



Agenda Item # 2

BOA-002488-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

5340 Halls Mill Road and 4370 Rangeline Road

Applicant / Agent (as applicable):

Sawgrass Consulting, LLC

Property Owner:

Lyle Machinery Co.

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Number(s):

6517/6460/6076

Zoning Ordinance Requirement:

- Full compliance with frontage landscaping requirements

Board Consideration:

- To allow reduced Frontage Landscaping Variance in a B-3, Neighborhood Business Suburban District

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units

APPLICATION NUMBER 6517 DATE June 5, 2023
APPLICANT Sawgrass Consulting LLC
REQUEST Frontage Landscaping Variance



SITE HISTORY

The subject site was annexed into the City of Mobile in 2008. In 2009, the property was rezoned from R-1 to B-3, with several other annexed properties.

In December 2016, the site was granted Use and Surfacing Variance to allow a heavy equipment retail sales and repair facility with sub-standard surfacing for parking and display area in a B-3 district.

In July 2022, the Board approved a variance allowing a reduced front setback for a structure and a dumpster, as well as reduced tree plantings. Permits were issued for the building and dumpster, and a Temporary Certificate of Occupancy was issued for the structure. A Final Certificate of Occupancy has not been approved due to a lack of compliant front landscape area, hence the application at hand. It should be noted that the 2022 variance was granted subject to the following conditions:

- 1) relocation of the proposed dumpster to be no closer to Halls Mill Road than the structure;
- 2) submittal of a revised site plan;
- 3) obtain all necessary permits; and
- 4) full compliance with all municipal codes and ordinances.

STAFF COMMENTS

Engineering Comments:

No comments.

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 Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 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.

Planning Comments:

The applicant is requesting a Frontage Landscaping Variance to allow reduced frontage landscaping for a commercial site in a B-3, Community Business Suburban District.

During final inspections for the site, it was observed that the site is utilizing gravel surfacing in an area that, per the approved plans was to be landscaped. The applicant has submitted the application to allow the existing gravel surfacing to remain on site. It should be noted that due to the associated building permits being issued in 2022, this request is being analyzed using the requirements of the Zoning Ordinance that were in effect prior to the adoption of the Unified Development Code (UDC).

The applicant requests that the aggregate area be used to display equipment. It should be noted that while the Zoning Ordinance prohibited aggregate surfacing, the UDC allows inventory and storage areas to be aggregate surfacing; however, full compliance with front landscaping area is still required.

It should be noted that the site plans submitted at the time of permitting showed full compliance with landscape areas. The site plan submitted with the current application identifies which part of the previously proposed landscape area is now surfaced with aggregate materials, but does not provide updated calculations on the amount of frontage landscape area provided, so that staff cannot determine how short of landscape area the site will be, if approved. Furthermore, the site plan submitted with the current application does not match revised plans submitted in 2022 showing compliance with the dumpster location, as approved by the Board.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to 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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- the Applicant demonstrates that the variance shall not be contrary to the public interest;
- where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- the spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

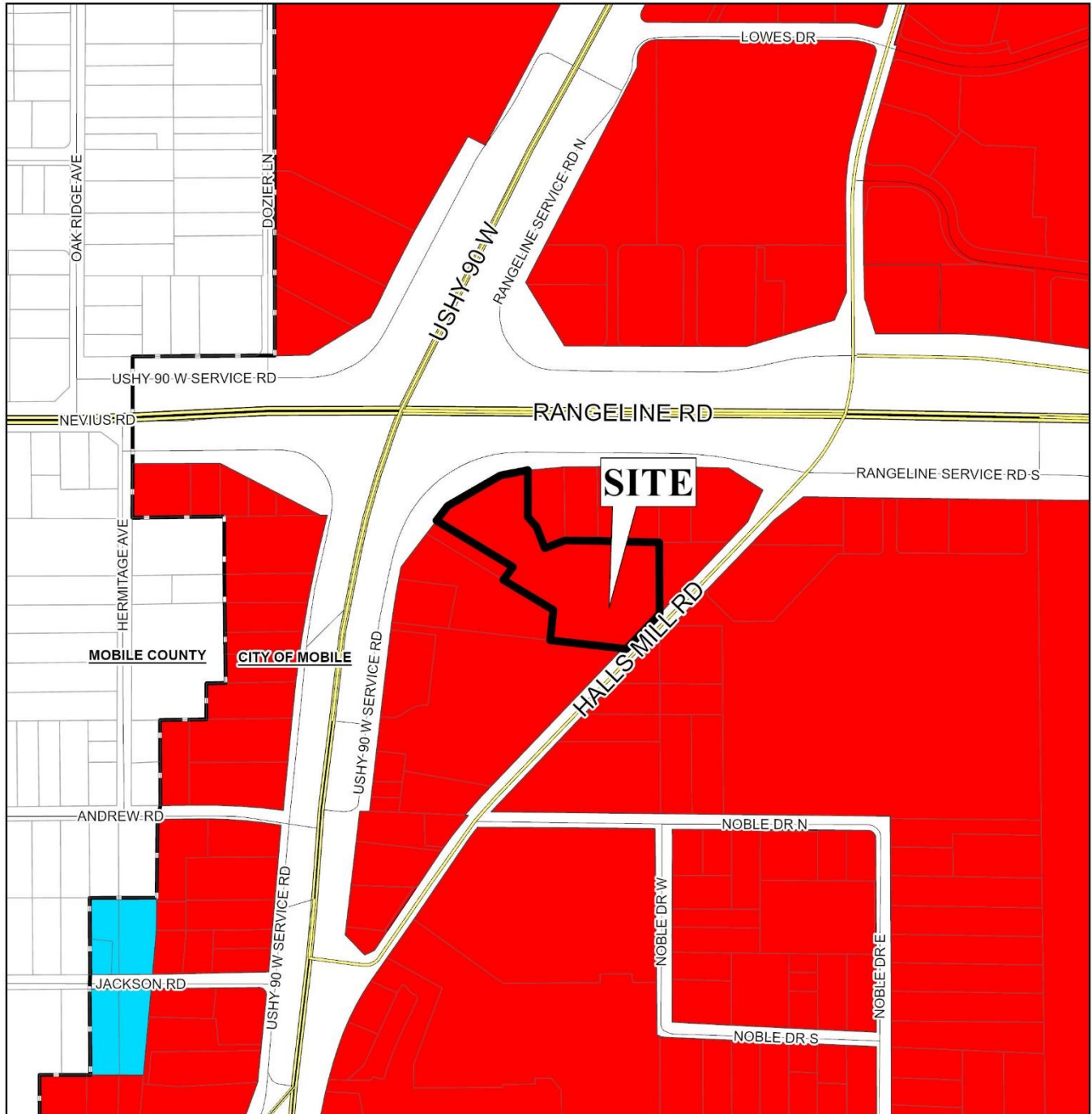
Considerations:

Based on the requested Variance application, the Board should consider the following findings of fact for approval or denial of the request:

- 1) The variance **will / will not** be contrary to the public interest;

- 2) Special conditions **exist / do not exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be / shall not be** observed and substantial justice **done / not done** to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP

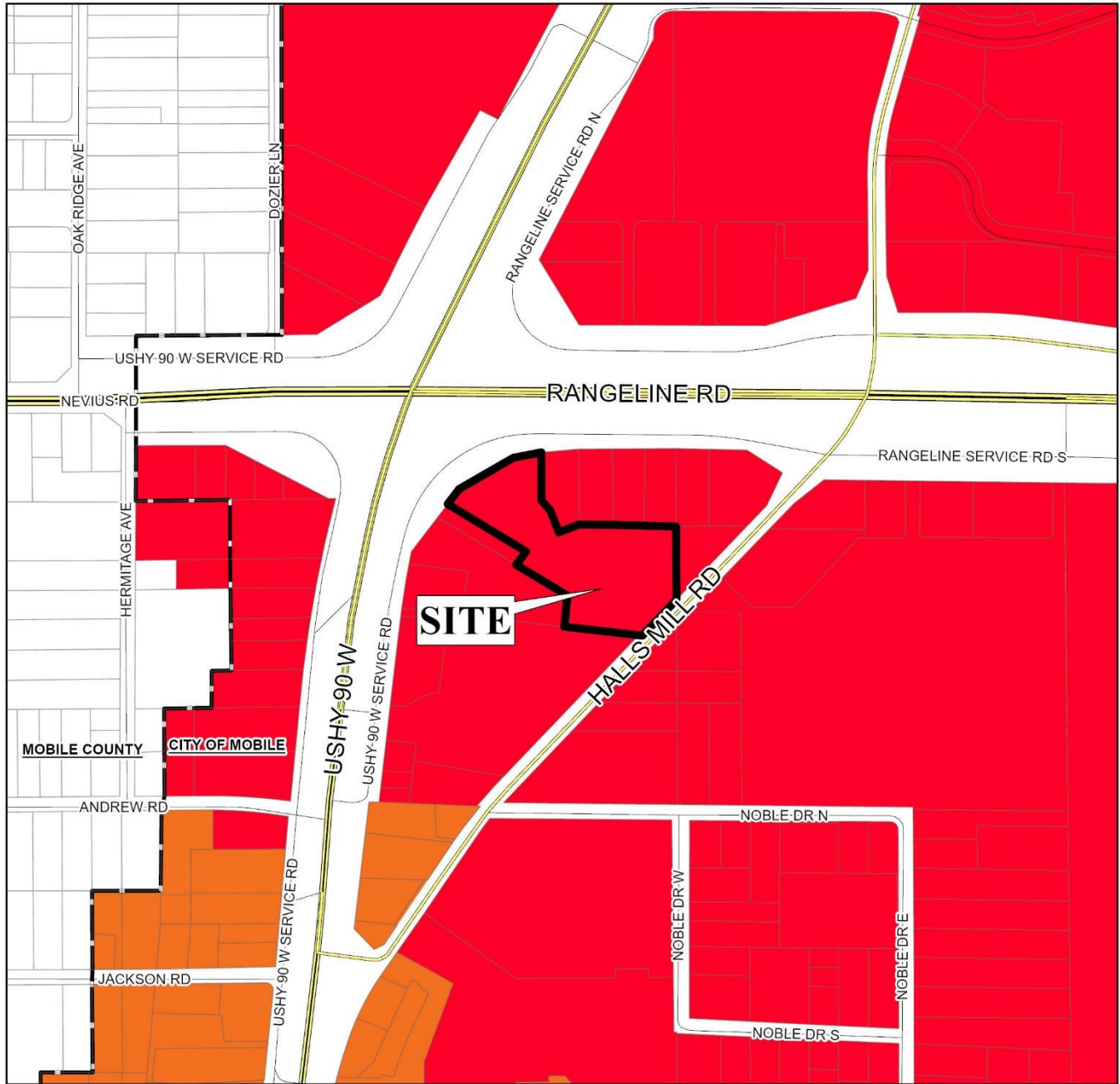


APPLICATION NUMBER	6517	DATE	June 5, 2023
APPLICANT	Sawgrass Consulting LLC		
REQUEST	Frontage Landscaping Variance		

N

NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6517 DATE June 5, 2023

APPLICANT Sawgrass Consulting LLC

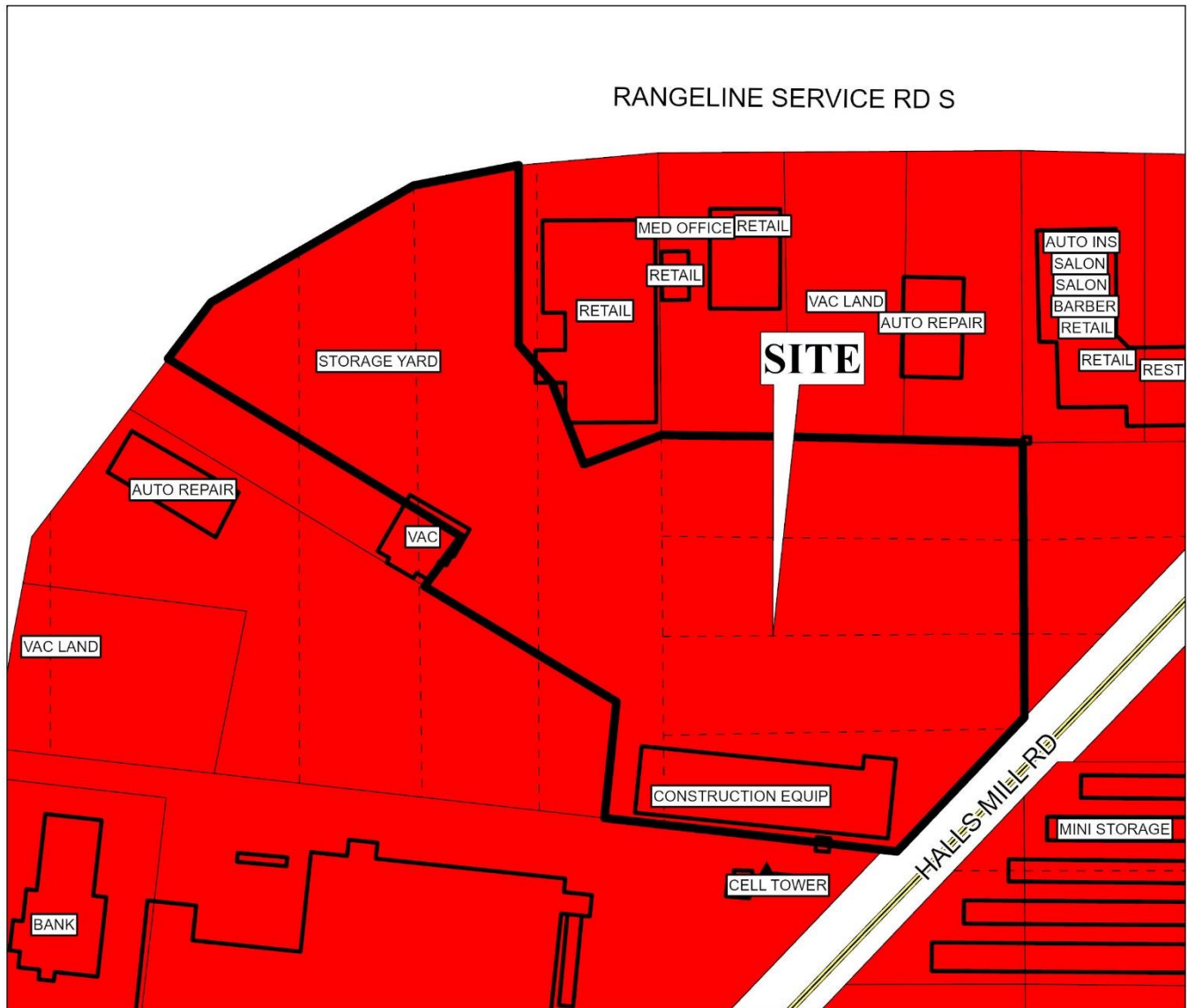
REQUEST Frontage Landscaping Variance

- | | | | |
|---|--|---|--|
| ■ 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 | |




NTS

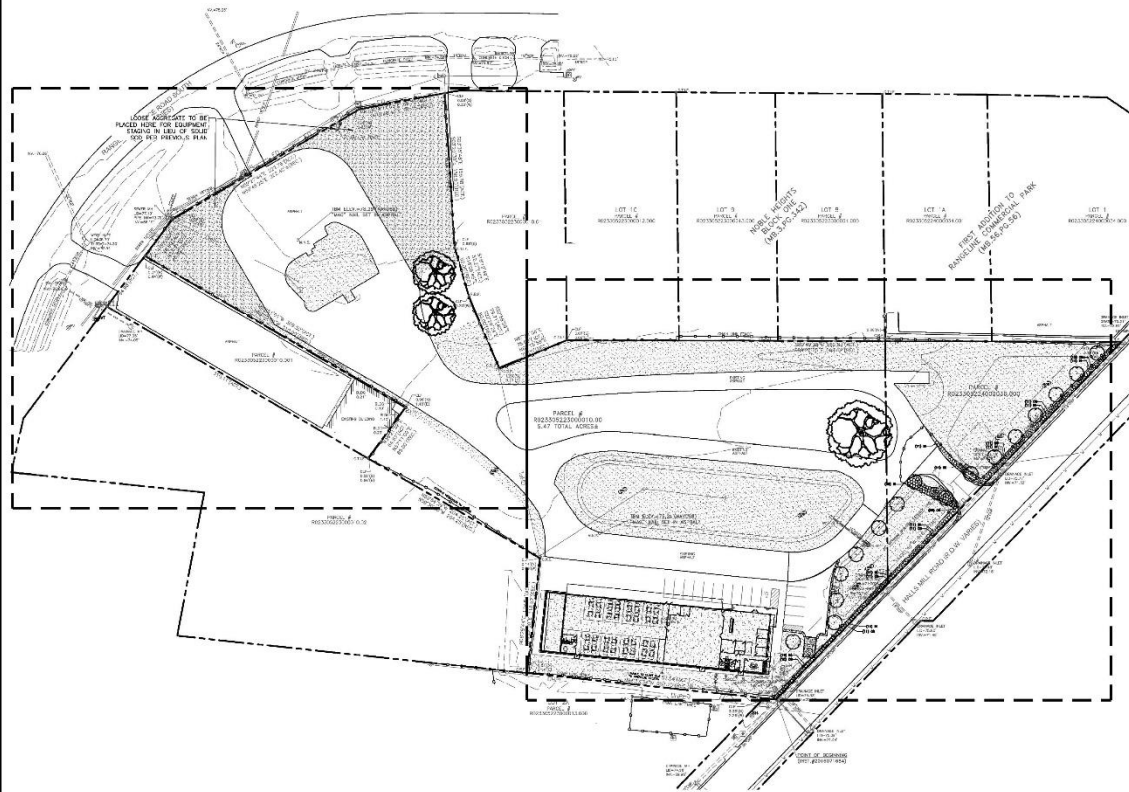
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units

APPLICATION NUMBER <u>6517</u>	DATE <u>June 5, 2023</u>	 NTS																							
APPLICANT <u>Sawgrass Consulting LLC</u>																									
REQUEST <u>Frontage Landscaping Variance</u>																									
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> T-B</td> <td> B-2</td> <td> B-5</td> <td> MUN</td> <td> SD-WH</td> <td> T5.1</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> B-1</td> <td> B-3</td> <td> I-1</td> <td> OPEN</td> <td> T3</td> <td> T5.2</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> I-2</td> <td> SD</td> <td> T4</td> <td> T6</td> </tr> </table>	 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	
 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																		

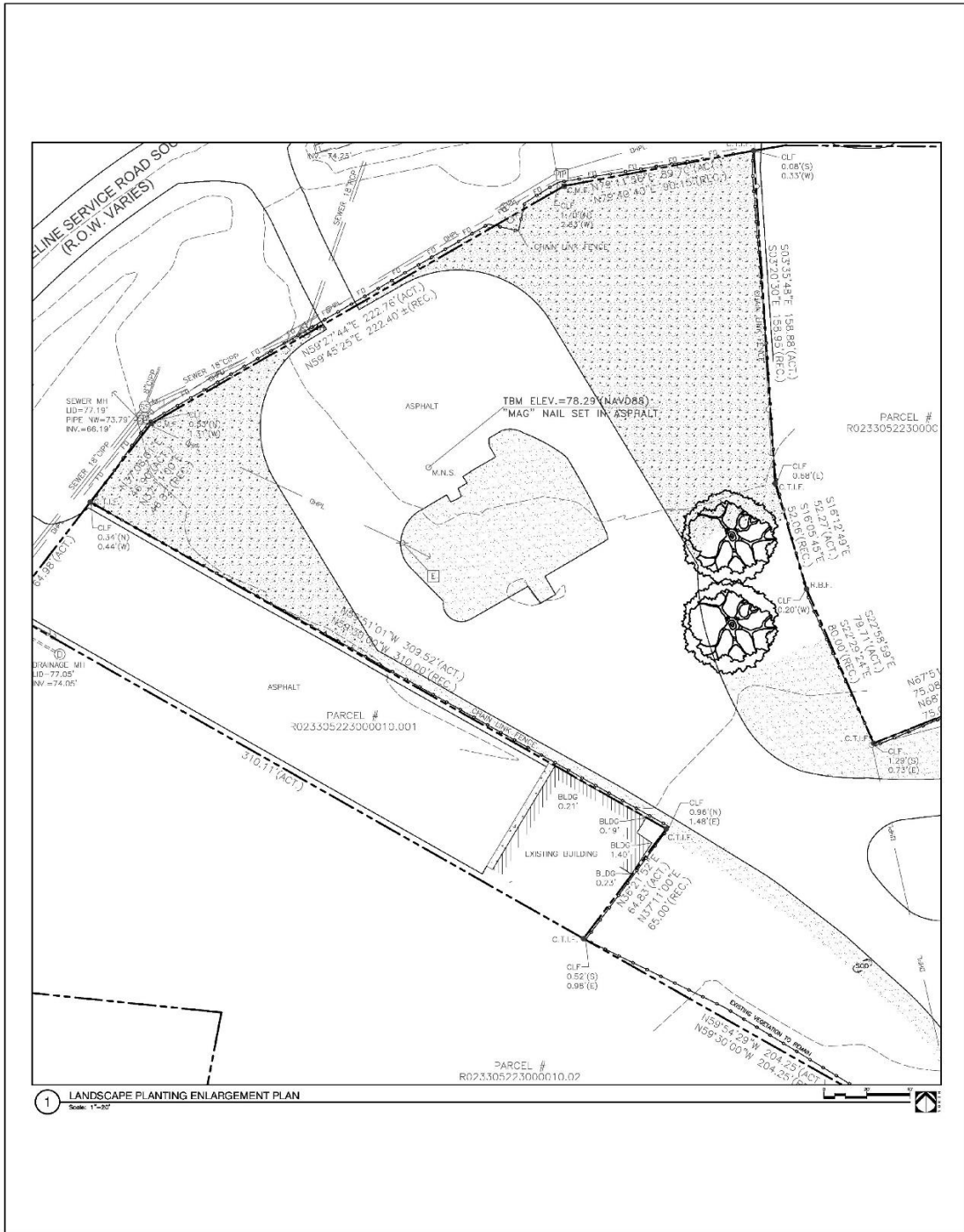
SITE PLAN



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

APPLICATION NUMBER	6517	DATE	June 5, 2023	
APPLICANT	Sawgrass Consulting LLC			
REQUEST	Frontage Landscaping Variance			

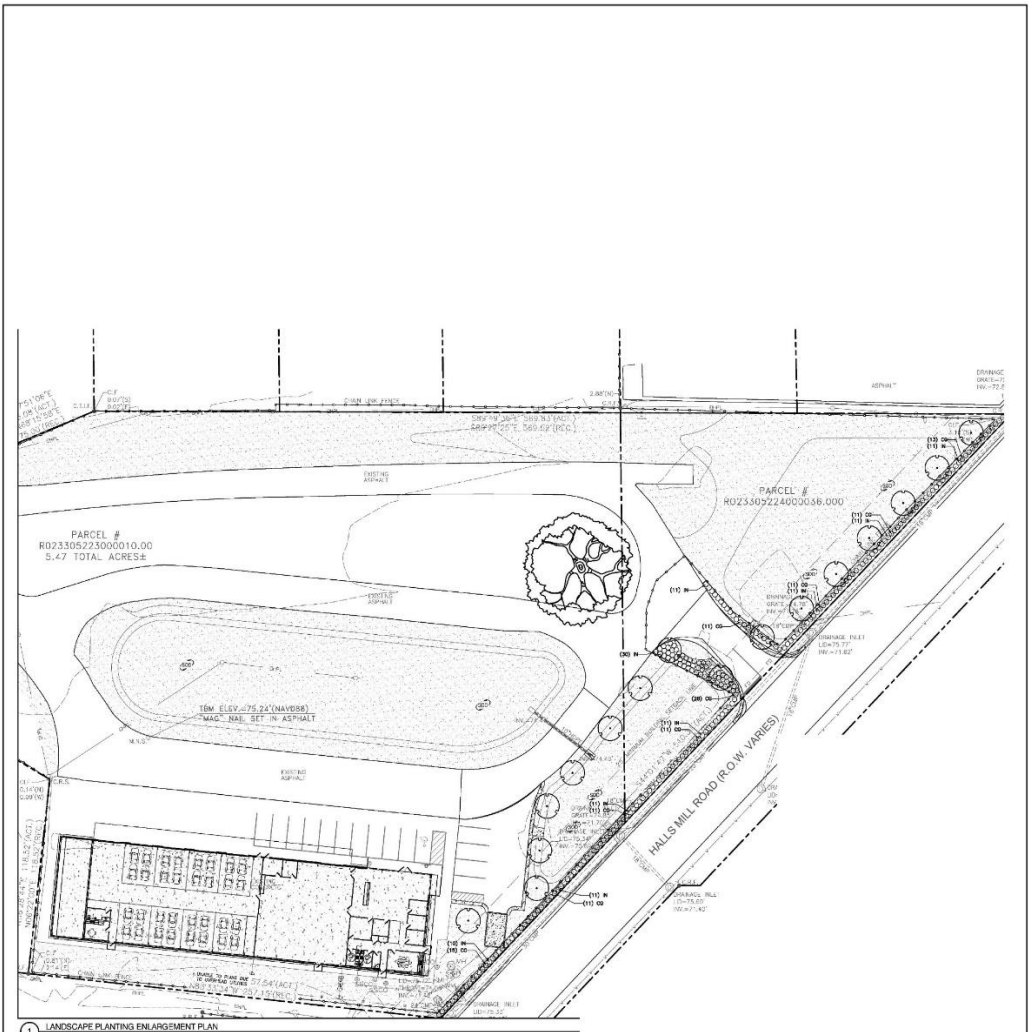
DETAIL SITE PLAN



APPLICATION NUMBER	6517	DATE	June 5, 2023
APPLICANT	Sawgrass Consulting LLC		
REQUEST	Frontage Landscaping Variance		



DETAIL SITE PLAN

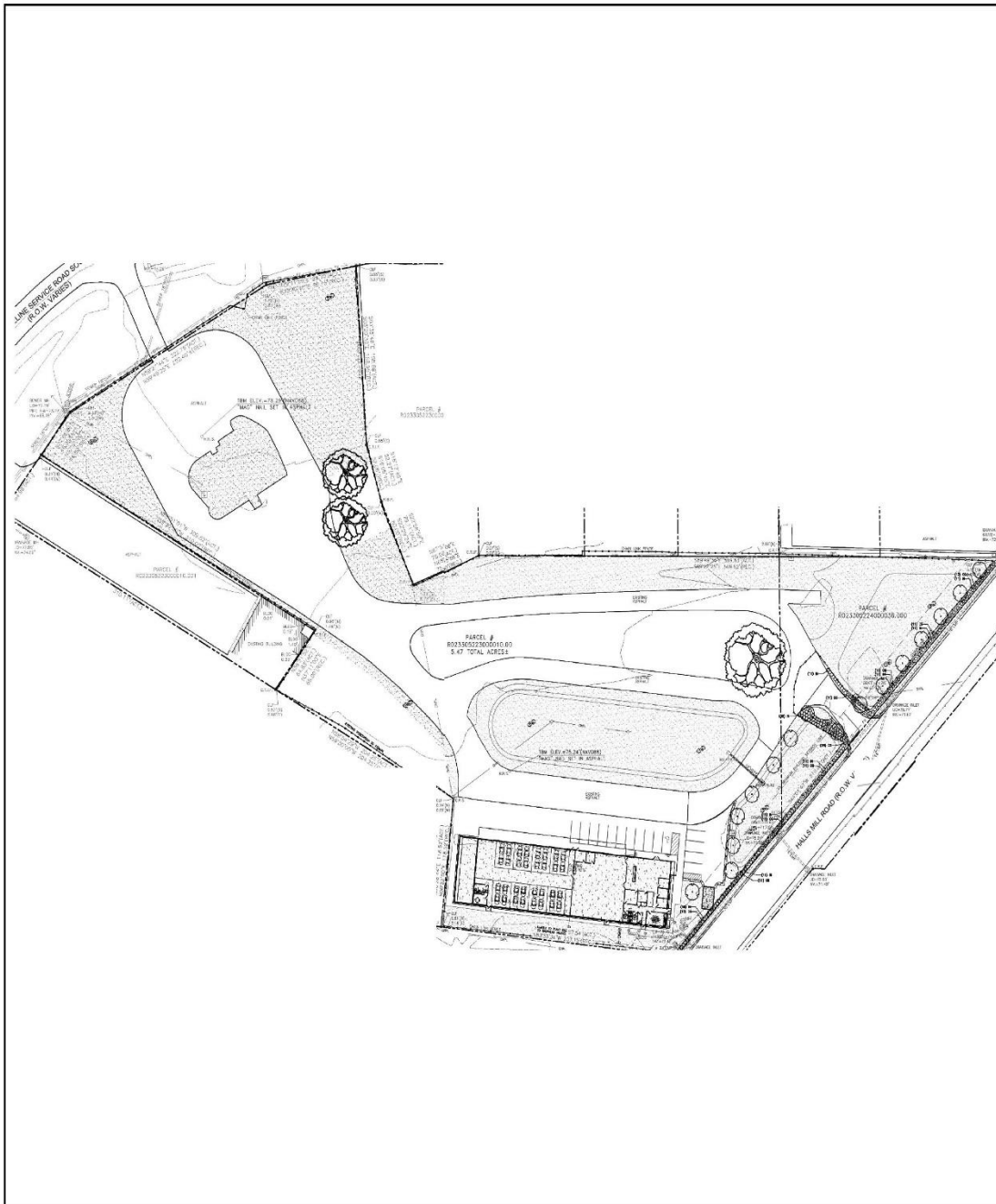


1 LANDSCAPE PLANTING ENLARGEMENT PLAN
Scale: 1"=40'

APPLICATION NUMBER	6517	DATE	June 5, 2023
APPLICANT	Sawgrass Consulting LLC		
REQUEST	Frontage Landscaping Variance		



PREVIOUSLY APPROVED SITE PLAN



APPLICATION NUMBER 6517 DATE June 5, 2023

APPLICANT Sawgrass Consulting LLC

REQUEST Frontage Landscaping Variance

