

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 5, 2019****CASE NUMBER**

6266/5535

APPLICANT NAME

Paul Carpenter Davis Architecture, PC.

LOCATION601 Holcombe Avenue
(Southeast corner of Holcombe Avenue and Senator Street).**VARIANCE REQUEST****PARKING RATIO:** Parking Ratio Variance to amend a previously approved Parking Ratio Variance to allow 17 on-site parking spaces for a daycare in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****PARKING RATIO:** Zoning Ordinance requires full compliance with parking requirements in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

0.28 ± acres

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

Site is limited to its existing curb cuts with any changes to size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Any parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. Existing parking requires backing and maneuvering in the right-of-way. Holcomb Avenue is currently stripped as a two-lane roadway and has extra lane width that can accommodate the maneuvering required. If on-street parking in front of other nearby properties becomes an issue, on-street parking restrictions may have to be installed based on the width of Senator Street.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Parking Ratio Variance to amend a previously approved Parking Ratio Variance to allow 17 on-site parking spaces for a

daycare in a B-3, Community Business District; the Zoning Ordinance requires full compliance with parking requirements in a B-3, Community Business District.

The site has been given a Traditional Mixed-Use Corridor (TC) 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 land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 states the following for the variance request:

Paul Carpenter Davis Architecture, P.C. is representing the Owner Lucille Hall for the above referenced parking variance request. The owner plans to renovate the abandoned building into a daycare facility.

We would like to respectfully request a zoning variance for 601 Holcombe Avenue.

When fully occupied the anticipated staff will be as follows:

- 1. 2 teachers per classroom (2x7 classrooms = 14 teachers)*
- 2. 2 food service staff*
- 3. 1 nurse*
- 4. 1 administrative*

This would be a total of 18 people max x 1.5 parking spaces per staff person = 27 spaces required. Currently there are 17 spaces (including one ADA space). The owner is requesting a variance of 10 spaces.

27 spaces required —17 existing spaces = 10 space variance request

The drop off area would be closed after morning drop off and used as a playground during the day.

The site previously received approval for a parking ratio variance by the Board in 2009. The previous variance was to allow 22 on-site parking spaces for a 3,037 square foot lounge in a B-3, Community Business District that required 31 spaces. The new applicant is requesting relief to provide 17 parking spaces for a daycare with 7 classrooms and 14 teachers.

The applicant's site plan and the narrative appear to have some discrepancies as well as incorrect information. The site plan depicts 16 spaces however the narrative states that 17 spaces will be provided. The applicant also included parking spaces for the entire staff suggesting that 27 spaces are need; whereas the Zoning Ordinance only requires one and one-half (1 ½) spaces per teaching station. With 14 proposed teachers, 21 spaces will be required. Therefore the variance is needed to provide relief from the 5 additional spaces required.

The site plan also depicts one-way in and one-way out traffic flow. Arrows should be illustrated to clearly direct vehicles to monitor traffic circulation.

It should be pointed out that the site abuts residential property in the rear along Senator Street. A protection buffer will be required where the site abuts residential zoned property.

The site plan does not depict a dumpster on site. It should be noted if a dumpster will be present, the dumpster must meet setbacks and be in compliance with Section 64-4.D.9 regarding dumpster compliance.

The applicant's narrative dose not truly provided justification for the variance request as no hardship was mentioned. However, the previous parking variance provided the site relief for 9 parking spaces, and the current use would only be requesting relief for 5 parking spaces. Thus it would seem that the Board has set a precedent regarding parking for this site, and this request would be in keeping with previous recommendations.

RECOMMENDATION

facts for Approval:

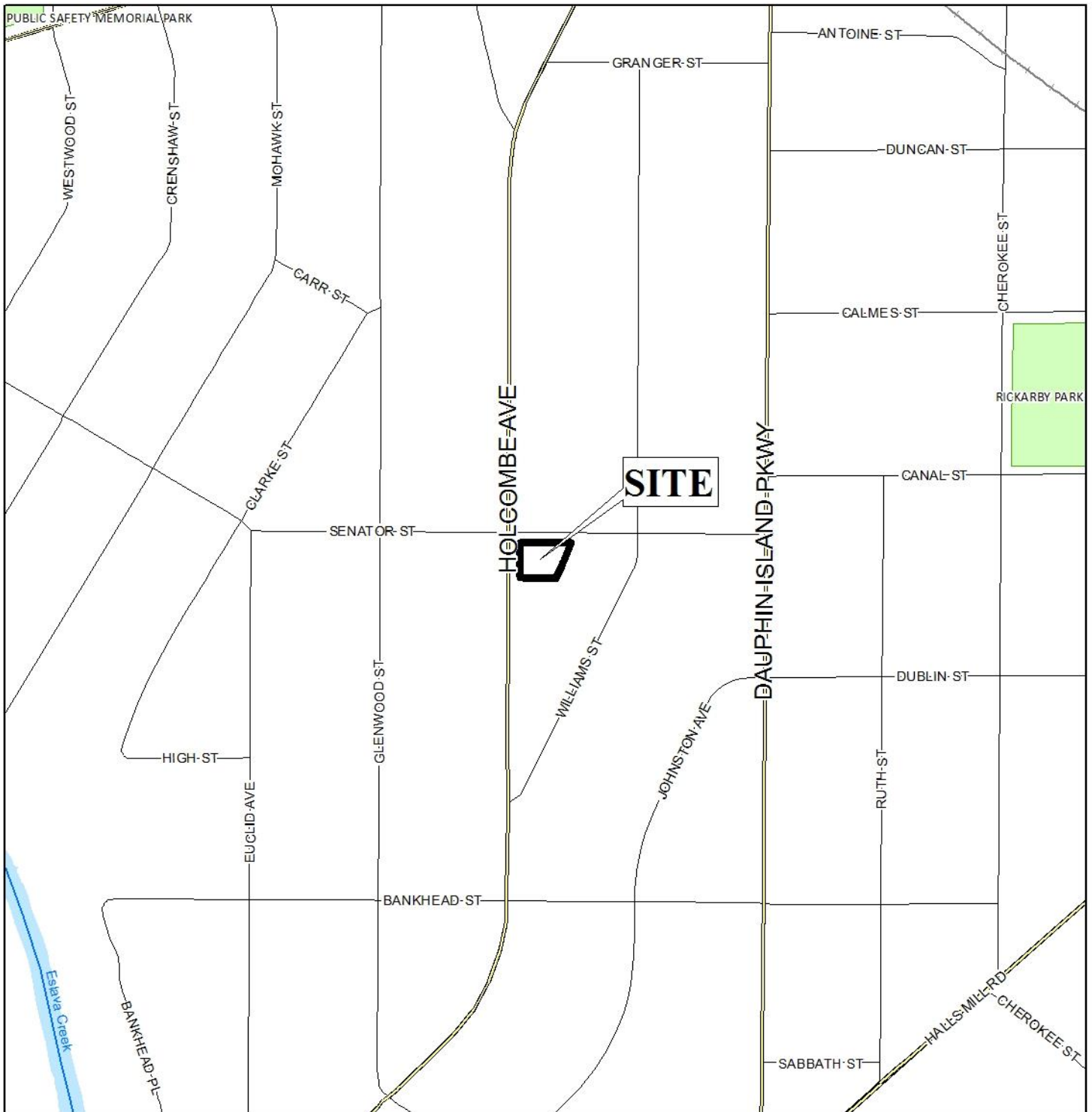
Staff recommends to the Board the following findings of

- 1) Allowing a reduced amount of parking would not be contrary to the public interests, in that the previous use was allowed to have reduced parking requirements;
- 2) Special conditions do exist in preventing the site from complying with parking requirements in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the site is being renovated to allow a new business to the area as oppose to a continuing to have vacant building.

The approval should be subject to the following condition:

- 1) Construction of a protection buffer where the site abuts residentially zoned property.

LOCATOR MAP



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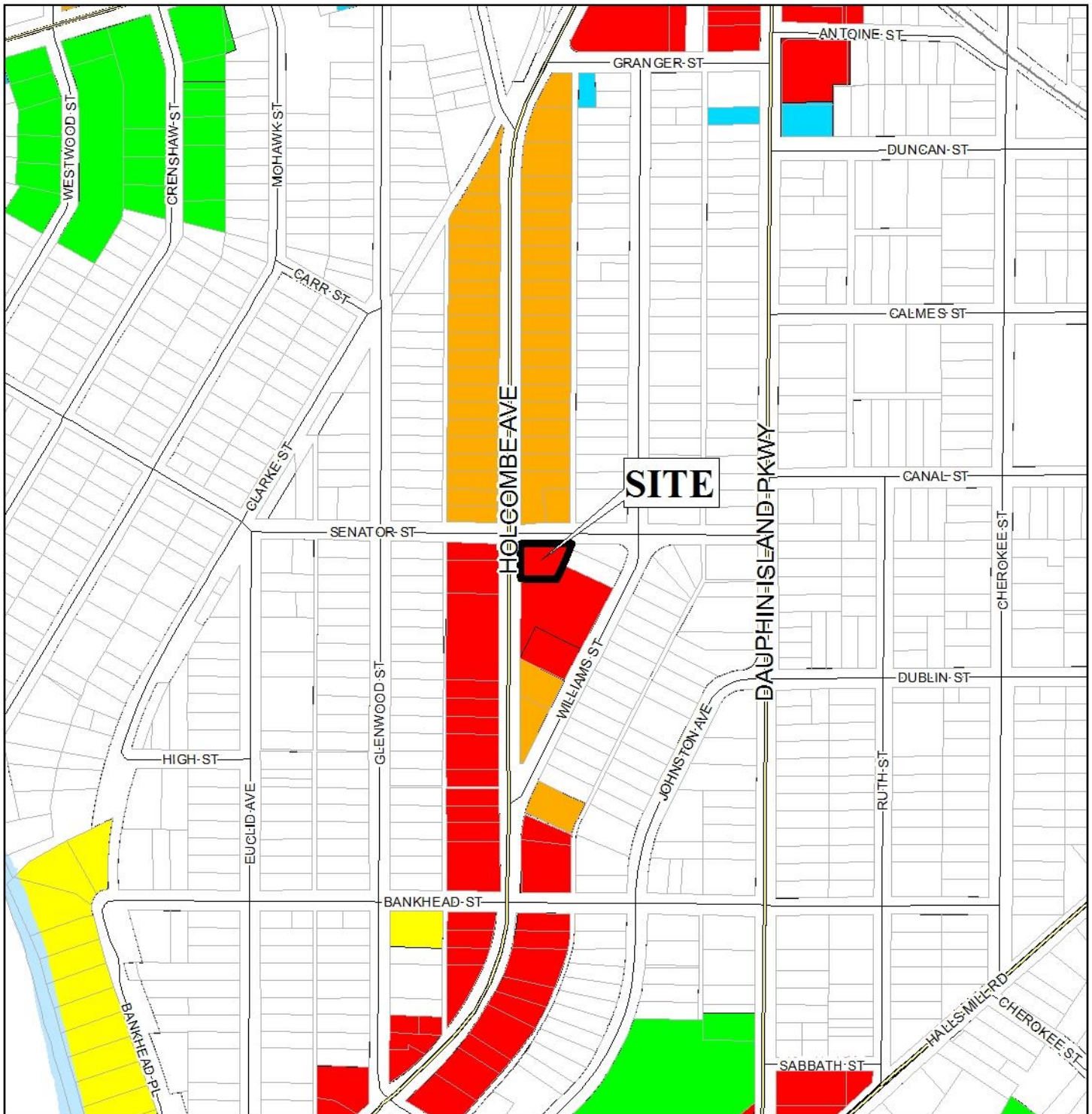
APPLICANT Paul Carpenter Davis Architecture, P.C.

REQUEST Parking Ratio Variance



NTS

LOCATOR ZONING MAP



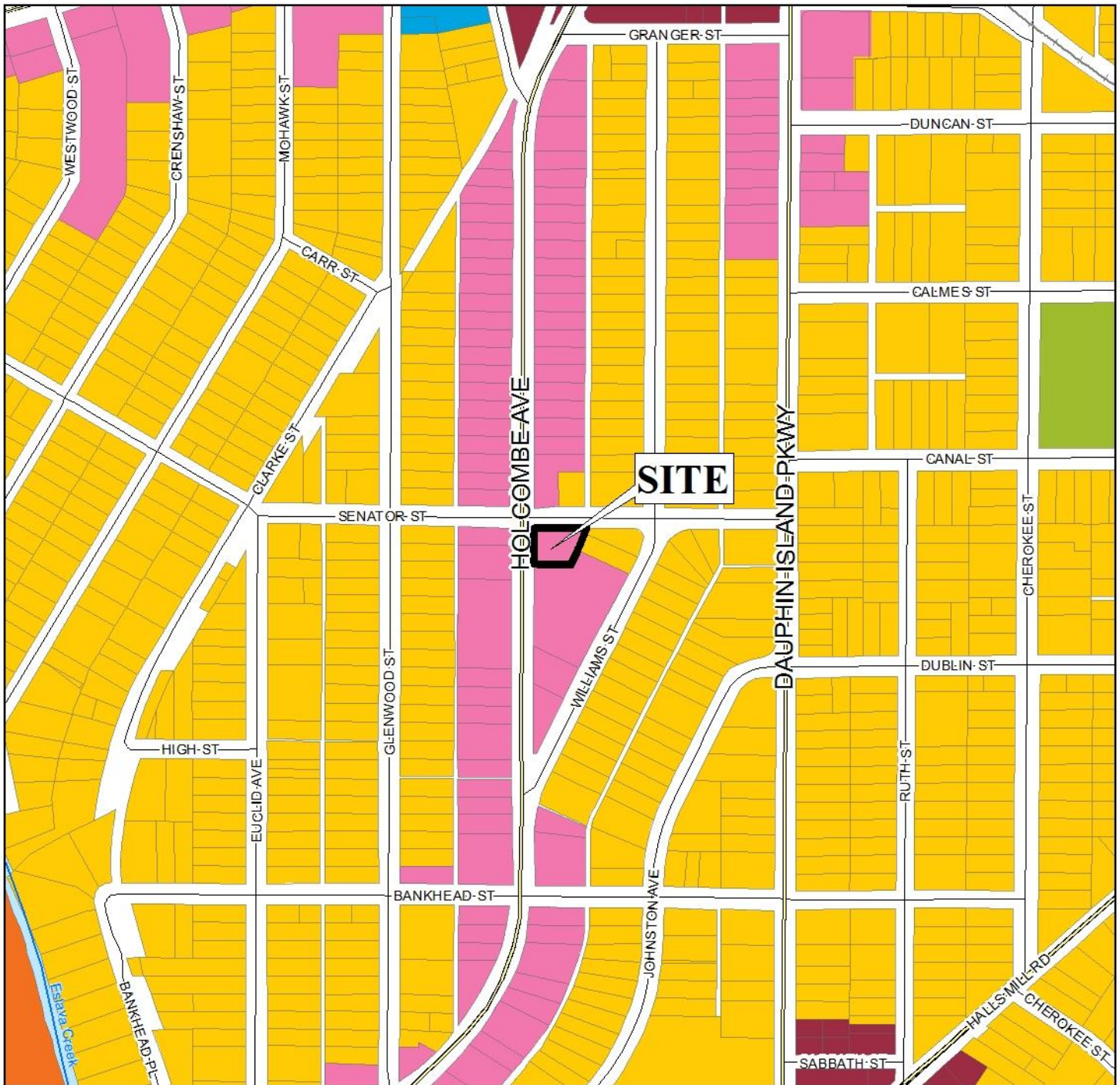
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FLUM LOCATOR MAP



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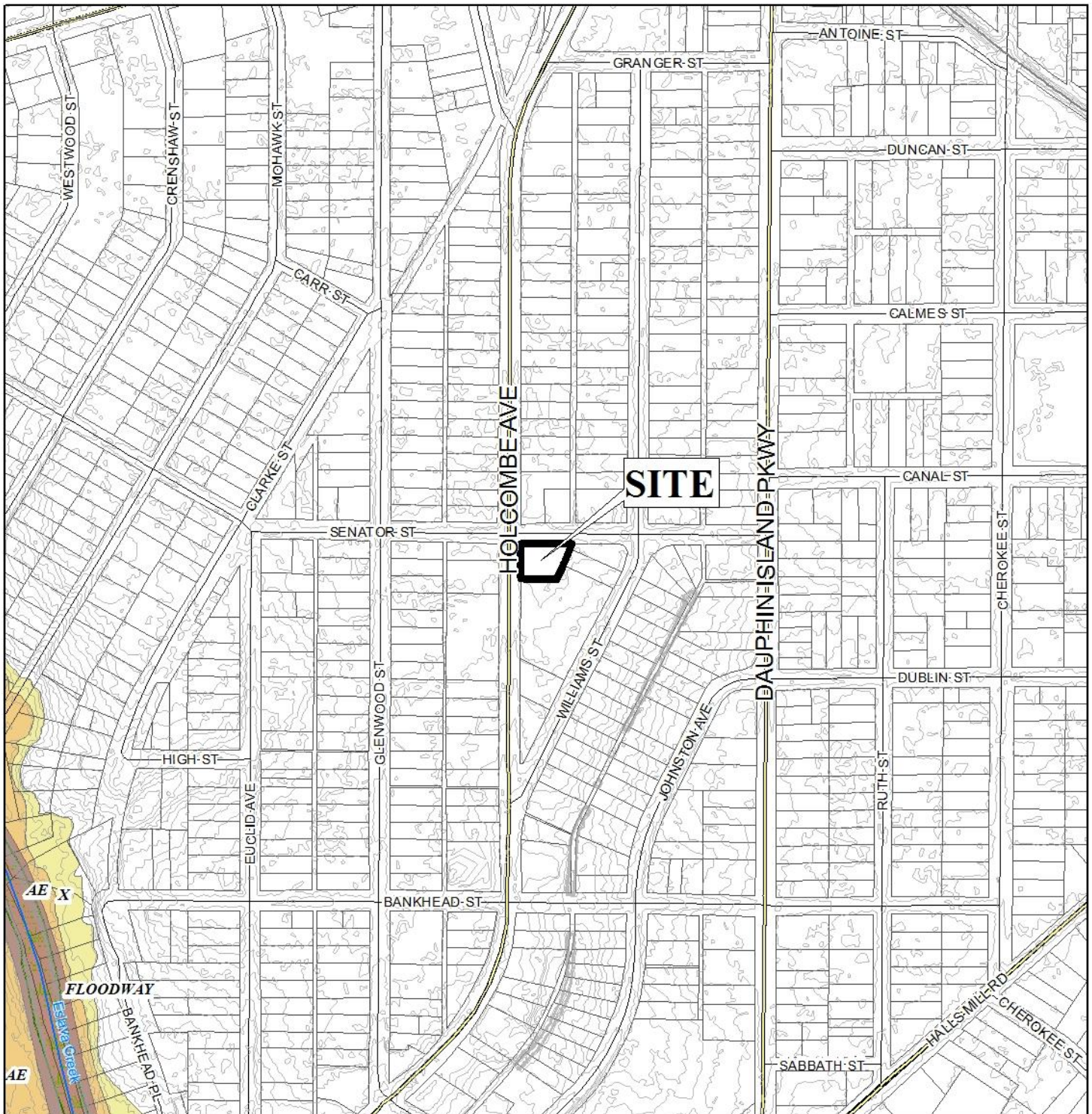
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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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

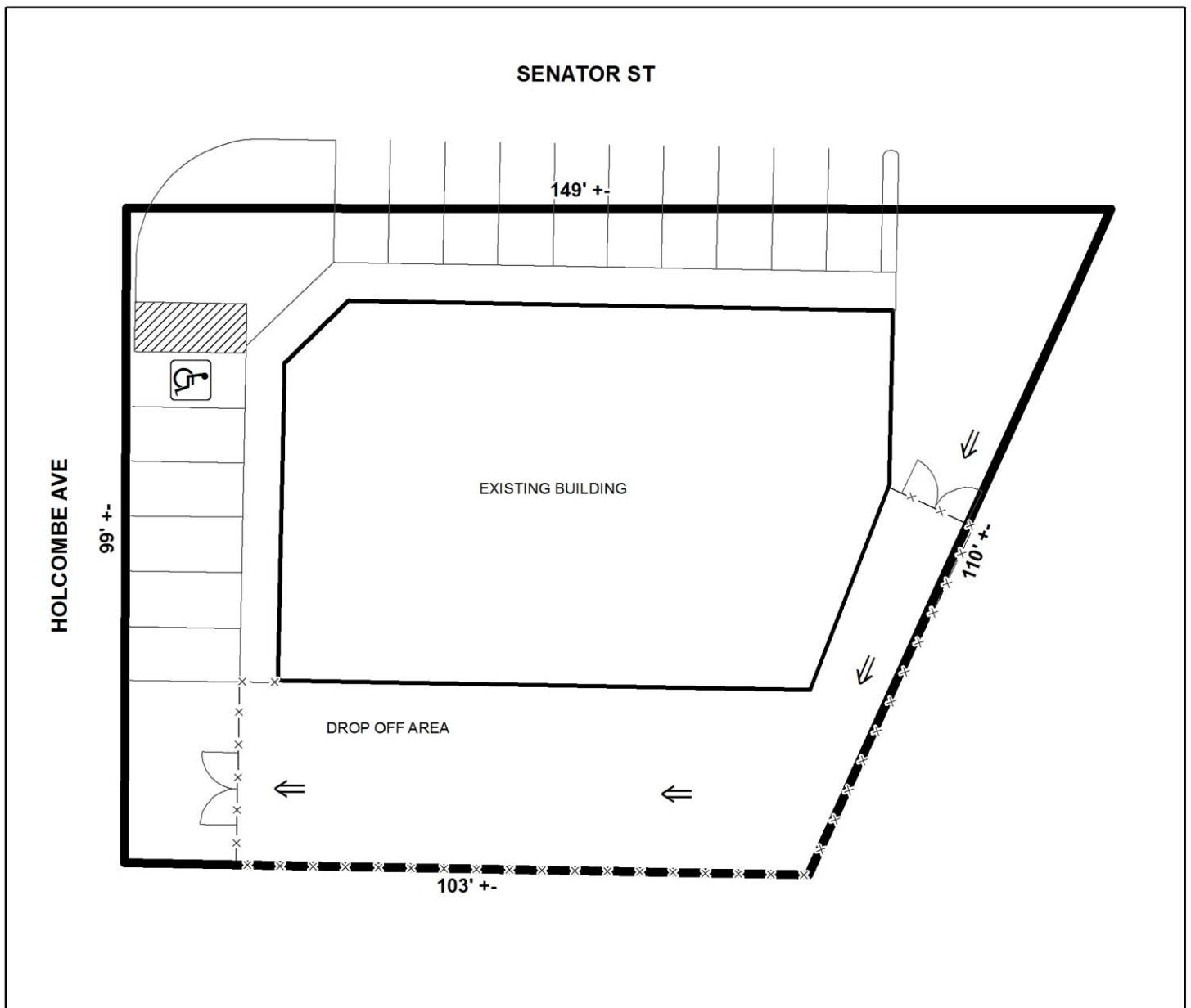


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SITE PLAN



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

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