

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 11, 2022****CASE NUMBER**

6460/6076

**APPLICANT NAME**

Lyle Bobcat of Mobile (Sawgrass Consulting LLC, Agent)

**LOCATION**

5340 Halls Mill Road and 4370 Rangeline Road  
(North side of Halls Mill Road, 690'± West of Rangeline  
Service Road South, extending to the East side of U.S.  
Highway 90 West).

**VARIANCE REQUEST**

**FRONT SETBACK:** Front Setback Variance to allow a  
structure and dumpster, both exceeding three-feet tall, in the  
front setback in a B-3, Community Business District.

**TREE PLANTING:** Tree Planting Variance to allow  
reduced tree plantings in a B-3, Community Business  
District.

**ZONING ORDINANCE  
REQUIREMENT**

**FRONT SETBACK:** The Zoning Ordinance requires all  
structures taller than three-feet to be located outside of the  
front setback in a B-3, Community Business District.

**TREE PLANTING:** The Zoning Ordinance full  
compliance with tree planting requirements in a B-3,  
Community Business District.

**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

4.9± Acres

**ENGINEERING  
COMMENTS**

No comment.

**TRAFFIC ENGINEERING  
COMMENTS**

No comment.

**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.

## **CITY COUNCIL**

### **DISTRICT**

District 4

### **ANALYSIS**

The applicant is requesting Front Setback and Tree Planting Variances allow a structure and dumpster, both exceeding three-feet tall, in the front setback and reduced tree plantings in a B-3, Community Business District; the Zoning Ordinance requires all structures taller than three-feet to be located outside of the front setback, and full compliance with tree planting requirements in a B-3, Community Business District.

The site has been given a District Center (DC) 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 across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 dwelling units per acre) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers (DC) generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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 states the following reasons to explain the need for the variances:

*As authorized agent (letter attached to this submittal), Sawgrass Consulting has reviewed the comments provided to us by the Planning & Zoning Department for the above referenced permit application. The property owner is requesting for a **Site Variance**.*

*The purpose of this project is to place a new office/warehouse facility to replace the existing facility that was destroyed due to fire damage. The project will consist of the development of approximately 2.2 acres of the 5.5 acre parcel, including construction of a new office/warehouse building on an existing concrete slab, one asphalt parking lot with concrete dumpster pad, improving the existing turnout at Halls Mill Road to meet the updated City of Mobile right-of-way standards, utility connections, and stormwater control improvements. Stormwater control improvements includes removal of a portion of the existing asphalt roadway (0.46 ac) to provide green space and an improved stormwater runoff coefficient. Please refer to the Site Plan (included in this submittal) for more information regarding existing conditions and proposed site improvements.*

*The proposed variance to full compliance regarding tree planting is shown on the proposed landscaping plans (attached). The 16 frontage trees proposed on Halls Mill Road meet the requirements, but full compliance requires that 11 frontage trees be provided along Rangeline Service Road and 62 perimeter trees be provided along the full extents of the property. Investigation of neighboring properties shows that the typical frontage/perimeter tree requirements have not been met, most likely due to the time of development in this area. We feel that this variance would not be a burden to neighboring properties, considering the proposed site will be near-identical to its former layout.*

*The owner would also like to request variance for the proposed dumpster pad location, which is currently within the minimum building setback. Due to the*

*location/depths of the existing utilities, the pad's surface drain will perform more efficiently if it can be placed in a location that is in near vicinity of its connection point, allowing for a more defined conveyance slope. In addition to this, the proposed pad location provides a low-impact, low-traffic access point for waste management trucks to enter/exit the site. The proposed tree planting/vegetation along Halls Mill Road will provide a camouflage barrier that will inhibit roadside view from passerby traffic.*

The site received a use and surfacing variance from the Board of Zoning Adjustment at its December 5, 2016 meeting to allow heavy equipment rental with aggregate surfacing in a B-3, Community Business District. Since that time, the structure was destroyed by a fire. The applicant wishes to rebuild the structure in the same configuration as the previous structure. As the site is to be redeveloped with the same layout as previously, the prior variance remains in effect with the land.

The proposed structure is to have the same footprint as the previous structure, but is depicted approximately seven-feet further away from Halls Mill Road, presumably in an attempt to place the building outside of the required setback. However, as the site is a metes-and-bounds parcel, a one-lot Subdivision will be required prior to redevelopment, which will require approximately ten-feet of dedication along Halls Mill Road. In providing dedication, a portion of the proposed structure will encroach into the front 25-foot setback. It should be noted that as proposed, a portion of the dumpster would be located in the right-of-way, after dedication.

In regards to the setback issues, there are several options the applicant could pursue instead of the proposed setbacks. For the structure, it could be pushed further away from Halls Mill Road, or could be built slightly smaller than proposed, so that a variance is not needed. For the dumpster, there are many other places on the site that the dumpster and enclosure can be placed outside of any setbacks, while still being close to the structure for daily use.

In regards to the tree planting variance requested, the applicant proposes to fully comply with frontage tree requirements along Halls Mill Road, but wishes to not provide any frontage trees along Rangeline Service Road South or the perimeter of the site. As the previously existing structure has been removed from the site, the Zoning Ordinance requires the site to be brought into full compliance with tree planting requirements. It seems that the applicant simply wishes to maintain a lack of compliance, with no hardships associated with the property identified as prohibiting tree plantings. The intent of the tree and landscaping requirements being triggered after a 50% increase or decrease in building gross floor area is to insure that properties are brought into compliance as other changes are made to the site. As such, the applicant should be required to provide all required frontage, perimeter, and parking trees, with number and spacing to be coordinated with staff at the time of permitting.

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

- 1) approving the variance request will be contrary to the public interest in that the site can be developed without the need for the requested variances;

- 2) special conditions with the site or unusual site constraints do not exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the site is large enough that it can accommodate structures outside of setbacks, and required tree plantings; 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 variances because all of the adjacent properties will also have to be brought into compliance with Zoning Ordinance standards at the time of redevelopment.

***Revised for the July 11<sup>th</sup> meeting:***

*The application was heldover from the June 6<sup>th</sup> meeting at the applicant's request. The applicant has submitted additional information concerning the variance requests:*

*Lyle Bobcat of Mobile (Owner) experienced a fire that destroyed their building located at 5340 Rangeline Road in December, 2020. It was the Owner's intent to immediately begin the demolition and **reconstruction of the building in its original location** as allowed under Section 64-7(B)(3) of the City of Mobile Zoning Ordinance. While demolition of the damaged building commenced within the allowable timeline, restoration was not able to start due to unforeseen circumstances in getting all necessary plans and specifications prepared and permitted and the metal building fabricated and delivered due to the impacts of Covid-19. Due to Covid-19, the Owner was unable to secure all design documents and specifications and contract with a General Contractor to reconstruct the building within the allowable time frame of 1 year. In addition, the metal building supplier was unable to procure the necessary materials, provide the labor, and deliver the building to the project site due to supply chain interruptions within the 1 year allowed timeline outlined in the Zoning Ordinance. The impacts of Covid-19 created an undue hardship on the owner to meet the 1-year date of commencement, however construction of the building has since commenced and is currently underway. Due to this undue hardship, Sawgrass Consulting, LLC on behalf of Lyle Bobcat of Mobile LLC would like to formally request a variance to Zoning Ordinance Section 64-7(B)(3) to extend the 1-year requirement to commence restoration to the date of issuance of the Building Permit of the re-construction of the Lyle Bobcat of Mobile building (May 9, 2022) and the 2-year date of completion be extended from said date of issuance of the Building Permit (May 9, 2022) to a required completion date of May 8, 2024.*

*Due to the site's non-conforming history, if the structure had been re-built within the allowed timeframe by the Zoning Ordinance, the structure would have been allowed closer to Halls Mill Road than currently proposed. Furthermore, the site would not have been required to come into compliance with tree planting and landscape area requirements. As such, the requests may be appropriate. It should be noted that as the proposed dumpster is located in the planned right-of-way for the collector street, that it should be relocated on the site to be no closer to the property line along Halls Mill Road, than the proposed structure.*

**RECOMMENDATION:**

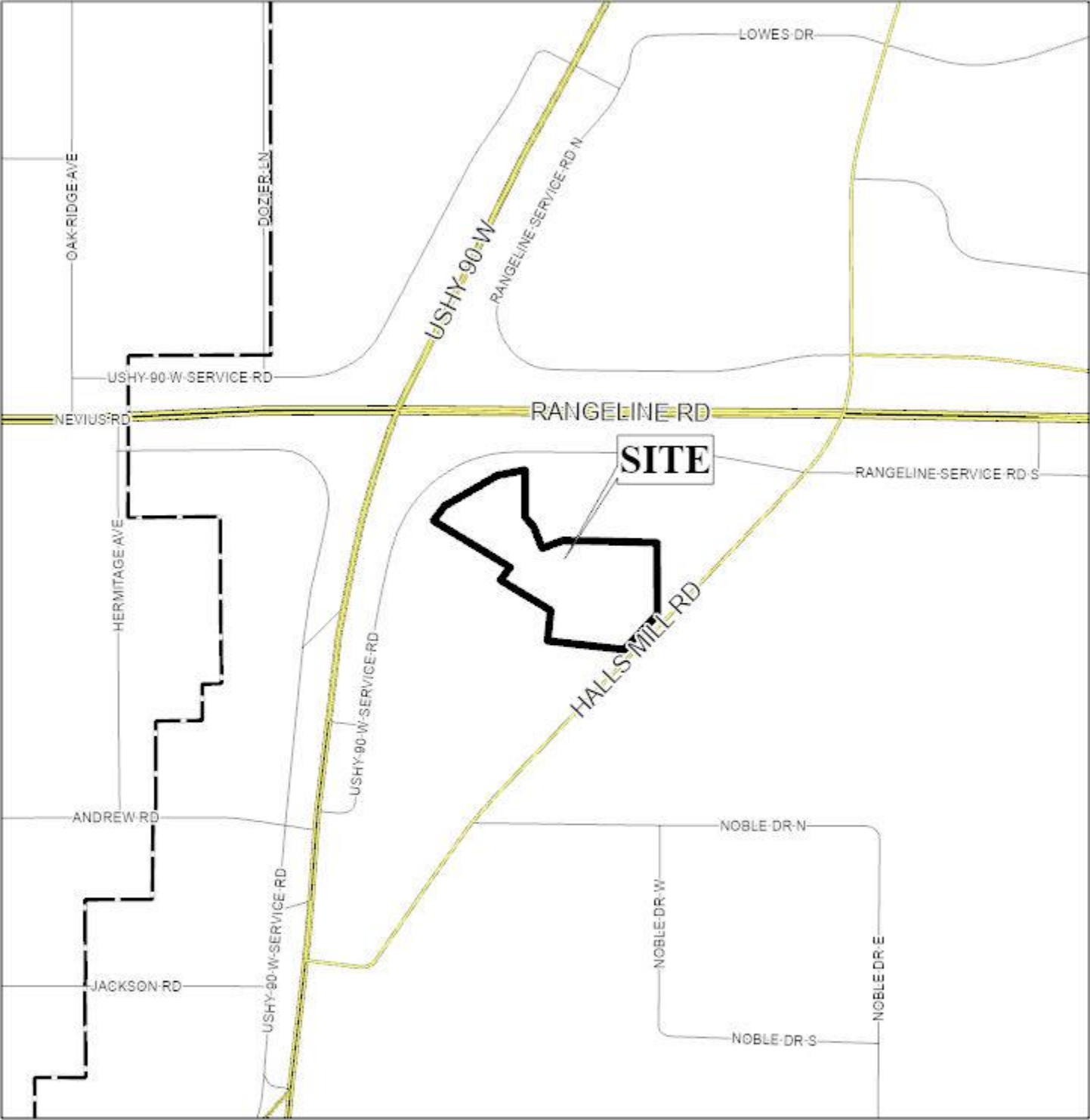
*Based upon the preceding, staff recommends to the Board the following findings of facts for Approval:*

- 1) approving the variance request will not be contrary to the public interest in that the site could have been reconstructed within one year of the fire, without the need for bringing the site into compliance;*
- 2) special conditions with the site or unusual site constraints do exist that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as COVID-19 and material shortages delayed the applicant's ability to re-build within the allowed time-frame; and*
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variances because existing non-conformities in the area are common.*

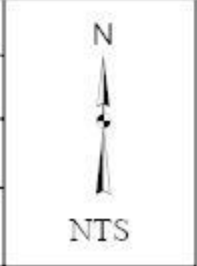
*Approval of the variances should be subject to the following conditions:*

- 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.*

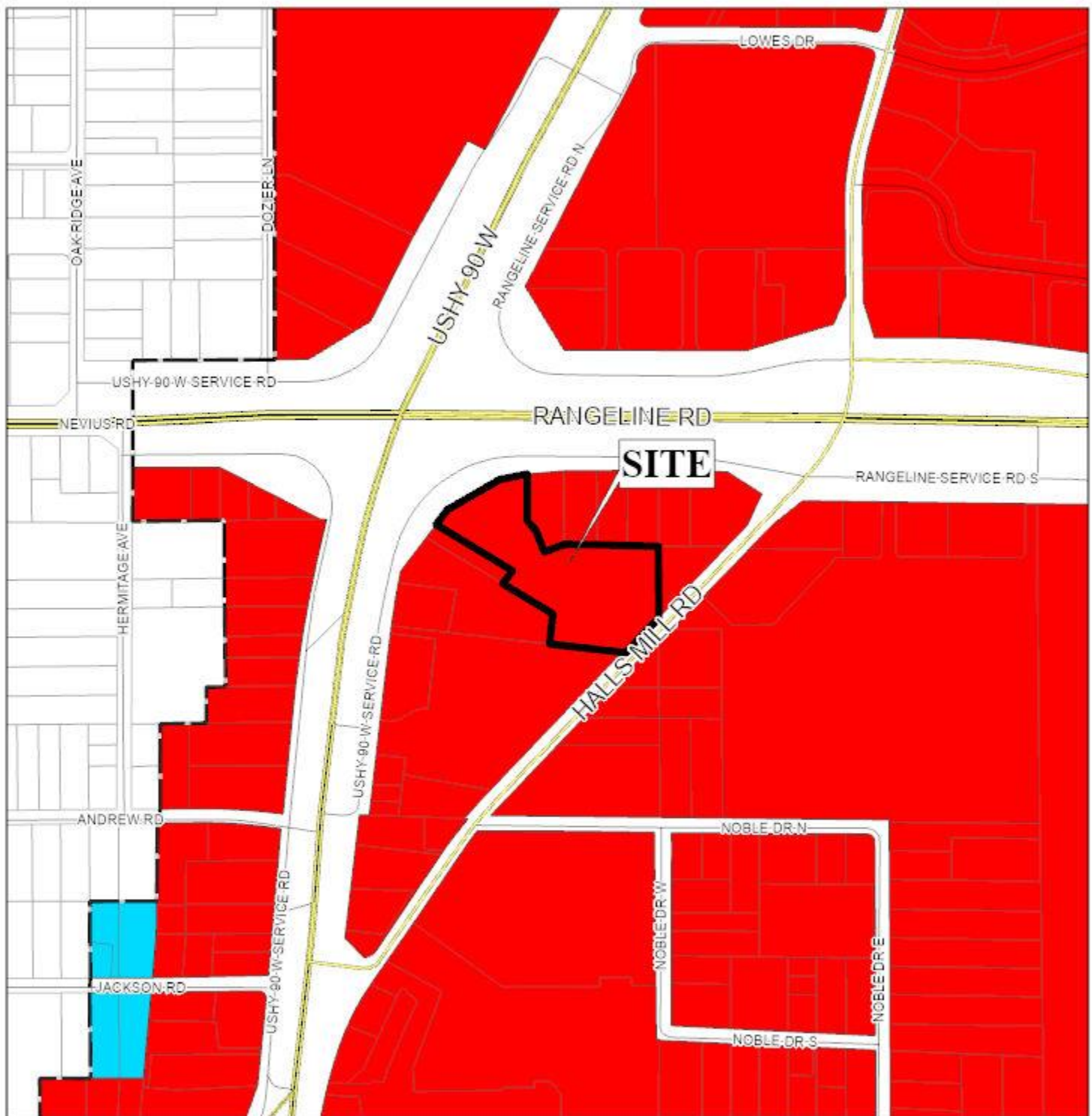
## LOCATOR MAP



APPLICATION NUMBER 6460 DATE July 11, 2022  
 APPLICANT Lyle Bobcat of Mobile (Sawgrass Consulting LLC Agent)  
 REQUEST Front Setback & Tree Planting Variance



# LOCATOR ZONING MAP

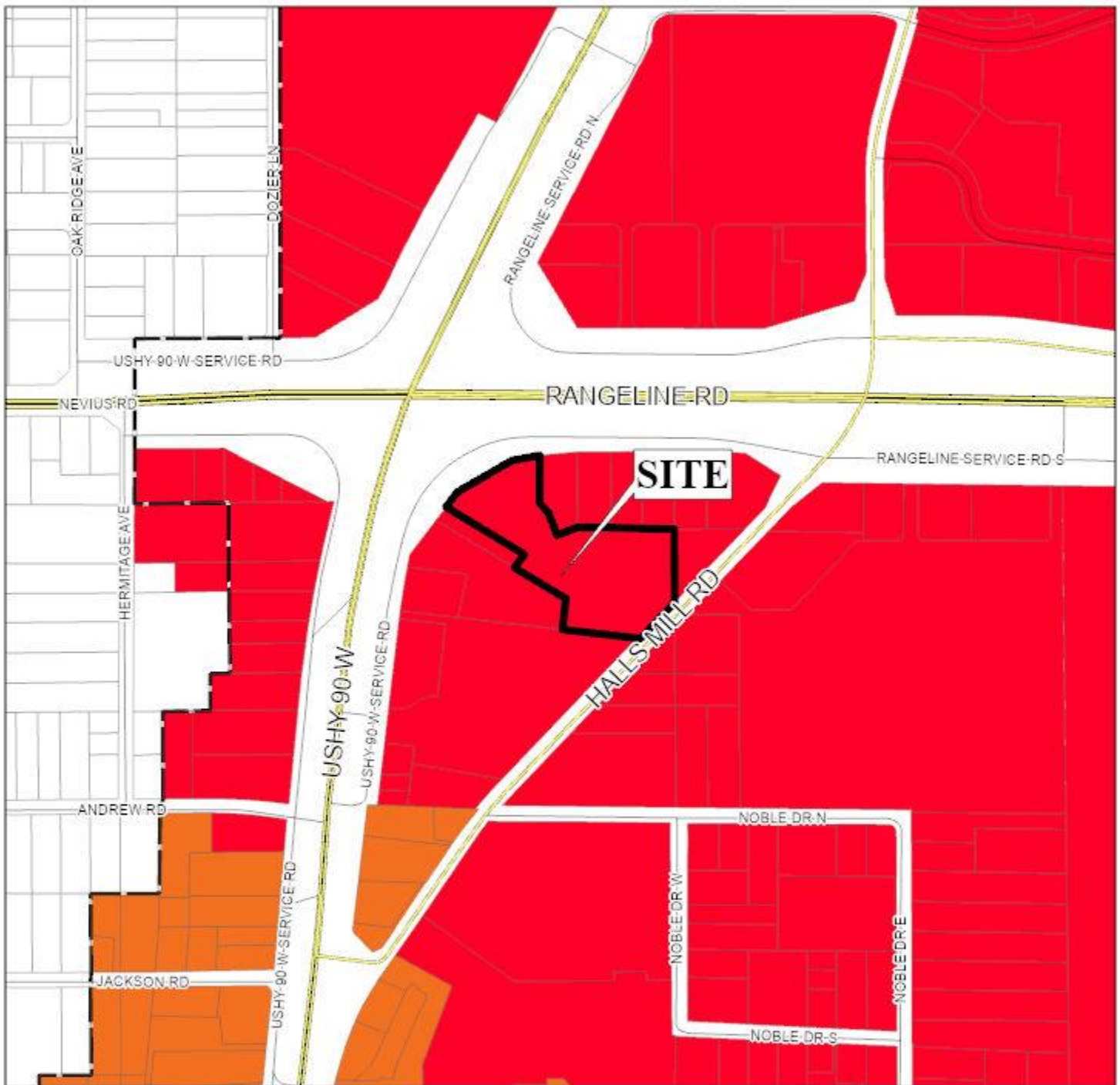


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# FLUM LOCATOR MAP



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## Layer2

Low Density Residential  
 Mixed Density Residential

Downtown  
 District Center  
 Neighborhood Center - Traditional  
 Neighborhood Center - Suburban

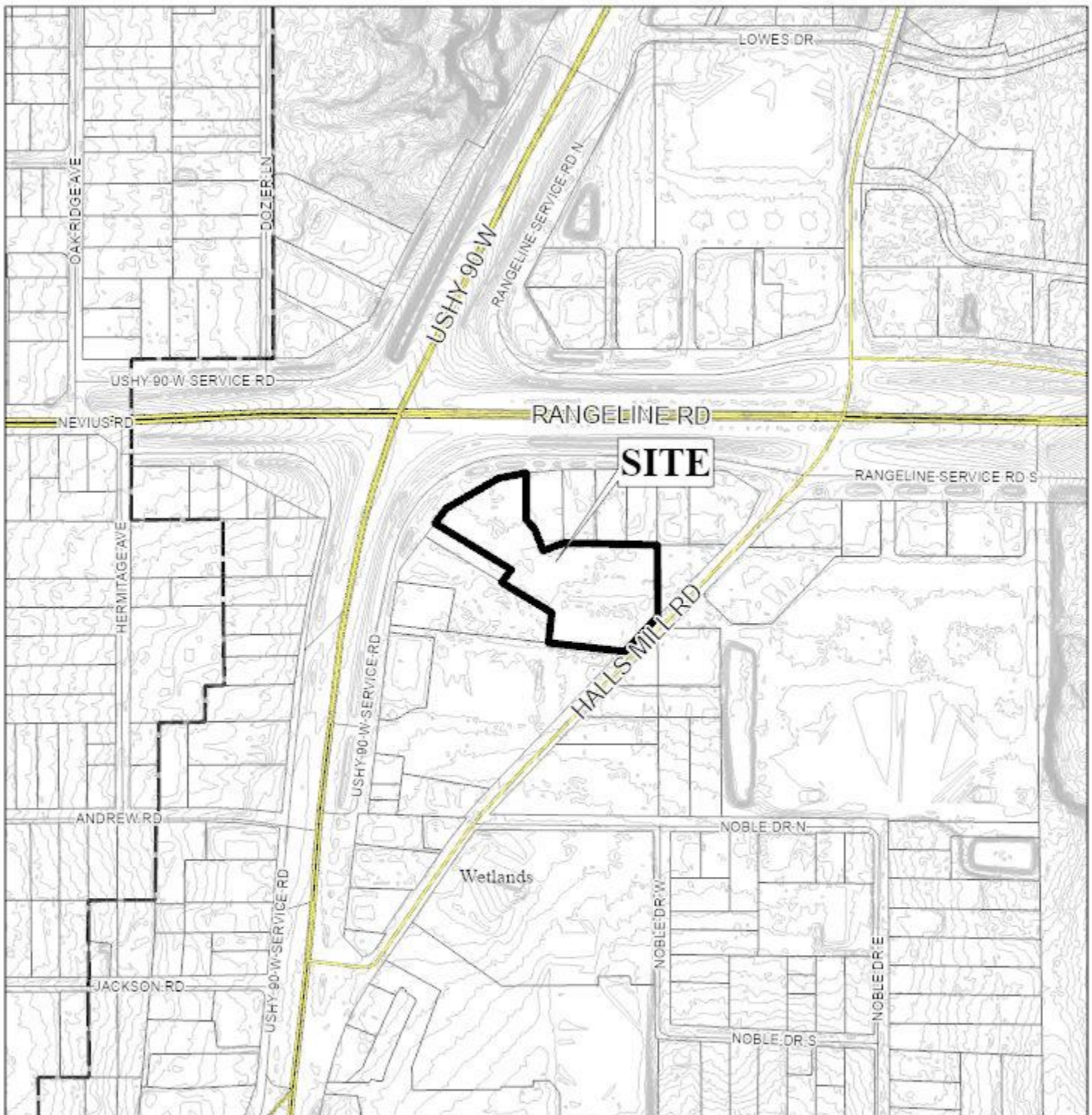
Traditional Corridor  
 Mixed Commercial Corridor  
 Downtown Waterfront  
 Light Industry

Heavy Industry  
 Institutional  
 Parks & Open Space  
 Water Dependent



NTS

# ENVIRONMENTAL LOCATOR MAP



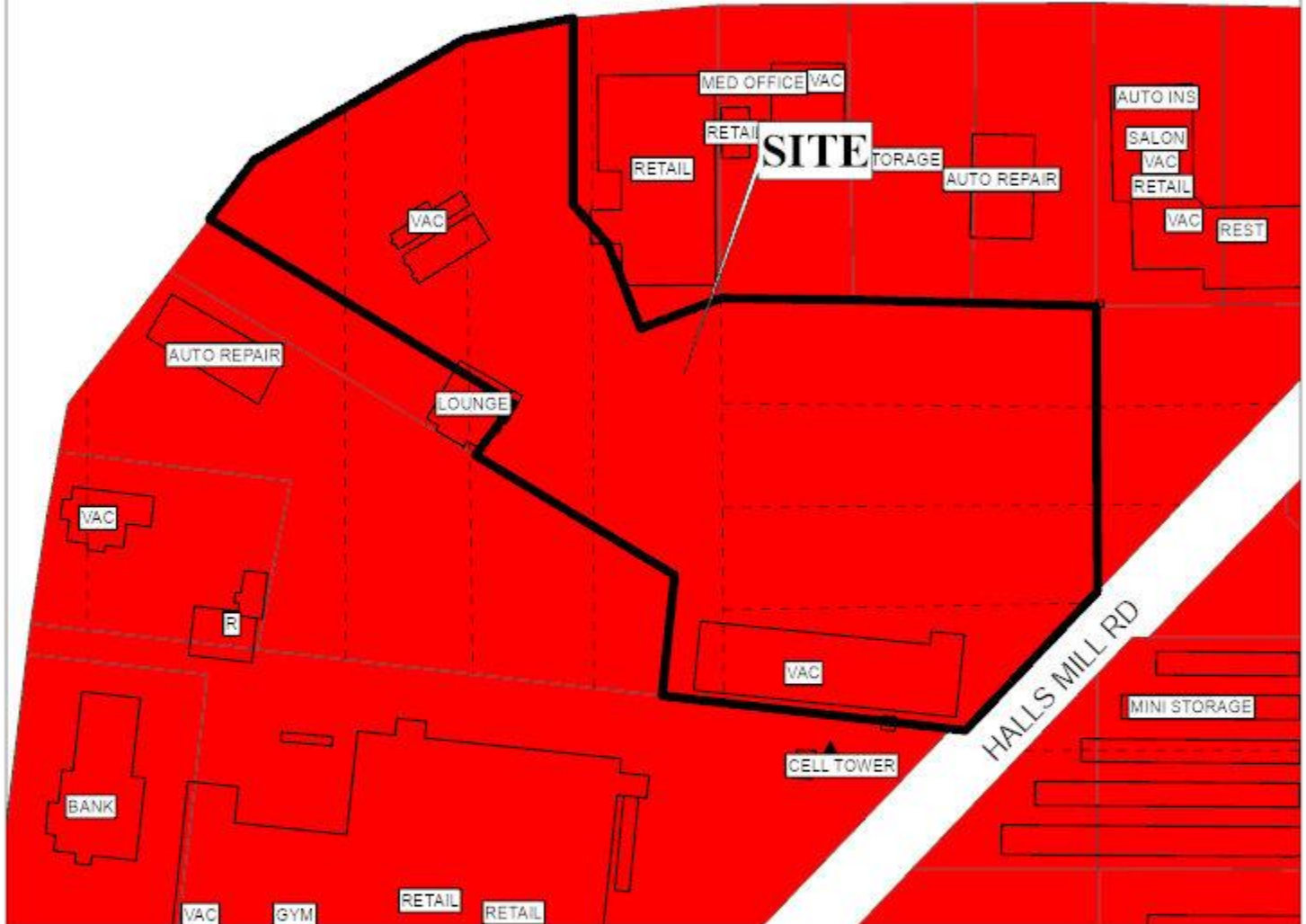
APPLICATION NUMBER 6460 DATE July 11, 2022  
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

RANGELINE SERVICE RD S



This site is surrounded by 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



This site is surrounded by commercial units.

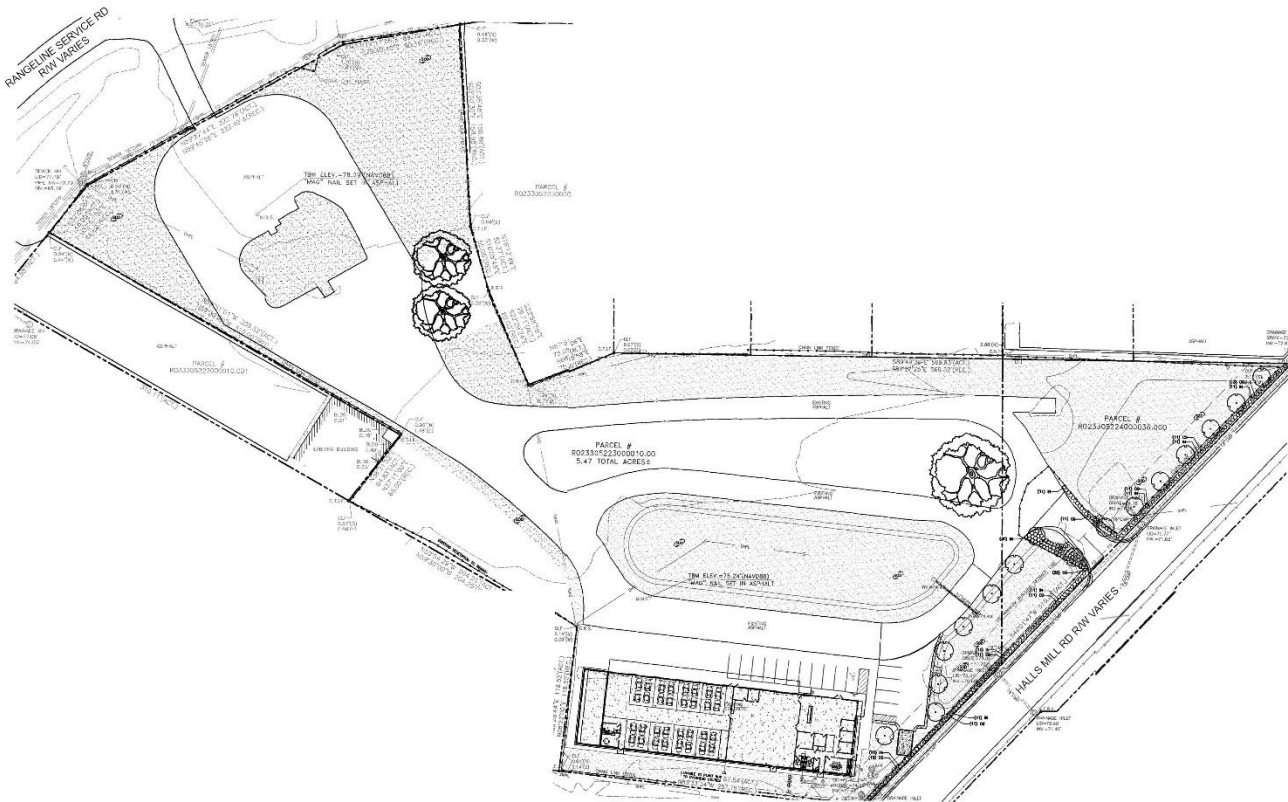
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# DETAIL SITE PLAN



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