

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 7, 2019****CASE NUMBER**

6285

APPLICANT NAME

Main Street Mobile, LLC

North side of Dauphin Street, 167'± East of North Broad Street.

VARIANCE REQUEST**FRONT SETBACK:** To allow an increased front yard setback in a T-5.1 Sub-District of the Downtown Development District.**FRONTAGE TYPE:** To allow a lawn frontage type in a T-5.1 Sub-District of the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****FRONT SETBACK:** The Zoning Ordinance requires a maximum front setback of 12' in a T-5.1 Sub-District of the Downtown Development District.**FRONTAGE TYPE:** The Zoning Ordinance prohibits a lawn frontage type 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

0.14± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

ANALYSIS

The applicant is requesting Front Setback and Frontage Type Variances to allow an increased front yard setback with a lawn frontage type in a T-5.1, Sub-District of the Downtown Development District; the Zoning Ordinance requires a maximum front setback of 12' and prohibits a lawn frontage type 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 single-family dwelling on a vacant site within a T5.1 Sub-District of the Downtown Development District (DDD). A 16' front setback is proposed, but a maximum 12' front setback is allowed in T5.1 Sub-Districts. The applicant also proposes a lawn type frontage, but lawn type frontages are not allowed in T5.1 Sub-Districts. Hence the requests presented. It should be noted that the subject site is a metes-and-bounds legal description, but the applicant has a pending one-lot subdivision application (Gaines Place Subdivision, SUB-001066-2019) to create a legal lot of record, scheduled to be heard at the Planning Commission's October 17th meeting. Should these variance requests be approved, the approval should be conditioned upon the approval of the one-lot subdivision request.

The proposed development was on the Consolidated Review Committee's (CRC) September 12th agenda at which time it was determined that the variances under review and the one-lot subdivision would be required. It was also determined that the proposed development would be in keeping with the residential structures to the East of the subject site, and that the building as designed, meets the architectural requirements of the DDD regulations relative to materials and window transparency percentages. The site is adjacent to but not within a historic district; therefore, no Architectural Review Board approval is required.

The applicant states:

Main Street Mobile, Inc. owns the site, 854 Dauphin Street, and we are selling the site to the next door neighbor who proposes to construct a single-family house. The house is in the style of a Charleston side yard and will have 2 bedrooms and 2 baths.

The T5.1 zoning sub district is a mixed-use, sub-district of medium intensity. The sub-district prescribes two-story building forms similar to those seen up and down the Lower Dauphin Street Historic District. This preferred building form and density is the correct bulk zoning for the neighborhood and the street. However, this specific site has nuance to it that warrants a building form of lesser intensity such as the proposed single-family house. 854 Dauphin Street had a historic single-family house, and the investor/builder owns the three adjacent, historic single-family houses next to it. Additionally, there is a suburban drive through fast food restaurant on the other side. So, if they were to follow the prescribed building form of a T5.1 district, the zero lot line building would not connect on either side to another building and would be out of character with the existing historic structures.

Therefore, we respectfully ask that you grant the site variance due to the forms and styles of the adjacent properties.

Construction will begin in less than 6 months from the approval of the zoning variance.

With regard to the requested 16' front yard setback, a review of the Downtown Development District regulations Table 1, Site Configuration, establishes the 12' maximum front building setback for primary structures within T5.1 Sub-Districts. However, somewhat obscure is a footnote reference beside that standard setback which states "May match setbacks of adjacent buildings (along the same street frontage) where they differ from the standard." As the adjacent structure to the East measures to be 16' from the front property line, the proposed 16' front

setback for the proposed dwelling would be compliant with the regulations and staff has determined that the need for the requested Front Setback Variance would be a moot point.

With regard to the Frontage Type Variance request, the various frontage types allowed in T5 Sub-Districts for new construction are categorized as Terrace, Stoop, Common Entry, Pedestrian Forecourt, Gallery and Shopfront. All are intended primarily for a closely-massed build-out with an 80% minimum frontage build-out requirement in T5.1 Sub-Districts, and a 100% frontage build-out requirement in T5.2 Sub-Districts. As the subject site is not located within a typically built-out area of the DDD, the requirement to adhere to the frontage type build-out standards would seem to impose an unnecessary hardship to the applicant, especially in light of the fact that the proposed structure is to be a single-family dwelling, architecturally harmonious with the three dwellings immediately to the East.

Although not specifically requested, relief from the 80% new construction frontage build-out requirement in a T5.1 Sub-District should be encompassed in relief from the normally-required frontage type. In summary, 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, thus the Board should consider approving the Frontage Type Variance request.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of the **Frontage Type Variance** request:

- 1) The variance will not be contrary to the public interest in that the proposed lawn type frontage will complement the existing single-family dwelling frontage types of 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 requiring the frontage type to fully comply with the Downtown Development District regulations may disrupt the character of the area 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 adjacent single-family dwellings.

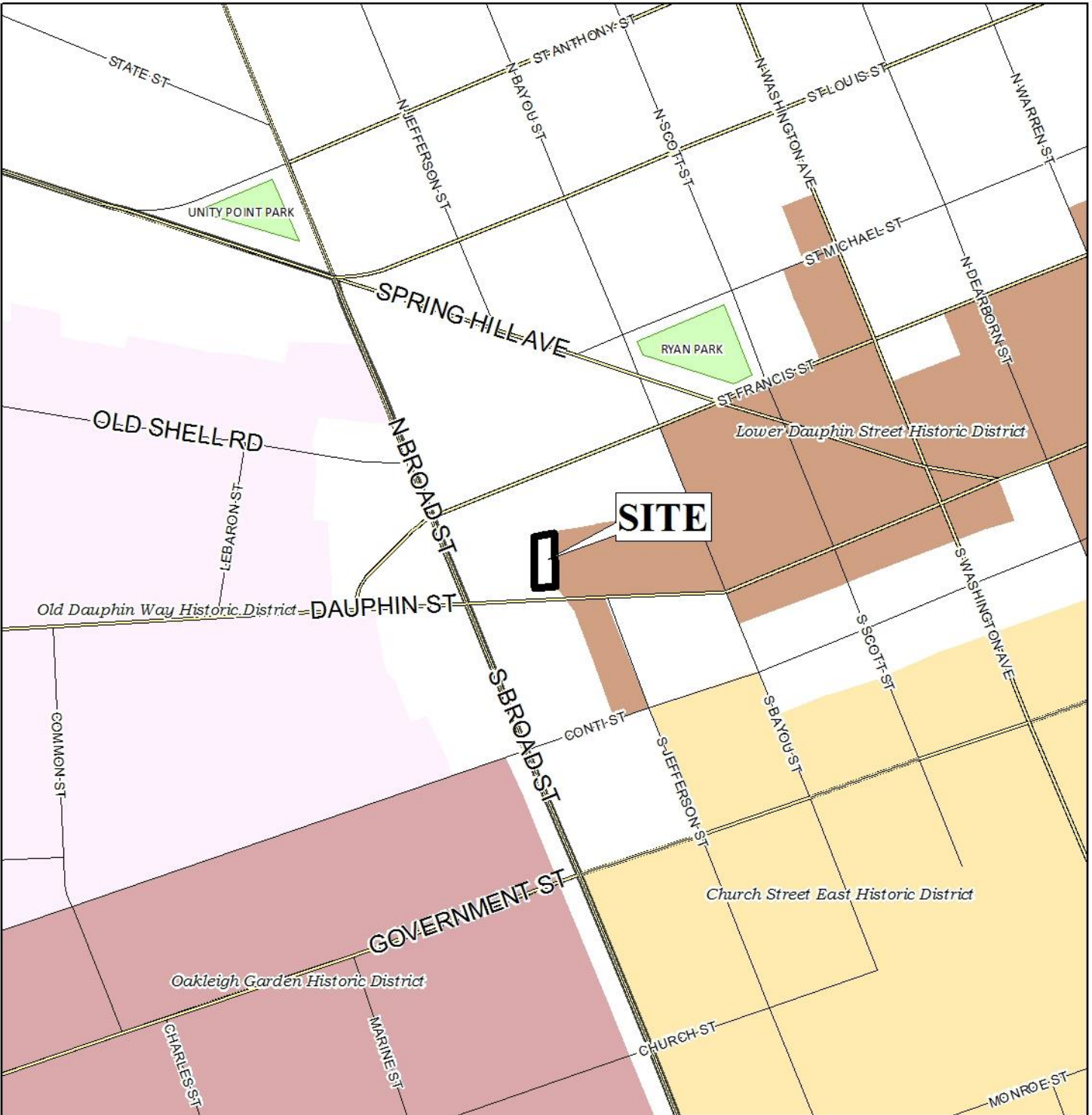
The Approval is subject to the following conditions:

- 1) completion of the Subdivision process;
- 2) obtaining of all necessary permits; and
- 3) full compliance with all municipal codes and ordinances.

Staff has determined that the **Front Setback Variance** request is not required since the proposed 16' setback is in compliance with the Downtown Development District allowance that setbacks

may match setbacks of adjacent buildings (along the same street frontage) where they differ from the standard.

LOCATOR MAP



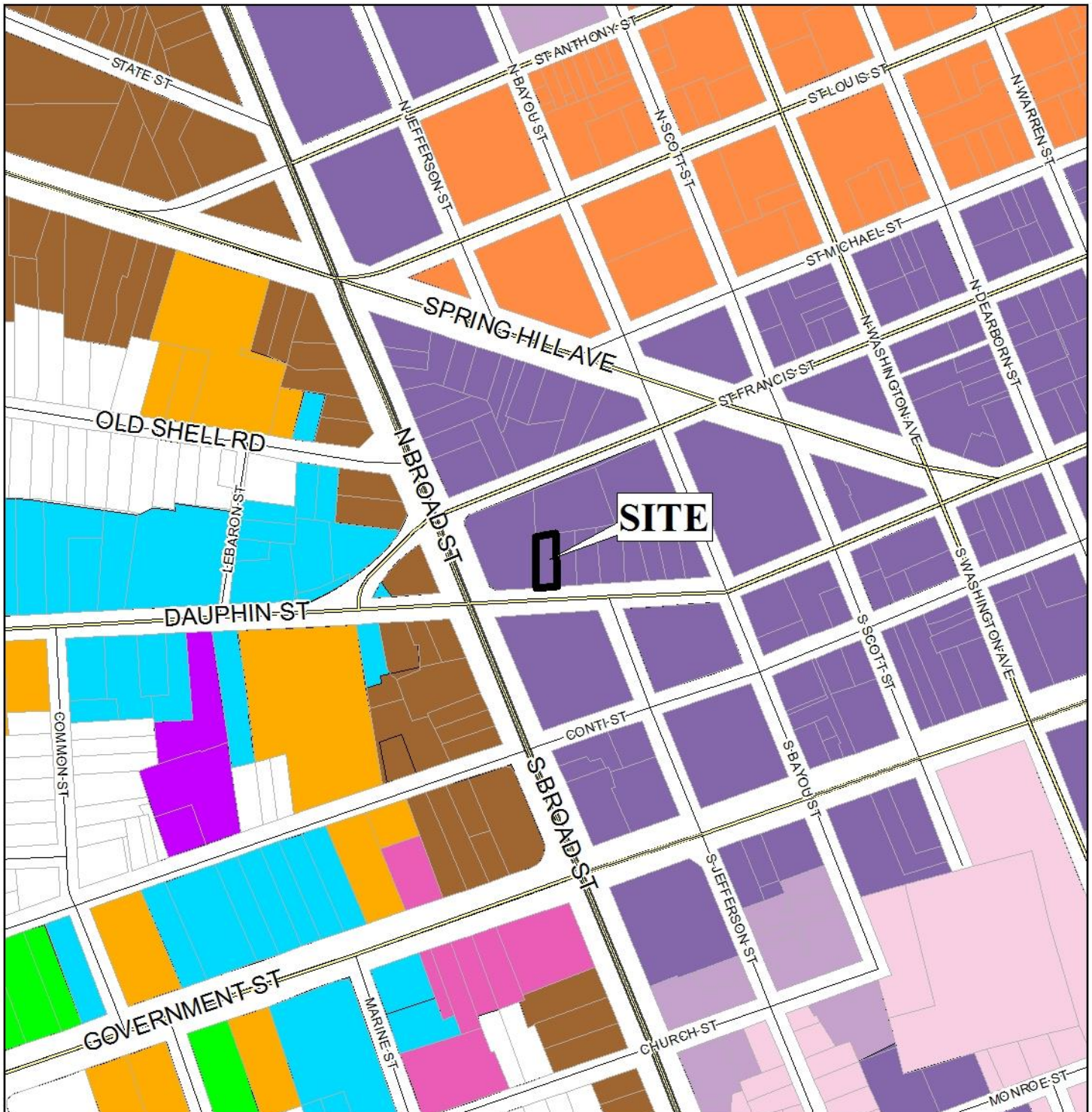
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APPLICANT Main Street Mobile, LLC

REQUEST Front Setback and Frontage Type Variances

NTS

LOCATOR ZONING MAP



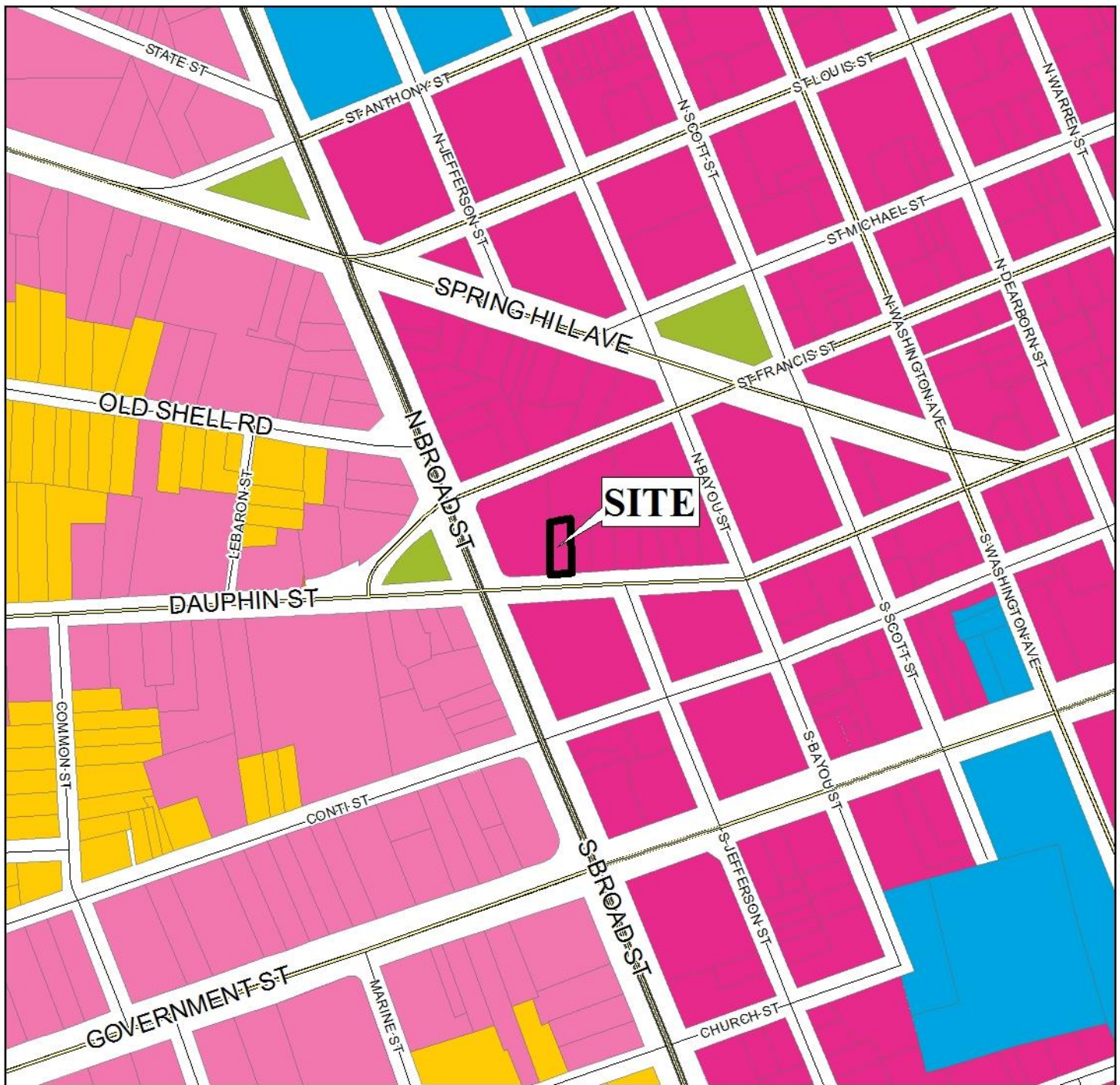
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FLUM LOCATOR MAP



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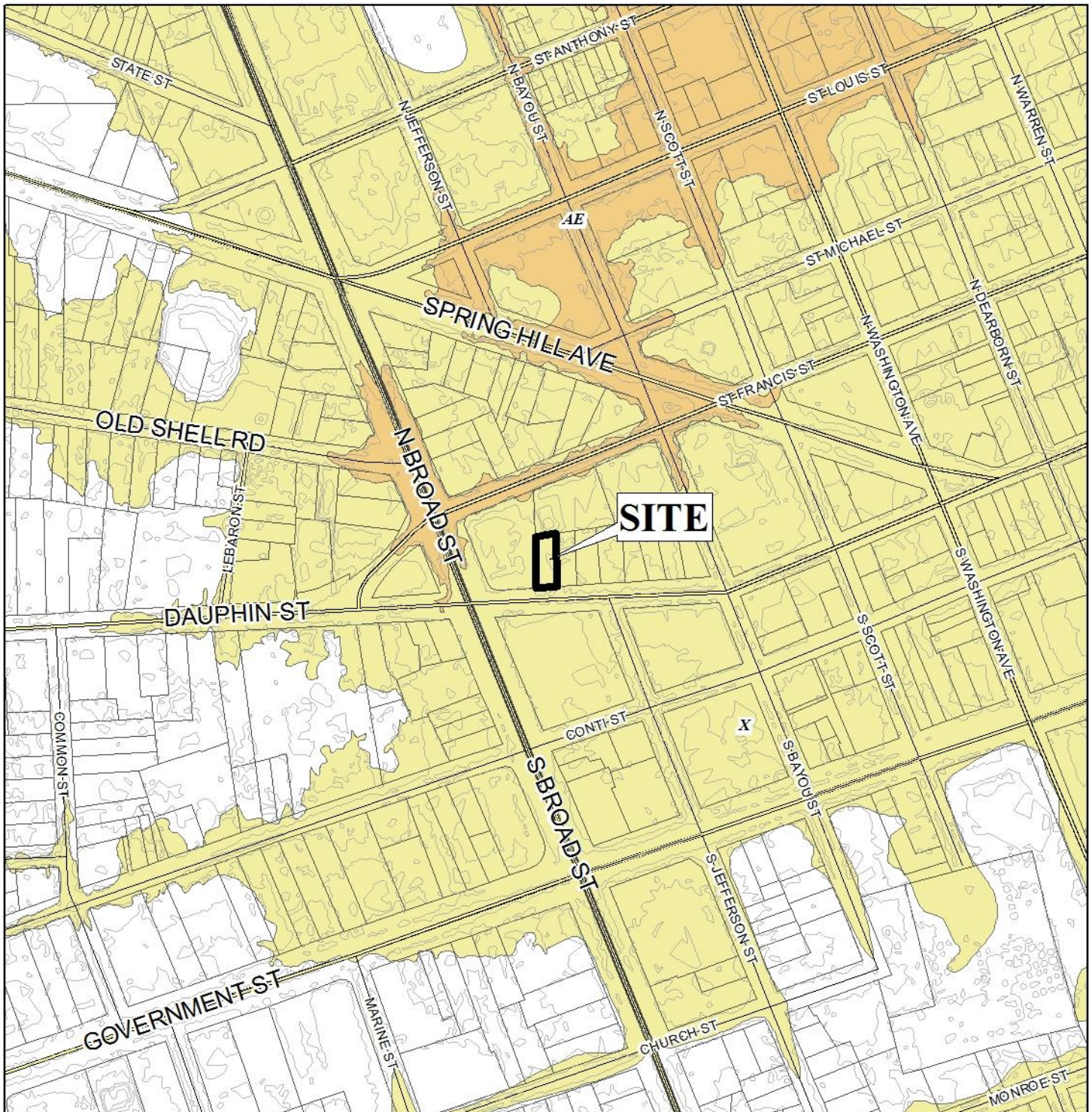
APPLICANT Main Street Mobile, LLC

REQUEST Front Setback and Frontage Type 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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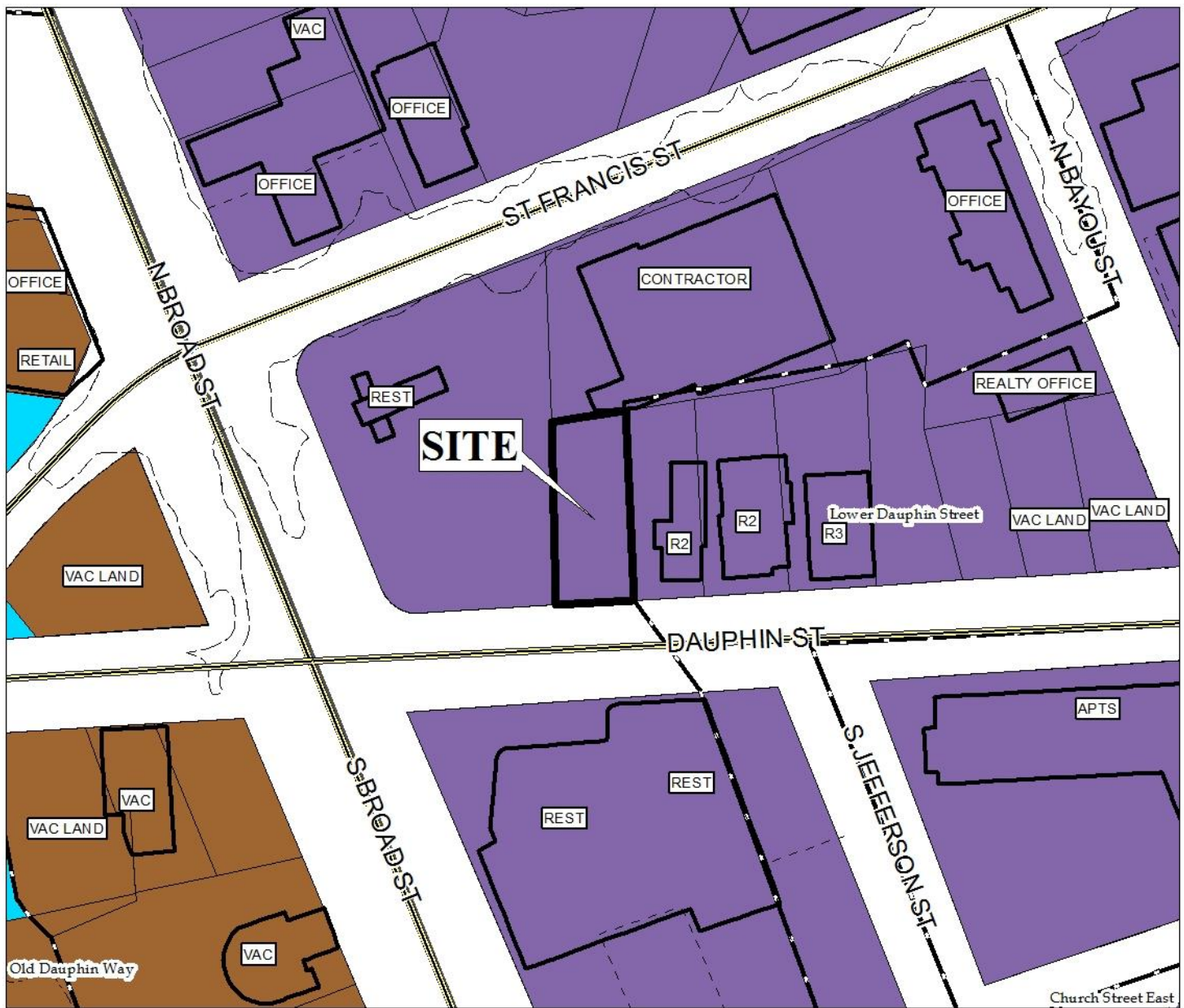
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REQUEST Front Setback and Frontage Type Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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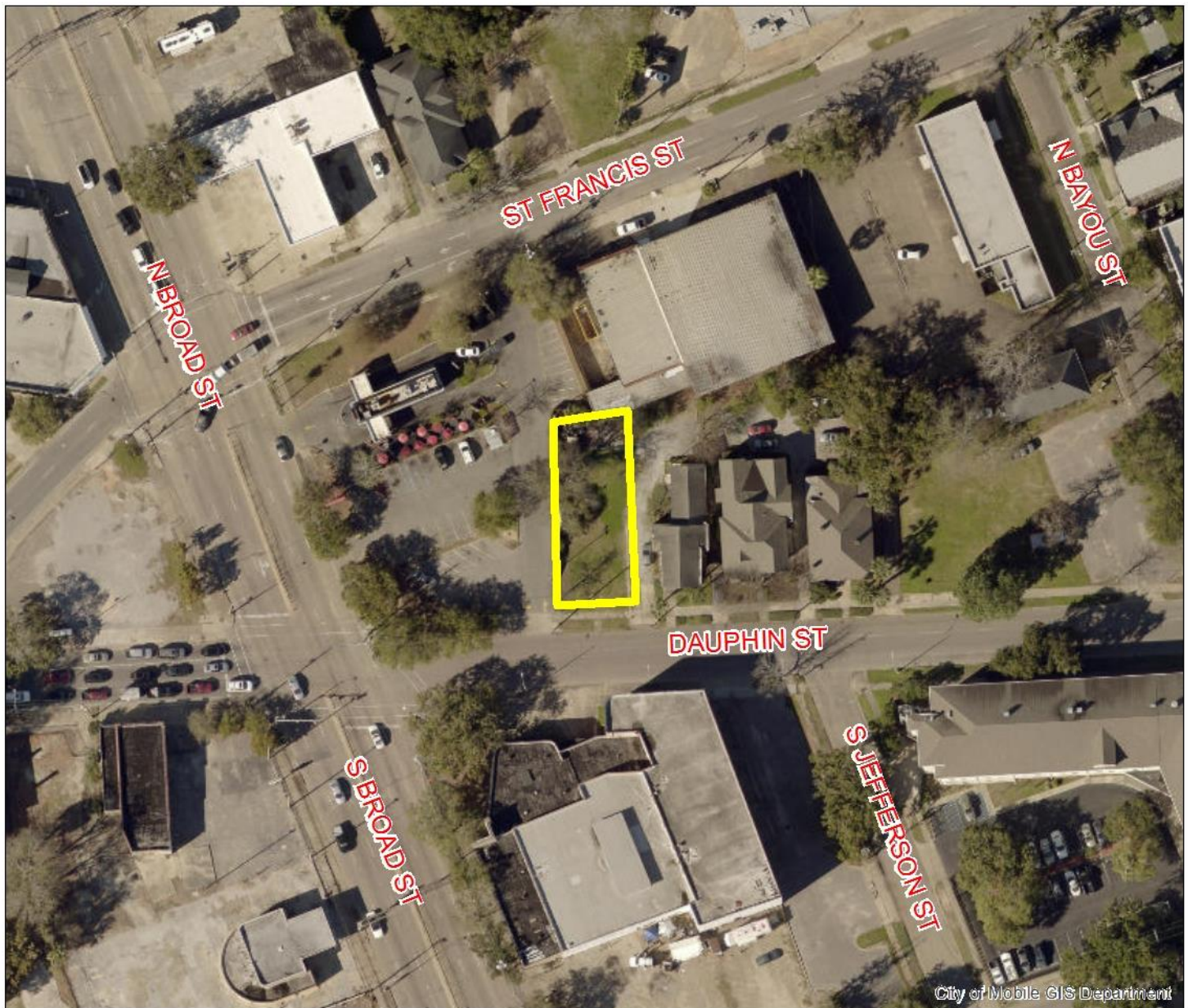
REQUEST Front Setback and Frontage Type Variances

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

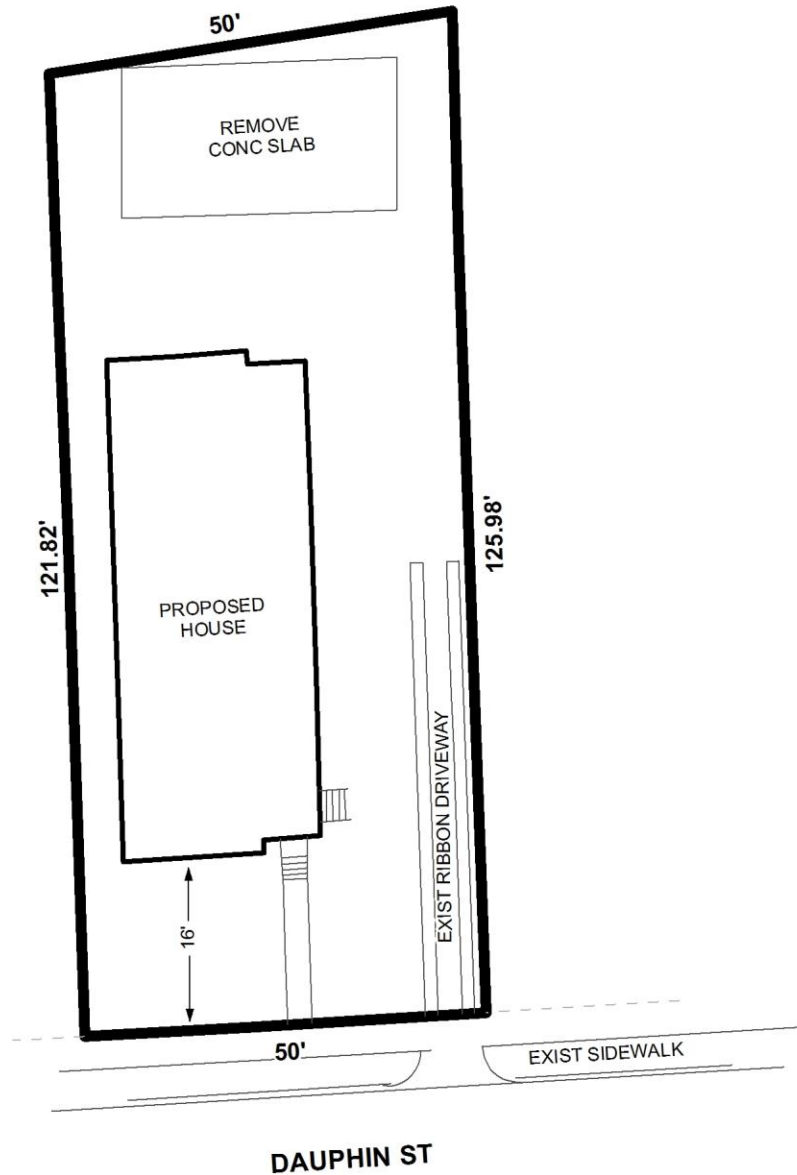


The site is surrounded by residential and commercial units.

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SITE PLAN



The site plan illustrates the proposed house and existing driveway.

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REQUEST Front Setback and Frontage Type Variances

