

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: March 1, 2021

CASE NUMBER

6371

APPLICANT NAME

VCP Seamans, LLC (Eric Jackson, agent)

LOCATION

350 St. Joseph Street
(Northeast corner of Adams Street and St Joseph Street,
extending to North Water Street).

VARIANCE REQUEST

PRIMARY FRONTAGE LOT WIDTH: To allow an increased lot width along a primary frontage street in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District.

**ZONING ORDINANCE
REQUIREMENT**

PRIMARY FRONTAGE LOT WIDTH: The Zoning Ordinance limits lot width along a primary frontage street to 180' in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District.

ZONING

T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District

AREA OF PROPERTY

1.5± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**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 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

ANALYSIS

The applicant is requesting Primary Frontage Lot Width Variance to allow an increased lot width along a primary frontage street in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District; the Zoning Ordinance limits lot width along a primary frontage street to 180' in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District.

The site appeared before the Planning Commission at its February 3, 2021 meeting as part of a 1-lot Subdivision application. The Subdivision was approved, with one of the conditions being: "Application to the Board of Zoning Adjustment to request a waiver of Section 64-3.I.8.(b)(3) of the DDD section of the Zoning Ordinance regarding maximum property width along a primary frontage "A" street, and successful completion of this process prior to the signing of the Final Plat".

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:

We respectfully request a variance of Section 64-1.1.8(B)(3) of the DDD Section of the Zoning Ordinance which limits the property width along a primary frontage street in a T-5.1 Sub District to 180 feet maximum. The proposed project will have approximately 351 feet of frontage. The current configuration of the property occupies multiple lots within the block of St Joseph Street, Adams Street and Water Street. A one lot subdivision request has been submitted to the City of Mobile Planning in order to combine said multiple lots into a one lot subdivision. The current structure, now under renovation, has occupied this same property for many years. Given that the subdivision request is to accommodate an existing developed property that is undergoing renovations, we request a hardship waiver of the above referenced section of the current Zoning Ordinance.

The applicant came before the Consolidated Review Committee on August 8, 2019 to discuss the renovations to be done to the structure, at which time they were advised of the need for the Subdivision approval.

The site has an existing structure that was built around 1948, and the amount of street frontage along St. Joseph Street is not being increased over how the property has been configured since the time it was initially developed.

While the Downtown Development District regulations limit newly platted lots to a maximum of 180 feet wide along their primary frontage, there are several properties in the area of the subject property that exceed this width, making the proposed lot in keeping with the area.

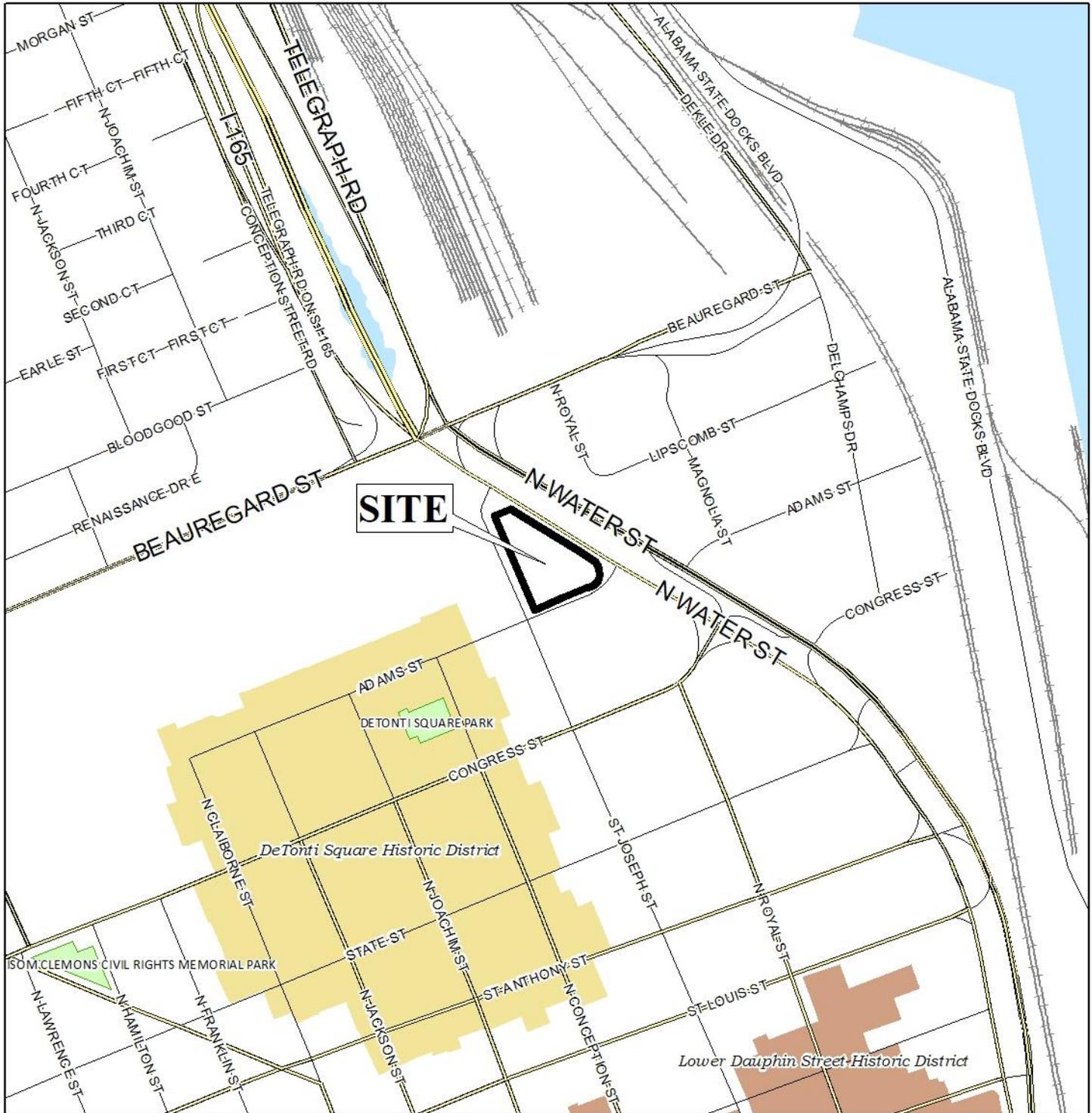
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval of the requests:

- 1) The variance will not be contrary to the public interest in that the proposed lot will have a width similar to that of other lots in the area;
- 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 record the proposed lot without the need for a variance; 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 allowing the platting of a new lot that will be similarly configured to other lots in the area.

The Approval is subject to the following conditions:

- 1) Completion of the Subdivision process; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



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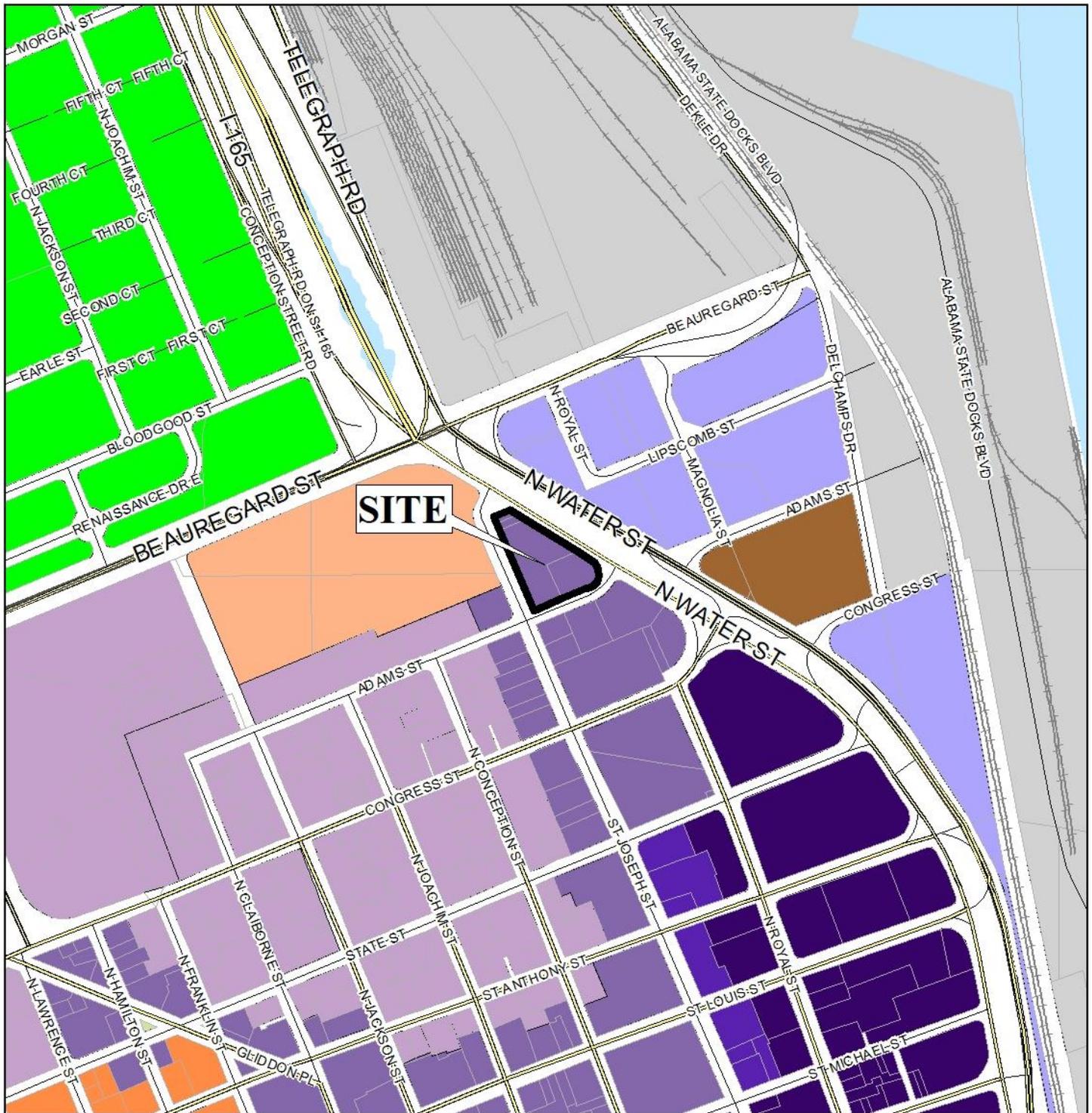
APPLICANT VCP Seamans, LLC (Eric Jackson, Agent)

REQUEST Primary Frontage Lot Width Variance



NTS

LOCATOR ZONING MAP



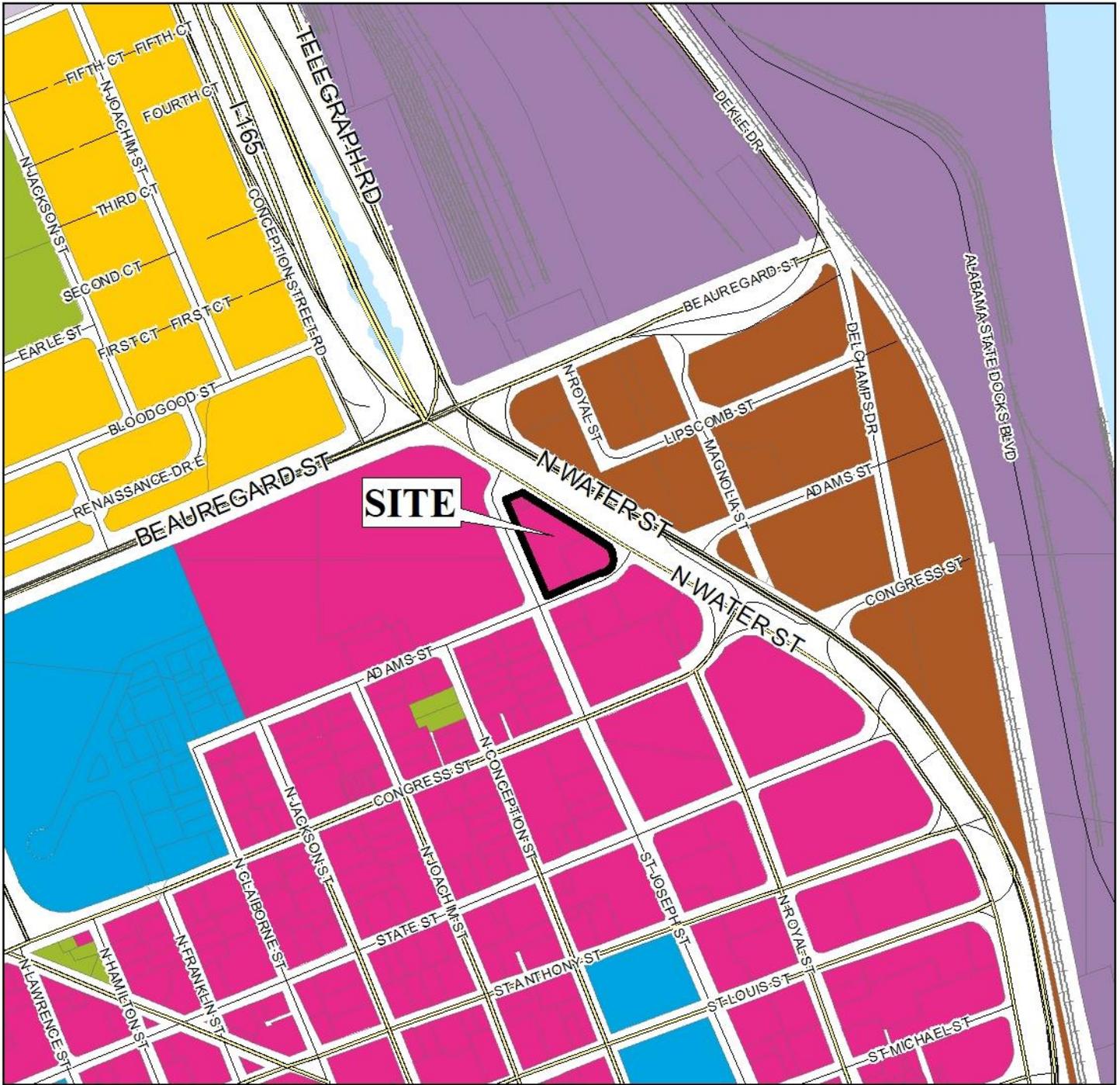
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FLUM LOCATOR MAP



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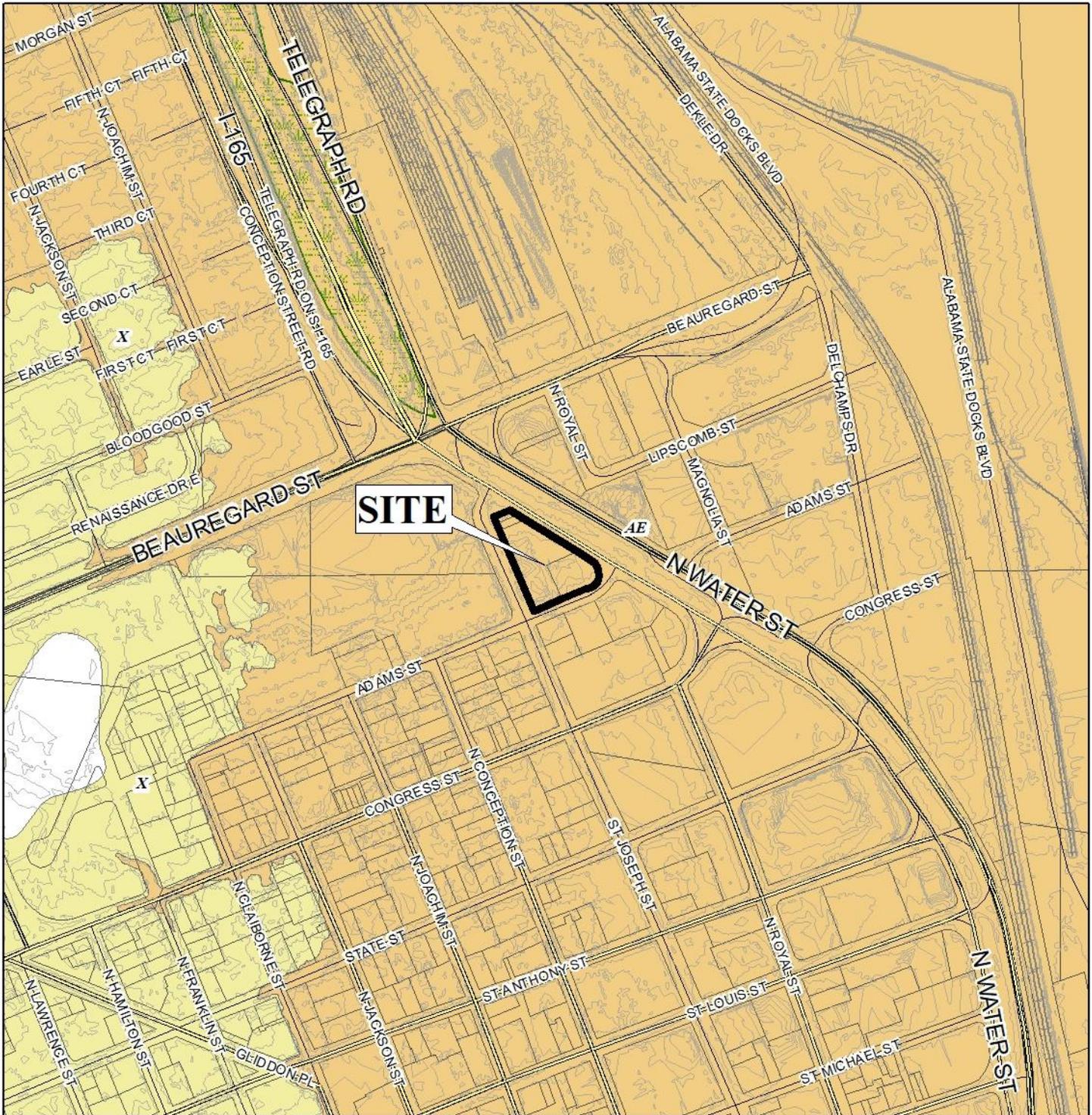
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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



ENVIRONMENTAL LOCATOR MAP



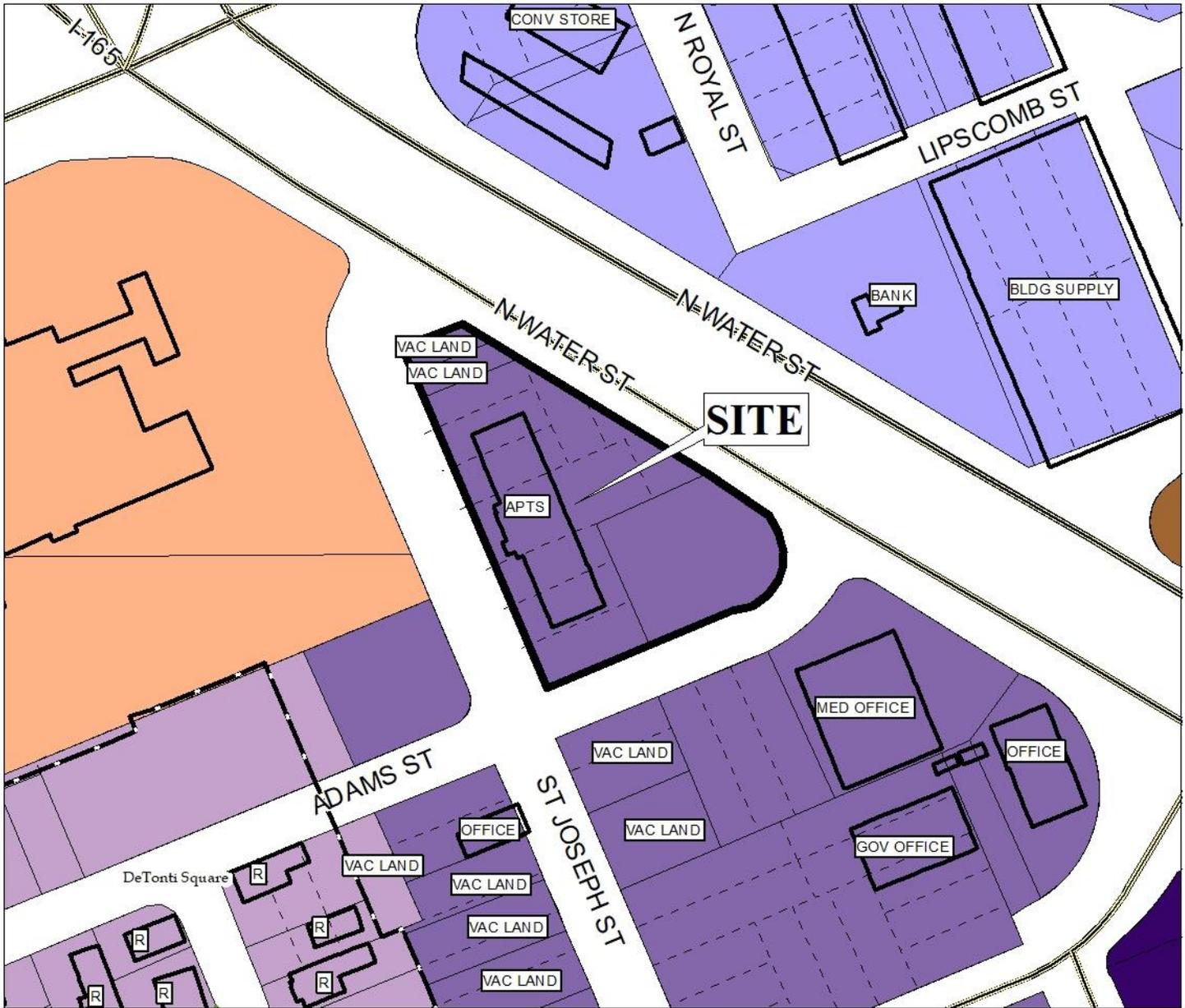
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant lands, commercial units,
government offices and residential units.

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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



The site is surrounded by vacant lands, commercial units,
government offices and residential units.

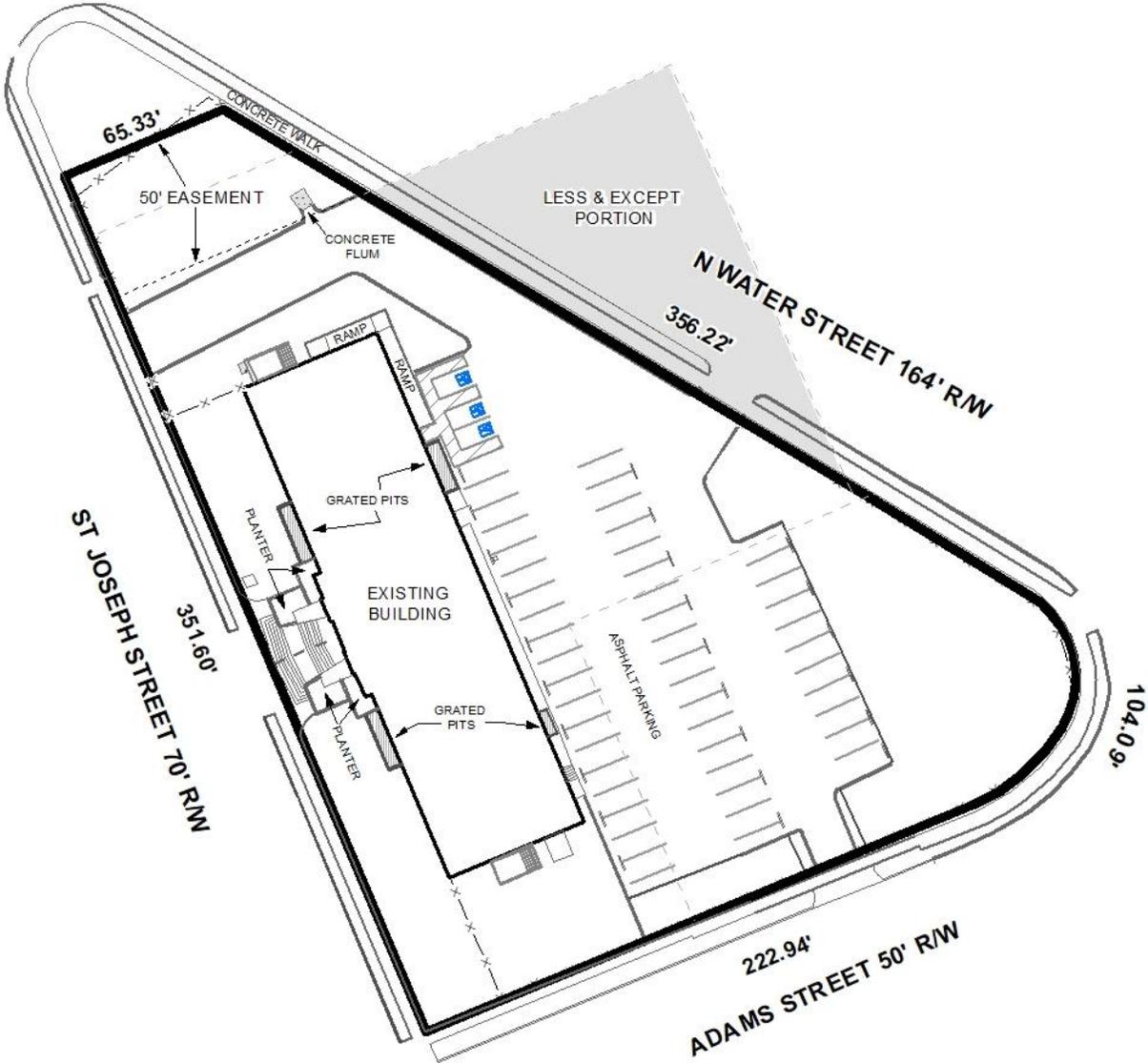
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SITE PLAN



The site plan illustrates existing building, easement and parking areas.

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