



Agenda Item # 2 - HOLDOVER

BOA-003010-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1719 Dauphin Street

Applicant / Agent (as applicable):

Scott Moore

Property Owner:

Moore Housing Group, LLC

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number:

6608

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires access aisles to be paved with concrete, asphaltic concrete, asphalt, or concrete pavers, 24-foot wide access aisles for two-way traffic, and compliant frontage tree plantings or a commercial development in an R-1, Single-Family Residential Urban District.

Board Consideration:

- Access and Maneuvering, Surfacing, and Frontage Tree Variances to allow a gravel surfaced access aisle, a sub-standard access aisle for two-way traffic, and no frontage tree plantings for a commercial development in an R-1, Single-Family Residential Urban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6608	DATE	September 9, 2024
APPLICANT	Scott Moore		
REQUEST	Access and Maneuvering, Surfacing, and Frontage Tree Variances		



HOLDOVER COMMENTS

This application was heldover from the Board's August 5th meeting to allow the applicant to go before the Architectural Review Board (ARB) and reach out to citizens who expressed concerns.

The applicant went before the ARB at their August 21st meeting, where they were granted a Certificate of Appropriateness (COA) for the proposed scope of work to be done to the site.

The applicant also submitted a revised site plan and additional information about the proposed scope of operations for the business intended to occupy the subject site.

HOLDOVER 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 present:

- 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. Approval of the commercial Use Variance;
2. Obtain all necessary land disturbance and building permits; and
3. Full compliance with all municipal codes and ordinances.

SITE HISTORY

Planning & Zoning has non-conforming documentation for the subject site regarding previous uses of the building as follows:

- 1949-1979: Play Skool Kindergarten and Marguerite Benson Hall School of Dance
- 1980-1988: Marguerite Benson Hall School of Dance
- 1989-1994: Taji Martial Arts
- 1997-2011: Mobile Popcorn Storage
- 2011-2015: Teen Ballroom Dance
- 2016-current: vacant

A zoning clearance was issued on March 3, 2011 for teaching ballroom dancing, with the associated business license being last renewed in 2015. No other permits or activity is found until 2024.

The site was part of the Bradley Estate Subdivision which was approved by the Planning Commission at its February 2, 2023 meeting, and has been recorded in Probate Court.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans the project includes proposed/existing gravel and concrete parking which requires that a Land Disturbance Permit. Any increase of impervious area (including gravel, concrete, asphalt, etc.) in commercial use lots are required to the following conditions:

1. The proposed site 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:

No traffic impacts anticipated by this variance request.

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 and Maneuvering, Surfacing, and Frontage Tree Variances to allow a gravel surfaced vehicular access aisle, a sub-standard vehicular access aisle for two-way traffic, and no frontage tree plantings for a commercial development in an R-1, Single-Family Residential Urban District.

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

The subject site also has a Use Variance application before the Board of Adjustment, therefore any site variance approvals should be conditioned upon the approval of the Use Variance.

The subject site is occupied by a structure that is approximately 3,067 square feet. As such, the site is required to have eight (8) parking spaces, which the proposed site plan depicts. The applicant is requesting to use gravel surfacing for parking access and vehicular maneuvering on site. Furthermore, the vehicular access aisle to the parking area proposed at the rear of the site is approximately 15.6 -feet wide. The Unified Development Code (UDC) requires vehicular access aisles for two-way traffic to be a minimum of 24-feet in width. As the subject site is already developed with an existing structure, the site is not be able to accommodate the required amount of parking in front of the structure, and it is impossible to provide a wider access aisle to parking in the rear of the site without completely re-developing the site. It should be noted that the applicant does depict the proposed handicap parking spaces and associated pedestrian access aisle as being paved with concrete, as is required by the Americans with Disabilities Act and Building Code.

In regards to the requested tree planting variance, the site plan submitted depicts a 27-inch diameter (water) oak tree of unspecified variety, as well as a 24-inch diameter tree (crepe myrtle) between the street and the existing structure. As the subject site has overhead powerlines along Dauphin Street, it should be noted that any required frontage trees for the site would be required to be a minimum of 15-feet away from the powerlines. Furthermore, the UDC prohibits trees from being planted within/underneath the canopy of existing trees (and new trees must be spaced to prevent canopy overlap). As the existing tree canopies are not depicted on the site plan, it is difficult for staff to make exact calculations, but it appears that there is sufficient room to plant a tree on the West side of the proposed parking area in the front of the site.

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:

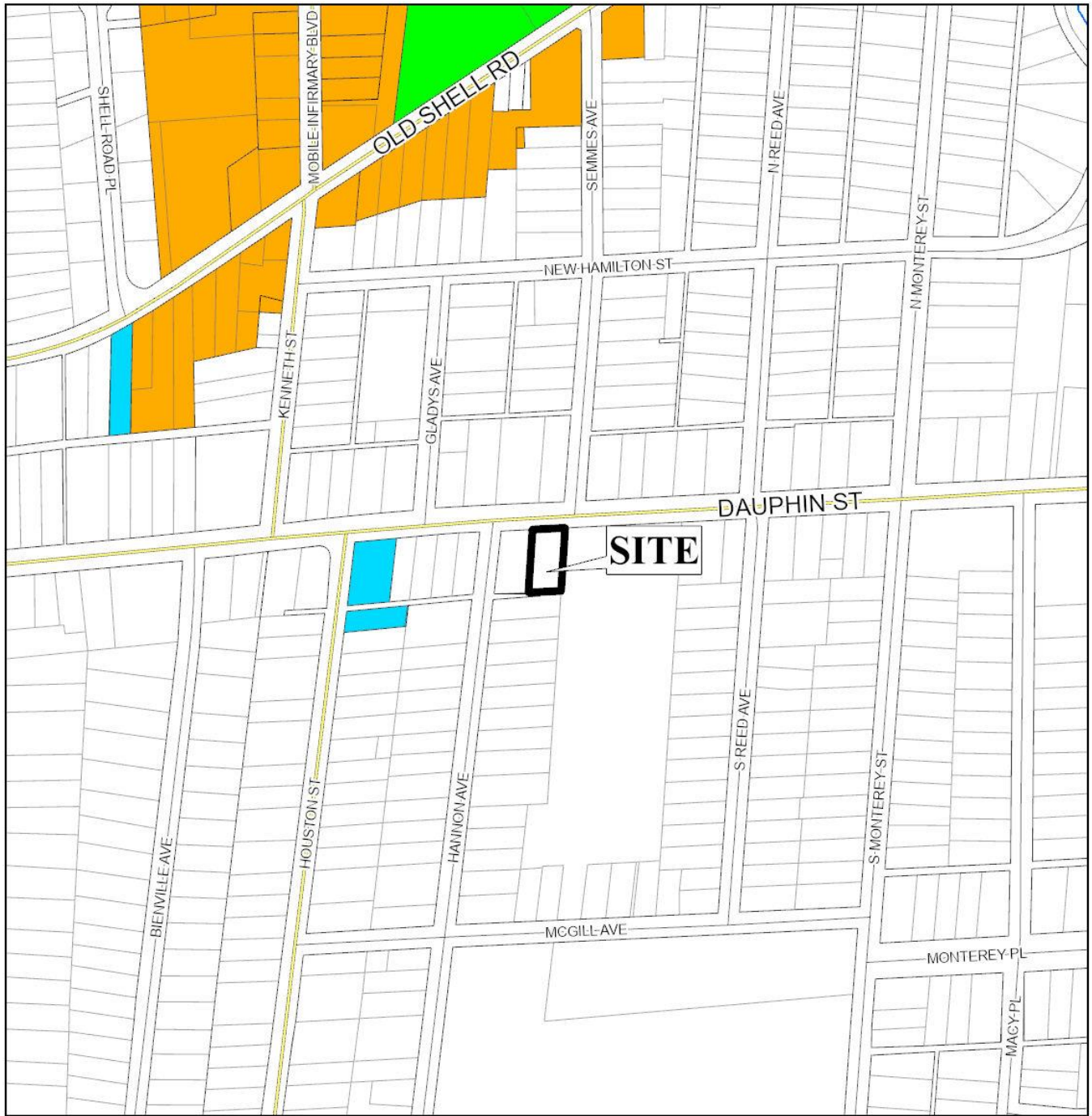
Based on the requested Variance, the Board should consider the following findings of fact for approval or denial of the request:

- 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. Approval of the commercial Use Variance;
2. Obtain all necessary land disturbance and building permits; and
3. Full compliance with all municipal codes and ordinances.

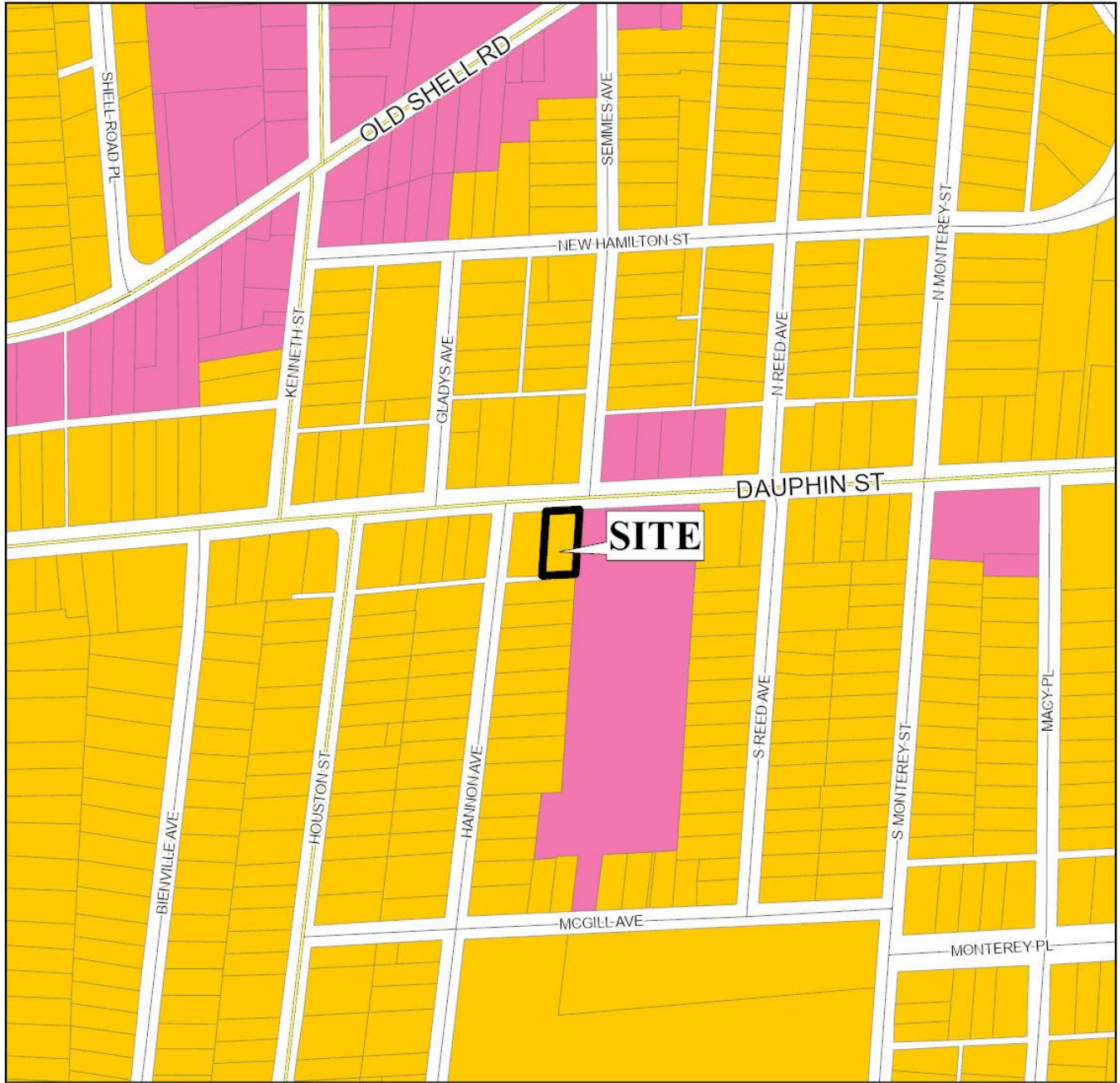
LOCATOR ZONING MAP



APPLICATION NUMBER 6608 DATE September 9, 2024
APPLICANT Scott Moore
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FLUM LOCATOR MAP



APPLICATION NUMBER 6608 DATE September 9, 2024

APPLICANT Scott Moore

REQUEST Access and Maneuvering, Surfacing, and Frontage Tree Variances

- | | | | |
|---|--|--|--|
| ■ 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 | |




NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																							
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																							
 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																								

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 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.