



## Agenda Item # 2

BOA-003111-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

---

**Location:**

306 & 308 Glenwood Street

**Applicant / Agent:**

Dixie Designs, LLC (Charles Elliot, Agent)

**Property Owner:**

Dixie Designs, LLC

**Current Zoning:**

B-2, Neighborhood Business Urban District

**Future Land Use:**

Mixed Density Residential

**Case Number(s):**

6630

**Unified Development Code (UDC) Requirement:**

- The UDC does not allow warehouses in a B-2, Neighborhood Business Urban District.

**Board Consideration:**

- Use Variance to allow a warehouse in a B-2, Neighborhood Business Urban District.


**Report Contents:**

	<b>Page</b>
Context Map .....	2
Site History .....	3
Staff Comments .....	3
Variance Considerations .....	5
Exhibits .....	7

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>    6630    </u> DATE <u>  December 2, 2024  </u>	 NTS
APPLICANT <u>    Dixie Designs, LLC (Charles Elliot, Agent)    </u>	
REQUEST <u>                                  Use Variance                                  </u>	

## SITE HISTORY

---

The site was originally recorded as Lots 19, 20, and 21, Block 3 of the Government Street Extension Subdivision, the plat for which was submitted to Mobile County Probate Court in July 1906.

A portion of the site, 306 Glenwood Street, was the subject of a Parking Ratio Variance approved in December 2010 to allow a substandard amount of parking for an associated retail store and restaurant.

Another portion of the site, 308 Glenwood Street, was the subject of Use, Off-Site Parking, and Surfacing Variances approved in December 2018 to allow an automobile dealership office in a B-2 zoning district with gravel-surfaced, off-site parking.

The site was recently the subject of a Minor Subdivision to combine the three (3) lots into a single legal lot of record. The preliminary plat was approved and has since been signed, but the recorded plat has yet to be submitted to the Planning and Zoning Department.

## STAFF COMMENTS

---

### Engineering Comments:

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

1. The proposed improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
2. 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.
3. 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

### 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 a Use Variance to allow a warehouse in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) does not allow warehouses in a B-2, Neighborhood Business Urban District.

The applicant states that the property is adjacent to Traditional Mixed Use Corridor and across the street from Traditional Center Future Land Use designations as justification for the request. It should be noted that the site has been given a Mixed Density Residential Future Land Use designation. The application and supporting documentation are available via the link on Page 1 of this report.

The site plan depicts a 5,000 square-foot building proposed to contain 3,977 square feet of warehouse space and 1,023 square feet of office space, and a 570 square-foot greenhouse. The warehouse will support the adjacent landscaping supply business, which also sells seasonal plants and decorations.

A total of three (3) employees are expected to staff the warehouse and office, Wednesday through Sunday, until no later than 6:00 p.m. Customers are not expected on the site as sales are conducted on the adjacent property.

A total of four (4) parking spaces are required (one (1) per 400 square feet of office space and one (1) per three (3) warehouse employees). Five (5) spaces, including one (1) van accessible space are illustrated on the site plan.

The site abuts residentially zoned property to the West. As such, commercial development of the site requires compliance with the residential protection buffer requirements of Section 64-3-8 of the UDC. This includes the provision of a 10-foot-wide buffer (setback) and both a 6-foot-tall wall or privacy fence, and a 10-foot-wide screen planting strip. It should be noted that no portion of the development may encroach within the 10-foot buffer, which includes any portion of any building, parking space, walkway, etc.

Further justification of the request states that the site will retain its B-2 zoning classification, which would limit any future use of the property not approved by the Use Variance to those allowed in a B-2 zoning district, thereby protecting the adjacent residential properties from any businesses allowed in a B-3 zoning district.

It appears both properties have been used commercially for some time, but for businesses that are permitted in a B-2 zoning district, such as offices (at 308 Glenwood Street) and a former restaurant (at 306 Glenwood Street).

As mentioned, a Use Variance was approved for an automobile sales office at 308 Glenwood Street in 2018, but no automobiles were permitted on the property as a condition of approval of the variance. This is important to note since automobile sales are allowed by right in a B-3 zoning district. By limiting use of that property to an office suggests that the Board determined this area to be unsuitable for a business more compatible in a B-3 zoning district. Furthermore, while the property would retain its B-2 zoning classification if the request at hand is approved, it would be for a B-3 use, which seemingly negates the applicant's justification that the surrounding area would be protected from B-3 uses. As such, the applicant has not provided evidence why the property cannot be used in compliance with the Use provisions of the UDC for lots in a B-2 zoning district since it has a history of being used in compliance with the applicable use regulations, which suggests there is no hardship associated with the site that would justify development of a warehouse at this location.



It should be noted that, if approved, cross-access would occur between the subject site and the adjoining property. There was no easement or other reference to such access depicted on the recently approved subdivision plat, and no legal instrument was presented to staff describing the shared access. Article 3, Section 64-3-4.B.1. of the UDC encourages shared access wherever possible with the appropriate legal instrument, which should be illustrated and/or referenced on any approved site plan associated with the variance request. This information should also be illustrated and/or referenced on any site plan submitted for review of the associated development permits.

Lastly, with respect to the recently approved subdivision, that process should be completed prior to the approval of any permits for the proposed development.

## VARIANCE CONSIDERATIONS

---

### Standards of Review:

Variations 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 application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

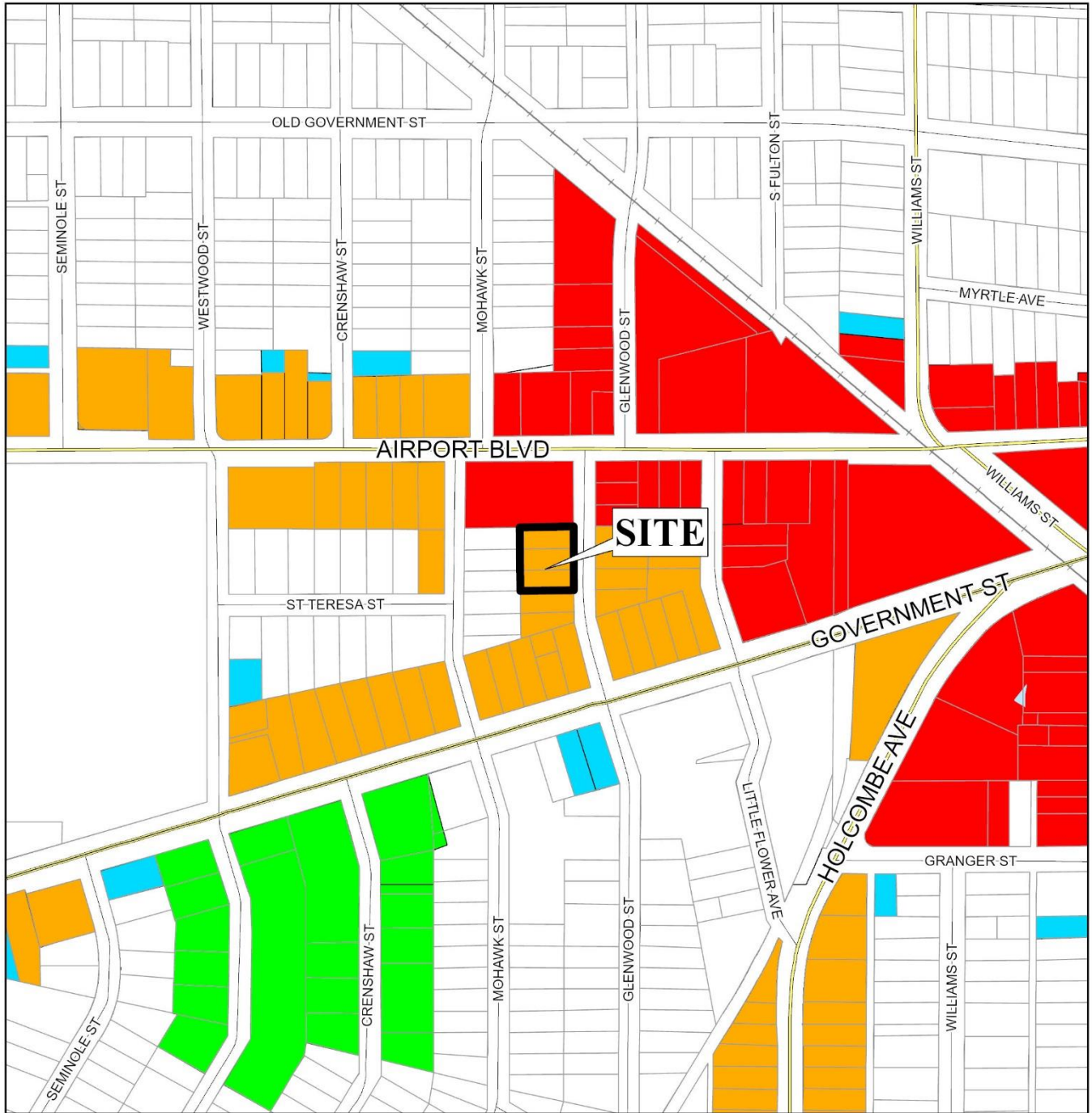
- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall** be observed and substantial justice done to the applicant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

If approved, the following conditions should apply:

- 1) Completion of the subdivision process;

- 2) Revision of the site plan to depict compliance with the protection buffer requirements of Article 3, Section 64-3-8 of the UDC;
- 3) Revision of the site plan to depict the appropriate easement facilitating cross access between the subject site and the adjoining property, with a reference to the recorded legal instrument describing the easement; and
- 4) Full compliance with all other codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 6630 DATE December 2, 2024

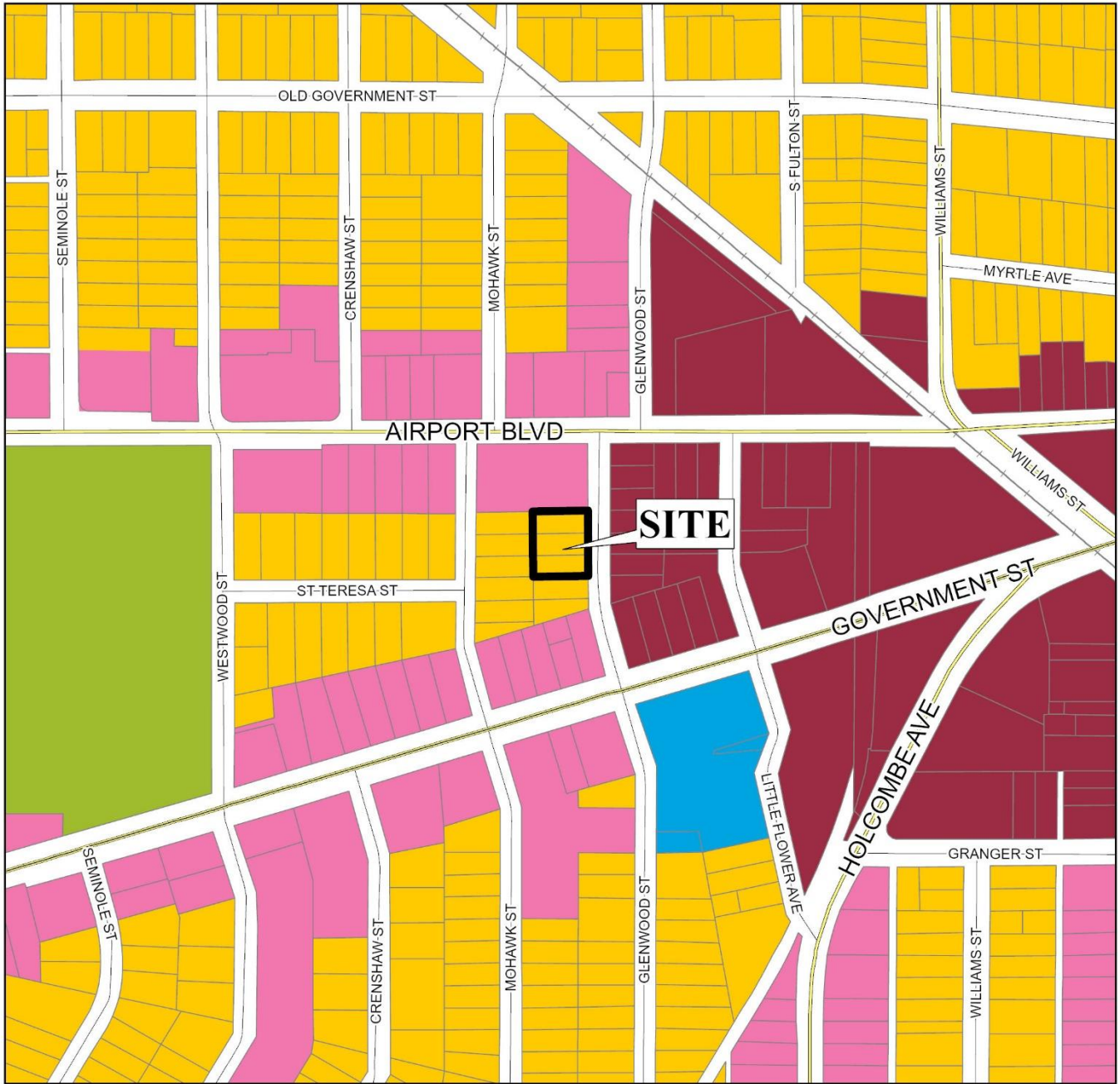
APPLICANT Dixie Designs, LLC (Charles Elliot, Agent)

REQUEST Use Variance



NTS

# FLUM LOCATOR MAP

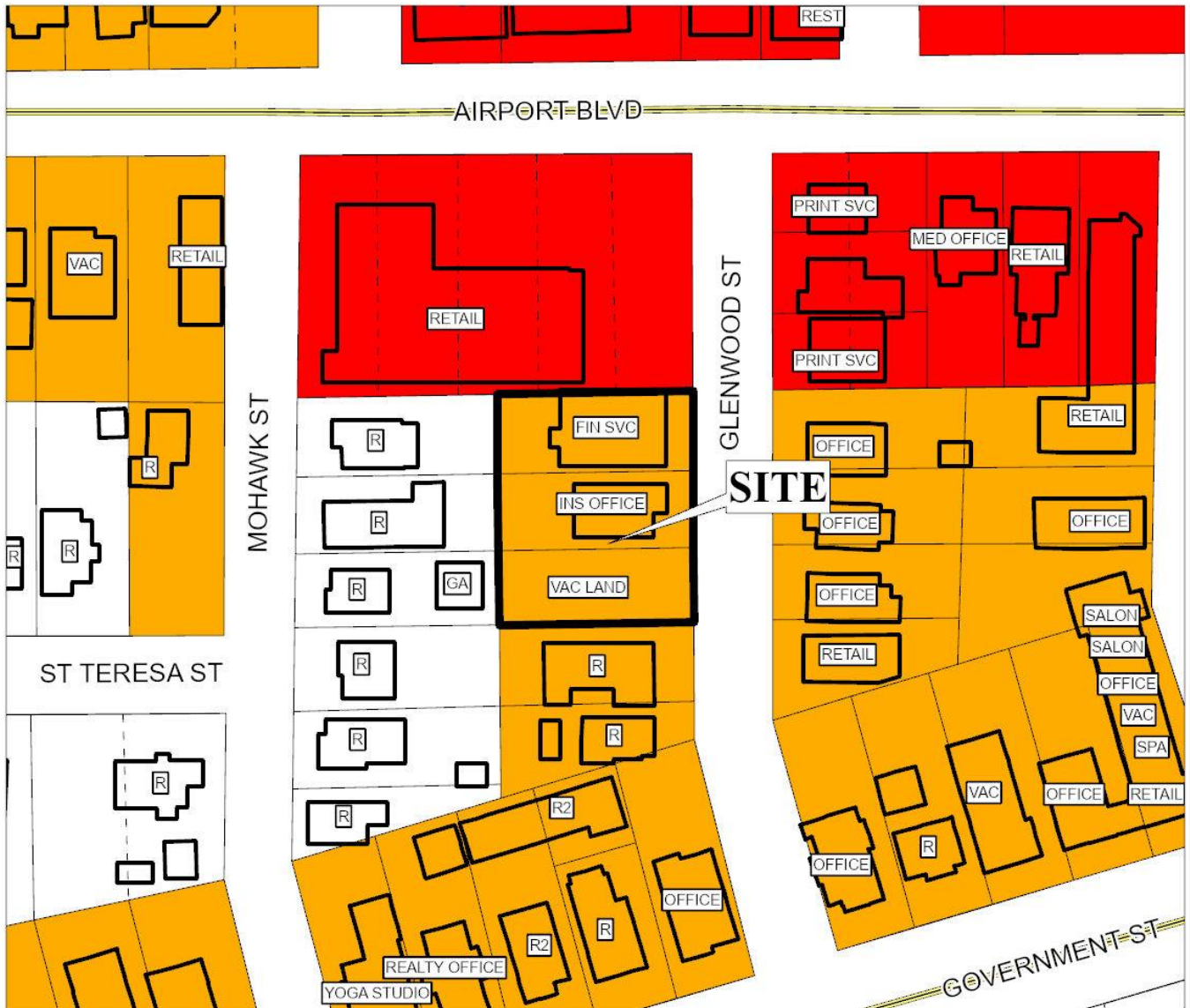


APPLICATION NUMBER 6630 DATE December 2, 2024  
APPLICANT Dixie Designs, LLC (Charles Elliot, Agent)  
REQUEST Use Variance






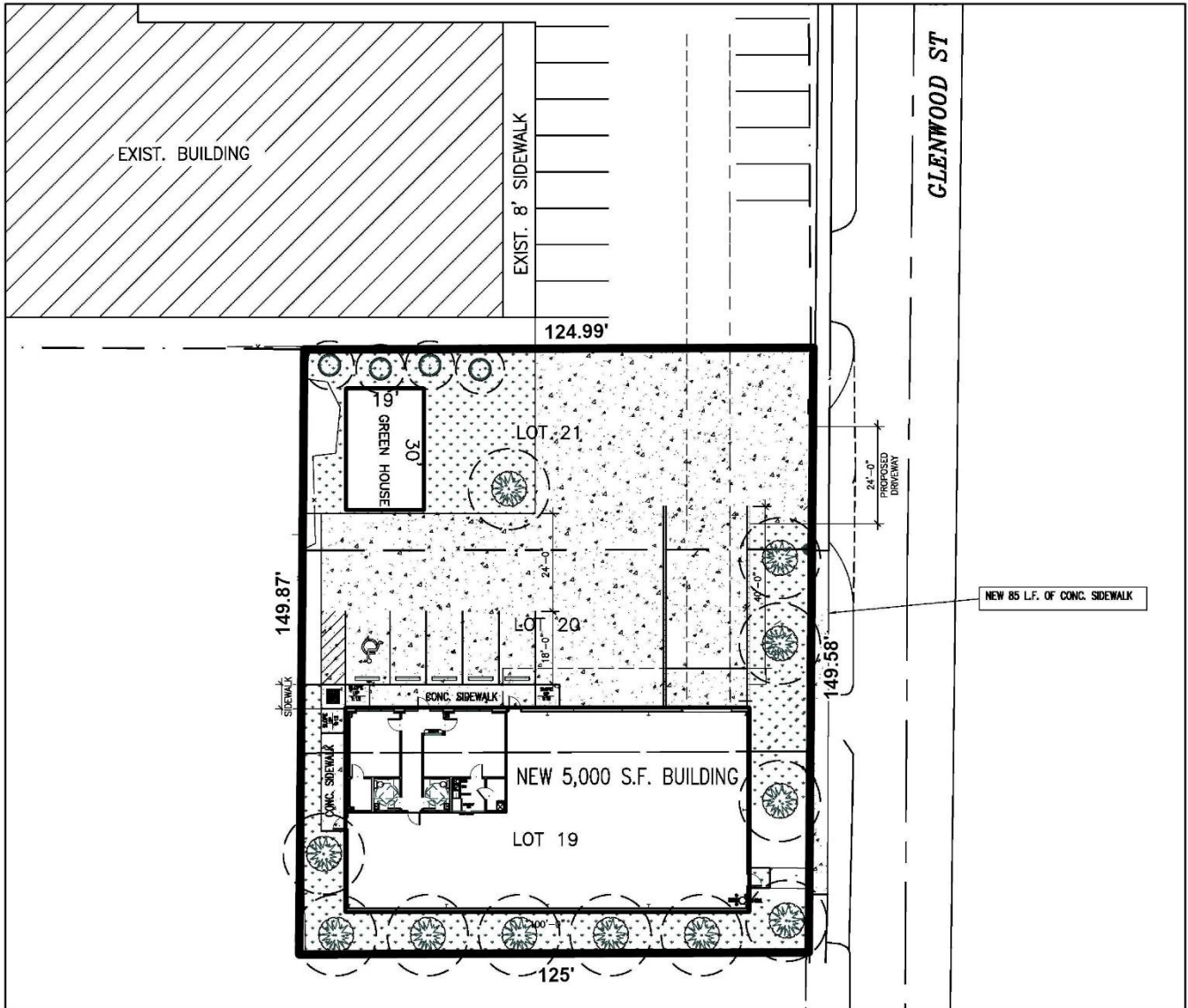
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6630</u> DATE <u>December 2, 2024</u>	 NTS
APPLICANT <u>Dixie Designs, LLC (Charles Elliot, Agent)</u>	
REQUEST <u>Use Variance</u>	

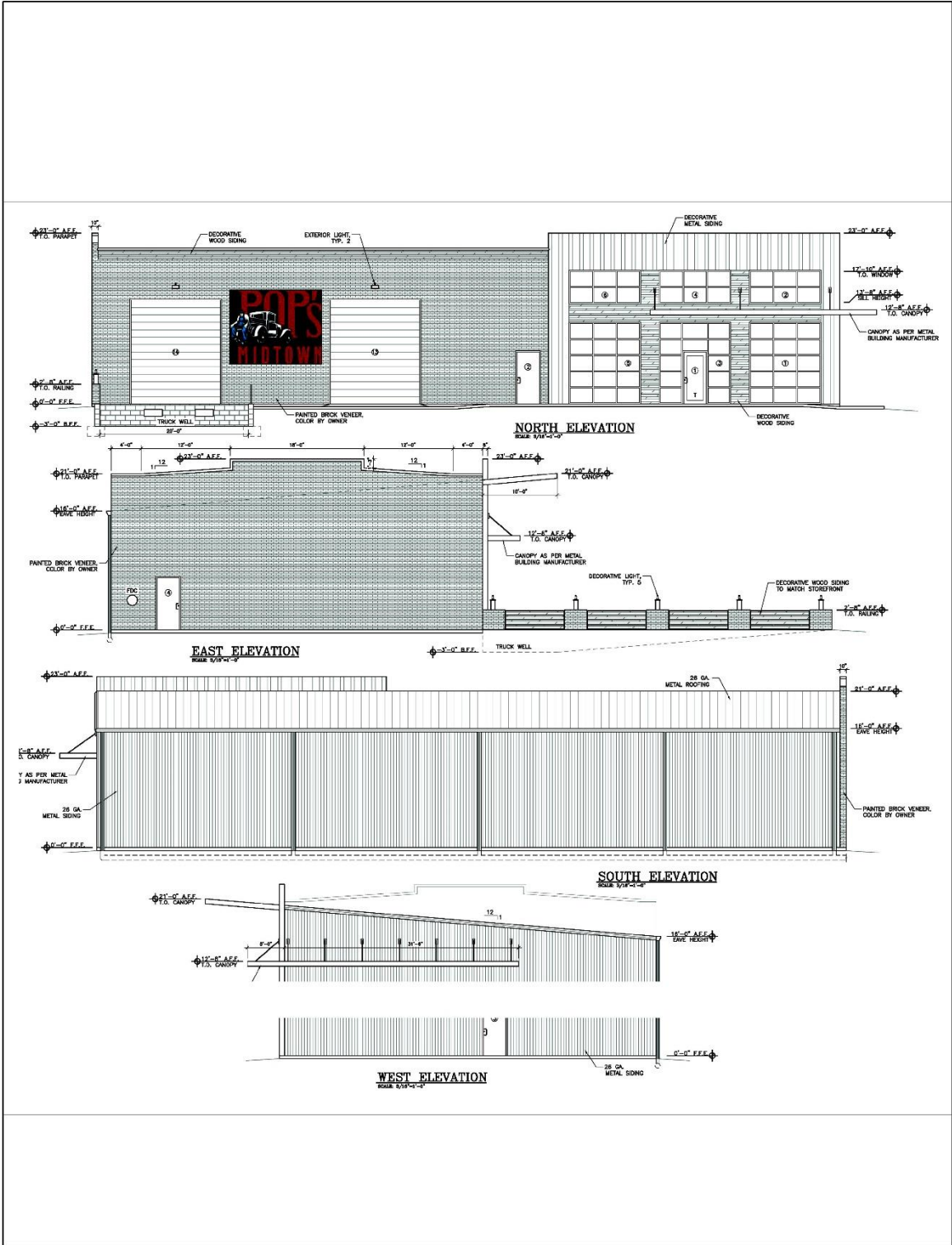
# SITE PLAN



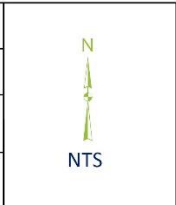
The site plan illustrates the proposed building, parking, and green house.

APPLICATION NUMBER <u>6630</u> DATE <u>December 2, 2024</u>	 N NTS
APPLICANT <u>Dixie Designs, LLC (Charles Elliot, Agent)</u>	
REQUEST <u>Use Variance</u>	

# DETAIL SITE PLAN



APPLICATION NUMBER 6630 DATE December 2, 2024  
 APPLICANT Dixie Designs, LLC (Charles Elliot, Agent)  
 REQUEST Use Variance



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 (WDWRLU)
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 DENSITY RESIDENTIAL (MxDR)

This 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 LDR areas, MxDR 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.