

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 1, 2020****CASE NUMBER**

6327

APPLICANT NAME

Don Williams

LOCATION

3600 Springhill Memorial Drive North
(Northwest corner of Springhill Memorial Drive North and
West I-65 Service Road South)

VARIANCE REQUEST

FRONT YARD SETBACK: To allow the construction of an eight (8) foot high metal picket fence within the required front yard setback in a B-3, Community Business District.

SIDE STREET SIDE YARD SETBACK: To allow the construction of an eight (8) foot high metal picket fence within the required side street side yard setback in a B-3, Community Business District.

**ZONING ORDINANCE
REQUIREMENT**

FRONT YARD SETBACK: The Zoning Ordinance limits fences within a required front yard setback to a maximum height of three (3) feet in a B-3, Community Business District

SIDE STREET SIDE YARD SETBACK: The Zoning Ordinance limits fences within a required side street side yard setback to a maximum height of three (3) feet in a B-3, Community Business District

ZONING

B-3, Community Business District

AREA OF PROPERTY

28,893± square feet / 0.7±Acres

**CITY COUNCIL
DISTRICT**

District 5

**ENGINEERING
COMMENTS**

Please attach the following CONDITIONS to any approval:

1. The proposed improvements shown on the submitted plan drawing will be required to be included in a resubmittal of the approved Land Disturbance Permit plan set.

2. 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.

TRAFFIC ENGINEERING

COMMENTS

A typical vehicle should be able to exit the gated parking and remain within the driveway apron to navigate right or left from the site. No line of sight obstruction is anticipated with the construction of the fence as requested. This applies for both the site driveways and the intersection of Springhill Memorial Dr N and West I-65 Service S. ALDOT has also been consulted as the driveway on the Service Rd is subject to their approval. So long as the gates remain open during business hours, there is no objection to the gate on either driveway.

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 a Front Yard and Side Street Yard Setback Variances to allow the construction of an eight (8) foot high metal picket fence within the required front yard and side street side yard setbacks in a B-3, Community Business District; the Zoning Ordinance limits fences within a required front yard setback and side street side yard setback to a maximum height of three (3) feet in a B-3, Community Business District.

The site has been given a District Center (DC) land use designation, per the Future Land Use Plan and Map adopted 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 designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from midrise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.

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 states:

Long & Long, Attorneys is currently constructing a two-story office building at the corner of Springhill Memorial Drive N. and West I-65 Service Road South. The construction site appears to be a target of break-ins. They are concerned about the future safety of employees and clients as they begin to conduct business at the site. They would like to place an 8' high metal, picket-style fence with two, 30' wide, rolling gates at the driveway entrances. The gates would be open at all business hours and closed nights/weekends. We would coordinate with the Mobile Fire Department regarding their ability to open the gates at all times. The application (landscaping) site plan shows fence setback from 18' to 20' off the Springhill Memorial Drive N. right of way line, with possible bump-out to incorporate the electronic sign base, which is on our property, and 7' off the I-65 Service Road right of way line. Note that the required roadway sidewalk will be placed on our side of the Service Road right of way line, so the fence will fall at the back side of the roadway sidewalk. Upon approval by the Board, the fence shall be

constructed as part of building construction and will be operational upon occupancy of the building.

The subject site has been under construction since February of 2019 for a new two-story 7,546± square foot office building. The subject site is still under active construction and is proceeding through the inspection process.

The applicant is proposing to build an 8-foot high metal, picket-style fence with two 30-foot wide rolling gates at the driveway entrances to the property. As designed, approximately 332 linear feet of fencing would be installed within the required 25-foot front yard setbacks. As stated in the applicant's narrative, the gate proposed for the Springhill Memorial Drive North entrance would be set back approximately 18 to 20 feet from that property line. The gate proposed gate for the West I-65 Service Road South entrance would be set back approximately seven (7) feet from the front property line. Additionally, the applicant has stated that the proposed gates would remain open at all times during normal business hours and close during nights and weekends.

Regarding the proposed fencing, it is important to note that Section 64-4.D.6. of the Zoning Ordinance limits the height of fences or walls constructed within a required front yard to a maximum height of three (3) feet. This restriction is meant to limit the potential for passing vehicles as well as vehicles which may be entering or exiting the subject site from having their line-of-site hindered by these structures.

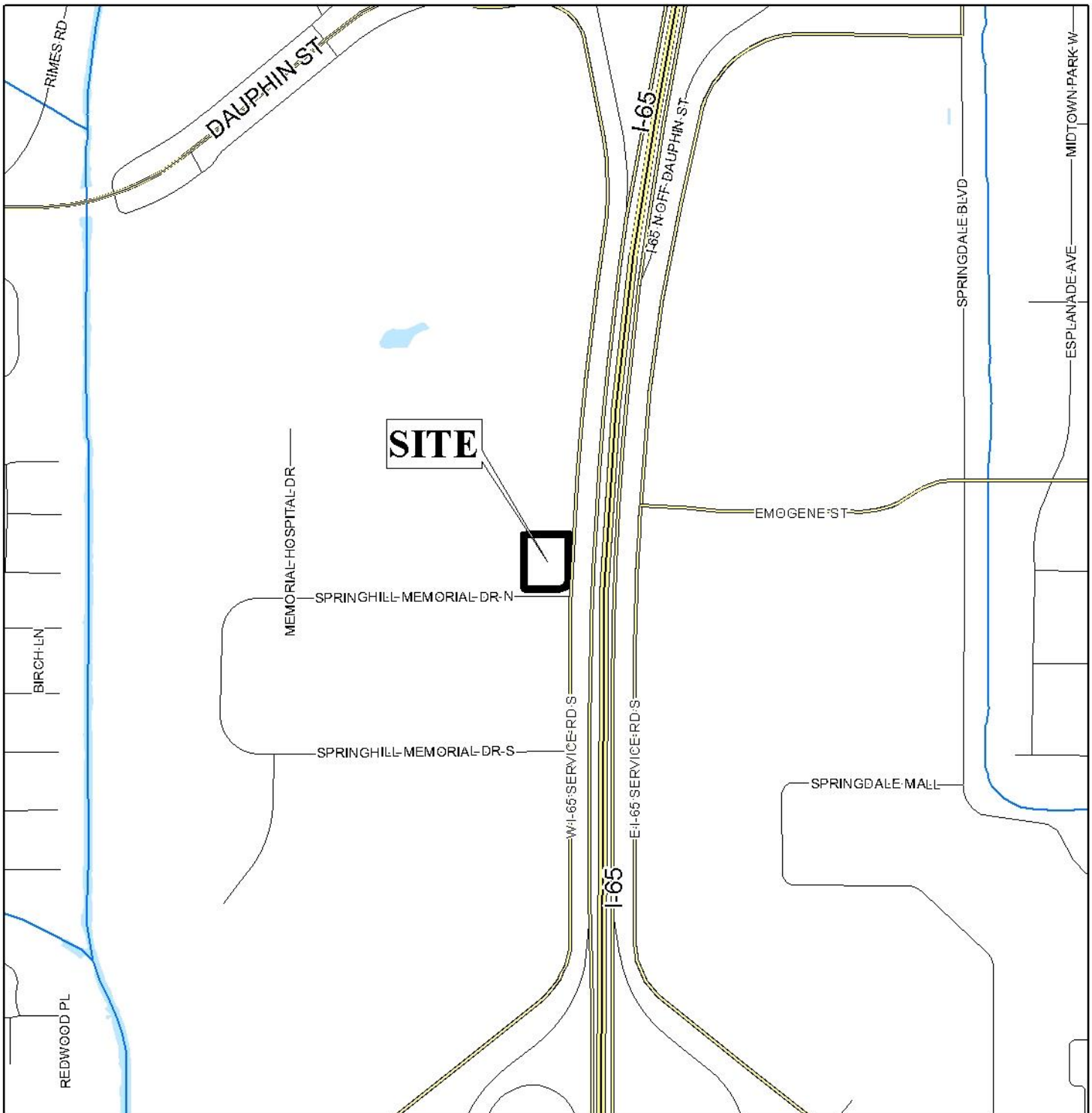
The applicant does provide rationale for why the Variances are needed stating that a series of thefts from the construction site necessitates the proposed fencing, however it is the applicants intent to continue to utilize the fencing for security purposes once construction has been completed. It is important to note that there have not been any similar variance requests approved in the area, nor does there appear to be any other business in the area which has implemented similar security features.

Lastly, it is important to note that per Zoning Ordinance standards, should the applicants intent change and the proposed gates remain closed during business hours, 60 feet of queuing space would be required between each gate and the property line along both Springhill Memorial Drive North and West I-65 Service Road South.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Denial:

- 1) Approving the variance will be contrary to the public interest due to the precedent set by approving the request without a hardship on the land;
- 2) Special conditions were not illustrated 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 surrounding neighborhood by granting the variance as no hardship has been demonstrated which would necessitate the proposed.

LOCATOR MAP



APPLICATION NUMBER 6327 DATE June 1, 2020

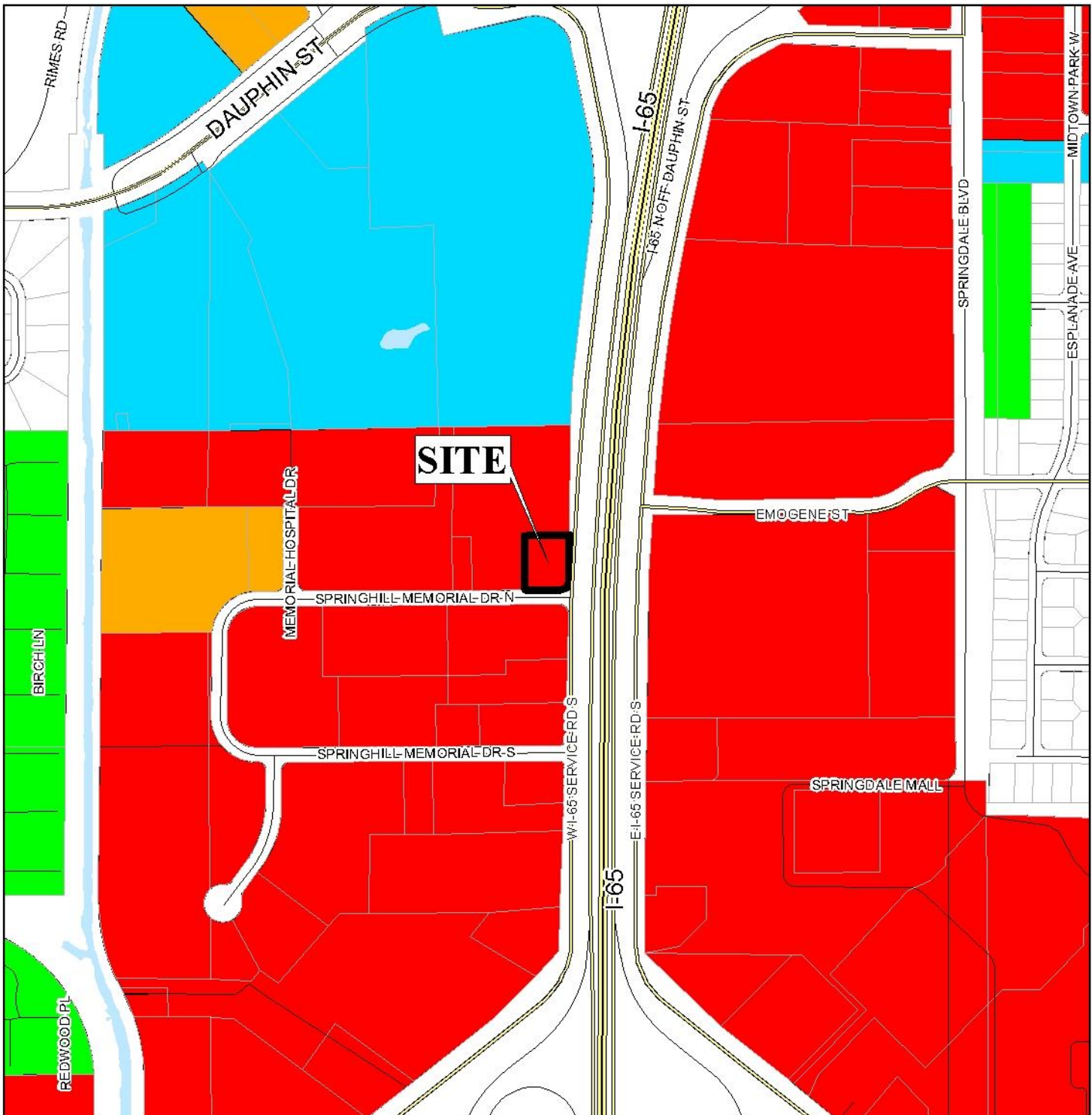
APPLICANT Don Williams

REQUEST Front Yard and Side Street Yard Setback Variances



NTS

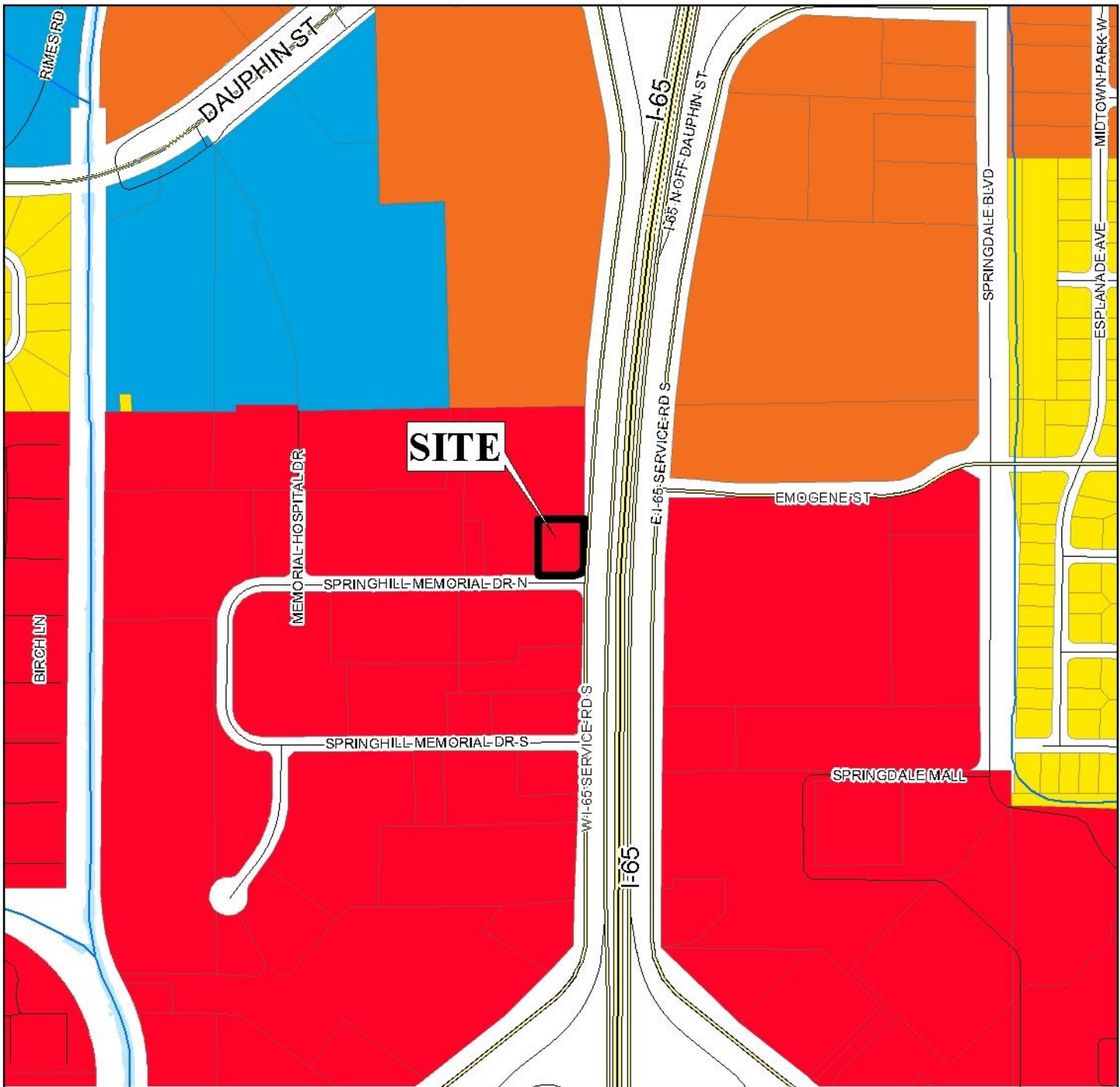
LOCATOR ZONING MAP



APPLICATION NUMBER 6327 DATE June 1, 2020
APPLICANT Don Williams
REQUEST Front Yard and Side Street Yard Setback Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6327 DATE June 1, 2020

APPLICANT Don Williams

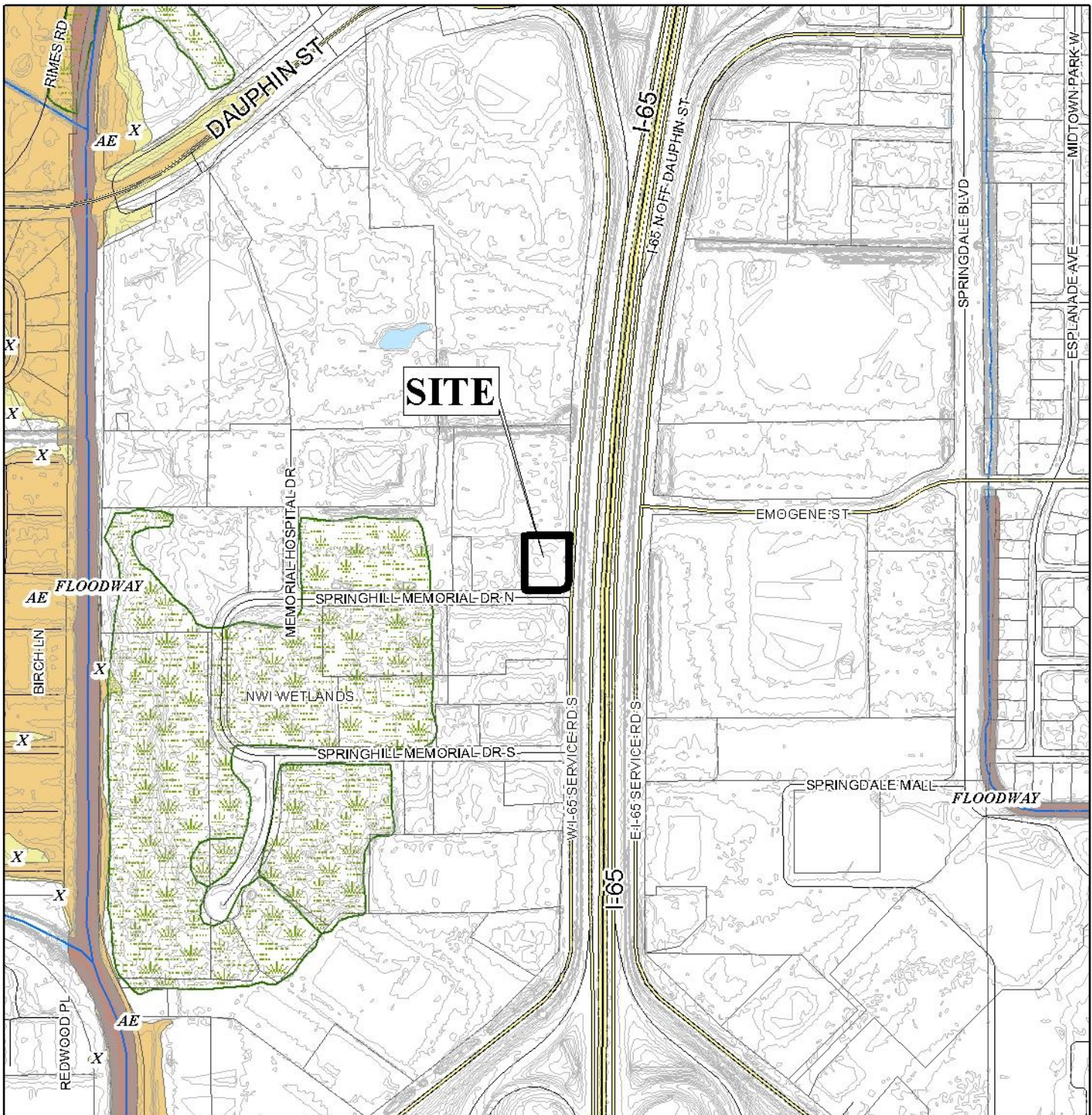
REQUEST Front Yard and Side Street Yard Setback Variances

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

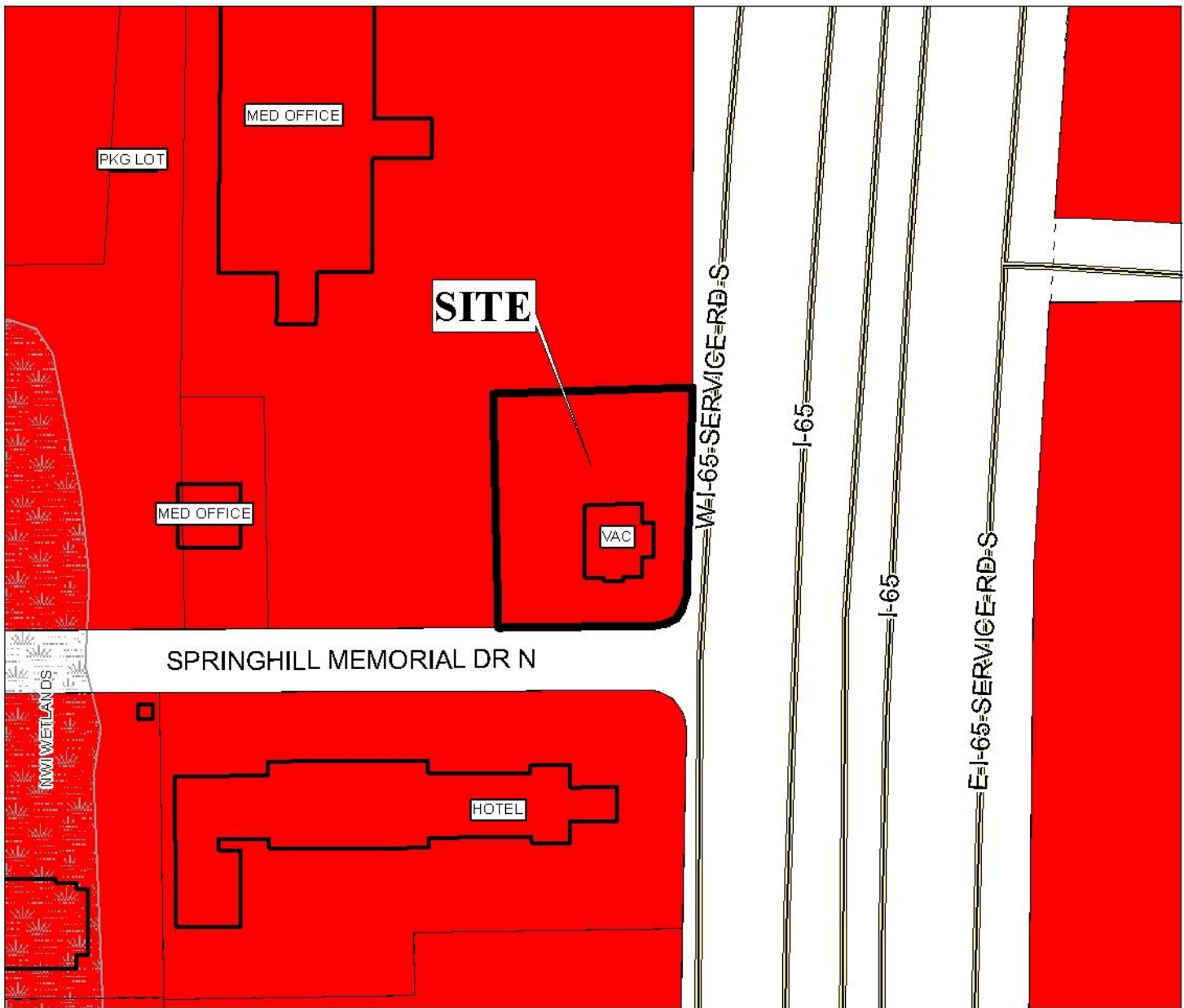
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6327 DATE June 1, 2020
APPLICANT Don Williams
REQUEST Front Yard and Side Street Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commerical units.

APPLICATION NUMBER 6327 DATE June 1, 2020

APPLICANT Don Williams

REQUEST Front Yard and Side Street Yard Setback Variances

 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

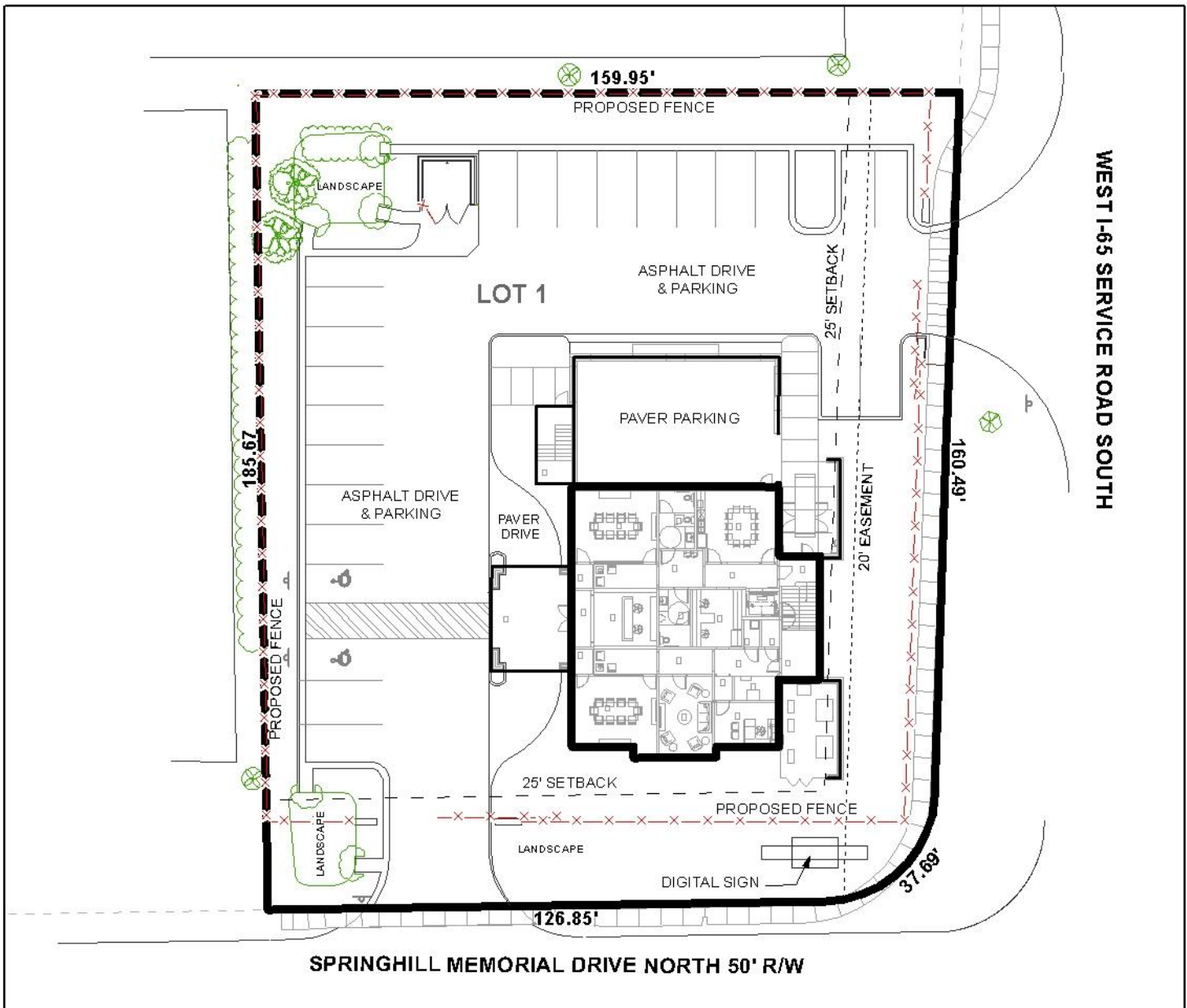


The site is surrounded by commerical units.

APPLICATION NUMBER <u>6327</u> DATE <u>June 1, 2020</u>
APPLICANT <u>Don Williams</u>
REQUEST <u>Front Yard and Side Street Yard Setback Variances</u>



SITE PLAN



The site plan illustrates existing easement, setback, building, parking and proposed fence.

APPLICATION NUMBER 6327 DATE June 1, 2020
APPLICANT Don Williams
REQUEST Fence Variance



NTS