

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 3, 2012****CASE NUMBER**

5799/5572

**APPLICANT NAME**

Jeff Quinnelly

**LOCATION**

East side of North McGregor Avenue, 170' South of Springhill Avenue.

**VARIANCE REQUEST****VEHICULAR ACCESS:** Vehicular Access Variance to allow the construction of a 16' wide drive in a Traditional Center District.**ZONING ORDINANCE  
REQUIREMENT****VEHICULAR ACCESS:** Zoning Ordinance requires a minimum access width of 24' for developments invoking the Traditional Center District overlay.**ZONING**

Traditional Center District, Neighborhood Center Subdistrict (R-1, Single-Family Residential as base)

**AREA OF PROPERTY**

0.19± Acres

**ENGINEERING****COMMENTS**

The requested variance for 16' access off of McGregor Avenue falls within the jurisdiction of the Right-of-Way Construction and Administration Ordinance and would need to be directed to the office of the City Engineer (City Code Chapter 57, Article VIII).

**TRAFFIC ENGINEERING****COMMENTS**

This on-street head-in parking proposal is extremely undesirable. The City ordinance requires developments to have off-street parking. This proposal shows on-street head-in parking in a lane transition and in addition, the planned roundabout at the intersection of McGregor Ave. and Museum Dr. will require a partial realignment of McGregor Ave, quite probably affecting this planned location.

The substandard driveway isn't necessary to develop this property. Our standards are that the driveway be 24' wide with 20' radii which means that the curb cut should be  $24' + 20' + 20' = 64'$ . Since the lot is only 49' wide, it will be impossible to meet the desired City standards. We would approve a 24' wide drive with two 12.5' radii, and although the radii will not function perfectly, it will be better than the current plan.

There are other options available to the developer; it appears that you can meet most of the City Traffic Engineering standards by placing the building in the rear (east side) of the property, still accomplish your goal. The aisle must be 24' wide to accommodate two-way traffic.

**FIRE DEPARTMENT**

**COMMENTS** All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile. As well as the following:

**SECTION 502****DEFINITIONS**

**FIRE APPARATUS ACCESS ROAD.** A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

**SECTION 503****FIRE APPARATUS ACCESS ROADS**

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

**FIRE LANE SIGNS**

0103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

0103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

**APPENDIX D****FIRE APPARATUS ACCESS ROADS****SECTION D102****REQUIRED ACCESS**

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus byway of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

Appendix D in the 2003 IFC, adopted by the City of Mobile, referencing fire access roads, specifically states an all weather surface of asphalt or Concrete, and that either surface should be constructed to withstand the 75,000 lbs./sq.ft.. The other approved surfaces that are mentioned apply to special driving surfaces such as paving stones, embedded plastic grids, and other special applications, some allow grass to grow over the road to hide the access road in areas where appearance is valued more than the cost of the road (these type roads are far more costly than asphalt or concrete).

Our office does not recognize rock or crushed rock surfaces as approved Access roads.

**International Fire Code 2009 Sections 500 and Appendix D have other requirements pertaining to fire access roads that could be helpful to the developer.**

**CITY COUNCIL**  
**DISTRICT**

District 7

**ANALYSIS**

Vehicular Access Variances to allow the construction of a 16' wide drive in a Traditional Center District; the Zoning Ordinance requires a minimum access width of 24' for developments invoking the Traditional Center District overlay.

The site had a similar variance approved at the Board of Zoning Adjustment's November 2, 2009 meeting, and received a 6-month extension at the Board's June 7, 2010 meeting. No permits were obtained, therefore the previous approval has expired.

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 that the subject site is only 49' in width due to its subdivision prior to the 1952 adoption of the Subdivision Regulations, which is also prior to the adoption of the Zoning Ordinance. The applicant argues that this narrow lot width presents a unique hardship on the property, making compliance with the required 24' wide drive "nearly impossible," especially with the proposed building located on the front property line. The applicant feels that 16' is the maximum width that will allow suitable development of the property. This, along with a zero lot line, will yield a building 32' in width at most; thus, if the proposed office building (in compliance with standard firewalls and ADA building requirements) contains a standard 5' wide center hallway, offices on either side will be approximately 12' in depth. The applicant states this is the minimum commercially viable office depth.

The applicant further states that the planned office use is approximately 2,200 square feet, which would require 5 parking spaces. The site will be serviced by seven parking spaces in the rear, and the site plan also illustrates two parking spaces in the right-of-way that are labeled as "proposed on-street parking". On-street parking spaces, in the right-of-way, are subject to review and approval the City Engineer and the Traffic Engineer.

It should be noted that the applicant has invoked the Traditional Center District Overlay, which is intended to enable and encourage traditional, walk-able village and neighborhood centers, bringing a balance between vehicular and pedestrian-oriented design. In doing so, the TCD affords significant relief from the existing Ordinance including, but not limited to, zero front and side yard setbacks. Therefore, with regard to the applicant's request, asking for further relief seems excessive, especially since it appears that the site could be developed accordingly but with a smaller building. The Traditional Center District Overlay uses supersede the use limits

imposed on the site by the R-1, Single-Family Residential designation, and additionally allow all T-B, Traditional-Business District uses on sites within the Neighborhood Center Subdistrict.

The proposed building is located on the Southern property line with a 0' setback. The Zoning Ordinance amendments which were adopted in August 2012 state that a commercially utilized building site that adjoins a residentially zoned or utilized site, as this one does to the South and East, should provide a 10' buffer with a 6' high privacy fence or 10' wide vegetative buffer, neither of which is proposed for this development. However, the Traditional Center District Overlay option allows a 0' side yard setback even where commercial and residential uses abut each other.

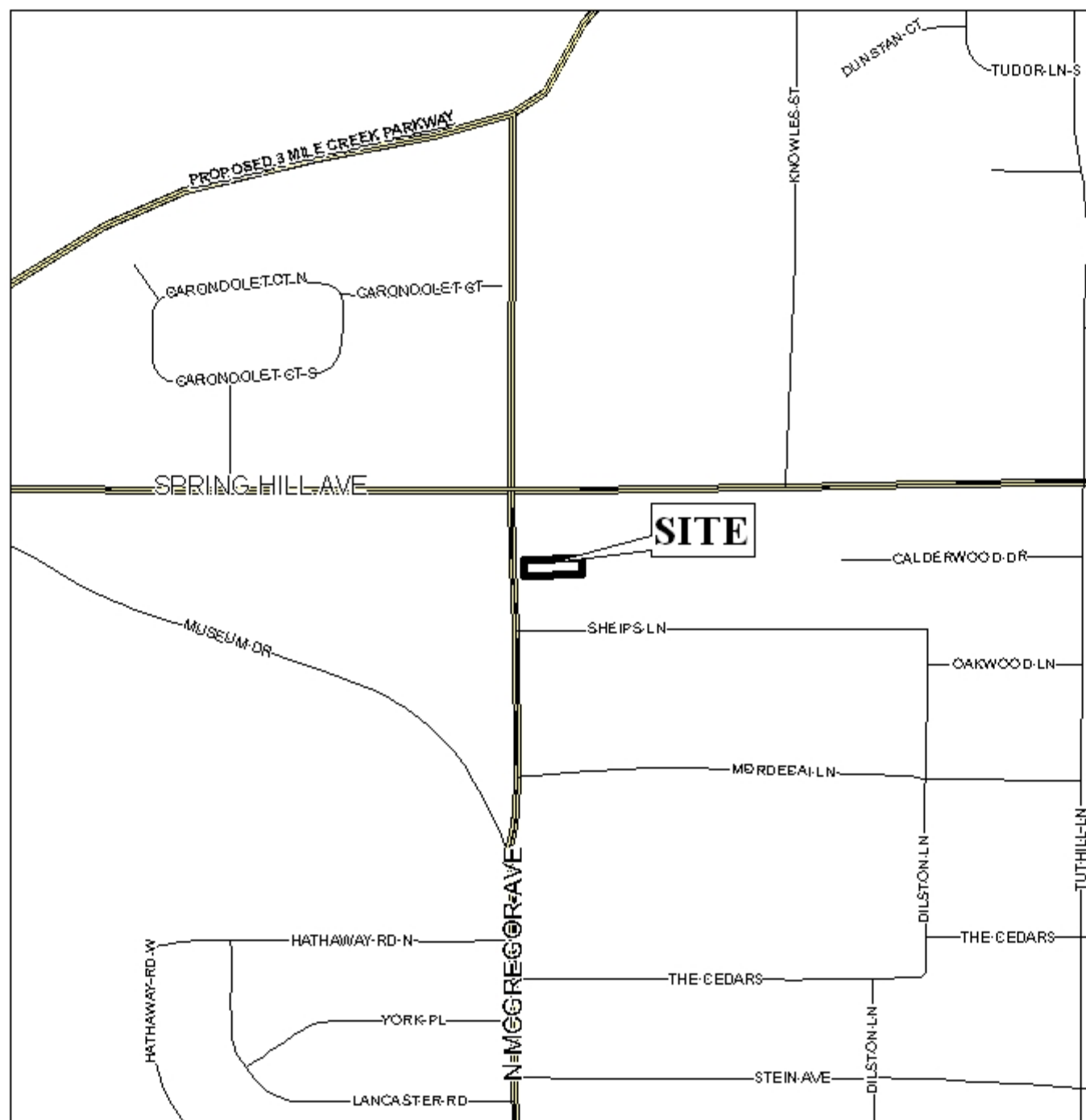
It should also be noted that North McGregor Avenue is part of the Inner Ring Road Thoroughfare of the Major Street Plan; this section is required to have a minimum 80' right-of-way. The subject area of McGregor Avenue currently has a right-of-way approximately 40' in width. However, research by staff indicates that if the proposed major street is ever constructed, all dedication will be from the West side of this section of North McGregor Avenue.

The applicant has failed to illustrate that there is a hardship with the site. If the site were to be developed according to the underlying R-1, Single-Family Residential District regulations, no variance would be received. In this case, the applicant is choosing to voluntarily develop the site commercially under the Neighborhood Center Subdistrict provisions of the Traditional Center District Overlay, thereby creating a self-imposed hardship due to the proposed overdevelopment of the site

### **RECOMMENDATION:**

Based on the preceding, the following requests are recommended for denial.

# LOCATOR MAP



APPLICATION NUMBER 5799/5572 DATE December 3, 2012

APPLICANT Jeff Quinnelly

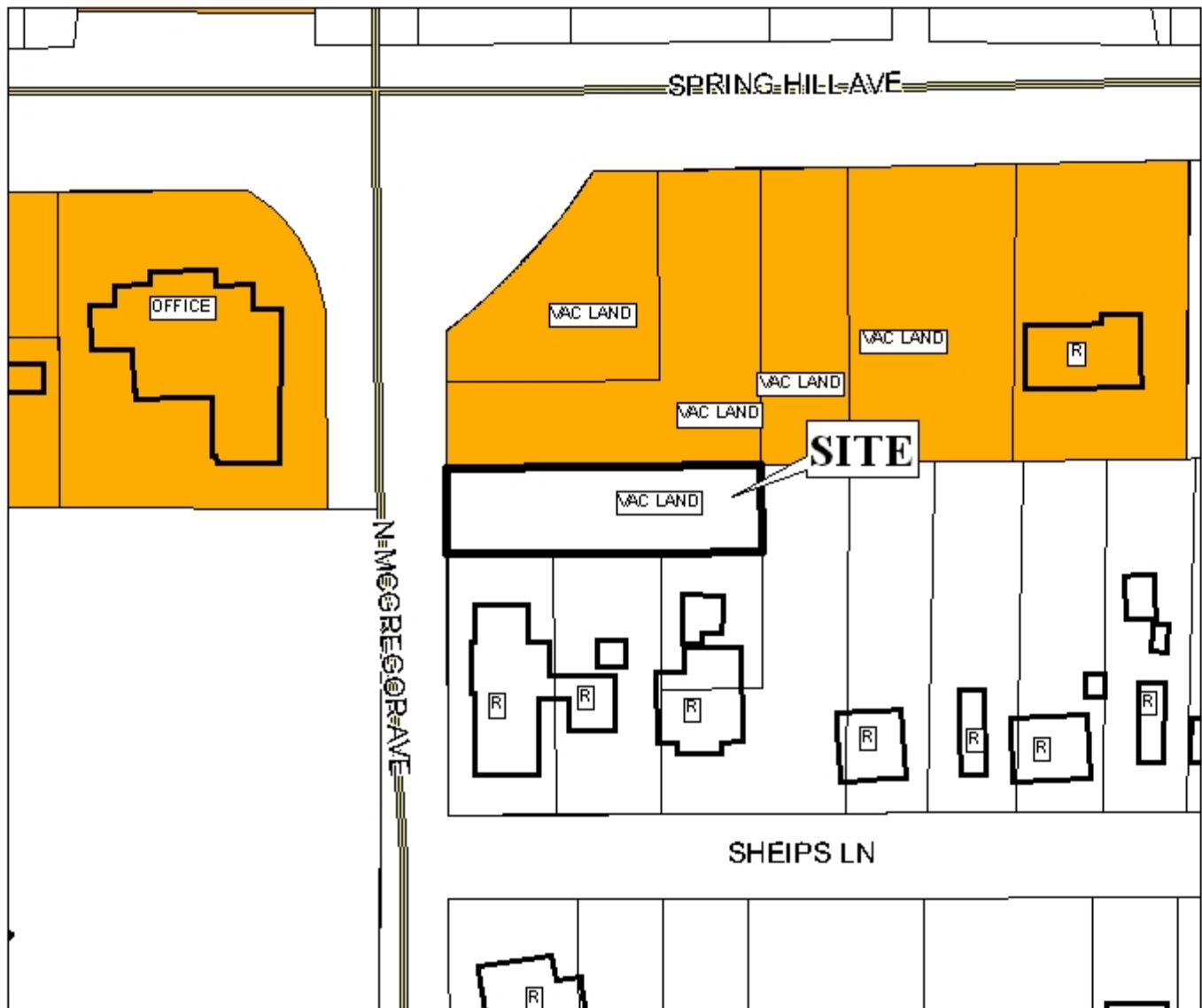
REQUEST Vehicular Access Variance

N



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING


















Single-family residences are located to the south of the site. Vacant land is located to the north of the site.

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REQUEST Vehicular Access Variance

LEGEND

														
R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



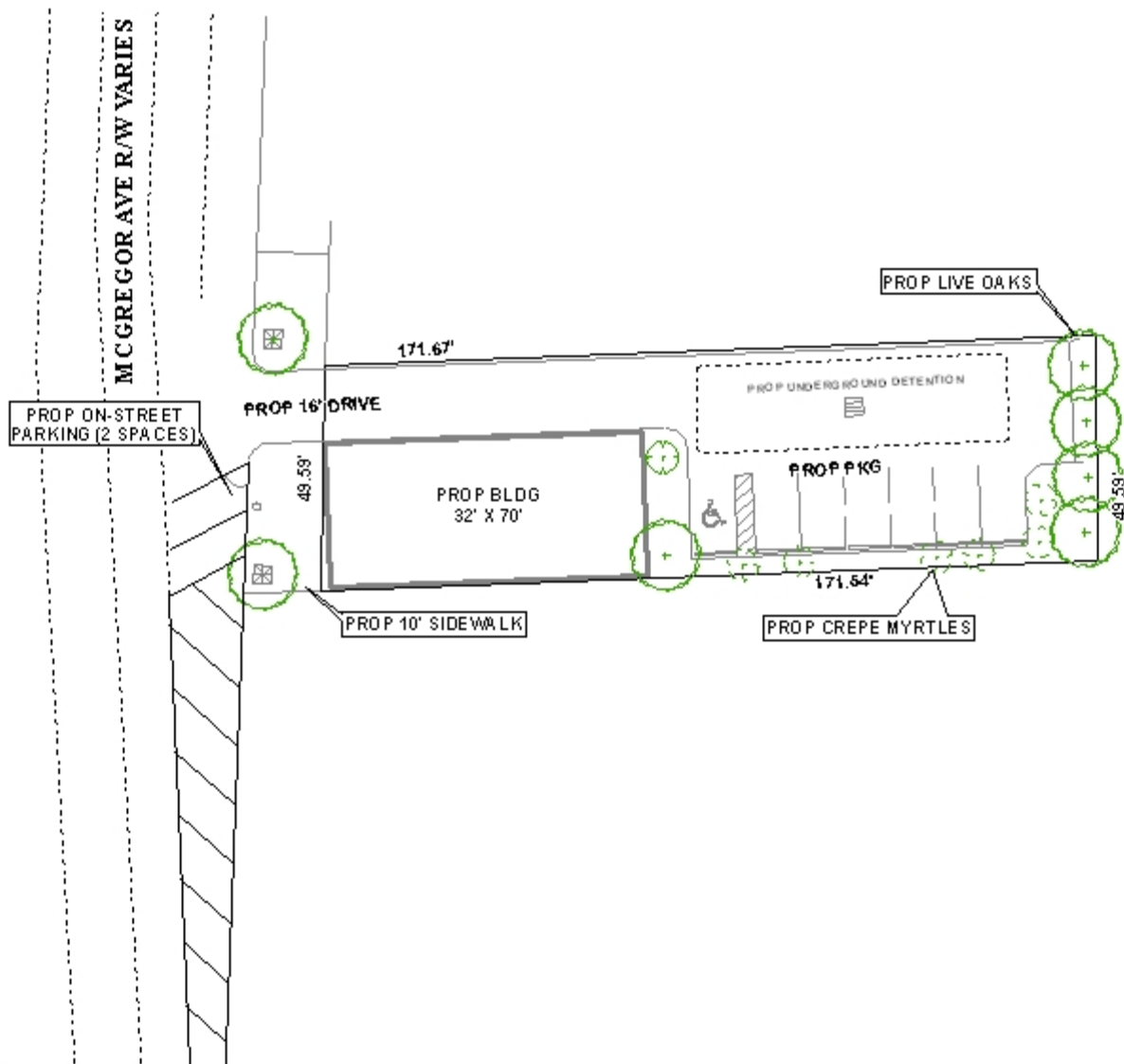
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# SITE PLAN



The site plan illustrates the proposed development.

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 NTS