

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 4, 2020****CASE NUMBER**

6323

**APPLICANT NAME**

Ahearn Construction (Matthew Ahearn)

**LOCATION**900 Saint Anthony Street  
(Northwest corner of Saint Anthony Street and North Broad Street).**VARIANCE REQUEST****PARKING:** Parking Variance to allow a reduced number of parking spaces in a B-4, General Business District.**LANDSCAPE:** Landscape Variance to waive commercial landscaping requirements in a B-4, General Business District.**TREE PLANTING:** Tree Planting Variance to allow a reduced number of required tree plantings in a B-4, General Business District.**ZONING ORDINANCE  
REQUIREMENT****PARKING:** The Zoning Ordinance requires compliant parking for new commercial development in a B-4, General Business District.**LANDSCAPE:** The Zoning Ordinance requires compliant landscaping for new commercial development in a B-4, General Business District.**TREE PLANTING:** The Zoning Ordinance requires compliant tree planting for new commercial development in a B-4, General Business District.**ZONING**

B-4, General Business

**AREA OF PROPERTY**

0.51± Acre

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING****COMMENTS**

COM Traffic Engineering has a concern with allowing such significant reduction of parking for the restaurant, residential, and commercial space. The only available on-street parking is not located adjacent to this property. After the Broad Street project is complete, there will only be a few spaces located across Broad Street. However, there is no on-street parking available on St. Anthony or State Streets.

**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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

**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, Landscape, and Tree Planting Variances to allow a reduced number of parking spaces, waive commercial landscaping requirements, and to allow a reduced number of required tree plantings in a B-4, General Business District; the Zoning Ordinance requires compliant parking, landscaping, and tree planting for new commercial development in a B-4, General Business District.

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 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's narrative states:

#5

*The property is located on a triangular lot fronting St. Anthony, State and N. Broad Streets. It is in front of the U-Haul property, directly across N. Broad from the City Police Department building, and directly across St. Anthony from Unity Point Park.*

#9

*The property is currently vacant, containing an existing structural foundation and deteriorated site improvements (deteriorated concrete parking lot, broken sidewalks and curb, etc.) for what was a previous commercial building. Applicants proposal is to construct a new ground-up 2-story building with an interior landscaped courtyard (no seating) facing St. Anthony (across from the Unity Park), flanked by (2) tenant spaces and Restaurant Entrance. Exterior is to be stucco with partial stone pattern at lobby entry on first floor, multi-lite windows, 1:1 roof pitch with decorative dormers.*

*Anticipated timing of the project is to submit for Building Permits by end of June 2020, with construction starting end of August 2020, and the Restaurant and Retail opening to the public in February 2021.*

#10

*Proposed Development is a 10,519 sf total, 2-story multi-use building comprised of a 5,314 sf Sit Down Family Style Restaurant ground floor, and approx 1,925 sf of Retail space on the ground floor, with approx 2,552, sf on the second floor comprised of apartments expected to primarily support the restaurant operations.*

*Restaurant hours of operation are expected to be Sunday 11am-8pm, Monday – Thursday 11am-9pm, and Fri-Sat 11am-10pm. Tenant spaces are expected to be approximately Mon-Sat 8am-5pm. The 2<sup>nd</sup> floor Apartments would be occupied primarily by restaurant Management.*

*Number of Employees average 10 per shift for the Restaurant, with number of Customers expected to average 200 per day.*

*Parking required would be as follows:*

*Restaurant 5314 at 1 space/100 sf. Equals 53.13 spaces required*

*Retail – 1<sup>st</sup> flr 1,925 at 1 space/300 sf. Equals 6.4 spaces required*

*Apartments 2<sup>nd</sup> flr (Occupancy included in Restaurant parking). No spaces required.*

*Total parks required: 60 spaces*

*Total parks provided: 35 spaces*

*Variance requested for: 25 spaces*

*Parking does not meet compliance with the zoning ordinance because of the unusual triangular shape of the property. Although these irregular areas are unusable for on site parking, the square footage is incorporated into the building. Because parking is calculated by building square footage, the number of parking spaces required is skewed.*

*Impact on Surrounding Properties.*

*U-Haul occupies the entire block on State Street and Spring Hill Ave, with only one shared property line with the site. Its offices and customer are served from Spring Hill Ave, a considerable distance away from the proposed site. The adjacent portion (shared property line) of the U-Haul property is used for staging their trucks only. There would be no impact on U-Haul's operations.*

*The City Police Department Building and the Shell Gas Station is across the street on North Broad, these businesses are across a 4-lane highway and would not be easily accessible. These businesses would not be impacted.*

*#13 Landscape Variance.*

*The Ordinance requires that at least sixty (60) percent of this landscaping percentage requirement shall be located on the building site between the street line(s) and the building wall(s) facing the street. This lot is a zero lot line site, the building is up against the property lines on the N. Broad and State Street frontage. Therefore, no landscape area exists between the street line and the building wall.*

*A ratio of one (1) understory tree for every twenty (20) parking spaces is required (2 trees total). This cannot be met because of the limited parking achievable. However (1) tree is located in a parking lot island, with (4) more trees on the interior courtyard.*

The subject site is surrounded by B-4 zoning to the North across State Street, adjacent to the West, and South across Saint Anthony Street. To the East across North Broad Street is a T5.1

Sub-District of the Downtown Development District. The site was last developed with a commercial building which was demolished several years ago.

Pertaining to the Parking Variance request, the applicant's calculations for the restaurant and retail use are erroneous, as a 5,314 square-foot restaurant requires 54 parking spaces, and 1,925 square feet of retail space requires 7 parking spaces. The applicant erroneously rounded down on fractional calculations for the two, thereby shorting the requirement by 2 parking spaces. And the required apartment parking is not automatically included in the restaurant parking requirement. As the site plan indicates 4 apartment units, and as residential apartment use parking is calculated at 1.5 spaces per unit, 6 parking spaces would be required for the apartments. Therefore, the total parking required for all uses on the site would be 67 spaces. As 35 spaces are provided on the site plan, the site would be short by 32 spaces. The site would only contain approximately 52.2% of the total parking spaces required. As the site is located within an area which cannot provide on-street parking for commercial purposes, this would constitute a serious and unsafe shortage in parking.

The Zoning Ordinance states that 12% of the total site must be landscaped, with 60% of that 12% being street frontage landscaping. The site plan provided does not contain any landscaping calculations. However, as the site contains approximately 0.51 acre (22,216 square feet), a 12% landscaping requirement would equal approximately 2,666 square feet of total site landscaping. A street frontage landscaping requirement of 60% of that total would be approximately 1,600 square feet of street frontage landscaping required. However, as the site plan indicates a build-out to the North Broad Street and State Street frontage property lines, no street frontage landscaping can be provided in these areas. Only a small area along the State Street frontage of the parking lot and along the Saint Anthony Street building frontage are landscaped. A narrow landscaping strip is provided along the West boundary of the site, but no calculation for its area is provided.

The applicant only addresses parking trees in the narrative, and states that 2 understory trees would be required. However, as the site actually requires 67 parking spaces, 4 understory parking trees would be required. No calculations are provided for the required frontage trees or perimeter trees. It is stated that there is 1 tree located with a parking lot island, although its size and species is not provided. It is also stated that there would be 4 trees located within an interior courtyard, but again, no species is given.

With regard to the Parking, Landscaping and Tree Planting Variance requests, no hardship has been illustrated such that a literal interpretation of the Ordinance would result in an unnecessary hardship. The applicant simply proposes to over-build the site without attempting to provide adequate parking or to meet the landscaping and tree planting requirements for new commercial development, and the Board should consider these requests for denial.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Parking, Landscape and Tree Planting Variance requests:

- 1) The applicant did not provide any justification to support the need for the request, and no evidence was provided to indicate a hardship would be imposed by a literal interpretation of the Ordinance;
- 2) No special conditions were shown to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) There was no evidence presented to indicate that the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

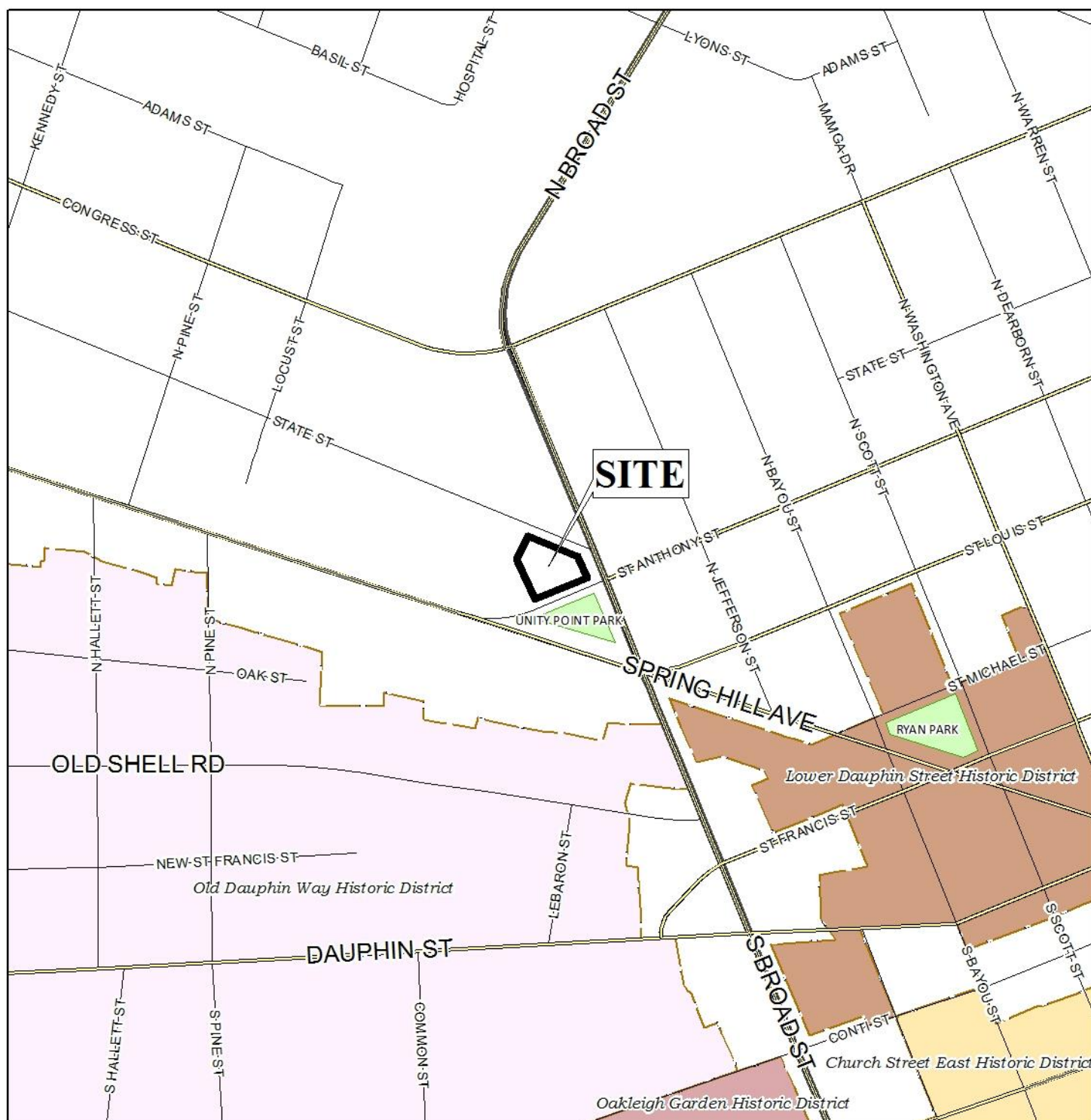
***Revised for the June 1<sup>st</sup> meeting:***

*This application was heldover from the May meeting at the applicant's request. As no new information has been submitted for review, and as the property owner has not consented to the applicant's submission, the original recommendation would stand.*

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Parking, Landscape and Tree Planting Variance requests:

- 1) *The applicant did not provide any justification to support the need for the request, and no evidence was provided to indicate a hardship would be imposed by a literal interpretation of the Ordinance;*
- 2) *No special conditions were shown to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and*
- 3) *There was no evidence presented to indicate that the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.*

# LOCATOR MAP



APPLICATION NUMBER 6323 DATE June 1, 2020

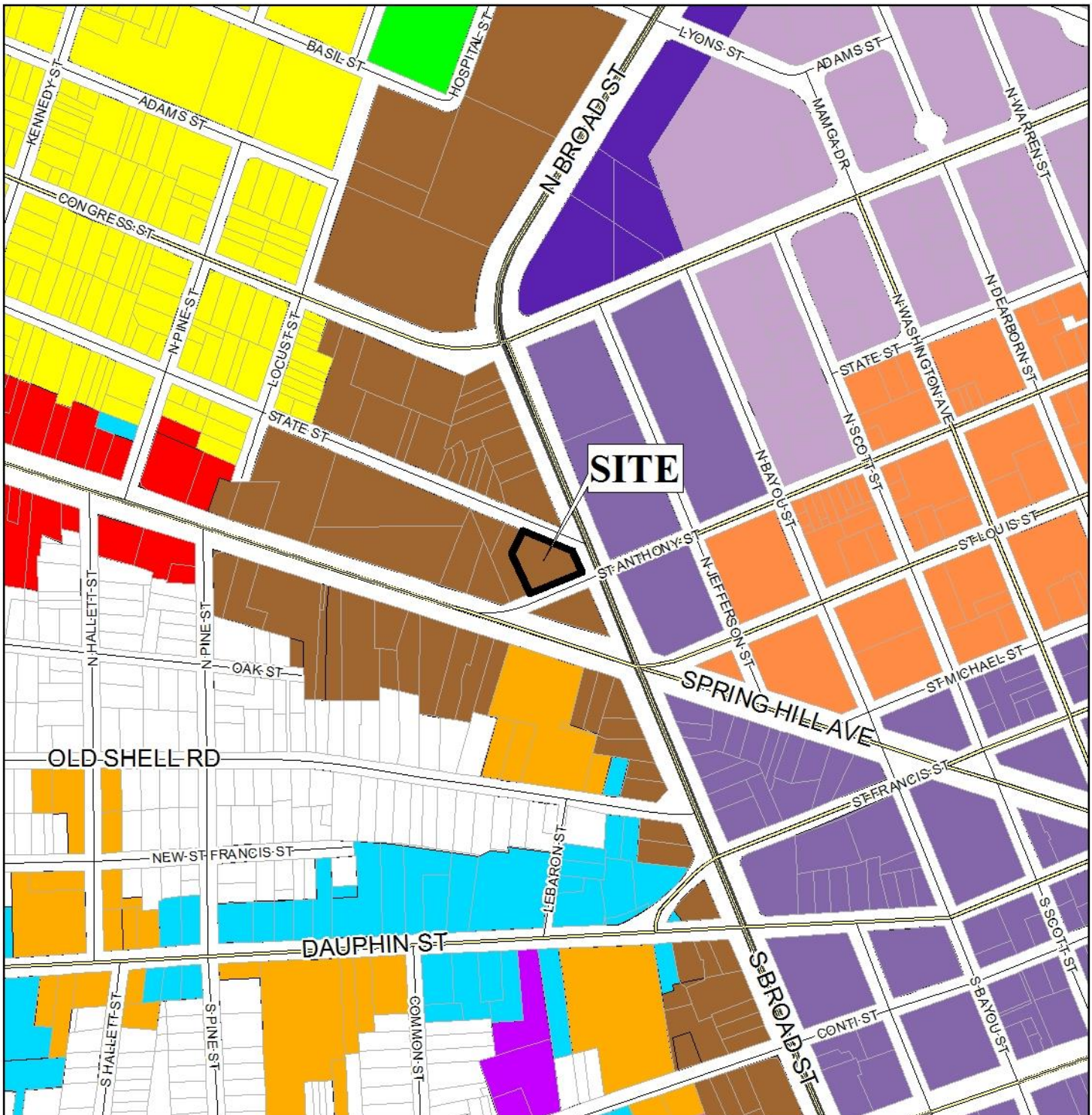
APPLICANT Ahearn Construction (Matthew Ahearn)

REQUEST Parking, Landscape, and Tree Planting Variances





# LOCATOR ZONING MAP

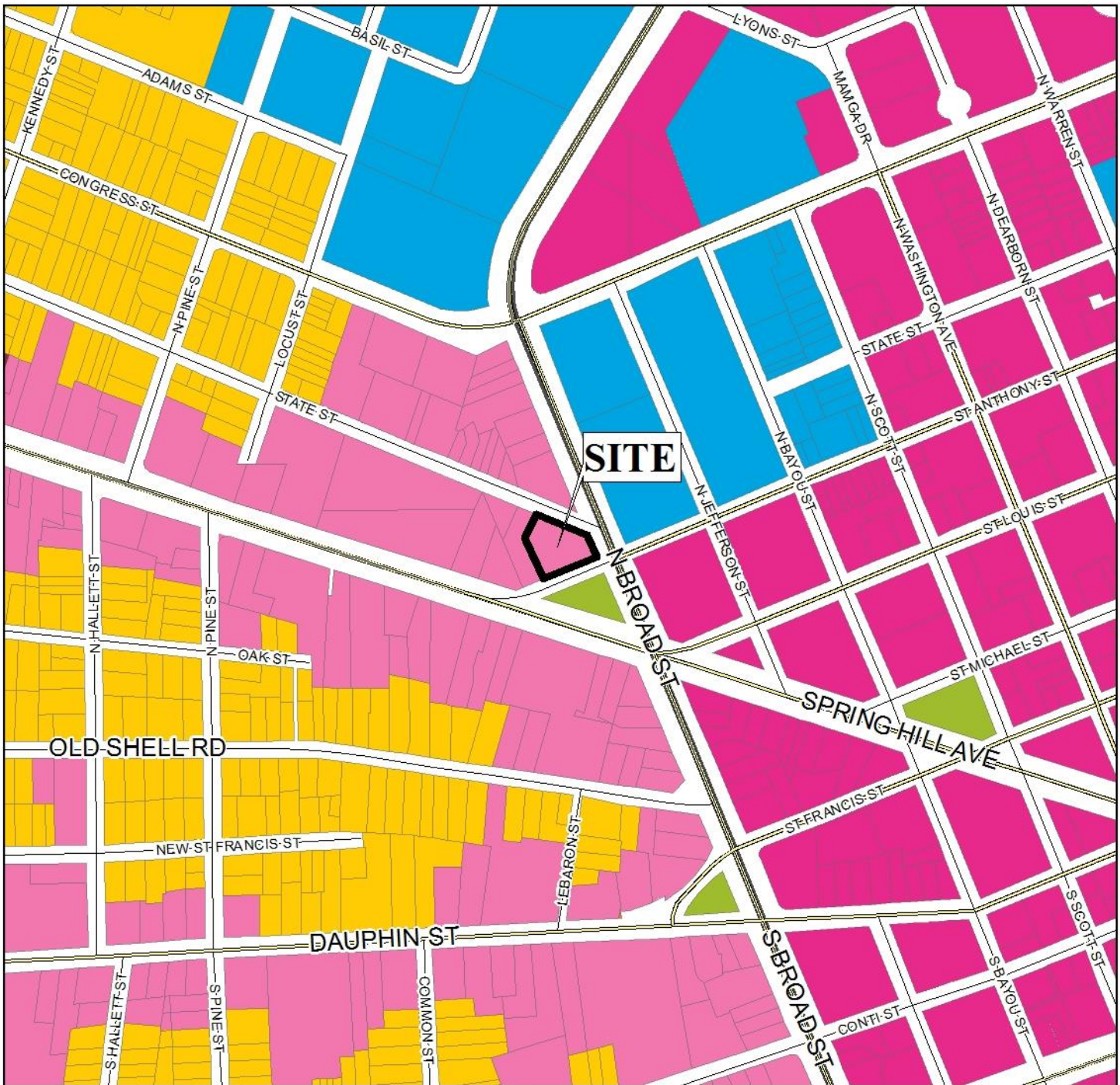


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 REQUEST Parking, Landscape, and Tree Planting Variances





# FLUM LOCATOR MAP



APPLICATION NUMBER 6323 DATE June 1, 2020

APPLICANT Ahearn Construction (Matthew Ahearn)

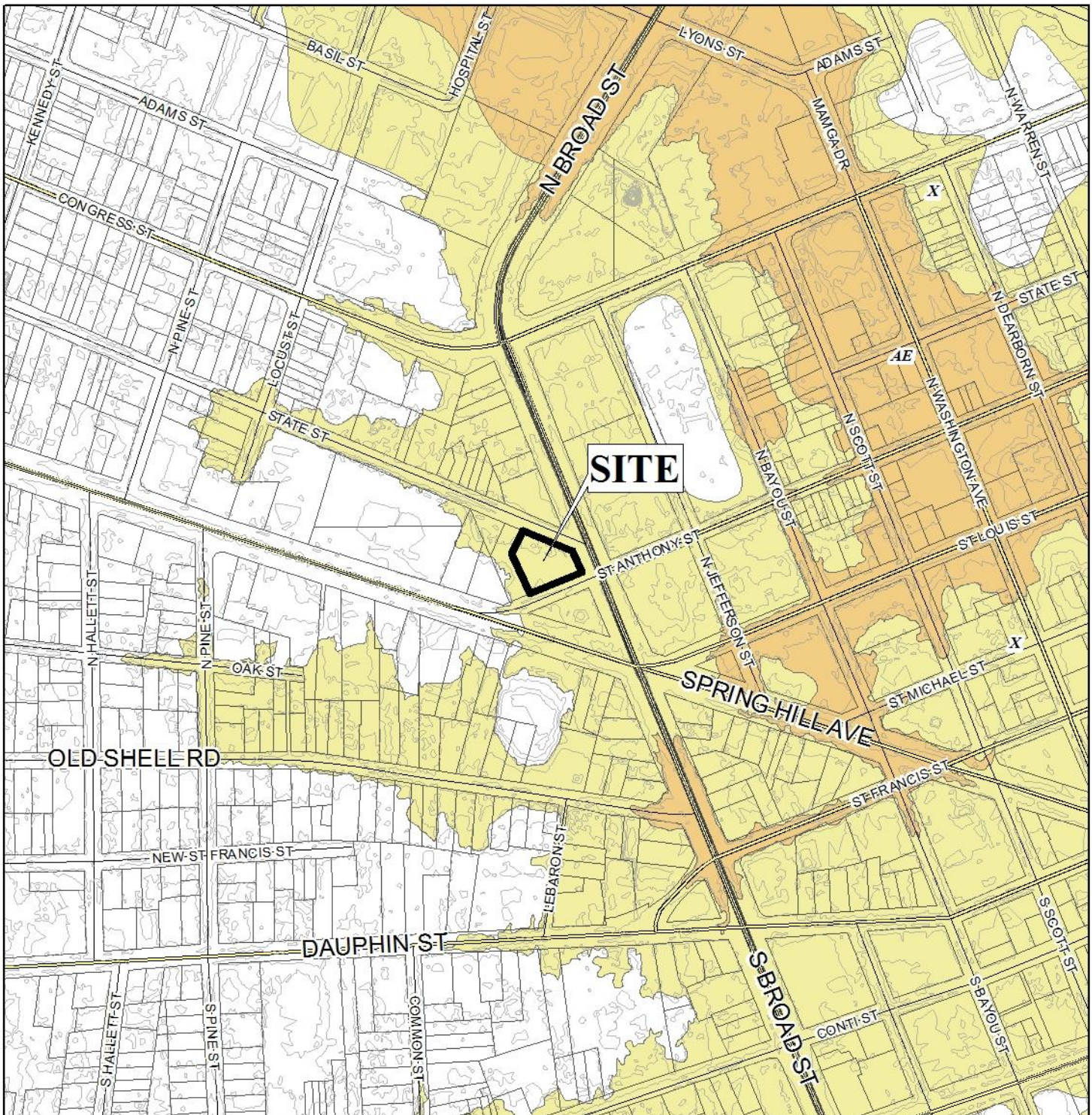
REQUEST Parking, Landscape, and Tree Planting Variances

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



APPLICATION NUMBER 6323 DATE June 1, 2020

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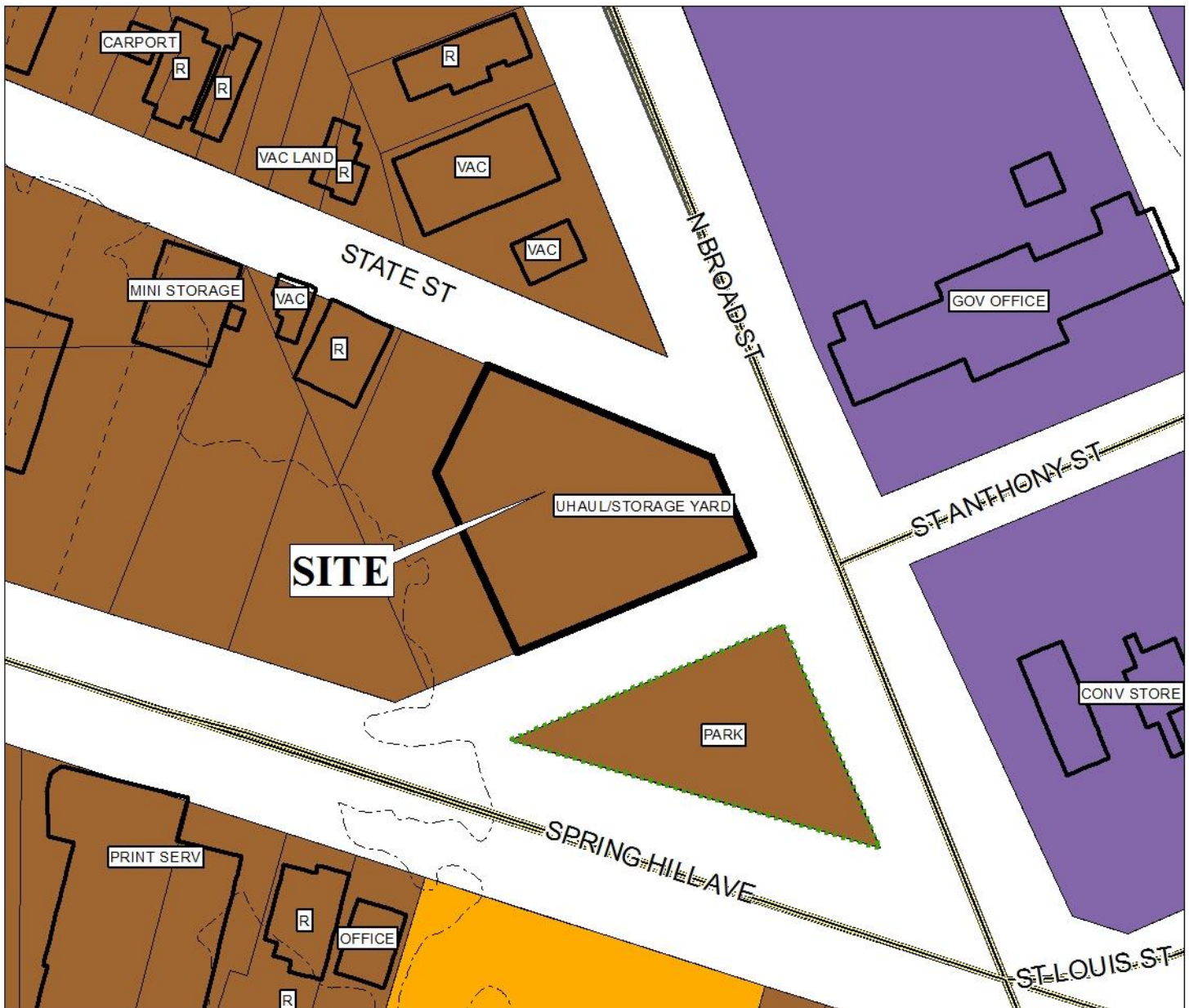
REQUEST Parking, Landscape, and Tree Planting Variances



NTS



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Parking, Landscape, and Tree Planting Variances

<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: blue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
<span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-B	<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OPEN	<span style="background-color: lightpink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T3	<span style="background-color: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.2
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2	<span style="background-color: peachpuff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> H-B	<span style="background-color: magenta; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> LB-2	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-4	<span style="background-color: gray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T4	<span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

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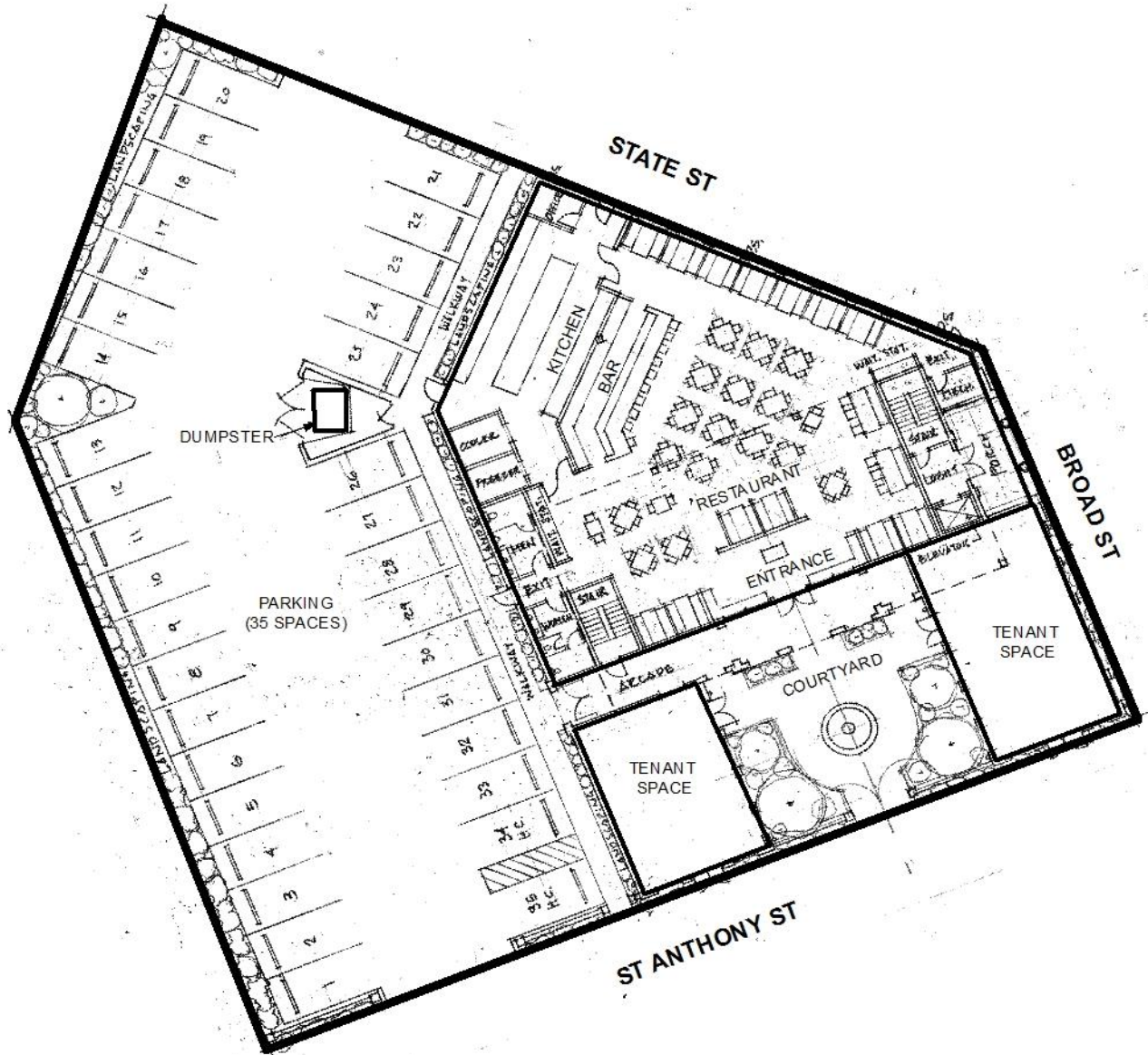
REQUEST Parking, Landscape, and Tree Planting Variances



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# SITE PLAN



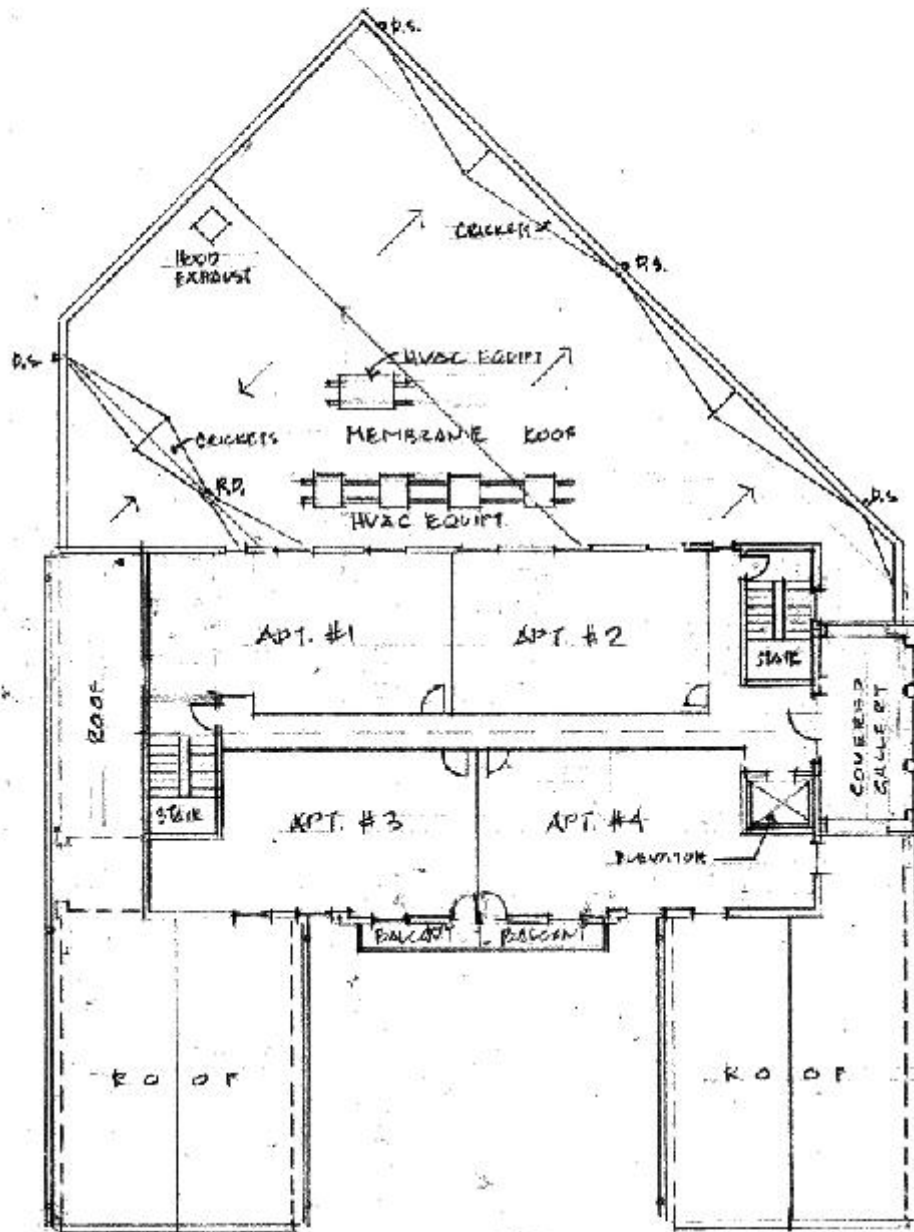
The site plan illustrates the proposed restaurant, parking, landscape, and first floor plan.

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# DETAIL SITE PLAN



## SECOND FLOOR PLAN

SCALE 1/16" = 1'-0"

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## DETAIL SITE PLAN



SAINT ANTHONY STREET ELEVATION  
SCALE: 1/8" = 1'-0"

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## DETAIL SITE PLAN



BROAD STREET ELEVATION

Scale: 1/4" = 1'-0"

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