



**Agenda Item #6**  
**BOA-003020-2024**

View additional details on this proposal and all application materials using the following link:  
[\*\*Applicant Materials for Consideration\*\*](#)

**DETAILS**

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**Location:**  
960 South Lawrence Street

**Applicant / Agent:**  
PCDA Architecture, Paul Davis

**Property Owner:**  
Shurnae Brown

**Current Zoning:**  
I-1, Light Industry District

**Future Land Use:**  
Light Industry

**Case Number(s):**  
6611/6431/3924

**Unified Development Code Requirement:**

- The Unified Development Code (UDC) requires full compliance with the front yard and side street side yard setback requirements in an I-1, Light Industry District.

**Board Consideration:**


- Front Yard and Side Street Side Yard Setback Variances to allow a building addition within the required front and side street side yard setbacks in an I-1, Light Industry District.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER <u>6611</u> DATE <u>September 9, 2024</u>	
APPLICANT <u>PCDA Architecture, Paul Davis</u>	
REQUEST <u>Front Yard and Side Street Side Yard Setback Variances</u>	

## SITE HISTORY

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The site was annexed into Mobile City limits in 1889.

The site was the subject of a use variance request for a hot dog stand and parking conditions for carry out only which was approved by the Board of Zoning Adjustment at its October 2, 1983 meeting. A setback variance request to allow a building addition within the required front yard and side street side yard setback in an I-1, Light Industry District was approved by the Board of Zoning Adjustment at its March 6, 2022 meeting.

The property is a metes and bounds parcel created by the development of Interstate 20.

There have been no Planning Commission applications.

## STAFF COMMENTS

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### Engineering Comments:

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

1. Provide a copy of the recorded document in which the ROW Vacation of the areas shown in the site plan were approved.
2. No roof overhang should extent to the Right of Way.
3. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
4. 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.
5. 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.
6. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

No traffic impacts anticipated by this variance request.

### 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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

## Planning Comments:

The applicant is requesting Front Yard and Side Street Side Yard Setback Variances to allow a building addition within the required front and side street side yard setbacks in an I-1, Light Industry District; the Unified Development Code (UDC) requires full compliance with the front yard and side street side yard setback requirements in an I-1, Light Industry District.

The entire application packet is available via the link on Page 1.

The applicant provides the following concerning the request:

*The applicant is requesting a front yard and side street yard setback variance to allow a building addition within the required front and side yard setbacks in an I-1 Light-Industry District: the Zoning Ordinance requires full compliance with the front yard and side street side yard setback requirements in an I-1 Light-Industry District.*

*This request was previously approved but the construction drawings were not submitted before the expiration date. (#6431/3924 Case # BOA 001857-2021)*

*The construction drawings have been completed and a survey/ site plan has been submitted.*

The subject site operates as a takeout restaurant by virtue of a Use Variance granted in 1983. The applicant proposes to add a 6-foot by 34-foot addition to the South side of the building and encroaching within both the required front yard and side street side yard setbacks and requiring the vacation of right-of-way. Due to the small size of the site and its irregular shape, meeting the required setbacks would not be possible; hence this application.

The site plan submitted with the application does not illustrate existing building setbacks. Therefore, the actual existing building setbacks along those frontages, and the actual setbacks of the proposed addition cannot be determined. Moreover, no parking layout was provided to illustrate compliance with the minimum parking requirements of the Zoning Ordinance. The expanded restaurant use would require three (3) parking spaces on-site, and a variance of the parking requirements was not requested.

## 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:**

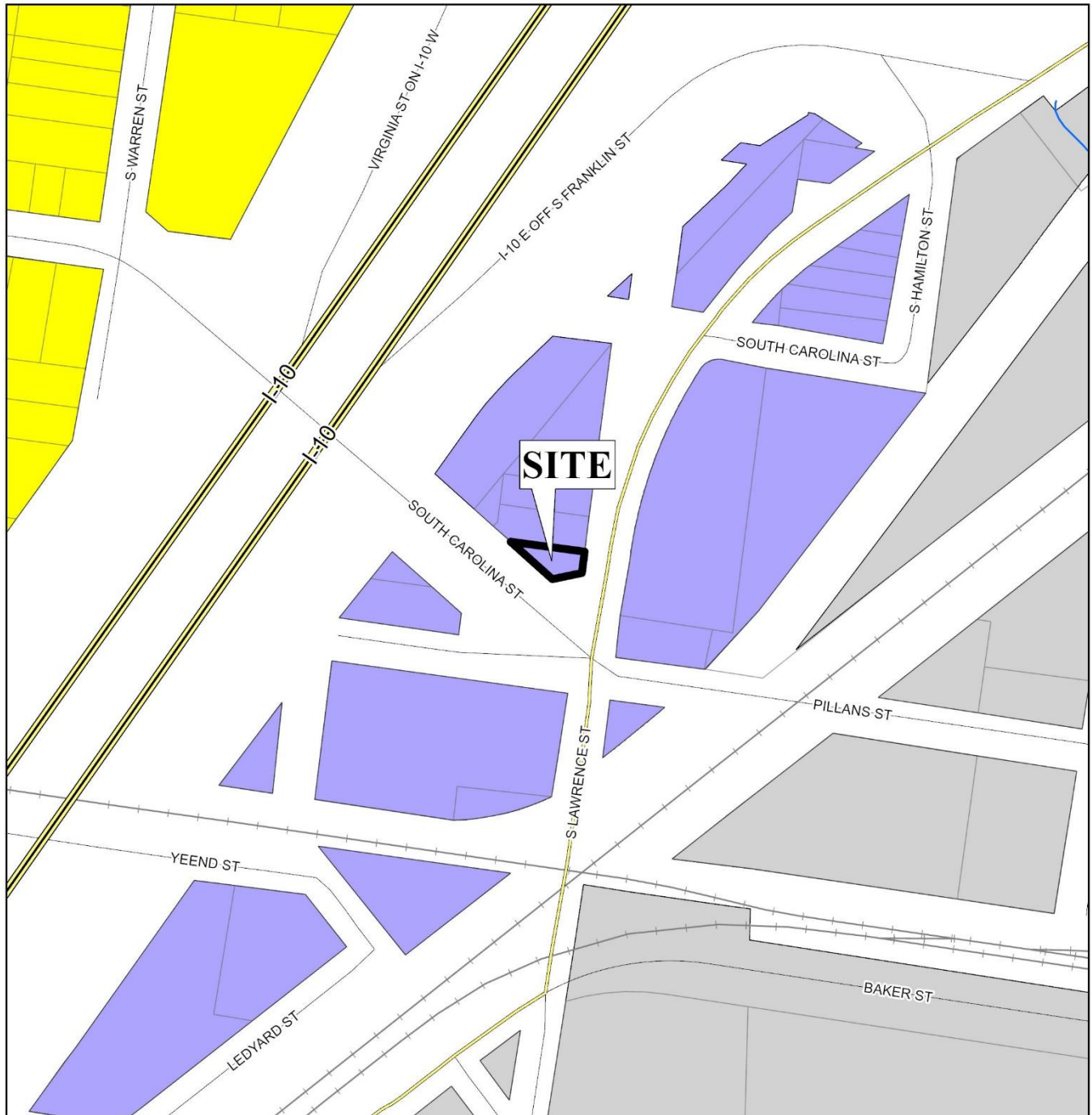
Based on the requested Variance application and documentation submitted, the Board must consider the following findings of fact for approval or denial of the request:

- A. The variance **will / will not** be contrary to the public interest;
- B. Special conditions **exist / do not exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- C. The spirit of the chapter **shall be / shall not be** observed and substantial justice **done / not done** to the applicant and the surrounding neighborhood by granting the variance.

If the Board is inclined to approve this request, the following condition should apply:

- 1) Obtain all required permits for the structure;
- 2) Full compliance with all other municipal codes and ordinances; and
- 3) Parking variance request.

# LOCATOR ZONING MAP



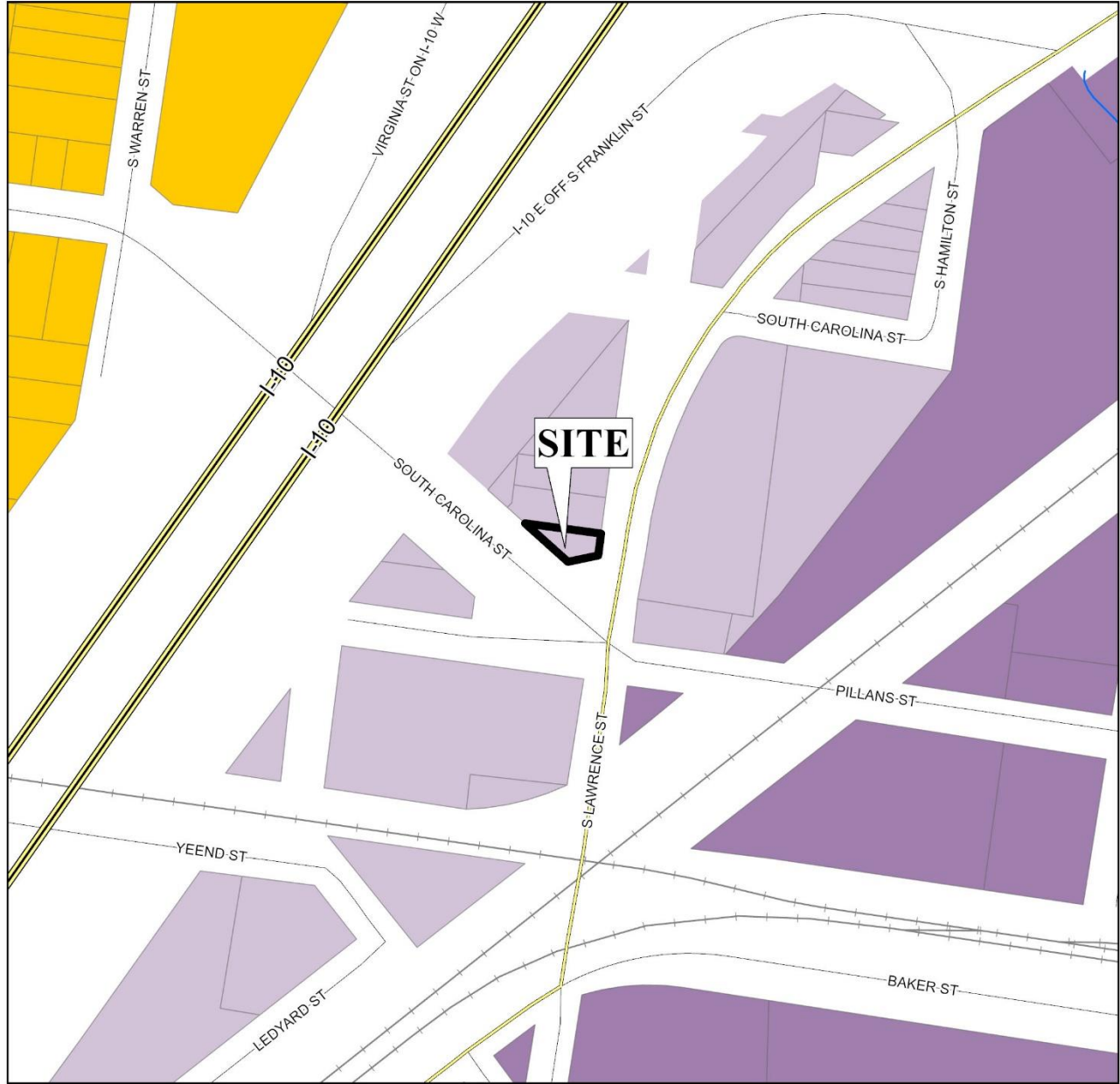
APPLICATION NUMBER 6611 DATE September 9, 2024

APPLICANT PCDA Architecture, Paul Davis

REQUEST Front Yard and Side Street Side Yard Setback Variances



# FLUM LOCATOR MAP



APPLICATION NUMBER 6611 DATE September 9, 2024

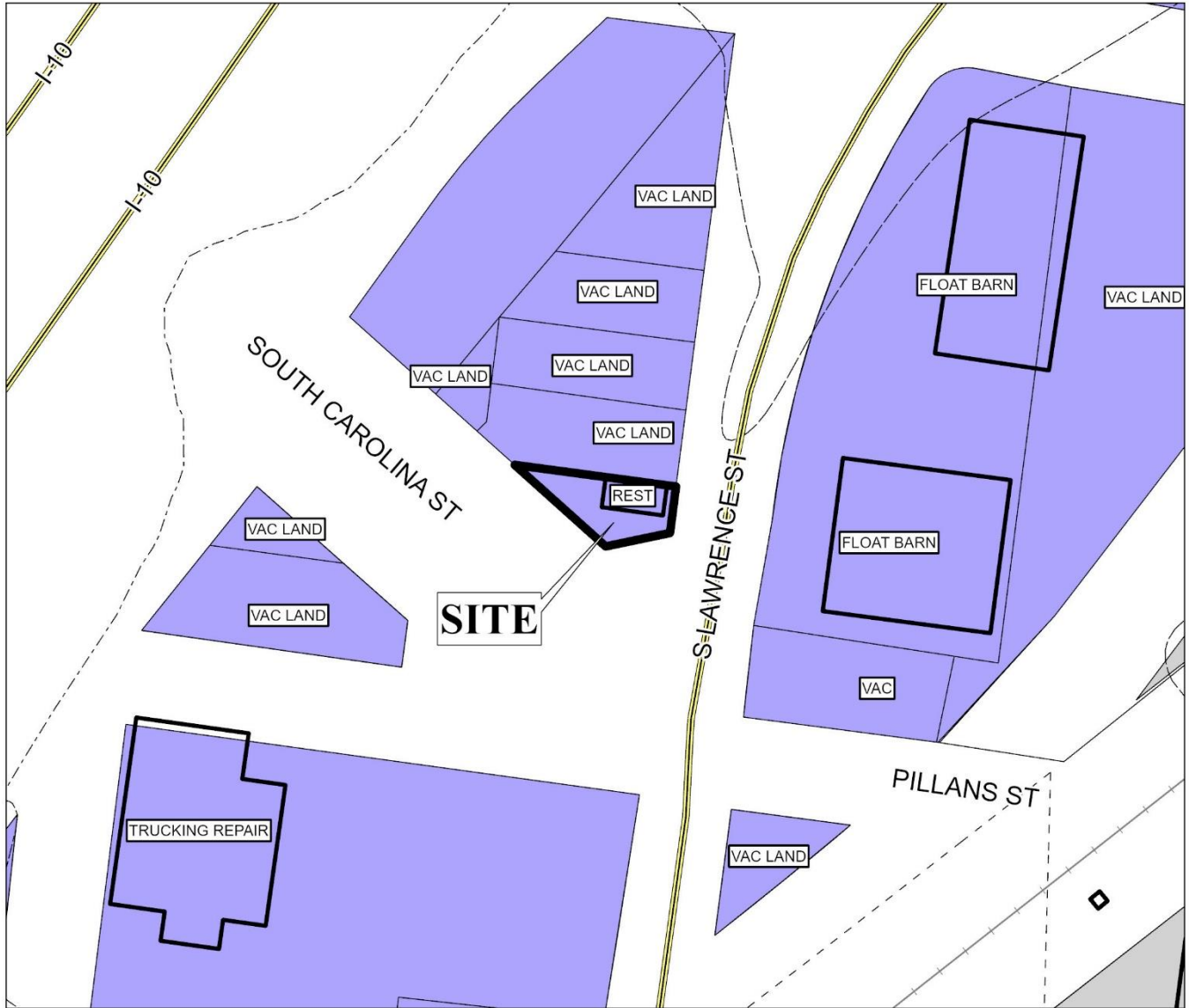
APPLICANT PCDA Architecture, Paul Davis

REQUEST Front Yard and Side Street Side Yard Setback Variances


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



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

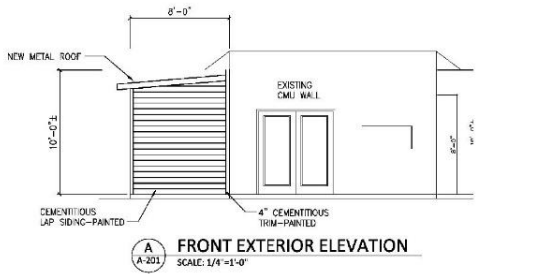


The site is surrounded by industrial units.

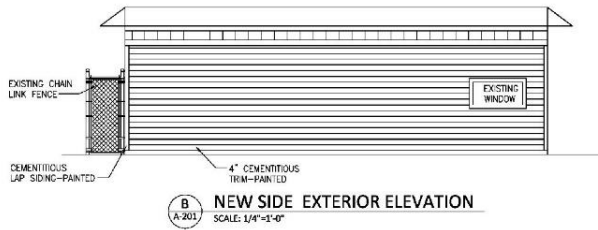
APPLICATION NUMBER <u>6611</u> DATE <u>September 9, 2024</u>		
APPLICANT <u>PCDA Architecture, Paul Davis</u>		
REQUEST <u>Front Yard and Side Street Side Yard Setback Variances</u>		
<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> R-A <span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black; margin-left: 10px;"></span> R-3 <span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black; margin-left: 10px;"></span> B-1 <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-left: 10px;"></span> B-2 <span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black; margin-left: 10px;"></span> B-5 <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-left: 10px;"></span> ML <span style="display: inline-block; width: 15px; height: 10px; background-color: gray; border: 1px solid black; margin-left: 10px;"></span> I-2 <span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black; margin-left: 10px;"></span> OPEN <span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black; margin-left: 10px;"></span> T-3 <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-left: 10px;"></span> T-5.2		
<span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black;"></span> R-1 <span style="display: inline-block; width: 15px; height: 10px; background-color: magenta; border: 1px solid black; margin-left: 10px;"></span> R-B <span style="display: inline-block; width: 15px; height: 10px; background-color: tan; border: 1px solid black; margin-left: 10px;"></span> T-B <span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black; margin-left: 10px;"></span> B-3 <span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-left: 10px;"></span> CW <span style="display: inline-block; width: 15px; height: 10px; background-color: teal; border: 1px solid black; margin-left: 10px;"></span> MH <span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black; margin-left: 10px;"></span> PD <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-left: 10px;"></span> SD <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-left: 10px;"></span> T-4 <span style="display: inline-block; width: 15px; height: 10px; background-color: darkpurple; border: 1px solid black; margin-left: 10px;"></span> T-6		
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> R-2 <span style="display: inline-block; width: 15px; height: 10px; background-color: peachpuff; border: 1px solid black; margin-left: 10px;"></span> H-B <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-left: 10px;"></span> LB-2 <span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black; margin-left: 10px;"></span> B-4 <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black; margin-left: 10px;"></span> MM <span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black; margin-left: 10px;"></span> I-1 <span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black; margin-left: 10px;"></span> MUN <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-left: 10px;"></span> SD-WH <span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black; margin-left: 10px;"></span> T-5.1		



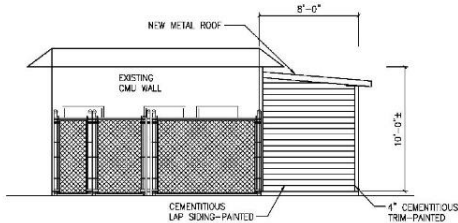
# DETAIL SITE PLAN



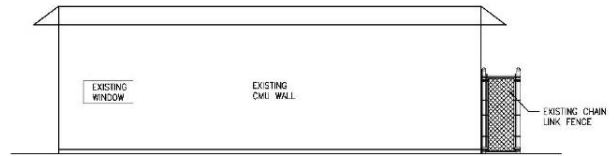
**A** FRONT EXTERIOR ELEVATION  
SCALE: 1/4"=1'-0"



**B** NEW SIDE EXTERIOR ELEVATION  
SCALE: 1/4"=1'-0"



**C** REAR EXTERIOR ELEVATION  
SCALE: 1/4"=1'-0"

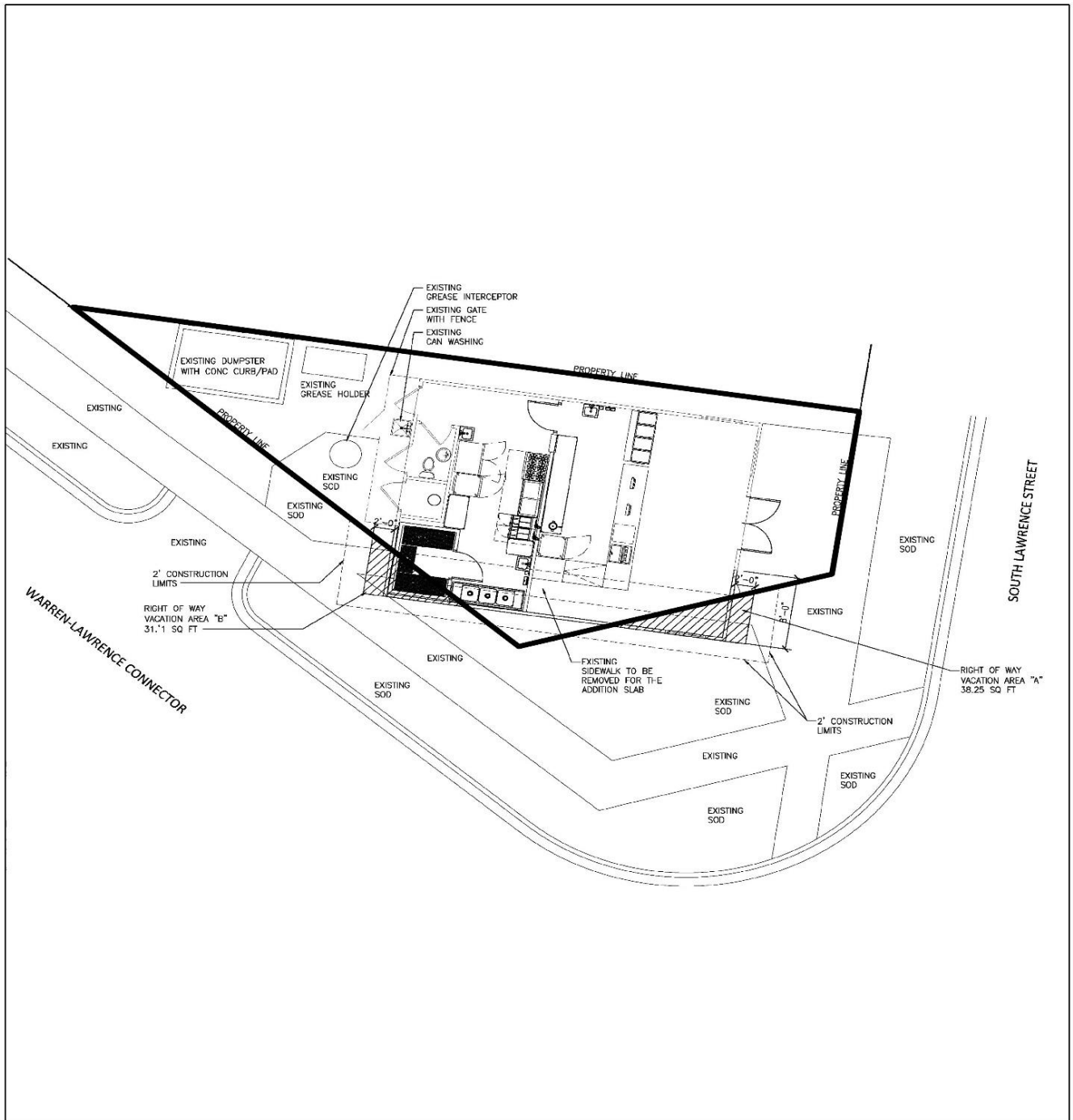


**D** NEW SIDE EXTERIOR ELEVATION  
SCALE: 1/4"=1'-0"

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# SITE PLAN



The site plan illustrates the existing building, dumpster, and construction limits.

APPLICATION NUMBER	6611	DATE	September 9, 2024	
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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														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■	■					□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■			■				○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

**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)

## LIGHT INDUSTRY (LI)

This land use designation applies to an array of modern, low-impact industrial uses that include assembly and processing, warehousing, distribution and wholesaling facilities. The bulk of the light industrial use must be contained within a building or facility. If a light industrial use requires outside storage, the storage must be limited in area and appropriately screened from view in accordance to specific zoning requirements. This designation may also include uses such as complementary offices and retail.

LI also includes areas that may be regarded as "industrial business", where the land uses include business administration and logistics operations for industrial concerns, building trade contractors facilities and advance research facilities, as well as stand-alone educational, scientific and industrial research facilities, or any combination of those facilities located in light industrial and technology parks. Many parcels used for industrial business are smaller and scattered throughout Mobile. For this reason, these parcels are not singled out in the FLUM, but rather are addressed through zoning.

Light industrial uses are characterized by attractive, accessible and connected development, compatible with the character of surrounding neighborhoods. Development may take the form of planned campuses in park-like settings or unified design corridors, with consideration to factors such as site and building orientation, building design, landscaping and buffering, lighting, continuity of pedestrian networks, access and connectivity to transit and to freight transportation.

Heavy commercial and, in some cases, high-density residential land uses may serve as transitions between LI and other, lower-intensity land use designations. Protection buffers may also be required by zoning.