

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 3, 2023

CASE NUMBER 6507/4555/4428/4265/486/285

APPLICANT NAME James B. Donaghey, Inc.

LOCATION 1770 & 1776 Old Shell Road, and 120 Mobile Infirmary Boulevard
(Northeast corner of Old Shell Road and Mobile Infirmary Boulevard).

VARIANCE REQUEST **SITE:** Site Variance to amend a previously approved Site Variance to allow an addition to an existing commercial building in a B-2, Neighborhood Business District.

ZONING ORDINANCE REQUIREMENT **SITE:** The Zoning Ordinance limits commercial sites to the site plan approved by any previous variance in a B-2, Neighborhood Business District.

ZONING B-2, Neighborhood Business

AREA OF PROPERTY 2.25± Acres

ENGINEERING COMMENTS If the proposed variance is approved the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

TRAFFIC ENGINEERING COMMENTS No comments.

CITY COUNCIL
DISTRICT

District 2

ANALYSIS

The applicant is requesting a Site Variance to amend a previously approved Site Variance to allow an addition to an existing commercial building in a B-2, Neighborhood Business District; the Zoning Ordinance limits commercial sites to the site plan approved by any previous variance in a B-2, Neighborhood Business District.

The site has been given a Traditional Mixed-Use Corridor (TC) 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.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 states:

Project Description

James B. Donaghey, Inc (JBD) is proposing to construct a new 5,250 sq. ft. addition onto their existing fabrication shop. This new addition will serve as storage for miscellaneous equipment, stacked on the floor, with a maximum storage height of 10ft above the finished floor. The project is located at the above referenced location (parcel No. 29-07-25-0-007-027.010). This new structure will be is within JBD's existing 1.80 acre property. The present zoning of the referenced property is B-2.

Existing Site Conditions

The existing fabrication shop sits near the back of the property with Mobile Infirmary Blvd on the west and another property to the north (The Infirmary Federal Credit Union). The existing structure consists of masonry walls with a steel bar joist roof system. This structure is currently being used for fabrication purposes. There is a concrete ramp and slab that sits at the front of the existing structure. Entries into property are through manually operated metal gates from Old Shell Rd and Mobile Infirmary Blvd. None of the existing entries will be modified for this new addition.

New Site Conditions

The proposed addition will be adjacent, to the south wall, of the existing structure. The new structure will consist of a Pre-Engineered Metal Building (PEMB) with a three (3) hour masonry fire wall that separates the existing and new structures. The maximum building height is 18ft. Partial demolition will be required of the existing concrete slab and ramp. A new concrete ramp will be installed at the south wall of the new addition. Main access to this new addition will be from Mobile Infirmary Blvd., through a manually operated metal gate. This new addition does not intend to create any additional noise to the surrounding environment. The noise level from the existing fabrication shop will be far greater than that of the new storage addition.

The subject site is adjacent to R-3, Multi-Family Residential District, to the East, in use as residential apartments. Adjacent to the North is B-2 zoning in use as a credit union. To the West across Mobile Infirmary Boulevard is B-2 zoning in use as offices, and to the South across Old Shell Road is B-2 zoning, in use as retail sales. Diagonally across Old Shell Road and Mobile Infirmary Boulevard is B-2 zoning in use as a lounge/restaurant.

Portions of the site have been the subject of several variance requests since 1955, all of which have been approved, except the most recent, in 2015, to allow an eight-foot (8') high wall along the Mobile Infirmary property line for the Northern-most portion of the site. That request was withdrawn. The site as a whole has never been reviewed for a variance request. The last approved variance was in 1996 for an expansion to an existing structure on portions of the site.

In late 2017 or early 2018, a building expansion was done without any variance approval or building permits.

The applicant proposes to expand the existing building at the North end of the site with an addition extending toward the South. The site plan provided indicates that the expansion would meet the required 20-foot setback off Mobile Infirmery Boulevard, and total site coverage would not exceed the 50% maximum allowable in a B-2 district. Parking calculations indicate that a compliant number of parking spaces are to be provided.

The site has been nonconforming with regard to both use and site compliance for many years. Metal fabrication is not allowed in B-2 districts; however, the request at hand is to allow the expansion of the nonconforming use. Such may be justified due to the site's long nonconforming use history and history of variance approvals. Any new development of the site would require that the site be brought into compliance. The site plan indicates that manually-operated gates are utilized at the Old Shell Road and the two Mobile Infirmery Boulevard entrances to the site without the required 60-foot vehicle queuing space. Therefore, the site plan should be revised to provide a 60-foot vehicle queuing space from the right-of-way line at each entrance, or electronic gate controls should be utilized.

No dumpster is indicated on the site plan. Therefore, the site plan should be revised to indicate a dumpster with compliant enclosure and sanitary sewer connection, or a note should be placed on the site plan stating that no dumpster will be utilized, and that refuse collection will be via private can collection of curbside service.

The applicant's narrative does not provide any information regarding a hardship associated with the property. However, the site has had previous variances approved to allow expansions of a similar nature, and the Board should consider the request for approval.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of a Site Variance to amend a previously approved Site Variance to allow an addition to an existing commercial building in a B-2, Neighborhood Business District:

- 1) Approving the variance will not be contrary to the public interest in that the proposed expansion is in keeping with the existing business on site; and
- 2) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance as it will not have a substantial impact on surrounding properties.

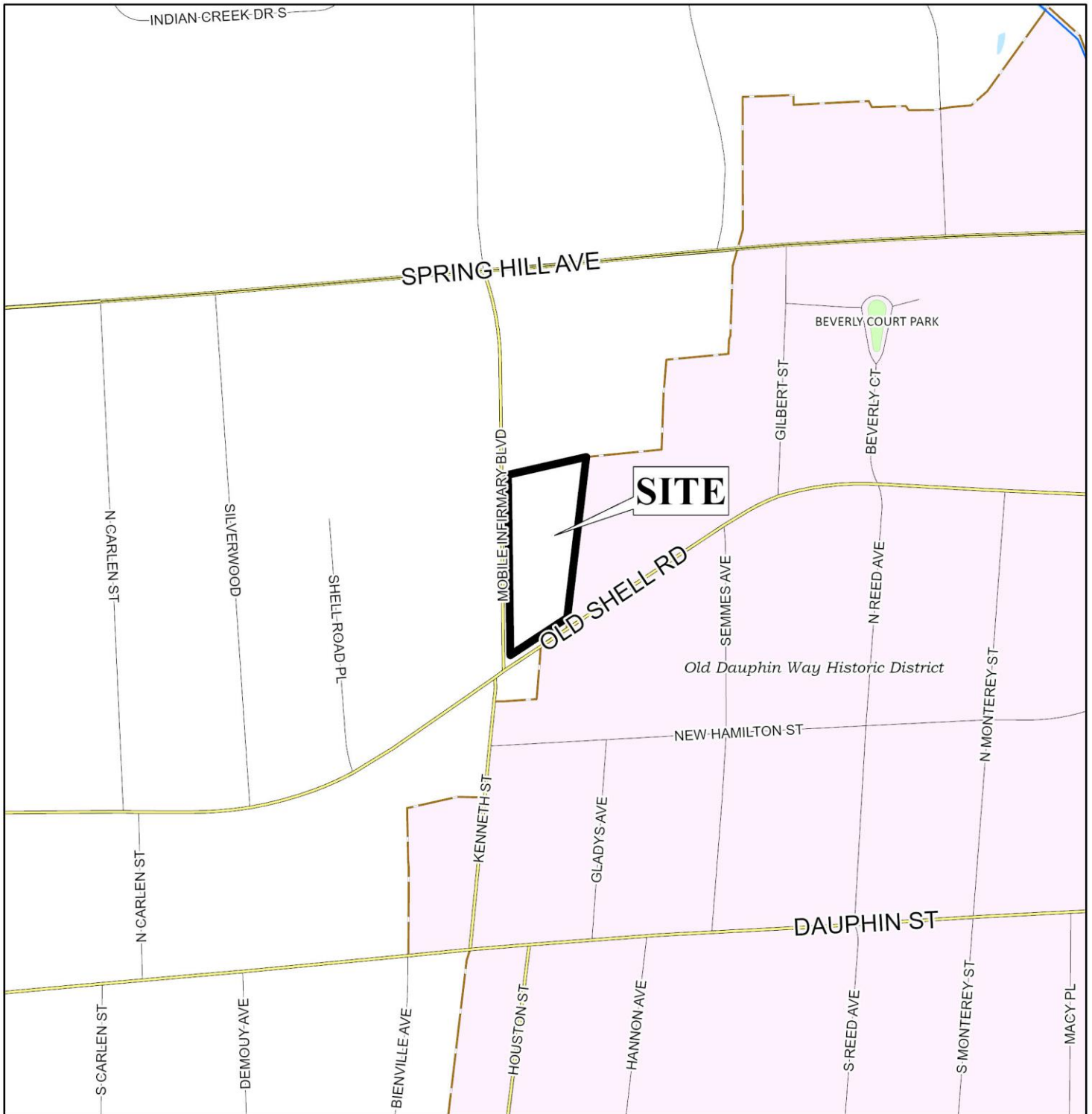
The approval should be subject to the following conditions:

- 1) compliance with the Engineering comments: *(If the proposed variance is approved the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining*

properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.);

- 2) revision of the site plan to provide a 60-foot vehicle queuing space from the right-of-way lines to the gates of the Old Shell Road and Mobile Infirmary Boulevard entrances, or the utilization of electronic gate controls;
- 3) revision of the site plan to provide a dumpster with compliant enclosure and sanitary sewer connection, or placement of a note on the site plan stating that no dumpster will be utilized, and that refuse collection will be via private can collection of curbside service;
- 4) obtaining of a building permit for the proposed addition;
- 5) submittal to and approval by Planning and Zoning of a revised site plan; and
- 6) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



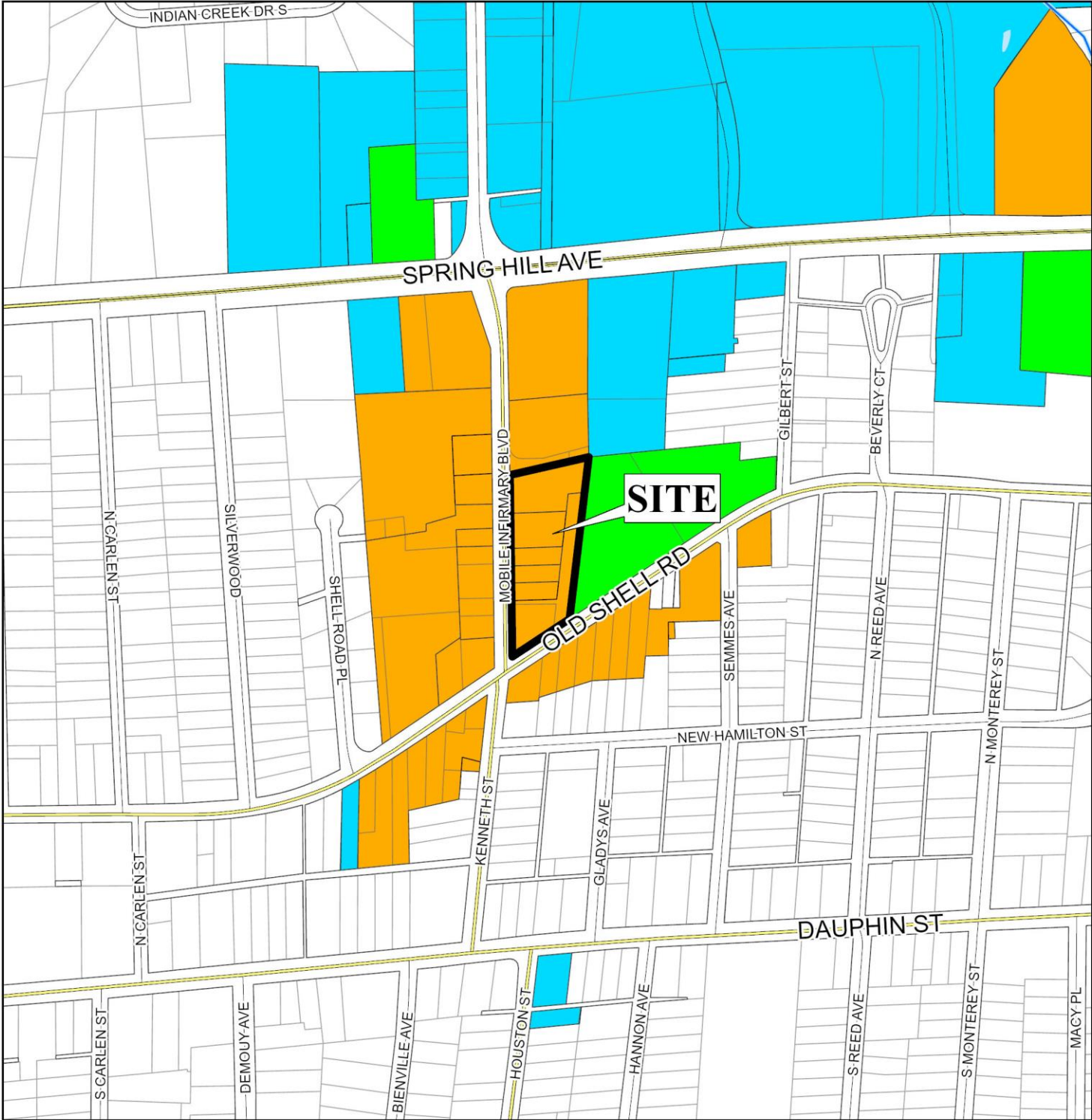
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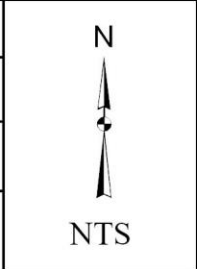
REQUEST Site Variance



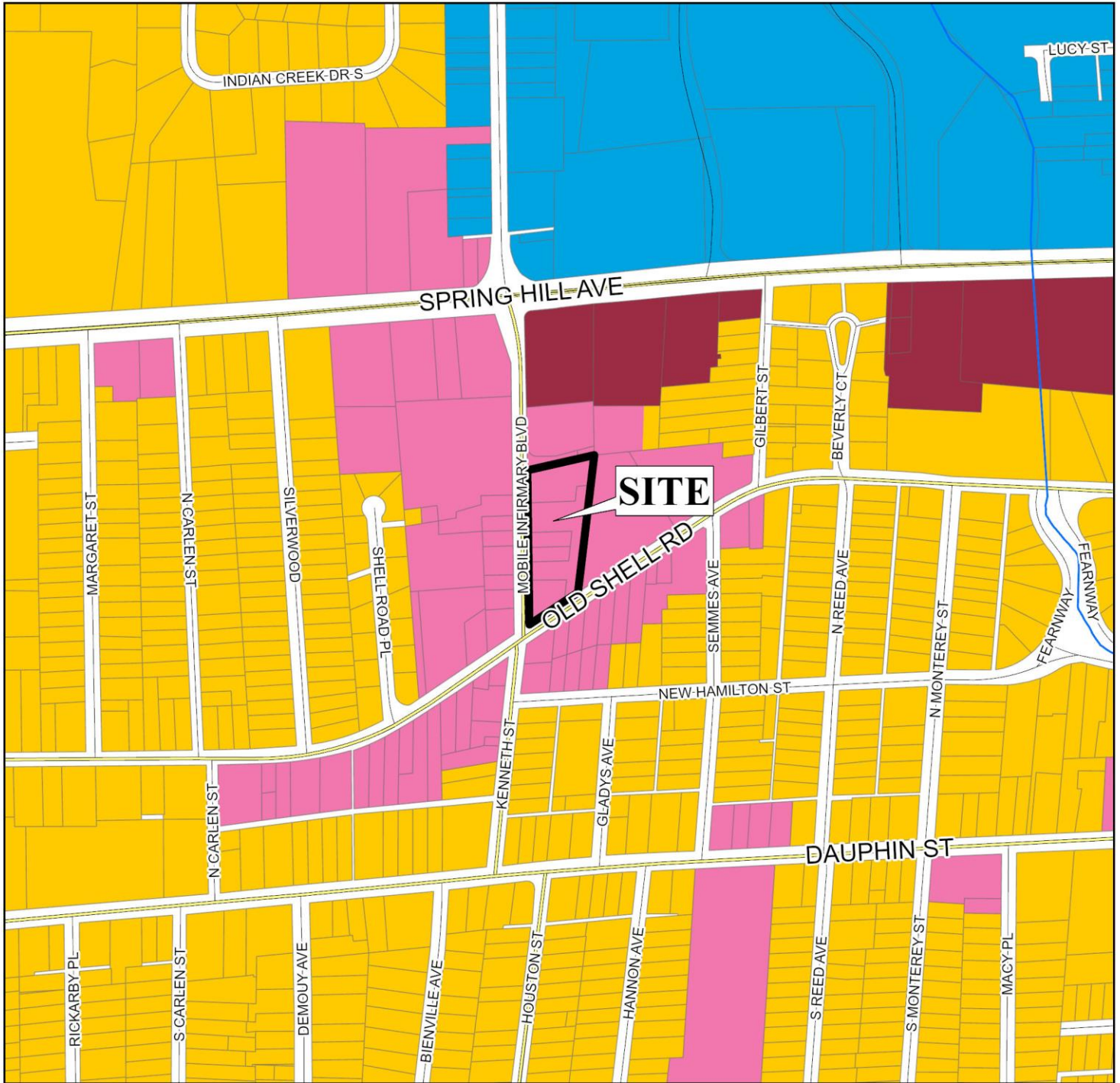
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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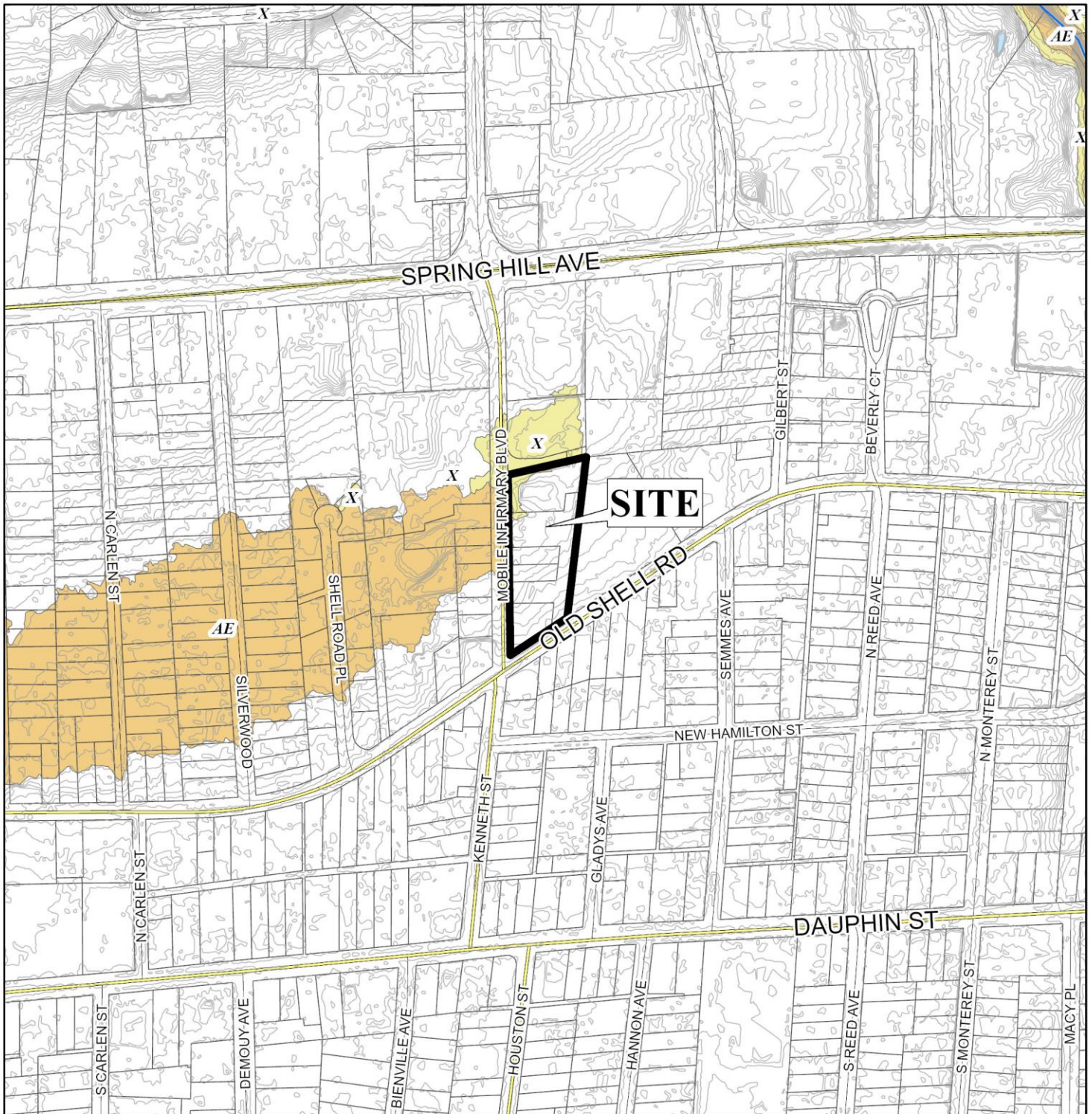
REQUEST Site Variance

FLUM

- | | | |
|---------------------------|-----------------------------------|--------------------|
| Downtown | Traditional Corridor | Heavy Industry |
| Low Density Residential | District Center | Institutional |
| Mixed Density Residential | Neighborhood Center - Traditional | Parks & Open Space |
| | Downtown Waterfront | Water Dependent |
| | Neighborhood Center - Suburban | Light Industry |



ENVIRONMENTAL LOCATOR MAP



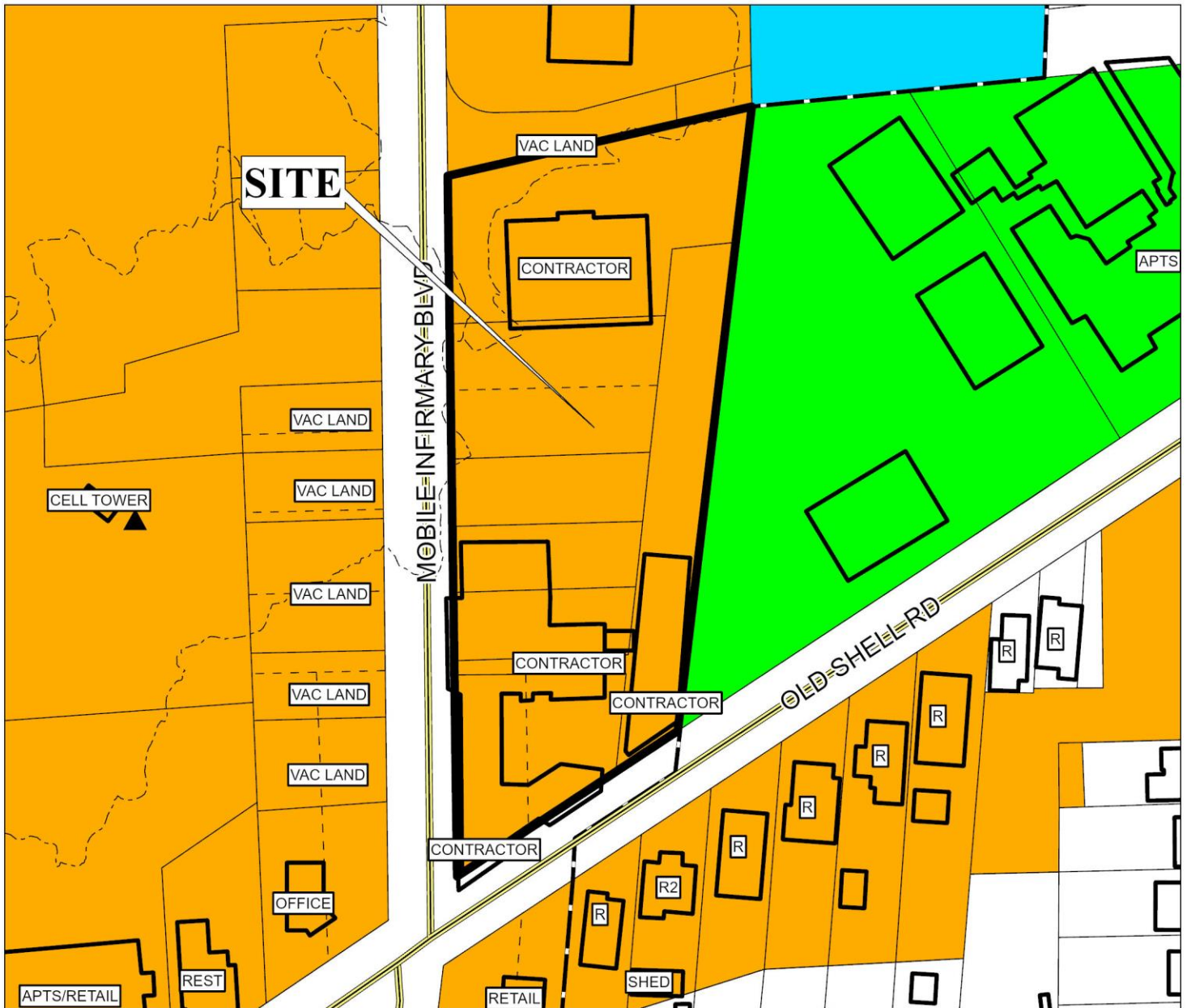
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and residential units.

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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



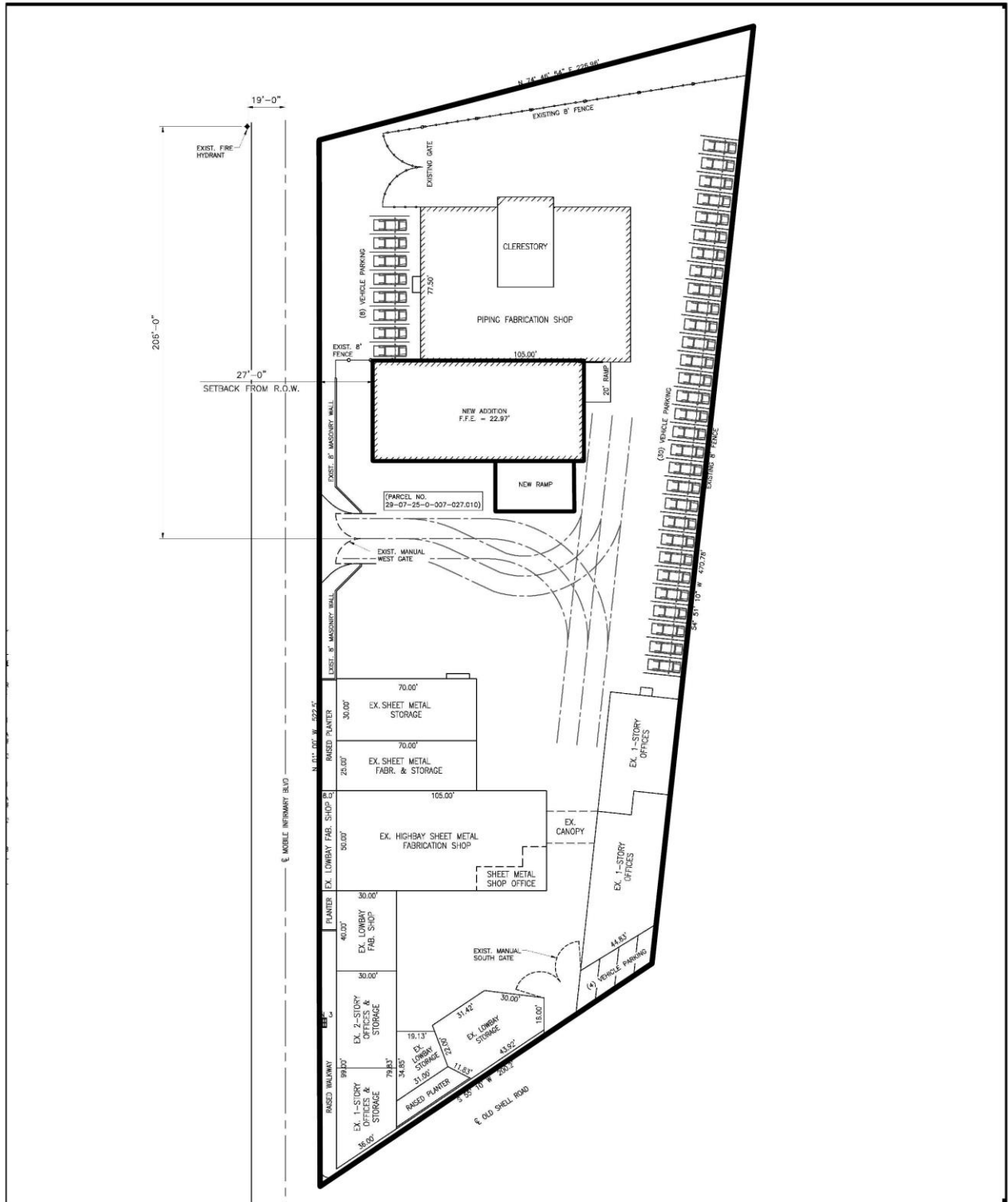
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units and residential units.

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REQUEST <u>Site Variance</u>	

SITE PLAN



The site plan illustrates the existing buildings, parking, proposed addition, and proposed ramp.

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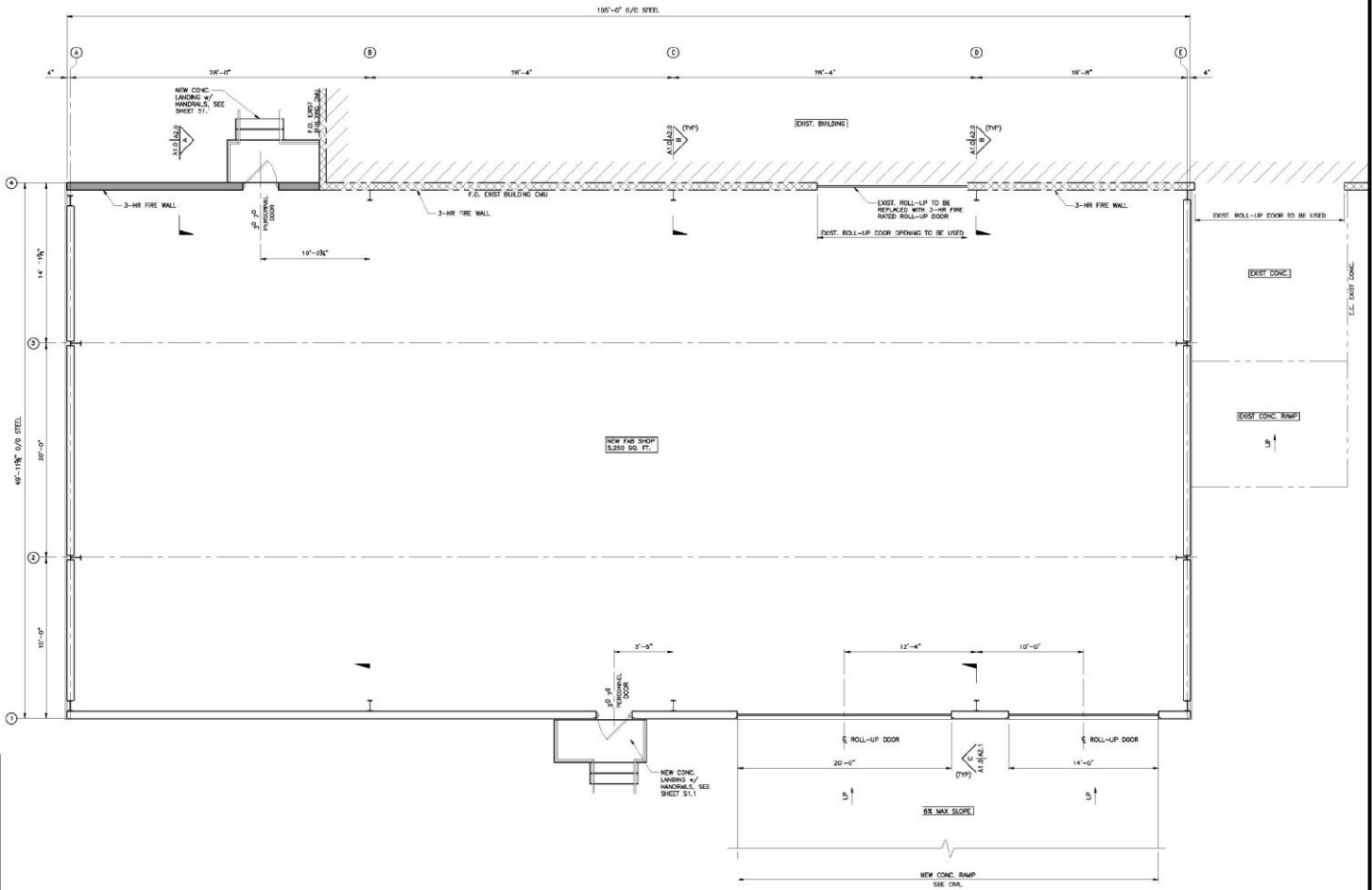
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NTS

DETAIL SITE PLAN



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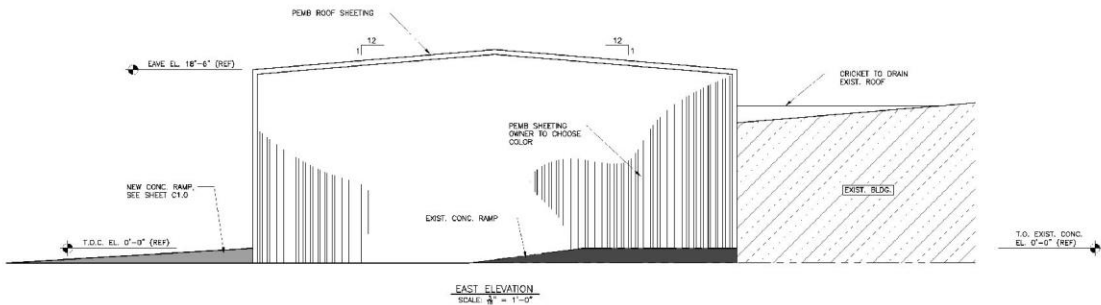
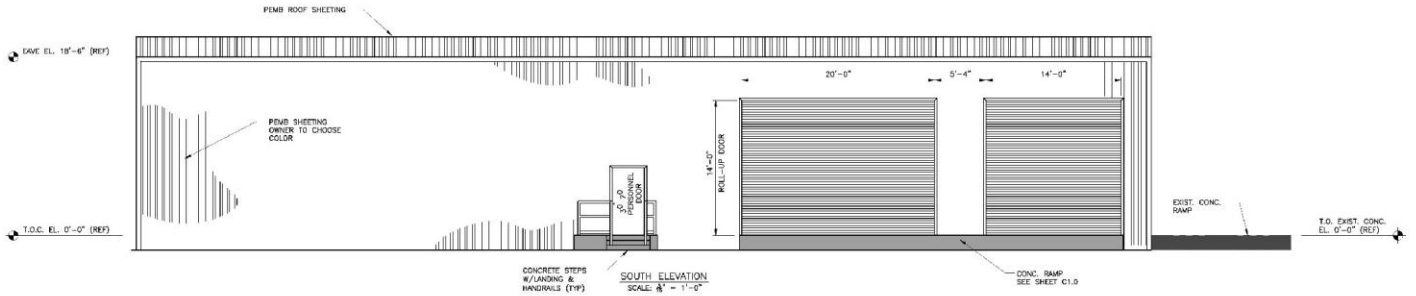
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NTS

DETAIL SITE PLAN



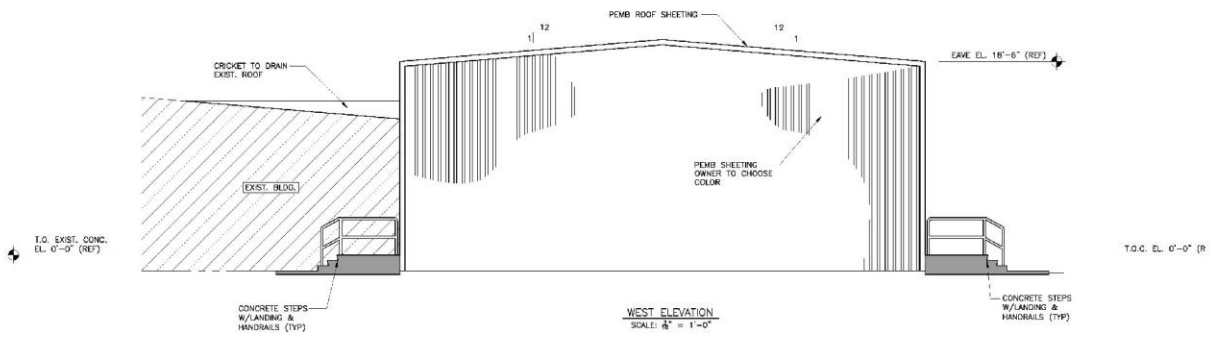
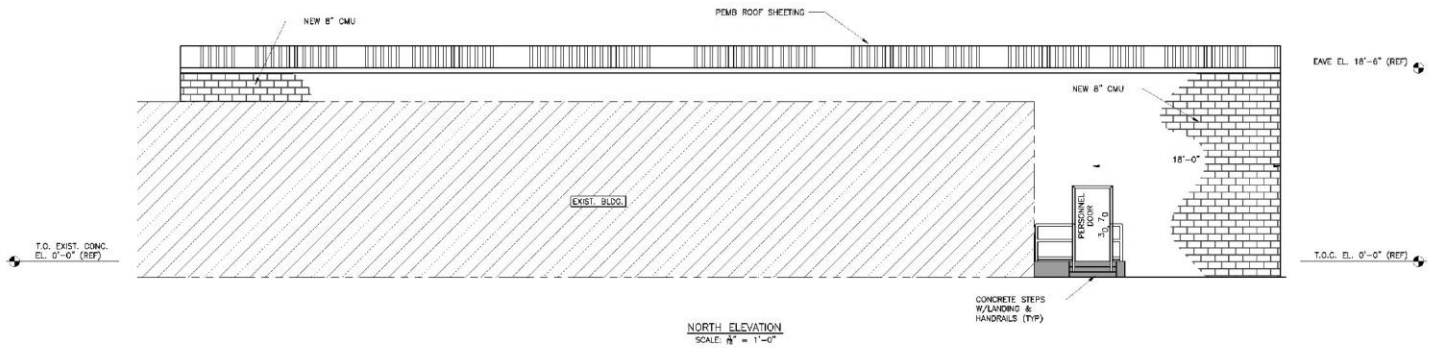
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DETAIL SITE PLAN



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