



# Agenda Item # 1

## BOA-002938-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

557 St. Louis Street

**Applicant / Agent:**

HFI, 1 LLC

**Property Owner:**

Hudson Land, LLC

**Current Zoning:**

SD-WH Sub-District of the Downtown Development District

**Future Land Use:**

Downtown

**Case Number(s):**

6589

**Unified Development Code Requirement:**

- The Unified Development Code (UDC) requires a minimum 0.78 visible transmittance rating for new windows and prohibits colored metal roofs in an SD-WH, Special District – Warehouse Sub-District of the Downtown Development District.

**Board Consideration:**

- Visible Transmittance and Roofing Materials Variances to allow less than 0.78 visible transmittance rating for new windows and to allow a colored metal roof in an SD-WH, Special District – Warehouse Sub-District of the Downtown Development District

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6589	DATE	June 4, 2024
APPLICANT	HFI, 1 LLC		
REQUEST	Visible Transmittance and Roofing Materials Variances		



## SITE HISTORY

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The subject site has not had an application before the Planning Commission or the Board of Zoning Adjustment previously.

## STAFF COMMENTS

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### **Engineering Comments:**

No traffic impacts anticipated by this variance request.

### **Traffic Engineering Comments:**

No comments to the proposed variance; however; according to the submitted plans, the proposed project will need require that a Land Disturbance Permit be submitted through Central Permitting.

### **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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

### **Fire Department Comments:**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

### **Planning Comments:**

The applicant has requested Visible Transmittance and Roofing Materials Variances to allow less than 0.78 visible transmittance rating for new windows and to allow a colored metal roof in an SD-WH, Special District – Warehouse Sub-District of the Downtown Development District; the Unified Development Code (UDC) requires a minimum 0.78 visible transmittance rating for new windows and prohibits colored metal roofs in an SD-WH, Special District – Warehouse Sub-District of the Downtown Development District. The subject site is not located in a locally regulated historic district, but is within the Automobile Alley National Register Historic District.

The complete application and supporting documents are available via the link on page 1.

The existing structure has been vacant for at least 10 years and the applicant is proposing to renovate the structure to use as an office.

An application was submitted to the Consolidated Review Committee (CRC) to review the proposed renovations to the structure. During the CRC review, the applicant was advised that colored metal roofing is not an allowable



roofing material per Appendix A, Section 10.B.4.(b).. If the site had an existing colored metal roof, it would be allowed to be repaired and replaced with like materials, but it appears that the existing roof is asphalt shingles. The applicant states that the colored metal roof will better coordinate with the color scheme of the building, but asphalt shingles are available in various colors, which could achieve the same effect. It appears that the majority of structures in the area have either compliant asphalt shingle or non-colored metal roofs. There is one (1) site (104 North Warren Street) that does have a colored metal roof, however, that site was not developed per the approved plans, and a variance application is pending for various items, including the colored metal roof.

It has recently been brought to staff's attention that the Downtown Development District's requirement of 0.78 visible transmittance rating for new windows found in Appendix A, Section 10.B.7.(1)(1), is in direct contradiction with the 2015 International Energy Conservation Code's solar heat gain coefficient requirements. The applicant was advised of this conflict during the CRC review, and has submitted the subject application to seek relief from the conflict.

## VARIANCE CONSIDERATIONS

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### Standards of Review:

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states no variance shall be granted:

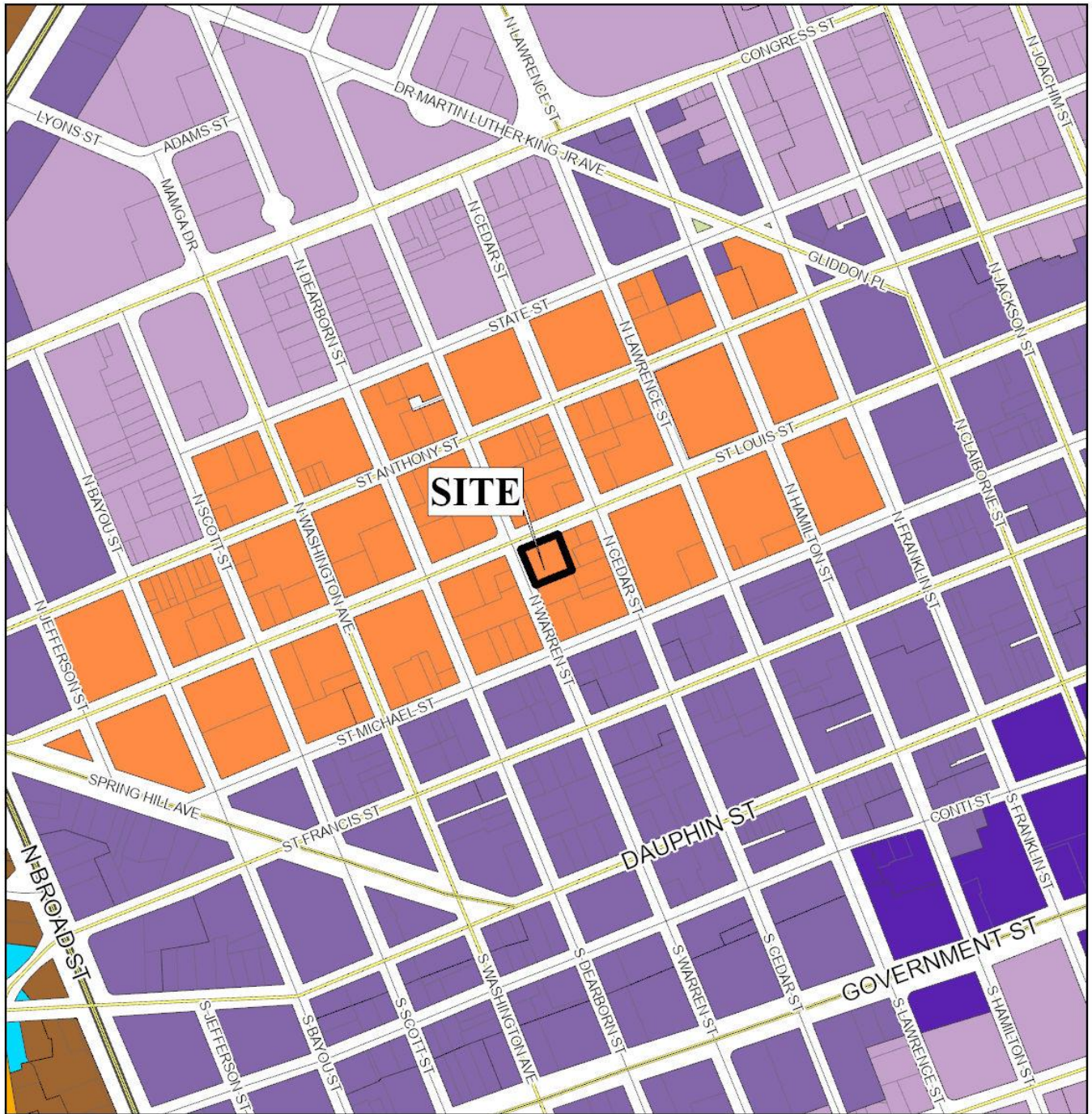
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

### Considerations:

Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

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

# LOCATOR ZONING MAP

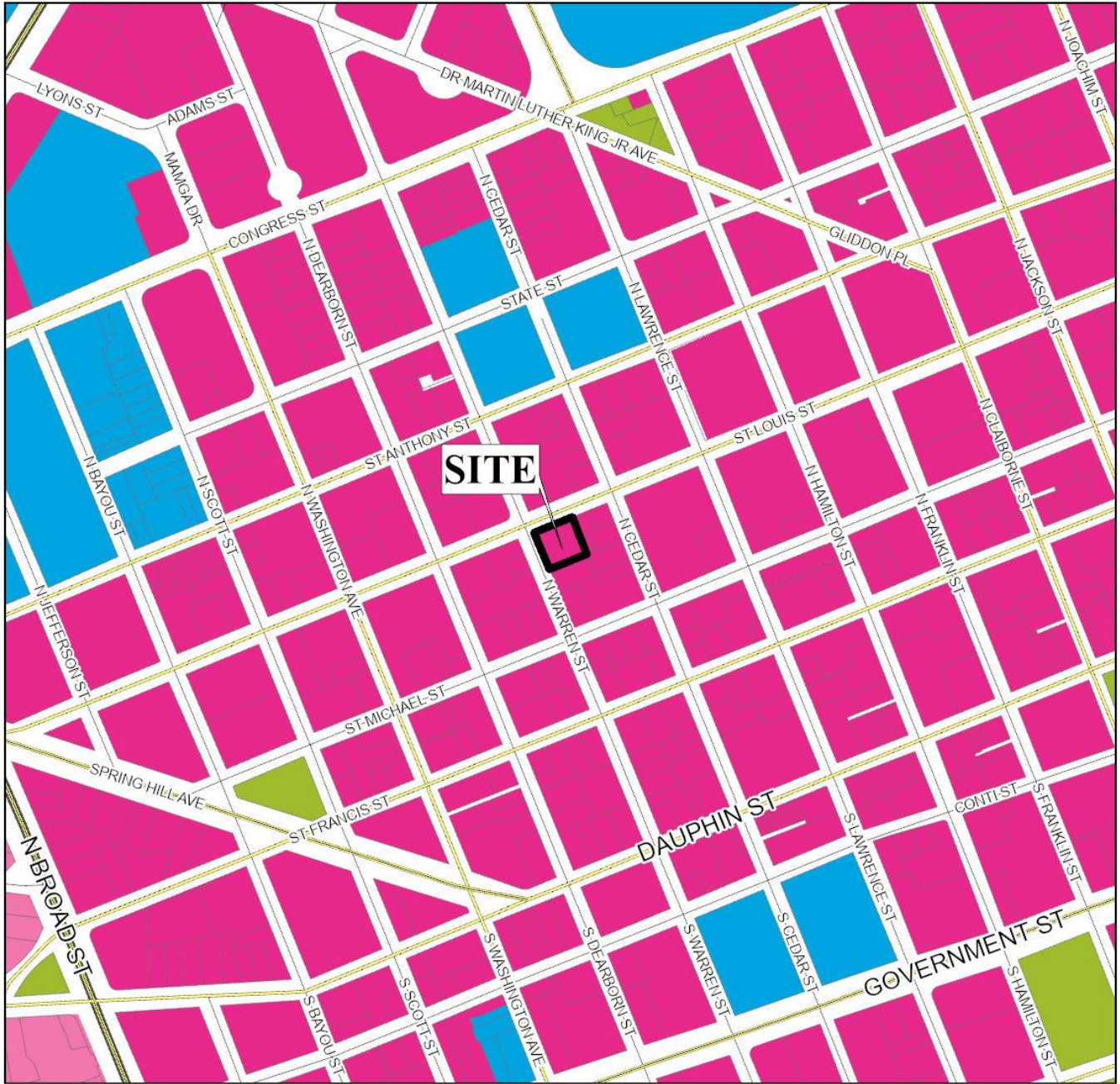


APPLICATION NUMBER 6589 DATE June 4, 2024  
APPLICANT HFI, 1 LLC  
REQUEST Visible Transmittance and Roofing Materials Variances





# FLUM LOCATOR MAP



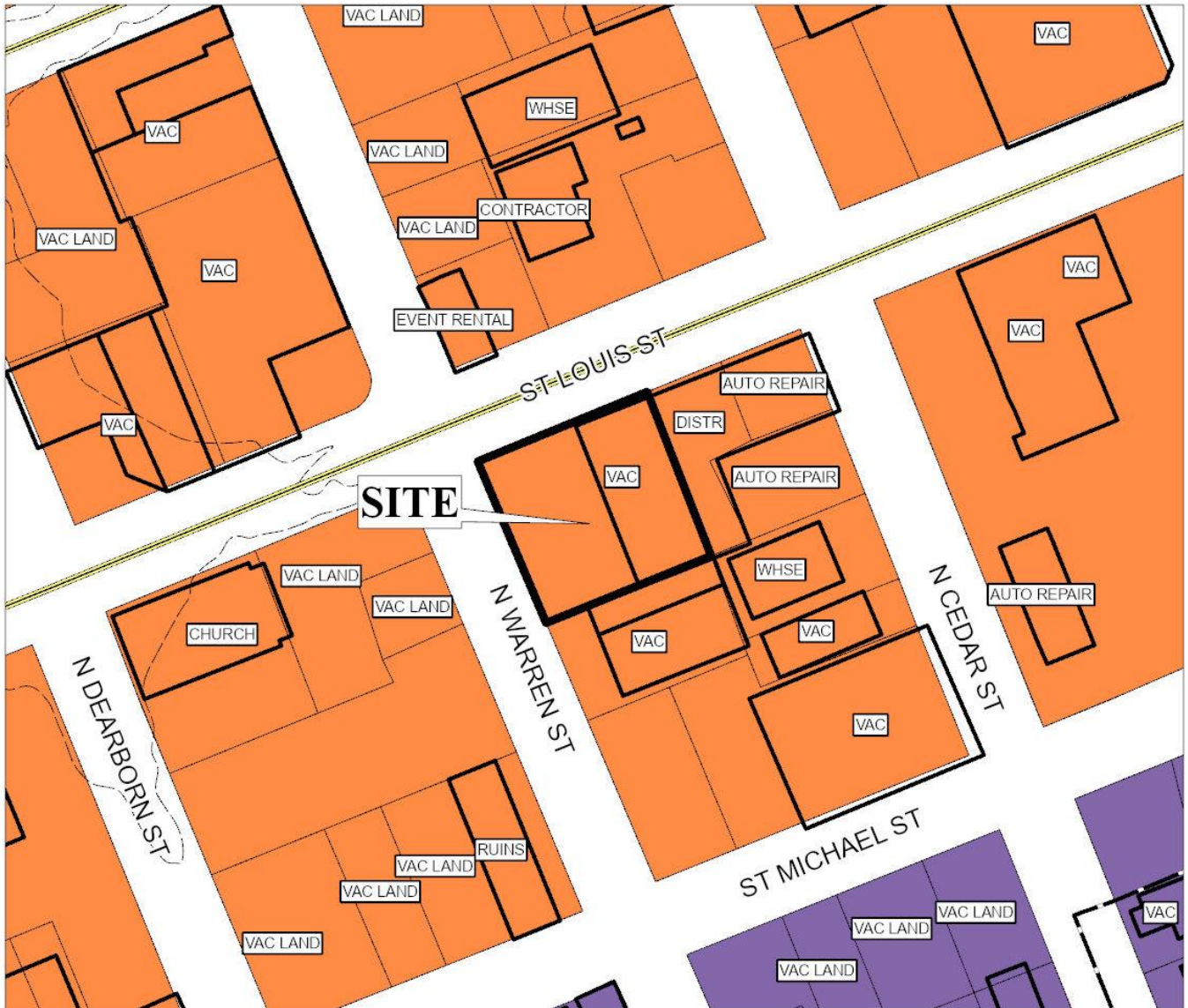
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- |   |  |   |  |
|---|--|---|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: orange;">■</span> Downtown Waterfront | <span style="color: lightgreen;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban     | <span style="color: lightgrey;">■</span> Light Industry   | <span style="color: darkblue;">■</span> Water Dependent      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor          | <span style="color: purple;">■</span> Heavy Industry      |  |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: cyan;">■</span> Institutional         |  |






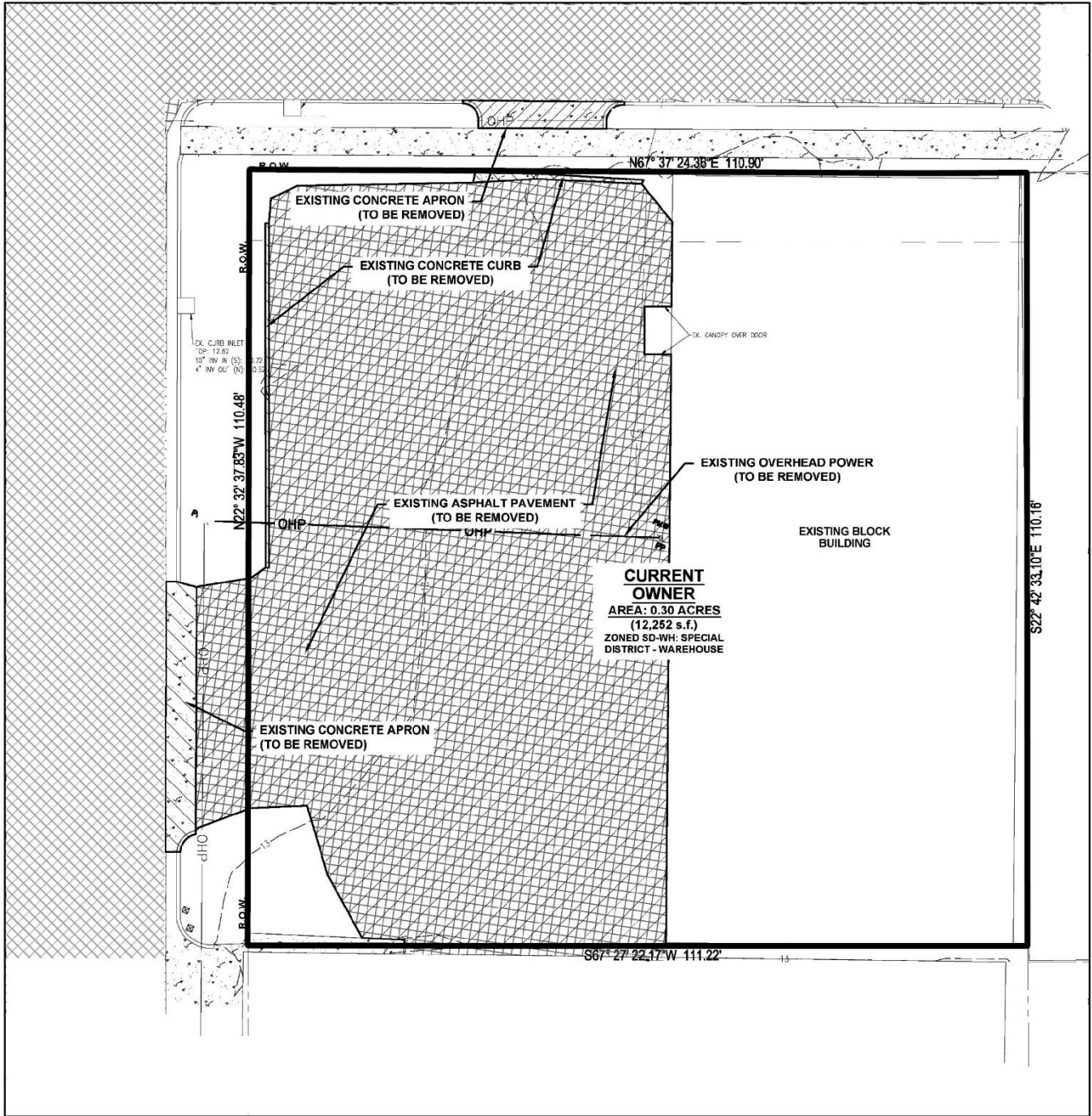
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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# EXISTING SITE PLAN

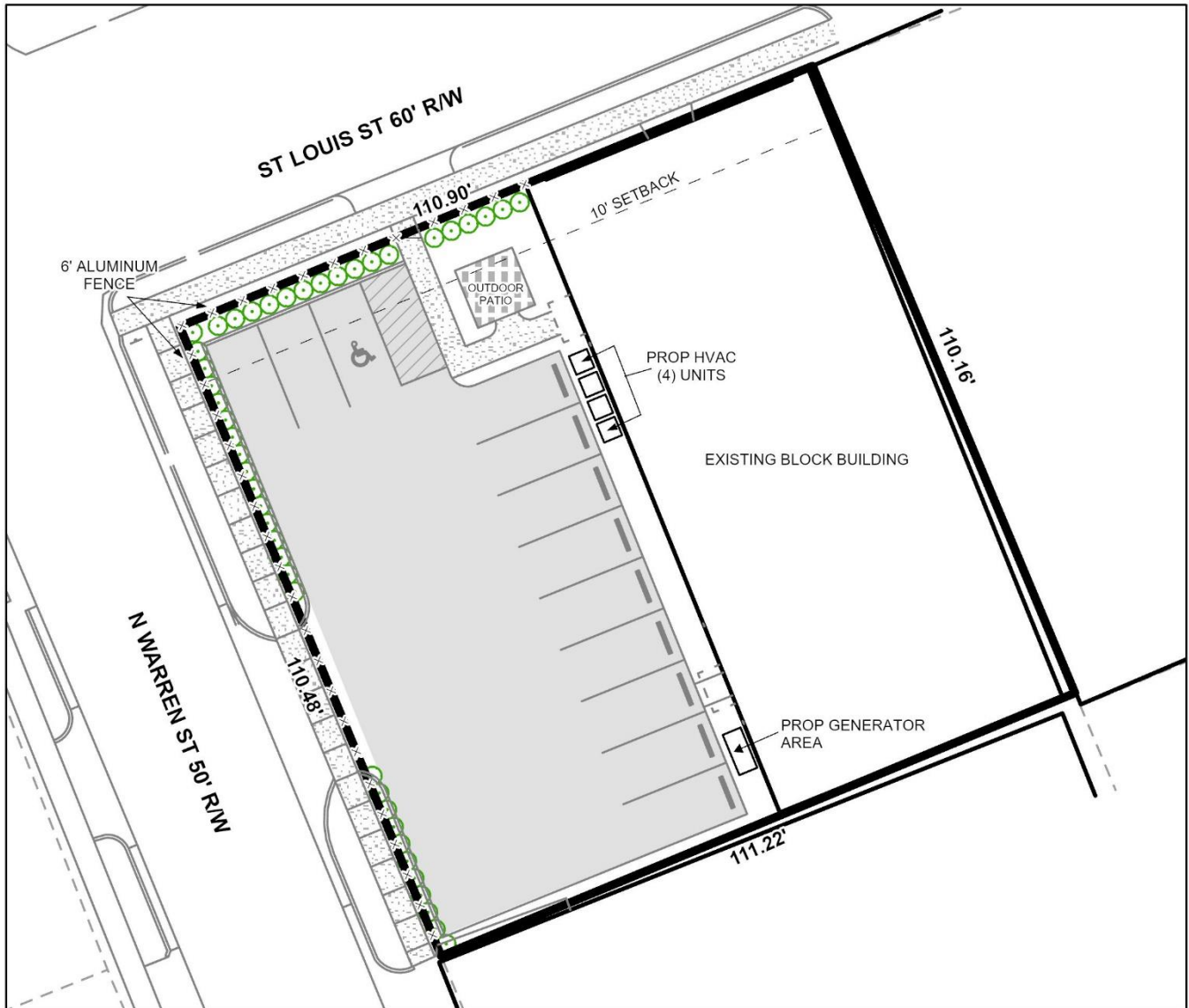


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 REQUEST Visible Transmittance and Roofing Materials Variances






# PROPOSED SITE PLAN



The site plan illustrates the existing building, shrubs, setback, and parking.

APPLICATION NUMBER <u>6589</u> DATE <u>June 4, 2024</u>	 NTS
APPLICANT <u>HFI, 1 LLC</u>	
REQUEST <u>Visible Transmittance and Roofing Materials Variances</u>	

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRLU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□	□	□

**Zoning District Correspondence Matrix**

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)





## **DOWNTOWN (DT)**

Downtown is called out as a separate land use designation due to its distinct role, layout and fabric.

As a land use district, Downtown is the ultimate mixed-use environment. Land development and redevelopment will emphasize variety, mixed uses, and unity of form within buildings or complexes.

As the City's and region's center for commercial and service employment, Downtown supports intense development and a dynamic combination of uses: specialty and regional retail shopping and offices; business support services; urban housing at higher densities (starting at 10 du/ac); civic, educational and cultural destinations; entertainment options; and other public amenities including active and passive park space. The successful integration of a mix of housing types and densities will be critical to achieve a vibrant, 24/7, active Downtown Mobile.

Development in the DT district will focus on new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable public spaces, bicycle and pedestrian-friendly streets and convenient transit access to jobs, housing and entertainment. Accordingly, certain areas of Downtown will be more intensively developed to facilitate that pedestrian orientation.