

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 6, 2015****CASE NUMBER**

5983

APPLICANT NAME

Bethesda Christian Center

LOCATION

550 Western Drive

LOCATION

(East side of Western Drive, 175± South of Crichton Street).

VARIANCE REQUEST**USE:** Use Variance to allow a church in an I-1, Light Industry District.***OFF SITE PARKING:*** To allow off-site parking on an adjacent property.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance does not allow churches within an I-1, Light Industry District.***OFF SITE PARKING:*** The Zoning Ordinance requires all parking be on the same site as the use.**ZONING**

I-1, Light Industry District

AREA OF PROPERTY

6,120 square feet

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

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

ANALYSIS

The applicant is requesting a Use Variance to allow a church in an I-1, Light Industry District; the Zoning Ordinance does not allow churches within an I-1, Light Industry District.

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 reason(s) to explain the need for the variance:

“The Pastor, Officers, and Members of Bethesda Christian Center located at 550 Western Dr Mobile, AL 36607 request a Use Variance on the property located above. The variance would allow us to use the property as our Outreach Ministry, and Worship Center. Presently the property is zoned I-1 which does not allow Churches.

We have been in this community for over 3 years; and during the time we've been in the area we have provided food and clothes for the homeless, paid utilities bills, made rent payments, provided shelter for homeless, and walk the community to talk to the residents to see what we can do to better the community. We do outreach ministry once a month, and we give away clothes and feed the community. Our motto is "Transforming Lives Through the Word of God", through this ministry we will use the word of God to minister to the needs of the people. Our mission is to eventually provide a food bank, hot meals (Mercy Kitchen), tutoring and activities for the community. We were previously located at 663 Stanton Rd for 5 years; but we out grew the building. We wanted to continue to serve this community so we leased the building not knowing it was zoned IL We are established in the area, and we provide support for the community. We thank you in advance for your consideration in this matter.”

The applicant states that the church has been in the community for over 3 years and has played a major role in assisting the general public and giving back to the community; however, the operation of this facility currently is a violation of the Zoning Ordinance. The information listed in the applicant's statement does not reflect a defined hardship nor does it justify the applicant's rationale that a church is the only feasible use for this property.

No information was included with the application regarding the amount of seating in the sanctuary of the church, thus staff cannot determine if the proposed parking will be sufficient to meet the requirements of the Zoning Ordinance (1 parking space for every 4 pew seats). Furthermore, the site plan submitted shows expanded parking extending onto an adjacent lot (also owned by the applicant), although the lot line is not depicted on the submitted site plan. Thus, at minimum a second variance request is required to allow off-site parking, and a possible third variance request may be required depending upon the number of pew seats and the amount of proposed parking.

RECOMMENDATION: Staff recommends that this application be heldover until the August 3rd meeting, with the following due by July 10th:

- 1) Provision of the seating capacity of the sanctuary;
- 2) Revision of the site plan to show the boundary line between Lots 1 and 2 of the Western Drive Commercial Park Subdivision; and
- 3) Provision of a revised narrative, application fees, mailing labels, and mailing and notification fees required for an off-site parking variance request, and if necessary, a parking ratio variance request.

Revised for the August 3, 2015 meeting:

This application was heldover from the July 6, 2015 meeting to allow the applicant to submit and address the above listed items. A revised narrative, information regarding the seating in the sanctuary, and a to scale site plan was submitted as well as the request for an off-site parking variance.

A floor plan of the building was submitted that depicts the 350 seat sanctuary. The Ordinance requires 1 parking space for every 4 seats within a sanctuary. A total of 88 parking spaces are required and the site plan illustrates 96 spaces, which exceeds the minimum requirements of the Zoning Ordinance.

It should be noted that the number of proposed parking spaces will require illumination and a photometric plan in compliance with Sections 64-4.A.2., 64-6.A.3.c., and 64-6.A.8. of the Zoning Ordinance.

It should also be pointed out that a dumpster is not depicted on the site. If a commercial dumpster is proposed the dumpster must be in compliance with Section 64-4.D.9. of the Zoning Ordinance.

The revised narrative provided by the applicant states the following:

“Bethesda Christian Center is in need of the “Use Variance” because it will cost us a hardship if not granted. We are a small group of believers in the Lord Jesus Christ. We operate solely on tithes and offerings. The building was purchased without knowing the zoning requirements, we do not have the finances to relocate. Also, we have established ourselves in the community by offering free clothes, food, counseling and other outreach programs. We ask that the “Use Variance” be granted in our favor.”

The revised narrative does not address the request for off-site parking; however, it should be pointed out that the property owner does own both properties and the additional off-site parking spaces reflect the required minimum number of spaces based upon the seating area of the sanctuary as required by the Zoning Ordinance.

Regarding the Use Variance, the hardship preventing a compliant use is the fact that the building has been converted into a church facility: a compliant use might require substantial interior alterations.

Regarding the off-site parking request, there is no room to provide the required parking on the same lot as the church, thus parking can only be met for the use through offsite locations.

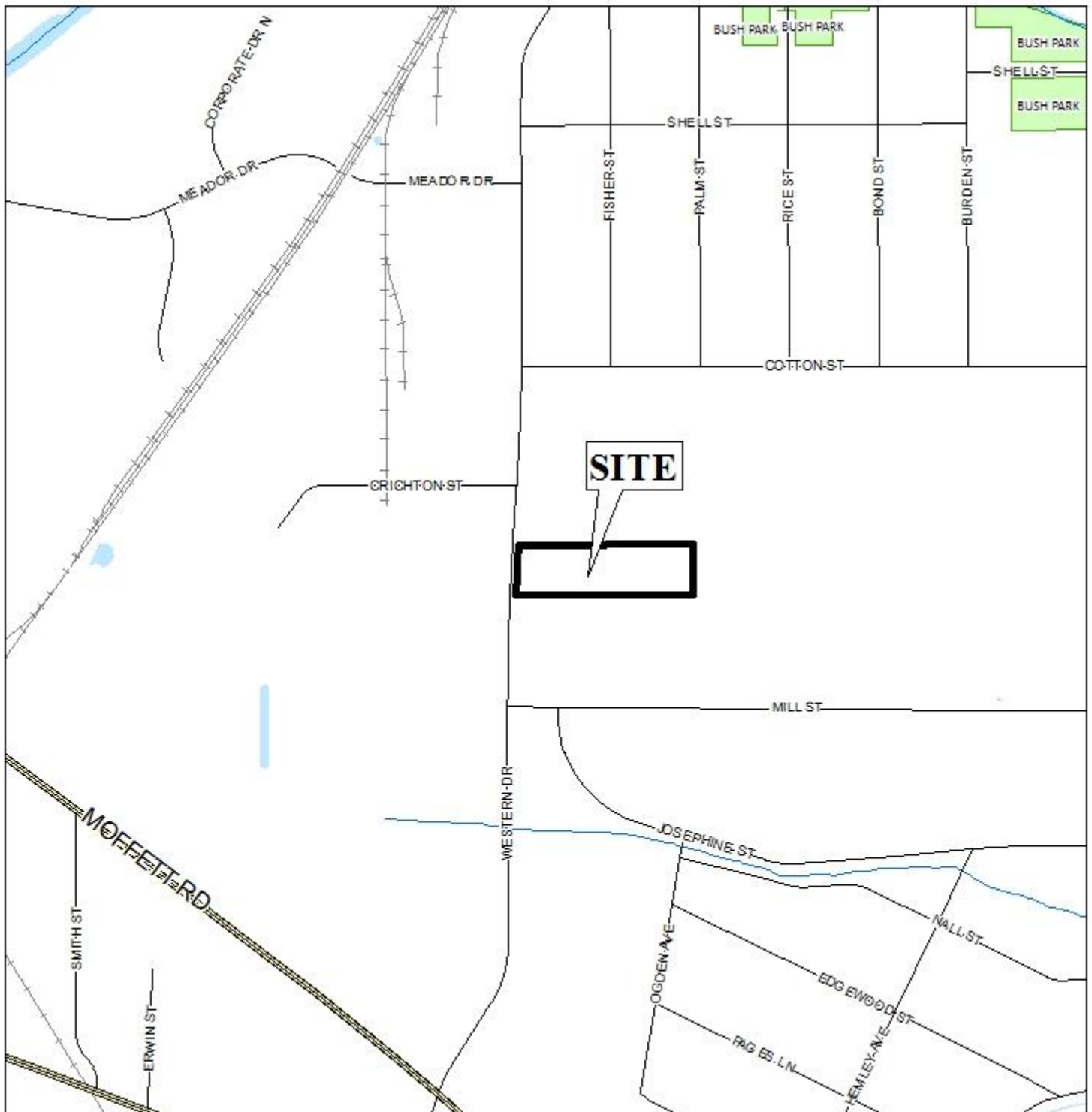
RECOMMENDATION: *Based upon the preceding, staff recommends to the Board the following findings of fact for approval:*

- 1. The variances will not be contrary to the public interest in that the use and off-site parking would not impose on surrounding businesses or properties;*
- 2. Special conditions appear to exist, such as the building's interior layout and the small size of the lot, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and*
- 3. The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and surrounding area by granting the variances as it would allow an existing worship facility to continue to serve the community.*

Therefore, this application is recommended for approval, subject to the following conditions:

- 1. All site improvements to comply with the Land Disturbance permit process;*
- 2. All building improvements (including those already undertaken without permits) to comply with the building permit process;*
- 3. Submission of a sign permit application for all existing and proposed signs;*
- 4. Full compliance with all other municipal codes and ordinances; and*
- 5. Submission of a photometric plan at the time of Land Disturbance.*

LOCATOR MAP



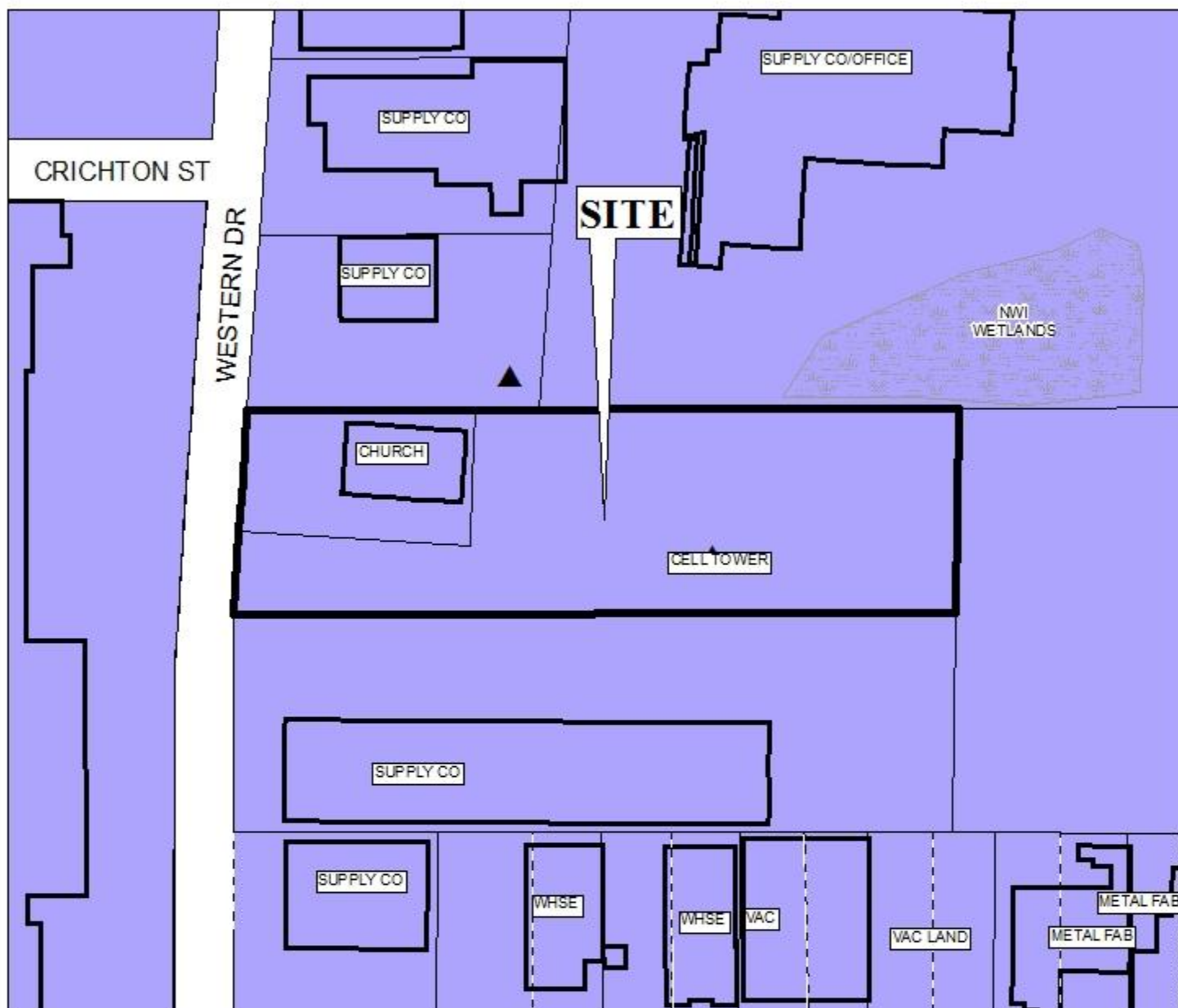
APPLICATION NUMBER 5983 DATE August 3, 2015

APPLICANT Bethesda Christian Center

REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

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REQUEST Use Variance

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



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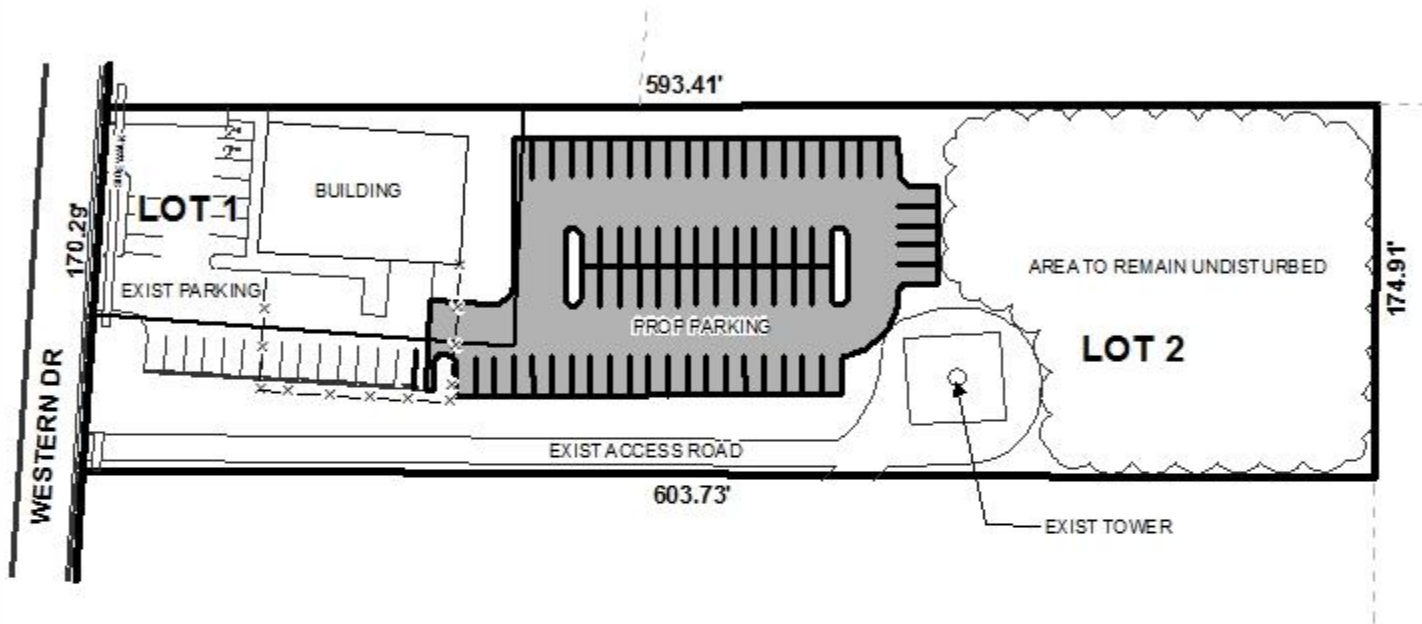
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SITE PLAN



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

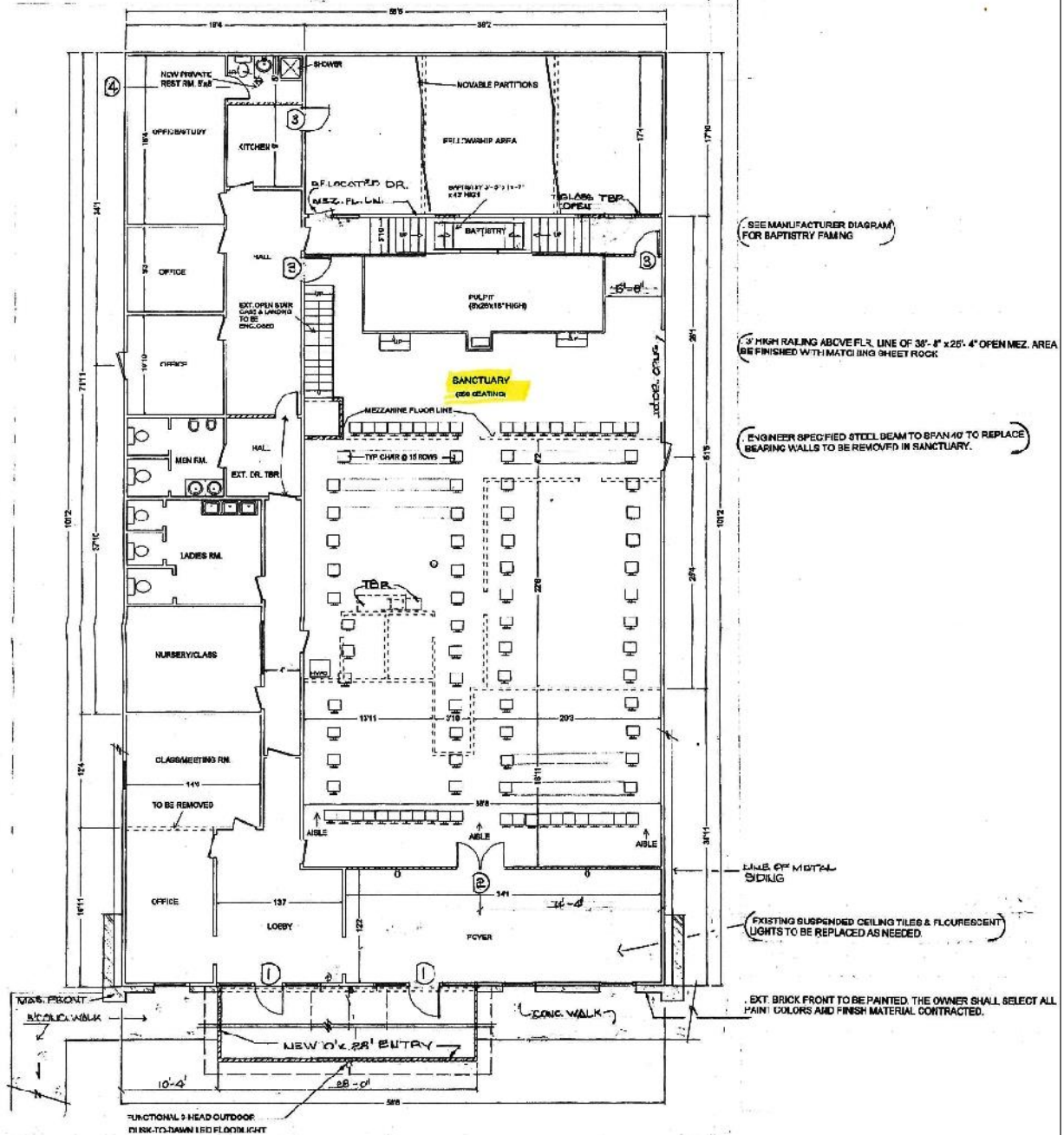
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APPLICANT Bethesda Christian Center

REQUEST Use and Parking Variance



DETAIL SITE PLAN



APPLICATION NUMBER 5983 DATE August 3, 2015

APPLICANT Bethesda Christian Center

REQUEST Use and Parking Variance



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