

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 2, 2017****CASE NUMBER**

6132 / 5827

APPLICANT NAME

Carney Reid

LOCATION5706 U.S. Highway 90 West
(West side of U.S. Highway 90 West, 55'± South of
Plantation Road.)**VARIANCE REQUEST****ACCESS AND PARKING SURFACE:** Access and
Parking Surface Variances to allow gravel access and
parking for a business in a B-3, Community Business
District.**ZONING ORDINANCE
REQUIREMENT****ACCESS AND PARKING SURFACE:** The Zoning
Ordinance requires access and parking areas to be paved
with asphalt, concrete or an approved alternative paving
surface in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

16,206± Square Feet / 0.37± Acres

ENGINEERING**COMMENTS****SURFACING VARIANCE:** Please attach the following

CONDITIONS to any approval:

- a. Submit and receive a Land Disturbance Permit for the proposed site development.
- b. Submit a ROW Permit (City of Mobile and ALDOT) for any work within the public ROW. Aggregate surfacing is NOT be allowed within the public ROW.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

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

CITY COUNCIL
DISTRICT

District 4

ANALYSIS

The applicant is requesting Access and Surfacing Variances to allow gravel access and parking for a business in a B-3, Community Business District; the Zoning Ordinance requires access and parking areas be paved with asphalt, concrete or an approved alternative paving surface in a B-3, Community Business District.

The Board approved the same request at its May 6, 2013 meeting with the following conditions:

- 1) revision of the site plan to show parking bumpers or landscape timbers around the gravel parking and maneuvering area;
- 2) compliance with Engineering comments (*The Engineering Department did not receive any request to review an alternate surface. Any development, whether gravel or paved, would require a Land Disturbance Permit and would be reviewed for conformance to the Storm Water Management and Flood Control Ordinance prior to any construction of proposed site work.*);
- 3) coordination with ALDOT and Engineering regarding any work in the right-of-way; and,
- 4) full compliance with all other municipal codes and ordinances.

It appears the Variances were allowed to expire, as no business license was issued for automobile sales, and no permits were issued for any improvements to the site. The applicant wishes to again allow gravel access and parking for a used automobile dealership, citing previous Variance approvals as justification for the request:

“This property has been utilized for automobile sales for many years and during this time there have always been gravel drives and parking areas.

The previous variance has expired and we would like new variance approval.”

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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.

Variances are site-plan specific; therefore, any proposed development will require an application to the Board to amend an approved site plan prior to any construction activities.

The site has been given a **Mixed Commercial Corridor** land use designation per the recently adopted Future Land Use Plan and Map. 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 land use designation mostly applies to transportation corridors West of I-65 serving primarily the low-density (suburban) residential neighborhoods.

Mixed Commercial Corridors include a wide variety of retail, services and entertainment uses. This designation also acknowledges existing commercial development spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor. Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

The site is within the Theodore-Tillman's Corner Annexation. Rezoning of the property from R-1, Single-Family Residential District, to B-3, Community Business District, was recommended for approval by the Planning Commission at its February 19, 2009 meeting and adopted by City Council at its July 7, 2009 meeting (see Ordinance 1685).

A survey of the site was provided by the applicant as a site plan and does not appear to differ from the previous site plan; and thus does not appear to depict prior conditions of approval. Undated photographs provided by the applicant do show wheel stops where customer parking would be located, as well as wooden posts to contain automobile inventory, but it is not clear if the site meets compliance with off-street parking requirements. As such, revision of the site plan should be required to illustrate compliance with off-street parking for customers of automobile sales businesses, the ratio of which is one (1) space per three hundred (300) square-feet of office space; and, if applicable, one (1) space per three (3) warehouse employees.

It should be noted that Engineering typically requires access to and from handicapped parking spaces, as well as the spaces themselves, be paved in either asphalt or concrete. While this was not mandatory for previous Variance approvals for the site, the applicant should provide paved, handicap-accessible parking, which should comply with International Building Code (IBC) and Americans with Disabilities Act (ADA) standards, and should be illustrated on a revised site plan.

The undated photographs provided by the applicant appear to be from several years ago as they do not reflect recent Google Street View images from November, 2016. The Google images depict chain link and wood privacy fencing around what would presumably be the lot on which automobile inventory would be stored, and no wheel stops are visible. If the Google images reflect existing site conditions, then the site plan should be revised and after-the-fact permits for the fencing will be required.

A dumpster is not depicted on the site plan. If a dumpster is placed on the property, it must be in compliance with the current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance and must be illustrated on any revised site plan(s); or, a note should be placed on the site plan stating that curbside pickup will be utilized.

No trees or landscaping are illustrated on the site plan, and the previous Variance approval did not require trees or landscaping. The site, as proposed, will not necessitate compliance.

Finally, considering the Board approved the same request in 2013, it would seem appropriate to approve the request at hand.

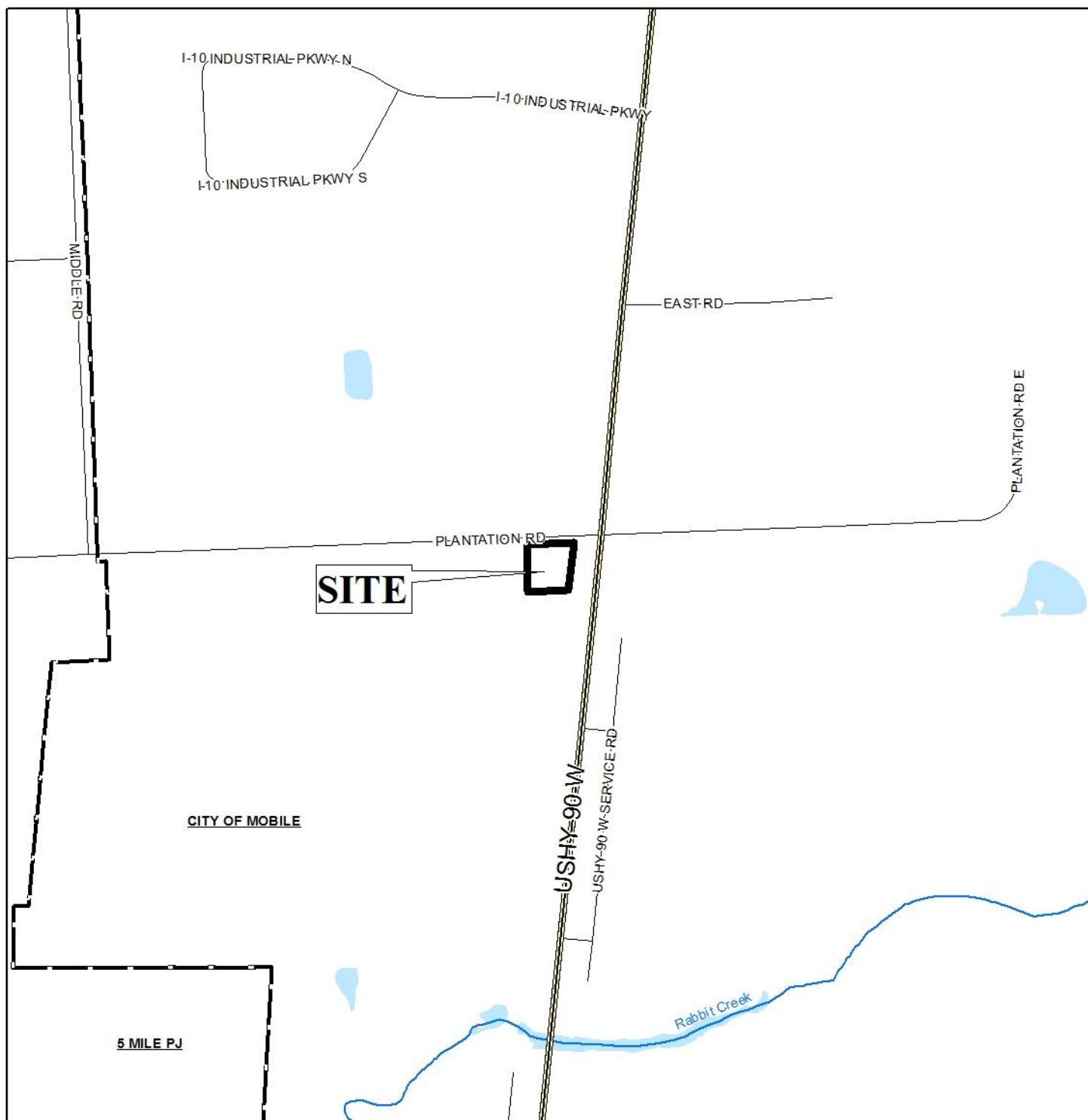
RECOMMENDATION: Based on the preceding, Staff recommends to the Board the following facts for Approval:

- 1) Granting the variance will not be contrary to the public interest due to the commonality of aggregate surfacing on neighboring properties;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship due to the fact that the site is developed, and has a history of nonconforming use and surfacing; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance due to previous Variance approvals for a similar request.

Recommendation for approval is subject to the following conditions:

- 1) revision of the site plan to illustrate wheel stops in compliance with Section 64-6.A.6. of the Zoning Ordinance regarding required amounts of off-street parking;
- 2) compliance with Engineering comments: (SURFACING VARIANCE: *Please attach the following CONDITIONS to any approval: a) Submit and receive a Land Disturbance Permit for the proposed site development. b) Submit a ROW Permit (City of Mobile and ALDOT) for any work within the public ROW. Aggregate surfacing is NOT be allowed within the public ROW.);*
- 3) compliance with Traffic Engineering comments: (*Comments.*);
- 4) compliance with 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 2015-116 and City Code Chapters 57 and 64.);*);
- 5) compliance with 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.);*); and,
- 6) full compliance with all municipal codes and ordinances.

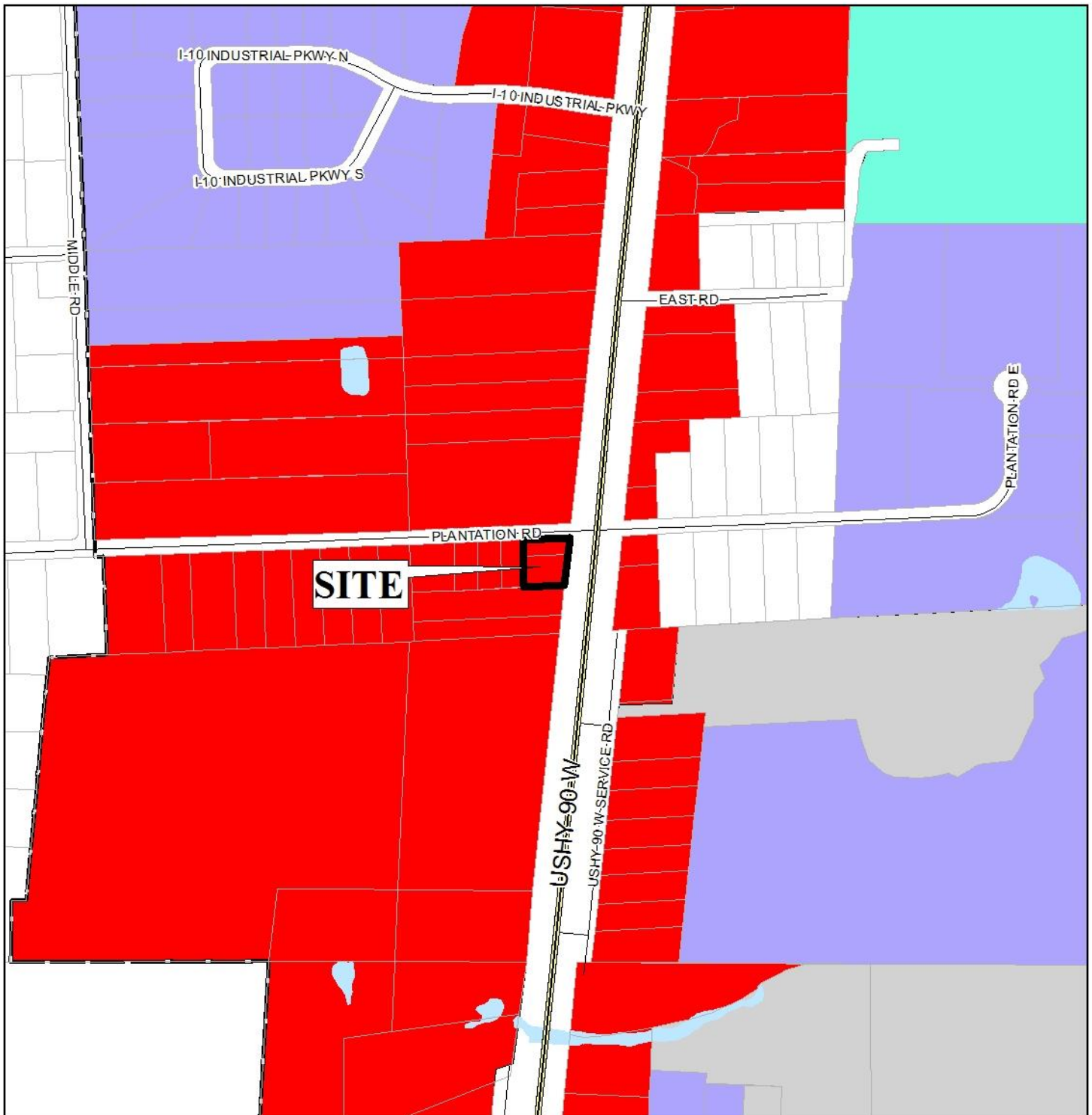
LOCATOR MAP



APPLICATION NUMBER 6132 DATE October 2, 2017
APPLICANT Carney Reid
REQUEST Access and Parking Surface Variances



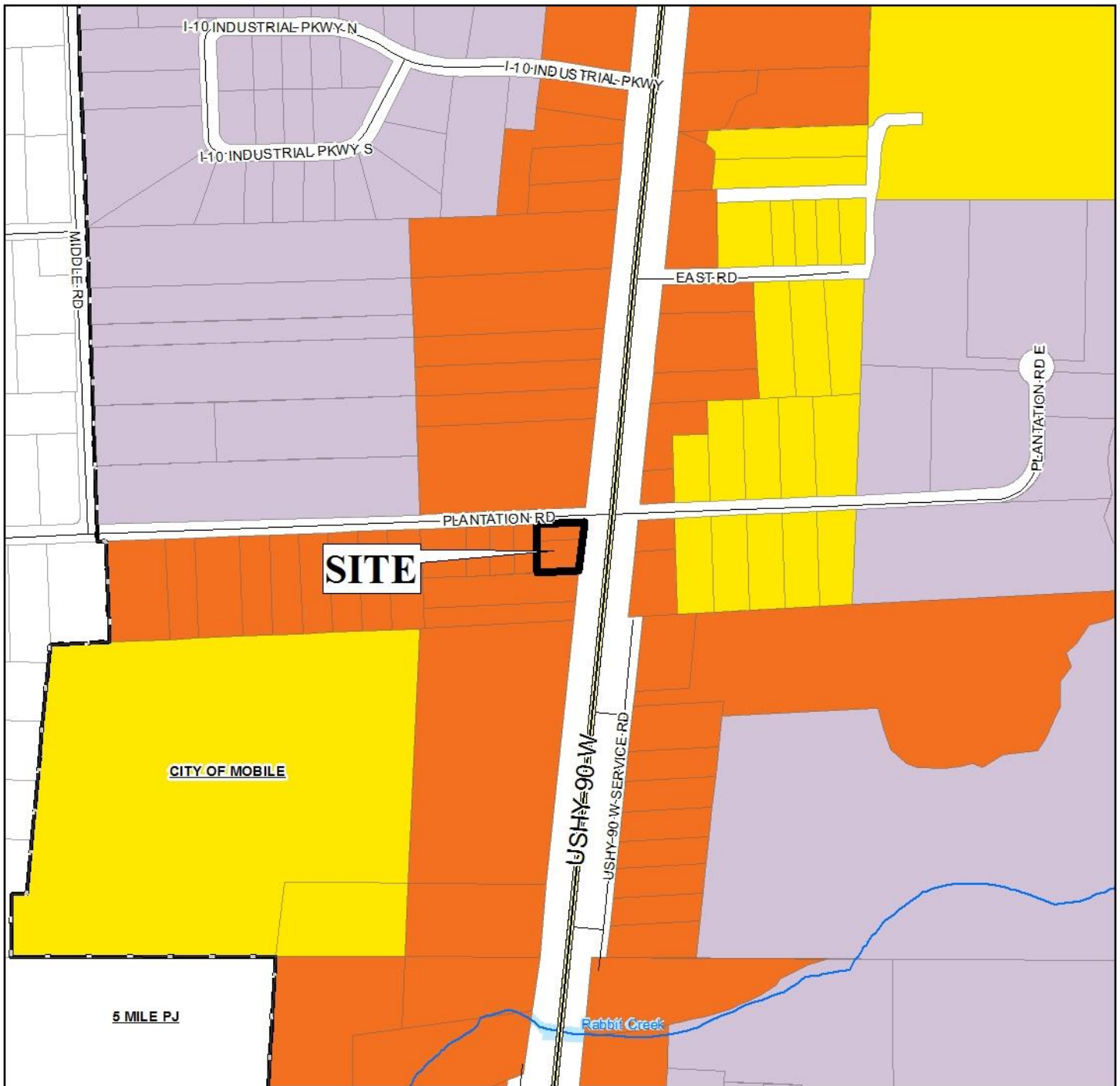
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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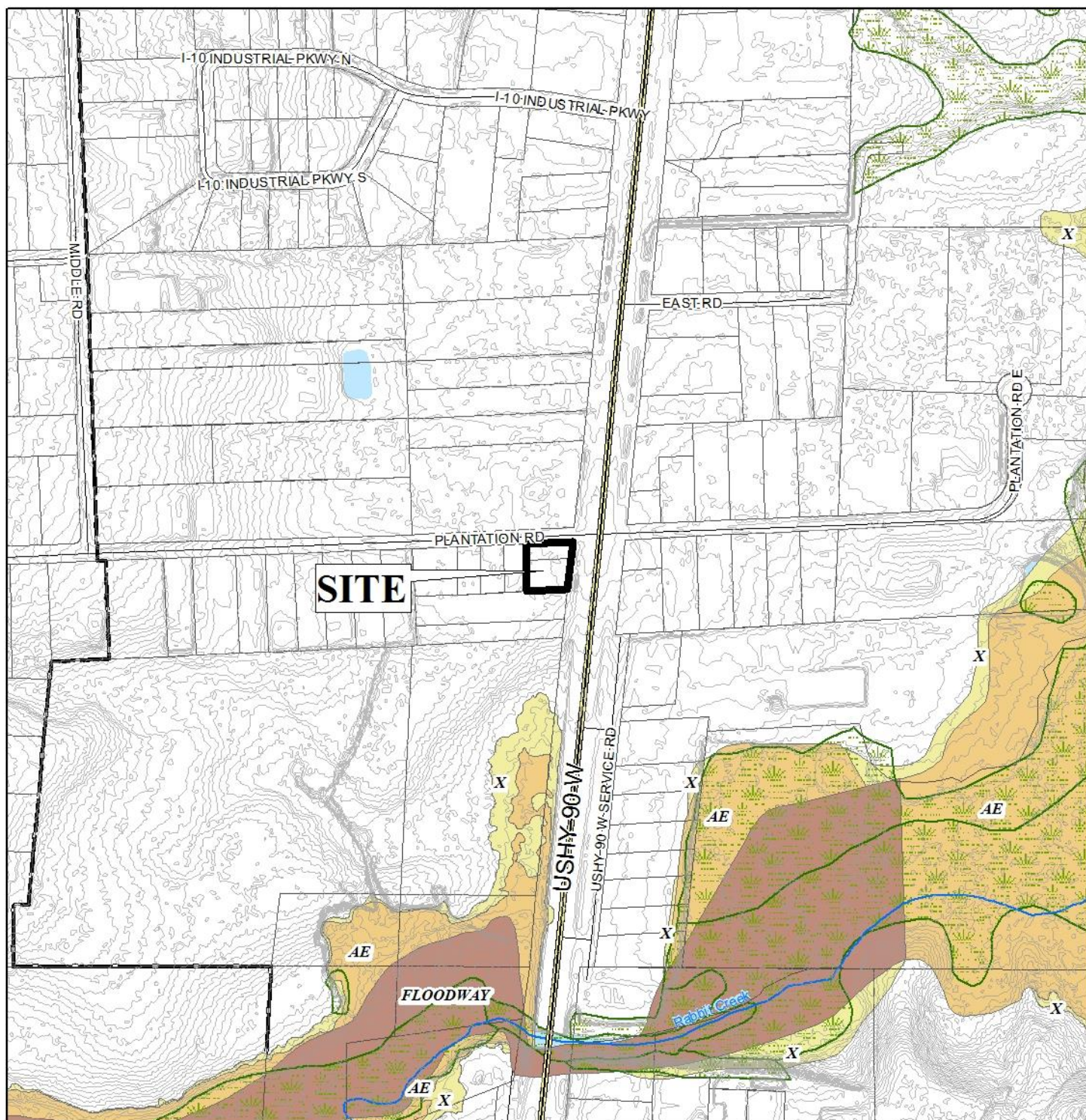
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- | | | | |
|---------------------------|----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center- Traditional | Downtown Waterfront | Water Dependent |
| Mixed Density Residential | Traditional Corridor | Light Industry | Parks & Open Space |
| Downtown | Neighborhood Center- Suburban | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



ENVIRONMENTAL LOCATOR MAP



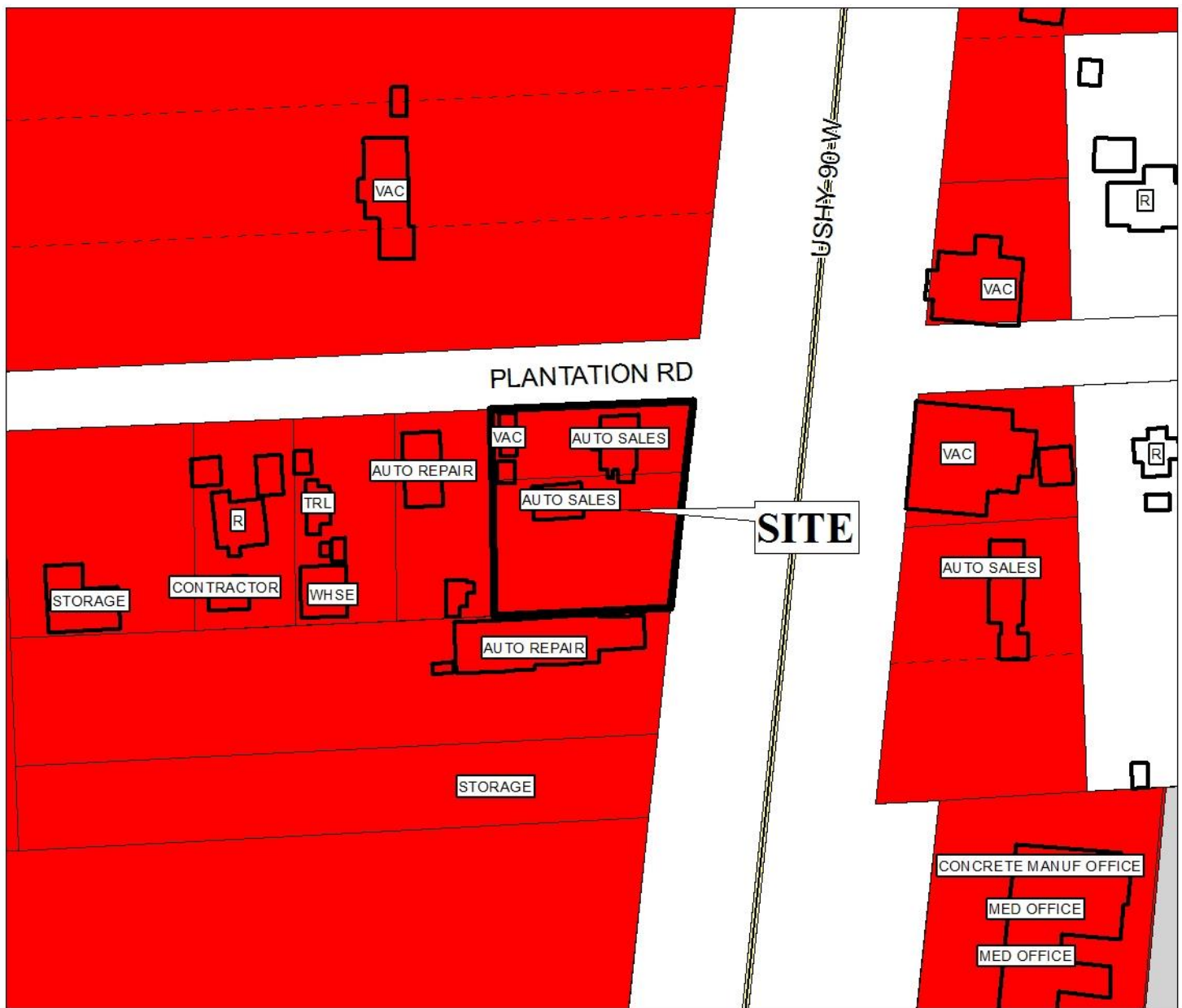
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential 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

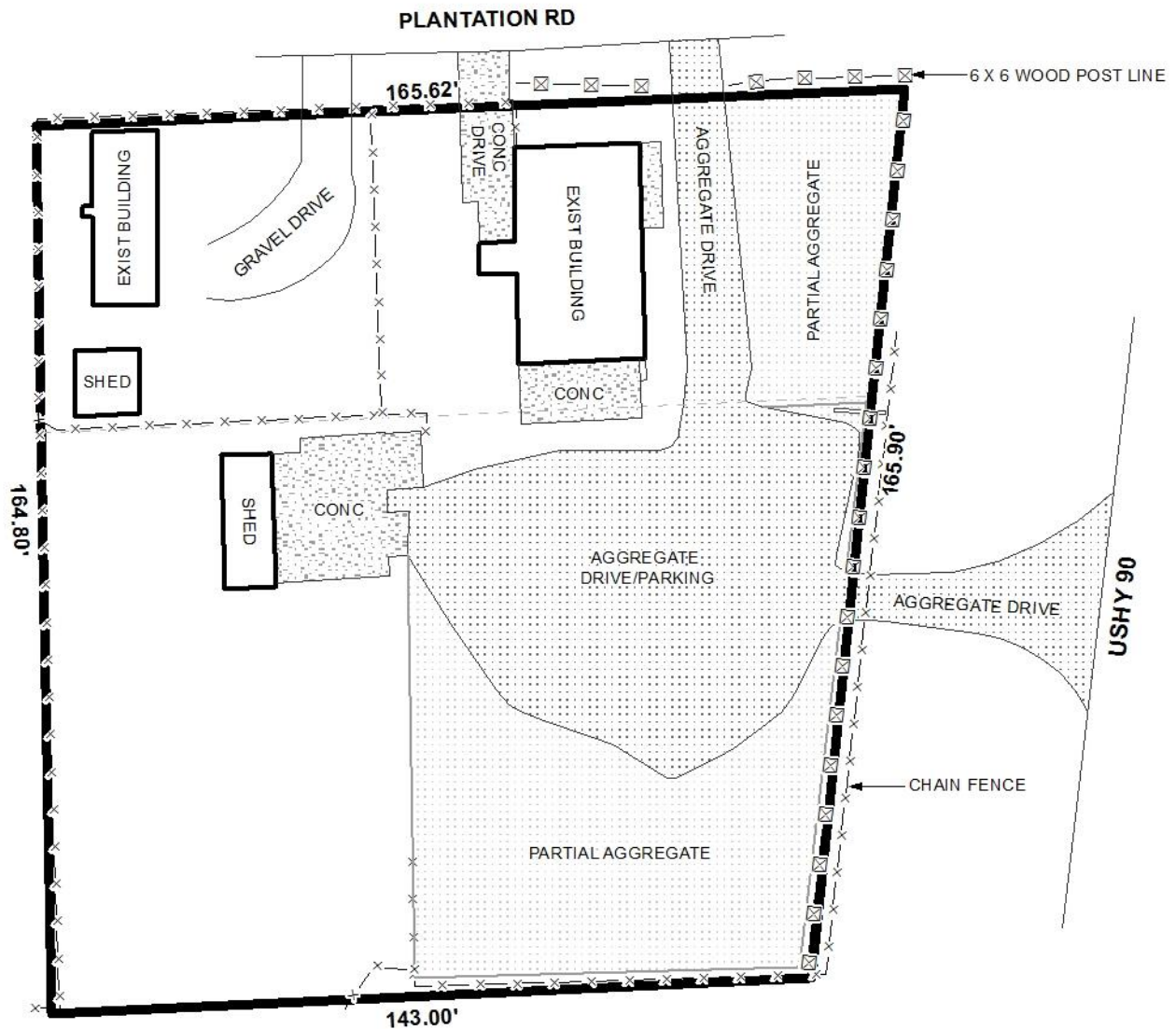


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SITE PLAN



The site plan illustrates

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