

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 5, 2018****CASE NUMBER**

6163

APPLICANT NAME

David Shumer (Barton & Shumer Engineering, LLC)

LOCATION4568 Halls Mill Road
(North side of Halls Mill Road, 715'± West of the North terminus of Laughlin Drive.)**VARIANCE REQUEST****PARKING AND ACCESS/MANEUVERING SURFACE:** Parking and Access/Maneuvering Surface Variances to allow the retention of aggregate parking and access/maneuvering surfaces at a school on an R-1, Single-Family Residential District.**ZONING ORDINANCE REQUIREMENT****PARKING AND ACCESS/MANEUVERING SURFACE:** The Zoning Ordinance requires parking and access/maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface at schools in an R-1, Single Family Residential District.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

18.2 ± Acres

CITY COUNCIL DISTRICT

District 4

ENGINEERING COMMENTS**PARKING & ACCESS/MANEUVERING SURFACE****VARIANCE:**

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 (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
- c. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

TRAFFIC ENGINEERING**COMMENTS**

If a surface variance is approved, the aggregate cannot extend into the right-of-way and cannot be used in the areas designated as the accessible path from any required handicap space to the building.

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 61-929 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).

ANALYSIS

The applicant is requesting a Parking and Access/Maneuvering Surface Variances to allow the retention of aggregate parking and access/maneuvering surfaces at a school on an R-1, Single-Family Residential District; the Zoning Ordinance requires parking and access/maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface at schools in an R-1, Single Family Residential 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.

The applicant states:

“Existing Conditions

This project is located at 4568 Halls Mill Road with denied access to Knob Hill Drive. The property is currently developed and the Planning Commission has approved its use as a school in an R-1 zone and a PUD to allow multiple buildings on a single building site. The proposed use of the property is a church school and day care.

Proposed Project

The existing structures are being renovated to repair degradation that has occurred due to lack of use. A kitchen is proposed to be added to Building B on the site plan. No additional structures or modifications to the footprint of any structures are proposed.

Request for partial Aggregate Parking/ Maneuvering Surface:

The school has been in place for over 50 years with aggregate surface utilized for a portion of the parking and maneuvering. Maintaining the aggregate parking is consistent with the previous use.

With over 600 feet of paved drive between the aggregate surface and Halls Mill Road the aggregate surface materials will not be tracked onto the City's right-of-way.

Permitting the retention of the aggregate parking and maneuvering will allow for a greater level of infiltration which is beneficial to the storm drainage system and surrounding waterways. A course aggregate surface that allows a high level of infiltration will be specified"

As stated, the applicant is seeking relief from the Zoning Ordinance to allow the retention of aggregate surfacing at the subject site. Based on the statement from the applicant, because there has been aggregate at this site for so long, it is believed that this will not only be beneficial with regards to storm water drainage but it will also be consistent with the previous use.

The Zoning Ordinance states the following in Section 64-6.A.3: "*Drainage and surfacing. They shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt or alternative parking surface as defined in section 64-2, and maintained in proper condition, free of weeds, dust, trash and debris.*"

While much of the parking area has been aggregate over the operation of the previous school, code requirements, specifically Fire Code requirements, have been changed to at minimum require that the fire apparatus access route be paved in asphalt or concrete. The submitted site plan appears to indicate that the fire access will be paved to the new hydrant that will be placed on site, but that the remainder of the circulation, and that 41 of the 45 parking spaces in the rear parking lot will be aggregate. Overall, the site plan depicts 104 parking spaces, of which 41 are proposed to be aggregate. 98 parking spaces are required for the site.

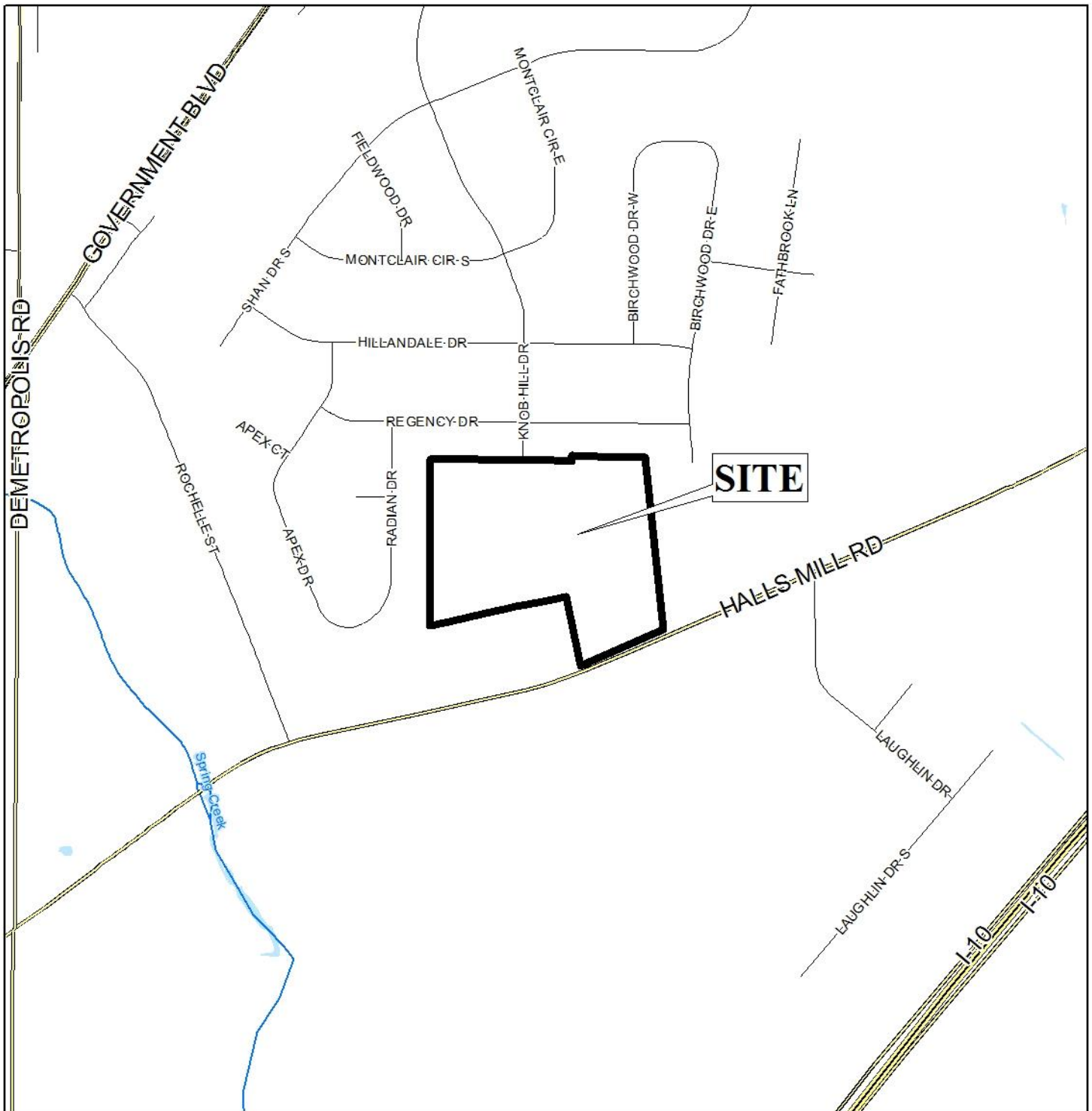
Aerial images from 2014 show that the area in the rear appears to be majority grass, possibility due to inactivity. Because the parking area will have to be better delineated, this could present the opportunity to come into compliance. Aerial images also confirm that the parking area in the rear appears to have been aggregate in the past. The applicant has not however proven a substantial hardship.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64-6.A.3. of the Zoning Ordinance regarding parking surfacing;

- 2) Special conditions may exist such as the history of aggregate on the site, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the site can be developed in such a way that a variance would not be required.

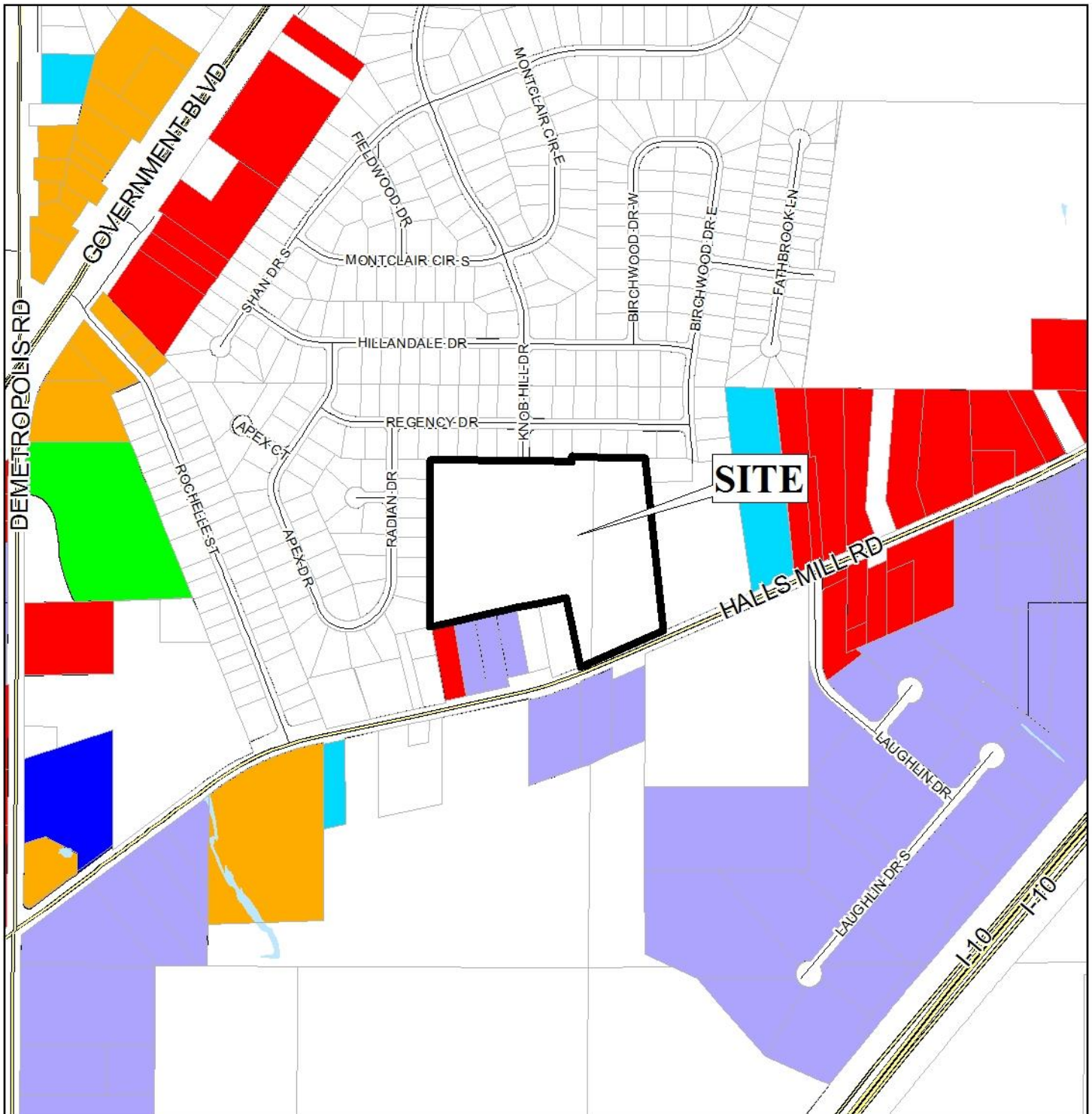
LOCATOR MAP



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REQUEST Parking and Access/Maneuvering Surface Variances



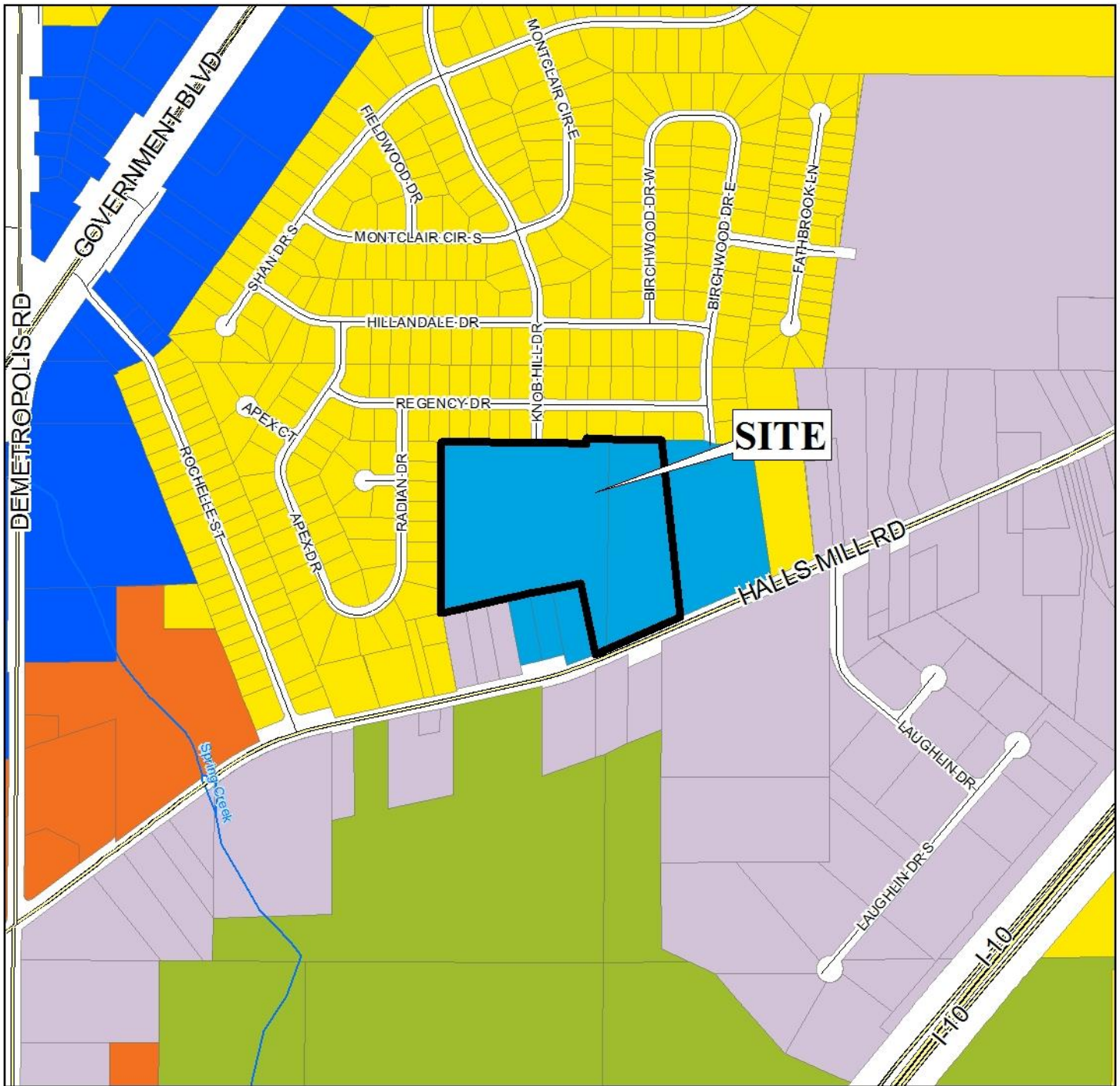
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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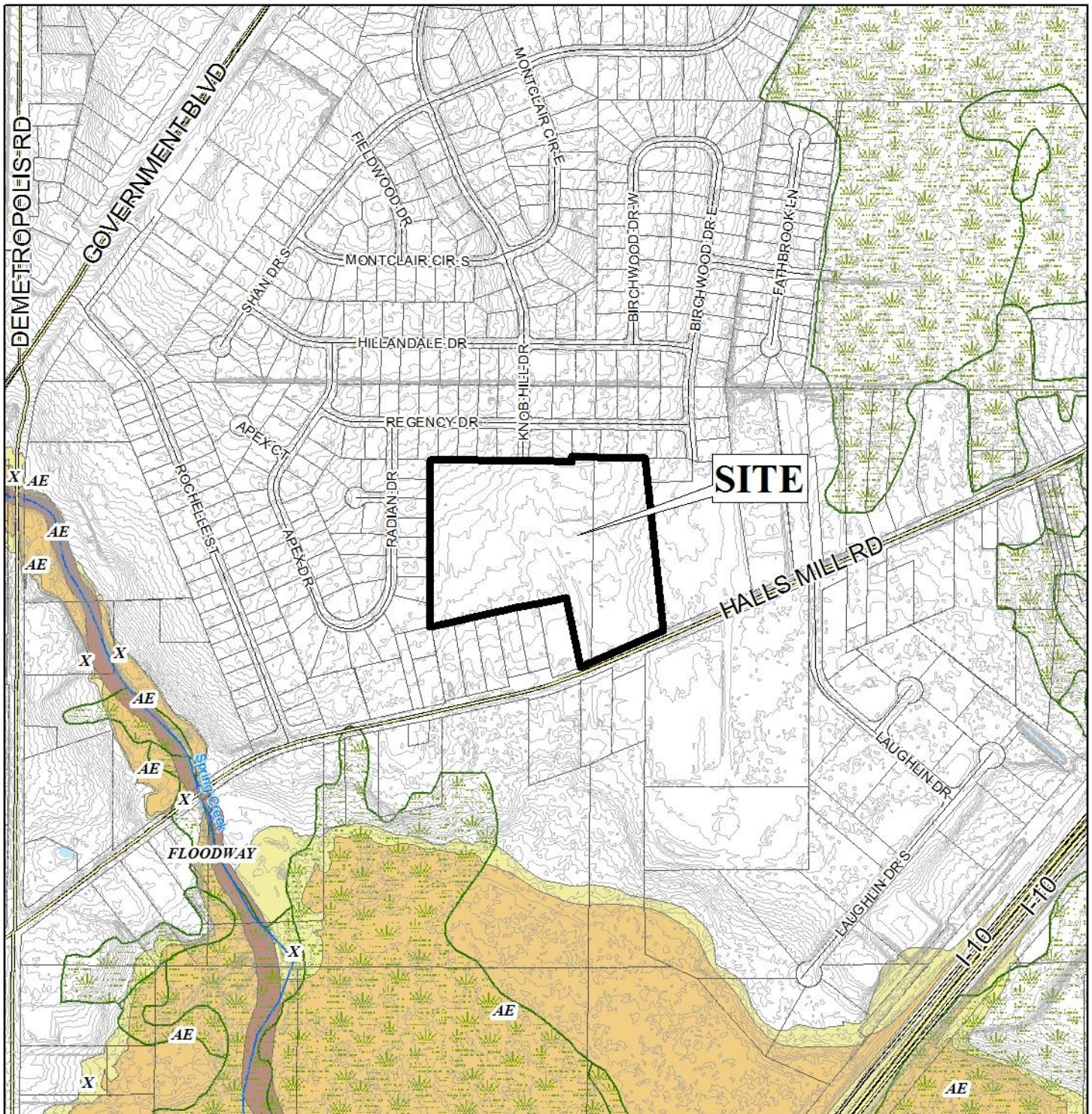
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REQUEST Parking and Access/Maneuvering Surface Variances

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	



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north and west,
and industrial units to the south.

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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

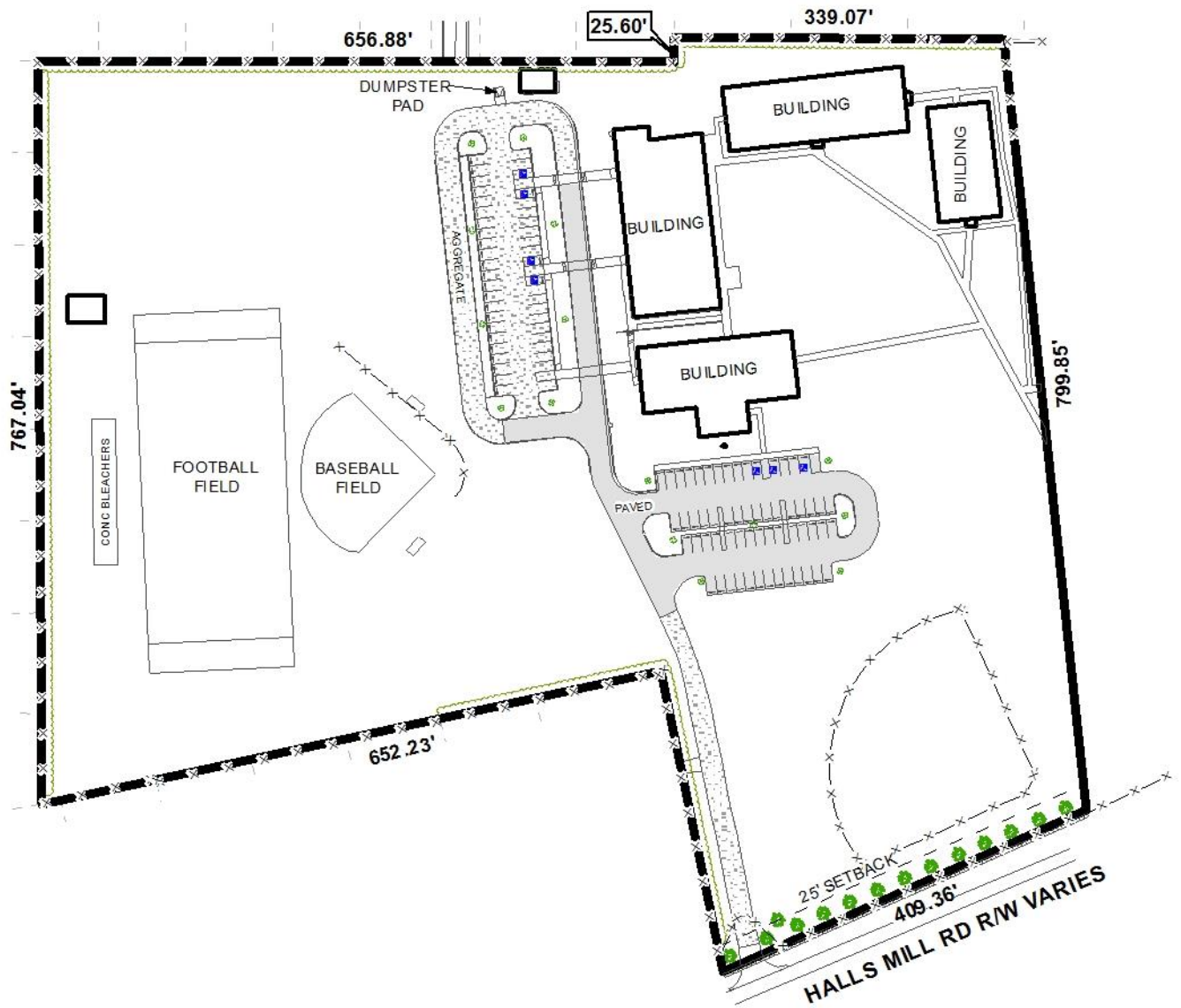


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SITE PLAN



The site plan illustrates the existing buildings, fields, parking, and setback.

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