

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 7, 2021****CASE NUMBER**

6391/6371

**APPLICANT NAME**

VCP Seamans, LLC (Asarisi &amp; Associates, LLC, agent)

**LOCATION**

350 St. Joseph Street  
(Northeast corner of Adams Street and St Joseph Street,  
extending to North Water Street).

**VARIANCE REQUEST**

**FENCE HEIGHT:** To allow a six-foot high fence along the front property line and side lot lines beyond a building façade in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District

**ZONING ORDINANCE  
REQUIREMENT**

**FENCE HEIGHT:** The Zoning Ordinance limits fences to no more than four feet high along a front property line and side lot lines beyond a building façade in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District.

**ZONING**

T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District

**AREA OF PROPERTY**

1.5± Acres

**CITY COUNCIL  
DISTRICT**

District 2

**ENGINEERING  
COMMENTS**

1. 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.
2. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**TRAFFIC ENGINEERING  
COMMENTS**

No traffic impacts anticipated by this variance request.

**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 Fence Height Variance to allow a six-foot high fence along the front property line and side lot lines beyond a building façade in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District; the Zoning Ordinance limits fences to no more than four feet high along a front property line and side lot lines beyond a building façade in a T-5.1, Mixed-Use of Medium Intensity Sub-District of the Downtown Development District.

The subject site was before the Board at its March 1, 2021 meeting for a primary lot frontage width variance, which was approved. Since that meeting, a review by the Consolidated Review Committee (CRC) determined that fencing that has been erected on the site is not compliant, thus the variance application at hand.

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 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 applicant states:

*The reason for zoning variance of the referenced properties is:*

- *350 St. Joseph Street: The 6ft wrought iron fencing is currently in place along the north side of the building and matches the fencing around the property that acts as security. The wrought iron fencing does not obscure sight/distance and provides a more secure area for the residents of the apartments.*

As the fencing does not appear to be a design that would cause line-of-sight concerns for traffic, and allows for increased security for an almost completed residential development, the variance request may be appropriate.

**RECOMMENDATION:**

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

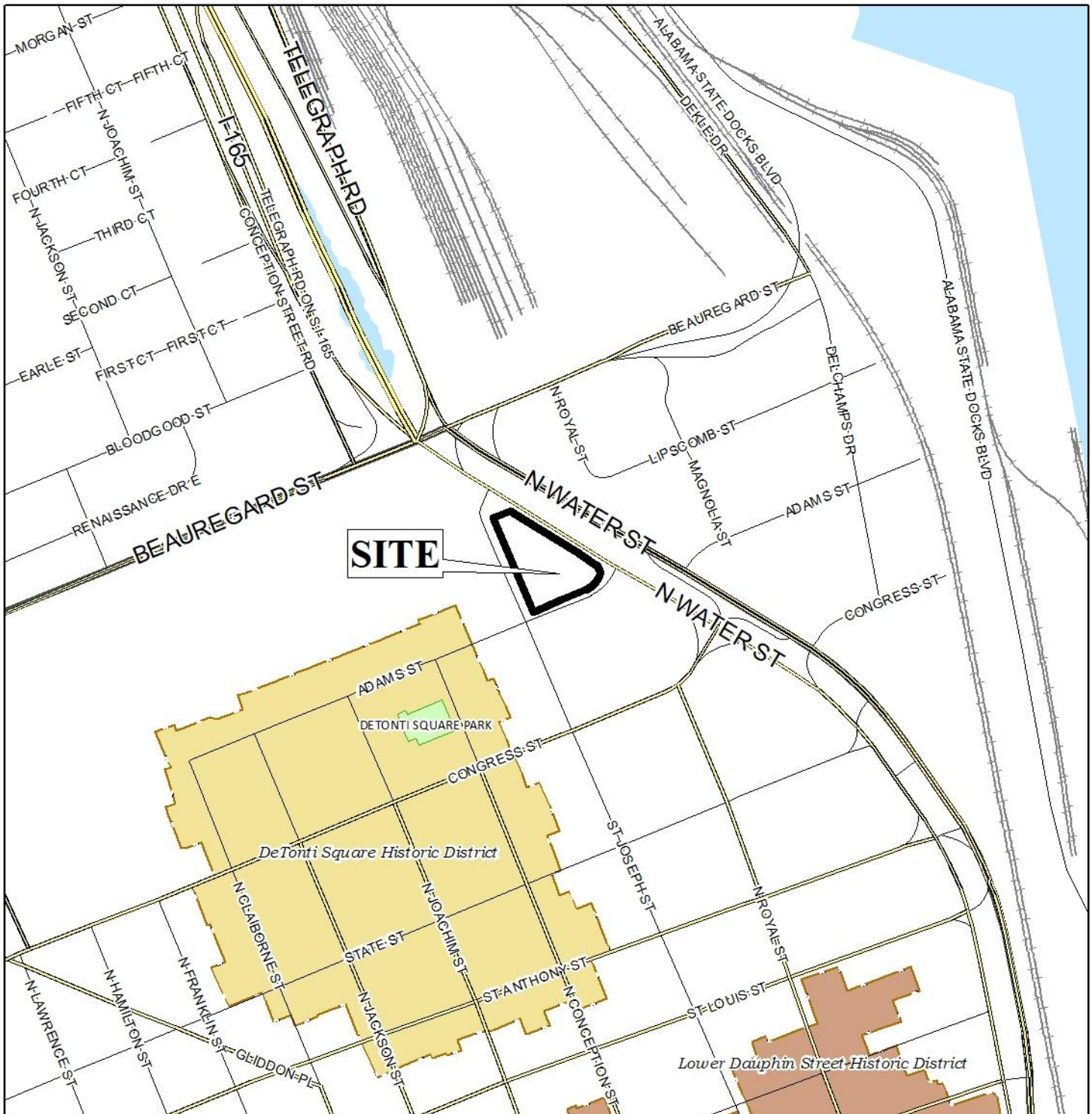
- 1) The variance will not be contrary to the public interest in that the fence will not cause line-of-sight traffic concerns;
- 2) Special conditions do exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and

- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance by allowing a taller fence for increased security.

The Approval should be subject to the following conditions:

- 1) Obtain after-the-fact fence permits;
- 2) Submission of revised “as-built” plans for the associated building permits; and
- 3) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP

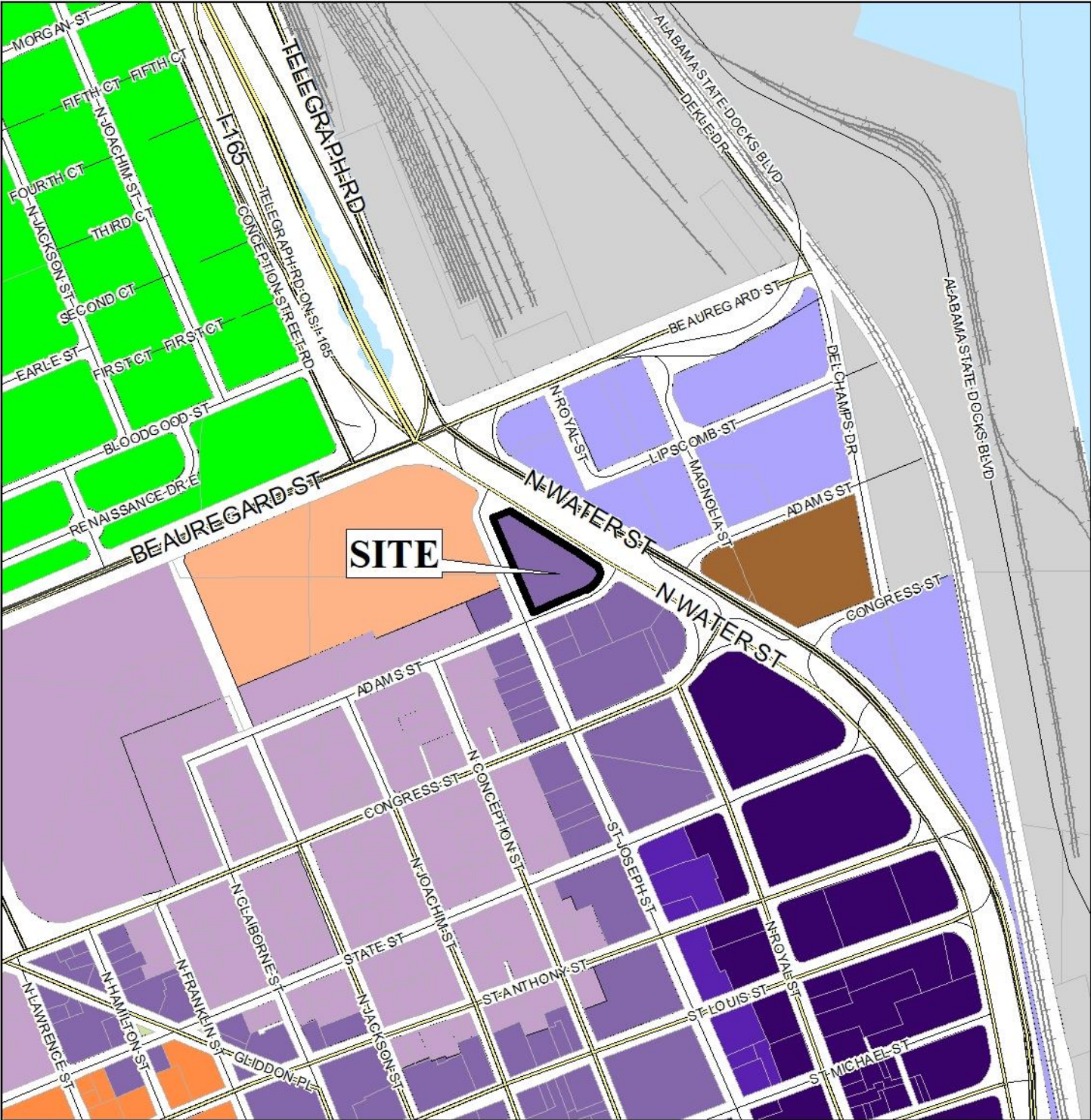


APPLICATION NUMBER 6391 DATE June 3, 2021  
APPLICANT VCP Seamans, LLC (Asarisi & Associates, LLC, Agent)  
REQUEST Fence Height Variance

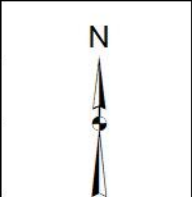




## LOCATOR ZONING MAP



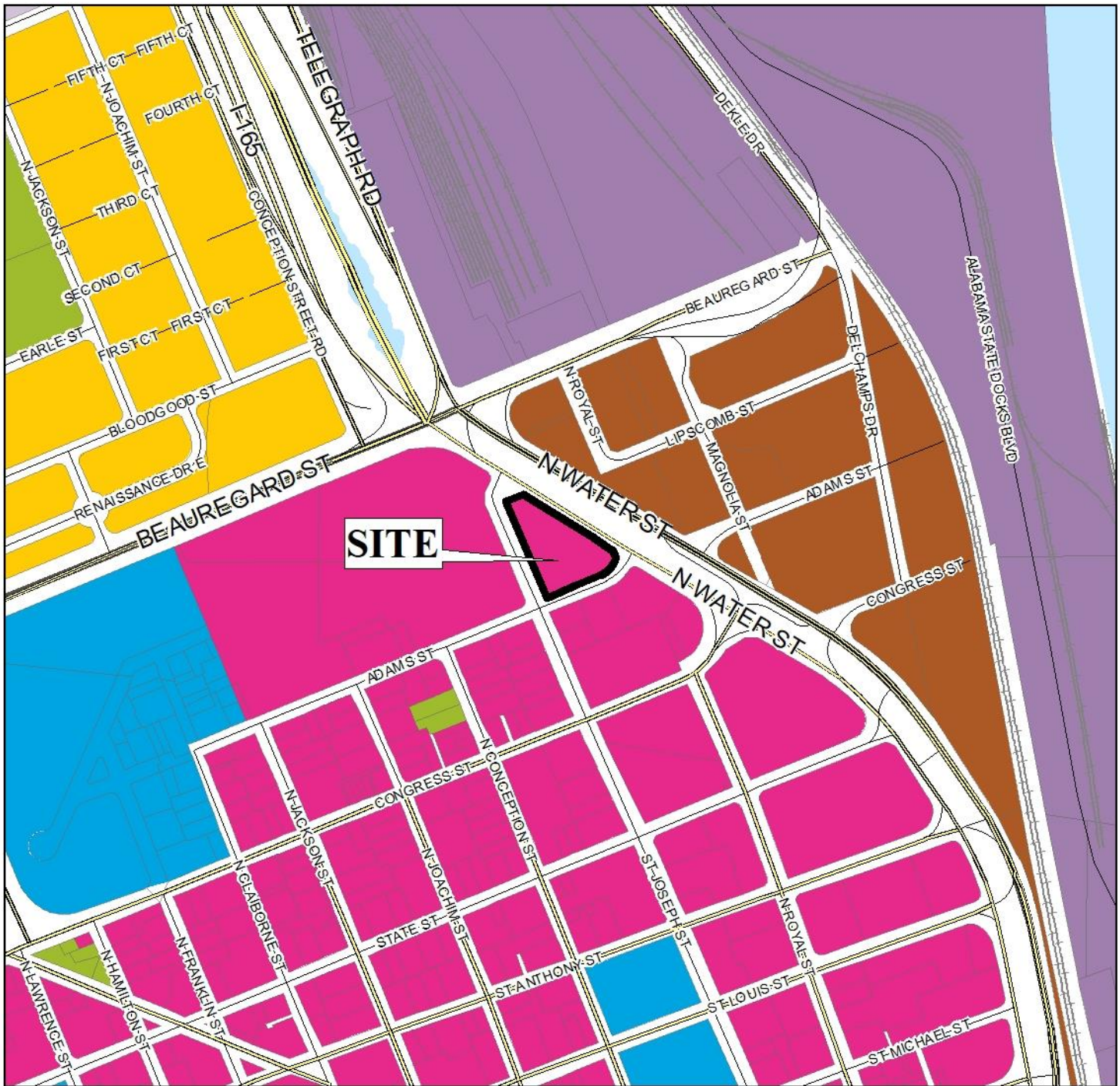
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# FLUM LOCATOR MAP



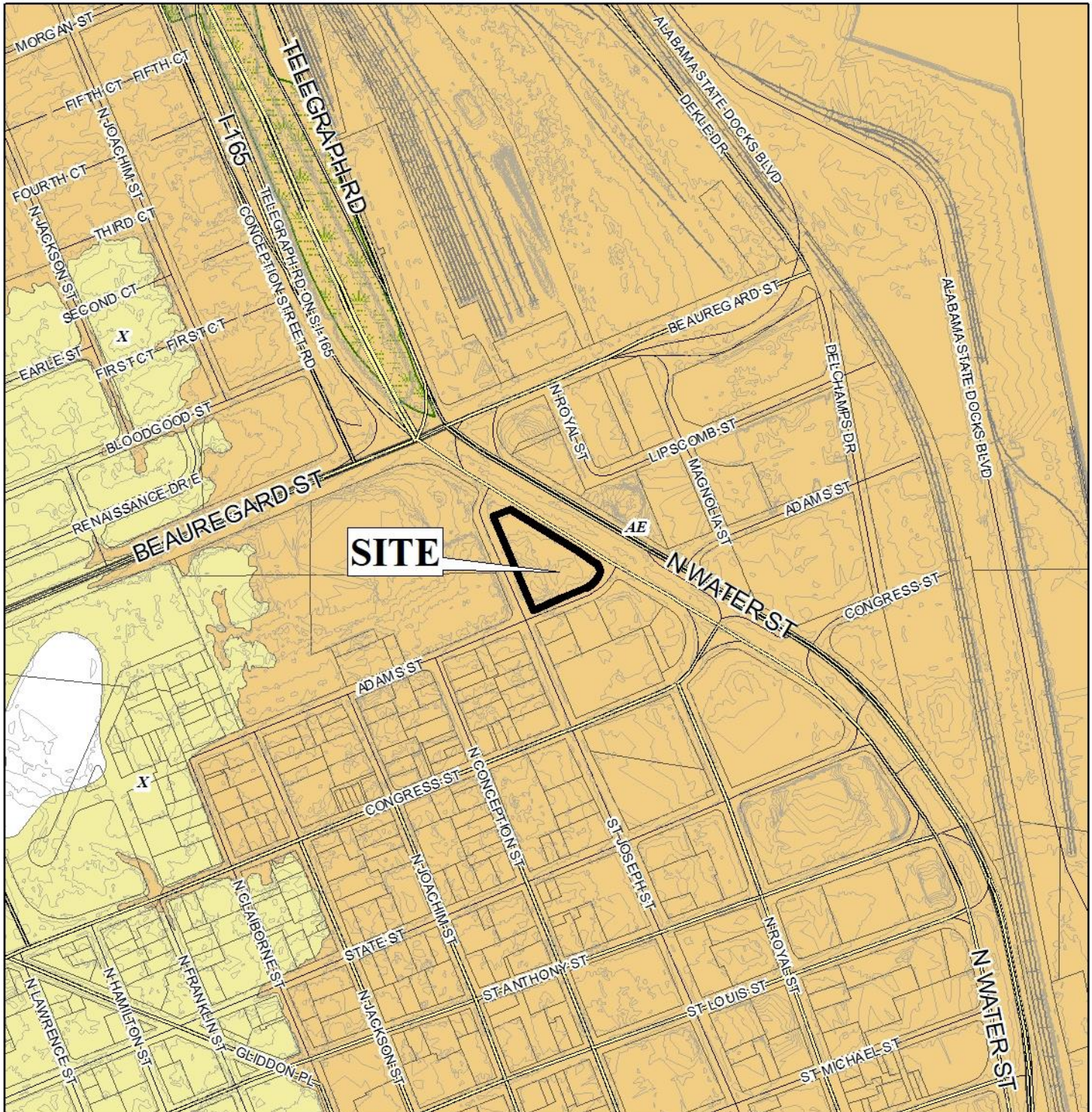
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed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





# ENVIRONMENTAL LOCATOR MAP

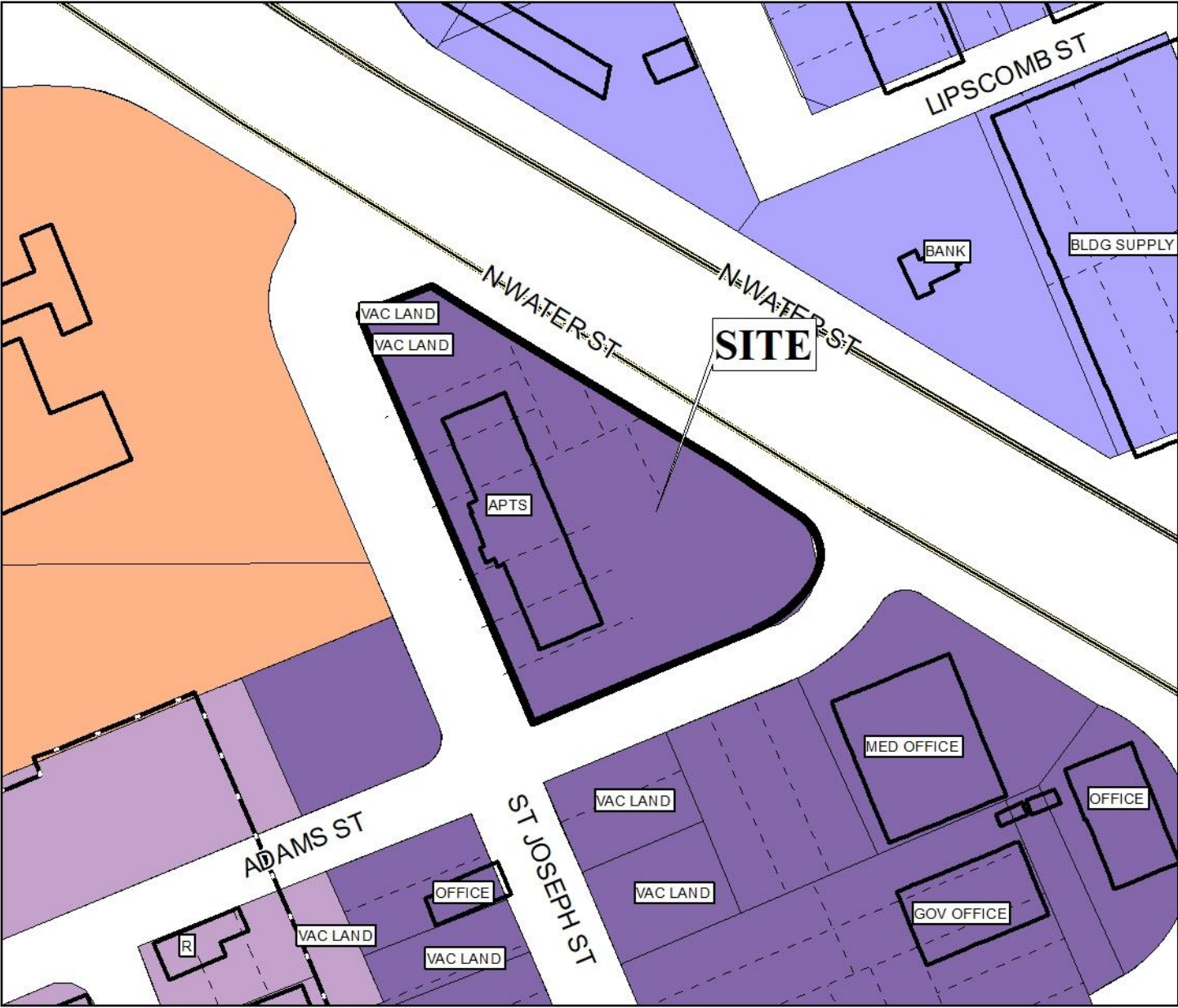


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**PLANNING COMMISSION  
VICINITY MAP - EXISTING ZONING**

























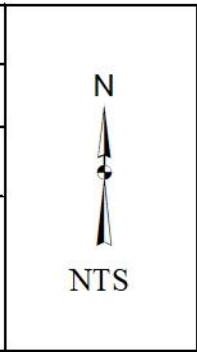
The site is surrounded by commercial units.

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REQUEST \_\_\_\_\_ Fence Height 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





# PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL



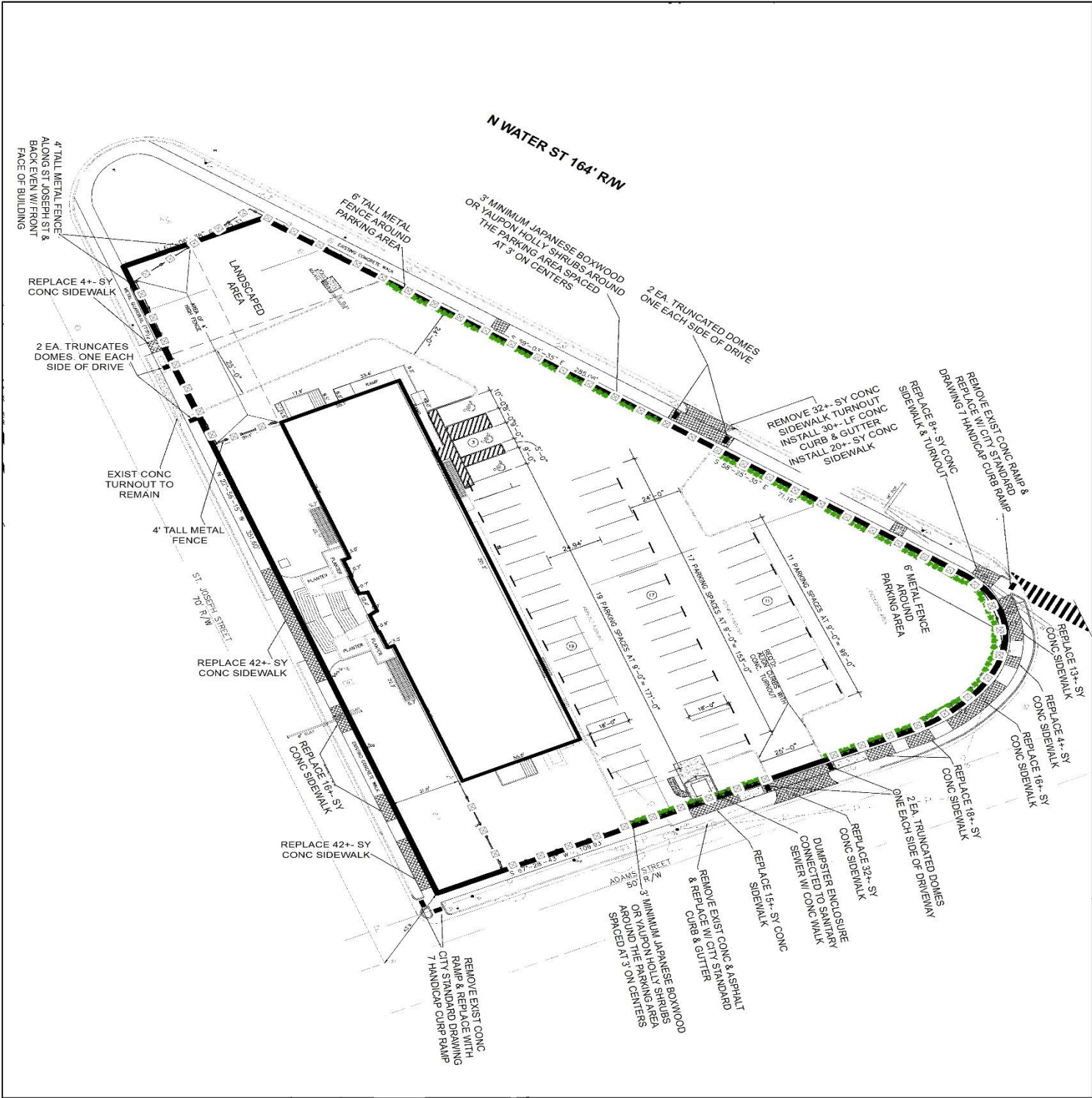
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## SITE PLAN



The site plan illustrates the existing building, parking, sidewalks, and proposed fencing around property.

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APPLICANT VCP Seamans, LLC (Asarisi & Associates, LLC, Agent)

REQUEST	Fence Height Variance
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