

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 6, 2021**

<u>CASE NUMBER</u>	6435
<u>APPLICANT NAME</u>	Paws on Pinehill (Gerald Byrd, Agent)
<u>LOCATION</u>	407 and 409 Pinehill Drive (East side of Pinehill Drive, 208'± South of Government Street).
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow pet boarding in a B-1, Buffer Business District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance does not allow pet boarding in a B-1, Buffer Business District.
<u>ZONING</u>	B-1, Buffer Business
<u>AREA OF PROPERTY</u>	0.5± Acre
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.
<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 [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.
<u>FIRE DEPARTMENT 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).

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.

CITY COUNCIL **DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Use Variance to allow pet boarding in a B-1, Buffer Business District; the Zoning Ordinance does not allow pet boarding in a B-1, Buffer Business District.

The site has been given a Mixed Density Residential (MxDR) 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.

The MxDR designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single-family homes, townhouses, two- to four-residential unit buildings, accessory dwellings, and low- and mid-rise multi-family apartment buildings. The density varies between six and ten dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses; schools, playgrounds and parks; and, churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

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's narrative states:

I, Sarah Neverdahl, owner and operator of Paws on Pinehill LLC would like to request a variance for property located at 407 Pinehill Dr. for boarding. A lot of our clients have special need pets that require special attention and care.

I joined the world of rescue in 2004 when I was 11 years old. I started out volunteering at the SPCA walking dogs on adoption days and from there a passion was born. My passion led me into all aspects of a field I love . I volunteered at ARF for several years and fostered about 50 dogs and lifters of bottle-fed puppies at my mother's house growing up. I have also been involved with several other rescues over the years, Krewe de Rescue, Save a Stray and Wags and Whiskers to name a few. I worked several places where I was fortunate to learn about grooming and training, but I wanted more. I moved and enrolled at the Florida Academy of Grooming and trained under an AKC Champion groomer for 3 months. I also having some dog training skills that I have been fortunate to learn over the years.

Paws on Pinehill 11c, was a dream that was born in 2015 and located at 407 Pinehill Dr. There are two buildings situated on the lot. The front building is residential which I reside in. Paws on Pinehill LLC is located in the back building which is a 1550 sq. ft. building offering grooming services and minimal boarding. The grooming side is open 5 days a week Sam -6pm, by appointment only.

We started boarding in Feb 2018. The boarding room is an indoor air conditioned 17x29 room. The room consists of 9 each portable 6x4x6 galvanized kennels. Six of those kennels are specifically designated for boarding as scheduled by clients. The other 3 kennels are designated for large grooming dogs. Two local behavioral trainers Sunpaws and Mobile Dog Training trust us and recommend their clients to us for boarding because they may need additional care. Some do not adjust well in a crowded setting, have anxiety issues or physical limitations and are on medications. They know we will work with the dogs to boost their confidence and pay attention to their medical needs therefore that is what attracts them to our facility. We have worked in rescue for 17 yrs. and are still involved with FOMAS, Save a Stray, Wags and Whiskers, and the City of Mobile Animal Shelter to name a few. We board rescues short term that are leaving on transport or need additional daily care at no charge. We also groom these rescues so they look their best (which helps them get adopted) at no charge. We board kittens and cats for FOMAS at no charge till there is an opening at a local pet store to start their journey with a new family. We also take in donations of food, bedding and other products for the rescues. Our mission is

to offer a small, low anxiety, and manageable home environment that benefits the fur babies entrusted to our care.

Our mission in rescue has remained the same before opening the business and we continue to stay involved in any way we can.

Parcels one and two, Lots 14 and 15 in block 8 Government Streets Heights Subdivision recorded in deed book 124 N.S. on pg. 219 was purchased in Oct 2017 as an extension to the business because the lot at 407 Pinehill Dr is primarily asphalt and we needed a space where we could walk the grooming dogs to take care of their business. Some clients drop their fur babies off before work and do not pick up till after work. We had to leash walk them which was posing a liability due to stray dogs in the vicinity.

In June of 2018 we installed an 8ft fence on the lots to provide security, reduce liability and anxiety for the fur babies and employees.

One of the uses of the lot is to allow grooming dogs to take care of their business during the day while they wait to be picked up. They are let out several different times during the day individually for 5 min (or less) at a time.

The secondary use of the lot is for boarding. There are no outside kennels or runs. They are allowed outdoor access individually every 3-4 hours to take care of their business, play, and stretch their legs. They are not leash walked and are never left unattended. They are each allowed 10-15 min of outdoor time. We are not a daycare because assessments have to be done to determine behavioral characteristics to group dogs together.

Please consider our request for a variance as it does not just affect us, it also affects some of our other local business and rescues.

The subject site is located within an area of developed residential sites used as single-family dwellings, some vacant land, and an automotive lube shop and a contractor's office nearby. Adjacent zonings are B-1 to the South; R-1 to the East; B-1 and B-2, Neighborhood Business across Pinehill Drive to the West; and B-2 and B-3, Buffer Business to the North along the South side of Government Street.

The applicant has used the 407 Pinehill Drive portion of the site as a pet grooming business since April, 2017, and the boarding of animals was an accessory use. The 409 Pinehill portion has been vacant since a single-family dwelling was demolished on that site in 2001. In December, 2019, a public complaint was filed about the site being used for pet boarding, but was unsubstantiated. In August, 2021, a similar complaint was filed, and was substantiated, and a Notice of Violation was issued as the boarding had moved beyond the scope of an accessory use. In September, 2021, the applicant applied for a City business license to provide pet boarding on the site, but was denied, as that activity is not allowed in B-1 districts; hence this application.

Pertaining to the request, the applicant not only provides pet grooming services for clients, but is also active in animal rescue activities in preparation for adoption, future pet store sales and relocations. Pet boarding was actually begun in 2018 as a secondary activity to the grooming in order to assess behavioral characteristics of dogs prior to allowing group activities. The applicant has provided documentation from a noise control engineer that indicates the noise level directly outside the grooming/kennel building would be within the background noise level for this part of the city during a 7 AM to 6 PM business day. It was further determined that the noise level at the nearest residence would be within the background noise level for this part of the city at all times.

Inasmuch as boarding is compatible with the existing use, and adequate documentation has been provided regarding noise control for the building, the Board should consider this request for approval.

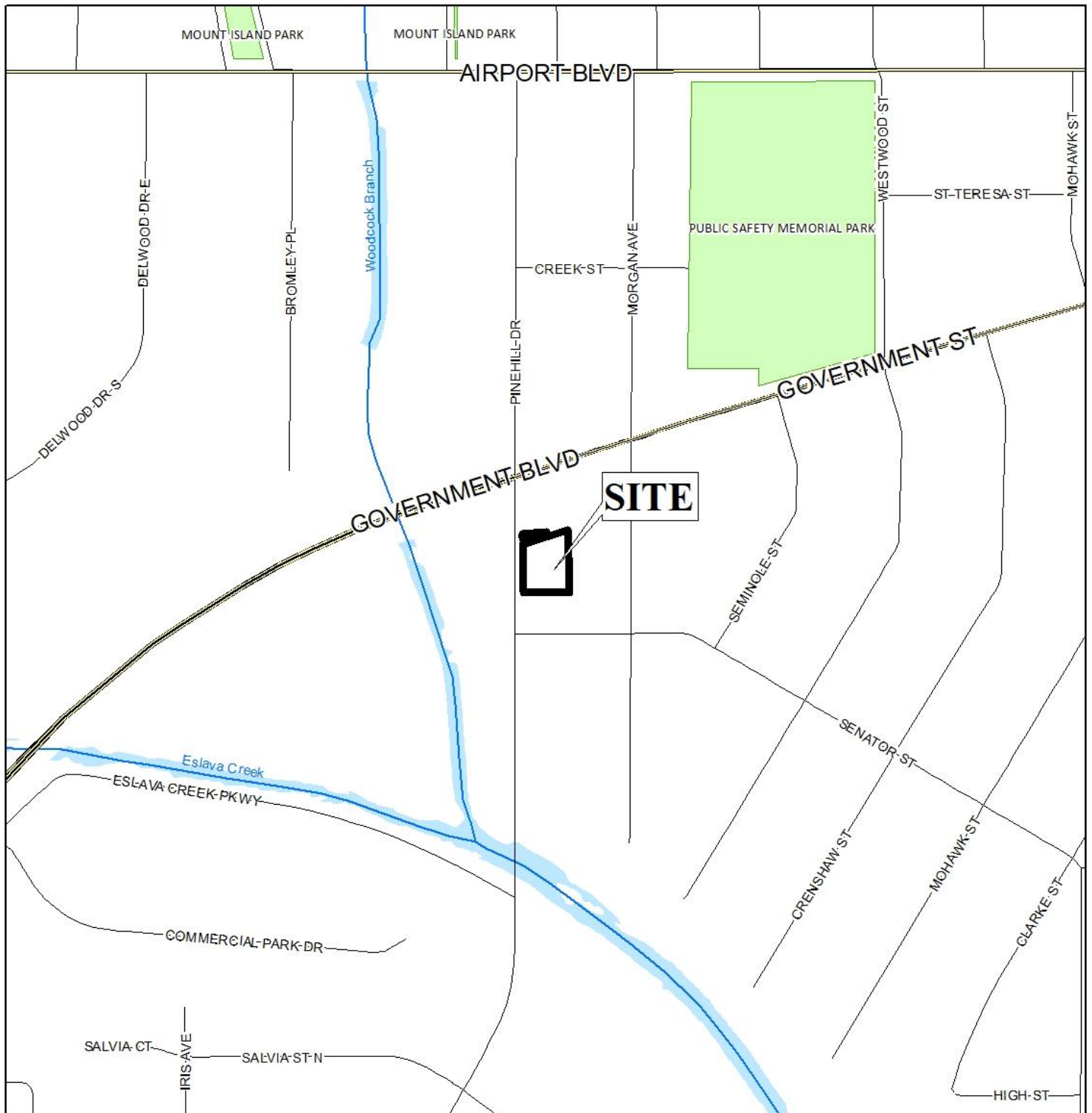
RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval of the Use Variance request to allow pet boarding in a B-1, Buffer Business District.

- 1) Approving the variance will not be contrary to the public interest in that the use would be in support of an allowable use within the established zoning classification;
- 2) Special conditions were illustrated such that the 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 because the use would be compatible to the existing use of the subject site.

The approval is subject to the following conditions:

- 1) the obtaining of a separate City business license or license code for pet boarding;
- 2) subject to the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);* and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



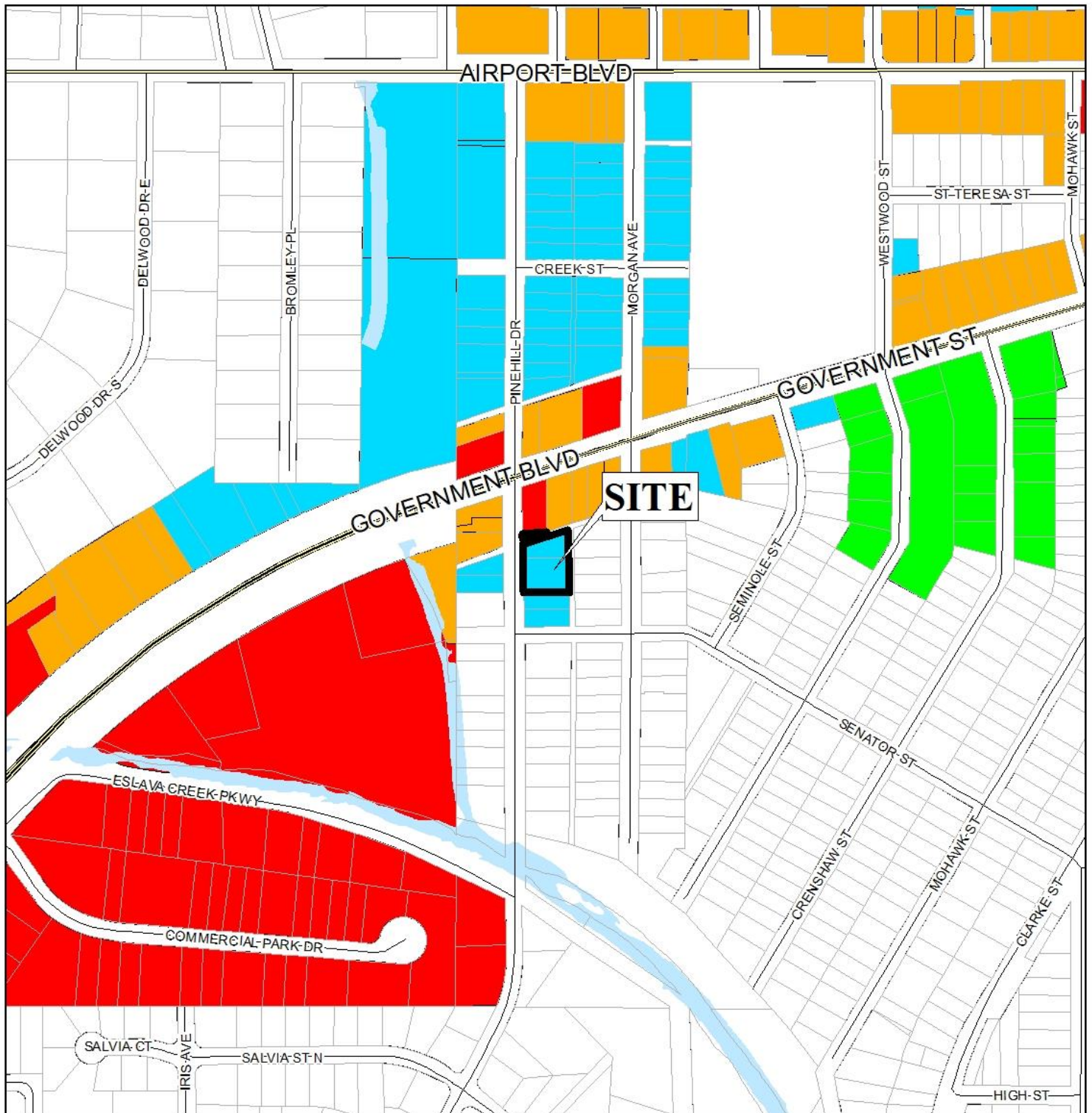
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REQUEST Use Variance



LOCATOR ZONING MAP



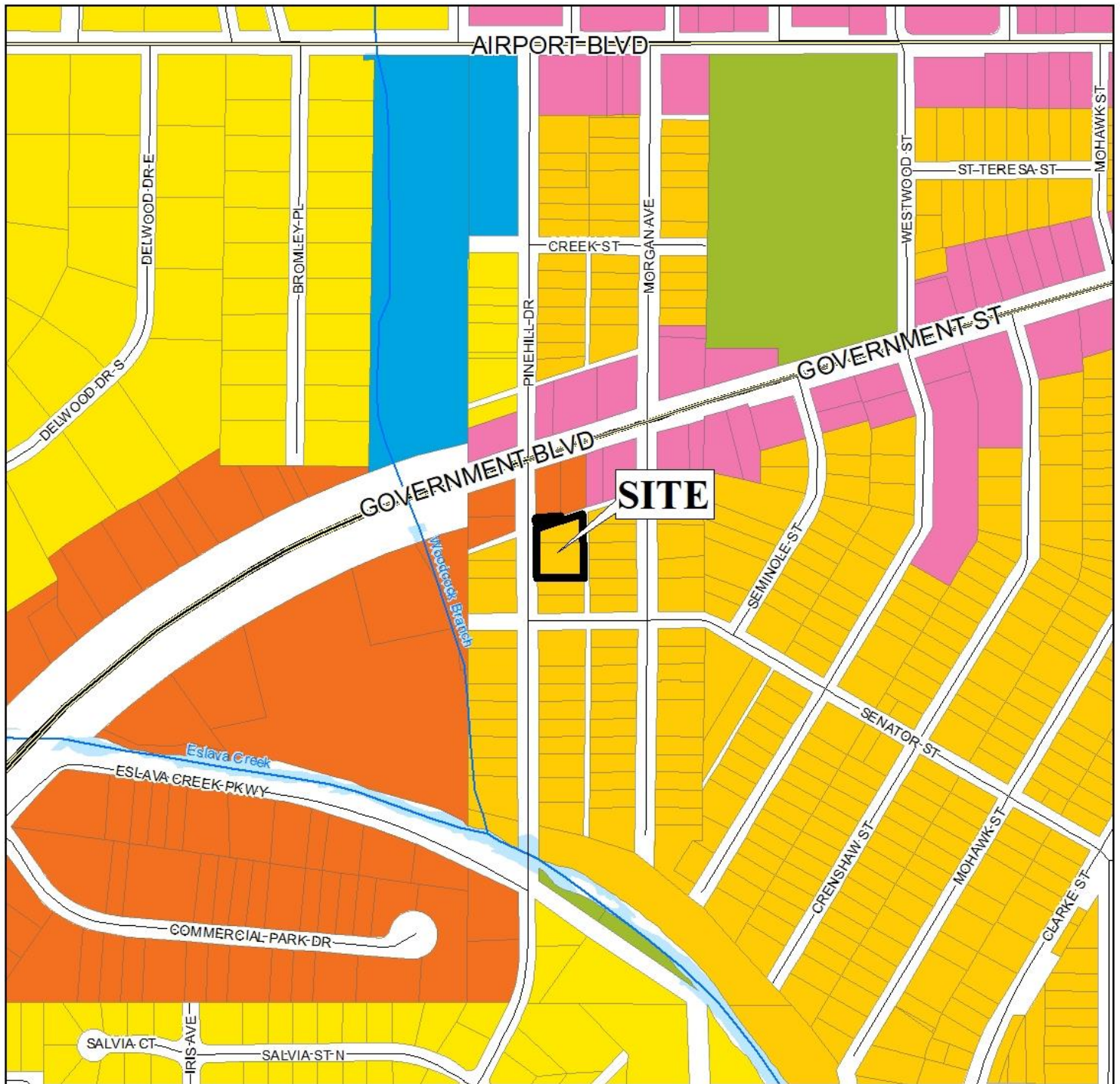
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FLUM LOCATOR MAP



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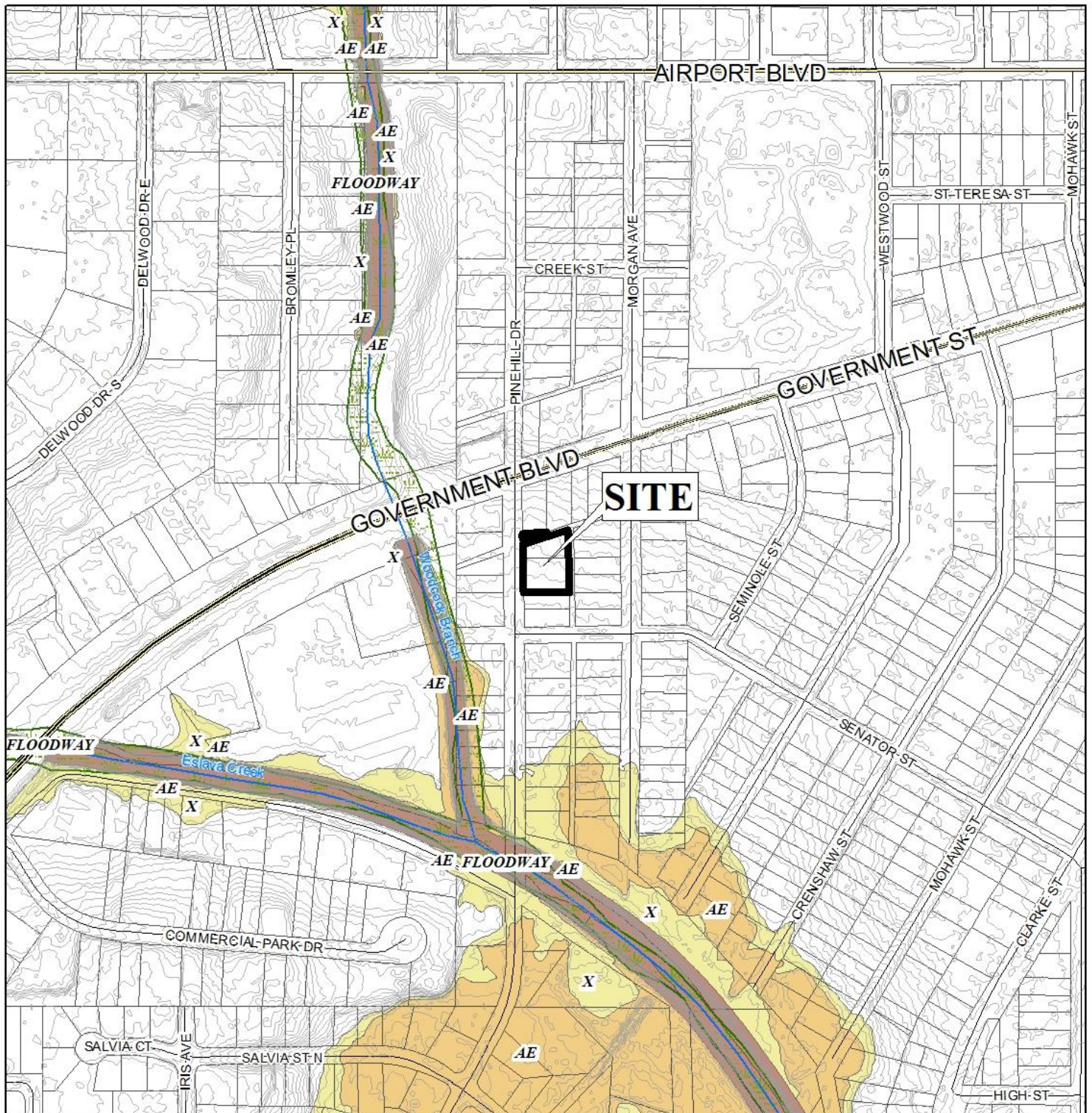
REQUEST Use Variance

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



NTS

ENVIRONMENTAL LOCATOR MAP



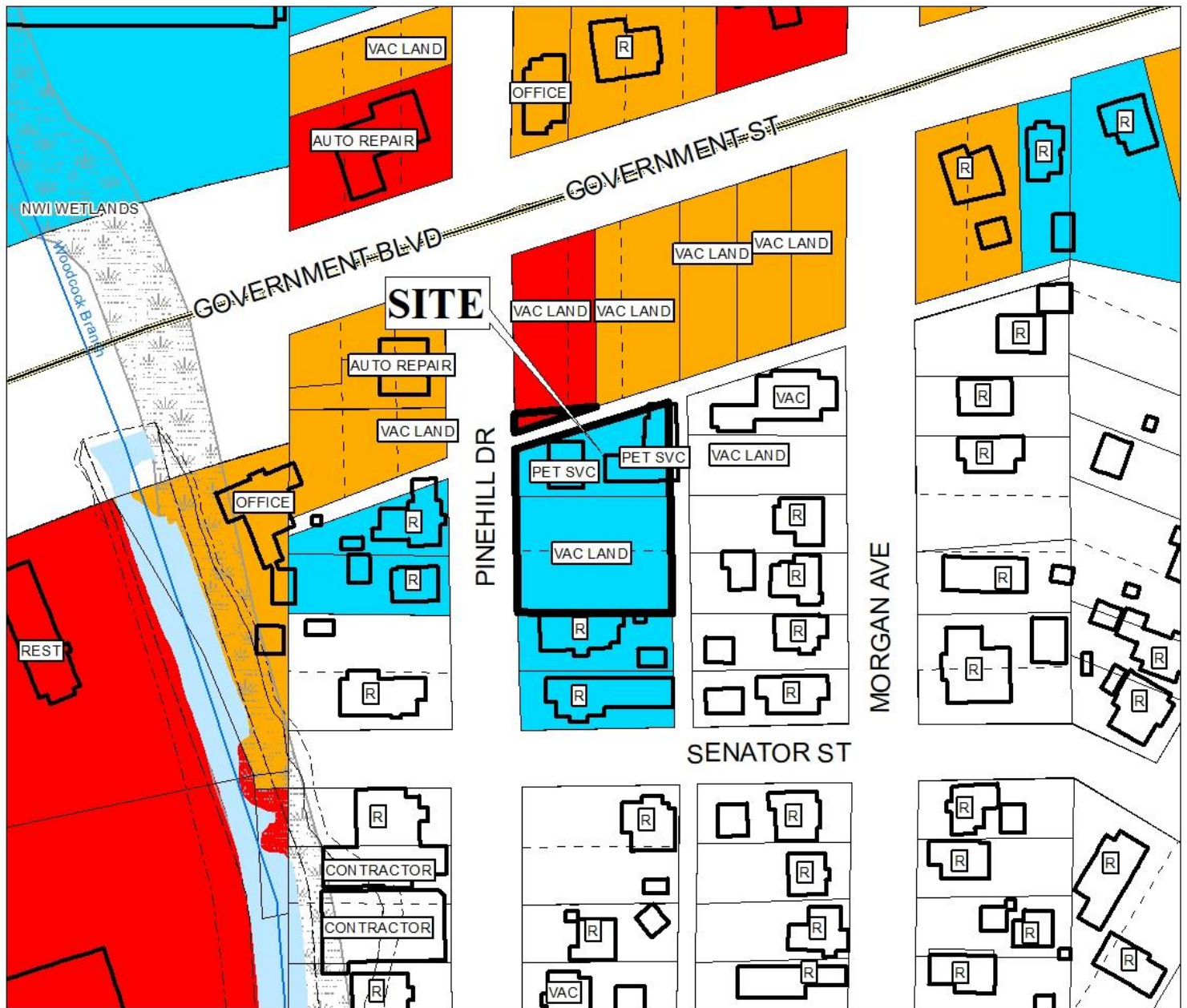
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and 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

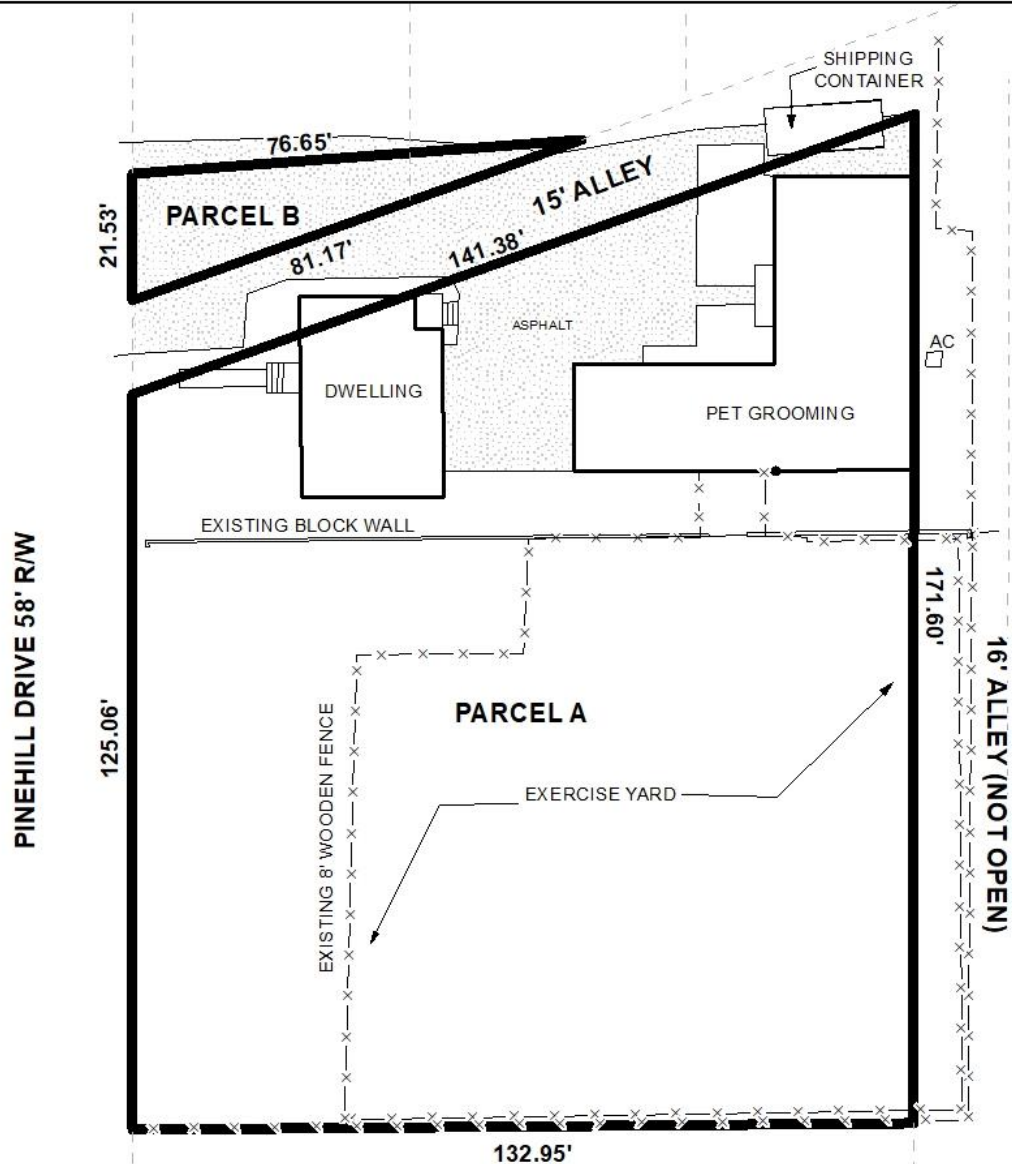


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SITE PLAN



The site plan illustrates existing buildings and fencing.

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