

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

<b><u>CASE NUMBER</u></b>	6067/6022
<b><u>APPLICANT NAME</u></b>	Steve Stone (Authorized Agent)
<b><u>LOCATION</u></b>	600 Government Street (Northwest corner of Government Street and South Warren Street)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow the processing of food and beverage products in a T-5.1 Subdistrict. <b>SITE:</b> Site Variance to allow the erection of an alternative vegetative screening. <b>SIGN:</b> Sign Variance to allow a wall sign to project beyond the roof line.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance requires a minimum of a SD-WH Subdistrict to allow the processing of food and beverage products. <b>SITE:</b> The Zoning Ordinance requires shrubs as vegetative screening. <b>SIGN:</b> The Zoning Ordinance requires that signs not to extend beyond the roofline in the Downtown Development District.
<b><u>ZONING</u></b>	T-5.1 Zoning Sub-District
<b><u>AREA OF PROPERTY</u></b>	43,406 square feet / 0.99 ± Acres
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ENGINEERING COMMENTS</u></b>	No comments.

**TRAFFIC ENGINEERING****COMMENTS**

Current site layout is proposing to remove one driveway on Government Street and utilize the remaining access point as an exit only driveway for service vehicles in the side porch area. As such, additional driveway changes as previously discussed with the old approval are not necessary.

**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 Use, Site, and Sign Variances to allow the processing of food and beverage products, the erection of an alternative vegetative screening type, and a wall sign to project beyond the roof line in a T-5.1 Subdistrict in the Downtown Development District; the Zoning Ordinance requires a minimum of a SD-WH Subdistrict to allow the processing of food and beverage products, shrubs as screening, and signs not to extend beyond the roofline in the Downtown Development District.

The site is located within two historic districts: the Lower Dauphin Street Historic District and the Church Street East Historic District. Any exterior improvements to the site and building will require review by the Architectural Review Board. Exterior improvements to the building and site must also be reviewed and approved by the Consolidated Review Committee prior to the issuance of any permits for exterior or site work.

The site was previously before the Board at its January 4, 2016 meeting, where the Board granted a Use Variance to allow the processing of food and beverage products in a T-5.1 Sub-District in the Downtown Development District, subject to the following conditions:

- 1) *compliance with Engineering comments;*
- 2) *compliance with Traffic Engineering comments;*
- 3) *compliance with Fire Department comments;*
- 4) *compliance with Urban Forestry comments;*
- 5) *obtain all necessary approvals from the Architectural Review Board; and*
- 6) *obtain all necessary approvals from the Consolidated Review Committee.*

The approval expired on July 4, 2016 and, due to the expiration and changes to the variances required, new requests have been submitted.

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:

**Request #1- Use Variance**

*The applicant requests a use variance to allow a use which is categorized in the Zoning Ordinance as "processing of food and beverages", along with an associated tap room for tasting. Under the Downtown Development District (DOD) as it is currently written, the "processing of food and beverage products" is only allowed in a SD-WH District. This use variance was applied for in January of 2016 and was approved at that time. That approval expired in July of 2016.*

*The building on the property in question is ideal for our intended uses, and will need no new construction, other than exterior renovations as shown on the attached elevations.*

*There will be no exterior noise or smell associated with the brewing process. The area in question is ideal for this type of "mixed use". This area of Government Street has three fast food restaurants in the immediate vicinity. The site has sufficient on-site parking, and is also within walking distance of the Dauphin Street entertainment district, from where many of our patrons will come via foot. This use will have no negative impact on the surrounding area, but will, instead, have a positive impact on the redevelopment and regrowth of this part of downtown.*

**Request #2- Site Variance**

*The applicant will be providing new fencing surround the lot, along with a planted vegetative buffer per the new DDD zoning ordinance requirements. The applicant requests a site variance to allow for an approximate 103'-0" section of new fencing to have vegetative vines growing on the fence to act as a screen, as opposed to the remainder of the site, which has a 24-36" vegetative area at the interior side of the fencing, as shown on the attached plans. This request is due to the location of the existing parking and existing area drain, both of which would be costly to relocate. We feel the effect of the vines would maintain the visual buffer, which is the intent of the new section of the ordinance.*

**Request #3- Sign Variance**

*The applicant also requests a sign variance to allow for a non-illuminated sign as shown on the attached elevations and details. The bulk of this sign will conform to the 3'-0" maximum height listed in the DDD section of the Zoning Ordinance. The irregular shape of the sign would cause small portions of the sign to extend beyond the allowed borders. We feel that the proportion of sign to the upper section of the building if made to confirm*

*to a strict interpretation of the signage section, would cause the sign to be very small and out of scale.*

Changes to the site plan from the previous approval include the provision of two outdoor seating areas instead of just one, a parking area for up to three food trucks, the preservation of more of the existing landscape area on the site, and the provision of only 15 parking spaces (versus 43 previously proposed). One of the two existing curb-cuts onto Government Street will be closed and restored with curbing, sidewalk and landscaping (*addressing concerns expressed by Traffic Engineering and ALDOT with the previous request*). The second outdoor seating area will be on the front side of the building, between the building and Government Street, while the other seating area is located on the East side of the building, near the proposed food truck parking area.

Regarding the Use variance request, the site is bounded on all sides by a mix of governmental and commercial uses, including offices and restaurants, in the same T-5.1 Subdistrict. The Board previously determined Findings of Fact at its January 4, 2016 meeting to allow the proposed use. There is no significant change in this request: the primary use of the site will be the production of beer, for both on-site and off-site consumption.

Addressing the Site variance request, the applicant notes that the existing parking area along South Warren Street abuts the property line, and thus there is insufficient room to plant the required 3-foot high hedge buffer required by Section 64-3.I.11.(b)(3) of the Zoning Ordinance. As such they propose the use of vines in lieu of shrubs along a 110 foot long segment of fence, with the remaining street frontage area adjacent to parking to be screened with the required shrub and fence combination. Given the restricted area of the existing parking and the presence of a 24 inch drain near the fence, both creating a hardship, the Board may wish to favorably consider the request.

Finally, the Sign variance request is misstated in the description by staff. The actual request is to have a sign that exceeds the three foot maximum height allowed for an upper building sign, per Section 64-3.I.16.(a)(1) of the Zoning Ordinance. The proposed sign will be 5 feet 1 inch tall and 8 feet 9 inches long, or about 44 1/2 square feet. The sign is designed with a fish-like logo, with a fin extending above the height limit and the word "brewing" extending below the height limit. The applicant is allowed by-right to place a sign 3 feet tall by the width of the building façade, which in this case is approximately 37 feet, thus a total of 111 square feet is possible. Reducing the height of the sign and/or elongating the sign to comply with the height limitations, may impair both the legibility and the identity branding of the logo.

## **RECOMMENDATION:**

**USE Variance:** 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 in that the proposed project will occupy a currently vacant commercial building;

- 2) special conditions do exist and there are hardships which exist in that the existing structure has been vacant for several years, indicating a lack of market need for the existing structure, as is, necessitating a repurposing of the structure; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed use will have limited negative impact on the area.

The Approval should be subject to the following conditions:

- 1) compliance with 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)*);
- 2) compliance with 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)*);
- 3) obtain all necessary approvals from the Architectural Review Board;
- 4) obtain all necessary approvals from the Consolidated Review Committee; and
- 5) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.

**SITE Variance:** 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 in that the proposed vegetative screening will achieve the same screening and buffering intent;
- 2) special conditions do exist and there are hardships which exist in that the existing parking area and drainage are immediately abutting the property line along South Warren Street, limiting the planting area available for compliance; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed alternative vegetative screening will only be used on a portion of the site.

The Approval should be subject to the following conditions:

- 1) compliance with 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)*);
- 2) compliance with 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)*);
- 3) obtain all necessary approvals from the Architectural Review Board;
- 4) obtain all necessary approvals from the Consolidated Review Committee; and
- 5) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.

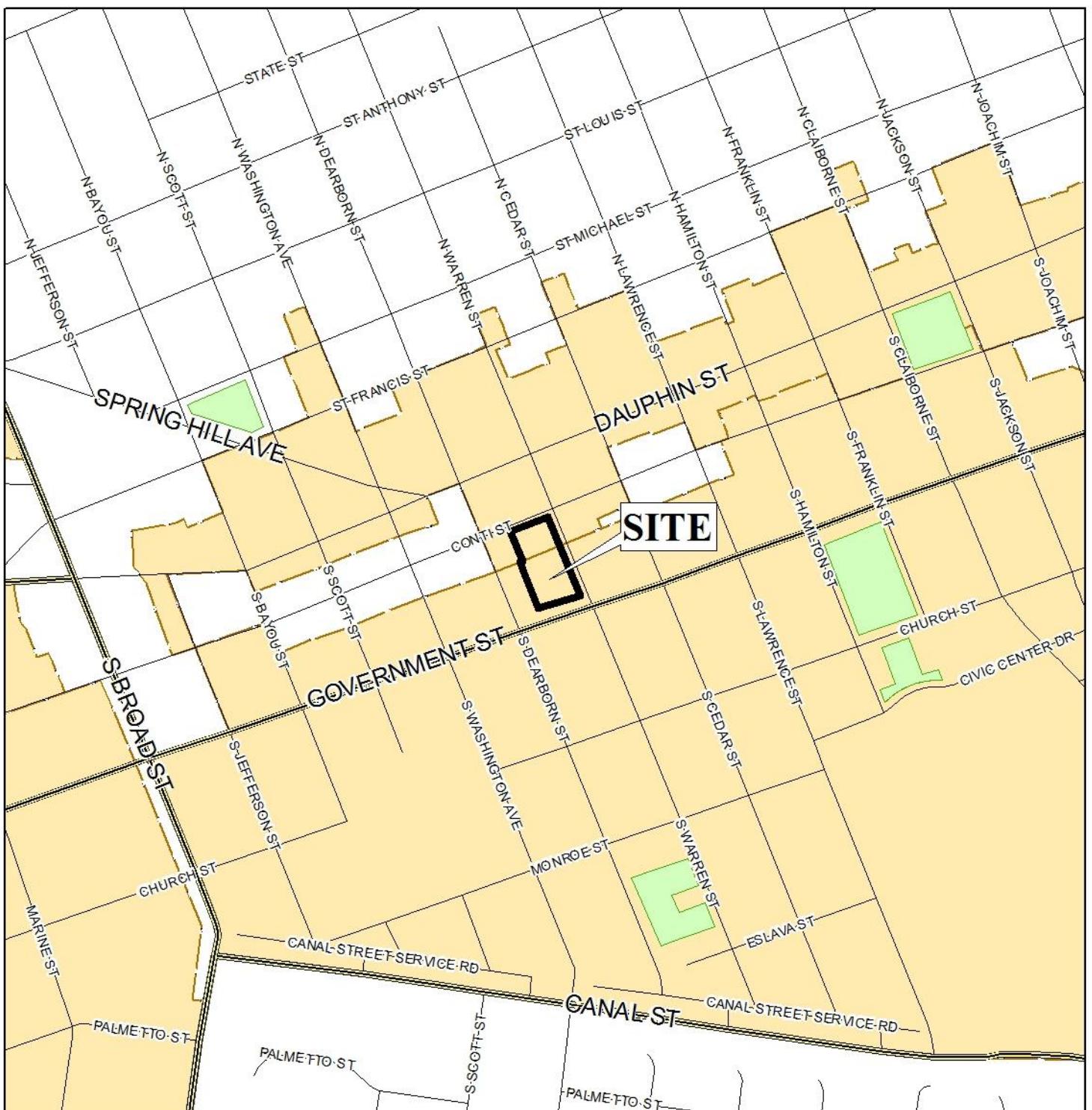
**SIGN Variance:** Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that the proposed sign will only slightly exceed the height limits, and will be well under the allowable width limits;
- 2) special conditions do exist and there are hardships which exist in that the logo design is not conducive to compression or elongation without losing branding or legibility; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed sign will otherwise comply with the material and illumination requirements of the Zoning Ordinance.

The Approval should be subject to the following conditions:

- 1) obtain all necessary approvals from the Architectural Review Board;
- 2) obtain all necessary approvals from the Consolidated Review Committee; and
- 3) full compliance with all other municipal codes and ordinances, including the appropriate permitting of all improvements.

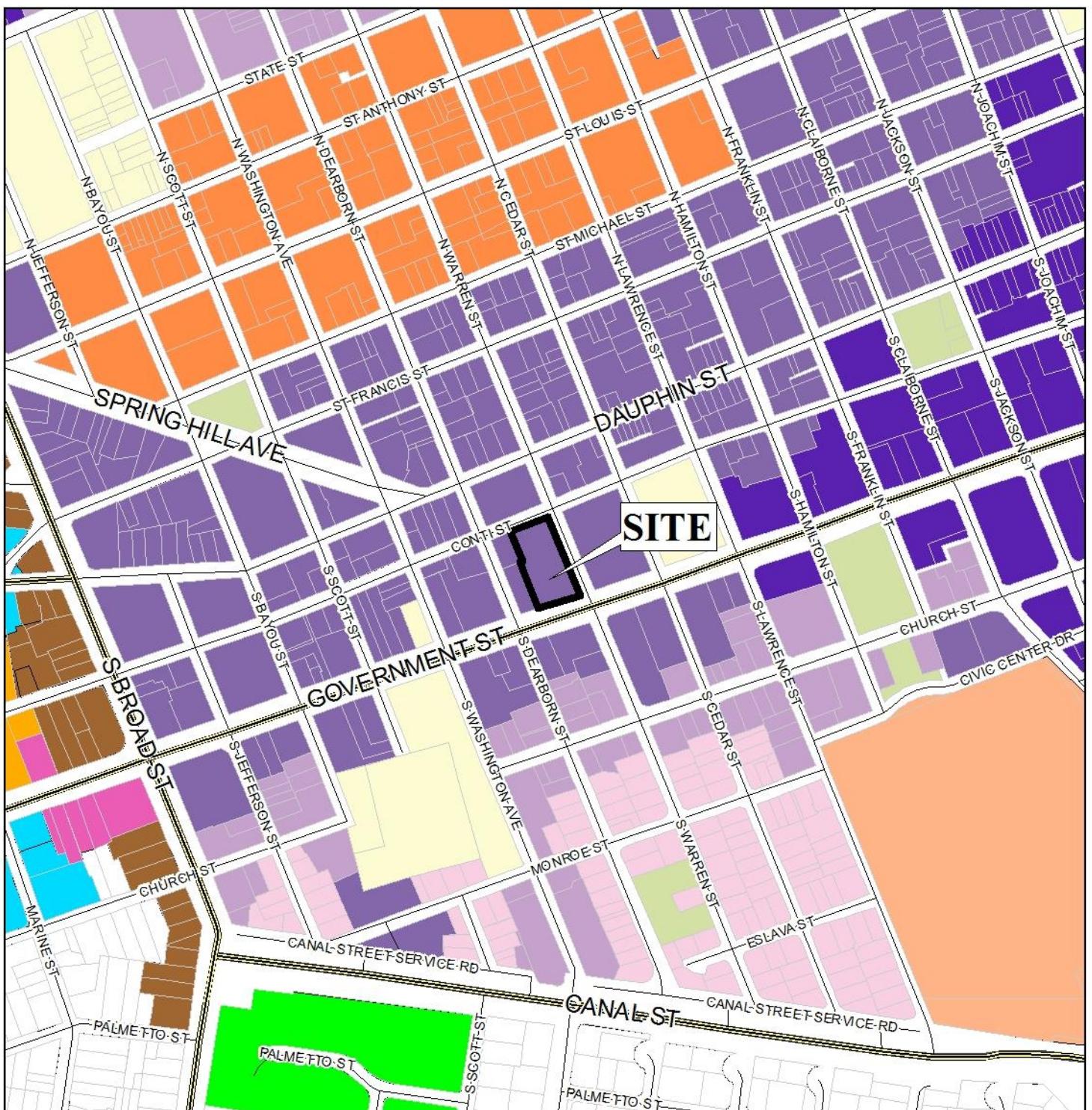
# LOCATOR MAP



APPLICATION NUMBER	6067	DATE	December 5, 2016
APPLICANT	Steve Stone (Authorized Agent)		
REQUEST	Use, Site, and Sign Variances		

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# LOCATOR ZONING MAP



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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Use, Site, and Sign Variances


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**BOARD OF ADJUSTMENT  
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by commercial units.

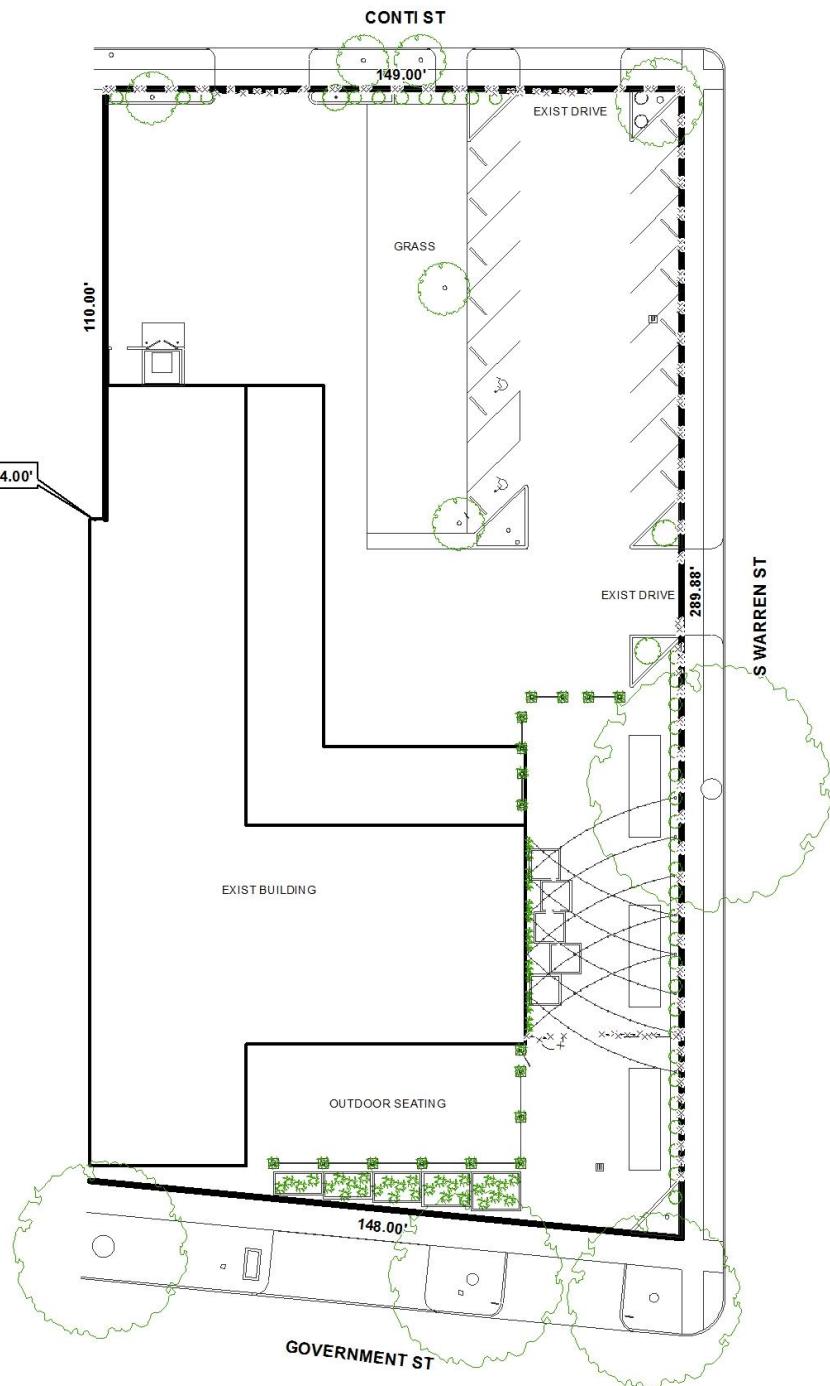
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# SITE PLAN



The site plan illustrates the existing building, existing drives, and proposed outdoor seating.

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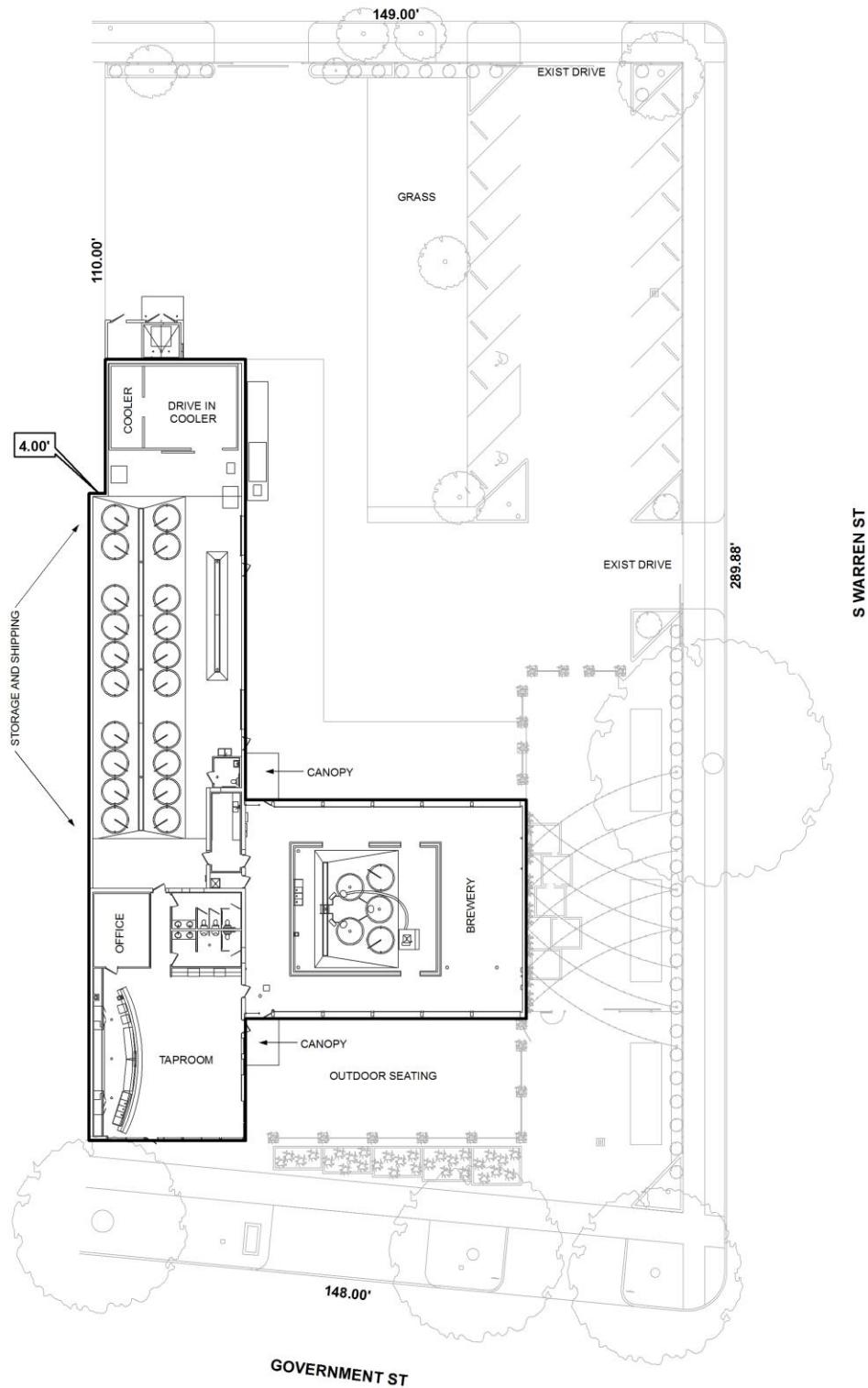
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# DETAIL SITE PLAN

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APPLICATION NUMBER 6067 DATE December 5, 2016

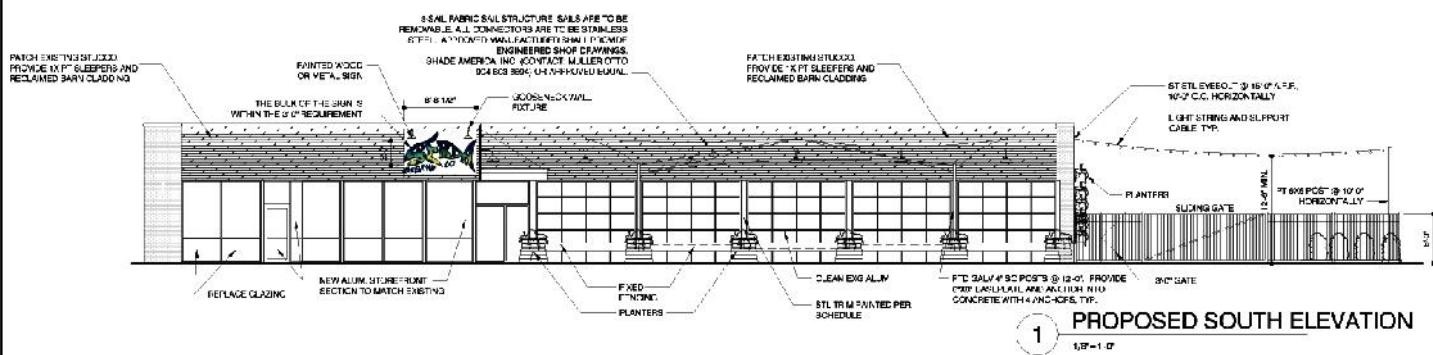
APPLICANT Steve Stone (Authorized Agent)

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# DETAIL SITE PLAN



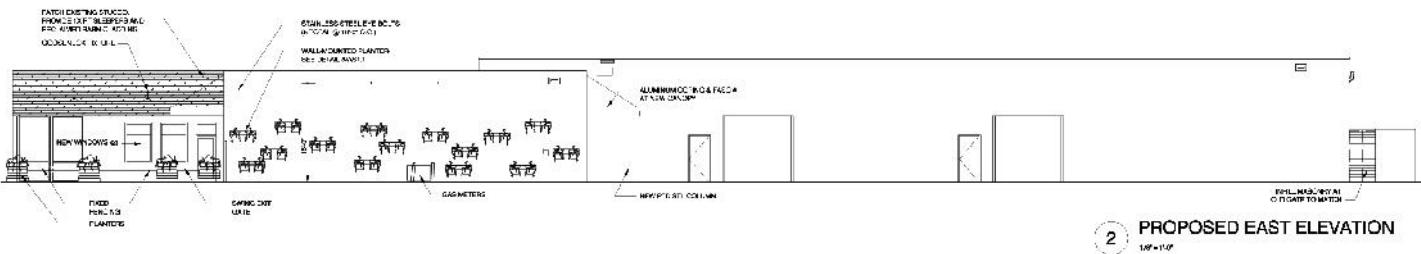
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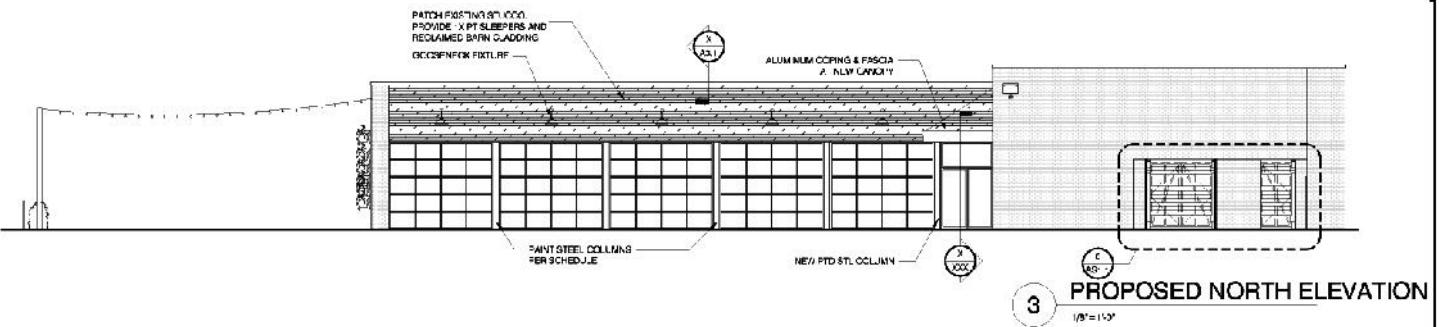


2 PROPOSED EAST ELEVATION  
10'-0"

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# DETAIL SITE PLAN



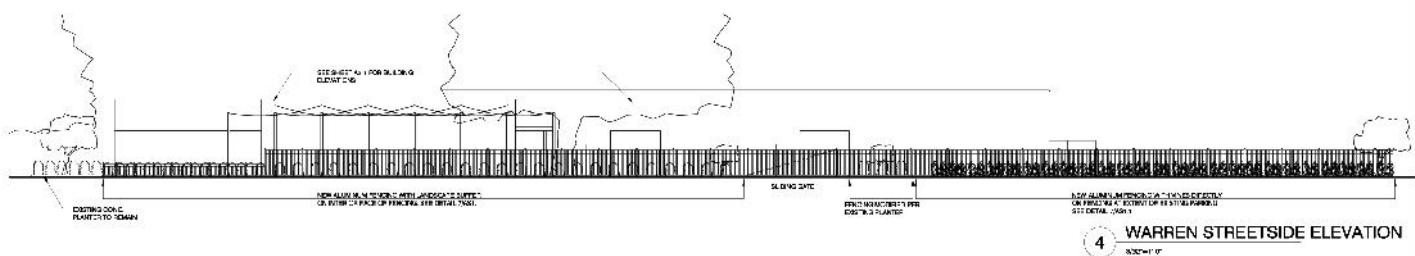
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# DETAIL SITE PLAN



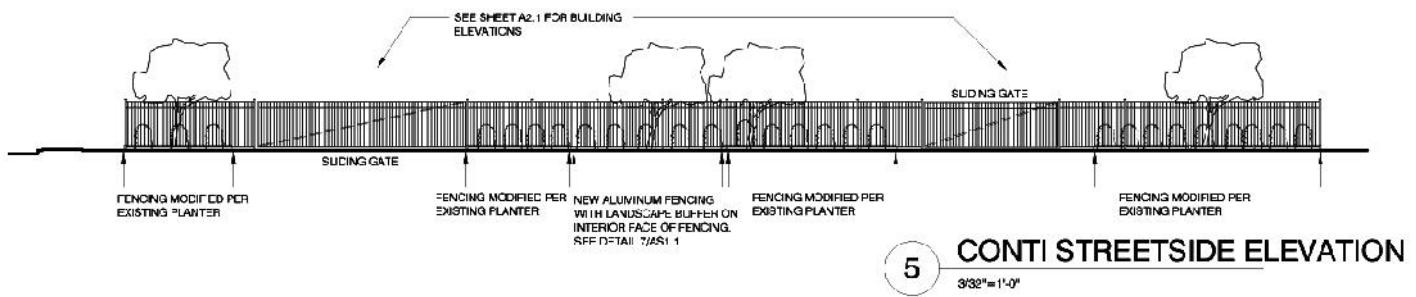
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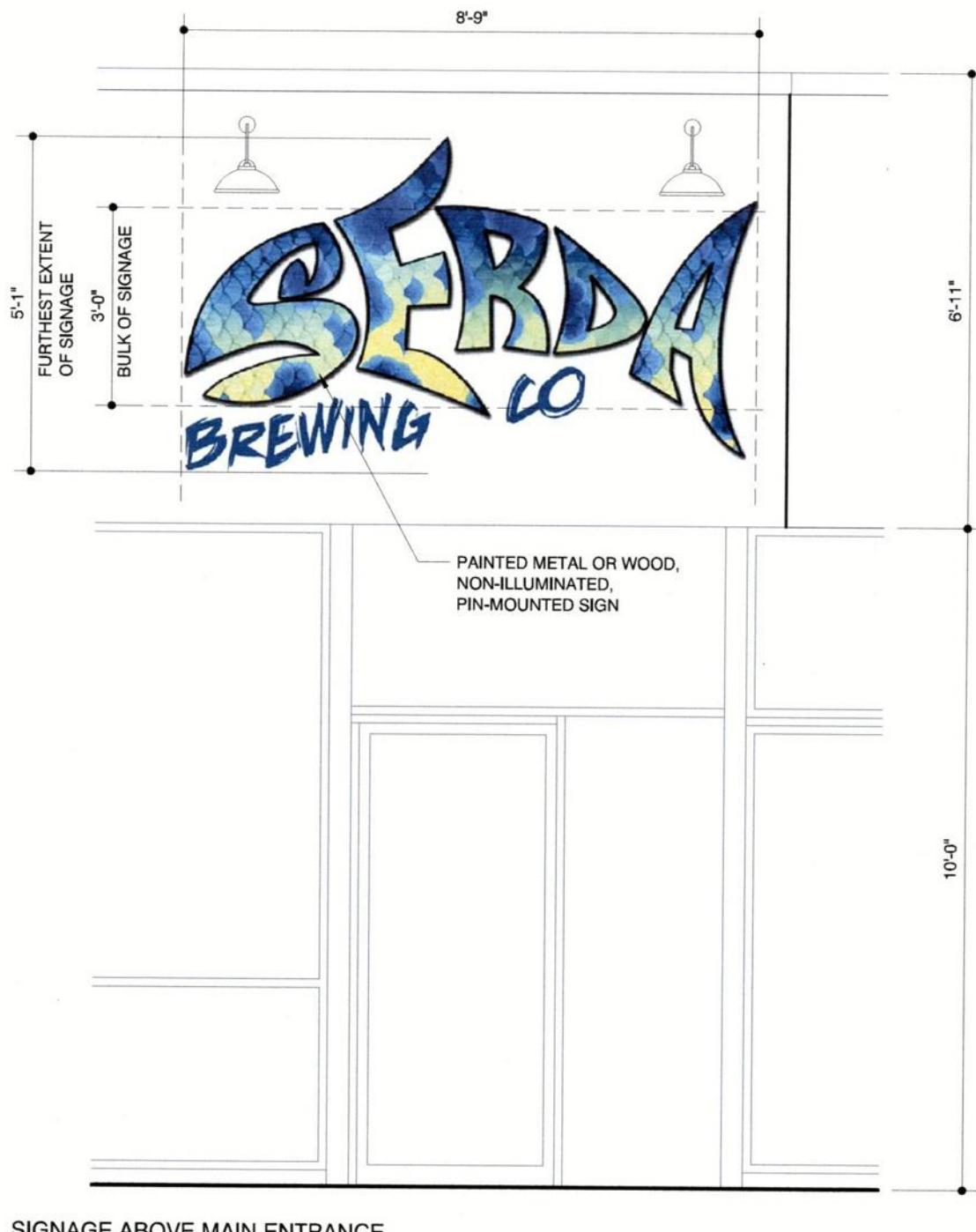
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