

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 7, 2014****CASE NUMBER**

5889

APPLICANT NAME

Steven Damrich (M. Don Williams, Agent)

LOCATION

154 Texas Street
(North side of Texas Street, 100'+ East of South
Conception Street)

VARIANCE REQUEST

SITE: Site Variance to allow a continuous 52' wide property and alley curb cut; a 10' wide single lane driveway access to a rear storage yard; nose-in/back-out parking spaces with access and maneuvering within the public right-of-way; and no landscaping or tree planting compliance in an I-1, Light Industry District

Revised for the May 1st meeting:

Site Variance to allow an 18' wide driveway; an 11' wide single lane driveway access to a rear storage yard; and only 128 square feet of front yard landscape area in an I-1, Light Industry District

**ZONING ORDINANCE
REQUIREMENT**

SITE: The Zoning Ordinance requires site entrances and exits located so as to minimize traffic congestion; rear yard access drives to be two-way, 24' wide; all parking access and maneuvering to be on-site; and full compliance with the landscaping and tree planting requirements in an I-1, Light Industry District

Revised for the May 1st meeting:

The Zoning Ordinance requires a 24' wide access drive for two-way traffic; rear yard access drives to be 24' wide; and 241 square feet of front yard landscape area in an I-1, Light Industry District

ZONING

I-1, Light Industry District

AREA OF PROPERTY

3,350 ± square feet / 0.08 ± Acres

**CITY COUNCIL
DISTRICT**

District 2

ENGINEERING**COMMENTS**

It is recommended that the access for the existing alley should be separated from the access to the subject property.

The proposed plan shows that the proposed curb cut will be constructed in front of adjacent properties to the East and West; therefore, if approved, the applicant would be required to submit a letter along with the Right-of-Way permit application, from the adjacent property owners, that allows the applicant to place a portion of the proposed driveway curb-cut in front of their property (City of Mobile Right-of-Way Construction and Administration Ordinance, Section 57-124).

TRAFFIC ENGINEERING**COMMENTS**

Backing into the right-of-way is not desirable, especially in this location given the transition in the roadway alignment of Texas Street. The continuous curb cut across the front of the property and the alley may give a false impression that the alley has been incorporated into the subject property and is no longer public right-of-way. Driveway improvements cannot extend beyond the property line without the consent of the adjacent property owner. As illustrated on the site plan, it would apply to the property owner on the east side of the alley, as well as the adjacent property owner to the west.

Revised for the May 1st meeting:

The proposed aisle width may not be adequate for pick-up trucks to back out of the parking spaces (especially from the handicap space), as the aisle width for backing decreases to 11'. The applicant is proposing a 7' aisle adjacent to a 9' parking space. This will provide a total width of 16' for van accessibility which meets ADA requirements.

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 61-929 and City Code Chapters 57 and 64).

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

ANALYSIS

The applicant is requesting a Site Variance to allow a continuous 52' wide property and alley curb cut; a 10' wide single lane driveway access to a rear storage yard; nose-in/back-out parking spaces with access and maneuvering within the public right-of-way; and no landscaping or tree planting compliance in an I-1, Light Industry District; the Zoning Ordinance requires site entrances and exits located so as to minimize traffic congestion; rear yard access drives to be two-way, 24' wide; all parking access and maneuvering to be on-site; and full compliance with the landscaping and tree planting requirements in an I-1, Light Industry District.

The applicant proposes to place a 12 x 40 foot modular office building, two paved parking spaces and a gravel storage yard on the 3,350 ± square foot site. The property has 40-feet of frontage on Texas Street, a minor street with adequate right-of-way.

The applicant's explanation of the variance request is as follows:

The site is currently a graveled storage yard for a marine coatings company. There is no activity on the site. The site is completely surrounded by a 6' high wood privacy fence with double car-wide gates. The front yard fence is approximately on the front property line, with no setback. The site is zoned I-1. A 13' wide dirt alley borders the site on the east. There is no roadway sidewalk along this block of Texas Street.

We request the opportunity to place a 12'x 40' modular building on the site. The floor level of the proposed building will be at least 30" above ground line, thus making us compliant with the minimum required 13'-above-sea-level elevation within flood zone AE (12). We shall comply with all FEMA regulations for anchorage of the structure. We shall comply with all City Building Inspection Department regulations for a modular building, including design and anchorage for 135 mph wind load. The modular building shall contain one accessible bathroom. We shall provide an accessible ramp from the car parking area to the building. The building shall be used by one or two company employees at irregular hours, mostly for distribution of weekly worker paychecks. We shall place the front fence and building to comply with front, side and rear required setbacks. We shall use the remaining yard to store equipment for the company. No coatings work shall be performed on the site. We shall place two asphalt parking spaces, with maneuvering to occur within Texas Street right of way. We shall place a driveway entrance and roadway sidewalk for our entire 40' frontage and the 13' alley frontage.

Due to the extreme small size of our site (0.8 acre), we are bordering on inability to utilize our site for a building. We request the four items, listed on the attached site plan, for consideration by the Board. We will develop the site within 90 days of approval for building permit, if our requests are approved by the Board

We can not meet the full requirements of the Zoning Ordinance due to our limited size. The lot was platted when this area of town was predominately residential. We have several abandoned and neglected houses around us. We believe our presence in the area during the day will benefit neighborhood safety and security.

The applicant requests the following:

- 1) Allow 52' wide curb cut for our site and adjacent alley.
- 2) Allow 10' wide, single car, driveway access to rear storage yard.
- 3) Allow two parking space (2 required for 480 sf building) with back-up maneuvering into Texas Street right of way.
- 4) Allow no compliance with landscaping and tree planting requirements.

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.

As proposed, the applicant appears to be overdeveloping the site, as evidenced by the numerous variance requests. Additionally, only frontage trees are required in I-1 districts, thus the applicant is only required to provide 1 frontage tree in order to be in compliance.

The property, located in an I-1, Light Industry district, abuts residences at the Northwest corner of the property. Amendments to Section 64-4.D.1. of the Zoning Ordinance in 2012 require that commercial uses next to residential uses (even when in the same zoning district) must provide a 10-foot protection buffer: the site plan depicts a more than adequate buffer, and in fact the buffer depicted on the site plan could be reduced, which would allow the proposed modular building to be placed further North and West on the site. By moving the location of the modular building, additional area for parking and the proposed driveway would be available. It appears, in fact, that a redesign to allow two parking spaces on-site, facing West, would thus allow a 22 ± foot wide driveway and eliminate the backing into Texas Street. This redesign would also provide enough room to allow sufficient landscape area to plant one overstory tree, and provide some level of landscape area compliance.

While use of the site as an office is allowed, the applicant's statement that the office would also be used for "*distribution of weekly worker paychecks*" indicates to staff that there may be a much larger number of people coming to the site than the site can accommodate via the proposed parking. Staff is concerned that Texas Street, with the site's close proximity to the interchange with I-10, will become congested on pay days due to on-street parking of employees.

RECOMMENDATION:

Based on the preceding, staff recommends that the request be heldover to the May meeting to allow the applicant to make the following revisions to the site plan, due by April 14, and possibly revise the variances requested:

- 1) Revision of the site plan to reflect the absolute minimum setback required by Section 64-4.D.1. of the Zoning Ordinance;
- 2) Repositioning of the proposed modular building to reflect the setbacks of condition #1;
- 3) Realignment of the two parking spaces, access aisle, and accessible area to show the two parking spaces facing West;
- 4) Depiction of one frontage tree and calculations of available landscape area;
- 5) Revision of the requested variances, if necessary, to reflect site layout changes; and
- 6) Clarification of how employees will park if they come to this location to receive their checks.

Revised for the May 5 meeting:

A revised site plan and narrative were submitted.

Based upon the revisions, the applicant is now requesting the following:

- 1. Van Accessible Striped Aisle: 7 feet proposed / Width not regulated by the Zoning Ordinance*
- 2. Driveway width: 18 feet proposed / 24 feet required for two way traffic*
- 3. Driveway access to rear: 11 feet proposed / 20 feet required*
- 4. Front yard landscaping variance: 128 square feet proposed / 241 square feet required*

Regarding #1, the Zoning Ordinance does not regulate accessible parking spaces. The International Building Code references American National Standards Institute (ANSI) 117.1, which defines accessible parking space width and accessible access aisle width requirements. Generally, the first parking space at any location must be "van accessible," and thus the parking space plus adjacent striped access aisle must be a combined total of 16 feet (thus a 9 foot wide parking space plus a 7 foot wide aisle does appear to comply).

Regarding #2, only two on-site parking spaces are provided, and the anticipated traffic volume for this site is not expected to be high.

Regarding # 3, a vehicular access width of 11 feet to the rear of the property, given the limited depth and the inability to turn around, while not ideal, would be sufficient.

And finally, regarding #4, the applicant states that they will exceed the total site landscaping requirement by providing 466 square feet, rather than the minimum of 402 square feet. The applicant will not be able meet the 241 square foot frontage landscaping requirement, and is only proposing 128 square feet. Given the fact that the overall site will exceed the minimum requirements, it would seem reasonable to compromise the frontage requirement.

Another issue that was mentioned by staff related to the distribution of pay checks to employees at this location: staff thought that employee parking of vehicles would occur on Texas Street, thus potentially causing traffic issues at this interstate exit. The revised application included the following statement:

"Damrich Coatings (Steve Damrich, owner) does marine coatings and painting at various local shipyards. The proposed modular building will be occupied at irregular times during the week. On Friday afternoons, paychecks will be distributed by Steve or his partner from the modular building. In response to staff concerns about number of Friday visitors, Damrich Coatings has agreed to limit paycheck visits to the one supervisor at each of the shipyards, who will distribute paychecks back at the shipyards. Currently, the company does work in about 4 shipyards, so traffic and parking along Texas Street should be inconsequential."

RECOMMENDATION:

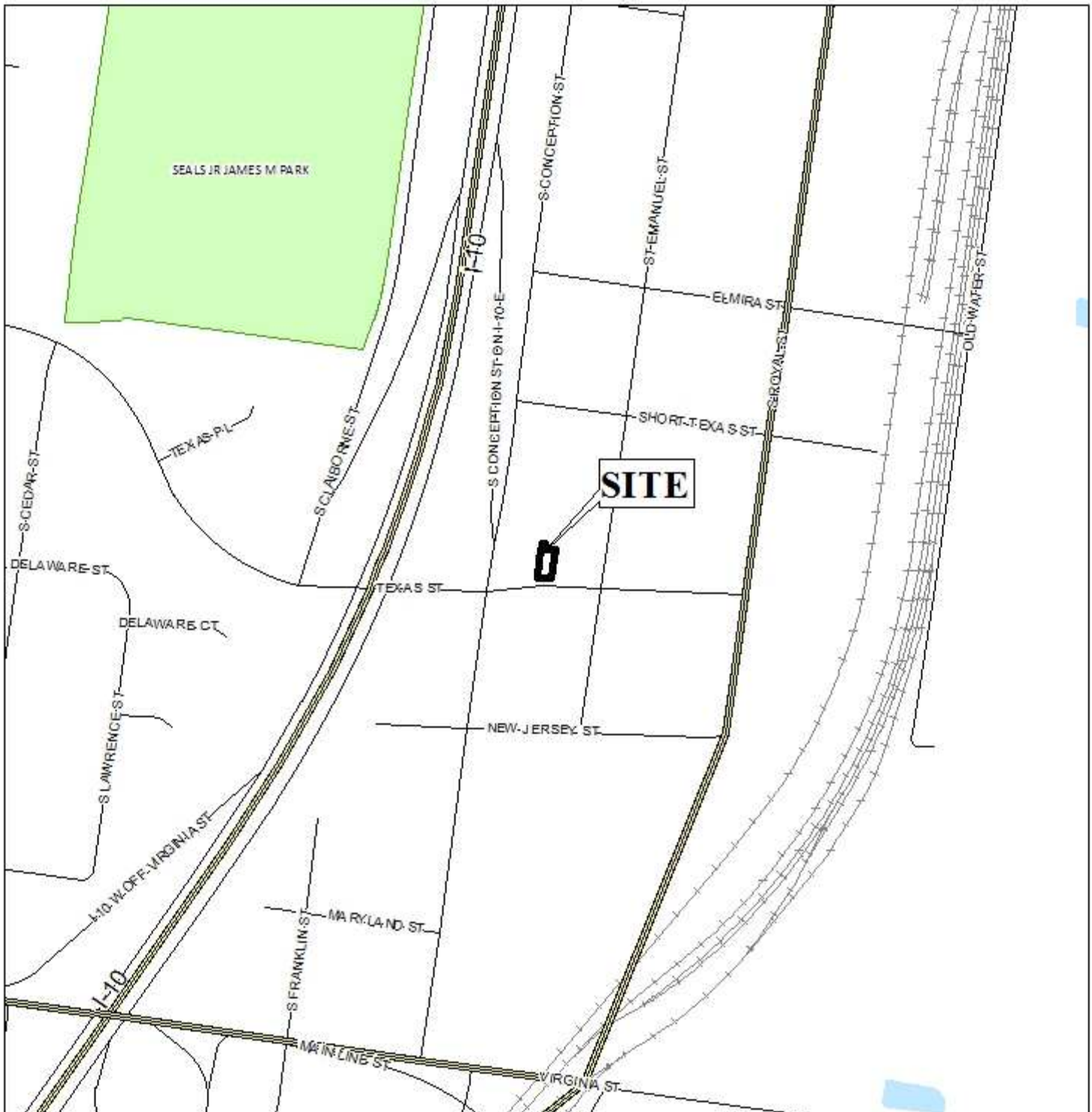
Based on the preceding, staff recommends to the Board the following findings of fact for approval:

- 1) Approving the revised variance requests will not be contrary to the public interest due to the limited site not allowing extensive development, use or traffic generation;*
- 2) Special conditions exist, including the limited property size and dimensions, 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 applicant will improve the site and provide residential buffering, will have paved parking, will comply with the overall tree and landscape requirements, and will have a limited scope of operations on the site.*

The approval should be subject to the following conditions:

- 1) Compliance with all applicable codes and ordinances, including those regulations relating to development within a flood zone;*
- 2) Approval limited to the revised site plan and issuance of paychecks off-site; and*
- 3) Obtaining of land disturbance, right-of-way and building related permits as appropriate.*

LOCATOR MAP



APPLICATION NUMBER 5889 DATE May 5, 2014

APPLICANT Steven Damrich (M. Don Williams, Agent)

REQUEST Site Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Vacant structures and residential units are located to the north of the site.

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REQUEST Site Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

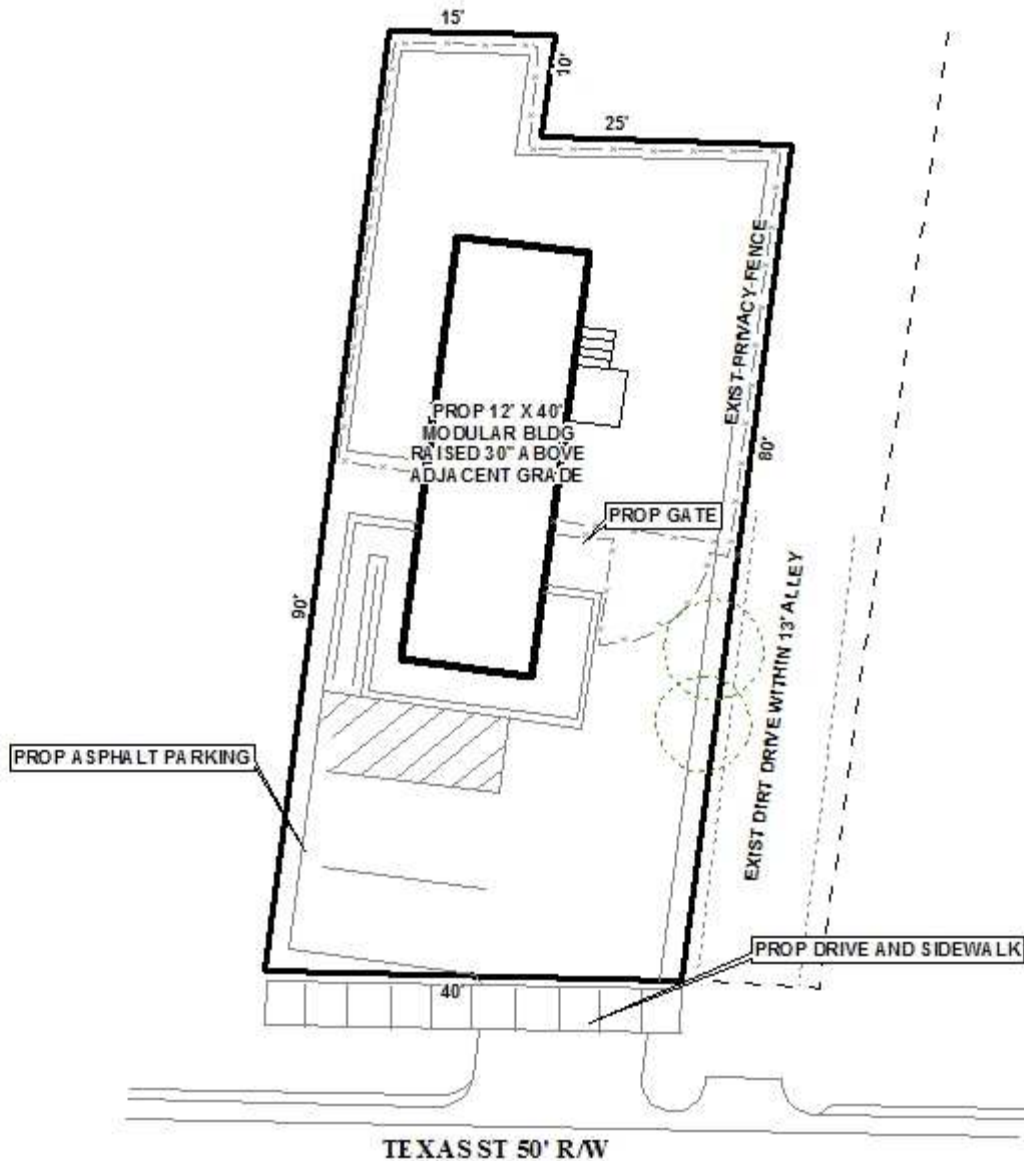


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SITE PLAN



The site plan illustrates the proposed building and parking.

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