



Agenda Item # 10
BOA-003498-2025

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

5344 U.S. Highway 90 West

Applicant / Agent:

Victor Sign Company, LLC

Property Owner:

Garrett Baker, Delaney Property Group

Current Zoning:

B-3, Community Business Suburban District

Future Land Use:

District Center

Case Numbers:

6713

Unified Development Code (UDC) Requirement:

- The UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

Board Consideration:

- Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site 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 and residential units.

APPLICATION NUMBER	6713	DATE	November 3, 2025
APPLICANT	Victor Sign Company, LLC		
REQUEST	Sign Variance		



SITE HISTORY

The subject site was initially a part of Bay View Terrace Subdivision, an old deed book plat.

In 1950, a portion of that subdivision was re-subdivided into Suburban Gardens Subdivision. Many of the lots within that subdivision were re-subdivided via parcel deeds prior to the area coming within the City's Planning Jurisdiction.

In 2006, the two legal lots of record contained within the most-recent subdivision application were created via Suburban Gardens Subdivision, Resubdivision of Lot 8 and a portion of Lot 9, Block 1.

The Northern and Eastern portions of the site were annexed into the City of Mobile in 2008 and subsequently assigned a B-3, Community Business District zoning classification.

The current B-3, Community Business Suburban District classification was assigned to the areas within the City limits with the adoption of the Unified Development Code (UDC) in March 2023.

The Western portion of the site was granted a Pre-Zoning Request pursuant to Alabama Code 11-52-85 allowing pre-zoning of the property to B-3, Community Business Suburban District, subject to completion of the annexation process. The pre-zoning was approved by the Commission in July 2024, and subsequently adopted by the City Council on September 24, 2024. The site was also annexed into the City on that date.

On November 21, 2024, the site was the subject of Tillman's Corner Development Subdivision, a four (4)-lot subdivision which was approved by the Planning Commission. The Final Plat for that subdivision has been signed and recorded.

On February 20, 2025 the Planning Commission granted a Sidewalk Waiver to waive construction of a sidewalk along U.S. Highway 90 West for the site.

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

STAFF COMMENTS

Engineering Comments:

No comments

Traffic Engineering Comments:

Signs should be located on private property and not within the public right-of-way (ROW). Before any sign is built near an intersection their placement should be checked to verify that they do not impede drivers' line of sight.

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 Sign Variance to allow two (2) wall signs for a tenant on a multi-tenant business site in a B-3, Community Business Suburban District; the UDC limits tenants on a multi-tenant business site to a single wall sign in a B-3, Community Business Suburban District.

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

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The subject site is currently under development as a multi-tenant strip center. Two (2) tenants are proposed in the building. The sign regulations of the UDC allow each tenant to have one (1) wall sign per public street frontage that it faces, not to exceed 30% of the usable wall area, not to exceed 350 square feet.

The subject unit for which the request is made will be a Chipotle restaurant which has one (1) street frontage facing U.S. Highway 90 West along the East side of the site. The applicant requests to allow a second wall sign on the South side of the building which would not face a public street. As justification for the request, the applicant states the following:

The above-mentioned provision is written for a multi-tenant building to only be allowed one (1) wall sign on the elevation with a street frontage. The east elevation facing US Hwy 90 Service Road has a proposed wall sign. Our team believes a 2nd wall sign on the south elevation of the building will greatly contribute to the value of our project and effectively advertise our location concerning the site surroundings. Even with a 2nd wall sign on the south elevation, our proposal is significantly under the maximum three hundred fifty (350) square feet allowed.

We understand a wall sign proposed on the east elevation facing US Hwy 90 Service Road will serve as a means of identification for the Chipotle building. However, due to the traffic flow of the service road, visibility from the south side of the parking lot, and surrounding buildings, we believe a wall sign proposed on the south elevation of the tenant space will increase visibility for north-bound traffic not only on the service road but also along Government Blvd.

We kindly request your consideration and approval for this variance as we firmly believe a wall sign on the south elevation of the Chipotle tenant space will not only benefit our project but also enhance the overall aesthetics of the development. We are committed to maintaining the visual harmony of the area and ensuring the sign adheres to any regulations or guidelines set forth by the City of Mobile. By having a second wall sign on the south elevation of our building, we can better direct potential customers and increase visibility for Chipotle Mexican Grill, which would generate key drivers, such as increased sales, which not only generates revenue for Chipotle, but in turn directly affects the City of Mobile's economic growth.

The proposed signs are within the allowed sizes of the sign regulations of 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 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:

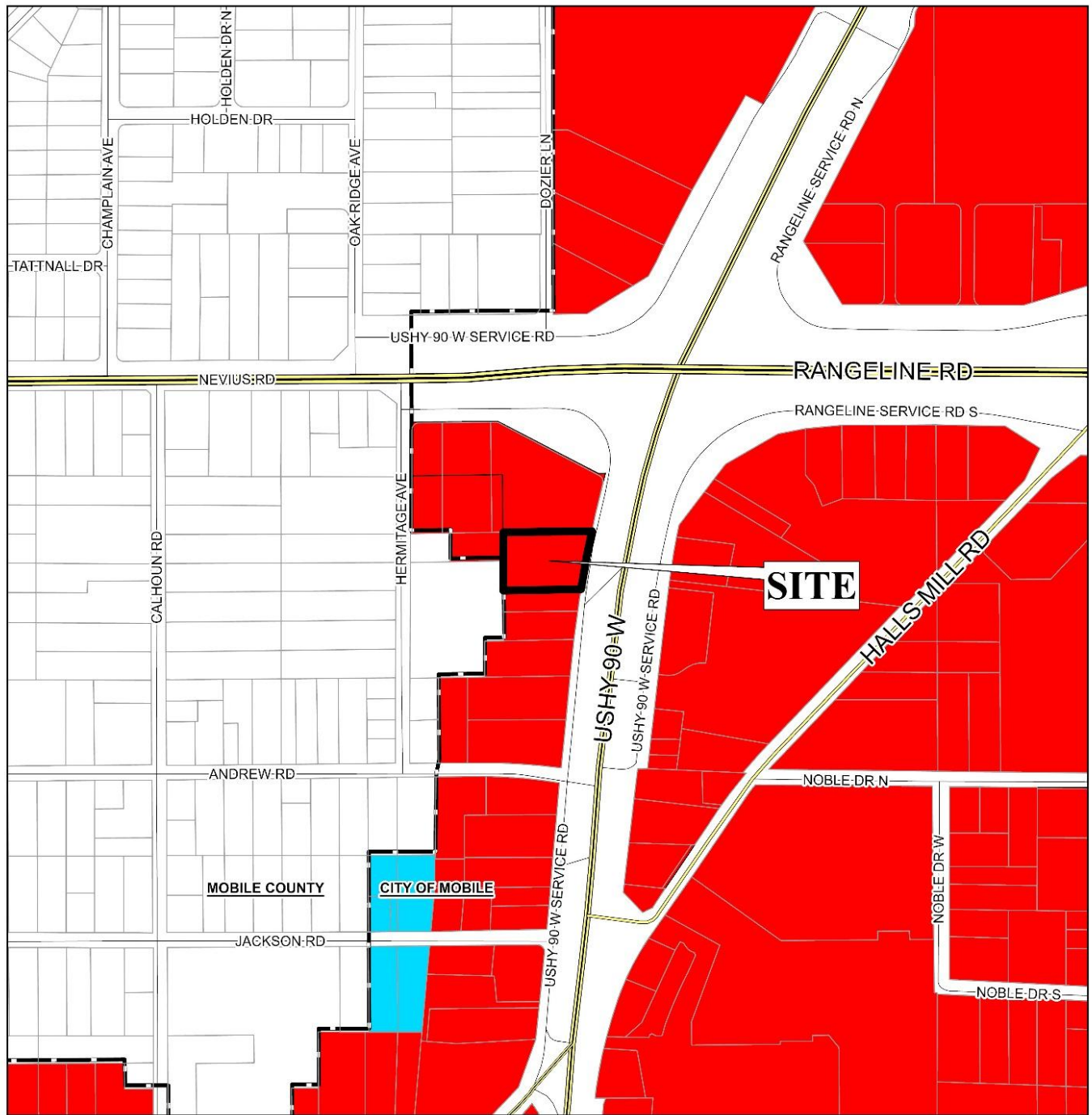
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

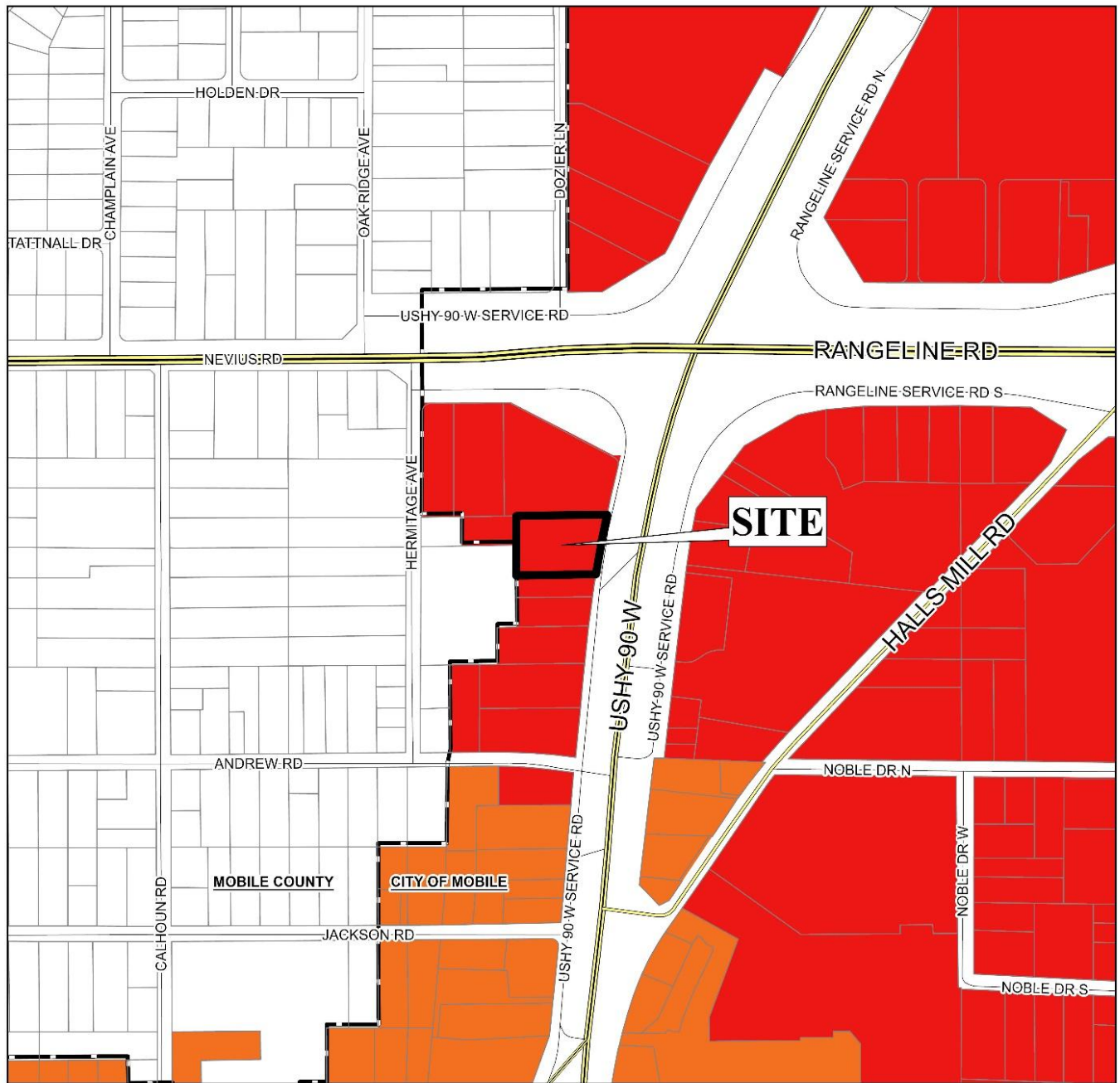
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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REQUEST _____ Sign Variance

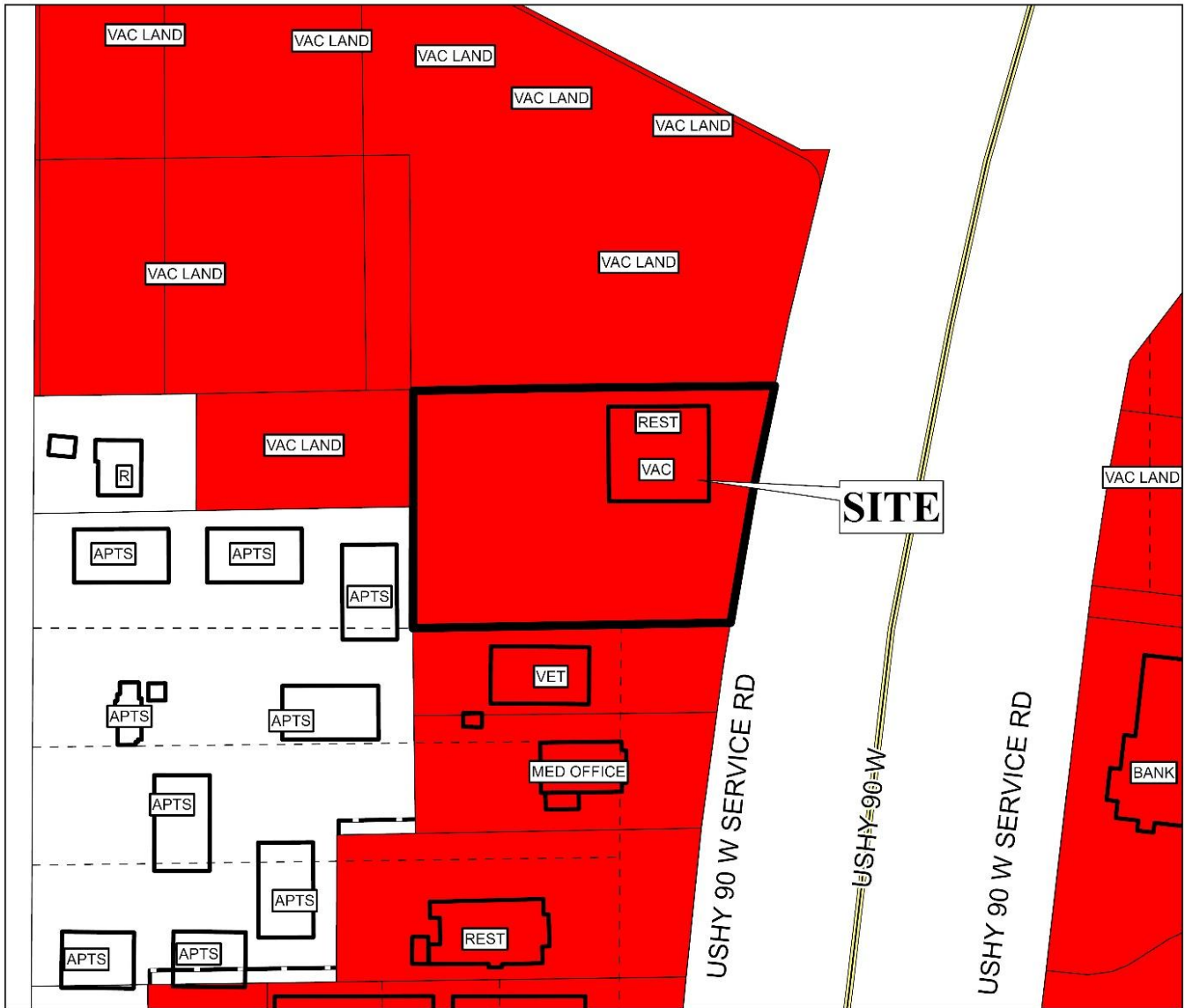
- Low Density Residential
 Neighborhood Center - Traditional
 Light Industry
 Water Dependent
- Mixed Density Residential
 Neighborhood Center - Suburban
 Heavy Industry
- Downtown
 Traditional Corridor
 Institutional
- District Center
 Mixed Commercial Corridor
 Parks, Open Space



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



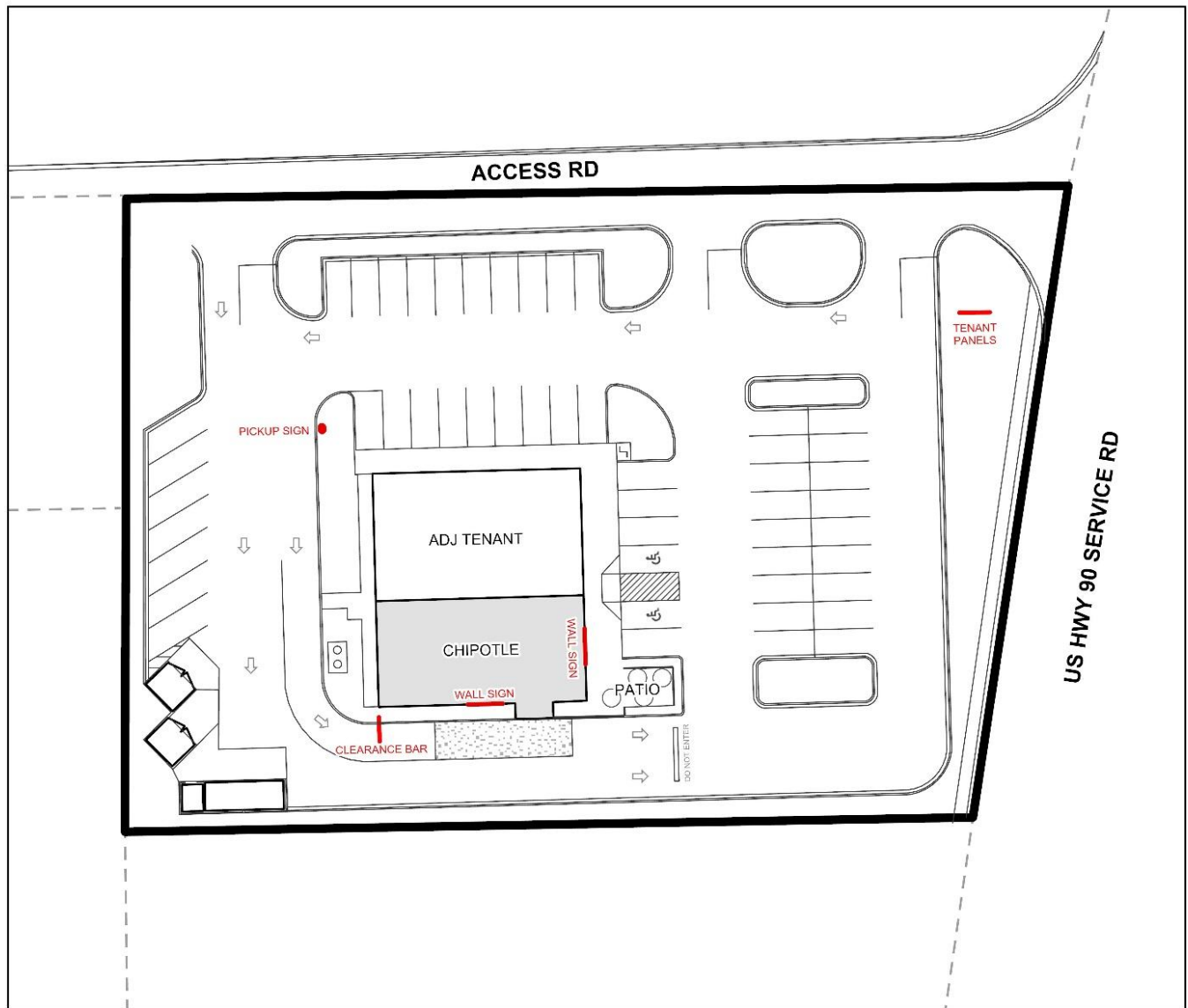
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN

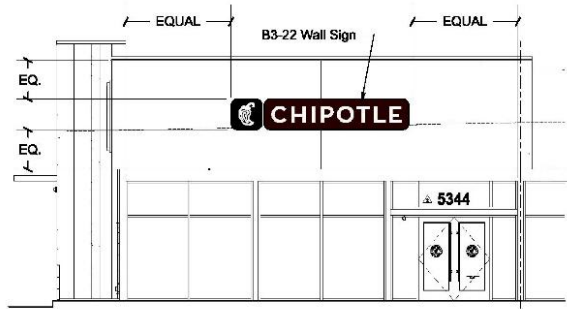


The site plan illustrates the proposed sign placements and current buildings.

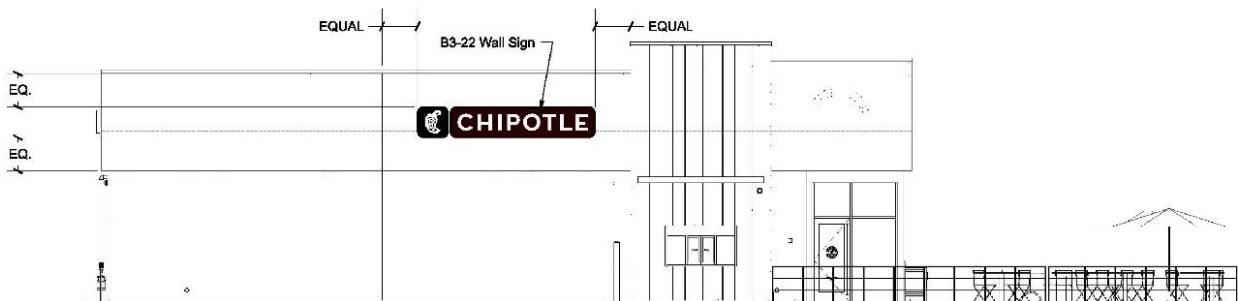
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DETAIL SITE PLAN



EAST ELEVATION



SOUTH ELEVATION

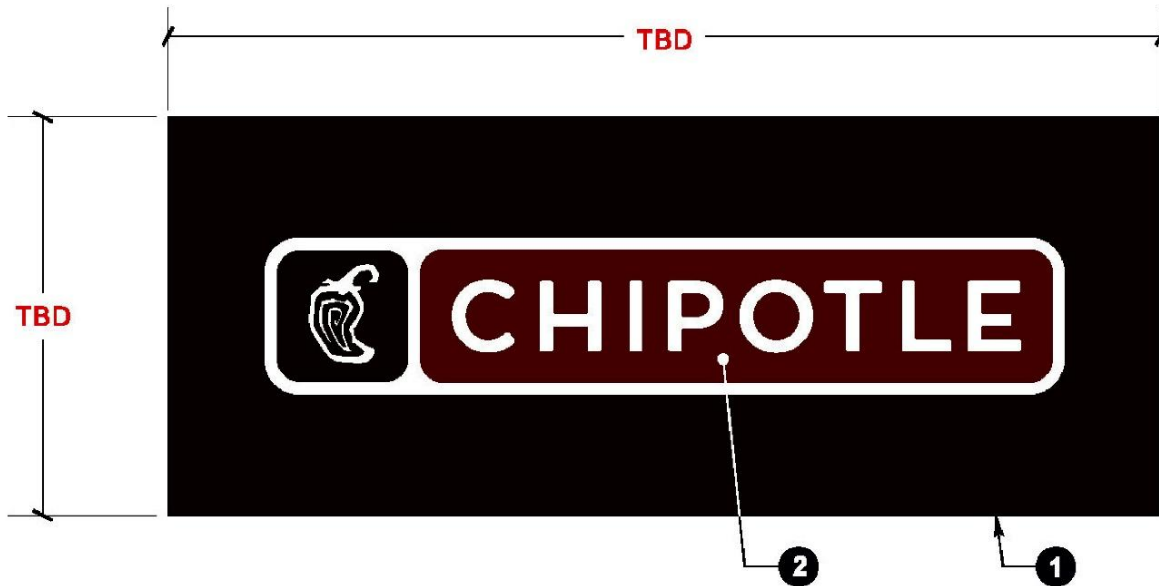
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DETAIL SITE PLAN



GRAPHIC LAYOUT

- 1. FACE PANNELS
- 2. GRAPHICS

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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]

DISTRICT CENTER (DC)

This designation applies across the city beyond Downtown to large areas of existing mixed-use character or where such character is encouraged. District Centers generally serve several surrounding neighborhoods and may even have a city-wide or region-wide reach. They are often anchored by a major commercial or institutional employer such as a shopping mall or a medical center. Depending on location residential areas in District Centers may incorporate a mix of housing types with minimum densities of 20 du/ac in dynamic, horizontal or vertical mixed-use environments ranging from mid-rise multifamily buildings containing apartments and lofts, to townhouses and detached single-family homes. Major civic cultural institutions and public spaces provide regional and neighborhood destinations.

Development intent

- › District Centers should be designed to induce pedestrian activity, with high quality streetscapes connecting the different components of a center as well as the center to its surrounding area.
- › District Centers may be served by transit and include development of an intensity and design that supports transit use.

Land use mix

Primary Uses

- › Commercial
- › Office
- › Civic
- › Residential, Multifamily

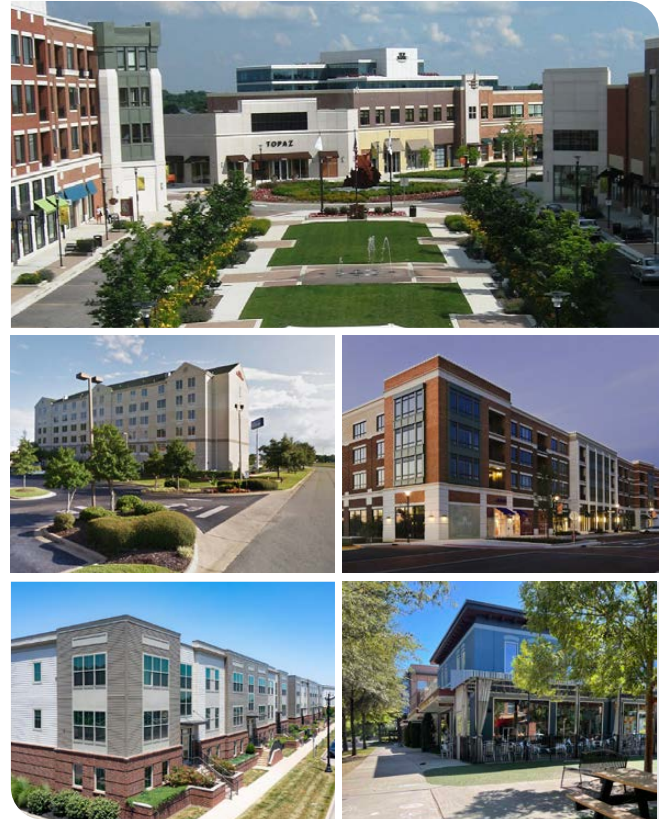
Secondary Uses

- › Residential, Attached
- › Residential, Single Family
- › Parks

Housing mix

- › Residential units above ground-floor retail
- › Multifamily buildings
- › Attached residential such as duplexes, multiplexes, and townhomes

Character Example



Existing district centers should evolve into large walkable mixed-use areas.

Rendering: Dover Kohl