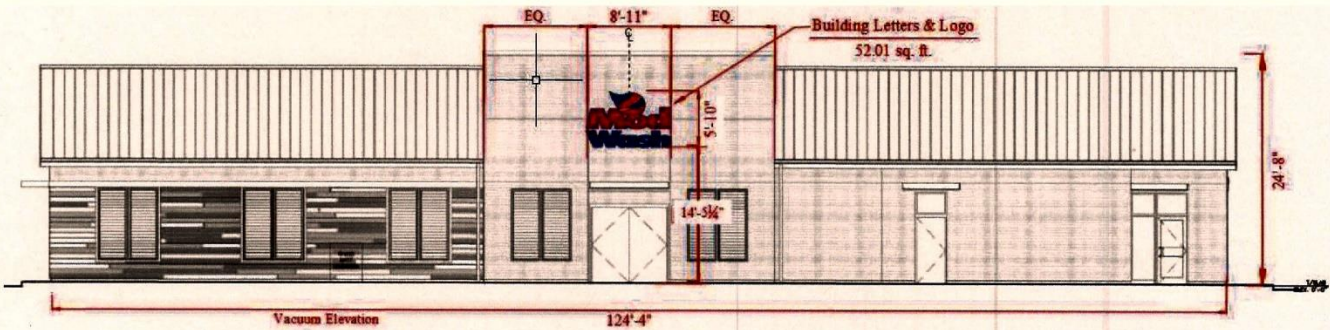
SITE PLAN



The site plan illustrates buildings, parking, setbacks, existing and proposed signage.

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DETAIL SITE PLAN



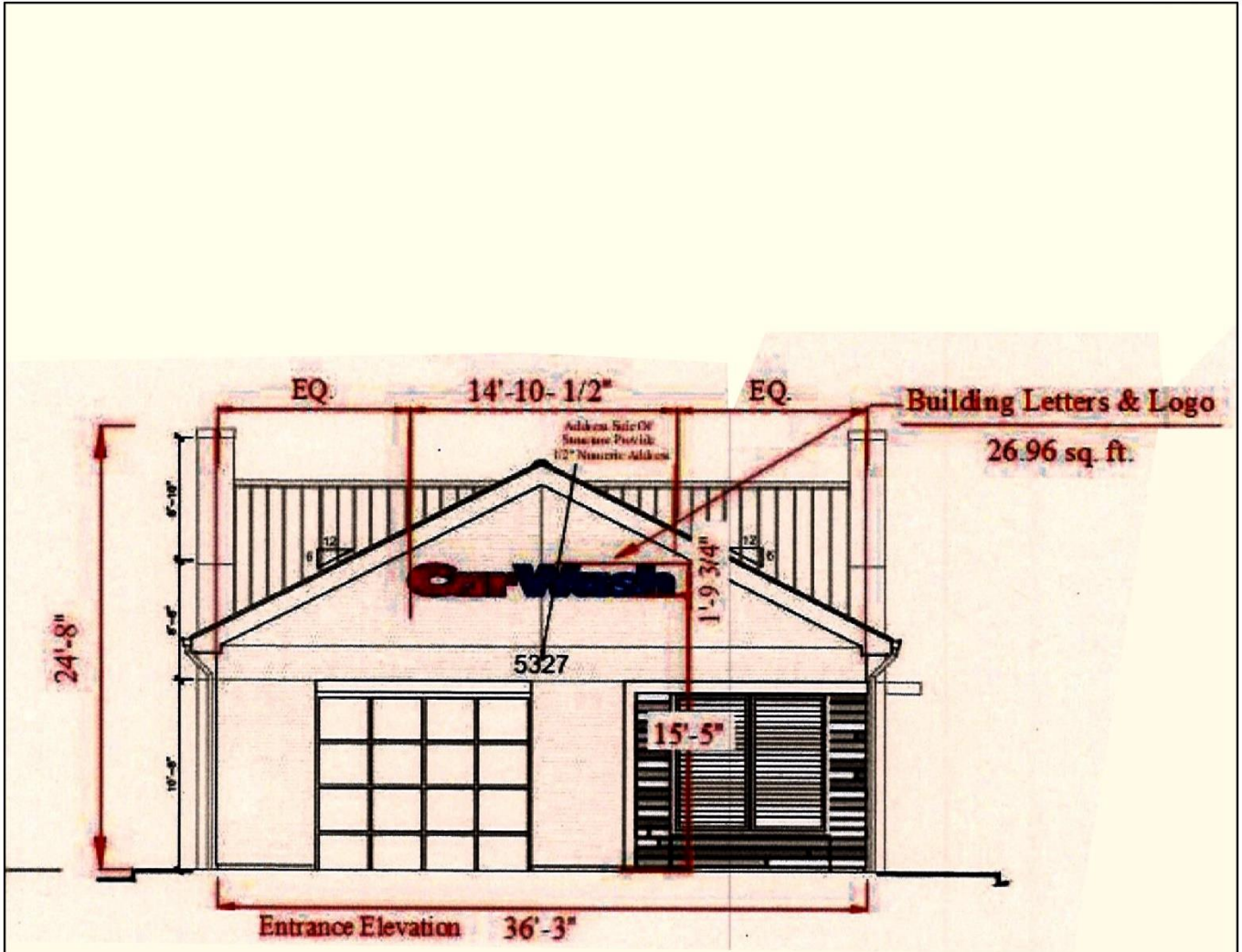
NORTH ELEVATION: PERMITTED

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NTS

DETAIL SITE PLAN



WEST ELEVATION: PERMITTED

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DETAIL SITE PLAN



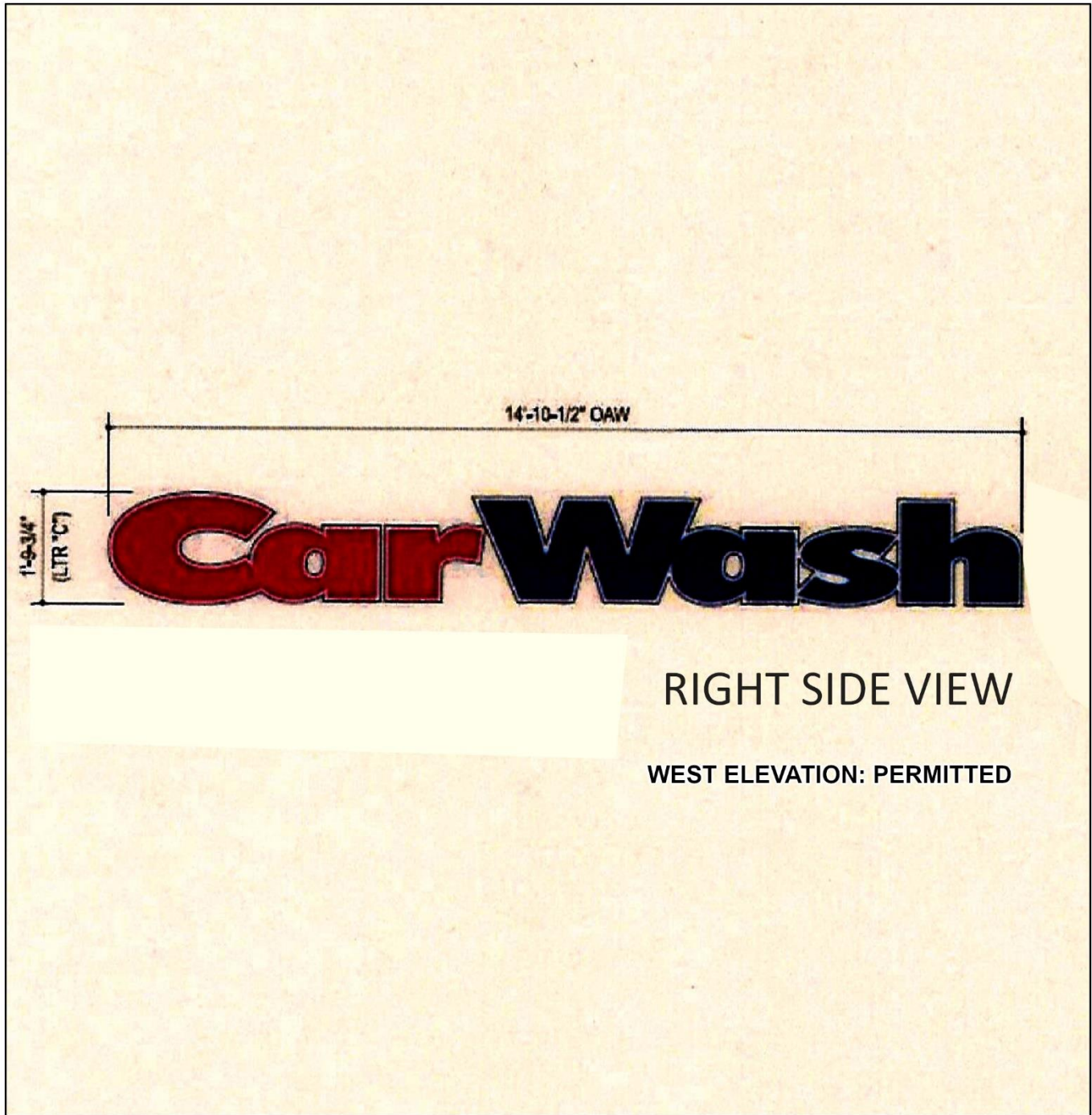
RIGHT SIDE VIEW

NORTH ELEVATION: PERMITTED

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DETAIL SITE PLAN



RIGHT SIDE VIEW

WEST ELEVATION: PERMITTED

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DETAIL SITE PLAN



HALLS MILL RD PYLON: PROPOSED

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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.