

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 6, 2017****CASE NUMBER**

6089

APPLICANT NAME

Dolores Guess

LOCATION

1770 West I-65 Service Road South
(West side of West I-65 Service Road South, 900'± North
of Government Boulevard).

VARIANCE REQUEST

ACCESS VARIANCE: Access Variance to allow a 12'-
wide two-way access drive to a proposed parking lot in a
B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

ACCESS VARIANCE: The Zoning Ordinance requires a
24'-wide access drive for two-way traffic in a B-3,
Community Business District.

ZONING

B-3, Community Business District

AREA OF PROPERTY

0.52 ± Acres

ENGINEERING**COMMENTS**

ACCESS VARIANCE: If the Access Variance is approved
the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit for the proposed site development from Central Permitting.
- b. Submit a ROW Permit (ALDOT and City of Mobile) for any proposed work within the Public ROW.

TRAFFIC ENGINEERING**COMMENTS**

If this variance is approved, developer/owner should be required to install an "Employee Parking Only" sign at the front edge of the building where the access aisle is located. A "Do No Block Driveway" may also be required since parking in the front of the building does not appear to be clearly marked.

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).

FIRE

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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

CITY COUNCIL
DISTRICT

District 4

ANALYSIS

The applicant is requesting an Access Variance to allow a 12'-wide two-way access drive to a proposed parking lot in a B-3, Community Business District; the Zoning Ordinance requires a 24'-wide access drive for two-way traffic in a B-3, Community Business District.

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 states:

The owner has a proposed tenant that needs to develop a parking area behind the building located at 1770 I-65 Service Road South for his employees. The only access to this area is via an existing 12' wide driveway. This driveway cannot be widened because there are existing buildings located on each side. The 12' drive should be adequate since the employees arrive at approximately the same time.

Your consideration recommending approval of this application is appreciated.

As stated, the applicant is seeking relief from the Zoning Ordinance in order to allow an existing 12'-wide drive to remain and function as a two-way traffic drive in order for future employees to access the proposed employee parking area to the rear of the existing building on the subject site. The applicant is correct in that the current configuration of the property does not allow for the expansion of the access drive aisle from a width of 12' to 24' due to existing buildings being sited directly to the North and the South of the subject drive, nevertheless, the current width of the drive is not sufficient to accommodate two-way traffic.

According to Section 64-6.A.2. of the Zoning Ordinance all proposed drive aisles to be installed on a commercial business site require, at minimum, a 24'-wide aisle width in order to accommodate two-way traffic. The applicant states that the 12'-wide existing drive is

“adequate” since the employees arrive around the same time; however, *distance* and *width*, and not merely *time* alone, are the primary concerns of this request as the existing width of the drive negates current drive design standards. Additionally, the corners of the building may create a blind spot making it hard for two vehicles to safely ingress and egress the rear parking area along the subject drive aisle.

Although the existing drive width is not sufficient to accommodate two-way traffic, the existing drive is needed in order to gain access to the proposed employee parking area located in the rear of the site, thus the subject site will not have sufficient parking without the use of the rear.

Other options should be explored. For instance, the existing drive can be used in a “one-way traffic” manner with the use of proper signage and/or the use of Convex Traffic Safety Mirror(s) placed at strategic points to permit the safe ingress and egress of employee vehicles on and off site. The mirror(s) will allow drivers to see around the corner of the existing building structure by providing a visual alert of vehicles coming up or down the drive while employees are entering and exiting the proposed rear parking area, and the signage could be stated in a way to alert drivers of approaching vehicles and to drive with caution.

It should be noted that the subject site has been used for a variety of business uses over the years (i.e. musical instrument sales, a furniture store, and used auto sales). Aerial images from 2002 even reveal that there were vehicles parked and/or stored in the rear yard; however, it is the safe passage of vehicles to and from the proposed rear parking area, as well as on and off the subject property that is of primary concern today.

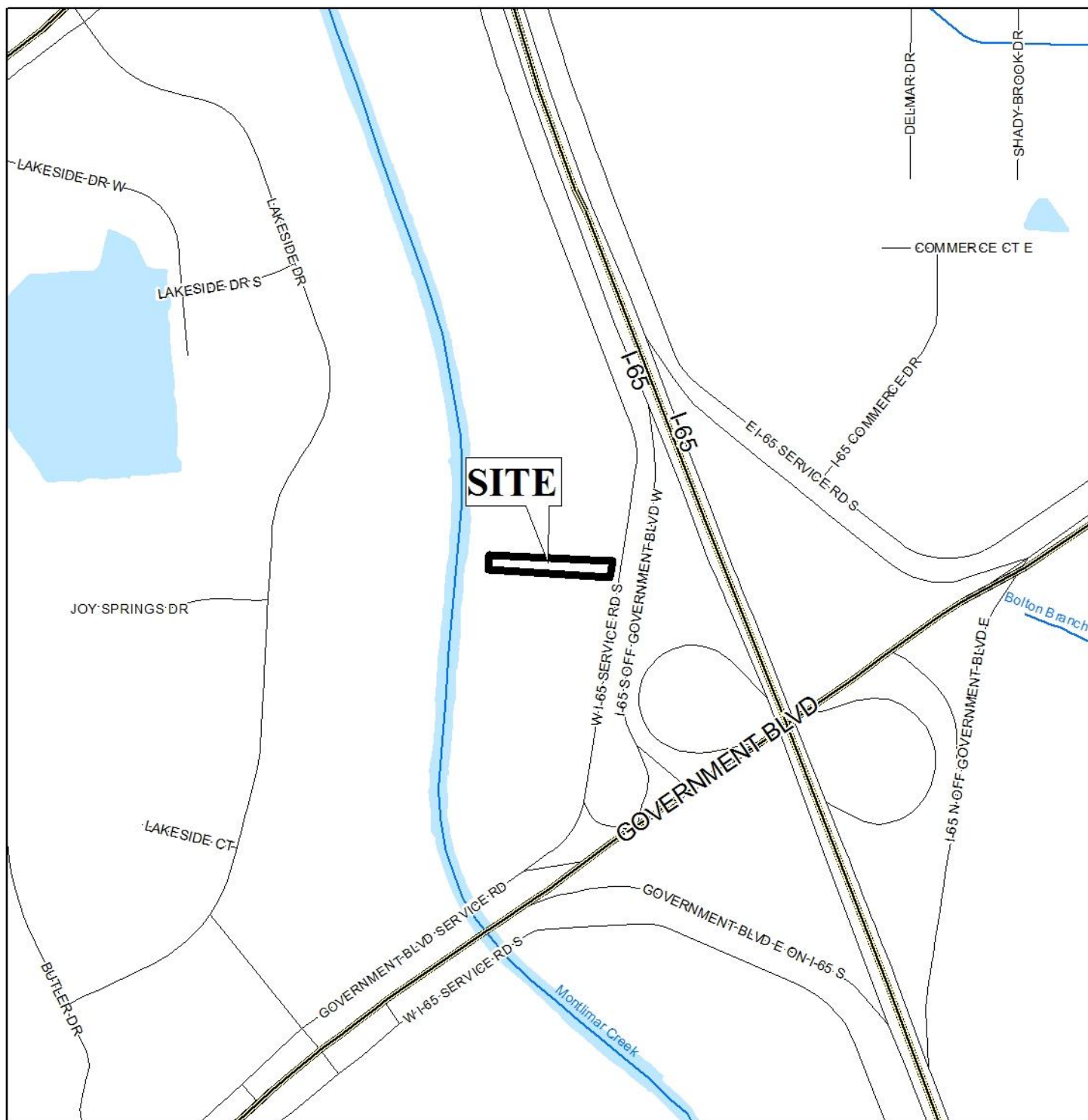
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Granting the variance will not be contrary to the public interest because the site will not have sufficient parking without the use of the rear and the existing 12’-wide drive;
- 2) Special conditions do appear to exist and there is a justification of hardship which exist such that the literal enforcement of the provisions of the chapter may result in an unnecessary hardship because the 12’-wide drive cannot be expanded to 24’-wide due to existing buildings being sited directly to the North and the South of the subject drive; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the existing 12’-wide drive can be enhanced with appropriate signage and Convex Safety Traffic Mirrors to accommodate the safe ingress and egress of vehicles to and from the proposed employee parking area.

Subject to the following conditions:

- 1) Placement of Convex Traffic Safety Mirrors on site; and
- 2) Compliance with all other municipal codes and ordinances.

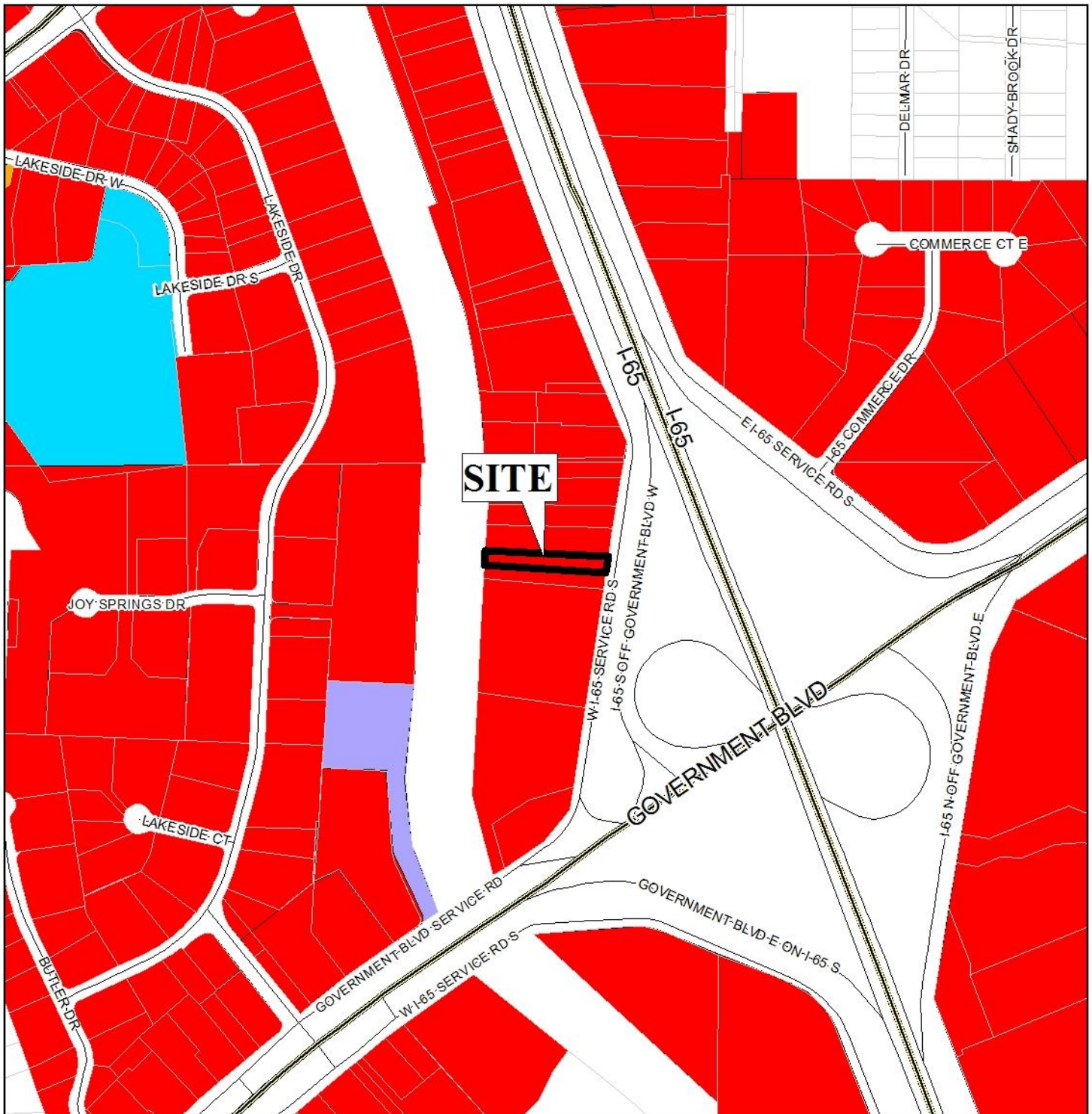
LOCATOR MAP



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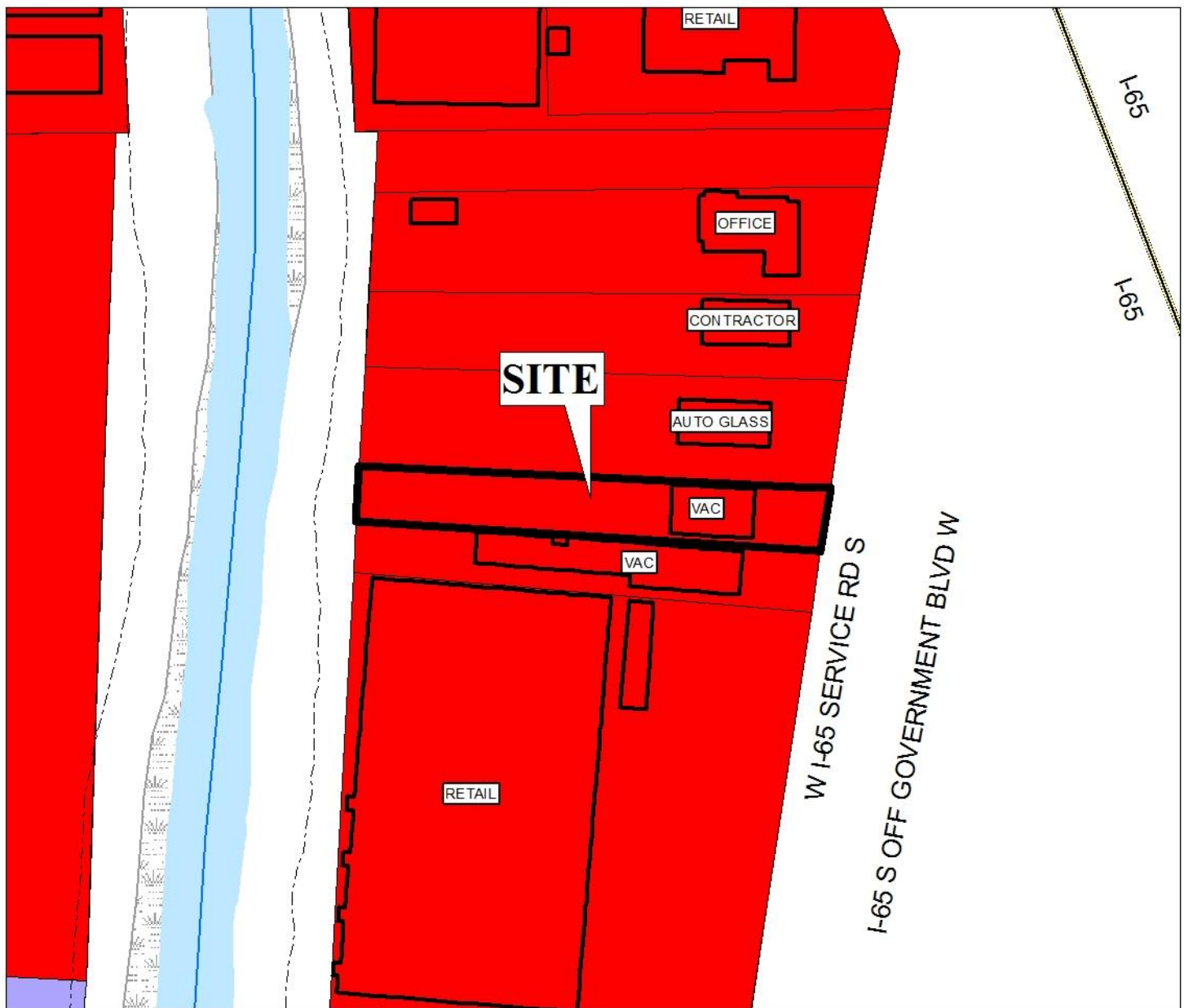
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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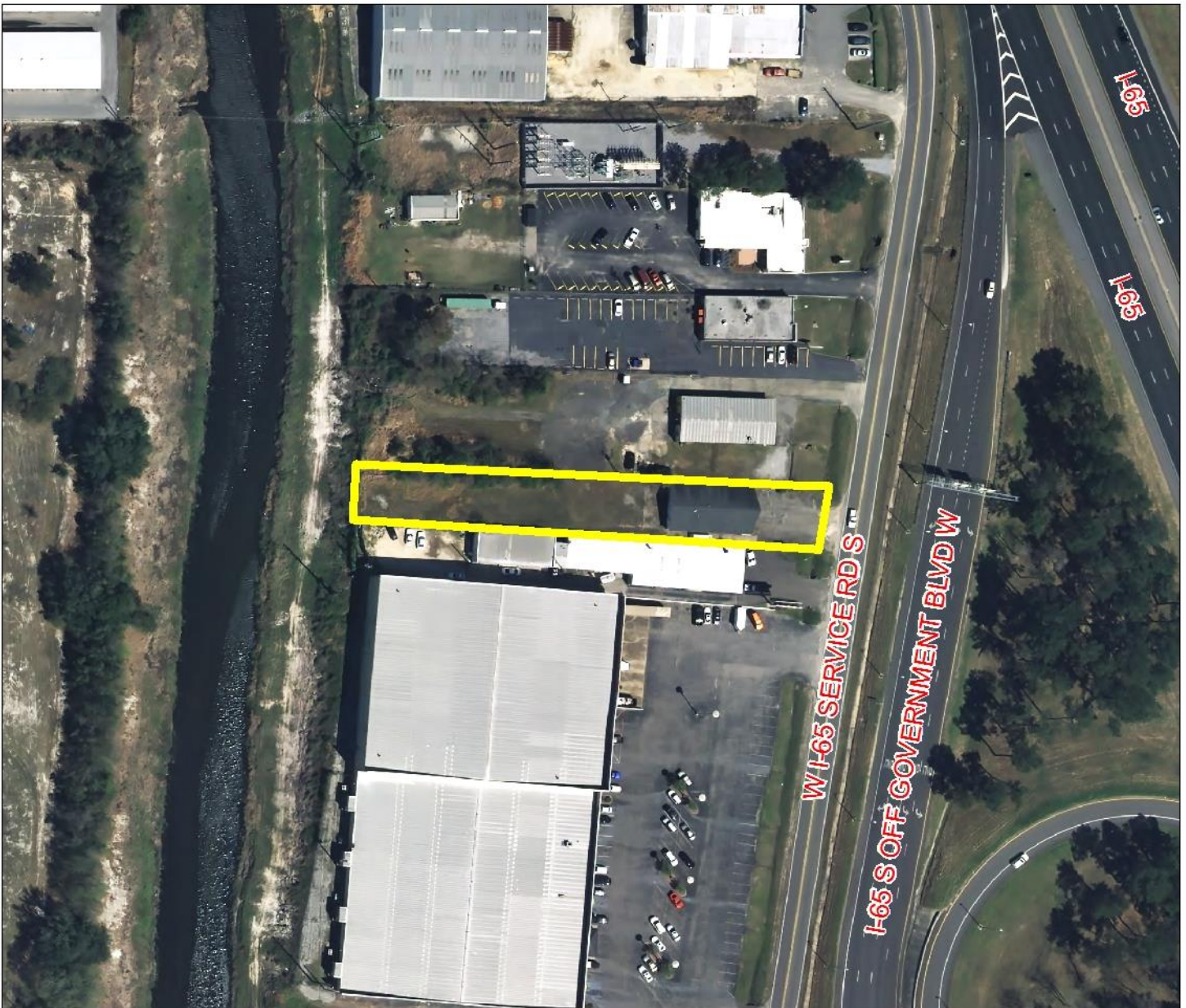
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

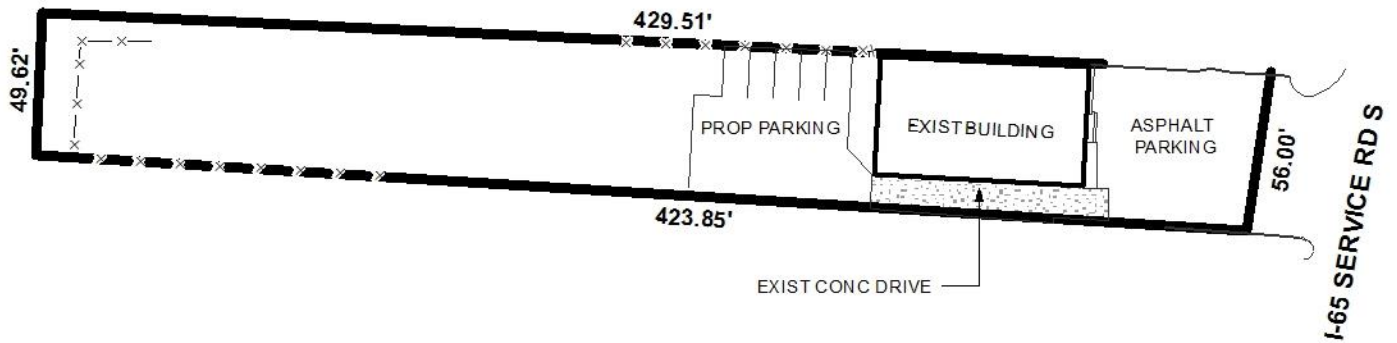


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SITE PLAN



The site plan illustrates the existing building, existing parking, existing drive, and proposed parking.

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