

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 5, 2021

CASE NUMBER

6372/1011

APPLICANT NAME

St. John’s Deliverance Temple

LOCATION

2621 Ralston Road
(South side of Ralston Road, 240’± West of South Florida Street).

VARIANCE REQUEST

SITE COVERAGE: To allow over 50% site coverage in a B-2, Neighborhood Business District (rezoning pending).

BUILDING SETBACK: To allow reduced front yard and rear yard setbacks in a B-2, Neighborhood Business District (rezoning pending).

RESIDENTIAL BUFFER: To allow no residential buffer in a B-2, Neighborhood Business District (rezoning pending).

OFF-SITE PARKING: To allow off-site parking for an existing church in a B-2, Neighborhood Business District (rezoning pending).

**ZONING ORDINANCE
REQUIREMENT**

SITE COVERAGE: The Zoning Ordinance limits the maximum site coverage to 50% in a B-2, Neighborhood Business District (rezoning pending).

BUILDING SETBACK: The Zoning Ordinance requires a 25’ front setback and a ten-foot rear setback in a B-2, Neighborhood Business District (rezoning pending).

RESIDENTIAL BUFFER: The Zoning Ordinance requires a compliant residential buffer in a B-2, Neighborhood Business District (rezoning pending).

OFF-SITE PARKING: The Zoning Ordinance requires all parking to be on-site for a church in a B-2, Neighborhood Business District (rezoning pending).

ZONING

B-2, Neighborhood Business District (rezoning pending)

AREA OF PROPERTY 0.76± Acre

ENGINEERING

COMMENTS

SITE COVERAGE VARIANCE:

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

BUIDING SETBACK VARIANCE (FRONT AND REAR YARD):

NO COMMENTS

RESIDENTIAL BUFFER VARIANCE:

NO COMMENTS

OFF-SITE PARKING VARIANCE:

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
3. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

TRAFFIC ENGINEERING

COMMENTS

being all offsite.

No parking plan provided to review, other than notating it

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). Private removal of trees in the right-of-way will

require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL

DISTRICT

District 5

ANALYSIS

The applicant is requesting Site Coverage, Building Setback, Residential Buffer, and Off-Site Parking Variances to allow over 50% site coverage, reduced front yard and rear yard setbacks, no residential buffer, and off-site parking for an existing church in a B-2, Neighborhood Business District (rezoning pending); the Zoning Ordinance limits the maximum site coverage to 50%, with a 25' front setback and a ten-foot rear setback, a compliant residential buffer, and requires all parking to be on-site for a church in a B-2, Neighborhood Business District.

The site has been given a Low Density Residential (LDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use

Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 subject site previously had an attached gym where a new multi-purpose addition is currently proposed. The gym was removed from the site, with permits, in 2019. In addition to the application currently before the Board for consideration, the applicant also has applications on the Planning Commission’s April 1, 2021 agenda for Planned Unit Development approval to allow multiple buildings on a single building site, and Rezoning from R-1, Single-Family Residential District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District.

The applicant states:

THIS SITE HAS BEEN DEVELOPED AS A CHURCH WITH RELATED CLASSROOM BUILDINGS FOR MANY YEARS AND WAS LISTED IN A 1961 TELEPHONE DIRECTORY AS WESTLAWN BAPTIST CHURCH. GOFORTH MEDIA SUBDIVISION OF THE PROPERTY WAS RECORDED IN 1994 AND SHOWED THE EXISTING BUILDINGS. UNFORTUNATELY, IN 2018 A TROPICAL STORM BLEW A TREE ONTO THE WEST END OF THE BUILDING DESTROYING IT BEYOND REPAIR. THE CHURCH REMOVED THAT PORTION BUT WAS UNABLE TO REPLACE IT AT THAT TIME. THEIR PROPOSAL IS TO CONSTRUCT A SEPARATE BUILDING ON THE FOOTPRINT OF THE DESTROYED PORTION OF THE CHURCH. UNDER THE CITY’S REGULATIONS IN PLACE TODAY, THIS PROPOSAL REQUIRES SEVERAL VARIANCES THAT ARE EXPLAINED AS FOLLOWS:

- 1. SITE VARIANCE: B-2 ZONING ALLOWS 50% BUILDING SITE COVERAGE AND THIS PROPOSAL HAS 55% SITE COVERAGE BUT IS THE ORIGINAL FOOTPRINT.*
- 2. BUILDING SETBACK: THE REQUIRED SETBACKS IN B-2 ZONING IS 25’ FOR THE FRONT AND 10’ FOR THE REAR SINCE IT ADJOINS AN R-3 ZONING. THE PROPOSED BUILDING IS APPROXIMATELY 15’ FROM THE FRONT PROPERTY LINE WHICH IS LOCATED FURTHER FROM RALSTON ROAD THAN THE MAIN*

CHURCH BUILDING. THE PROPOSED BUILDING IS APPROXIMATELY 5' FROM THE REAR PROPERTY LINE BUT IS IN LINE WITH THE MAIN CHURCH BUILDING AND IS LOCATED ON THE FOOTPRINT OF THE ORIGINAL BUILDING.

- 3. BUFFER: WE ARE ASKING FOR A VARIANCE FROM ANY REQUIRED BUFFERING BETWEEN THIS SITE AND THE RESIDENTIALLY ZONED PROPERTIES. THERE HAS NOT BEEN A BUFFER FOR THE MANY YEARS THE CHURCH HAS EXISTED AND THE BOTTOM OF THE WINDOWS ON THE WEST SIDE OF THE NEW BUILDING ARE 8' ABOVE THE FLOOR AND THERE ARE NO WINDOWS ON THE SOUTH SIDE, THEREFORE ADDITIONAL BUFFERING IS NOT NECESSARY.*
- 4. PARKING: THE CHURCH HAS HAD A LONGTERM AGREEMENT WITH THE OWNER OF THE PROPERTY ACROSS RALSTON ROAD THAT ALLOWS THE CHURCH MEMBERS TO PARK DURING CHURCH FUNCTIONS.*

The property is bounded to the South by property zoned R-3, Multiple Family Residential and developed as an apartment complex; to the East by property zoned B-2 and developed as condominiums; to the West by property zoned R-1 and developed as single-family dwellings; and to the North by property zoned R-1 and developed as single-family dwellings and property zoned B-2 and developed commercially.

The proposed multi-purpose building is depicted as 3,000± square feet, and is located on the Western portion of the site. The addition is proposed to be 15.5'± from the front property line, and is within the 25' minimum building setback; however, it is further setback than existing portions of the church, which was initially built around 1970. Moreover, while the addition will result in excessive site coverage, it is a similar site coverage that existed in 2018 prior to the demolition of the gym.

The applicant does not specifically state the purpose of the new structure. The site plan provided does describe it as a "fellowship hall", with a parking ratio of one parking space per 300 square feet (the parking ratio used for office/retail uses), resulting in ten (10) parking spaces being required. Typically, parking ratio for churches is calculated at a rate of one (1) parking space per four (4) seats in the sanctuary. The church has 253 seats, thus requiring 64 parking spaces. The site plan states that 215 parking spaces are available for use at the commercial development across the street, but no site plan was provided for that site, and no letter of authorization of that property owner to use the parking was submitted with the application. The applicant states that there should not be much, if any, overlap in hours of operation for the commercial development (Monday-Friday, 8:30-4:30) and the subject site (afternoons, early evenings, and weekends). In order for the Planning Commission or the Board of Zoning Adjustment to consider authorizing the applicant's use of off-site parking, authorization of that property owner of the commercial development as well as a site plan depicting all parking spaces must be submitted for review.

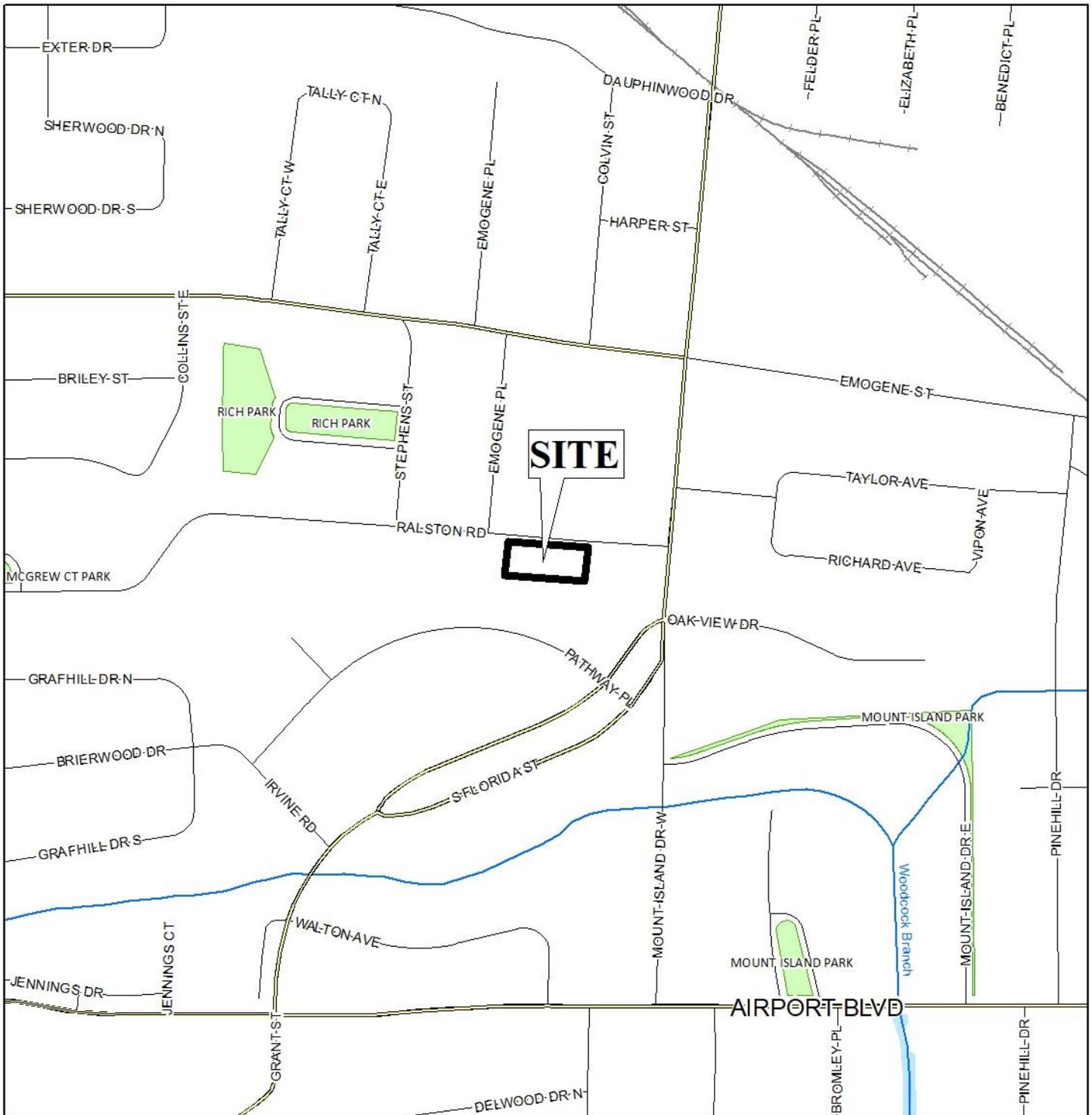
It should be noted that the proposed addition to the property will not result in the property being required to comply with tree planting/landscaping requirements at this time.

The site plan notes that curbside pickup will be utilized. If approved, the site plan should retain this note.

RECOMMENDATION: Staff recommends the application be Heldover to the May 6, 2021 meeting, with revisions due by April 16th to address the following:

- 1) Authorization of the property owner for the off-site parking proposed; and
- 2) Submittal of a site plan depicting off-site parking.

LOCATOR MAP



APPLICATION NUMBER 6372 DATE April 5, 2021

APPLICANT St. John's Deliverance Temple

REQUEST Site Coverage, Building Setback, Residential Buffer,
and Off-Site Parking Variances



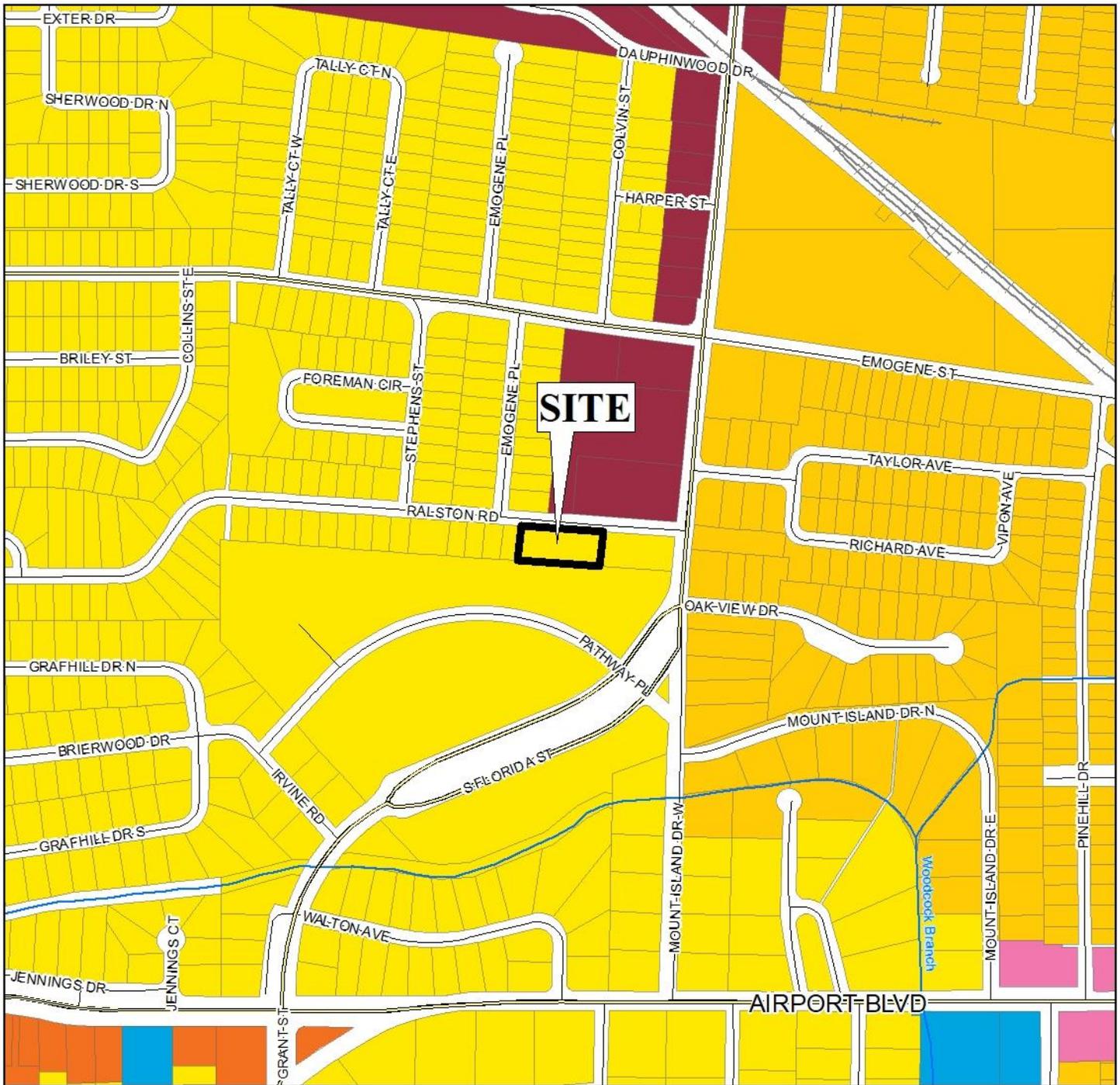
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 6372 DATE April 5, 2021

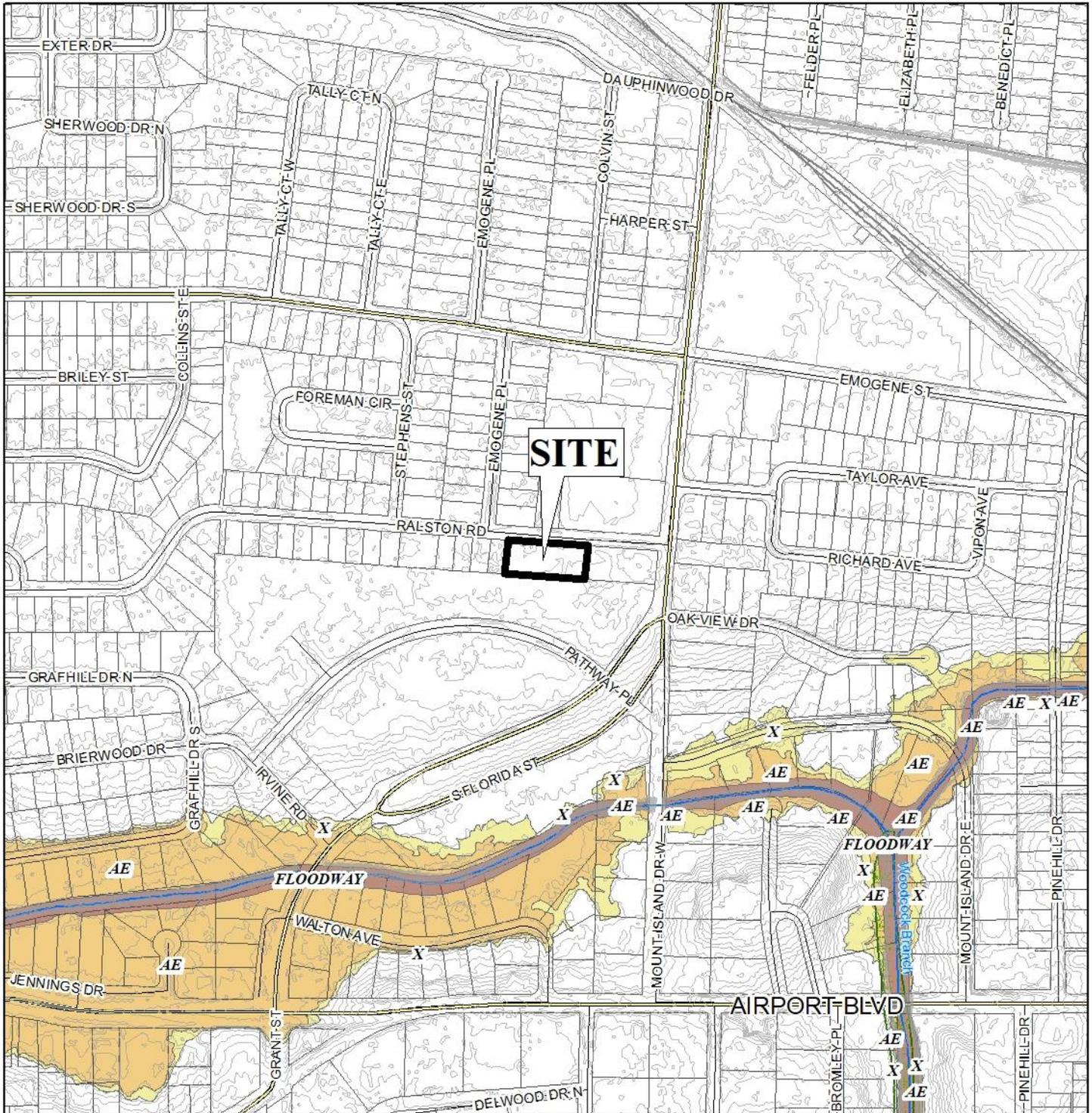
APPLICANT St. John's Deliverance Temple
 Site Coverage, Building Setback, Residential Buffer,

REQUEST and Off-Site Parking Variances

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



ENVIRONMENTAL LOCATOR MAP



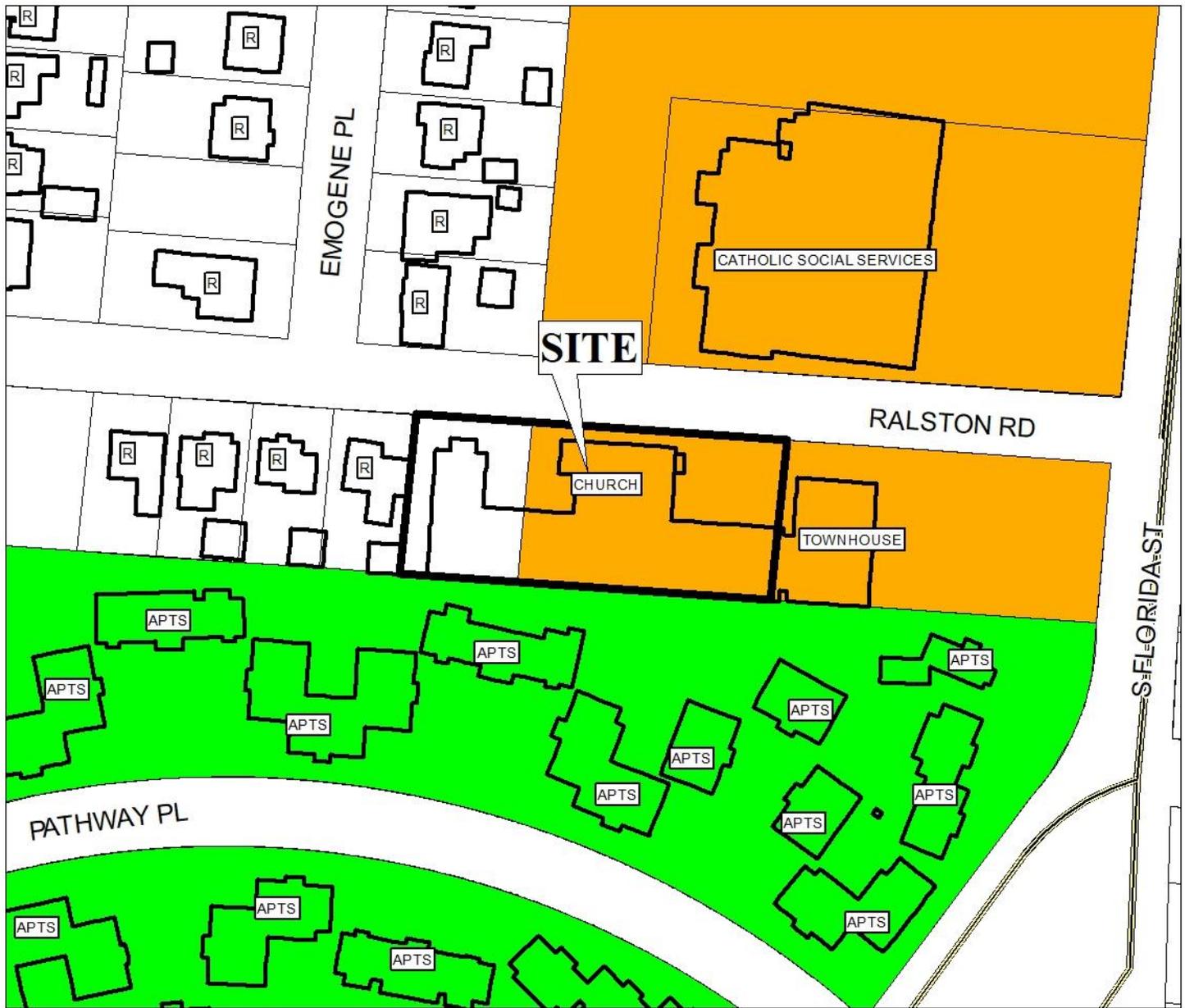
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by apartments, single family residential units, and commercial units.

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Site Coverage, Building Setback, Residential Buffer,

REQUEST Off-Site Parking Variances

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



The site is surrounded by apartments, single family residential units, and commercial units.

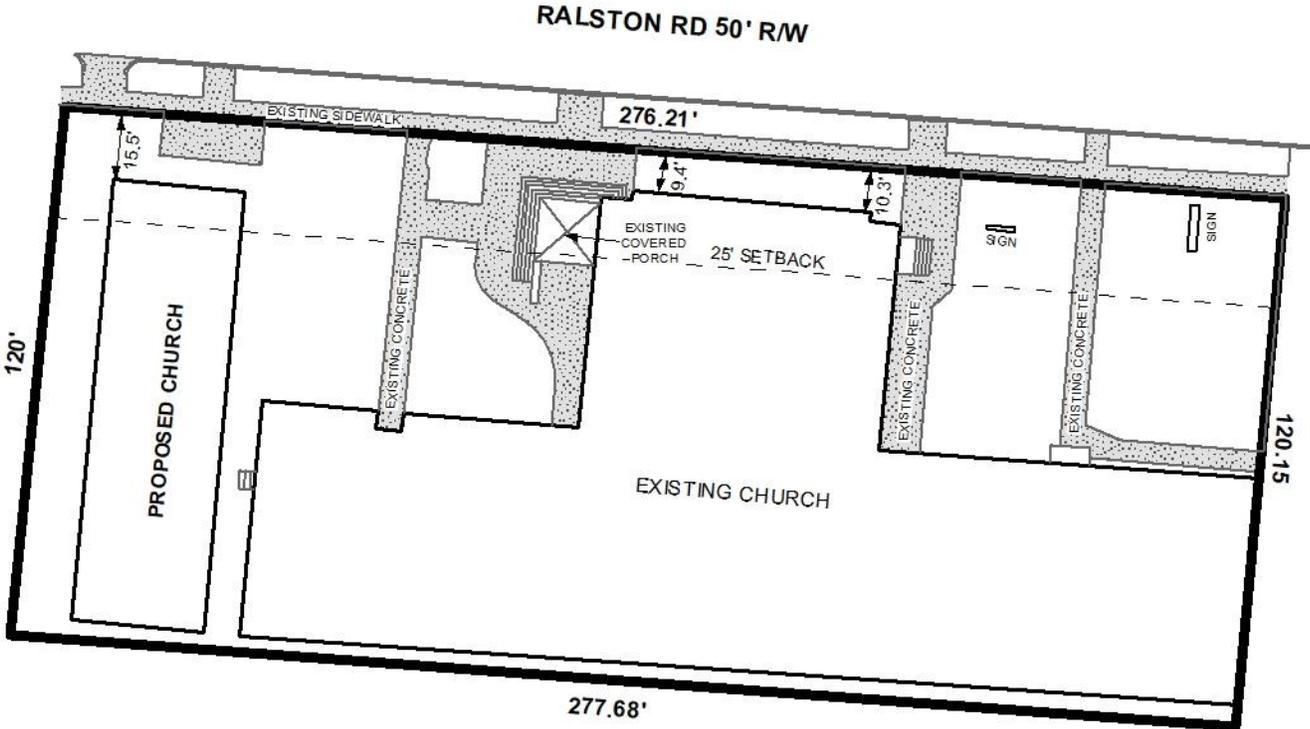
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SITE PLAN

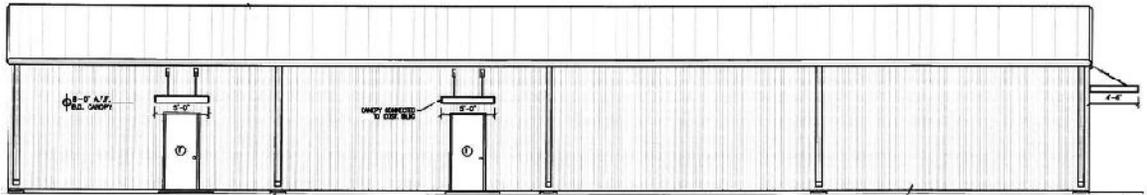


The site plan illustrates an existing building, setback and a proposed building.

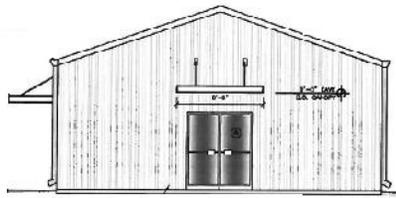
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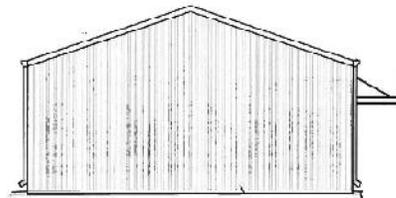
DETAIL SITE PLAN



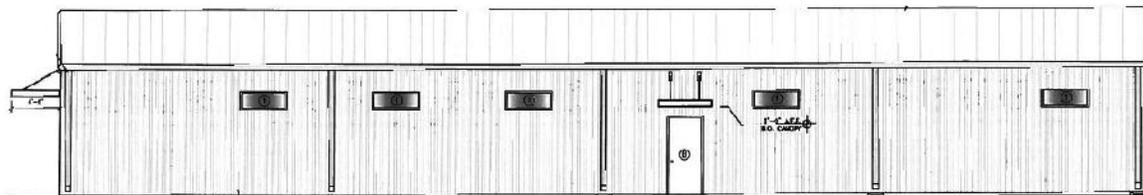
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



WEST ELEVATION

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