

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 6, 2015**

<u>CASE NUMBER</u>	5986/5327/5152
<u>APPLICANT NAME</u>	Board of Water & Sewer Commissioners of the City of Mobile
<u>LOCATION</u>	206 North Catherine Street (East side of North Catherine Street, 216'± South of St. Stephens Road).
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow a temporary office building in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance requires a minimum B-1, Buffer Business District for office buildings.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	.59± Acres
<u>ENGINEERING COMMENTS</u>	No Comments
<u>TRAFFIC ENGINEERING COMMENTS</u>	Provide ADA handicap spaces as required for an accessible route to the temporary structure.
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ANALYSIS</u>	The applicant is requesting a Use Variance to allow a temporary office building to be placed on property zoned R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum B-1, Buffer Business District for all office buildings.

The applicant currently owns the property directly across the street from the subject site for which the use variance is requested. Several permanent structures were constructed on the adjacent property upon approval of a Planned Unit Development and utilized as a service center for MAWSS customers. The property in question is currently utilized as an additional parking lot for the aforementioned service center.

Previous Use and Off-Site Variances were approved by the Board at its January 6, 2003 meeting allowing commercial, off-site use of this property to provide parking for the aforementioned adjacent property, subject to the following conditions: 1) full compliance with the landscaping and tree planting requirements of the ordinance; 2) full compliance with all municipal codes and ordinances; 3) the provision of a buffer where the site adjoins residential property; 4) the parking design and pedestrian crosswalk to be approved by the Traffic Engineering Department; and 5) the submission and approval of a subdivision application.

The Board approved additional Use and Off-Site Variances at its November 7, 2005 meeting allowing parking exceptions similar to the previous variance request, but also allowing the placement of two, temporary commercial office buildings on the site. Approval was subject to the following conditions: 1) full compliance with the landscaping and tree planning requirements of the ordinance; 2) full compliance with all municipal codes and ordinances; 3) the provision of a buffer where the site adjoins residential property; 4) the parking design and pedestrian crosswalk to be approved by the Traffic Engineering Department; and 5) the completion of the subdivision process (submission of seven copies of the final plat).

The applicant states:

It is proposed that a temporary portable building be placed on this site to serve as a bill payment satellite center to service Mobile Area Water and Sewer Service's customers. It is needed so that MAWSS can maintain a payment center in this customer service area while they complete a near-by permanent payment center. MAWSS has sold their existing facility, which is on the west side of Catherine Street across from this site, and will be moving out very soon. They currently serve approximately 36 customers per hour (288 per day) and their hours of operation are Monday – Friday from 8:00 AM to 4:00 PM. The proposed temporary/portable building will be approximately 600 s.f. in size and have six employees. There will be 47 parking spaces available.

MAWSS has a very short time from within which they have to be out of their existing facility and by which they will need an alternate payment center to service the community in this area. It is anticipated that MAWSS will need to utilize this temporary facility for 9-12 months until their nearby facility is completed. This site was previously utilized for this purpose on a temporary basis in 2005/2006 during renovations to the Catherine Street facility. The proposed layout will be the same as the previously granted variance.

The submitted site plan illustrates a total of 52 parking spaces, 47 of which are unobstructed by the proposed temporary building. The Zoning Ordinance requires one (1) space per three hundred (300) square feet of gross floor area for general business structures. Considering the area of the proposed temporary building does not exceed 600 s.f., remaining parking would accommodate the required parking spaces for such a use.

The proposed location of the temporary building will not meet setback requirements for commercially utilized sites abutting residentially utilized sites. It is recommended that the

building be placed in the parking area to be at least 10 feet from any abutting residentially used property.

The submitted site plan also illustrates compliance with all required conditions of the two previous Use and Off-Site variance requests including: landscape requirements; a required buffer fence between the site and all adjacent R-1, Single-Family Residential properties; compliance with Traffic Engineering; and completion of the subdivision process.

There is no dumpster illustrated on the site plan. If approved, a revised site plan with a note stating that curbside pickup will be used, or illustrating a dumpster connected to sanitary sewer, screened from view and in compliance with Section 64-4.D.9. of the Zoning Ordinance should be submitted.

As requested by Traffic Engineering, ADA-compliant parking spaces will need to be designated in order to provide access to the temporary structure. If approved a revised site plan illustrating the required, building-accessible handicapped parking spaces will be required.

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.

Given the precedence set by the previously-approved Use and Off-Street variances, and that the existing facility has been sold and a new, permanent facility is not yet complete, the applicant has presented a hardship in which the surrounding community would be aggrieved should MAWSS services be limited or unavailable. Additionally, given the limited time frame in which a permanent structure will be completed to resume services at a substantial site, consideration should be given for the approval of this application, subject to certain conditions.

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

- 1) approving the variance request will not be contrary to the public interest in that the proposed temporary commercial structure will continue to serve patrons of a public utility during the construction of a new service center;
- 2) special conditions exist, including the impending vacation of formerly-owned property by which customers were served, and the incomplete construction of new property by which customers will continue to be served in the near future; 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 of the precedence established by similar requests previously approved by the Board.

The approval should be subject to the following conditions:

- 1) Relocation of the temporary building to be at least 10 feet from all abutting residential properties without impacting traffic circulation;
- 2) The submission of a revised site plan with a note stating that curbside pickup will be used, or the illustration of a dumpster connected to sanitary sewer, screened from view and in compliance with Section 64-4.D.9. of the Zoning Ordinance;
- 3) Compliance with Traffic Engineering: *“Provide ADA handicap spaces as required for an accessible route to the temporary structure.”*;
- 4) The acquisition of the appropriate building permit(s);
- 5) Placement of a note on the site plan that the temporary building will be removed from the site after 12 months, unless granted an extension by the Board of Zoning Adjustment;
- 6) Submission of two (2) revised site plans to the Planning Division prior to the issuance of permits; and
- 7) Full compliance with all applicable codes and ordinances.

LOCATOR MAP

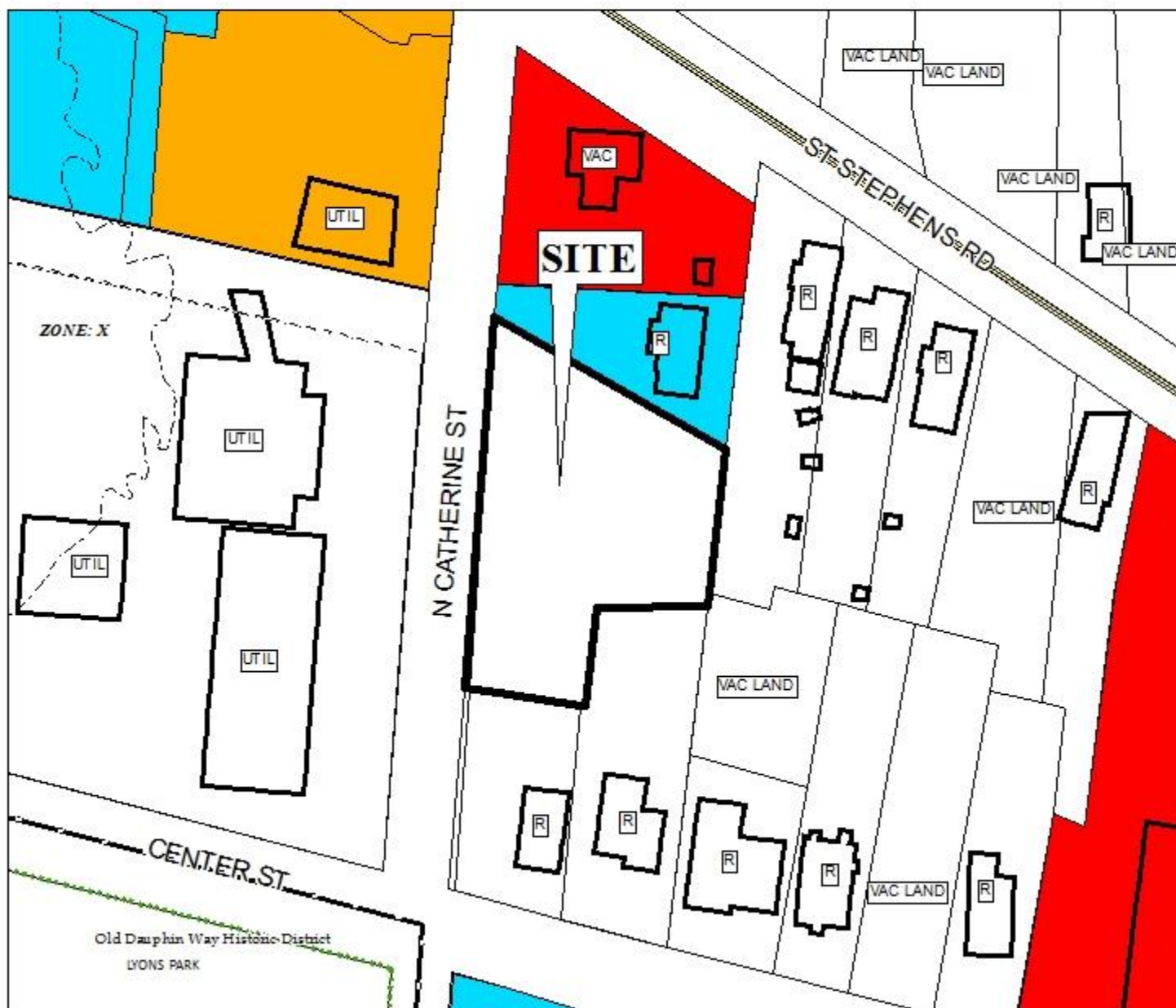


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REQUEST Use Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the east, and utilities to the west. An auto repair shop lies north of the site.

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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

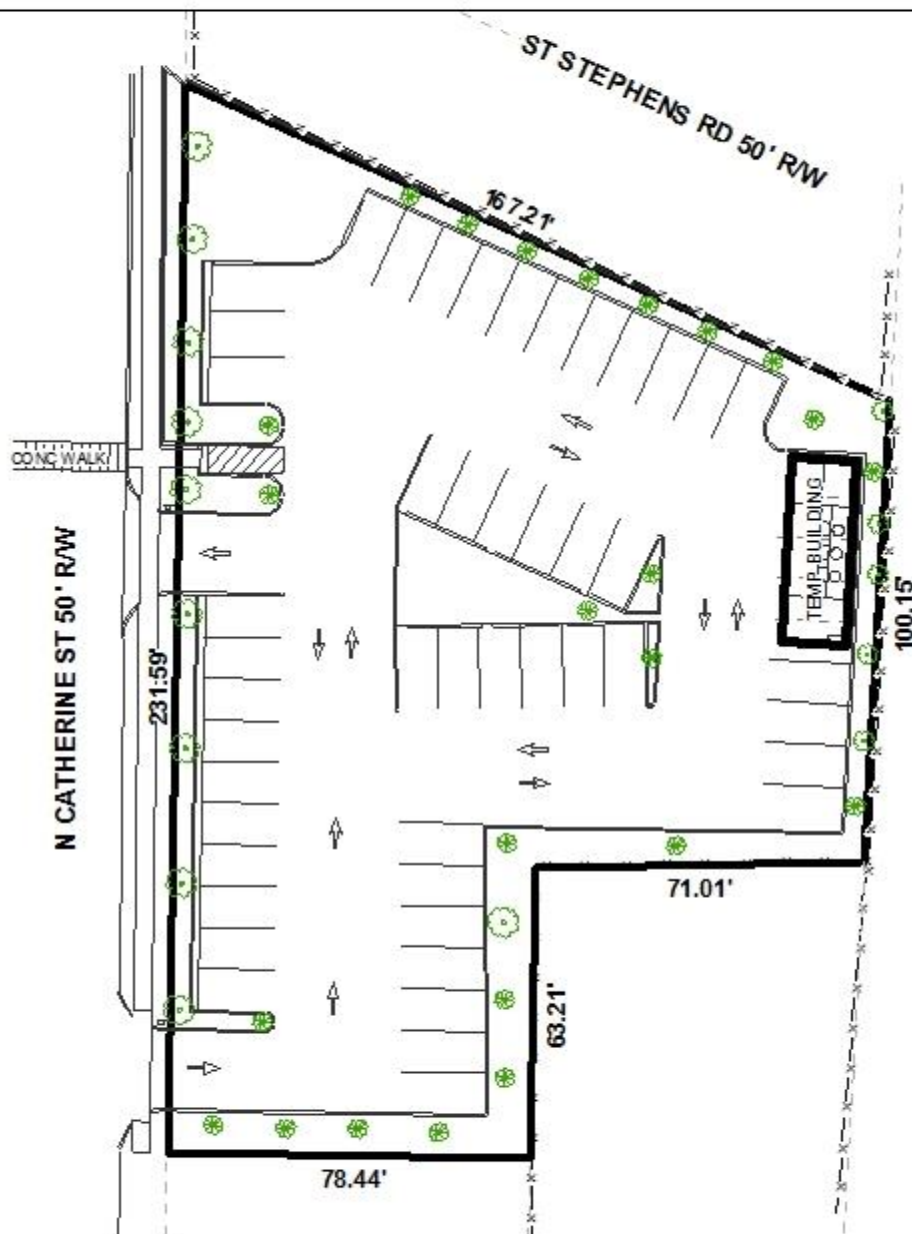


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SITE PLAN



The site plan illustrates the temporary building, parking, and trees.

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