



Agenda Item # 5 BOA-002542-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

3500 Halls Mill Road

Applicant / Agent (as applicable):

Byrd Surveying

Property Owner:

PM Properties, LLC

Current Zoning:

I-1, Light Industry

Future Land Use:

Light Industry

Case Number(s):

6525

Unified Development Code Requirement:

- A 25-foot front yard setback for fences higher than three-feet (3') which obstruct visibility in an I-1, Light Industry District.

Board Consideration:

- To allow a six-foot (6') chain link screened fence setback 15-feet from the front property line in an I-1, Light Industry District.


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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER <u>6525</u> DATE <u>July 10, 2023</u>	
APPLICANT <u>Byrd Surveying</u>	
REQUEST <u>Front Yard Setback Variance</u>	

SITE HISTORY

The subject site was rezoned from R-1, Single-Family Residential District, to its current I-1 in 1996. The site was created as a legal lot of record via Middleton Subdivision, which was approved by the Planning Commission in 2015. There have been no other applications before the Planning Commission or Board of Zoning Adjustment for the site.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

1. The wall (including the footers) must be located on private property and NOT within the public ROW.
2. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
3. 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 rights-of-way.
4. 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.
5. 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 (2021 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.

Planning Comments:

The applicant is requesting a Front Yard Setback Variance to allow a six (6)-foot chain link, screened fence setback 15-feet from the front property line in an I-1, Light Industry District; the Unified Development Code (UDC) requires a 25-foot front yard setback for fences higher than three (3) feet which obstruct visibility in an I-1, Light Industry District.

The entire application packet is available via the link on Page 1.

The applicant states that the fence was accidentally constructed too close to the front property line, but that it does not create a visibility hazard for vehicles along Halls Mill Road or for vehicles exiting the property, since the fence is 38-feet from the edge of the pavement of Halls Mill Road. It is further stated that this allows trucks more than adequate room to stop and check for traffic before entering Halls Mill Road.

The site plan submitted indicates the fence is approximately 15.2-feet from the front property line at its closest point, just East of the driveway into the site. The fence then angles inward as it goes East and actually meets the required 25-foot front yard setback approximately 30-feet from the East property line.

The application does not include any information regarding a unique characteristic of the property which precludes the fence from meeting the required setback. There have not been any fence height variances requested or granted within the area.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest;
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; no variance shall be granted:

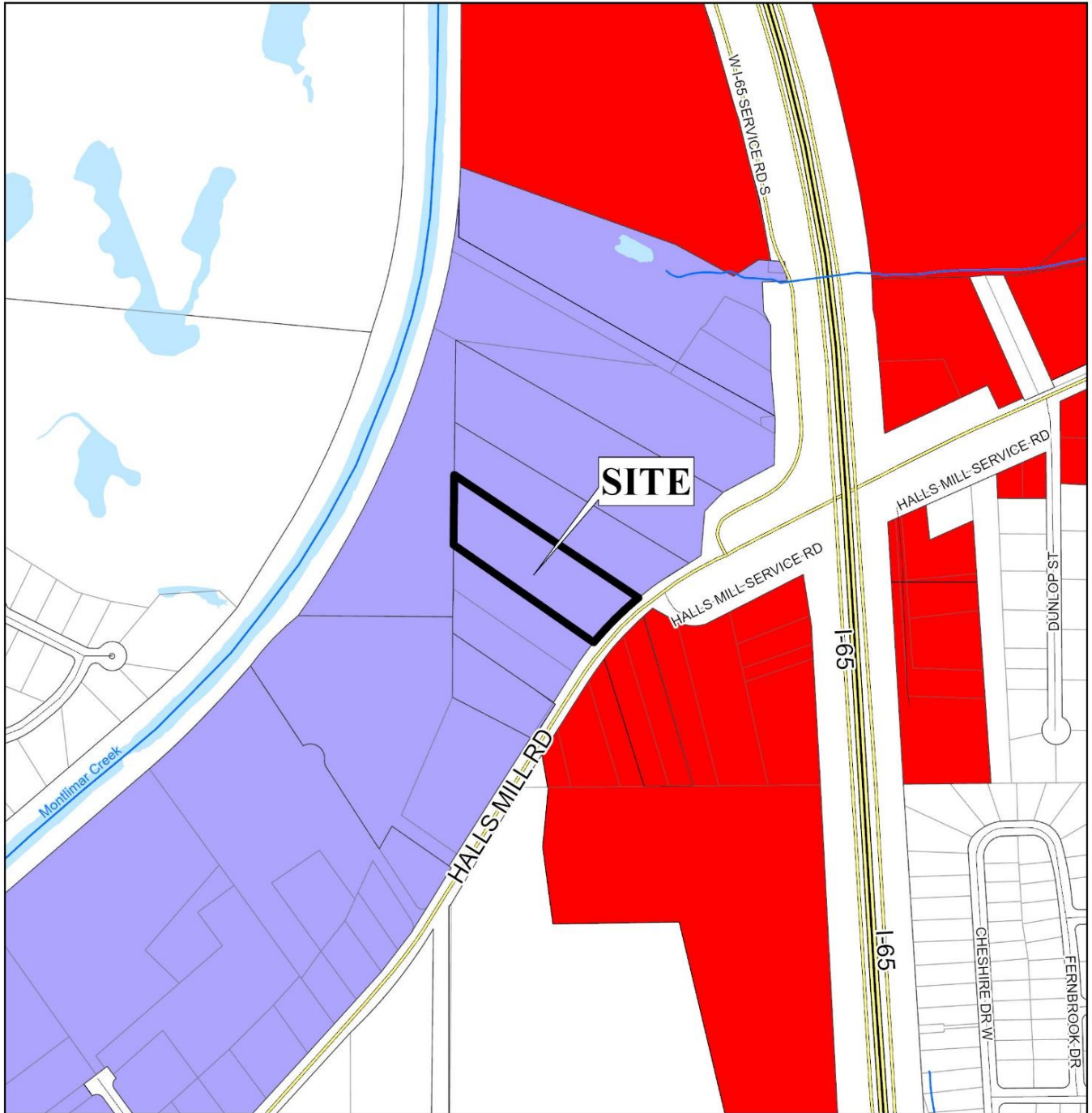
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance will not be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP



APPLICATION NUMBER 6525 DATE July 10, 2023

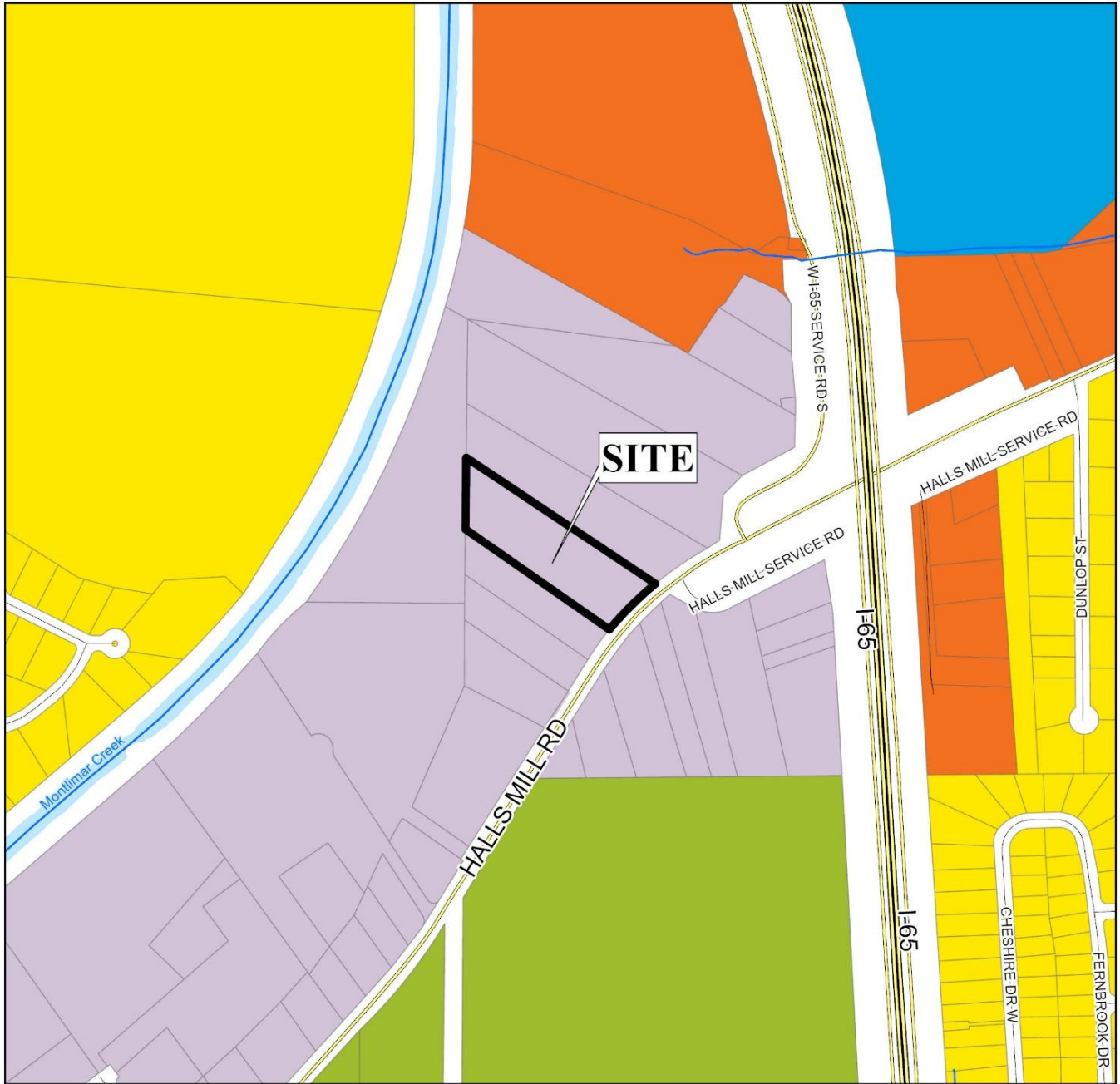
APPLICANT Byrd Surveying

REQUEST Front Yard Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6525 DATE July 10, 2023

APPLICANT Byrd Surveying

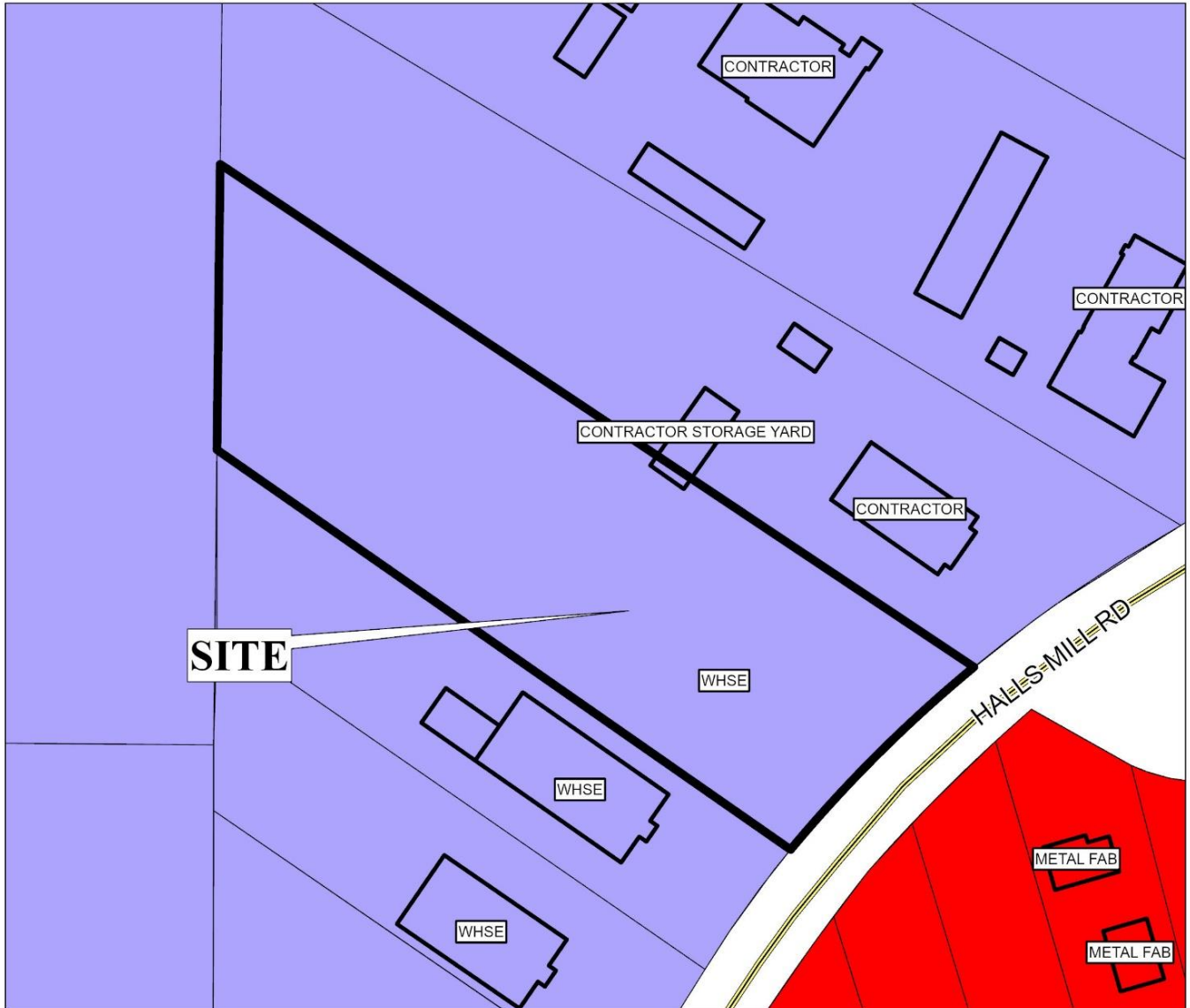
REQUEST Front Yard Setback Variance

- | | | | |
|---|--|---|---|
| ■ 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

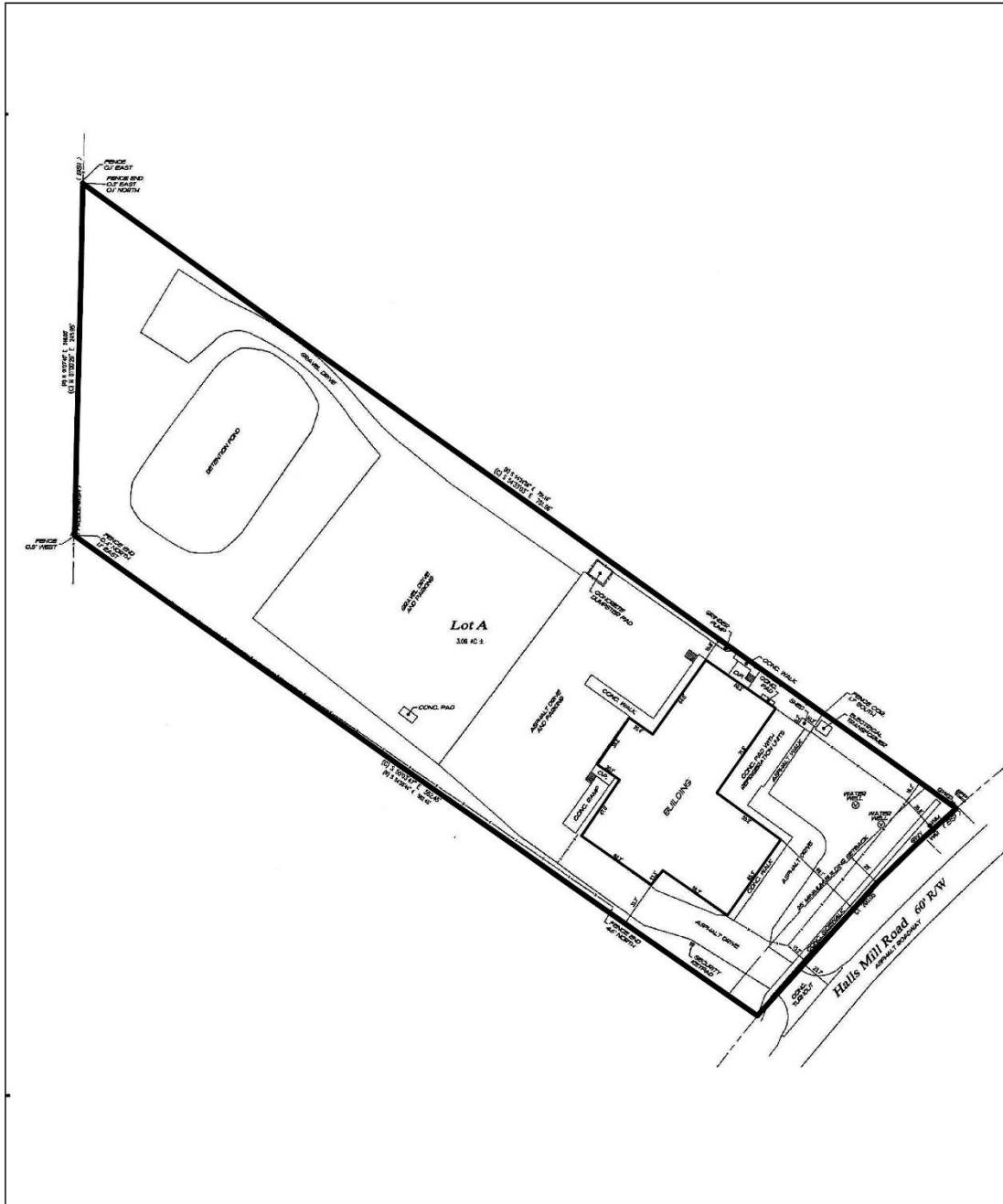
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by industrial units.

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<table style="width: 100%; border: none;"> <tr> <td style="width: 10%;">R-A</td><td style="width: 10%;">R-3</td><td style="width: 10%;">T-B</td><td style="width: 10%;">B-2</td><td style="width: 10%;">B-5</td><td style="width: 10%;">MUN</td><td style="width: 10%;">SD-WH</td><td style="width: 10%;">T5.1</td></tr> <tr> <td>R-1</td><td>R-B</td><td>B-1</td><td>B-3</td><td>I-1</td><td>OPEN</td><td>T3</td><td>T5.2</td></tr> <tr> <td>R-2</td><td>H-B</td><td>LB-2</td><td>B-4</td><td>I-2</td><td>SD</td><td>T4</td><td>T6</td></tr> </table>	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		
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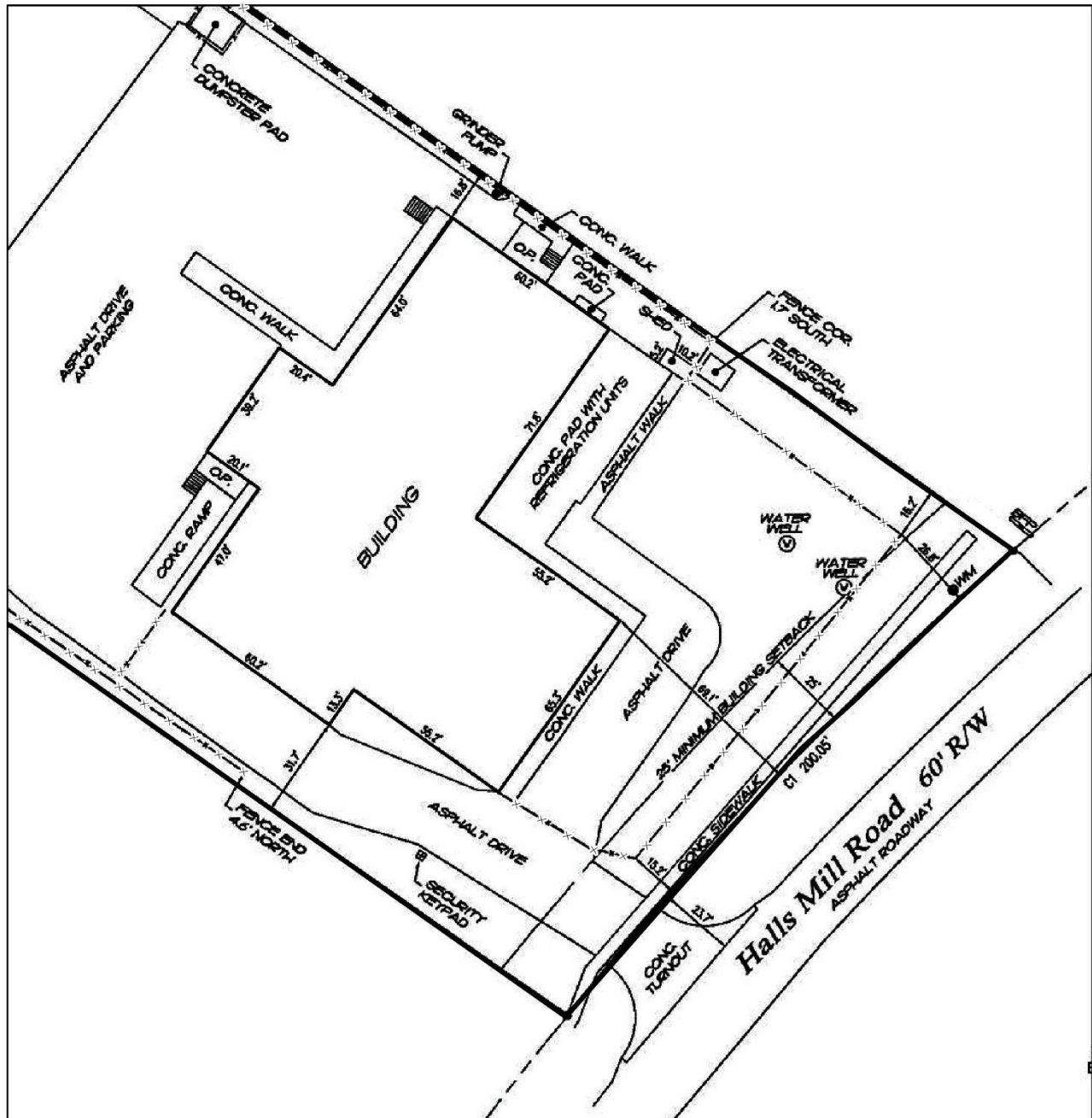
SITE PLAN



The site plan illustrates the existing building, drive, parking, setbacks, and fencing.

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DETAIL SITE PLAN



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ZONING DISTRICT CORRESPONDENCE MATRIX			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)	
RESIDENTIAL - AG	R-A																
ONE-FAMILY RESIDENCE	R-1	■				■		■						□			
TWO-FAMILY RESIDENCE	R-2	■				■		■						□	○		
MULTIPLE-FAMILY	R-3	○	■			■	■							□	○		
RESIDENTIAL-BUSINESS	R-B		○			■		■						□	○		
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■						□			
HISTORIC BUSINESS	H-B			■		■		■						□			
VILLAGE CENTER	TCD					■	■							□			
NEIGH. CENTER	TCD					■	■							□			
NEIGH. GENERAL	TCD					■								□			
DOWNTOWN DEV. DDD	T-6			■										□			
DOWNTOWN DEV. DDD	T-5.1			■		■		□						□			
DOWNTOWN DEV. DDD	T-5.2			■		■								□			
DOWNTOWN DEV. DDD	T-4			■		■		□						□			
DOWNTOWN DEV. DDD	T-3			■		■								□			
DOWNTOWN DEV. DDD	SD-WH										○	○		□			
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○			○	○		□			
BUFFER BUSINESS	B-1		□			□	■	■	■					□	○		
NEIGH. BUSINESS	B-2		○			□	■	■	■					□	○		
LIMITED BUSINESS	LB-2		○			□	■	■	■					□	○		
COMMUNITY BUSINESS	B-3				■				■				○	□	○		
GEN. BUSINESS	B-4			■					■				○	□	○		
OFFICE-DISTRIBUTION	B-5								■	■				□	□		
LIGHT INDUSTRY	I-1									■				□	□	□	
HEAVY INDUSTRY	I-2											■		□		□	

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.