



Agenda Item # 4

BOA-002896-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1073 Schillinger Road South

Applicant / Agent (as applicable):

Byrd Surveying

Property Owner:

Jonathan Williams / Bama Real Estate Schillinger LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Numbers:

6584

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban District.

Board Consideration:

- Pedestrian Connection Variance to waive the requirement for a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6584 DATE May 6, 2024

APPLICANT Byrd Surveying

REQUEST Pedestrian Connection Variance



NTS

SITE HISTORY

The subject site was made a legal lot of record as Lot 2, Abba Temple Subdivision, approved by the Planning Commission in 2008, while within the Planning Jurisdiction.

In July 2023, the site became Lot B, Resubdivision of Lot 2, Abba Temple Subdivision, Revised Plat. The Planning Jurisdiction had been dissolved by that time, and the subdivision was approved by Mobile County just prior to annexation into the City of Mobile.

The site was annexed into the City of Mobile in July 2023, and subsequently assigned an R-1, Single-Family Residential Suburban zoning classification.

In November 2023, the site was rezoned from R-1 to its current B-3 classification.

There have been no other applications before the Planning Commission or Board of Zoning Adjustment for the site.

STAFF COMMENTS

Engineering Comments:

No comments.

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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting a Pedestrian Connection Variance to waive the requirement for a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban

District; the Unified Development Code (UDC) requires a pedestrian connection from the public sidewalk to the main building entrance in a B-3, Community Business Suburban District.

A detailed description of the proposed Pedestrian Connection Variance request is available via the link on Page 1 of this report.

The pedestrian connection requirement is to provide connectivity from the public sidewalk along Schillinger Road to the building. The subject site is under development as a custard shop. The site plan submitted indicates that the site elevation changes from 159-feet to 172-feet (13-feet) over the 187-foot span of the area where the required pedestrian sidewalk would go from the public sidewalk in the right-of-way to the handicap parking area. The parking lot elevation at the point where the pedestrian connection meets the parking lot is 176-feet, or four-feet (4') higher than the elevation of the pedestrian connection.

VARIANCE CONSIDERATIONS

Standards of Review:

Variations 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.

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:

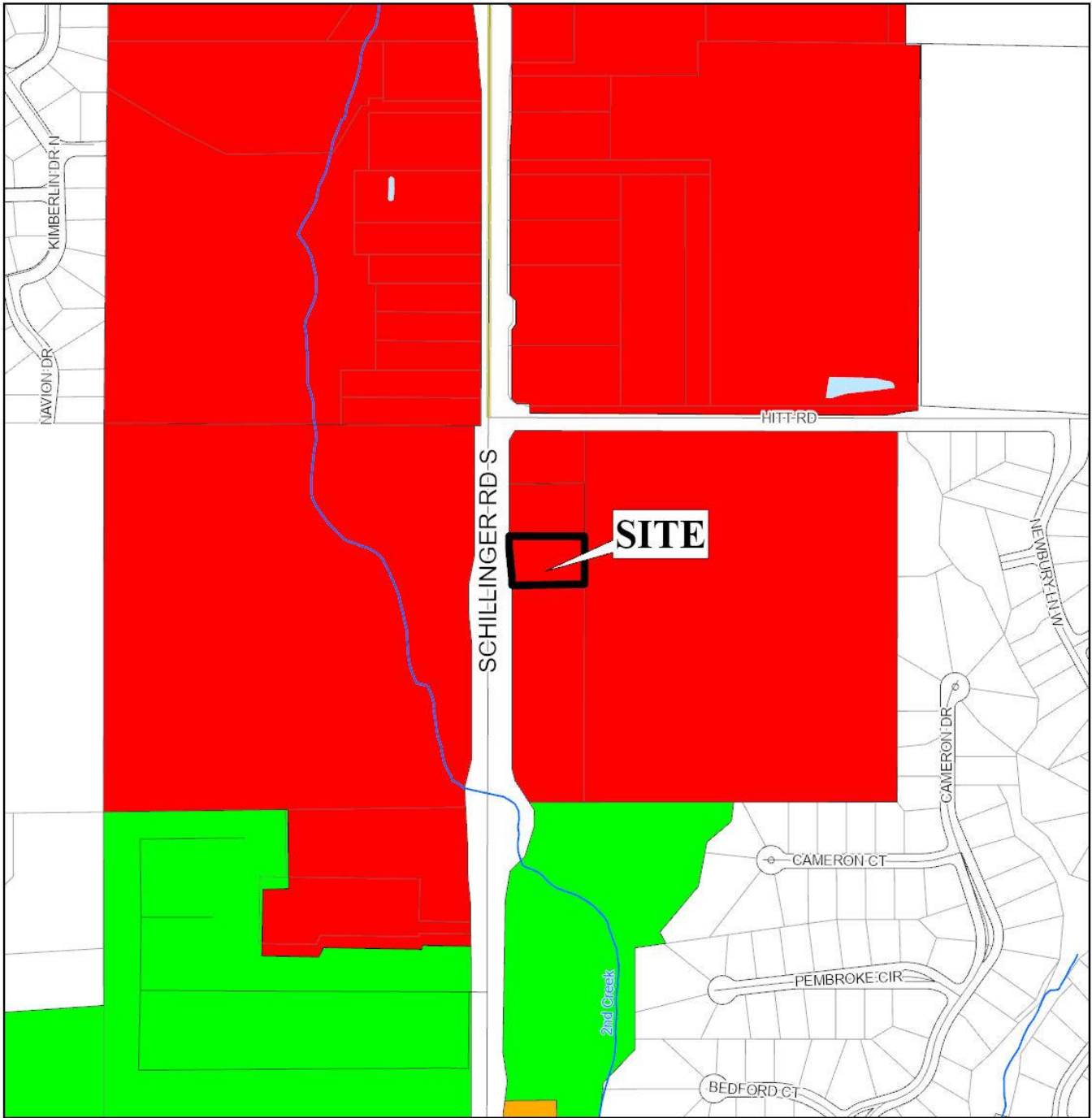
Based on the requested Variance application and documentation submitted if, the Board considers the approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions **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** observed and substantial justice **done** to the applicant and the surrounding neighborhood by granting the variance.

If the Board is inclined to approve this request, the following condition should apply:

- 1) Full compliance with all other municipal codes and ordinances.

LOCATOR ZONING MAP



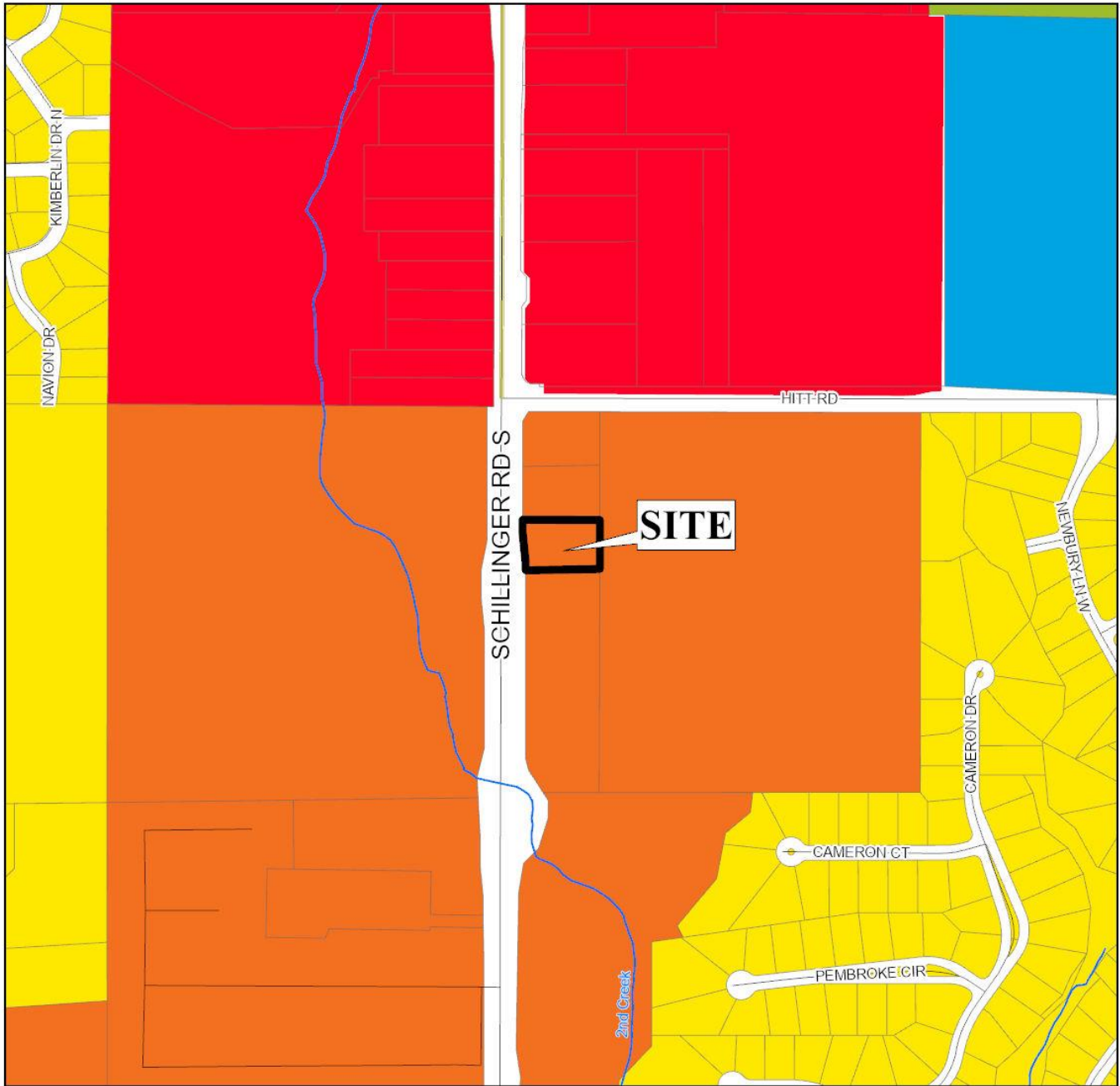
APPLICATION NUMBER 6584 DATE May 6, 2024

APPLICANT Byrd Surveying

REQUEST Pedestrian Connection Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6584 DATE May 6, 2024

APPLICANT Byrd Surveying

REQUEST Pedestrian Connection Variance


- | | | | |
|---|--|---|--|
| ■ 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 | |



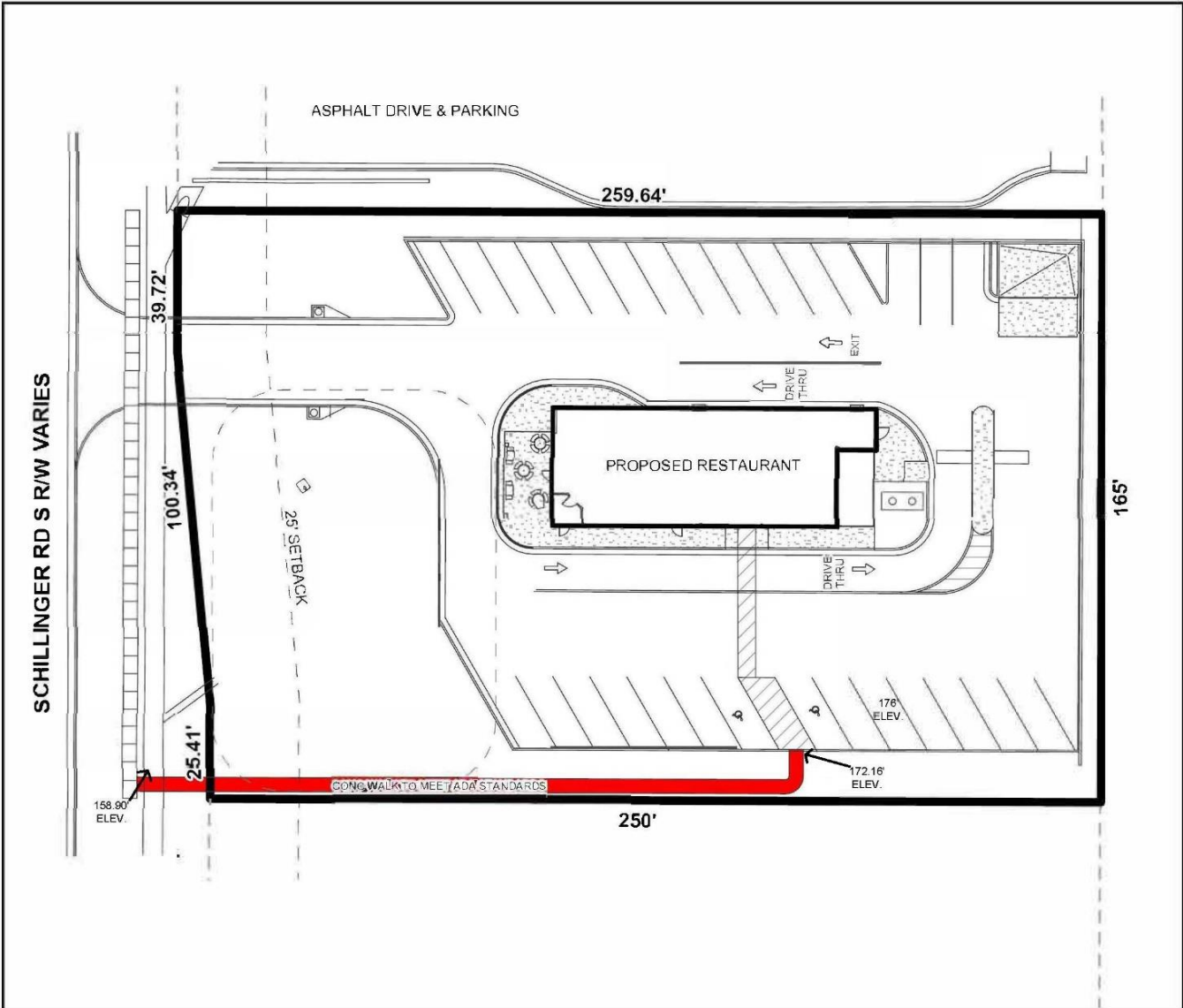
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|--|---|---|---|---|---|---|---|--|---|---|---|---|---|---|--|--|--|--|---|---|---|---|--|---|--|---|---|---|---|--|
| APPLICATION NUMBER <u>6584</u> | DATE <u>May 6, 2024</u> |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICANT <u>Byrd Surveying</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REQUEST <u>Pedestrian Connection Variance</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table> | | | R-A | R-3 | B-1 | B-2 | B-5 | ML | I-2 | OPEN | T-3 | T-5.2 | R-1 | R-B | T-B | B-3 | CW | MH | PD | SD | T-4 | T-6 | R-2 | H-B | LB-2 | B-4 | MM | I-1 | MUN | SD-WH | T-5.1 | |
| R-A | R-3 | B-1 | B-2 | B-5 | ML | I-2 | OPEN | T-3 | T-5.2 | | | | | | | | | | | | | | | | | | | | | | | |
| R-1 | R-B | T-B | B-3 | CW | MH | PD | SD | T-4 | T-6 | | | | | | | | | | | | | | | | | | | | | | | |
| R-2 | H-B | LB-2 | B-4 | MM | I-1 | MUN | SD-WH | T-5.1 | | | | | | | | | | | | | | | | | | | | | | | | |

SITE PLAN



The site plan illustrates the proposed restaurant, parking, drive thru, and setback.

| | |
|--|--|
| APPLICATION NUMBER <u>6584</u> DATE <u>May 6, 2024</u> |  NTS |
| APPLICANT <u>Byrd Surveying</u> | |
| REQUEST <u>Pedestrian Connection Variance</u> | |

| ZONING DISTRICT CORRESPONDENCE MATRIX | | LOW DENSITY RESIDENTIAL (LDR) | MIXED DENSITY RESIDENTIAL (MXDR) | DOWNTOWN (DT) | DISTRICT CENTER (DC) | NEIGHBORHOOD CENTER - TRADITIONAL (NC-T) | NEIGHBORHOOD CENTER - SUBURBAN (NC-S) | TRADITIONAL CORRIDOR (TC) | MIXED COMMERCIAL CORRIDOR (MCC) | LIGHT INDUSTRIAL (LI) | HEAVY INDUSTRY (HI) | INSTITUTIONAL LAND USE (INS) | PARKS & OPEN SPACE (POS) | DOWNTOWN WATERFRONT (DW) | WATER DEPENDENT USES (WDWRU) | |
|---------------------------------------|-------|-------------------------------|----------------------------------|---------------|----------------------|--|---------------------------------------|---------------------------|---------------------------------|-----------------------|---------------------|------------------------------|--------------------------|--------------------------|------------------------------|---|
| RESIDENTIAL - AG | R-A | | | | | | | | | | | | | | | |
| ONE-FAMILY RESIDENCE | R-1 | ■ | | | | ■ | | ■ | | | | | □ | | | |
| TWO-FAMILY RESIDENCE | R-2 | ■ | | | | ■ | | ■ | | | | | □ | ○ | | |
| MULTIPLE-FAMILY | R-3 | ○ | ■ | | | ■ | ■ | | | | | | □ | ○ | | |
| RESIDENTIAL-BUSINESS | R-B | | ○ | | | ■ | | ■ | | | | | □ | ○ | | |
| TRANSITIONAL-BUSINESS | T-B | | ○ | | ■ | ■ | ■ | ■ | | | | | □ | | | |
| HISTORIC BUSINESS | H-B | | | ■ | | ■ | | ■ | | | | | □ | | | |
| VILLAGE CENTER | TCD | | | | | ■ | ■ | | | | | | □ | | | |
| NEIGH. CENTER | TCD | | | | | ■ | ■ | | | | | | □ | | | |
| NEIGH. GENERAL | TCD | | | | | ■ | | | | | | | □ | | | |
| DOWNTOWN DEV. DDD | T-6 | | | ■ | | | | | | | | | □ | | | |
| DOWNTOWN DEV. DDD | T-5.1 | | | ■ | | ■ | | □ | | | | | □ | | | |
| DOWNTOWN DEV. DDD | T-5.2 | | | ■ | | ■ | | | | | | | □ | | | |
| DOWNTOWN DEV. DDD | T-4 | | | ■ | | ■ | | □ | | | | | □ | | | |
| DOWNTOWN DEV. DDD | T-3 | | | ■ | | ■ | | | | | | | □ | | | |
| DOWNTOWN DEV. DDD | SD-WH | | | | | | | | | ○ | ○ | | □ | | | |
| DOWNTOWN DEV. DD | SD | ○ | ○ | ○ | ○ | ○ | ○ | ○ | | ○ | ○ | | □ | | | |
| BUFFER BUSINESS | B-1 | | □ | | | □ | ■ | ■ | ■ | | | | □ | ○ | | |
| NEIGH. BUSINESS | B-2 | | ○ | | | □ | ■ | ■ | ■ | | | | □ | ○ | | |
| LIMITED BUSINESS | LB-2 | | ○ | | | □ | ■ | ■ | ■ | | | | □ | ○ | | |
| COMMUNITY BUSINESS | B-3 | | | | ■ | | | | ■ | | | ○ | □ | ○ | | |
| GEN. BUSINESS | B-4 | | | ■ | | | | | ■ | | | ○ | □ | ○ | | |
| OFFICE-DISTRIBUTION | B-5 | | | | | | | | ■ | ■ | | | □ | □ | | |
| LIGHT INDUSTRY | I-1 | | | | | | | | | ■ | | | □ | □ | | □ |
| HEAVY INDUSTRY | I-2 | | | | | | | | | | ■ | | □ | | | □ |

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.