



Agenda Item #4

BOA-002464-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

1800 Dr. Martin Luther King, Jr. Avenue

Applicant / Agent (as applicable):

Progressive Black Fire Fighters of Mobile, Inc. (Terence Bridges, Agent)

Property Owner:

Progressive Black Fire Fighters of Mobile, Inc.

Current Zoning:

R-1, Single-Family Residential-Urban

Future Land Use:

Mixed Density Residential

Case Number(s):

6513/2140

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow a membership meeting hall in an R-1, Single-Family Residential-Urban District, and requires a 20-foot (20') side street side yard setback in R-1, Single-Family Residential-Urban District.

Board Consideration:

The following variances are requested:

- Use and Side Street Yard Setback Variances to allow a membership meeting hall with a 13-foot (13') side street side yard setback in an R-1, Single-Family Residential-Urban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by single family residential units.

APPLICATION NUMBER	6513	DATE	May 1, 2023
APPLICANT	Progressive Black Fire Fighters of Mobile, Inc. (Terence Bridges, Agent)		
REQUEST	Use and Side Street Side Yard Setback Variances		



SITE HISTORY

The subject site was granted a Use Variance in 1966 to allow the use of the building existing on the site, at that time, as a doctor's office; that building has been demolished. The site was also the subject of a one-lot subdivision application approved at the Planning Commission's April 6th meeting. One of the conditions of that approval was the revision of the plat to illustrate the 20-foot minimum building setback line along Oak Drive Court, or the setback as approved by the Board of Adjustment, on the Final Plat. The application at hand seeks relief from the 20-foot minimum building setback requirement along Oak Drive Court.

STAFF COMMENTS

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 Central Permitting.
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.

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.

Planning Comments:

The applicant is requesting Use and Side Street Side Yard Setback Variances to allow a membership meeting hall with a 13-foot (13') side street side yard setback in an R-1, Single-Family Residential Urban District; the Unified

Development Code (UDC) does not allow a membership meeting hall in an R-1, Single-Family Residential Urban District, and requires a 20-foot (20') side street side yard setback in an R-1, Single-Family Residential Urban District.

The site has been used commercially since the late 1960's.

The site plan submitted indicates that the proposed 1,250 square-foot building on the site would provide the needed ten-foot (10') residential buffer setbacks along the side and rear property lines, and the 25-foot (25') front yard setback. The site plan also indicates compliant parking is proposed within the existing paved parking area. It should be noted that, if the 20-foot side street side yard setback is retained, the building width would be reduced to eighteen feet (18') in width. The building configuration is restricted by the side and rear yard residential buffer setbacks and an 81-inch (81") oak tree which was required to be protected and maintained as a condition of the previously approved variance for the site.

VARIANCE CONSIDERATIONS

Standards of Review:

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 the request 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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- the spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; no variance shall be granted:

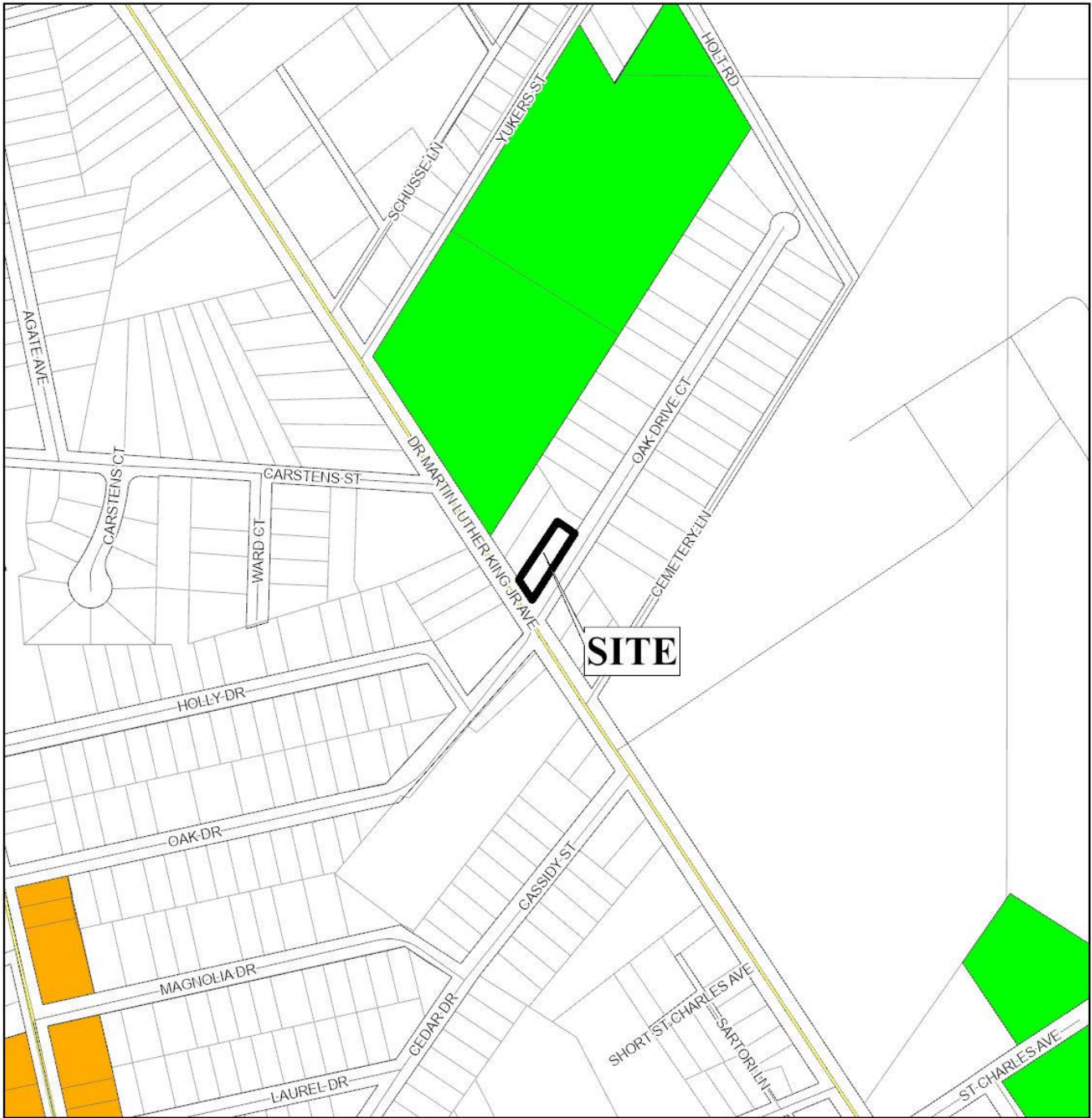
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application, the Board must consider the following findings of fact for approval or denial of the request:

- 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 ZONING MAP

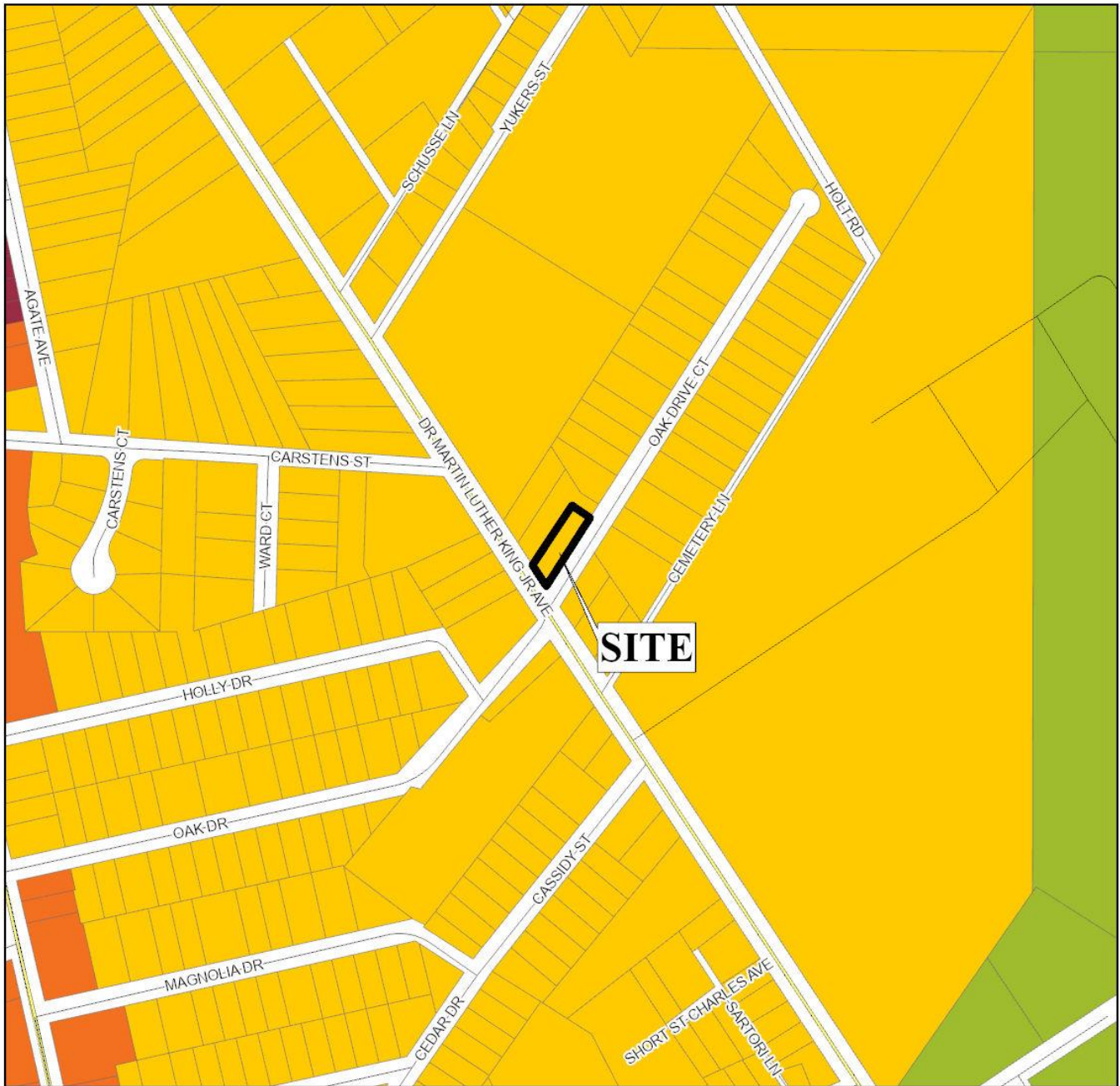


APPLICATION NUMBER 6513 DATE May 1, 2023
APPLICANT Progressive Black Fire Fighters of Mobile, Inc. (Terence Bridges, Agent)
REQUEST Use and Side Street Side Yard Setback Variances



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6513 DATE May 1, 2023

APPLICANT Progressive Black Fire Fighters of Mobile, Inc. (Terence Bridges, Agent)

REQUEST Use and Side Street Side Yard Setback Variances

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



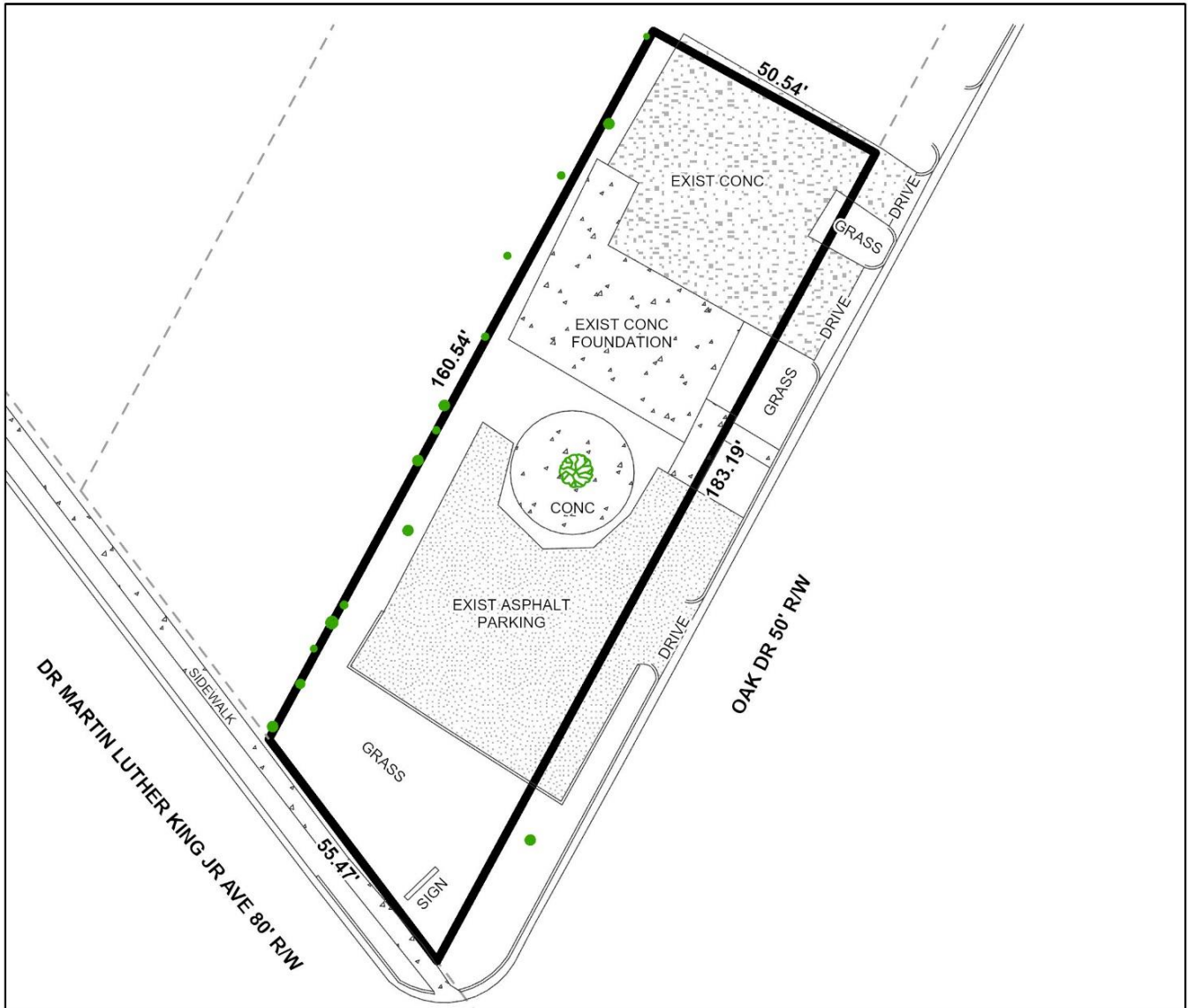
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6																	

SITE PLAN



The site plan illustrates the existing surfaces, trees, and drives.

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