

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 5, 2017****CASE NUMBER**

6114/5895/5797/5726

APPLICANT NAME

New Hope Baptist Church

LOCATION

1270 & 1272 Pecan Street, 605 & 608 Live Oak Street,
1257, 1259, 1261 & 1263 Persimmon Street
(Northeast corner of Pecan Street and Live Oak Street
extending to the Southeast corner of Live Oak Street and
Persimmon Street; and West side of Live Oak Street, 120'±
South of Persimmon Street).

VARIANCE REQUEST

TREE PLANTING: Reduce the number of frontage
heritage trees required for a church in an R-2, Two-Family
Residential District.

**ZONING ORDINANCE
REQUIREMENT**

TREE PLANTING: The Zoning Ordinance requires a
minimum of one frontage heritage tree per 30 linear feet of
street frontage for a church in an R-2, Two-Family
Residential District.

ZONING

R-2, Two-Family Residential District

AREA OF PROPERTY

1.39± Acres

**CITY COUNCIL
DISTRICT**

District 2

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**ENGINEERING
COMMENTS**

No comments.

**FIRE DEPARTMENT
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)

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 a Tree Planting Variance to reduce the number of frontage heritage trees required for a church in an R-2, Two-Family Residential District; the Zoning Ordinance requires a minimum of one frontage heritage tree per 30 linear feet of street frontage for a church in an R-2, Two-Family Residential District.

The applicant has been granted the same variance by the Board of Zoning Adjustment on 2011, 2012, and 2014, but no permits were obtained, and subsequently the approvals were allowed to expire. The site most recently received Subdivision, Planned Unit Development, and Planning Approval approvals at the Planning Commission's May 18, 2017 meeting to incorporate two adjacent lots into the development.

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:

New Hope Baptist Church has occupied the property at the northeast corner of Live Oak Street and Pecan Street for several decades. A new Sanctuary building addition has been construction and the Church is now preparing to construct a paved parking area as shown on the attached drawing. The Board of Zoning Adjustment previously granted a variance to New Hope Baptist Church giving permission to reduce the number of required Frontage Heritage Trees along Live Oak Street. The approval was subject to the following condition: "coordination with Urban Forestry for the frontage tree planting requirements of the Ordinance to allow the planting of understory trees instead of overstory trees within the location of the building". Upon coordinating with Urban Forestry, an agreement was reached to provide 6 crepe myrtles as shown on the attached site plan in the place of 6 Heritage Trees. Due to delays in construction, the variance which was granted has expired. The purpose of this application is to reinstate the expired variance.

The applicant has complied with the original condition of coordination with Urban Forestry and reflected such on the site plan. It should be noted that all other required perimeter trees and parking lot trees are shown to be provided. However, the site plan should be revised to specify

Live Oak trees as the heritage frontage trees due to the presence of overhead power lines along Live Oak Street, Pecan Street, and Persimmon Street.

In light of the fact that the same request has been previously approved, the Board should consider this request for approval, subject to conditions.

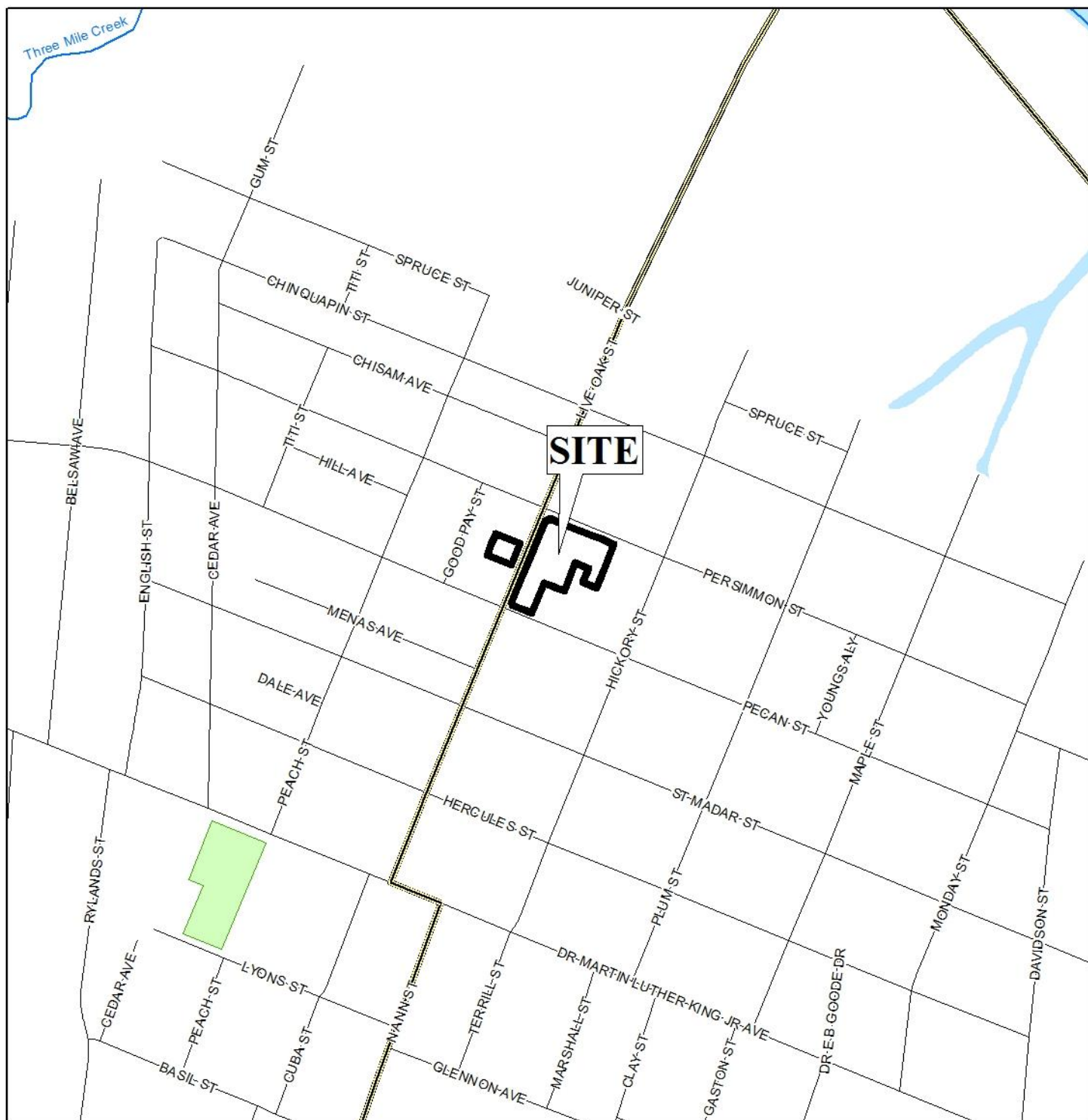
RECOMMENDATION: Staff recommends to the Board the following findings of facts for approval:

- 1) Based on the fact that this same request has been granted to the applicant three times previously, the variance will not be contrary to the public interest;
- 2) These special conditions (lack of sufficient area to plant overstory trees within close proximity to the building) exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that all other tree planting requirements will be met and the total number of required trees planted will still be met.

Therefore, this application is recommended for approval, subject to the following conditions:

- 1) coordination with Urban Forestry for the frontage tree planting requirements of the Ordinance to allow the planting of understory trees instead of overstory trees within the location of the building;
- 2) revision of the site plan to specify Live Oak trees as the heritage trees along Live Oak Street, Pecan Street, and Persimmon Street due to the presence of overhead power lines;
- 3) submittal of three (3) copies of a revised site plan showing required revisions prior to the submittal of plans for building permitting; and
- 4) full compliance with all other municipal codes and ordinances.

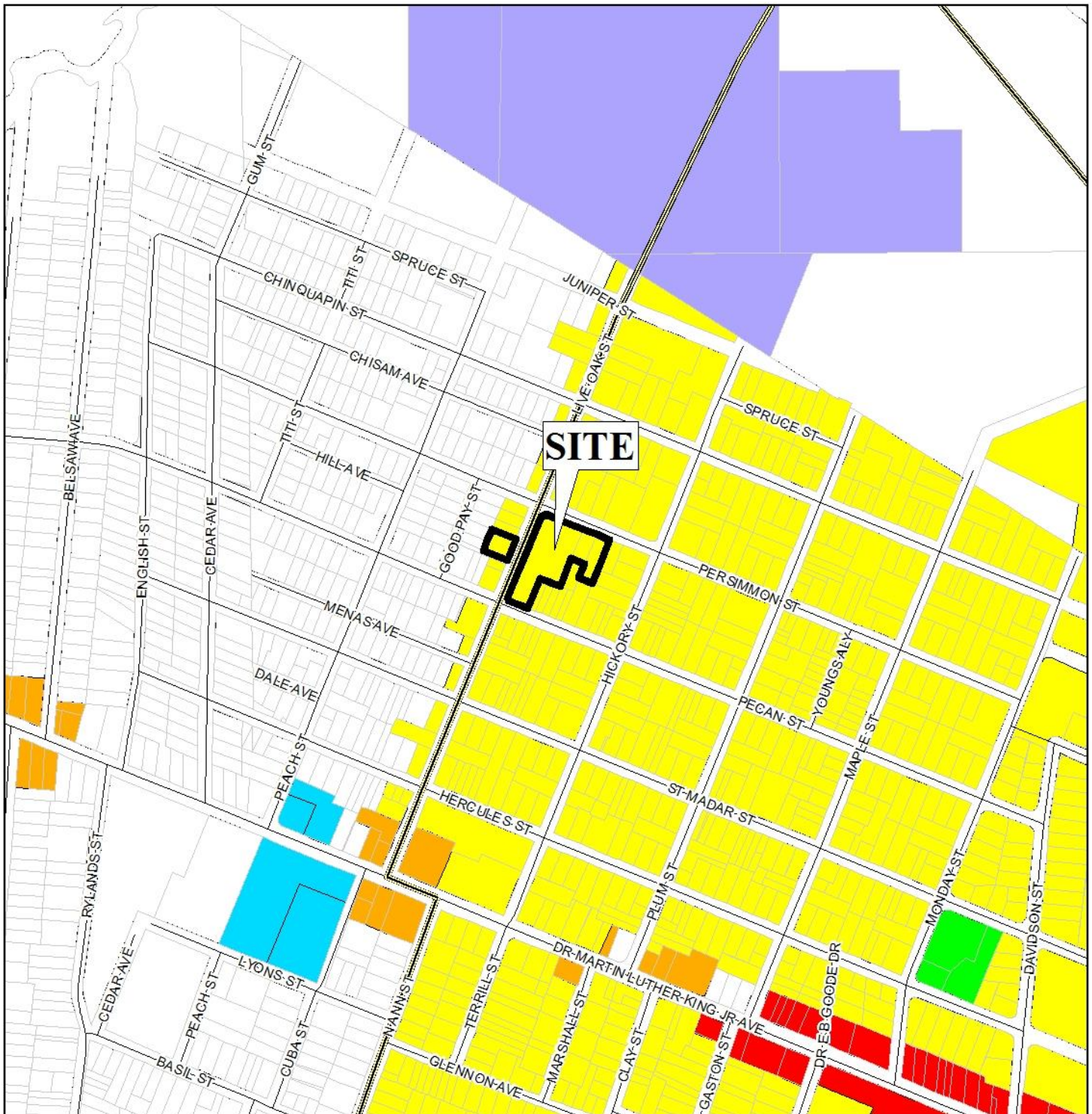
LOCATOR MAP



APPLICATION NUMBER 6113 DATE June 5, 2017
 APPLICANT New Hope Baptist Church
 REQUEST Tree Planting Variance



LOCATOR ZONING MAP



APPLICATION NUMBER 6113 DATE June 5, 2017

APPLICANT New Hope Baptist Church

REQUEST Tree Planting Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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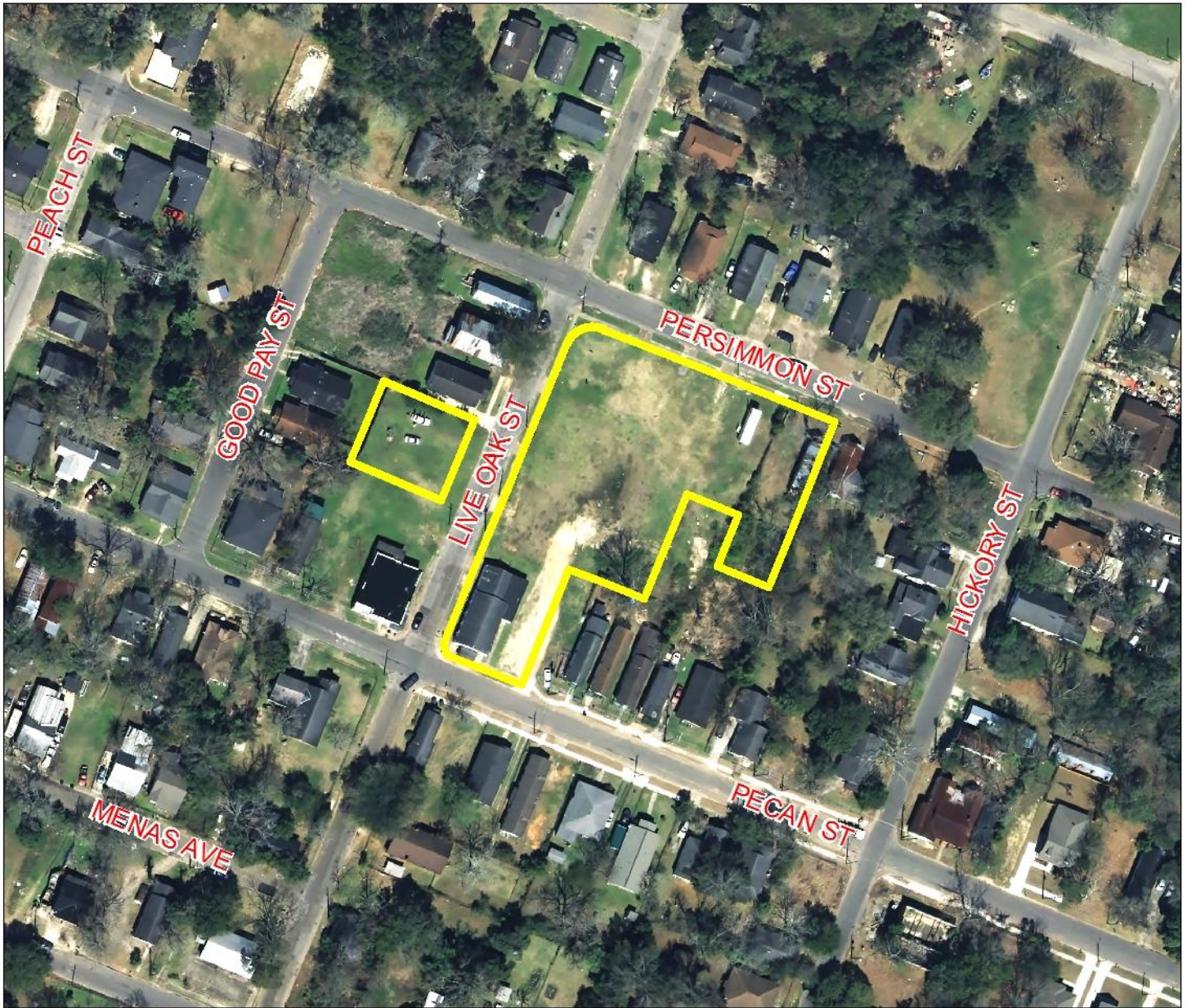
APPLICANT New Hope Baptist Church

REQUEST Tree Planting Variance

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

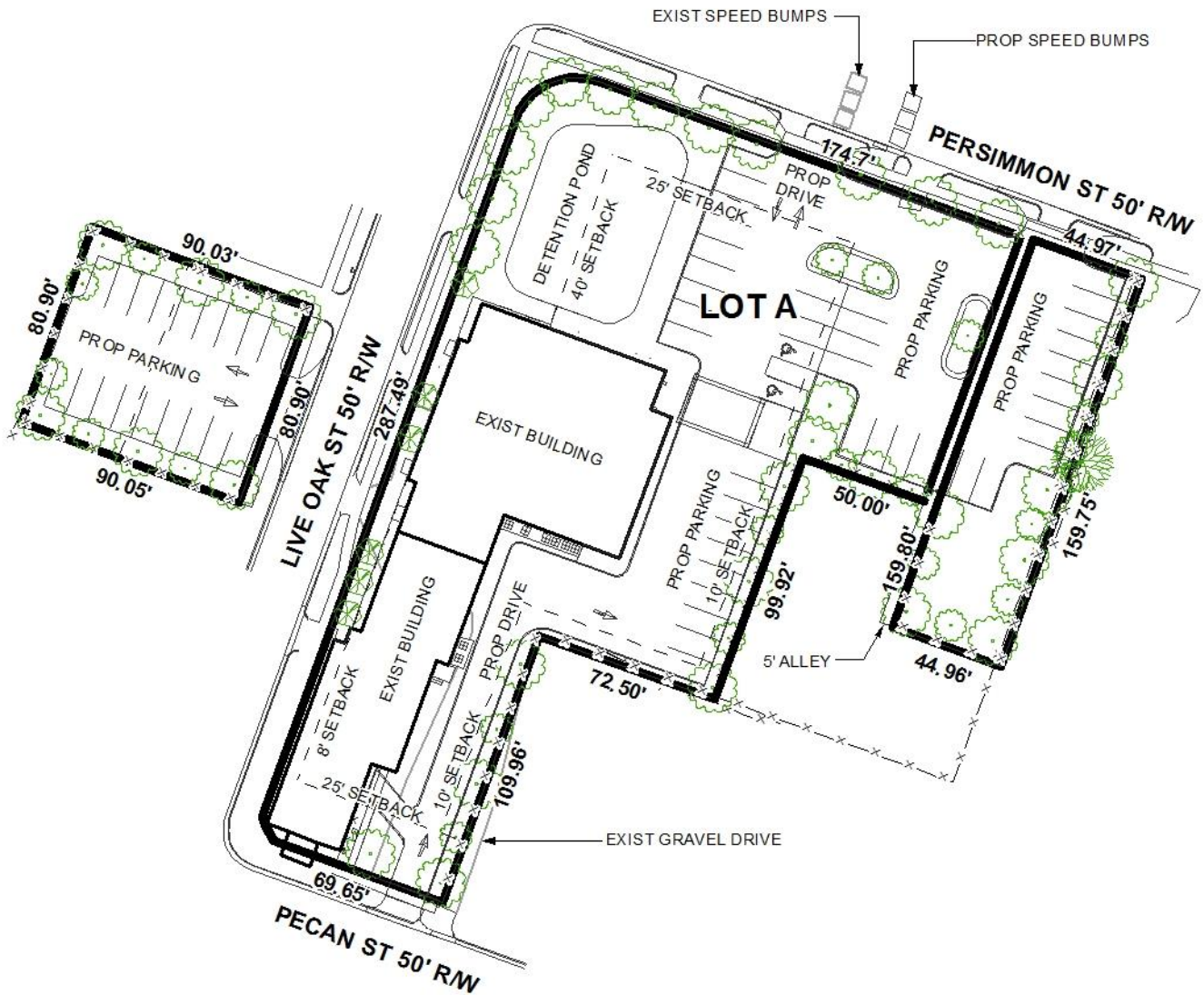


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SITE PLAN



The site plan illustrates the existing buildings, setbacks, proposed drives, and proposed parking.

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