

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 6, 2018****CASE NUMBER**

6201

APPLICANT NAME

Robert Maurin

LOCATION

650 St. Louis Street
(Northwest corner of St. Louis Street and North Dearborn Street).

VARIANCE REQUEST

FRONT YARD SETBACK: To allow a building within the 10' front minimum building setback line in a SD-WH Sub-district within the Downtown Development District.

FRONTAGE TYPE: To allow a non-specified frontage type in a SD-WH Sub-district within the Downtown Development District.

**ZONING ORDINANCE
REQUIREMENT**

FRONT YARD SETBACK: Zoning Ordinance prohibits any structure within the 10' front minimum building setback line in a SD-WH Sub-District of the Downtown Development District.

FRONTAGE TYPE: The Zoning Ordinance requires all structures to have a specific frontage type in a SD-WH Sub-District of the Downtown Development District.

ZONING

SD-WH Sub-District of the Downtown Development District

AREA OF PROPERTY

0.41± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

Front Yard Setback: If the FRONT YARD SETBACK Variance Request is approved the applicant will need to have the following conditions met:

- Submit and receive a Land Disturbance Permit through the Central Permitting Dept. for any proposed site development.

- b. Submit a ROW Permit (City of Mobile) for the work within the Public ROW. Coordinate with the Traffic Engineering Dept. to decide which existing curb cuts may remain open. Broken and uneven curbscuts may need to be removed and replaced.

Frontage Type: No Comments

TRAFFIC ENGINEERING COMMENTS

No comments.

ANALYSIS

The applicant has submitted Front Yard Setback and Frontage Type Variances to allow a building within the 10' front minimum building setback line and a non-specified frontage type in the SD-WH Sub-District within the Downtown Development District; the Zoning Ordinance prohibits any structure within the 10' minimum setback and requires all structures to have specified frontage type in the SD-WH Sub-District within the Downtown Development District.

It should be noted that there was an error on the agenda describing the proposed variance request in that the site has a **maximum** building setback of 10' from the front property line, and the applicant wishes to be 77' from the front property line along St. Louis Street.

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:

The proposed building touches the property line at the Dearborn sidewalk and is 77'-0" from the St. Louis Street sidewalk on the northwest corner of the two street's intersection.

Item #9: The proposed (new) building is an adaptive reuse of an existing steel framed warehouse with brick walls, dismantled for erection on this site. The site is vacant other than various grasses and dilapidated concrete drives from previous uses. Proposed surrounding site work will include landscaping as required by codes and landscaping for necessary water runoff. The estimated construction term is six months.

Item #10 Requested Site Variances:

The proposed location for re-use of this warehouse is an ideal match to the surrounding buildings in its type, age and form. Because of the size and layout of the prescribed building, the site is maximized in this proposal- the building will not fit on site in some other orientation. An existing curb cut is utilized on the north side of the property. In keeping with neighboring historical buildings, the proposed building is pushed east to Dearborn to the property line and fronts the sidewalk. The proposed building touches property lines on its north and west sides infilling an otherwise vacant lot. The Zoning Ordinance requires a maximum setback of 10'-0" in this area on primary frontage. Because the primary frontage is considered to the south, St. Louis Street, a variance is requested for a deeper setback. No parking is

required by code for this building, no parking is provided in this proposal.

There is not a warehouse "frontage type" in the current Downtown Development District code. A variance is requested to allow reconstruction of an historical warehouse on this property, matching neighboring buildings and reinforcing the recently established warehouse district.

a. Front Setback Variance:

The property location is in a Special District — Warehouse (SD-WH).

Section 64-3.1.8 — Table 1 of the Downtown Development District Zoning Ordinance limits the maximum setback allowed along an "A" type street frontage to 10'-0" maximum. St. Louis Street is an "A"-street therefore, the Owner is requesting a waiver from this Frontage Setback requirement.

b. Frontage Type:

A frontage type allowed per Section 64-3.1.15. of the Downtown Development District section of the Zoning Ordinance cannot be applied to this site as proposed, Owner is requesting a waiver of the Frontage type requirement. A "Warehouse Frontage Type" is not included in the current code governing the recently designated warehouse district. The proposed building does not accurately fit in some other frontage type and therefore a variance is requested for this building type.

Item #13 Landscape plan will be submitted in the Land Disturbance Permit Application.

The site was recently the subject of a 1-lot Subdivision that was approved at the Planning Commission's March 1, 2018 meeting, with the plat being recorded in the Mobile County Probate Court on July 16, 2018. It should be noted that Planning has not received the required seven (7) copies of the recorded plat, therefore, if approved, copies of the Final Plat should be brought to the Planning & Zoning staff prior to any permits being issued.

The applicant appeared before the Consolidated Review Committee (CRC) on April 12, 2018 to discuss the proposed project at hand. The applicant was advised at that time of the following items that would need to be addressed to comply with the Downtown Development District regulations:

1. **Materials:** the proposed CMU portion of the building would need to be either faced in brick or stucco, per Section 64-3.1.14.(d)(2) of the Downtown Development District section of the Zoning Ordinance;
2. **Screening:** the proposed parking lot along St Louis Street will need to be screened, per the requirements of Section 64-3.1.11.(b)(3) of the Downtown Development District section of the Zoning Ordinance;
3. **Variances:**
 - a. Front setback: the property location in a Special District – Warehouse limits the maximum setback along an "A"-street frontage to 10 feet. St. Louis Street is an "A"-street. Thus you will need to request a waiver from Section 64-3.1.8.

of the Downtown Development District section of the Zoning Ordinance, regarding the maximum front setback allowed (see Table 1 in the section);

- b. Frontage type: if a frontage type allowed per Section 64-3.I.15. of the Downtown Development District section of the Zoning Ordinance cannot be applied to the site, as proposed, then a waiver of the Frontage type requirement must be requested; and
- c. Curb-cuts per frontage: each lot is limited to one curb-cut per frontage, per Section 64-3.I.11.(c) of the Downtown Development District section of the Zoning Ordinance. The submitted site plan depicts two curb-cuts onto St. Louis Street, however, a recently approved one-lot subdivision of the site limited the site to one curb-cut per street frontage. A variance request to allow a second curb-cut onto St. Louis Street will be required.

It should be noted that at the time the site came before the CRC there was a small parking lot proposed off of St Louis Street, which has been removed from the currently proposed site plan, making the variance for the number of curb cuts per frontage no longer needed, and subsequently, no parking lot screening will be required. Parking is not required for structures in SD-WH sub-districts.

The building elevations submitted with the application packet has indicated that the CMU will be faced with stucco, therefore satisfying the materials requirements within the Downtown Development District.

As it relates to the front setback request, the site is uniquely situated, and if the subject site were to have its frontage along North Dearborn Street rather than St. Louis Street, the proposed development would meet all minimum and maximum allowable setbacks. However, because St. Louis Street is an “A” street, while North Dearborn is a “B” street, Section 64-3.I.8.(a) of the Zoning Ordinance requires that new development face the “A” street as the “primary” frontage.

Regarding the frontage type variance, the applicant is proposing to relocate an existing structure onto the site that does not fit into the existing classifications as set forth in the Zoning Ordinance. There have been several instances where the Board of Zoning Adjustment has been sympathetic to existing structures not meeting these standards; therefore, it may be appropriate to allow the subject site to deviate.

It should be noted that no signage was reviewed by the CRC at its April 2018 meeting. Prior to the obtaining of sign permits and installation of signage, CRC approval must be obtained.

RECOMMENDATION:

Staff recommends to the Board the following findings of fact for approval:

- 1) The variance will not be contrary to the public interest in that granting the frontage type variance will allow an existing structure to be placed on the site;
- 2) These special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship in that if North Dearborn Street were

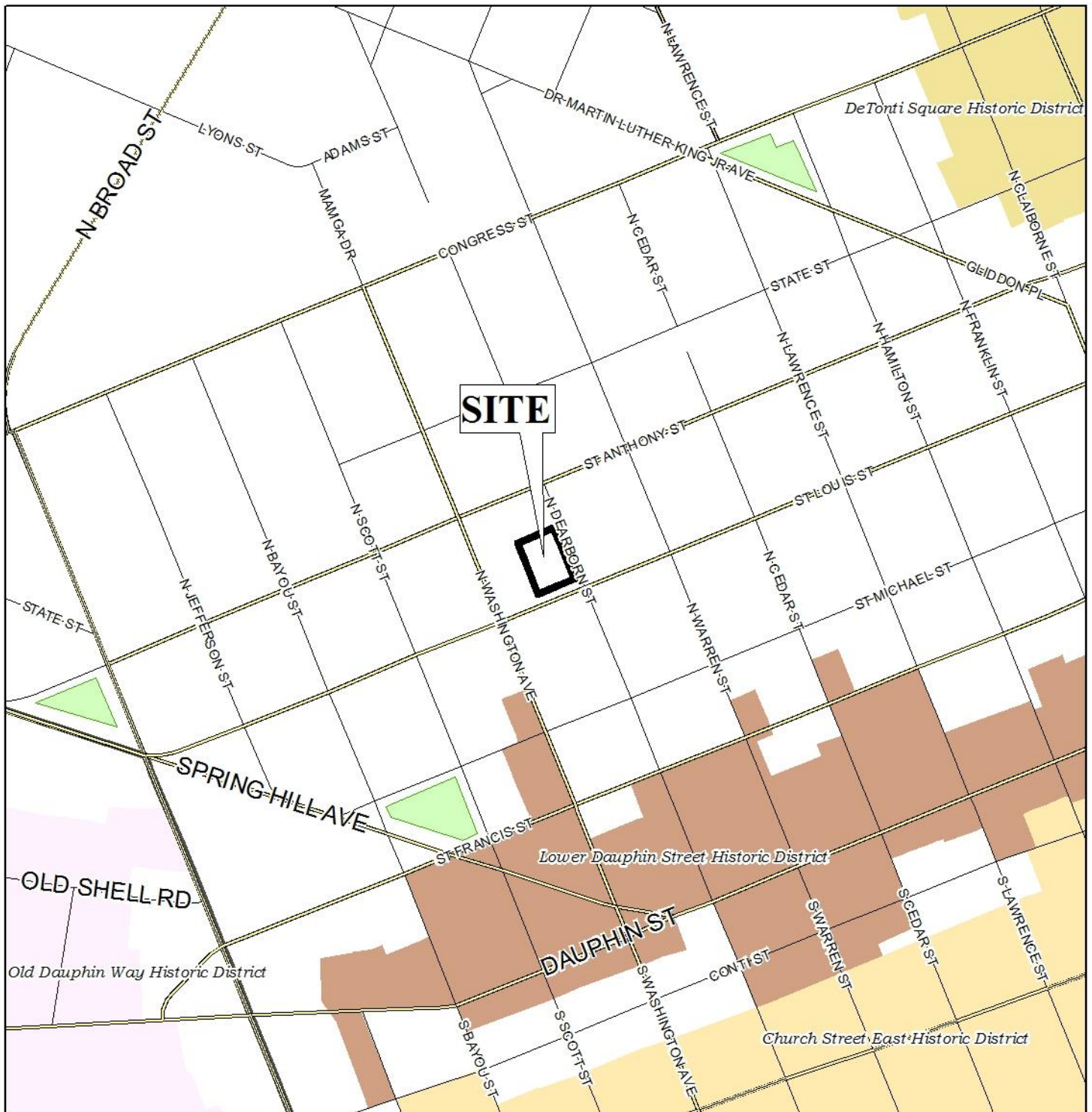
considered the property's frontage, the proposed development would meet all minimum and maximum setbacks; and

- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the proposed development will meet the intent of the Downtown Development District regulations.

Therefore, the request is recommended for approval, subject to the following conditions:

- 1) Submittal of seven (7) copies of the recorded St. Louis Street – Dearborn Subdivision plat prior to issuance of permits;
- 2) Approval by the CRC for all signage prior to the obtaining of sign permits and installation of signage; and
- 3) Full compliance with all municipal codes and ordinances.

LOCATOR MAP



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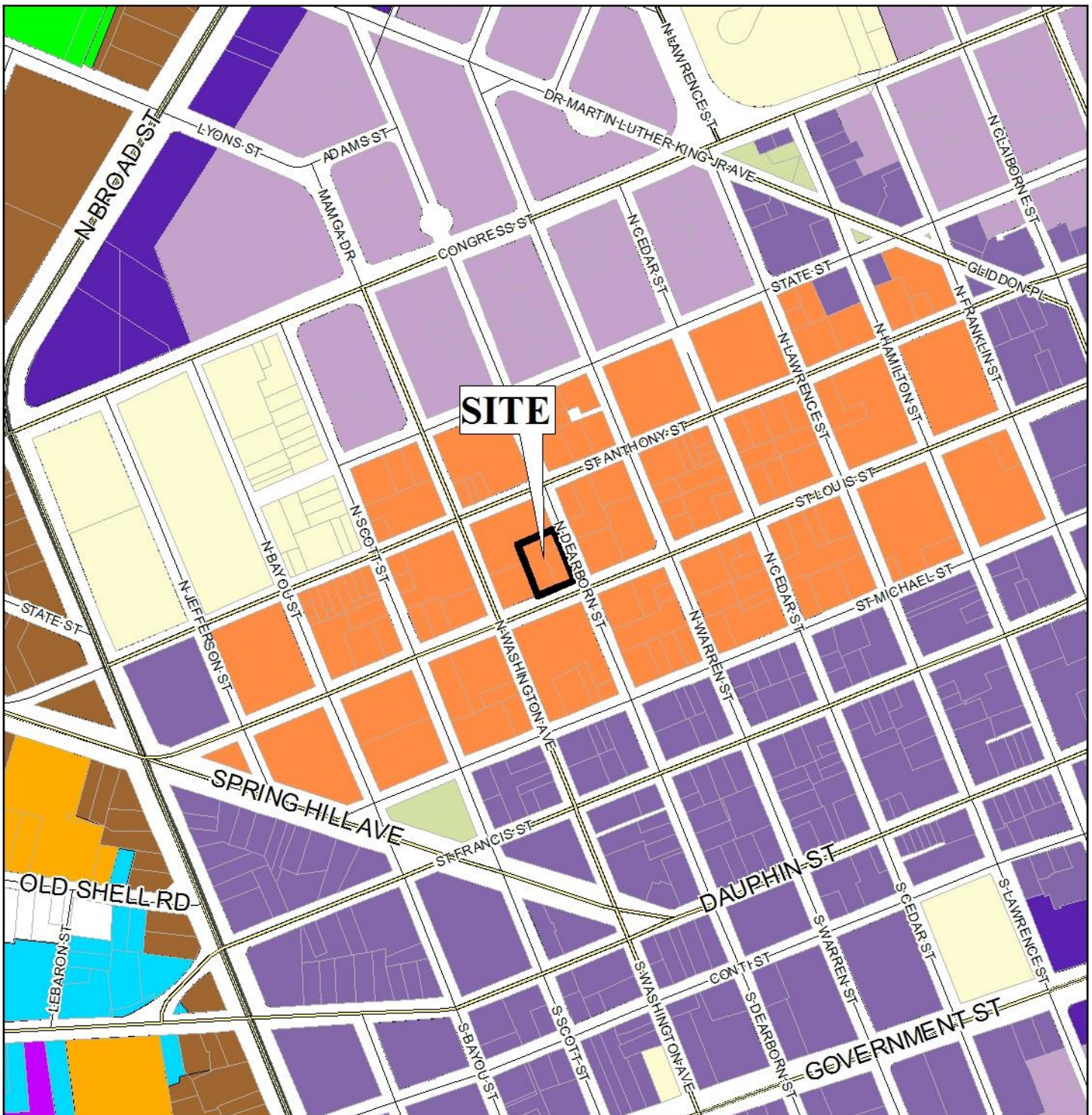
APPLICANT Robert Maurin

REQUEST Front Yard Setback and Frontage Type Variances



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LOCATOR ZONING MAP



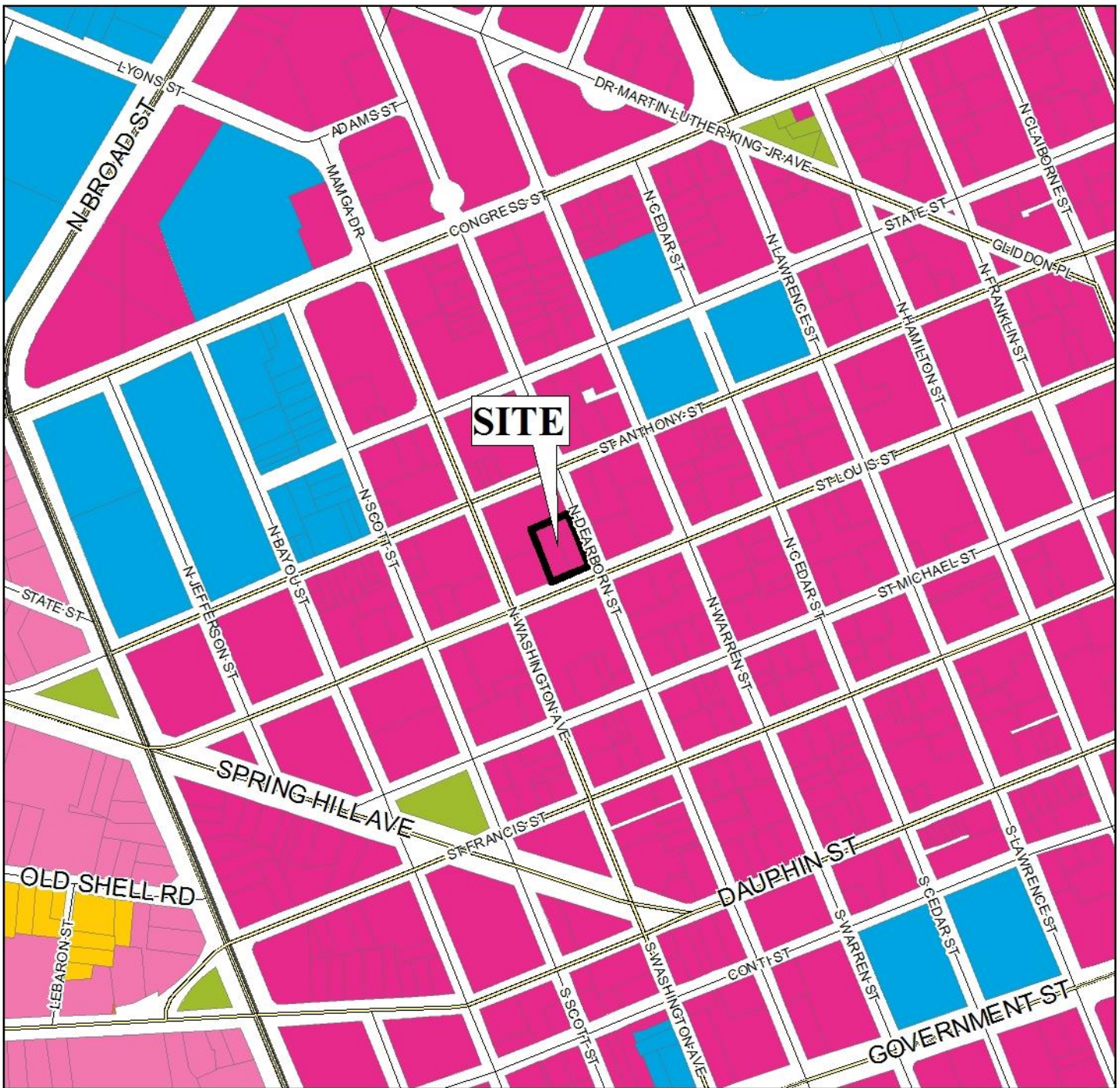
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FLUM LOCATOR MAP



APPLICATION NUMBER 6201 DATE August 6, 2018

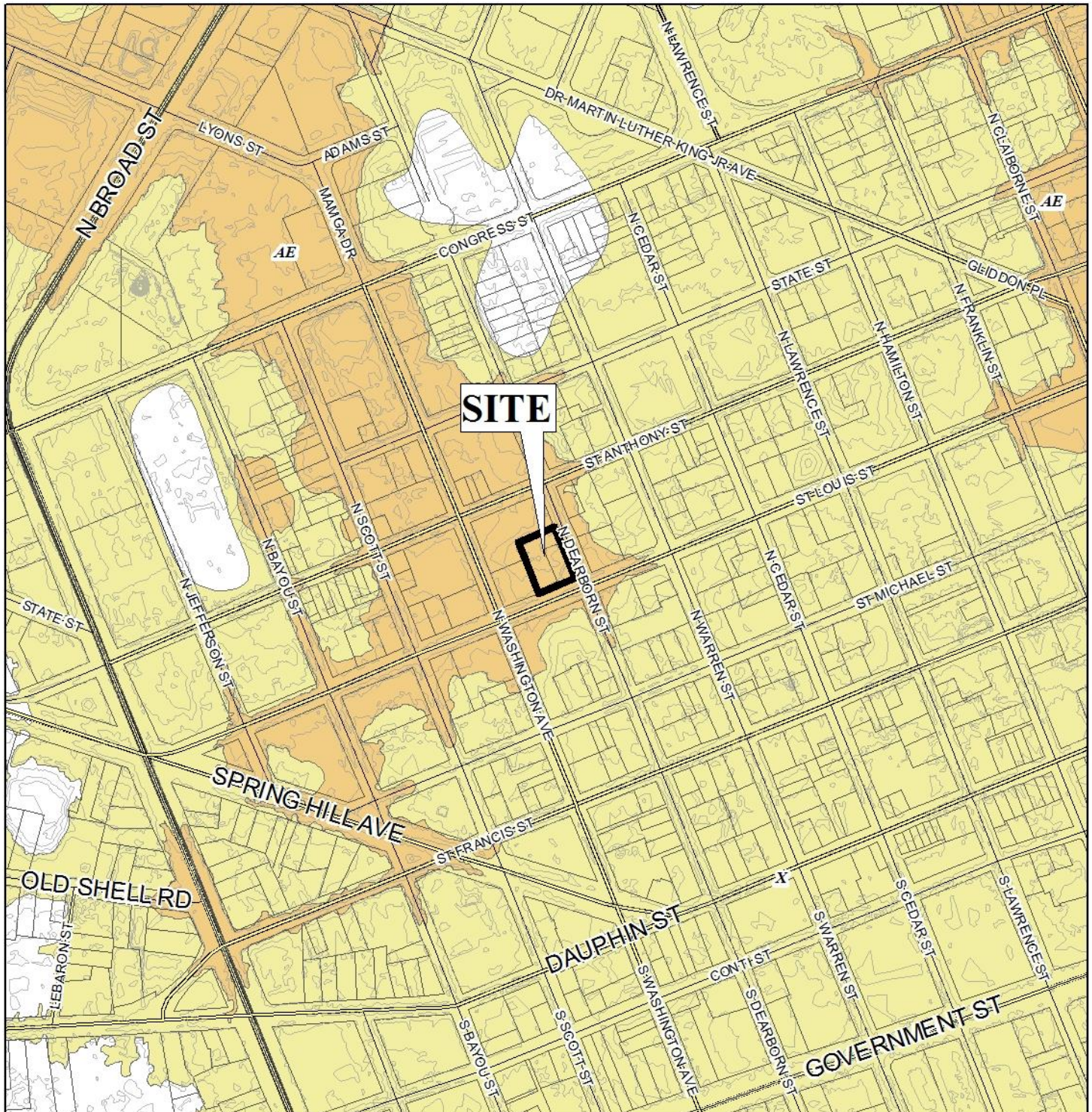
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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



ENVIRONMENTAL LOCATOR MAP



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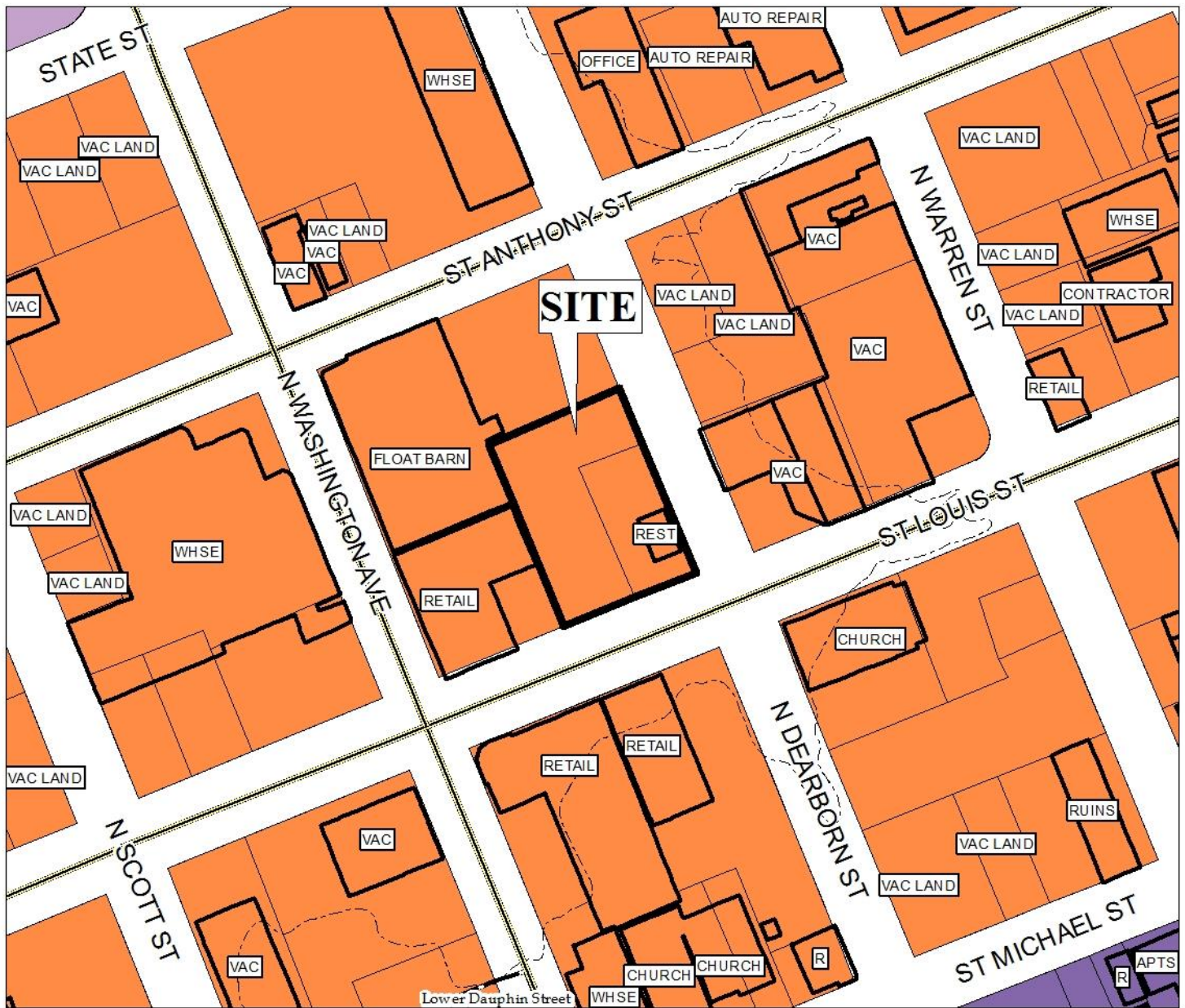
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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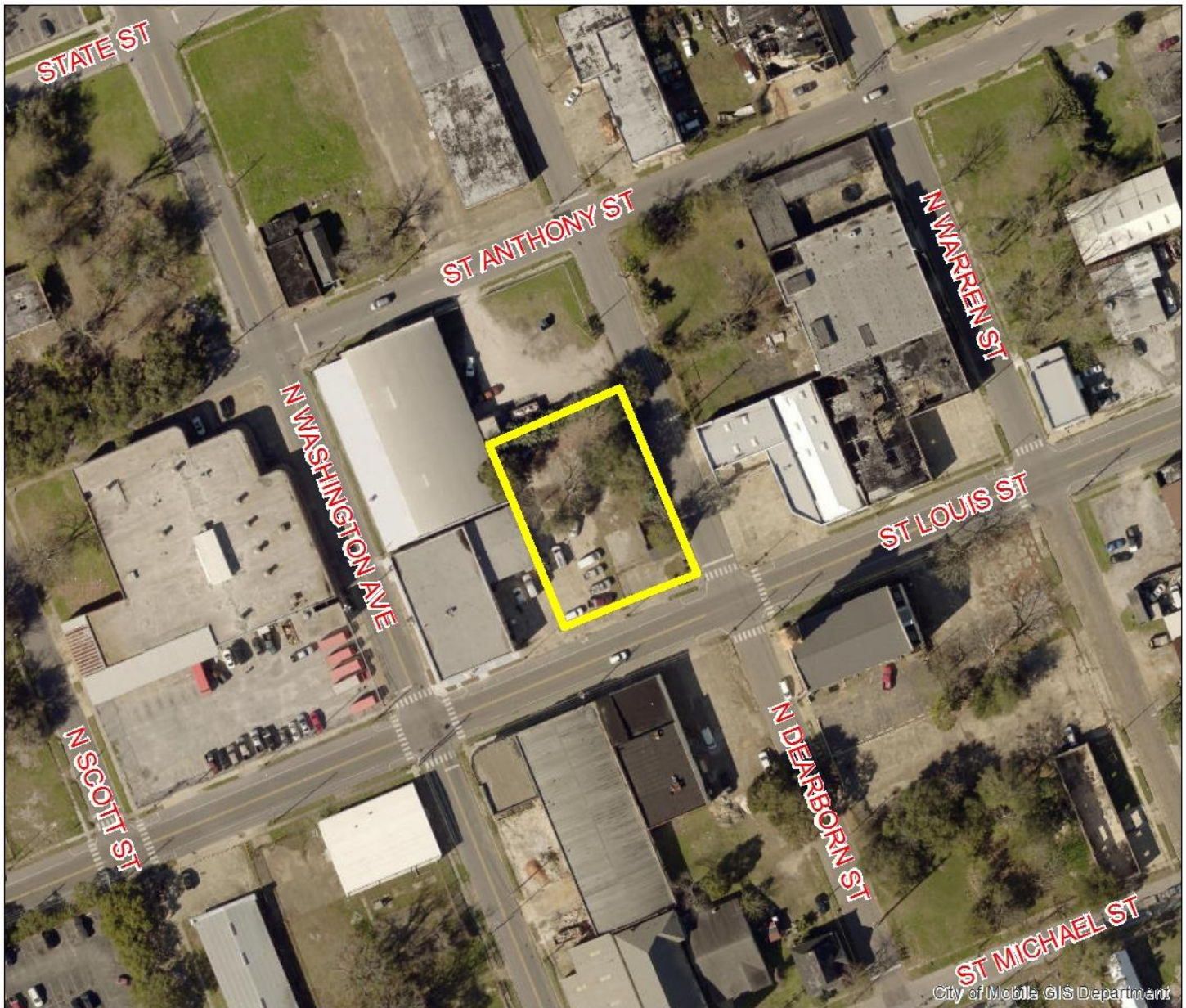
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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

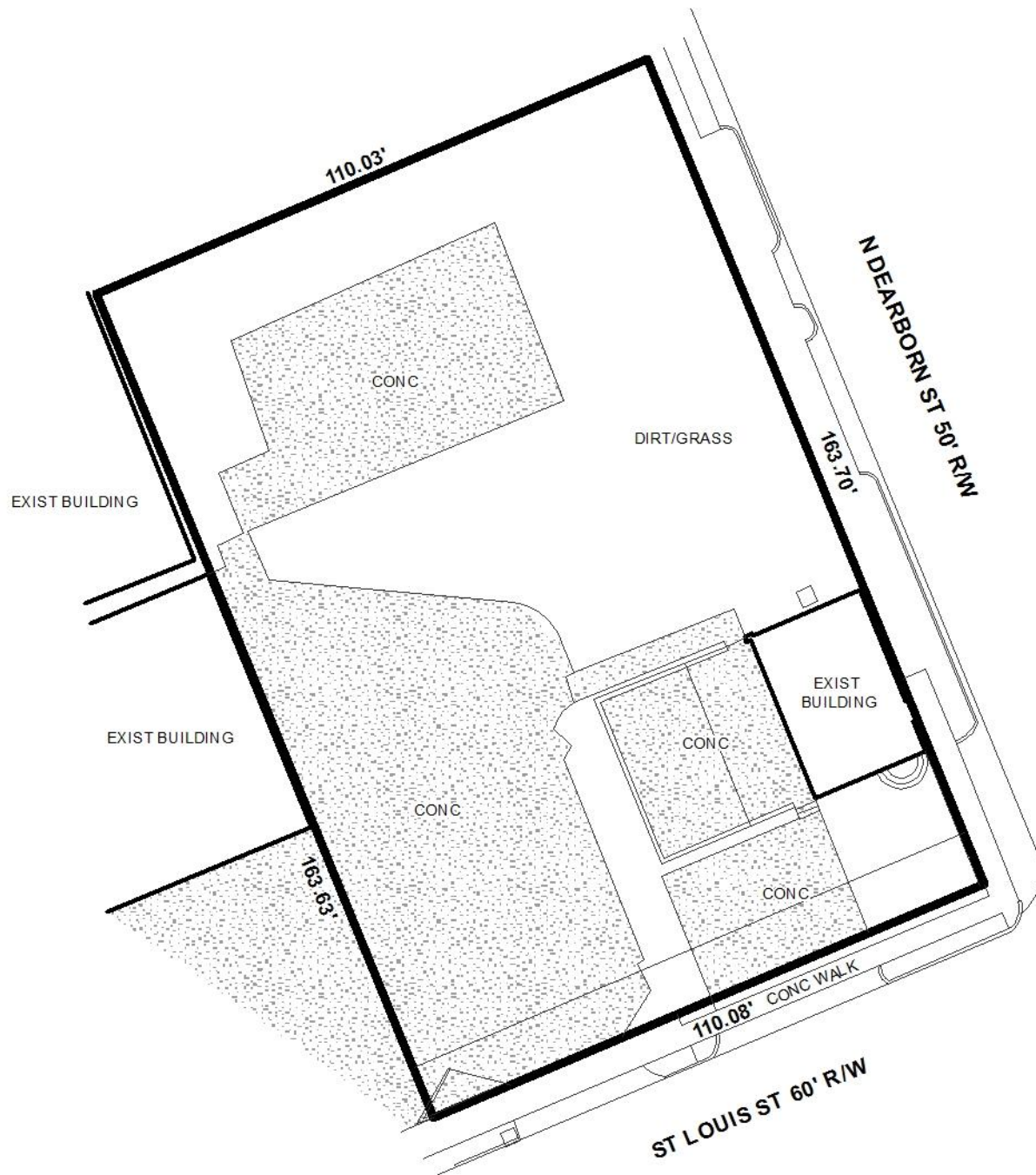


The site is surrounded by commercial units.

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EXISTING SITE PLAN



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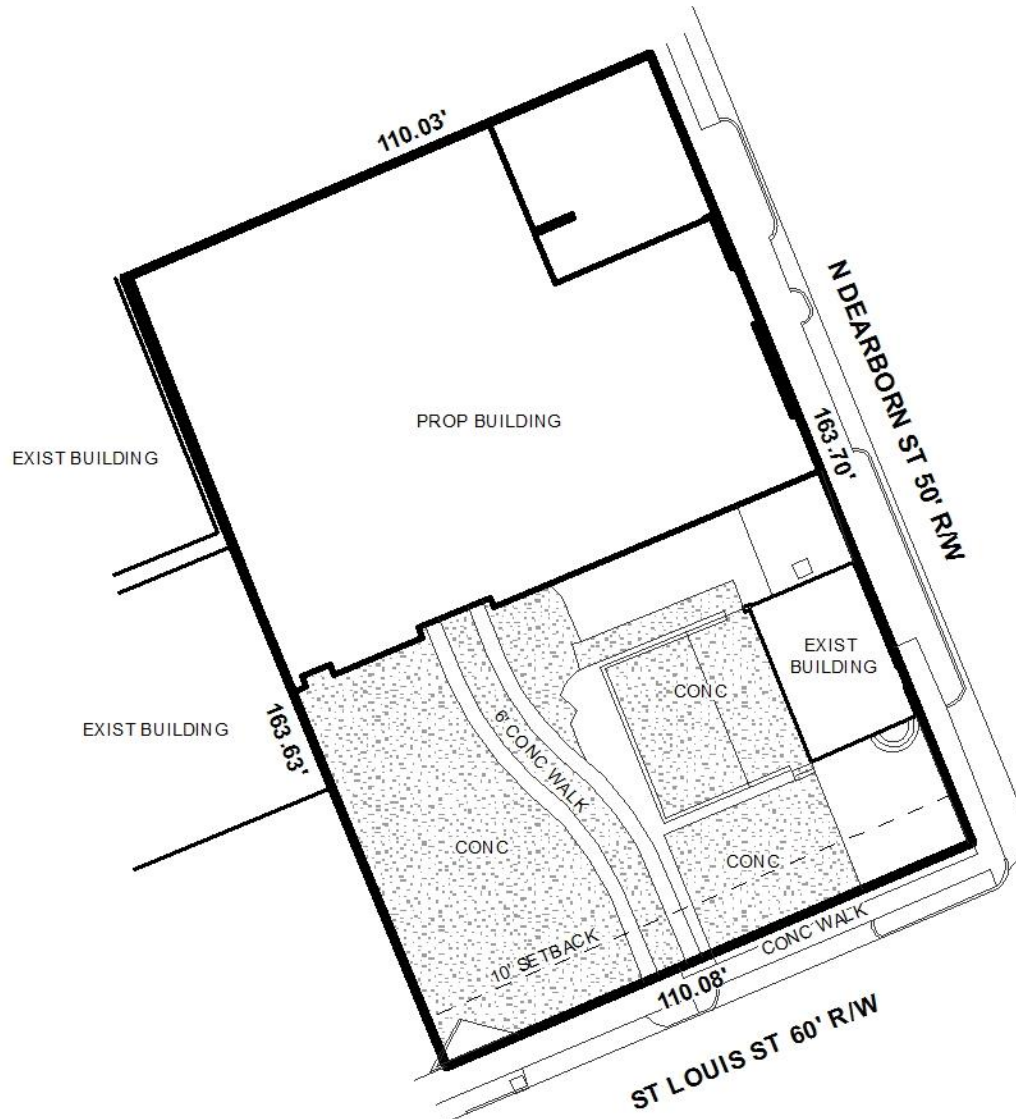
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PROPOSED SITE PLAN



The site plan illustrates the existing building, setback, and proposed building.

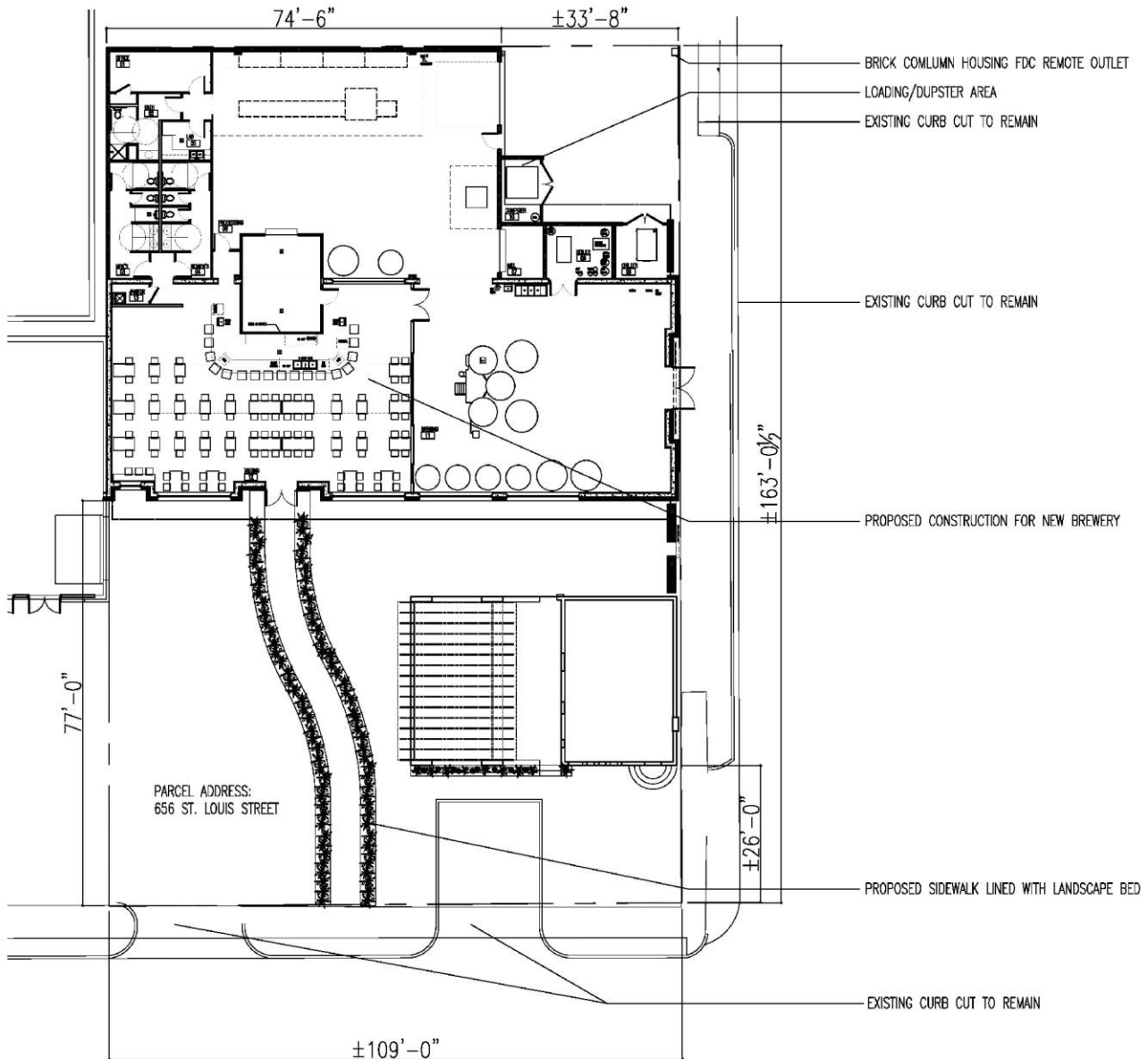
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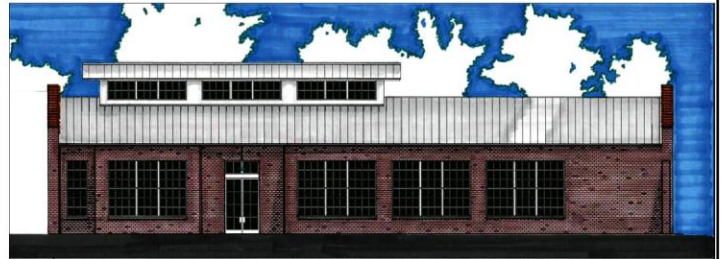
DETAIL SITE PLAN



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 REQUEST Front Yard Setback and Frontage Type Variances

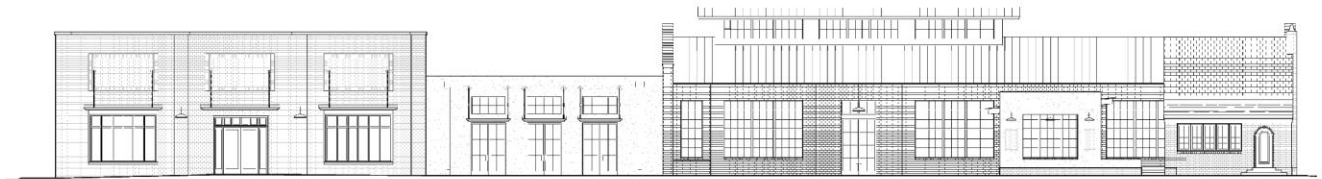


DETAIL SITE PLAN



1 PROPOSED BUILDING ELEVATION - EAST

1 PROPOSED BUILDING ELEVATION - SOUTH



2 SHOPPES ON ST. LOUIS STREET - SOUTH ELEVATION

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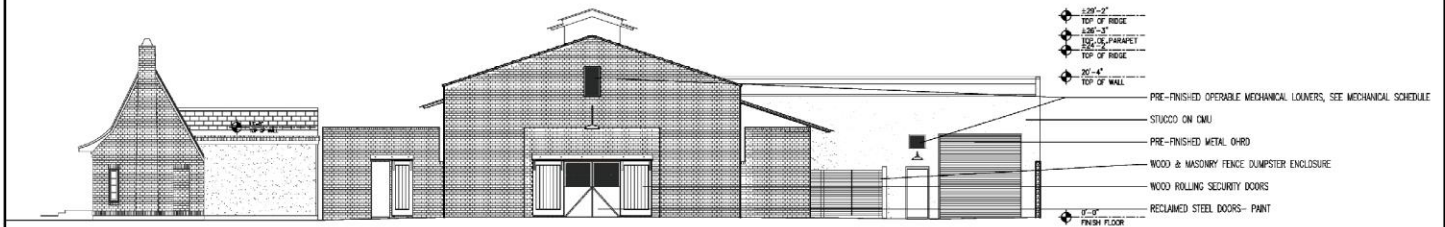
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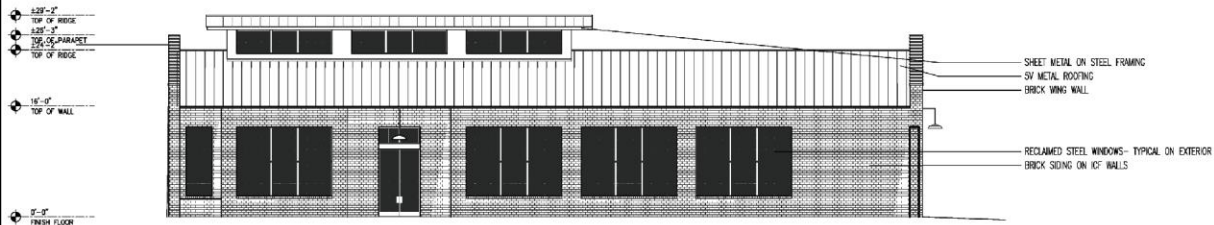


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DETAIL SITE PLAN



ELEVATION - EAST



ELEVATION - SOUTH

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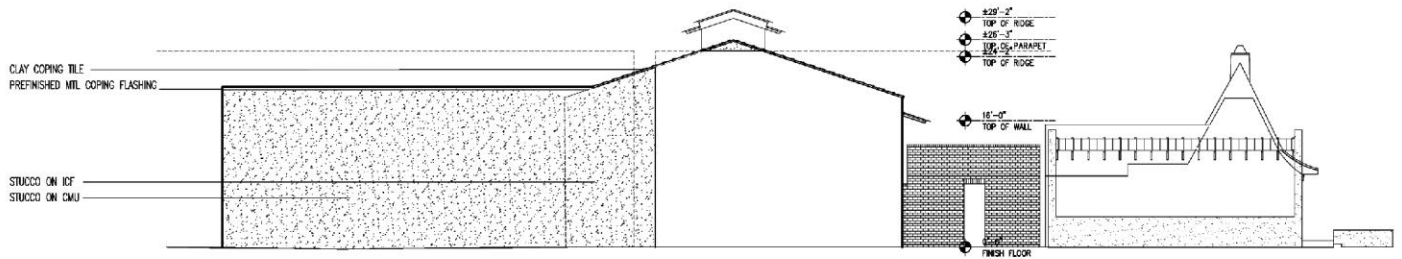
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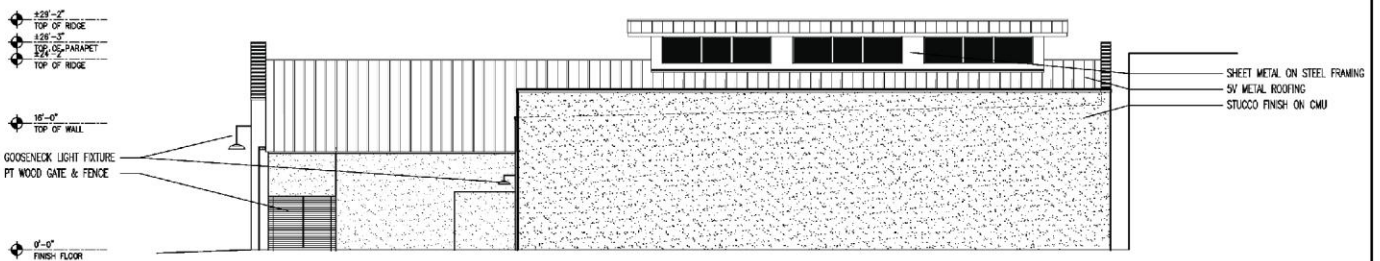


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DETAIL SITE PLAN



ELEVATION - WEST



ELEVATION - NORTH

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