

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 6, 2021**

<u>CASE NUMBER</u>	6409
<u>APPLICANT NAME</u>	Doris Bettis
<u>LOCATION</u>	2662 Fillingim Street (North side of Fillingim Street, 100'± West of Mobile Street).
<u>VARIANCE REQUEST</u>	PARKING RATIO: Parking Ratio Variance to allow a reduced number of parking spaces for a church in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	PARKING RATIO: The Zoning Ordinance requires full compliance with the required number of parking spaces for a church in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.2± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance..
<u>URBAN FORESTRY COMMENTS</u>	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 (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL**DISTRICT**

District 1

ANALYSIS

The applicant is requesting a Parking Ratio Variance to allow a reduced number of parking spaces for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the required number of parking spaces for a church in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential land use designation, 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.

This 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 du/ac, 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.

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.

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.

The subject site is surrounded by properties also zoned R-1, in use as single-family residences and various vacant properties. The subject site appears to have never been developed.

The applicant states the following concerning the request:

On the behalf of Blood Covenant Evangelistic Church Ministries Inc. I am requesting a Parking Ratio Variance where we hold service on Sunday mornings @ 9:45 am and possibly Sunday evenings @ 7:00pm. And regular bible study on Wednesday evening @ 7:00pm. At some point, visitors may arrive in SUV's or church vans. Some may even walk to our church as we have known them to do in the past. We want to be prepared to accommodate them and not turn them away; This variance is to allow a reduced number of parking spaces (6) below the required number (17) for our church.

We need the variance to do Outreach Ministry as we've always done In November; where we give away food and engage one on one in ministry with neighbors in the community. It normally last about four hours. We will also engage in sewing classes and things of that nature as we get back to normal as we've done before. At some point, we the church need to have special programs to ensure that we have adequate finances in reserve to continue to operate a ministry; (Right now, we are engaged in unforeseeable circumstance such as a Pandemic). Programs will require more than our normal six parking spaces, These are the reasons that I feel extra parking should be granted.

The applicant recently purchased the subject site and applied to the Planning Commission for Planning Approval to allow the proposed church in an R-1 District. A review of the proposed site plan indicated only six (6) on-site parking spaces for the sanctuary with an anticipated seating capacity of 67 persons, which would require 17 on-site parking spaces. The Planning Commission heldover the Planning Approval review to the September 16th meeting to allow the Board of Zoning Adjustments to hear the Parking Ratio Variance request before making a decision; hence this application.

The applicant notes that some of the congregation may arrive in SUV's or church vans, and some may walk to the church. Taking that into consideration, even if one-third of the congregation arrive by church van or walking, twelve (12) on-site parking spaces would still be required. This is an arbitrary figure presented for example as there is no certainty of the number of the congregation who would arrive by church vehicle and walking as opposed to using personal

vehicles. Additionally, the applicant notes in the narrative that there would be programs that would require more than the normal six parking spaces.

As the site is located within a single-family residential neighborhood, and as there is no assurance that the parking needs for church-related activities will not exceed the number of provided on-site parking spaces, and as the applicant has not illustrated a hardship associated with the site, the Board should consider this application for Denial. It appears that the subject site is too small to accommodate the required on-site parking for the projected congregation number and the proposed activities. Moreover, the approval of the request would likely create an on-street parking situation out of character with the neighborhood.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial of the Parking Ratio Variance request:

- 1) approving the variance will be contrary to the public interest as it would create the potential for invasive on-street parking within a single-family residential neighborhood;
- 2) special conditions do not exist to allow reduced on-site parking which would be inconsistent with the surrounding residential neighborhood; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because its allowance could create a situation out of character with the surrounding residential uses.

Revised for the October 4th meeting:

This application was heldover from the Board's special September 20th meeting to allow the applicant to address the Board; the applicant was not present at the meeting on the 20th. As no new information has been submitted, the original recommendation would stand.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial of the Parking Ratio Variance request:

- 1) *approving the variance will be contrary to the public interest as it would create the potential for invasive on-street parking within a single-family residential neighborhood;*
- 2) *special conditions do not exist to allow reduced on-site parking which would be inconsistent with the surrounding residential neighborhood; and*
- 3) *the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because its allowance could create a situation out of character with the surrounding residential uses.*

Revised for the December 6th meeting:

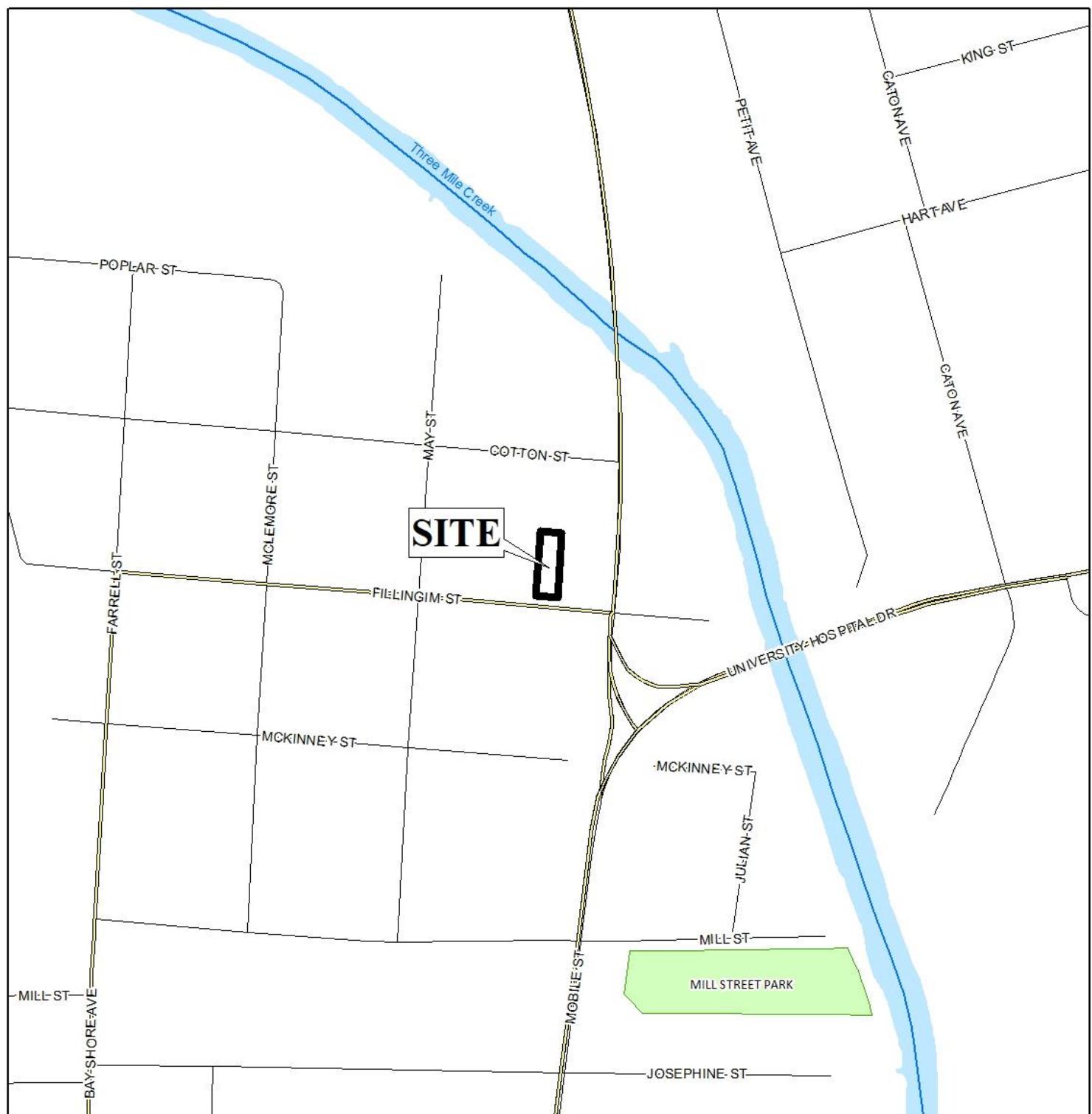
This application was heldover from the October 4th meeting to allow the applicant to submit revisions to the proposed site plan to staff for review. The applicant has informed staff they

desire to use a pre-manufactured structure rather than one built on-site. There are no other changes proposed to the site plan; therefore, the previous recommendation remains.

RECOMMENDATION: *Staff recommends to the Board the following findings of fact for Denial of the Parking Ratio Variance request:*

- 1) *approving the variance will be contrary to the public interest as it would create the potential for invasive on-street parking within a single-family residential neighborhood;*
- 2) *special conditions do not exist to allow reduced on-site parking which would be inconsistent with the surrounding residential neighborhood; and*
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LOCATOR MAP



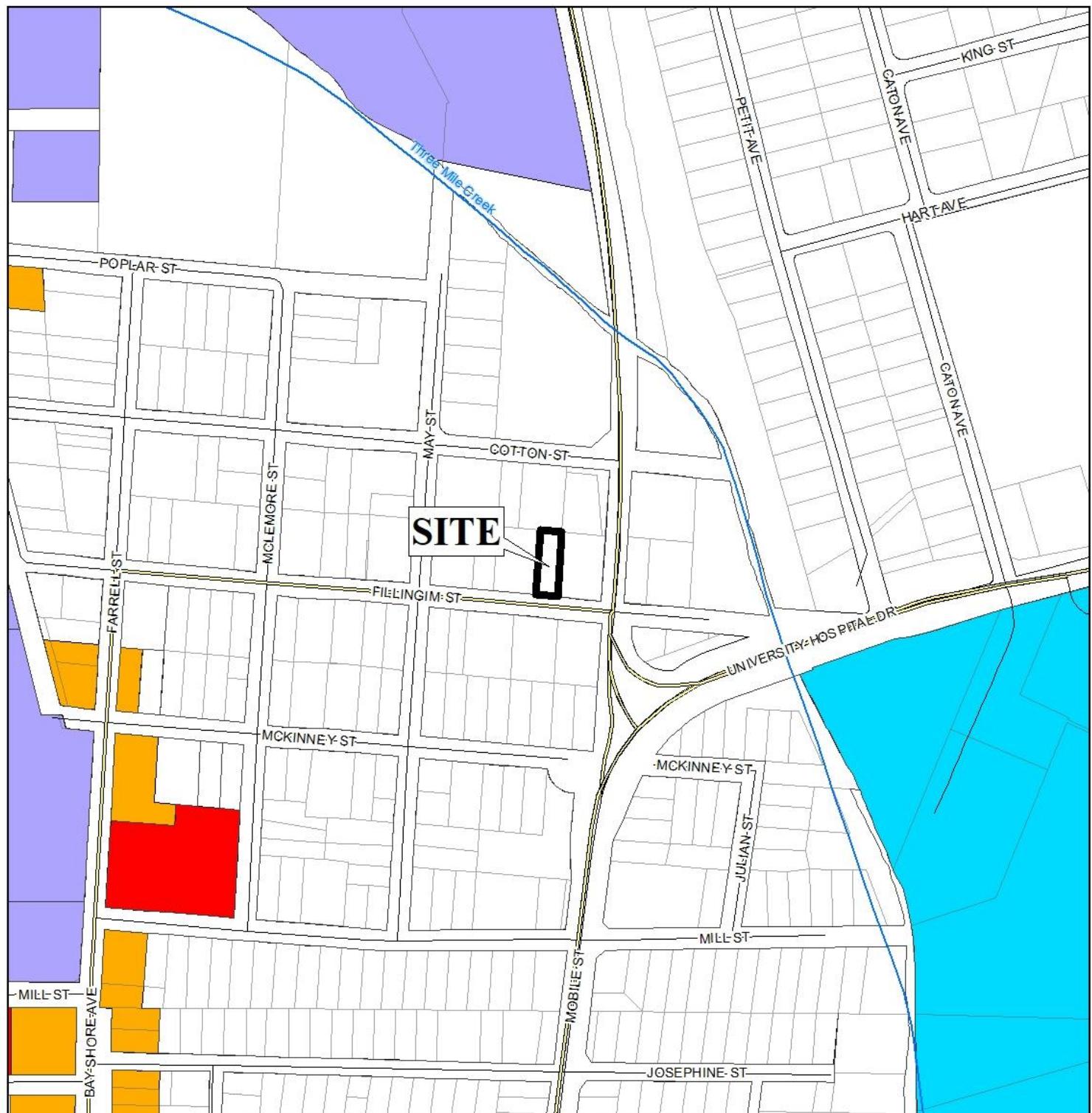
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REQUEST Parking Ratio Variance



LOCATOR ZONING MAP



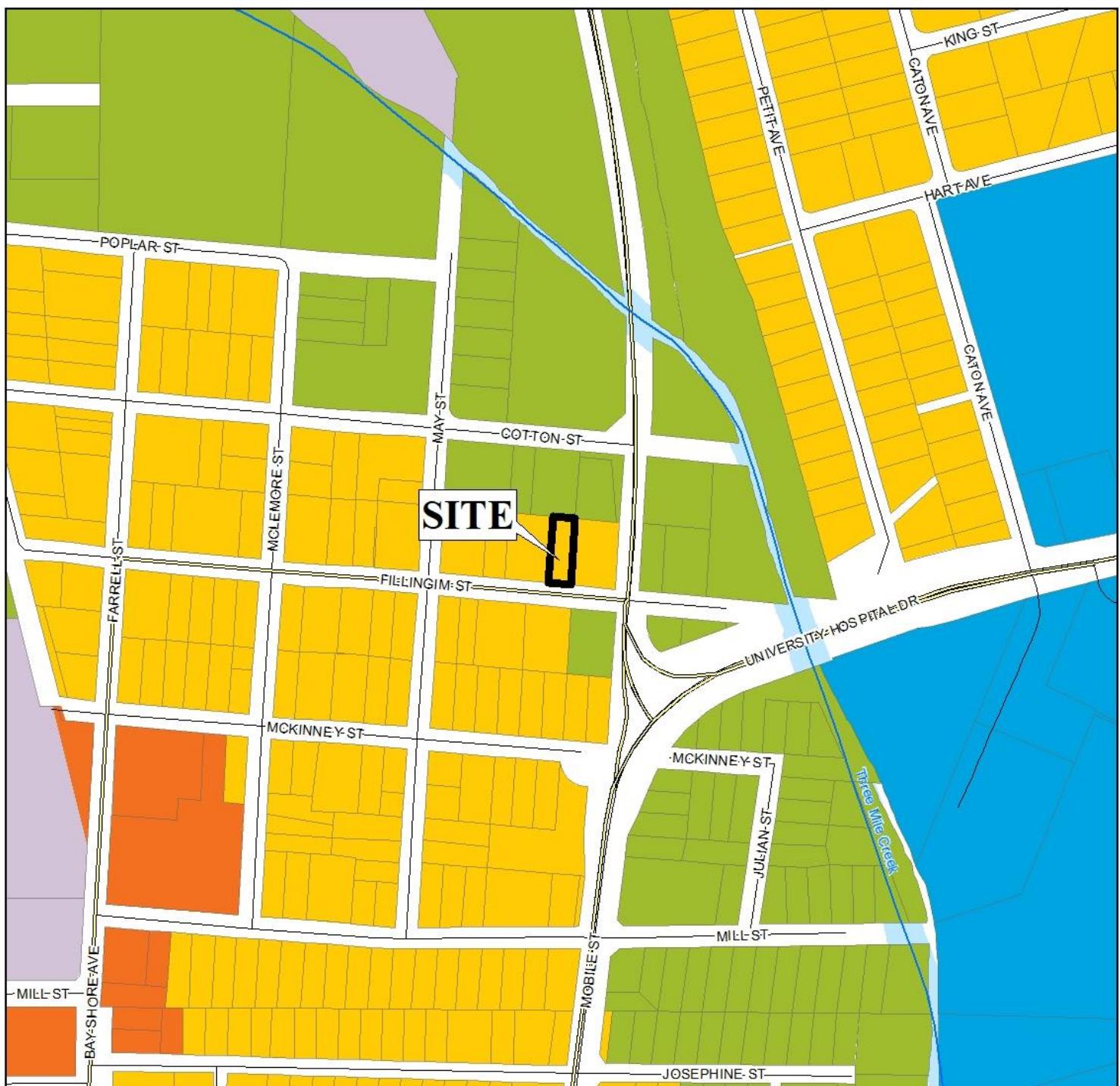
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FLUM LOCATOR MAP



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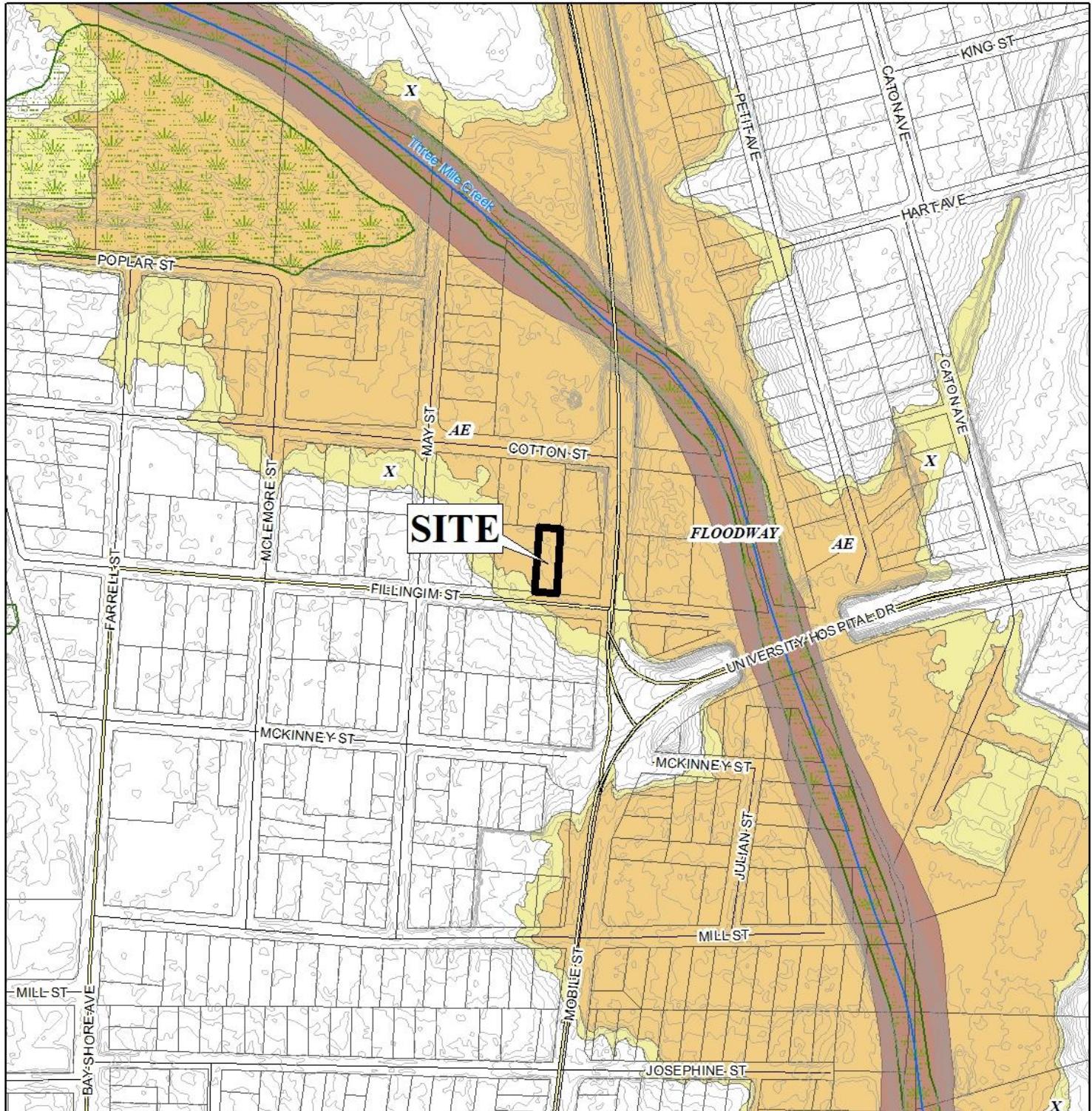
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- | | | | |
|---|---|--|---|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |
| ■ Downtown | ■ Traditional Corridor | ■ Heavy Industry | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Institutional | |



ENVIRONMENTAL LOCATOR MAP



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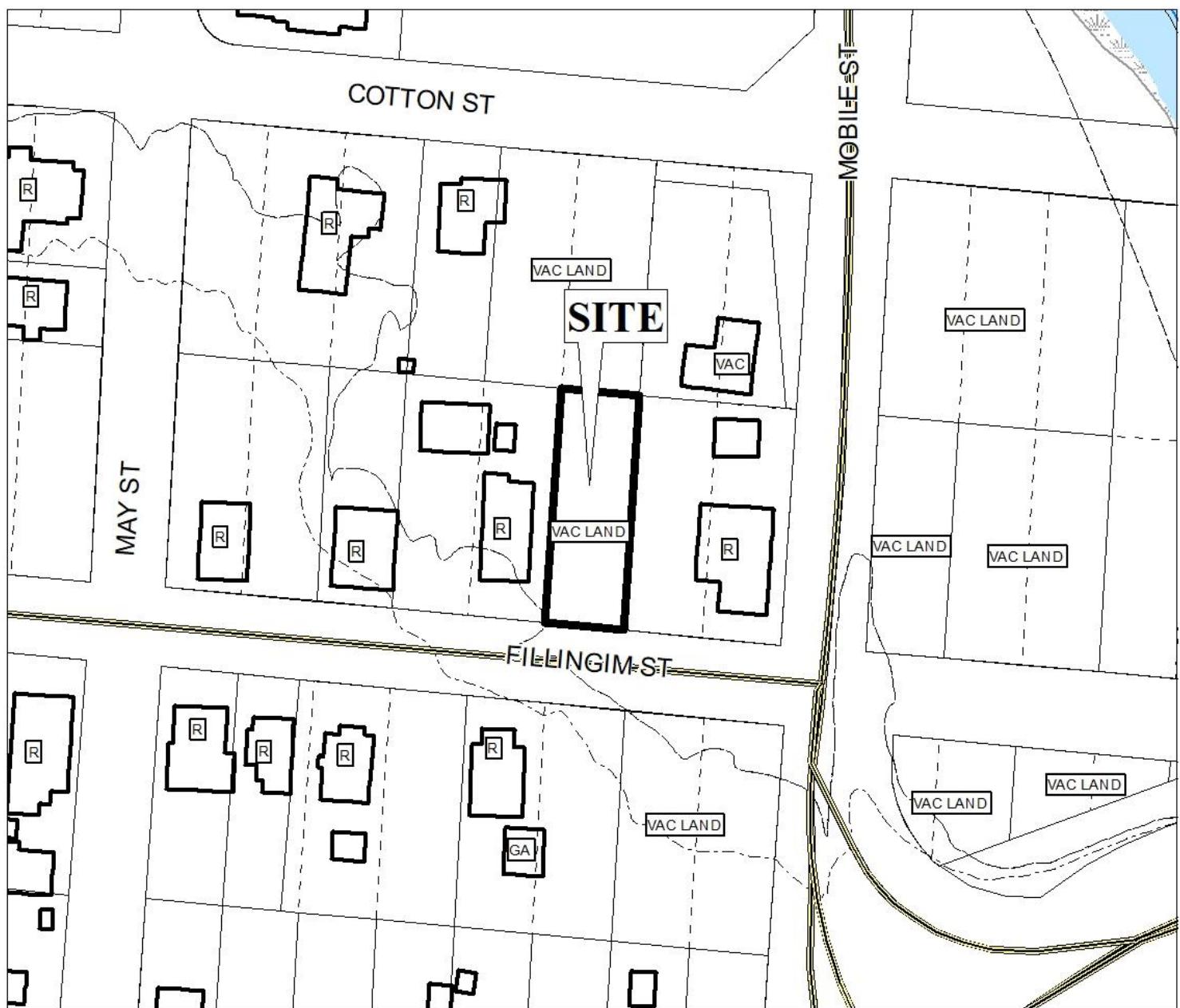
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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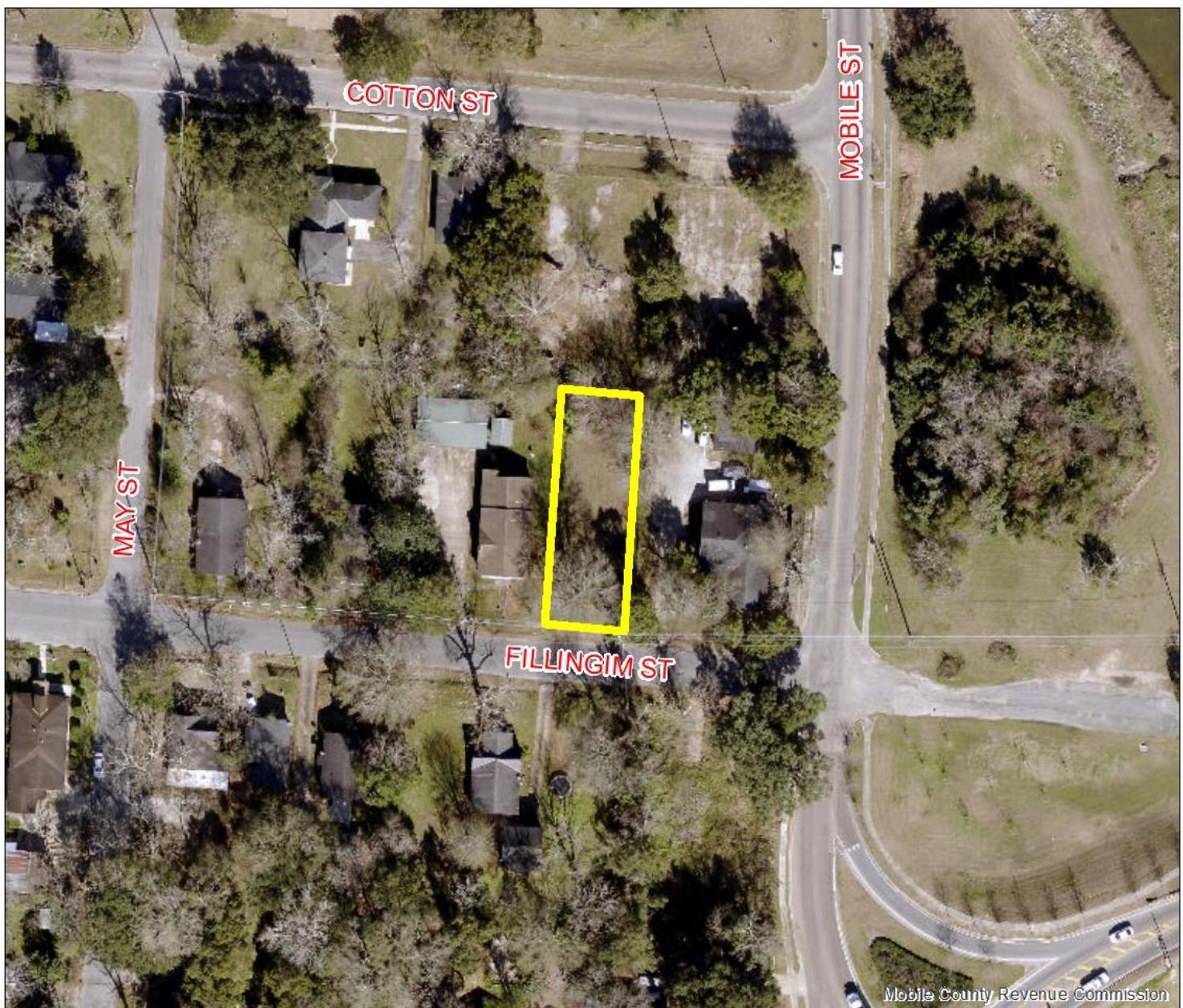
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 	R-A	 	R-3	 	T-B	 	B-2	 	B-5	 	MUN	 	SD-WH	 	T5.1
 	R-1	 	R-B	 	B-1	 	B-3	 	I-1	 	OPEN	 	T3	 	T5.2
 	R-2	 	H-B	 	LB-2	 	B-4	 	I-2	 	SD	 	T4	 	T6



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VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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SITE PLAN



The site plan illustrates the proposed building, fencing, concrete access, and parking area.

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