

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 5, 2022**

<b><u>CASE NUMBER</u></b>	6490/5567
<b><u>APPLICANT NAME</u></b>	SIGNCORP, Inc (Kathleen Jax, Agent)
<b><u>LOCATION</u></b>	2 South Water Street (Southeast corner of Dauphin Street and South Water Street).
<b><u>VARIANCE REQUEST</u></b>	<b>SIGN:</b> To allow a monument sign and an unspecified wall sign in a T-6 Sub-District of the Downtown Development District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance does not allow monument signs or unspecified wall signs in a T-6 Sub-District of the Downtown Development District.
<b><u>ZONING</u></b>	T-6 Sub-District of the Downtown Development District
<b><u>AREA OF PROPERTY</u></b>	0.3± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No comments.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	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 2

### **ANALYSIS**

The applicant is requesting a Sign Variance to allow a monument sign and an unspecified wall sign in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance does not allow monument signs or unspecified wall signs in a T-6 Sub-District of the Downtown Development District.

The site has been given Downtown (DT) land use designation, per the recently 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

It should also 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 substantial justice 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 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 applicant applied to the Consolidated Review Committee (CRC) for review, and was advised that neither of the proposed signs for the site comply with the Zoning Ordinance requirements, hence the current application.

The applicant provided the following narrative with the request:

***Purpose of the Application*** - To obtain approval from the City of Mobile's Board of Zoning Adjustment, for Sign Variances from Zoning Ordinance Section 16-3.I.16, to allow installation of (2) signs proposed for the Morgan & Morgan Law Firm, that do not comply with the current signage standards outlined in the Zoning Ordinance.

***Proposed Sign 1 Description: Upper Level Building Wall Sign*** - Custom fabricated sign with period style trim, comprised of individual, back-lit reverse channel letters that read {MORGAN & MORGAN} pin-mounted to a non-illuminated control backer cabinet, mounted to the building wall. Channel letters and backer cabinet shall be constructed of aluminum. Channel letters shall be illuminated from behind by a series of white LED diodes, powered by low voltage power supplies, housed within the backer cabinet. The sign shall be flush mounted to the wall with fasteners per engineered specifications, above the 2nd story windows with a vertical orientation on the building's East facade, facing Water street.

- Sign-1 Dimensions: 2.4'± wide x 23.5'± tall = 55.42 Sq Ft
- Sign-1 Height Above Grade: 32' HAGL/Bottom of Sign; 64' HAGL/Top of Sign
- Sign-1 Letter (Font) Height = 15.53"
- Sign-1 Approved by Mobile's Architectural Review Board
- Certificate of Appropriateness (COA) Issued - Permit# MHDC-101502-2022

***Sign-1 Code Conflict: Sec. 64-3.I.16(c) 'Upper Building Signs' & Table 5: Signage Standards '5.Upper Building'***  
(C) Upper building signs.

- (1) A maximum of two (2) upper building signs a minimum of forty (40) feet above grade may be installed on two (2) separate facades on buildings more than ten (10) stories high.
- (2) Upper building signs are limited to the following:
- I. The identification of the building or the name of one (1) tenant of the building;
  - II. A maximum of eighty (80) percent of the width of the building wall upon which it is placed;
  - III. A maximum of one (1) horizontal or vertical line of letters or symbols;
  - IV. A maximum font size of eight (8) feet in any dimension;
  - V. A maximum logo or emblem size of ten (10) feet in any dimension.

Table 5: Signage Standards

Sign	Restrictions	Area	Copy	Sub-districts
	Number			
<b>5. Upper building</b>	1 per building located within the frieze or upper portion of the storefront if there is not a frieze	Maximum 3 feet tall by building length	No restrictions	T-4, T-5, T-6, SD-WH

**Proposed Sign-2 Description: Monument Sign Identification Panels** - Removal and replacement of 1-pair of existing ID panels, with (2) new flat, non-illuminated AlumiCore panels with applied graphics reflecting the {MORGAN & MORGAN} trademark and tagline. The single-sided panels shall be installed in the existing monument sign structure, located adjacent to the East property line, perpendicular to Water Street. Existing monument sign is non-conforming.

- Sign-2 Dimensions: 1.4' wide x 3.3' tall = 4.6 Sq Ft per each panel
- Sign-2 Approved by Mobile's Architectural Review Board
- Certificate of Appropriateness (COA) Issued - Permit# MHDC-103454-2022

**Sign-2 Code Conflict: Sec. 64-3.I.16 - Table 5: Signage Standards**

Monument and Free-standing/Pole Signs are not allowed in sub-district T-6. The existing monument sign at 2 South Water Street is on-site and non-conforming. Proposed Sign-2 is a face panel change only to (1) of (4) pairs of tenant ID panels on an existing monument sign, without any change to sign structure or location. Non-conforming signs are not specifically addressed in this section of the Zoning Ordinance.

**Conditions Affecting Compliance with Zoning Ordinance Requirements -**

**Sign-1:** Existing architectural features and embellishments including large arched windows with hood molds and sills, modillions, cornices, cornerstones, scuppers, and downspouts leave limited surface areas on the façade, appropriate for mounting signage without diminishing character, and fully complying with the Code.

The standards for signage types and dimensions allowed in the T-6 sub-district (as written) are not compatible for displaying the 'MORGAN & MORGAN' trademark in a purposeful

*manner while also meeting the intent of the design guidelines established for Mobile's historic districts.*

**Sign-2:** *The current Zoning Ordinance does not specify the treatment of non-conforming, or specifically face panel changes on existing non-conforming sign structures.*

***Differences Between Subject Property and Neighboring Properties -***

**Sign-1:** *2 South Water Street is home to the historic Daniels, Elgin & Co. Building, constructed in 1860. This beautiful Italianate style building was the first of its kind in the state of Alabama, to have a façade clad entirely with prefabricated cast iron embellishment and ornamentation. 162 years strong, the Elgin continues to be a unique standout among its neighboring buildings.*

*After careful consideration of the cast iron adornment on the Elgin's north facade, we determined the condition to be unsuitable for both diagonal corner and wall mounted signage. Working closely with the City's Historic Development team, we agreed on an area of the building's east façade, where a sign can be mounted without damaging or obscuring the building's key architectural features. The proposed Sign-1 has been designed in keeping with, and to compliment the Elgin building's distinct 19th century character and the Lower Dauphin Historic District. Sign placement is vertically oriented to integrate with the building's architecture.*

*Approval of a Sign Variance to modify the sign standards for Upper Building Signs as depicted on 'Table 5. Sign Standards' and in Sec. 16-3.I.16 (c) of the existing Zoning Ordinance, will provide the a platform that embraces a creative sign design, that will contribute to the continuity of the building's historic architecture, while representing Morgan & Morgan's important contribution to the to the Downtown Development District.*

**Sign-2:** *The monument sign has existed on this property for quite some time without any known detriment to neighboring properties or the community. Approval of a Sign Variance to allow the continued removal and replacement of the monument sign ID panels, serves as wayfinding for the benefit of the building occupants and their clientele, however poses no new or additional harm to the neighboring property owners.*

The wall sign proposed by the applicant does not fit into any of the allowed wall sign types for a T-6 sub-district in the DDD. If the sign were oriented horizontally, rather than vertically, it could be classified as a compliant upper building sign. However, the architectural design of the historic structure prohibits the sign being oriented horizontally at a legible size, thus indicating a possible hardship.

There is an existing monument sign for the subject site on an adjacent piece of property owned by the same entity as the structure. In October 2009, prior to the adoption of the DDD, an off-site sign variance was granted to allow the monument sign, on a condition that the property undergo a one-lot Subdivision so that the sign would be on the same property as the structure. In November 2009, a one-lot Subdivision was approved by the Planning Commission, however that approval was

allowed to expire, and the plat was never recorded in Probate Court. Permits for the structure were issued in December 2009. The DDD does not allow monument signs at all in T-6 sub-districts, and makes no provisions for the alteration of existing non-conforming signage.

The site is located in the Lower Dauphin Street Historic District, and as such, the applicant has submitted the proposed signs to the Architectural Review Board, and obtained Certificates of Appropriateness for both. Given that the monument sign structure is existing, and the applicant simply wishes to place a tenant panel on the structure, this request may be appropriate.

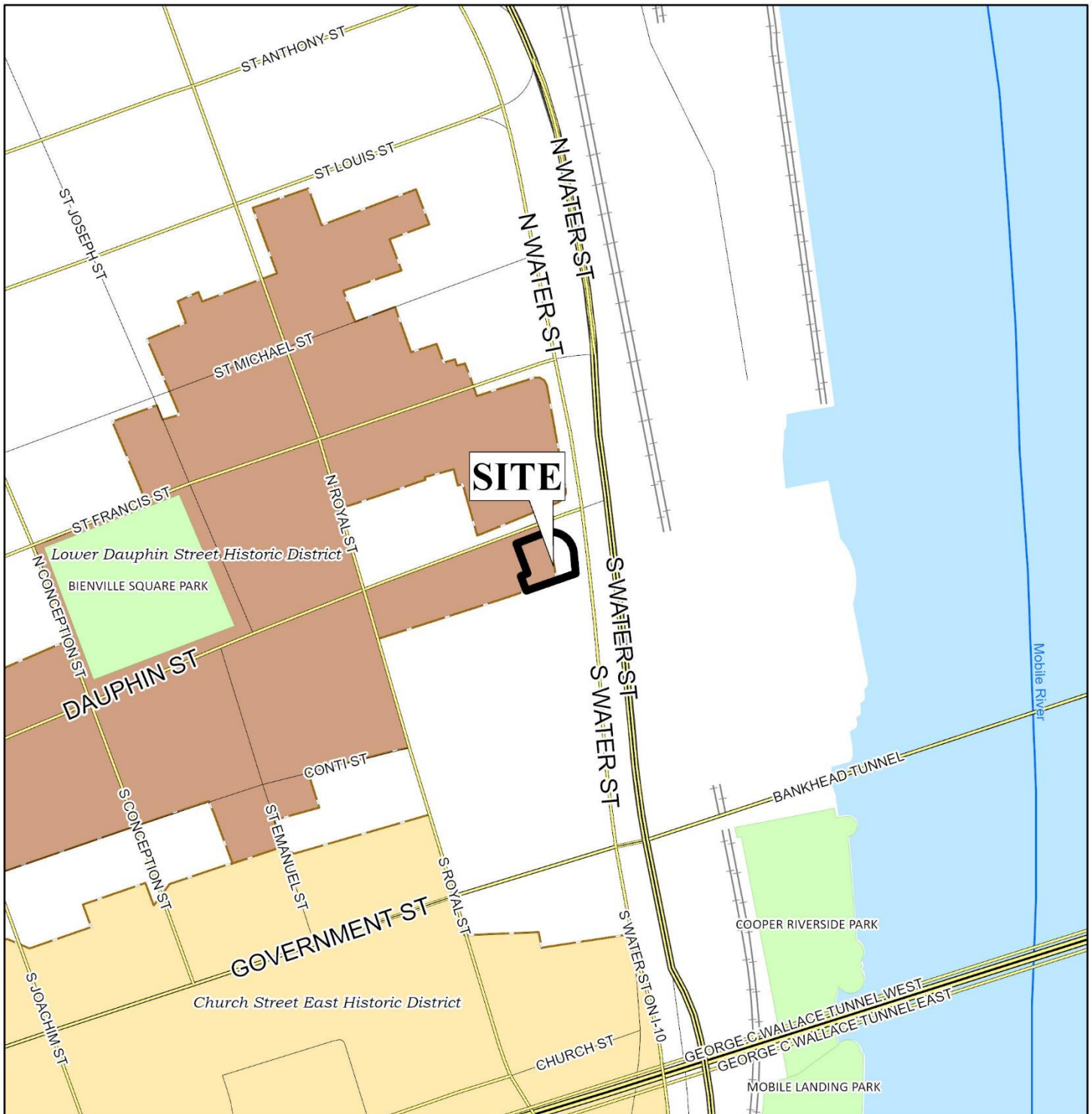
**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that the subject site is a historic building with unique architecture which will not allow for a compliant, legible wall sign;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to residents in the surrounding area in that the monument sign structure is existing, and no structural modifications are proposed; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the Variance.

The Approval should be subject to the following conditions:

- 1) Obtain necessary approvals and sign permits;
- 2) Obtain necessary electrical permits; and
- 3) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6490 DATE December 5, 2022

APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

REQUEST Sign Variance



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6490 DATE December 5, 2022

APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

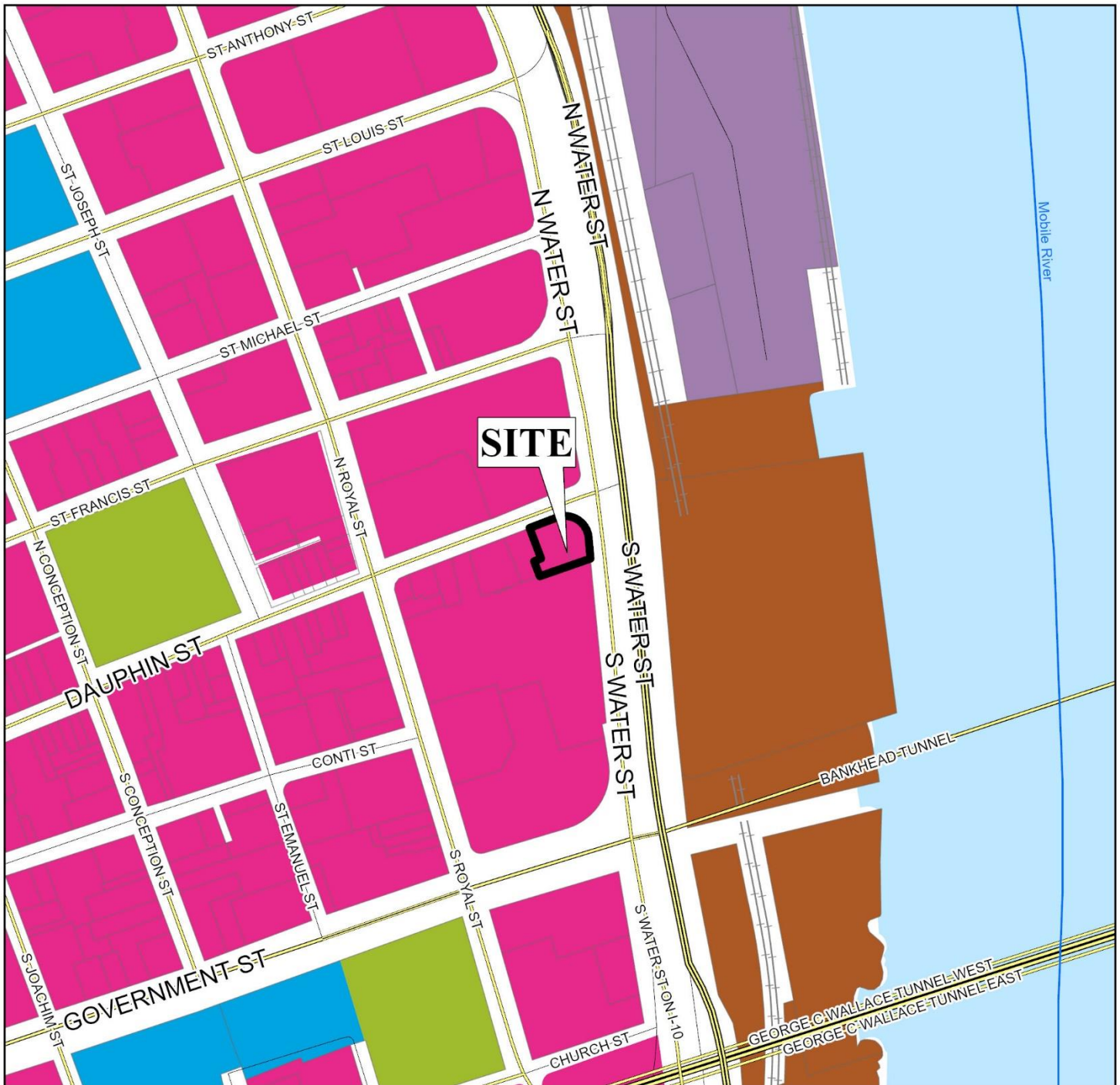
REQUEST Sign Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: magenta; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: grey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6





# FLUM LOCATOR MAP



APPLICATION NUMBER 6490 DATE December 5, 2022

APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

REQUEST Sign Variance

## FLUM

Low Density Residential

Mixed Density Residential

Downtown

District Center

Neighborhood Center - Traditional

Neighborhood Center - Suburban

Traditional Corridor

Mixed Commercial Corridor

Downtown Waterfront

Light Industry

Heavy Industry

Institutional

Parks & Open Space

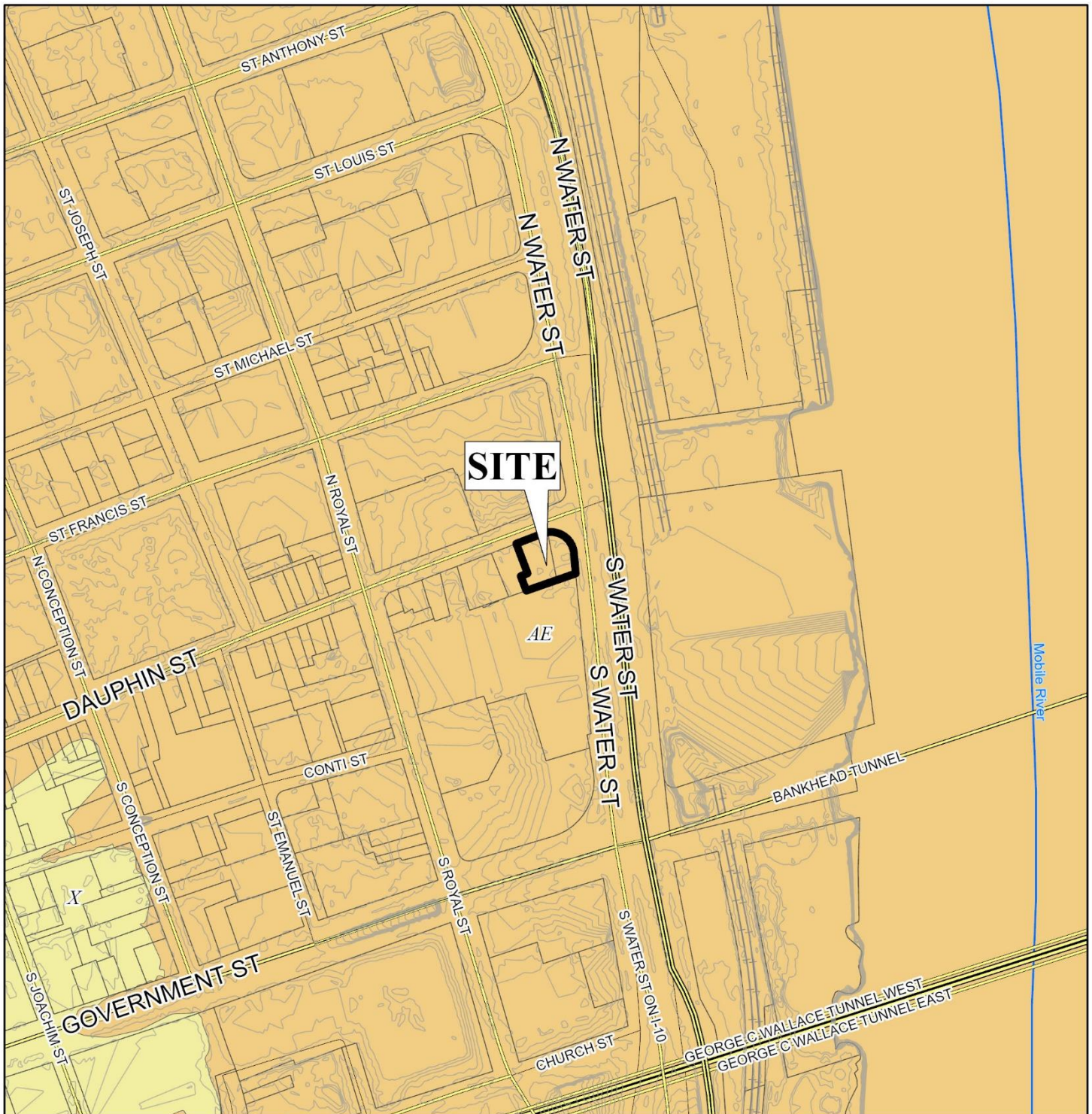
Water Dependent



NTS



# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6490 DATE December 5, 2022

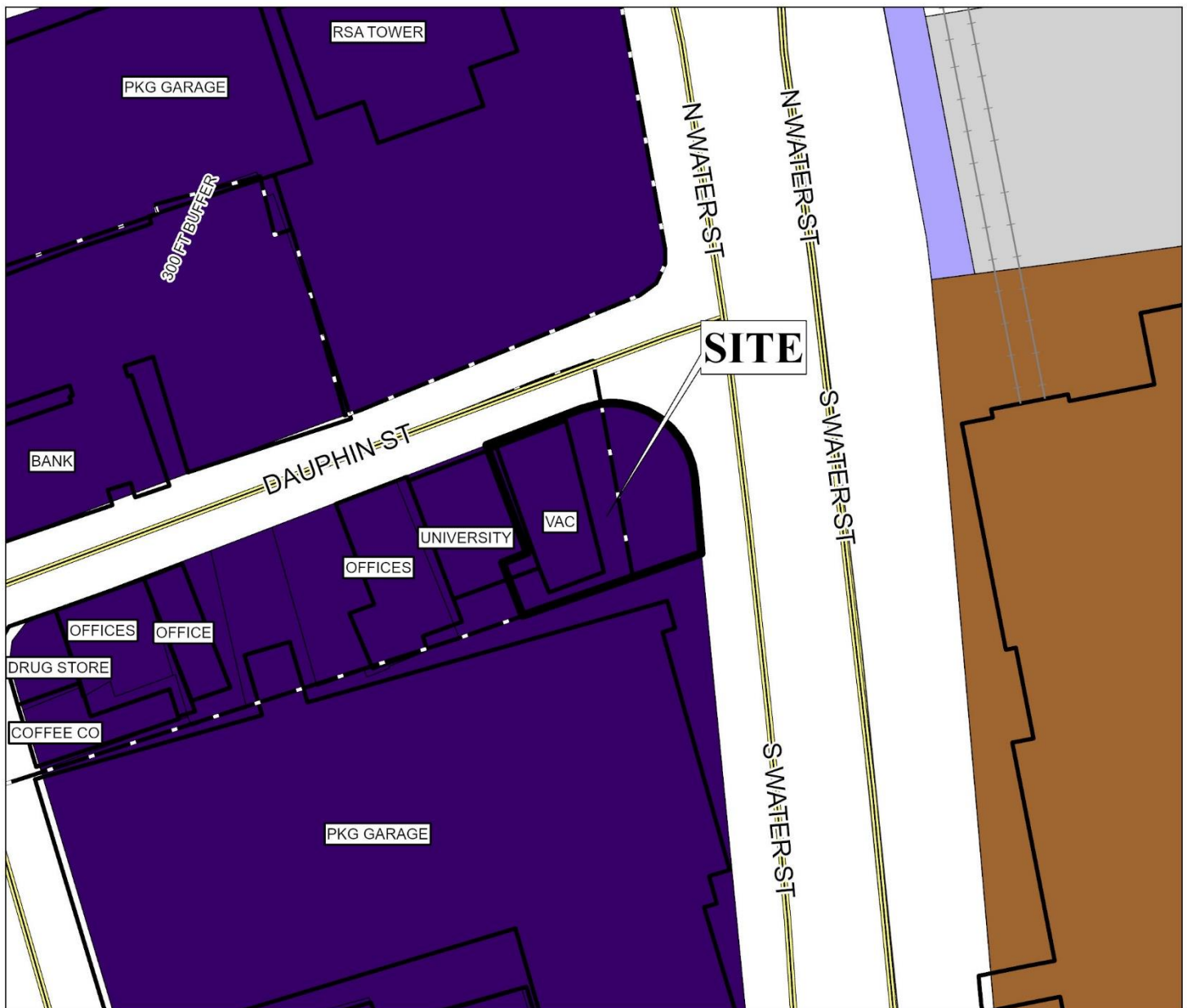
APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

REQUEST Sign Variance



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER 6490 DATE December 5, 2022

APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

REQUEST Sign Variance

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6490 DATE December 5, 2022

APPLICANT SIGNCORP, Inc (Kathleen Jax, Agent)

REQUEST Sign Variance



NTS



# DETAIL SITE PLAN

## SITE PLAN - EXISTING & PROPOSED



PROPOSED UPPER BUILDING SIGN

SIGN 1



PROPOSED MONUMENT SIGN ID PANELS

SIGN 2



EXISTING BUILDING  
EAST ELEVATION

SIGN 1



EXISTING MONUMENT SIGN  
EAST ELEVATION

SIGN 2

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NTS

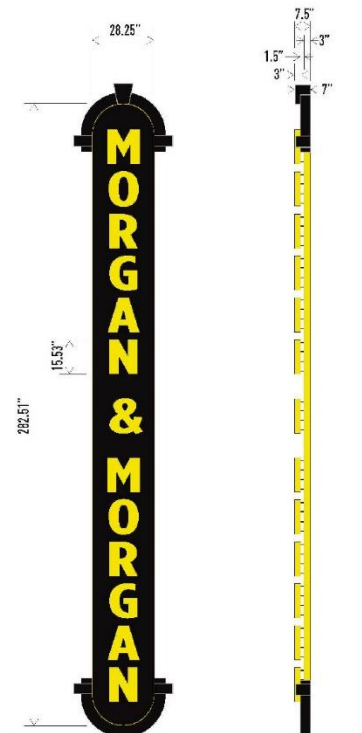
# DETAIL SITE PLAN

BACK-LIT REVERSE CHANNEL LETTERS ON CONTROL BACKER

55.42 SQ FT



COLOR SCHEME		
YELLOW TYPICAL PMS 082	SAT'N BLACK	WHITE



28.25" X 282.51" = 7,980.90 SQ IN  
7,980.90 SQ IN ÷ 144 = 55.42 SQ FT

FRONT ELEVATION : SCALE 1/4" = 1'-0"

SIDE VIEW  
SCALE 1/4" = 1'-0"

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 REQUEST Sign Variance



# DETAIL SITE PLAN



FRONT ELEVATION : SCALE 1-1/2" = 1'-0"



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