



# Agenda Item # 5

## BOA-002511-2023

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

500 St. Louis Street

**Applicant / Agent (as applicable):**

Jared Fulton

**Property Owner:**

LDC & Partners LLC

**Current Zoning:**

SD-WH, Special District – Warehousing Sub-district of the Downtown Development District

**Future Land Use:**

Downtown

**Case Number(s):**

6520

**Zoning Ordinance Requirement:**

- Limits the front yard setback to a maximum of ten-feet (10')
- Requires non-residential uses to have a minimum ground floor story height of 14-feet

**Board Consideration:**

- To allow a building addition setback more than ten-feet (10') from the front property line
- To allow a building addition with a ground floor story height of ten-feet (10')

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER <u>6520</u> DATE <u>June 5, 2023</u>
APPLICANT <u>Chambless King Architects/Jared Fulton, Agent</u>
REQUEST <u>Front Yard Setback Variance</u>



## SITE HISTORY

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The subject site has not previously been before the Board of Adjustment.

The subject site has a one-lot Subdivision application on the June 15<sup>th</sup> Planning Commission agenda.

## STAFF COMMENTS

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### Engineering Comments:

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

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
2. 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.
3. 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

If the Parking lot shown on this site plan is part of this application, additional dimensions are needed.

### 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 Front Yard Setback and Building Story Height Variances to allow a building addition setback more than ten-feet (10') from the front property line and an addition to an existing structure with a ground floor story height of ten-feet (10') in an SD-WH, Special District-Warehousing Sub-District of the Downtown Development District (DDD).

The subject site is currently developed with an existing structure which pre-dates the adoption of the DDD in 2014. The applicant now wishes to renovate the existing structure and construct an addition, which will not

comply with the maximum setback standard or the minimum story height requirements, as the addition will be setback approximately 18-feet 4-inches (18' 4") from the front property line, and the ground floor story height will be approximately ten-feet (10') tall.

The applicant states that these design elements are required due to Federal and State historic tax credits that the applicant has received. It is stated that the increased setback and shorter height will minimize impacts of the addition to the existing historic structure. It should be noted that while the site is in the federally recognized Automobile Alley Historic District, it is not a locally regulated historic district, and therefore does not require approval from the Architectural Review Board (ARB).

It should be noted that the project has been submitted for review by the Consolidate Review Committee (CRC). While additional information has been requested, the applicant was advised of the need to either revise the setback and height of the addition or that variances would be required.

## VARIANCE CONSIDERATIONS

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### 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 64-5-10-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 64-5-10-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.

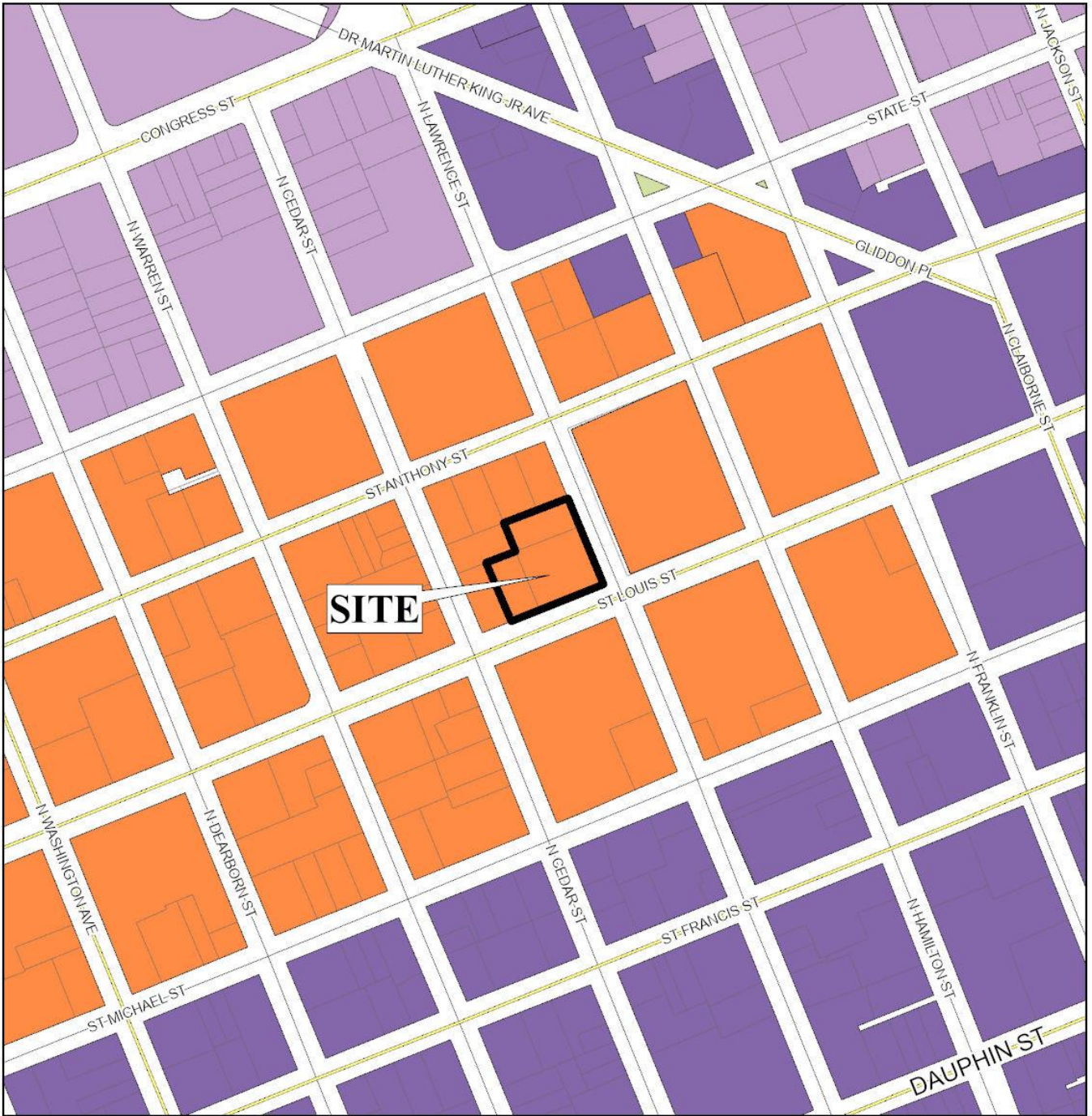
### Considerations:

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



APPLICATION NUMBER 6520 DATE June 5, 2023

APPLICANT Chambless King Architects/Jared Fulton, Agent

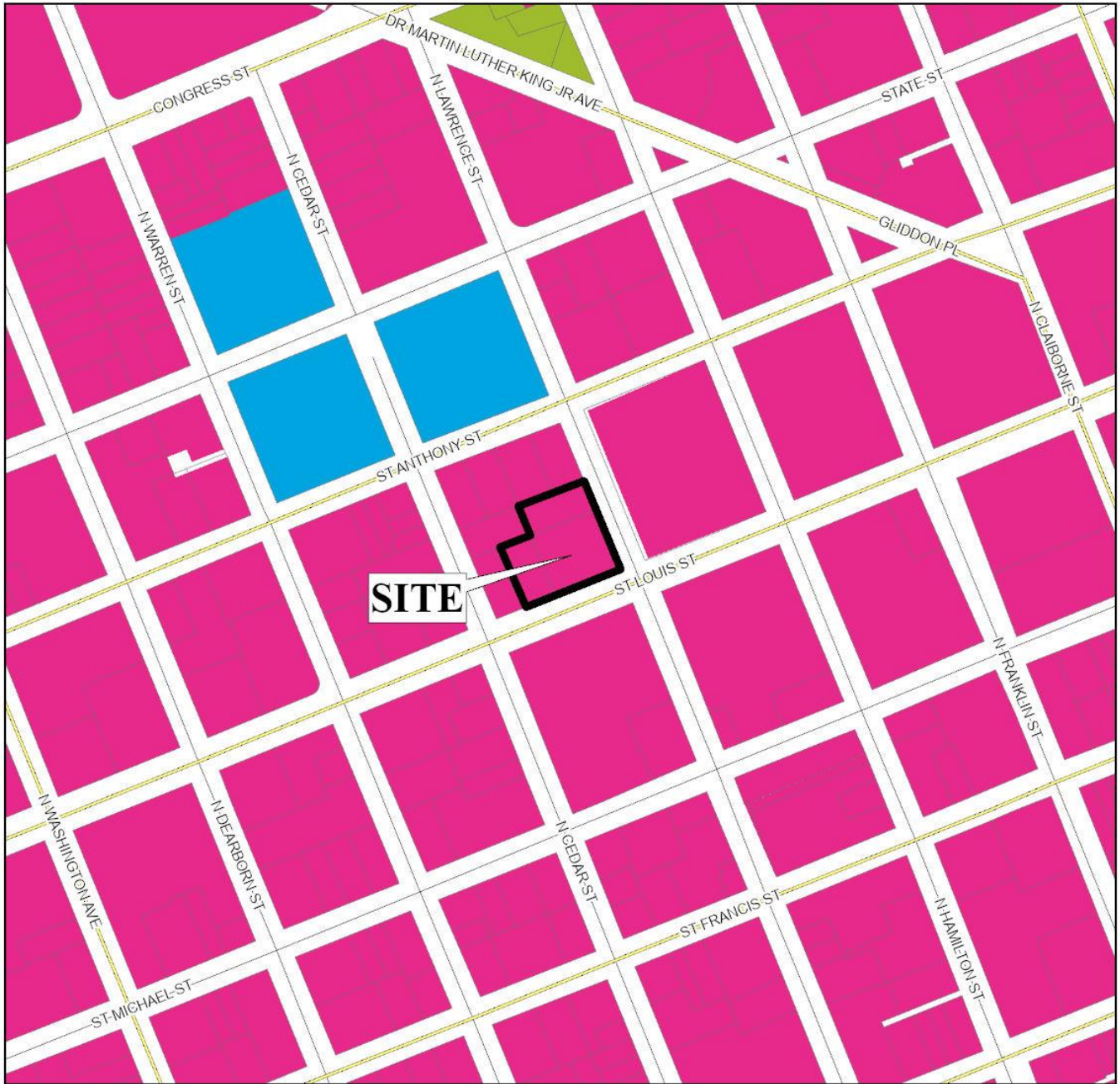
REQUEST Front Yard Setback Variance



NTS



# FLUM LOCATOR MAP

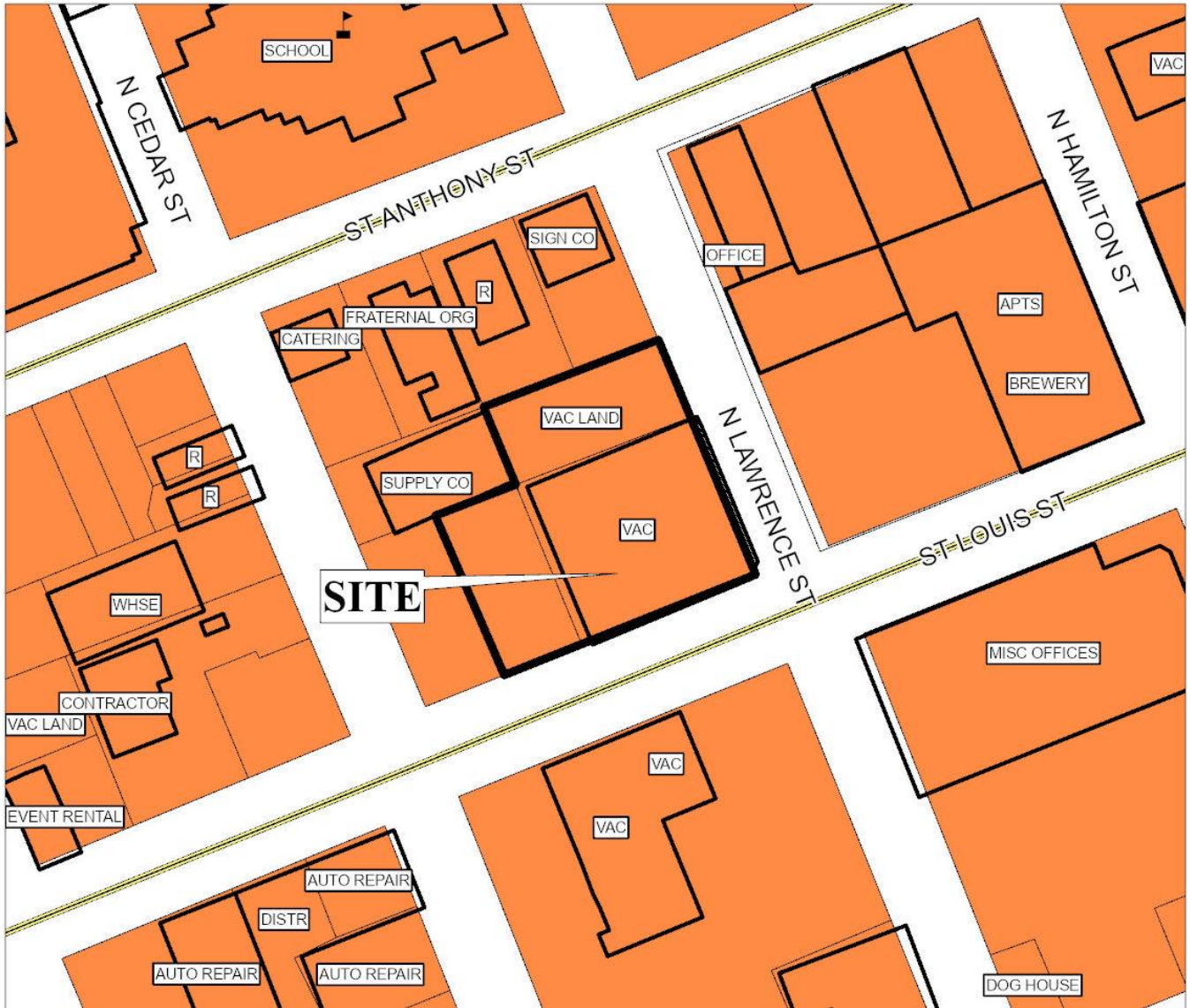


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 APPLICANT Chambless King Architects/Jared Fulton, Agent  
 REQUEST Front Yard Setback Variance

























- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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       |                    |



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

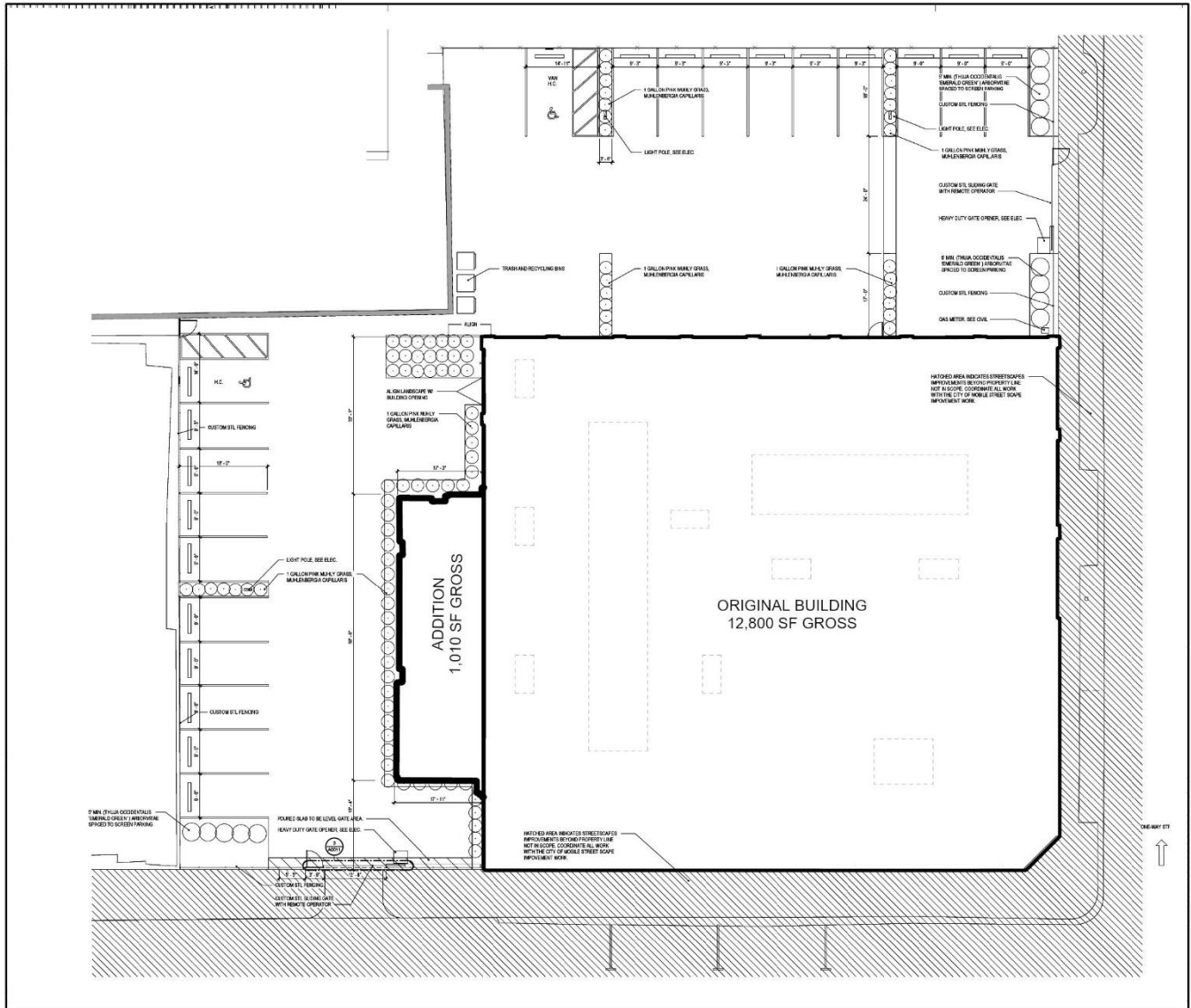


The site is surrounded by commercial and residential units.

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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		



# SITE PLAN



The site plan illustrates the existing building, parking, and proposed addition.

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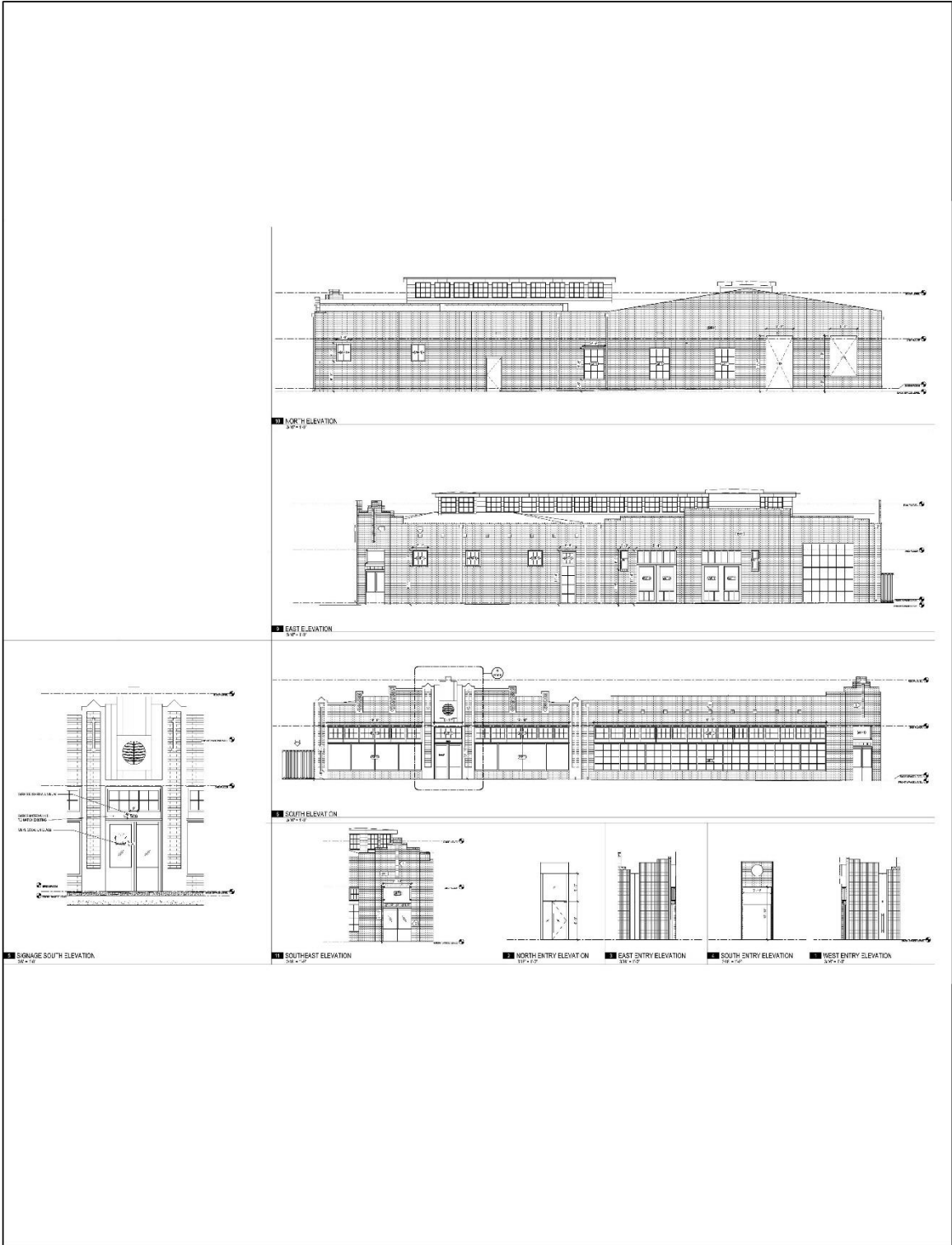
APPLICANT Chambless King Architects/Jared Fulton, Agent

REQUEST Front Yard Setback Variance

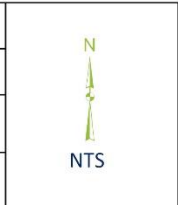




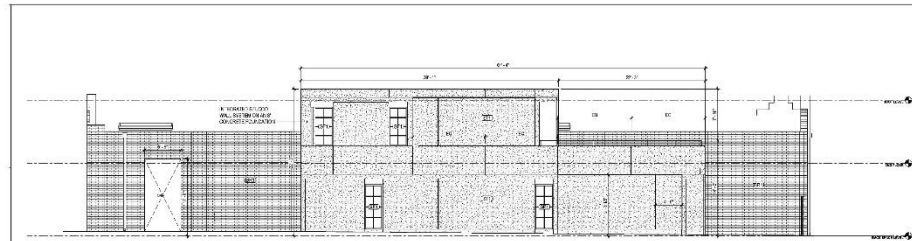
# DETAIL SITE PLAN



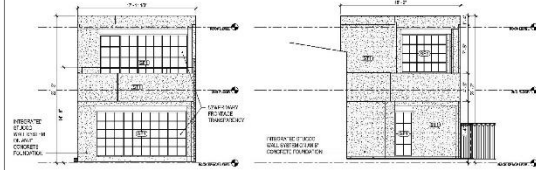
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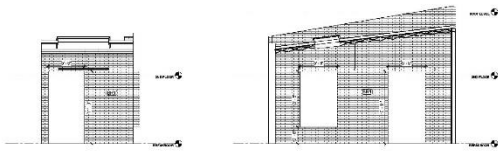


1 WEST ELEVATION  
DWG-102



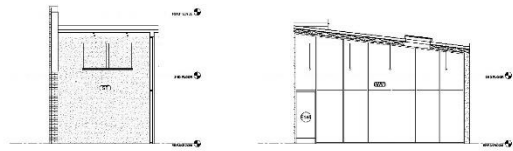
2 ADDITION SOUTH ELEVATION  
DWG-103

3 ADDITION NORTH ELEVATION  
DWG-104



4 PATIO WEST ELEVATION  
DWG-105

5 PATIO NORTH ELEVATION  
DWG-106



6 PATIO EAST ELEVATION  
DWG-107

7 PATIO SOUTH ELEVATION  
DWG-108

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