



Agenda Item # 2
BOA-003645-2026

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

[Applicant Materials for Consideration](#)

DETAILS

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:

6742/6640

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 and commercial units.

APPLICATION NUMBER	6742	DATE	April 6, 2026
APPLICANT	Austin Wittner		
REQUEST	Use Variance		



SITE HISTORY

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.

A Use Variance was approved for the site by the Board of Adjustment in December 2024, to allow the construction of a pole barn/shop without a primary dwelling in an R-1, Single-Family Residential Suburban District.

The site has never been before the Planning Commission.

STAFF COMMENTS

Engineering Comments:

There is no record of a City of Mobile Land Disturbance Permit being issued for the existing concrete slab. If the slab was constructed before the property was annexed into the City, please provide a copy of the approved Mobile County permit. If a permit from Mobile County cannot be provided, a Land Disturbance Permit will need to be applied for that includes the concrete slab.

Traffic Engineering Comments:

No comments.

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 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.

The Use Variance approved in 2024 expired and the application at hand is the same as the previous one. A detailed description of the proposed Use Variance request is available via the link on Page 1 of this report.

The 2024 approval was subject to the following conditions:

- 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;
- 3) Obtaining a building permit for a primary residence within one (1) year of the Board's approval; and
- 4) Full compliance with all municipal codes and ordinances.

The approval expired and the application at hand is the same as the previous one. The applicant obtained a building permit for the proposed structure, but failed the Zoning Final Inspection due to failure to comply with the conditions of approval of the Variance.

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, the applicant constructed the pole barn/shop approved in the previous variance to support 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. It is the same site plan as submitted with the previous request, but which was never revised as conditioned in the approval. As variance approvals are site plan specific, if the current 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.

As the pole barn/shop is to be in support of a proposed dwelling for the site, a building permit for the dwelling should be obtained within one (1) year of the Board's approval of a variance.

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

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:

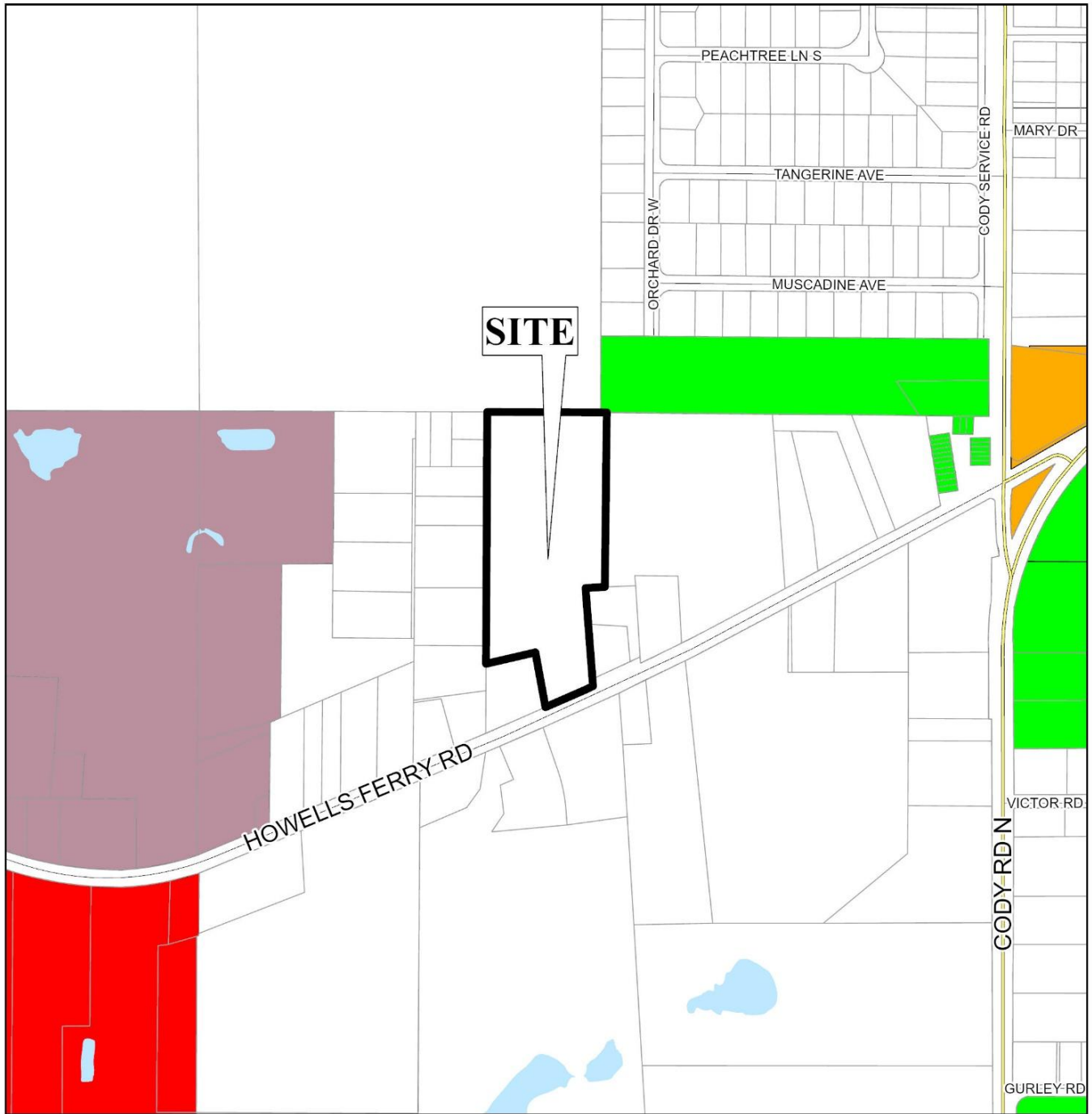
If the Board considers approval of the request, the following findings of fact must be present:

- 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) 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;
- 3) Obtaining a building permit for a primary residence within one (1) year of the Board's approval; and
- 4) Full compliance with all municipal codes and ordinances.

LOCATOR ZONING MAP



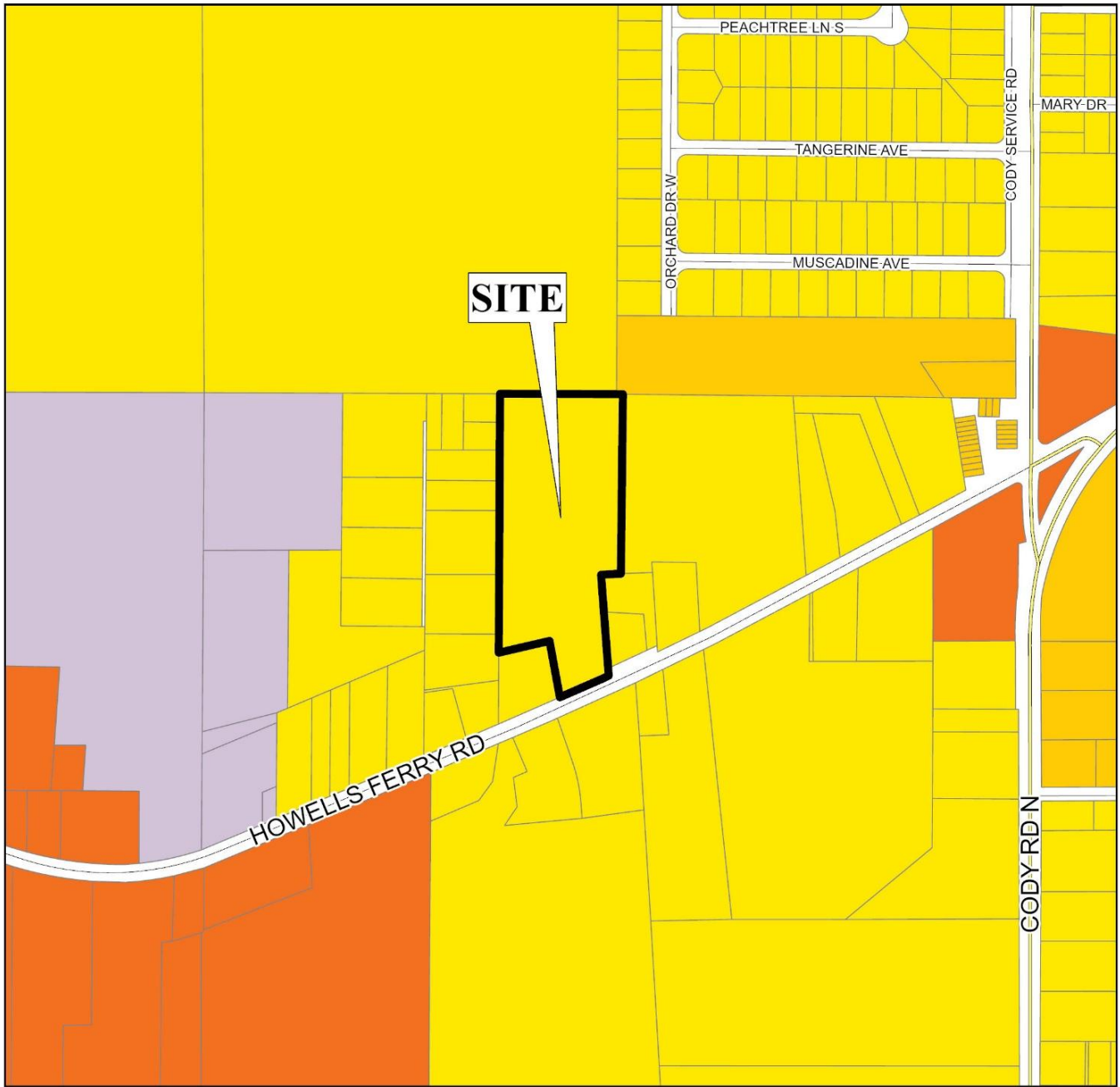
APPLICATION NUMBER 6742 DATE April 6, 2026

APPLICANT Austin Wittner

REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6742 DATE April 6, 2026

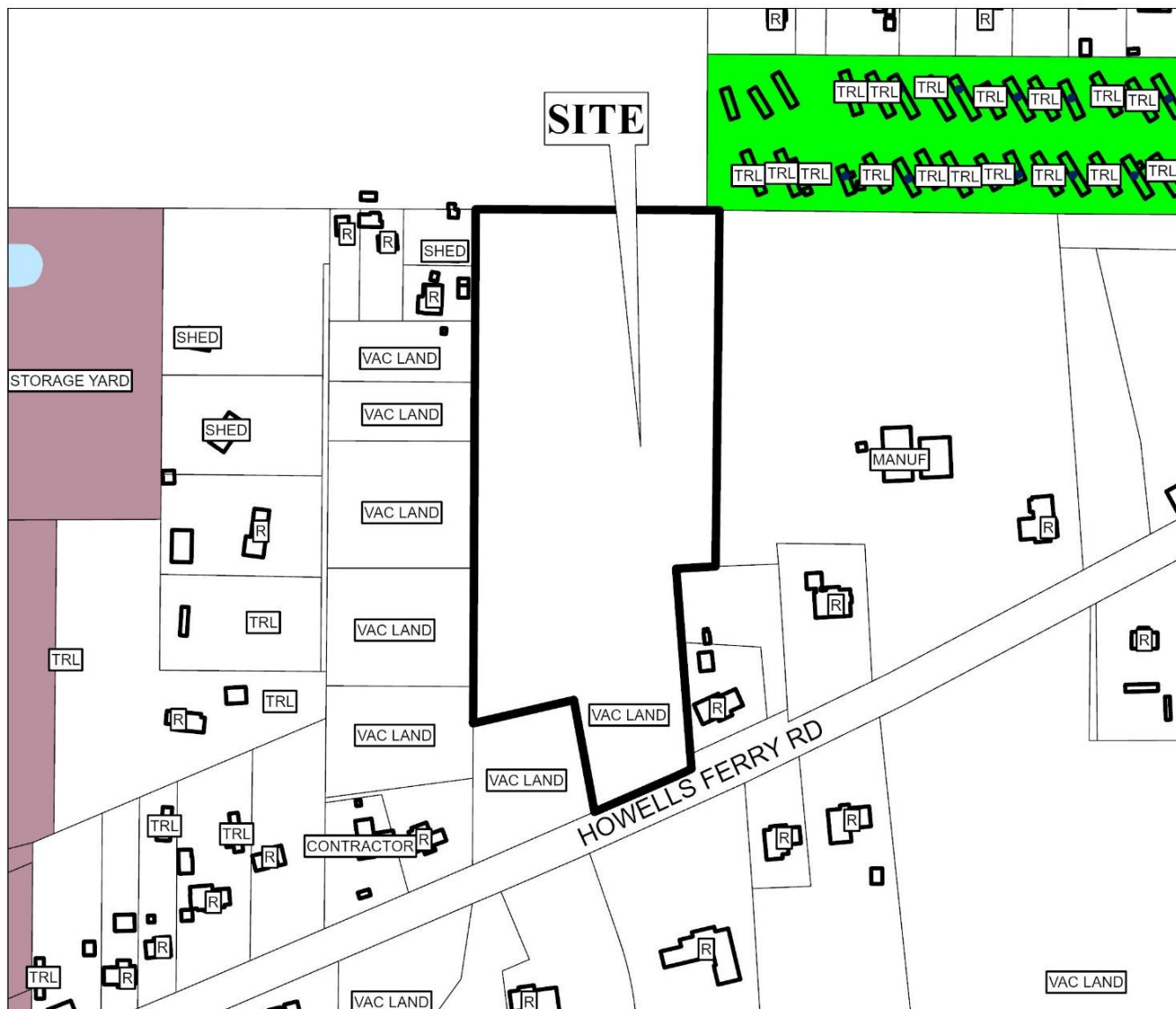
APPLICANT Austin Wittner

REQUEST Use 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 | |



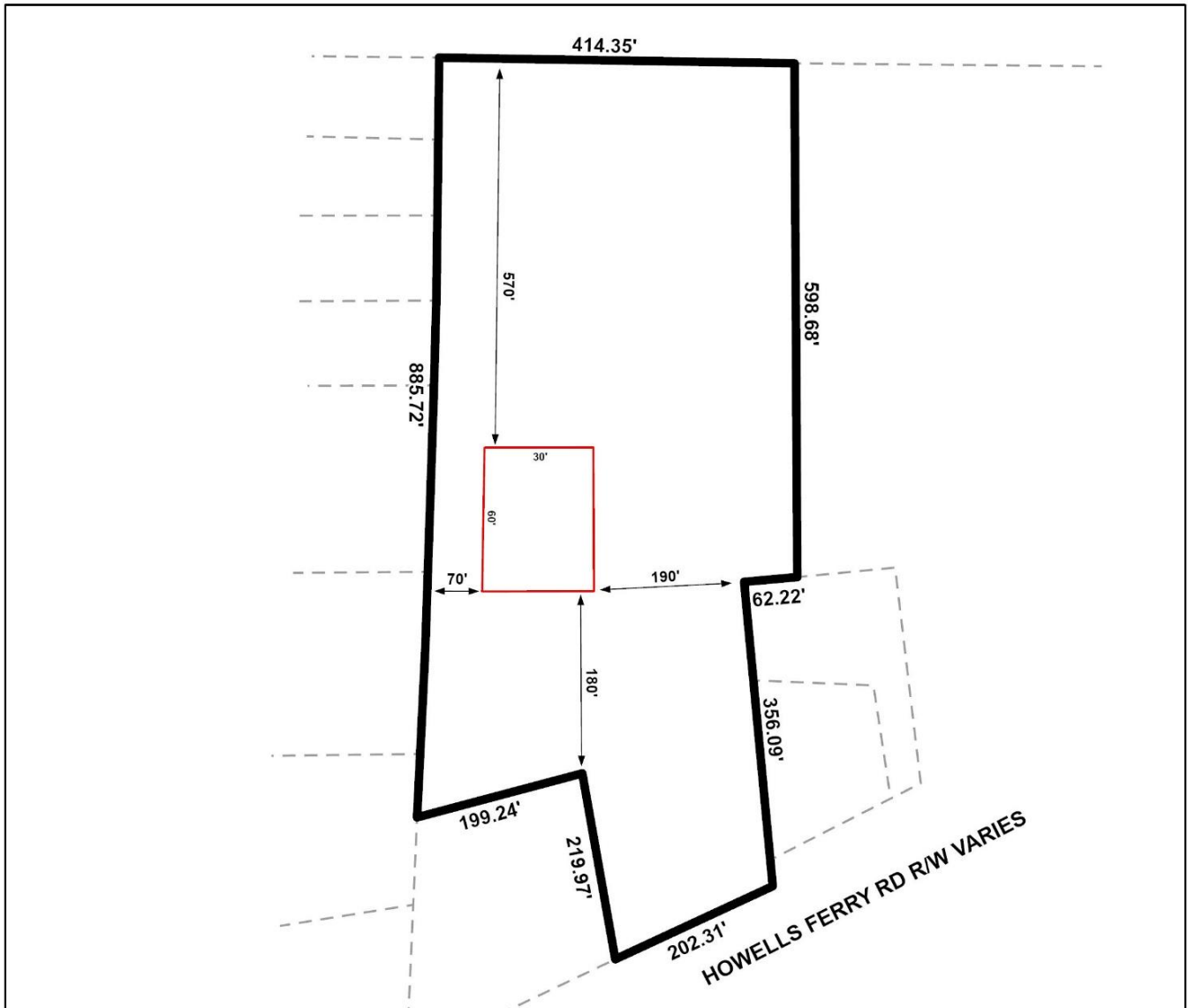
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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <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	
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SITE PLAN



The site plan illustrates the proposed structure placement.

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LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary 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.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example

