

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 7, 2022****CASE NUMBER**

6476

**APPLICANT NAME**

Theophilus Hudson

**LOCATION**2401 Wolf Ridge Road  
(Northwest corner of Wolf Ridge Road and Dickson Lane).**VARIANCE REQUEST****USE:** To allow an event venue in an R-1, Single-Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance does not allow an event venue in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential.

**AREA OF PROPERTY**

0.5± Acre

**ENGINEERING  
COMMENTS**

If this variance is approved for use the applicant will need to have the following conditions met:

1. Submit a Tier 2 Land Disturbance Permit for any proposed site improvements.
2. Submit a ROW Permit for any proposed work within the Public ROW.
3. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
4. Aggregate surfacing will NOT be allowed within the public ROW.

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

**FIRE-RESCUE 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

**CITY COUNCIL****DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting a Use Variance to allow an event venue in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow an event venue in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. 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 acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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:

*2401 Wolf Ridge Road was built as a commercial property.*

*All the exterior walls are cinder block, there are two bathrooms next to one another (male and female), and the shape of the building (30' x 80'). It is a total rectangle. The ground / surface on the outside of the building is asphalt.*

*To my knowledge it was a boat repair business, and then a church for several years.*

*In 1985 when the City of Mobile annexed the area, the property was functioning as commercial, and it continued for several years after the annex. It lost its status as a commercial dwelling due to it not being occupied. Presently, the property is an eye sore in the community.*

*My plan is to bring the property back to life by turning it into an Event Hall..*

*An Event Hall is not a continuous operation and will only be used when someone needs a venue for an event. Moreover, it will bring beautification to this area of our city.*

*I hope I have covered all the necessary issues to obtain a Use Variance. I have taken the time to speak with a few of the residents in the area and have received positive feedback regarding an event hall and making the corner of Dickson Lane and Wolf Ridge Road a better site to view.*

The subject site is surrounded along the West side of Wolf Ridge Road and along both sides of Dickson Lane by R-1 zoning used primarily as residential with some vacant land, but there are a few small businesses located within the neighborhood. To the East, across Wolf Ridge Road, is a cemetery.

Staff research indicates that the subject site was probably last used as a church in approximately 2015 and has been vacant since. Since the site has been vacant for more than two years, it has lost its legal non-conforming status.

The site plan submitted indicates the existing 2,632 square-foot building, with a 440 square-foot open patio, for a combined 3,037 square feet. Assuming both the building and the patio were to be used for event activities, 31 parking spaces would be required. The site plan indicates 37 parking spaces to be provided. The site plan does not depict a van accessible handicap space. While the Zoning Ordinance does not require van accessible spaces, it is a requirement of the Americans with Disabilities Act (ADA), and will result in the loss of at least one (1) space. It should be noted that parking lot lighting would be required, subject to a compliant photometric plan. As the parking lot has more than ten (10) spaces, lighting compliant with Section 64-6.A.3.c. of the Zoning Ordinance will be required. .

Ingress to the site is proposed via an existing drive on Dickson Lane approximately 190 feet West of Wolf Ridge Road. Egress is proposed via another existing drive on Dickson Lane approximately 60 feet West of Wolf Ridge Road. The internal traffic flow is indicated to be one-way with compliant aisle width. Gates are indicated at the entrance and exit drives, but no compliant 60-foot vehicle queuing space out of the right-of-way is indicated. If the variance is approved, it should be subject to these gates remaining open during all hours of event activities.

The site plan does not provide landscaping and tree planting calculations, other than to state that there would be 1,292 square feet of green space. It should be noted that due to the footprint of the building not being altered, the site is not required to be brought into full compliance at this time.

No dumpster is indicated on the site plan; however, a note on the site plan states that refuse collection will be curbside. Therefore, no dumpster would be required.

As the proposed use would be considered a change of occupancy for the building, all necessary Building Code and Fire Code permits must be obtained, if approved.

The applicant has illustrated that a hardship could be imposed by a literal interpretation of the Ordinance with respect to limiting the subject site to single-family residential use, and the Board should consider this application for Approval.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Approval of the requests:

- 1) Approving the variance request will not be contrary to the public interest due to the fact the site was developed and used commercially;
- 2) Special conditions exist, including the current site conditions, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance due to the fact that the site would be re-vitalized for a viable use.

The approval is subject to the following conditions:

- 1) provision of parking lot lighting, in compliance with Section 64-6.A.c. of the Zoning Ordinance;
- 2) provision of a note on the site plan stating that ingress and egress gates are to remain open during all hours of event activities;
- 3) retention of the note on the site plan stating that refuse collection will be via curbside collection;
- 4) compliance with the Engineering comments: *(If this variance is approved for use the applicant will need to have the following conditions met: 1. Submit a Tier 2 Land Disturbance Permit for any proposed site improvements. 2. Submit a ROW Permit for any proposed work within the Public ROW. 3. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 4. Aggregate surfacing will NOT be allowed within the public ROW.);*
- 5) compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 6) compliance with the Fire-Rescue 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
- 7) obtaining of any necessary Building Code and Fire Code permits; and
- 8) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



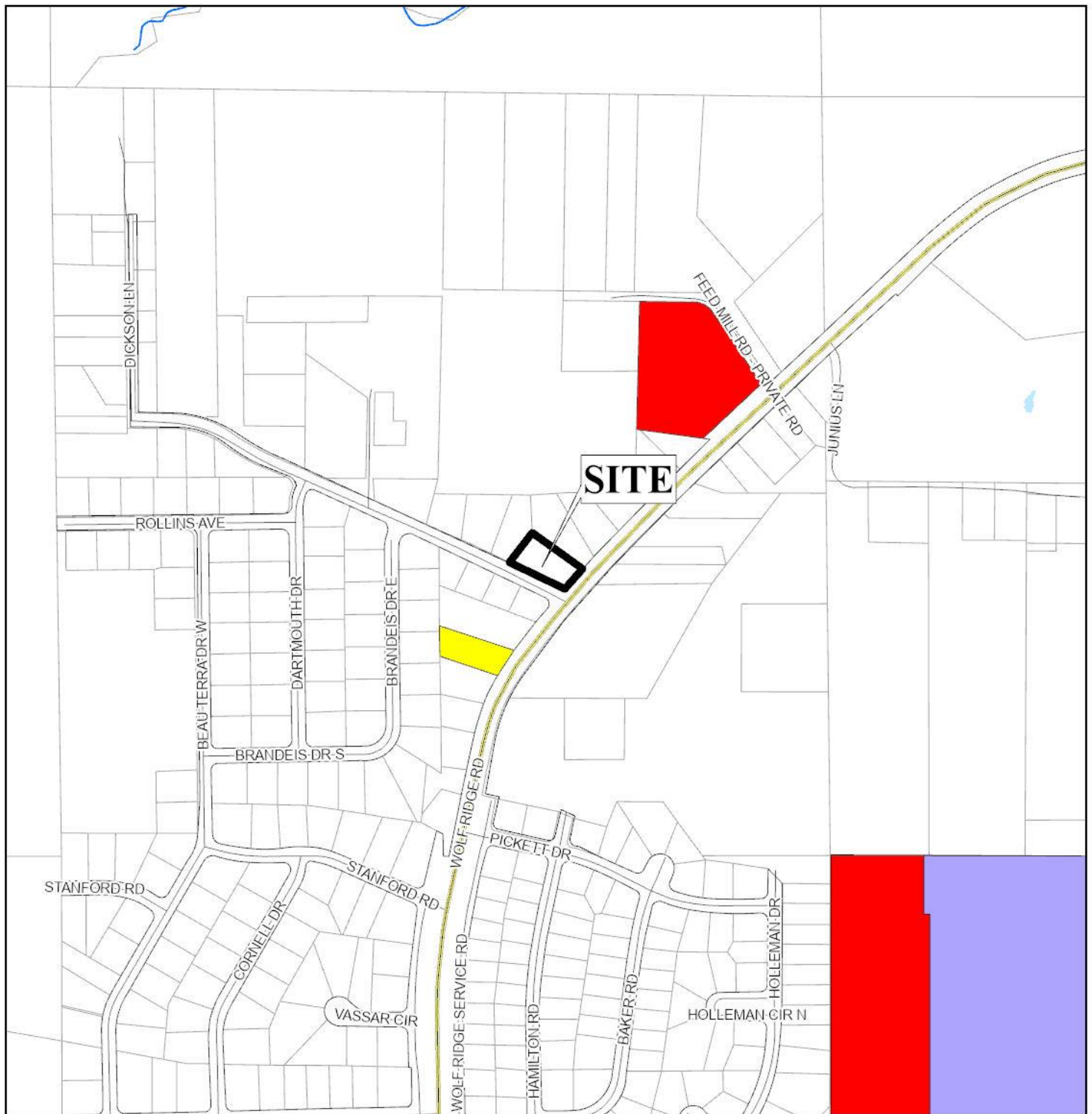
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REQUEST Use Variance



# LOCATOR ZONING MAP



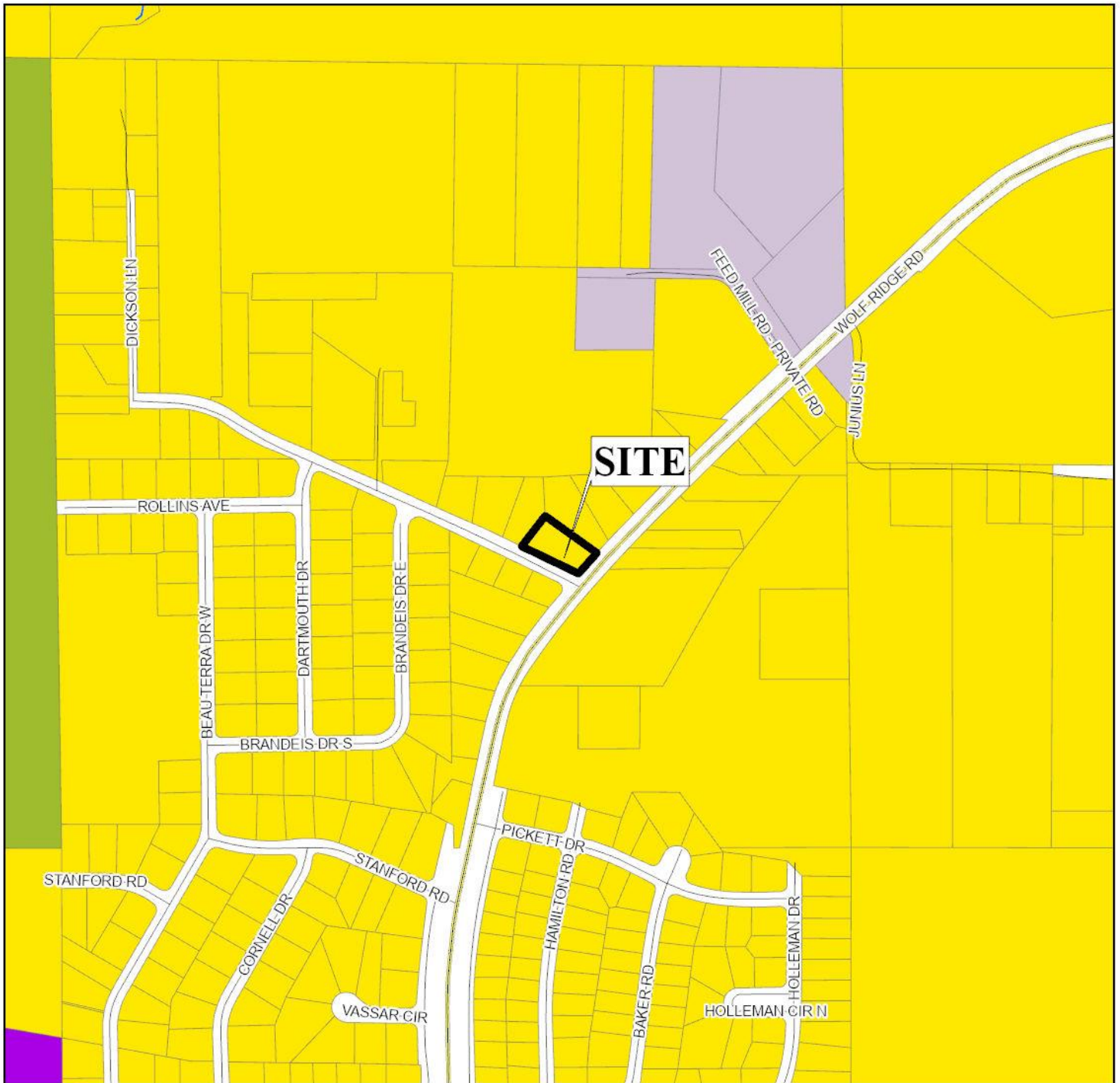
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# FLUM LOCATOR MAP



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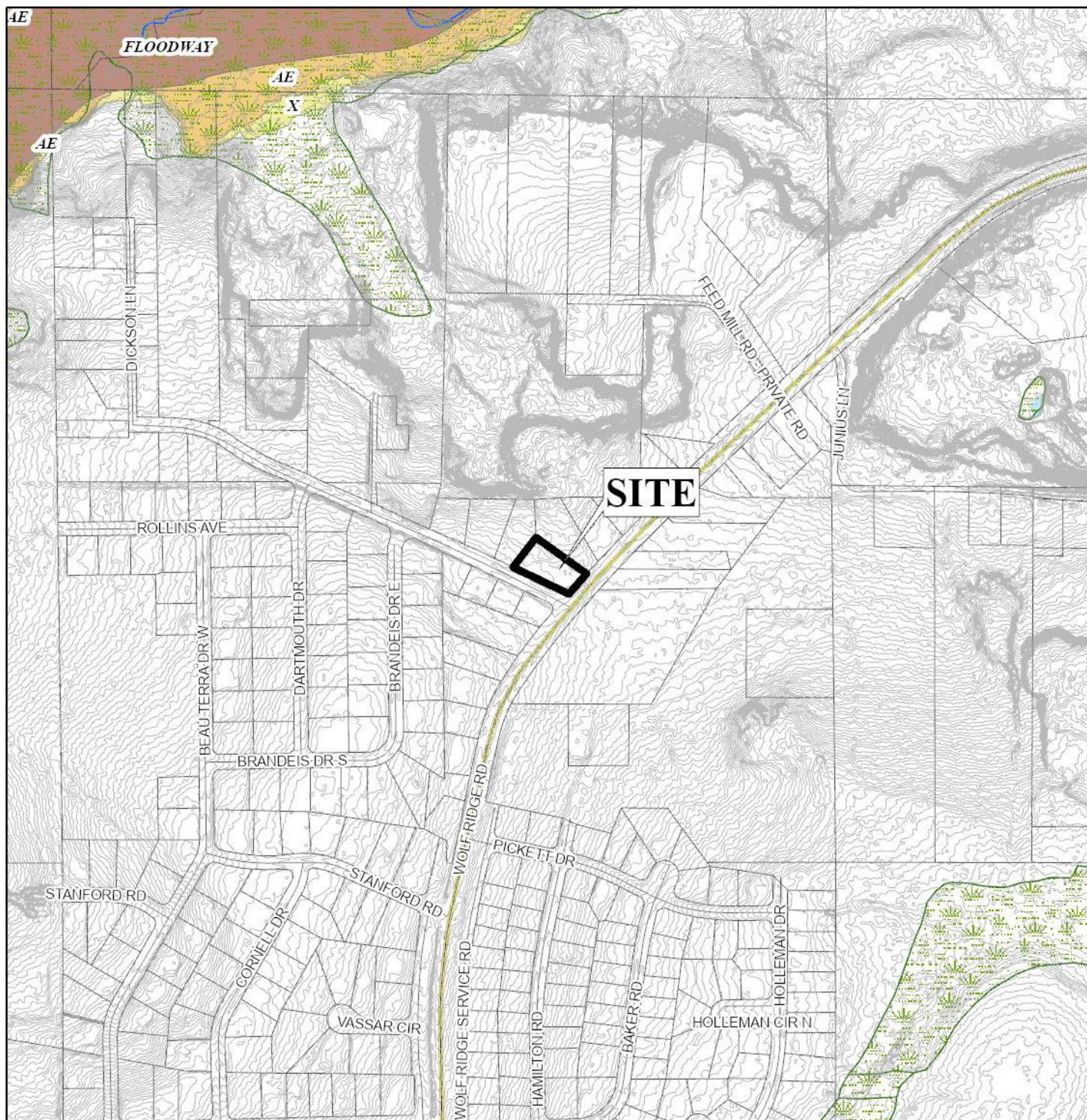
REQUEST Use Variance

## FLUM

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|--|--|---|--|
| <span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential   | <span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black;"></span> District Center                      | <span style="display: inline-block; width: 10px; height: 10px; background-color: pink; border: 1px solid black;"></span> Traditional Corridor       | <span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black;"></span> Heavy Industry    |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Density Residential | <span style="display: inline-block; width: 10px; height: 10px; background-color: brown; border: 1px solid black;"></span> Neighborhood Center - Traditional  | <span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black;"></span> Mixed Commercial Corridor  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Institutional  |
|  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Neighborhood Center - Suburban | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> Downtown Waterfront | <span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black;"></span> Parks & Open Space |
|  |  | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Light Industry        | <span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Water Dependent |



# ENVIRONMENTAL LOCATOR MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A cemetery lies east of the site.

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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



The site is surrounded by residential units. A cemetery lies east of the site.

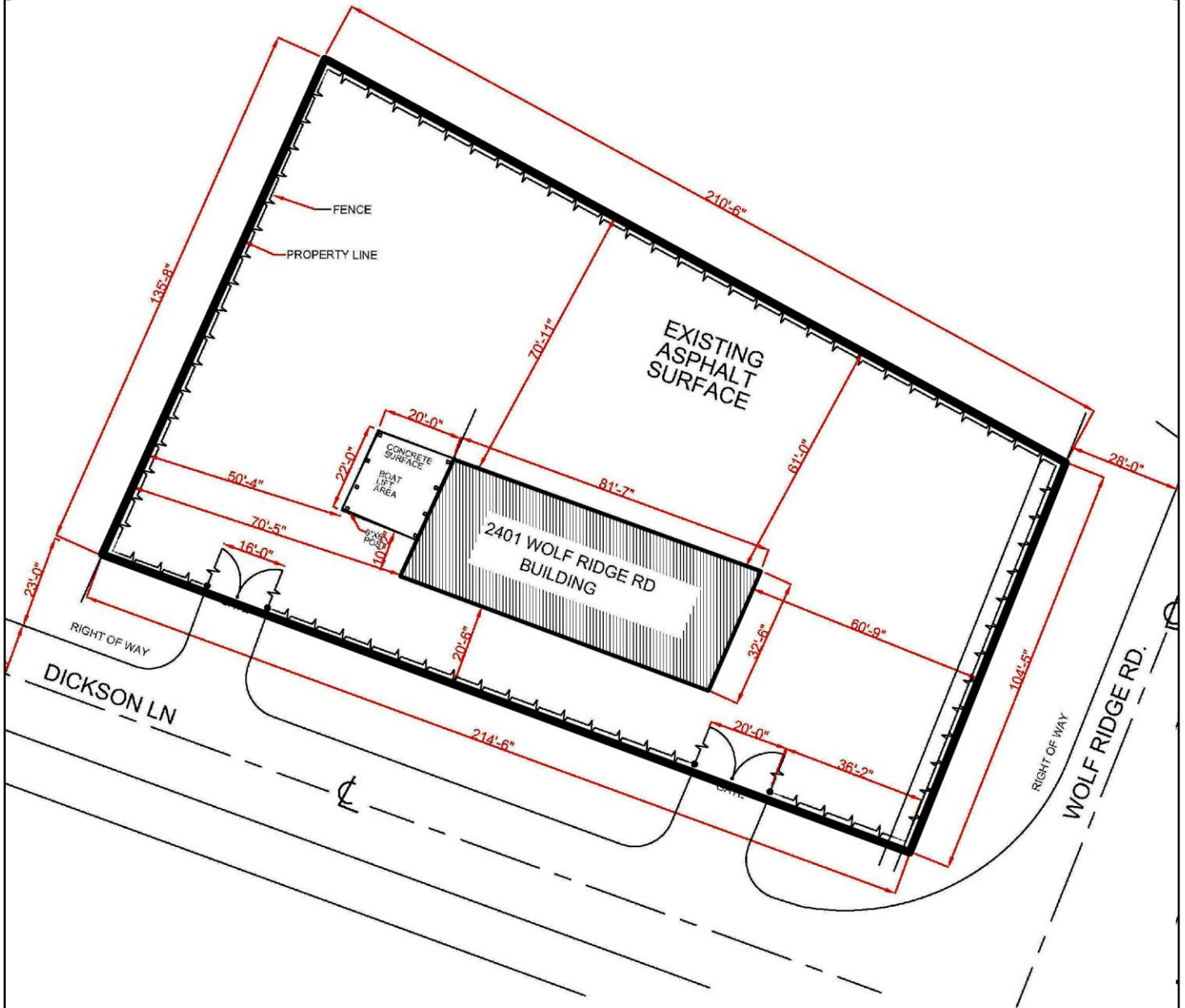
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# EXISTING SITE PLAN



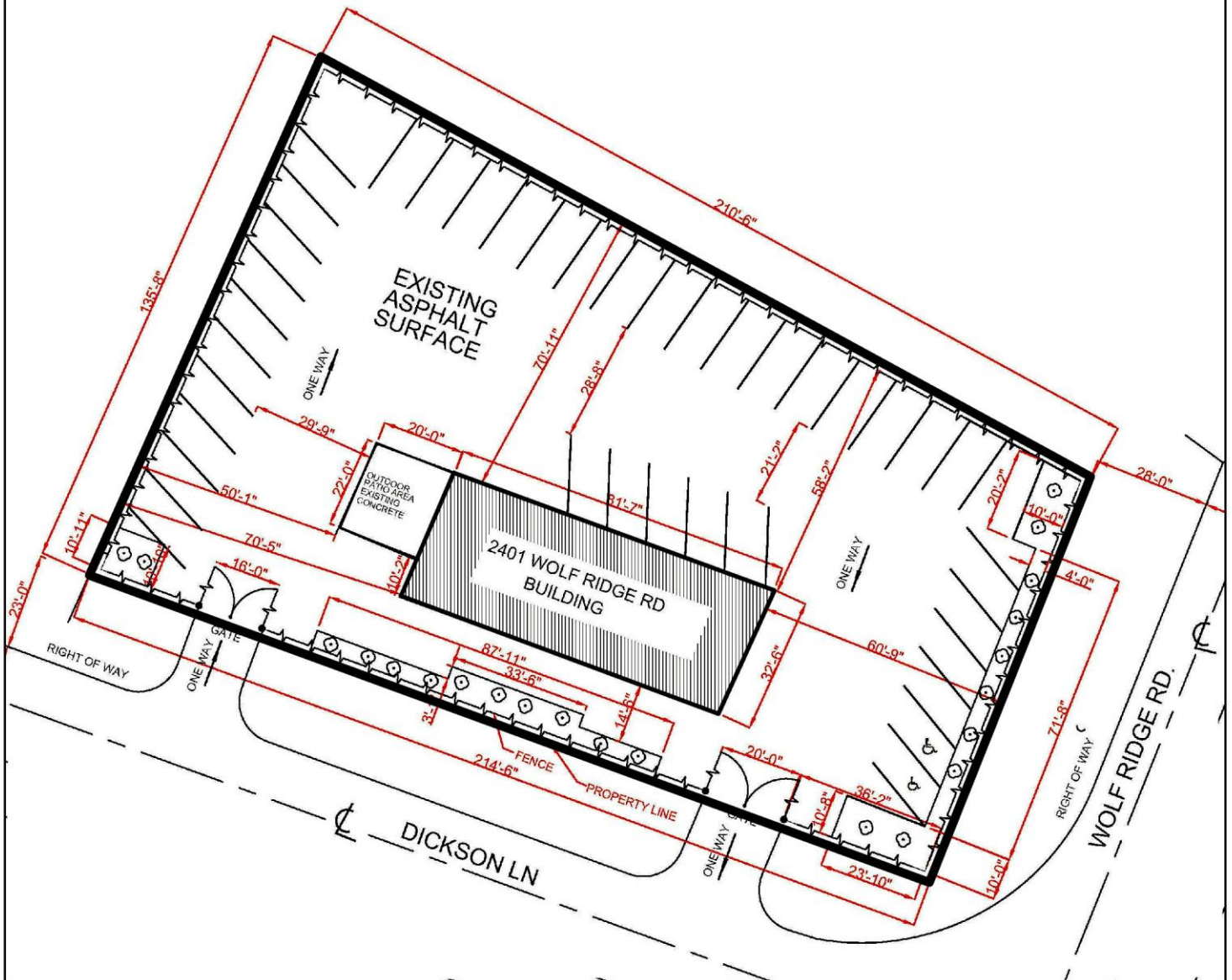
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# PROPOSED SITE PLAN



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

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