



# Agenda Item # 1 - HOLDOVER

## BOA-SE-002726-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

3768 Spring Hill Avenue and 851 Knowles Street

**Applicant / Agent:**

Reverend Monsignor William Skoneki / Benjamin P. Cummings, Agent

**Property Owner:**

St. Ignatius Parish, Mobile Corporation

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low Density Residential

**Case Number:**

6561

**Unified Development Code (UDC) Requirement:**

- Special Exception to allow a cemetery in an R-1, Single-Family Residential Suburban District

**Board Consideration:**

- Special Exception with three (3) conditions to allow a cemetery in an R-1, Single-Family Residential Suburban District


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units. Commercial units lie Southwest of the site and there is a school located to the East.

APPLICATION NUMBER <u>        6561        </u> DATE <u>        April 1, 2024        </u>	 NTS
APPLICANT <u>        Reverend Monsignor William Skoneki (Benjamin P. Cummings, Agent)        </u>	
REQUEST <u>                                Special Exception                                </u>	



## HOLDOVER COMMENTS – APRIL 1ST

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This application was heldover from the Board’s December 4, 2023 meeting to the February 5, 2024 meeting at the applicant’s request, with revisions due by January 2, 2024. The applicant subsequently requested a holdover to the April 1<sup>st</sup> meeting.

### Engineering Comments:

If this variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Tier 1 (Non-residential) that would need to be submitted through the City CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Planning Comments:

The applicant submitted a revised site plan indicating that the Eastward projection toward Knowles Street and the internal drive into it has been removed from the proposed site. The number of total plots in each phase has also been revised to indicate an increase from 1,436 to 1,450 plots in Phase 1, and an increase from 1,844 plots to 1,860 plots in Phase 2. No other site changes are indicated.

## HOLDOVER CONSIDERATIONS – APRIL 1ST

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

- 1) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- 3) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.

- 4) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- 5) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- 6) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- 7) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- 8) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- 9) The site **is** designed to minimize the impact on storm water facilities.
- 10) The use **will** be adequately served by water and sanitary sewer services.
- 11) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- 12) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If the Board is inclined to approve this request, the following conditions should apply:

- 1) Revision of the site plan to indicate a compliant residential buffer, where adjoining residential development;
- 2) Completion of the Subdivision process to make the site one (1) legal lot of record; and
- 3) Full compliance with all municipal codes and ordinances.

## SITE HISTORY

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The subject site has never had any applications before the Board of Zoning Adjustment.

In August, 2019, the Planning Commission heard a Rezoning request from R-1, Single-Family Residential District, to B-1, Buffer Business District; a Planning Approval (PA) request to allow an animal clinic with outside runs in a B-1, Buffer Business District; a Planned Unit Development (PUD) to allow shared access between building sites; and a four (4)-lot Subdivision for the site.

All of the applications were approved by the Planning Commission. However, the City Council denied the Rezoning for the site, and the other three (3) approvals expired.

There is currently a subdivision application scheduled to be heard at the Planning Commission's December 7th meeting to create one (1) legal lot of record for the site. That application has subsequently been heldover to the Commission's February 22, 2024 meeting.

## STAFF COMMENTS

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### Engineering Comments:

If this variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Tier 1 (Non-residential) that would need to be submitted through the City CSS Portal.

2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

### **Traffic Engineering Comments:**

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 Article 3, Section 64-3-12 of the City's Unified Development Code.

### **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 has requested a Special Exception to allow a cemetery in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a Special Exception to allow a cemetery in an R-1, Single-Family Residential Suburban District. The complete application is available via the link on page 1.

The subject site is currently vacant. The site plan submitted indicates that the proposed cemetery would be developed in two (2) phases. The first phase would be within the South half of the site extending Northward to a shallow ravine running across the site, and would consist of 319 standard plots, 417 monument plots, and 700 urn vaults in columbariums. The second phase would begin on the North side of the ravine and extend to the North end of the site, with a small section extending to the East toward Knowles Street. That phase would consist of 874 standard plots, 570 monument plots, and 400 urn vaults in columbariums.

A central drive would extend Northward from Spring Hill Avenue with a large traffic circle near the middle of Phase One, and a smaller circle near the North end of Phase Two. A drive would extend Eastward from the main drive in Phase Two to a circle near the Knowles Street property line. All drives are indicated to be paved in asphalt. No designated parking is indicated on the site plan; however, as there are no buildings proposed for assembly, no designated parking spaces are required. The only proposed access to the site would be via the Spring Hill Avenue

entrance. The site plan indicates the entrance will be gated, and the narrative explains they will be locked during nighttime.

The existing public sidewalk along Spring Hill Avenue is indicated on the site plan, along with a proposed public sidewalk along Knowles Street at the Eastward projection of the site. A six-foot (6') tall decorative metal fence is indicated along both street frontages. The perimeter of the site adjoining residential zoning and use is indicated to be bounded with a six-foot (6') tall chain link fence; however, if it is to be used as a residential buffer fence, the fence must be opaque. Based on prior approvals for cemeteries, buffers were required.

The site currently consists of three (3) metes-and-bounds parcels. Should the Special Exception be approved, it should be subject to the site being made one (1) legal lot of record via the pending Divine Mercy Cemetery Subdivision application to be heard by the Planning Commission on December 7<sup>th</sup>.

## SPECIAL EXCEPTION CONSIDERATIONS

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### Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a)** The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b)** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c)** The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d)** The proposed use is consistent with all applicable requirements of this Chapter, including:

- (1) Any applicable development standards in Article 3; and
  - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
  - (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
  - (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
    - (1) In making this determination, the Board of Adjustment shall consider:
      - a. The location, type and height of buildings or structures;
      - b. The type and extent of landscaping and screening;
      - c. Lighting;
      - d. Hours of operation; or
      - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
  - (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads;
  - (i) The site is designed to minimize the impact on storm water facilities;
  - (j) The use will be adequately served by water and sanitary sewer services;
  - (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
  - (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

### Considerations:

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

- 1) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- 2) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under

consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

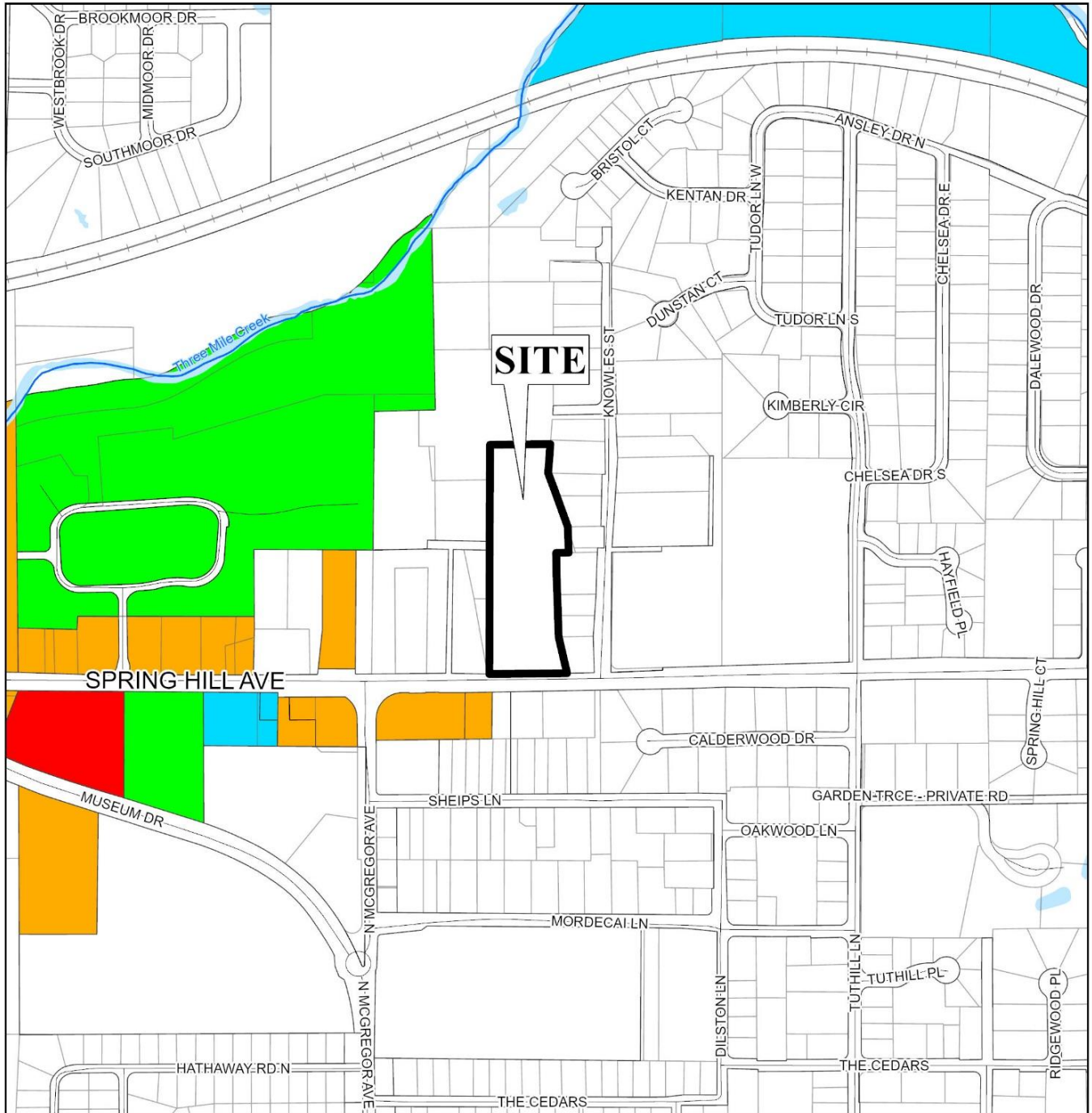
- 3) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
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- 12) The use **will not** be detrimental or endanger the public health, safety or general welfare.


If the Board is inclined to approve the Special Exception, it should be subject to the following conditions:

- 1) Revision of the site plan to indicate a compliant residential buffer, where adjoining residential development;
- 2) Completion of the Subdivision process to make the site one (1) legal lot of record; and
- 3) Full compliance with all municipal codes and ordinances.

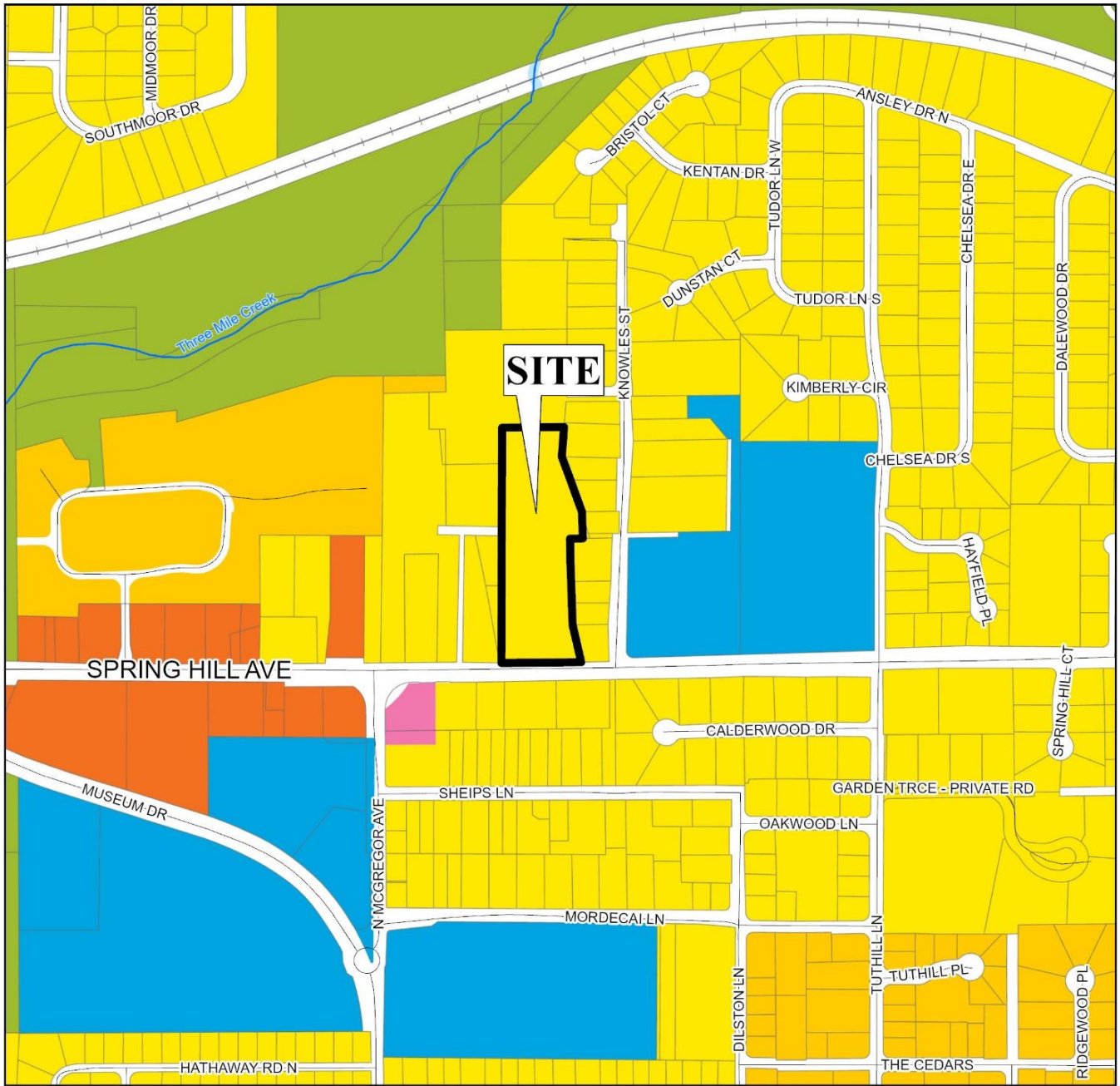


# LOCATOR ZONING MAP



APPLICATION NUMBER <u>6561</u> DATE <u>April 1, 2024</u>	 NTS
APPLICANT <u>Reverend Monsignor William Skoneki (Benjamin P. Cummings, Agent)</u>	
REQUEST <u>Special Exception</u>	

# FLUM LOCATOR MAP



APPLICATION NUMBER 6561 DATE April 1, 2024

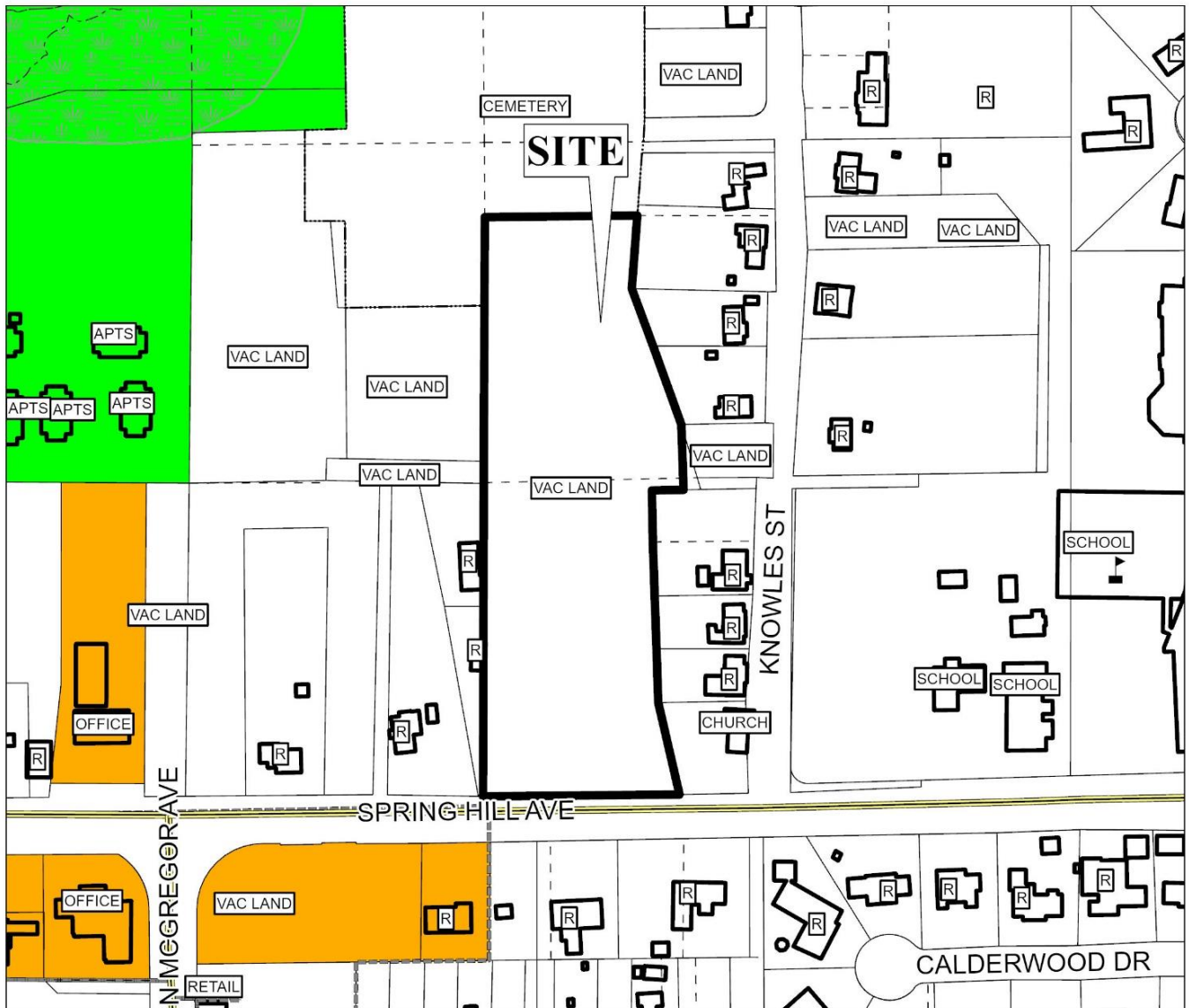
APPLICANT Reverend Monsignor William Skoneki (Benjamin P. Cummings, Agent)

REQUEST Special Exception

- |                                                               |                                                                        |                                                           |                                                              |
|---------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------|
| <span style="color: yellow;">■</span> Low Density Residential | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: orange;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: gold;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban     | <span style="color: lightgrey;">■</span> Light Industry   | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                  | <span style="color: lightpink;">■</span> Traditional Corridor          | <span style="color: purple;">■</span> Heavy Industry      |                                                              |
| <span style="color: red;">■</span> District Center            | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: cyan;">■</span> Institutional         |                                                              |



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

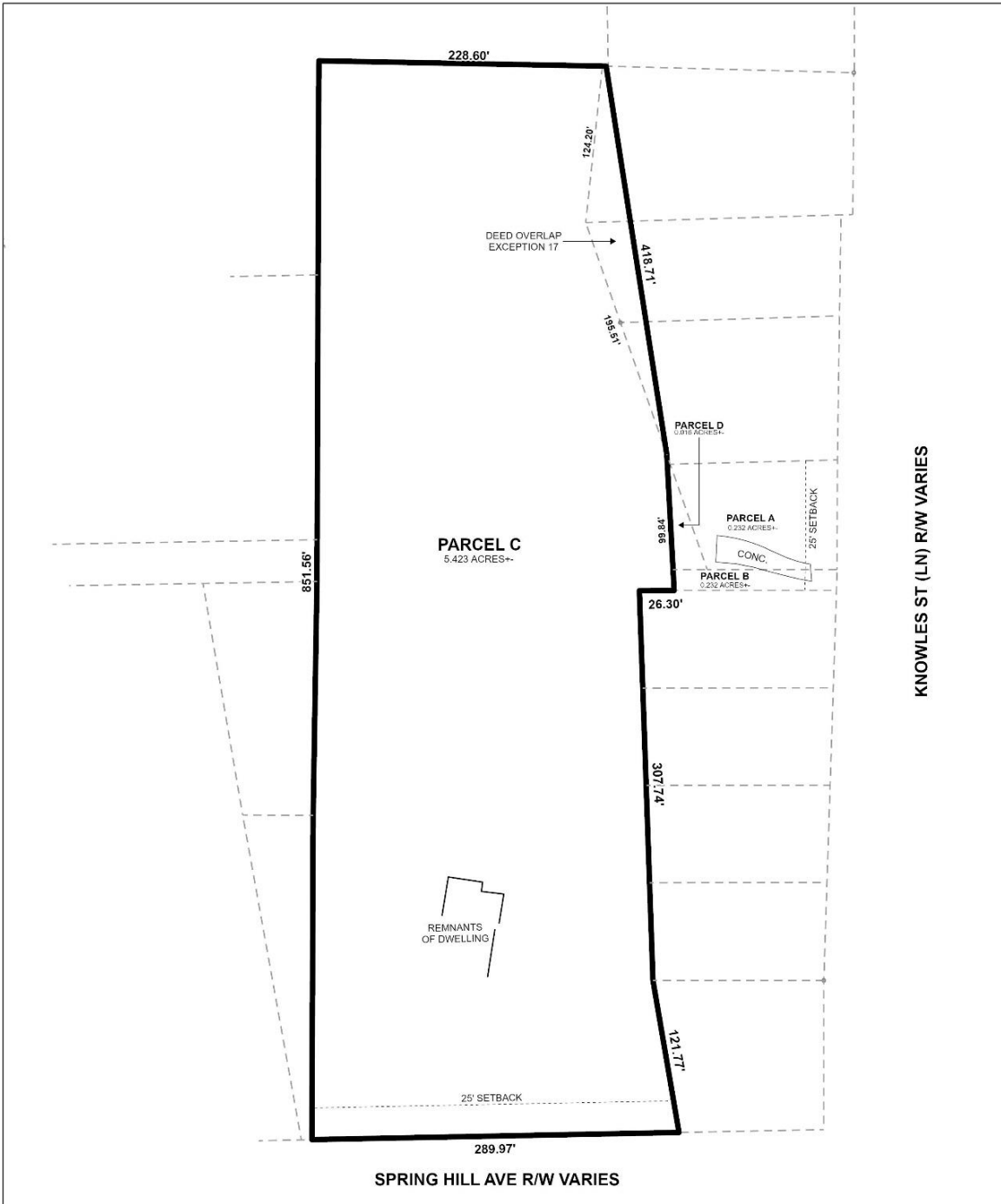


The site is surrounded by residential units. Commercial units lie Southwest of the site and there is a school located to the East.

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width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T-5.1	
<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> ML	<span style="display: inline-block; width: 15px; height: 10px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> T-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T-5.2																							
<span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: magenta; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> CW	<span style="display: inline-block; width: 15px; height: 10px; background-color: teal; border: 1px solid black;"></span> MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> PD	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: darkpurple; border: 1px solid black;"></span> T-6																							
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T-5.1																								



# EXISTING SITE PLAN

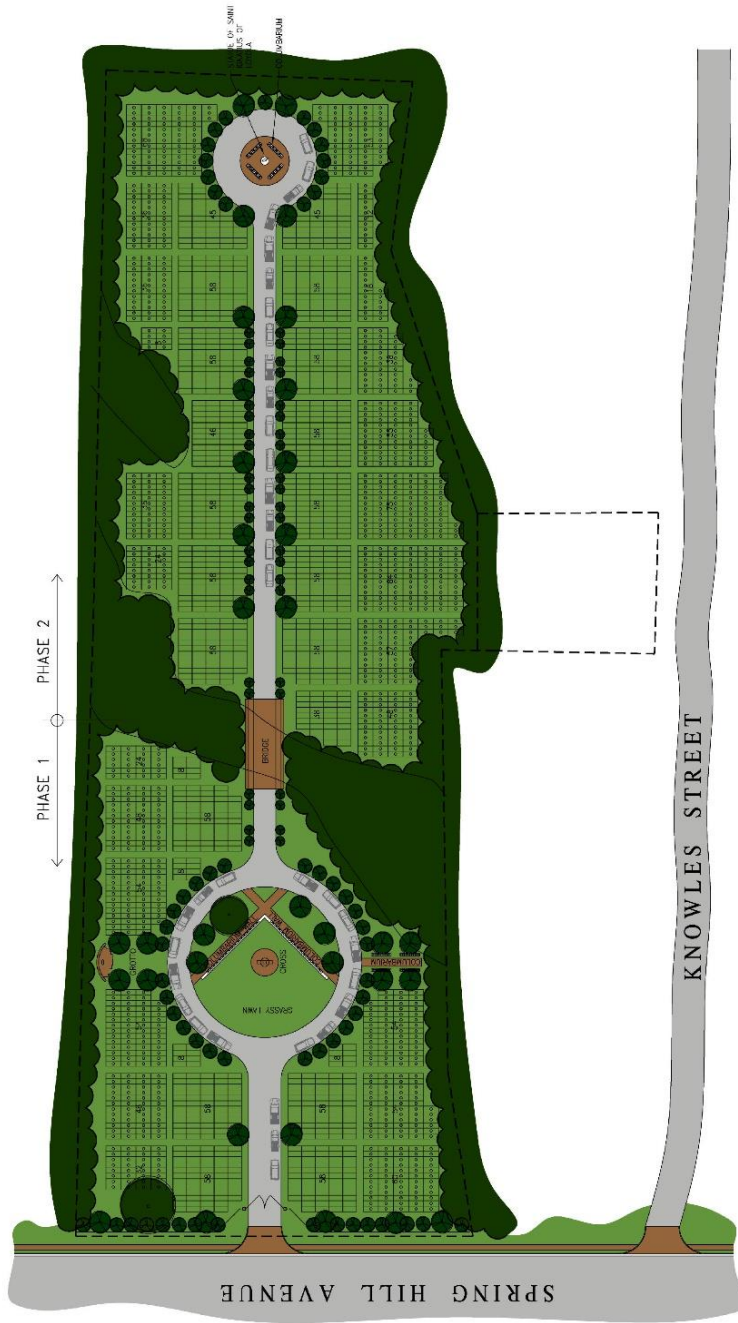


The site plan illustrates the remnants of a dwelling, parcel lines, and setbacks.


APPLICATION NUMBER <u>6561</u> DATE <u>April 1, 2024</u>	
APPLICANT <u>Reverend Monsignor William Skoneki (Benjamin P. Cummings, Agent)</u>	
REQUEST <u>Special Exception</u>	



# PROPOSED SITE PLAN



The site plan illustrates the proposed cemetery and landscaping.

APPLICATION NUMBER <u>        6561        </u> DATE <u>        April 1, 2024        </u>	
APPLICANT <u>        Reverend Monsignor William Skoneki (Benjamin P. Cummings, Agent)        </u>	
REQUEST <u>                                        Special Exception        </u>	

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 (WDWUR)
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)

# Residential Land Use



## LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.