

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 4, 2012****CASE NUMBER**

5749/5501

**APPLICANT NAME**

Michael Schambeau

**LOCATION**3806 Moffett Road  
(North side of Moffett Road, 240' ± West of Stimpson Lane)**VARIANCE REQUEST****USE:** Allow an automotive repair shop in a B-2, Neighborhood Business District.**ACCESS:** Allow no direct vehicular public street access to the parking area.**TREE PLANTING:** Allow reduced tree plantings.**ZONING ORDINANCE  
REQUIREMENT****USE:** An automotive repair shop requires a minimum of a B-3, Community Business District.**ACCESS:** Direct vehicular access to a public street from the parking area.**TREE PLANTING:** The site is required to have eight (8) frontage trees, thirty (30) perimeter trees, and two (2) parking trees.**ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

0.73 ± Acres

**TRAFFIC ENGINEERING**

**COMMENTS** If you ever make improvements to the Moffett Rd. driveway, contact ALDOT and request that they approve changes to meet current City requirements, i.e. the driveway width for commercial sites (as measured behind the sidewalk) is 24' (or 36' for three lanes) with a 20' radius. 20' radii for typical passenger vehicles and 30' radii for larger trucks are required. Example: If you have a 24' wide driveway and two 20' radii, the total curb cut will be 64', i.e. 20' radius + 24' driveway width + 20' radius = 64'

**THREE LANE DRIVEWAYS...**

When you have three lanes (two lanes exiting), the driveway may be 36' wide (three 12' wide lanes). When designing a 36' wide drive, one exiting lane will have a LEFT arrow (or a

combination LEFT/STRAIGHT arrow). The other lane will have a RIGHT arrow (or a combination STRAIGHT/RIGHT arrow). The line delineating the two exiting lanes shall be an eight inch wide white line. The lines separating the entering lane from the inside exiting lane shall be two yellow (parallel), six inch lines.

All arrows and dividing lane lines MUST be composed of either THERMOPLASTIC or COLD LAY material because paint doesn't last long. The arrows shall be white and will be required to be reapplied if they do not stay down during the first year after they are applied.

## **CITY COUNCIL** **DISTRICT**

District 1

### **ANALYSIS**

The applicant is requesting Use, Access, and Tree Planting Variances to allow an automotive repair shop in a B-2, Neighborhood Business District, with no direct vehicular public street access to the parking area, and reduced tree plantings; the Zoning Ordinance requires a minimum of a B-3, Community Business District for an automotive repair shop, direct vehicular access to a public street from the parking area, eight frontage trees, thirty perimeter trees, and two parking trees.

The site was the subject of a planned unit development at the Planning Commission's June 20, 1996 meeting, however, the conditions of approval were not all met, therefore the approval expired. The applicant then applied for and was granted a use and tree planting variance at the Board of Zoning Adjustment's November 3, 2008 meeting. However, the site was never brought into compliance with the conditions of approval of that variance. Currently, the applicant is trying to obtain approval similar to that of the previous variance.

The site has a history of being used as an automotive repair shop since approximately 2002 when a business license was issued to Major Move Auto & Repair, despite a zoning clearance never having been issued. The applicant has also applied for and obtained a business license in 2008 while not being issued a zoning clearance.

The 2008 variance was approved with the following conditions:

1. provision of designated parking and maneuvering area, as required by Section 64-6 of the Zoning Ordinance;
2. provision of a curb cut onto Moffett Road so as to provide direct vehicular public street access, with the size, location, and design to be approved by traffic engineering and ALDOT, with appropriate permits;
3. removal of the shared access with 3808 Moffett Road;
4. planting of two (2) frontage trees along Moffett Road, type to be determined by the City of Mobile's Urban Development Department;
5. submission of a revised site plan, illustrating compliance with this approval and all conditions, to the Planning Section of the Urban Development Department of the City of Mobile prior to the issuance of any permits or land disturbance activities; and,
6. full compliance with all municipal codes and ordinances.

The applicant has submitted a site plan which indicates that parking requirements and adequate maneuvering area will be provided, however, the applicant states that a request for a curb cut to Moffett Road was denied by ALDOT, and provided a letter from ALDOT stating the same. The primary reasoning given by ALDOT for denying the site direct access to Moffett road is because of the joint access to 3808 Moffett Road; the site has a curb cut to Norwood Lane; and the concern over having two curb cuts onto Moffett Road within 100' of each other, and should be a minimum of 500' apart. Because the direct access to Moffett Road was denied, the applicant wishes to maintain the connection with 3808 Moffett Road in order to provide customers with vehicular access to the parking area since 3806 Moffett Road (the subject site) has one curb cut to Norwood Lane and there is insufficient room to provide an adequate connection to the parking area on the Moffett Road side of the property, as well as insufficient room to relocate the parking area to the Norwood Lane side of the property.

Because of the proposed connection between the two lots, the applicant is requesting an allowance in the reduction of required tree plantings for both sites. The previous variance approval condition called for the placement of the required frontage trees along Moffett Road only, which in this instance would result in two (2) trees per lot. However, it should be noted that each lot is required to provide two (2) frontage trees along Moffett Road, two (2) frontage trees along Norwood Lane, fifteen (15) perimeter trees, and one (1) parking tree. It seems that there is sufficient room on both lots to comply with tree planting requirements of Section 64-4.E. of the Zoning Ordinance.

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.

Based on the Board of Zoning Adjustment's previous approval for the site to be used as an automotive repair shop, the use variance seems it may be appropriate. Based on the fact that ALDOT refuses to allow 3806 Moffett Road direct access to Moffett Road partly because of the shared access between the properties, the request to allow vehicular access to the site's parking area through 3808 Moffett Road may also be appropriate. However, both lots illustrate an abundance of landscaped area on which the required number of trees could be planted.

**RECOMENDATION** Based upon the preceding, the use and access variance are recommended for approval subject to the following conditions:

- 1) provision of landscaping and tree plantings as required by Section 54-4.E. of the Zoning Ordinance;

- 2) provision of required parking and adequate accessways as illustrated on the site plan submitted;
- 3) compliance with Traffic Engineering comments *“If you ever make improvements to the Moffett Rd. driveway, contact ALDOT and request that they approve changes to meet current City requirements, i.e. the driveway width for commercial sites (as measured behind the sidewalk) is 24' (or 36' for three lanes) with a 20' radius. 20' radii for typical passenger vehicles and 30' radii for larger trucks are required. Example: If you have a 24' wide driveway and two 20' radii, the total curb cut will be 64', i.e. 20' radius + 24' driveway width + 20' radius = 64'”*

**THREE LANE DRIVEWAYS...**

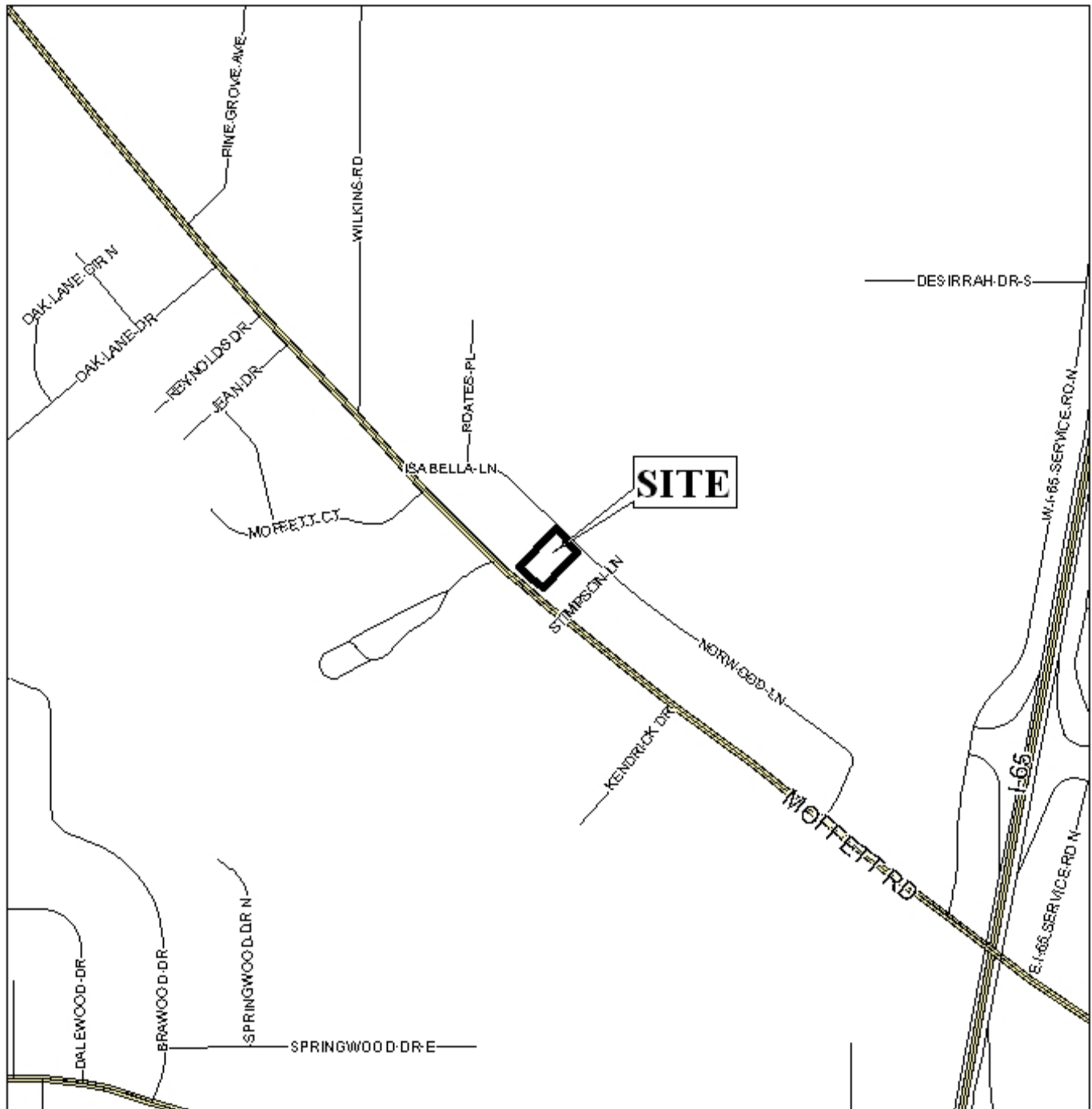
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- 4) submission of a revised site plan, illustrating compliance with all conditions, to the Planning Section of the Urban Development Department of the City of Mobile prior to any issuance of any permits, or land disturbance activities; and
- 5) compliance with all other codes and ordinances.

The tree planting variance is recommended for denial.

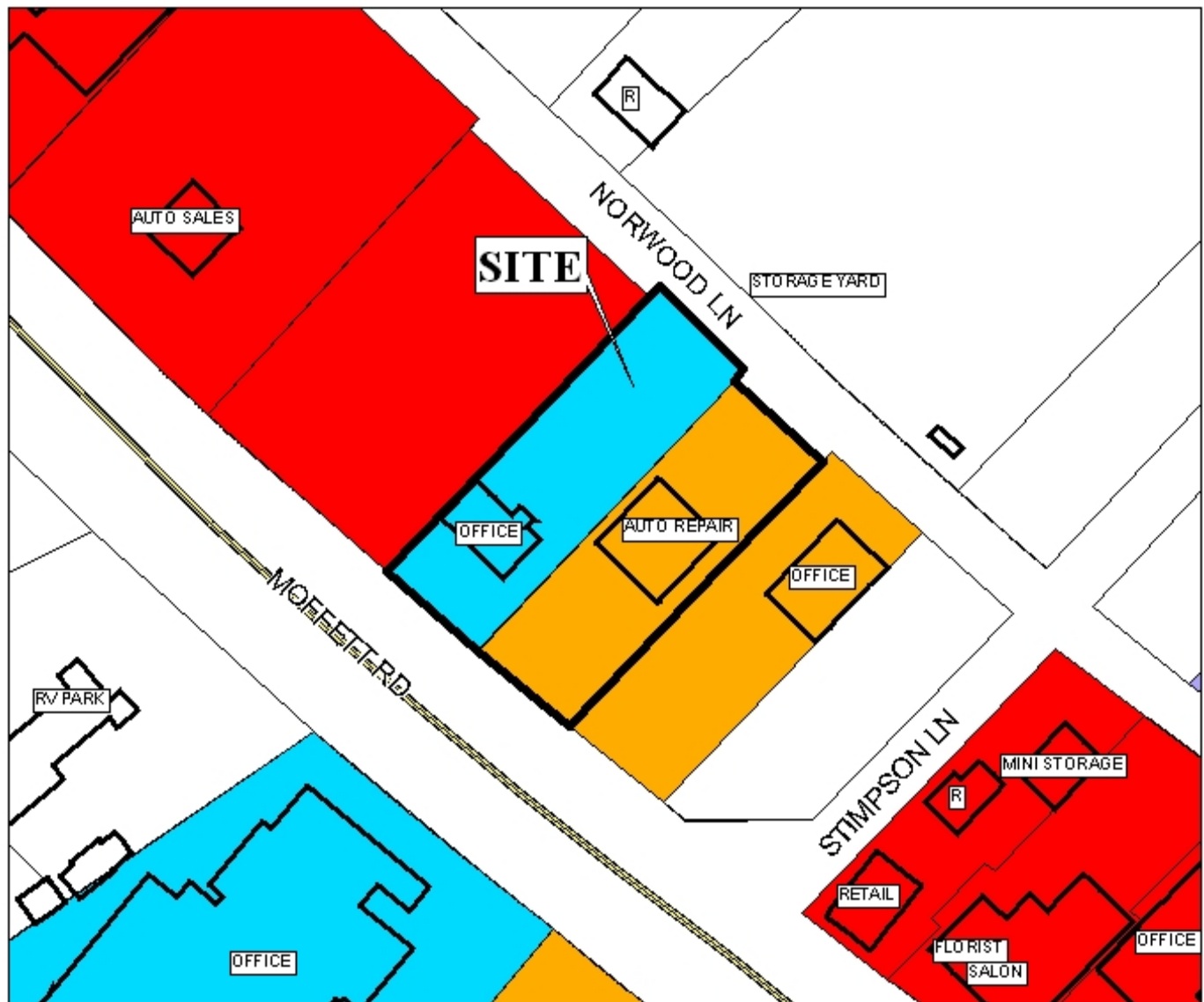
# LOCATOR MAP



APPLICATION NUMBER 5749/5501 DATE June 4, 2012  
APPLICANT Michael Schambeau  
REQUEST Use, Access, and Tree Planting Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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REQUEST Use, Access, and Tree Planting Variances

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





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

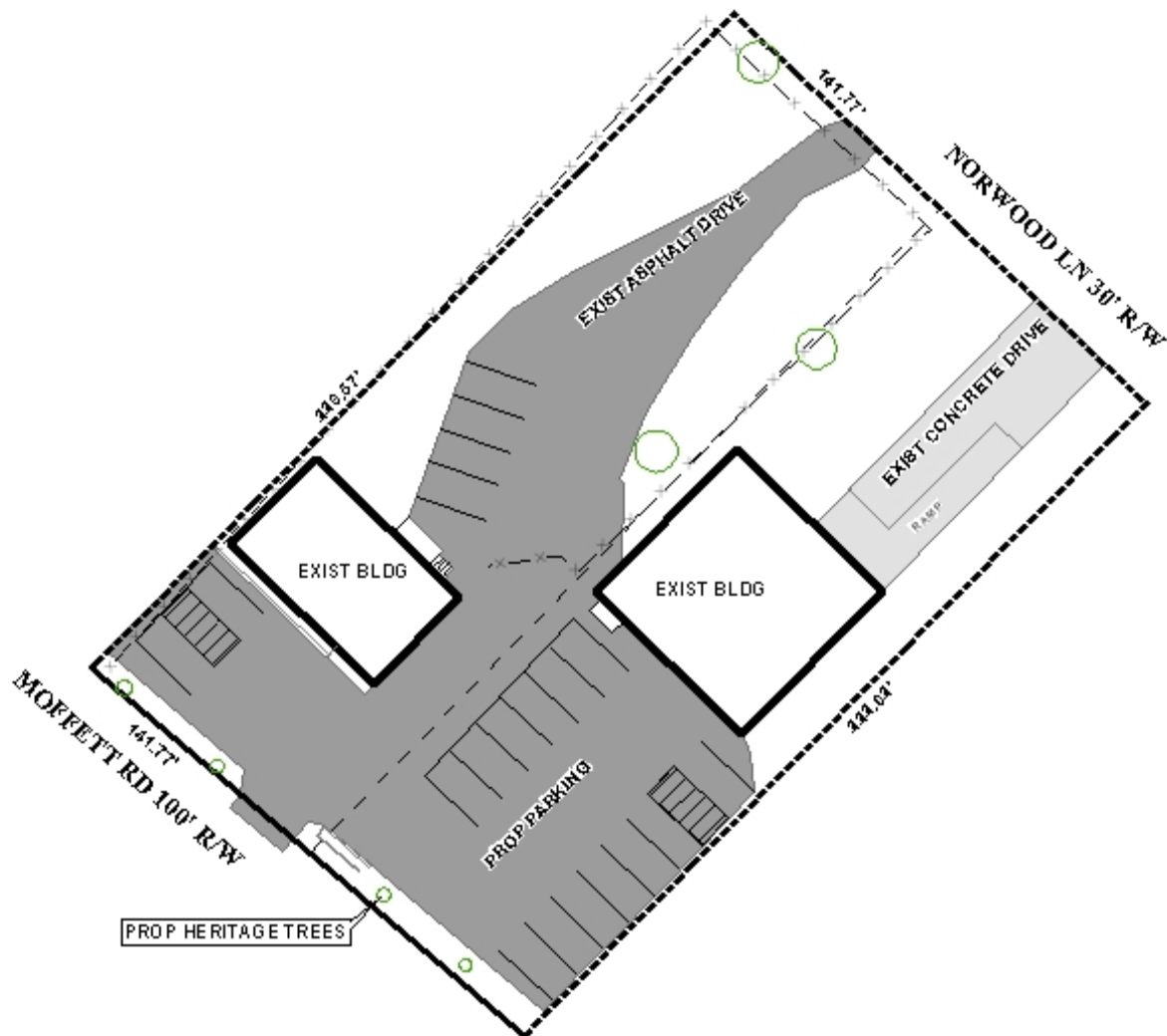


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# SITE PLAN



The site plan illustrates the existing buildings, drives, proposed parking spaces, and proposed trees.

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