



**Agenda Item # 5**  
**BOA-003712-2026**

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

**DETAILS**

**Location:**  
3905 McGregor Court

**Applicant / Agent:**  
Carolyn Hasser Kirby

**Property Owner:**  
Carolyn Hasser Kirby

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

**Future Land Use:**  
Low Density Residential

**Case Number(s):**  
6760

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

- The UDC limits properties to no more than 35% site coverage in an R-1, Single-Family Residential Suburban District Development District.

**Board Consideration:**


- Site Coverage Variance to allow more than 35% site coverage 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 <u>    6759    </u> DATE <u>    June 1, 2026    </u>	 NTS
APPLICANT <u>                    Carolyn Hasser Kirby                    </u>	
REQUEST <u>                                    Site Coverage Variance                                    </u>	

## SITE HISTORY

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The subject site received approval by the Board of Zoning Adjustment at its August 1, 2011 meeting to allow the construction of a detached carport within 3.4-feet of the rear property line in an R-1, Single Family Residential District.

In June 1973 the Diehl Springhill Subdivision, a 9-lot Subdivision, was approved and recorded in Probate Court as McGregor Place Subdivision.

There are no other Planning Commission or Board of Zoning Adjustment cases associated with the site.

## STAFF COMMENTS

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### Engineering Comments:

No comments.

### 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 Site Coverage Variance to allow more than 35% site coverage in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) limits properties to no more than 35% site coverage in an R-1, Single-Family Residential Suburban District.

A narrative describing the request can be viewed using the link on Page 1 of this report.

A building permit to allow the addition of a sunroom over an existing brick and cement patio was recently under review. Staff denied the permit and determined at that time that enclosing the patio would result in a design that exceeds to maximum allowable site coverage.

The applicant has submitted a statement explaining that the site plan is not changing. However, it should be noted that, while the footprint may not be changing, the site coverage will be increasing. The Unified Development Code (UDC) defines “building coverage” in Article 8 as the percentage of property that is covered by Buildings or other roofed Structures. The enclosure will result in site coverage that exceeds 40 percent.

It should be noted that the site previously received Setback Variance approval to allow an accessory structure within 3.4-feet of the rear property line. The submitted survey illustrates a carport that encroaches in the rear setback. However, the hand-drawn site plan indicates that the existing carport is 30-feet from the rear property line. It should be noted that the property to the East of the subject property is Lot 1 of the Mosley Place Subdivision, approved in 2009. Part of this lot extends behind the subject property, adjacent to McGregor Avenue. If approved, the applicant should submit a revised site plan confirming the most accurate depiction of the existing and proposed structures on the site.

## **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:**

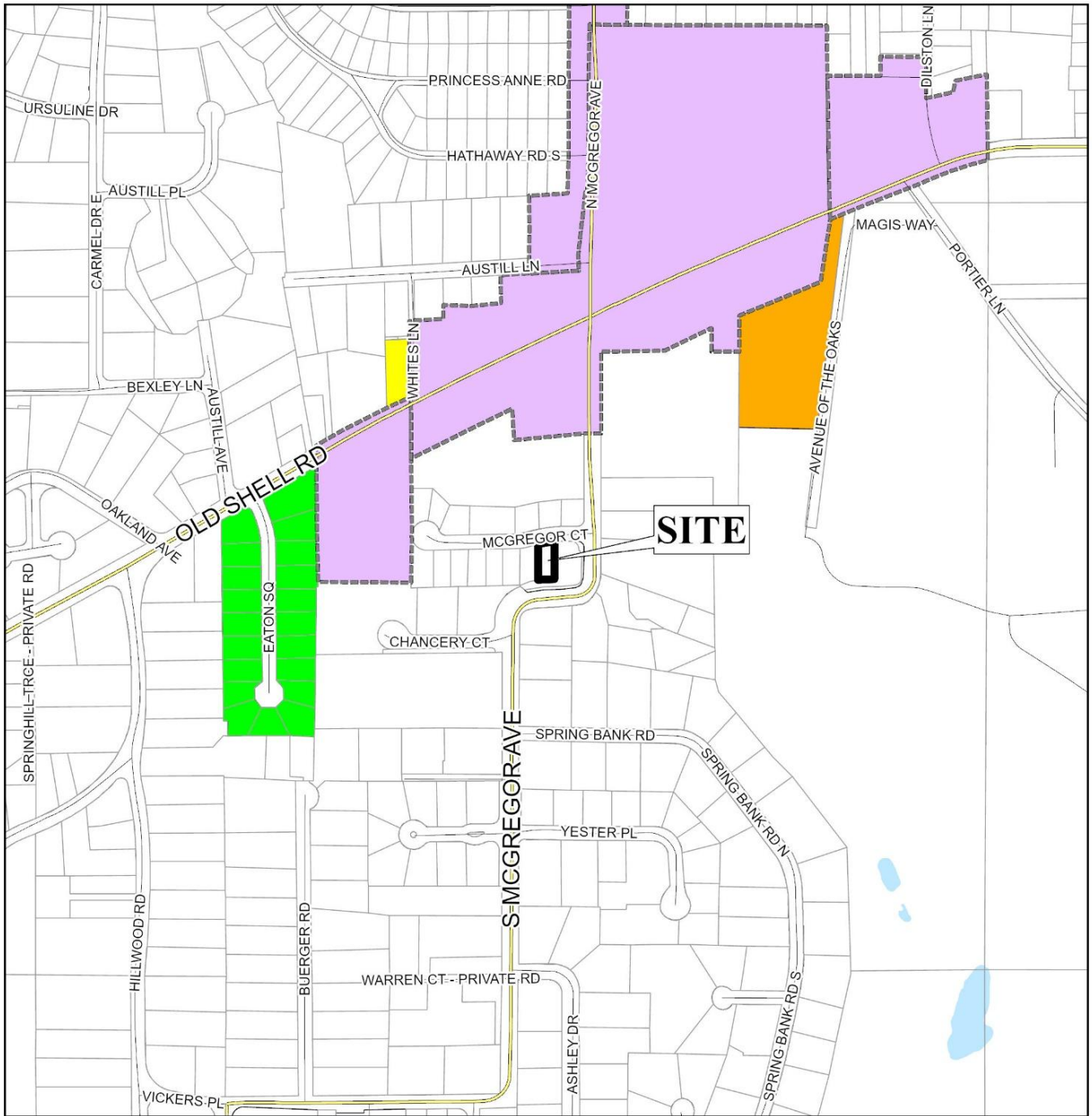
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 considers approving the variance request, it could be subject to the following conditions:

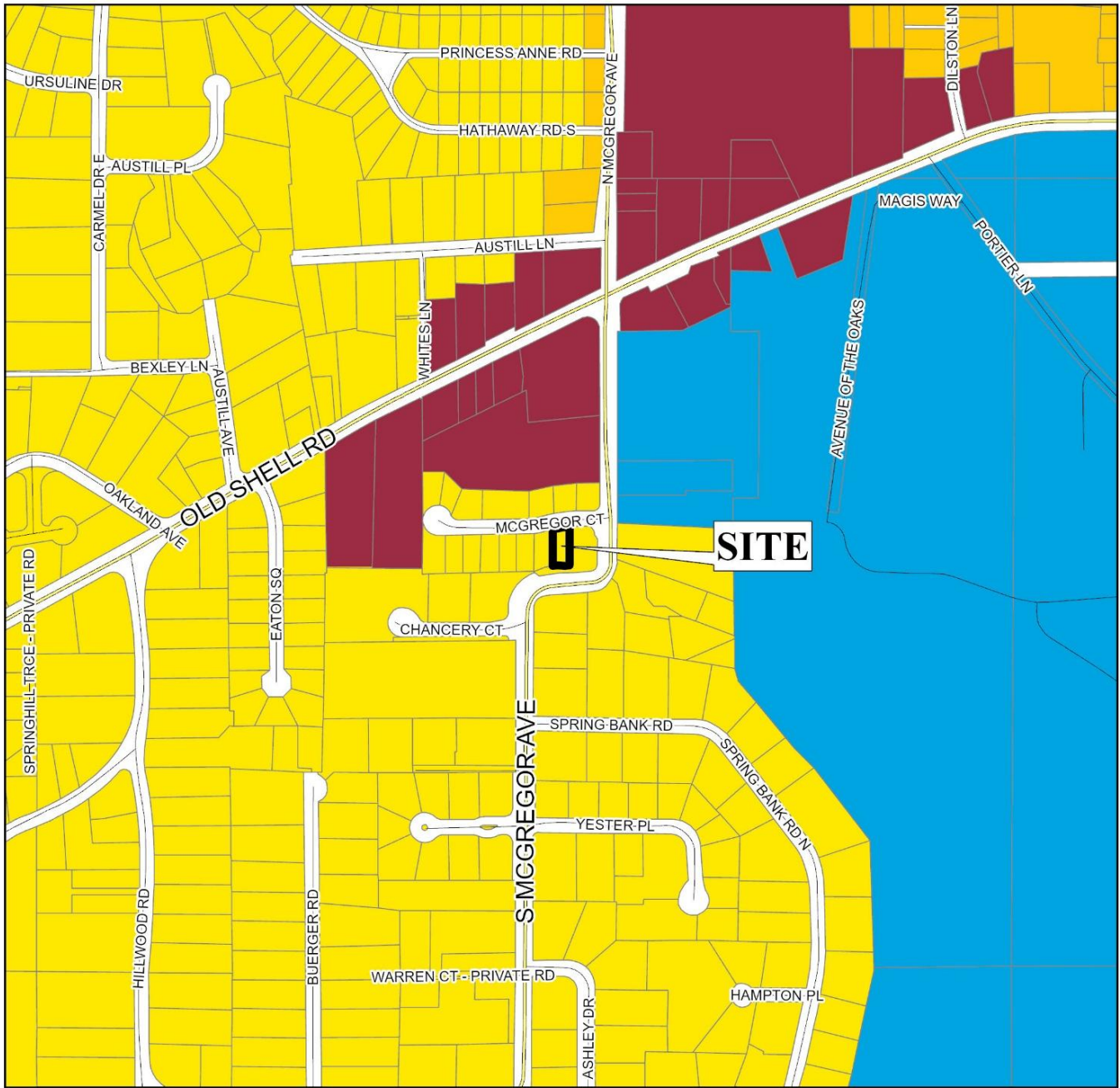
- 1) Revised site plan that is consistent with the property survey and illustrates the most accurate depiction of the existing and proposed structures on the site; and
- 2) Compliance with all other codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER <u>6759</u> DATE <u>June 1, 2026</u>	 NTS
APPLICANT <u>Carolyn Hasser Kirby</u>	
REQUEST <u>Site Coverage Variance</u>	

# FLUM LOCATOR MAP



APPLICATION NUMBER 6759 DATE June 1, 2026

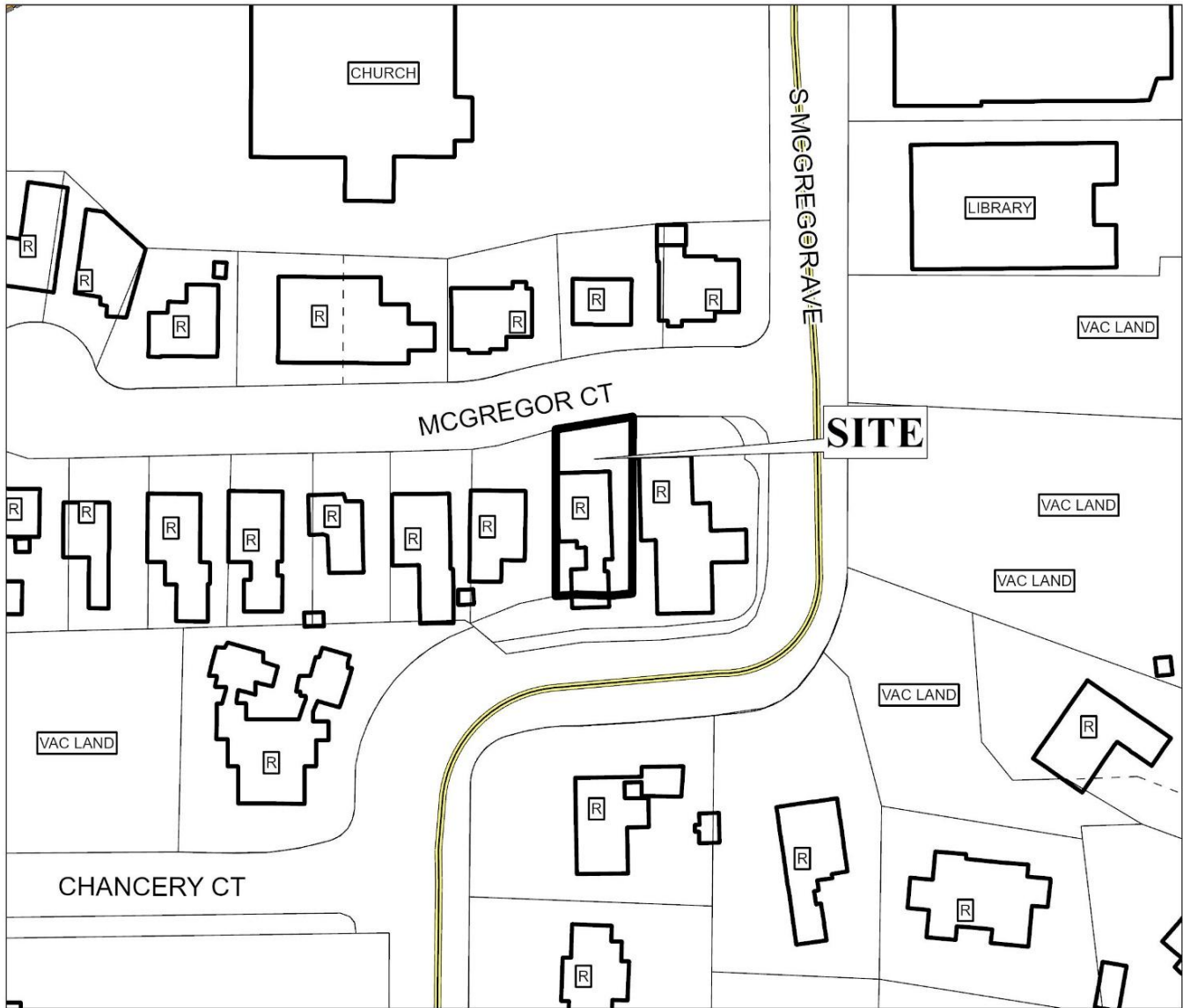
APPLICANT Carolyn Hasser Kirby

REQUEST Site Coverage Variance


- |   |   |   |   |
|---|---|---|---|
| <span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span> Low Density Residential   | <span style="display:inline-block; width:15px; height:10px; background-color:maroon; border:1px solid black;"></span> Neighborhood Center - Traditional | <span style="display:inline-block; width:15px; height:10px; background-color:lightgrey; border:1px solid black;"></span> Light Industry     | <span style="display:inline-block; width:15px; height:10px; background-color:blue; border:1px solid black;"></span> Water Dependent |
| <span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> Mixed Density Residential | <span style="display:inline-block; width:15px; height:10px; background-color:purple; border:1px solid black;"></span> Neighborhood Center - Suburban    | <span style="display:inline-block; width:15px; height:10px; background-color:grey; border:1px solid black;"></span> Heavy Industry          |   |
| <span style="display:inline-block; width:15px; height:10px; background-color:pink; border:1px solid black;"></span> Downtown                    | <span style="display:inline-block; width:15px; height:10px; background-color:lightpink; border:1px solid black;"></span> Traditional Corridor           | <span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span> Institutional      |   |
| <span style="display:inline-block; width:15px; height:10px; background-color:red; border:1px solid black;"></span> District Center              | <span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span> Mixed Commercial Corridor         | <span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span> Parks, Open Space |   |



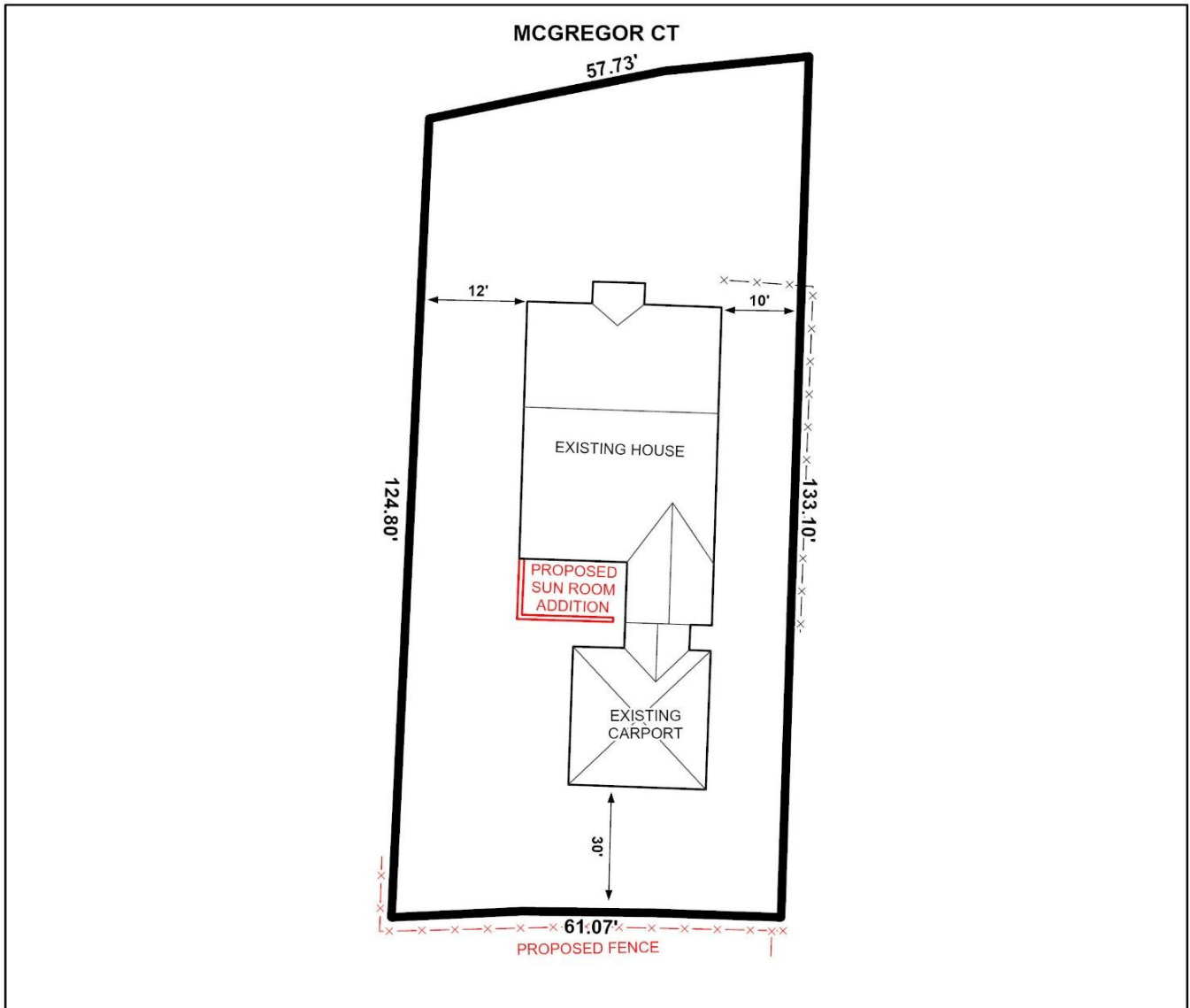
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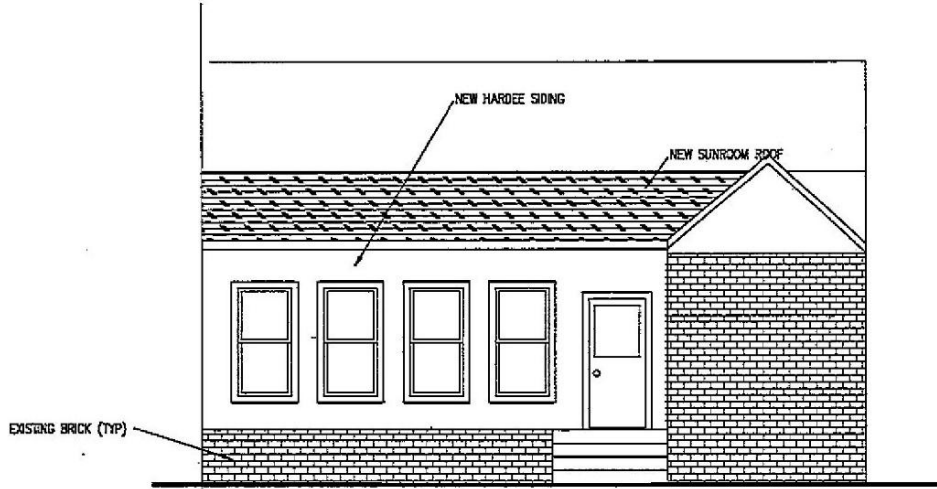
# SITE PLAN



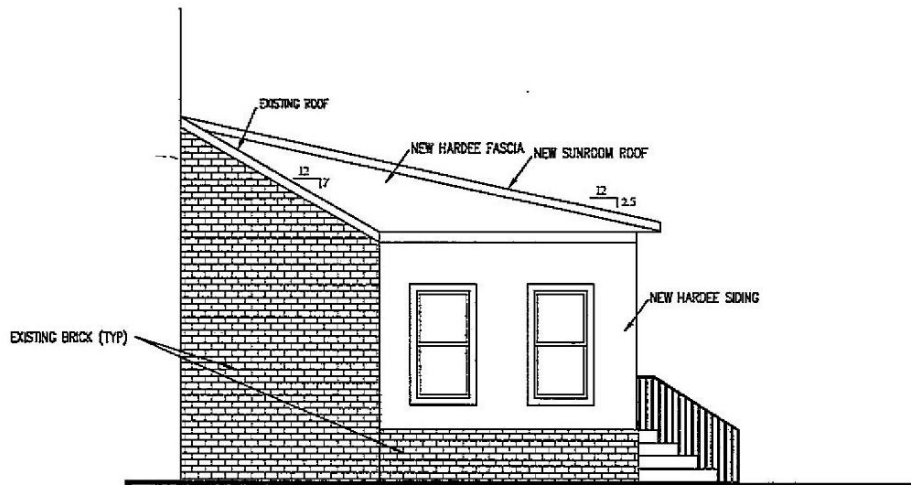
The site plan illustrates the proposed addition and current buildings.

APPLICATION NUMBER <u>6759</u> DATE <u>June 1, 2026</u>	
APPLICANT <u>Carolyn Hasser Kirby</u>	
REQUEST <u>Site Coverage Variance</u>	

# DETAIL SITE PLAN



(S-2) NORTH FACING EXTERIOR ELEVATION  
1



(S-2) EAST FACING EXTERIOR ELEVATION  
2

APPLICATION NUMBER 6759 DATE June 1, 2026  
 APPLICANT Carolyn Hasser Kirby  
 REQUEST Site Coverage Variance



# FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

## Zoning correspondence matrix

	RESIDENTIAL - AG (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD 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. DD (SD-WH)	DOWNTOWN DEV. DD (SD)	
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○								○															○
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■						■															○
DOWNTOWN (DT)					■							■											■	■	■	■	■	○	○	
DISTRICT CENTER (DC)								■			U	○	○																	
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	■	■	U	■	■	○	■	○	○	○											■	■	■							
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)			S			S	■	S	S	○											■	■								○
TRADITIONAL CORRIDOR (TC)		■	■	■	■	U	■	U	U	○																				○
MIXED COMMERCIAL CORRIDOR (MCC)						■		■	■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										○	○
HEAVY INDUSTRY (HI)																■	■	■	■										○	○
INSTITUTIONAL LAND USE (INS)											■	■		○	○					○										
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					○									■	■	■		○											

- Zoning district is appropriate to implement the future land use category.
- US Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.
- Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.
- Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

## 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

