

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: September 13, 2021

CASE NUMBER 6414

APPLICANT NAME Project 50, LLC

LOCATION (East side of East I-65 Service Road North, 695'± South of Werkland Street).

VARIANCE REQUEST **ACCESS/MANEUVERING WIDTH:** To allow a substandard width driveway in a B-3, Community Business District.

ACCESS/MANEUVERING SURFACE: To allow aggregate access and parking surfacing in a B-3, Community Business District.

ZONING ORDINANCE REQUIREMENT **ACCESS/MANEUVERING WIDTH:** Requires a compliant width driveway in a B-3, Community Business District.

ACCESS/MANEUVERING SURFACE: Requires access and parking surfaces to paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

ZONING B-3, Community Business District

AREA OF PROPERTY 1.07± Acres

**ENGINEERING
COMMENTS**

Access/Maneuvering Width: No comments.

Access/Maneuvering Surface: If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements will require a Land Disturbance Permit to be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public right-of-way.

- 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobil 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.
- 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

**FIRE DEPARTMENT
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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

**CITY COUNCIL
DISTRICT**

District 1

ANALYSIS

The applicant is requesting Access/Maneuvering Width and Access/Parking Surface Variances to allow a substandard width driveway and aggregate access and parking surfacing in a B-3, Community Business District; the Zoning Ordinance requires a compliant width driveway, and requires access and parking surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, 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. This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. It includes a wide variety of retail, services and entertainment uses.

The Mixed Commercial Corridor designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern, or concentrated into shorter segments of a corridor.

Over time, new development and re-development in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

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 is 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.

Regarding the variance, the applicant provided the following narrative and justifications for the requests:

“The existing facility was developed in 1978 and consists of an approximately 13,155 sf main building which sits on 1.07 acres along the east side of I-65. The building is constructed of concrete walls and a metal roof and presently houses approximately 3,000 sf of office space and the balance is used for storage. The facility has been used for Commercial Industrial Sales for its entire existence.

A small shed of approximately 1,775 sf sits behind (to the east) the main building. A driveway exists along the south side of the main building to provide access to the rear of the property. The building is being sold and the new owner wishes to continue utilizing the facility as a Commercial Industrial Sales facility, as it has always been. The new owner wishes to convert an additional area of approximately 1,150 sf of present storage to additional office space, which will create a need for several additional parking spaces, for which the site will be able to accommodate.

By this application, the owner is requesting two things from the Board of Zoning Adjustments:

- 1. The existing drive along the south side of the building is less than 24 feet in width, and therefore does not comply with the current City of Mobile requirements. Because the neighboring business to the south built their building immediately on their common property line, it is not possible to widen this driveway. However, access to the rear will be limited to employee parking and delivery vehicles, as it has been for its entire existence. The new owner is hereby requesting he be allowed to maintain and continue to use this non-conforming driveway in its current form.*
- 2. The rear portion of the property is currently surfaced with gravel, which does not comply with the current Zoning Ordinance. The new owner is hereby requesting he be allowed to maintain this non-conforming gravel surfacing, including maintaining it, as needed.*

The only change the new owner proposes to make to the existing site is to install an appropriate ADA-compliant parking space in the front of the building.”

The site, as mentioned, is proposed to be renovated with additional office space, and an existing shed replaced with covered parking. In a predevelopment meeting with the applicant, it was determined that the additional office space required additional parking, which cannot be provided in front of the existing building due to the size of the subject site. A Planned Unit Development would be required to allow shared access and parking on an adjacent site, or parking could be provided in the rear. However, two-way access to the rear of the site would be required, the minimum width of which is required to be 24' and the site was developed with 21.5'± of access. Furthermore, staff determined that the access and maneuvering areas to facilitate the additional parking are required to be paved. As such, given that the site was developed with substandard access and aggregate surfacing to the rear of the lot, the applicant is requesting to retain these deficiencies to accommodate the additional required parking.

The site plan depicts the existing 13,155± square-foot building 50' from the front property line, 1.3'± from the North property line, and 21.5'± from the South property line. A table on the site plan indicates that 4,150 square feet of floor area of the existing building is to be used as office space, and that the remainder of the building area will be used as storage/warehouse and staffed by three (3) warehouse employees. As such, 15 off-street parking spaces are required, one of which must be van accessible. Eight (8) parking spaces are illustrated at the front of the building, including one (1) van accessible space, and seven (7) parking spaces are proposed in the rear yard of the lot, for a total of 15 compliant parking spaces.

It may be justified to approve the use of an access aisle that is substandard in width for two-way traffic, particularly because the site is developed and there is no other way to route traffic on-site in such a way that would comply with the ordinance without requiring access to an adjacent site. However, the applicant has not presented sufficient evidence as to why the access aisle and maneuvering areas cannot be paved. The current Zoning Ordinance was adopted in 1967 and the applicant states the site was developed in 1978, leading staff to believe the substandard surfacing has been in continuous violation of the regulations. As such, retaining the aggregate surfacing may be considered a self-imposed hardship, especially because the existing parking area is

paved. Furthermore, it would seem paving could occur as work is done to convert an existing shed to a covered parking lot, and to create an accessible parking space.

RECOMMENDATIONS:

Access/Maneuvering Width: Based upon the preceding, staff recommends to the Board the following Findings of Fact for Approval of the Access/Maneuvering Width Variance:

- 1) Approving the Access/Maneuvering Width Variance will not be contrary to the public interest due to the fact that the site is developed and substandard access has been prevalent on-site since development;
- 2) Special conditions do appear to exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship because the site is developed and cross-access to adjacent sites would require additional approvals; and,
- 3) That the spirit of the chapter shall be observed and substantial justice done to the surrounding neighborhood by granting the Access/Maneuvering Width Variance since adjacent developments preclude options for expansion of the access aisle.

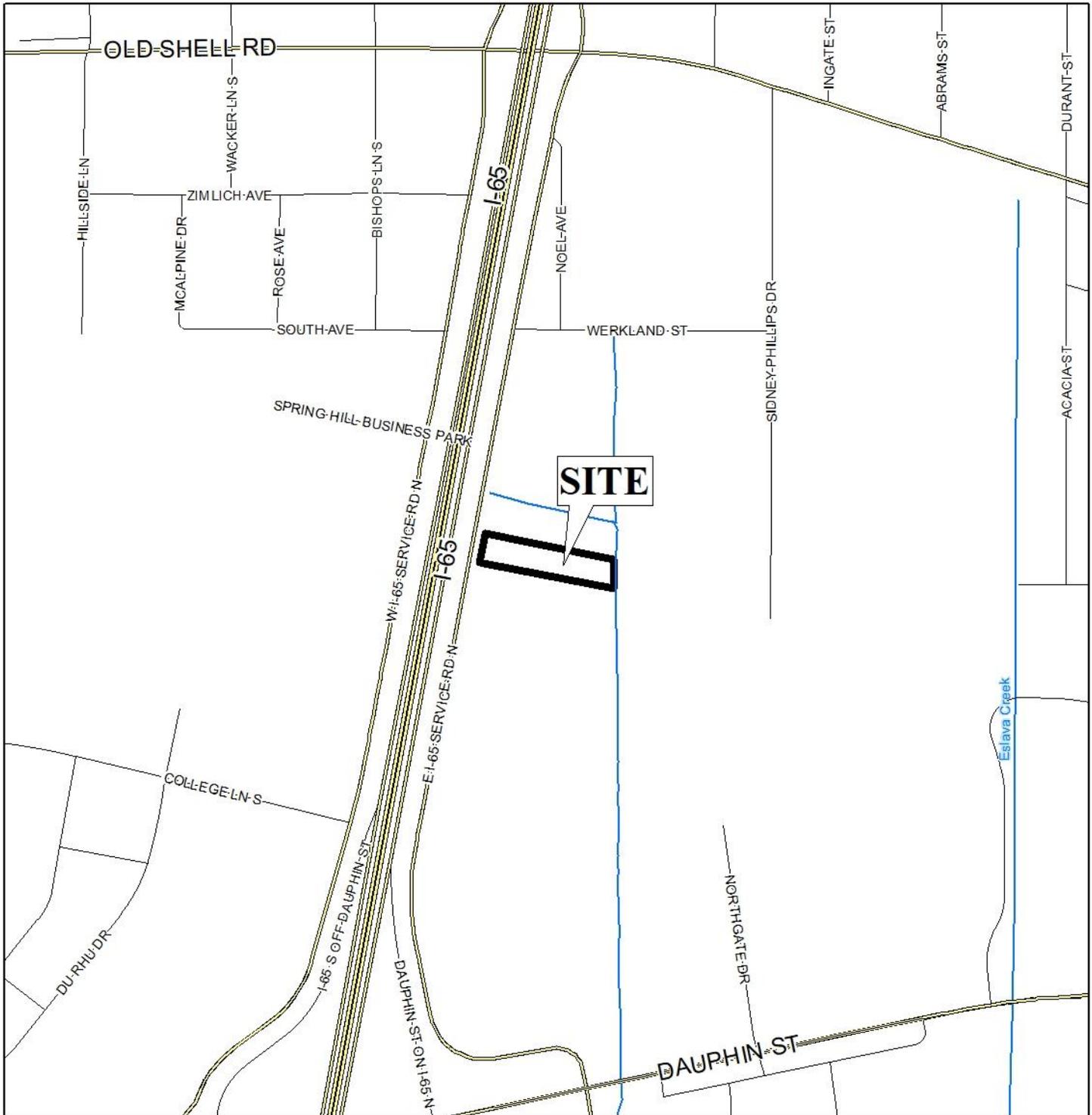
Access/Maneuvering Surface: Based upon the preceding, staff recommends to the Board the following Findings of Fact for Denial of the Access/Maneuvering Surface Variance:

- 1) Approving the Access/Maneuvering Surface Variance will be contrary to the public interest in that existing on-site parking is paved;
- 2) Special conditions do not exist such 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 applicant and surrounding neighborhood by granting the as the site was developed under current regulations in violation of the surfacing requirements for access/maneuvering areas.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 10th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 10th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

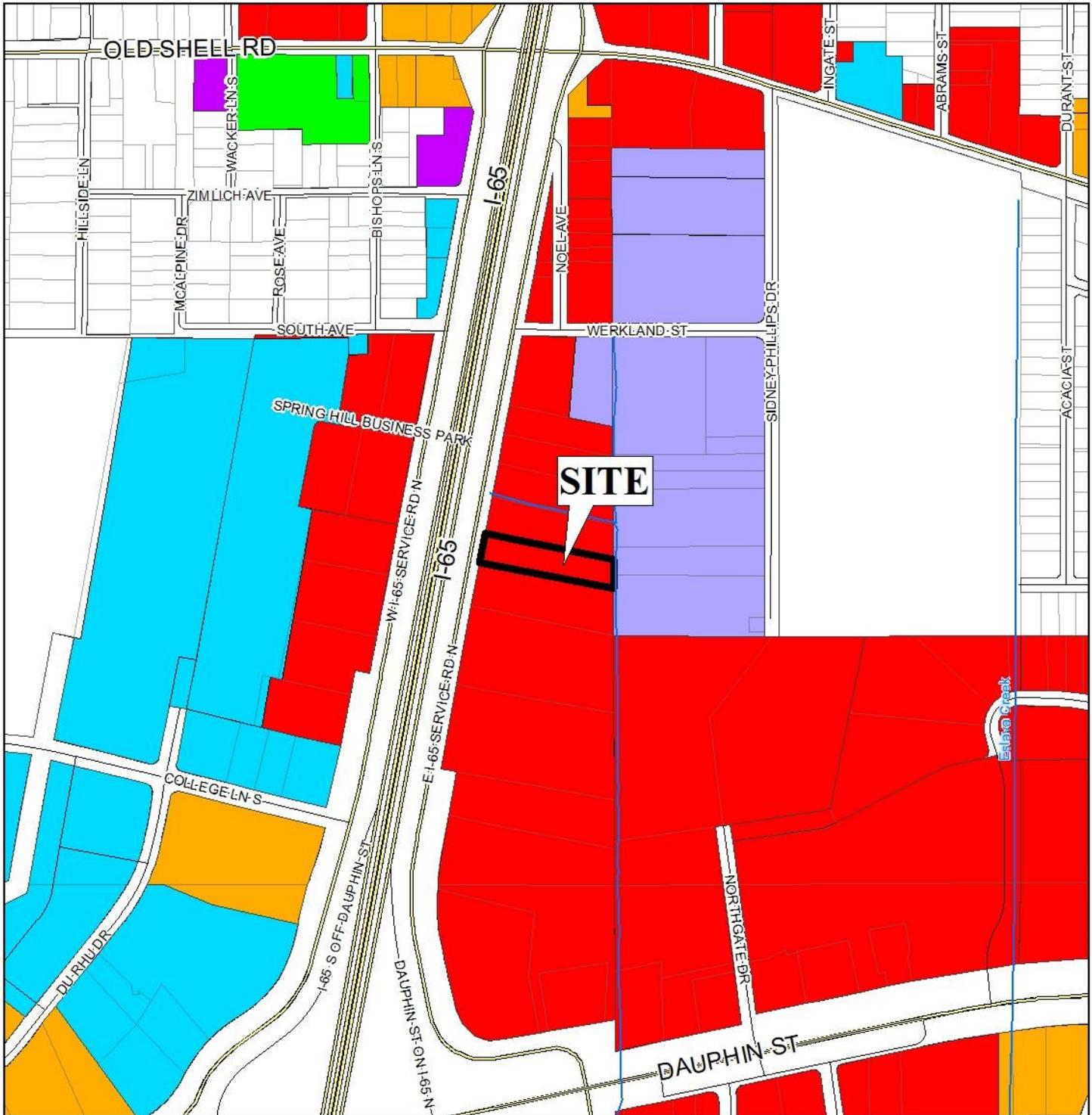
LOCATOR MAP



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APPLICANT Project 50, LLC
REQUEST Access and Maneuvering, and Parking Variances



LOCATOR ZONING MAP



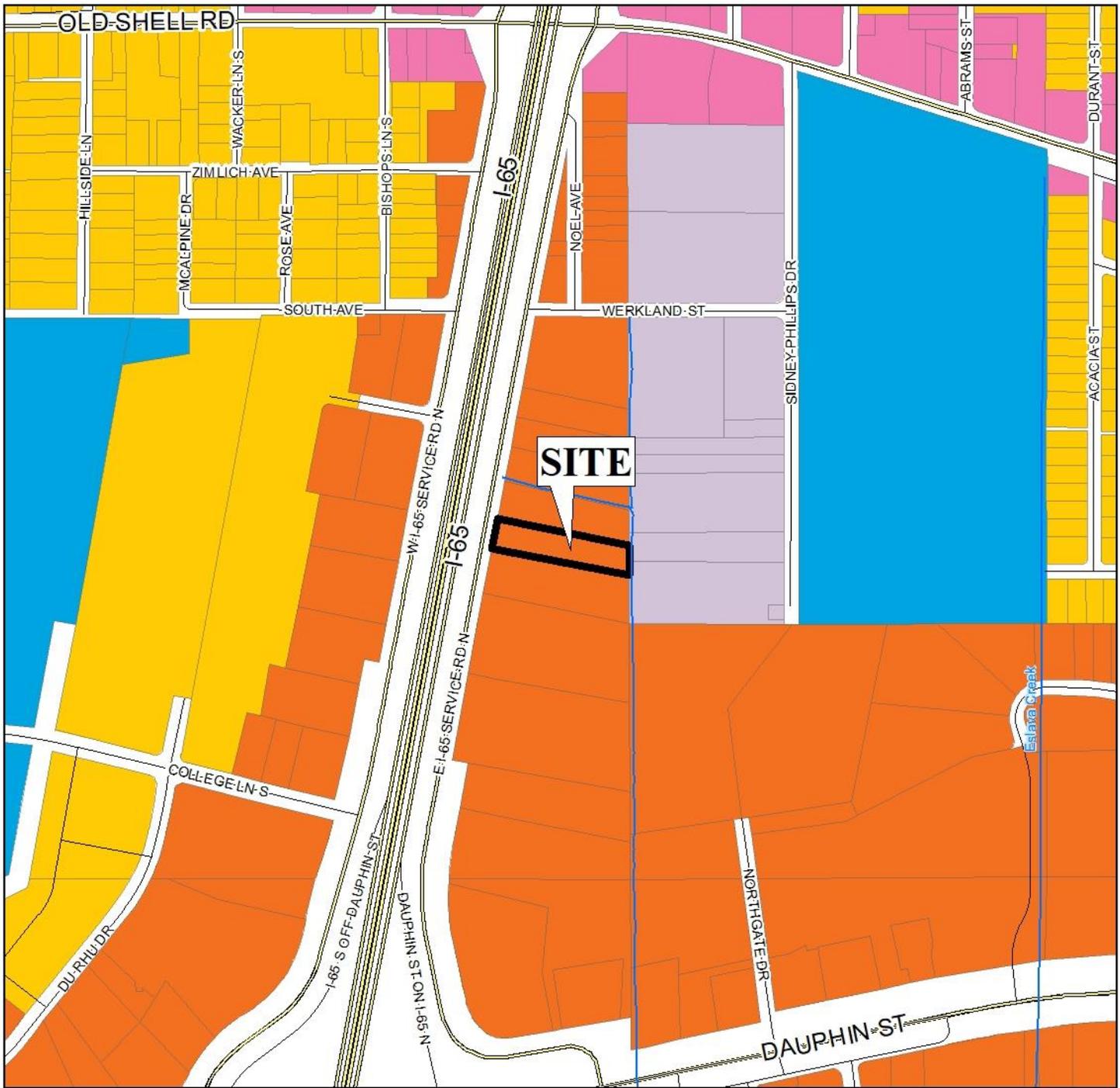
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FLUM LOCATOR MAP



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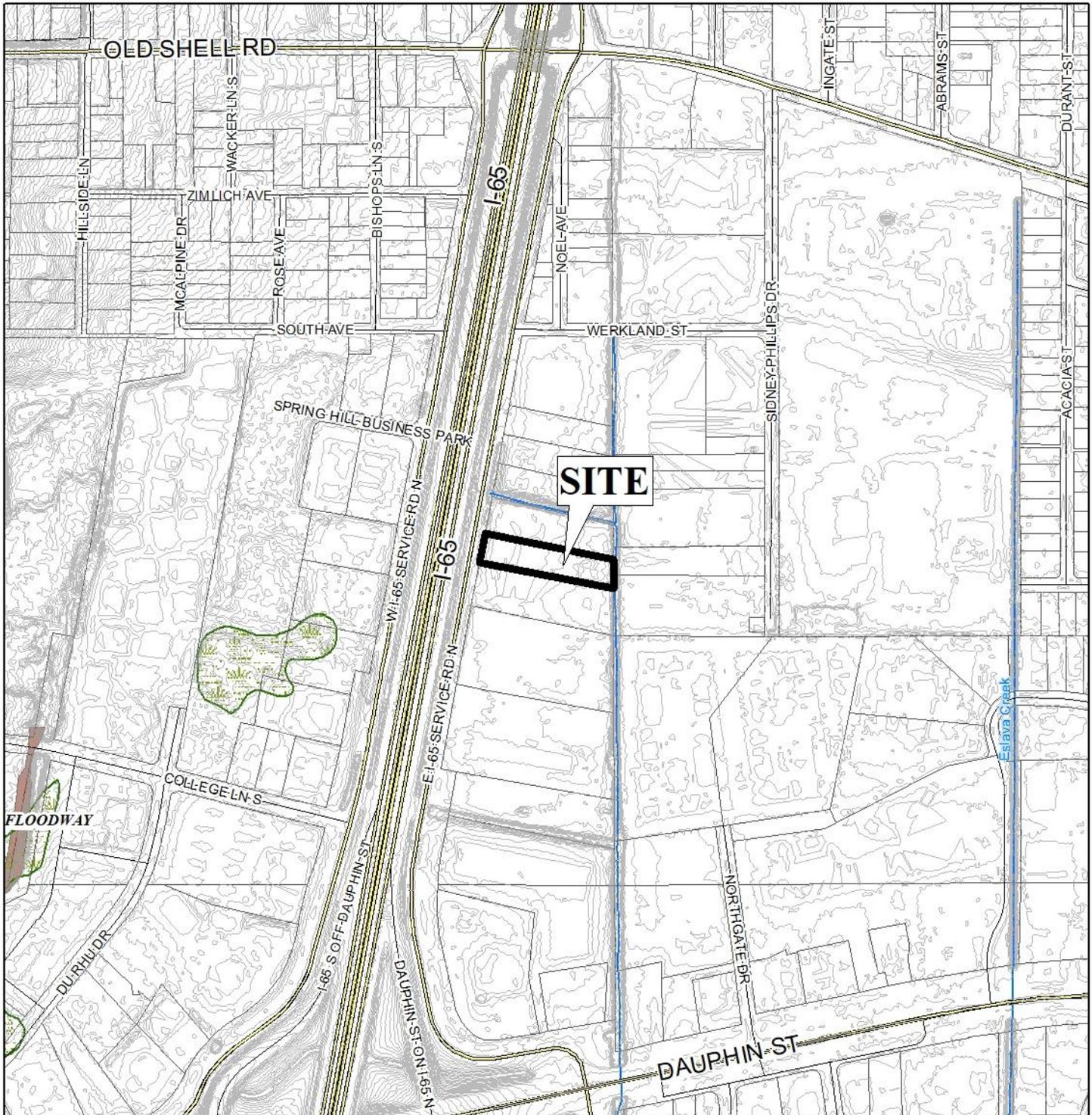
REQUEST Access and Maneuvering, and Parking Variances

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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 | |



NTS

ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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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

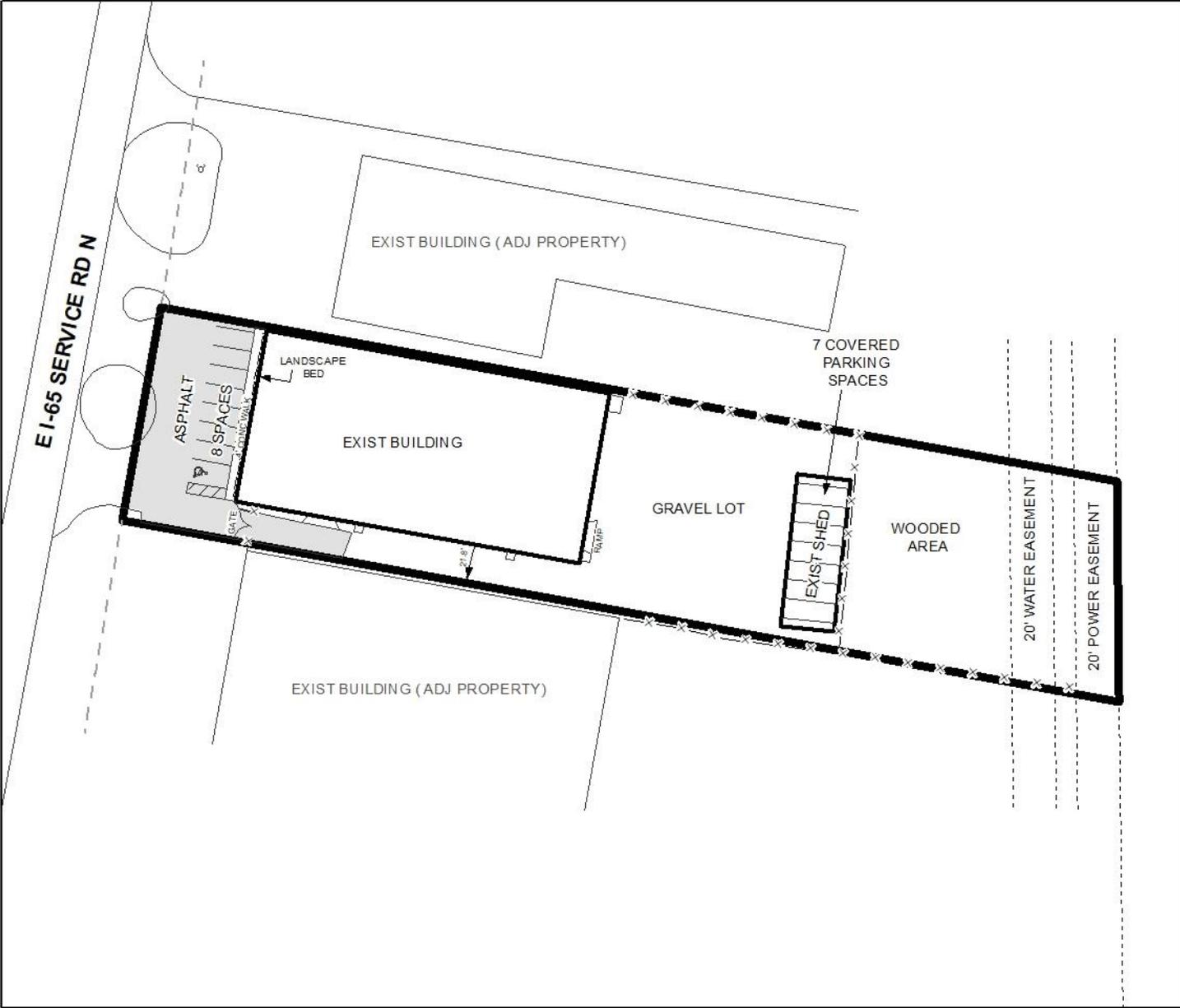


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SITE PLAN



The site plan illustrates the existinf building, shed, parking, and easements.

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