

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 3, 2019****CASE NUMBER**

6259

**APPLICANT NAME**

Les Robinson, LLC (James Hughes)

**LOCATION**412 South Broad Street  
(Northwest corner of Broad and Elmira Street.)**VARIANCE REQUEST****FENCE, SITE COVERAGE AND SIGN VARIANCES:**  
Fence, Site Coverage and Sign Variances to allow an 8' security fence with building site coverage exceeding 50% and more than 64 square feet of signage in the Oakleigh Garden District in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****FENCE, SITE COVERAGE AND SIGN VARIANCES:**  
The Zoning Ordinance prohibits security fencing and limits site coverage to 50% in a B-2, Neighborhood District, also signage is limited to 64 square feet for businesses in a historic district.**ZONING**

B-2, Neighborhood District

**AREA OF PROPERTY**

1.0 ± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit prior to issuing a building permit.

2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

**TRAFFIC ENGINEERING  
COMMENTS**

The privacy fence as proposed does not appear to impose a line of sight obstruction for either the intersection of Broad Street and Elmira Street, or the abutting neighbors to the north on Broad Street or to the west on Elmira Street.

**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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

**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 Fence, Site Coverage and Sign Variances to allow an 8' security fence with building site coverage exceeding 50% and more than 64 square feet of signage in the Oakleigh Garden District in a B-2, Neighborhood Business District; the Zoning Ordinance prohibits security fencing and limits site coverage to 50% in a B-2, Neighborhood District, also signage is limited to 64 square feet for businesses in a historic district.

The site has been given a Mixed Density Residential (MxDr) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential (LDR) areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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:

*“...Property is currently vacant, but the applicant is interested in constructing a single structure, climate controlled storage facility. Construction to start immediately upon approval. The applicant proposes to install solar panels on the roof of the proposed building, put in new sidewalks and new inlets along Broad Street and Elmira Street, save Oak trees along Broad Street and install more landscaping than just the minimum required. The applicant also proposes to install a permeable paving system and LED site lighting system that is designed to be neighborhood friendly.*

10. Bulk/ Site Variance Applications:

*A) Applicant is requesting a variance to install an 8' security fence with attached screening to act as the buffer between B-2 and Residential zones. Applicant feels that the security fence is necessary to make customers feel safe when entering/existing the premises when most of the other businesses in the area are closed.*

*B) Applicant is requesting a variance to allow an increase in site coverage from 50% to 61.25%. While the 26,240 square foot building is slightly over the maximum building coverage of 50%, it would not be out of character along Broad Street. From the information shown on the GIS website, the building located at 500 S. Broad Street, 558 S. Broad Street and 603 S. Broad Street all appear to have more than 50% site coverage.*

*The applicant intends to install solar panels on the roof of the proposed building and the increased roof size will provide additional power.*

*C) Applicant is requesting a variance to increase the maximum signage to 128 square feet.”*

As stated, the applicant is seeking relief, from the Zoning Ordinance to for a proposed self-storage facility with security fencing, signage that will exceed the allowable maximum square footage and site coverage exceeding 50% in a historic district.

Section 64-3.E.2.c. of the Zoning Ordinance states: *“Building site coverage. The maximum building site coverage by all buildings shall be fifty (50) percent.”* The submitted site plan

illustrates a proposed 26,240 square foot metal building. The site plan notes that the parcel is approximately 42,844 square feet resulting in 61.25% site coverage.

Section 64-11.7.e. of the Zoning Ordinance states: *“Permissible signs in historic districts. The following signs are permitted in historic districts provided they comply with all of the requirements stated in this chapter. In calculating the maximum allowable signage for all signs, except for banners and sandwich board signs, no sign shall exceed one and one-half (1.5) square feet per linear foot of the primary building wall, for a maximum of sixty-four (64) square feet per tenant. All sides of projecting, monument or freestanding signs containing a commercial message shall be included.”* The Zoning Ordinance also states in Section 64-11.7.e.(8). : *“Monument signs. No portion of a monument sign shall exceed six (6) feet in height; and monument signs may be allowed up to a maximum of fifty (50) square feet...”*. The submitted elevations illustrate three (3) proposed wall signs and one (1) monument sign. The applicant has only provided dimensions for the proposed monument sign. It will be 8’x8’ which exceeds the six (6) foot maximum height allowed for a monument sign in a historic district.

An 8’ privacy fence is illustrated on the site plan where the subject property abuts residential property. However, the site plan does not specifically mention “security” fencing and where it would be located. Also, the site plan states that the proposed building will be 3 stories however, the height has not been provided. The Zoning Ordinance states that building height shall be no higher 45’ in a B-2, Neighborhood Business District. The applicant has not provided information confirming that the building will meet the allowable height.

The applicant has provided addresses in the nearby vicinity that appear to exceed the allowable site coverage. GIS maps confirm that 500, 558, and 603 South Broad Street all exceed the allowable site coverage within their zoning district and to our knowledge, there are no approvals on file. It appears as though each of these sites may be legal non-conforming.

It should be noted that, if approved, a Certificate of Appropriateness will be required from the Architectural Review Board prior to the issuance of permits because the site is located in the Oakleigh Garden District.

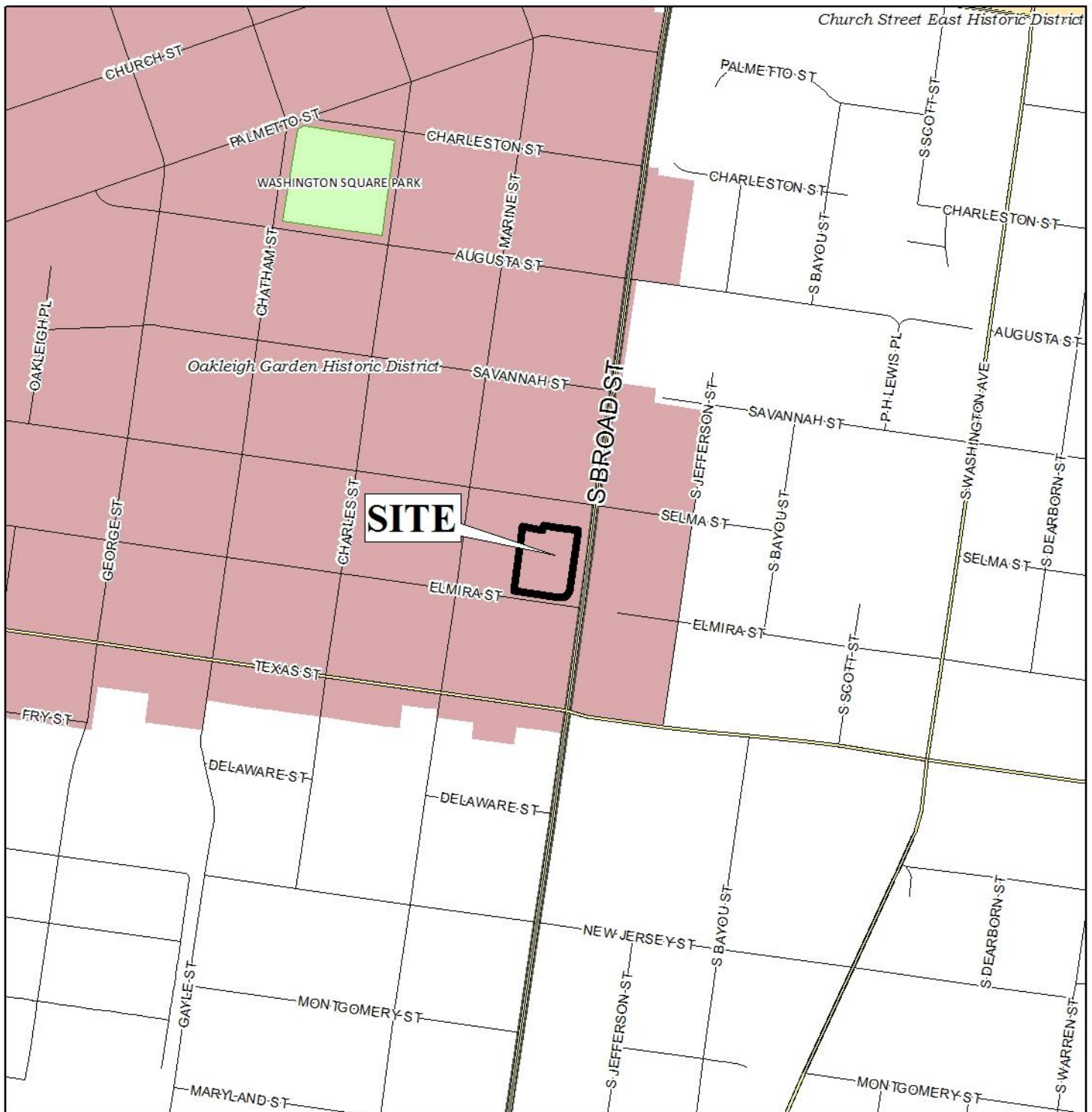
It should be noted that self-storage facilities in a B-2, Neighborhood Business District require Planning Approval from the Planning Commission. The applicant has not submitted an application for Planning Approval at this time.

There are no conditions which exist at this site that would require the applicant to have a security fence, 61.25% site coverage, and signage exceeding 64 square feet. This application seems to be the merely the applicant’s desire. The number of signs could be reduced as well as the building’s square footage in order to remain in compliance.

**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 because it will be contrary to the Zoning Ordinance regarding the maximum allowable site coverage, sign square footage and fencing;
- 2) Special conditions and hardships do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for a variance ; 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 the proposed fence, the building and the number of signs can remain in compliance.

# LOCATOR MAP



APPLICATION NUMBER 6259 DATE June 3, 2019

APPLICANT Les Robinson, LLC (James Hughes)

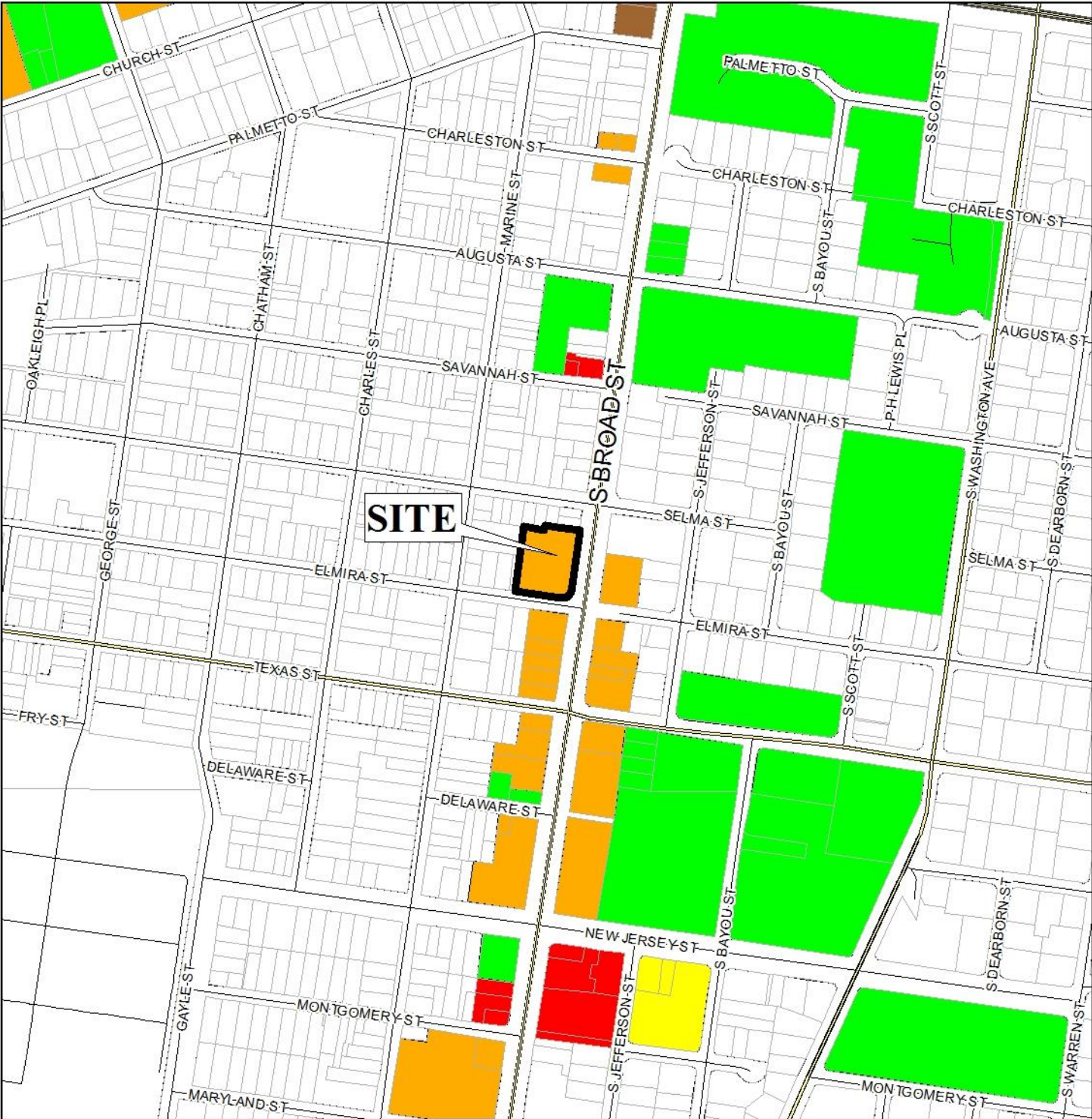
REQUEST Fence, Site Coverage and Sign Variances



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**LOCATOR ZONING MAP**



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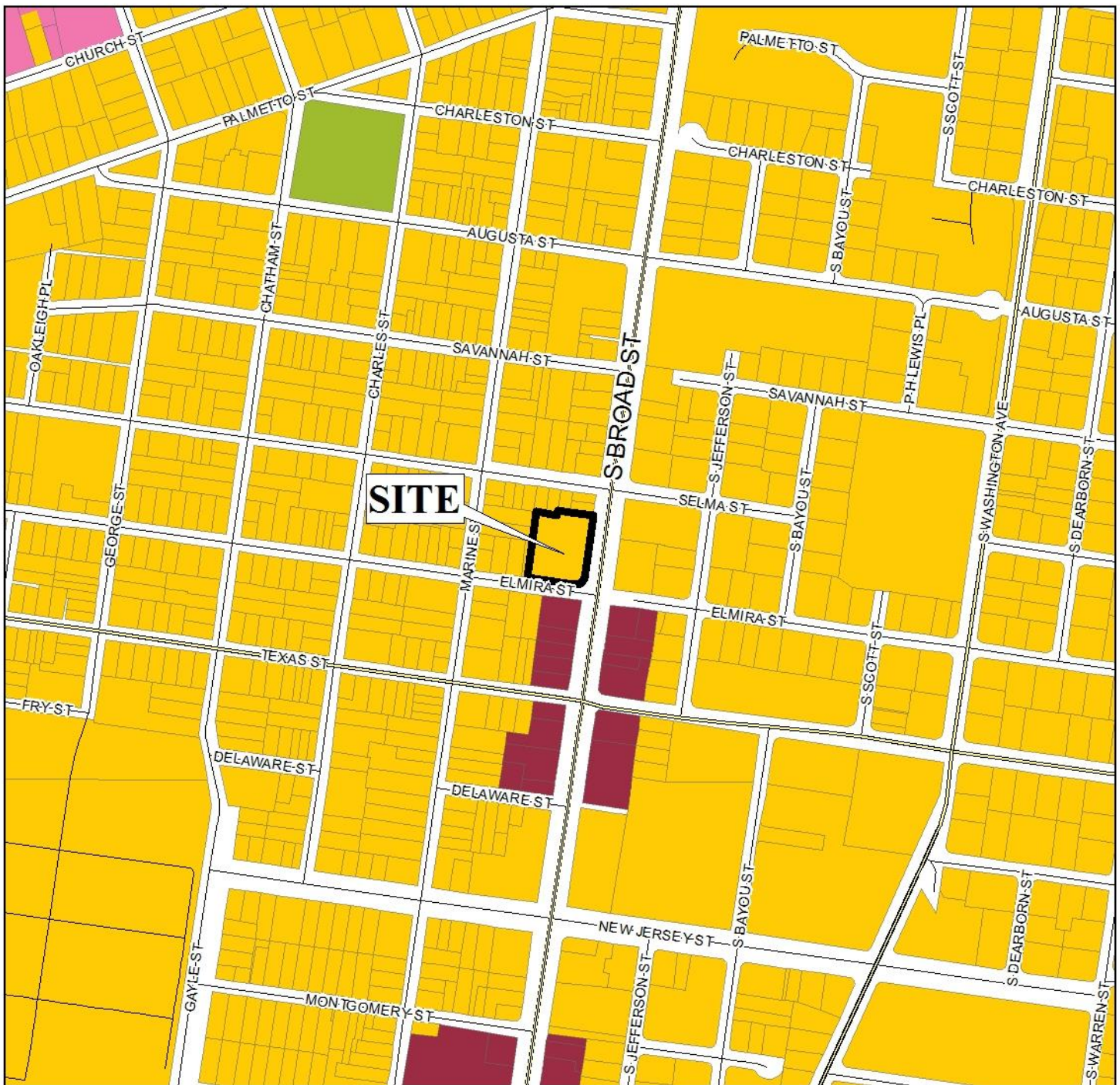
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# FLUM LOCATOR MAP



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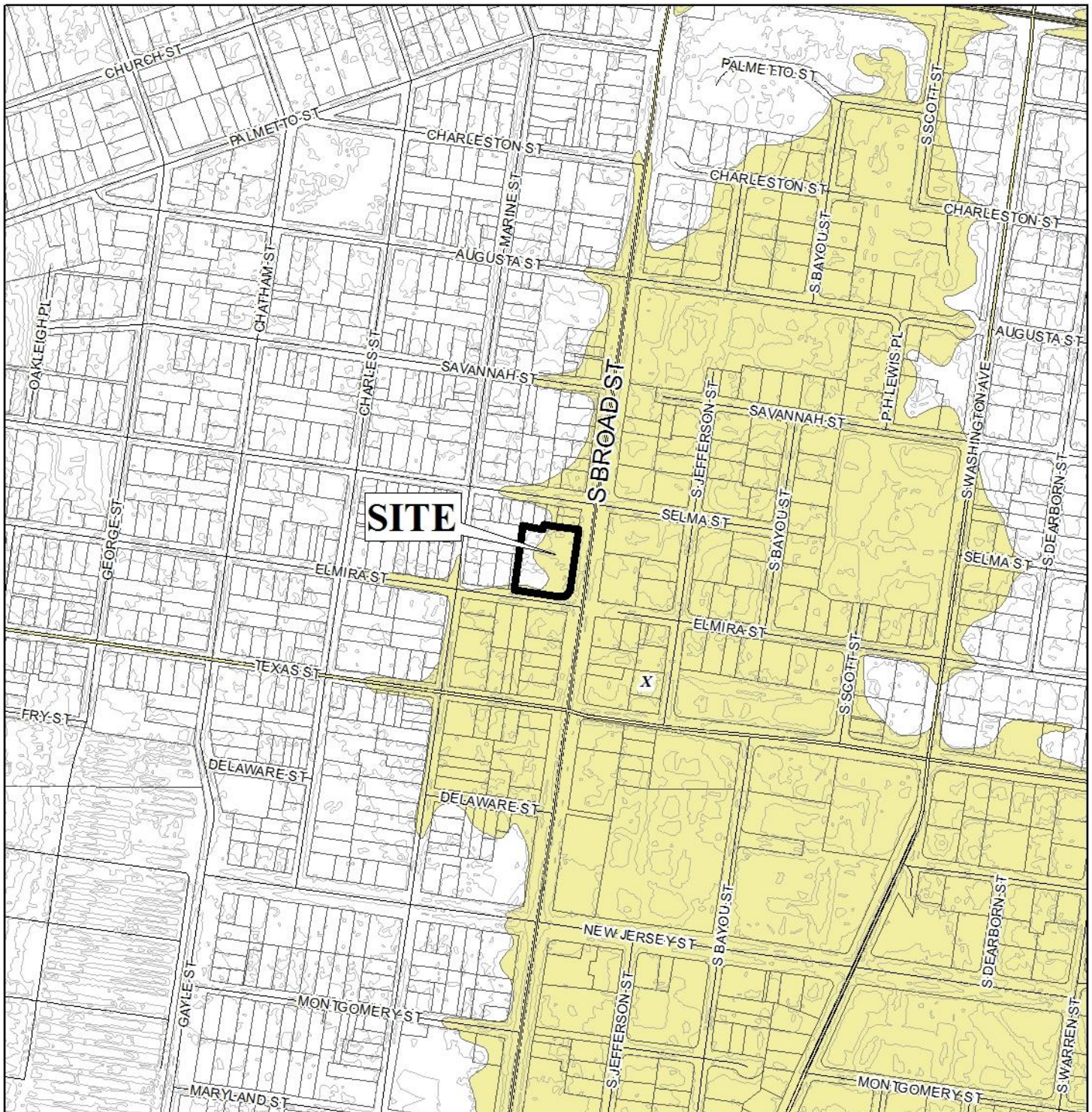
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	





# ENVIRONMENTAL LOCATOR MAP



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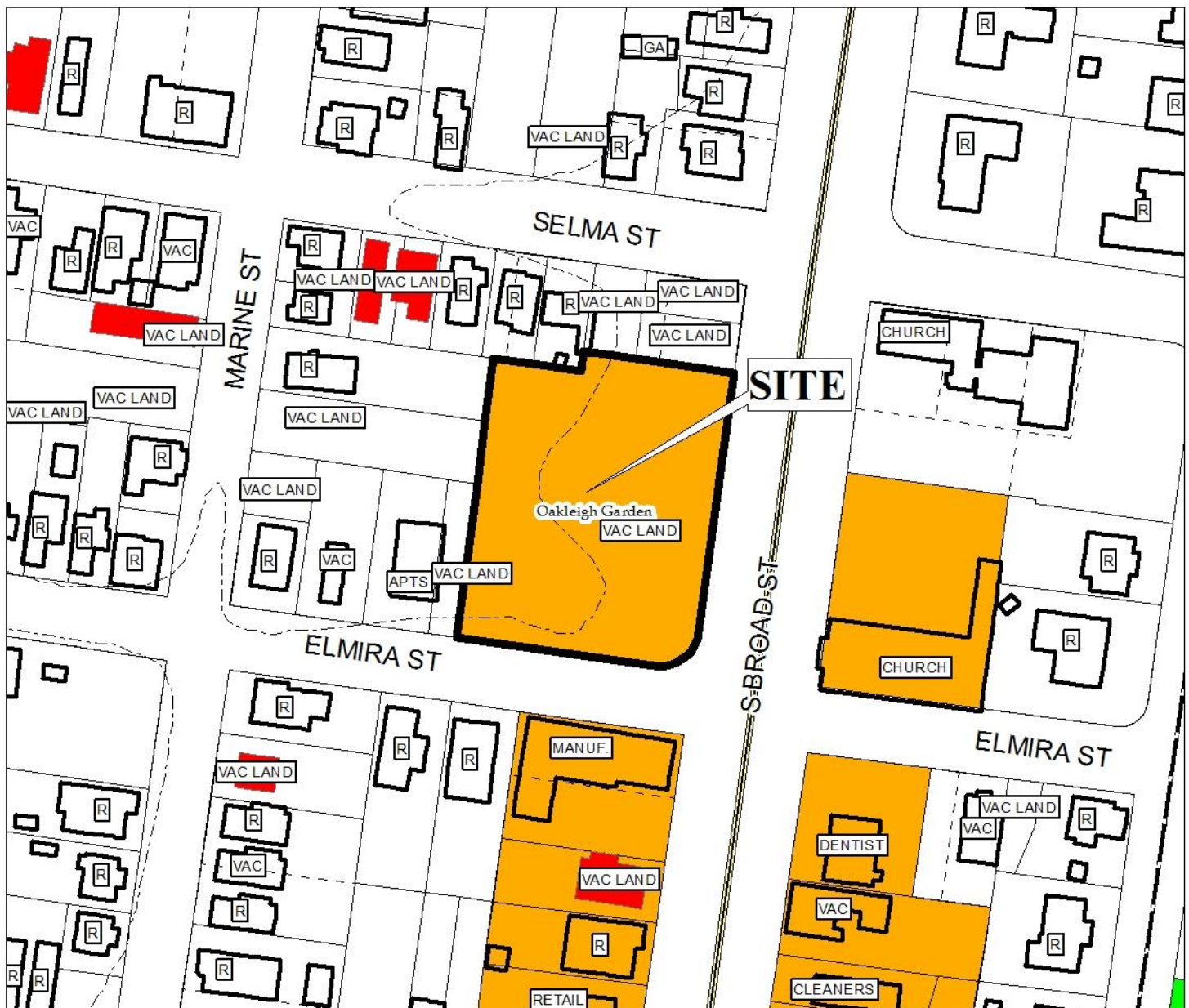
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units with commercial 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

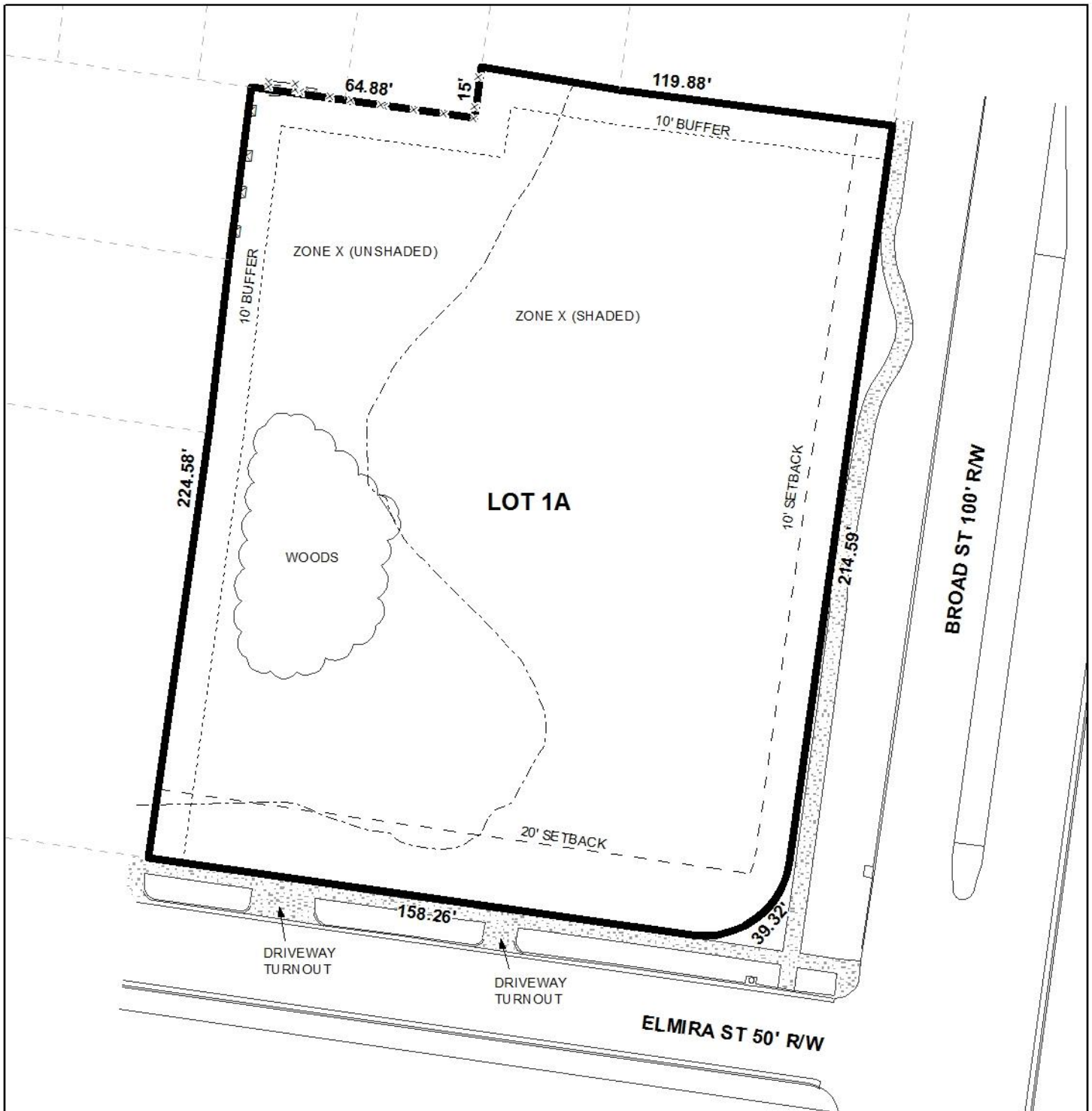


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# EXIST SITE PLAN

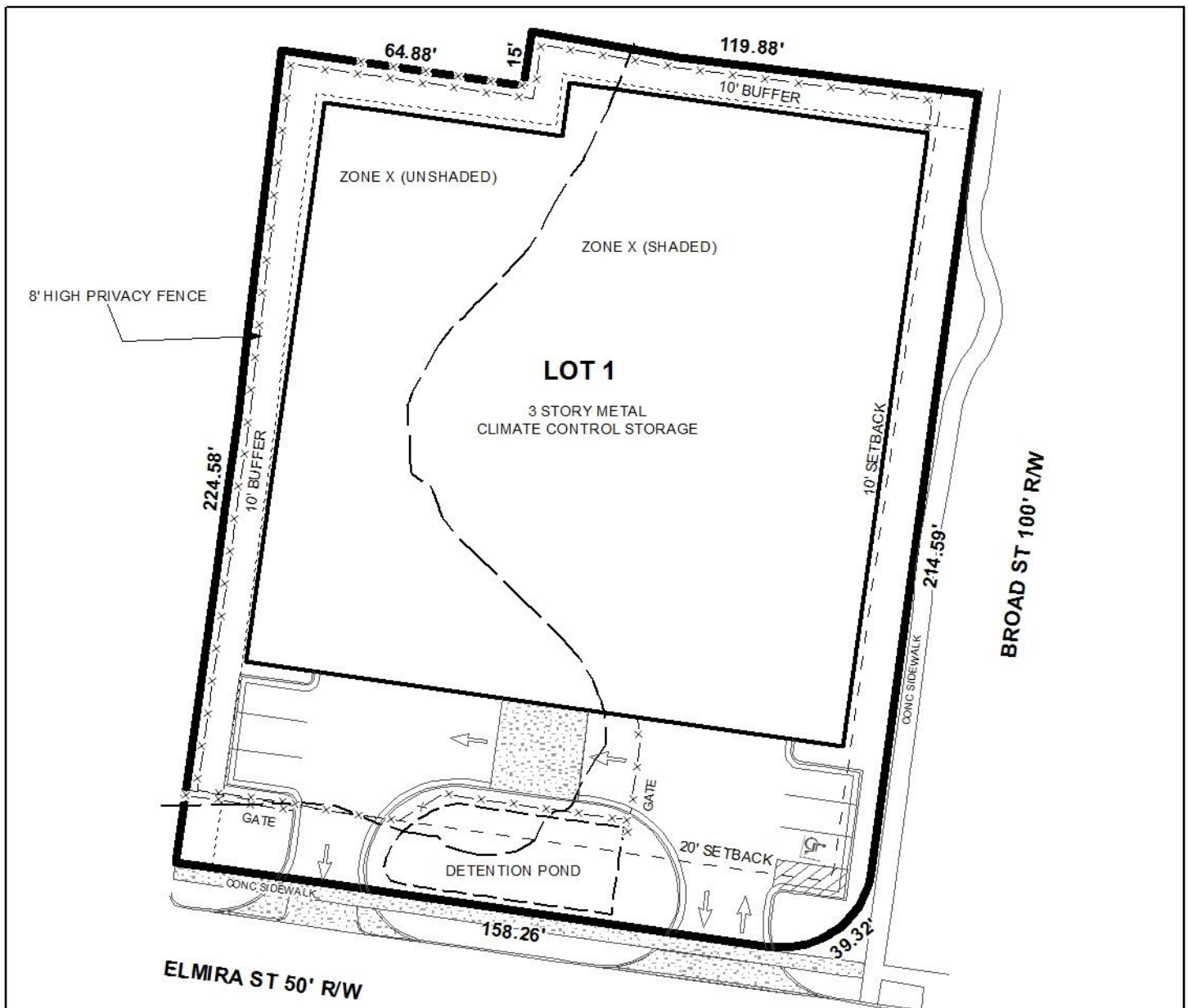


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# PROPOSED SITE PLAN



The site plan illustrates the proposed building, the proposed fence, proposed parking, setbacks and buffers.

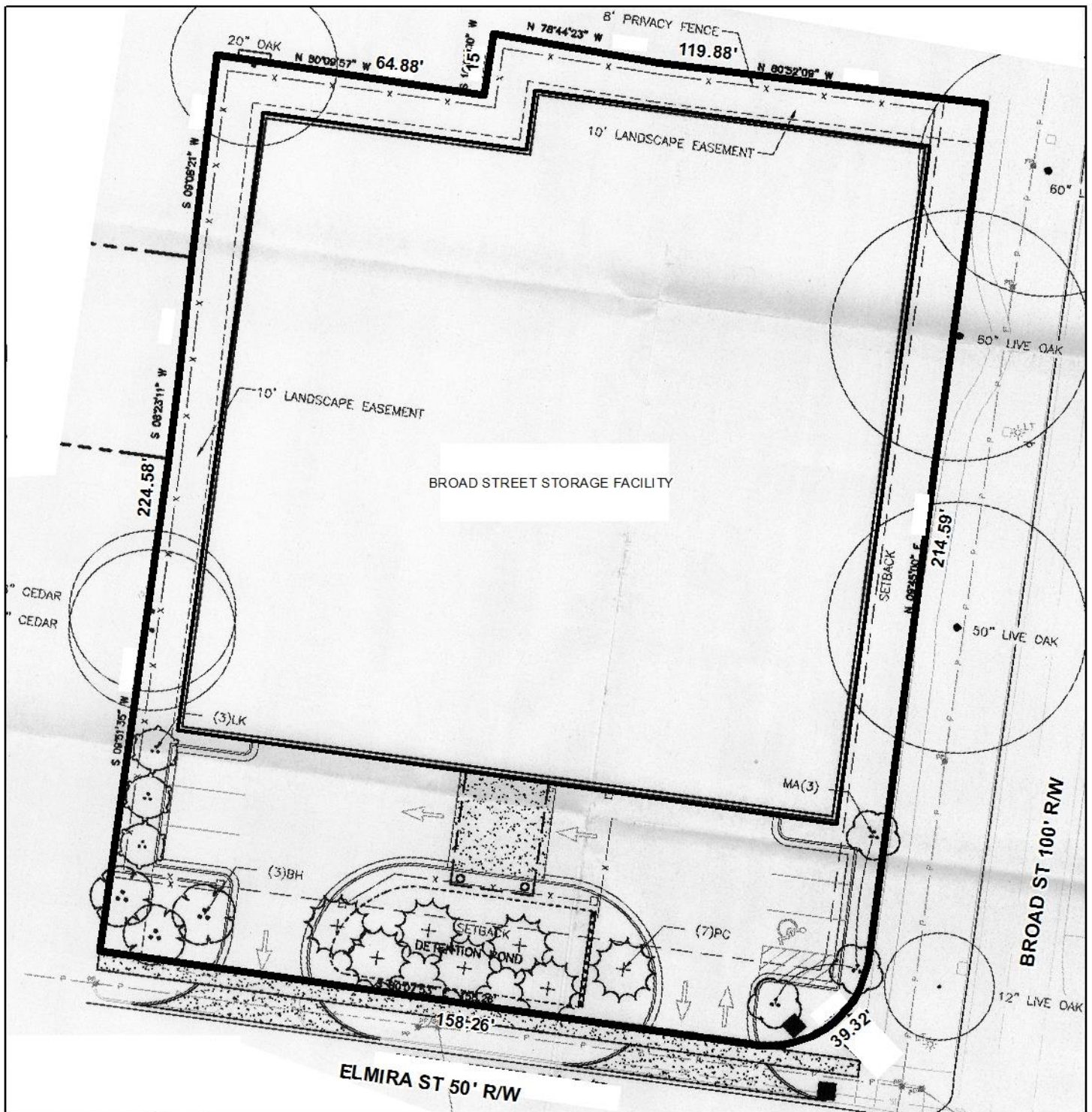
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# DETAIL SITE PLAN

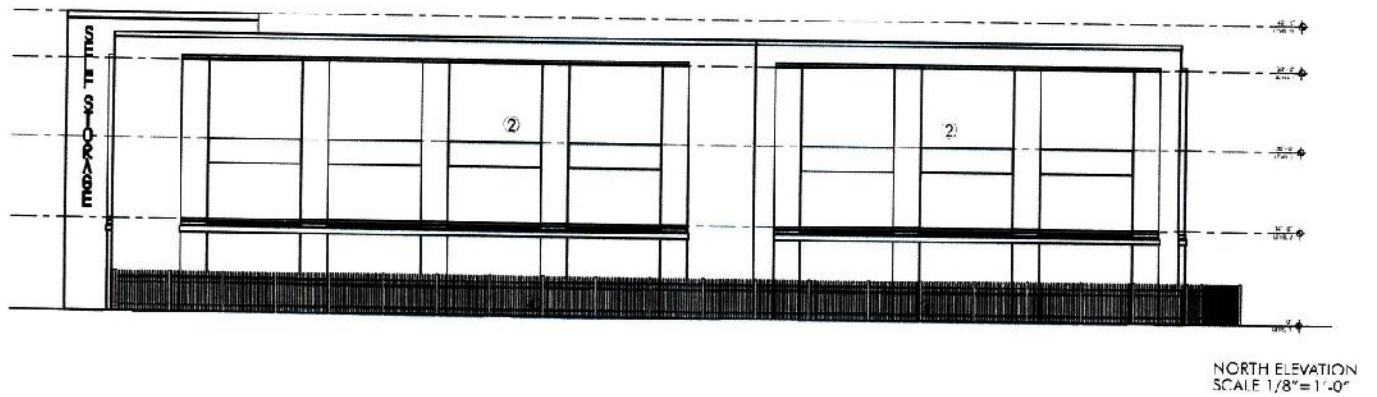
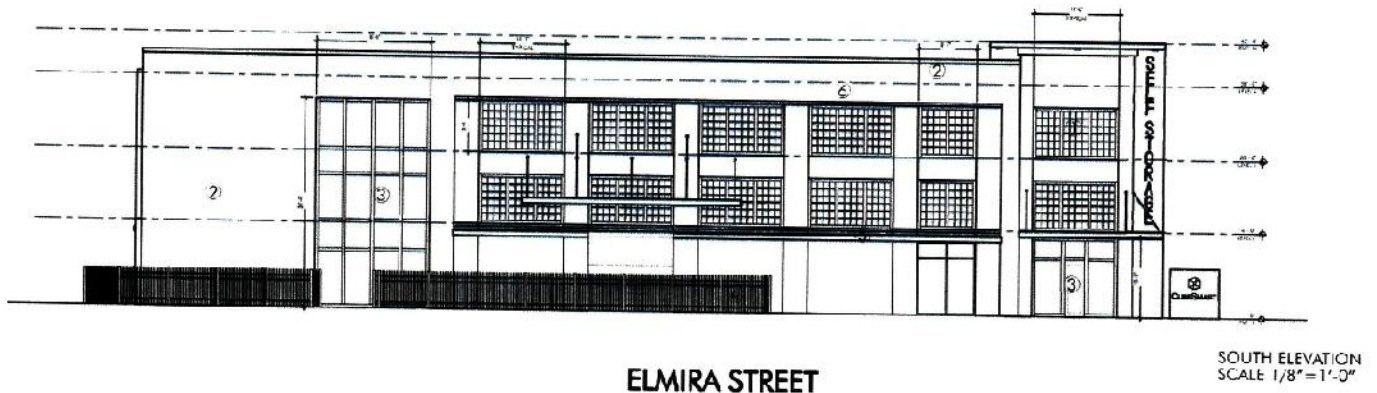


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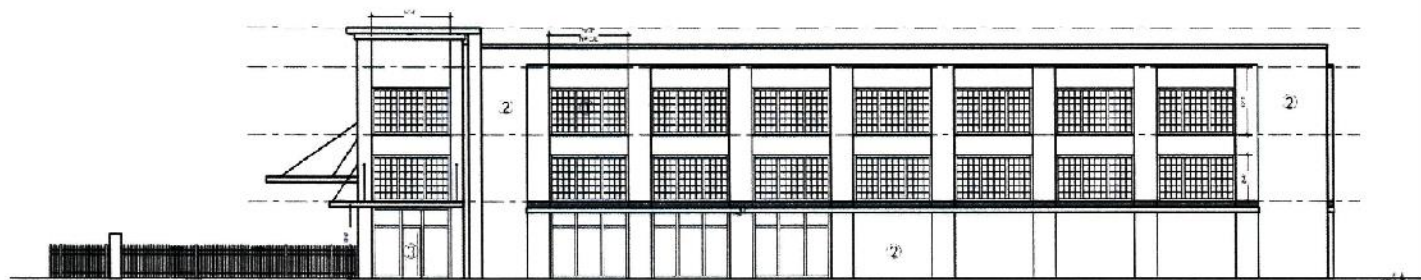
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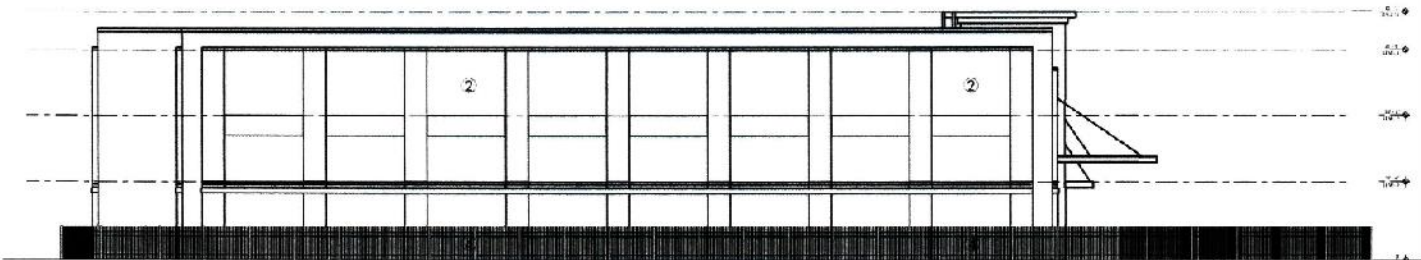


# DETAIL SITE PLAN



EAST ELEVATION  
SCALE 1/8"=1'-0"

BROAD STREET



WEST ELEVATION  
SCALE 1/8"=1'-0"

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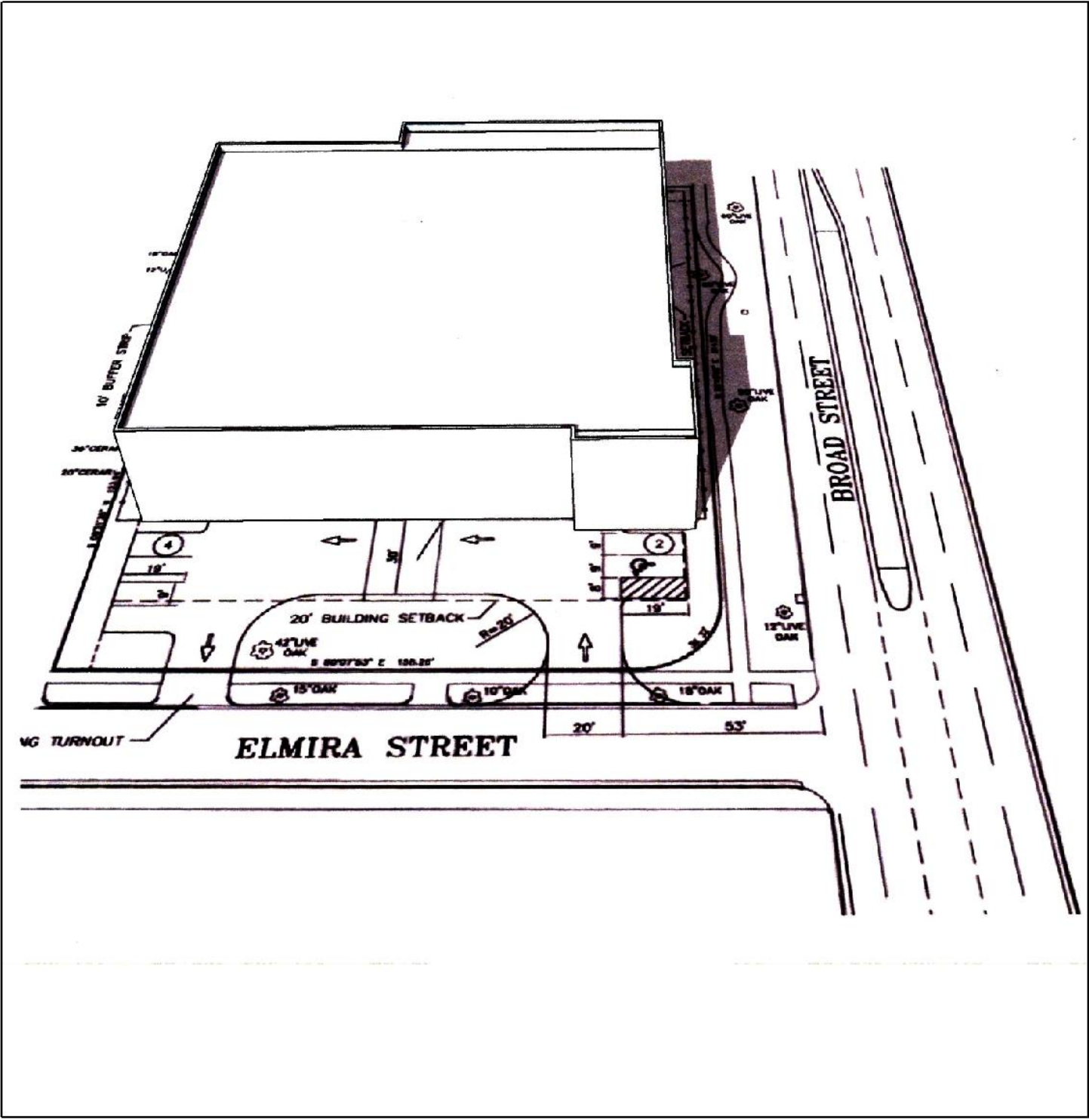
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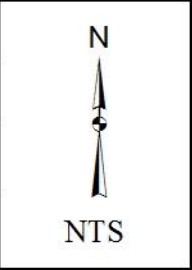
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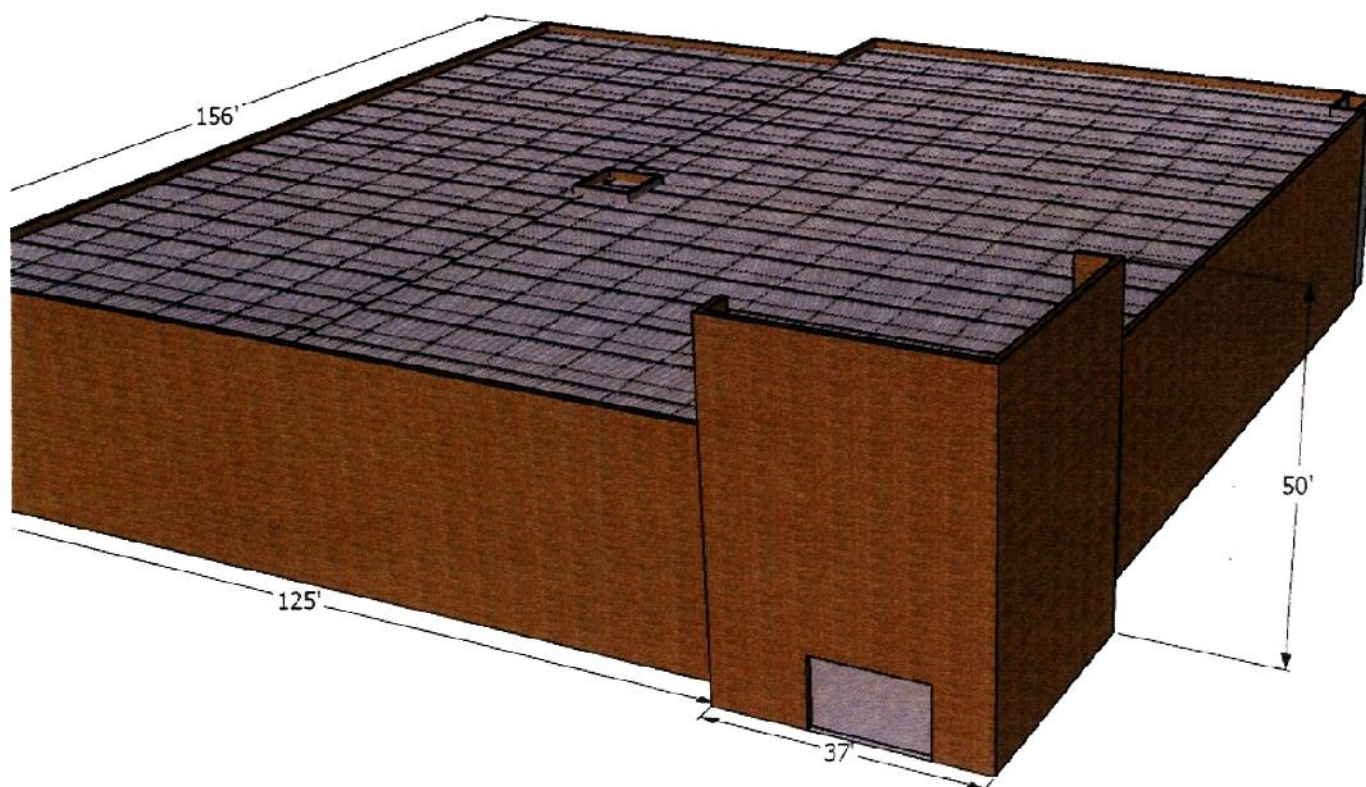
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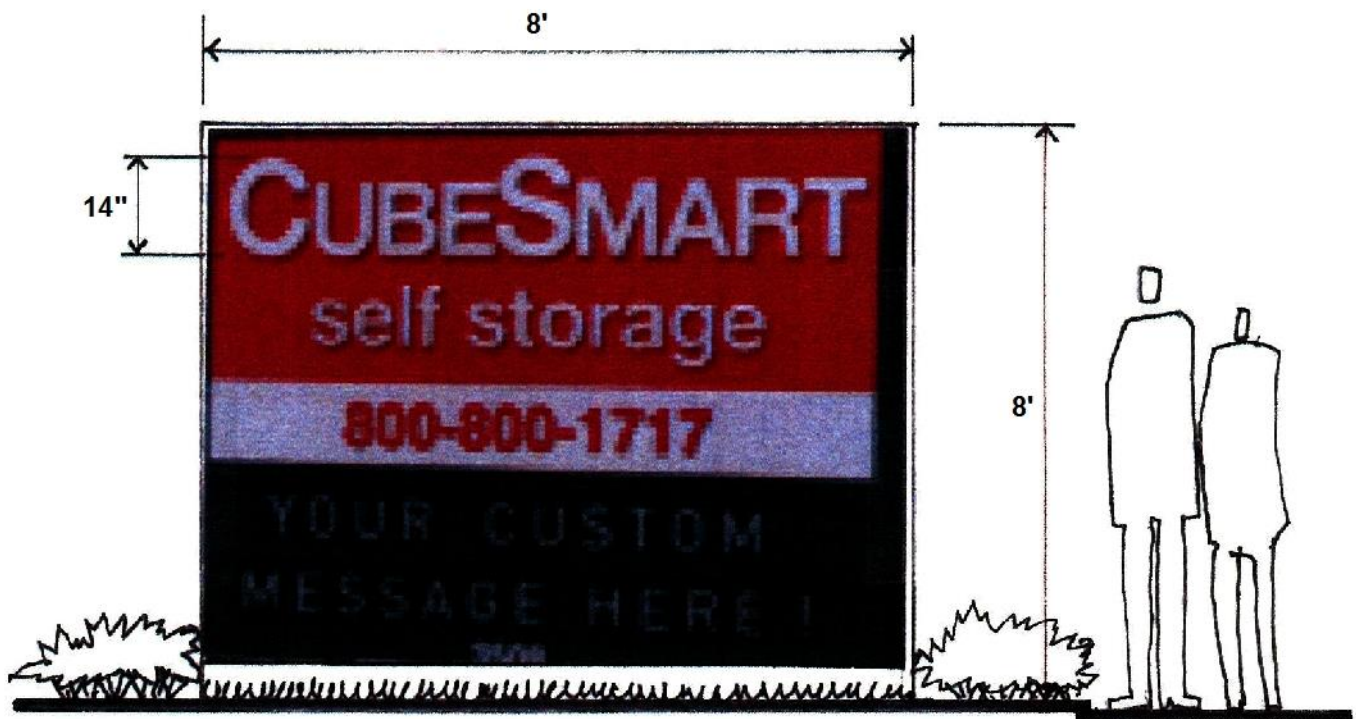
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