

APPLICATION NUMBER

5539

A REQUEST FOR

**LANDSCAPE AREA AND TREE PLANTING VARIANCES
TO ALLOW 8.7% OF THE SITE TO BE LANDSCAPED,
AND TO REDUCE THE NUMBER OF PERIMETER TREES
AND PARKING TREES TO ZERO IN A B-2,
NEIGHBORHOOD BUSINESS DISTRICT; THE ZONING
ORDINANCE REQUIRES AT LEAST 12% OF THE
ENTIRE SITE TO BE LANDSCAPED, AND ALSO
REQUIRES ONE HERITAGE OR ONE UNDERSTORY
TREE FOR EVERY 30 FEET OF OUTSIDE LOT
PERIMETER (LESS FRONTAGE AREAS) AND ONE
UNDERSTORY TREE FOR EVERY 20 PARKING SPACES
IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT**

LOCATED AT

3950 AIRPORT BOULEVARD

(Northwest corner of Airport Boulevard and South McGregor Avenue)

APPLICANT

REGIONS FINANCIAL CORPORATION

BOARD OF ZONING ADJUSTMENT

JUNE 2009

The applicant is requesting landscape area and tree planting variances to allow 8.7% of the site to be landscaped, and to reduce the number of perimeter trees and parking trees to zero in a B-2, Neighborhood Business District; the Zoning Ordinance requires at least 12% of the entire site to be landscaped, and also requires one heritage or one understory tree for every 30 feet of outside lot perimeter (less frontage areas) and one understory tree for every 20 parking spaces in a B-2, Neighborhood Business District.

The applicant plans to demolish an existing gas station and construct a one-story bank. However, the applicant states that the minimum landscaping and tree planting requirement cannot be met due to right-of-way acquisition by the City of Mobile; the site would be in compliance otherwise. The applicant further states that the current site configuration maximizes the amount of landscaping possible, as there will be an increase in landscaping from the existing gas station.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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 is approximately 20,700 square feet; thus, the applicant is required to provide a total of 2,484 square feet of landscaping, with 1,490 square feet between the building and the street. As illustrated on the site plan, the applicant is providing 1,800 square feet (8.7%) of landscaping, all of which is along the street. As the applicant states, the City is indeed requiring the applicant to dedicate approximately 12' of right-of-way for the expansion of McGregor Avenue; otherwise the applicant would have no problem complying with the Landscaping Ordinance.

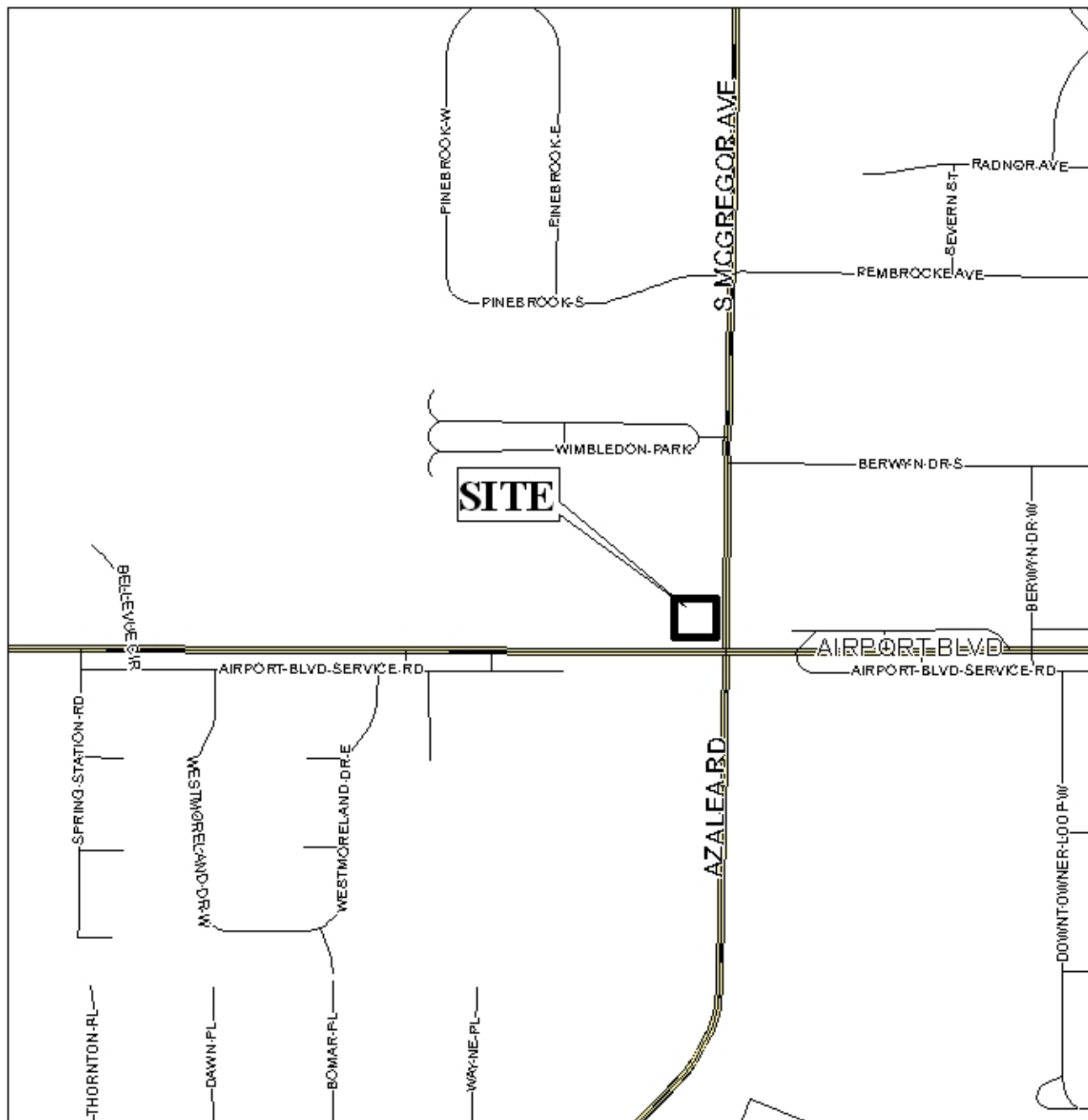
With regard to trees, however, the applicant is providing all of the required frontage trees, but none of the required parking and perimeter trees. It should be noted that the Ordinance does not designate a specific planting area for parking and perimeter trees. As illustrated on the site plan, there appears to be additional space available along the street frontage to plant a few additional trees. It is recommended that the applicant coordinate with Urban Forestry to provide as much tree compliance as possible.

RECOMMENDATION 5593**Date: June 1, 2009**

Based on the preceding, it is recommended that the applicant's request be approved, subject to the following conditions:

- 1) Coordination with Urban Forestry to provide as much tree compliance as possible; and
- 2) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5539 DATE June 1, 2009

APPLICANT Regions Financial Corporation

REQUEST Landscaping Area, Tree Planting Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

APPLICATION NUMBER 5539 DATE June 1, 2009

APPLICANT Regions Financial Corporation

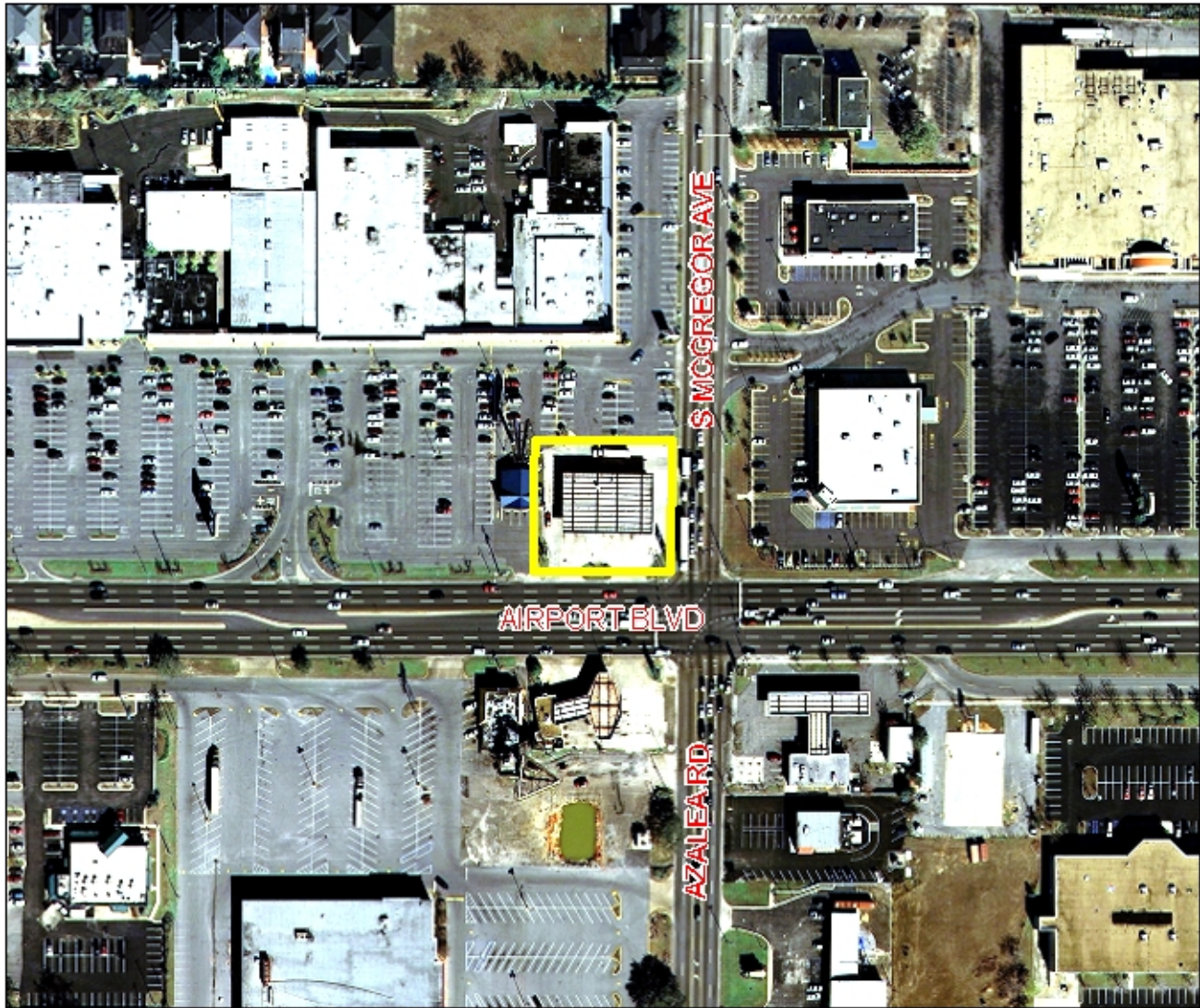
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

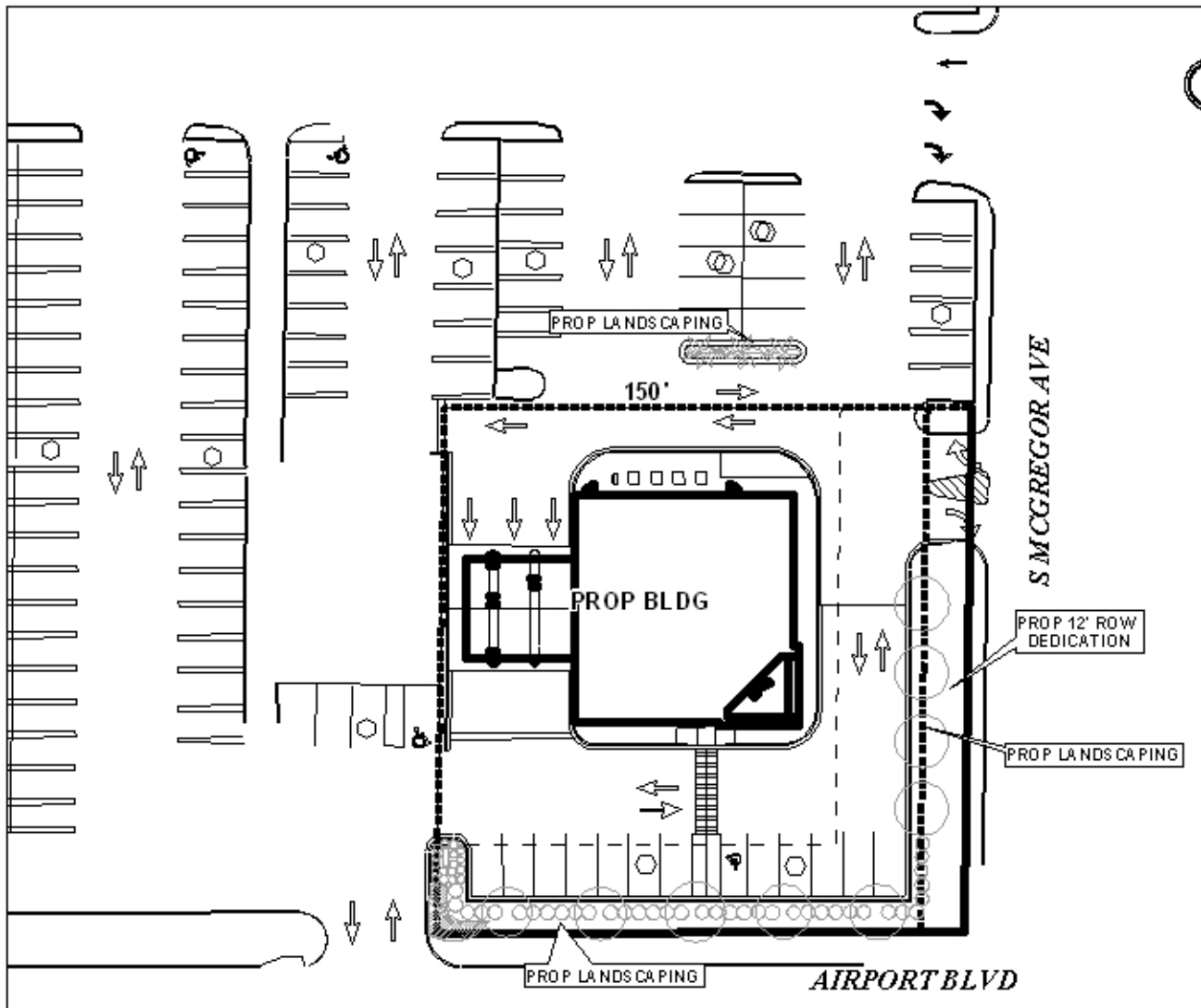


The site is surrounded by commercial land use

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SITE PLAN



The site plan illustrates the proposed development and landscaping

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