



Agenda Item # 5

BOA-003003-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

985 Schillinger Road South

Applicant / Agent:

Texas Republic Signs / Michael B. Everett

Property Owner:

HITTSCH LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Number(s):

6609

Unified Development Code (UDC) Requirement:

- The UDC limits single-business sites to a maximum of two (2) wall signs and one (1) freestanding sign in a B-3, Community Business Suburban District.

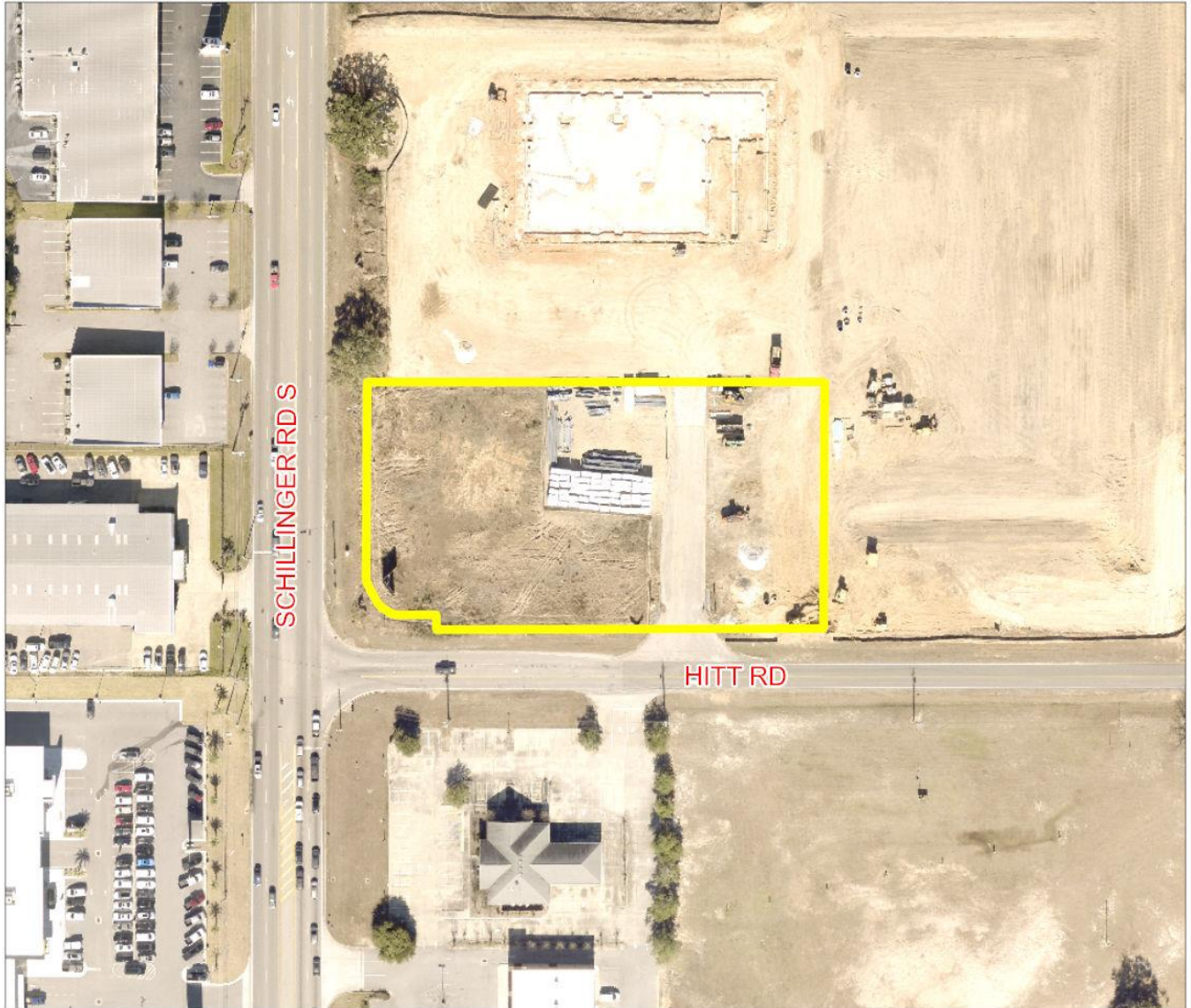
Board Consideration:

- To allow four (4) wall signs and one (1) freestanding sign for a single-business site in a B-3, Community Business Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6609	DATE	September 9, 2024
APPLICANT	Texas Republic Signs / Michael B. Everett		
REQUEST	Sign Variance		



SITE HISTORY

The subject site was annexed into the City in September 2007 and subsequently assigned a B-3, Community Business District classification.

In December 2017, the site was recorded as a portion of Lot 3 of Brewer Center Subdivision, a four (4)-lot subdivision with an associated Planned Unit Development (PUD) to allow shared access between multiple lots to accommodate a proposed 172-unit apartment complex and a mixed-use commercial development.

In July 2018, the site was included in an Off-Premise Sign Variance to allow an off-premise monument sign for the apartment complex proposed in the 2017 PUD, although the proposed sign was not actually to be on the current subject site.

In July 2021 the site was approved as Lot 3C of Brewer Center Subdivision, Resubdivision of Lot 3, a three (3)-lot subdivision, with an associated PUD to amend the previously approved PUD to allow shared access between multiple building sites.

In June 2022, the site was again approved as Lot 3C of Brewer Center Subdivision, Resubdivision of Lot 3, a three (3)-lot subdivision, with an associated PUD to amend the previously approved PUD to allow shared access between multiple building sites.

In July 2023, the B-3 classification was amended to Community Business Suburban District with the adoption of the Unified Development Code (UDC).

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 four (4) wall signs and one (1) freestanding sign for a single-business site in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits single-business sites to a maximum of two (2) wall signs and one (1) freestanding sign in a B-3, Community 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.

The subject site is a single-tenant site at a public street corner and was recently developed as a Cefco convenience store with gasoline sales. Two (2) wall signs and one (1) freestanding sign were installed on the site, albeit without sign permits. The applicant proposes two (2) more wall signs, one on each street-facing façade. The total signage would exceed the allowable limits of Section 6-4-14 of the UDC; hence this application.

The site plan depicts the proposed signage package with one (1) existing freestanding sign and one (1) existing wall sign on each street-facing façade, and the one (1) proposed additional wall sign on each street-facing façade.

The applicant states that the site is not having the volume of business which their similar sites have due to a lack of signage, and the fact that this is a corner site should allow for two (2) additional wall signs.

If the Board should approve this request, it should be subject to the applicant obtaining after-the-fact sign permits for the existing signage, as well as sign permits for the proposed additional signage.

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:

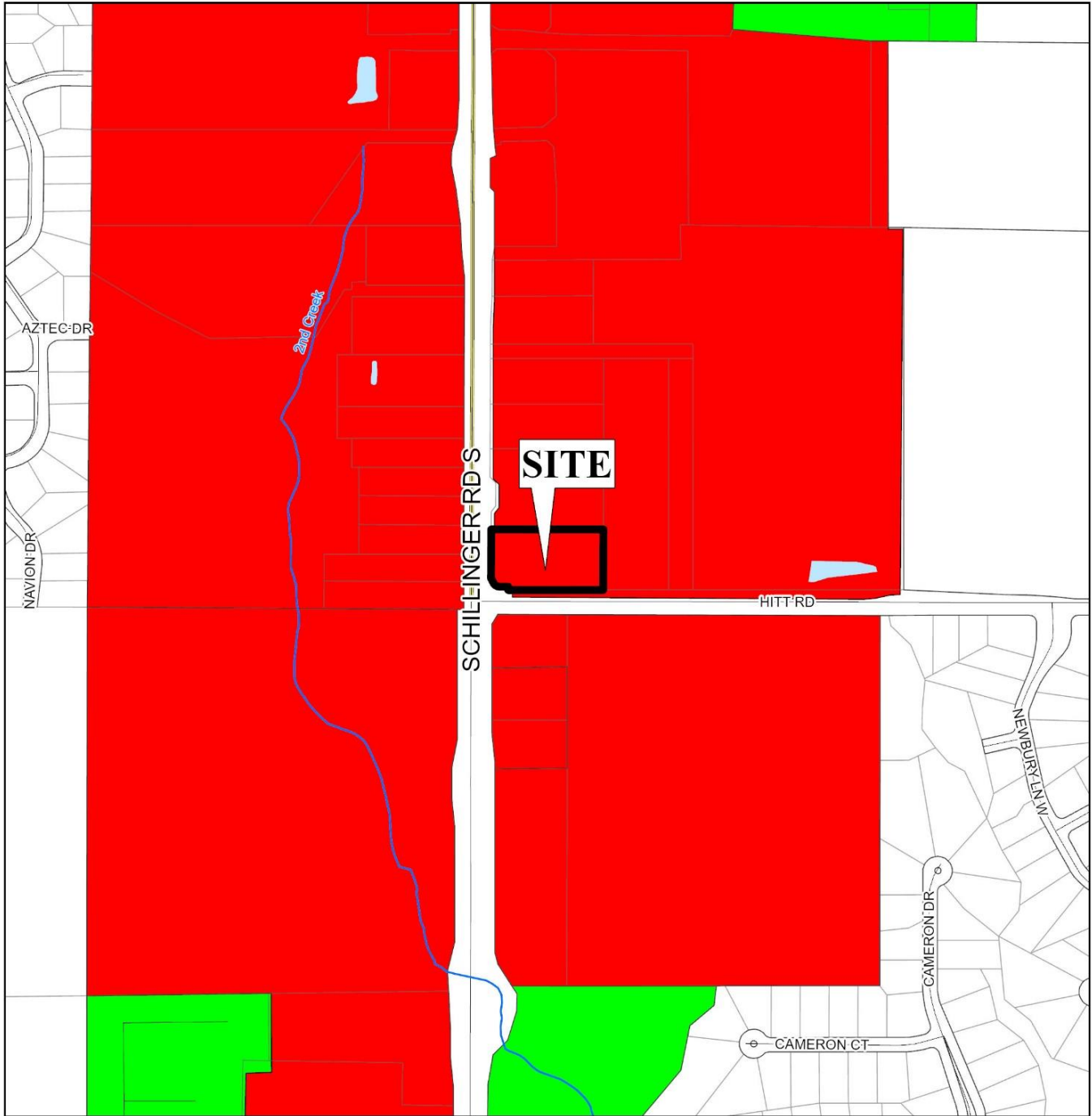
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- 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.

If the Board should approve this request, it should be subject to the following conditions:

- 1) obtaining after-the-fact sign permits for the existing signage, as well as sign permits for the proposed additional signage; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



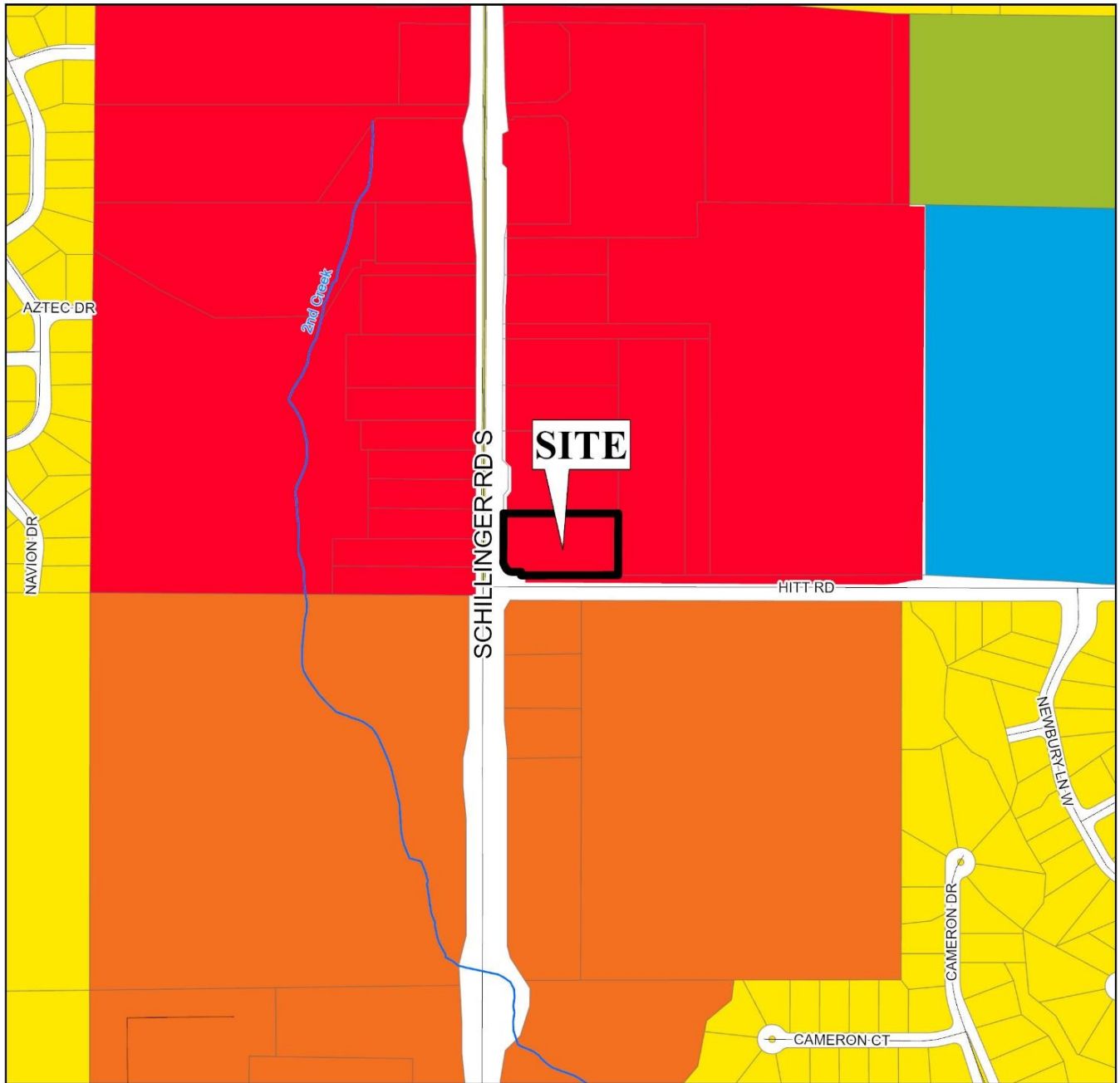
APPLICATION NUMBER 6609 DATE September 9, 2024

APPLICANT Texas Republic Signs / Michael B. Everett

REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6609 DATE September 9, 2024

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REQUEST Sign Variance































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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 | |



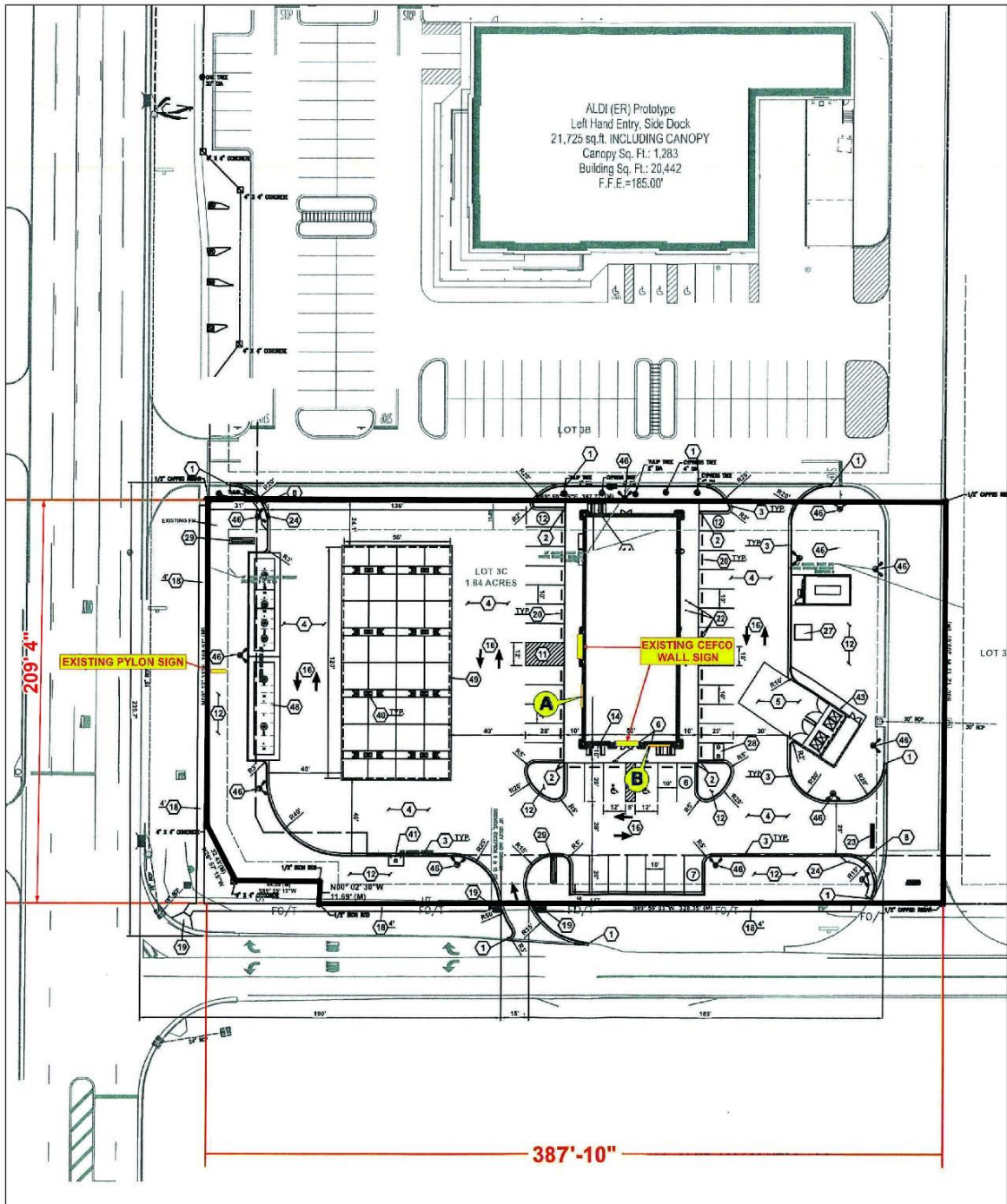
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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APPLICANT <u>Texas Republic Signs / Michael B. Everett</u>										
REQUEST <u>Sign Variance</u>										
 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		

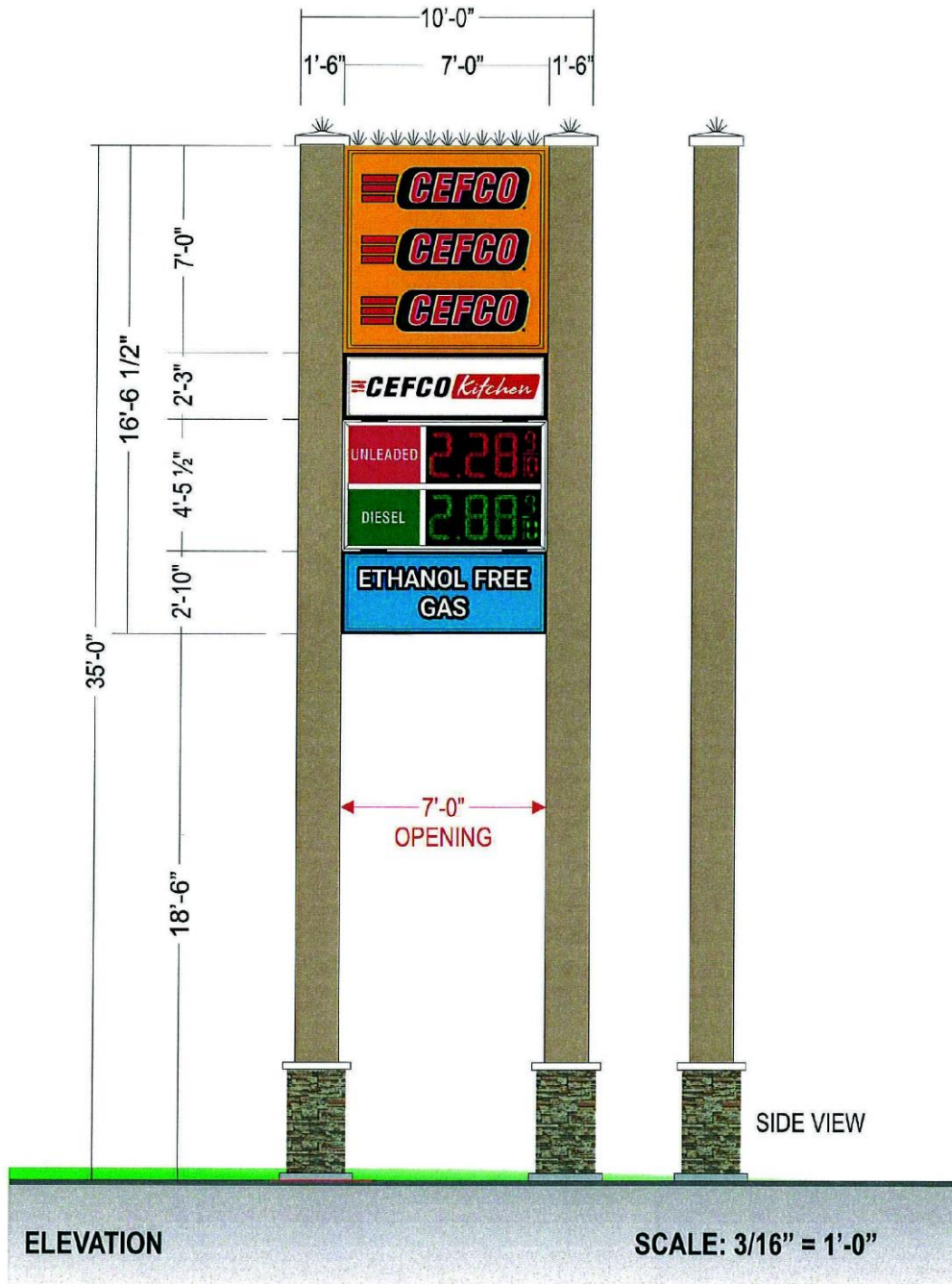
SITE PLAN



The site plan illustrates the existing buildings, and proposed sign locations.

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DETAIL SITE PLAN



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 APPLICANT Texas Republic Signs / Michael B. Everett
 REQUEST Sign Variance



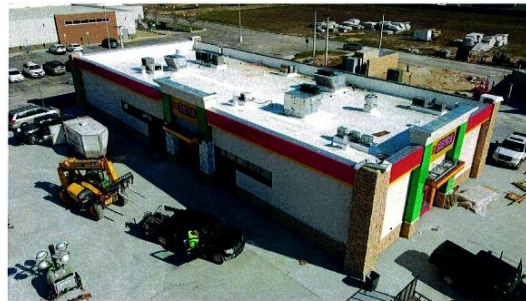
DETAIL SITE PLAN



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DETAIL SITE PLAN



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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)



DISTRICT CENTER (DC)

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.