



Agenda Item # 6

BOA-003306-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5399 U.S. Highway 90 West

Applicant / Agent:

Jacob Franklin, Kimley-Horn & Associates, Inc.

Property Owner:

Aronov Realty Management, Inc.

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number:

6669

Unified Development Code Requirement:

- The Unified Development Code (UDC) does not allow structures exceeding three feet (3') in height to be located within the front 25-foot setback in a B-3, Community Business Suburban District.

Board Consideration:

- Setback Variance to allow a dumpster located within the front 25-foot setback 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 6669 DATE May 5, 2025

APPLICANT Jacob Franklin, Kimley-Horn & Associates, Inc.

REQUEST Setback Variance



SITE HISTORY

The subject site was annexed into the City of Mobile in October, 2008, and assigned an R-1, Single-Family Residential District zoning classification.

In February, 2009, the Planning Commission rezoned the site to a B-3, Community Business District classification.

There have been no other Planning Commission or Board of Zoning Adjustment cases 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 Setback Variance to allow a dumpster located within the front 25-foot setback in a B-3, Community Business Suburban District; the Unified Development Code (UDC) does not allow structures exceeding three feet (3') in height to be located within the front 25-foot setback in a B-3, Community Business Suburban District.

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

The subject site is proposed to be developed as a convenience store with fuel sales. The site has a Government Boulevard address. However, all vehicular access to the site would be via a North-South proposed cross-access easement shared with the adjacent Cloverleaf Plaza Shopping Center adjacent to the East side of the site. The dumpster enclosure for the site is proposed to be at the Northwest corner of the site, well beyond the site entrances along the North-South portion of the cross-access easement, but within 25 feet of the North property line adjacent to the East-West portion of the cross-access easement accessing Halls Mill Road. The site is currently composed of two metes-and-bounds parcels, but prior to development, the parcels will have to be combined into one legal lot of record via the Subdivision process. A subdivision application has been submitted and is scheduled to be heard on the May 15th Planning Commission agenda. A 25-foot building setback will be required along the access easements; hence this application.

The dumpsters themselves will be approximately 30 feet from the North property line, but the dumpster enclosure will be approximately 15 feet from the property line. As the enclosure must be higher than three (3) feet to mask the dumpsters, it is not allowed within the 25-foot setback.

As justification for a hardship, the applicant states that for the proper routing of fuel and delivery trucks, wide drive aisles are needed, and this, combined with the narrow width of the site, and the access to existing private roadway infrastructure, limits the placement of the dumpsters to the proposed Northwest corner of the site.

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:

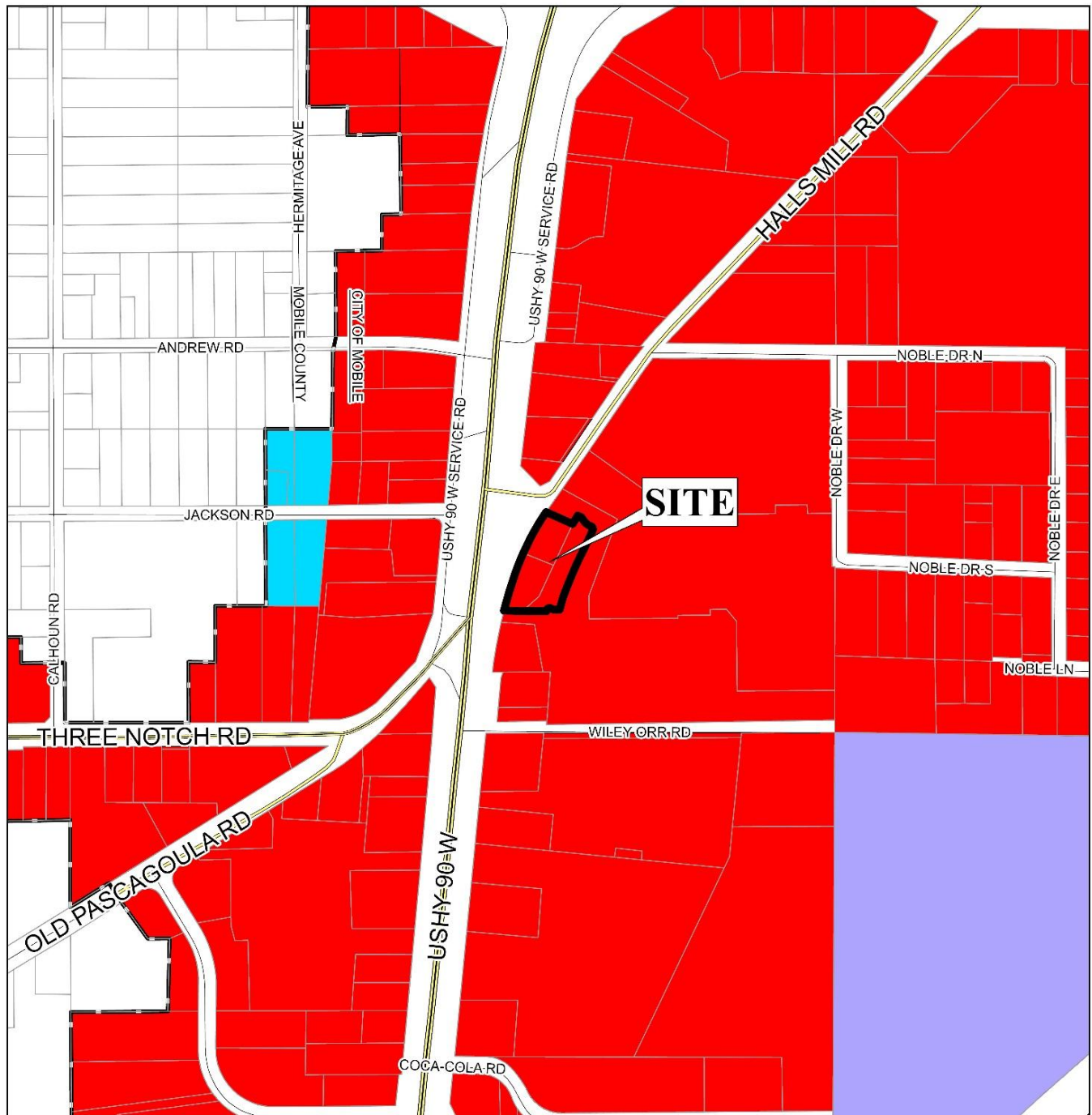
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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.

If approved, the following conditions must apply:

- 1) Obtaining all necessary building permits; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6669 DATE May 5, 2025

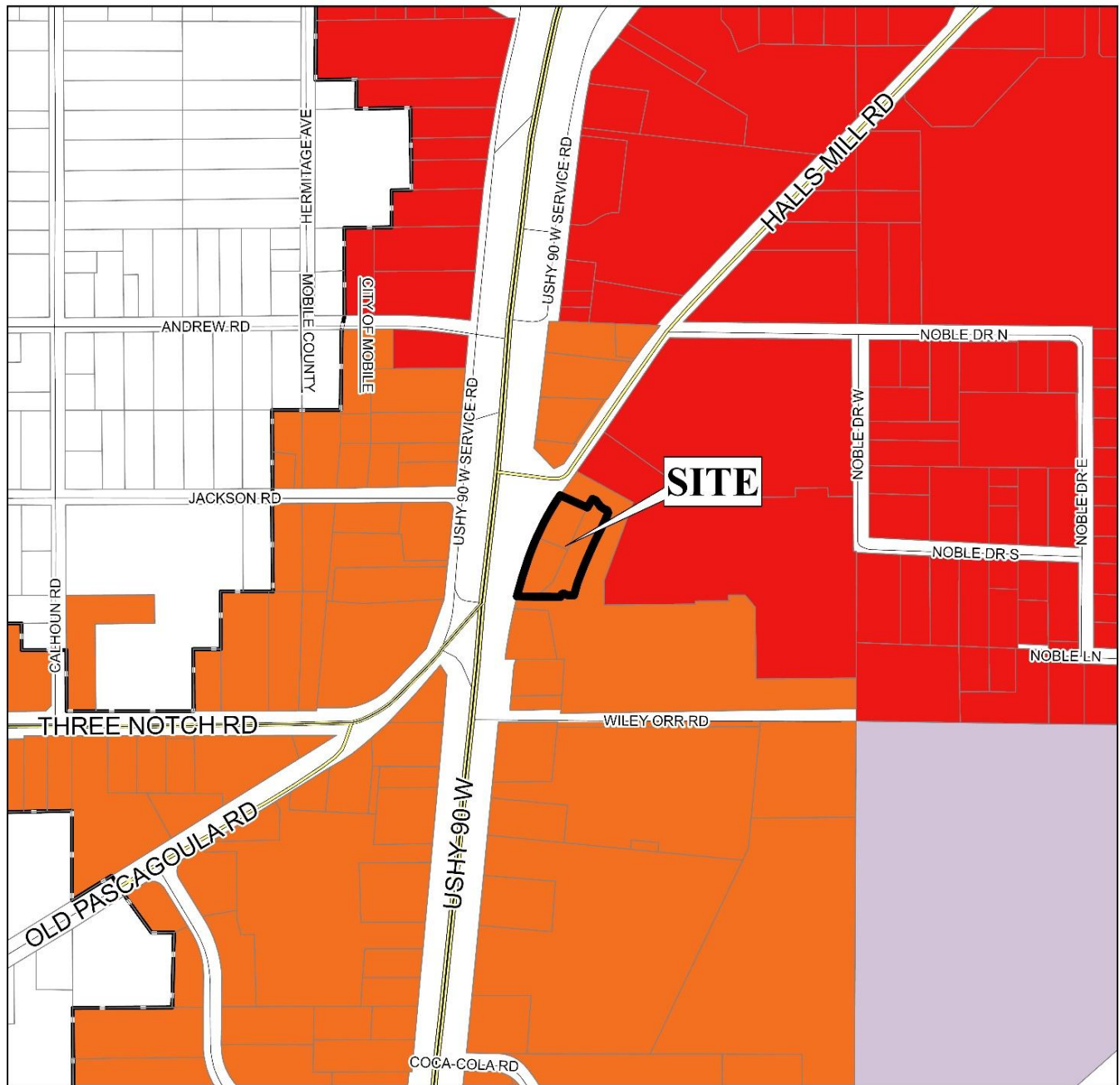
APPLICANT Jacob Franklin, Kimley-Horn & Associates, Inc.

REQUEST Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6669 DATE May 5, 2025

APPLICANT Jacob Franklin, Kimley-Horn & Associates, Inc.

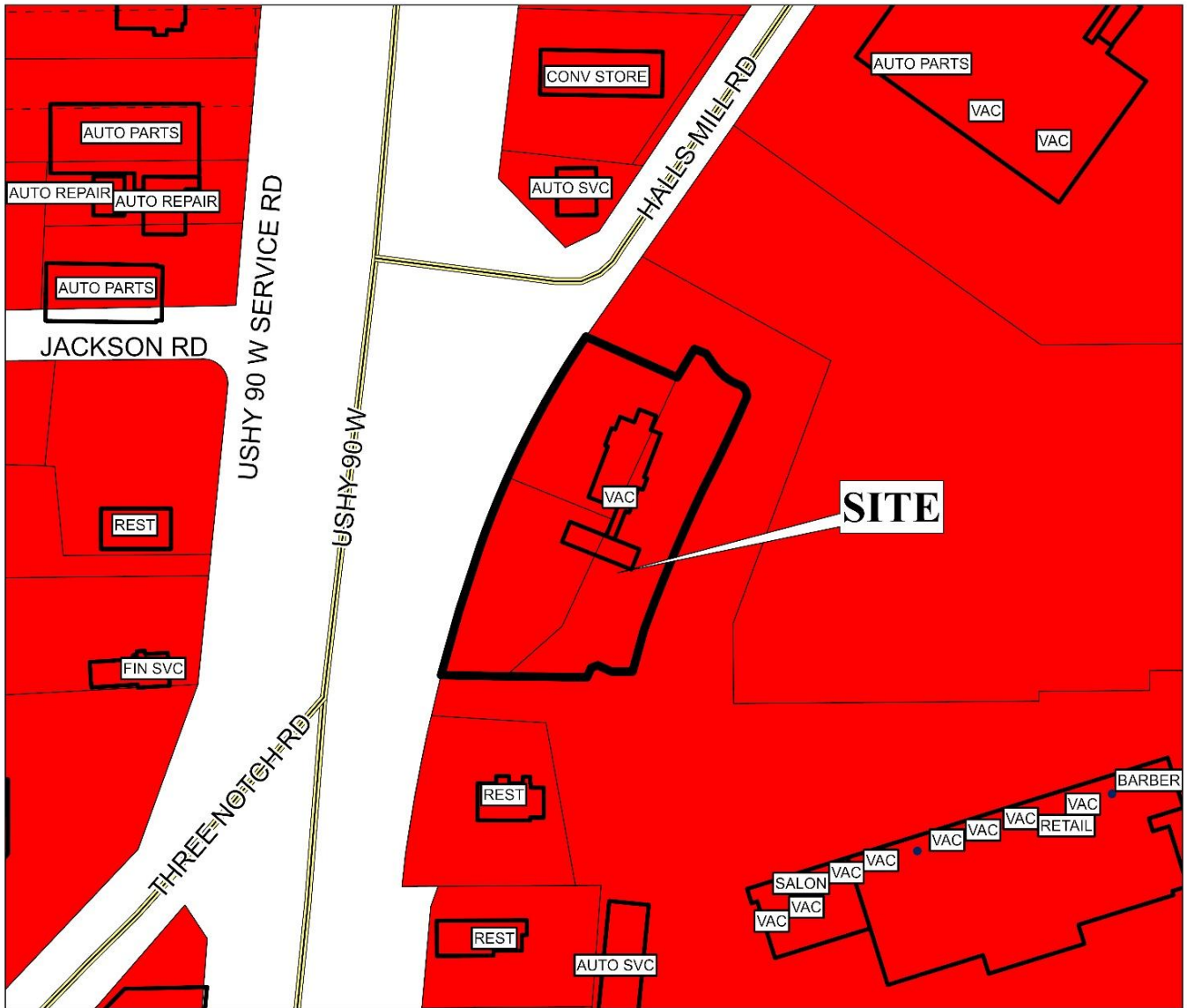
REQUEST Setback Variance

- | | | | |
|---|--|---|---|
| ■ 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 commercial units.

APPLICATION NUMBER

6669

DATE

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APPLICANT

Jacob Franklin, Kimley-Horn & Associates, Inc.

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

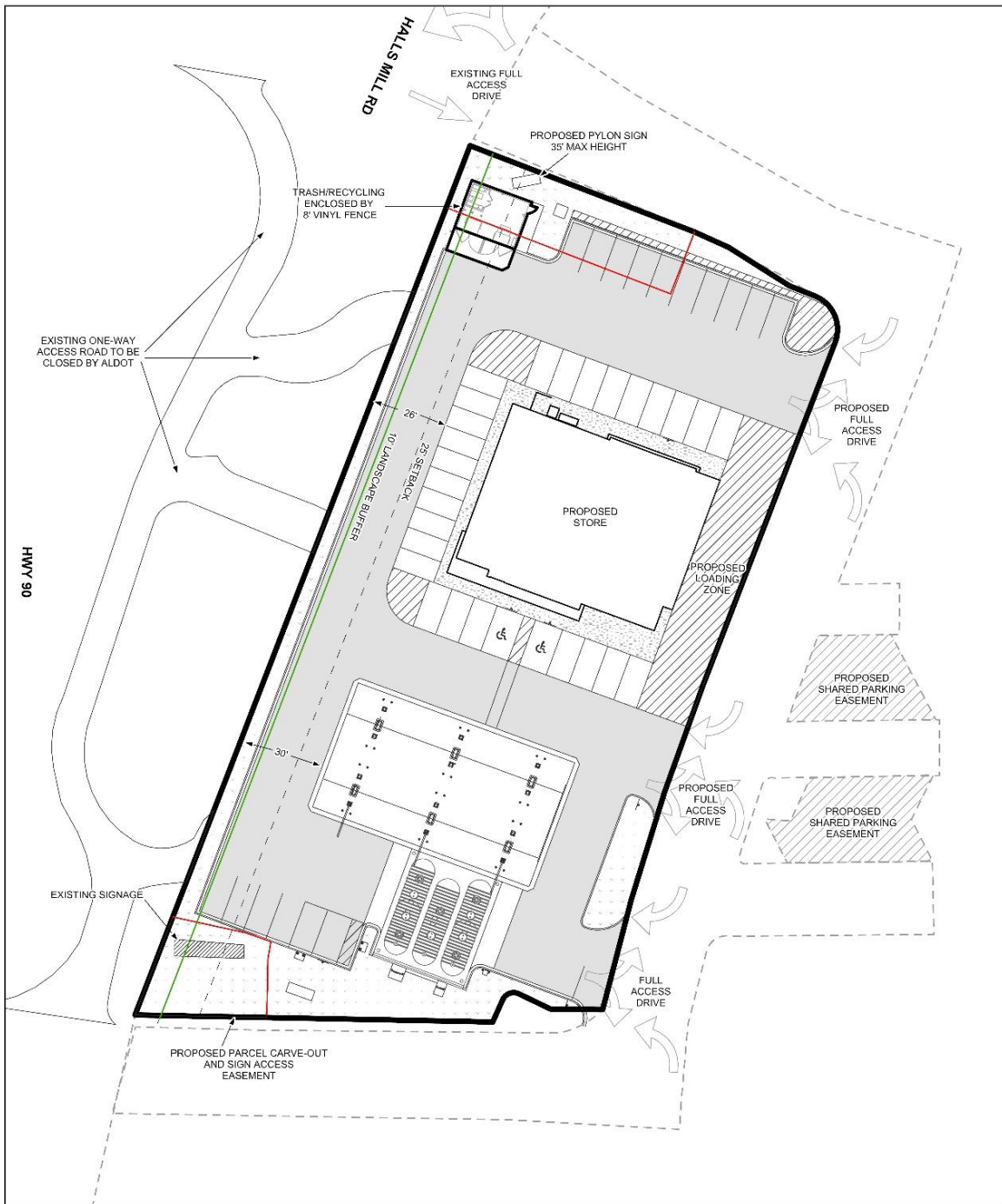
T-5.1

N

NTS



SITE PLAN



The site plan illustrates setbacks, buildings, parking, and buffers.

APPLICATION NUMBER	6669	DATE	May 5, 2025	 NTS
APPLICANT	Jacob Franklin, Kimley-Horn & Associates, Inc.			
REQUEST	Setback Variance			

ZONING DISTRICT CORRESPONDENCE MATRIX																
			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A													□		
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○			■	■	■	■					□		
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. GENERAL	TCD						■							□		
DOWNTOWN DEV. DDD	T-6				■									□		
DOWNTOWN DEV. DDD	T-5.1				■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2				■		■							□		
DOWNTOWN DEV. DDD	T-4				■		■		□					□		
DOWNTOWN DEV. DDD	T-3				■		■							□		
DOWNTOWN DEV. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3					■				■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

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.

Over time, 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.