

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

6229

**APPLICANT NAME**

Steve Sheridan

**LOCATION**

3961 Spring Hill Avenue  
(South side of Spring Hill Avenue, 285'± West of North  
McGregor Avenue).

**VARIANCE REQUEST**

**TREE PLANTING & LANDSCAPING:** Tree Planting  
& Landscaping Variances to allow reduced front yard  
landscape area with no tree plantings for an office building.

**RESIDENTIAL BUFFER:** Residential Buffer Variance  
to allow no residential buffering.

**ACCESS AND MANEUVERING:** Access and  
Maneuvering Variance to allow a 14'- wide two-way  
access drive in a B-1, Buffer-Business District.

**ZONING ORDINANCE  
REQUIREMENTS**

**TREE PLANTING:** The Zoning Ordinance requires  
compliance with all tree and landscaping requirements.

**RESIDENTIAL BUFFER:** The Zoning Ordinance  
requires the provision of a compliant residential buffer.

**ACCESS AND MANEUVERING:** The Zoning  
Ordinance requires all access drives to be 24'- wide for  
two-way access in a B-1, Buffer-Business District.

**ZONING**

B-1, Buffer-Business District

**AREA OF PROPERTY**

0.38± Acre

**ENGINEERING  
COMMENTS**

No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

Proposed rear lot is not intended for public use, therefore  
Traffic Engineering has no objection to the narrowed width proposed for access to the rear of the  
lot.

**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).

**CITY COUNCIL****DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting Tree Plantings and Landscaping, Residential Buffer, and Access and Maneuvering Variances to allow reduced front yard landscape area with no tree plantings for an office building, with no residential buffering and a 14'-wide two-way access drive in a B-1, Buffer-Business District; the Zoning Ordinance requires compliance with all tree and landscaping requirements, provision of a complaint residential buffer and all access drives to be 24'- wide for two way access in a B-1, Buffer-Business District.

The site has been given a Mixed Commercial Corridor (MCC) 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 land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses.

This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

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's narrative states:

*"The site is currently developed with an office building with associated parking in front.*

*The proposed improvements include a new storage building to the rear of the office and a gated asphalt drive for access to the storage building.*

*The purpose of this variance application is to request relief from three commercial site design standards, required per city ordinance. The requested reliefs are:*

*1.Relief from the frontage landscape and tree requirements is requested due to the existing asphalt parking located in front of the building. The existing asphalt spans from the building to the front property line to provide the parking required by city ordinance. If frontage trees and landscaping were required, the parking area would be reduced to an area that would not be able provide the required parking for the building.*

*2.Relief is requested from the requirement to provide a privacy fence along property lines adjacent to residential zonings. The zonings adjacent to this property are B-1 to the west, B-2 to the east, and R-1 to the south. However, the R-1 property to the south is occupied by the Hardeman Armory and is not a residential use.*

*3.Relief is requested from the required drive aisle width standard. The required drive aisle width for a two-way aisle is 24 ft to provide adequate traffic circulation for the public using the site. A 14 ft drive aisle is proposed to provide access to a new storage building in the rear. This drive aisle is constrained to by the width between the building and the side property line, which is approximately 16 ft. This access is also proposed to be gated to prevent any public traffic circulation. As such, a 24 ft aisle is not needed due to the restricted access."*

With regards to the tree planting and landscaping request, the applicant states that due to the existing asphalt and the large area it covers as well as the limited number of spaces located in the front of the building, tearing up the asphalt and providing landscaping and tree planting would eliminate existing parking spaces and access and maneuvering. The site which was developed in 1979 (per tax records), does appear to have limited room to plant sufficient trees with adequate space to grow; however, due to the proposed 2,300 square foot storage building addition in the rear of the property full tree and landscaping compliance is a normal requirement. Due to the existing parking and building a waiver of the frontage tree and front landscaping area may be appropriate. The three frontage trees should be donated to the tree bank.

The applicant does not provide any rational or hardship for why the residential buffer cannot be installed on the property, other than the residentially zoned property is not utilized residentially. As this property is owned by the City of Mobile, it is unlikely to be residentially developed in the near future. Thus a waiver of the buffer requirements until such time as it is residentially developed may be appropriate.

With regards to the access and maneuvering request, it should be pointed out that staff met with the applicant(s) during a predevelopment meeting and advised the applicant of suggestions to omit the need for a variance request. Staff meet with the applicant prior to the submission of their 2 lot subdivision application to the Planning Commission on 10/4/18 and advised the applicant that altering the lot lines for the subdivision would eliminate the need for an access and maneuvering variance and that staff would not be likely to recommend the access and maneuvering variance for approval because it would be a self-imposed hardship. After being advised by staff, the applicant opted not to adhere to staff's recommendation. There does not appear to be any hardship associated with this request, and the applicant cannot assure that two-way public vehicular traffic will not occur in the future within this substandard access aisle if the property is sold. Also, the plat has not been recorded.

Pertaining to the requests, the applicant has not provided sufficient justification as to what hardships exist with the property (with the exception of front landscaping and tree request and residential buffer) that would prevent the applicant from coming into compliance. None of the requests were addressed in detail by the applicant to explain their necessity or an associated hardship. The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship. Nevertheless, there are no unusual characteristics of the property that satisfy variance standards. Therefore, the Board should consider the Access and Maneuvering Variance requests for denial.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Access and Maneuvering requests:

- 1) Approving the variances will be contrary to the public interest in that the in that no hardship is illustrated to justify not providing compliant access and maneuvering for the site;
- 2) Special conditions were not illustrated such that the 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 a 24' wide access drive can be installed with an appropriate width of the lot.

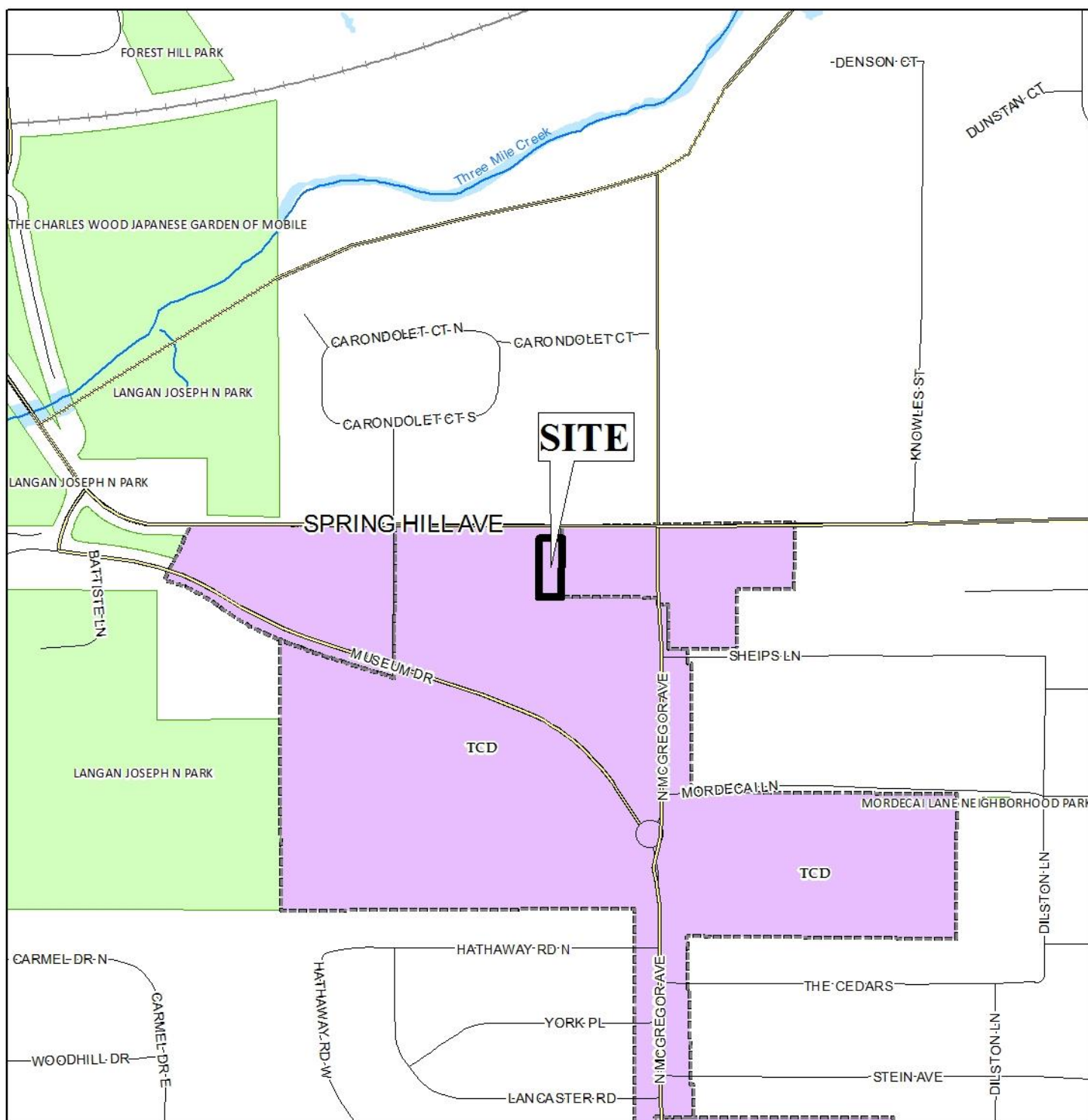
Staff recommends to the Board the following findings of fact for Approval for the Tree Planting and Landscaping, and Residential Buffer requests:

- 1) Granting the variance will not be contrary to the public interest in that there is not sufficient room between the front property line and the building to plant trees and landscaping and have any expectation of them surviving; and because the adjacent site is not currently utilized residentially;
- 2) Special conditions do exist and there are hardships which exist including the lack of planting area, 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 and the applicant by granting the variance, as the required landscaping will possibly eliminate parking and the required tree plantings can be provided to the tree bank and placed elsewhere in the city.

The approval should be subject to:

- 1) Provision of a donation of three (3) trees to the Mobile Tree Commission tree bank.

# LOCATOR MAP



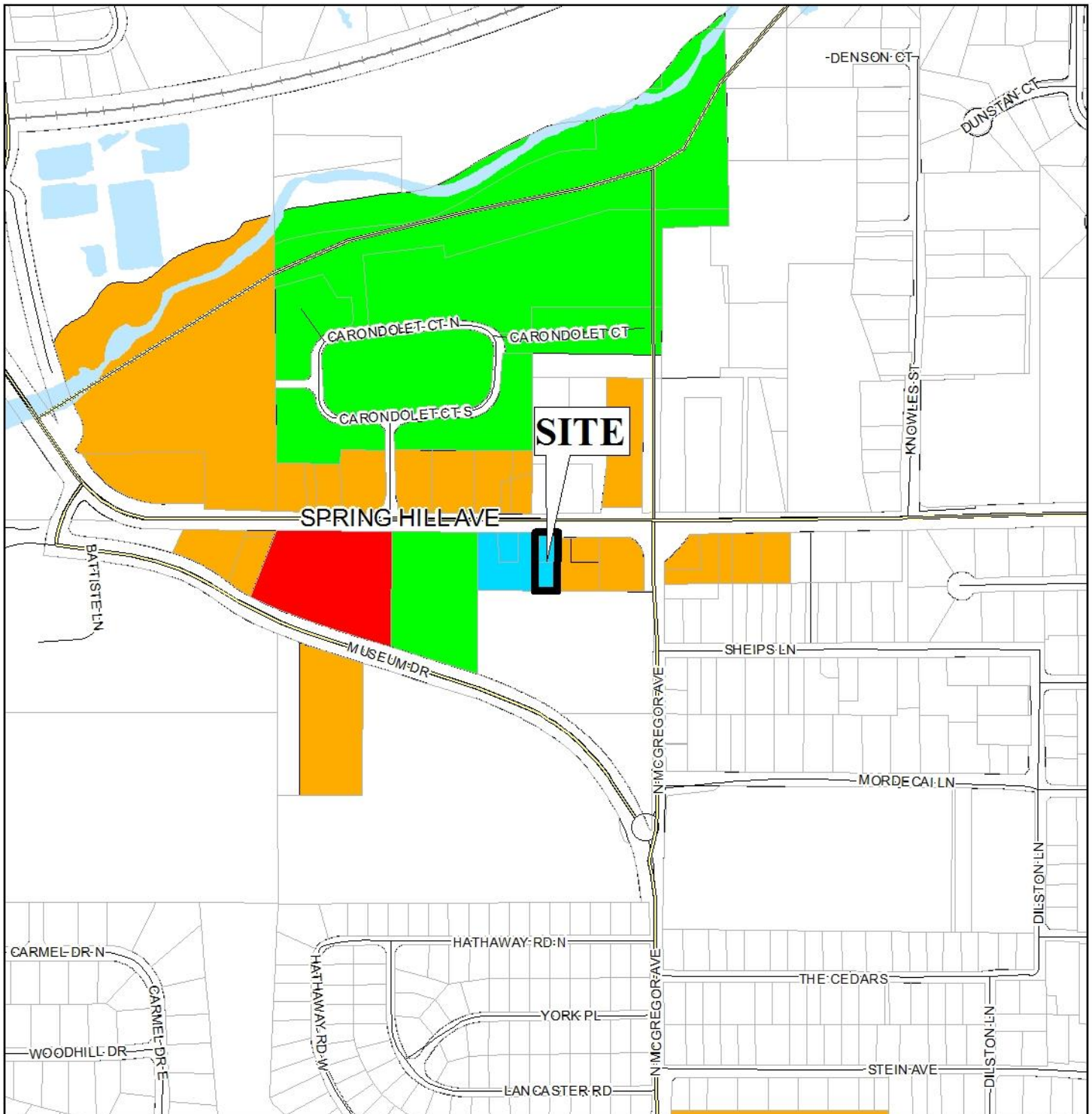
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APPLICANT Steve Sheridan

REQUEST Tree Plantings and Landscaping, Residential Buffering and Access and Maneuvering Variances



# LOCATOR ZONING MAP



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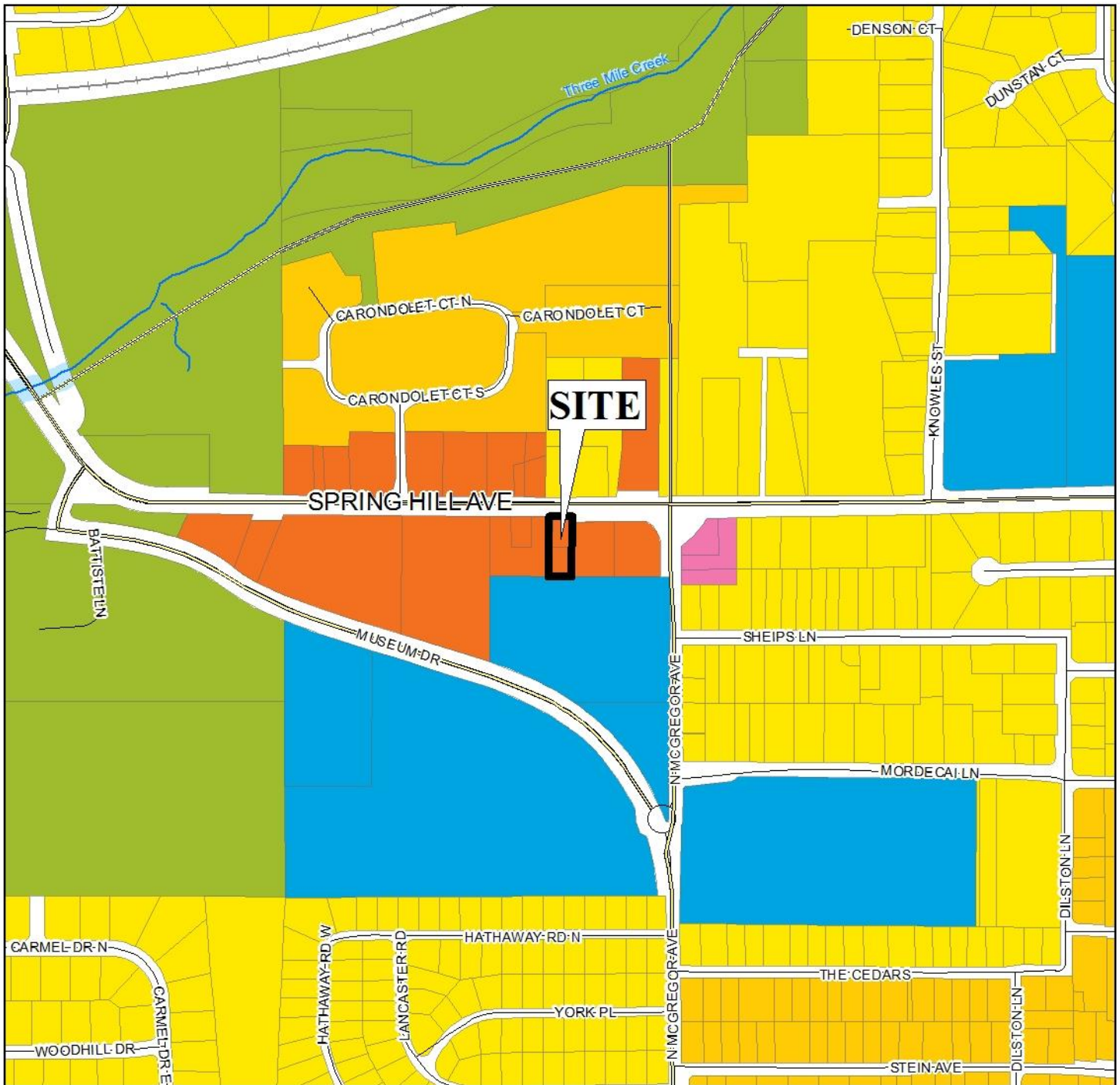
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# FLUM LOCATOR MAP



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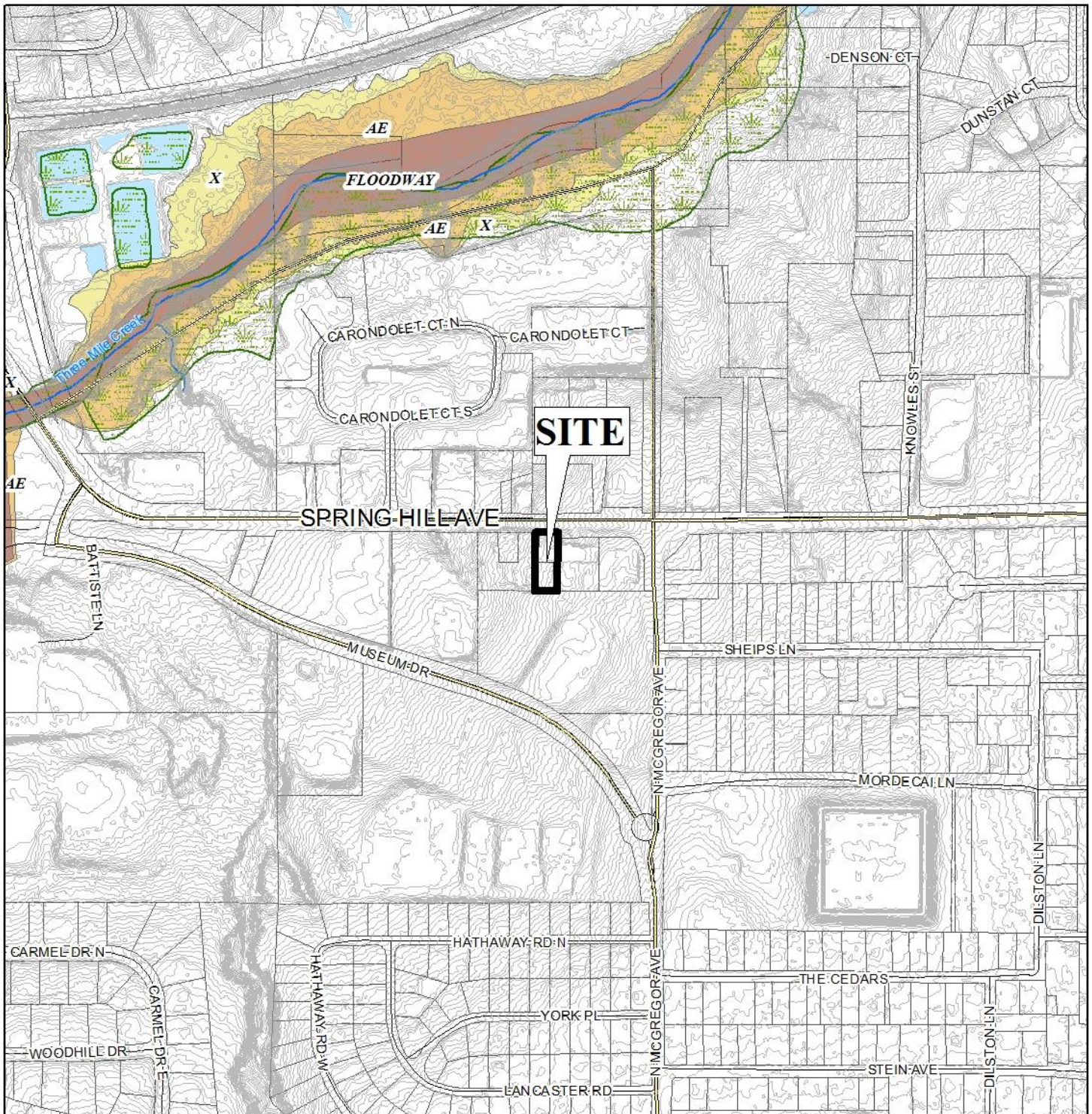
REQUEST Tree Plantings and Landscaping, Residential Buffering and Access and Maneuvering Variances

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 commercial units.

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<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

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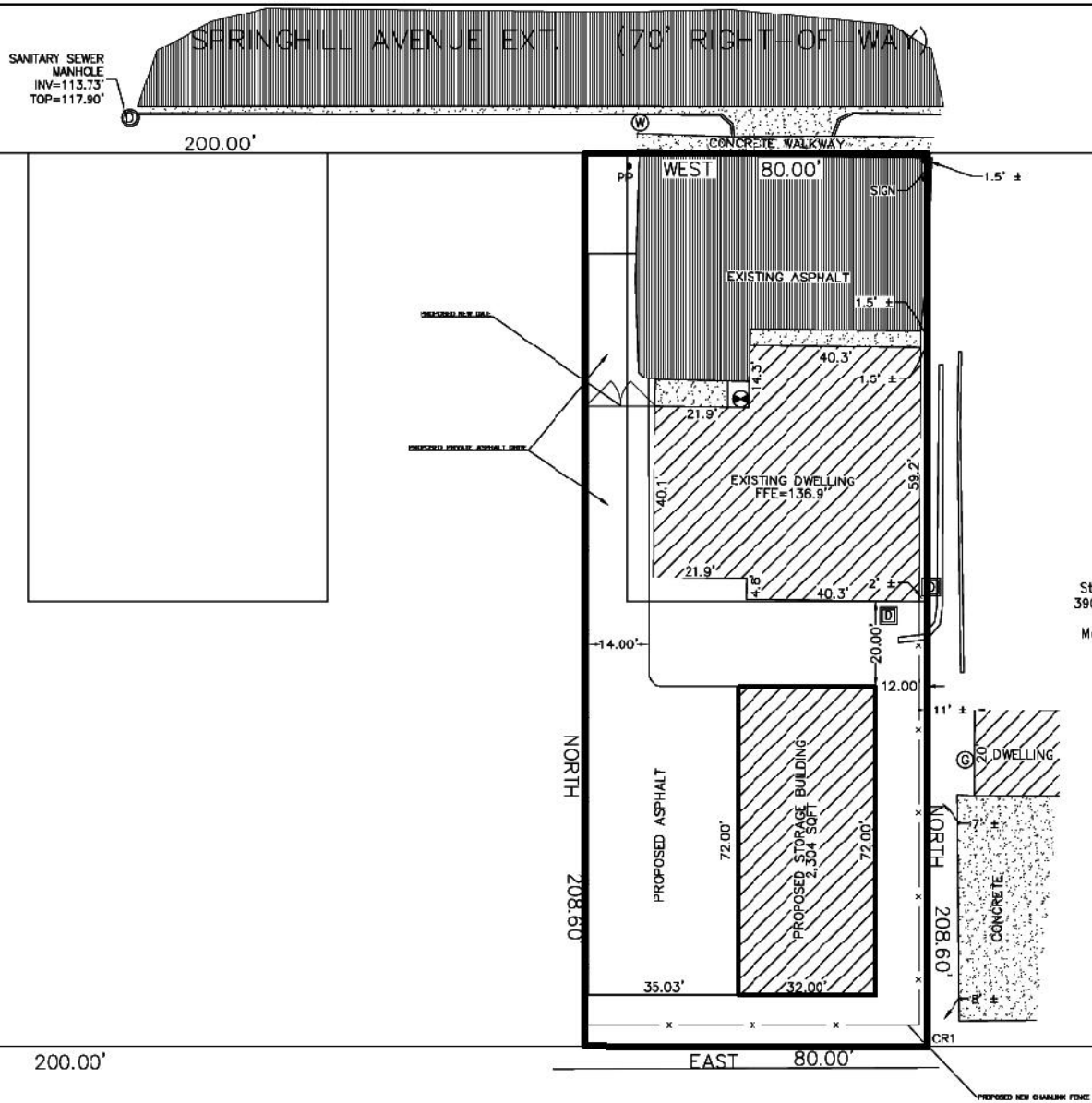
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# SITE PLAN



The site plan illustrates the existing building, existing parking, proposed parking, and proposed building.

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