



Agenda Item # 5

BOA-003132-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5201 Girby road

Applicant / Agent:

BTG, LLC (Robert Clay Buckley)

Property Owner:

BTG, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6633

Unified Development Code (UDC) Requirement:

- The UDC requires 1.5 parking spaces per dwelling unit for a proposed multi-family development (42 dwelling units) in a B-3, Community Business Suburban District.

Board Consideration:

- Parking Ratio Variance to allow reduced parking (44 spaces) for a proposed multi-family development 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 residential units.

APPLICATION NUMBER	6633	DATE	December 2, 2024
APPLICANT	BTG, LLC (Robert Clay Buckley)		
REQUEST	Parking Ratio Variance		



SITE HISTORY

The site is part of the Girby-Ninety Commercial Park Subdivision, Third Addition, the plat for which was approved by the Planning Commission in September 1995 and subsequently recorded in Mobile County Probate Court.

A Planning Approval application for approval of an outdoor recreation facility was denied by the Planning Commission, also in September 1995.

The site is undeveloped.

There are no Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

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

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 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 Parking Ratio Variance to allow reduced parking (44 spaces) for a proposed multi-family development in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires 1.5 parking spaces per dwelling unit for a proposed multi-family development (42 dwelling units) in a B-3, Community Business Suburban District.

The site plan provided illustrates one (1) apartment building that the applicant states will be constructed with 42 one-bedroom, affordable apartments for unhoused individuals. The site plan also illustrates 44 parking spaces. Article 3, Table 64-3-12.1 of the UDC requires 1.5 off-street parking spaces per dwelling unit and, as such, 63 parking spaces are required.

In their narrative, the applicant references the configuration of the property and the existing trees as justification for the request for reduced parking, stating that many of the trees cannot be removed from the property to meet the landscaping requirements, which leaves inadequate room for the construction of all required parking. The applicant also states that the apartments are for single occupancy, and that many of the tenants will not have a vehicle, thereby reducing the demand for off-street parking. The application and supporting documentation are available via the link on Page 1 of this report.

It is unclear if the size of the site is inadequate to accommodate 63 parking spaces. The site plan depicts areas that appear large enough to construct the additional 19 required parking spaces but are proposed to remain undeveloped. And while the site adjoins residentially zoned property to the South, which will require the provision of a 10-foot-wide protection buffer along that property line, it does not appear to impact the site in such a way that additional parking could not be provided outside of the required buffer. Without a conceptual plan showing if this is the case, staff cannot verify the applicant's claim that the size of the site is inadequate to provide additional parking. As such, the applicant has not provided sufficient evidence why the property cannot be developed in compliance with the parking requirements of the UDC for lots in a B-3 Suburban zoning district.

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:

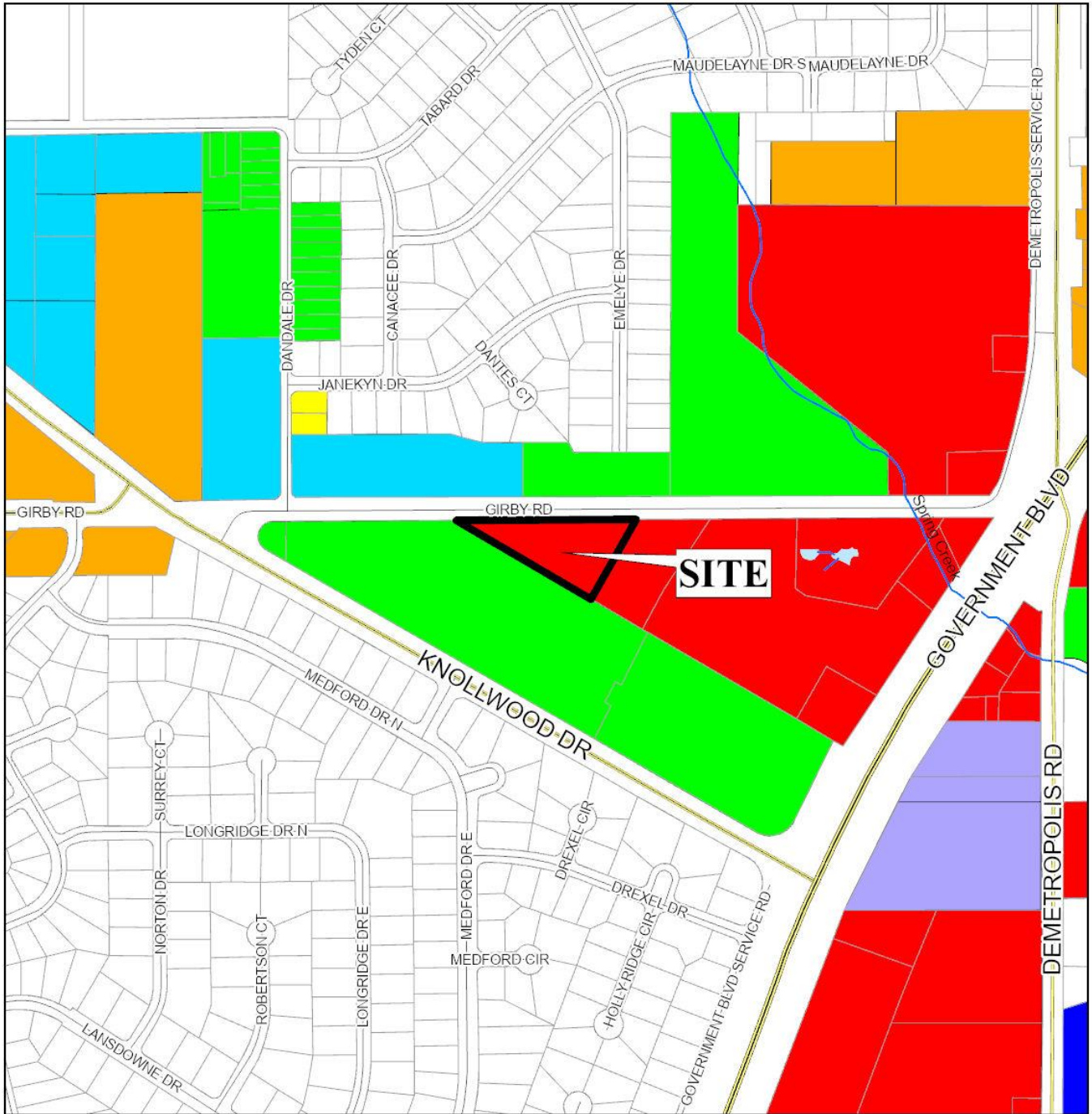
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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.

If approved, the following conditions should apply:

- 1) Full compliance with all other codes and ordinances.

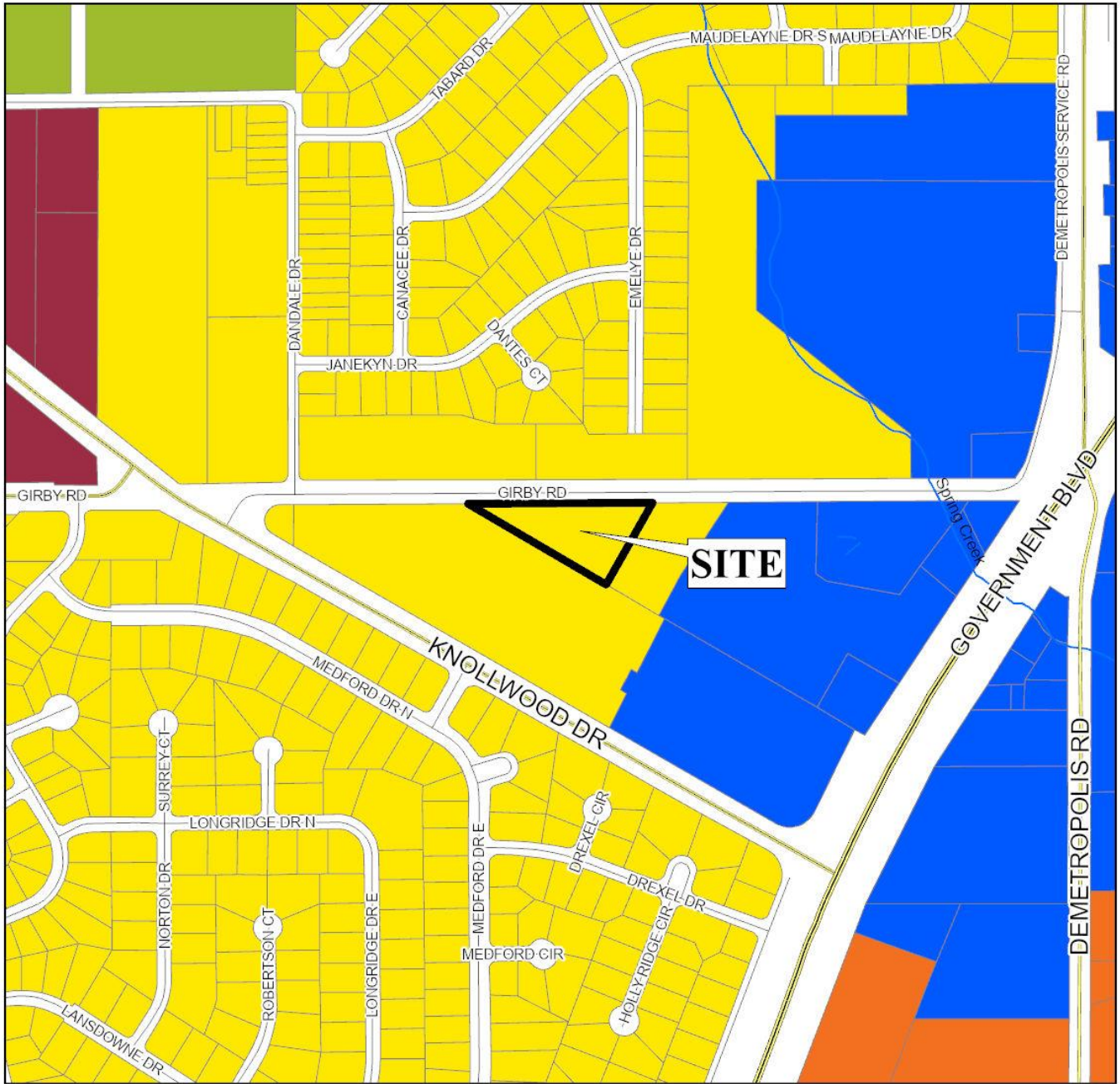
LOCATOR ZONING MAP



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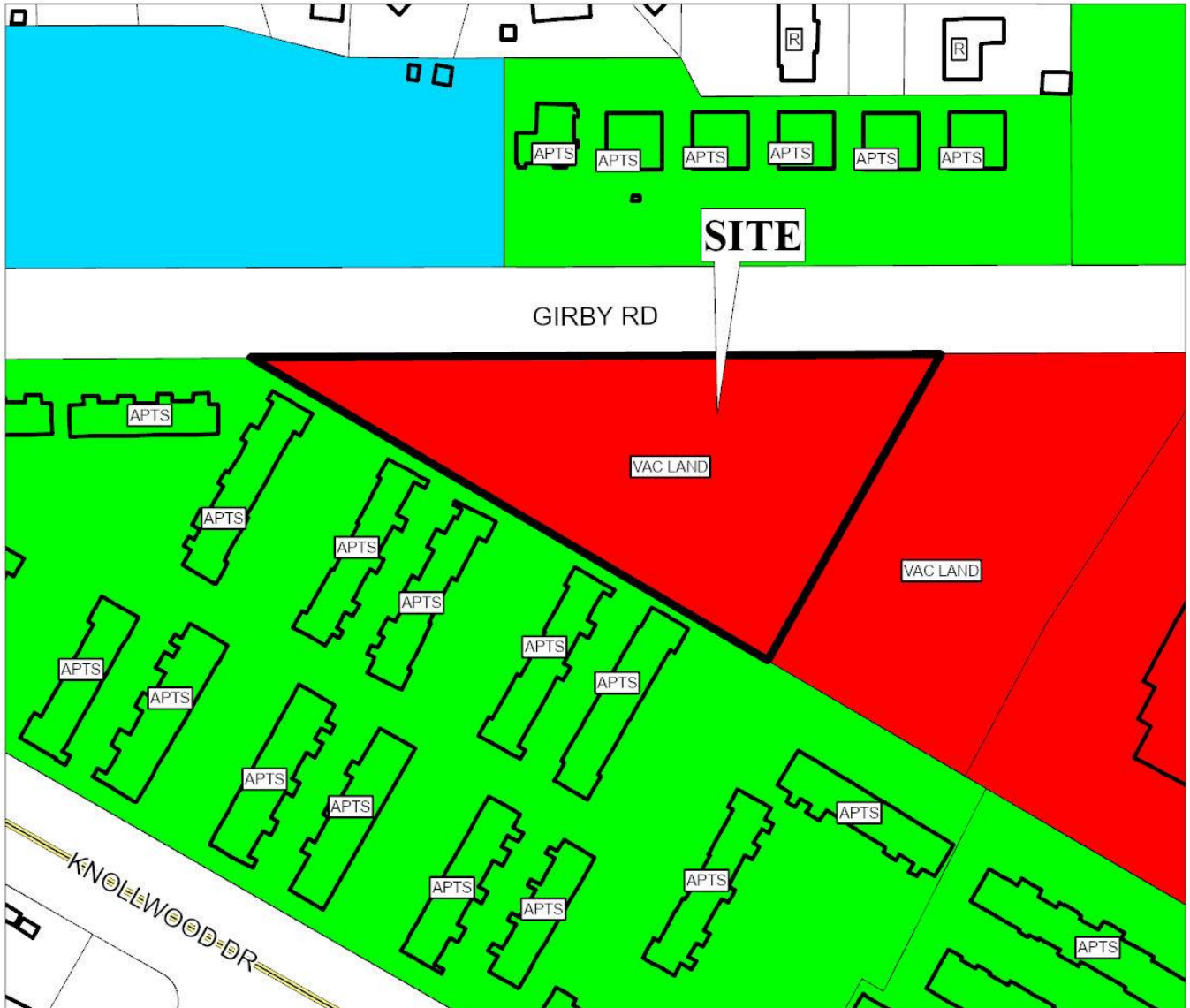
FLUM LOCATOR MAP




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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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APPLICATION NUMBER <u>6633</u> DATE <u>December 2, 2024</u>	 NTS
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REQUEST <u>Parking Ratio Variance</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 (WDWRLU)
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)

Residential Land Use

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.