



Agenda Item # 9

BOA-003613-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

5831 U.S. Highway 90 West

Applicant / Agent:

Headrick Signs and Graphics, Inc.

Property Owner:

The Roberts Company, Inc.

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6735

Unified Development Code (UDC) Requirement:

- The UDC limits wall signs to a maximum size of 350 square feet and limits informational signs to 20 square feet maximum in a B-3, Community Business Suburban District.

Board Consideration:

- Sign Variance to allow a wall sign greater than 350 square feet and informational signs greater than 20 square feet 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	6735	DATE	March 2, 2026
APPLICANT	Headrick Signs and Graphics, Inc.		
REQUEST	Sign Variance		



NTS

SITE HISTORY

The subject site was annexed into the City in 2008 and zoned **B-3, Community Business District**.

In January 2015, the Planning Commission approved a two-lot subdivision, a Planned Unit Development (PUD) to allow shared access between the lots, and a Sidewalk Waiver waiving the construction of sidewalks along U.S. Highway 90 West and Hamilton Boulevard.

The subdivision was recorded in the Mobile County Probate Court in April 2015 as the *Hamilton McDonald's Subdivision*. However, the PUD subsequently expired because no permits were issued for the work that prompted the PUD review and approval.

In March 2017, the Planning Commission approved a new PUD to again allow shared access between the two lots.

The subject site has not been associated with any additional Planning Commission or Board of Zoning Adjustment cases.

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

No comments on the proposed variance.

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 Sign Variance to allow a wall sign exceeding 350 square feet and informational signs exceeding 20 square feet in a B-3, Community Business Suburban District. The Unified Development Code (UDC) limits wall signs in this district to a maximum of 350 square feet and informational signs to a maximum of 20 square feet.

A detailed description of the proposed Sign Variance is available via the link provided on Page 1 of this report.

The intent of the Sign Regulations is to promote the economic well-being of the Mobile community by fostering a favorable physical environment, ensuring that businesses have a fair and equitable opportunity to advertise goods and services, and protecting the public's ability to enjoy the City's natural and scenic character. The dimensional limitations established in the UDC are intended to balance commercial visibility with community aesthetics and compatibility.

The subject site is developed with a multi-tenant commercial building. The applicant proposes one (1) primary wall sign exceeding 350 square feet and two (2) informational signs exceeding 20 square feet for a proposed grocery store. Two (2) additional informational signs are also proposed but comply with the 20 square-foot maximum. As proposed, the primary wall sign and two of the informational signs exceed the dimensional limitations of Section 6-4-14 of the UDC, thereby necessitating this variance request.

As justification, the applicant states that the original signage applications were mistakenly submitted to Mobile County and were approved, and that reliance on that approval led to fabrication of the signs. However, the applicant has not provided any documentation or other evidence demonstrating that Mobile County reviewed or approved the signage in error. The request, therefore, relies solely on the applicant's assertion without substantiating materials.

The UDC requires that a hardship be demonstrated to grant a variance, including a Sign Variance. While municipal boundaries may not be readily apparent in the vicinity of the site, it remains the responsibility of the property owner and sign contractor to verify the applicable jurisdiction and ensure compliance with all relevant regulations prior to fabrication and installation of signage. Failure to confirm jurisdictional requirements constitutes a lack of due diligence and is generally considered a self-imposed hardship.

In this case, the asserted hardship does not arise from unique physical characteristics of the property, but from an alleged administrative error and subsequent financial investment. Economic considerations, including potential delays to business operations, cannot serve as the basis for granting a variance. Furthermore, the site has not been subject to any prior variance requests since its annexation in 2008, and there is no evidence of site-specific constraints that would prevent compliance with the Sign Provisions of Article 4 of the UDC.

Accordingly, the circumstances presented appear to reflect a self-imposed hardship rather than a condition inherent to the property. Approval under these circumstances would be inconsistent with the variance standards of the UDC and could establish an undesirable precedent for future requests based on similar claims.

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:

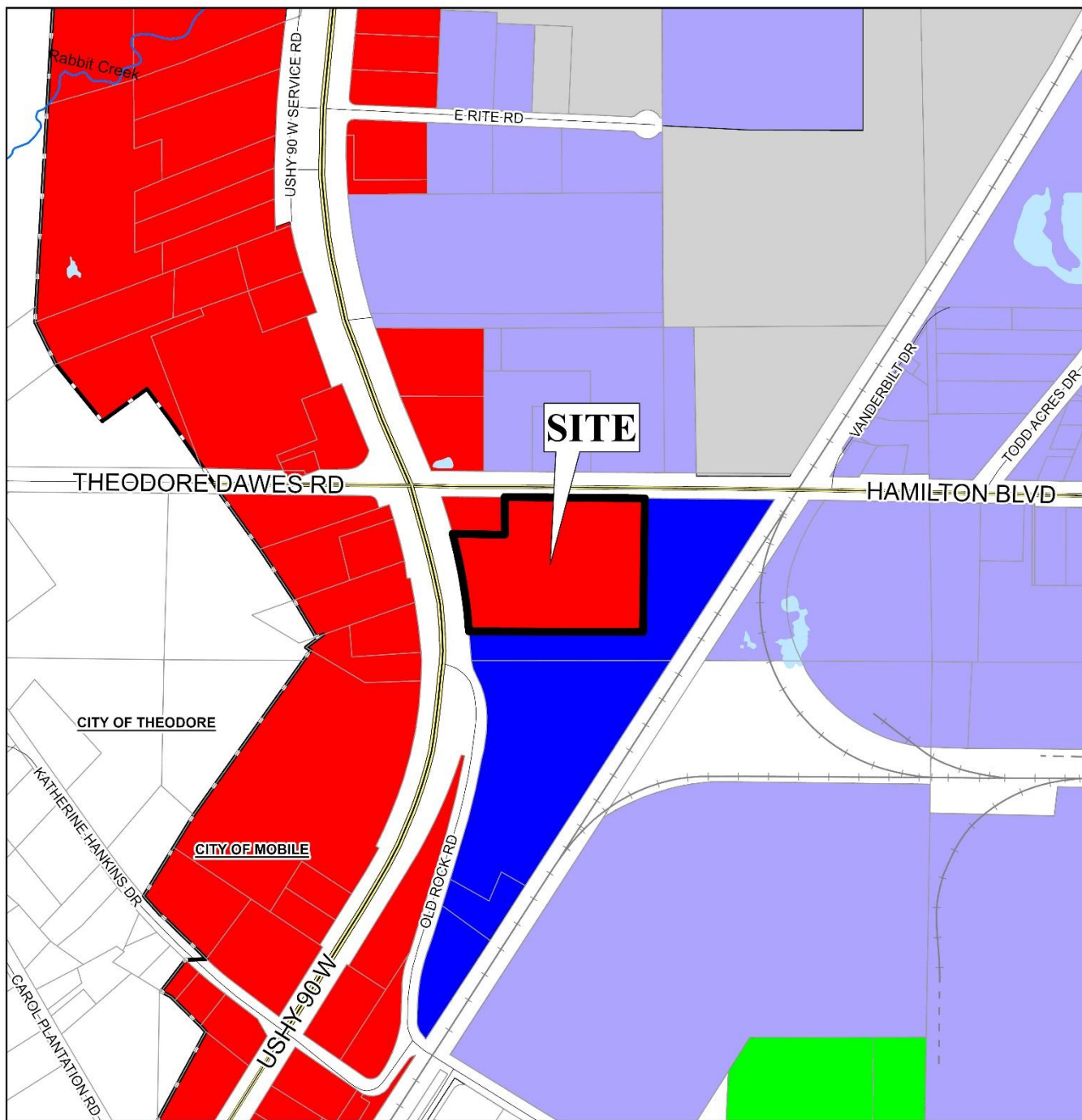
Based on the requested Variance application, if the Board considers approval of the request, the following findings of fact must be present:

- 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 considers approving the request, it should be subject to the following conditions:

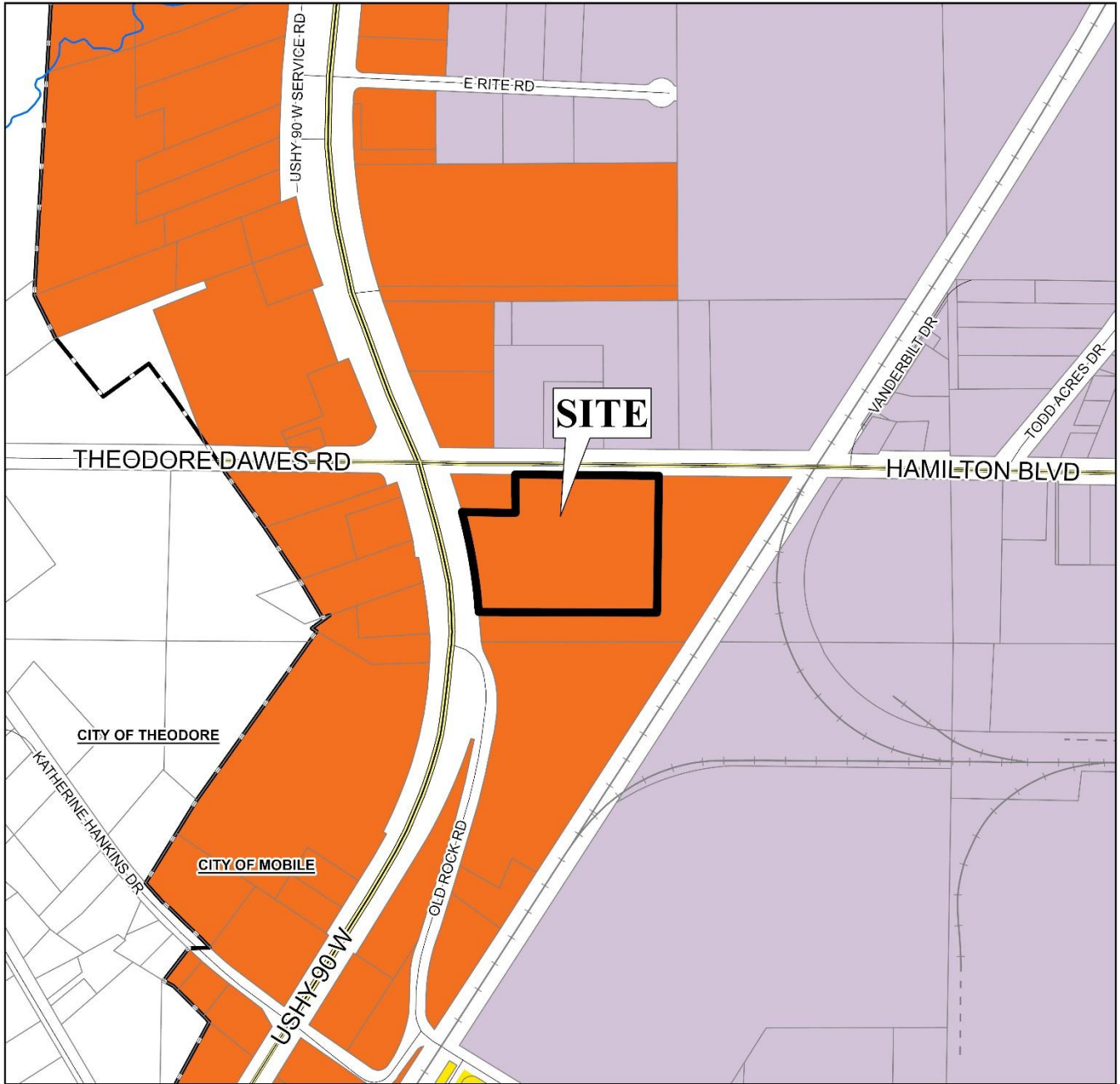
- 1) Obtaining the applicable permits for each sign, even if refacing an existing sign; and
- 2) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER <u>6735</u> DATE <u>March 2, 2026</u>	 NTS
APPLICANT <u>Headrick Signs and Graphics, Inc.</u>	
REQUEST <u>Sign Variance</u>	

FLUM LOCATOR MAP



APPLICATION NUMBER 6735 DATE March 2, 2026

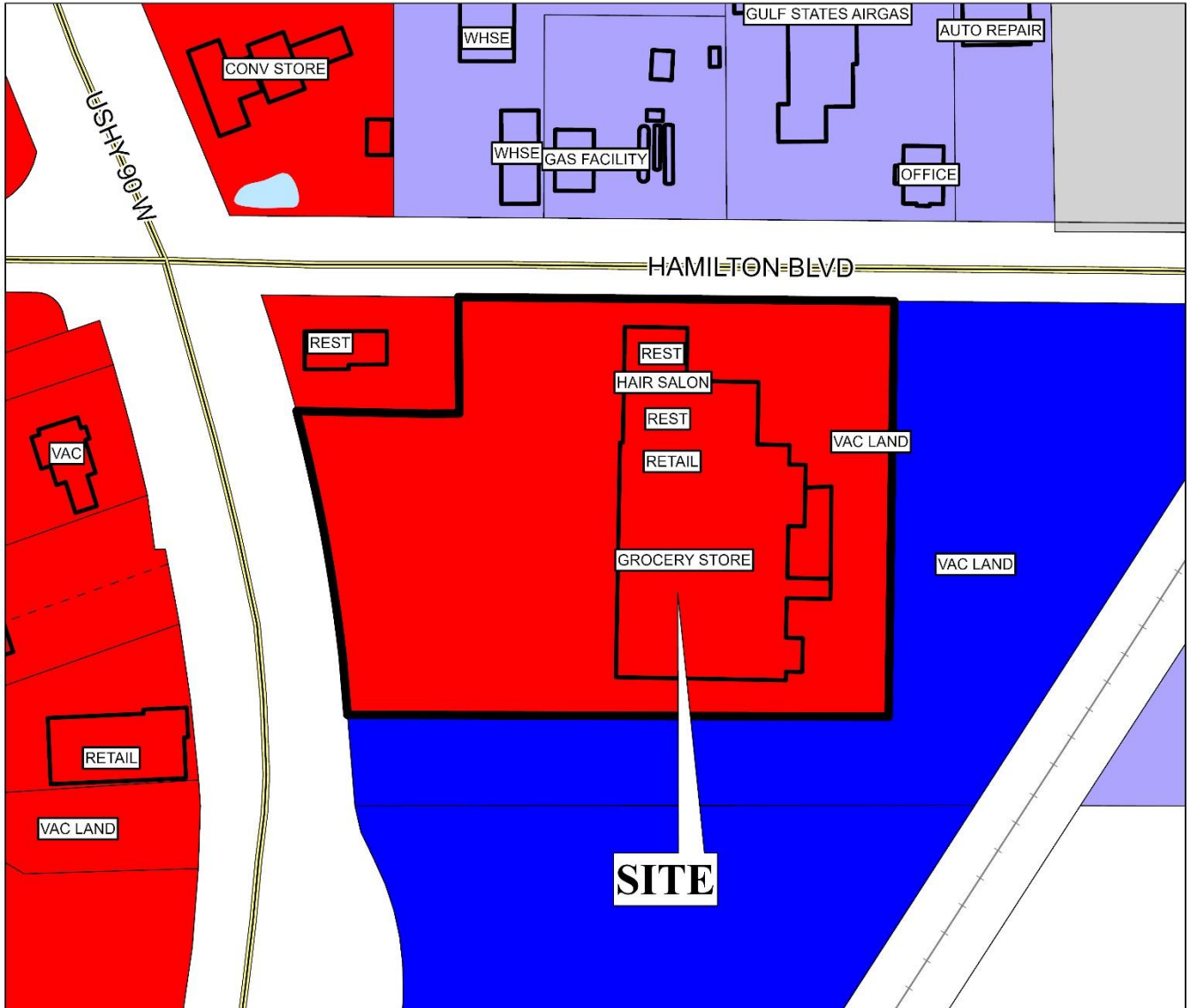
APPLICANT Headrick Signs and Graphics, Inc.

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



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<table style="width: 100%; font-size: small;"> <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																						
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 R-2	 H-B	 LB-2	 B-4	 MM	 I-1	 MUN	 SD-WH	 T-5.1																							

DETAIL SITE PLAN

62' 4"
CORNER MARKET

17' 6"
A Special Place to Shop

Sign Detail

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DETAIL SITE PLAN



Sign Detail

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DETAIL SITE PLAN



Sign Detail

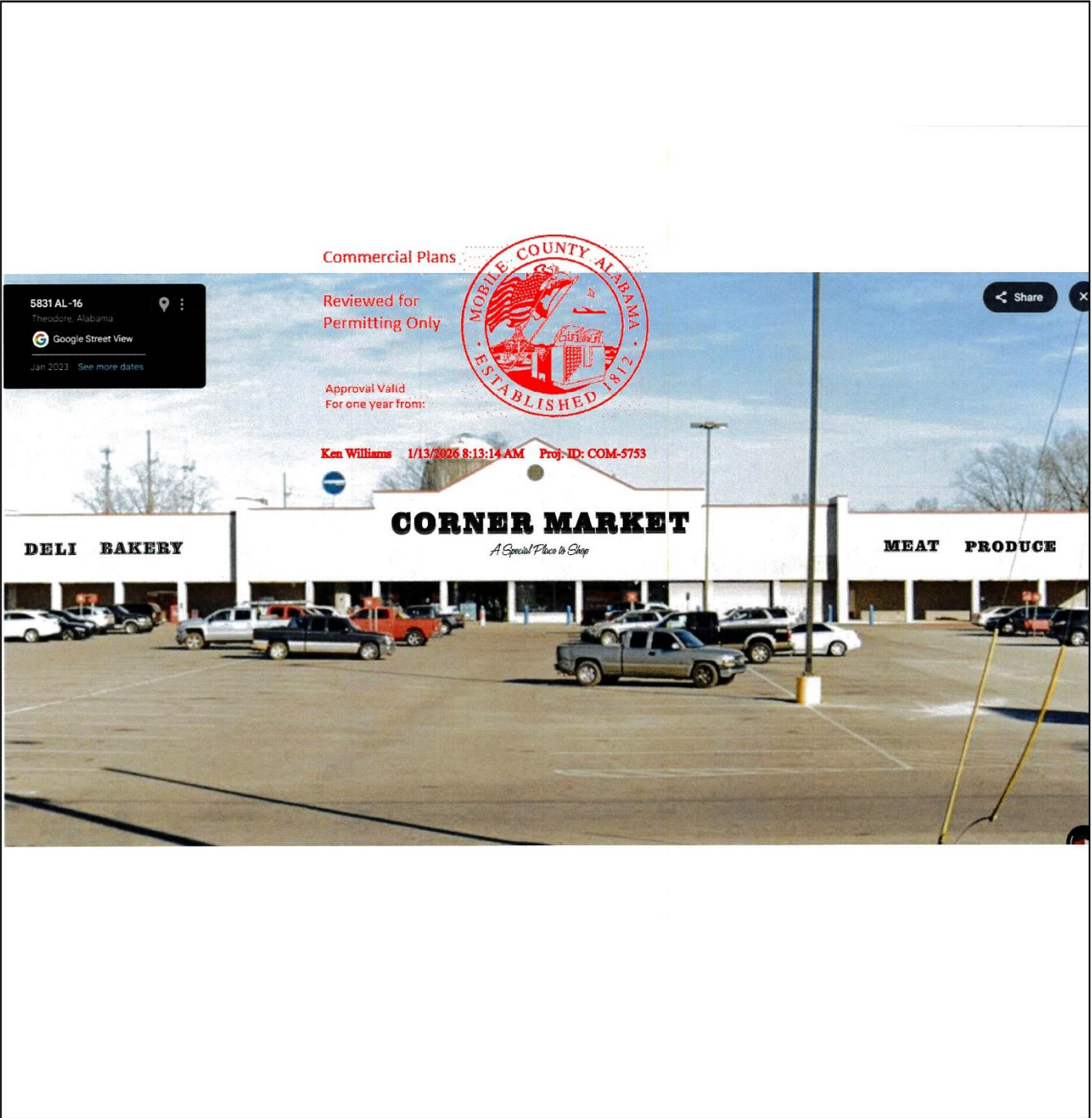
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DETAIL SITE PLAN



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DETAIL SITE PLAN



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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

	RESIDENTIAL - AG (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. DD (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)	■					○									■	■	■		○											

- Zoning district is appropriate to implement the future land use category.
- US 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)

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

