



Agenda Item # 5
BOA-002481-2023

View additional details on this proposal and all application materials using the following link:
[**Applicant Materials for Consideration**](#)

DETAILS

Location:
765 St. Anthony Street

Applicant / Agent (as applicable):
Victor Robinson

Property Owner:
Bernard & Carolyn Eichold

Current Zoning:
SD-WH, Special District-Warehousing of the
Downtown Development District.

Future Land Use:
Downtown

Case Number(s):
6514

Unified Development Code (UDC) Requirement:

- Appendix A of the UDC does not allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, 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 an SD-WH, Special District-Warehousing of the Downtown Development District.

Board Consideration:

- To allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, 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 an SD-WH, Special District-Warehousing 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	6514	DATE	May 1, 2023
APPLICANT	Victor Robinson		
REQUEST	Site Variance		



SITE HISTORY

The site was the subject of a two (2) lot Subdivision, which was tentatively approved by the Planning Commission at its March 2, 2023 meeting. The Subdivision was approved with the following conditions:

- 1) placement of a note stating that Lot 1 may only have a curb cut from North Bayou Street, or as approved by variance by the Board of Adjustment; and
- 2) placement of a note stating that Lot 2 is prohibited from having a curb cut, or as approved by variance by the Board of Adjustment

STAFF COMMENTS

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 [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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant is requesting a Site Variance to allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, 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 an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District (DDD). The DDD does not allow a curb cut along the primary street frontage for a corner lot with a secondary street frontage, 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 an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District.

The Downtown Development District requires that all parking shall be accessed from a secondary street frontage, where available, and prohibits curb cuts for properties within the SD-WH sub-district to have a curb cut, if it is less than 54-feet wide. It should be noted that Lot 2 has an existing structure and curb cut with a driveway, but due to the lot being approximately 38.9-feet wide, falls short of the 54-foot minimum requirement to allow a curb cut.

Lot 1 also has an existing structure, with an existing curb cut (but no driveway) along St. Anthony Street. As this lot has two (2) frontage, and St. Anthony is considered the primary frontage, any access is required to be from the secondary street frontage, North Bayou Street.

Although both of the lots are developed with existing structures, and have curb cuts, the division of the property, to create two legal lots of record, requires compliance with the curb cut restrictions set forth in the DDD.

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.

While the site is regulated by the DDD, the standards of review of the UDC apply, and 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:

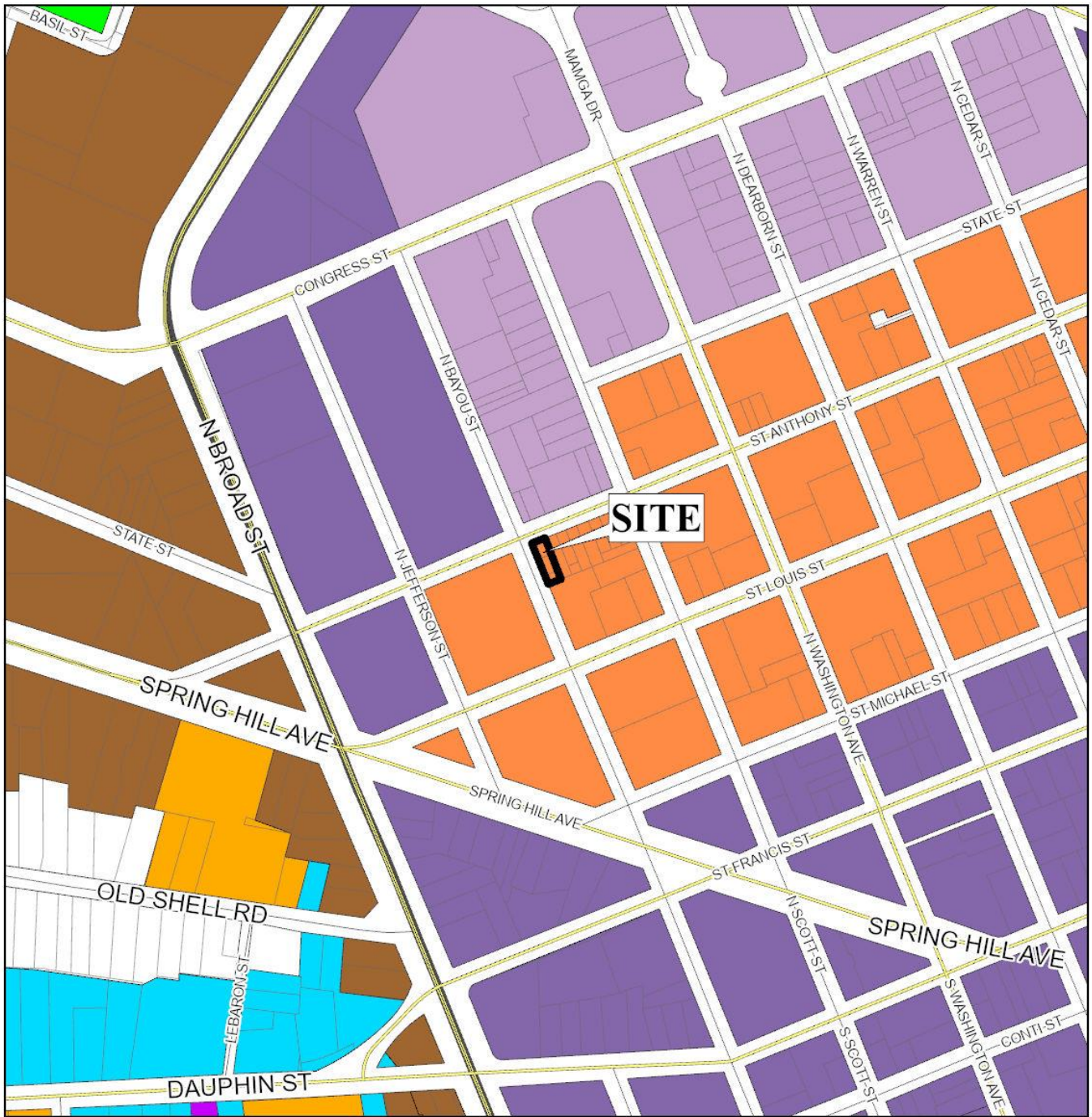
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application, the Board should consider the following findings of fact for approval or denial of the request:

- 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.

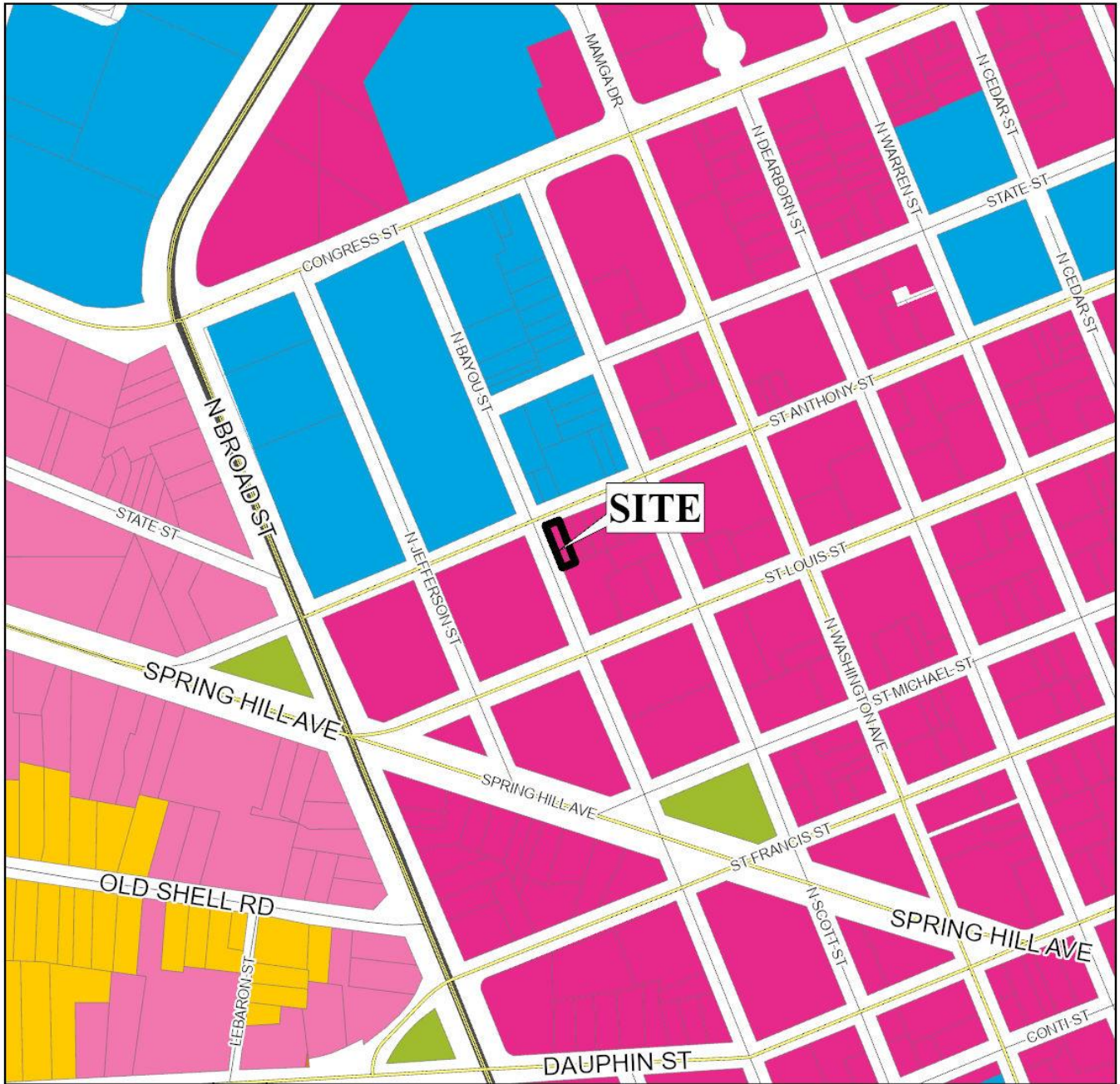
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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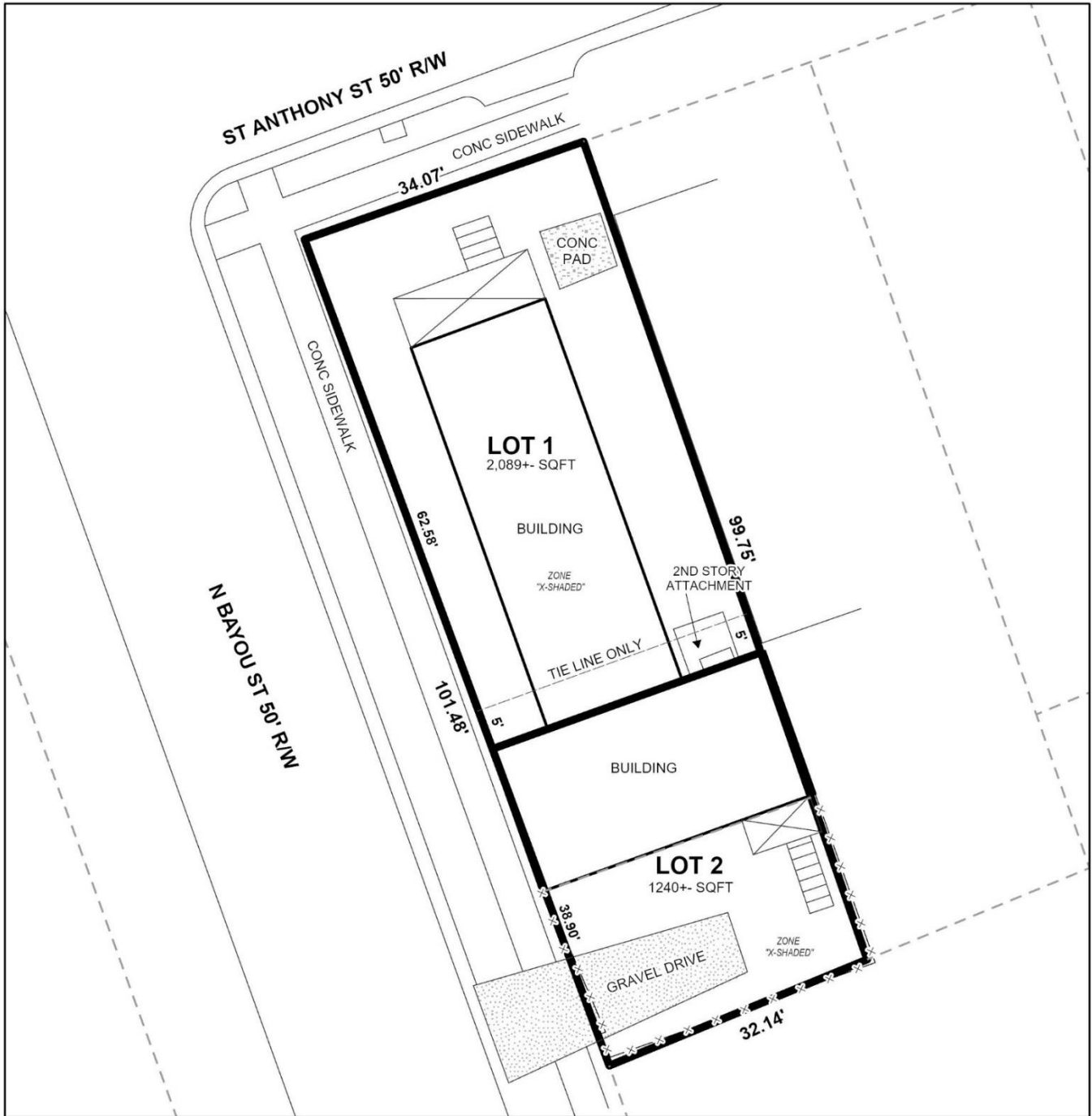
APPLICANT Victor Robinson

REQUEST Site Variance

- | | | | |
|---|--|--|---|
| ■ 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 | |



SITE PLAN



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