



Agenda Item # 6

BOA-002545-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

2 North Florida Street and 2504 Dauphin Street

Applicant / Agent (as applicable):

Bethel Engineering

Property Owner:

Berwyn 163, LLC

Current Zoning:

B-1, Buffer Business Urban District and R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential and Traditional Corridor

Case Number(s):

6526/6488/3373/2960/2766/2733/2696/730

Unified Development Code Requirement:

- All parking must be placed on-site, in a commercially zoned district.

Board Consideration:

- To amend a previously approved variance to allow off-site parking in an R-1, Single-Family Residential Urban District.


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Board Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u> 6526 </u> DATE <u> July 10, 2023 </u>	 NTS
APPLICANT <u> Bethel Engineering </u>	
REQUEST <u> Use Variance </u>	

SITE HISTORY

The subject site has been the subject of several variance applications over the years, with the majority being for the portion of the site fronting Dauphin Street; rezonings and redevelopment have made some previous variances moot. In 1973, an application was submitted to allow a piece of property fronting Hurlbert Street to be utilized as off-site parking for a dentist office, which the Board denied.

At the Board's May 1, 1978 meeting, an application was considered to allow construction of the existing structure at 2504 Dauphin Street in an R-1 district, with a reduced side yard setback. The site plan submitted with this application specifically labeled the residential lot fronting Hurlbert Street as "not included", and did not depict any improvements on that property. The property at 2504 Dauphin Street was later rezoned from R-1 to B-1 in 1980.

Based on aerial photographs and the 1978 variance, it appears the rear portion of the site fronting Hurlbert Street was developed into a parking lot sometime between 1978 and 1984 without any documented approvals. At the January 9, 2023 meeting, the Board approved a variance to allow the existing parking lot to remain in its existing configuration, with the following condition:

1. Repair or replace privacy fence around parking area to be in good condition, and up to eight (8)-feet tall.

STAFF COMMENTS

Engineering Comments:

If this variance is approved for use the applicant will need to have the following conditions met:

1. Any proposed site improvements will require a Land Disturbance Permit be submitted for review and approval.
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 rights-of-way.
3. 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
5. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).
6. The dumpster pad(s) shall have their surface runoff isolated within the pad, collected, and drained to the on-site grease trap (if necessary) and then to the Sanitary Sewer system.

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:

As mentioned previously, the site was before the Board of Adjustment at its January 9, 2023 meeting, where Use Variance and Off-Site Parking variances were approved to allow a previously existing parking area in an R-1 district to remain. The applicant has applied for building permits to make renovations to the existing structure, as well as land disturbance permits to reconfigure the existing parking lot. As variances are site plan specific, and the parking layout, to include the previously approved R-1 portion, is proposed to be altered, the site is back before the Board to have the new configuration approved.

The application states that the site will have approximately 70 employees. The existing structure is 9,110± square feet, which under the Unified Development Code (UDC), requires a minimum of 23 parking spaces. The site plan submitted depicts a total of 68 parking spaces; the previous plan approved by the Board had 36 parking spaces. Furthermore, the R-1 portion of the site is depicted as containing three (3) entire parking spaces, three (3) partial parking spaces, and maneuvering area. No new curb cuts are proposed with the site reconfiguration, leaving the site to use the existing curb cut to North Florida Street, and no curb cuts to either Dauphin Street or Hurlbert Street.

As mentioned previously, redevelopment of the subject site through the years has occurred, with previously existing structures being removed from the property. As the footprint of these structures has been altered by more than 50%, the site is required to fully comply with tree planting and landscape area requirements.

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:

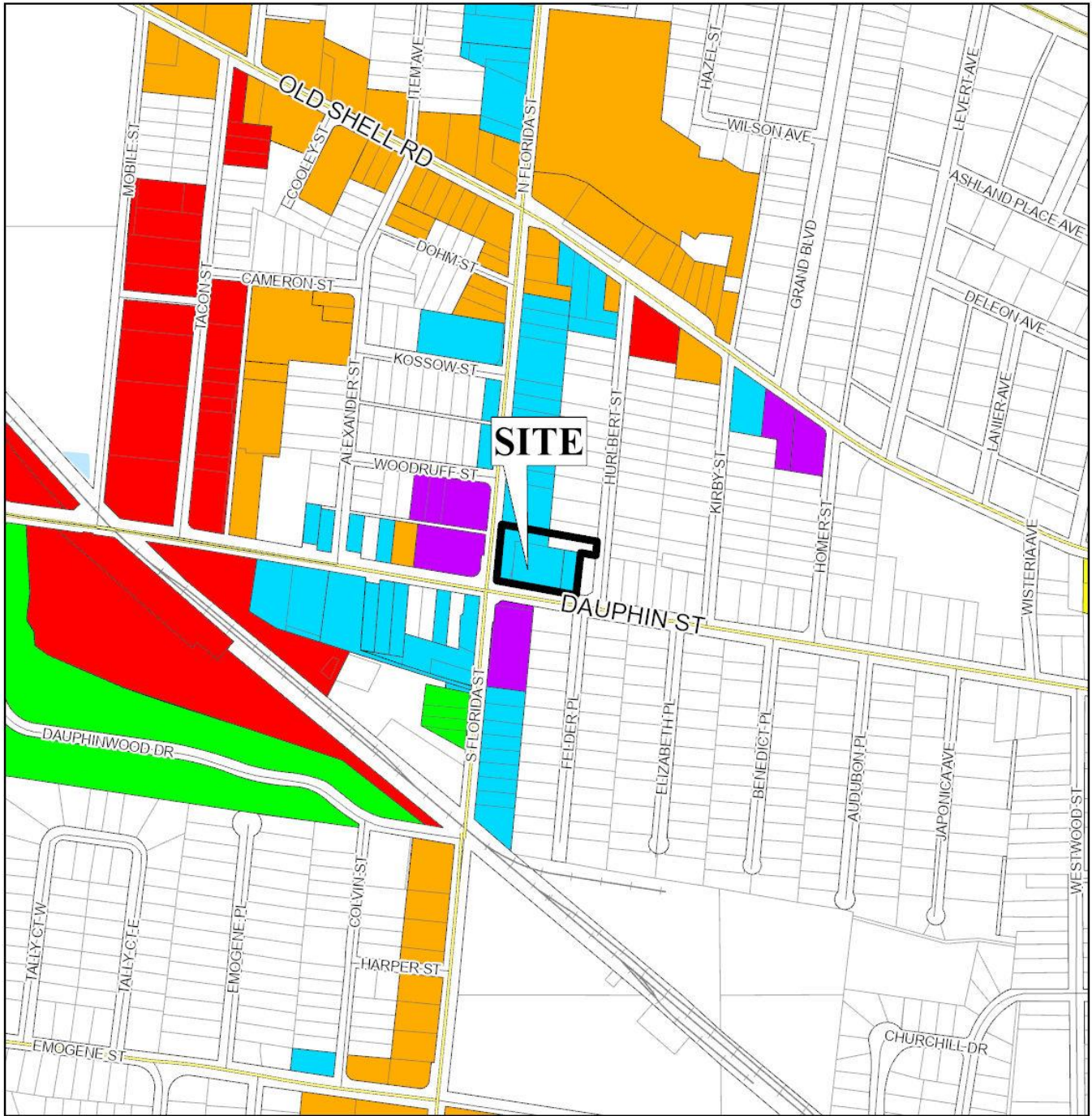
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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 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.

LOCATOR ZONING MAP



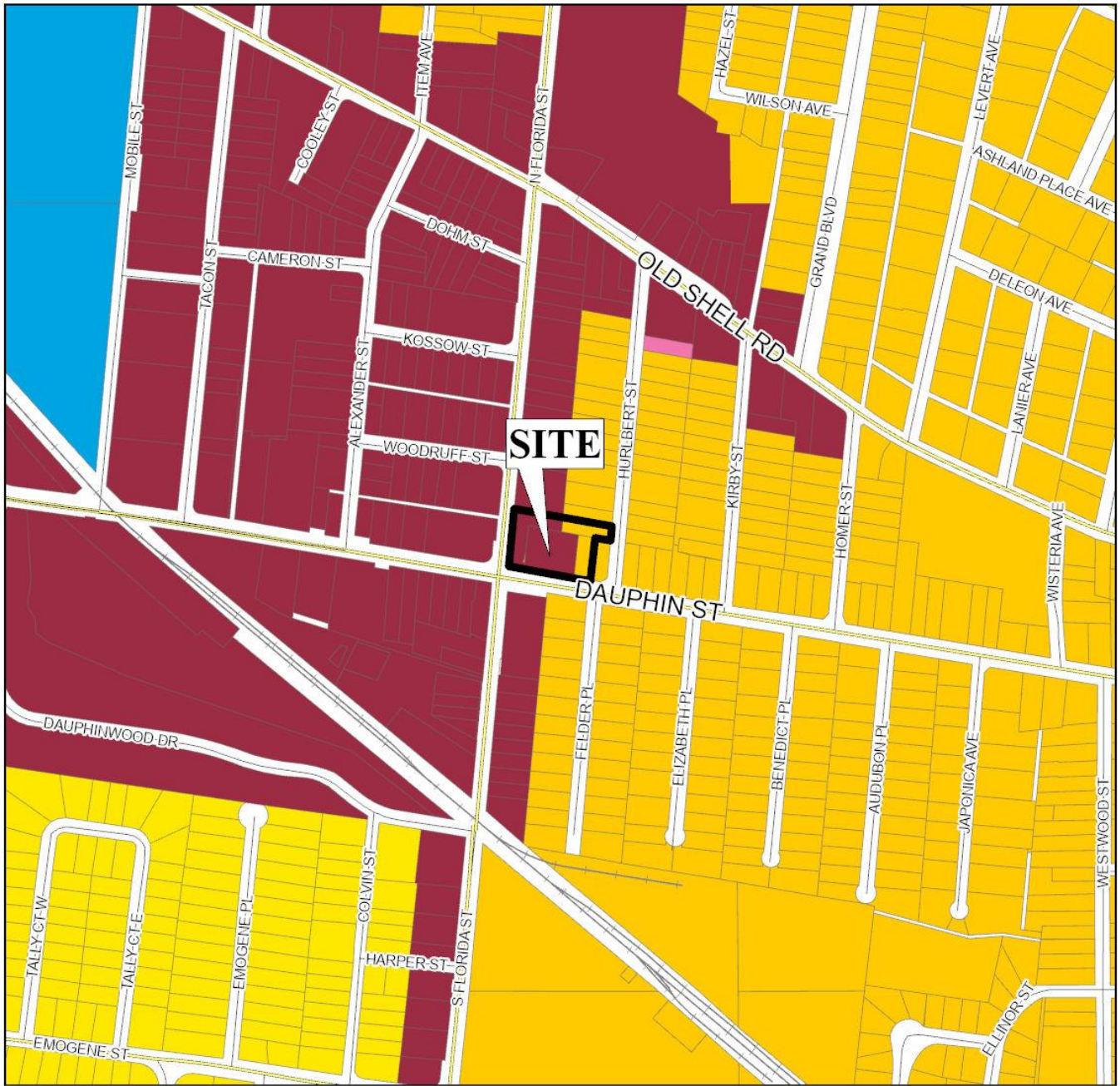
APPLICATION NUMBER 6526 DATE July 10, 2023

APPLICANT Bethel Engineering

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6526 DATE July 10, 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 | |



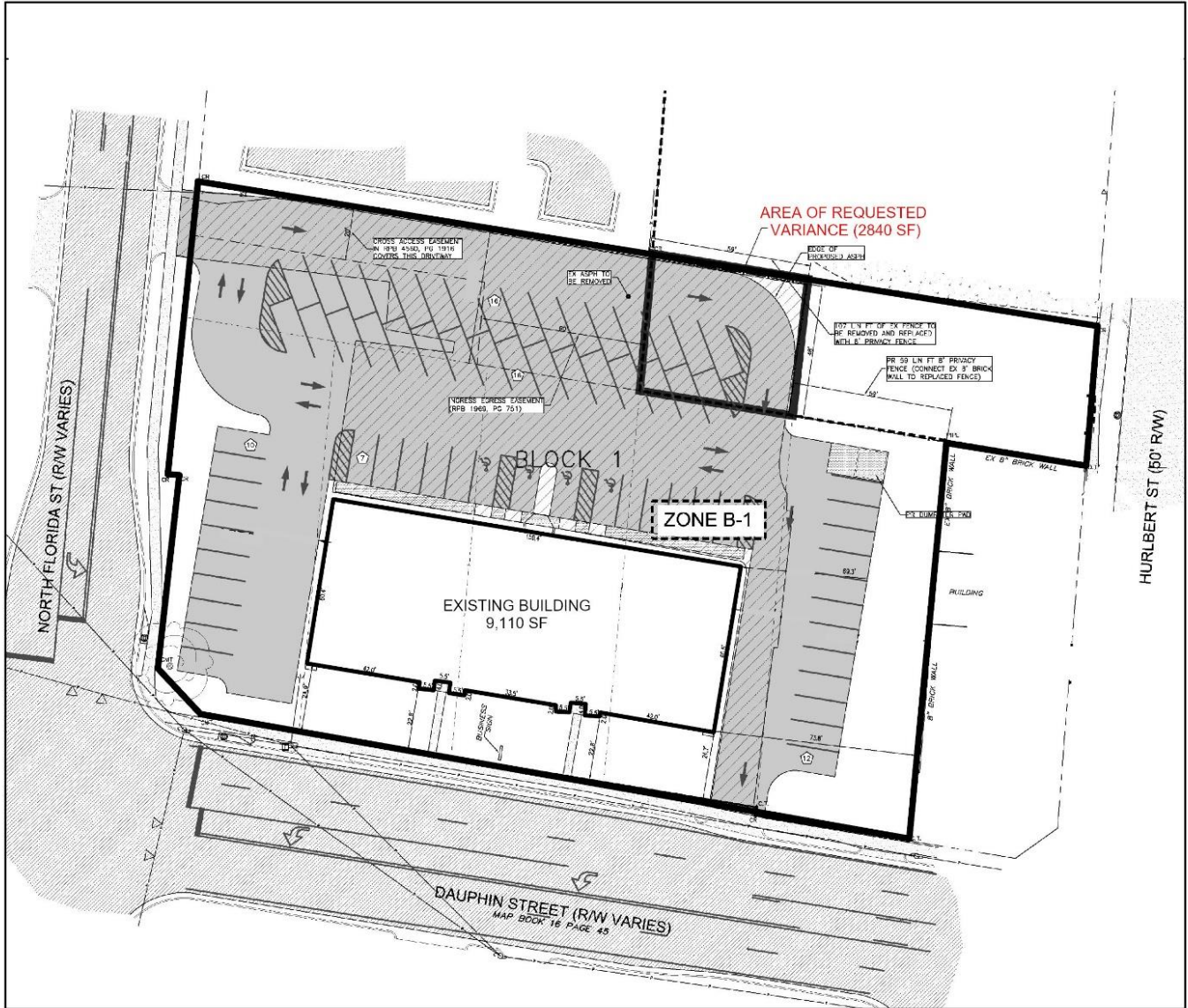
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6526	DATE	July 10, 2023	
APPLICANT	Bethel Engineering			
REQUEST	Use 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		

SITE PLAN



The site plan illustrates the existing building and parking.

APPLICATION NUMBER <u>6526</u> DATE <u>July 10, 2023</u>	
APPLICANT <u>Bethel Engineering</u>	
REQUEST <u>Use Variance</u>	

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.



TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.