

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: August 3, 2020

CASE NUMBER

6336/6162

APPLICANT NAME

David M. Shumer (Barton & Shumer Engineering, LLC)

LOCATION

921 Dauphin Street & 926 Conti Street
(North side of Conti Street, 230'± East of Common Street,
extending to the South side of Dauphin Street, 285'± East of
Common Street).

VARIANCE REQUEST

PARKING & ACCESS/MANEUVERING: Parking and
Access/Maneuvering Surface Variances to allow a parking
lot with an aggregate surface on a commercial site in an LB-
2, Limited Neighborhood Business District.

***PARKING LOT LIGHTING:** Parking Lot Lighting
Variance to allow reduced parking lot lighting.*

**ZONING ORDINANCE
REQUIREMENT**

PARKING & ACCESS/MANEUVERING: The Zoning
Ordinance requires parking and access/maneuvering
surfaces to be paved with concrete, asphalt, asphaltic
concrete, or an approved alternative paving surface in an LB-
2, Limited Neighborhood Business District.

***PARKING LOT LIGHTING:** The Zoning Ordinance
requires full compliance with parking lot lighting
requirements.*

ZONING

LB-2, Limited Neighborhood Business District

AREA OF PROPERTY

1.6± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

If the aggregate surfacing is approved for use the applicant
will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development.

- 2. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
- 3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

TRAFFIC ENGINEERING

COMMENTS

Aggregate surface, if approved, shall not extend into the right of way. Required on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.

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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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. (2012 International Fire Code). Fire Code compliant paved access required from both streets.

ANALYSIS

The applicant is requesting Parking and Access/ Maneuvering Surface Variances to allow a parking lot with an aggregate surface on a commercial site in an LB-2, Limited Neighborhood Business District; the Zoning Ordinance requires parking and access/maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in an LB-2, Limited Neighborhood Business District.

The site appears to be split between a “Traditional Corridor” development area and a “Mixed Density Residential” development area, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

The Traditional Corridor land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City’s traditional neighborhoods (equivalent to Map for Mobile’s Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), Traditional Corridor designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 dwelling units per acre; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed

on the retention of existing historic structures, compatible infill development, and appropriate access management.

The Mixed Density Residential designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single-family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

It should be noted that the request is similar to one scheduled to be heard at the Board's meeting of March 2018, in conjunction with a Parking Lot Lighting Variance request. The Parking Lot Lighting Variance request was approved by the Board, but the Parking and Access/Maneuvering Surface Variance request was withdrawn by the applicant prior to the Board taking action on the request.

The applicant has also submitted a PUD application to allow an existing business to continue to utilize an existing building as the main commercial use, and to incorporate multiple dwelling units within the building. If the variance requests are denied for the parking and access/maneuvering surfacing, the site will be required to come into full compliance.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

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.

The applicant states the following reasons for the variance requests:

Existing Conditions

This project is located at 921 Dauphin Street with frontage on Dauphin and Conti Streets. There is a single drive on Dauphin Street with an aggregate surface and two drives on Conti Street with a mix of pavement and aggregate. A detached residence is present on the south (Conti Street) side of the property. The north side of the property is landscaped with over sixteen (16) trees including live oak, palm, and birch and the south contains a live oak with a second live oak on the east property line.

The property is currently zoned LB-2 is currently developed as retail, residential, and office space.

Proposed Project

The existing structure is being renovated to provide for additional residential units on the upper floors and while continuing the retail and office space uses. A future 400 square foot addition to the warehouse/storage area is included as part of this proposal that will be developed in the future. The only modification to the structure area on this site will be the addition to the warehouse/storage area. The parking and maneuvering area on the south side of the property is proposed to be improved to a paved surface with additional parking for residences and employees. Residences and guests will be permitted to park on either side of the structure while patrons to the retail areas will be restricted to the Dauphin Street parking area.

The residence on Conti is proposed to be moved on the property to allow for additional residential parking and a future addition is proposed on the storage building on the south side of the property. A wine bar is proposed on the west side of the property. The parking demand for the wine bar is not anticipated to coincide with the office/retail space though all parking requirements are met.

Waiver Request – Unpaved Parking and Maneuvering

A waiver is requested for the unpaved parking and maneuvering surface on the north side of the development. This area is currently unpaved and geotechnical testing has been performed to determine the load capacity and stability of the drive. The reasons for the request are to maintain the character of the historic structure and minimize the storm water runoff from the north side of the building. The aggregate surfacing allows for a higher percentage of infiltration reducing the volume of water discharging toward the City's system.

REVISED FOR THE SEPTEMBER MEETING: *Please disregard any reference to a wine bar on this development. This part of the development is not being pursued at this time.*

Concerning the aggregate parking and access/ maneuvering surface request, the requirement to have paved access/maneuvering aisles is not only a Zoning Ordinance requirement, but a Fire Code requirement as well. Paved drive aisles are required to allow the fire trucks to properly access a structure in case of a fire or emergency. The applicant states the reasons for the request are “to maintain the character of the historic structure and minimize the storm water runoff from the north side of the building”. However, the use of the property is changing and by adding an additional 14 residential units to the existing site, an increase in traffic and volume to the site is going to take place. The increase in dwelling units would naturally require the need for fire trucks to be able to easily access the structure in case of a fire.

Aggregate surfaces are frequently utilized in the historic areas of the City and the site is located within the Old Dauphin Way Historic District; however, Fire Department access and handicap accessible parking should be paved with asphalt or concrete.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of the Parking and Access/Maneuvering Surface Variance requests:

- 1) approving the variance will not be contrary to the public interest as the site is located in a historic district where other aggregate parking is common;
- 2) special conditions do exist such that aggregate parking would be consistent with the development of the area; and
- 3) the spirit of the chapter would be observed and substantial justice done to the surrounding neighborhood by granting the variance.

The recommendation for Approval is subject to the following conditions:

1. the provision of compliant paving for fire department access;
2. the provision of paved handicap accessible parking; and
3. full compliance with all municipal codes and ordinances

Revised for the September meeting:

This application was heldover from the August meeting at the applicant’s request. In addition to the Parking and Access/Maneuvering Variance request, the applicant has revised the application to also include a Parking Lot Lighting request. It should be noted that the applicant has revised the narrative to eliminate the proposed wine bar at this time. With regard to the Parking Lot Lighting request, the applicant states the following:

The main building was constructed in 1905 and currently has limited exterior lighting for architectural enhancement of the structure. The existing lighting is proposed to be enhanced with landscape lighting that will provide additional visibility. The addition of light poles in the parking lot or spot lights on the structure will negatively impact the appearance and character of the property.

As previously mentioned, the applicant was granted a similar Parking Lot Lighting Variance at the March, 2018 Board meeting, but it expired due to no permits being issued for development.

The applicant’s request for parking lot lighting is to not be required to provide the required light poles and photometric plan associated with a parking lot. The applicant states that the “existing lighting is proposed to be enhanced with landscape lighting that will provide additional visibility.” The applicant also states that “the addition of light poles in the parking lot or spot lights on the structure will negatively impact the appearance and character of the property.”

While the applicant has not completely demonstrated a hardship that would be imposed by a literal interpretation of the Zoning Ordinance with respect to the parking lot lighting, the same justification was given for the previously-approved Parking Lot Lighting Variance request.

RECOMMENDATION: *Staff recommends to the Board the following findings of fact for Approval of the Parking and Access/Maneuvering Surface Variance requests:*

- 1) approving the variance will not be contrary to the public interest as the site is located in a historic district where other aggregate parking is common;*
- 2) special conditions do exist such that aggregate parking would be consistent with the development of the area; and*
- 3) the spirit of the chapter would be observed and substantial justice done to the surrounding neighborhood by granting the variance.*

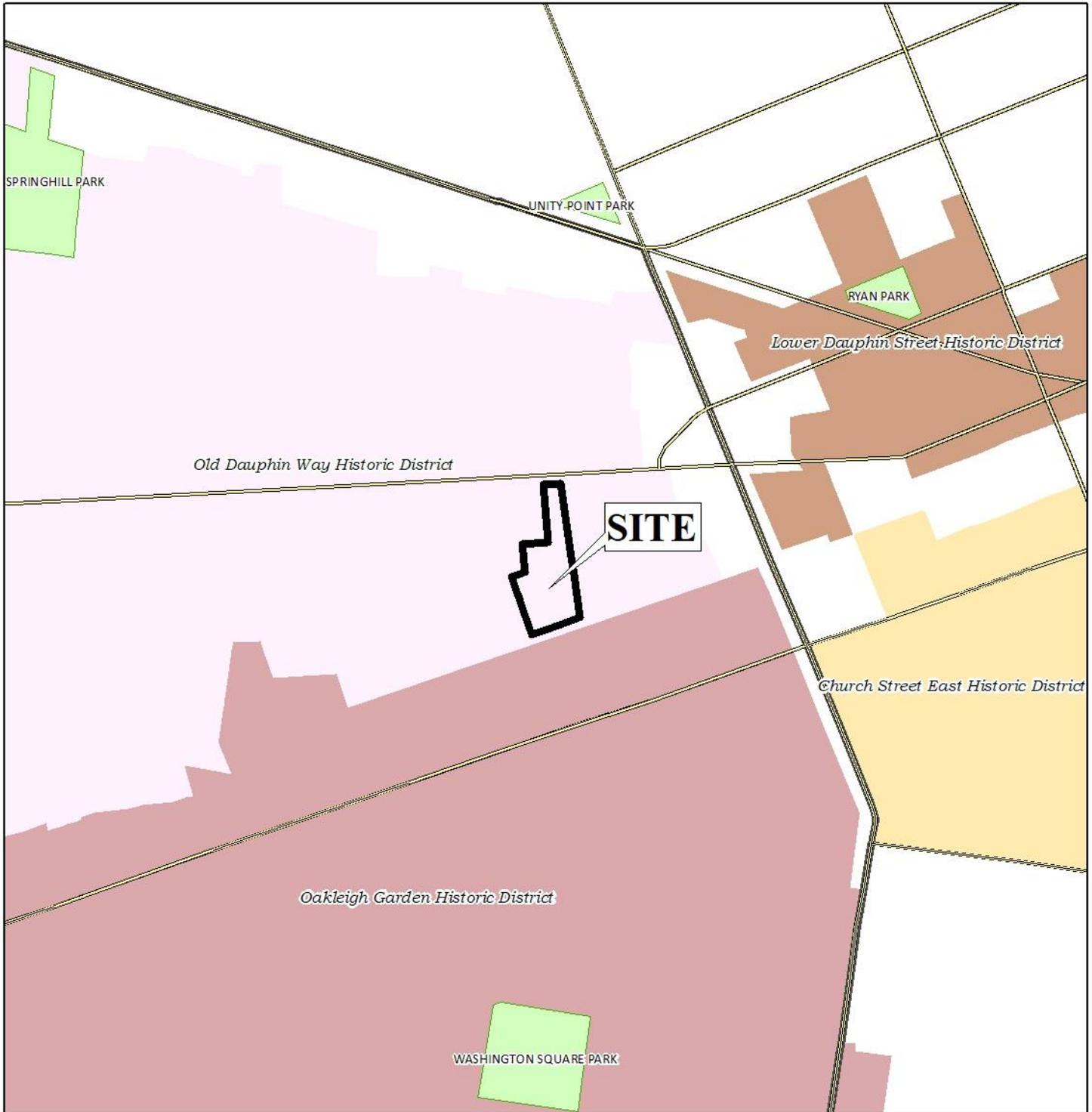
The recommendation for Approval is subject to the following conditions:

- 1) the provision of compliant paving for fire department access;*
- 2) the provision of paved handicap accessible parking; and*
- 3) full compliance with all municipal codes and ordinances.*

Staff recommends to the Board the following findings of fact for Approval of the Parking Lot Lighting Variance request:

- 1) approving the variance request will not be contrary to the public interest in that the parking lot lighting will fit in with the existing structures on the site;*
- 2) special conditions with the site or unusual site constraints do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship;*
- 3) the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the proposed lighting will be in keeping with the character of the site and existing neighborhood/area.*

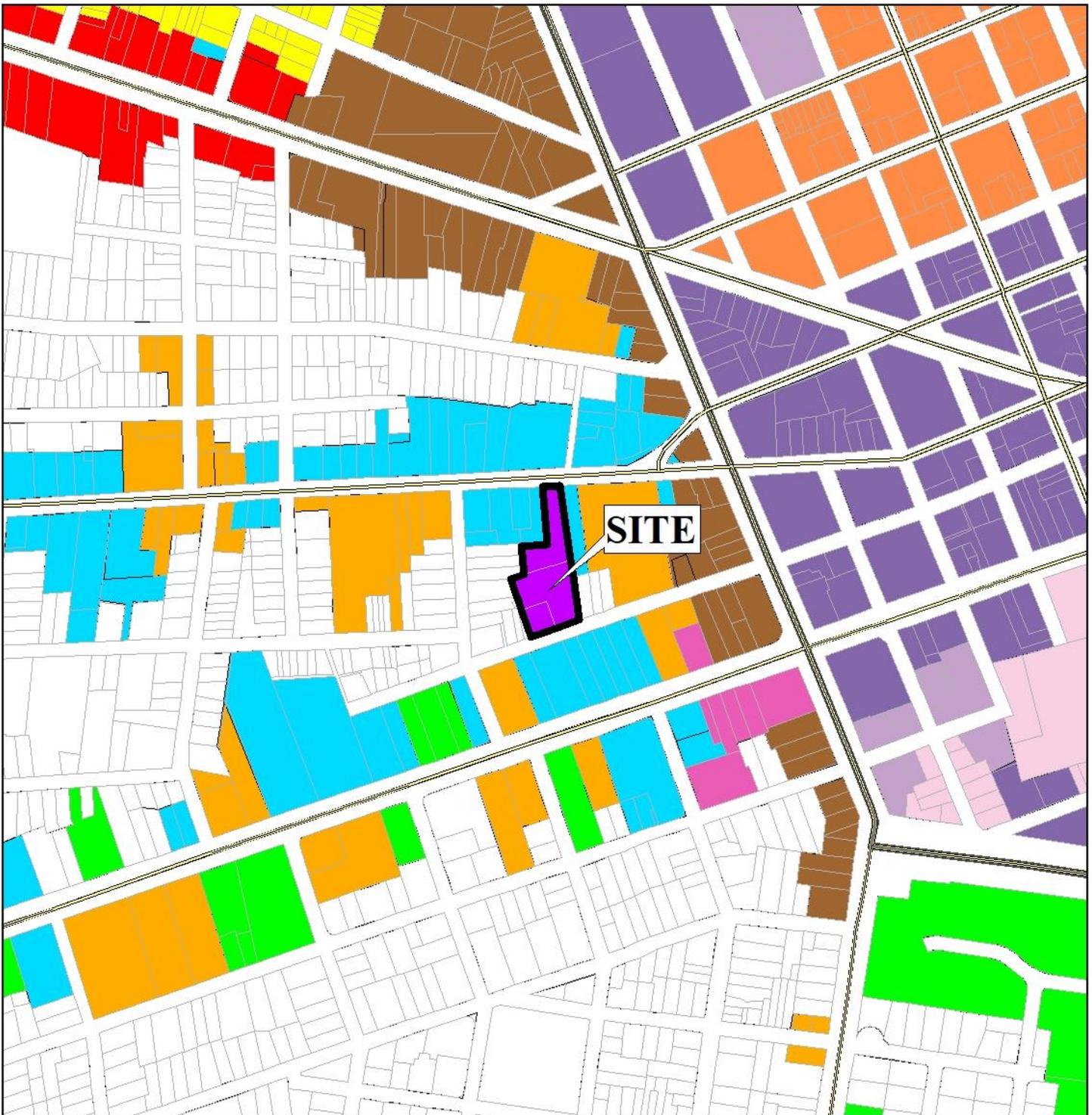
LOCATOR MAP



APPLICATION NUMBER 6336 DATE September 14, 2020
APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances



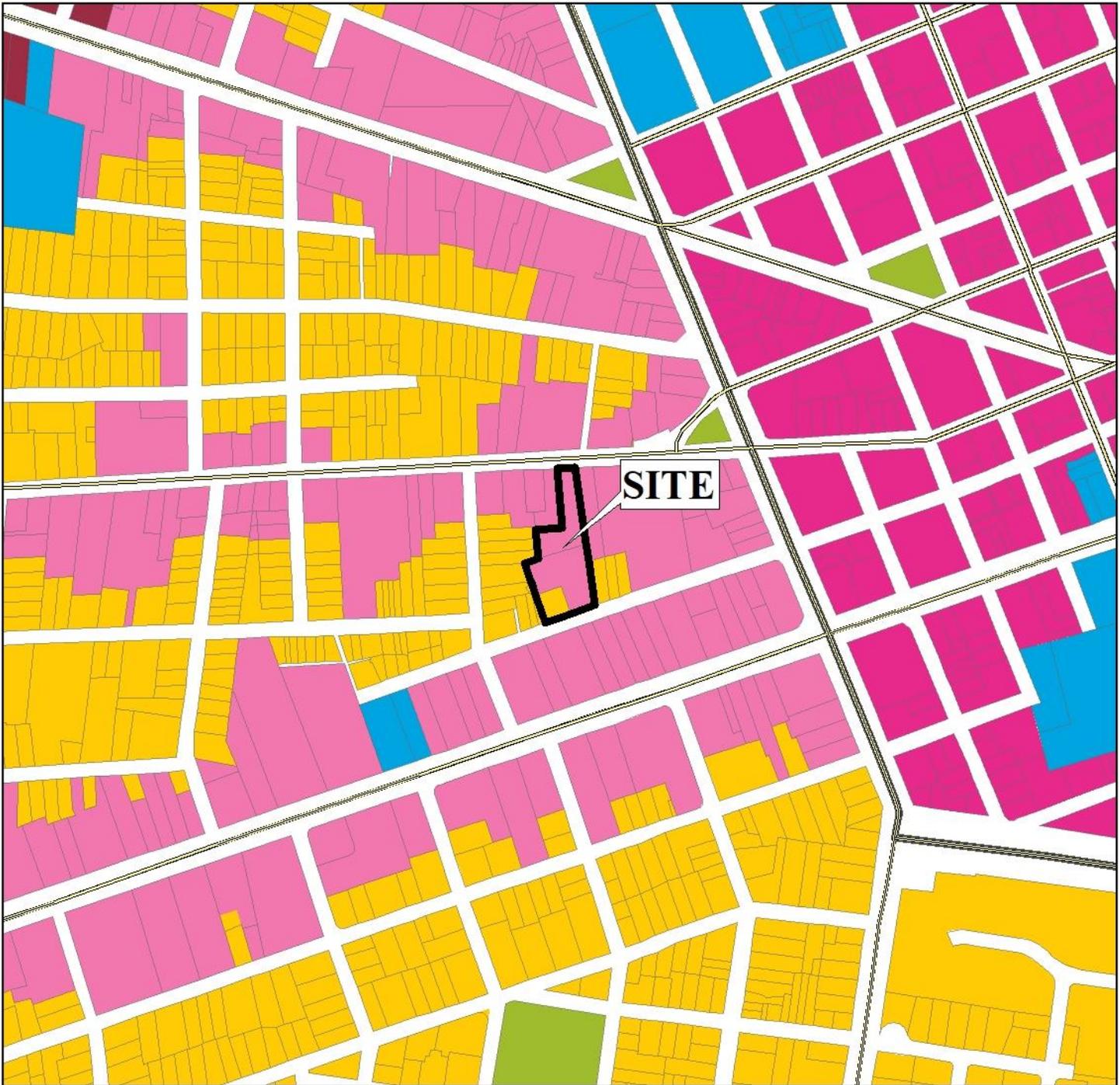
LOCATOR ZONING MAP



APPLICATION NUMBER 6336 DATE September 14, 2020
APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances



FLUM LOCATOR MAP

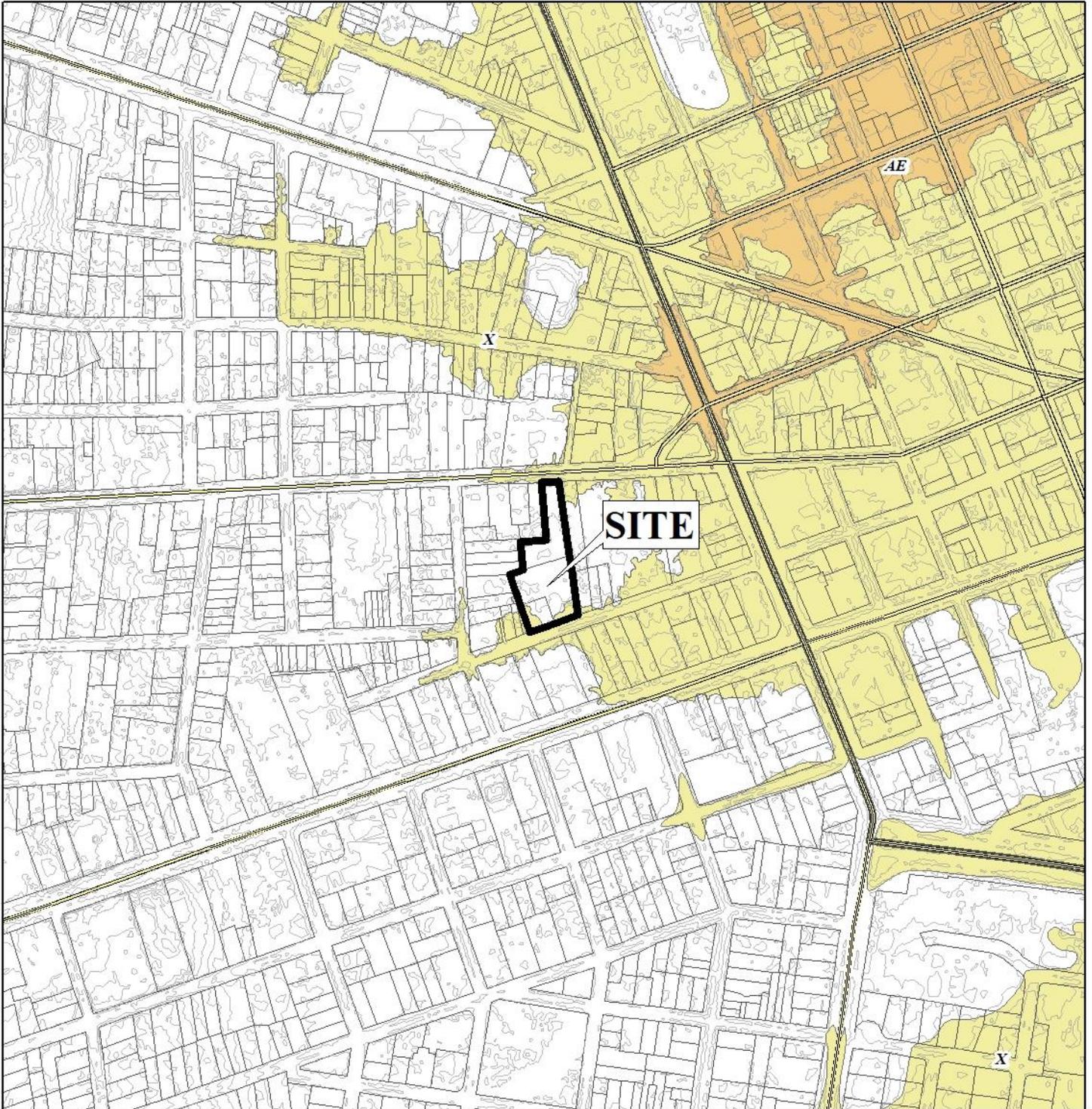


APPLICATION NUMBER 6336 DATE September 14, 2020
 APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
 REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6336 DATE September 14, 2020
APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6336 DATE September 14, 2020
 APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
 REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

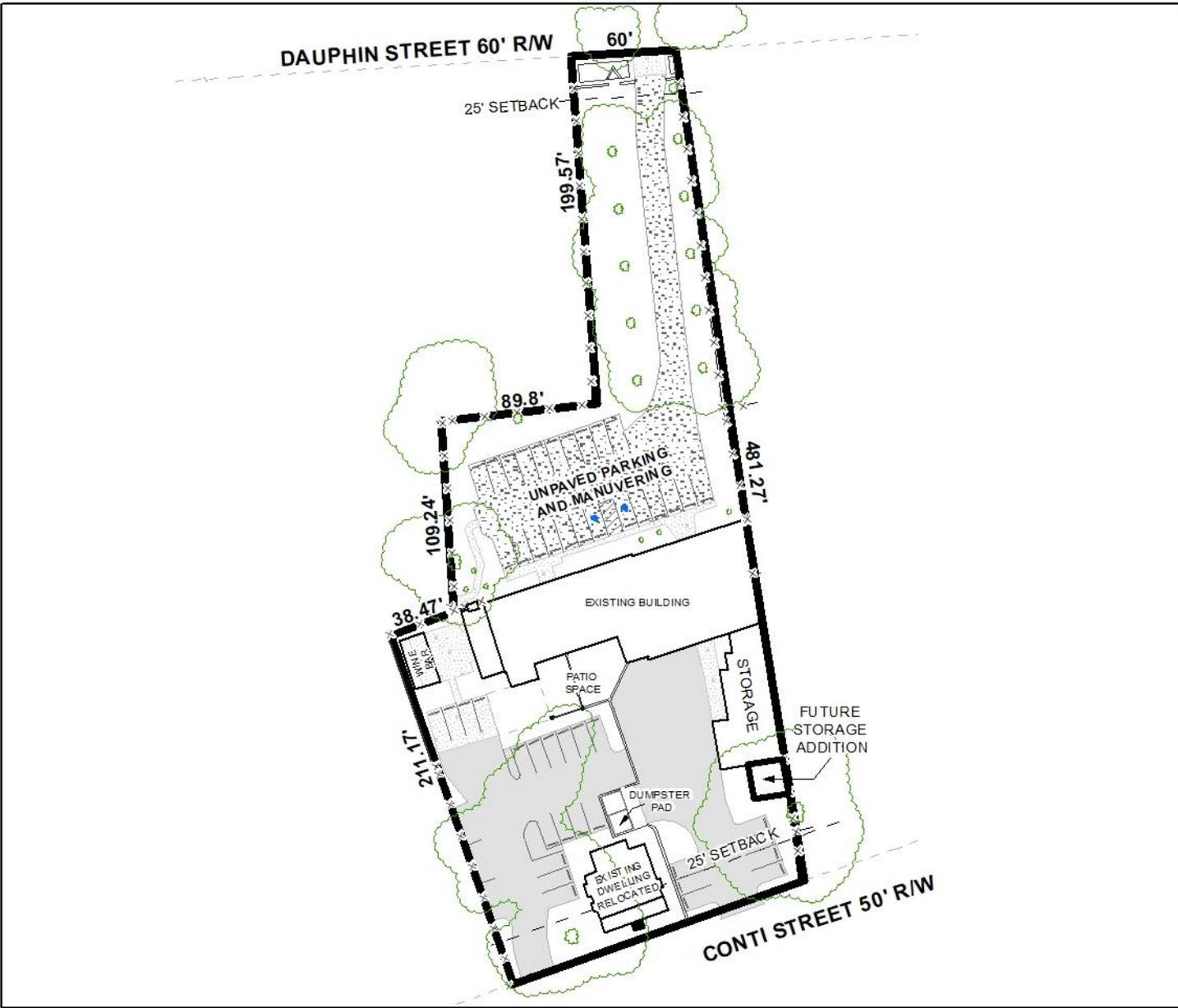


The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6336 DATE September 14, 2020
APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances



SITE PLAN



The site plan illustrates existing setbacks, buildings, paved parking and unpaved parking and maneuvering area.

APPLICATION NUMBER 6336 DATE September 14, 2020
 APPLICANT David M. Shumer (Barton & Shumer Engineering, LLC)
 REQUEST Parking Lot Lighting, Parking and Access/Maneuvering
Surface Variances

