



Agenda Item # 2

BOA-003193-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1408 Cody Road North

Applicant / Agent:

Elliott Land Developments, LLC (Amanda Crose,
Agent)

Property Owner:

Elliott Land Developments, LLC

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6652

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires newly created lots to be a minimum of 10,000 square feet, with compliant setbacks, a maximum allowed 45% site coverage, and 700 square feet of common area per dwelling unit in an R-3, Multi-Family Residential Suburban District.

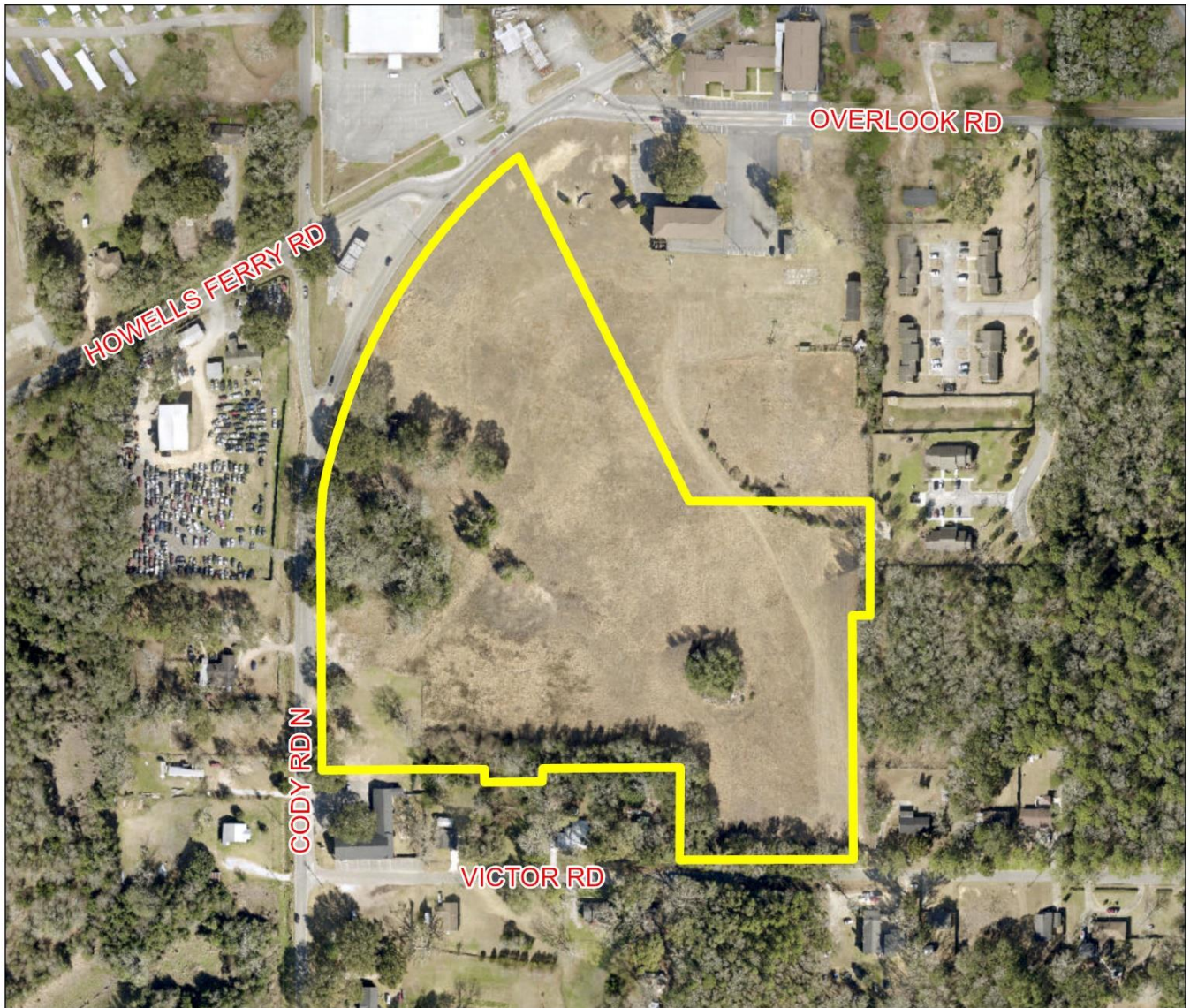
Board Consideration:

- Lot Size, Setback, Site Coverage, and Common Area Variances to allow reduced lot sizes, reduced setbacks, increased site coverage, and reduced common area for a new 229-lot development in an R-3, Multi-Family Residential Suburban District.

Report Contents:

| | Page |
|-------------------------------|------|
| Context Map | 2 |
| Site History | 3 |
| Staff Comments | 4 |
| Variance Considerations | 5 |
| Exhibits | 7 |

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

| |
|--|
| APPLICATION NUMBER <u>6652</u> DATE <u>March 10, 2025</u> |
| APPLICANT <u>Elliott Land Developments, LLC (Amanda Crose, Agent)</u> |
| REQUEST <u>Lot Size, Setback, Site Coverage, and Common Area Variances</u> |



SITE HISTORY

The site was annexed into Mobile City limits in 1956.

A portion of the site was the subject of a Use Variance application requesting a wrecker service on an R-1 zoned property. The Board of Zoning Adjustment denied the request at its April 5, 1975 meeting.

At its April 19, 2007 meeting, the Planning Commission denied a request for a 62-lot subdivision of the site due to inadequacies with the preliminary plat that were not addressed by the applicant before the meeting. Later, at its May 3, 2007 meeting, the Planning Commission approved a similar request for a 62-lot subdivision. A one (1)-year extension of the May 2007 approval was granted in February 2008, but was allowed to expire before the subdivision process was completed.

At its July 10, 2008 meeting, the Planning Commission approved Subdivision, Planned Unit Development (PUD), and Rezoning requests for: a one (1)-lot subdivision; an apartment complex with multiple buildings on a single building site; and a rezoning from R-1 and B-2 to R-3, Multi-Family Residential District, to allow use of the property as an apartment complex. While the rezoning to R-3 was adopted by City Council at its August 19, 2008 meeting, the Subdivision and PUD approvals were allowed to expire before the subdivision process was completed, and before any development permits were obtained.

It should be noted that the rezoning to R-3 was subject to the following conditions: 1) dedication of sufficient right-of-way to provide a minimum of 50-feet from the centerline of Cody Road; 2) the provision of an 8-foot high wooden privacy fence where the site abuts R-1, Single-Family Residential; and 3) full compliance with all municipal codes and ordinances.

At its September 15, 2022 meeting, the Planning Commission approved Subdivision and Rezoning requests to subdivide the subject site and an adjacent lot to the North, abutting Overlook Road, into three (3) lots, and to rezone the property from R-3 and B-1, to R-1 and B-1. The following month, at its October 20, 2022 meeting, the Planning Commission approved another Subdivision request to further subdivide one of the lots approved in September 2022 into 74 lots; however, all of the approvals from September 2022 and October 2022 were allowed to expire.

At its February 22, 2024 meeting, the Planning Commission approved a one (1)-lot Subdivision for the subject site; however, the plat has not been provided to staff for signature, and has recently expired.

At its February 20, 2025 meeting, the Planning Commission approved a 229-lot, private road Subdivision for the subject site.

No other Planning Commission or Board of Adjustment cases have been associated with the site.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

- The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
- 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.
- 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.
- Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

Traffic Engineering Comments:

A traffic impact study will be required for the subdivision shown. 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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting Lot Size, Setback, Site Coverage, and Common Area Variances to allow reduced lot sizes, reduced setbacks, increased site coverage, and reduced common area for a new 229-lot development in an R-3, Multi-Family Residential Suburban District; the Unified Development Code (UDC) requires newly created lots to be a minimum of 10,000 square feet, with compliant setbacks, a maximum allowed 45% site coverage, and 700 square feet of common area per dwelling unit in an R-3, Multi-Family Residential Suburban District.

The site plan depicts 229-lots that are to be developed as a private street single-family residential community. Single-family residential use is allowed by right in an R-3, Multi-Family Residential Suburban District, subject to compliance with the development standards of the Unified Development Code (UDC).

As mentioned previously, the site recently received approval at the February 20, 2025 meeting of the Planning Commission for the proposed 229-lot Subdivision, with certain aspects of the development approved, contingent upon the approval of the Variance application currently before the Board for consideration.

Article 2, Section 64-2-7.1. of the UDC requires newly created lots to be a minimum of 10,000 square feet. The proposed lot sizes range from 1,367 square feet to 2,179 square feet.

Article 2, Section 64-2-7.6. of the UDC requires newly created lots to have a 25-foot minimum front yard setback; Article 2, Section 64-2-7.8. of the UDC requires newly created lots to have a 10-foot minimum side yard setback; and Article 2, Section 64-2-7.9. of the UDC requires newly created lots to have a 10-foot minimum rear yard setback. The applicant is proposing the new development have a 10-foot minimum front yard setback, a 0-foot minimum side yard setback, and a 5-foot minimum rear yard setback.

Article 2, Section 64-2-7.3. of the UDC requires newly created lots to have a maximum site coverage of 45%. The applicant is proposing the new development have a maximum site coverage of 60%.

Article 2, Section 64-2-7.11. of the UDC requires newly created lots to have a minimum of 700 square feet of open space per dwelling unit. The applicant is proposing approximately 481 square feet of open space per dwelling unit.

| | UDC Requirement | Proposed |
|----------------------|------------------------|---------------------------|
| Lot Size | 10,000 square feet | 1,367 - 2,179 square feet |
| Site Coverage | 45% | 60% |
| Front Setback | 25-feet | 10-feet |
| Side Setback | 10-feet | 0-feet |
| Rear Setback | 10-feet | 5-feet |
| Common Area | 700 square feet/unit | 481 square feet/unit |

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:

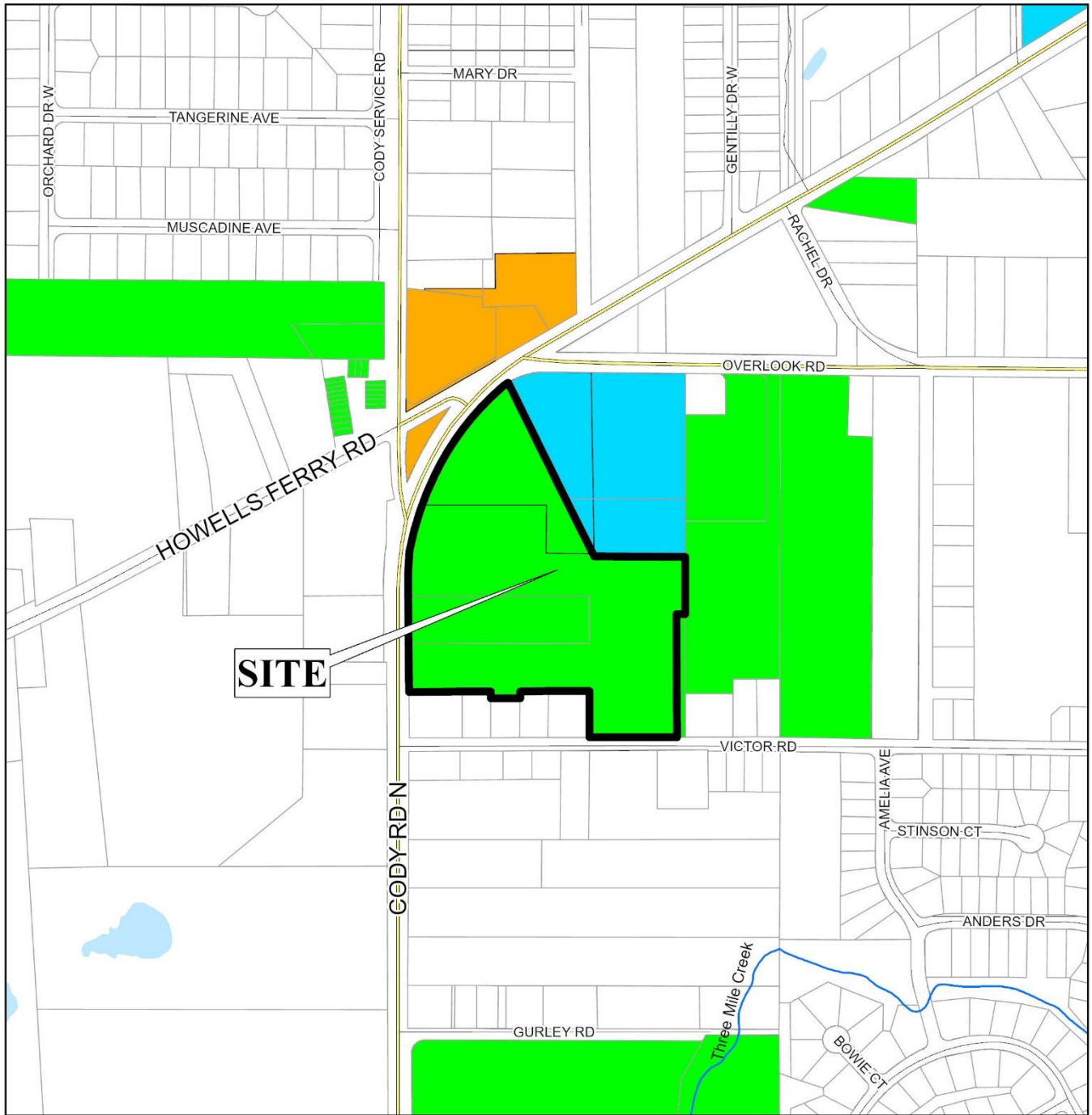
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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. Completion of the Subdivision process (land disturbance for street construction allowed prior to recording of plat);
- 2. Compliance with all Engineering comments noted in this staff report;
- 3. Compliance with all Traffic Engineering comments noted in this staff report;
- 4. Compliance with all Urban Forestry comments noted in this staff report;
- 5. Compliance with all Fire Department comments noted in this staff report; and
- 6. Full compliance with all other codes and ordinances.

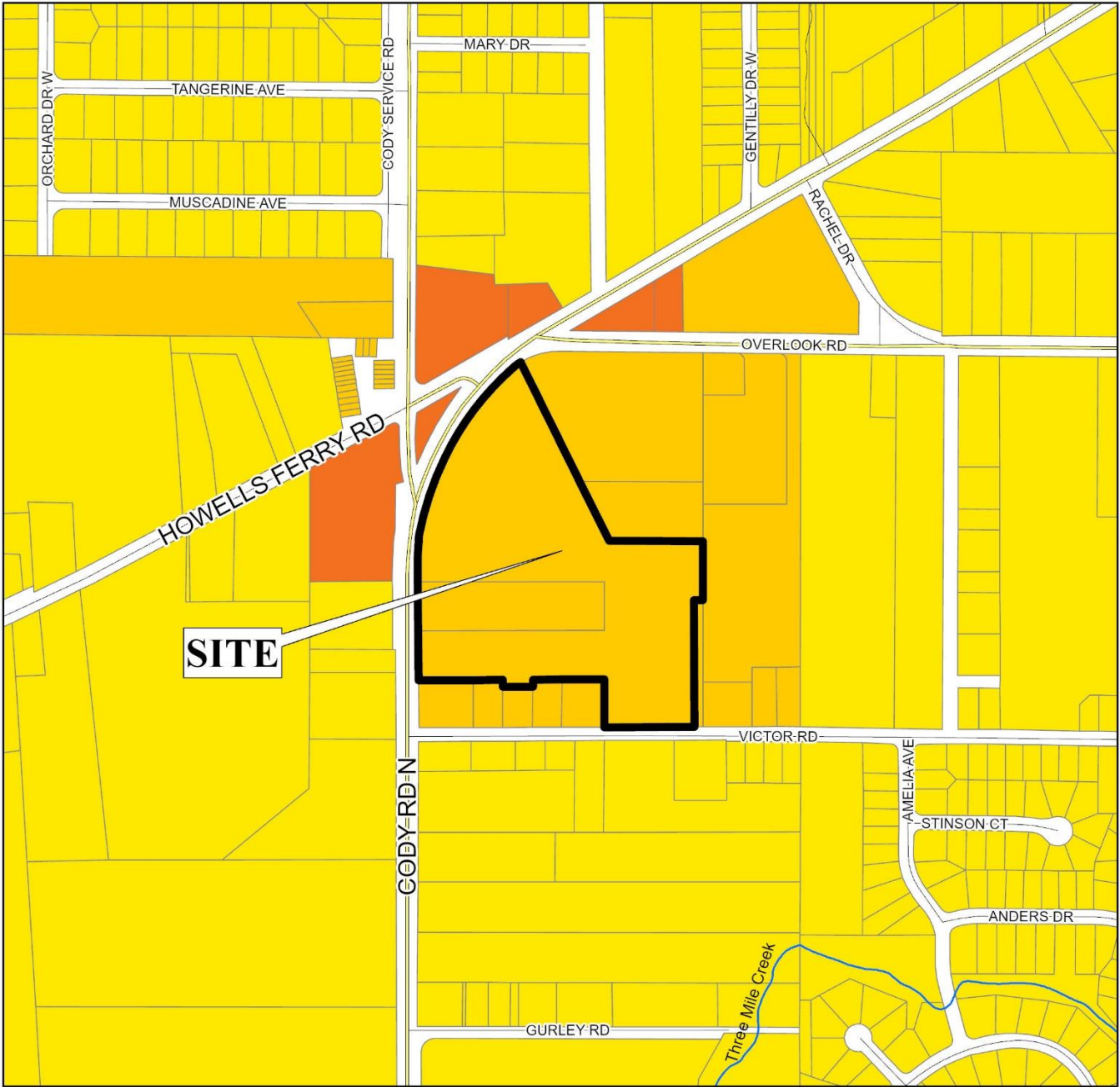
LOCATOR ZONING MAP



APPLICATION NUMBER 6652 DATE March 10, 2025
 APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
 REQUEST Lot Size, Setback, Site Coverage, and Common Area Variances



FLUM LOCATOR MAP

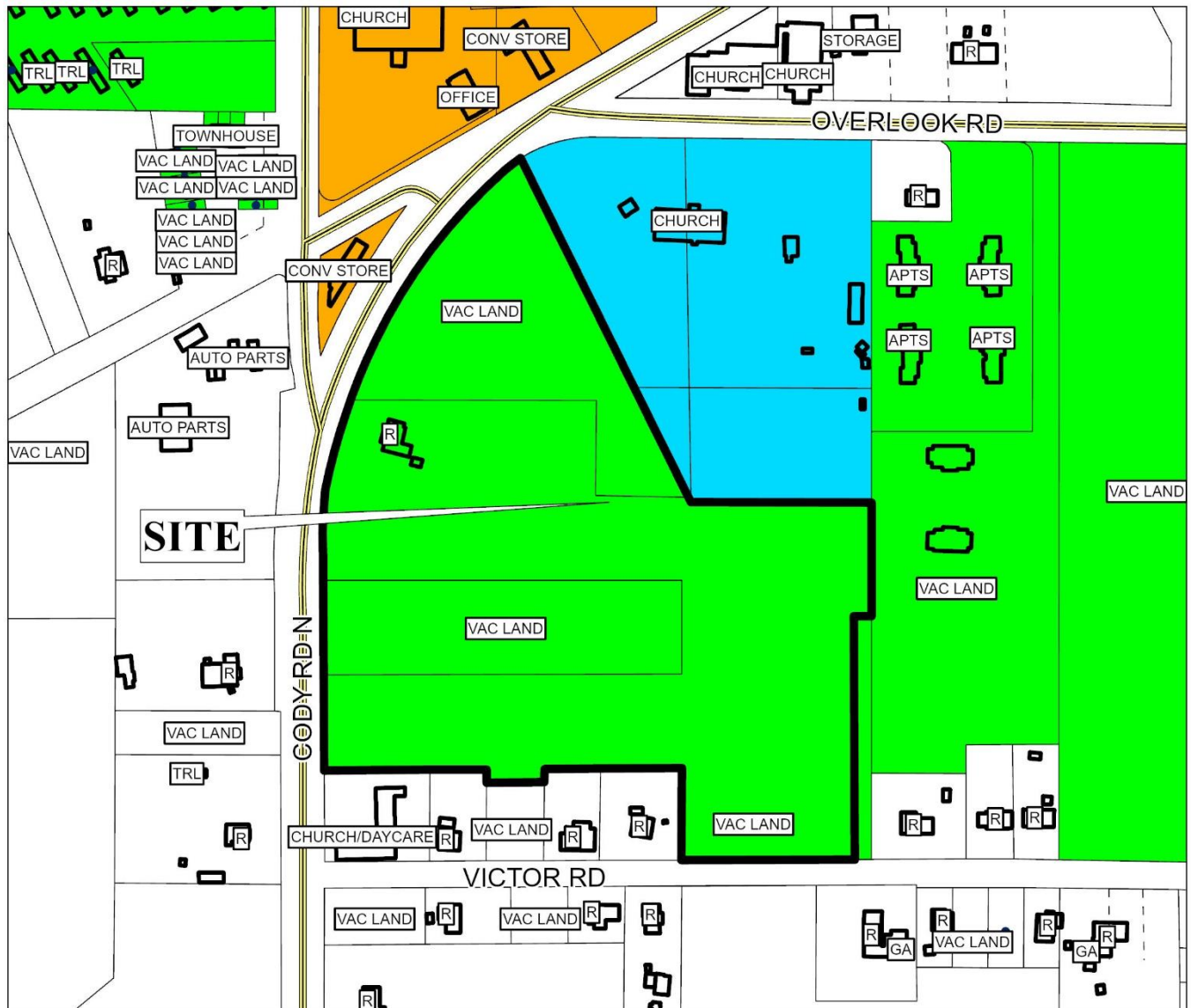


APPLICATION NUMBER 6652 DATE March 10, 2025
APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
REQUEST Lot Size, Setback, Site Coverage, and Common Area Variances

- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| 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



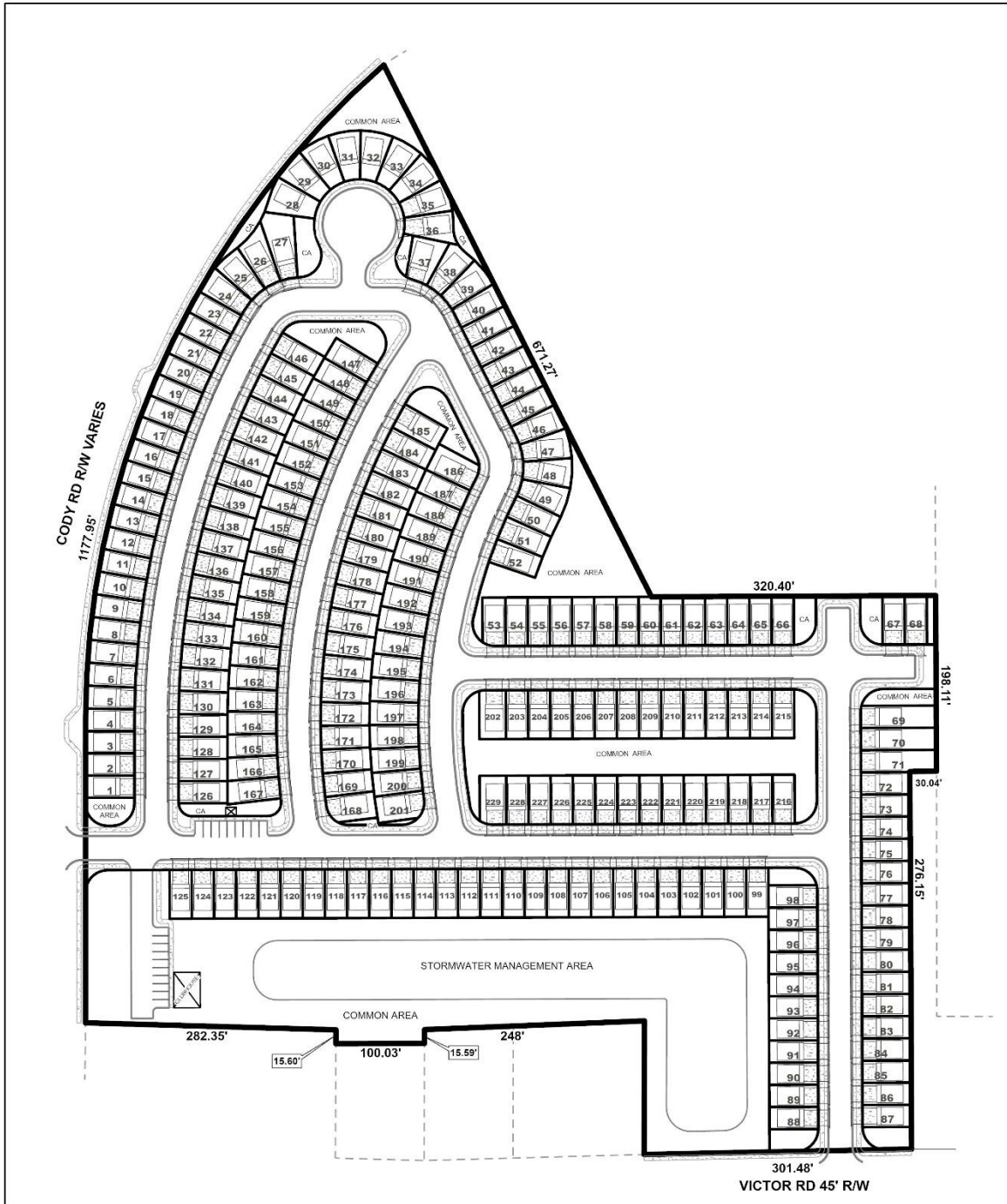
The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6652 DATE March 10, 2025
 APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
 REQUEST Lot Size, Setback, Site Coverage, and Common Area Variances

| | | | | | | | | | |
|-----|-----|------|-----|-----|-----|-----|-------|-------|-------|
| 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 housing, lot sizes, and common areas.

APPLICATION NUMBER 6652 DATE March 10, 2025
 APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
 REQUEST Lot Size, Setback, Site Coverage, and Common Area Variances



LANDSCAPE SITE PLAN



The site plan illustrates the proposed landscaping.

APPLICATION NUMBER 6652 DATE March 10, 2025
 APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
 REQUEST Lot Size, Setback, Site Coverage, and Common Area Variances



DETAIL SITE PLAN



APPLICATION NUMBER 6652 DATE March 10, 2025
 APPLICANT Elliott Land Developments, LLC (Amanda Crose, Agent)
 REQUEST Lot Size, Setback, Site Coverage, and Common Area



| 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 DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.