

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: November 7, 2016

CASE NUMBER

6065

APPLICANT NAME

Healthy Hotels, Inc.

LOCATION

3896 Michael Blvd.
(Northwest corner of Michael Boulevard and Downtowner Boulevard).

VARIANCE REQUEST

USE VARIANCE: Use Variance to allow auto sales in a B-2, Neighborhood Business District.

**ZONING ORDINANCE
REQUIREMENT**

USE VARIANCE: The Zoning Ordinance requires a minimum of a B-3, Community Business District for auto sales.

ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.7 ± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No information was provided on the site plan to indicate where the inventory will be parked and where customer/employee parking will be provided. Parking inventory in the right-of-way is prohibited.

**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 (State Act 2015-116 and City Code Chapters 57 and 64).

**FIRE
COMMENTS**

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).

**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Use Variance to allow auto sales in a B-2, Neighborhood Business District; the Zoning Ordinance requires a minimum of a B-3, Community Business District for auto sales.

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.

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.

The applicant states:

“This site was developed in 1981 as a gas station with an automated tunnel car wash. Currently there is a coin operated self-service car wash and a coin operated laundromat. The owner/applicant is proposing to also use the site for used auto sales. The property is zoned B-2 but the proposed use requires B-3 classification. The property that adjoins to the West and to the North is developed with a parking lot that has 322 spaces and across Downtowner Boulevard is a commercial building that has a large parking lot along the street frontage. Downtowner Boulevard is a 4 lane major street and Michael Boulevard is a heavily traveled 2 lane thoroughfare. The addition of a few cars for sale in this environment will not have an adverse effect in the neighborhood.”

As previously stated, the applicant wishes to operate a used auto sales business on the subject site. Currently, there are three existing buildings on this site and two existing business uses, a carwash and a coin-operated laundromat. The carwash and the coin-operated laundromat occupy two of the structures, and the third structure serves as an outbuilding. As noted by the applicant, this site is zoned B-2, Neighborhood Business District; however, per the Zoning Ordinance, used auto sales requires at minimum a B-3, Community Business District zoning designation, thus resulting in the applicant’s request for a variance for the proposed use.

The narrative fails to address a number of items, such as the number of cars that will be showcased for sale at one time, nor does it provide pertinent supplementary information such as the hours of operation for each business, the number of employees, and the number of customers anticipated per day. The narrative also fails to address the gross square footage of each existing structure, as well as the proposed office space location and square footage for the proposed used auto sales business. The applicant provided a site plan, but the site plan does provide enough information to determine if the used auto sales use would be feasible at this location. For instance, the site plan does not illustrate parking spaces dedicated specifically for the used auto sales display area, in addition to the parking spaces that are required for customer and employee

parking for the existing laundromat and car wash. This information is integral to the application as it helps to determine if there is enough parking spaces for all three uses onsite.

Per Section 64-6 of the Zoning Ordinance, at a ratio of 1/300 square feet of gross floor area, the 886± square foot coin-operated laundromat will require two (2) parking spaces. However, based on a requirement of one (1) space per washing stall and one (1) space per vacuum island, the 3,710± square foot carwash will require 10± parking spaces. As mentioned previously, the site plan does not illustrate the required parking spaces needed for the site in order to accommodate each existing and proposed use, as well as those needed for the auto display area to ensure zoning compliance.

Also, there is great concern regarding the accessibility and maneuverability of vehicles throughout the site for the proposed and existing uses. It should be noted that the applicant would be proposing a third use on a 0.7 acre site. Not only does the site need to meet the minimum number of parking spaces required for each use, the parking area must also meet the requirements for onsite accessibility and maneuverability for vehicular traffic.

The applicant mentions that the adjacent properties to the East and West of the subject site have large parking lots that accommodate many cars, as well as providing details on the number of lanes for each thoroughfare that bound the subject property, unfortunately these items have little, if any, bearing on the proposed use and current uses of the subject site.

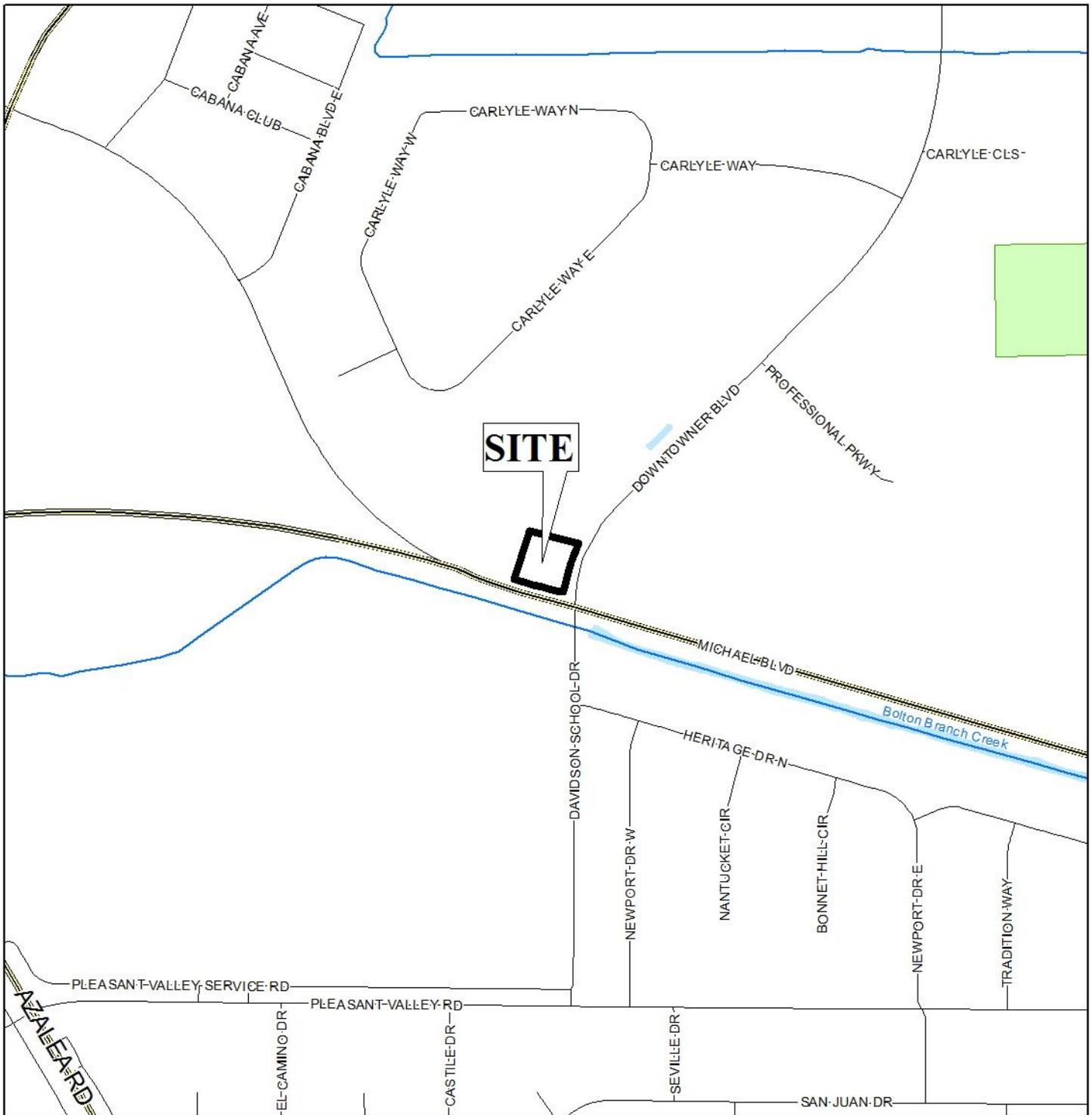
It should be pointed out that two carport structures exist on the site, but are not shown on the submitted site plan. The structures were added within the last two years, without the required permits. Furthermore, staff can find no evidence that sign permits were obtained for any of the signage erected on the site since the property was acquired by the applicant in 2014.

As stated, the applicant has not provided enough information to sufficiently determine if the used auto sales use would be feasible at this location, nor to justify the proposed B-3 use, thus making a holdover necessary at this time.

RECOMMENDATION: Staff recommends Holdover to the December 5th meeting, with revisions submitted by November 11th, so the following can be addressed:

- 1) Information regarding the number of parking spaces provided for the used auto display area and existing business uses;
- 2) Information regarding the hours of operation for each business, the number of employees, and the number of customers anticipated per day;
- 3) Revision of the site plan to illustrate the required number of parking spaces for each use, and onsite accessibility and maneuverability in accordance with the Zoning Ordinance; and
- 4) Revision of the site plan to show all existing structures on the site.

LOCATOR MAP



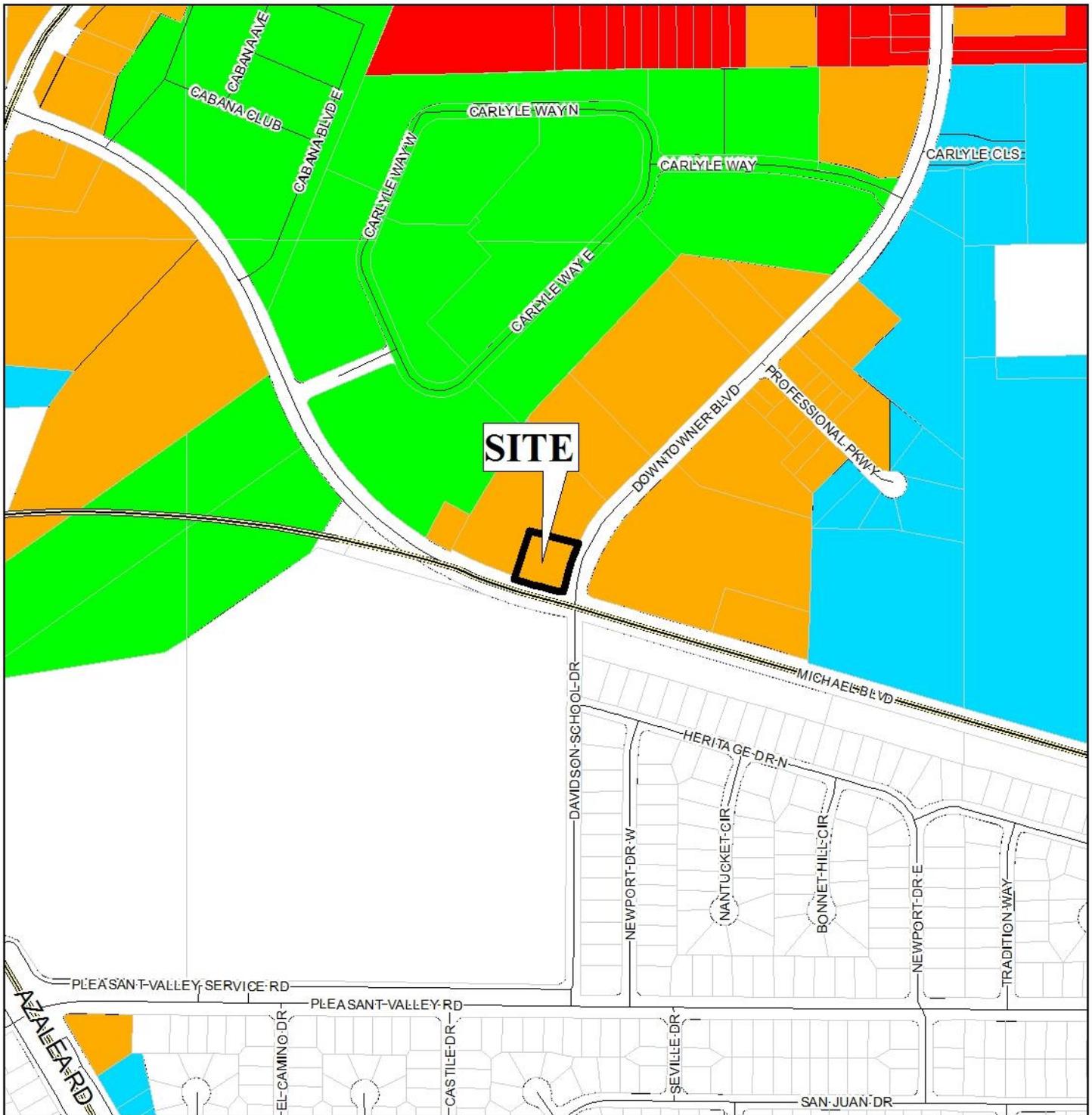
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APPLICANT Healthy Hotels, Inc.

REQUEST Use Variance



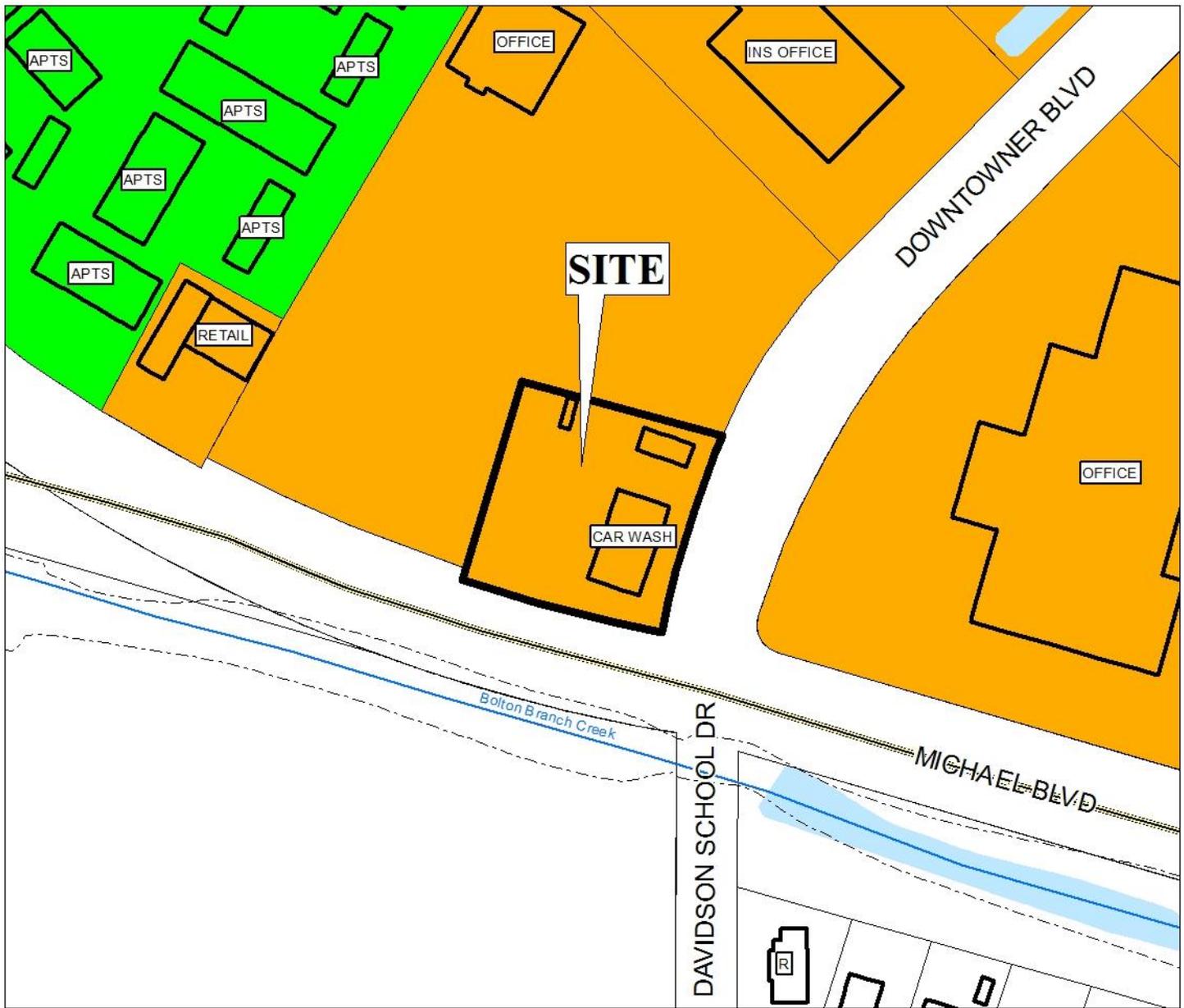
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the northeast and residential units to the northwest and southeast.

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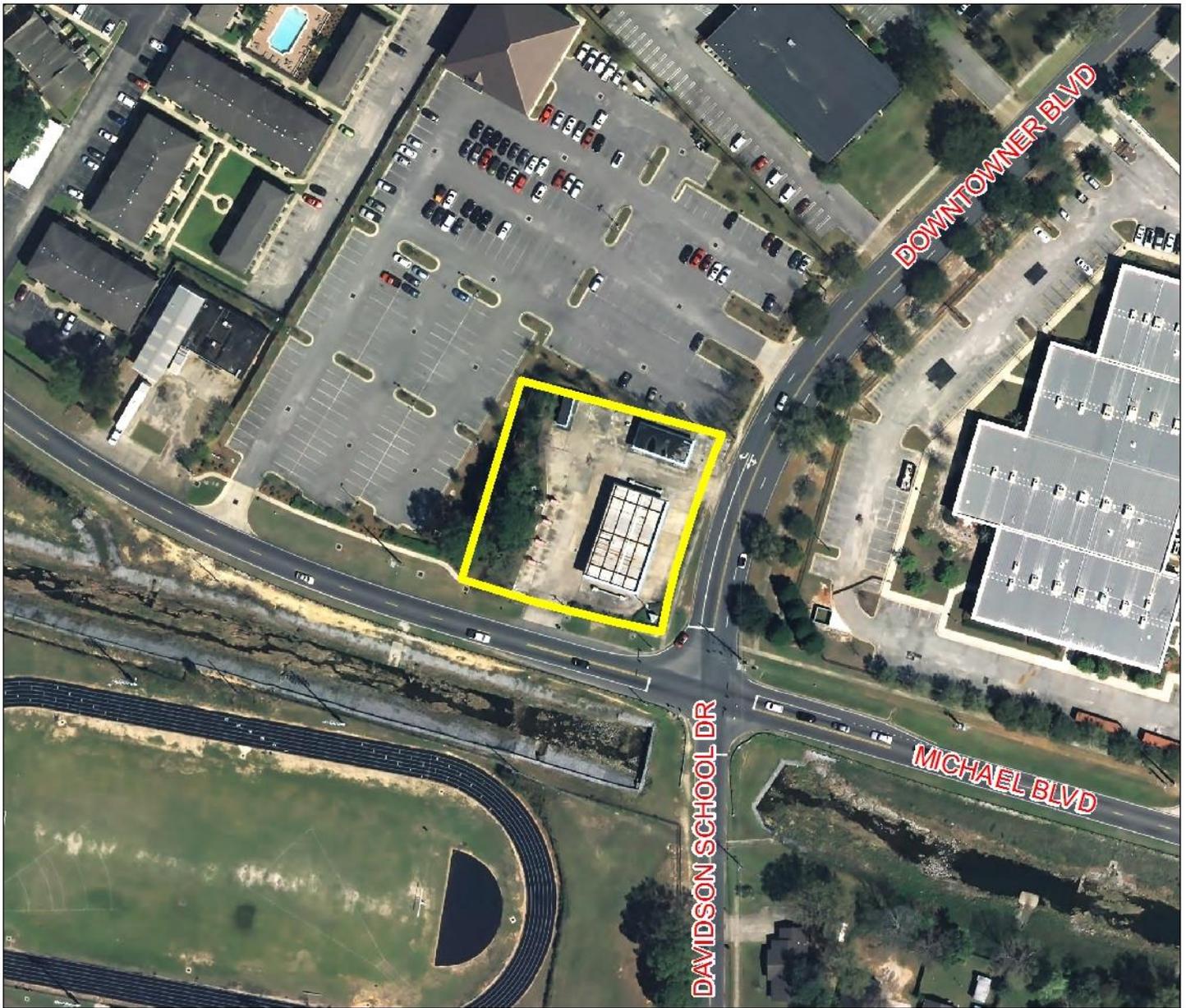
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

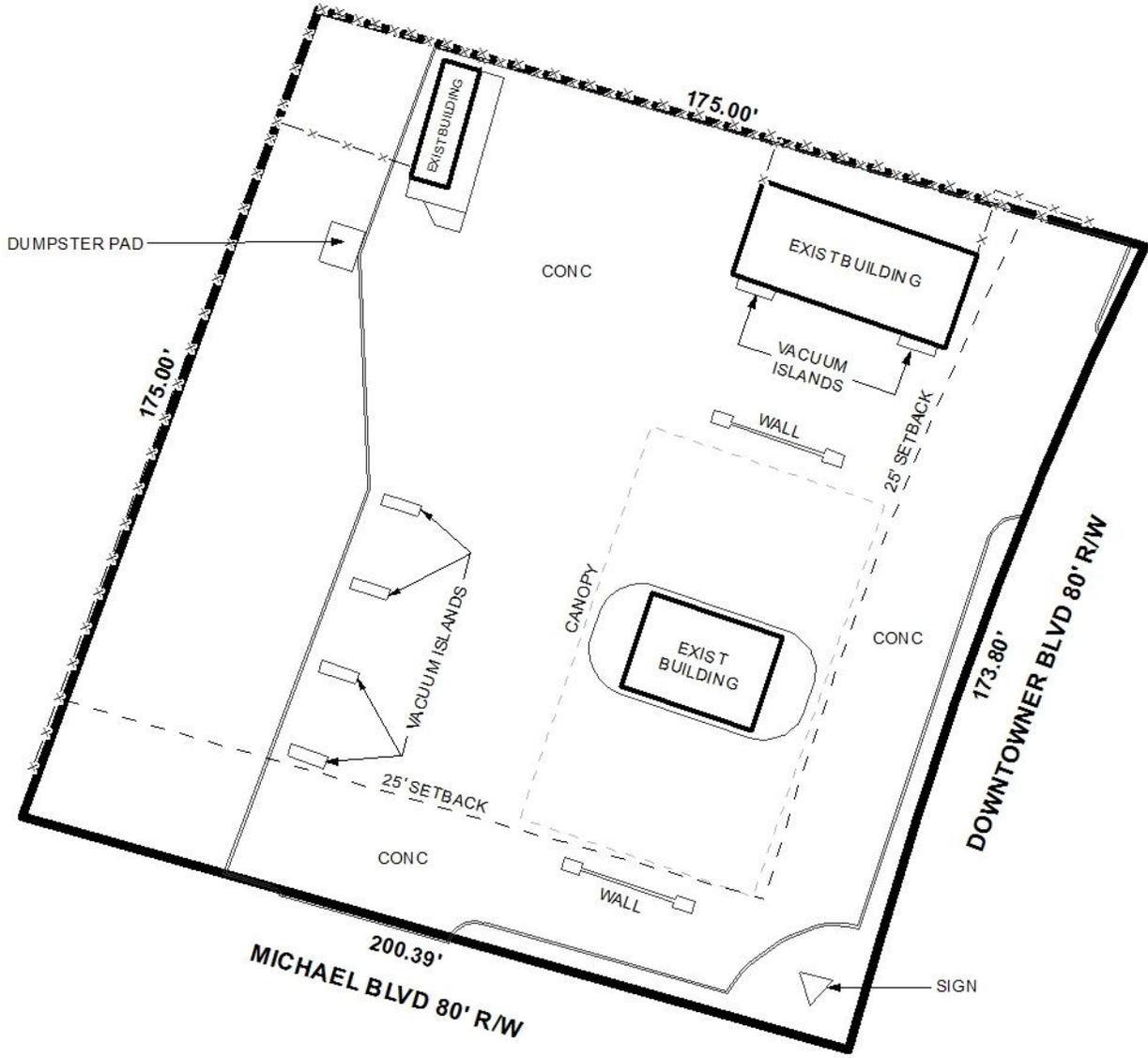


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SITE PLAN



The site plan illustrates the existing buildings, dumpster pad, vacuum islands, and setbacks.

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