



Agenda Item # 06

BOA-003368-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1359 Polaris Drive

Applicant / Agent:

Maged Farag

Property Owner:

Maged Farag

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6678

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) defines CONEX shipping containers as temporary portable storage units, which may not be on the site more than sixty (60) days in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Site Variance to allow a CONEX shipping container to be used as a permanent storage building in an R-1, Single-Family Residential Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6678	DATE	July 7, 2025
APPLICANT	Maged Farag		
REQUEST	Site Variance		



SITE HISTORY

The site was part of the Skyland Park Subdivision, Third Unit, which was approved by the Planning Commission and recorded in Probate Court in 1955.

There have been no other applications to the Board of Zoning Adjustment or the Planning Commission previously.

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 a Site Variance to allow a CONEX shipping container to be used as a permanent storage building in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) defines CONEX shipping containers as temporary portable storage units, which may not be on the site more than sixty (60) days 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.

The subject site has an existing single-family dwelling on the site. On April 7, 2025, staff received a 311 complaint that a large storage pod was being delivered to the site. Upon inspection, staff determined that a CONEX shipping container had been placed on the site, without permits, and issued a Notice of Violation (NOV) to the property owner.

Chapter 64, Article 8 of the UDC defines "Temporary Portable Storage Unit" as: *"A transportable, standardized, reusable vessel or container, or receptacle that is originally and specifically designed for or is used in stowing, packing, shipping, moving or transporting freight, articles, goods or commodities, is designed for or is capable of being mounted or moved on a truck, and is located at site for temporary storage of personal property or any similar device. Examples include "Pack-Rat", "PODS®," or shipping container ("CONEX")."*

Chapter 64, Article 4-10.A.6.(a)1-6 states the following conditions for portable storage units:

- (1) Temporary Portable Storage Units are allowed when associated with construction of Buildings or Structures with an active Building Permit, for the duration of construction activities.
- (2) Temporary Portable Storage Units placed during any period of declared emergency by federal, state or local official action shall not be subject to this subsection.
- (3) Temporary Portable Storage Units shall not be placed in any right-of-way without Engineering/Traffic Engineering approval, storm water facility/detention area, septic field, easement or on public property without City approval, and shall not create a Site obstruction for any vehicular or pedestrian traffic. Placement of Temporary Portable Storage Units shall comply with the "visibility at intersections" requirements set forth in Article 3;
- (4) No mechanical, plumbing or electrical installations or connections shall be made to the Temporary Portable Storage Unit;
- (5) Temporary Portable Storage Units shall not be used for the storage of flammable or Hazardous Substances, live animals or human habitation; and
- (6) A Temporary Portable Storage Unit shall not be stacked on top of another structure.

There are no active building permits for the subject site, and no emergency has been declared for the City of Mobile. However, the structure is on private property where it complies with setbacks and site coverage; has no mechanical, electrical, or plumbing connections; and is not stacked on top of another structure. The applicant states that the structure is to be used for personal storage, including tools and materials for planned renovations to the existing dwelling. If approved, it should be noted that it cannot be used for the storage of flammable or hazardous substances, live animals, or human habitation.

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:

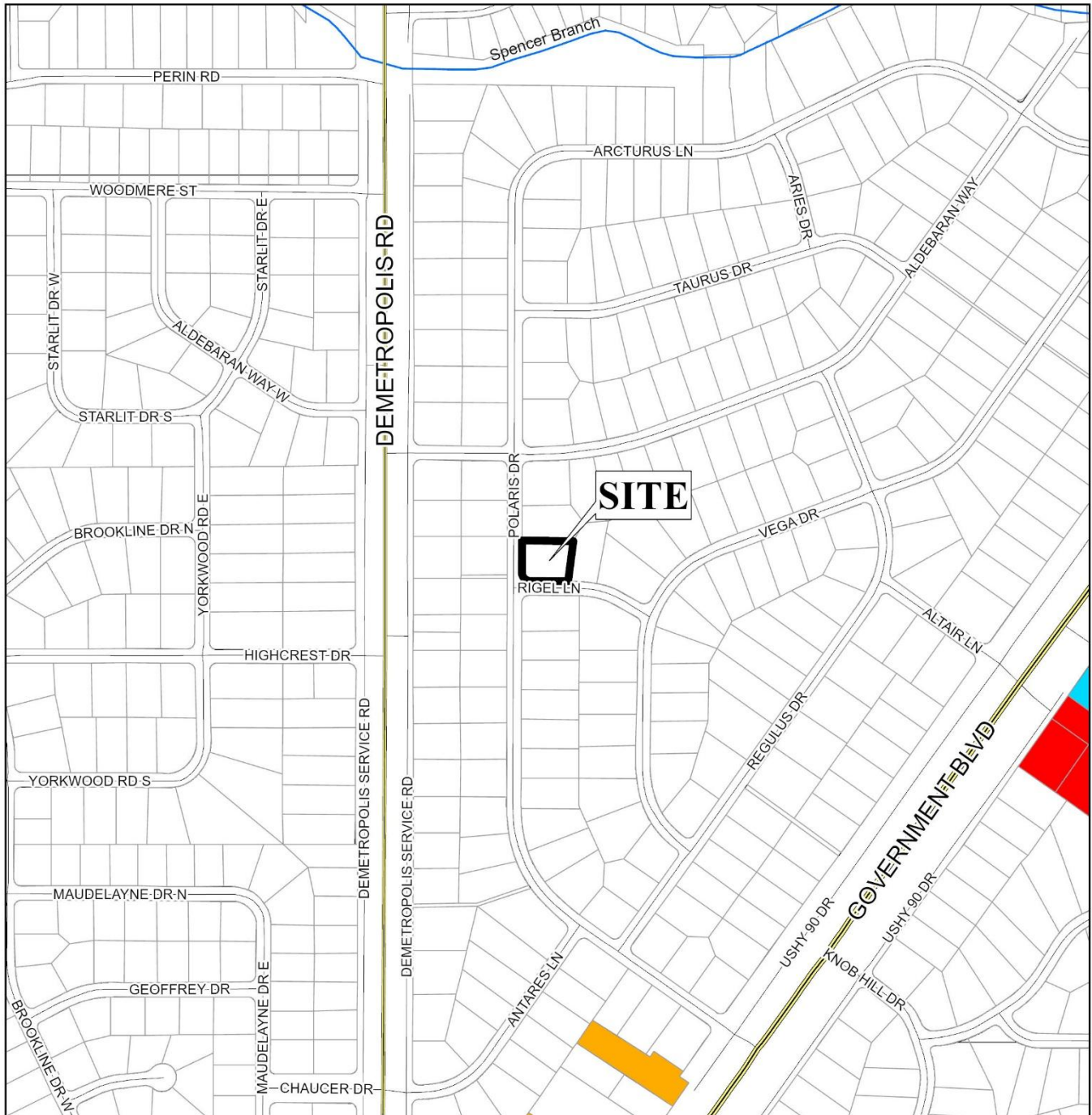
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 approved, it should be subject to the following conditions:

1. No mechanical, plumbing or electrical installations or connections shall be made to the CONEX shipping container;
2. The CONEX shipping container cannot be used for the storage of flammable or hazardous substances, live animals, or human habitation;
3. Obtaining after-the-fact permits; and
4. Compliance with all municipal codes and ordinances.

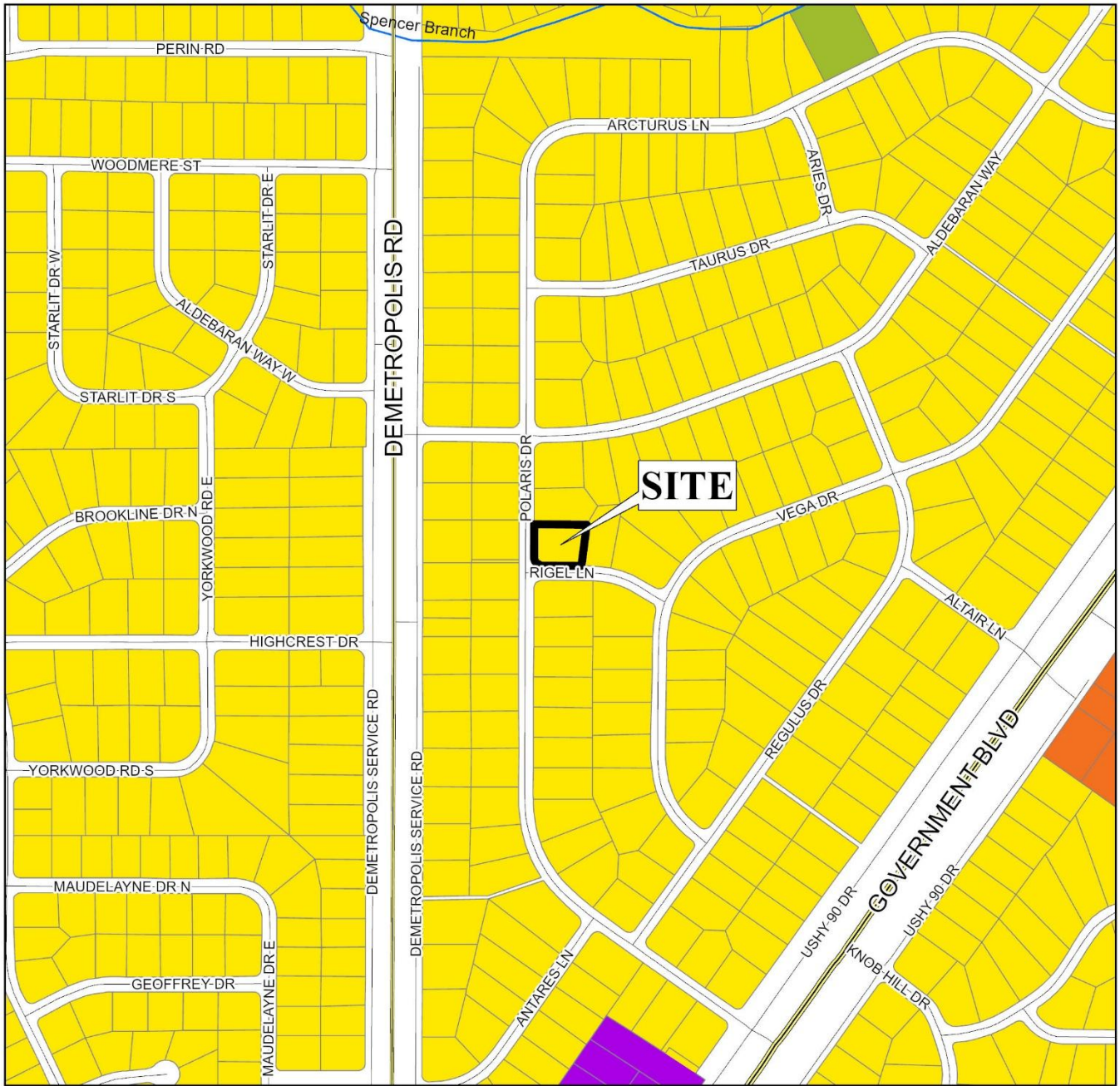
LOCATOR ZONING MAP



APPLICATION NUMBER 6678 DATE July 7, 2025
 APPLICANT Maged Farag
 REQUEST Site Variance



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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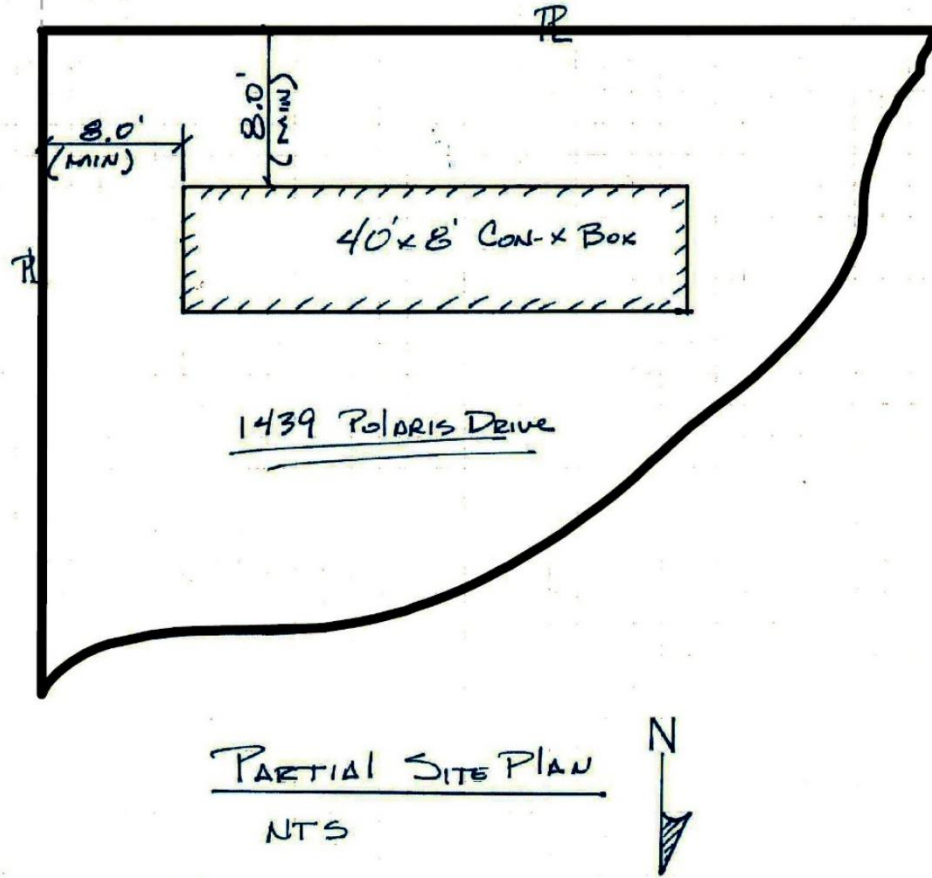
APPLICANT Maged Farag

REQUEST Site 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

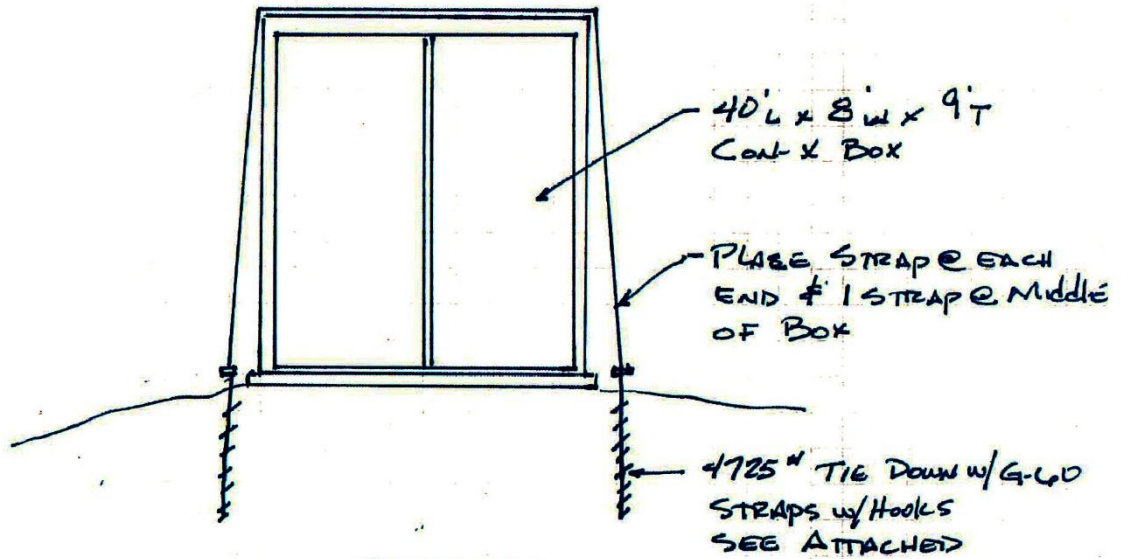


The site plan illustrates the proposed CONEX location.

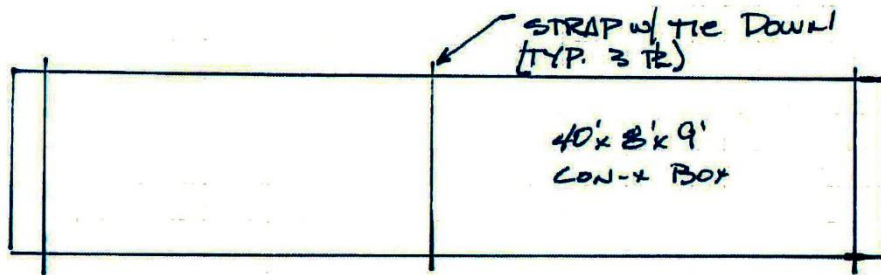
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DETAIL SITE PLAN



SECTION
NTS



PLAN
NTS

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DETAIL SITE PLAN



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DETAIL SITE PLAN



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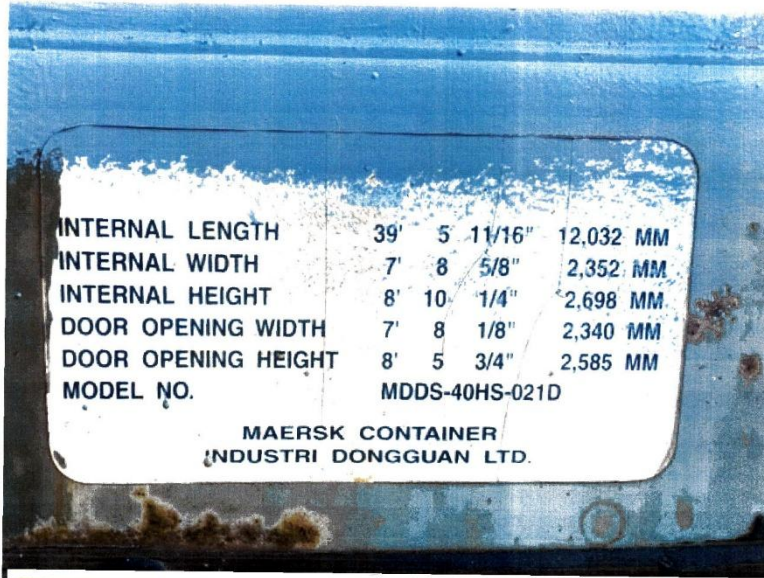
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DETAIL SITE PLAN



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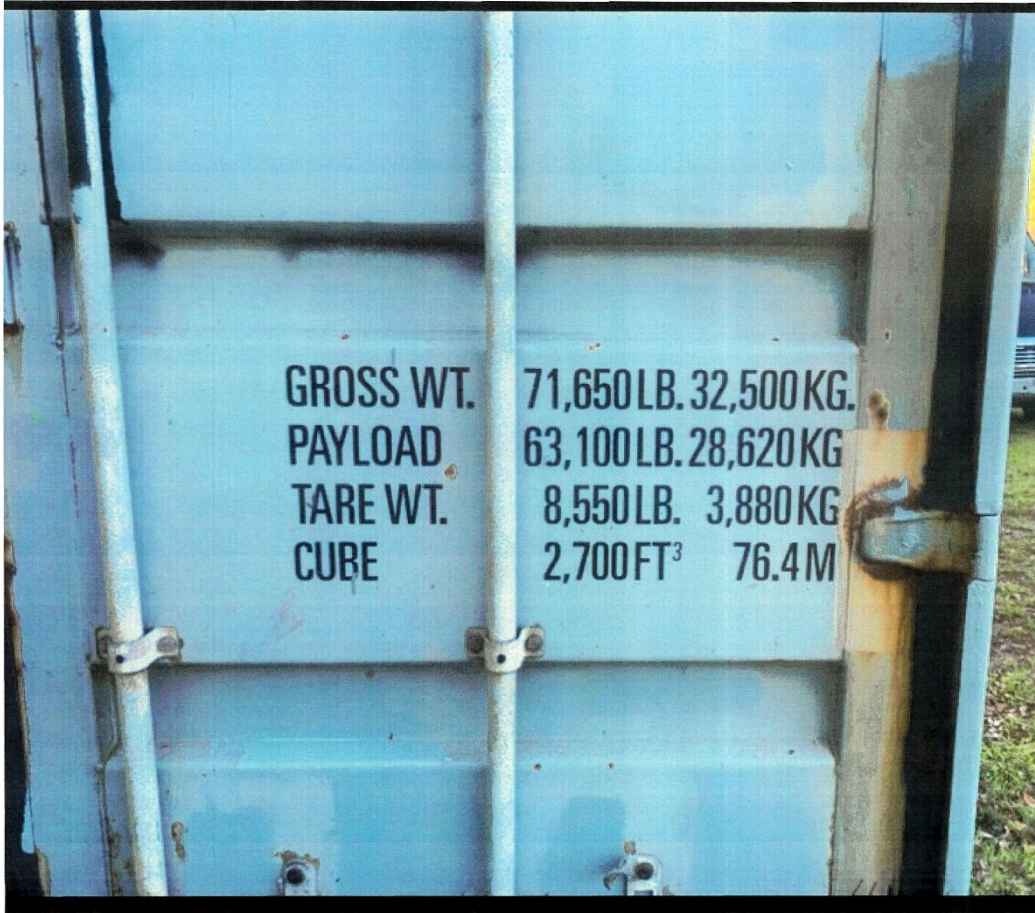
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DETAIL SITE PLAN



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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 (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)



MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.