

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 10, 2022****CASE NUMBER**

6432/1319

**APPLICANT NAME**

Jeffrey E. Quinnelly

**LOCATION**

3650 Old Shell Road  
(North side of Old Shell Road, 97'± West of Bishops Lane North, extending to the West side of Bishops Lane North, 206'± North of Old Shell Road).

**VARIANCE REQUEST**

**MULTIPLE BUILDINGS ON A SINGLE BUILDING SITE:** To allow multiple buildings on a single building site in a B-3, Community Business District.

**FRONT YARD SETBACK:** To allow one building to encroach into the required front yard setback in a B-3, Community Business District.

**PARKING RATIO:** To allow a reduced number of parking spaces in a B-3, Community Business District.

**FRONTAGE LANDSCAPING:** To allow reduced frontage landscaping in a B-3, Community Business District.

**FRONTAGE AND PERIMETER TREE PLANTING:** To allow reduced frontage tree plantings and no perimeter tree plantings in a B-3, Community Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**MULTIPLE BUILDINGS ON A SINGLE BUILDING SITE:** The Zoning Ordinance does not allow more than one building per building site in a B-3, Community Business District.

**FRONT YARD SETBACK:** The Zoning Ordinance requires a compliant front yard setback in a B-3, Community Business District.

**PARKING RATIO:** The Zoning Ordinance requires a compliant number of parking spaces for uses in a B-3, Community Business District.

**FRONTAGE LANDSCAPING:** The Zoning Ordinance requires compliant frontage landscaping area in a B-3, Community Business District.

**FRONTAGE AND PERIMETER TREE PLANTING:** The Zoning Ordinance requires compliant frontage and perimeter tree plantings in a B-3, Community Business District.

## **ZONING**

B-3, Community Business District.

## **AREA OF PROPERTY**

1.3± Acres

## **CITY COUNCIL DISTRICT**

District 7

## **ENGINEERING COMMENTS**

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

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
2. 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.
3. 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
5. Any proposed encroachment (building, wall, steps, door swing, balcony, etc.) into a public RIGHT-OF-WAY is governed under the Mobile Rights of Way Construction and Administration Ordinance. The appropriate method to address this encroachment would be by making a NON-UTILITY RIGHT-OF-WAY USAGE application to the Right of Way Committee for review. If the application is approved, an agreement will be made between the applicant and the City.

## **TRAFFIC ENGINEERING COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

## **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 (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.

**ANALYSIS** The applicant is requesting a Multiple Buildings on a Single Building Site, Front Yard Setback, Parking Ratio, Frontage Landscaping, and Frontage and Perimeter Tree Planting Variances to allow multiple buildings on a single building site, with one building encroaching into the required front yard setback, a reduced number of parking spaces, reduced frontage landscaping, reduced frontage tree plantings and no perimeter tree plantings in a B-3, Community Business District; the Zoning Ordinance does not allow more than one building per building site, requires a compliant front yard setback, a compliant number of parking spaces for uses, compliant frontage landscaping area, and compliant frontage and perimeter tree plantings in a B-3, Community Business District.

In the process of completing this report, staff was contacted by an area resident voicing concerns regarding lack of notification. Staff then confirmed that mailing labels were not provided for over 40 property owners within a 300-foot radius; consequently, this application must be heldover to provide required legal notification.

**RECOMMENDATION:** Based on the preceding, staff recommends that this application be heldover until the January 10<sup>th</sup> meeting with complete mailing labels and associated fees to be submitted by noon, Friday, December 10<sup>th</sup>.

### ***Revised for the January 10<sup>th</sup> meeting:***

*The Board heldover the application from the December 6<sup>th</sup> meeting to allow public hearing notices to be sent to all appropriate property owners. The applicant submitted the corrected mailing labels and fees, as well as some additional information for the proposed development.*

*The site has been given a Traditional Mixed-Use Corridor land use designation per the Future Land Use Plan and Map adopted 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 also 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 is 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 wishes to construct an additional building on a site with an existing commercial structure. The site plan submitted depicts the proposed structure as being located almost on the front property line along Old Shell Road, as well as other design elements as found in the Traditional Center District (TCD), or Village of Spring Hill Overlay. It should be noted that this site is located approximately 3/4 mile to the East of the TCD, and as such, these design elements require the requested variances.*

*The applicant states:*

**MULTIPLE BUILDINGS ON ONE SITE:**

*Please consider our request for allowing a future multi-tenant building at the Southwest corner of the site as illustrated on the site plan drawing. This future building will allow for the maximum use of the site and enhance the development.*

**FUTURE BUILDING SETBACK ALONG OLD SHELL ROAD:**

*Please consider our request for the future building to be located at the property line along Old Shell Road. The entrances for the new building will be located along the East wall of the building.*

**NEW PARKING IN FRONT OF THE EXISTING BUILDING:**

*Please consider our request for the additional angled parking in front of the existing building without screening. With the elevated floor level of the main building, these parking spaces do not obstruct the view of the building from the Old Shell Road traffic.*

**PARKING RATIO:**

*Please consider our request for the amount of parking illustrated on the site plan. Until the tenant spaces are leased, we will not know the exact amount of parking required. With the planned coffee shop in the Southwest corner of the existing building having a drive-thru service window, they will not need the 19 spaces allocated for their use.*

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**LANDSCAPING AREA IN FRONT OF THE EXISTING BUILDING LINE:**

*Please consider our request for the amount of landscape area in front of the building line. The total amount of landscape area is greater than 12% of the site but the amount of landscape area in front of the building is only 51% of the total (vs. the required 60%).*

**FRONTAGE & PERIMETER HERITAGE TREES:**

*Please consider our request for the number of heritage and understory trees as illustrated on the attached site plan. The heritage trees along Old Shell Road in front of the building are existing and the two trees in front of the future building would be new trees. Currently, there are no perimeter trees along the remaining property lines.*

**FULL WIDTH SIDEWALK ALONG OLD SHELL ROAD:**

*Please consider our request for a full width sidewalk along Old Shell Road. We would like to promote pedestrian use of the sidewalk and eliminate the maintenance of a small strip of lawn along the street.*

**ORNAMENTAL STREET LIGHTS ALONG OLD SHELL ROAD:**

*Please consider our request for the use of ornamental streetlights along Old Shell Road. As with the full width sidewalk, we would like to promote pedestrian use of the sidewalk.*

*The applicant mentions not knowing what the exact parking ratio requirement for the site will be, as all of the available tenant spaces have not been leased yet, and therefore have provided estimates. The applicant proposes a coffee shop with outdoor seating in the existing structure, and three dwelling units on the second floor of the new structure. With the exception of a "storage area" which the applicant uses a parking ratio of one space per three employees, the applicant uses the standard one parking space per 300 square feet of general business for the remainder of the site. With these calculations, the site requires a total of 87 parking spaces, with a total of 71 spaces to be provided. It should be noted that the site appears to have an existing amount of compliant parking without the additional structure.*

*As the proposed structure would result in an increase of over 50% of the total gross floor area, the site is required to come into compliance with tree plantings and landscaped area. However, the proposed structure, as well as parking at the front of the site, results in the site being unable to comply with front landscaped area or tree planting requirements. The applicant states that four (4) frontage trees are to be provided, however the trees referenced are to be located in the sidewalk in the right-of-way along Old Shell Road, and therefore cannot be counted as credit for the subject site. A total of 8 frontage trees, 28 perimeter trees, and 4 parking trees are required for the site; the site plan shows a total of 19 trees on the site, and makes no distinction if they are overstory or understory trees.*

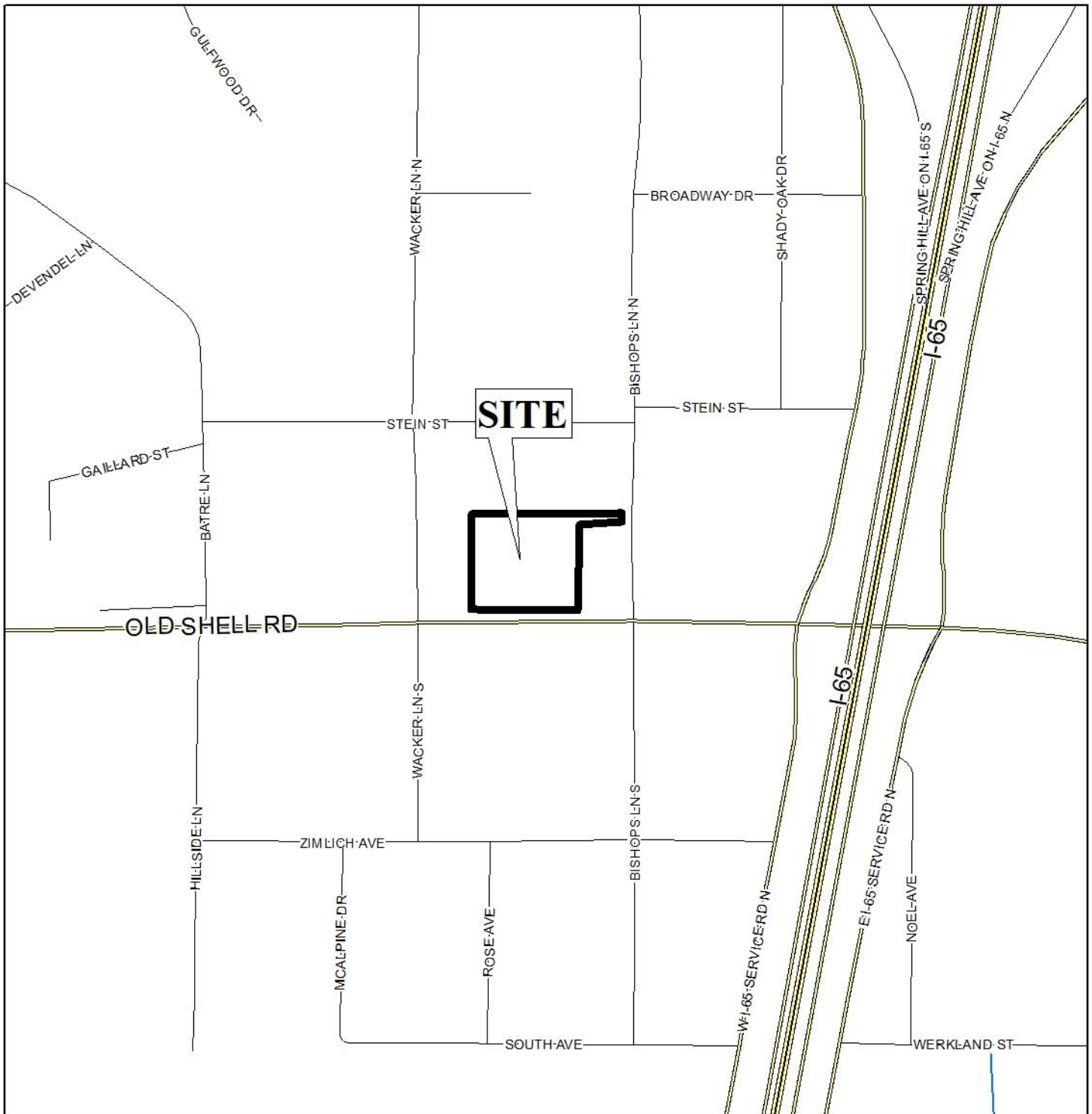
*Finally, it should be noted that the site plan depicts a deck extending above the sidewalk in the right-of-way along Old Shell Road. If approved, any structure extending into the right-of-way is required to have a non-utility right-of-way use agreement approved with the City. It should also be noted that approval of the right-of-way elements are not under the purview of the Board.*

*The applicant has not demonstrated a hardship associated with the property that requires the approval of the requested variances. The applicant proposes to develop the site using design elements that the Zoning Ordinance prohibits at the subject site.*

**RECOMMENDATION:** *Based on the preceding, staff recommends to the Board the following findings of fact for Denial:*

- 1) Approving the variance will be contrary to the public interest in that the site could either continue to function in its current configuration or be redeveloped without the need for variances;*
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship since it is simply the applicant's proposal to construct a non-compliant structure with inadequate on-site improvements; 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 no such variances have been granted to properties in the area.*

# LOCATOR MAP



APPLICATION NUMBER 6432 DATE January 10, 2022

APPLICANT Jeffery E. Quinnelly (Timothy Spafford, Agent)

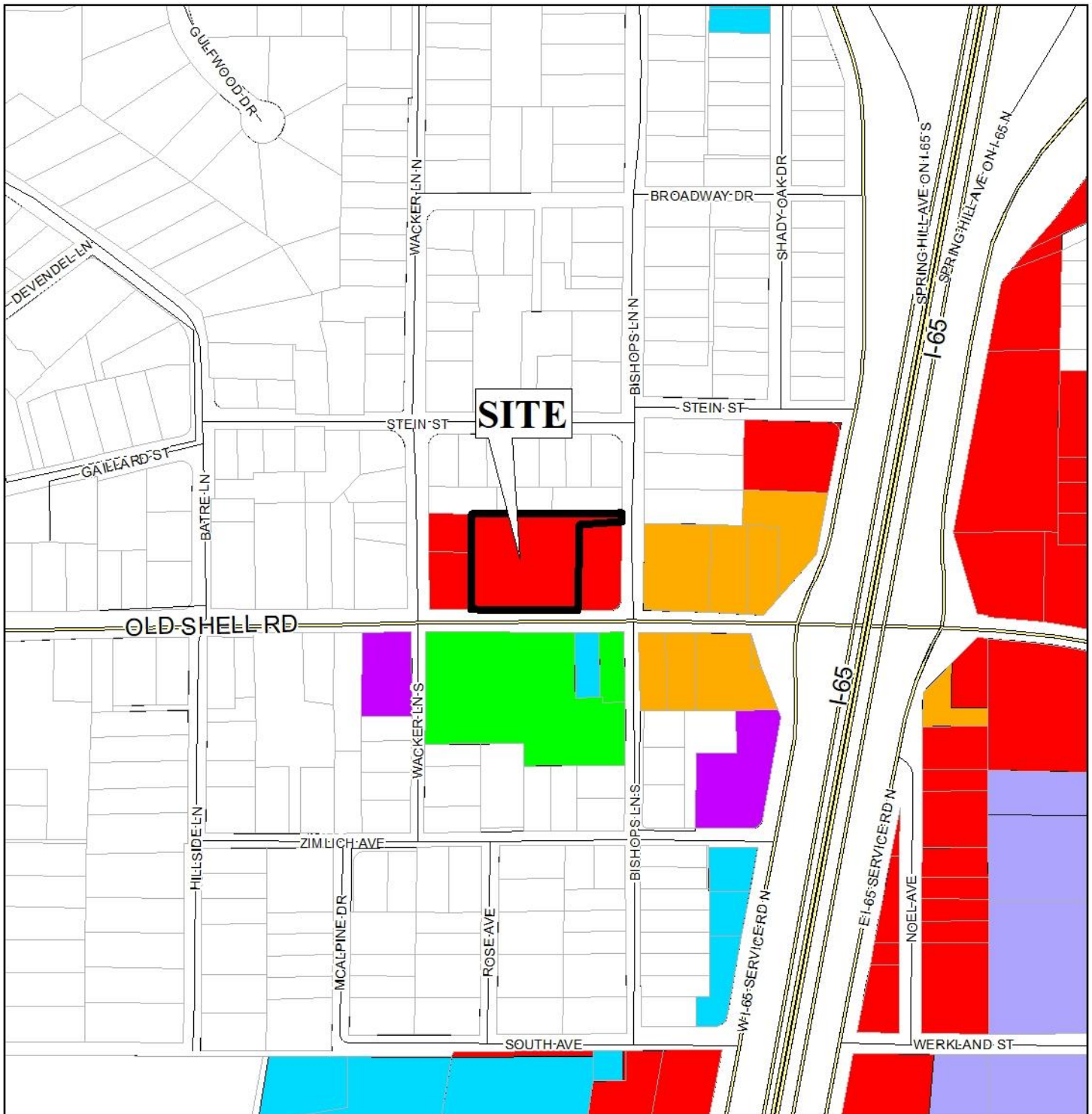
Multiple Buildings on a Single Building Site, Front Yard Setback, Parking Ratio

REQUEST Frontage Landscaping, and Frontage and Perimeter Tree Planting Variances



NTS

# LOCATOR ZONING MAP



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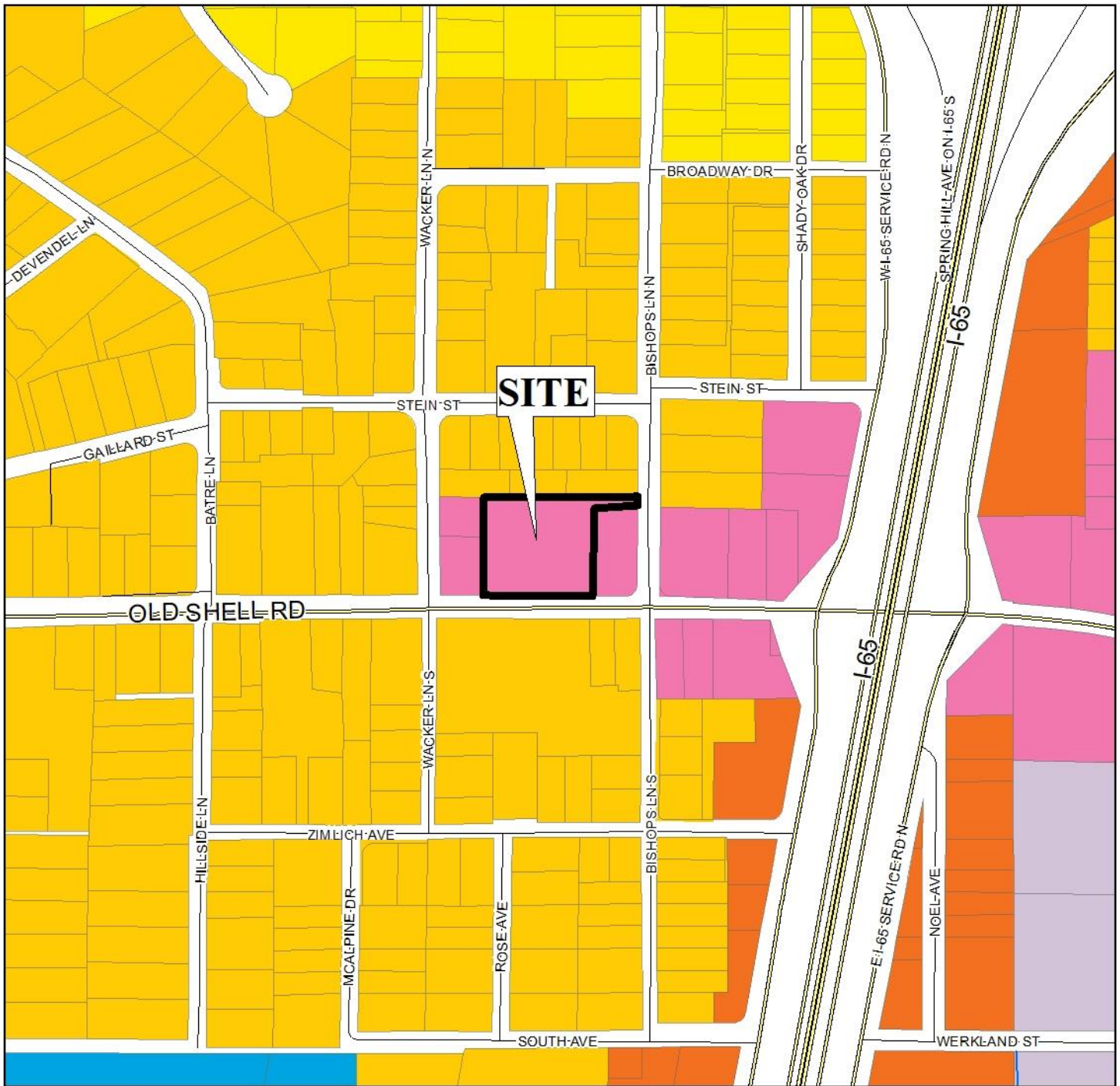
REQUEST Multiple Buildings on a Single Building Site, Front Yard Setback, Parking Ratio Frontage Landscaping, and Frontage and Perimeter Tree Planting Variances



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# FLUM LOCATOR MAP



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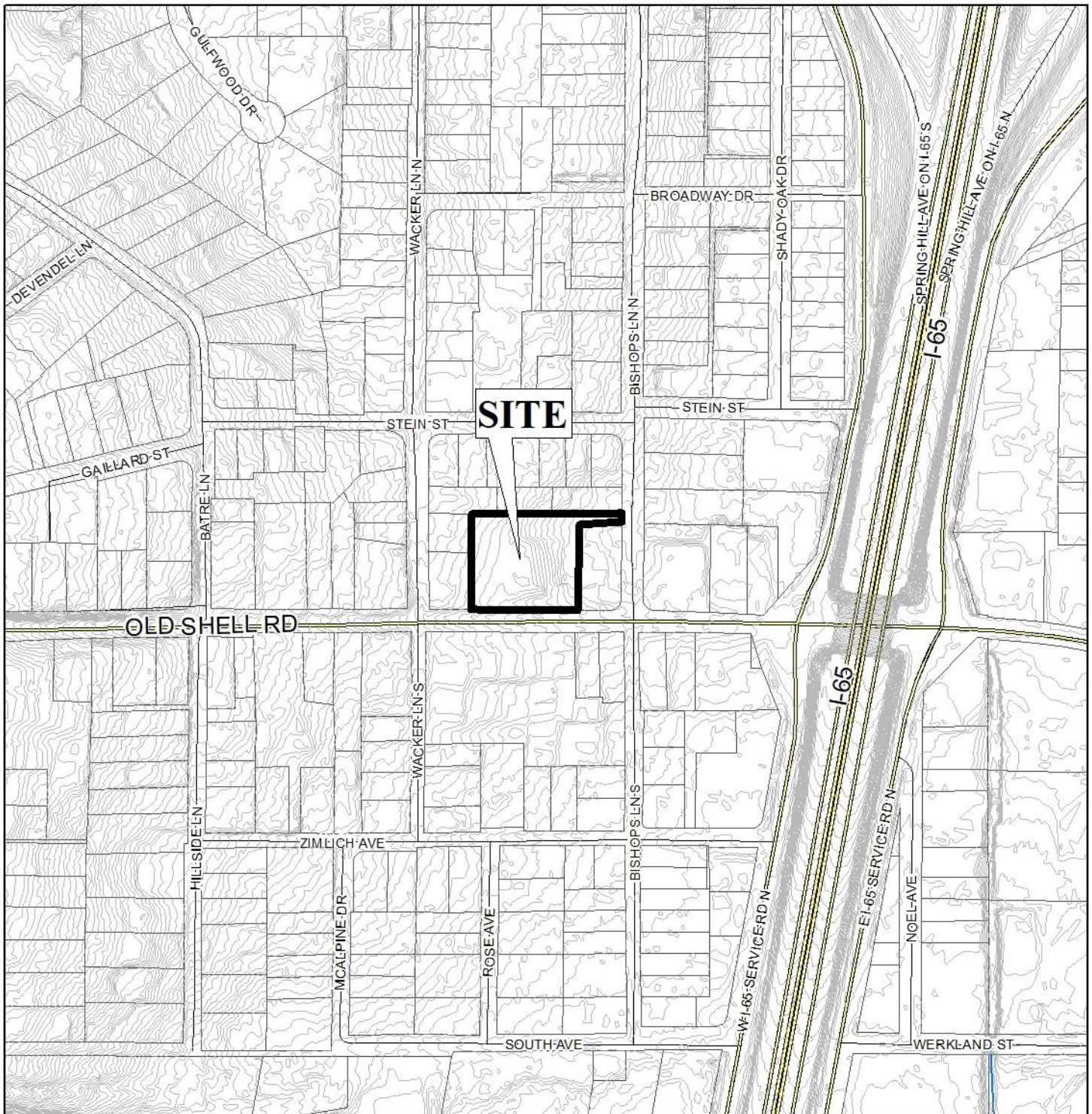
Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



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# ENVIRONMENTAL LOCATOR MAP



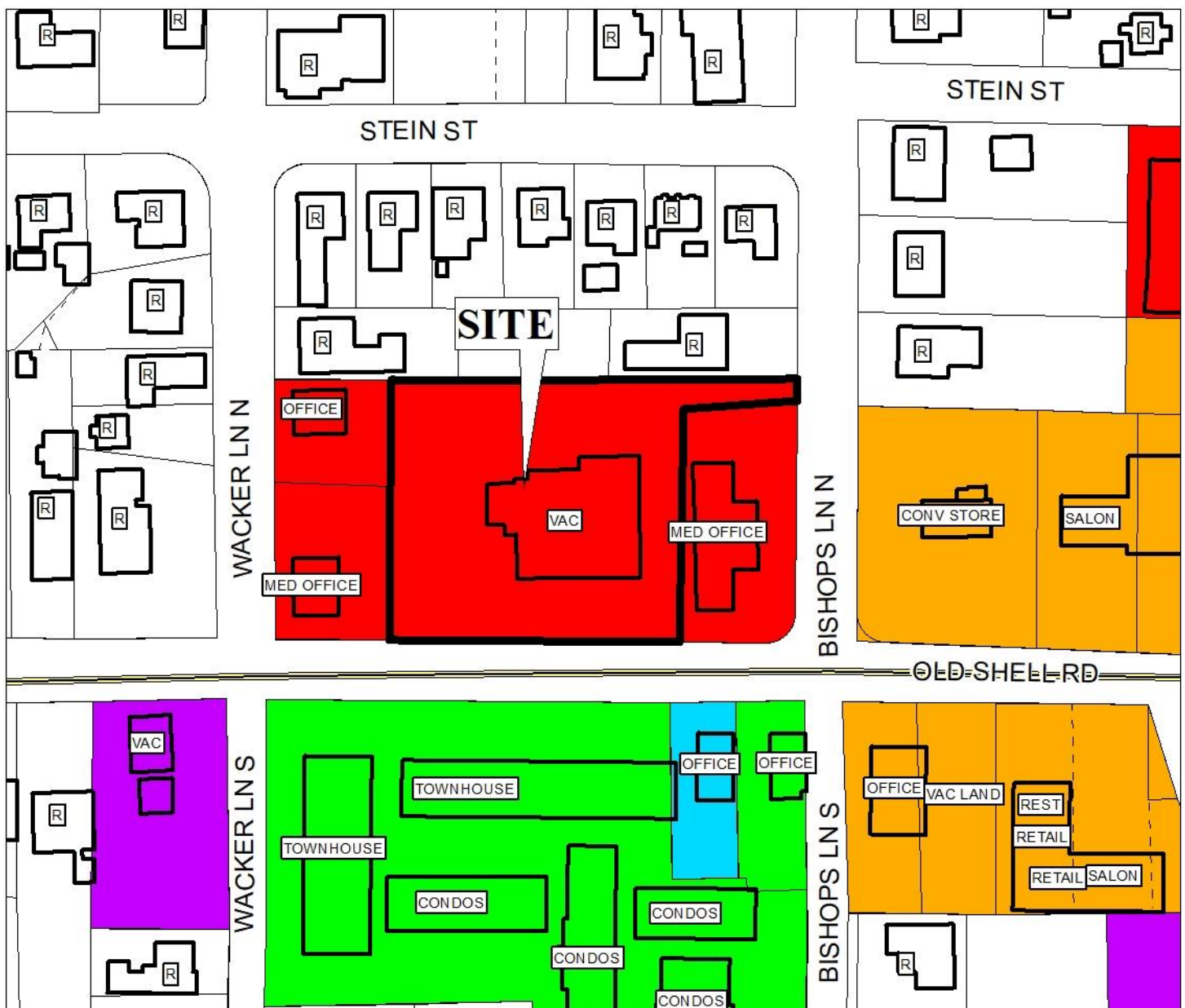
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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units, medical offices and commercial sites.

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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



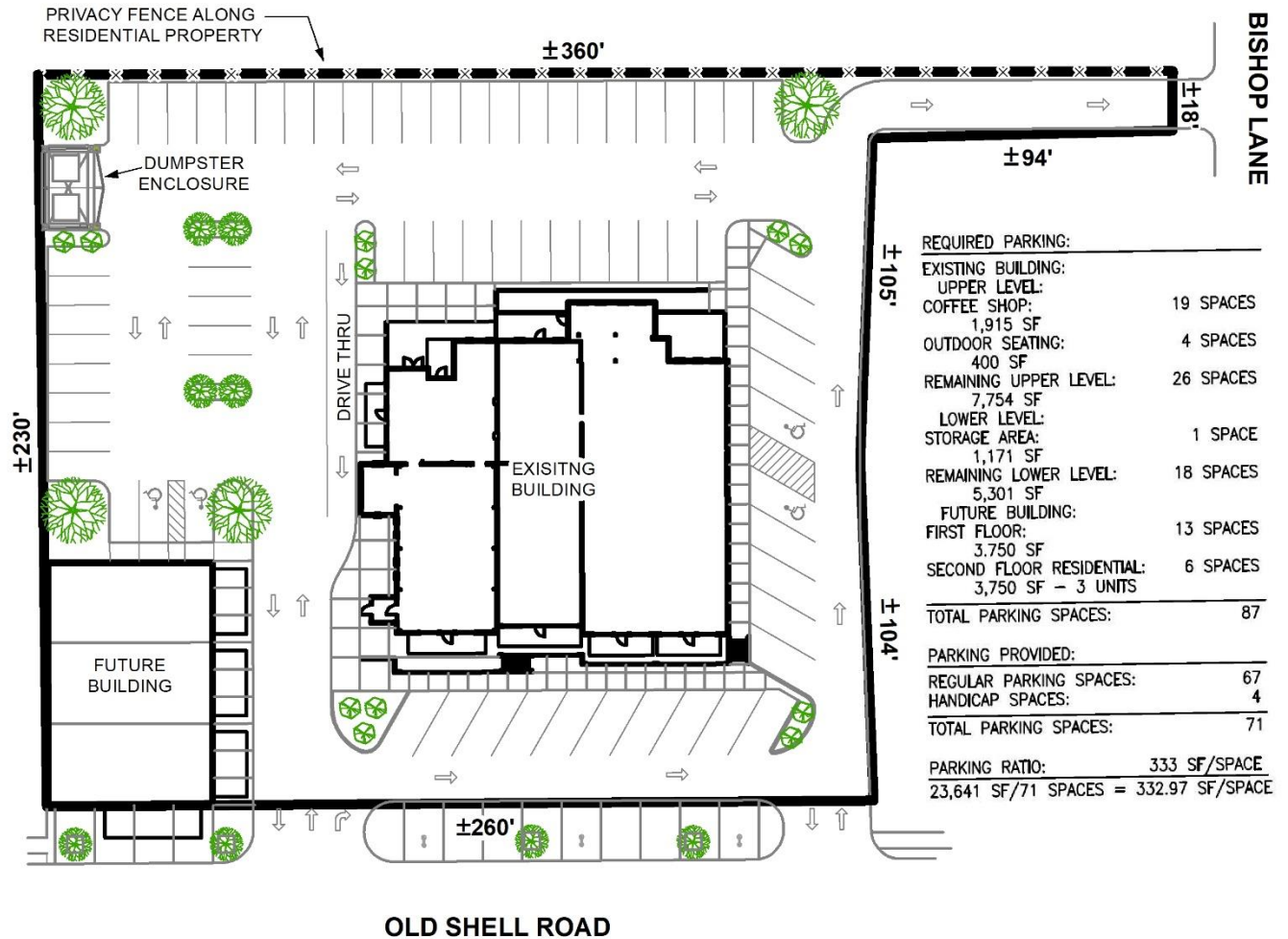
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# SITE PLAN



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

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