



Agenda Item # 3

BOA-003375-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

3050 Old Shell Road

Applicant / Agent:

Pinnacle Fencing Supply, LLC / Lucas Bolton

Property Owner:

Justin Arata

Current Zoning:

R-1, Single-Family Residential Urban District
& B-2, Neighborhood Business Urban District

Future Land Use:

Traditional Corridor

Case Number(s):

6684

Unified Development Code (UDC) Requirement:

- The UDC does not allow a contractor's storage yard in a B-2, Neighborhood Business Urban District and R-1, Single-Family Residential Urban District.

Board Consideration:

- Use Variance to a contractor's storage yard in a B-2, Neighborhood Business Urban District and R-1, Single-Family Residential Urban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential and commercial units.

APPLICATION NUMBER	6684	DATE	August 4, 2025
APPLICANT	Pinnacle Fencing Supply, LLC (Lucas Bolton, Agent)		
REQUEST	Use Variance		



SITE HISTORY

The subject site was originally part of the W.A. Shriner Plat No. 3 Subdivision, a large-tract subdivision recorded in the Mobile County Probate Court in December 1904. A replat of the west half of Block B was recorded in December 1954 and includes the subject property, identified as Lots 32, 33, and 34.

Most recently, the Planning Commission approved a resubdivision of the property into two (2) lots at its October 1, 2020, meeting. However, the required signatures were not obtained, and the plat was not recorded within the one-year validity period, resulting in expiration of the approval.

There are no additional records of Planning Commission or Board of Zoning Adjustment actions associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, the proposed gravel will require a Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require a Land Disturbance Permit be submitted through the CSS Portal.
2. 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.
3. 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.
4. 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 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 use of the property as a contractor's storage yard within an R-1, Single-Family Residential Urban District, and a B-2, Neighborhood Business Urban District. According to Table 64-2-24.1 of Article 2 of the Unified Development Code (UDC), a contractor's storage yard requires a minimum zoning designation of CW, Commercial Warehouse. As such, the proposed use is not permitted by right within the current zoning districts, necessitating consideration of a variance.

The applicant's narrative cites this zoning limitation as the basis for the variance request. The complete narrative and all supporting materials are available via the link on Page 1 of this report.

The survey submitted by the applicant depicts the three (3) lots comprising the subject site, along with a single-family dwelling and a storage shed—both of which were demolished pursuant to a Demolition Permit issued on January 15, 2025. No future site improvements are illustrated, making it unclear how the property will comply with the performance standards required for the proposed use. According to the application, no buildings are proposed for construction at this time, and the property will be used solely for the storage of materials associated with the applicant's fence contracting business. The applicant indicates that deliveries to the site will occur by truck once or twice per month. The site is proposed to be surfaced with aggregate material, which is permitted for inventory storage under Article 3, Section 64-3-12.A.5.(c)(2) of the UDC.

Redevelopment of the site as a contractor's storage yard will require compliance with applicable provisions of Article 3 of the Unified Development Code (UDC), including, but not limited to, tree planting and landscape area requirements. Article 3, Section 64-3-13.B. of the UDC further requires that all inventory be screened from view by a six (6)-foot-tall privacy fence constructed of wood, brick, or masonry, and prohibits inventory from being stacked higher than six (6) feet.

While off-street parking is not required for a stand-alone contractor's storage yard, any parking spaces that are provided must comply with the dimensional and surfacing standards outlined in Article 3, Section 64-3-12.A. of the UDC, including requirements for van-accessible spaces in accordance with the International Building Code.

A portion of the property remains zoned R-1, but it is unclear whether this area is included in the proposed use. The site also abuts R-1 property to the north, which is currently developed with a single-family home. In accordance with Article 3, Section 64-3-8.A. of the UDC, a protection buffer is required where a B-2-zoned site abuts an R-1 district. Section 64-3-8.A.2. specifies that this buffer must be at least ten (10) feet in width and include both a wall or fence and a screen planting strip.

None of these elements are illustrated on a submitted site plan; therefore, if the request is approved, submission of a detailed site plan demonstrating compliance with all applicable requirements of Article 3 should be required.

The adjoining property to the west is developed with a building and associated parking and is currently used as an office for the applicant's fence contracting business. As office uses are permitted by right within the B-2, Neighborhood Business Urban District, that property is not included as part of this variance request.

The subject site is adjacent to properties zoned B-2, Neighborhood Business Urban District, to the east, south, and west. Property to the north, as previously noted, is zoned R-1, Single-Family Residential Urban District.

Land use along this portion of Old Shell Road is mixed, with retail, personal services, contractor offices, and residential uses. However, the surrounding neighborhood remains predominantly residential.

There have been no similar variance requests approved in the vicinity of the subject site.

Given the lack of a compelling justification and the absence of a site plan illustrating how the property will comply with applicable development standards, staff cannot fully evaluate the potential impact of the proposed contractor's storage yard on the surrounding neighborhood. The criteria for granting a variance require that the applicant demonstrates that the request is not contrary to the public interest and that, due to special conditions, enforcement of the zoning regulations would result in an unnecessary hardship.

While the site was historically used for residential purposes—a use still permitted in a B-2 zoning district—the demolition of those structures does not justify introducing a use prohibited by right. Although a low-activity storage yard may potentially be compatible if fully compliant with the UDC, the applicant has not demonstrated a hardship that would justify a variance. Moreover, the availability of other viable, permitted B-2 uses undermines the necessity for a variance.

As such, approval of this request could set an undesirable precedent, inconsistent with the intent and purpose of the zoning ordinance.

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:

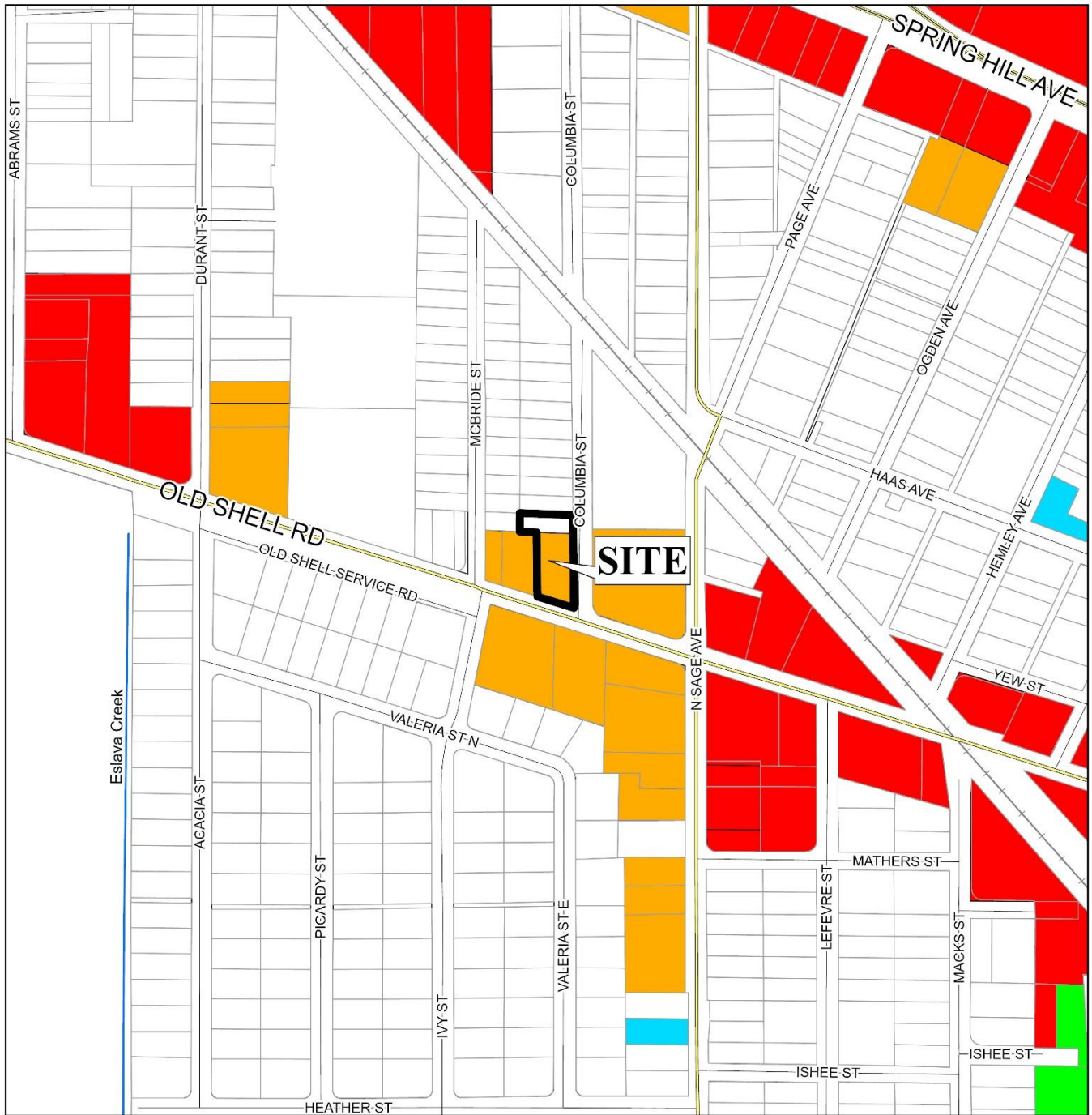
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 the Board considers approving the variance request, it could be subject to the following condition(s):

- 1) A detailed site plan must be submitted for review and approval prior to any site work, illustrating compliance with all applicable requirements of Article 3 of the UDC;
- 2) The use of the site shall be limited to outdoor storage of fencing materials associated with the applicant's fence contracting business and no other uses shall be permitted without further review;
- 3) No new buildings or structures shall be constructed on the site without prior approval of appropriate permits and any required variances;
- 4) The site may be surfaced with aggregate material only for storage of inventory areas, in accordance with Article 3, Section 64-3-12.A.5.(c)(2) of the UDC;
- 5) All stored inventory shall not be stacked higher than six (6) feet and must be fully screened from view by a privacy fence at least six (6) feet in height, constructed of wood, brick, or masonry, as required by Article 3, Section 64-3-13.B. of the UDC;
- 6) A protection buffer in compliance with Article 3, Section 64-3-8.A.2. of the UDC must be provided along the northern boundary of the property where it adjoins the R-1 property developed for residential use;
- 7) Any portion of the subject site zoned R-1, Single-Family Residential Urban District, shall not be used for contractor's storage unless rezoned or a separate variance is granted;
- 8) Deliveries to the site shall be limited to no more than two (2) truck deliveries per month, as stated by the applicant; and,
- 9) The site must otherwise fully comply with all other codes and ordinances.

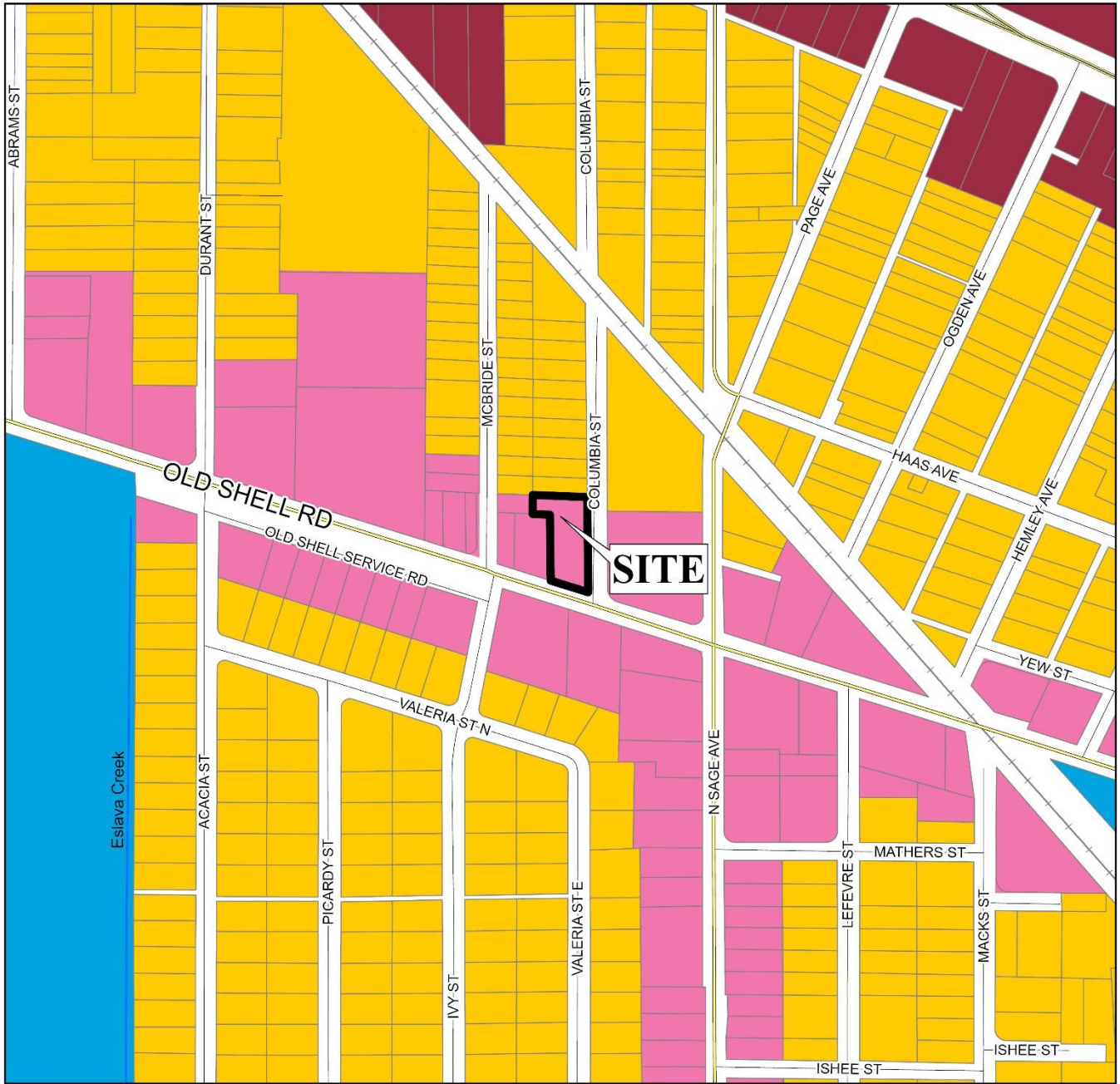
LOCATOR ZONING MAP



APPLICATION NUMBER 6684 DATE August 4, 2025
 APPLICANT Pinnacle Fencing Supply, LLC (Lucas Bolton, Agent)
 REQUEST Use Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6684 DATE August 4, 2025
APPLICANT Pinnacle Fencing Supply, LLC (Lucas Bolton, Agent)
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 | |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



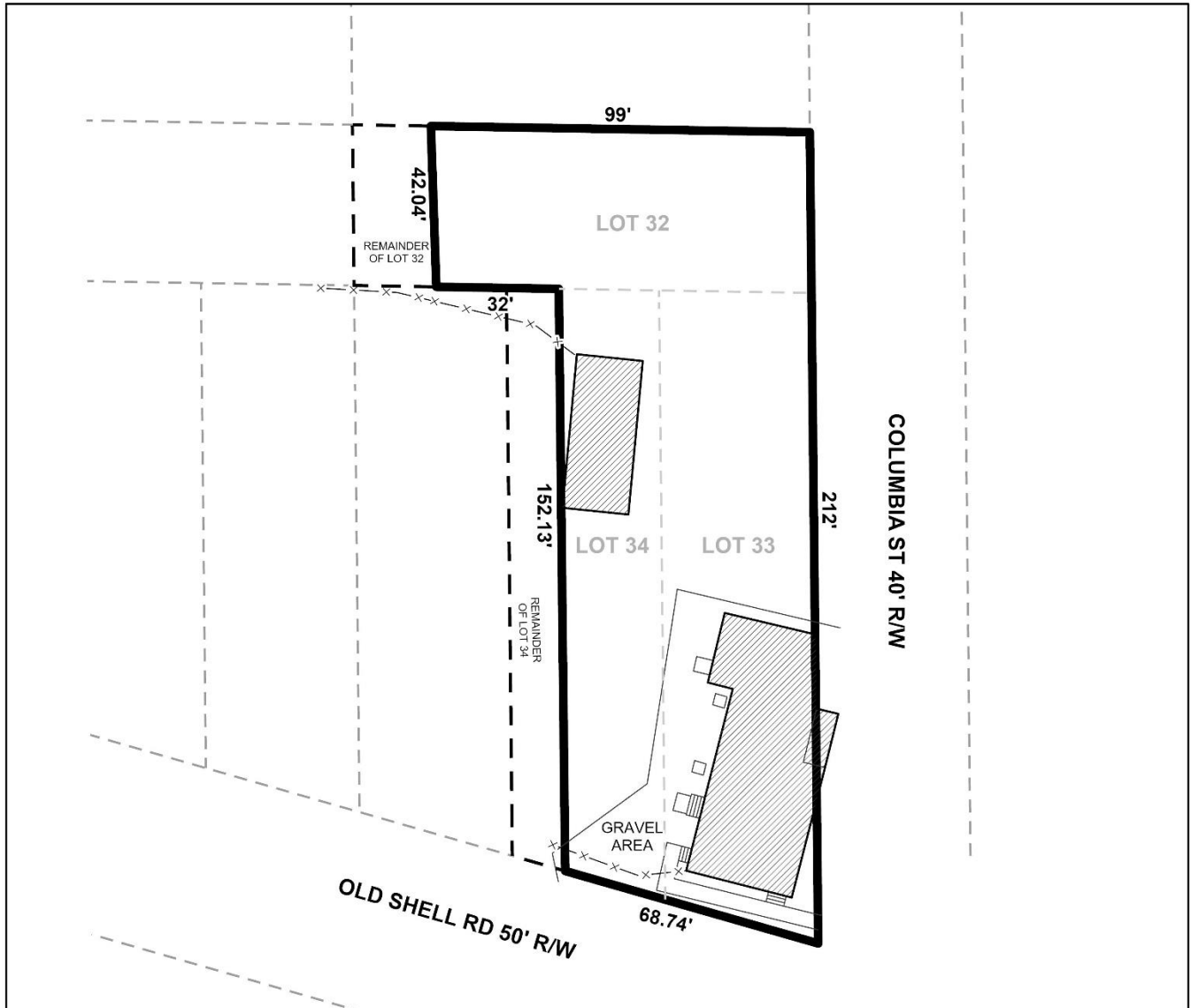
The site is surrounded by residential and commercial units.

APPLICATION NUMBER 6684 DATE August 4, 2025
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 REQUEST Use 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 proposed sign placements and current buildings.

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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)

TRADITIONAL CORRIDOR (TC)

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

