

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: November 5, 2012

CASE NUMBER

5788/5587/5410

APPLICANT NAME

Jerry Pettaway

LOCATION

1250 Arlington Street
(Northwest corner of Arlington Street and Bascomb Street)

VARIANCE REQUEST

USE: Use Variance to amend a previously approved Use Variance to allow a tire store in an R-1, Single-Family Residential District.

TREE PLANTING & LANDSCAPING: Tree Planting and Landscaping Variance to amend a previously approved Tree Planting and Landscaping Variance allow no tree plantings or landscaped area.

MANEUVERING: Maneuvering Variance to amend a previously approved Maneuvering Variance to allow 20' maneuvering area.

SETBACK: Setback Variance to allow a 4' rear setback adjacent to residential property.

PARKING: Parking Variance to allow 7 parking spaces.

**ZONING ORDINANCE
REQUIREMENT**

USE: Zoning Ordinance requires a minimum of a B-2, Neighborhood Business District for a tire store.

TREE PLANTING & LANDSCAPING: Zoning Ordinance requires 12% of the site to be landscaped with 60% of that along street frontages, 6 frontage trees, 8 perimeter trees, and 1 parking area tree.

MANEUVERING: Zoning Ordinance requires a 24' maneuvering area.

SETBACK: Zoning Ordinance requires a 10' rear setback adjacent to residentially zoned property.

PARKING: Zoning Ordinance requires a minimum of 12 parking spaces.

ZONING

R-1, Single Family Residential

AREA OF PROPERTY

0.22 ± Acres

TRAFFIC ENGINEERING

COMMENTS

The site is on the corner of Arlington and Bascombe with no curbing. This creates numerous points of conflict and should be improved with curbing to limit the access points and move the driveway accesses farther from the intersection. Parking should be designed to eliminate backing out onto the streets. The aisles should be at least 24' and the stalls should be at least 9' by 18'. The driveway width for commercial sites (as measured behind the sidewalk) is 24' (or 36' for three lanes) with a 20' radius. 20' radii for typical passenger vehicles and 30' radii for larger trucks are required. Example: If you have a 24' wide driveway and two 20' radii, the total curb cut will be 64', i.e. 20' radius + 24' driveway width + 20' radius = 64'

FIRE DEPARTMENT

COMMENTS

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

CITY COUNCIL

DISTRICT

District 3

ANALYSIS

Use, Setback, Parking Ratio, Maneuvering, and Tree Planting and Landscaping Area Variances to amend a previously approved Use, Maneuvering, Tree Planting and Landscaping Area Variance to allow a tire store with a 4' rear setback off residentially zoned property, 7 parking spaces with 20' maneuvering area, and no tree plantings or landscaping in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum of B-2, Neighborhood Business District, for a tire store, with a 10' rear setback off residentially zoned property, with 12 parking spaces having a 24' maneuvering area, 12% of the site being landscaped with 60% of that along street frontages, six frontage trees, eight perimeter trees, and one parking area tree.

The site received a Use Variance at the Board of Zoning Adjustment's April 2, 2007 meeting. The site then received Use, Maneuvering, Tree Planting and Landscaping Variances at the Board of Zoning Adjustment's December 7, 2009 meeting after the 2007 approval expired due to non-compliance with conditions of approval.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

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.

The site had legal non-conforming history as an automotive mechanic shop until July 1991, and was granted Use Variances in 2007 and 2009 to allow a mechanic repair shop. Based on the site's historic use and previous approvals, approval of the Use Variance request to allow a tire store may be appropriate.

Since the last variance approval in 2009, two carports have been added to the rear of the property with no building permits obtained for either the carports. This has resulted in the carports encroaching into the required minimum 10' residential buffer at the rear of the property. It appears that the carports could possibly be relocated closer to the primary structure on the site so that they would be a minimum of 10' from the adjacent residential property, or removed entirely. The addition of the carports has also removed 5 available parking spaces from the site. It should also be noted that after reviewing City of Mobile aerial photographs, most of the 7 parking spaces illustrated for the site appear to be located in front of a curb-cut used for access to the site.

The Zoning Ordinance requires a total of 12 parking spaces for the tire store, which were provided before the carports were placed on the property. Furthermore, there is no information that is submitted that addresses the use of these carports, or why they are necessary to the business. Also, the one handicapped parking space that was on the site has been removed by the placement of one of the carports, making the site not in compliance with the Americans with Disabilities Act.

It should also be noted that the site provides approximately a 20' wide maneuvering space for the parking area. The Zoning Ordinance requires a minimum of a 24' wide maneuvering area for an area with two-way traffic. The position of the building prevents a 24' wide maneuvering space unless the parking spaces are reduced in length from their compliant 18'. Based on this and previous approvals, it may be appropriate to grant this request.

The site would require a total of 1,182± square feet of landscape area, with 709± square feet of the area between the building and the property line. A total of 15 trees would be required, of which 10 must be overstory trees. The site does not currently have any tree plantings or landscaped area because the site is completely paved. Based on previous approvals, it may be appropriate to grant this request.

There is no dumpster illustrated on the site plan, nor is there a note stating that curbside pickup will be utilized. If approved, the site plan should be revised to either illustrate a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or place a note stating that curbside service will be utilized.

The submitted site plan illustrates a fence along the adjacent residentially utilized properties; however no note is made of the height or composition of the fence. If approved, the site plan should be revised to note that the fence is a 6' high privacy fence that is reduced to 3' high in the 25' setback.

RECOMMENDATION:

Based on the preceding, the following requests are recommended for **Approval** with conditions of compliance:

- 1) **USE:** Approval, to allow a tire store in an R-1 district.
Compliance Condition: revision of the site plan to illustrate a 6' high privacy fence next to adjacent residential properties that is reduced to 3' high in the 25' setback.
- 2) **TREE PLANTING & LANDSCAPING:** Approval, to allow no tree plantings or landscaped area.
Compliance Condition: revision of the site plan to illustrate either illustrate a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or place a note stating that curbside service will be utilized.
- 3) **MANEUVERING:** Approval, to allow reduced maneuvering area.
Compliance Condition: revision of the site plan to illustrate a handicapped parking space compliant with the Americans with disabilities act.

The following requests are recommended for **Denial**, with conditions for compliance:

- 1) **SETBACK:** Denial, to allow reduced front setback and reduced rear setback adjacent to residential property.
Compliance Condition: removal of the two carports.
- 2) **PARKING:** Denial, to allow 7 parking spaces.
Compliance Condition: with the removal of the carports, the previously existing 5 parking spaces can be utilized.

Revised for the December 3, 2012 meeting:

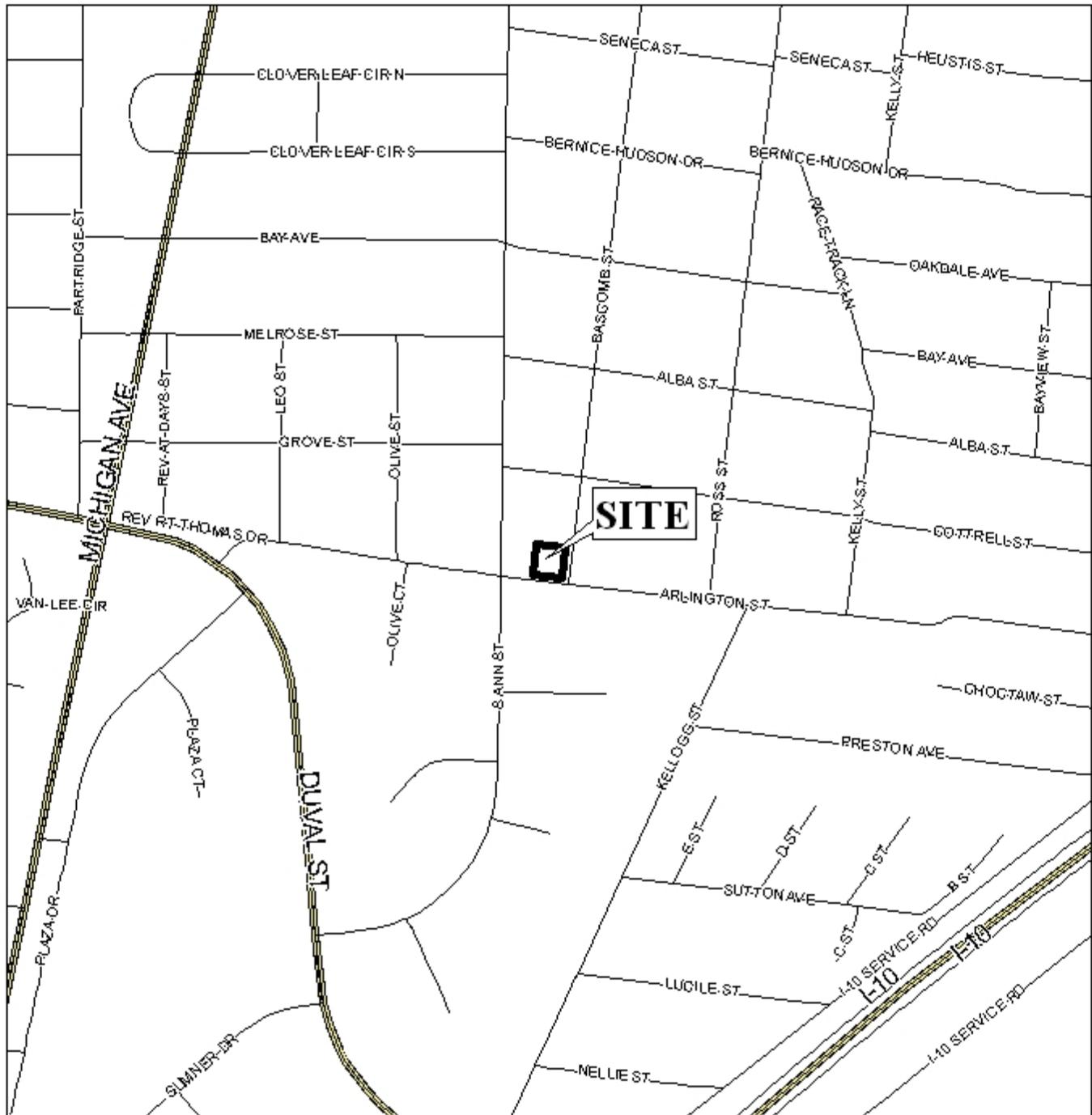
The application was heldover from the November 5, 2012 meeting at the Board's request to allow the applicant to revise the site plan to a more compliant status. The applicant has not submitted any additional or revised information, therefore the original recommendation stands.

RECOMMENDATION:

*Based on the preceding, the Setback and Parking variances are recommended for **Denial**, while the Use, Tree Planting & Landscaping, and Manuevering variances are recommended for **Approval**, subject to the following conditions:*

- 1) *revision of the site plan to illustrate a 6' high privacy fence next to adjacent residential properties that is reduced to 3' high in the 25' setback;*
- 2) *revision of the site plan to illustrate either illustrate a dumpster in compliance with Section 64-4.D.9. of the Zoning Ordinance or place a note stating that curbside service will be utilized; and*
- 3) *revision of the site plan to illustrate a handicapped parking space compliant with the Americans with disabilities act.*

LOCATOR MAP



APPLICATION NUMBER 5788/5587/5410 DATE December 3, 2012

APPLICANT Jerry Pettway

REQUEST Use, Setback, Parking Ratio, Maneuvering and Tree Planting and Landscaping Area Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential uses.

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LEGEND															NTS	
	R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



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NTS

SITE PLAN



The site plan illustrates the existing improvements.

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