



Agenda Item # 1

BOA-003102-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

7377 Zeigler Circle South

Applicant / Agent (as applicable):

Mark Hammond, Agent

Property Owner:

New Faith Outreach Economic Development, Inc.

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number:

6627

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires a 24-foot wide driveway for two-way traffic in a B-3, Community Business Suburban District.

Board Consideration:

- Access Variance to allow a sub-standard driveway for two-way traffic in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Residential units lie south of the site.

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REQUEST	Access Variance		



SITE HISTORY

The site was originally part of the Zeigler Airport Commercial Park Revised Subdivision, a 49-lot subdivision, which was approved by the Planning Commission and recorded in Probate Court in 1978.

The site was then a part of the Zeigler Airport Commercial Park Revised Resubdivision of Lot 18, a 2-lot subdivision, which was approved by the Planning Commission and recorded in Probate Court in 1998.

The site was annexed into the City of Mobile in 2007.

There have been no other Planning Commission or Board of Zoning Adjustment applications for the subject site.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
- Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of

sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting Access Variance to allow a sub-standard driveway for two-way traffic in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a 24-foot wide driveway for two-way traffic in a B-3, Community Business Suburban District.

All documentation submitted for this application is available via the hyperlink, on page 1.

The subject site is developed with an existing church, that is proposing to erect a 1,250 square foot addition on the rear of the structure. In order for the church to provide compliant on-site parking, a new paved parking area is proposed to be developed at the rear of the site. Due to the existing church structure being approximately 14.2-feet from the East property line and 5.1-feet from the West property line, the site cannot provide compliant two-way access to the new parking lot at the rear of the site, and the front of the property cannot accommodate any additional parking.

With the proposed addition, the church is required to have 25 parking spaces, and 25 parking spaces are depicted on the site plan submitted. It should be noted that a compliant photometric site plan will be required at the time of permitting, if approved. Furthermore, the handicapped parking space at the rear of the structure may need to be relocated to the front parking area so that it is closer to the primary entrance of the church, and the vehicle space must be a minimum of 9-feet wide.

The site plan shows an existing fence with gate, which crosses the driveway to the rear of the structure, and prevents access to the new parking area, if closed. If approved, a note should be placed on the site plan stating that the gate will remain open during church events.

The subject site abuts R-1, Single-Family Residential property to the South. If approved, the site plan should be revised to depict a compliant residential buffer along the South property line.

The site plan does not depict a dumpster. If approved, either a compliant dumpster should be depicted on the site plan (including screening and sufficient on-site access), or a note should be added stating that curbside pickup will be utilized.

Due to the proposed addition being less than 50% of the existing footprint, the site will not be required to come into full compliance with tree planting and landscape area requirements at this time.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship and
- the spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; No variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful

Considerations:

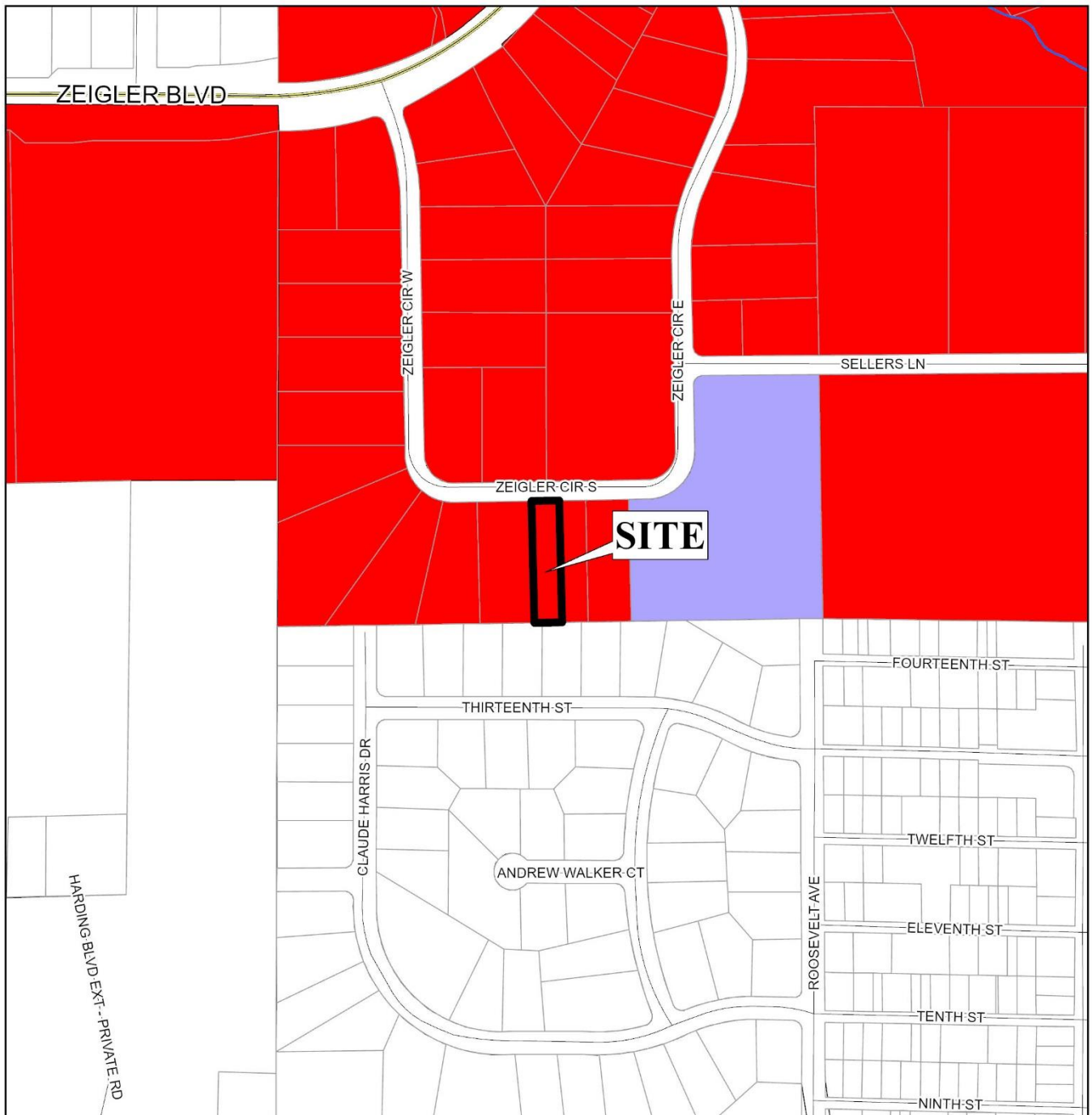
Based on the requested Variance, if the Board should consider approval of the request, the following findings of fact must be considered:

- A. The variance **will not** be contrary to the public interest;
- B. Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C. The spirit of the chapter **shall be** observed and substantial justice **done** to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

1. Submittal of a compliant photometric site plan at the time of permitting;
2. Placement of a note on the site plan stating that the gate will remain open during church events;
3. Revision of the site plan to depict a compliant residential buffer along the South property line;
4. Revision of the site plan to either depict a compliant dumpster on the site plan, or placement of a note stating that curbside pickup will be utilized;
5. Revision of the site plan to insure that all parking spaces, including accessible spaces, are 9-feet by 18-feet in size, in accordance with Table 64-3-12.2 in Article 3 of the UDC;
6. Obtain all necessary land disturbance and building permits; and
7. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP

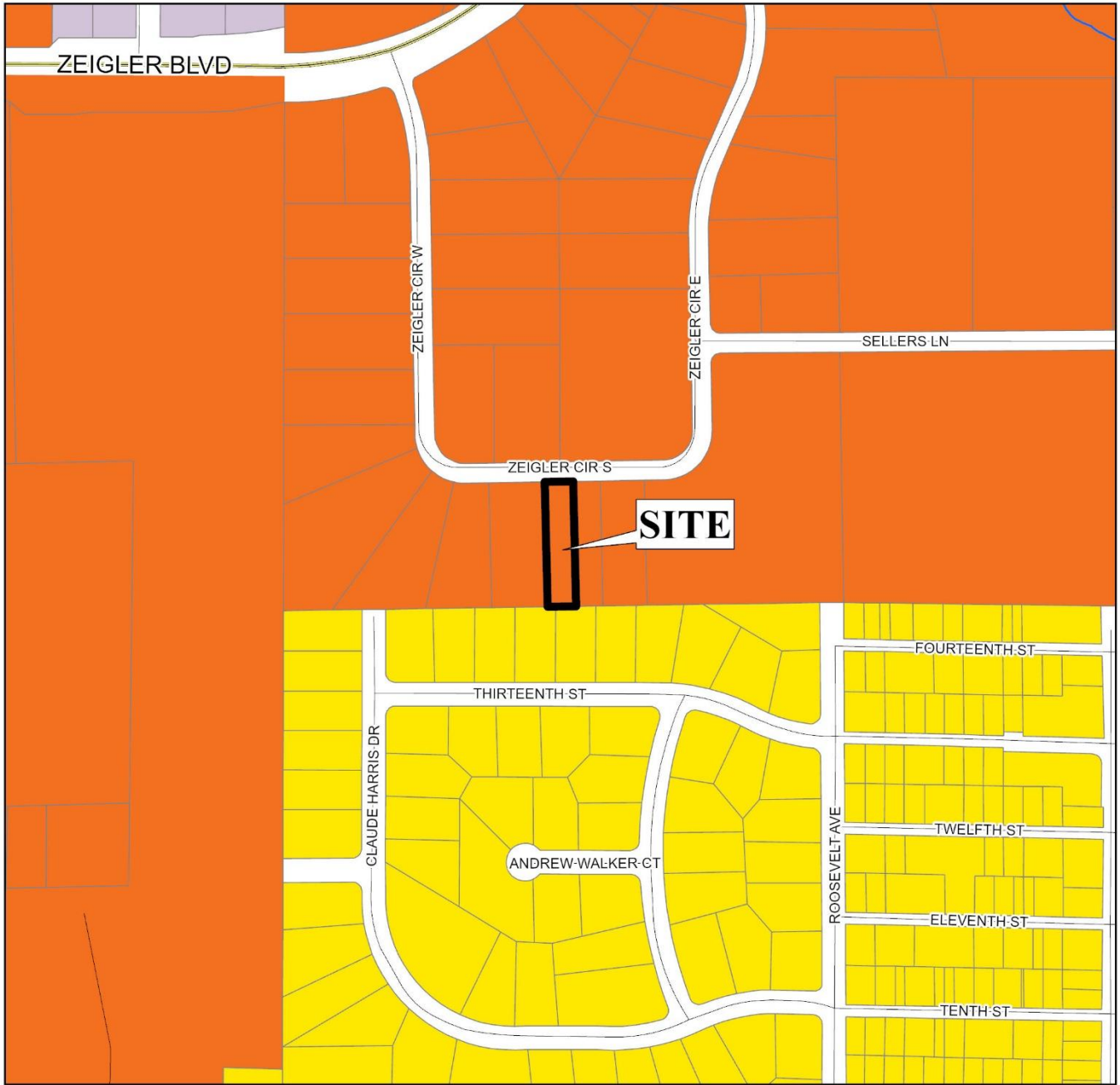


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NTS

FLUM LOCATOR MAP



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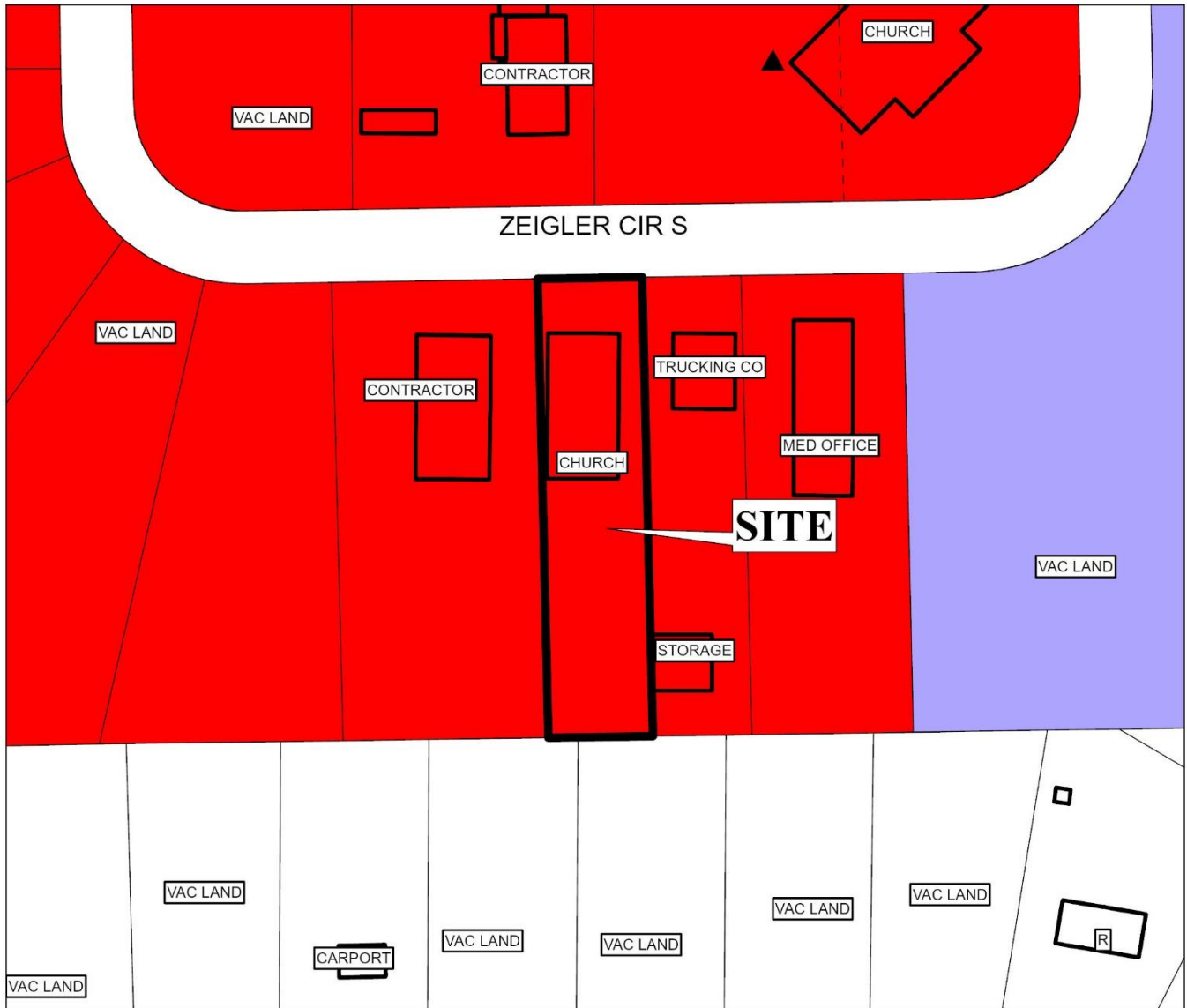
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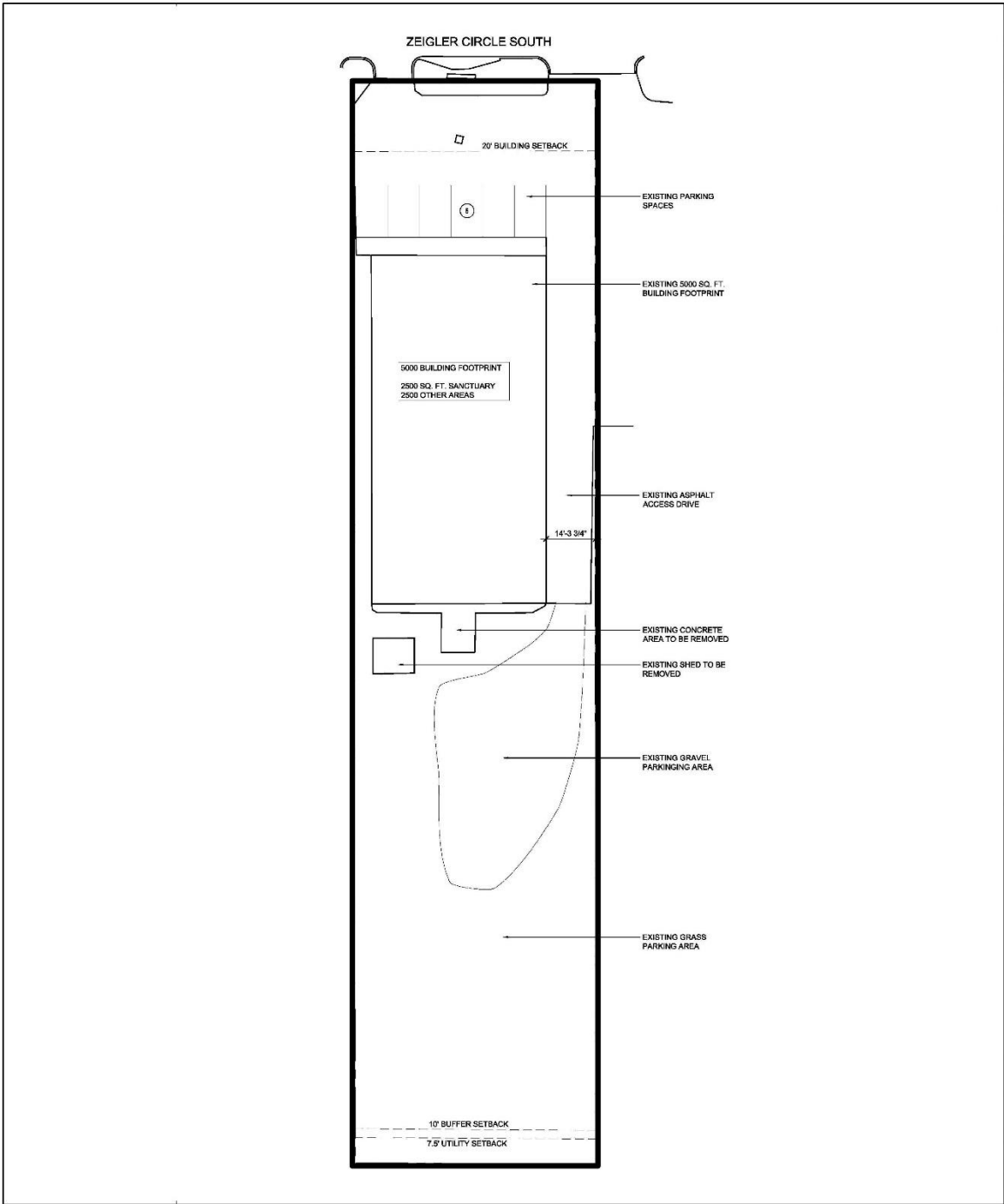
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units. Residential units lie south of the site.

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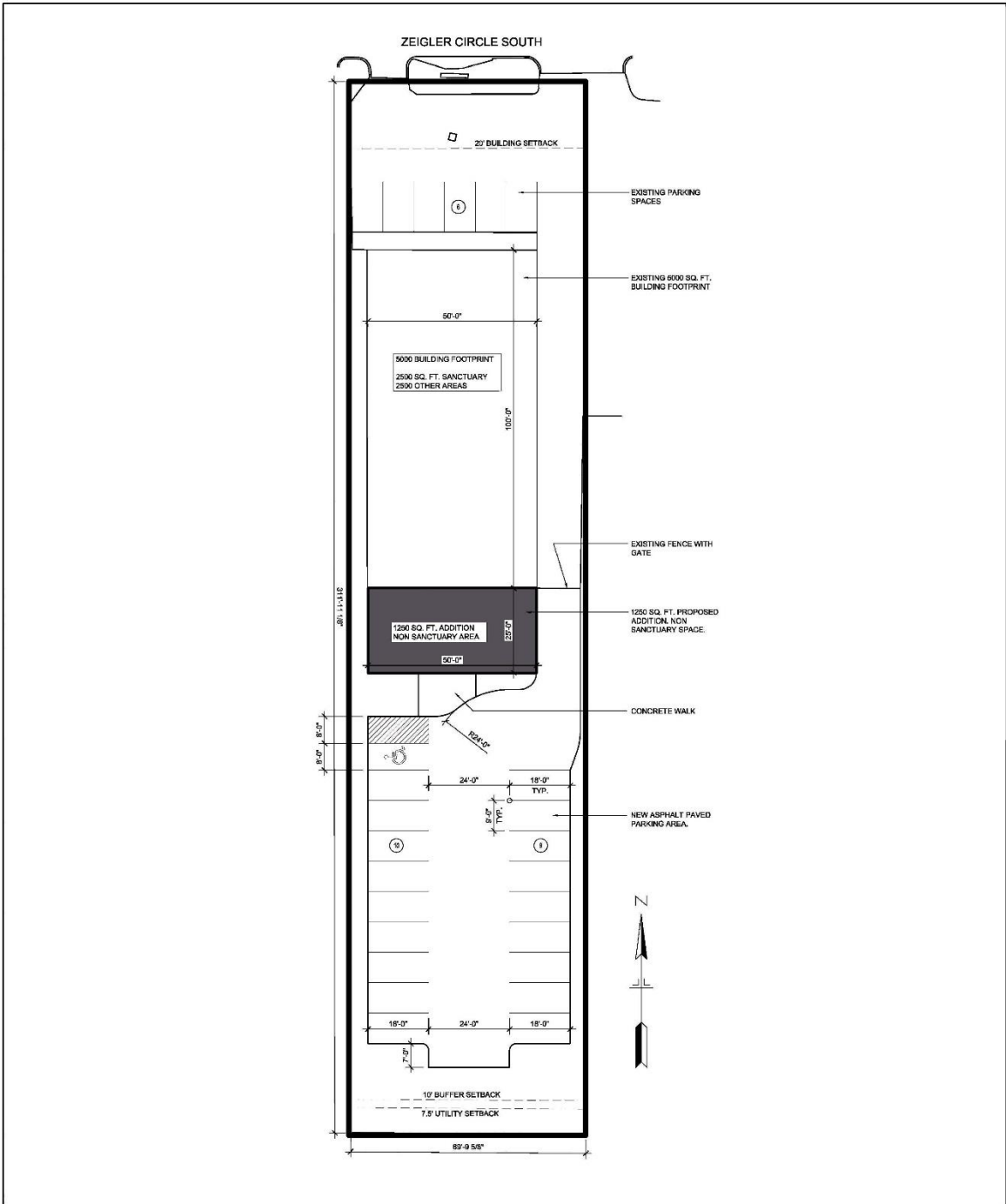
EXISTING SITE PLAN



The site plan illustrates the existing building, shed, setbacks, and easements.

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PROPOSED SITE PLAN



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

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



MIXED COMMERCIAL CORRIDOR (MCC)

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.