



## Agenda Item # 5

### BOA-002577-2023

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

[Applicant Materials for Consideration](#)

## DETAILS

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**Location:**

1057 Tennessee Street

**Applicant / Agent:**

Bethel Engineering

**Property Owner:**

Order of Polka Dots, Inc.

**Current Zoning:**

R-1, Single-Family Residential Urban District

**Future Land Use:**

Mixed Density Residential

**Case Number(s):**

6533/4639/4435

**Unified Development Code Requirement:**

- Float barns are not allowed in an R-1, Single-Family Residential Urban District.

**Board Consideration:**

- To amend a previously approved Use Variance to allow a float barn in an R-1, Single-Family Residential Urban District


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by float barns and residential units.  
Government offices lie north of the site.

APPLICATION NUMBER <u>        6533        </u> DATE <u>        August 7, 2023        </u>	 NTS
APPLICANT <u>                        Bethel Engineering                        </u>	
REQUEST <u>                                Use Variance                                </u>	

## SITE HISTORY

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The site was first before the Board of Adjustment at the June 6, 1994 meeting, to allow a 40-foot by 75-foot (3,000 square feet) addition to the existing non-conforming float barn to be located within 4.8-feet of the West property line. It should be noted that the float barn appears to have existed on the site since sometime in the 1970s.

The site also had a variance granted at the July 21, 1997 meeting of the Board of Adjustment to allow the construction of a 150-foot tall communications tower. No changes are currently being proposed to the existing tower.

The site most recently had a one-lot Subdivision approved by the Planning Commission at its January 5, 2023 meeting, which has subsequently been recorded in Probate Court.

## STAFF COMMENTS

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### **Engineering Comments:**

No comments.

### **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 proposing to construct a 2,475± square foot addition to an existing float barn in an R-1, Single-Family Residential Urban District.

The application states that the hours of operation for the site will be Monday through Friday, 9 AM – 3 PM, and that the site will have a total of two (2) employees. The application incorrectly states that there are no parking requirements for the site, however one (1) parking space is required for every three (3) employees. As the applicant states only two (2) employees will be at the site, the UDC only requires one (1) parking space. However, as the site will be required to provide a handicap accessible parking space, it is advisable that there be a minimum

of two (2) spaces provided. The site plan submitted does not indicate any parking spaces, therefore, if approved, the site plan should be revised to depict compliant parking spaces.

It should be noted that the site abuts R-1 property to the Northeast and the West. The property to the Northeast is also occupied by a non-conforming float barn, and the property to the West is owned and operated by the City of Mobile as the Taylor Community Center and Pool as well as the Public Works Paint and Body Shop.

## VARIANCE CONSIDERATIONS

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### 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 present:

- 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.

If approved, the following condition should apply:

- 1) Provision of compliant parking including required handicap accessible parking.

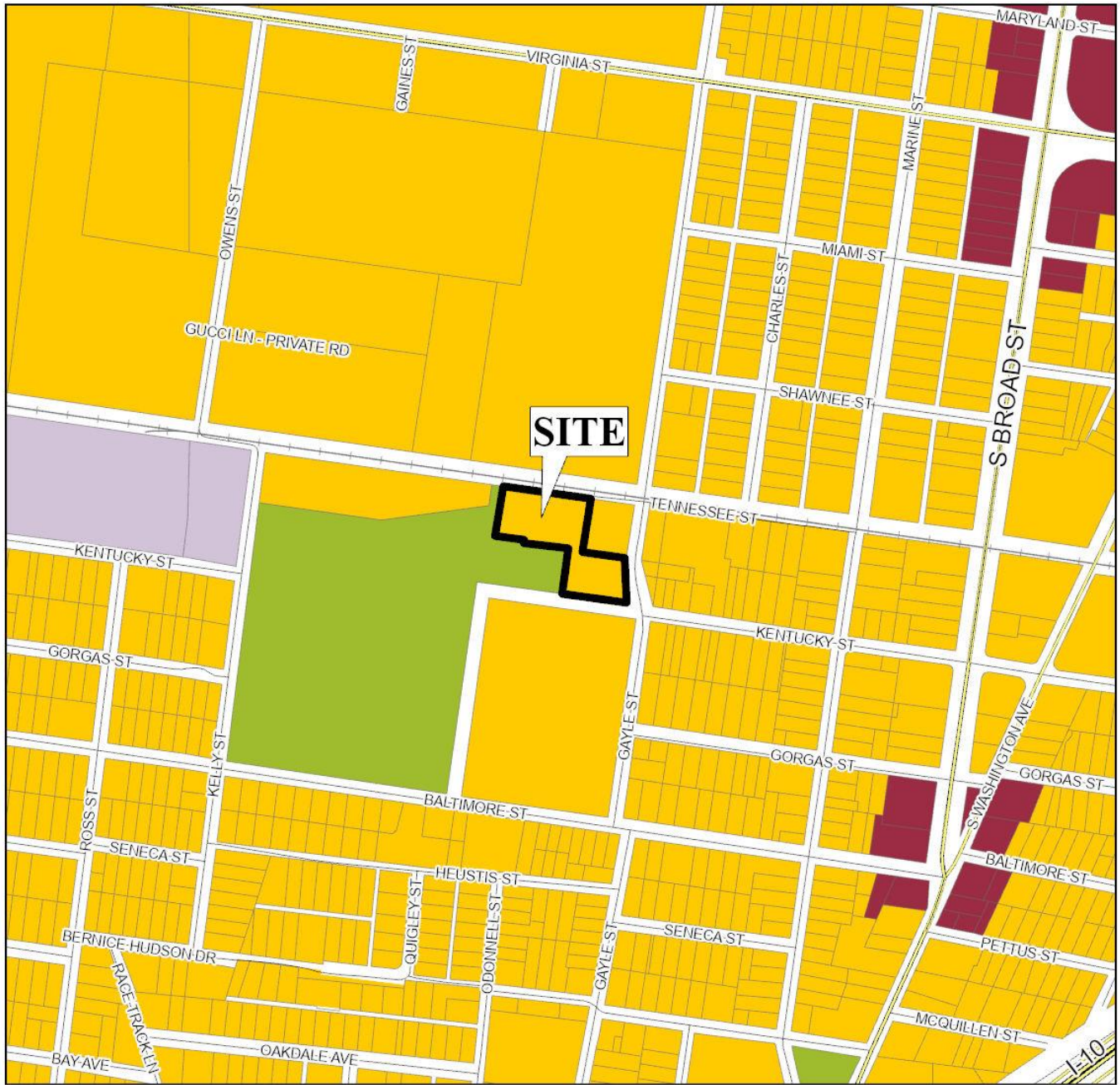
# LOCATOR ZONING MAP



APPLICATION NUMBER	6533	DATE	August 7, 2023
APPLICANT	Bethel Engineering		
REQUEST	Use Variance		



# FLUM LOCATOR MAP



APPLICATION NUMBER 6533 DATE August 7, 2023

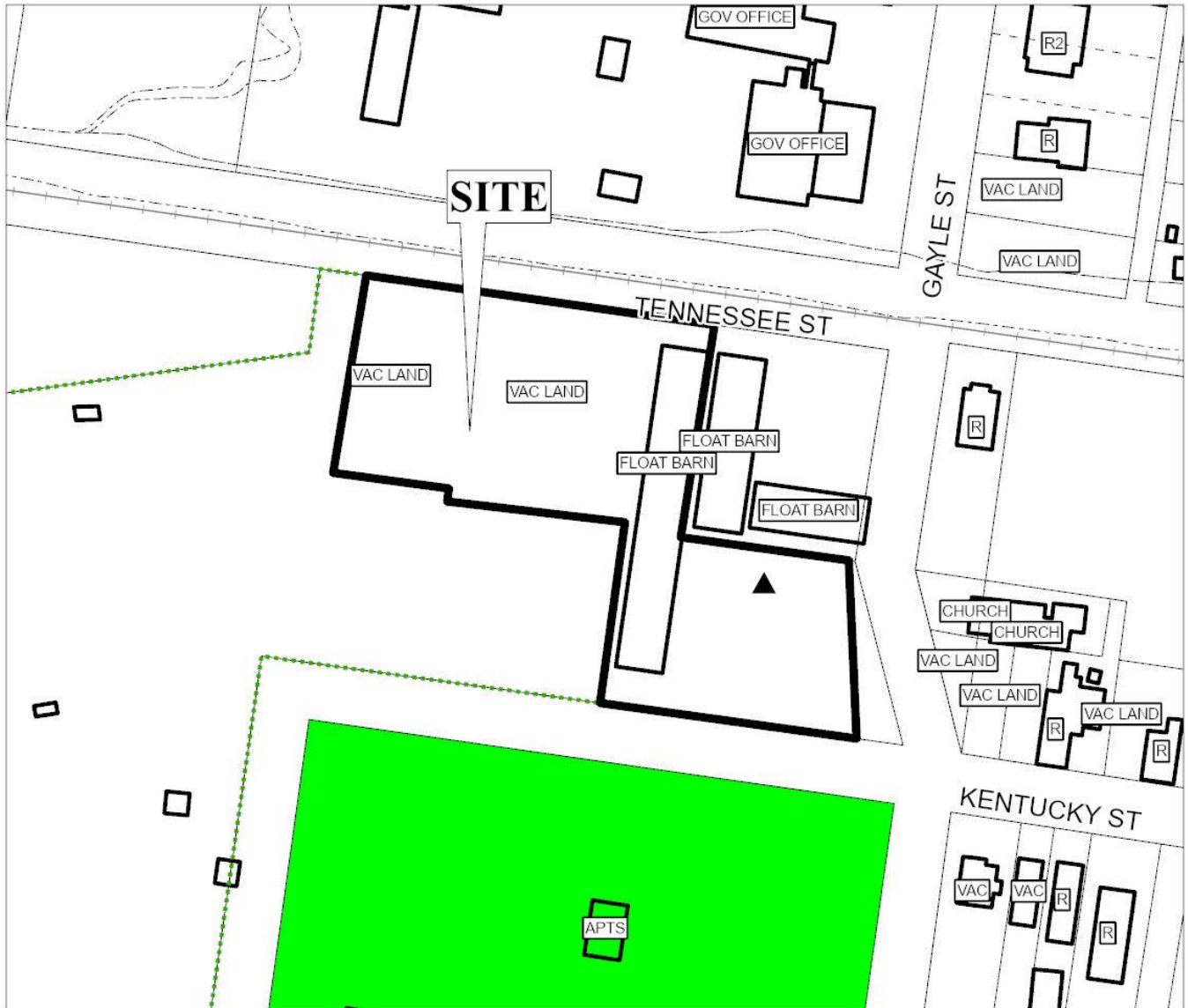
APPLICANT Bethel Engineering

REQUEST Use 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       |                    |



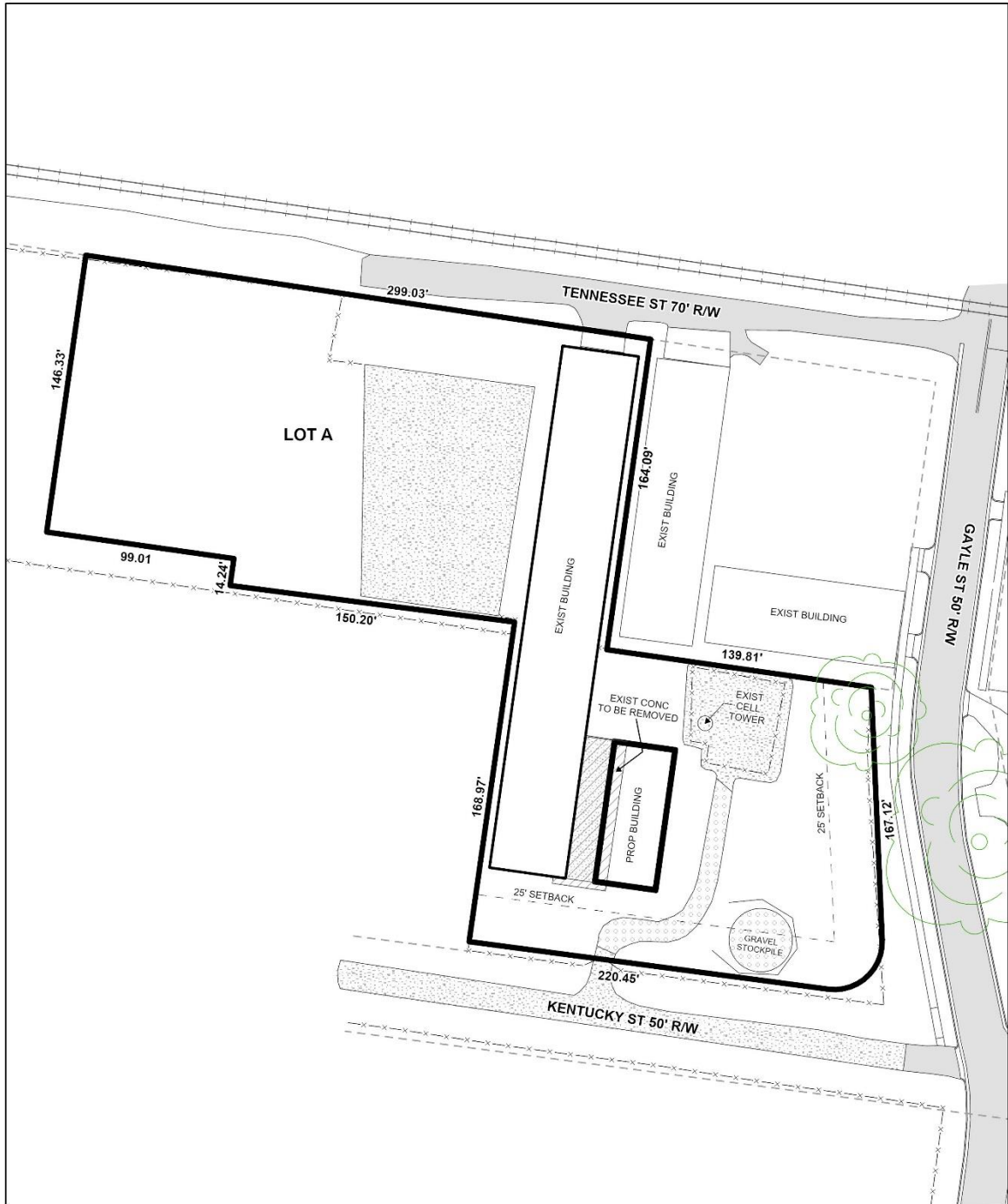
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# SITE PLAN



The site plan illustrates the existing buildings, setbacks, drive, and proposed building.

APPLICATION NUMBER	6533	DATE	August 7, 2023	
APPLICANT	Bethel Engineering			
REQUEST	Use Variance			



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 (WDWRLU)
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)



## **MIXED DENSITY RESIDENTIAL (MxDR)**

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 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.