

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2022**

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| <u>CASE NUMBER</u> | 6465 |
| <u>APPLICANT NAME</u> | Taylor Atchison |
| <u>LOCATION</u> | 553 Dauphin Street (South side of Dauphin Street, 26'± West of South Cedar Street). |
| <u>VARIANCE REQUEST</u> | SITE: Site Variance to allow a non-compliant gallery frontage in a T-5.1 Sub-district within the Downtown Development District. |
| <u>ZONING ORDINANCE REQUIREMENT</u> | SITE: The Zoning Ordinance requires new galleries to comply with design standards in a T-5.1 Sub-district within the Downtown Development District. |
| <u>ZONING</u> | T-5.1, Downtown Development Sub-District |
| <u>AREA OF PROPERTY</u> | 0.27± Acres |
| <u>ENGINEERING COMMENTS</u> | No comments. |
| <u>TRAFFIC ENGINEERING COMMENTS</u> | No comments. |
| <u>CITY COUNCIL DISTRICT</u> | District 2 |

ANALYSIS The applicant is requesting a Site Variance to allow a non-compliant gallery frontage in a T-5.1 Sub-district within the Downtown Development District; the Zoning Ordinance requires new galleries to comply with design standards in a T-5.1 Sub-district within the Downtown Development District.

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.

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 submitted plans for the proposed gallery addition to the Consolidated Review Committee (CRC) for review, which is where they were advised of the need for a variance due to the proposed gallery having gaps. Section 64-3.I.15.(d)(7)III.iii. of the Zoning Ordinance states "Galleries shall span a minimum of eighty (80) percent of the façade without gaps."

The applicant states the following reasons to explain the need for the variance:

SCOPE OF WORK

The project involves construction of two single story cast iron galleries without roofs on the Dauphin Street façade of the existing two story masonry building. In addition two of the existing windows will be removed and replaced with a single operable clad-wood French door with transom.

HISTORY

According to the 1925 Sanborn Fire Map, the current building numbered 553 is actually two buildings numbered 553 and 555. The map shows that a single story gallery extended continuously across the facades of 551 (which is the masonry building on the Southwest

corner of Dauphin and S. Cedar Street) 553 and 555 Dauphin. Brick infill below several of the windows on the second floor shows that this gallery was accessed by either jib doors below the windows or a single full height door.

At some point 553 and 555 were combined by creating openings in the masonry party wall. The structure still reads internally as two separate structures as the majority of the masonry party wall is extant. A single address of 555 was assigned to the structure. Probably at this time the entire façade of the two buildings was covered with stucco, scored to imitate ashlar blocks and the first floor store fronts were modified. The continuous gallery was removed at some unknown time.

The current sidewalks along Dauphin St were installed a number of years ago and at that time tree wells along the street frontage and a decorative street light pole was installed approximately at the center of the combined building.

VARIANCE REQUEST

The Owner is rehabilitating the building. Due to the history of the structure being 2 separate buildings and the desire to maintain the decorative street light, The Owner and Architect felt that two galleries of slightly different length but with matching depth, decorative iron columns and railings would be a workable solution that allows the street light to remain and reflects the historical existence of a gallery fronting the structure and keeping within in the intent of the Design Guidelines.

While the subject site may have consisted of two separate structures at one point in time, the structures have been combined since then, and for all intents and purposes, function as a single building. Galleries are a common frontage type in the DDD, which prescribes minimum dimensional standards including the requirements that a gallery have a minimum depth of seven (7) feet from the façade. This seven (7)-foot depth is provided for the two proposed galleries (with the gap); however, due to the existing street lamp, a continuous gallery without gaps, cannot be provided in compliance with the minimum seven (7) foot depth requirement.

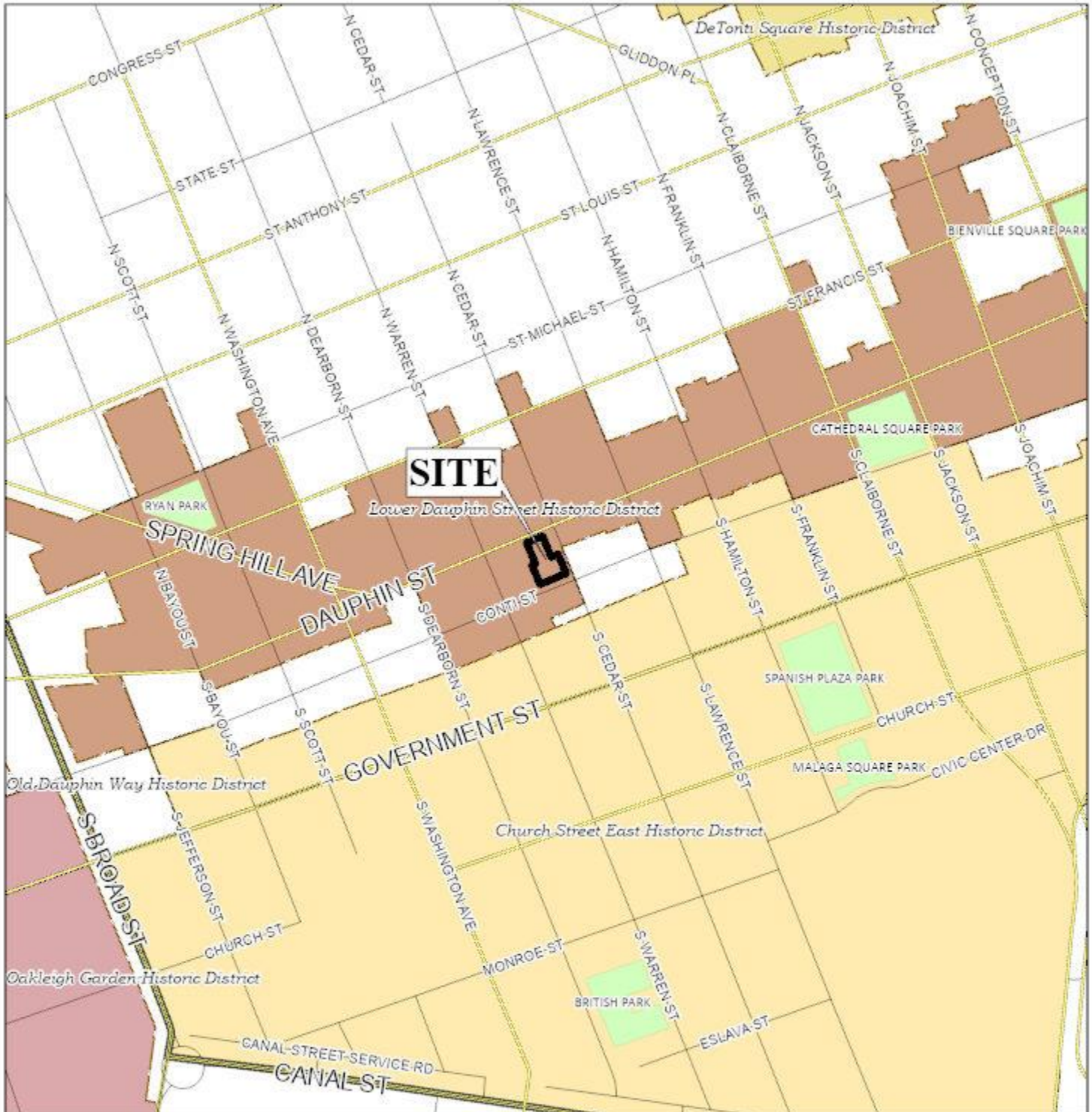
Moreover, a Certificate of Appropriateness has been issued by the Architectural Review Board (ARB) for the proposed galleries. If any changes are made to the design approved by the ARB, a new application must be submitted and approved by that entity. Finally, as the proposed gallery will extend into the right-of-way, a non-utility right-of-way use agreement will be required.

RECOMMENDATION:

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

- 1) approving the variances will not be contrary to the public interest;
- 2) special conditions appear to exist, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that the existing city infrastructure requires a gap in order to meet other dimensional requirements; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because it will be in keeping with existing dimensional standards (depth) of balconies within the surrounding area.

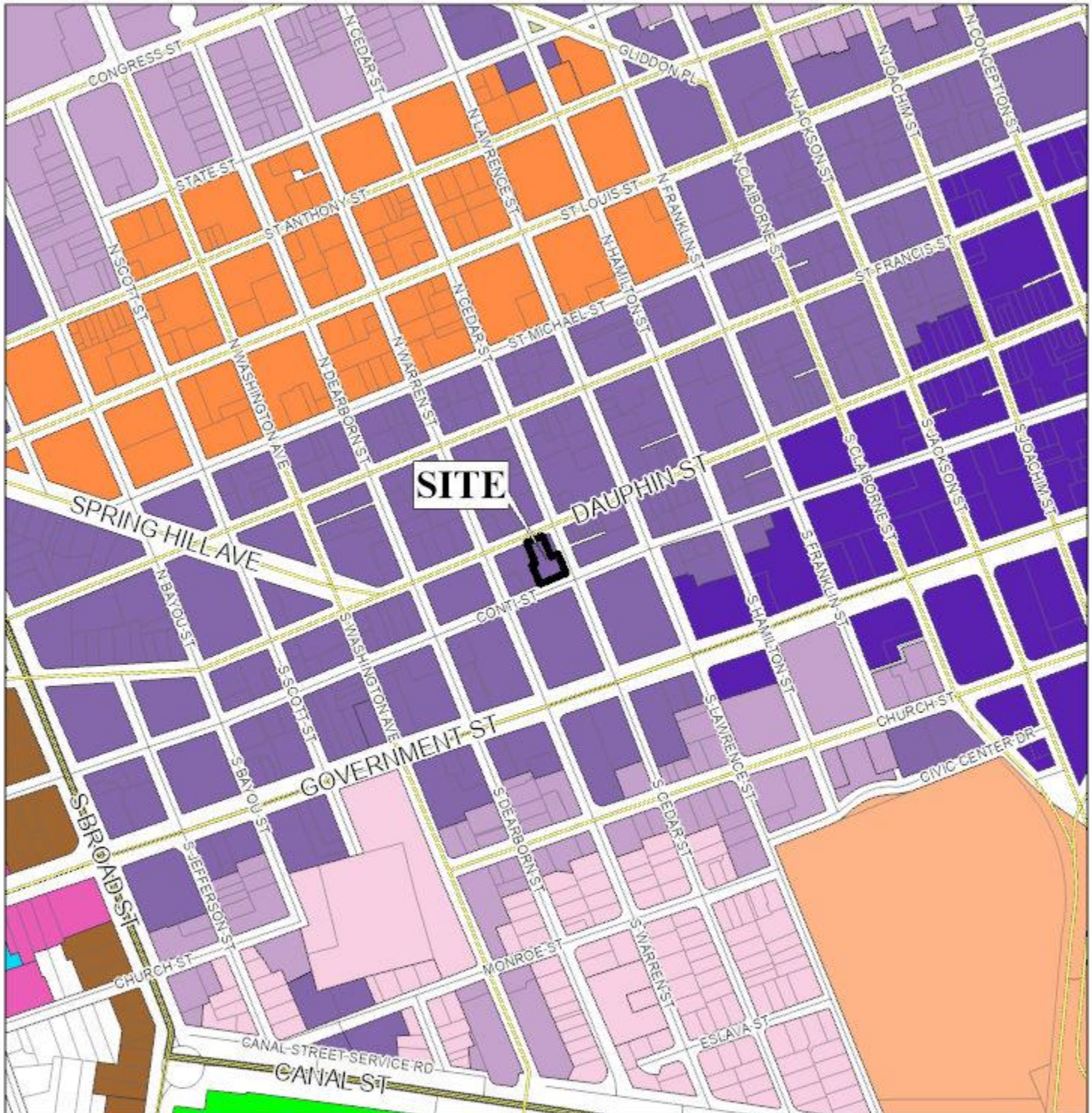
LOCATOR MAP



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|--------------------|-----------------|------|---------------|
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| REQUEST | Site Variance | | |



LOCATOR ZONING MAP



APPLICATION NUMBER 6465 DATE July 11, 2022
APPLICANT Taylor Atchison
REQUEST Site Variance

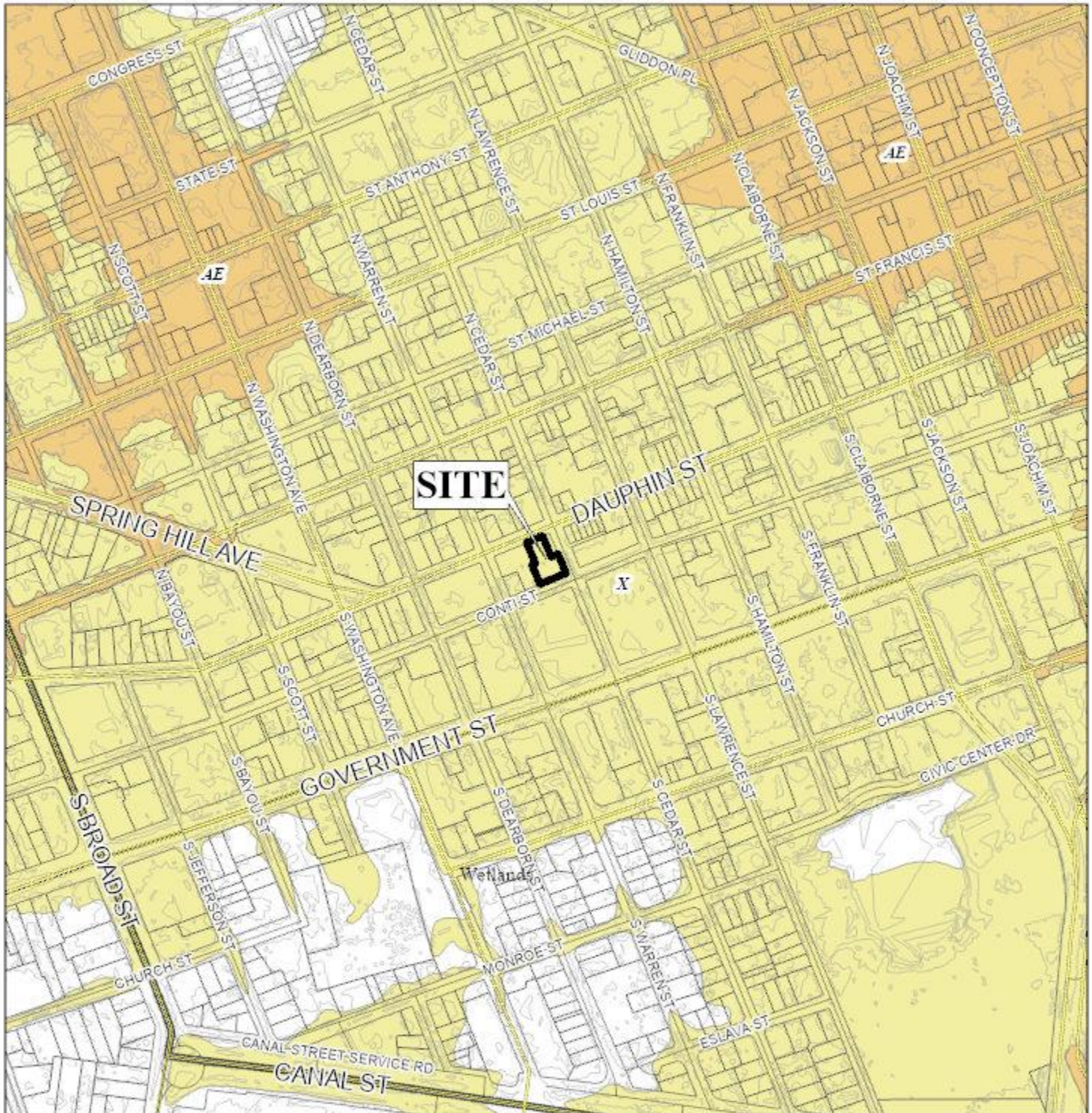


REQUEST _____ Site Variance _____

| | |
|---|---|
|  Traditional Corridor |  Heavy Industry |
|  Mixed Commercial Corridor |  Institutional |
|  Downtown Waterfront |  Parks & Open Space |
|  Light Industry |  Water Dependent |



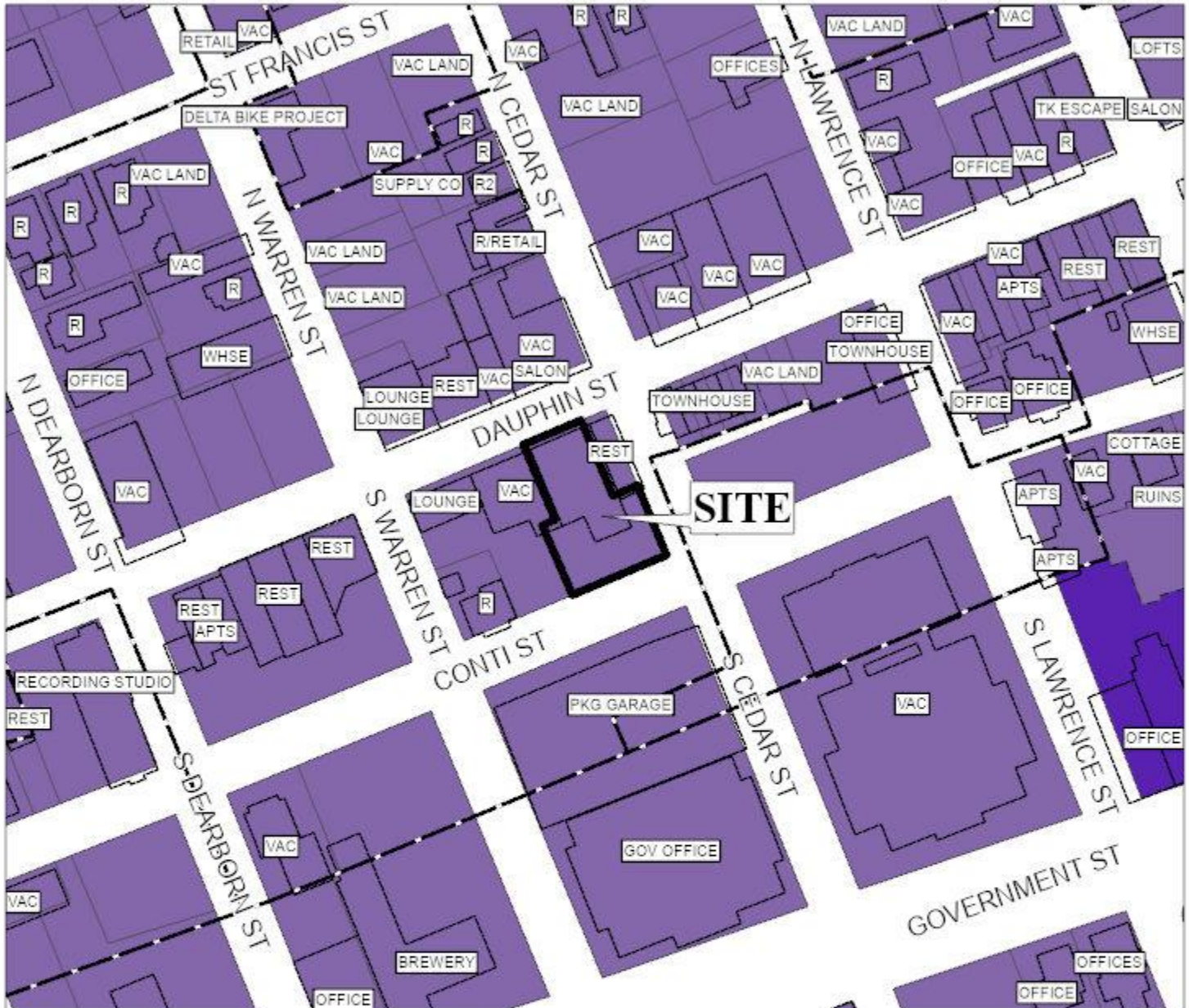
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial units.

APPLICATION NUMBER 6465 DATE July 11, 2022

APPLICANT Taylor Atchison

REQUEST Site Variance

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

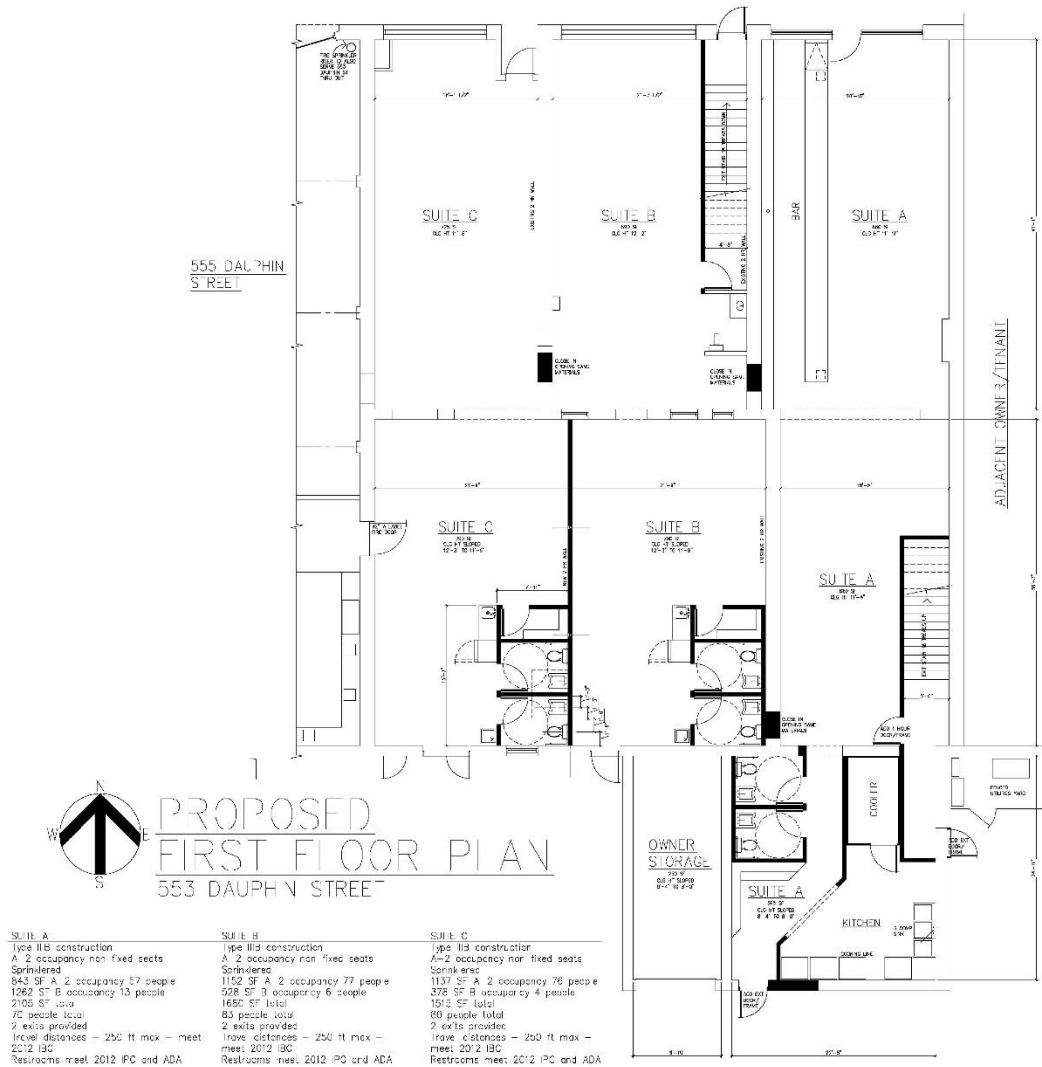


This site is surrounded by commercial units.

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SITE PLAN

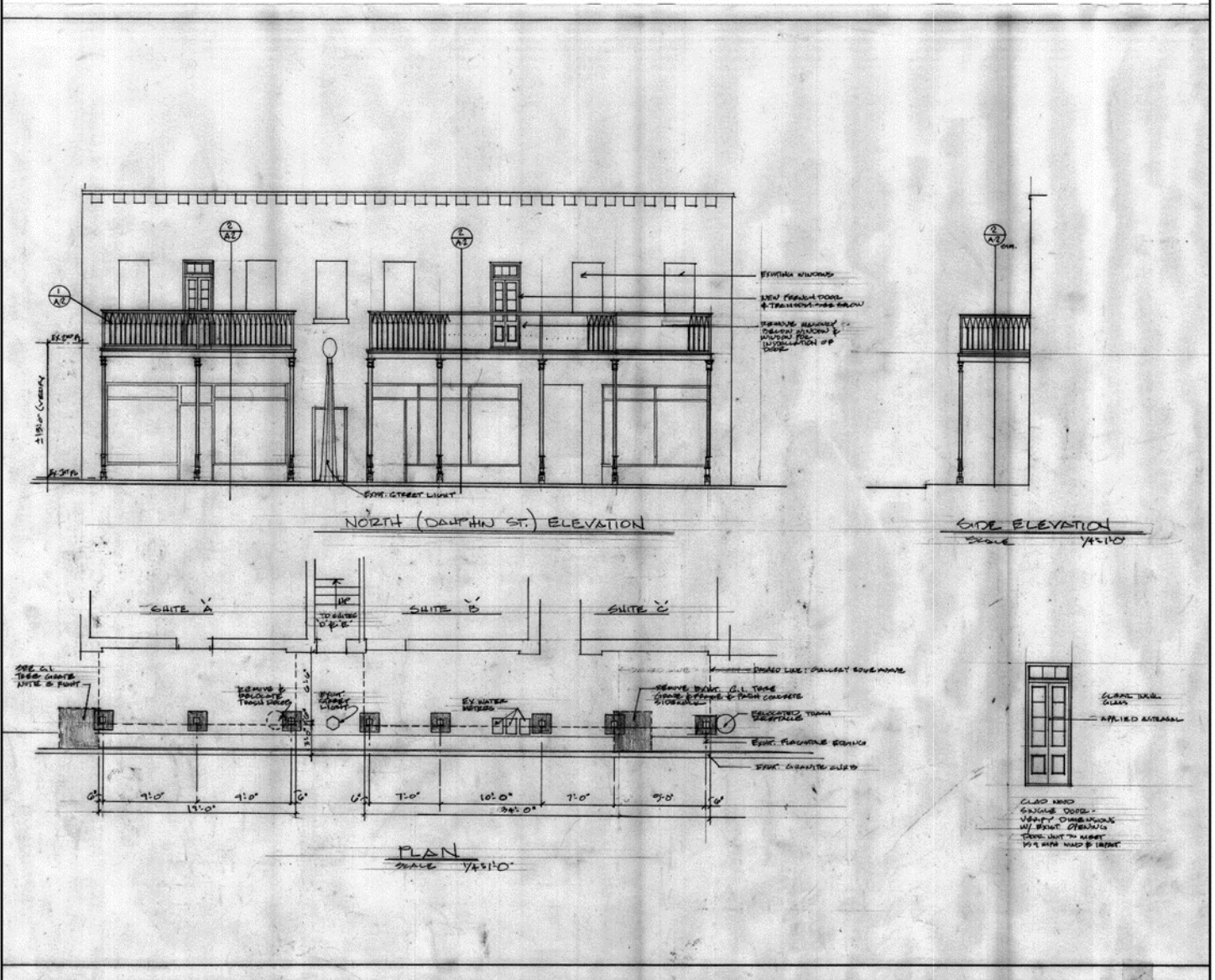


This site plan illustrates the first floor plan.

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DETAIL SITE PLAN



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REQUEST_____Site Variance



