

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: September 10, 2018****CASE NUMBER**

6207

**APPLICANT NAME**

Government Street Holdings, LLC c/o Melanie Bunting

**LOCATION**911 Government Street  
(South side of Government Street, 150'± East of Marine Street).**VARIANCE REQUESTS****TREE PLANTING:** To allow no tree plantings for a proposed mixed-use occupancy in an R-B, Residence-Business District.**LANDSCAPE AREA:** To allow reduced landscape area for a proposed mixed-use occupancy in an R-B, Residence-Business District.**ACCESS & MANEUVERING:** To allow substandard access and maneuvering for a proposed mixed-use occupancy in an R-B, Residence-Business District.**ZONING ORDINANCE  
REQUIREMENT****TREE PLANTING:** The Zoning Ordinance requires full compliance with tree planting requirements for a mixed-use occupancy in an R-B, Residence-Business District.**LANDSCAPE AREA:** The Zoning Ordinance requires full compliance with landscape area requirements for a mixed-use occupancy in an R-B, Residence-Business District.**ACCESS & MANEUVERING:** The Zoning Ordinance requires 24'-wide driveways and access aisles for two-way traffic for a mixed-use occupancy in an R-B, Residence-Business District.**ZONING**

R-B, Residence-Business District.

**AREA OF PROPERTY**

0.32± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

Adjacent sites are similar in nature with the reduced access to parking in the rear. This particular area of Government Boulevard has the benefit of an added lane (a right turn lane from Marine Street to Jefferson Street. If two vehicles were to meet, entering and exiting simultaneously, the impact to the through traffic may be minor if at all. Access is already shared between the two building sites (this lot and the lot to the west). The two-directional angled parking does not seem to benefit entry or exit and may be better suited as ninety-degree parking, perpendicular to the side property line.

**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).

**ANALYSIS**

The applicant is requesting Tree Planting, Landscape Area, and Access and Maneuvering Variances to allow no tree plantings, reduced landscape area, and substandard access and maneuvering for a proposed mixed-use occupancy in an R-B, Residence-Business District; the Zoning Ordinance requires full compliance with tree planting and landscape area requirements, and 24'-wide driveways and access aisles for two-way traffic in an R-B, Residence-Business District.

The applicant proposes to convert an existing single-family residence into a mixed-use occupancy, with 1,600± square-feet of general office space on the ground floor, and two (2) apartments above the ground floor. Such changes constitute a change in use of the property, thus compliance with tree planting, landscape area, parking, and access and maneuvering ordinances is required. The applicant references the site's historically substandard dimensions as justification for their request to waive such requirements, stating:

*"To whom it may concern:*

*I am asking for a landscape variance for my property located at 911 Government St due to the lack of space in front yard.*

*After surveying, my lot is 49.5 ft wide and there is only 16 ft from the front of the porch to the right of way of Government St. Specifically, I'm asking for a tone down to not have to plant any trees that would grow and block the view of my historic property. I will still do some landscaping out front to make it visually appealing by adding professionally designed shrubbery and flowers along front on either side of front steps. There are 2 additional doors on either side of house that also face Government and will have pathways that run directly beside the house and front porch so adding anything on the sides is nearly impossible. Potted flowers for pops of color will be throughout the front porch and small yard."*

The applicant also states:

*“To whom it may concern:*

*I am requesting an access variance for my property located at 911 Government St. It is a historic property and because it was built before current codes, the driveway access is substandard.*

*I plan on having 2 apartments upstairs and 1600 sq ft of office space for myself downstairs in the 2 story building totaling almost 3168 sq ft. I have proposed a parking lot out back with 9 spaces to accommodate more than the required parking.*

*I appreciate your time on this,*

*Melanie Bunting  
for Government Street Holdings LLC”*

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.

Variances are site-plan specific; therefore, if approved, any proposed changes to the site layout of the request at hand will require an application to the Board to amend the approved site plan prior to any construction activities.

The site has been given a Traditional Corridor land use designation per the recently adopted Future Land Use Plan and Map. 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 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), Traditional Corridor 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 multi-family structures, ranging in density from 4 to 10 dwelling units per acre; 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.

It should be noted, however, 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.

It should also be noted that the site is within the Oakleigh Garden Historic District, therefore this request is also subject to review by the Architectural Review Board. A Certificate of Appropriateness for all proposed changes to the exterior of the property will be required, if approved.

Section 64-4.E.3.a.(1) of the Zoning Ordinance requires twelve (12) percent of the total building site in an R-B, Residence-Business District, to be landscaped; sixty (60) percent of which is required to be located on the building site between the street line(s) and the building wall(s) facing the street.

Section 64-4.E.3.a.(2) of the Zoning Ordinance requires front setbacks on a building site in an R-B, Residence-Business District, to contain at least one (1) heritage tree for every thirty (30) feet of road frontage.

Section 64-4.E.3.a.(3) of the Zoning Ordinance requires a building site in an R-B, Residence-Business District, to contain one (1) tree for every thirty (30) feet of the outside lot perimeter, half of which must be heritage trees.

Section 64-4.E.4.b.(1) of the Zoning Ordinance requires a ratio of one (1) understory tree for every twenty (20) parking spaces.

Section 64-6.A.2. of the Zoning Ordinance requires access and drive aisles to be a minimum of 24-feet wide on a building site with two-way traffic circulation.

The site plan illustrates that the subject site is developed with a two-story, single-family residential structure, the aggregate size of which is 3,200± square-feet. A change in use of the property to a general office space with two (2) apartments thus requires compliance with the tree and landscape planting, and access and maneuvering requirements of the Zoning Ordinance.

With a lot size of 10,112± square-feet, the site requires a minimum of 1,214± square-feet of landscape area, 728± square-feet of which must be planted within the front property line and the existing building. However, a combination of right-of-way and an existing sidewalk seem to prevent additional landscaping toward the front of the structure, and required off-street parking

will be limited to the rear of the subject site and must be paved in asphalt or concrete, thus also limiting the amount of available lot area on which to plant additional landscaping.

The site has 49.58'± of linear street frontage, thus requiring one (1) heritage tree planting; 457.65'± of outside lot perimeter, thus requiring fifteen (15) tree plantings, eight (8) of which are required to be heritage trees; and nine (9) off-street parking spaces are illustrated, thus requiring one (1) understory tree planting. The size of the front yard may, however, limit where a heritage tree could be planted and thrive. Additionally, an existing Live Oak tree is currently planted in the right-of-way of the lot and could also prevent the growth of a new frontage tree. And, it should be noted that enough tree credits are illustrated to the rear of the lot that no perimeter or parking lot trees are required.

Parking, as illustrated, would satisfy the minimum amount of off-street parking spaces required for a 1,600± square-foot office space and two (2) apartments in an R-B, Residence-Business District; however, they're depicted in such a way that indicates one-way traffic circulation is proposed in opposite directions from the back of the lot to the front of the lot, via 45-degree parking stalls. Revision of the site plan to illustrate 90-degree parking stalls is feasible, and would not detract from proposed access aisle width; at least not in such a way to inhibit two-way traffic circulation.

If approved, a van-accessible parking space in compliance with International Building Code (IBC) and Americans with Disabilities Act (ADA) standards may be required, and, if so, should be illustrated on a revised site plan.

The site plan does not illustrate curbing or wheel stops. As such, either curbing or wheel stops, or some variation thereof to keep vehicles from extending beyond the parking lot, should be illustrated on a revised site plan, if approved.

Due to the limited number of proposed parking spaces, a photometric plan is not required; however, if approved, any new site lighting is to comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

The plan depicts an adequate drive aisle for two-way traffic circulation on a majority of the proposed parking lot, but is limited to an 18'-wide drive aisle toward the rear of the existing structure where ingress/egress will occur. Access is further limited to a 9'-wide driveway along the West property line and is severely substandard in terms of facilitating two-way traffic circulation to and from the subject site. Such substandard access also limits Fire Department access to the rear of the site in the event of an emergency. The applicant has discussed with Staff, however, that, per a representative of the Fire Department, the site would be adequately served by an appropriate amount of fire hydrants along Government Street. Furthermore, Traffic Engineering comments suggest that the expansion of Government Street via a turn lane at this location may supplement the need for the site to have a larger driveway. Nevertheless, if approved, the applicant will need to coordinate with the Fire and Traffic Engineering Departments to ensure no traffic or life safety issues will result from the approval of the request.

It should be noted that a dumpster does not appear feasible on the site regarding the requirements for enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance; therefore, if approved, placement of a note on the site plan stating curbside pickup will be utilized should be required.

With regards to the applicant's statements justifying a waiver of the aforementioned site requirements, the dimensions of the site are historically substandard. Additionally, the site appears to have been developed prior to current regulations, and is within an historic district. As such, the site may be considered non-conforming. A change in use of the property from a single-family residence use to a mixed-use occupancy nullifies such non-conforming status; however, the request may be justified by the lot being historically substandard considering no expansion of the existing structure is proposed, and the proposed use of the property is compliant with the Zoning Ordinance and meets the intent of the Future Land Use Plan regarding R-B, Residence-Business Districts, and Traditional Corridor Districts, respectively. Furthermore, mixed-use of the property is in character with the surrounding neighborhood since an adjacent property is also being used as both an office and a residence. Requiring full compliance with tree planting, landscape area, and access and maneuvering requirements of the Zoning Ordinance may, therefore, impose an unnecessary hardship on the property.

Finally, if approved, all construction and land disturbing activities will require the appropriate permits and inspections prior to the issuance of any business license or Zoning Certificate. Also, any signs proposed to be constructed and placed on the property, or on the building, for the proposed office or apartments will require review by the Planning and Zoning Department and Architectural Review Board, and will also require the appropriate sign permit(s).

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

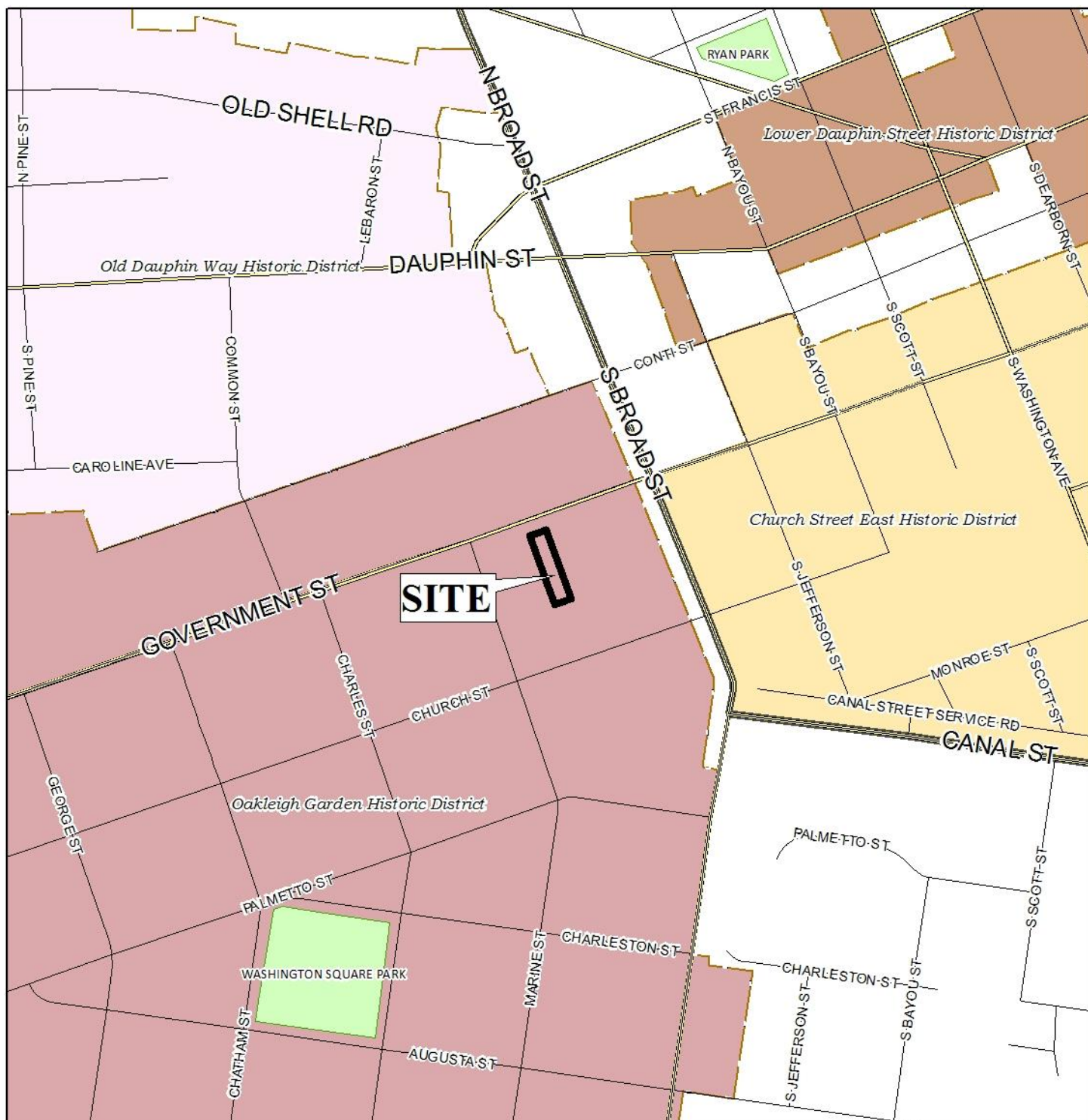
- 1) Granting the Variance will not be contrary to the public interest since the proposed use of the property is allowed by right in an R-B, Residence-Business District;
- 2) Special conditions exist, including the historically substandard dimensions of the property and existing trees in the right-of-way, in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and,
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the Variance since adjacent properties have similar dimensions and are used similarly to the proposed use of the subject site, but do not meet full tree planting, landscaping, or access and maneuvering requirements of the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) Revision of the site plan to illustrate 90-degree parking stalls;
- 2) Revision of the site plan to illustrate one (1) van-accessible space in compliance with IBC and ADA standards, if required;

- 3) Revision of the site plan to illustrate curbing or wheel stops where traffic could potentially extend onto adjacent property;
- 4) Placement of a note on the site plan stating curbside trash pickup will be utilized;
- 5) Provision of a revised site plan to Planning and Zoning staff prior to the issuance of any permits;
- 6) Acquisition of all necessary permits for construction or land disturbing activities; and,
- 7) Compliance with all other applicable Codes and Ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6207 DATE September 10, 2018

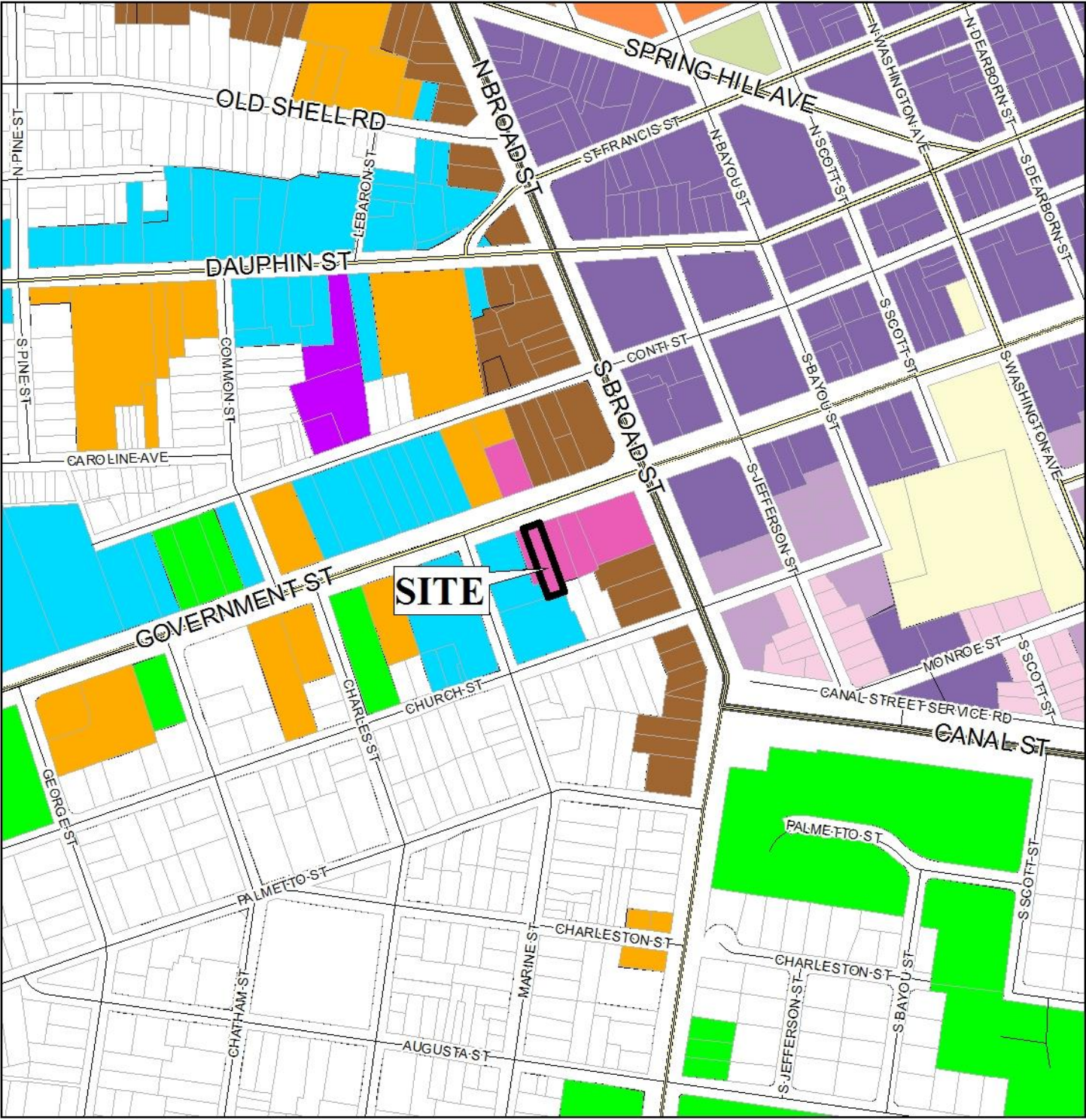
APPLICANT Government Street Holdings, LLC c/o Melanie Bunting

REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances





## LOCATOR ZONING MAP



APPLICATION NUMBER 6207 DATE September 10, 2018

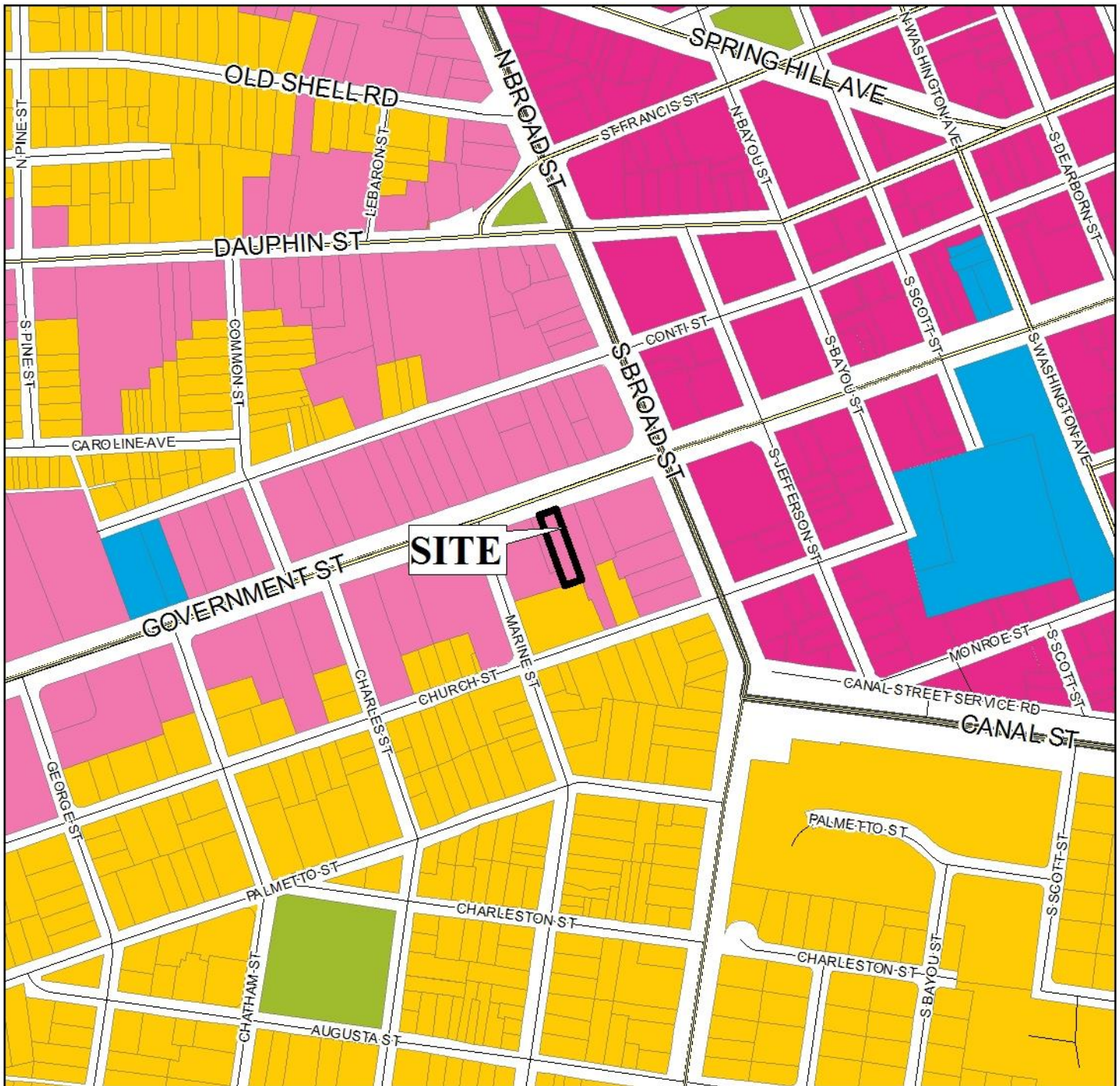
APPLICANT Government Street Holdings, LLC c/o Melanie Bunting

REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances





# FLUM LOCATOR MAP



APPLICATION NUMBER 6207 DATE September 10, 2018

APPLICANT Government Street Holdings, LLC c/o Melanie Bunting

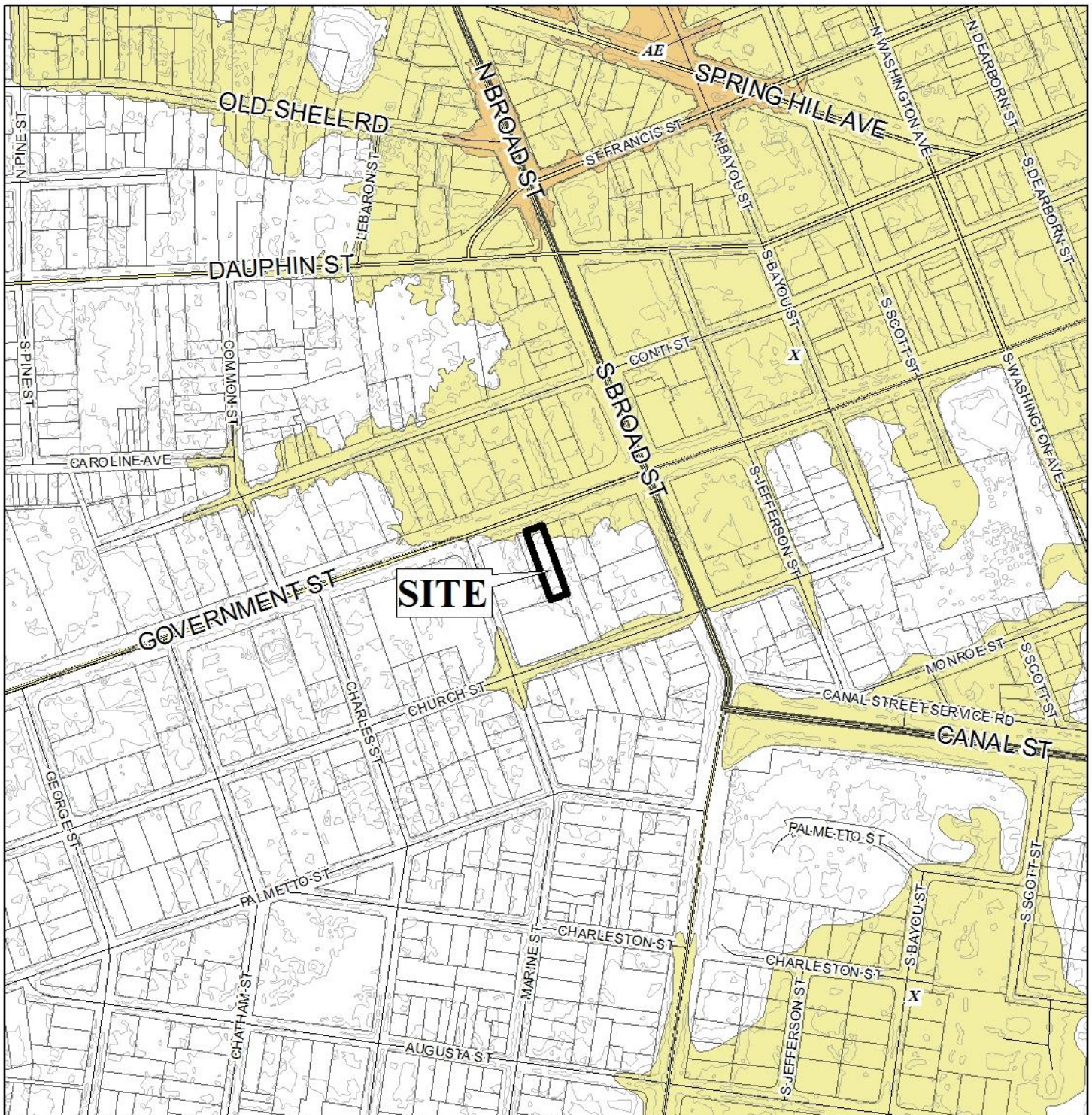
REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances

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	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6207 DATE September 10, 2018  
APPLICANT Government Street Holdings, LLC c/o Melanie Bunting  
REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential and commercial units.

APPLICATION NUMBER 6207 DATE September 10, 2018

APPLICANT Government Street Holdings, LLC c/o Melanie Bunting

REQUEST Tree Planting, Landscape Area, and Access and Maneuvering 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

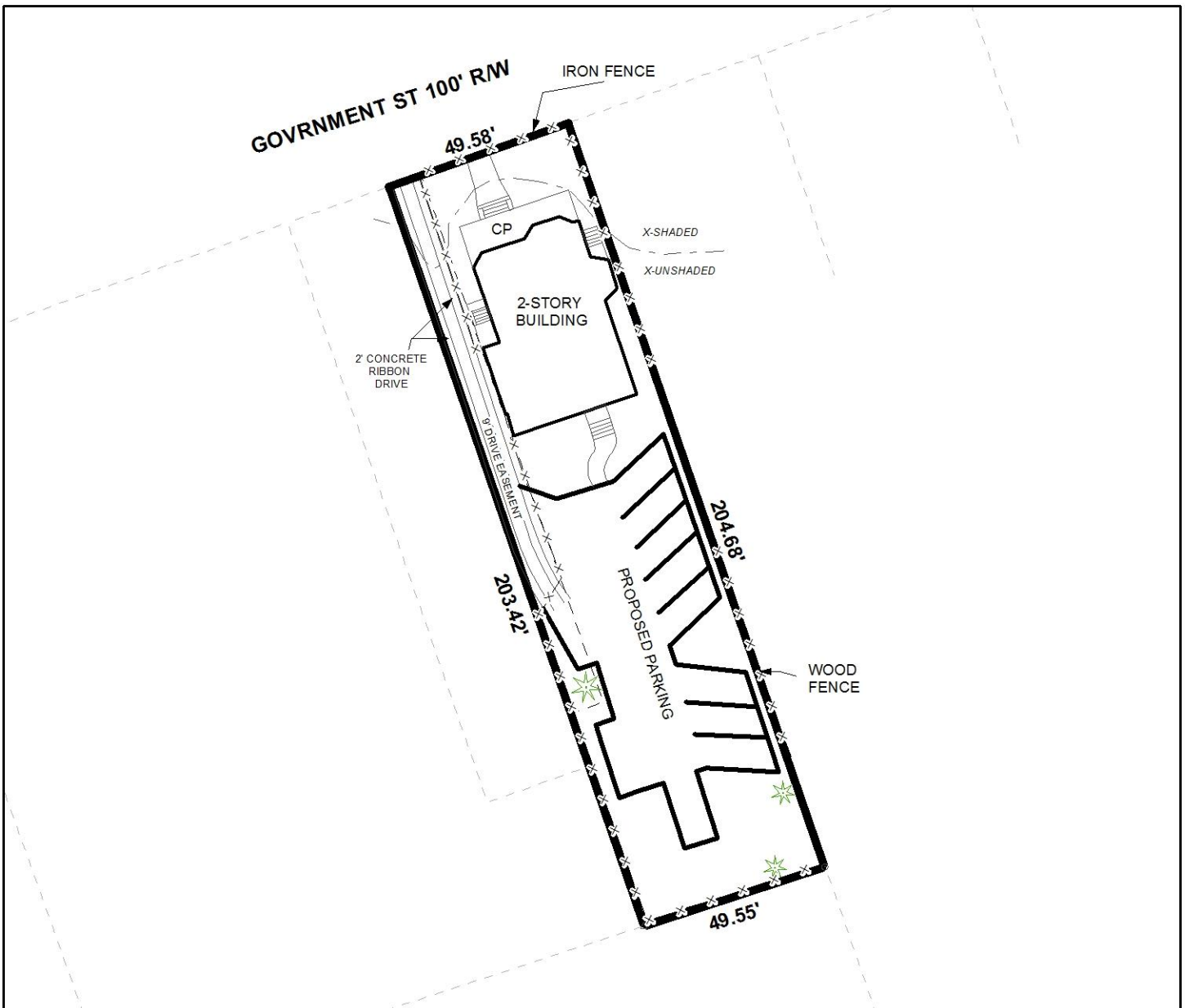


The site is surrounded by miscellaneous residential and commercial units.

APPLICATION NUMBER 6207 DATE September 10, 2018  
APPLICANT Government Street Holdings, LLC c/o Melanie Bunting  
REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances



# SITE PLAN



The site plan illustrates the existing building, drive, easement, and proposed parking.

APPLICATION NUMBER 6207 DATE September 10, 2018

APPLICANT Government Street Holdings, LLC c/o Melanie Bunting

REQUEST Tree Planting, Landscape Area, and Access and Maneuvering Variances



NTS