



# Agenda Item # 9

## BOA-003138-2024

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

100 Canal Street

**Applicant / Agent:**

FD Stonewater (Michael Cartoski)

**Property Owner:**

FD Stonewater

**Current Zoning:**

T-5.2 Sub-District of the Downtown Development District

**Future Land Use:**

Downtown

**Case Number(s):**

6637/6494

**Unified Development Code Requirement:**

- The Unified Development Code (UDC) limits wall plaques to a maximum of 8 square feet and monument signs to a maximum of 20 square feet in a T-5.2 Sub-District of the Downtown Development District.

**Board Consideration:**

- Sign Variance to allow a 47.7± square foot wall plaque and a 53.2± square foot monument sign in a T-5.2 Sub-District of the Downtown Development District

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>    6637    </u> DATE <u>    December 2, 2024    </u>	 NTS
APPLICANT <u>            FD Stonewater (Michael Cartoski)            </u>	
REQUEST <u>                                    Sign Variance                                    </u>	

## SITE HISTORY

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The site was previously zoned B-4, General Business District prior to the adoption of the Downtown Development District (DDD) in 2014, when the site was rezoned to SD, Special District.

In January 2023, the City Council amended the DDD to rezone the subject site from SD to T-5.2.

On March 6, 2023, the Board of Zoning Adjustment approved variances for exterior finish materials, additional transparency requirement for ground floor commercial uses along frontages, and awnings.

## STAFF COMMENTS

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### Engineering Comments:

No comments.

### Traffic Engineering Comments:

No comments.

### 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 a Sign Variance to allow a 47.7± square foot wall plaque and a 53.2± square foot monument sign in a T-5.2 Sub-District of the Downtown Development District; the Unified Development Code (UDC) limits wall plaques to a maximum of 8 square feet and monument signs to a maximum of 20 square feet in a T-5.2 Sub-District of the Downtown Development District.

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

After the site obtained the various site variances required for the development, building permits were issued, and the structure is nearing completion, with a Temporary Certificate of Occupancy being granted by the City of Mobile.

The DDD limits wall plaques to a maximum size of eight (8) square feet in a T-5.2 sub-district. The proposed wall plaque is seven-feet, three and a quarter-inches (7' 3 ¼") wide by six-feet, seven and a quarter-inches (6' 7 ¼") tall, for a total of 47.7± square feet.

The DDD allows monument signs in a T-5.2 sub-district to be a maximum of 20 square feet. The applicant is proposing to place signage on a retaining wall for the development that will be nineteen-feet, half an inch (19' ½") wide by two-feet nine and a half-inches (2' 9 ½") tall, for a total of 53.2 square feet.

The applicant states that the increased signage sizes are due to the large scale of its associated development, and the large number of employees and visitors that are expected at the site.

The site is located within the Church Street East Historic District, and Certificates of Appropriateness have been issued for both of the proposed signs.

## 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.

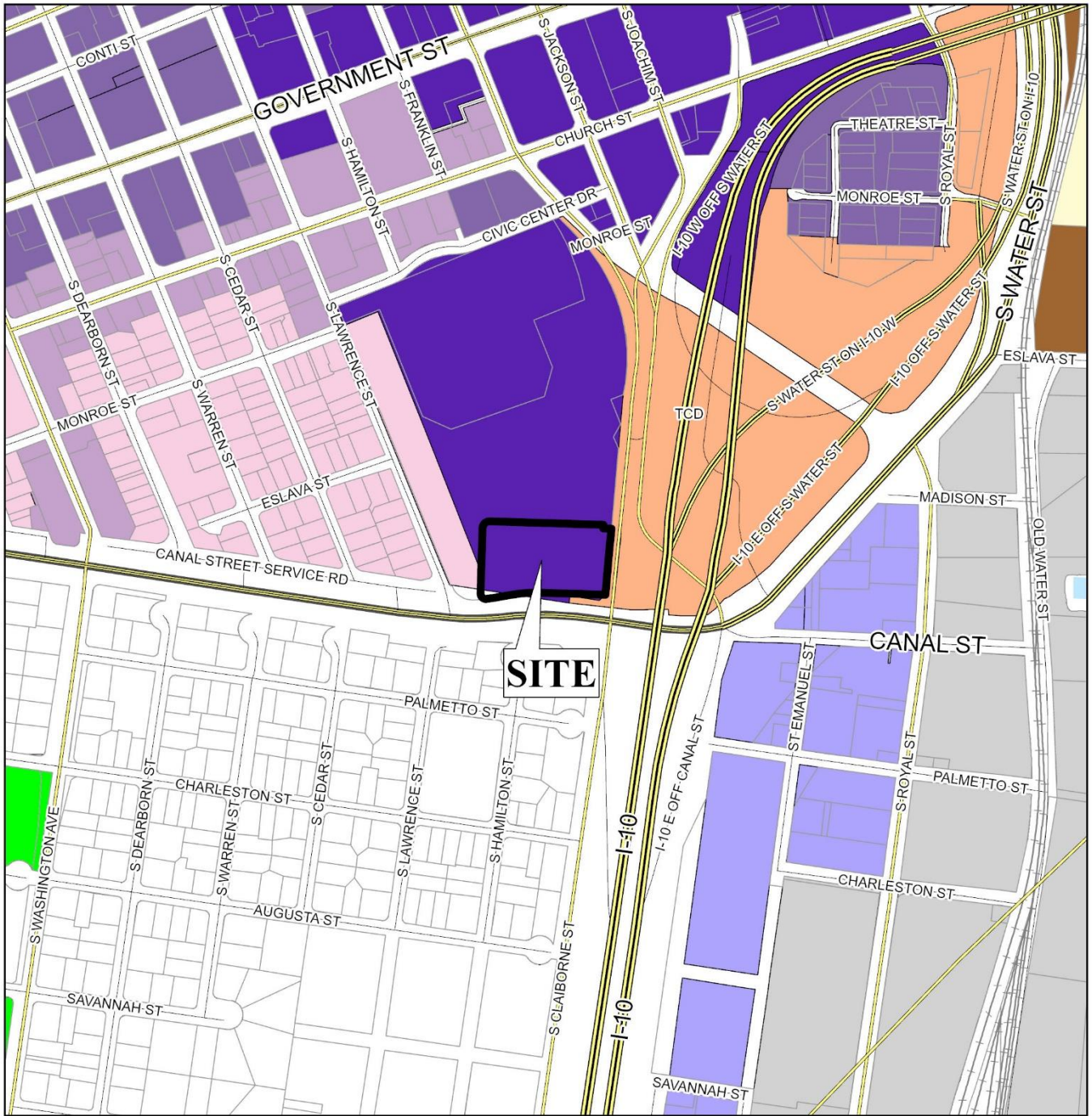
### Considerations:

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:

- A. The variance **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 variance.



# LOCATOR ZONING MAP



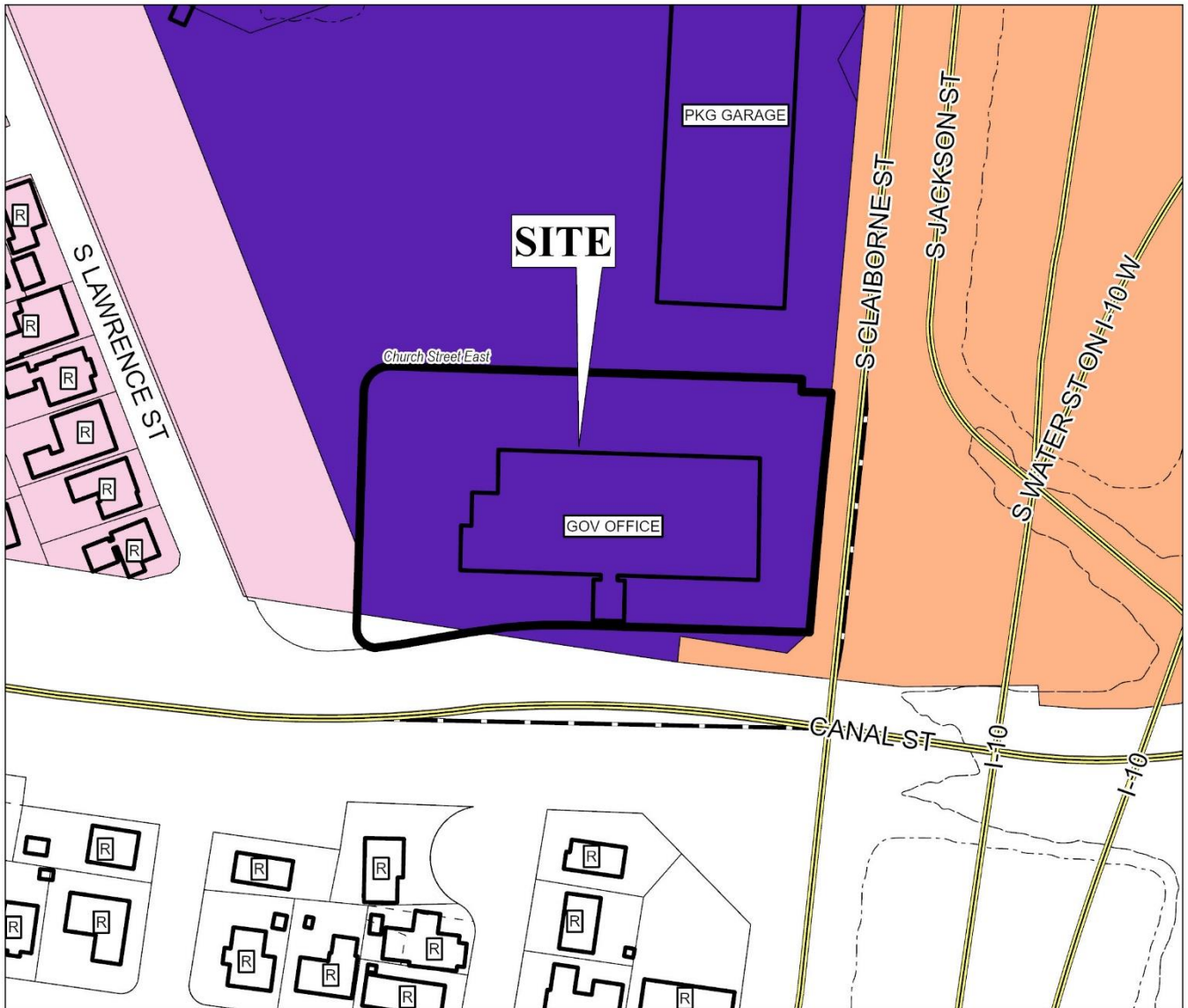
APPLICATION NUMBER	6637	DATE	December 2, 2024
APPLICANT	FD Stonewater (Michael Cartoski)		
REQUEST	Sign Variance		








# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

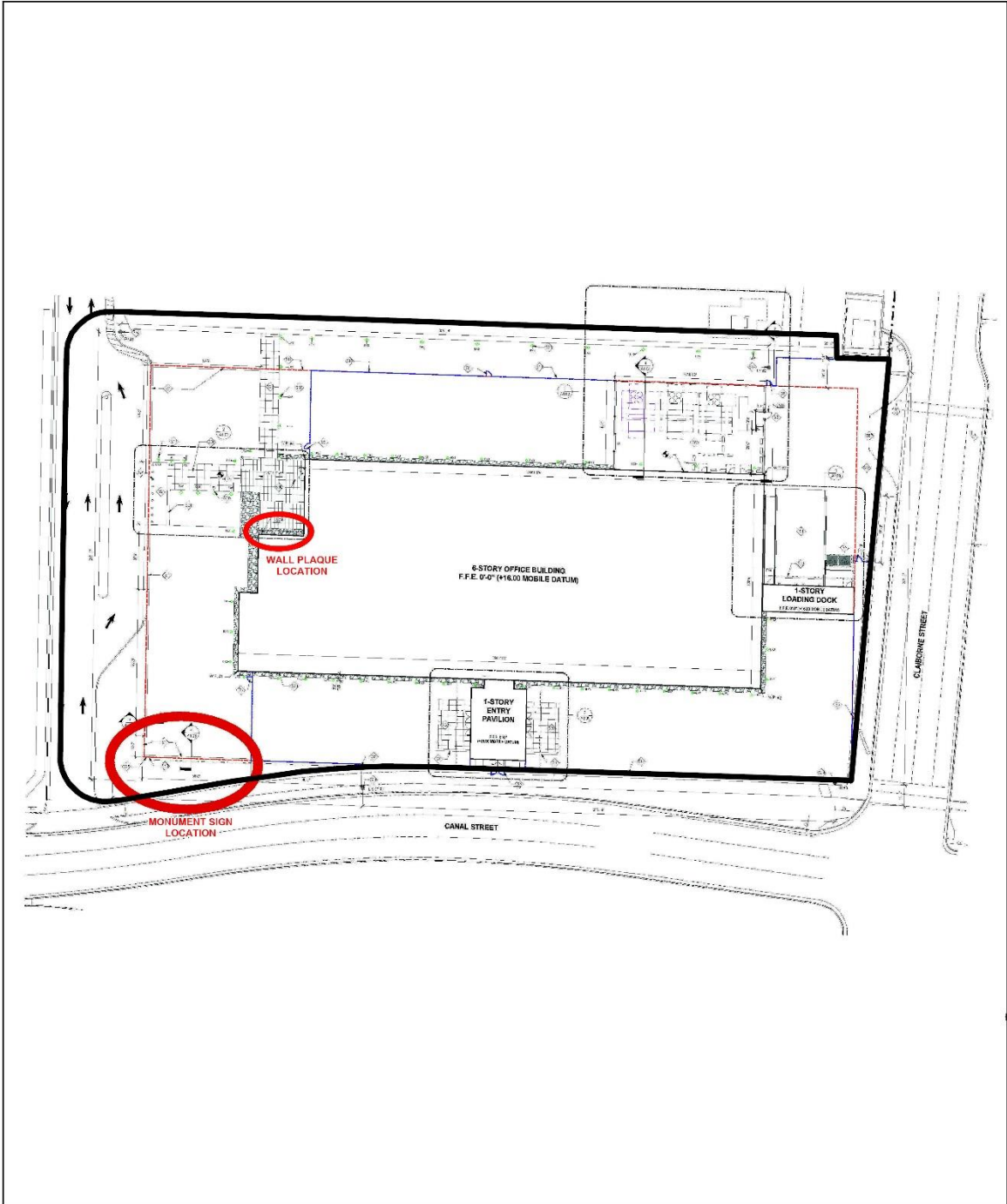


The site is surrounded by residential units.

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APPLICANT <u>FD Stonewater (Michael Cartoski)</u>	
REQUEST <u>Sign Variance</u>	



# SITE PLAN

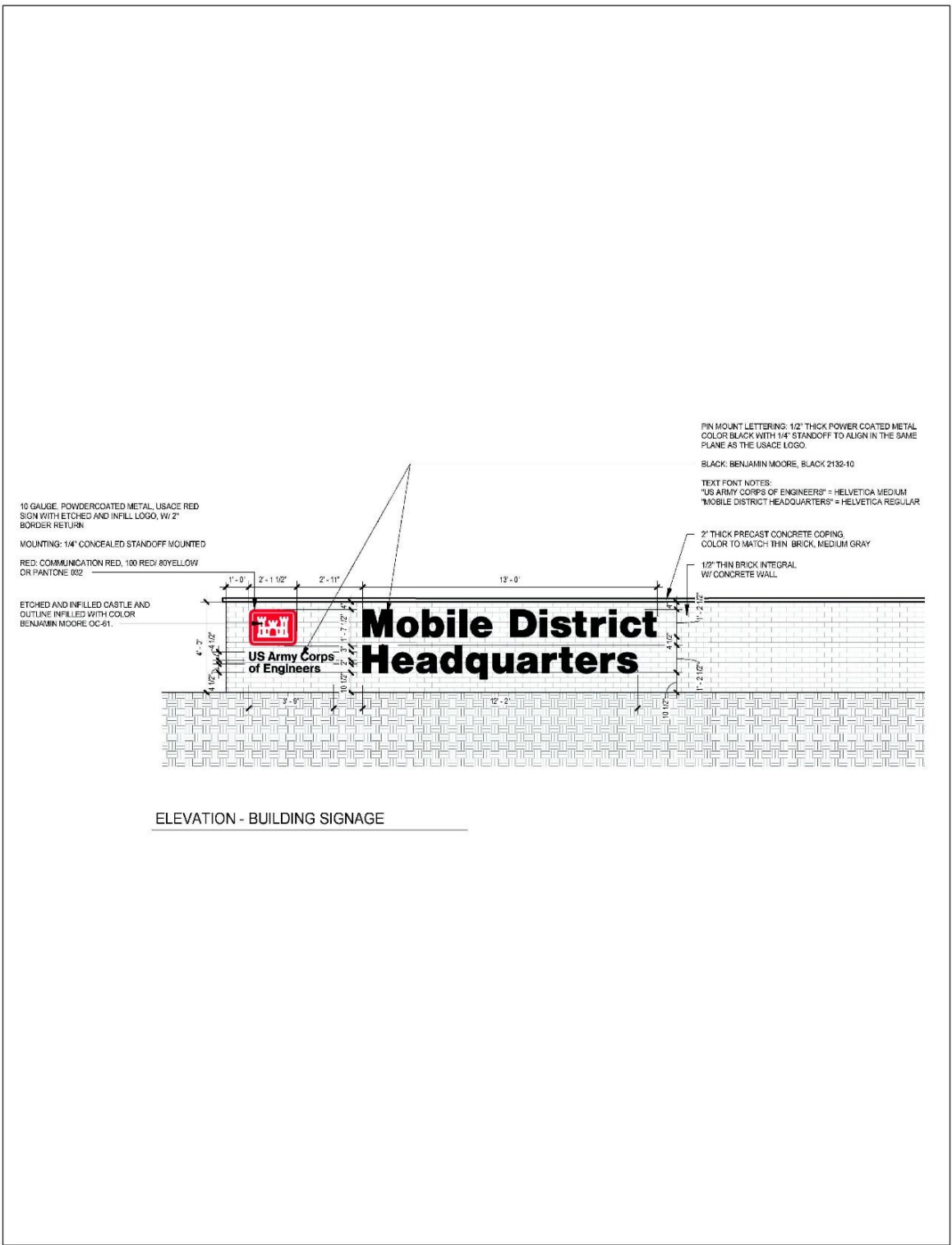


The site plan illustrates the existing building, and proposed sign location.

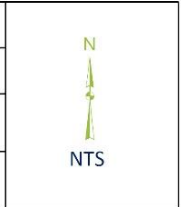
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# DETAIL SITE PLAN



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# DETAIL SITE PLAN



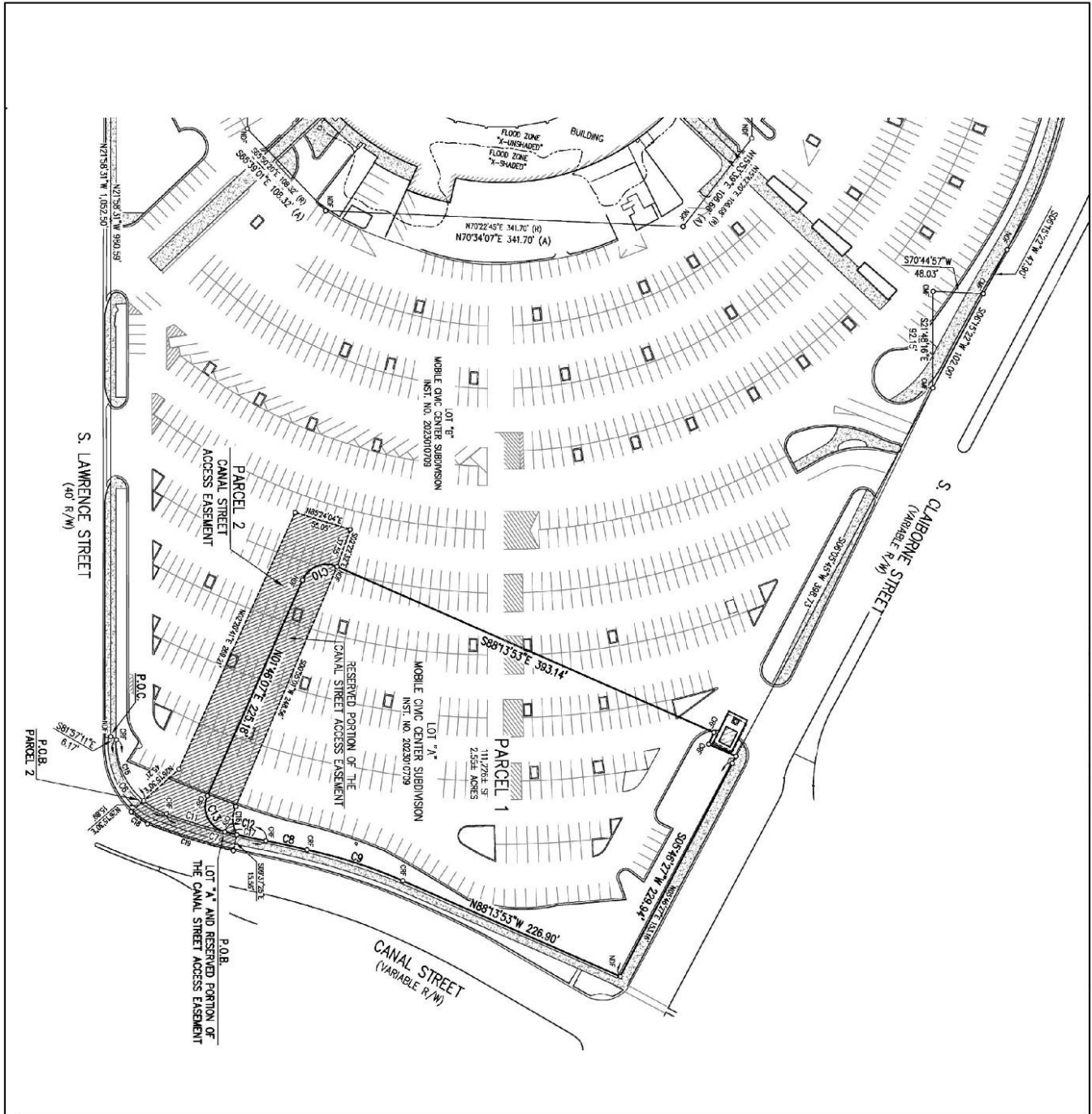
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APPLICANT FD Stonewater (Michael Cartoski)

REQUEST Sign Variance



# SITE PLAN



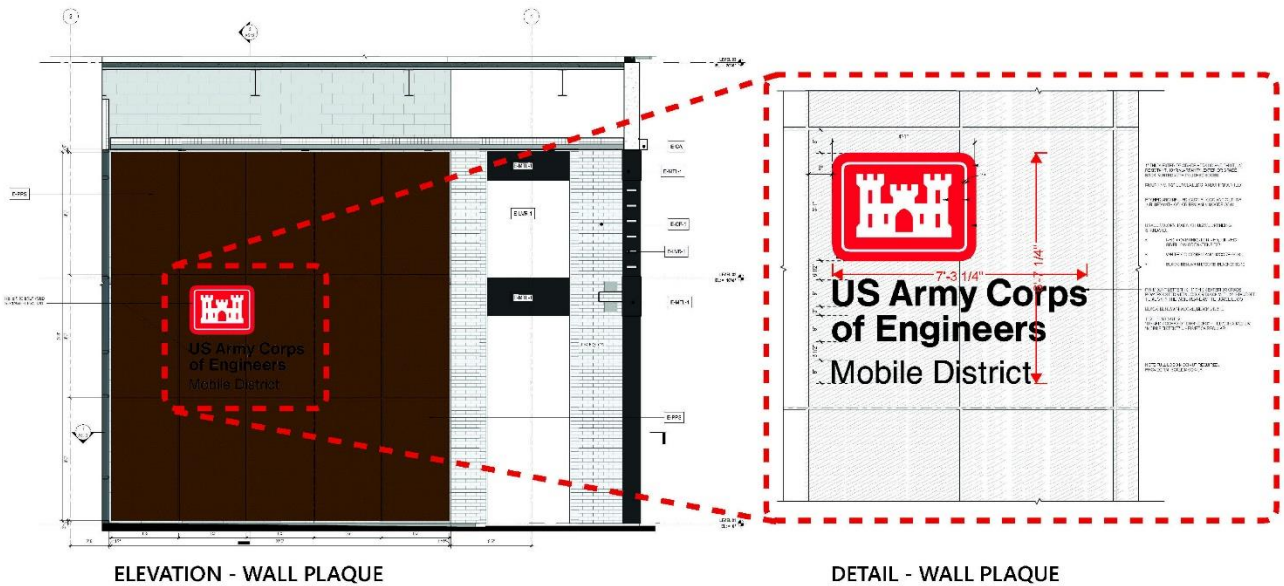
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# DETAIL SITE PLAN

ARB SUBMITTAL  
WALL PLAQUE



APPLICATION NUMBER 6637 DATE December 2, 2024  
 APPLICANT FD Stonewater (Michael Cartoski)  
 REQUEST Sign Variance



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.