

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 13, 2021****CASE NUMBER**

6417

APPLICANT NAME

Mitchell Sign Company (Mark Tramontana, Agent)

LOCATION6823 Old Shell Road
(Southeast corner of Old Shell Road and Foreman Road.)**VARIANCE REQUEST****SIGN:** Sign Variance to allow a digital pricing sign within 300 feet of residentially zoned property in an R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****SIGN:** The Zoning Ordinance does not allow digital signs within 300 feet of residentially zoned properties in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

4.71± Acres

**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 (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 commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL
DISTRICT

District 7

ANALYSIS

The applicant is requesting a Sign Variance to allow a digital pricing sign within 300 feet of residentially zoned property in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow digital signs within 300 feet of residentially zoned properties in an R-1, Single-Family Residential District.

The site has been given Mixed Commercial Corridor (MCC) and Low Density Residential (LDR) land use designations per the adopted Future Land Use Plan and Map. 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.

The MCC 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.

The LDR designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre.

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers; neighborhood playgrounds; and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 is 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 provided the following narrative as justification for the request:

“The purpose of this application is request installing an LED electronic digital display/sign within 300’ of residential area.

The church is situated at the corner of Old Shell Road and Foreman Road with homes on both the west and east sides of the property. There exists considerable “natural green curtain” (tree line, bushes, shrubs, etc.) on each border between the church property and the homes.

The current conditions have existed for many years and the natural growth will only continue to get larger, fuller and develop as time goes on thus, adding to the “green, natural curtain” between the church property and homes on either side.

The church property differs from the surrounding property as it includes the church/sanctuary building, a paved parking area for its congregation and a multi-use family life center building which is used for many functions throughout the week.

The church has always spent quite a bit of time, energy and expense to maintain the grounds as is evident in the photos and on a visit to the property.”

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.

Section 64-11.8.c(7) of the Zoning Ordinance states: *“electronic or digital signs are allowed only... if sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential*

zoned property”. Additional requirements further state that “*on- premise electronic message board or digital signs may display animation and effects, so long as they do not flash or constitute a flashing sign as defined in this Chapter*”.

As mentioned, the applicant is seeking relief from the Zoning Ordinance to allow a digital sign within 300’ of residentially zoned property. The site is currently used for a church. An existing monument sign is located on the property, toward the entrance to the parking lot, along Old Shell Road. A portion of the sign is proposed to be replaced with a larger (99± square feet), internally illuminated sign with a digital message center. The maximum height of the proposed sign replacement is 10 feet, but it will retain the same width as the message area of the existing sign and utilize the same foundation.

No information was submitted regarding the specifications of the proposed digital display and how it will comply with the other requirements of Section 64-11.8.c(7) (e.g. illumination standards).

The subject site has frontages along Old Shell Road and Foreman Road. It is zoned R-1, Single-Family Residential District, and is surrounded by properties also zoned R-1, Single-Family Residential District, to the North, East, South, and West; and properties zoned R-3, Multi-Family Residential District, also to the West. These residentially zoned properties are also residentially utilized.

Regarding the applicant’s statement, the top of the existing sign does not appear to reach the bottom of the tree canopies of any of the tree plantings along Old Shell Road, leaving plenty of visible space for cars to view the sign from the roadway. Moreover, there are no understory tree or hedge plantings along the street frontage to impact visibility of the sign.

It should be noted that no variances for signage, digital or otherwise, have been granted within the vicinity of the subject site.

While approving the request for digital signage within 300’ of residentially zoned property may increase visibility of the church, no hardship associated with the site has been identified by the applicant that would preclude standard signage, especially since the existing sign appears to be adequately visible from the roadway. Additionally, the applicant has not demonstrated that a literal enforcement of the Sign Regulations of the Zoning Ordinance would result in an undue hardship; rather, the applicant simply wishes to have a digital sign. Approving the Variance would be contrary to at least Section 64-11.8.c(7) of the Zoning Ordinance and, as such, may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist. As such, the Board should consider this application for denial.

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

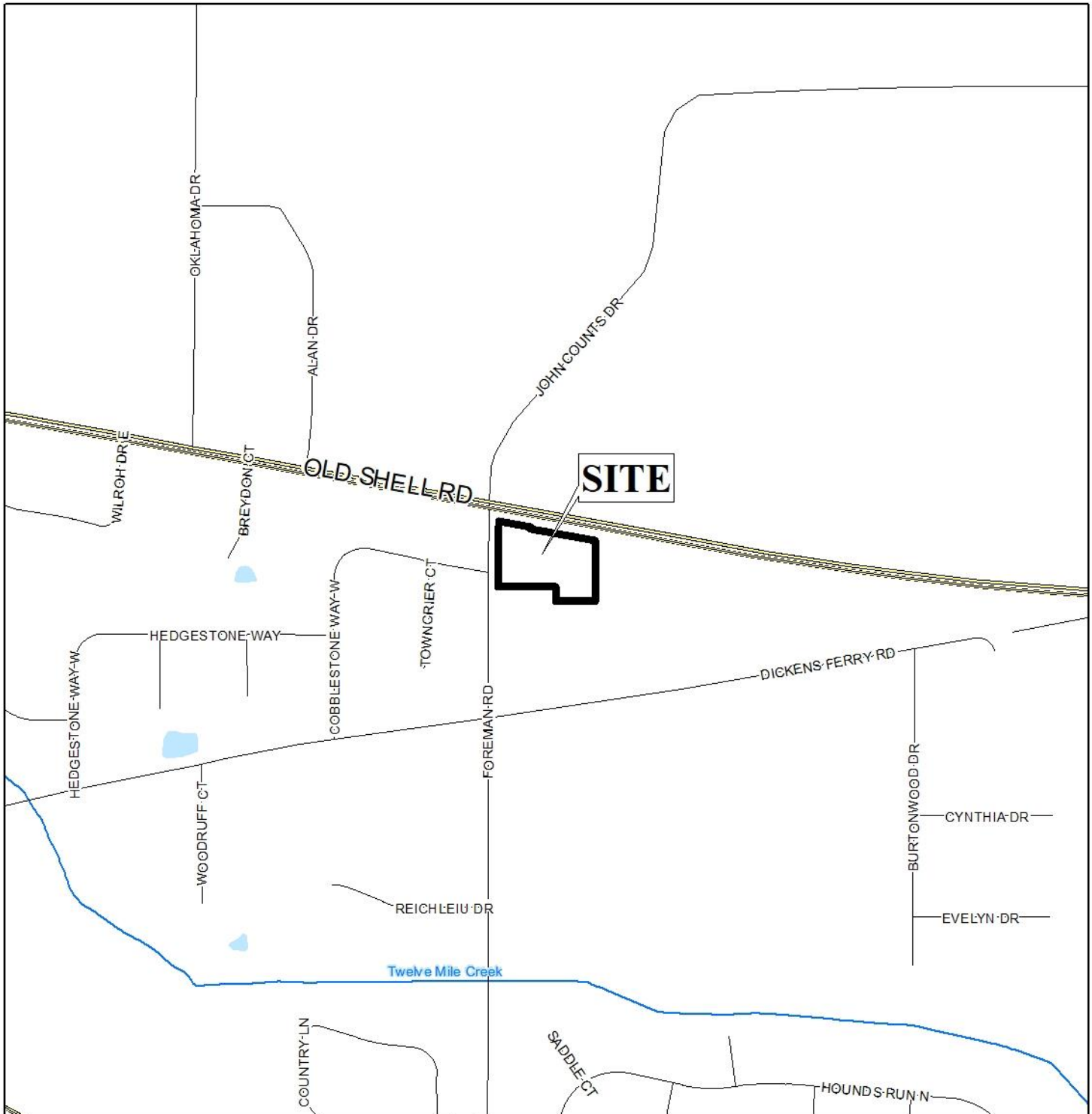
- 1) Approving the variance will be contrary to the public interest in that it is contrary to Section 64-11.8.c(7) of the Zoning Ordinance;

- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since the existing sign is adequately visible from the roadway;
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage may establish a precedent by which future Sign Variance requests could be approved if no special conditions or hardships to an individual property exist.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 10th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 10th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

LOCATOR MAP



APPLICATION NUMBER 6417 DATE September 13, 2021
APPLICANT Mitchell Sign Company (Mark Tramontana, Agent)
REQUEST Sign Variance



LOCATOR ZONING MAP



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REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6417 DATE September 13, 2021

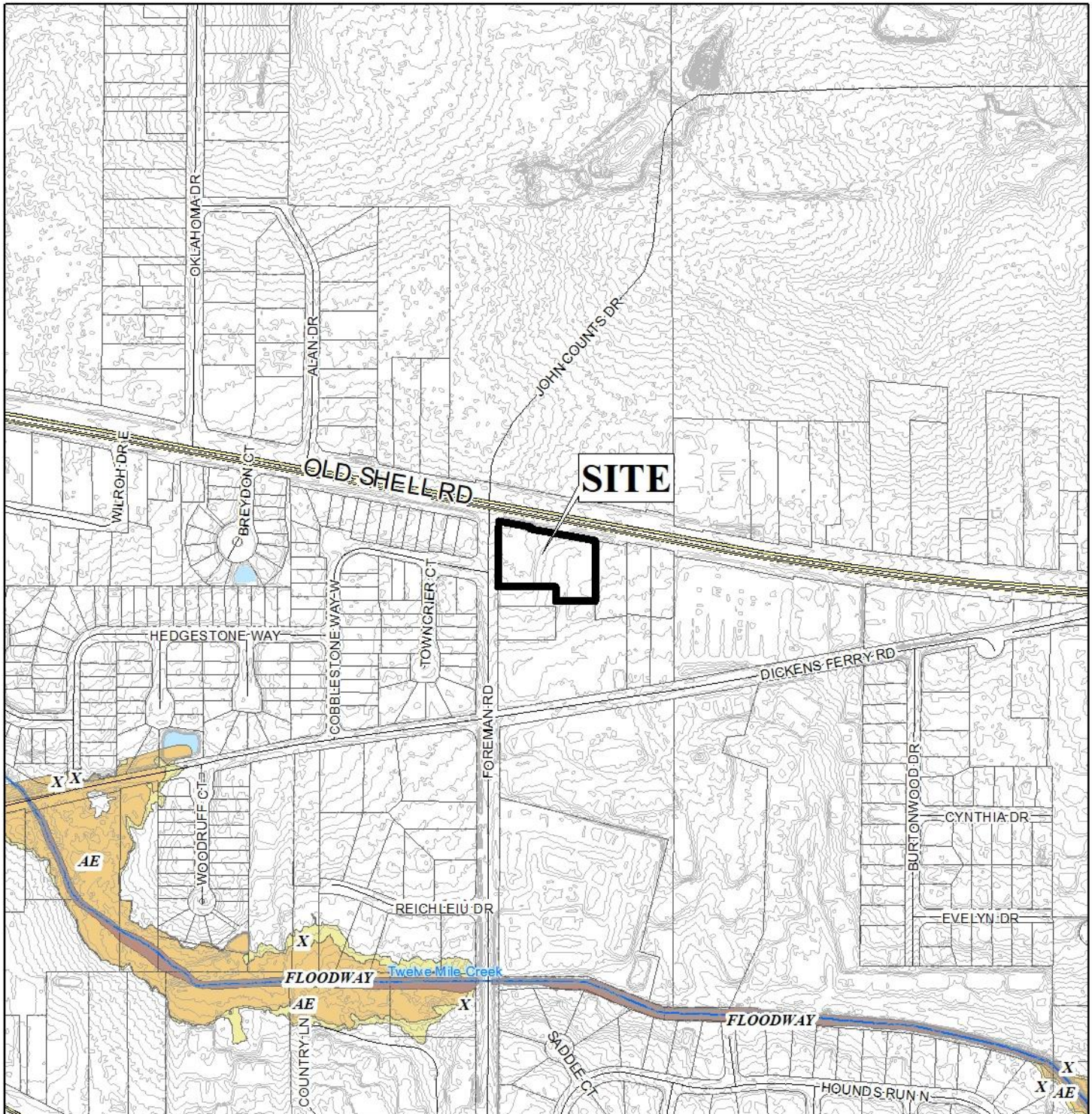
APPLICANT Mitchell Sign Company (Mark Tramontana, Agent)

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



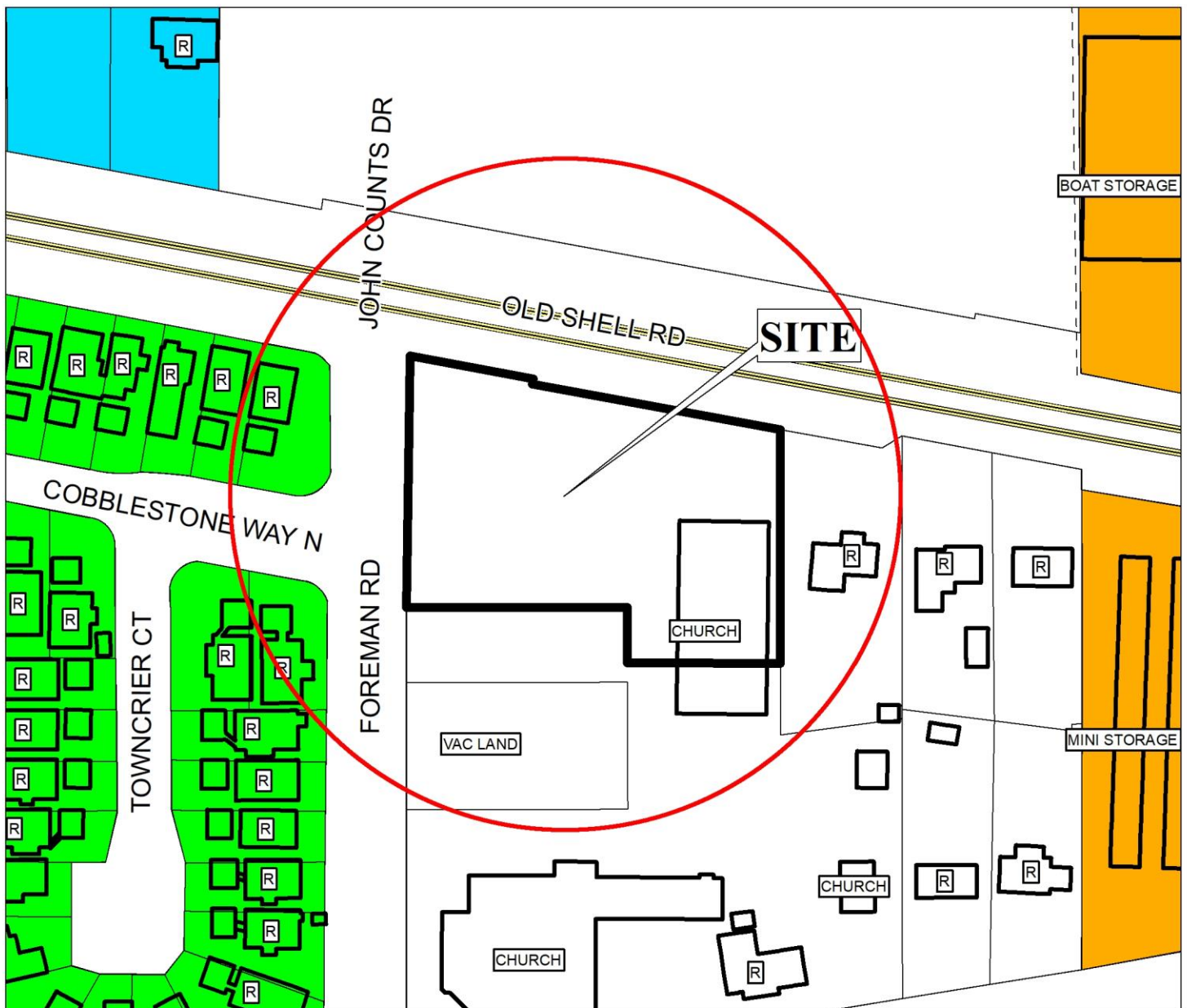
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REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, a church to the south, and storage units to the east.

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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



The site is surrounded by residential units, a church to the south, and storage units to the east.

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