



Agenda Item # 10

BOA-003711-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

103 North Warren Street

Applicant / Agent:

Don Williams, Agent

Property Owner:

Gray Arnold

Current Zoning:

SD-WH Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number:

6753/6365/6295/6006/5953

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) limits the maximum size of pedestrian forecourt frontages to 600 square feet in an SD-WH, Special District – Warehousing of the Downtown Development District.

Board Consideration:

- Site Variance to allow 877 square feet of forecourt area in an SD-WH, Special District – Warehousing of the Downtown Development District.


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	6

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>6753</u> DATE <u>May 4, 2026</u>	 NTS
APPLICANT <u>Don Williams, Agent</u>	
REQUEST <u>Site Variance</u>	

SITE HISTORY

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

In March 2015, a one (1) lot Subdivision application was submitted to the Planning Commission, was approved, and recorded in Probate Court.

In May 2015, the site came before the Board of Zoning Adjustment to allow a wooden surfaced terrace to occupy 26% of the width of the building façade on the primary frontage on North Warren Street, a 12-inch high terrace for outdoor seating, and to allow a metal canopy. The application was approved.

In October 2015, the site came back before the Board to request amend the previously approved Variance to request approval of a 1,092 square foot courtyard with a metal canopy supported by columns, a three-foot (3') high fence, and less than 20% transparency for frontage walls. The application was approved and allowed to expire.

In December 2019, the site requested a Variance to allow a covered, partially enclosed, terrace as well as reduced transparency. The request was granted and allowed to expire.

In January 2021, the site came to the Board with a request to allow an 877 square foot forecourt area and a covered, partially enclosed terrace, which was approved and allowed to expire.

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.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 has requested a Site Variance to allow 877 square feet of forecourt area in an SD-WH, Special District – Warehousing of the Downtown Development District; the Unified Development Code (UDC) limits the maximum size of pedestrian forecourt frontages to 600 square feet in an SD-WH, Special District – Warehousing of the Downtown Development District.

The complete application is available via the link on page 1.

The subject site currently contains the slab and exterior walls with no roof, of a former 3,300 square foot building. The applicant proposed to expand the existing structure and add a forecourt area as well as a covered, partially enclosed terrace. It should be noted that the terrace, as requested, does not require a Variance.

The UDC limits pedestrian forecourts, such as the one proposed, to a maximum of 600 square feet in SD-WH districts. The applicant is requesting a larger forecourt to accommodate a handicap accessible ramp as well as stairs.

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 Code 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.

FLUM LOCATOR MAP



APPLICATION NUMBER 6753 DATE May 4, 2026

APPLICANT Don Williams, Agent

REQUEST Site Variance

- | | | | |
|---|--|---|---|
| ■ 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 | |




NTS

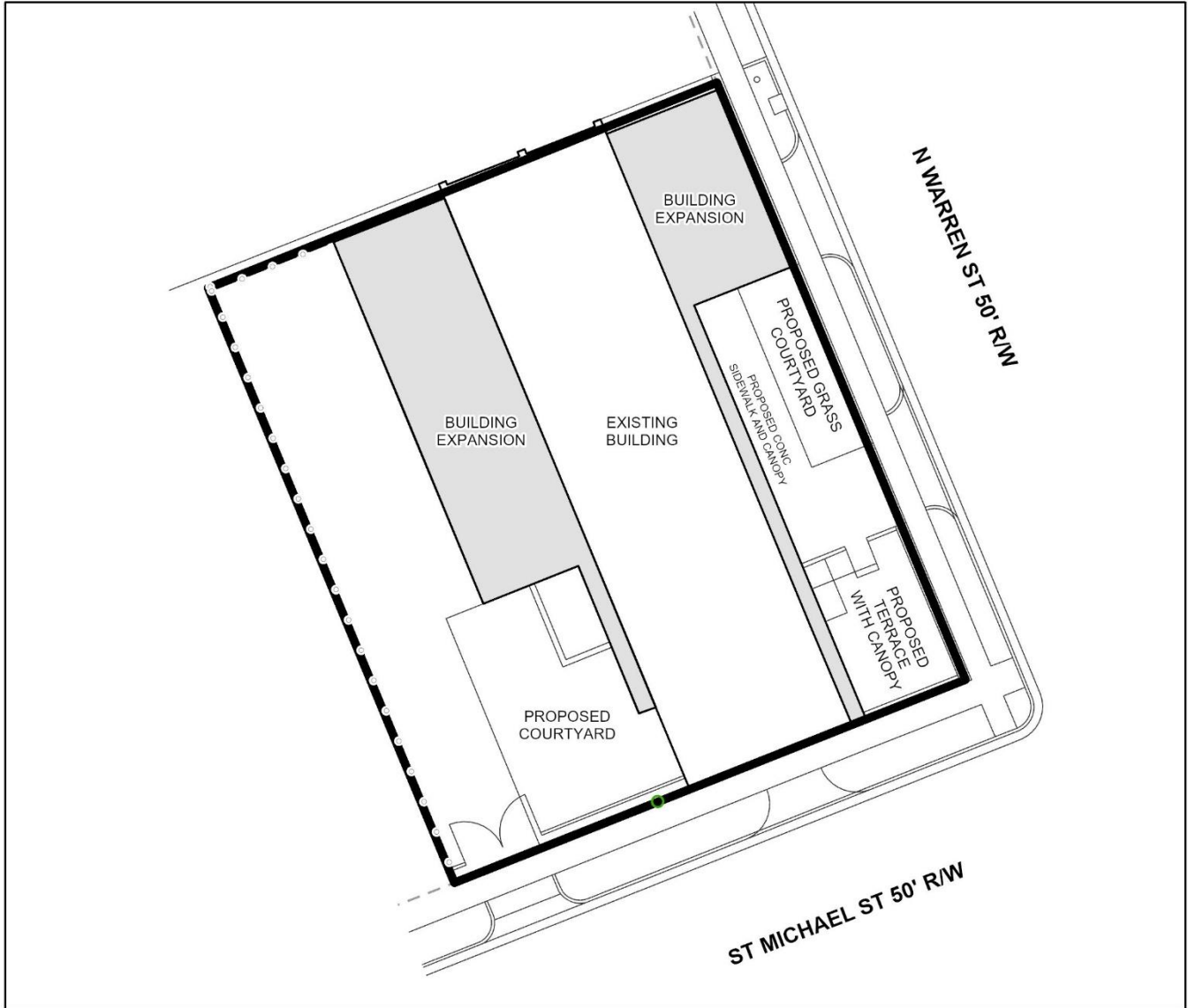
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by commercial units.

APPLICATION NUMBER <u>6753</u> DATE <u>May 4, 2026</u>																															
APPLICANT <u>Don Williams, Agent</u>																															
REQUEST <u>Site Variance</u>																															
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 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	
 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 the proposed courtyard placements and current buildings.

APPLICATION NUMBER <u>6753</u> DATE <u>May 4, 2026</u>	 NTS
APPLICANT <u>Don Williams, Agent</u>	
REQUEST <u>Site Variance</u>	