



## Agenda Item #5

BOA-003083-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

2712 Old Shell Road

**Applicant / Agent:**

Warrior Development, LLC

**Property Owner:**

Warrior Development, LLC

**Current Zoning:**

B-2, Neighborhood Business Urban District

**Future Land Use:**

Traditional Mixed Use Corridor

**Case Number(s):**

6626/5441

**Unified Development Code Requirement:**

- The Unified Development Code (UDC) requires full compliance with the side street side yard setback requirements in a B-2, Neighborhood Business Urban District.

**Board Consideration:**

- Side Street Side Yard Setback Variance to allow a new building within the required side street side yard setback in a B-2, Neighborhood Business Urban District.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6626	DATE	October 7, 2024
APPLICANT	Warrior Development, LLC		
REQUEST	Side Street Side Yard Setback Variance		



## SITE HISTORY

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The site was previously granted Access/Maneuvering, Parking Ratio, Landscaping and Tree Planting, and Buffer Variances to allow nose-in parking, a 10-foot wide drive and undesignated maneuvering area, undesignated parking, no landscaping and tree planting, and no residential buffer by the Board of Adjustment at its December 3, 2007 meeting.

There have been no Planning Commission applications.

## STAFF COMMENTS

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### Engineering Comments:

No comments.

### 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 (2021 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.

### Planning Comments:

The applicant is requesting Side Street Side Yard Setback Variance to allow a new building within the required side street side yard setback in a B-2, Neighborhood Business Urban District; the Unified Development Code (UDC) requires full compliance with the side street side yard setback requirements in a B-2, Neighborhood Business Urban District.

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

The site was previously developed with a structure that has recently been demolished, with permits. The applicant is proposing a new structure and associated parking on the site.

The UDC requires a minimum side street side yard setback of ten-feet (10') in a B-2, Neighborhood Business Urban District, and the applicant is requesting a five-foot (5') setback. Side yard setbacks, when not fronting a street in a

B-2 Urban district are allowed to be either zero-feet (0') or five-feet (5'). The proposed site plan shows the new structure as being five-feet (5') from the side property line, making it possible to move the structure so that it has both a compliant ten-foot (10') side street side yard setback and a compliant zero-foot (0') side yard setback.

It should be noted that the site plan needs to be revised to depict a sidewalk along Randolph Street, as well as an associated pedestrian connection to the main building entrance. Furthermore, the proposed parking layout does not appear to comply with the Americans with Disability Act requirements.

## VARIANCE CONSIDERATIONS

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### 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:

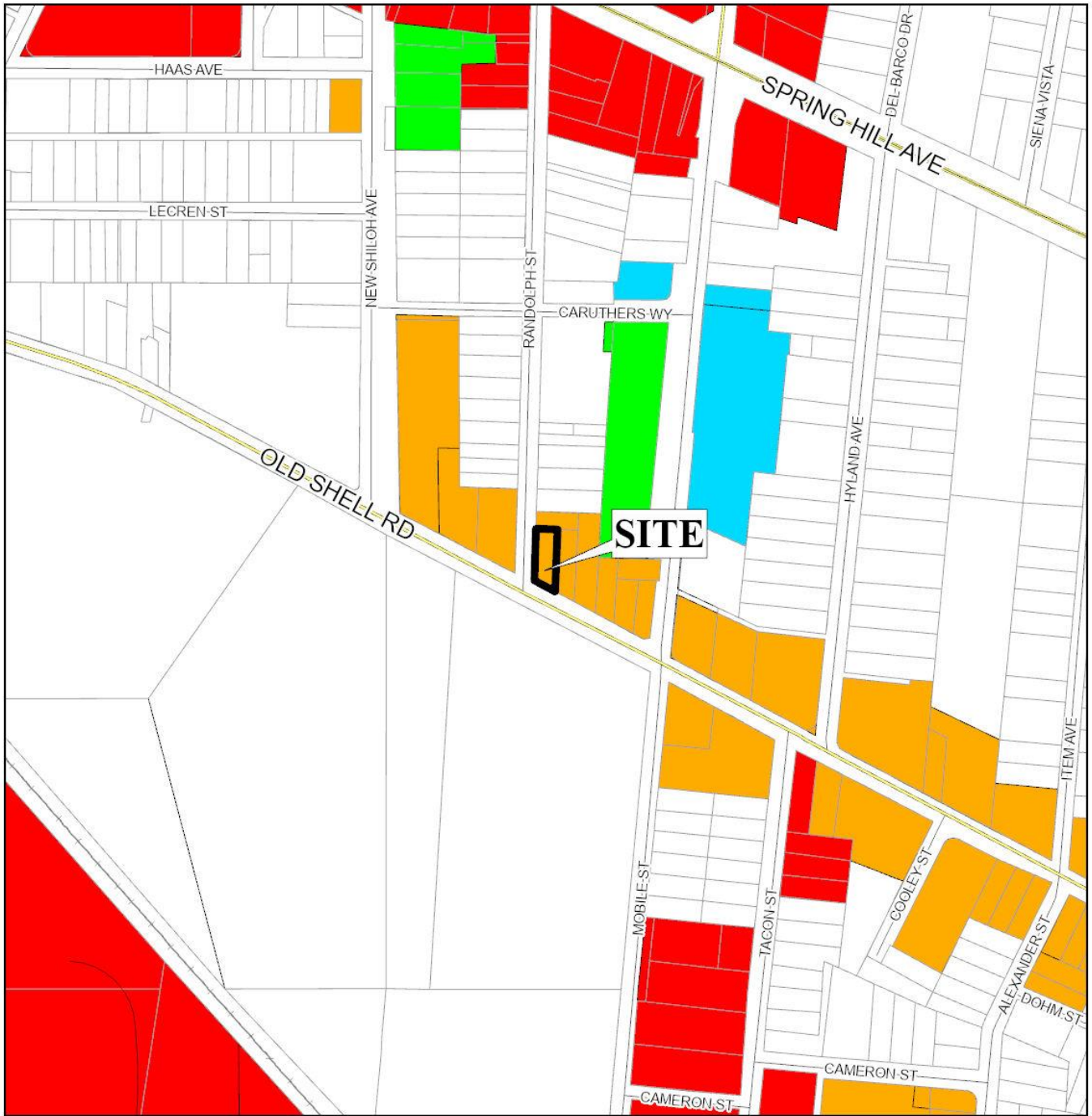
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

### Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, 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.

# LOCATOR ZONING MAP



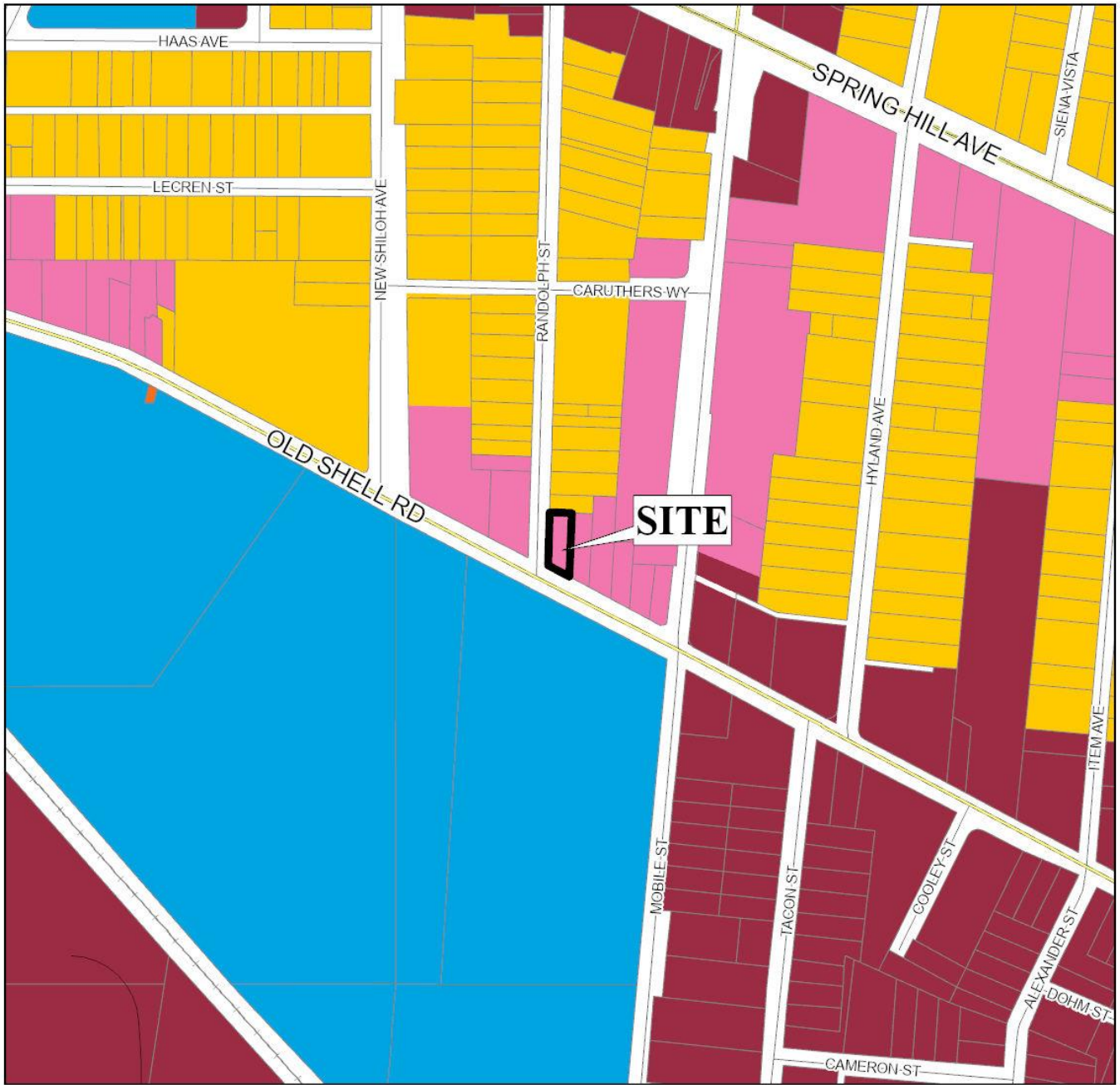
APPLICATION NUMBER 6626 DATE October 7, 2024

APPLICANT Warrior Development, LLC

REQUEST Side Street Side Yard Setback Variance



# FLUM LOCATOR MAP



APPLICATION NUMBER 6626 DATE October 7, 2024

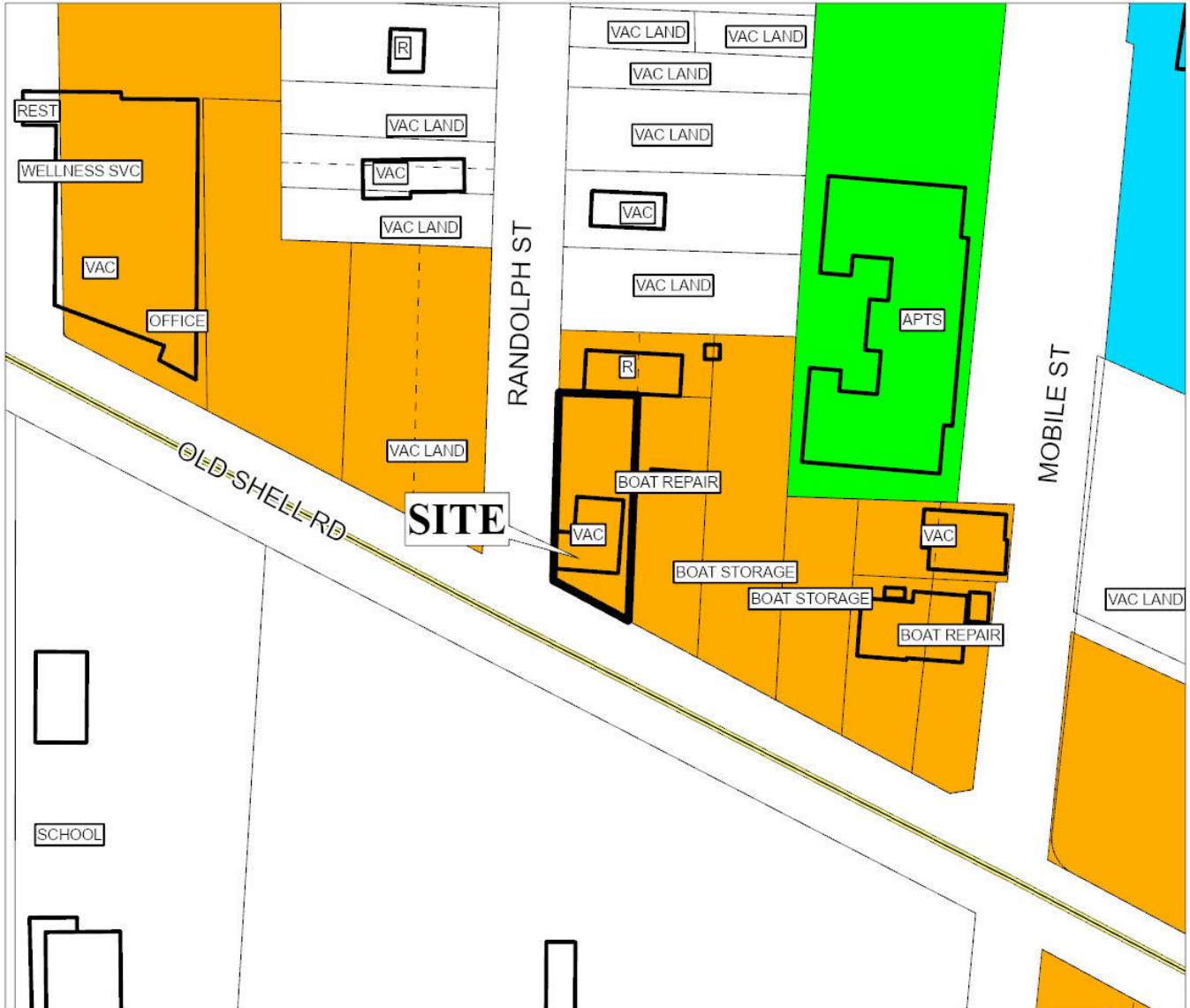
APPLICANT Warrior Development, LLC

REQUEST Side Street Side Yard Setback Variance




NTS

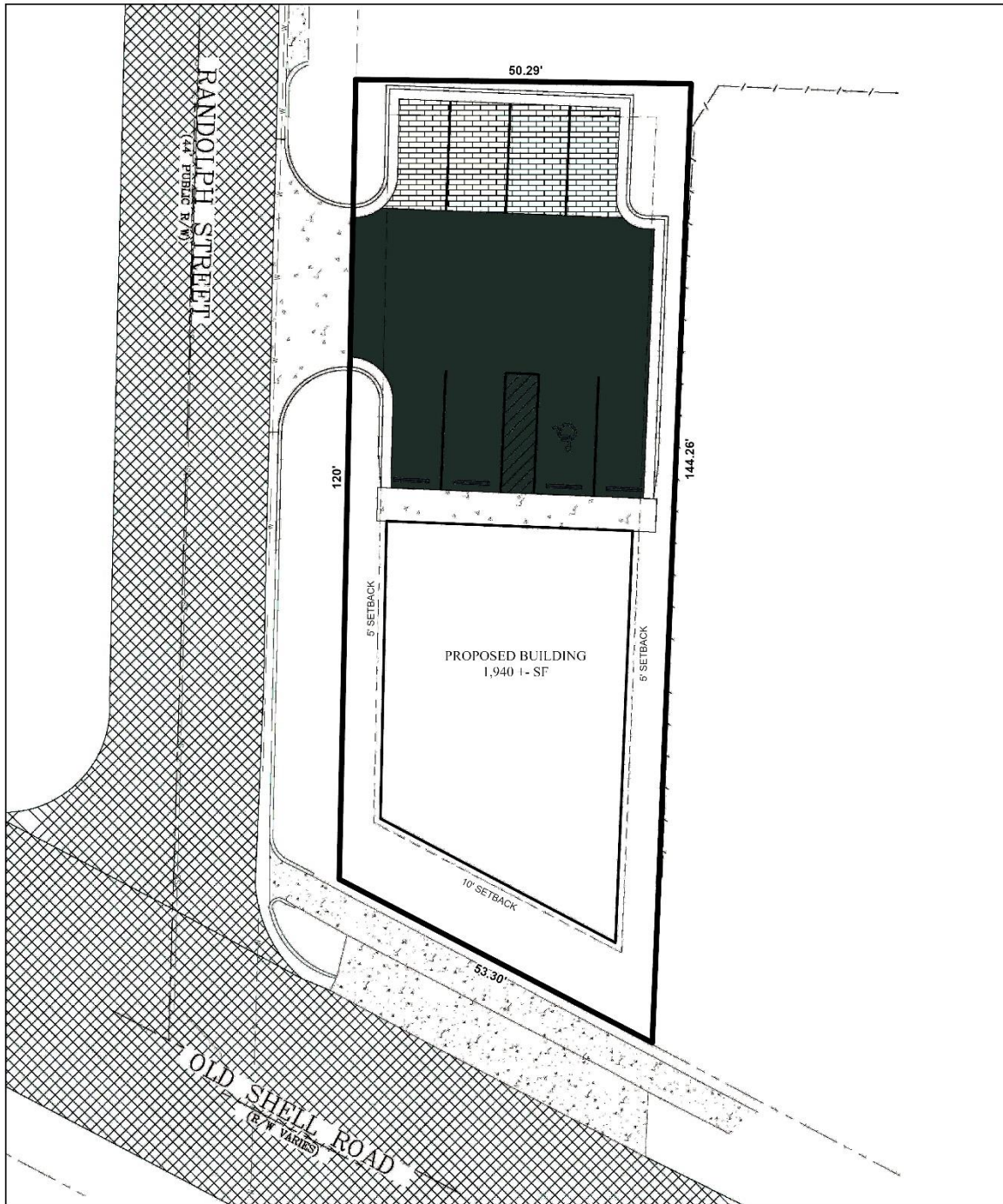
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6626</u> DATE <u>October 7, 2024</u>	 NTS
APPLICANT <u>Warrior Development, LLC</u>	
REQUEST <u>Side Street Side Yard Setback Variance</u>	

# SITE PLAN



The site plan illustrates the proposed building, parking, and setbacks.

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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)

## LIGHT INDUSTRY (LI)

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.