



Agenda Item # 1
BOA-002997-2024

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

DETAILS

Location:
7101 Cottage Hill Road

Applicant / Agent:
Paris Ace Cottage Hill / Carlton Paris, Agent

Property Owner:
Paris Ace Cottage Hill, Inc.

Current Zoning:
B-2, Neighborhood Business Suburban District

Future Land Use:
Mixed Commercial Corridor

Case Number:
6603

Unified Development Code (UDC) Requirement:

- The UDC limits single business sites to a maximum of one (1) freestanding sign in a B-2, Neighborhood Business Suburban District.

Board Consideration:


- To allow two (2) freestanding signs for a single business 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 units.

APPLICATION NUMBER <u>6603</u> DATE <u>August 5, 2024</u>	 NTS
APPLICANT <u>Paris Ace Cottage Hill / Carlton Paris, Agent</u>	
REQUEST <u>Sign Variance</u>	

SITE HISTORY

The subject site was approved as CHS Subdivision, a one (1)-lot subdivision approved by the Planning Commission in March 2003 when the site was in the County, but within the Planning Jurisdiction. It was subsequently developed as a retail pharmacy by County approval.

The site was annexed into the City of Mobile in July 2023, and was subsequently assigned its current B-2, Neighborhood Business Suburban District zoning classification.

The site has never been before the Board of Zoning Adjustment or Planning Commission since annexation.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No traffic impacts anticipated by this variance request.

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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting a Sign Variance to allow two (2) freestanding signs for a single business site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) limits single business sites to a maximum of one (1) freestanding sign in a B-2, Neighborhood Business Suburban District.

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

The purpose of the Sign Regulations 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.

As previously stated, the site was developed as a retail pharmacy when in the County under County approval, including the site signage. The site was developed with the two (2) existing freestanding signs, which were allowed under County standards. When the site was annexed into the City, any signage permitted under the County standards above and beyond the City Sign Regulations became legal nonconforming and could remain or be refaced same size same place. Any modifications or additions to the existing nonconforming signage would require full compliance with the Sign Regulations of the Unified Development Code which allows one (1) freestanding sign and two (2) wall signs, or no freestanding sign and three (3) wall signs for a single-tenant commercial site.

The subject site previously operated as a CVS pharmacy. The applicant now plans to operate the site as an Ace Hardware store. The applicant proposes to remove the two (2) existing CVS Pharmacy wall signs and replace them with Paris Ace Hardware signs. As this is a modification to the existing legal nonconforming signage, full compliance with the Sign Regulations is required for all site signage. The replacement of the two (2) wall signs is allowable as two (2) wall signs are allowed on this single-tenant site. However, the signage compliance requirement impacts the allowance of both of the existing freestanding signs to remain as only one (1) would now be allowed.

The site plan indicates that one (1) of the freestanding signs is located at the North end of the site near the intersection of Cottage Hill Road and Sollie Road, and the other is located at the Sollie Road entrance at the Southeast corner of the site. The applicant proposes to reface both signs with the Ace Hardware logo. However, as only one (1) freestanding sign would be allowed, a Sign Variance is required to allow both signs to remain. No increase in size is proposed for the freestanding signs.

The applicant requests that the sign located at the Sollie Road entrance be allowed to remain. The applicant cites the cost associated with removing the entire pylon sign as being prohibitive. However, the Board cannot consider financial factors as hardships for approving variances. The applicant does note site visibility and accessibility associated with the signs as justification for the variance request, which can be considered by the Board.

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:

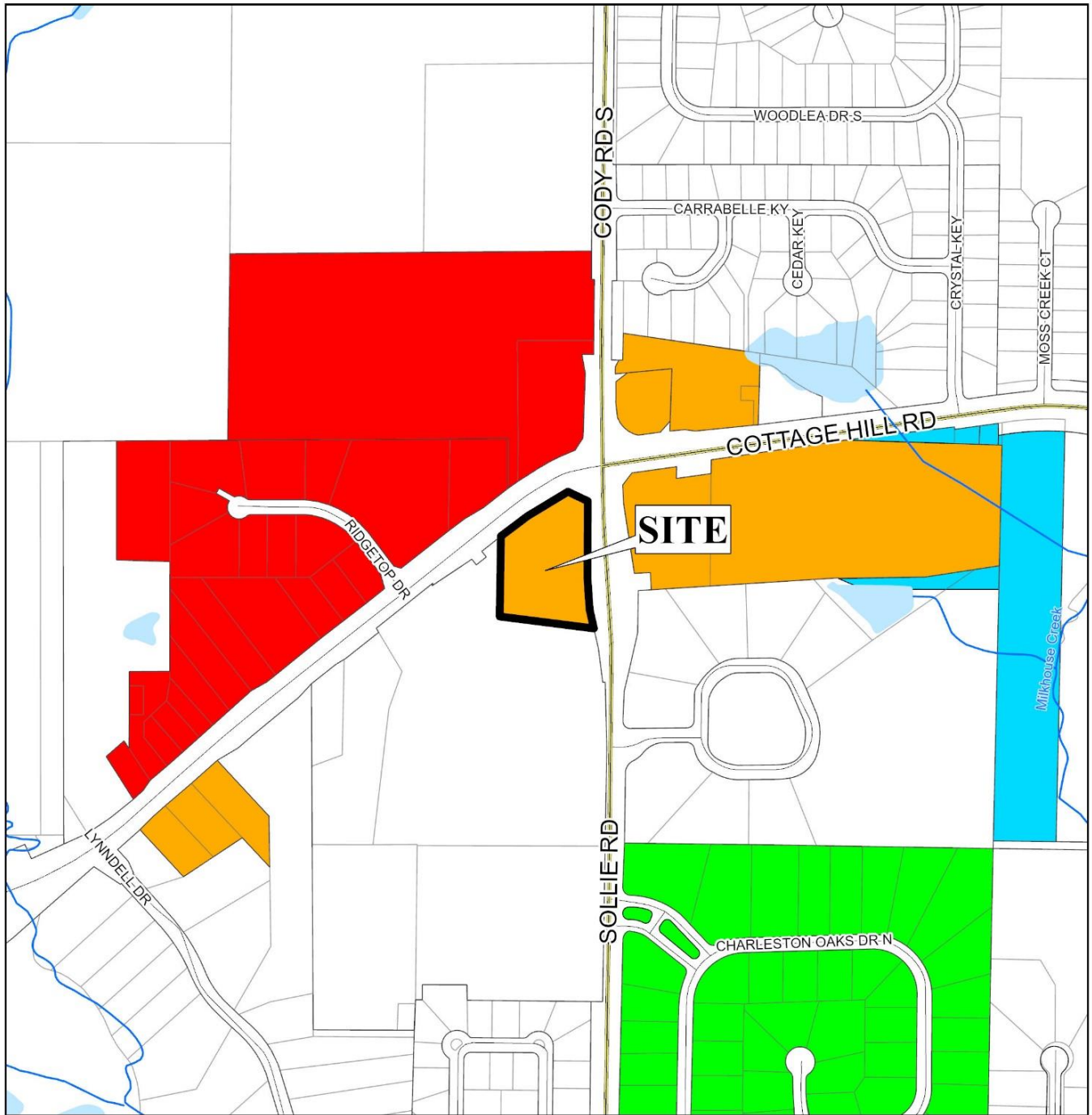
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

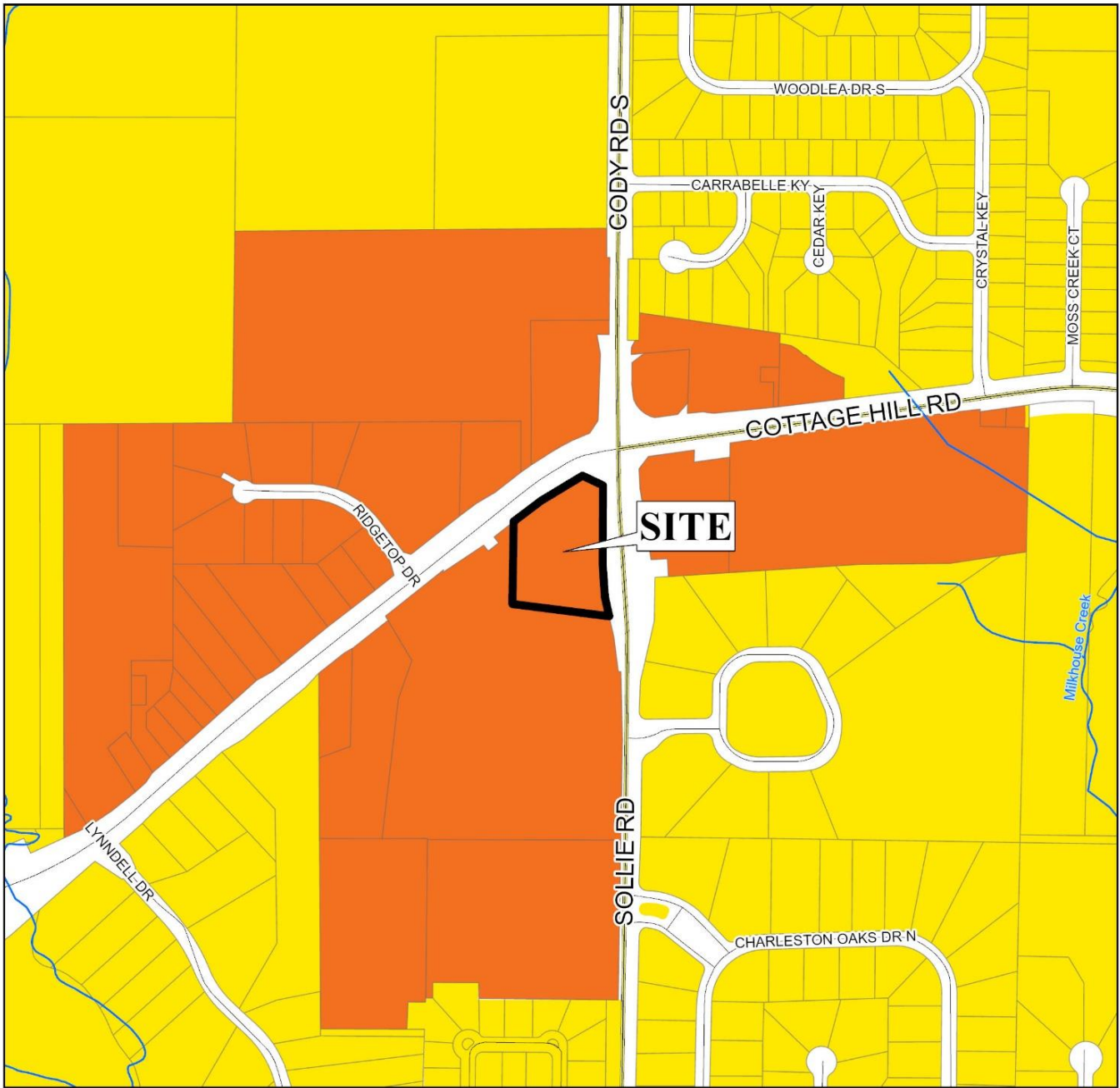
LOCATOR ZONING MAP



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APPLICANT Paris Ace Cottage Hill / Carlton Paris, Agent
REQUEST Sign Variance



FLUM LOCATOR MAP

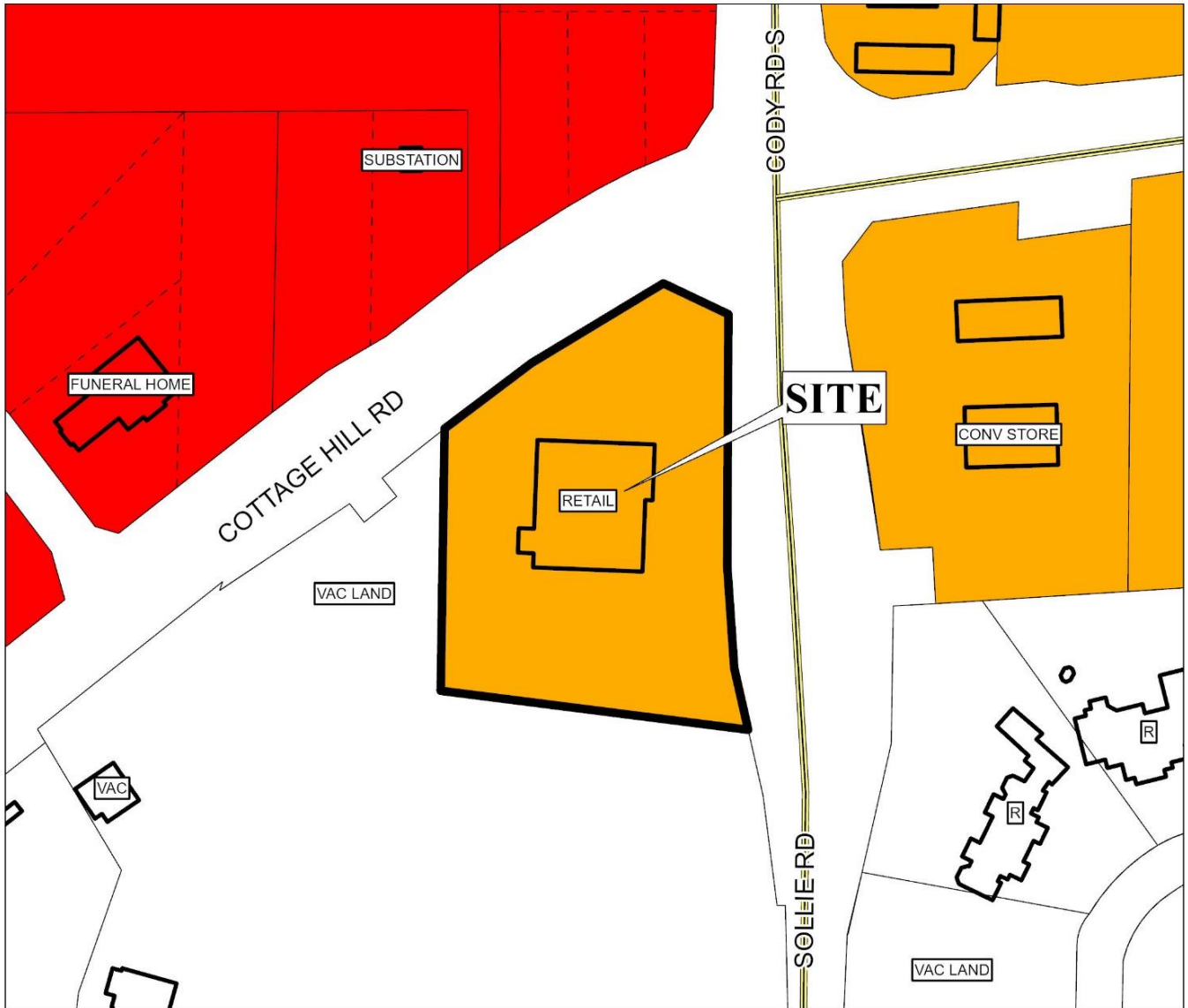


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<ul style="list-style-type: none"> Low Density Residential Mixed Density Residential Downtown District Center 	<ul style="list-style-type: none"> Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial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



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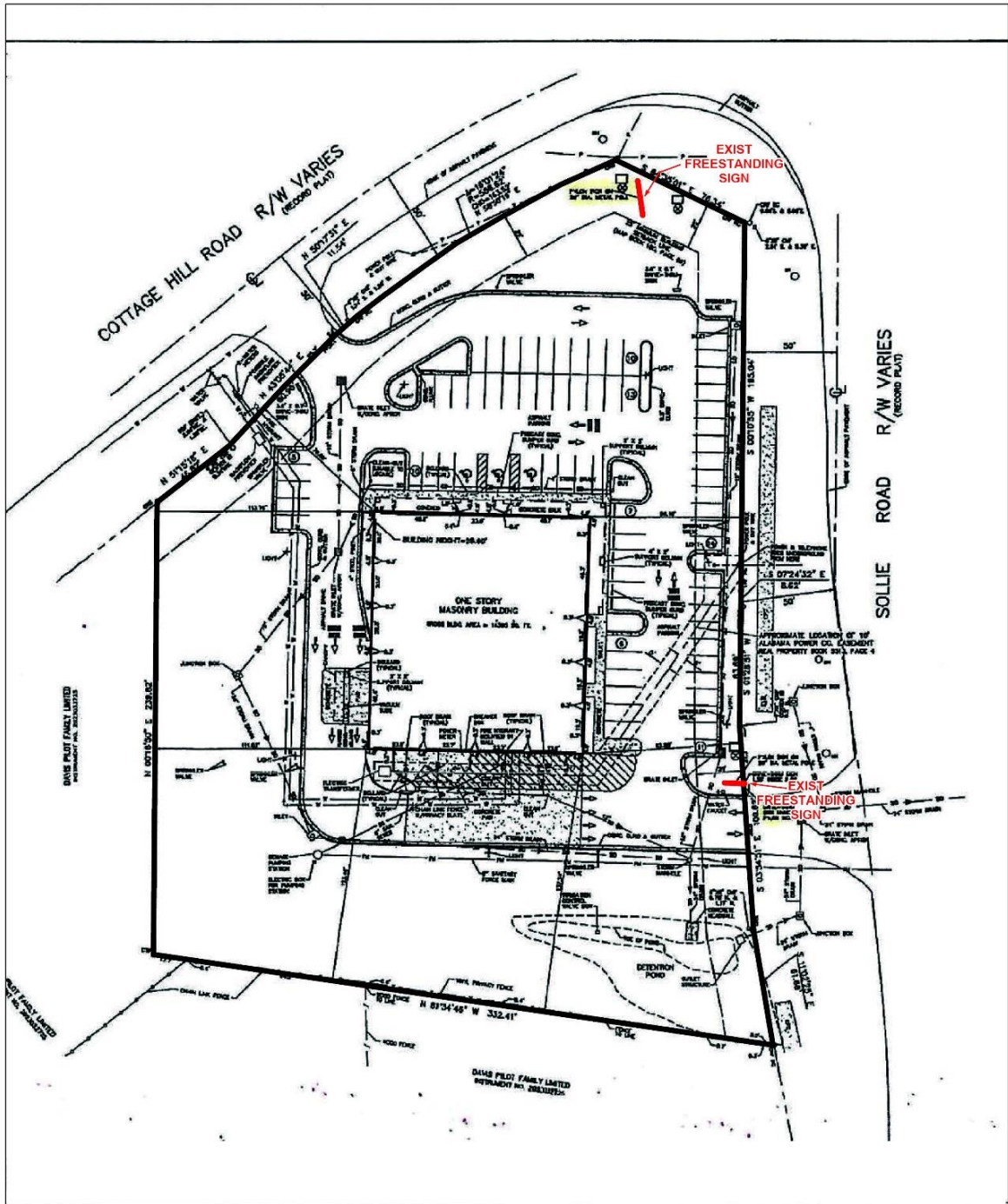
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

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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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 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 existing building, parking, and existing freestanding signs.

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DETAIL SITE PLAN

FACE REPLACEMENT
OPTION-1.0

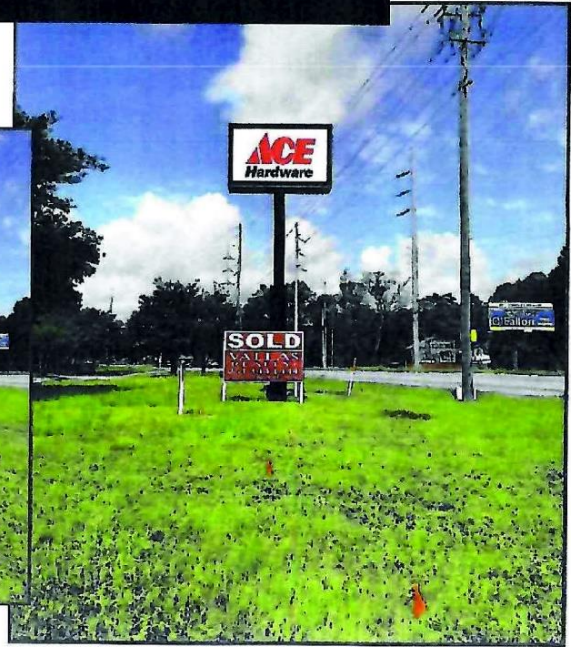
Visible Opening
10'-3 1/2"

Visible Opening
6'-0 1/2"

Approx. 6"
Retainers
Existing

ACE

Hardware



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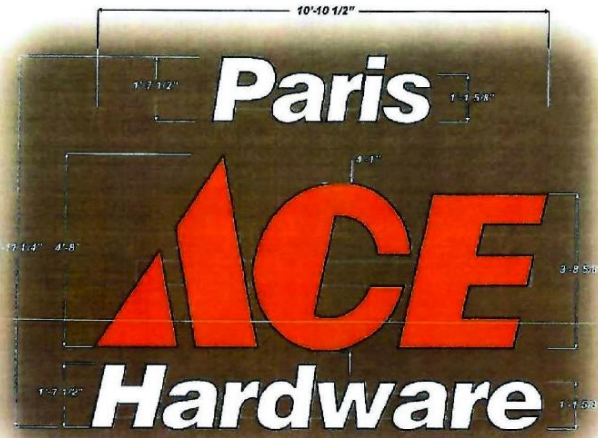
REQUEST Sign Variance



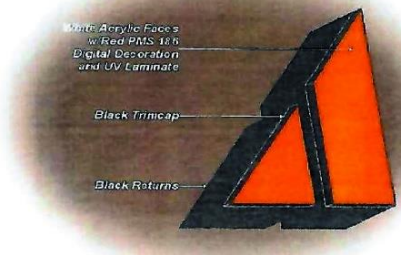
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DETAIL SITE PLAN

Lighted Channel Letters - OPTION - 2.0
EAST ELEVATION



Detail



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DETAIL SITE PLAN

Lighted Channel Letters OPTION - 2.0
NORTH ELEVATION

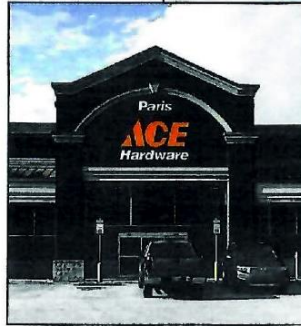
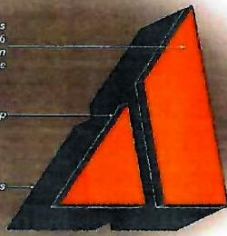


Detail

White Acrylic Faces
w/ Red PMS 186
Digital Decoration
and UV Laminate

Black Trimcap

Black Returns



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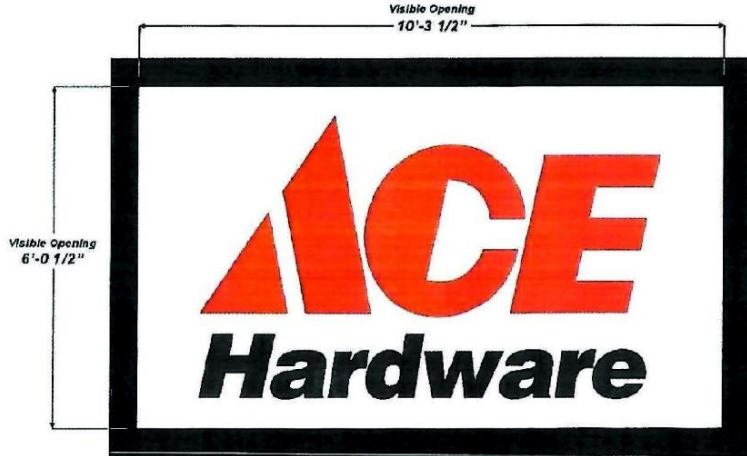
REQUEST Sign Variance



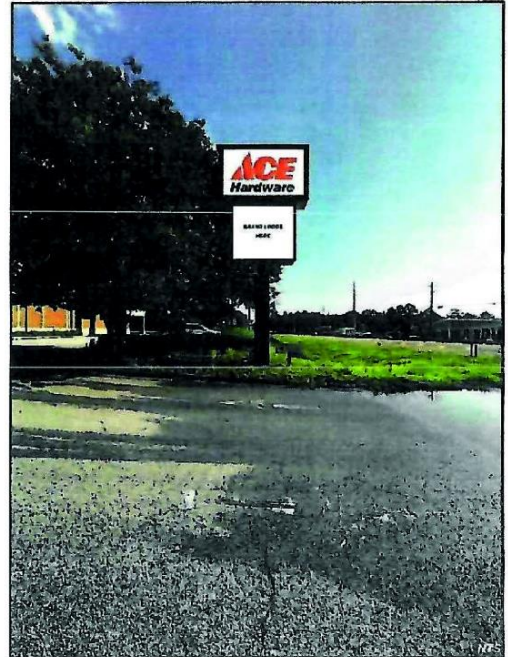
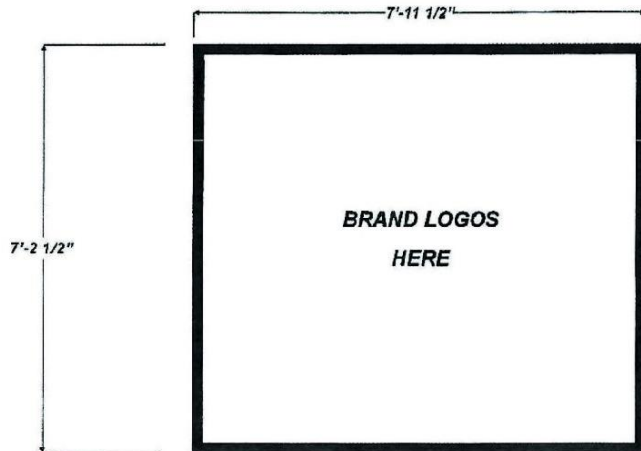
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DETAIL SITE PLAN

Face Replacement OPTION - 1.0



Approx. 6"
Retainers
Existing



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REQUEST Sign Variance



NTS

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.