



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

March 8, 2023

Michael Cartoski
FD Stonewater, LLC
1001 19th Street N.
Unit 1401
Arlington, Virginia 22209

Re: #6494/4763
(Case #BOA-002347-2023)
Michael Cartoski
401 Civic Center Drive
(Northwest corner of Canal Street and South Claiborne Street).

Dear Applicant(s) / Property owner(s):

On March 6, 2023, the Board of Zoning Adjustment considered your request for **Variations from certain Site and Building Design and Material requirements of the Downtown Development District to allow construction of a new building; specifically variations from Building Setback, Primary Entrance Location, Driveway Width, Dumpster Enclosure Materials, Building Exterior Materials, Streetscreen Height, Streetscreen Access Width, Wall Material, Fence Screening, Ground Floor Transparency, Loading Dock Width and Window Shading requirements, in a T-5.2 Mixed-Use Sub-District of the Downtown Development District. The Zoning Ordinance requires full compliance with all of the Site and Building Design and Material requirements in a T-5.2 Mixed-Use Sub-District of the Downtown Development District.**

Due to revisions proposed by the applicant and presented at the meeting, the following variance requests were determined to be no longer required:

3. UDC – Appendix A. Section 9: C.3.(c)(2) Driveway width.
6. UDC – Appendix A. Section 10: C.1.(b)(1) Frontage build-out - street screen height.
7. UDC – Appendix A. Section 10: C.1.(b)(2) Frontage build-out - access width.
8. UDC – Appendix A. Section 10: C.1.(b)(3) Frontage build-out - wall material and fence screening.
10. UDC – Appendix A. Section 10: C.1.(h) Loading docks and Service Areas.

After motions and votes by the Board, the following variances were denied due to a lack of affirmative votes:

- 1. UDC – Appendix A. Section 9: A.4. Setbacks / Table A-9.1 Site Configuration.**
- 2. UDC – Appendix A. Section 9: B.4. Primary entrance.**
- 4. UDC – Appendix A. Section 9: D.2.(c) Dumpster enclosure material.**

After discussion, the Board determined the following findings of fact to approve the following variances:

Findings of Fact:

- a) The variances will not be contrary to the public interest;**
- b) Special conditions exist such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and**
- c) The spirit of the chapter shall be observed, and substantial justice done to the applicant and the surrounding neighborhood by granting the variances.**

Approved Variances:

- 5. UDC – Appendix A. Section 10: B.3. Exterior finish materials.**
- 9. UDC – Appendix A. Section 10: C.1.(e) Additional transparency requirement for ground floor commercial uses along frontages.**
- 11. UDC – Appendix A. Section 10: C.4.(d) Common Entry frontage – awnings.**

The approval is subject to the following conditions:

- 1. Subject to the revisions proposed by the applicant for the March 6, 2023 meeting; and**
- 2. Compliance with the Downtown Development District requirements for those aspects of the variance application that were not approved.**

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

No permit, license or certification can be issued until the 15-day appeal period has expired and no appeal has been made. If a permit/license has not been obtained on or before **September 6, 2023**, the variance will expire and become null and void.

BOA-002347-2023 MICHAEL CARTOSKI

March 8, 2023

Page 2 of 2

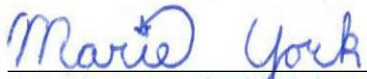
For further assistance, please call 251-208-5895.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By:



Marie York, Principal Planner