

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 14, 2020**

<u>CASE NUMBER</u>	6346
<u>APPLICANT NAME</u>	Shaun Small
<u>LOCATION</u>	5651 Three Notch Road (South side of Three Notch Road, 440'± West of Old Pascagoula Road).
<u>VARIANCE REQUEST</u>	PARKING VARIANCE: Off-Site Parking Variance to allow the use of temporary off-site parking in a B-3, Community Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	PARKING VARIANCE: The Zoning Ordinance requires all parking to be provided on-site in a B-3, Community Business District.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	18,059± square feet / 0.4±Acres
<u>CITY COUNCIL DISTRICT</u>	District 4
<u>ENGINEERING COMMENTS</u>	No comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments
<u>URBAN FORESTRY COMMENTS</u>	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.
<u>FIRE COMMENTS</u>	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 an Off-Site Parking Variance to allow the use of temporary off-site parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be provided on-site in a B-3, Community Business District.

The site has been given a Mixed Commercial Corridor (MCC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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:

To Whom it May Concern:

This serves to outline temporary parking options for Complete Dental of Mobile while our new parking lot is under construction.

Background: We built the new office to allow room for future expansion. For the foreseeable future we are going to operate as we have been since we have been allowed to operate after the COVID shutdown. We are not using our waiting room and only have a maximum of 4 patients in the office at a time. We are not able to see the quantity of patients we were seeing pre-COVID, due to the new protocols we are all following.

Sunbelt Dental Lab to the west of our office has granted us permission to use a portion of their parking lot. We already had plans submitted and have constructed a handicap accessible boardwalk from this parking lot to our new building.

To the East of our office is a large vacant grass lot. It has been used for Tent Revivals and Christmas tree sales. This lot could be used for parking adjacent to our new building. My staff and myself have been parking in this vacant lot during the construction process.

Directly across from our office is the Tillman's Corner Baptist Church. It has a massive parking lot. If necessary, we can use this parking lot and rent a van to use as a shuttle to this offsite parking.

On April 16, 2019 the applicant submitted applications for demolition, building, and land disturbance permits in order to demolish the existing dental office and construct a new office. By September 2019 the proposed plans were approved and permits issued. Per correspondence between the contractor for the project and staff dated June 16, 2020, the new office was built while the old building remained occupied and a temporary certificate of occupancy (TCO) was being requested to allow the dental practice to move into the new building while demolition occurred on the original structure. Furthermore, it was expressed to staff that off-site parking was being utilized during this first stage of construction, hence the need for a Variance.

As stated, the applicant is requesting an Off-Site Parking Variance to allow the use of temporary off-site parking in a B-3, Community Business District; the Zoning Ordinance requires all parking to be provided on-site in a B-3, Community Business District.

As illustrated by the site plan the proposed temporary parking would be located on the property directly to the west of the subject site, 5655 Three Notch Road. A property which is currently occupied by Sunbelt Dental Lab. In the applicant's narrative they also pose the possibility of utilizing the abutting lot to the East of the subject site (5637 Three Notch) for employee parking and potentially the existing church parking lot across Three Notch Road to the North. The applicant further stated that if the church parking facilities were to be utilized the applicant would provide a shuttle for clients coming to and from the subject site.

It's important to note that for both the new dental office located on 5651 Three Notch Road and the existing dental lab located at 5655 Three Notch Road the Zoning Ordinance requires one (1) parking space for 300 square feet of gross floor area. As such, the new Complete Dental office would be required a minimum of 12 parking spaces while the existing Sunbelt Dental office requires a minimum of five (5) spaces, for a total of 17 required parking spaces.

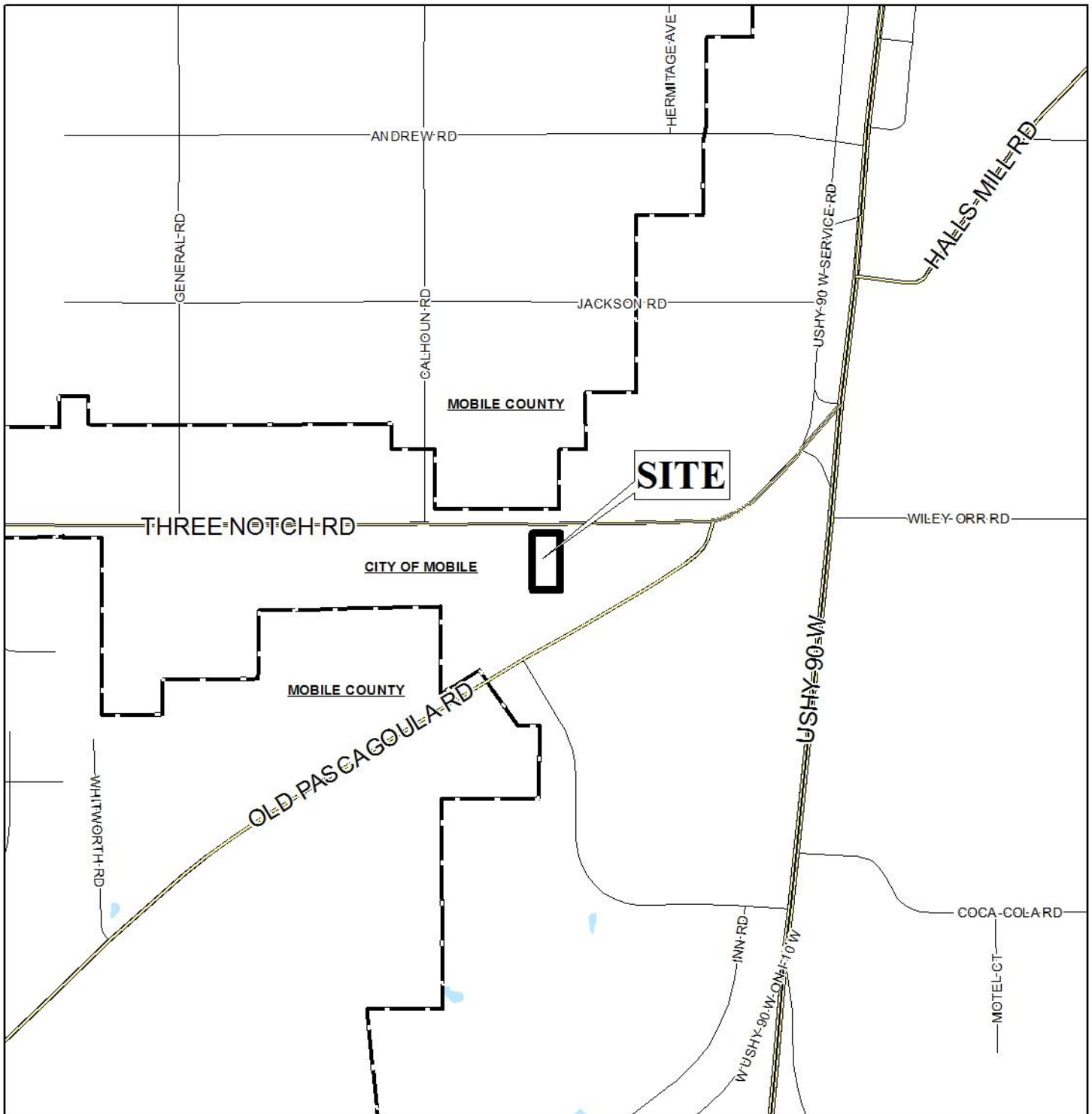
It should also be noted that included with the application were two (2) signed statements granting Complete Dental of Mobile permission to use a portion of associated parking lots during construction of the subject property. One such statement is signed by a Michael C. Reindl, which staff verified with tax records to be the owner of 5655 Three Notch Road. The second statement is signed by a John Steven Bonner. Staff is unable to verify which neighboring parcel Mr. Bonner might own. There does not appear to be any such statement provided by the owners of the neighboring parcels detailed in the applicants narrative other than Mr. Reindl.

As the submitted site plan for 5655 Three Notch Road depicts 10 existing parking spaces, there is still a need for seven (7) additional spaces. These spaces may be able to be accommodated on the other two (2) sites the applicant is proposing to utilize for shared access, however without confirmed authorization from the owners of these properties, the Board cannot approve the request as submitted. Furthermore, all parking should be paved with asphalt or concrete, and the adjacent property at 5637 Three Notch is unimproved, making it undesirable for use as parking.

RECOMMENDATION: Based on the preceding, staff recommends to the Board that the request be Heldover to the October 5, 2020 meeting, with revisions due by September 21st to allow the applicant time to provide the following information:

- 1) Provision of a revised site plan illustrating the location and compliance of all proposed temporary parking spaces on abutting properties; and
- 2) Provision of signed statements and verifiable ownership documents from abutting property owners permitting their property to be used for temporary parking associated with the subject property.

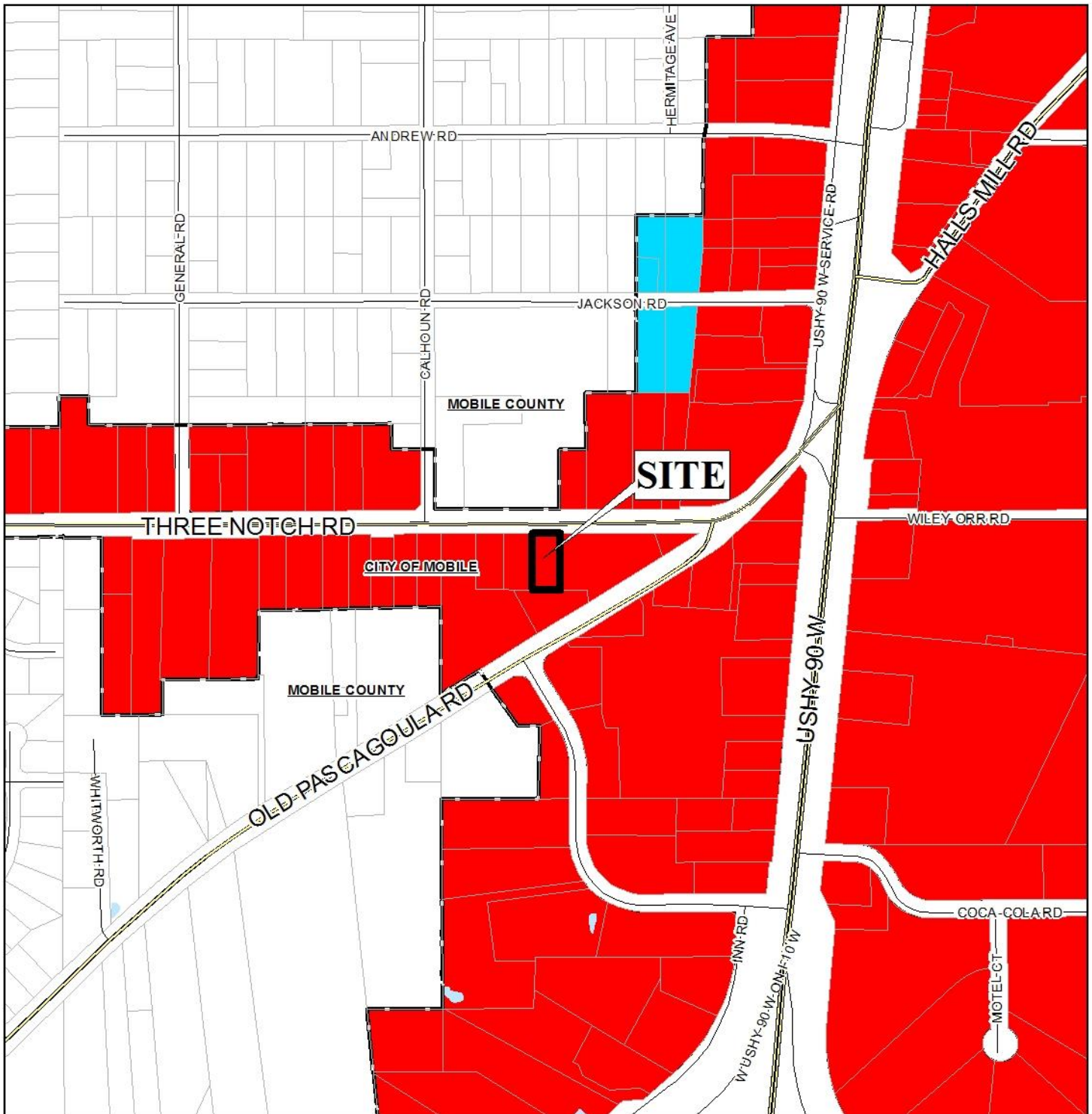
LOCATOR MAP



APPLICATION NUMBER 6346 DATE September 14, 2020
APPLICANT Shaun Small
REQUEST Off-Site Parking Variance



LOCATOR ZONING MAP

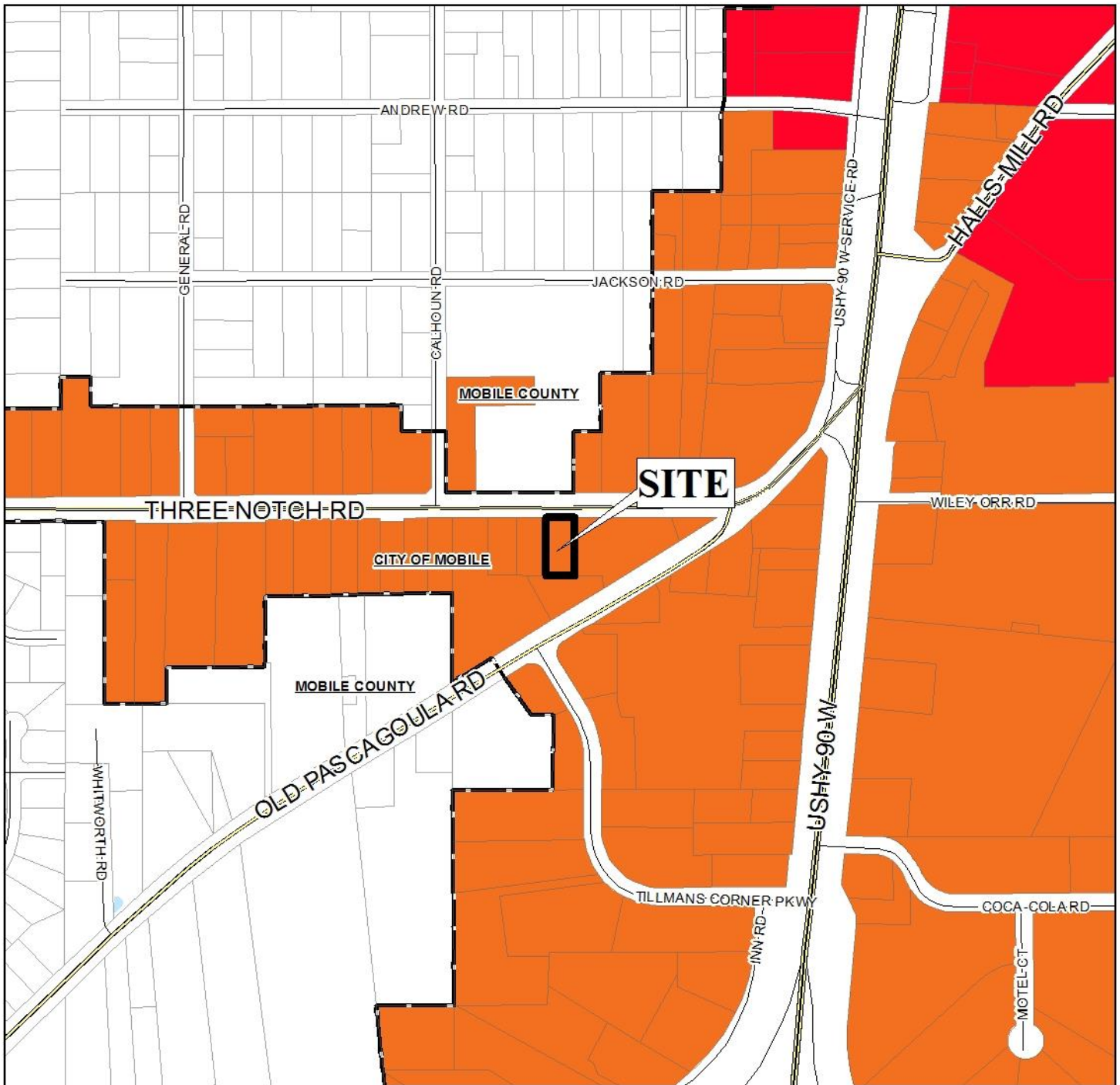


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FLUM LOCATOR MAP



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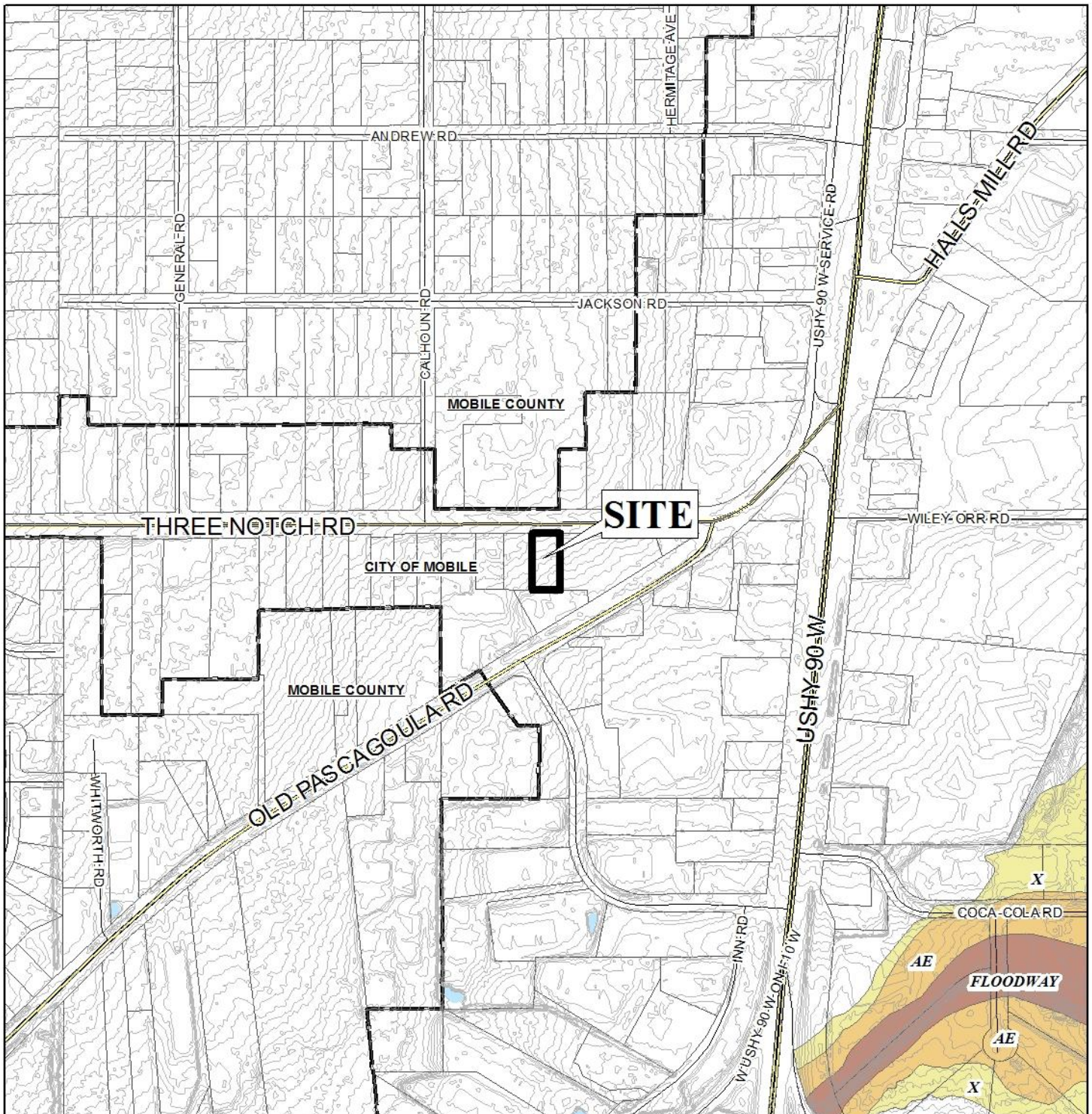
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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 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

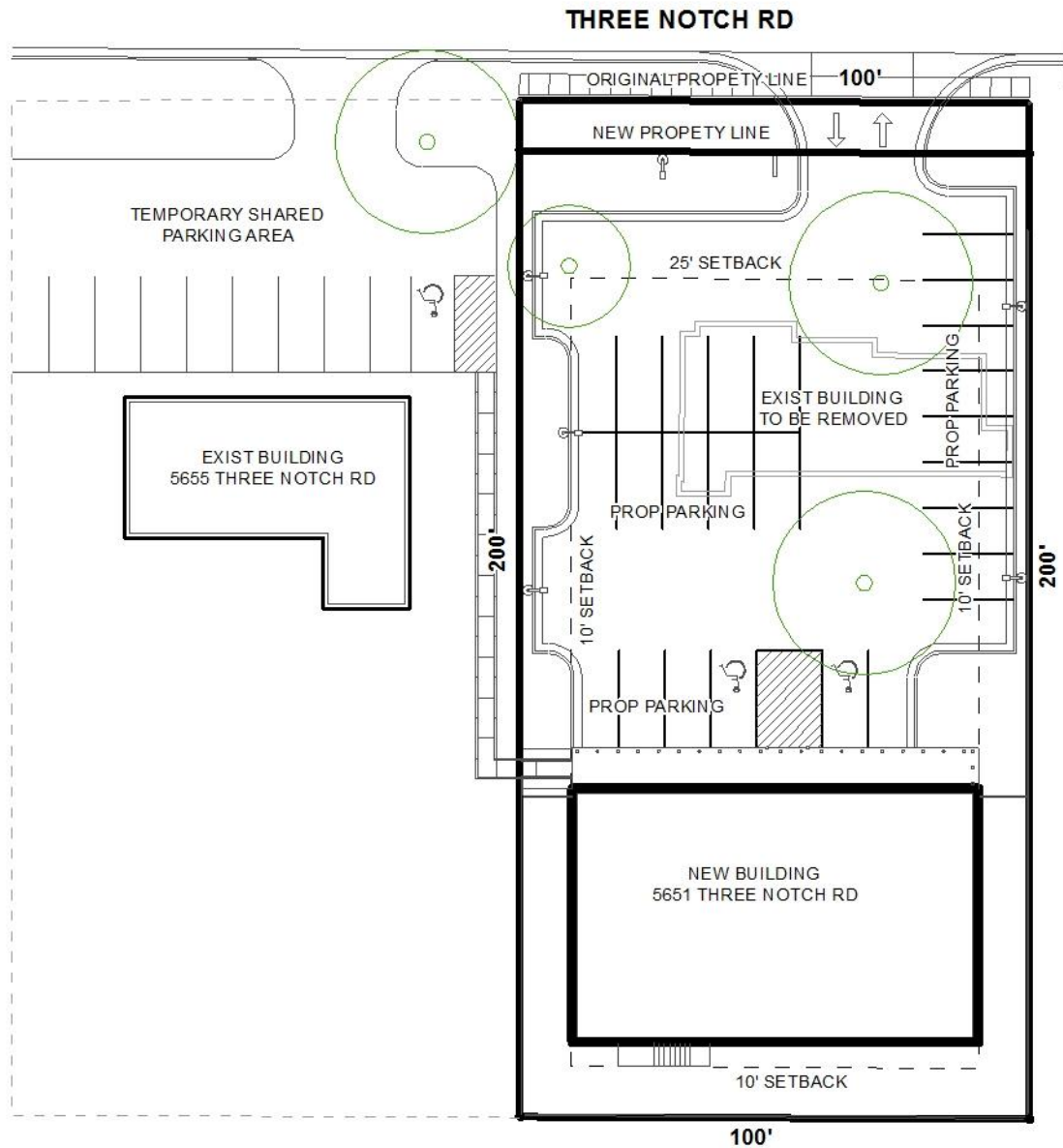


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SITE PLAN



The site plan illustrates the existing building to be removed, new building, proposed parking, and the temporary shared parking area.

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