

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 4, 2017****CASE NUMBER**

6143/5663

APPLICANT NAME

Mobile Carnival Association, Inc.

LOCATION

351 & 355 Government Street
(Southwest corner of Government Street and South Claiborne Street, extending to the Southeast corner of Government Street and South Franklin Street).

VARIANCE REQUEST

MASKING OF PARKING: Masking of Parking Variance to waive masking requirements for a parking lot in a T-5.2 Sub-District of the Downtown Development District.

**ZONING ORDINANCE
REQUIREMENT**

MASKING OF PARKING: Zoning Ordinance requires a hedge, evergreen vines, or other evergreen planting materials combined with a 3 foot tall metal fence or masonry wall, with or without a hedge or evergreen planting, to mask parking lots in a T-5.2 Sub-District of the Downtown Development District.

ZONING

T-5.2 Sub-District of the Downtown Development District

AREA OF PROPERTY

0.4± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No comments

ANALYSIS

The applicant has submitted a Masking of Parking Variance to waive masking requirements for a parking lot in a T-5.2 Sub-District of the Downtown Development District; the Zoning Ordinance requires a hedge, evergreen vines, or other evergreen planting materials combined with a 3 foot tall metal fence or masonry wall, with or without a hedge or evergreen planting, to mask parking lots in a T-5.2 Sub-District of the Downtown Development District.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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:

We are in receipt of your letter of September 18, 2017 regarding the screening and masking of parking lots within the Downtown Development District. Please accept this letter with attachments as our request to consider an appeal to the Mobile City Code Chapter 64.3.1 with respect to the screening/masking of our parking lot located at 351 Government Street.

When the Mobile Carnival Association opened the Mobile Carnival Museum in 2004 it did so in order to preserve our City's rich Carnival heritage which dates back to 1702. A custom designed ornamental openwork metal fence, which incorporates a decorative plaque for each of the oldest Mardi Gras organizations in Mobile, was erected around two sides of the parking lot currently used by the Mobile Carnival Museum. This fence was designed so that it would promote openness to those who would be able to view the historic Museum site from a distance. The openness of the fence design was also felt to promote a more safe and secure area with greater visibility. Screening around the existing fence as per the City Code would diminish the security of the parking lot and close off the openness of the area, so greatly valued, especially during the Carnival season.

In February of this year, The Mobile Carnival Association purchased this property where the Mobile Carnival Museum and Parking lot are located from the City of Mobile with the intention of providing Mobilians and tourists a permanent location in which to celebrate and preserve our Carnival celebration and traditions. We are respectfully requesting an exception be made to the existing City Code for the custom designed fence to meet the intent of the Code by way of providing definition of parking with distinction. Thank you in advance for your consideration in this regard.

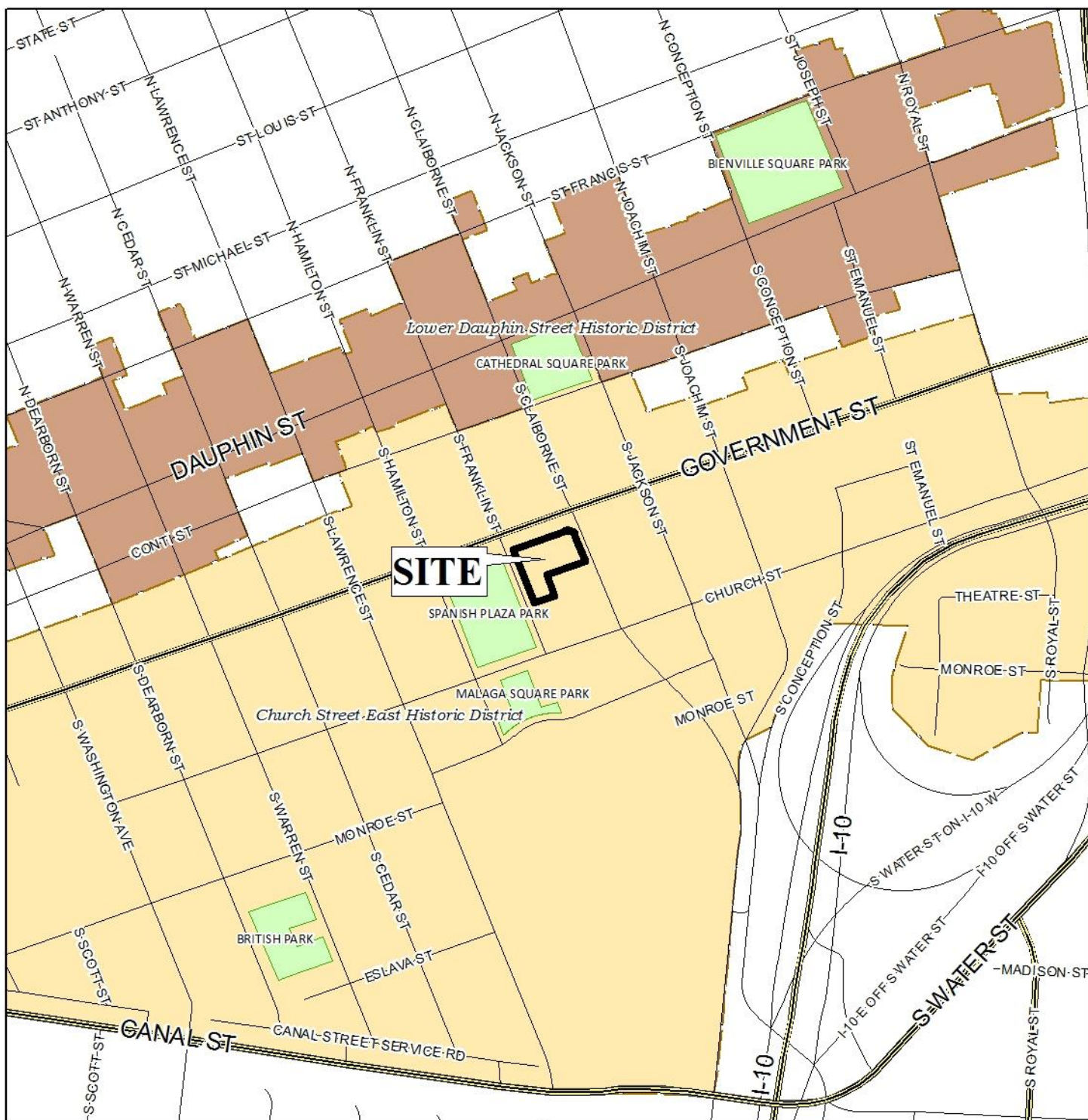
The applicant correctly states that there is an existing ornamental metal fence around the parking lot. The existing fence does exceed the minimum 3' height requirement, and it appears to have been erected since at least 2011. It should be noted, the purpose of the requirement of the 3 foot tall fence with plantings is to reduce the visibility of parking lots so that they enhance, rather than detract from the beauty and historic nature of downtown Mobile.

A site plan was not submitted with the application illustrating the existing parking configuration; therefore staff is unable to determine what impact the planting of the required vegetation would have on the site.

It is important to note that the Planning & Zoning Department has identified over 400 parcels in the downtown area that include parking lots that are subject to compliance with these masking requirements. Property owners have been sent notifications of the parking masking requirements three times since the adoption of the Downtown Development District regulations in May 2014 (most recently in September 2017). If a variance is granted for the subject site, it may set a precedent for many others to potentially request similar variances.

RECOMMENDATION: There is no formal recommendation, other than the Board considers all relevant facts and review the request based upon its own merits.

LOCATOR MAP



APPLICATION NUMBER 6143 DATE December 4, 2017

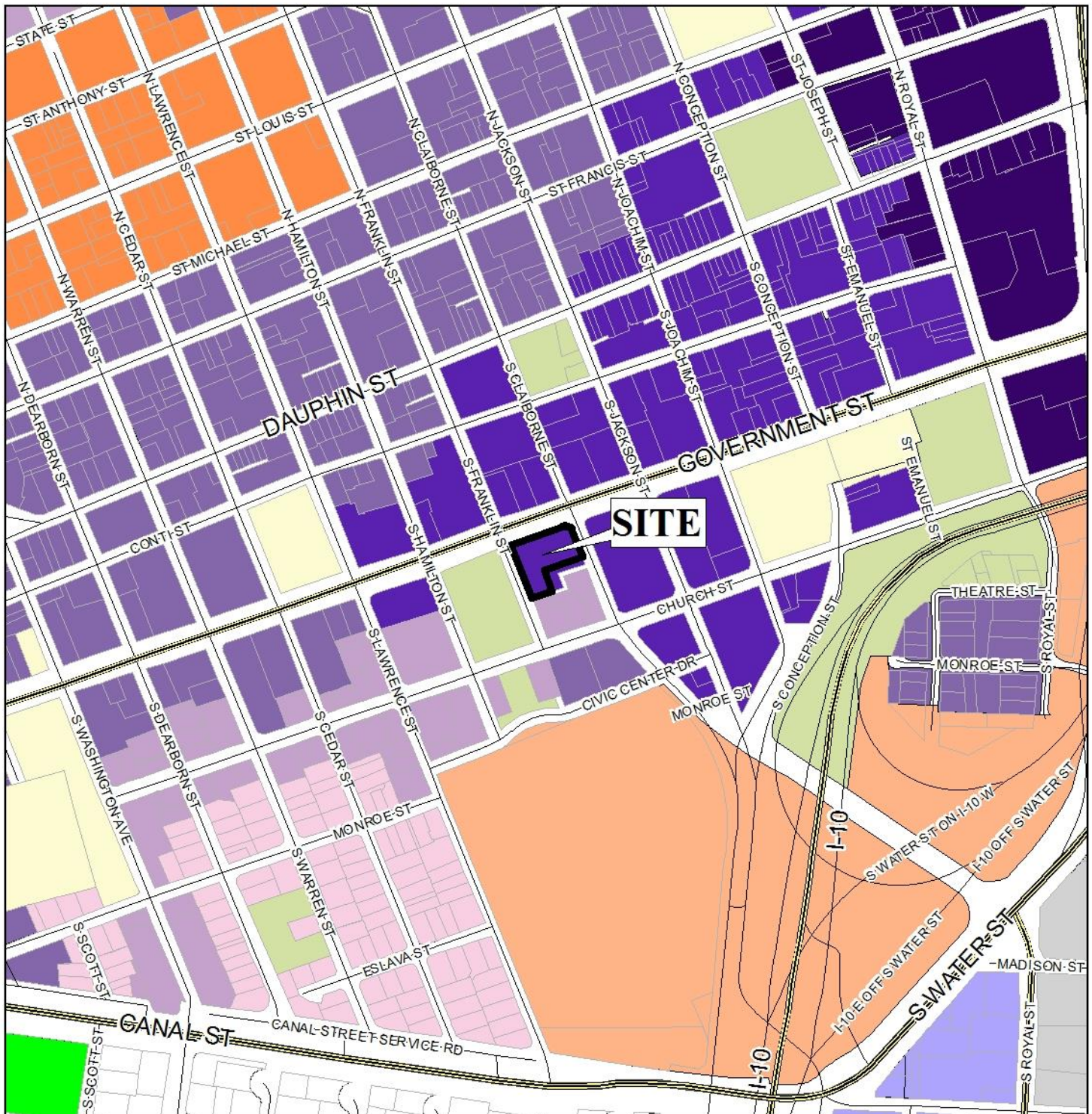
APPLICANT Mobile Carnival Association, Inc.

REQUEST_____Masking of Parking Variance



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 6143 DATE December 4, 2017

APPLICANT Mobile Carnival Association, Inc.

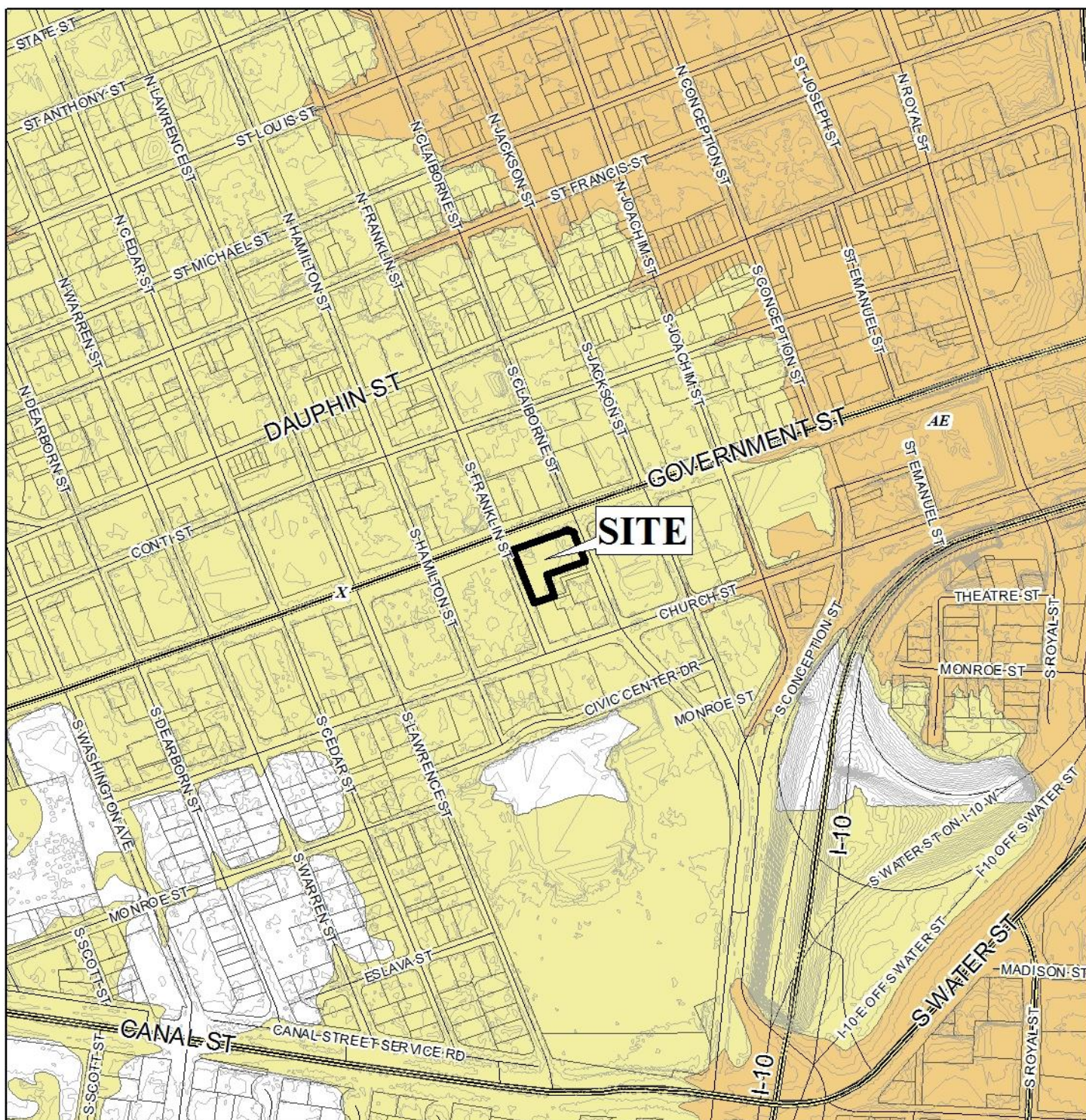
REQUEST Masking of Parking Variance



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ENVIRONMENTAL LOCATOR MAP



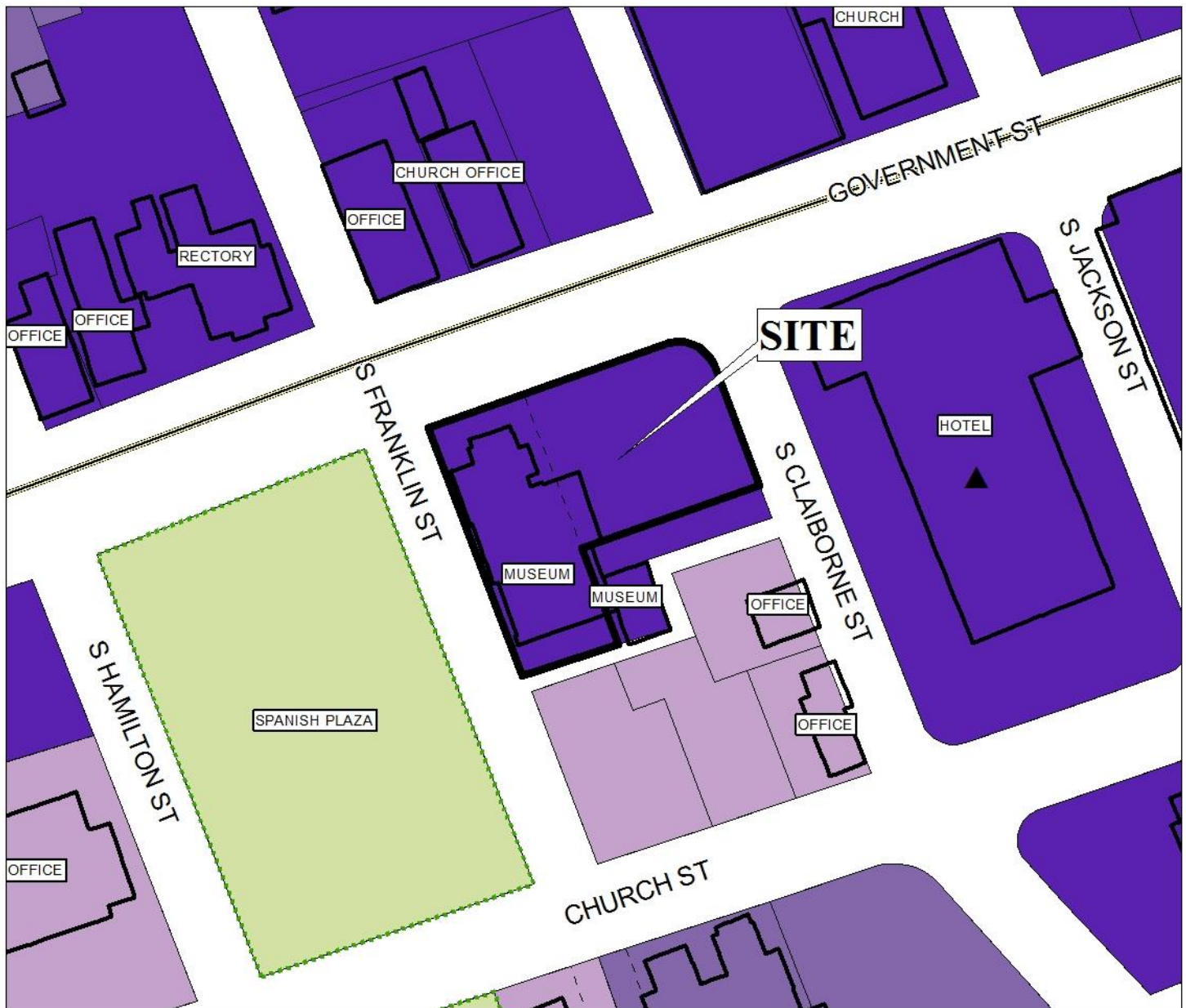
APPLICATION NUMBER 6143 DATE December 4, 2017

APPLICANT Mobile Carnival Association, Inc.

REQUEST_____Masking of Parking Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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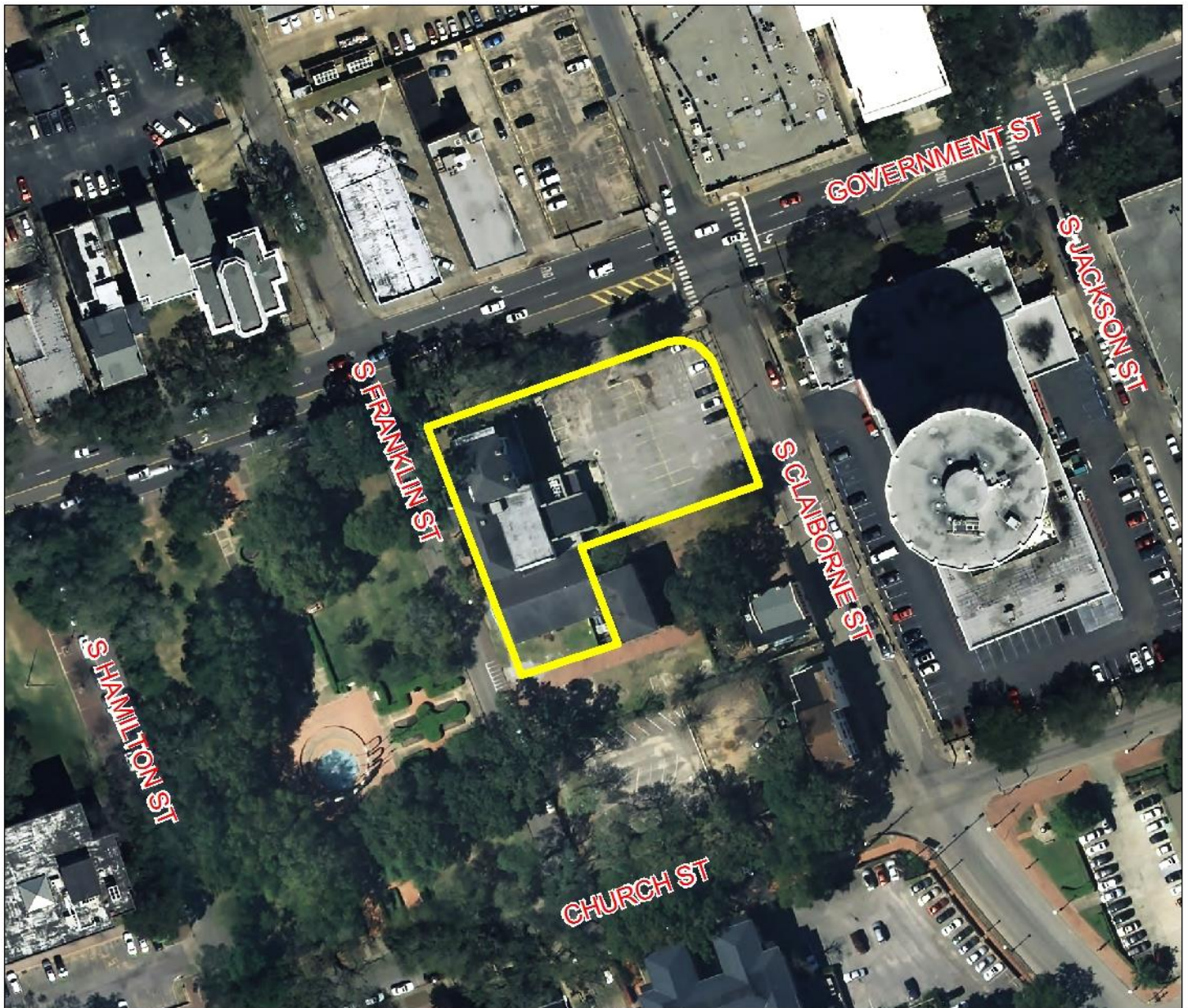
APPLICANT Mobile Carnival Association, Inc.

REQUEST Masking of Parking 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

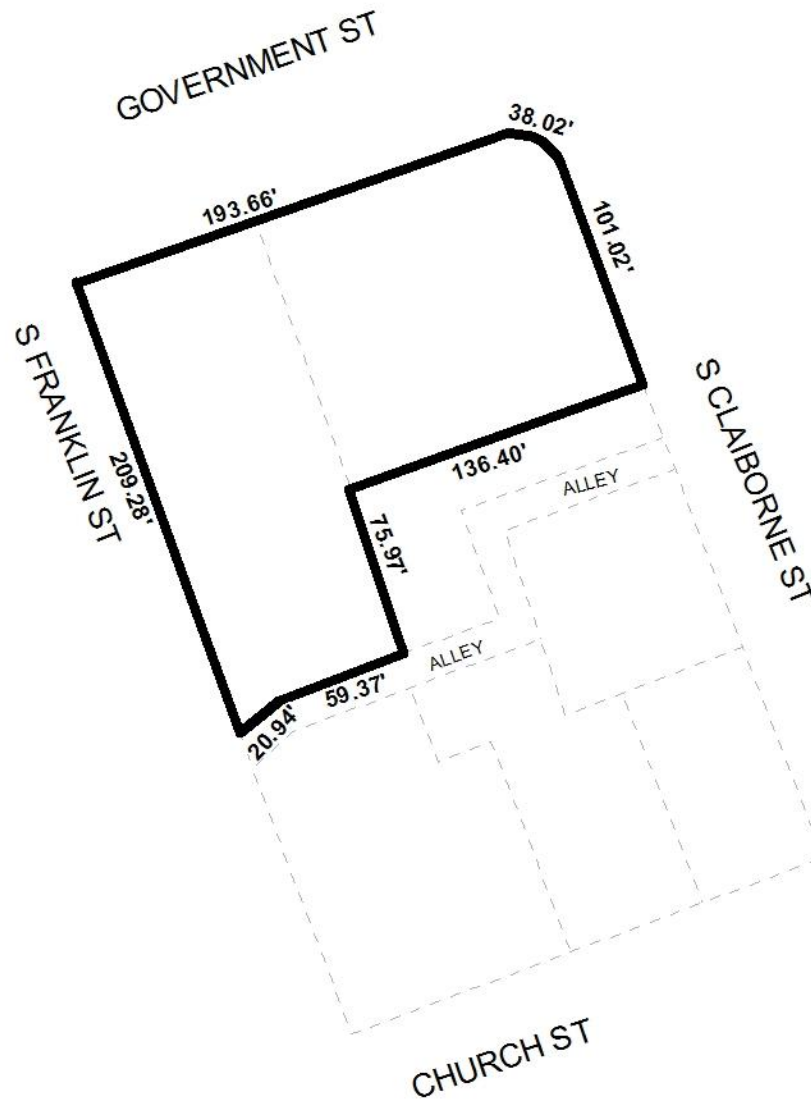


The site is surrounded by commercial units.

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 APPLICANT Mobile Carnival Association, Inc.
 REQUEST Masking of Parking Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6143 DATE December 4, 2017
APPLICANT Mobile Carnival Association, Inc.
REQUEST Masking of Parking Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6143 DATE December 4, 2017

APPLICANT Mobile Carnival Association, Inc.

REQUEST Administrative Appeal



