



Agenda Item # 8 BOA-003030-2024

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

2301 McFarland Road

Applicant / Agent (as applicable):

Sawgrass Consulting, LLC

Property Owner:

D. R. Horton, Inc.

Current Zoning:

R-1, Single-Family Residential Suburban District (rezoning to R-3, Multi-Family Residential Suburban District pending)

Future Land Use:

Low Density Residential

Case Numbers:

6613

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires new lots to be a minimum of 60 feet wide and 10,000 square feet in an R-3, Multi-Family Residential Suburban District (rezoning pending), with no more than 45% site coverage, with 25-foot front setbacks, and 5-foot side and rear yard setbacks.

Board Consideration:

- Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variances to allow sub-standard lots, with increased site coverage, and reduced front, rear, and side yard setbacks in an R-3, Multi-Family Residential Suburban District (rezoning pending).


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units. Commercial units lie southwest of the site.

APPLICATION NUMBER <u>6613</u> DATE <u>September 9, 2024</u>	 NTS
APPLICANT <u>Sawgrass Consulting, LLC</u>	
REQUEST <u>Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variances</u>	

SITE HISTORY

The site was the subject of a two-lot subdivision, CYN-CLIF-SCO, Schambeau, Nichols Division, approved by the Mobile County Commission in July 2022.

Lot 1 of that subdivision was subsequently approved as Anglebrook Subdivision by the County Commission.

The area of the proposed subdivision was annexed into the City of Mobile in July 2023 and was subsequently assigned its current R-1, Single-Family Residential Suburban District zoning classification. Construction of streets within the proposed subdivision was begun, but as the site is now within the City, the Final Plat must be approved by the Planning Commission according to the City's Subdivision Regulations. The Subdivision and an associated Sidewalk Waiver are scheduled to be heard at the September 19 Planning Commission meeting. In conjunction, Anglebrook Subdivision, Phase 2 is also proposed to be heard at that meeting along with Rezoning of a portion of that subdivision from R-1, Single-Family Residential Suburban District, to R-3, Multi-Family Residential Suburban District.

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

STAFF COMMENTS

Engineering Comments:

If the variance gets approved and there is a change in the amount of impervious area in the proposed project, the Engineer of Record must submit revised drainage calculations and drawings to permit ENG-128287-2024 for approval.

Traffic Engineering Comments:

The shown changes will need to be incorporated into the traffic impact study that was requested through planning commission.

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 Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variances to allow sub-standard lots, with increased site coverage, and reduced front, rear, and side yard setbacks in an R-3, Multi-Family Residential Suburban District (rezoning pending).

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

The proposed Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variance requests pertain to Anglebrook Subdivision, Phase 2, a proposed 48-lot townhome development consisting of Lot 108, Anglebrook Subdivision, Phase 1, which is under development. Lot 108 must be rezoned from R-1, Single-Family Residential Suburban District, to R-3, Multi-Family Residential Suburban District to accommodate the proposed townhome development. The applicant is requesting relief from the R-3, Multi-Family Residential Suburban District dimensional standards as follow:

Sub-standard lot sizes below 10,000 square feet.....sizes varying from 1,620 square feet to 3,857 square feet.
Site Coverage above 45% allowable.....to 56% on some lots.
Front Yard Setback from 25 feet minimum.....to 15 feet minimum.
Rear Yard Setback from 10 feet minimum.....to 0 feet minimum.
Side Yard Setback from 10 feet minimum.....to 0 feet minimum.

It should be noted that the applicant erroneously gave the maximum allowable site coverage as 50% in the narrative, whereas it is actually 45%. The applicant states that the overall or net site coverage (considering all 48 lots) will be less than 37%. As justification for the requests, the applicant states that the proposed townhome project was originally approved and permitted by Mobile County and infrastructure to support the project has already been constructed, and due to geometrical constraints, lots cannot be platted to meet the 45% site coverage threshold.

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:

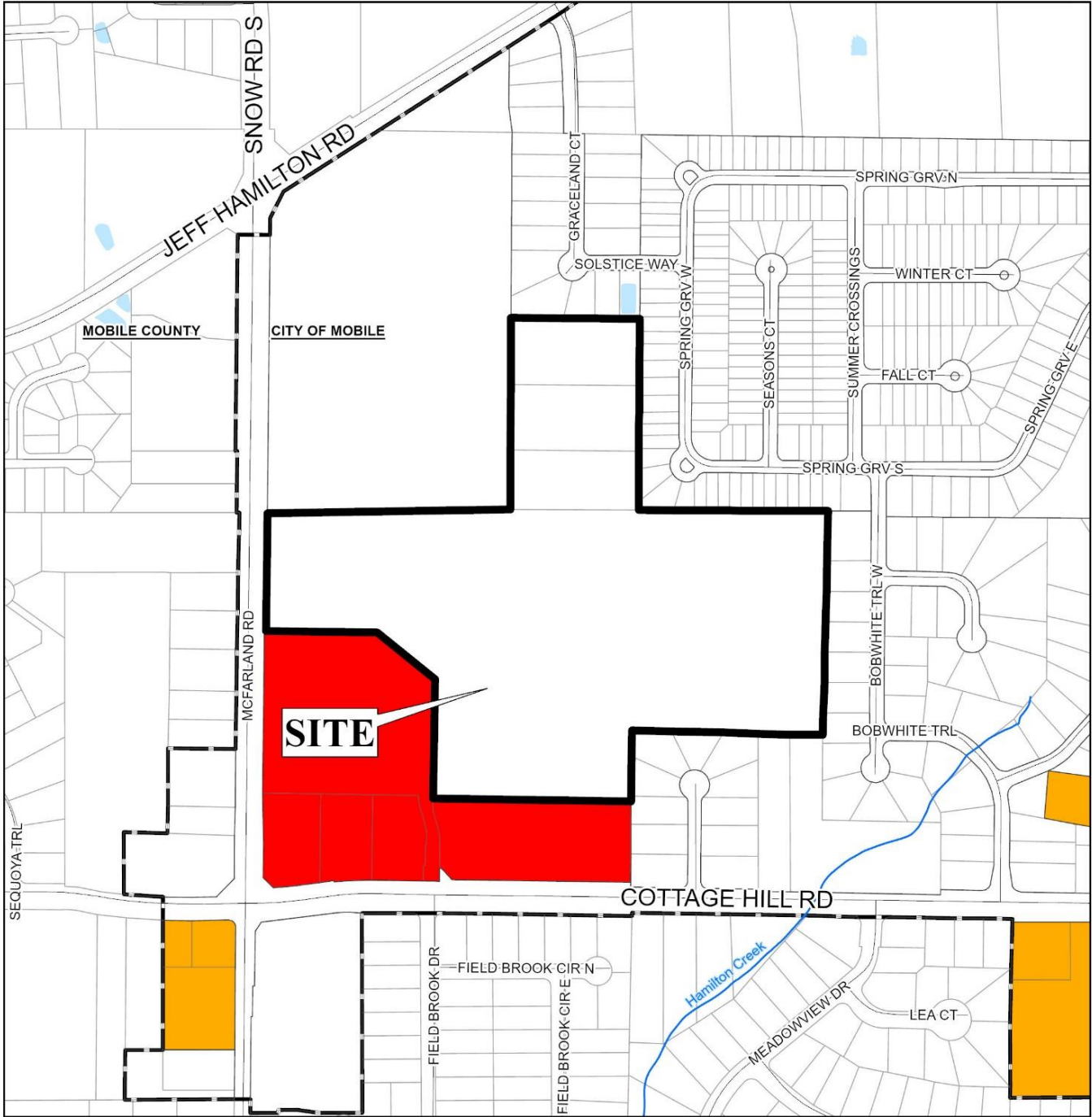
Based on the requested Variance application and documentation submitted if, the Board considers the approval of the request, the following findings of fact must be present:

- 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 is inclined to approve this request, the following condition should apply:

- 1) Full compliance with all other municipal codes and ordinances.

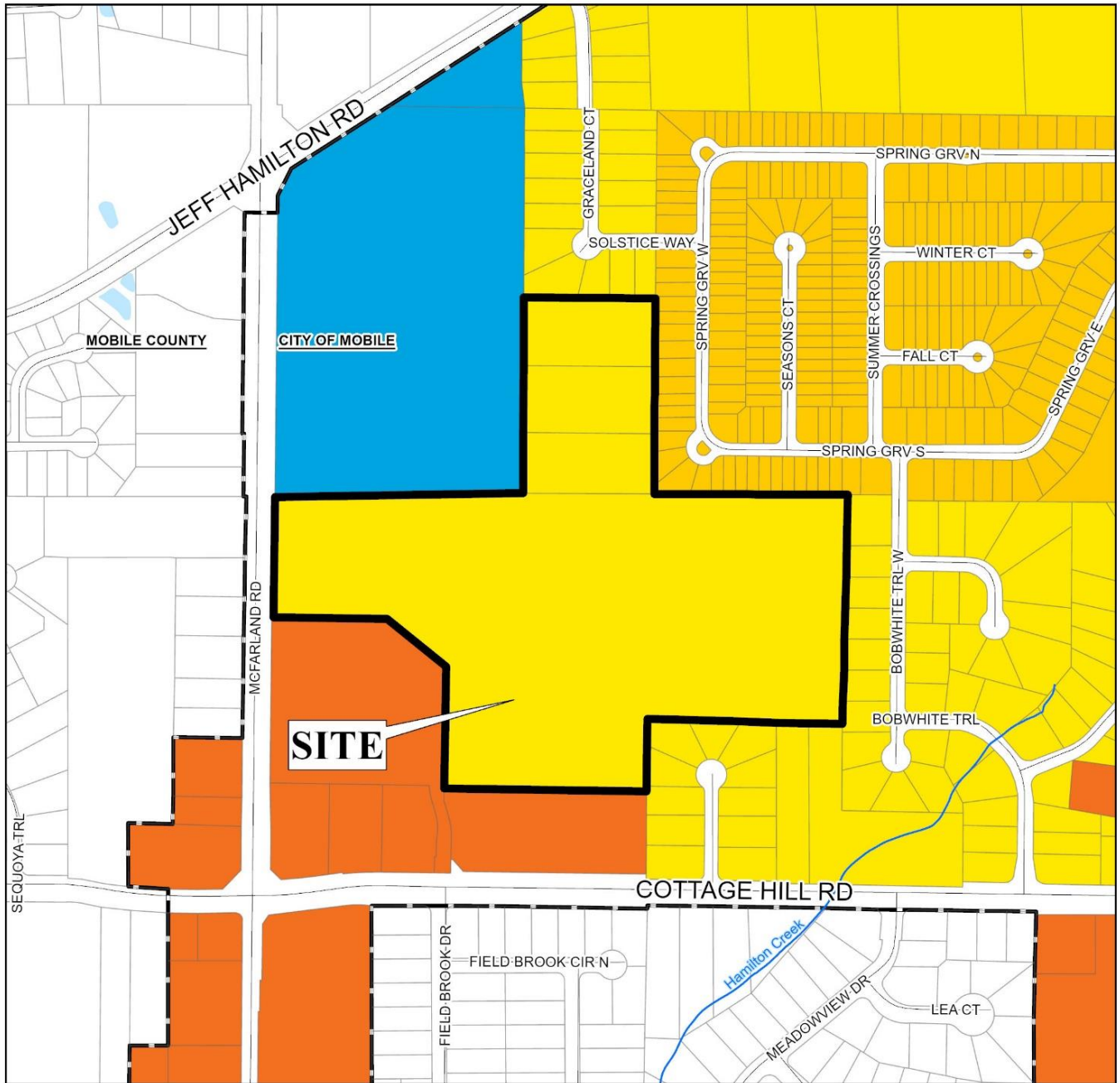
LOCATOR ZONING MAP



APPLICATION NUMBER	6613	DATE	September 9, 2024
APPLICANT	Sawgrass Consulting, LLC		
REQUEST	Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback, and Side Yard Setback Variances		



FLUM LOCATOR MAP



APPLICATION NUMBER 6613 DATE September 9, 2024

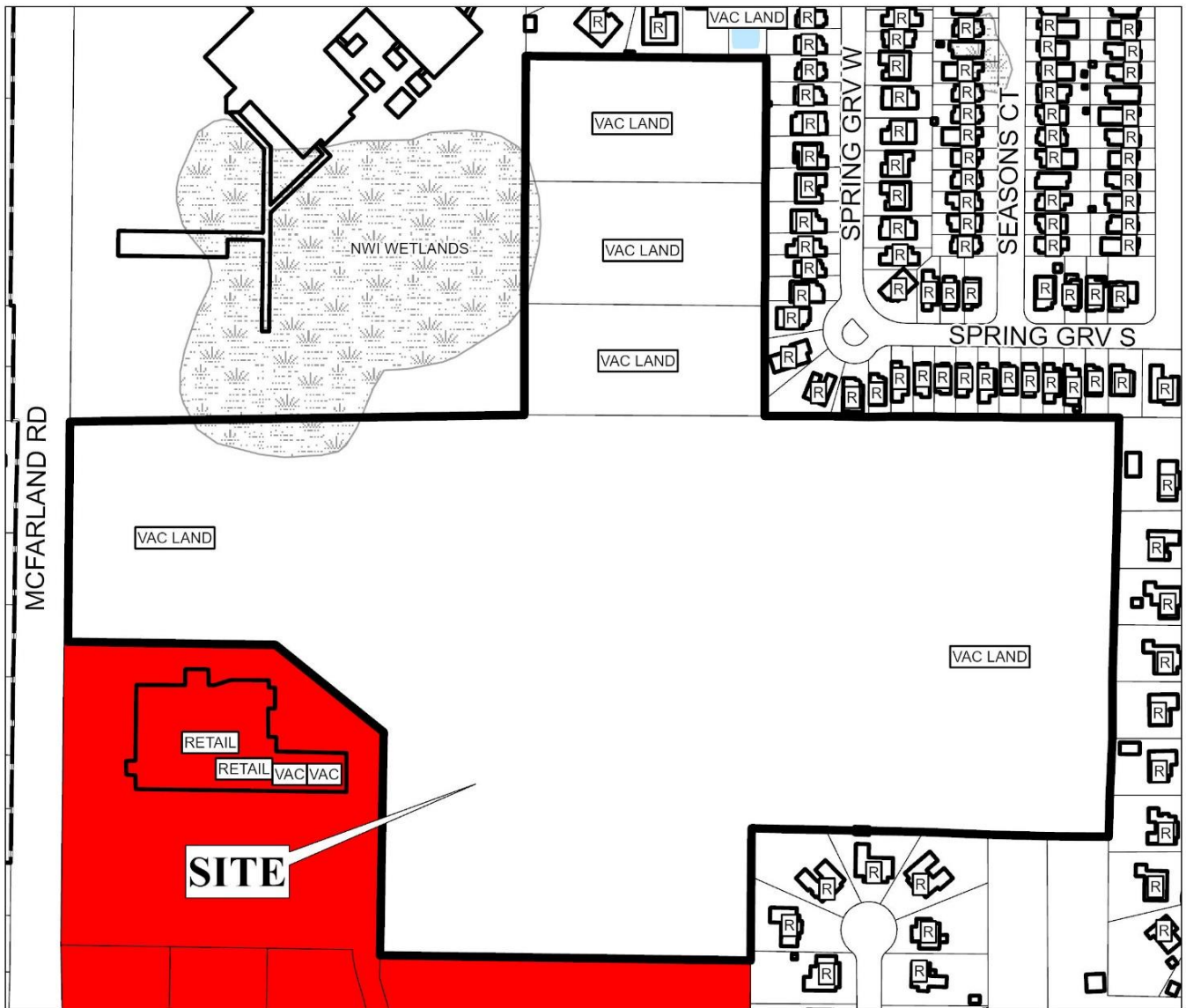
APPLICANT Sawgrass Consulting, LLC
 Sub-Standard Lot Size, Site Coverage, Front Yard Setback, Rear Yard Setback,

REQUEST and Side Yard Setback Variances


- | | | | |
|---|--|---|--|
| ■ 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 | |



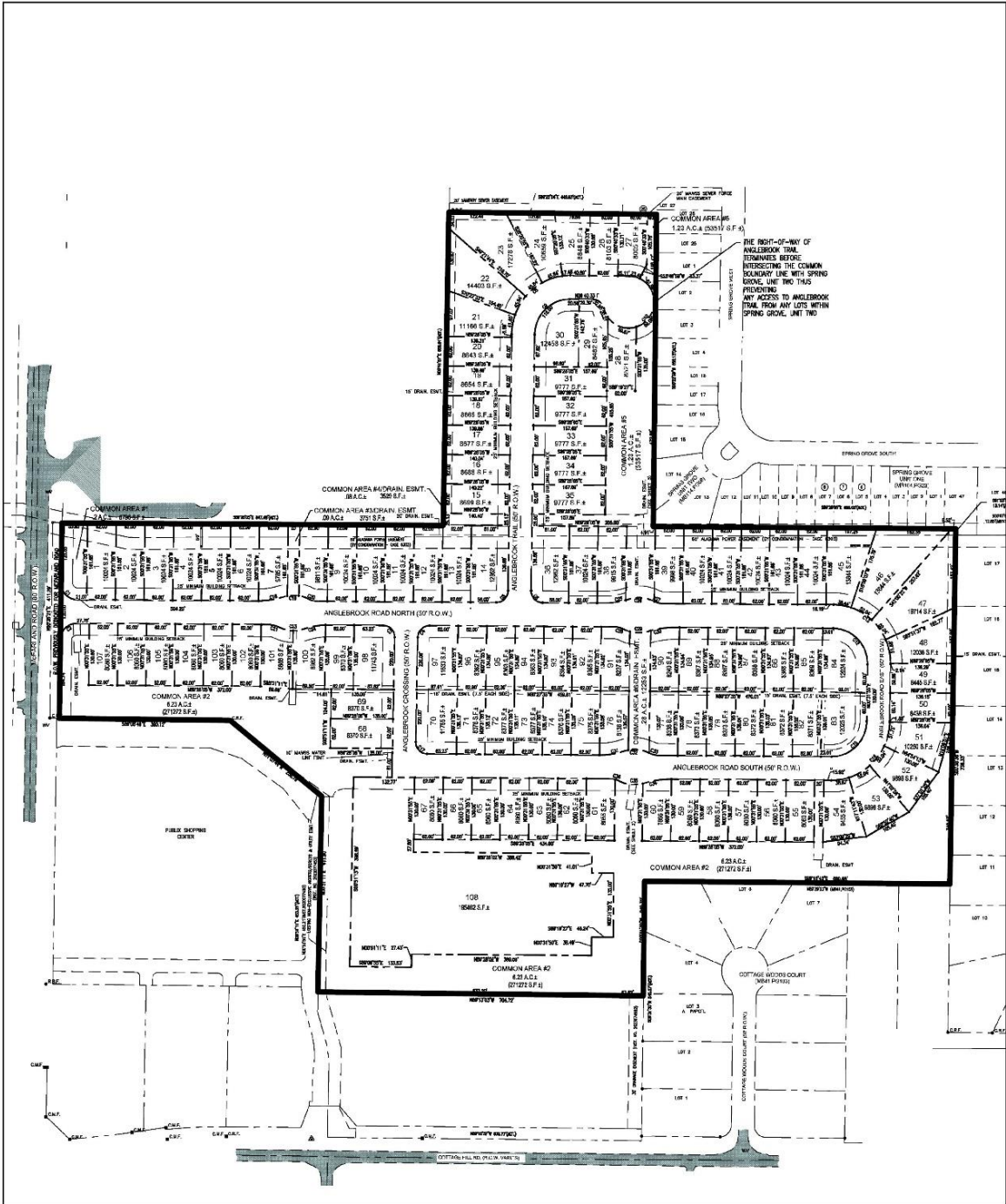
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units. Commercial units lie southwest of the site.

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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																							
 R-1	 R-B	 T-B	 B-3	 CW	 MH	 PD	 SD	 T-4	 T-6																							
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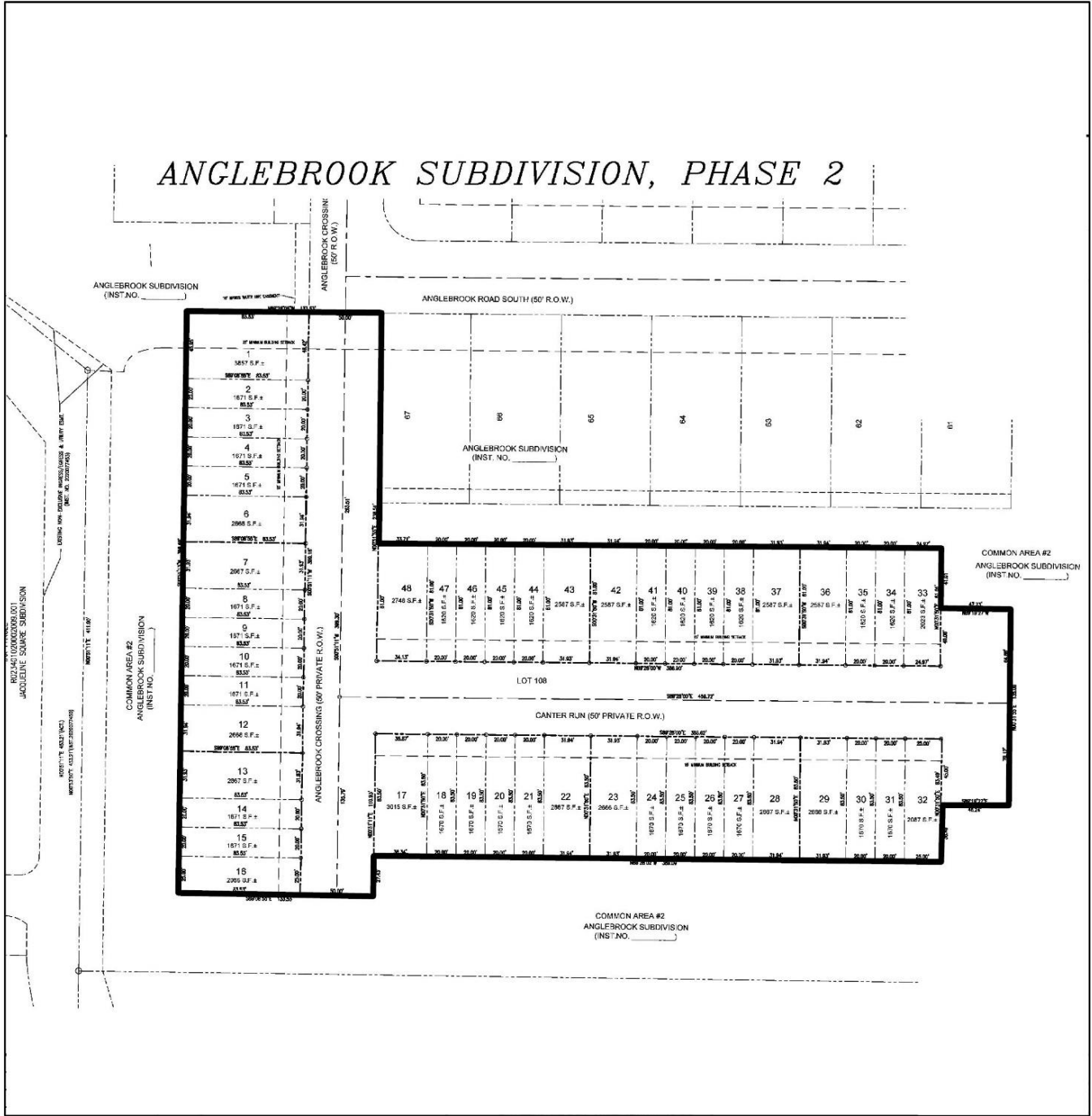
SITE PLAN



The site plan illustrates the proposed lots, common areas, easements, and setbacks.

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DETAIL SITE PLAN



APPLICATION NUMBER 6613 DATE September 9, 2024
 APPLICANT Sawgrass Consulting, LLC
 REQUEST Sub-Standard Lot Size, Site Coverage, Front Yard



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 (WDWURU)
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)

Residential Land Use



LOW DENSITY RESIDENTIAL (LDR)

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.