



Agenda Item # 1 - HOLDOVER

BOA-003446-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

6710 Old Shell Road

Applicant / Agent:

American Tower Corporation (Amanda Novas, Agent)

Property Owner:

DAC Properties, Inc.

Current Zoning:

B-2, Neighborhood Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6699/4585/4969

Unified Development Code (UDC) Requirements:

- The Unified Development Code (UDC) does not allow structures taller than 45 feet in a B-2, Neighborhood Business Suburban District.
- The Unified Development Code (UDC) requires telecommunications towers to be setback from the property lines a distance equal to their height in a B-2, Neighborhood Business Suburban District.

Board Consideration:

- Height Variance to amend a previously approved variance to allow a 172.1-foot-tall telecommunications tower in a B-2, Neighborhood Business Suburban District.
- Setback Variance to amend a previously approved variance to allow a reduced setback for a 172.1-foot-tall telecommunications tower in a B-2, Neighborhood Business Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.
Residential units and a church lie to the southeast.

APPLICATION NUMBER 6699 DATE November 3, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height and Setback Variances



HOLDOVER COMMENTS

This application was heldover by the Board of Adjustment at its October 6, 2025 meeting to allow the applicant to have a representative present, as there was none at that meeting.

There has not been any new information submitted relating to the application.

HOLDOVER 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 64-5-10-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 64-5-10-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 the Board approves the request, the following conditions could apply:

- 1) Approval of a Major Modification to the previously approved Planning Approval; and
- 2) Full compliance with all municipal codes and ordinances.

SITE HISTORY

The subject site was annexed into the City in 1956.

With the adoption of the Zoning Ordinance in 1967, the site was assigned an R-1, Single-Family Residential zoning classification.

In September 1993, the Planning Commission considered a request for Rezoning from R-1 to B-2, Neighborhood Business District, but recommended denial of the request. The City Council ultimately approved the Rezoning.

In October 1993, the site was made a legal lot of record with the approval and recording of the three (3)-lot Nolfe Commercial Subdivision.

In October 1994, a Planned Unit Development (PUD) was approved by the Planning Commission to allow retail and storage warehouses on the site.

In August 1996, the Planning Commission approved a Planning Approval to allow a 150-foot steel monopole communications tower on the site.

In October 1996, the Board of Zoning Adjustment approved a Tower height Variance to allow a 150-foot-high steel monopole communications tower on the site.

In October 2000, the Board approved a Use Variance to allow a boat and RV storage facility in a B-2 District for the site.

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 has requested Height and Setback Variances to amend a previously approved variance to allow a 172.1-foot tall telecommunications tower in a B-2, Neighborhood Business Suburban District; the Unified Development Code (UDC) does not allow structures taller than 45 feet in a B-2, Neighborhood Business Suburban District, and requires telecommunications towers to be setback from the property lines a distance equal to their height.

The applicant has submitted permit applications to increase the height of the existing tower from 150 feet to 172.1 feet, when they were advised that the Tower Height Variance approved by the Board in October 1996 must be amended to allow the revisions proposed.

The subject site is developed as a boat and RV storage facility. Adjacent zoning to the East is also B-2, used as a mosque, with vacant R-1, Single-Family Residential Suburban District zoning to the North and West, owned by the University of South Alabama.

The existing tower is 149.1 feet tall, and a proposed modification to accommodate the collocation of an additional carrier antenna will require the height to be extended 23 feet to 172.1 feet in order to support the proposed equipment. The tower is centered 25 feet from the nearest property line (less than a distance equal to the tower height), and the extended height would require an even greater setback. As variance approvals are site plan specific, the proposed modifications will require an amendment to the original approval to allow such.

Article 2, Section 64-2-14.E.4. of the UDC limits structures to a maximum of 45-feet tall in a B-2, Neighborhood Business Suburban District. For typical structures, this is generally adequate; however, telecommunications facilities require a greater height so that they are able to overcome intervening objects, such as trees, other buildings, and topography. Section 64-4-9.G.7.(c) allows Class 4 towers up to a maximum of 180-feet by-right in I-1 and I-2 districts, but allows for towers in other districts to exceed the maximum allowable height of other zoning districts, only if a variance is granted by the Board.

Article 4, Section 64-4-9.G.7.(f)(2) of the UDC requires Class 4 towers to have a setback on all sides, a distance equal to the height of the tower; the applicant is proposing an extension of the existing tower to 172.1 feet, while

maintaining the existing 25-foot setback from the nearest property line of the subject site. Furthermore, Section 64-4-9.G.21.(b)(1) states that setback variances should only be granted for towers where the proposed location makes compliance impossible, and the only alternative is for the tower to be located at another site which poses a greater threat to the public health, safety or welfare or is closer in proximity to a residentially zoned land. It should be noted that the existing tower cannot meet setback requirements at the proposed site.

Article 4, Section 64-4-9.G.9.(a) of the UDC requires Class 4 telecommunications towers to be separated from all buildings and dwelling structures on residentially zoned properties a minimum of 200-feet or 150% of the height of the tower (258.15 feet), whichever is greater. As proposed, with the extension, the tower will not have any buildings or dwellings on residentially zoned properties within that separation buffer.

Finally, it should be noted that as the applicant is proposing to increase the tower height by more than 10%, a Major Modification to a previously approved Planning Approval will be required prior to the issuance of permits.

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 64-5-10-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 64-5-10-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:

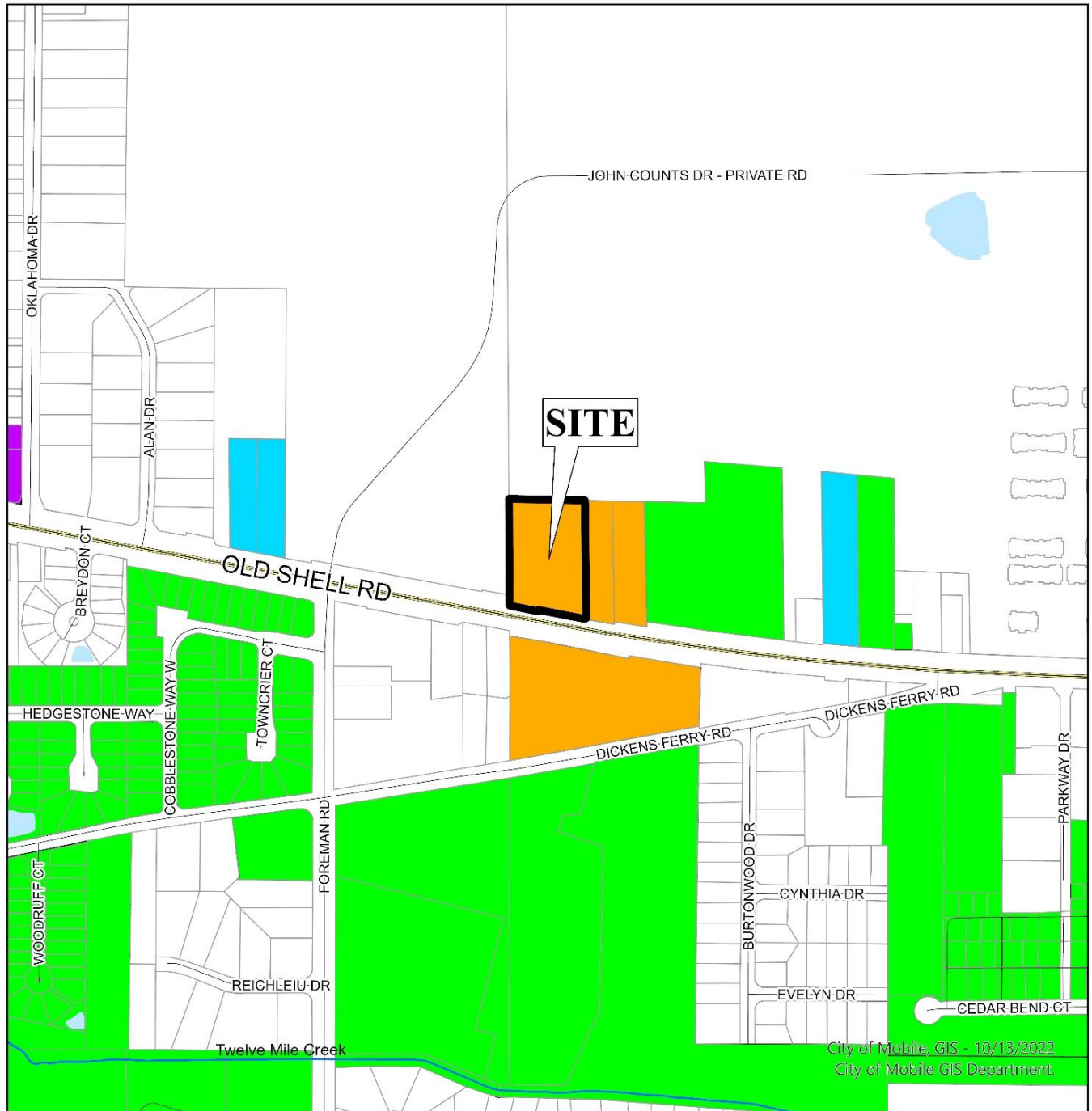
- A) The variance **will not** be contrary to the public interest;
- B) Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and

- 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 the Board approves the request, the following conditions could apply:

- 1) Approval of a Major Modification to the previously approved Planning Approval; and
- 2) Full compliance with all municipal codes and ordinances.

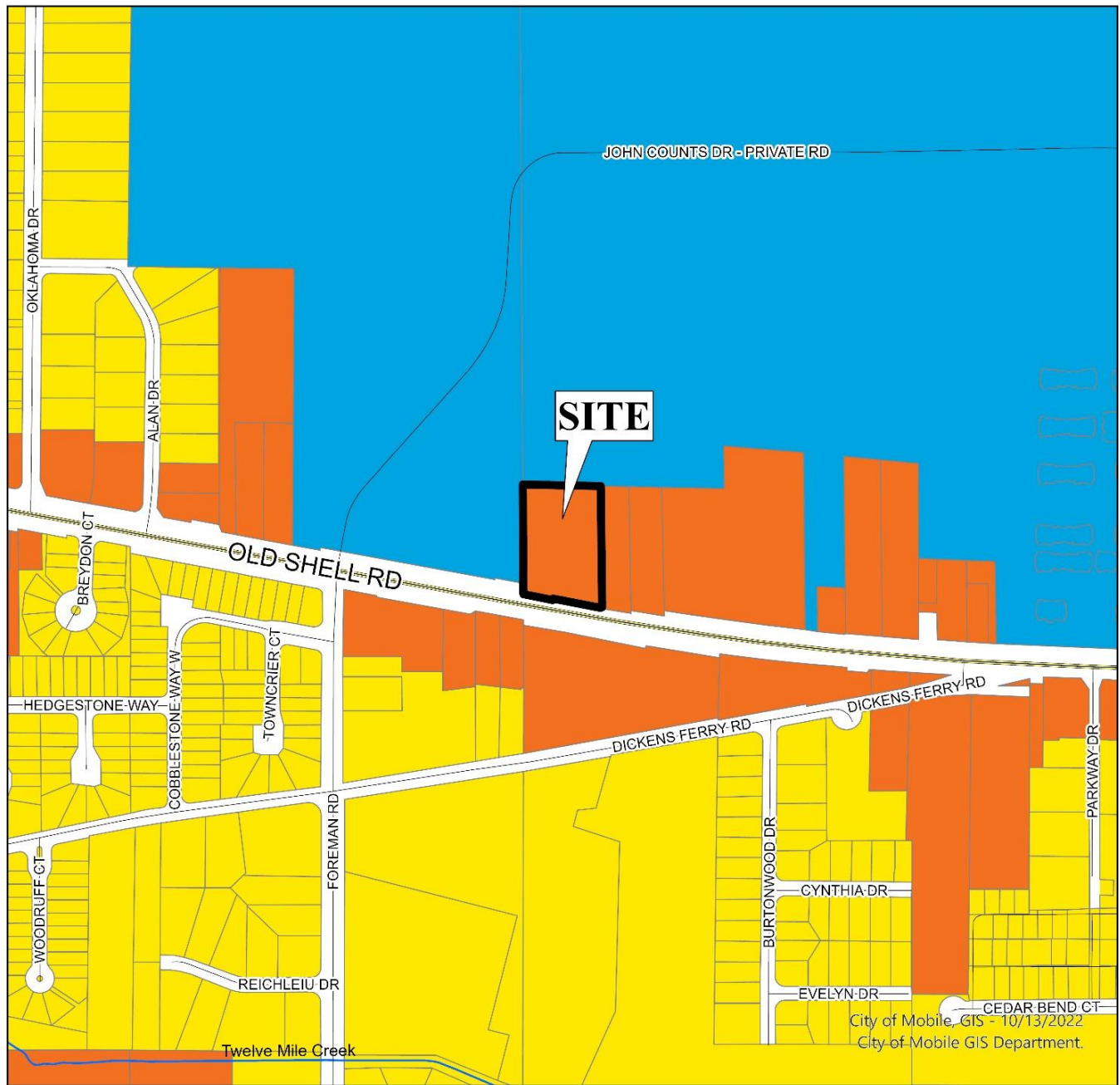
LOCATOR ZONING MAP



APPLICATION NUMBER 6699 DATE November 3, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height and Setback Variances



FLUM LOCATOR MAP



City of Mobile, GIS - 10/13/2022
City of Mobile GIS Department.

APPLICATION NUMBER 6699 DATE November 3, 2025

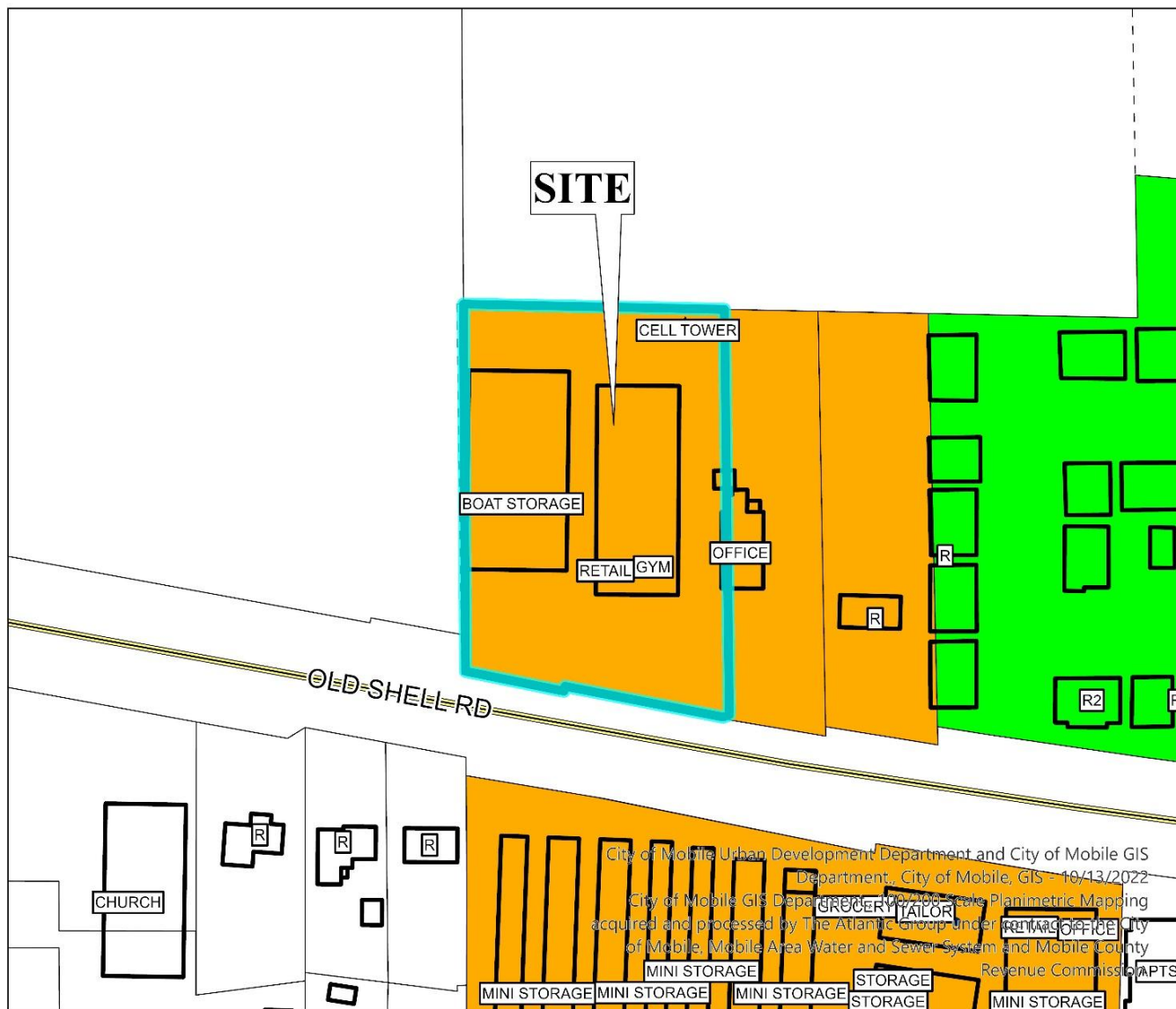
APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST Height and Setback Variances

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.
Residential units and a church lie to the southeast.

APPLICATION NUMBER 6699 DATE November 3, 2025

APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST _____ Height and Setback Variances

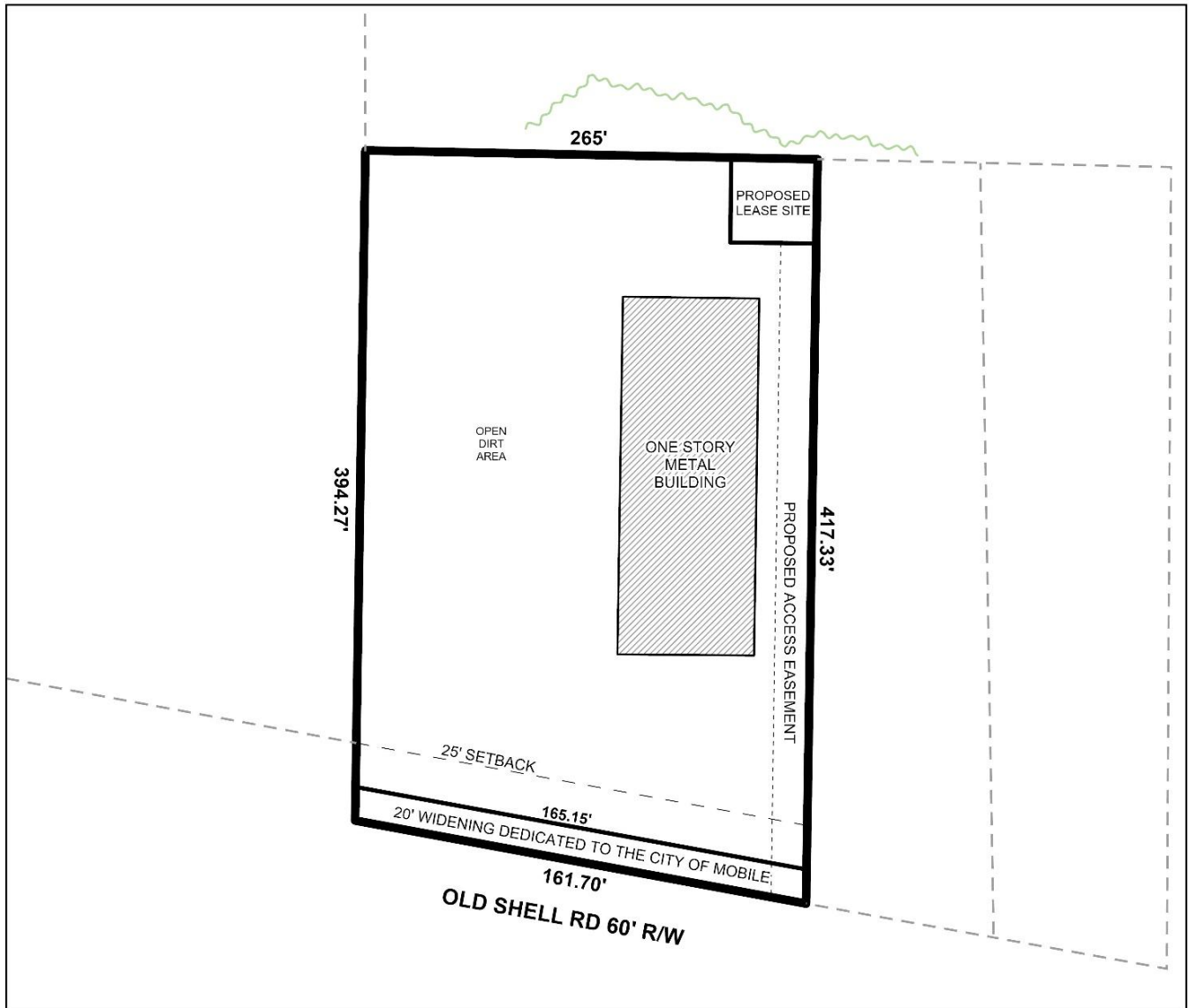
 R-A
  R-3
  B-1
  B-2
  B-5
  ML
  I-2
  OPEN
  T-3
  T-5.2

 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



SITE PLAN

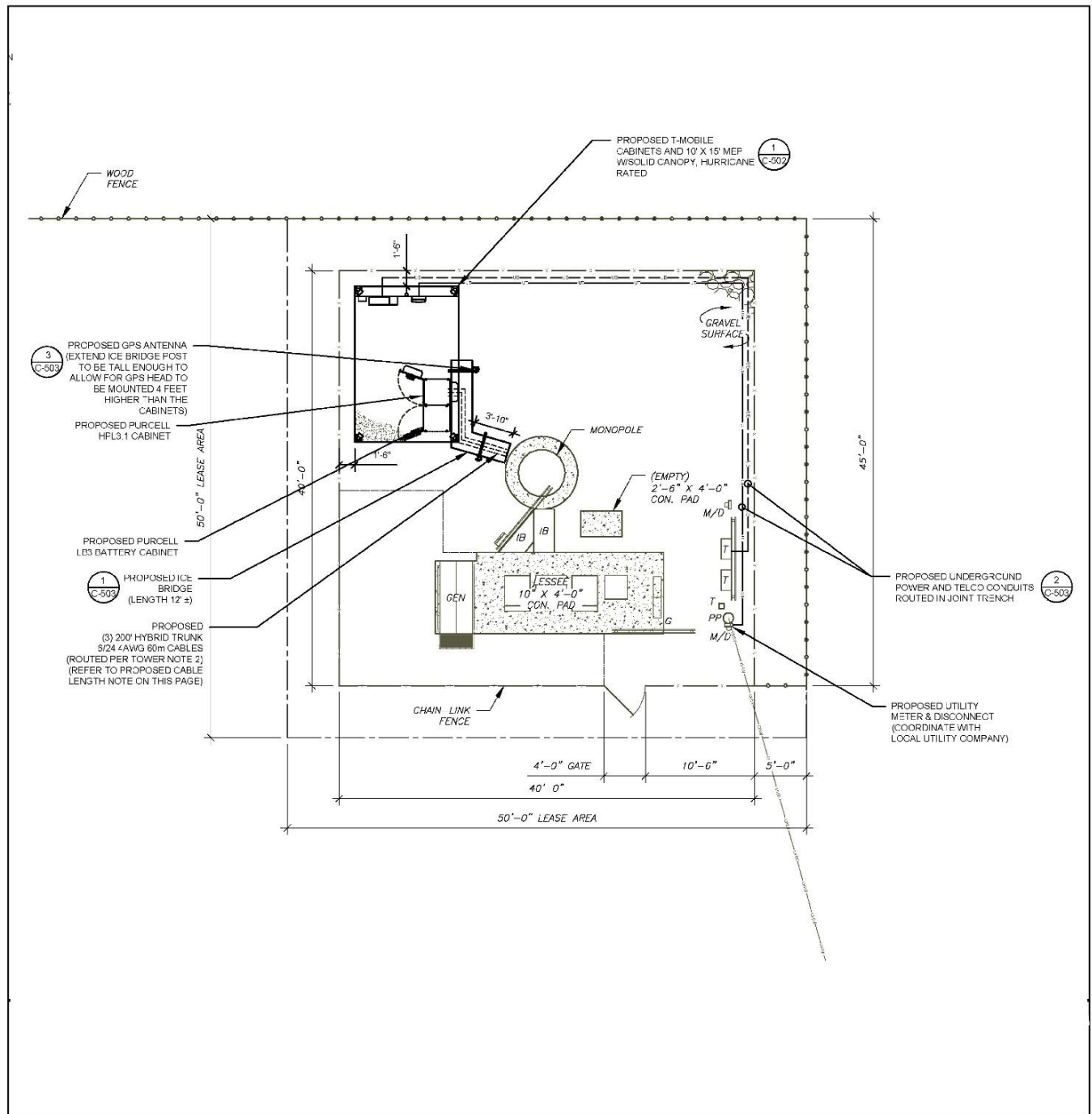


The site plan illustrates the proposed leased site and current buildings.

APPLICATION NUMBER <u>6699</u> DATE <u>November 3, 2025</u>
APPLICANT <u>American Tower Corporation (Amanda Novas, Agent)</u>
REQUEST <u>Height and Setback Variances</u>



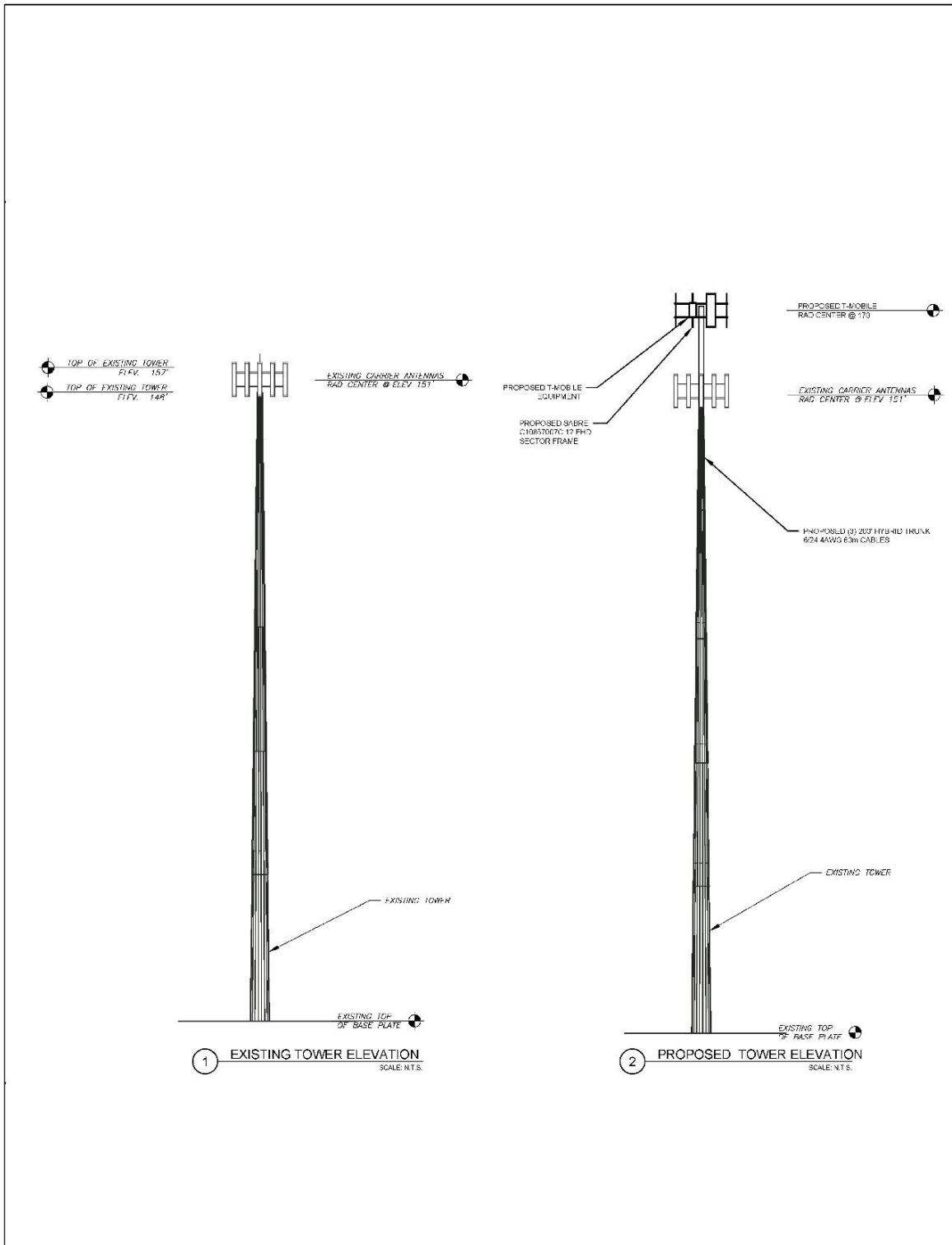
DETAIL SITE PLAN



APPLICATION NUMBER 6699 DATE November 3, 2025
 APPLICANT American Tower Corporation (Amanda Novas, Agent)
 REQUEST Height and Setback Variances



DETAIL SITE PLAN



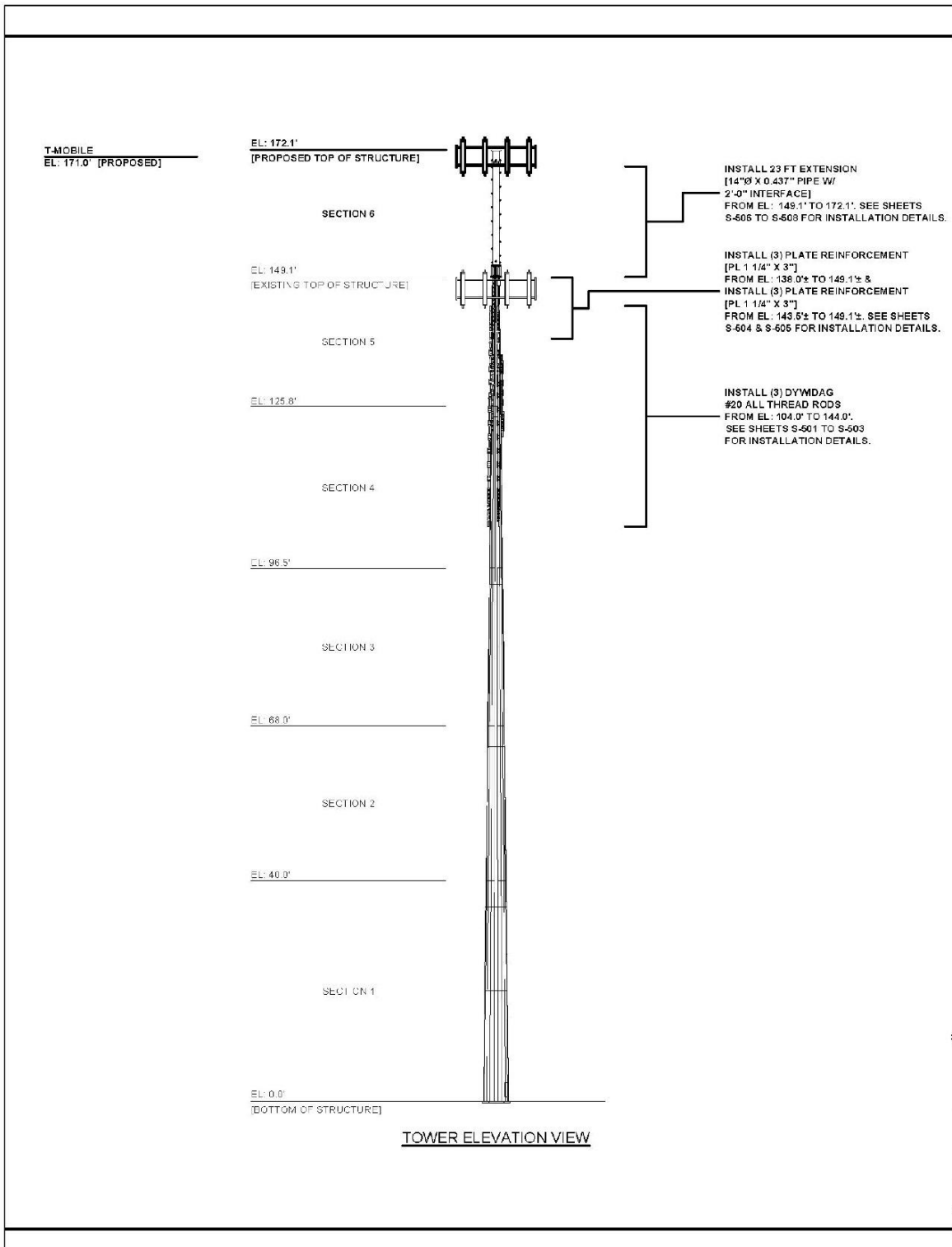
APPLICATION NUMBER 6699 DATE November 3, 2025

APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST Height and Setback Variances



DETAIL SITE PLAN



APPLICATION NUMBER 6699 DATE November 3, 2025

APPLICANT American Tower Corporation (Amanda Novas, Agent)

REQUEST Height and Setback Variances



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Development Intent

- › New development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example





Agenda Item # 2 - EXTENSION

BOA-003127-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1720 Spring Hill Avenue

Applicant / Agent:

Infirmity Health System, Inc. / Victor Sign Company,
LLC

Property Owner:

Infirmity Health System, Inc.

Current Zoning:

B-1, Buffer Business Urban District

Future Land Use:

Institutional

Case Number(s):

6631 / 563 / 375

Unified Development Code (UDC) Requirement:

- The UDC requires multi-tenant sites to have at least 1,201 linear feet of street frontage to qualify for three (3) monument signs in a B-1, Buffer Business Urban District.

Board Consideration:

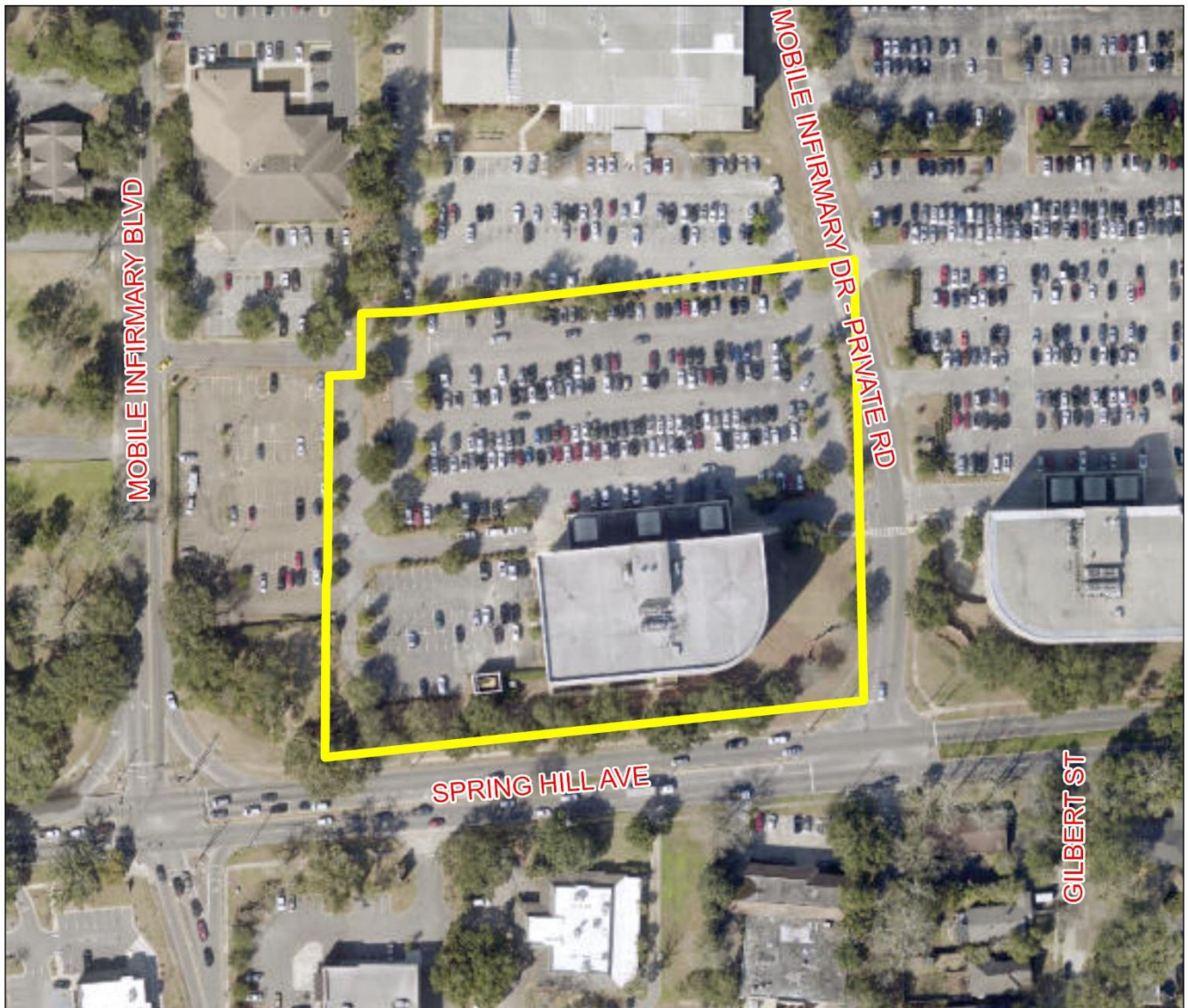
- Sign Variance to allow three (3) monument signs for a multi-tenant site with less than 1,201 linear feet of street frontage in a B-1, Buffer Business Urban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Residential units lie southeast of the site.

APPLICATION NUMBER 6631 DATE November 3, 2025
 APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
 REQUEST Sign Variance



NTS

SITE HISTORY

The site was developed as a medical office complex in the 1950s. In 1955, the Board approved a Rear Yard Setback Variance to allow construction along the rear property line, followed by a 1956 Use Variance permitting a pharmacy. The property received B-1, Buffer Business District zoning with adoption of the 1967 Zoning Ordinance.

In 2011, a Sign Variance for the Mobile Infirmary campus allowed installation of a directional sign with logo on the subject site, although the site was not specifically included in that approval. Most recently, in December 2024, the Board approved a Sign Variance to allow three monument signs for a multi-tenant site with less than 1,201 linear feet of street frontage. Permits for the additional signs were issued in March 2025; however, the signs have not yet been constructed or installed. The permits expired in October 2025, although a request for an extension of the variance approval was filed with the Planning and Zoning Department prior to expiration.

The current B-1, Buffer Business Urban District zoning classification was assigned with adoption of the Unified Development Code (UDC) in March 2023. Although not a legal lot of record, the site has been included in multiple Planned Unit Development and Administrative Planned Unit Development approvals associated with the Mobile Infirmary campus.

STAFF COMMENTS

Engineering Comments:

Signs must be located on private property and not in public Right-of-Way.

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 six-month extension of the most recent Sign Variance approval, which allowed three monument signs for a multi-tenant site with less than 1,201 linear feet of street frontage in a B-1, Buffer Business Urban District.

The applicant indicates that installation of the signs has been delayed due to ongoing efforts by Spire Energy to relocate underground gas lines on the property near the proposed sign locations.

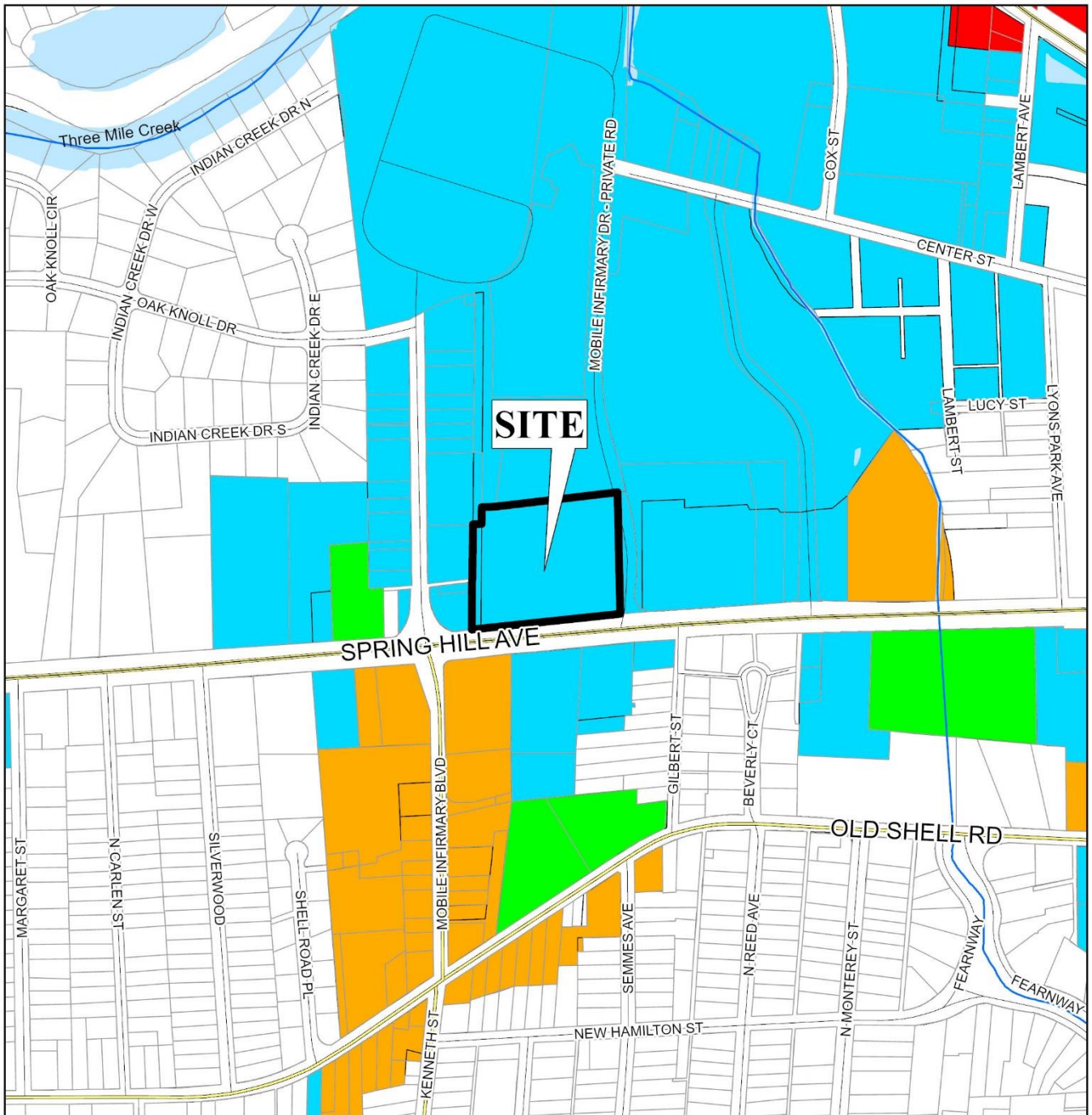
This represents the first extension request for this approval.

VARIANCE EXTENSION CONSIDERATIONS

Standards of Review:

The Board is generally amenable to granting extensions, particularly a first request when the applicant is actively progressing toward site development. Any extension granted must remain consistent with the findings of fact associated with the original approval.

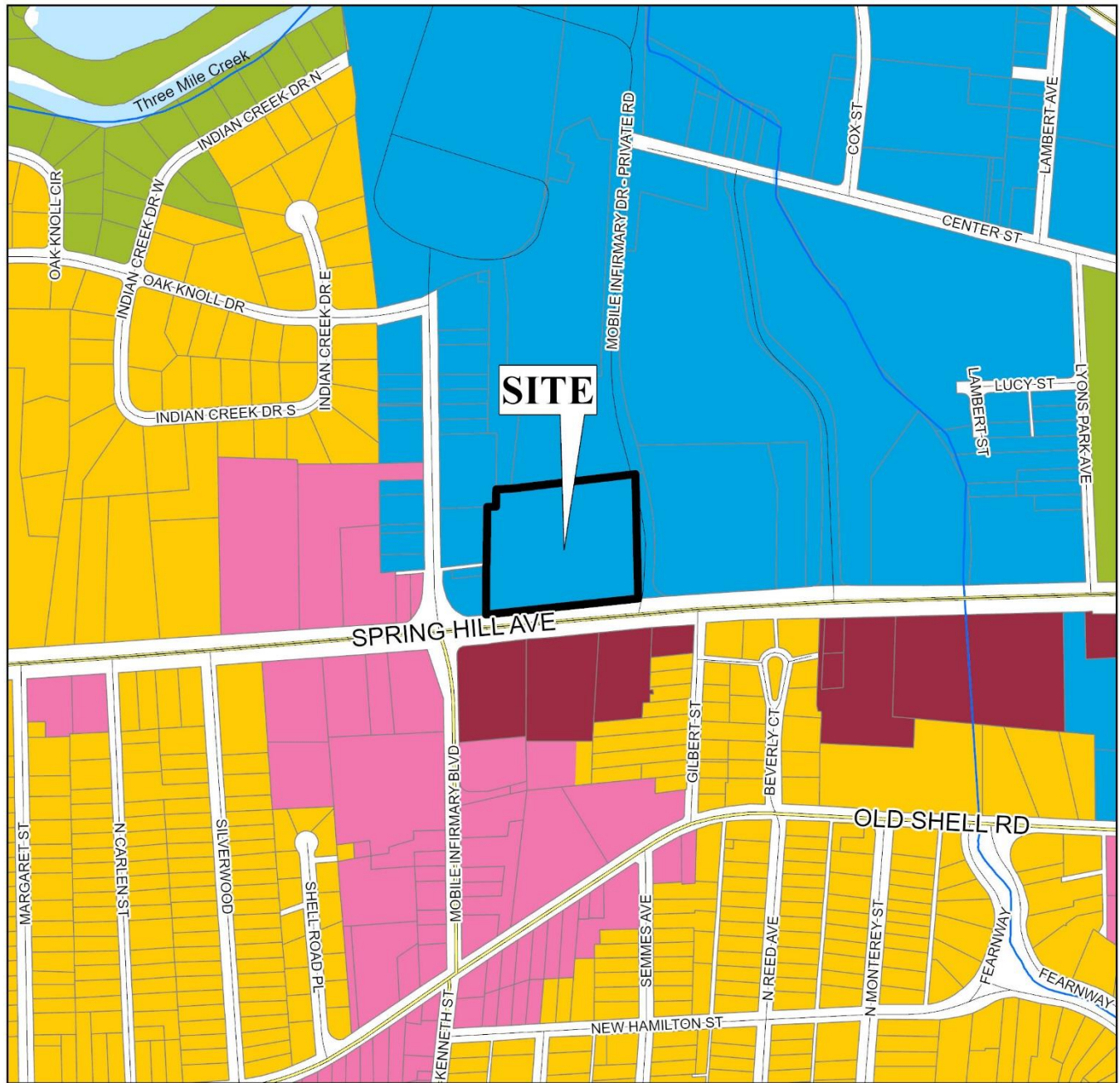
LOCATOR ZONING MAP



APPLICATION NUMBER 6631 DATE November 3, 2025
APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
REQUEST Sign Variance



FLUM LOCATOR MAP



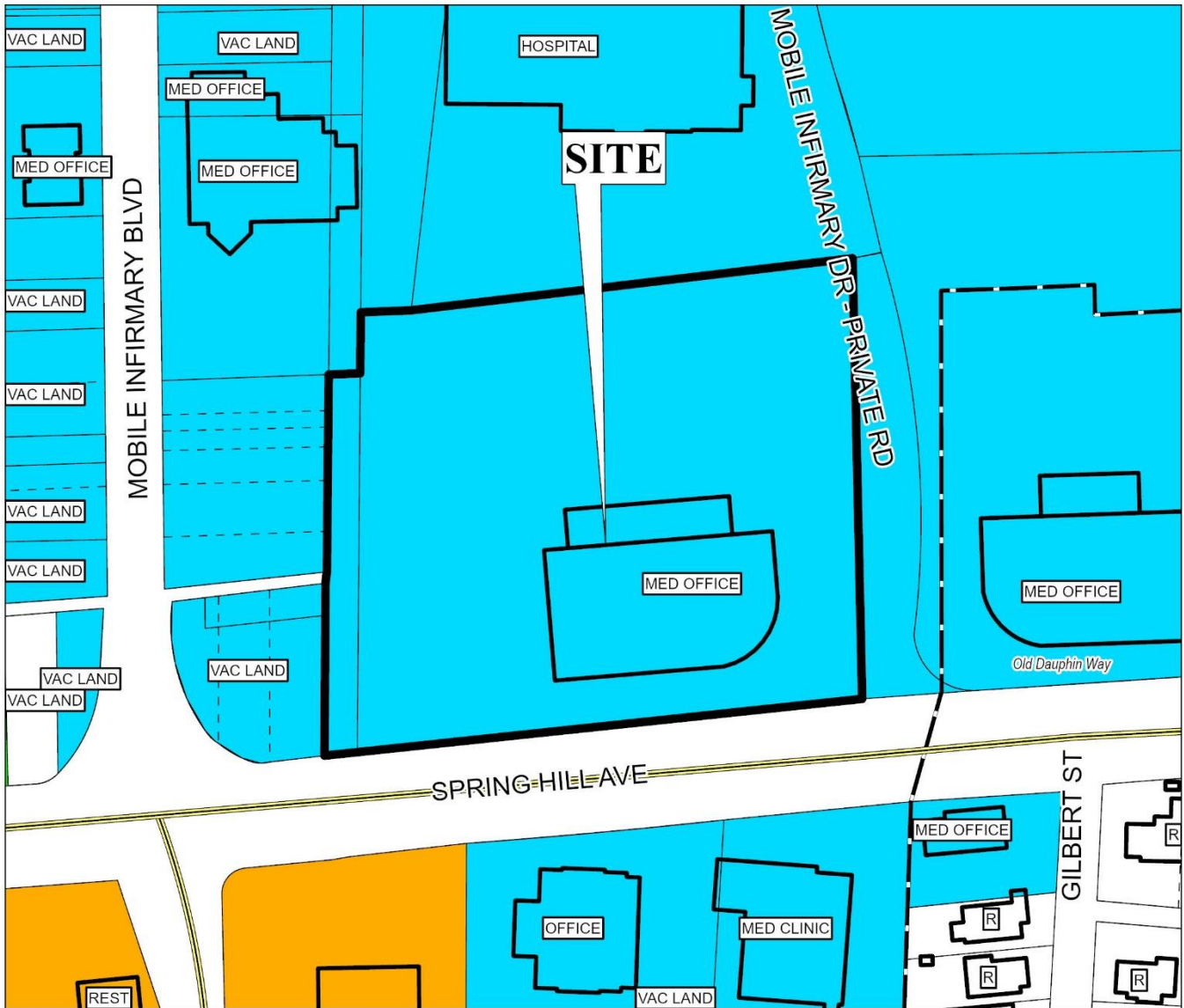
APPLICATION NUMBER 6631 DATE November 3, 2025
 APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
 REQUEST Sign Variance

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



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



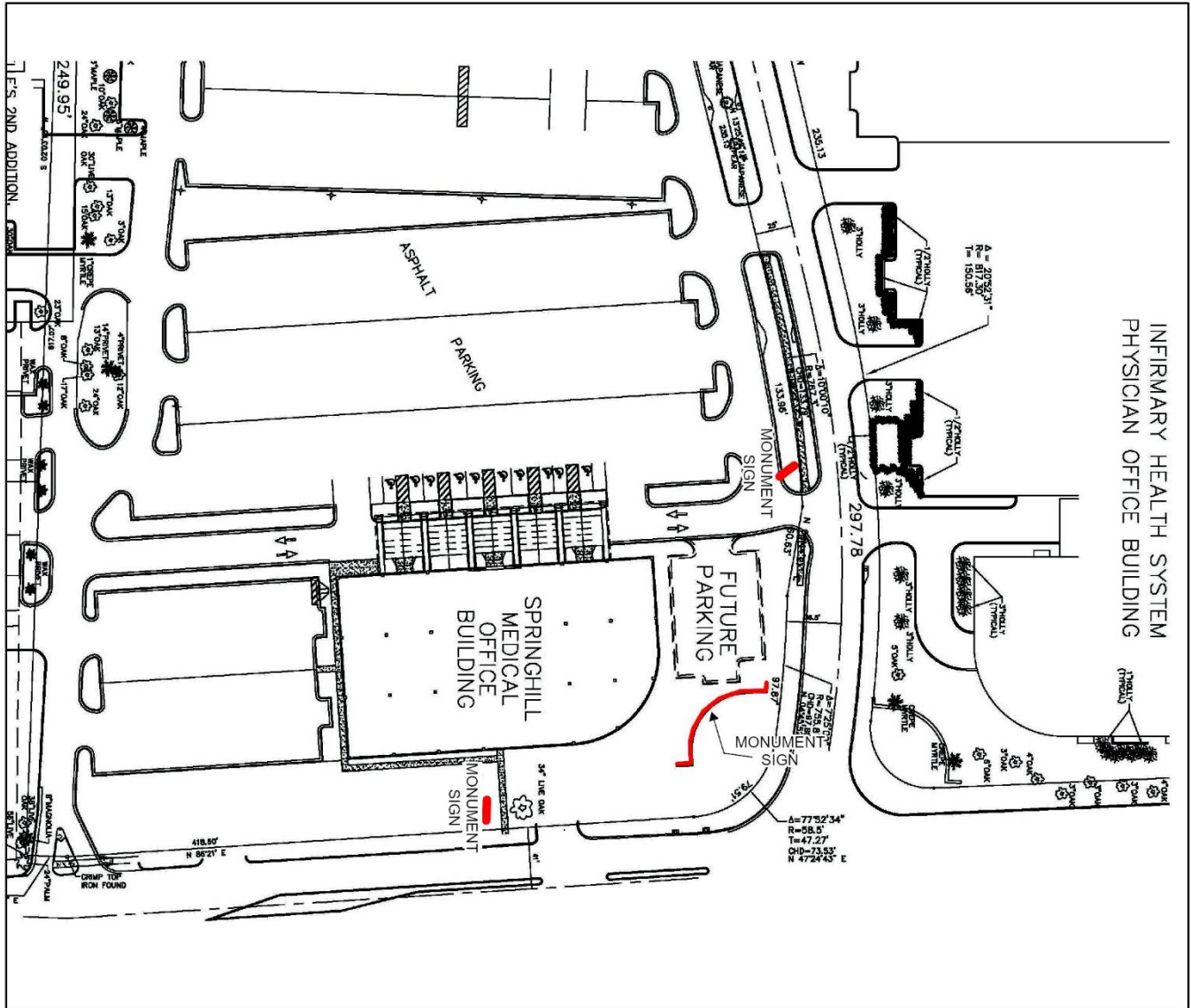
The site is surrounded by commercial units. Residential units lie southeast of the site.

APPLICATION NUMBER 6631 DATE November 3, 2025
 APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
 REQUEST Sign 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 buildings, parking, and proposed monument signs.

APPLICATION NUMBER 6631 DATE November 3, 2025
 APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)
 REQUEST Sign Variance

N

 NTS

DETAIL SITE PLAN

QTY - 2 **INTERNALLY ILLUMINATED CABINETS** **(1) ON SPRINGHILL AVE - DOUBLE SIDED** **(1) ON INFIRMARY DR - SINGLE SIDED**



APPLICATION NUMBER 6631 DATE November 3, 2025

APPLICANT Infirmary Health System, Inc. (Victor Sign Company, LLC, Agent)

REQUEST Sign Variance



NTS

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

INSTITUTIONAL LAND USE (INS)

This designation includes land and buildings occupied by municipal and other governmental agencies for the exercise of their functions, to serve the public or provide a civic use or amenity. These include major libraries, airports, public schools and public safety facilities. Semi-public uses such as schools, colleges and universities, hospitals, and other major institutions that serve the public and/or operate in a public function are included.

Development Features

- ▶ The specific location and design of these complementary uses is subject to zoning. In some cases, depending on ownership, these areas may not be subject to City zoning.
- ▶ Small-scale properties (less than 2 acres) accommodating subsidiary public and semi-public facilities, such as branch libraries, substations, satellite clinics, etc., may not be specifically called out in the FLUM under this land use designation, but may instead be considered part of the array of integrated complementary uses typically found in a residential neighborhood or a mixed-use center or corridor.

Character Example



PARKS AND OPEN SPACE (POS)

This designation applies to land maintained in a natural, semi-natural state, or developed with facilities and set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. This designation includes existing parks, squares, playgrounds, playfields, gardens, greens, cemeteries, greenways and blueways, and other recreational areas and facilities that are accessible to the public. These areas are generally owned by a public entity but may include some privately owned areas that have been designated as open space. This designation is not intended to identify public land acquisition or to prohibit the development potential of individual privately-owned properties.

Character Example





Agenda Item # 3

BOA-003472-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4137 Moffett Road

Applicant / Agent:

Wrico Signs (Jennifer Jackson, Agent)

Property Owner:

Louis & Marsha Naman

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6706/2719/1908/1571

Unified Development Code (UDC) Requirement:

- The UDC limits single tenant sites in a B-3, Community Business Suburban District to no more than one (1) freestanding sign and no more than two (2) wall signs, and requires all signs to be located on the site for which they contain advertising material.

Board Consideration:

- Sign Variance to allow one (1) freestanding on-premise sign, one (1) freestanding off-premise sign and twelve (12) wall signs in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



NTS

SITE HISTORY

The subject site has been before both the Planning Commission and Board of Zoning Adjustment several times since 1962, for Subdivisions, Planning Approvals, Planned Unit Developments, Rezoning, Variances, and a Sidewalk Waiver. The existing lot configuration was approved by the Planning Commission as the Louis T. Naman Subdivision at the August 16, 2001 meeting, and was recorded in Probate Court. The most recent application for the site was an Administrative Planned Unit Development between the existing Lots 3 & 4 of the Louis T. Naman Subdivision to accommodate a storage yard for a tow truck business in 2012.

Most recently, the subject site was before the Planning Commission at its June 20, 2024 meeting for a one-lot Subdivision, with a one-year extension granted on July 17, 2025.

STAFF COMMENTS

Engineering Comments:

Signs must be located on private property and NOT within the public ROW.

Traffic Engineering Comments:

Signs should be located on private property and not within the public right-of-way (ROW). Before any sign is built near an intersection their placement should be checked to verify that they do not impede drivers' line of sight.

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.

Fire hydrants will be required within 500' of all structures.

Planning Comments:

The applicant is requesting a Sign Variance to allow one (1) freestanding on-premise sign, one (1) freestanding off-premise sign and twelve (12) wall signs in a B-3, Community Business Suburban District; the Unified Development Code (UDC) limits single tenant sites in a B-3, Community Business Suburban District to no more than one (1) freestanding sign and no more than two (2) wall signs, and requires all signs to be located on the site for which they contain advertising material.

A detailed description of the request is available via the link on Page 1 of this report.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

Until recently the site was developed with a restaurant, a vacant shopping center, a house, and a church. Demolition and redevelopment of the property with a Wawa convenience store and gas station is proposed, as well as an outparcel with no currently proposed development. It should be noted that the outparcel has not been officially created with a Subdivision application. The Wawa is requesting the following signs:

- One (1) freestanding on-premise sign with digital gasoline pricers;
- One (1) freestanding off-premise sign with digital gasoline pricers and a space for the outparcel business;
- One (1) wall sign underneath the West side of the proposed gasoline pump canopy;
- One (1) wall sign underneath the East side of the proposed gasoline pump canopy;
- Four (4) wall signs on the North wall of the proposed building;
- Three (3) wall signs on the East wall of the proposed building;
- One (1) wall sign on the South wall of the proposed building; and
- Two (2) wall signs on the West wall of the proposed building.

The site plan depicts one (1) curb cut to Moffett Road to the North, and one (1) curb cut to Wolf Ridge Road to the East. The applicant suggests that having two (2) freestanding signs is needed due to having two (2) frontages, the speed and curvature of Moffett Road, and the fact the second freestanding sign is proposed to be shared with the outparcel business.

The Wawa location at the Southeast corner of Cottage Hill Road and Sollie Road was the subject of Planned Unit Development (PUD) approved by the Planning Commission in June 2022, which included a request for a unique sign package. After consideration, the Planning Commission allowed the site to have a total of one (1) wall sign on the building, two (2) signs on the gas canopy, and two (2) freestanding signs, one (1) of which is required to be a multi-tenant sign with the adjacent lot included in the PUD.

Also, the single-tenant Wawa location at the Northwest corner of Schillinger Road South and Old Government Street Road was the subject of Sign Variance approval in April 2024 allowing three (3) wall signs and two (2) freestanding signs.

Furthermore, the single-tenant Wawa location at Cottage Hill Road and Demetropolis Road was granted a variance in February 2025 to allow three (3) wall signs and two (2) freestanding signs.

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:

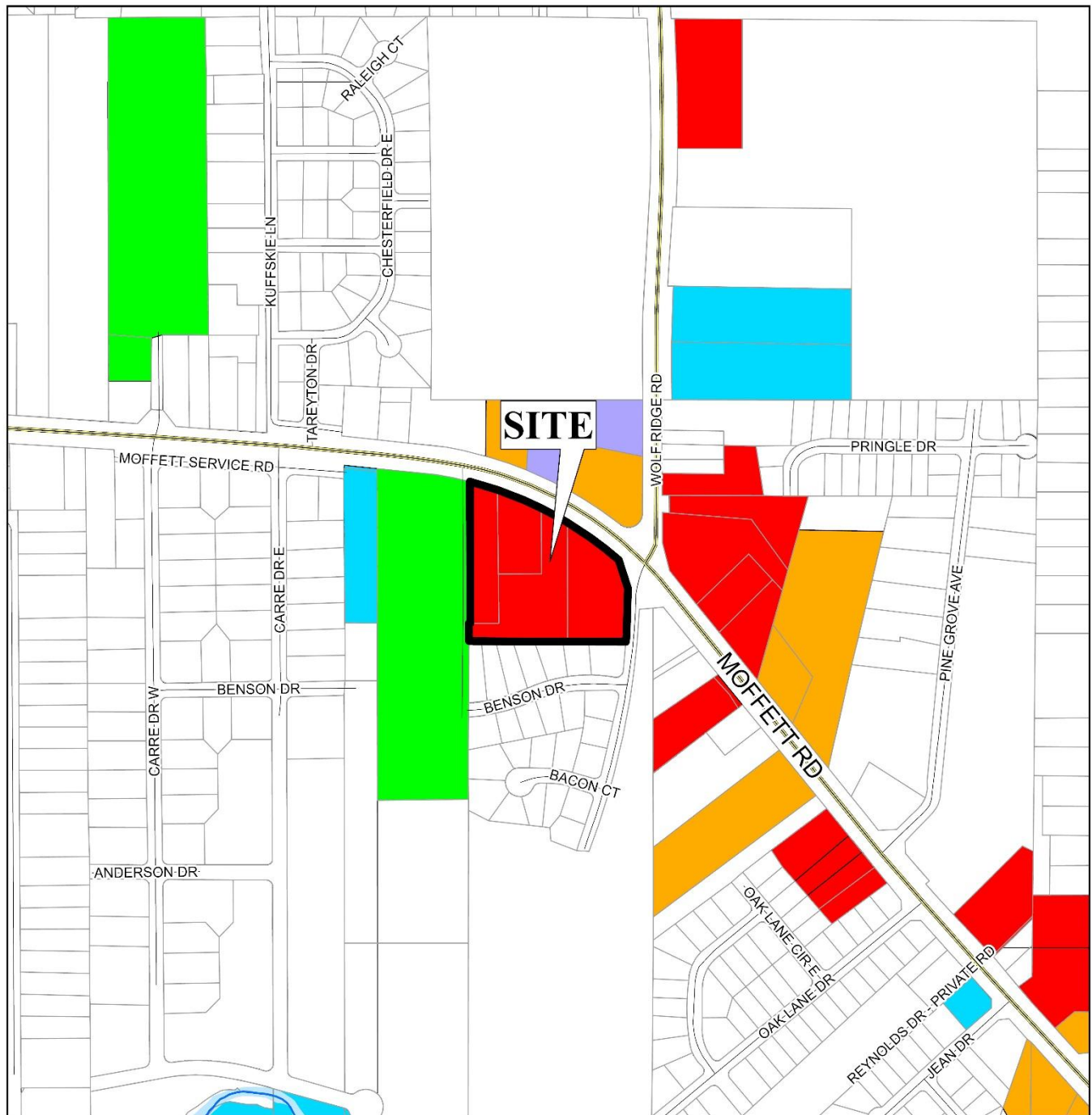
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 following conditions should apply:

- 1) Acquisition of the appropriate permit(s) for each sign, prior to their construction or placement on the property.

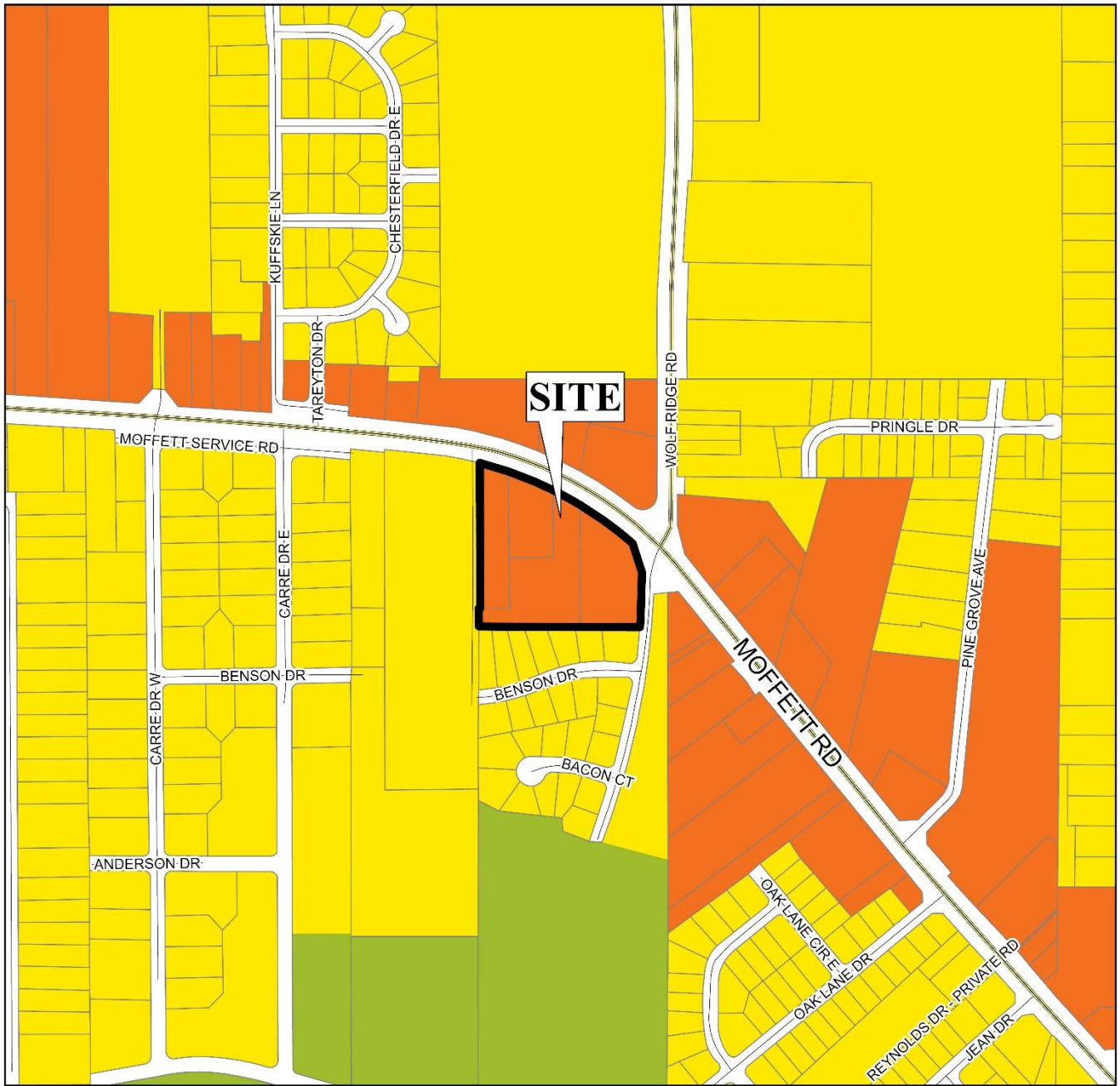
LOCATOR ZONING MAP



APPLICATION NUMBER 6706 DATE November 3, 2025
APPLICANT Wrico Signs (Jennifer Jackson, Agent)
REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6706 DATE November 3, 2025

APPLICANT Wrico Signs (Jennifer Jackson, Agent)

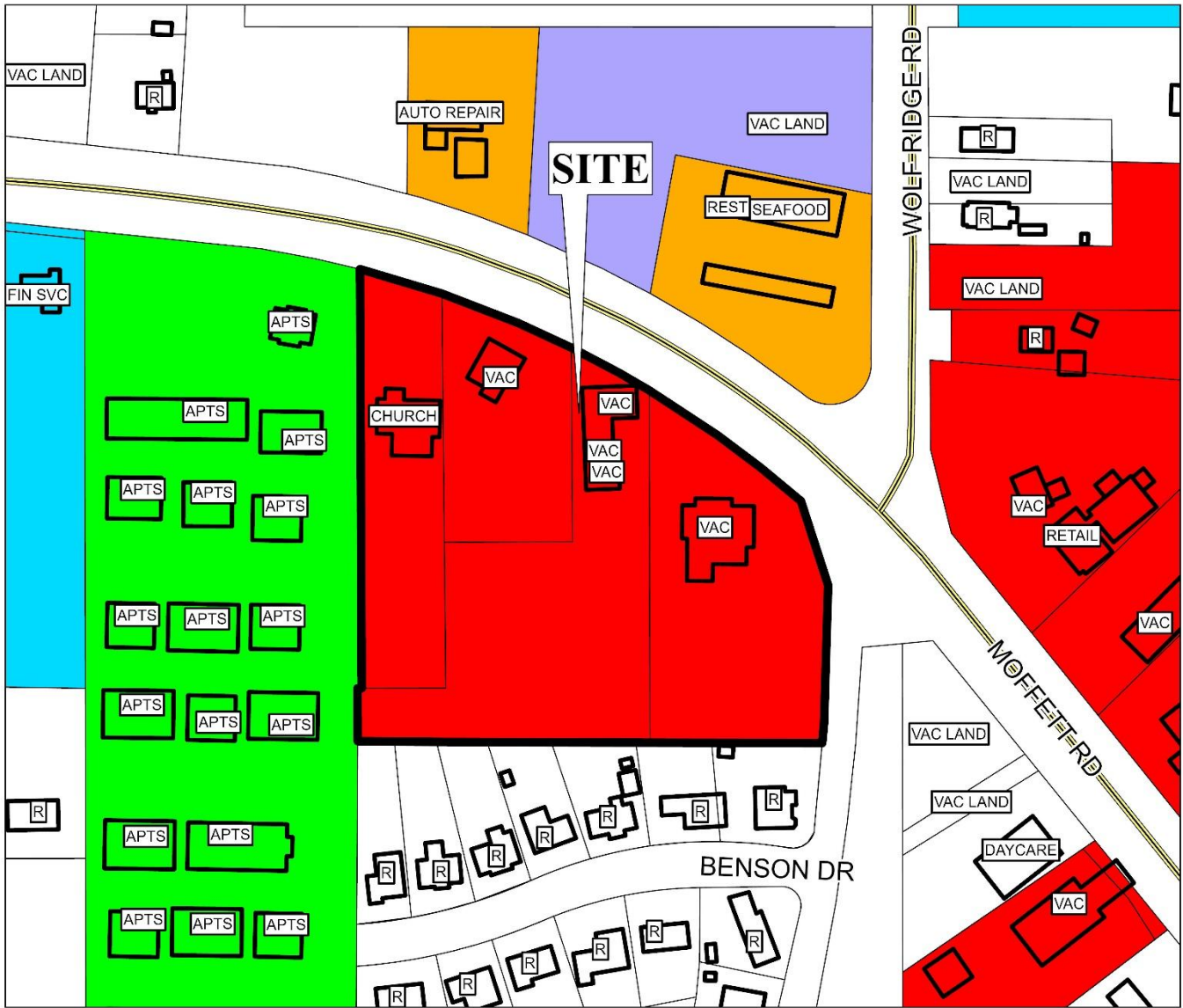
REQUEST Sign Variance

- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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 residential and commercial units.

APPLICATION NUMBER	6706	DATE	November 3, 2025																														
APPLICANT	Wrico Signs (Jennifer Jackson, Agent)																																
REQUEST	Sign Variance																																
<table border="0"> <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

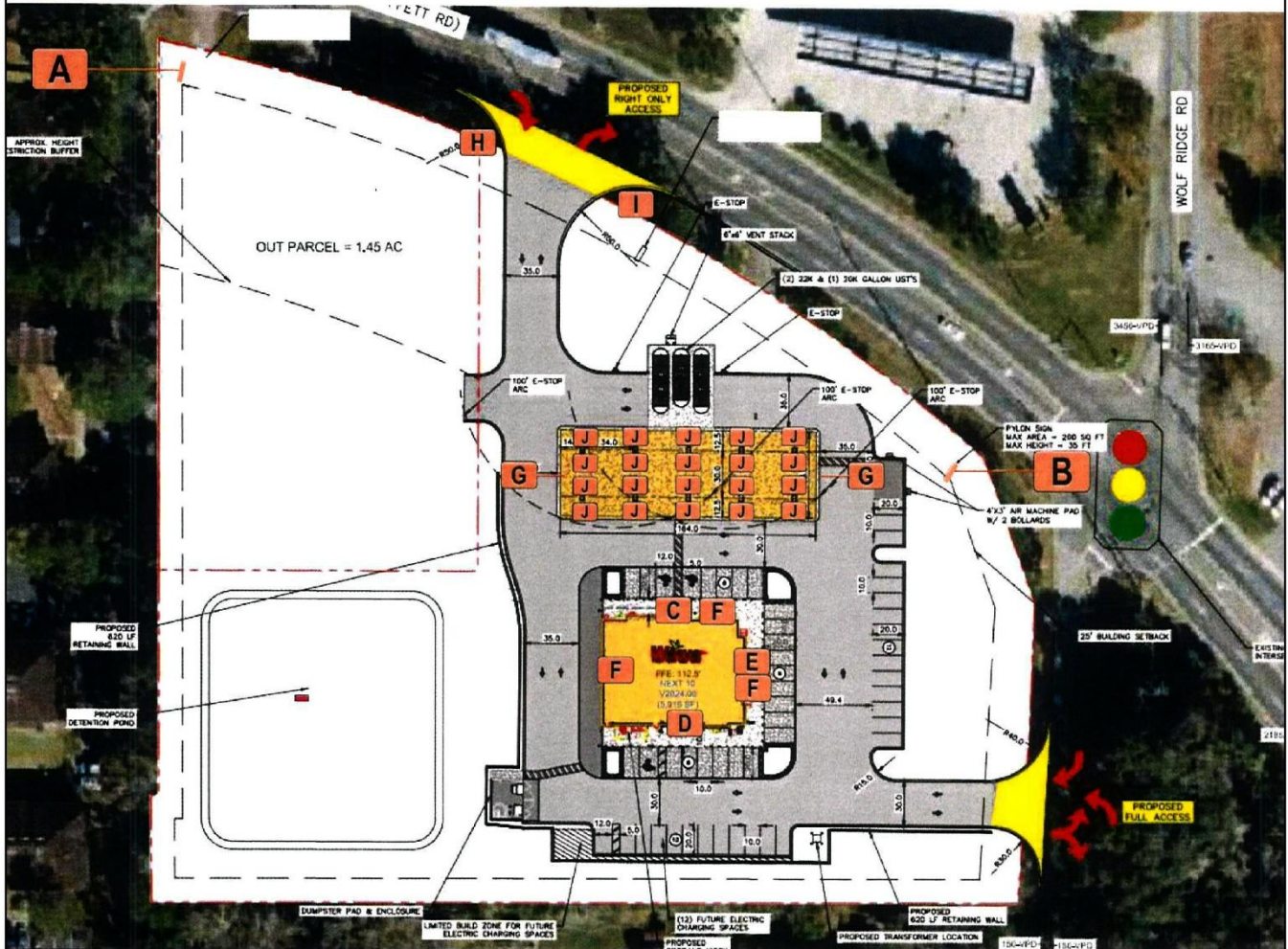


The site plan illustrates the setbacks, landscaping, and current buildings.

APPLICATION NUMBER <u>6706</u> DATE <u>November 3, 2025</u>
APPLICANT <u>Wrico Signs (Jennifer Jackson, Agent)</u>
REQUEST <u>Sign Variance</u>



DETAIL SITE PLAN



APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance




DETAIL SITE PLAN

PROPOSED PYLON ELEVATION

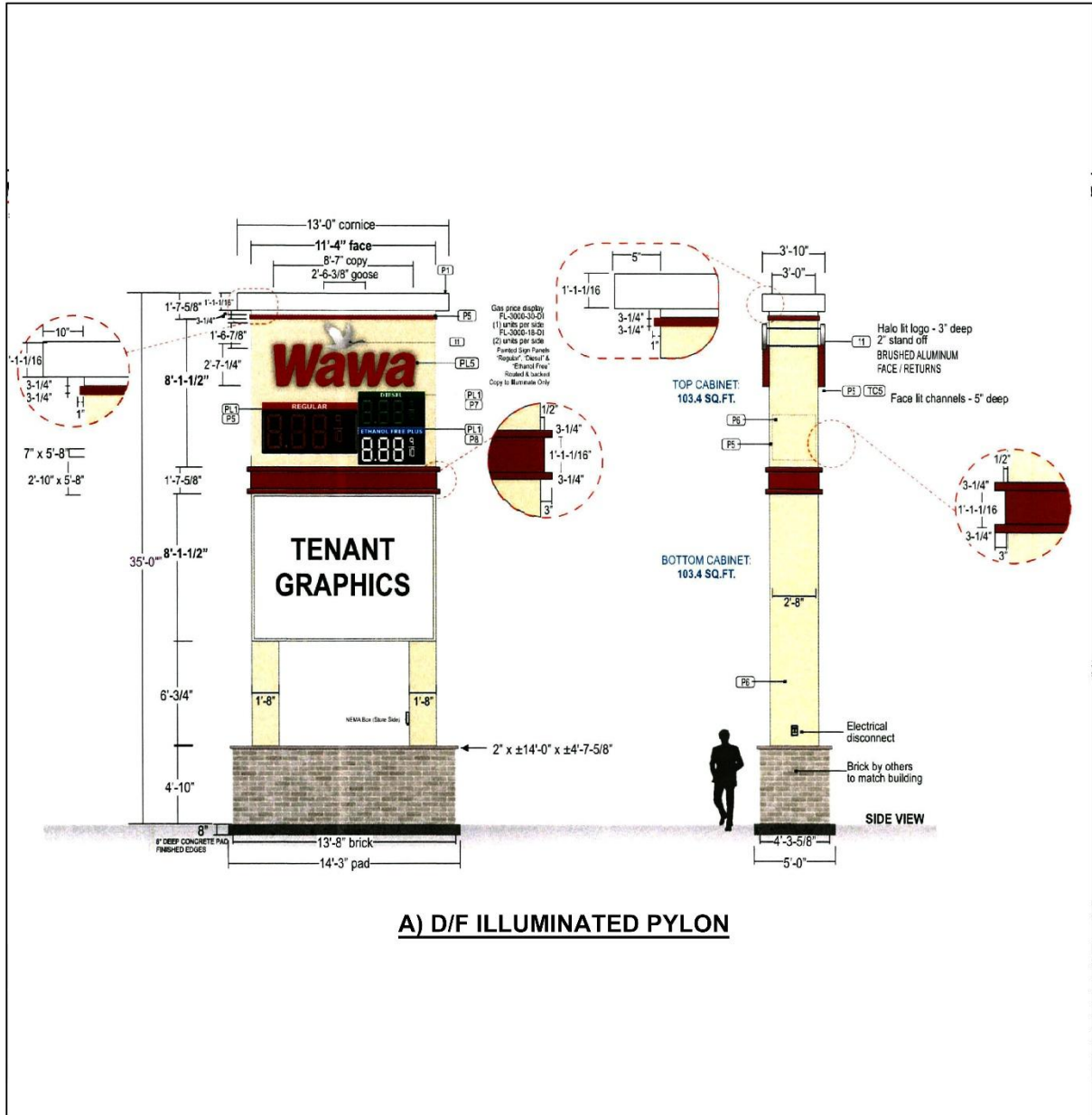


PHOTO LOCATIONS:



APPLICATION NUMBER <u>6706</u> DATE <u>November 3, 2025</u>	 NTS
APPLICANT <u>Wrico Signs (Jennifer Jackson, Agent)</u>	
REQUEST <u>Sign Variance</u>	

DETAIL SITE PLAN

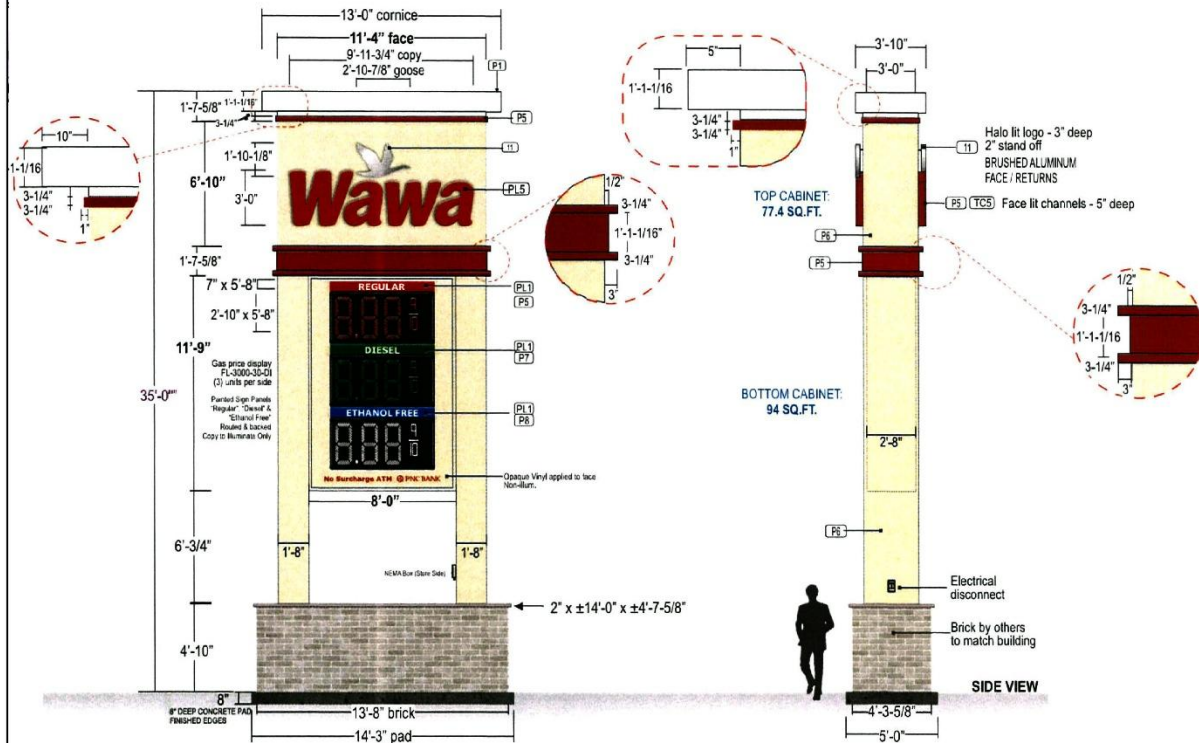


A) D/F ILLUMINATED PYLON

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN



B) D/F ILLUMINATED PYLON

APPLICATION NUMBER 6706 DATE November 3, 2025

APPLICANT Wrico Signs (Jennifer Jackson, Agent)

REQUEST_____Sign Variance



DETAIL SITE PLAN

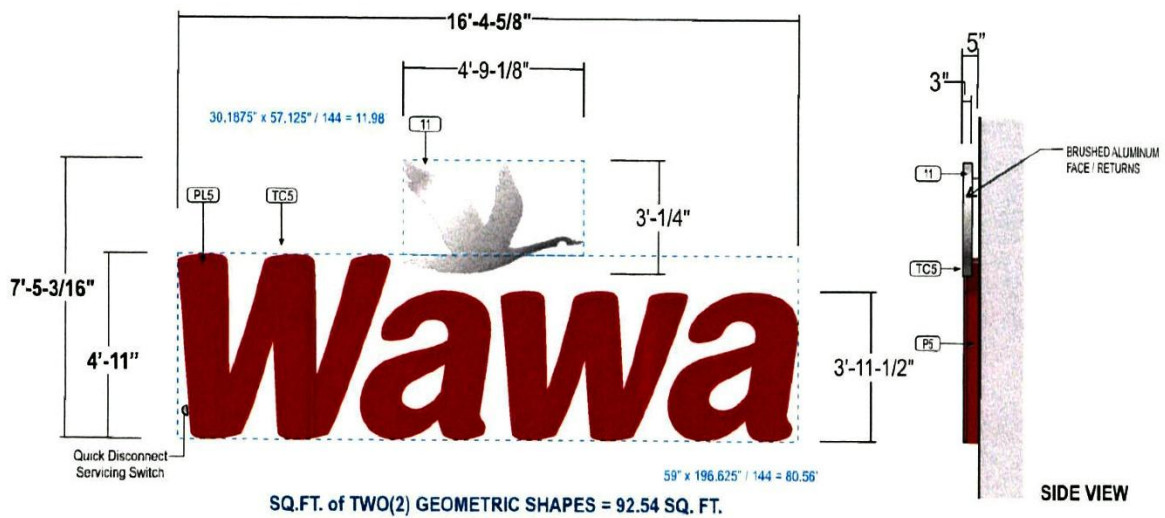


C) STOREFRONT ELEVATION

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN



C) FACE LIT CHANNEL LETTERS W/ ALUM HALO LIT GOOSE LOGO

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN



D) REAR ELEVATION

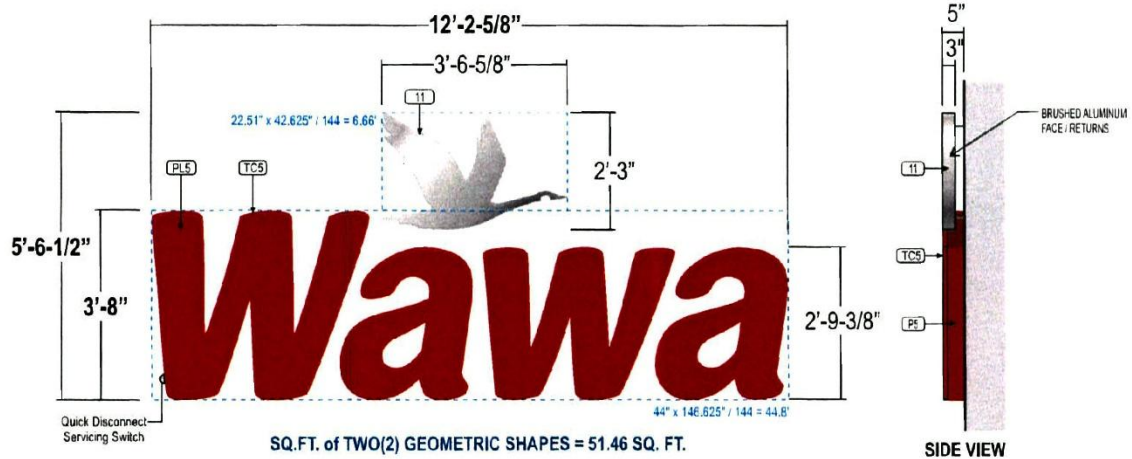
APPLICATION NUMBER 6706 DATE November 3, 2025

APPLICANT Wrico Signs (Jennifer Jackson, Agent)

REQUEST Sign Variance



DETAIL SITE PLAN



D) FACE LIT CHANNEL LETTERS W/ ALUM HALO LIT GOOSE LOGO

APPLICATION NUMBER 6706 DATE November 3, 2025

APPLICANT Wrico Signs (Jennifer Jackson, Agent)

REQUEST Sign Variance



DETAIL SITE PLAN

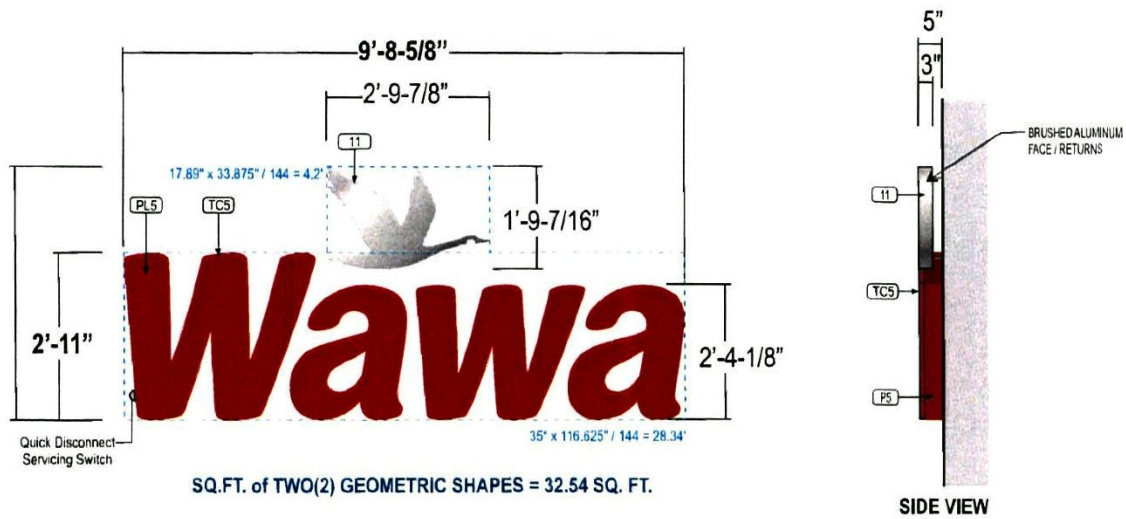


E) SIDE ELEVATION

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN



E) FACE LIT CHANNEL LETTERS W/ ALUM HALO LIT GOOSE LOGO

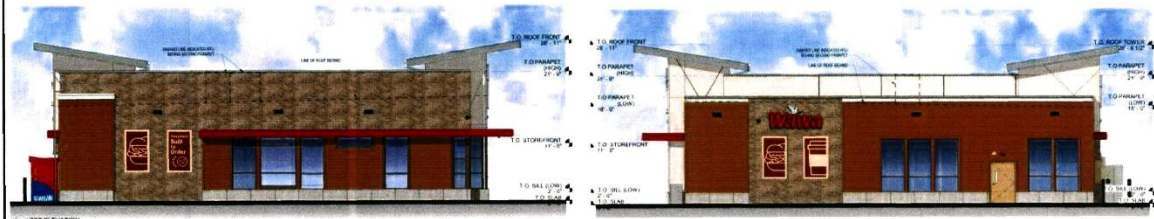
APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN



F) NON-ILLUMINATED ACM ART PANELS

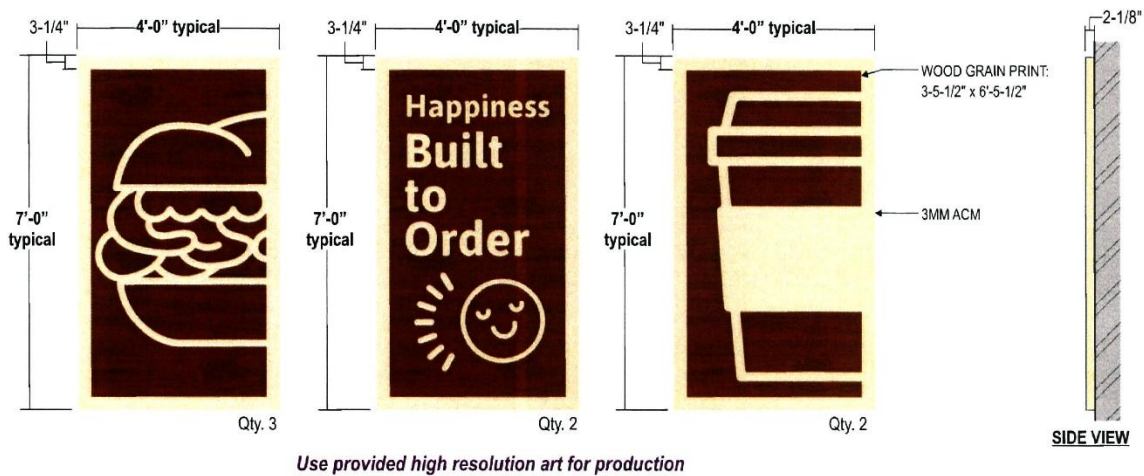


F) NON-ILLUMINATED ACM ART PANELS

APPLICATION NUMBER 6706 DATE November 3, 2025
 APPLICANT Wrico Signs (Jennifer Jackson, Agent)
 REQUEST Sign Variance



DETAIL SITE PLAN

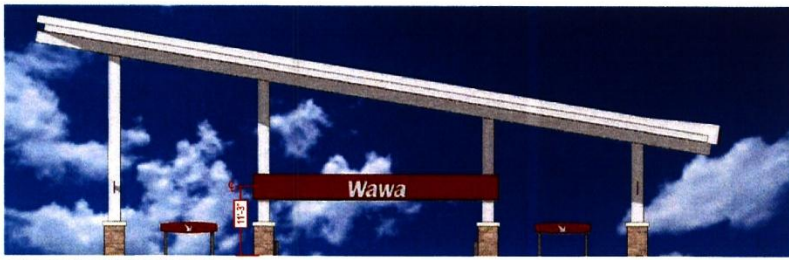
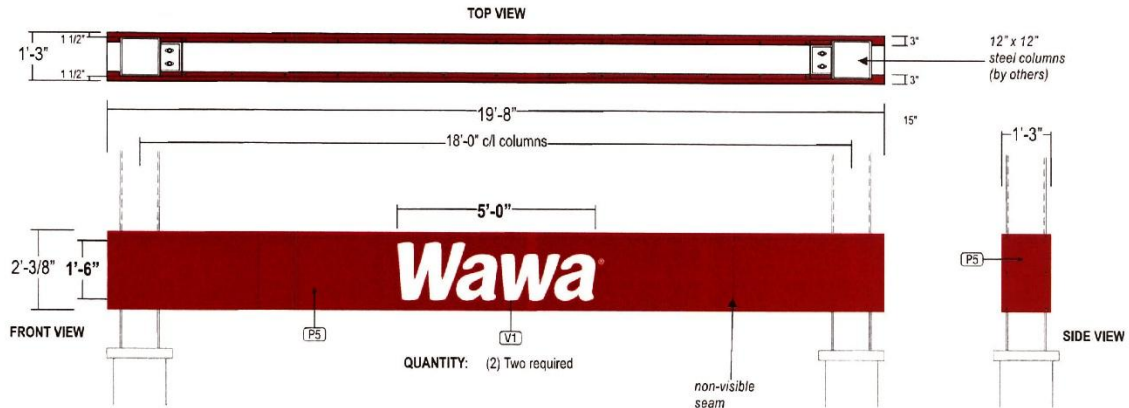


F) NON-ILLUMINATED ACM ART PANELS

APPLICATION NUMBER <u>6706</u>	DATE <u>November 3, 2025</u>
APPLICANT <u>Wrico Signs (Jennifer Jackson, Agent)</u>	
REQUEST <u>Sign Variance</u>	



DETAIL SITE PLAN



CANOPY ELEVATION (STACKED PUMPS)

not to scale

G) CANOPY SIGNAGE

APPLICATION NUMBER 6706 DATE November 3, 2025

APPLICANT Wrico Signs (Jennifer Jackson, Agent)

REQUEST Sign Variance



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Development Intent

- › New development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example





Agenda Item # 4
BOA-003480-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

1615 Dr. Martin Luther King Jr. Avenue

Applicant / Agent:

Mercy Chepengna / Sharon Ingram

Property Owners:

Joyce Barasa

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6707 / 971

Unified Development Code (UDC) Requirement:

- The UDC does not allow convenience stores in an R-1, Single-Family Residential Urban District.

Board Consideration:

- Use Variance to allow a convenience store in an R-1, Single-Family Residential Urban District.

Report Contents:

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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 residential units.

APPLICATION NUMBER	6707	DATE	November 3, 2025
APPLICANT	Mercy Chepengna (Dr. Sharon Ingram, Agent)		
REQUEST	Use Variance		



SITE HISTORY

The site was identified as residential on the 1934 Use District Map, prior to its annexation into the City in 1945. According to the 1953 Sanborn Maps, the property was developed with a single-family dwelling. In April 1959, the Board of Zoning Adjustment denied a variance request to allow construction of a religious facility encroaching into the rear yard setback.

Polk City Directories indicate the site has been used as a convenience store since at least 1985. This is supported by various updates to the property's non-conforming status as a commercial use within a residential zoning district. The most recent update to its non-conforming status occurred in 2013, which also appears to be the last time a Zoning Certificate was issued for the convenience store use. Google Street View imagery suggests the property has been vacant since at least May 2016, which—if accurate—would indicate a loss of non-conforming status under the provisions of Article 6 of the Unified Development Code (UDC).

There are no Planning Commission or additional Board of Zoning Adjustment records associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

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 requests a Use Variance to allow a convenience store in an R-1, Single-Family Residential Urban District. The Unified Development Code (UDC) does not permit convenience stores within the R-1 District.

The applicant indicates that the convenience store would provide goods and services to the surrounding community as justification for the request. The application and supporting materials are available via the link on Page 1 of this report.

The submitted site plan depicts the existing building and six off-street parking spaces. The building is approximately 1,500 square feet in area, which requires five parking spaces, including one van-accessible space. If approved, the site plan should be revised to demonstrate compliance with the accessibility standards of the International Building Code.

Street-view imagery shows wheel stops at each parking space, although these are not reflected on the submitted site plan. If approved, the plan should be revised to illustrate all existing wheel stops, or to identify any curbing that prevents vehicle overhang beyond the parking area.

No dumpster or waste management information is provided on the site plan. If a dumpster is proposed, it should be shown on a revised site plan with a note indicating compliance with the enclosure and placement requirements of Article 3, Section 64-3-13.A of the UDC. If curbside service is to be utilized, that should also be noted on the plan, if approved.

While the property previously operated as a convenience store, its vacancy since at least 2016 indicates that any prior non-conforming commercial use has expired under Article 6, Section 64-6-1.C of the UDC, which provides that a non-conforming use discontinued for more than two years may not be reestablished. Additionally, no hardship has been demonstrated that would prevent the property from being used in compliance with the R-1 zoning classification.

However, the site's long history as a convenience store, with no apparent negative impact on the surrounding neighborhood, may support consideration of the request.

The site is surrounded by residentially used properties zoned R-1, Single-Family Residential Urban District, with a cemetery located across the street, also zoned R-1. While no additional site improvements are proposed at this time, the Board could consider requiring installation of a six-foot-tall privacy fence along property lines adjoining residential uses to partially satisfy the residential protection buffer requirements of the UDC. Full compliance with the current 10-foot-wide buffer standard may not be feasible due to the building's proximity to the rear property line.

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:

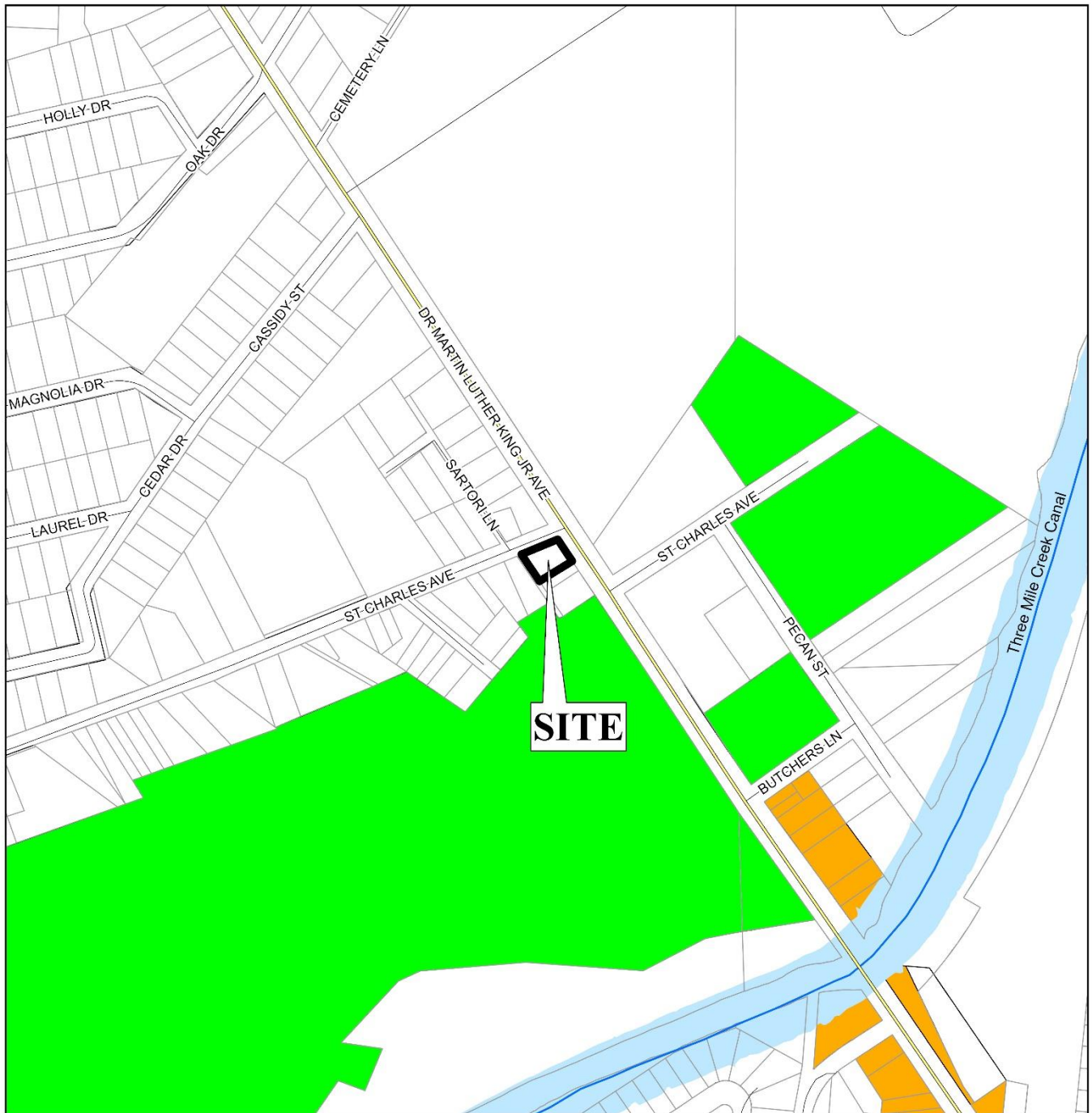
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) 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 following conditions could apply:

- 1) Revision of the site plan to demonstrate compliance with the accessibility standards of the International Building Code;
- 2) Revision of the site plan to illustrate all existing wheel stops, or to identify any curbing that prevents vehicle overhang beyond the parking area;
- 3) Revision of the site plan to depict a dumpster with a note stating it will comply with the enclosure and placement standards of Article 3, Section 64-3-13.A of the UDC, or provision of a note on the revised site plan stating curbside waste services will be utilized;
- 4) Revision of the site plan to illustrate a six (6)-foot-tall privacy fence where the property adjoins residentially used property; and
- 5) Full compliance with all other codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6707 DATE November 3, 2025

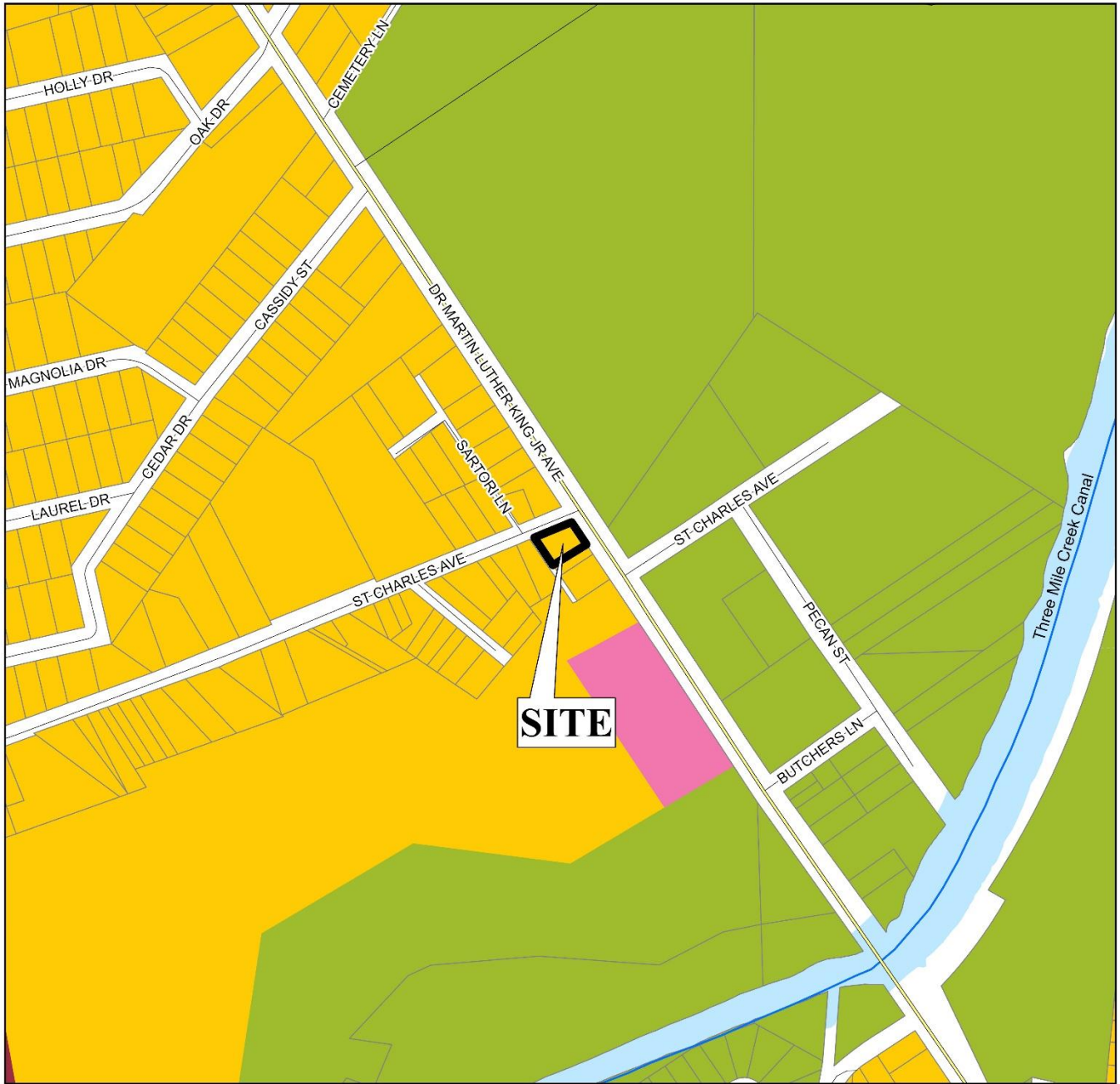
APPLICANT Mercy Chepengna (Dr. Sharon Ingram, Agent)

REQUEST Use Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6707 DATE November 3, 2025

APPLICANT Mercy Chepengna (Dr. Sharon Ingram, Agent)

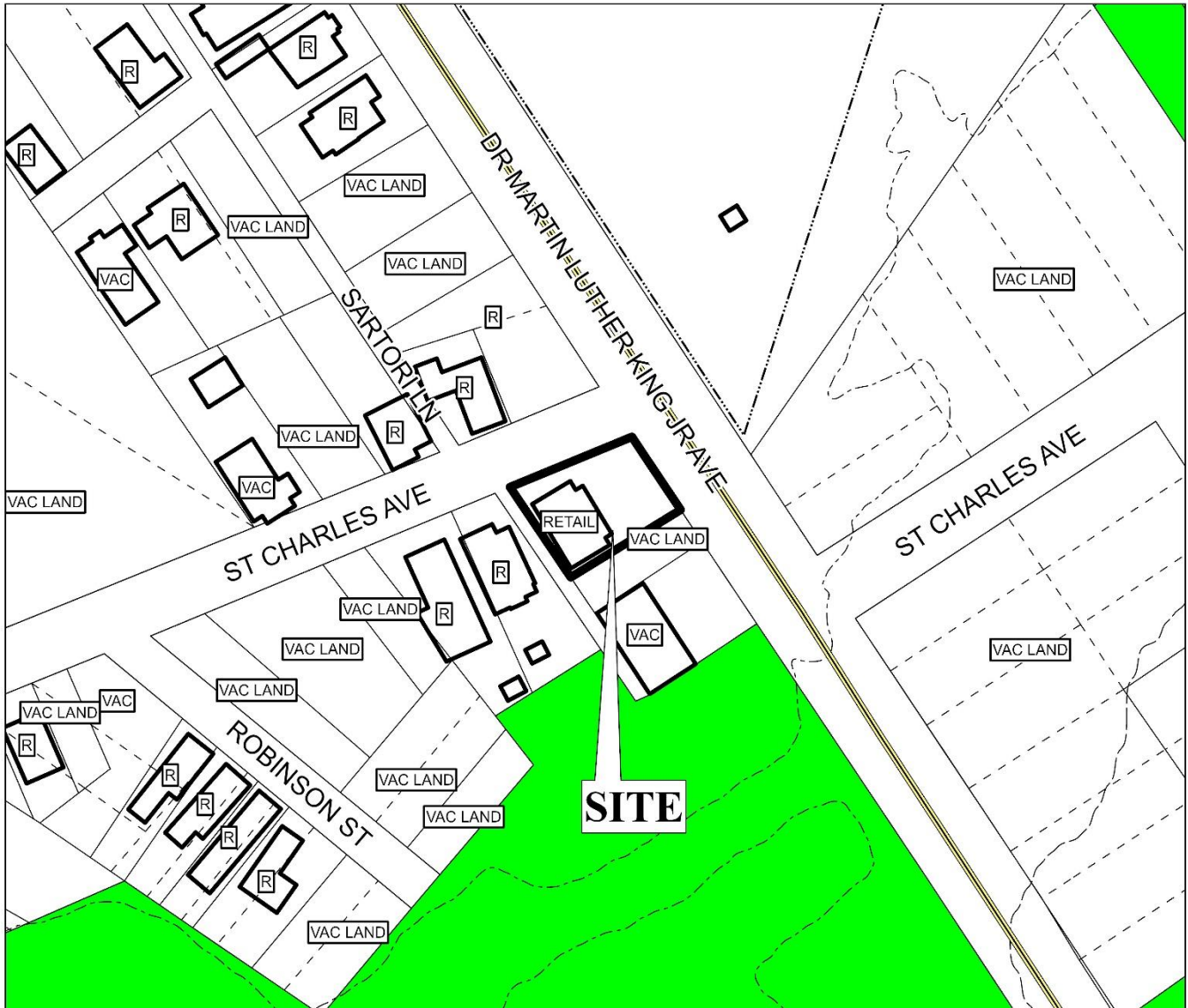
REQUEST Use Variance

- | | | | |
|---|--|---|---|
| ■ 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

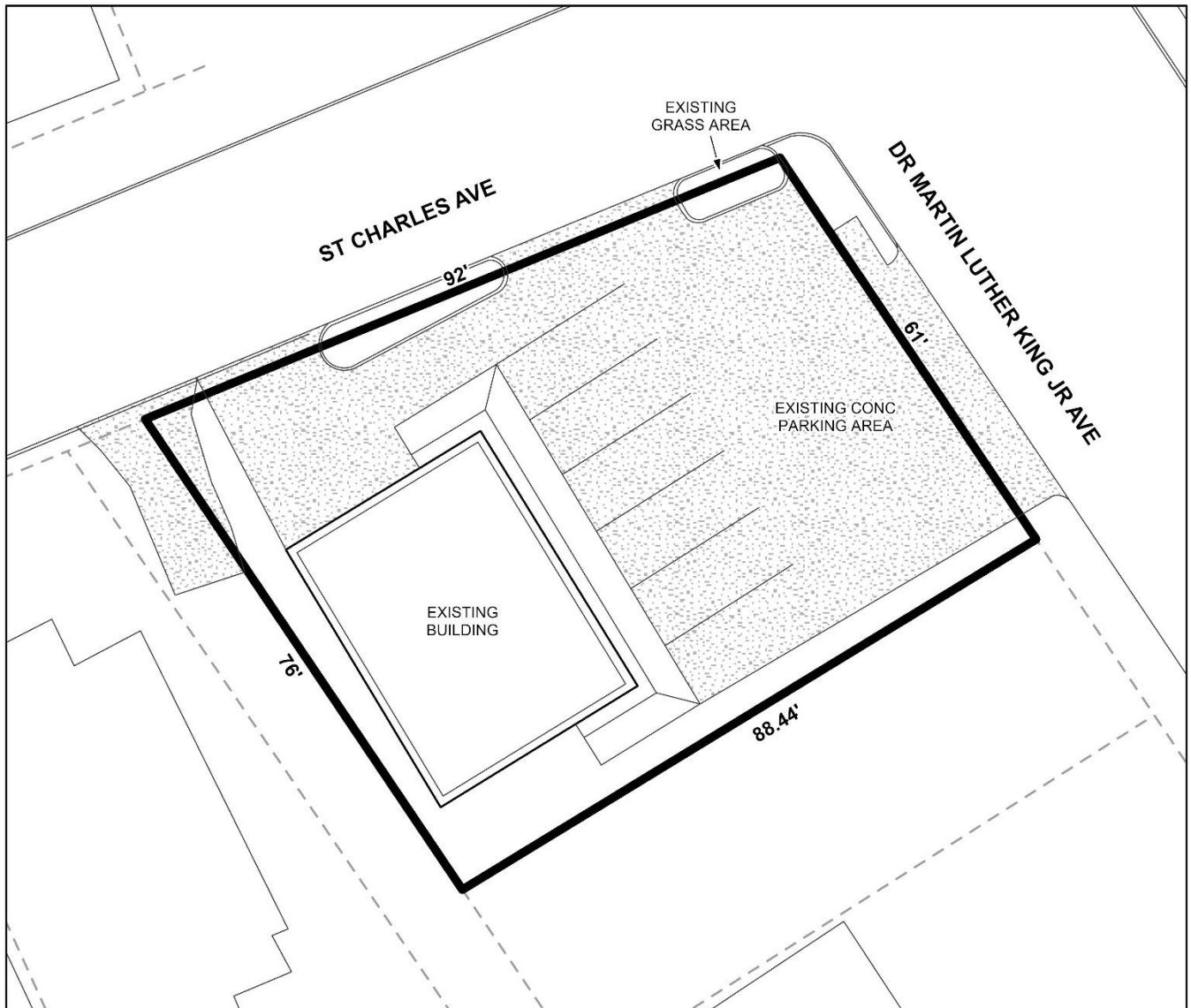
VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER <u>6707</u> DATE <u>November 3, 2025</u>	
APPLICANT <u>Mercy Chepengna (Dr. Sharon Ingram, Agent)</u>	
REQUEST <u>Use Variance</u>	
<div> <div>R-A</div> <div>R-1</div> <div>R-2</div> </div> <div> <div>R-3</div> <div>R-B</div> <div>H-B</div> </div> <div> <div>B-1</div> <div>T-B</div> <div>LB-2</div> </div> <div> <div>B-2</div> <div>B-3</div> <div>B-4</div> </div> <div> <div>B-5</div> <div>CW</div> <div>MM</div> </div> <div> <div>ML</div> <div>MH</div> <div>I-1</div> </div> <div> <div>I-2</div> <div>PD</div> <div>MUN</div> </div> <div> <div>OPEN</div> <div>SD</div> <div>SD-WH</div> </div> <div> <div>T-3</div> <div>T-4</div> <div>T-5.1</div> </div> <div> <div>T-5.2</div> <div>T-6</div> </div>	<div> <div>N</div> <div>NTS</div> </div>

SITE PLAN



The site plan illustrates the existing buildings, parking, and drives.

APPLICATION NUMBER <u>6707</u> DATE <u>November 3, 2025</u>
APPLICANT <u>Mercy Chepengna (Dr. Sharon Ingram, Agent)</u>
REQUEST <u>Use Variance</u>



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

MIXED DENSITY RESIDENTIAL (MDR)

This designation applies mostly to residential areas located between Downtown and I-65, where the predominant character is that of a traditional neighborhood laid out on an urban street grid. These areas should offer a variety of residential types in a compact pattern at the scale of a single family neighborhood. They typically have a walkable block pattern with integrated neighborhood amenities such as parks and schools. Small office, commercial, and civic uses may also exist in these areas near major thoroughfares. Residential density ranges between 6 and 30 dwelling units per acre (du/ac) depending on the mix, types, and locations of the housing as specified by zoning.

Development Intent

- › Continue historic preservation efforts to maintain the existing neighborhood character within city-designated historic districts.
- › Support residential infill that fits-in with neighboring homes (building scale, placement, etc.). Support more intense residential infill and redevelopment adjacent to commercial or mixed use centers.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

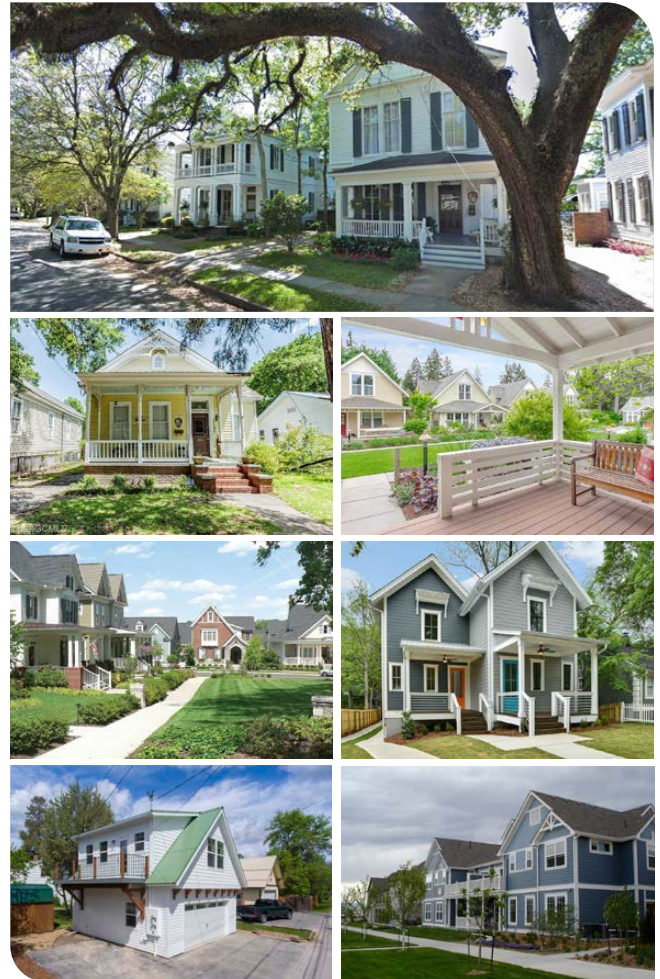
Secondary Uses

- › Residential, Multifamily
- › Commercial
- › Civic
- › Parks

Housing mix

- › Single family on small to medium sized lots
- › Attached residential such as duplexes, multiplexes, and townhomes
- › Small scale multifamily buildings

Character Example



A mixed density neighborhood may include a range of housing types and densities at a similar scale.

Rendering: Dover Kohl



Agenda Item # 5

BOA-003488-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4100 Ridgelawn Drive

Applicant / Agent:

Frank Lott

Property Owner(s):

Frank Lott

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6708

Unified Development Code (UDC) Requirement:

- The UDC requires that all structures exceeding three (3) feet in height be set back a minimum of 25 feet from the front property line in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Front Yard Setback Variance to allow the construction of a 6-foot-6-inch-tall brick wall within the required 25-foot front yard setback in an R-1, Single-Family Residential Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6708	DATE	November 3, 2025
APPLICANT	Frank Lott		
REQUEST	Front Yard Setback Variance		



SITE HISTORY

The site was originally part of the Ridgelawn Subdivision as Lot 18, the plat for which was recorded in the Mobile County Probate Court in July 1947.

There are no other records of Planning Commission or Board of Zoning Adjustment actions associated with the site.

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 Front Yard Setback Variance to allow the construction of a 6-foot-6-inch-tall brick wall within the required 25-foot front yard setback in an R-1, Single-Family Residential Suburban District. The Unified Development Code (UDC) requires all structures exceeding three (3) feet in height to be set back a minimum of 25 feet from any front property line in the R-1 District.

The subject property is a corner lot with frontage along both Ridgelawn Drive and Ridgelawn Drive East. The proposed wall would be located along Ridgelawn Drive East, encroaching into the side street, side yard setback.

Per Article 2, Section 64-2-5.E., and Article 3, Section 64-3-5.A.1. of the UDC, all structures in the R-1, Single-Family Residential Suburban District must be set back a minimum of 25 feet from front property lines and 20 feet from side street property lines. Furthermore, Article 3, Section 64-3-5.B.1. requires that required yards along street frontages remain unoccupied and unobstructed from a height of three (3) feet above the ground level upward. The proposed 6-foot-6-inch brick wall exceeds this height and encroaches into required setbacks, making the request non-compliant with the established zoning standards.

As justification, the applicant cites the property's corner lot configuration—requiring two front yard setbacks—as creating difficulty in meeting the setback requirements. However, this condition is common to all corner lots within residential districts and does not, in itself, constitute a hardship unique to the property. Compliance with front yard requirements is achievable through alternative fence placement or design that respects the zoning district's intent to preserve openness and visual continuity along street frontages.

The submitted site plan illustrates the existing dwelling and proposed placement of the masonry wall along Ridgelawn Drive East. The wall appears to begin approximately in line with the front plane of the residence and extend toward the rear property line. However, property lines are not depicted, and the site plan does not provide sufficient information to confirm the extent of the encroachment or the actual setback distance from the street frontage. Should the variance be approved, staff recommends that a revised site plan or property survey be submitted to confirm the wall's precise location relative to property lines.

Although the request does not meet the criteria for variance approval due to the absence of a demonstrated hardship and the clear non-compliance with setback requirements, it should be noted that previous approvals for similar masonry walls and privacy fences within this neighborhood have established a pattern of encroachments inconsistent with the intent of the R-1, Single-Family Residential Suburban District.

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:

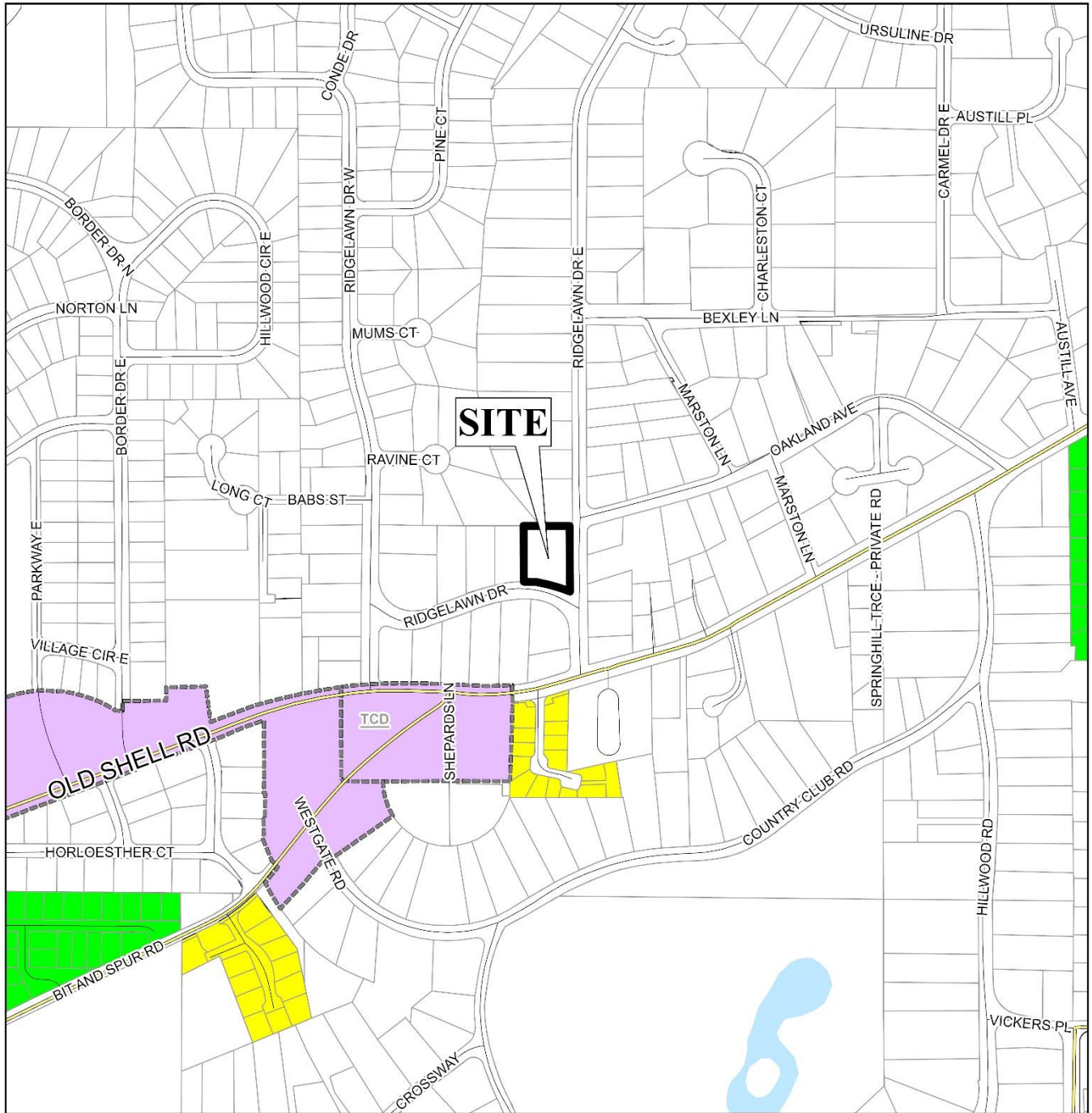
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

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

If the Board considers approving the variance request, it could be subject to the following condition(s):

- 1) Revision of the site plan to illustrate all property lines; and
- 2) Acquisition of all necessary permits for the construction of the wall.

LOCATOR ZONING MAP



APPLICATION NUMBER 6708 DATE November 3, 2025

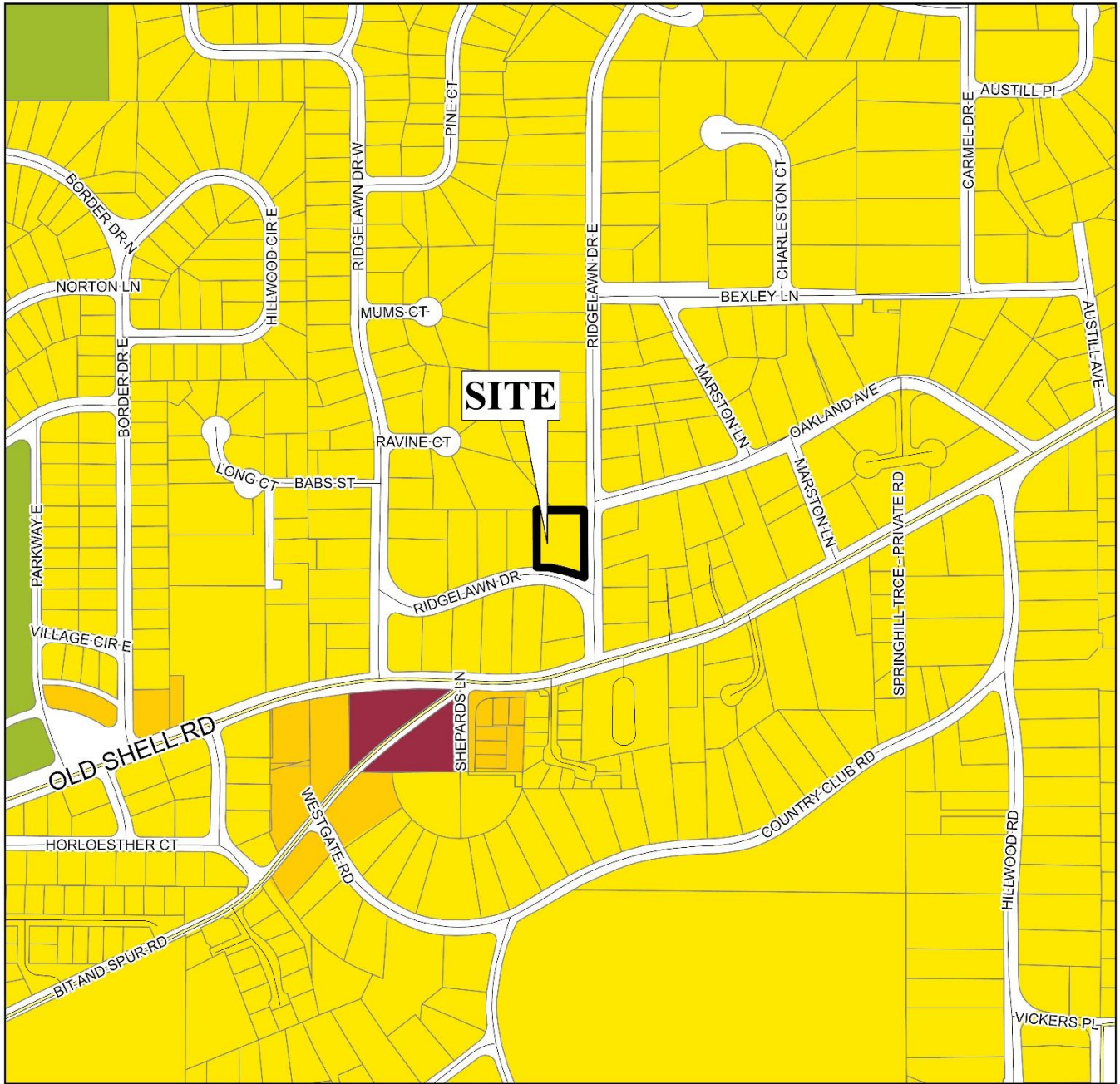
APPLICANT Frank Lott

REQUEST Front Yard Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6708 DATE November 3, 2025
APPLICANT Frank Lott
REQUEST Front Yard Setback 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



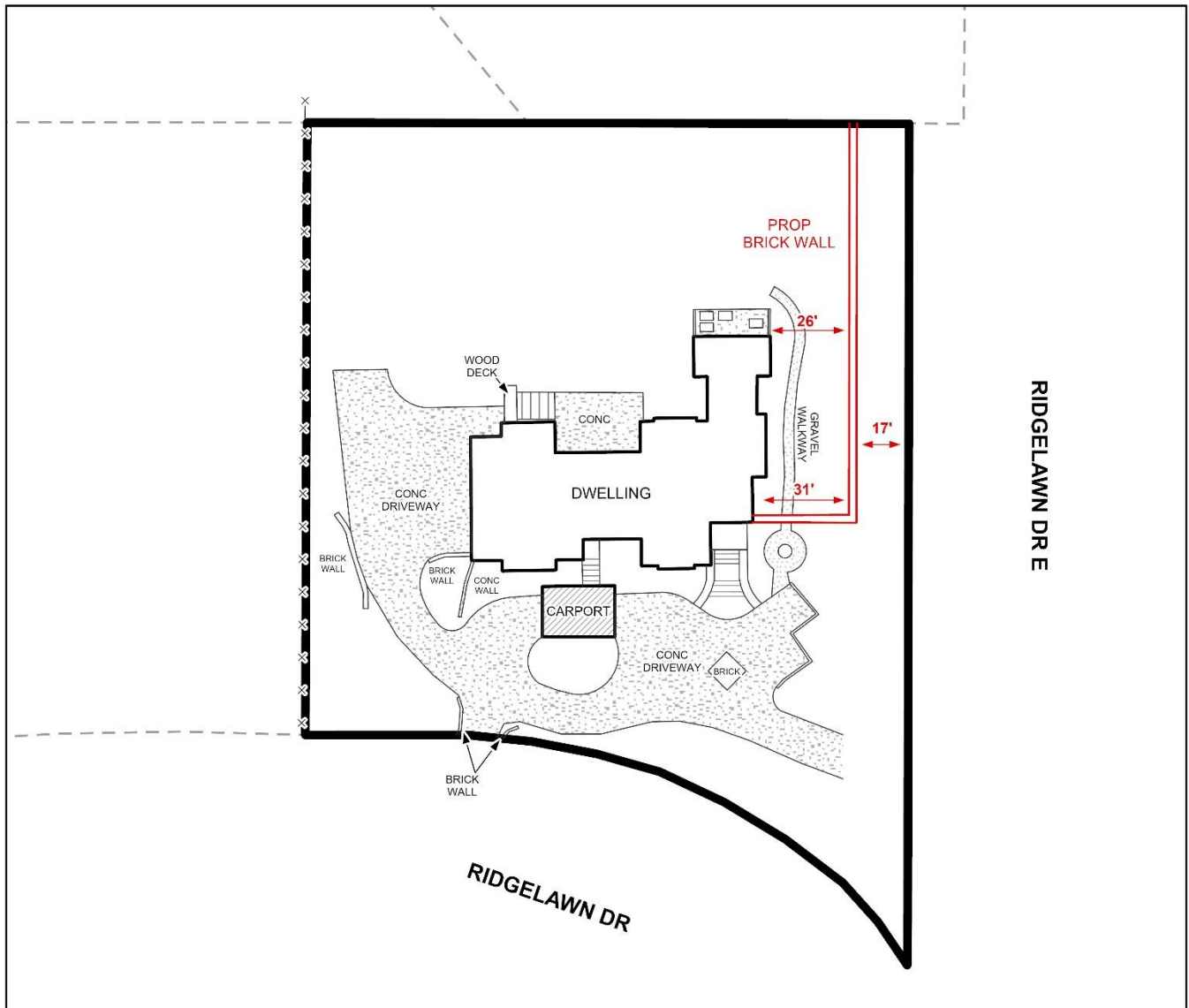
The site is surrounded by residential units.

APPLICATION NUMBER	6708	DATE	November 3, 2025
APPLICANT	Frank Lott		
REQUEST	Front Yard Setback 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 proposed wall placement and current buildings.

APPLICATION NUMBER <u>6708</u> DATE <u>November 3, 2025</u>
APPLICANT <u>Frank Lott</u>
REQUEST <u>Front Yard Setback Variance</u>



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- › The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

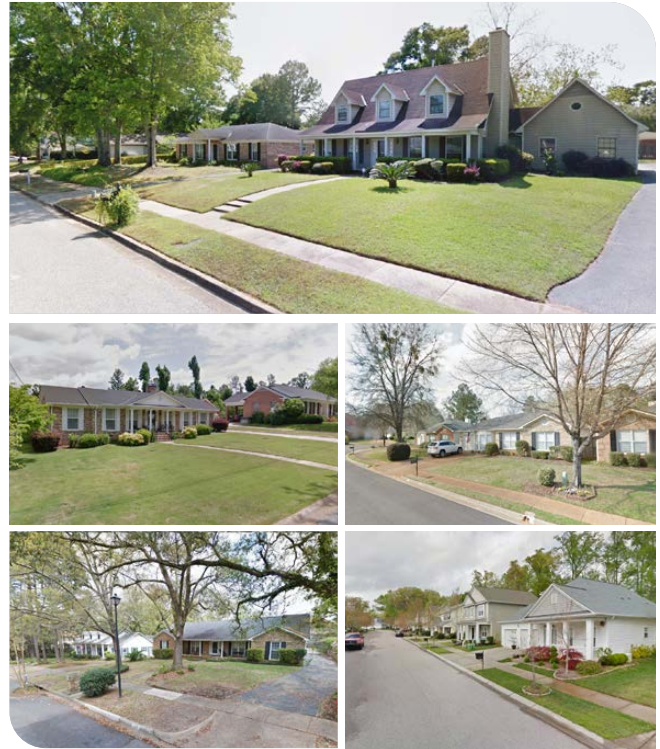
Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example





Agenda Item # 6
BOA-003490-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

3201 Airport Boulevard

Applicant / Agent:

Wrico Signs (Baldwin Barkerding, Agent)

Property Owner:

Bel Air Mall Realty Holding, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Numbers:

6709/6042/6031/5764

Unified Development Code (UDC) Requirement:

- The UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

Board Consideration:

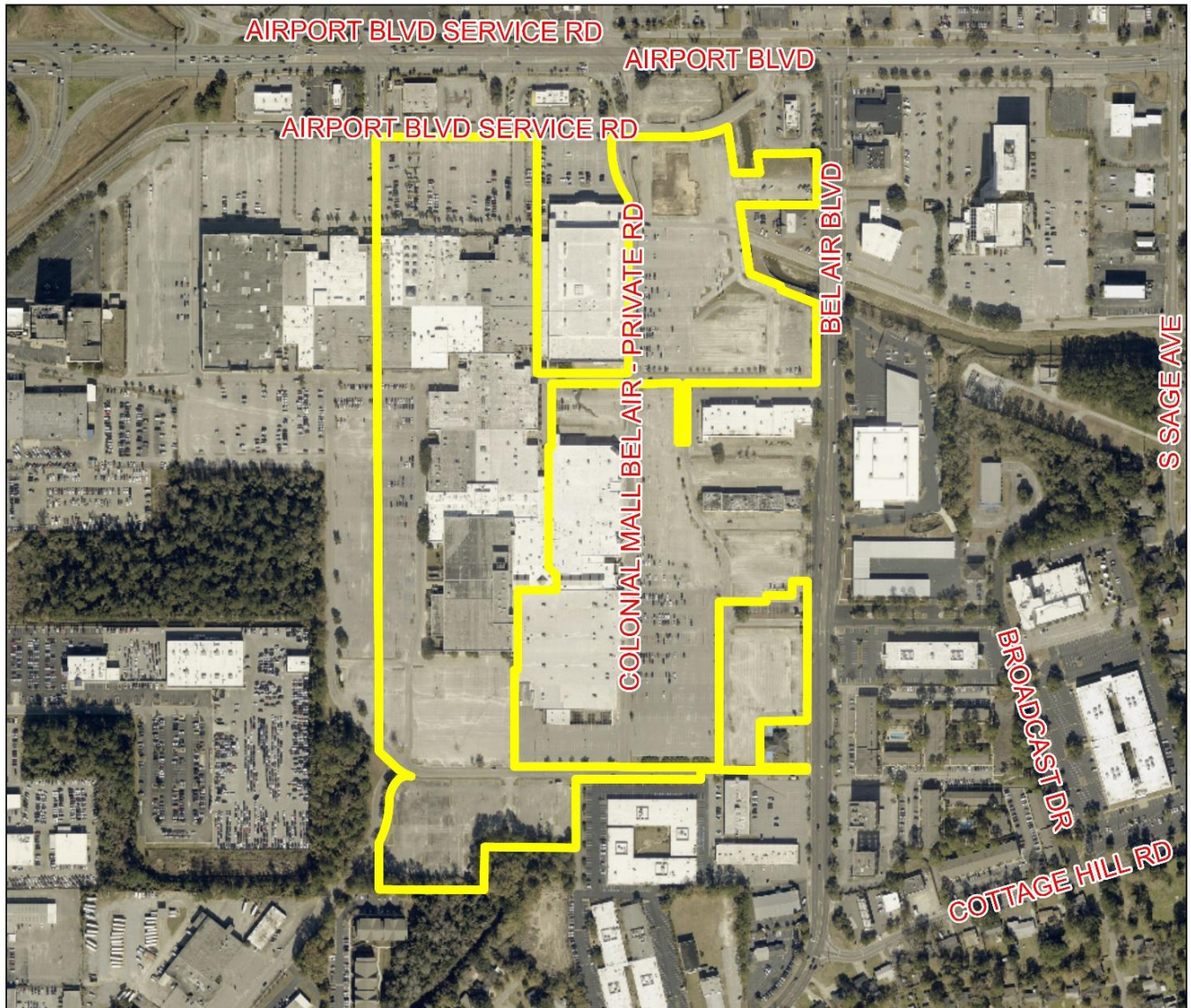
- Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units. Apartments lie to the southeast.

APPLICATION NUMBER	6709	DATE	November 3, 2025
APPLICANT	Wrico Signs (Baldwin Barkerding, Agent)		
REQUEST	Sign Variance		



SITE HISTORY

The Eastern portion of the subject site was annexed into the City in 1945, and the Western portion was annexed in 1956.

The site was assigned a B-3, Community Business District zoning classification in 1967 with the adoption of the Zoning Ordinance.

The site has been before the Planning Commission several time for Subdivisions and Planned Unit Developments (PUDs). The most recent, approved on March 21, 2024, was the Resubdivision of Lot 1 of the Resubdivision of Lot 2 of Bel Air Mall Subdivision, and an associated Modification of a previously approved PUD allowing multiple buildings on a single building site and shared parking and shared access between multiple building sites. The Subdivision plat was recorded in Probate Court, and the PUD was completed.

The site has also had several sign variance applications over the years. In August 2012, a sign variance was granted to allow a tenant in the mall fronting Airport Boulevard (Versona) to have a total of three (3) wall signs. In April 2016, a sign variance was granted to allow a tenant in the mall fronting Airport Boulevard (Belk) to have a total of three (3) wall signs. Most recently, in August 2025, a Sign Variance was approved to allow an exterior informational wall sign larger than 20 square feet for the Target store.

STAFF COMMENTS

Engineering Comments:

Signs must be located on private property and NOT within the public ROW.

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 Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site in a B-3, Community Business Suburban District; the UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

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

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The subject site is a multi-tenant shopping mall. The sign regulations of the UDC require interior permanent mall corridor signs to have sign permits with each tenant allowed one (1) wall sign per corridor frontage that it faces, not to exceed 30% of the usable wall area, not to exceed 350 square feet.

The applicant's unit has two (2) entrances side-by-side onto a mall corridor and is requesting a wall sign above each entrance. As justification for the request, the applicant states the following:

Footlocker has been a long-time tenant within Bel Air Mall. They are part of the B-3 Community business. Multi-tenant establishments are allowed one wall sign and a tenant panel display if applicable. Footlocker has their landlord's approval as they have before to have TWO signs for their entrances. FootLocker has updated their branding and just want it to reflect on their store in the mall. They are seeking approval to have the same amount of signage they have had since being a tenant within the mall.

The proposed signs are within the allowed sizes of the sign regulations of the UDC.

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:

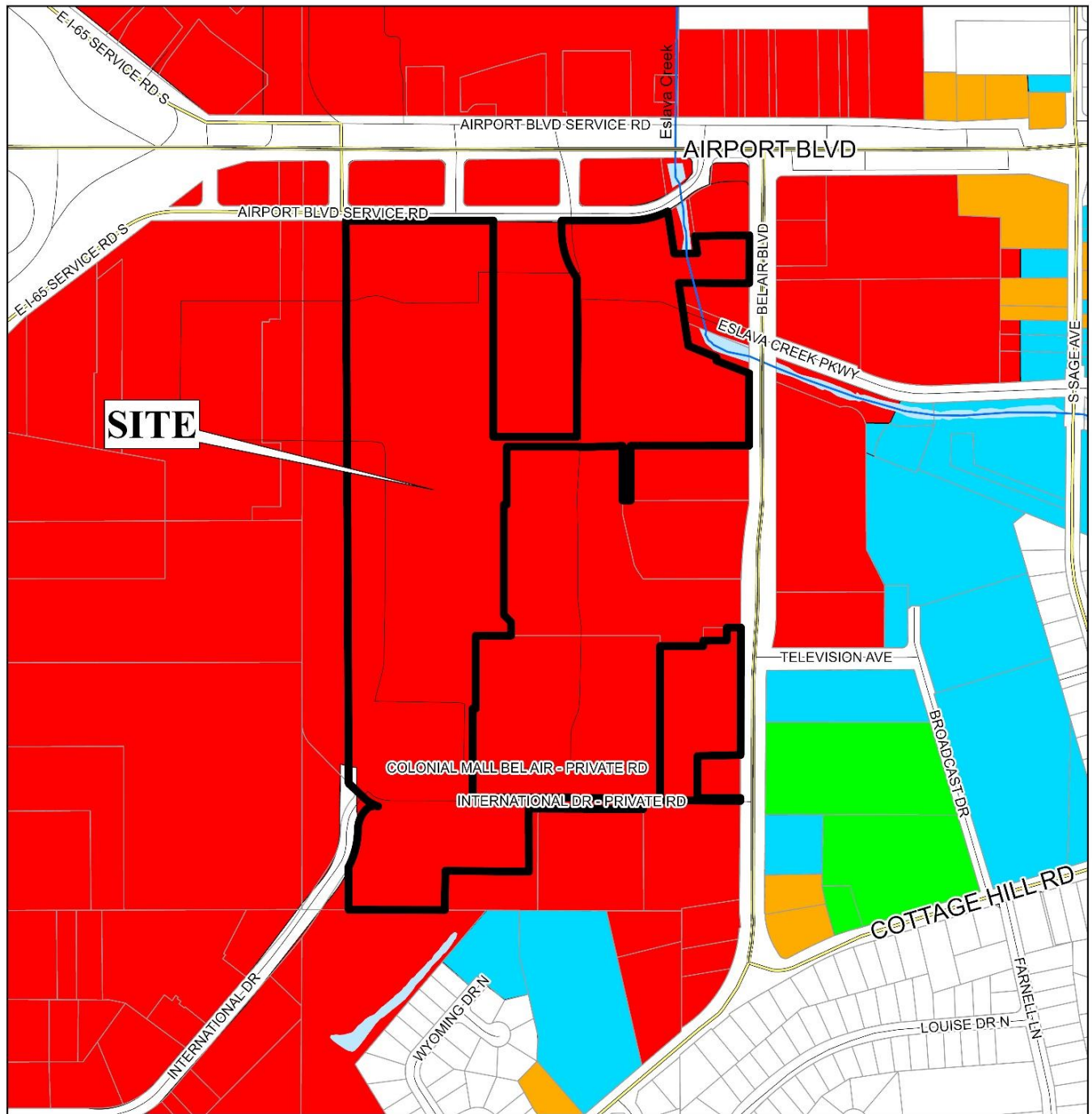
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

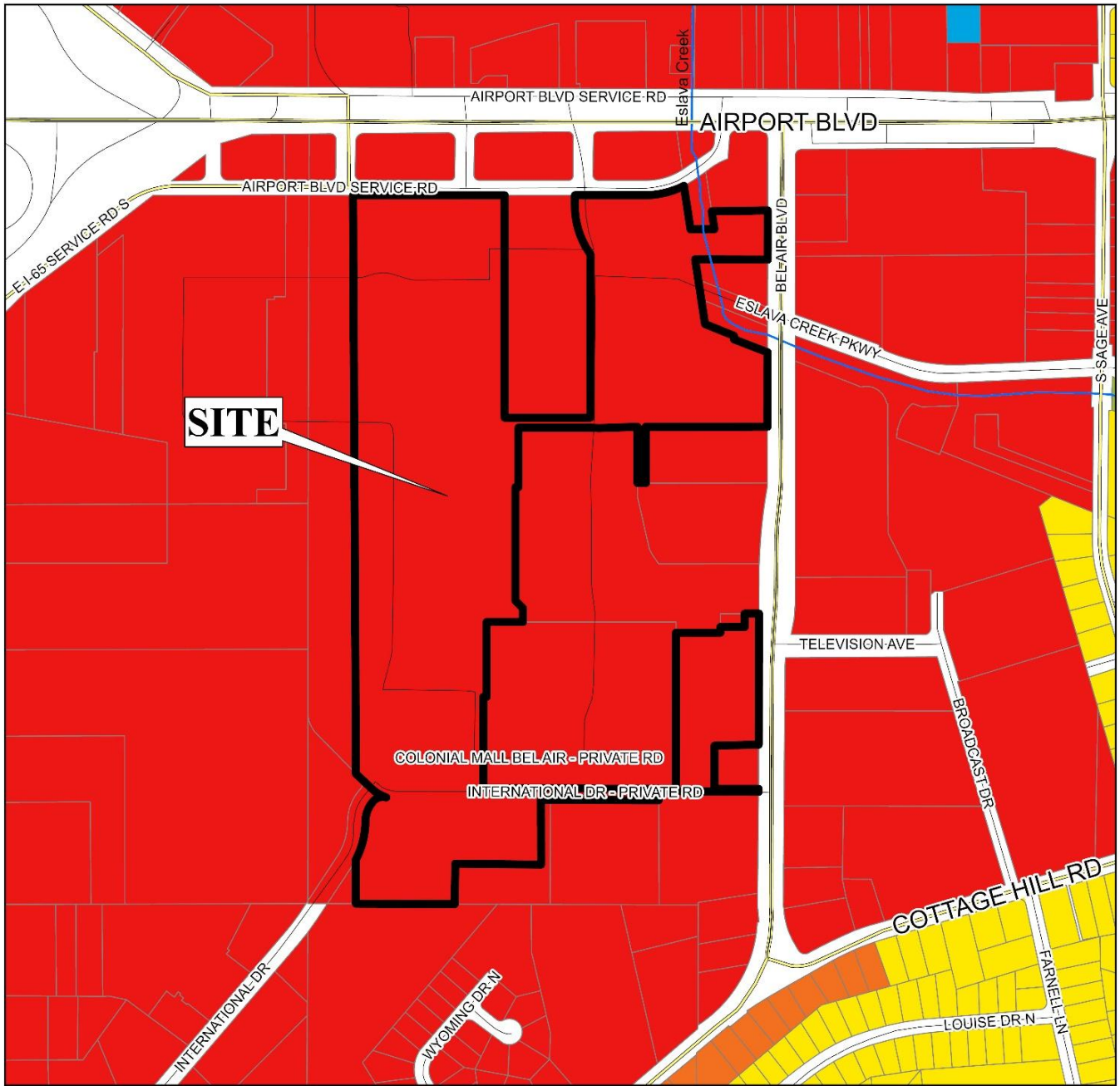
LOCATOR ZONING MAP



APPLICATION NUMBER 6709 DATE November 3, 2025
 APPLICANT Wrico Signs (Baldwin Barkerding, Agent)
 REQUEST Sign Variance



FLUM LOCATOR MAP

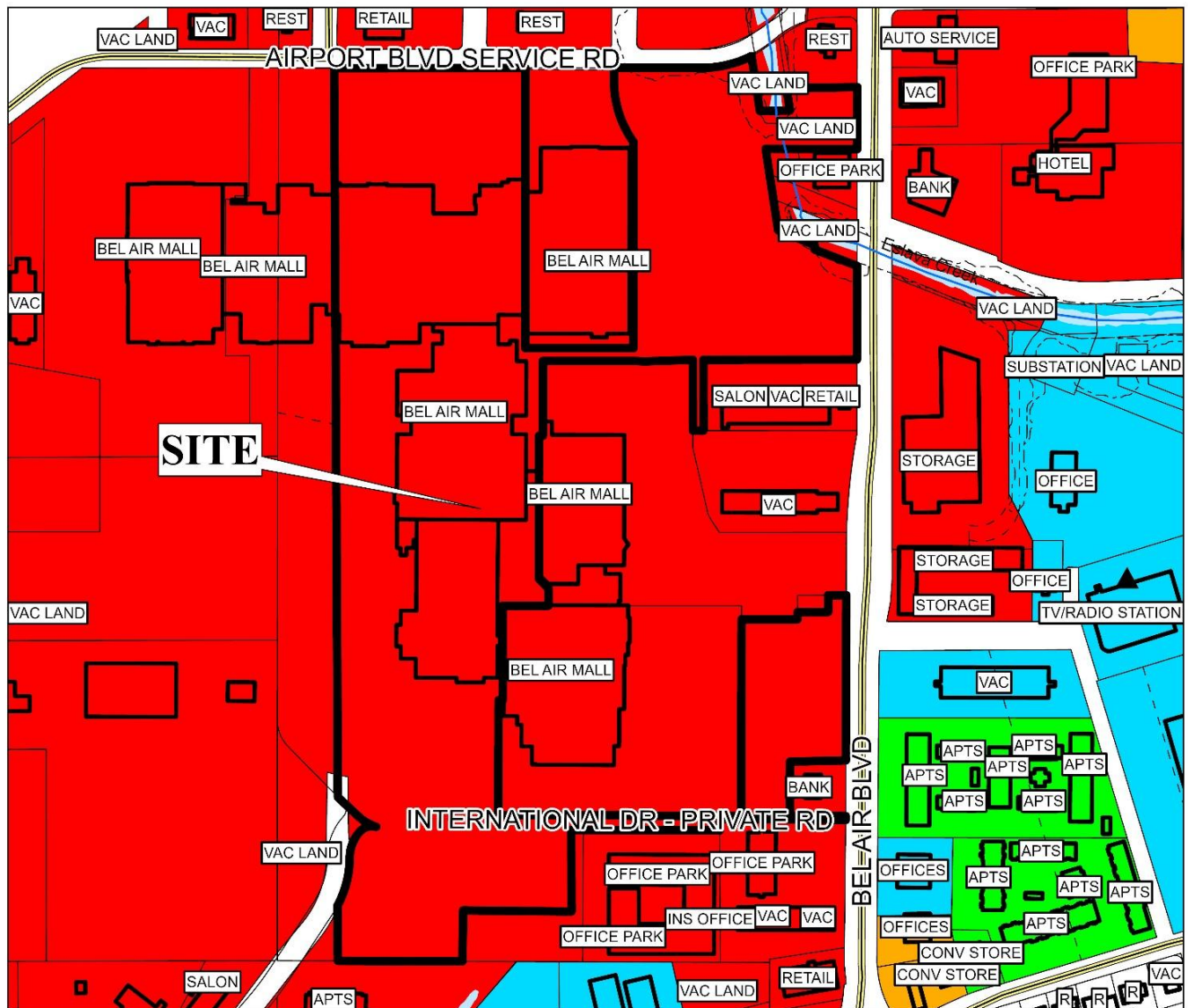


APPLICATION NUMBER 6709 DATE November 3, 2025
APPLICANT Wrico Signs (Baldwin Barkerding, Agent)
REQUEST Sign Variance

- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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. Apartments lie to the southeast.

APPLICATION NUMBER 6709 DATE November 3, 2025

APPLICANT Wrico Signs (Baldwin Barkerding, Agent)


REQUEST Sign 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	



DETAIL SITE PLAN



APPLICATION NUMBER <u>6709</u>	DATE <u>November 3, 2025</u>	 NTS
APPLICANT <u>Wrico Signs (Baldwin Barkerding, Agent)</u>		
REQUEST <u>Sign Variance</u>		

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

DISTRICT CENTER (DC)

This designation applies across the city beyond Downtown to large areas of existing mixed-use character or where such character is encouraged. District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. They are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center. Depending on location residential areas in District Centers may incorporate a mix of housing types with minimum densities of 20 du/ac in dynamic, horizontal or vertical mixed-use environments ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

Development intent

- › District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area.
- › District Centers may be served by transit and include development of an intensity and design that supports transit use.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Civic
- › Residential, Multifamily

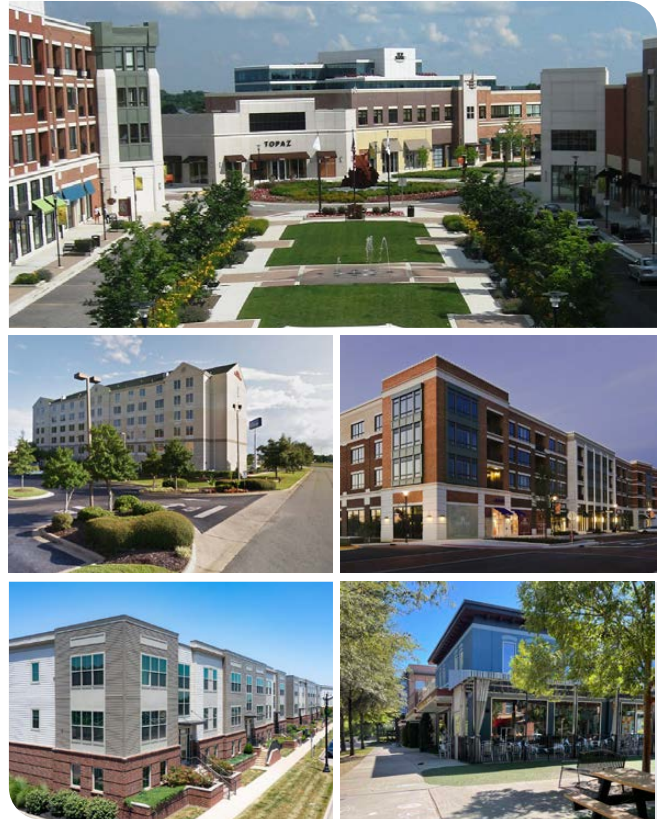
Secondary Uses

- › Residential, Attached
- › Residential, Single Family
- › Parks

Housing mix

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

Character Example



Existing district centers should evolve into large walkable mixed-use areas.

Rendering: Dover Kohl



Agenda Item # 7

BOA-003491-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5201 Washington Boulevard

Applicant / Agent:

Wrico Signs (Baldwin Barkerding, Agent)

Property Owners:

Mount Ararat Baptist Church, Inc.

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6710

Unified Development Code (UDC) Requirement:

- The UDC does not allow an electronic message center within 300 feet of residentially zoned properties in an R-1, Single-Family Residential Suburban District.

Board Consideration:

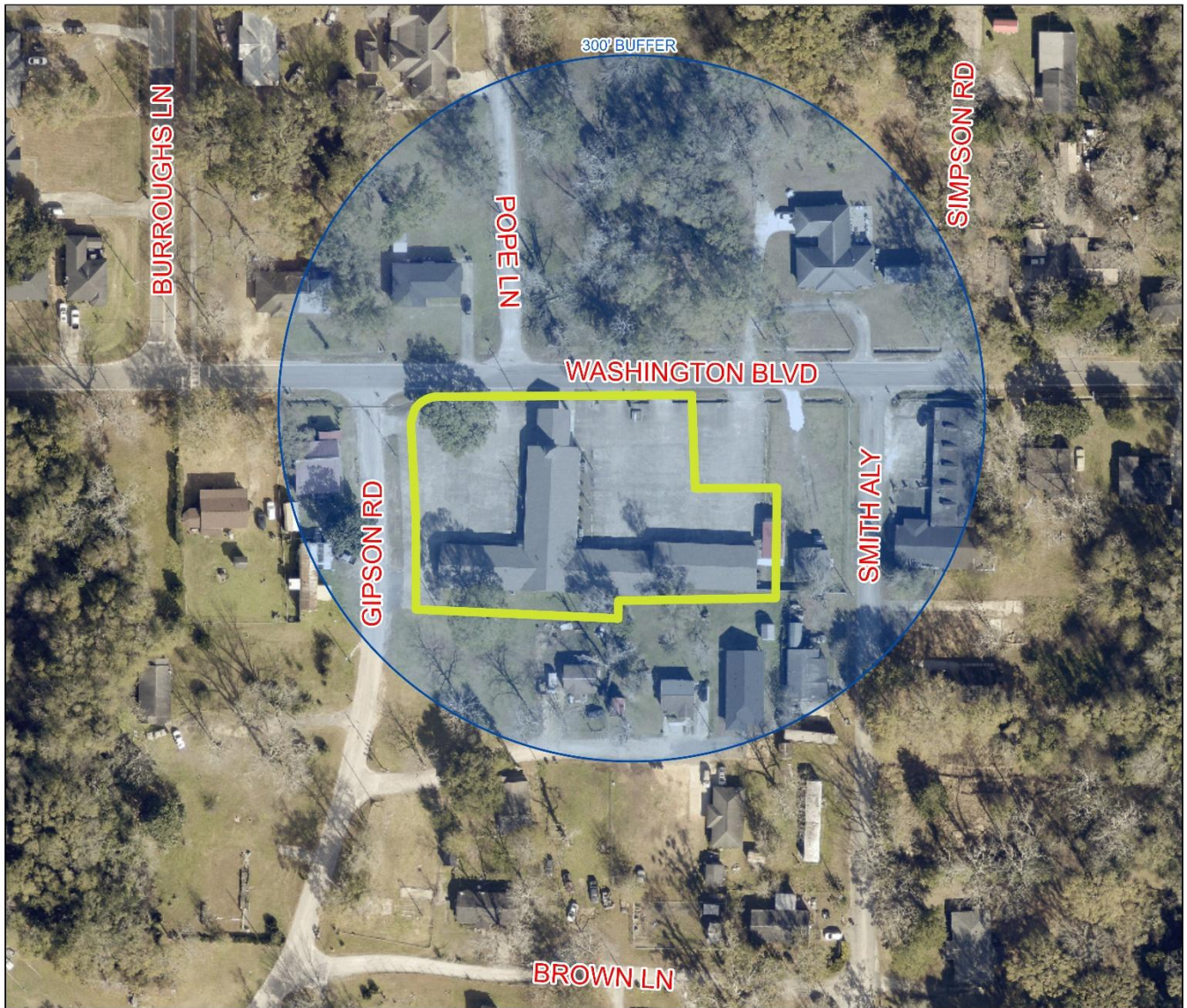
- Sign Variance to allow an electronic message center within 300 feet of residentially zoned properties in an R-1, Single-Family Residential Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6710	DATE	November 3, 2025
APPLICANT	Wrico Signs (Baldwin Barkerding, Agent)		
REQUEST	Sign Variance		



SITE HISTORY

The site was annexed into the City of Mobile in 2008, and zone R-1. The site was already developed in its current configuration and in use as a church at the time of annexation.

There are no Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

Signs should be located on private property and not within the public right-of-way (ROW). Before any sign is built near an intersection their placement should be checked to verify that they do not impede drivers' line of sight.

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 Sign Variance to allow an electronic message center within 300-feet of residentially zoned properties in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) does not allow an electronic message center within 300-feet of residentially zoned properties in an R-1, Single-Family Residential Suburban District.

As justification, the applicant states a desire to update the existing sign. The application and supporting materials are available via the link on Page 1 of this report.

The purpose of the City of Mobile's sign regulations is to protect public health, safety, and general welfare, as well as to promote aesthetic standards throughout the city. These regulations provide uniform standards for the location, spacing, height, setbacks, lighting, and other characteristics of both on-premise and off-premise signage.

Per Section 64-4-14.O.1(c) of the UDC:

"Electronic or digital signs are allowed only... if the sign is placed a distance of not less than 300 feet from any residential zoned property. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the proposed location of the sign to the nearest property line of any residential zoned property."

Further provisions of the UDC allow electronic message boards to include animations and effects, provided they do not flash or otherwise meet the definition of a "flashing sign."

The site is currently developed as a religious facility and includes an existing freestanding sign fronting Washington Boulevard. The applicant proposes to replace one of the cabinets on the existing sign structure with an internally illuminated electronic message center, while the other will be refaced with the name of the church.

The applicant has not submitted technical specifications for the digital display, nor has it been demonstrated how the proposed sign would comply with illumination and operational standards set forth in Section 64-4-14.O.1 of the UDC.

Should the Sign Variance be approved, the applicant must obtain a Sign Permit from the Planning and Zoning Department, and a separate Electrical Permit from the Permitting Department.

The subject property fronts Washington Boulevard, Gipson Road, and Smith Alley. It is bordered on the West, South, and North by properties zoned R-1, Single-Family Residential Suburban District and developed as single family residences. To the East, is a structure previously used as multi-family residential, but is currently vacant.

The applicant has not identified any unique physical conditions or hardships on the site that would prevent compliance with the UDC's standard sign requirements. Based on recent Google Street View imagery, the existing sign appears to be adequately visible from the public right-of-way.

A desire to modernize signage alone does not constitute a hardship under the criteria for granting a variance. As such, approval of this request could set a precedent for future variances absent of site-specific justifications or demonstrated hardships.

Approving this request would be inconsistent with Section 64-4-14.O.1(c) of the UDC and may undermine the intent of the sign regulations by allowing digital signage in close proximity to residential areas without sufficient justification.

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:

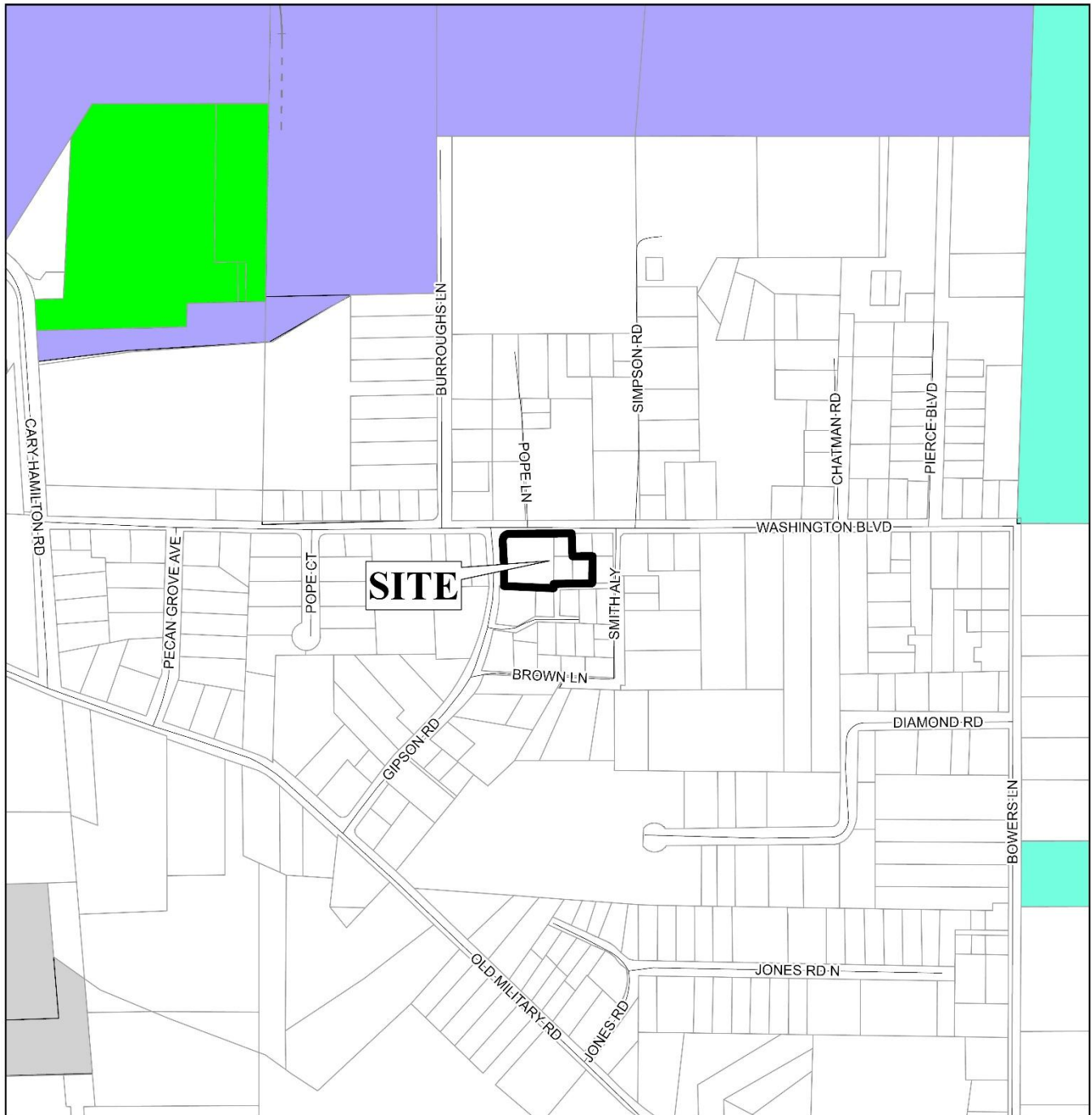
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 following conditions could apply:

- 1) The applicant shall obtain a Sign Permit from the Planning and Zoning Department;
- 2) The applicant shall obtain an Electrical Permit from the Permitting Department; and,
- 3) The sign shall comply with all applicable provisions of the Unified Development Code and all other relevant codes and ordinances.

LOCATOR ZONING MAP



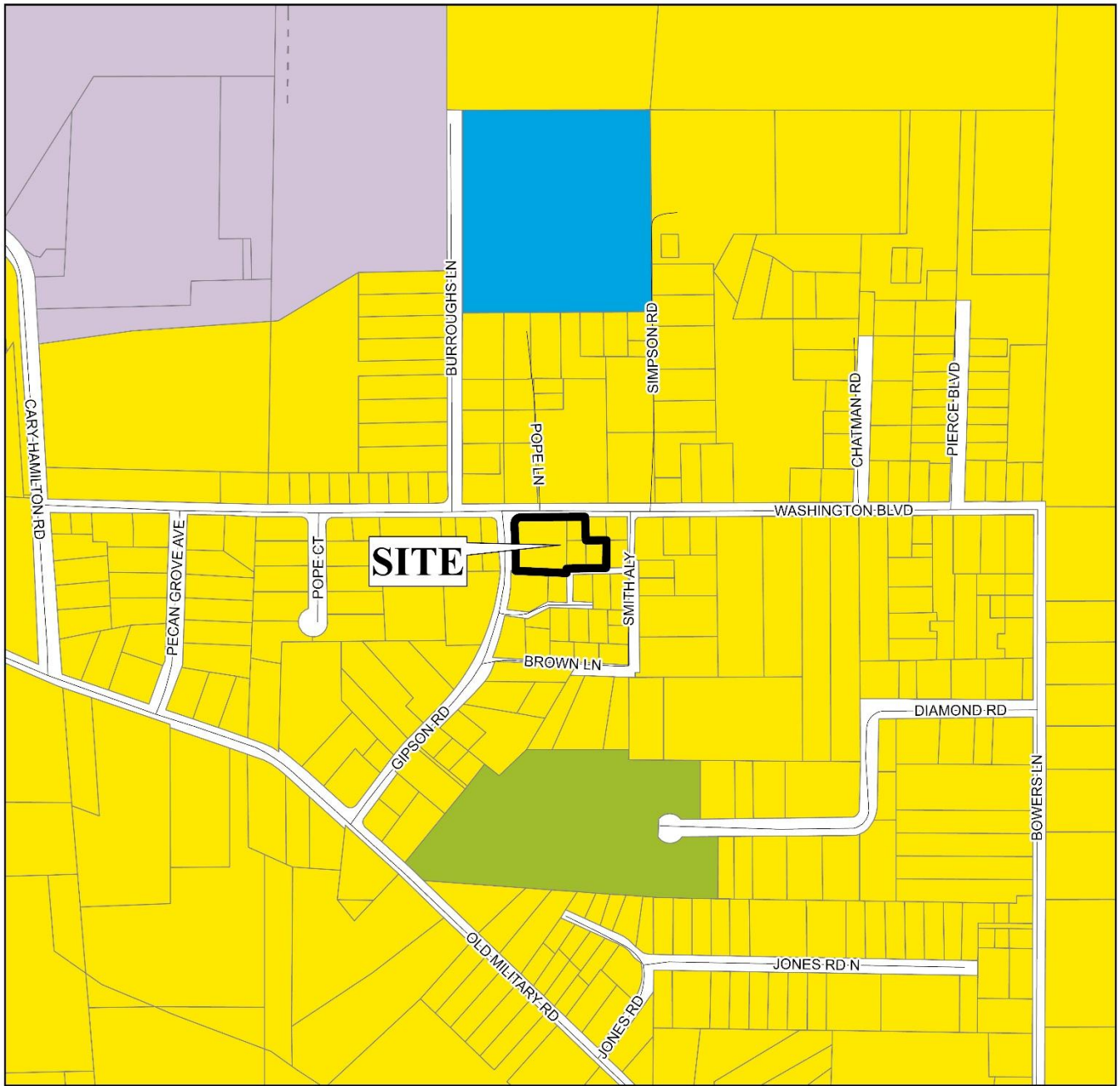
APPLICATION NUMBER 6710 DATE November 3, 2025

APPLICANT Wrico Signs (Baldwin Barkerding, Agent)

REQUEST Sign Variance



FLUM LOCATOR MAP



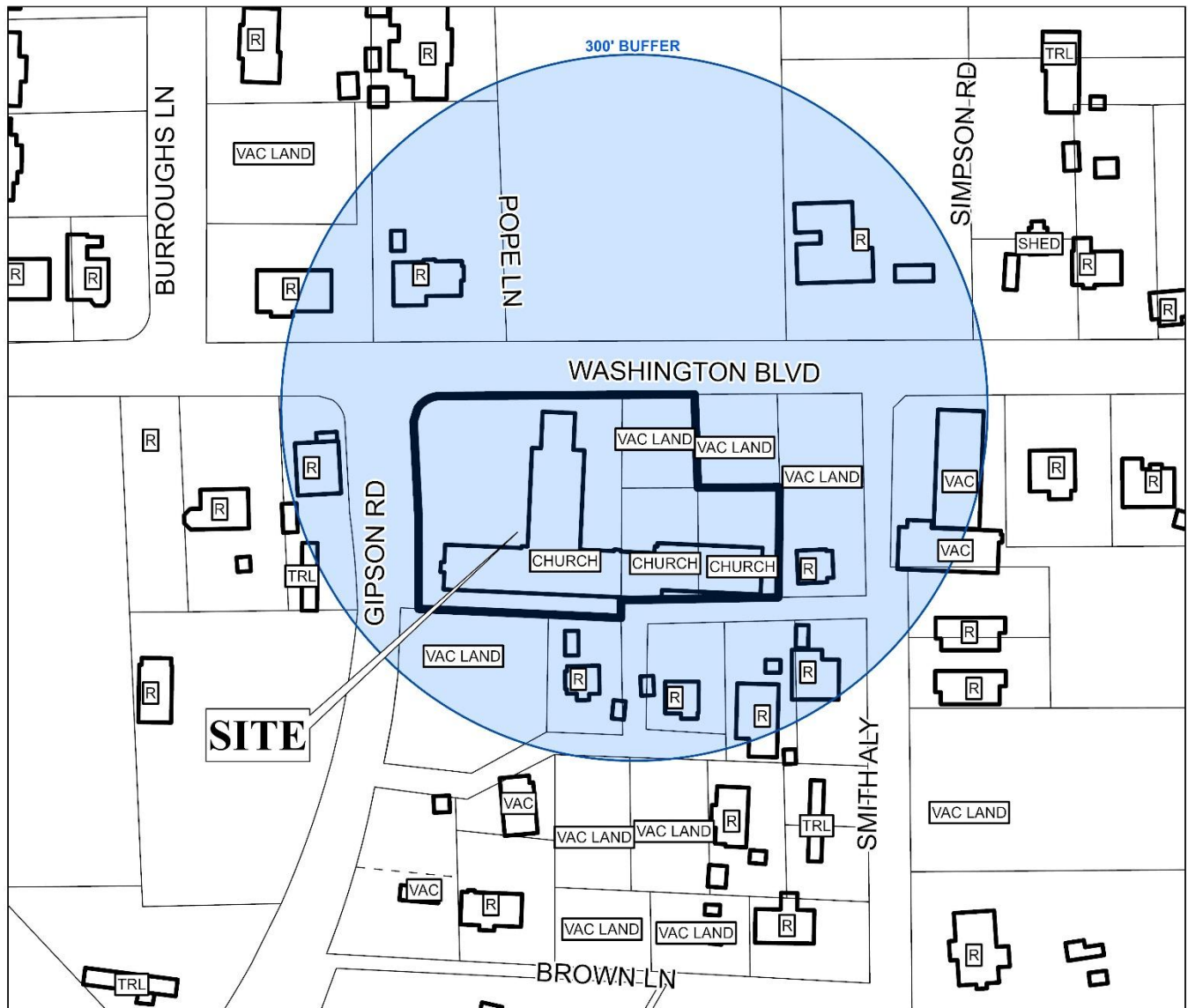
APPLICATION NUMBER 6710 DATE November 3, 2025
APPLICANT Wrico Signs (Baldwin Barkerding, Agent)
REQUEST Sign Variance

- | | | | |
|---|--|---|---|
| ■ 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 residential units.

APPLICATION NUMBER 6710 DATE November 3, 2025

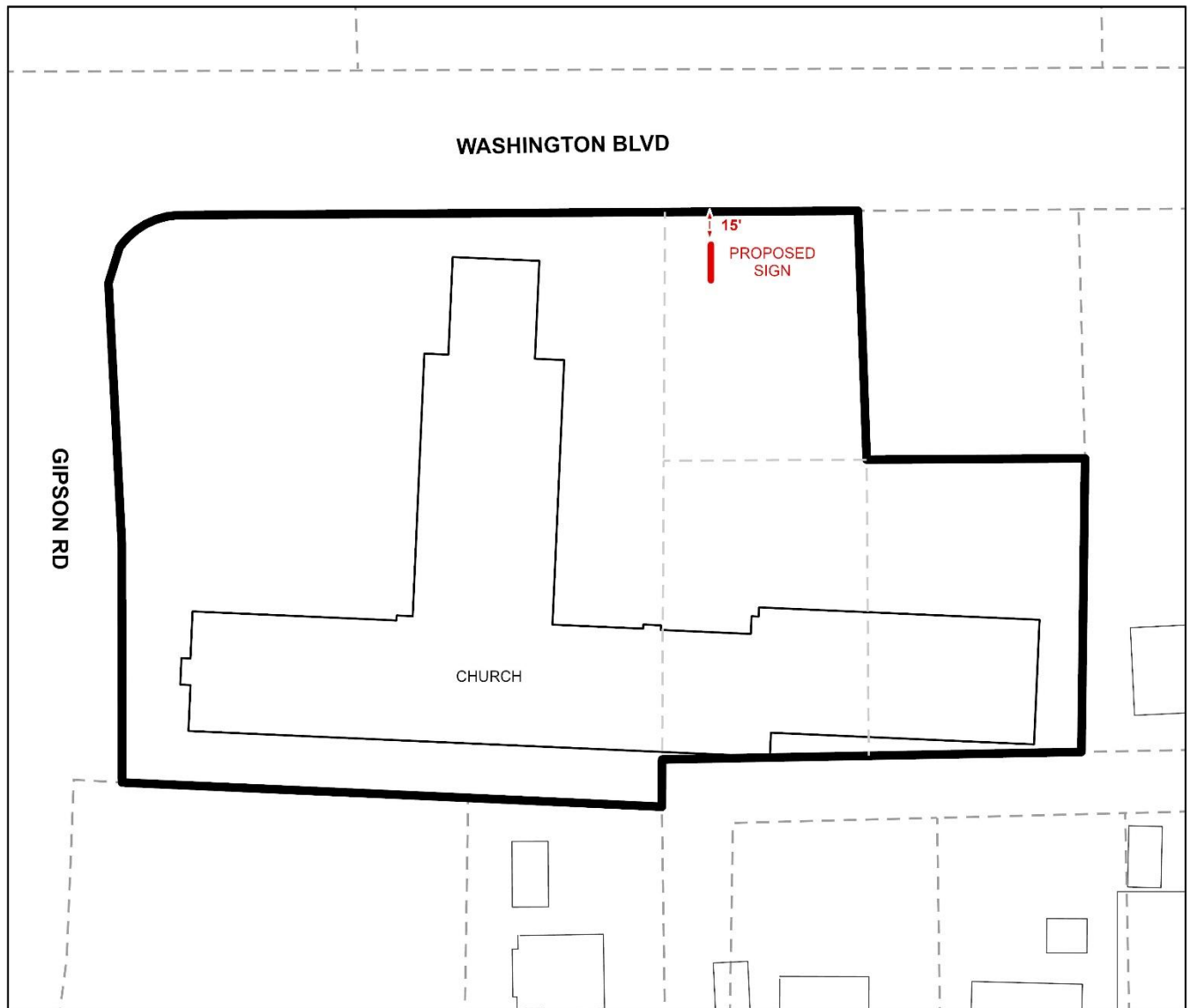
APPLICANT Wrico Signs (Baldwin Barkerding, Agent)

REQUEST Sign 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 proposed sign placements and current buildings.

APPLICATION NUMBER	6710	DATE	November 3, 2025
APPLICANT	Wrico Signs (Baldwin Barkerding, Agent)		
REQUEST	Sign Variance		



EXISTING SIGNS



APPLICATION NUMBER 6710 DATE November 3, 2025
 APPLICANT Wrico Signs (Baldwin Barkerding, Agent)
 REQUEST Sign Variance



PROPOSED SIGN



APPLICATION NUMBER 6710 DATE November 3, 2025

APPLICANT Wrico Signs (Baldwin Barkerding, Agent)

REQUEST Sign Variance



NTS

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- › The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

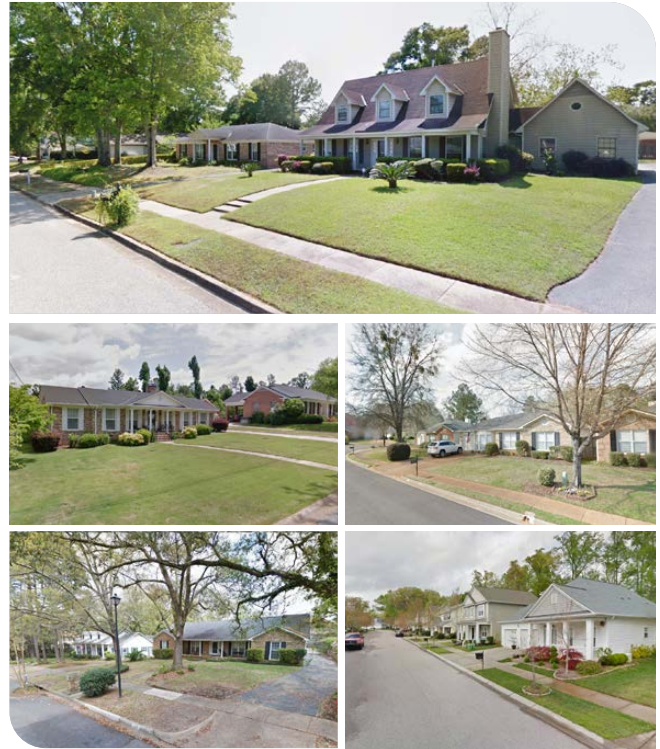
Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example





Agenda Item # 8

BOA-SE-003495-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

7675 Cottage Hill Road

Applicant / Agent:

Element 3 Engineering, LLC (Patrick Tolbert, Agent)

Property Owner:

Cottage Hill Investments, LLC

Current Zoning:

B-1, Buffer Business Suburban District

Future Land Use:

Neighborhood Center - Suburban

Case Number:

6711

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires Special Exception approval to allow a business college/technical school in a B-1, Buffer Business Suburban District.

Board Consideration:

- Special Exception approval to allow a business college/technical school in a B-1, Buffer Business Suburban District.

Report Contents:

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Special Exception Considerations	4
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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	6711	DATE	November 3, 2025
APPLICANT	Element 3 Engineering, LLC (Patrick Tolbert, Agent)		
REQUEST	Special Exception		



SITE HISTORY

While in the City of Mobile's Planning Jurisdiction in July 1994, the site was part of the Cumberland Commercial Park, Unit One, which was approved by the Planning Commission and recorded in Probate Court.

The subject site was annexed into the City of Mobile in July 2023 and zoned B-1, Buffer Business Suburban District by the City Council.

There have been no Board of Zoning Adjustment applications associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments.

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 Special Exception approval to allow a business college/technical school in a B-1, Buffer Business Suburban District; the Unified Development Code (UDC) requires Special Exception approval to allow a business college/technical school in a B-1, Buffer Business Suburban District.

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

The subject site currently has two (2) existing structures, with no additions proposed. The applicant is proposing to use the structure on the West of the site, which was most recently used as a real estate office. Parking for a business college/technical school is required at a ratio of four (4) parking spaces per classroom or office and one (1) parking space per 150 square feet of group seating area. No information is provided regarding the number of classrooms or offices, and no information was provided regarding the provision of a group seating area, making it difficult to determine what the required amount of parking is for the proposed use. The existing structure on the West of the site is used as a real estate office and is 2,200 square feet, therefore requiring 6 parking spaces. There are a total of 42 parking spaces overall on the subject site, leaving up to 36 available for the proposed tenant. If approved, the site plan should be revised to include the number of classrooms or offices, and the size in square feet of any group seating areas so that staff can confirm there is sufficient parking.

The applicant states that, if approved, the Coastal Ultrasound Institute will operate at the location Monday to Friday, from 8:00 AM to 5:00 PM, with a maximum of 20 trainees and two (2) instructors on the site.

The site abuts R-1, Single-Family Residential Suburban District properties to the South and East. If approved, the site plan should be revised to depict a compliant residential buffer along these property lines.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Code states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the

implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and
- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
 - (1) In making this determination, the Board of Adjustment shall consider:
 - a. The location, type and height of buildings or structures;
 - b. The type and extent of landscaping and screening;
 - c. Lighting;
 - d. Hours of operation; or
 - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- (i) The site is designed to minimize the impact on storm water facilities.
- (j) The use will be adequately served by water and sanitary sewer services.
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special

Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

Considerations:

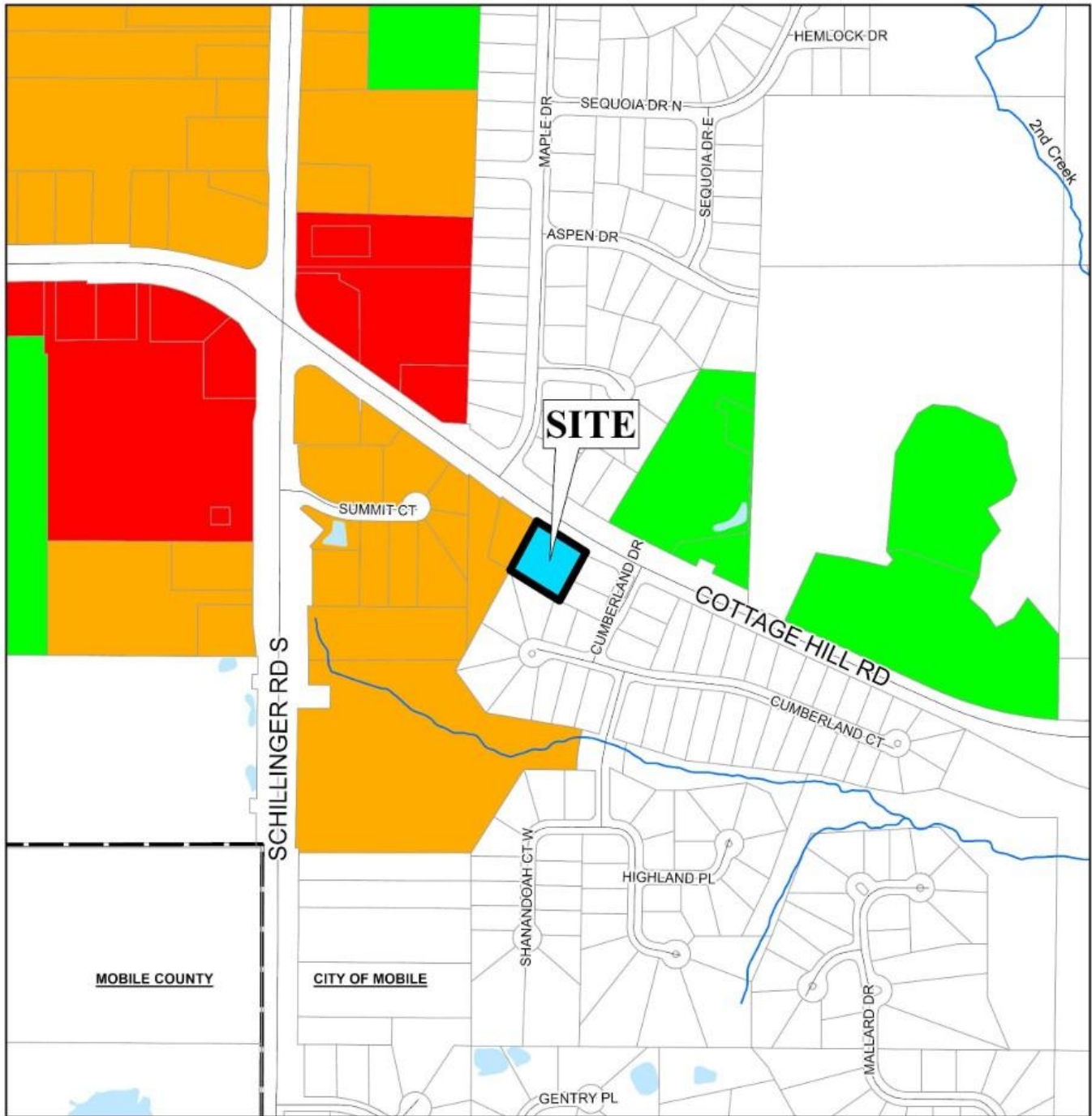
Based on the requested Special Exception application, if the Board considers approval of the request, the following findings of fact must be present:

- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If approved, the Special Exception should be subject to the following conditions:

- 1) Revision of the site plan to provide the number of classrooms or offices, and the size in square feet of any group seating areas;
- 2) Revision of the site plan to depict a compliant residential buffer along the South and East property lines;
- 3) The business is limited to the structure on the West of the site;
- 4) The business is limited to the following hours of operation: Monday to Friday, from 8:00 AM to 5:00 PM;
- 5) Any increase in the number of classrooms or group seating areas will require a new Special Exception application; and
- 6) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



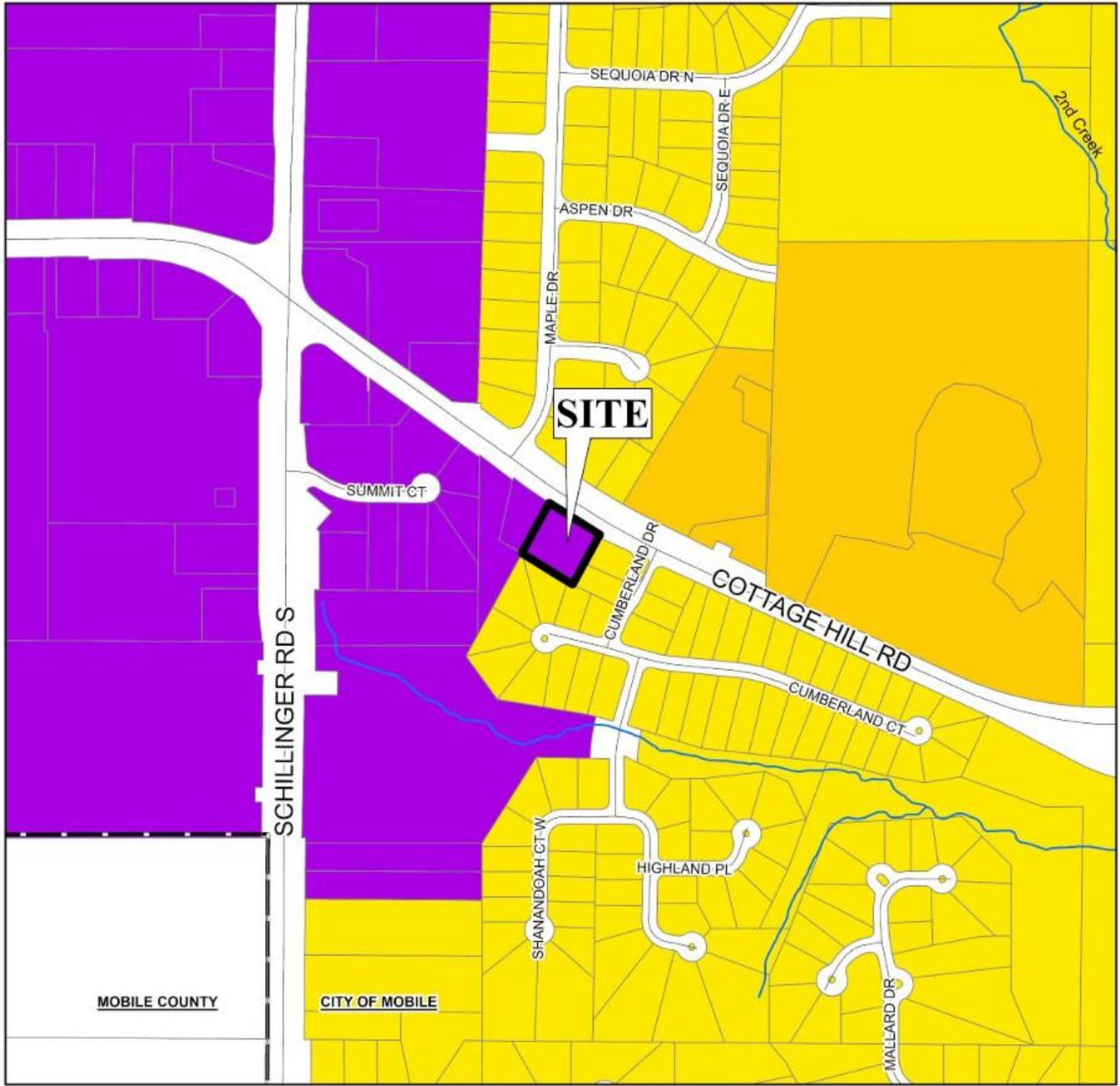
APPLICATION NUMBER 6711 DATE November 3, 2025

APPLICANT Element 3 Engineering, LLC (Patrick Tolbert, Agent)

REQUEST Special Exception



FLUM LOCATOR MAP



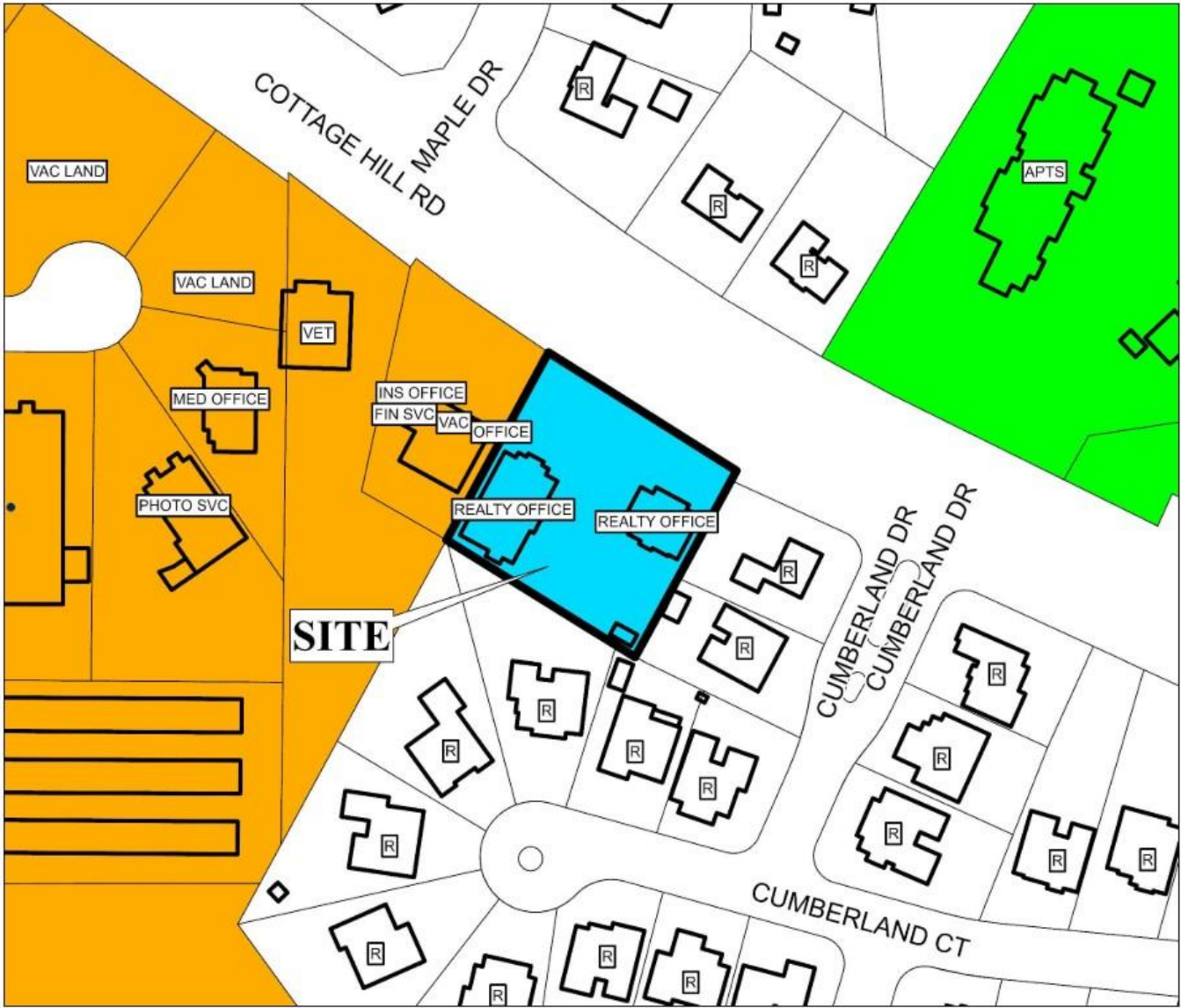
APPLICATION NUMBER 6711 DATE November 3, 2025
 APPLICANT Element 3 Engineering, LLC (Patrick Tolbert, Agent)
 REQUEST Special Exception

- | | | | |
|---|--|---|---|
| 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 residential and commercial units.

APPLICATION NUMBER 6711 DATE November 3, 2025
 APPLICANT Element 3 Engineering, LLC (Patrick Tolbert, Agent)
 REQUEST Special Exception

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 landscaping, sidewalk, and current buildings.

APPLICATION NUMBER <u>6711</u>	DATE <u>November 3, 2025</u>
APPLICANT <u>Element 3 Engineering, LLC (Patrick Tolbert, Agent)</u>	
REQUEST <u>Special Exception</u>	



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

NEIGHBORHOOD CENTERS (NC)

Neighborhood Center applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. The following principles apply not just to the future development of new centers, but also to the redevelopment of existing centers. These principles are common to all neighborhood centers, but the appropriate design varies depending on whether a center is in a more “traditional” or more “suburban” context.

- › Support a limited amount of commercial employment
- › Incorporate some residential use, compatible in character with that of surrounding residential development, providing appropriate transitions in height, massing and other buffering from one land use district to the next.
- › The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments. Form vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- › Be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Residential, Multifamily

Secondary Uses

- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Various types ranging in density from 10 to 30 du/ac;
- › Residential units above ground-floor retail
- › Multifamily buildings (small scale)
- › Attached residential such as duplexes, multiplexes, and townhomes
- › Accessory and live-work units



NC TRADITIONAL (NCT)

These tend to be in areas connected to MxDR neighborhoods. They primarily occur east of I-65.

Development Intent

- › Buildings should orient to the street, with on-site parking typically pushed to the back of the site.
- › Design qualities of the public realm are emphasized, including the provision of continuous sidewalks, tree canopy, pedestrian amenities, on-street parking and bicycle facilities where appropriate.



NC SUBURBAN (NCS)

These generally are located among the LDR neighborhoods west of the I-65. Where they exist, these centers currently have a more pronounced vehicular orientation.

Development Intent

- › Support increase in mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).
- › Retrofit to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.)





Agenda Item # 9
BOA-003497-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

4519 Cypress Business Park Drive

Applicant / Agent:

Kimmy Care, LLC (Kimberly H. Rea, Agent)

Property Owner:

BB Properties, LLC (c/o Kimberly H. Rea)

Current Zoning:

B-5, Office Distribution District

Future Land Use:

Heavy Industry

Case Number(s):

6712/6643/6468

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) does not allow the operation of a daycare in a B-5, Office-Distribution District.

Board Consideration:

- Use Variance to amend a previously approved Use Variance to allow operation of a daycare in a B-5, Office-Distribution District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER	6712	DATE	November 3, 2025
APPLICANT	Kimmy Care, LLC (Kimberly H. Rea, Agent)		
REQUEST	Use Variance		



SITE HISTORY

The site was annexed into the City of Mobile in 1993.

In August 1996, the site was rezoned from R-1, Single-Family Residential District to B-5, Office Distribution District.

In August 1999, the site was part of the Creekline Subdivision, Tenth Addition, which was approved by the Planning Commission and recorded in Probate Court.

The site was granted a Use Variance by the Board of Zoning Adjustment on July 11, 2022 to allow a daycare to operate in a B-5 District.

In January 2025, the Board granted an amendment to the 2022 Use Variance to allow the operation of a daycare in a B-5 District, to allow a new 1,500 square-foot structure on the site. An extension was granted on August 4, 2025.

STAFF COMMENTS

Engineering Comments:

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

1. The proposed improvements will require 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 is requesting a Use Variance to amend a previously approved Use Variance to allow operation of a daycare in a B-5, Office-Distribution District; the Unified Development Code (UDC) does not allow the operation of a daycare in a B-5, Office-Distribution District.

As mentioned previously, the site was granted a Use Variance in January 2025 to allow the construction of a 1,500 square-foot building on the subject site. Plans were submitted for the Land Disturbance review, but the location of the proposed new structure was changed from that approved in the variance. As variance approvals are site-plan specific, a new variance is required to allow the structure in the proposed new location on the site.

The site is adjacent to other B-5 properties to the North, South, and West, with I-1, Light Industry District, across the street to the East. No Use Variances have been granted for any other properties in the area.

The previously approved site plan indicated the proposed new building located approximately ten feet (10') North of the existing daycare building. The proposed amended site plan indicates the new building located approximately seventeen feet (17') West of the existing building.

The proposed new location of the building will not result in the loss of any existing parking spaces. The site plan indicates compliance with the number of parking spaces. One (1) space is required per 350 square feet of gross floor area, and with a total of 3,906 square feet proposed, twelve (12) spaces are required and are provided.

The existing daycare building is 2,406 square feet, and the proposed is 1,500 square feet. As the proposed addition to the site is more than a 50% increase in the building footprint on the site, the property will have to come into compliance with the UDC tree planting and landscape area requirements. Since the site is abutted to the North,

West and South by other B-5 commercial properties, only frontage and parking lot tree planting compliance is required, and the site plan indicates such. However, the landscaping calculations are incorrectly based upon a 12% ratio of total site landscaping required, and the UDC now requires a 15% ratio of total site landscaping. The calculations provided on the site plan only cover the total site landscaping area required and do not continue to calculate the street frontage landscaping area required, which would be 60% of the total area required. Therefore, the site plan should be revised to base the landscaping calculations on 15% of the total site area, with 60% of that area to be the frontage landscaping area required.

A note on the site plan states that the site will use curb side pickup, in lieu of a dumpster. If approved, this note should be retained on the site plan.

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:

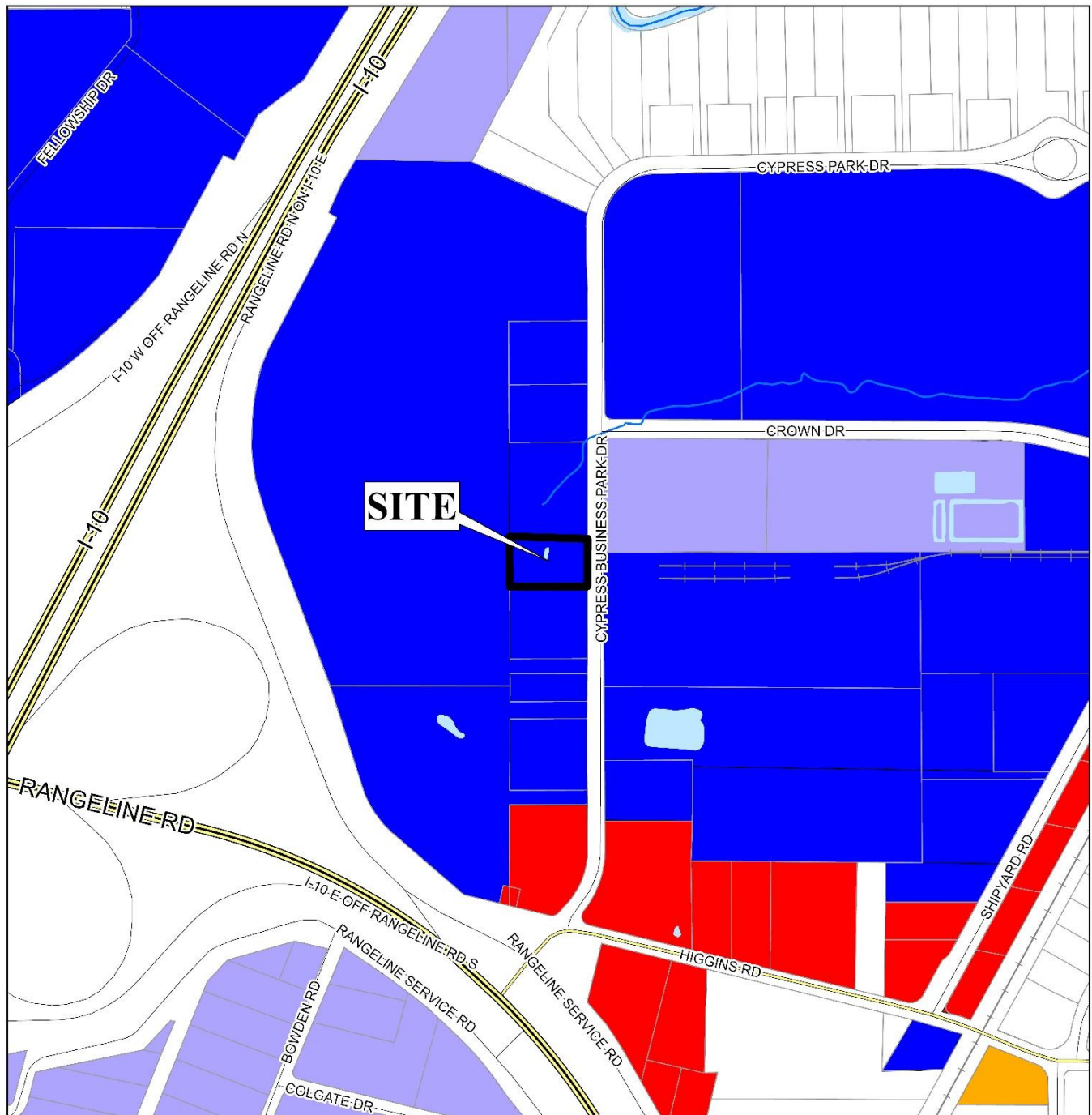
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 following conditions should apply:

- 1) Revision of the landscaping calculations to be based upon 15% of the total site to be landscaped, with 60% of the total area landscaping to be along the street frontage;
- 2) Revision of the tree planting calculations to delete perimeter tree planting requirements;
- 3) Retention of the note on the site plan stating that curbside pickup will be used;
- 4) Submittal of a revised site plan to Planning & Zoning staff prior to the submission for land disturbance or building permits; and
- 5) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



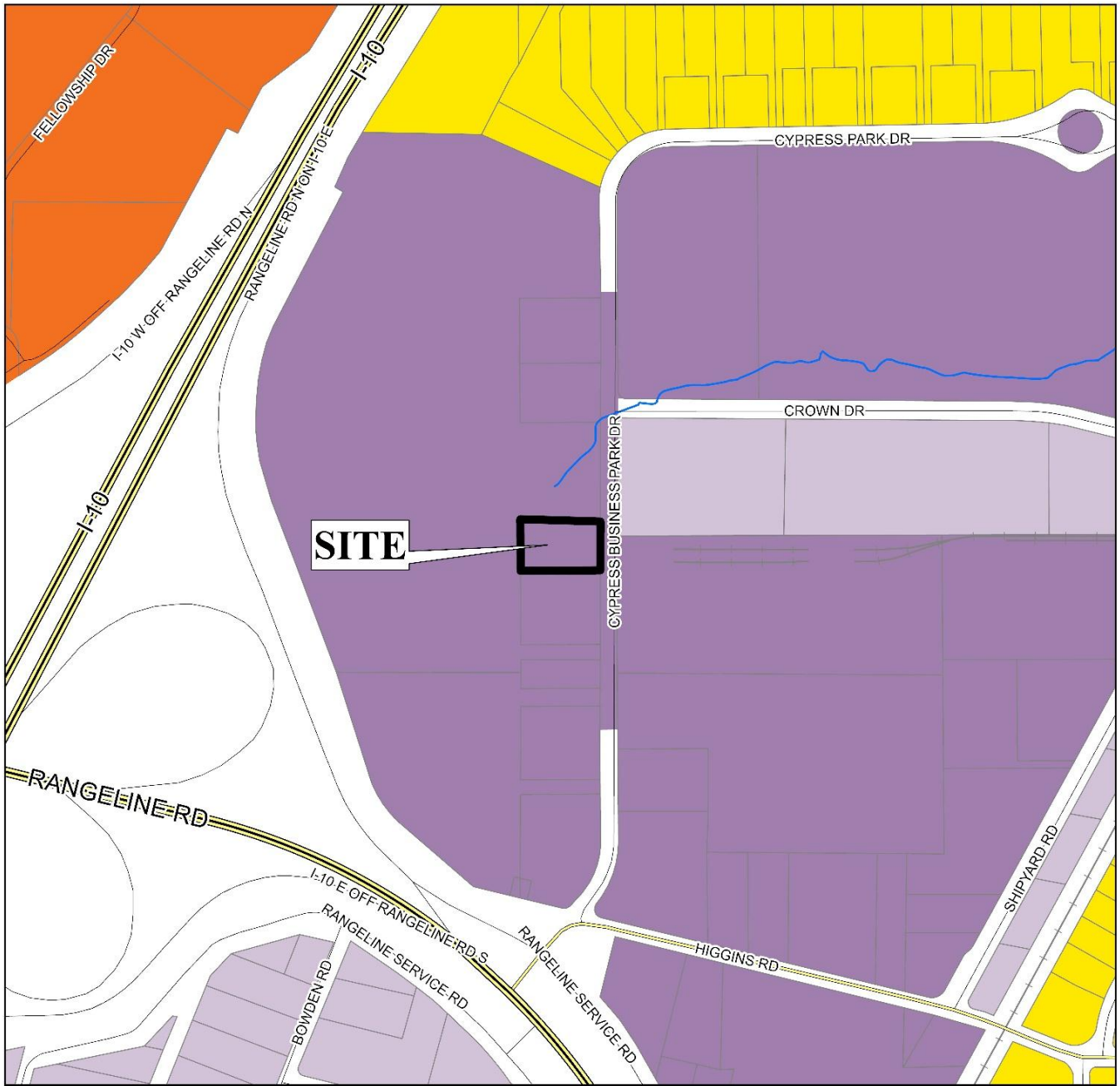
APPLICATION NUMBER 6712 DATE November 3, 2025

APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)

REQUEST Use Variance



FLUM LOCATOR MAP



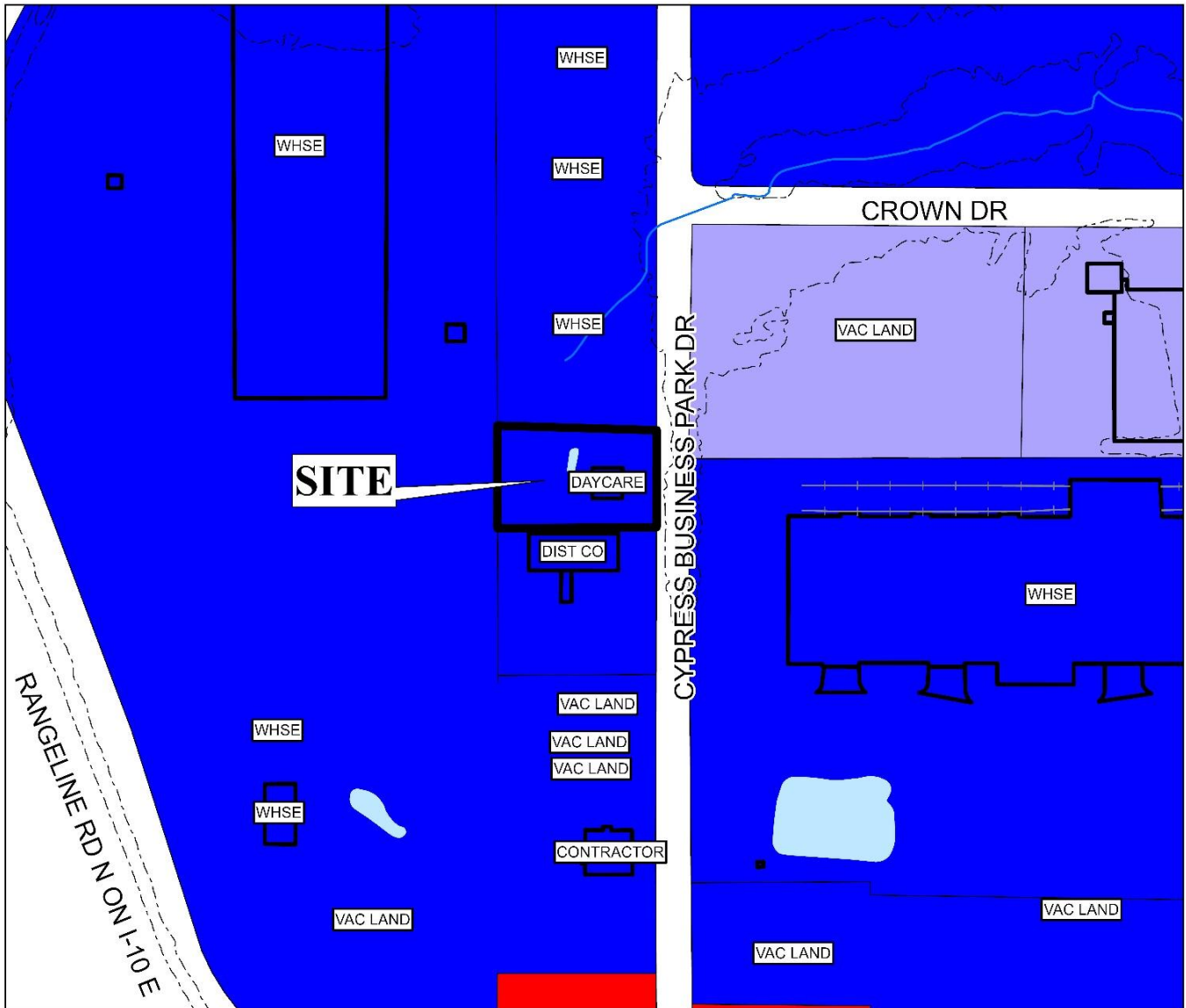
APPLICATION NUMBER 6712 DATE November 3, 2025
APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
REQUEST Use Variance

- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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



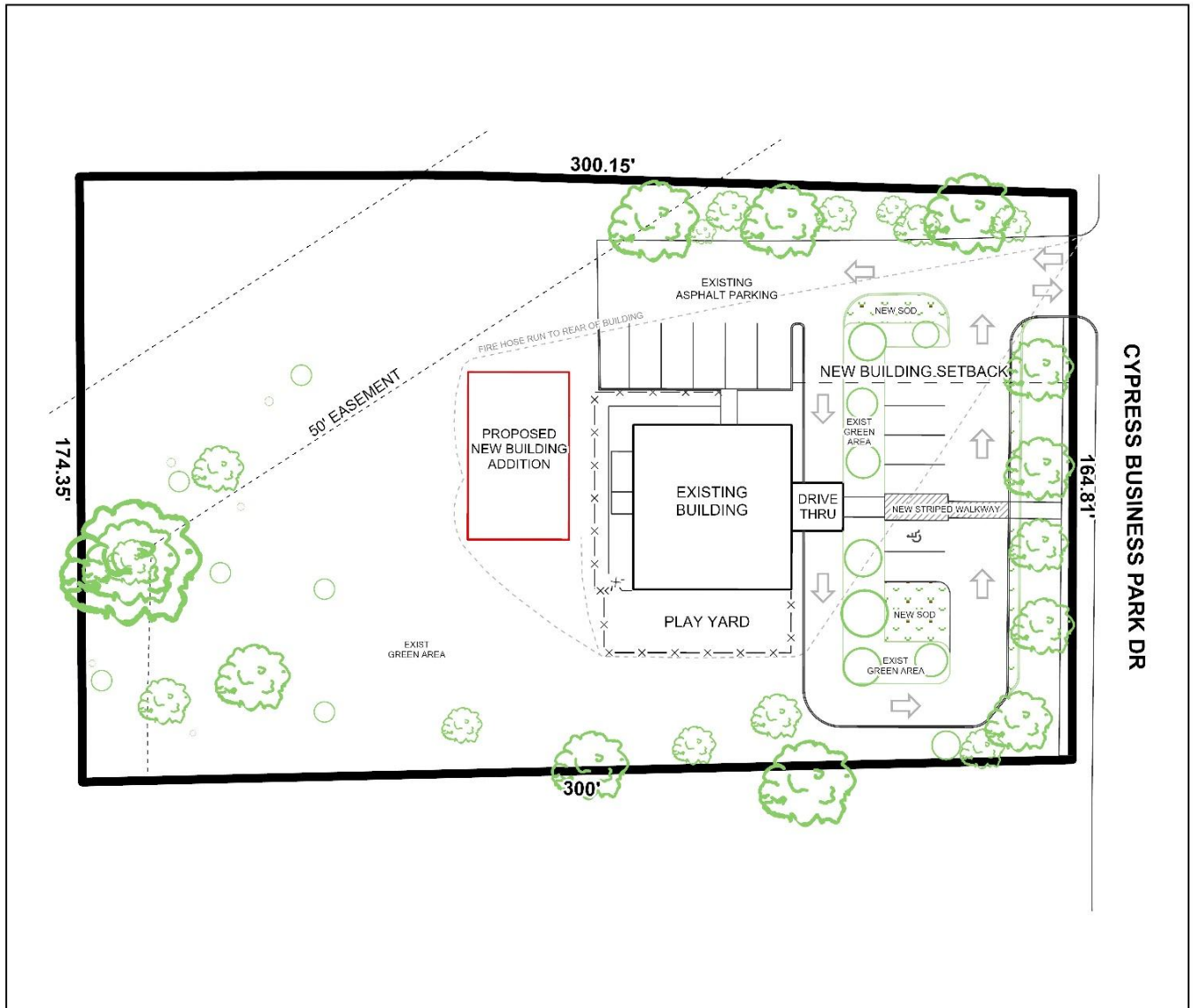
The site is surrounded by industrial units.

APPLICATION NUMBER 6712 DATE November 3, 2025
 APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
 REQUEST Use 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

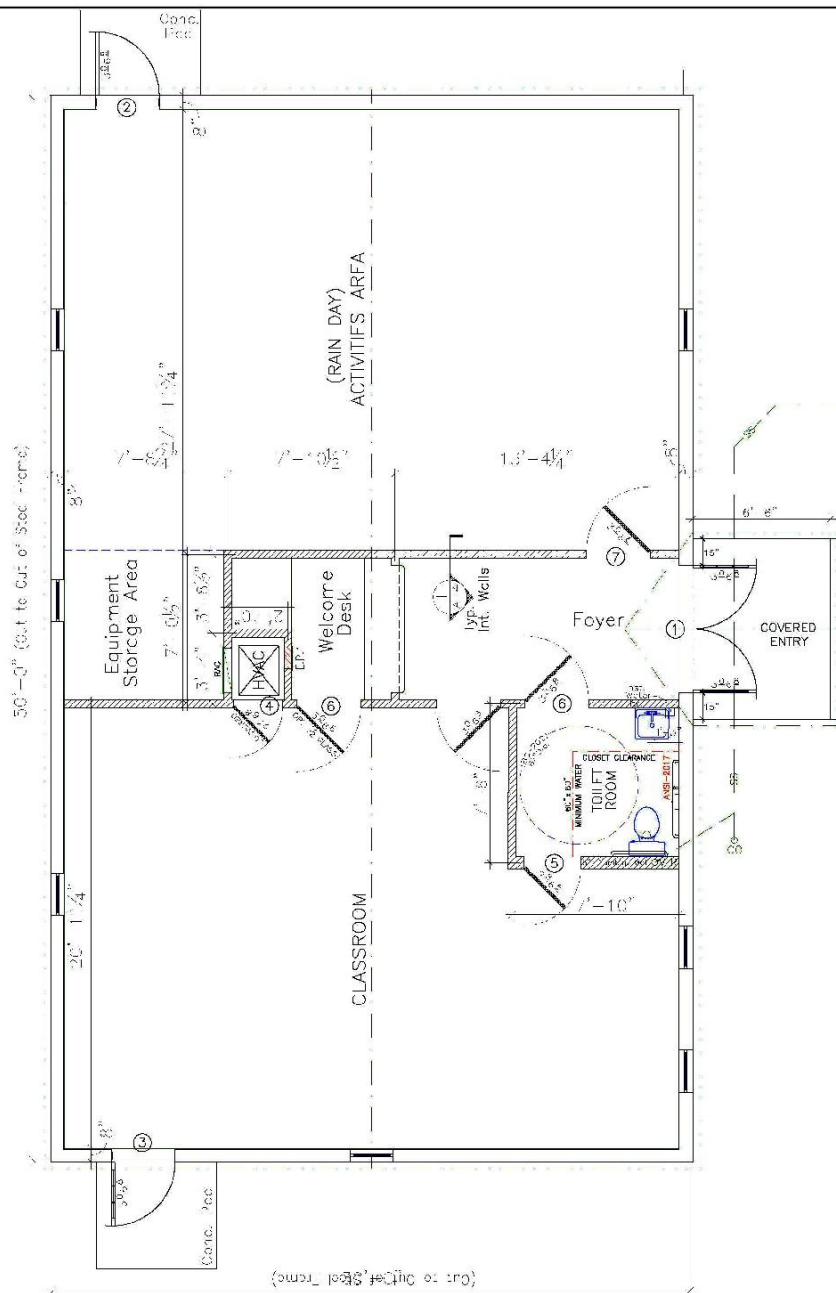


The site plan illustrates the proposed buildings, parking, landscaping, and current buildings.

APPLICATION NUMBER <u>6712</u> DATE <u>November 3, 2025</u>
APPLICANT <u>Kimmy Care, LLC (Kimberly H. Rea, Agent)</u>
REQUEST <u>Use Variance</u>



DETAIL SITE PLAN



APPLICATION NUMBER 6712 DATE November 3, 2025
 APPLICANT Kimmy Care, LLC (Kimberly H. Rea, Agent)
 REQUEST Use Variance



NTS

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

HEAVY INDUSTRY (HI)

This designation applies to larger parcels primarily devoted to high-impact industrial activity which is preferably removed from residential and commercial uses. Light industry, industrial business or commercial lands may separate heavy industry from other land uses. Heavy industrial areas are distinguished by the presence of noise, vibration, and/or odors, and benefit from easy access to a multimodal freight transportation network. Some industrial areas along Mobile's waterways are treated separately on the FLUM and classified as Water Dependent Uses

Development Intent

- › Certain types of heavy industry are characterized by low building coverage and activities that rely on large areas of outdoor storage of raw material stockpiles and/or waste-product disposal areas, storage tanks, pipelines, and transportation yards to handle the transfer of heavy materials.
- › The outdoor storage areas should be screened as much as possible by the nature of the stored materials.
- › Land designated as HI may be underdeveloped due to the presence of wetlands on portions of the parcel. In these cases, the wetlands may serve to buffer surrounding uses from the potential impacts of the heavy industrial use.
- › Undeveloped areas of HI parcels that have tree cover may be used as buffering between the heavy industrial use and other uses. Where buffers do not exist naturally, they should be provided as spelled out in the zoning and subdivision regulations.
- › Open areas reserved for dredge disposal are also designated as HI and may contain wetlands.

Land use mix

Primary Uses

- › Heavy Industrial
- › Mining and Material Storage

Secondary Uses

- › Commercial

Character Example





Agenda Item # 10
BOA-003498-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

5344 U.S. Highway 90 West

Applicant / Agent:

Victor Sign Company, LLC

Property Owner:

Garrett Baker, Delaney Property Group

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Numbers:

6713

Unified Development Code (UDC) Requirement:

- The UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

Board Consideration:

- Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site in a B-3, Community Business Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6713	DATE	November 3, 2025
APPLICANT	Victor Sign Company, LLC		
REQUEST	Sign Variance		



SITE HISTORY

The subject site was initially a part of Bay View Terrace Subdivision, an old deed book plat.

In 1950, a portion of that subdivision was re-subdivided into Suburban Gardens Subdivision. Many of the lots within that subdivision were re-subdivided via parcel deeds prior to the area coming within the City's Planning Jurisdiction.

In 2006, the two legal lots of record contained within the most-recent subdivision application were created via Suburban Gardens Subdivision, Resubdivision of Lot 8 and a portion of Lot 9, Block 1.

The Northern and Eastern portions of the site were annexed into the City of Mobile in 2008 and subsequently assigned a B-3, Community Business District zoning classification.

The current B-3, Community Business Suburban District classification was assigned to the areas within the City limits with the adoption of the Unified Development Code (UDC) in March 2023.

The Western portion of the site was granted a Pre-Zoning Request pursuant to Alabama Code 11-52-85 allowing pre-zoning of the property to B-3, Community Business Suburban District, subject to completion of the annexation process. The pre-zoning was approved by the Commission in July 2024, and subsequently adopted by the City Council on September 24, 2024. The site was also annexed into the City on that date.

On November 21, 2024, the site was the subject of Tillman's Corner Development Subdivision, a four (4)-lot subdivision which was approved by the Planning Commission. The Final Plat for that subdivision has been signed and recorded.

On February 20, 2025 the Planning Commission granted a Sidewalk Waiver to waive construction of a sidewalk along U.S. Highway 90 West for the site.

The subject site has never been before the Board of Zoning Adjustment

STAFF COMMENTS

Engineering Comments:

No comments

Traffic Engineering Comments:

Signs should be located on private property and not within the public right-of-way (ROW). Before any sign is built near an intersection their placement should be checked to verify that they do not impede drivers' line of sight.

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 Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site in a B-3, Community Business Suburban District; the UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

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

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The subject site is currently under development as a multi-tenant strip center. Two (2) tenants are proposed in the building. The sign regulations of the UDC allow each tenant to have one (1) wall sign per public street frontage that it faces, not to exceed 30% of the usable wall area, not to exceed 350 square feet.

The subject unit for which the request is made will be a Chipotle restaurant which has one (1) street frontage facing U.S. Highway 90 West along the East side of the site. The applicant requests to allow a second wall sign on the South side of the building which would not face a public street. As justification for the request, the applicant states the following:

The above-mentioned provision is written for a multi-tenant building to only be allowed one (1) wall sign on the elevation with a street frontage. The east elevation facing US Hwy 90 Service Road has a proposed wall sign. Our team believes a 2nd wall sign on the south elevation of the building will greatly contribute to the value of our project and effectively advertise our location concerning the site surroundings. Even with a 2nd wall sign on the south elevation, our proposal is significantly under the maximum three hundred fifty (350) square feet allowed.

We understand a wall sign proposed on the east elevation facing US Hwy 90 Service Road will serve as a means of identification for the Chipotle building. However, due to the traffic flow of the service road, visibility from the south side of the parking lot, and surrounding buildings, we believe a wall sign proposed on the south elevation of the tenant space will increase visibility for north-bound traffic not only on the service road but also along Government Blvd.

We kindly request your consideration and approval for this variance as we firmly believe a wall sign on the south elevation of the Chipotle tenant space will not only benefit our project but also enhance the overall aesthetics of the development. We are committed to maintaining the visual harmony of the area and ensuring the sign adheres to any regulations or guidelines set forth by the City of Mobile. By having a second wall sign on the south elevation of our building, we can better direct potential customers and increase visibility for Chipotle Mexican Grill, which would generate key drivers, such as increased sales, which not only generates revenue for Chipotle, but in turn directly affects the City of Mobile's economic growth.

The proposed signs are within the allowed sizes of the sign regulations of the UDC.

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:

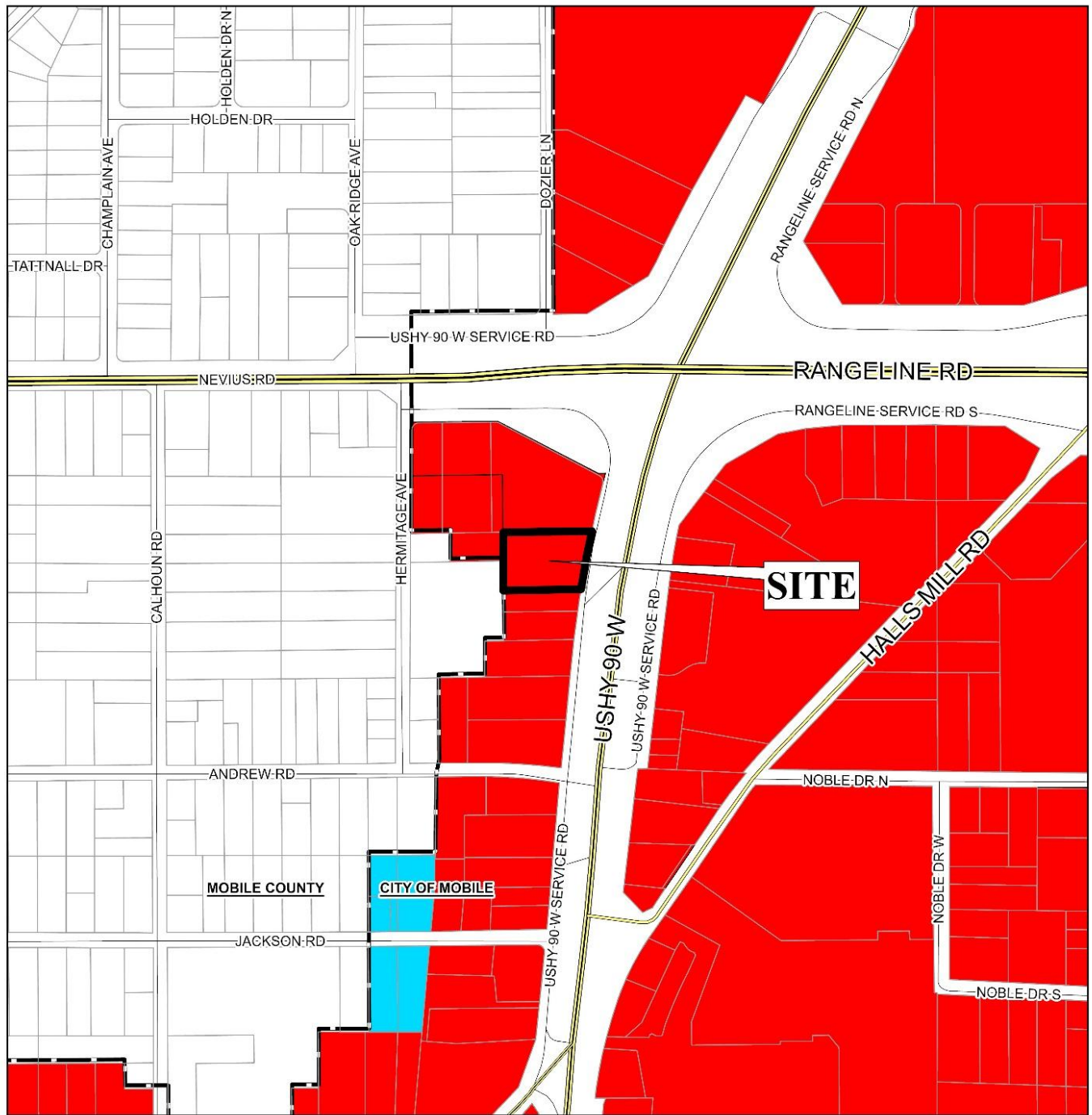
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

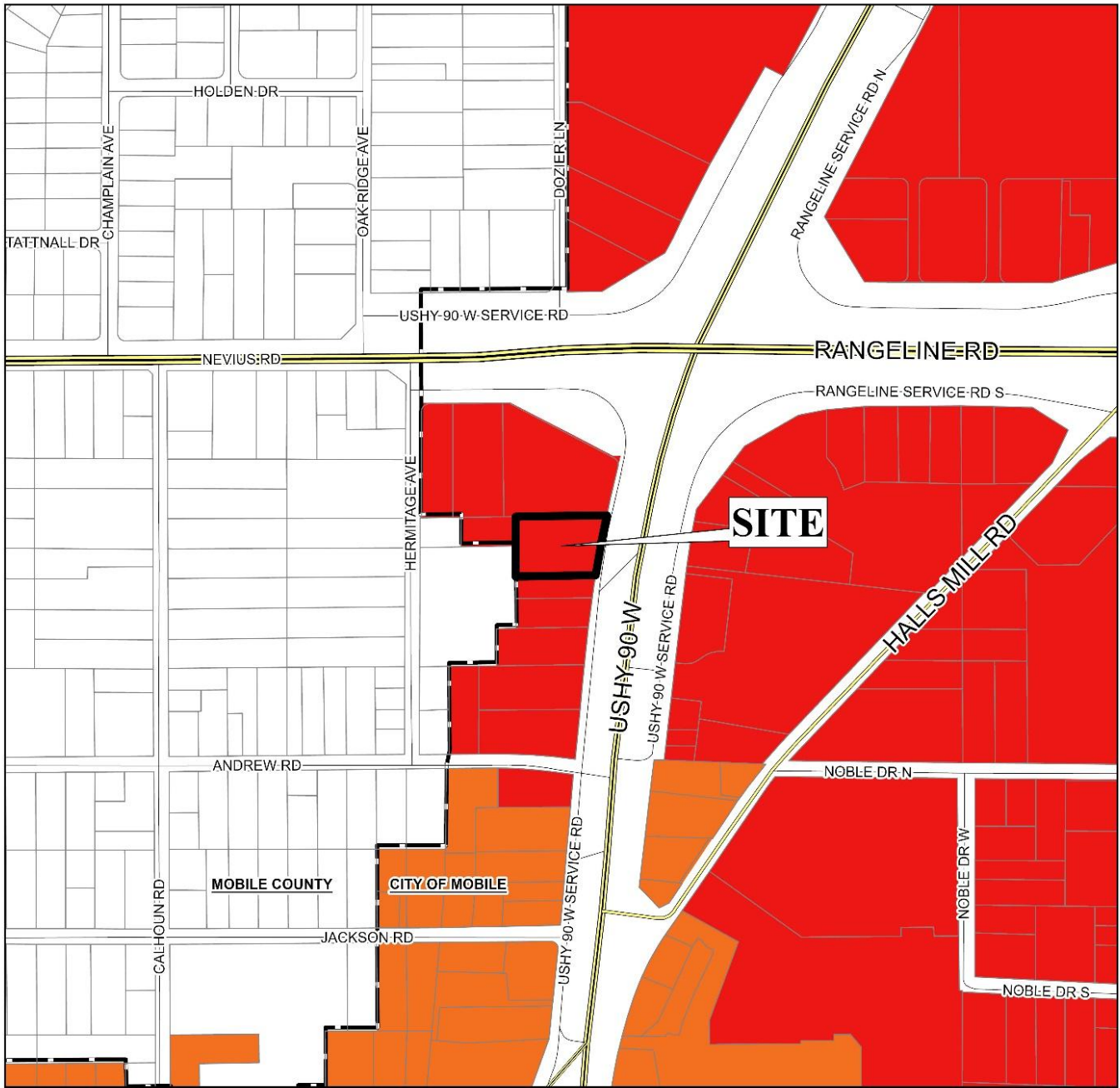
LOCATOR ZONING MAP



APPLICATION NUMBER 6713 DATE November 3, 2025
 APPLICANT Victor Sign Company, LLC
 REQUEST Sign Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6713 DATE November 3, 2025

APPLICANT Victor Sign Company, LLC

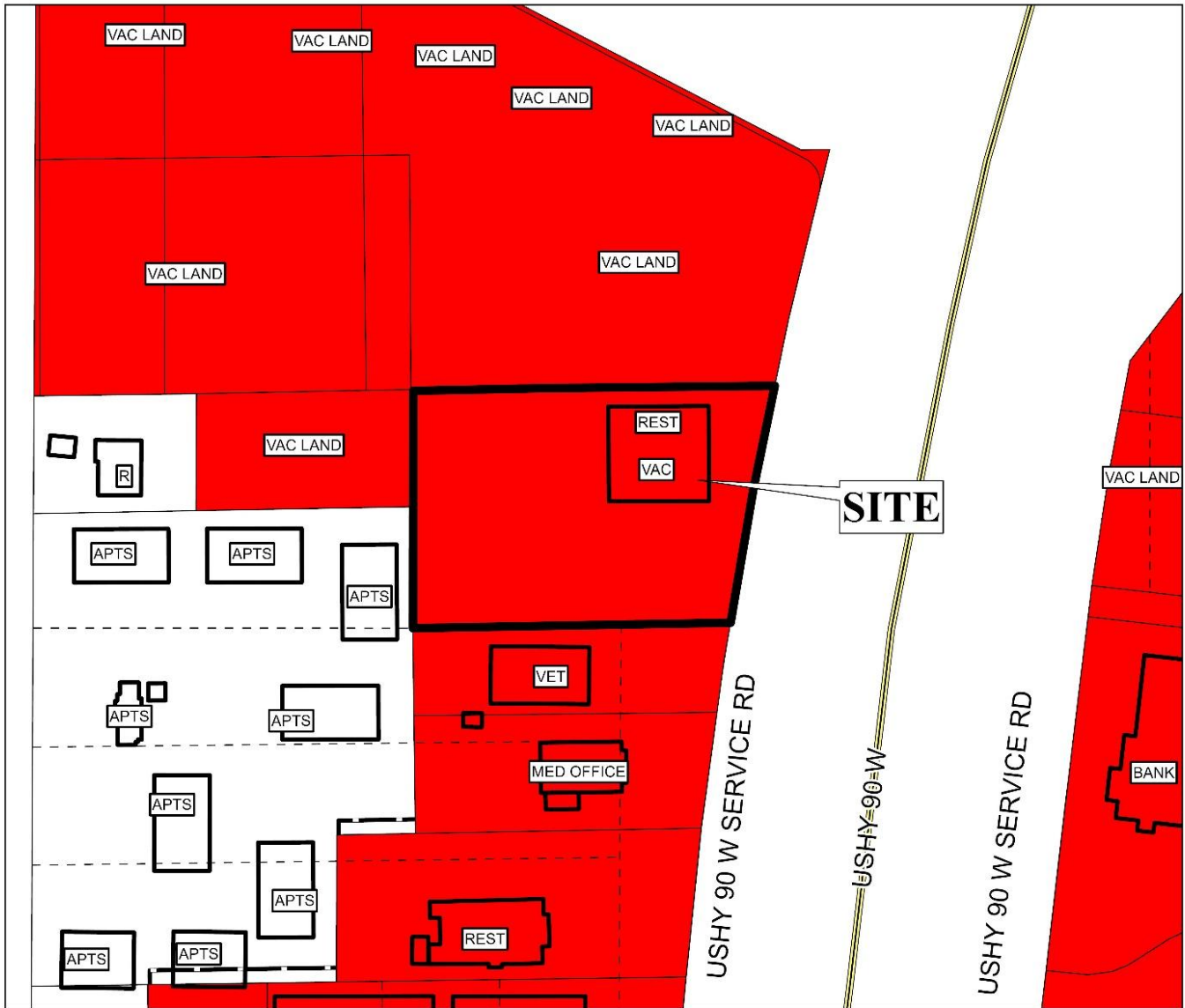
REQUEST Sign Variance

- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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

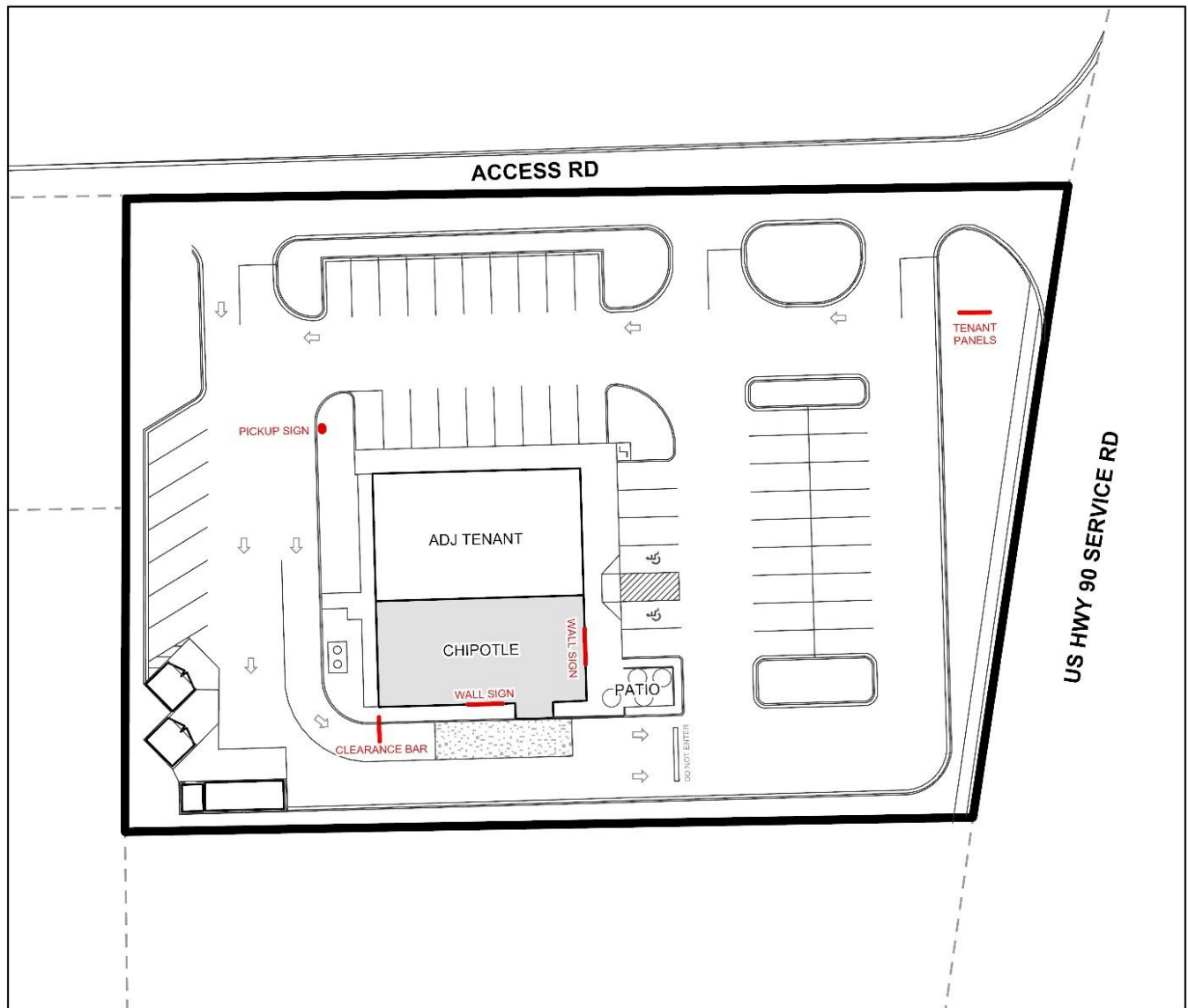
VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6713	DATE	November 3, 2025																														
APPLICANT	Victor Sign Company, LLC																																
REQUEST	Sign Variance																																
<table border="0"> <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	
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<div style="text-align: right;"> <p>NTS</p> </div>																																	

SITE PLAN

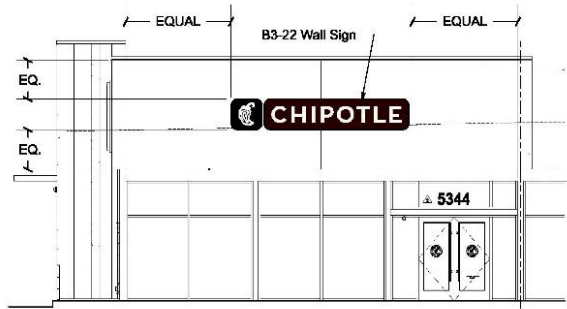


The site plan illustrates the proposed sign placements and current buildings.

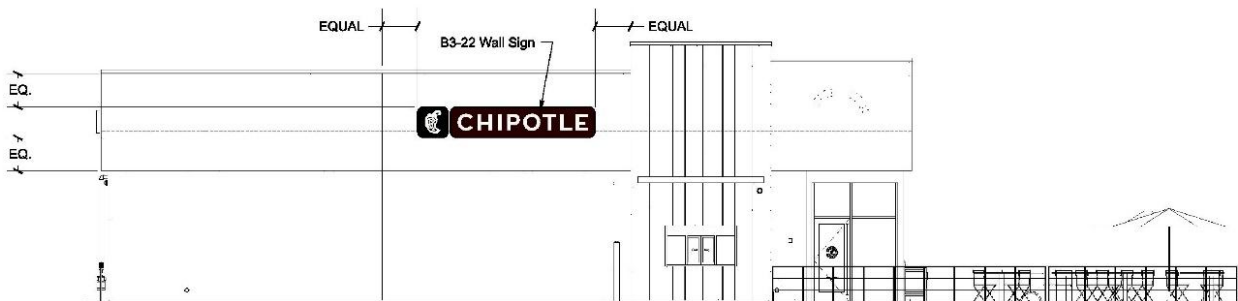
APPLICATION NUMBER <u>6713</u>	DATE <u>November 3, 2025</u>
APPLICANT <u>Victor Sign Company, LLC</u>	
REQUEST <u>Sign Variance</u>	



DETAIL SITE PLAN



EAST ELEVATION



SOUTH ELEVATION

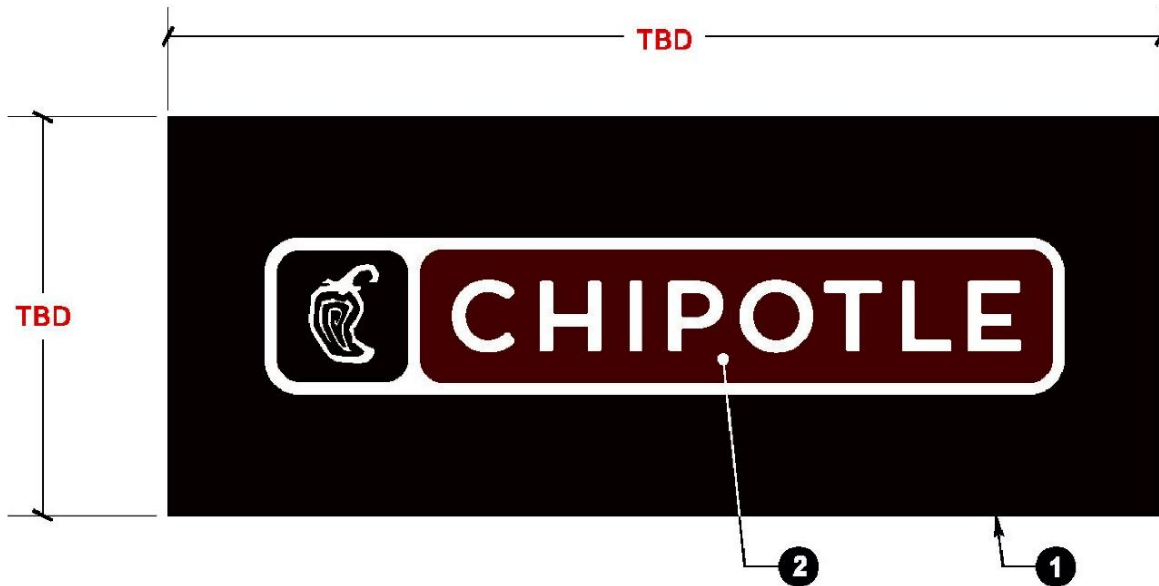
APPLICATION NUMBER 6713 DATE November 3, 2025

APPLICANT Victor Sign Company, LLC

REQUEST Sign Variance



DETAIL SITE PLAN



GRAPHIC LAYOUT

- 1. FACE PANNELS
- 2. GRAPHICS

APPLICATION NUMBER 6713 DATE November 3, 2025

APPLICANT Victor Sign Company, LLC

REQUEST Sign Variance



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

DISTRICT CENTER (DC)

This designation applies across the city beyond Downtown to large areas of existing mixed-use character or where such character is encouraged. District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. They are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center. Depending on location residential areas in District Centers may incorporate a mix of housing types with minimum densities of 20 du/ac in dynamic, horizontal or vertical mixed-use environments ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

Development intent

- › District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area.
- › District Centers may be served by transit and include development of an intensity and design that supports transit use.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Civic
- › Residential, Multifamily

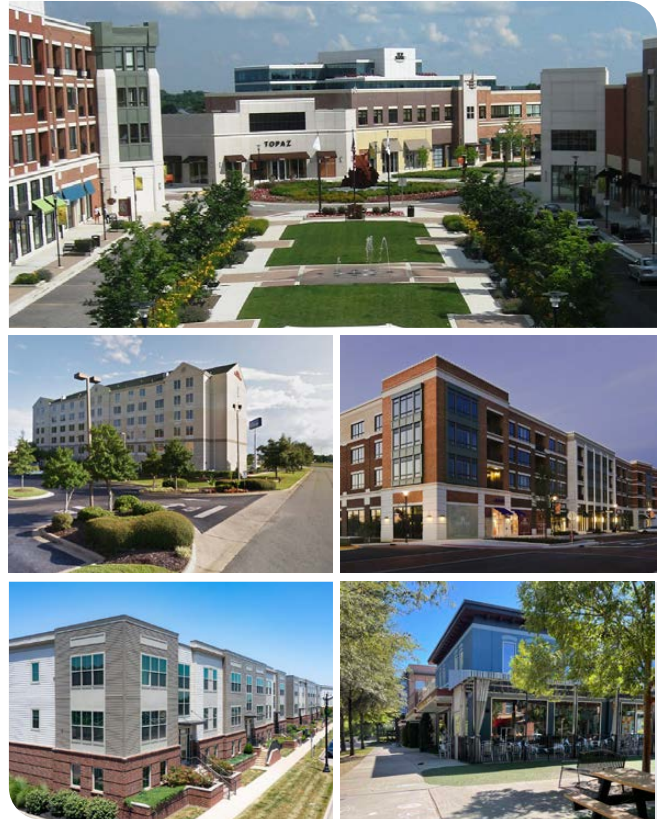
Secondary Uses

- › Residential, Attached
- › Residential, Single Family
- › Parks

Housing mix

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

Character Example



Existing district centers should evolve into large walkable mixed-use areas.

Rendering: Dover Kohl



Agenda Item # 11

BOA-003499-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

6900 Cobblestone Way North

Applicant / Agent:

Hometown Contractors, Inc. / Kristyn Simmons

Property Owner:

Heather Warren

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6714

Unified Development Code (UDC) Requirement:

- The UDC requires all structures exceeding three (3) feet in height to be located more than 25 feet from the side street, side yard property line in an R-1, Multi-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow construction of a screened porch within the 25-foot side street, side yard setback in an R-3, Multi-Family Residential Suburban District.

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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 6714 DATE November 3, 2025
APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
REQUEST Setback Variance



SITE HISTORY

The property was rezoned from R-A, Residential-Agricultural District, to R-3, Multi-Family Residential District, by the City Council on January 16, 1973.

In April 1978, the Planning Commission approved subdivision of the property as part of the 20-lot *Cobblestone Subdivision, Phase I*, which was subsequently recorded in the Mobile County Probate Court in June 1978. The resulting lot includes a 25-foot minimum building setback along Cobblestone Way North and Foreman Road. A note on the recorded subdivision plat specifies “No access to Old Shell Road,” which abuts the rear property line.

There are no additional Planning Commission or Board of Zoning Adjustment actions associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

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 Setback Variance to allow construction of a screened porch within the required 25-foot side street side yard setback in an R-3, Multi-Family Residential Suburban District. The Unified Development Code (UDC) requires that all structures exceeding three (3) feet in height be located more than 25 feet from the side street side yard property line in this zoning district.

A narrative describing the request and all application materials can be viewed via the link provided on Page 1 of this report.

The subject property is a corner lot with frontage along both Cobblestone Way North and Foreman Road, and was recorded with 25-foot minimum building setbacks along both street frontages. The proposed screened porch would encroach approximately 11.5 feet into the required setback along Foreman Road.

According to Article 2, Section 64-2-7.E., and Article 3, Section 64-3-5.A.1. of the UDC, structures in an R-3, Multi-Family Residential Suburban District must be set back a minimum of 25 feet from front property lines and 20 feet from side street property lines. Further, Article 3, Section 64-3-5.B.1. specifies that required yards along street frontages must remain unoccupied and unobstructed from a height of three (3) feet above ground level upward. Because the proposed porch would exceed this height and encroach into the required setback, the request is non-compliant with the established zoning standards. The Planning and Zoning Department denied the associated permit application on this basis, resulting in the present variance request.

As justification, the applicant cites the corner lot configuration, which requires two front yard setbacks, as creating difficulty in meeting setback requirements. While this condition can limit buildable area, it is common to all corner lots in residential districts and does not, by itself, constitute a unique hardship. However, upon reviewing the site plan, staff recognizes that compliance may be difficult to achieve due to several factors:

- the modest lot size (approximately 9,717 square feet);
- the existing dwelling's placement, which limits available building area;
- the larger-than-currently-required setback recorded along Foreman Road; and
- the likelihood that an alternative placement would result in encroachment into the rear yard setback along Old Shell Road (eight (8) feet).

These conditions may collectively constrain development options and create a practical difficulty in complying with all required setbacks.

It should be noted that the Board approved a similar variance in 1982 for an enclosed patio encroaching into a side yard setback on a nearby property. However, no comparable variances have been granted in the vicinity since that time. Approving the current request could therefore establish a precedent for future variance applications that could further erode the intent of the zoning ordinance.

Finally, staff notes that the combined building footprint of all existing and proposed structures would remain within the 45% maximum site coverage limitation established by the UDC for multi-family residential lots within a Suburban sub-district.

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:

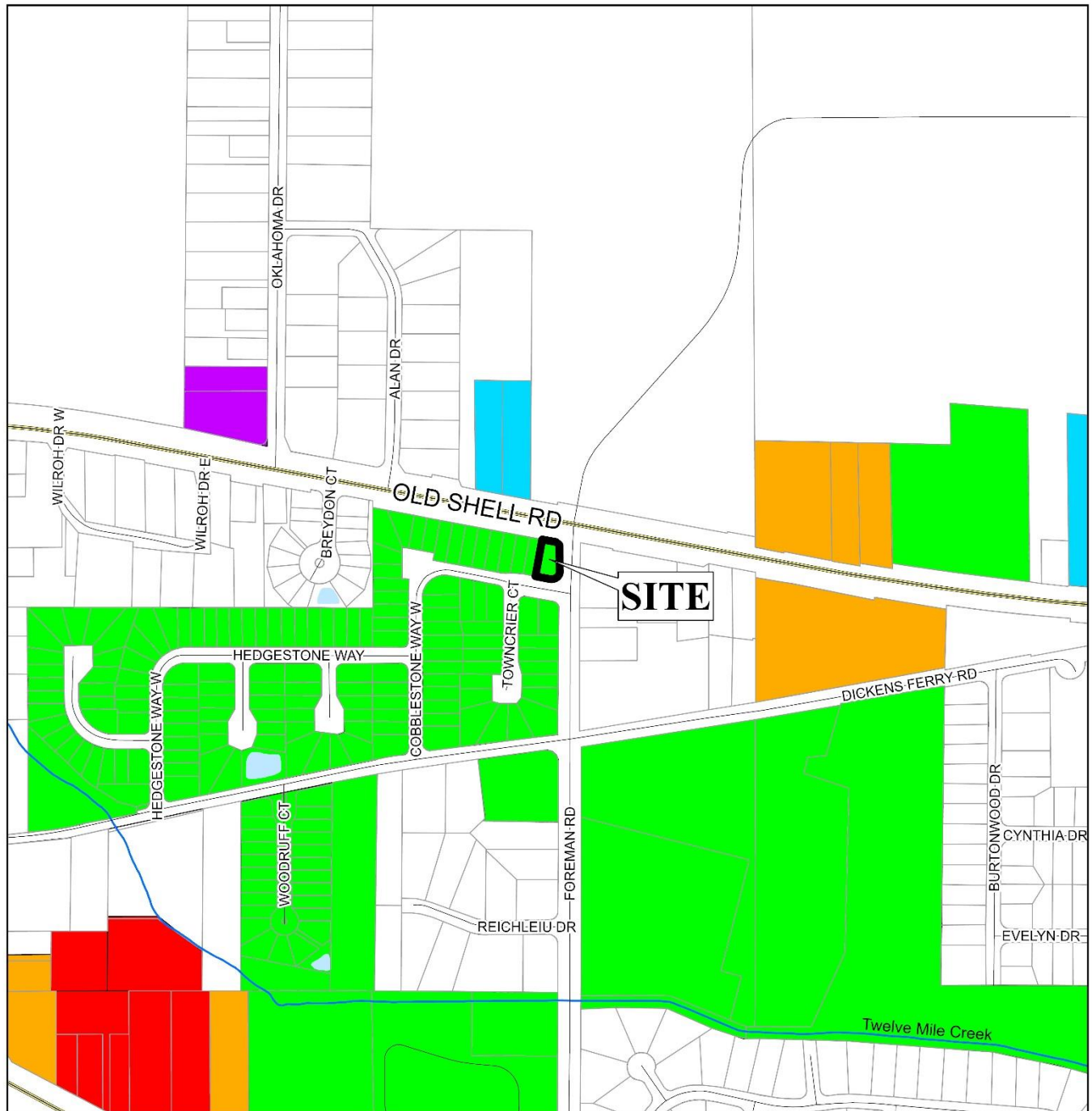
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

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

If the Board considers approving the variance request, it could be subject to the following condition(s):

- 1) Acquisition of all required permits and inspections for the screened porch; and
- 2) Compliance with all other codes and ordinances.

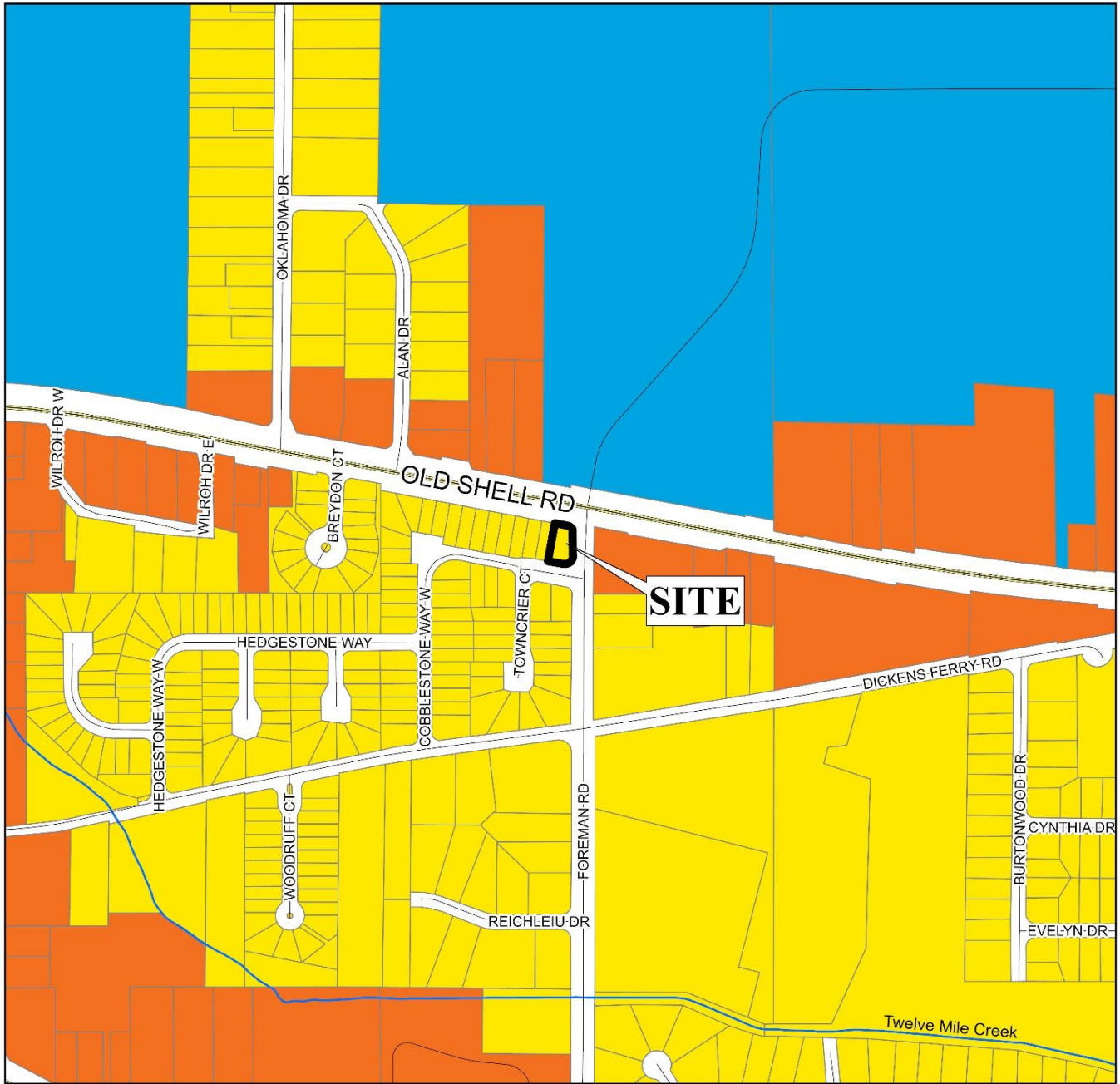
LOCATOR ZONING MAP



APPLICATION NUMBER 6714 DATE November 3, 2025
 APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
 REQUEST Setback Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6714 DATE November 3, 2025
APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
REQUEST Setback 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



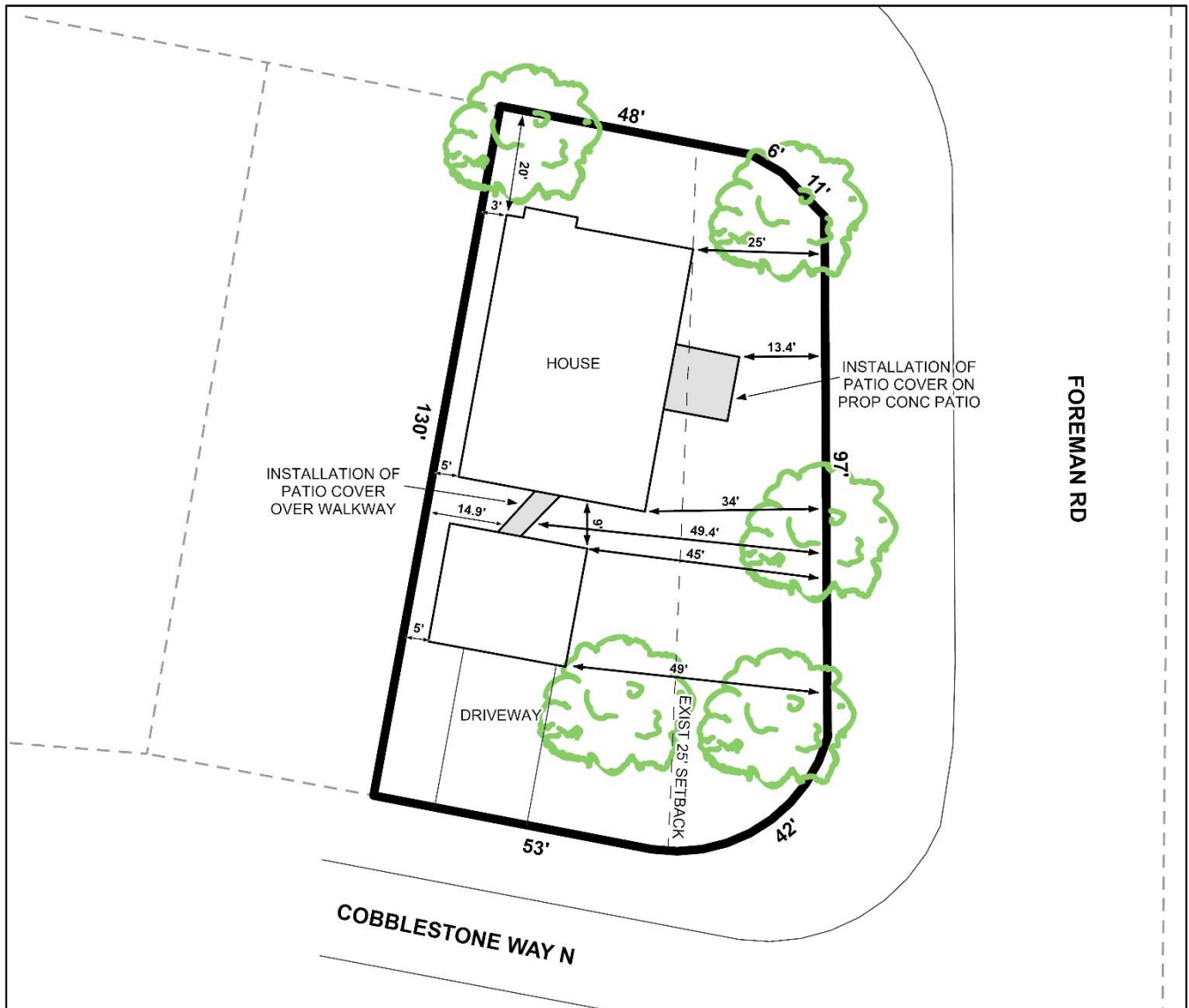
The site is surrounded by residential units.

APPLICATION NUMBER 6714 DATE November 3, 2025
 APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
 REQUEST Setback 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 proposed patio placements, setbacks, and current buildings.

APPLICATION NUMBER 6714 DATE November 3, 2025
 APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
 REQUEST Setback Variance



DETAIL SITE PLAN



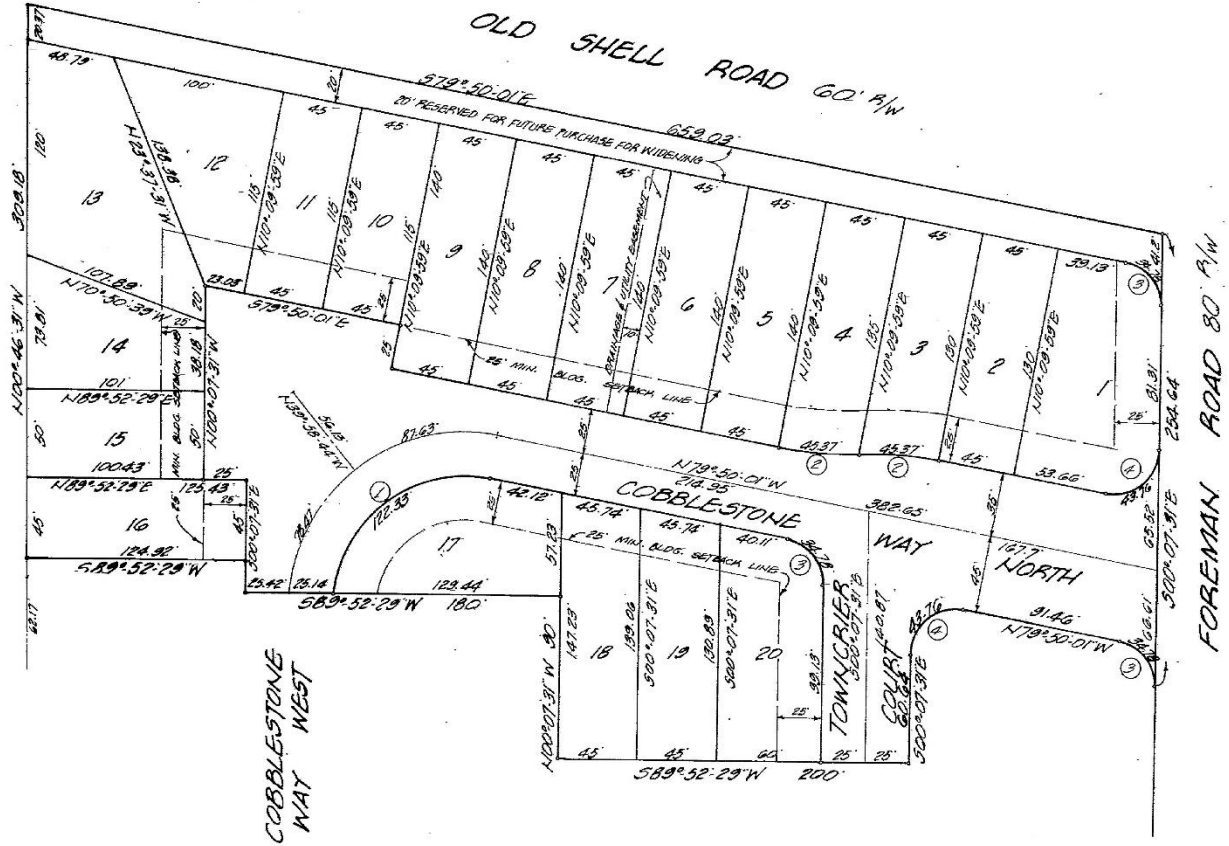
REAR ELEVATION

APPLICATION NUMBER 6714 DATE November 3, 2025
 APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
 REQUEST Setback Variance



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6714 DATE November 3, 2025
 APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
 REQUEST Setback Variance



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- › The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

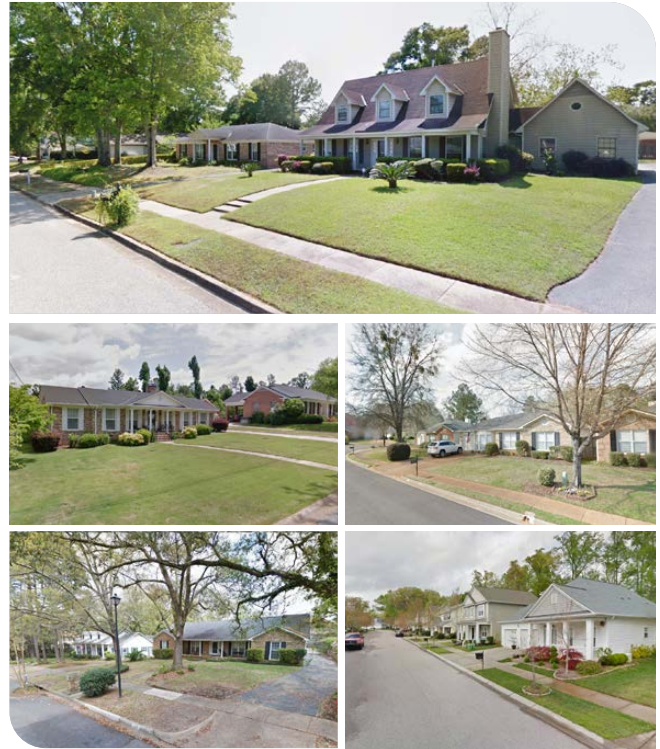
Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example





Agenda Item # 12

BOA-003503-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

3244 Dauphin Street

Applicant / Agent:

CPH Consulting, LLC (Jason Toole, P.E., Agent)

Property Owner:

Northside LTD, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number:

6715

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires all structures exceeding three-feet (3') tall to be located more than 25-feet from the front property line, requires full compliance with tree planting regulations, and prohibits dumpsters from being located in a front yard in a B-3, Community Business Suburban District.

Board Consideration:

- Front Yard Setback, Tree Planting, and Dumpster Variances to allow a canopy to be located within the 25-foot front yard setback, with reduced tree plantings, and a dumpster located in the front yard in a B-3, Community Business Suburban District

Report Contents:**Page**

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Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER	6715	DATE	November 3, 2025
APPLICANT	CPH Consulting, LLC (Jason Toole, P.E., Agent)		
REQUEST	Front Yard Setback, Tree Planting, and Dumpster Variances		



SITE HISTORY

In February 2001, the site was part of a four-lot Subdivision approved by the Planning Commission and recorded in Probate Court.

In September 2001, the portion of the site currently developed with Chick-fil-a was granted a sidewalk waiver along Dauphin Street by the Planning Commission.

In June 2001 and in February 2018, the portion of the site currently developed with Chick-fil-a had Administrative Planned Unit Developments to allow for minor alterations to the restaurant, while allowing the site to maintain shared access and parking with the adjacent shopping center.

In February 2018, the portion of the site currently developed with Chick-fil-a had a Parking Variance application before the Board of Zoning Adjustment, but withdrew the application.

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 Front Yard Setback, Tree Planting, and Dumpster Variances to allow a canopy to be located within the 25-foot front yard setback, with reduced tree plantings, and a dumpster located in the front yard in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires all structures exceeding three-feet (3') tall to be located more than 25-feet from the front property line, requires full compliance with tree planting regulations, and prohibits dumpsters from being located in a front yard in a B-3, Community Business Suburban District.

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

The subject site is currently developed with two (2) existing restaurants, Chick-fil-a and Sam's. The applicant is proposing to demolish the existing restaurants and build a new Chick-fil-a. It should be noted that a one-lot Subdivision is required in order to combine the properties, but an application has not yet been submitted. A Sidewalk Waiver application has been submitted, but is not completed, and therefore unable to be placed on an agenda at this time.

The site plan submitted with the application depicts a dual drive thru, with a canopy over the order points, approximately 9.1-feet from the front property line. Structures exceeding three-feet (3') tall must be a minimum of 25-feet from the front property line, thus requiring the requested variance.

The narrative submitted states that the applicant is requesting a tree planting variance to allow reduced tree plantings along Dauphin Street. The UDC requires the site to provide a minimum of four (4) overstory trees, worth a total of 5.95 plant units, along the Dauphin Street frontage. The applicant states that only five (5) plant units can be provided, but no tree plantings are depicted on the site plan submitted, making it difficult for staff to confirm there is not room for compliant tree plantings.

Finally, the site plan submitted also depicts dumpsters to serve the new restaurant, however they are located between the new building and the street, and are therefore located in the front yard. Chapter 64, Article 3, Section 13.A.2. of the UDC prohibits dumpsters from being placed in the front yard.

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:

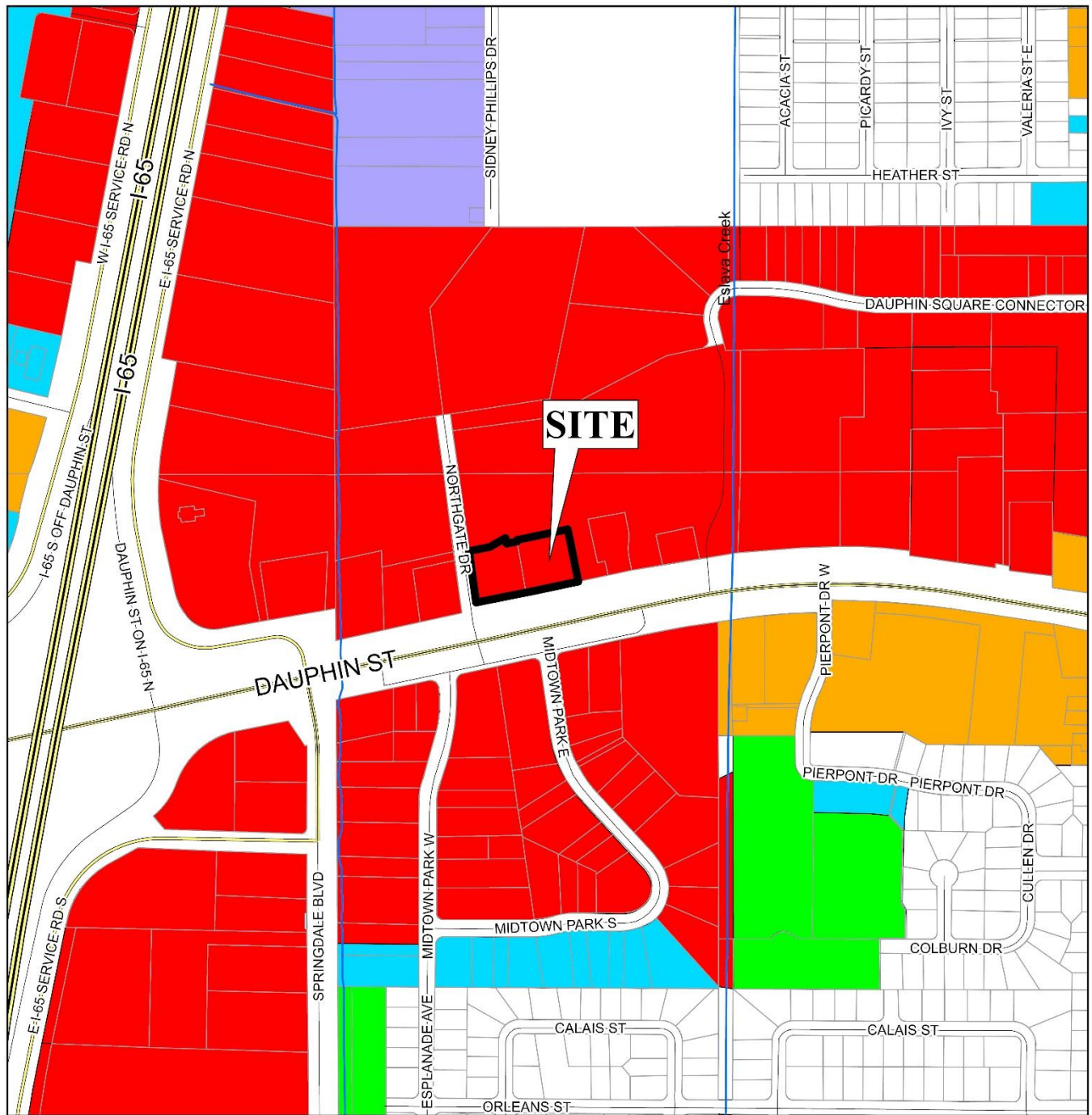
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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.

If approved, the following conditions must apply:

- 1) Submittal and completion of a one (1) lot Subdivision;
- 2) Revise the site plan to depict a minimum of four (4) overstory frontage trees;
- 3) Obtaining all necessary building permits; and
- 4) Full compliance with all municipal codes and ordinances.

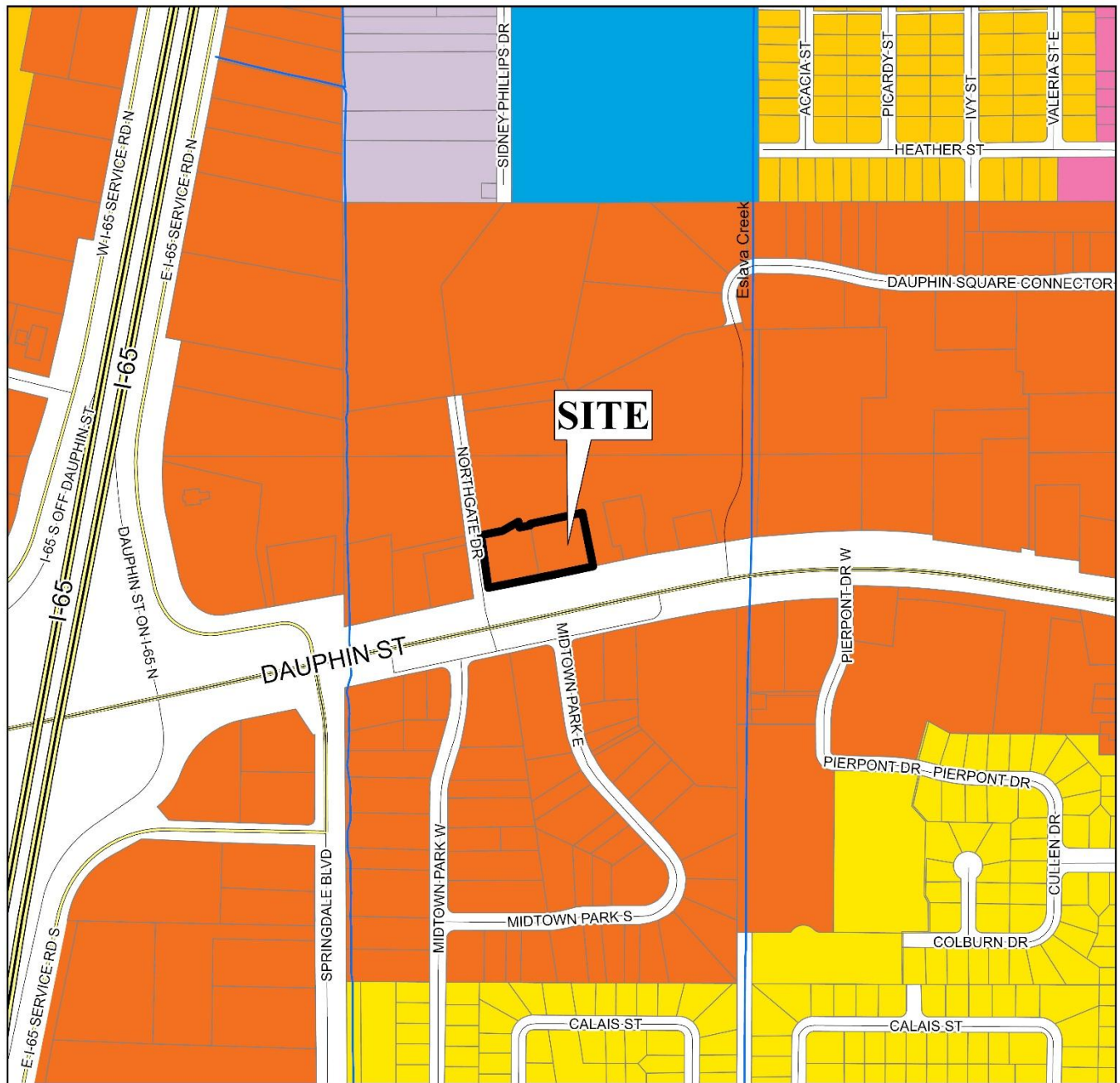
LOCATOR ZONING MAP



APPLICATION NUMBER 6715 DATE November 3, 2025
 APPLICANT CPH Consulting, LLC (Jason Toole, P.E., Agent)
 REQUEST Front Yard Setback, Tree Planting, and Dumpster Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6715 DATE November 3, 2025

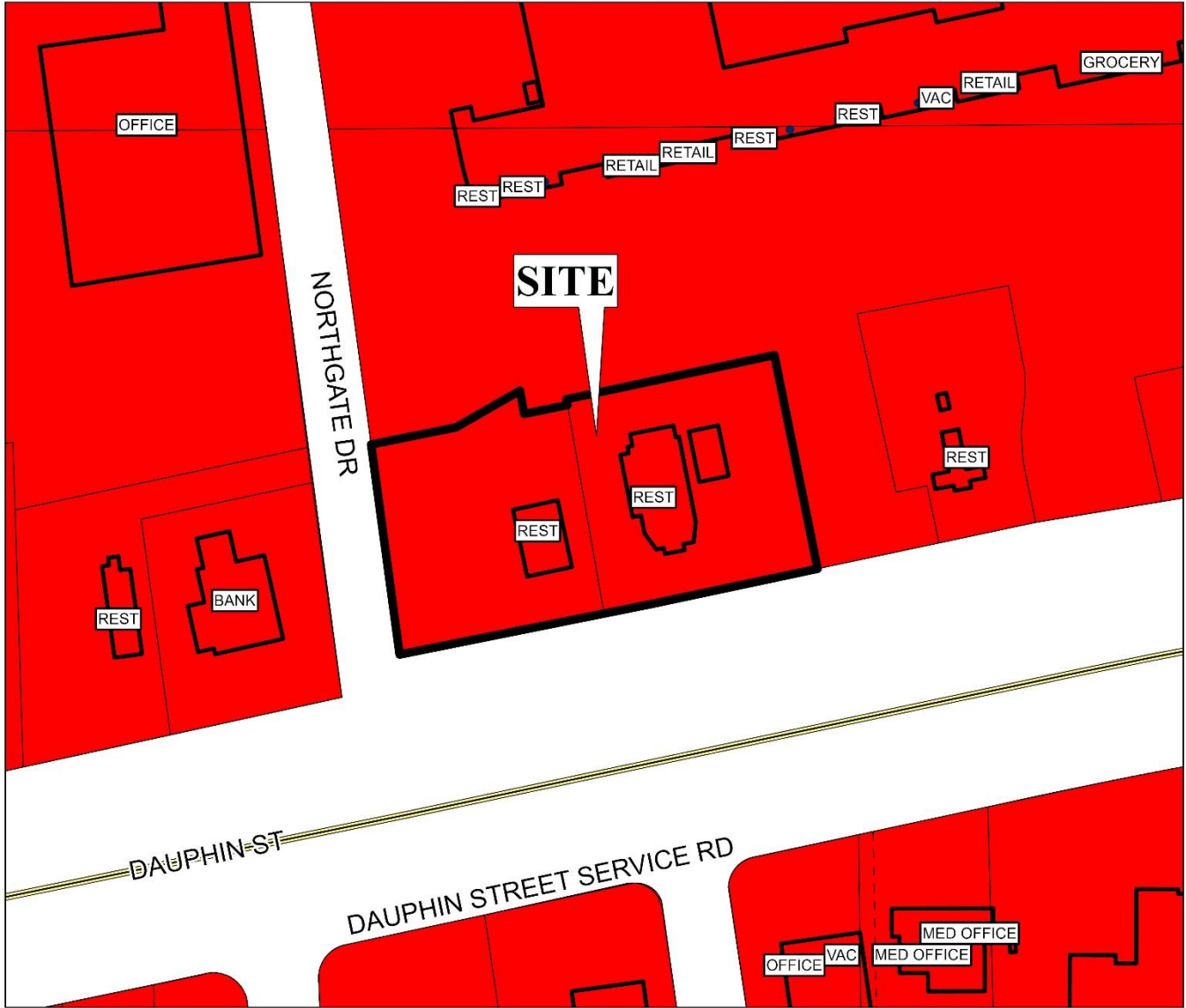
APPLICANT CPH Consulting, LLC (Jason Toole, P.E., Agent)

REQUEST Front Yard Setback, Tree Planting, and Dumpster Variances

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



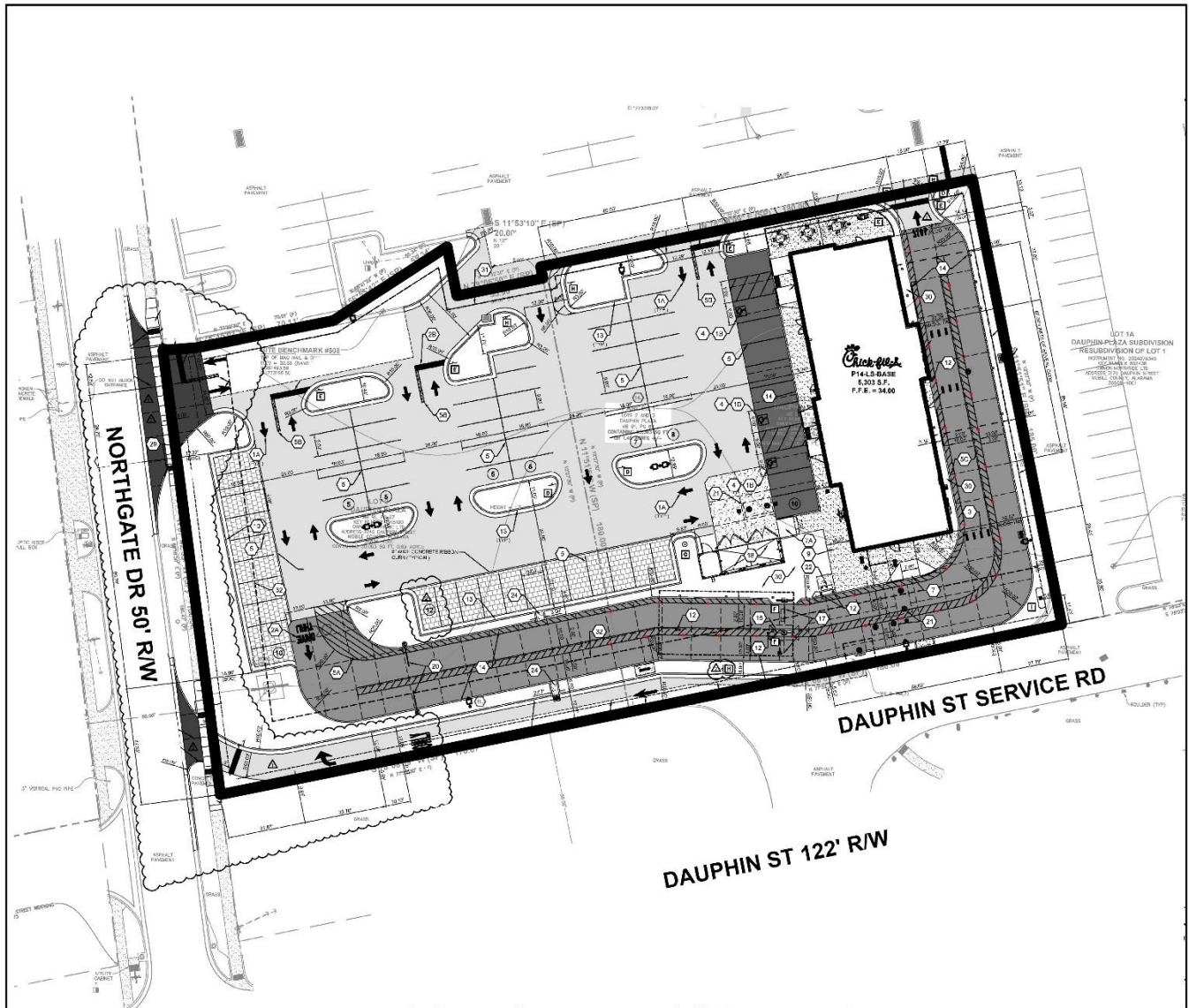
The site is surrounded by commercial units.

APPLICATION NUMBER 6715 DATE November 3, 2025
 APPLICANT CPH Consulting, LLC (Jason Toole, P.E., Agent)
 REQUEST Front Yard Setback, Tree Planting, and Dumpster 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	



SITE PLAN

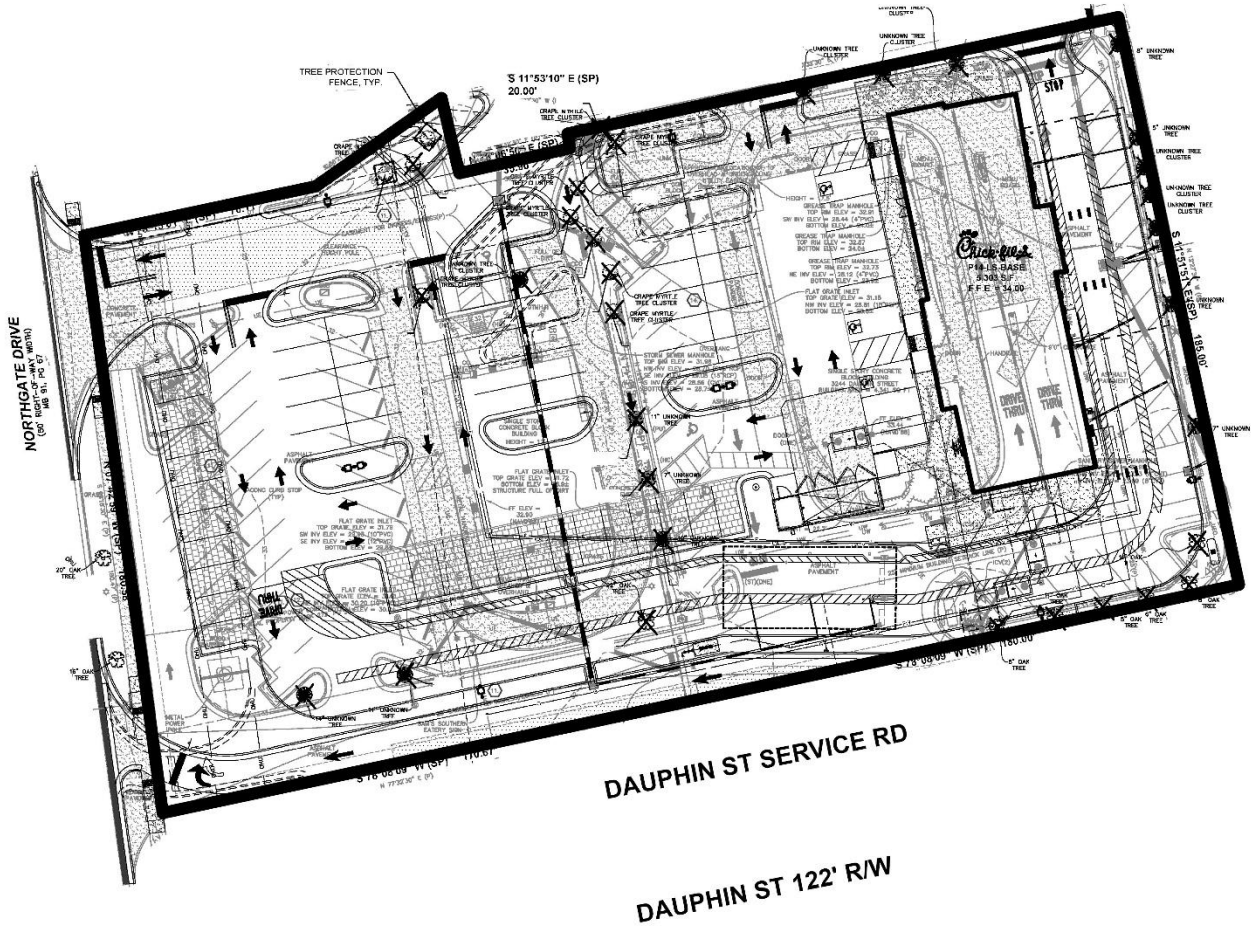


The site plan illustrates the drives, parking, and current buildings.

APPLICATION NUMBER <u>6715</u> DATE <u>November 3, 2025</u>
APPLICANT <u>CPH Consulting, LLC (Jason Toole, P.E., Agent)</u>
REQUEST <u>Front Yard Setback, Tree Planting, and Dumpster</u>



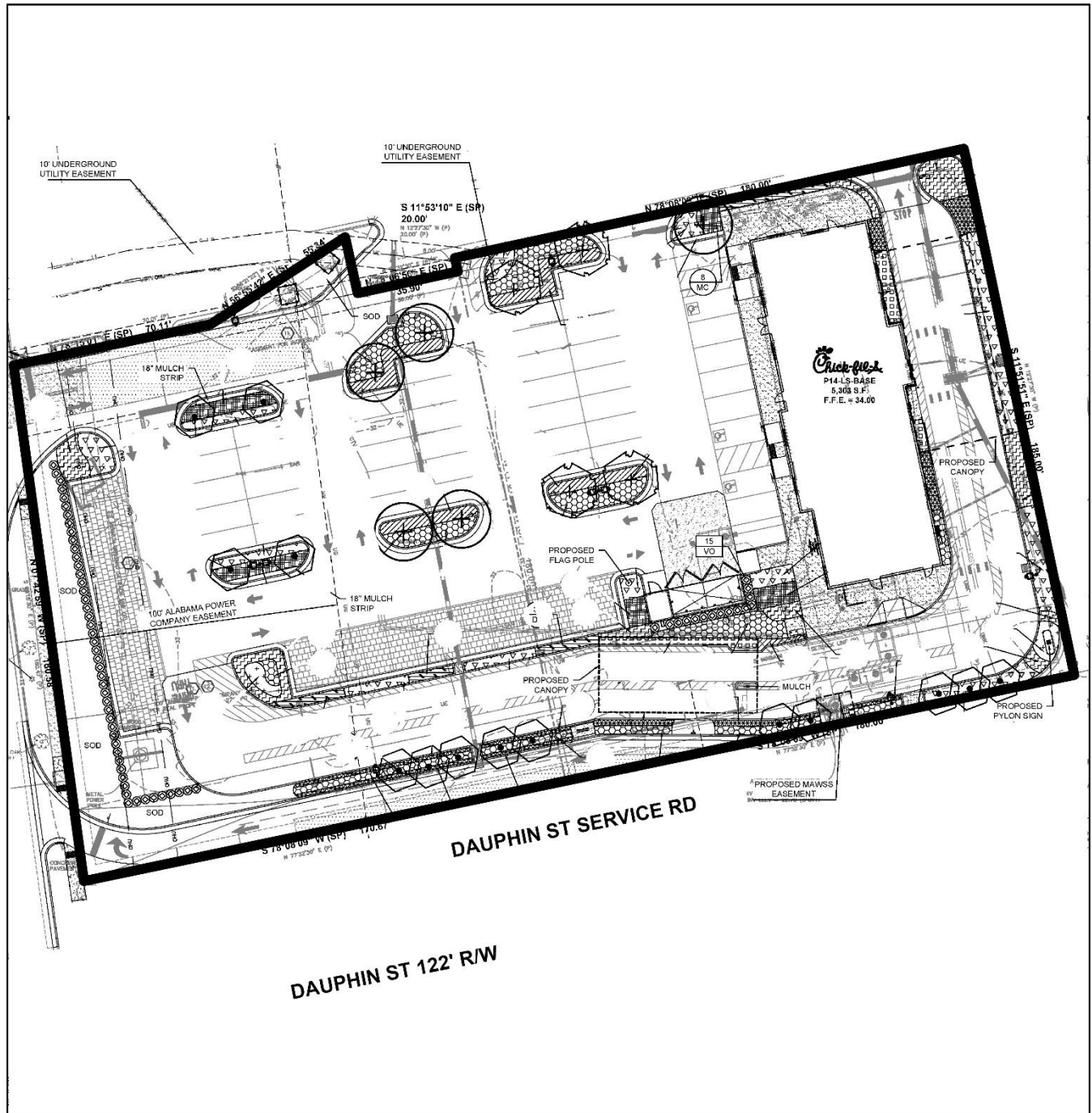
TREE REMOVAL PLAN



APPLICATION NUMBER 6715 DATE November 3, 2025
 APPLICANT CPH Consulting, LLC (Jason Toole, P.E., Agent)
 REQUEST Front Yard Setback, Tree Planting, and Dumpster



LANDSCAPING PLAN



APPLICATION NUMBER 6715 DATE November 3, 2025
 APPLICANT CPH Consulting, LLC (Jason Toole, P.E., Agent)
 REQUEST Front Yard Setback, Tree Planting, and Dumpster



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Zoning correspondence matrix

[illegible]

MIXED COMMERCIAL CORRIDOR (MCC)

This land use designation mostly applies to transportation corridors west of I-65 serving primarily the low-density (suburban) residential neighborhoods. MCC includes a wide variety of retail, services and entertainment uses. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Development Intent

- › New development and redevelopment in Mixed Commercial Corridors is encouraged to raise design quality, improve connectivity to surrounding neighborhoods; improved streetscapes; and improve mobility and accessibility for all users of the corridor.

Land use mix

Primary Uses

- › Commercial
- › Office

Secondary Uses

- › Residential, Multifamily
- › Residential, Attached
- › Civic
- › Parks

Housing mix

- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example

