



Agenda Item # 4

BOA-003229-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

429 Lincoln Boulevard

Applicant / Agent:

Linda Ellerby

Property Owner:

Linda Ellerby

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Density Residential

Case Number:

6655/5604

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires a 25-foot setback for side street side yard property lines in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow a reduced side street side yard setback for a new dwelling in an R-1, Single-Family Residential Suburban District.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6655	DATE	March 10, 2025
APPLICANT	Linda Ellerby		
REQUEST	Setback Variance		



SITE HISTORY

The subject site is part of Mobile Terrace Subdivision, an old deed book plat recorded in 1912.

The site was annexed into the City of Mobile in September 2007.

In February 2010, the site was the subject of a Use Variance request to allow a four-unit apartment building in an R-1, Single-Family Residential District. That request was denied.

In March 2010, the Planning Commission approved a one (1)-lot subdivision, D Pettway Subdivision, for the subject site. That subdivision subsequently expired.

At its October 17, 2024 meeting, the Planning Commission approved a three (3)-lot subdivision for the subject site, Mobile Terrace Subdivision, Resubdivision of Lots 1 – 5, Block 23. That subdivision plat has not been signed by staff, or recorded in Probate Court.

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:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 a Setback Variance to allow a reduced side street side yard setback for a new dwelling in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot setback for side street side yard property lines in an R-1, Single-Family Residential Suburban District. The applicant is requesting a ten-foot (10') side street side yard setback instead of the required 25-foot setback.

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

The subject site is proposed Lot A of the previously-mentioned Mobile Terrace Subdivision, Resubdivision of Lots 1 – 5, Block 23. It is the Northern-most of the three (3) approved lots of that subdivision and is situated at the Southwest corner of Lincoln Boulevard and Twelfth Street. The subdivision was approved with a standard 25-foot setback along Twelfth Street and Lincoln Boulevard, adjusted for dedication.

The proposed lot is 37.5 feet wide. As Twelfth Street along its North boundary currently has a 30-foot right-of-way, and requires a 50-foot right-of-way, dedication was required as a condition of approval to provide 25-feet from the centerline of Twelfth Street (ten-foot (10') dedication). This reduces the lot width to 27.5-feet. The required 25-foot setback along Twelfth Street from the dedicated right-of-way would then be 2.5-feet off the Southern boundary of that lot and not allow for any buildable site width. The applicant requests that the minimum building setback line be reduced from 25-feet to ten feet (10'), thus providing 17.5-feet to the South property line. When considering the required 5-foot (5') side yard setback required along the South side, this would allow for 12.5-feet of buildable lot width.

As justification for the request, the applicant states that the setback variance will be consistent with other properties in the area, and that at the time of original construction, there were no required setbacks and most existing homes are constructed very close to existing roads.

It should be noted that the applicant also states that the proposed improvement will be a two-unit duplex with parking. No request for such was associated with the application at hand. Therefore, in the event the Board should consider the current Setback Variance request for approval, the applicant should be aware that an additional variance application will be required to allow a duplex (Two-Family Residential) structure on a site zoned R-1, Single-Family Residential Suburban, along with a request to allow such on a substandard size lot, as a duplex requires a minimum lot size of 8,000 square feet in a Suburban sub-district. There may also be other requests needed based upon the site plan submitted for such an application.

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:

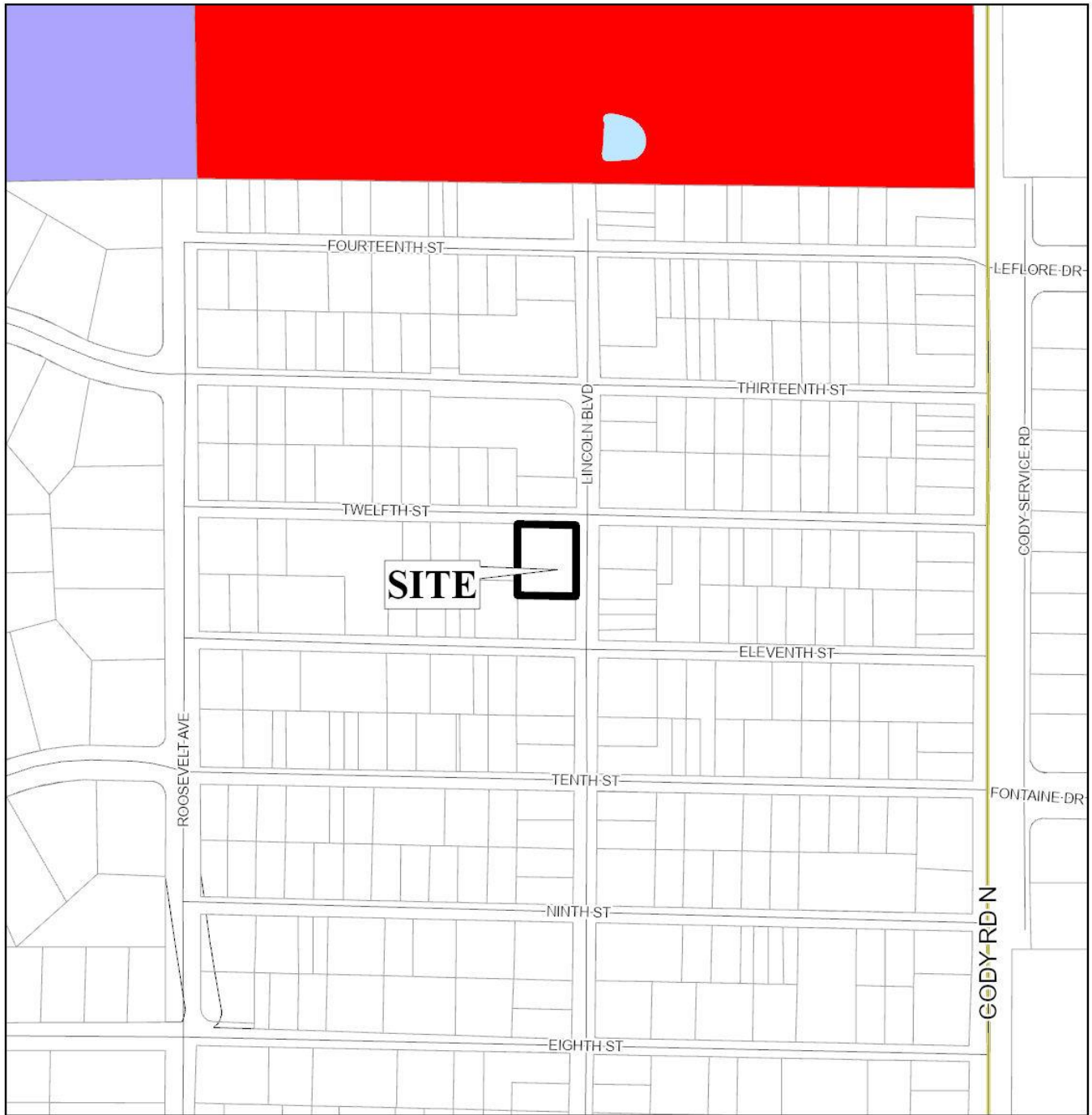
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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 6655 DATE March 10, 2025

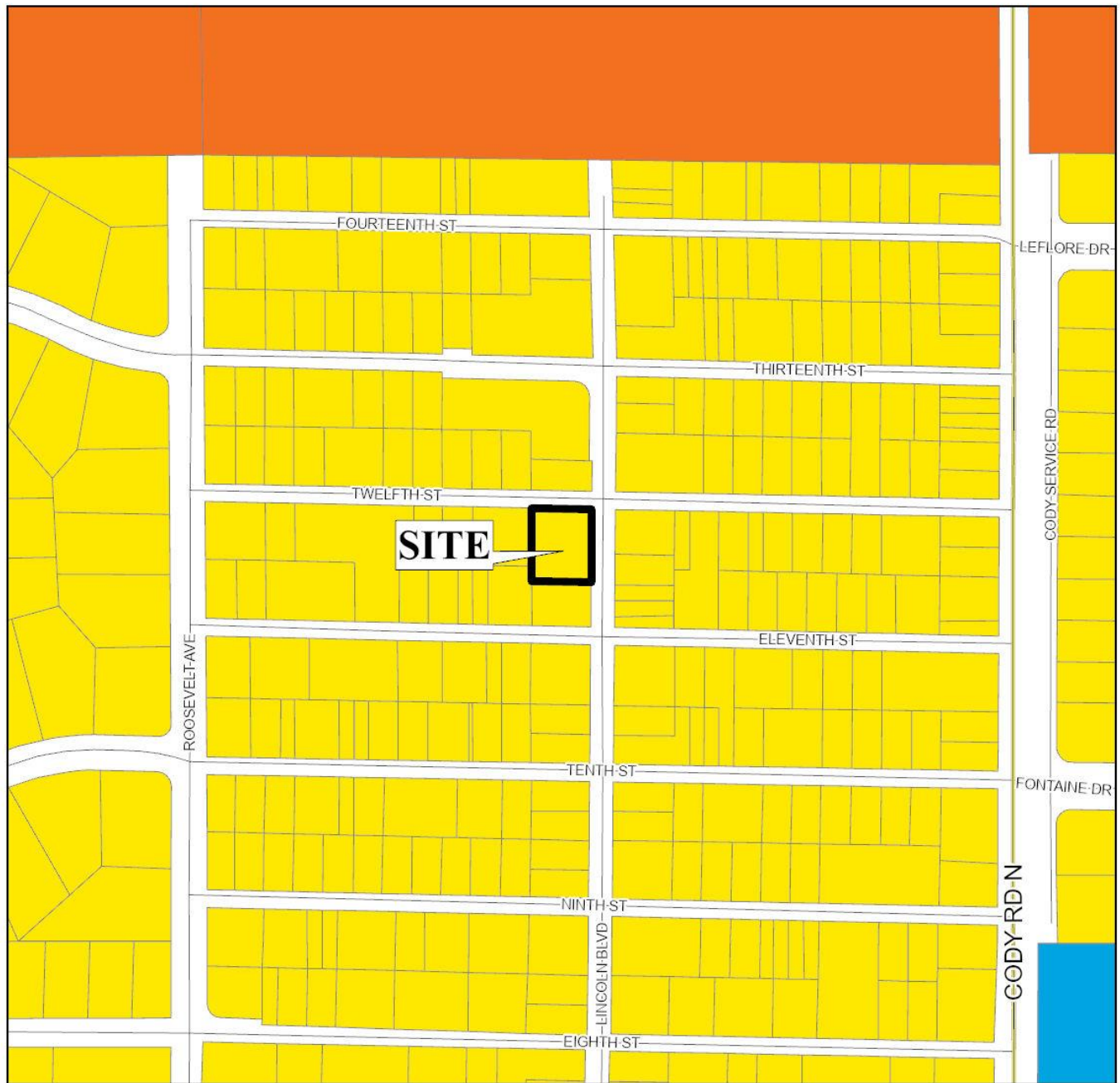
APPLICANT Linda Ellerby

REQUEST Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6655 DATE March 10, 2025

APPLICANT Linda Ellerby

REQUEST Setback Variance

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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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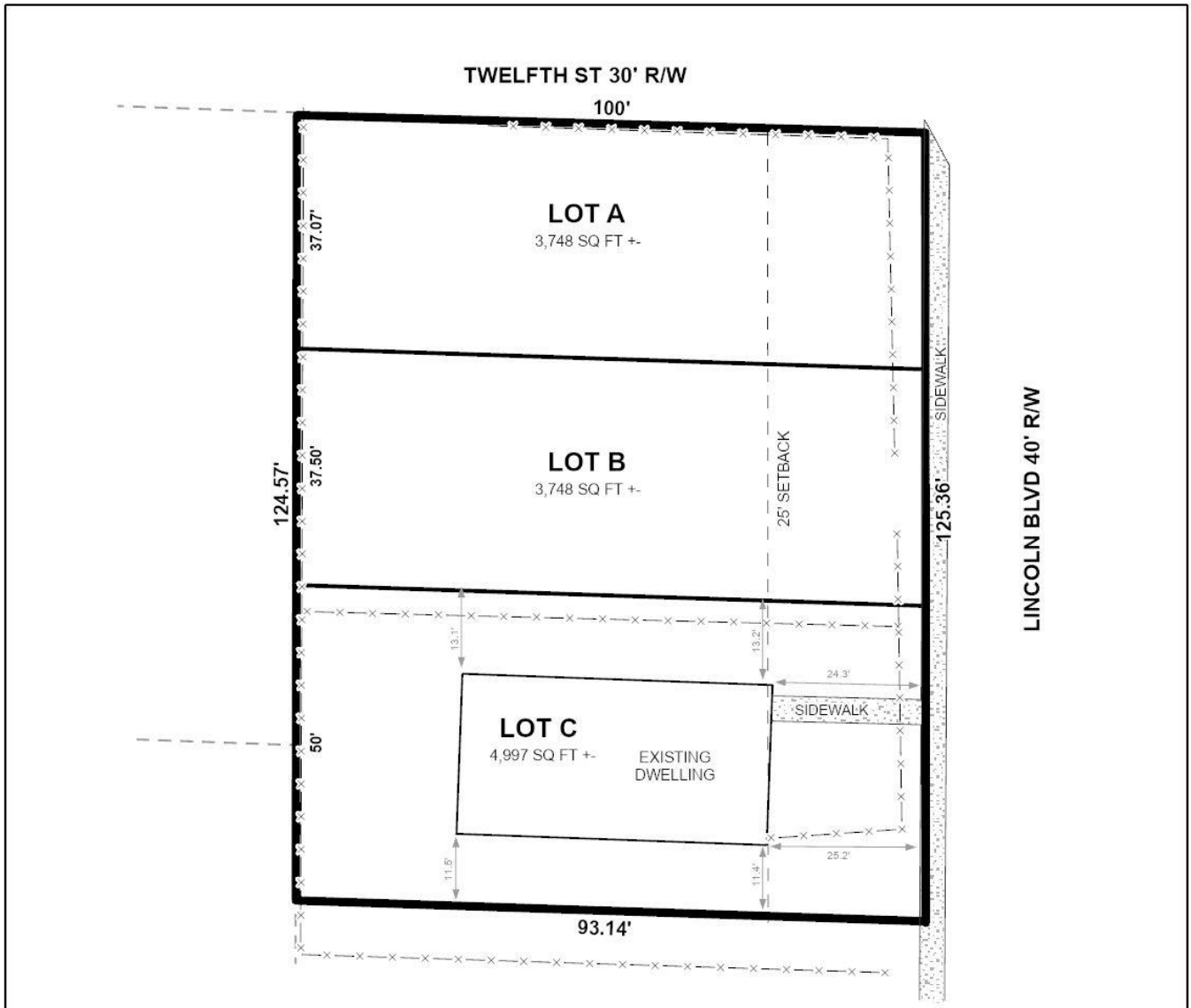
APPLICANT Linda Ellerby

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	



SITE PLAN



The site plan illustrates the existing building and setbacks.

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 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 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.