



**Agenda Item # 9**  
**BOA-002686-2023**

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

[Applicant Materials for Consideration](#)

**DETAILS**

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**Location:**

605 Texas Place

**Applicant / Agent:**

Gulf Coast Tours / Edward Rowe, Agent

**Property Owner:**

Mobile Baptist Association

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Mixed Density Residential

**Case Number(s):**

6558

**Unified Development Code (UDC) Requirement:**

- The UDC does not allow tour companies to operate in an R-1, Single-Family Residential Suburban District.

**Board Consideration:**

- Use Variance to allow a tour company to operate in an R-1, Single-Family Residential Suburban District.


**Report Contents:**

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>6558</u> DATE <u>November 6, 2023</u>	 NTS
APPLICANT <u>Gulf Coast Tours, Edward Rowe, Agent</u>	
REQUEST <u>Use Variance</u>	

## SITE HISTORY

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The site was originally part of a 12-lot subdivision created in 1975 as part of the City's 1970s-era Central Texas Street Area urban renewal project.

Rezoning of the site to R-1, Single-Family Residential District was adopted by City Council at its December 13, 1977 meeting as part of a larger rezoning of this area.

In 2019, the Planning Commission approved a one-lot subdivision of the site, consolidating 11 of the lots subdivided by the 1975 subdivision. The Planning Commission also recommended approval of a request to rezone the site from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, but it was denied by City Council. The subdivision plat, however, was recorded.

A request to rezone the site from R-1, Single-Family Residential District, to B-2, Neighborhood Business District, was reviewed by the Planning Commission in December 2020 and January 2021. Staff recommended approval of the rezoning application each time, but the applicant withdrew the request prior to a third Planning Commission meeting scheduled for February 3, 2021.

The site has not been the subject of any Board of Zoning Adjustment cases.

## STAFF COMMENTS

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### **Engineering Comments:**

No comments to the proposed variance; however; according to the submitted plans, the proposed project will require that a Land Disturbance Permit be submitted through Central Permitting.

### **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-sprinklered commercial buildings, within 600' of sprinklered commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.



## Planning Comments:

The applicant is requesting a Use Variance to allow use of the property as a passenger tour bus business. In their application, which can be viewed using the link on Page 1 of this report, the applicant states that the site has never been used as a residential property as justification for their request.

The site plan depicts an existing 12,160± square-foot building and an expansion to the existing parking lot, for use as an office and tour bus parking. There are 111 parking spaces proposed, which exceed the minimum amount required for "Ground Passenger Transportation" facilities, per Table 64-3-12.1 of the UDC (one (1) space is required per 1,000 square feet of gross floor area of the building). Besides some additional landscaping/tree plantings, no other site improvements are proposed at this time.

It should be noted that expansion of the parking lot to provide more than ten (10) parking spaces will require parking lot lighting. If approved, a photometric plan will need to be submitted to illustrate that such lighting will meet the illumination standards of Article 3, Section 64-3-9.C. of the UDC.

Besides the office use and tour bus parking, the applicant states that the buses will be subject to on-site routine maintenance, such as tire changing, tire rotations, oil changes, etc. It is unclear where on site this maintenance will occur, or whether it will be indoors or outside. As such, if approved, it may be reasonable to require bus maintenance to occur indoors to limit any impact such services may have on the surrounding neighborhood.

The applicant states in their application that the hours of operation of the proposed tour bus business are Monday through Friday, from 8:00 a.m. until 5:00 p.m. The applicant also states that the business will employ approximately 50 people (ten (10) office employees, ten (10) shop/night employees, and 30 drivers).

While the use history of the subject site is limited to non-residential, the site is proximal to residentially zoned and utilized properties, with the exception of a church to the South, and a community center to the North. Previous use of the property as a church was permitted as part of the restrictive covenants of the Central Texas Street Area urban renewal project.

If approved, a revised site plan should be required to illustrate the dimensions of all proposed parking spaces and drive aisles. Tour bus parking should be identified on the plan, as well the bus maintenance area, with a note stating that it will be limited to routine maintenance. The site plan should also be scaled appropriately for staff to verify this information.

## VARIANCE CONSIDERATIONS

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### Standards of Review:

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.

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:**

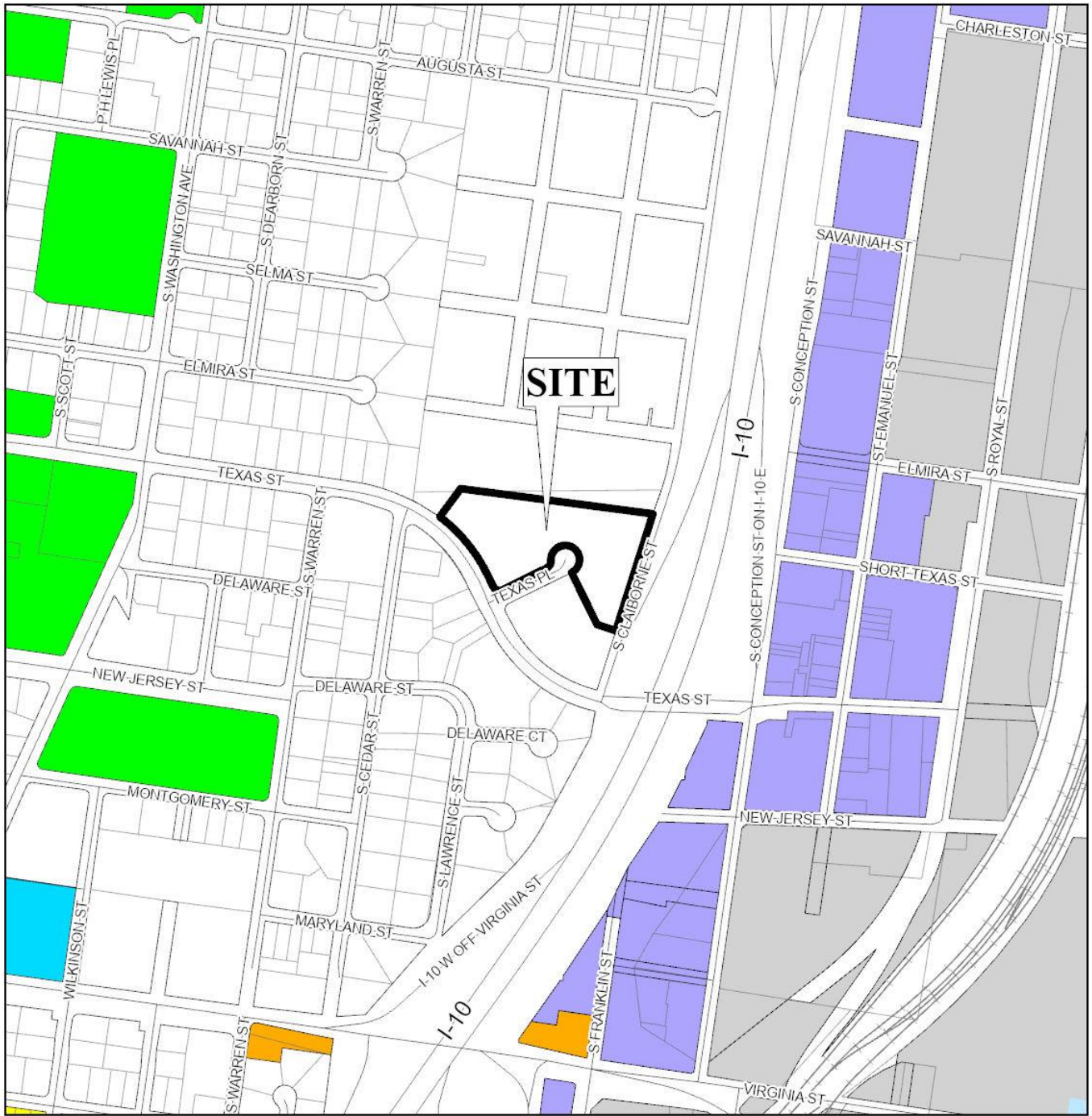
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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  
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 condition should apply:

- 1) Provision of a revised, scaled site plan illustrating the dimensions of all proposed parking spaces and drive aisles. Tour bus parking should be identified on the plan, as well the bus maintenance area, with a note stating that it will be limited to routine maintenance.

# LOCATOR ZONING MAP

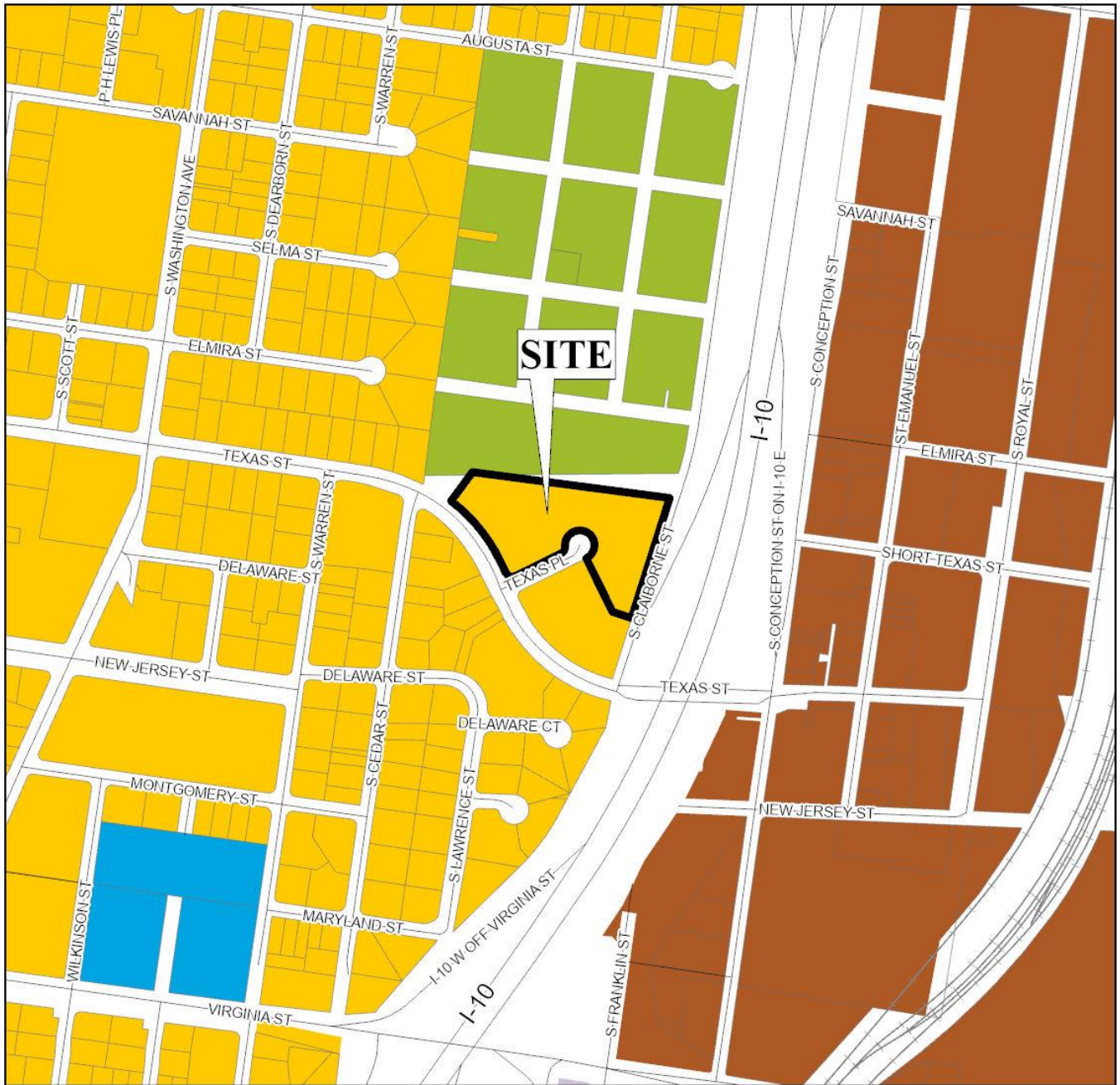


APPLICATION NUMBER 6558 DATE November 6, 2023  
APPLICANT Gulf Coast Tours, Edward Rowe, Agent  
REQUEST Use Variance





# FLUM LOCATOR MAP



APPLICATION NUMBER 6558 DATE November 6, 2023

APPLICANT Gulf Coast Tours, Edward Rowe, Agent

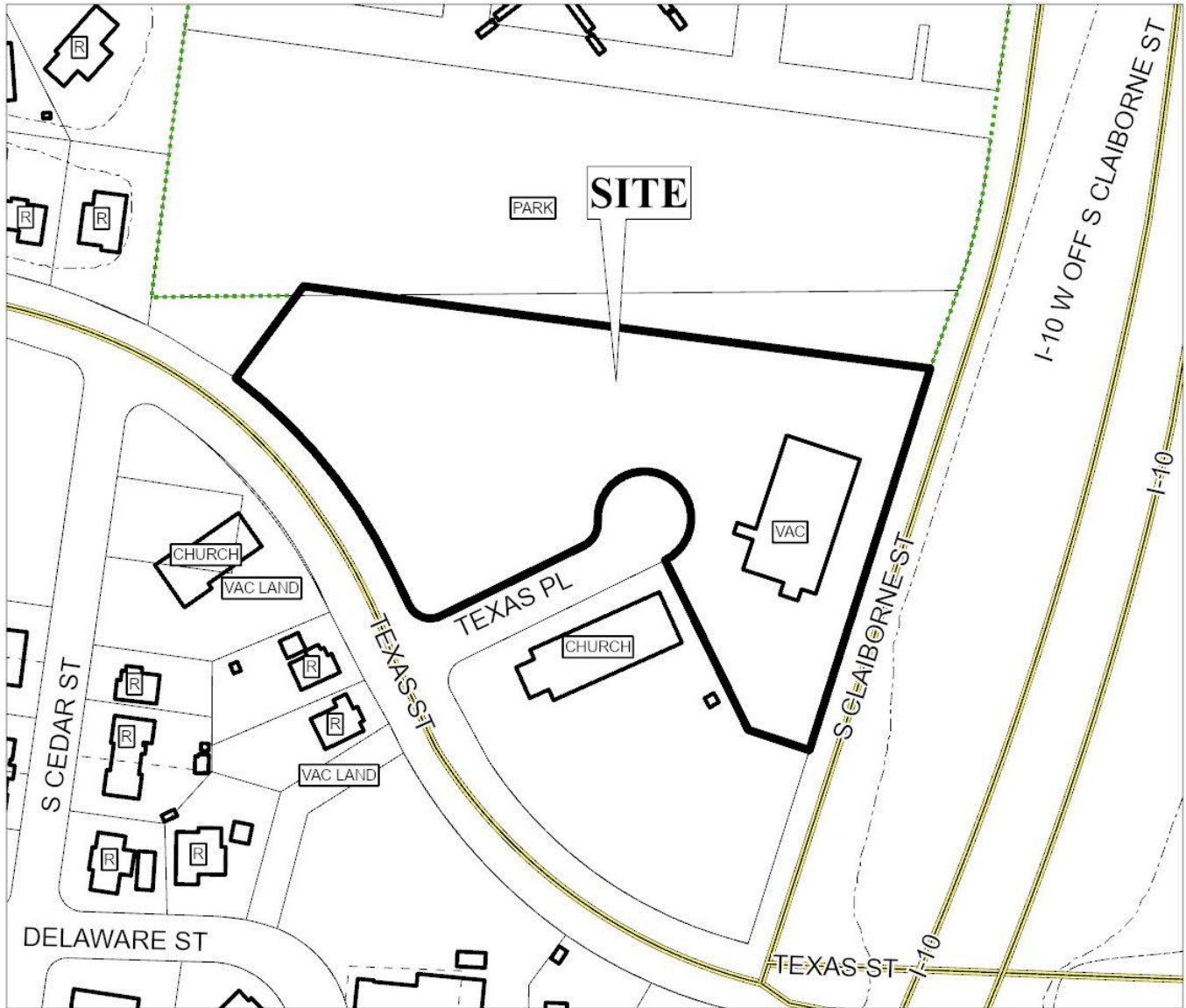
REQUEST Use Variance

- |   |  |  |  |
|---|--|--|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: darkred;">■</span> Neighborhood Center - Traditional | <span style="color: brown;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban       | <span style="color: lightgrey;">■</span> Light Industry  | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: magenta;">■</span> Traditional Corridor              | <span style="color: purple;">■</span> Heavy Industry     |  |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor          | <span style="color: cyan;">■</span> Institutional        |  |



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

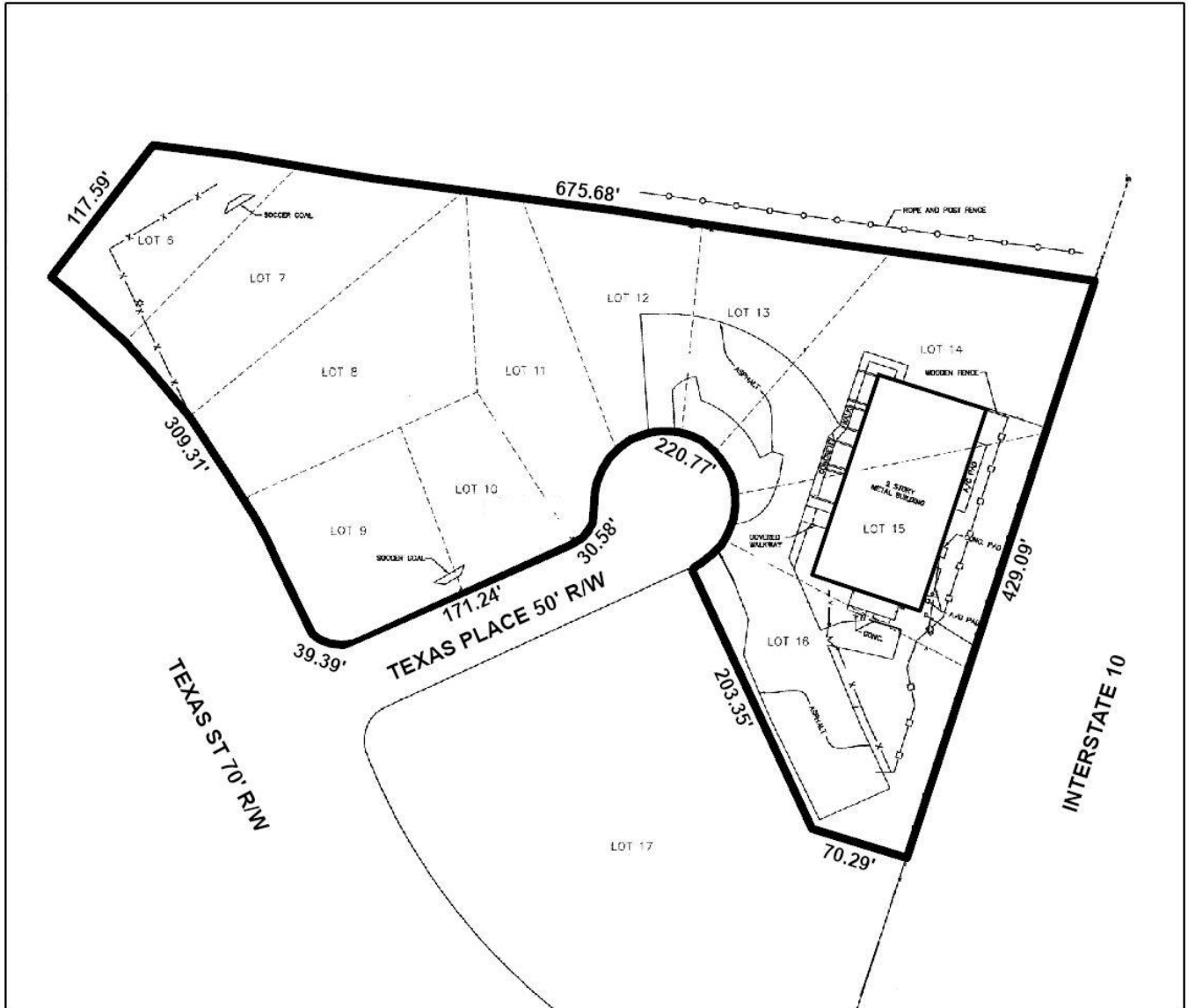


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# SITE PLAN



The site plan illustrates the two story metal building and the driveway.

APPLICATION NUMBER <u>6558</u> DATE <u>November 6, 2023</u>	 NTS
APPLICANT <u>Gulf Coast Tours, Edward Rowe, Agent</u>	
REQUEST <u>Use Variance</u>	

# SITE PLAN



The site plan illustrates the two story metal building and the driveway.

APPLICATION NUMBER 6558 DATE November 6, 2023

APPLICANT Gulf Coast Tours, Edward Rowe, Agent

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 DENSITY RESIDENTIAL (MxDR)

This 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, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR 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.