



Agenda Item # 5

BOA-003767-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5301 Moffett Road

Applicant / Agent:

Canopy Partners, LLC

Property Owner:

Canopy Partners, LLC

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6767/6622/3995

Unified Development Code (UDC) Requirement:

- The UDC requires a wooden privacy fence or wall with vegetative buffer to serve as a residential buffer in a B-3, Community Business Suburban District.

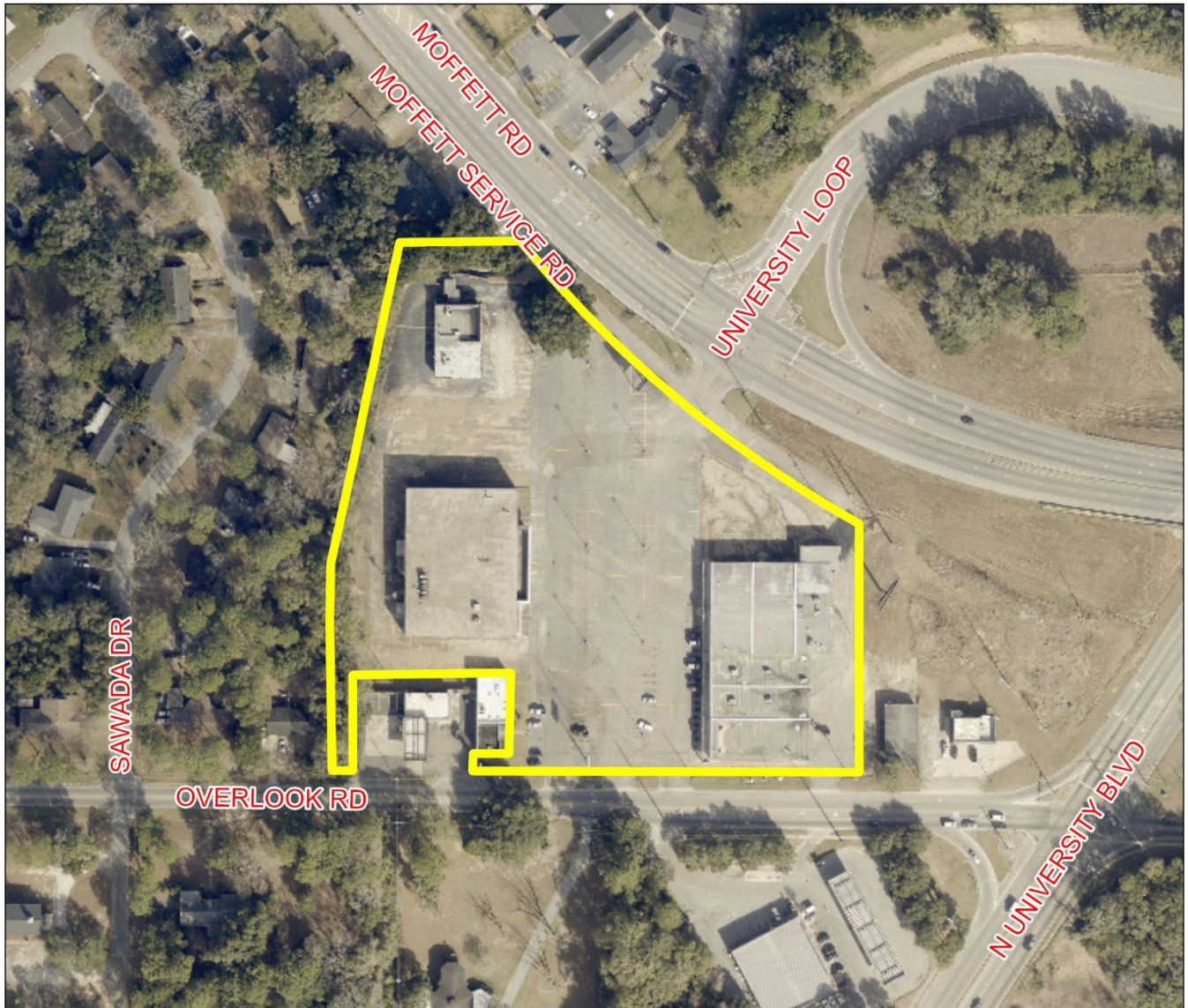
Board Consideration:

- Residential Buffer Variance to allow a chain link fence with vegetative buffer to serve as a residential buffer 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	6767	DATE	July 13, 2026
APPLICANT	Canopy Partners, LLC		
REQUEST	Residential Buffer Variance		



SITE HISTORY

A Front Yard Variance was approved by the Board of Zoning Adjustment in September 1984 to allow the relocation of an ATM machine within five-feet (5') of the Moffett Road Service Road.

An Administrative Planned Unit Development was approved in March 2017 to allow an ATM machine to be constructed within the parking lot. The ATM was never placed on the site, and the associated approval has since expired.

In October 2024, the site was before the Board of Zoning Adjustment to request a Special Exception to allow a warehouse larger than 40,000 square feet to be located on the site. The application was approved, but has since expired.

In November 2024, the Planning Commission considered a one (1) lot Subdivision, which was approved and recorded in Probate Court. At the same time, the site had a rezoning application submitted to request the property be rezoned to B-5, Office Distribution District from B-2, Neighborhood Business Suburban District. The City Council approved rezoning the property to B-3, Community Business Suburban District.

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 a Residential Buffer Variance to allow a chain link fence with vegetative buffer to serve as a residential buffer in a B-3, Community Business Suburban District; the Unified Development Code (UDC) requires a wooden privacy fence or wall with vegetative buffer to serve as a residential buffer in a B-3, Community Business Suburban District.

The application and supporting documentation are available via the link on Page 1 of this report.

The applicant has a separate application for consideration before the Board of Adjustment for a Special Exception to allow warehousing (over 40,000 square feet) in a B-3 district.

The property is currently developed with 64,100± square feet of commercial building space split between three (3) buildings. The applicant proposes to demolish two (2) of the buildings located near the West property line and redevelop that portion of the site with a 60,000 square-foot warehouse. New landscape islands, parking configuration, and site lighting are proposed.

There is an existing vegetative buffer to the West of the subject site that the applicant is requesting to leave in its current configuration, with an existing six-foot (6') tall chain-link fence with slats to serve as a residential buffer. The UDC requires a minimum of a six-foot (6') tall privacy fence or wall in addition to a vegetative buffer.

If the applicant's request is approved, they should be made aware that they will be responsible for maintaining the existing chain link fence, including replacing any slats, as needed, to retain a visual buffer for the adjacent residential properties.

It should be noted that the proposed redevelopment will result in a building footprint greater than 50% of the existing building footprint. As such, if approved, full compliance with the development standards of Article 3 of the UDC will be required.

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:

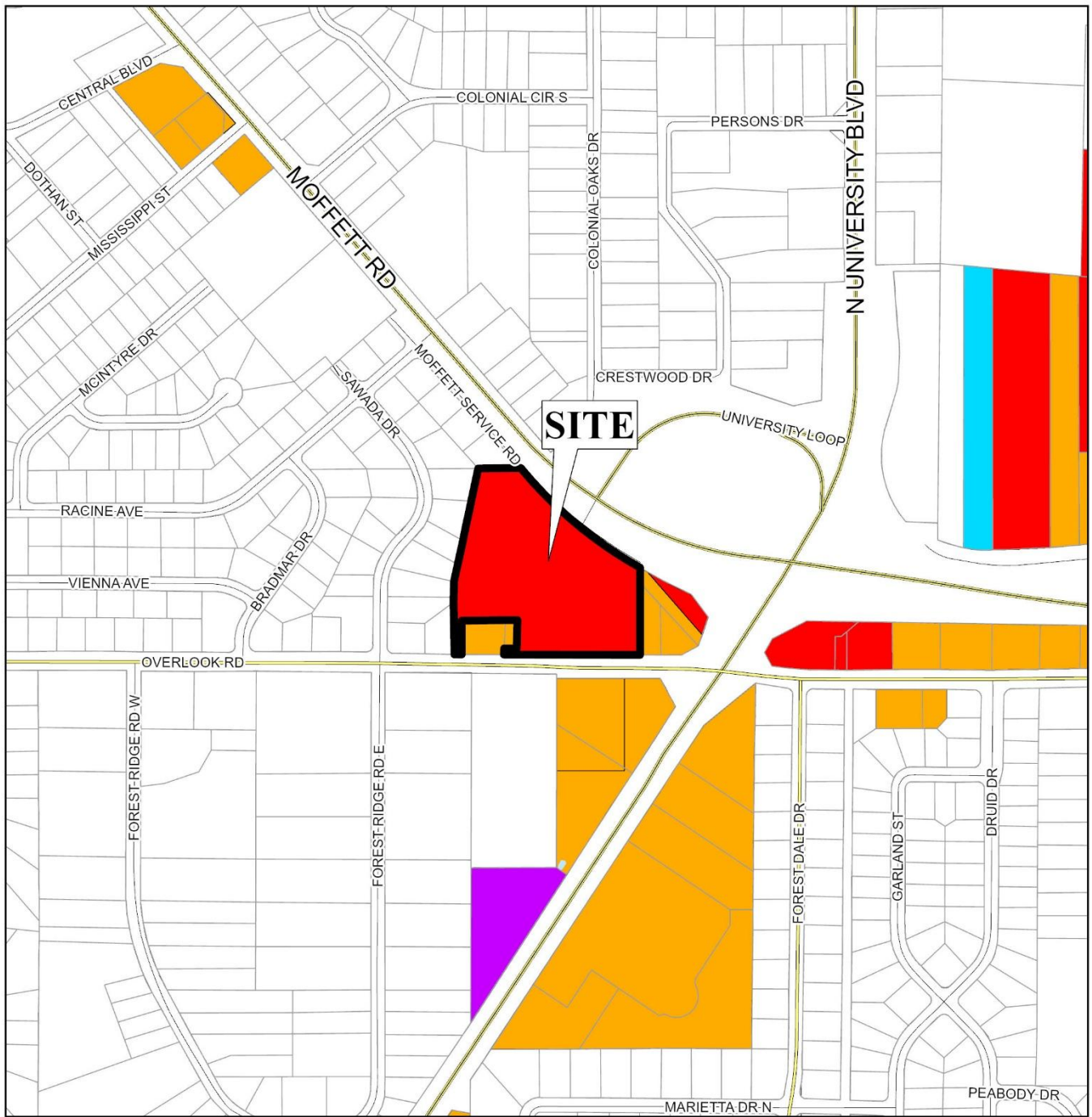
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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) Maintenance and replacement of existing six-foot (6') tall chain link fence with slats, including the replacement of slats as needed; and
- 2) Full compliance with municipal codes and ordinances.

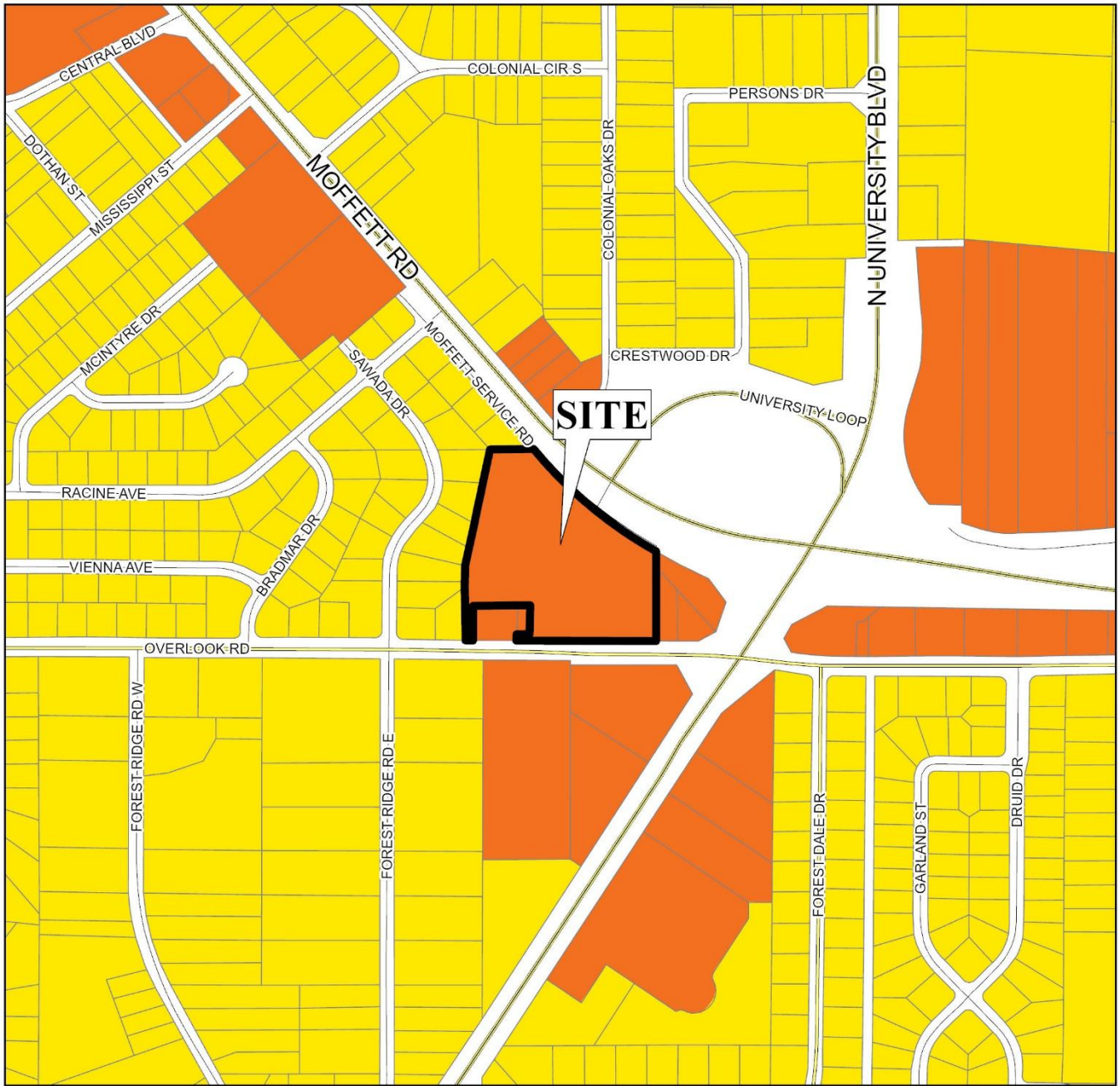
LOCATOR ZONING MAP



APPLICATION NUMBER 6767 DATE July 13, 2026
 APPLICANT Canopy Partners, LLC
 REQUEST Residential Buffer Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6767 DATE July 13, 2026
APPLICANT Canopy Partners, LLC
REQUEST Residential Buffer 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



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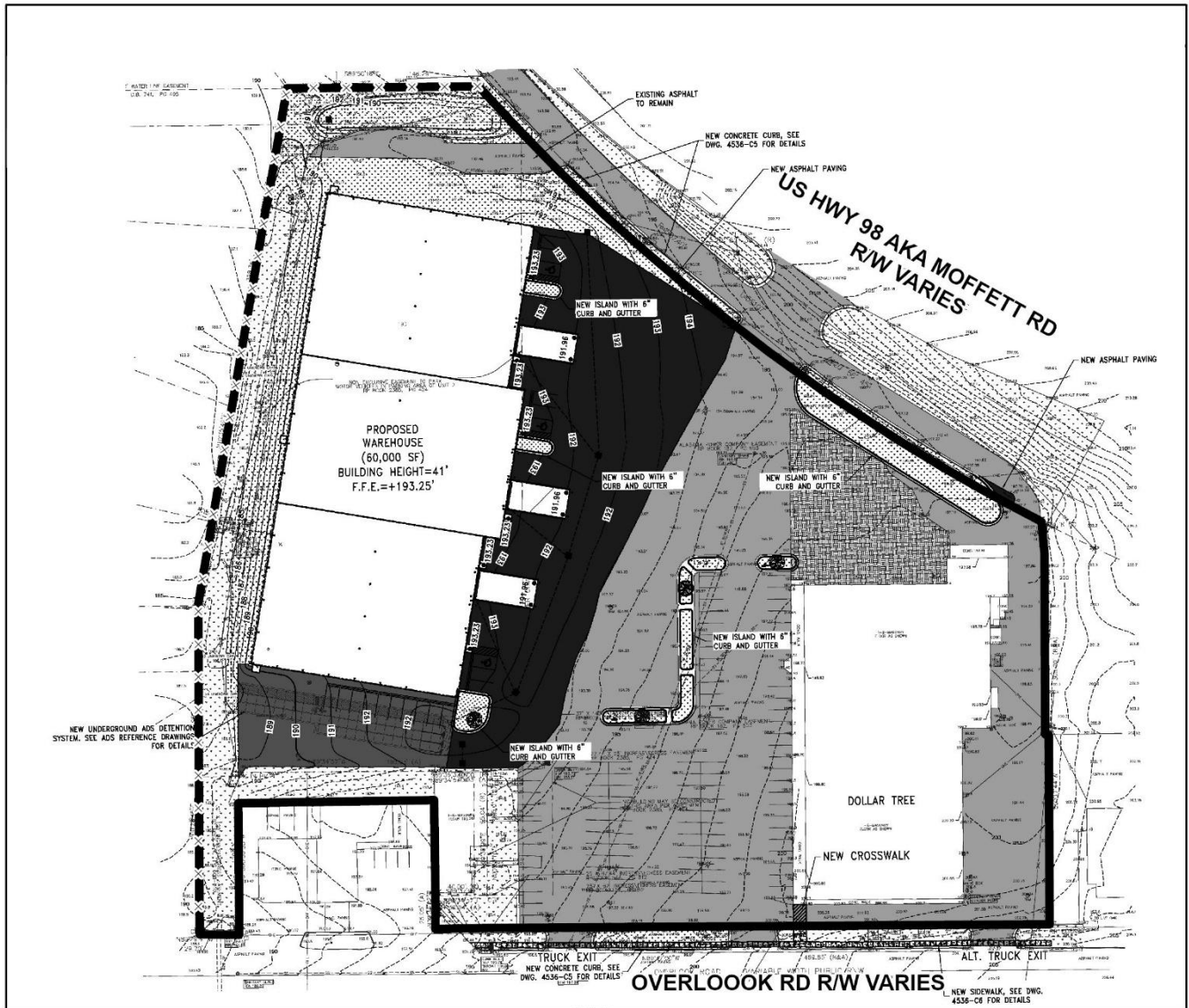
APPLICANT Canopy Partners, LLC

REQUEST Residential Buffer 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 and parking.

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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

