

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 3, 2017**

<b><u>CASE NUMBER</u></b>	6099
<b><u>APPLICANT NAME</u></b>	State Street Land, LLC
<b><u>LOCATION</u></b>	206 State Street (North side of State Street, 92'± East of North Joachim Street)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> To allow a brew pub in a T-4 Sub-District within the Downtown Development District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance requires a minimum of a T-6 Sub-District within the Downtown Development District for a brew pub.
<b><u>ZONING</u></b>	T-4 Sub-District
<b><u>AREA OF PROPERTY</u></b>	6,111± square feet/0.14±Acres
<b><u>ENGINEERING COMMENTS</u></b>	No Comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>URBAN FORESTRY COMMENTS</u></b>	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).
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	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).
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2

**ANALYSIS**

The applicant is requesting a Use Variance to allow a brew pub in a T-4 Sub-District within the Downtown Development District.; the Zoning Ordinance requires a minimum of a T-6 Sub-District within the Downtown Development District for a brew pub.

The applicant wishes to obtain a variance to convert a building previously utilized by the Waterfront Rescue Mission into a brew pub on the first floor, with apartments on the second floor. Use as a cafe with an occupancy load of less than 100 people is allowed by right at this location.

The applicant states:

*Description of Use: This property will be transformed from its previous use as a homeless shelter into a vibrant mixed use development with a brew pub on the first floor and residential apartments on the second floor. (Note: the apartments will not be directly over either the kitchen or brewing components)*

*Character of Improvements: This property was previously a homeless shelter. The homeless shelter was then moved and it sat vacant for years with no one able to make a project of use work for it. This use and the character of improvements is a forward that will transform this vacant blight into a charm of and attraction for the community of DeTonti as well as the core of downtown mobile.*

*The upstairs which was previously used as temporary living quarters for the homeless will be transformed into two modern rustic apartments. Walls will be reconfigured and the existing hardwood floors will be refinished. The existing bathrooms will be remodeled and reconfigured, and there will be new full kitchens added to each apartment. There will be new light fixtures, hardware, and HVAC.*

*The downstairs main section of the building which was previously the mission for the homeless will be transformed into the brew pub which will seat less than 100 patrons who will be served food and drink. There will be a long bar in the space with seating as well. The 12' ceilings and larger windows will provide lots of light and ambiance in the space. The existing thick heart pine will be reused to keep the inviting character of this beautiful space. Two restrooms will be added to this space as well as new electrical and HVAC.*

*The downstairs addition that was used as the kitchen, providing food for the homeless, will continue to be used as a kitchen for the brew pub and will be reconfigured to include the brewing component for the brew pub as well. This space updated and upgraded to code.*

*Time Schedule for Development: If and when fully approved, development will start immediately and plans are to be completed within six (6) months +/-.*

*Detailed Description of Proposed Use: This Property will be transformed from its previous use as a homeless shelter into a mixed use development with residential*

*apartments on the second floor and a brew pub on the main floor. (Note the residences will not be directly over the kitchen or the brewing components)*

*Activities involving noise, odors, pollution, or excessive traffic: The use of this property as mixed use residences with a brew pub will not create noise, odor, pollution, or traffic that are in excess of the current zonings allowances for that of a café. Also, there will be no more noise than existed when the property was used as a full service homeless shelter and mission.*

*Hours of Operation, Number of Employees, Number of Customers, and Parking Requirements: All four of these items will be equal or similar to that of the currently allowed zoning under café type use. The currently proposed hours will focus on lunch and dinner crowds with 10pm as the proposed closing during the week and midnight on the weekend. Additionally, this site has no parking requirements, per the city.*

*Why the property cannot be used in compliance with the Zoning Ordinance: This property was previously a homeless shelter. Since the homeless shelter relocated, it has sat vacant for years and cannot be used in compliance with current zoning ordinances because for this reason. This property standing vacant is a blight on downtown and a blight on DeTonti square.*

*The allowed cafe use without brew pub component has proven unsuitable because of the cafeteria area located in the addition adjacent to the kitchen. There is too much space than a traditional café needs and therefore no traditional cafe can afford to pay for this additional space they do not need and for which they have no use. Not one person, company, or developer was able to find a use for this property until the current owners and this proposed plan. As you probably know, the goal of "The New Plan for Mobile," the economic development plan established for and by the city, is that 'In the future, the heart of Downtown Mobile will be an attractive, safe and inviting place to live, learn, play and work " This project will help the city take one more step, towards this goal, but it cannot do so without this variance.*

*How this situation occurred: As a homeless shelter this property has upstairs living quarters with a downstairs open meeting/ mission and an addition to the back of the main floor of a large kitchen and cafeteria. Therefore, it is cost prohibitive to use this property as anything other than the current owners plan of a mixed use with residential on the second floor and the brew pub on the first floor. The property does not and has not for years worked any other way*

*How is this property different from neighboring properties: Unlike the other properties in DeTonti Square, this property was previously used as a homeless shelter and as such it is set up perfectly, for a practically seamless transition into a mixed use with brew pub component use.*

*Proposal for eliminating any negative impacts on surrounding properties: There are no negative impacts on the surrounding properties. Alternatively, this use will turn a blight*

*into an attraction to the community. It will enhance the charm of the neighborhood in a way that no other use could.*

The applicant asserts that the structure is too large to be occupied by any use other than a brew pub; however, the structure could be renovated and divided into multiple tenant spaces to make the property more attractive to various businesses. Furthermore, the applicant states that there will be no odors associated with the project, despite the fact that the brewing of beer typically produces various odors.

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.

According to the Map for Mobile, the site is located within the Downtown area. The intent for the Downtown area is:

- Infill development that complements the existing character and enhances the pedestrian-friendly urban environment
- Fewer surface parking lots - more structured parking
- Increased streetscaping, including improved sidewalks, street furniture and lighting along corridors
- Greater mix of uses - retail, restaurant, office, residential

While it may be desirable to have a currently vacant structure occupied once again, there are several types of uses that could be located at the site without the need for a variance (apartments, offices, retail, mixed use, religious facility, etc.). There are also vacant properties near the site which would allow a brew pub with Planning Approval from the Planning Commission and give the applicant the ability to build a brand new structure to their specifications. The applicant's primary justification for the variance request appears to be economic in nature, which is not a hardship the Board can consider.

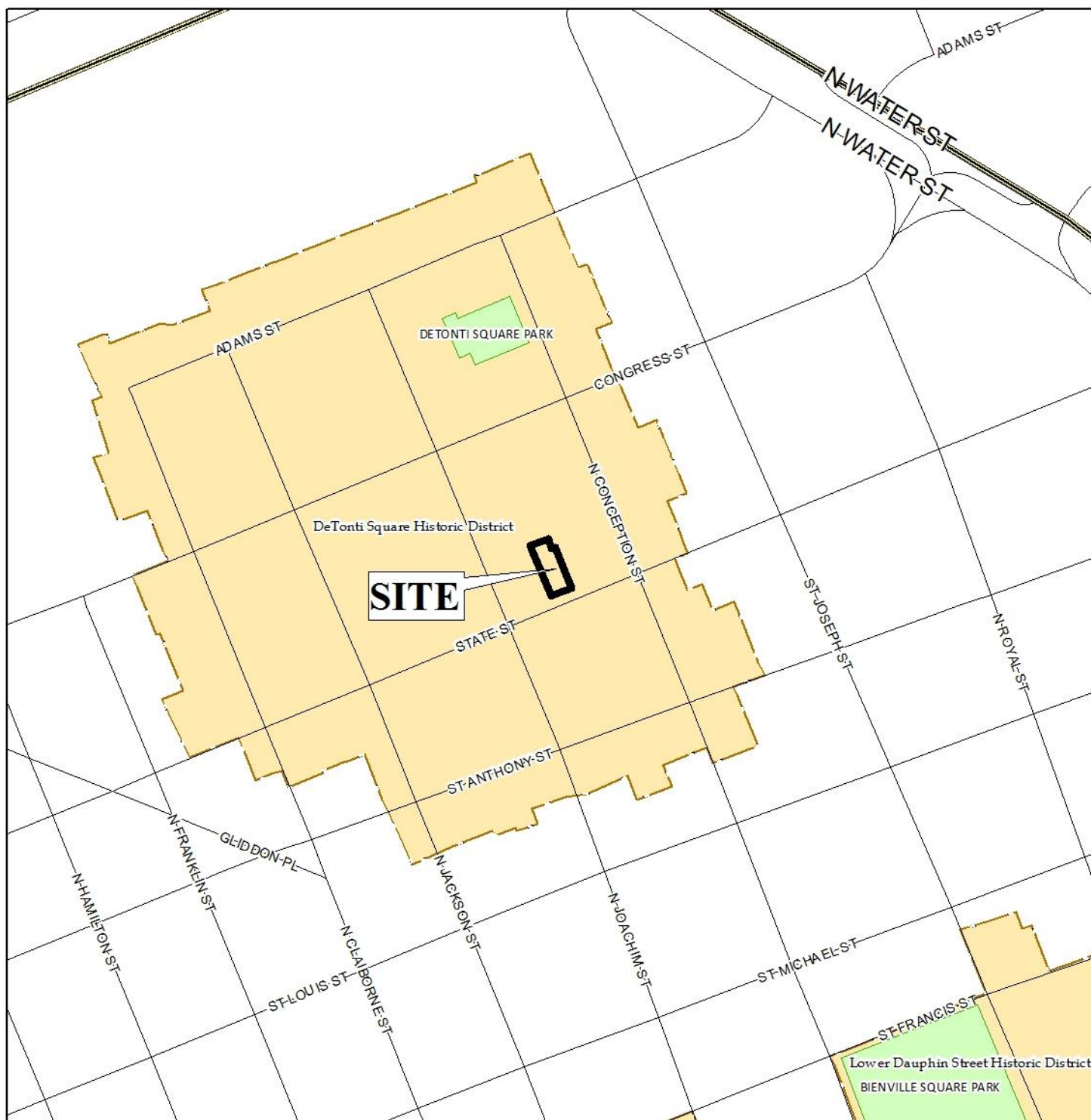
**RECOMMENDATION:**

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

- 1) approving the variance will be contrary to the public interest in that there are a number of uses that could operate at the site without a need for a variance, including a cafe;
- 2) special conditions do not exist and there are no hardships which exist that are not economic in nature; and

- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance as there are nearby properties that would allow a brew pub with Planning Approval from the Planning Commission.

# LOCATOR MAP



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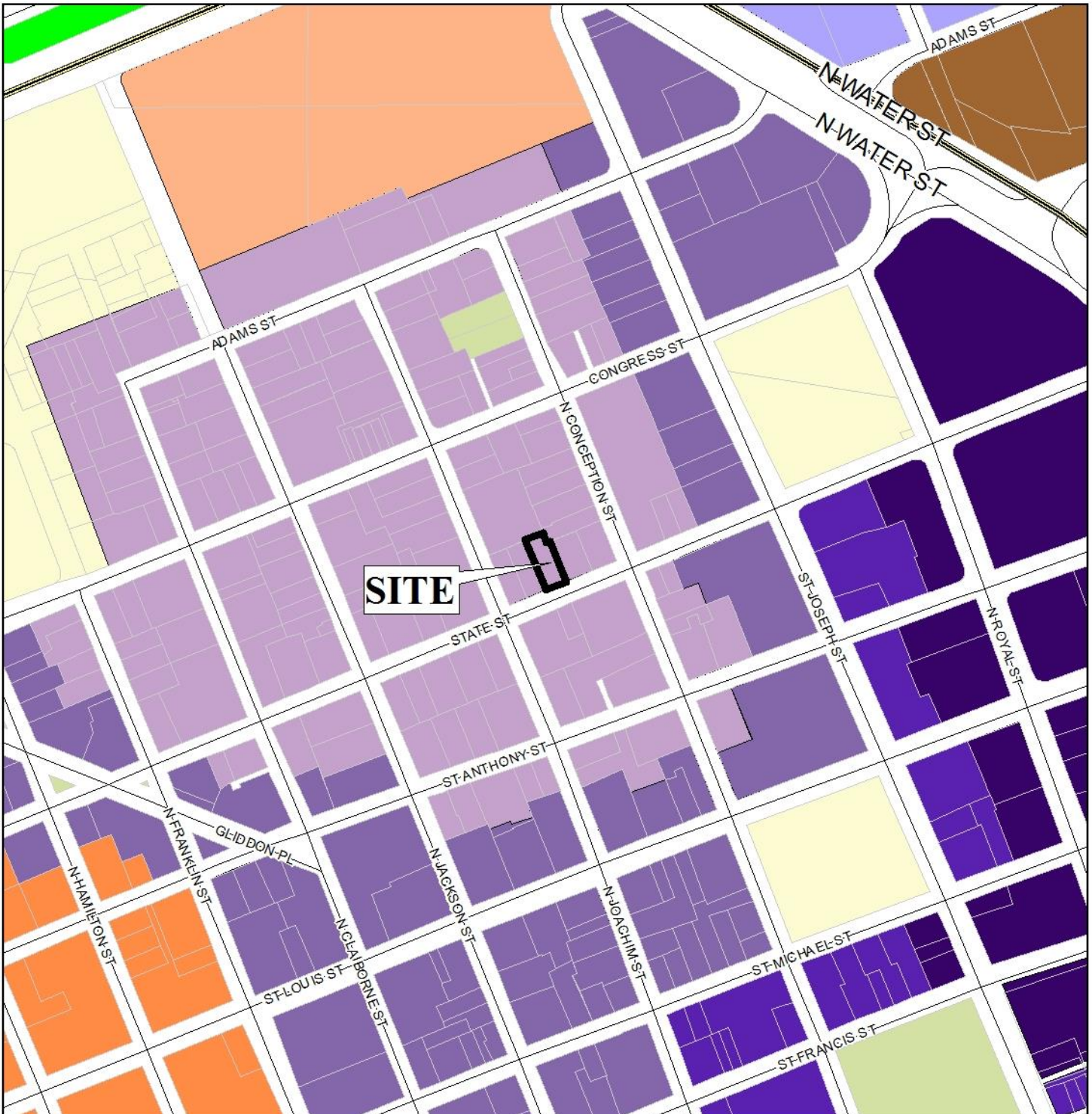
APPLICANT State Street Land, LLC

REQUEST Use Variance





# LOCATOR ZONING MAP



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REQUEST Use Variance





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous residential and commercial units.

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<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: blue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: orange-red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
<span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-B	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OPEN	<span style="background-color: lightpink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T3	<span style="background-color: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.2
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2	<span style="background-color: peachpuff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> H-B	<span style="background-color: magenta; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> LB-2	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-4	<span style="background-color: grey; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T4	<span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



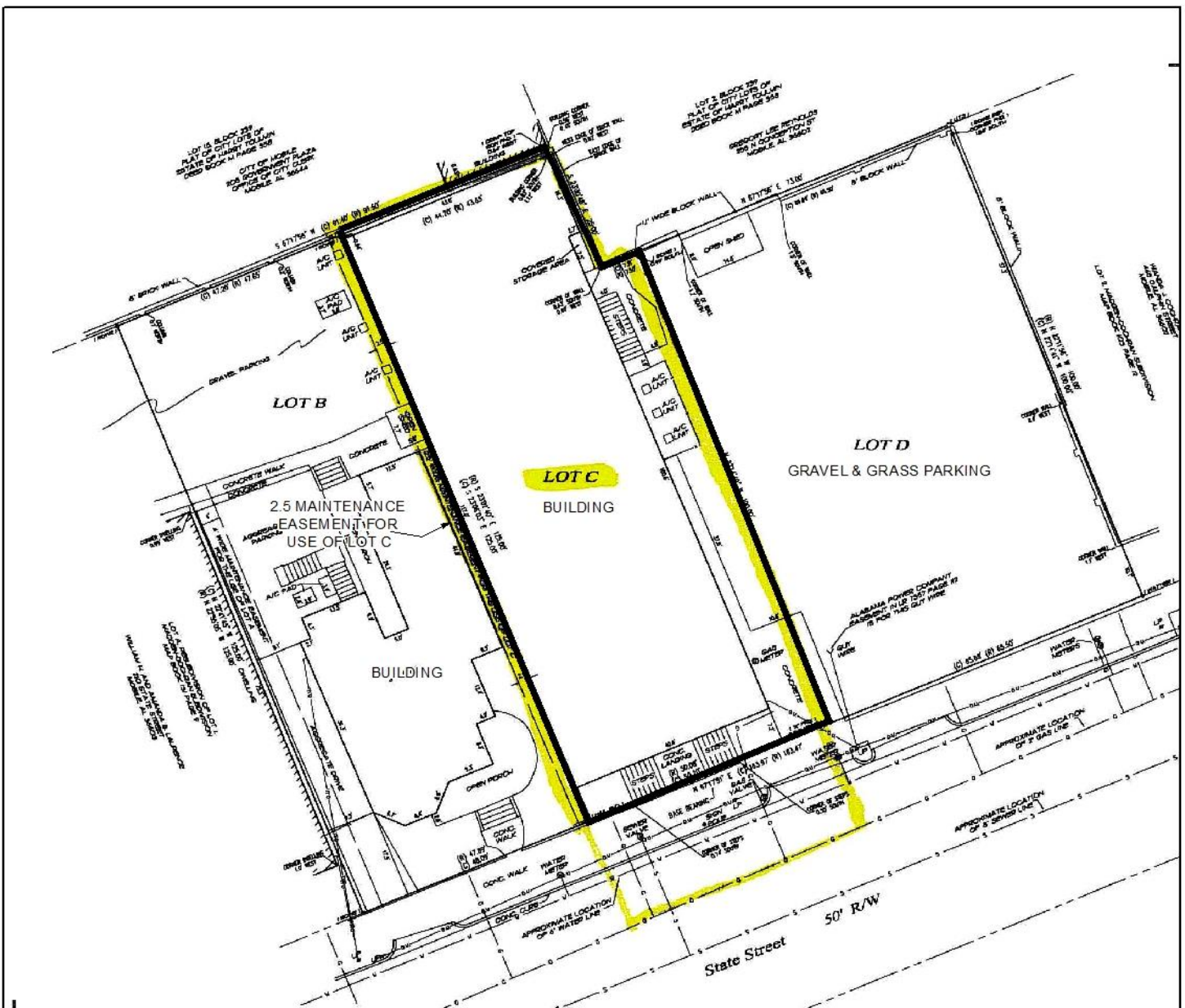
The site is surrounded by miscellaneous residential and commercial units.

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# SITE PLAN

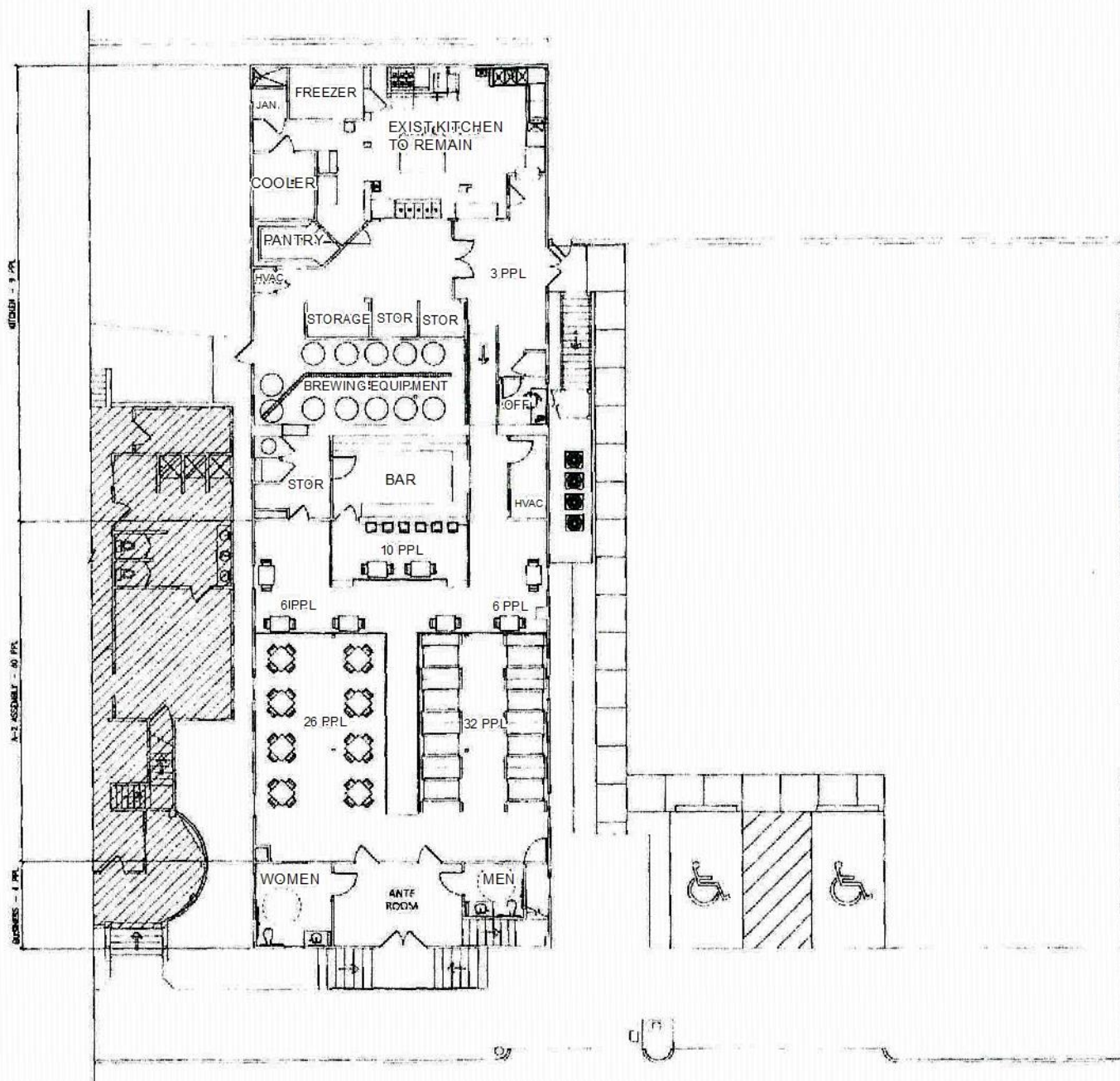


The site plan illustrates the existing buildings, easement, and gravel and grass parking.

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# DETAIL SITE PLAN

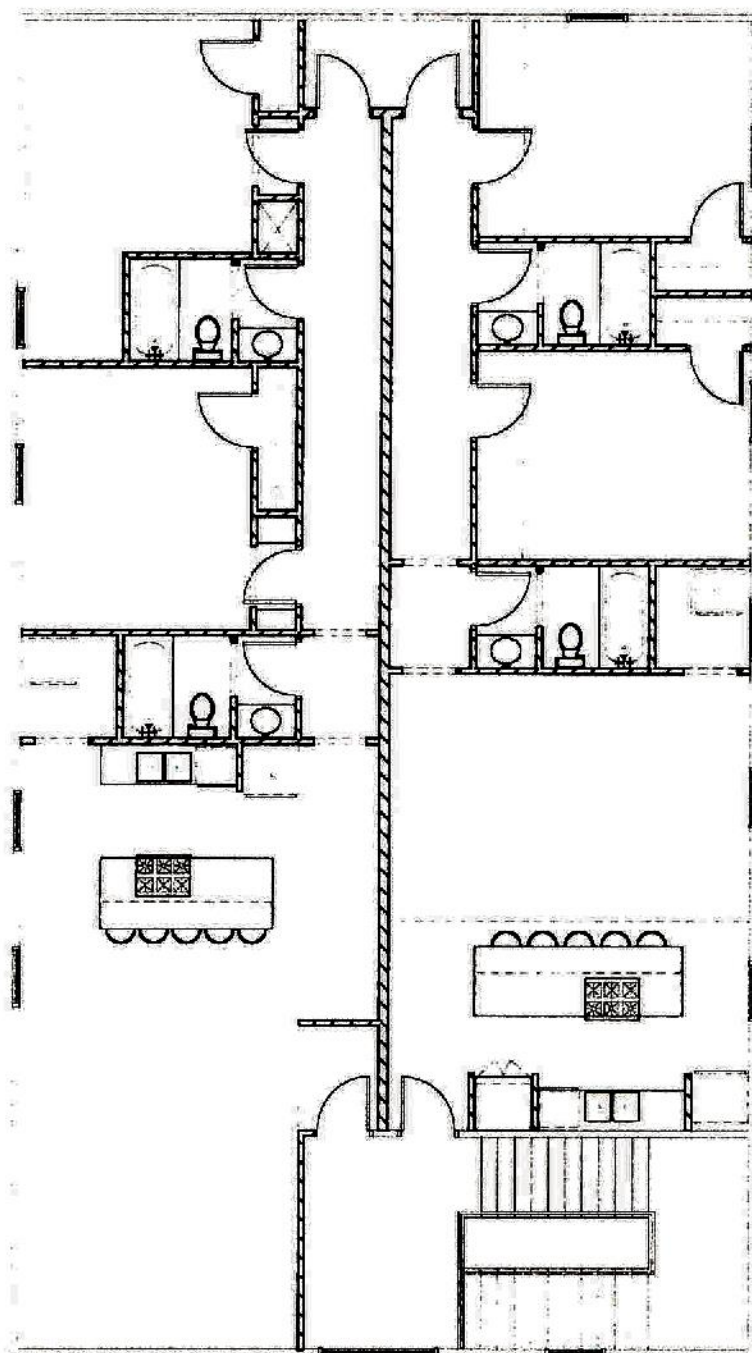


**A FIRST FLOOR SCHEMATIC DESIGN**  
 A-1.0 SCALE: 1/8" = 1'-0"

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## DETAIL SITE PLAN



UPSTAIRS PROPOSED  
APARTMENT FLOOR PLAN

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