



Agenda Item # 4
BOA-003008-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

2534 Government Boulevard

Applicant / Agent:

Byrd Surveying, Kari Givens

Property Owner:

Chassity Ebbole

Current Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number:

6606

Unified Development Code (UDC) Requirement:

- The UDC requires a minimum of a B-3, Community Business Suburban District to allow automobile sales.

Board Consideration:

- To allow automobile sales in a B-2, Neighborhood Business Suburban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u> 6606 </u> DATE <u> August 5, 2024 </u>	 NTS
APPLICANT <u> Byrd Surveying, Kari Givens </u>	
REQUEST <u> Use Variance </u>	

SITE HISTORY

The subject site was assigned a B-2 zoning classification with the adoption of the 1967 Zoning Ordinance.

The site was made a legal lot of record with the recording of Highway 90 Subdivision, a three (3)-lot subdivision approved by the Planning Commission in 1978.

The site has never been before the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by ALDOT and 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 automobile sales in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) requires a minimum of a B-3, Community Business Suburban District to allow automobile sales.

A detailed description of the proposed Use Variance request is available via the link on Page 1 of this report.

The subject site is adjacent to B-2 zoning to the East, used as a Veterans of Foreign Wars (VFW) post, and B-3 zoning to the West and North, used as auto sales. Across Government Boulevard there is also B-3 zoning used as

a mini self-storage facility with truck and trailer rentals. The subject site has been vacant for many years and was last used as a title loan agency. It should be noted that there have not been any similar Use Variance requests approved within the immediate area, and there are no known nonconforming uses within the immediate area.

Regarding the Use Variance request, inasmuch as the Future Land Use Map designation for the site is Mixed Commercial Corridor, the proposed use as automobile sales would be appropriate within this designation. However, a more appropriate approach to allowing the use would be to have the site rezoned to a B-3, Community Business Suburban District classification, which would allow the use by right. The abutting B-3 district was rezoned from B-2 to B-3 in 1987.

The site plan submitted does not indicate any proposed site improvements to bring the site into compliance with the commercial site standards of the UDC, and the narrative specifically states that no improvements to the property or building are necessary. However, there is no dumpster depicted on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to either depict a compliant dumpster, or include a note stating that curbside pickup will be utilized.

Vehicle parking calculations on the site plan indicate that four (4) compliant parking spaces are provided for the building use, with a total of thirteen (13) spaces provided. If approved, the site should then be limited to no more than nine (9) inventory vehicles being placed on-site at any time, or a revised site plan should be provided showing proposed vehicle display areas with compliant surfacing.

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:

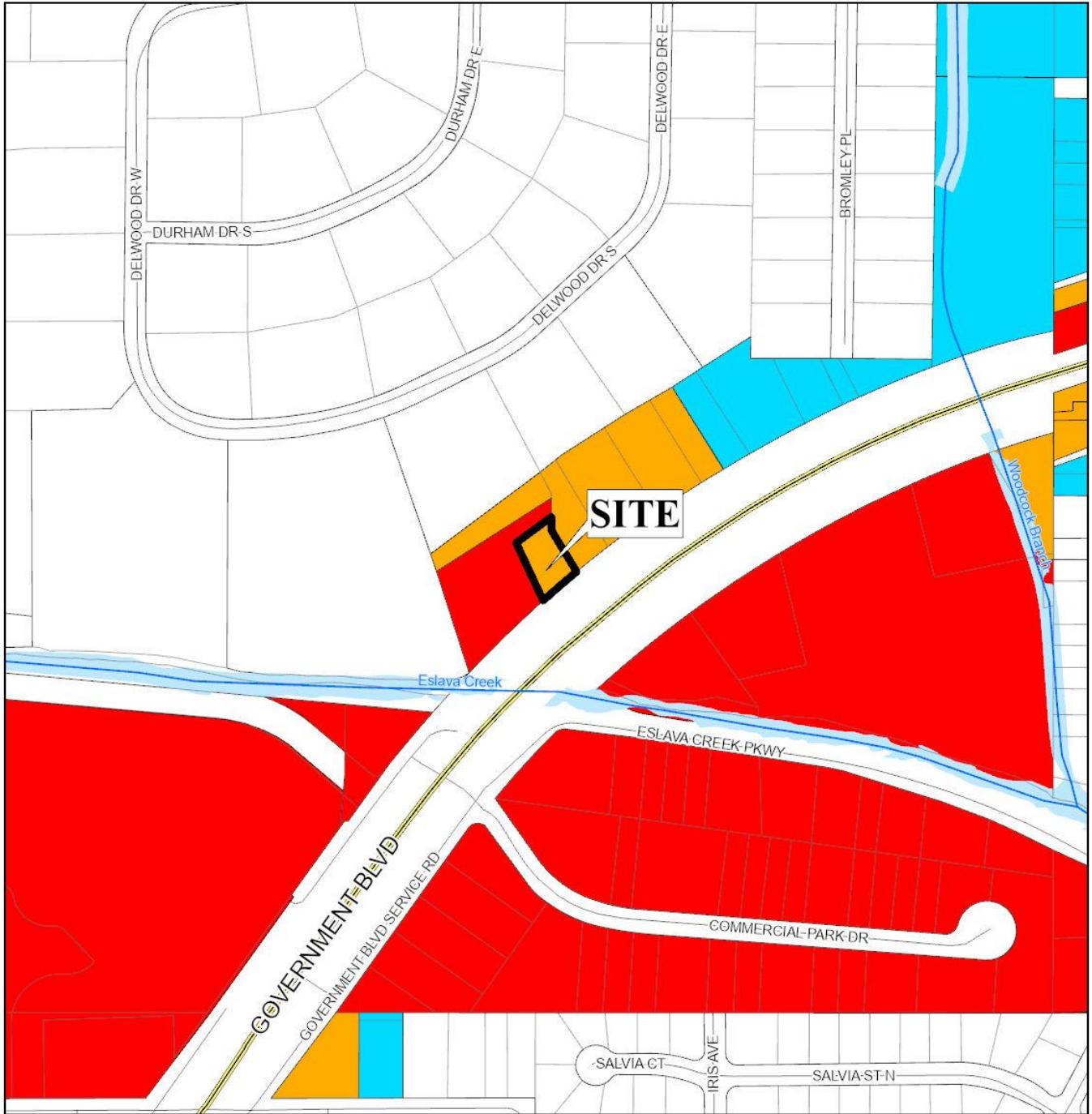
While rezoning the site to B-3 may be the more appropriate procedure, based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- 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. Revision of the site plan to either depict a complaint dumpster, or include a note stating that curbside pickup will be utilized;
2. The site is limited to no more than nine (9) inventory vehicles being placed on-site at any time, or provision of a revised site plan depicting a compliant parking surface for expanded vehicle display areas; and
4. Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



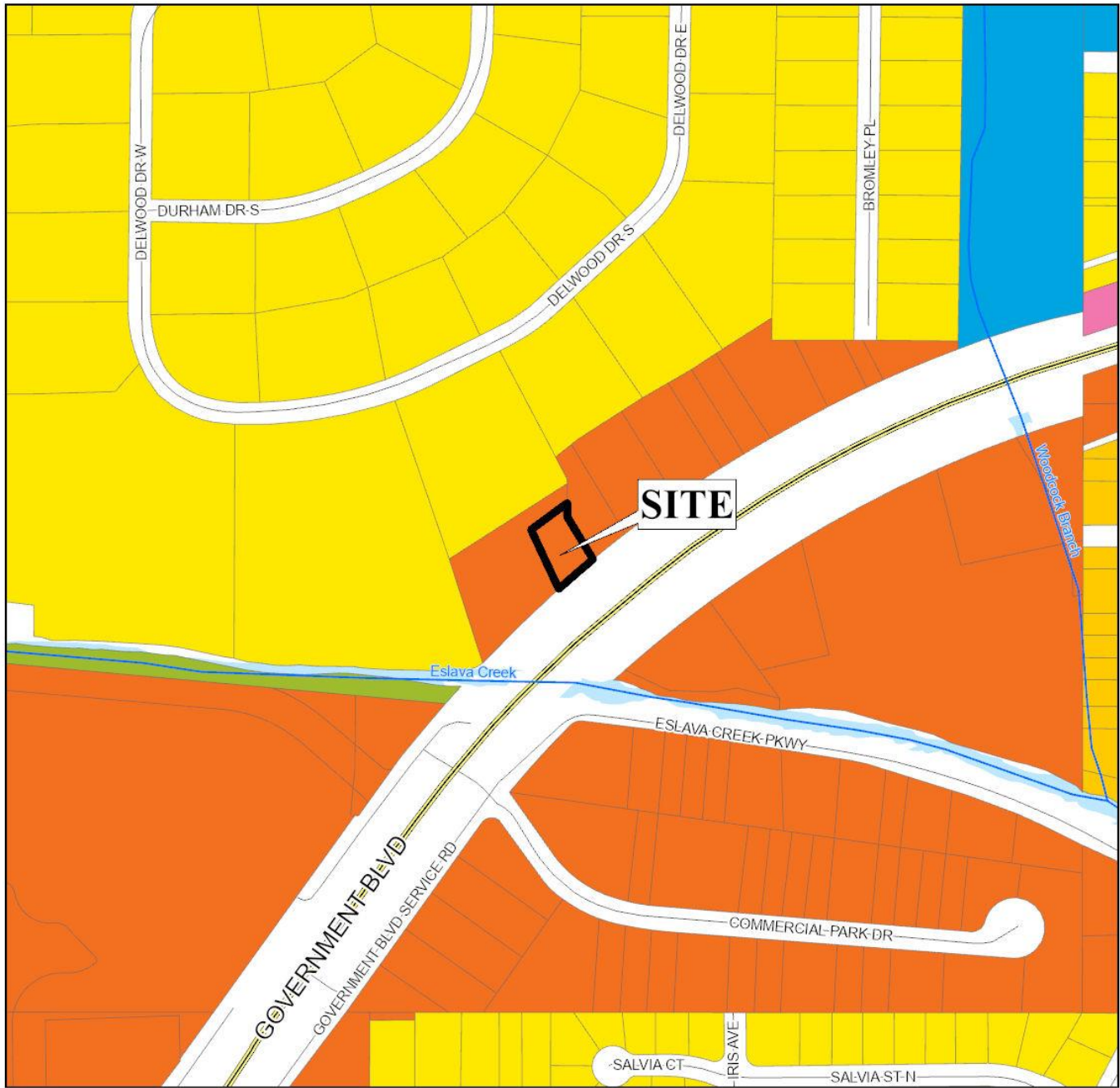
APPLICATION NUMBER 6606 DATE August 5, 2024

APPLICANT Byrd Surveying, Kari Givens

REQUEST Use Variance



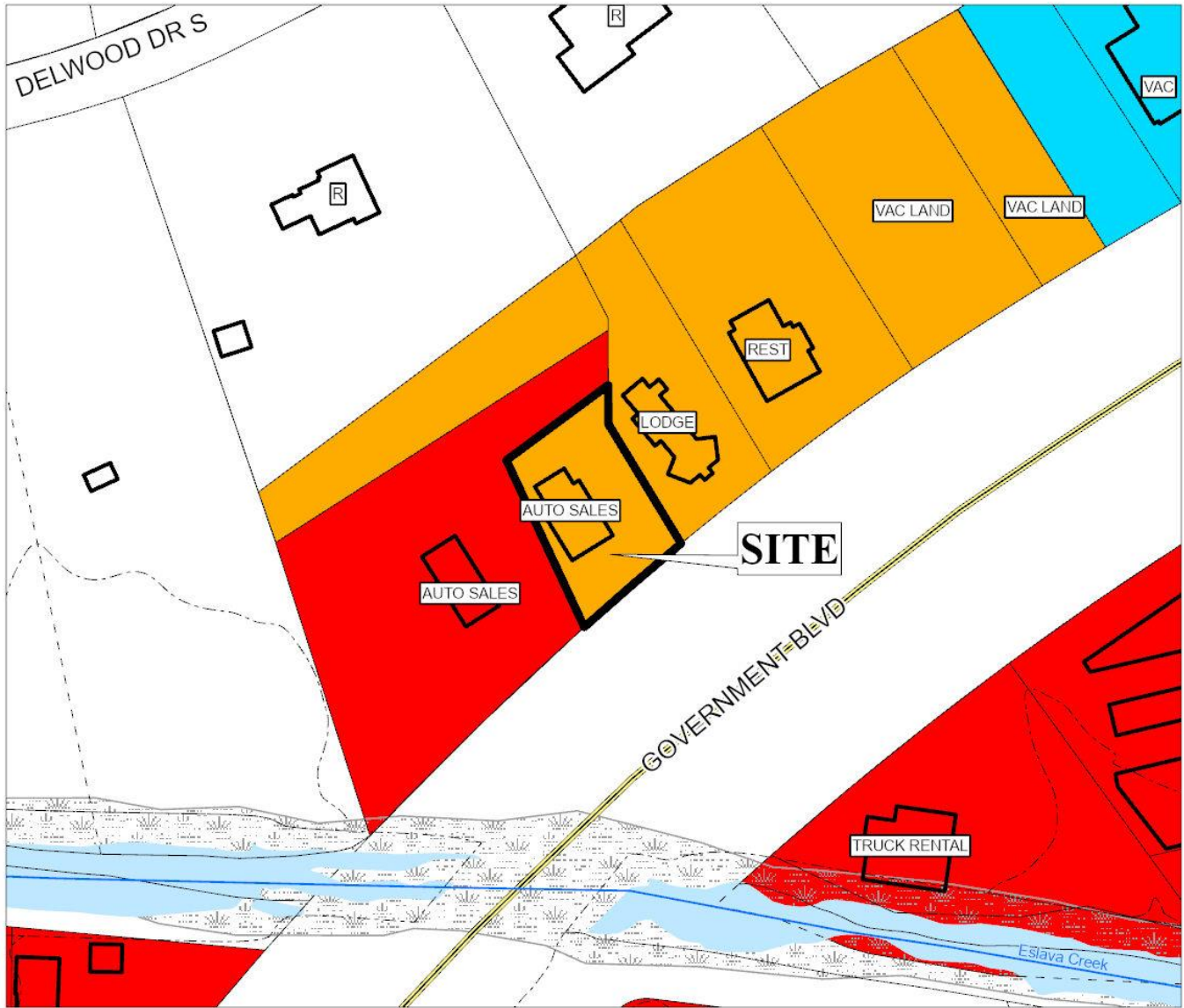
FLUM LOCATOR MAP



APPLICATION NUMBER	6606	DATE	August 5, 2024
APPLICANT	Byrd Surveying, Kari Givens		
REQUEST	Use Variance		
<ul style="list-style-type: none"> Low Density Residential Mixed Density Residential Downtown District Center 	<ul style="list-style-type: none"> Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial Corridor 	<ul style="list-style-type: none"> Light Industry Heavy Industry Institutional 	<ul style="list-style-type: none"> Parks & Open Space Water Dependent



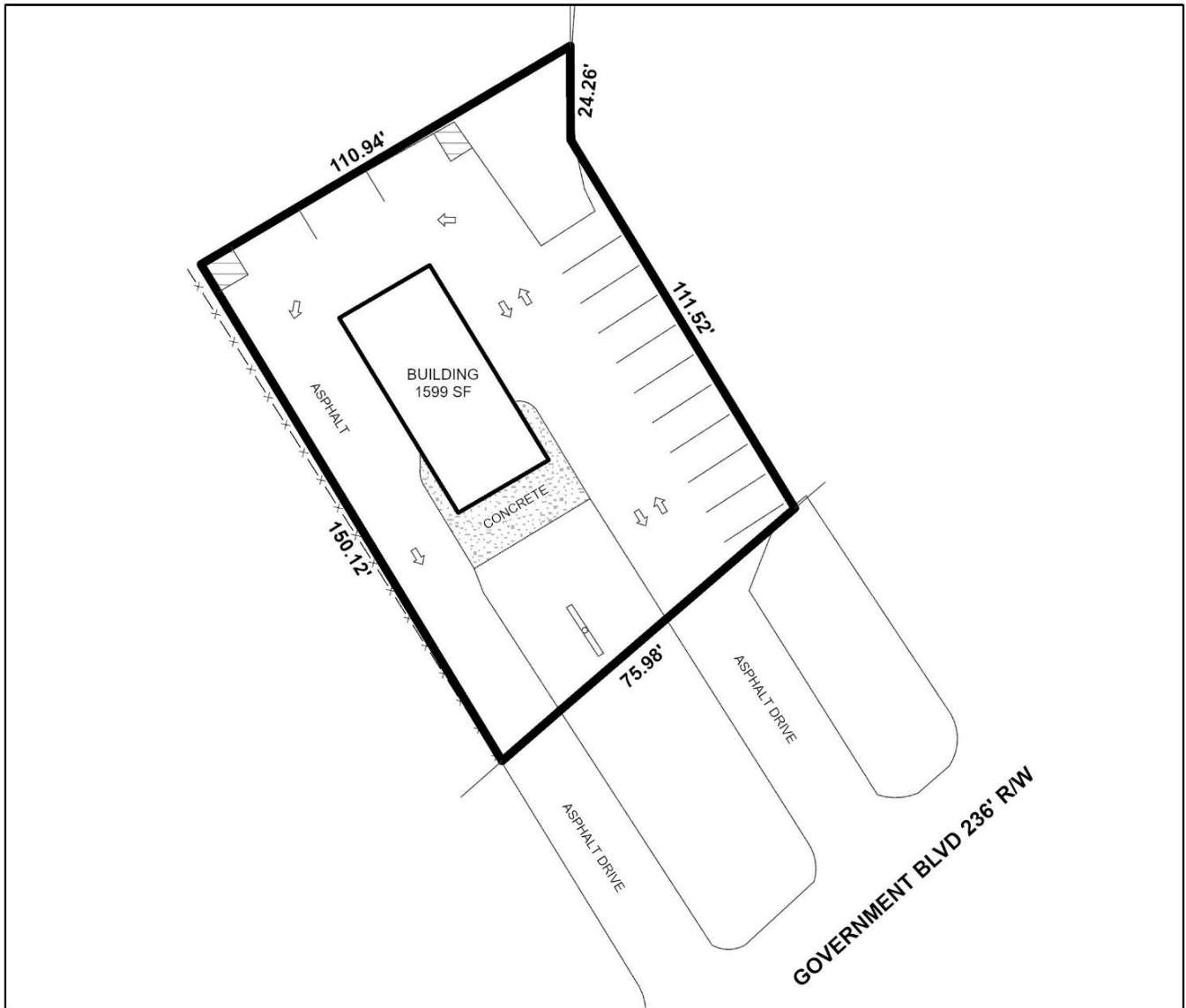
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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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	
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SITE PLAN



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

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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.