



Agenda Item # 9

BOA-003031-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

311 Glenwood Street

Applicant / Agent:

Ranita Smith, Smith’s Auto Imports

Property Owner:

Ranita Smith, Smith’s Auto Imports

Current Zoning:

B-2, Neighborhood Business Urban District

Future Land Use:

Traditional Center

Case Number(s):

6614

Unified Development Code (UDC) Requirement:

- The UDC requires a minimum of B-3, Community Business Urban District for automobile sales, compliant parking, and 24-foot wide access for two-way traffic, and all vehicular maneuvering to be located on private property in a B-2, Neighborhood Business Urban District.

Board Consideration:

- Use, Parking Ratio, Sub-Standard Access & Maneuvering Variances to allow automobile sales with reduced parking, sub-standard access, and vehicular maneuvering in the right-of-way in a B-2, Neighborhood Business Urban 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 and residential units.

APPLICATION NUMBER 6614 DATE September 9, 2024
APPLICANT Smith's Auto Imports / Ranita Smith
REQUEST Use, Parking Ratio, Sub-Standard Access & Maneuvering Variances



NTS

SITE HISTORY

The site was originally recorded as Lot 8, Block 2 of the Government Street Extension Subdivision, the plat for which was submitted to Mobile County Probate Court in July 1906.

The property was zoned for residential use until 1951, at which time it was rezoned for commercial use as part of the adoption of the 1951 Zoning Ordinance. Rezoning of the property to B-2, Neighborhood Business District, occurred as part of the adoption of the 1967 Zoning Ordinance. The property retained its B-2 zoning classification with the adoption of the Unified Development Code in 2022.

Between at least 1980 and 2007 the property was used as a beauty salon, a use allowed by right in the B-2 zoning district. Since 2008 the property has been used a real estate management office, a use that is also allowed by right in the B-2 zoning district.

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

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

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 Use, Parking Ratio, Sub-Standard Access & Maneuvering Variances to allow automobile sales with reduced parking, sub-standard access, and vehicular maneuvering in the right-of-way in a B-2,

Neighborhood Business Urban District; the Unified Development Code (UDC) requires a minimum of B-3, Community Business Urban District for automobile sales, compliant parking, and 24-foot wide access for two-way traffic, and all vehicular maneuvering to be located on private property in a B-2, Neighborhood Business Urban District.

In their application the applicant states that the property is zoned B-2, which does not allow for automobile sales by right as justification for their request. The application and supporting documentation are available via the link on Page 1 of this report.

The site plan depicts an existing building located on a 50-foot wide lot. Concrete surfacing at the front of the building and along the South property line facilitates off-street parking. An asphalt drive along the North property line provides access to the rear of the property where parking on a mix of asphalt and grass is proposed.

The site is not large enough to accommodate off-street parking spaces that meet the minimum number and size requirements of the UDC for the existing office use (four (4) spaces) or the proposed automobile sales use (three (3) spaces). The lot is also not wide enough to support two-way vehicle access to the rear of the property. Given these limitations and the location of the building within 23±-feet from the Glenwood Street property line, vehicles that currently park off the street are required to maneuver into the right-of-way when exiting the property.

Considering the site has been used commercially since at least 1980, the current parking, access, and maneuvering conditions may be considered non-conforming. The non-conforming status remains effective as long as no changes to the existing site conditions require an increase in the amount of off-street parking spaces, per the Non-Conforming provisions of Article 6 of the UDC.

Regarding the proposed use, the applicant has not provided evidence why the property cannot be used in compliance with the Use provisions of the UDC for lots in a B-2 zoning district. The property has been used in compliance with the applicable use regulations since at least 1980, suggesting there is no hardship associated with the site that would justify an automobile sales business at this location.

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:

- 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.

If approved, the following conditions should apply:

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

LOCATOR ZONING MAP



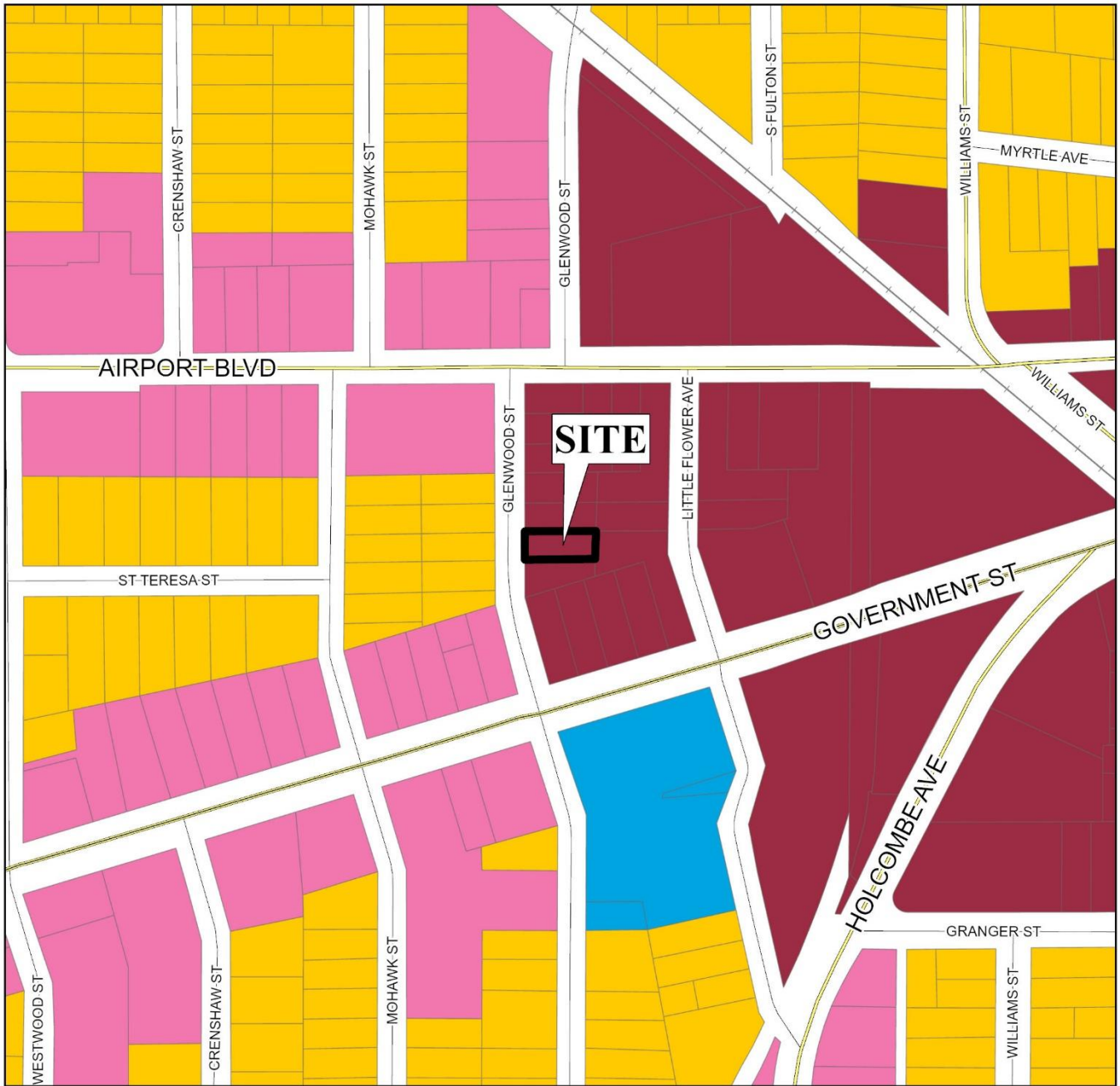
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APPLICANT Smith's Auto Imports / Ranita Smith

REQUEST Use, Parking Ratio, Sub-Standard Access & Maneuvering Variances



FLUM LOCATOR MAP

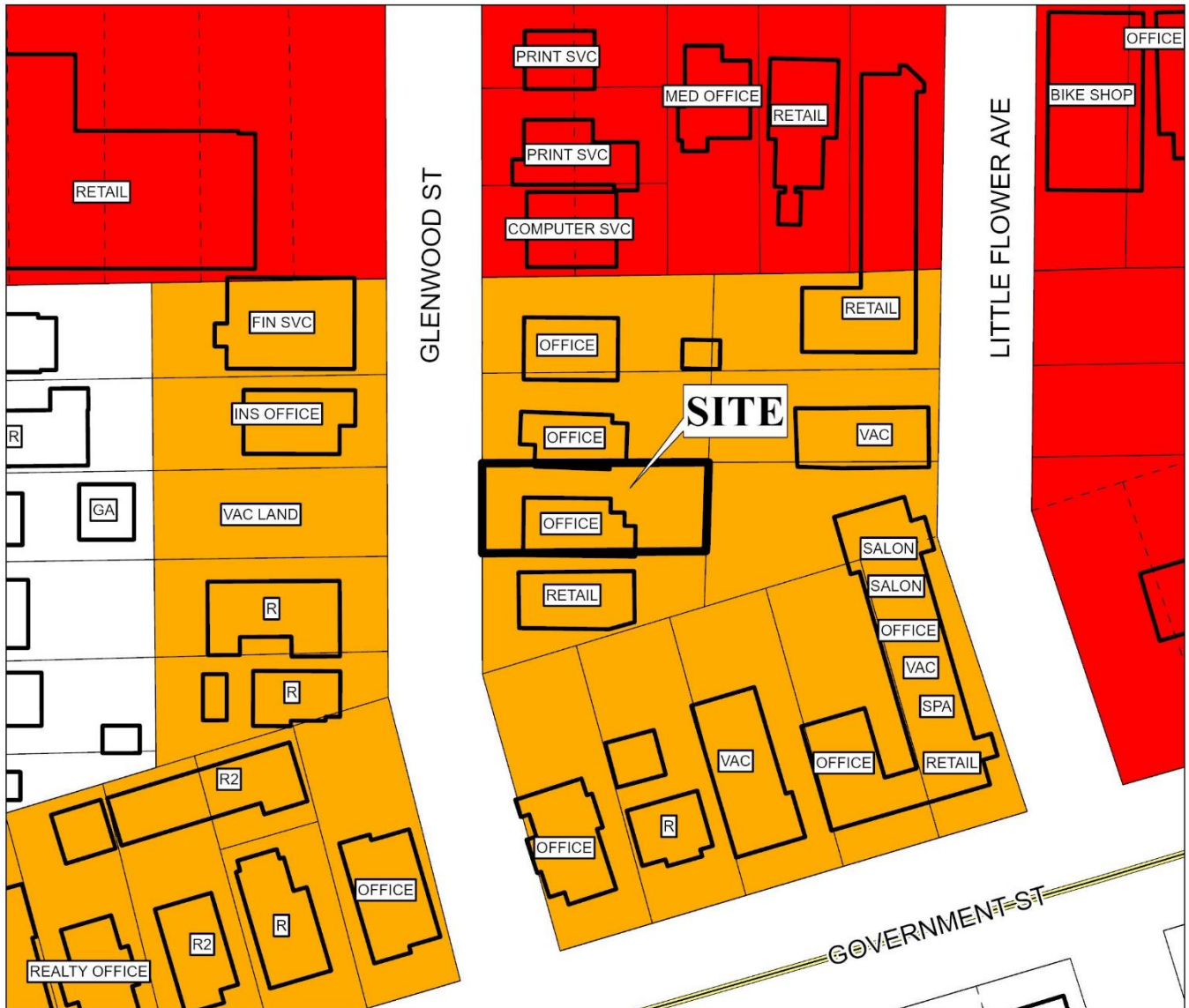


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- | | | | |
|---|--|--|--|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Downtown Waterfront | ■ Parks & Open Space |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Light Industry | ■ Water Dependent |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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



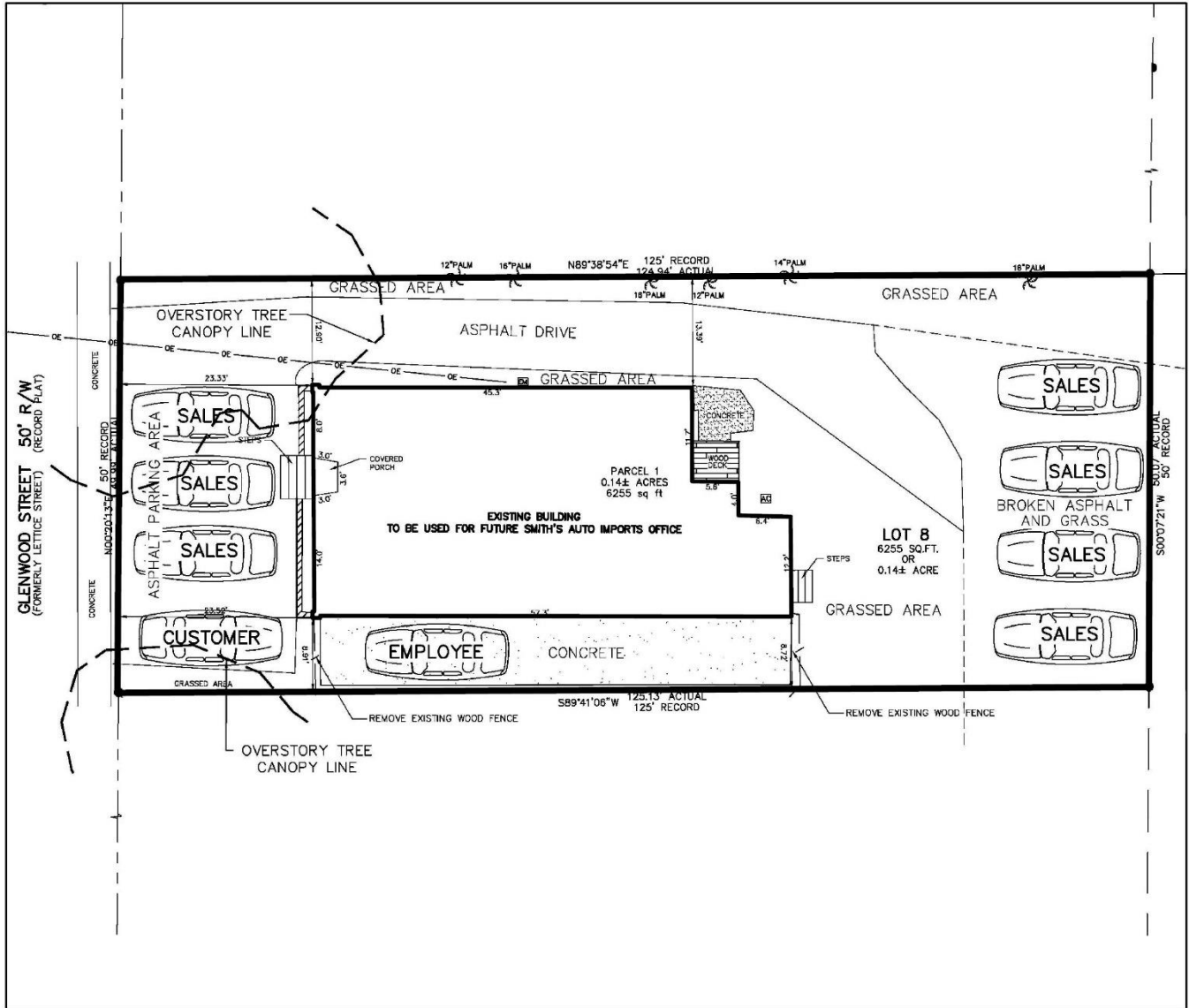
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| | | | | | | | | | |
|---|--|--|---|---|--|---|--|---|---|
| ■ R-A | ■ R-3 | ■ B-1 | ■ B-2 | ■ B-5 | ■ ML | ■ I-2 | ■ OPEN | ■ T-3 | ■ T-5.2 |
| ■ R-1 | ■ R-B | ■ T-B | ■ B-3 | ■ CW | ■ MH | ■ PD | ■ SD | ■ T-4 | ■ T-6 |
| ■ R-2 | ■ H-B | ■ LB-2 | ■ B-4 | ■ MM | ■ I-1 | ■ MUN | ■ SD-WH | ■ T-5.1 | |



SITE PLAN



The site plan illustrates the existing building, drive, and parking areas.

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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 (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)

TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.



DISTRICT CENTER (DC)

This designation applies across the city to larger areas of existing mixed-use character or where such character is encouraged. These areas will include moderate to high-density residential (minimum densities of 6 du/ac) in dynamic, horizontal or vertical mixed use environments, to provide a balance of housing and employment.

District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. As such, they are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center.

Depending on location and assigned zoning, residential areas in District Centers may incorporate a mix of housing types, ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area. DC districts may be served by transit and include development of an intensity and design that supports transit use.