



Agenda Item # 3

BOA-002895-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

550 and 524 Western Drive

Applicant / Agent:

Bethesda Christian Center

Property Owner:

Bethesda Christian Center

Current Zoning:

I-1, Light Industry District

Future Land Use:

Light Industry

Case Number(s):

6583/6527/5983/4606

Unified Development Code (UDC) Requirement:

- The (UDC) does not allow a church in an I-1, Light Industry District, requires full compliance with front landscape area requirements, no frontage trees within 15-feet of overhead powerlines, parking trees to be spaced no more than 75-feet apart on center, compliant bicycle parking, and compliant wall variations.

Board Consideration:

- Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle Parking, and Building Wall Variation Variances to amend a previous variance to allow a church with reduced front landscape area, frontage tree plantings within 15-feet of overhead powerlines, parking lot trees planted more than 75-feet apart, no bicycle parking, and no building wall variations in an I-1, Light Industry District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER <u> 6583 </u> DATE <u> May 6, 2024 </u>	 NTS
APPLICANT <u> Bethesda Christian Center </u>	
REQUEST <u> Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle Parking, and Building Wall Variation Variances </u>	

SITE HISTORY

The subject site first came before the Board of Zoning Adjustment at its December 16, 1996 meeting to allow reduced setbacks for a 150-foot tall monopole communications tower at 524 Western Drive. That tower was constructed, and remains on the site today. No changes are proposed to the tower at this time.

At the Board's August 3, 2015 meeting, a use and off-site parking variance was granted to allow the Bethesda Christian Church (the current applicant and owner) to allow the use of the site as a church, and allow the church located at 550 Western Drive (Lot 1 on the site plan) to utilize the property located at 524 Western Drive (Lot 2) as an expanded parking lot. While permits were obtained for the work associated with the variances granted, none of the work appears to have been completed in compliance with the 2015 variance.

The Bethesda Christian Church (the current applicant and owner) then came before the Board of Adjustment at its July 10, 2023 meeting where a Use Variance was approved to allow the expansion of the existing church. Permits were applied for, but have not been issued, therefore the July 2023 variance approval has expired.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

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 applicant is requesting Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle Parking, and Building Wall Variation Variances to amend a previous variance to allow a church with reduced front landscape area, frontage tree plantings within 15-feet of overhead powerlines, parking lot trees planted more than 75-feet apart, no bicycle parking, and no building wall variations in an I-1, Light Industry District; the Unified Development Code (UDC) does not allow a church in an I-1, Light Industry District, requires full compliance with front landscape area requirements, no frontage trees within 15-feet of overhead powerlines, parking trees to be spaced no more than 75-feet apart on center, compliant bicycle parking, and compliant wall variations.

The complete application is available via the link on page 1.

The applicant is proposing to construct a second structure to include a new 160-seat sanctuary, as well as offices and restrooms. The site plan states the size of the new structure will be 4,950± square feet. With the proposed new structure and the existing structure, the site plan states that there will be approximately 5,977 square feet of seating area requiring one (1) parking space per 150 square feet, and 5,090 square feet of other area requiring one (1) parking space per 500 square feet, for a total of 51 parking spaces required; the site plan submitted depicts 53 parking spaces. It should be noted that Article 3, Section 64-3-12.A.5.(d)(3). of the UDC states that for redevelopment of sites greater than one (1) acre, Alternative Parking Surfaces are required for parking spaces in excess of the minimum required spaces. Therefore, as proposed, 2 parking spaces must have an approved Alternative Parking Surface.

The parking lot is being expanded by more than 25%, thus a photometric site plan in compliance with Article 3, Section 64-3-9.C. of the UDC will be required at the time of permitting.

The applicant requests that the church be allowed to have a reduced amount of front landscape area due to the existing configuration of the site, which was developed prior to the City of Mobile adopting tree planting and landscape area requirements for non-residential developments. However, as the building footprint is being expanded by more than 50%, the site is required to come into full compliance. It should be noted that some of the existing pavement could be removed in order to comply with this requirement.

Regarding the frontage tree planting requirements, the UDC requires frontage trees to be an overstory species, and prohibits all trees within 15-feet of overhead powerlines. The applicant is proposing to comply with the required number of frontage trees, but is requesting that they be allowed to be crepe myrtles, which are an understory species, and that they be planted less than nine-feet (9') from overhead powerlines. The distance from powerlines requirement was added to the UDC due to issues with tree plantings under/near powerlines associated with the previous zoning requirements.

The UDC requires parking lot trees to be spaced no more than 75-feet on center. It should be noted that the proposed site plan depicts the required minimum amount of parking trees, but there is over 400-feet between trees at the front of the property, and trees at the rear of the site. Bringing the site into compliance with this requirement would result in the site having more parking trees than the minimum required based upon the number of parking spaces. However, the tree spacing requirement is to ensure that trees are planted throughout the parking area, rather than just around the edges of the parking area.

The site plan submitted includes a note stating that bicycle parking in compliance with the requirements of the UDC, but the applicant is requesting relief from this item, stating that the property is zoned industrially, and bicycle use is not anticipated for the individuals participating at various events on the site.

The applicant is also requesting relief from the requirement of the UDC that new buildings have a building wall variation, in the form of either a notch, offset, or projection. The applicant states that as the new building is behind an existing building, and will not front Western Drive, that the required wall variation will have no impact on the appearance of the building from the street.

There is no dumpster depicted on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to either depict a compliant dumpster, or include a note stating that curbside pickup will be utilized, at the time of permitting.

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 and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

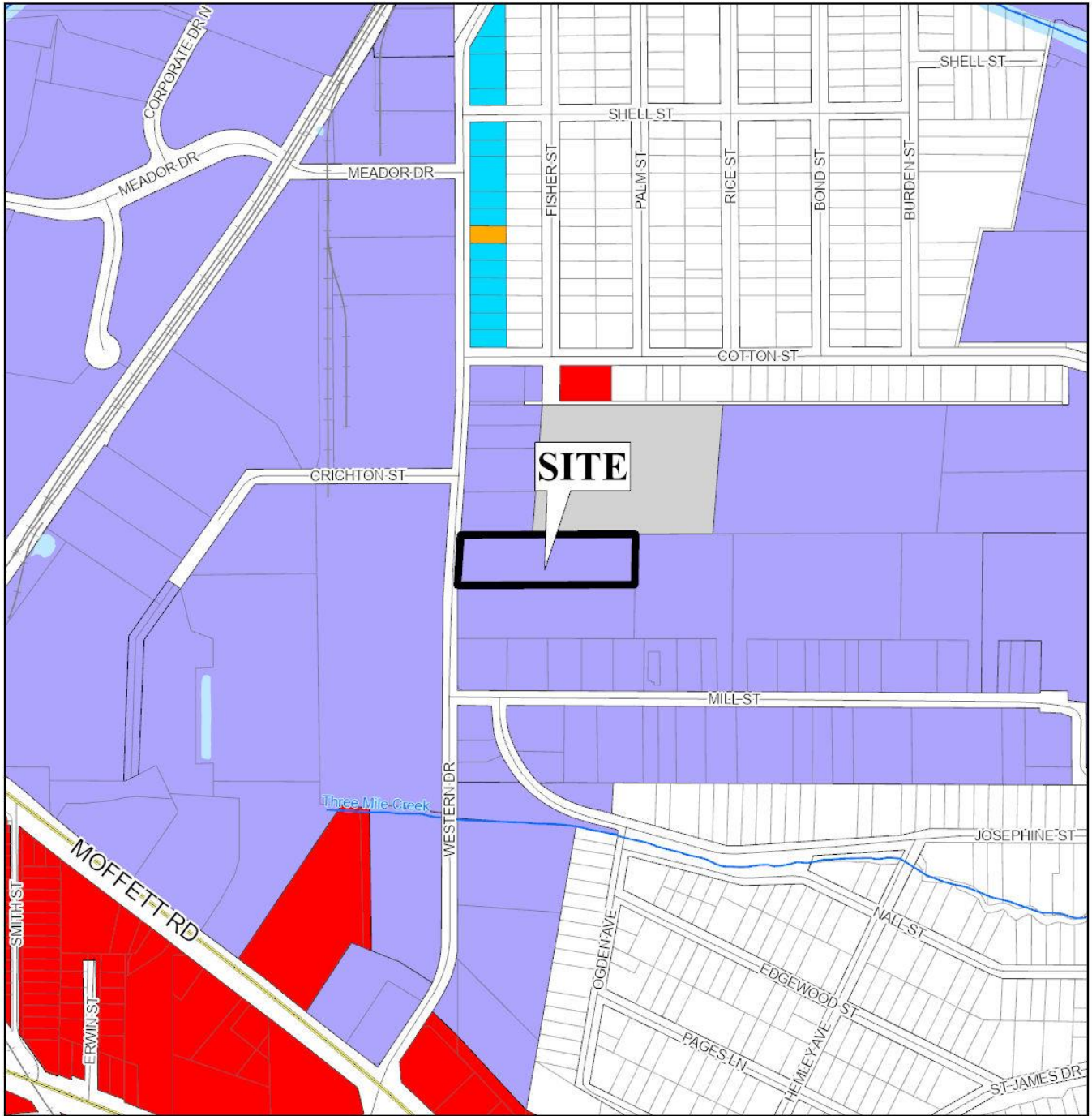
- a) The variance **will not** be contrary to the public interest;
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- c) The spirit of the chapter **shall** be observed and substantial justice done to the applicant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

If approved, the following conditions should apply:

1. Provision of a photometric site plan compliant with Article 3, Section 64-3-9.C. of the UDC, at the time of permitting;

2. Revision of the site plan to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized; and
3. Full compliance with all other municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6583 DATE May 6, 2024

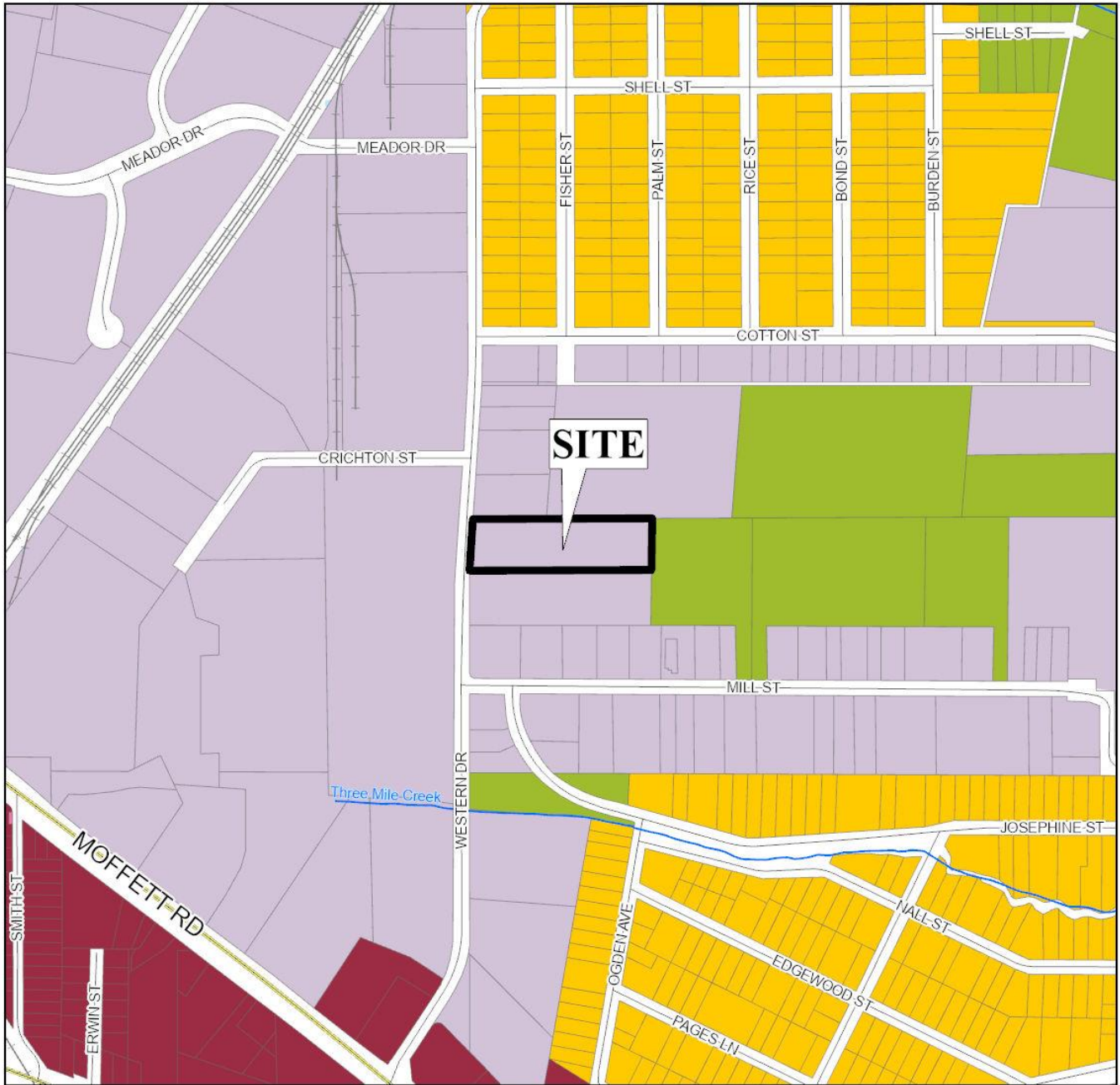
APPLICANT Bethesda Christian Center

REQUEST Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle Parking, and Building Wall Variation Variances



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6583 DATE May 6, 2024

APPLICANT Bethesda Christian Center
 Use, Front Landscape Area, Frontage Tree, Parking Layout, Bicycle

REQUEST Parking, and Building Wall Variation 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 | |



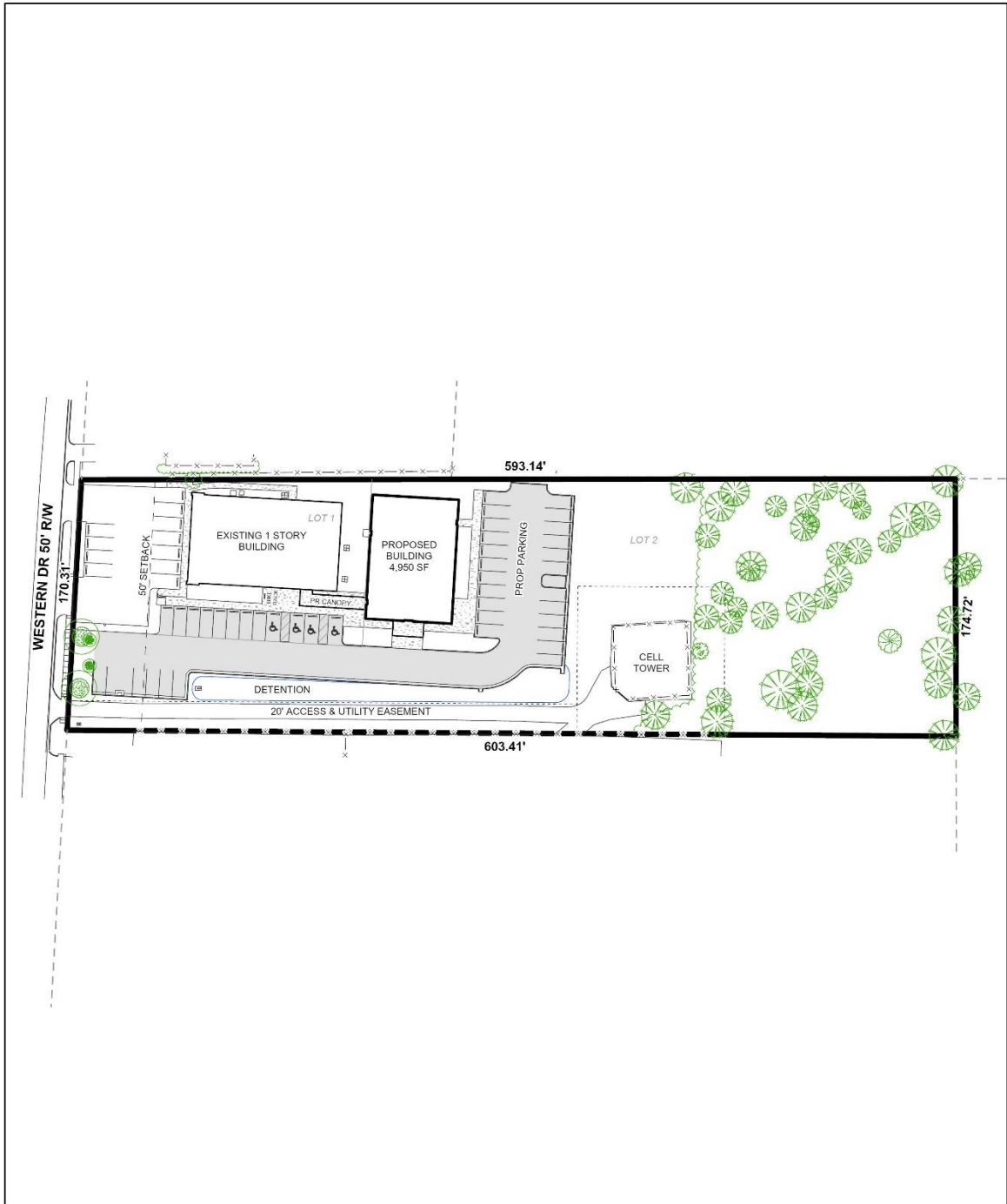
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 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	
 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 the existing building, parking, setback, easement, proposed building and parking.

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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 (WDWRLU)
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)

LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advanced research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of

those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.