

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

6007

**APPLICANT NAME**

Sivapron Nimityongskul

**LOCATION**2354 & 2410 Eloong Drive  
(East terminus of Eloong Drive)**VARIANCE REQUEST****PARKING SURFACING AND ACCESS AND  
MANEUVERING:** Surfacing Variance to allow gravel  
parking and access and maneuvering surfacing.**ZONING ORDINANCE  
REQUIREMENT****PARKING SURFACING AND ACCESS AND  
MANEUVERING:** The Zoning Ordinance requires  
asphalt, concrete, or an approved alternative paving surface  
for parking and access and maneuvering areas.**ZONING**

R-1, Single-Family Residential District

**AREA OF PROPERTY**

6.7± Acres

**ENGINEERING  
COMMENTS****Parking Surfacing:** If the aggregate surfacing is approved  
for use the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.

**TRAFFIC ENGINEERING  
COMMENTS**Required parking spaces must be delineated with bumper  
stops if gravel surface is approved. The owner/developer is responsible for ADA accessibility,  
which should require asphalt/concrete surface for the designated space(s) and the path to the  
building with any future development.**FIRE DEPARTMENT  
COMMENTS**Regarding Fire access Roads and fire water supplies the  
following apply. Other requirements not listed here may also apply. This is only some of the  
requirements of the City of Mobile fire code requirements, but it should be helpful in site  
planning.

**IFC 2012****SECTION 503 FIRE APPARATUS ACCESS ROADS****503.1 Where required.**

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

**507.5 Fire hydrant systems.**

Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.

**507.5.1 Where required.**

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**SECTION D101 GENERAL****D101.1 Scope.**

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code.

**SECTION D102 REQUIRED ACCESS****D102.1 Access and loading.**

Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

**SECTION D103 MINIMUM SPECIFICATIONS****D103.1 Access road width with a hydrant.**

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

**D103.4 Dead ends.**

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**CITY COUNCIL**  
**DISTRICT**

District 3

**ANALYSIS**

The applicant is requesting Parking and Access and Maneuvering Variances to allow gravel parking and maneuvering surfacing in an R-1, Single-Family Residential District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking and access and maneuvering areas in an R-1, Single-Family Residential District.

The site had Subdivision, Planning Approval, and Planned Unit Development applications on the Planning Commission's October 15, 2015 agenda to create a single legal lot of record and to allow a religious mediation facility with multiple buildings on a single building site in an R-1, Single-Family Residential District. Those applications have been heldover to the Planning Commission's December 3, 2015 meeting to allow that applicant to submit additional information. Depending on the actions of the Planning Commission, this application may possibly need to be revised or withdrawn.

The applicant states that:

*The proposed use for this property is primarily as a residence, but it will also be used as a meditation center with meditation sessions approximately 3 times a week and an estimated attendance of about 30 people per session.*

*A variance is requested for non-paved parking and maneuvering of vehicles of the meditation session participants. Due to the nature of this area and the infrequent use of the parking area, a non-paved parking area is more appropriate than a paved area. Since this is a residential area, and the fact that a paved parking and maneuvering area would require approximately 7,000 S.F. of paving, a paved area of this size would not be compatible with the existing developments surrounding this site.*

The applicant wishes to modify an existing residential property to accommodate a religious meditation center. The site is currently occupied by two dwelling units, a greenhouse and a boat house; and the applicant proposes the construction of two 2,000 square foot cottages with four bedrooms each, a 600 square foot restroom facility, a 2,400 square foot meditation center, and associated parking.

The site plan illustrates existing asphalt driveways and an existing gravel driveway on the site, however it should be noted that none of the existing driveways meet the minimum required width of 24' for two-way traffic. Per Fire Department comments, the site plan should be revised to reflect 26' wide driveways paved with asphalt or concrete, unless the surfacing variance is approved.

Because the site is transitioning from a residential use to a commercial use, the site should be required to fully comply with all landscaping and tree planting requirements. The site plan indicates that the site will have ample amounts of landscape area; however no trees are illustrated on the site plan. The applicant states that there are 24" or larger trees on the site; but none of them are illustrated on the site plan. The site plan should be revised to reflect this requirement, if approved.

The site plan depicts a 10' wide vegetated residential buffer around the perimeter of the site, but as none of the existing vegetation is illustrated on the site plan, staff is unable to verify if this buffer is adequate to comply with Section 64-4.D.1. of the Zoning Ordinance.

The site plan provides parking calculations stating that parking will be provided for 8 dwelling units, and a 1 parking space per 100 square feet ratio was used to determine parking required for the meditation center. It should be noted that because of the religious nature of the proposed facility, the parking requirements should be based on the occupancy of the structure. If the structure will have a total occupancy load of more than 50 individuals (excluding hallways and bathrooms), the International Building Code classifies the proposed use as assembly. To determine the amount of required parking, the applicant should provide a floor plan of the proposed 2,400 square foot meditation center. The floor plan should illustrate restrooms and hallways, and their square footage. It should also illustrate areas used for meditation and if there

will be fixed seating (or designated space per person), or standing room. Even though the applicant may anticipate only 30 individuals at one time, since the approvals are for the use and the site, not a particular entity, the staff and Planning Commission should also consider that another entity with higher attendance may occupy the property at some future date. Therefore, calculations should be based on maximum capacity or occupancy load. Based on the number of proposed parking spaces, the applicant will be required to submit a photometric site plan at the time of permitting to insure that the site will comply with the requirements of 64-6.A.8. of the Zoning Ordinance.

No dumpsters are illustrated on the site plan, nor is a note stating the site will use curb-side pickup. It should be noted that any dumpsters on site should be connected to sanitary sewer and have a dumpster enclosure compliant with Section 64-4.D.9. of the Zoning Ordinance.

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.

Because there are outstanding applications for this site being considered by the Planning Commission which may impact this application, staff recommends that the Board of Zoning Adjustment delay making a decision regarding the variance request until such a time as the Planning Commission votes on the pending applications.

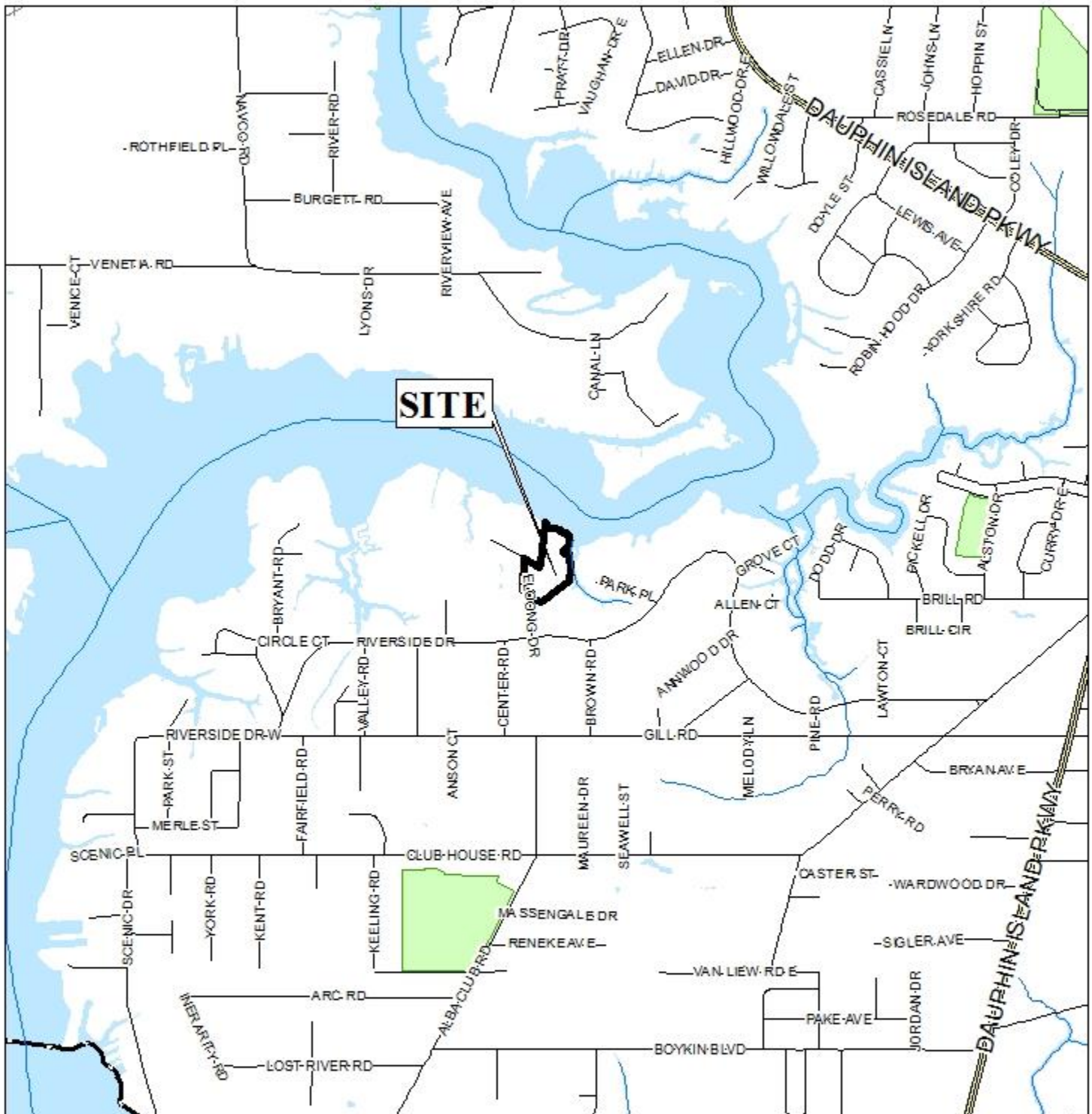
**RECOMMENDATION:** Based on the preceding staff recommends that the application be heldover to the December 7, 2015 meeting to allow the applicant's Planning Commission requests to be heard, and allow the applicant to submit revised information by November 9, 2015:

- 1) provision of the floor plan of the proposed 2,400 square foot meditation facility with the occupancy loads provided (excluding hallways and bathrooms);
- 2) revision of the driveways to reflect a minimum width of 26' per Fire Department comments;
- 3) illustration of all trees 24" or larger on the site with species identified;
- 4) illustration of full compliance with tree planting and landscape area requirements; and
- 5) depiction of vegetation making up proposed residential buffer to insure it complies with Section 64-4.D.1. of the Zoning Ordinance;
- 6) compliance with Engineering comments (*If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: A. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.*)

*B. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.):*

- 7) compliance with Traffic Engineering comments (Required parking spaces must be delineated with bumper stops if gravel surface is approved. The owner/developer is responsible for ADA accessibility, which should require asphalt/concrete surface for the designated space(s) and the path to the building with any future development.); and*
- 8) compliance with Fire Department comments (Regarding Fire access Roads and fire water supplies the following apply. Other requirements not listed here may also apply. This is only some of the requirements of the City of Mobile fire code requirements, but it should be helpful in site planning. **IFC 2012 SECTION 503 FIRE APPARATUS ACCESS ROADS 503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3. **507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. **507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. **SECTION D101 GENERAL D101.1 Scope.** Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. **SECTION D102 REQUIRED ACCESS D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). **SECTION D103 MINIMUM SPECIFICATIONS D103.1 Access road width with a hydrant.** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1). **D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.).*

# LOCATOR MAP



APPLICATION NUMBER 6007 DATE November 2, 2015

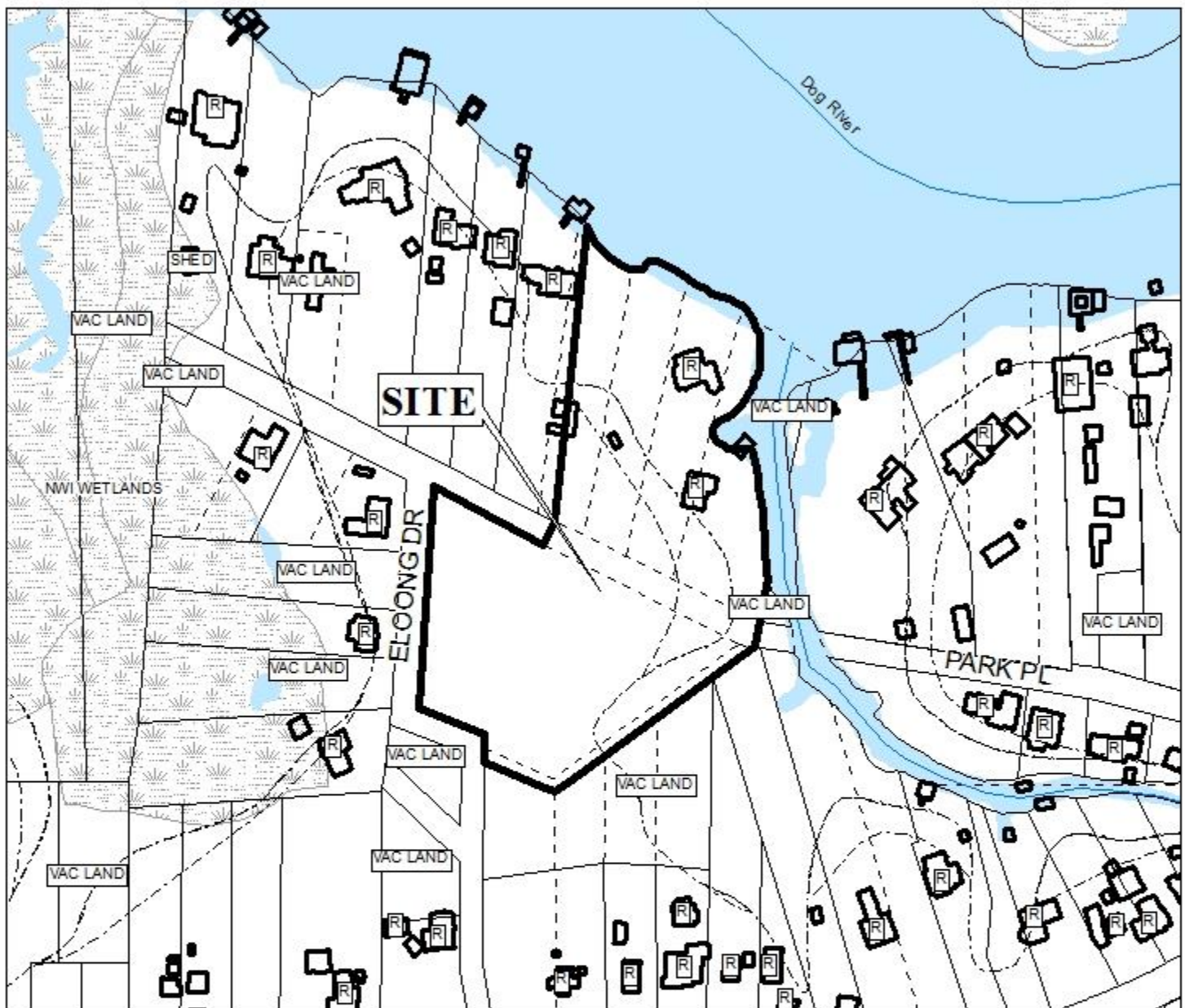
APPLICANT Sivaporn Nimityongskul

REQUEST Parking Surface and Access and Maneuvering Variances



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Parking Surface and Access and Maneuvering Variances

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



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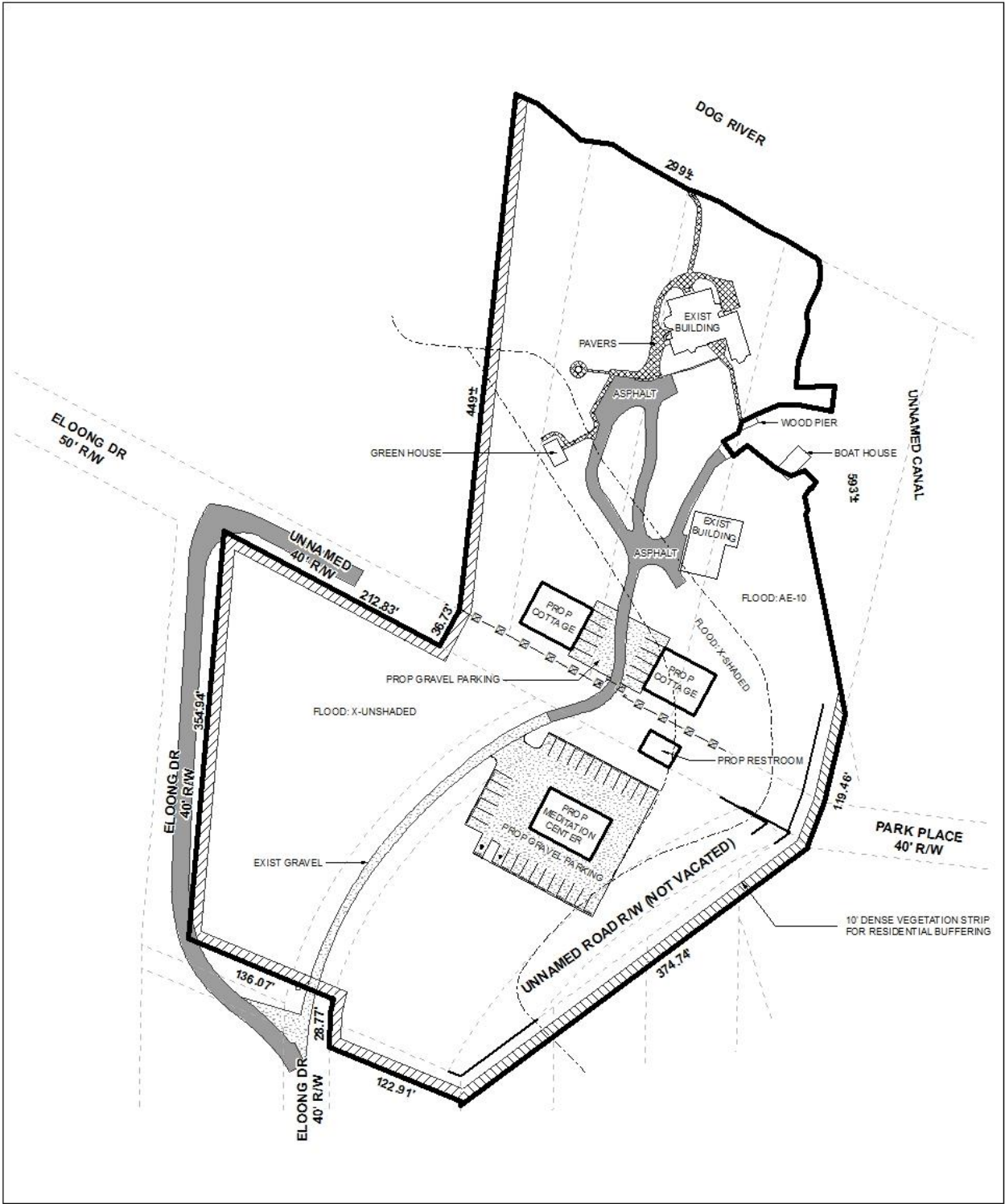
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SITE PLAN



The site plan illustrates the existing gravel and asphalt drives, existing buildings, proposed gravel parking facilities, proposed buildings, and proposed vegetation strip.

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