



Agenda Item # 3 BOA-002773-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

1704 McGill Avenue

Applicant / Agent:

Sire Investments, LLC / Michael Darrington, Agent

Property Owner:

Kyle Mokhtarian

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6563/6554/6413/6362

Unified Development Code (UDC) Requirement:

- The UDC limits the number of dwelling units to a maximum of one (1) per lot, requires compliant access, and requires asphalt, concrete, or an approved alternative paving surface for a duplex in an R-1, Single-Family Residential Urban District.

Board Consideration:

- Use, Access, and Parking Surface Variances to allow a duplex on a lot with sub-standard access and aggregate parking surface for a duplex in an R-1, Single-Family Residential Urban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units and Little Sisters of the Poor to the South.

APPLICATION NUMBER <u> 6563 </u> DATE <u> January 8, 2024 </u>	 NTS
APPLICANT <u> Sire Investments, LLC (Michael Darrington, Agent) </u>	
REQUEST <u> Use, Access, and Parking Surface Variances </u>	

SITE HISTORY

The site was part of a two-lot Subdivision approved by the Planning Commission at its October 1, 2020 meeting, which has subsequently been recorded in Probate Court.

At its meeting on December 7, 2020 the Board of Zoning Adjustment approved a Use, Parking Ratio, and Access Variance to allow four dwelling units on a lot with a reduced parking ratio and sub-standard access in an R-1 district.

On September 20, 2021 the Board approved a Parking Surface and Landscaping/Tree Planting Variance to allow an aggregate parking surface and reduced landscaping/tree plantings for an apartment complex in an R-1 district.

Most recently, on November 6, 2023 the Board of Zoning Adjustment denied Use, Parking Ratio, Access, Parking Surface, and Landscaping/Tree Planting Variances to allow four (4) dwelling units on a lot with a reduced parking ratio and sub-standard access with aggregate parking surface and reduced landscaping/tree plantings for an apartment complex in an R-1, Single-Family Residential Urban District.

The subject site is located in the Old Dauphin Way Historic District.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved 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.

Traffic Engineering Comments:

Providing the marked on-street parking does not allow for enough roadway width for two-way travel. For two-way travel two lanes are required and each lane shall be at least ten feet wide on residential streets. The roadway will need to maintain a total width of twenty feet. Although on-street parking is allowed on residential streets it is not marked and not reserved for any particular property. Traffic Engineering does not approve marked on-street parking on residential streets. Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The entire application packet is available via the link on Page 1.

The purpose of the variance is to allow for a duplex with sub-standard access. Upon further review of the application a surfacing variance is not needed per Section 64-3-12.A.5.(a)(1) of the UDC which exempts two-family dwellings from the aforementioned surfacing requirements.

The site has been granted similar variances in the past, however, permits were never issued for the associated work, as such, the previous Variances expired. The applicant now proposes two (2) units. It should be noted that with the number of dwelling units being reduced, the previously requested Parking Ratio Variance is no longer needed.

As detailed in the Site History, a similar request for four (4) dwelling units and associated variances was made by the same applicant and denied by the Board at its November 6, 2023 meeting. However, the applicant is now proposing two (2) dwelling units which, in addition to reducing the number of units, negates the need for three (3) other variances included in the November 2023 request. As a result, the nature of the request has been significantly altered such that the applicant may reapply without the need to wait six (6) months.

The UDC requires all properties with two-way access to provide a driveway that is 24 feet wide. The site plan submitted illustrates a driveway that is 10 feet wide.

It should be noted that the conditions of approval for previous applications (December 2020 and September 2021) at this site included a requirement to comply with residential buffer standards detailed in Section 64-4.D.1. of the old Zoning Ordinance. While the UDC does not require this site to comply with protection buffer standards, per the submitted site plan, the site has an existing privacy fence where it abuts residentially utilized property and should be maintained, if approved.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

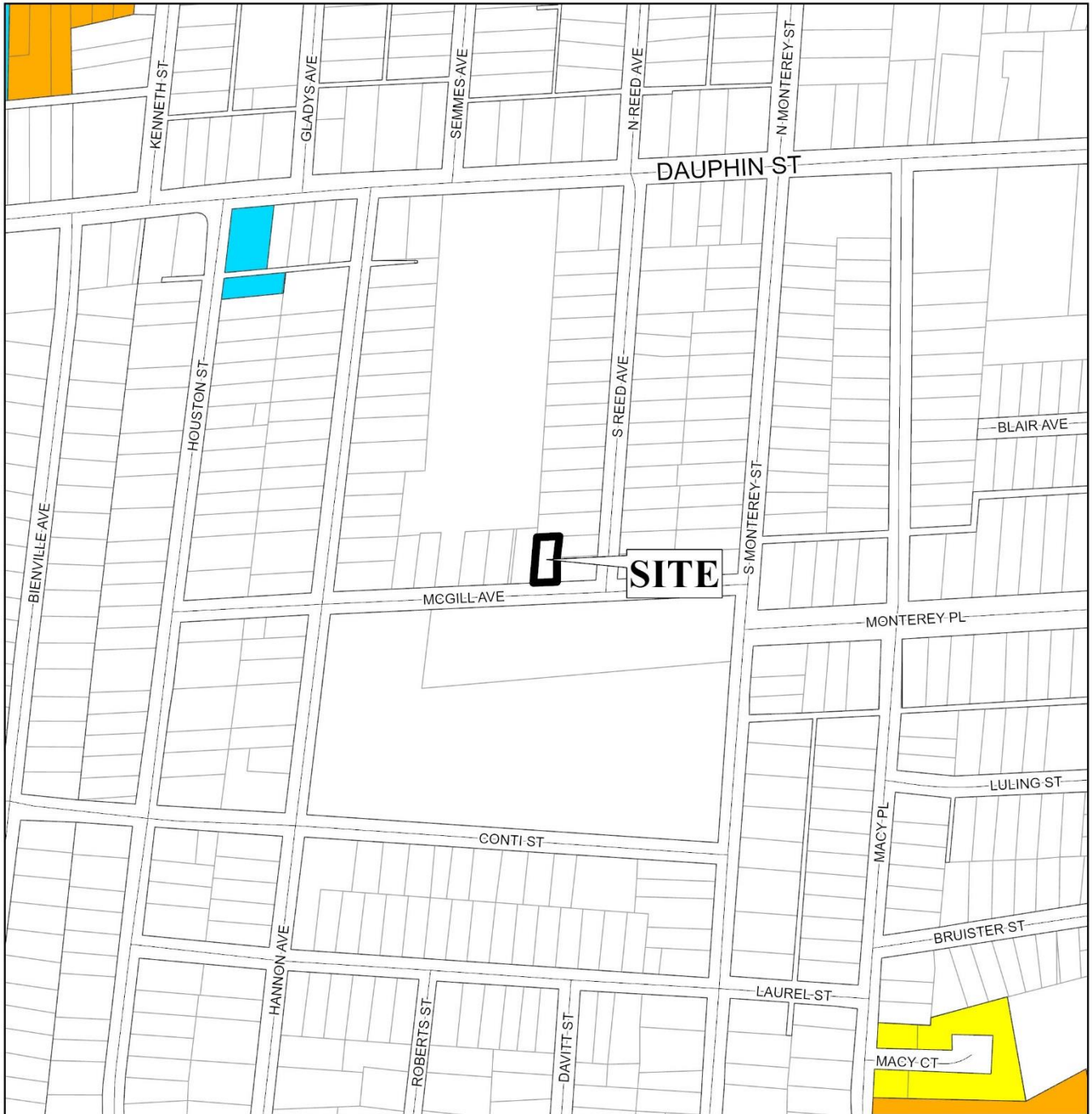
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Submittal of an application for review to the Architectural Review Board (ARB).

LOCATOR ZONING MAP



APPLICATION NUMBER 6563 DATE January 8, 2024

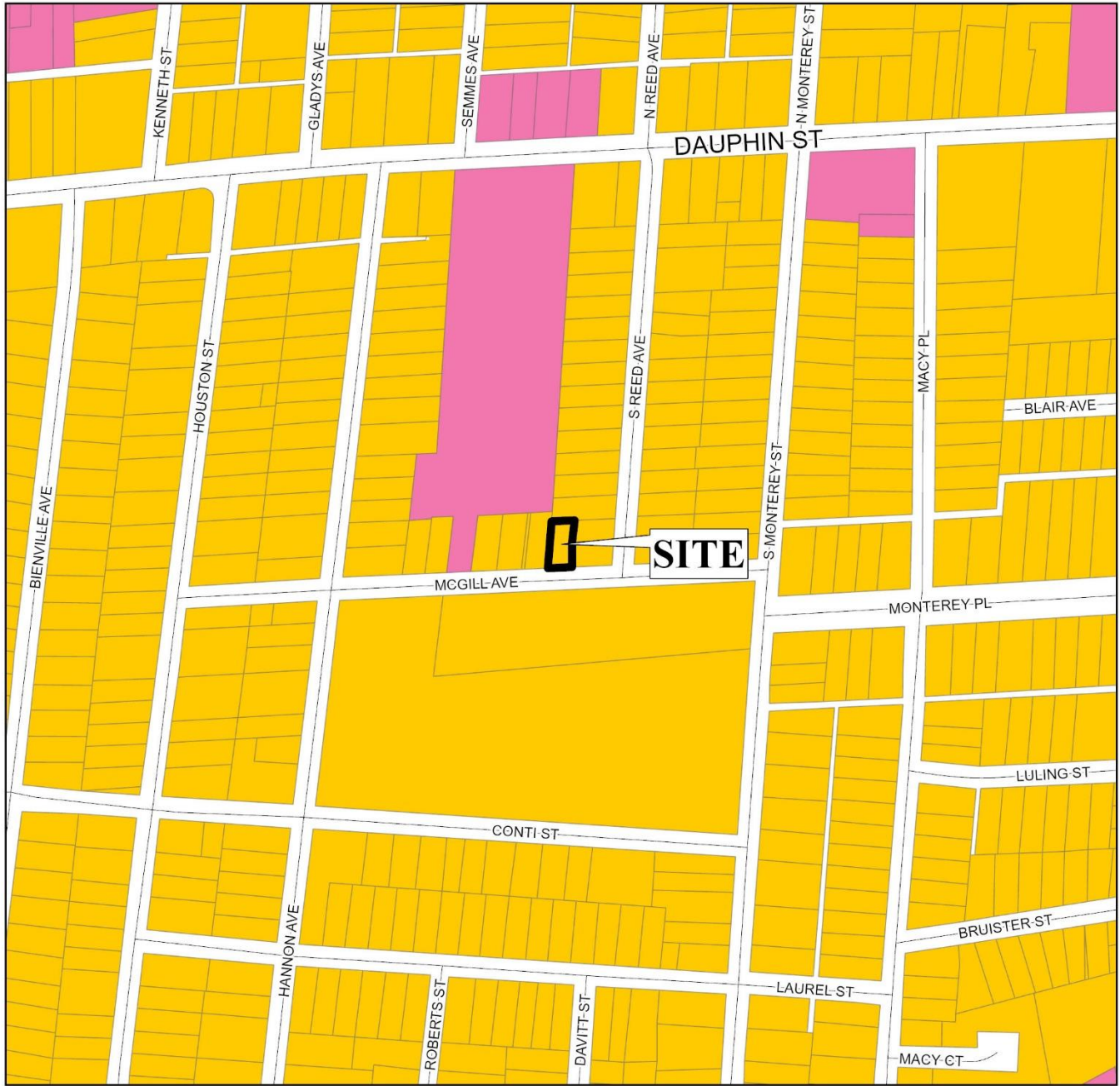
APPLICANT Sire Investments, LLC (Michael Darrington, Agent)

REQUEST Use, Access, and Parking Surface Variances



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6563 DATE January 8, 2024
 APPLICANT Sire Investments, LLC (Michael Darrington, Agent)
 REQUEST Use, Access, and Parking Surface 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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and Little Sisters of the Poor to the South.

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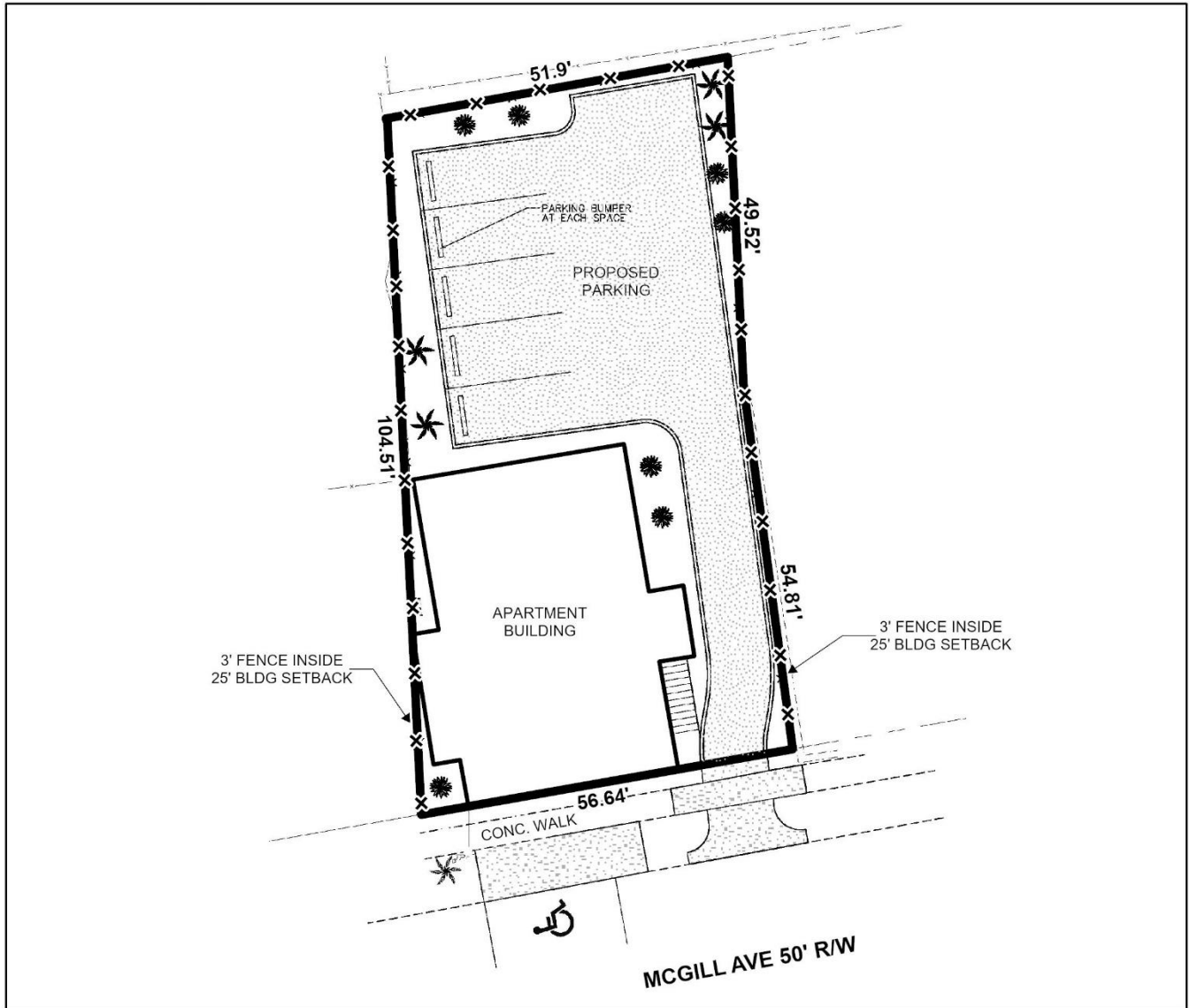
APPLICANT Sire Investments, LLC (Michael Darrington, Agent)

REQUEST Use, Access, and Parking Surface Variances

 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	



SITE PLAN



The site plan illustrates an existing apartment building and the proposed parking areas and trees.

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ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■						□		
HISTORIC BUSINESS	H-B			■		■		■						□		
VILLAGE CENTER	TCD					■	■							□		
NEIGH. CENTER	TCD					■	■							□		
NEIGH. GENERAL	TCD					■								□		
DOWNTOWN DEV. DDD	T-6			■										□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□						□		
DOWNTOWN DEV. DDD	T-5.2			■		■								□		
DOWNTOWN DEV. DDD	T-4			■		■		□						□		
DOWNTOWN DEV. DDD	T-3			■		■								□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○			○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■					■			○	□	○	
GEN. BUSINESS	B-4			■						■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.