



Agenda Item # 14
BOA-002608-2023

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

DETAILS

Location:
3662 Dauphin Street

Applicant / Agent (as applicable):
Merrill P. Thomas Co, Inc., Pratt Thomas, Agent

Property Owner:
Dauphin 65, LLC/ Inge and Associates, Inc.

Current Zoning:
B-2, Neighborhood Business Suburban

Future Land Use:
Mixed Commercial Corridor

Case Number(s):
6542

Unified Development Code (UDC) Requirement:

- The UDC does not allow four (4) freestanding sign for a multi-tenant site in a B-2, Neighborhood Business Suburban District.

Board Consideration:

- To allow four (4) freestanding signs for a multi-tenant site in a B-2, Neighborhood Business Suburban District.

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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and multi-family units.

APPLICATION NUMBER 6542 DATE September 11, 2023
APPLICANT Merrill P. Thomas Co, Inc. (Pratt Thomas, Agent)
REQUEST Sign Variance



SITE HISTORY

The site has been the subject of two subdivisions which include: College Park Northwestern Quadrangle Unit Two, recorded in Mobile County Probate Court on November 18, 1971; and College Park Northwestern Quadrangle Unit 2, Resubdivision of Lot 2, recorded in Mobile County Probate Court on June 20, 1995.

There have been no other applications before the Planning Commission or Board of Zoning Adjustment for the site.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following condition met:

1. The sign must be located on private property and NOT within the public ROW.

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) freestanding signs for a multi-tenant site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow four (4) freestanding sign for a multi-tenant site in a B-2, Neighborhood Business Suburban District.

The entire application packet is available via the link on Page 1.

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 an existing multi-tenant office park. The applicant proposes to add one (1) additional freestanding sign, onto the subject site. The proposed sign would be exceed the maximum allowed number of freestanding signs for a development, thus a variance is required to allow such, hence this application.

The subject site has less than 600 linear feet of street frontages, per Article 4, Section 64-4-14.K.(h)(2)b. of the Unified Development Code, only one (1) freestanding sign is allowed.

The site plan submitted indicates that the three (3) existing on-premise freestanding signs are to remain. It should be noted that the existing signs all face Dauphin Street and existed prior to the adoption of the sign regulations in 1992. The proposed monument sign would face Du Rhu Drive, and be compliant with the required 18-inch setback from the right-of-way, as well as size allowances.

VARIANCE CONSIDERATIONS

Standards of Review:

Variations 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:

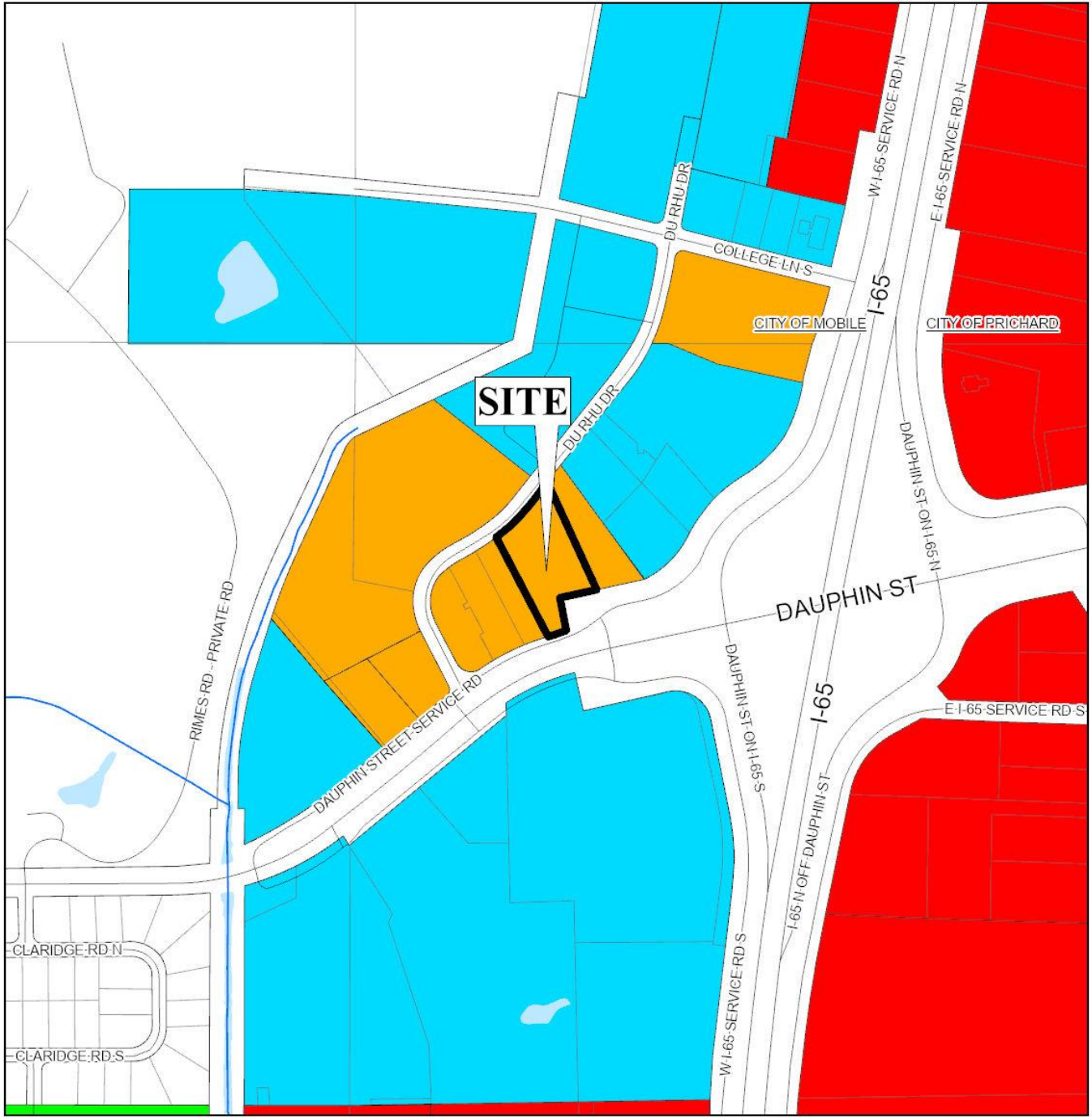
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be presented:

- 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.

If approved, the following conditions should be applied to the approval:

- A. obtaining of the necessary sign permit, with the sign manufacturer's certifications of compliance with the digital sign standards;
- B. obtaining of an electrical permit; and
- C. full compliance with all other municipal codes and ordinances.

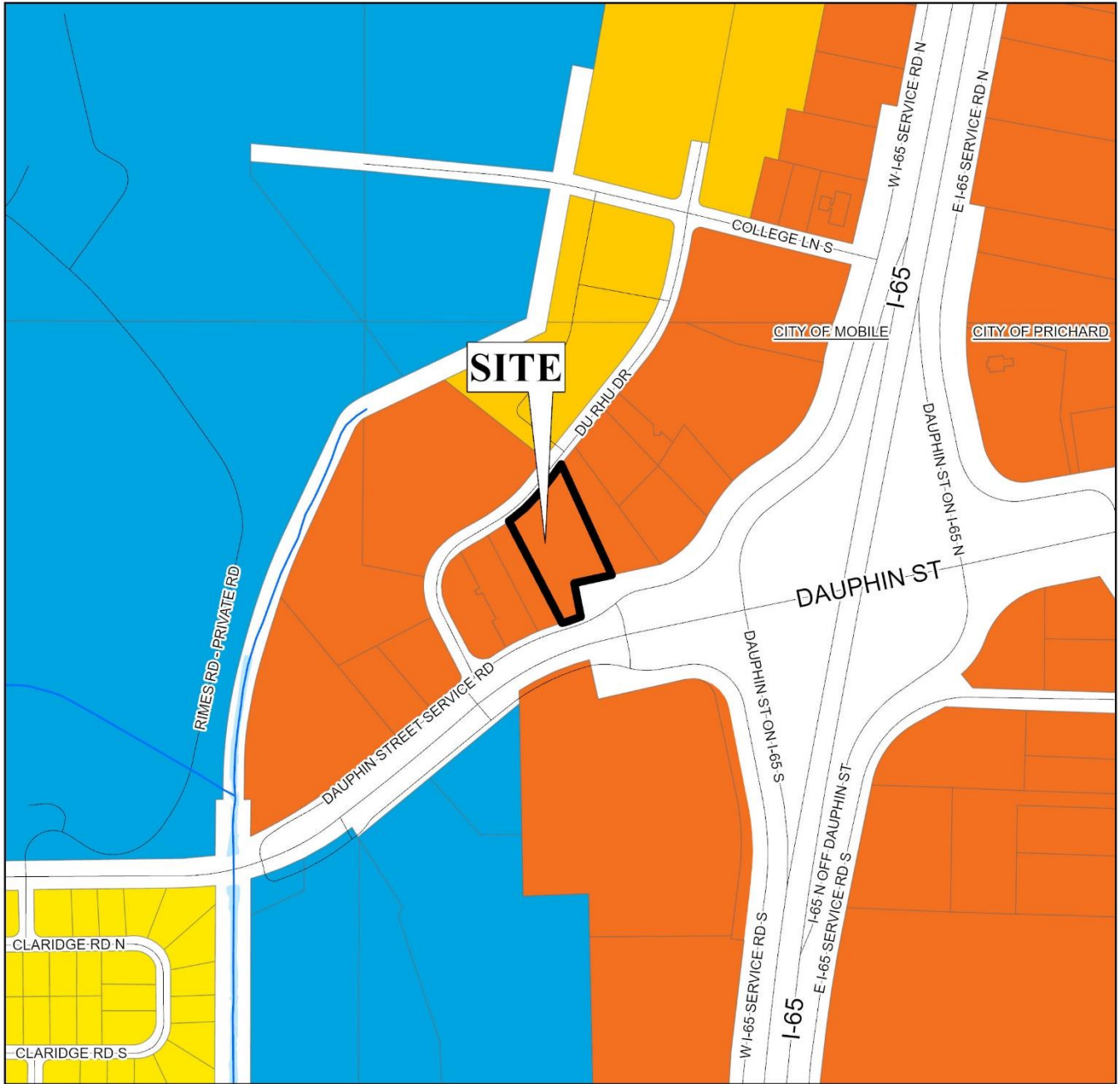
LOCATOR ZONING MAP



APPLICATION NUMBER <u>6542</u>	DATE <u>September 11, 2023</u>
APPLICANT <u>Merrill P. Thomas Co, Inc. (Pratt Thomas, Agent)</u>	
REQUEST <u>Sign Variance</u>	



FLUM LOCATOR MAP



APPLICATION NUMBER 6542 DATE September 11, 2023

APPLICANT Merrill P. Thomas Co, Inc. (Pratt Thomas, Agent)

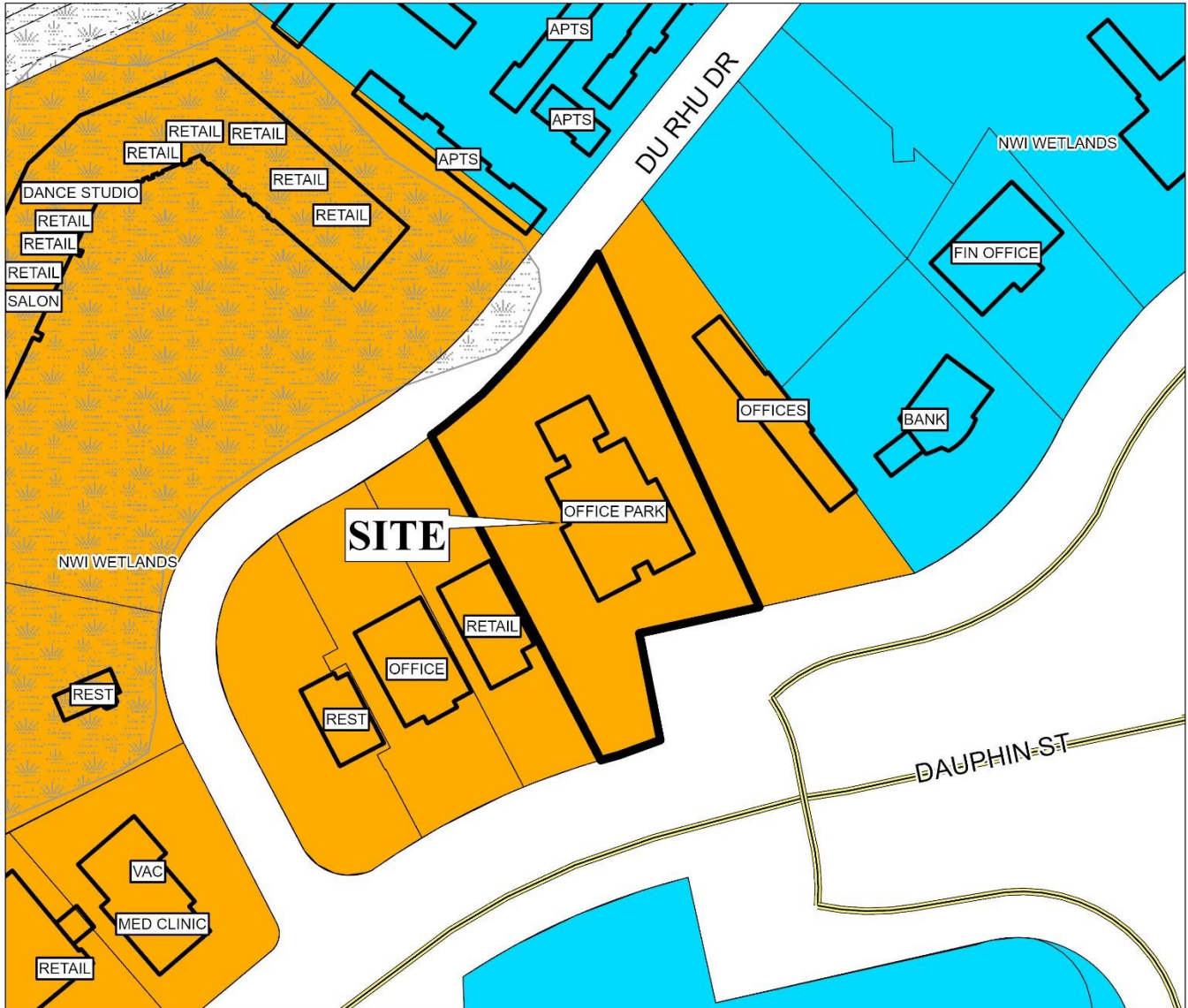
REQUEST Sign Variance

Layer2

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and multi-family units.

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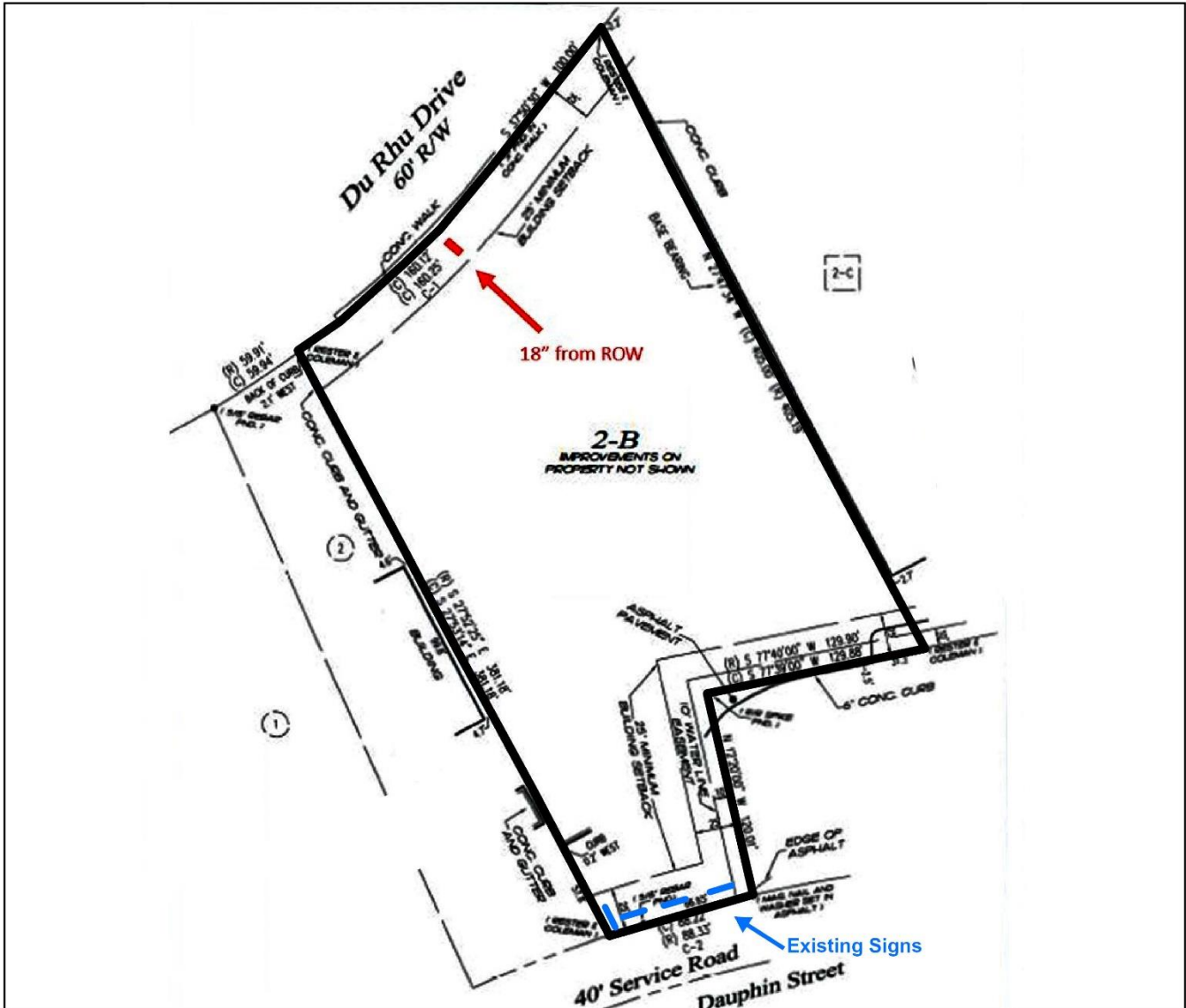
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 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



SITE PLAN



The site plan illustrates the set back lines, existing signs, and the location of the proposed sign.

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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)

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

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.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

