

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: February 6, 2023****CASE NUMBER**

6491/6402

**APPLICANT NAME**

Taylor Atchison

**LOCATION**755 Monroe Street  
(Southeast corner of Monroe Street and South Bayou Street).**VARIANCE REQUEST****PARKING SCREENING:** Parking Screening Variance to allow reduced tree plantings for a parking lot in a T-5.1 Sub-District of the Downtown Development District.**ZONING ORDINANCE  
REQUIREMENT****PARKING SCREENING:** The Zoning Ordinance requires full compliance with parking screening tree plantings in a T-5.1 Sub-District of the Downtown Development District.**ZONING**

T-5.1 Sub-District of the Downtown Development District

**AREA OF PROPERTY**

0.6± Acre

**ENGINEERING  
COMMENTS**

ENG has no comments on the Variance request since the Parking Screening is required to be on-site. In general, screening required by the Zoning Ordinance should not be planted, constructed or installed in the ROW without proper permits and approvals. Also, any work within the ROW requires a ROW Permit prior to installation.

The drawing submitted shows four (4) trees and one (1) monument sign that is proposed to be installed within the Canal Street ROW. If these five (5) items are proposed to be installed in the ROW, then a ROW Permit will be required prior to installation. In addition, the newly installed monument sign in the Canal St ROW has received a Sign Permit; however, it is not allowed to be constructed within the ROW. It will have to be removed; or, the applicant will need to submit a request for a ROW Permit and a Non-Utility Use Agreement.

**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 (2021 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 2

### **ANALYSIS**

The applicant is requesting a Parking Screening Variance to allow reduced tree plantings for a parking lot in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance requires full compliance with parking screening tree plantings in a T-5.1 Sub-District of the Downtown Development District.

The site has been given a Downtown (DT) 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

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:

*We are requesting a variance to the parking screening requirements of the downtown develop district code. The code states that screening requirements for parking lots surfaced with crushed stone may be satisfied by trees spaced a maximum of 30 feet on center.*

*This property has a unique pie shaped piece of land separated to the west from the rest of the property by a private street that we leave accessible to the public. Although parking is not required in T5.1 we believe it is a benefit to the surrounding T-3 properties to allow as many patrons to park on property as possible. This unique shape has property lines facing Monroe St.(across from a business Hop Hounds) and the Canal St. service road.*

*I met onsite with representatives from Engineering/ROW and planning department and found that there are draining devices on Monroe St. side property line that would make planting trees a possible threat to their integrity. Further, there are power lines directly above that area that would limit species of trees that can be planted.*

*I am proposing to plant 2 screening trees(total of 4) on either side of the monument sign along the Canal St. service road property line (151').*

*In summary, my goal since purchasing this property has been to convert the vacant manufacturing plant into a softer more neighborhood friendly building. Since purchasing I have planted 5 large trees added windows and doors to the blank facades, painted the building and rebuilt and painted fences.*

*I believe what has been done here is in spirit of the DDD code and we wish to continue on our path of beautifying this property.*

*Thanks for your consideration and review.*

The parking area of the subject site is unique in its triangular shape, and is bounded by Monroe Street along the North, Canal Street along the South, and a portion of vacated South Bayou Street along the East. The site has a total of approximately 365± feet of linear street frontage. However, the hypotenuse (East end) of the site is actually a private street (75± linear feet, approximately), being the vacated portion of South Bayou Street. Therefore, its linear frontage is not factored into tree planting requirements for the site. The base of the triangle is Monroe Street, with approximately 130± linear feet of frontage. However, on-site reviews by City Engineering officials have determined that underground utilities for drainage along the street would have a detrimental impact on tree plantings. Furthermore, there are overhead power and utilities lines along this area which would limit tree plantings. That leaves the Canal Street frontage of approximately 160± linear feet as the only viable option for tree plantings. The site's monument street sign is located approximately in the middle of the Canal Street frontage. That leaves enough space on either side of the sign to symmetrically space two (2) trees at the standard 30-foot on-center.

However, the site plan submitted indicates that the existing monument sign and proposed tree plantings are within the Canal Street public right-of-way, and not on the subject site. A sign permit was approved in 2020 for the monument sign to be installed on the subject site and not within the right-of-way. The proposed tree plantings must also be on the subject site and not within the right-of-way.

**RECOMMENDATION:** Due to the fact that the site plan indicates the existing monument sign and proposed tree plantings to be within the Canal Street public right-of-way, this application is recommended for holdover to the March 6<sup>th</sup> meeting to allow the applicant to relocate the monument sign onto the subject site and revise the site plan to indicate the proposed tree plantings will be on the subject site, or begin the process to request a ROW Permit and a Non-Utility Use Agreement.

***Revised for the February 6, 2023 meeting:***

*This application was heldover from the January meeting to allow the applicant time to go through the non-utility right-of-way use agreement process.*

*As indicated in the staff report for the January meeting, the sign and tree plantings along Canal Street are in the right of way. Proper paperwork was filed and the permits for the sign and trees along Canal Street are in the process of being issued.*

*As also illustrated in the January report, due to the underground drainage system, tree plantings along Monroe Street are not desirable. In evaluating the screening request along Monroe Street, the Board considered the possibility of requiring a fence or vegetative plantings to provide screening for the nearby property owners (thus waiving the tree plantings). However, as indicated in the Engineering comments, it is preferred that these plantings or construction be placed on*

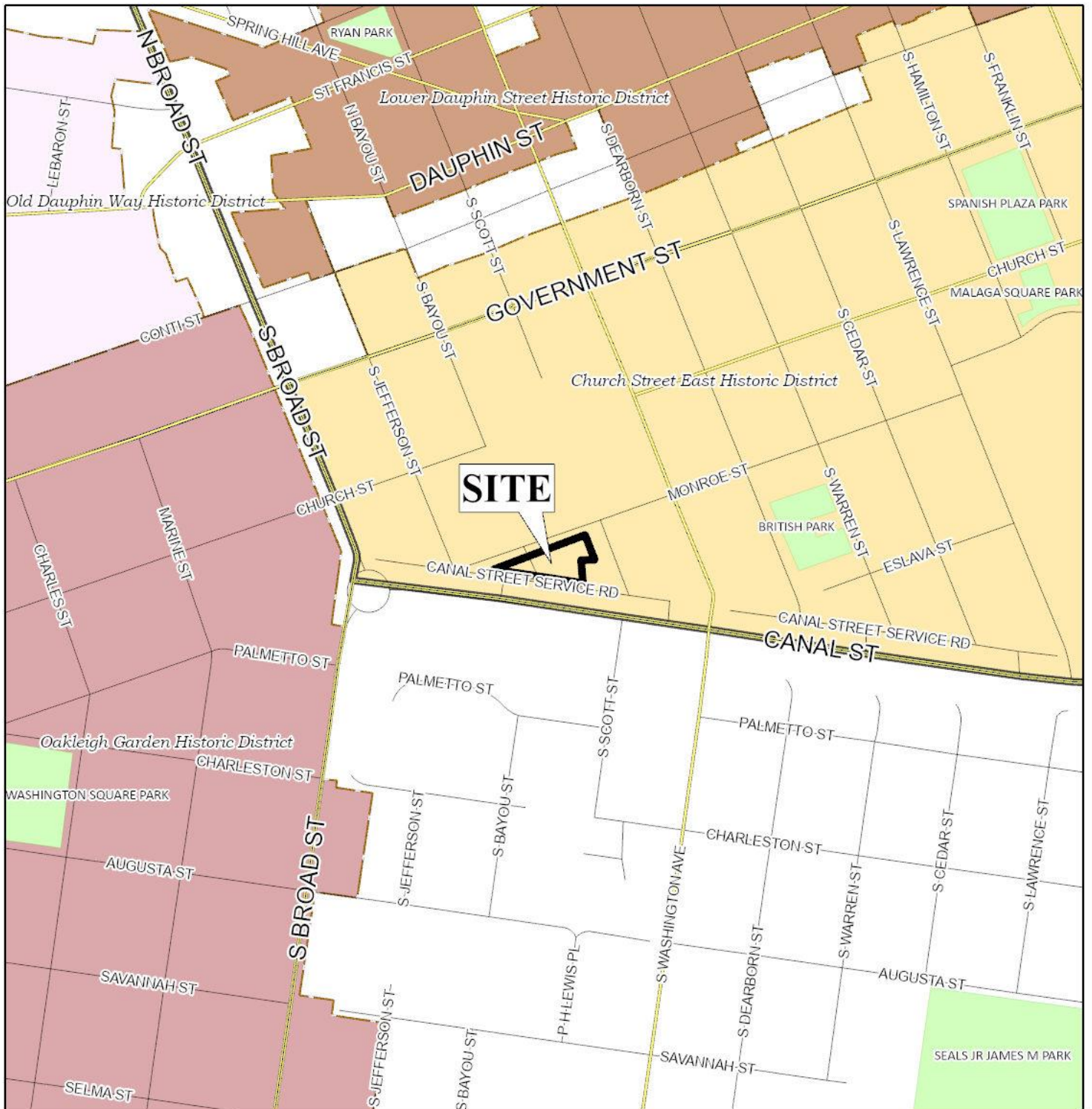
*private property and not installed within the right of way, although with property permits and approvals, they “may” be placed in the right of way.*

*It should be noted that while the applicant proposes to comply with the screening requirements of the DDD via tree plantings, as allowed for parking areas surfaced in aggregate, the DDD also allows “A hedge, evergreen vines, other evergreen planting materials, combined with a metal fence or masonry wall, with or without a hedge or evergreen plantings” to comply with the screening requirements (the standard screening for paved parking lots). The DDD further stipulates that “Shrubs for hedges shall be a minimum of three (3) feet in height at the time of planting, evergreen vines or other evergreen planting materials shall be of a variety that will form an evergreen barrier as would be formed by a hedge; walls and Fences shall be a minimum of three (3) feet in height.” Therefore, if the Board is looking for screening compliance in the nature outlined above, the Board is essentially looking for compliance with the DDD and the request should be denied.*

*Based upon the Board’s previous discussion and the additional information provided, it is recommended that the Board consider all relevant factors regarding the requested variance and determine the applicable findings of fact:*

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

# LOCATOR MAP



APPLICATION NUMBER 6491 DATE February 6, 2023

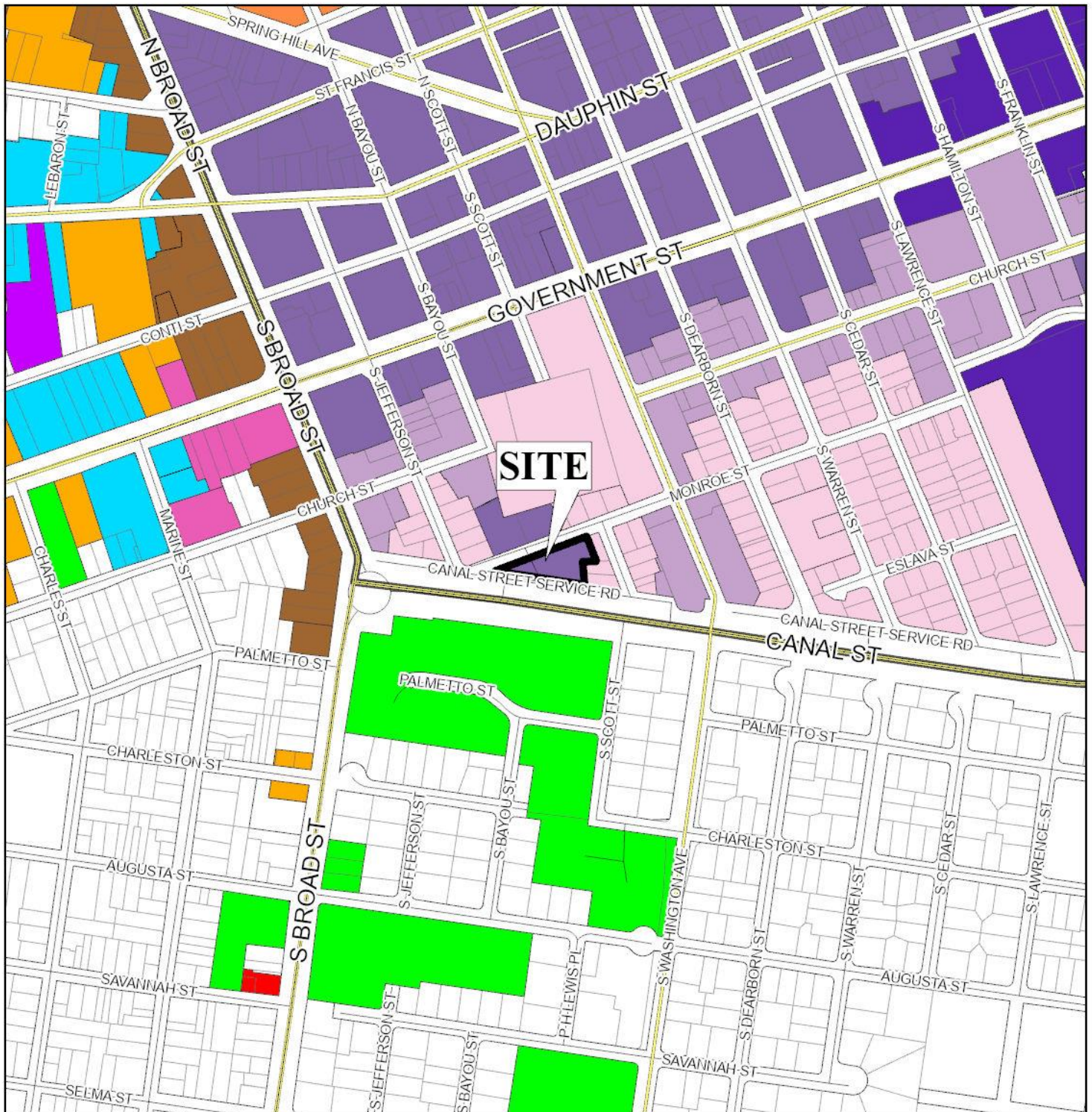
APPLICANT Taylor Atchison

REQUEST Parking Screening Variance





# LOCATOR ZONING MAP



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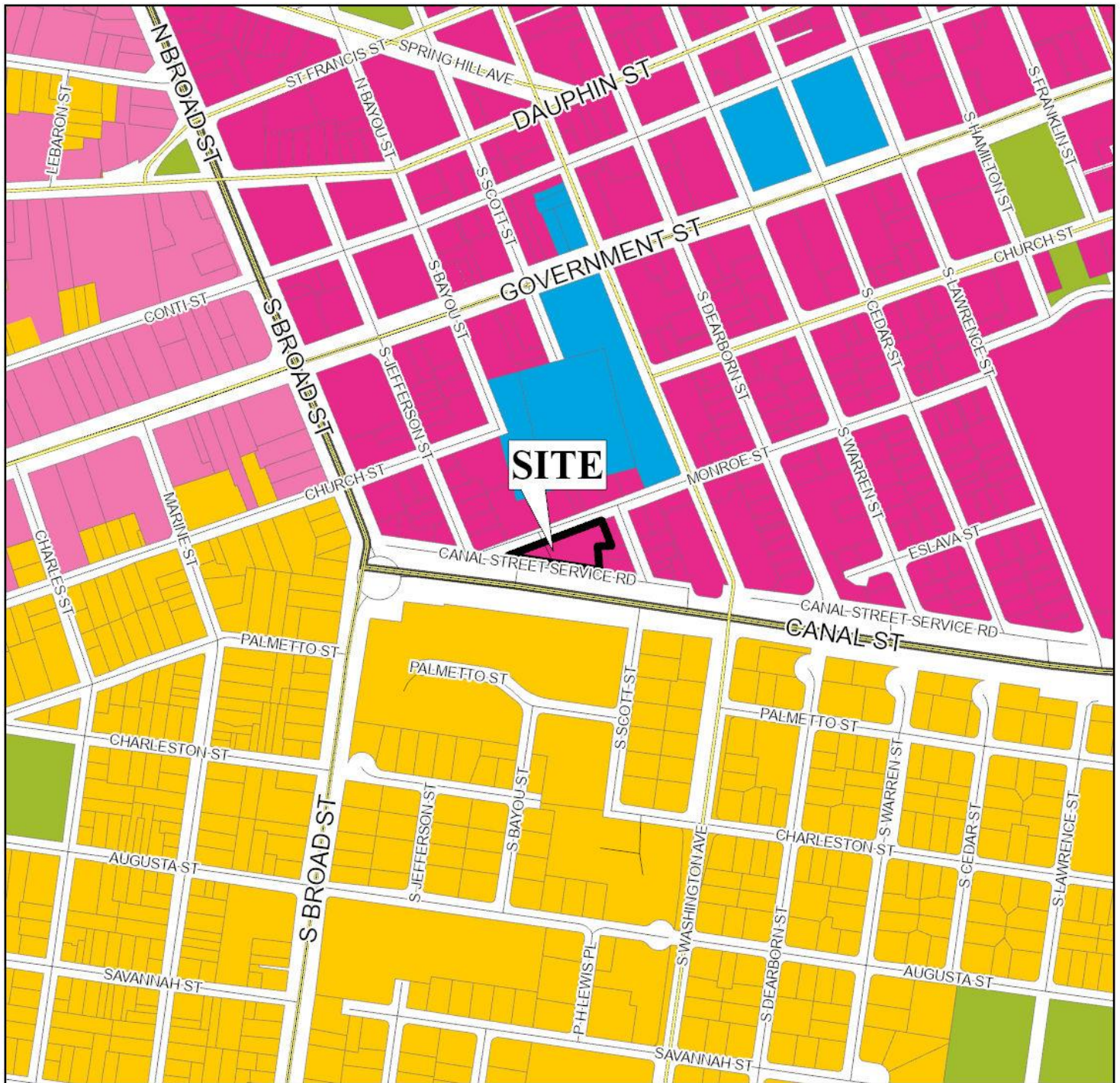
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# FLUM LOCATOR MAP



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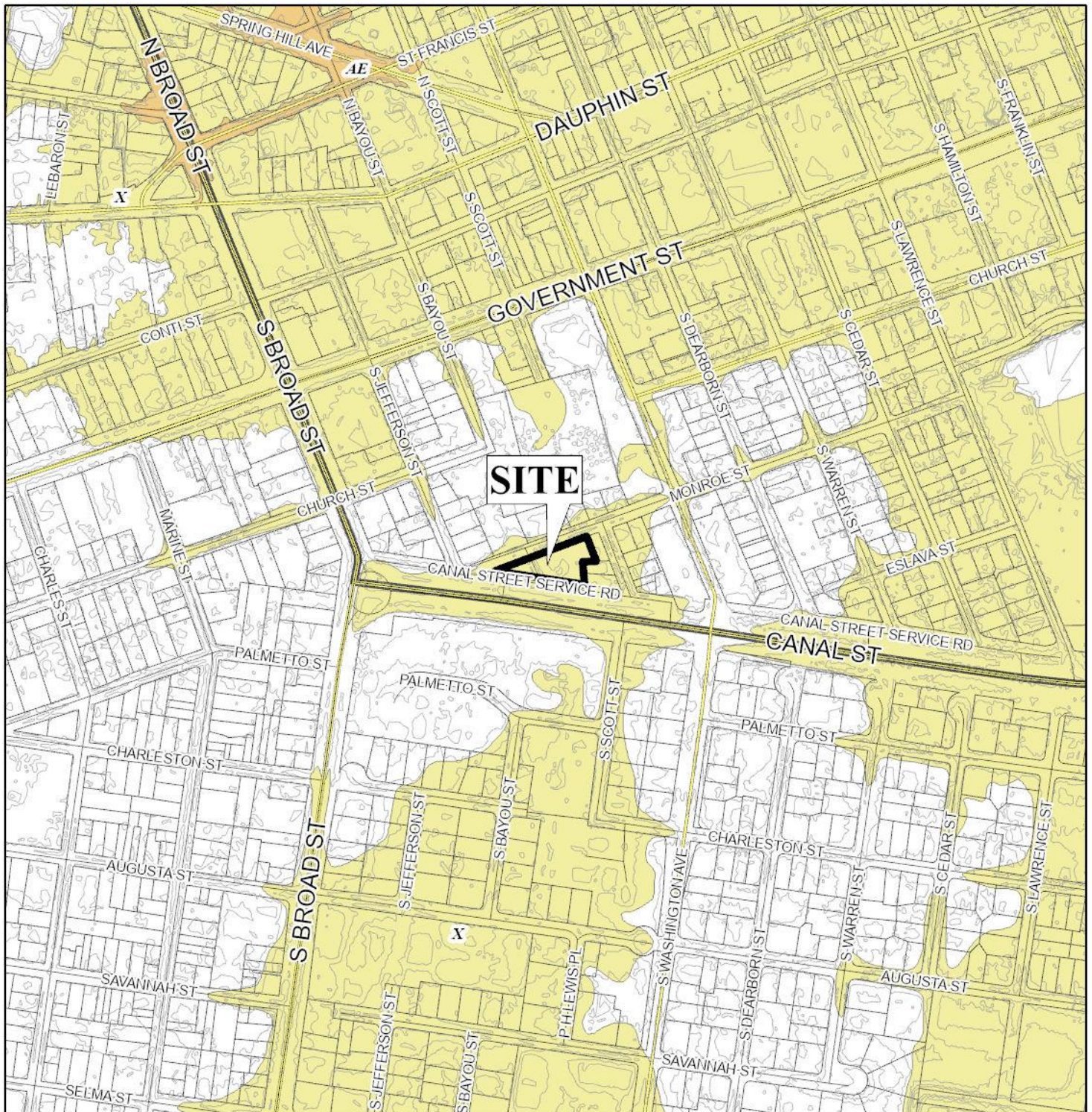
## FLUM

<span style="color: red;">■</span> Low Density Residential	<span style="color: red;">■</span> Downtown	<span style="color: red;">■</span> Traditional Corridor	<span style="color: purple;">■</span> Heavy Industry
<span style="color: orange;">■</span> Mixed Density Residential	<span style="color: red;">■</span> District Center	<span style="color: orange;">■</span> Mixed Commercial Corridor	<span style="color: blue;">■</span> Institutional
	<span style="color: brown;">■</span> Neighborhood Center - Traditional	<span style="color: brown;">■</span> Downtown Waterfront	<span style="color: green;">■</span> Parks & Open Space
	<span style="color: blue;">■</span> Neighborhood Center - Suburban	<span style="color: lightblue;">■</span> Light Industry	<span style="color: darkblue;">■</span> Water Dependent





# ENVIRONMENTAL LOCATOR MAP



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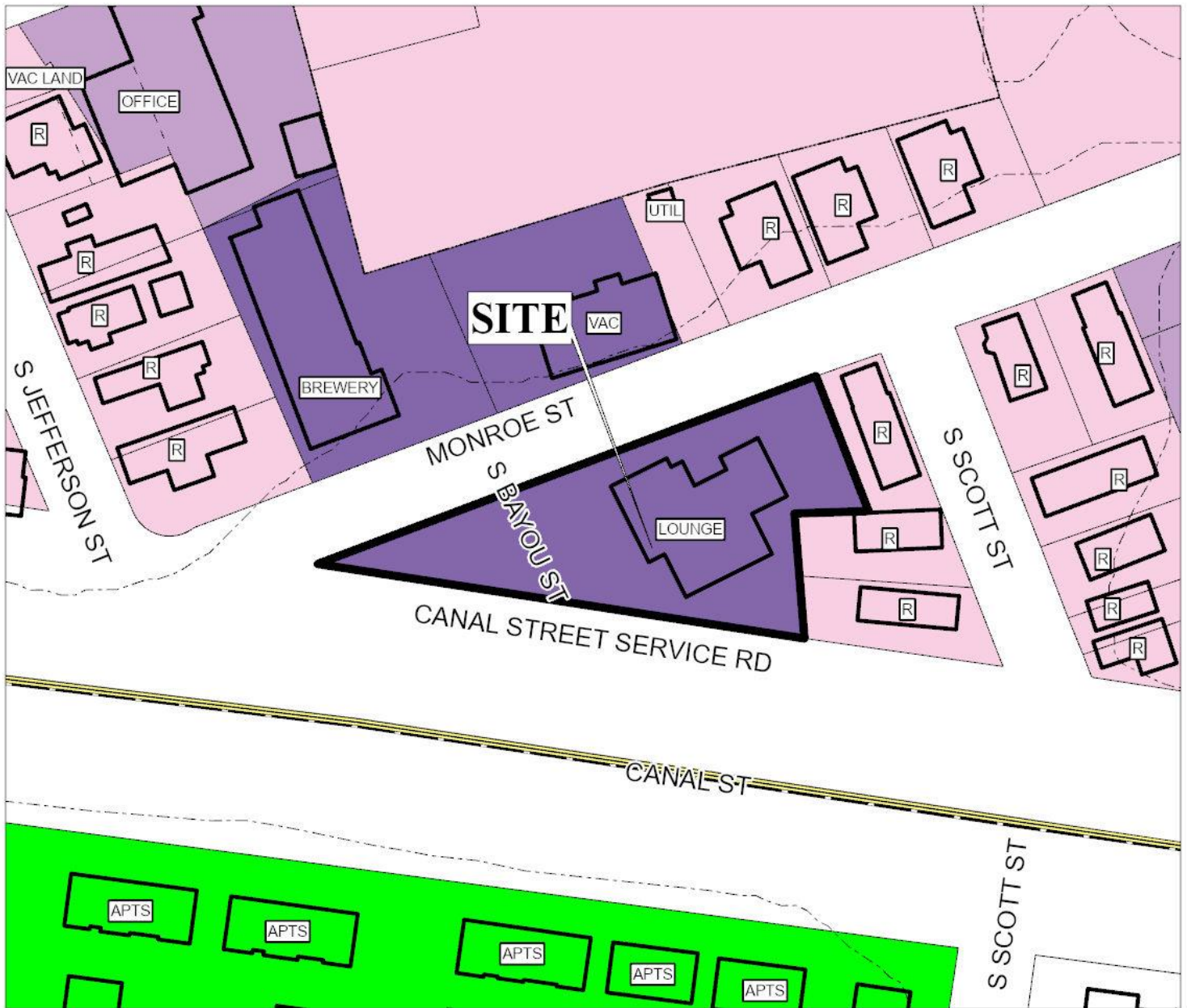
REQUEST Parking Screening Variance





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A brewery lies northwest of the site.

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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



The site is surrounded by residential units. A brewery lies northwest of the site.

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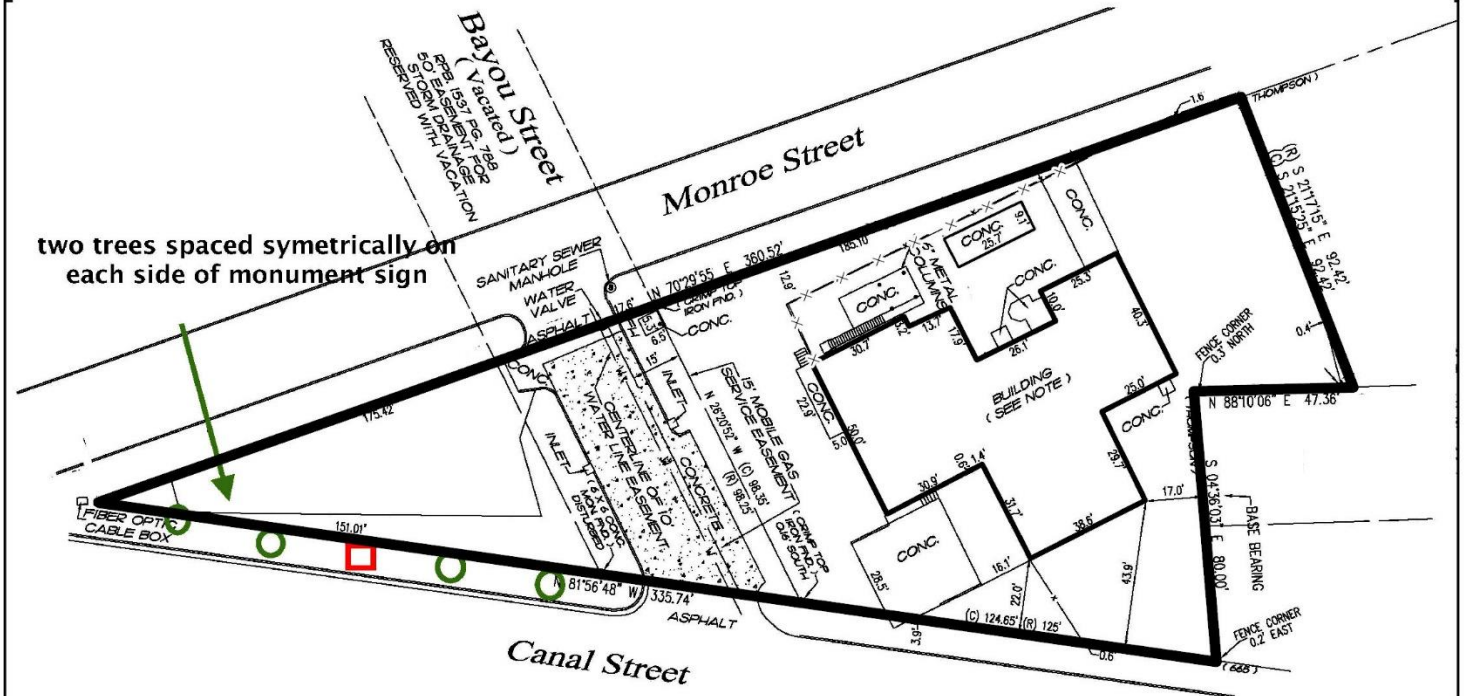
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# SITE PLAN



The site plan illustrates the existing building, easements, and fencing.

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