

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2016**

<u>CASE NUMBER</u>	6074
<u>APPLICANT NAME</u>	Keith W. Sherrill
<u>LOCATION</u>	806 Monroe Street (North side of Monroe Street, 125'± East of South Jefferson Street)
<u>VARIANCE REQUEST</u>	USE: Use Variance to allow a microbrewery in a T-5.1 Sub-District site within the Downtown Development District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance requires a minimum of a SD-WH Sub-District to allow a microbrewery within the Downtown Development District.
<u>ZONING</u>	T-5.1 Zoning Sub-District
<u>AREA OF PROPERTY</u>	19,516 square feet / 0.4± Acres
<u>CITY COUNCIL DISTRICT</u>	District 2
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	Site plan does not indicate any on-site parking. Excess pavement exists on the site and if any is to be utilized as parking, it should be illustrated on the plan. The existing curb cut along the frontage has the potential to be utilized as parking. Depending on its use and arrangement, parking could block the sidewalk and impede pedestrian traffic. The proposed parking in the lot across the street is unimproved and lacks definition; parking could become an issue especially related to visibility at the three intersections around the triangular lot. Access to the building does not appear to include accessible entry into the public space; the ramps appear to be for commercial use. Owner/developer is responsible for meeting all accessibility requirements.

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 2015-116 and City Code Chapters 57 and 64).

FIRE**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)

ANALYSIS

The applicant is requesting A Use Variance to allow a microbrewery in a T.5-1 District site within the Downtown Development District; the Zoning Ordinance requires a minimum of a SD-WH Sub-District to allow a microbrewery within 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 statement regarding the request:

Our intent is to use the facility as a microbrewery — beer production facility. In addition, we plan to create a space (taproom) within our facility to invite patrons in to try our latest brews; including an outdoor garden area. For dimensions — see enclosed diagrams. Much of the existing building will remain, and it will keep the same footprint in order to retain historic integrity. We will only serve beers that we produce onsite, and we will distribute via a wholesaler throughout the local area. We expect a weekly pickup from the distributor during normal business hours. We anticipate open hours to the public between 1600-2100 during the week, and 1100 — 2200 on the weekends. Our staff will include a small team of 4-5 until demand requires otherwise, serving approximately 100-150 customers per day as an aggregated average. A large portion of our parking will be located on the island across Monroe, as our lease grants us mutually agreeable rights with the Crystal Ice Company. Based on our hours of operation, there will seldom be overlap with our property's proprietors — essentially exclusive access is available. Currently, breweries are not zoned by right anywhere in the city; thus the reason for requesting a zoning variance. It is unclear as to whether or not this was largely due to prohibition. We aim to be a friendly neighbor to the community. We will create no more noise due to manufacturing than the existing ice plant. The only scents from the brewery will be hops and grain, and a fermentation friendly ale yeast strain — think "beer

bakery", not a paper mill. Our hours will ensure we aren't a nuisance to neighbors due to late night patrons and good times. For these reasons, we request a Use Variance for a microbrewery — beer production facility at 806 Monroe St (zoned T5.1).

The applicant is seeking approval to locate a microbrewery within an existing building in a T-5.1 Subdistrict. Breweries are only allowed "by-right" in SD-WH Subdistricts within the Downtown Development District, and outside of this area, "by-right" in I-1 Light and I-2 Heavy Industrial districts, and with Planning Approval in B-4, General Business districts. Thus, there are several other zoning districts within the city available to the applicant that would allow the proposed use, without requiring a use variance.

Since the proposed use will be in an existing building, parking is not required. The applicant states, however, that they have lease rights to use an unimproved area across Monroe Street for customer parking. While this parking area has historically been used by the ice company, the fact that a new use will also be using the property triggers the need to bring the parking area into compliance with frontage screening requirements of Section 64-3.I.11.(b)(3) of the Zoning Ordinance.

Regarding the use itself, the applicant has not defined any hardship with the building or the site that prohibits a T-5.1 compliant business from using the property. Furthermore, the property abuts single-family residences to the West, in a T-3 Subdistrict, and single-family residences approximately 120 feet to the East of the site along Monroe Street, also in a T-3 Subdistrict. The immediate adjacency of single-family residential uses to this site is of concern, given that the stated hours of operation are 4:00 PM to 9:00 PM weekdays, 11:00 AM to 11:00 PM weekends, and that an average of 100-150 customers per day are anticipated. Also, there are several outdoor areas that will be part of the facility, that could allow numerous customers to be outside, generating noise that could impact neighbors.

It is also unclear where loading and unloading of products necessary for brewing and products the result of the process will occur. It appears from the site plan and the proposed floor plan that the primary access for these activities will be on the West side of the building, abutting the single-family residences next door.

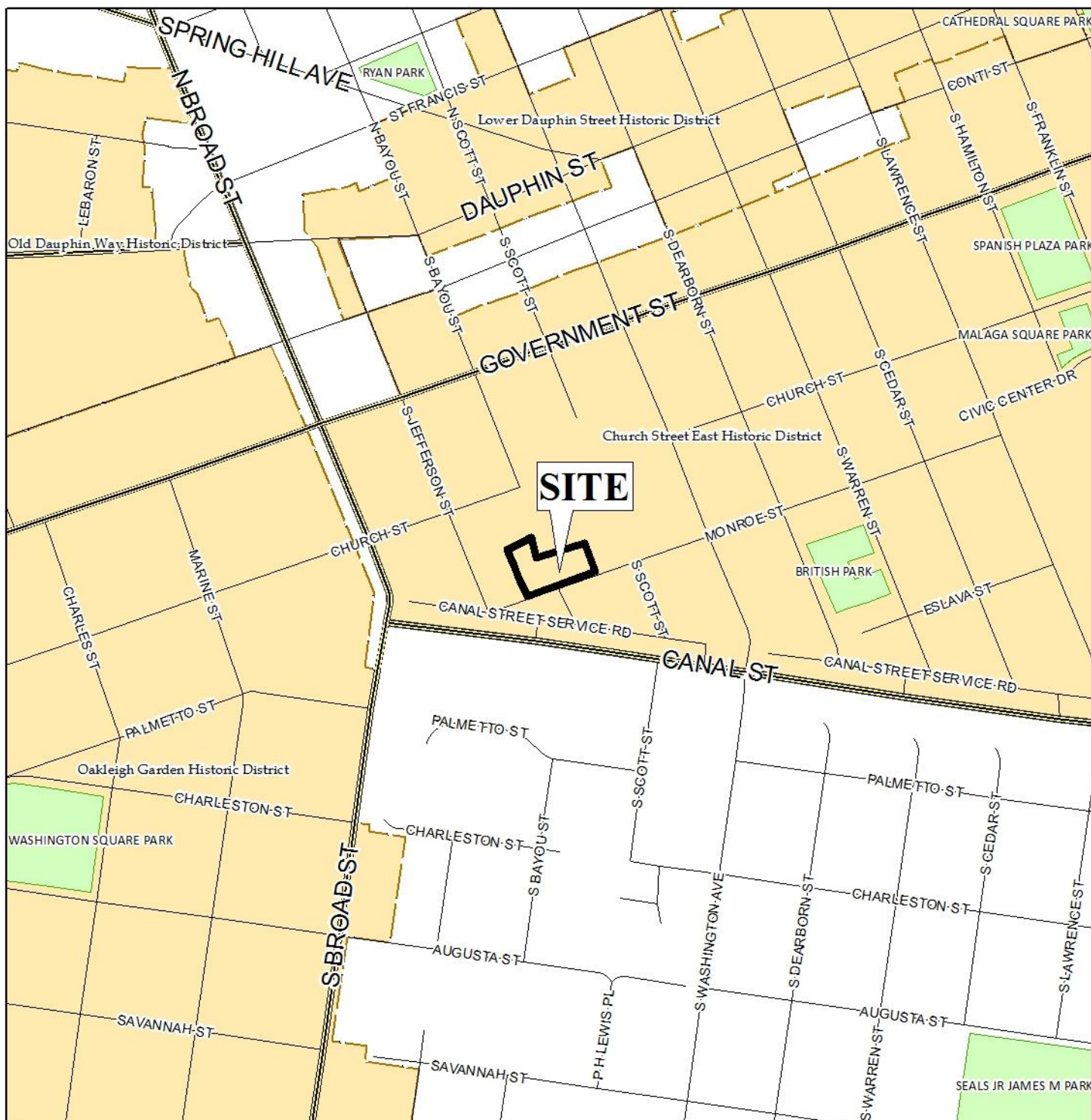
Regarding the brewing process, associated smells of hops and grain will be present, per the applicant. Such smells, perhaps similar to the roasting of coffee, are not generally considered offensive, however, there have been complaints received by the City over the years regarding the smell of coffee roasting activities abutting residential areas. Thus staff anticipates that there could be similar complaints associated with a beer brewing operation.

Finally, it does not appear that there will be sufficient improvements to the site, especially along the Monroe Street frontage, that will bring it into compliance with the previously mentioned parking area screening requirements or the other related frontage requirements applicable within T-5.1 Subdistricts of the Downtown Development District. The proposed "*welded wire metal fence with vines woven throughout*" will not meet frontage requirements, and may require additional variance requests.

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

- 1) Based on the fact that no hardship has been presented regarding the site or the building that prevents a compliant T-5.1 use from operating on the site, 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 variance, as the property is closely bounded by single-family residential uses, and the proposed use may not be compatible with such uses.

LOCATOR MAP



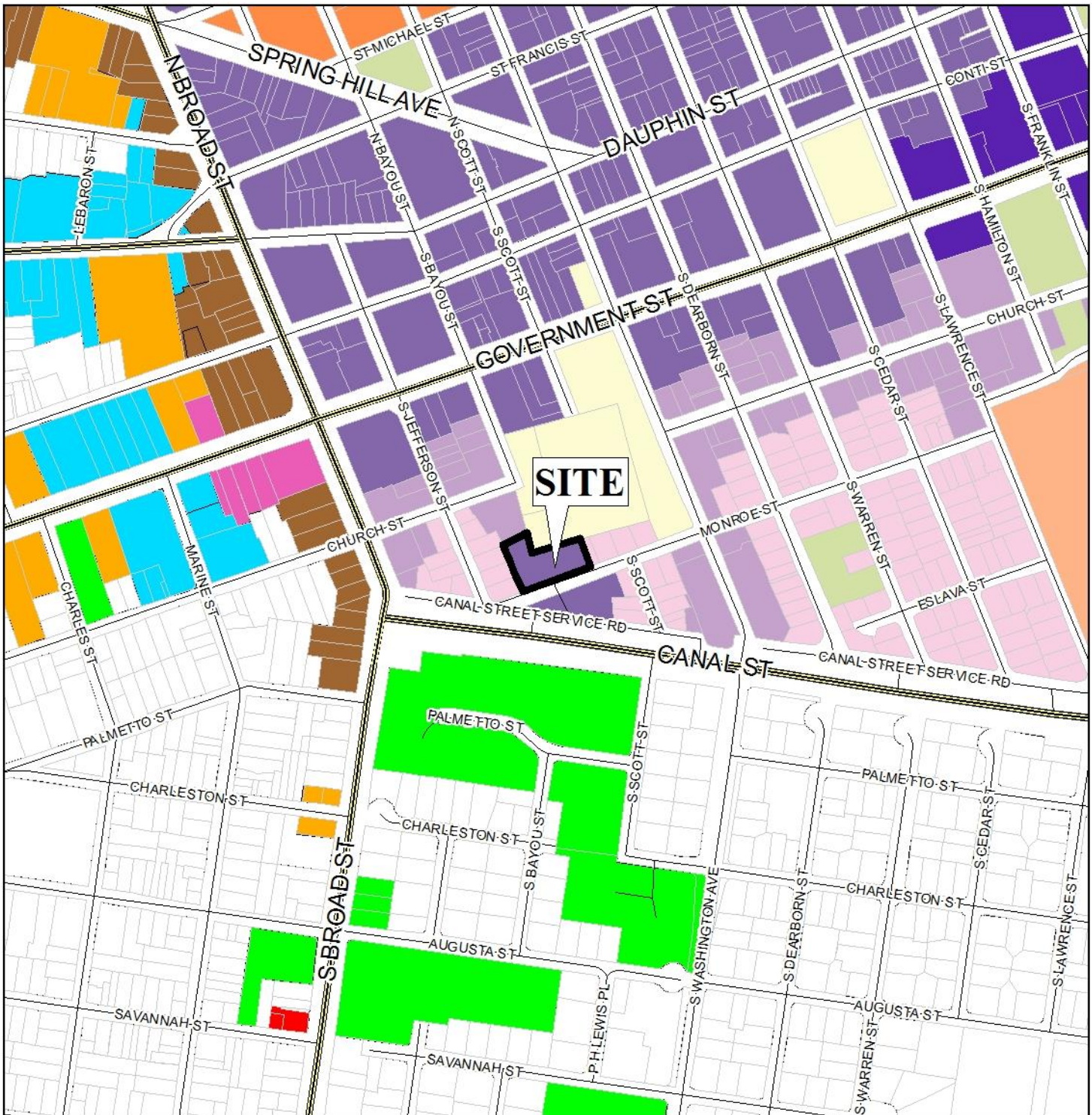
APPLICATION NUMBER 6074 DATE December 5, 2016

APPLICANT Keith Sherrill

REQUEST Use Variance



LOCATOR ZONING MAP



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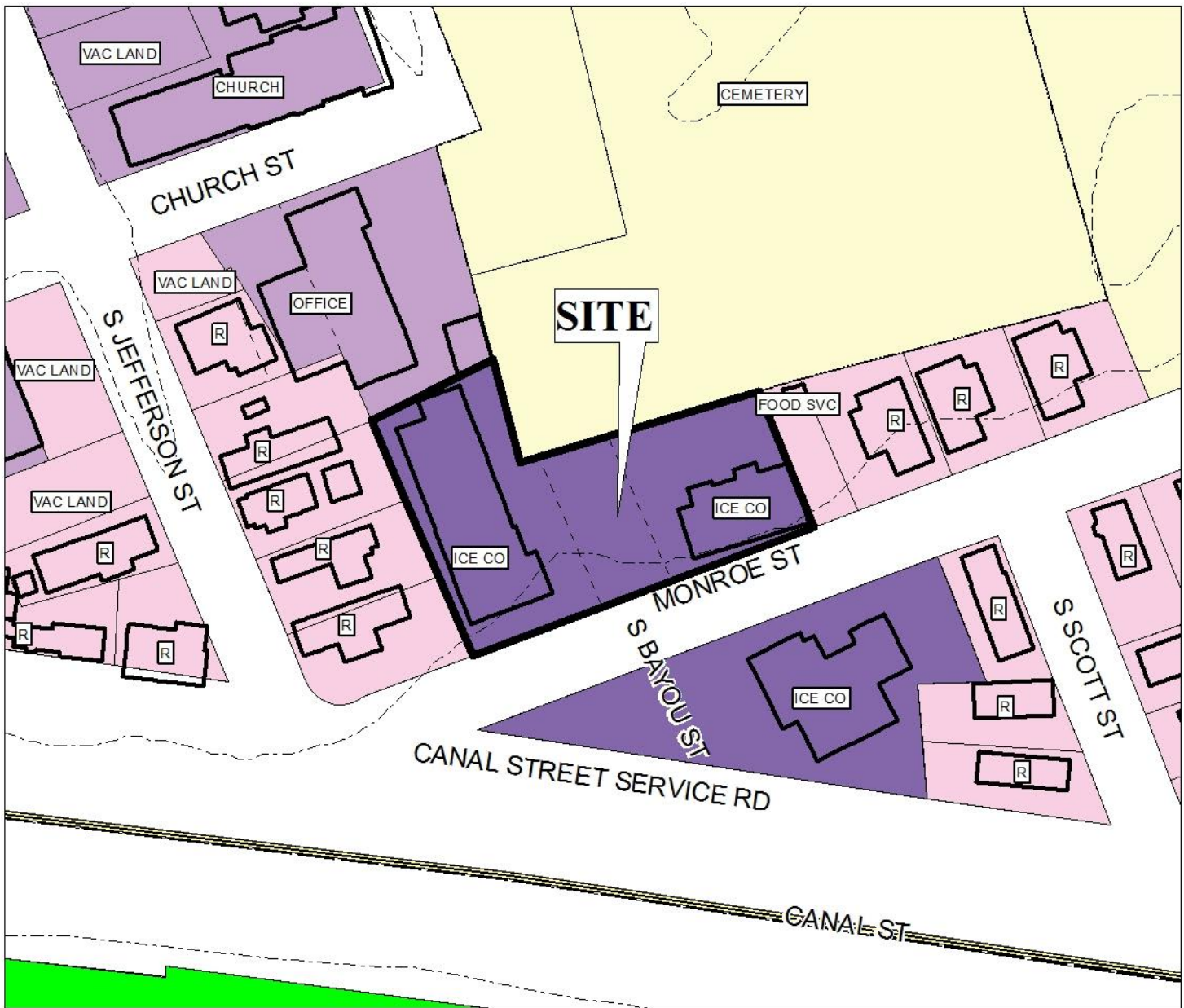
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. A cemetery lies north of the site.

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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

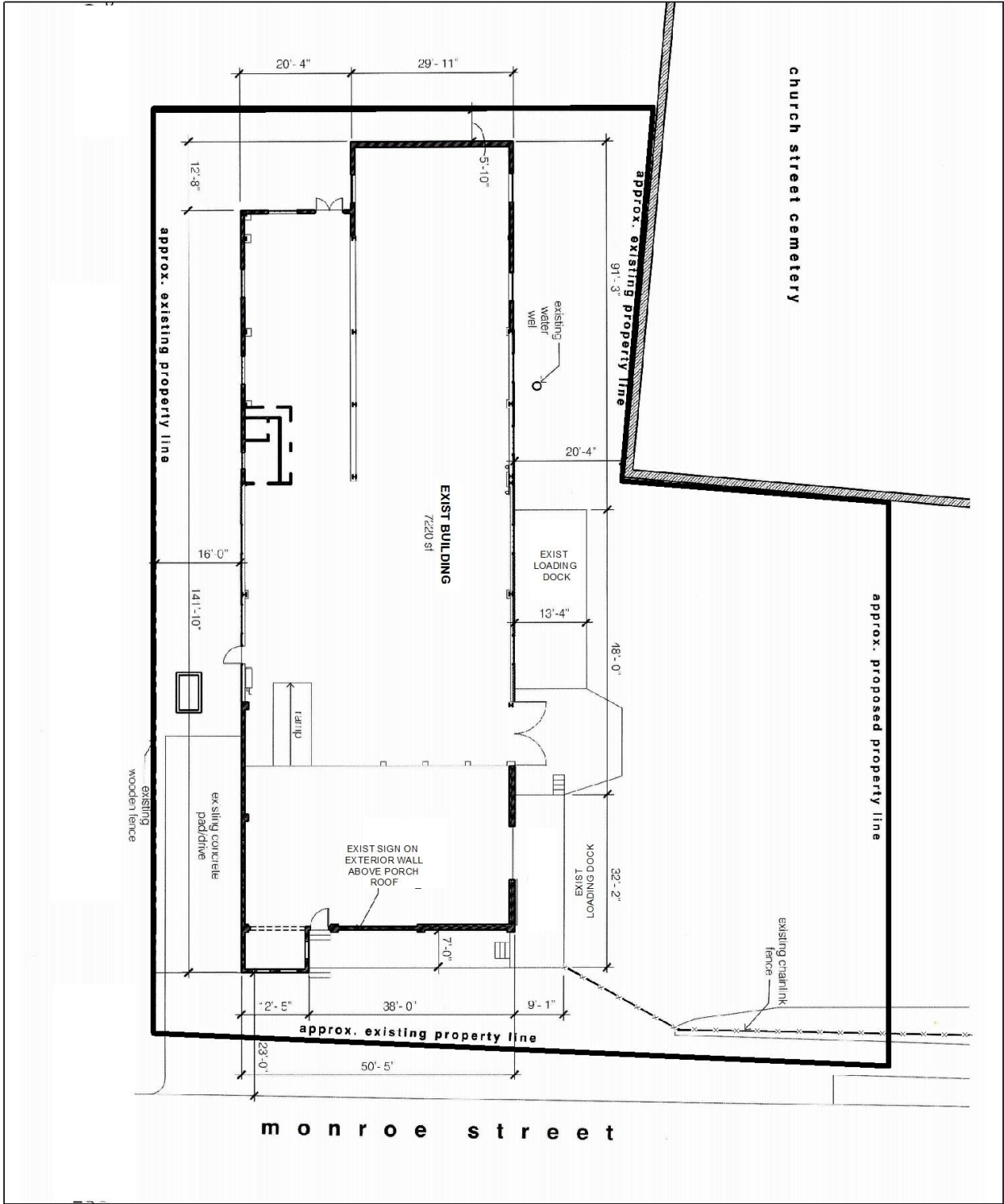


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SITE PLAN



The site plan illustrates the existing building, fence, and location of the existing sign.

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DETAIL SITE PLAN

This detailed site plan illustrates the layout of a property located on Monroe Street. The plan includes the following elements:

- Property Lines:** The existing property line is shown on the left and bottom, while the proposed property line is on the right. Dimensions for these lines are provided.
- Existing Structures:**
 - Unconditioned Storage:** A 5027 sq ft structure at the top left.
 - Exterior Terrace:** A 2532 sq ft area adjacent to the storage building.
 - Haint Blue Brew:** A 2661 sq ft building at the bottom center.
 - Existing Concrete Pad/Glue:** Located at the bottom left.
- Proposed Structures and Features:**
 - New Wall:** A new wall is proposed between the storage building and the terrace.
 - New Ramp:** A new ramp is proposed for the exterior terrace.
 - Existing Steel Structure:** A structure to remain near the terrace.
 - Existing Water Well:** A well to remain near the terrace.
 - East Garden:** A garden area on the right side of the plan.
 - Waste + Recycling Bins:** Located near the east garden.
 - Welded Wire Metal Fence:** A fence with vines woven throughout is proposed along the right property line.
- Landscaping:** Various trees and shrubs are shown throughout the site, with dimensions for some of them.
- Dimensions:** Numerous dimensions are provided for buildings, terraces, and overall site measurements.
- Monroe Street:** The street name is written at the bottom of the plan.

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