

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 11, 2022**

<b><u>CASE NUMBER</u></b>	6463
<b><u>APPLICANT NAME</u></b>	Catarina Echols
<b><u>LOCATION</u></b>	355 North Ann Street (West side of North Ann Street, 53'± North of Basil Street).
<b><u>VARIANCE REQUEST</u></b>	<b>OFF-SITE PARKING:</b> To allow off-site parking to be utilized for a house museum in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>OFF-SITE PARKING:</b> The Zoning Ordinance requires all required parking to be provided on-site for a house museum in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	0.26± Acre
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No traffic impacts anticipated by this variance request.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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 buildings and 600' of sprinkled buildings.

**ANALYSIS**

The applicant is requesting an Off-Site Parking Variance to allow off-site parking to be utilized for a house museum in an R-1, Single-Family Residential District; the Zoning Ordinance requires all required parking to be provided on-site for a house museum in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential (MxDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. 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 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.

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 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential 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 site was granted Planning Approval by the Planning Commission at its March 16, 2022 meeting to allow the existing residence to be converted to a house museum, subject to obtaining a variance for parking, if sufficient parking cannot be provided on the site. As the site is required to have 14 parking spaces, and only six (6) are provided, the subject application has been submitted.

The applicant states:

***Description of Property Location***

*The residence is located at 355 N Ann St., Mobile, AL 36603 in the old “Campground District” of Mobile.*

*Before the project began, the residence was vacant and in disrepair. The property south of the residence (351 N Ann St.) was a church that is now permanently closed, and the property across from the residence is an empty lot (354 N Ann St.) that was used as a storage area for vehicles. 354 N Ann St. was identified on the City of Mobile’s Neighborhood Development Map as a Blight parcel. The entire neighborhood was identified on the City of Mobile’s Neighborhood Development Map as a Renewal Target Area.*

*Because of this project, the vacant residence has been restored, the lot across the street has been cleared and cleaned, and attractive landscaping and renovations have been made to the property.*

***Present Zoning***

*Under the current City of Mobile Planning and Zoning map, the property is zoned as R.1 Single-Family Residential. Mobile, Alabama Code of Ordinances, Chapter 64 – Zoning, Sec. 64-3 is summarized below:*

*R-1 districts: One-family residential districts... The district regulations are designed to protect the residential character of the developed areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.*

### ***Project Intent and Development Plan***

*The residence will serve as a House Museum, with related office functions and public outreach spaces. Although the proposed project will change the property function from a residence to a House Museum, the intent of the project is to restore the house and surrounding property, protect the character of the area, and promote future appropriate development in the area.*

*The Map for Mobile states that land use should “Focus on abandoned buildings and develop plans for redevelopment. Adaptive re-use of some structures can provide opportunities for additional residential, commercial, mixed-use or civic spaces.”*

*Ordinance 64-26 Unified Development Code (UDC): City of Mobile*

*In addition, we found that under Sec. 64-4-4 Adaptive Reuse, all articles were met:*

*There is a vacated concrete slab in the rear of the property where a two-story carriage house occupying approximately 1,000 SF was recently demolished. Scattered loose landscape block planters and a compromised oak tree shall be demolished in the scope of this project. The remaining lot area will be used by a driveway, a covered patio, and landscaping. The site was surveyed, and there are Civil and Landscape drawings for the improvements to the site attached under separate cover. The Civil Engineer submitted an acceptable Land Disturbance Permit for the improvements to the site. The Civil Engineer studied the site and assessed the current condition of drainage, pavements, and vehicle circulation and parking. A design plan was developed for demolition, site layout, parking, erosion control, grading, and drainage that is reflective of those studies. Effort was taken to minimize disposal of useable materials. The maximum number of parking spaces were planned based on runoff requirements and according to best practices. Proposed parking will consist of new concrete, existing concrete driveway, and an area of vehicular pavers. The project also included the removal of abandoned cars from the lot at 354 N Ann St.*

### ***Time Schedule for Development***

*The Contractor was selected and given 180 days to complete the project, starting September 6, 2021.*

<b><i>Work Item</i></b>	<b><i>Start</i></b>	<b><i>Completion</i></b>
<i>Demolition and Site</i>	<i>Sept. 2021</i>	<i>Feb. 2022</i>
<i>Framing and Drywall</i>	<i>Oct. 2021</i>	<i>Dec. 2021</i>
<i>Electrical</i>	<i>Oct. 2021</i>	<i>Feb. 2022</i>
<i>Plumbing</i>	<i>Oct. 2021</i>	<i>Mar. 2022</i>
<i>HVAC</i>	<i>Nov. 2021</i>	<i>May 2022</i>
<i>Finishes</i>	<i>Dec. 2021</i>	<i>May 2022</i>
<i>Roofing</i>	<i>Jan. 2022</i>	<i>Mar. 2022</i>
<i>Owner Vendors (Art)</i>	<i>Feb. 2022</i>	<i>May 2022</i>
<i>Landscaping</i>	<i>Feb. 2022</i>	<i>May 2022</i>
<i>Turnover</i>	<i>Feb. 2022</i>	<i>Jun. 2022</i>

**Description**

*Before the project began, the residence was vacant and in disrepair. The property south of the residence (351 N Ann St.) was a church that is now permanently closed, and the property across from the residence is an empty lot (354 N Ann St.) that was used as a storage area for vehicles. 354 N Ann St. was identified on the City of Mobile's Neighborhood Development Map as a Blight parcel. The entire neighborhood was identified on the City of Mobile's Neighborhood Development Map as a Renewal Target Area. Because of this project, the vacant residence has been restored, the lot across the street has been cleared and cleaned, and attractive landscaping and renovations have been made to the property.*

*This project will not require the use of equipment or machinery which will generate excessive noise, odors, air pollution, or traffic.*

*Days of Operation: Monday – Friday, Hours of Operation: 8 AM – 5 PM, Number of Employees: 1 – 2, Number of Customers per day: 5 – 10 (scattered throughout the day), Gross Square Footage: 4,000 SF, Parking Requirements: 13 Spaces, Parking Spaces Provided: 6 Spaces.*

*The purpose of this project is to re-invigorate a local neighborhood by restoring an important historical house into the very first African American House Museum in the City of Mobile. The property cannot meet compliance required by the Zoning Ordinances for parking because to do so would negate the purpose of the improvements by turning the "house" museum into a more commercial parking area. Compliant parking on-site is provided for the employees that will be using the property as a working space daily. During special occasions (1 to 2 times per year) the Franklin Clinic agreed to allow patrons of the House Museum to park at the Clinic and a bus has been purchased to shuttle patrons from the Clinic to the House Museum (See attached Memorandum of Understanding from Franklin Clinic). There will be no negative impacts to surrounding properties. There will be sufficient parking on the premises for the daily operation of the museum. The concern was with any after-hours fund-raising activities and philanthropic gatherings that would take place outside office hours and on the weekend. These gatherings will be seldom (1 – 2 times per year), and mostly during Mardi Gras and dates of significance for African American Heritage Trail. These are the only anticipated events that would involve more guests than the occasional visitor to the museum. During the events, parking at the museum will not be provided for guests. The parking lot at the clinic and the shuttle are provided to support the nonprofit with off-site parking during these events. No negative parking impacts to the neighborhood are anticipated.*

The site plan submitted depicts six (6) parking spaces on-site, with two (2) being parallel parking spaces, and the other four (4) being standard pull-in spaces. If approved, the pull-in spaces should be provided either curbing or bumper stops to prevent vehicles from encroaching into the landscaped area.

The applicant states that the majority of the time, the site is expected to have a low level of traffic, and that during anticipated times of increased visitors, a shuttle will be used for visitors to park at a nearby parking lot (1320 Dr. Martin Luther King Jr. Boulevard), owned and operated by the

Franklin Clinic. The Franklin Clinic is located at 1303 Dr. Martin Luther King Jr. Boulevard, and received Planned Unit Development approval to utilize 1320 Dr. Martin Luther King Jr. Boulevard as off-site parking in 2007. The parking lot has 66 spaces available for use by the clinic and museum. A memorandum of understanding between the clinic and the museum was submitted with the application, which allows the museum use of the parking lot on weekday evenings (6:00 PM – 11:30 PM) and weekends, when the clinic is not open, and when special events are planned to be held at the museum.

If parking becomes an issue in the future, the applicant should consider amending their memorandum of understanding between the museum and clinic regarding the museum's use of the parking lot.

As stated previously, the existing residence is being converted to a house museum due to the historical significance of the previous residents. Due to the property being located in an existing residential neighborhood, the site is limited in the amount of property available to parking to be provided. This, in combination with the expected low levels of traffic, may make approval of the request appropriate.

**RECOMMENDATION:** Based on the preceding, staff recommends the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that low levels of traffic are anticipated in association with the house museum;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the site is providing the maximum amount of parking on-site as possible, and has made arrangements with a nearby property owner to accommodate increased parking demands; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance in that shuttling visitors to the site from off-site parking is preferable to visitors parking on the street or on other neighboring properties.

The approval should be subject to the following conditions:

- 1) Provision of either bumper stops or curbing for pull-in parking spaces;
- 2) Obtain associated building permits; and
- 3) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP

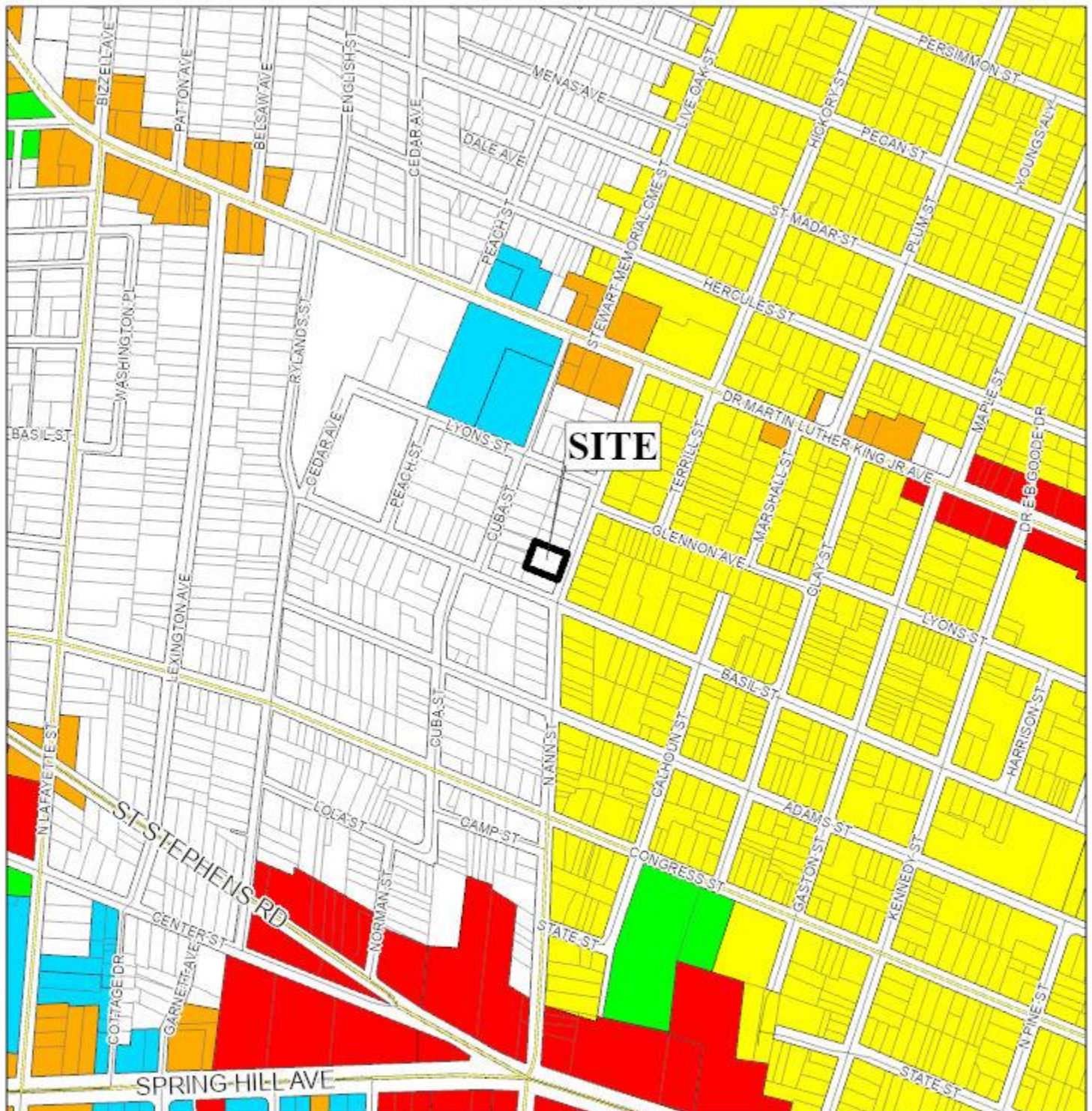


APPLICATION NUMBER 6463 DATE July 11, 2022  
 APPLICANT Catarina Echols  
 REQUEST Off-Site Parking Variance





# LOCATOR ZONING MAP

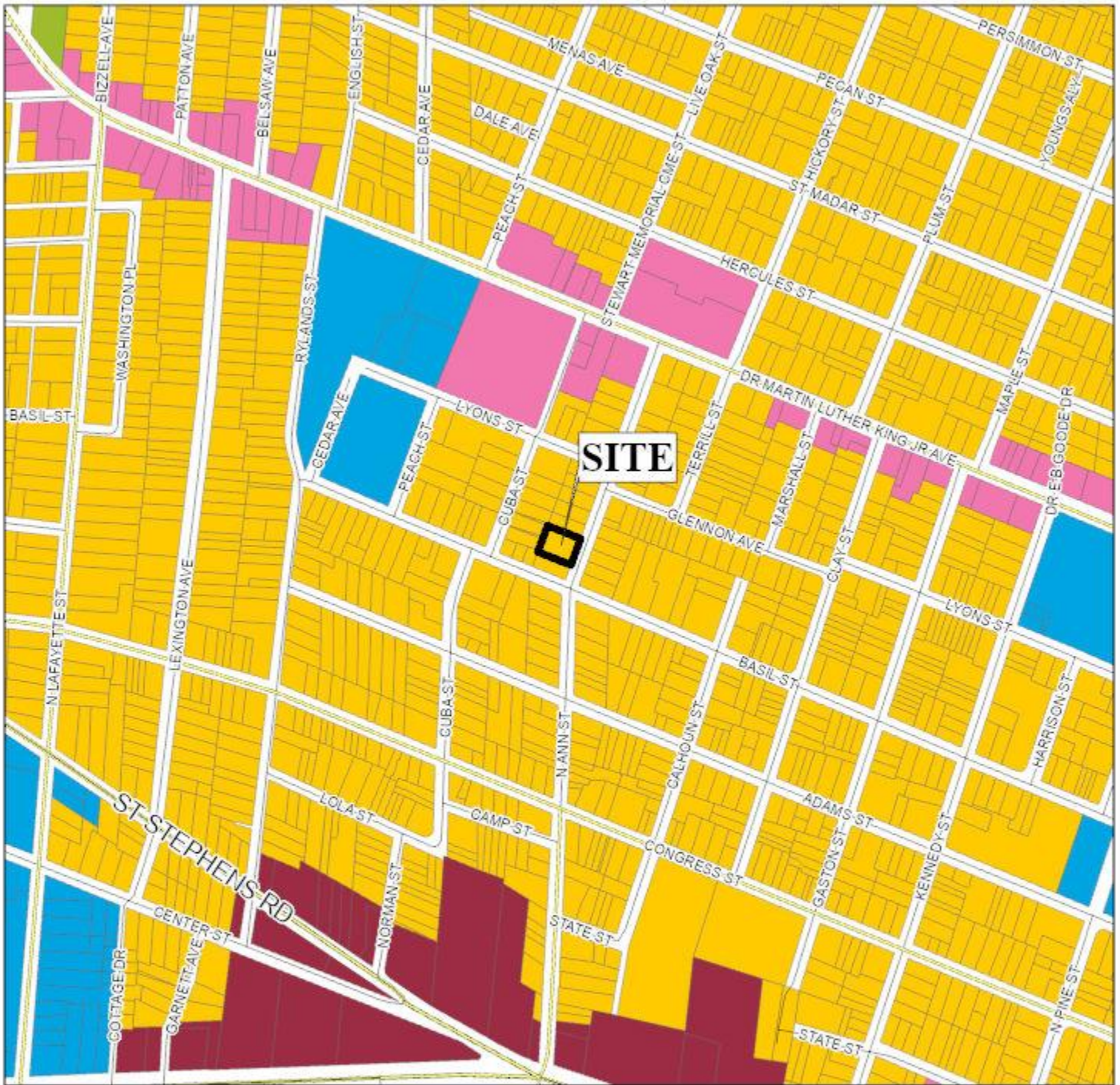


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# FLUM LOCATOR MAP



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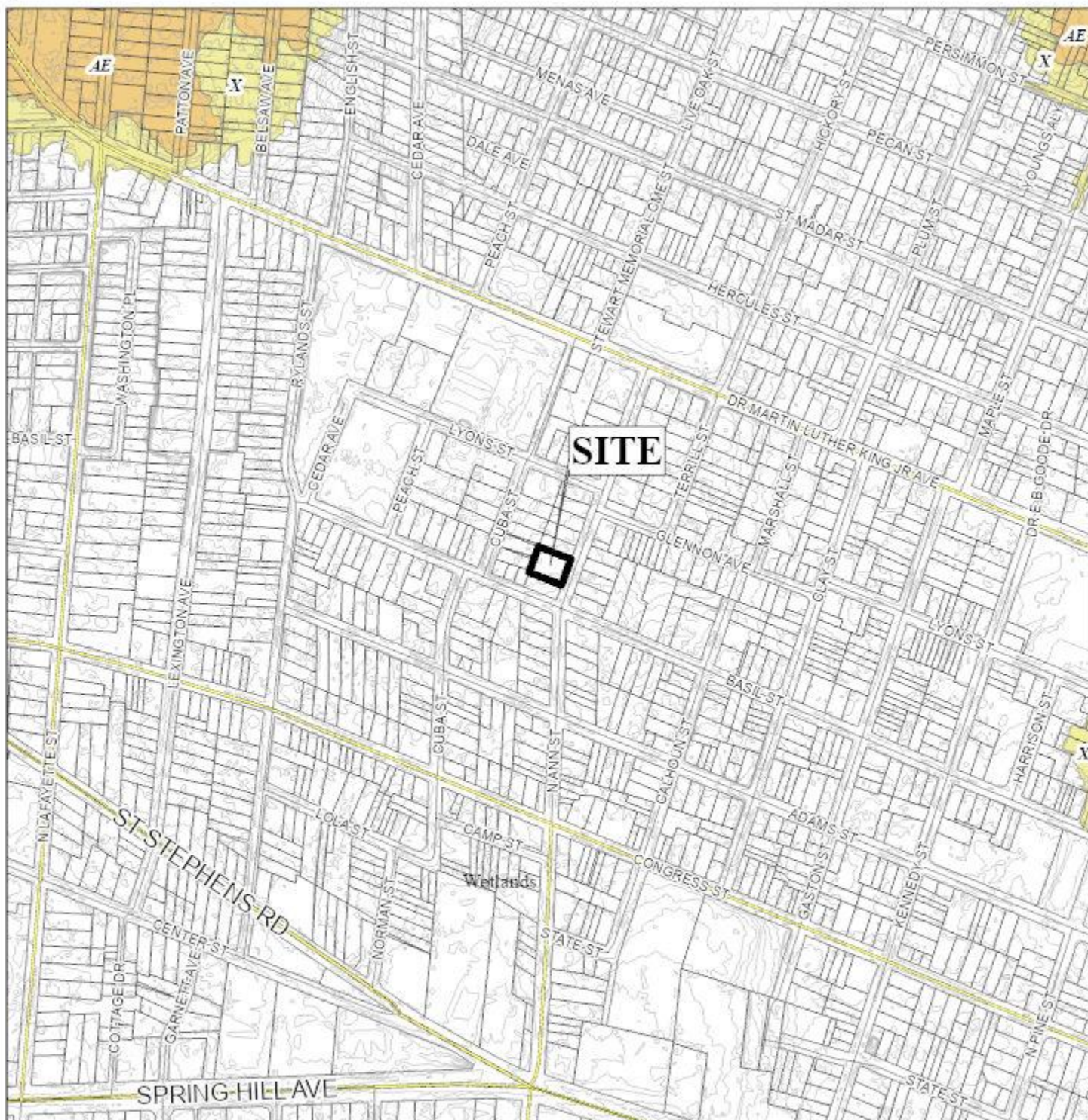
Layer2

- |   |   |  |  |
|---|---|--|--|
| <span style="display: inline-block; width: 10px; height: 10px; background-color: yellow; border: 1px solid black;"></span> Low Density Residential      | <span style="display: inline-block; width: 10px; height: 10px; background-color: red; border: 1px solid black;"></span> District Center                       | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightpink; border: 1px solid black;"></span> Traditional Corridor   | <span style="display: inline-block; width: 10px; height: 10px; background-color: purple; border: 1px solid black;"></span> Heavy Industry    |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Density Residential    | <span style="display: inline-block; width: 10px; height: 10px; background-color: darkred; border: 1px solid black;"></span> Neighborhood Center - Traditional | <span style="display: inline-block; width: 10px; height: 10px; background-color: orange; border: 1px solid black;"></span> Mixed Commercial Corridor | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> Institutional  |
| <span style="display: inline-block; width: 10px; height: 10px; background-color: blue; border: 1px solid black;"></span> Neighborhood Center - Suburban | <span style="display: inline-block; width: 10px; height: 10px; background-color: brown; border: 1px solid black;"></span> Downtown Waterfront                 | <span style="display: inline-block; width: 10px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> Light Industry       | <span style="display: inline-block; width: 10px; height: 10px; background-color: green; border: 1px solid black;"></span> Parks & Open Space |
|   |   |  | <span style="display: inline-block; width: 10px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> Water Dependent |





# ENVIRONMENTAL LOCATOR MAP



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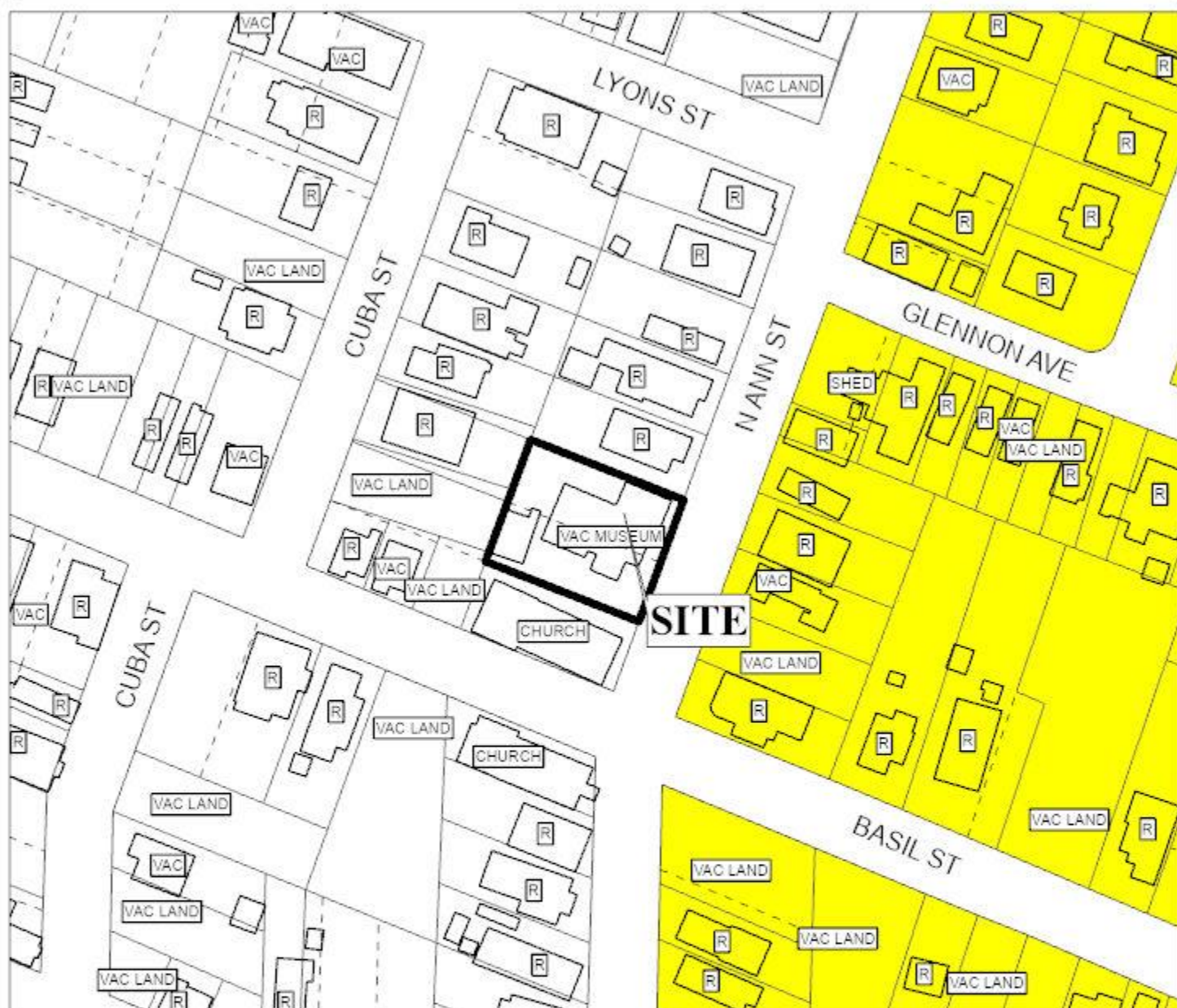
APPLICANT Catarina Echols

REQUEST Off-Site Parking Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential units.

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REQUEST Off-Site Parking Variance

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

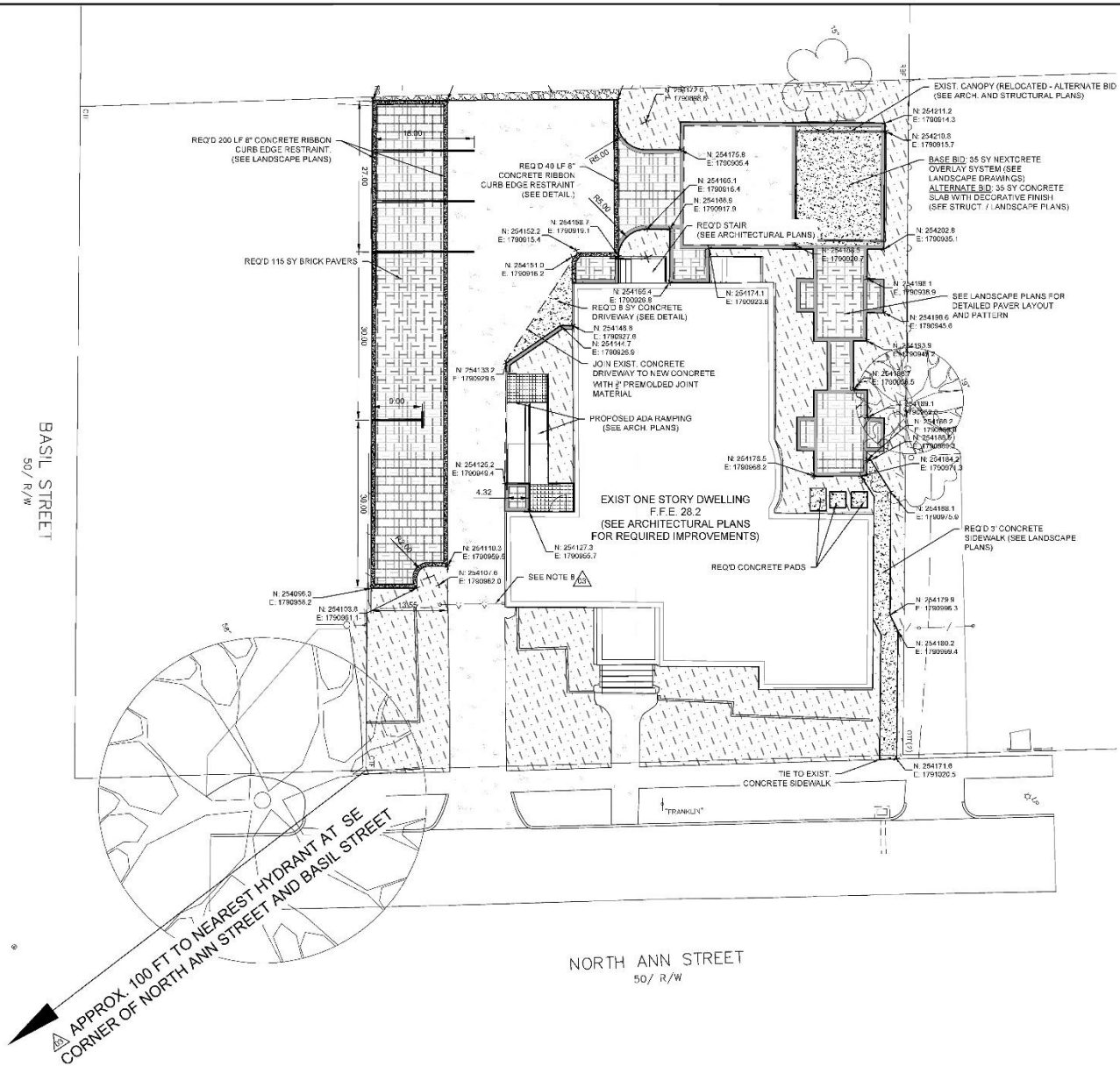


This site is surrounded by residential units.

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# SITE PLAN



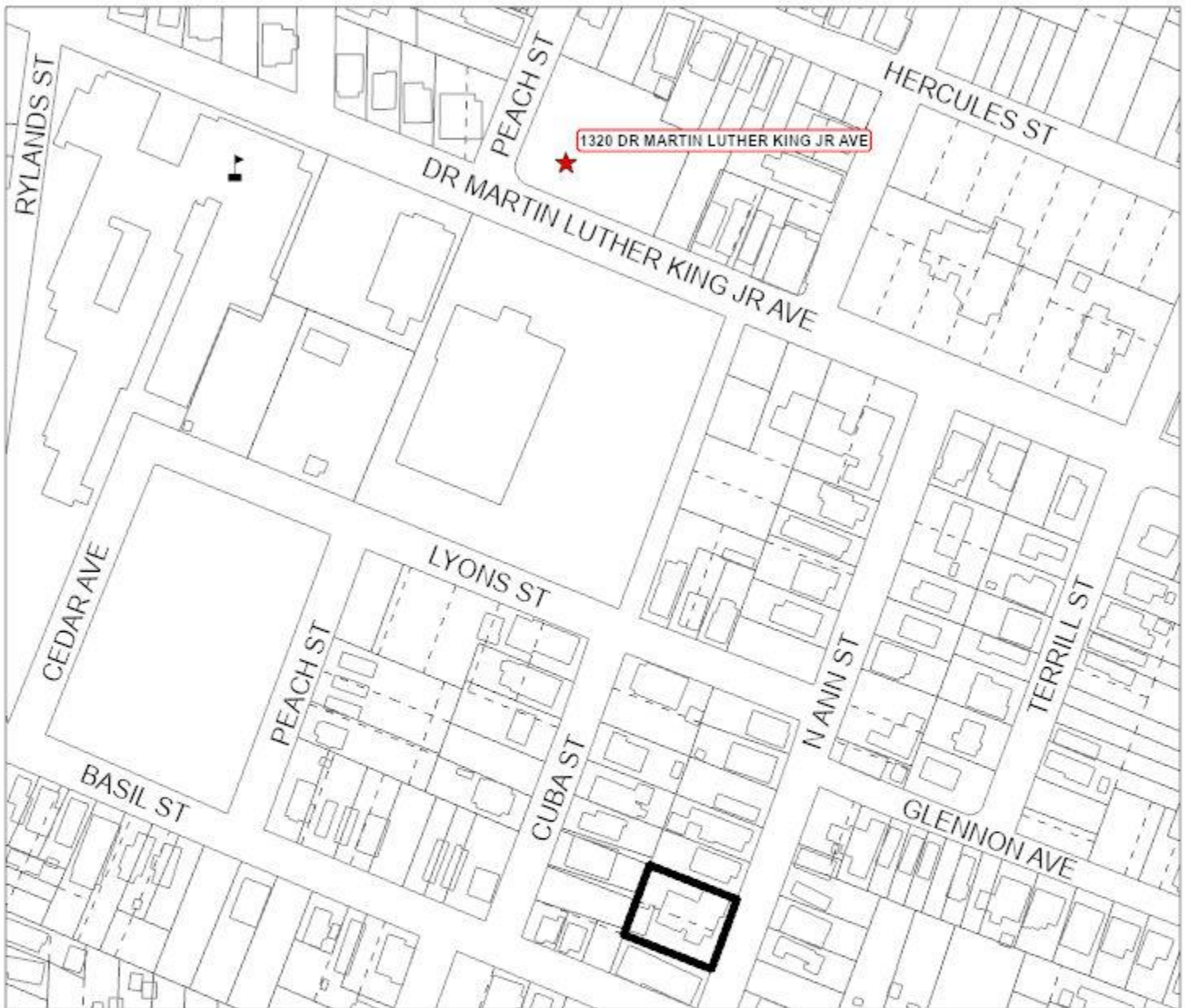
This site illustrates the building and parking layout.

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## DETAIL SITE PLAN



This shows 1320 Dr. Martin Luther King Jr. Blvd in relation to 355 N Ann St.

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