



Agenda Item # 5

BOA-003591-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:
1552 Duval Street

Applicant / Agent:
Stratas Properties

Property Owner:
Stratas Properties

Current Zoning:
R-1, Single Family Residential Urban District

Future Land Use:
Mixed Density Residential

Case Number:
6725

Unified Development Code (UDC) Requirement:

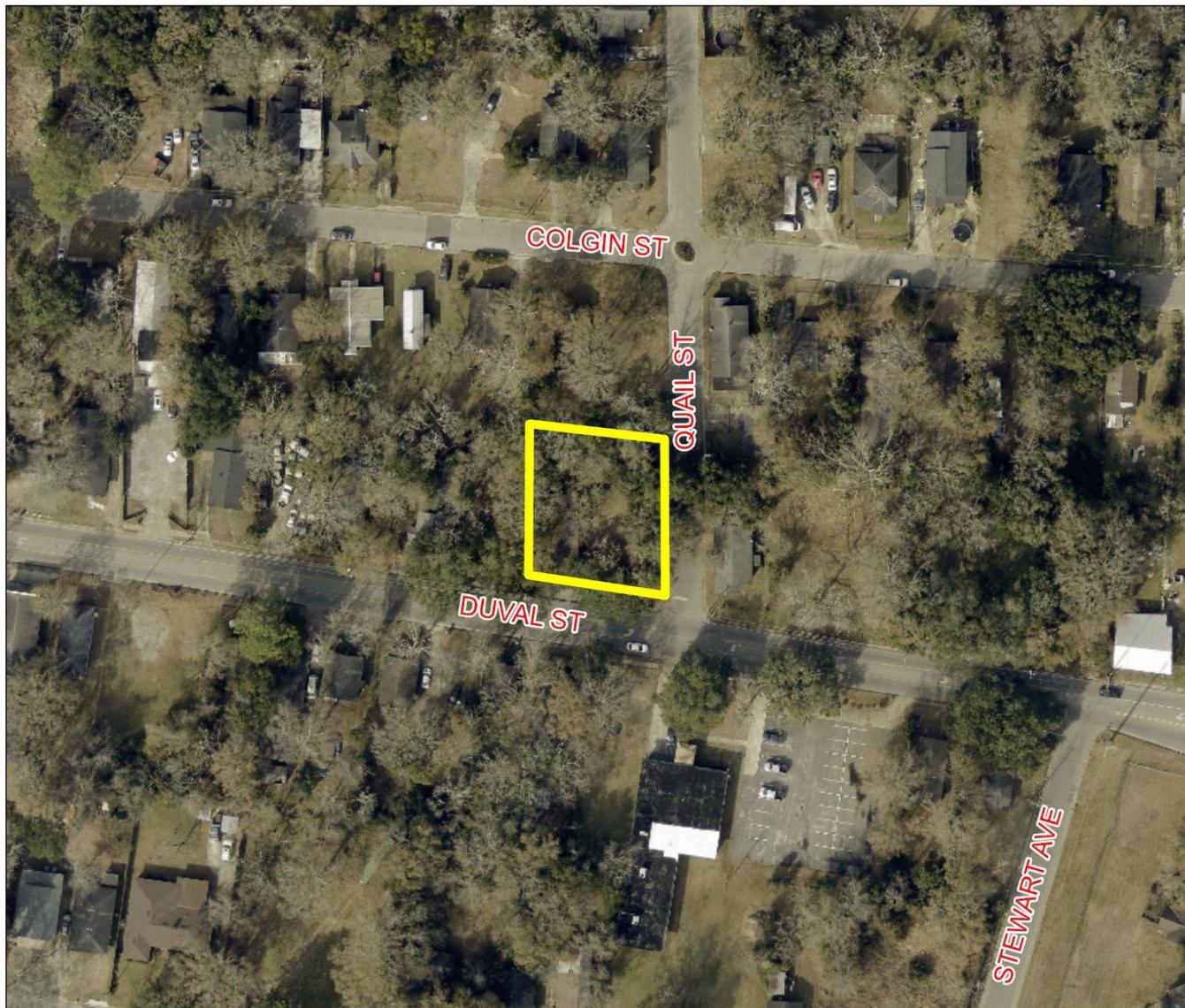
- The applicant contends that the site should retain legal non-conforming status.

Board Consideration:

- Administrative Appeal of the denial of legal non-conforming status to resume B-3 commercial operations in an R-1, Single-Family Residential Urban District.

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**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL**



The site is surrounded by residential units.

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APPLICANT	Stratas Properties		
REQUEST	Administrative Appeal		
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SITE HISTORY

In 1986, information was submitted to Planning & Zoning staff regarding the previous uses of the subject site. Per the property owner affidavit on file, the history of uses at the site is as follows:

- 1964: automobile repair business
- 1965-1983: repair and storage of coin operated machines
- 1984: manufacturing and distributing fire protection products
- 1986: repair and storage of coin operated machines

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

STAFF COMMENTS

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 an Administrative Appeal of the denial of legal non-conforming status to resume B-3 commercial operations in an R-1, Single-Family Residential Urban District; the applicant contends that the site should retain legal non-conforming status.

As stated previously, the property owner submitted a non-conforming affidavit in 1986 providing a history of B-3 uses at the site. Since then, no requests for business licenses or other permits were submitted to the City of Mobile for review until the property owner submitted an updated non-conforming affidavit in December 2025. The documents submitted state that the site has been used for vending machine storage since 1984.

Upon review of the most recent affidavit submitted, staff found that there are no active business licenses for the site, there are no active utilities, there is evidence of irregular property maintenance, and the façade has been boarded up since at least 2011. As such, staff informed the property owner that the existing structure meets the conditions of Article 6, Section 64-6-1.C. of the Unified Development Code to be classified as an abandoned use.

Article 6, Section 64-6-1.C. of the Unified Development Code states that:

1. A Nonconforming Use that has been abandoned or discontinued for a period of two years shall not thereafter be re-established.
2. Factors to be considered in determining whether a use has been abandoned or discontinued, may include, but are not limited to:
 - a. Utilities such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings and grounds have fallen into disrepair;
 - c. Signs or external indications of the existence of the Nonconforming Use have been removed;
 - d. Equipment or fixtures which are necessary for the operation of the Nonconforming Use have been removed; and
 - e. Other actions have occurred which in the opinion of the Director evidence an intent on the part of the property Owner to abandon the Nonconforming Use.

The applicant contends that staff's determination is arbitrary and that neither utilities nor a business license is needed for the storage of vending machines.

The complete application and supporting documents, including a detailed description of the Administrative Appeal request, are available via the link on Page 1 of this report.

ADMINISTRATIVE APPEAL CONSIDERATIONS

Standards for Decision:

In reaching its decision, the Board shall consider the following:

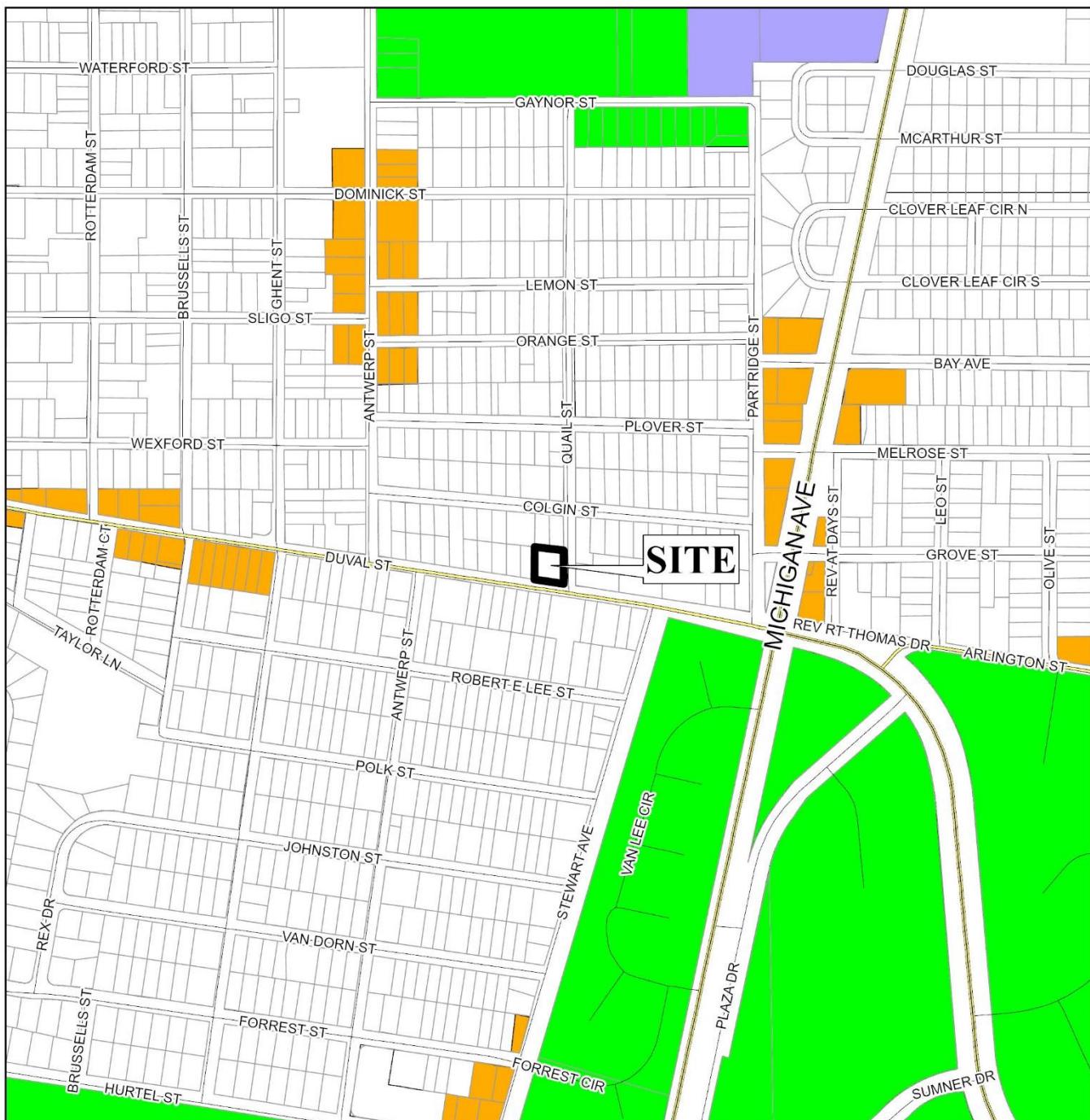
1. Whether there was error in any order, requirement, decision or determination made by an administrative official;
2. Whether the decision was the result of an arbitrary or capricious interpretation of the requirements of this Chapter; or
3. Whether the decision was an incorrect interpretation of this Chapter.

Considerations:

The Board shall render a decision based upon the following findings of fact supported by evidence in the record, and may:

- A) Reverse or affirm, wholly or partly, the decision, or;
- B) Modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

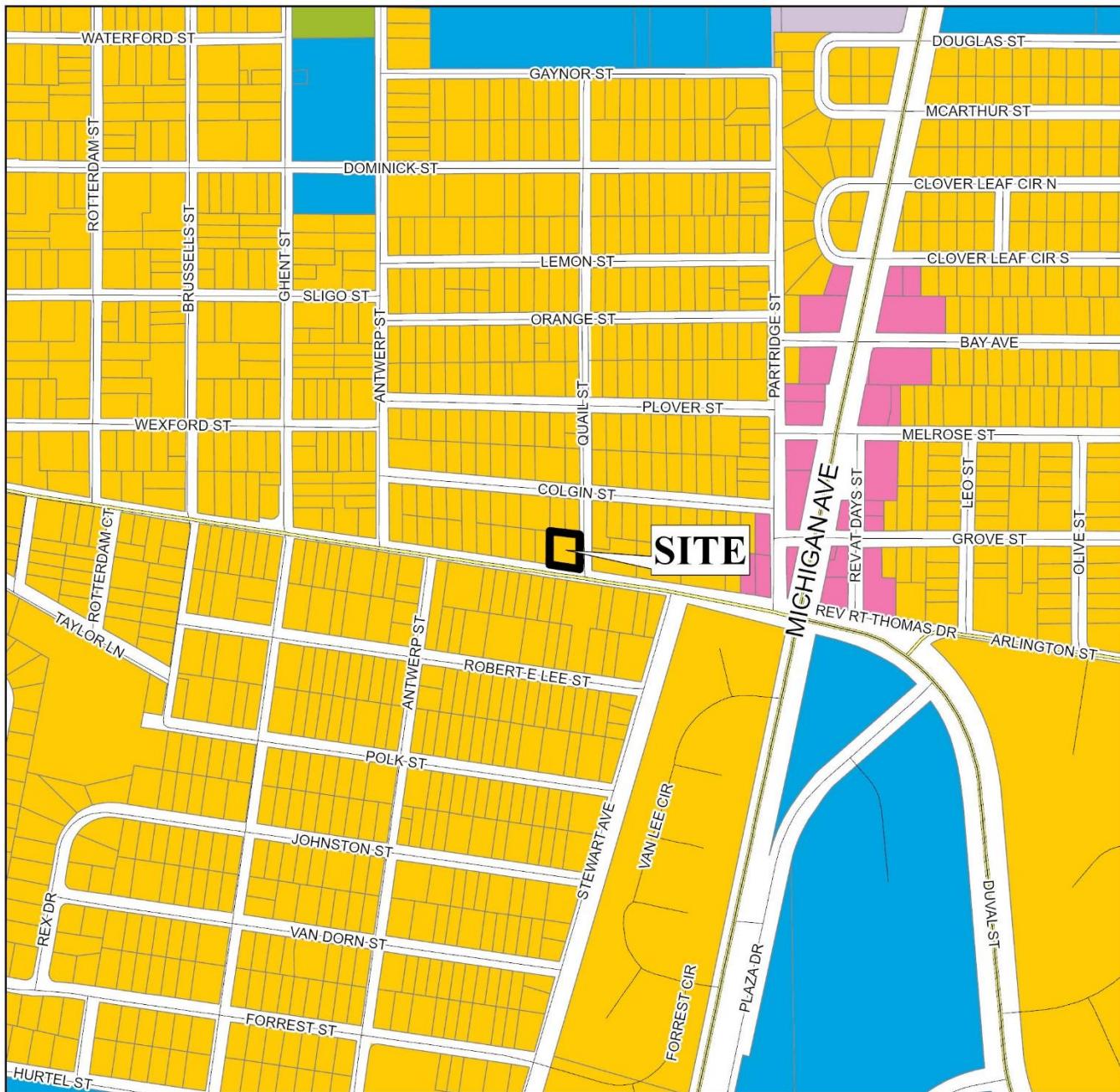
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



APPLICATION NUMBER 6725 DATE February 2, 2026

APPLICANT Stratas Properties

REQUEST Administrative Appeal

Yellow	Low Density Residential	Maroon	Neighborhood Center - Traditional	Purple	Light Industry	Dark Blue	Water Dependent
Yellow	Mixed Density Residential	Purple	Neighborhood Center - Suburban	Purple	Heavy Industry	Blue	Institutional
Pink	Downtown	Pink	Traditional Corridor	Orange	Mixed Commercial Corridor	Green	Parks, Open Space
Red	District Center						

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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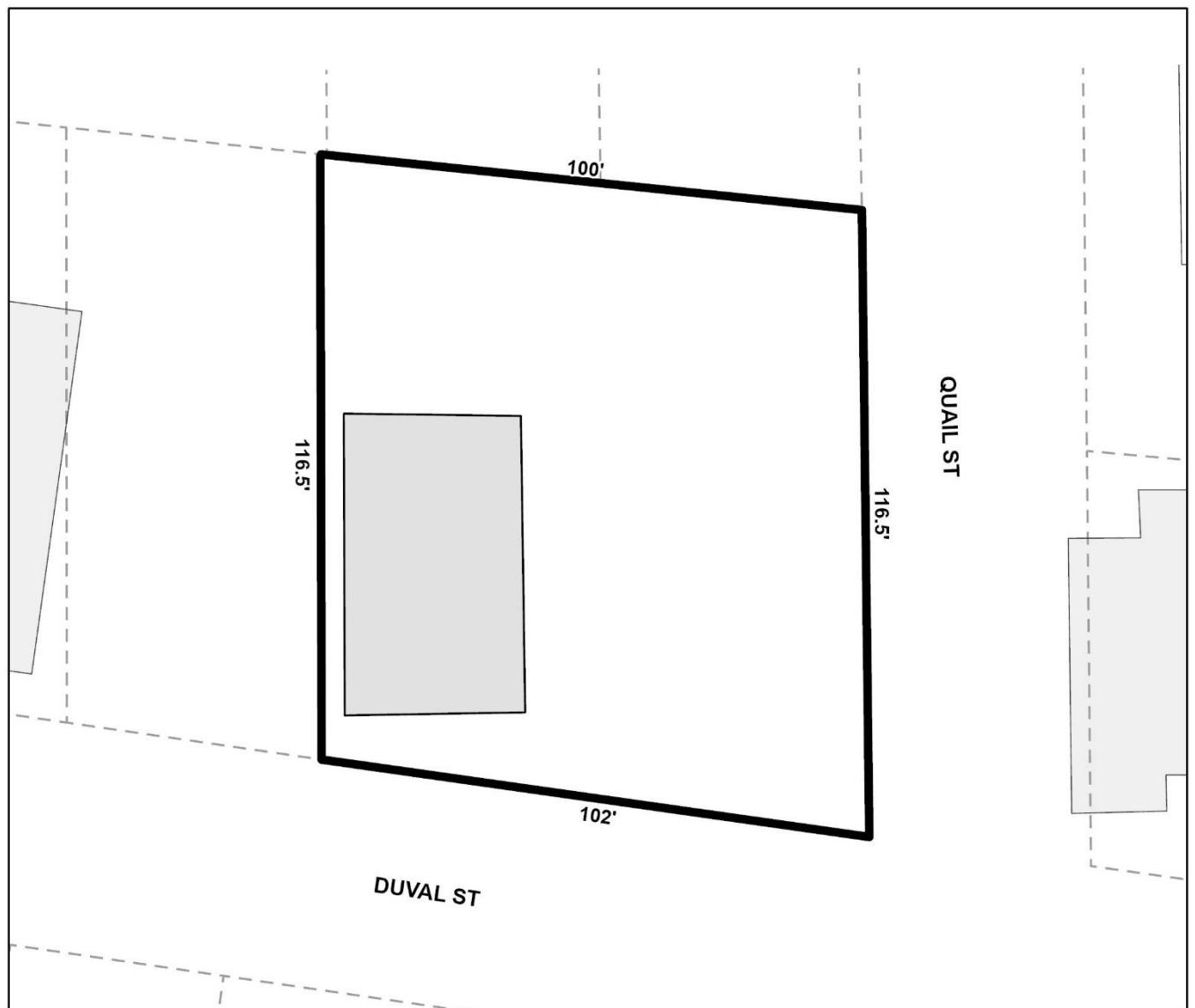
APPLICANT Stratas Properties

REQUEST Administrative Appeal

	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 current buildings.

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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 Land Use Areas

MIXED DENSITY RESIDENTIAL (MDR)

This designation applies mostly to residential areas located between Downtown and I-65, where the predominant character is that of a traditional neighborhood laid out on an urban street grid. These areas should offer a variety of residential types in a compact pattern at the scale of a single family neighborhood. They typically have a walkable block pattern with integrated neighborhood amenities such as parks and schools. Small office, commercial, and civic uses may also exist in these areas near major thoroughfares. Residential density ranges between 6 and 30 dwelling units per acre (du/ac) depending on the mix, types, and locations of the housing as specified by zoning.

Development Intent

- › Continue historic preservation efforts to maintain the existing neighborhood character within city-designated historic districts.
- › Support residential infill that fits-in with neighboring homes (building scale, placement, etc.). Support more intense residential infill and redevelopment adjacent to commercial or mixed use centers.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

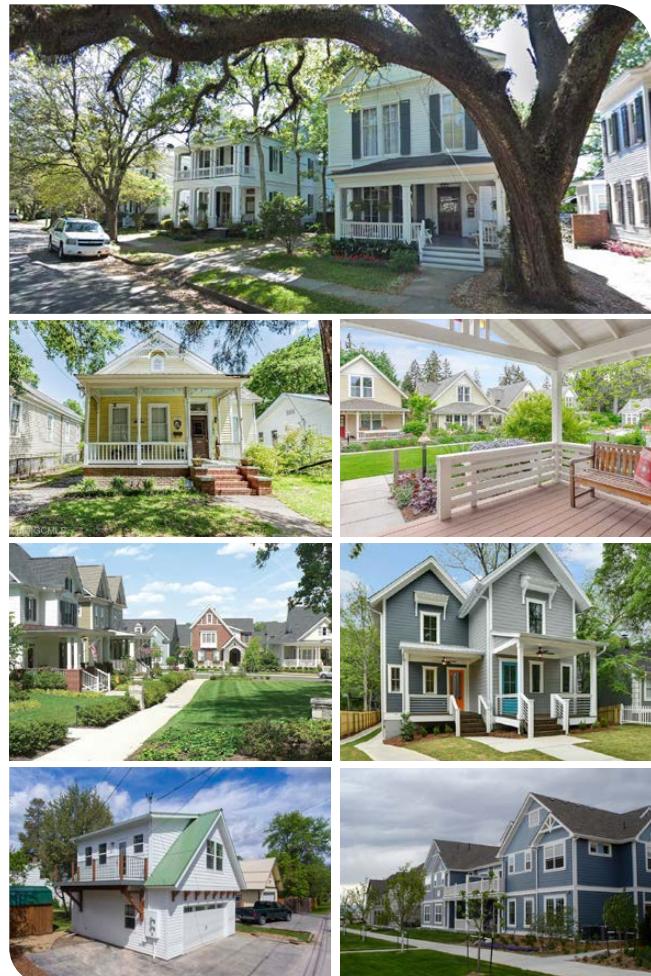
Secondary Uses

- › Residential, Multifamily
- › Commercial
- › Civic
- › Parks

Housing mix

- › Single family on small to medium sized lots
- › Attached residential such as duplexes, multiplexes, and townhomes
- › Small scale multifamily buildings

Character Example



A mixed density neighborhood may include a range of housing types and densities at a similar scale.

Rendering: Dover Kohl