



Agenda Item # 3 BOA-002940-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

3008 Government Boulevard

Applicant:

Air Engineers

Property Owner:

Bissell Realty, Inc.

Current Zoning:

B-3, Community Business Suburban

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6591/2477

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow structures within the 25-foot front yard setback, requires a compliant amount of parking spaces, asphalt or concrete for all required parking spaces, and limits site coverage to no more than 50% in a B-3, Community Business Suburban District.

Board Consideration:

- Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances to allow a building addition within the 25-foot front yard setback, a reduced amount of parking spaces, gravel parking surfacing, and increased site coverage in a B-3, Community Business Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>6591</u> DATE <u>June 3, 2024</u>	 NTS
APPLICANT <u>Air Engineers</u>	
REQUEST <u>Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances</u>	

SITE HISTORY

The subject site was assigned a B-3 zoning classification with the adoption of the 1967 Zoning Ordinance.

In July 1970, a Use Variance was approved for the property to be used as apartments.

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

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans, the proposed project will require that a Land Disturbance Permit be submitted through Central Permitting.

A Variance is not an appropriate method for requesting approval of an alternate parking surface, parking, and maneuvering in the existing Farnell Ln. ROW. Contact the Engineering Dept. to discuss requesting a Non-Utility Use Agreement with the City.

Traffic Engineering Comments:

Parking is not allowed within the Public Right of Way. Reducing the required parking may lead to unforeseen traffic issues. 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 Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances to allow a building addition within the 25-foot front yard (suburban) setback, a reduced amount of

parking spaces, gravel parking surfacing, and increased site coverage in a B-3, Community Business Suburban District; the Unified Development Code (UDC) does not allow structures within the 25-foot front yard setback, requires a compliant amount of parking spaces, asphalt or concrete for all required parking spaces, and limits site coverage to no more than 50% in a B-3, Community Business Suburban District.

The entire application packet is available via the link on Page 1.

The applicant proposes to expand the existing building on the subject site toward the front (East) of the site to within ten feet (10') of the front property line, and to increase the site coverage to 70% of the site. In addition, the applicant proposes to retain the existing noncompliant parking and to replace asphalt access and maneuvering surfacing with aggregate surfacing.

The subject site is located at the Southwest corner of an unopened public right-of-way and a drainage canal. The unopened right-of-way is actually an extension of Farnell Lane which terminates on the North side of the drainage canal with no bridge across the canal. The unopened right-of-way extends between the canal and the Government Boulevard Service Road and serves as the only access to the subject site. The applicant proposes to expand the existing building on the site to within ten feet (10') of the unopened right-of-way and expand the total site coverage from 50% to approximately 70%.

The applicant is requesting a Reduced Parking Ratio Variance to allow a reduced number of parking spaces. The site plan submitted indicates that there are currently five (5) compliant parking spaces within the boundaries of the subject site. It appears that there is nonconforming parking within the unopened right-of-way. No required parking calculations are provided on the site plan, other than the requirement for one (1) parking space per three (3) warehouse employees. The number of warehouse employees is not given and there is no calculation for office area parking requirements. With the proposed building expansion, it appears that there would be no room on the site to provide further parking due to the need for truck maneuvering space between the existing parking area and the right-of-way.

With regard to the requested Parking Surfacing Variance, the applicant proposes to remove the asphalt surfacing within the unopened right-of-way and replace it with aggregate surfacing which would better withstand the stress imposed by delivery trucks. Maneuvering surfaces within the site are indicated to be concrete on the site plan. As the proposed aggregate surfacing would be within the public right-of-way, although unopened, the Board cannot consider such a request. The applicant should either pursue a vacation of the right-of-way, or obtain an Interim Non-Utility Right-of-Way Use Agreement with the City.

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:

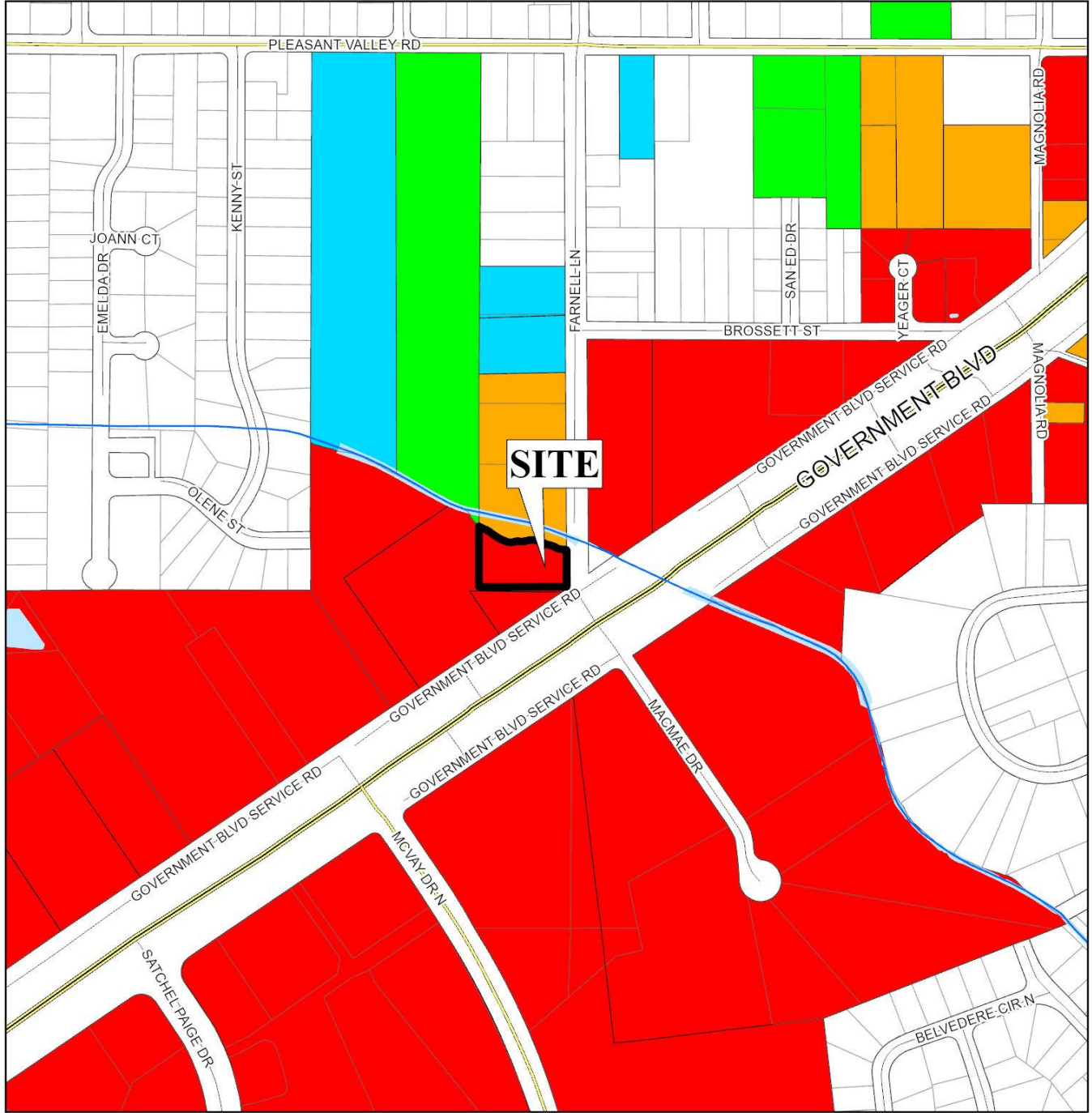
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, with the exception of the right-of-way surface which is not within the Board's jurisdiction, 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.

LOCATOR ZONING MAP



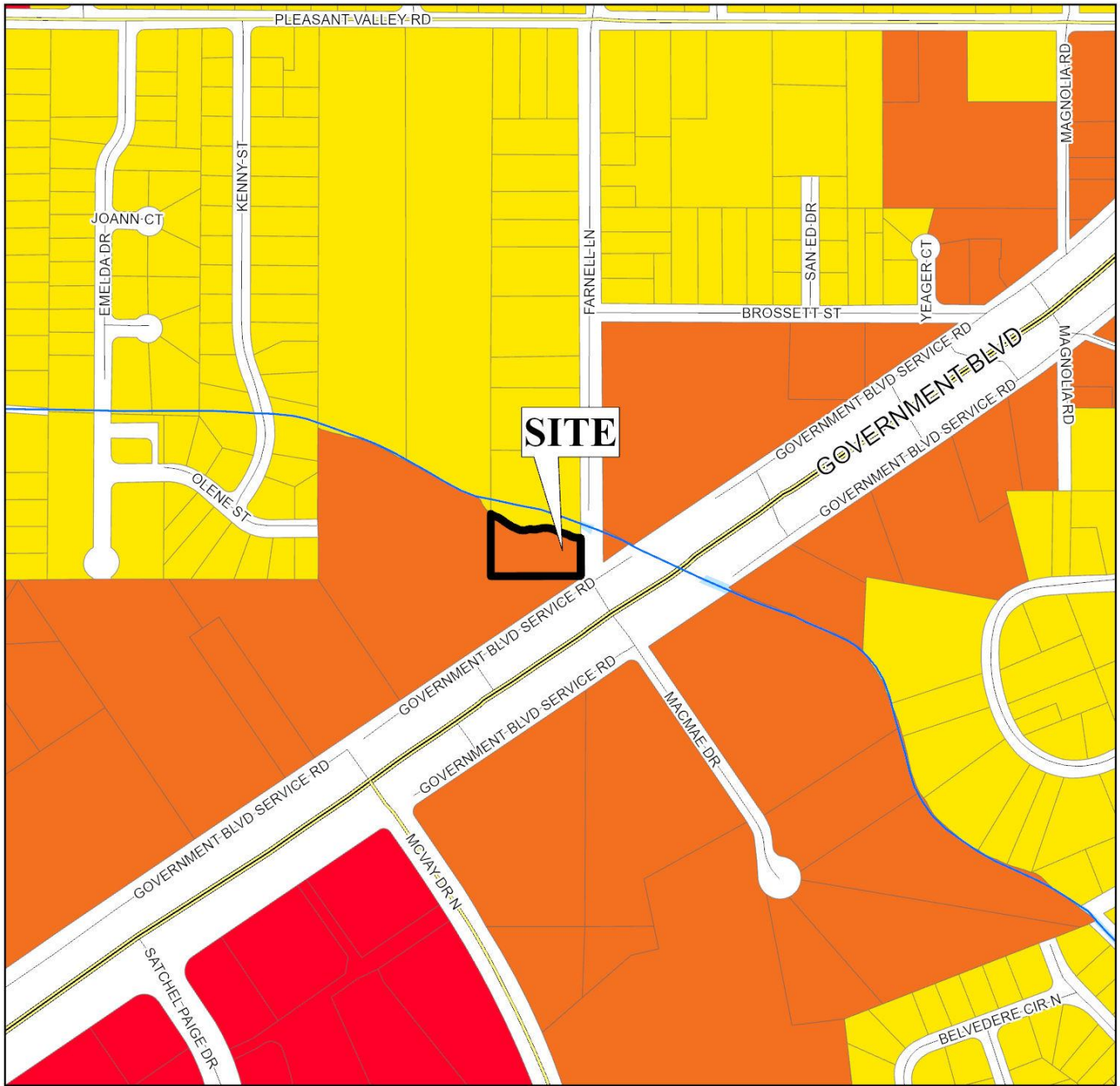
APPLICATION NUMBER 6591 DATE June 3, 2024

APPLICANT Air Engineers

REQUEST Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances



FLUM LOCATOR MAP

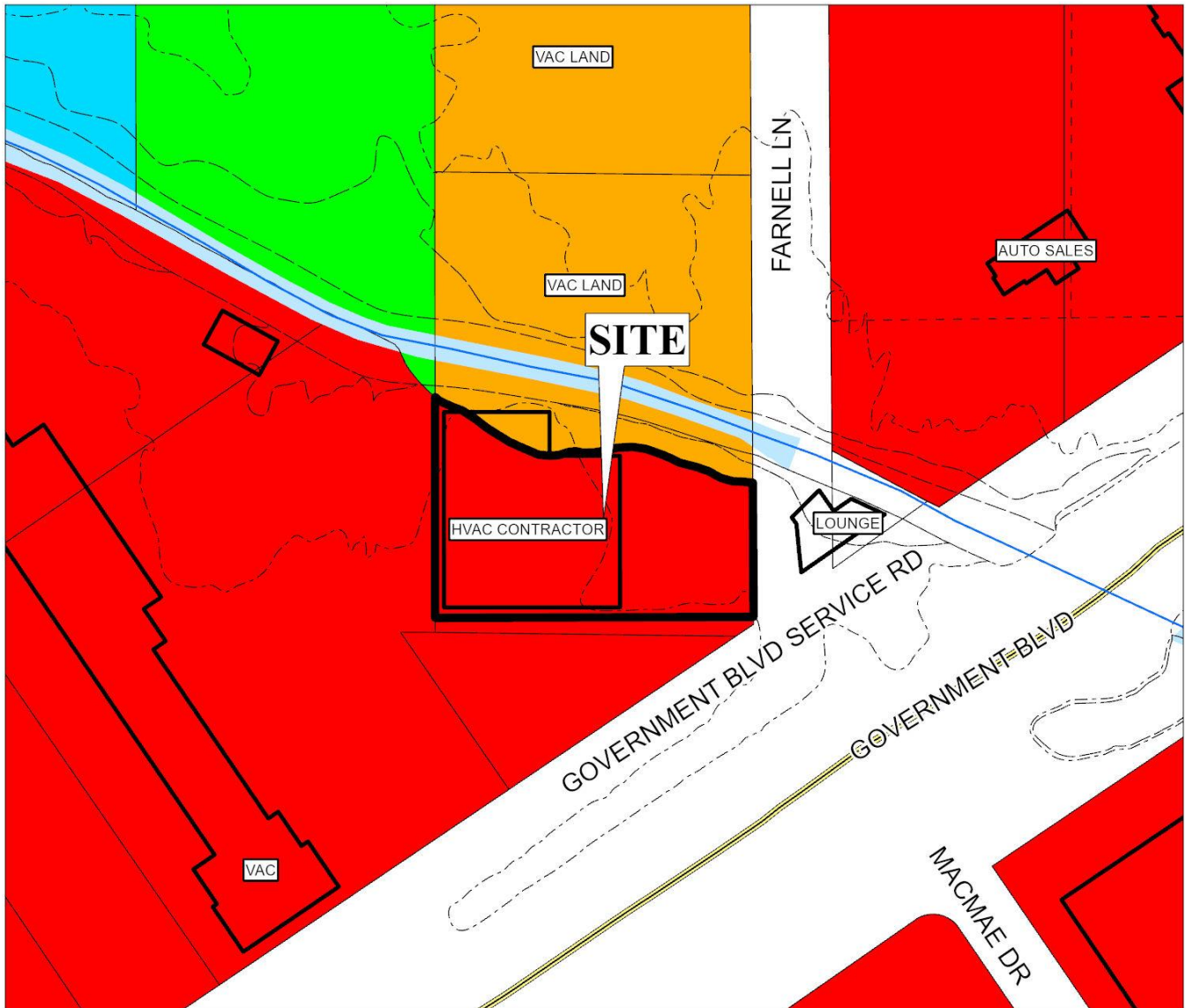


APPLICATION NUMBER 6591 DATE June 3, 2024
 APPLICANT Air Engineers
 REQUEST Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances


- | | | | |
|---|--|---|--|
| ■ 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 | |



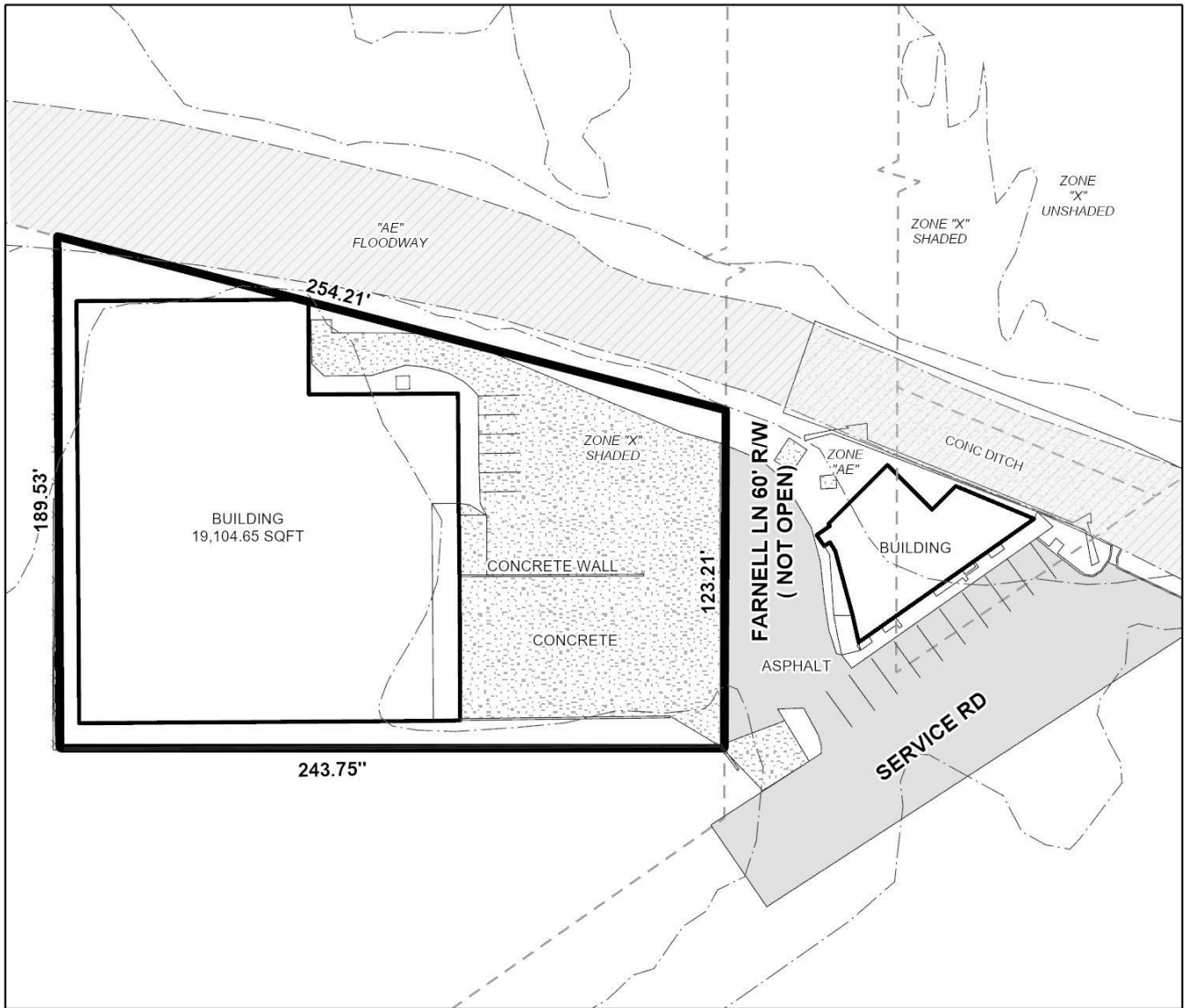
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

APPLICATION NUMBER <u>6591</u>	DATE <u>June 3, 2024</u>																															
APPLICANT <u>Air Engineers</u>																																
REQUEST <u>Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances</u>																																
<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																								

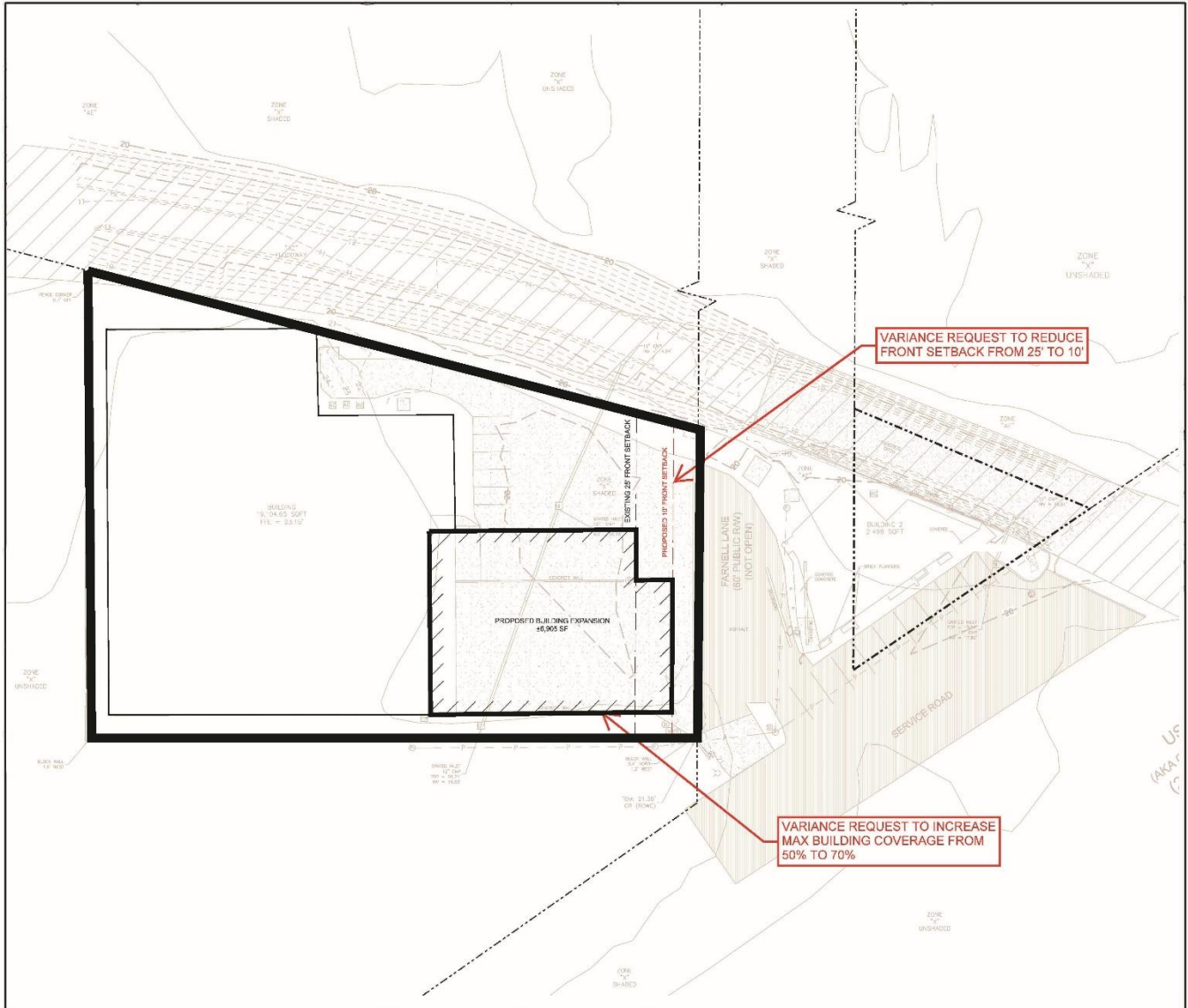
EXISTING SITE PLAN



The site plan illustrates the existing buildings, parking, and flood zones.

APPLICATION NUMBER <u>6591</u>	DATE <u>June 3, 2024</u>	 NTS
APPLICANT <u>Air Engineers</u>		
REQUEST <u>Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances</u>		

PROPOSED SITE PLAN



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

APPLICATION NUMBER <u>6591</u> DATE <u>June 3, 2024</u>	 NTS
APPLICANT <u>Air Engineers</u>	
REQUEST <u>Front Yard Setback, Reduced Parking Ratio, Parking Surfacing, and Site Coverage Variances</u>	

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.