

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 7, 2022****CASE NUMBER**

6480/6342

**APPLICANT NAME**

Architecture &amp; Design, Inc. (Timothy Spafford, Agent)

**LOCATION**

200 North Royal Street  
(Block bounded by North Royal Street, State Street, North Water Street, and St. Anthony Street).

**VARIANCE REQUEST**

**BUILDING MATERIAL:** To allow a metal modular building in a T-6 Sub-District of the Downtown Development District.

**WINDOW TRANSPARENCY:** To allow reduced window transparency in a T-6 Sub-District of the Downtown Development District.

**FENCE HEIGHT:** To allow a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District.

**ZONING ORDINANCE  
REQUIREMENT**

**BUILDING MATERIAL:** The Zoning Ordinance prohibits metal exterior finishes on structures in a T-6 Sub-District of the Downtown Development District.

**WINDOW TRANSPARENCY:** The Zoning Ordinance requires a window transparency of at least 78% in a T-6 Sub-District of the Downtown Development District.

**FENCE HEIGHT:** The Zoning Ordinance limits a perimeter fence to a maximum height of 8' in a T-6 Sub-District of the Downtown Development District.

**ZONING**

T-6 Sub-District of the Downtown Development District

**AREA OF PROPERTY**

3.7± 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 [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 (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 Building Material, Window Transparency and Fence Height Variances to allow a metal modular building with reduced window transparency, and a perimeter fence height of 10' in a T-6 Sub-District of the Downtown Development District; the Zoning Ordinance prohibits metal exterior finishes on structures, requires a window transparency of at least 78%, and limits a perimeter fence height to a maximum of 8' within a T-6 Sub-District of the Downtown Development District.

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.

A similar variance was approved at the Board's August 3, 2020 meeting. No permits for construction were obtained and no extension was filed, thus the variance expired. The applicant now requests the same variances for the subject site.

The applicant states:

**VISITOR'S SCREENING FACILITY BUILDING EXTERIOR FINISH:**

*Please consider our request for the use of a painted steel and precast panel building facade. The precast panels would be fabricated to match the main building precast panels. The Visitor's Screening Facility is a modular building fabricated off-site and made of painted welded steel for security purposes. The Visitor's Screening Facility will replace the existing security guard booth.*

**VISITOR'S SCREENING FACILITY WINDOW TRANSPARENCY:**

*Please consider our request for the use of tinted windows for the Visitor's Screening*

*Facility. The tinted glass specified is Solarban z75 and is used to restrict observation of the security guard.*

**PERIMETER SECURITY FENCE REPLACEMENT:**

*Please consider our request for replacing the existing perimeter fence with a taller and more secure perimeter fence. The fence material will be black painted steel and will be approximately 2 ft. taller than the existing fence.*

While the subject requests may not be justified by a hardship specific to the property, the use of the site as a Field Office for the Federal Bureau of Investigation (FBI) has unique security concerns that require special consideration.

The existing guard building at the entrance to the site appears to have a metal façade as it was constructed prior to the adoption of the Downtown Development District. As such, the proposed building will be in keeping with the character of the existing guard building.

Regarding the window transparency and wall height variance requests, as mentioned above, use of the site by the FBI has particular requirements in regards to safety. The requested variances will not have a negative impact on the surrounding area, and will allow for required enhanced security on the site.

As the site is within the Downtown Development District (DDD), review by the Consolidated Review Committee (CRC) will also be required. The site is not within a historic district.

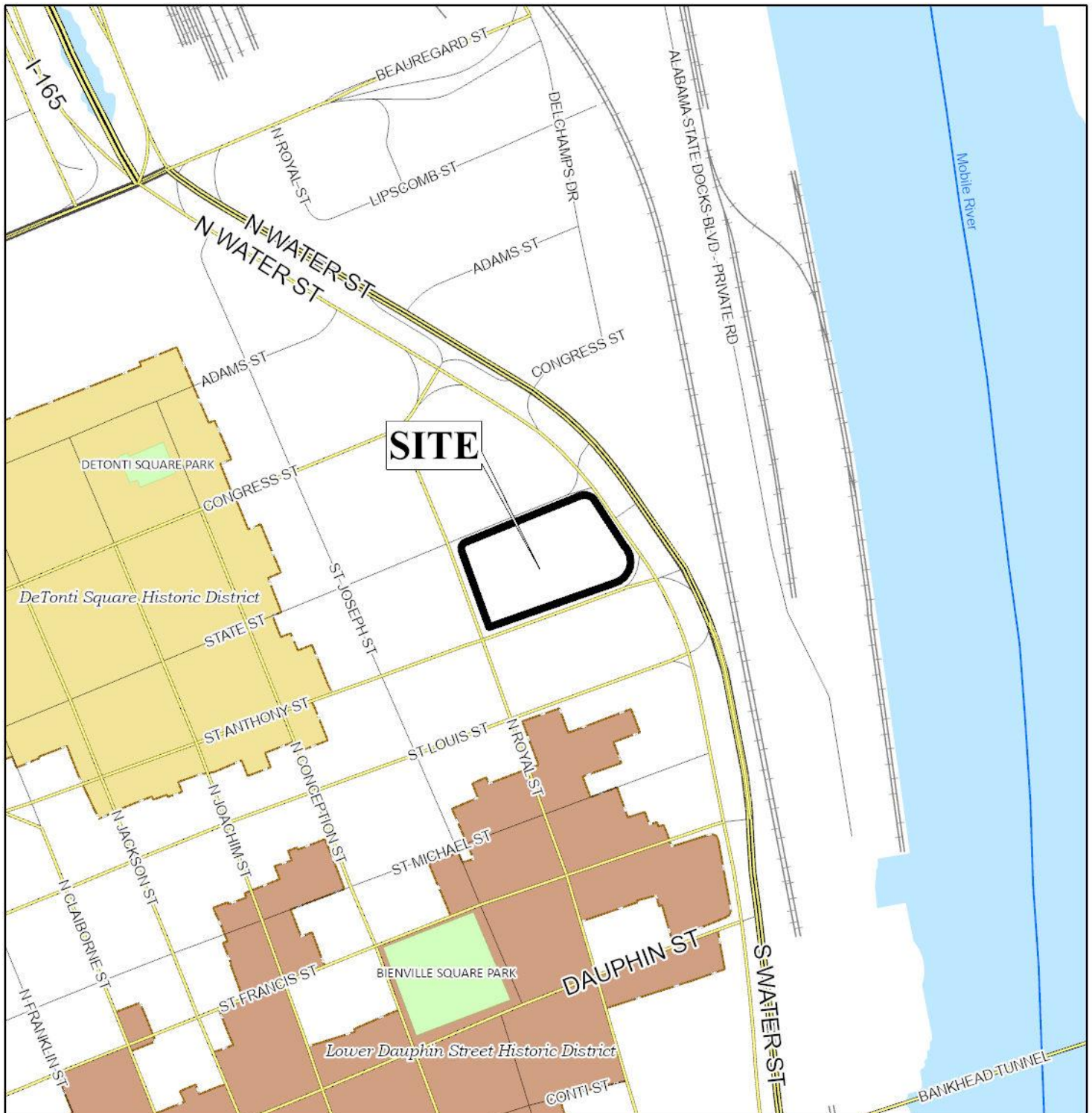
**RECOMMENDATION:** Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest because the proposed changes to the site are in keeping with the character of the existing development;
- 2) Special conditions were illustrated such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the FBI has unique requirements related to security that other sites do not have; and
- 3) The spirit of the chapter shall be observed, and substantial justice shall be done to the surrounding neighborhood by granting the variance.

The approval should be subject to the following conditions:

- 1) obtaining of Consolidated Review Committee (CRC) approval;
- 2) obtaining associated building permits; and
- 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP

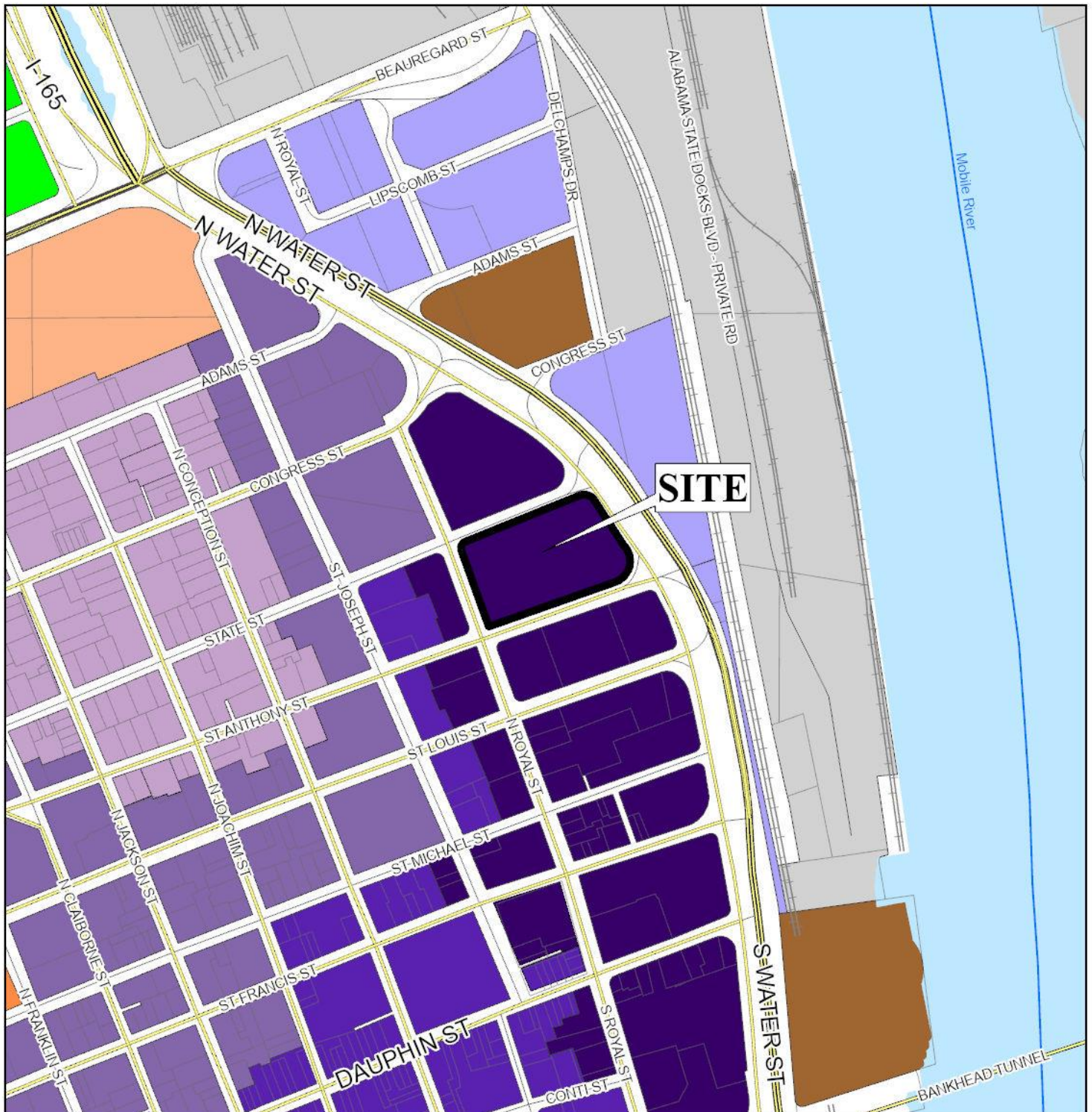


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# LOCATOR ZONING MAP

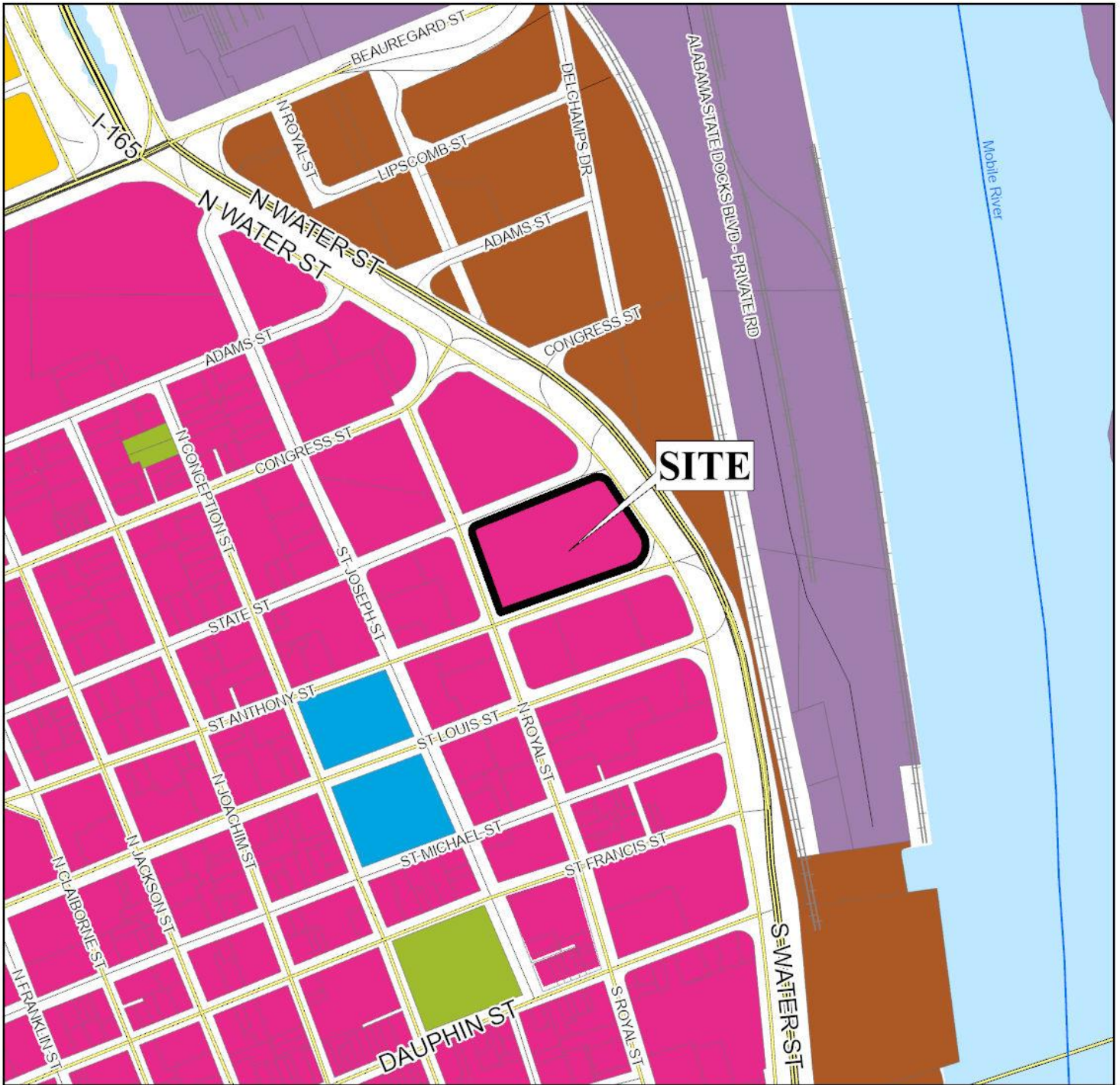


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# FLUM LOCATOR MAP



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## FLUM

Low Density Residential  
 Mixed Density Residential

Downtown

District Center

Neighborhood Center - Traditional

Neighborhood Center - Suburban

Traditional Corridor

Mixed Commercial Corridor

Downtown Waterfront

Light Industry

Heavy Industry

Institutional

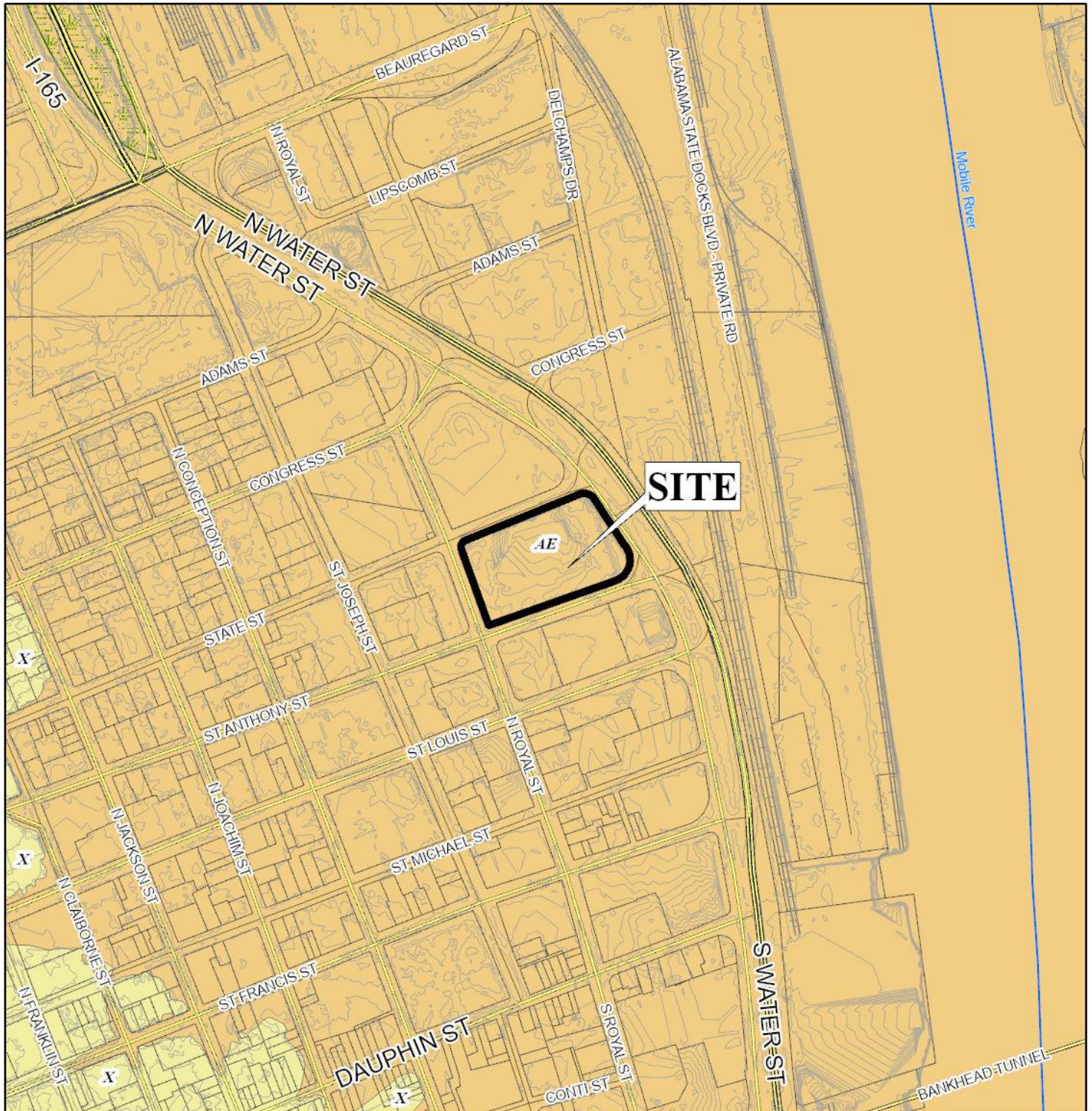
Parks & Open Space

Water Dependent





# ENVIRONMENTAL LOCATOR MAP

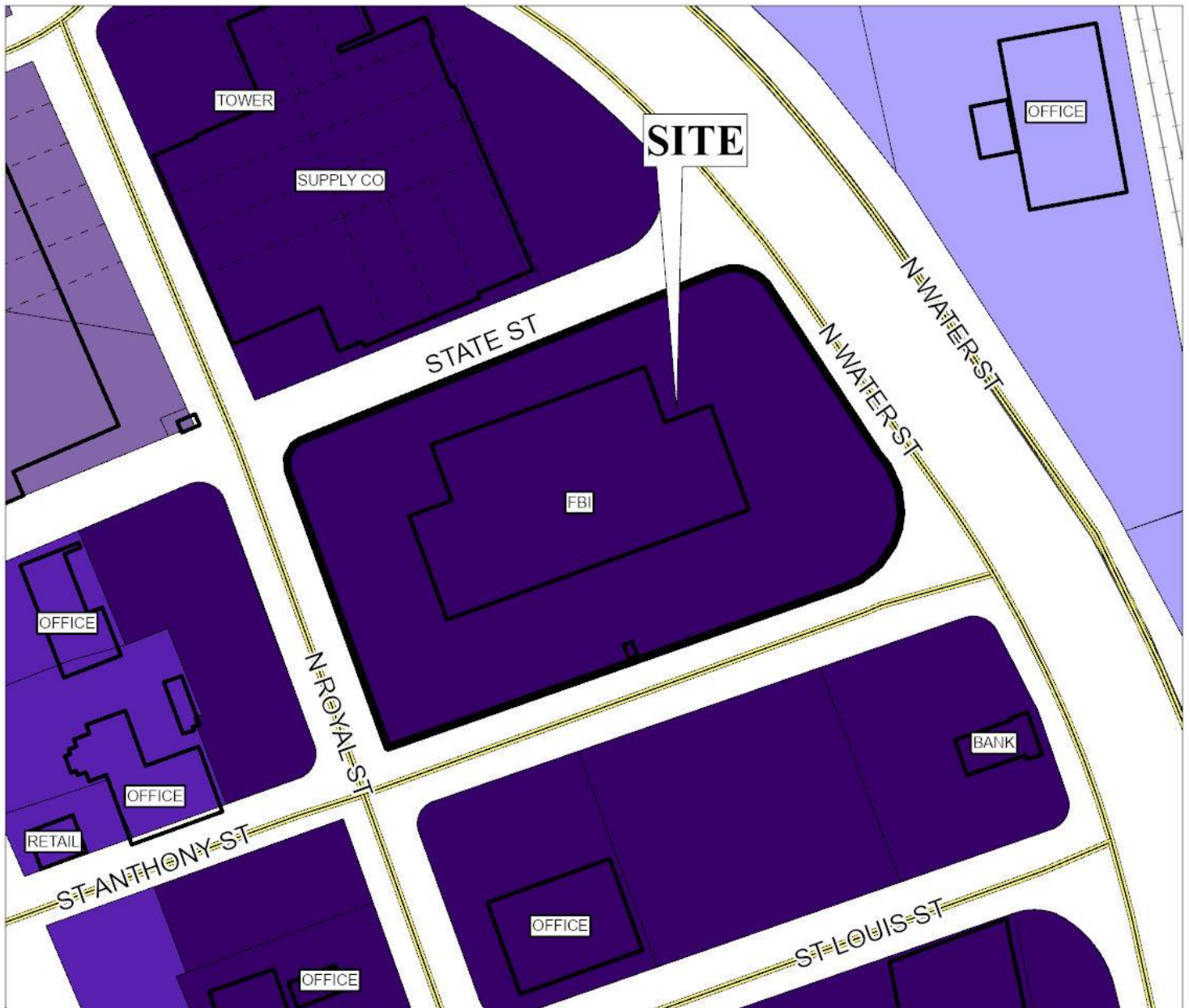


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial 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



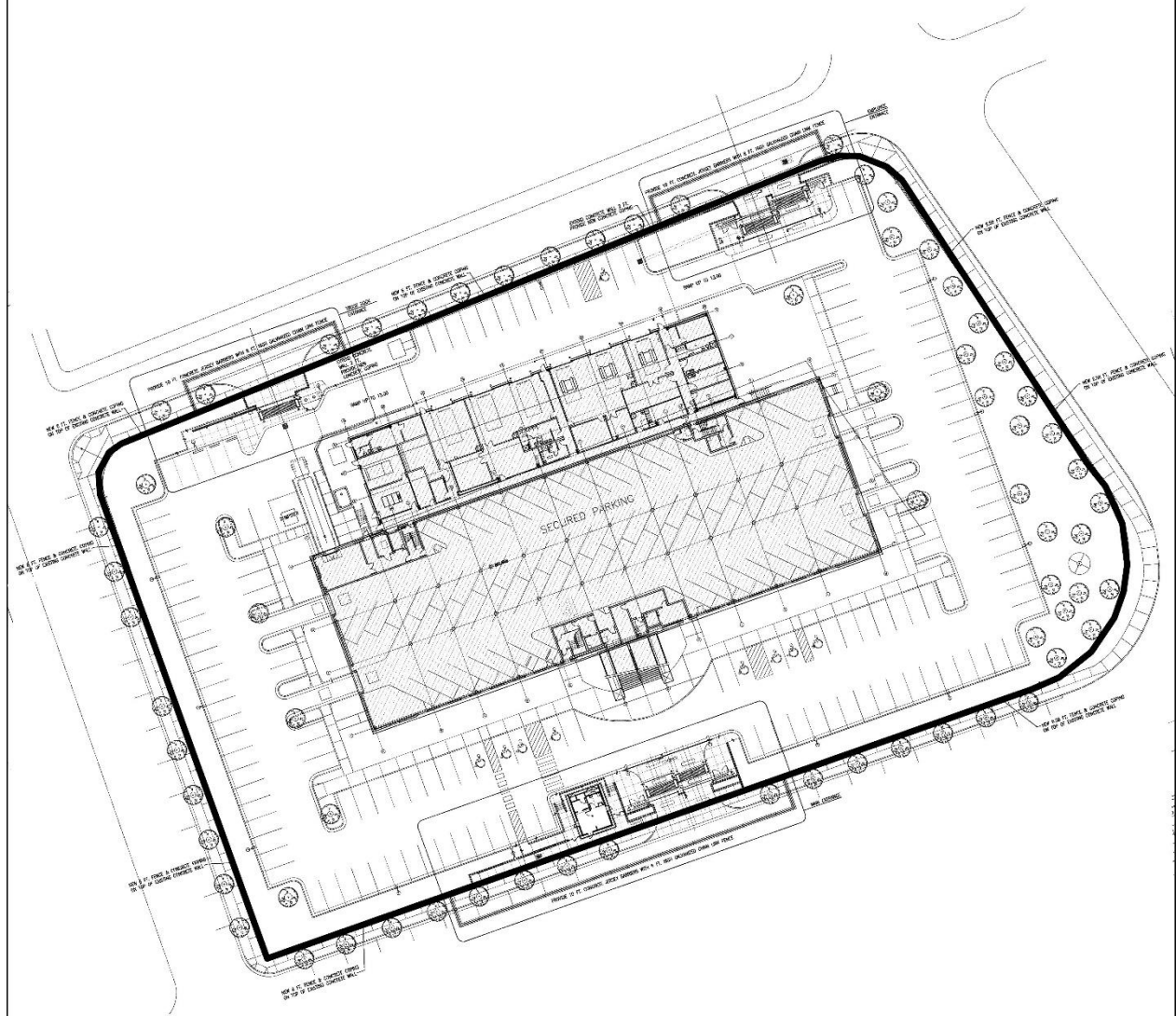
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# SITE PLAN



The site plan illustrates the existing building, and parking.

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NTS

