



Agenda Item # 13
BOA-003036-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1062 & 1066 Wood Alley

Applicant / Agent:

GIFS, LLC / Gary Grandison

Property Owner:

Gary Grandison, GIFS, LLC

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6618

Unified Development Code (UDC) Requirement:

- The UDC allows only one (1) single-family dwelling per site in an R-1, Single-Family Residential Urban District.

Board Consideration:

- Use Variance to allow two (2) single-family dwellings on one (1) site in an R-1, Single-Family Residential Urban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>6618</u> DATE <u>September 9, 2024</u>	
APPLICANT <u>GIFS, LLC / Gary Grandison</u>	
REQUEST <u>Use Variance</u>	

SITE HISTORY

The site is a metes-and-bounds parcel developed prior to current regulations. Since at least 1940, aerial photos depict three (3) structures on the property. Google Street View images indicate each structure was potentially used as a duplex, for a total of six (6) dwellings on the property.

A Demolition Permit was issued in 2021 for one (1) of the structures. A Building Permit was also issued in 2021 to board all the windows and doors of the structure addressed as 1066 Wood Alley.

The site has not been associated with any Planning Commission or Board of Zoning Adjustment cases.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

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 a Use Variance to allow two (2) single-family dwellings on one (1) site in an R-1, Single-Family Residential Urban District. In their application the applicant states that the site was used for multiple dwellings prior to annexation in 1960 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 two (2) existing buildings that each appear to have previously been used as duplexes. As mentioned, since at least 1984 the property was developed with three (3) structures. One (1) of the structures was demolished and the other two (2) have remained vacant since at least 2021 according to a recent inspection history of the site by the Municipal Enforcement Department. Google Street View images from May 2022 show that the doors and windows of the remaining two (2) buildings have been boarded. The applicant is now wanting to remodel the remaining two (2) structures for use as single-family dwellings.

Article 6, Section 64-6-1.B.1. of the Unified Development Code (UDC) allows for continuing non-conforming use of a property that existed within two (2) years prior to the effective date of the ordinance. However, under Article 6, Section 64-6-1.C.1. of the UDC, a non-conforming use that has been abandoned or discontinued for a period of two (2) years shall not thereafter be re-established.

There is no established non-conforming use history on file for the site. Furthermore, permits, inspections, and Google Street View images indicate that the property has not been in use since at least 2021, which may suggest an intent to abandon or discontinue use of the property. If that is the case, then any non-conforming history on file with the city would have expired as there are no permits issued within the past two (2) years to remodel or rehabilitate either structure for continued use. On the other hand, securing the structures to comply with Municipal Enforcement may illustrate no intention to abandon.

It should be noted that the property could be subdivided into at least two (2) lots such that each structure could be remodeled into a single-family dwelling without the need for a variance. Each resulting lot would be slightly substandard in size (5,995± square feet versus the required 6,000 square feet), but the Planning Commission does have the ability to waive the minimum lot size requirements of the UDC via the adopted Subdivision Regulations.

It should also be noted that neither of the structures meet the minimum front yard setback requirements of the R-1 Urban District, but this would be considered an existing condition of the site subject to the Non-Conforming Structure provisions of Article 6, Section 64-6-2. of the UDC.

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:

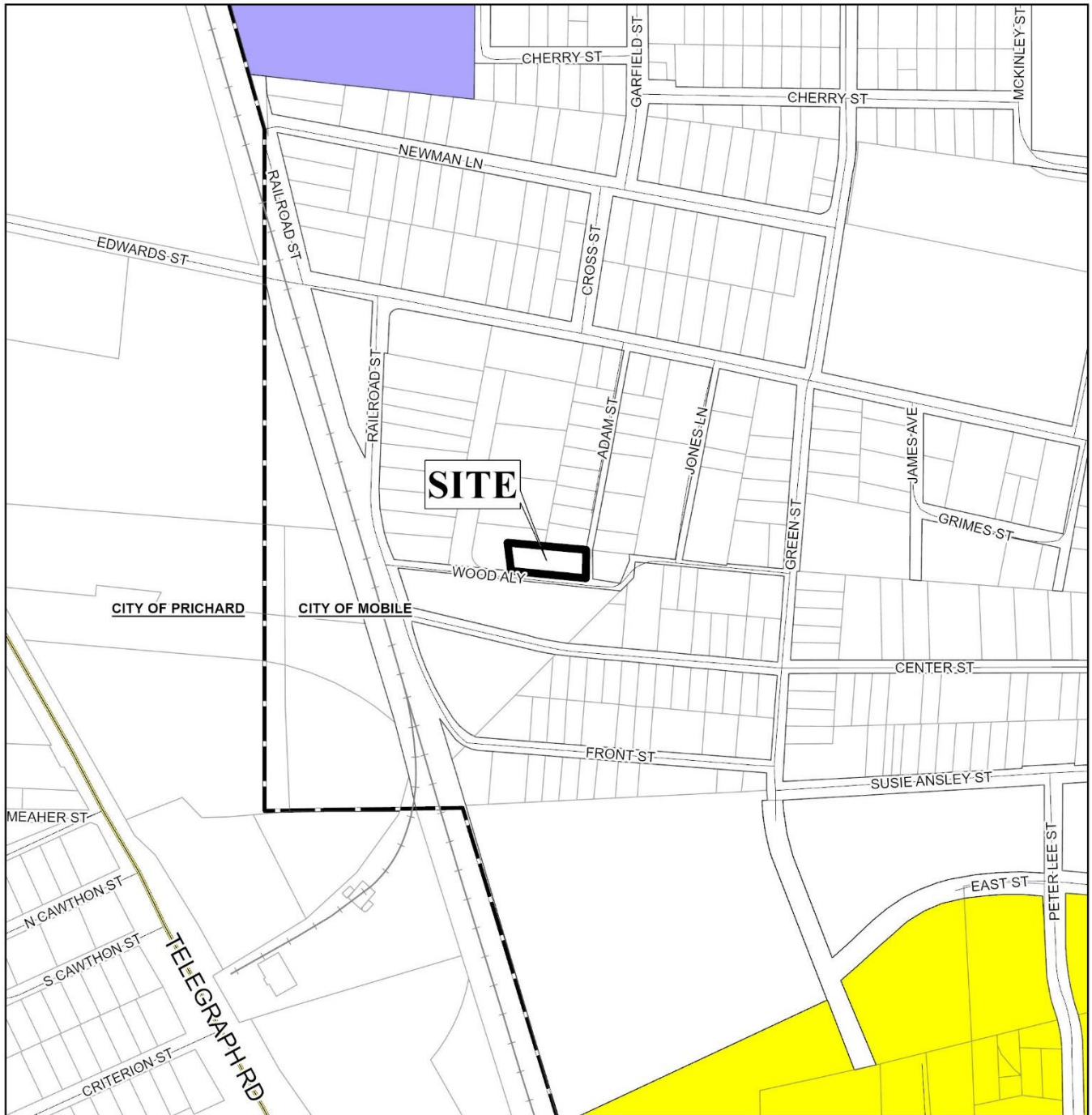
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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) Acquisition of all required permits from the Central Permitting Department; and
- 2) Full compliance with all other codes and ordinances.

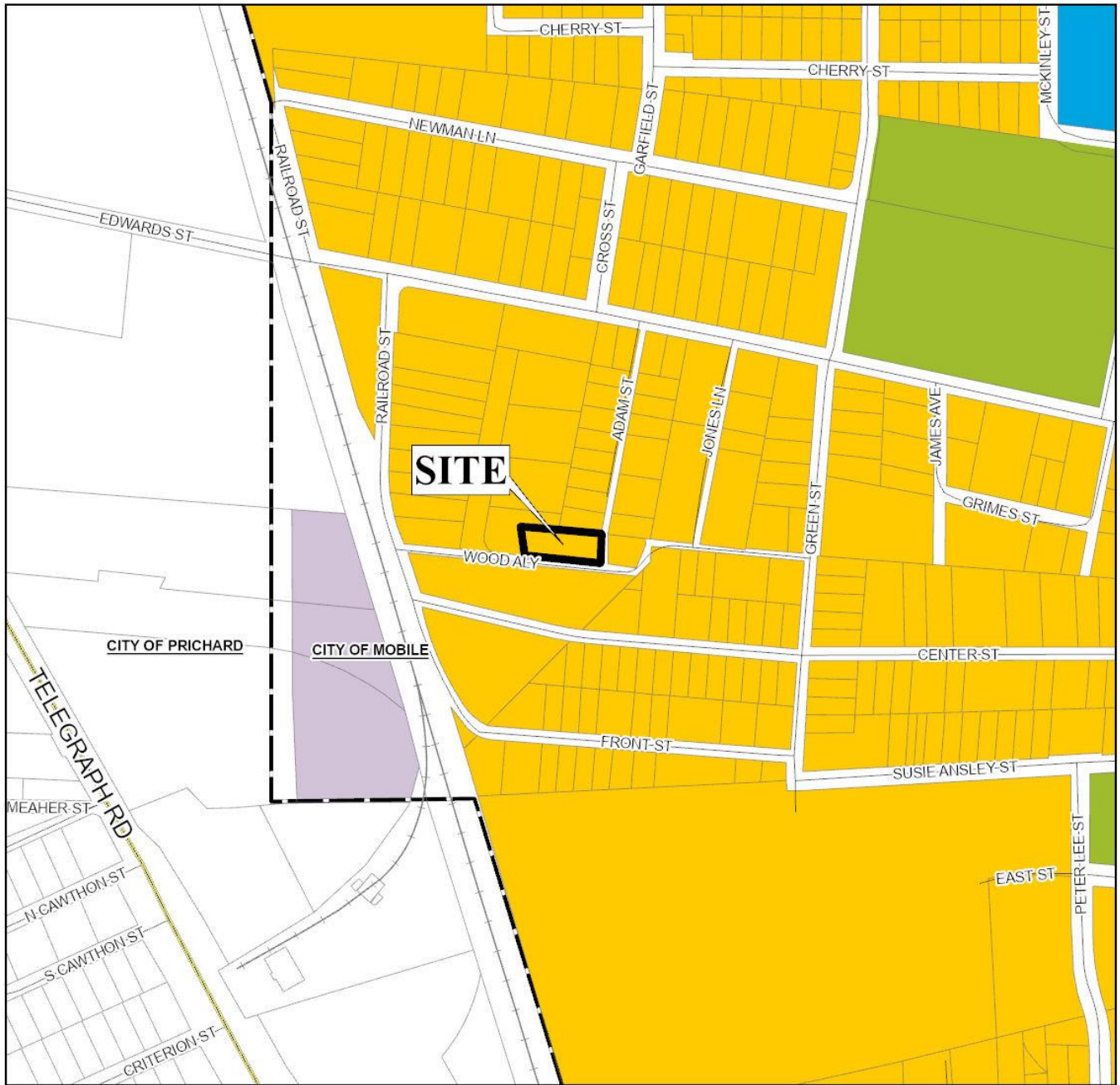
LOCATOR ZONING MAP



APPLICATION NUMBER	6618	DATE	September 9, 2024
APPLICANT	GIFS, LLC / Gary Grandison		
REQUEST	Use Variance		



FLUM LOCATOR MAP



APPLICATION NUMBER 6618 DATE September 9, 2024

APPLICANT GIFS, LLC / Gary Grandison

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 | |



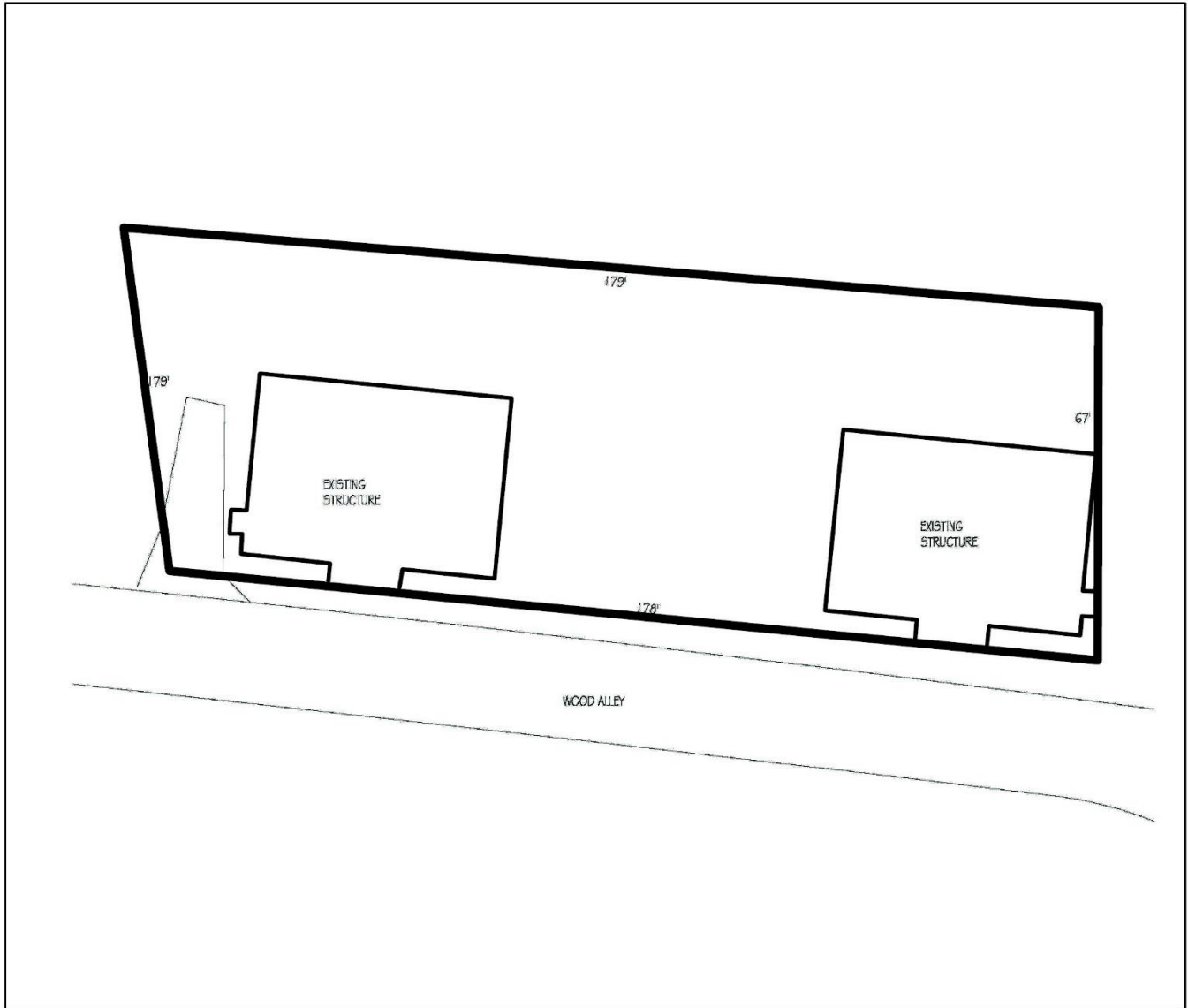
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by 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 buildings.

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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)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.