



# Agenda Item # 5

## BOA-003704-2026

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

3244 Dauphin Street

**Applicant / Agent:**

Chick-fil-A, Inc. (CPH Consulting, LLC, Agent)

**Property Owner:**

Northside LTD, LLC

**Current Zoning:**

B-3, Community Business Suburban District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number:**

6748/6715/6153

**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.


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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial units.

APPLICATION NUMBER <u>    6748    </u> DATE <u>    May 4, 2026    </u>	 NTS
APPLICANT <u>    Chick-fil-a, Inc. (CPH Consulting, LLC, Agent)    </u>	
REQUEST <u>    Front Yard Setback, Tree Planting, and Dumpster    </u>	

## SITE HISTORY

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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.

In November 2025, the site was on the agenda to request Front Yard Setback, Tree Planting, and Dumpster Variances. The applicant withdrew their application at that meeting, and have now re-submitted.

In February 2026, the subject site had a one (1) lot Subdivision (Chick-fil-A Dauphin Street Subdivision) and a Sidewalk Waiver along Dauphin Street approved by the Planning Commission. Both applications were approved, but the Subdivision has not been recorded in Probate Court yet. It should be noted that copies of the recorded plat must be submitted to staff prior to the issuance of permits.

## STAFF COMMENTS

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### Engineering Comments:

No comments on the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require that a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules for Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

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

## Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

## Fire Department Comments:

All projects located within the City Limits of Mobile shall comply with the provisions of the City of Mobile Fire Code Ordinance, which adopts the 2021 edition of the *International Fire Code (IFC)*.

Fire apparatus access roads shall be provided to within 150 feet of all non-sprinklered commercial buildings and within 300 feet of all sprinklered commercial buildings, as measured along an approved route around the exterior of the facility.

An approved fire water supply capable of meeting the requirements set forth in *Appendices B and C* of the 2021 IFC shall be provided for all commercial buildings.

Fire hydrant placement shall comply with the following minimum standards:

- Within 400 feet of non-sprinklered commercial buildings
- Within 600 feet of sprinklered commercial buildings
- Within 100 feet of fire department connections (FDCs) serving standpipe or sprinkler systems

Although the *International Residential Code (IRC)* functions as a stand-alone document for the construction of one- and two-family dwellings and townhouses, it does not govern the design or layout of emergency access or community-level fire protection infrastructure. Therefore, residential developments must also comply with the applicable requirements of the *International Fire Code*, including, but not limited to, those listed above concerning the design, construction, regulation, and maintenance of fire apparatus access roads and fire protection water supplies.

## Planning Comments:

The applicant 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 Southern Eatery. The applicant is proposing to demolish the existing restaurants and build a new Chick-fil-A. As stated previously, the site had a Subdivision and Sidewalk Waiver granted by the Planning Commission in February 2026. It should be noted that the Subdivision plat will need to be recorded in Probate Court prior to the issuance of permits for new construction.

The site plan submitted with the application depicts a dual drive thru, with a canopy over the order points, approximately 9.2-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 submitted a proposed landscaping plan with their application, which depicts ten (10) understory trees, worth a total of five (5) plant units. The site plan submitted does appear to have limited landscape area available for overstory trees in the front setback.

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

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### Standards of Review:

Variations 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:

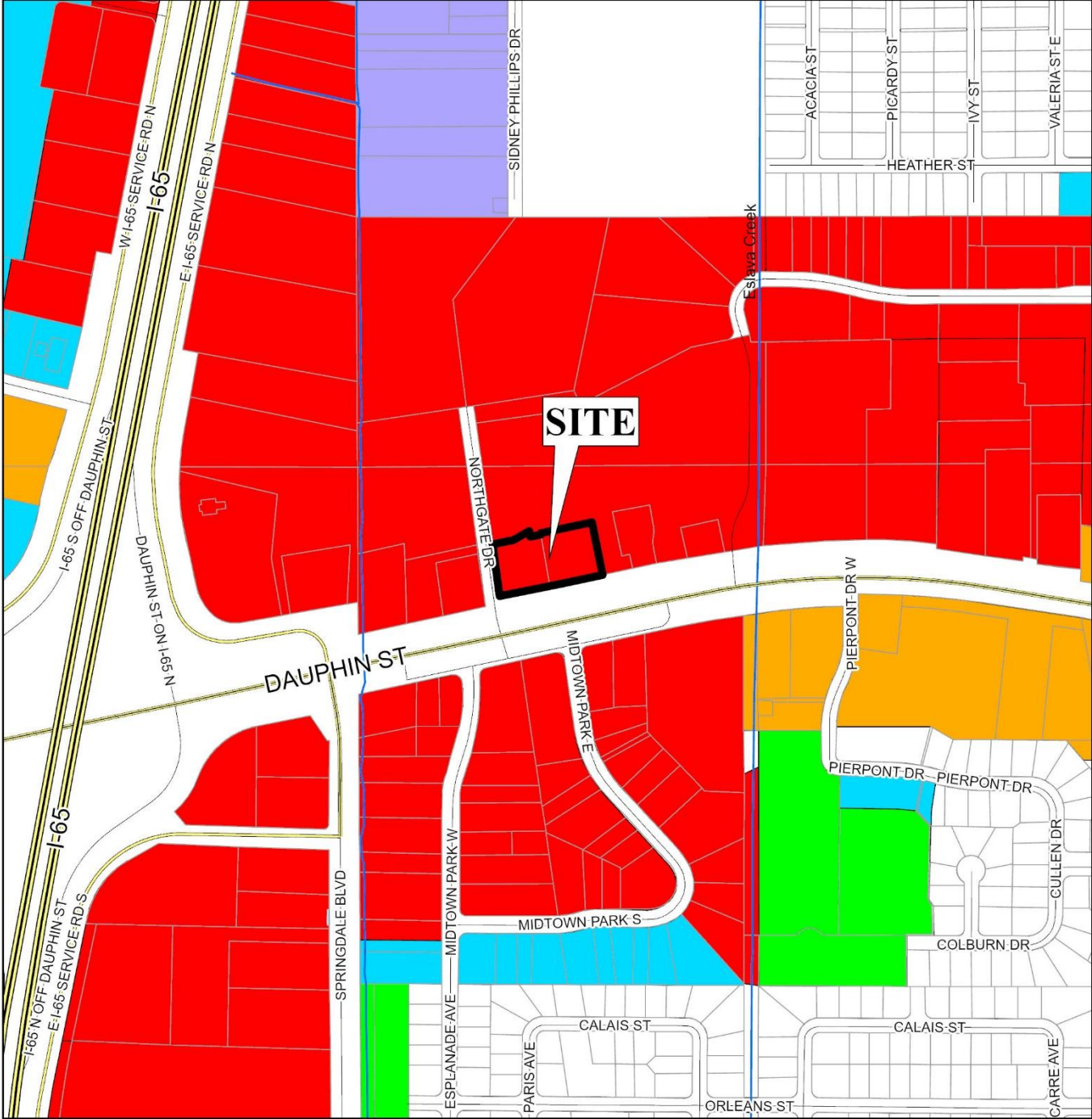
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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 should apply:

- 1) Recording of the Chick-fil-A Dauphin Street Subdivision in Probate Court, and submittal of copies of the recorded plat to Planning staff;
- 2) Obtaining all necessary building permits; and
- 3) Full compliance with all municipal codes and ordinances.

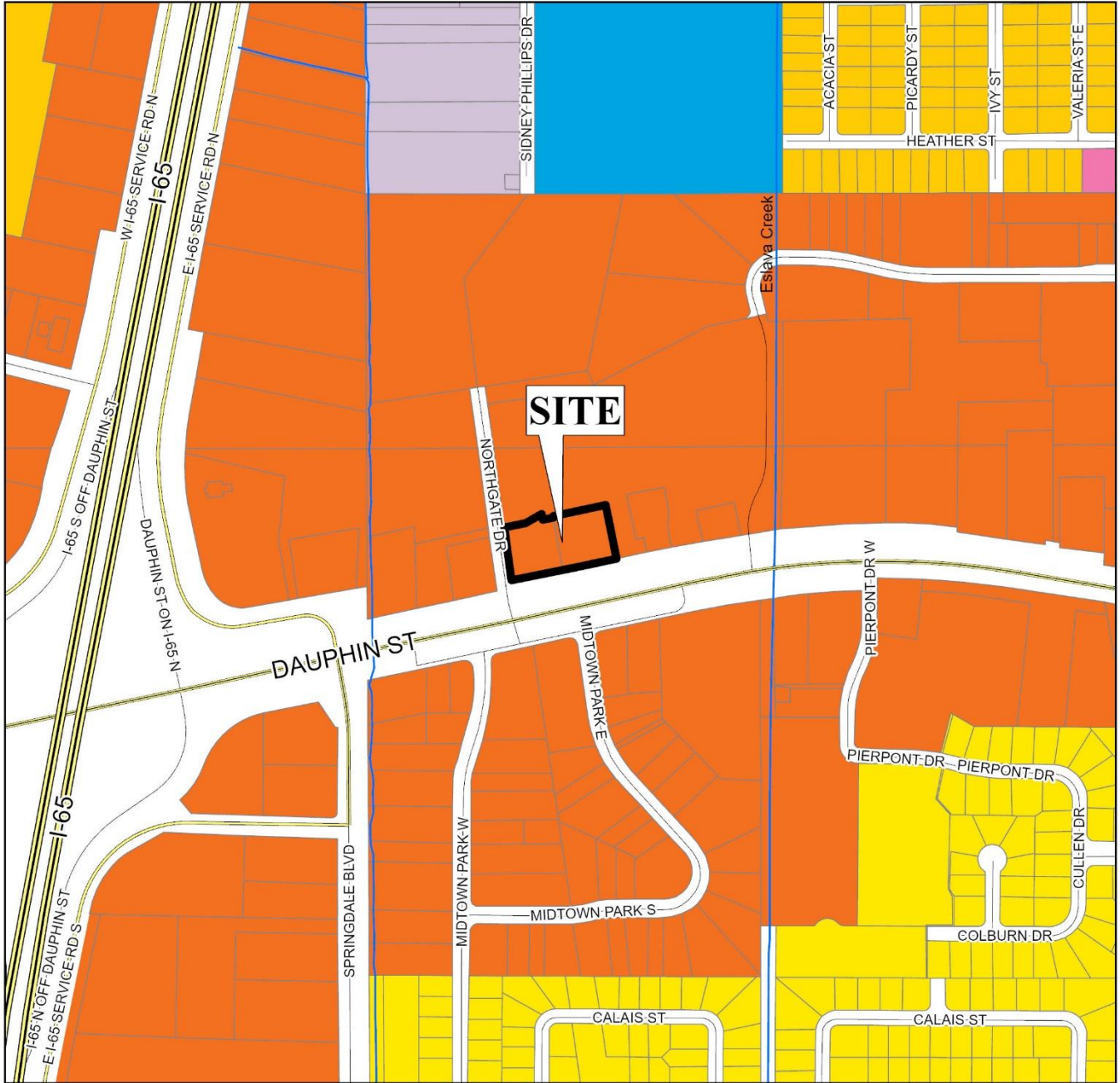
# LOCATOR ZONING MAP



APPLICATION NUMBER	6748	DATE	May 4, 2026
APPLICANT	Chick-fil-a, Inc. (CPH Consulting, LLC, Agent)		
REQUEST	Front Yard Setback, Tree Planting, and Dumpster Variances		



# FLUM LOCATOR MAP

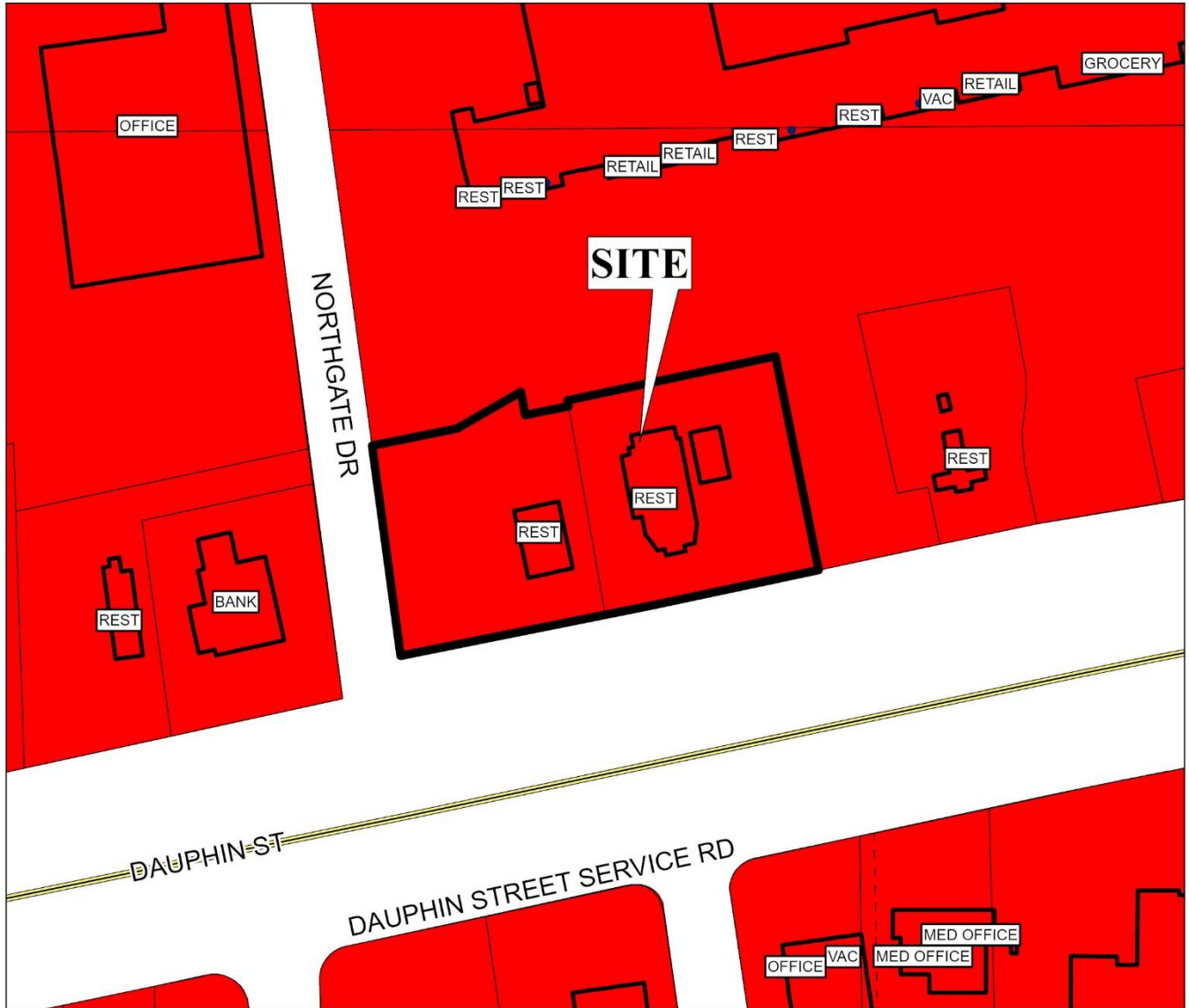


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- |   |   |   |   |
|---|---|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: maroon;">■</span> Neighborhood Center - Traditional | <span style="color: lightgrey;">■</span> Light Industry | <span style="color: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



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



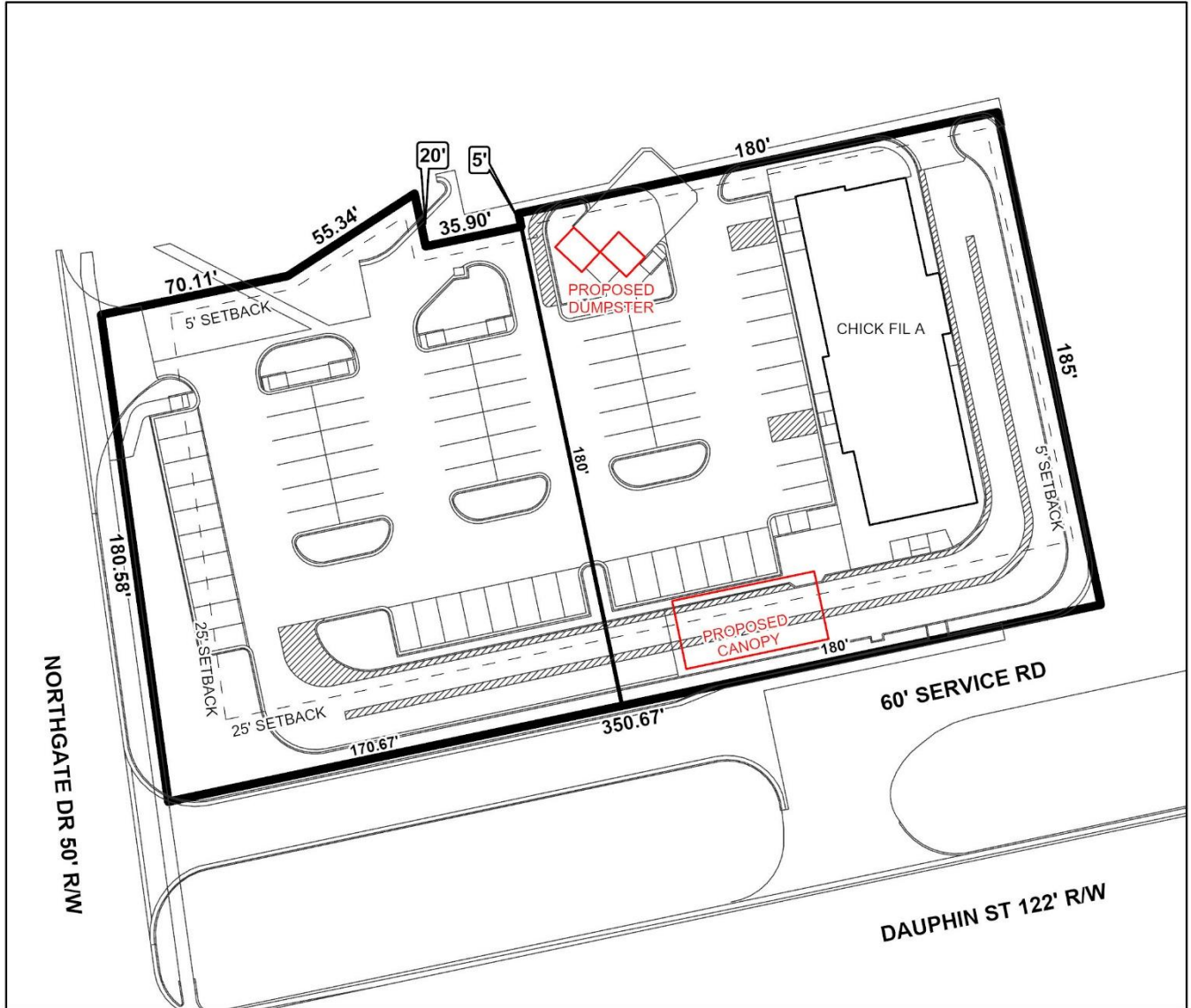
The site is surrounded by commercial units.

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<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 10px; background-color: lime; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> ML	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgrey; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 10px; background-color: pink; border: 1px solid black;"></span> T-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> T-5.2
<span style="display: inline-block; width: 15px; height: 10px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: magenta; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> CW	<span style="display: inline-block; width: 15px; height: 10px; background-color: teal; border: 1px solid black;"></span> MH	<span style="display: inline-block; width: 15px; height: 10px; background-color: green; border: 1px solid black;"></span> PD	<span style="display: inline-block; width: 15px; height: 10px; background-color: peachpuff; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 10px; background-color: lavender; border: 1px solid black;"></span> T-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: darkpurple; border: 1px solid black;"></span> T-6
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 10px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue; border: 1px solid black;"></span> MM	<span style="display: inline-block; width: 15px; height: 10px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 10px; background-color: darkpurple; border: 1px solid black;"></span> T-5.1	



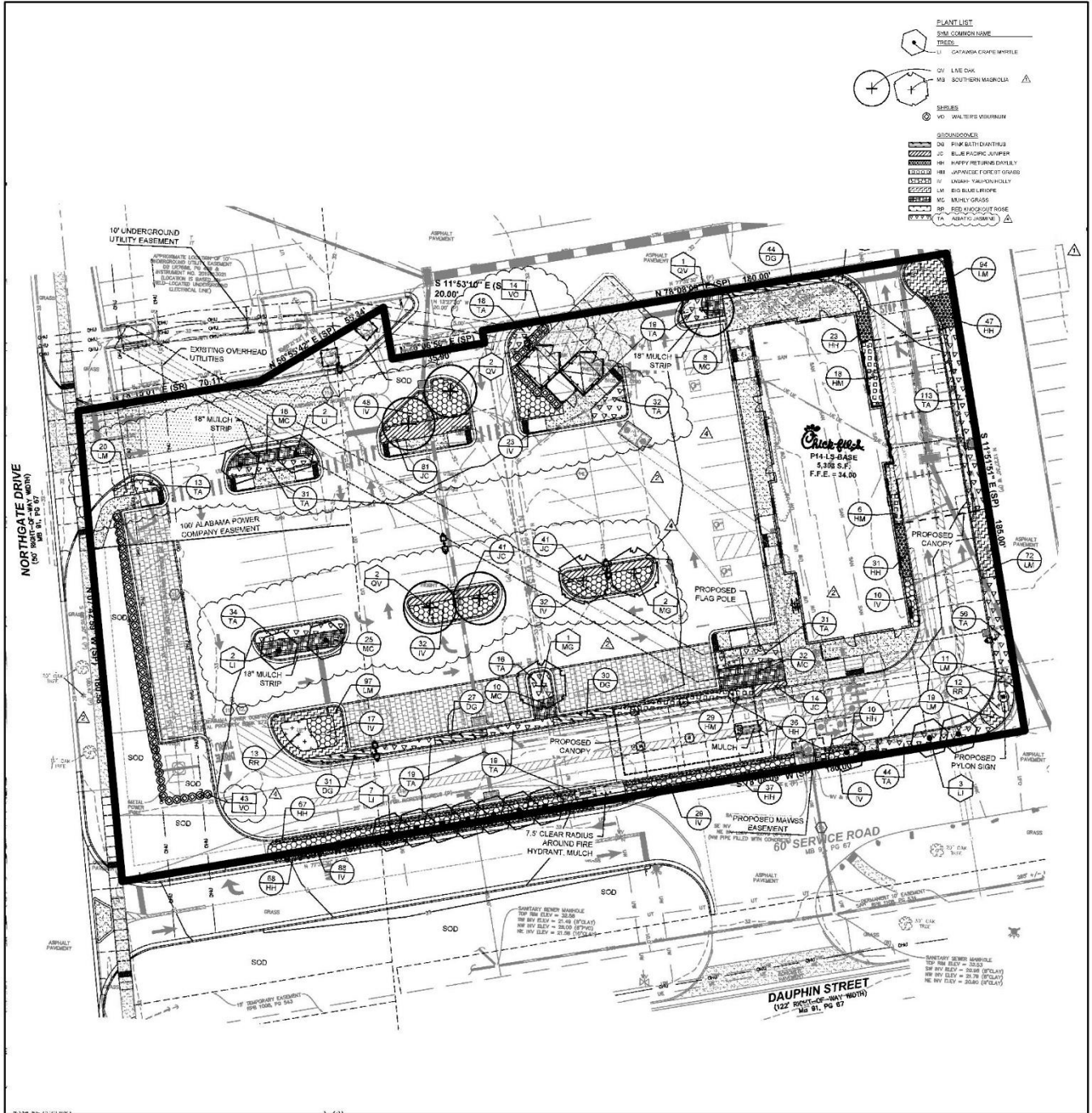
# SITE PLAN



The site plan illustrates the existing building, parking, drives and setbacks.

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# LANDSCAPING SITE PLAN



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