Board of Zoning Adjustment
November 5, 2026

Agenda Item # 7

BOA-003931-2026

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

Applicant Materials for Consideration

DETAILS

Location:
200 Dunlap Drive

Applicant / Agent:
Corporate Environmental Risk Management

Property Owner:
ORCA, Inc.

Current Zoning:
I-2, Heavy Industry District

Future Land Use:
Water Dependent

Case Number:
6799

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) only allows construction laydown yards in an I-2, Heavy Industry District as either a temporary or accessory use, requires full compliance with tree planting and landscape area, requires full compliance with setbacks, only allows CONEX shipping containers to be used as temporary storage buildings, and requires dumpsters to have a compliant enclosure.

Board Consideration:

- Use, Tree Planting & Landscape Area, Parking Surfacing, Setbacks, Site, and Dumpster Variance approval to allow a construction laydown yard in an I-2, Heavy Industry District with reduced tree planting and landscape area, zero-foot (0') setbacks, CONEX shipping container to be used as a permanent storage building, and dumpsters without a compliant enclosure.

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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by industrial units.

APPLICATION NUMBER 6799 DATE November 5, 2026

APPLICANT Corporate Environmental Risk Management

REQUEST Use, Tree Planting & Landscape Area, Parking Surfacing, Setbacks, Site, and Dumpster Variances

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SITE HISTORY

The subject site was annexed into the City of Mobile in 1889.

With the adoption of the Zoning Ordinance in 1967, the site was assigned an I-2, Heavy Industry zoning classification.

The site has been used for various uses including grain storage and shipping, marine dredging, and oil recovery.

A one (1)-lot Subdivision and Sidewalk Waiver request for the site were approved at the October 15, 2026 Planning Commission meeting.

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

STAFF COMMENTS

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.
5. The dumpster pad(s) shall have their surface runoff isolated within the pad, collected, and drained to the Sanitary Sewer system.
6. The proposed site is located within the A(E) FEMA Flood Zones. No filling is allowed within the SFHA without providing a "No-Rise" Certification from a licensed Alabama Professional Engineer.

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 Use, Tree Planting & Landscape Area, Parking Surfacing, Setbacks, Site, and Dumpster Variance approval to allow a construction laydown yard in an I-2, Heavy Industry District with reduced tree planting and landscape area, zero-foot (0') setbacks, CONEX shipping container to be used as a permanent storage building, and dumpsters without a compliant enclosure; the Unified Development Code (UDC) only allows construction laydown yards in an I-2, Heavy Industry District as either a temporary or accessory use, requires full compliance with tree planting and landscape area, requires full compliance with setbacks, only allows CONEX shipping containers to be used as temporary storage buildings, and requires dumpsters to have a compliant enclosure.

In conjunction with this application, a one (1)-lot Subdivision and Sidewalk Waiver request for the site were heard at the October 15, 2026 Planning Commission meeting. The Sidewalk Waiver request was to waive the requirement for construction of a sidewalk along Dunlop Drive. Both requests were approved at that meeting.

The site is currently vacant and is proposed to be developed as a temporary lay-down yard for the construction of the I-10 Mobile River Bridge project. As part of that development, the site must be in compliance with the Development Standards of Section 64-3 of the Unified Development Code (UDC). The entire application packet is available via the link on Page 1.

The UDC allows temporary construction laydown yards in I-2 districts as either a temporary or accessory use, and the yard can be off-site when the site would be in support of the construction of a public road. In this instance the proposed yard would be used for the duration of the bridge project, which would span well past six (6) months. Staff has maintained that a "temporary" time span for construction projects does not exceed six (6) months; thus, the need for the requested Use Variance.

The applicant also seeks relief from the Tree Planting and Landscape Area, Parking Surfacing, Setbacks, Site, and Dumpster site development requirements of the UDC. The applicant cites the fact that these aspects of site compliance requirements would be impacted by active work areas, staging demands, and material handling needs and would create operational constraints that would hinder the efficient use of the site and interfere with the time-sensitive logistics required to support bridge construction activities. It is further noted that the locations of containers and dumpsters may shift throughout the duration of construction activities to accommodate changing operational and staging needs. Justification for the requests can be summarized in the need to accommodate heavy equipment, material staging, and shifting construction logistics that require site flexibility that cannot reasonably be achieved under full compliance with the conventional development standards of the UDC.

If approved, the Variance should be limited to the duration of construction on the associated bridge project. Furthermore, any future uses of the site will be required to fully comply with 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 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:

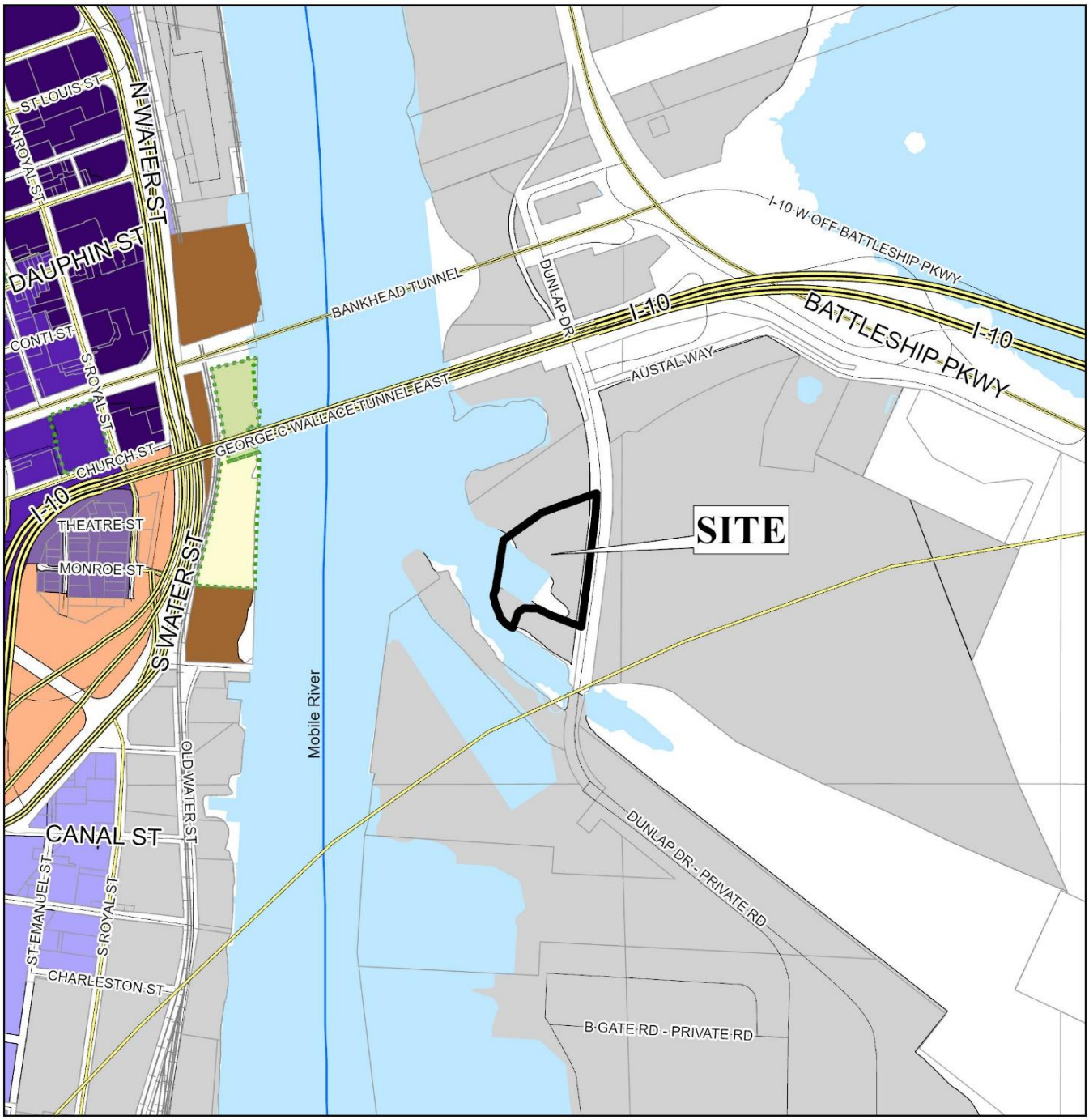
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

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) Completion of the Subdivision process to make the site a legal lot of record prior to obtaining permits;
2) Approval of the Variance is limited to the duration of the associated bridge project, with the site being returned to current conditions within six (6) months of completion; and
3) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



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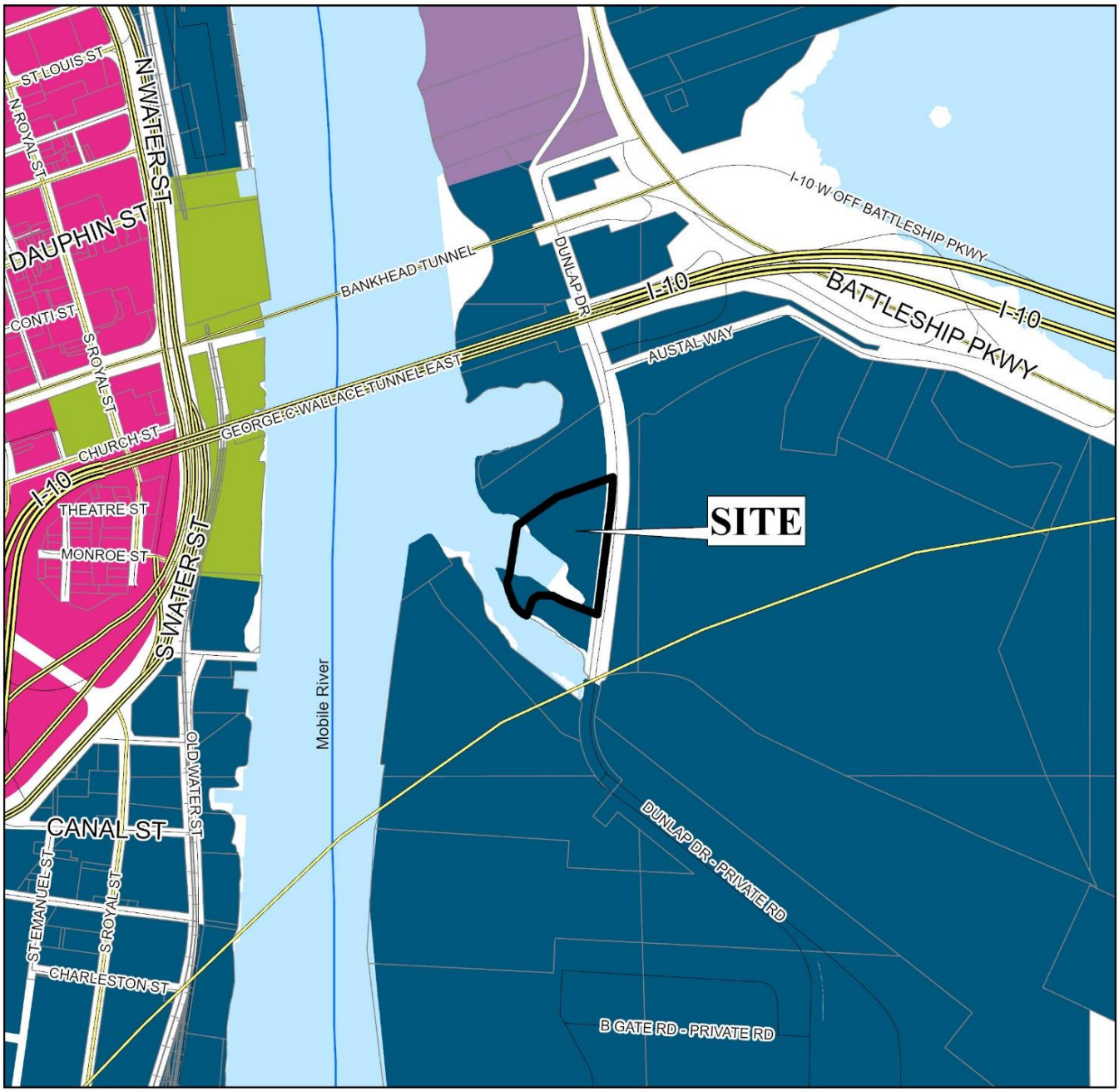
FLUM LOCATOR MAP



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

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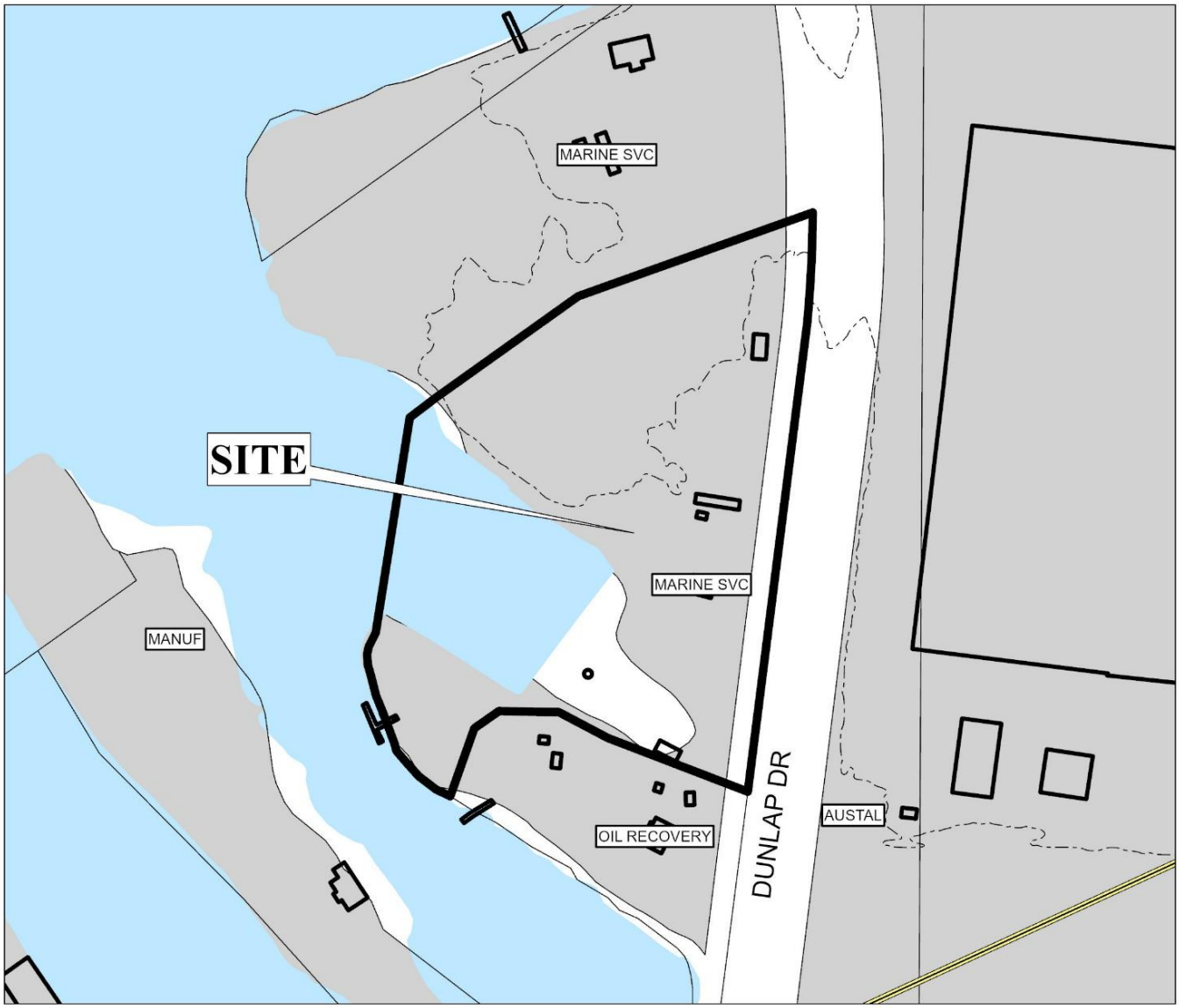
BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING



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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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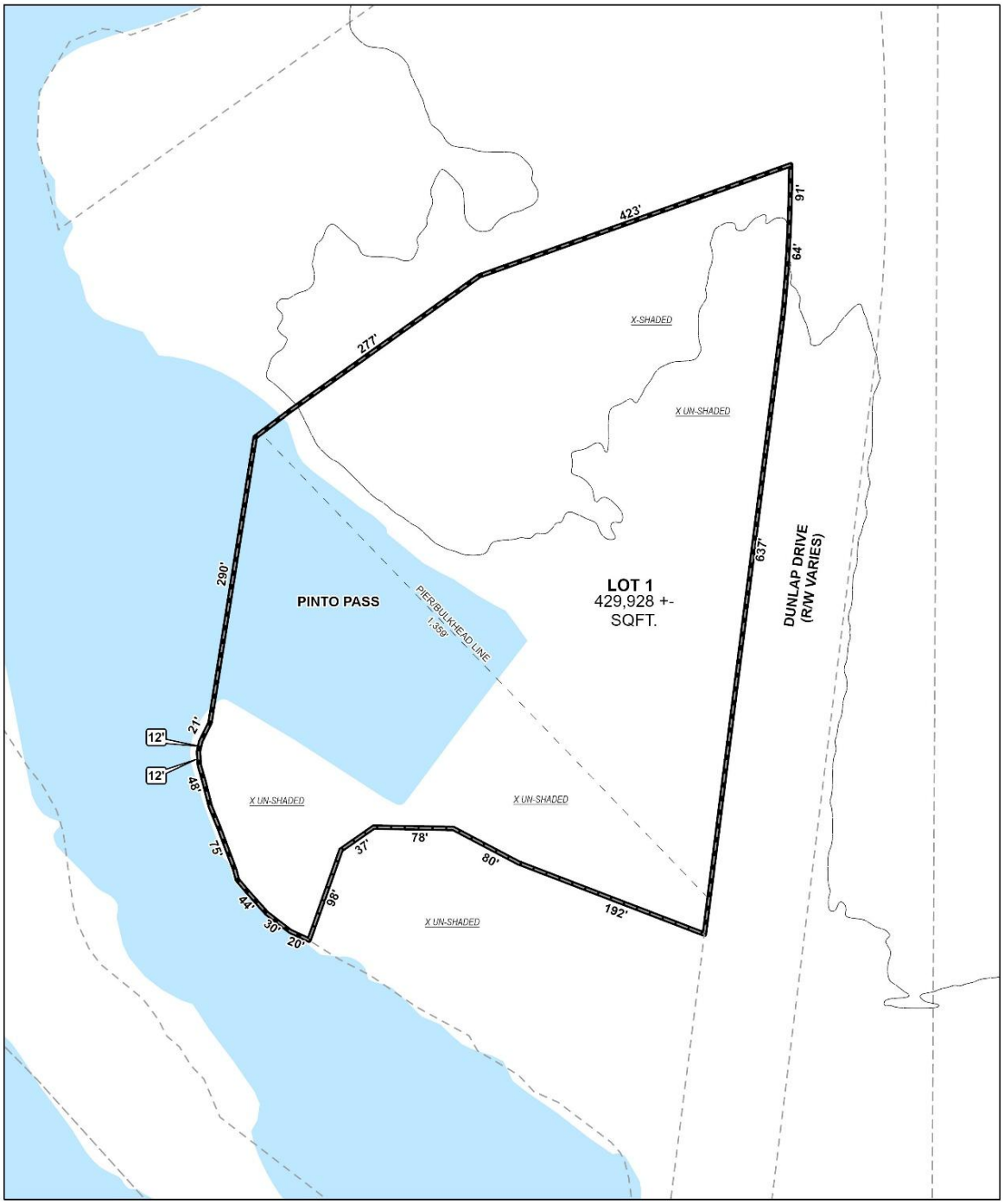
SITE PLAN



The site plan illustrates existing landscape features.

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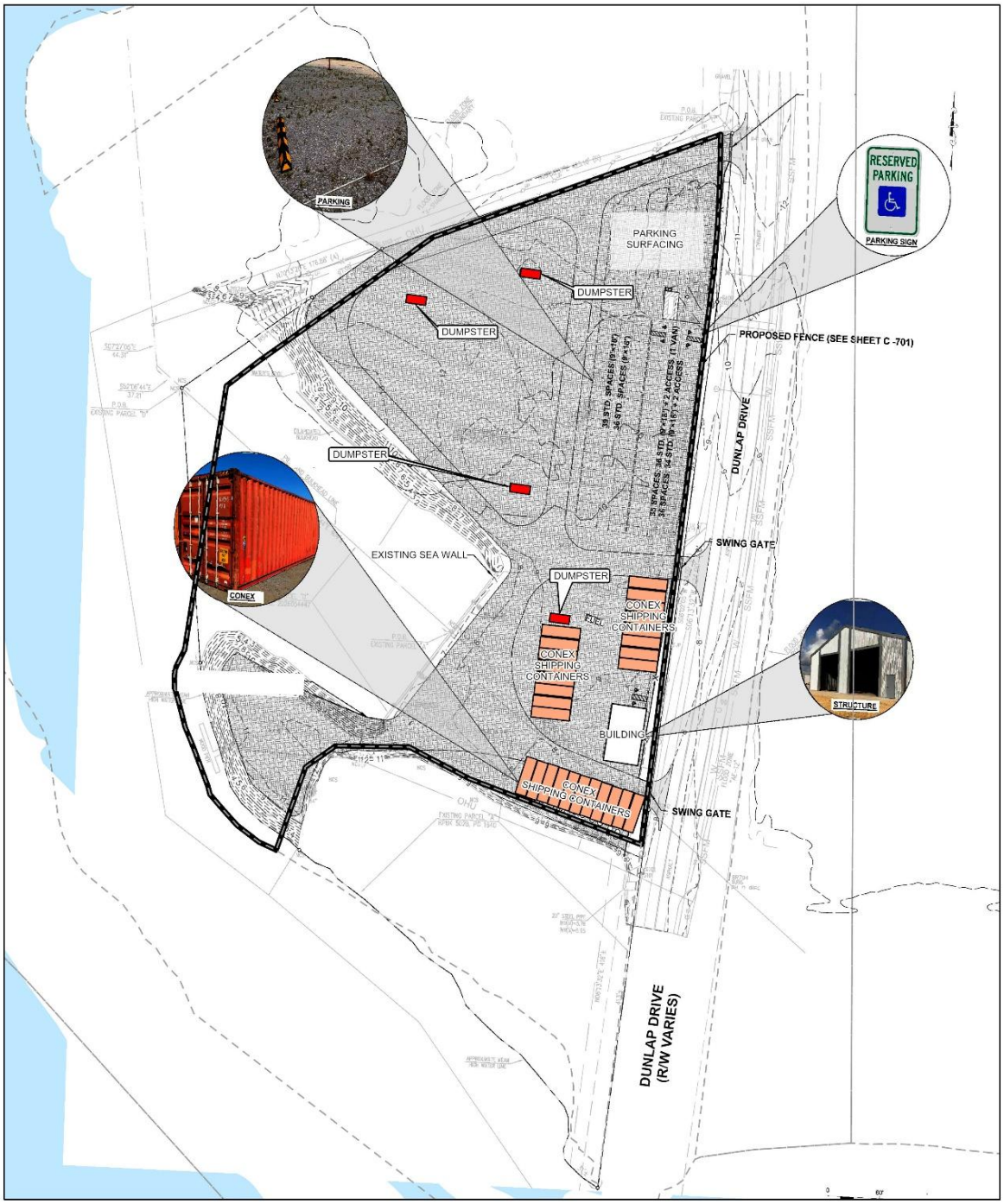
DETAIL SITE PLAN



The site plan illustrates current buildings, parking areas, and landscape features.

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FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the "mixed use" types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

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

■ Zoning district is appropriate to implement the future land use category.

U S Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.

○ Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.

□ Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

	RESIDENTIAL - AC (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD 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)
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○							○															○
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■	■					■															○
DOWNTOWN (DT)						■					■													■	■	■	■	■	○	○
DISTRICT CENTER (DC)								■			U	○	○																	
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)		■	■	U	■	■	○	■	○	○	○										■	■	■							
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)				S			S	■	S	S	○									■	■									○
TRADITIONAL CORRIDOR (TC)		■	■		■	■	U	■	U	U	○																			○
MIXED COMMERCIAL CORRIDOR (MCC)							■		■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										○	○
HEAVY INDUSTRY (HI)																■	■	■	■										○	○
INSTITUTIONAL LAND USE (INS)											■	■		○	○				○											
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					○								■	■	■		○												

WATER-DEPENDENT & WATER-RELATED USES (WDWRU)

This designation applies to areas within the Mobile-Tensaw River Delta, Mobile Bay, Dog River, and associated tributaries, where potential future uses must, under normal operating conditions, be located on, in, or immediately adjacent to coastal waters in order to be physically and economically practicable. This includes various Uses of Regional Benefit. It may also apply to water-related and water-enhanced uses such as marinas, complementary marine businesses, industry and warehousing, housing, restaurants, and other facilities that are open to the public and offer public access to the waters of the state. These areas include port terminal facilities, docks, shipyards, drydocks, etc., that are mostly owned by the State of Alabama (but are not subject to local zoning).





ENVIRONMENTALLY SENSITIVE AREAS

Environmentally Sensitive Areas identify land that may exhibit potential for flooding or have significant development limitations due environmental conditions. In some cases, these lands also serve as buffers to separate areas that may have the potential to become conflicting land uses. The purpose of this overlay is to identify these sensitive areas so that they are given consideration for protection or incorporated as amenities within new developments. This designation does not mean existing development cannot expand in these areas.

The FLUM depicts these areas partially based upon data on environmental constraints that may not correspond precisely with conditions on the ground. However, these areas may also contain specific limitations such as riparian buffer overlays which have a defined width established through the zoning code. When considering rezoning requests or other development proposals, some areas classified as Environmentally Sensitive may be determined not to contain anticipated development constraints, or that existing conditions can reasonably be mitigated. In such cases, the future preferred land use should be based on the underlying designations, contextual considerations, and other relevant City policies.



Intent

- Conserve environmentally sensitive land.
- Buffer incompatible land uses with open space.
- Develop a connected open space network through the city for recreation.