

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: August 3, 2020****CASE NUMBER**

6341

**APPLICANT NAME**

Furr Street Partners, LLC

**LOCATION**108 and 110 Furr Street  
(East side of Furr Street, 185'± North of Old Shell Road).**VARIANCE REQUEST****PARKING & MANEUVERING SURFACE:** Parking and Maneuvering Surface Variance to allow aggregate surfacing in a B-3, Community Business District.**ZONING ORDINANCE  
REQUIREMENT****PARKING & MANEUVERING SURFACE:** The Zoning Ordinance requires parking and maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.39± Acre

**CITY COUNCIL  
DISTRICT**

District 1

**ENGINEERING  
COMMENTS**

If the aggregate surfacing 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 (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**

Aggregate surface, if approved, shall not extend into the right of way. A City standard driveway apron comprised of either concrete or asphalt shall be installed for access to the property. 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 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 Code compliant paved access required from both streets.

**ANALYSIS**

The applicant is requesting a Parking and Maneuvering Surface Variance to allow aggregate surfacing in a B-3, Community Business District; the Zoning Ordinance requires parking and maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface in a B-3, Community Business District.

The site has been given a Mixed Density Residential (MxDR) 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 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 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential 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 applicant states the following reasons for the variance request:

*The subject property is located approximately 170 feet North of the corner of Furr Street and Old Shell Road. The subject property is bounded on the North by a property upon which a cellular communications tower is located, on the South by a commercial office building and parking lot, and to the West by the rear of a commercial lay down yard/warehouse (a portion of the rear of the subject property my touch on a residential property at its northeast corner). Across Furr Street is the rear of a commercial building, the parking lot of which is partially paved and partially unpaved.*

*The owner of the subject property would like to clear the lots and install an aggregate surface in order to allow the owners of the applicant to store boats, trailers and recreational vehicles on the property. Applicant does not intend to lease or rent storage spaces on the site, but only to allow the owners of the applicant and their family members to use the property to store boats, trailers and recreational vehicles.*

*Applicant is requesting a variance from Section 64-6(A)(3)(a) and 64-6(A)(3)(b) in order to allow for the use of gravel surfacing of the area where the boats, trailers or recreational vehicles would be stored and also to remove the requirement that wheel stops be installed. The applicant has determined that the site's proximity to a cellular communications tower makes it undesirable as commercial site. Similarly, developing the site for a residential use is also negatively impacted to the point of being unusable. While the applicant continues to look for commercial or residential uses that may be available for the site, the applicant would like to be able to make a use of the site for storage of its members' boats, trailers and recreational vehicles. As stated above, applicant does not intend to use the site as a commercial storage facility. As there will be minimal traffic on the site, the impact of an aggregate surface on the surrounding properties would be minimal.*

*Storage of boats, trailers and recreational vehicles is allowed in the B-3 zone. Applicant believes that allowing an aggregate surface on the property will diminish run-off from the property and will make it easier to re-develop the property for a future opportunity, if one arises. Given that it will not be for a public use, and will only be used for storage, the applicant believes that wheel stops on the property would provide no benefit.*

*In looking at the surrounding neighborhood there are existing aggregate lots (cell tower to the north, parking across the street, and excess parking for the restaurant across the street and south of the site) and parking or storage lots (across Furr Street and directly behind the site) near or adjacent to the subject property. The South end of Furr Street is mostly commercial in nature. Having the aggregate storage lot adjacent to the existing cellular communication tower will have little, if any, change in the visual impact of the street, particularly if the frontage landscaping requirements are met.*

*If the requested variance is approved, the applicant intends to have the site re-subdivided to create a single lot of record and would comply with all landscape and buffering requirements under the ordinance.*

The subject site is zoned B-3, as are all surrounding properties, other than R-1, Single-Family Residential, adjoining the East side of the Northern-most of the two lots involved. The site is wooded and undeveloped. In addition to the subject lots, the applicant also owns the adjacent property to the South which was developed as a home health clinic.

The proposed use as a storage yard for boats, trailers and recreational vehicles is allowed by right in B-3 districts. However, the use is normally in association with a business, either as a legal non-conforming site, or on a site developed to commercial compliance standards of the Zoning Ordinance, to include paved parking and bumper stops. In this instance, only personal use of the site is proposed, with no commercial use. On commercially-developed sites, the requirement for paved parking and maneuvering surfaces is to lessen the deterioration of the surface by vehicle traffic, and to minimize loose aggregate being carried onto the public right-of-way by tires. The requirement for curbing or bumper stops is to prevent any parts of parked vehicles from extending beyond the parking facility, and to protect required trees and landscape areas. The purpose of bumper stops on aggregate surfaces is also to delineate individual parking spaces.

No site plan was submitted with the application, only a survey. No access point is indicated, and it is not indicated if the site is proposed to be secured by a fence and have a gated access. It should be noted that, if barbed wire fencing is proposed in a B-3 district, it must be approved by the Executive Director of Build Mobile. If a gated access is proposed, either a remotely activated gate should be installed, or a 60' vehicle stacking area should be provided within the site to prevent vehicle stacking within the right-of-way. If this application is approved, the applicant proposes to combine the two lots into one via a one-lot subdivision, and also proposes to provide commercially-compliant landscaping and buffering. It should be noted that a sidewalk will also be required when the site is developed.

Concerning the aggregate parking and maneuvering surface request, as the site is proposed to be used strictly for personal use, the allowance of aggregate surfacing would not seem unreasonable. And as the vehicle parking would be for various types of vehicles of varying sizes and dimensions, the requirement for bumper stops to define parking spaces would seem impracticable.

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 has demonstrated that a hardship would be imposed with respect to the parking and maneuvering surface variance request, and to the bumper stop request, and the Board should consider those requests for approval.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval of the Parking and Maneuvering Surface Variance request, and the Bumper Stop request:

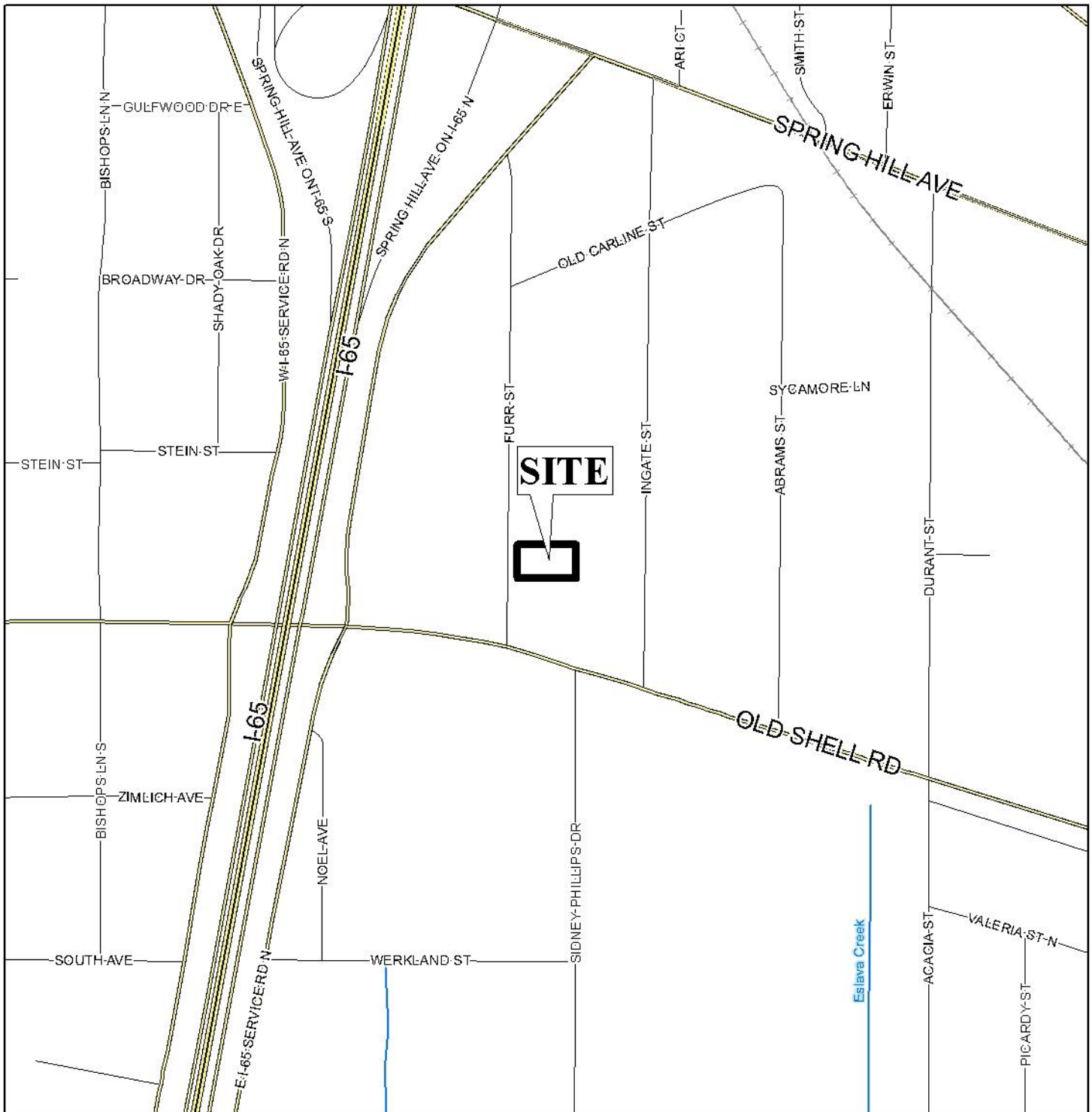
- 1) approving the variance will not be contrary to the public interest due to the fact that the proposed use is strictly for personal use, and a hardship is illustrated by requiring compliant surfacing for the parking and maneuvering areas, and by requiring bumper stops;
- 2) special conditions do exist (the site is not proposed to be used commercially) and there are hardships which exist that make the approvals necessary; 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 a hardship is illustrated with respect to complying with the parking and maneuvering surface and bumper stop requirements of the Zoning Ordinance.

The approval is subject to the following conditions:

- 1) the site is to be used only by the applicant and associates for personal use, with no commercially stored vehicles on the site;
- 2) if security fencing is proposed, any barbed wire fencing is to be approved by the Executive Director of Build Mobile;
- 3) if the site is gated, either provision of remotely activated gates, or the provision of a 60' deep vehicle stacking area within the site;
- 4) completion of a one-lot subdivision to combine the two subject lots into one legal lot of record prior to the issuance of permits;
- 5) provision of a 6' wooden privacy fence where the site abuts residentially zoned property;
- 6) compliance with the commercial landscaping and tree planting requirements of the Zoning Ordinance;
- 7) 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 (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).;*);
- 8) Compliance with Traffic Engineering comments (*Aggregate surface, if approved, shall not extend into the right of way. A City standard driveway apron comprised of either concrete or asphalt shall be installed for access to the property. Unused curb-cuts should be removed and curb restored to match existing.*);

- 9) 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.*);
- 10) Compliance with 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). Fire Code compliant paved access required from both streets.*);  
and
- 11) full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 6341 DATE August 3, 2020

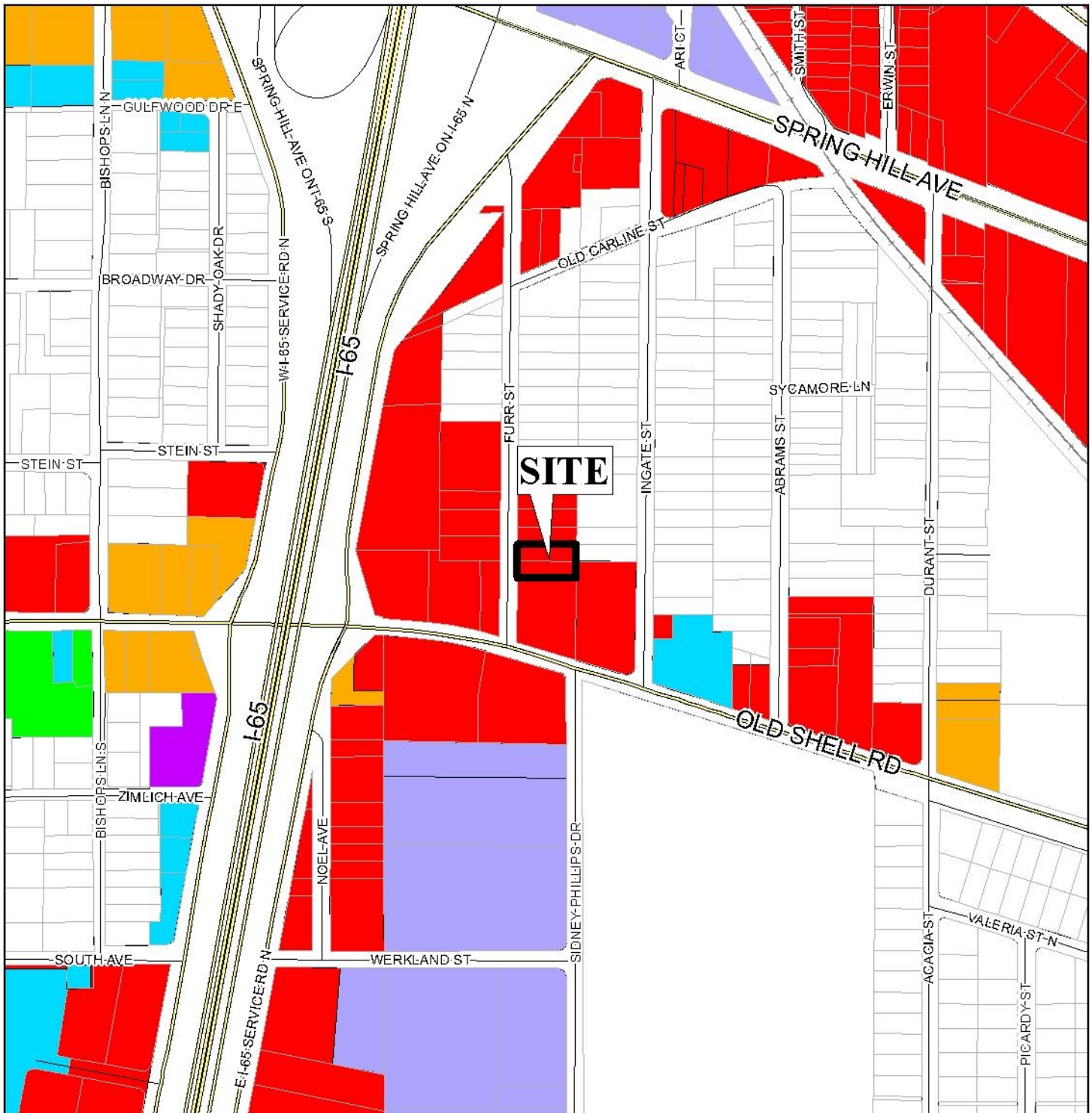
APPLICANT Furr Street Partners, LLC

REQUEST Parking and Maneuvering Surface Variance



NTS

# LOCATOR ZONING MAP



APPLICATION NUMBER 6341 DATE August 3, 2020

APPLICANT Furr Street Partners, LLC

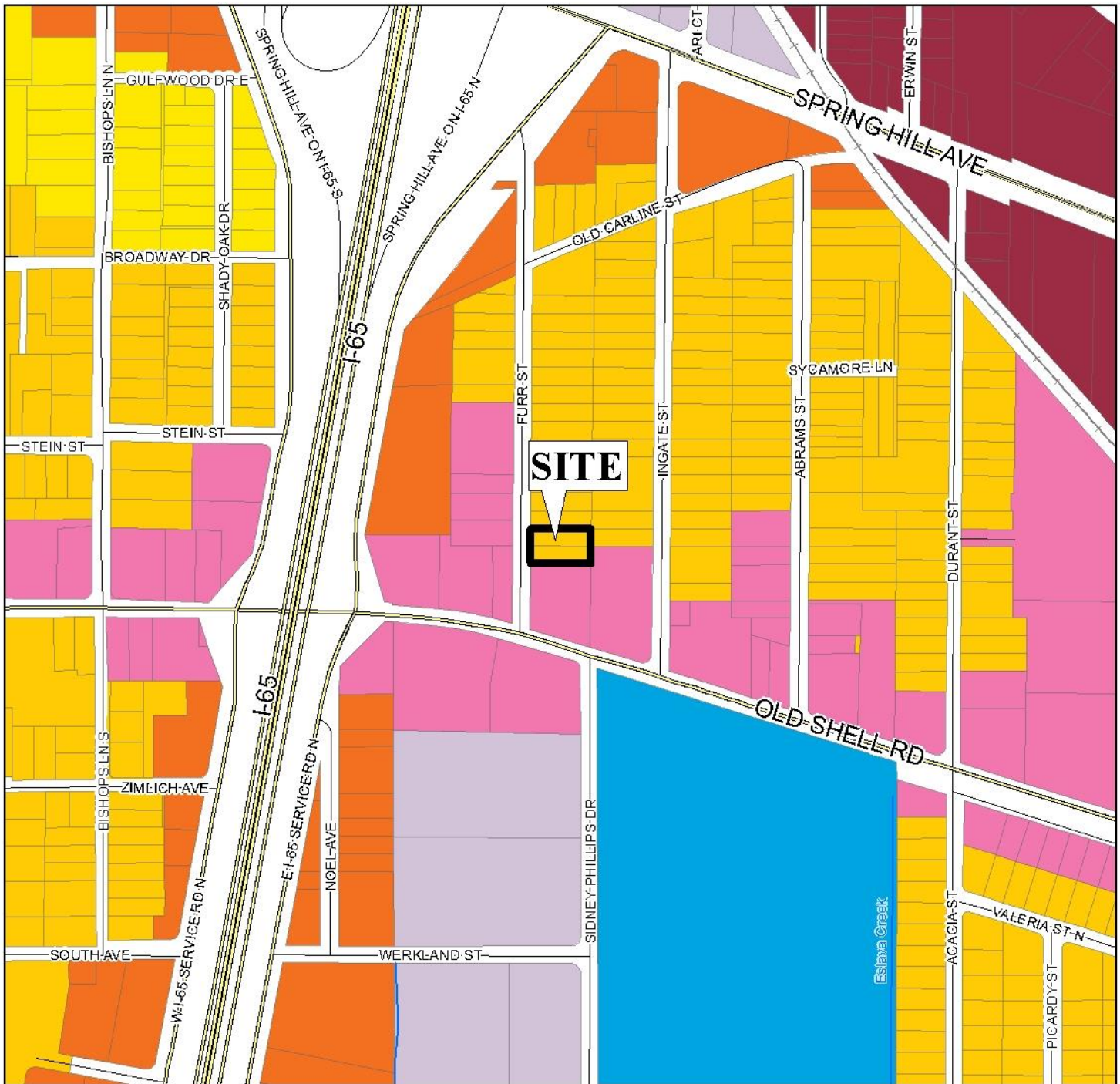
REQUEST Parking and Maneuvering Surface Variance



NTS



# FLUM LOCATOR MAP



APPLICATION NUMBER 6341 DATE August 3, 2020

APPLICANT Furr Street Partners, LLC

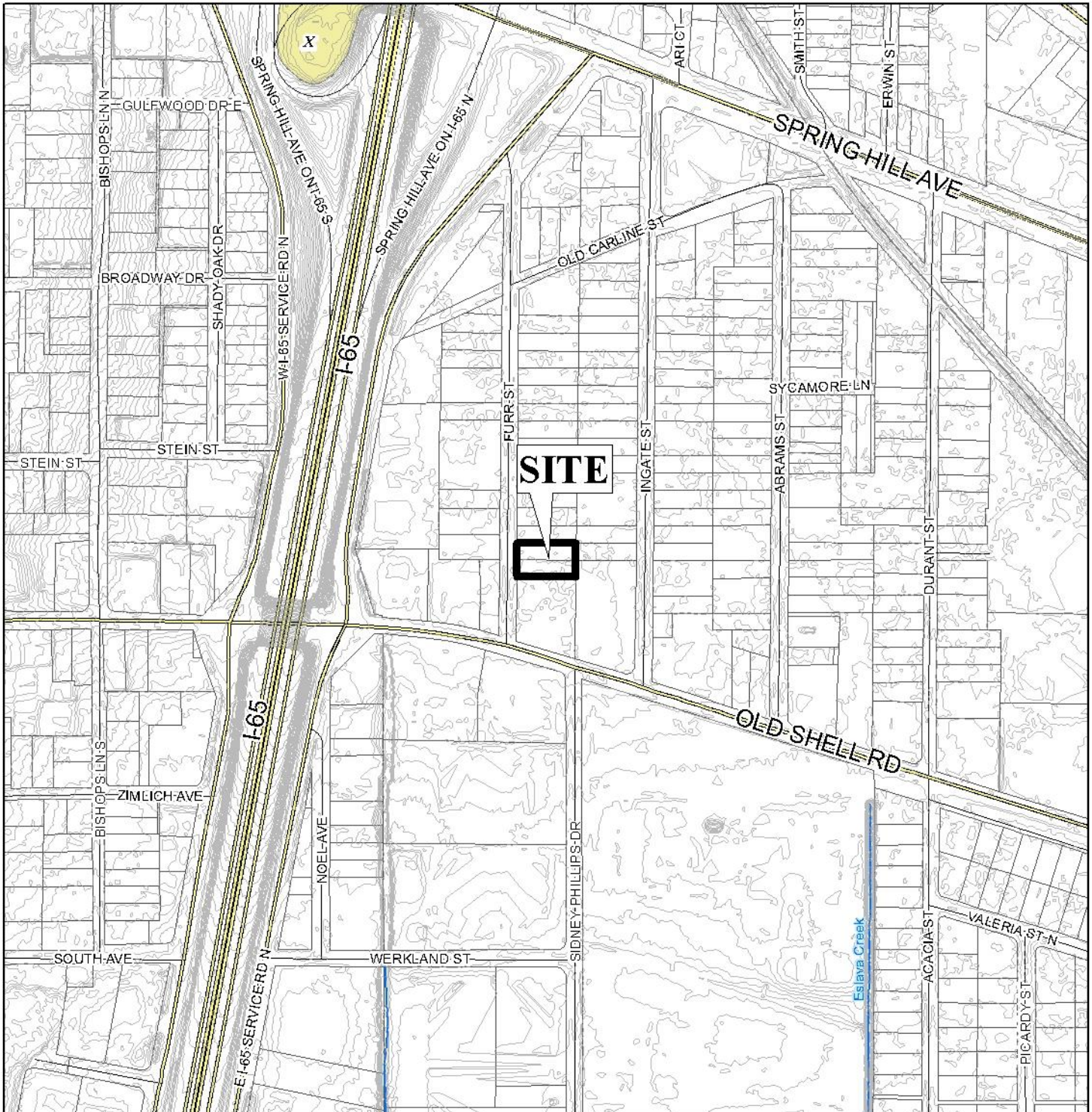
REQUEST Parking and Maneuvering Surface Variance

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	





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6341 DATE August 3, 2020

APPLICANT Furr Street Partners, LLC

REQUEST Parking and Maneuvering Surface Variance



NTS

# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the northeast and commercial units to the west and south.

APPLICATION NUMBER 6341 DATE August 3, 2020

APPLICANT Furr Street Partners, LLC

REQUEST Parking and Maneuvering Surface Variance

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 to the northeast and commercial units to the west and south.

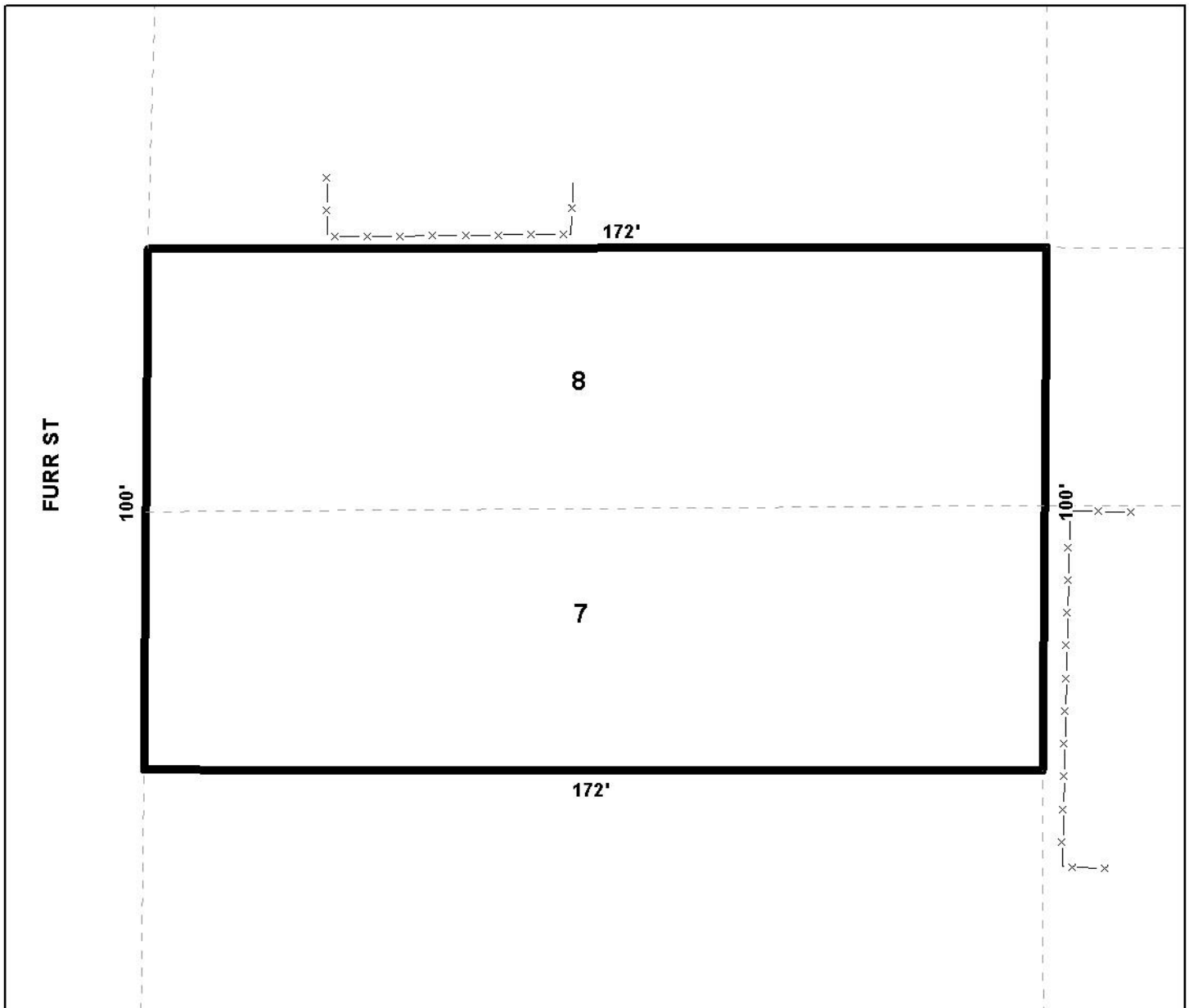
APPLICATION NUMBER 6341 DATE August 3, 2020

APPLICANT Furr Street Partners, LLC

REQUEST Parking and Maneuvering Surface Variance



# SITE PLAN



The site plan illustrates the existing property, and lots.

APPLICATION NUMBER 6341 DATE August 3, 2020  
 APPLICANT Furr Street Partners, LLC  
 REQUEST Parking and Maneuvering Surface Variance

APPLICATION NUMBER 6341 DATE August 3, 2020  
 APPLICANT Furr Street Partners, LLC  
 REQUEST Parking and Maneuvering Surface Variance

APPLICATION NUMBER 6341 DATE August 3, 2020  
 APPLICANT Furr Street Partners, LLC  
 REQUEST Parking and Maneuvering Surface Variance

