

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 5, 2018****CASE NUMBER**

6160

**APPLICANT NAME**

Allen Steadham

**LOCATION**

801 Spring Hill Avenue  
(West side of North Bayou Street, extending from Spring Hill Avenue to St. Francis Street.)

**VARIANCE REQUEST**

**PARKING LOT BUFFER:** Parking Lot Buffer Variance to not require a 3' high wall or fence with vegetative buffer along the parking lot street front property lines on a commercial site within the Downtown Development District.

**ZONING ORDINANCE  
REQUIREMENT**

**PARKING LOT BUFFER:** The Zoning Ordinance requires a 3' high wall or fence with vegetative buffer along street frontages of a parking lot on a commercial site within the Downtown Development District.

**ZONING**

T-5.1

**AREA OF PROPERTY**

0.6 ± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

No Comments.

**TRAFFIC ENGINEERING  
COMMENTS**

The location of the proposed 6' fence on Spring Hill Avenue may create a line of sight issue for vehicles exiting the property. Although the iron fence is not a solid fence, it can have the appearance as such when viewed at an angle.

**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 (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE**  
**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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**ANALYSIS**

The applicant is requesting a Parking Lot Buffer Variance to not require a 3' high wall or fence with vegetative buffer along the parking lot street front property lines on a commercial site within the Downtown Development District; the Zoning Ordinance requires a 3' high wall or fence with vegetative buffer along street frontages of a parking lot on a commercial site within the Downtown Development District.

More specifically, the applicant proposes to replace the existing chain-link fence with a compliant black metal fence, but is requesting a waiver of the vegetative screening requirement. The proposed new fence would be 6' tall and similar in style to the existing fence across Spring Hill Avenue at St. Joseph Church.

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, E. Parks Moore, states:

*"Request for Variance on hedge, evergreen planting materials for the following reasons:*

- 1. Lack of current running water for irrigation – installing irrigation would be a large financial burden.*
- 2. Digging up parking area that is currently completely asphalt –in order to install hedges or evergreens we would have to dig up the existing asphalt, another large financial burden.*
- 3. Current problem with lingering vagrants and graffiti – providing hedge or evergreens will provide them with increased coverage to continue to use our parking lot for a restroom facility and also provide camouflage from police. "*

As stated, the applicant is seeking relief from the Zoning Ordinance to be allowed not to plant evergreen hedges or vines along the parking lot front property line. Based on the statement from the applicant, the applicant believes that the placement of the hedge/vines will be a financial burden and it could also present a safety issue.

The Parking Lot Screening requirements initially stated that the fencing must be completed by November 2017 and the evergreen hedge was to be completed by May 2019. On October 24, 2017, the City Council postponed the enforcement date to May 31, 2018. Correspondences were released instructing citizens on how to come into compliance. The Zoning Ordinance states the following regarding masking of parking lots in the Downtown Development district:

64.3.I.5.(c) as follows:

*“(c) Parking Lots. Parking lots in existence as of the effective date of this ordinance shall conform to the requirements of 64-3.I.11(b)3 not later than November 2017. Compliance may be phased with wall or fencing to be installed by November 30, 2017. If the fence and landscaping option is chosen, required landscaping to follow within eighteen (18) months of installation of the fence. Existing evergreen vegetative buffers that accomplish the intent of 64-3.I.11(b)3 are an acceptable alternative, provided they are maintained. For properties along Broad, Beauregard, Water and Canal Streets, compliance shall coincide with the completion of physical improvements for the City projects along said streets adjacent to the property. Location of masking required by this paragraph is subject to line of sight review and approval by Traffic Engineering. Any parking lot that fails to timely conform shall be deemed an unlawful use and shall be discontinued.*

64.3.I.11.(b) as follows

3) For parking lots along frontages, one of the following masking options is required:

*I. Liner buildings may be used to mask parking lots.*

*II. A hedge, evergreen vines, other evergreen planting materials, combined with a metal fence or masonry wall, with or without a hedge or evergreen plantings, may be used to mask parking lots. Alternative materials for fences or walls may be considered by the CRC provided the intent of masking is achieved and sufficient documentation is provided to justify allowance of the alternative material. Shrubs for hedges shall be a minimum of 3 feet in height at the time of planting, evergreen vines or other evergreen planting materials shall be of a variety that will form an evergreen barrier as would be formed by a hedge; walls and fences shall be a minimum of 3 feet in height.*

*III. When parking lots are surfaced with crushed stone, brick, rolled concrete pavers, or cellular grassed concrete pavers, masking requirements may be satisfied by trees spaced a maximum of 30 feet on center.”*

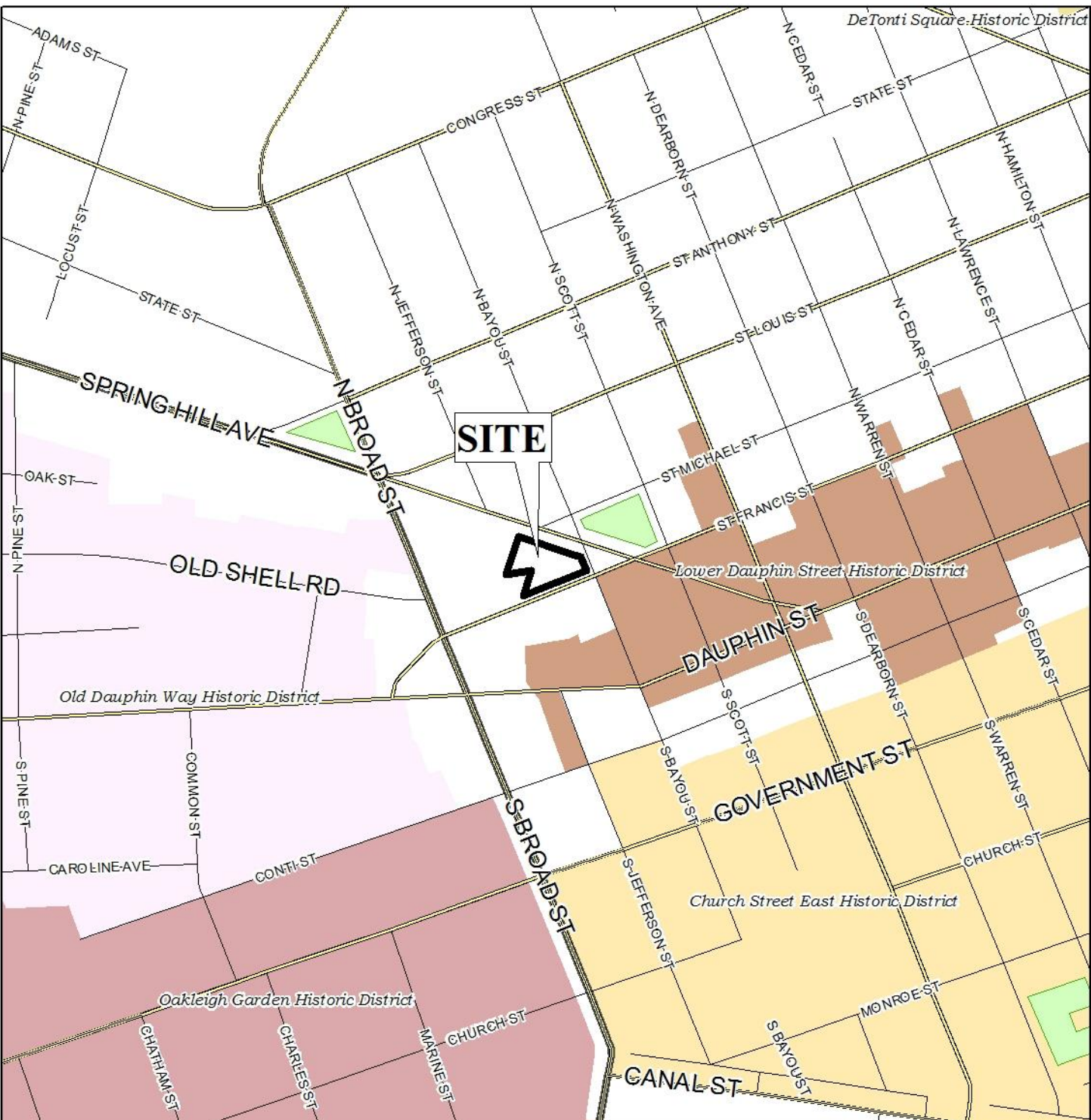
Though the applicant has presented potential financial burdens and safety concerns as justification for this request, this does not substantiate approval per the criteria found in Section 64-8.B.6.f.(3)(c) of the Zoning Ordinance. The 3' hedge or vines may minimally impair visibility of the lot; however there are no facts presented that suggest that this will increase safety concerns.

There are no conditions which exist at this site that would require the applicant not to erect the fencing and evergreen hedge on the subject property. The required fencing in the Downtown Development District is consistent with that of the requirements presented to all surrounding properties. The applicant has not presented a substantial hardship to justify a variance.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64.3.I.11.(b). of the Zoning Ordinance regarding parking lot screening in the Downtown Development District;
- 2) Special conditions may exist such as financial concerns, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for variances; 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 because the site can be developed in such a way that a variance would not be required.

## LOCATOR MAP



APPLICATION NUMBER 6160 DATE March 5, 2018

APPLICANT Allen Steadham

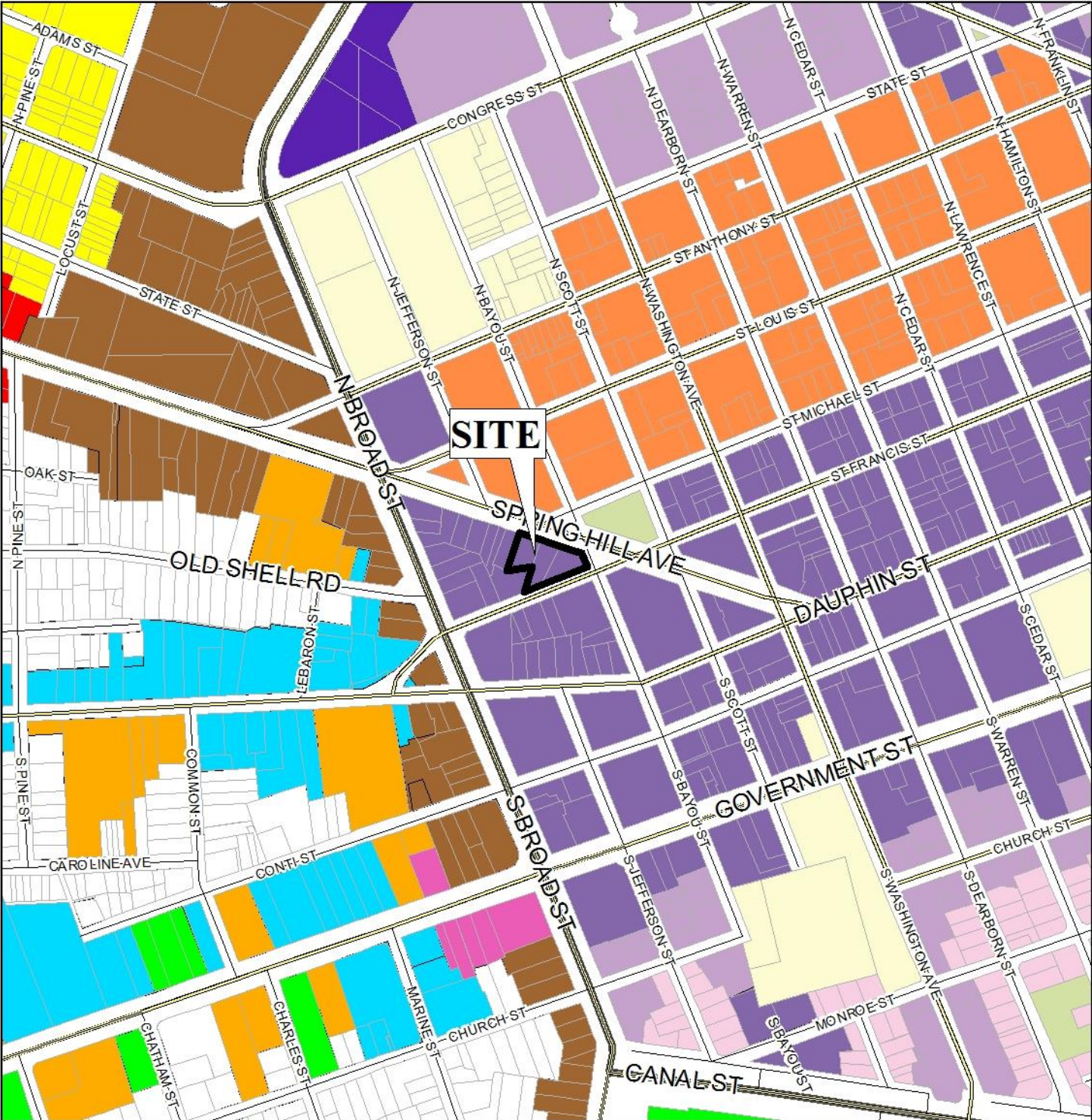
REQUEST Parking Lot Buffer Variance



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## LOCATOR ZONING MAP



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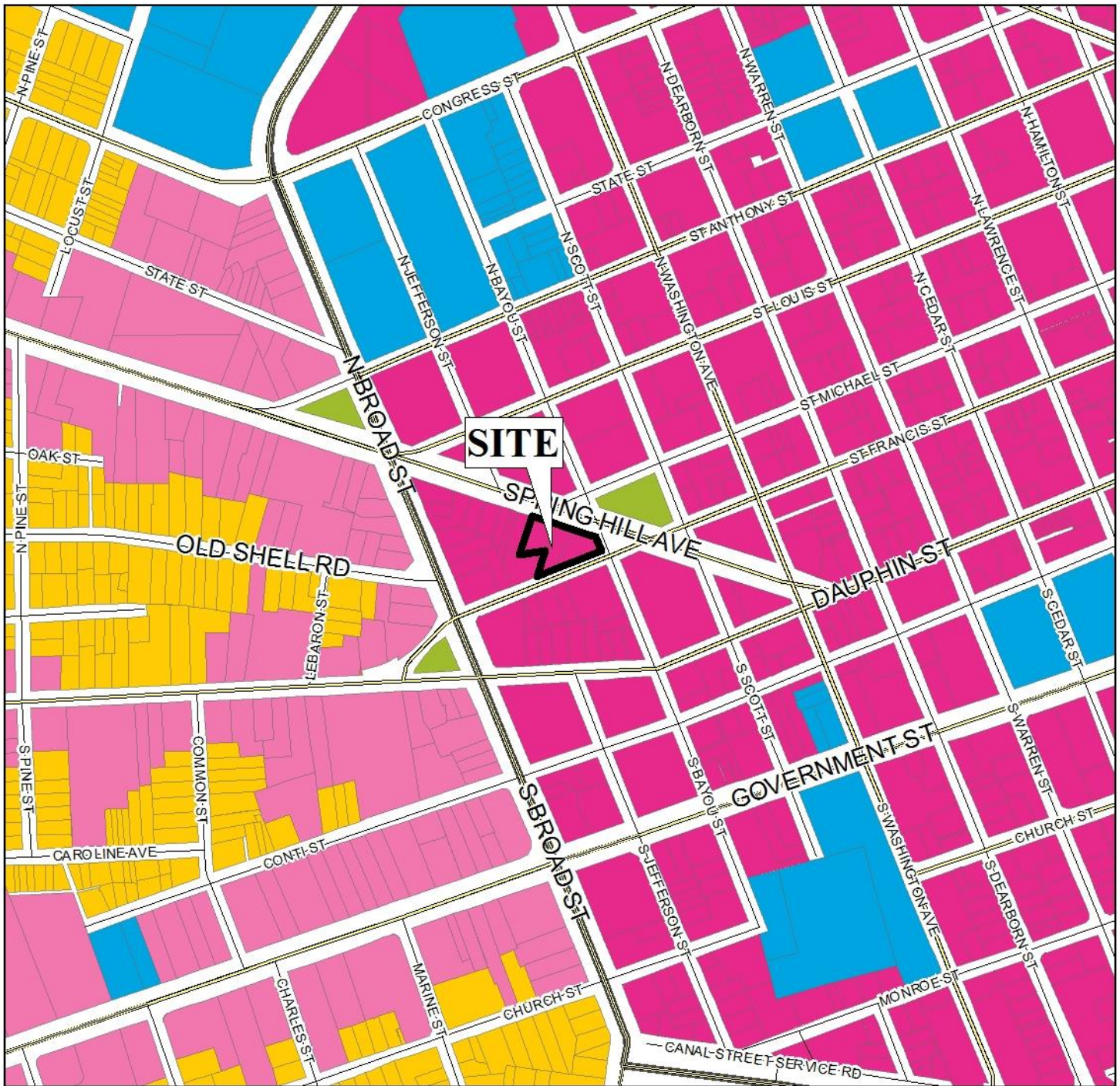
REQUEST Parking Lot Buffer Variance



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# FLUM LOCATOR MAP



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APPLICANT Allen Steadham

REQUEST\_\_\_\_\_Parking Lot Buffer Variance

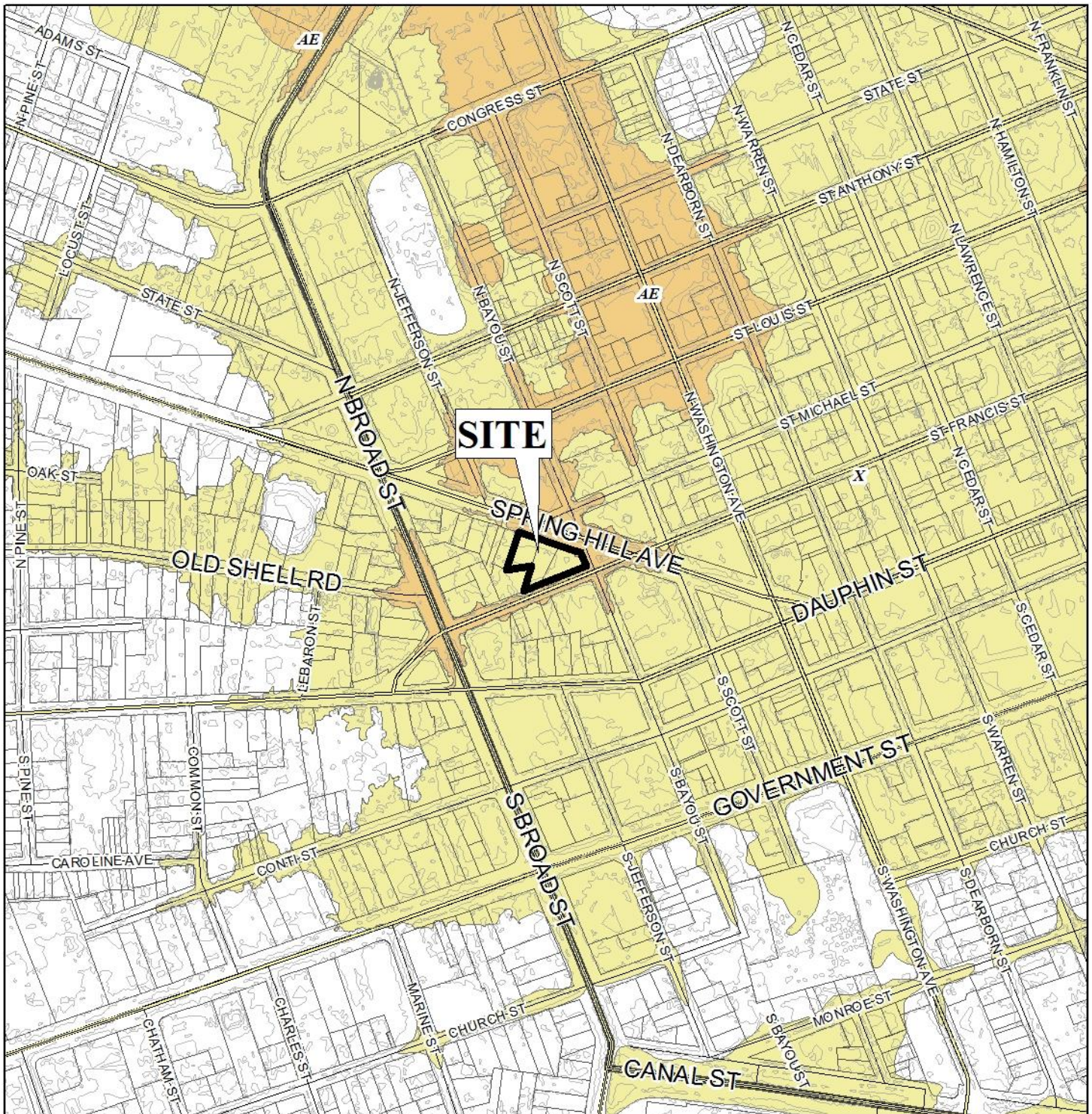
- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential   | Neighborhood Center - Traditional | Downtown Waterfront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



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# ENVIRONMENTAL LOCATOR MAP



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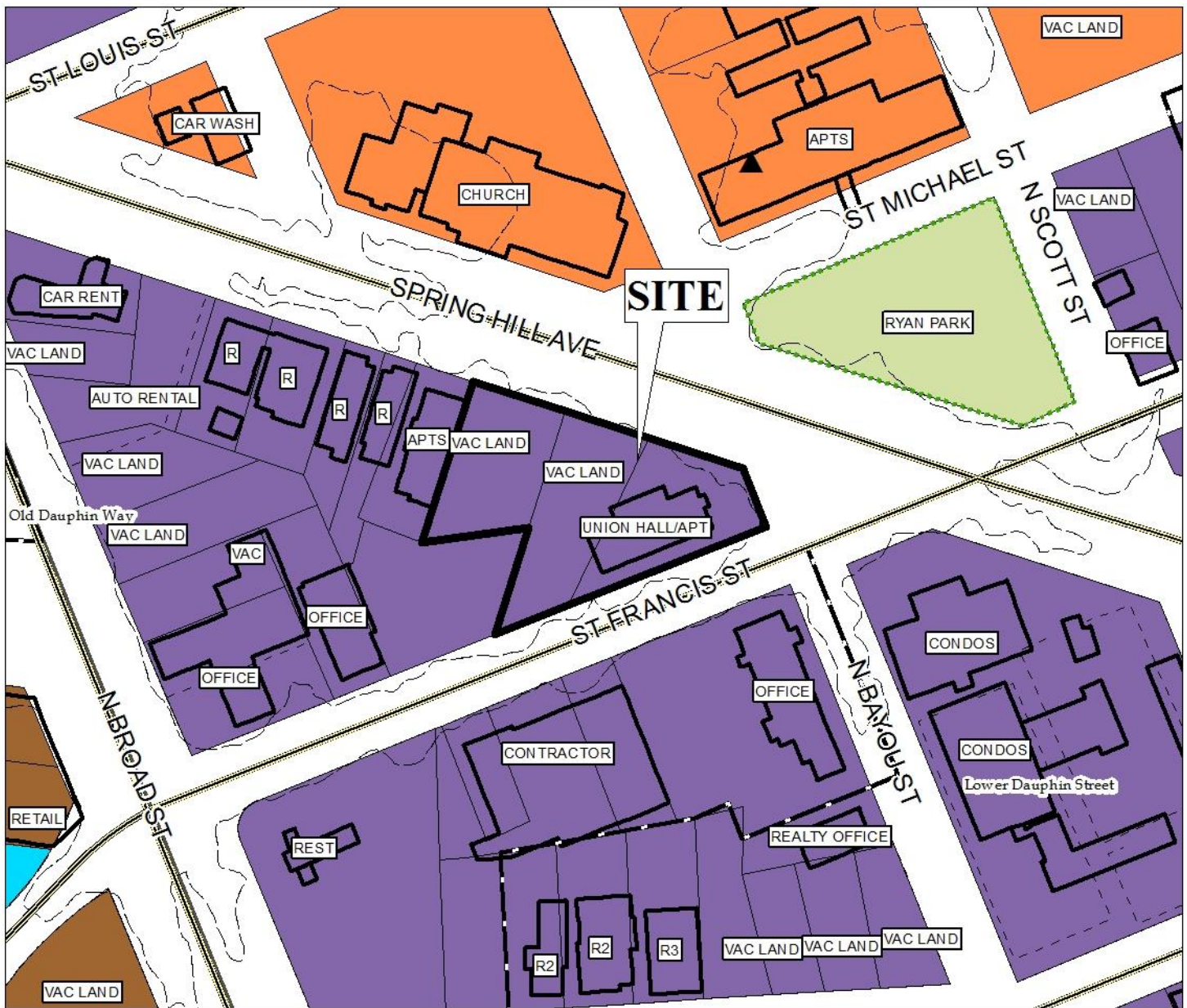
REQUEST Parking Lot Buffer Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial units are located to the southwest.

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REQUEST Parking Lot Buffer 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



City of Mobile GIS Department

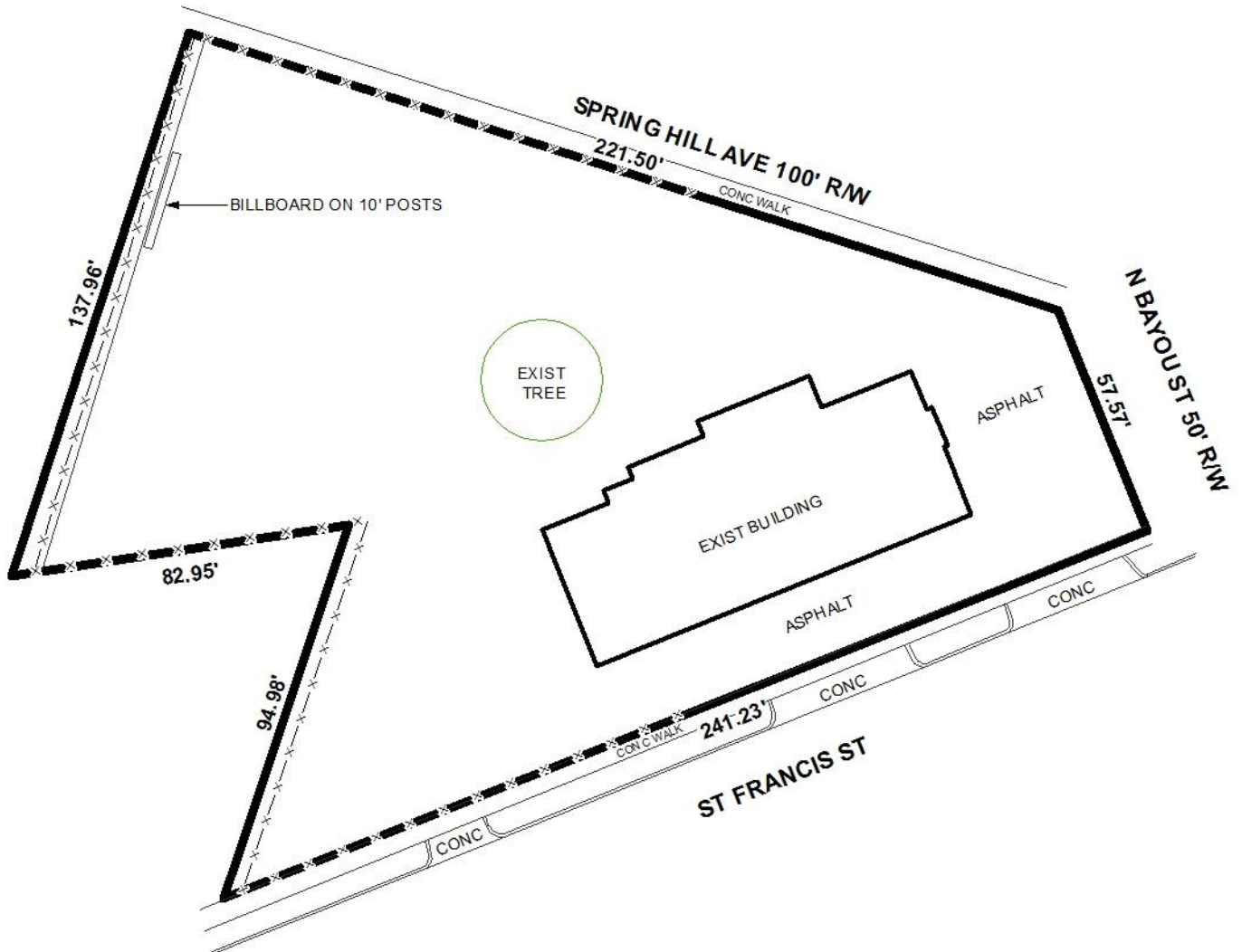
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# SITE PLAN



The site plan illustrates the existing building, tree, and billboard location.

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