



Agenda Item # 4

BOA-002676-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

North side of St. Francis Street, 71'± East of North Claiborne Street

Applicant / Agent:

Nik Krueger (Steve Stone, Agent)

Property Owner:

Margaret Shayne Krueger and Nikolaus John Kreuger

Current Zoning:

T-5.1 Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number(s):

6553

Unified Development Code Requirement:

- All new construction must have a compliant frontage type in a T-5.1 Sub-District of the Downtown Development District
- New construction is limited to a maximum setback of 12-feet in a T-5.1 Sub-District of the Downtown Development District

- Fences are limited to four-feet tall in a T-5.1 Sub-District of the Downtown Development District
- Lots that do not have a secondary frontage and are less than 54-feet in width are not allowed curb cuts in a T-5.1 Sub-District of the Downtown Development District

Board Consideration:

- New structure proposed with a non-compliant frontage type in a T-5.1 Sub-District of the Downtown Development District
- To allow new construction to have a setback greater than 12-feet in a T-5.1 Sub-District of the Downtown Development District
- To allow a six-foot (6') tall fence in a T-5.1 Sub-District of the Downtown Development District
- To allow a lot that does not have a secondary frontage and is less than 54-feet in width to have a curb cut in a T-5.1 Sub-District of the Downtown Development District

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER <u>6553</u> DATE <u>November 6, 2023</u>
APPLICANT <u>Nik Krueger (Steve Stone, Agent)</u>
REQUEST <u>Frontage Type, Access, Fence, and Site Variances</u>



NTS

SITE HISTORY

The site has no history of applications before the Board of Adjustment or Planning Commission.

STAFF COMMENTS

Engineering Comments:

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

- A. The proposed work shown on the submitted plans will require a Land Disturbance Permit (Single Family Residential Affidavit) be submitted through the CSS Portal.
- B. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
- C. 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.
- D. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
- E. No filling can be placed within FEMA Flood Zone.

Traffic Engineering Comments:

No traffic impacts anticipated by this variance request. The Existing curb cuts and front gate already exists. The back gate does not currently exist but the driveway to the back alley does.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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 (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant has requested Frontage Type, Access, Fence, and Site Variances to allow a non-compliant frontage type for a new structure with an increased front yard setback, allow a six-foot (6') fence, and to allow a curb cut along the primary street frontage for a lot with no secondary street frontage and less than 54-feet in width in a T-5.1 Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires a compliant frontage type, a 12-foot maximum setback for structures, limits fences to 4-feet (4') tall, and does not allow a curb

cut along the primary street frontage for a lot with no secondary street frontage and less than 54-feet in width in a T-5.1 Sub-District of the Downtown Development District.

The applicant is proposing to build a two-story structure with a garage, workshop, and bathroom on the first floor, and a one-bedroom dwelling on the second floor. The Consolidated Review Committee (CRC) reviewed a proposed development for the subject site in February 2022, which was substantially different than the currently proposed development. As such, a new CRC application will be required, if approved, prior to the issuance of permits.

The subject site is approximately 36-feet wide along St. Francis Street, and does not have frontage on a secondary street. Section 2.C.3(b)(2) of the Downtown Development District (DDD) regulations prohibit lots in a T-5.1 sub-district that are less than 54-feet wide and that do not have a secondary street frontage from having a curb cut. It should be noted that the site has an existing curb cut available that pre-dates the DDD, however as the site is being re-developed, it must come into full compliance with regulations.

The agenda states that the applicant is seeking a variance to allow a fence along the front of the property line, exceeding four-feet (4') tall, which is not allowed in the DDD. However, upon further review, as the proposed structure does not occupy a required minimum of 80% of the building frontage per Section 10.C.1.(b), the four-foot (4') tall "fence" can be considered a "Streetscreen", which is allowed up to a maximum of eight-feet (8') tall along the front property line, thereby making the fence variance moot, and satisfying the frontage build-out requirement.

Finally, the proposed structure has elements of a gallery frontage type, as well as a vehicular forecourt, but does not fully comply with the design criteria for either per Section 10.C.4. of the DDD, as a gallery normally encroaches into the right-of-way over the sidewalk, and a vehicular forecourt requires the courtyard to be bound by building facades on a minimum of two (2) sides. Hence the need for a variance for a non-compliant frontage type.

The new building will be setback a minimum of 32-feet from St. Francis Street, which exceeds the 12-foot maximum setback allowed per Section 9.A.4. of the DDD in a T-5.1 Sub-District. The applicant notes in the submitted materials that the extra depth is needed to allow vehicular access into the two (2) car garage.

VARIANCE CONSIDERATIONS

Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

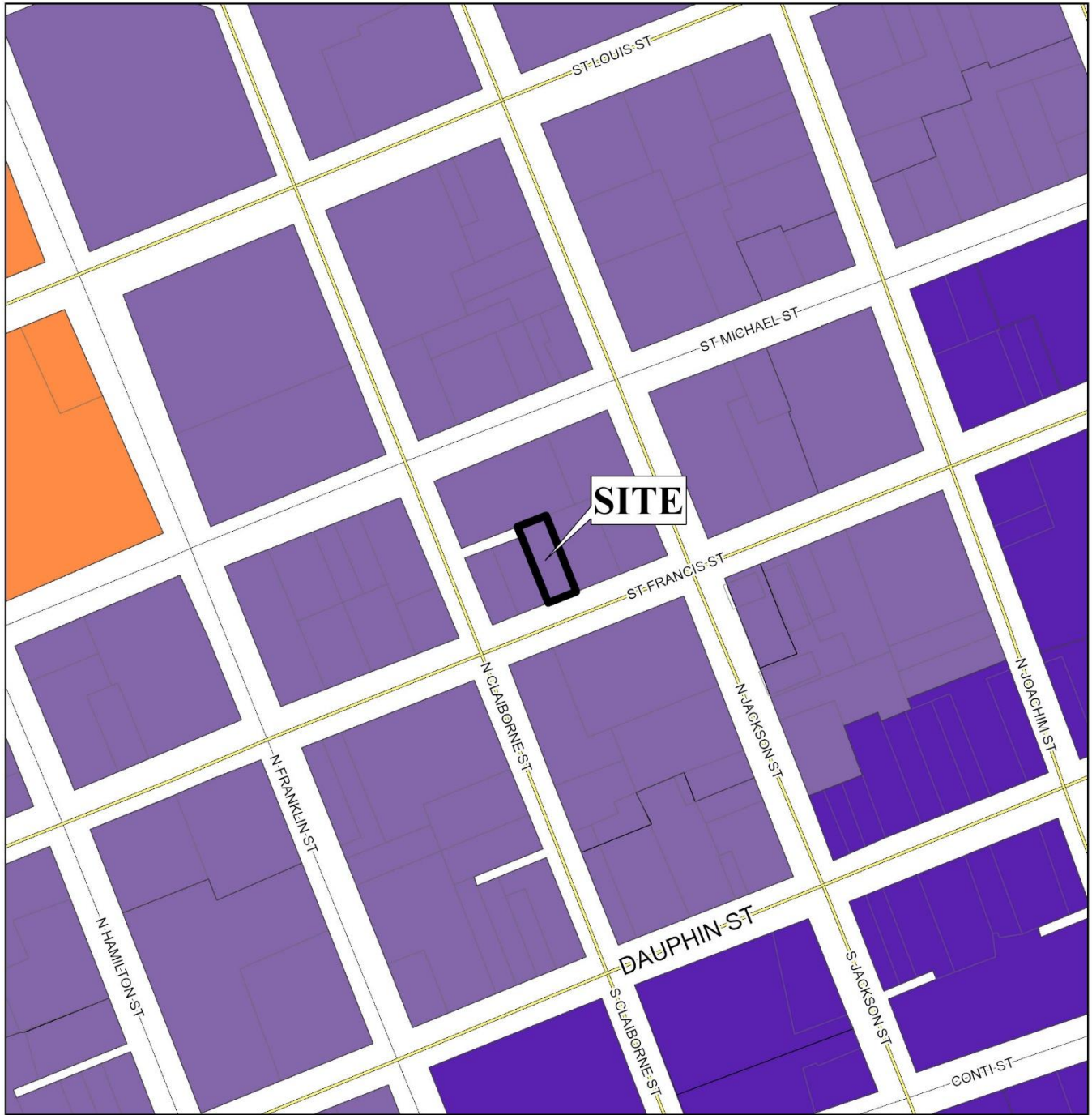
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be** observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following condition should apply:

- 1) Submittal of an application for review to the Consolidate Review Committee (CRC).

LOCATOR ZONING MAP



APPLICATION NUMBER 6553 DATE November 6, 2023

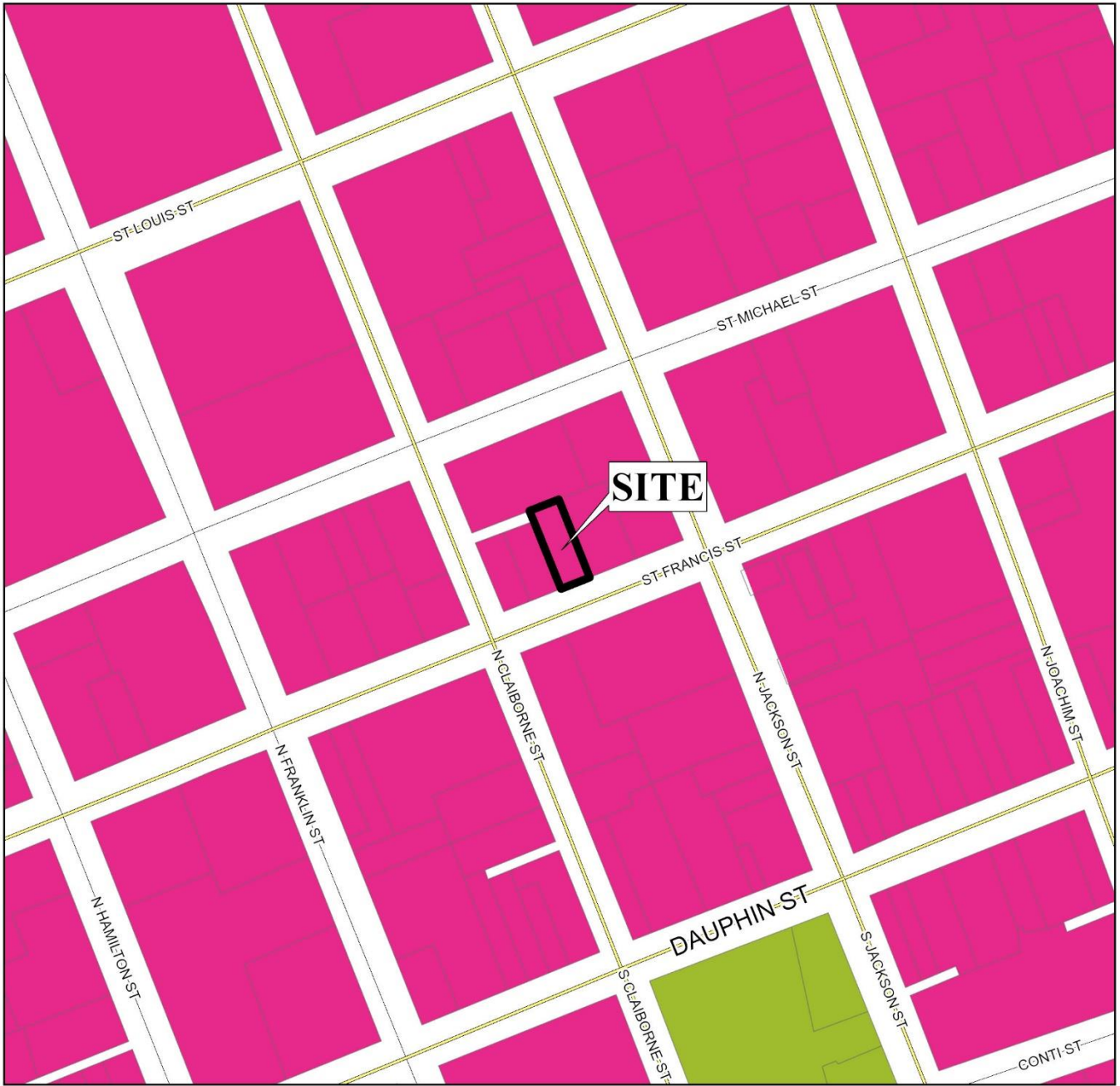
APPLICANT Nik Krueger (Steve Stone, Agent)

REQUEST Frontage Type, Access, Fence, and Site Variances



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FLUM LOCATOR MAP



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APPLICANT Nik Krueger (Steve Stone, Agent)

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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 | |



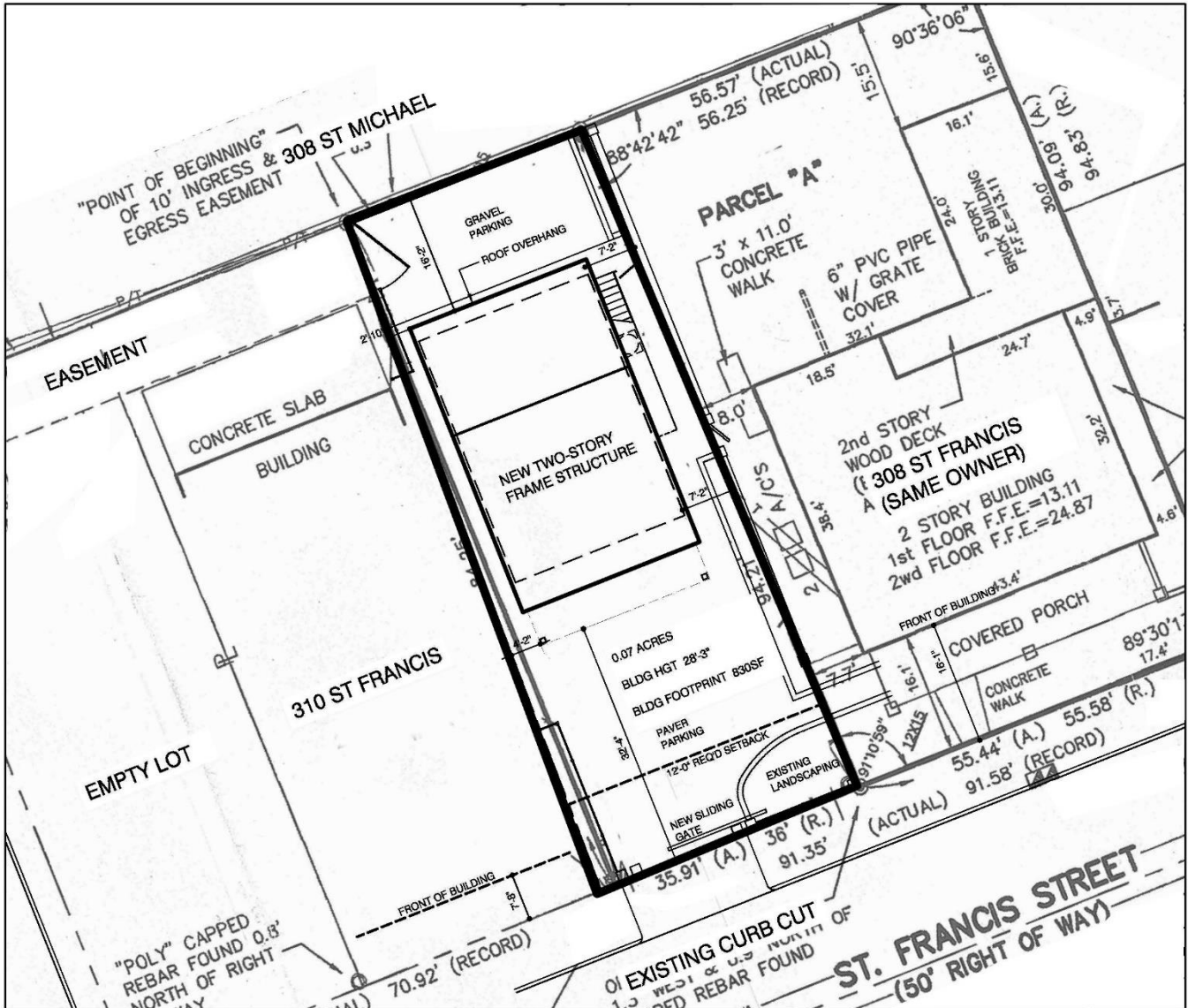
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2	 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6	 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1	
 R-A	 R-3	 B-1	 B-2	 B-5	 ML	 I-2	 OPEN	 T-3	 T-5.2																						
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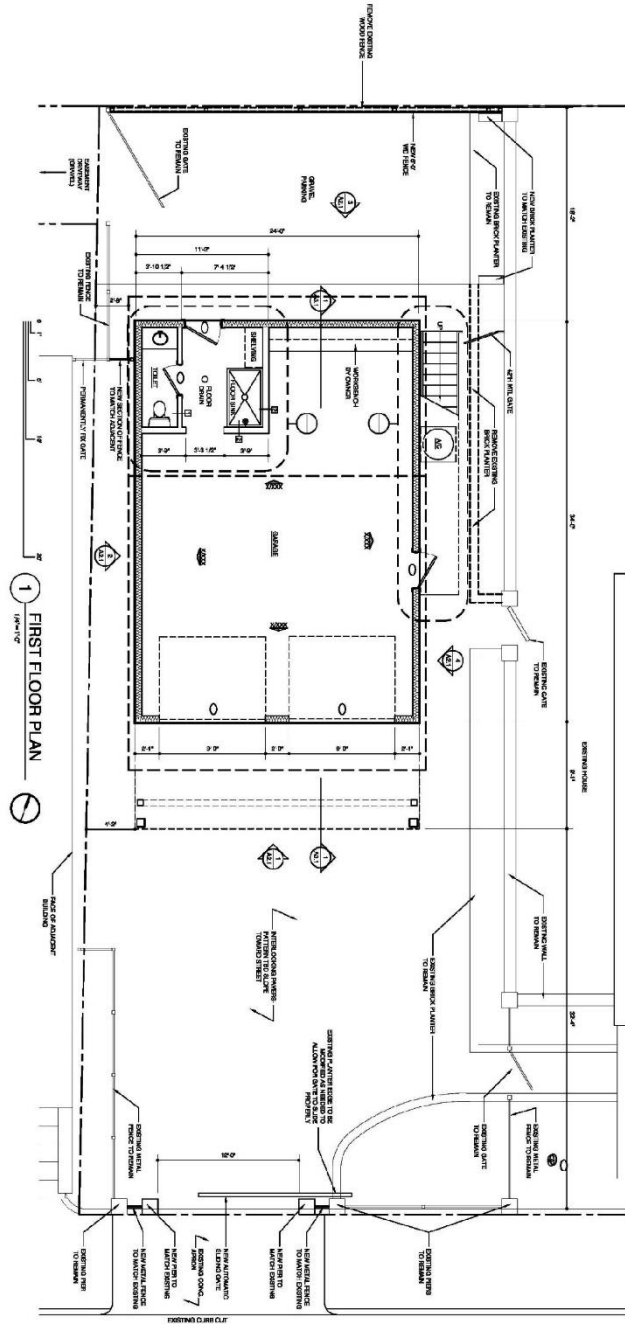
SITE PLAN



The site plan illustrates the proposed structure, parking, and setbacks.

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DETAIL SITE PLAN



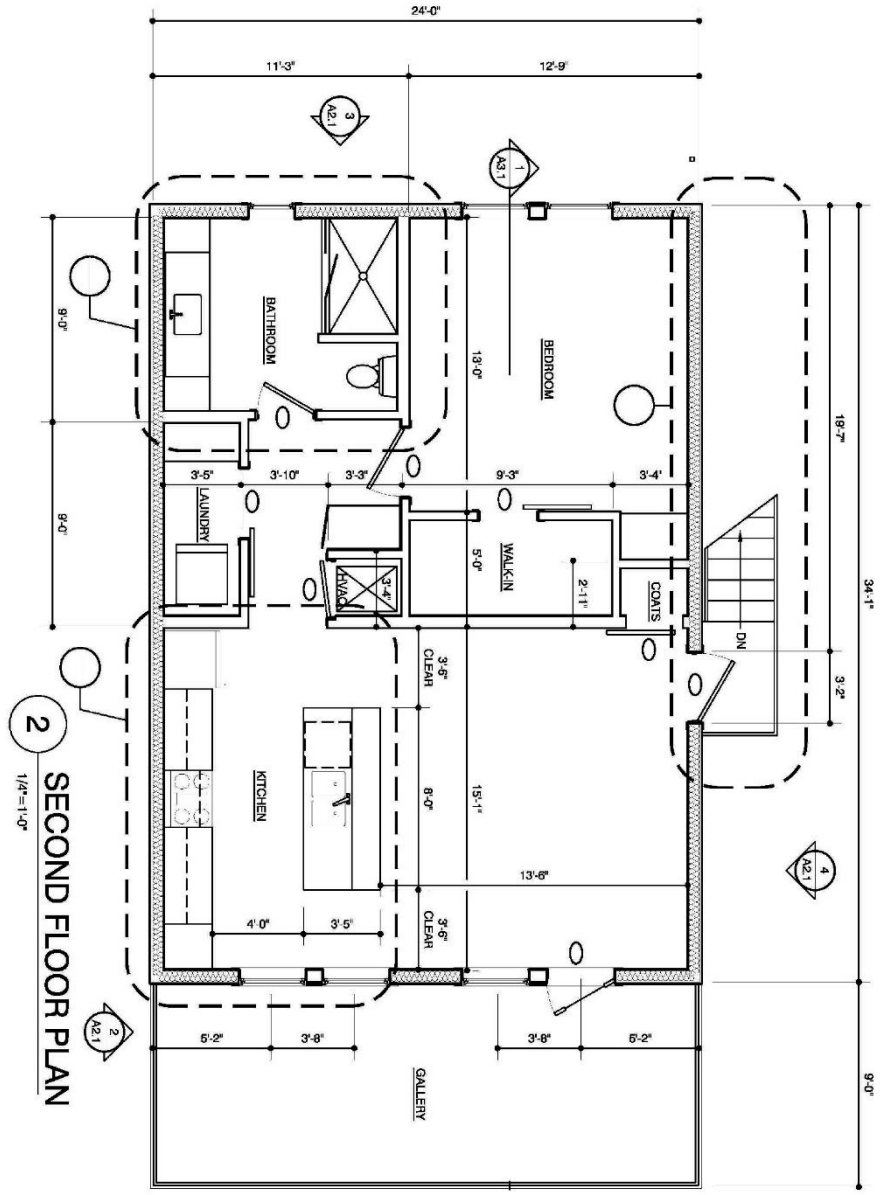
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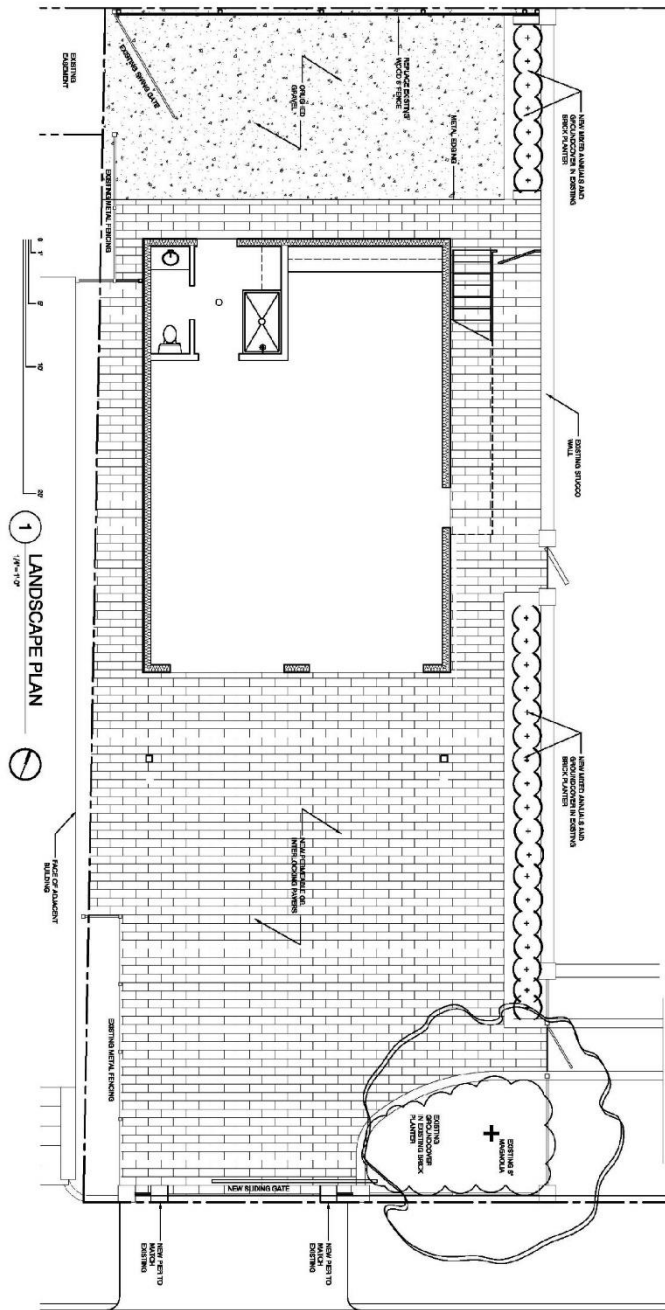
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LANDSCAPE SITE PLAN



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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□	□	□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



DOWNTOWN (DT)

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

As a land use district, Downtown 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 du/ac); 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.