

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: February 6, 2023****CASE NUMBER**

6494 / 4763

**APPLICANT NAME**

Michael Cartoski

**LOCATION**401 Civic Center Drive  
(Northwest corner of Canal Street and South Claiborne Street)**VARIANCE REQUEST****SITE:** Site Variances for Building Setback, Driveway Width, Streetscreen Height, Streetscreen Access Width, Fence Screening, and Loading Dock Width requirements.**BUILDING DESIGN:** Building Design Variances for Primary Entrance Location, Ground Floor Transparency, and Window Shading requirements.**BUILDING MATERIALS:** Building Materials Variances for Dumpster Enclosure Materials, Building Exterior Materials, and Wall Materials requirements.**ZONING ORDINANCE  
REQUIREMENT****SITE:** The Downtown Development District requires compliance with all Building Setback, Driveway Width, Streetscreen Height, Streetscreen Access Width, Fence Screening, and Loading Dock Width requirements.**BUILDING DESIGN:** The Downtown Development District requires compliance with all Primary Entrance Location, Ground Floor Transparency, and Window Shading requirements.**BUILDING MATERIALS:** The Downtown Development District requires compliance with all Dumpster Enclosure Materials, Building Exterior Materials, and Wall Materials requirements.**ZONING**

T-5.2 Mixed-Use Sub-District of the Downtown Development District

**AREA OF PROPERTY**

111,226± square feet / 2.55± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

For variance 2 and 4: If this variance is approved, a ROW Permit will be required prior any work within City of Mobile Right of Way.

For variances 1, 3, 5-11: No comments.

**TRAFFIC ENGINEERING  
COMMENTS**

No adverse traffic impacts anticipated by the multiple variance requests.

**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-RESCUE 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 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 variances from certain Site and Building Design and Material requirements of the Downtown Development District to allow construction of a new building; specifically variances from Building Setback, Primary Entrance Location, Driveway Width, Dumpster Enclosure Materials, Building Exterior Materials, Streetscreen Height, Streetscreen Access Width, Wall Material, Fence Screening, Ground Floor Transparency, Loading Dock Width and Window Shading requirements, in a T-5.2 Mixed-Use Sub-District of the Downtown Development District. The Zoning Ordinance requires full compliance with all of the Site and Building Design and Material requirements in a T-5.2 Mixed-Use Sub-District of the Downtown Development District.

The purpose of the application is to allow for the construction of a 6-story, approximately 200,000 sf office building with the United States Army Corps of Engineers (USACE) as the sole tenant on a portion of the Civic Center site (*the southeast corner at Canal and Claiborne Streets*).

The Mobile City Council approved the rezoning of the overall Civic Center site from “SD – Special District” to “T-3 Low Density Residential” and “T-5.2 Mixed Use - Medium Intensity” at their January 3, 2023 meeting. The portion of the Civic Center site being considered for the USACE building is within the T-5.2 subdistrict. The rezoning also included text amendments specific to the Civic Center site, thus allowing the proposed 6-story building height by-right.

The site is located within the Church Street East Historic District, and the Architectural Review Board gave final approval on November 2, 2022 to the submitted plans for the 6-story office building and site improvements, with fencing and lighting design to be reviewed under a separate Certificate of Appropriateness application.

The site has been given a Downtown 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 **responses** regarding the requested variances:

1. UDC – Appendix A. Section 9: A.4. Setbacks / Table A-9.1 Site Configuration.

Existing ZO - 64-3.I.8.(d) / Table 1: Site Configuration.

- Variance required to request 50 foot setback from Canal and Claiborne, instead of complying with the required primary frontage setback of 5 feet and secondary setback of 12 feet.
  - **Justification:** *The currently designed setback is due to the USACE/FSL (Facility Security Level) security requirements. Also, given the setting within the Civic Center, a larger setback is appropriate since there is no defined street wall or adjacent buildings that are reflective of a 5' or 12' setback.*

2. UDC – Appendix A. Section 9: B.4. Primary entrance.

Existing ZO - 64-3.I.10.(d) Site plan: Building placement standards.

- Variance required for primary entrance not fronting Canal or Claiborne Streets.
  - **Justification:** *Due to USACE security standards/required setback, there could not be a parking lot on the current project site. The primary entrance has been designed as shown due to the future parking garage location adjacent to the site where the currently designed entrance will allow for employees of the USACE building to have a direct and efficient walk path from the parking garage to the office building.*

3. UDC – Appendix A. Section 9: C.3.(c)(2) Driveway width.

Existing ZO - 64-3.I.11.(c)(3)II. Site plan: Parking standards. Driveway width.

- Variance required for driveway width exceeding 36 feet. (Also see # 5 below)
  - **Justification:** *The wider driveway is only for our loading/service area on the east side of the property off Claiborne St. Our design was based on conversations with the city that Claiborne St. will be abandoned as part of an Alabama Department of Transportation project for a new I-10 Interchange. Since we have not yet seen drawings for that project, we made an approximation of what the new termination of Claiborne street will look like. Once the ADOT drawings are available, we can coordinate our project accordingly, possibly with a driveway width that would not require a variance.*

4. UDC – Appendix A. Section 9: D.2.(c) Dumpster enclosure material.  
Existing ZO - 64-3.I.12.(b)(3) Site Plan: Garbage Collection Standards. Dumpster enclosure material.
- 
- Variance required for proposed metal panel screening material.
    - **Justification:** *The proposed metal panels at the ground level equipment yard, as well as the screenwall at the roof level is very common and typical approach for a commercial office building. The allowable materials in the guidelines are geared toward residential construction (wood or cementitious clapboard, shingles, board and batten, stucco, brick or stone) are limiting for this type of development.*
5. UDC – Appendix A. Section 10: B.3. Exterior finish materials.  
Existing ZO - 64-3.I.14.(c)(2) Building specification: Building materials standards.
- 
- Variance required for exterior finish materials, as concrete and metal are not approved exterior finishes. This includes metal screening for rooftop HVAC.
    - **Justification:** *As mentioned above, the allowable materials listed are primarily used in residential construction and would not be appropriate for a 6-story commercial office building. Given the size of the Civic Center Property, it is appropriate to expect materials more in line with large buildings and construction types.*
6. UDC – Appendix A. Section 10: C.1.(b)(1) Frontage build-out - Streetscreen height.  
Existing ZO - 64-3.I.15.(a)(2)I. Building specification: Frontage standards. Streetscreen height.
- 
- Variance required for retaining wall height of less than 4 feet. Streetscreens must be a minimum of 4 feet and maximum of 8 feet.
    - **Justification:** *We are using retaining walls in only selected areas to make up for some minor grade changes we anticipate around the property. They are not intended to be 'streetscreens' and will be incorporated into our landscape/ground plane design. For this reason, we do not think this constitutes a variance.*
7. UDC – Appendix A. Section 10: C.1.(b)(2) Frontage build-out - access width.  
Existing ZO - 64-3.I.15.(a)(2)II. Building specification: Frontage standards. Streetscreens.
- 
- Variance required for vehicular access width on East frontage exceeding 30 feet (which is limit in the Streetscreen section).
    - **Justification:** *See response to item #3.*
8. UDC – Appendix A. Section 10: C.1.(b)(3) Frontage build-out - wall material and fence screening.  
Existing ZO - 64-3.I.15.(a)(2)III. Building specification: Frontage standards. Streetscreens - wall material and fence screening.
- 
- Variance required for the retaining wall material (concrete) and required screening vegetation behind the metal fence, if it cannot be planted for security reasons.
    - **Justification:** *As noted in item #6, the retaining walls we are proposing are minor, less than 3' in most cases. Also, they are tapered to follow the line of the sloping grade behind, which lends itself to constructing it out of concrete.*

9. UDC – Appendix A. Section 10: C.1.(e) Additional transparency requirement for ground floor commercial uses along frontages.

Existing ZO - 64-3.I.15.(a)(5) Building specification: Frontage standards. Additional transparency.

- Variance required because the ground floor of the East façade does not meet the 30% minimum transparency requirement (staff measured 21.6%) of this section.
  - **Justification:** *This portion of the façade is lower than the typical since it contains the back of house functions like the loading area, security, and building mechanical rooms, and therefore it is difficult to meet this requirement. However, it is worth noting that once Claiborne St. is abandoned, this façade will no longer have a 'frontage' and will function more like an alley, which is typically where you anticipate these functions to occur, with a lower percentage of transparency on the façade.*

10. UDC – Appendix A. Section 10: C.1.(h) Loading docks and Service Areas.

Existing ZO - 64-3.I.15.(a)(8) Building specification: Frontage standards. Loading docks.

- Variance required for loading dock and service area width exceeding 30 feet in the frontage.
  - **Justification:** *See response to item #3.*

11. UDC – Appendix A. Section 10: C.4.(d) Common Entry frontage – awnings.

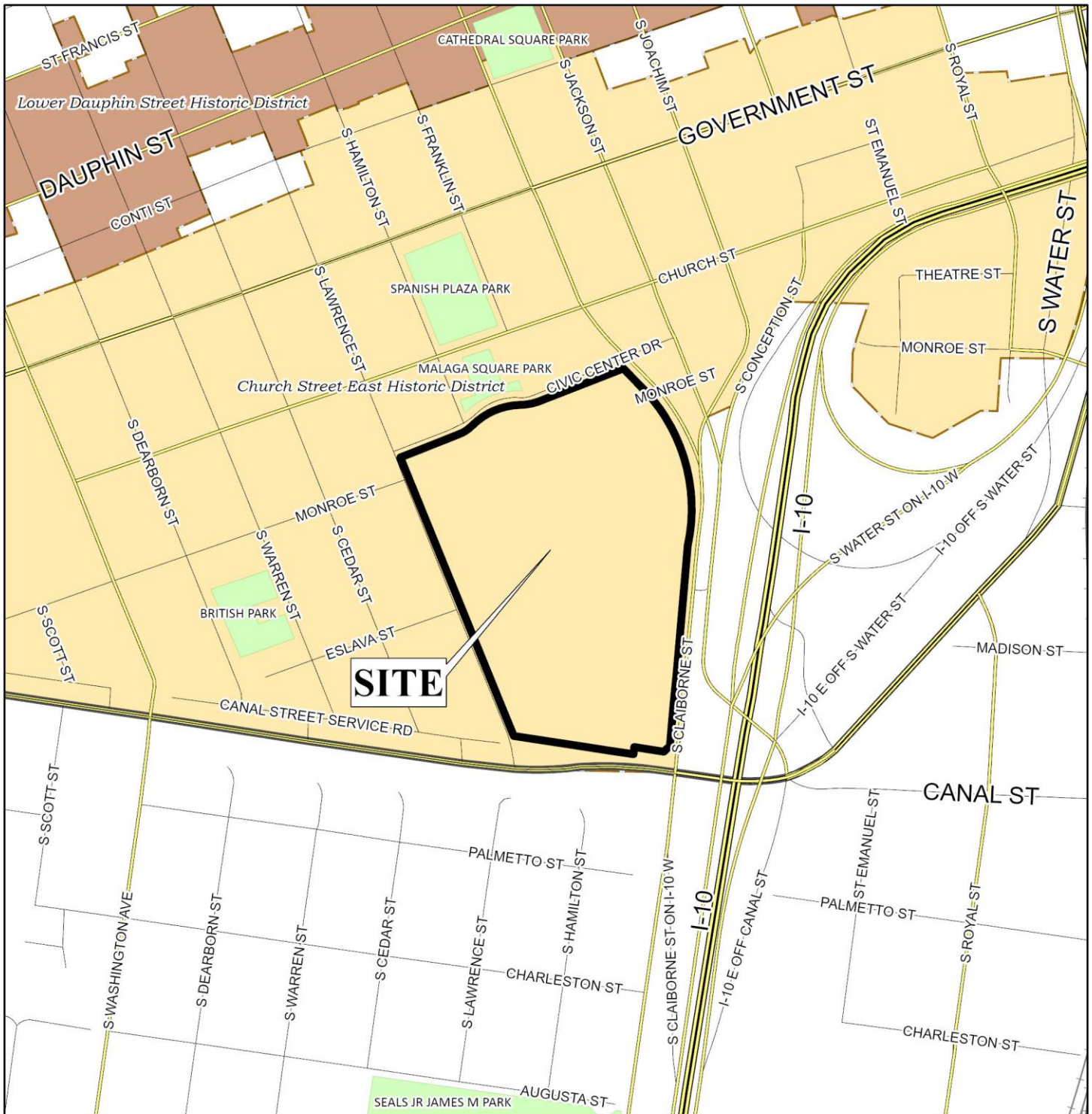
Existing ZO - 64-3.I.15.(d)(4)III. Building specification: Frontage standards. Common Entry.

- Variance required for metal fin sunshade system, as only fabric awnings are an allowed window shading device in this frontage type.
  - **Justification:** *As noted, the allowable materials are not suitable for a 6-story office building. Fabric awnings 6-stories up in a hurricane zone are not advisable, and we request a variance for materials more suitable for commercial construction.*

**RECOMMENDATION:** Based on the unique characteristics of the application, the associated requests and the location, staff recommends that the Board consider all relevant factors regarding the requested variances and determine the applicable findings of fact:

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

# LOCATOR MAP



APPLICATION NUMBER 6494 DATE February 6, 2023

APPLICANT Michael Cartoski

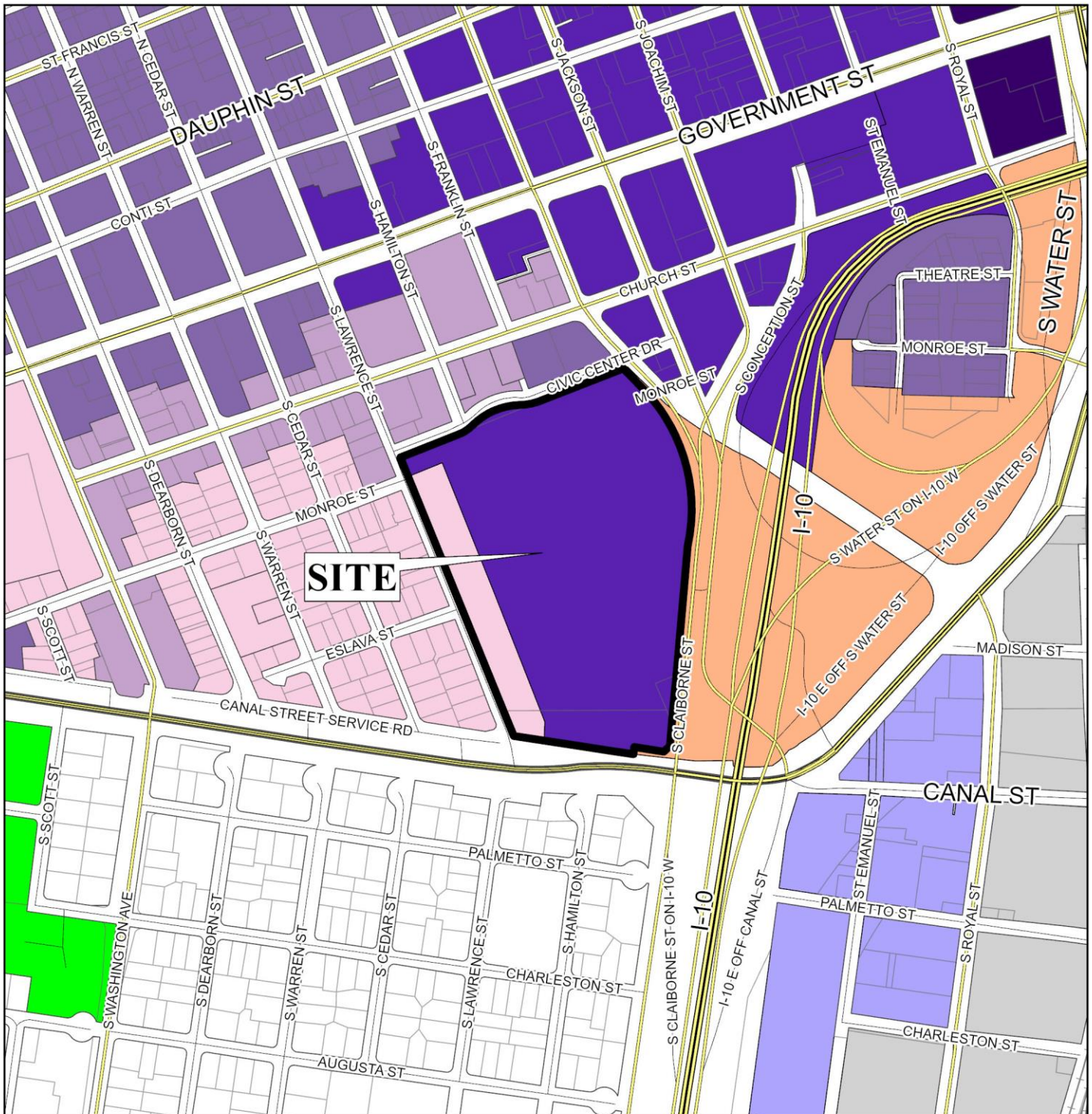
REQUEST 11 Variances



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# LOCATOR ZONING MAP



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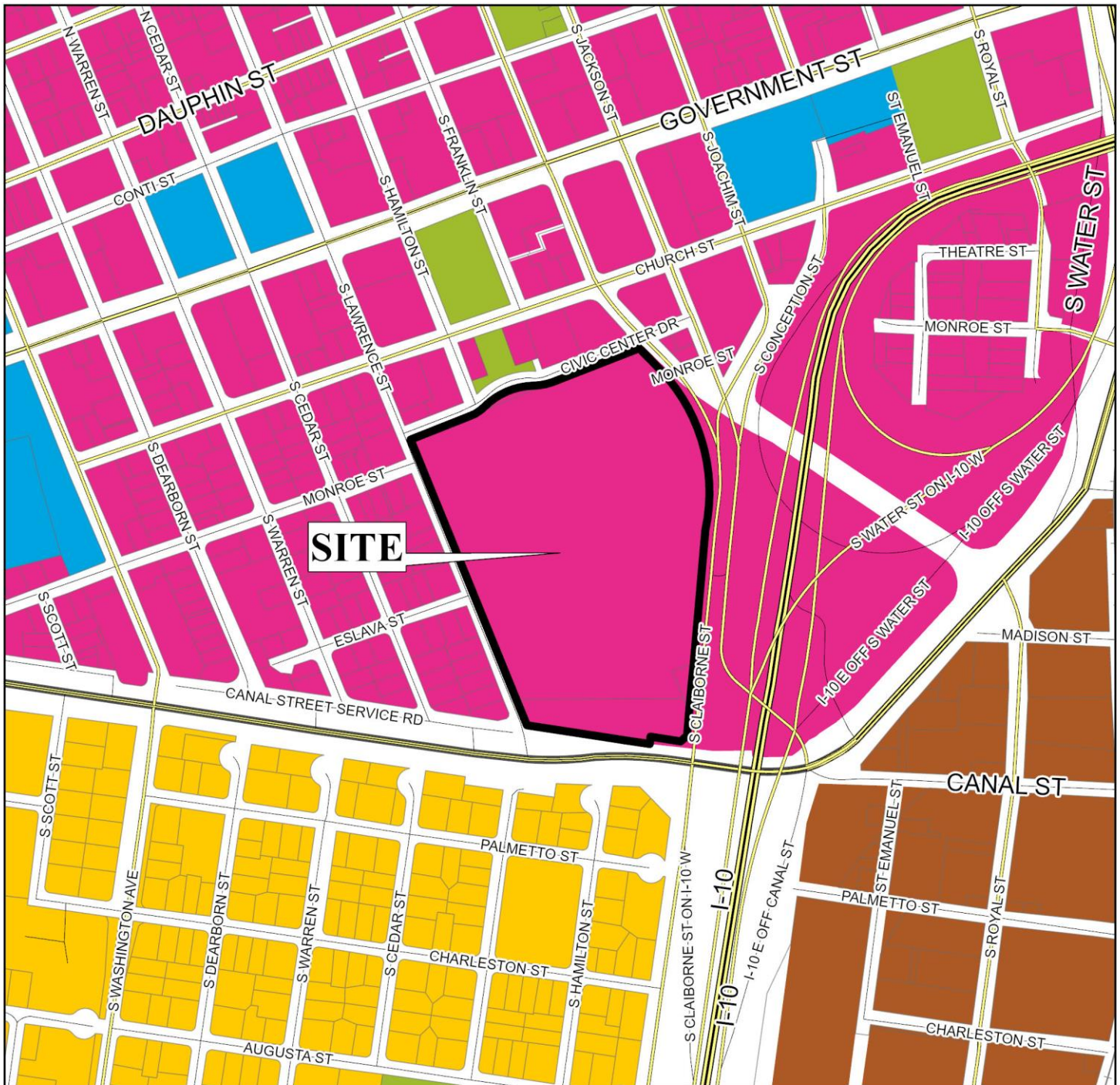
APPLICANT Michael Cartoski

REQUEST 11 Variances





# FLUM LOCATOR MAP



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REQUEST 11 Variances

## FLUM

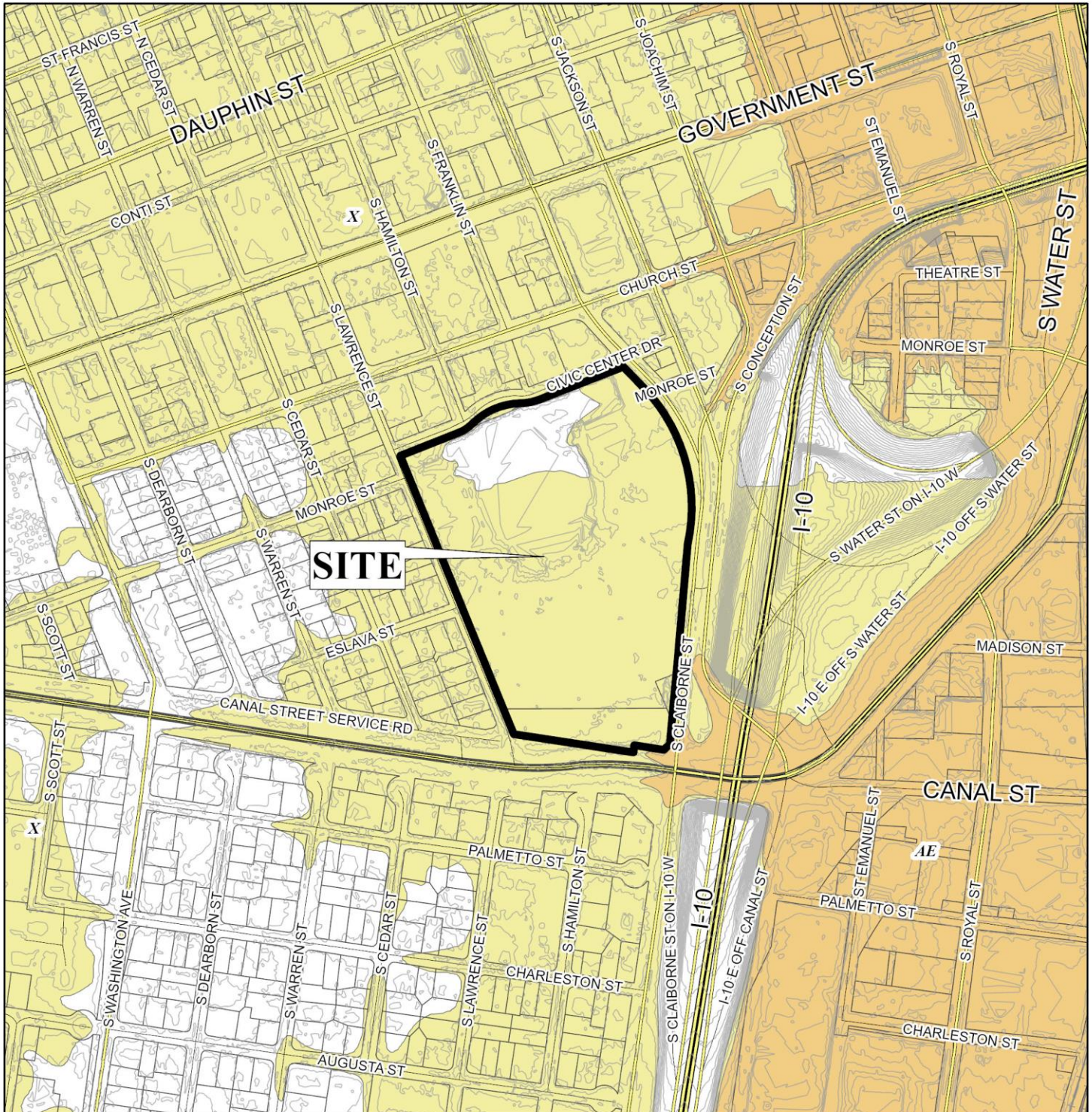
<span style="color: pink;">■</span> Downtown	<span style="color: lightpink;">■</span> Traditional Corridor	<span style="color: purple;">■</span> Heavy Industry
<span style="color: yellow;">■</span> Low Density Residential	<span style="color: orange;">■</span> Mixed Commercial Corridor	<span style="color: blue;">■</span> Institutional
<span style="color: orange;">■</span> Mixed Density Residential	<span style="color: brown;">■</span> Neighborhood Center - Traditional	<span style="color: green;">■</span> Parks & Open Space
<span style="color: blue;">■</span> Neighborhood Center - Suburban	<span style="color: lightpurple;">■</span> Light Industry	<span style="color: darkblue;">■</span> Water Dependent



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# ENVIRONMENTAL LOCATOR MAP



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REQUEST 11 Variances

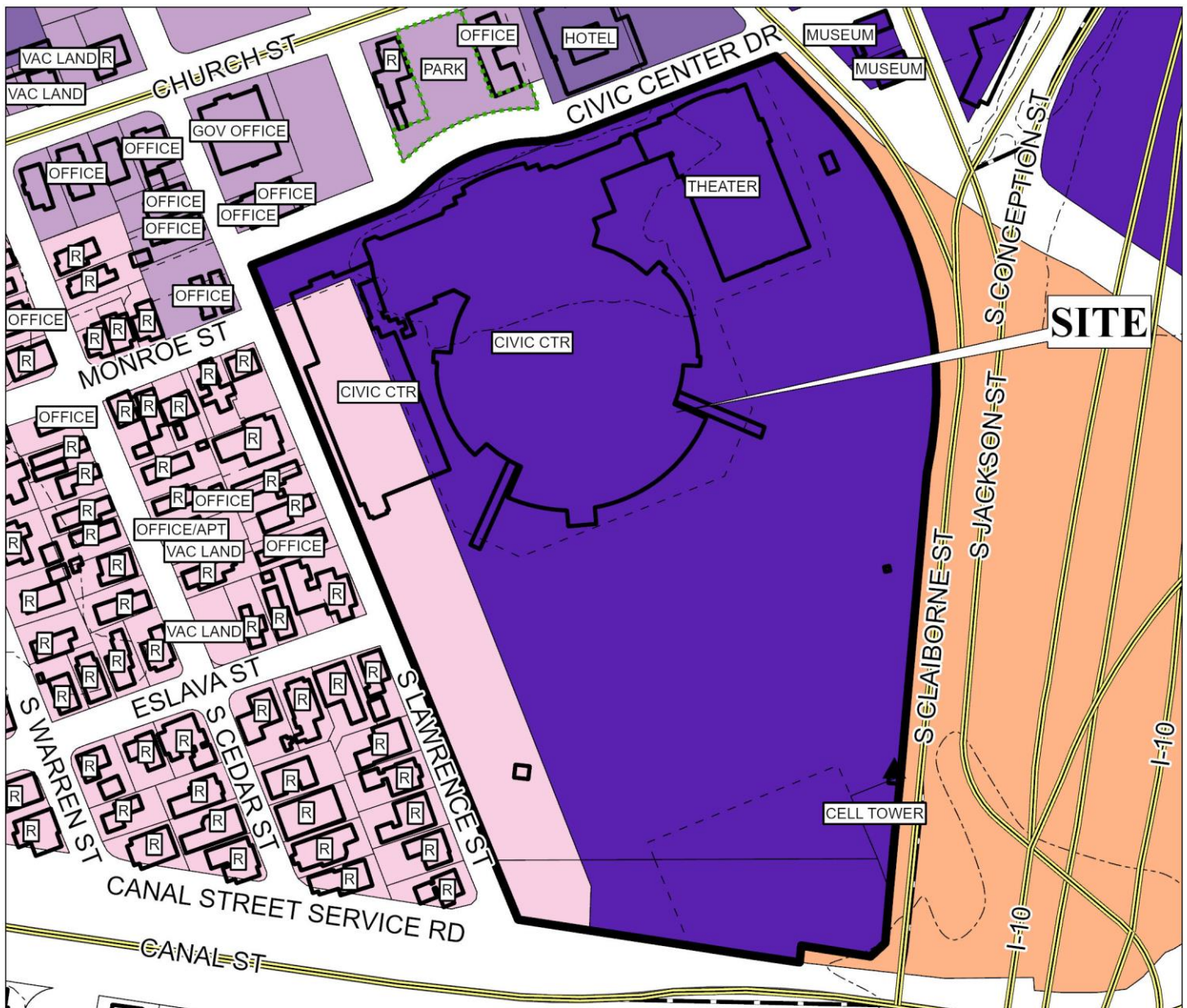


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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by

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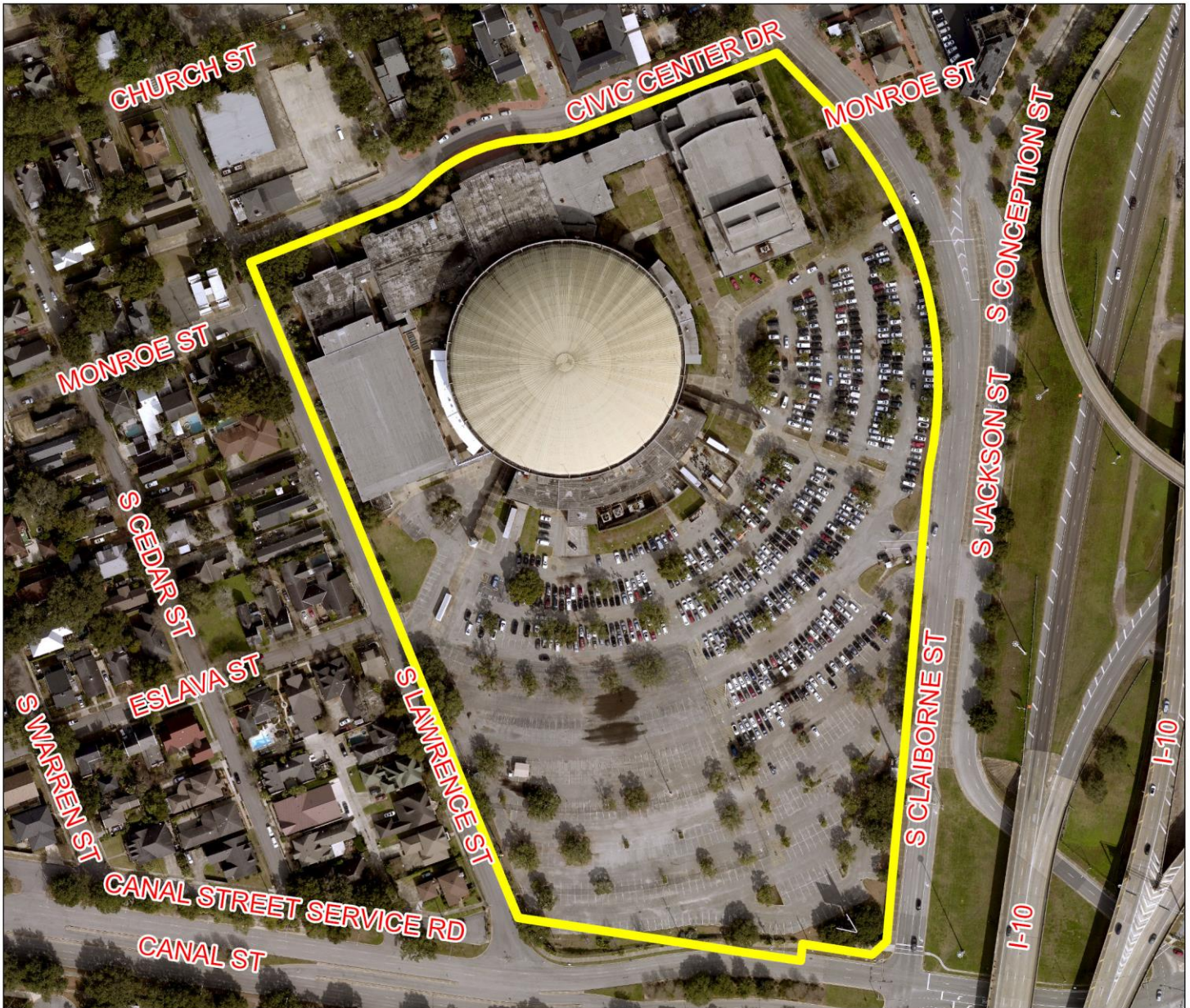
REQUEST 11 Variances

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

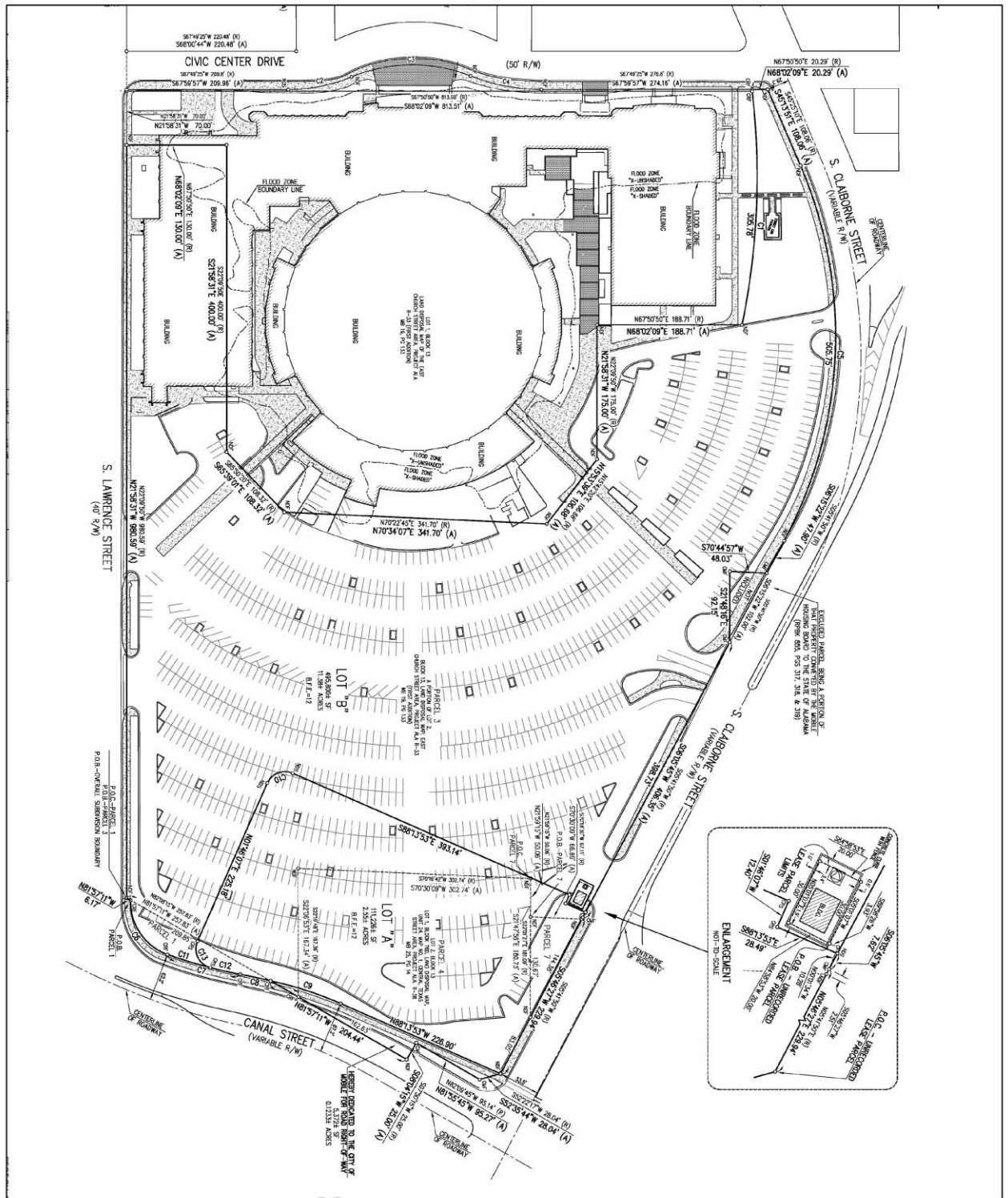


The site is surrounded by residential and commercial units.

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# EXISTING SITE PLAN



The site plan illustrates the existing civic center building and parking.

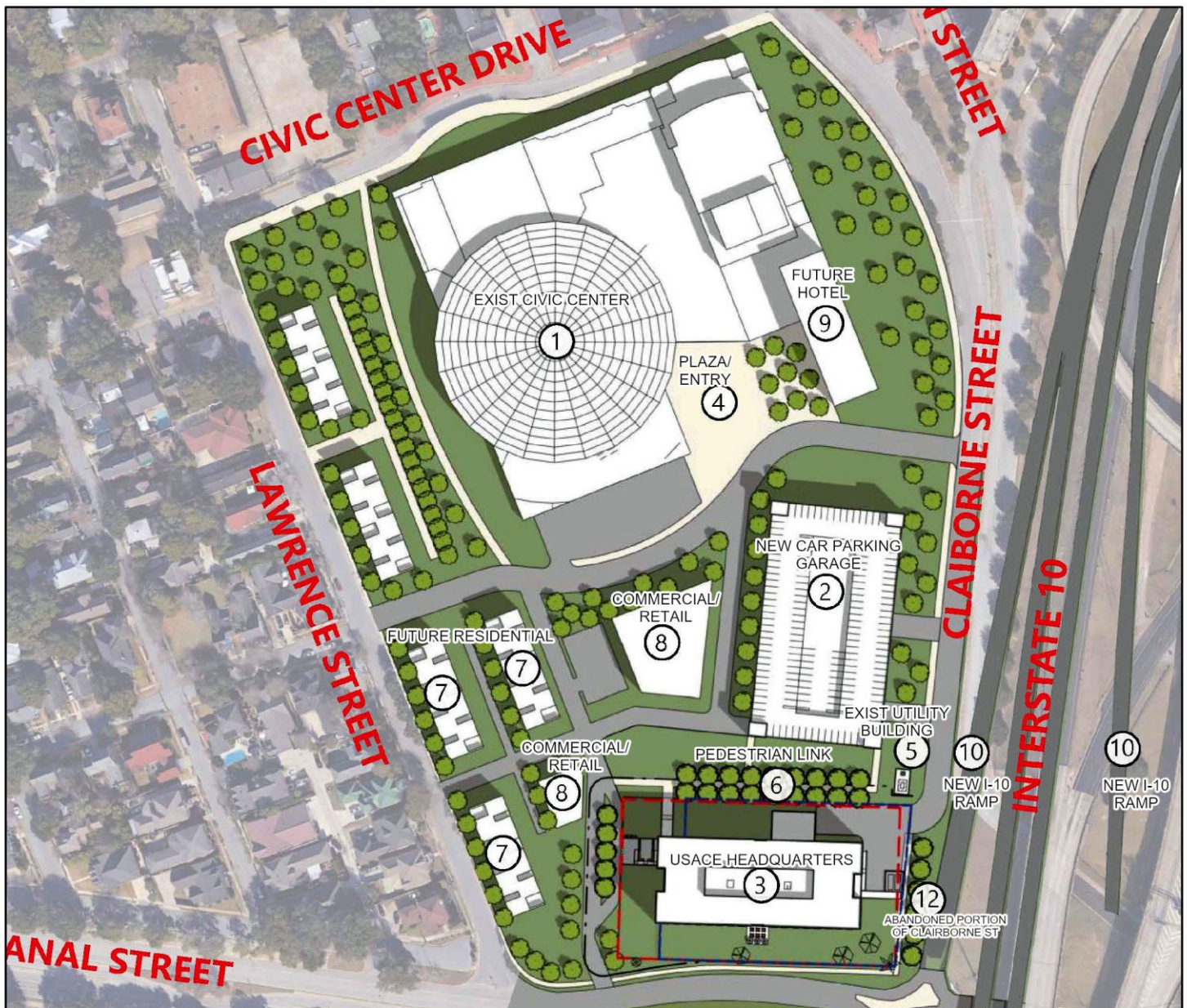
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# PROPOSED SITE PLAN



The site plan illustrates the proposed commercial and residential buildings, and landscaping.

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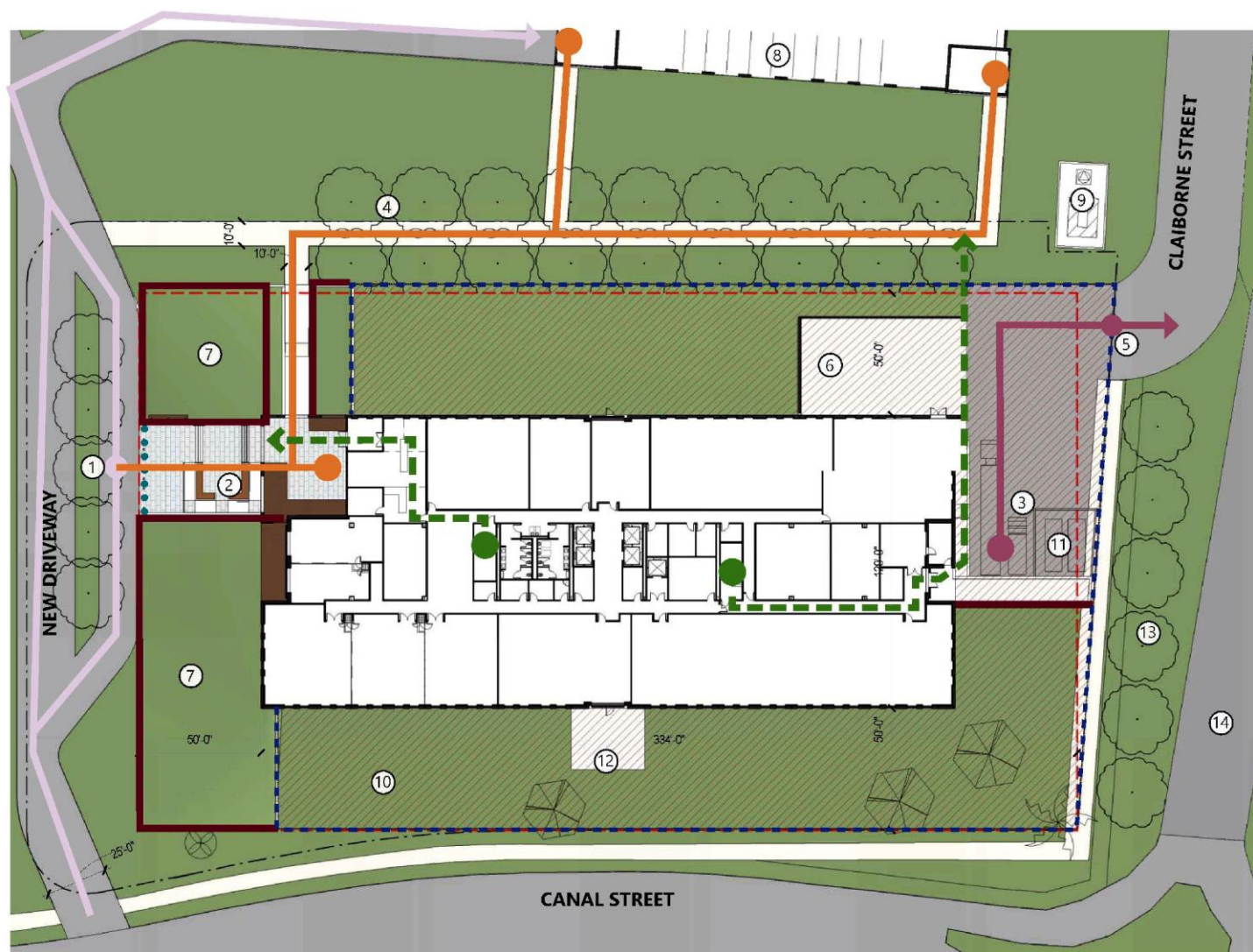
APPLICANT Michael Cartoski

REQUEST 11 Variances





# DETAIL SITE PLAN



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APPLICANT Michael Cartoski

REQUEST 11 Variances



# DETAIL SITE PLAN

## CRC SUBMITTAL BUILDING ELEVATIONS



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 REQUEST 11 Variances



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# DETAIL SITE PLAN



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APPLICANT Michael Cartoski

REQUEST 11 Variances





# DETAIL SITE PLAN



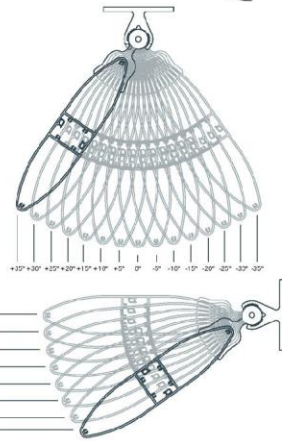
COATED TILT WALL PANELS (WHITE)



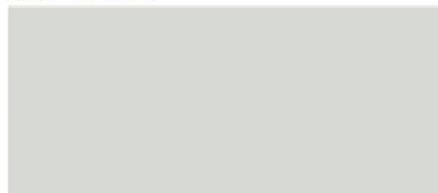
COATED TILT WALL PANELS WITH FORMLINER (GRAY)



THIN BRICK ON TILT WALL PANELS



SUNSCREEN DETAILS

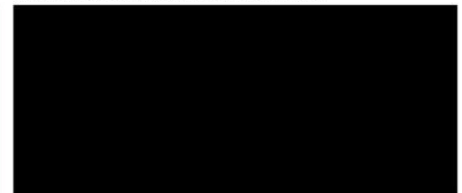


SUNSCREEN (CLEAR ANNOIDIZED/SILVER)

CRC SUBMITTAL  
PROPOSED EXTERIOR MATERIALS



MECHANICAL SCREEN WALL METAL PANEL



TYPICAL WINDOW MULLION (BLACK)

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