



Agenda Item # 8

BOA-002684-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1410 Government Street

Applicant / Agent:

Murphy D. Bishop II

Property Owner:

Coastal Domain, LLC

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Traditional Mixed-Use Corridor

Case Number(s):

6557

Unified Development Code Requirement:

- Social clubs are not allowed in an R-1, Single-Family Residential Urban District.

Board Consideration:

- A Use Variance request to allow a social club in an R-1, Single-Family Residential Urban District


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	7

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u> 6557 </u> DATE <u> November 6, 2023 </u>	 NTS
APPLICANT <u> Murphy D. Bishop, II </u>	
REQUEST <u> Use Variance </u>	

SITE HISTORY

The subject site was zoned B-1, Buffer Business District, but was rezoned to R-1, Single-Family Residential by the City of Mobile in 1984 as part of the Government Street Zoning Study.

The site has had no previous Planning Commission or Board of Zoning Adjustment applications.

STAFF COMMENTS

Engineering Comments:

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

- The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- 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.
- 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:

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 Article 3, Section 64-3-12 of the City's Unified Development 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 [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 non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is proposing to convert the existing 5,374 square foot residence to use as a social club in a R-1, Single-Family Residential Urban District.

While the applicant states that they are proposing a social club, to include a restaurant, lounge, pool, and outdoor recreation, more details are needed. There are bridal suites depicted on the layout for the interior of the structure, indicating the site will be used for events, or possibly a bed and breakfast, in addition to the other activities. The applicant does not mention if the social club will be limited to members only, similar to a country club, or if it will be open to the general public. If the site will be open to members of the public, and not membership based, there is a larger number of potential customers that may utilize the facilities available.

The Unified Development Code (UDC) allows country clubs to be located in an R-1 district, subject to obtaining Special Exception approvals. While discussing the site with the applicant during a pre-development meeting in August 2023, staff was of the opinion that the proposed operation of the site did not clearly fit into one classification on the Chart of Permitted Uses, however, the applicant should be clear in the proposed uses of the site so that the Board and other interested parties can clearly understand what could occur at the subject site, and what any approvals granted to the site may allow.

The applicant states that the proposed hours of operation will be as follows:

Monday: Closed
Tuesday/Wednesday: 8 AM – 9 PM
Thursday/Friday/Saturday: 9 AM – 11 PM
Sunday: 11 AM – 8 PM

The complete application and supporting documents are available via the link on page 1.

There is an existing, freestanding garage that is shown to remain on the site, but will be converted to a kitchen space to be utilized for outdoor activities. The proposed interior layouts show the first floor to be used as living rooms, a parlor, a dining room, a kitchen, and restrooms, and the second floor is to be used as office space, storage, bridal suites, and bathrooms. The site plan also depicts an existing pool for use by the social club patrons.

The site plan states that 1,567 square feet of the structure will be used for assembly purposes (thus requiring one parking space per 150 square feet) and 3,807 square feet will be used for other purposes (thus requiring one parking space per 500 square feet), thereby requiring 19 parking spaces. The applicant has submitted a site plan that depicts a new parking lot with 30 parking spaces provided. The parking lot is proposed to be surfaced with gravel, which is an Alternative Parking Surface, and requires Engineering Department approval. If approved, a compliant photometric site plan will be required at the time of permitting. Furthermore, it should be noted that the curb cut accessing the proposed parking lot is sub-standard in width for two-way traffic, as it is approximately 14-feet wide, and should be a minimum of 24-feet. If approved, the site plan should be revised to depict a compliant 24-foot wide drive.

The subject site abuts B-1 and B-2 properties to the East, and R-3 property to the West. As such, a compliant residential buffer must be provided along the West property line. The site plan indicates that there is a wooden privacy fence along this property line, but does not indicate the height. If approved, the site plan should be revised to state the fence is at least a minimum of six-feet (6') tall, except within the minimum five-foot (5') front yard setback along both Government Street and Conti Street, where it shall not exceed three-feet (3') in height.

There is no dumpster depicted on the site plan. 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.

As submitted, the applicant is not proposing any new tree plantings. Generally, when a residential property is converted to a commercial use, full tree planting and landscape area compliance is required. It appears that while no new trees are proposed, existing trees in the right-of-way and on the site to be preserved, may be sufficient to comply with tree plantings. If approved, the site plan should be revised to provide the amount of total and front landscape area, as well as tree planting calculations.

Finally, the subject site is in the Old Dauphin Way Historic District, and as such, any exterior improvements to the site, including signage, must obtain a Certificate of Appropriateness from the Architectural Review Board.

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 approved, the following conditions should apply:

- 1) Confirmation from the applicant that the facility and its services are available to members only;
- 2) Provision of compliant 24-foot wide access to the parking lot;
- 3) Provision of a compliant photometric site plan at the time of permitting;
- 4) Revision of the site plan to either include a compliant dumpster or include a note stating that curbside pickup will be utilized;
- 5) Revision of the site plan to depict a compliant residential buffer along the West property line;
- 6) Revision of the site plan to include landscape area and tree planting calculations for the site;
- 7) Obtain a Certificate of Appropriateness for all exterior improvements to the site, including signage, prior to permitting; and
- 8) Obtain all applicable permits to upgrade the property for non-residential use.

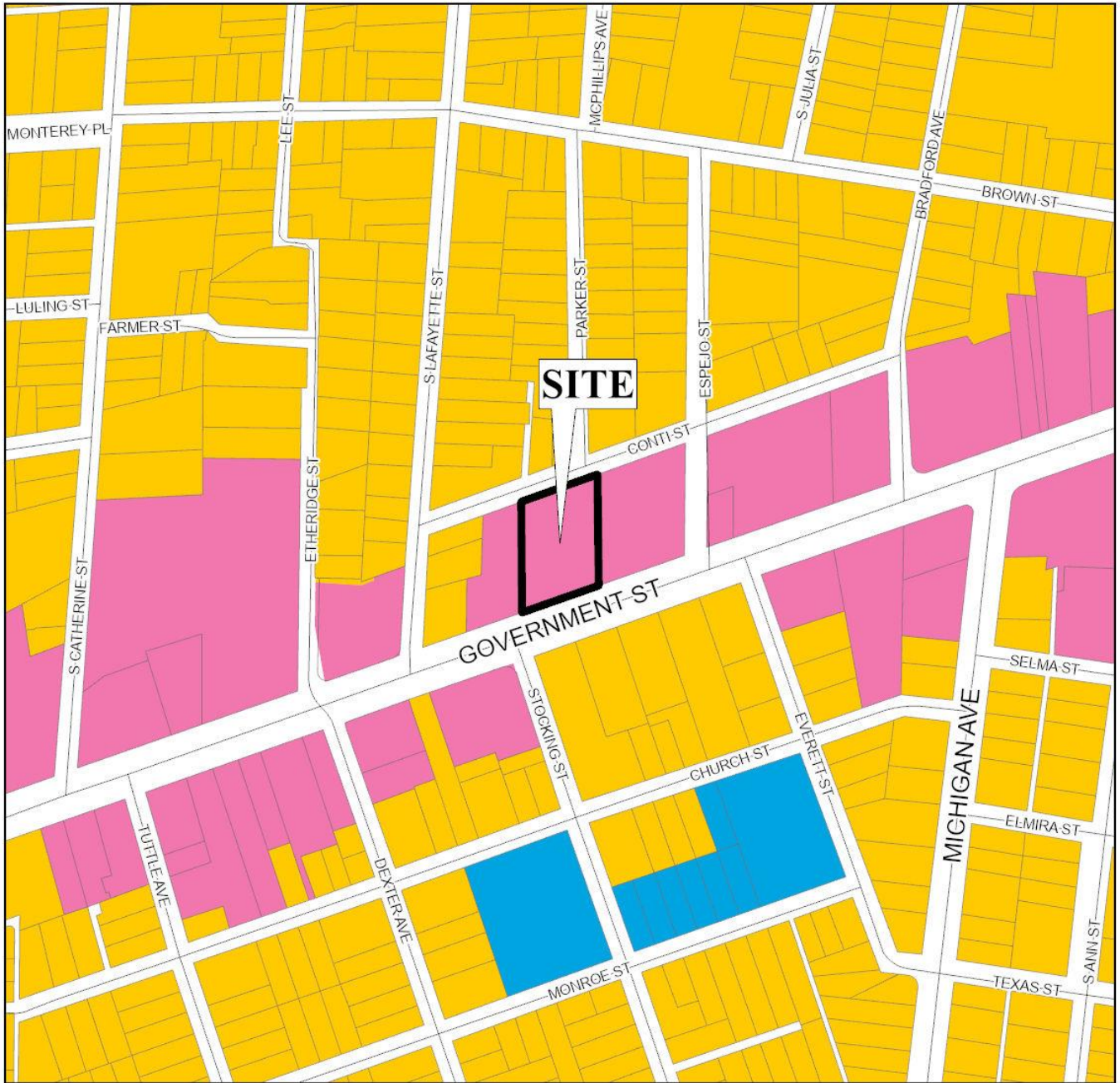
LOCATOR ZONING MAP



APPLICATION NUMBER 6557 DATE November 6, 2023
APPLICANT Murphy D. Bishop, II
REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6557 DATE November 6, 2023

APPLICANT Murphy D. Bishop, II

REQUEST Use Variance

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



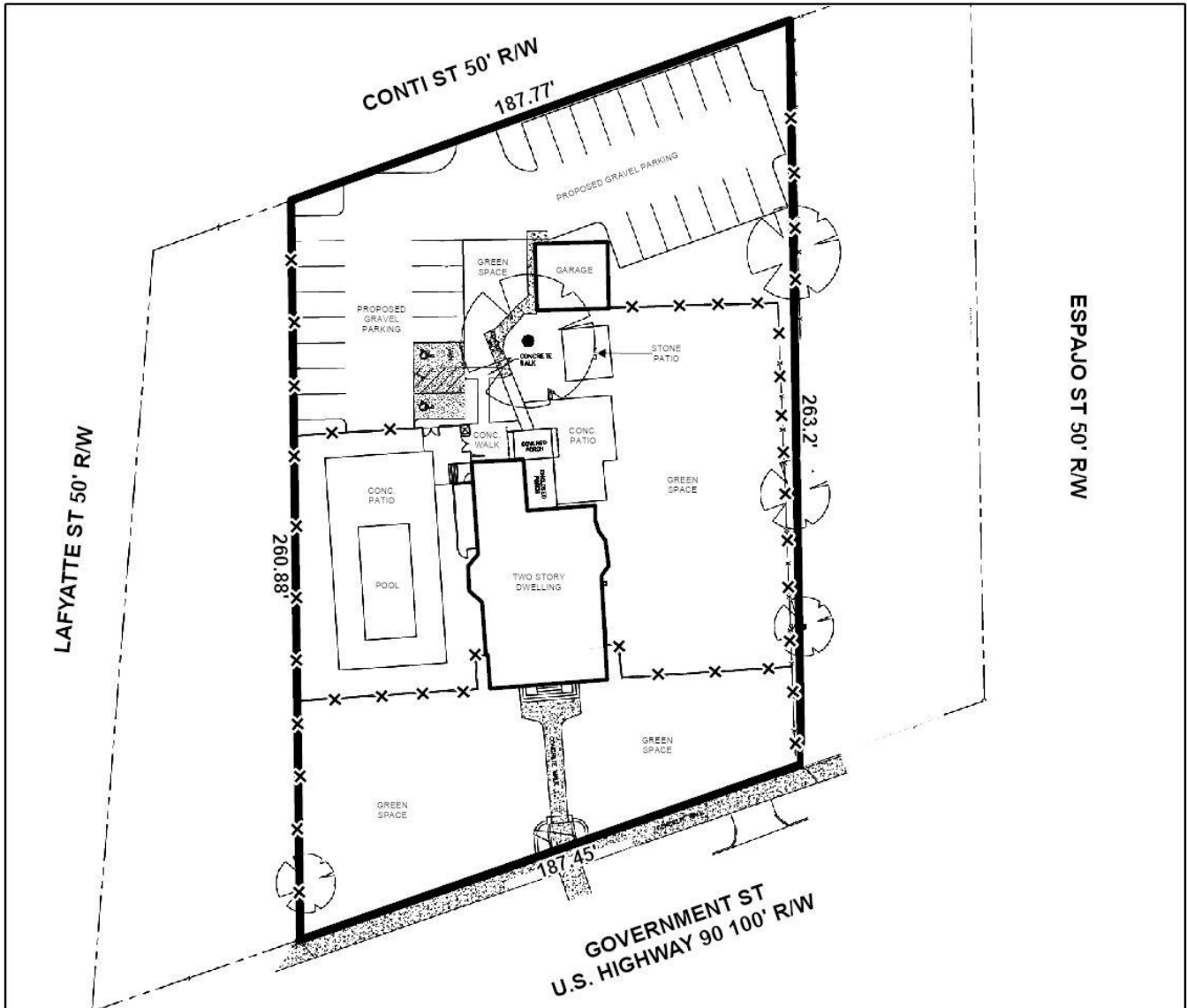
The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6557 DATE November 6, 2023
 APPLICANT Murphy D. Bishop, II
 REQUEST Use Variance

- | | | | | | | | | | | | | | | | | | | | |
|--|-----|--|-----|--|------|--|-----|--|-----|--|-----|--|-----|--|-------|--|-------|--|-------|
| | R-A | | R-3 | | B-1 | | B-2 | | B-5 | | ML | | I-2 | | OPEN | | T-3 | | T-5.2 |
| | R-1 | | R-B | | T-B | | B-3 | | CW | | MH | | PD | | SD | | T-4 | | T-6 |
| | R-2 | | H-B | | LB-2 | | B-4 | | MM | | I-1 | | MUN | | SD-WH | | T-5.1 | | |



SITE PLAN

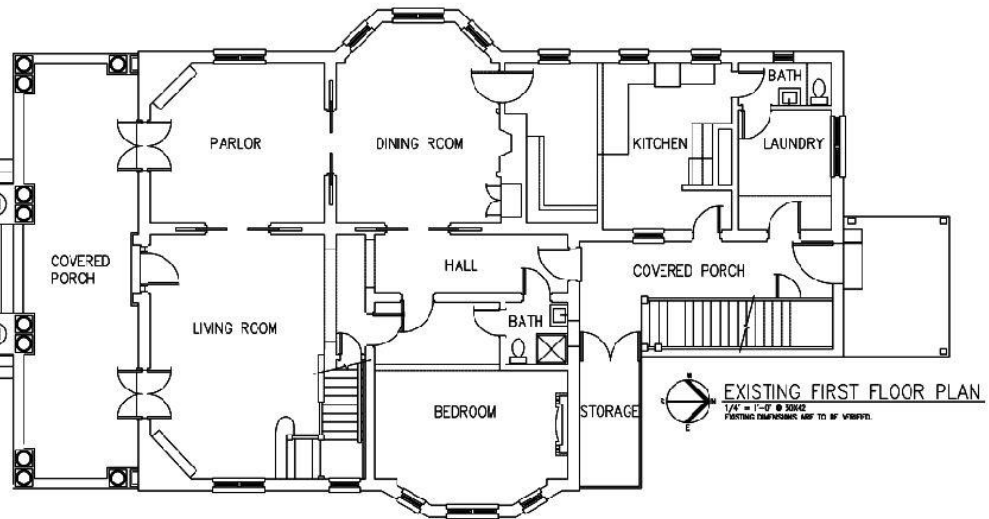
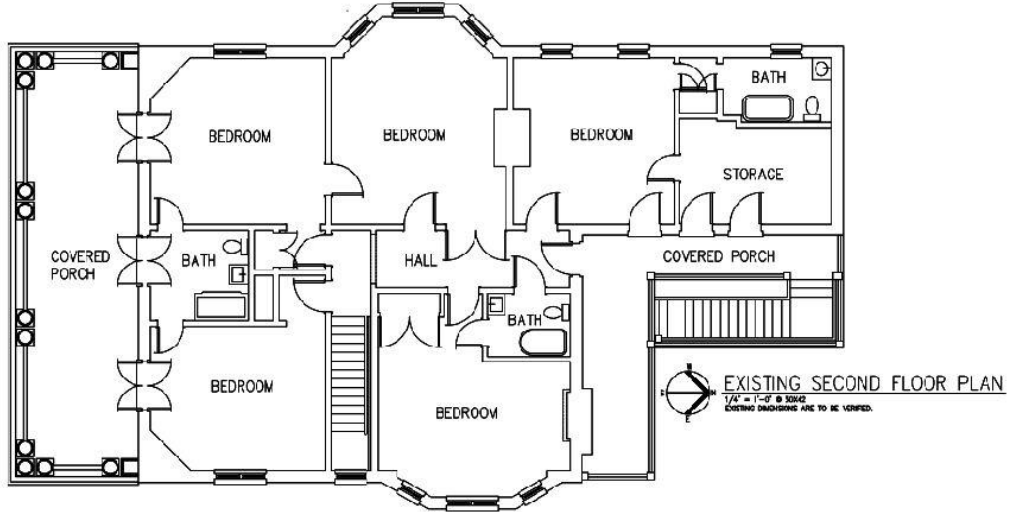


The site plan illustrates the existing dwelling and the proposed parking areas.

APPLICATION NUMBER	6557	DATE	November 6, 2023
APPLICANT	Murphy D. Bishop, II		
REQUEST	Use Variance		



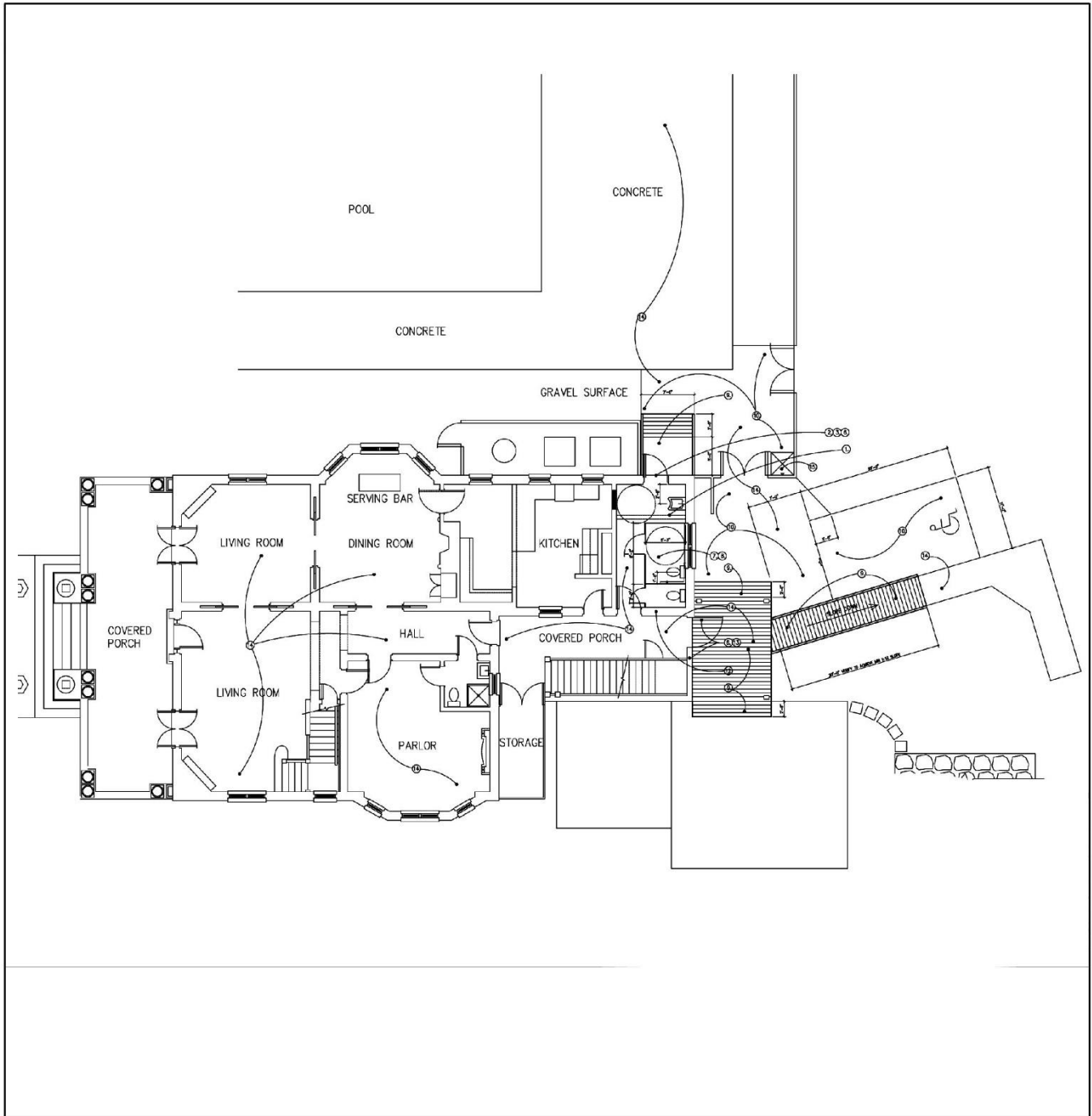
DETAIL SITE PLAN



APPLICATION NUMBER 6557 DATE November 6, 2023
 APPLICANT Murphy D. Bishop, II
 REQUEST Use Variance



PROPOSED FIRST FLOOR PLAN



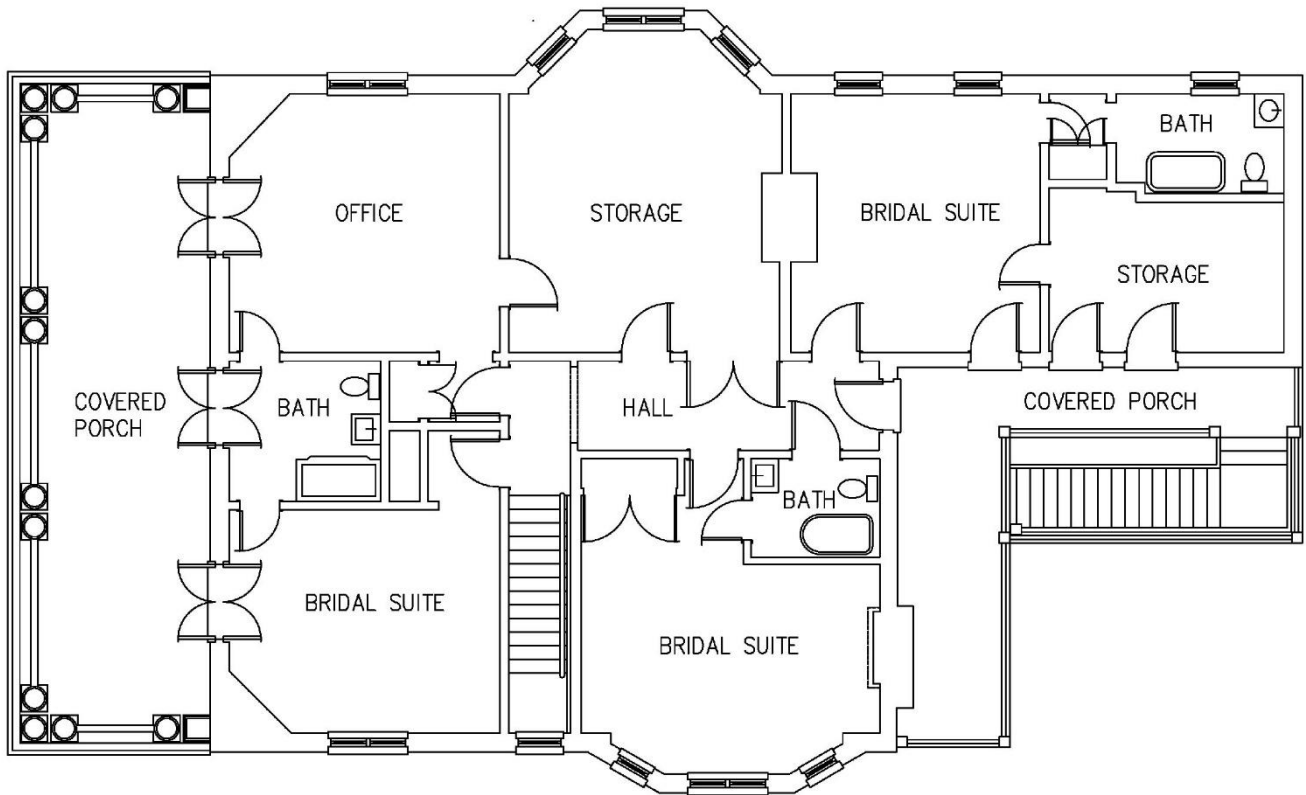
APPLICATION NUMBER 6557 DATE November 6, 2023

APPLICANT Murphy D. Bishop, II

REQUEST Use Variance



PROPOSED SECOND FLOOR PLAN



APPLICATION NUMBER 6557 DATE November 6, 2023

APPLICANT Murphy D. Bishop, II

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)



MIXED COMMERCIAL CORRIDOR (MCC)

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.