

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 4, 2019****CASE NUMBER**

6290

APPLICANT NAME

David H. Crowder

LOCATION

600 Church Street
(Northwest corner of Church Street and South Warren Street).

VARIANCE REQUEST

SITE CONFIGURATION: To allow a portion of a proposed residence to exceed the maximum allowed setback of 12' in a T-4, Sub-District of the Downtown Development District.

BUILDING PLACEMENT: To not have a façade that is parallel to the primary front property line in a T-4, Sub-District of the Downtown Development District.

**ZONING ORDINANCE
REQUIREMENT**

FRONT SETBACK: The Zoning Ordinance does not allow structures to exceed the 12' maximum allowed setback in a T-4, Sub-District of the Downtown Development District.

FRONTAGE TYPE: The Zoning Ordinance requires the façade of all structures to be parallel to the primary front property line in a T-4, Sub-District of the Downtown Development District.

ZONING

T-4, Sub District of the Downtown Development District

AREA OF PROPERTY

0.3± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

URBAN FORESTRY**COMMENTS**

The removal of a failing Live Oak tree in front of this address was disputed. The tree has been removed though because of the hazard it presented to the public.

There are still several mature Live Oaks in right-of-way in front of this address.

In addition to the below comments regarding development compliance, please also note the following as construction begins:

- At locations where trees are on the city right-of-way, no vehicles, heavy equipment, or construction materials shall be stored or parked next to or beneath the trees.
- Any work to be done inside the critical root zone will be hand dug and roots will be avoided. The critical root zone is the diameter of the tree measured in inches at 4 1/2 feet above the ground, changed into feet, divided in half, and measured from the trunk of the tree in all directions. The CRZ does not extend into the road
- Temporary fencing shall be installed during construction around all trees that are scheduled to remain to prevent damage to the tree. Fencing shall be placed at the dripline of the tree. If it is not possible to locate fencing at the dripline, then fencing shall be located outside the critical root zone.

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). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

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.

ANALYSIS

The applicant is requesting Site Configuration and Building Placement Variances to allow a portion of a proposed residence to exceed the maximum allowed setback of 12' and not have a façade that is parallel to the primary front property line in a T-4, Sub-District of the Downtown Development District; the Zoning Ordinance does not allow structures to exceed the 12' maximum allowed setback, and requires the façade of all structures to be parallel to the primary front property line in a T-4, 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 single-family dwelling on a vacant site within a T4 Sub-District of the Downtown Development District (DDD). A T-4, Sub-District allows a 0' – 12' maximum setback along the primary frontage. The proposed dwelling has a proposed setback that ranges from 11' – 13.31', thus exceeding the maximum allowed setback.

Furthermore, as the façade of all structures is required to be parallel with the primary frontage, this slight offset requires a variance as well.

It should be noted that prior to the adoption of the DDD regulations, the applicant would have been allowed to build the dwelling in the proposed configuration without the need for any variance approvals by utilizing the Historic District Overlay, as the site is located within the Church Street East Historic District.

The applicant submitted an application to the Architectural Review Board, but has withdrawn it in order to work with the Design Review Committee (DRC) to make sure the drawings are compliant to the guidelines and in keeping with the neighborhood. The applicant has been advised that any changes to the site plan or elevations of the structure will require new approvals from the CRC, and may require additional variances.

Due to the fact that the proposed dwelling is in keeping with the surrounding area, and could have been developed prior to the adoption of the DDD regulations, it may be appropriate to grant the requested variances.

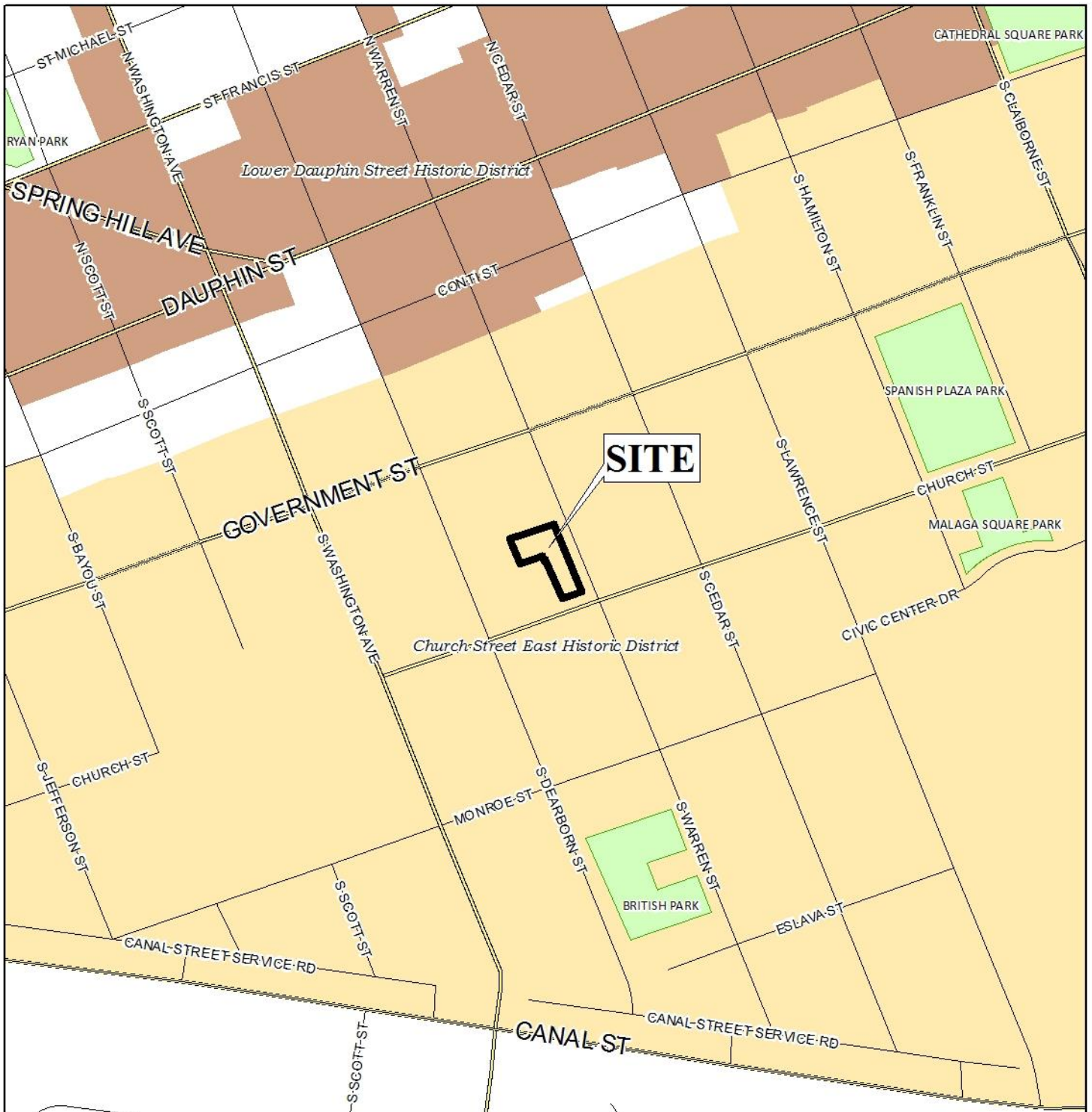
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of the requests:

- 1) The variance will not be contrary to the public interest in that the proposed dwelling setbacks and orientation will be in keeping with the neighborhood;
- 2) Special conditions do exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship in that prior to the adoption of the DDD regulations, the applicant would have been allowed to build the dwelling in the proposed configuration without the need for any variance approvals by utilizing the Historic District Overlay, as the site is located within the Church Street East Historic District; 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 nearby single-family dwellings.

The Approval is subject to the following conditions:

- 1) Either provision a 1952 or earlier deed describing the property in its current configuration, or completion of the Subdivision process;
- 2) Obtaining a Certificate of Appropriateness;
- 3) Obtaining approval from the CRC for any changes to the exterior of the proposed dwelling;
- 4) Obtaining of all necessary permits; and
- 5) Full compliance with all municipal codes and ordinances.

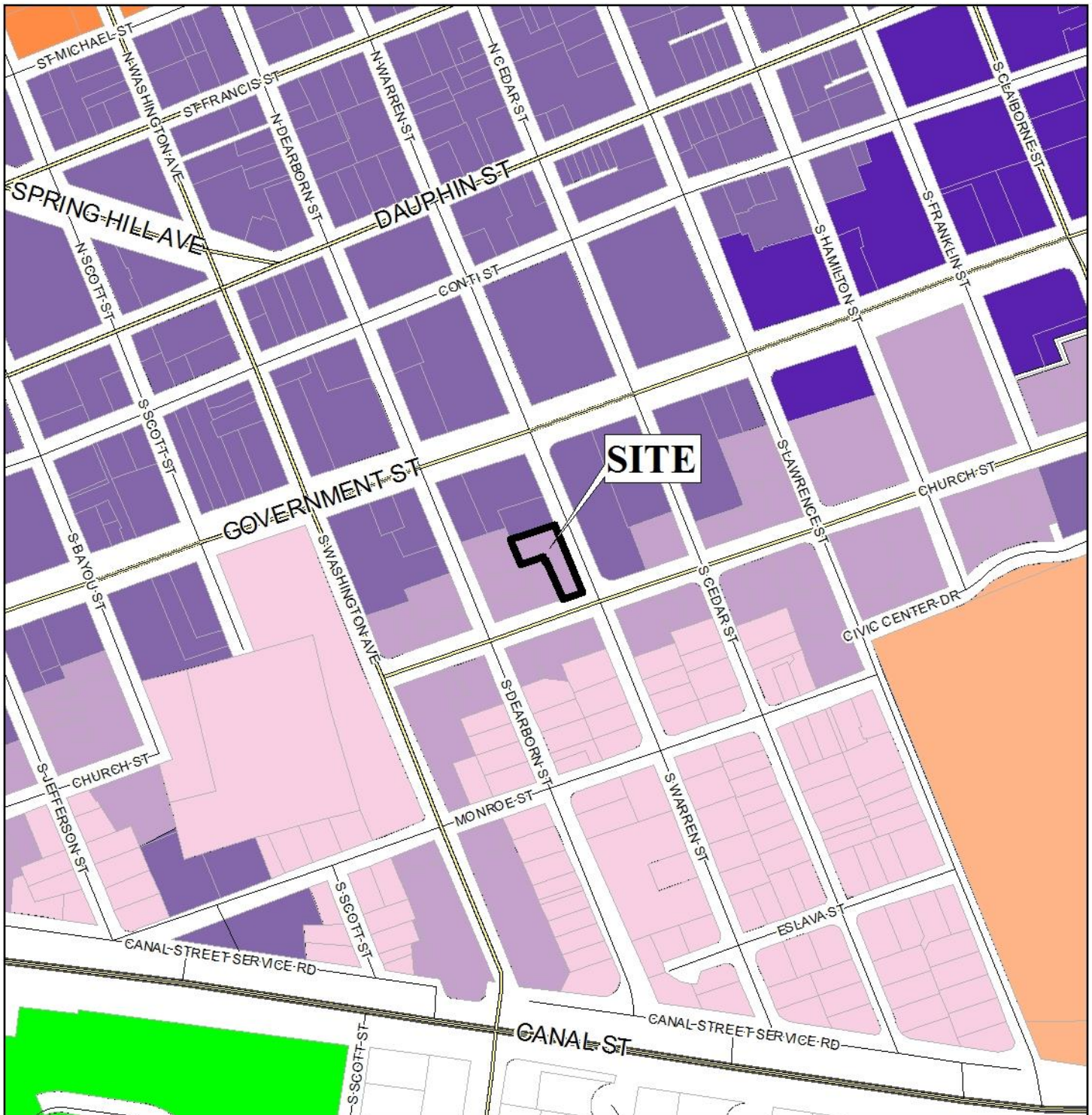
LOCATOR MAP



APPLICATION NUMBER 6290 DATE November 4, 2019
APPLICANT David H Crowder
REQUEST Site Configuration and Building Placement Variances



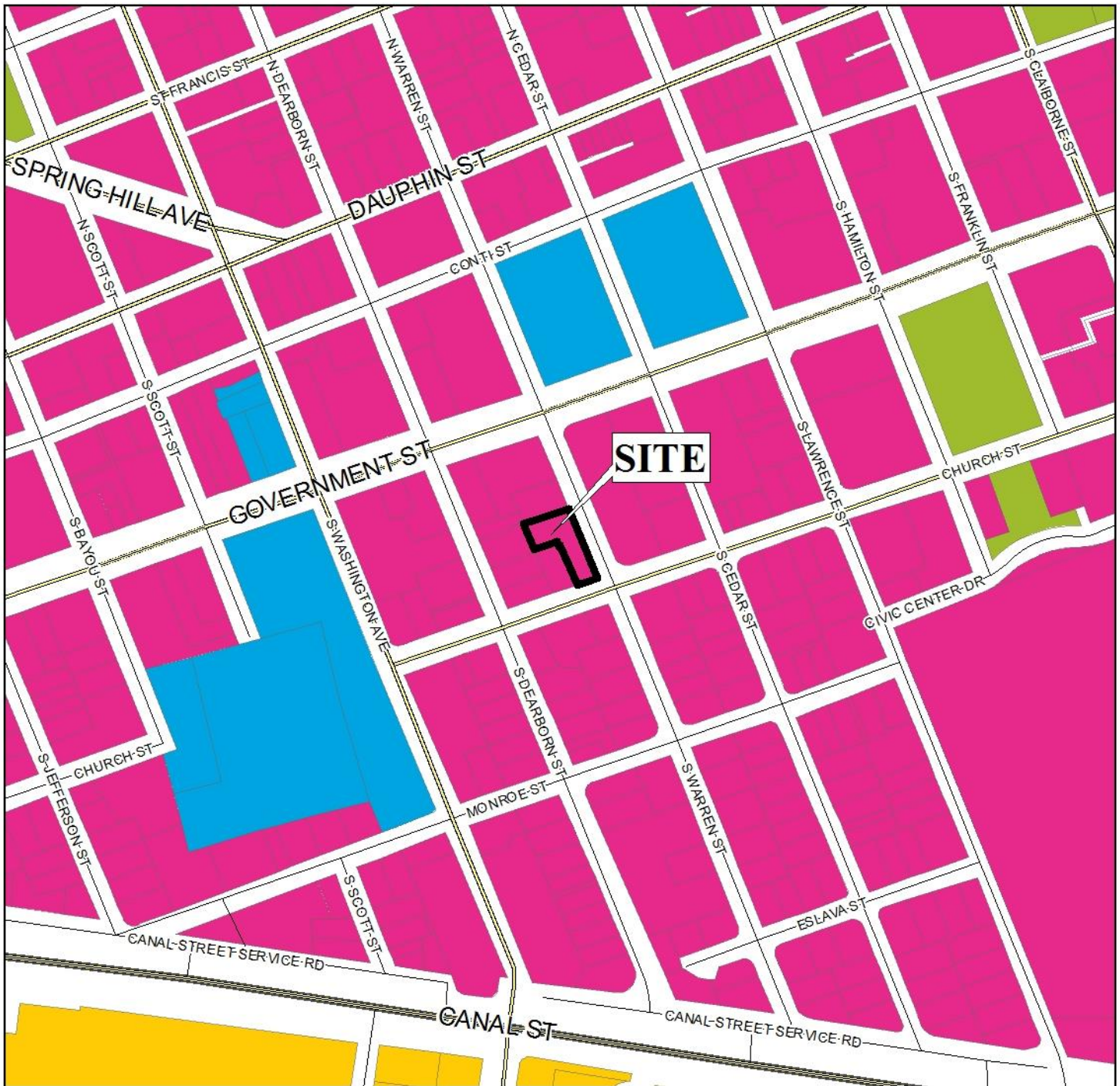
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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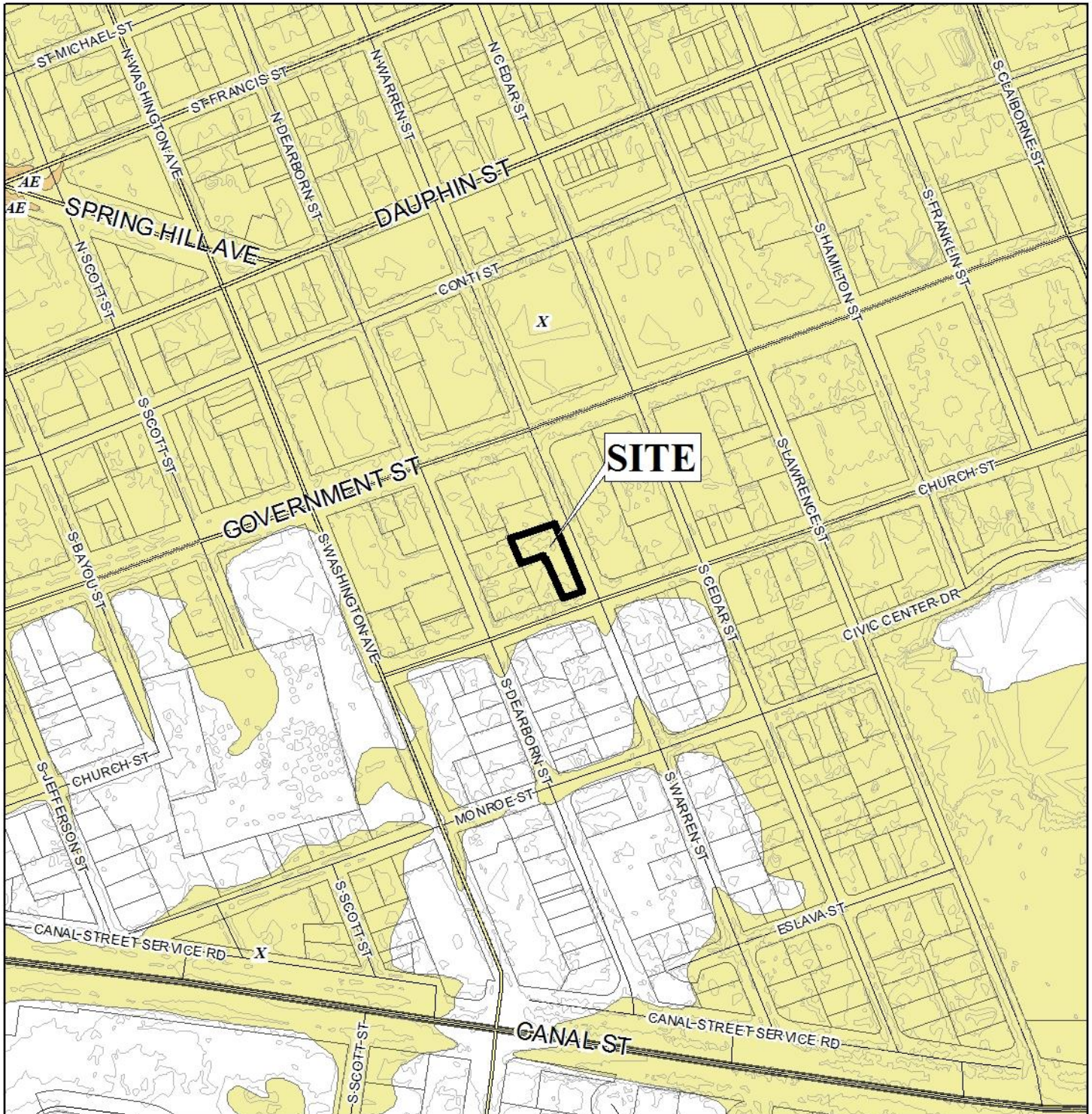
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REQUEST Site Configuration and Building Placement Variances

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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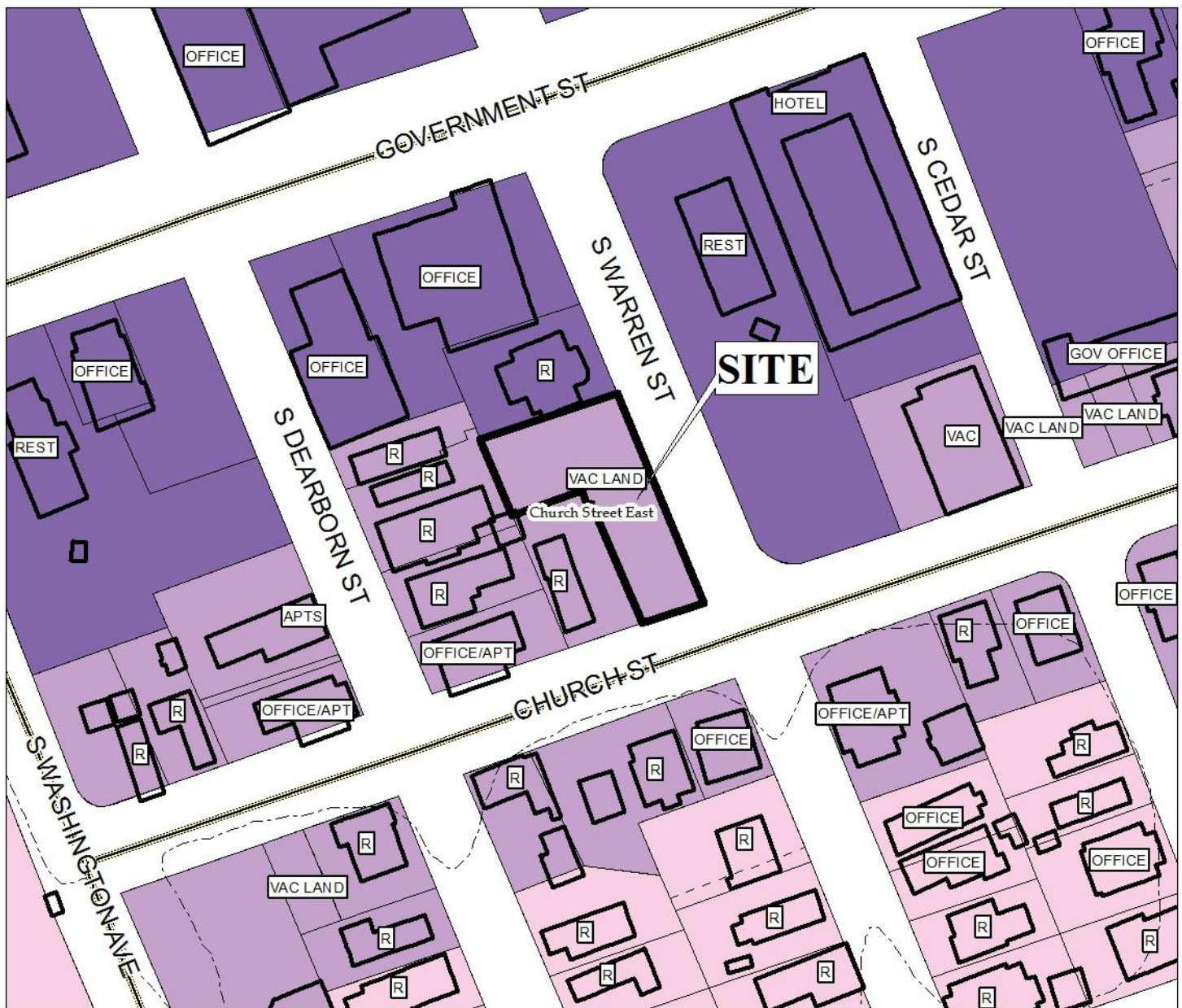
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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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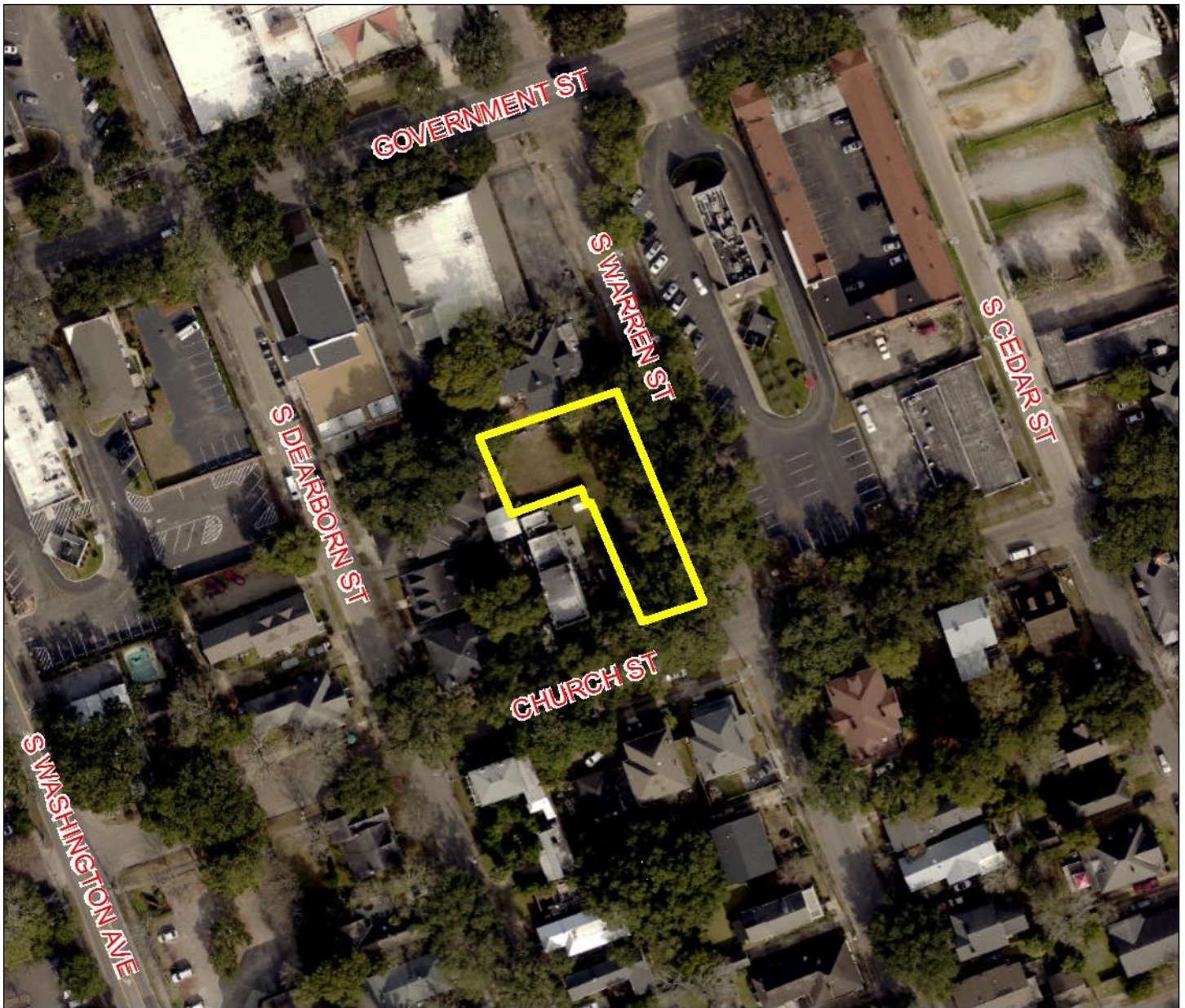
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

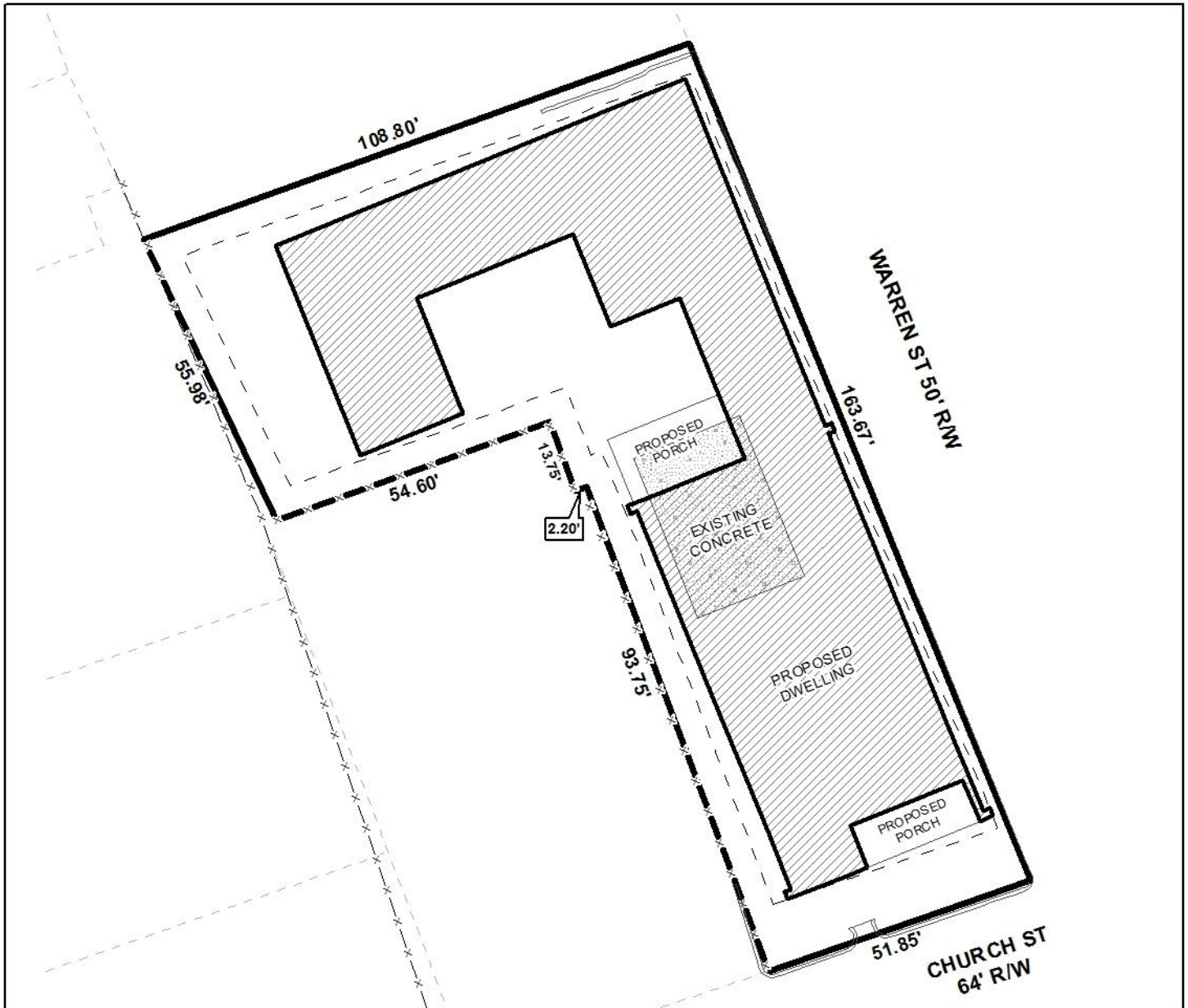


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SITE PLAN



The site plan illustrates the existing concrete slab, the proposed building, setbacks, and fences.

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