

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 6, 2020****CASE NUMBER**

6299

**APPLICANT NAME**

Jeff Quinnelly

**LOCATION**

Northeast corner of New St. Francis Street and Hallett Street

**VARIANCE REQUEST****FRONT YARD SETBACK:** To allow a building within the front setback.**SIDE STREET SIDE YARD SETBACK:** To allow a building within the side street side yard setback.**LANDSCAPE AREA:** To allow reduced frontage landscaped area.**FRONTAGE TREE:** To allow reduced frontage tree plantings.**ZONING ORDINANCE  
REQUIREMENT****FRONT YARD SETBACK:** The Zoning Ordinance requires a minimum 25' front yard setback.**SIDE STREET SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum 17.1' side street side yard setback.**LANDSCAPE AREA:** The Zoning Ordinance requires full compliance with front landscaped area.**FRONTAGE TREE:** The Zoning Ordinance requires full compliance with frontage tree requirements.**ZONING**

B-2, Neighborhood Business District.

**AREA OF PROPERTY**

0.15± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING****COMMENTS**

If the proposed variance(s) are approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plan will require a Land Disturbance Permit be submitted through Central Permitting.
2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

**TRAFFIC ENGINEERING****COMMENTS**

The site plan provided was not printed to scale thus the dimensions of the parking area could not be confirmed. The proposed driveway width of 12' is sufficient width for one-way traffic however it is not sufficient for backing from the angled parking that is proposed onsite. The handicap space will need to be a total width of 16' to accommodate the van accessible requirements. The radius of the driveway cannot extend beyond the property line without consent from the adjacent property owner (Hallett Street). This may impact the placement of the driveway in relation to the north property line.

**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 Front Yard, Side Street Side Yard, Frontage Landscaping and Frontage Tree Planting Variances to allow a building within the front setback and the side street setback, with reduced street frontage landscape area, and reduced street frontage tree plantings in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum 25' front yard setback and a minimum 17.1' side street yard setback, with full compliance with the frontage landscaping and frontage tree planting requirements 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 Mixed Density Residential (MxDR) 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 designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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:

- 1) The lot is a corner lot that is 55ft X 118ft. So, it is too small to use the setbacks for a corner lot in the city. (City Corner lot setbacks are 17ft & 25ft)*
- 2) By putting the building up on the front corner, it would be in keeping with the corner lot at 1062 Dauphin Street. The building at 1062 Dauphin is on the sidewalk about 114ft away. The Red and White wine shop at 1102 Dauphin Street is on the sidewalk on both corners across the street from my property. 1101 Hallett Street is also on both corners across the street.*

- 3) Since the lot is so small (55ft X 118ft) & the parking requirements of the city, we would also need reduced landscaping requirements.*
- 4) We have also talked with the Mobile Historic Commission at our building. We intend on meeting all of the requirements.*

The subject site is currently a vacant, undeveloped lot located in the Old Dauphin Way Historic District. It is a legal lot of record that was recorded in Probate Court in 1876, when standards for development were not yet established. Due to the sub-standard (by today's standards) size of the lot, the applicant is requesting relief from setbacks as well as tree planting and landscaped area. It should be noted that the Historic District Overlay (HDO) allows for new structures to be built using existing structures to determine the setbacks, however, as the subject site is zoned B-2, Neighborhood Business District, the HDO is not applicable.

The property is unique in that when the front setback (25 feet), side street side yard setback (17.1 feet), and residential buffer (10 feet) are taken into account, approximately 38% (2,436± square feet) of the total site remains to accommodate structures. This leaves very little room to allow for parking, tree planting, landscape areas, etc. that are required by standard commercial developments.

The applicant is proposing a 2,100 square foot office structure with a 180 square foot front porch. The site plan also depicts a compliant 12' wide one-way driveway and seven parking spaces, thereby complying with parking, access, and maneuvering requirements. A compliant residential buffer is depicted along the East property line where the site abuts R-1, Single-Family Residential. Furthermore, there is a note stating that curbside pickup will be utilized, making a dumpster unnecessary.

Placing the structure closer to the street allows for the compliant parking and access, but places the structure within the required setbacks and severely reduces the potential front landscaped area, and therefore frontage trees as well. The site is required to have 769 square feet of total landscaped area, with 461 square feet between the building and front property lines. As proposed, the site will have a total of 1,344 square feet of total landscaped area, and 413 square feet of front landscaped area, for a deficit of 48 square feet.

The site is required to have a total of four frontage trees (one along New St. Francis Street, and three along Hallett Street), three perimeter overstory trees, two perimeter understory trees, and one parking tree for a total of ten trees. The site plan does not depict proposed trees, so it is difficult to determine how many trees there is room for on the site; however, it is apparent that there is insufficient room for all required trees to thrive, if planted. It is therefore recommended that the number of trees required be reduced, with the applicant working with the Urban Forester to determine the proper number and species of trees to be planted.

It appears that it would be very difficult to develop the subject site without the need for some relief from Zoning Ordinance requirements due to the relatively small size of the property. In addition, several existing structures in the area, both residential and commercial, have severely reduced setbacks, with several being located immediately adjacent to the sidewalk.

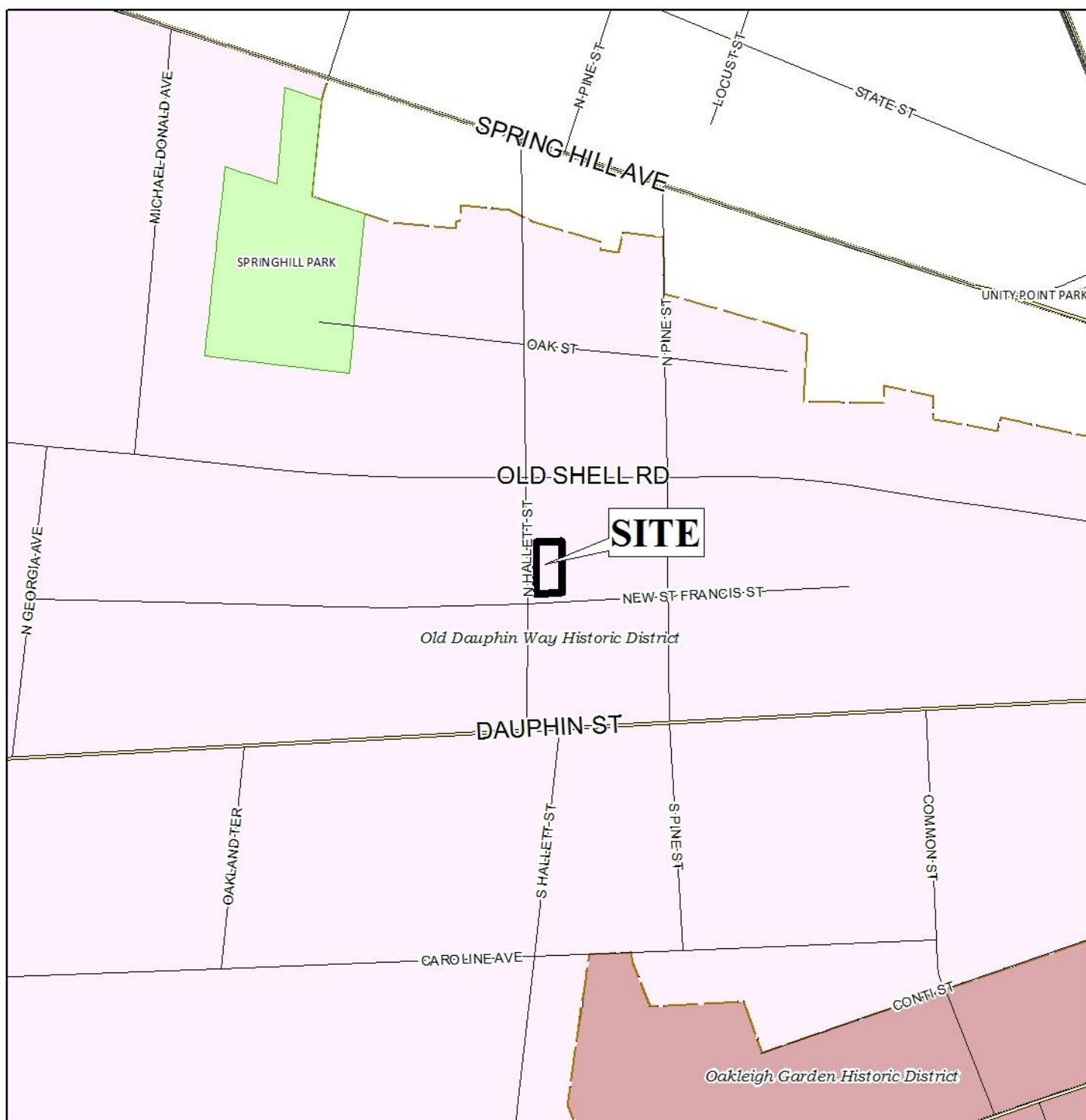
**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Approval of the reduced setbacks and reduced tree plantings and landscaped area:

- 1) Approving the variance will not be contrary to the public interest in that compliant access and maneuvering is able to be provided with the reduced setbacks;
- 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as it would be very difficult to develop this commercial property without the need for some relief from Zoning Ordinance requirements; 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 it is in keeping with existing structures in the area.

The approval is subject to the following conditions:

- 1) The obtaining of a Certificate of Appropriateness from the Architectural Review Board;
- 2) Coordination with staff to determine the number and species of trees to be planted that the time of permitting; and
- 3) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



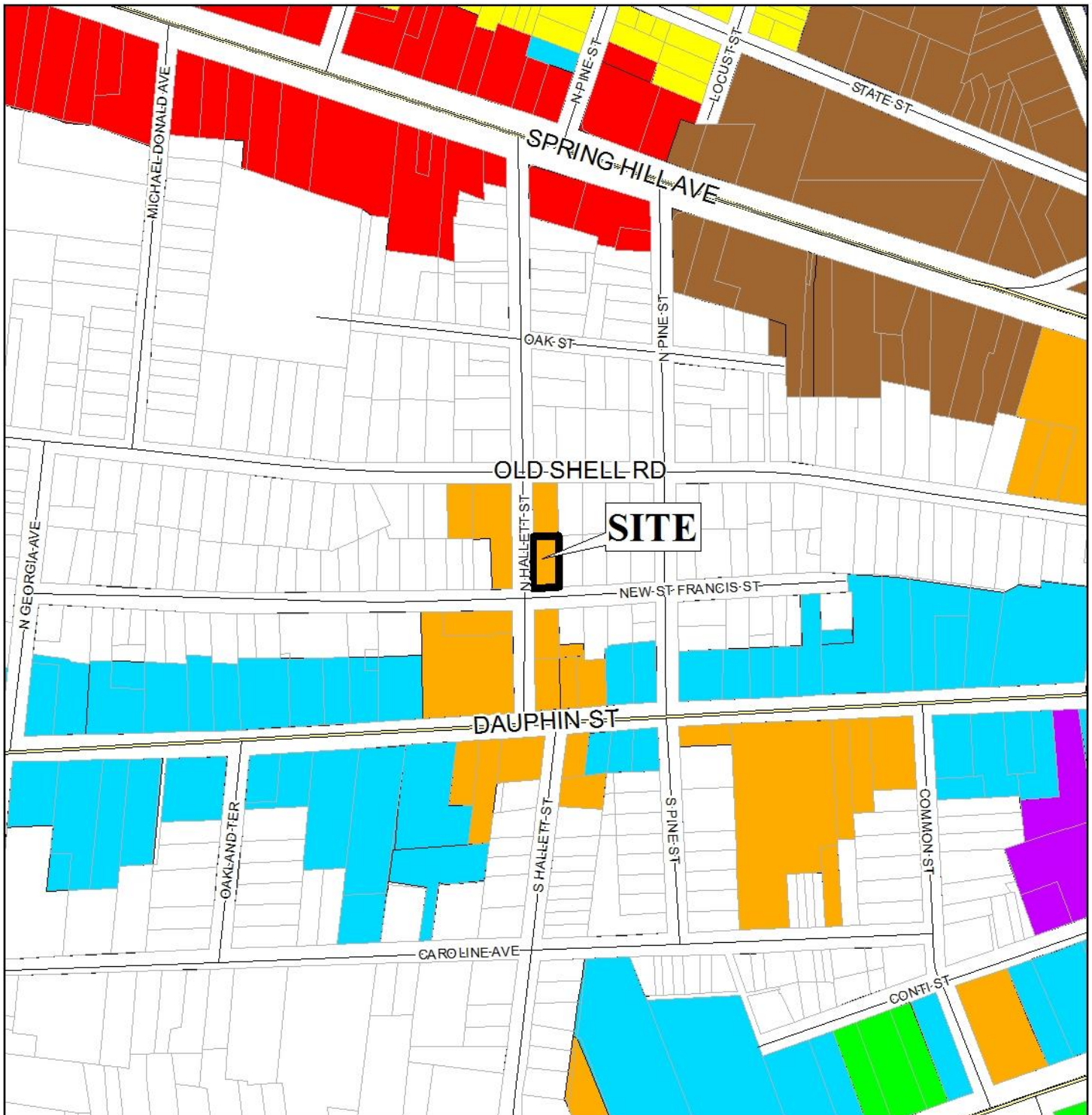
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APPLICANT Jeff Quinnelly  
Front Yard, Side Street Yard, Frontage Landscaping and Frontage

REQUEST Tree Planting Variances



# LOCATOR ZONING MAP



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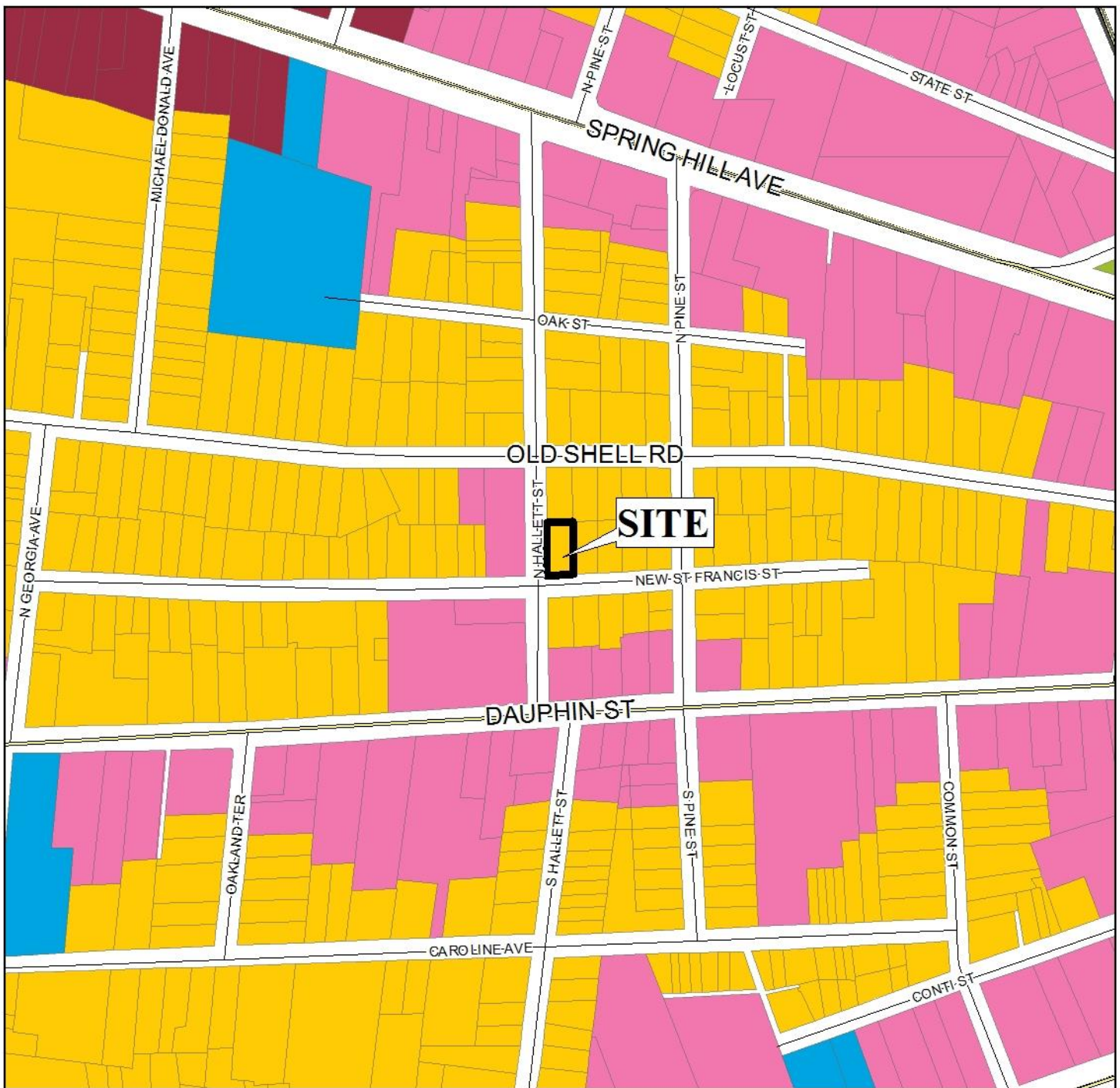
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# FLUM LOCATOR MAP



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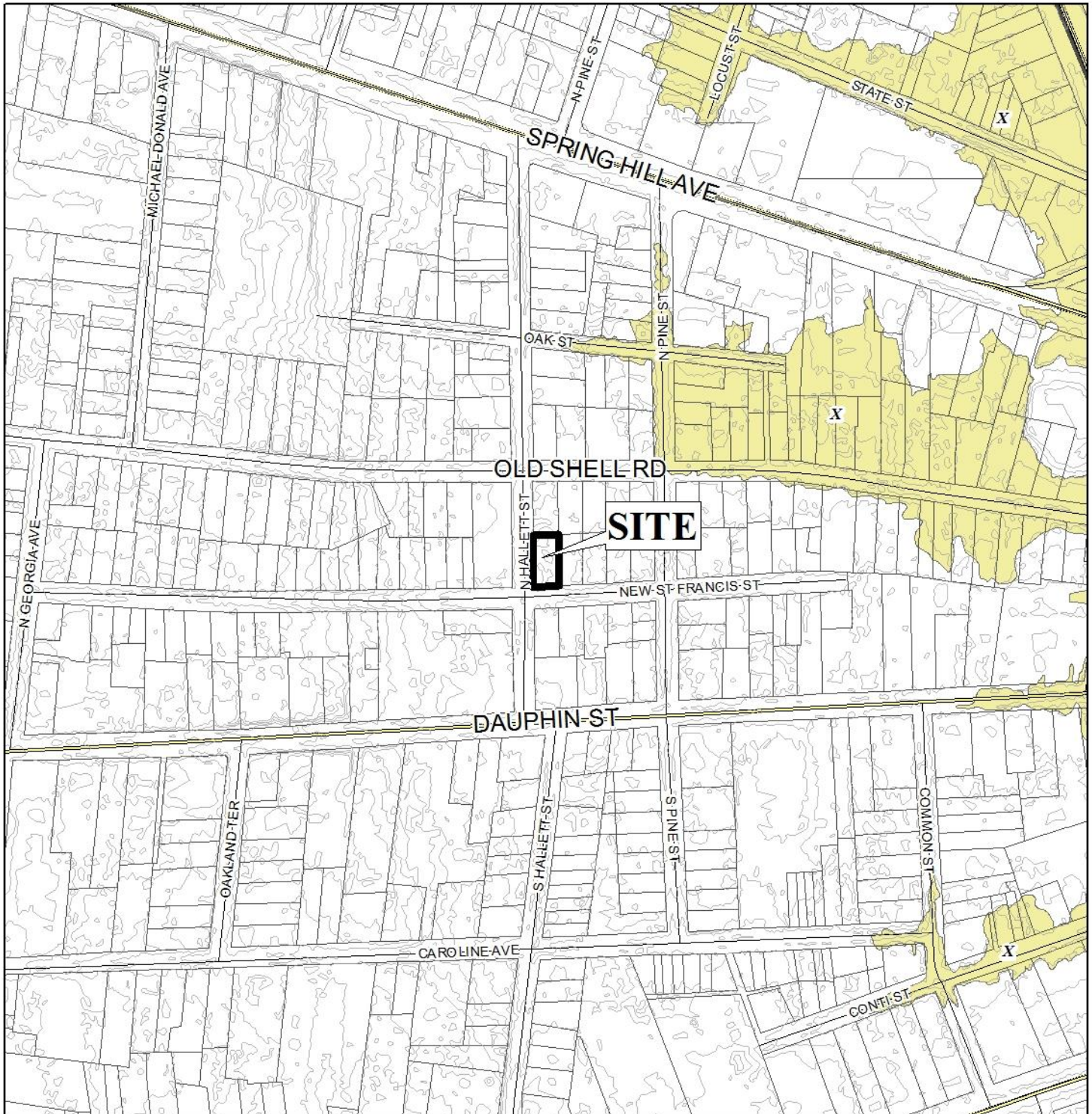
REQUEST Tree Planting Variances

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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The site is surrounded by residential and commercial units.

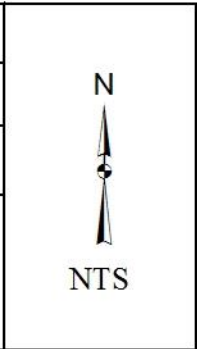
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 R-A
  R-3
  T-B
  B-2
  B-5
  MUN
  SD-WH
  T5.1

 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

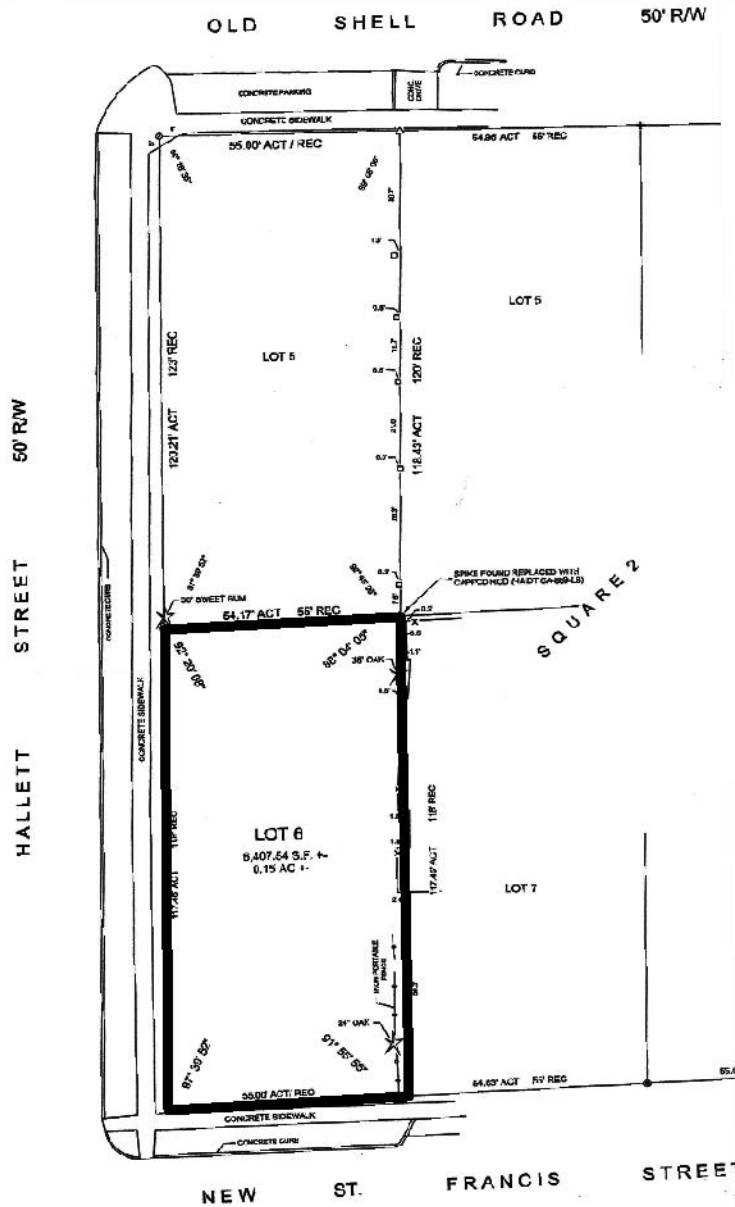


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# SITE PLAN



The site plan illustrates the existing property as it is currently.

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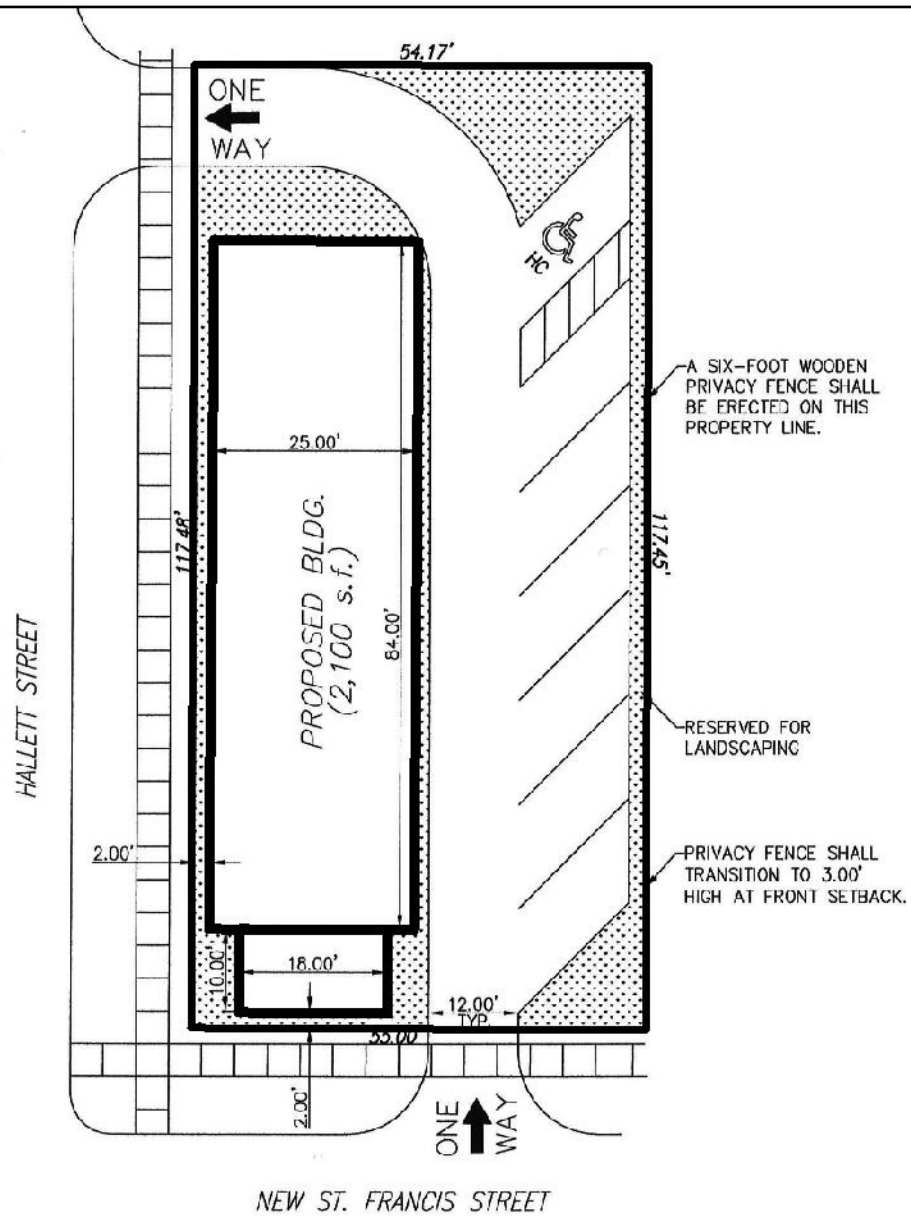
REQUEST Tree Planting Variances



NTS



# SITE PLAN



The site plan illustrates the proposed building, parking, and drive.

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NTS



