

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 1, 2015**

<b><u>CASE NUMBER</u></b>	5977 / 5902 / 5617
<b><u>APPLICANT NAME</u></b>	Stephen Overcash
<b><u>LOCATION</u></b>	166 South Royal Street (Southwest corner South Royal and Theatre Streets)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow a hotel in a T-5.1 Zoning Sub-District.  <b>HEIGHT:</b> Height Variance to allow a 6-story building in a T-5.1 Zoning Sub-District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance requires a minimum of a T-5.2 Zoning Sub-District to allow a hotel in the Downtown Development District.  <b>HEIGHT:</b> The Zoning Ordinance limits development to a maximum height of 3 stories in a T5.1 Zoning Sub-District.
<b><u>ZONING</u></b>	T-5.1 Zoning Sub-District
<b><u>AREA OF PROPERTY</u></b>	31,320 square feet / 0.72±Acres
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	Some of the parking dimensions on the provided site plan do not meet the minimum dimensions as defined in Section 64-6 of the Zoning Ordinance. For the angled parking, only 28' total width (parking space and aisle) is provided, where the ordinance requires 34' total width. As currently arranged with the privacy fence along the eastern property line, there is little to no room for vehicles to overhang the curb, which could reduced the aisle width and negatively impact egress from this site.

**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 (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE****COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**ANALYSIS**

The applicant is requesting Use and Height Variances to allow a 6 story hotel in a T 5.1 Zoning Sub-District in the Downtown Development District; the Zoning Ordinance limits development to a maximum height of 3 stories in a T 5.1 Zoning Sub-District and requires a minimum of a T 5.2 Zoning Sub-District to allow a hotel in the Downtown Development District.

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 provided the following statements regarding their request:

*There are 2 Variances that the Owner is requesting:*

- 1. Request to allow a Hotel on the subject property, as a permitted use.*
- 2. Request to extend a 4 story height limitation to 6 stories.*

*The proposed hotel will create a strong edge along both Royal Street and Theatre Street, and respect the Form-Based Zoning that has been established for this area. The corner of the hotel has been stepped back in order to preserve site lines at the intersection and create a small entrance patio.*

*The hotel will have public spaces planned along both streets to engage the street with activity, activate the street with additional access points, and allow the hotel functions to extend onto the Public Realm with outdoor seating, dining, etc. Back-of-house functions and utility rooms will face the rear parking lot.*

*An entrance from Royal Street is planned underneath the hotel tower, creating a secondary covered entrance for guests.*

*Additional parking, to meet Zoning regulations, will be located across Royal Street.*

*The proposed hotel will respect the scale of the surrounding neighborhood and integrate exterior materials prevalent in the District. These materials will include brick and hard-coat stucco. In order to minimize the scale of the hotel, the Owner is planning to integrate the 6th floor into a mansard roof, with dormer windows, and provide a 6th floor Roof Terrace along Royal Street. From street level, these two strategies will help step down the scale and relate to the residential character of the District. The 6th Floor Terrace will accommodate a small hospitality room and toilets for the guests. The Terrace will afford guests dramatic views of the Bay, ships, and future waterfront activities.*

*Concerning variance request no. 1 for a hotel, the property, and the surrounding area, is a perfect location for a hotel, exhibited by the fact that a hotel is located on the adjoining property. Thus, a hotel should be a permitted use, but since it is not, a variance is requested.*

*Concerning variance request no. 2 to allow a six story hotel, the property is not wide enough to allow a hotel. Very rarely do you see a two story hotel in a downtown location, especially downtown. All hotels which have been developed in the last five years in downtown are more than two stories, and that is the business model that all hotel developers and chains are using. This property has been vacant for many years, and it is obvious that a variance should be granted to allow this property to be developed.*

The request of this variance application is to allow a 6-story hotel with approximately 150 rooms. The Downtown Development District regulations, adopted by the City Council in May 2014, designated this property as a T 5.1 Sub District, with a maximum allowed height of 3 stories, and with no allowance for lodging uses with more than 20 rooms (*Inns and Bed and Breakfasts are allowed, with a maximum of 20 and 5 rooms, respectively*).

The location is within Fort Conde Village, a collection of one and two to two and a half story wooden, brick and masonry structures. Buildings within this area date back to the 1850s, however, the site that is the subject of the variance request is occupied by a one story brick building from the 1950s, approximately, most recently occupied as a restaurant. Since the closing of the Roussos' restaurant, the Board has reviewed two subsequent variance requests for this site: one to allow a landscaping and plant leasing business (approved in 2010), and one to allow a brewery (considered in 2014).

The Downtown Development District regulations would allow by right a new 3 story building to be constructed on this site. The ground floor would be required to be between 14 and 25 feet in height, with the second and third floors limited to 14 feet maximum each, for a total minimum possible height of 30 feet (assuming 8 foot height for upper floors) and a total possible maximum height of 53 feet. A 6 story building could range in height from 54 feet up to a maximum of 95 feet.

The applicant states that *“all hotels which have been developed in the last five years in downtown are more than two stories, and that is the business model that all hotel developers and chains are using.”* The Hampton Inn, at 7 stories, and the Candlewood Suites at 4 stories, were each developed under the previously applicable zoning regulations, which had no limit to the height for development within the zoning district in place at that time (B-4, General Business). Furthermore, this site in particular was limited to a maximum of 45 feet under the previously applicable zoning regulations in place at that time (H-B, Historic-Business).

While the current business model in use by hoteliers for development within downtown areas may specify hotels of more than two stories, exceeding the carefully calibrated Downtown Development District height limitations would result in a building height and mass that would be out of character within Fort Conde Village, which is part of the Church Street East Historic District. Thus, it would appear that the proposed use of the site is not appropriate for the site in question.

Finally, the applicant did not indicate the “frontage type” for the proposed hotel, and it appears that other variances may be necessary for the on-site parking being less than 20 feet from the street property line, and for the signage.

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

- 1) Based on the fact that the no hardship has been identified other than a vacant building and an industry standard hotel business model, granting the variance will be contrary to the public interest;
- 2) No special conditions exist with the property itself, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the requested variances, as the Downtown Development District regulations were carefully calibrated to control building mass and form, as well as use, and the requests would substantially deviate from what is allowed within the T 5.1 Sub-District.

# LOCATOR MAP



APPLICATION NUMBER 5977 DATE June 1, 2015

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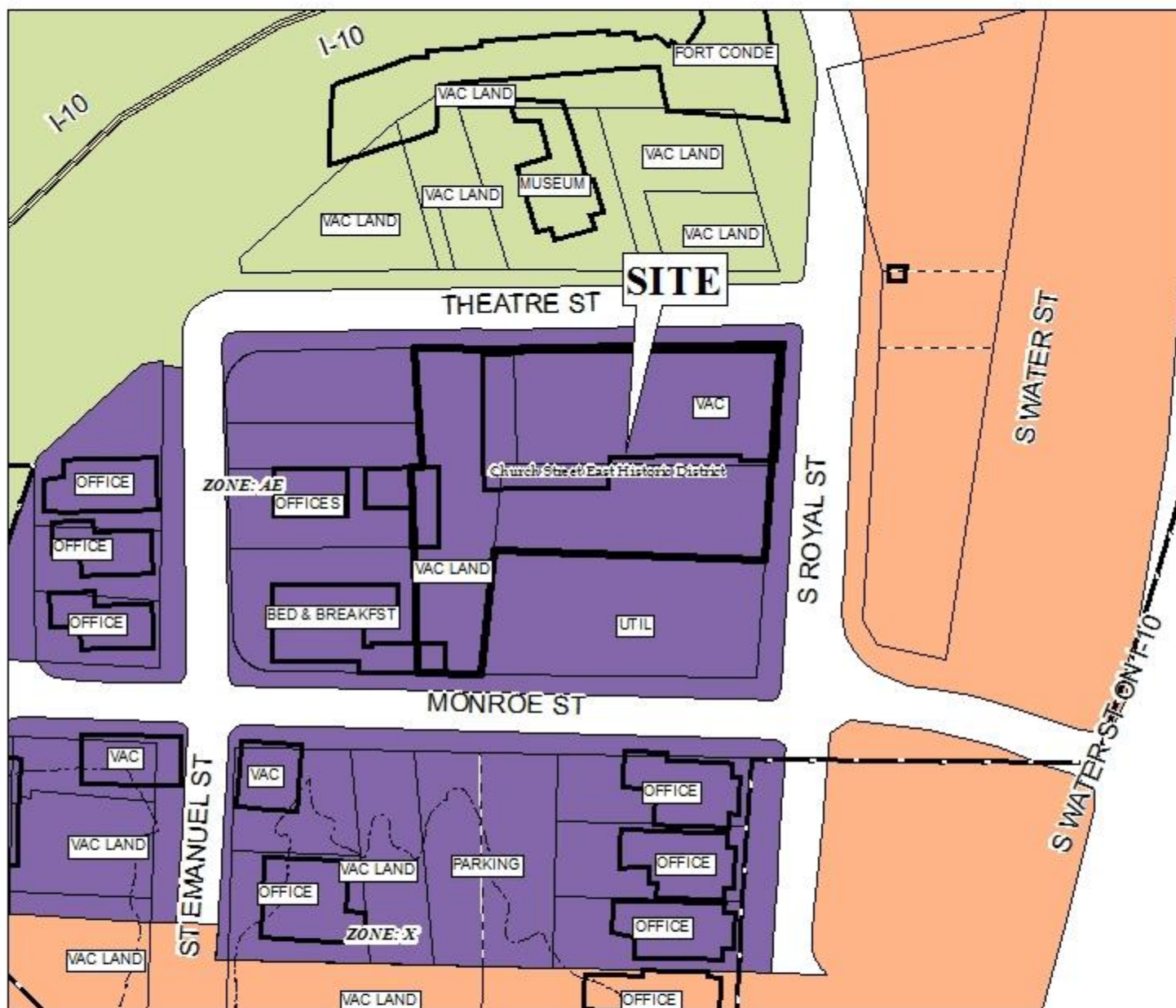
REQUEST Use and Height Variances



NTS



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Use and Height Variances

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





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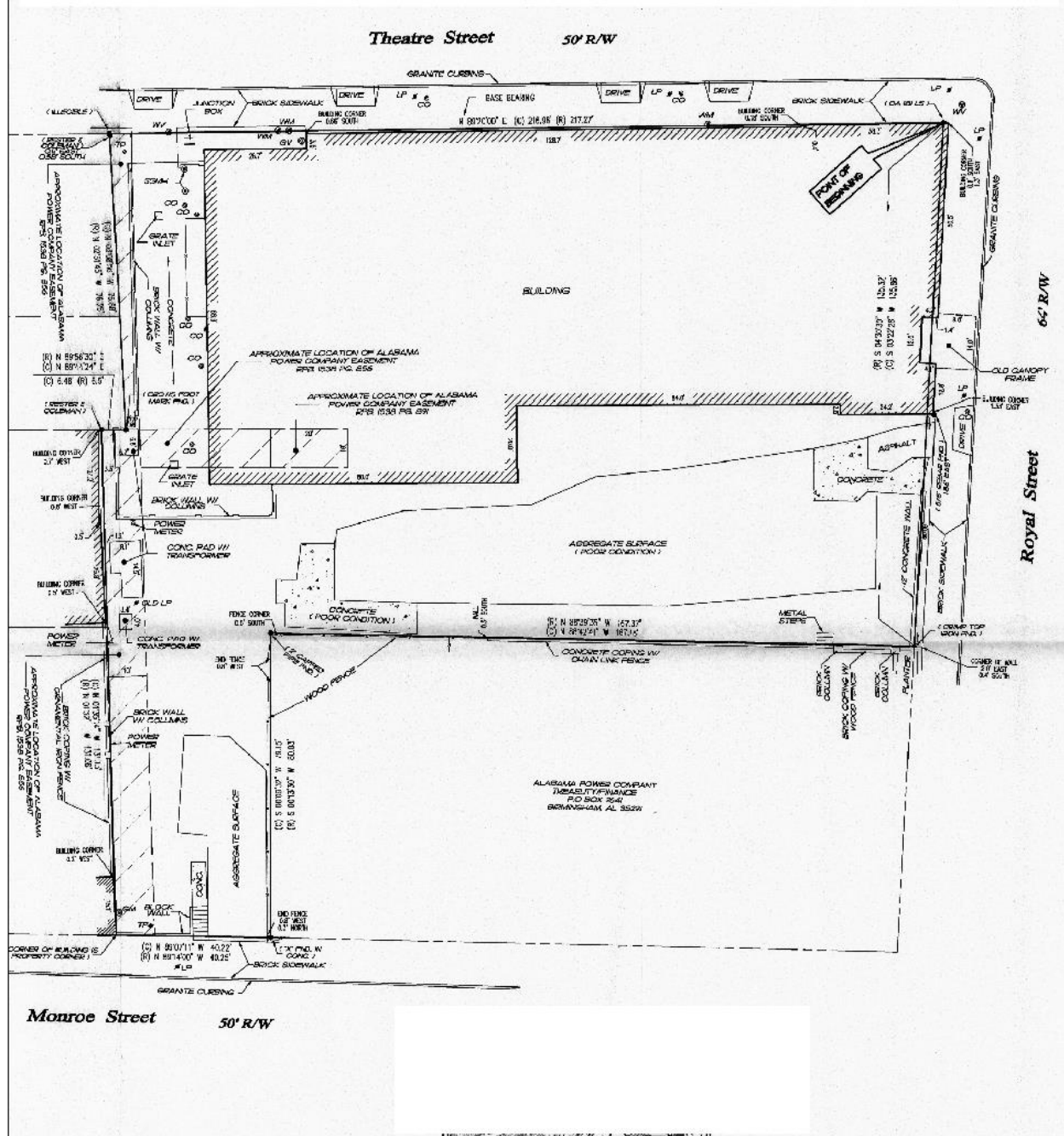
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# SITE PLAN



The site plan illustrates the existing building, aggregate surfaces, and easement.

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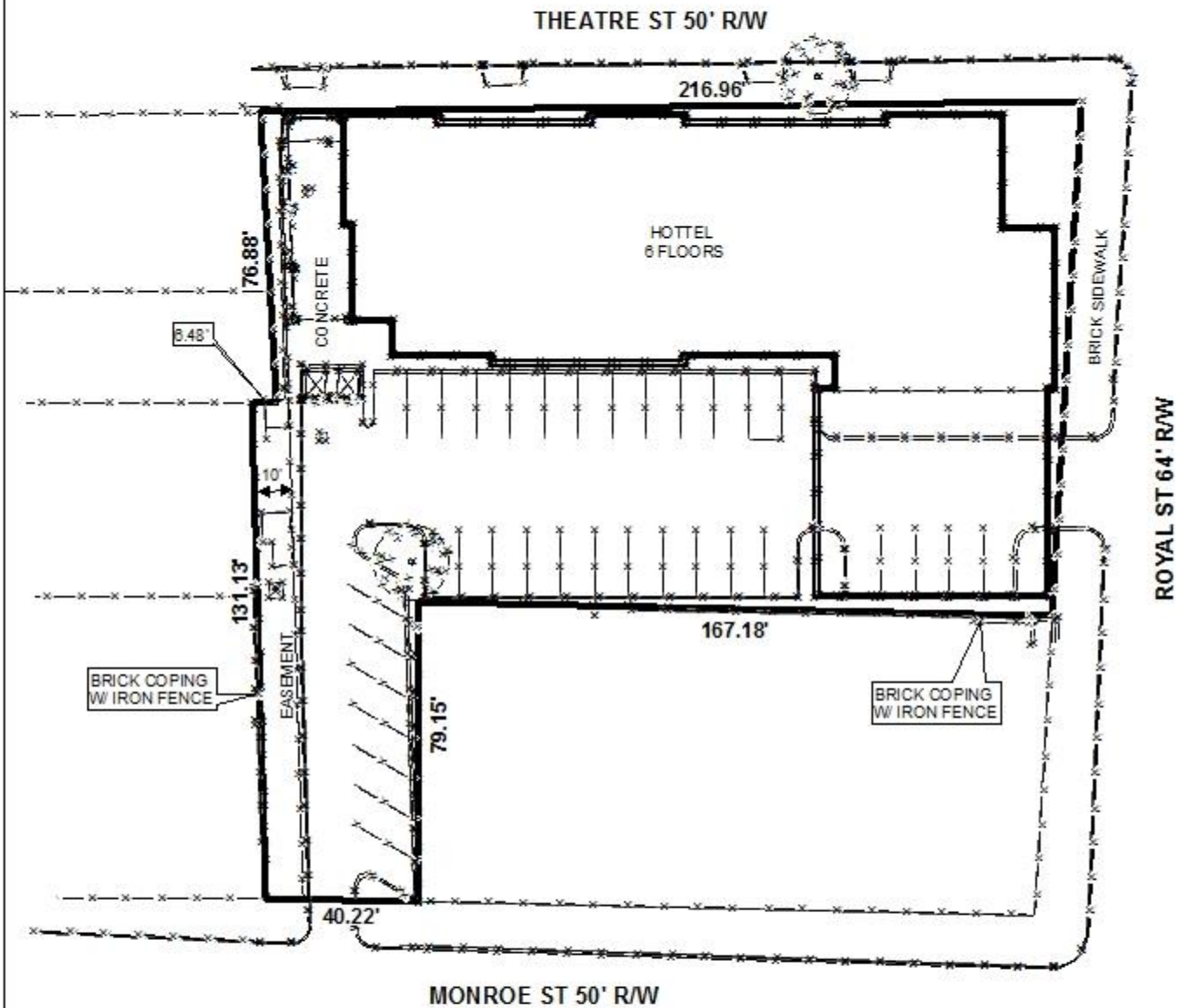
REQUEST Use and Height Variances



NTS



# PROPOSED SITE PLAN



The site plan illustrates the proposed hotel, easement and parking.

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REQUEST Use and Height Variances



# DETAIL SITE PLAN



Royal Street Hotel  
Mobile, Alabama

16 May 2015

EXTERIOR RENDERING



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REQUEST Use and Height Variances

