



Agenda Item # 7

BOA-002546-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

550 and 524 Western Drive

Applicant / Agent (as applicable):

Bethesda Christian Center

Property Owner:

Bethesda Christian Center Inc.

Current Zoning:

I-1, Light Industry District

Future Land Use:

Light Industry

Case Number(s):

6527/5983/4606

Unified Development Code Requirement:

- Churches are not allowed in an I-1, Light Industry District.

Board Consideration:

- To allow a church in an I-1, Light Industry District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER <u>6527</u> DATE <u>July 10, 2023</u>	
APPLICANT <u>Bethesda Christian Center</u>	
REQUEST <u>Use Variance</u>	

SITE HISTORY

The subject site first came before the Board of Zoning Adjustment at its December 16, 1996 meeting to allow reduced setbacks for a 150-foot tall monopole communications tower at 254 Western Drive. That tower was constructed, and remains on the site today. No changes are proposed to the tower at this time.

At the Board's August 3, 2015 meeting, a use and off-site parking variance was granted to allow the Bethesda Christian Church (the current applicant and owner) to allow the use of the site as a church, and allow the church located at 550 Western Drive (lot 1 on the site plan) to utilize the property located at 524 Western Drive (Lot 2) as an expanded parking lot. While permits were obtained for the work associated with the variances granted, none of the work appears to have been completed in compliance with the 2015 variance.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved, and if land disturbance activity will take place (including clearing the lot), the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal.
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.

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:

The applicant is proposing to construct a second structure to include a new 160-seat sanctuary, as well as offices and restrooms. The site plan has conflicting information on the size of the new structure, it is depicted as 5,040± square feet, but the parking information provided has the new structure at 4,935± square feet, for a difference of 105 square feet. If approved, this should be revised so that the size of the proposed structure is consistent.

Based on the sizes of the seating areas and non-seating areas proposed for both buildings, a total of 42 parking spaces are required; 54 parking spaces are depicted on the site. (The subject site has a one-lot Subdivision application on the Planning Commission's July 20th agenda, and if approved, all parking will be located on one (1) site.) It should be noted that Article 3, Section 64-3-12.A.5.(d)(3). of the UDC states that for redevelopment of sites greater than one (1) acre, Alternative Parking Surfaces are required for parking spaces in excess of the minimum required spaces. Therefore, as proposed, 12 parking spaces must have an approved Alternative Parking Surface.

The parking lot is being expanded by more than 25%, thus a photometric site plan in compliance with Article 3, Section 64-3-9.C. of the UDC will be required at the time of permitting. It should be noted that the site plan has two "new parking" labels on the back half of the property where a parking layout is not depicted. If this area is to have parking, it should be depicted so that staff can insure adequate parking space dimensions and access/maneuvering areas, or the "new parking" labels should be removed from this portion of the site. Furthermore, the site plan depicts existing parking spaces (labeled as "revised parking") that are to be removed with the redevelopment of the site; if approved, the site plan should be revised to remove parking spaces that will no longer be available.

The new structure may need to be modified slightly to comply with the Building Design and Height standards set forth in Article 3, Section 64-3-6 of the UDC. If approved, compliant plans must be submitted at the time of permitting.

There is no dumpster depicted on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized, at the time of permitting.

VARIANCE CONSIDERATIONS

Standards of Review:

Variations 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:

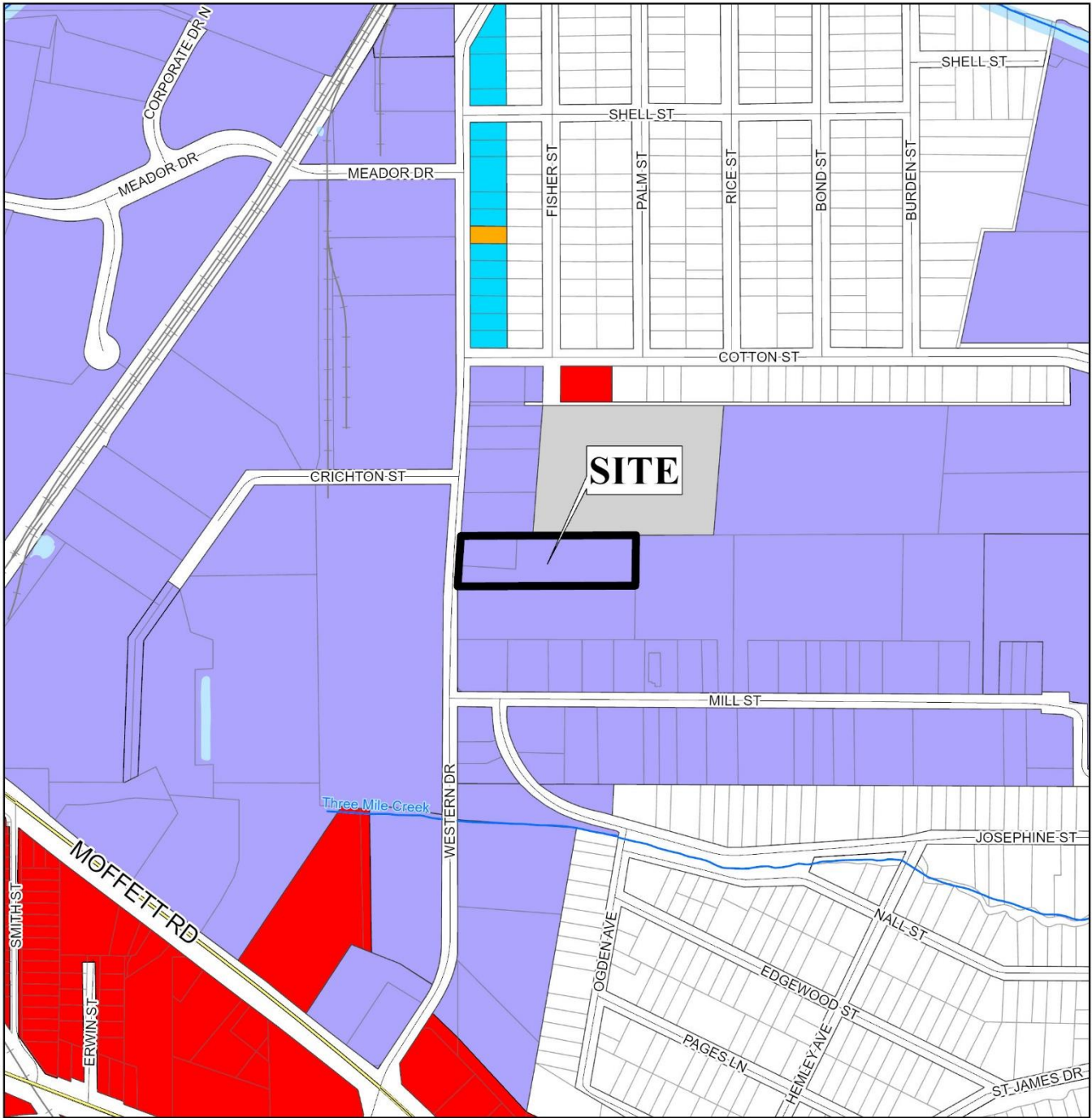
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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.

If the Board is inclined to approve the Use Variance, the following conditions are recommended:

- 1) Revision of the site plan to correct conflicting information about the size of the proposed addition on the site plan and in the parking data information;
- 2) Revision of the site plan to remove any parking spaces that are not to remain on the site;
- 3) Revision of the site plan to either remove the "new parking" labels at the back half of the site, or depiction of compliant parking and access/maneuvering areas in that portion of the site;
- 4) Depiction of parking spaces exceeding the minimum required as being paved with an alternative parking surface per Article 3, Section 64-3-12.A.5.(d)(3). of the UDC;
- 5) Provision of a photometric site plan compliant with Article 3, Section 64-3-9.C. of the UDC, at the time of permitting;
- 6) Illustration of the proposed structure to comply with the Building Design and Height standards set forth in Article 3, Section 64-3-6 of the UDC;
- 7) Revision of the site plan to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized; and
- 8) Full compliance with all municipal codes and ordinances.

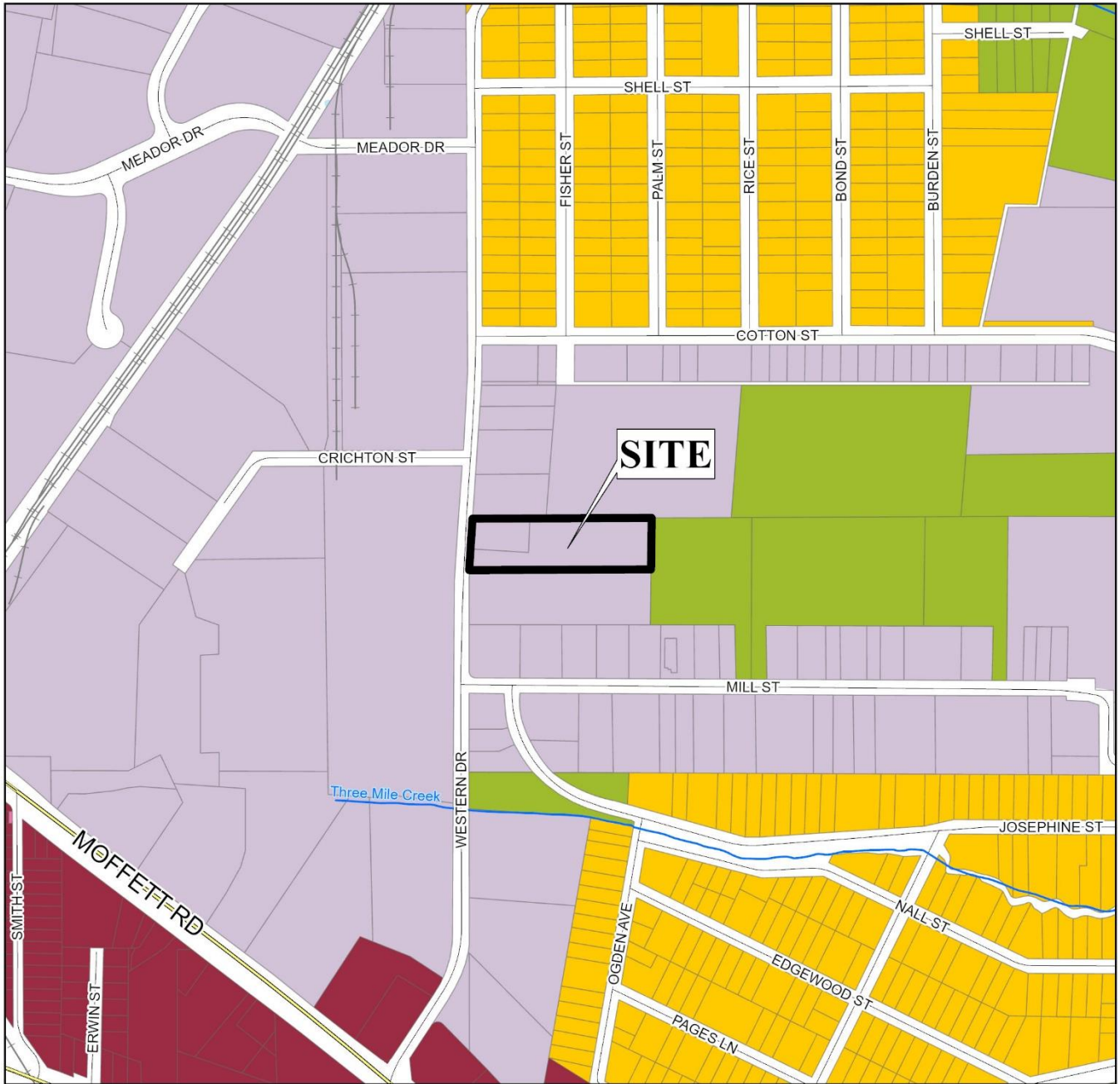
LOCATOR ZONING MAP




APPLICATION NUMBER	6527	DATE	July 10, 2023
APPLICANT	Bethesda Christian Center		
REQUEST	Use Variance		

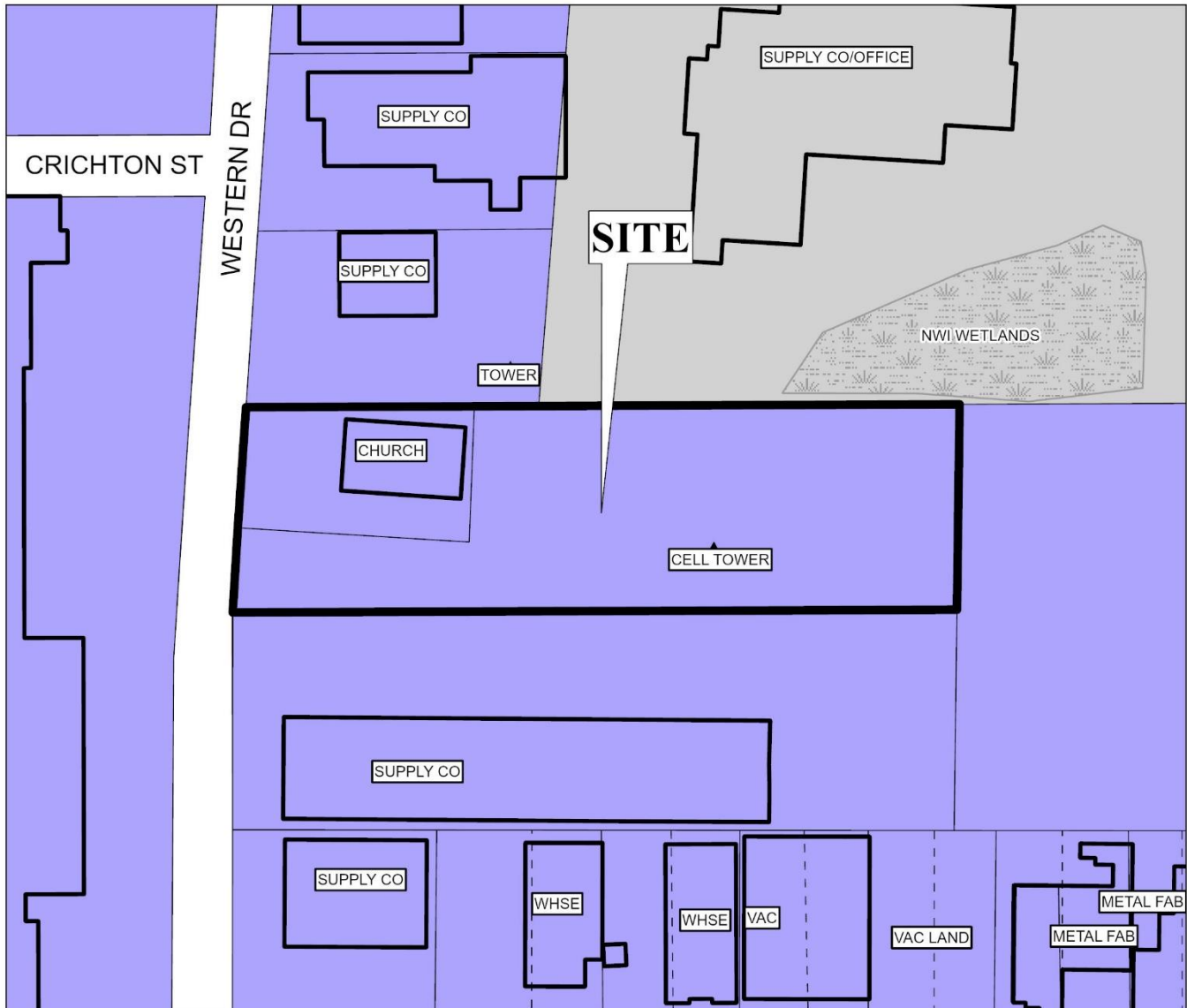


FLUM LOCATOR MAP




























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APPLICANT <u>Bethesda Christian Center</u>			
REQUEST <u>Use Variance</u>			
<ul style="list-style-type: none"> Low Density Residential Mixed Density Residential Downtown District Center 	<ul style="list-style-type: none"> Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial Corridor 	<ul style="list-style-type: none"> Downtown Waterfront Light Industry Heavy Industry Institutional 	<ul style="list-style-type: none"> Parks & Open Space Water Dependent

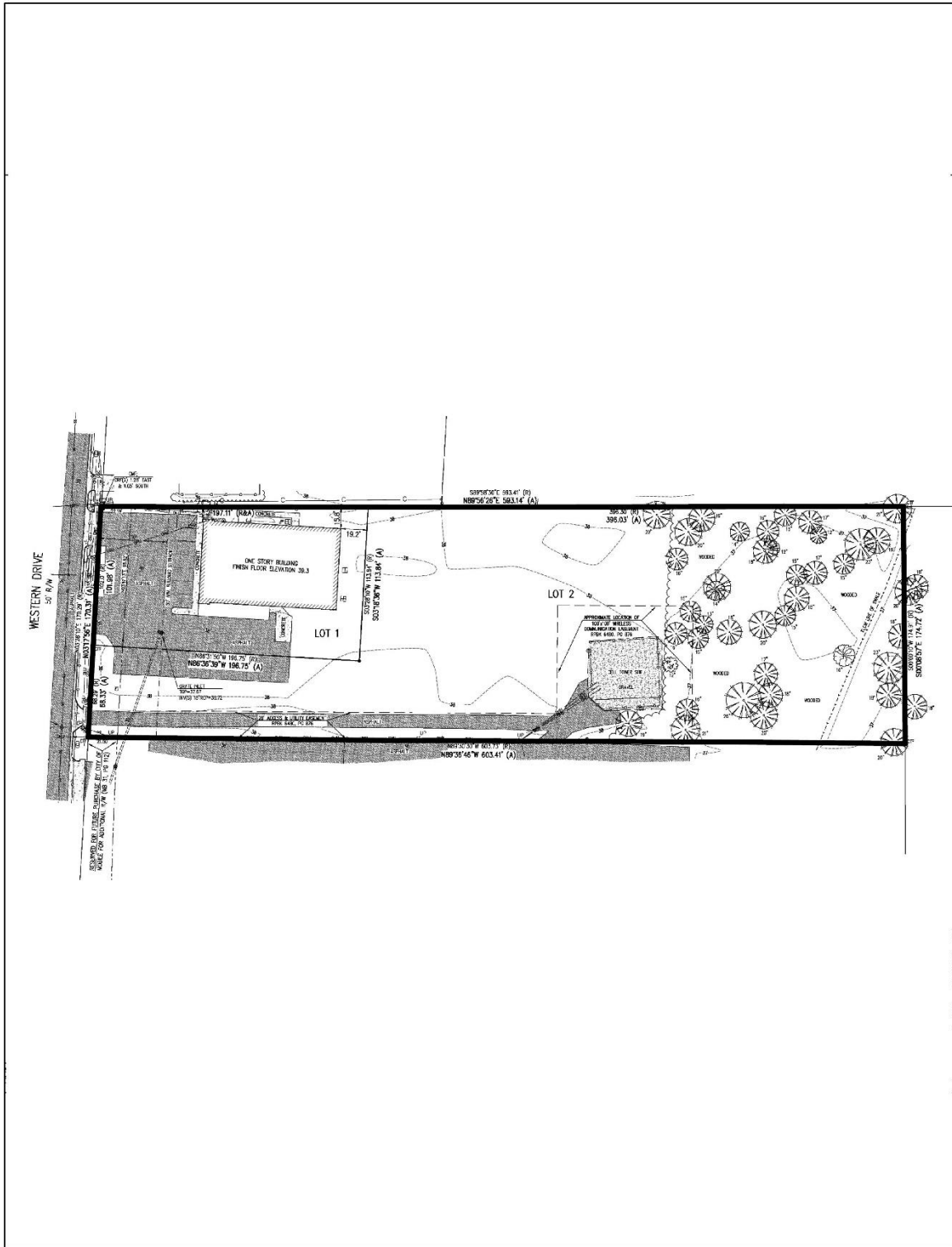
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by industrial units.

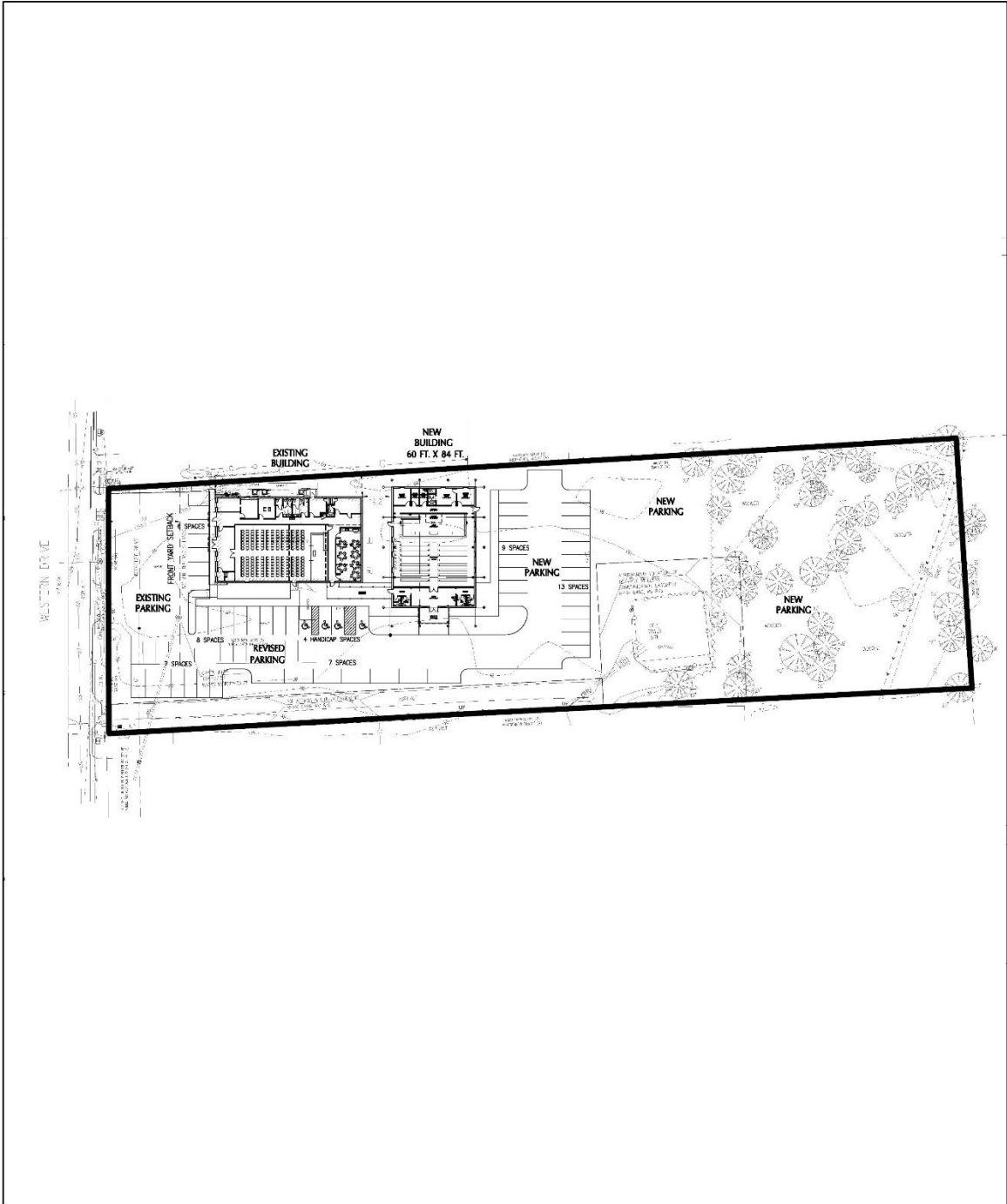
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 R-A  R-3  T-B  B-2  B-5  MUN  SD-WH  T5.1		
 R-1  R-B  B-1  B-3  I-1  OPEN  T3  T5.2		
 R-2  H-B  LB-2  B-4  I-2  SD  T4  T6		

EXISTING SITE PLAN




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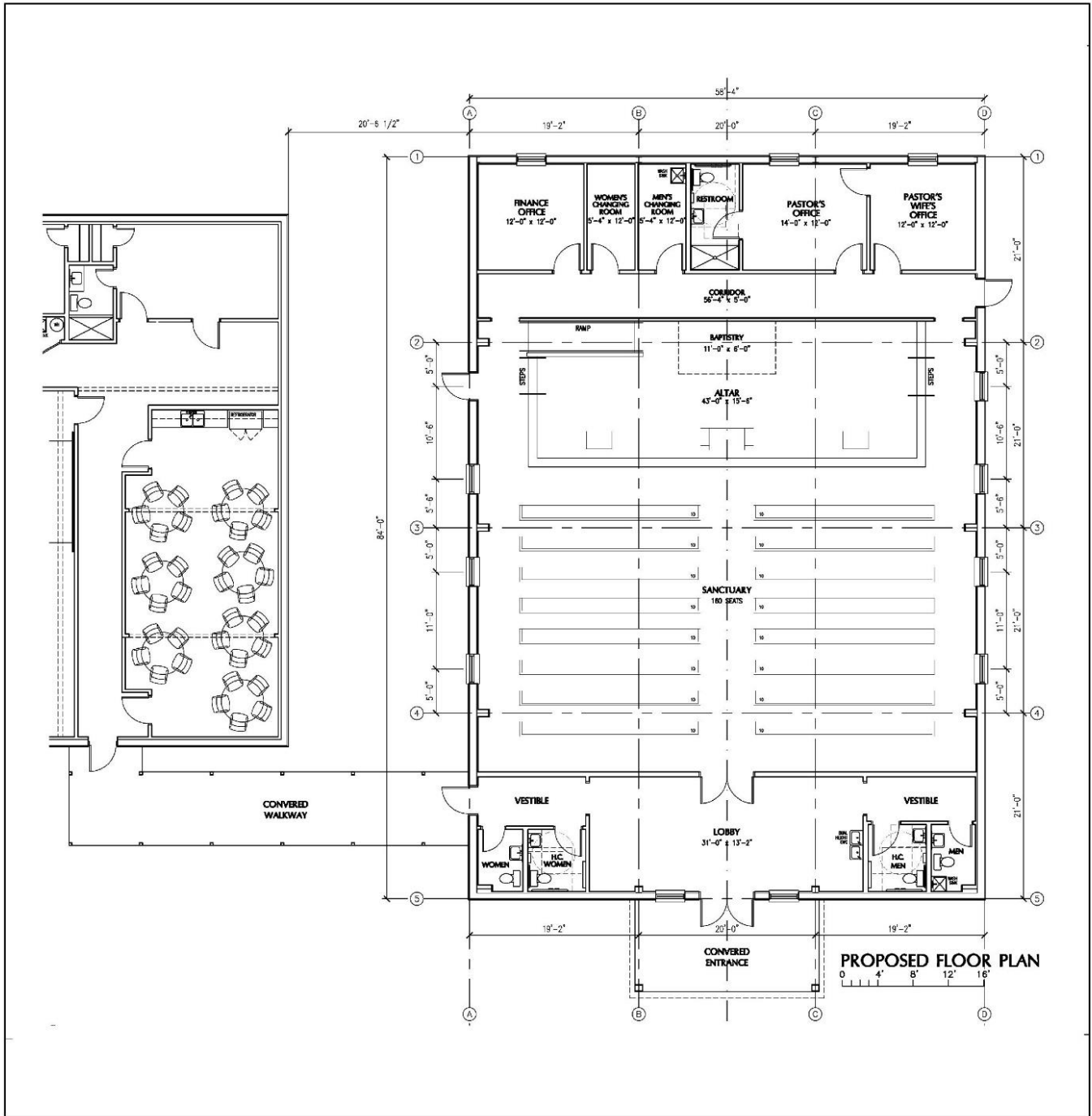
SITE PLAN



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

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DETAIL SITE PLAN



APPLICATION NUMBER 6527 DATE July 10, 2023

APPLICANT Bethesda Christian Center

REQUEST Use Variance



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)

LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advanced research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of

those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

