

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 1, 2019****CASE NUMBER**

6244

APPLICANT NAME

Fort Conde Restoration Venture, LLC

LOCATION113-A Monroe Street
(Southeast corner of Monroe Street and St. Emmanuel Street).**VARIANCE REQUEST****FRONTAGE:** To allow a porch frontage at the front property line in a T-5.1 Sub District within the Downtown Development District.**FLOOR HEIGHT:** To allow a ground floor height of 10'-4" in a T-5.1 Sub-District of the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****FRONTAGE:** The Zoning Ordinance does not have a porch frontage type in a T-5.1 Sub-District of the Downtown Development District.**FLOOR HEIGHT:** The Zoning Ordinance requires a minimum ground floor height of 14 feet in a T-5.1 Sub-District of the Downtown Development District.**ZONING**

T-5.1 Sub District of the Downtown Development District

AREA OF PROPERTY

0.19± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

within the public ROW.

The proposed plan appears to show building structures

FRONTAGE VARIANCE:

If the FRONTAGE variance is approved the applicant will need to have the following conditions met:

1. Obtain a ROW Permit from the Engineering Dept.

2. Obtain a NON-UTILITY RIGHT-OF-WAY USAGE AGREEMENT. An encroachment into a public RIGHT-OF-WAY is governed by the Engineering Department under the Mobile Rights of Way Construction and Administration Ordinance. The Board of Zoning Adjustment would not be the appropriate venue in which to address this proposed encroachment. The appropriate method to address this encroachment would be by making a NON-UTILITY RIGHT-OF-WAY USAGE application to the Right of Way Committee for review. If the application is approved, an agreement will be made between the applicant and the City.

FLOOR HEIGHT VARIANCE: NO COMMENT

TRAFFIC ENGINEERING
COMMENTS

No comments

ANALYSIS

The applicant has submitted Frontage and Floor Height Variances to allow a porch frontage at the front property line and allow a ground floor height of 10'-4" in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance does not have a porch frontage type and requires a minimum ground floor height of 14 feet in a T-5.1 Sub-District of the Downtown Development District.

The Zoning Ordinance states no variance shall be granted 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; and, no variance shall be granted where economics are the basis for the application. 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 has been given a Downtown (DT) land use designation, 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.

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown (DT) is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the city's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 dwelling units per acre); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7-active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.

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 is proposing to build a new structure on a lot that was recently the subject of a subdivision approved by the Planning Commission at its August 16, 2018 meeting, and has subsequently been recorded in the Mobile County Probate Court.

The proposed development was on the Consolidated Review Committee's (CRC) February 14, 2019 meeting, and was approved, subject to the following conditions:

1. *Application to the Architectural Review Board for review of the proposed new construction;*
2. *Application to the Mobile Tree Commission for the removal of trees located within the right-of-way; and*
3. *Application to the Board of Zoning Adjustments for the following variances:*
 - a. *Frontage Type Variance: to allow a "Porch" frontage at the front property line (the Zoning Ordinance does not have a "Porch" frontage type); and*
 - b. *Floor Height Variance: to allow a ground floor height of 10'-4" (the Zoning Ordinance requires a minimum ground floor height of 14 feet).*

The proposed development also made an application to the Architectural Review Board, and a Certificate of Appropriateness was issued on March 11, 2019. Furthermore, the trees that will be required to be removed for the development were on the Tree Commission's March 19, 2019 agenda, where the removal was approved. Therefore, this application to the Board of Zoning Adjustment is the last approval needed. However, the plans submitted do show a portion of the new structure in the right-of-way, making it necessary for the applicant to obtain both a non-

utility right-of-way use agreement, and a right-of-way permit; or revise the site plan so that none of the proposed structure extends beyond the private property lines.

The applicant states:

1. *Brief description of property location, per paragraph 5 of the Application Cover Sheet: The property is located at the southeastern corner of the intersection of Monroe Street and Saint Emanuel Street in Fort Conde Village.*
2. *Detailed description of the use and character of improvements, existing and proposed, on this property and a time schedule for development: 113A Monroe Street, a new, 3-story building to be built in Fort Conde Village, will be a Bed and Breakfast consisting of 10 guest rooms. There will be 4 double occupancy guest rooms (rooms with two beds) on the first and second floors and 2 single occupancy guest rooms on the 3rd floor. The dimensions and specifications of these rooms and of the building in general are shown in accompanying architectural plans of Holmes & Holmes, Architects. This building will be situated next door to the east of an existing historical building on the same lot, known as 113 Monroe Street. 113 Monroe Street is not part of this Application, but will be restored concurrently with 113A Monroe Street. It will consist of 2, duplex guest rooms, a laundry facility and a gym. Development will begin immediately upon completion of the approval process. Construction financing is being provided by ServisFirst Bank 1 North Royal Street, Mobile, Alabama, 36602.*
3. *For Bulk or Site Variance Applications attach a detailed description of the proposed improvements, including specific information regarding the requested variance. . . Include statements explaining why the property cannot be developed in compliance with the Zoning Ordinance, how this situation occurred, and how this property is different from neighboring properties.*

In accordance with the recommendations of the CRC upon their review of the proposed plans for 113A, we are proceeding herewith for an Application to the Board of Zoning Adjustments for the following variances: "(a) Frontage Type Variance: to allow a "Porch" frontage at the front property line (the Zoning Ordinance does not have a "Porch" frontage type); and (b) Floor Height Variance: to allow a ground floor height of 10'-4" (the Zoning Ordinance requires a minimum ground floor height of 14 feet)." See, letter of Bert Hoffman, Principal Planner dated March 1, 2019 and attached as part of this Application.

Originally, plans were drawn for the elongation and restoration of 113 Monroe Street, the historical building next door. Essentially, the plans featured a replication of the existing structure to the east with a breezeway in between and an extension of the roof overhead with added dormers to permit occupancy of a third floor. (See, attached elevations and floor plan of proposed modification of 113 Monroe Street). These plans were submitted on a preliminary basis to the Alabama Historical Commission for review as to whether the plans were consistent with guidelines for the issuance of State and Federal historic tax credits. On September 4, 2018, Chloe Mercer, Federal Historic

Preservation Tax Incentives Coordinator, Historic Preservation Division responded that the proposed plan did not meet 'Standards' (for historic tax credits). She stated, "It seems that a more sensitive approach would be to treat the additional rooms as a separate building with its own compatible design...." (See, email of Chloe Mercer to Lawrence R. Posner, et al dated September 4, 2018 attached as part of this Application).

Based upon this response, we abandoned the existing plans for 113 Monroe Street, and drafted new plans that provided for a "compatible" building next door, namely, 113A Monroe Street.

With compatibility as a principal criterion, 113A was drawn so that it was similar in scale to 113 Monroe, next door. This was not easy to do. The ceiling heights in 113 Monroe did not exceed 9'6". Additionally, 113A, being new construction, had to comply with FEMA minimum flood elevations of 13', a foot higher than 113 Monroe and, in order to add guest rooms on the third floor, the roof line had to be raised 3 feet. Despite these difficulties, the present elevations for 113A are well aligned in height with those of 113 Monroe for the first two floors. The roof for 113A is several feet higher, but because of the lower initial slope of the roof, the difference in height will be less noticeable from the street. If the 14' ceiling height were imposed, 113A would dwarf 113 Monroe in size.

It should also be noted that of 13 buildings in Fort Conde Village, only two have first floor ceilings of 14' or more, 163 Saint Emanuel Street (Spear-Barter), and 200 Saint Emanuel Street which for many years was a grocery store. Fort Conde Village is more residential in character than other parts of downtown Mobile, such as Dauphin Street.

Regarding the porch component of 113A Monroe, compatibility is again a significant issue. Every single building in Fort Conde Village has a porch or gallery. The front porch that is proposed for 113A is similar in style to 165 Saint Emanuel Street (the Hall-Ford Building) located right across Monroe Street to the north. 113 Monroe, the adjacent historical building, has galleries on the north and west elevations. To build a new building without a porch in Fort Conde Village where every building has a porch or gallery would be incompatible.

113A Monroe is on the Architectural Review Board Agenda for March 6, 2019 for construction approval. The staff analysis is favorable. The report states, "While the proposed building is commercial in nature it mimics residential design elements. Galleries are seen on the adjacent stucco building and neighboring wood frame buildings. Approvable materials such as aluminum clad and wood are being employed. The materials and design then complement the character of the neighborhood ... The Staff recommends approval in full." (See, Architectural Review Board Agenda for March 6, 2019 pages 1-6 hereto annexed).

Due to the approvals already obtained by the Architectural Review Board and Consolidated Review Committee, as well as comments from the State Historic Preservation Office, it would appear that the new structure would be appropriate for the area, and a structure that fully

complied with the regulations of the Downtown Development District would be out of character for the neighborhood.

Finally, it should be noted that the proposed site plan depicts a pool. The Downtown Development District regulations do not address pools, and as such they are not allowed. However, based on the fact that a Certificate of Appropriateness was issued for the site, and included the pool in the scope of work, it may be appropriate to approve the construction of the pool as part of this application.

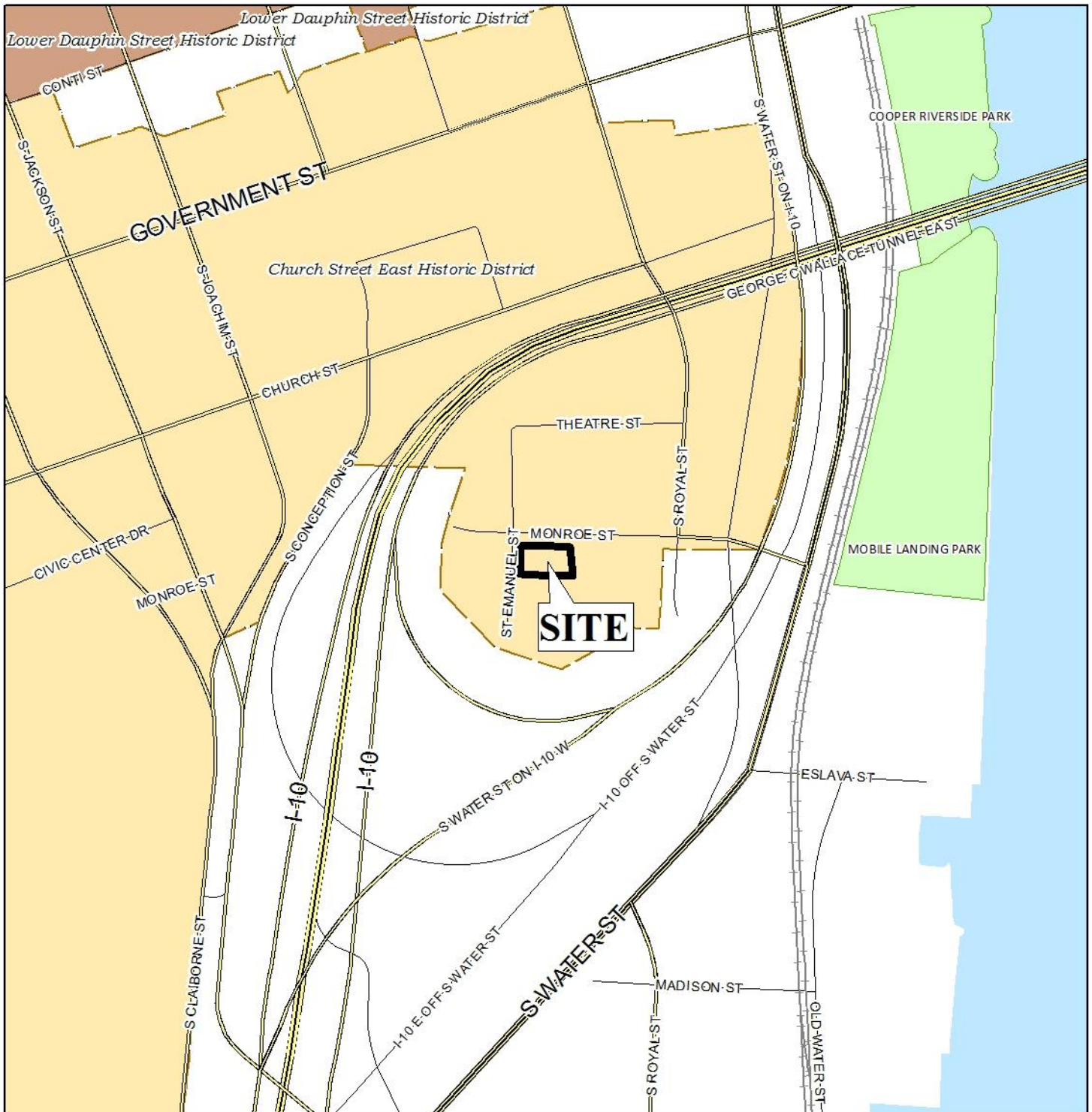
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) The variance will not be contrary to the public interest in that the structure will complement the existing architecture of the neighborhood as proposed;
- 2) These special conditions do exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship in that requiring the structure to fully comply with the Downtown Development District regulations may disrupt the character of the historic district in which the property is located; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance by preserving the integrity and character of the surrounding historic district.

The Approval is subject to the following conditions:

- 1) Obtaining both a non-utility right-of-way use agreement and a right-of-way permit **or** revise the site plan so that none of the proposed structure extends beyond the private property lines; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



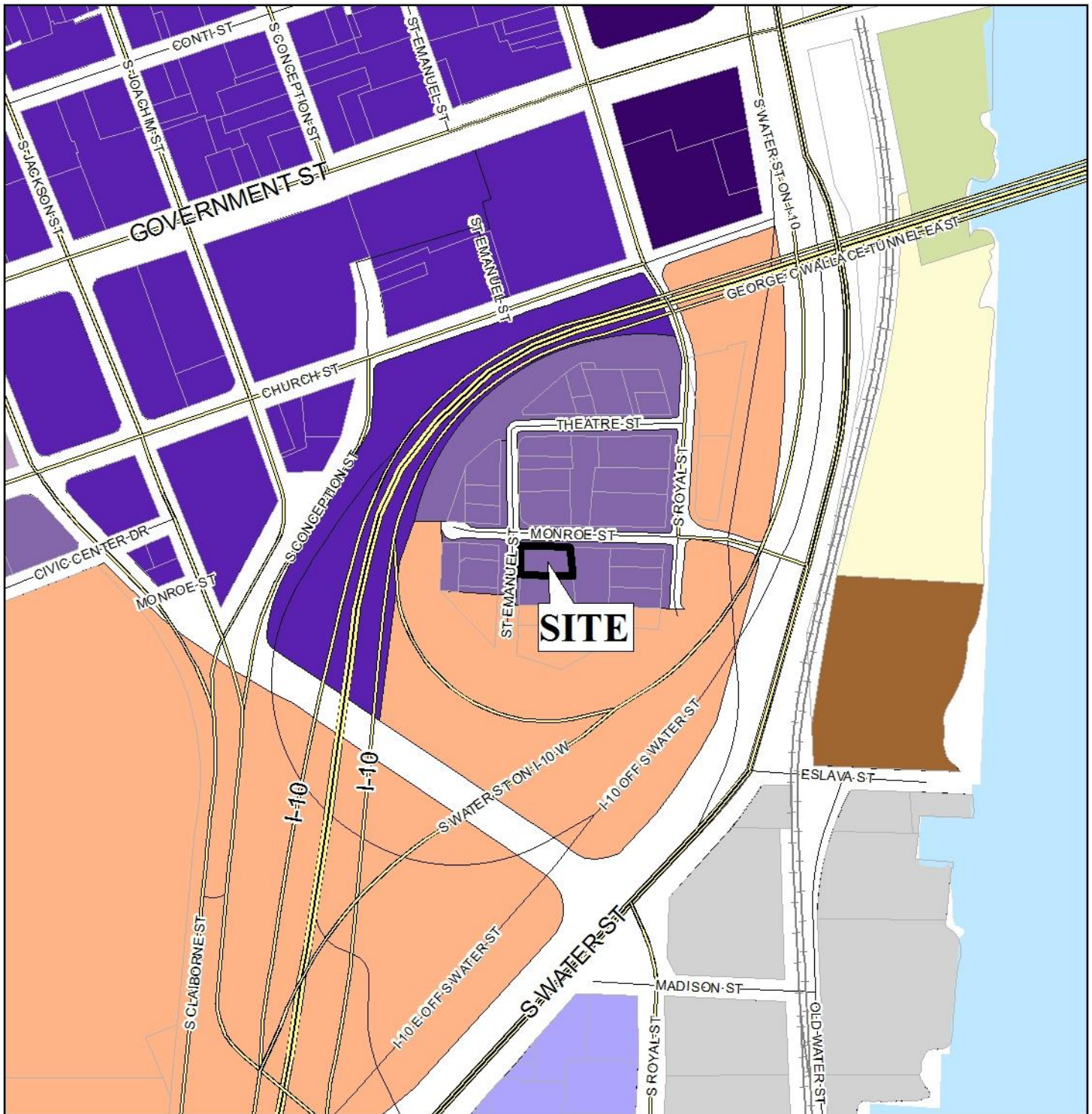
APPLICATION NUMBER 6244 DATE April 1, 2019

APPLICANT Fort Conde Restoration Venture, LLC

REQUEST Frontage and Floor Height Variances



LOCATOR ZONING MAP



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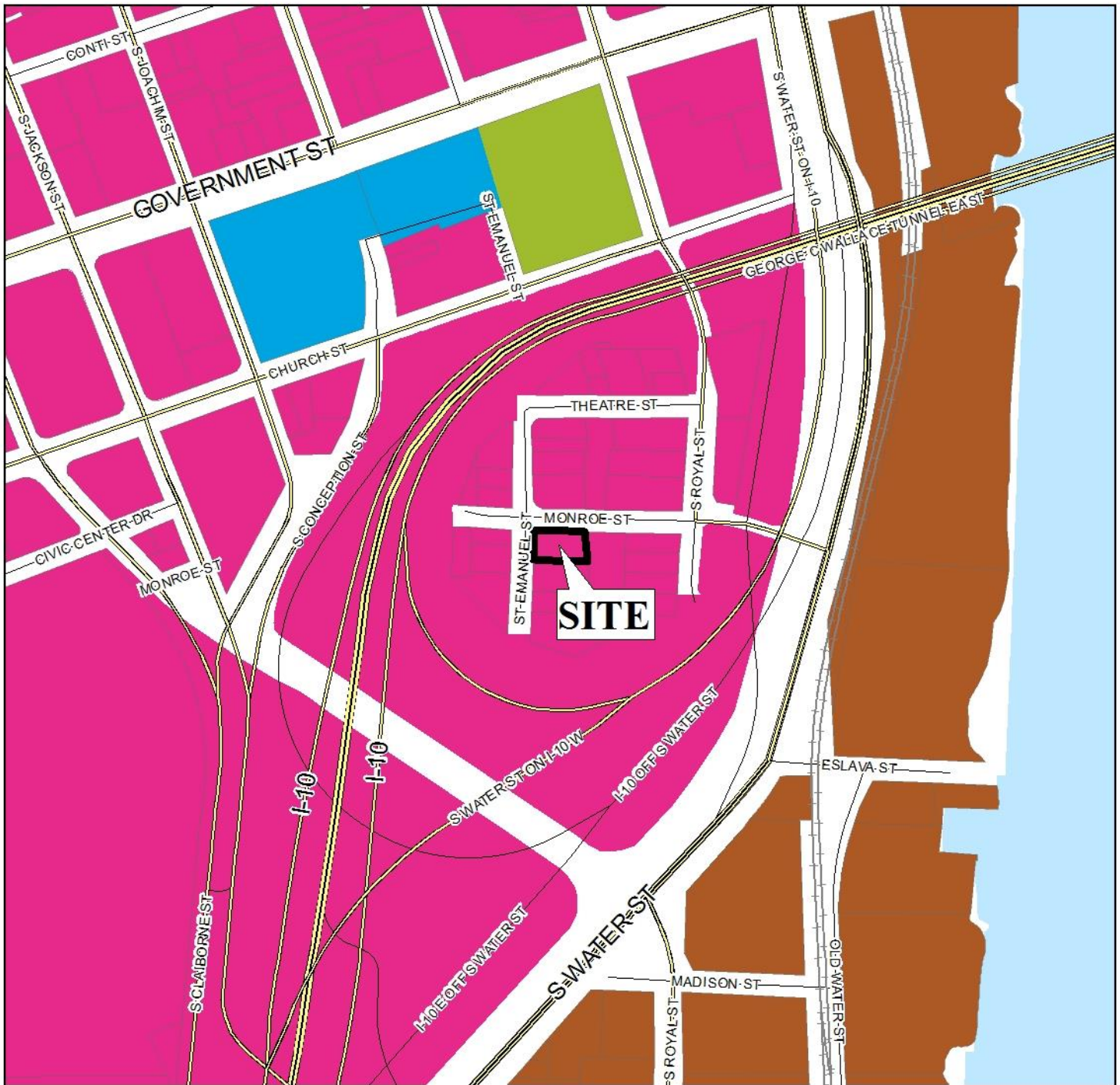
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FLUM LOCATOR MAP



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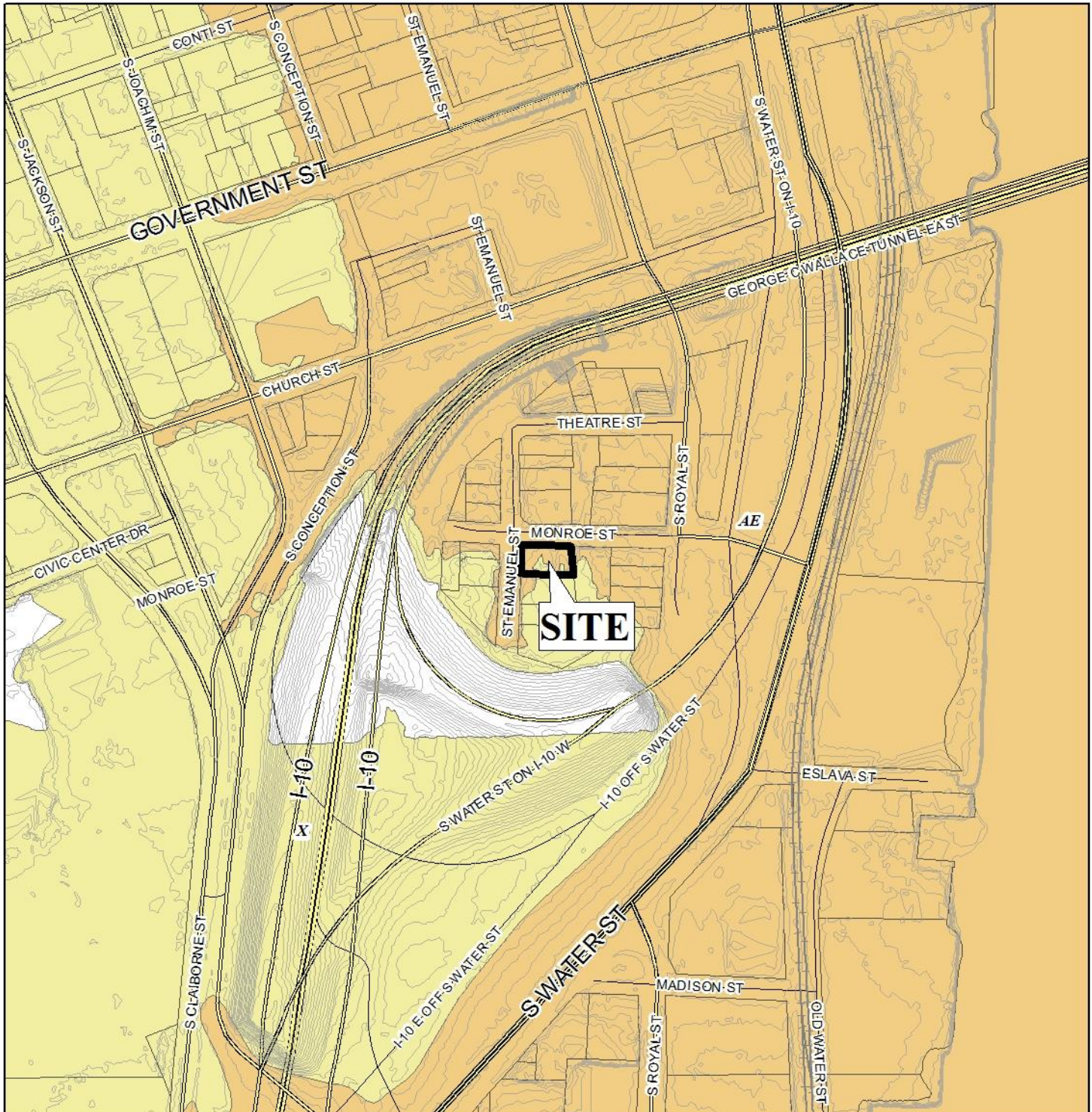
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units and offices.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

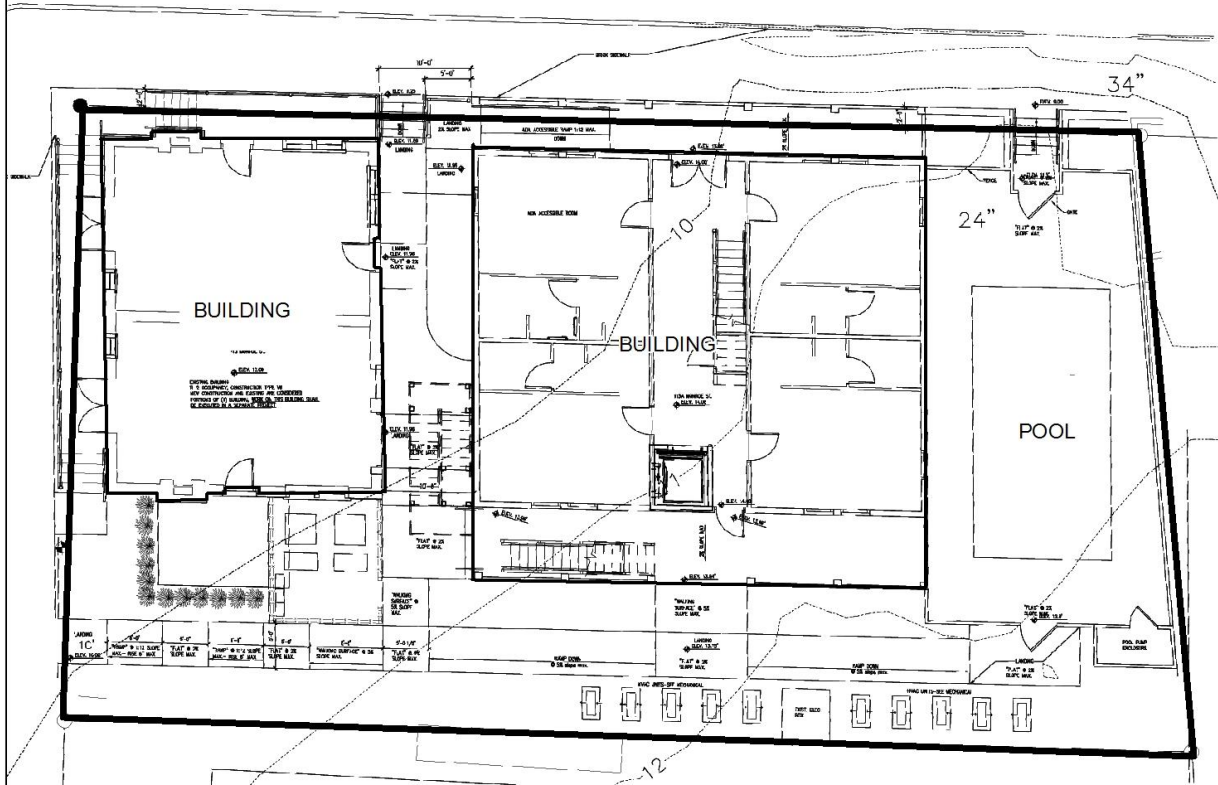


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PROPOSED SITE PLAN



The site plan illustrates the proposed buildings, and pool.

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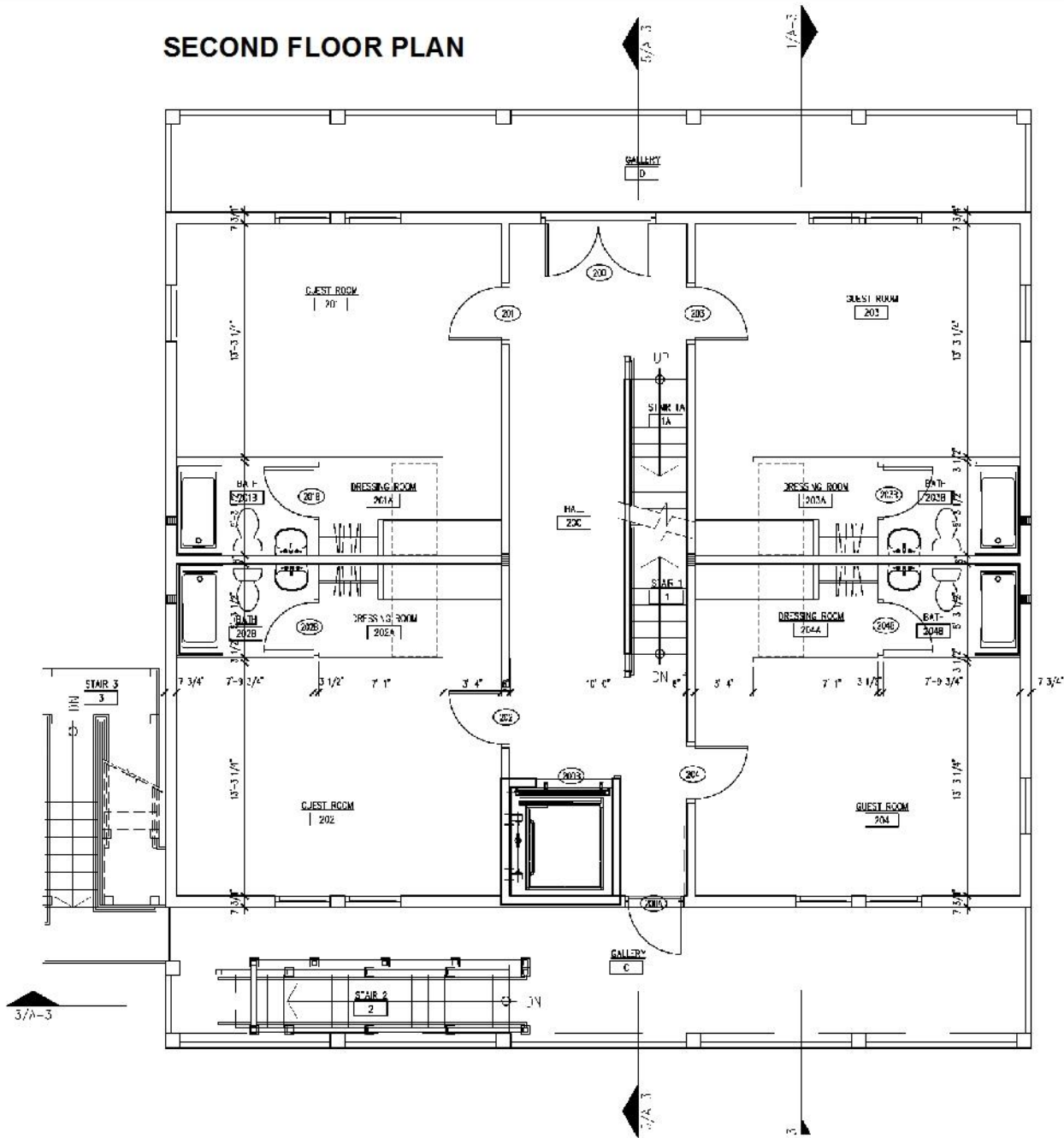
REQUEST Frontage and Floor Height Variances



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DETAIL SITE PLAN

SECOND FLOOR PLAN



SECOND FLOOR PLAN - REVISED
SCALE: 1/4" = 1'-0"

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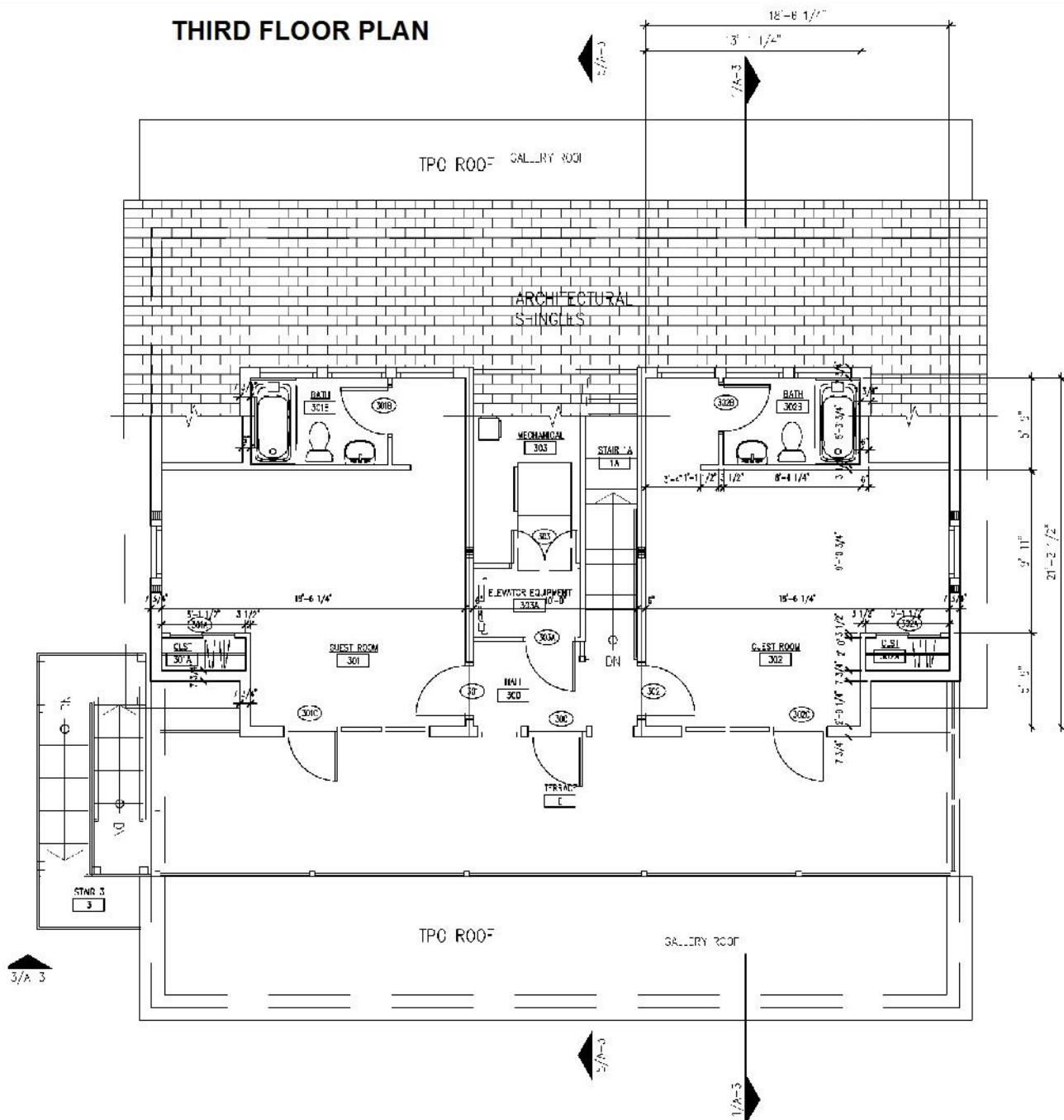
APPLICANT Fort Conde Restoration Venture, LLC

REQUEST Frontage and Floor Height Variances



DETAIL SITE PLAN

THIRD FLOOR PLAN



THIRD FLOOR PLAN - REVISED
 SCALE: 1/4" = 1'-0"

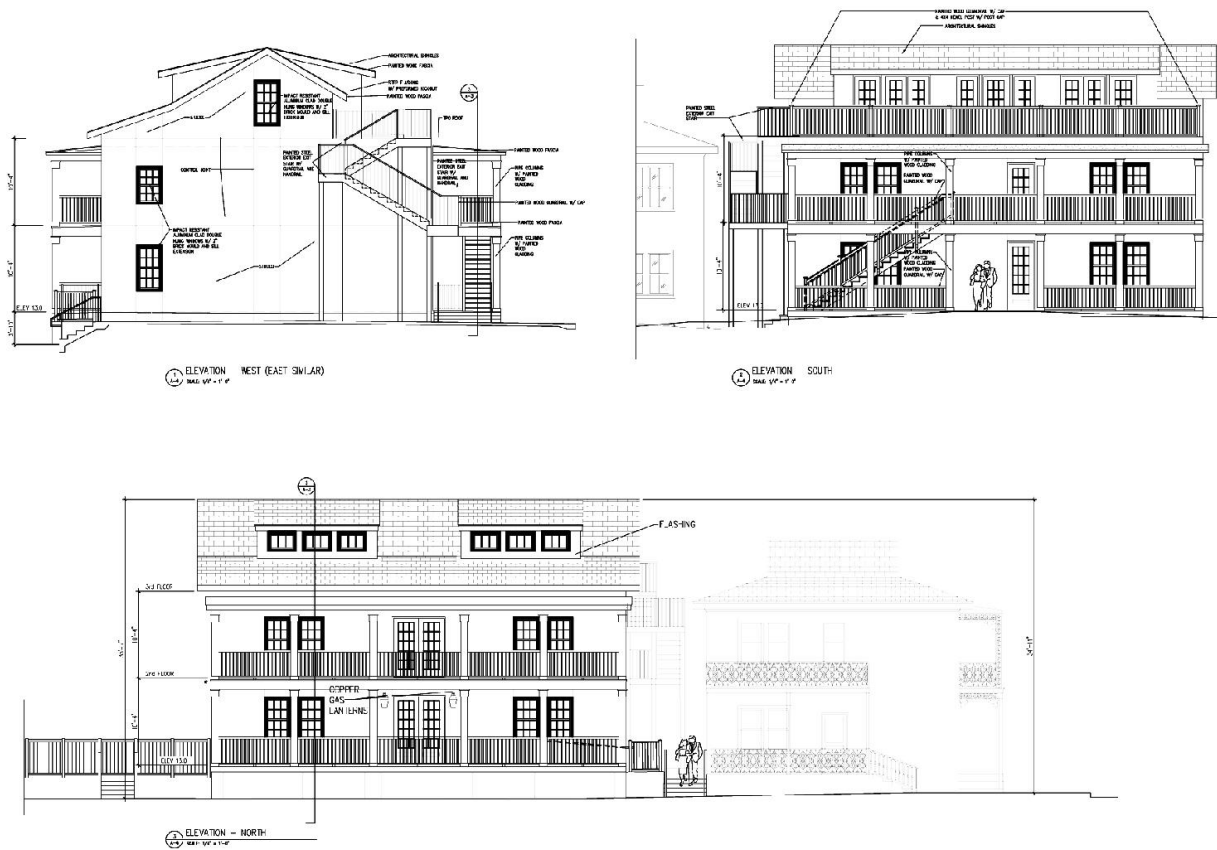
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REQUEST Frontage and Floor Height Variances



DETAIL SITE PLAN



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

APPLICATION NUMBER 6244 DATE April 1, 2019

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REQUEST Frontage and Floor Height Variances



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