

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 2, 2015****CASE NUMBER**

5950

APPLICANT NAME

Diversified Emergency Management Associates, LLC

LOCATION500 Bay Shore Avenue
(Northeast corner of Bay Shore Avenue and Josephine Street)**VARIANCE REQUEST****PARKING RATIO:** To allow no designated parking.**SURFACING:** To allow dirt surfacing.**RESIDENTIAL BUFFER:** To allow an existing chain link fence to serve as residential buffer.**ACCESS AND MANEUVERING:** To allow a 9' drive aisle in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****PARKING RATIO:** The Zoning Ordinance requires a minimum of 3 (three) parking spaces for a 1,100 square foot office building.**SURFACING:** The Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking area.**RESIDENTIAL BUFFER:** The Zoning Ordinance requires a 6' privacy fence or evergreen hedge for adjacent residential properties.**ACCESS AND MANEUVERING:** The Zoning Ordinance requires a 24' wide two-way drive aisle in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

AREA OF PROPERTY

0.12± acres

**ENGINEERING
COMMENTS**

Any required parking places will need to be stabilized with either gravel or asphalt/concrete. A Land Disturbance Permit will need to be submitted for any proposed site improvements.

TRAFFIC ENGINEERING**COMMENTS**

At the predevelopment meeting for this site, the applicant indicated that the business would not have more than three employees on site at a given time. That amount of traffic would be equivalent to a residential site and would be compatible to the surrounding area. This amount of traffic, however, is specific to this particular use that has been proposed. A change of use may have a negative impact on the surrounding area.

URBAN FORESTRY**COMMENTS**

Full compliance with landscaping and tree requirements of the Zoning Ordinance to be coordinated with Urban Forestry.

CITY COUNCIL**DISTRICT**

District 1

ANALYSIS

The applicant is requesting Parking Ratio, Surfacing, Residential Buffer and Access and Maneuvering Variances to allow no designated parking, dirt surfacing, an existing chain link fence to serve as residential buffer and a 9' drive aisle in a B-2, Neighborhood Business District. The Zoning Ordinance requires a minimum of 3 (three) parking spaces for a 1,100 square foot office building (actually, four spaces would be required), with asphalt, concrete, or an approved alternative paving surface for parking areas, a 6' privacy fence or evergreen hedge for adjacent residential properties and 24' wide two-way drive aisle in a B-2 Neighborhood Business District.

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.

Applicant's statement: *Request for a Variance Zoning Compliance, due to a parking hardship, in reference to Diversified Emergency Management Associates, LLC, located 500 Bay Shore Avenue.*

BUSINESS HISTORY:

In April 2009, I started an Emergency Management and Homeland Security consulting firm, Diversified Emergency Management Associates, LLC (DEMA), to provide services to a variety of clients, including government agencies, educational systems, private businesses, private industries, and communities.

Our primary goal is to provide disaster planning and preparedness. Our services consist of the following:

- *Writing various all hazard emergency/disaster plans*
- *Provide local, state and federal approved training*
 - *Hazardous Material*
 - *Incident Command System*
 - *Safety/OSHA*
 - *Response Training*
 - *Table Top and Functional Exercises*
 - *Disaster Recovery Assistance*

Overall, our company can be characterized as a highly experienced firm with more than 240 years of combined, trained, certified, and experienced professional consultants.

BACKGROUND:

In March 2014, I purchased the property located at 500 Bay Shore Avenue. During my research, I found the property was considered to be in a B-2 Commercial Zone. In all honesty, I thought that we were given the "green light" to move in and continue to conduct business as usual within the City of Mobile. However, after purchase of the property as an office, I then found out that it was not considered commercial property, since it had only been used as residential.

The Crichton Community of the City of Mobile in the Lower Bay Shore Avenue District has a rich and long history of mixed use. Our request for the variance change reflects a district that is rapidly in progression to bring lite and economically vibrant businesses, to an area, where if not checked, will begin to become blighted.

We are trying to add to the economic engine that Mobile has started, in a small by way of our Intellectual services/ resources and intelligence properties as our only business product. The process of our business model is an unusual one for this area, in that we have (no) visiting customers/ storefronts /sales force/nor casual shopper. Our business relies on field retrieval of data by means of visits to the client site and digital gathering of material. All training, emergency disaster response and recovery assistance is provided off site.

The location that we are requesting for your approval is already in transition from the north side of the street to the south /east and west. We would like to think that our presence is a stabilizer for the good of the community and the City. There are a great deal of locations we could have chosen, however, the Crichton area is in need of our business, as well as, other purchasers of business licenses and special use taxes.

Since DEMA has relocated to 500 Bay Shore Avenue, many of the residences, businesses and churches have expressed how we have enhanced the overall value of the area, and

they are very pleased that we have chosen this location.

SUMMARY:

As a small, minority owned business in the City of Mobile; I am requesting to be granted a B-2 zoning variance for my business, located at 500 Bay Shore Avenue.

In the past year, I have lost business opportunities, which resulted in a considerable loss of revenue. Again, I am mainly requesting this variance because of limited parking, at this time, due to the size of the location.

Although the property is zoned B-2, Neighborhood Business, special conditions appear to exist as the site is residentially developed with a 1,188± square foot dwelling unit. As Diversified Emergency Management appears to be the first commercial use at this location, full compliance with the commercial site requirements of the Zoning Ordinance is required. The site, however, has a substandard access and maneuvering area, and lacks the adequate parking facilities required for commercial sites.

In regards to the variance requests pertaining to the parking area, a 1,188 square foot building requires four (4) 9' x 18' parking spaces on a paved parking surface with a 24' wide access and maneuvering area. As the site was residentially developed, the existing building is accessed via a 9' wide drive aisle and was constructed in a location that does not appear to allow for compliant commercial parking facilities. Even with a relocation of the drive, there would not be sufficient room for a compliant commercial parking area. The parking surface, however, can be paved with asphalt.

It should be pointed out that per Traffic Engineering comments, the anticipated traffic generated from this particular use would appear compatible to the surrounding area and not contrary to the public interest. However, any potential growth of this business or a change of use may increase traffic generated from this site, which may have a negative impact on the surrounding area.

Regarding residential buffering, it appears the site is bounded by B-2 zoning districts on three sides. Although the eastern lot line abuts undeveloped R-1, Single-family Residentially zoned property, it appears that the property is commercially used (since 2002, but without appropriate approvals) and is of the same ownership as the applicant. The applicant should be aware that no parking will be allowed on the adjacent lot until such time that necessary approvals are given, sufficient to allow a compliant commercial parking area.

As mentioned, it appears that Diversified Management is the 1st commercial use of the site. The applicant has already begun to take the necessary steps to obtain the proper building-related permits for commercial compliance, to include handicap accessibility.

Although the applicant states that the business will not have more than 3 employees and there will be no customers on the site, consideration should be given to the potential growth of this business or any change of use which may include additional employees and customers. As such, any approvals should limit for the number of employees and restrict customers from the site

which will provide substantial justice to the surrounding community. Offsite parking arrangements or the acquisition of additional property may be appropriate to consider should the applicant desire adequate parking facilities to accommodate additional employees or customers in the future; however, such may require additional application to the Board of Zoning Adjustment or the Planning Commission.

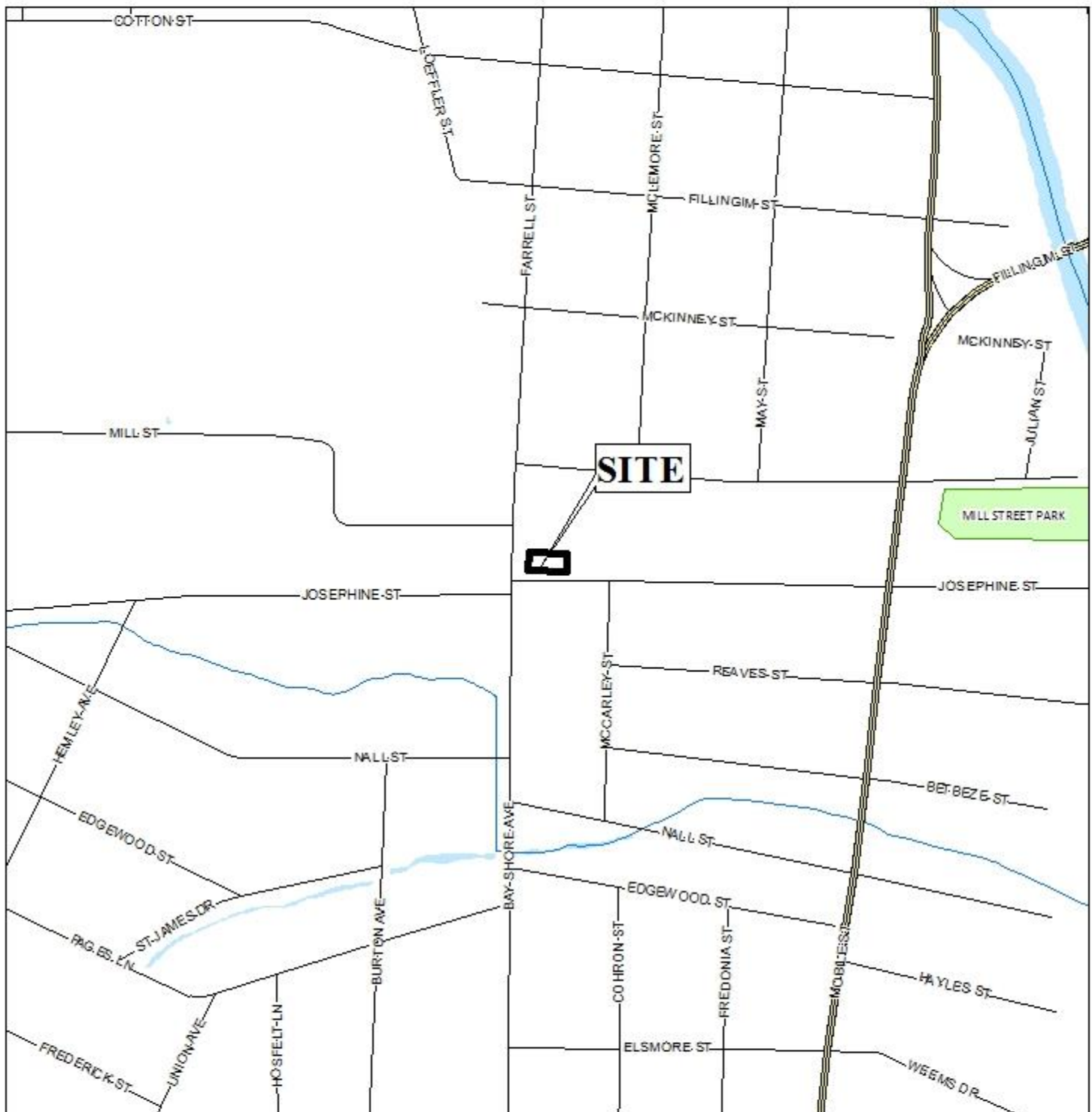
RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest since the anticipated traffic generated from the business would be equivalent to a residential site;
- 2) Special conditions appear to exist as the site is residentially developed with no compliant location suitable for commercial parking facilities, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance since the site will be limited to a maximum of three (3) employees and not allow customers on site.

The approval is subject to the following conditions:

- 1) A maximum of three (3) employees;
- 2) No customers on site;
- 3) Paving in asphalt of the parking area; and
- 4) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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APPLICANT Diversified Emergency Management Associates, LLC
REQUEST Parking Ratio, Surfacing, Residential Buffer and Access and Maneuvering Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the west, and residential units to the east.

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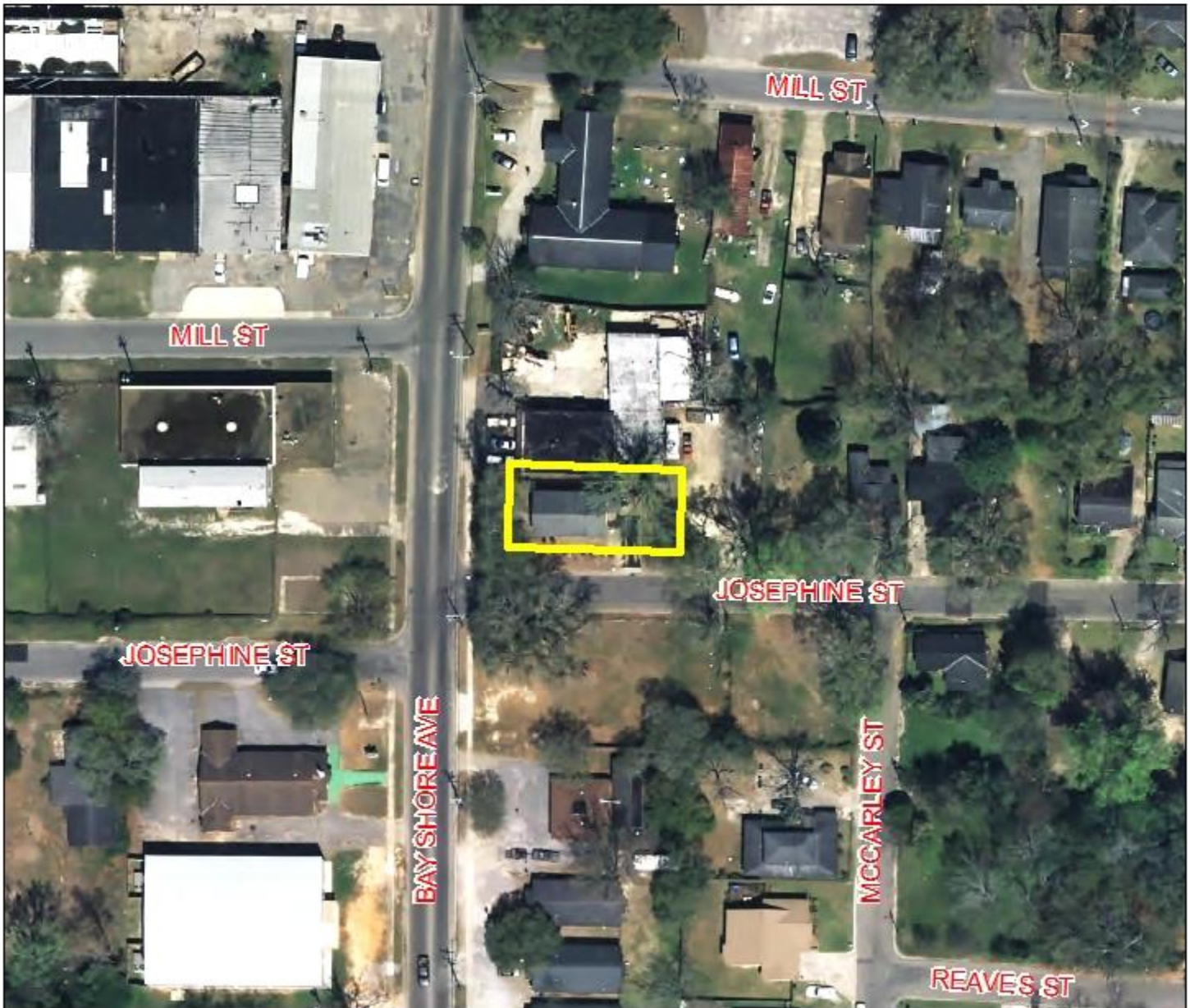
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

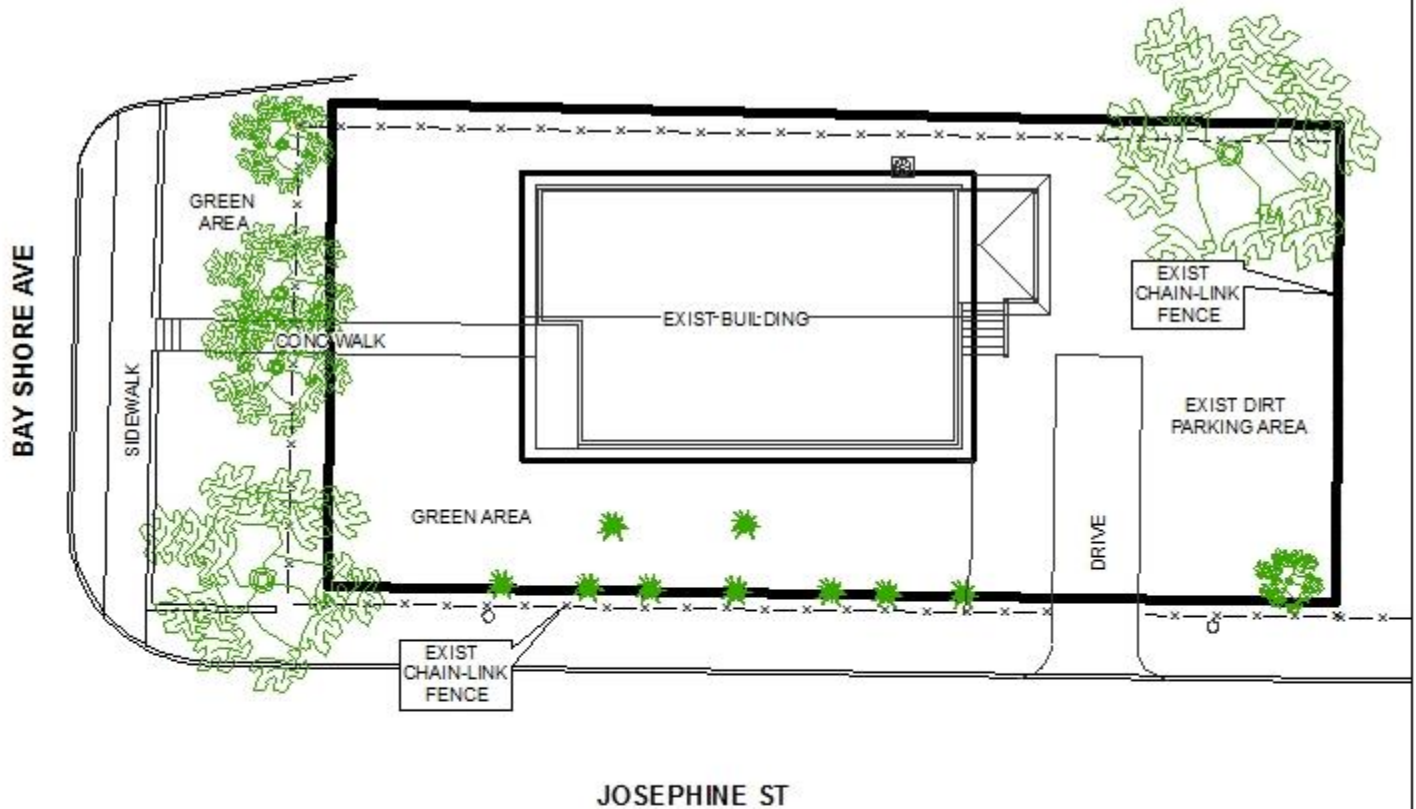


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SITE PLAN



The site plan illustrates the existing building, fences, trees, and parking area.

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