

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 2, 2020**

<u>CASE NUMBER</u>	6359
<u>APPLICANT NAME</u>	Revitalize Mobile, LLC
<u>LOCATION</u>	1710 Gulf Field Drive North (North side of Gulf Field Drive North; 141'± East of Maryvale Street South).
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow three (3) dwelling units in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot in an R-1, Single- Family Residential District.
<u>ZONING</u>	R-1, Single-Family Residential
<u>AREA OF PROPERTY</u>	0.2± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<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 (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.
<u>FIRE DEPARTMENT COMMENTS</u>	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 3

ANALYSIS

The applicant is requesting a Use Variance to allow three (3) dwelling units in an R-1, Single-Family Residential District; the Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential (MxDR) 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 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.

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 applicant's narrative states:

Thank you for taking time to review our request of having 1710 Gulf Field Dr. Mobile, Al 36605 re-zoned from a single-family home to a three-dwelling unit. When we purchased the house in December 2019, the building was outfitted with three separate units and had three different renters residing there. After the purchase of the home we moved the tenants out so that we could start some light renovations and upgrades. We did not alter the layout of the units in any way. After our repairs were made, we rented out all three units to three different renters. At the time that we placed renters in the dwelling, we were still unaware that the prior owner never had the home re-zoned. We ask the board to please grant the variance so that we will not have to kick three families out of their homes that they love.

Based on staff research, it appears that two building permits were obtained for the site in 2017; one for minor repairs to a single-family residence, and second permit for a fence. Those permits were allowed to expire. The current applicant purchased the property in December 2019. In March 2020, building permits for minor repairs and updates were applied for and approved for the site, again for a single-family residence. In April 2020, Build Mobile staff received a 311 complaint about the multi-family nature of the site and upon inspection, it was determined that the site had indeed been converted to a three-unit dwelling, resulting in a stop-work order being issued for the 2020 building permit, hence this application.

The subject site is surrounded by R-1 zoning to the East, South and West, and by both R-3, Multi-Family Residential to the North. The surrounding properties all appear to be used in compliant manners, with no variances.

The site plan submitted with the application does not provide designated parking spaces. Multi-family dwellings require 1-1/2 parking spaces per unit, or five (5) total on-site parking spaces. Therefore, if approved, the site plan should be revised to provide compliant parking for the proposed multi-family use. A copy of the revised site plan should be submitted to and approved by Planning and Zoning prior to the re-submission for building permits.

It appears that the site was illegally converted to a multi-family dwelling prior to the current owner purchasing the property. However, it does not appear that the conversion occurred prior to 1967, thus the site would not be considered a legal nonconforming multi-family property. Furthermore, a resident of the neighborhood contacted Mobile 311 to complain about the multi-family use, thus indicating the use of the site for multi-family may not be compatible with the single-family residential nature of the neighborhood.

While it is unfortunate that the property owner did not conduct sufficient due diligence to confirm the compliant use of the site, that is not a hardship unique to the property to justify the approval of the variance request.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Use Variance request:

- 1) Approving the variance will be contrary to the public interest in that staff has received a complaint related to the multi-family nature of the structure;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the site has historically been used as a single-family residence; and
- 3) The spirit of the chapter shall be not observed and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance because all other properties are used in a compliant manner.

Revised for the December meeting:

The Board of Adjustment heldover the application until the December 7th meeting, at the request of the applicant. No additional information or revised documents were provided to staff. As such, the staff recommendation remains the same.

*Based on the proceeding, staff recommends to the Board the following findings of facts for **Denial**:*

- 1) Approving the variance will be contrary to the public interest in that staff has received a complaint related to the multi-family nature of the structure;*
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the site has historically been used as a single-family residence; and*
- 3) The spirit of the chapter shall be not observed and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance because all other properties are used in a compliant manner.*

Revised for the January meeting:

The Board of Adjustment heldover the application until the January 11th meeting, at the request of the applicant. No additional information or revised documents were provided to staff. As such, the staff recommendation remains the same.

*Based on the proceeding, staff recommends to the Board the following findings of facts for **Denial**:*

- 1) Approving the variance will be contrary to the public interest in that staff has received a complaint related to the multi-family nature of the structure;*
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the site has historically been used as a single-family residence; and*

- 3) *The spirit of the chapter shall be not observed and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance because all other properties are used in a compliant manner.*

LOCATOR MAP



APPLICATION NUMBER 6359 DATE January 11, 2021

APPLICANT Revitalize Mobile, LLC

REQUEST Use Variance



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 6359 DATE January 11, 2021

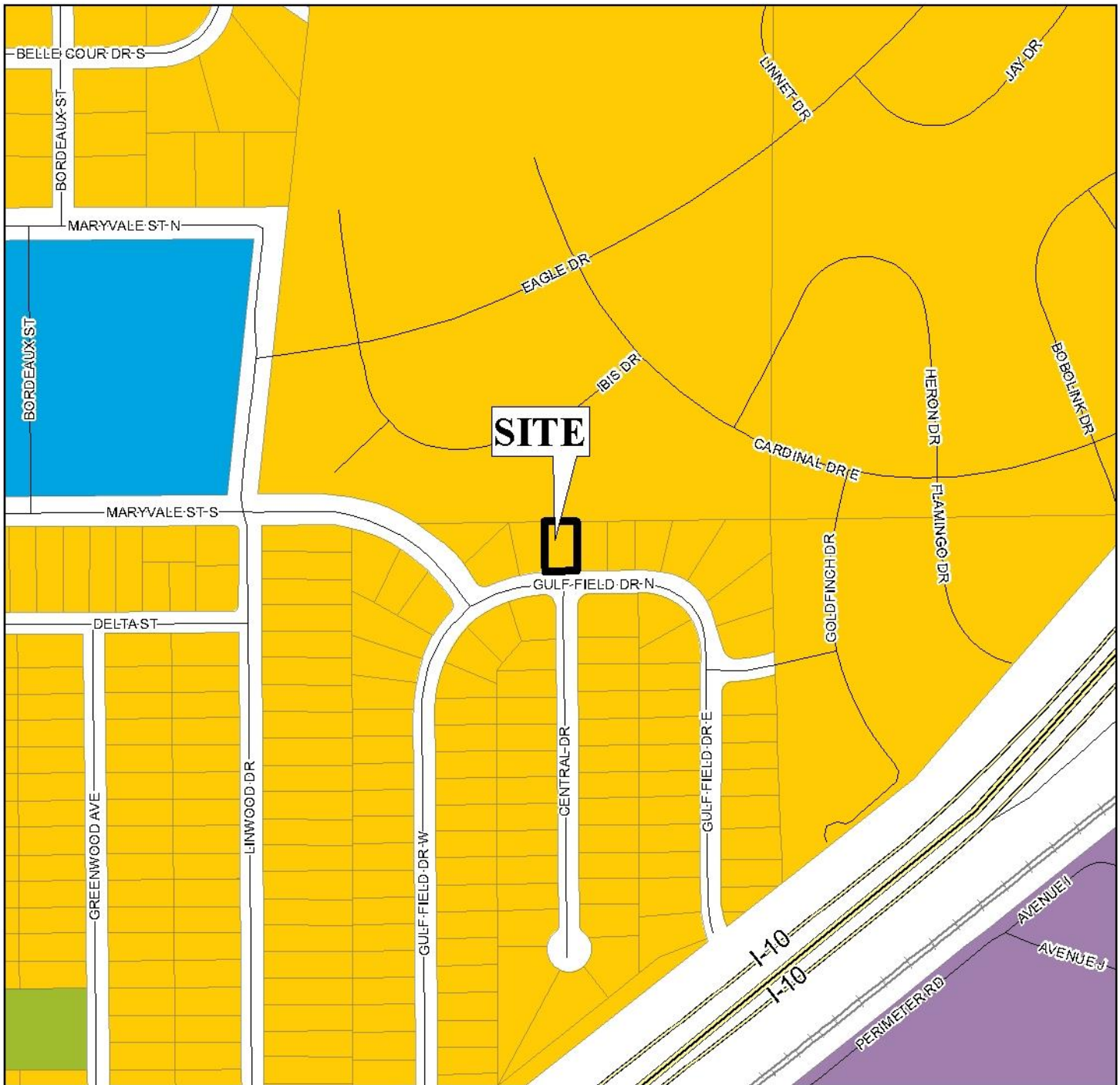
APPLICANT Revitalize Mobile, LLC

REQUEST Use Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6359 DATE January 11, 2021

APPLICANT Revitalize Mobile, LLC

REQUEST Use Variance

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 6359 DATE January 11, 2021

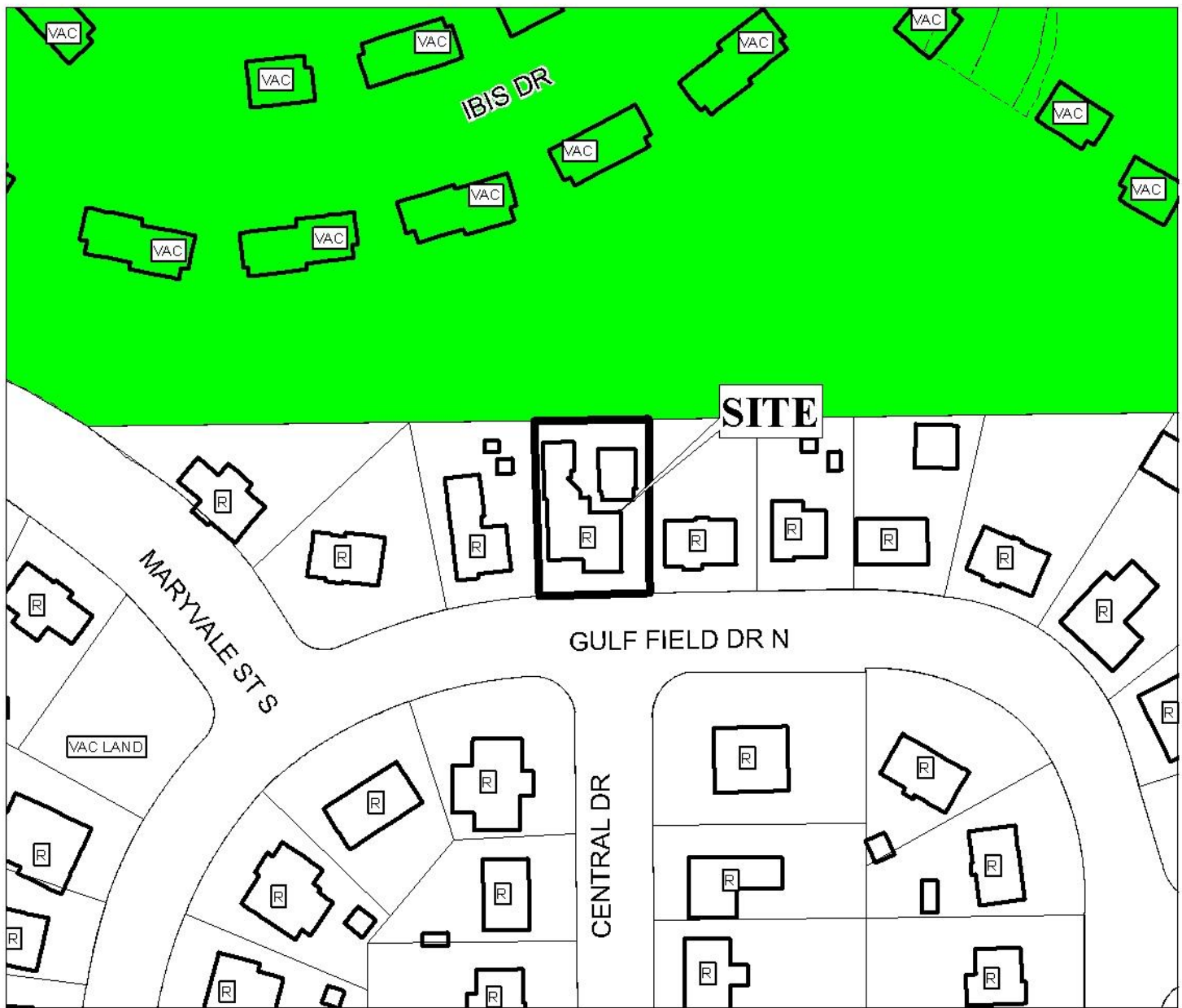
APPLICANT Revitalize Mobile, LLC

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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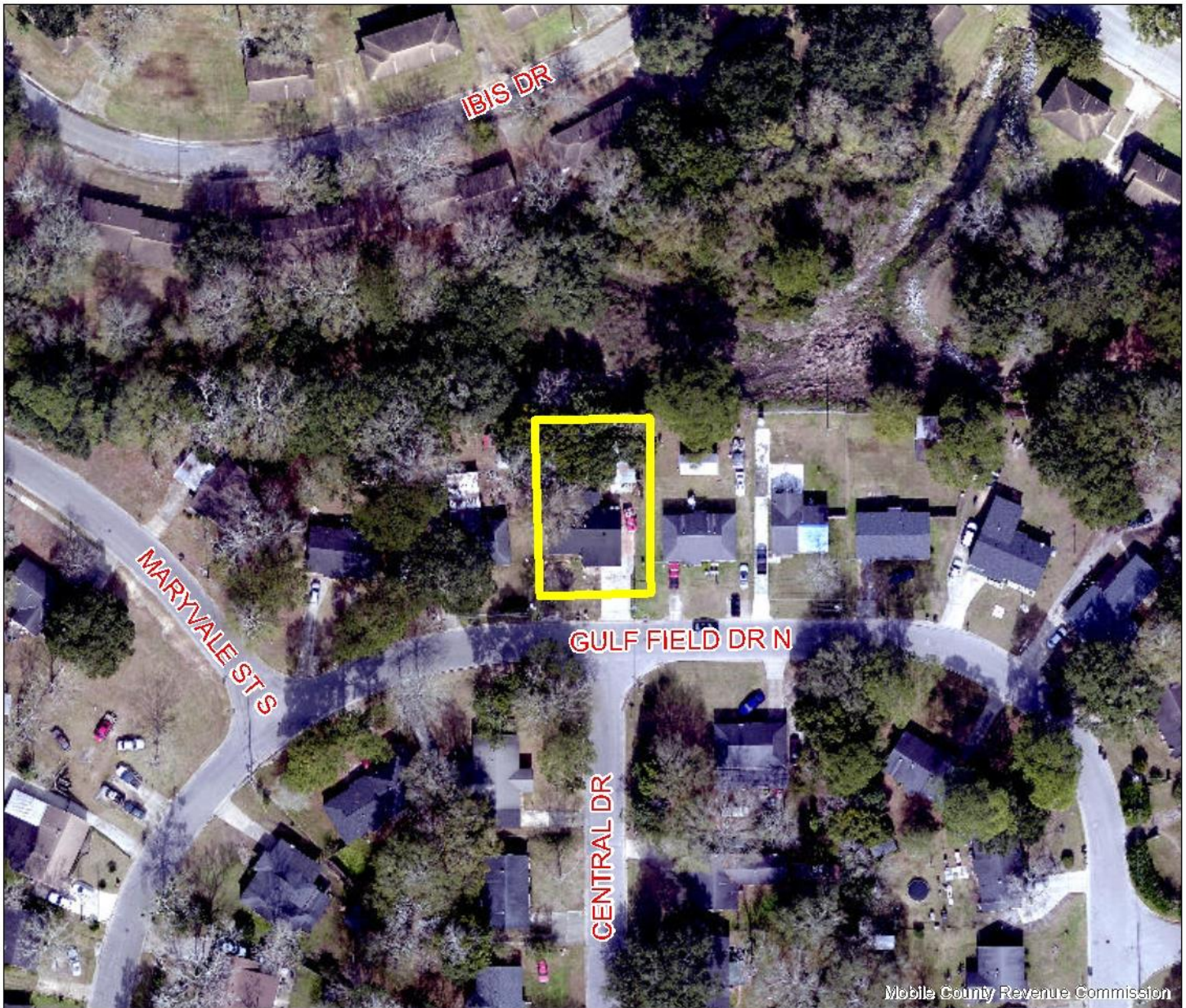
REQUEST Use Variance

 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

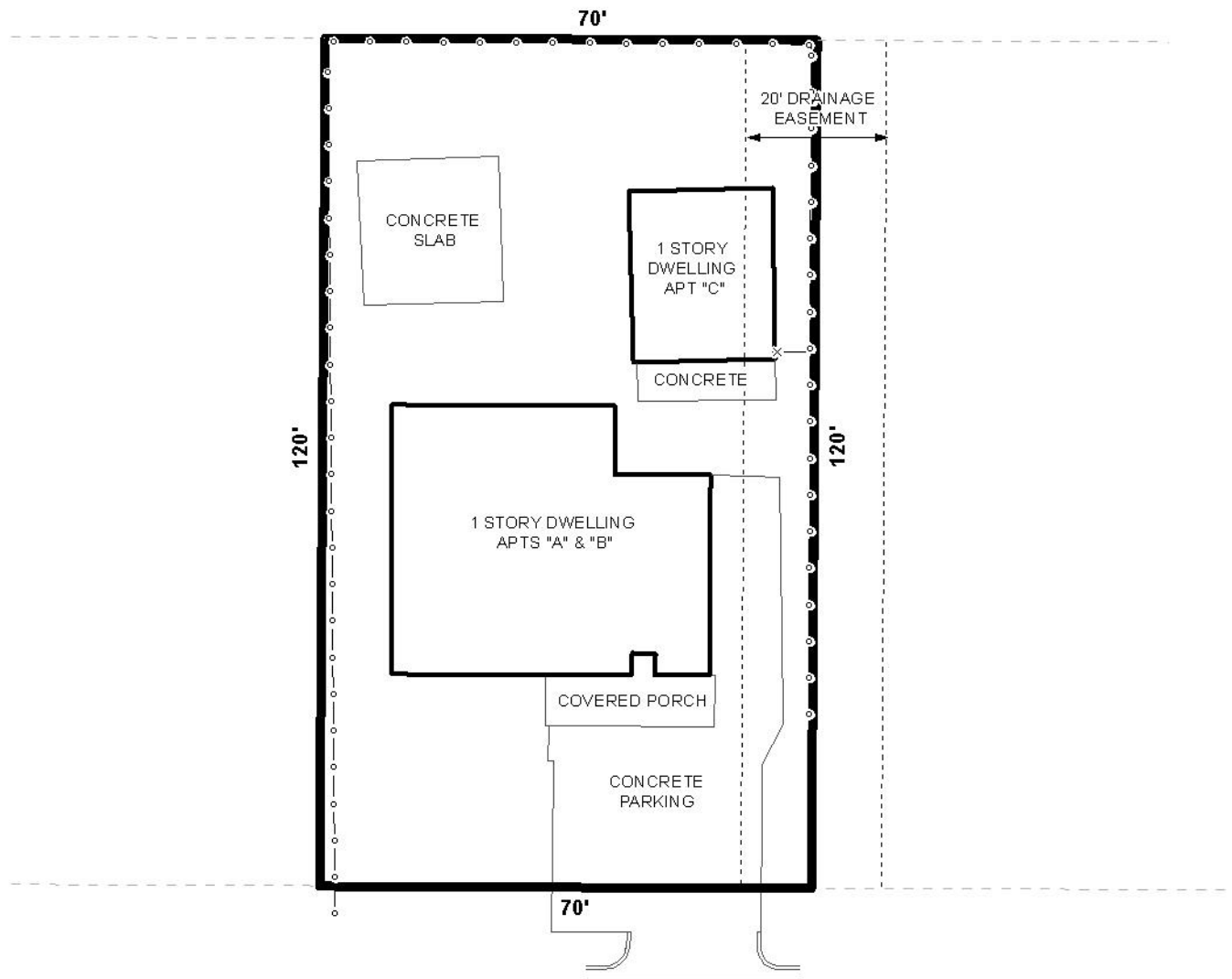


The site is surrounded by residential units.

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SITE PLAN



NORTH GULF FIELD DR 50' R/W

The site plan illustrates the proposed dwellings, parking, fences, and easement.

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