



Agenda Item # 2

BOA-002983-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

263 and 267 Dauphin Street

Applicant / Agent (as applicable):

Box Owt LLC

Property Owner:

Box Owt LLC

Current Zoning:

T-5.2

Future Land Use:

Downtown

Case Number:

6598/6510

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow internally illuminated signs in a T-5.2 sub-district of the Downtown Development District.

Board Consideration:

- Sign Variance to allow six (6) double-sided internally illuminated projecting signs each 24-inches in diameter in a T-5.2 sub-district of the Downtown Development District


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>6598</u> DATE <u>July 8, 2024</u>	 NTS
APPLICANT <u>Box Owt, LLC</u>	
REQUEST <u>Sign Variance</u>	

SITE HISTORY

The site has previously received approvals from both the Planning Commission and the Board of Adjustment.

At its September 2, 2021 meeting, the Planning Commission approved a request for Planning Approval to allow a food service establishment with a maximum occupant load of 546 people for 263, 265 and 267 Dauphin Street.

At its April 3, 2023 meeting, the Board of Adjustment approved variances for 1) security bars/fence/gate and 2) pedestrian forecourt frontage type, and gave the applicant one (1) year to complete all phases and bring all other items into compliance.

The approvals granted by the Board at its April 3, 2023 meeting have expired due to the remainder of the project not being completed within the one-year period. A new variance application has been submitted to address the expired issues.

The site has not been the subject of any prior requests for sign variances.

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 six (6) double-sided internally illuminated projecting signs each 24-inches in diameter in a T-5.2 sub-district of the Downtown Development District.

All documentation submitted for this application is available via the hyperlink, on page 1.

As stated previously, the Board approved at its April 3, 2023 meeting, variances for security bars/fence/gate and Pedestrian Forecourt frontage type, with all other work for compliance to be completed within one (1) year. The applicant has a separate application to address these expired façade-related items. The subject application is to consider some of the signs that have been installed without permits, Consolidated Review Committee (CRC) review, or Architectural Review Board (ARB) review.

The applicant has been made aware that an additional application to the Consolidated Review Committee (CRC) is required to address signage, but has submitted an incomplete application. Staff is waiting for additional information, including information about signage.

As the site is located in the Lower Dauphin Street Historic District, the site is required to obtain approvals from the Architectural Review Board (ARB) for any visible exterior construction or improvements. The applicant has not submitted a new ARB application at the time of this report writing.

Regarding the specific issues, Section 11.A.4. of the Downtown Development District (DDD) sign regulations states:

“Signage, if illuminated, shall be illuminated externally. Neon and back-lit, reverse channel signs are allowed. Internally-illuminated letters are not allowed.”

The applicant has installed six (6) internally illuminated signs, with one (1) being located on each of the “pods”.

The applicant submitted site plans showing two (2) development phases. The site is currently developed with the first phase, but this application does not specify how much time is needed for the site to have the second phase completed. The building elevations of the second phase depict one (1) proposed wall sign on the Phase 2 structure at 263 Dauphin Street that may or may not comply with the DDD requirements, and does not depict any of the internally illuminated signs that are the subject of this variance request.

It should be noted that a non-illuminated wall sign currently installed on the structure located at 267 Dauphin Street is not included with this sign variance application. A Municipal Offense Ticket was issued for this sign, as it was installed without permits and was creating a potential safety hazard for pedestrians. Staff lacks sufficient information to determine if a variance is required for this sign.

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:

The applicant has requested the following variance:

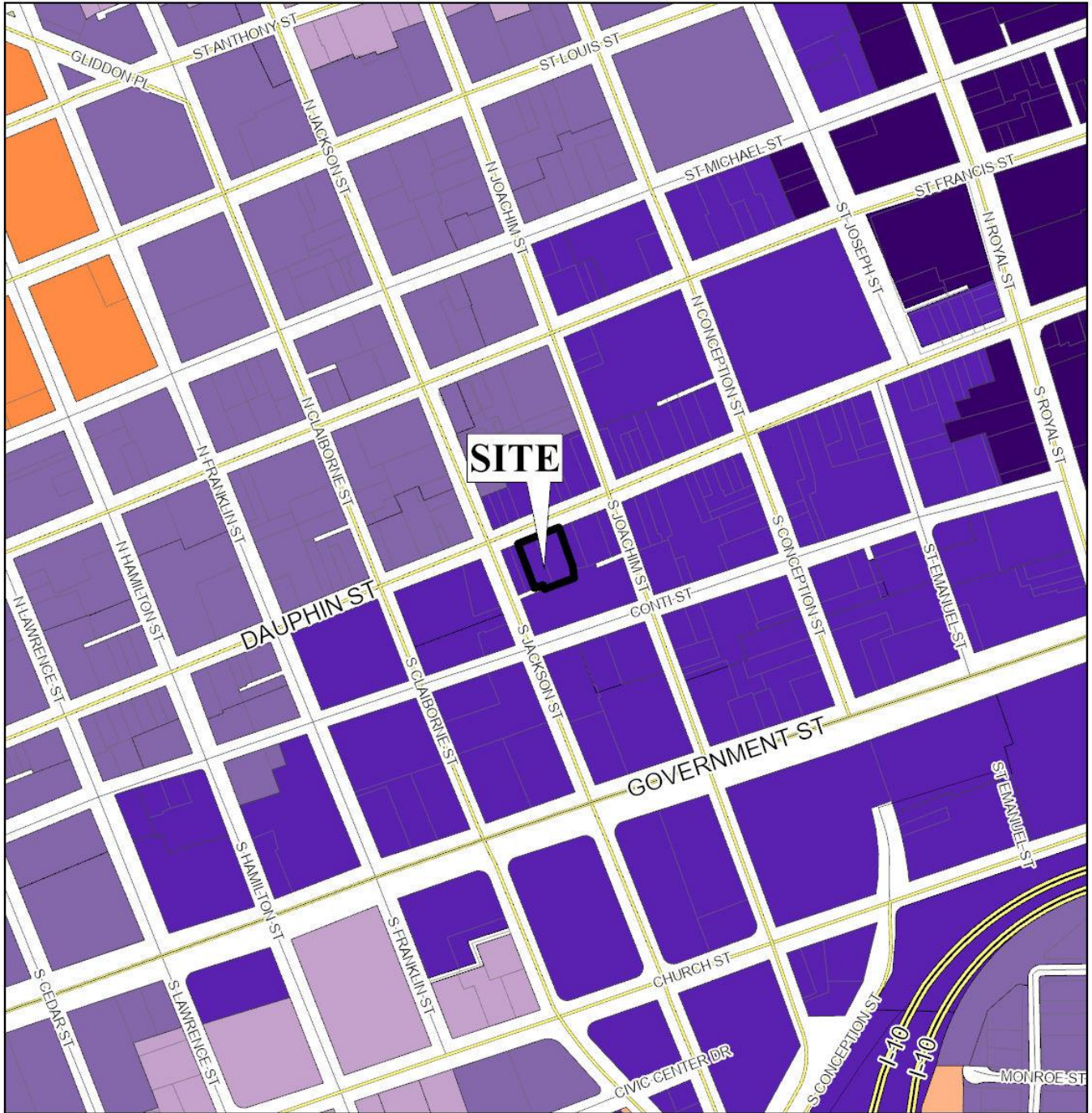
- a) Variance from Appendix A, Section 11.A.4., to allow six (6) internally illuminated signs.

Based on the requested Variance, the Board should consider the following findings of fact for approval or denial of the request:

- A. The variance **will not** be contrary to the public interest;
- B. Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C. The spirit of the chapter **shall be** observed and substantial justice **done** to the applicant and the surrounding neighborhood by granting the variance.

Should the Board consider approving the variance request, it is recommended that approval conditions include requirements for review by the Architectural Review Board and associated sign and electrical permits.

LOCATOR ZONING MAP



APPLICATION NUMBER 6598 DATE July 8, 2024

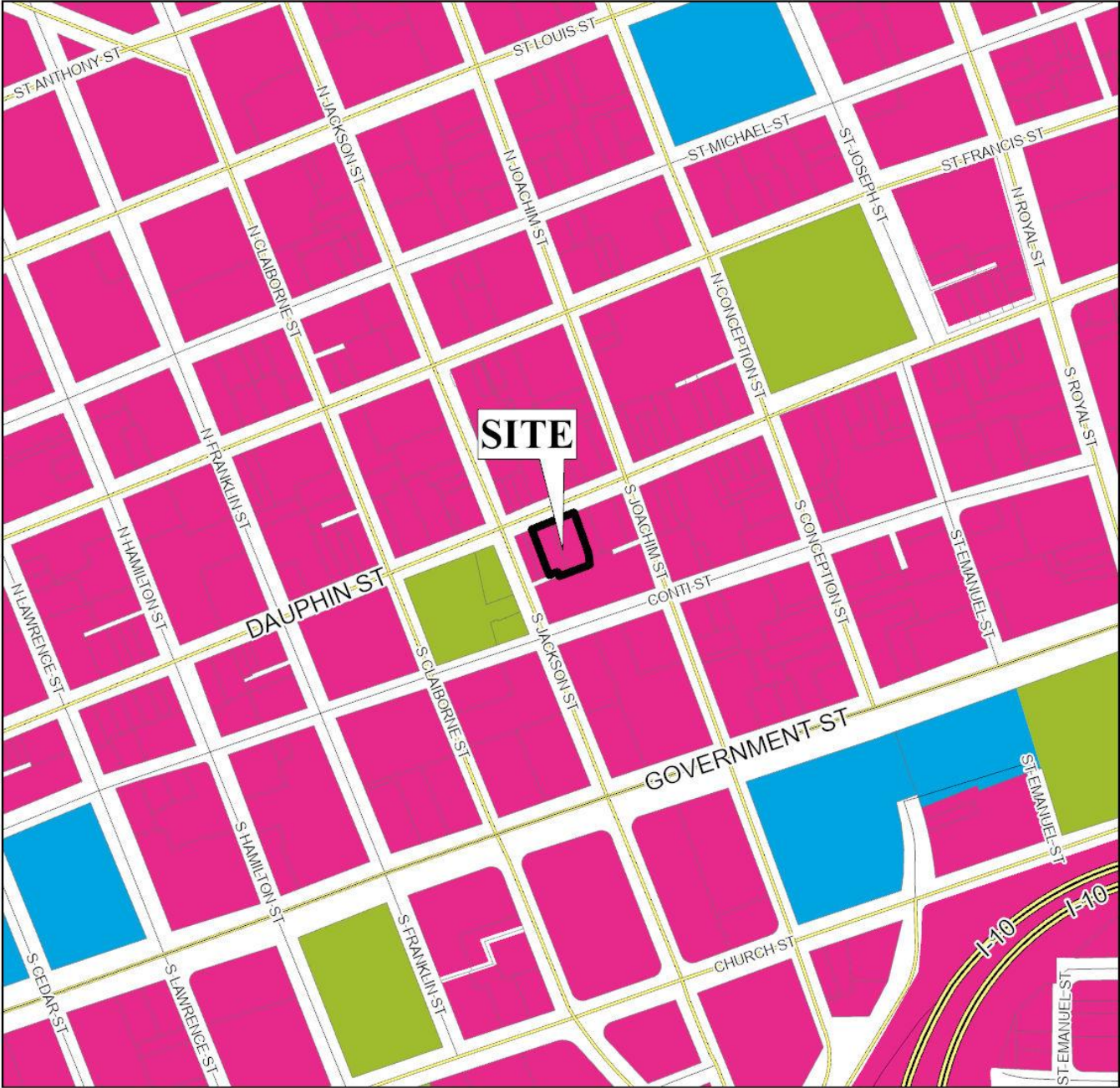
APPLICANT Box Owt, LLC

REQUEST Sign Variance



NTS

FLUM LOCATOR MAP



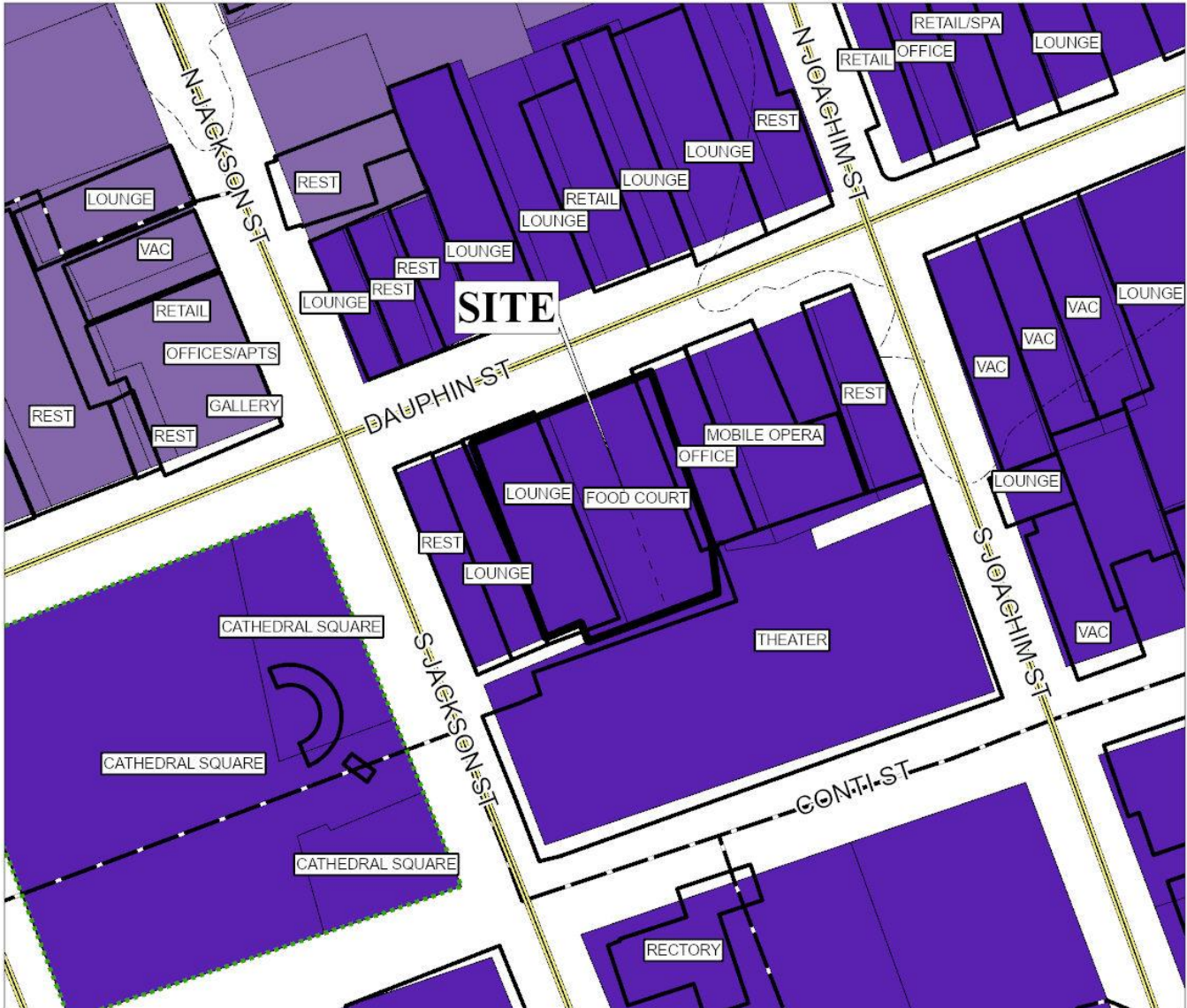
APPLICATION NUMBER	6598	DATE	July 8, 2024
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- | | | | |
|---|--|---|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

APPLICATION NUMBER	6598	DATE	July 8, 2024																															
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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-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																										

DETAIL SITE PLAN



APPLICATION NUMBER 6598 DATE July 8, 2024

APPLICANT Box Owt, LLC

REQUEST Sign Variance



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6598 DATE July 8, 2024

APPLICANT Box Owt, LLC

REQUEST Sign Variance



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DETAIL SITE PLAN



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REQUEST Sign Variance



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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)



DOWNTOWN (DT)

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

As a land use district, Downtown 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 du/ac); 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.