

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 4, 2013**

<u>CASE NUMBER</u>	5811
<u>APPLICANT NAME</u>	Denis Blackburne
<u>LOCATION</u>	951 Government Street (West side of Marine Street, extending from Government Street to Church Street)
<u>VARIANCE REQUEST</u>	BULK: Bulk Variance to allow 56 dwelling units on a 59,933 square foot site in a B-1, Buffer Business District
<u>ZONING ORDINANCE REQUIREMENT</u>	BULK: the Zoning Ordinance allows 36 dwelling units on a 59,933 square foot site in a B-1, Buffer Business District
<u>ZONING</u>	B-1, Buffer Business District
<u>AREA OF PROPERTY</u>	59,933 square feet / 1.4±Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	If you are not going to change anything in the State right of way on Government St, you probably won't have to get authorization from ALDOT. Please make the driveway radii on Marine Street 20'. It appears that you have designed the parking stalls to correctly meet the minimum 18' deep (on the short side) and 9' wide measured perpendicularly.
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ANALYSIS</u>	The applicant is requesting a Bulk Variance to allow 56 dwelling units on a 59,933 square foot site in a B-1, Buffer Business District; the Zoning Ordinance allows 36 dwelling units on a 59,933 square foot site in a B-1, Buffer Business District.

The applicants are proposing to renovate an existing, vacant, 8-story office building into residential dwelling units. The 1950's era building contains approximately 72,000 square feet, and the applicant intends to utilize the ground floor for uses that are accessory to an apartment building, including a manager's office, lobby, library and an exercise room. The remainder of the building will be used for residential apartments.

The Zoning Ordinance limits multi-family density in B-1 districts based upon the size of the property: in this case the site is large enough to accommodate 36 dwelling units by right. As the building contains 72,000 square feet over 8 floors, or approximately 9,000 square feet per floor, the “by right” development would result in 5 apartments per floor of 1,750 square feet each, prior to any allocation of space for common areas such as elevator lobbies and mechanical shafts on a typical floor (ground floor is excluded from the calculations). The requested density would result in 8 dwelling units per floor, with apartments of 1125 square feet in size prior to any allocation for common areas such as elevator lobbies and mechanical shafts on a typical floor (ground floor is excluded from the calculations).

Review of other apartment developments in the Mobile area indicate that one-bedroom apartments can typically range from 550 square feet to 850 square feet, thus even with space allocated for common area, a 36-unit “by-right” use of the existing building would likely result in dwelling units greatly exceeding the size supported by market demands, or result in large common spaces on each floor.

Additionally, the applicant intends to utilize the property for elderly housing, thus parking requirements for each dwelling unit are reduced from 1.5 parking spaces per dwelling unit to 1 parking space per two dwelling units (or 0.5 parking spaces per elderly housing unit).

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.

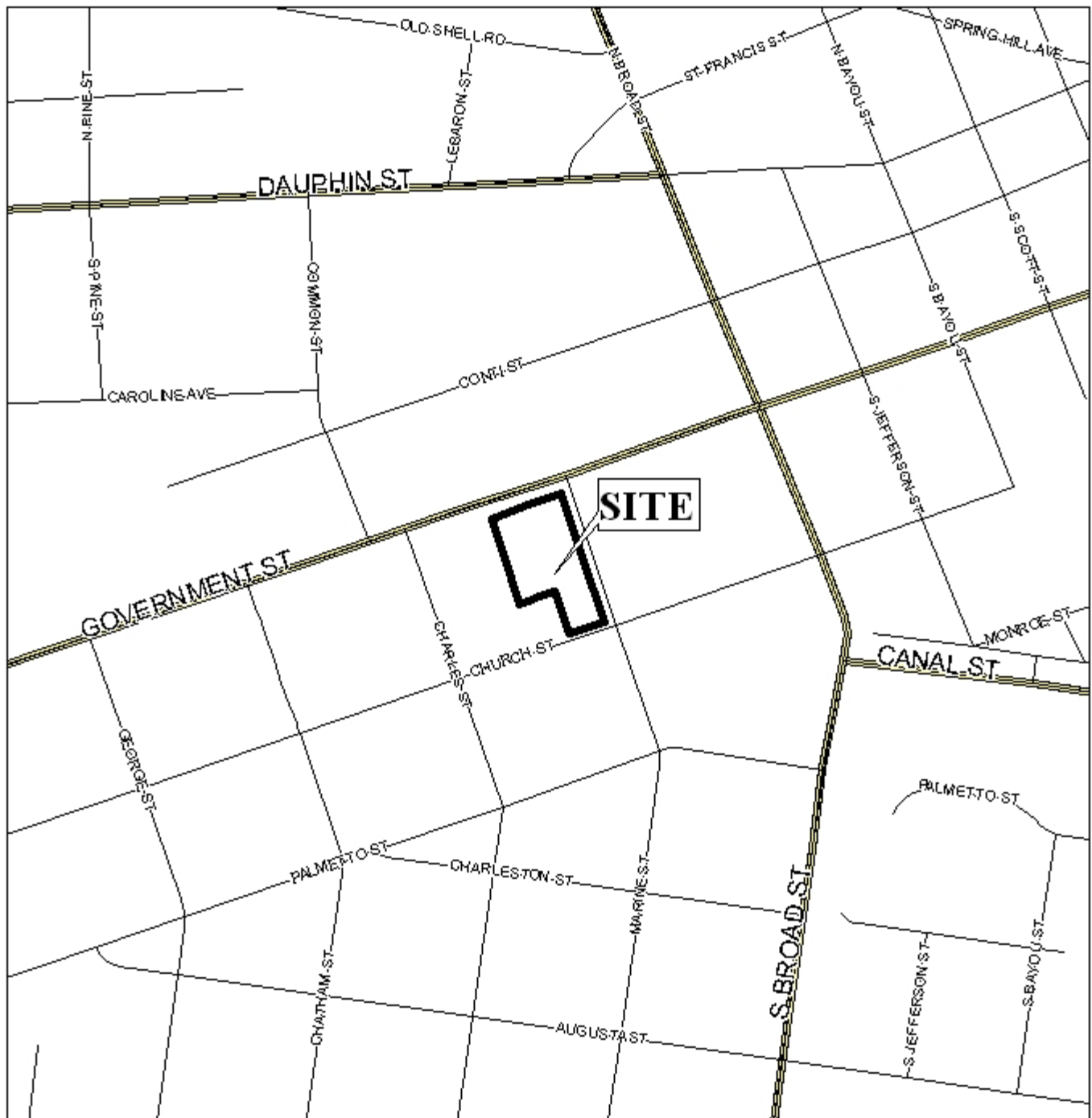
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The proposed residential use of the building is allowed by right. As the building has been vacant for several years, and as the office market is somewhat saturated with available (high quality) office space, remodeling and renovation of the dated building is not a realistic consideration. Residential use of the building, at an increased density than typically allowed by the more suburban-based standards for density calculations in the Zoning Ordinance, would seem to be a reasonable consideration given the fact that the building was developed prior to the current Zoning Ordinance, and all required parking can be met on the site.

RECOMMENDATION: Based on the preceding, the bulk variance request to allow 56 dwelling units is recommended for approval, subject to the following conditions:

- 1) Apartment use limited to elderly housing / retirement home use; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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APPLICANT Dennis Blackburne
REQUEST Bulk Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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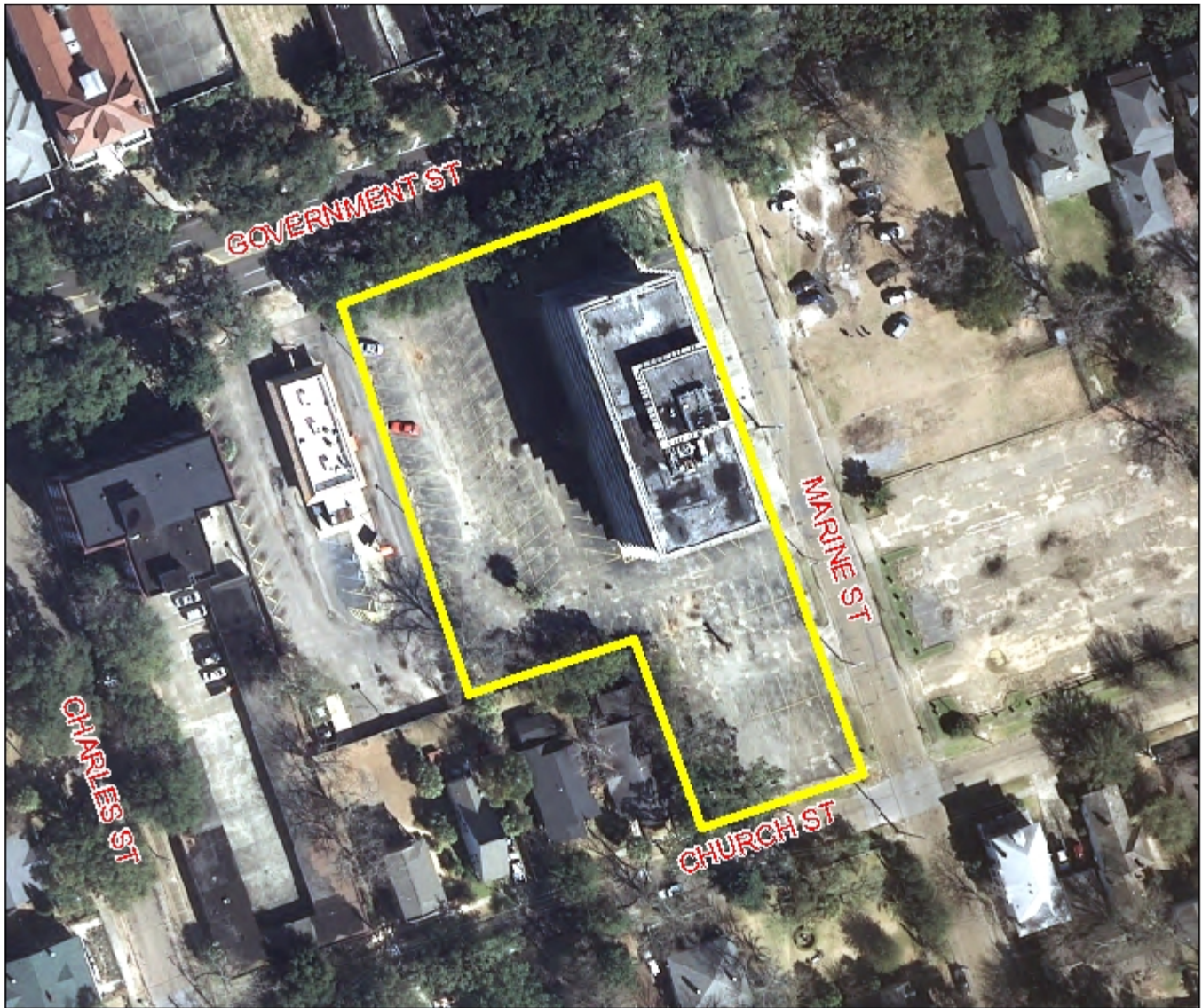
REQUEST Bulk Variance

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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

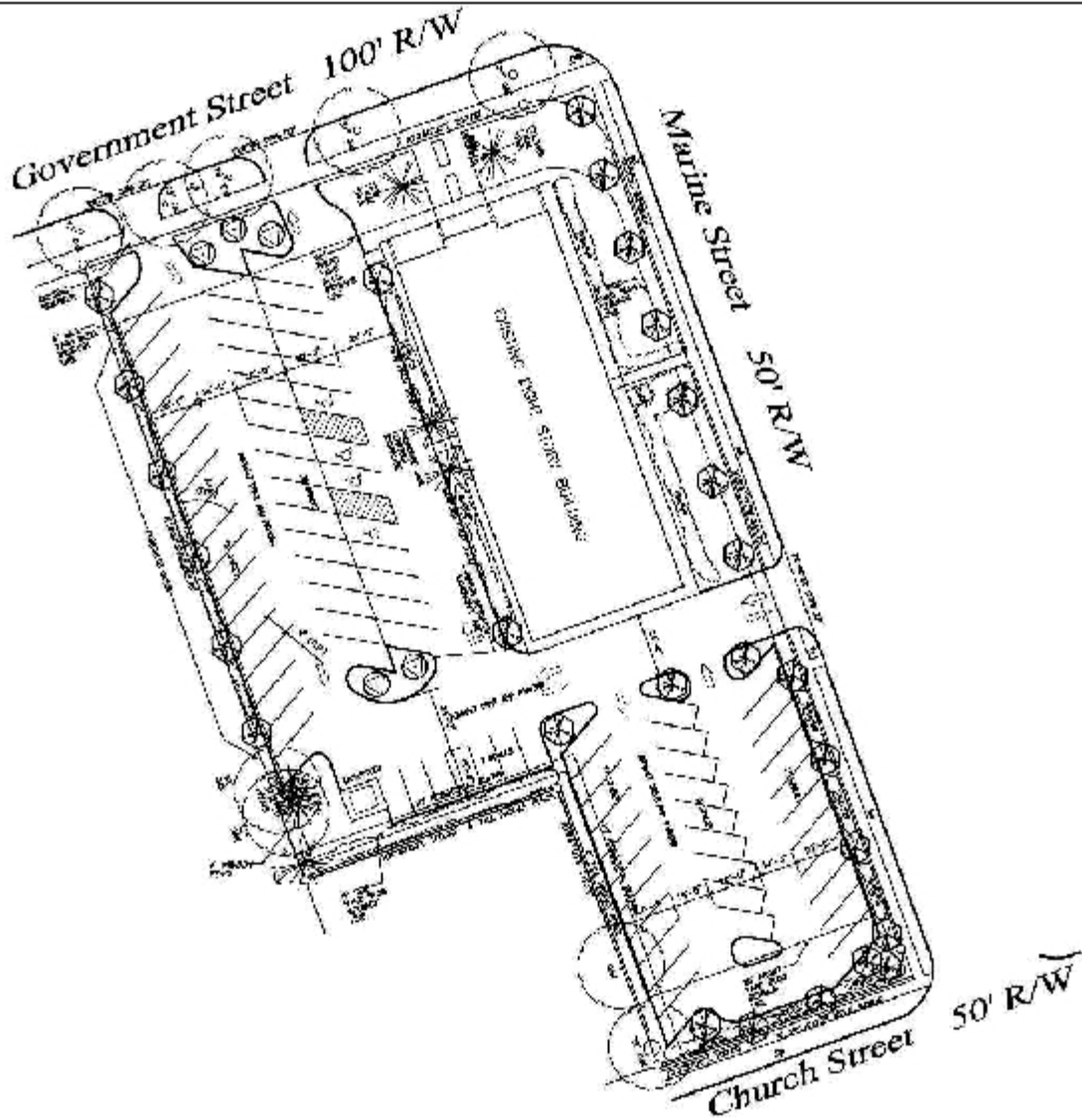


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N
NTS

SITE PLAN



The site plan illustrates the existing and proposed improvements.

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