

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 6, 2017**

<u>CASE NUMBER</u>	6085
<u>APPLICANT NAME</u>	Oakleigh Custom Woodworks, LLC.
<u>LOCATION</u>	356 State Street (Northeast corner of State Street and North Franklin Street).
<u>VARIANCE REQUEST</u>	USE VARIANCE: Use Variance to allow a custom woodworking shop in a T-4 Sub-District within the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE VARIANCE: The Zoning Ordinance prohibits light manufacturing businesses in a T-4 Sub-District within the Downtown Development District.
<u>ZONING</u>	T-4, Mixed-Use Low Intensity Sub-District
<u>AREA OF PROPERTY</u>	0.16 ± Acres
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<u>URBAN FORESTRY COMMENTS</u>	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).
<u>FIRE COMMENTS</u>	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).
<u>CITY COUNCIL DISTRICT</u>	District 2

ANALYSIS

The applicant is requesting a Use Variance to allow a custom woodworking shop in a T-4 Sub-District within the Downtown Development District (DDD); the Zoning Ordinance prohibits light manufacturing businesses in a T-4 Sub-District within the Downtown Development District (DDD).

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:

Oakleigh Custom Woodworks is a custom woodworking shop specializing in the repair & reproduction of historically correct wooden windows, doors & other architectural elements. Oakleigh Custom Woodworks has been serving the Mobile Community for over 10 years and currently operates its business in a leased building located at 805 Church Street. The zoning for the Church Street property is T4 with a zoning variance allowing Oakleigh Custom Woodworks to perform the light manufacturing operations needed for the business. The State Street property is also zoned T4 and, like the Church Street property, is situated in a mixed-use neighborhood where residential & commercial properties co-exist.

The State Street & Church Street properties are similar in zoning & neighborhood surroundings. The major difference is that the State Street property provides almost three times the amount of warehouse square footage. Oakleigh Custom Woodworks would now be able to conduct nearly all of its business activities under one roof, thereby significantly reducing the activities occurring outdoors. Oakleigh Custom Woodworks will be able to manage its business with minimal visibility to neighboring properties.

Oakleigh Custom Woodworks has an existing customer base comprised of property owners in Mobile's historic districts. Several of our customers are located in the De Tonti district. The State Street location will provide better visibility & connectivity to the growing number of owners seeking to renovate properties in the downtown area.

There are three primary areas of impact that we would like to address specifically. These being noise, odor and traffic:

- 1. Noise - As a custom shop we use a large variety of woodworking equipment, none of which operates continuously. Our present building is un-insulated metal with a*

residence about 30 feet away and the homeowner experiences no noise. The State Street building is concrete block construction and we anticipate that there will be no noise from the sidewalk. Any noise that might escape is very minimal well within 85 decibels and, by its very nature, quite sporadic.

- 2. Odors – We use exclusively water-borne coatings with little to zero VOCs. Our painting process and materials are fully compliant to California Standards. We use a fully enclosed, filtered paint booth that draws air from outside into the booth where it is filtered into the building. This is the opposite air flow of most painting environments.*
- 3. Traffic – Our work adds a lot of value to a relatively small amount of lumber. Most of our lumber is collected on the roof of a mid-size wagon. Occasionally we will have a truck delivery but this is extremely rare. All other deliveries go to our mailbox at a UPS store so neither FedEx nor UPS make regular deliveries to the business. Finally, we have four people arriving at the shop in two cars. We anticipate that we may add 2 employees in the next 5 years.*

As can be seen, we operate with a very small and discreet footprint and anticipate that the neighbors will not know that we are there.

As previously stated, the applicant wishes to operate a custom woodworking shop on the subject site. The subject site is located in a T-4 Sub-District which is a mixed-use district of low intensity that is comprised primarily of residential uses and neighborhood retail. According to the Downtown Development District (DDD), a T-4 Sub-District does not permit light manufacturing uses. A custom woodworking shop, which is considered to be light manufacturing, requires at minimum, a T5.1 Sub-District zoning designation within the DDD.

The applicant is correct in that the current location of the woodworking business at the Church Street property is also sited in a T-4 Sub-District within the DDD and the Church Street East Historic District; however, this property received variance approval by the Board of Zoning Adjustment at its November 3, 2008 meeting to allow the custom woodworking use within an R-1, Single Family Residential District, which was prior to the adoption of the DDD and T-4 designation of the Church Street site. Although both areas have a similar residential/commercial make-up, the variance approval occurred at a different point in time and variance approvals are determined on a case-by-case basis.

The proposed subject site on State Street is bounded by commercial business uses to the East and West of the property; however, residential properties are located to the South and abut the subject site to the North. It should be noted that the property located to the South of the subject site is zoned T-5.1, but the property is used in a residential capacity. Furthermore, it should also be noted that the subject building was last used as an insurance agency, which is an office-type use, and allowed by right within a T-4 Sub-District.

In response to the applicant's three primary areas of impact, "noise" is of great concern as residential properties are located to the North and South of the State Street site as previously stated. The nearest residential unit is sited approximately 9' from the subject property. The applicant may be correct in that the building is comprised of concrete masonry unit construction;

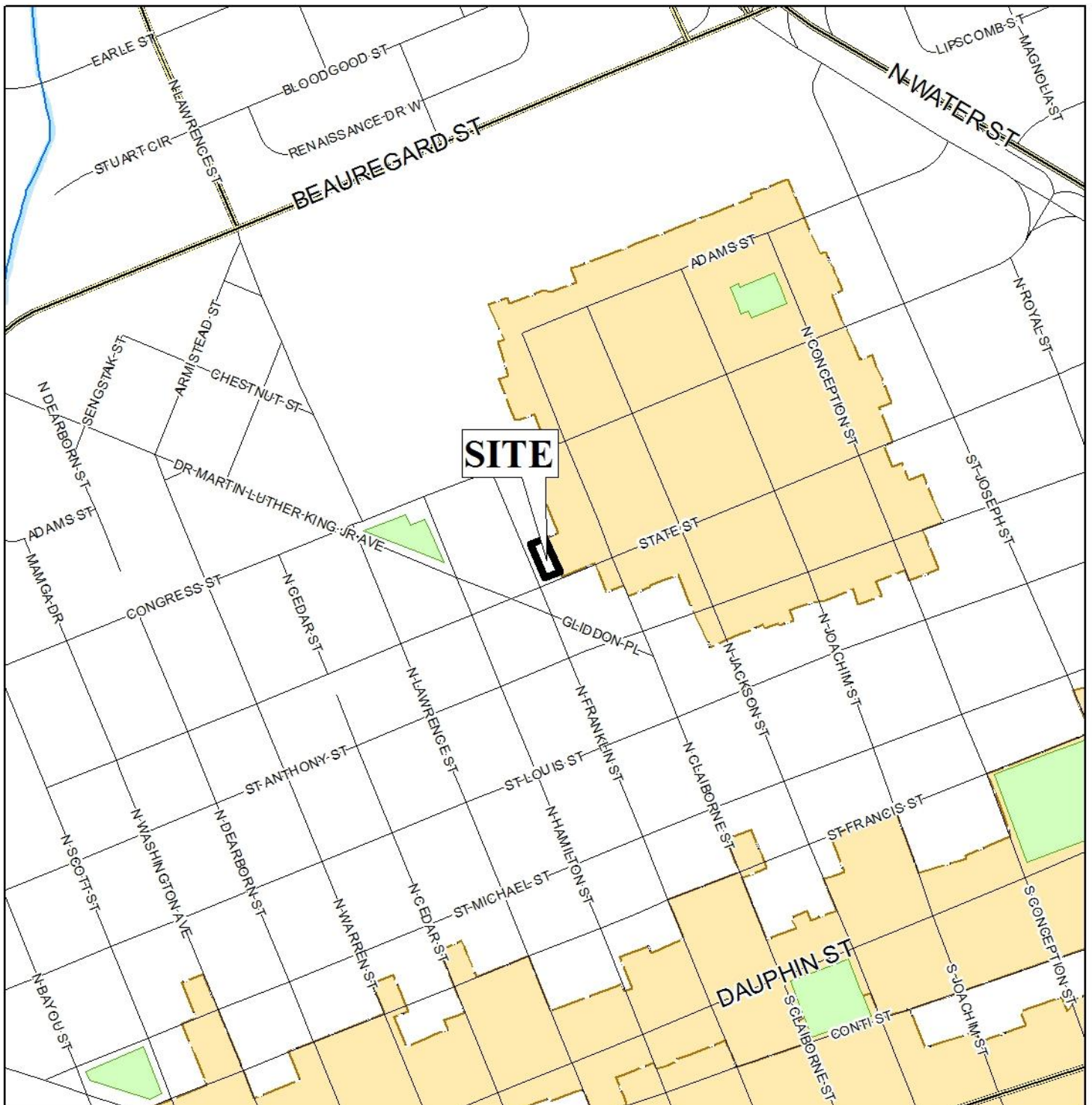
however, it is not known if additional insulation or sound-inhibiting materials are required in order to ensure that the structure is sound-proof. The applicant states that the owner of the neighboring residential property located near its current location on Church Street does not “hear the noise,” however, there are no letters of support from neighboring residential property owners to attest to this statement. Additionally, there were no letters of support submitted from neighboring residential property owners for the proposed business location on State Street in order to gauge the impact of the proposed business use within a T-4 Sub-District. The applicant has not provided any information on the types of equipment/machinery used in the reproduction and restoration of the wood windows, doors, and other architectural elements to be produced at this facility, nor have any engineering calculations been provided to substantiate the decibel level of 85 that was stated in the narrative. It appears that more information may be needed in order to determine the appropriateness of this use within a T-4 Sub-District.

While the use of minimal to zero VOC paints and limited delivery service are positive attributes of the proposed business use, there is still great concern regarding the level of noise that may emanate from the proposed subject site and its impact on surrounding residential properties. Furthermore, the applicant has not shown that the request to relocate their existing business to the subject site is due to very unusual characteristics of the property and/or that there is an imposed hardship presented by the subject property that warrants variance approval. It appears that the applicant’s request is one of desire, and not based on the unusualness of the subject property and/or an apparent hardship, as the applicant can find a compliant location for the proposed business use.

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

- 1) Granting the variance will be contrary to the public interest because the Zoning Ordinance specifically prohibits the placement of light manufacturing uses within T-4 Sub-Districts in the DDD;
- 2) Special conditions do not appear to exist and there are no justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the proposed commercial business use can be located in a compliant location; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed business use does not appear to fit the existing character of neighboring businesses and homes within the immediate vicinity, as there are no other light manufacturing businesses present.

LOCATOR MAP



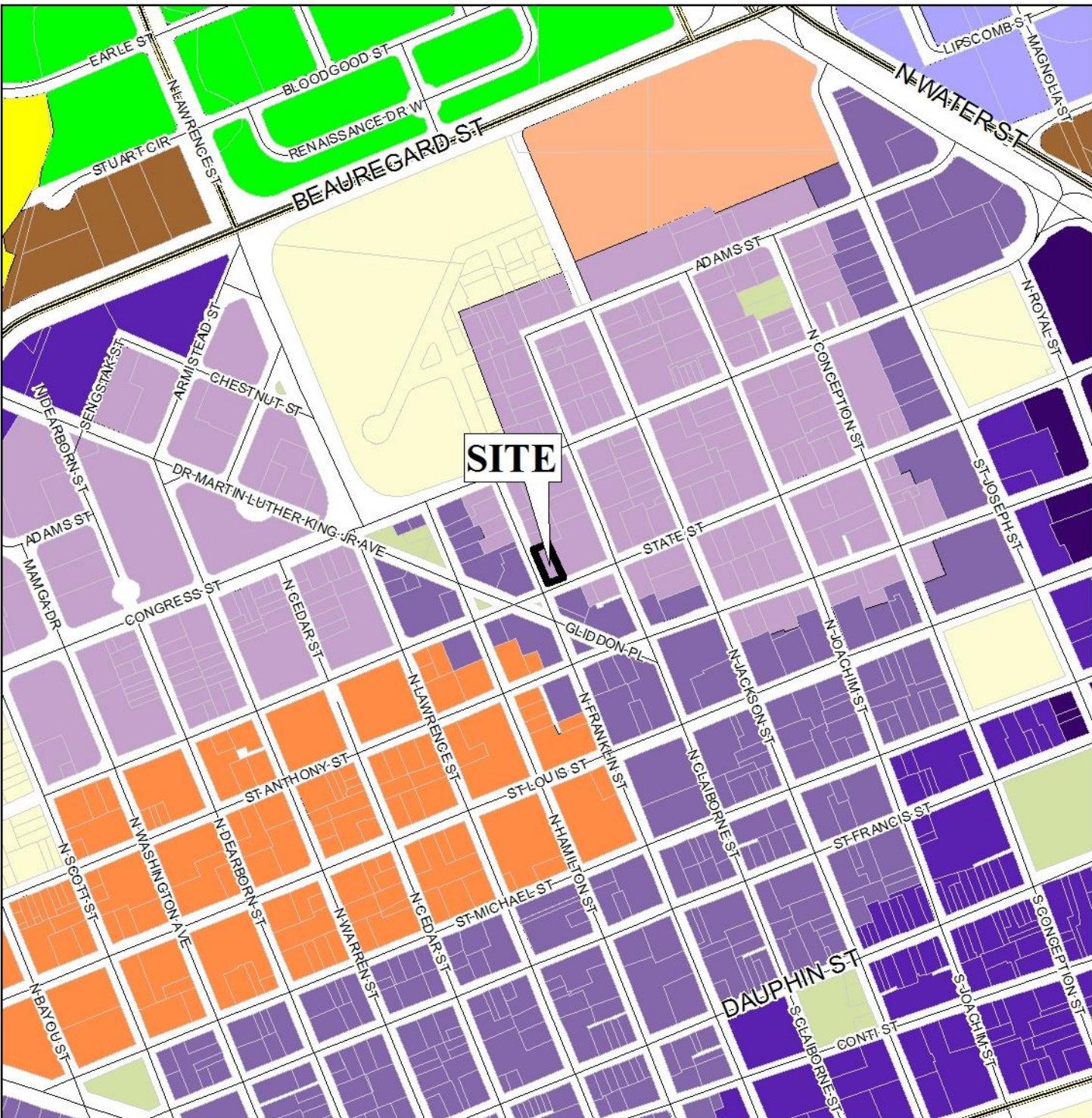
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APPLICANT Oakleigh Custom Woodworks LLC

REQUEST Use Variance



LOCATOR ZONING MAP



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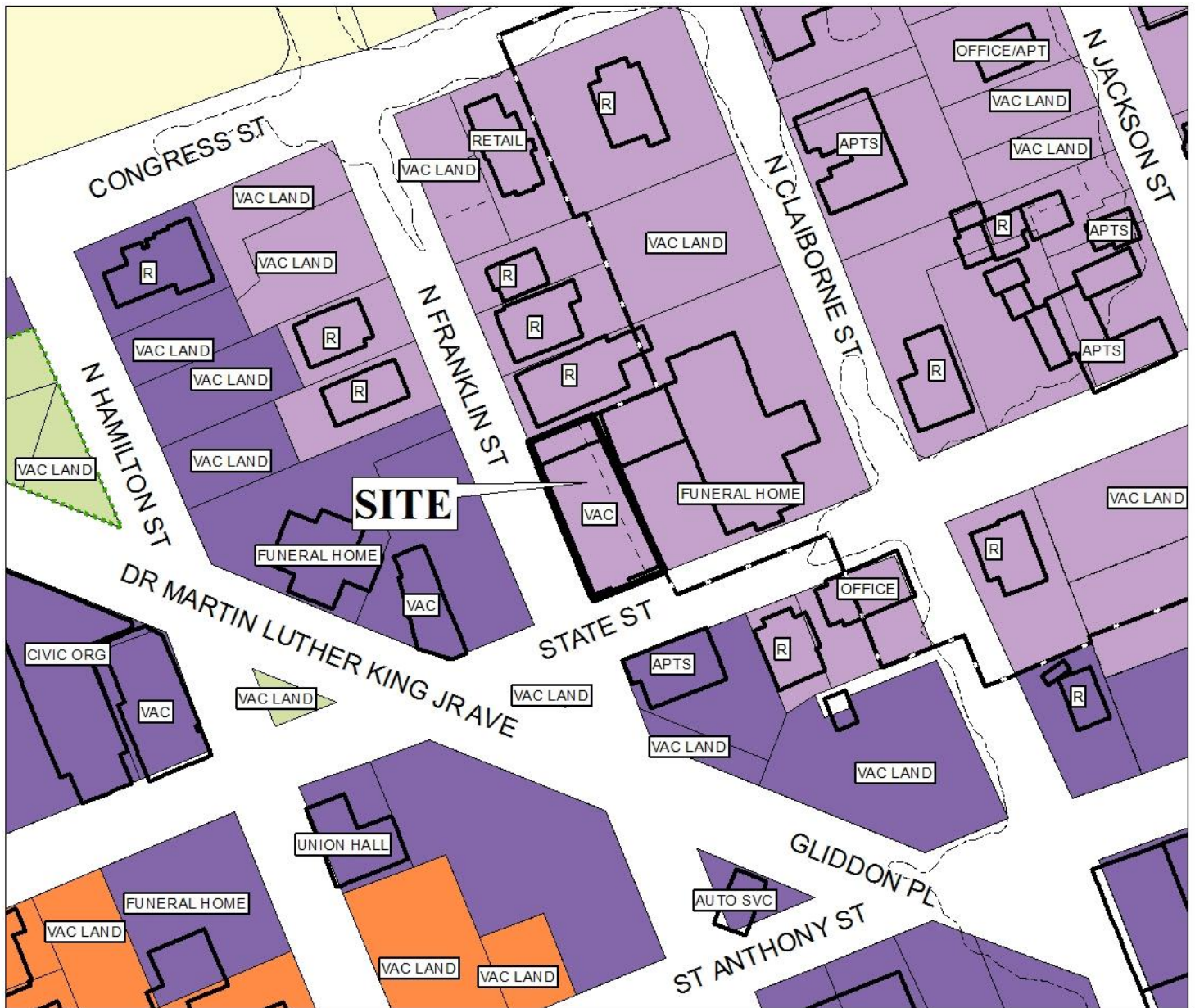
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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and commercial units to the south.

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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

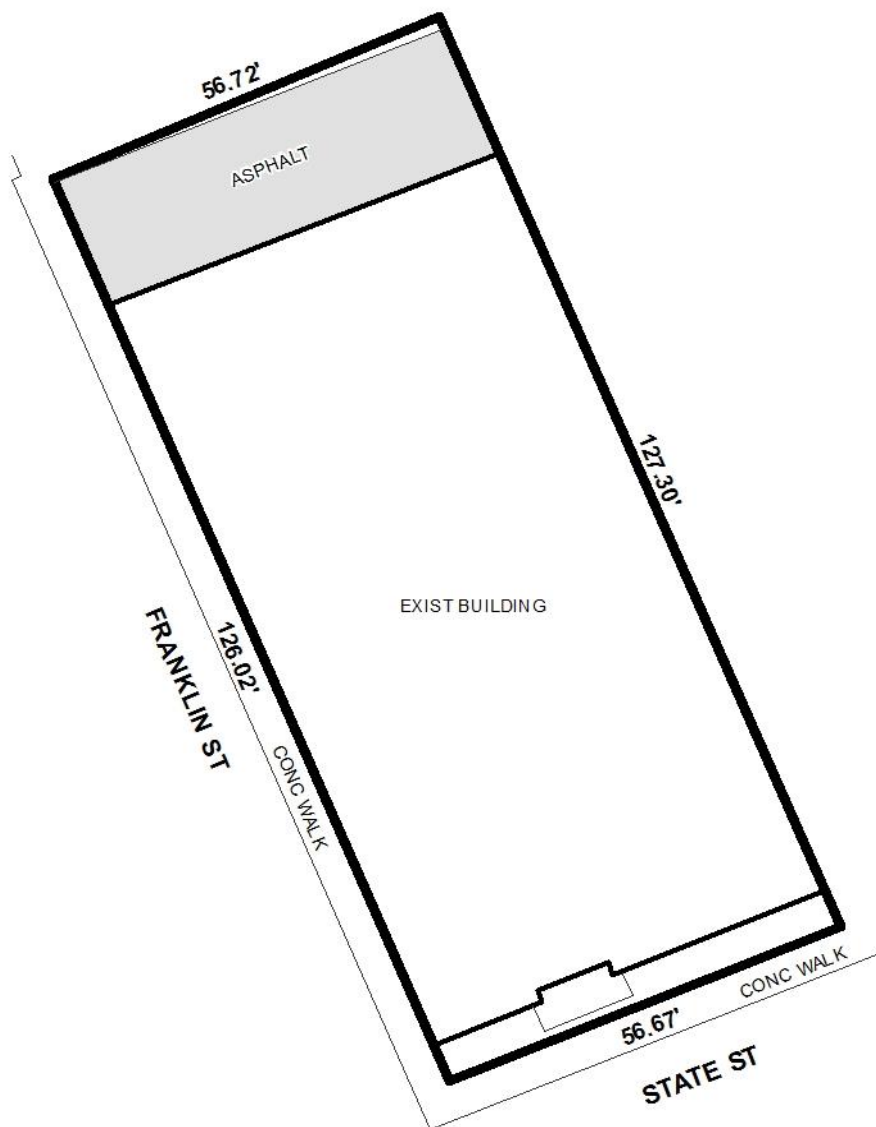


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SITE PLAN



The site plan illustrates the existing building and asphalt area.

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