

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2023****CASE NUMBER**

6481

APPLICANT NAME

Robert K. Moore and Jacqueline L. Moore

LOCATION4660 Airport Boulevard
(North side of Airport Boulevard, 200'± West of South University Boulevard).**VARIANCE REQUEST****PARKING RATIO:** To allow reduced parking for a lounge in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires full compliance with parking requirements for a lounge in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.25± Acres

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**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 (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 6

ANALYSIS

The applicant is requesting a Parking Ratio Variance to allow reduced parking for a lounge in a B-2, Neighborhood Business District; the Zoning Ordinance requires full compliance with parking requirements for a lounge in a B-2, Neighborhood Business District.

The site has been given a Neighborhood Center (NC) - Suburban 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 land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers.

General Principles for Neighborhood Centers:

- NC should support a limited amount of commercial employment
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 dwelling units per acre — must be compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Additional Attributes of Neighborhood Centers:

- NC in **suburban** contexts: These generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements)

and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

It should also 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 site has had several previously granted approvals. First, a Planned Unit Development (PUD) was approved, at the June 17, 1999 meeting of the Planning Commission to allow the expansion of the 15,000 square foot building, which was allowed to expire. Next, a Parking Ratio Variance to allow reduced parking was approved (and later allowed to expire) at the Board of Zoning Adjustment's November 6, 2006 meeting to allow a nightclub in the building on Lot 2 (adjacent lot to the rear). As a result of the Subdivision, a Rezoning application to eliminate split zoning was recommended for approval by the Planning Commission at its November 1, 2007 meeting, and later adopted by the City Council.

The site then had a 2-lot Subdivision and PUD approved by the Planning Commission at its September 20, 2007 meeting. The Subdivision plat was recorded, but no work was undertaken with the PUD, thus it expired. Most recently, the site had a PUD approved by the Planning Commission at its August 16, 2018 meeting to allow shared parking between the subject site and the property adjacent to allow the subject site to be utilized as a bar. That PUD was also allowed to expire. The current applicant now wishes to convert a portion of an existing hair and nail salon to a lounge, thus requiring additional parking. As the applicant was not able to obtain authorization from adjacent property owners to participate in a PUD to allow shared parking, the applicant has instead submitted the parking ratio variance application in hand.

The current application was also on the November 7, 2022 Board of Zoning Adjustment agenda, but the applicant was involved in a car accident on their way to the meeting, therefore they were unable to attend that meeting.

The Zoning Ordinance states that no variance shall be granted where economics is 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 applicant provided the following narrative with the request:

Description Of Proposal

The Gentlemen's Corner Nail and Spa Salon is requesting a Parking Ratio Variance to allow reduced parking at our location to meet Zoning Qualifications for the approval of a State Liquor License.

Analysis

Our Site Plan shows Lot 2 as being our 3600 square foot building that is used as a Men's Nail and Spa Salon and Lounge Area. The site plan indicates 13 parking spaces on our property with all but 2 being located in the rear of the site. On the lot where the inoperable carwash existed, that space can be utilized as 4 additional parking spaces.

Noting that the 13 parking spaces has always existed on our property and there is no additional room for added parking. We also requested that there be shared parking thru PUD.

The site is surrounded to the North, East, and West by B-2, Neighborhood Business District property, and to the South (across Airport Boulevard) by B-3, Community Business District.

The applicant did submit a "Shared Parking Agreement" form, however, it appears that the agreement is between the applicant and a tenant in the building on the adjacent site. Neither of the individuals who signed the agreement appear to be property owners of either site.

As a site plan, the applicant submitted an image of a site plan from the most recent applications to the Planning Commission. The site plan depicts the adjacent property, which is not involved in the applications being considered currently. However, the applicant is not proposing any changes to the site itself, only the use of the existing building.

Based on previous approvals granted, it would appear that approval of the application under consideration may be appropriate; however, the previous approvals had authorization of the property owners both of the subject site, and the adjacent site (Lot 2). If the variance is granted, there is no way to prohibit vehicles from parking on the adjacent lot, without negatively impacting the access and maneuvering areas for the existing parking spaces on 4660 Airport Boulevard. The property owner for the adjacent property (Lot 2) chose not to participate in the application under consideration, and has submitted a letter in opposition stating they do not wish to have customers associated with the proposed business utilizing their parking facilities.

RECOMMENDATION: Based upon the application as submitted, Staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to the public interest in that patrons coming to the subject site will most likely utilize parking on adjacent property, whose use has not been authorized by the owner of the adjacent property;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to residents in the surrounding area; 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.

Revised for the February 6, 2023 meeting:

The application was heldover by the Board at its December 5, 2022 meeting, at the request of the applicant, to allow the applicant time to meet with nearby property owners to obtain their consent to share parking. No additional information has been submitted by the applicant, therefore the original recommendation remains.

RECOMMENDATION: *Based upon the application as submitted, Staff recommends to the Board the following findings of fact for Denial:*

- 1) *Approving the variance will be contrary to the public interest in that patrons coming to the subject site will most likely utilize parking on adjacent property, whose use has not been authorized by the owner of the adjacent property;*
- 2) *Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to residents in the surrounding area; 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.*

Revised for the March 6, 2023 meeting:

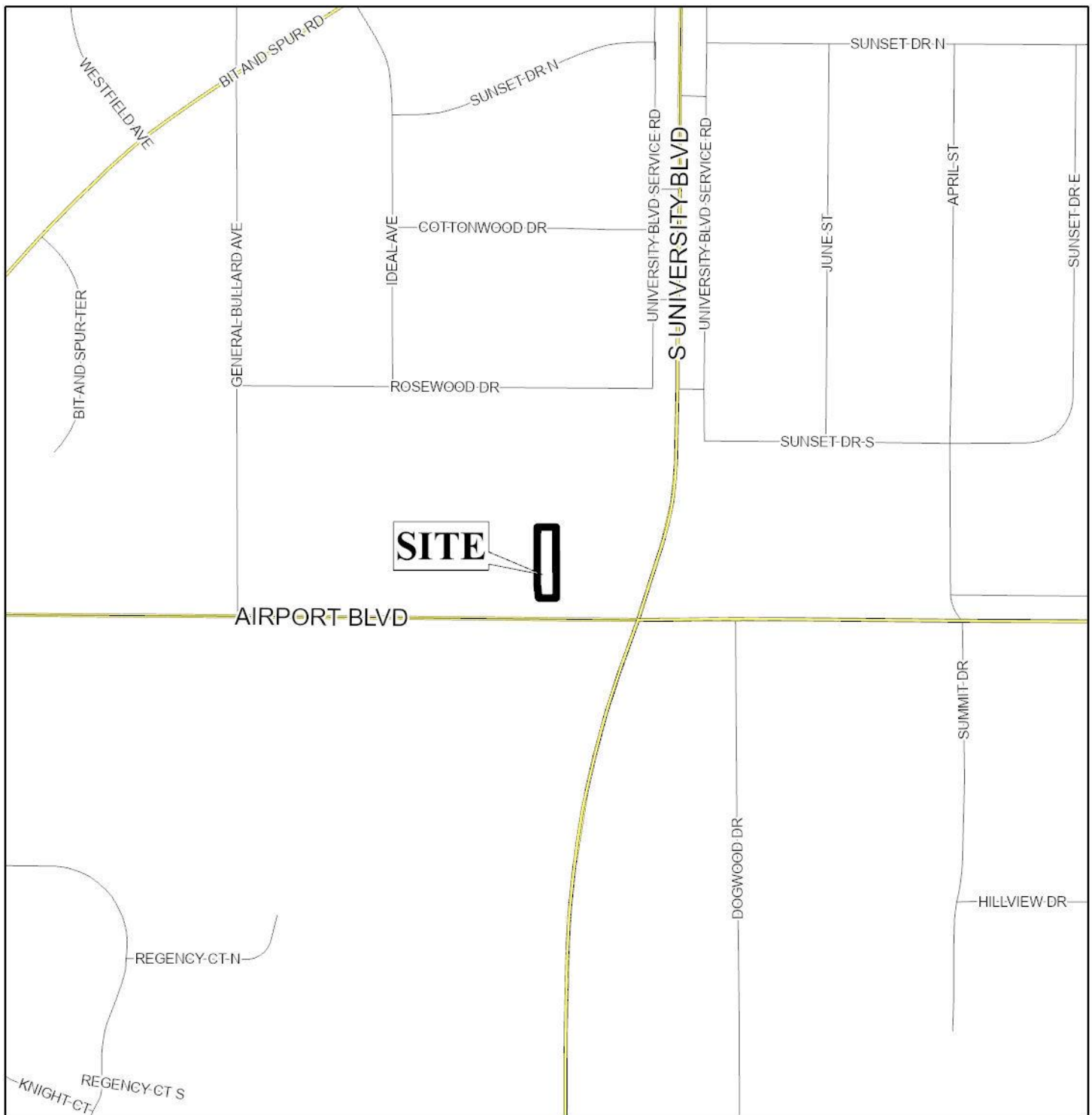
The application was heldover by the Board at its February 6, 2023 meeting, due to the applicant not being present at the meeting. No additional information has been submitted by the applicant, therefore the original recommendation remains.

RECOMMENDATION: *Based upon the application as submitted, Staff recommends to the Board the following findings of fact for Denial:*

- 1) *Approving the variance will be contrary to the public interest in that patrons coming to the subject site will most likely utilize parking on adjacent property, whose use has not been authorized by the owner of the adjacent property;*
- 2) *Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship to residents in the surrounding area; 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.*

LOCATOR MAP



APPLICATION NUMBER 6481 DATE March 6, 2023

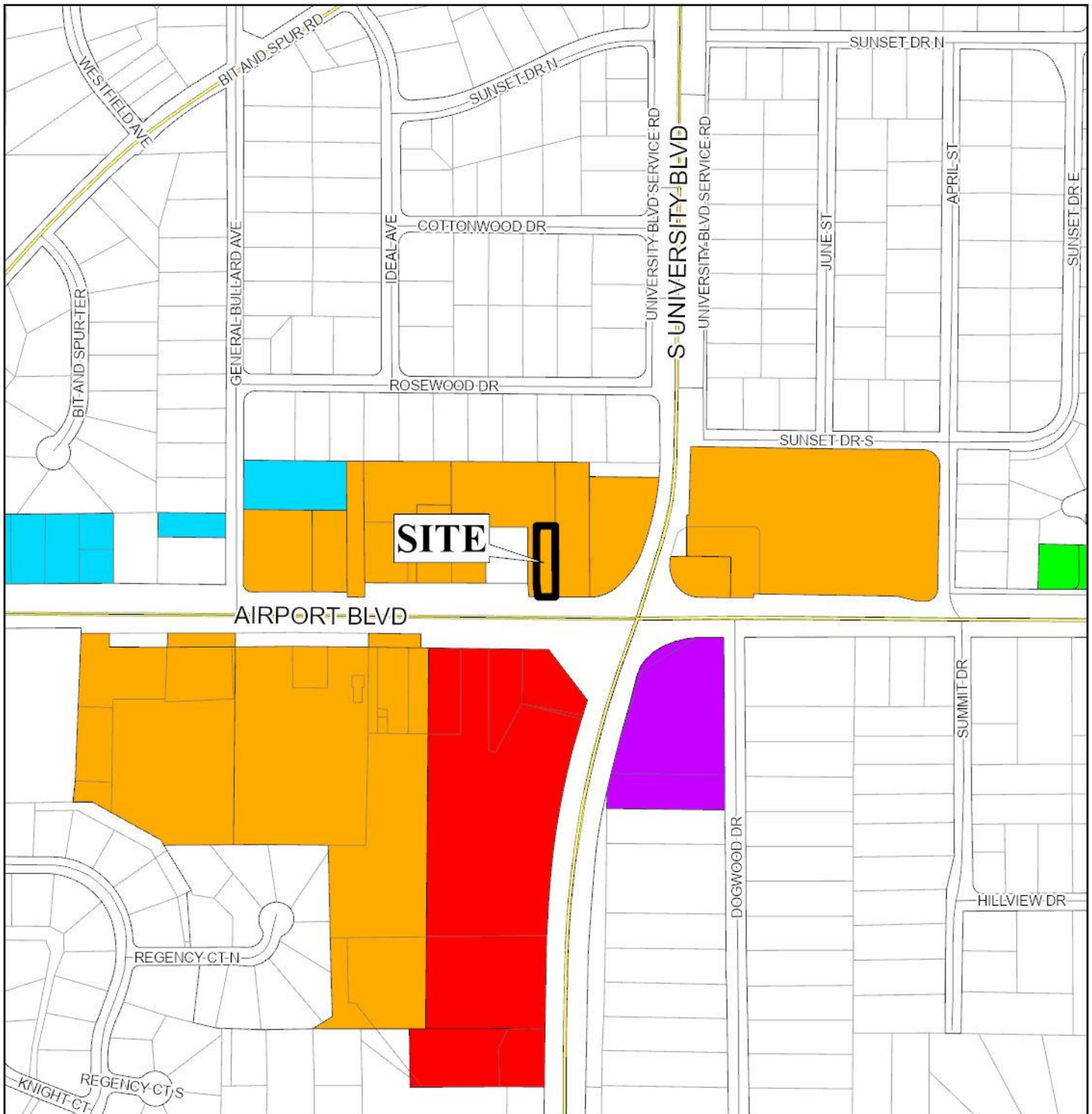
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REQUEST Parking Ratio Variance



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LOCATOR ZONING MAP



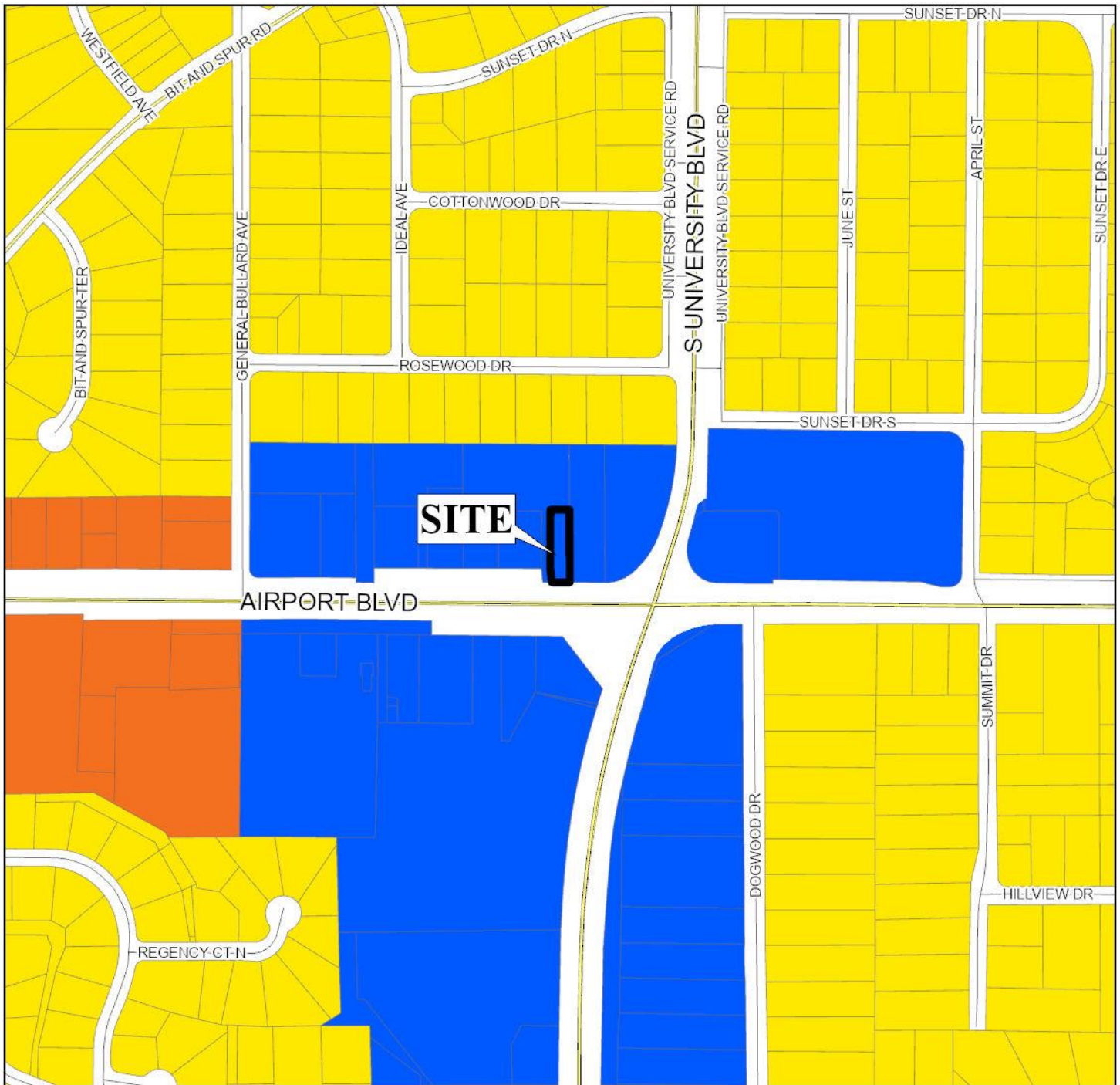
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FLUM LOCATOR MAP



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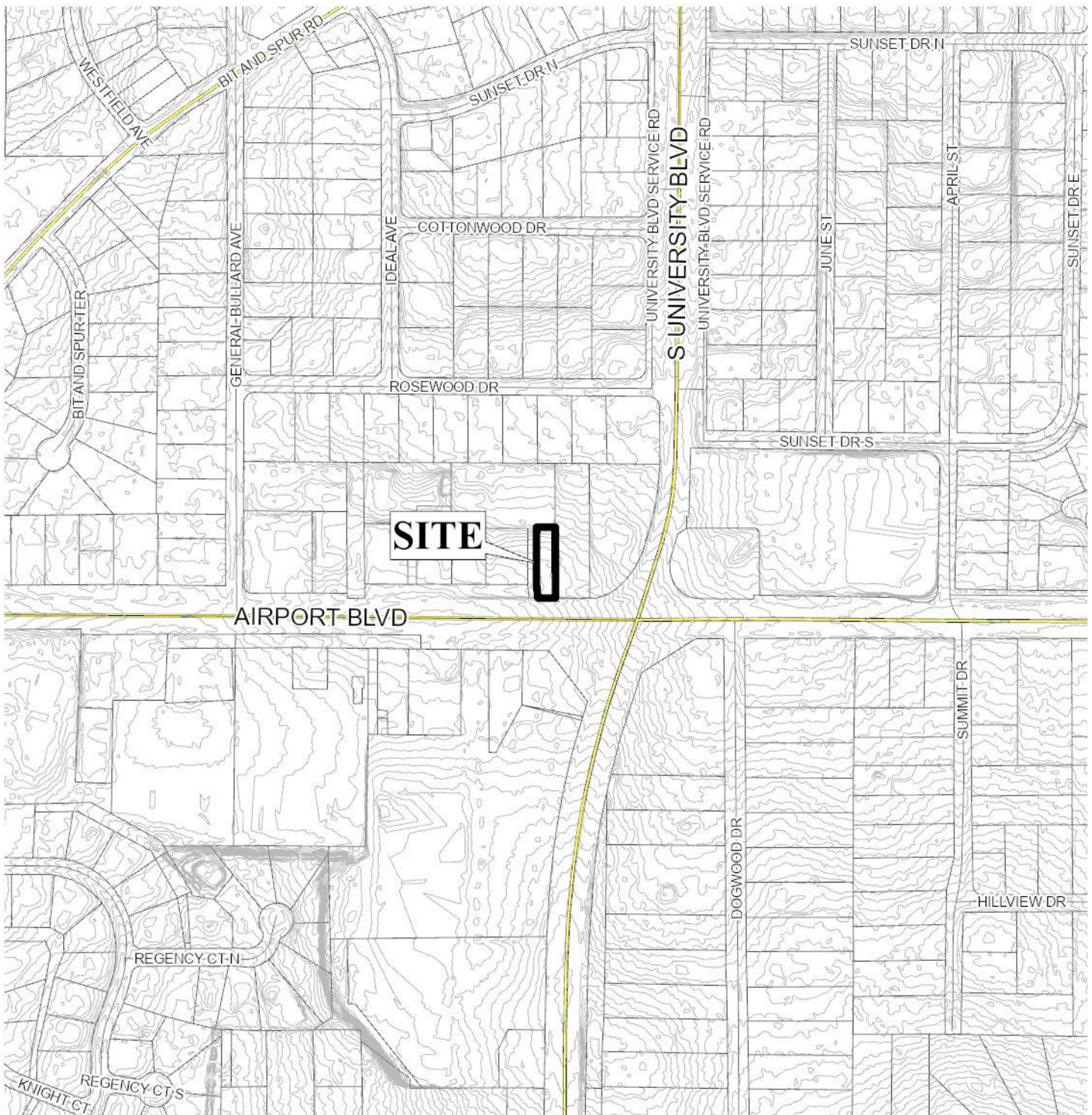
FLUM

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



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ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and commercial units to the south.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

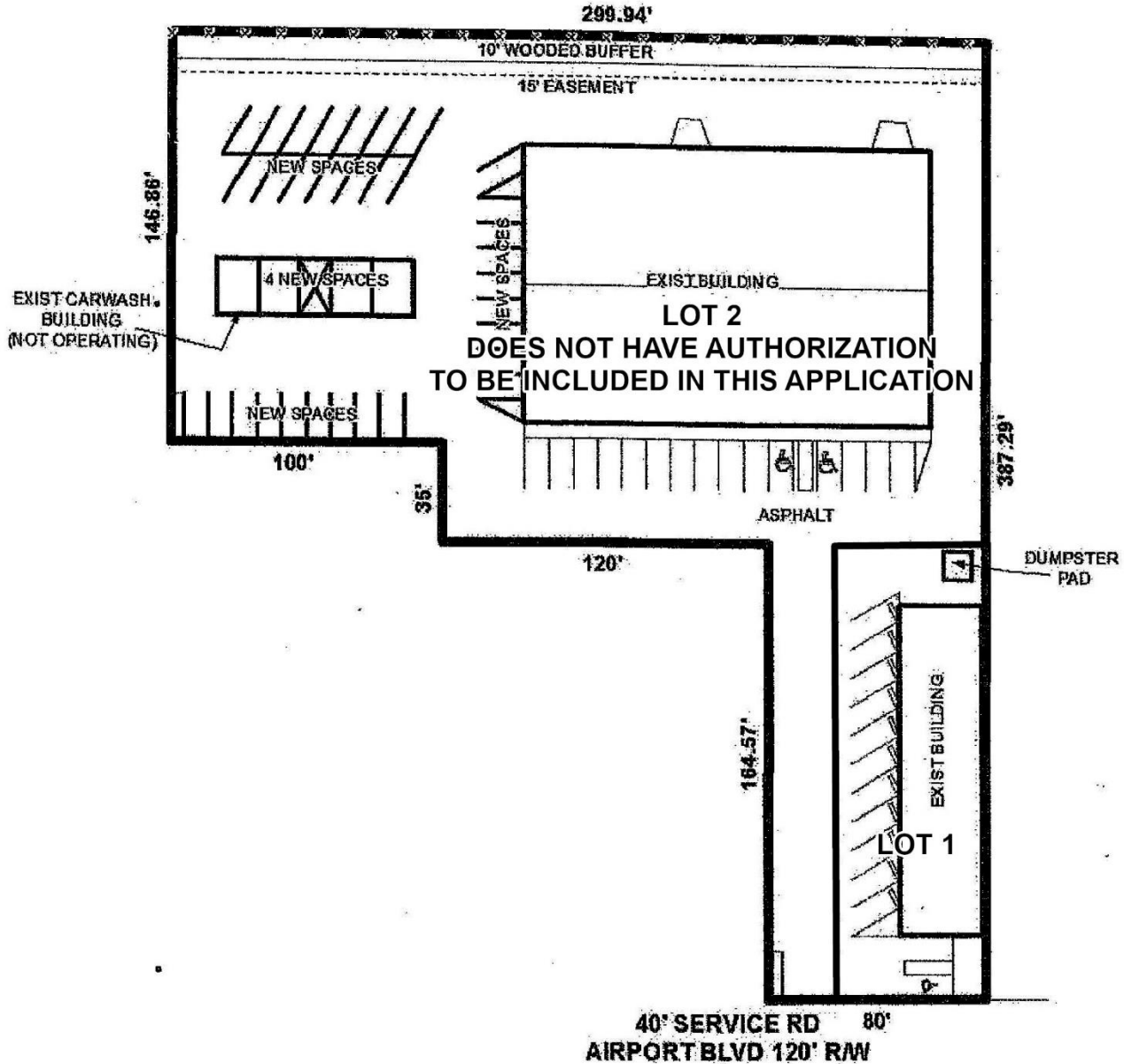


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SITE PLAN



The site plan illustrates the existing buildings, parking spaces, and easement.

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