



Agenda Item # 10
BOA-003033-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4464, 4474, 4480, and 4490 Halls Mill Road

Applicant / Agent (as applicable):

Persons Development & Construction Services, LLC /
Buddy Persons

Property Owner:

Persons Development & Construction Services, LLC /
Buddy Persons

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Light Industry

Case Number:

6615/5728

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow a contractor with storage yard in a B-3, Community Business Suburban District.

Board Consideration:

- Use Variance to allow a contractor with storage yard 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 and residential units.

APPLICATION NUMBER	6615	DATE	September 9, 2024
APPLICANT	Persons Development & Construction Services, LLC / Buddy Persons		
REQUEST	Use Variance		



SITE HISTORY

Since being annexed into the City of Mobile in 1956, the site was rezoned in 1997 by the City Council from R-1, Single-Family Residential District to B-3, Community Business District and a second time in 2007 to amend certain conditions of the 1997 rezoning. The site has been before the Planning Commission several times for various Subdivisions and Planned Unit Developments.

At its meeting on December 5, 2011 the Board of Zoning Adjustment approved a Use Variance with three (3) conditions for 4474 & 4480 Halls Mill Road, Lot A and Lot B respectively on the submitted Site Plan. This Variance was to allow a contractor's lay down yard with aggregate surfacing in a B-3, Community Business District.

Most recently, the subject site was before the Planning Commission at its February 22, 2024 meeting where it approved a one (1) lot Subdivision combining "Parcel 1" on the Site Plan into "Lot A", creating Lot A-1. Additionally, the Commission approved a request for Modification of an Existing Planned Unit Development allowing multiple buildings on multiple building sites with shared access and reduced landscaping.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however; according to the submitted plans, the proposed project will need to have the following conditions met:

1. Permit ENG-069747-2021 for the parking lot on 4464 Halls Mill Rd was never issued but appears to be completed. This permit must be closed out before any additional Land Disturbance permit can be issued.
2. The proposed improvements shown on the submitted plans will require a Land Disturbance (Tier 1) Permit be submitted through Central Permitting.
3. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
4. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

No traffic impacts anticipated by this variance request.

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 a contractor with storage yard in a B-3, Community Business Suburban District; the Unified Development Code (UDC) does not allow a contractor with storage yard in a B-3, Community Business Suburban District.

All documentation submitted for this application is available via the hyperlink, on page 1.

The applicant is in the process of developing Lot A-1 for the purposes of expanding the existing use of a contracting business with storage yard. One (1) 7,200 square-foot building is proposed, as well as a 6,598± square-foot pole barn, along with a concrete sidewalk connecting the new building to existing parking.

The existing use is currently permitted to operate on the western half of Lot A-1 in accordance with a 2011 approved Use Variance for the subject site. However, at the time the site did not include the eastern half of Lot A-1. As such, this application seeks to expand the existing Use Variance to the eastern portion of the lot.

The applicant states that the construction storage yard will receive vehicular traffic and provide storage for construction machinery.

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

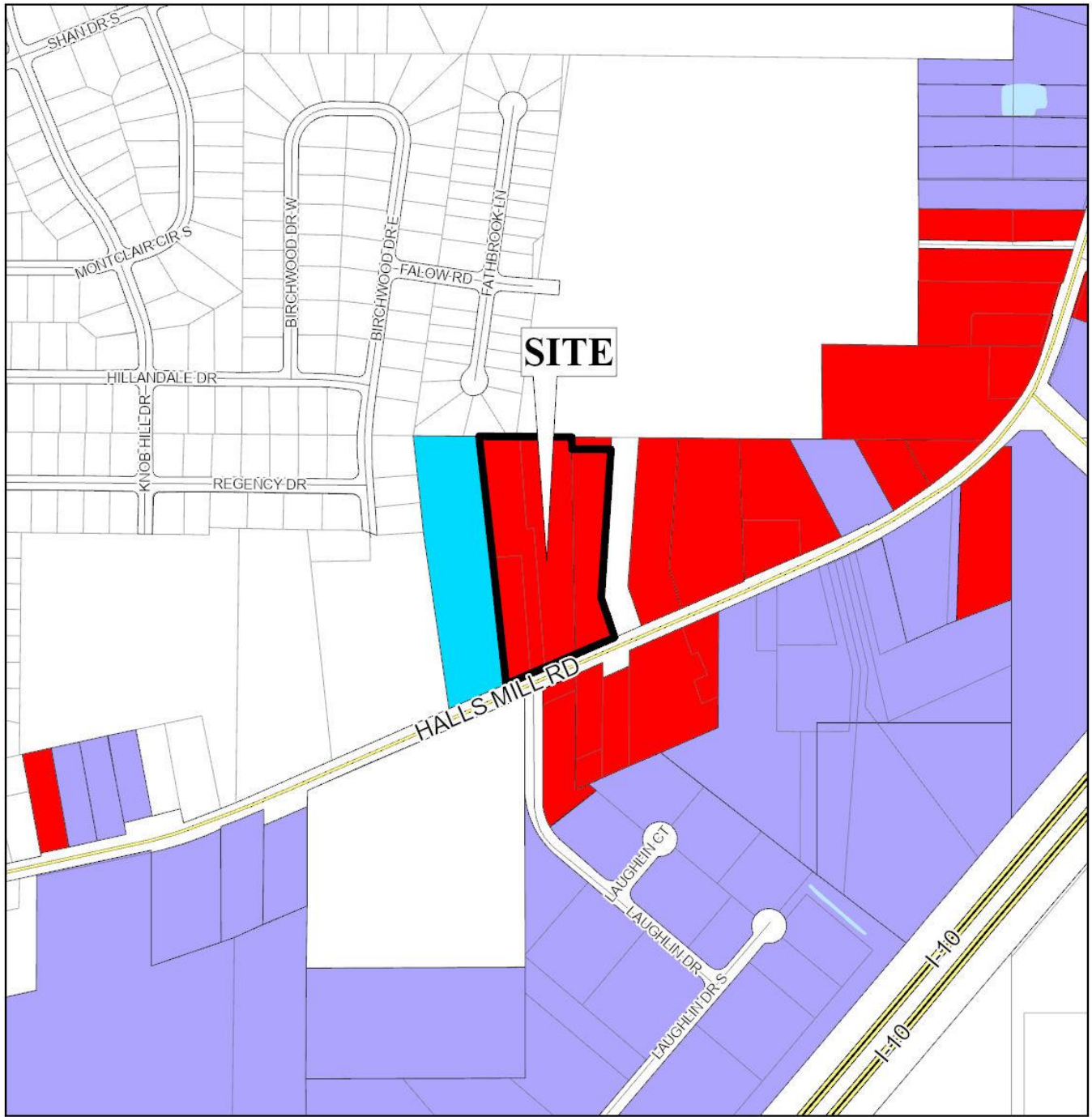
- (c) Where the variance is otherwise unlawful

Considerations:

Based on the requested Variance, the Board should consider the following findings of fact for approval or denial of the request:

- A. The variance **will / will not** be contrary to the public interest;
- B. Special conditions **exist / do not exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- C. The spirit of the chapter **shall be / shall not be** observed and substantial justice **done / not done** to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP



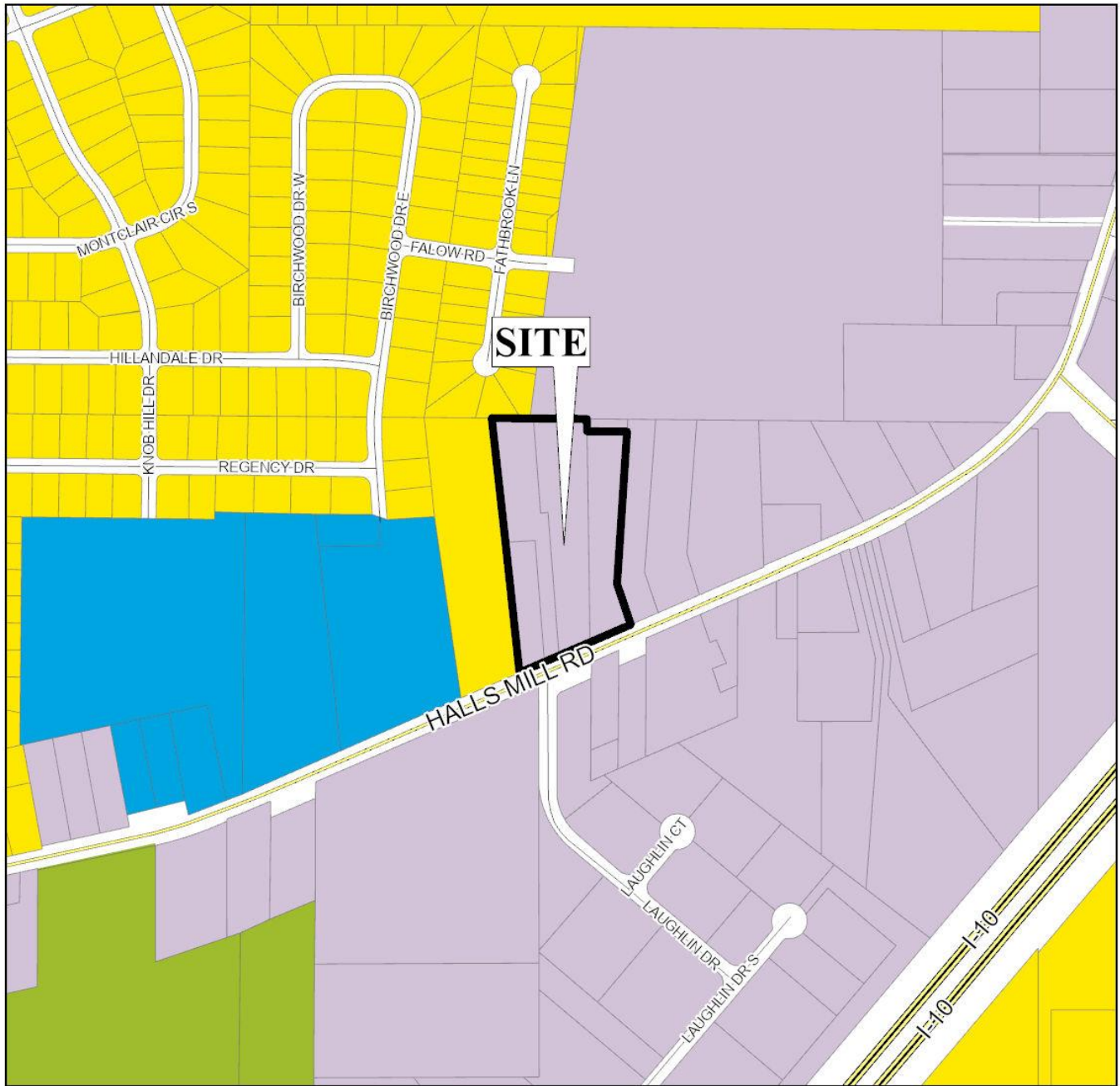
APPLICATION NUMBER 6615 DATE September 9, 2024

APPLICANT Persons Development & Construction Services, LLC / Buddy Persons

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6615 DATE September 9, 2024

APPLICANT Persons Development & Construction Services, LLC / Buddy Persons

REQUEST Use Variance


- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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 | |



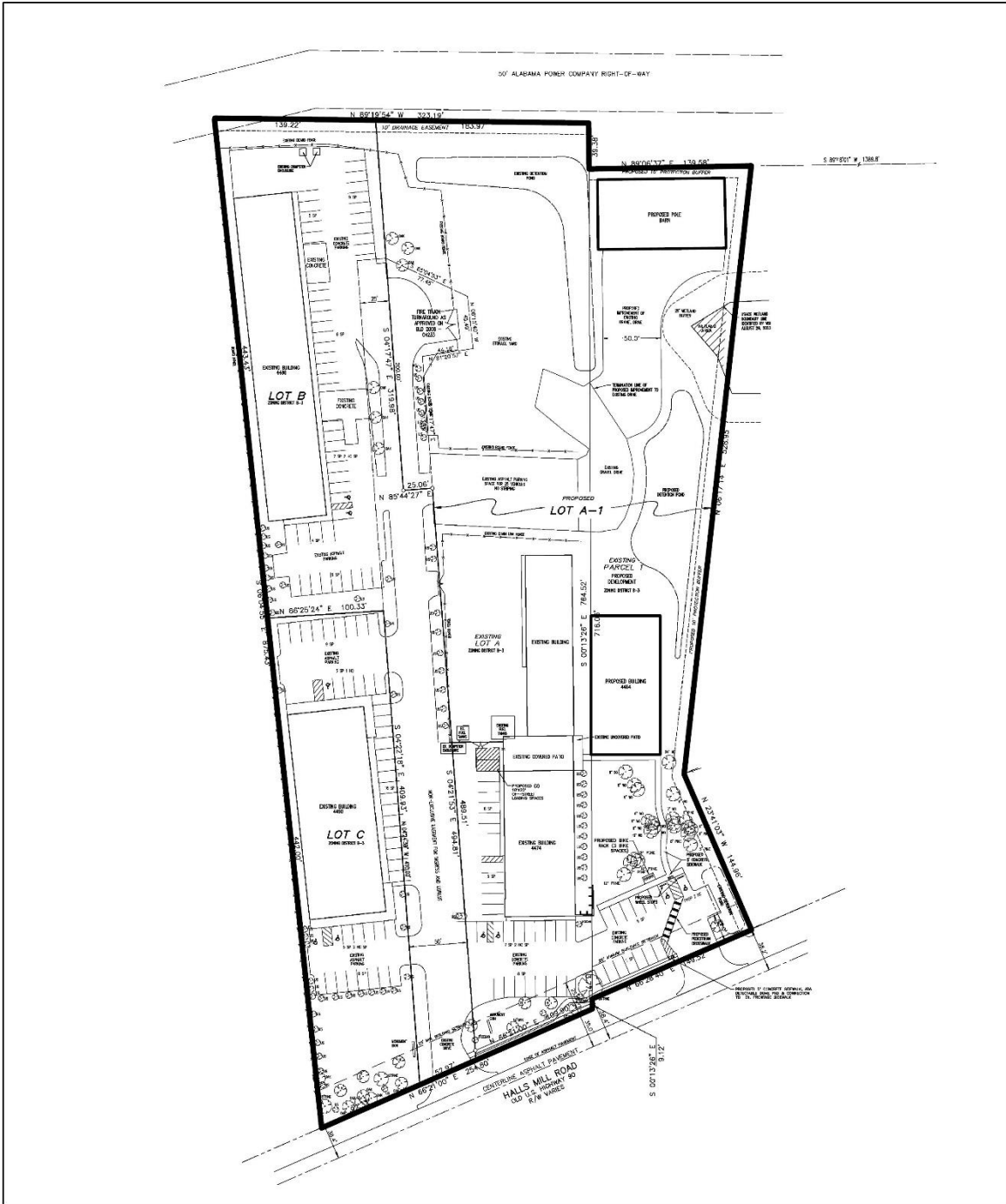
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6615</u> DATE <u>September 9, 2024</u>	 NTS																														
APPLICANT <u>Persons Development & Construction Services, LLC / Buddy Persons</u>																															
REQUEST <u>Use Variance</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																							

SITE PLAN



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

APPLICATION NUMBER	6615	DATE	September 9, 2024	
APPLICANT	Persons Development & Construction Services, LLC / Buddy Persons			
REQUEST	Use Variance			

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.