



Agenda Item # 5

BOA-SE-003400-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

850 Marion Street

Applicant / Agent:

Alabama Power (Chester Lachowicz, Agent)

Property Owner:

Alabama Power

Current Zoning:

R-2, Two-Family Residential Suburban District

Future Land Use:

Park & Open Space

Case Number:

6686

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires Special Exception approval for electrical substations in an R-2, Two-Family Residential Suburban District.

Board Consideration:

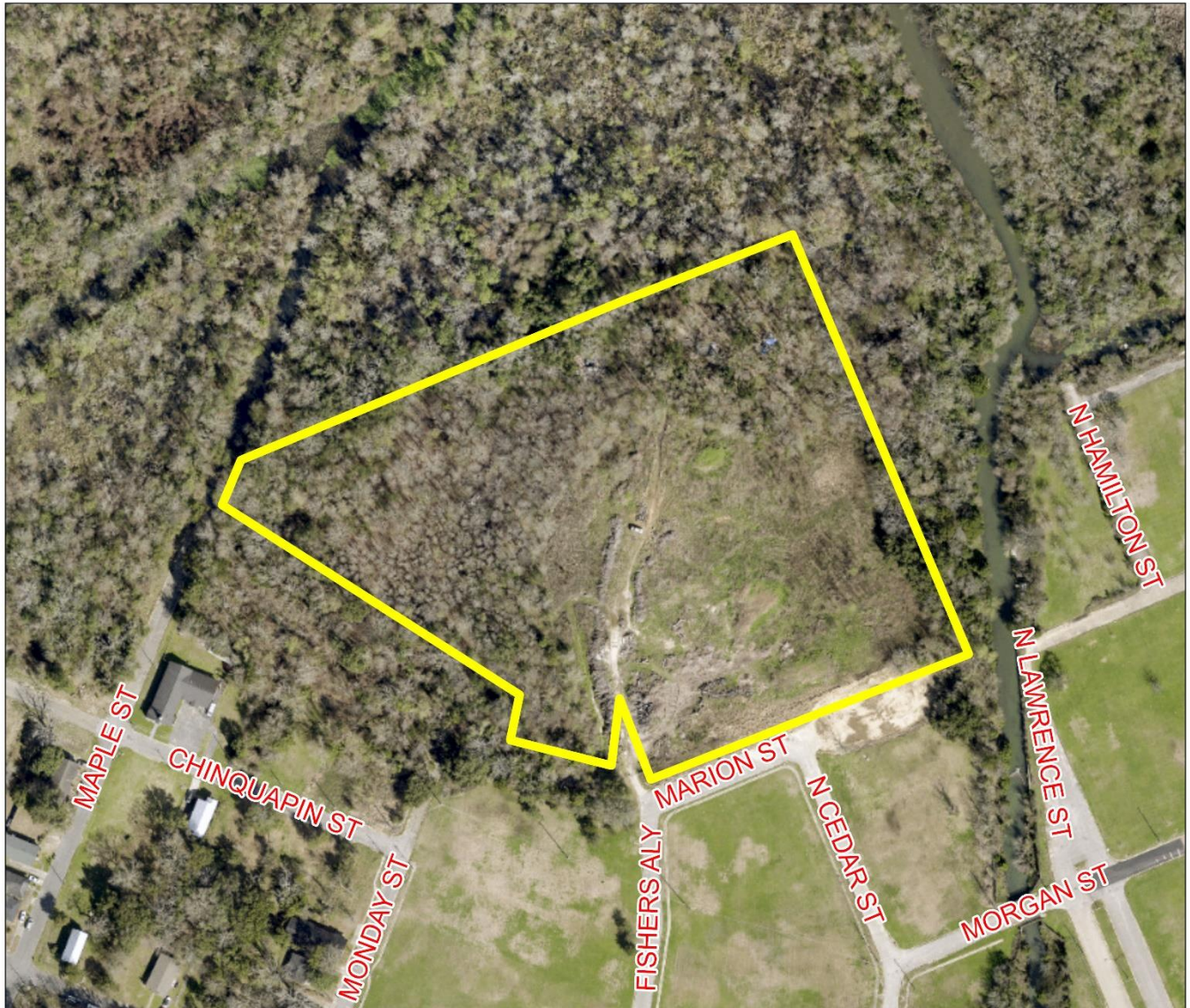
- Special Exception approval to allow an electrical substation in an R-2, Two-Family Residential Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 6686 DATE August 4, 2025
 APPLICANT Alabama Power Company (Chester Lachowicz, Agent)
 REQUEST Special Exception



SITE HISTORY

The subject site was before the Planning Commission at its August 18, 2022 meeting for a one-lot Subdivision and Planning Approval to allow an electrical substation in an R-2, Two-Family Residential District. Both applications were approved, and the Subdivision plat was recorded in Probate Court as the One Mile DS Substation Subdivision. Planning Approvals that were approved prior to the effective date of the UDC expired within two (2) years of the effective date of the UDC. As the project has not been developed, and it has been more than two (2) years since the adoption of the UDC on March 1, 2023, the Planning Approval has expired.

There have been no other Planning Commission or Board of Zoning Adjustment applications associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a ROW Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require a ROW 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.

The proposed site is located within the AE FEMA Flood Zones. No filling is allowed within the SFHA without providing a "No-Rise" Certification from a licensed Alabama Professional.

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 has requested a Special Exception approval to allow an electrical substation in an R-2, Two-Family Residential Suburban District; the Unified Development Code (UDC) requires Special Exception approval for electrical substations in an R-2, Two-Family Residential Suburban District.

The complete application is available via the link on page 1.

The subject site is currently undeveloped. As stated previously, the site was granted Planning Approval in 2022 to allow development of an electric substation, which has since expired. Since the adoption of the UDC in 2023, the development of an electric substation requires Special Exception approval from the Board of Zoning Adjustment, rather than Planning Approval from the Planning Commission.

The Planning Approval granted in 2022 was approved, subject to the following conditions:

- 1) Revision of the site plan to identify the location of the proposed fence and any associated gates;
- 2) Revision of the site plan to illustrate sidewalks along all improved street frontages, or submission of a Sidewalk Waiver application to the Planning and Zoning Department;
- 3) Compliance with tree plantings and landscape area requirements of Section 64-4.E. of the Zoning Ordinance shall be coordinated with staff;
- 4) Completion of the rezoning process, if necessary;
- 5) Compliance with Engineering comments: *(1) Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department ((251) 208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2) A Land Disturbance Permit application shall be submitted for any*

proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3) Any and all proposed land disturbing activity within the property will need to be submitted for review and 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) Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5) The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 6) Placement of a note on the revised site plan stating Traffic Engineering comments: (Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 7) Compliance with 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.);*
- 8) Compliance with Fire Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
- 9) Completion of the subdivision process prior to the approval of any land disturbing or building activities;*
- 10) Provision of two (2) revised Planning Approval site plans to the Planning & Zoning Department prior to signing of the Final Plat; and,*
- 11) Compliance with all other municipal codes and ordinances.*

The site plan submitted depicts an existing perimeter fence, but does not mention the height of the fence, nor what materials it is made from. As the fence is located within the 25-foot minimum building setback line, it may need to be relocated, if it is a privacy fence (or similar) taller than three-feet (3'). Similarly, a gate across the proposed driveway will need to provide at least one (1) queueing space (9' x 17' each) to allow vehicles to pull out of the right-of-way.

Electric substations are required to be enclosed within a solid masonry wall or wood fence at least eight-feet (8') high. The site plan submitted depicts a proposed wall to be around the perimeter of the substation, but does not state what the height or materials of the wall will be. As such, if approved, the site plan should be revised to depict an eight-foot (8') high solid masonry wall or wood fence.

The majority of the subject site is abutted by unopened rights-of-way for planned streets. However, the Southwestern portion of the site abuts R-1, Single-Family Residential Suburban District and R-2, Two-Family Residential Suburban District. As such, if approved a compliant residential buffer will be required where the property abuts residential zoning.

It should be noted that a sidewalk is depicted along the developed portion of Marion Street. If approved, the sidewalk should be retained on the site plan.

As this will be the first development on the subject site, if approved, it will be required to come into full compliance with tree planting and landscape area requirements. The site plan submitted with the application does not provide landscape area calculations, or plant unit information. At the time of permit submission, the site plan must depict full compliance with tree planting and landscape area requirements for the portion of the site that is being developed.

SPECIAL EXCEPTION CONSIDERATIONS

Standards of Review:

Special Exceptions are those uses that may have some special impact which differs from the potential impacts of permitted uses, exceeds permitted uses in intensity, or have a uniqueness such that their effect on the surrounding environment cannot readily be determined in advance of the use being proposed in a particular location.

Article 5 Section 11-E.1. of the Unified Development Codes states the Board of Adjustment will not approve an Application for Special Exception unless the request complies with the following criteria:

- (a) The proposed use is in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- (b) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- (c) The proposed use will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the Applicant shall, as part of the application and as a condition to approval of the proposed Special Exception permit, be responsible for establishing ability, willingness and commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this Chapter, and other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the Special Exception Permit shall be conditioned upon such improvements, facilities, utilities and services being provided and guaranteed by the Applicant.
- (d) The proposed use is consistent with all applicable requirements of this Chapter, including:
 - (1) Any applicable development standards in Article 3; and
 - (2) Any applicable use regulations in Article 4.
- (e) The proposed use is compatible with the character of the neighborhood within the same zoning district in which it is located;
- (f) The proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district; and

- (g) The proposed use will have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- (1) In making this determination, the Board of Adjustment shall consider:
 - a. The location, type and height of buildings or structures;
 - b. The type and extent of landscaping and screening;
 - c. Lighting;
 - d. Hours of operation; or
 - e. Other conditions that might require mitigation of any adverse impacts of the proposed development.
- (h) The site is designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- (i) The site is designed to minimize the impact on storm water facilities.
- (j) The use will be adequately served by water and sanitary sewer services.
- (k) The use is not noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- (l) The use will not be detrimental or endanger the public health, safety or general welfare.

Article 5 Section 11-E.2. states; that when considering a Special Exception application, the City's and the larger community's best interests and the need, benefit, or public purpose of the proposed request should also be evaluated.

Additionally, Article 5, Section 11-E.3. states:

The Board of Adjustment shall give careful consideration to the warrants and criteria set forth in this section in judging applications for Special Exceptions involving the following uses. In granting a Special Exception, the board may attach such reasonable conditions and safeguards in addition to those set forth in this section, as it may deem necessary to implement the purposes of this Chapter.

In addition to the general standards of review, there are additional criteria specific to an electric substation, which include:

- (1) Must be enclosed within a solid masonry wall or wood fence at least eight (8) feet high to obstruct view, noise and passage of persons; or must be placed underground.
- (2) Storage of materials, trucks or repair equipment shall not be permitted on the site.

Considerations:

Based on the requested Special Exception application, if the Board considers approval of the request, the following findings of fact must be present:

- A) The proposed use **is** in harmony with the general purpose, goals, objectives and standards of this Chapter, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B) The proposed use at the proposed location **shall not** result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Chapter, or any other plan, program, map, or ordinance adopted, or under

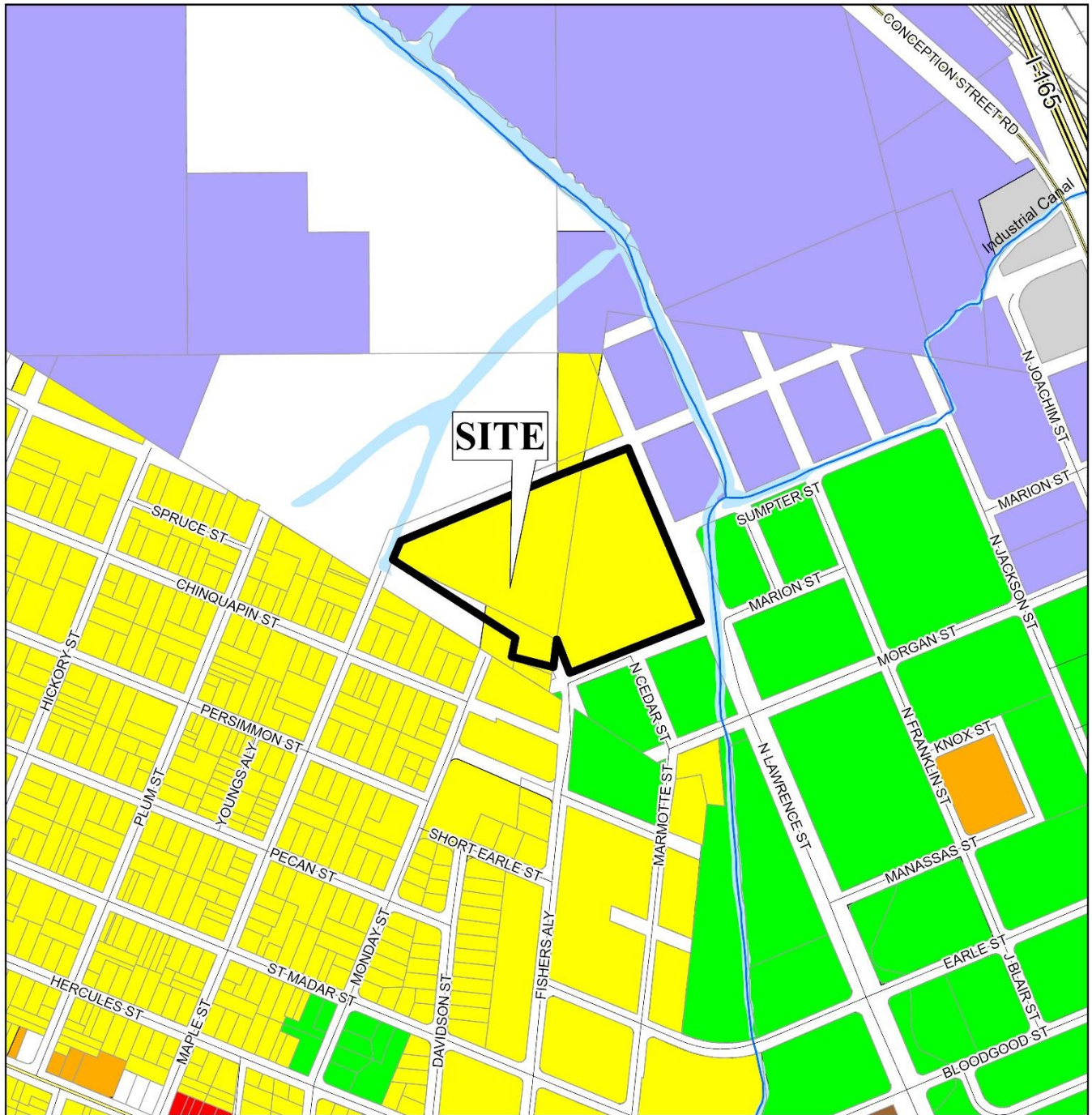
consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- C) The proposed use **will** be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, and services specified in this subsection.
- D) The proposed use **is** consistent with all applicable requirements of this Chapter, including: any applicable development standards in Article 3; and any applicable use regulations in Article 4.
- E) The proposed use **is** compatible with the character of the neighborhood within the same zoning district in which it is located.
- F) The proposed use **will not** impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- G) The proposed use **will** have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or will be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district.
- H) The site **is** designed to provide ingress and egress that minimize traffic hazards and traffic congestion on the public roads.
- I) The site **is** designed to minimize the impact on storm water facilities.
- J) The use **will** be adequately served by water and sanitary sewer services.
- K) The use **is not** noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas; and
- L) The use **will not** be detrimental or endanger the public health, safety or general welfare.

If approved, the Special Exception should be subject to the following conditions:

- 1) Revise the site plan to indicate the height and materials of the existing perimeter fence;
- 2) Relocate the existing perimeter fence to be outside of the 25-foot minimum building setback line if it is a privacy fence (or similar) taller than three-feet (3');;
- 3) Revision of the site plan to provide at least one (1) queueing space (9' x 17' each) in front of the gate to allow vehicles to pull out of the right-of-way;
- 4) Revise the site plan to depict an eight-foot (8') high solid masonry wall or wood fence around the substation;
- 5) Placement of a note on the site plan stating that storage of materials, trucks or repair equipment shall not be permitted on the site.
- 6) Revise the site plan to depict a compliant residential buffer where the site abuts residentially zoned properties;
- 7) Retention of the sidewalk along Marion Street;
- 8) Full compliance with tree planting and landscape area requirements for the portion of the site that is being developed.
- 9) Submittal of a revised site plan (.pdf) to planning@cityofmobile.org prior to the issuance of permits; and
- 10) Full compliance with all municipal codes and ordinances.

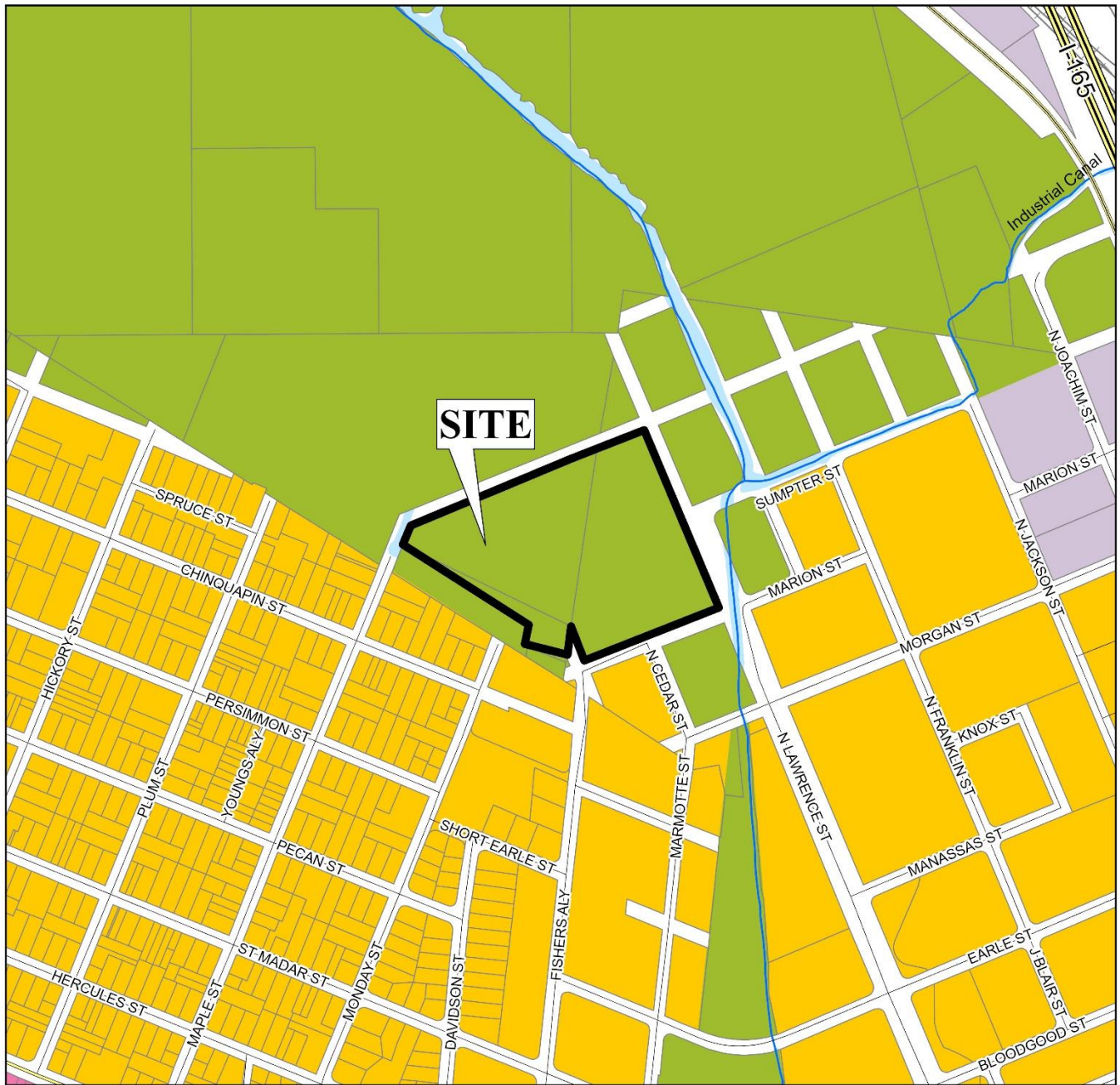
LOCATOR ZONING MAP



APPLICATION NUMBER 6686 DATE August 4, 2025
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 REQUEST Special Exception



FLUM LOCATOR MAP



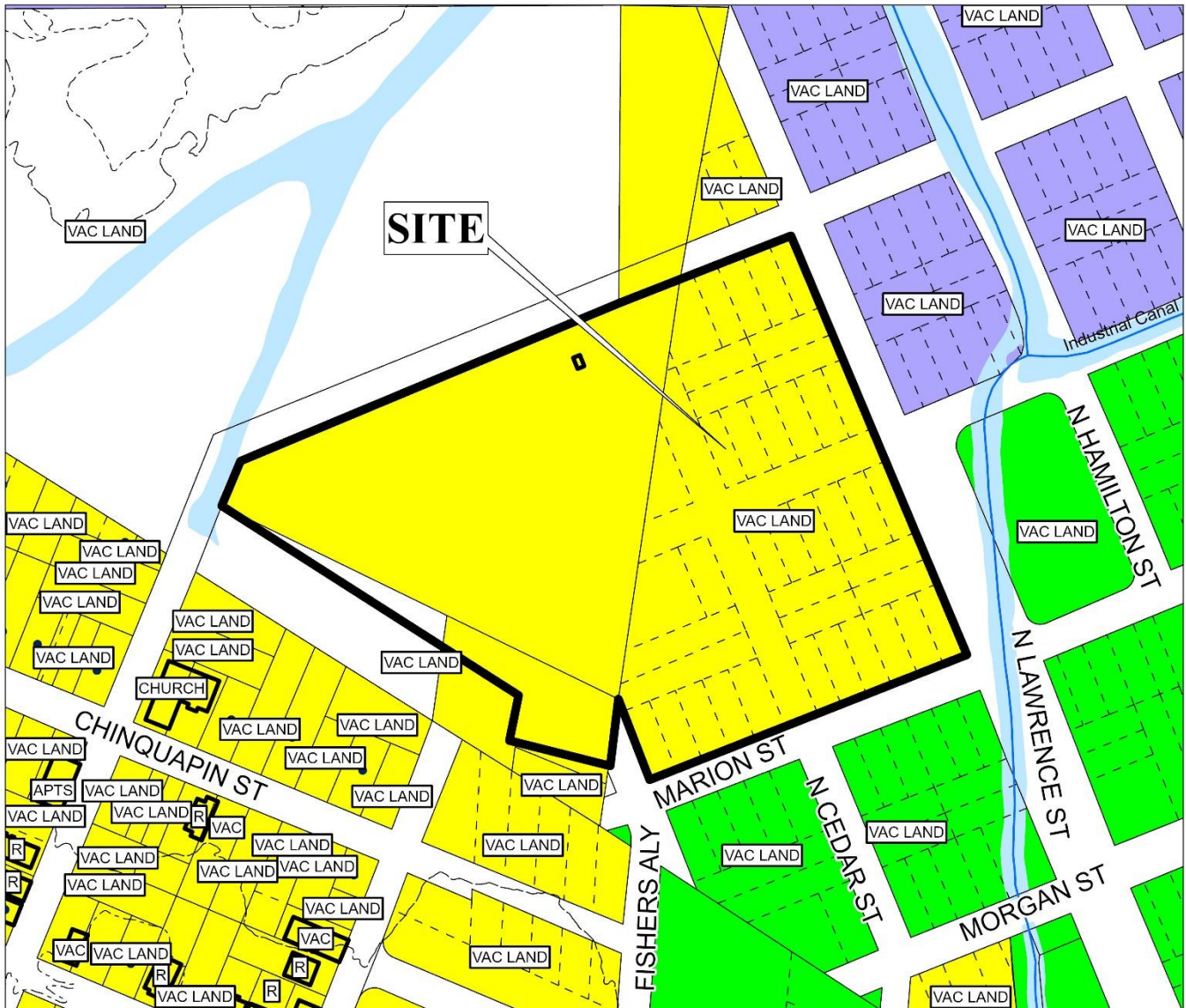
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- | | | | |
|---|--|---|---|
| ■ Low Density Residential | ■ Neighborhood Center - Traditional | ■ Light Industry | ■ Water Dependent |
| ■ Mixed Density Residential | ■ Neighborhood Center - Suburban | ■ Heavy Industry | |
| ■ Downtown | ■ Traditional Corridor | ■ Institutional | |
| ■ District Center | ■ Mixed Commercial Corridor | ■ Parks, Open Space | |



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



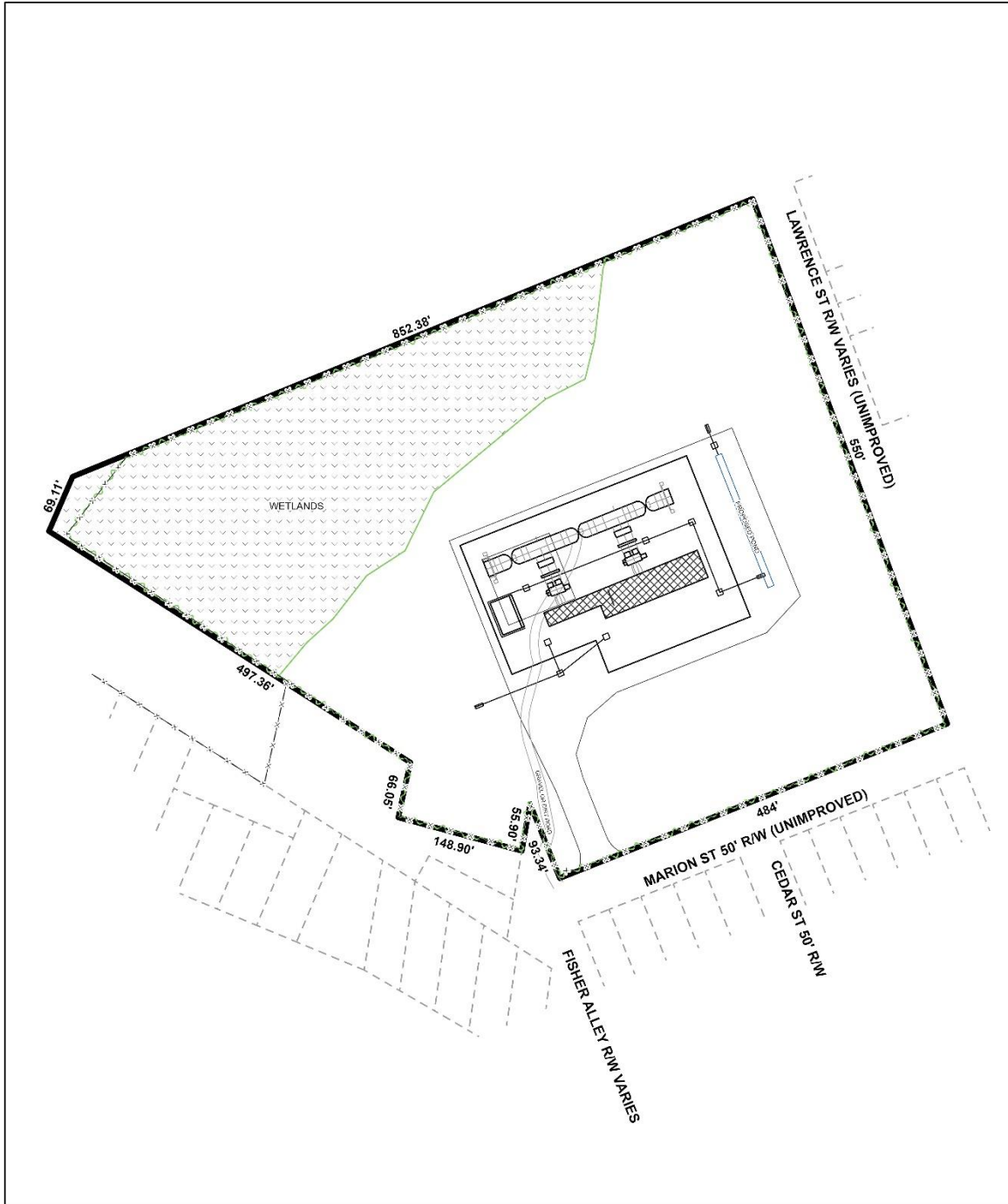
The site is surrounded by residential units.

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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

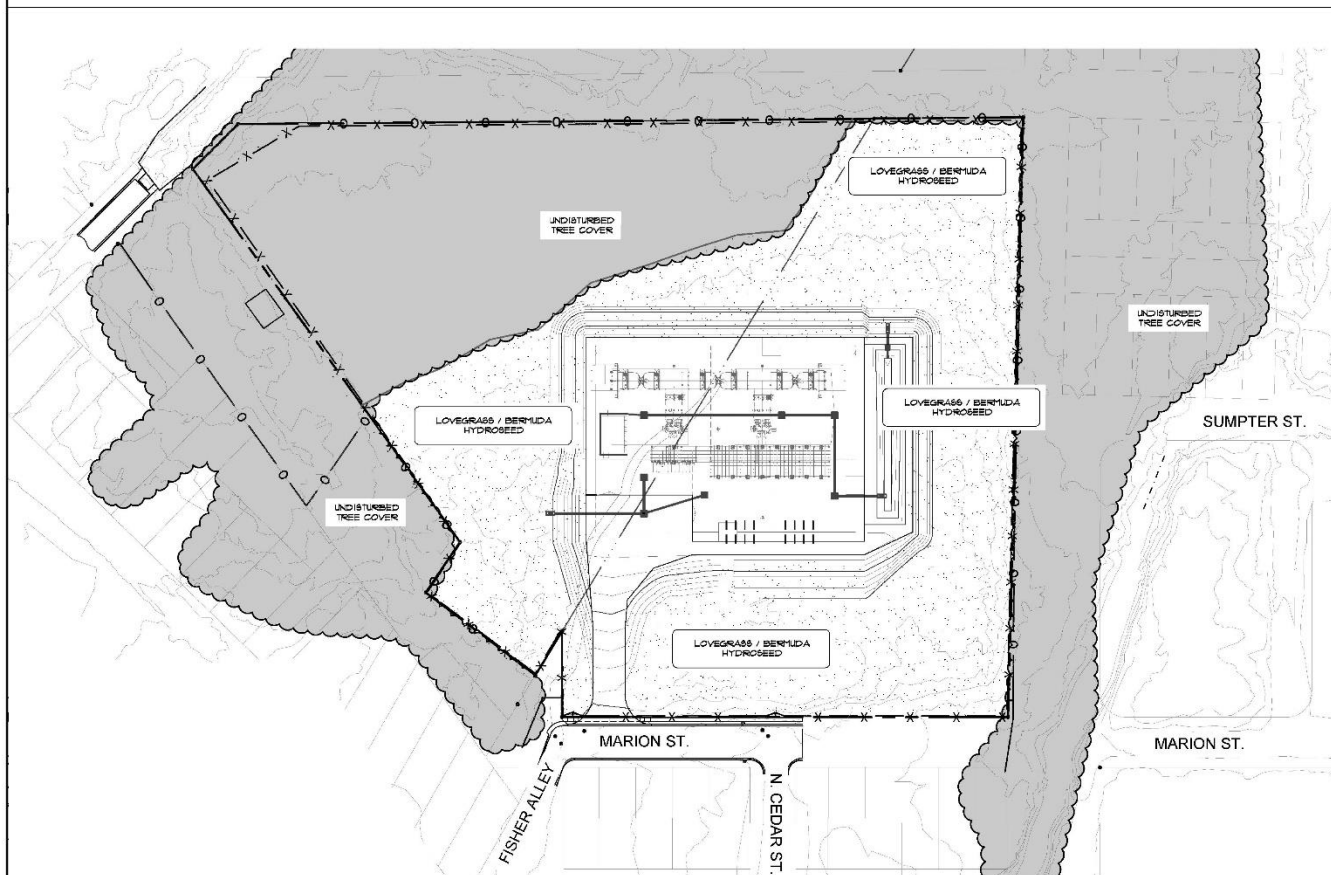


The site plan illustrates drives, proposed substation, fences, and wetlands.

APPLICATION NUMBER	6686	DATE	August 4, 2025
APPLICANT	Alabama Power Company (Chester Lachowicz, Agent)		
REQUEST	Special Exception		

NTS

DETAIL SITE PLAN

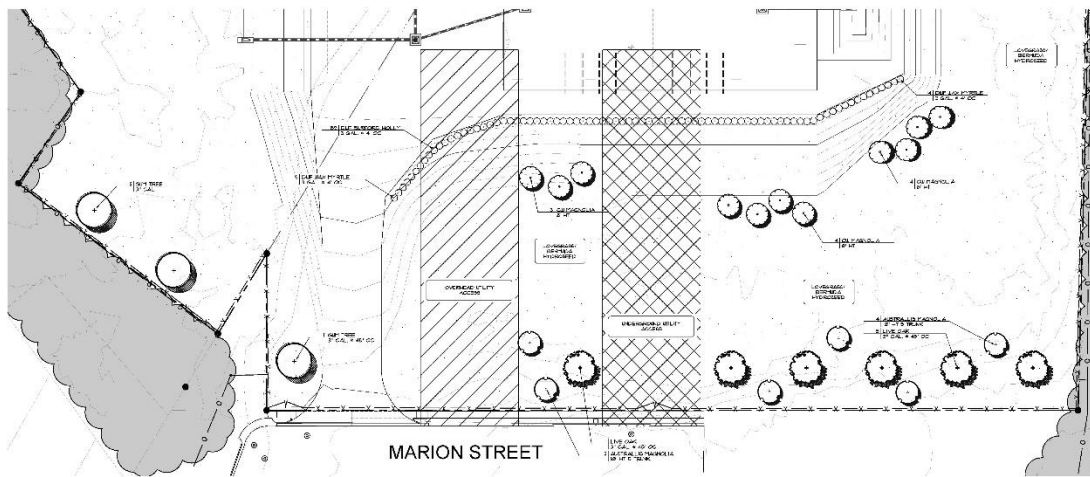


SITE IMPROVEMENTS PLAN

APPLICATION NUMBER 6686 DATE August 4, 2025
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DETAIL SITE PLAN



LANDSCAPE PLAN

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 REQUEST Special Exception



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 (WDW/RU)
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)

Parks and Open Space (POS)

This designation applies to parkland maintained in a natural, semi-natural state, or developed with facilities and set aside for human enjoyment and recreation or for the protection of wildlife or natural habitats. Parks may include squares, playgrounds, playfields, gardens, greens, greenways and blueways, and other recreational areas and facilities that are accessible to the public. Open space may include any open piece of land, publicly or privately held, that is undeveloped (has no buildings or other built structures). This designation is not intended to identify public land acquisition or to prohibit the development potential of individual properties.

The designation applies to all existing and future parks and open space within the City, including both active and passive uses. Open space, including public access to water bodies, is generally consistent with all other land use categories, i.e., a park can be located within any other land use category, either incidental to a development or as part of a publicly-owned or publicly-sponsored local, community or regional park. Therefore, a Parks and Open Space designation is deemed consistent with all land use categories in the Future Land Use Map.