

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 3, 2018****CASE NUMBER**

6227

APPLICANT NAME

Donna Pierce & Fred Pierce

LOCATION

308 Glenwood Street
(West side of Glenwood Street, 201'± South of Airport
Boulevard.)

VARIANCE REQUEST

USE: Use Variance to allow an automobile dealership
office in a B-2, Neighborhood Business District.

OFF-SITE PARKING: Off-Site Parking Variance to
allow parking on an adjacent lot in a B-2, Neighborhood
Business District.

SURFACING VARIANCE: Surfacing Variance to allow
gravel-surfaced parking in a B-2, Neighborhood Business
District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a minimum of a B-3,
Community Business District for an automobile dealership
office.

OFF-SITE PARKING: The Zoning Ordinance requires all
required parking to be located on-site.

SURFACING VARIANCE: The Zoning Ordinance
requires parking to be surfaced with concrete, asphaltic
concrete, or asphalt.

ZONING

B-2, Neighborhood Business District

AREA OF PROPERTY

0.14 ± Acres

**CITY COUNCIL
DISTRICT**

District 5

**ENGINEERING
COMMENTS**

USE VARIANCE: NO COMMENT

OFF-SITE PARKING VARIANCE:

If the off-site parking variance is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting.

SURFACING VARIANCE:

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting.
2. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
3. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

**FIRE
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).

ANALYSIS

The applicant is requesting a Use, Off-Site Parking, and Surfacing Variances to allow an automobile dealership office in a B-2, Neighborhood Business District with gravel surfaced, off-site parking; the Zoning Ordinance requires a minimum of a B-3, Community Business District for an automobile dealership office with all required parking to be located on-site and surfaced with concrete, asphaltic concrete, or asphalt.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the recently adopted Future Land Use Plan and Map. 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 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 Low Density Residential (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.

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 states:

*"The Glenwood property would remain in the exact same manner it has been in all previous years. Mr. Pierce and I have absolutely no intent of utilizing this property for a "used automobile lot." We are requesting a Use Variance for the simple purpose of running the office for FDP Enterprises, L.L.C. dba FDP Motors out of this location. We currently operate another business from this location and had intended to use this property as our **office** for FDP Enterprises. The property is in no way situated in a manner in which to store vehicles nor have we ever intended to do so. We have a warehouse in Daphne, AL (see attached contract with Daphne Commercial Warehouse.)"*

As you can see, our garage insurance policy is through Atlantic Casualty Insurance Company and also lists the warehouse address as the storage location for any acquired vehicles. The warehouse has been inspected and approved. We plan to have no more than 4 vehicles at any given point in time.

Additionally, we lease our front office to Spring Nails. The parking lot for 308 Glenwood Street barely accommodates our needs as it is now. There is no room in which to park potential automobiles for sale. The street also, does not have sufficient traffic within our preferred clientele base to support an automobile dealership. In fact, we would suffer from vandalism, theft, drainage issues and potential flooding if we were to attempt to leave any vehicle, much less a vehicle worth in excess of \$30,000 on our property overnight. To attempt to use this property for this purpose would be extremely detrimental to us as a company.

Since acquiring the property, significant improvements have been made to the interior of the building, as well as the exterior. The building has had several upgrades to include a new plumbing system, a new a/c unit with ventilation, painting and refurbishing of all walls and bathrooms. We intend to continue to maintain this property in the same manner, so long as it is owned by us. Additionally, the following would remain the same as in past years:

- No excessive / additional noise or traffic will be generated;*
- There would be no additional employees;*
- There would be 0-2 customers per month at maximum and only for purposed of signing paperwork;*
- Absolutely no negative implications would occur to our surrounding neighbors or fellow business owners, so no remedy is needed;*
- As is pertains to improvements, other than regular maintenance and upkeep of the property in question, no changes will be made. We will be required to install a sign for the business of FDP Motors, LLC which will be done in compliance with the State of Alabama and the City of Mobile's guidelines (a photograph of our intended layout is attached hereto.)*

*The property next to us, Corey's Pawn Shop, is rated **B3** for **Community Business**. We are rated **B2** and are only asking that the Planning and Zoning Board remove the financial hardship we will endure by having to maintain a separate office and run our businesses within the City of Mobile in two (2) separate locations. We are willing to sign necessary contracts that refrain is from ever using the property as an "automobile lot," if it helps matters in any way."*

As stated, the applicant is seeking relief from the Zoning Ordinance to allow an automobile office in a B-2 zoning district. Additionally, variances are required for existing off-site gravel parking.

It should be noted that the applicant was denied a Zoning Clearance on October 16, 2018 in which the business description read "Used Auto Dealer." Although various office types are

allowed by right in B-2 zoning districts, Staff has found in the past that automobile offices allowed in B-3 districts result in the storage of inventory on site, which is prohibited.

With regards to the off-site parking, the Zoning Ordinance states in Section 64-6.A.2., “...*Except as otherwise permitted under a special plan for locating or sharing of facilities, off-street parking facilities shall be located on the building site on which the use or structure for which they are provided is located.*” The Zoning Ordinance also states in Section 64-6.A.4.a., “*Prohibition. Gravel parking lots are prohibited as commercial parking lot.*” The applicant has not addressed parking however, should the use variance be approved, the parking will need to be brought into compliance.

Additionally, the applicant mentions both interior and exterior renovations. Staff finds no recent permits issued for renovations at this location.

There are no conditions which exist at this site that would require the applicant to establish an automobile dealership office at this location. It appears that it is merely the applicant’s desire, as a potential financial hardship was noted. No substantial hardships have been presented regarding the site that would necessitate the approval of the variance.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to the Zoning Ordinance prohibition of automotive dealership offices in a B-2, Neighborhood Business District, and off-site, gravel parking;
- 2) Special conditions and hardships do not exist with the property in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed use could be established in the appropriate zoning district without the necessity of a variance.

LOCATOR MAP



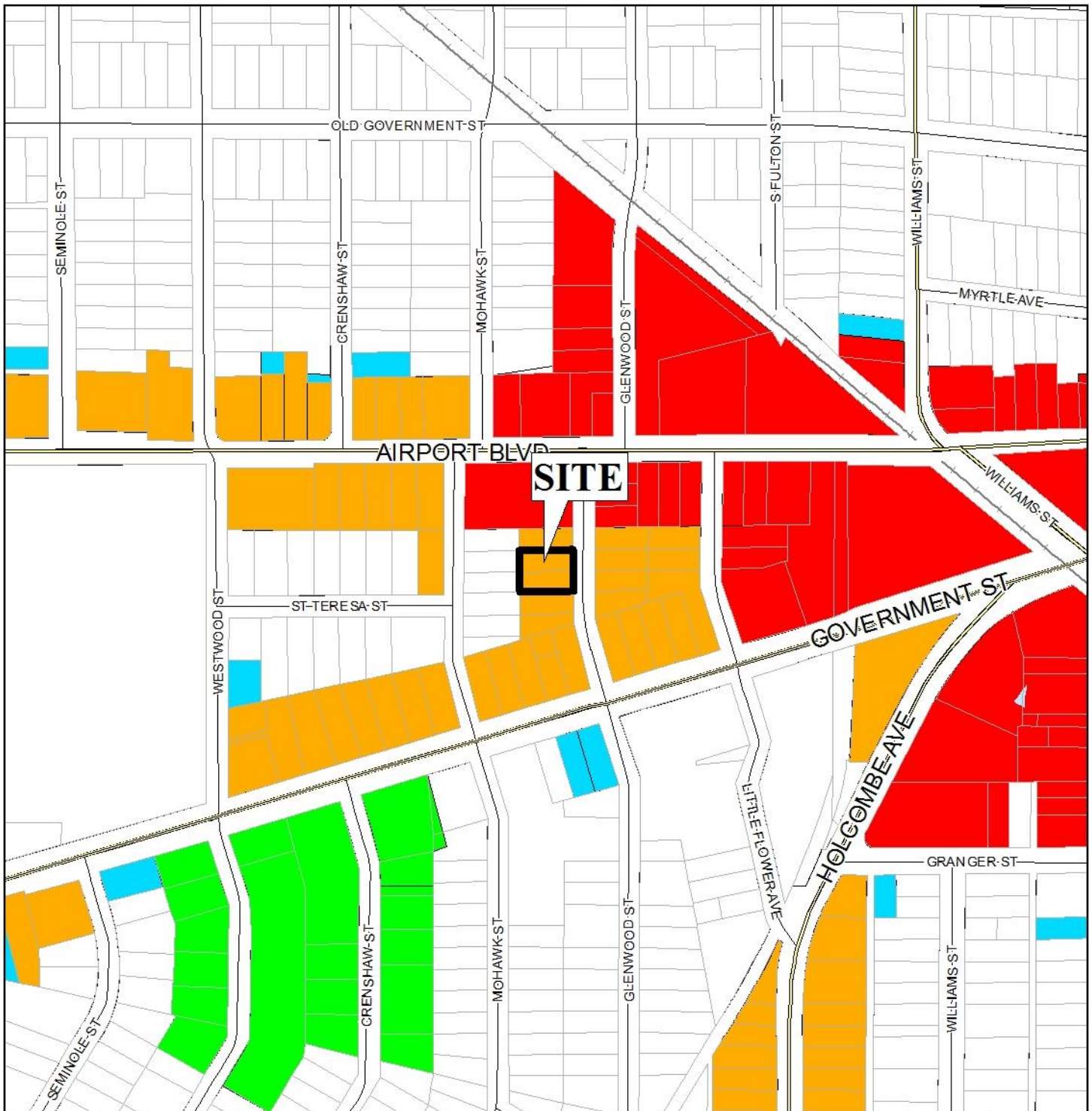
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REQUEST Use, Off-Site Parking, and Surfacing Variances



LOCATOR ZONING MAP



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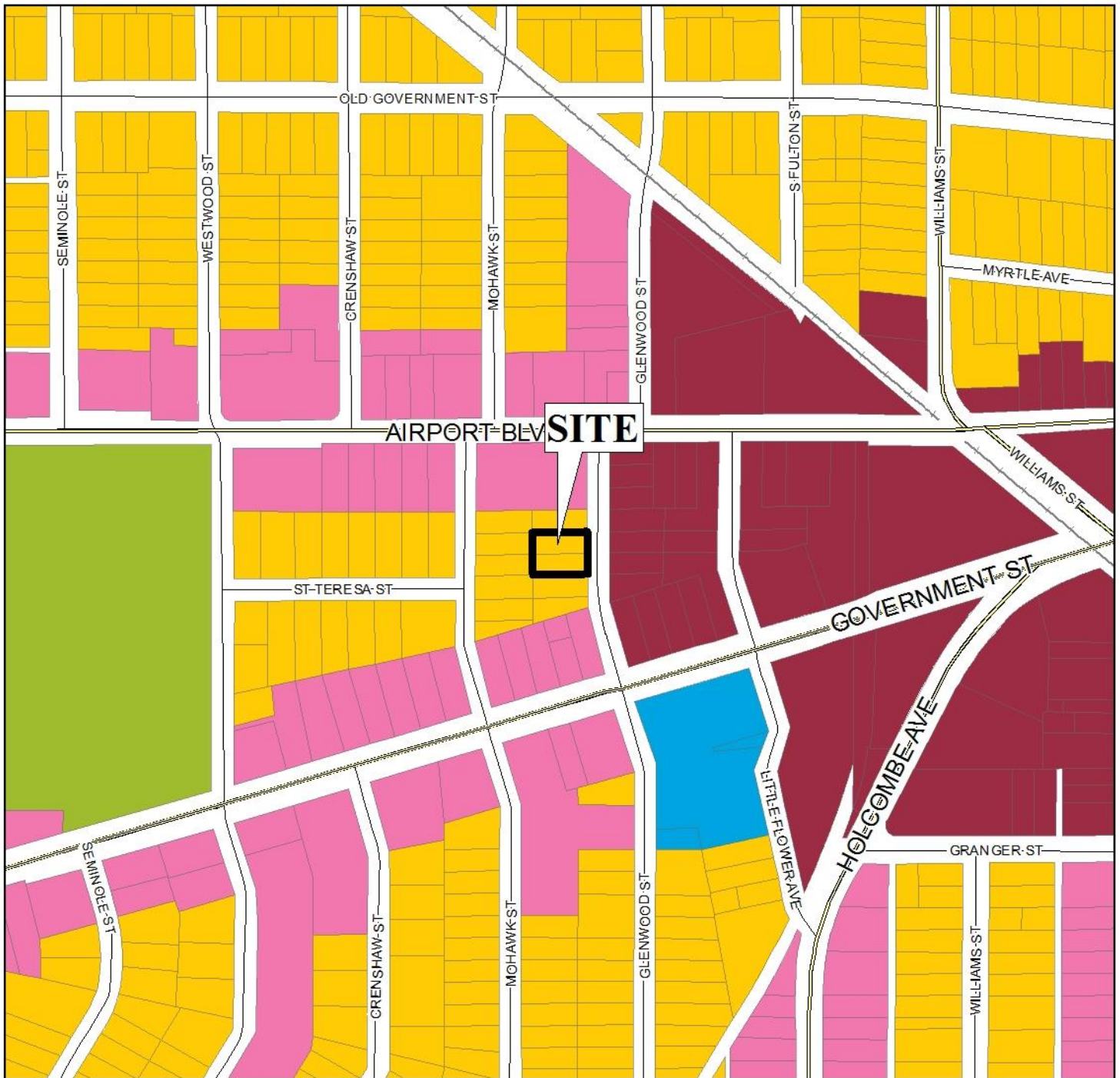
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FLUM LOCATOR MAP



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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 AERIAL

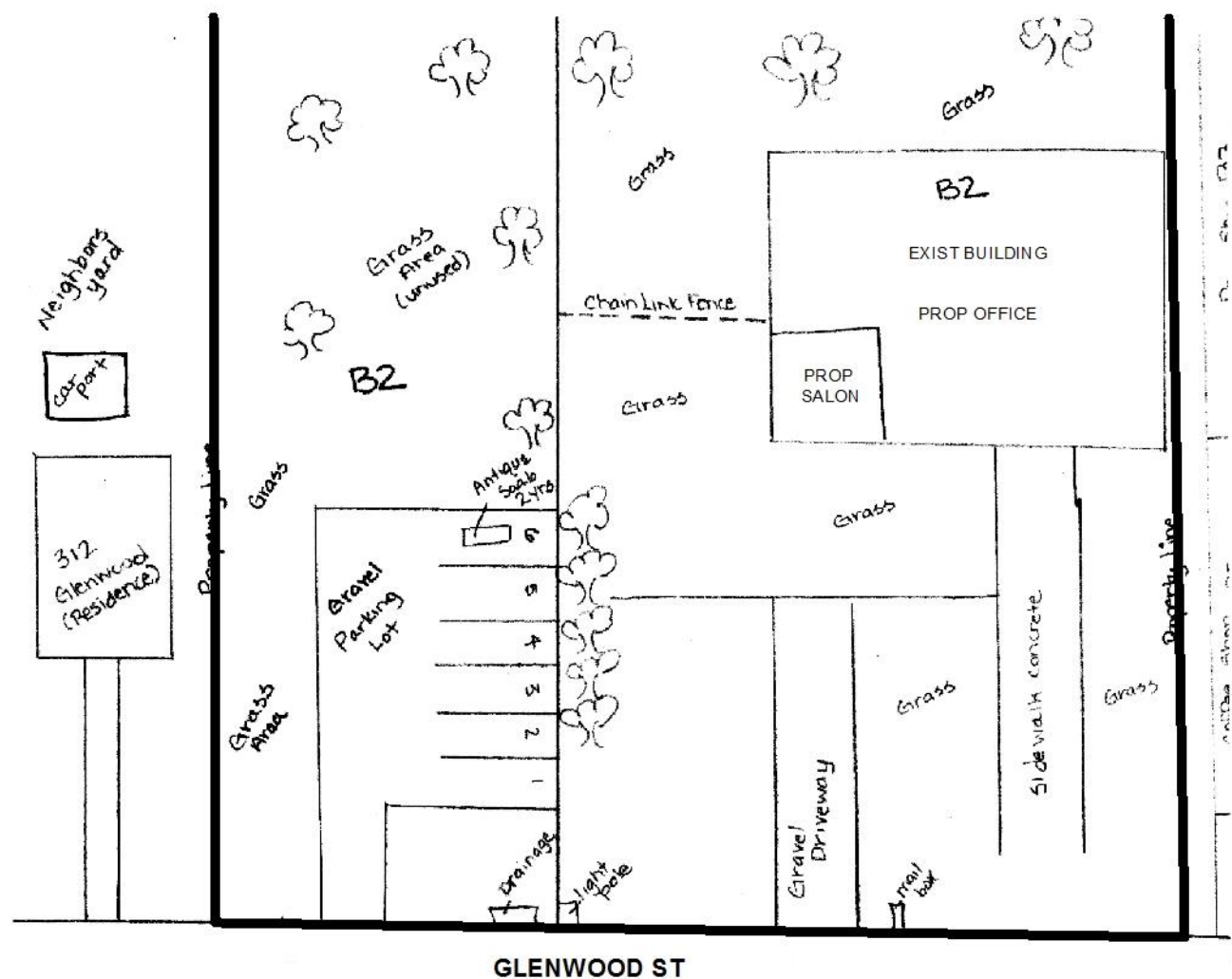


The site is surrounded by residential units to the south and west.
Commercial units are located to the north and east.

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SITE PLAN



The site plan illustrates the existing drive and the existing building with proposed office and salon locations.

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