



## Agenda Item # 5

### BOA-003231-2025

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

[Applicant Materials for Consideration](#)

## DETAILS

**Location:**

2100 Airport Boulevard

**Applicant / Agent:**

Cooper Restaurants, Inc. (Ben Cummings, Agent)

**Property Owner:**

Cooper Restaurants, Inc.

**Current Zoning:**

B-3, Community Business Urban District

**Future Land Use:**

Traditional Corridor

**Case Number:**

6657/6457/6125

**Unified Development Code (UDC) Requirement:**

- The UDC requires all structures to be a minimum of 10-feet from the front property line, and limits structures to a maximum of 50% site coverage in a B-3, Community Business Urban District.

**Board Consideration:**

- Setback and Site Coverage Variances to allow a building addition to be less than 10-feet from the front property line, and for the structure to exceed 50% site coverage in a B-3, Community Business Urban District.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6657	DATE	March 10, 2025
APPLICANT	Cooper Restaurants, Inc. (Ben Cummings, Agent)		
REQUEST	Setback and Site Coverage Variances		



## SITE HISTORY

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The subject site is included in a development that has been the subject of multiple Variance requests approved since 2000 for reduced front yard setbacks, off-site parking, reduced landscaping, and parking and maneuvering area within public right-of-way.

Notably, on July 10, 2000, the Board of Adjustment approved a Front Yard Setback Variance allowing a dining room expansion and façade improvements within 10 feet of the front property line for the main Ruth's Chris building. In 2001, the Board approved another Front Yard Setback Variance for a covered arbor along the front property line of the adjacent parcel to the south.

Most recently, in September 2024, a Parking Special Plan was approved administratively to allow the sharing of parking facilities between the subject site and nearby properties associated with the Ruth's Chris restaurant facilities.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

## STAFF COMMENTS

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### Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- 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.
- 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.
- 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 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-sprinklered commercial buildings, within 600' of sprinklered commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

## **Planning Comments:**

The applicant is requesting Setback and Site Coverage Variances to allow a building addition to be less than 10-feet from the front property line, and for the structure to exceed 50% site coverage in a B-3, Community Business Urban District; the Unified Development Code (UDC) requires all structures to be a minimum of 10-feet from the front property line, and limits structures to a maximum of 50% site coverage in a B-3, Community Business Urban District.

The complete application and supporting documents, including a detailed description of the Variance request, are available via the link on Page 1 of this report.

The site has been developed for commercial use since at least 1984 and is part of a larger development for the main Ruth's Chris restaurant. Various parcels within this development have received multiple Variance approvals since 2000.

Given this history of approvals, the current request appears consistent with past applications.

## **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.

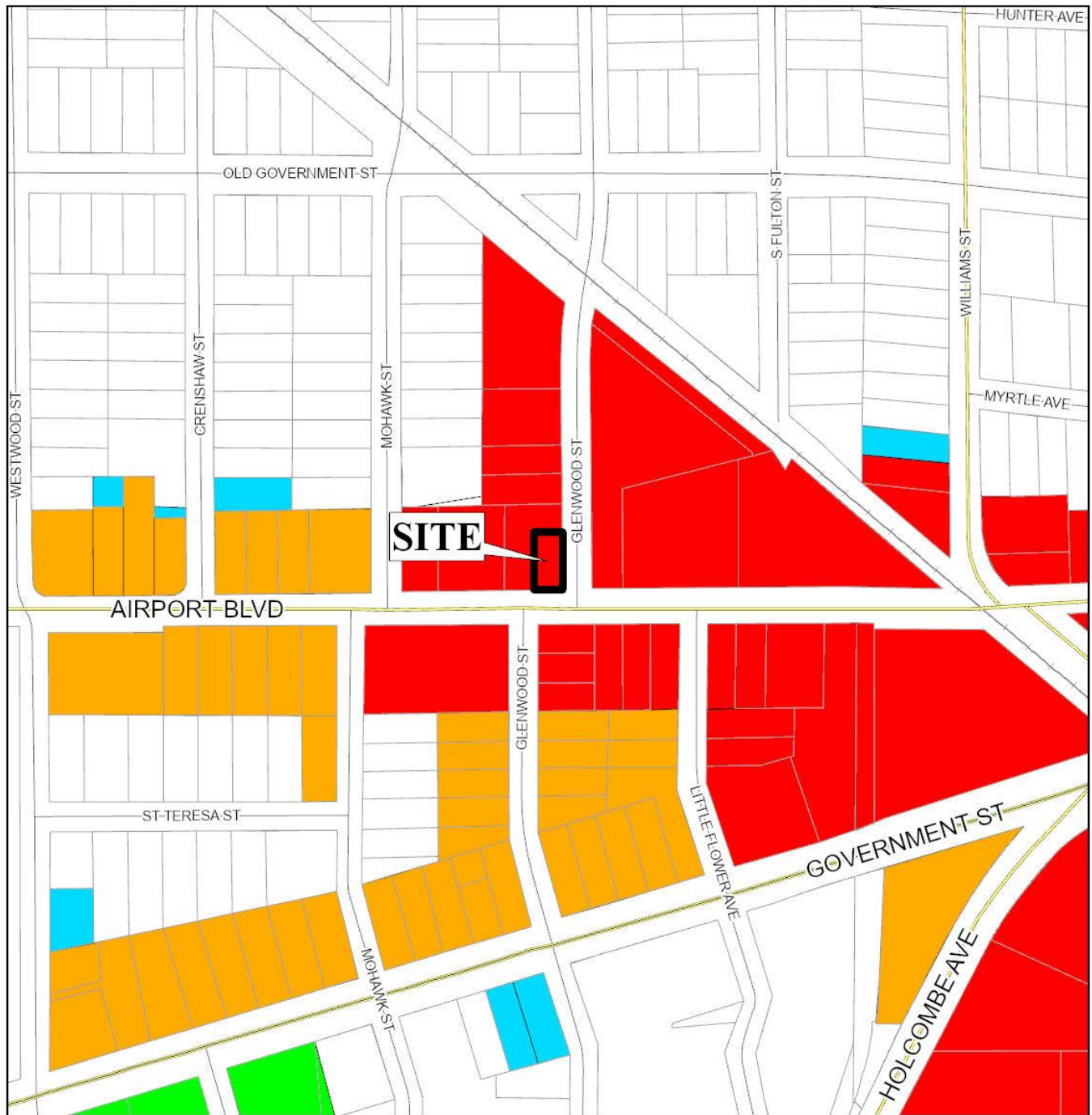
### **Considerations:**

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.



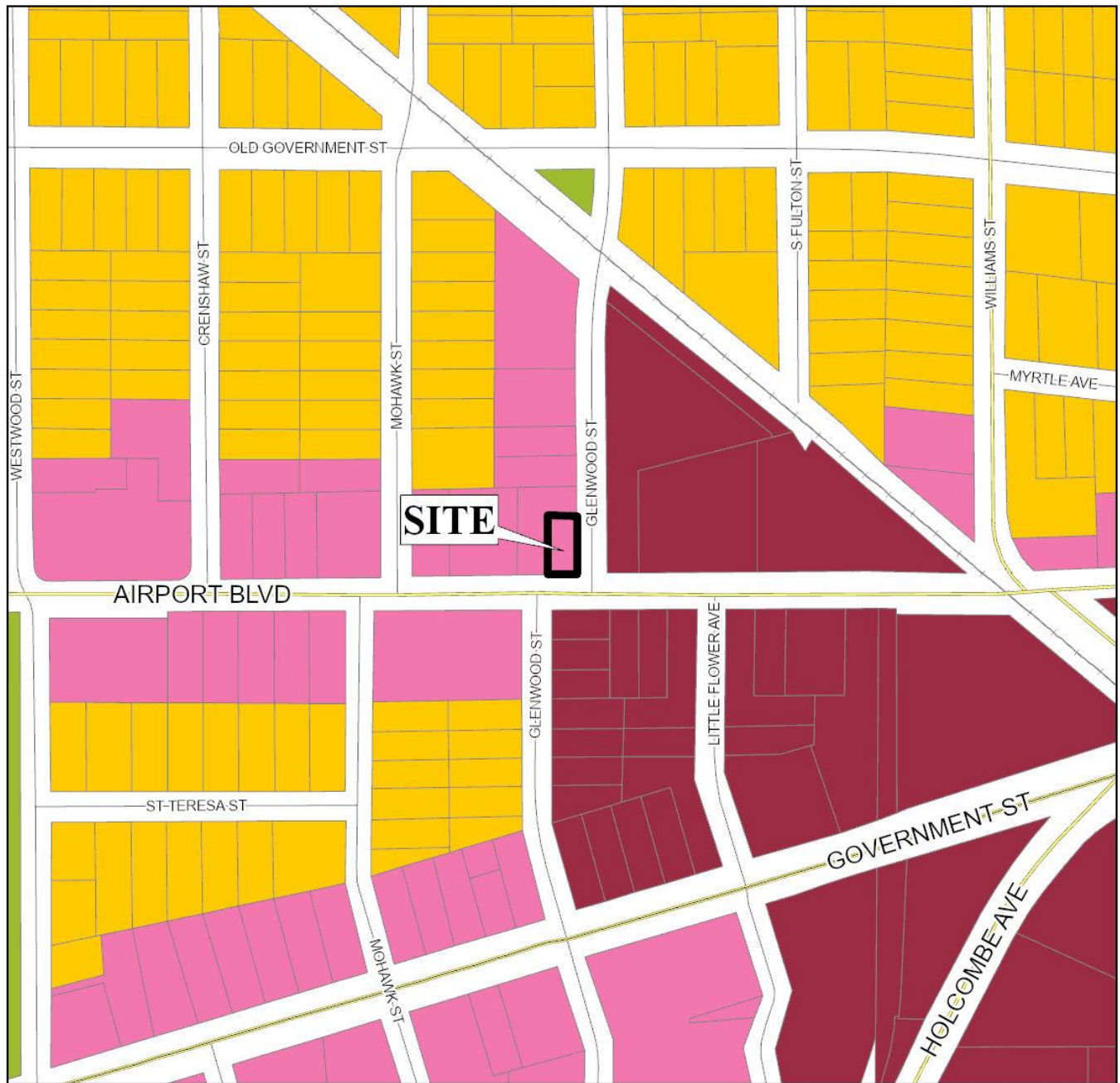
# LOCATOR ZONING MAP



APPLICATION NUMBER 6657 DATE March 10, 2025  
 APPLICANT Cooper Restaurants, Inc. (Ben Cummings, Agent)  
 REQUEST Setback and Site Coverage Variances



# FLUM LOCATOR MAP



APPLICATION NUMBER 6657 DATE March 10, 2025

APPLICANT Cooper Restaurants, Inc. (Ben Cummings, Agent)

REQUEST Setback and Site Coverage Variances

- |   |  |   |   |
|---|--|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: darkred;">■</span> Neighborhood Center - Traditional | <span style="color: lightpurple;">■</span> Light Industry | <span style="color: blue;">■</span> Water Dependent |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: purple;">■</span> Neighborhood Center - Suburban     | <span style="color: darkpurple;">■</span> Heavy Industry  |   |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightblue;">■</span> Traditional Corridor            | <span style="color: darkblue;">■</span> Institutional     |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor          | <span style="color: green;">■</span> Parks, Open Space    |   |



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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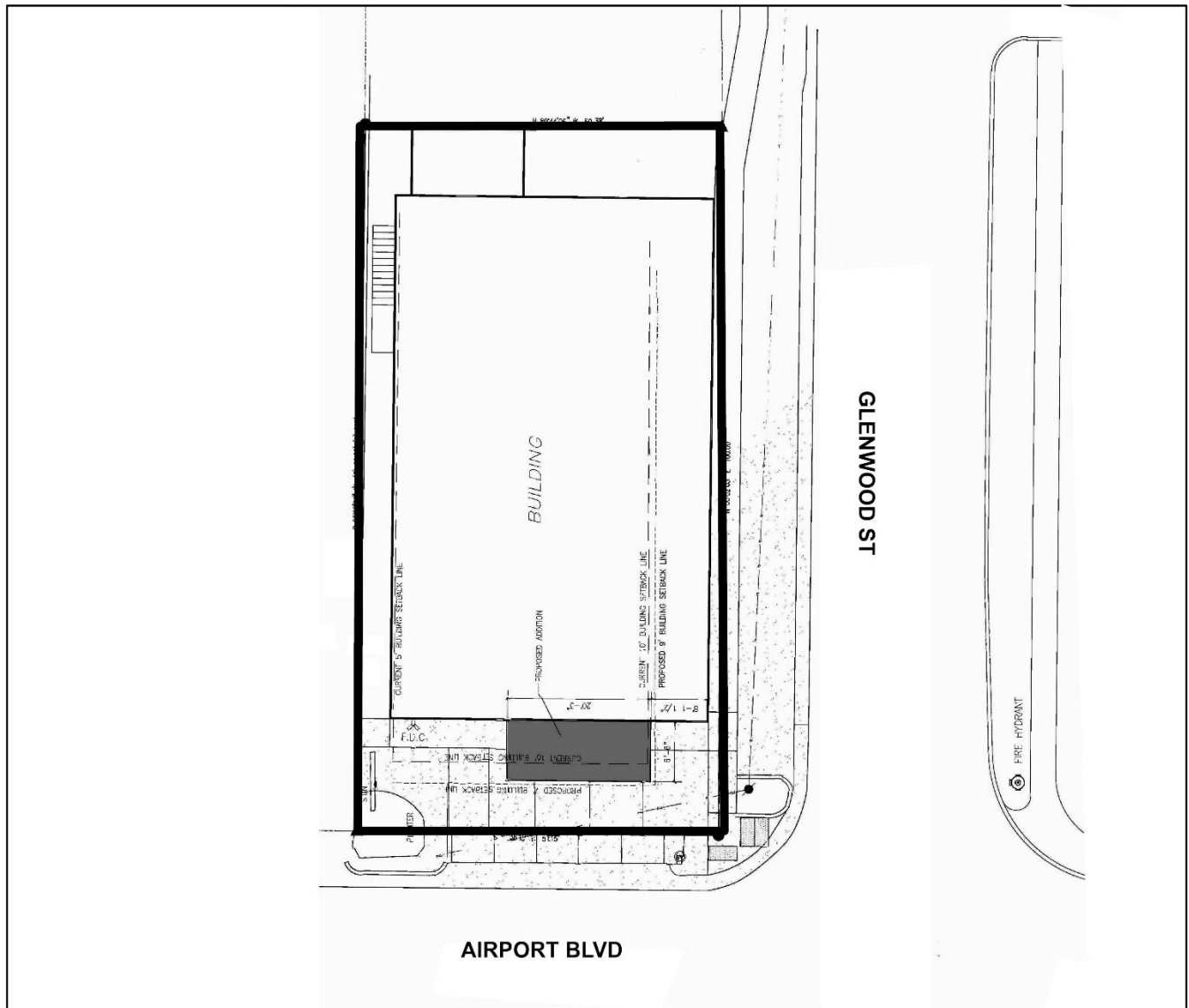
REQUEST Setback and Site Coverage Variances

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	





## PROPOSED SITE PLAN

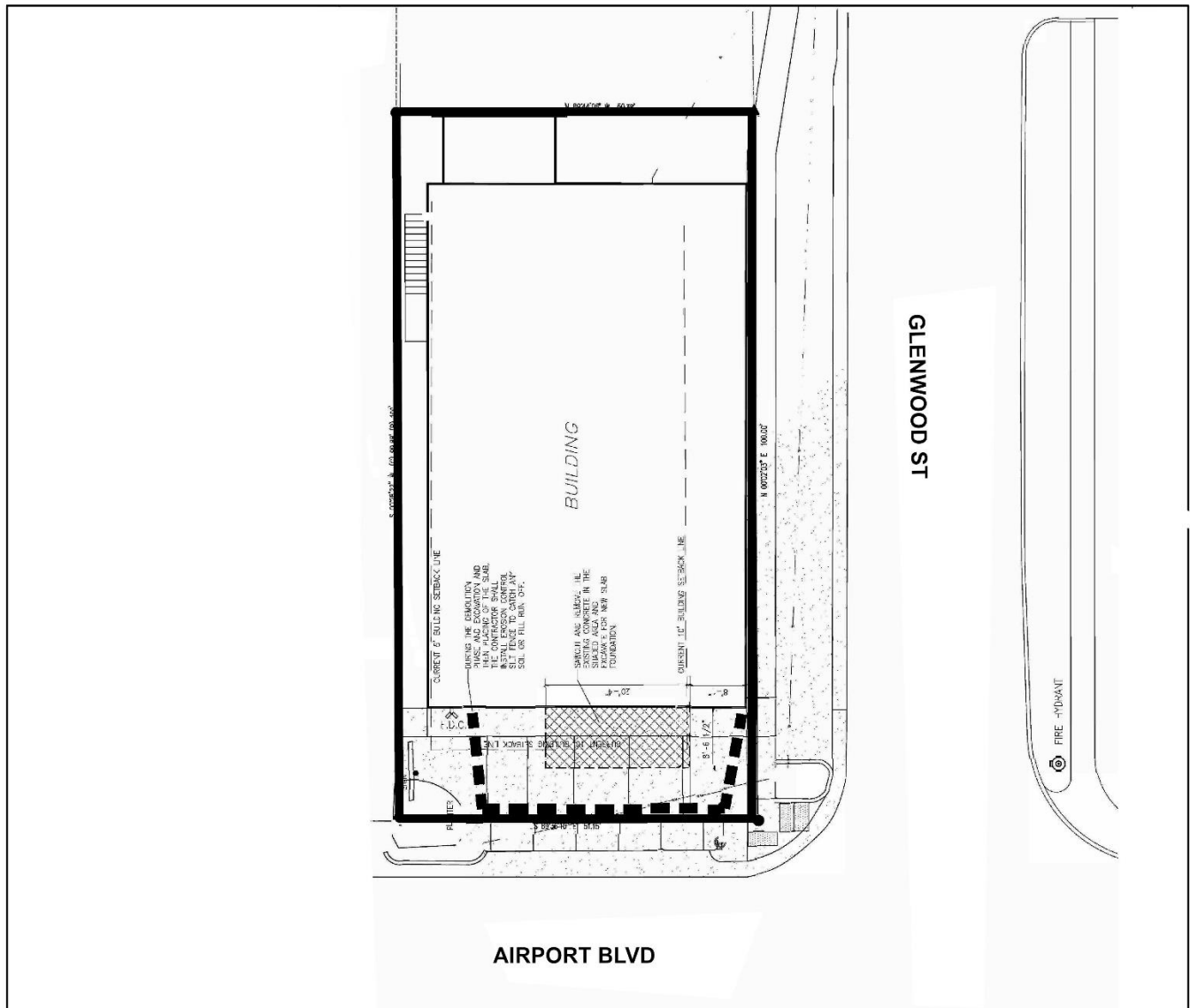


The site plan illustrates the existing building and proposed building addition.

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## EXISTING SITE PLAN

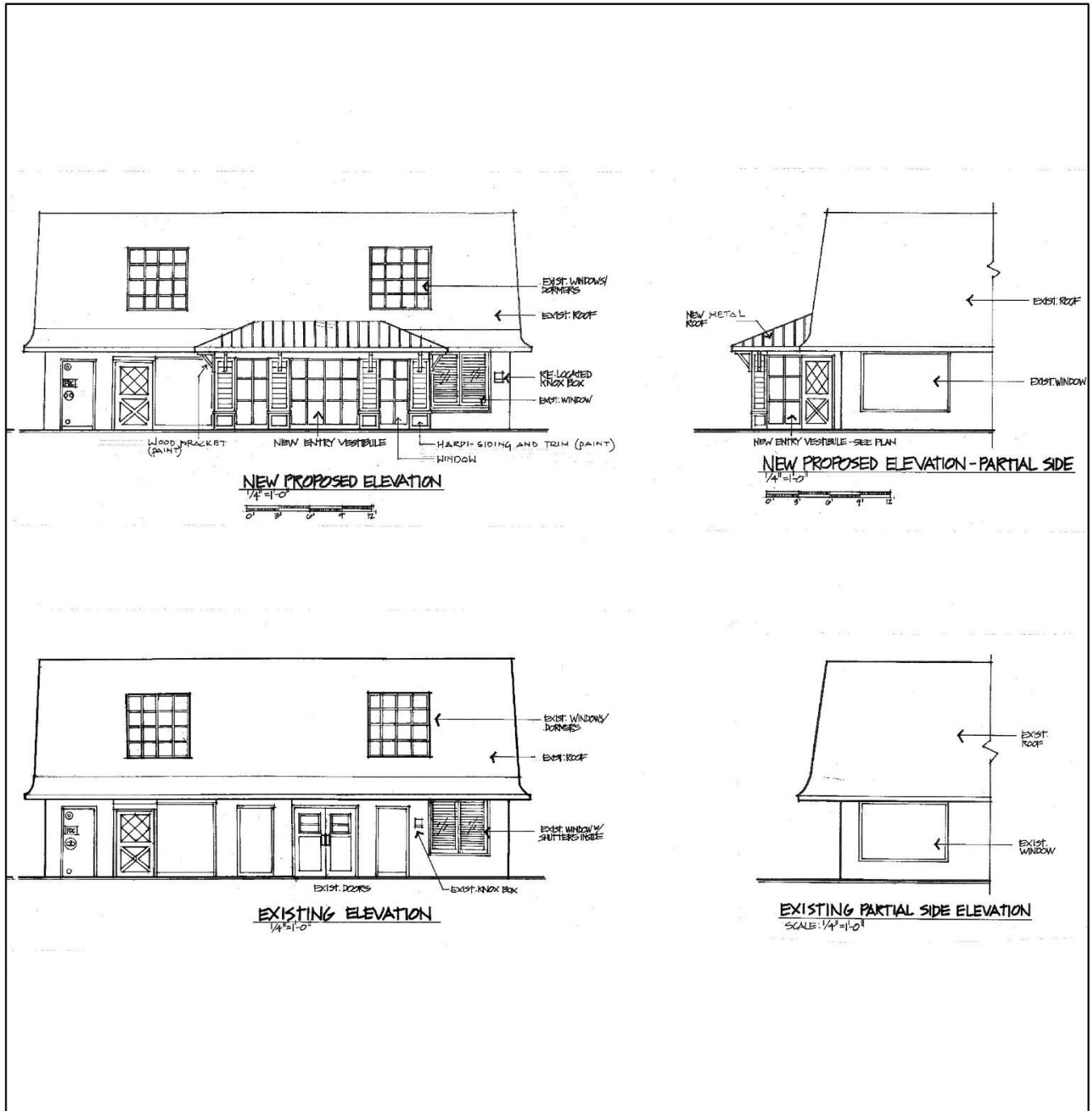


The site plan illustrates the existing building, parking, and setback.

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## DETAIL SITE PLAN



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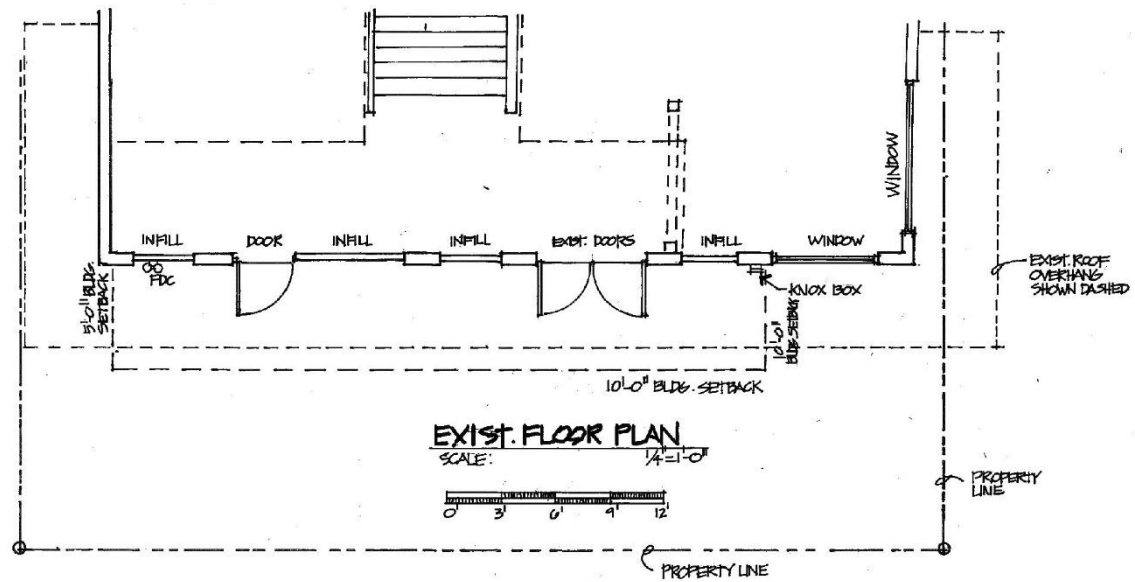
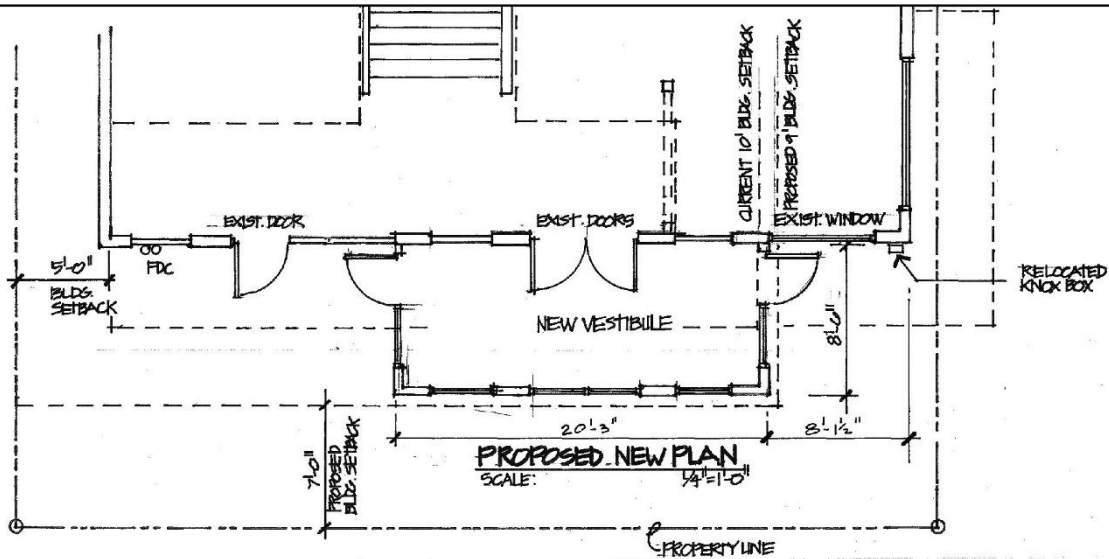
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## DETAIL SITE PLAN



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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 (WDWRU)
RESIDENTIAL - AG	R-A												<input type="checkbox"/>		
ONE-FAMILY RESIDENCE	R-1	■				■		■					<input type="checkbox"/>		
TWO-FAMILY RESIDENCE	R-2	■				■		■					<input type="checkbox"/>	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						<input type="checkbox"/>	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					<input type="checkbox"/>	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					<input type="checkbox"/>		
HISTORIC BUSINESS	H-B			■		■		■					<input type="checkbox"/>		
VILLAGE CENTER	TCD					■	■						<input type="checkbox"/>		
NEIGH. CENTER	TCD					■	■						<input type="checkbox"/>		
NEIGH. GENERAL	TCD					■							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-6			■									<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.1			■		■		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-5.2			■		■							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-4			■		■		<input type="checkbox"/>					<input type="checkbox"/>		
DOWNTOWN DEV. DDD	T-3			■		■							<input type="checkbox"/>		
DOWNTOWN DEV. DDD	SD-WH									○	○		<input type="checkbox"/>		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		<input type="checkbox"/>		
BUFFER BUSINESS	B-1		<input type="checkbox"/>			<input type="checkbox"/>	■	■	■				<input type="checkbox"/>	○	
NEIGH. BUSINESS	B-2		○			<input type="checkbox"/>	■	■	■				<input type="checkbox"/>	○	
LIMITED BUSINESS	LB-2		○			<input type="checkbox"/>	■	■	■				<input type="checkbox"/>	○	
COMMUNITY BUSINESS	B-3				■				■			○	<input type="checkbox"/>	○	
GEN. BUSINESS	B-4			■					■			○	<input type="checkbox"/>	○	
OFFICE-DISTRIBUTION	B-5								■	■			<input type="checkbox"/>	<input type="checkbox"/>	
LIGHT INDUSTRY	I-1									■			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEAVY INDUSTRY	I-2										■		<input type="checkbox"/>		<input type="checkbox"/>

#### 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)

## TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.