



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

February 13, 2023

Michael Cartoski  
FD Stonewater, LLC  
1001 19<sup>th</sup> Street North  
Suite 1401  
Arlington, Virginia 22209

**Re: #6494/4763**  
**(Case #BOA-002347-2023)**  
**Michael Cartoski**  
**401 Civic Center Drive**  
**(Northwest corner of Canal Street and South Claiborne Street).**

Dear Applicant(s) / Property owner(s):

On February 6, 2023, the Board of Zoning Adjustment considered your request for **Variances from certain Site and Building Design and Material requirements of the Downtown Development District to allow construction of a new building; specifically variances from Building Setback, Primary Entrance Location, Driveway Width, Dumpster Enclosure Materials, Building Exterior Materials, Streetscreen Height, Streetscreen Access Width, Wall Material, Fence Screening, Ground Floor Transparency, Loading Dock Width and Window Shading requirements, in a T-5.2 Mixed-Use Sub-District of the Downtown Development District. The Zoning Ordinance requires full compliance with all of the Site and Building Design and Material requirements in a T-5.2 Mixed-Use Sub-District of the Downtown Development District.**

After discussion, the Board heldover the application until the March 6<sup>th</sup> meeting for the applicant to address the follow questions and considerations from the Board. In order for the staff and Board to have adequate time to review and disseminate information, response to all items must be submitted by noon, Friday, February 24.

1. Can the site be developed (regardless of cost, which the Board cannot address) in compliance with the Ordinance? For example, what impact would a compliant setback have on the building design?

2. Why is the site not in full compliance with all of the Site and Building Design and Material requirement in a T-5-2 Mixed-Use Sub-District of the Downtown Development District? What special conditions exist on the property that prohibit compliance with the Ordinance requirements. To answer these questions, provide the site-specific, special conditions that exist for each variance. An attachment with each variance request is enclosed.
3. Provide the specific section in USACE/FSL documents dictating a required 50-foot setback.
4. What security level is this building being designed to?
5. Provide the specific section in USACE/FSL documents requiring open fence materials for security monitoring.
6. The majority of security requirements recommend screening key infrastructure systems; provide references for the applicable standards.
7. How will installing a driveway entrance in excess of allowable DDD regulations mitigate a security threat in this area of the facility if utilizing USACE/FSL requirements?
8. Exterior finish, why was this finish chosen? Is this strictly an architectural design preference?
9. Explain why a four-foot retaining wall cannot be utilized.
10. Will the employee entrance also serve as the main public entrance from a security standpoint?
11. How does the proposed development maintain the spirit of the ordinance as eleven (11) variances to the ordinance are being requested?
12. The requirements of the Ordinance are in place for several reasons, one of which is to mitigate adverse impacts to the surrounding area. How is substantial justice provided to the surrounding neighborhood and adverse impacts mitigated?

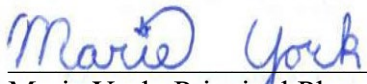
For further assistance, please call 251-208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Marie York, Principal Planner

Attachment

1. UDC – Appendix A. Section 9: A.4. Setbacks / Table A-9.1 Site Configuration.  
Existing ZO - 64-3.I.8.(d) / Table 1: Site Configuration.
  - Variance required to request 50 foot setback from Canal and Claiborne, instead of complying with the required primary frontage setback of 5 feet and secondary setback of 12 feet.
2. UDC – Appendix A. Section 9: B.4. Primary entrance.  
Existing ZO - 64-3.I.10.(d) Site plan: Building placement standards.
  - Variance required for primary entrance not fronting Canal or Claiborne Streets.
3. UDC – Appendix A. Section 9: C.3.(c)(2) Driveway width.  
Existing ZO - 64-3.I.11.(c)(3)II. Site plan: Parking standards. Driveway width.
  - Variance required for driveway width exceeding 36 feet. (Also see # 5 below).
4. UDC – Appendix A. Section 9: D.2.(c) Dumpster enclosure material.  
Existing ZO - 64-3.I.12.(b)(3) Site Plan: Garbage Collection Standards. Dumpster enclosure material.
  - Variance required for proposed metal panel screening material.
5. UDC – Appendix A. Section 10: B.3. Exterior finish materials.  
Existing ZO - 64-3.I.14.(c)(2) Building specification: Building materials standards.
  - Variance required for exterior finish materials, as concrete and metal are not approved exterior finishes. This includes metal screening for rooftop HVAC.
6. UDC – Appendix A. Section 10: C.1.(b)(1) Frontage build-out - Streetscreen height.  
Existing ZO - 64-3.I.15.(a)(2)I. Building specification: Frontage standards. Streetscreen height.
  - Variance required for retaining wall height of less than 4 feet. Streetscreens must be a minimum of 4 feet and maximum of 8 feet.
7. UDC – Appendix A. Section 10: C.1.(b)(2) Frontage build-out - access width.  
Existing ZO - 64-3.I.15.(a)(2)II. Building specification: Frontage standards. Streetscreens.
  - Variance required for vehicular access width on East frontage exceeding 30 feet (which is limit in the Streetscreen section).
8. UDC – Appendix A. Section 10: C.1.(b)(3) Frontage build-out - wall material and fence screening.  
Existing ZO - 64-3.I.15.(a)(2)III. Building specification: Frontage standards. Streetscreens - wall material and fence screening.
  - Variance required for the retaining wall material (concrete) and required screening vegetation behind the metal fence, if it cannot be planted for security reasons.

9. UDC – Appendix A. Section 10: C.1.(e) Additional transparency requirement for ground floor commercial uses along frontages.

Existing ZO - 64-3.I.15.(a)(5) Building specification: Frontage standards. Additional transparency.

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- Variance required because the ground floor of the East façade does not meet the 30% minimum transparency requirement (staff measured 21.6%) of this section.

10. UDC – Appendix A. Section 10: C.1.(h) Loading docks and Service Areas.

Existing ZO - 64-3.I.15.(a)(8) Building specification: Frontage standards. Loading docks.

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- Variance required for loading dock and service area width exceeding 30 feet in the frontage.

11. UDC – Appendix A. Section 10: C.4.(d) Common Entry frontage – awnings.

Existing ZO - 64-3.I.15.(d)(4)III. Building specification: Frontage standards. Common Entry.

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- Variance required for metal fin sunshade system, as only fabric awnings are an allowed window shading device in this frontage type.