



**Agenda Item # 11**  
**BOA-003143-2024**

View additional details on this proposal and all application materials using the following link:  
[Applicant Materials for Consideration](#)

**DETAILS**

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**Location:**  
7290 Howells Ferry Road

**Applicant / Agent:**  
Austin Wittner

**Property Owner:**  
Austin Wittner

**Current Zoning:**  
R-1, Single-Family Residential Suburban District

**Future Land Use:**  
Low Density Residential

**Case Number:**  
6640

**Unified Development Code (UDC) Requirement:**

- The UDC requires a primary dwelling prior to the allowance of accessory structures in an R-1, Single-Family Residential Suburban District.

**Board Consideration:**


- Use Variance to allow the construction of a pole barn/shop without a primary 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. A contractor lies southwest of the site.

APPLICATION NUMBER <u>      6640      </u> DATE <u>  December 2, 2024  </u>	 NTS
APPLICANT <u>                                  Austin Wittner                                  </u>	
REQUEST <u>  Use Variance  </u>	

## SITE HISTORY

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The subject site was annexed into the City of Mobile in July 2023 and subsequently assigned its current R-1, Single-Family Residential Suburban District zoning classification.

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

## STAFF COMMENTS

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### Engineering Comments:

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

1. The proposed improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The Site plan must show all the proposed impervious areas including structures, driveways, A/C Condensing unit, etc. in private property. (include dimensions and square footage of the items).
3. 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.
4. 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.
5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

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 a Use Variance to allow the construction of a pole barn/shop without a primary dwelling in an R-1, Single-Family Residential Suburban District; the UDC requires a primary dwelling prior to the allowance of accessory structures in an R-1, Single-Family Residential Suburban District.

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

The subject site previously contained a dwelling which was removed prior to annexation into the City and the site is currently vacant. In preparation for the construction of a dwelling on the site in the near future, the applicant proposes to construct a pole barn/shop in support of the dwelling construction. The subject site is adjacent to R-1 zoning in all directions, with the exception of R-3, Multi-Family Residential Suburban District adjacent to the Northeast corner of the site. It should be noted that there have not been any similar Use Variance requests approved within the immediate area.

The site plan submitted indicates the proposed 30-foot by 60-foot structure (1,800 square feet) meeting all required property line setbacks and allowing adequate area for generous residential site development due to the large area of the property (8.34+ acres) with a 35% maximum site coverage allowance by all structures. It should be noted that the site plan is based upon an engineered survey of the site; however, the proposed structure is not drawn to scale or dimensioned to scale off the property lines. As variance approvals are site plan specific, if the request is approved, it should be subject to the applicant submitting a site plan showing the proposed structure drawn to scale and dimensioned to scale off the property lines and approved by Planning and Zoning prior to the issuance of any permits for construction.

Furthermore, it should be noted that the subject site is not a legal lot of record. As such, a one-lot subdivision will be required prior to the issuance of permits.

## VARIANCE CONSIDERATIONS

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### 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:**

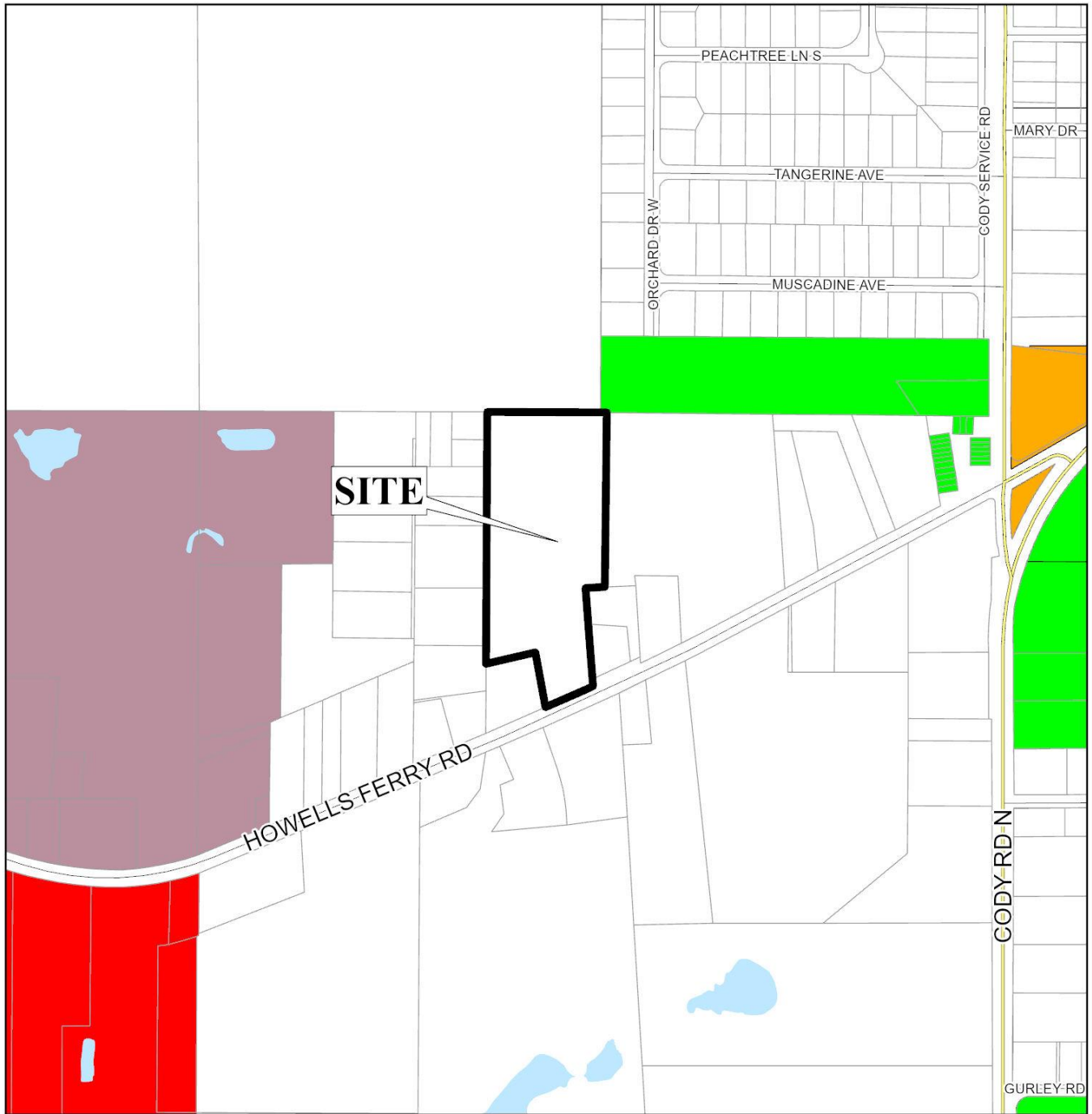
If the Board considers approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) 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. Revision of the site plan to show the proposed structure drawn to scale and dimensioned to scale off the property lines and approved by Planning and Zoning prior to the issuance of any permits for construction;
- 2. Completion of the Subdivision process; and
- 3. Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



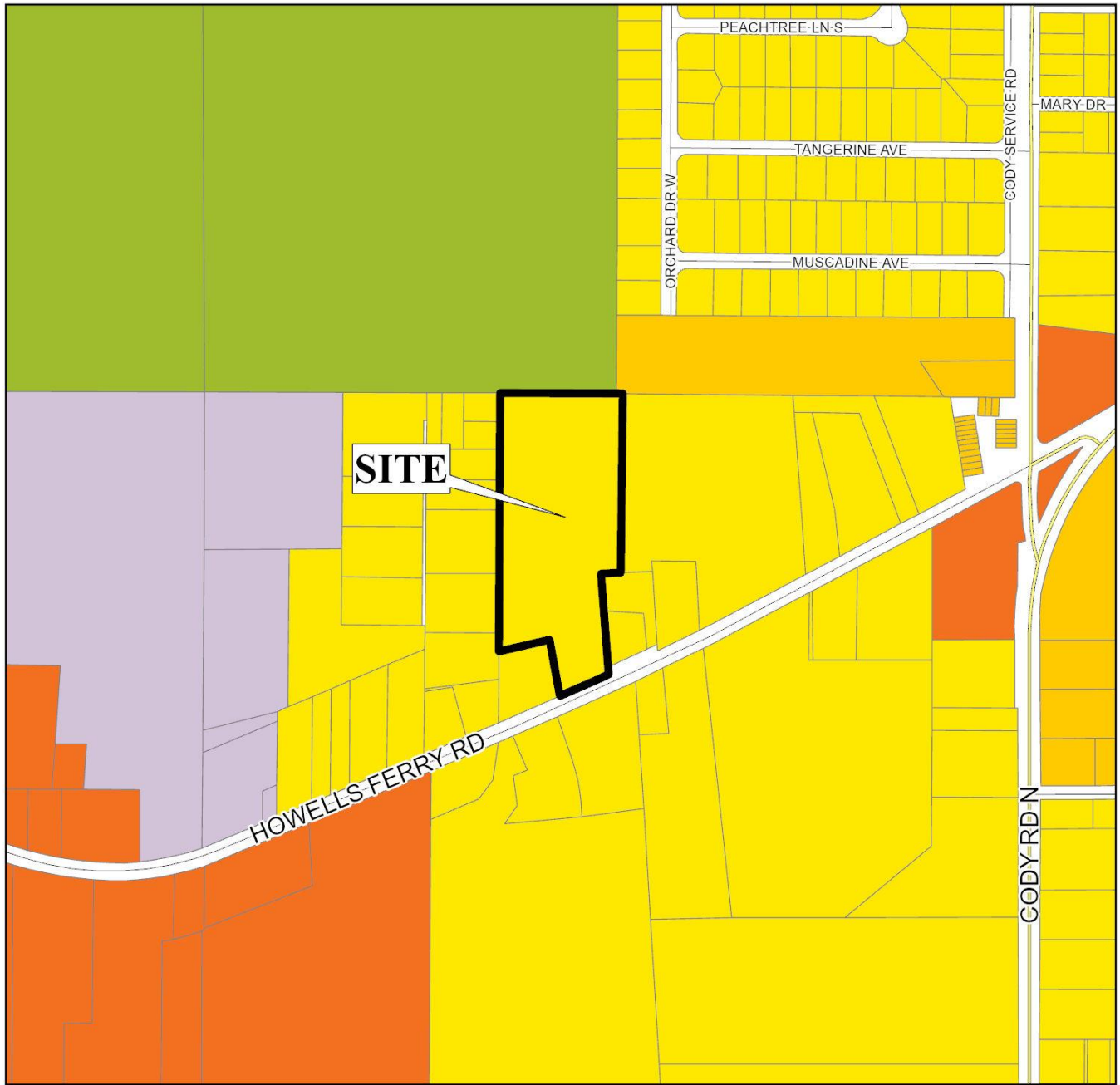
APPLICATION NUMBER 6640 DATE December 2, 2024

APPLICANT Austin Wittner

REQUEST Use Variance



# FLUM LOCATOR MAP



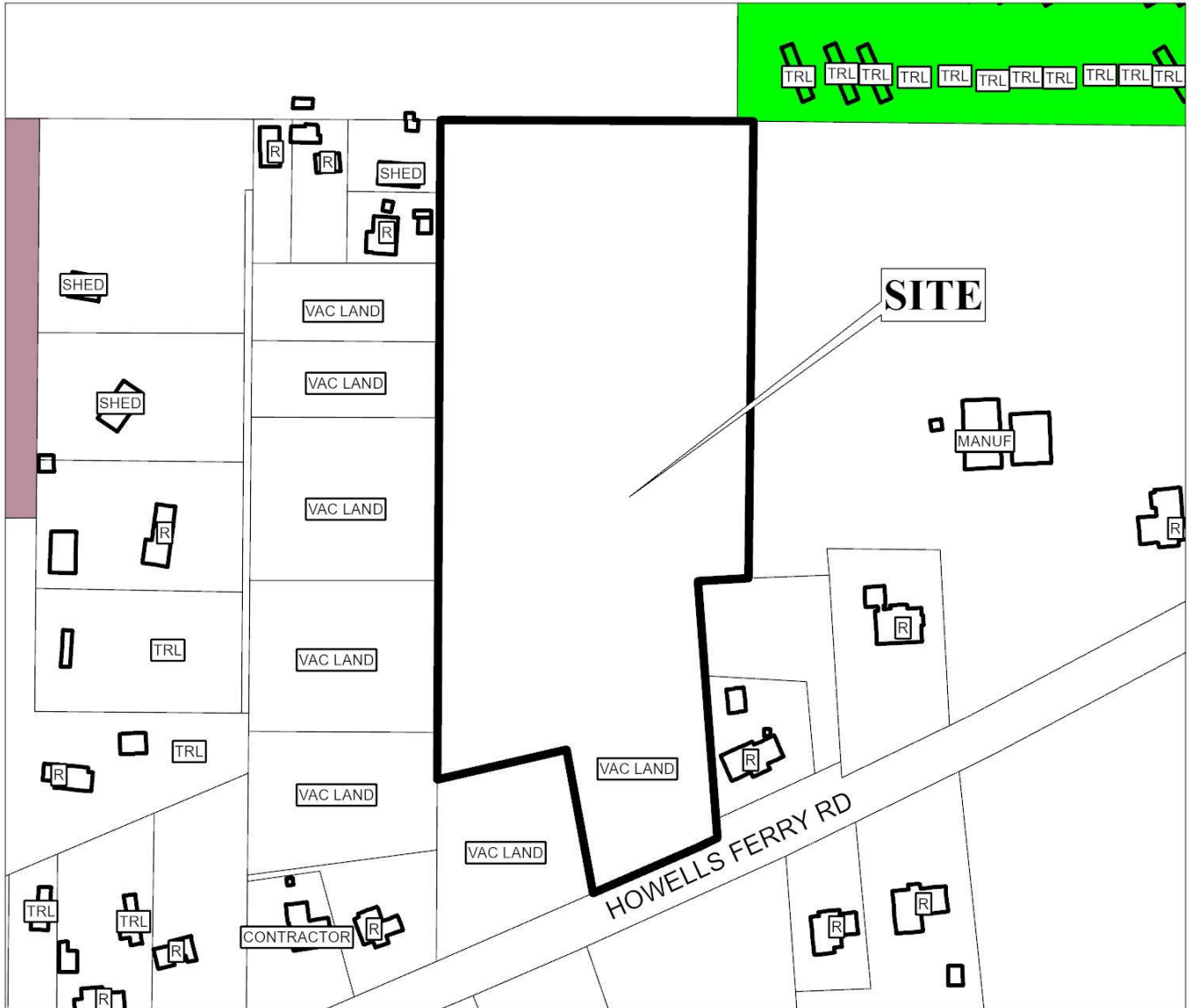
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APPLICANT Austin Wittner


REQUEST Use Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

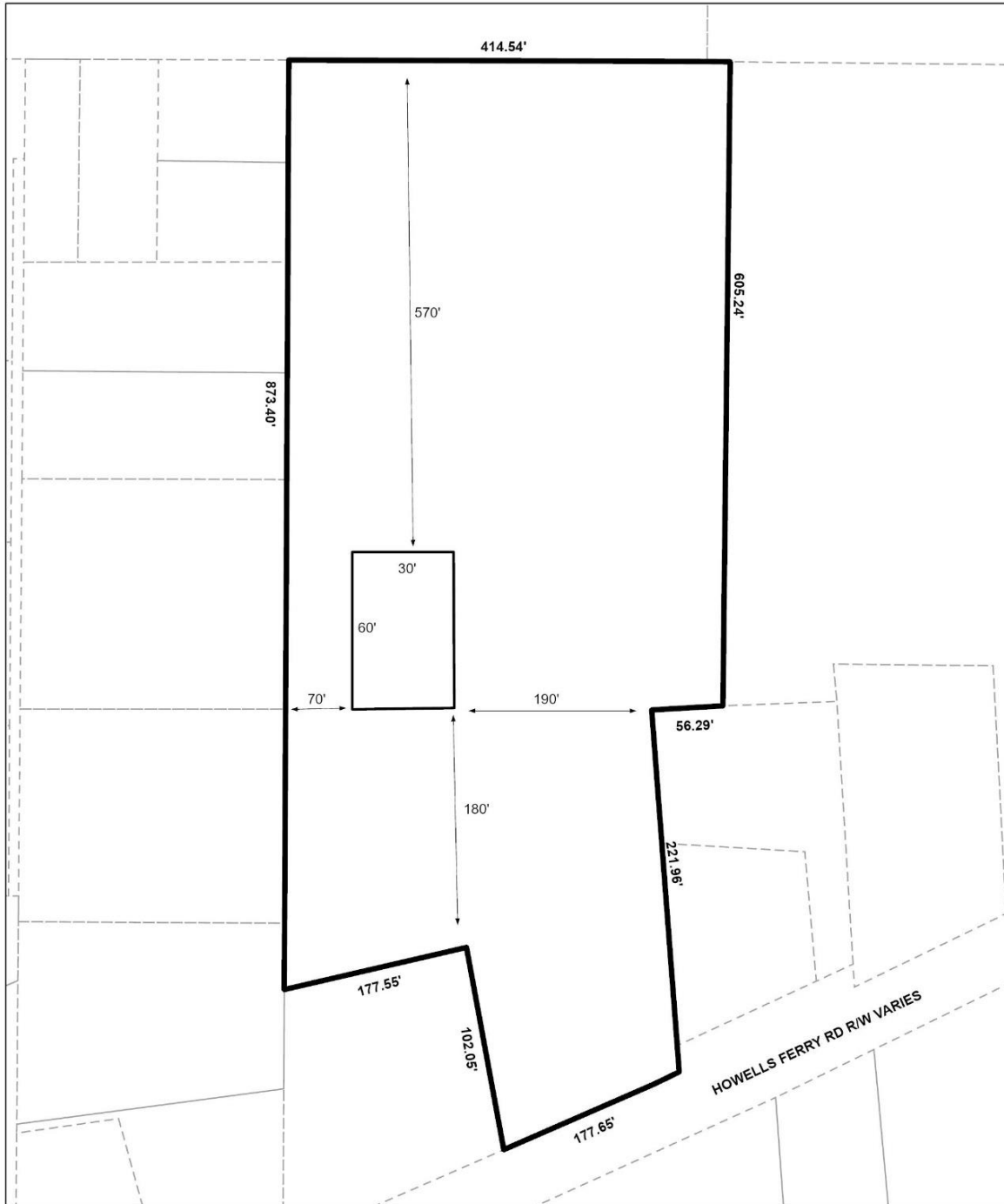


The site is surrounded by residential units. A contractor lies southwest of the site.


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# SITE PLAN



The site plan illustrates the proposed building, and current property boundary.

APPLICATION NUMBER	6640	DATE	December 2, 2024	
APPLICANT	Austin Wittner			
REQUEST	Use 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)

# 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.