

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 2, 2019****CASE NUMBER**

6294

**APPLICANT NAME**

1105 Dauphin, LLC (Rebecca Ferguson, Agent)

**LOCATION**

1105 Dauphin Street  
(South side of Dauphin Street, 99'± West of South Hallett Street).

**VARIANCE REQUEST**

**PARKING:** To allow reduced off-street parking in a B-2, Neighborhood Business District.

**SURFACE:** To allow gravel surfacing in a B-2, Neighborhood Business District.

**ACCESS:** To allow a driveway width less than 24 feet for two-way traffic in a B-2, Neighborhood Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**PARKING:** The Zoning Ordinance requires a compliant amount of parking to be provided on-site in a B-2, Neighborhood Business District.

**SURFACE:** The Zoning Ordinance requires parking lots to be surfaced with concrete, asphaltic concrete, asphalt, or an alternative parking surface in a B-2, Neighborhood Business District.

**ACCESS:** The Zoning Ordinance requires driveways to be a minimum of 24 feet wide in a B-2, Neighborhood Business District.

**ZONING**

B-2, Neighborhood Business District.

**AREA OF PROPERTY**

0.3± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING****COMMENTS****SURFACING VARIANCE:**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit through Central Permitting for any proposed site development.
2. Designated handicapped accessible spaces and route to entrance must be paved (i.e. concrete, asphalt).

**TRAFFIC ENGINEERING****COMMENTS**

The proposed driveway width, varying from 10' to 12.9', is not sufficient width for two-way traffic. Conflicting movements will either have to back up within the site or on to Dauphin Street. If the driveway could be widened to at least 20' in front of the building this will allow traffic to pull-off Dauphin Street and reduce the impact to the traveling public. The proposed parking surface will prohibit the physical marking of stalls and as such curb stops are recommended to delineate parking. The owner/developer is responsible for ensuring that the applicable ADA requirements must be met, including but not limited to a paved accessible space, aisle and route to the building.

**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 2015-116 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT****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.

**ANALYSIS**

The applicant is requesting Parking, Surface, and Access Variances to allow reduced off-street parking, gravel surfacing, and a driveway width less than 24 feet in a B-2, Neighborhood Business District; the Zoning Ordinance requires a compliant amount of parking on-site; parking lots be surfaced with concrete, asphaltic concrete, asphalt, or an alternative parking surface as approved by the city engineer and the director of the urban development department; and a minimum aisle width of 24 feet for a two-way access in a B-2, Neighborhood Business District.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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 site has been given a Traditional 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 applicant states:

*We have received a building permit for a remodel of the historic structure at 1105 Dauphin Street, permit no. BLDC-029222-2018. Construction has not started on the property. The structure will be a coffee bar/lounge on the first floor and a single family residence on the second floor. We formally request for a variance for a deviation to the minimum number of parking space and driveway width requirement and to allow for the continued use of gravel for the the parking lot. The minimum number of parking spaces required is 17 spaces, two for residential and 15 for the coffee bar/lounge. We currently only have room for 16 parking spaces. The one lane driveway width required is 12', but we are able to provide a 10' wide driveway. We propose to keep the parking lot as gravel to keep the lot pervious and maintain natural landscaping and drainage.*

*The existing parking lot cannot accommodate more than 16 parking spaces, which includes an ADA compliant handicap parking space and access aisle. The driveway is existing and since the existing historically protected building is to remain, there is no additional space available to widen the driveway. The parking lot is existing and utilizes gravel so we propose to continue to utilize gravel.*

*Thank you for your time and consideration for the request of a variance for 1105 Dauphin Street. Please let me know if you have any questions.*

The existing structure was most recently used for offices. The applicant is making alterations to accommodate a coffee bar/lounge on the first floor, and a residence on the second floor. Office space requires one (1) parking space per 300 square feet, whereas a coffee bar/lounge requires one (1) parking space for every 100 square feet in addition to two (2) parking spaces for the proposed residence, thus requiring improvements to be made to the site in an attempt to make it compliant. The applicant revised the site plan in an attempt to comply with the new parking requirements for the site, and while they have been able to provide additional parking over what the site had previously available, there is still an insufficient amount of parking. Permits for the renovations were issued despite not having a compliant site plan upon receipt of a notarized hold harmless letter signed by the property owner, and reviewed by legal.

Regarding access, the structure is existing and there is no room on the property for the 10' wide driveway to be widened, therefore there may be a hardship associated with property. Furthermore, the site was occupied by a commercial business previously with the existing sub-standard access. This makes the subject request seemingly appropriate to approve. However, in an attempt to prevent traffic on Dauphin Street, it is staff's recommendation that the curb cut be expanded to a minimum width of 20' (and 20' deep) to allow an incoming customer to wait for customers exiting the site, while not causing traffic delays.

The site plan depicts 16 parking spaces, with compliant 24' wide access aisle between parking spaces. As the site is required to have 17 parking spaces, and the development will only be short by one space, it may be appropriate to grant this request as well.

Finally, the applicant wishes to continue to use the existing non-conforming gravel surfacing. Site drainage is cited as a justification for this, however, the applicant and their design professionals can work with the Engineering Department to make sure all storm water requirements are met. It seems that there is no true hardship with the request for gravel, such as large, heavy equipment use, therefore the surfacing request should be denied.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Surfacing Variance to allow gravel surfacing:

- 1) Approving the variance will be contrary to the public interest;
- 2) Special conditions were not illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be engineered in such a way as to address drainage concerns; 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 it appears other commercial parking lots in the area are paved appropriately.

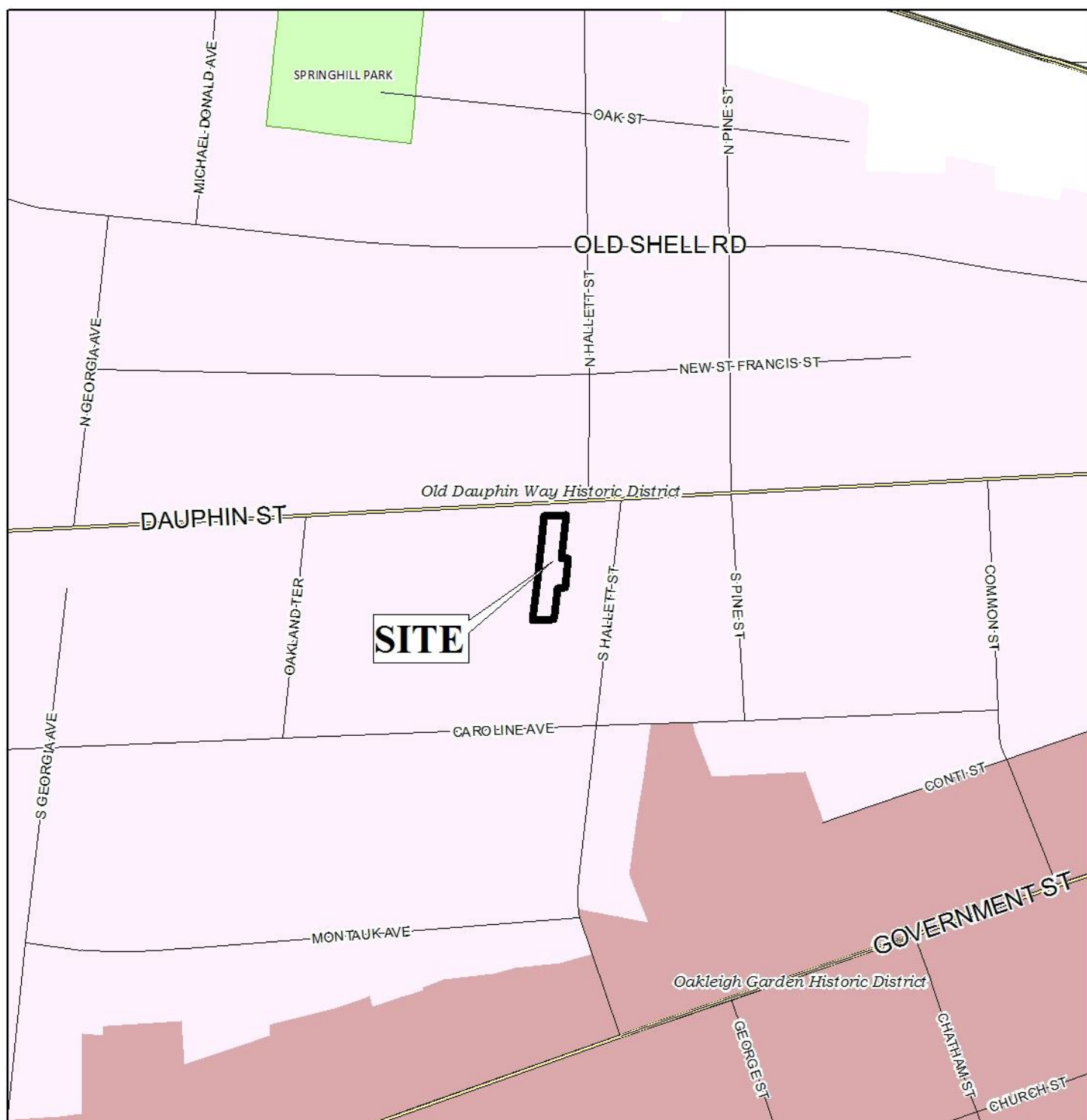
Staff recommends to the Board the following findings of facts for Approval of the Access and Parking Variances:

- 1) Approving the variance will not be contrary to the public interest in that the site will have more parking than previously available, and only be deficient by one parking space;
- 2) Special conditions such as site constraints were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship due the existing structure eliminating the potential to widen the existing sub-standard driveway; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance sub-standard access is not uncommon in the area.

The approval is subject to the following conditions:

- 1) Widen the curb cut to Dauphin Street to be a minimum of 20' wide;
- 2) Use of bumper stops to delineate parking spaces; and
- 3) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



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REQUEST Parking, Surface and Access Variances



# LOCATOR ZONING MAP

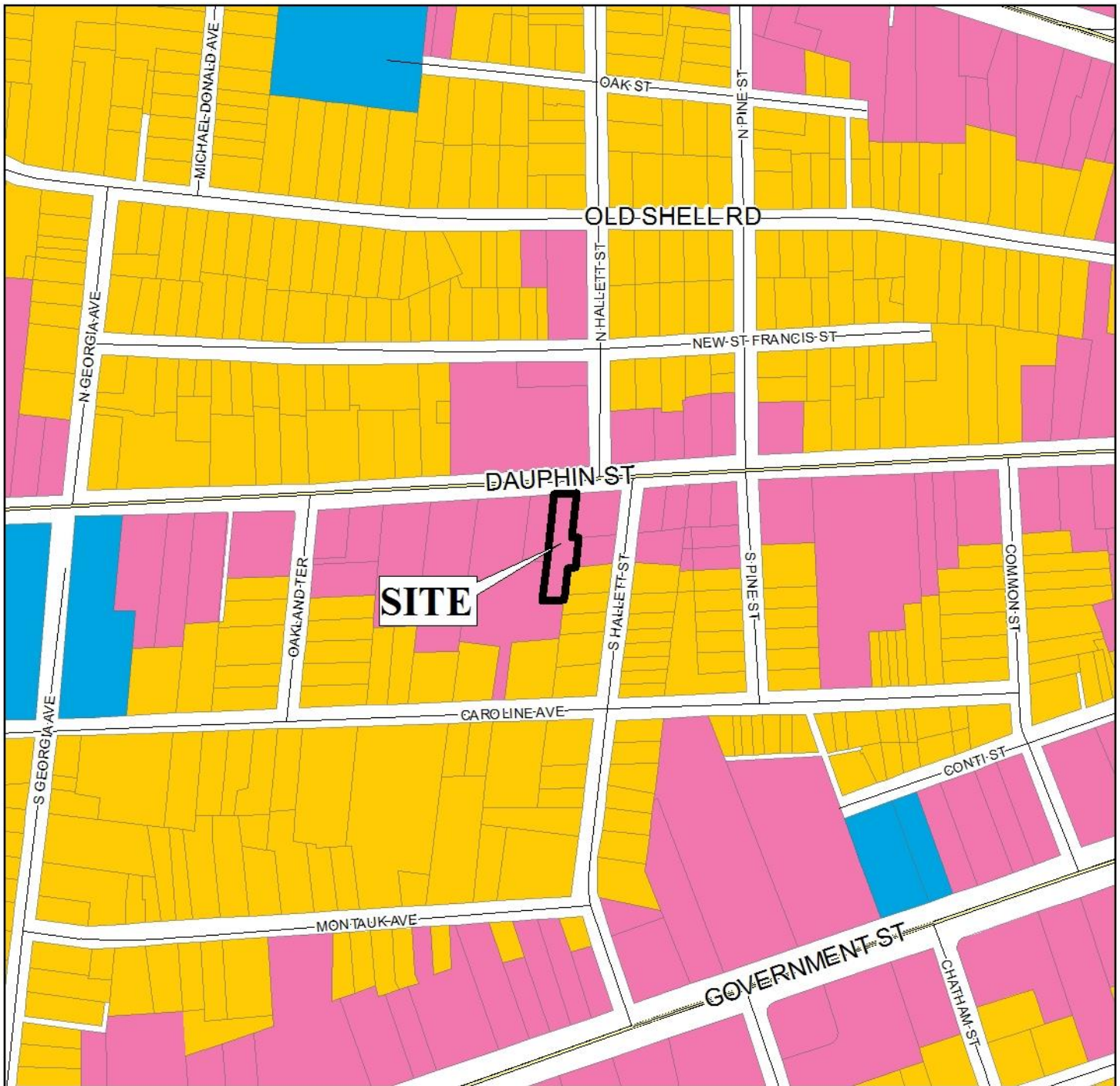


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# FLUM LOCATOR MAP



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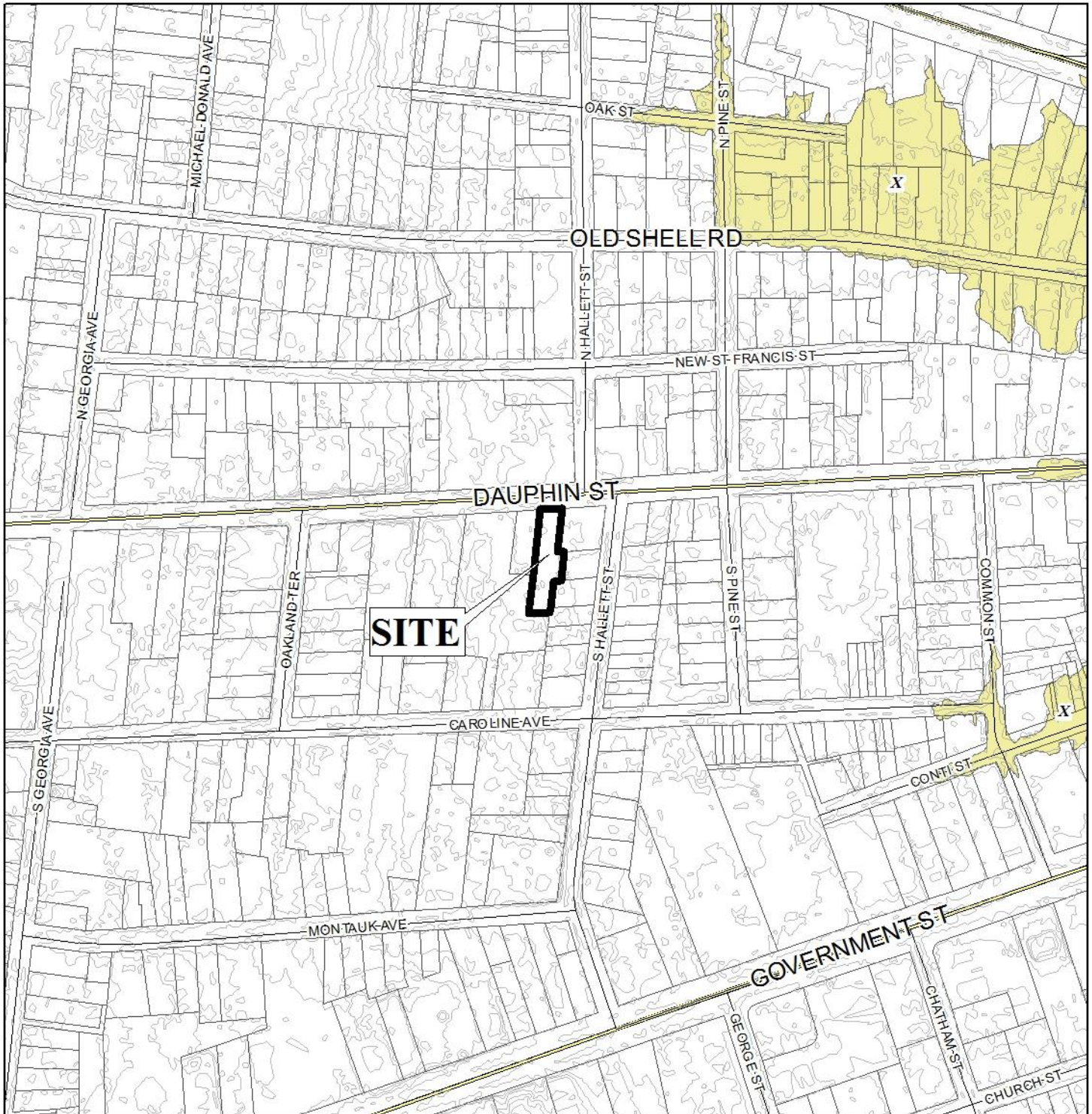
REQUEST Parking, Surface and Access Variances

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

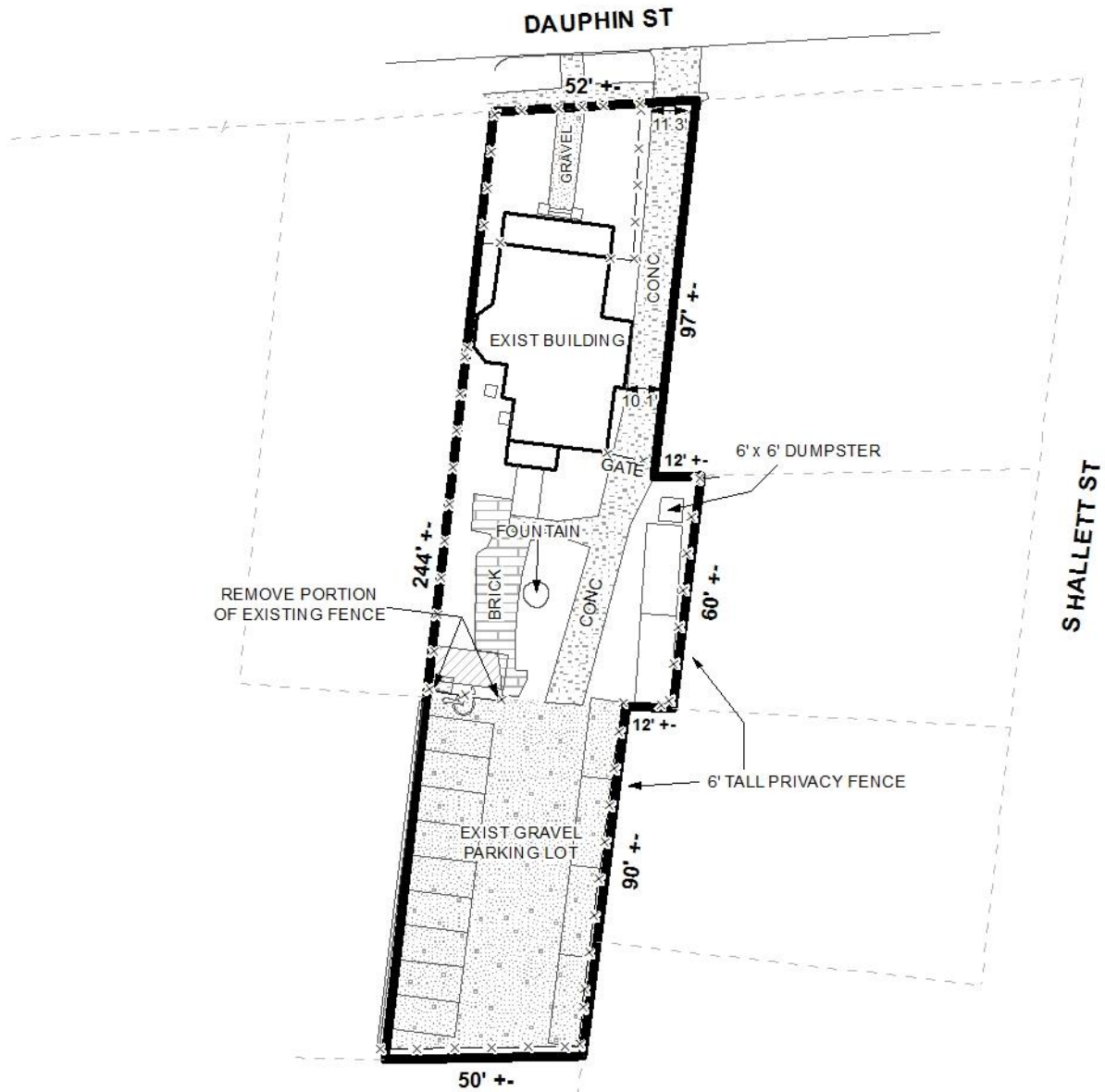


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# SITE PLAN



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

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NTS