



**Agenda Item # 3**  
**BOA-002947-2024**

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

[Applicant Materials for Consideration](#)

**DETAILS**

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**Location:**

2915 Dauphin Island Parkway

**Applicant / Agent (as applicable):**

Shova Realty Investments, LLC

**Property Owner:**

Shova Realty Investments, LLC

**Current Zoning:**

B-2, Neighborhood Business Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number(s):**

6595/1199/1033

**Unified Development Code (UDC) Requirement:**

- The UDC does not allow a digital pricing sign within 300-feet of residentially zoned property in a B-2, Neighborhood Business Suburban District.

**Board Consideration:**

- To allow a digital pricing sign within 300-feet of residentially zoned property 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 to the west and south, and residential units to the east.

APPLICATION NUMBER <u>6595</u> DATE <u>July 8, 2024</u>	 NTS
APPLICANT <u>Shova Realty Investments, LLC</u>	
REQUEST <u>Sign Variance</u>	

## SITE HISTORY

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The subject site was granted a Use Variance in 1959 to permit the construction of a garage.

In 1960 the site was granted another Use Variance to permit the use of an existing restaurant as an auto repair shop.

The site was assigned an R-A, Residential-Agricultural District zoning classification with the adoption of the 1967 Zoning Ordinance. At some time later, it was reclassified as R-1, Single-Family Residential District.

In 1987, the site was rezoned from R-1 to B-2, Neighborhood Business District, and a Planning Approval was granted to allow a self-service car wash.

## STAFF COMMENTS

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### **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 a digital pricing sign within 300-feet of residentially zoned property for a commercial site in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow digital pricing signs within 300-feet of residentially zoned property for a commercial 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 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.

The subject site has an existing convenience store with gasoline sales. The applicant proposes to replace the existing two-pole freestanding pricing sign with a single-pole digital pricing sign. As the proposed sign would be within 300-feet of residentially zoned property to the North and East of the site, a variance is required to allow such, hence this application.

The applicant states that the subject site will be upgraded to a Texaco gas station and that digital pricing signs are essential to be competitive in the fuel industry. It is also stated that the new sign will allow customers to clearly view the prices.

The site plan submitted indicates that the proposed sign would be compliant with the required 18-inch setback from the right-of-way, as well as size allowances.

In previous cases before the Board, where digital gasoline pricing signs were proposed within 300-feet of residentially zoned property, the Board has been sympathetic to the applicant's request to allow such, primarily due to the fact that digital pricing signs have low levels of light emission, and such signage is necessary to allow an applicant a fair opportunity to advertise prices within a competitive market.

## VARIANCE CONSIDERATIONS

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### 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:

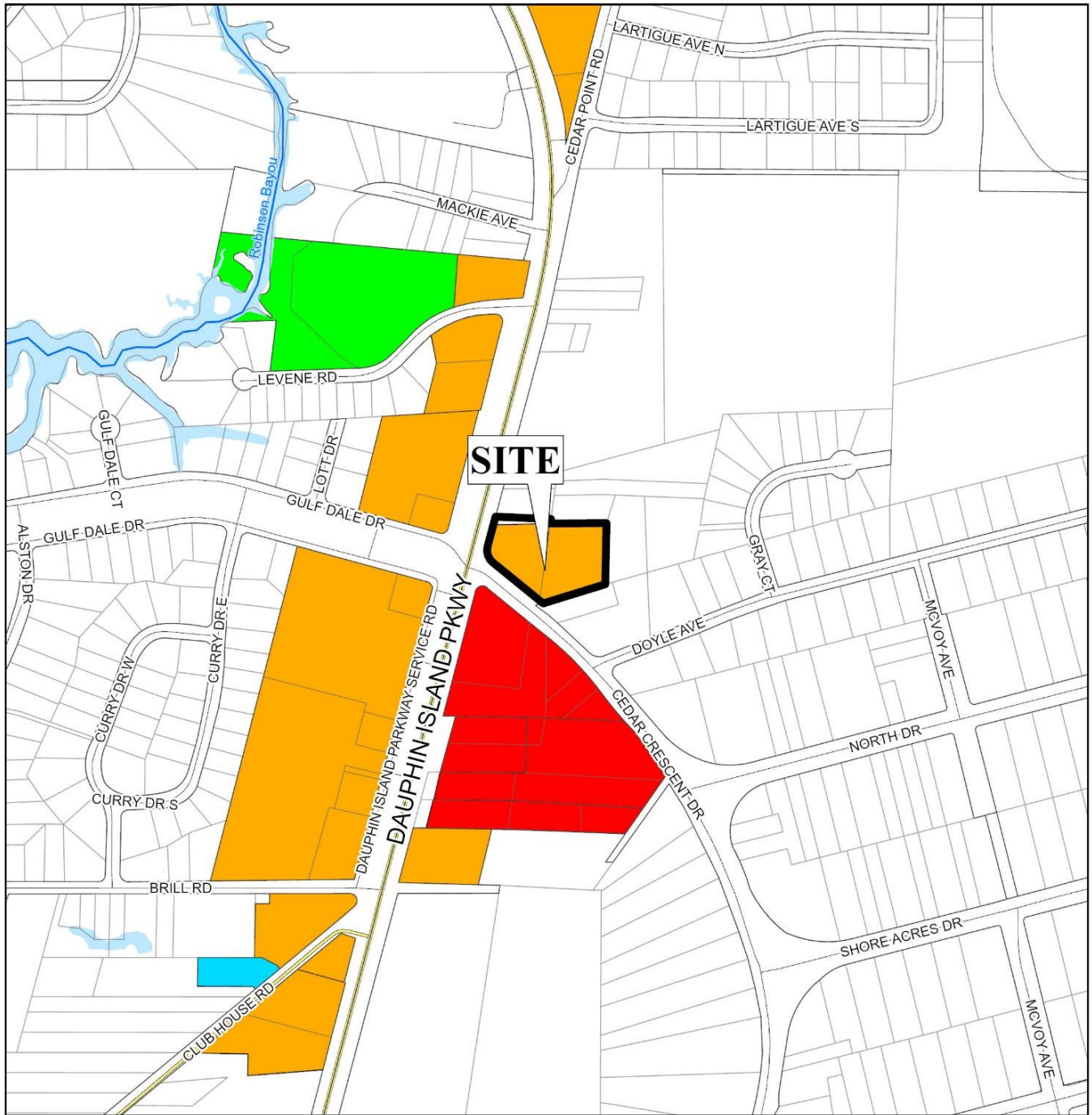
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

## Considerations:

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

- 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.

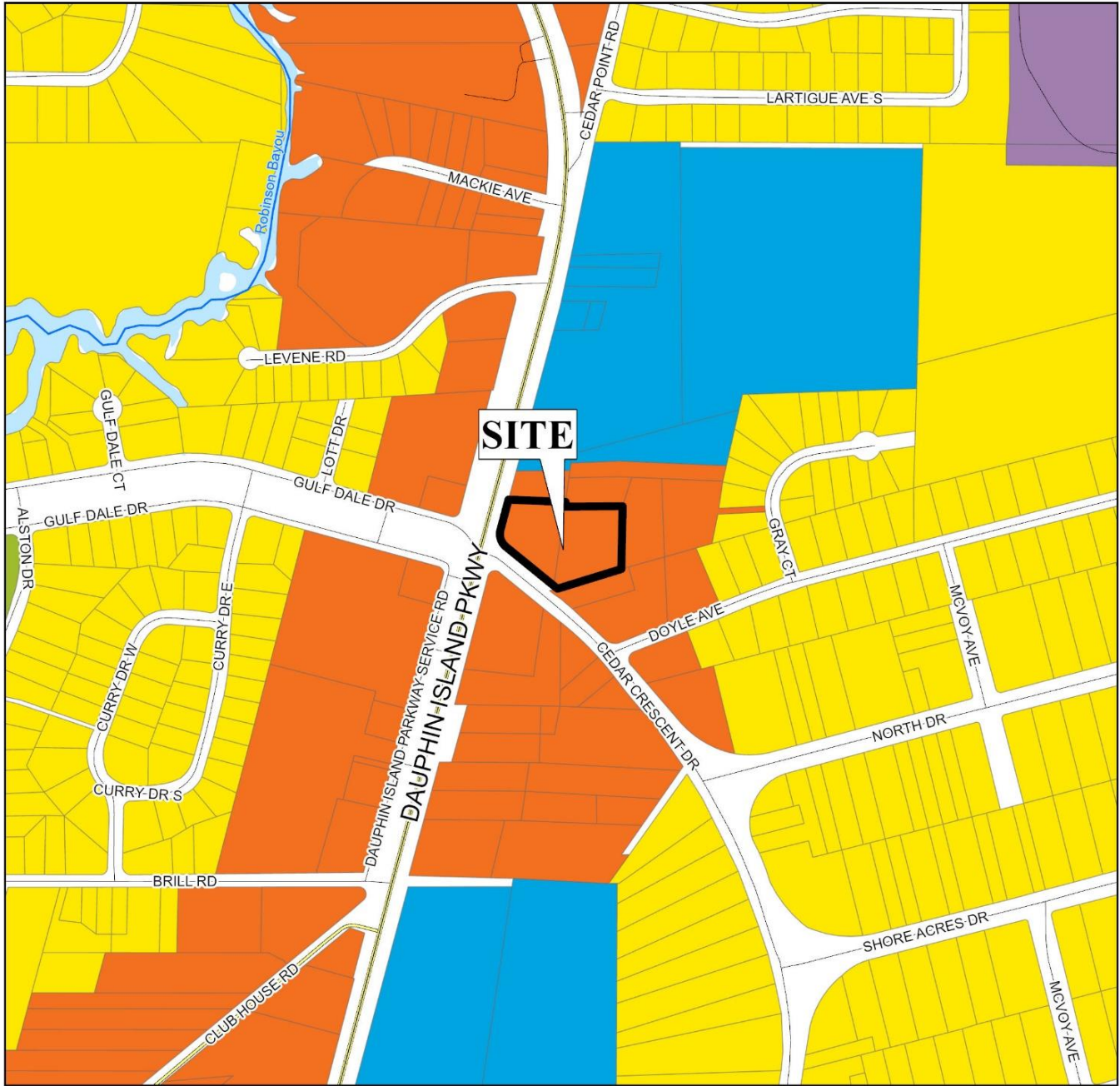
# LOCATOR ZONING MAP



APPLICATION NUMBER	6595	DATE	July 8, 2024
APPLICANT	Shova Realty Investments, LLC		
REQUEST	Sign Variance		



# FLUM LOCATOR MAP



APPLICATION NUMBER 6595 DATE July 8, 2024

APPLICANT Shova Realty Investments, LLC

REQUEST Sign Variance

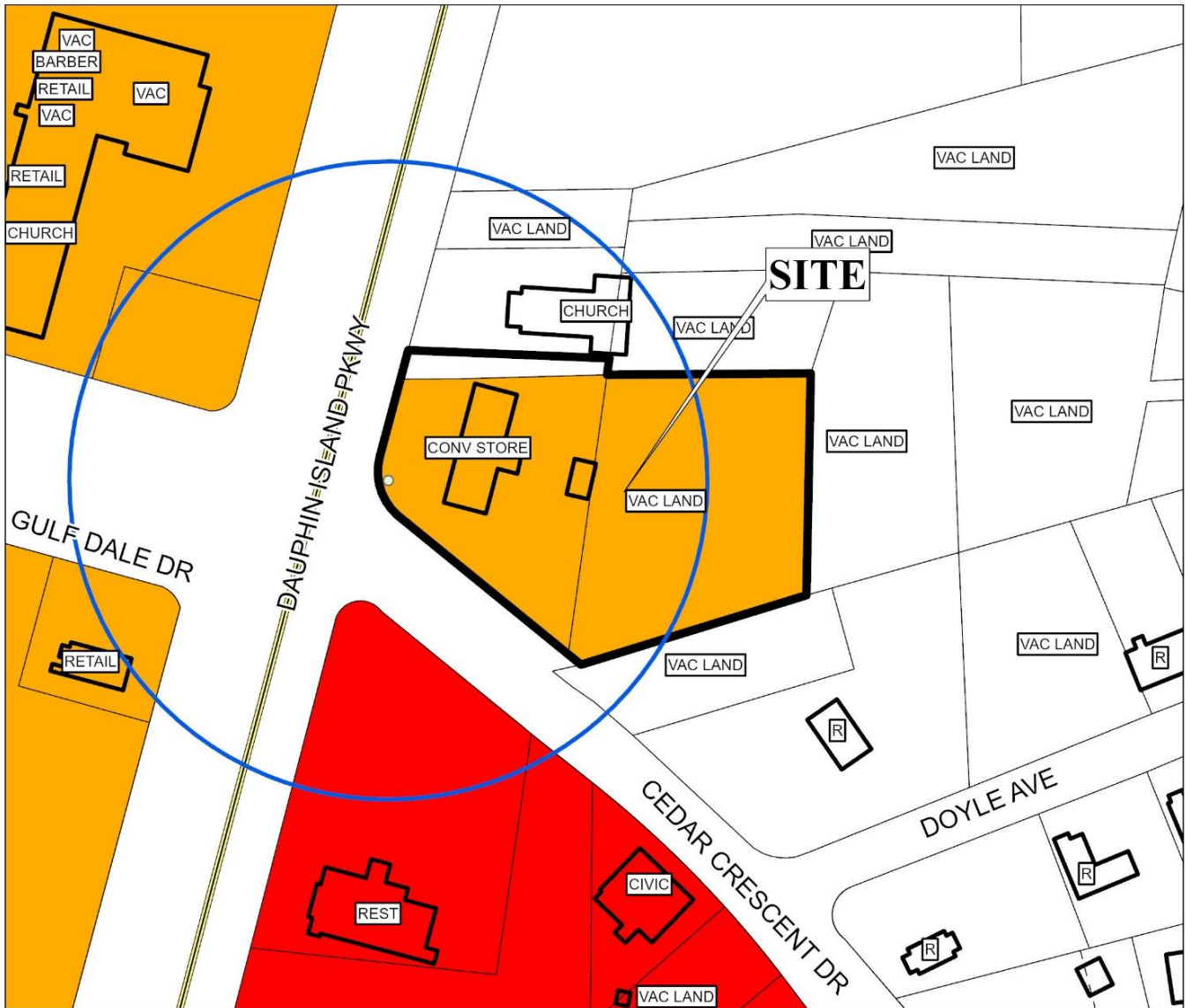
- |   |  |   |  |
|---|--|---|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: orange;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban     | <span style="color: lightpurple;">■</span> Light Industry | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor          | <span style="color: purple;">■</span> Heavy Industry      |  |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: cyan;">■</span> Institutional         |  |



NTS



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west and south, and residential units to the east.

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APPLICANT Shova Realty Investments, LLC

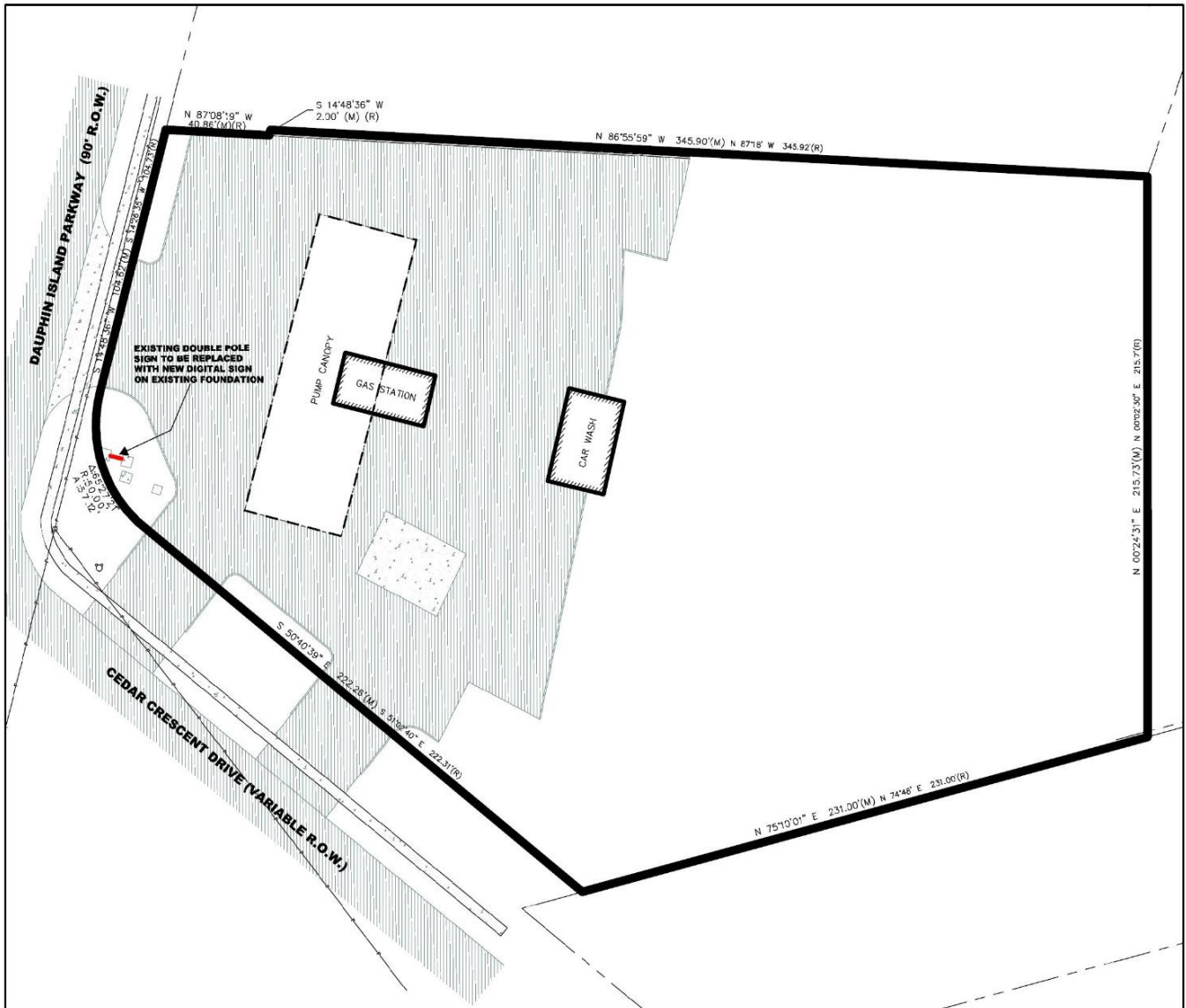
REQUEST Sign Variance

<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 10px; background-color: #00FF00; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #00FFFF; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> ML	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D3D3D3; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #C8E6C9; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFC0CB; border: 1px solid black;"></span> T-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #483D8B; border: 1px solid black;"></span> T-5.2
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFFFF; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF69B4; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #D2B48C; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #A0522D; border: 1px solid black;"></span> CW	<span style="display: inline-block; width: 15px; height: 10px; background-color: #008080; border: 1px solid black;"></span> MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #32CD32; border: 1px solid black;"></span> PD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black;"></span> T-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #4B0082; border: 1px solid black;"></span> T-6
<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFDAB9; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8A2BE2; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #87CEEB; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: #9370DB; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: #FF8C00; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: #6A5ACD; border: 1px solid black;"></span> T-5.1	





# SITE PLAN

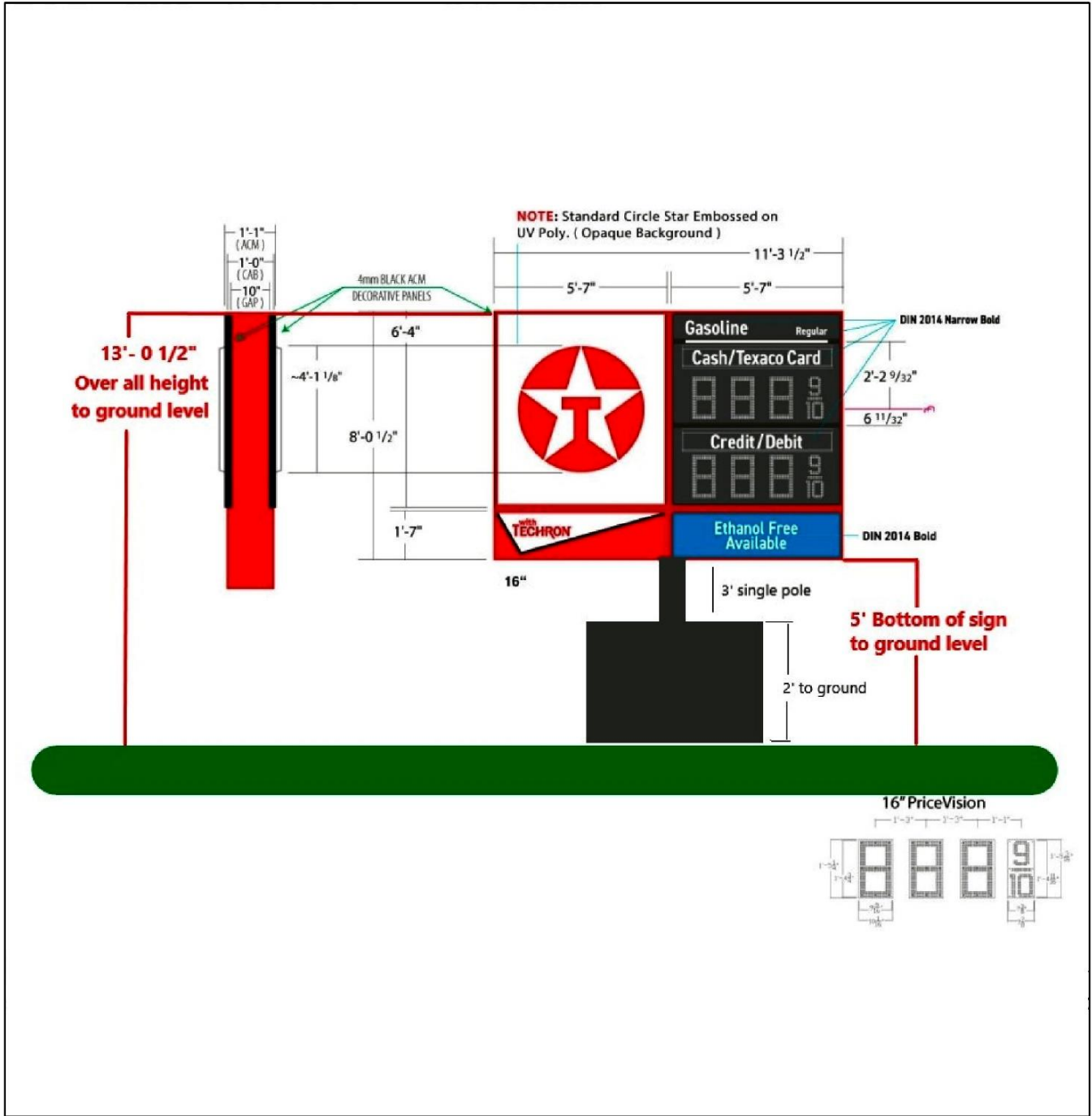


The site plan illustrates the existing gas station, car wash, and location for the proposed digital sign.

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# DETAIL SITE PLAN



APPLICATION NUMBER 6595 DATE July 8, 2024

APPLICANT Shova Realty Investments, LLC

REQUEST Sign Variance



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.