



## Agenda Item # 5 BOA-003656-2026

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

231 South McGregor Avenue

**Applicant / Agent:**

Samuel St. John

**Property Owner(s):**

Samuel St. John

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low Density Residential

**Case Number(s):**

6745

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

- The UDC requires that all structures exceeding three-feet (3') in height be set back a minimum of 25-feet from the front property line in an R-1, Single-Family Residential Suburban District.

**Board Consideration:**

- Front Yard Setback Variance to allow the construction of an eight-foot (8') tall brick wall within the required 25-foot front yard setback in an R-1, Single-Family Residential Suburban District.

**Report Contents:**

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 6745 DATE April 6, 2026

APPLICANT Samuel St. John

REQUEST Setback Variance



NTS

## SITE HISTORY

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The site is part of the 6-lot Pinewood Subdivision, Block 1, recorded in the Mobile County Probate Court in May 1945.

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

## STAFF COMMENTS

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### Engineering Comments:

The brick wall, including the footers, must be on private property (behind the property line).

### 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 Front Yard Setback Variance to allow the construction of an eight-foot (8') tall brick wall within the required 25-foot front yard setback in an R-1, Single-Family Residential Suburban District. The Unified Development Code (UDC) requires all structures exceeding three-feet (3') in height to be set back a minimum of 25 feet from any front property line in the R-1 District.

Per Article 2, Section 64-2-5.E.6., all structures in the R-1, Single-Family Residential Suburban District must be set back a minimum of 25-feet from front property lines. Furthermore, Article 3, Section 64-3-5.B.1. requires yards along street frontages to remain unoccupied and unobstructed from a height of three-feet (3') above the ground level upward. The proposed eight-foot (8') brick wall exceeds this height and encroaches into the required setback along South McGregor Avenue, making the request non-compliant with the established zoning standards.

As justification, the applicant states that due to the City of Mobile widening McGregor Avenue to include a center turn lane, the project moved the Right-of-Way (ROW) line significantly inward onto their property. They suggest that applying a 25-foot setback from this new ROW line effectively "takes" roughly 5000 square feet of their usable front yard, resulting in a unique physical hardship caused by the widening of McGregor Avenue.

The submitted site plan illustrates the existing dwelling and proposed placement of the masonry wall along South McGregor Avenue. The proposed wall is to be a replacement of the existing metal structure that is currently in place. However, the site plan does not provide sufficient information to confirm the extent of the encroachment or the actual setback distance from the street frontage. Should the variance be approved, staff recommends that a revised site plan or property survey be submitted to confirm the wall's precise location relative to property lines.

It should be noted that similar masonry walls and privacy fences are located within this neighborhood. Therefore, this structure would not create a pattern inconsistent with the surrounding R-1, Single-Family Residential Suburban District; however, staff cannot confirm the alteration of property lines along McGregor Avenue at this location, and no evidence confirming their lot line shifted was provided by the applicant. Moreover, the acquisition of existing right-of-way should not impact the subject site, especially since structures cannot be built within the ROW. As such, the applicant is suggesting the existing fence was built in the ROW and them now having to comply with the location standards for anything taller than three-feet (3') may therefore be considered a self-imposed hardship.

## 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:**

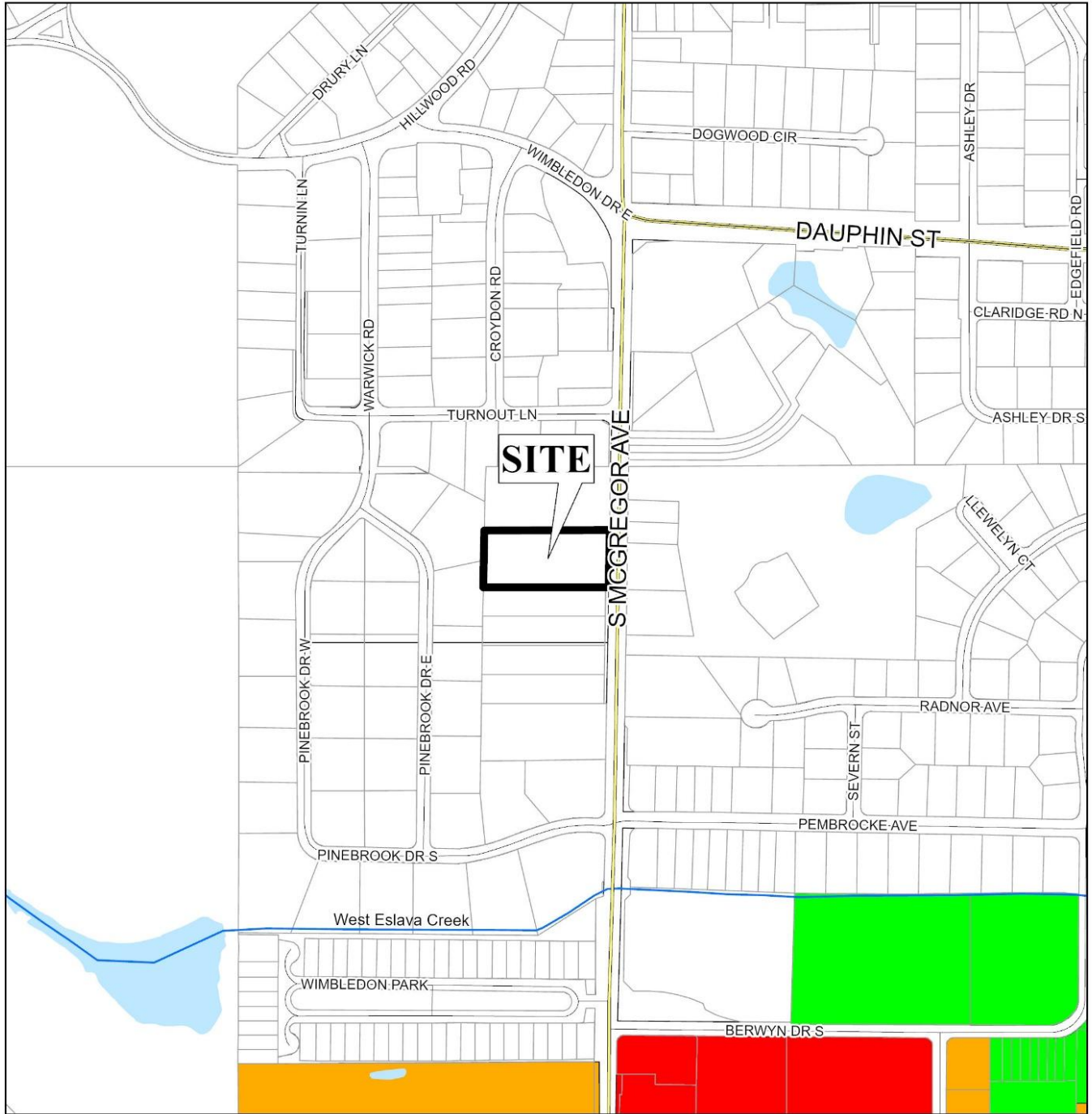
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 condition(s):

- 1) Revision of the site plan to illustrate all property lines and setbacks; and
- 2) Acquisition of all necessary permits for the construction of the wall.

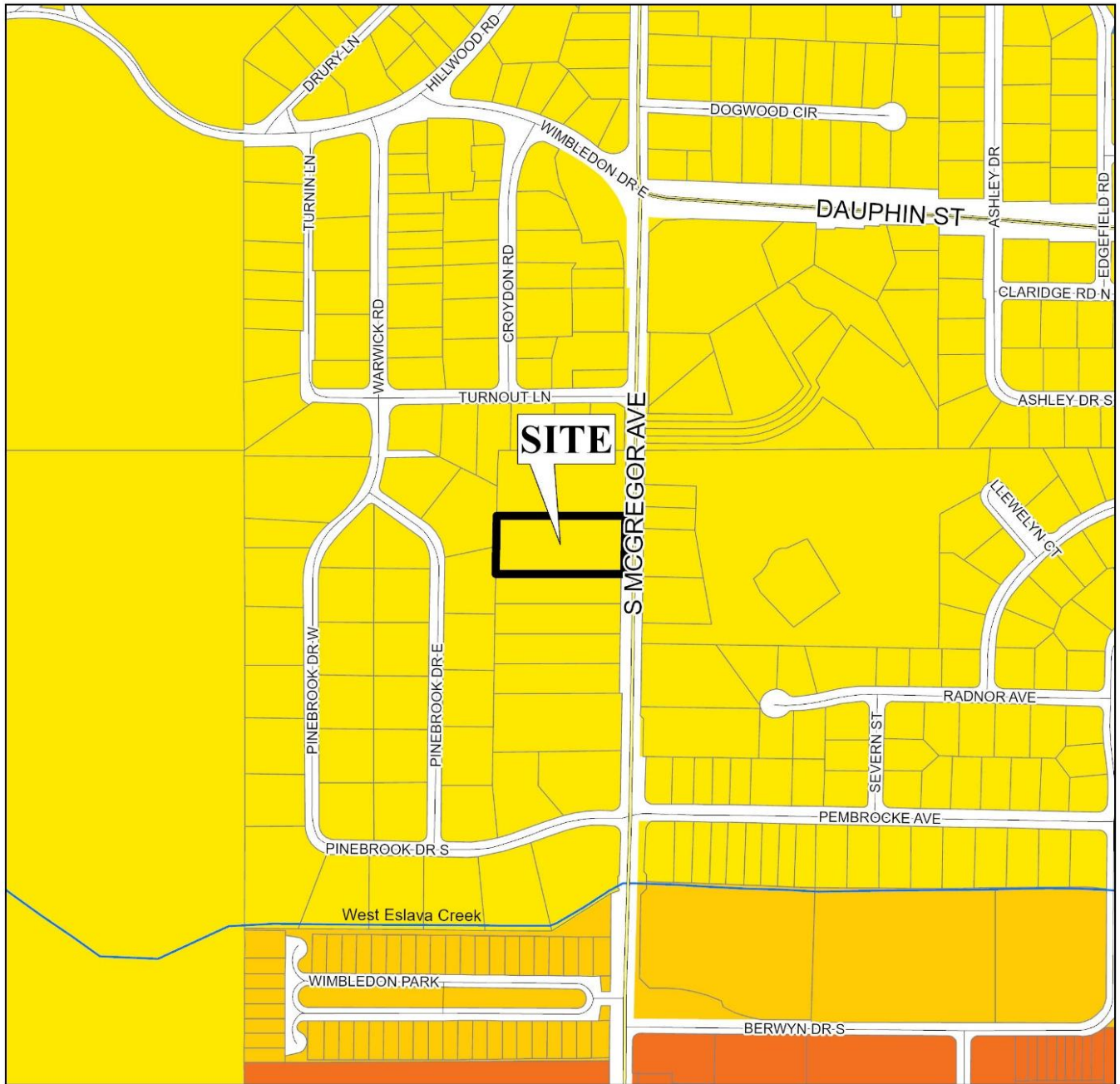
# LOCATOR ZONING MAP



|                    |                  |      |               |
|--------------------|------------------|------|---------------|
| APPLICATION NUMBER | 6745             | DATE | April 6, 2026 |
| APPLICANT          | Samuel St. John  |      |               |
| REQUEST            | Setback Variance |      |               |



# FLUM LOCATOR MAP



APPLICATION NUMBER 6745 DATE April 6, 2026

APPLICANT Samuel St. John

REQUEST Setback Variance


- |   |  |   |   |
|---|--|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: lightgrey;">■</span> Light Industry | <span style="color: blue;">■</span> Water Dependent |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: purple;">■</span> Neighborhood Center - Suburban   | <span style="color: grey;">■</span> Heavy Industry      |   |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor          | <span style="color: cyan;">■</span> Institutional       |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: green;">■</span> Parks, Open Space  |   |



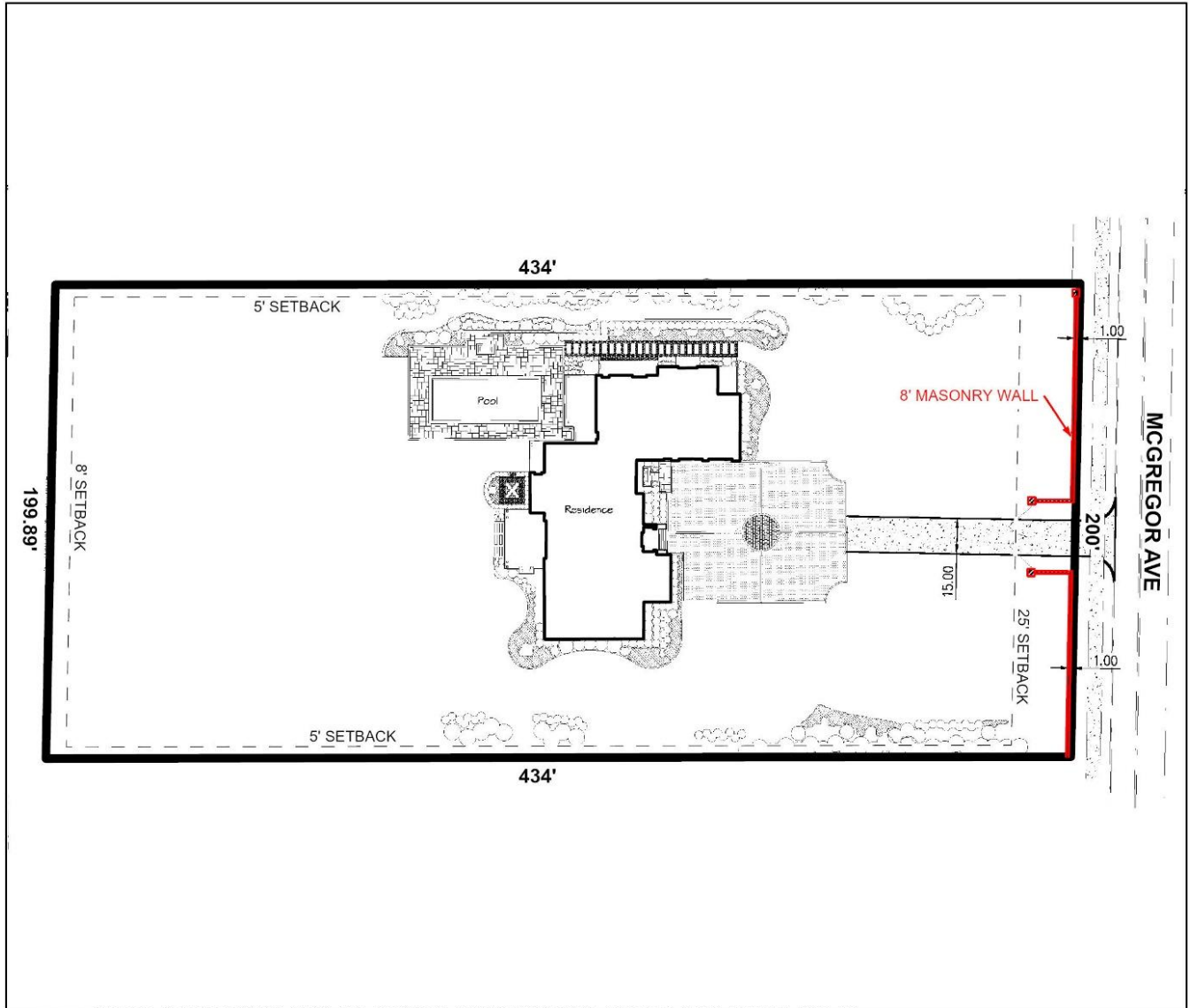
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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| APPLICANT <u>Samuel St. John</u>  |   |  |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |   |   |   |   |  |   |  |   |   |   |   |  |
| REQUEST <u>Setback Variance</u>   |   |  |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |  |  |   |   |   |   |  |   |  |   |   |   |   |  |
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# SITE PLAN



The site plan illustrates the proposed wall placements and current buildings.

APPLICATION NUMBER 6745 DATE April 6, 2026

APPLICANT Samuel St. John

REQUEST Setback Variance





## 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

