

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: March 5, 2018**

**CASE NUMBER**

6162

**APPLICANT NAME**

David Shumer (Barton & Shumer Engineering, LLC)

**LOCATION**

South side of Dauphin Street, 550'± West of South Broad Street.

**VARIANCE REQUEST**

**PARKING & ACCESS/MANEUVERING:** Parking and Access/ Maneuvering Variance to allow a parking lot with reduced access aisles on a commercial site.

**SURFACING:** Surfacing Variance to allow aggregate surfacing for parking.

**PARKING LOT LIGHTING:** Parking Lot Lighting Variance to allow reduced lighting on a commercial site zoned R-1 Single- Family Residential and B-1 Buffer Business District (rezoning to LB-2 is pending).

**ZONING ORDINANCE  
REQUIREMENT**

**PARKING & ACCESS/MANEUVERING:** The Zoning Ordinance requires parking and access/maneuvering areas to be paved with concrete, asphaltic concrete, asphalt, or approved alternative surfaces in a split zoned R-1 Single-Family Residential and B-1 Buffer Business District (rezoning to R-B, Residence-Business or LB-2 is pending).

**SURFACING:** The Zoning Ordinance requires parking lot surfacing to be paved with concrete, asphaltic concrete, asphalt.

**PARKING LOT LIGHTING:** The Zoning Ordinance requires parking lot lighting to be a minimum of one foot-candle on the parking surface on a commercial site (and R-B, Residence-Business or LB-2 is pending).

**ZONING**

Zoned R-1 Single- Family Residential and B-1 Buffer Business District (rezoning to LB-2 is pending).

**AREA OF PROPERTY**

0.31± Acres

**ENGINEERING  
COMMENTS**

**PARKING & ACCESS/MANEUVERING SURFACE VARIANCE:**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Aggregate surfacing will NOT be allowed within the public ROW.
- c. Designated handicapped accessible spaces and routes must be paved (i.e. concrete, asphalt).

**PARKING LOT LIGHTING VARIANCE:** NO COMMENT

**TRAFFIC ENGINEERING  
COMMENTS**

If a surface variance is approved, the aggregate cannot extend into the right-of-way and cannot be used in the areas designated as the accessible path from any required handicap space to the building.

**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 (State Act 2015-116 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT  
COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire Code compliant paved access required from both streets.

**CITY COUNCIL  
DISTRICT**

District 2

**ANALYSIS**

The applicant is requesting Parking and Access/ Maneuvering, Surfacing, and Parking Lot Lighting Variances op allow a parking lot with an aggregate surface and reduced lighting on a commercial site zoned R-1, Single-Family Residential and B-1 Buffer Business Districts (rezoning to R-B, Residence Business or LB-2 is pending); the Zoning Ordinance requires parking and access/ maneuvering surfaces to be paved with concrete, asphalt, asphaltic concrete, or an approved alternative paving surface with lighting providing a minimum of one foot- candle on the parking surface on a commercial site.

The applicant has also submitted a 1-lot Subdivision and PUD application to allow an existing business to continue to utilize an existing building as the main commercial use, and to incorporate multiple dwelling units within the building. If the variance requests are denied, for

the parking lot surfacing and access/ maneuvering as well as parking lot lighting, the site will be required to come into full compliance.

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 appears to be split between a “Traditional Corridor” development area and a “Mixed Density Residential” development area, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

The Traditional Corridor 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), Traditional Corridor 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 dwelling units per acre; 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.

The Mixed Density Residential 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 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential 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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The applicant states the following reasons for the variance requests:

***Request for Aggregate Parking/Maneuvering Surface:***

*The main building was constructed in 1905 and currently has aggregate parking in front (Dauphin Street) and rear (Conti Street). The number of parking spaces will be increased to meet the City's parking requirements for the types of uses proposed.*

*The existing aggregate parking is appropriate for the historic nature of the development and changing to pavement would negatively impact the appearance and character of the property.*

*There are ten live oak trees along the drive and additional significant trees in the rear of the property that would be negatively impacted if the parking and maneuvering surfaces are paved. In order to install the pavement base tree roots would likely be impacted and the existing infiltration through the aggregate would be eliminated.*

*Permitting the retention of the aggregate parking and maneuvering will benefit the City's storm water drainage system by allowing a greater level of infiltration. The current aggregate surface in the front consists of small coarse aggregate with a high percent void space promoting infiltration. This material will be specified for the areas where the parking is being expanded.*

***Request for waiver of parking lot lighting:***

*The main building was constructed in 1905 and currently has limited exterior lighting for architectural enhancement of the structure. The existing lighting is proposed to be enhanced with landscape lighting that will provide additional visibility. The addition of light poles in the parking lot or spot lights on the structure will negatively impact the appearance and character of the property.*

Concerning the aggregate parking and access/ maneuvering request, the requirement to have paved access/ maneuvering aisles is not only a Zoning Ordinance requirement, but a Fire Code requirement as well. Paved drive aisles are required to allow the fire trucks to properly access a structure in case of a fire or emergency. The applicant states that “aggregate parking is appropriate for the nature of the development and changing the pavement would negatively impact the appearance and character of the property”; however, the use of the property is changing and by adding an additional 14 residential units to the existing site, an increase in traffic and volume to the site is going to take place. The increase in dwelling units would

naturally require the need for fire trucks to be able to easily access the structure in case of a fire. Furthermore, there is no hardship that has been shown to justify a gravel access/maneuvering surface.

With regards to surfacing, based on the site plan that was submitted for the Planning Commission applications there did appear to be an adequate amount of parking spaces on site. However, the site plan provided with the variance requests does not depict parking spaces at all. It should be noted, if paved parking spaces are determined not to be required for the entire site, accessible parking spaces will still need to be paved.

The applicant's request for parking lot lighting is to not be required to provide the required light poles and photometric plan associated with a parking lot. The applicant states that the "*existing lighting is proposed to be enhanced with landscape lighting that will provide additional visibility*". The applicant also states that "*the addition of light poles in the parking lot or spot lights on the structure will negatively impact the appearance and character of the property*". Staff did speak with the design professional and it was expressed that the site would still very lit, but with more aesthetically pleasing light fixture that blended with the character and nature of the surrounding area.

While the applicant has not completely demonstrated a hardship that would be imposed by a literal interpretation of the Zoning Ordinance with respect to the parking lot lighting, staff could understand if the Board consider that request for approval. However, the applicant has not demonstrated a hardship would be imposed with respect to the parking and access/maneuvering, and surfacing, thus the Board should consider those requests for denial.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Approval of the **Parking Lot Lighting** Variance requests:

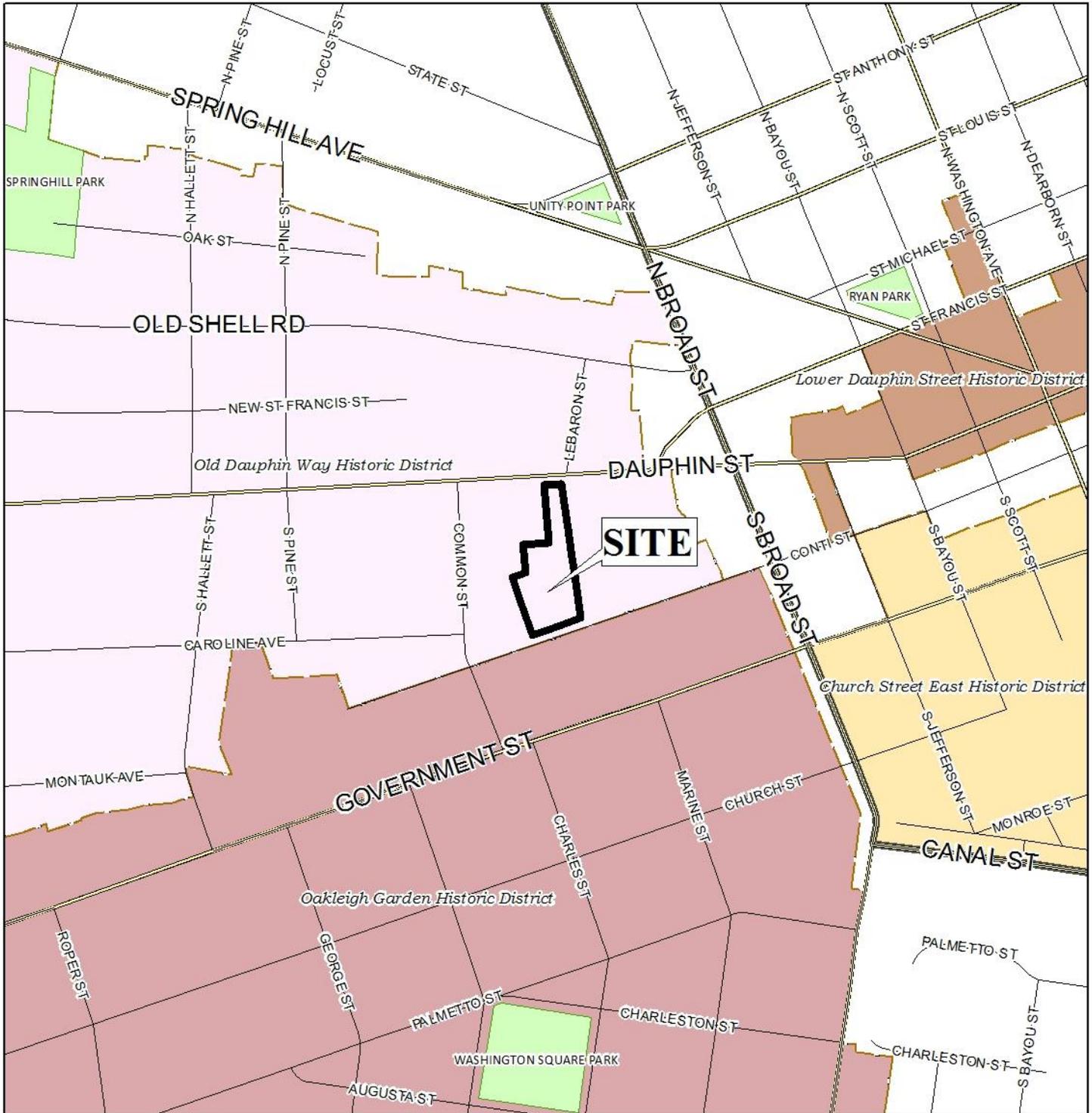
- 1) approving the variance request will not be contrary to the public interest in that the parking lot lighting will fit in with the existing structures on the site;
- 2) special conditions with the site or unusual site constraints do exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship;
- 3) the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the proposed lighting will be in keeping with the character of the site and existing neighborhood/area.

Staff recommends to the Board the following findings of fact for Denial of the **Parking and Access/Maneuvering Surface** Variance requests:

- 1) approving the variance will be contrary to the public interest due to the need for emergency access, and in that aggregate parking, access/ maneuvering surface should be required for a multi-family dwelling unit/commercial business ; and no hardship is illustrated by requiring compliant surfacing for the access/maneuvering areas;
- 2) special conditions do not exist and there are no hardships which exist that make the approvals necessary; and

- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because no hardship is illustrated with respect to complying with the parking and access/maneuvering surface requirements of the Zoning Ordinance.

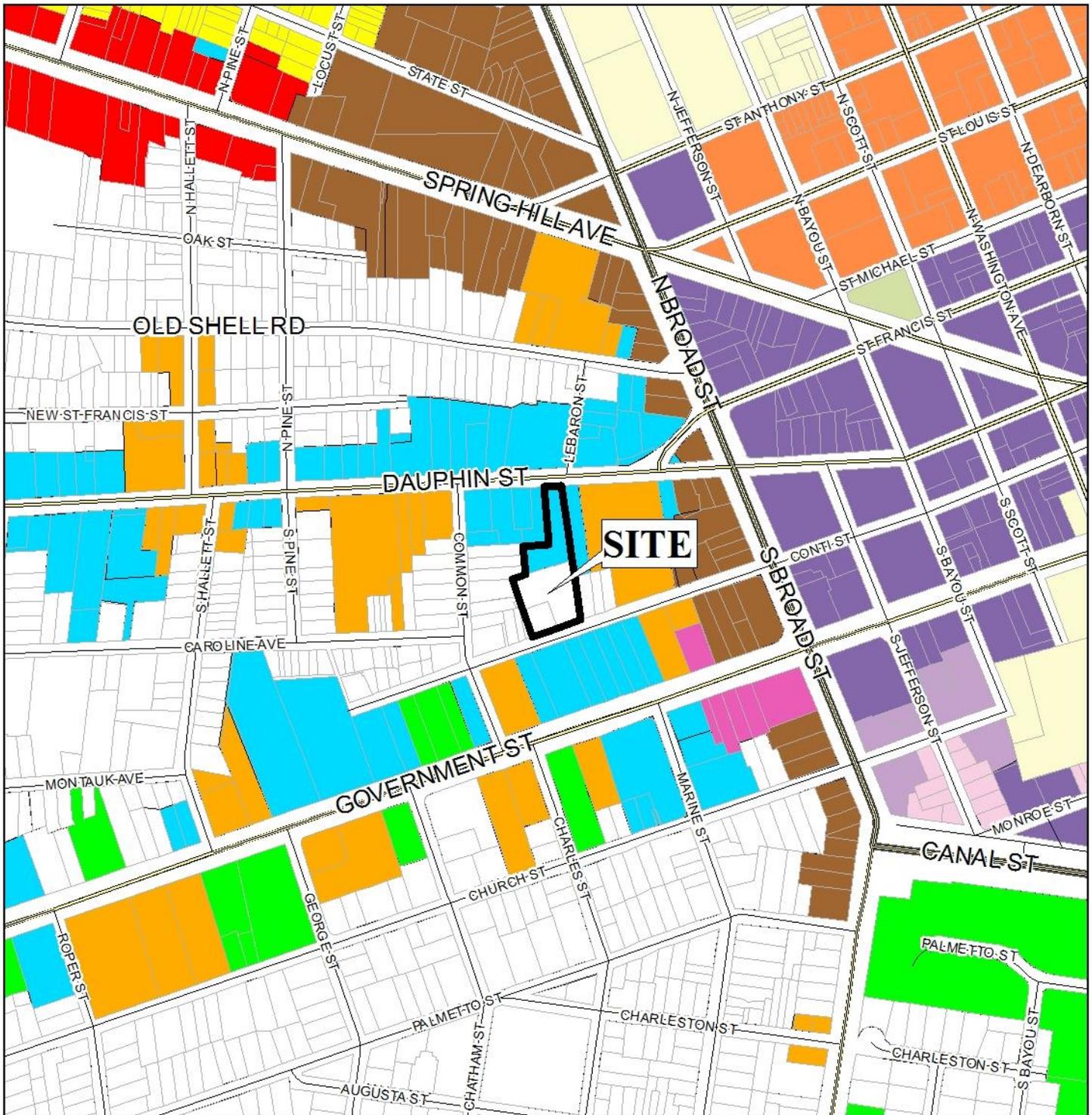
# LOCATOR MAP



APPLICATION NUMBER 6162 DATE March 5, 2018  
APPLICANT David Shumer (Barton & Shumer Engineering, LLC)  
REQUEST Parking and Access/Maneuvering Surface and Parking Lot Lighting Variances



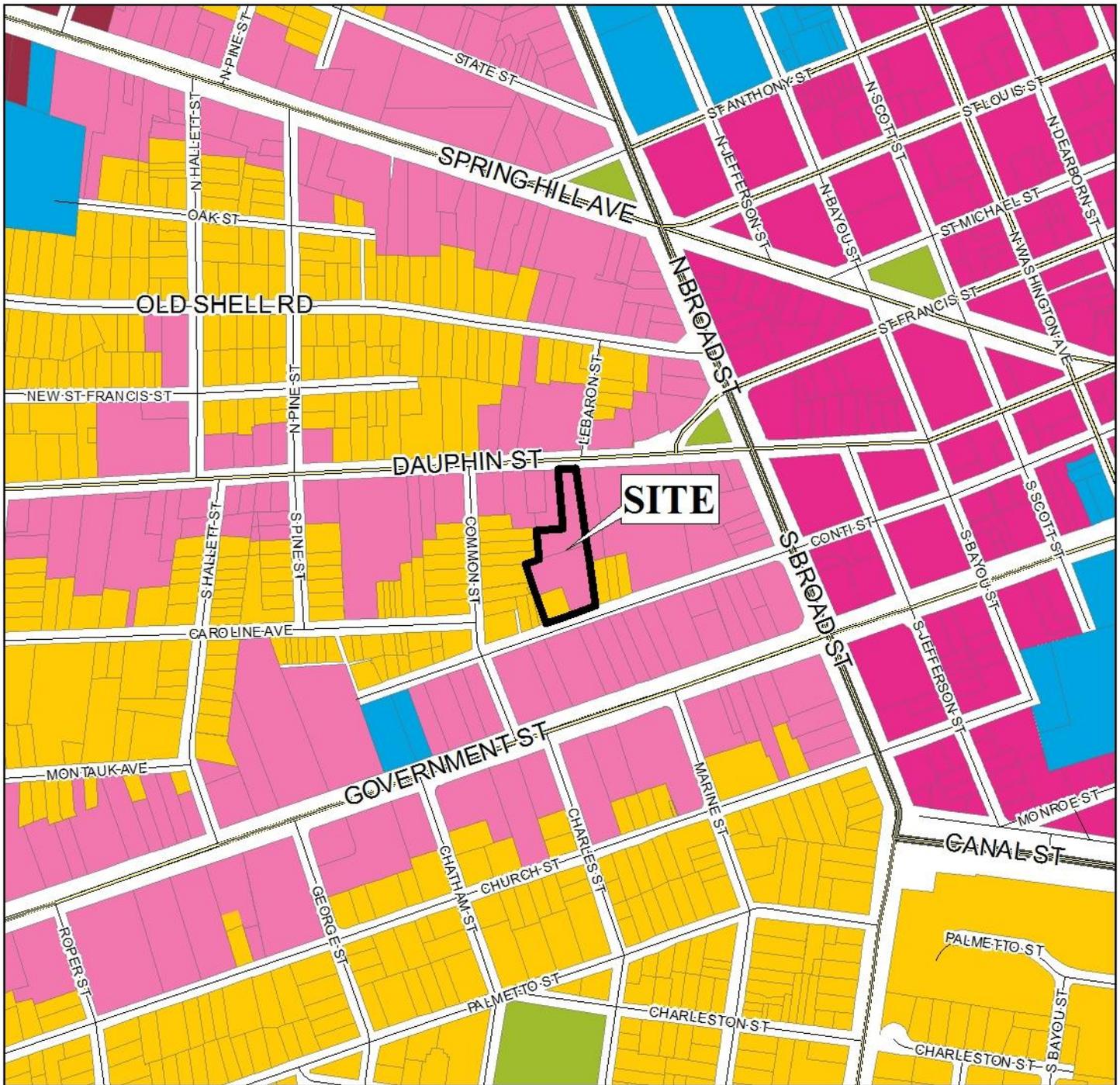
# LOCATOR ZONING MAP



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# FLUM LOCATOR MAP

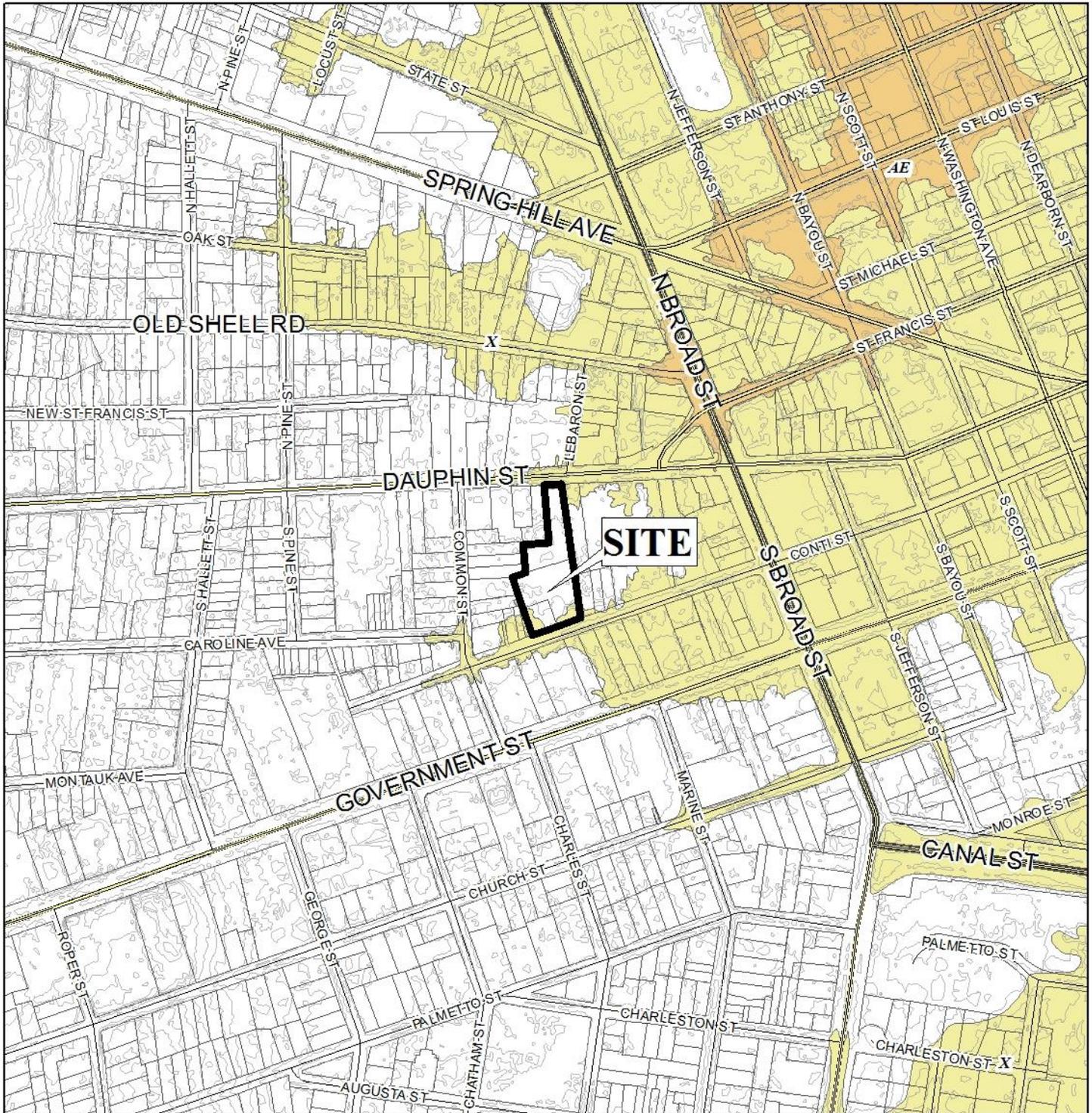


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- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential   | 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       |                    |



# ENVIRONMENTAL LOCATOR MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 10px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 10px; background-color: darkblue; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

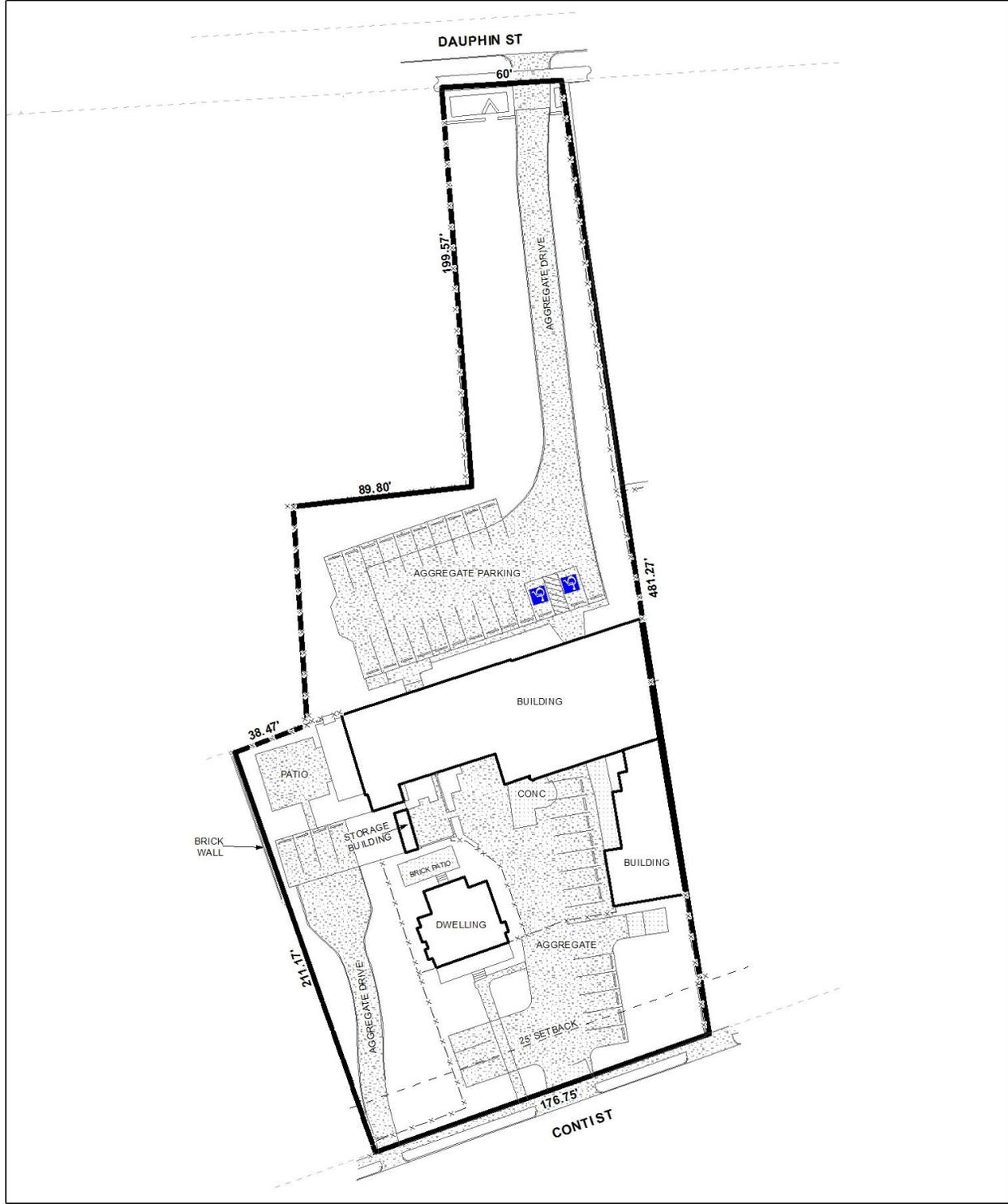


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# SITE PLAN



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

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