

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 2, 2021****CASE NUMBER**

6407 / 4282

APPLICANT NAME

Winston Davison

LOCATION1590 Regency Drive
(Southwest corner of Regency Drive and Knob Hill Drive).**VARIANCE REQUEST****USE:** Use Variance to allow the storage of a commercial truck and trailer at a residence in an R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance does not allow the storage of commercial trucks and trailers at a residence in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District.

AREA OF PROPERTY

0.3± Acre

**ENGINEERING
COMMENTS****USE VARIANCES (Truck/Trailer Storage):** If the proposed variances are approved for use the applicant will need to have the following conditions met:

1. A stabilized parking area should be provided to reduce erosion and sediment loss.
2. Any land disturbing activity for an additional parking area will require that a Land Disturbance Permit (Single Family Residential Affidavit) be submitted through Central Permitting.
3. 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.
4. 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.
5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 4

ANALYSIS

The applicant is requesting a Use Variance to allow the storage of a commercial truck and trailer at a residence in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow the storage of commercial trucks and trailers at a residence in an R-1, Single-Family Residential 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 applicant's narrative states:

I am submitting a variance request to park work vehicle at home address on personal property, between hauls while off duty, that is rarely loaded. When loaded there is no unloading required, no traffic, no machinery, and no noise. My job requires the use of a personal private passenger truck to be used in conjunction with a trailer which was found to be too long and overweight when connected. Because my property is on a Dead-End Street it possesses no danger to traffic or pedestrians. It was never my intent to make our neighbors uncomfortable or upset. It was only my intent to better my revenue to provide a better future for my family. I have attempted to park at other locations throughout the city and these efforts have not been successful. I have received parking violations from the city over time. I have also attempted to park at local truck stops that are almost always very crowded and no available parking, due to the late hours that I may get off work. Please see the pictures that were attached to the variance application to see how the vehicle will be parked. Thanks so much in advance for considering our request. You are very much appreciated. If you have any additional questions, please do not hesitate to contact me at the contact information below.

Staff received a 311-complaint stating that a commercial business was being operated out of the residence. Upon inspection, staff could not determine that a business was being operated at the location, however a commercial vehicle and trailer exceeding the maximum allowable 8,000 pounds gross vehicle weight was observed. The applicant received a Notice of Violation, hence the subject application.

While it is unfortunate that the applicant has had difficulty in finding a properly zoned location to store his truck and trailer, there are no special conditions with this site that make the storage of a commercial truck and trailer at the residence necessary and desirable. Furthermore, while the subject site is located at a dead-end street, it is located at the rear of a residential neighborhood, where the vehicle will pass a significant number of dwellings to get to the subject site. There have been no similar variances granted in this area.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Use Variance request:

- 1) Approving the variance will be contrary to the public interest in that it will allow the storage of a large commercial truck and trailer in a residential neighborhood;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the truck and trailer could be stored at either a properly zoned location, or location outside of the City of Mobile; and
- 3) The spirit of the chapter shall be not observed and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance by setting a precedent for other properties in the area, if approved.

Revised for the September 13th meeting:

The Board heldover the request at the applicant's request to discuss options with staff. No additional information was submitted, nor has the applicant reached out to staff regarding options moving forward. Therefore, the previous recommendation remains.

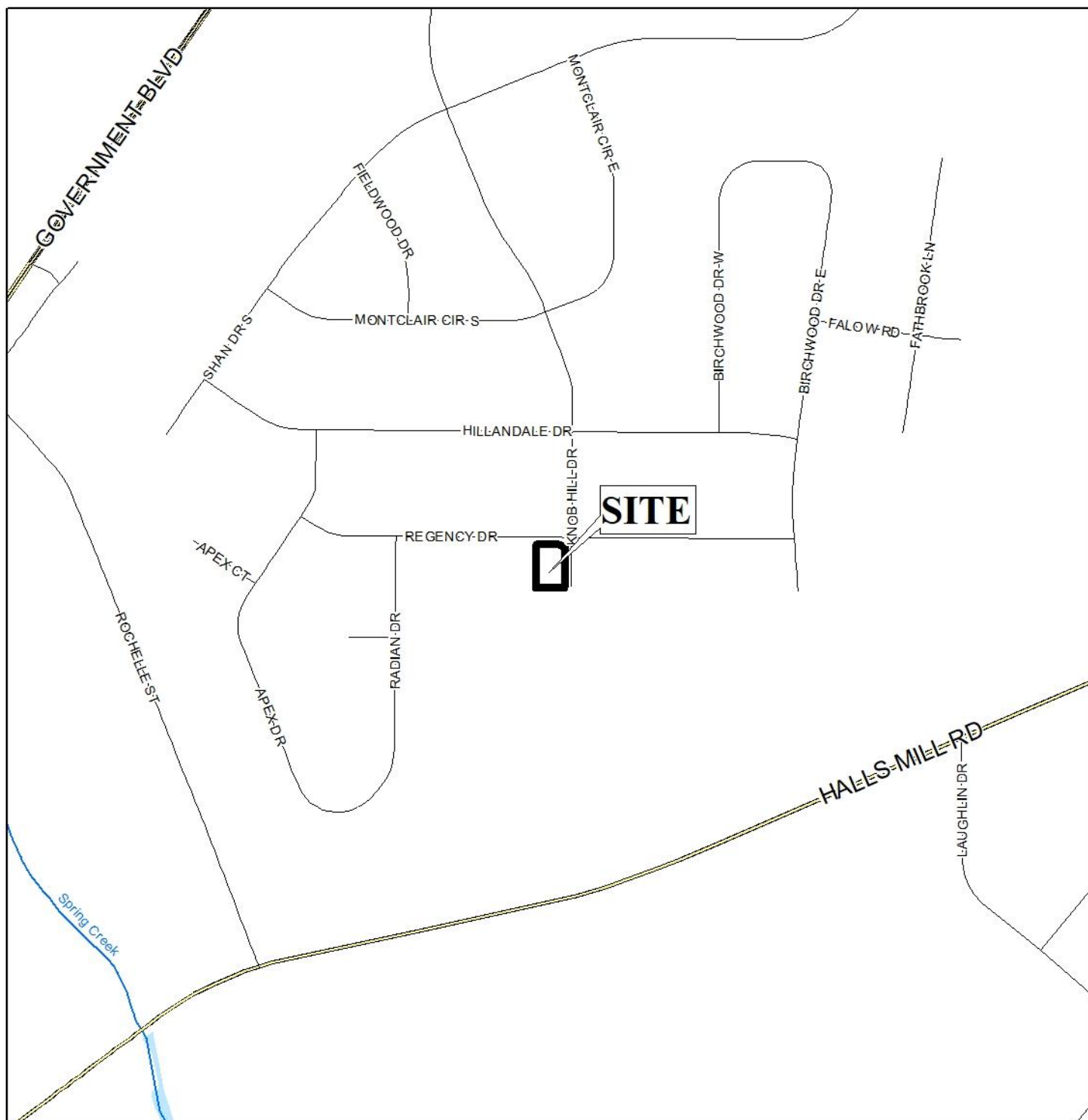
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Denial of the Use Variance request:

- 1) Approving the variance will be contrary to the public interest in that it will allow the storage of a large commercial truck and trailer in a residential neighborhood;
- 2) Special conditions do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, in that the truck and trailer could be stored at either a properly zoned location, or location outside of the City of Mobile; and
- 3) The spirit of the chapter shall be not observed and substantial justice shall not be done to the applicant and surrounding neighborhood by granting the variance by setting a precedent for other properties in the area, if approved.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 10th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 10th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

LOCATOR MAP



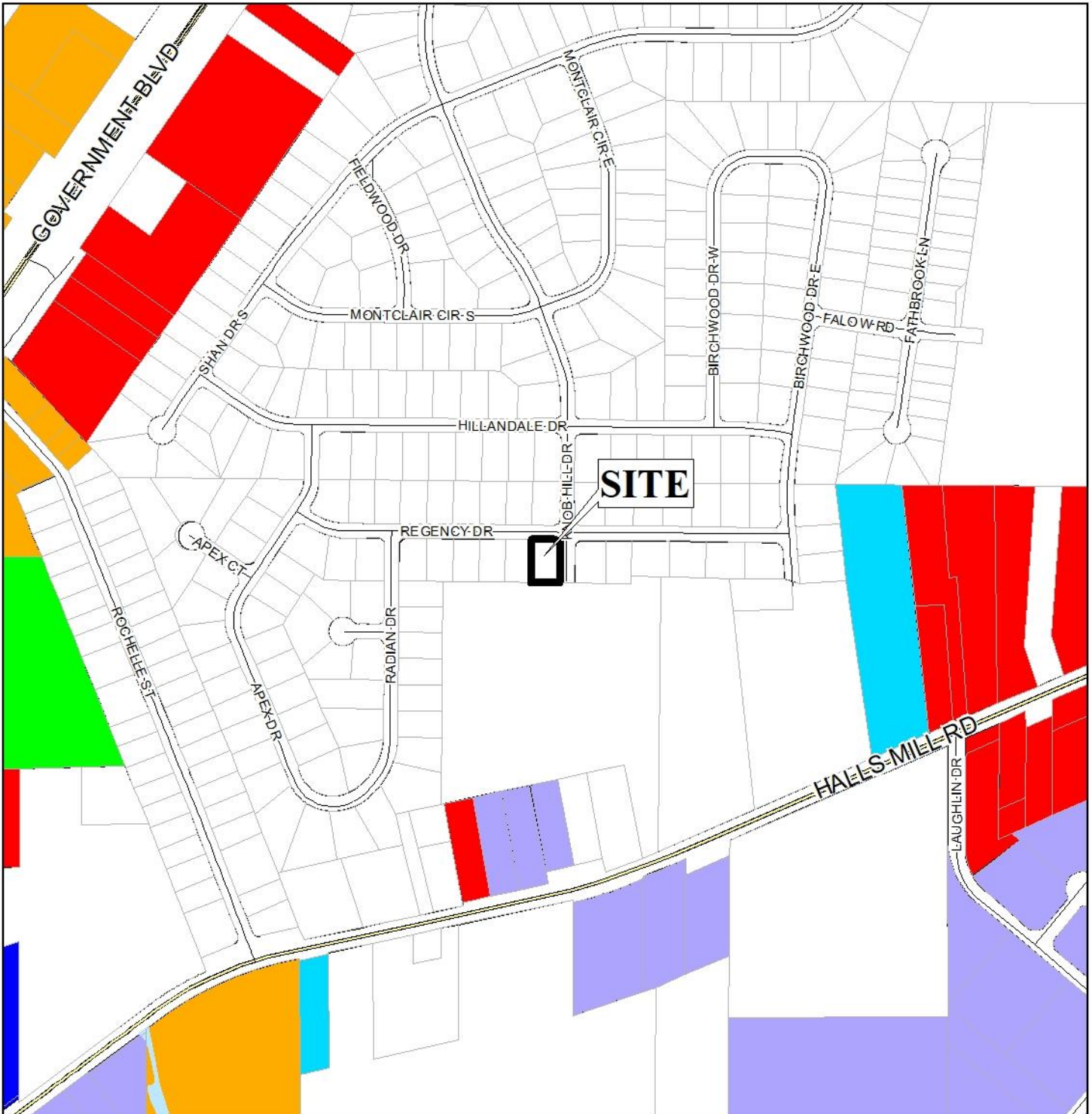
APPLICATION NUMBER 6407 DATE September 13, 2021

APPLICANT Winston Davison

REQUEST Use Variance



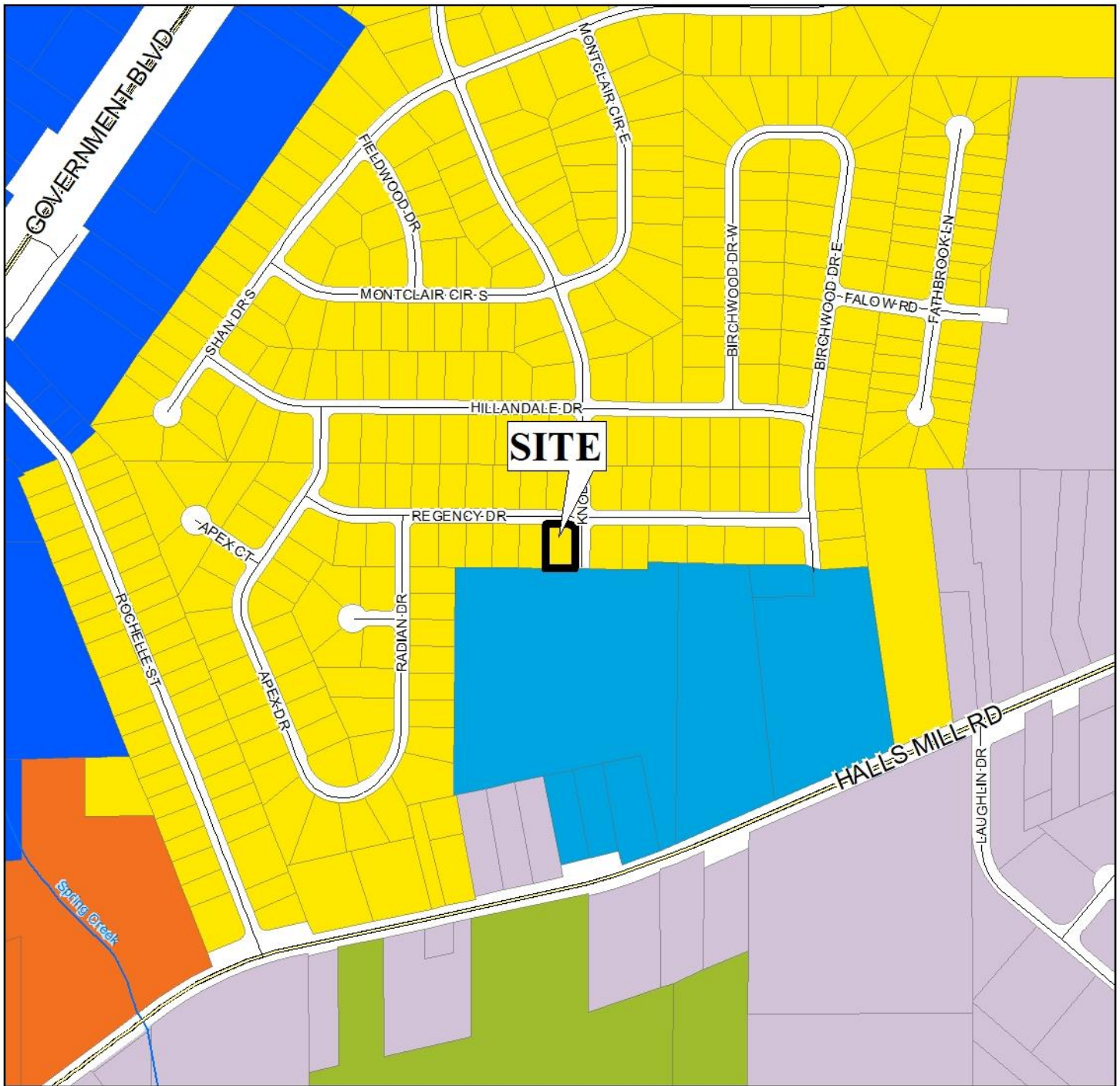
LOCATOR ZONING MAP



APPLICATION NUMBER 6407 DATE September 13, 2021
APPLICANT Winston Davison
REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6407 DATE September 13, 2021

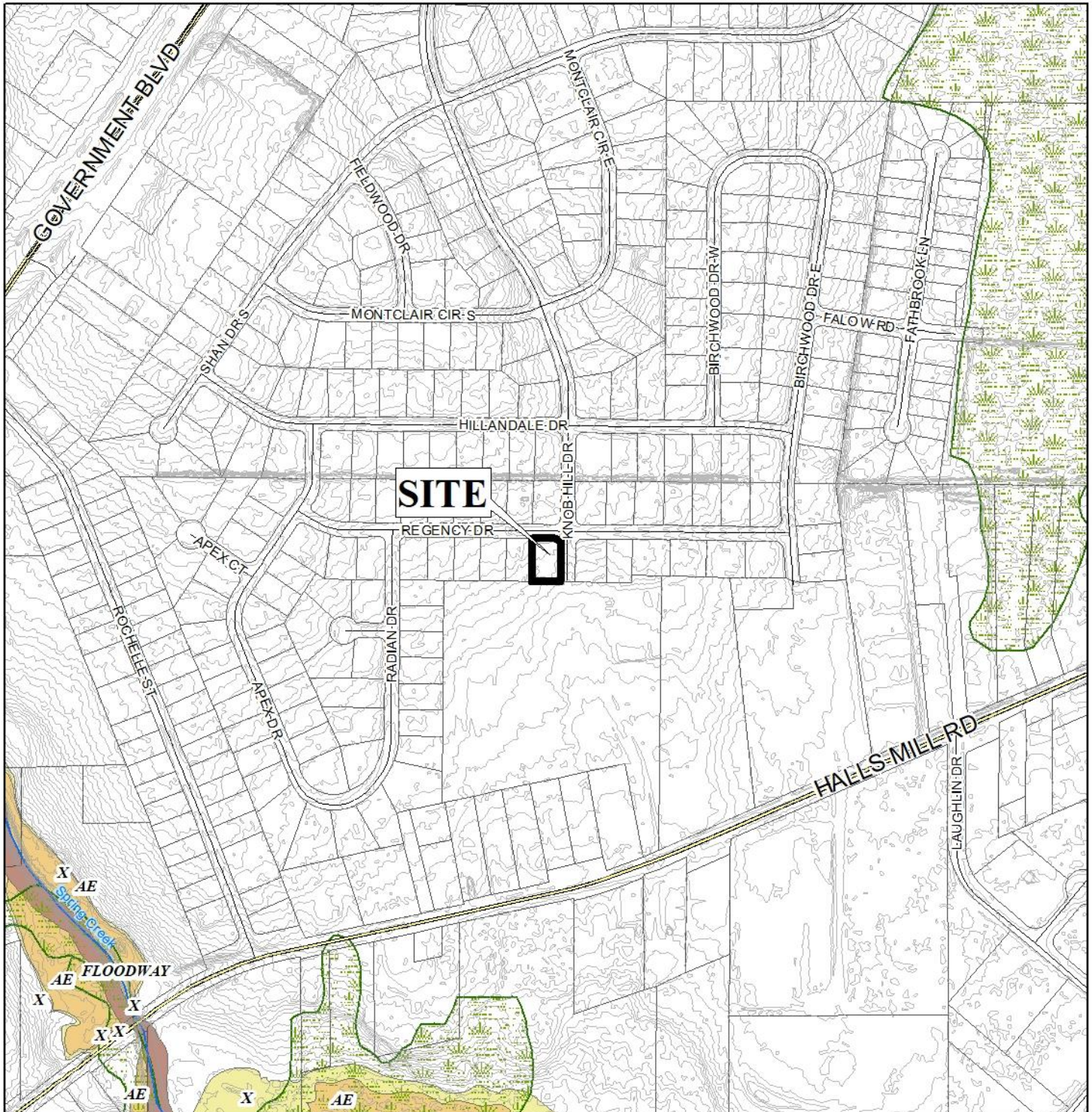
APPLICANT Winston Davison

REQUEST Use Variance

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



APPLICATION NUMBER	6407	DATE	September 13, 2021
APPLICANT	Winston Davison		
REQUEST	Use Variance		



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.
An athletic facility is located to the southeast.

APPLICATION NUMBER 6407 DATE September 13, 2021

APPLICANT Winston Davison

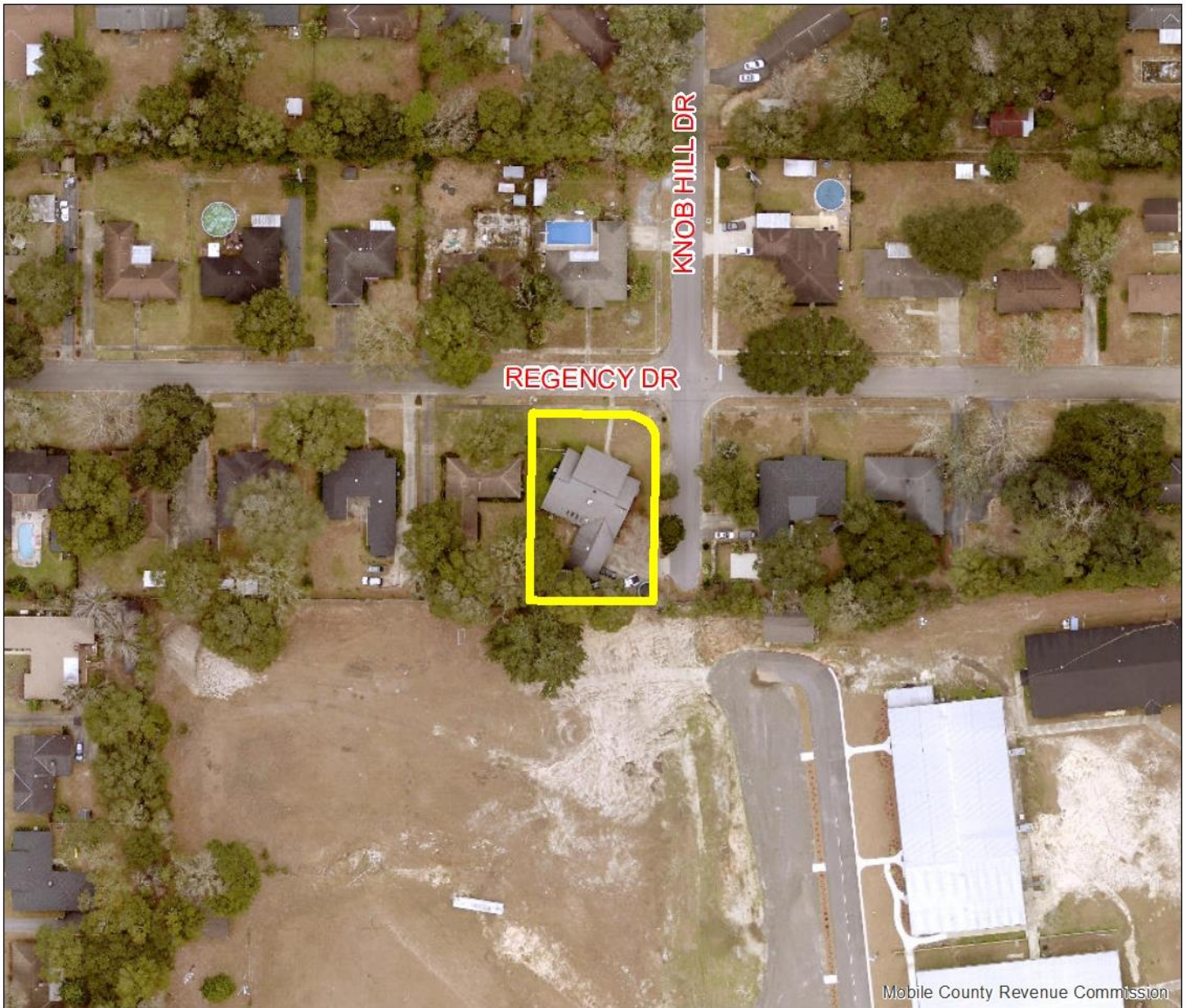
REQUEST Use Variance

 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



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL

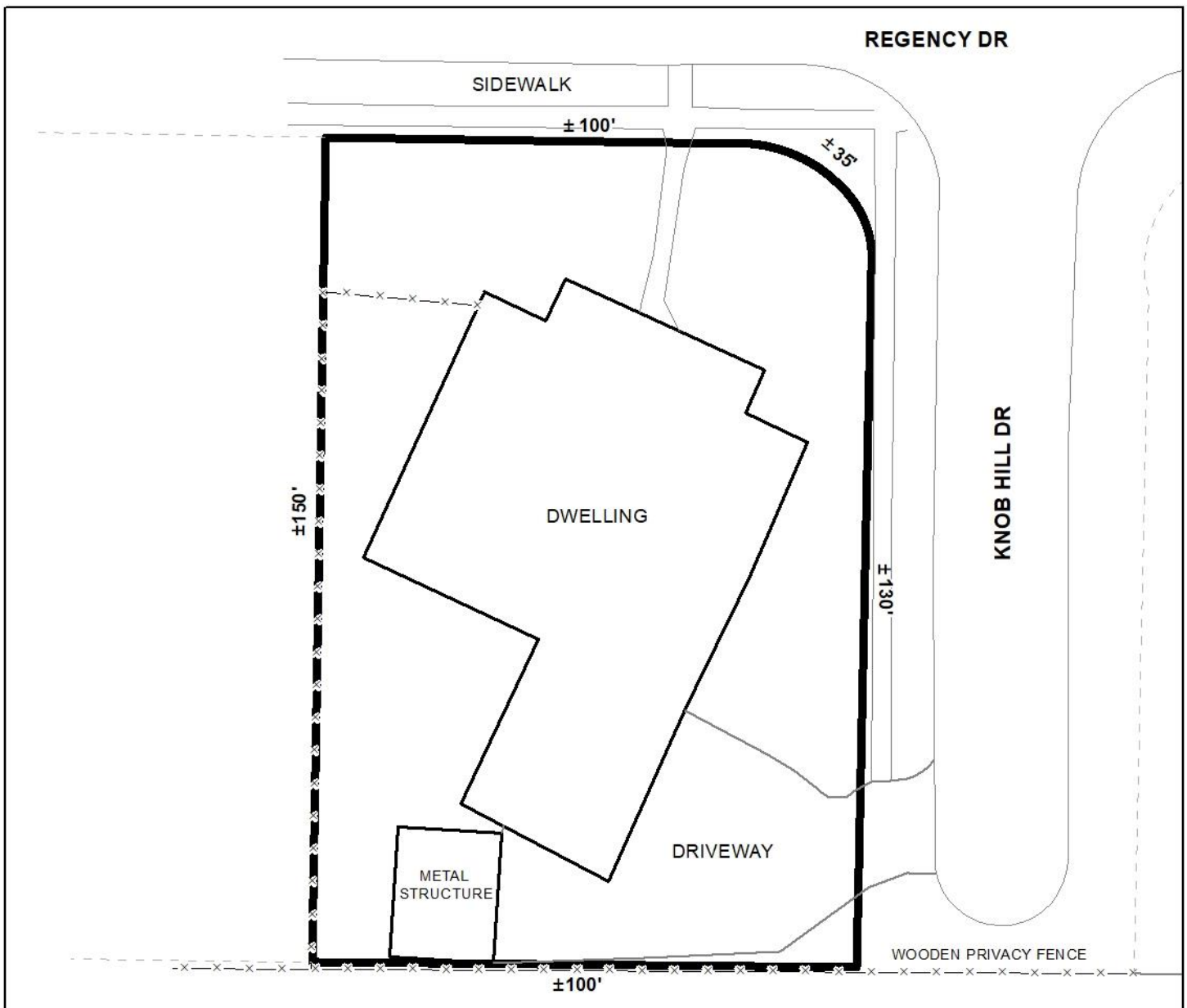


The site is surrounded by single family residential units and an athletic facility to the south.

APPLICATION NUMBER 6407 DATE September 13, 2021
 APPLICANT Winston Davison
 REQUEST Use Variance



SITE PLAN



The site plan illustrates existing structures and driveway.

APPLICATION NUMBER 6407 DATE September 13, 2021
APPLICANT Winston Davison
REQUEST Planning Approval



DETAIL SITE PLAN



APPLICATION NUMBER 6407 DATE September 13, 2021
APPLICANT Winston Davison
REQUEST Use Variance

