

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 2, 2020**

<u>CASE NUMBER</u>	6356/5279/5251/4007/3892/2258
<u>APPLICANT NAME</u>	MA Foodmart 1, LLC (Mohammed Suid, Agent)
<u>LOCATION</u>	1363 Government Street (Southeast corner of Government Street and Everett Street).
<u>VARIANCE REQUEST</u>	SIGN: Sign Variance to allow an increase in the maximum allowable signage for all signs for a property within the Leinkauf Historic District in a B-2, Neighborhood Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIGN: The Zoning Ordinance limits the maximum allowable signage for all signs to a total of 64 square feet for properties within the Leinkauf Historic District in a B-2, Neighborhood Business District.
<u>ZONING</u>	B-2, Neighborhood Business District.
<u>AREA OF PROPERTY</u>	0.5± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS The applicant is requesting a Sign Variance to allow an increase in the maximum allowable signage for all signs for a property within the Leinkauf Historic District in a B-2, Neighborhood Business District; the Zoning Ordinance limits the maximum allowable signage for all signs to a total of 64 square feet for properties within the Leinkauf Historic District in a B-2, Neighborhood Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the 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. It includes a wide variety of retail, services and entertainment uses.

The Mixed Commercial Corridor 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 re-development in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve 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 applicant states:

The purpose of this application is to allow the property owner to display additional signage on the property. The building that is located on the property is at a significant setback, causing the building to be blocked from view of motorists by neighboring buildings until those motorists pass the business. Therefore, the lack of signage results in a significant drop in revenue, since motorists cannot stop at the business because they do not see the gas station until it would be unsafe to stop and turn into the driveway. This condition occurred by a combination of the building being built near the back of the lot, combined with the buildup of the surrounding businesses in such a manner as to block the gas station from view. The surrounding businesses are not at a setback, and are clearly visible by motorists from a distance, giving motorists time to see the business in advance, slow down, and use a blinker prior to turning into the business. Lack of additional signage near the street, advertising the gas station so that motorists can see it from a distance, results in a loss of revenue of between \$10,000 and \$15,000 per month.

The site has been before the Board for multiple variance requests, the first of which was for a front yard variance in 1968 for a gas station canopy. Another front yard variance for a larger canopy for the gas station was approved in 1983 and 1985. Most recently, in 2004, another front yard variance was granted to allow an even larger canopy.

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 site was originally brought to staff's attention when a 311-complaint was received stating that there is too much signage in the windows. Upon inspection, staff confirmed this to be true and issued a Notice of Violation, hence the application at hand.

Businesses in historic districts are limited to a total of 64 square feet of signage, with window signs limited to a maximum of 20% of the window area. The subject site has two (2) permitted signs: a double-faced, freestanding, 32± square foot sign; and a 25.52± square foot wall sign; for a total of 57.52± square feet of permitted signage. Pictures submitted with the application show that in addition to the permitted signage, there are nine (9) windows measuring 50" x 35", and are 100% covered with signage for a total of over 109 square feet of signage as well as various signs attached to fuel pumps, near Government Street, and on the fence.

It should also be noted that the graphics provided with the application appears to indicate that a new monument / low-mounted pole sign is proposed, with digital pricing panels. The narrative provided with the application does not address this aspect of the provided graphics and consequently has not been advertised; thus the monument / low-mounted pole sign with digital pricing panels cannot be considered.

As far as signs in the area are concerned, it should be noted that at the July 11, 2011 meeting, the Board denied a sign variance application for a nearby site approximately 160-feet± to the East, to allow 827 square feet of signage.

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.

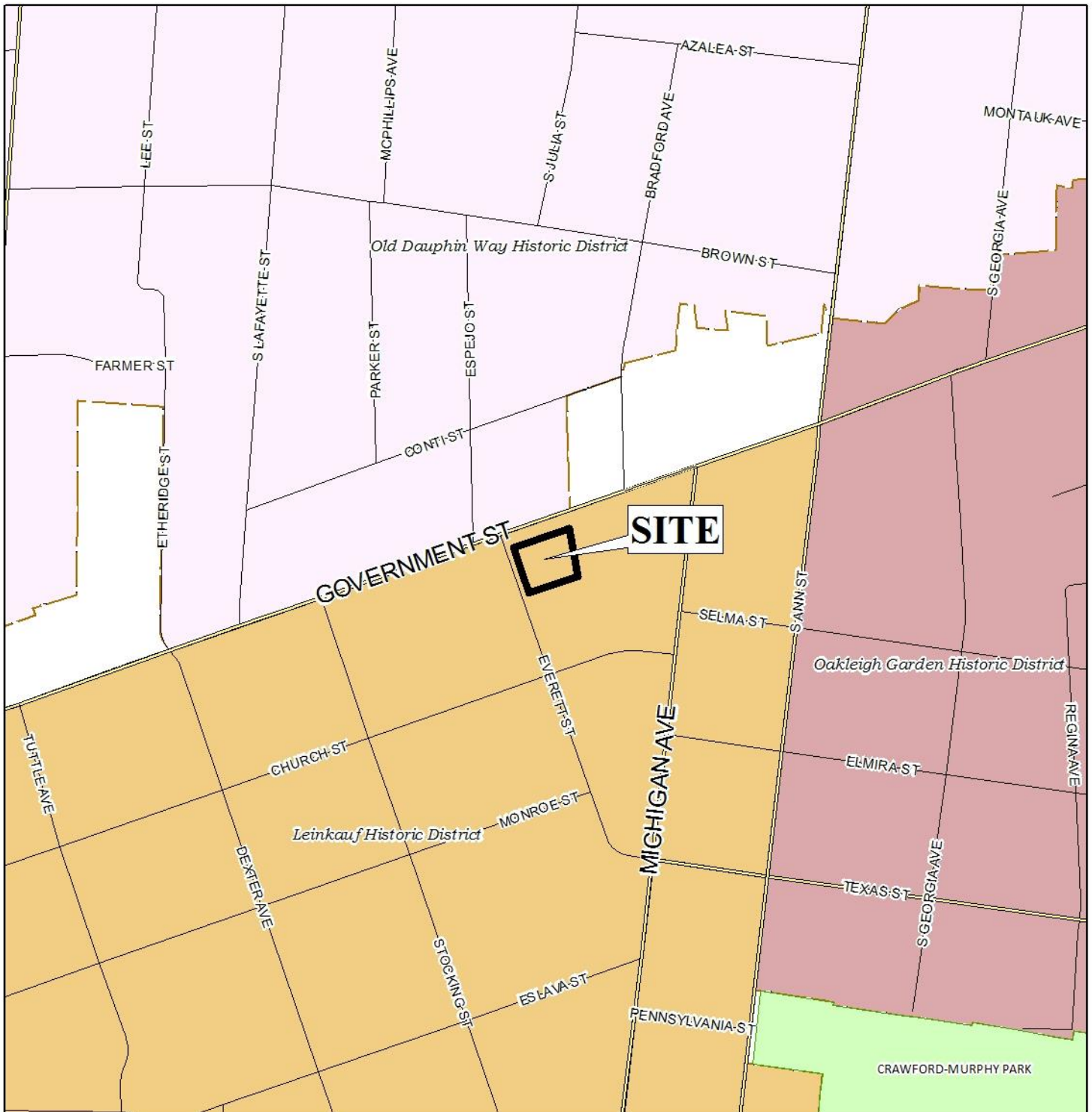
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant states that the building being setback from the road makes an increase in signage necessary for customers to see the business with enough time to turn in a safe manner, as well as prevent a significant revenue loss. While the Board cannot consider economics as the basis for a variance, traffic safety can be a valid concern. However, the buildings located on either side of the property were in place before 1975, thus conditions adjacent to the site have not changed for at least 45 years, and it is the opinion of staff that if the goal of additional signage is to increase visibility to nearby traffic, that the signage on the windows, fence, and gas pumps would not ease this concern, as it is not readily visible to passersby. It seems it is simply the desire of the applicant to have more signage than the Zoning Ordinance allows.

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

- 1) Approving the variance will be contrary to the public interest as the proposed signage will not increase the site's visibility to passing traffic;
- 2) Special conditions were not illustrated 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 not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the variance in that no other businesses nearby have been granted similar variances.

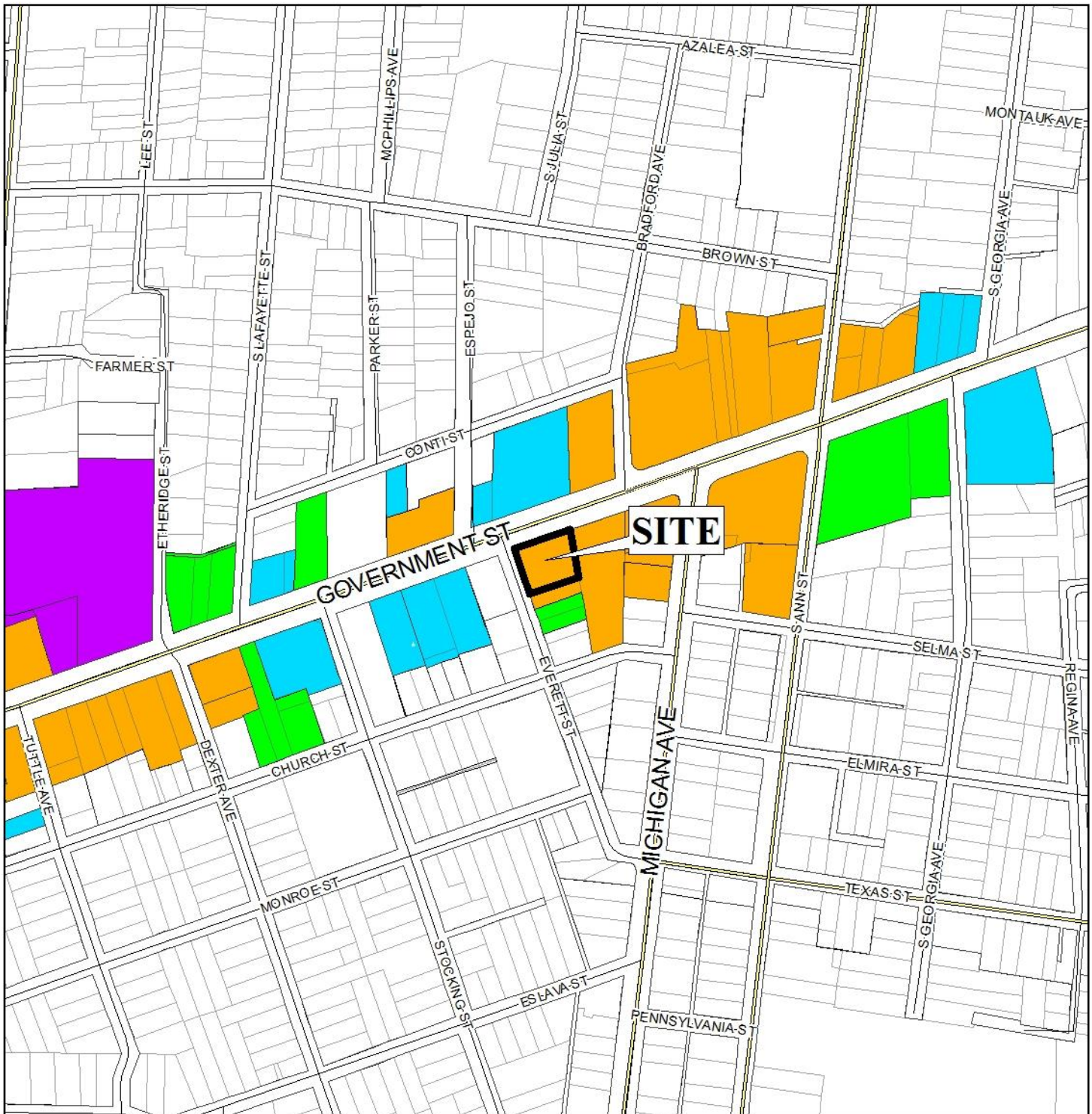
LOCATOR MAP



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 REQUEST Sign Variance



LOCATOR ZONING MAP



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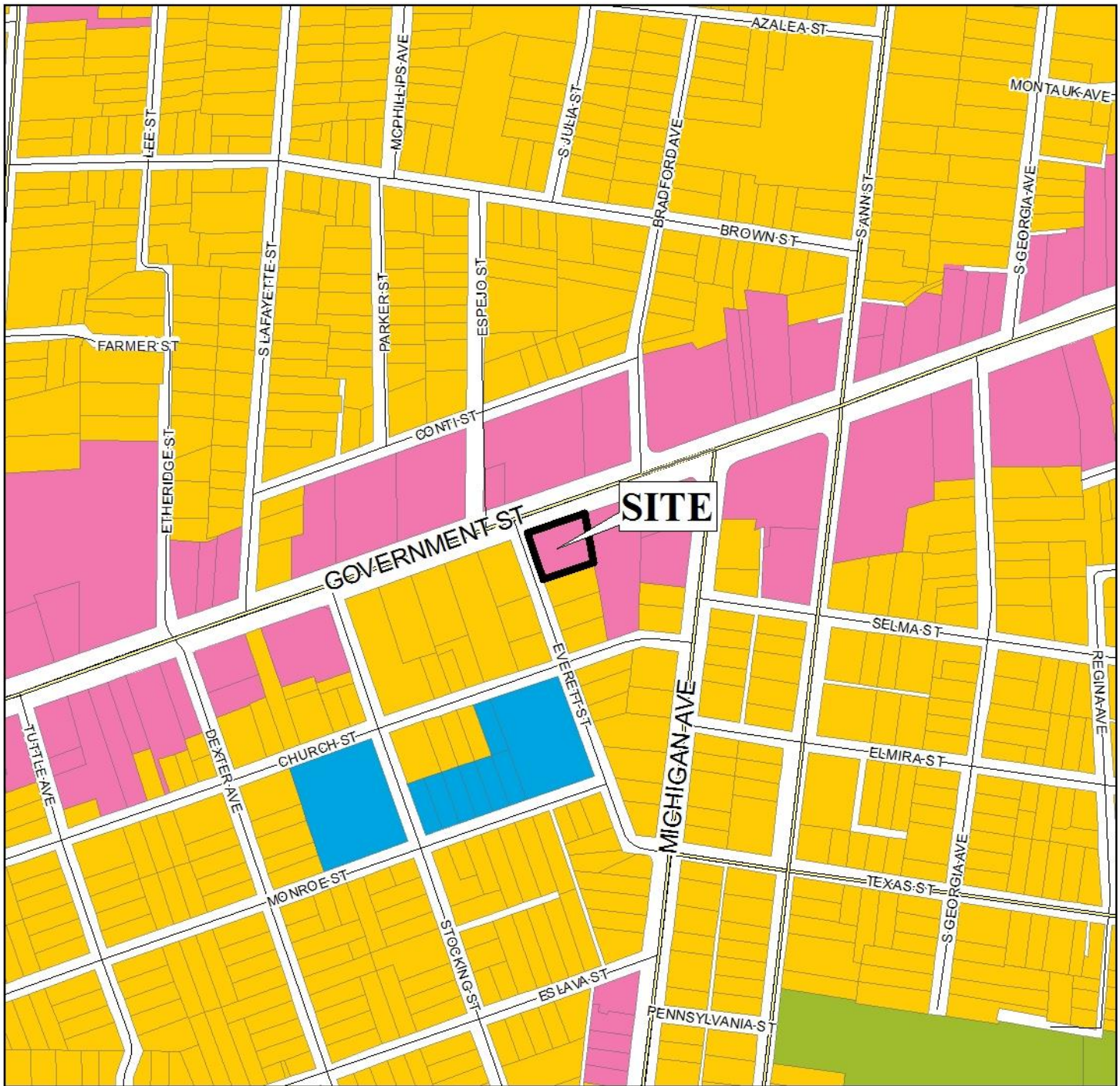
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REQUEST Sign Variance



NTS

FLUM LOCATOR MAP



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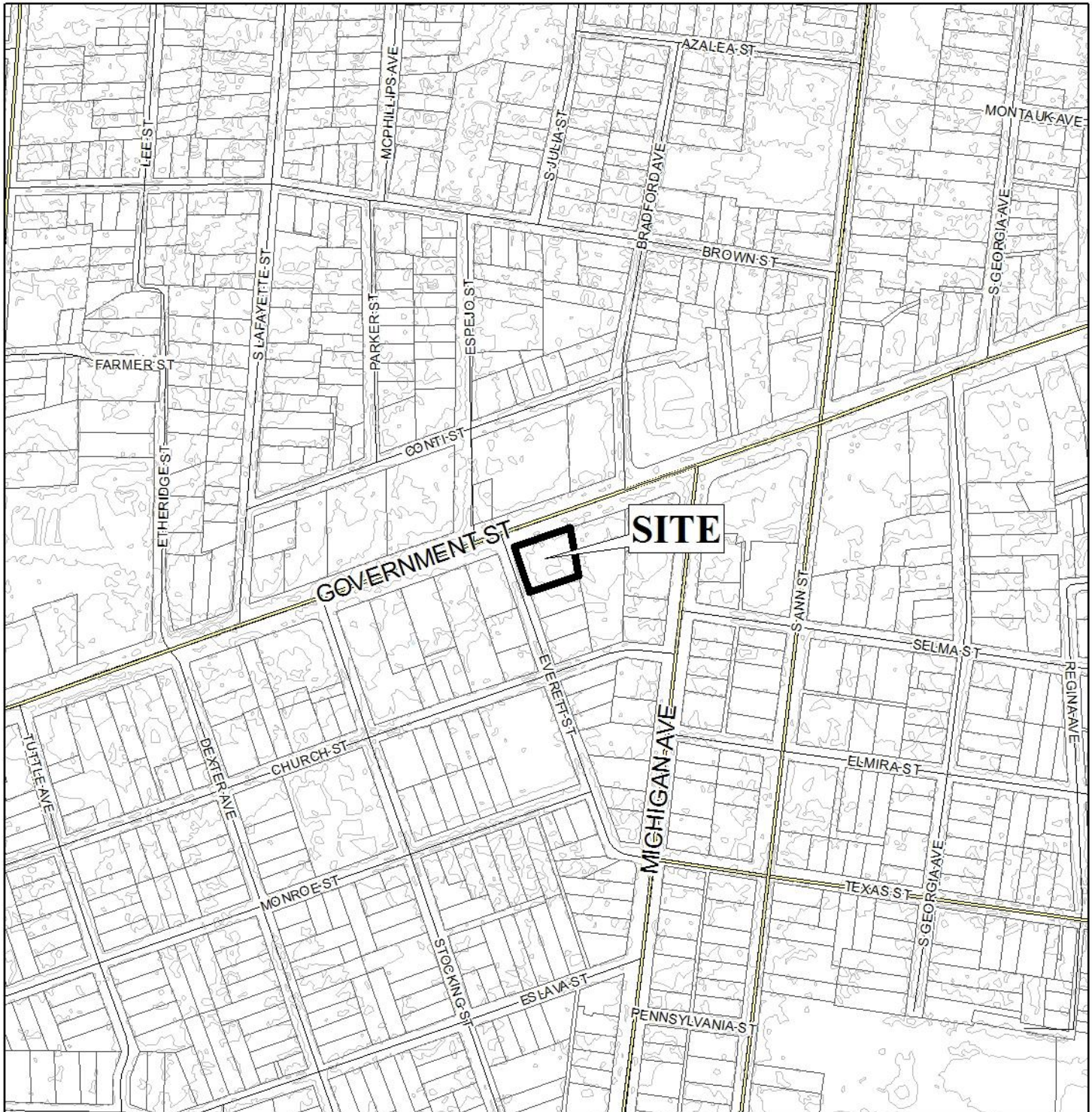
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REQUEST Sign Variance

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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VICINITY MAP - EXISTING ZONING



The site is surrounded by residential 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



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VICINITY MAP - EXISTING AERIAL

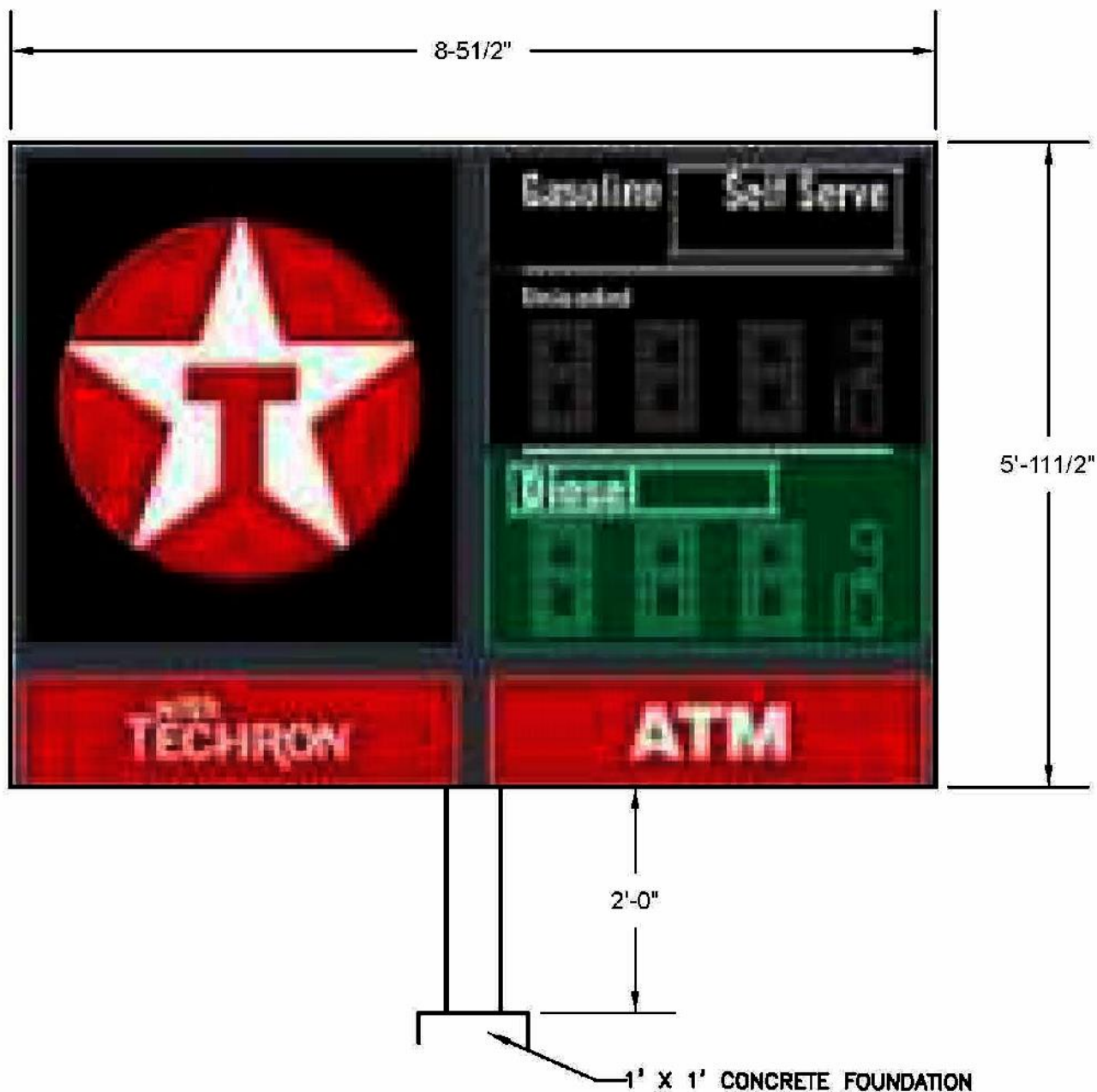


The site is surrounded by residential and commercial units.

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DETAIL SITE PLAN

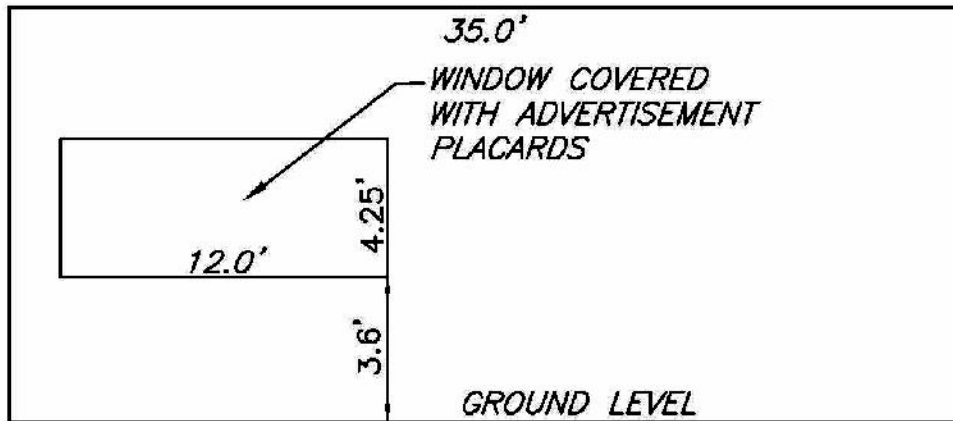


DETAIL OF PROPOSED SIGN
N.T.S.

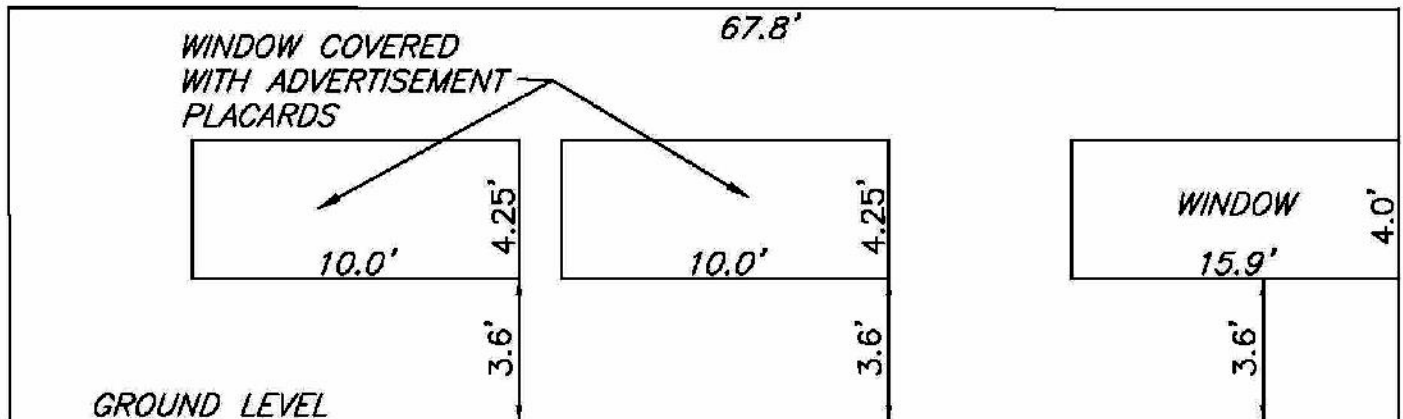
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DETAIL SITE PLAN



DETAIL OF WEST SIDE BLDG.
N.T.S.



DETAIL OF NORTH SIDE BLDG.
N.T.S.

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