



Agenda Item # 8

BOA-003895-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

250 St. Francis Street

Applicant / Agent (as applicable):

Mark S. Pipper

Property Owner:

Shree Kishan Mob, LLC

Current Zoning:

T-5.2 Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number:

6790

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires structures to have a minimum of 20% transparency along all public street frontages, awnings must extend a minimum of six-feet (6') and span a minimum of 80% of the building frontage without gaps, limit curb cuts to a maximum 25-foot width, and require all maneuvering areas for dumpsters to be on private property in an SD-WH sub-district of the Downtown Development District (DDD).

Board Consideration:

- Transparency, Awning, Curb Cut, and Dumpster Maneuvering Variances to allow reduced transparency along St. Michael Street, non-compliant awnings, a curb cut exceeding 25-feet wide, and maneuvering area for a dumpster in the right-of-way in a T-5.2 sub-district of the Downtown Development District (DDD).

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6790	DATE	October 1, 2026
APPLICANT	Mark S. Pipper		
REQUEST	Transparency, Awning, Curb Cut, and Dumpster Maneuvering Variances		



SITE HISTORY

In March 2008, the site was before the Planning Commission for a one-lot Subdivision, Condominium Subdivision, which was recorded in Probate Court.

In January 2014, the City Council rezoned the site from B-4 to T-5.1, with the adoption of the Downtown Development District.

On August 21, 2025, the site came before the Planning Commission to have the property rezoned from T-5.1 to T-5.2. The rezoning was approved by the City Council on October 21, 2025, subject to full compliance with all municipal codes and ordinances.

There have been no other cases for the site before the Planning Commission or the Board of Zoning Adjustment.

STAFF COMMENTS

Engineering Comments:

No comments on the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require that a Land Disturbance Permit be submitted through the CSS Portal.
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. The proposed site is located within the X(S) FEMA Flood Zones. No filling is allowed within the SFHA without providing a "No-Rise" Certification from a licensed Alabama Professional Engineer.

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 located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the International Fire Code (IFC).

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in Appendices B and C of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the International Residential Code (IRC) functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the International Fire Code, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

Planning Comments:

The applicant is requesting Transparency, Awning, Curb Cut, and Dumpster Maneuvering Variances to allow reduced transparency along St. Michael Street, non-compliant awnings, a curb cut exceeding 25-feet wide, and maneuvering area for a dumpster in the right-of-way in a T-5.2 sub-district of the Downtown Development District (DDD). The Unified Development Code (UDC) requires structures to have a minimum of 20% transparency along all public street frontages, awnings must extend a minimum of six-feet (6') and span a minimum of 80% of the building frontage without gaps, limit curb cuts to a maximum 25-foot width, and require all maneuvering areas for dumpsters to be on private property in an SD-WH sub-district of the Downtown Development District (DDD).

All documentation submitted for this application is available via the hyperlink, on page 1.

The site has submitted applications for review to the DDD Code Review, which advised the applicant of the need to either revise the site to depict compliance with DDD regulations, or to obtain a Variance for the items noted.

As the site is located in the Lower Dauphin Street Historic District, the site is required to obtain approvals from the Architectural Review Board (ARB) for any visible exterior construction or improvements. The applicant has received a Certificate of Appropriateness (COA) from the ARB regarding the proposed front structure, but has not received any approvals for signage.

It should be noted that the review of the subject site's development began prior to the adoption of revised Downtown Development District (DDD) regulations that went into effect on July 20, 2026, therefore it is being reviewed under the previous version of the DDD.

In regards to the reduced Transparency Variance request, it should be noted that the structure has three (3) street frontages, and is required to provide a minimum of 20% transparency for each floor facing a street frontage, with the exception of the ground floor, which is required to have a minimum of 30% transparency to comply with Common Entry frontage type requirements. The applicant states that the presence of fire exit stairwells, a mechanical room, and screening of the outdoor patio make compliance with transparency

requirements on the first floor challenging. In regards to transparency on the North elevation, facing St. Michael Street, the applicant states that the provision of additional windows would adversely impact the functionality of the hotel's guest rooms.

The applicant is requesting an Awning Variance to allow individual awnings that span less than 80% of the frontage. The DDD regulations require awnings to span a minimum of 80% of the frontage on which they are located, without gaps. The applicant states that provision of a compliant awning would result in an awning extending across solid wall areas between windows and architectural elements where weather protection is neither needed nor appropriate.

As part of the proposed hotel development, there is an off-site parking lot on the North side of St. Michael Street. Typically, a freestanding parking lot is not allowed in the DDD, however it appears that the site has been in use as a parking lot since prior to the adoption of the DDD regulations, making the parking lot a legal non-conforming use. The applicant has been advised that a non-conforming use affidavit must be submitted with supporting documentation for staff to review. If, after review, staff is unable to confirm the parking lot is a non-conforming use, a Use Variance will be required to allow the development of the parking lot.

The freestanding parking lot is depicted as having a curb cut from each frontage, with the curb cut to St. Michael Street being approximately 38-feet wide. In the DDD, parking lots with multiple frontages are prohibited from having a curb cut on their primary frontage, and curb cuts are limited to a maximum width of 25-feet. The applicant states that the curb cut to St. Michael Street is needed to allow maneuvering area for the vehicle servicing the dumpster on the hotel site.

The site plan submitted depicts a dumpster along St. Michael Street, with the vehicle servicing the dumpster being required to be mostly in the right-of-way, and potentially blocking a portion of the street when servicing the dumpster. The applicant states the dumpster must be serviced from the right-of-way, rather than private property due to the fact that the building would need to be four-feet (4') taller to avoid collision with a dump truck, which would result in additional expenses. The applicant states that having the dumpster stored and serviced in the building would result in the building being redesigned, and possibly requiring a Height Variance to accommodate a taller structure. As such, the applicant proposes roll-out dumpsters to be stored in the hotel structure, and moved to a dumpster enclosure along St. Michael Street for servicing.

VARIANCE CONSIDERATIONS

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:

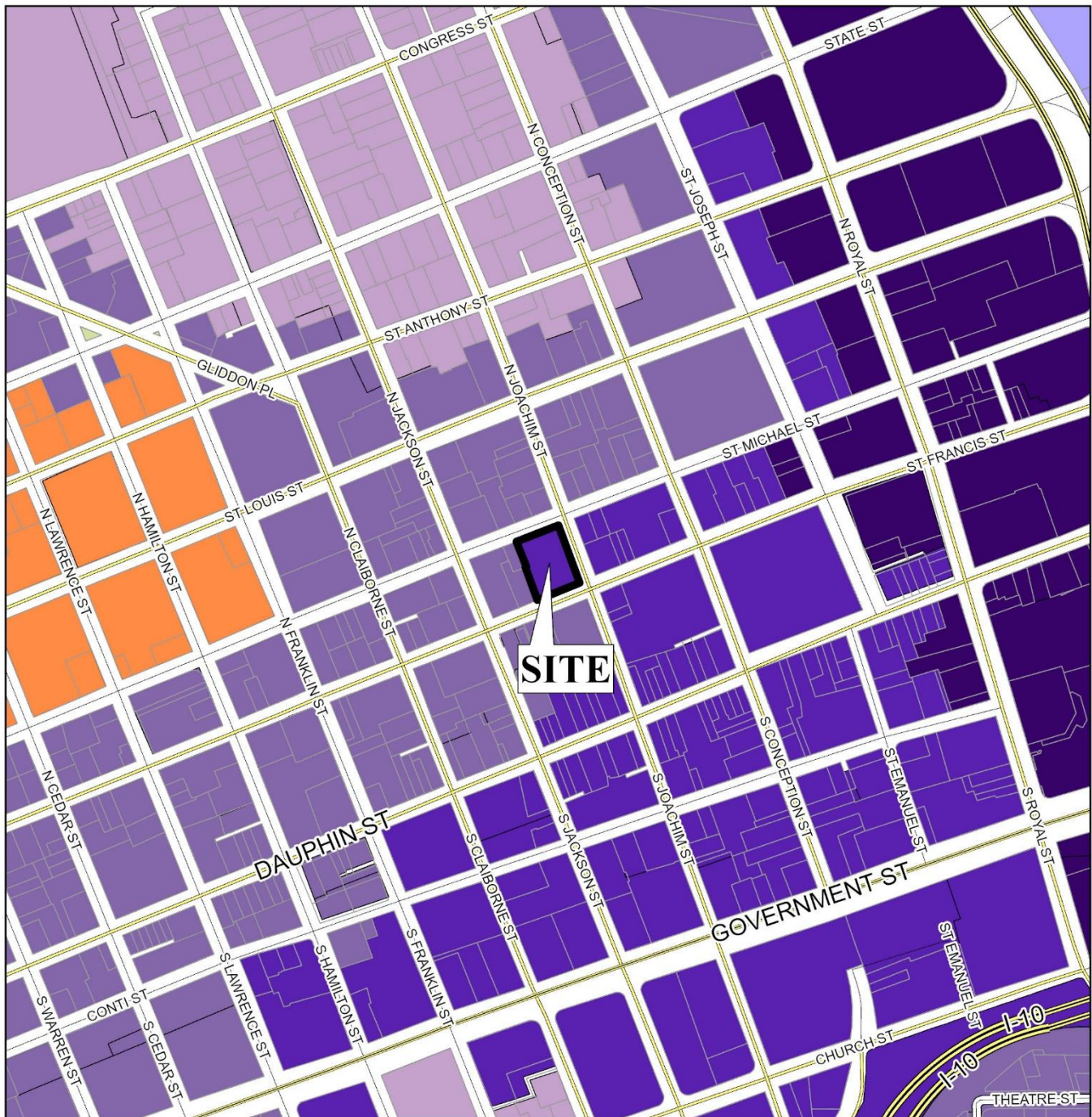
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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.

If approved, the Variances should be subject to the following conditions:

- 1) Either submittal of a non-conforming affidavit for the freestanding parking lot or approval of a Use Variance;
- 2) Submittal of DDD Code Review and ARB applications for review of the signage for the subject site; and
- 3) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



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APPLICANT Mark S. Pipper

REQUEST Transparency, Awning, Curb Cut,
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FLUM LOCATOR MAP



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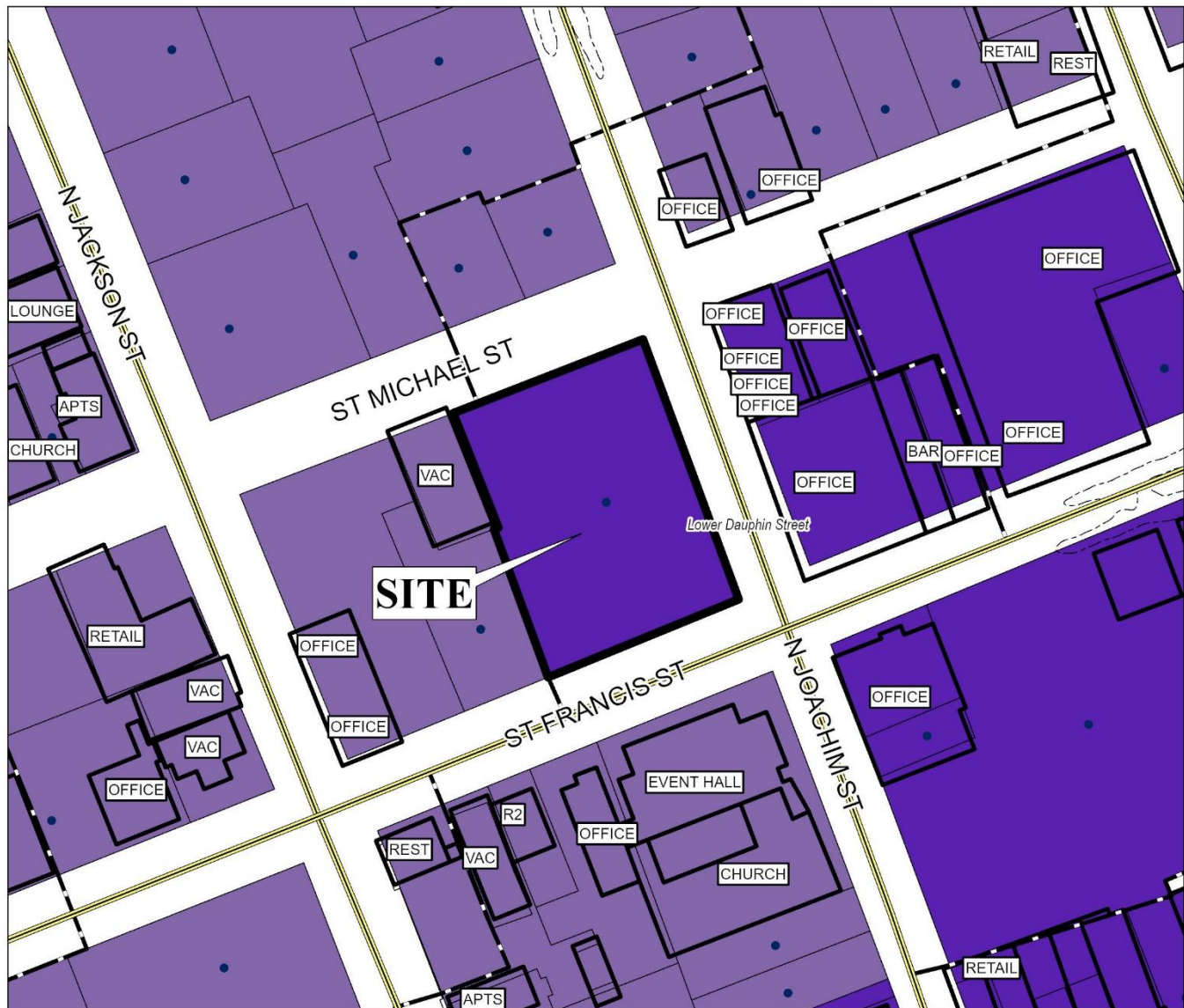
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|---------------------------|-----------------------------------|-------------------|-----------------|
| Low Density Residential | Neighborhood Center - Traditional | Light Industry | Water Dependent |
| Mixed Density Residential | Neighborhood Center - Suburban | Heavy Industry | |
| Downtown | Traditional Corridor | Institutional | |
| District Center | Mixed Commercial Corridor | Parks, Open Space | |



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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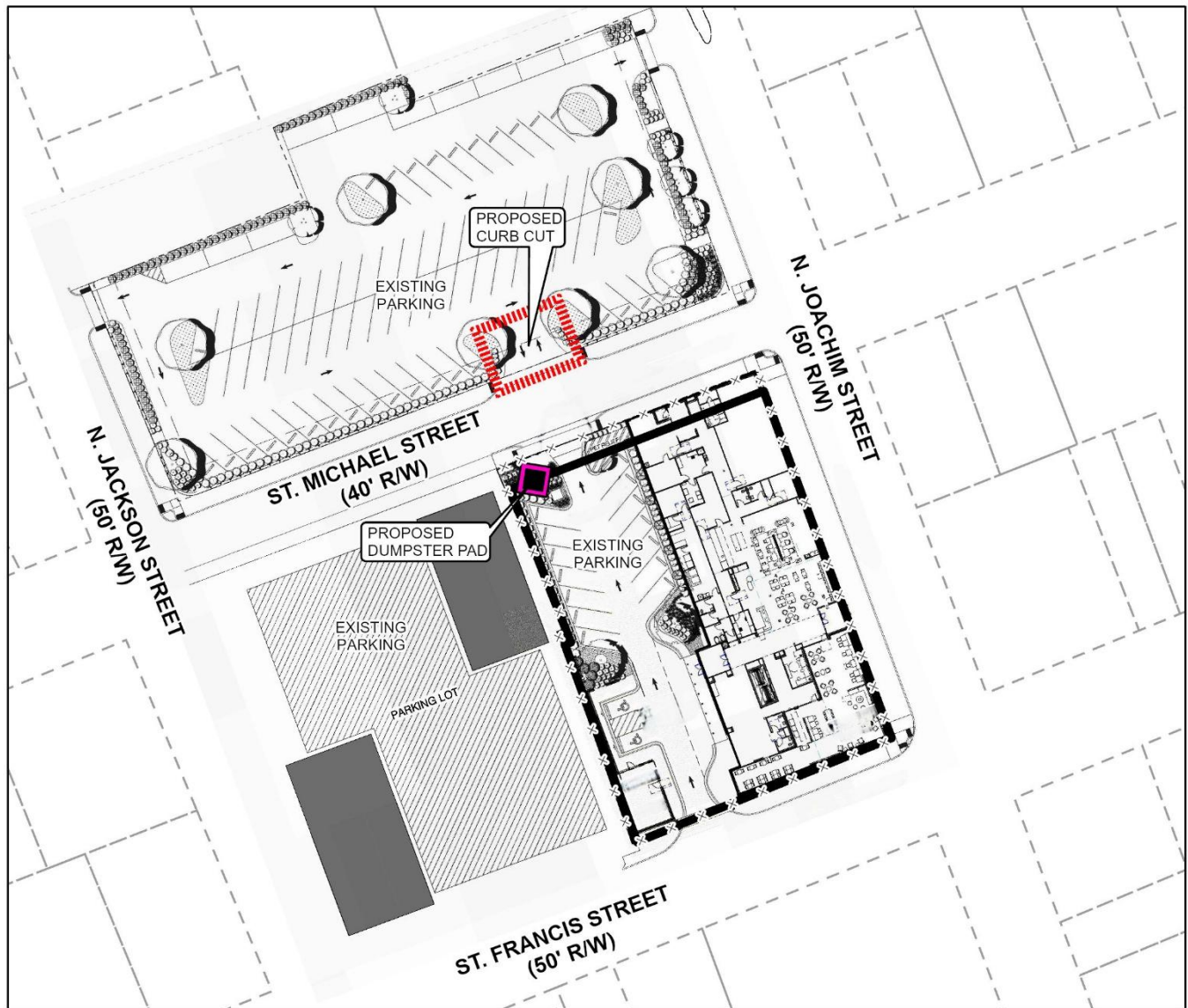
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



The site plan illustrates current parking areas, proposed dumpster pad,
and proposed curb cuts.

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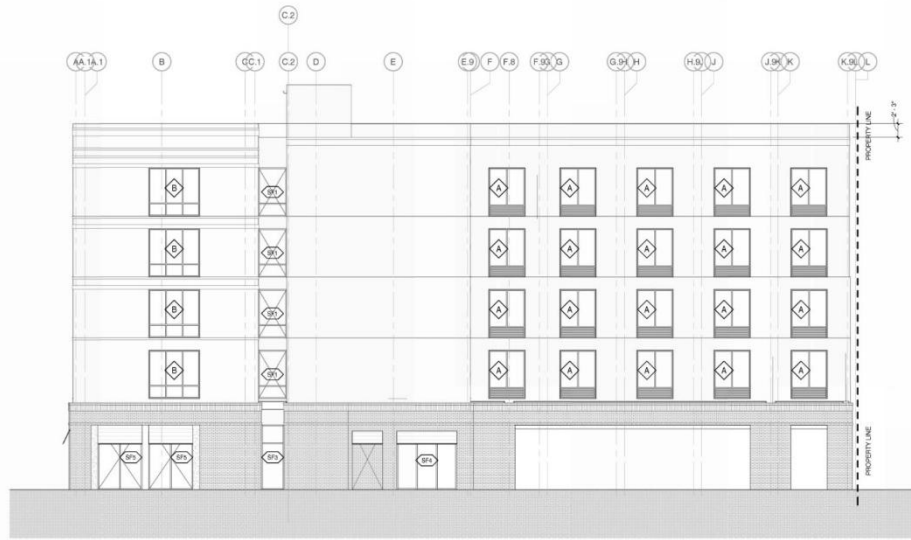
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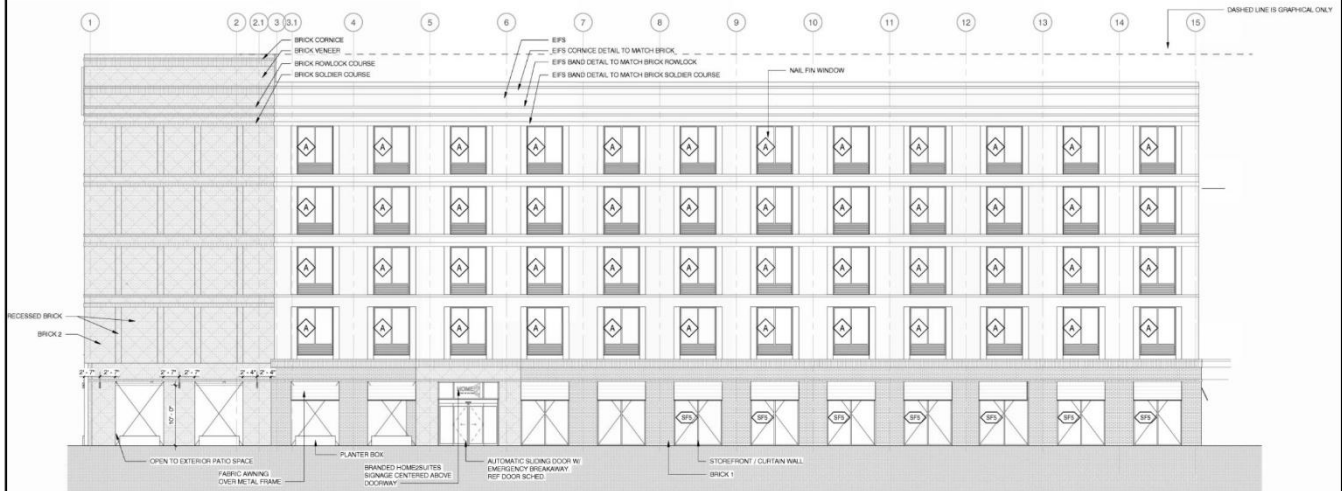


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DETAIL 1



2 NORTH ELEVATION
1/8" = 1'-0"



1 EAST ELEVATION
1/8" = 1'-0"

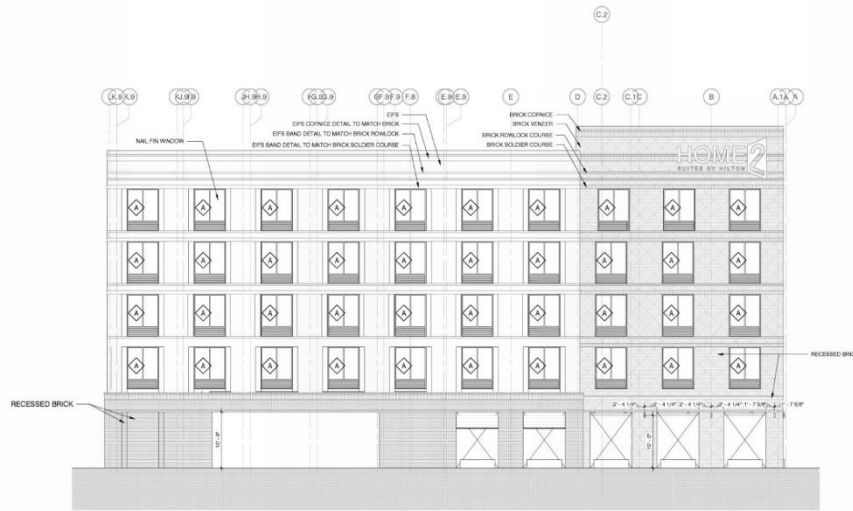
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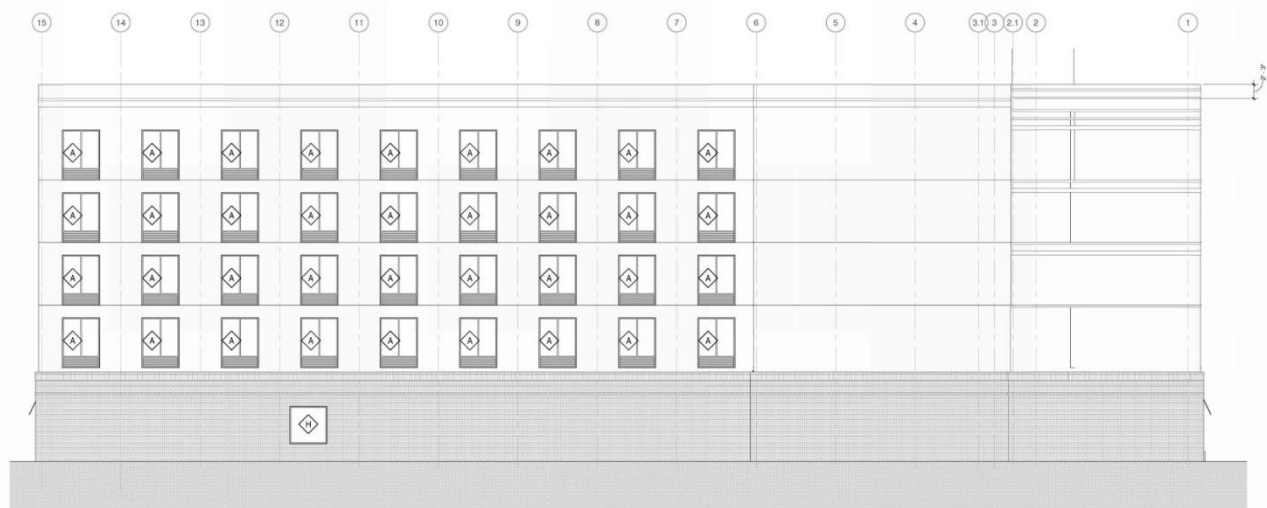
REQUEST Transparency, Awning, Curb Cut, and Dumpster Maneuvering Variances



DETAIL 2



1 SOUTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

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A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

Zoning correspondence matrix

[illegible]

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, active Downtown Mobile.

Development Intent

- Support new, redeveloped and adaptively reused buildings that frame attractive, human-scaled streetscapes, memorable and safe public spaces, bicycle and pedestrian-friendly streets and allow for convenient access to jobs, housing, and entertainment.
- Support infill development that provides better utilization of land, reduces surface parking, and is compatible with its surroundings.
- Building siting, form, and scale will vary by context within Downtown as defined in the zoning.
- Protect and enhance the historic and cultural heritage of the City.

Land use mix

Primary Uses

- Commercial
- Office
- Civic
- Residential, Multifamily

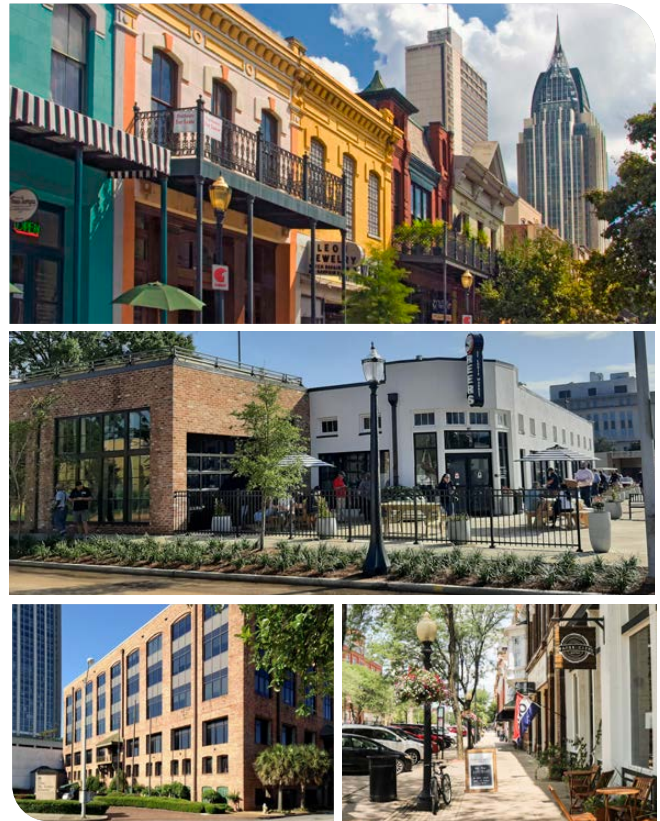
Secondary Uses

- Residential, Attached
- Residential, Single Family
- Parks

Housing mix

- Residential units above ground-floor retail
- Multifamily buildings
- Attached residential such as duplexes, multiplexes, and townhomes
- Single family homes

Character Example



Downtown includes a wide range of building types including high-rise offices, one and two-story mixed use buildings, various civic buildings, and historic single family homes. Detailed expectations for future development vary throughout Downtown and are contained in the Downtown Development District code.

Rendering: Dover Kohl