

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: August 3, 2020

CASE NUMBER

6340

APPLICANT NAME

Clark Greer Latham & Associates

LOCATION

146 Hyland Avenue
(Southeast corner of Spring Hill Avenue and Hyland Avenue).

VARIANCE REQUEST

USE: Use Variance to allow off-site parking for a church in an R-1, Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires all parking to be on-site for a church in an R-1, Single-Family Residential District.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

18,708± square feet / 0.4±Acres

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

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

1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development.
2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW.
3. Existing curb cuts shall be removed and replaced with curb and gutter to match the existing street.
4. Sidewalk shall be constructed along Hyland Ave.

**TRAFFIC ENGINEERING
COMMENTS**

Any on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance. Unused curb-cuts should be removed and curb restored to match existing.

**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 Variance to allow off-site parking for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires all parking to be on-site for a church in an R-1, Single-Family Residential District.

The site has been given a Traditional Corridor (TC) 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 land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

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.

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.

The applicant states:

The existing corner lot is currently undeveloped and the Hyland Ave lot is developed with a residential house. This application proposes to demolish the existing residential structure and construct a parking lot that will service the church across Hyland Ave. The time schedule for development is immediately upon receiving the appropriate approvals.

The existing properties are zoned R-1. This application is needed to build a standalone parking lot in an R-1 district. This development should cause no additional negative impacts on the surrounding properties due to serving an existing church and should relieve potential parking problems.

As stated, the applicant is requesting a Use Variance to allow the construction of an off-site parking lot with 38 parking spaces for a church in an R-1, Single-Family Residential District; the Zoning Ordinance requires all parking to be on-site for a church in an R-1, Single-Family Residential District.

The proposed parking lot would service the church facility located West of the subject site. Per Staff research, the church appears to have been utilizing the subject property as an unimproved parking area associated with the church facilities since at least 1960, according to aerial photos. The applicant states that the new parking area should not cause any additional negative impacts on the surrounding properties due to the proposed parking lot serving an existing church. If the church has in fact used the subject site as an unimproved off-site parking lot for some time prior to making this request, then it stands to reason that improving the site as proposed would not have any additional negative impacts to the surrounding neighborhood as it relates to traffic congestion.

As illustrated, the site plan shows a proposed parking lot providing 38 parking spaces with compliant stall width and length as well as drive aisles. However, if approved, it is important to note that full compliance with tree and landscaping will be required per Section 64-4.E.3. of the Zoning Ordinance. The applicant should also be aware that per Section 64-6.A.3. the proposed parking facility is required to be screened from view of all adjacent properties zoned R-1, Single-Family Residential. Additionally, because the proposed parking lot contains more than 25 parking spaces compliant parking lot lighting will be required and as such, a photometric site plan should be submitted to Planning along with the required Land Disturbance application. A sidewalk will also be required along Hyland Avenue due to the new construction.

Access to the parking area is proposed to only be from Hyland Avenue. Spring Hill Avenue is an ALDOT controlled facility, thus any work along the frontage will require approval from ALDOT.

There is a large live oak located in the right-of-way at the corner of Hyland Avenue and Spring Hill Avenue. It appears that the proposed parking area will be located away from the main root

area of the tree. Any pruning of this tree by non-City entities will require approval from the Mobile Tree Commission.

Finally, it should be noted that the site is not a legal lot of record, and if the current request is approved, a one-lot Subdivision will need to be approved by the Planning Commission prior to the issuance of any permits associated with the project.

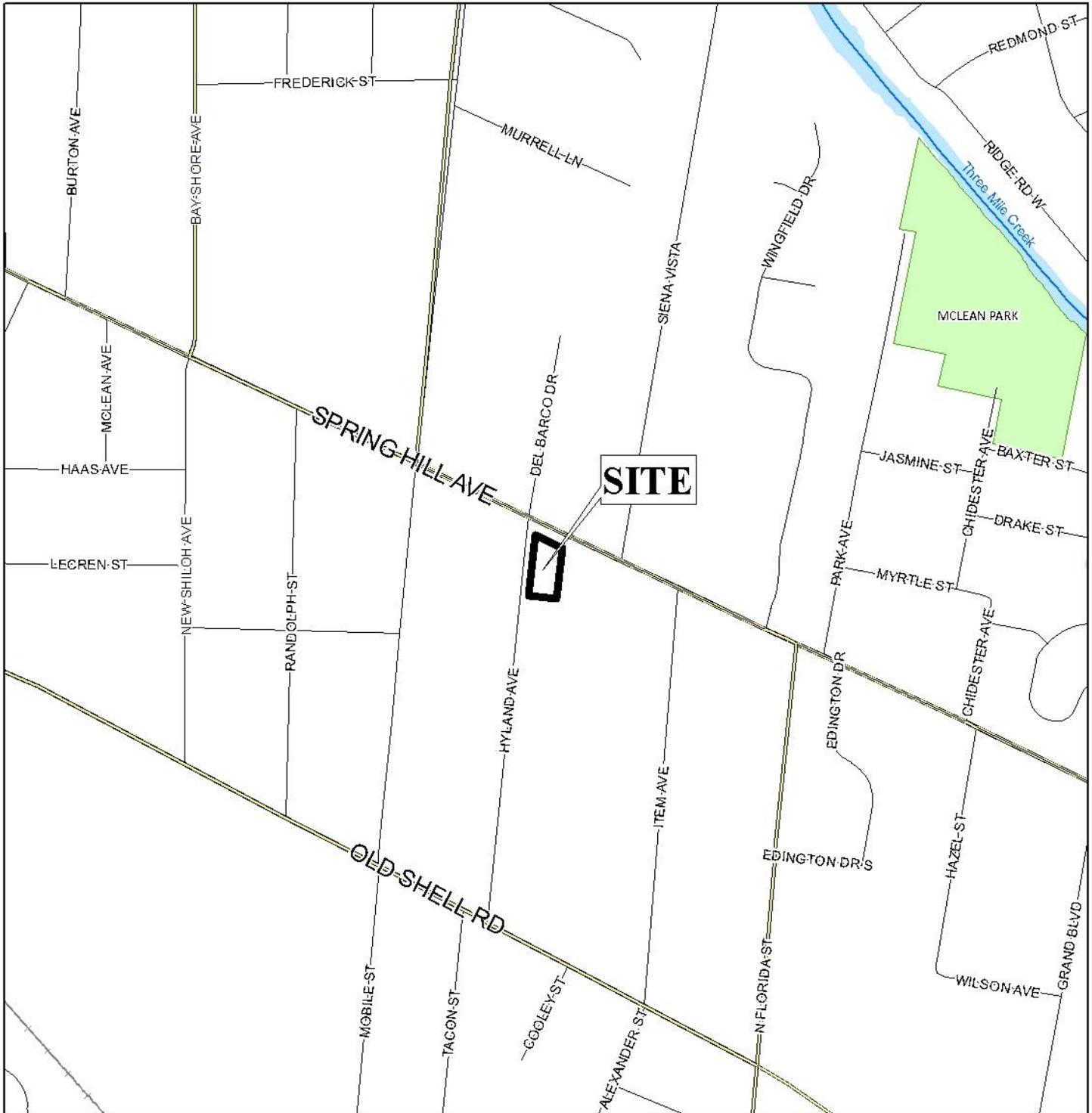
RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest as the proposal will make an existing non-compliant use legal and provide improved parking area where previously none existed;
- 2) Special conditions were illustrated such that a 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 proposed parking lot improvements will be in compliance with the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) Obtaining necessary demolition permits for existing structure(s) on the site prior to the issuance of land disturbance permits;
- 2) Revision of the site plan to illustrate either signs labeling the traffic pattern as “one-way” or addition of one-way directional arrows to be painted on the pavement;
- 3) Revision of the site plan to illustrate full compliance with Section 64-4.E.3 *Tree and Landscaping*;
- 4) Submittal of a revised site plan prior to the issuance of land disturbance permits;
- 5) Approval of a one-lot Subdivision by the Planning Commission prior to the issuance of permits;
- 6) Compliance with Engineering comments (*1. Submit and receive a Land Disturbance Permit through Central Permitting for the proposed site development. 2. Submit a ROW Permit (ALDOT and City of Mobile) for the work within the Public ROW. 3. Existing curb cuts shall be removed and replaced with curb and gutter to match the existing street. 4. Sidewalk shall be constructed along Hyland Ave.*);
- 7) Compliance with Traffic Engineering comments (*Any on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance. Unused curb-cuts should be removed and curb restored to match existing.*);
- 8) Compliance with 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.*); and
- 9) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6340 DATE August 3, 2020

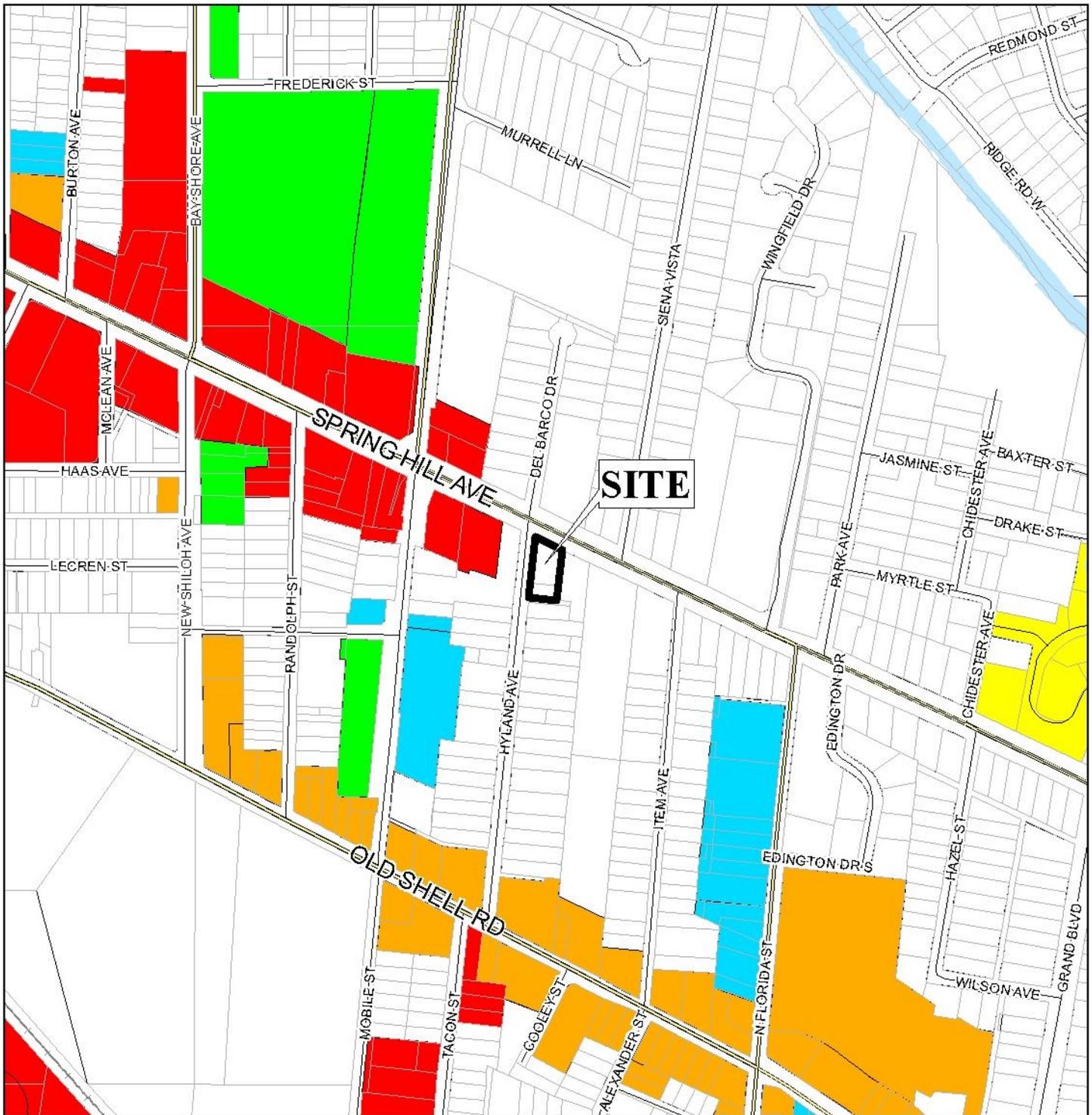
APPLICANT Clark Geer Latham & Associates

REQUEST Parking Variance



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LOCATOR ZONING MAP



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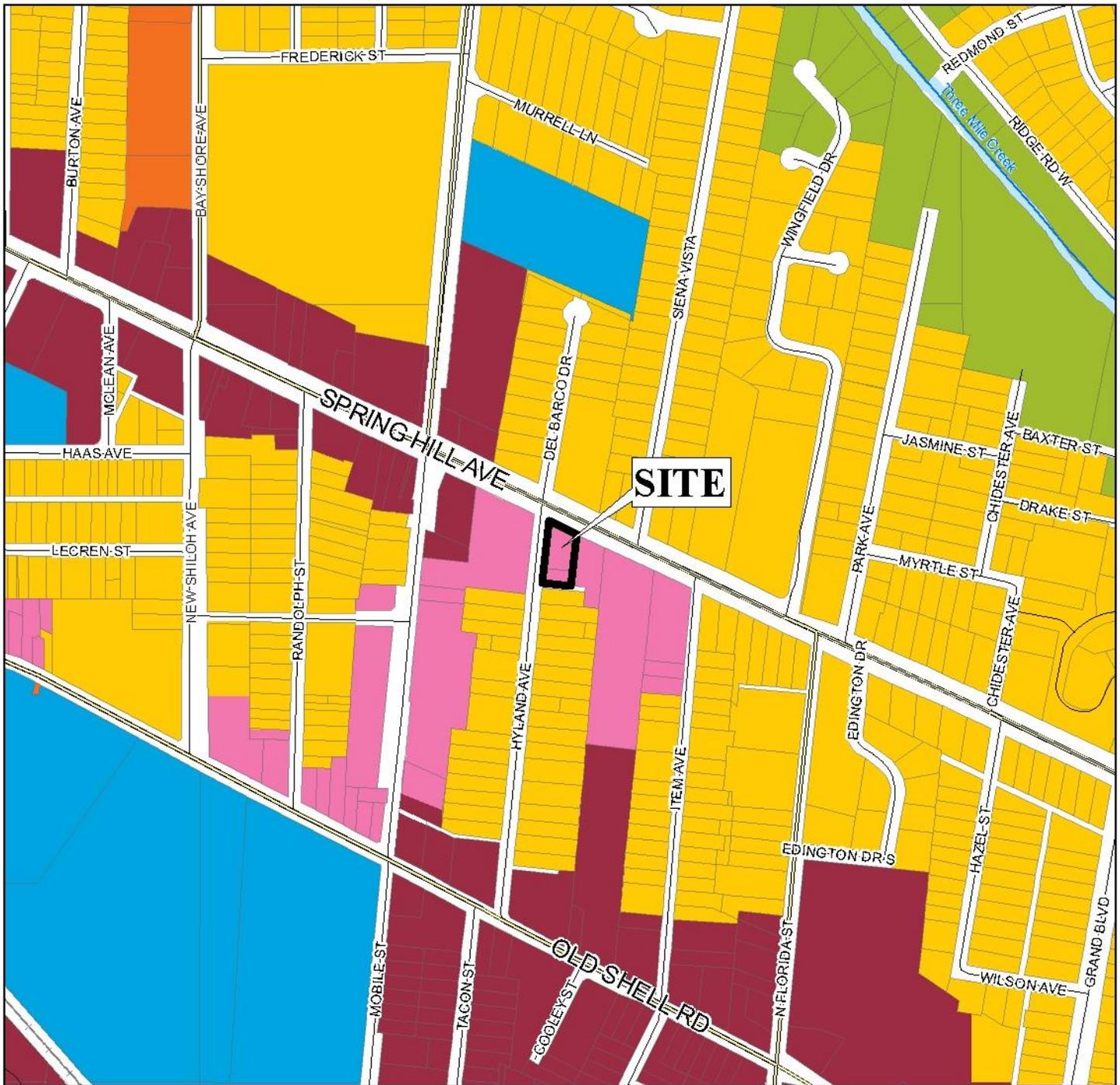
APPLICANT Clark Geer Latham & Associates

REQUEST Parking Variance



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FLUM LOCATOR MAP



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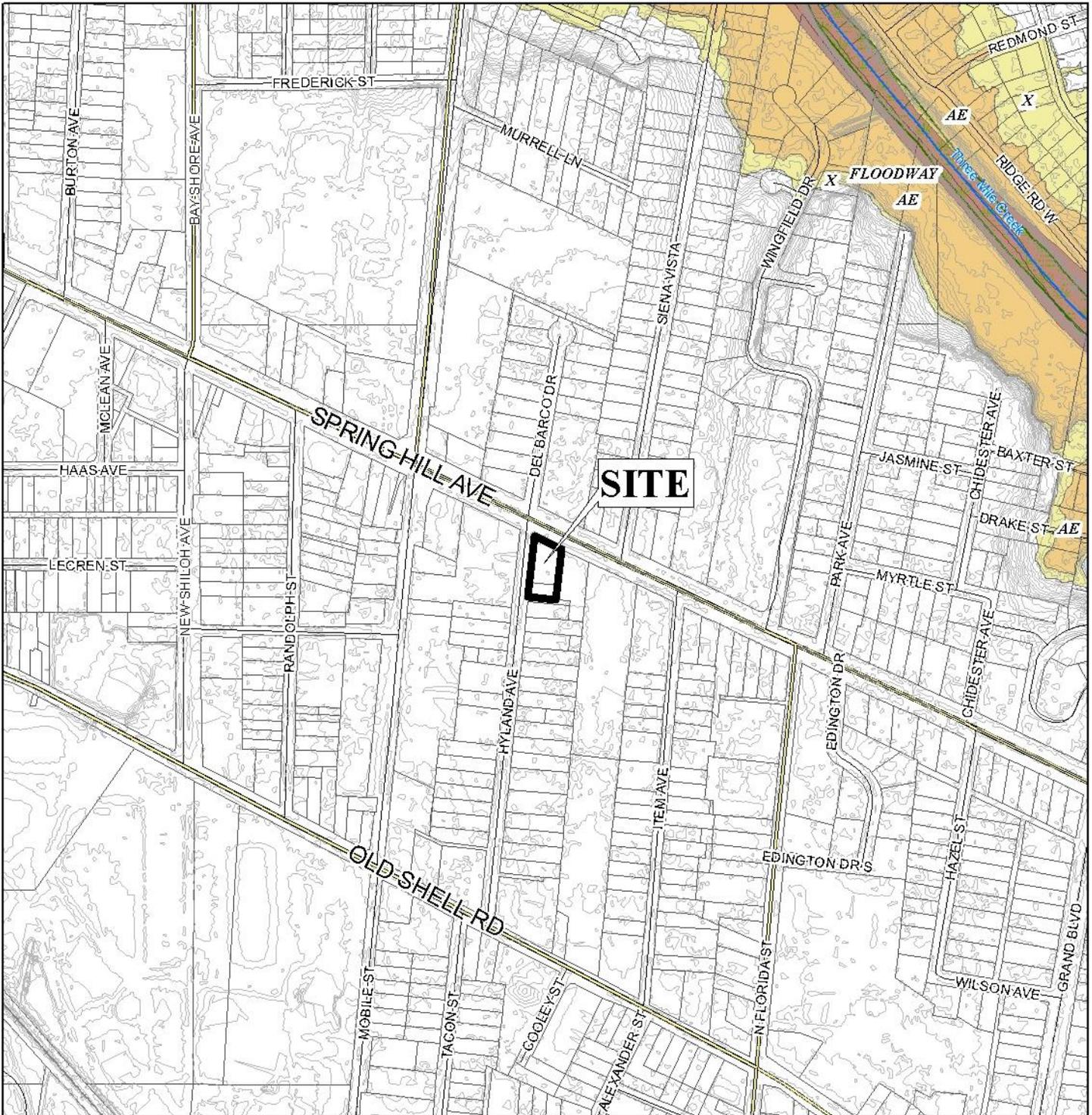
REQUEST Parking Variance

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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 | |



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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 ZONING



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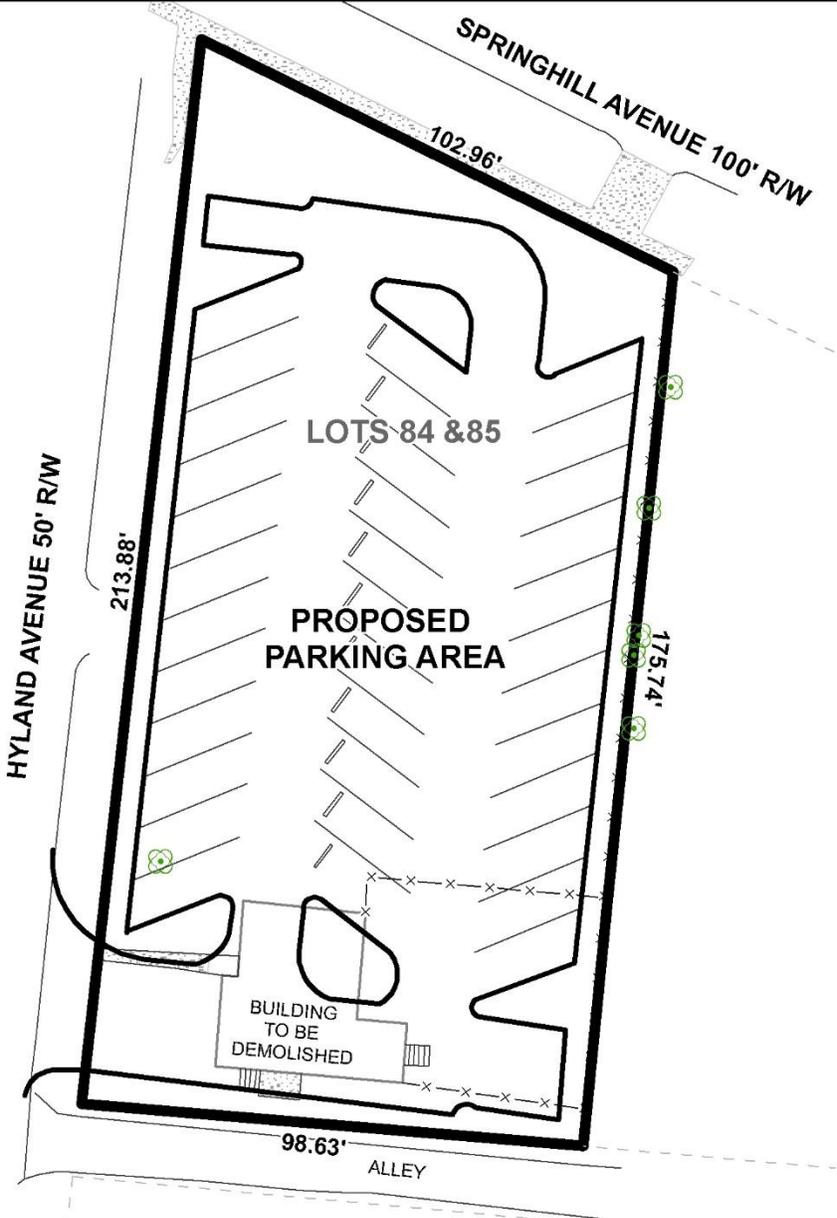
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SITE PLAN



The site plan illustrates the proposed parking area and existing building to be demolished.

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