

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 2, 2020****CASE NUMBER**

6312

APPLICANT NAME

Brian Ward

LOCATION

3805 Spring Hill Avenue
(Southeast corner of Spring Hill Avenue and North
McGregor Avenue)

VARIANCE REQUEST

Front Setback: Front Setback variance to allow a building to be setback more than 12-feet in a Neighborhood Center Subdistrict of a Traditional Center District.

Building Frontage: Building Frontage variance to allow a building to occupy less than 70% of the lot frontage in a Neighborhood Center Subdistrict of a Traditional Center District.

Shading of Sidewalk: Shading of Sidewalk variance to allow no shading of sidewalk in a Neighborhood Center Subdistrict of a Traditional Center District.

Increased Parking: Increased Parking variance to allow parking exceeding 20% of the minimum required parking in a Neighborhood Center Subdistrict of a Traditional Center District.

Garden Wall: Garden Wall variance to allow a six-foot garden wall in a front yard in a Neighborhood Center Subdistrict of a Traditional Center District.

**ZONING ORDINANCE
REQUIREMENT**

Front Setback: The Zoning Ordinance requires a building to be built to the front property line or within 12-feet of the front property line, in a Neighborhood Center Subdistrict of a Traditional Center District.

Building Frontage: The Zoning Ordinance requires a minimum building frontage of 70% in a Neighborhood Center Subdistrict of a Traditional Center District.

Shading of Sidewalk: The Zoning Ordinance requires that a sidewalk be shaded in a Neighborhood Center Subdistrict of a Traditional Center District.

Increased Parking: The Zoning Ordinance requires parking not exceeding 20% of the minimum required in a Neighborhood Center Subdistrict of a Traditional Center District.

Garden Wall: The Zoning Ordinance requires that a fence or wall in the first 25-feet cannot exceed 3-feet in height in a Neighborhood Center Subdistrict of a Traditional Center District.

ZONING

B-2, Neighborhood Business, Neighborhood Center Subdistrict of a Traditional Center District -

AREA OF PROPERTY

53,820 square feet / 1.24±Acres

CITY COUNCIL DISTRICT

District 7

ENGINEERING COMMENTS

If the proposed variances are approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit.
2. Any and all proposed land disturbing activity within the property will need to be submitted for review and 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 site is located on the intersection of McGregor Avenue and Spring Hill Avenue. The location of the proposed 6' tall garden wall was not identified on the Site Plan provided. According to other documents submitted to support the application, the applicant has agreed to locate the garden wall a minimum of 12' behind the sidewalk shown which is acceptable to Traffic Engineering.

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 Front Setback, Building Frontage, Shading of Sidewalk, Increased Parking and Garden Wall Variances to allow a building to be setback more than 12-feet from the front property line(s), occupying less than 70% of the lot frontage, providing no shading of the sidewalk, parking exceeding 20% of the minimum required parking and a six-foot tall garden wall in a front yard; the Zoning Ordinance requires a structure be built to the front property line or within 20feet of the front property line, a minimum building frontage of 70%, that the sidewalk be shaded, parking not exceeding 20% of the minimum required parking, and that a fence or wall in the first 25-feet cannot exceed 3-feet in height in a Neighborhood Center Subdistrict of a Traditional center District.

The applicant proposes to construct a new 5,395 square foot, multi-story office building, with associated parking.

The site has been given Low Density Residential and Traditional Corridor land use designations, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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.

The Low Density Residential designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

The Traditional Corridor designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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 provided the following narrative regarding the request:

- *Front Build to Zone/Shading of Sidewalk*
The development cannot physically comply with build to zone on Springhill Avenue due to the contour of the Right of Way line on the property. Because the shape of the development cannot physically comply with the build to zone on the property, it also cannot be moved close enough to the front of the property to shade the sidewalk without encroaching on existing City ROW.
- *Building Frontage Percentage*
In order out build to 70% of the property on Springhill Avenue the building would have to be a long narrow sliver and would not be functional for the needs of the business.

- *Maximum Off-Street Parking*

The business employs 64 individuals who drive to work each day and will need available parking on site. The business also has outside vendors who may need access to additional parking at various times for meetings.

- *Parking Site Design/Garden Wall*

The developer is willing to screen the parking as required along Springhill Avenue with a 6' Garden Wall increasing the height from the required 3' in order to screen the parking from a residential area directly across Springhill Avenue. Due to the contour of the property (higher in the back than the front) a 3' hedge is not sufficient to screen the parking Springhill Avenue. City of Mobile Traffic Engineering has confirmed plantings 12' behind the back of curb will not cause any line of sight issues. A Ligustrum hedge at this location would be consistent with existing screen on North McGregor Avenue and the plants readily available from local nurseries.

The Garden Wall will consist of (15 gal) Ligustrum bushes (approximately 4' in height) planted 6' apart and should start west of the drive on Springhill Avenue and continue to the north west corner of the building screening the parking and the detention pond in the front of the development.

The Village of Spring Hill, Inc. and District 7 Council member Gina Gregory would both support an additional space parking variance for the development if parking screened as specified.

The applicant is requesting multiple variances in order to construct a new office building in compliance with the Traditional Center District (TCD aka Village of Spring Hill) standards. The TCD standards require the following development requirements: buildings setback no more than 12 feet from the front property line(s), with shading of the sidewalk; build out of at least 70% of the property frontage; parking be screened by a garden wall and a limit on "excess" parking; ie, no more than the 20% above the minimum required parking may be provided.

Regarding the building standards, as illustrated on the plan, the site is located at the intersection of Spring Hill Avenue a major street, and the right turn lane from McGregor Avenue to Spring Hill Avenue. This turn lane creates a large radius which may preclude the construction of a building to the property lines; consequently, the applicant has selected to move the building closer to the McGregor Avenue property line, at the beginning of the radius. However, allowing for the curve, the building is also unable to shade the sidewalk.

Regarding the 70% build out requirements; the property has 75 feet of frontage on McGregor, 230 feet of frontage on Spring Hill, and 150 feet of frontage on the radius. Compliance with the build out requirements would demand a building that is 318 feet long by 17 feet deep in order to provide the applicant with the square footage needed and comply with the build out requirements; this may indicate a hardship exists to comply with the build out standards.

Regarding parking, there are two issues at hand. First the applicant proposes 65 parking spaces; however, the TCD standards prohibit provision of parking exceeding 20% of the minimum required parking. In this situation, the minimum required parking for a 5,395 square foot building is 12 spaces; with an additional 20% over the standard non-TCD minimum requirement, allowing a maximum of 22 spaces. It should be noted that the parking spacing allocation is always “rounded up” as partial parking spaces cannot be provided. Regarding the requested number of parking spaces, as illustrated in the applicant’s narrative, they are seeking to provide parking spaces for the employees and one visitor.

The applicant proposes to provide a garden wall which is a design element of the TCD standards; however, the TCD standards also requires compliance with Section 64-4D.6. of the Zoning Ordinance which does not allow a fence or wall 3 feet in a front setback; however, as Traffic Engineering has approved the ligustrum planting wall setback 12 feet from the Spring Hill Avenue property line, approval of the garden wall as proposed would seem appropriate.

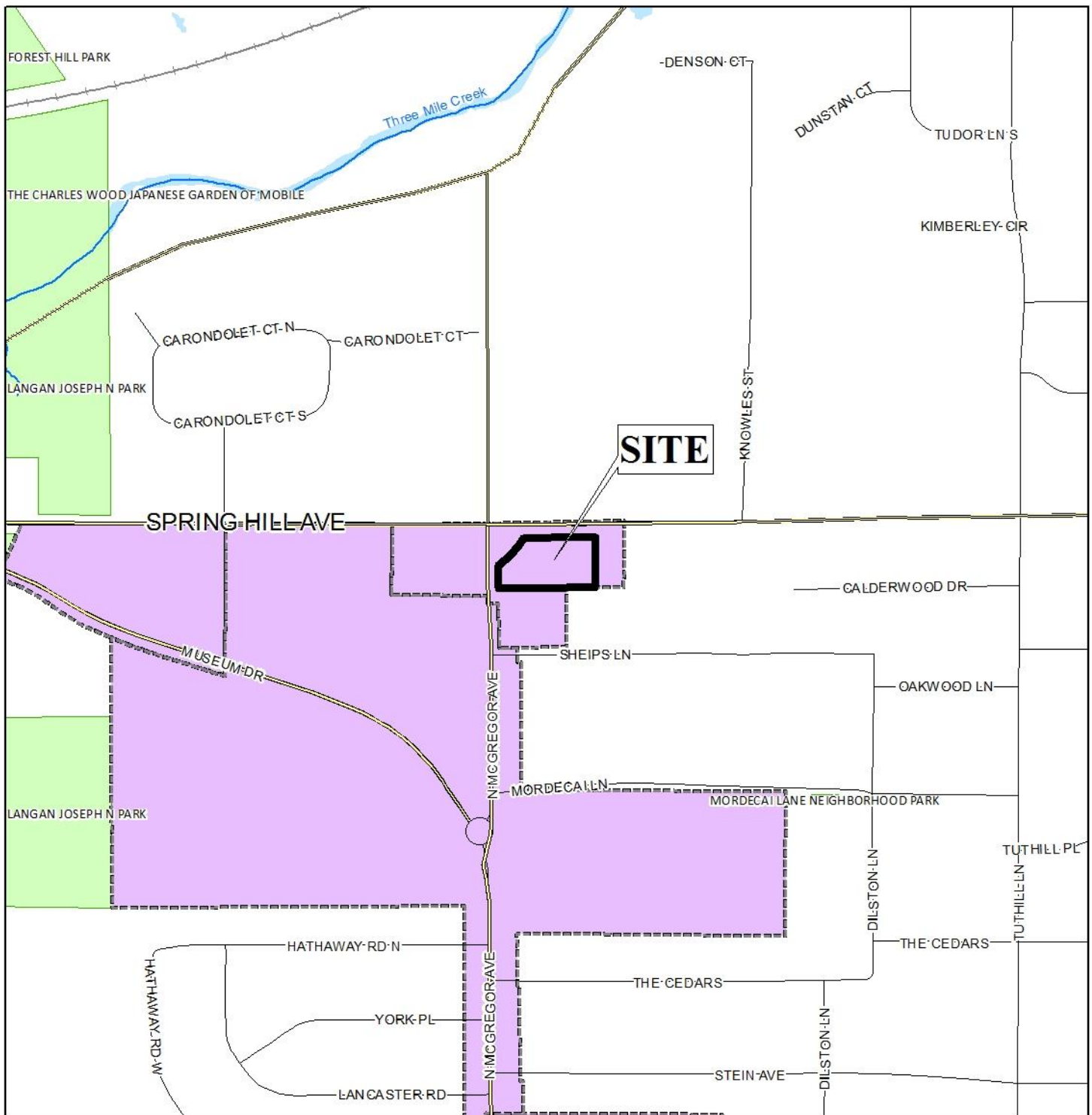
RECOMMENDATION: Based on the preceding, Staff recommends to the Board the following findings of fact for approval for the requests:

- 1) Approval of the variances will not be contrary to the public interest as the provision of 65 parking spaces will provide the minimum needed for the employees at the site without creating a parking issue for the surrounding neighborhood;
- 2) Special conditions appear to exist due to the very large radius such that a literal enforcement of the Ordinance would results in an unnecessary hardship in developing a fully TCD compliant building;
- 3) The spirit and the intent of the Ordinance shall be observed as the applicant is seeking to comply with the TCD standards while developing the property in accordance with the needs of the proposed business.

The approval is subject to the following conditions:

- 1) Provision of the garden wall as referenced in the application with approval by Traffic Engineering;
- 2) Full compliance with the Engineering Comments: *(1) The proposed improvements shown on the submitted plans will require a Land Disturbance Permit; and 2) Any and all proposed land disturbing activity within the property will need to be submitted for review and 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.)*
- 3) Full compliance with Traffic Engineering Comments: *(The site is located on the intersection of McGregor Avenue and Spring Hill Avenue. The location of the proposed 6’ tall garden wall was not identified on the Site Plan provided. According to other documents submitted to support the application, the applicant has agreed to locate the garden wall a minimum of 12’ behind the sidewalk shown which is acceptable to Traffic Engineering); and*
- 4) Full compliance with all municipal codes and ordinances.

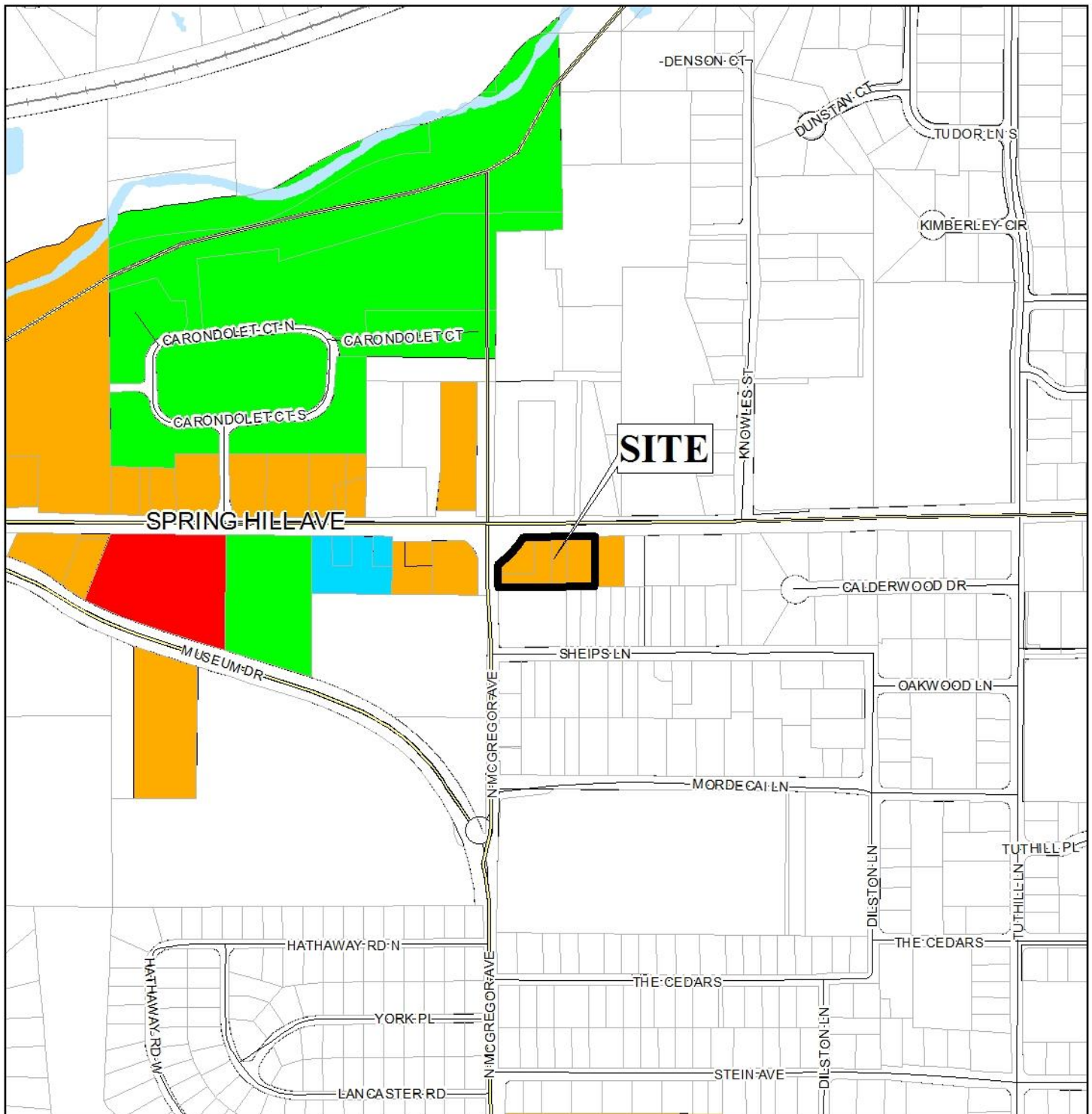
LOCATOR MAP



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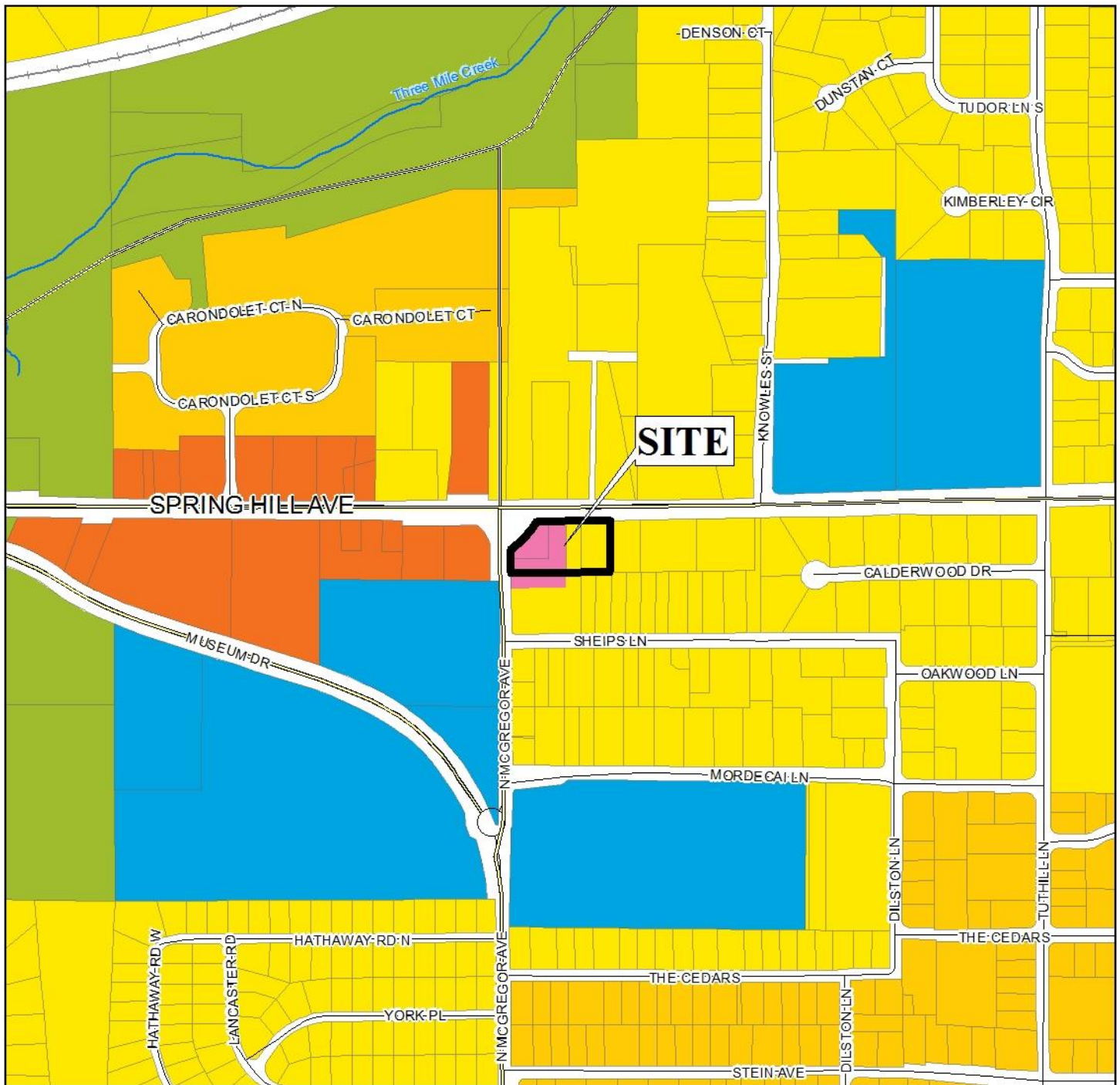
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

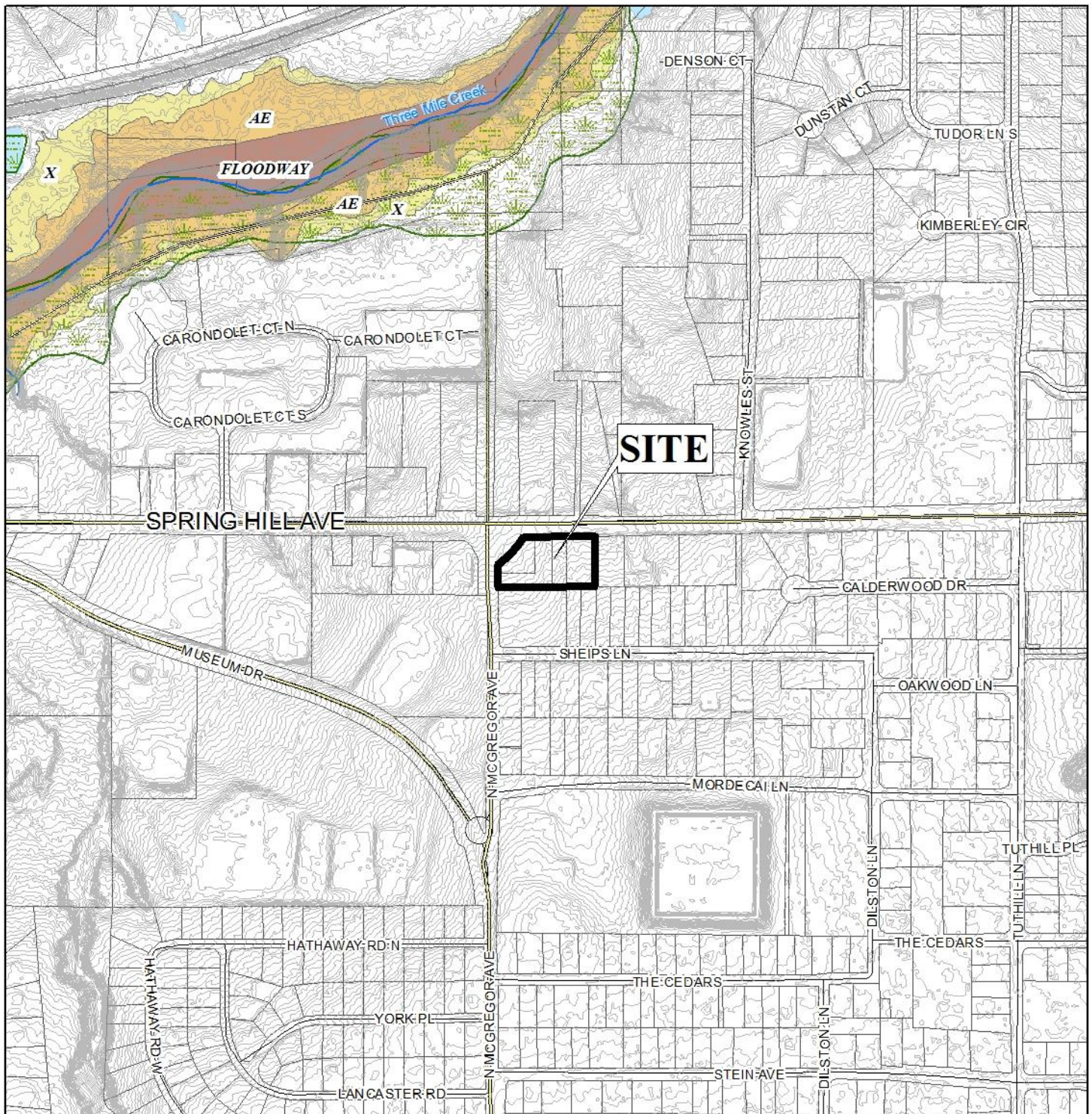


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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP

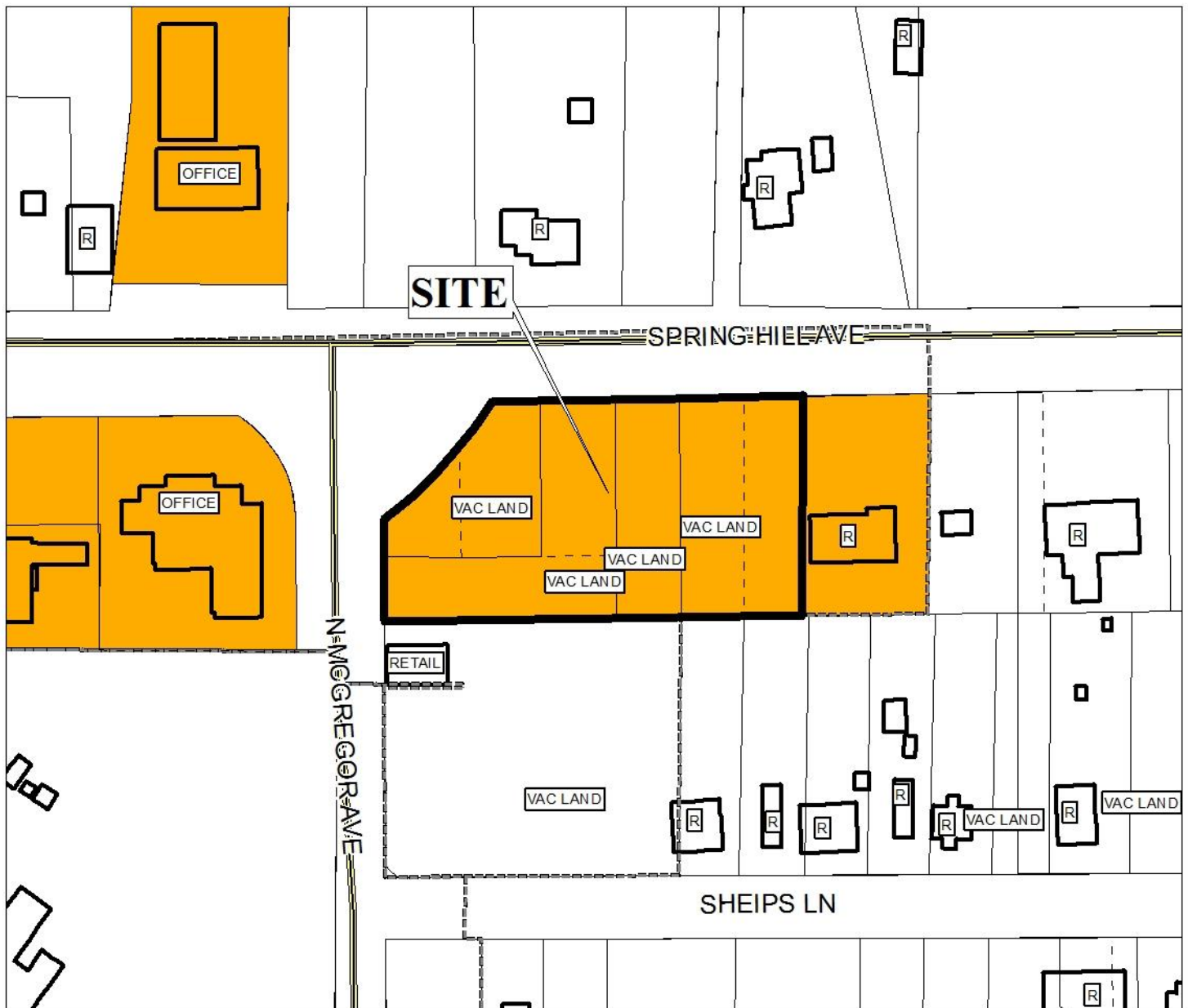


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VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units with commercial units to the west.

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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



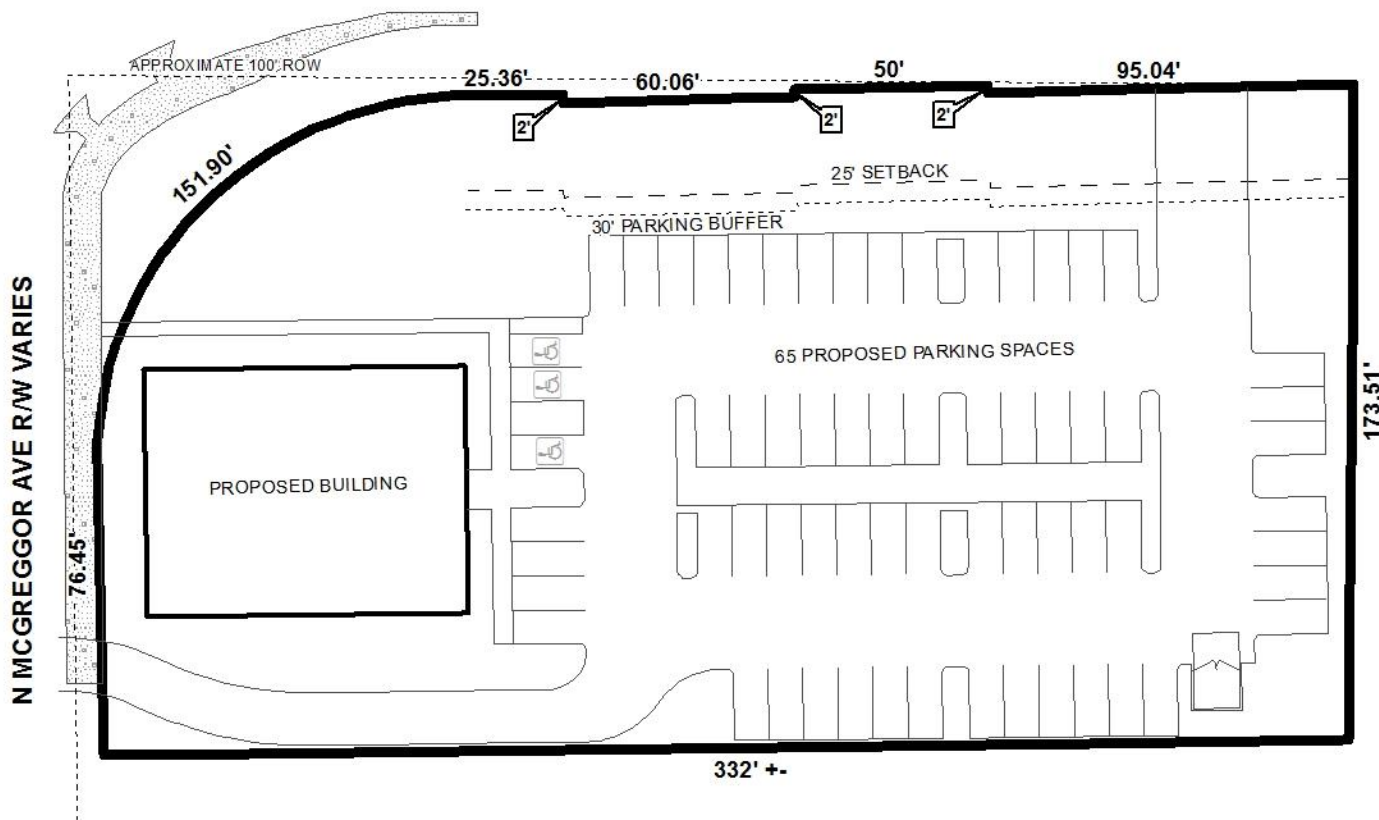
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SITE PLAN

SPRINGHILL AVE R/W VARIES



The proposed building, parking, setback, and parking buffer.

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