

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

6436/6372/1011

APPLICANT NAME

St. John's Deliverance Temple

LOCATION2621 Ralston Road
(South side of Ralston Road, 244'± West of South Florida Street).**VARIANCE REQUEST****SITE COVERAGE:** To allow excess site coverage in a B-2, Neighborhood Business District (rezoning pending).**FRONT YARD SETBACK:** To allow reduced front yard setbacks in a B-2, Neighborhood Business District (rezoning pending).**REAR YARD SETBACK:** To allow reduced rear yard setbacks in a B-2, Neighborhood Business District (rezoning pending).**RESIDENTIAL BUFFER:** To allow no residential buffer in a B-2, Neighborhood Business District (rezoning pending).**PARKING:** To allow no on-site parking for an existing church in a B-2, Neighborhood Business District (rezoning pending).**ZONING ORDINANCE
REQUIREMENT****SITE COVERAGE:** The Zoning Ordinance requires site coverage allowance compliance in a B-2, Neighborhood Business District (rezoning pending).**FRONT YARD SETBACK:** The Zoning Ordinance requires front yard setback compliance in a B-2, Neighborhood Business District (rezoning pending).**REAR YARD SETBACK:** The Zoning Ordinance requires rear yard setback compliance in a B-2, Neighborhood Business District (rezoning pending).

RESIDENTIAL BUFFER: The Zoning Ordinance requires a compliant residential buffer in a B-2, Neighborhood Business District (rezoning pending).

OFF-SITE PARKING: The Zoning Ordinance requires all parking to be on-site for a church in a B-2, Neighborhood Business District (rezoning pending).

ZONING

B-2, Neighborhood Business District (rezoning pending)

AREA OF PROPERTY

0.76± Acre

ENGINEERING

COMMENTS

If the proposed variance is approved for use 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 Central Permitting.
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

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.

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 (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 Site Coverage, Front Yard Setback, Rear Yard Setback, Residential Buffer, and Parking Variances to allow excess site coverage, reduced front yard and rear yard setbacks, no residential buffer, and no on-site parking for a church expansion in a B-2, Neighborhood Business District; the Zoning Ordinance requires site coverage allowance compliance, front yard and rear yard setback compliance, provision of a residential buffer, and requires all parking to be on-site for a church in a B-2, Buffer Business District. The subject site is currently split-zoned R-1, Single-Family Residential District and B-2, Neighborhood Business District, and has a rezoning application scheduled to be heard by the Planning Commission at its December 16, 2021 meeting.

The site has been given a Low Density Residential (LDR) 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.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 subject site previously had an attached gym where a new multi-purpose addition is currently proposed. The gym was removed from the site, with permits, in 2019. The site had a similar application before the Board at its May 3, 2021 meeting. The primary difference between this application and the previous, is the applicant previously requested authorization to use an off-site parking lot, and is currently requesting approval to have no on-site parking. The previous application was withdrawn when the applicant was unable to produce authorization of the nearby property owner to utilize their parking lot.

The applicant states:

THIS SITE HAS BEEN DEVELOPED AS A CHURCH WITH RELATED CLASSROOM BUILDINGS FOR MANY YEARS AND WAS LISTED IN A 1961 TELEPHONE DIRECTORY AS WESTLAWN BAPTIST CHURCH. GOFORTH MEDIA SUBDIVISION OF THE PROPERTY WAS RECORDED IN 1994 AND SHOWED THE EXISTING BUILDINGS. UNFORTUNATELY, IN 2018 A TROPICAL STORM BLEW A TREE ONTO THE WEST END OF THE BUILDING DESTROYING IT BEYOND REPAIR. THE CHURCH REMOVED THAT PORTION BUT WAS UNABLE TO REPLACE IT AT THAT TIME. THEIR PROPOSAL IS TO CONSTRUCT A SEPARATE BUILDING ON THE FOOTPRINT OF THE DESTROYED PORTION OF THE CHURCH. UNDER THE CITY'S REGULATIONS IN PLACE TODAY, THIS PROPOSAL REQUIRES SEVERAL VARIANCES THAT ARE EXPLAINED AS FOLLOWS:

- 1. SITE VARIANCE: B-2 ZONING ALLOWS 50% BUILDING SITE COVERAGE AND THIS PROPOSAL HAS 55% SITE COVERAGE BUT IS THE ORIGINAL FOOTPRINT.*
- 2. BUILDING SETBACK: THE REQUIRED SETBACKS IN B-2 ZONING IS 25' FOR THE FRONT AND 10' FOR THE REAR SINCE IT ADJOINS AN R-3 ZONING. THE PROPOSED BUILDING IS APPROXIMATELY 15' FROM THE FRONT PROPERTY LINE WHICH IS LOCATED FURTHER FROM RALSTON ROAD THAN THE MAIN CHURCH BUILDING. THE PROPOSED BUILDING IS APPROXIMATELY 5' FROM THE REAR PROPERTY LINE BUT IS IN LINE WITH THE MAIN CHURCH BUILDING AND IS LOCATED ON THE FOOTPRINT OF THE ORIGINAL BUILDING.*

3. *BUFFER: WE ARE ASKING FOR A VARIANCE FROM ANY REQUIRED BUFFERING BETWEEN THIS SITE AND THE RESIDENTIALLY ZONED PROPERTIES. THERE HAS NOT BEEN A BUFFER FOR THE MANY YEARS THE CHURCH HAS EXISTED AND THE BOTTOM OF THE WINDOWS ON THE WEST SIDE OF THE NEW BUILDING ARE 8' ABOVE THE FLOOR AND THERE ARE NO WINDOWS ON THE SOUTH SIDE, THEREFORE ADDITIONAL BUFFERING IS NOT NECESSARY.*
4. *PARKING: THE CHURCH HAS HAD A LONGTERM AGREEMENT WITH THE OWNER OF THE PROPERTY ACROSS RALSTON ROAD THAT ALLOWED THE CHURCH MEMBERS TO PARK DURING CHURCH FUNCTIONS. UNFORTUNATELY, THE AGREEMENT WAS NOT RECORDED AND THE CHURCH HAS BEEN UNABLE TO LOCATE THEIR COPY. WE ARE ASKING FOR A VARIANCE FROM THE REQUIRED PARKING AND TO ALLOW THE MEMBERS TO CONTINUE PARKING AS THEY HAVE FOR MANY YEARS. THE OPERATING HOURS FOR THE BUSINESS ACROSS FROM THE CHURCH IS OPEN 8:30 A.M. TO 4:30 P.M. MONDAY THROUGH FRIDAY, THEREFORE THE PARKING HAS NOT CREATED ANY PROBLEMS.*

The property is bounded to the South by property zoned R-3, Multiple Family Residential and developed as an apartment complex; to the East by property zoned B-2 and developed as condominiums; to the West by property zoned R-1 and developed as single-family dwellings; and to the North by property zoned R-1 and developed as single-family dwellings and property zoned B-2 and developed commercially.

The proposed multi-purpose building is depicted as 3,000± square feet, and is located on the Western portion of the site. The addition is proposed to be 15.5'± from the front property line, and is within the 25' minimum building setback; however, it is further setback than existing portions of the church, which was initially built around 1970. Moreover, while the addition will result in excessive site coverage, it is a similar site coverage that existed in 2018 prior to the demolition of the gym.

The applicant does not specifically state the purpose of the new structure. The site plan provided does describe it as a "fellowship hall", with a parking ratio of one parking space per 300 square feet (the parking ratio used for office/retail uses), resulting in ten (10) parking spaces being required. Typically, parking ratio for churches is calculated at a rate of one (1) parking space per four (4) seats in the sanctuary. The church has 253 seats, thus requiring 64 parking spaces. The site plan states that 215 parking spaces are available for use at the commercial development across the street, however as no authorization has been submitted by the owner of that parking lot, the Board must consider the application as if no parking is available to the site. In researching this application, staff found no 311 complaints as a result of the existing parking situation.

It should be noted that the proposed addition to the property will not result in the property being required to comply with tree planting/landscaping requirements at this time. Also, the site plan notes that curbside pickup will be utilized. If approved, the site plan should retain this note.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest in that the proposed addition will be in the same footprint as a previous structure on the site;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the previous structure was damaged beyond repair; 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 site will be developed in the same configuration as previously.

The approval should be subject to the following conditions:

- 1) Approval of the associated Planned Unit Development and Rezoning applications; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



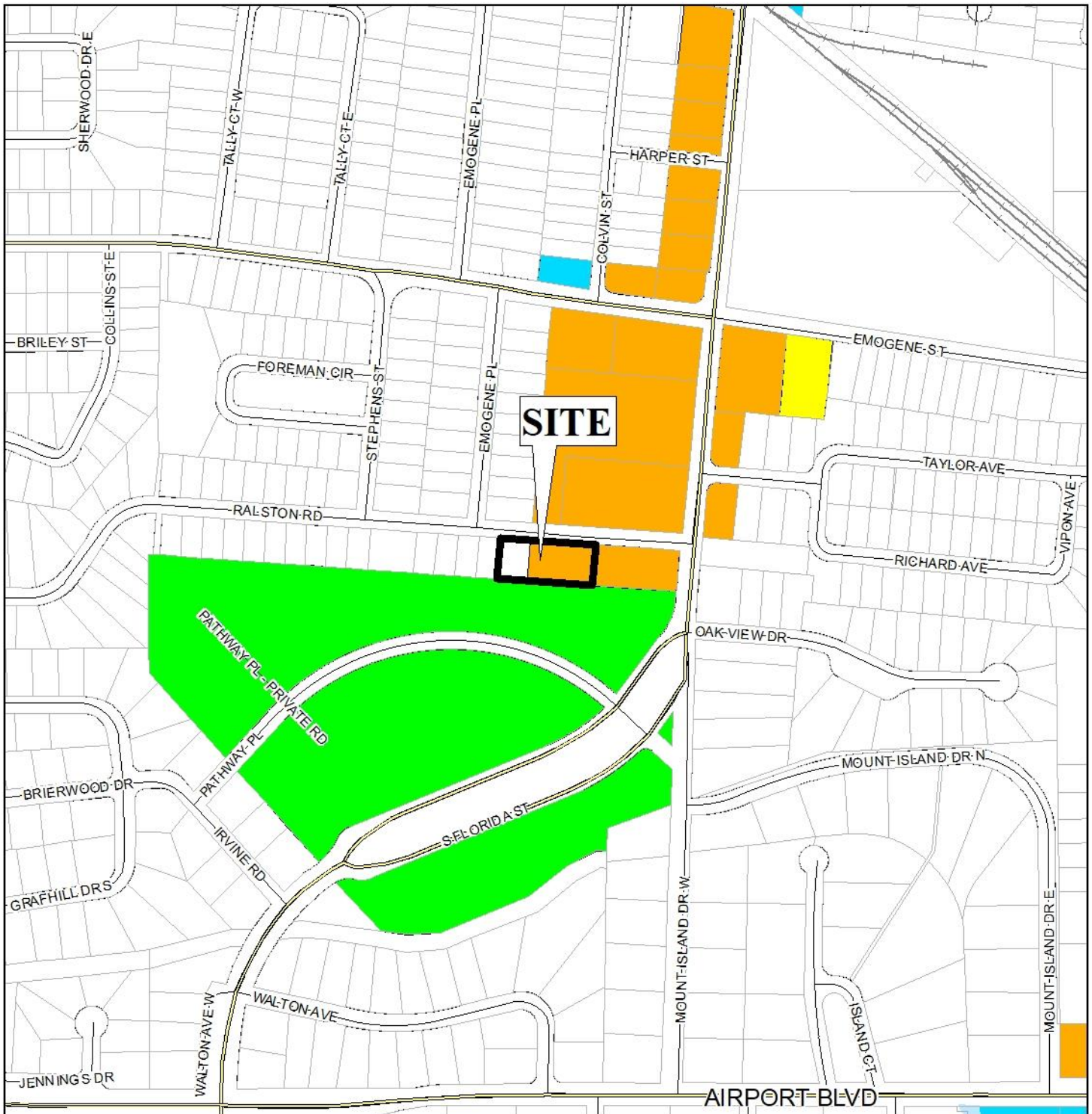
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APPLICANT St. John's Deliverance Temple (Gerald Byrd, Agent)

REQUEST Site Coverage, Front Yard Setback, Rear Yard Setback,
Residential Buffer, and Off-Site Parking Variances



LOCATOR ZONING MAP



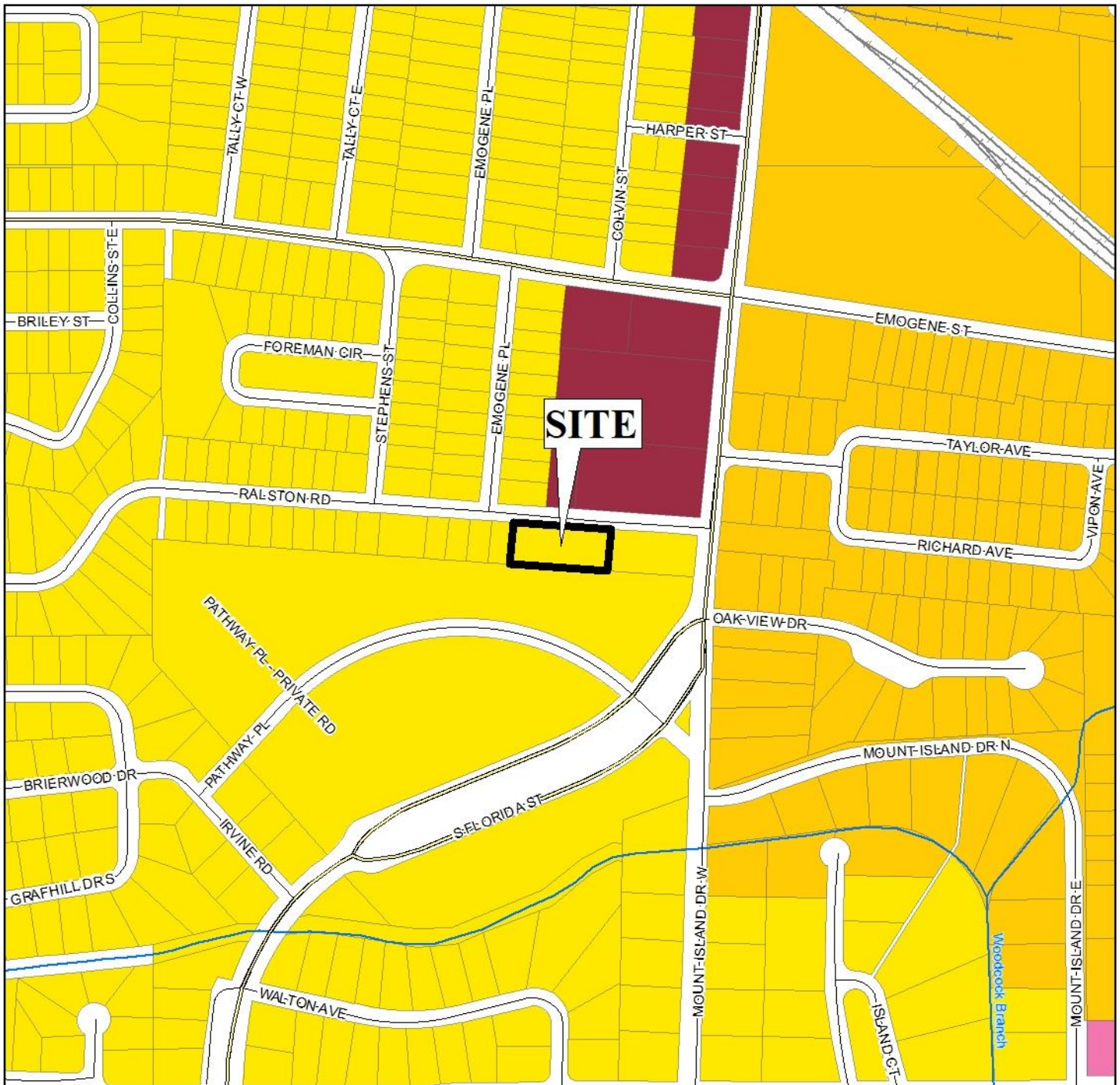
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FLUM LOCATOR MAP



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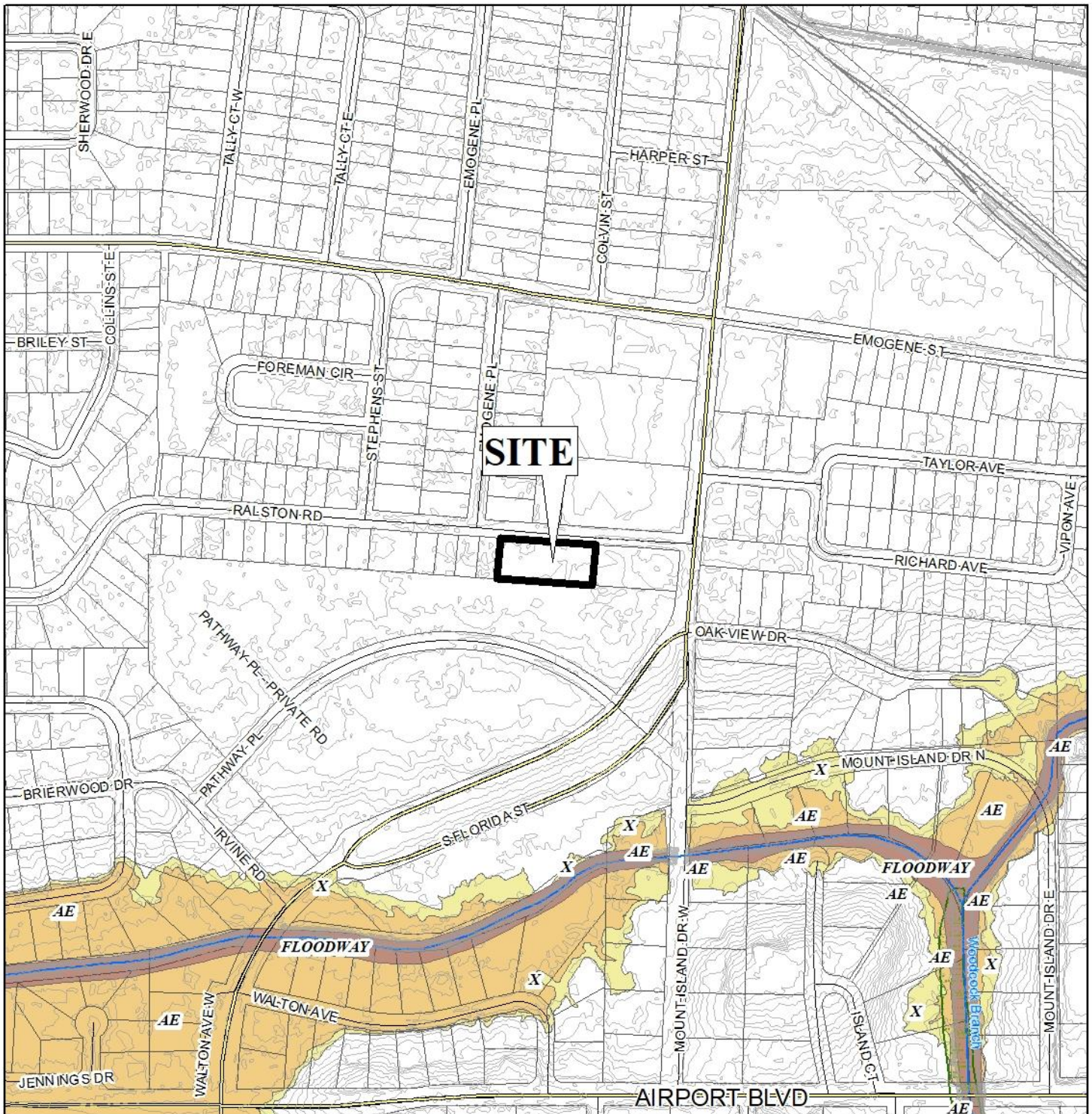
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



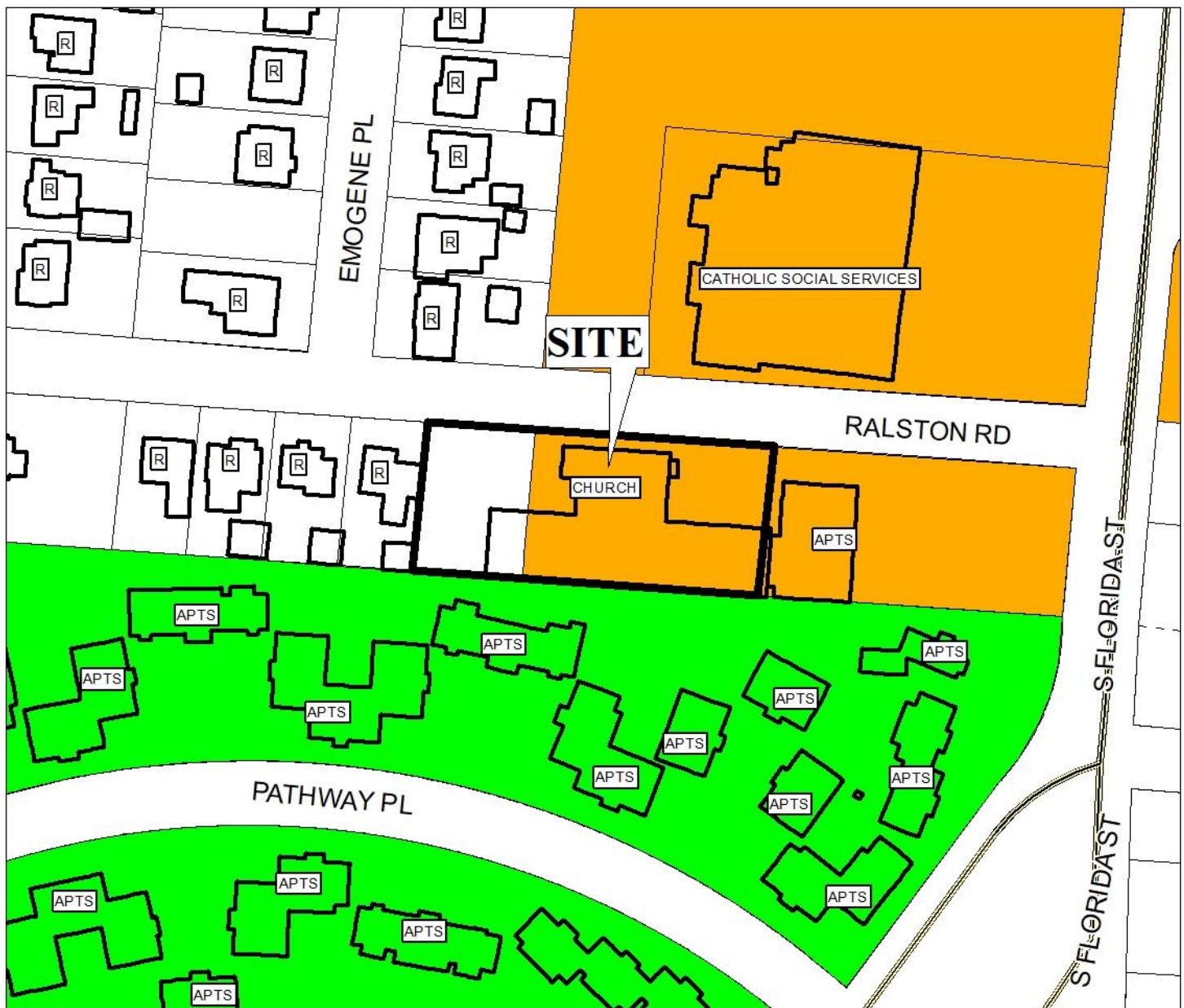
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and a non-profit.

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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



The site is surrounded by residential units and a non-profit.

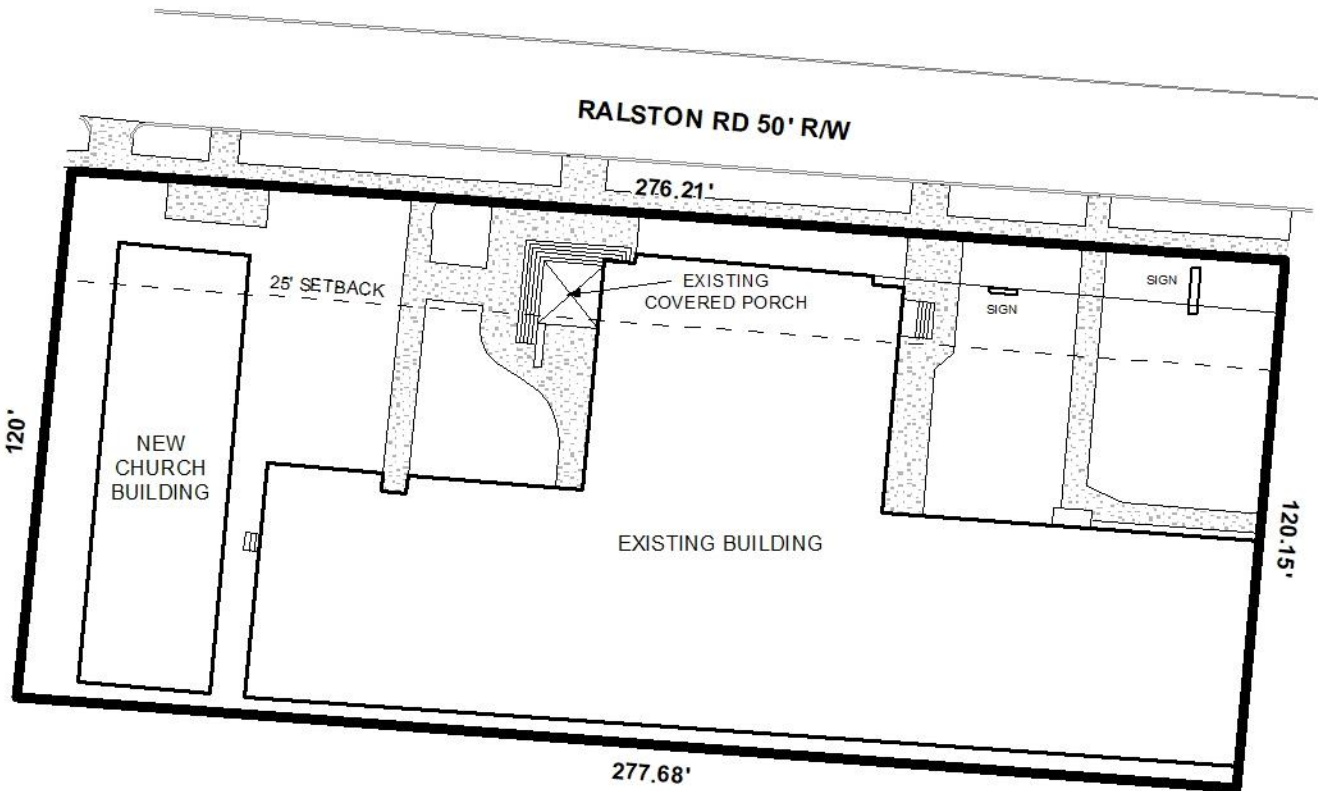
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SITE PLAN



The site plan illustrates an existing building and setback, and a proposed building.

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