

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 5, 2021

CASE NUMBER 6376

APPLICANT NAME Manolakis Practice Property, LLC (Joan Marie Manolakis, Agent)

LOCATION 508 Georgian Drive
(North side of Georgian Drive at its East terminus).

VARIANCE REQUEST **SITE:** Site Variance to allow a sub-standard width two-way drive on a commercial site in a B-1, Buffer Business District.

ZONING ORDINANCE REQUIREMENT **SITE:** The Zoning Ordinance requires a two-way drive to be at least 24’ wide in a B-1, Buffer Business District.

ZONING B-1, Buffer Business District

AREA OF PROPERTY 0.4± Acres

CITY COUNCIL DISTRICT District 5

ENGINEERING COMMENTS **SITE VARIANCE (Substandard Curbcut Width):**

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

1. The proposed improvements for a curbcut in an existing Public ROW will require a ROW Permit. If the proposed curbcut is proposed with associated site work the proposed work will require a Land Disturbance Permit be submitted through Central Permitting.
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.

Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

TRAFFIC ENGINEERING COMMENTS No adverse traffic impacts anticipated by this variance request. The narrow aisle has existed previously. If deemed necessary, the Board could consider limiting the parking area in the rear to employees only.

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). 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 buildings and 600' of sprinkled buildings.

ANALYSIS

The applicant is requesting a Site Variance to allow a sub-standard width two-way drive on a commercial site in a B-1, Buffer Business District; the Zoning Ordinance requires a two-way drive to be at least 24' wide in a B-1, Buffer Business District.

The site has been given a Mixed Commercial Corridor (MCC) Corridor land use designation per the 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 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.

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 also 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 is proposing to build an expansion of the existing structure on the site, and as part of the expansion, an existing parking area in the rear of the building is proposed to be expanded. During the site plan review for the associated building permits, staff advised the applicant of the existing sub-standard driveway (9.9'± wide), thus the application at hand. The property was initially developed in 1991. The existing building is 21.1'± from the South property line, and 10.4'± from the North property line, making it impossible for either one compliant 24' wide driveway for two-way traffic, or two compliant 12' wide driveways for one-way traffic to be placed on the site.

The applicant states:

The owner of the subject site plans to construct a building addition with 2 additional parking spaces in the rear.

The purpose of this variance request is to allow a reduced width for the driveway connecting the parking in the rear of the building. The existing building and overall width of the property do not allow for the driveway to be widened, and therefore full compliance with the Zoning Ordinance cannot be achieved. It should be noted that this site was developed in the early 1990s and the site has functioned with the reduced driveway width since that time.

As the site is already developed in such a way that it would require the demolition of at least part of the existing structure in order to comply, and no complaints have been received by Planning & Zoning regarding parking at this site, granting the variance request may be appropriate. This is further supported by Traffic Engineering comments whereby no negative impacts are anticipated.

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

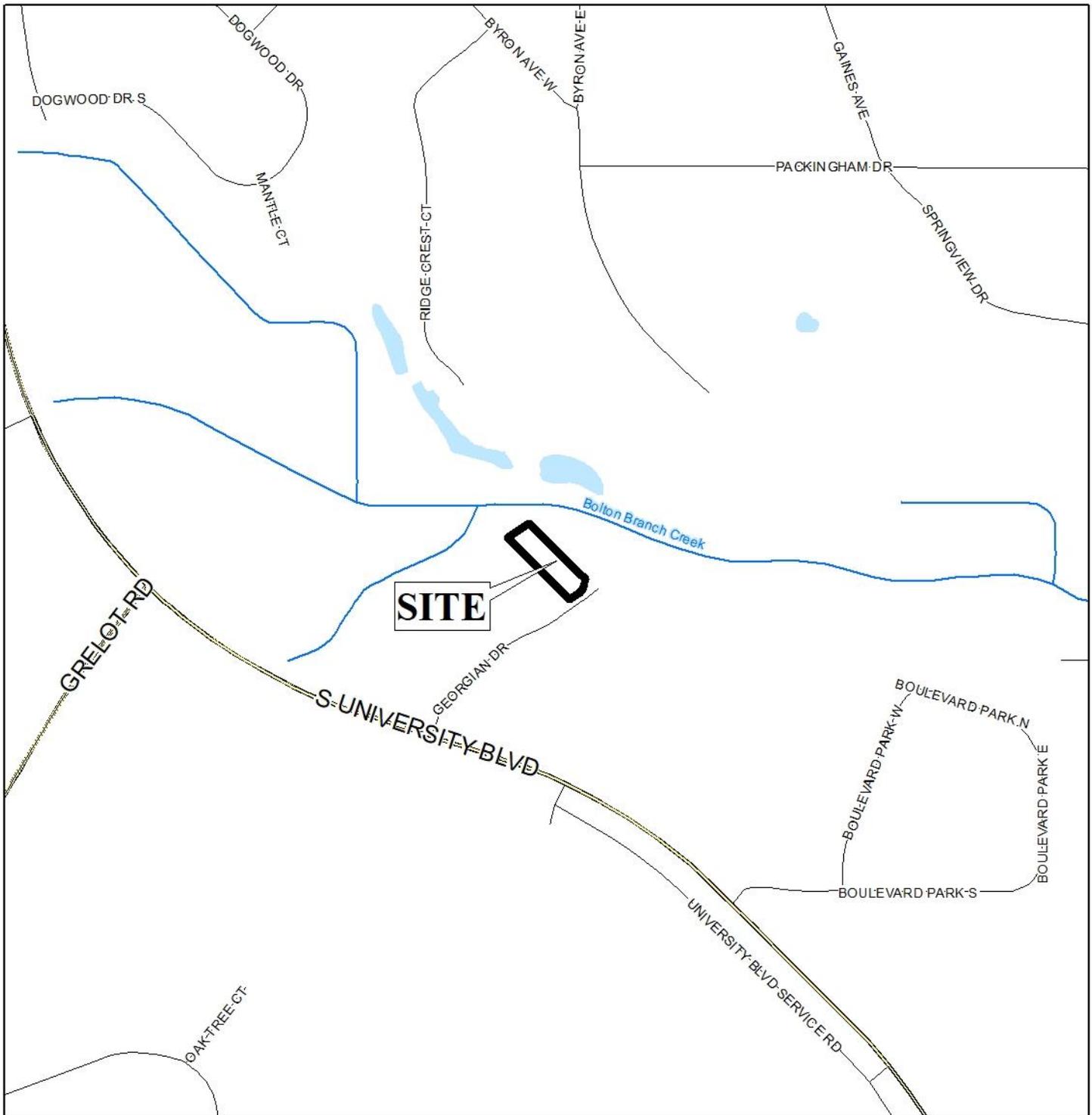
- 1) The variance will not be contrary to the public interest, as the driveway has been utilized in its current configuration for approximately 30 years;
- 2) Special conditions exist with the property itself, in that it is impossible for compliant driveways to be provided without removing a portion of the existing structure; and

- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the requested variance, as the existing driveway has been in its current configuration since 1991 without complaints.

The Approval should be subject to the following conditions:

- 1) Compliance with Engineering comments: *(If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements for a curbcut in an existing Public ROW will require a ROW Permit. If the proposed curbcut is proposed with associated site work the proposed work will require a Land Disturbance Permit be submitted through Central Permitting. 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. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.);*
- 2) Obtain all required permits; and
- 3) Full compliance with all municipal codes and ordinances.

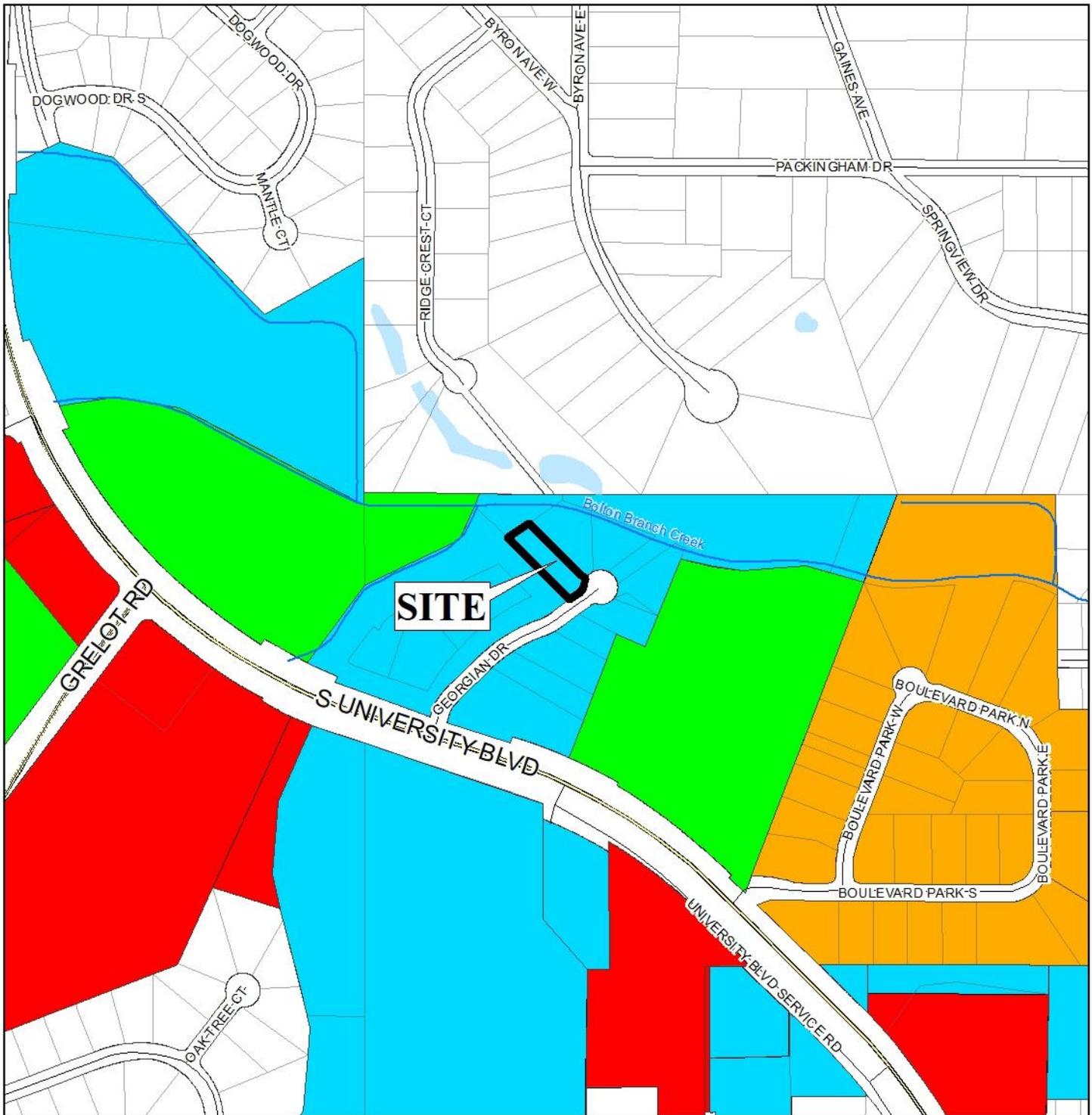
LOCATOR MAP



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REQUEST Site Variance



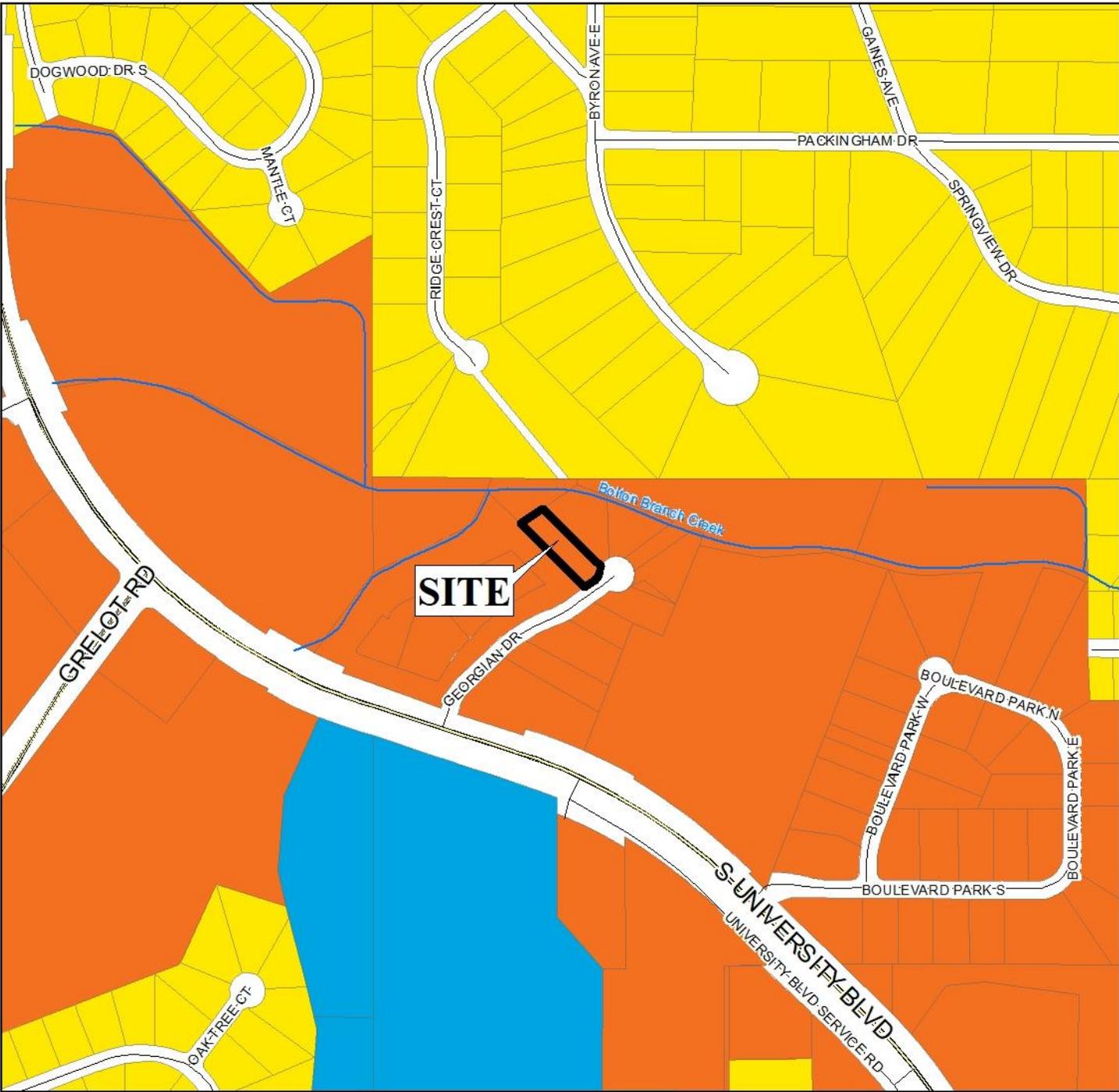
LOCATOR ZONING MAP



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FLUM LOCATOR MAP

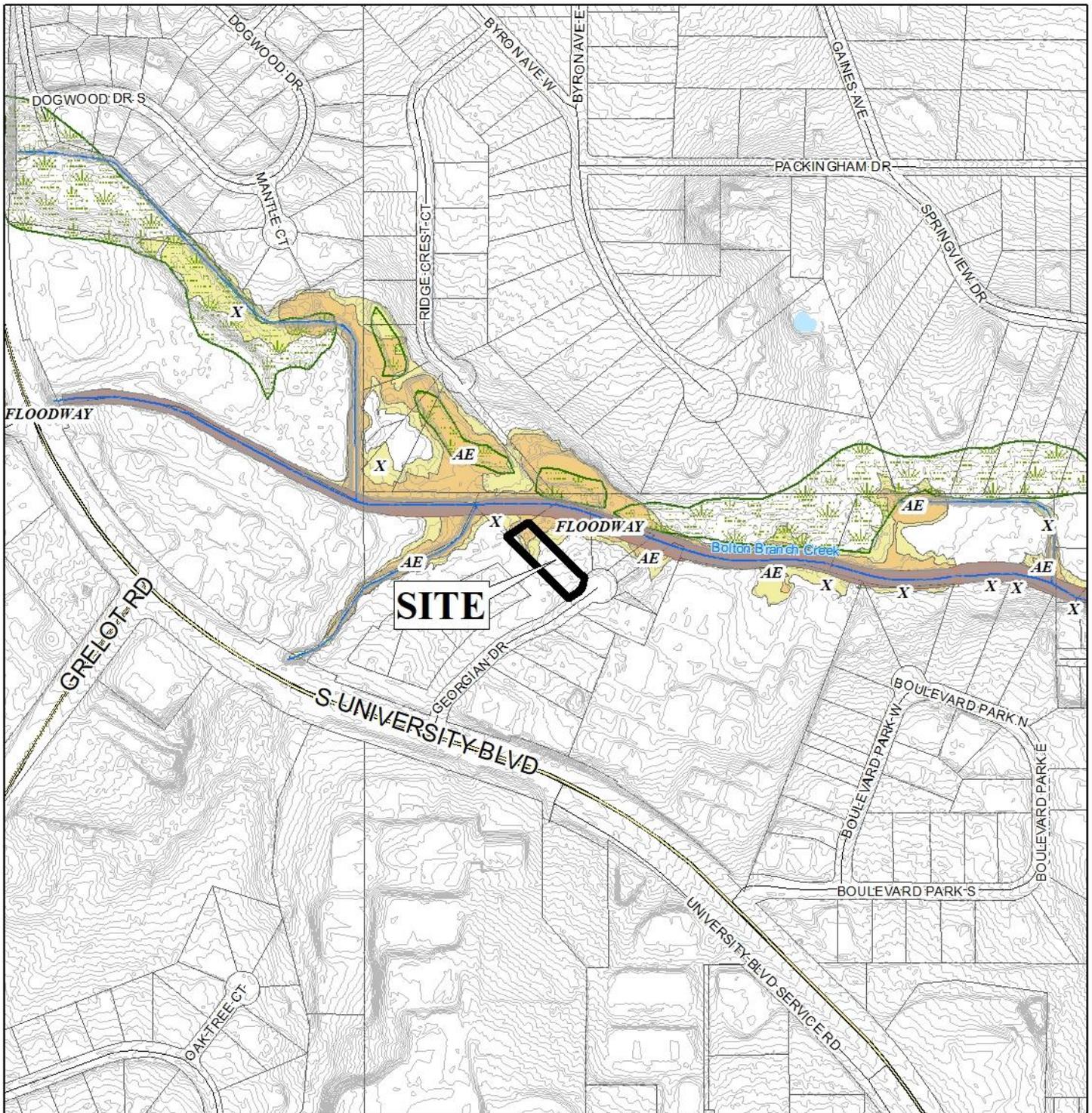


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- | | | | |
|---|---|---|--|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional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



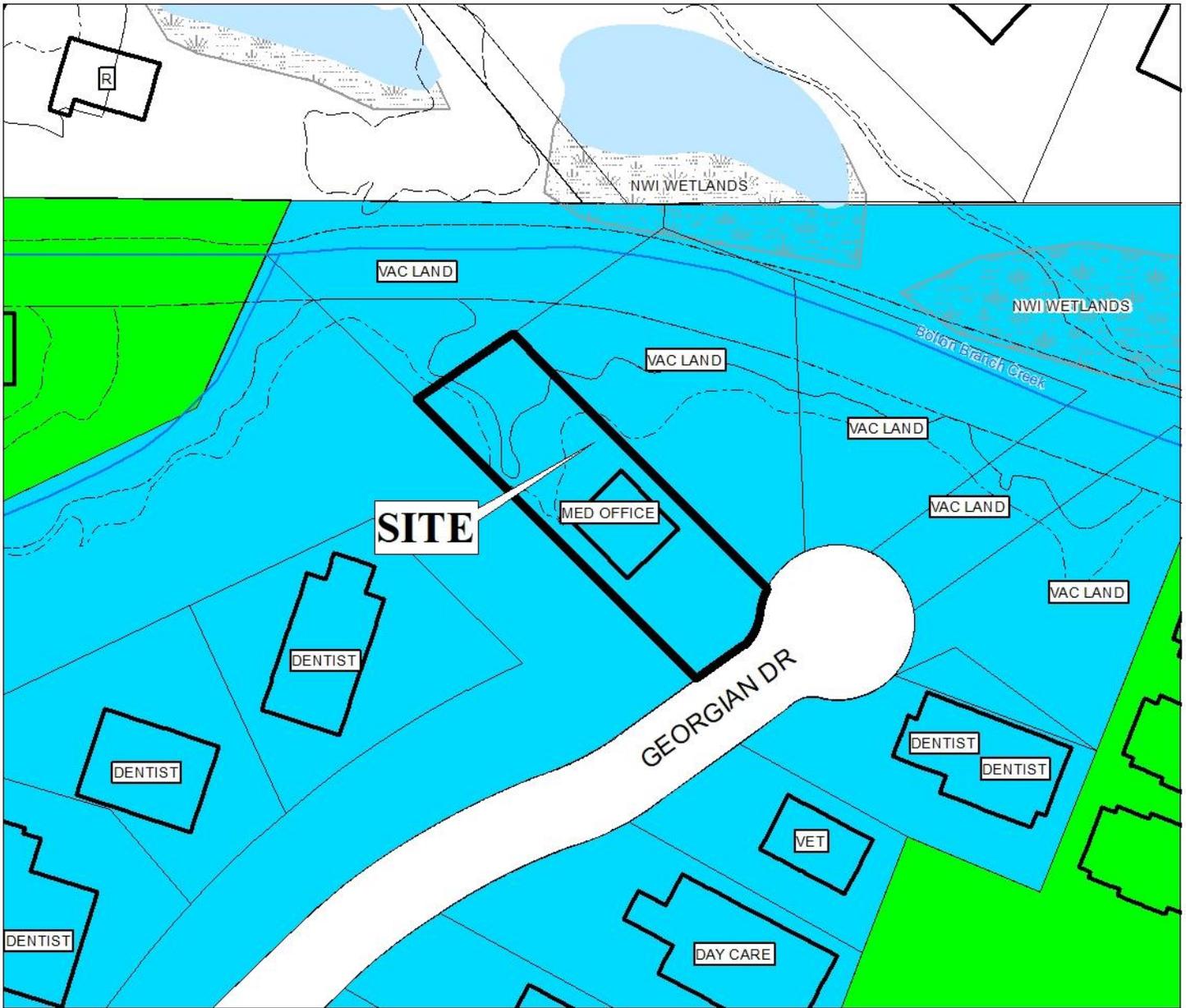
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



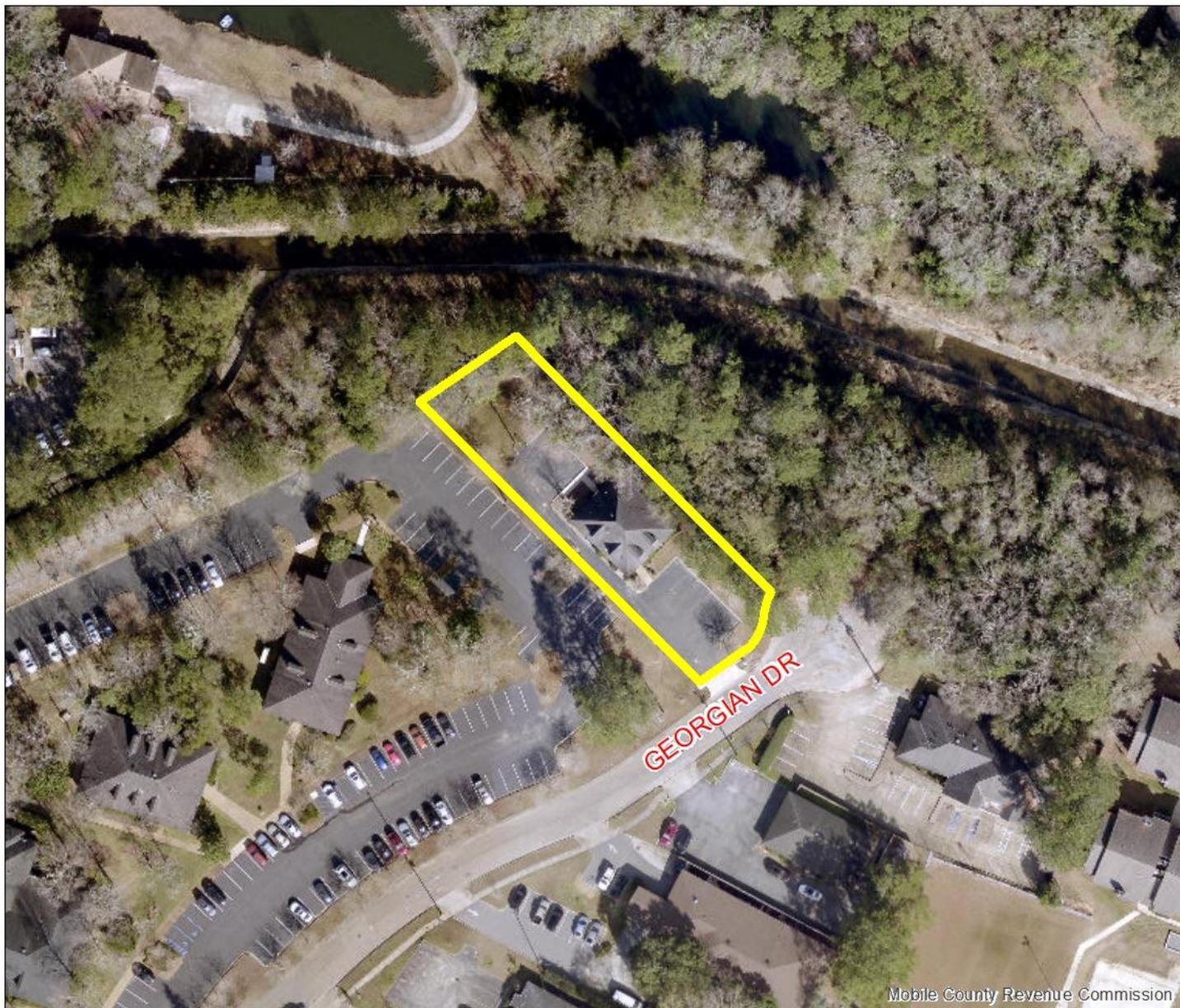
The site is surrounded by commercial units.

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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

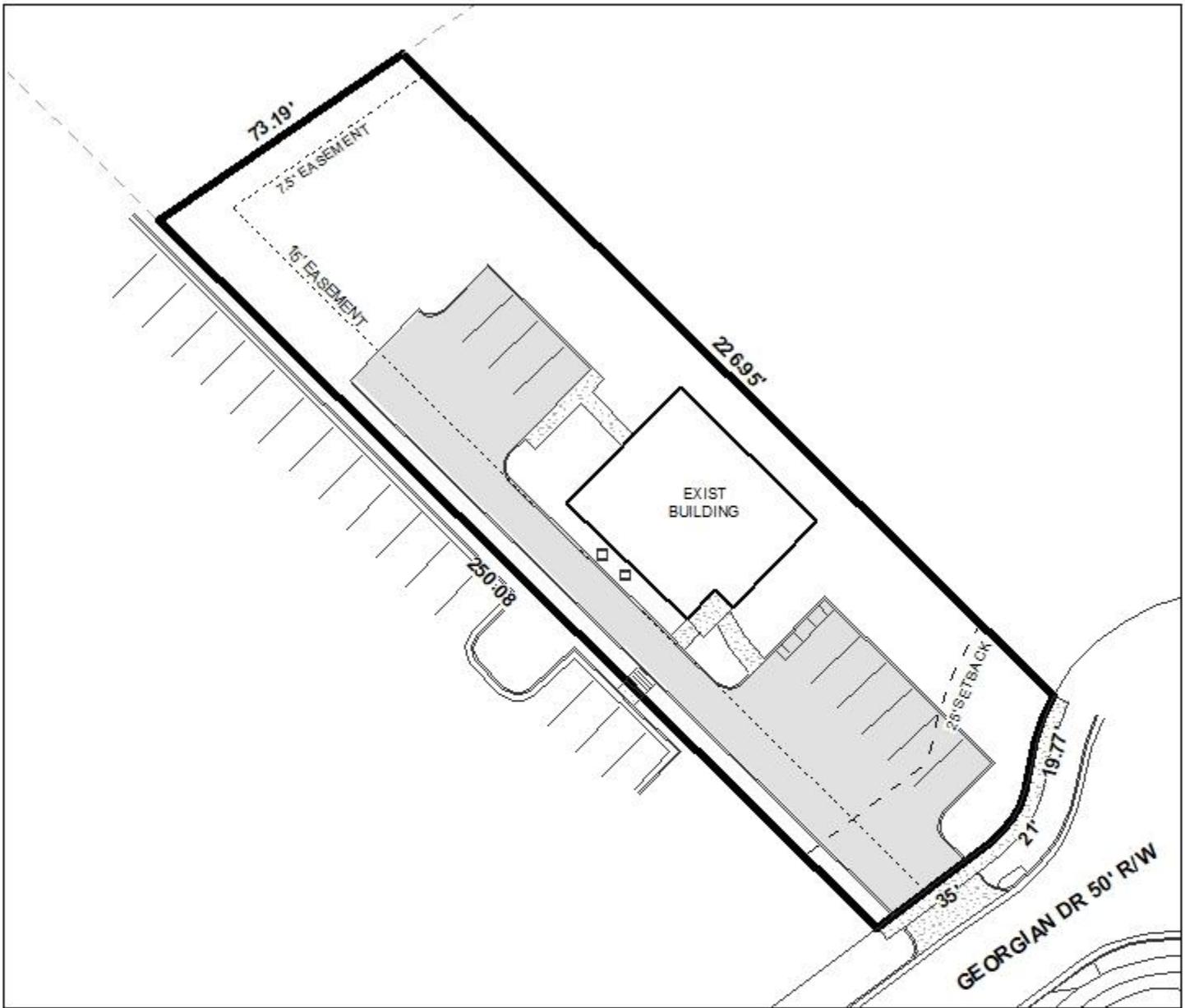


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EXISTING SITE PLAN

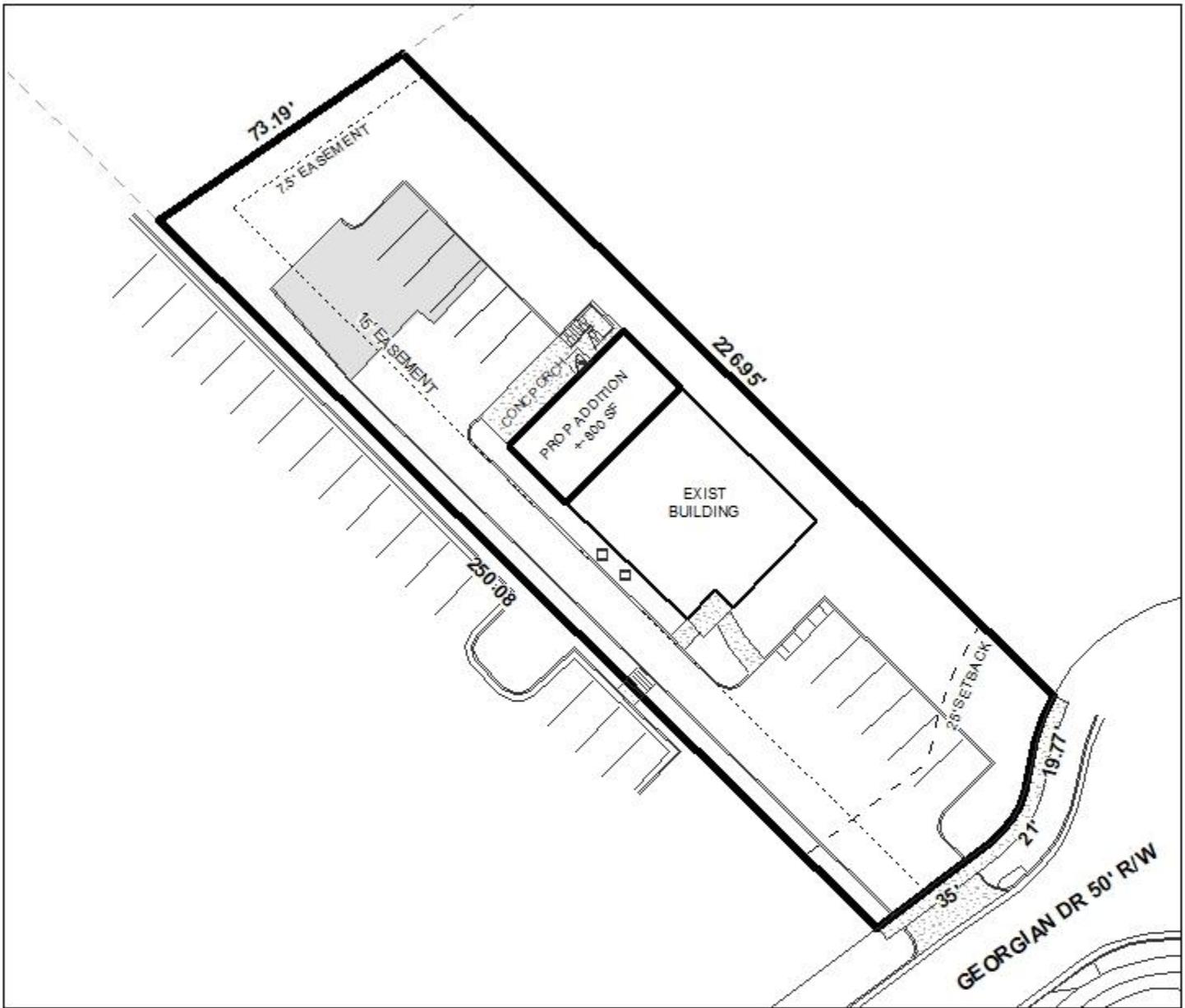


The site plan illustrates the existing building, parking, easements, and setback.

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PROPOSED SITE PLAN



The site plan illustrates the existing building, proposed addition, parking, easements, and setback.

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