

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 5, 2015****CASE NUMBER**

6006/5953

APPLICANT NAME

Jerry Arnold (Don Williams, Agent)

LOCATION103 North Warren Street
(Northwest corner of North Warren Street and St. Michael Street)**VARIANCE REQUEST****BULK SITE:** Bulk Site Variances to allow a 1,092 square foot courtyard with a metal canopy supported by columns, a 3' high fence, and less than 20% transparency for frontage walls in a SD-WH Sub-District in the Downtown Development District.**ZONING ORDINANCE
REQUIREMENT****BULK SITE:** The Zoning Ordinance allows courtyards no larger than 600 square feet with metal canopies supported from the building, no fences, and a minimum of 20% transparency walls for a pedestrian forecourt frontage in a SD-WH Sub-District in the Downtown Development District.**ZONING**

SD-WH, Special District - Warehouse

AREA OF PROPERTY

0.24± Acres

**CITY COUNCIL
DISTRICT**

District 2

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request. Line of sight for this corner of the intersection is minimal based on the directionality of the one-way streets.

ANALYSIS

The applicant is requesting Bulk Site Variances to allow a 1092 square foot courtyard with a metal canopy supported by columns, a 3' high fence, and less than 20% transparency for frontage walls in a SD-WH Sub-District in the Downtown Development District; the Zoning Ordinance allows courtyards no larger than 600 square feet

with metal canopies supported from the building, no fences, and a minimum of 20% transparency walls for a pedestrian forecourt frontage in a SD-WH Sub-District in the Downtown Development District. The applicant had a 1-lot subdivision approved for this site at the Planning Commission's March 5, 2015 meeting that has not yet been recorded in Probate Court. The site also received a variance at the Board of Zoning Adjustment's May 4, 2015 meeting to allow deviations from the requirements of a terrace frontage in the Downtown Development District. The applicant has revised the plans to rehabilitate the existing structure in such a way that the site will now be classified more closely as having a pedestrian forecourt frontage; however, the site still does not meet all the requirements of the chosen frontage type and is therefore making this application to amend the previous approvals.

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 states:

We are submitting this application as a revision of our previous BZA approval of May 4, 2015 (ZON2015-00281). We have changed the site plan to reflect our new and improved floor plan design. We still plan to turn the vacant, unroofed, existing building into a brewery and tasting room. We plan to expand the building for bathrooms, grain storage and cooler. We have purchased the adjacent vacant lot and are in process of making a one-lot subdivision, as already approved by the Planning Commission. Our site plan includes both lots.

We now resemble the pedestrian forecourt frontage type within the Downtown Development District Zoning regulations. As pointed out by Land Use staff, we require variances for several site plan items:

Our courtyard is proposed for 1092 sf (468 sf grass/ landscaping, 416 sf covered concrete sidewalk dining and 208 sf uncovered destination sidewalk). Regulations allow up to 600 sf for courtyards. We believe grass and landscaping along our frontage, with recessed, outside, covered dining, will enhance the street scene.

Our metal canopy over the raised wood deck and sidewalk dining is proposed to be supported by columns. The canopy will not hang from the building. The spans of the proposed canopy can not meet building code required wind speeds unless supported by columns.

We propose to include a low, open fence to enclose the courtyard (12" high brick base with 24" high wrought iron picket fence topping). Fences are not addressed by pedestrian forecourt standards, and are therefore not permitted. We believe the fence will echo traditional Mobile frontage fences, and will provide a sense of enclosure from street activity.

We plan to place false wood doors at the street face of the proposed cooler addition, the same size and style as the doors we are absorbing into the building by creating the addition. Regulations require 20% transparency for new street frontage walls. By providing a false driveway entrance for the false doors, we are presenting an active frontage to the streetscape as an alternate to small windows.

We will shield the flat roof of the cooler addition by continuing the parapet wall along N. Warren Street. We will provide parapet wall openings, leader heads, overflow openings and downspouts, connected underground to the nearby storm drain inlet. No variance will be needed with this design change from our informal submittal of elevations to Land Use staff.

We will provide this information, plus requested additional information, to the Downtown CDC group for their review before our BZA hearing.

The applicant wishes to construct a 20' x 30' addition to the existing structure along the North Warren Street frontage to serve as a cooler for a proposed brewery. The placement of this addition will create an entry courtyard that is approximately 1,092 square feet, while the Downtown Development District does not allow entry courtyards to exceed 600 square feet. The applicant could easily increase the size of either the newly proposed cooler addition or the proposed wooden deck (which could also be considered a porch) in order to decrease the size of the courtyard to comply with the regulations.

Similar to the previous variance request, the applicant wishes to provide a metal canopy supported by columns. Pedestrian forecourts allow either fabric awnings or metal canopies; however both must be cantilevered or otherwise supported by a building. The applicant states that if the proposed canopy were cantilevered or supported from the building, it would not meet building code wind load requirements. An almost identical request was approved by the Board for the site in May; therefore it may be appropriate to allow the canopy to be supported in such a way that it is compliant with building code requirements and reduces risks to the safety and welfare of future patrons.

In order to provide a visual separation of the proposed courtyard with the right-of-way, the applicant proposes to install a 3-foot tall fence composed of a 12" brick base, with a 24" wrought-iron topping. Fences are addressed in other frontages, but not in pedestrian forecourts, and are therefore not allowed.

The proposed cooler addition along North Warren Street is required to have a minimum transparency of 20%. Because of the insulated nature of the proposed addition, providing

windows may not be practical, and therefore it may be appropriate to waive the transparency requirement.

It should be noted that the applicant submitted documentation to the Consolidated Review Committee which was reviewed at its September 3, 2015 meeting. The CRC has requested additional information in order to complete its review, but has not received such information at this time.

It should be noted that all of the applicant's current variance requests are due to the proposed frontage type as a pedestrian forecourt. The Downtown Development District does not make any exceptions for alterations to existing buildings which may not be easily altered to conform to the frontage requirements.

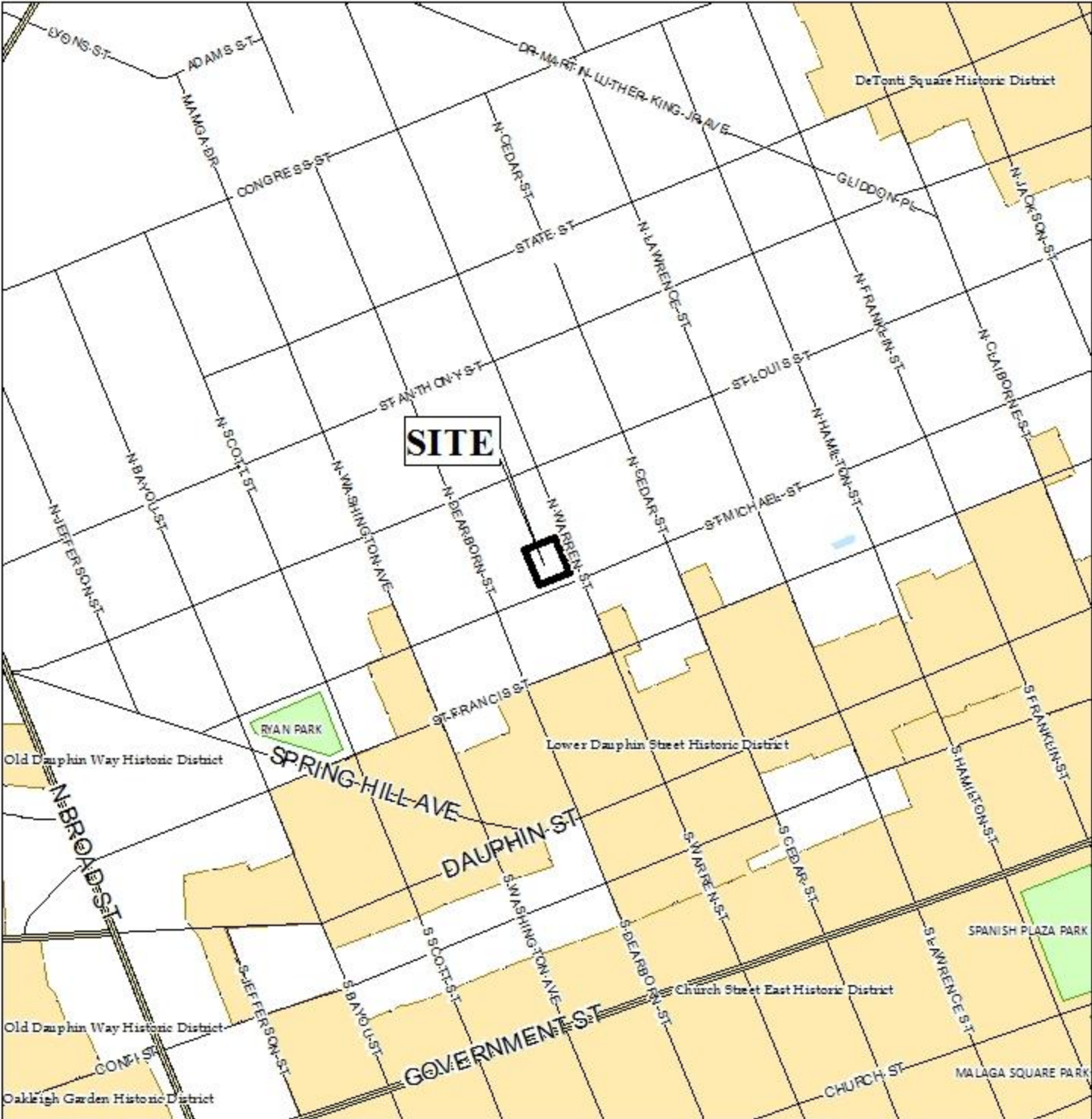
RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest due to the fact that the Downtown Development District does not make many allowances for existing structures to be altered;
- 2) Special conditions do exist with this site such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship, by making an existing vacant, blighted structure unusually difficult to be rehabilitated and expanded; and
- 3) That the spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance due to the fact that an existing vacant, blighted structure will be rehabilitated and restored as a functioning business, and the proposed improvement will meet the urban design objective of anchoring the corner of the intersection.

The approval is subject to the following conditions:

- 1) Obtain approval from the Consolidated Review Committee;
- 2) Obtain all necessary building and land disturbance permits; and
- 3) Full compliance with all other municipal and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6006 DATE October 5, 2015

APPLICANT Jerry Arnold, (Don Williams, Agent)

REQUEST _____ Site Variance



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

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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 ZONING



The site is surrounded by miscellaneous commercial and residential units.

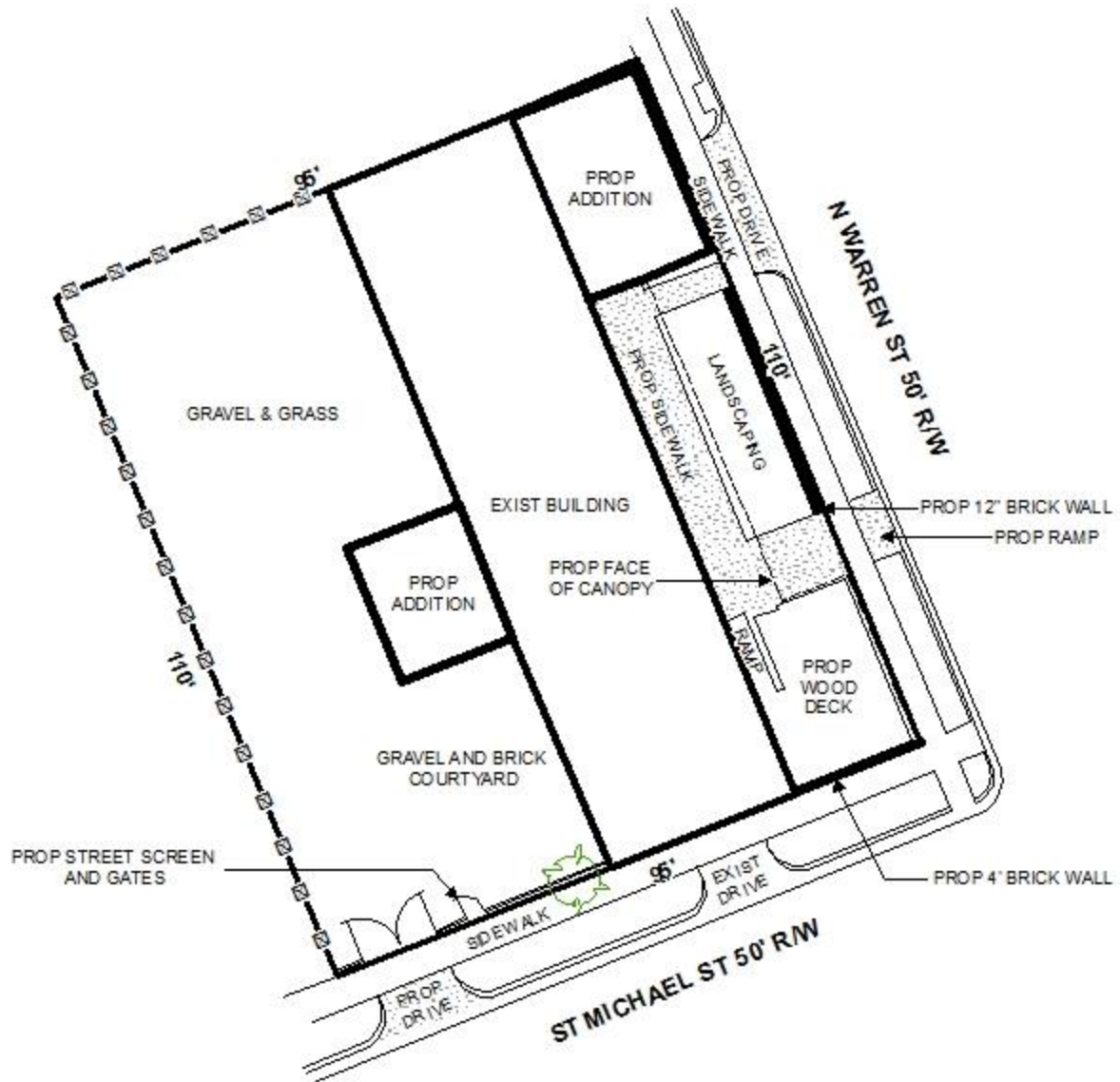
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SITE PLAN



The site plan illustrates the existing building and proposed additions.

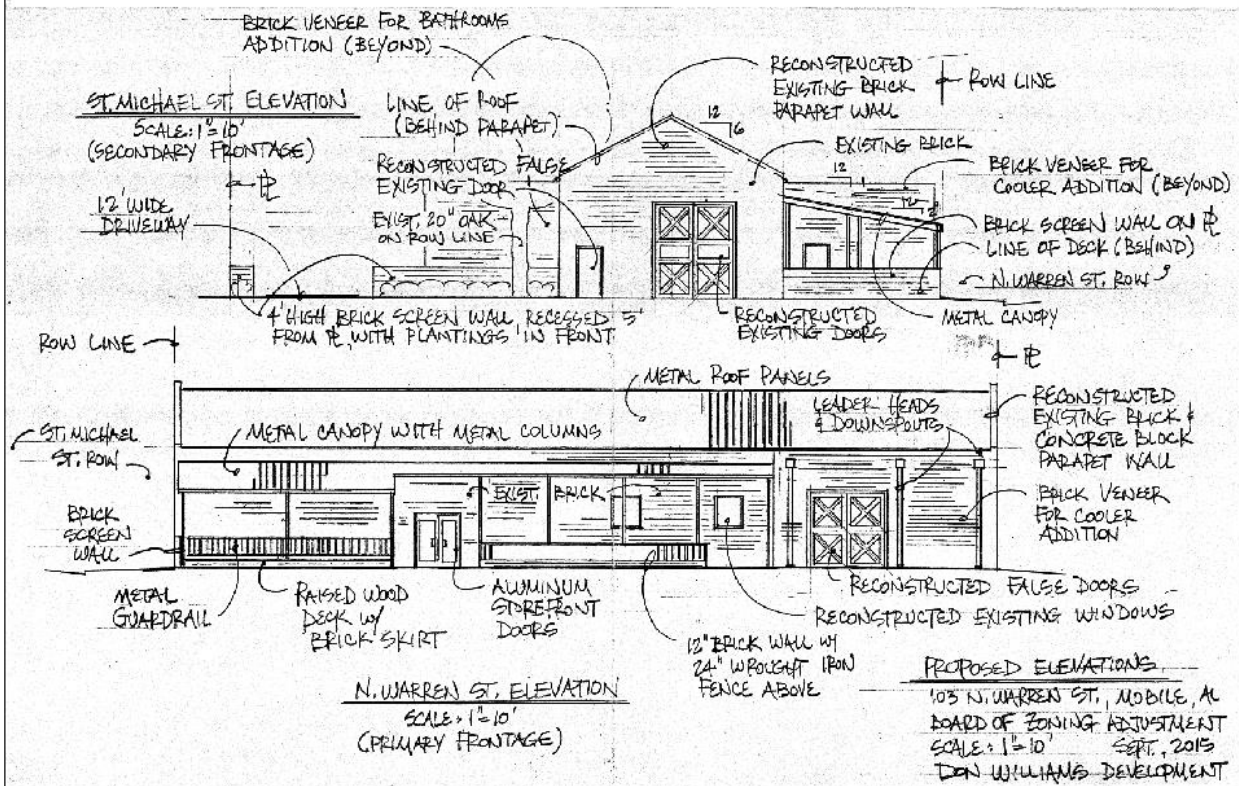
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REQUEST Site Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6006 DATE October 5, 2015

APPLICANT Jerry Arnold, (Don Williams, Agent)

REQUEST Site Variance



NTS