

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2016****CASE NUMBER**

6048/3669/59

APPLICANT NAME

Azalea City Montessori

LOCATION1260 Dauphin Street
(Northeast corner of Dauphin Street and South Ann Street).**VARIANCE REQUEST****PARKING VARIANCE:** To allow 104 parking spaces for an existing church with 700 seats and a proposed school with two teaching stations in a B-1, Buffer Business District.**ZONING ORDINANCE
REQUIREMENT****PARKING VARIANCE:** The Zoning Ordinance requires 178 spaces for a church with 700 seats and a school with two teaching stations in a B-1, Buffer Business District.**ZONING**

B-1, Buffer Business District

AREA OF PROPERTY

2.15± Acres

**CITY COUNCIL
DISTRICT**

District 2

ENGINEERING**COMMENTS** If the PARKING VARIANCE is approved for use the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit (LDP) prior to beginning any site development. The LDP application must be submitted to Central Permitting.
- b. Submit and receive a ROW Permit (City of Mobile) prior to beginning any work within the Dauphin Street or Ann Street ROW.

TRAFFIC ENGINEERING**COMMENTS**

No traffic impacts anticipated by this variance request.

URBAN FORESTY**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 2015-116 and City Code Chapters 57 and 64).

ANALYSIS

The applicant is requesting a Parking Variance to allow 104 parking spaces for an existing church with 700 seats and a proposed school with two teaching stations in a B-1, Buffer Business District; the Zoning Ordinance requires 178 spaces for a church with 700 seats and a school with two teaching stations in a B-1, Buffer Business 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 site is currently the subject of Planning Approval, Subdivision, and Rezoning applications to allow the operation of a school in a B-1, Buffer Business District, to subdivide the property into one legal lot of record, and to rezone the site to B-1, Buffer Business District, to eliminate split-zoning resulting from the subdivision. The Planning Approval application was heard before the Planning Commission at its July 7, 2016 meeting, where it was recommended for holdover until the Commission's July 21, 2016 meeting to allow the hearing of all three applications, simultaneously.

The applicant states:

Azalea City Montessori seeks to use 2 classrooms, 3 bathrooms, and a hallway in the Central Presbyterian Church Sunday School building for a small-scale elementary and preschool program not to exceed 49 children. Improvements to the property include the installation of a floor sink in a mop closet, exhaust fans in 3 bathrooms, and the painting of 2 classrooms. All improvements are interior for the purpose of complying with health department regulations and do not affect the exterior of the building. All improvements are scheduled to be completed by July 2016 with operation to begin as soon as possible upon receipt of the necessary permits and licenses, for the operation of the 2016-2017 school year beginning in August 2016. Azalea City Montessori requires 3 parking spaces to accommodate 2 teaching stations.

We are requesting a zoning variance to accommodate the current parking lot. The parking lot at Central Presbyterian Church was built in the 1970s for the auditorium, built in the 1960s, using old building standards. The auditorium seats 700 people, however the parking lot only has 104 spaces. Azalea City Montessori must make use of the existing parking in order to make use of the building. The property has no room for additional parking lot to be added.

In addition to the hardship represented by the existing state of the site's parking lot, Central Presbyterian Church currently has a congregation of approximately 85 people. This number of congregants is accommodated with many spaces to spare by the current parking lot. Azalea City Montessori intends to use the building and our allotted parking spaces during the work week only, during times that will never conflict with the church's typical Sunday use. It is expected that ACM's use of the parking lot will never add an increased burden to the Church's use of the parking lot because the school will never use the building during scheduled church activities.

The applicant indicates the existing church has a seating capacity of 700, thus requiring a minimum of 175 parking spaces given that one (1) parking space must be provided for every four (4) seats within a church sanctuary. Furthermore, with the use of the structure expanded to include a teaching facility, additional one and one-half (1 1/2) spaces per teaching station would be required. The applicant proposes two teaching stations, for which three (3) parking spaces are required, thus requiring a total of 178 parking spaces for both the church and teaching facility.

The site plan illustrates 102 existing, paved parking spaces, each of which appear to exceed the required length, but not the required width. Using recent aerial photos, Staff can determine that each parking stall meets the minimum width requirements for parking spaces, but some spaces are short 3'± in length. Presumably, the shorter parking stalls are delineated in such a way to ensure adequate aisle width for two-way traffic, a condition which appears to characterize maneuverability on the site. Using additional aerial photos, Staff can verify that such inadequacies in parking stall dimensions have existed since at least 1984; and, as such, may be considered non-conforming. However, revisions to the site plan should reflect existing parking stall dimensions.

The site plan does not illustrate any van accessible parking spaces, but photographs provided by the applicant indicate at least eight (8) accessible spaces which, again using aerial photographs have clearly existed since at least 2002 and may pre-date current accessible parking regulations. Revision of the site plan to illustrate existing accessible spaces should be required, if approved.

The site plan does not illustrate the provision of curbing or wheel stops, but Staff has determined using aerial photographs, as well as photographs provided by the applicant, that all 102 parking spaces are provided with wheel stops where vehicles could extend beyond the parking facility. As such, all existing wheel stops should be illustrated on a revised site plan.

The site plan illustrates existing trees and indicates existing landscape calculations; however, aerial photographs suggest that the site is not in compliance with current landscaping and tree regulations and that the provided landscaping calculations appear to be incorrect. Given there are no proposed exterior improvements to the site, such compliance is not required; but, if the current application is approved, revisions to the site plan indicating the correct landscaping calculations should be required.

A dumpster is not illustrated on the site plan, and one is not visible in recent aerial photographs. If a dumpster will be placed on the property, it must comply with the current dumpster enclosure

and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance; or, the applicant may place a note on the site plan stating curbside waste removal will be utilized.

Photographs provided by the applicant show an existing, exterior playground; thus, a protection buffer is required per Chapter 64-4. D.1. of the Zoning Ordinance where the playground abuts residential property. Revision of the site plan to illustrate such a buffer in the form of a wall, wooden privacy fence, or the inclusion of a screen planting strip will be required, if approved.

It should be noted that the current site plan indicates there are 104 parking spaces; however, 102 parking spaces are illustrated. This information should be corrected on a revised site plan, if approved.

With regards to what the applicant discusses as pre-existing parking conditions on the site, Staff can verify that the church has existed with inadequate parking since at least 1960. Expansion of the parking lot appears to have occurred with the demolition of one or more structures to the East of the existing church structure between 1960 and 1975. The construction of what the applicant mentions is a gymnasium took place between 1975 and 1984 and appears to have had minimal impact on parking. Additionally, documentation provided by Central Presbyterian Church's pastor supports the applicant's claim that, while the existing church has the capacity to seat 700 people, there are currently only 83 regular congregants. As such, the required amount of current off-street parking spaces would be 21 were the church's capacity limited to its regular congregation. With the addition of two teaching stations, the total parking required would be 24 spaces. The conditions of the site with respect to off-street parking adequately accommodate existing and proposed changes that impact such conditions, especially due to the fact that the church and proposed school would operate on different schedules. There is concern regarding the possibility of increased membership that would further impact the reduced amount of parking on the site; but, given the site's history of inadequate parking, and the fact that the church's parking would not be affected by the proposed school's parking, approving this request may be appropriate. Additionally, Staff has received documentation from nearby property owners supporting the school; thus, parking inadequacies do not appear to adversely affect neighboring properties.

Finally, it should be noted that Side and Rear Yard Setback variances were granted to the site by the Board of Zoning Adjustment at its May 02, 1952 meeting, followed by a 6-month extension at its November 13, 1953 meeting. Additionally, at its November 6, 1962 meeting, the Board approved Front and Side Yard setback variances. Such variances perhaps typify the nature of the property regarding existing conditions that impede on compliance with the Zoning Ordinance; and, as such, may further suggest that approval of this request would be appropriate.

RECOMMENDATION:

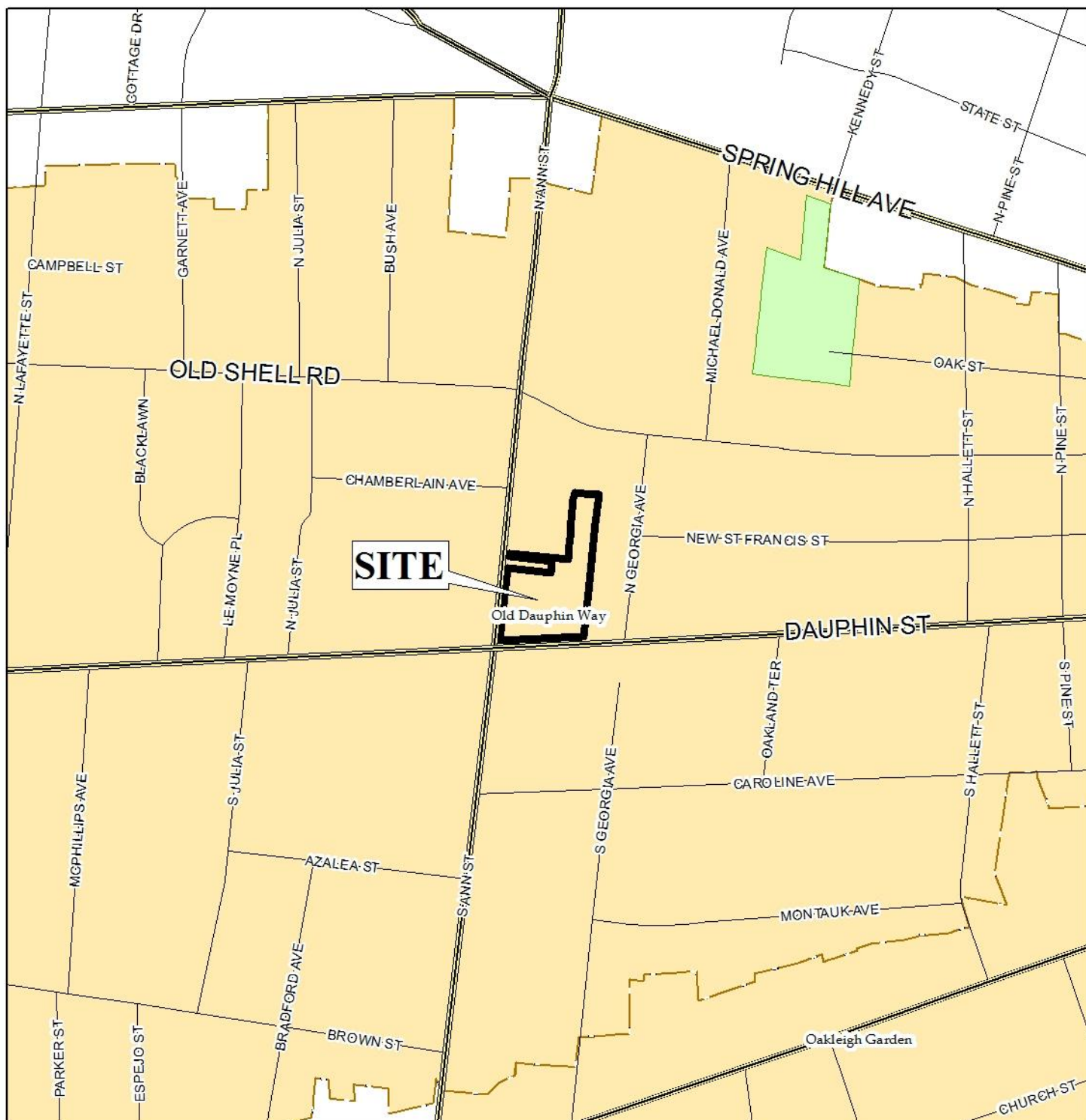
Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Granting the variance will not be contrary to the public interest due to neighborhood support of the proposed use, thus suggesting the impact of reduced off-street parking is and would be minimal;
- 2) Special conditions exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship due to existing site improvements affecting compliance with the Zoning Ordinance; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance since expanded use of the property as a school would occur opposite from existing church schedules and operations, thus having little impact on off-street parking for the church.

The approval is subject to the following conditions:

- 1) revision of the site plan to accurately depict existing parking stall dimensions;
- 2) revision of the site plan to indicate existing accessible parking spaces;
- 3) revision of the site plan to illustrate existing wheel stops for parking spaces;
- 4) revision of the site plan to accurately indicate existing landscaping;
- 5) revision of the site plan to provide a dumpster, if one will be utilized, in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, or placement of a note on the site plan stating that curbside pickup will be utilized;
- 6) revision of the site plan to illustrate an appropriate protection buffer in the form of a wall, wooden privacy fence, or the inclusion of a screen planting strip where the existing playground abuts residentially-developed properties ;
- 7) correction of the site plan to indicate the site is equipped with 102 parking stalls;
- 8) attainment of all necessary permits prior to the issuance of Zoning Clearance;
- 9) provision of two revised site plans to the Planning and Zoning Department prior to the issuance of permits;
- 10) completion of the Subdivision, Planning Approval, and Rezoning processes; and
- 11) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6048 DATE July 11, 2016

APPLICANT Azalea City Montessori

REQUEST Parking Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and commercial units to the south.

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REQUEST Parking 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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

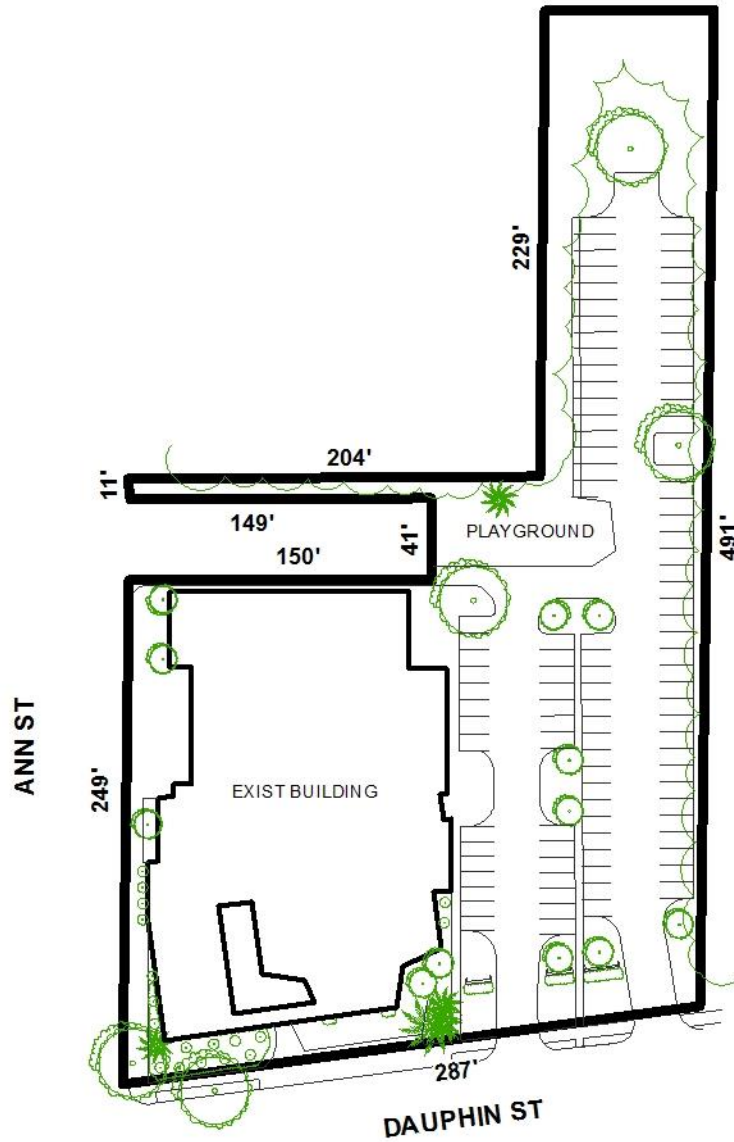


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SITE PLAN



The site plan illustrates the existing building and the existing parking facility.

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