

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: November 7, 2022**

**CASE NUMBER**

6477

**APPLICANT NAME**

Bellingrath LLC (Gerald Byrd, Agent)

**LOCATION**

4070 Halls Mill Road  
(North side of Halls Mill Road, 150'± East of Azalea Road).

**VARIANCE REQUEST**

**USE:** Use Variance to allow metal products fabrication in a B-3, Community Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**USE:** The Zoning Ordinance does not allow metal products fabrication in a B-3, Community Business District.

**ZONING**

B-3, Community Business

**AREA OF PROPERTY**

1.7± Acres

**ENGINEERING  
COMMENTS**

If this variance is approved for use the applicant will need to have the following conditions met:

1. Submit a Tier 2 Land Disturbance Permit for any proposed site improvements.
2. Submit a ROW Permit for any proposed work within the Public ROW.
3. 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.

**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 (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

**CITY COUNCIL**

**DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Use Variance to allow metal fabrication in a B-3, Community Business District; the Zoning Ordinance does not allow metal fabrication in a B-3, Community Business District.

The site has been given a Light Industry (LI) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as “industrial business”, where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the

designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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's narrative states:

*THIS VARIANCE REQUEST IS FOR A NEW LOCATION FOR CORE AND MAIN, A NATIONAL FIRE PROTECTION COMPANY. THE COMPANY WILL BE USING A PORTION OF THIS BUILDING FOR FABRICATION OF SPRINKLER PIPE WHICH CONSISTS OF PIPE CUTTING, THREADING, AND SOME WELDING.*

The subject site is adjacent to R-1, Single-Family Residential, to the East, and B-3 to the West, both used as churches. Across Halls Mill Road is mostly I-1, used in various commercial applications. To the North across Montlimar Creek is R-3, Multi-Family Residential, used as an apartment complex. Records indicate that the subject site has had sparse and intermittent use as offices and light warehousing.

Core and Main is a distributor of water, wastewater, storm drainage and fire protection products and related services, with a current location further West on Halls Mill Road. Part of their fire protection products services involves the fabrication of fire sprinkler systems to include pipe cutting, threading and welding. As metal products fabrication is not allowed in a B-3 District, a Use Variance must be sought to allow such; hence this application.

The site plan indicates an existing building of approximately 17,150 square feet on the site, which would allow for the proposed main use as light warehousing and distribution under 40,000 square feet of gross floor area. No building or site expansion is proposed.

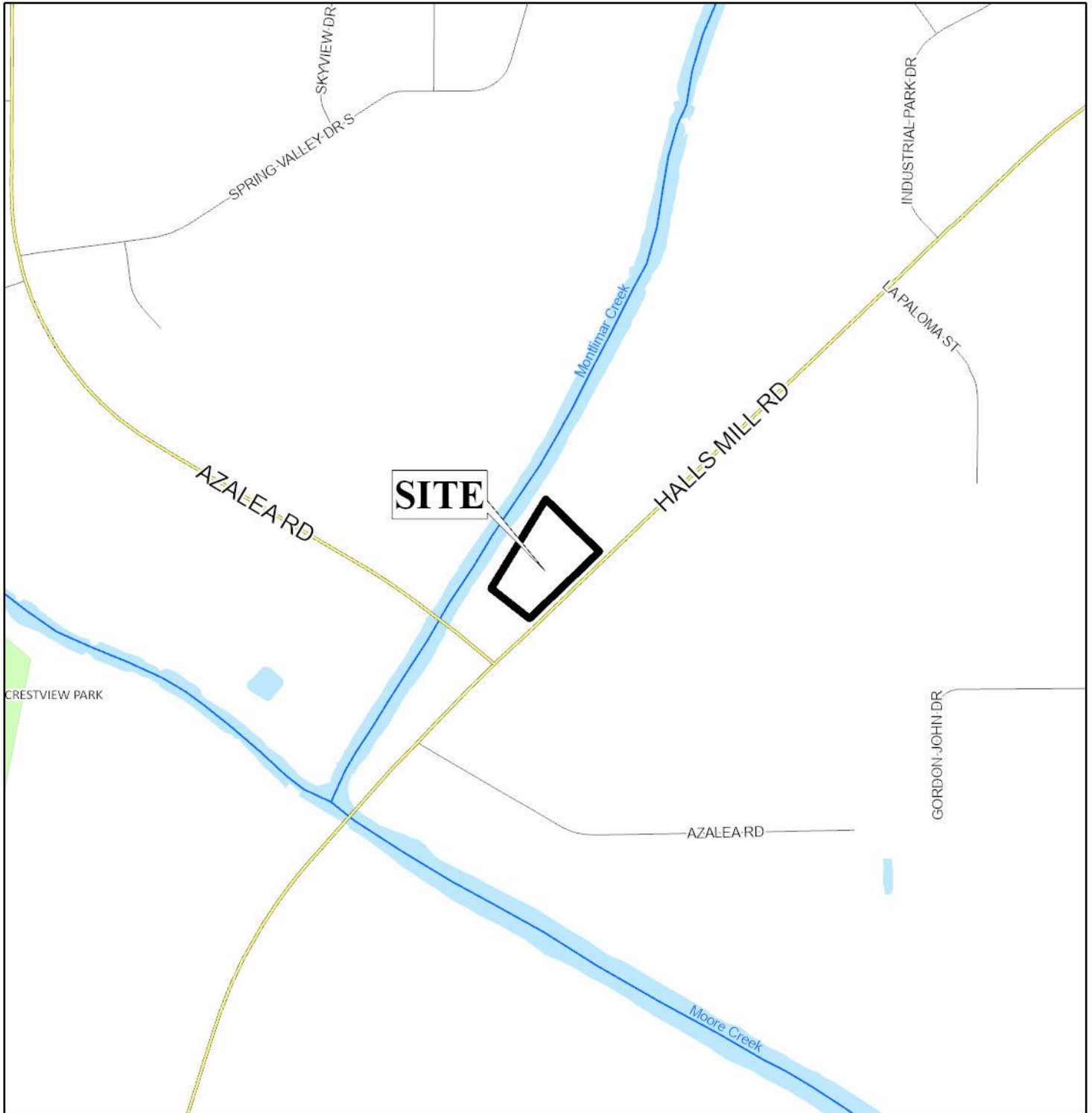
The proposed use as metal fabrication is allowed by right in I-1, Light Industry Districts. Fire sprinkler systems consist of smaller diameter pipes usually suspended in the overhead areas of buildings, and their fabrication and that of the associated hanging devices would constitute light manufacturing. As the Future Land Use Plan designates the entire stretch of properties along the

North side of Halls Mill Road from Interstate 65 to Azalea Road (1.23± miles) as Light Industry, and the entire stretch of properties along the South side of Halls Mill Road from Interstate 65 to West of Moore Creek (1.46± miles) as Light Industry, thus indicating that this is a zoning issue. The applicant has not illustrated a hardship associated with the property, which, as built, can easily be occupied with a compliant B-3 use.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Use Variance request to allow metal products fabrication in a B-3, Community Business District.

- 1) Approving the variance will be contrary to the public interest in that the use would not be compatible with uses allowed in a B-3, Community Business District;
- 2) Special conditions were not illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed, and substantial justice shall not be done to the surrounding neighborhood by granting the variance because its allowance could create a situation out of character with the surrounding business uses.

# LOCATOR MAP



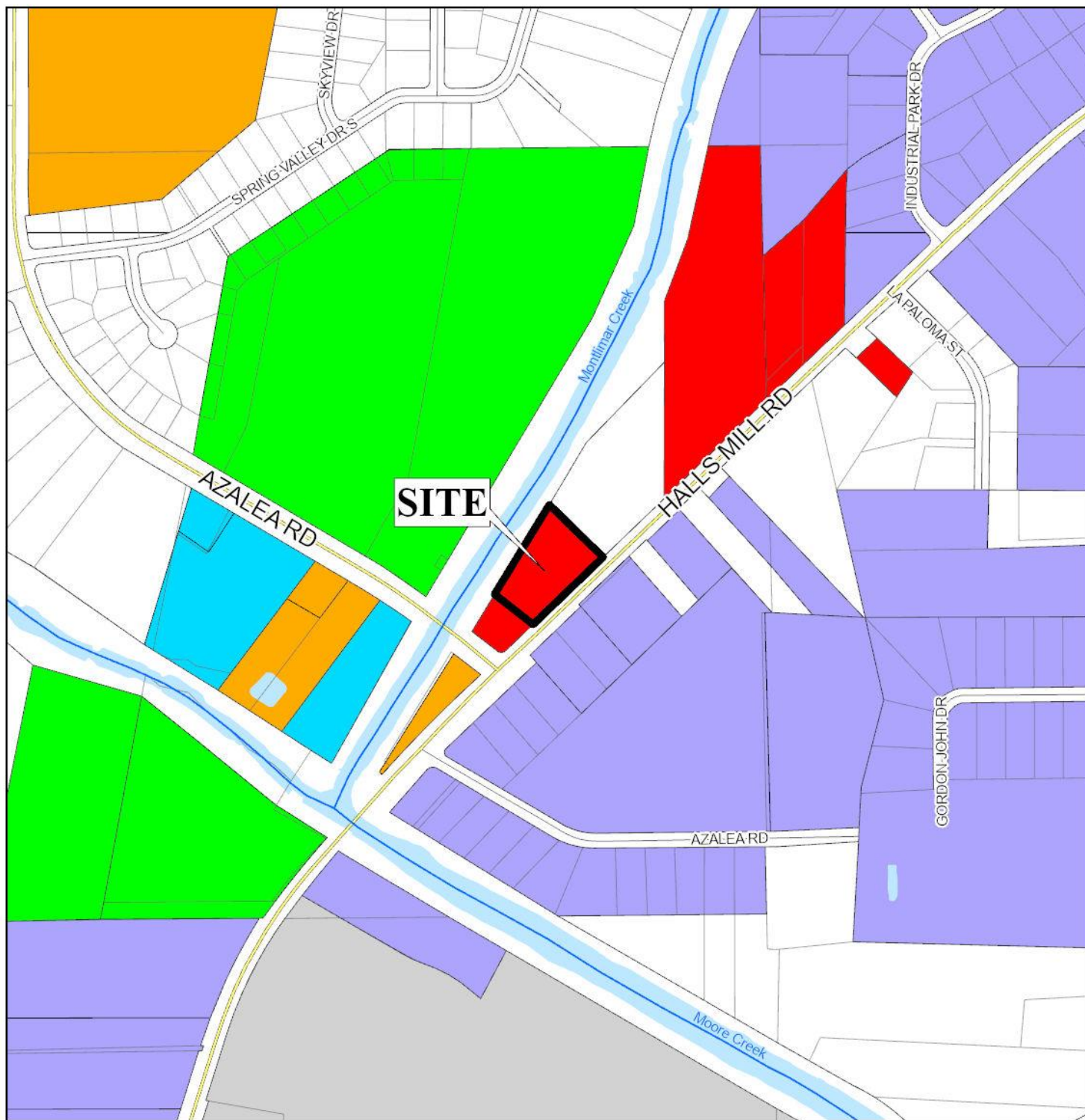
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REQUEST Use Variance



# LOCATOR ZONING MAP



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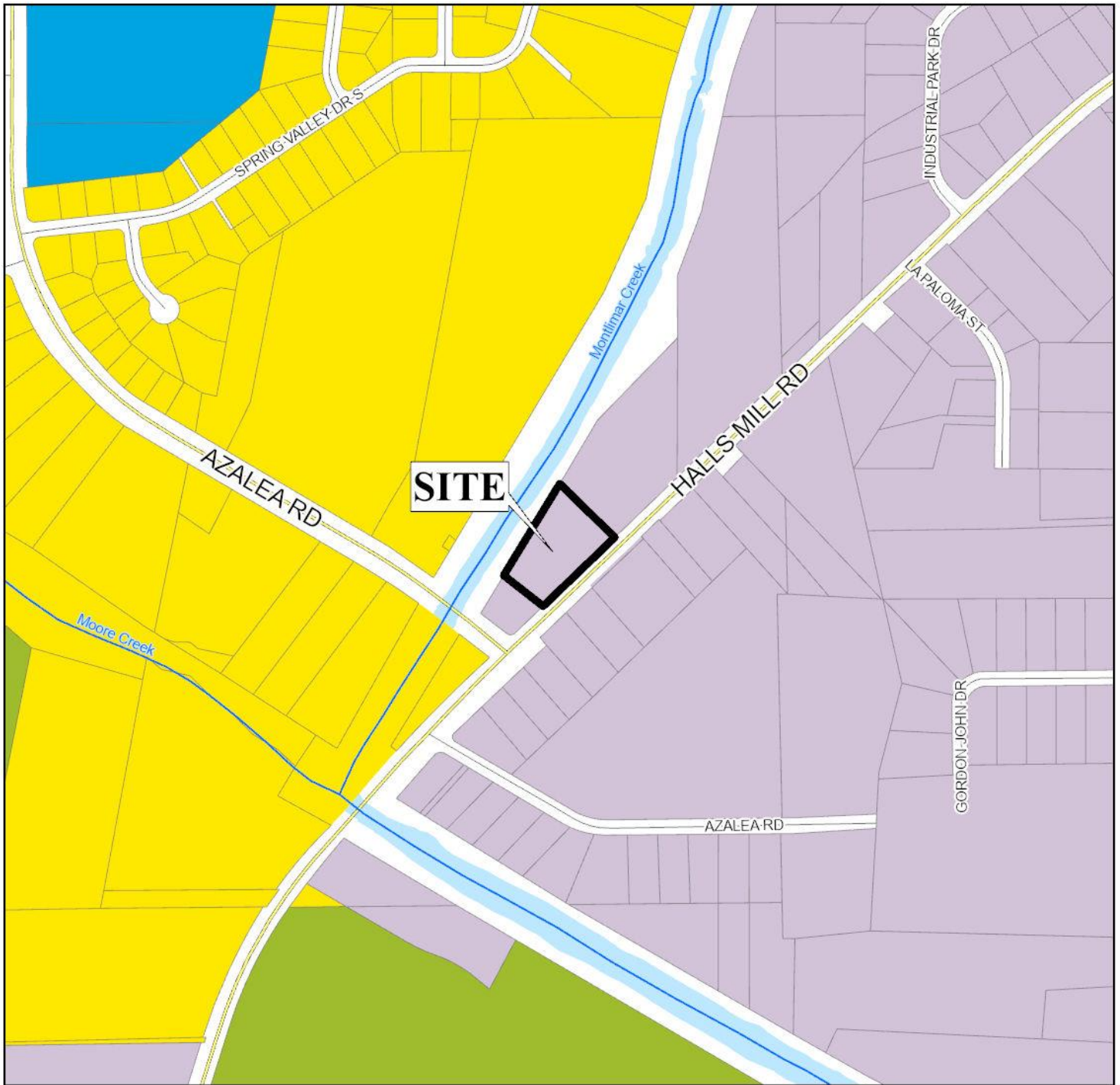
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# FLUM LOCATOR MAP



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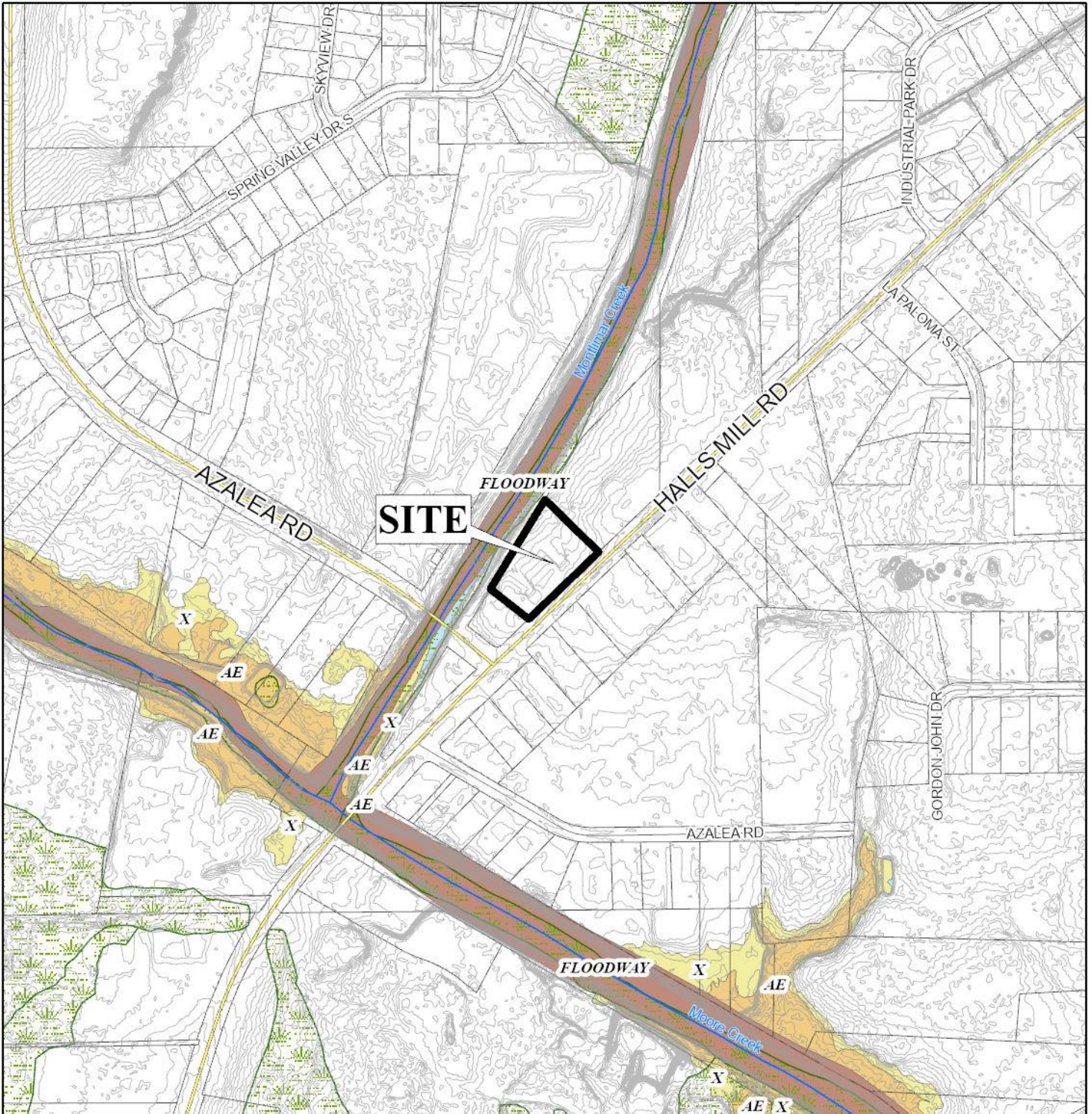
REQUEST Use Variance

**FLUM**

- |                           |                                   |                    |
|---------------------------|-----------------------------------|--------------------|
| Low Density Residential   | Downtown                          | Light Industry     |
| Mixed Density Residential | District Center                   | Heavy Industry     |
|                           | Neighborhood Center - Traditional | Institutional      |
|                           | Neighborhood Center - Suburban    | Parks & Open Space |
|                           | Downtown Waterfront               | Water Dependent    |
|                           | Mixed Commercial Corridor         |                    |



# ENVIRONMENTAL LOCATOR MAP



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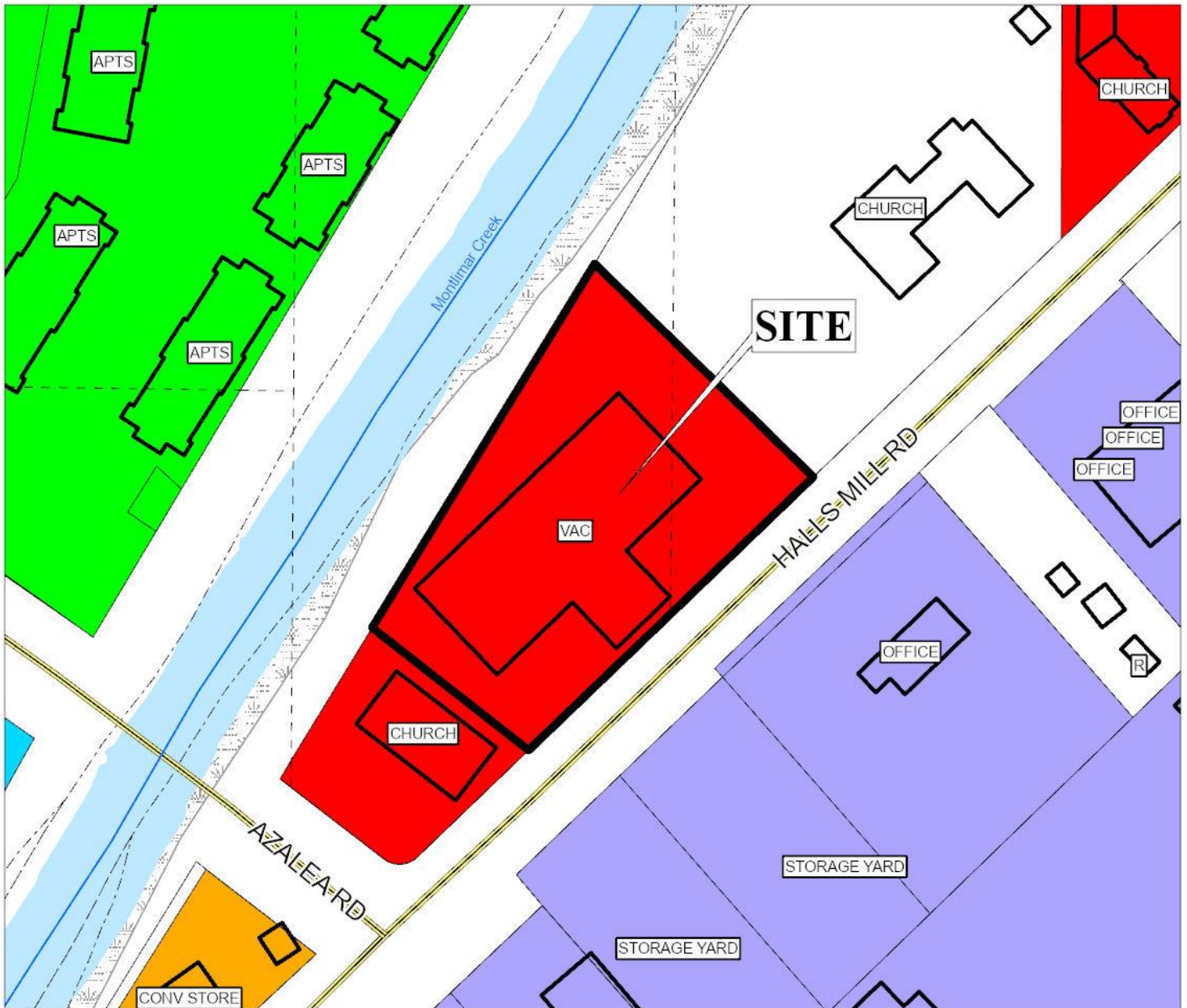
APPLICANT Bellingrath LLC (Gerald Byrd, Agent)

REQUEST Use Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the northwest, churches to the south and north east, and commercial units to the east.

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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 AERIAL



The site is surrounded by residential units to the northwest, churches to the south and north east, and commercial units to the east.

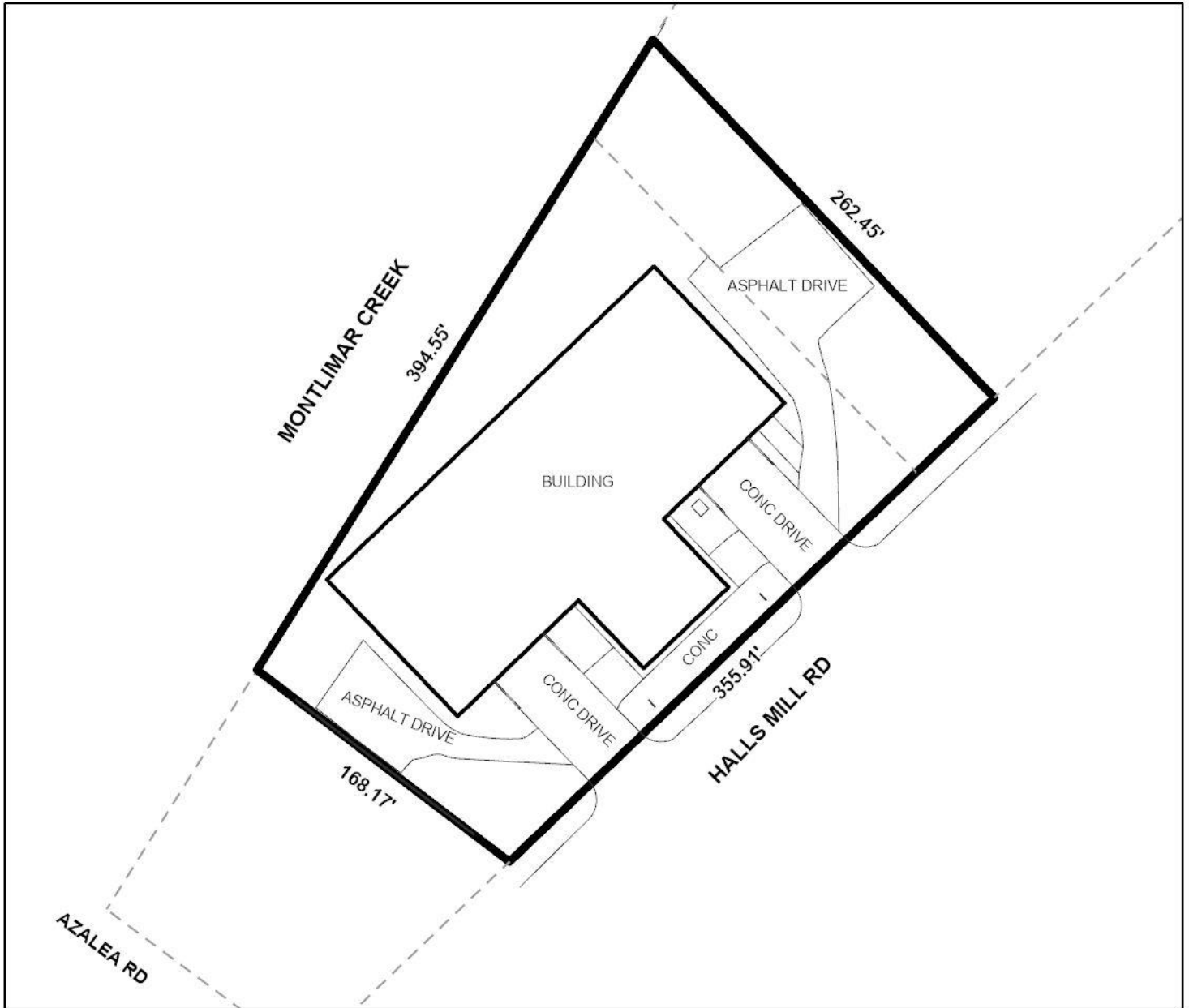
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# SITE PLAN



The site plan illustrates the building, and asphalt and concrete drives.

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