



Agenda Item # 12

BOA-003857-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

263 and 267 Dauphin Street

Applicant / Agent (as applicable):

Downtown Mobile Alliance (Ellis Foster, Agent)

Property Owner:

Box Owt LLC

Current Zoning:

T-5.2 Sub-District of the Downtown Development District

Future Land Use:

Downtown

Case Number:

6783/6598/6594/6510

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow metal siding as an exterior finish, requires a Shop Front frontage type at this location, requires a minimum glazed display window area of 50% of the ground floor shop front area (transparency), does not allow security gates to be visible from the street, and does not allow fences in the Shop Front frontage type in a T-5.2 sub-district of the Downtown Development District.

Board Consideration:

- Bulk/Site Variance to allow metal siding as an exterior finish, a non-compliant frontage type with reduced transparency, and security gates in a T-5.2 sub-district of the Downtown Development District.

Report Contents:**Page**

Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	7

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6783	DATE	September 14, 2026
APPLICANT	Downtown Mobile Alliance		
REQUEST	Bulk/Site Variance		



SITE HISTORY

The site has previously received approvals from both the Planning Commission and the Board of Adjustment.

At its September 2, 2021 meeting, the Planning Commission approved a request for Planning Approval to allow a food service establishment with a maximum occupant load of 546 people for 263, 265 and 267 Dauphin Street.

At its April 3, 2023 meeting, the Board of Adjustment approved variances for 1) security bars/fence/gate and 2) pedestrian forecourt frontage type, and gave the applicant one (1) year to complete all phases and bring all other items into compliance. The approvals were allowed to expire.

At its July 8, 2024 meeting, the Board of Adjustment approved Variances to allow metal siding as an exterior finish, a non-compliant frontage type with reduced transparency, and security gates. A second Variance was granted at the same meeting to allow internally illuminated signage on the subject site. The approvals for both Variance were allowed to expire.

STAFF COMMENTS

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 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 a Bulk/Site Variance to allow metal siding as an exterior finish, a non-compliant frontage type with reduced transparency, and security gates in a T-5.2 sub-district of the Downtown Development District.

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

As stated previously, the Board has, in the past, approved Variances to allow metal siding as an exterior finish, a non-compliant frontage type with reduced transparency, and security gates for the subject site. The most recent approval granted on July 8, 2024, valid for one (1) year, was subject to the following conditions:

- 1) Phase 2 façade to be built in accordance with the black and white drawings submitted with the application; and
- 2) Completion of Phase 2 and the obtaining Final Certificates of Occupancy within twelve (12) months (by July 8, 2025).

The applicant applied for building permits in May 2025, but was required to make revisions to the plans submitted. Revisions were never submitted, permits were not issued, and all associated Variances were allowed to expire as of July 8, 2025.

It should be noted that the site was granted Temporary Certificates of Occupancy (TCO) for the building permits associated with the individual tenant pods, with the condition that the façade improvements would be complete prior to the issuance of a Final Certificate of Occupancy. As the façade improvements have not been completed, the TCOs were allowed to expire, and the site has continued to operate without being issued a Final Certificate of Occupancy.

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 façade, but has not received any approvals for signage.

It should be noted that 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.

Regarding the specific issues:

Request for metal siding.

- Section 7.A.3. Requirement: A building shall use the following exterior finish materials: (a) wood or cementitious clapboard; (b) shingles; (c) board and batten; (d) stucco; (e) brick; or (f) stone.

Request for security gate.

- Section 7.D.5 Requirement: Security bars on windows or doors shall not be visible from the street.
- Section 5.C.1.(a) Requirement: A fence or wall is permitted in a frontage in accordance with the specific standards that apply to each frontage in Section 6, Frontage Standards. [Shopfront frontages make no provisions for fences or walls in Table 6.16]

Request for non-compliant frontage.

- Section 6.B.4. Requirement: A shop front frontage is required for all ground floor commercial uses fronting the A-Street portions of Dauphin, Conti and St. Joseph's Streets.

Request for reduced or no transparency.

- Table 6.16: Transparency of shopfront area, min.: Minimum 50% along each frontage, calculated by the width of the frontage the area between the sidewalk grade and the bottom of the second floor or roof structure.

As stated previously, the site has been before the Board of Adjustment several times and has already been given a one (1) year deadline on two (2) separate occasions to complete the project as proposed, with no apparent progress being made to complete the project as presented to the Board.

If approved, the applicant should be made aware of the need for either a separate Variance application to be submitted to allow the existing non-compliant signage to remain on the site, or signage to be changed to be compliant with DDD regulations. In addition to possibly requiring a Variance prior to the issuance of sign permits, the applicant will need to submit applications to both the Consolidated Review Committee (CRC) and the ARB.

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:

The applicant has requested the following variances:

- a) Variance from Appendix A, Section 10.B.3(b), to allow metal siding.
- b) Variance from Appendix A, Section 10.B.7(c) and Section 10.B.6(a), to allow a security gate at the entrance.
- c) Variance from Appendix A, Section 10.C.1(e), to allow a non-compliant frontage.
- d) Variance from Appendix A, Section 10.C.4(h)(4)a., to allow reduced or no transparency.

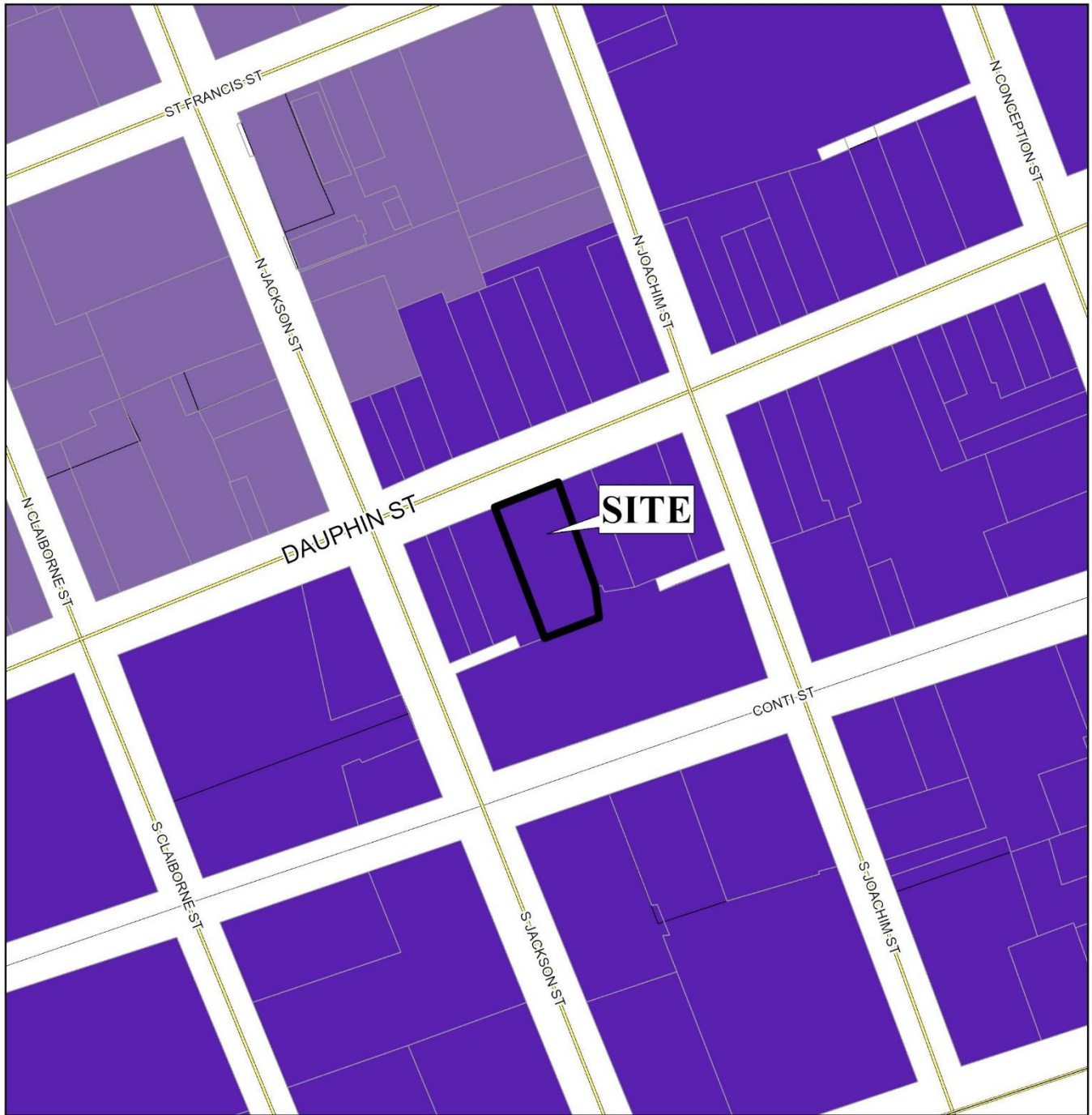
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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 Variance should be subject to the following conditions:

- 1) Exterior façade to be built in accordance with the black and white drawings submitted with the application;
- 2) Completion of exterior façade and the obtaining Final Certificates of Occupancy within twelve (12) months (by September 14, 2027);
- 3) Submittal of CRC and ARB applications for review of the signage for the subject site; and
- 4) Either submittal of a Sign Variance application or altering the signs on the subject site so that they comply with DDD regulations.

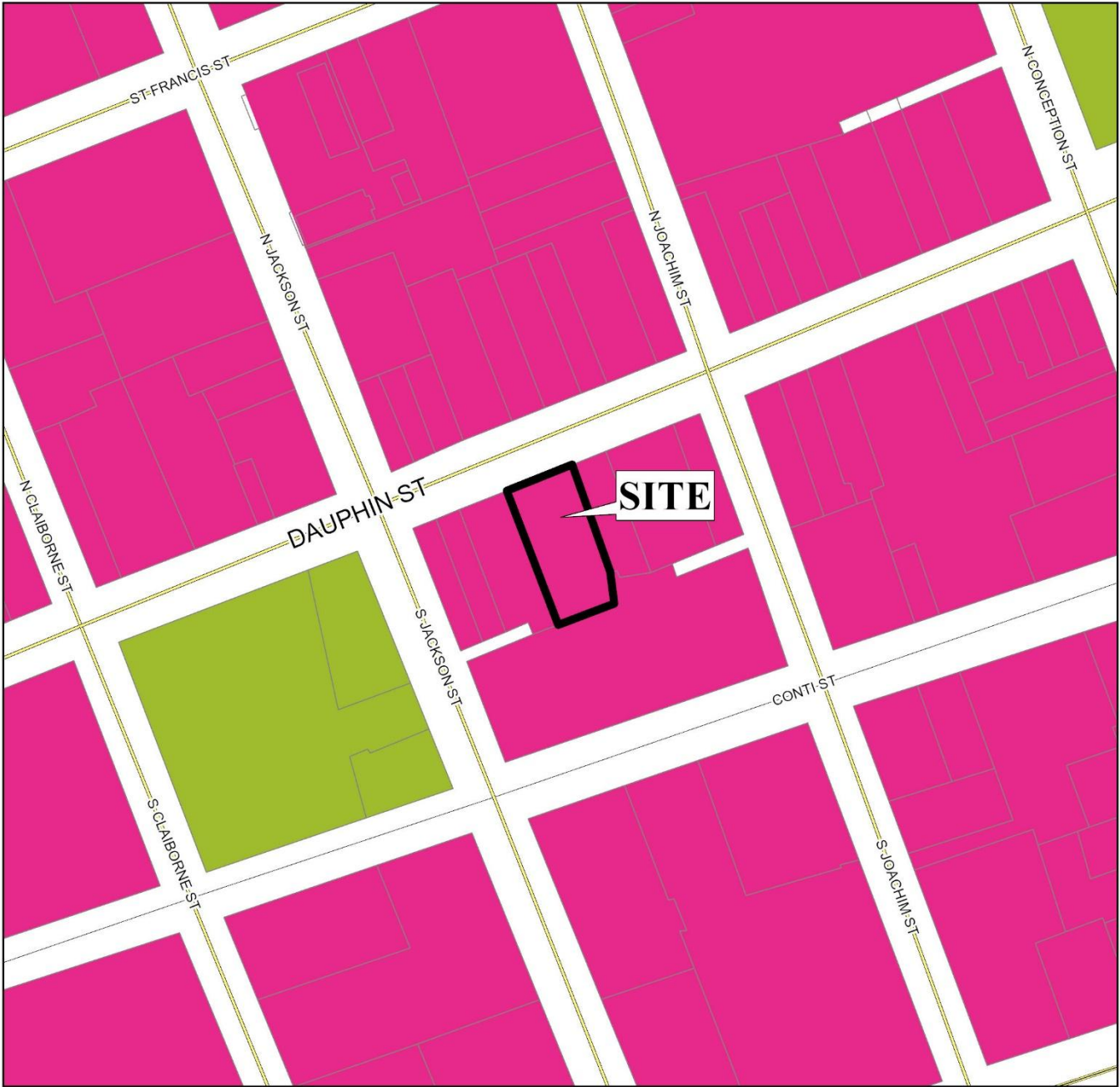
LOCATOR ZONING MAP



APPLICATION NUMBER 6783 DATE September 14, 2026
APPLICANT Downtown Mobile Alliance
REQUEST Bulk/Site Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6783 DATE September 14, 2026
 APPLICANT Downtown Mobile Alliance
 REQUEST Bulk/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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



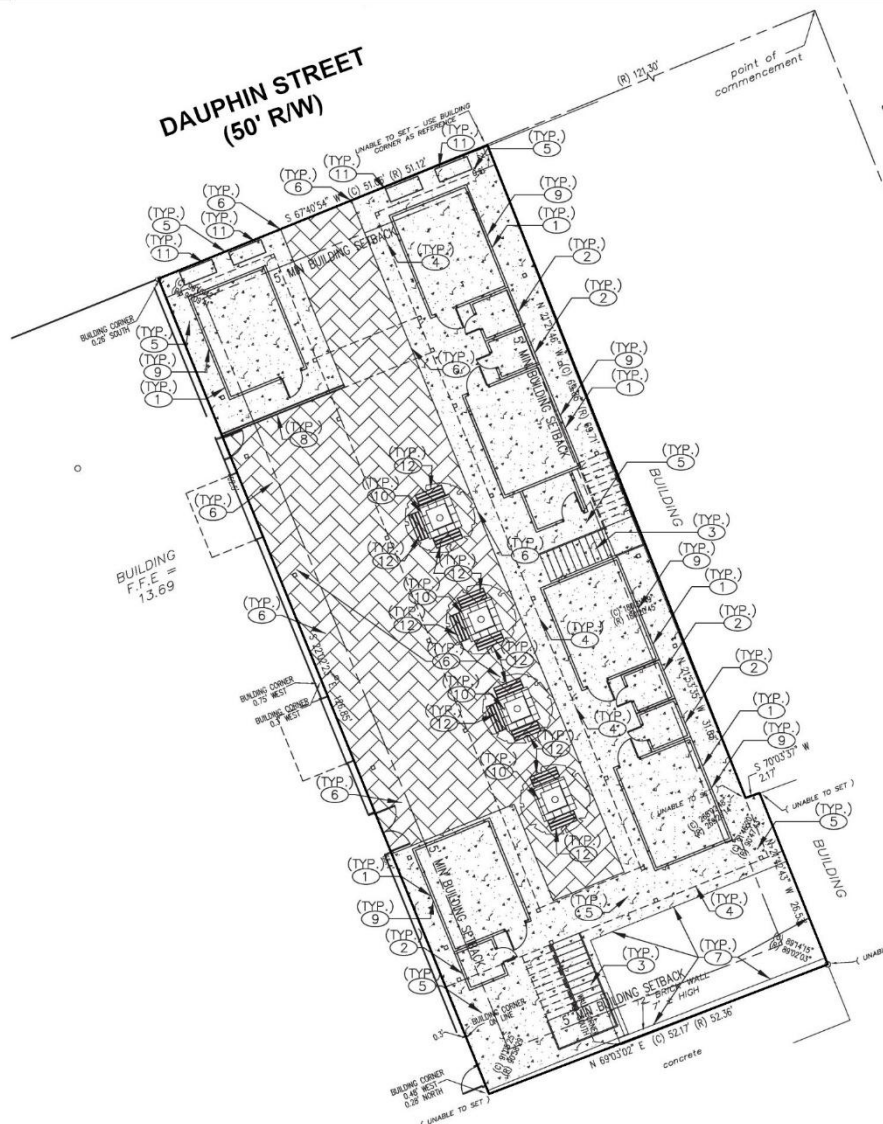
The site is surrounded by commercial units.

APPLICATION NUMBER 6783 DATE September 14, 2026
 APPLICANT Downtown Mobile Alliance
 REQUEST Bulk/Site Variance

-  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 existing building and proposed exterior finish (metal siding).

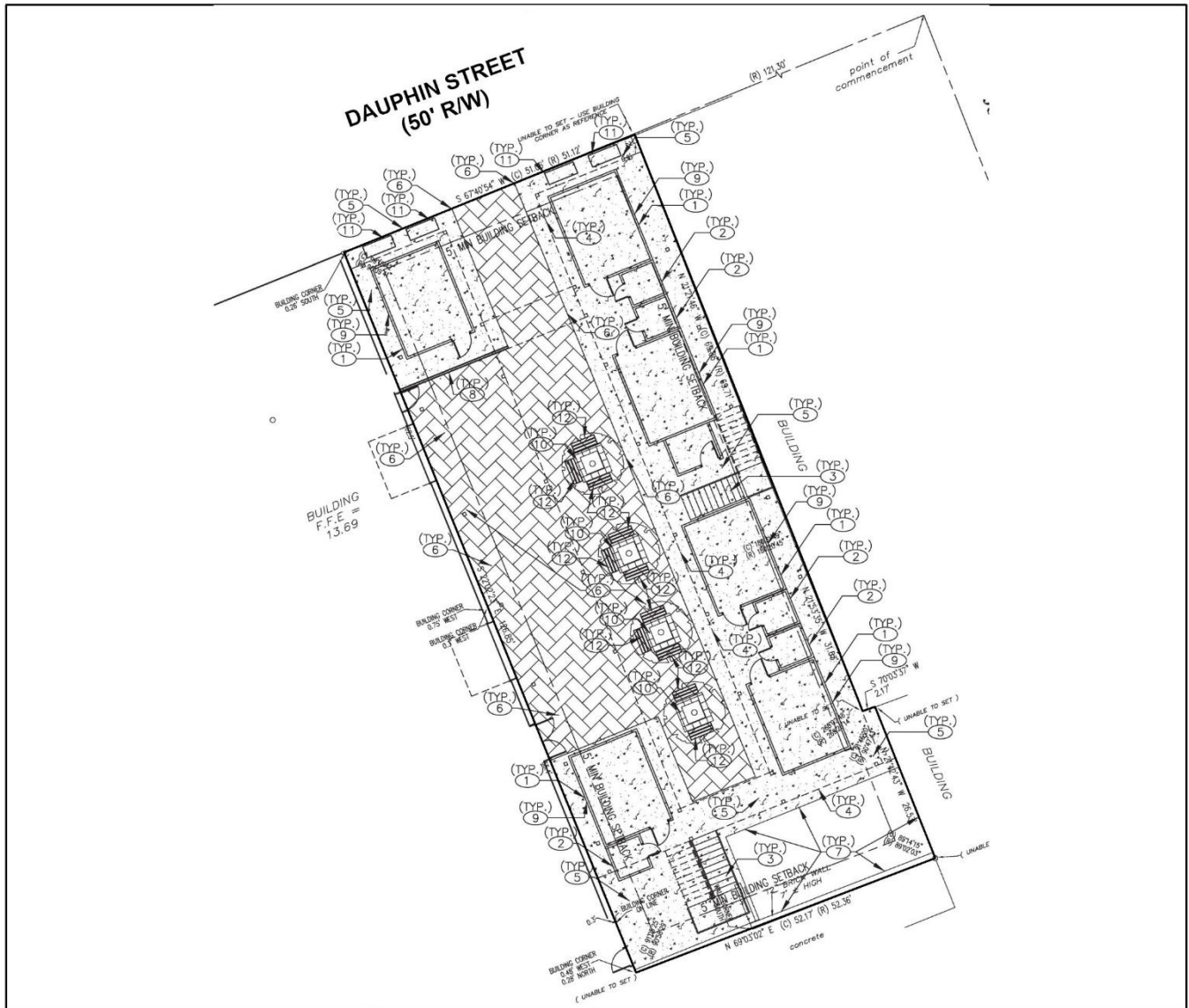
APPLICATION NUMBER 6783 DATE September 14, 2026

APPLICANT Downtown Mobile Alliance

REQUEST_____Bulk/Site Variance



SITE PLAN



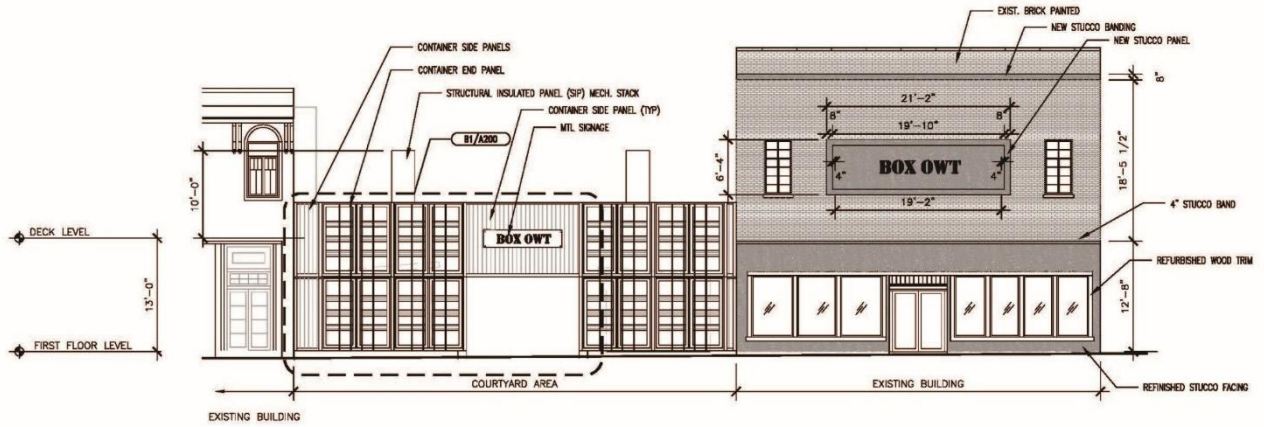
The site plan illustrates the existing building and
proposed exterior finish (metal siding).

APPLICATION NUMBER	6783	DATE	September 14, 2026
APPLICANT	Downtown Mobile Alliance		
REQUEST	Bulk/Site Variance		

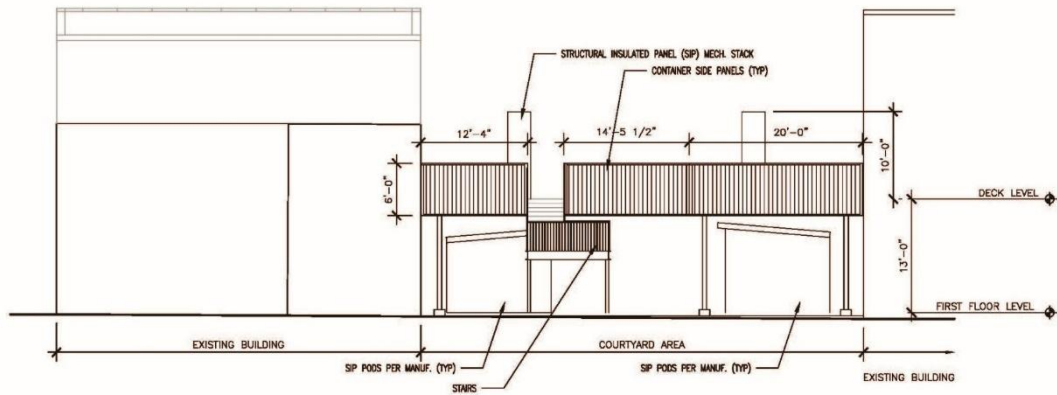


NTS

DETAIL SITE PLAN



D1 NORTH ELEVATION
1/8"=1'-0"

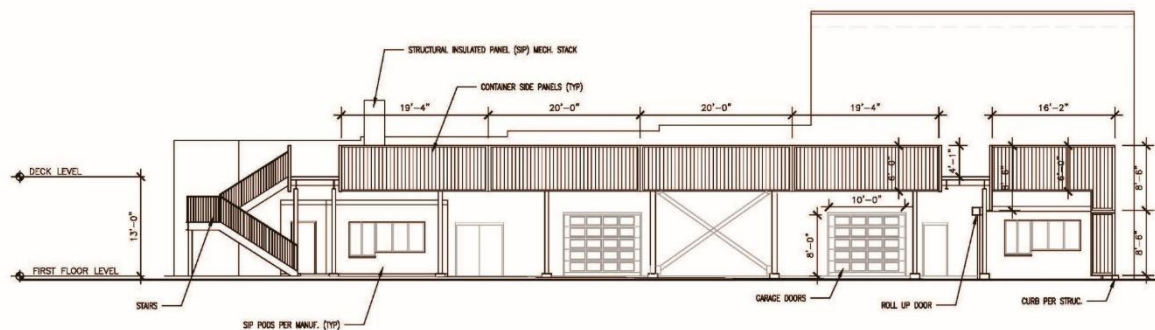


E1 SOUTH ELEVATION
1/8"=1'-0"

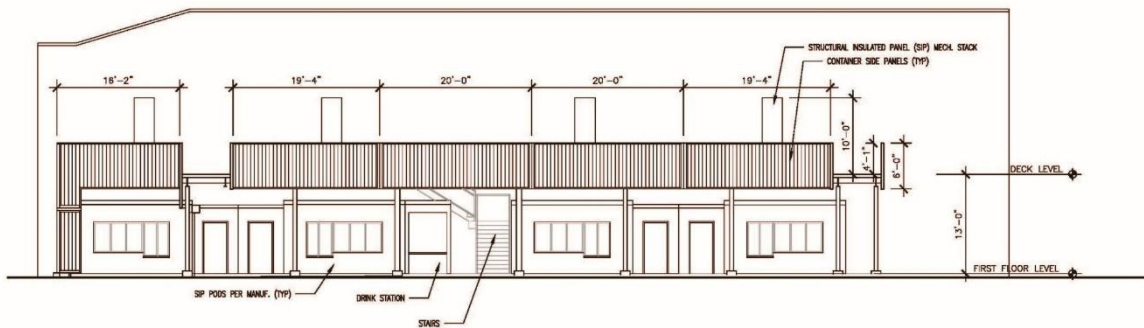
APPLICATION NUMBER 6783 DATE September 14, 2026
 APPLICANT Downtown Mobile Alliance
 REQUEST Bulk/Site Variance



DETAIL SITE PLAN



D1 EAST ELEVATION
1/8"=1'-0"



E1 WEST ELEVATION
1/8"=1'-0"

APPLICATION NUMBER 6783 DATE September 14, 2026
 APPLICANT Downtown Mobile Alliance
 REQUEST Bulk/Site Variance



NTS

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

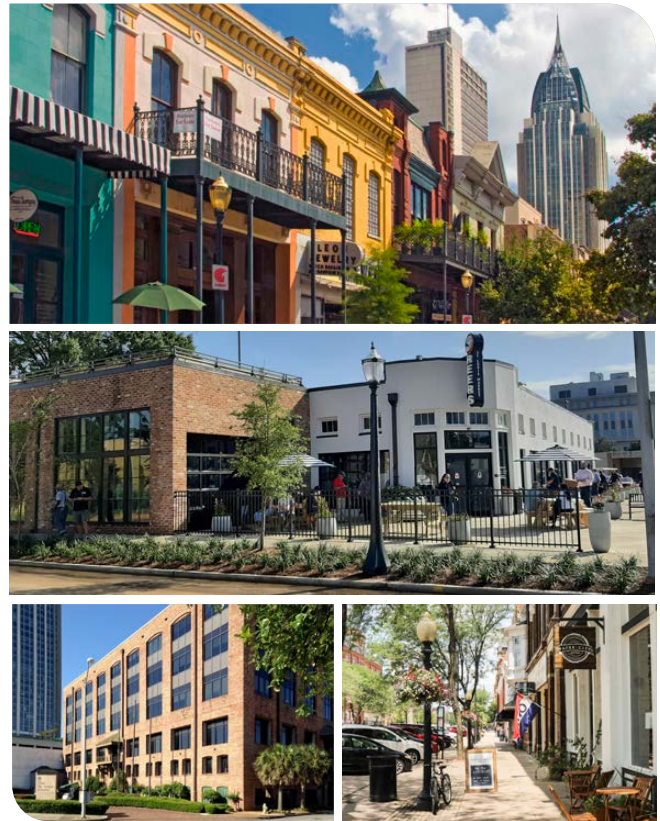
Secondary Uses

- 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