

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: July 9, 2018

CASE NUMBER 6190

APPLICANT NAME Trawick International, Inc.

LOCATION 620 Azalea Road
(South side of Azalea Road, 685'± West of Village Green drive).

VARIANCE REQUEST **USE VARIANCE:** To allow a beauty salon in a B-1, Buffer Business District.

ZONING ORDINANCE REQUIREMENT **USE VARIANCE:** The Zoning Ordinance requires a minimum B-2, Neighborhood Business District for a beauty salon.

ZONING B-1, Buffer Business District

AREA OF PROPERTY 1.2± Acres

CITY COUNCIL DISTRICT District 5

ENGINEERING COMMENTS No comments.

TRAFFIC ENGINEERING COMMENTS No traffic impacts anticipated by this variance request.

URBAN FORESTY 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).

ANALYSIS The applicant is requesting a Use Variance to allow a beauty salon in a B-1, Buffer Business District; the Zoning Ordinance requires a minimum B-2, Neighborhood Business District for the operation of a beauty salon.

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.

Variations 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.

Variations are site-plan specific; therefore, if approved, any proposed changes to the site layout of the request at hand will require an application to the Board to amend the approved site plan prior to any construction activities.

The site has been given a Mixed Commercial Corridor land use designation per the recently adopted Future Land Use Plan and Map. 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. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

It should also 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.

As mentioned, the applicant wishes to operate a beauty salon in a B-1, Buffer Business District, stating the following as justification for the request:

"The reason for the request is that we would like to open a salon/spa in this location, as there are no providers of these services in the area. This will be a business that strives to have a minimum carbon footprint by using 100% biodegradable Organic color and natural products, as well as focusing on community improvements and wellbeing. The owner of the business will take an active role in giving back to the community and is working directly with the SBA for success, longevity and steady growth over coming years.

This will be an excellent location for this business and we believe it will help to stimulate the economy in nearby shopping areas as well as offer nearby residents a service they both want and need.

There is a need for this type of business in this area as none are currently present there.”

Section 64-12 of the Zoning Ordinance permits beauty salons, by right, in R-B, Residence-Business, T-B, Transitional-Business, B-2, Neighborhood Business, LB-2, Limited-Neighborhood Business, B-3, Community Business, and B-4, General Business Districts.

The site is accessed from Azalea Road, providing maneuverability in the form of a paved driveway along the “flag pole” of the lot on which the subject site is developed. It should be noted, however, that the driveway also extends onto portions of adjacent property. Such shared access usually requires Planned Unit Development (PUD) Approval from the Planning Commission, or is facilitated by a Reciprocal Easement. Neither condition applies to the subject site, but aerial photos indicate the driveway has existed since at least 1984 and, as such, may be considered non-conforming. Additionally, if shared access is a concern in the future, the subject site has frontage along Azalea Road wide enough to provide adequate, exclusive access to and from the site.

The site plan illustrates a 5,384± square-foot building, thus requiring eighteen (18) parking spaces given that one (1) parking space is required for every 300 square-feet of gross floor area of the proposed salon. Twenty-seven (27) parking spaces are illustrated.

Nineteen (19) of the parking stalls located at the South property line are substandard in length with respect to the required minimum dimensions for 90-degree parking stalls that accommodate two-way traffic circulation on the site. The remaining eight (8) spaces are substandard in both length and width with respect to the required minimum dimensions for 45-degree± parking stalls that also accommodate two-way traffic circulation on the site. Presumably, the shorter parking stalls are delineated in such a way to ensure adequate aisle width for two-way traffic, a condition which appears to characterize maneuverability on the site.

Using aerial photos Staff can verify that such inadequacies in parking stall dimensions may have existed since at least 1997 and, as such, may be considered non-conforming. However, it should be noted that one (1) handicap-accessible space is provided, but does not accommodate van accessibility. Enough parking is provided on the site that utilizing an adjacent parking stall could facilitate an adequate van-accessible aisle and would not detract from the required amount of parking for the salon. If approved, provision of a van-accessible parking space in compliance with International Building Code (IBC) and Americans with Disabilities Act (ADA) standards should be required and illustrated on a revised site plan.

The site plan does not illustrate the provision of curbing or wheel stops, and Staff cannot easily determine their availability using aerial photographs. As such, either curbing or wheel stops, or some variation thereof to keep vehicles from extending beyond the parking lot, should be illustrated on a revised site plan, if approved.

Due to the limited number of parking spaces, a photometric plan is not required; however, any new site lighting is to comply with Sections 64-4.A.2. and 64-6.A.3.c. of the Zoning Ordinance.

No trees or landscape area are illustrated/depicted on the site plan, but aerial photographs indicate there are trees and possibly landscape area on the property. Whether or not such trees and landscape area comply with the tree planting and landscape area ordinances is unknown since there does not seem to be a tree/landscaping plan on file with the Planning and Zoning Department. However, considering the site is already developed for commercial use and the applicant is not proposing any expansions to the building, compliance with the tree and landscape area ordinances should not be required at this time.

A dumpster is not depicted on the site plan and one is not visible in recent aerial photographs. Any dumpster placed on the property must be in compliance with current enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, and must be illustrated on any revised site plan, if approved; or, placement of a note on the site plan stating curbside pickup will be utilized may suffice.

The site is adjacent to property zoned R-1, Single-Family Residential District, to the South, and therefore requires a residential buffer. A fence is illustrated on the site plan along the South and East property lines, but it does not extend to the remainder of the site where it abuts a residential lot. As such, provision of a buffer in compliance with Section 64-4.D.1. of the Zoning Ordinance should be required, if approved, and illustrated on a revised site plan.

Regarding the proposed use of the site as a beauty salon, the site has conformed to uses permitted by right in a B-1 zoning district. The applicant does not indicate a hardship associated with the property that would preclude them from operating within a zoning district appropriate for a beauty salon. Instead, the applicant emphasizes a need for a beauty salon within the area as justification for the request. While this may or may not be true, the need for additional commercial activity implies an economic interest in the property, which is a criterion on which Variances cannot be considered for approval. Furthermore, there are multiple properties appropriately zoned for beauty salons located within the vicinity of the subject site.

Approval of the request may constitute a change of occupancy with regards to the building and IBC standards. The applicant should consult with a Building Inspector regarding occupancy requirements within City limits prior to any requests for permits or a business license.

If approved, proper plumbing equipment for a beauty salon will be required to be installed (e.g. hair bowls, hair traps, etc.). Such equipment will require the appropriate Plumbing Permit(s) and inspection(s) prior to the issuance of any business license or Zoning Certificate.

Any signs proposed to be constructed and placed on the property or on the building will require review by the Planning and Zoning Department, and will also require the appropriate Sign Permit(s).

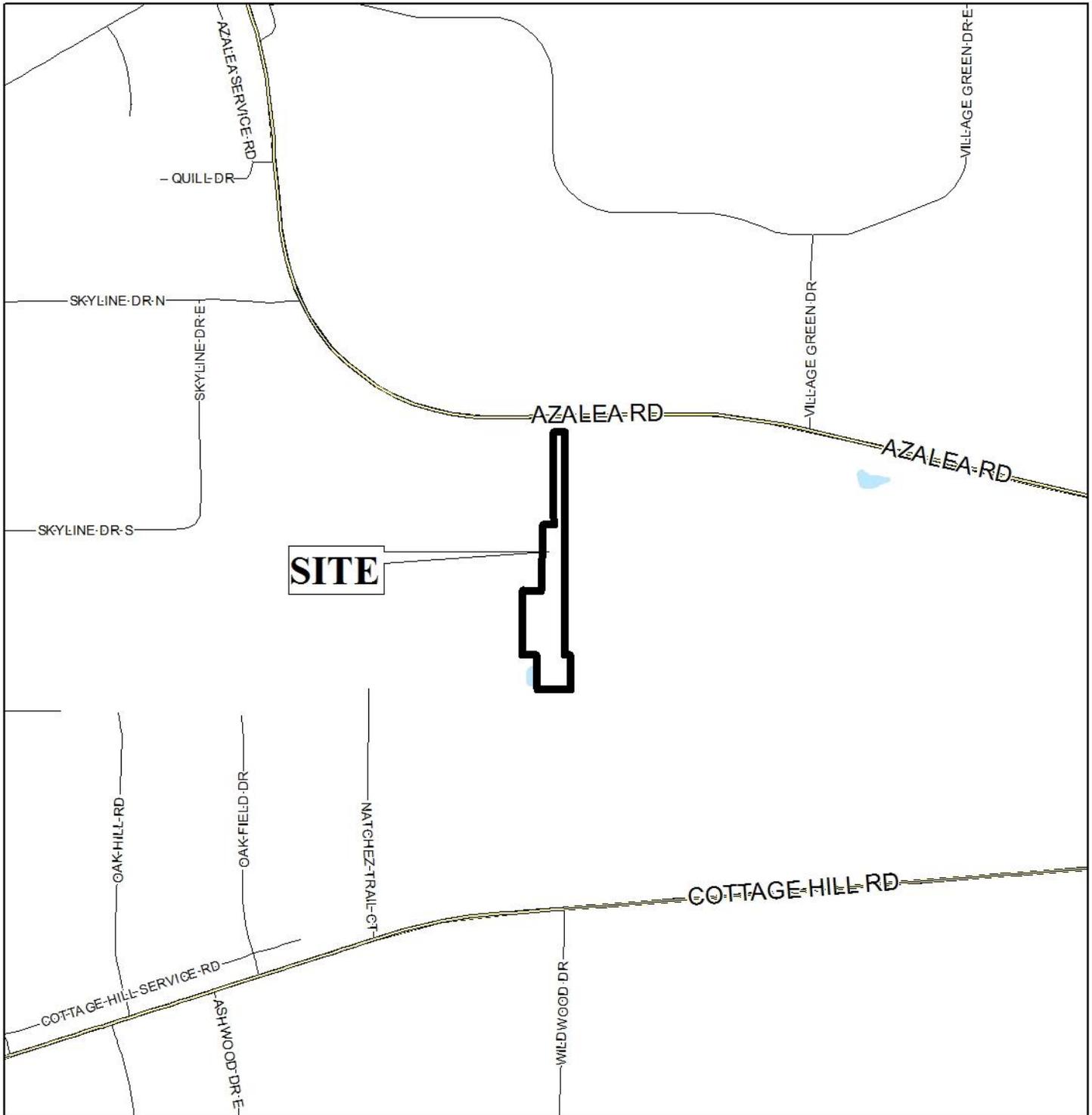
Finally, it should be noted that no Variance has been granted within the vicinity of the subject site for any similar request. No hardship associated with the property has been identified by the

applicant, and it should be reiterated that Variances are not intended to be granted frequently. While a beauty salon may provide a service not otherwise available to the surrounding neighborhood, there are sites within the surrounding area zoned appropriately for such a service. As such, approving the Variance request would be contrary to at least Section 64-12 of the Zoning Ordinance and may set a precedent by which future, less desirable Variance requests could be approved if no special conditions or hardships to an individual property exist.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the Variance will be contrary to the public interest since beauty salons are a use not permitted by right in a B-1, Buffer Business District;
- 2) Special conditions do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship due to the fact that multiple properties appropriately zoned for beauty salons are located within the vicinity of the subject site; 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 since it may establish a precedent by which future, less desirable Use Variance requests could be approved if no special conditions or hardships to an individual property exist.

LOCATOR MAP



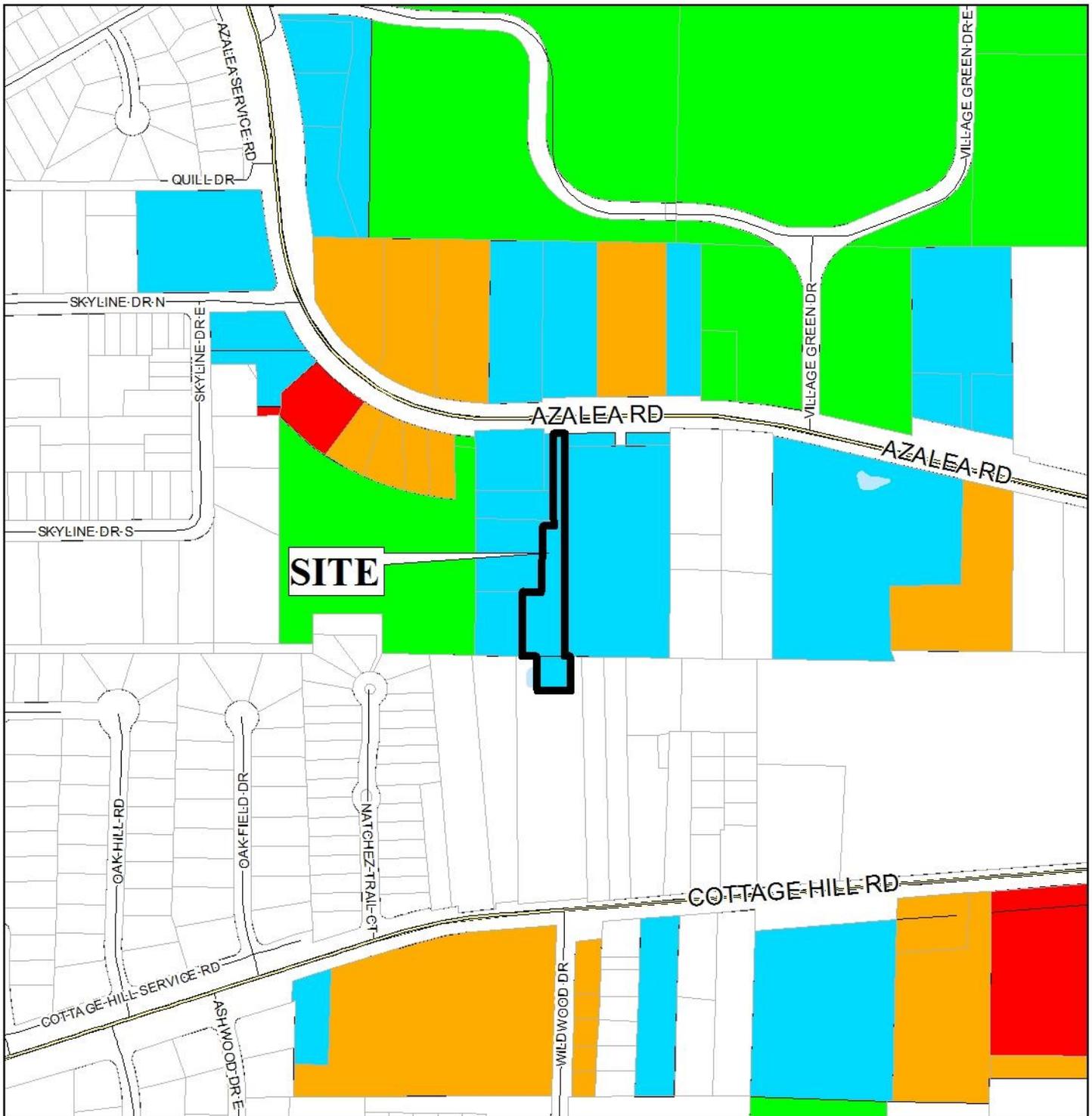
APPLICATION NUMBER 6190 DATE July 9, 2018

APPLICANT Trawick International, Inc.

REQUEST Use Variance



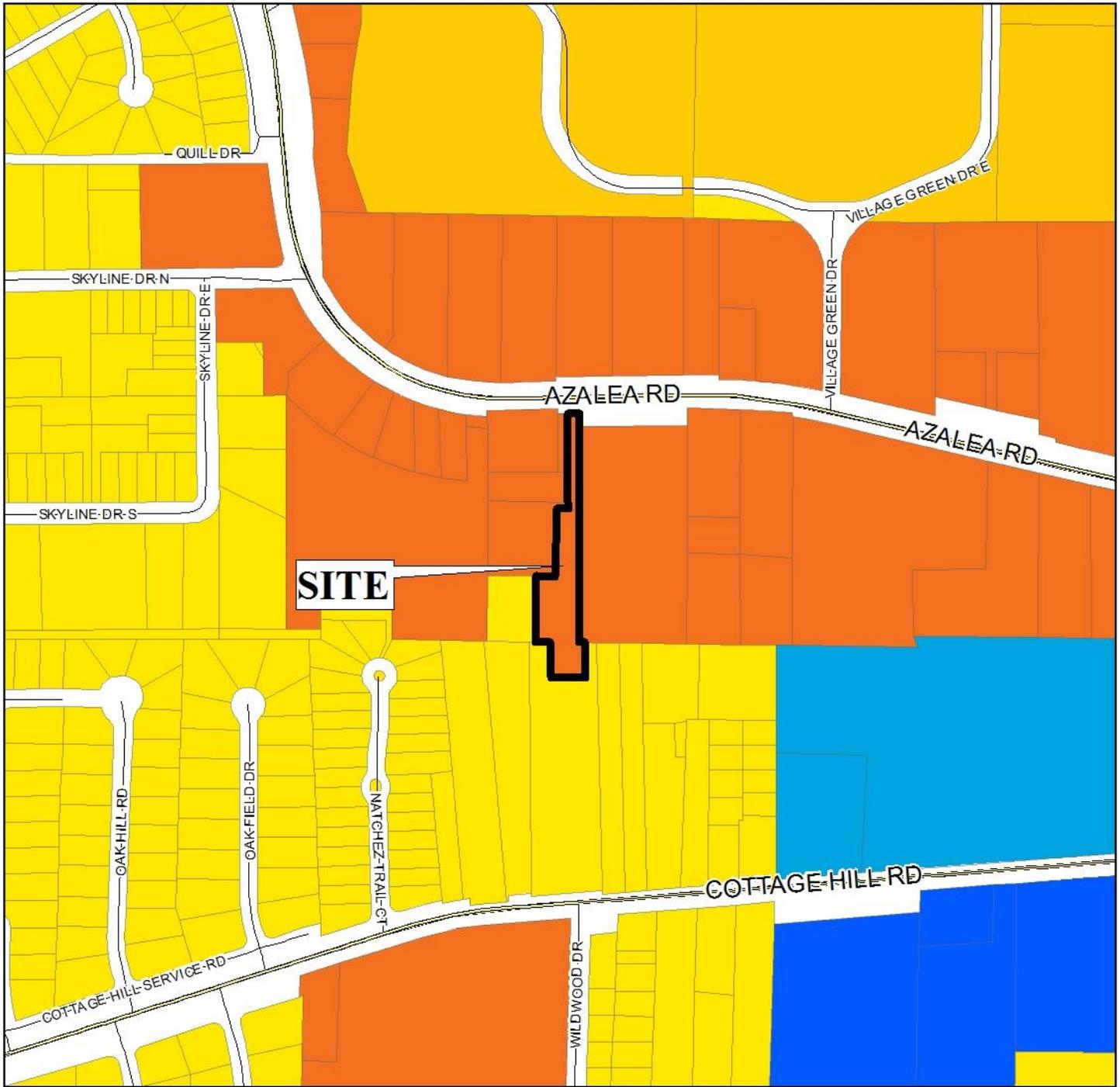
LOCATOR ZONING MAP



APPLICATION NUMBER 6190 DATE July 9, 2018
APPLICANT Trawick International, Inc.
REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6190 DATE July 9, 2018

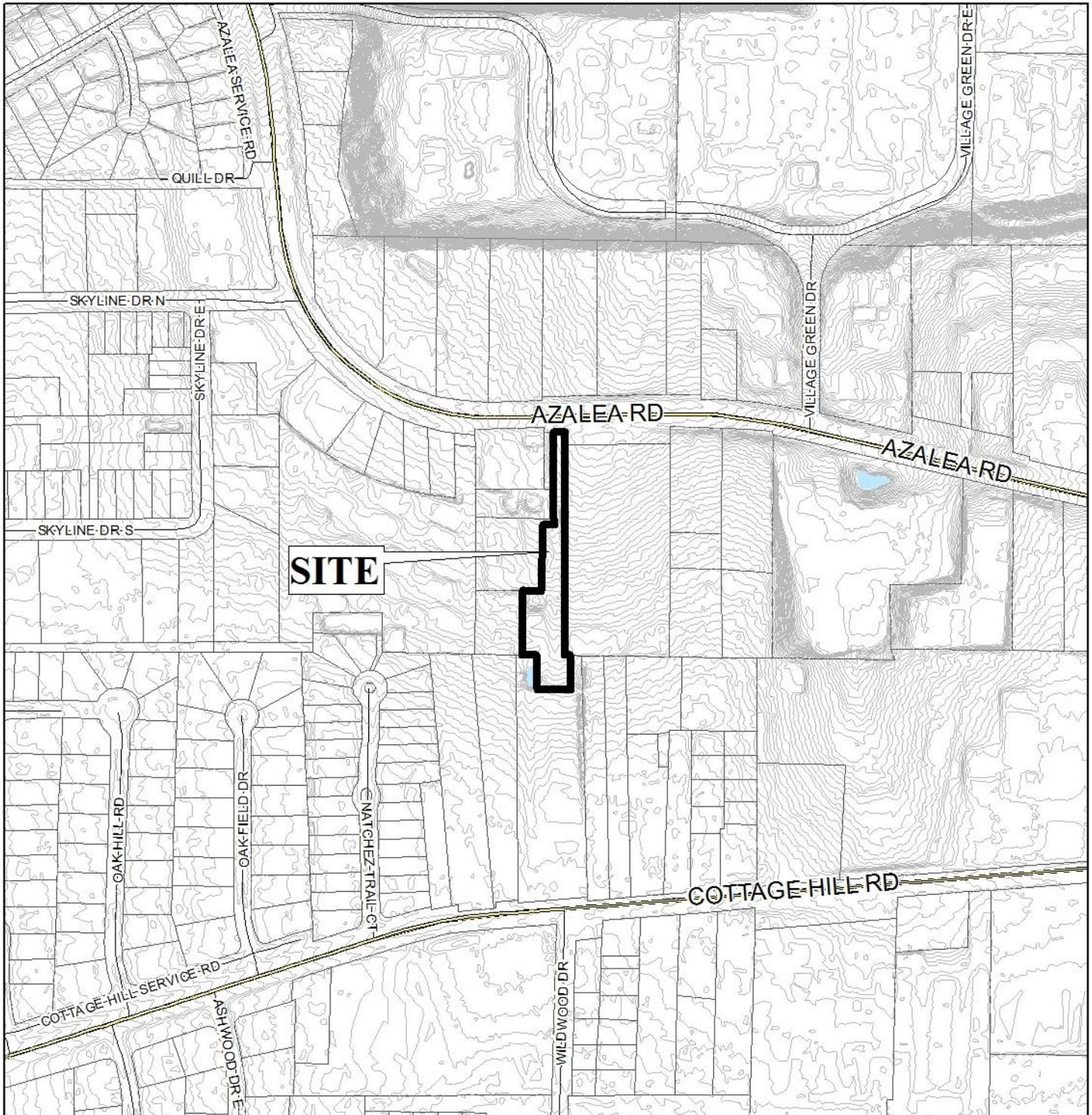
APPLICANT Trawick International, Inc.

REQUEST Use Variance

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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 | |



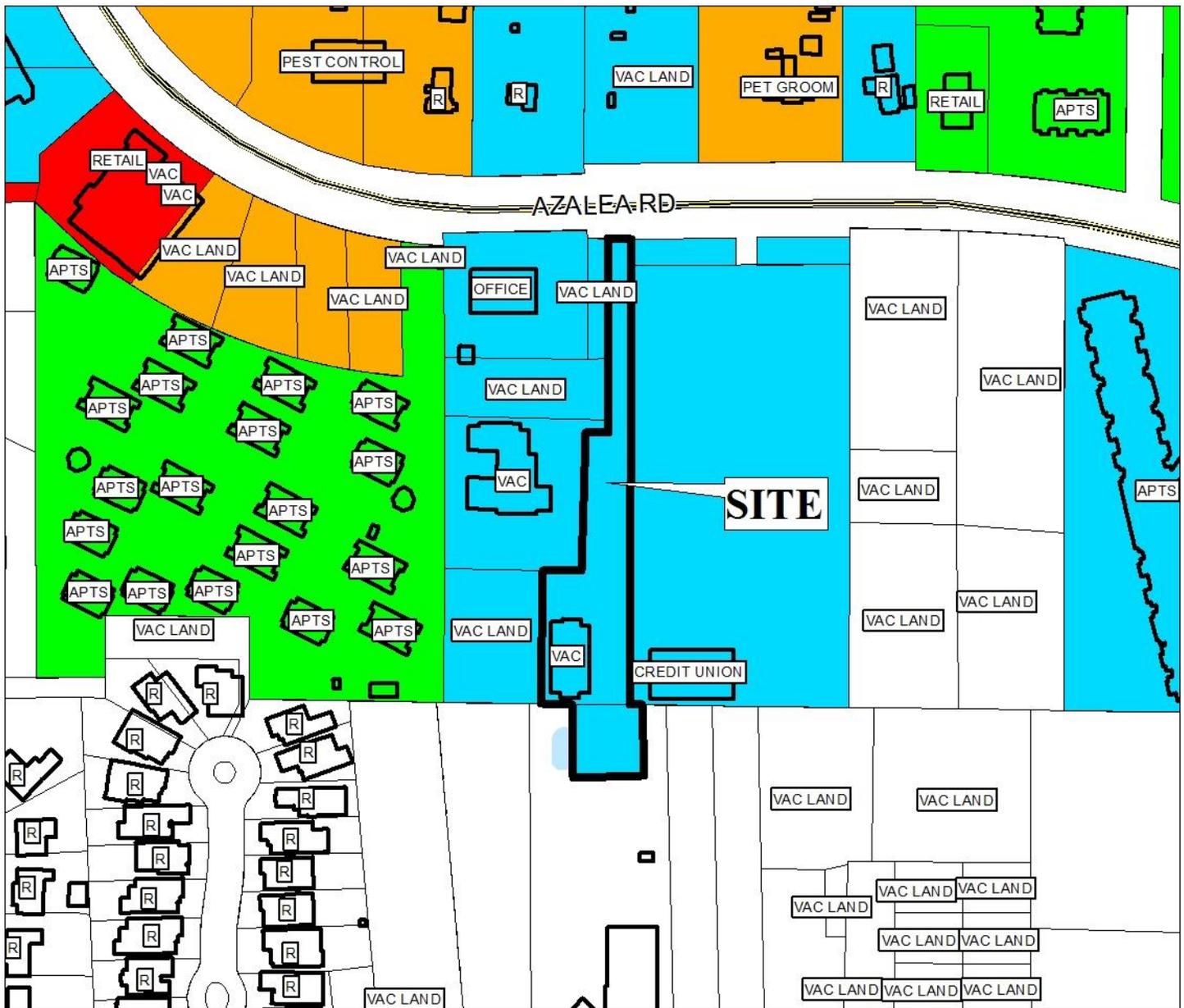
ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6190 DATE July 9, 2018
APPLICANT Trawick International, Inc.
REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the north and residential units to the east and west.

APPLICATION NUMBER 6190 DATE July 9, 2018

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

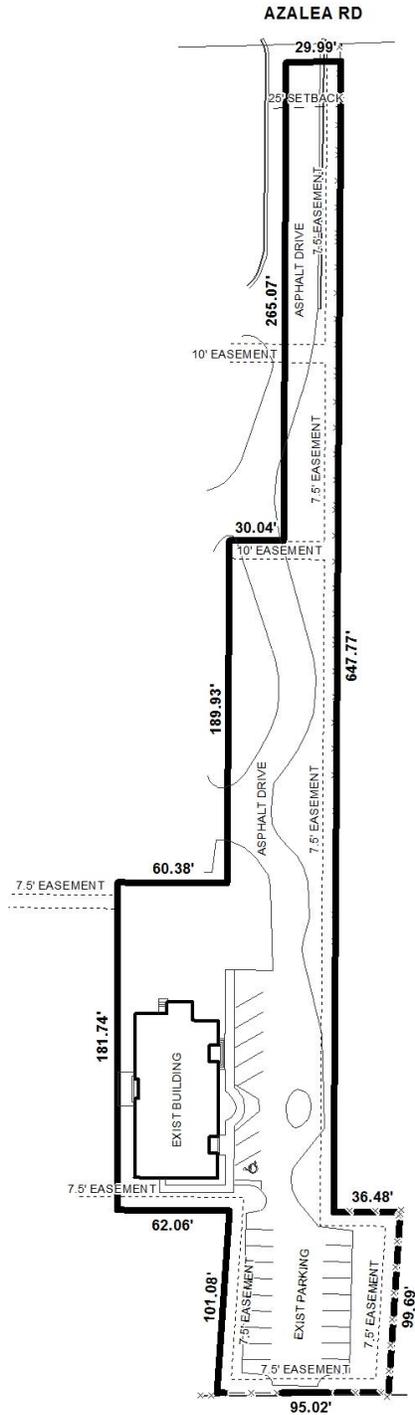


The site is surrounded by commercial units to the north
and residential units to the east and west.

APPLICATION NUMBER 6190 DATE July 9, 2018
APPLICANT Trawick International, Inc.
REQUEST Use Variance



SITE PLAN



The site plan illustrates the existing building, existing parking, setback, and easements.

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REQUEST	Use Variance		



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