

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 4, 2020****CASE NUMBER**

6324

**APPLICANT NAME**

John G. Walton Construction Co., Inc. and City of Mobile

**LOCATION**

(South side of Baltimore Street extending to the North side of Heustis Street, 338'± West of the intersection of Gayle Street and Baltimore Street.)

**VARIANCE REQUEST****USE:** Use Variance to allow the temporary use of the property for an office trailer and construction lay-down yard, in an R-1, Single-Family Residential District.**SURFACING:** Surfacing Variance to allow the use of gravel as an alternative parking surface in an R-1, Single-Family Residential District.**TREE AND LANDSCAPE:** Tree and Landscape Variance to waive tree planting and landscape requirements in an R-1, Single-Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance limits properties in R-1, Single-Family Residential Districts to residential use only.**SURFACING:** The Zoning Ordinance does not allow gravel as an alternative parking surface in an R-1, Single-Family Residential District.**TREE AND LANDSCAPE:** The Zoning Ordinance requires compliant tree planting and landscaping for all new commercial development in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District.

**AREA OF PROPERTY**

0.8± Acres

**CITY COUNCIL  
DISTRICT**

District 3

**ENGINEERING  
COMMENTS**

Please attach the following CONDITIONS to any approval:

1. Submit and receive a Tier 2 Land Disturbance Permit for the proposed site development before beginning any site work.
2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed to be placed within the public ROW.

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**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).

**ANALYSIS**

The applicant is requesting Use, Surfacing, and Tree and Landscaping Variances to allow the temporary use of the property for an office trailer and construction lay-down yard, to waive tree planting and landscape requirements, and to allow the use of gravel as an alternative parking surface in an R-1, Single-Family Residential District; the Zoning Ordinance requires compliant tree planting and landscaping for all new commercial development, limits properties in R-1 districts to residential use only, and does not allow gravel as an alternative parking surface in an R-1, Single-Family Residential District.

The site has been given both Mixed Density Residential (MxDR) land use land use designations 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.

The Mixed Density Residential 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 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's narrative states:

*The application is for a temporary use variance of the property. We request a variance in waiving the tree and landscape requirements. This property will be used for a Job Trailer and lay down area for the Rehabilitation Construction of Baltimore Street which is a City of Mobile capital improvement/PAY-GO project. Machinery will be parked on the property during non-working hours. A job trailer will be placed on the property for weekly project meetings with City of Mobile, Engineer on record, etc. Majority of noise and air pollutants will be on Baltimore Street during working hours to complete the construction of Baltimore Street per plans and specifications. JGW crews will be working between the hours of 7:00AM to 5:00PM on Baltimore Street. The number of JGW workers working on the project site each day will average between 5-10 workers. The purchase and use of this property occurred due to the Contractual requirements of the City's Baltimore Street project requiring a job trailer near/on the project site. As stated, the property will be used for the job trailer placement and use and for lay down area of equipment and materials for the length of the project construction. Once the project is completed, JGW will remove the job trailer from the property, take down the chainlink fencing, remove the rock drive/parking and seed & mulch the property to reestablish grass.*

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 applicants are proposing to use the subject site for a job trailer and lay down yard associated with a City of Mobile road reconstruction project being performed by a private contractor. The applicant mentions that the proposed use of the site will be temporary, but no time frame is given. If approved, the request should be granted for a period of one-year, with the applicant requesting an extension if longer is needed to complete the work. The applicant does state that work in the area will be occurring between the hours of 7 AM and 5 PM. If approved, hours of operation should be limited to this time frame.

The site plan submitted shows a small office trailer, and two parking spaces indicated. While two parking spaces is sufficient for the size of the trailer, the surfacing of the parking and maneuvering area is proposed to be gravel. While it is within the Board's authority to grant the use of gravel surfacing, it should be noted that the Americans with Disabilities Act requires accessible parking spaces to be surfaced with a stable, wheelchair compatible material, if such spaces are required. It seems that the requested gravel surfacing is due largely to the type of equipment that will be used with the associated project, as well as the fact that after the project is complete, the applicant intends to return the site to its existing status, and remove all improvements with the project.

It should also be noted that the texture used on the site plan for the laydown yard is different than that of the gravel access, maneuvering, and parking area, making it seem as if a different surfacing is proposed to be used, but not specified. If approved, all surfacing materials should be clearly indicated on the site plan, and any area to be used for equipment and material storage should be improved with gravel surfacing at a minimum.

It should be noted that the site plan submitted illustrates a 6' high chain link fence surrounding the perimeter of the site. If approved, the site plan should be revised to depict a compliant residential buffer, consisting a 6' high wooden privacy fence (reduced to 3' high within front setbacks).

Due to the temporary nature of the variance requests, the fact that the applicants intend to return the site to its current state upon completion of the associated City project, and that the associated City project will result in improved infrastructure for residents, granting the requested variances may be appropriate.

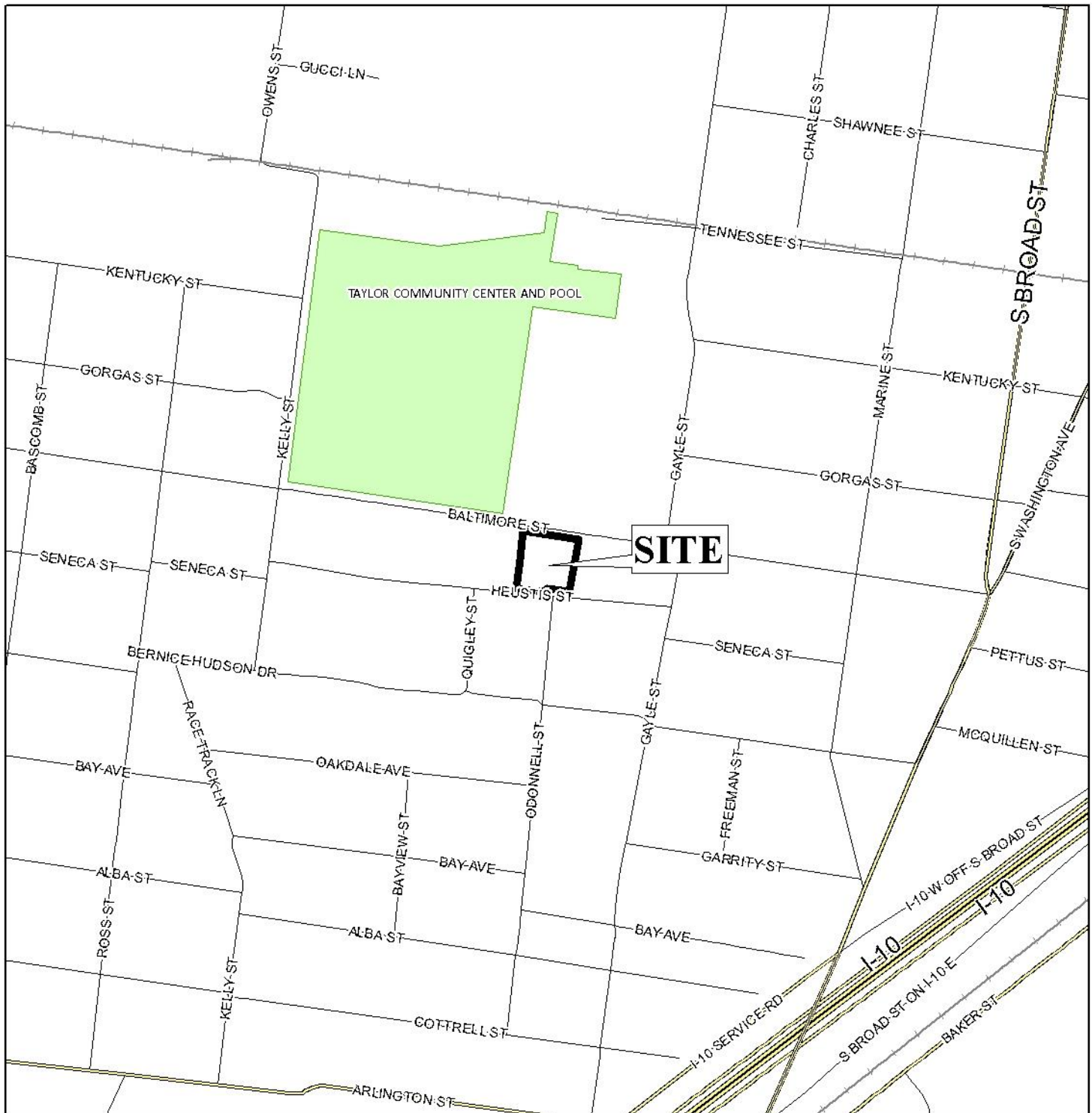
**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for the Approval of all requests:

- 1) Approving the variance will not be contrary to the public interest in that it will allow a contractor to use a currently vacant property to perform a project for the City of Mobile to improve infrastructure for local residents;
- 2) Special conditions exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that there are a limited number of alternative sites available that are close to the work to be performed, and large enough to accommodate storage of equipment and materials; 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 only require variances temporarily, and will then be returned to its existing state.

Therefore, the Use, Surfacing, and Tree and Landscaping Variance requests are recommended for approval, subject to the following conditions:

- 1) Approval is valid for an initial period of one-year, with extensions required if additional time is required;
- 2) Hours of operation a limited to between 7 AM and 5 PM;
- 3) Within 60 days of completion of the associated project, the site will be returned to its current status, to include: removal of the project trailer, removal of all gravel or other surfacing materials used, removal of any chain link fence, placing of sod, etc;
- 4) Revision of the site plan to indicate what surfacing material will be used for the laydown yard;
- 5) Revision of the site plan to illustrate a compliant residential buffer abutting residential properties;
- 6) Revision of the site plan to comply with accessible parking spaces and associated surfacing, as appropriate and if required;
- 7) subject to the Engineering comments: *[1. Submit and receive a Tier 2 Land Disturbance Permit for the proposed site development before beginning any site work. 2. Submit a ROW Permit (City of Mobile) for any work within the public ROW. Aggregate surfacing is NOT allowed to be placed within the public ROW.];*
- 8) subject to the 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.];*
- 9) subject to the 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).];*
- 10) submission to and approval by Planning and Zoning of two (2) copies of a revised site plan prior to any request for land disturbance or building permits; and
- 11) full compliance with all municipal codes and ordinances.

# LOCATOR MAP

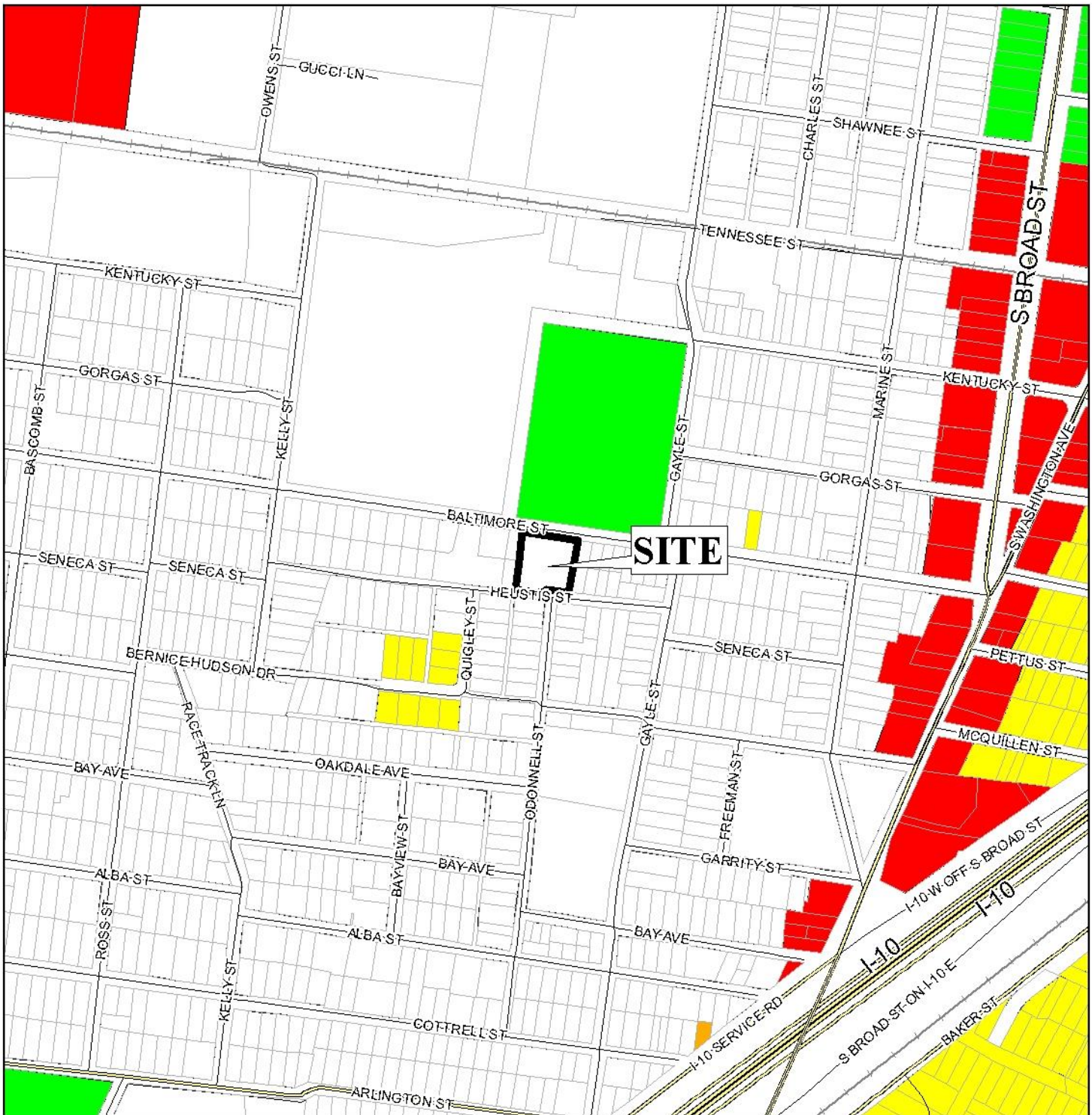


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REQUEST Use, Surfacing, and Tree and Landscaping Variances



NTS

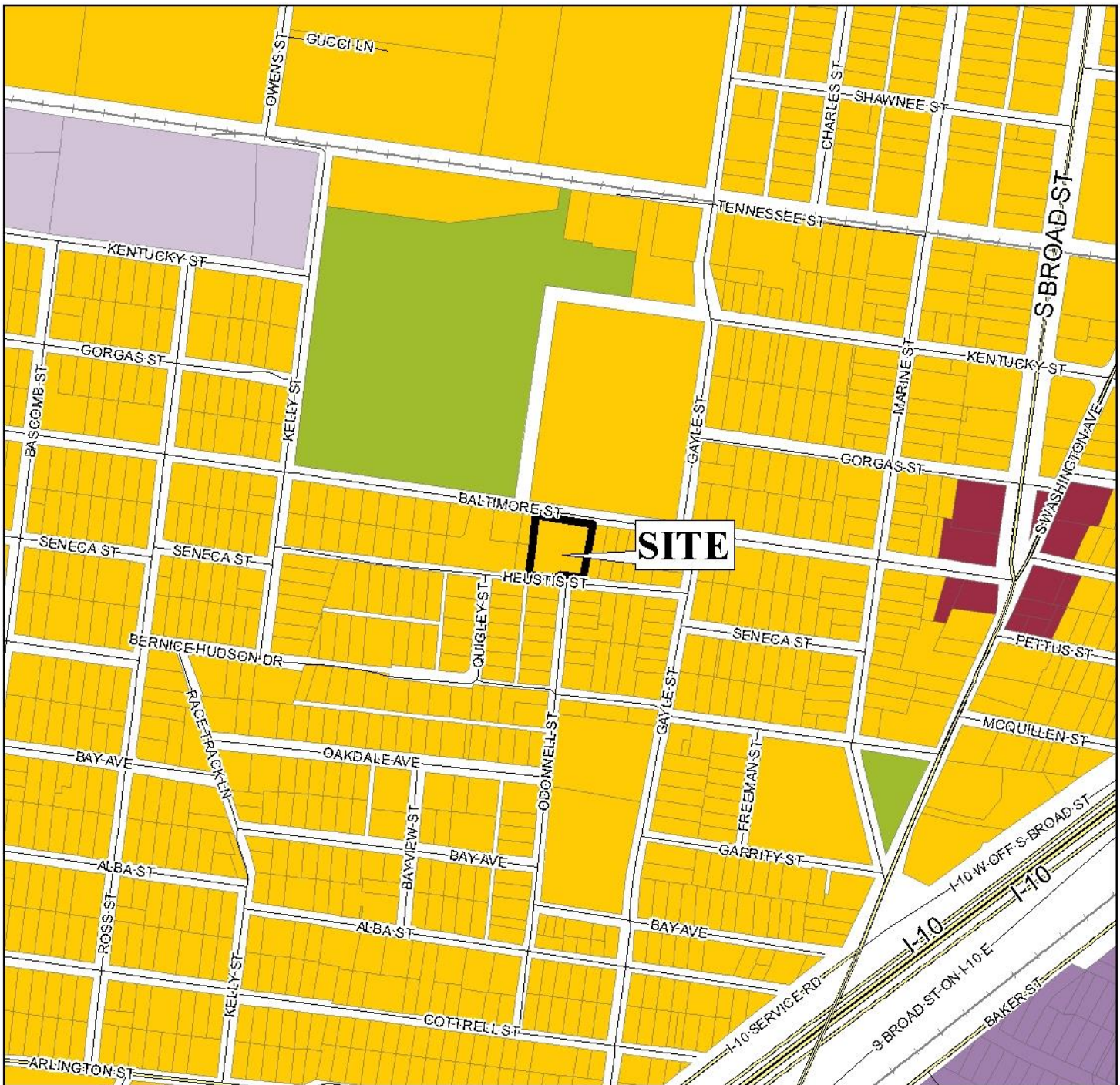
# LOCATOR ZONING MAP



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# FLUM LOCATOR MAP

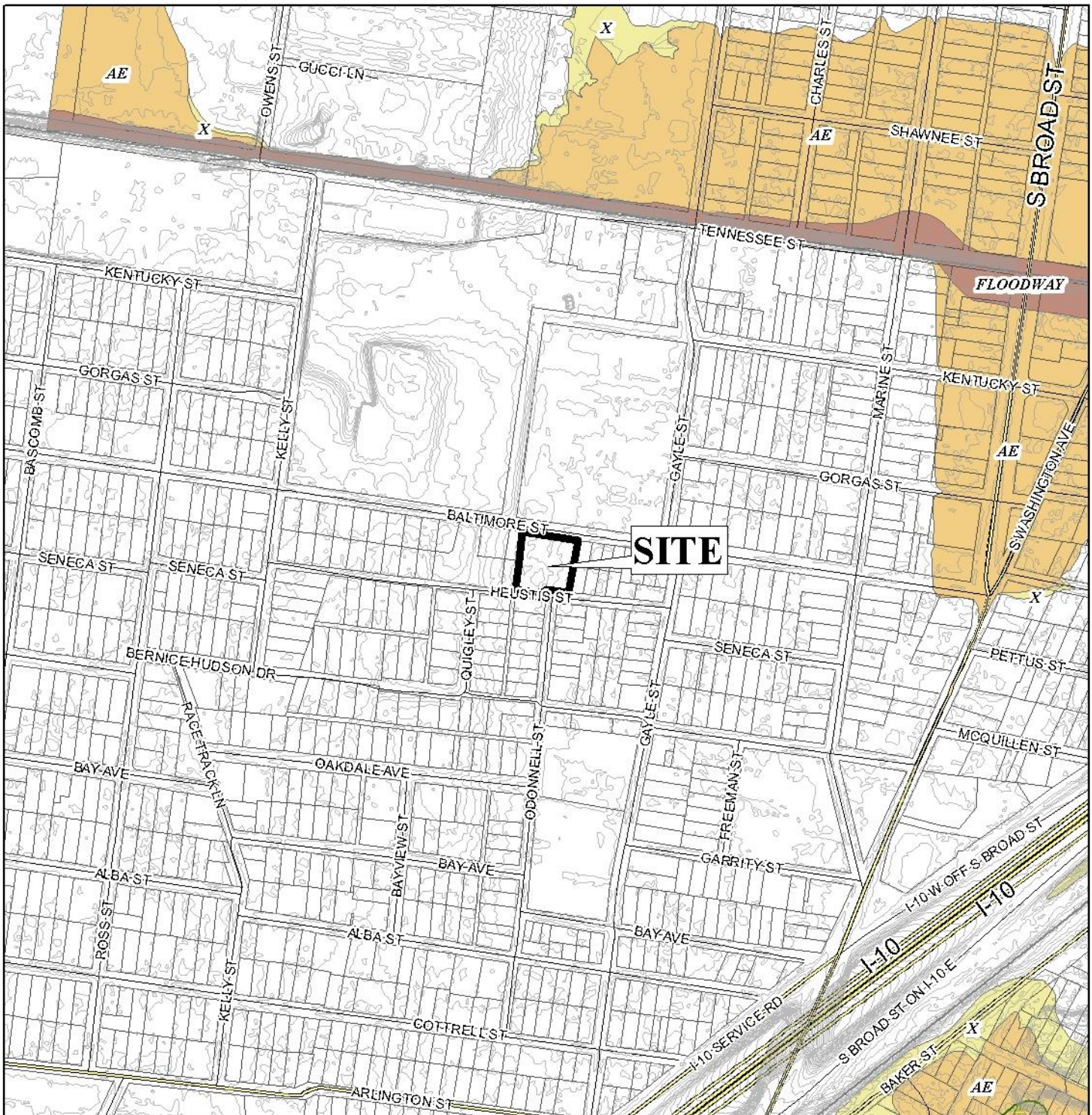


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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



# ENVIRONMENTAL LOCATOR MAP



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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



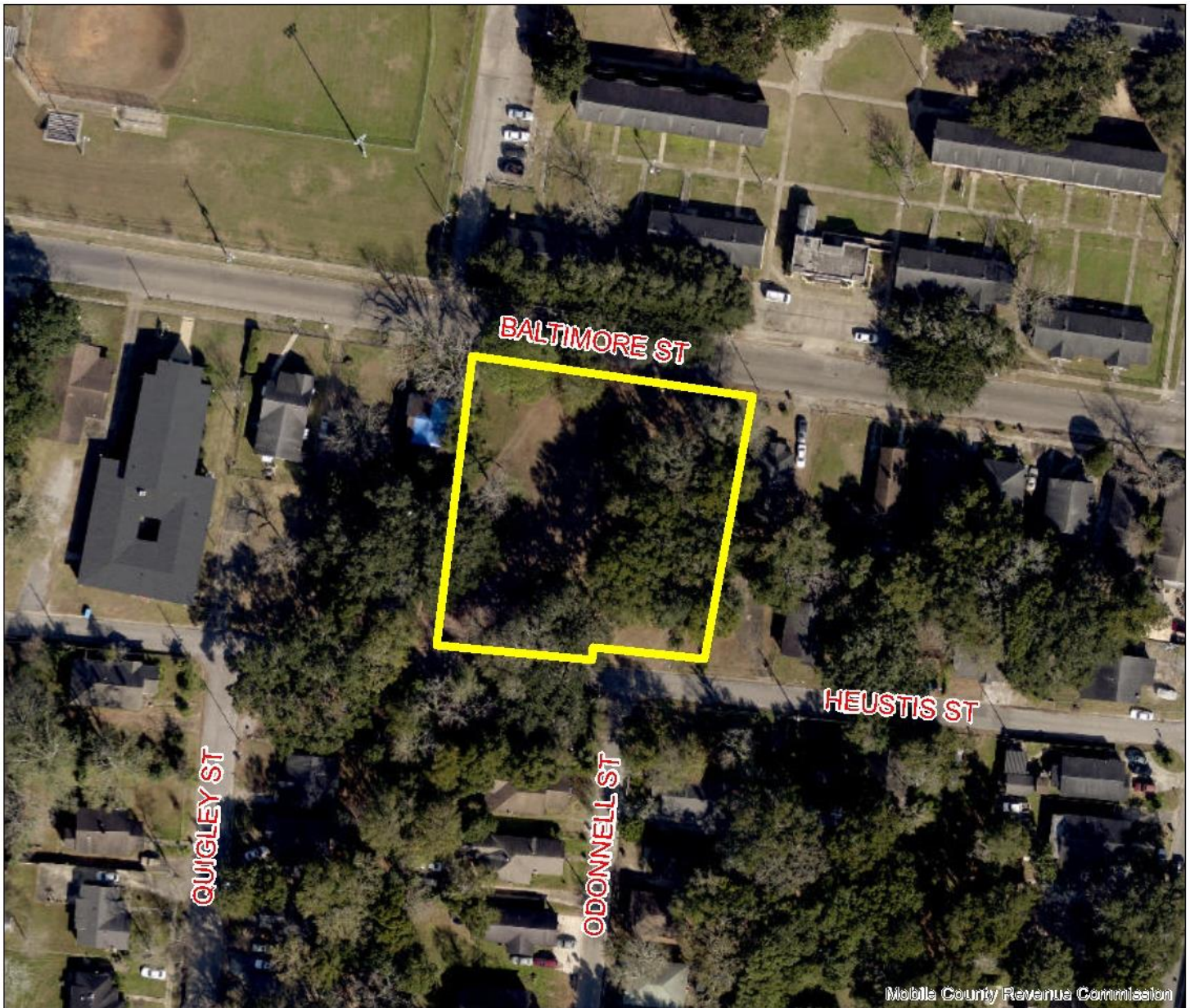
The site is surrounded by residential units.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

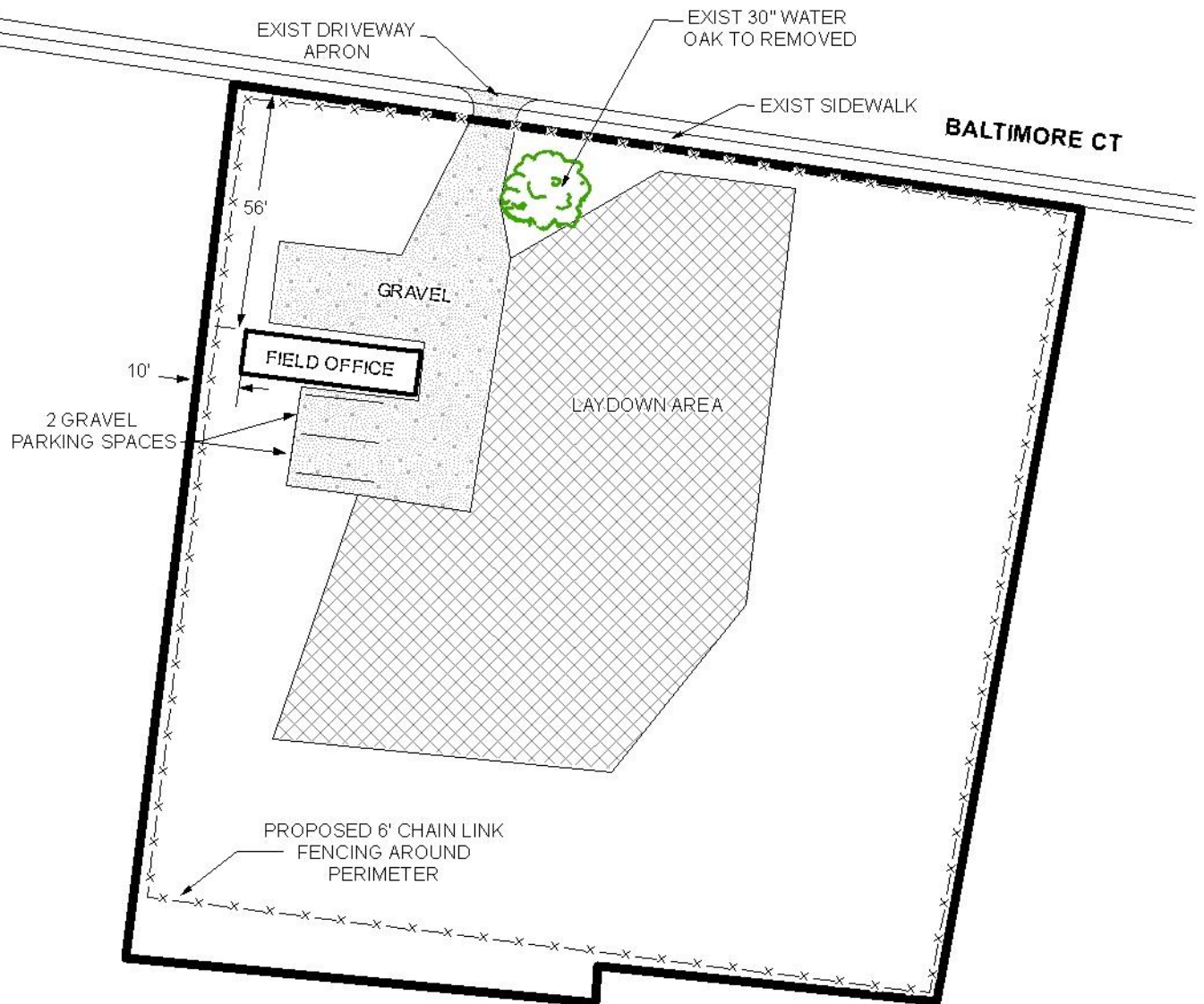


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# SITE PLAN



The site plan illustrates the proposed temporary field office, parking, and laydown yard.

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