

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: February 3, 2020****CASE NUMBER**

6307

**APPLICANT NAME**

Robert Maurin, RA

**LOCATION**

300 St. Louis Street  
(Northwest corner of St. Louis Street and North Jackson Street)

**VARIANCE REQUEST**

**Building Height:** Building Height variance to allow a building to exceed the maximum height allowance in a T-5.1 Sub-District of the Downtown Development District.

**Frontage Type:** Frontage Type variance to allow a building with a gallery frontage type in a T-5.1 Sub-District of the Downtown Development District.

**Column:** Column variance to allow a building with masonry columns in a T-5.1 Sub-District of the Downtown Development District.

**ZONING ORDINANCE  
REQUIREMENT**

**Building Height:** The Zoning Ordinance limits maximum building height at three stories in a T-5.1 Sub-District of the Downtown Development District.

**Frontage Type:** The Zoning Ordinance does not allow a gallery frontage type in a T-5.1 Sub-District of the Downtown Development District.

**Column:** The Zoning Ordinance requires columns to have a base, shaft, and capital in a T-5.1 Sub-District of the Downtown Development District.

**ZONING**

T-5.1 Sub-District

**AREA OF PROPERTY**

18,778 square feet / 0.4+Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING****COMMENTS**

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

1. 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 applicant would need to submit 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.
2. Obtain a ROW Permit from the Engineering Permitting Dept. for any work within the public ROW.

**TRAFFIC ENGINEERING****COMMENTS**

Jackson Street is one-way northbound and as such the proposed columns should not create a line-of-sight concern associate with the street intersection. It is possible line-of-sight could be obstructed for vehicles exiting the site from St Louis Street combined with the on-street parking. The columns could limit the view of oncoming traffic, however the building itself will limit the view of pedestrians on the sidewalk. With limited space that may be available in the right-of-way, the applicant may want to consider lighting under the gallery to illuminate the sidewalk. The may not be sufficient room to install the City standard street light along the gallery.

**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). 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****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 Building Height, Frontage Type, and Column Variances to allow a building to exceed the maximum height allowance, with a gallery frontage type, and masonry columns in a T-5.1 Sub-District of the Downtown Development District; the Zoning Ordinance limits maximum building height at three stories, does not allow a gallery frontage type, and requires columns to have a base, shaft, and capital in a T-5.1 Sub-District of the Downtown Development District.

The applicant proposes to build a new 5-story building, with ground floor retail uses, surface parking (screened by the building), and 31 dwelling units on the upper floors.

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 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.

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 applicant provided the following narrative regarding the request:

*This vacant property is to be developed with a new (5) Story Mixed-Use building positioned along St. Louis Street & N. Jackson Street frontage. Parking, Utility services and garbage will be located "inside" the lot. The building will have commercial space for lease on the ground floor and multifamily residential on the upper (4) floors. A gallery that will run most of the length along St. Louis Street and turn the corner to half of the building along N. Jackson Street. The (4) floors above will have balconies and canopies as shown on building elevations provided.*

**a. Building Height/ Stories Variance:**

*The property location is in T5.1 Zone sub-district of the Downtown Development District (DDD).*

Section 64-3.1.13(b) — Building Specifications for Building Height

*The DDD Zoning Ordinance limits the number of stories in a T5.1 sub-district to (3) Stories. This project is proposed to be a (5) story building in order to maximize space and density. (3) Stories will not provide the density required to make this investment monetarily feasible.*

**b. Gallery Frontage Variance:**

*The property location is in T5.1 Zone sub-district of the Downtown Development District (DDD).*

Section 64-3.1.15. Table 3 - Frontage Type Summary

*The Table in the DDD Zoning Ordinance indicates the allowable frontage types for each sub-district. Gallery type is "prohibited" in sub-district T5.1, but Owner is requesting a variance to allow a gallery along the ground level. A gallery will allow for deeper sidewalk coverage that will facilitate simultaneous outdoor dining and the required pedestrian clearances.*

**c. Gallery Columns Design Criteria Variance:**

*The property location is in T5.1 Zone sub-district of the Downtown Development District (DDD).*

*Section 64-3.1.15(d)7.IV.iii of the Downtown Development District Zoning Ordinance requires that all columns supporting galleries "...shall have a base, shaft and capital." For this new development, masonry columns with arches between, i.e. arcade, is desired.*

The applicant's first request is to allow the construction of a 5-story building, with a justification that a smaller building would not be financially feasible. The Board is empowered to consider economic hardship criteria under the Downtown Development District regulations per Section 64-3.1.6.(d), but only as it relates to the demolition of an existing building to make way for new construction:

*Any applicant denied a demolition permit by operation of this Code may appeal to the board of zoning adjustment (BZA). The BZA may permit the structure to be demolished if it finds the structure is a hazard to the public health and safety due to its condition or that the enforcement of this code presents an unreasonable economic hardship on the owner.*

- (1) This exception for unreasonable economic hardship shall be applicable to owners (or the owner's assignee or lessee) of structures who have expended significant sums of money on development plans involving the demolition of such structures.*
- (2) In determining whether to grant a waiver under this exception, the BZA shall weigh the economic hardship and investment expectations of the owner (or the owner's assignee or lessee) against the potential damage to the structure and of the surrounding built environment in question.*
- (3) The mere purchase of a structure for future development without further development expenditures shall not be classified as an unreasonable economic hardship.*

The Board cannot otherwise consider economics “where economic loss is the sole basis for the application for variance,” per Section 64-8.B.6.(3)(c) of the Zoning Ordinance. Given that the site is an existing surface parking area, the economics-based issues may not be available for consideration.

The T-5.1 Sub-district only allows for a maximum of three (3) stories, per Section 64-3.I.13.(b)(2). The only other building height variance request the Board has considered since the adoption of the Downtown Development District regulations in 2014 was for a proposed 6-story hotel to be located in the Fort Conde area of the Church Street East Historic District, which the Board approved in 2015. This site on St. Louis Street is not within a local historic district, however, it is within the Automobile Alley National Register Historic District. Most of the other buildings located along the St. Louis Street corridor are only one to two stories in height: the exceptions are the old and new federal courthouses, located two blocks east of the site as well as the other commercial buildings further east, and to the west the seven story AT & T equipment building (*fronts St. Michael Street, not St. Louis Street*), the three and a half story Mader Bearing Supply Company (*setback from St. Louis Street*), the two-and-a-half story St. Louis Street Baptist Church, and the eleven-story Tower on Ryan Park (*fronts St. Michael Street, not St. Louis Street*).

The applicant’s second request is to allow for a “Gallery” frontage for the site. Table 3, Section 64-3.I.15., as well as Section 64-3.I.15.(d)(7) state that Gallery frontages are allowed in T-5.1, T-5.2 and T-6 Sub-districts, therefore this variance request for frontage type is not required.

The last request is for a variance from the Gallery column design requirements listed in Section 64-3.I.15.(d)(7)IV., specifically item iii. The design requirements are:

- i. Columns shall be centered on the spandrel beam.*
- ii. Columns shall be round metal and have a diameter of three (3) inches minimum to six (6) inches maximum.*
- iii. Columns shall have a base, shaft and capital.*
- iv. Columns shall be located a minimum of seven (7) feet from the facade.*

In this case, the applicant is proposing a masonry arcade, with plain masonry columns connected by masonry arches. Finished masonry (brick, stone or stucco) is an allowed building material within the Downtown Development District, however, for Galleries, the requirements are that the columns be metal, and that the structure be, generally, “lightweight” – hence the dimensional and material requirements in the regulations. Both a lightweight gallery and a masonry arcade would be architecturally atypical for St. Louis Street, as most of the other buildings along the corridor making up the Automotive Alley National Register Historic District were built after 1904 (*with a majority built after 1917*), and are without galleries or arcades.

The ground floor of the building is identified by the applicant as a “Gallery,” but the applicant notes that upper floors will have “balconies.” Section 63-3.I.15.(b)(1) limits balconies to a projection from the façade of three feet, however, as designed, the balconies appear to project approximately seven feet, and are additionally supported by a column, rather than by brackets or cantilevered. If they are instead supposed to be “galleries,” then according to Section 63-3.I.15.(d)(7)iii., they must span across at least eighty (80) percent of the façade, without gaps: while the ground floor arcade appears to meet the eighty (80) percent without gaps criteria, the upper floors do not.

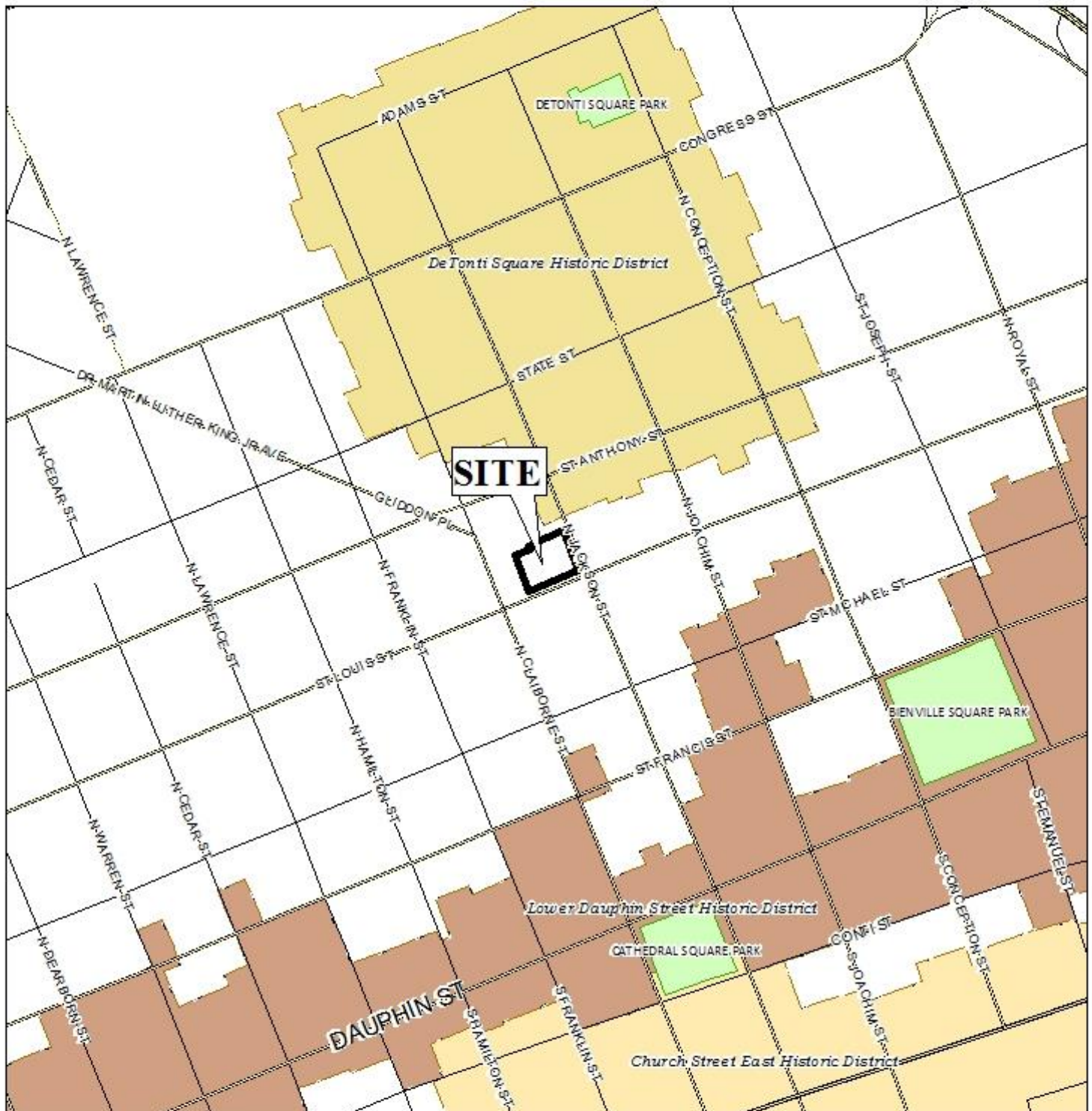
Section 63-3.I.15.(a)(6) requires that “*where buildings have multiple frontages or multiple buildings are on one (1) property, similar frontage types should be selected for all frontages.*” Thus if a “Gallery” frontage is proposed for St. Louis Street, then a similar frontage type must be applied along the Jackson Street frontage.

Thus it appears that additional variances beyond those requested as part of this application may be necessary. It is recommended that the applicant provide a more detailed set of building elevations, details, transparency calculations (by floor, on each facade), and plans (all with identified dimensions or graphic scale for scaling) for staff review prior to amending the variance application at hand. Once staff has identified all possible variance requests, the application can be amended and new public notices issued and published prior to review by the Board.

**RECOMMENDATION:** Based on the preceding, staff recommends to the Board that the requests be heldover so that the following can be submitted as an Adobe PDF electronic file and hard copy by February 7<sup>th</sup>, so that it may be considered at the Board’s next meeting on March 2<sup>nd</sup>:

- 1) Revised plans, elevations, details and transparency calculations can be submitted to staff for review so that all possible variance requests can be identified;
- 2) All revised drawings should have a graphic scale or be dimensioned; and
- 3) Any other revised narrative or other information that further illustrates the design of the building as it relates to the requirements of the Downtown Development District.

# LOCATOR MAP



APPLICATION NUMBER 6307 DATE February 3, 2020

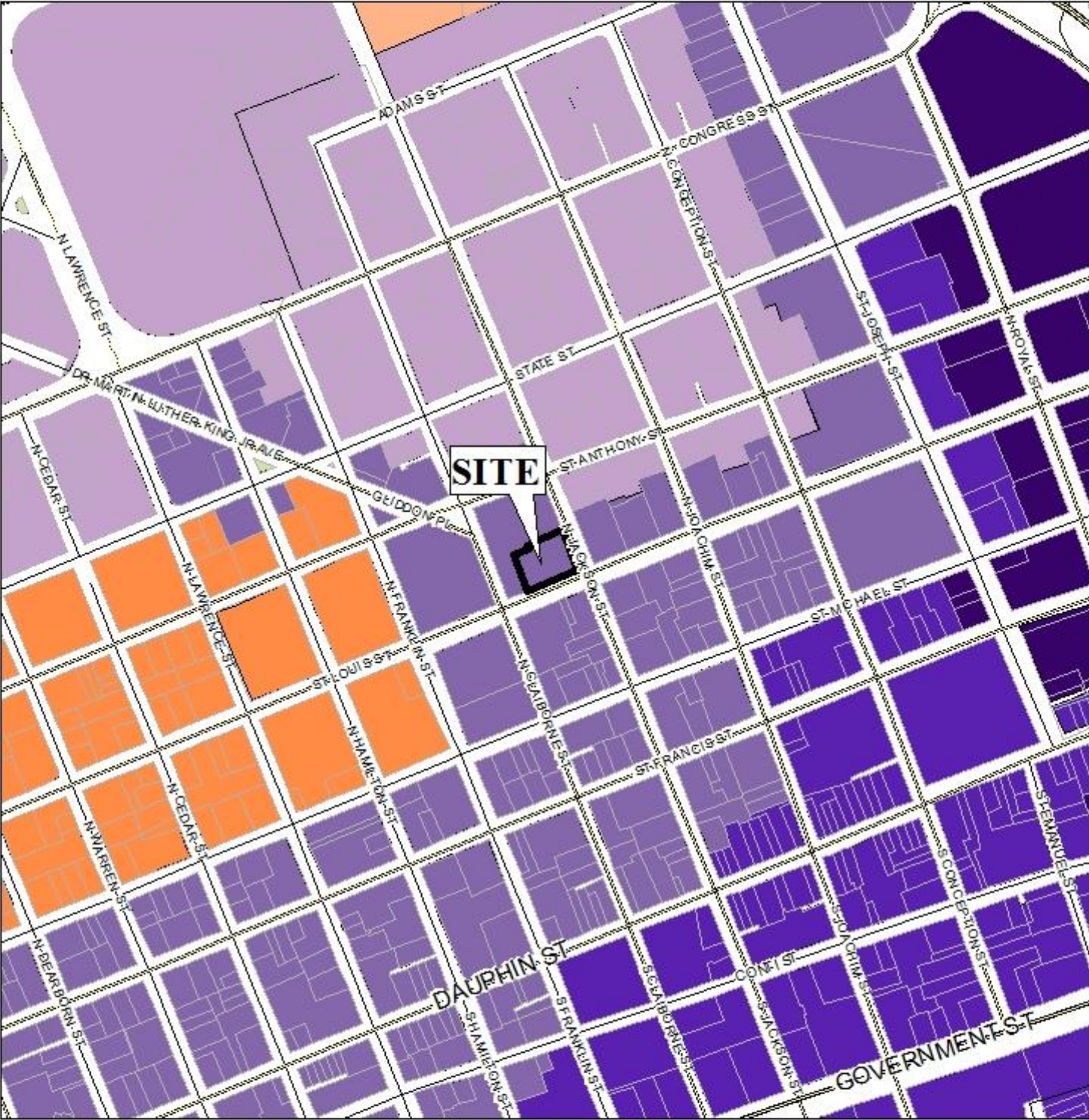
APPLICANT Robert Maurin, RA

REQUEST Building Height, Frontage Type, and Column Variances





## LOCATOR ZONING MAP



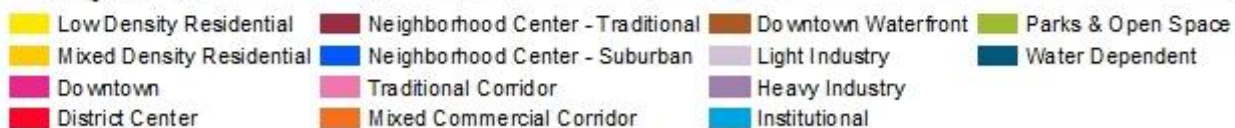
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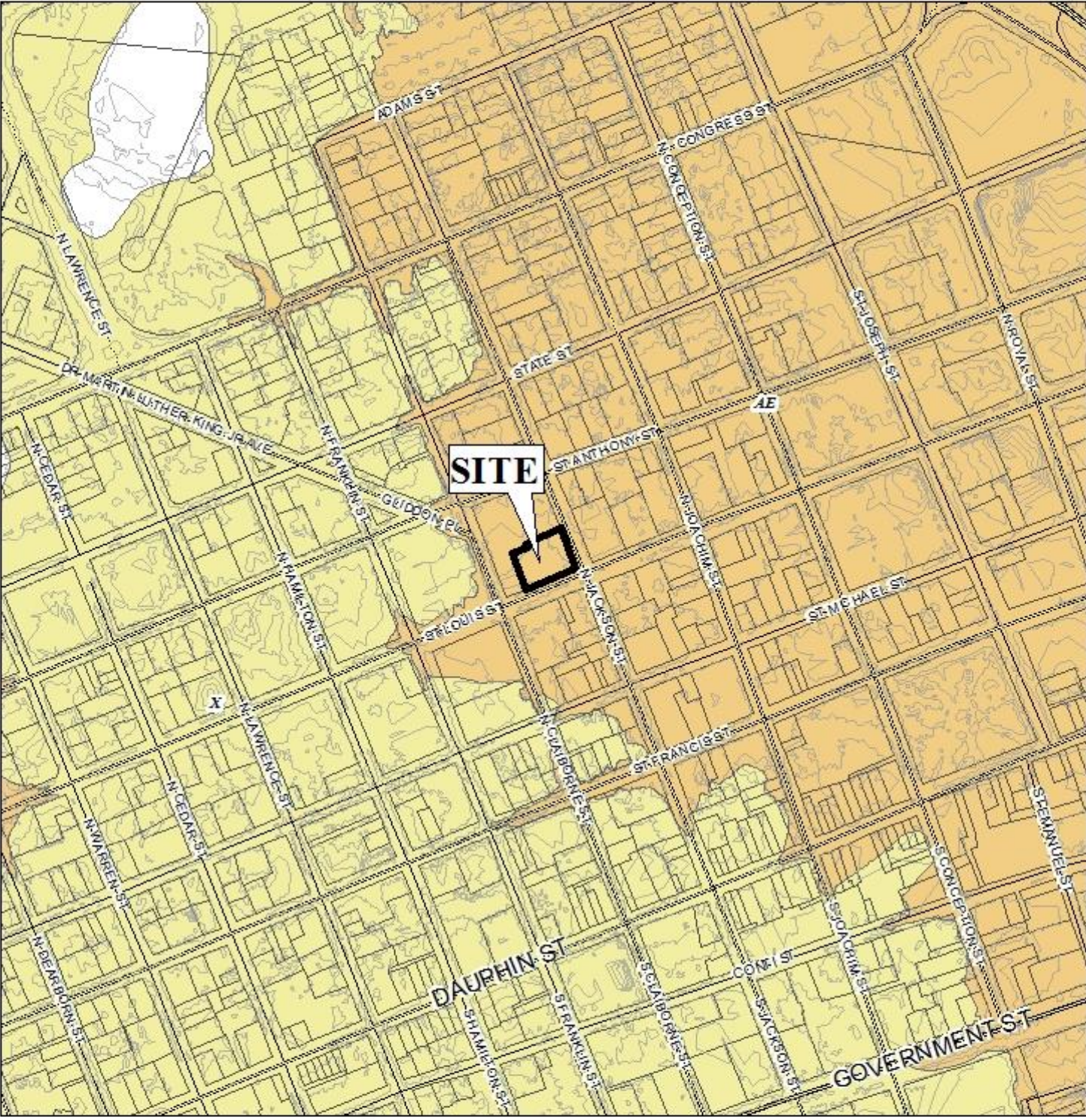


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## ENVIRONMENTAL LOCATOR MAP



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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Building Height, Frontage Type, and Column Variances

<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: blue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
<span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-B	<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OPEN	<span style="background-color: lightpink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T3	<span style="background-color: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.2
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2	<span style="background-color: peachpuff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> H-B	<span style="background-color: magenta; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> LB-2	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-4	<span style="background-color: gray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T4	<span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER 6307 DATE February 3, 2020

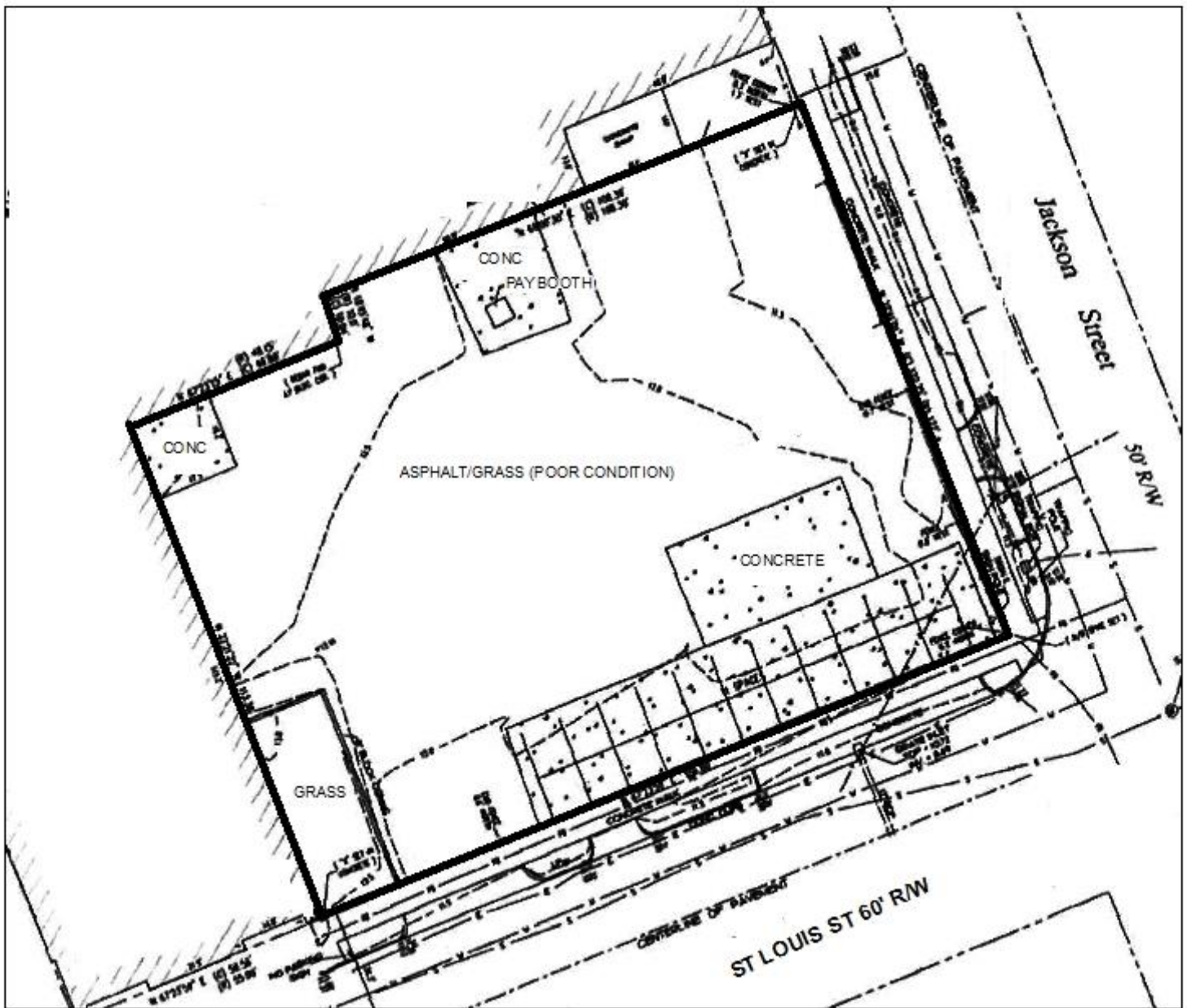
APPLICANT Robert Maurin, RA

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# SITE PLAN



The site plan illustrates the existing site in its current condition.

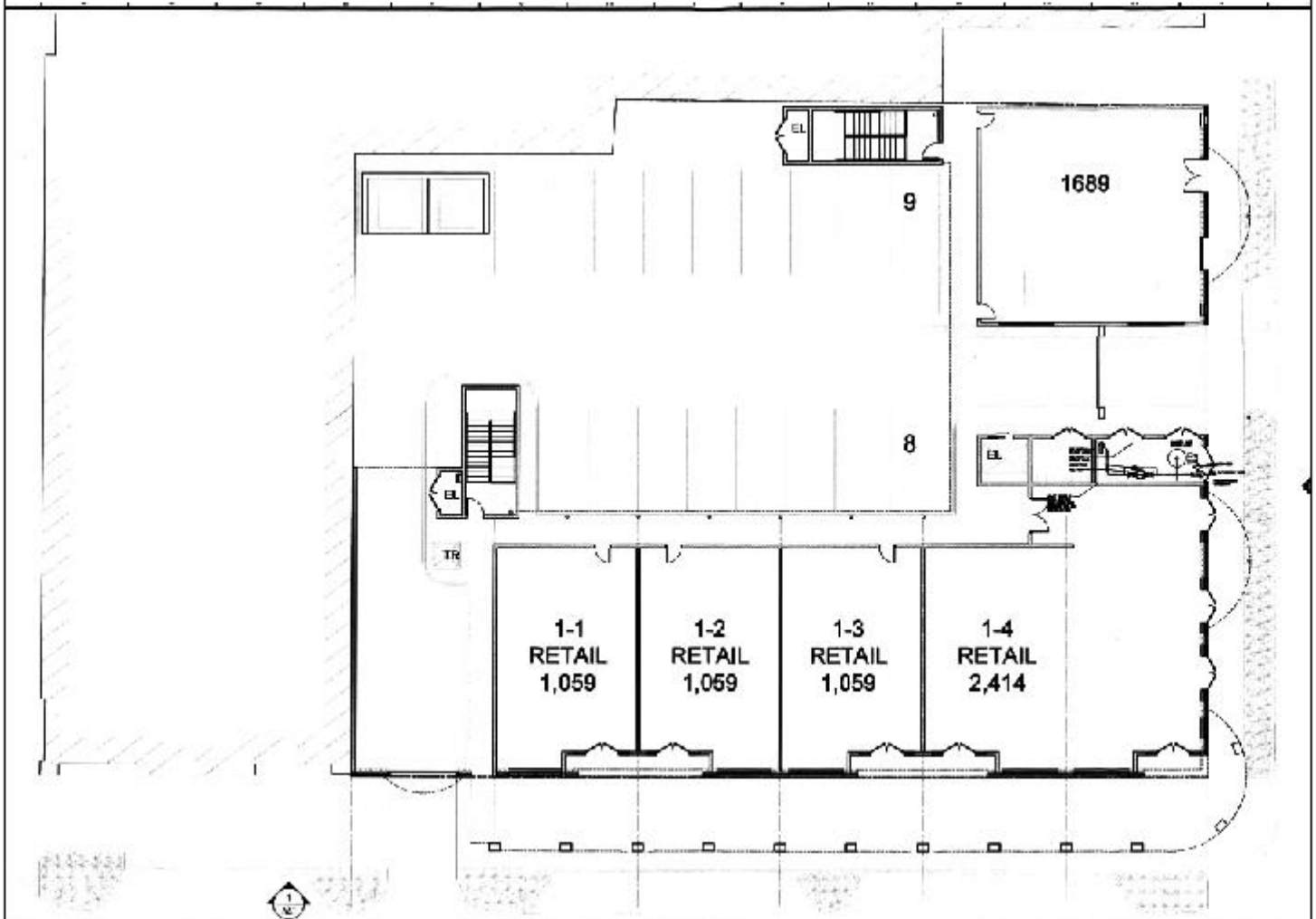
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# DETAIL SITE PLAN



PROPOSED PLAN - GROUND FLOOR

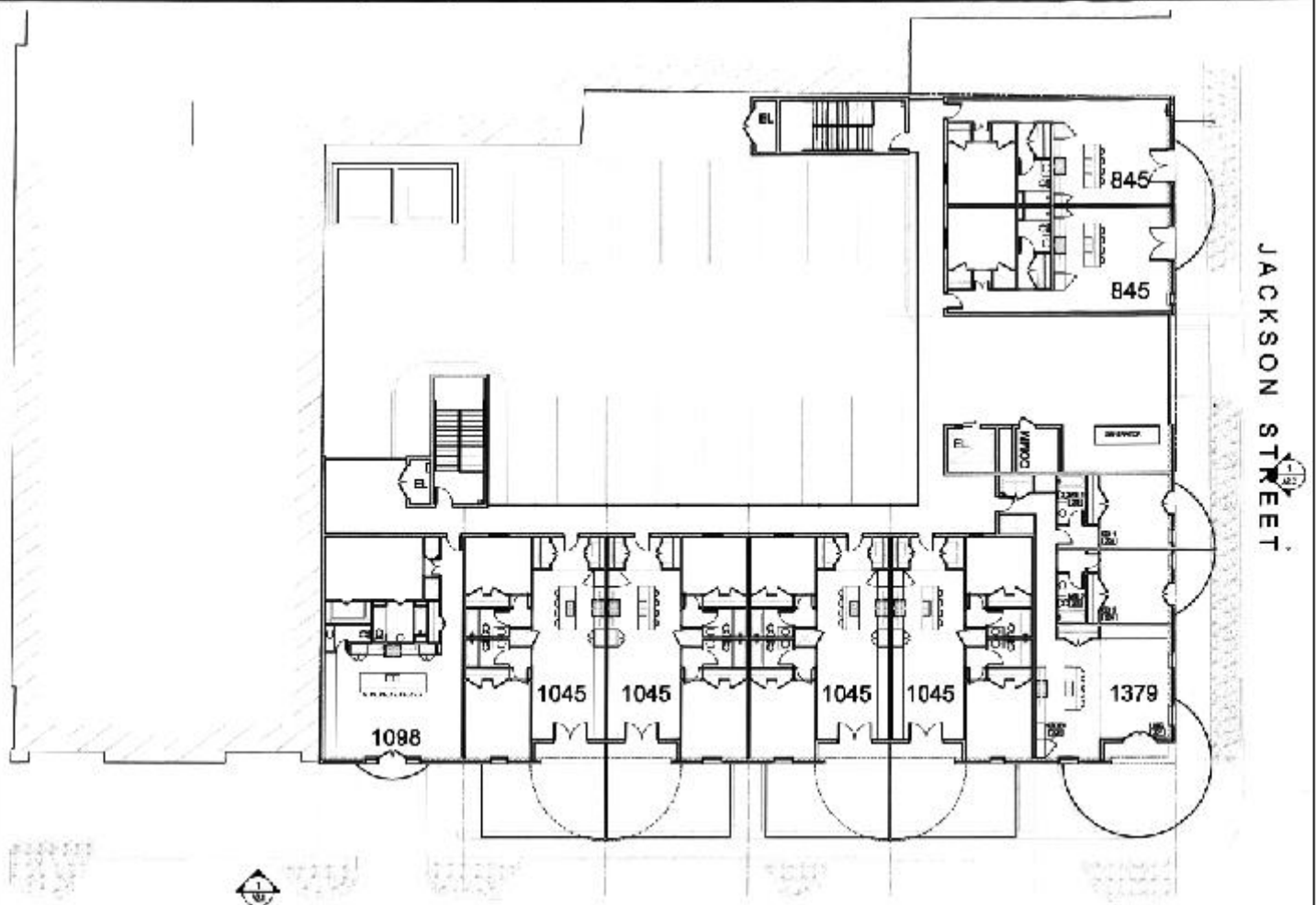
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# DETAIL SITE PLAN



PROPOSED PLAN - SECOND FLOOR

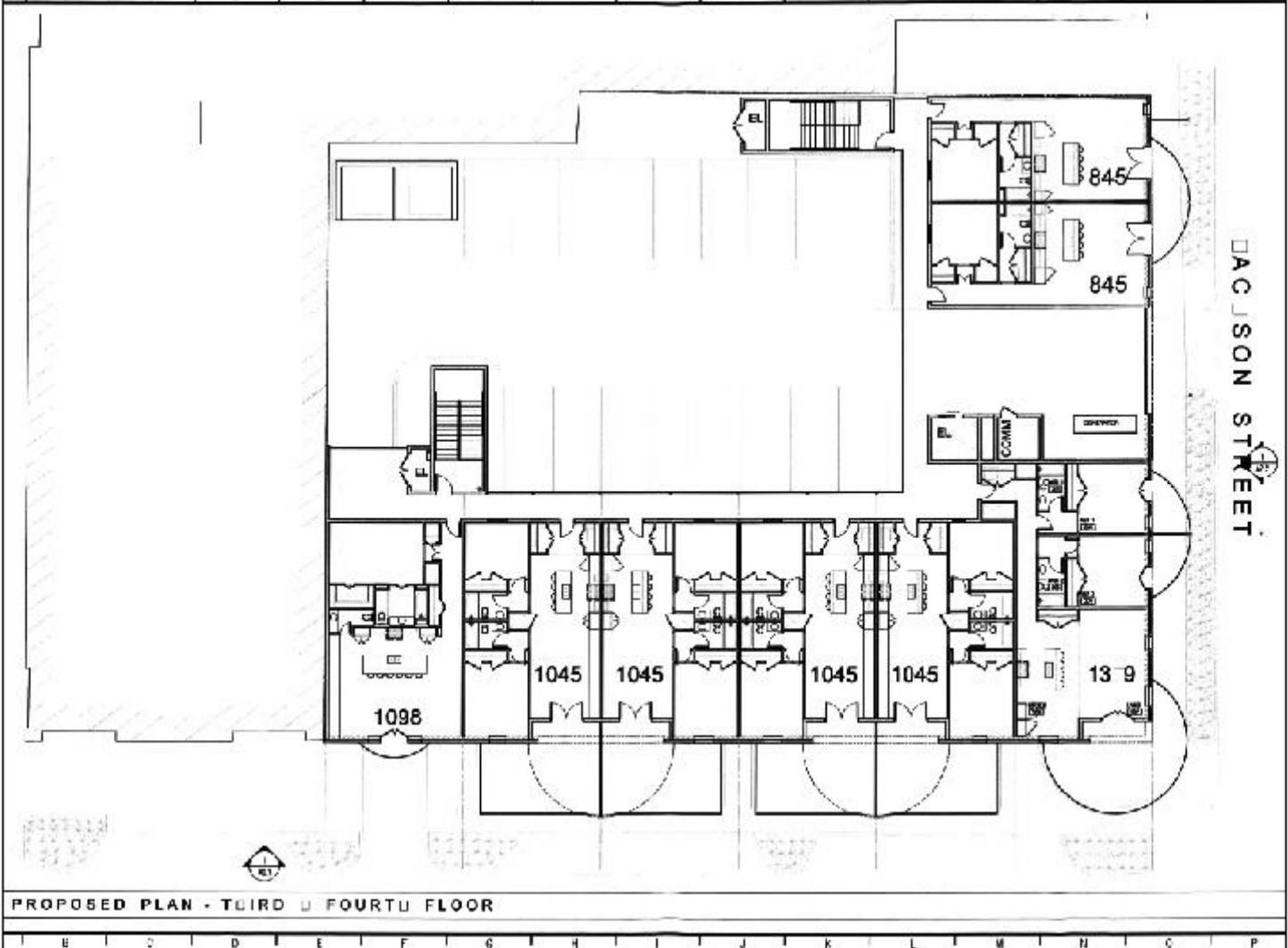
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REQUEST Building Height, Frontage Type, and Column Variances



# DETAIL SITE PLAN

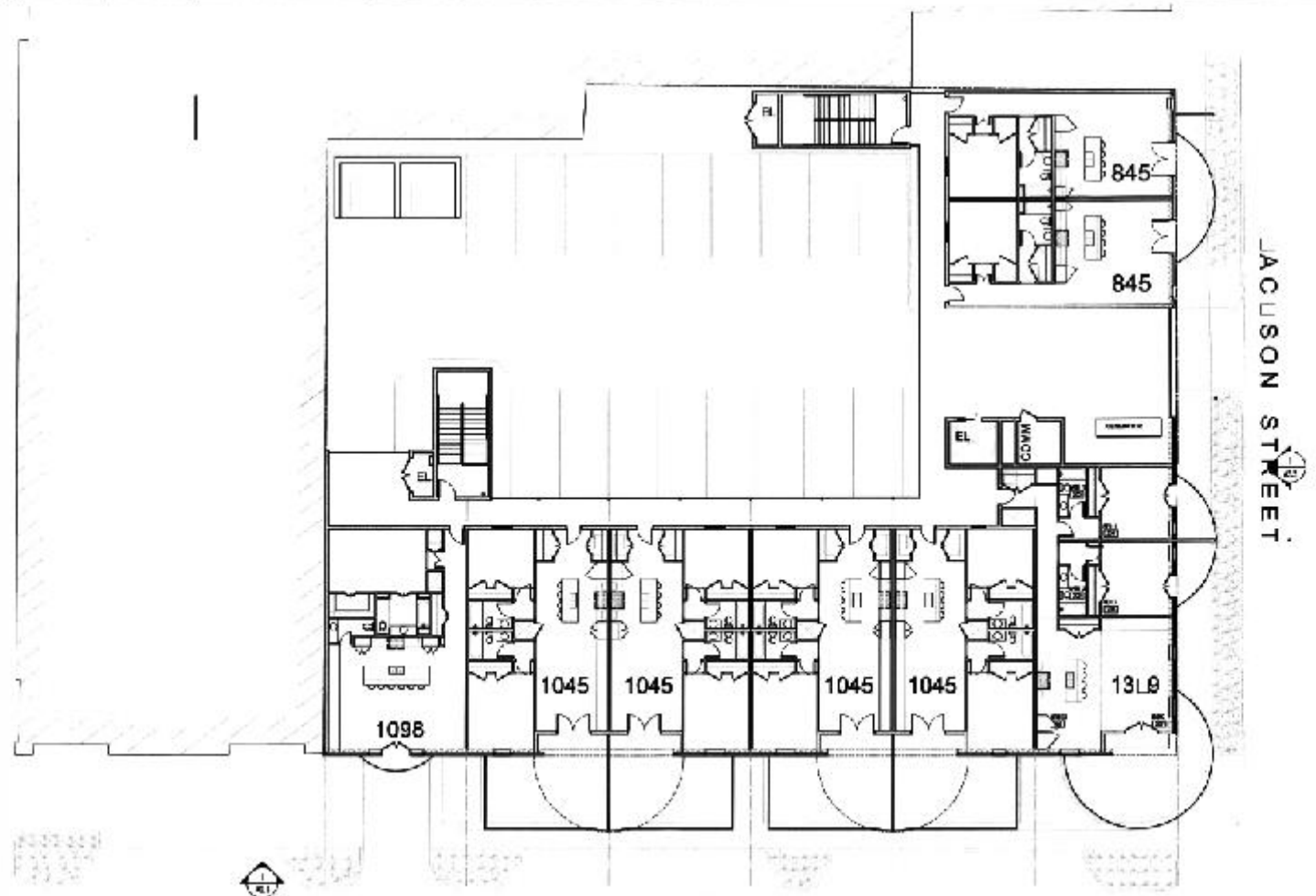


APPLICATION NUMBER 6307 DATE February 3, 2020  
APPLICANT Robert Maurin, RA  
REQUEST Building Height, Frontage Type, and Column Variances





# DETAIL SITE PLAN



PROPOSED PLAN - FIFTH FLOOR

B C D E F G H I J K L M N O P

APPLICATION NUMBER 6307 DATE February 3, 2020

APPLICANT Robert Maurin, RA

REQUEST Building Height, Frontage Type, and Column Variances



# DETAIL SITE PLAN



ELEVATION - EAST

APPLICATION NUMBER 6307 DATE February 3, 2020  
APPLICANT Robert Maurin, RA  
REQUEST Building Height, Frontage Type, and Column Variances



# DETAIL SITE PLAN



ELEVATION - SOUTH

APPLICATION NUMBER 6307 DATE February 3, 2020  
APPLICANT Robert Maurin, RA  
REQUEST Building Height, Frontage Type, and Column Variances



