



THE CITY OF MOBILE, ALABAMA

BOARD OF ZONING ADJUSTMENT

LETTER OF DECISION

January 13, 2021

Gray Arnold  
2557 Durham Dr. S.  
Mobile, AL 36606

**Re: #6365/6295/6006/5953**  
**(Case #BOA-001456-2020)**  
**Gray Arnold (Don Williams, Agent)**  
**103 North Warren Street**

(Northwest corner of North Warren Street and Saint Michael Street).

**Site Variances to allow 877 square feet of forecourt area and a covered, partially enclosed terrace in an SD-WH, Special District – Warehousing of the Downtown Development District; the Zoning Ordinance limits the maximum size of pedestrian forecourt frontages to 600 square feet and does not allow terraces to be covered or partially enclosed in an SD-WH, Special District – Warehousing of the Downtown Development District.**

Council District 2

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

On January 11, 2021, the Board of Zoning Adjustment considered your request for **Site Variances**.

**After discussion, the Board determined the following Findings of Fact for Approval:**

- 1) The variance will not be contrary to the public interest, as a dilapidated site and remains of a structure will be returned to habitable use;
- 2) Special conditions exist, such as the remains of the previous building, 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, because the current request is similar to requests previously approved by the Board for this site.

**The Approval is subject to the following conditions:**

- 1) Obtaining all necessary permits;

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- 2) Compliance with Engineering comments (*If the proposed variances are approved for use the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Tier 2 be submitted through Central Permitting. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site. 5. If there are any proposed encroachment (building, wall, steps, door swing, balcony, etc.) into a public RIGHT-OF-WAY (Mobile Rights of Way Construction and Administration Ordinance) a NON-UTILITY RIGHT-OF-WAY USAGE application to the Right of Way Committee for review is required. If the application is approved, an agreement will be made between the applicant and the City.* );
- 3) Compliance with 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.*); and
- 4) Full compliance with all municipal codes and ordinances.

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 **July 11, 2021**, the variance will expire and become null and void.

For additional assistance call (251) 208-5895.

Sincerely,

**BOARD OF ZONING ADJUSTMENT**

William Guess, Chairman

By:

  
Bert Hoffman  
Principal Planner