

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 2, 2019****CASE NUMBER**

6295/6006/5953

**APPLICANT NAME**

Gray Arnold (Don Williams, Agent)

**LOCATION**

103 North Warren Street  
(Northwest corner of North Warren Street and Saint Michael Street).

**VARIANCE REQUEST**

**SITE:** To allow a covered, partially enclosed terrace, and reduced transparency in an SD-WH, Special District – Warehousing of the Downtown Development District.

**ZONING ORDINANCE  
REQUIREMENT**

**SITE:** The Zoning Ordinance does not allow terraces to be covered or partially enclosed, and requires 20% transparency for new construction along Warren Street in SD-WH, Special District – Warehousing of the Downtown Development District.

**ZONING**

SD-WH, Special District – Warehousing of the Downtown Development District

**AREA OF PROPERTY**

0.24± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING****COMMENTS**

If the proposed variances are approved for use the applicant will need to have the following conditions met:

1. The proposed improvements will require a Land Disturbance Permit be submitted through Central Permitting.
2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

**TRAFFIC ENGINEERING****COMMENTS**

There appear to be two additional curb cuts on the site that would exceed the allowance of the number of curb cuts per the Downtown Development District requirements. Either the driveways need to be removed in their entirety and the curb and grass

replaced, or concrete can be extended to a new curb to match the adjacent curb line elevation removing the appearance of a midblock sidewalk ramp.

## **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.

## **ANALYSIS**

The applicant is requesting Site Variances to allow a covered, partially enclosed terrace, and reduced transparency in an SD-WH, Special District – Warehousing of the Downtown Development District; the Zoning Ordinance does not allow terraces to be covered or partially enclosed, and requires 20% transparency for new construction along Warren Street in SD-WH, Special District – Warehousing of the Downtown Development District.

The site has had two similar variances granted previously, at the March 2, 2015 and October 5, 2015 meetings. These approvals were allowed to expire, and the applicant has made some slight modifications to the proposed frontage, thus resulting in the current application.

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 states:

9. *The existing building formerly housed an automobile repair shop, but has been abandoned for years. The original wood pitched roof caved in and was removed years ago. The existing structural brick exterior walls have been repaired with glass block windows to replace the existing deteriorated wood framed, clear windows. The owner/applicant desires to replace the roof system over the original building, replace three glass block windows with 4-paned clear glass windows, add building footprint for interior bathrooms, add building footprint for two storage areas, add sidewalks (covered and uncovered) and add a raised, concrete, covered, dining terrace. The owner/applicant desires to convert the building into a private venue and brewery.*
10. *Pursuant to a September 12, 2019 Consolidated Review Committee meeting, the owner/applicant desires the Board of Zoning Adjustment to grant the following variances.*
  - a. *Proposed canopy over the proposed dining terrace. We believe the precedent has been set by recently approved construction of a wood canopy over the wood deck for the bar at 352 St. Francis Street and the previously approved construction of a wood canopy over the concrete terrace for the Cheese Cottage at 650 St. Louis Street.*
  - b. *Proposed partial enclosure of the proposed dining terrace. We believe both cited locations from item a. above have set a precedent.*

- c. Proposed reduced transparency of 8% for the proposed storage addition along N. Warren Street. We believe the precedent has been set at the under-construction Temple Lodge residential units at 55 N. Warren Street. Creation of additional street-level transparent windows will serve no purpose if the view inside the building is of storage. We are not creating a retail venue. We believe the openness of the proposed terrace along N. Warren Street will help create a more pedestrian oriented streetscape.*
- d. Although discussed at the CRC meeting, the issue of a second curb cut along St. Michael Street was not noted in the attached review letter. The existing curb cut for the building was the main vehicular entrance to the automobile repair shop. We are replacing that building door with an aluminum storefront pedestrian door system. Consequently, that curb cut will become a sidewalk entrance from St. Michael Street. The owner/ applicant has added the lot to the west and created Arnold Subdivision, with one new vehicular driveway entrance to the site. We see no need to amend the approved subdivision for Arnold Subdivision, which specifies one curb cut along St. Michael Street.*

As the applicant stated, the proposed development was considered by the Consolidated Review Committee (CRC) at the September 12, 2019 meeting, where they were advised of the need for the currently requested variances.

The proposed canopy over the terrace was approved as part of the October 2015 variance, and the applicant now wishes to add some screening elements to the canopy. Given that the canopy has been previously approved, and the screening proposed will have a small impact on the overall development, it may be appropriate to approve that request.

Regarding the transparency request, as the portion of the structure that requires reduced transparency will be utilized for storage, it may be appropriate to approve this request. It should also be noted that reduced transparency was approved as part of the October 2015 variance.

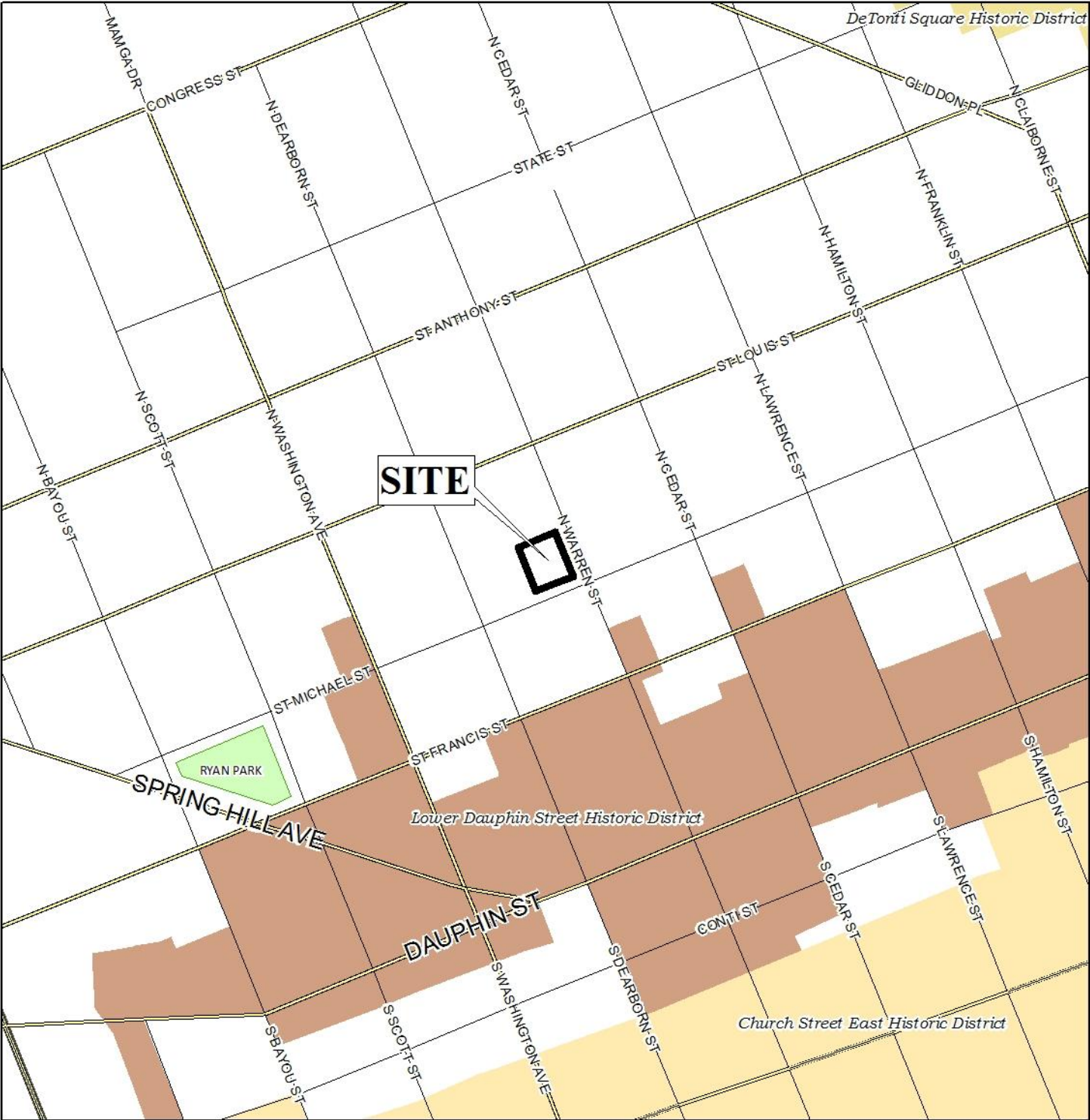
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval of the requests:

- 1) Approving the variance will not be contrary to the public interest due to the fact that the Downtown Development District does not make many allowances for existing structures to be altered;
- 2) Special conditions do exist with this site such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship, by making an existing vacant, blighted structure unusually difficult to be rehabilitated and expanded; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the current requests are similar to requests that have been approved at this site previously.

The Approval is subject to the following conditions:

- 1) Obtaining of all necessary permits; and
- 2) Full compliance with all municipal codes and ordinances.

## LOCATOR MAP



APPLICATION NUMBER 6295 DATE December 2, 2019

APPLICANT Gray Arnold (Don Williams, Agent)

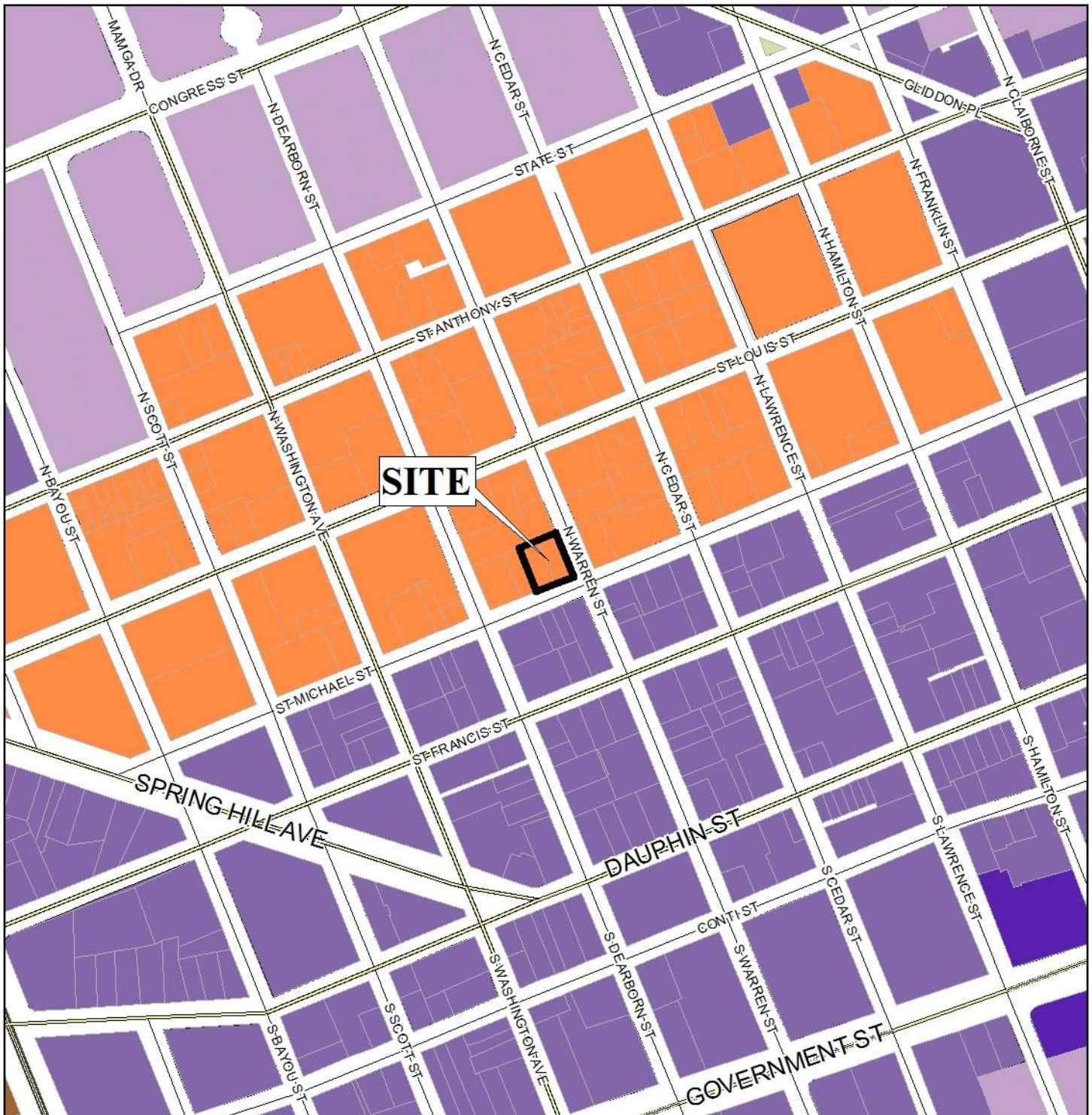
REQUEST \_\_\_\_\_ Site Variances



NTS



# LOCATOR ZONING MAP



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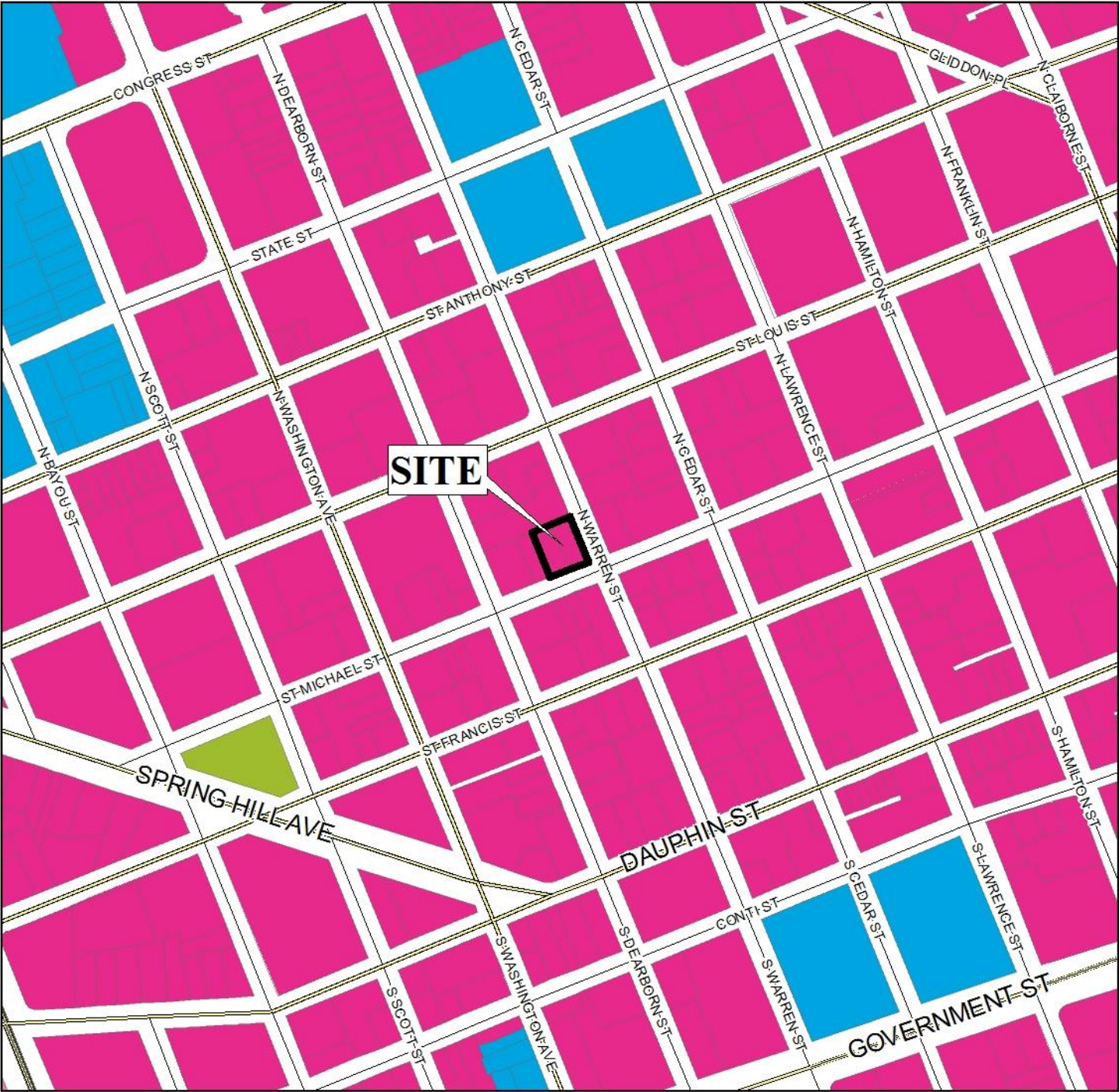
APPLICANT Gray Arnold (Don Williams, Agent)

REQUEST Site Variances





## FLUM LOCATOR MAP



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APPLICANT Gray Arnold (Don Williams, Agent)

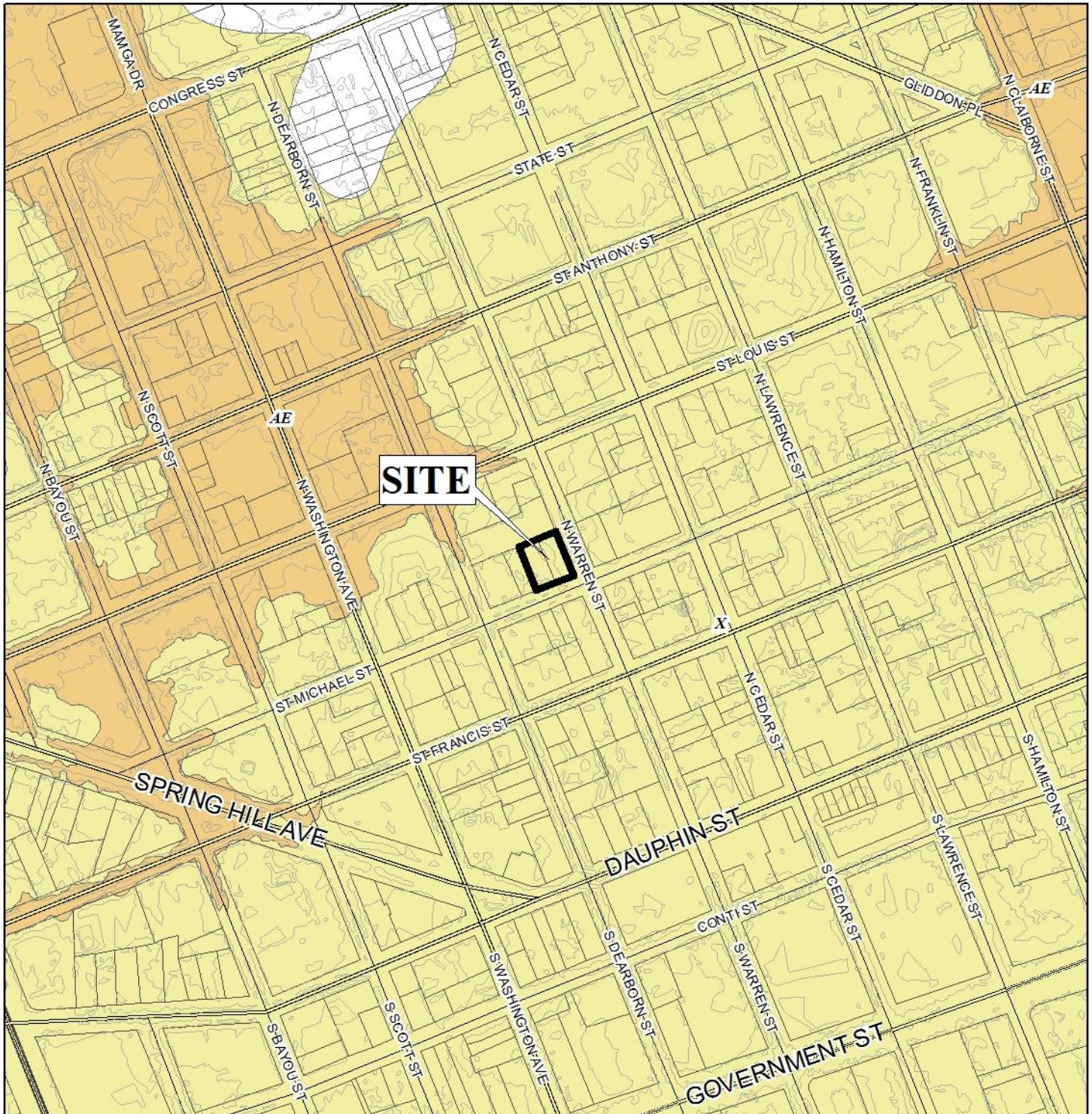
REQUEST \_\_\_\_\_ Site Variances

- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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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REQUEST Site Variances





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Site Variances

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



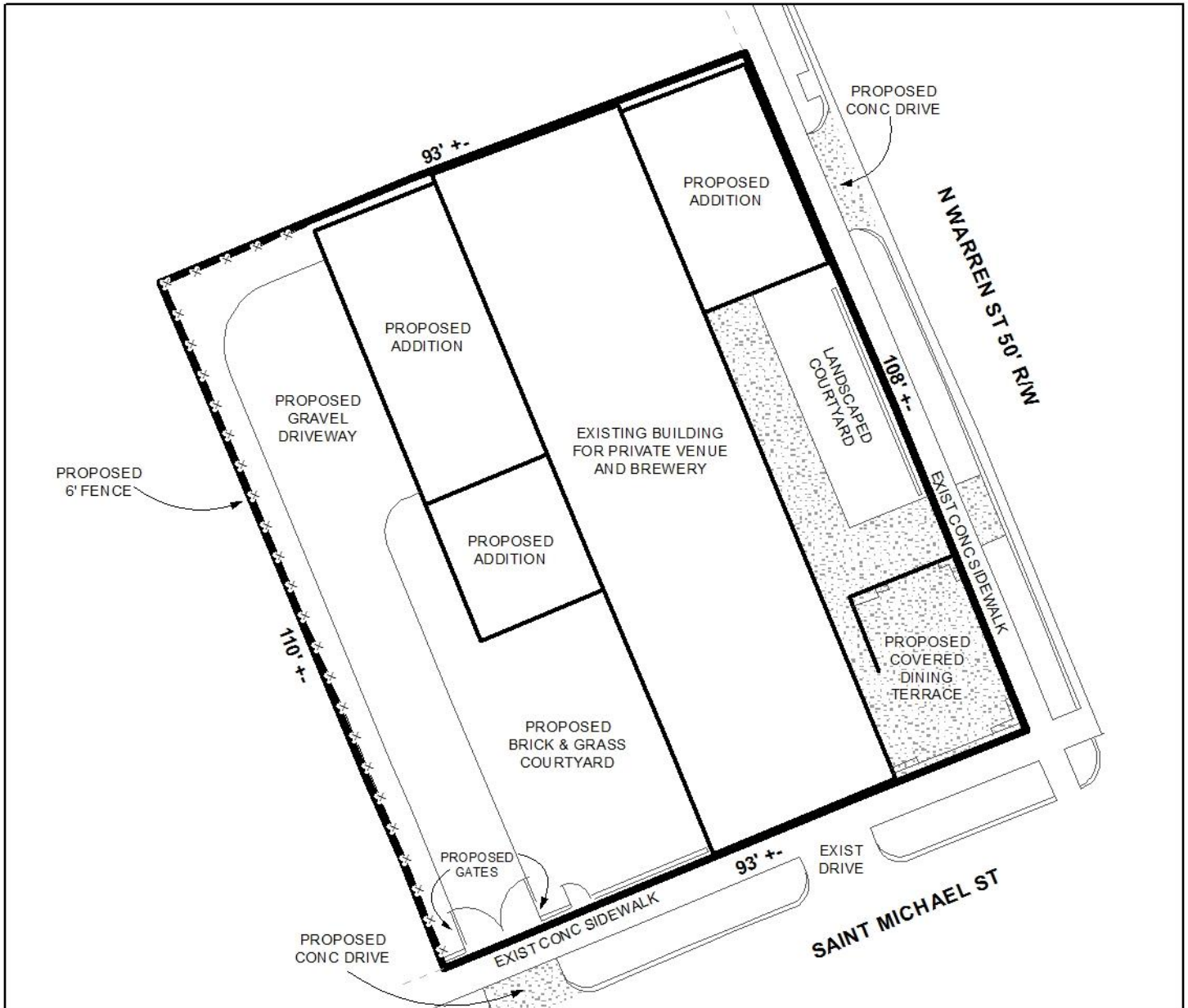
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# SITE PLAN



The site plan illustrates the the proposed building additions, fence and driveways.

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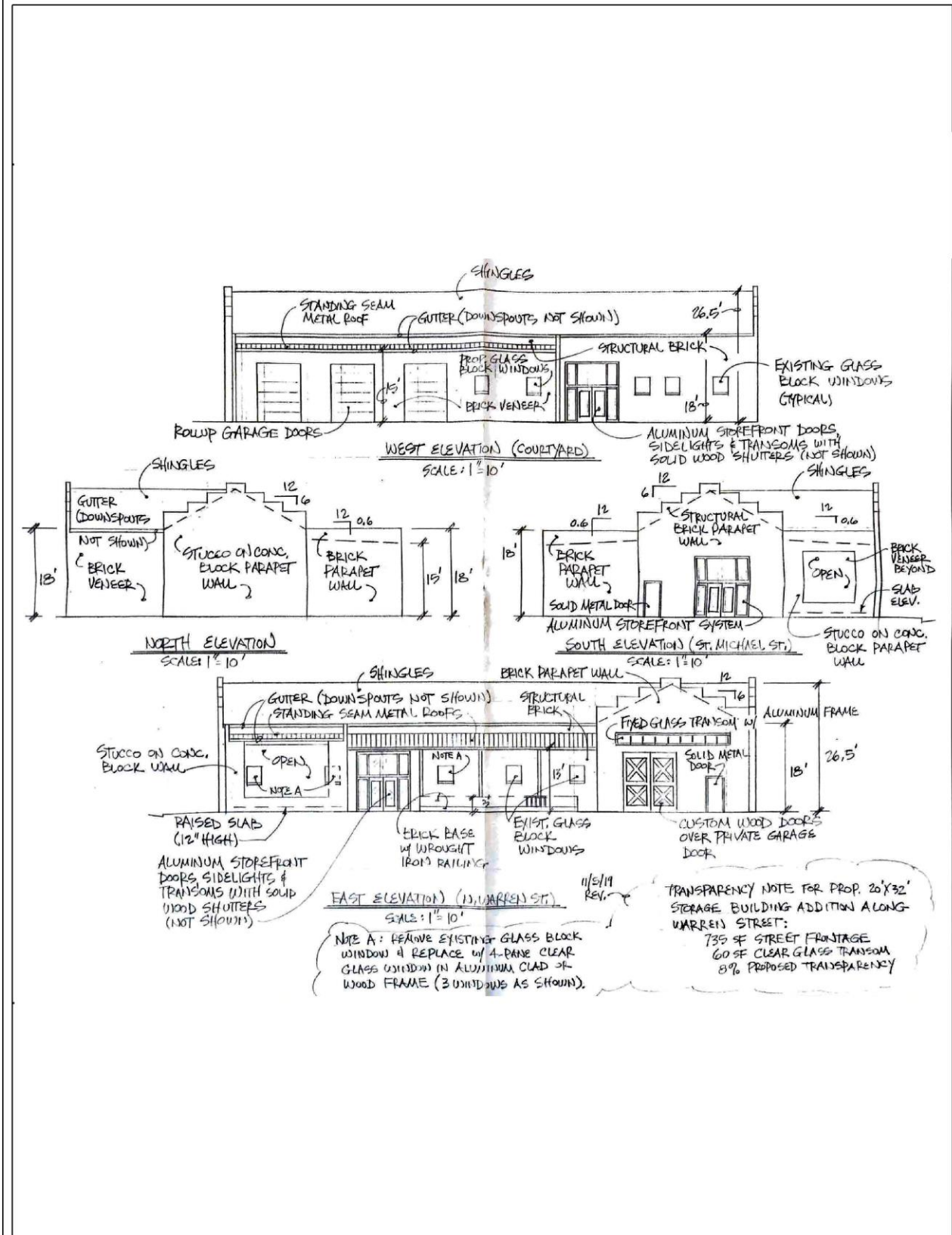
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REQUEST Site Variances



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# DETAIL SITE PLAN



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