

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 3, 2011****CASE NUMBER**

5699/5325

APPLICANT NAME

The Wooden Boat Ministry

LOCATION360 Rapier Avenue
(Northwest corner of Rapier Avenue and Texas Street)**VARIANCE REQUEST****USE:** Use Variance to allow an existing 3,255 square-foot building to be used as a non-profit boat building operation in an R-1, Single-Family Residential District.**PARKING RATIO:** Parking Ratio Variance to allow no on-site parking.**LANDSCAPING AND TREE PLANTING:**

Landscaping and Tree Planting Variance to allow no landscaping and tree plantings.

**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum I-1, Light Industry District for a boat building operation.**PARKING RATIO:** The Zoning Ordinance requires eleven on-site parking spaces.**LANDSCAPING AND TREE PLANTING:** The Zoning Ordinance requires at 12% of the site be landscaped with 60% landscaping within the front of the building line, and the planting of five overstory and two understory trees.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

4,447± square feet

**TRAFFIC ENGINEERING
COMMENTS**

There should be no long term on-street parking.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting Use, Parking Ratio, Landscaping and Tree Planting Variances to allow an existing 3,255 square-foot building to be used as a non-profit boat building operation with no on-site parking and no landscaping and tree plantings in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum I-1, Light Industry District for a boat building operation, eleven on-site parking spaces, that 12% of the site be landscaped with 60% landscaping within the front of the building line, and the planting of five overstory and two understory trees.

The site was granted Use, Parking Ratio, Landscaping and Tree Planting Variances in October, 2005, to allow an existing 3,255 square foot building as a furniture, antique and collectable shop in an R-1, Single-Family Residential District, with no on-site parking and no landscaping and trees. The current applicant proposes to use the building for a church-sponsored vocational/trade school for at-risk youth with instruction in building trades focusing on traditional wooden boat construction. Students would be in the program from a variety of scenarios including voluntary admittance, court ordering, or voluntary court option as an alternative to incarceration. In conjunction with this application, the applicant has also submitted a Planning Approval application to the Planning Commission to allow a church-sponsored activity in an R-1 District.

The proposed operation would contain two stations inside for boat construction and renovation. At first, classes would be held 8:00 AM to 5:00 PM on Friday, Saturday and Sunday until approximately 2012 when the operation would be Monday through Friday if further staff is obtained. Mornings would be devoted to classroom instruction and afternoons would be for working on boats. There would be no more than twelve students enrolled at a time. Tools utilized would consist of standard powered wood-working tools such as table saws, band saws, planers, jointers, radial arm saws, drill presses, sanders, routers, and various portable powered and un-powered hand-held woodworking tools. A dust collection vacuum system would serve the stationary powered tools. It is also stated that there will be no spraying of paints or varnishes as all applications of such would be via brush or roller.

It is stated that vehicular traffic to the facility would consist of the instructor and student vehicles, possibly two trucks per month delivering supplies, and possibly two customers per week. A trade school requires one parking space for every four students, requiring three on-site spaces in this instance. The site has five parallel street parking spaces and the applicant proposes to have over-flow parking at nearby businesses on Government Street and Michigan Avenue. This would, however, require an Off-Site Parking Variance.

Concerning the Use Variance request, the building predates the Zoning Ordinance and was originally built as a neighborhood grocery/retail store and used for such and various other commercial purposes until losing its legal nonconforming commercial status in 1985. The previous variance allows for use as a furniture, antique and collectables shop, or similar retail uses. Due to the nature of the proposed operation and the different parking requirements, a new Use Variance is required. The building is obviously unsuited for standard single-family residential use, both by its almost total site coverage and its interior floor plan. By the literal interpretation of the Zoning Ordinance, boat building requires an I-1 District, and a vocational/trade school requires a B-3, Community Business District. In this instance the boat building and repair is more of a training medium for the vocational/trade school activity and is

not meant as a for-profit operation and certainly not on a for-profit scale. The nature of the proposed tools and construction activity are much more closely related to a custom cabinet/carpenter shop, which is allowed by right in a B-3 District.

The district regulations are very explicit for R-1, Single-Family Residential, and are designed to protect the residential character of the area by prohibiting businesses. Inasmuch as there have been previous businesses on the site, and a Use Variance was granted for one, all have been consistent with a B-2, Neighborhood Business level of activity. As the site is embedded in an area where all active land uses are residential, elevating the use of the property beyond that which it has previously had would be out of character with the neighborhood, especially when considering that students would be of an at-risk nature and could cause concerns within the neighborhood.

With regard to the Parking and Tree and Landscaping Variance requests, the site presents a hardship as there is no area to satisfy the requirements for such due to its almost total build-out and to enforce such requirements would be impracticable.

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 has demonstrated that there is a hardship imposed by the property with regard to use as a single-family residence and that requirement of compliant parking and landscaping and tree planting for commercial use would be impracticable. However, it has not been demonstrated that the property is not suitable for its previous legal nonconforming uses and that for which the previous Use Variance was granted. The elevation of use activity beyond the previous uses within the R-1 District would be out of character with the neighborhood, and the Board should consider the Use Variance request for denial. The Parking Ratio and Landscaping and Tree Planting Variance requests therefore, are moot.

RECOMMENDATION:

Based on the preceding, the request for a Use Variance is recommended for denial. The requests for Parking Ratio and Landscaping and Tree Planting Variances therefore, are moot.

Revised for the September meeting:

This application was heldover from the August meeting to allow the applicant to contact residents in the neighborhood for any possible concerns pertaining to the application. As no new information has been provided to staff, the original recommendation would stand.

RECOMMENDATION: *Based on the preceding, the request for a Use Variance is recommended for denial. The requests for Parking Ratio and Landscaping and Tree Planting Variances therefore, are moot.*

Revised for the October meeting:

This application was heldover from the September meeting at the applicant's request. The applicant has submitted a revised narrative addressing concerns presented by staff and Board members at the previous meetings and a petition from residents within the area in support of the proposed operation.

The applicant has secured a parking agreement with the City of Mobile Parks & Recreation Department to park vehicles at Crawford-Murphy Park, within approximately 560' of walking distance from the subject site. Although this would provide ample parking for the site, an Off-Site Parking Variance would be required.

Concerns about noise created by the proposed woodworking tools to be used was addressed via decibel meter tests conducted by an audio engineer technologist and all readings were found to be below the City's Noise Ordinance 85dB limit in residential areas between the hours of 6:00 AM and 10:00 PM.

The applicant held a community meeting and explained the proposed operation and has submitted a petition to staff with approximately 50 signatures in support of the proposed use. Staff has been presented an outline of the various proposed activities to include academics, trade skills, equipment use timing, and community projects and service.

Upon review of the revised information submitted to staff, it becomes clearer that the proposed use is one generally beneficial to the public as a whole, but the fact remains that the use is at lowest classification, one of a B-3, Community Business nature. Even though the applicant has demonstrated that there is a hardship imposed by the property with regard to R-1 use, on-site parking, and landscaping and tree planting requirements for commercial use, it has not been demonstrated that the property is not suitable for its previous legal nonconforming uses and that for which the previous B-2 type Use Variance was granted. The elevation of use activity beyond the previous uses within the R-1 District would be out of character with the neighborhood, and the Board should consider the Use Variance request for denial. The Parking Ratio and Landscaping and Tree Planting Variance requests therefore, are moot.

RECOMMENDATION:

Based on the preceding, the request for a Use Variance is recommended for denial. The requests for Parking Ratio and Landscaping and Tree Planting Variances therefore, are moot.

LOCATOR MAP



APPLICATION NUMBER 5699/5325 DATE October 3, 2011

APPLICANT The Wooden Boat Ministry

REQUEST Use, Parking Ratio, Landscaping and Tree Planting Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There are multi-family residential units north and east of the site.
Single family residential units are to the west and south.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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Single family residential units are to the west and south.

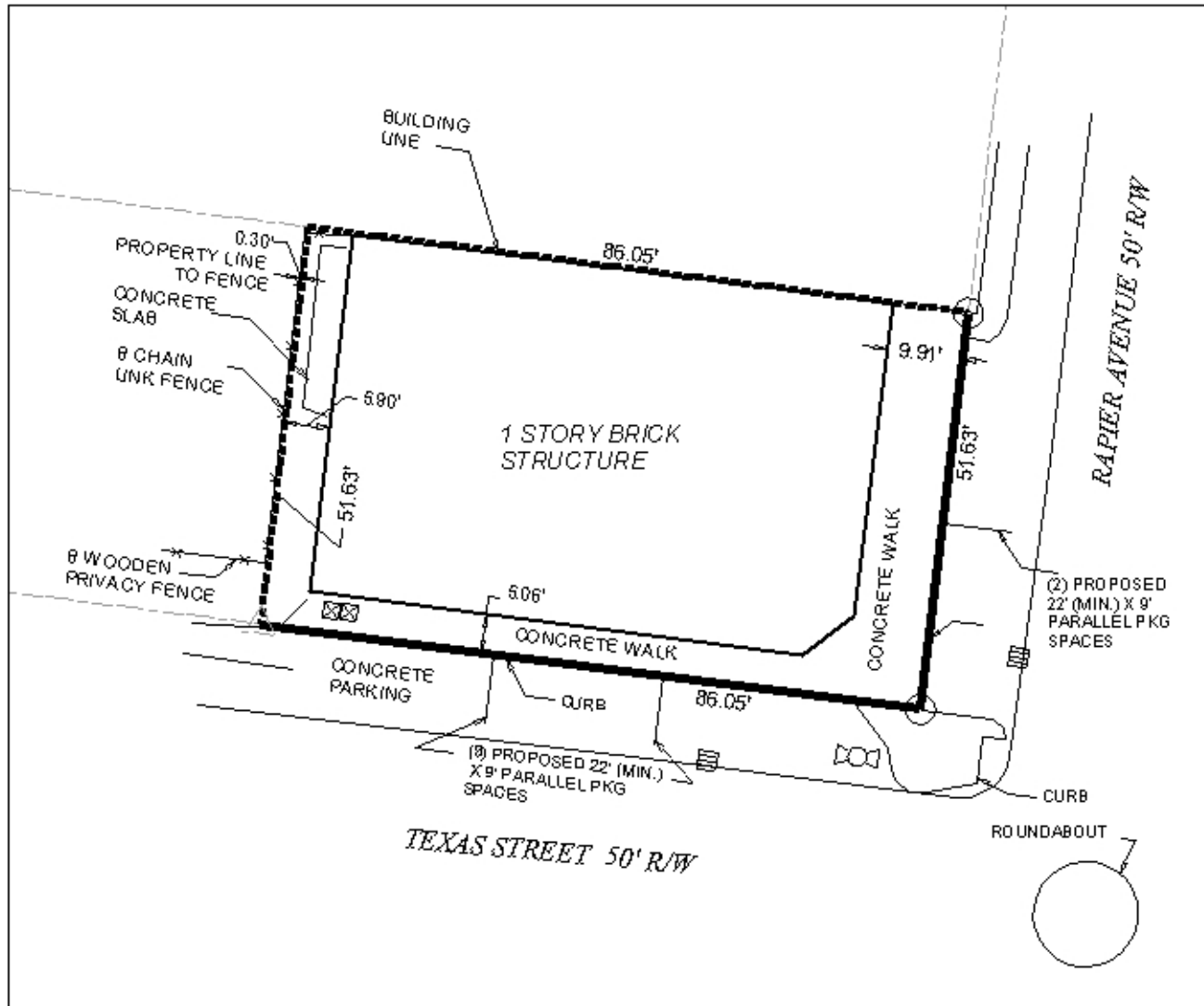
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SITE PLAN



The site plan illustrates the existing building, parking, and fence.

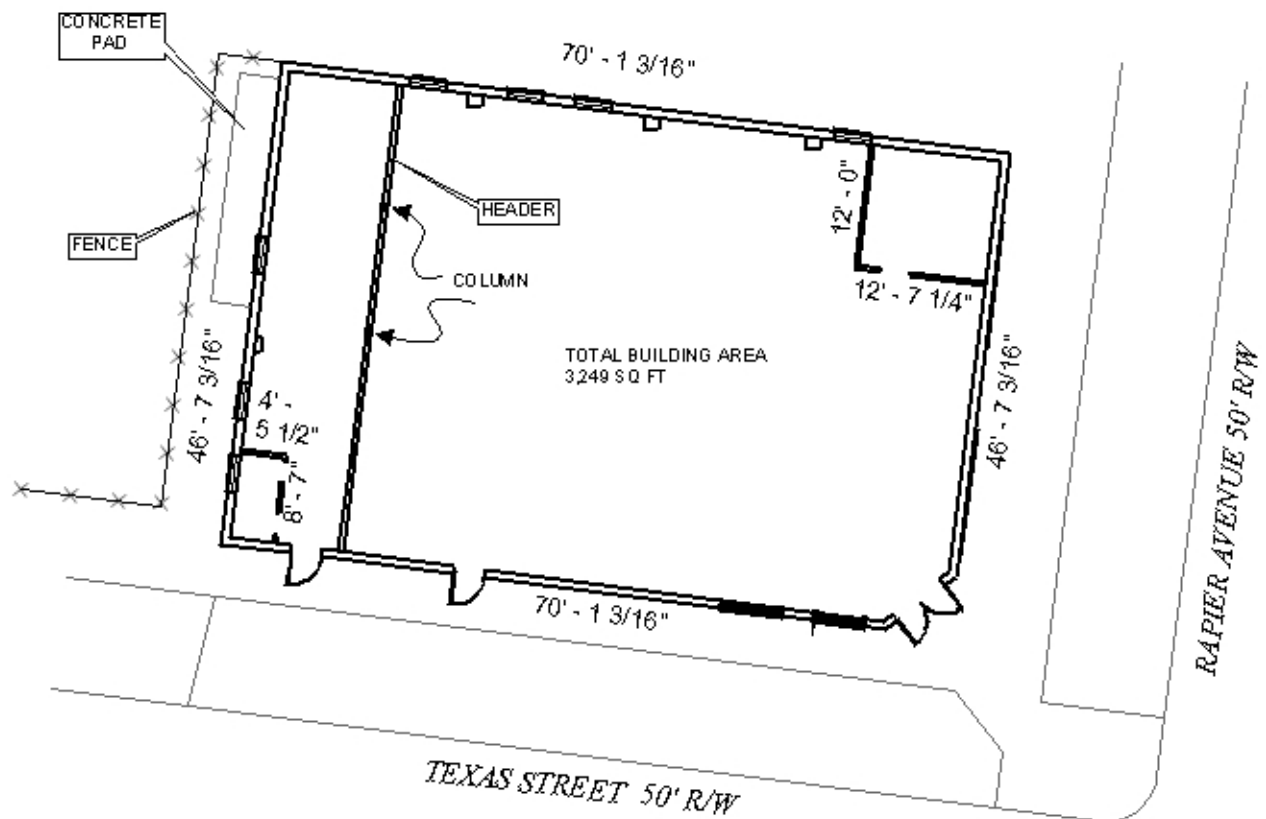
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FLOOR PLAN DETAIL



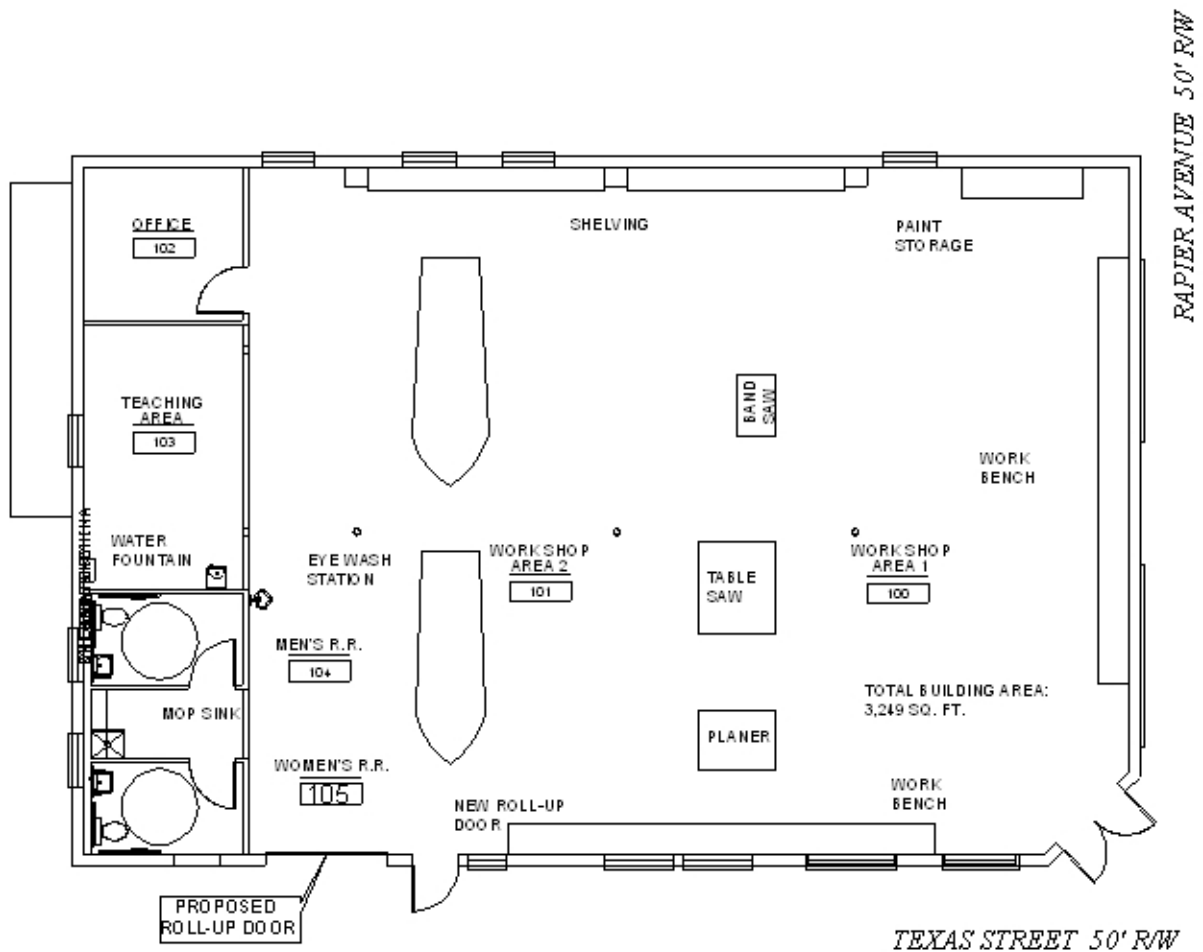
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PROPOSED FLOOR PLAN



PROPOSED FLOOR PLAN

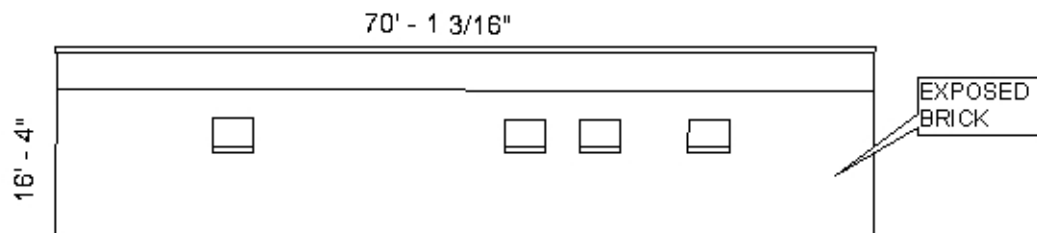
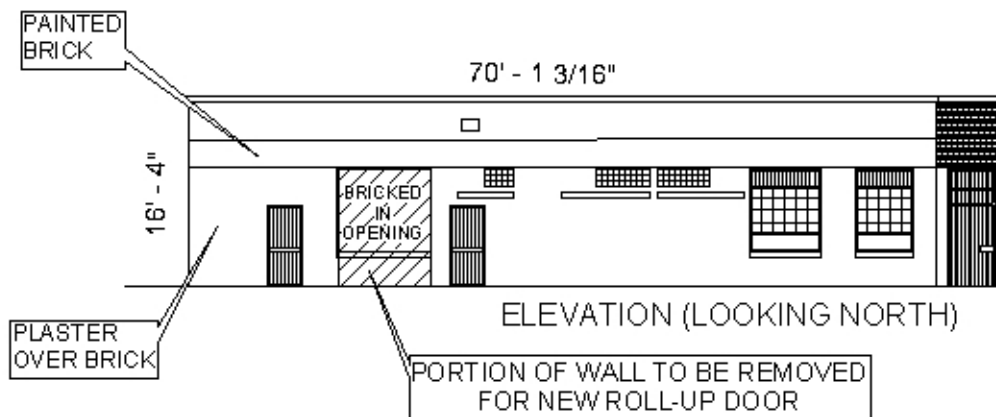
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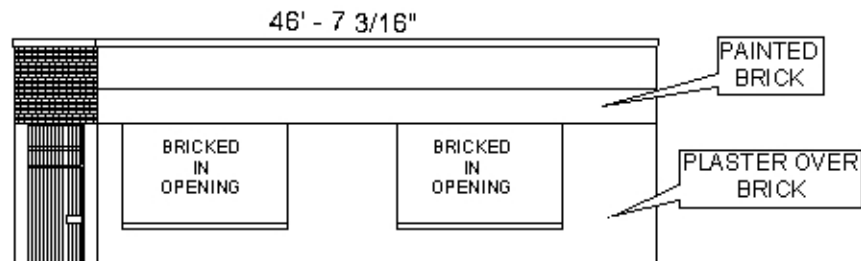
BUILDING ELEVATION DETAIL 1



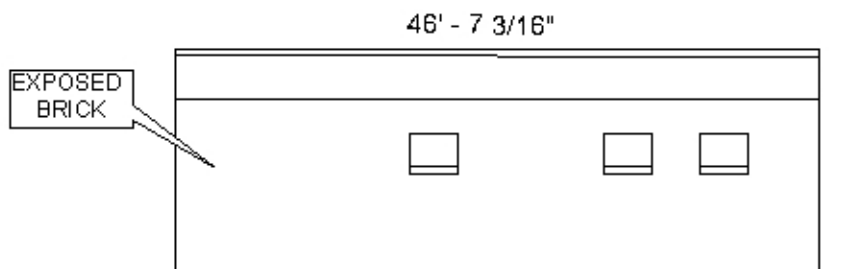
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BUILDING ELEVATION DETAIL 2



EXISTING ELEVATION (LOOKING WEST)



EXISTING ELEVATION (LOOKING EAST)

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