



Agenda Item # 6

BOA-003606-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4250 & 4300 Dauphin Island Parkway

Applicant / Agent:

Mobile Area Water and Sewer System

Property Owner:

Board of Water and Sewer Commissioners of the City of Mobile

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number:

6732

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) prohibits structures within the front 25-foot setback and barbed wire in an R-1, Single-Family Residential Suburban District; requires concrete, asphaltic concrete, asphalt, or an approved alternative parking surface; requires the provision of compliant off-street parking, and full compliance with tree planting and landscape area requirements.

Board Consideration:

- Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances to allow a lift station less than 25 feet from the front property line, with barbed wire around the site, aggregate surfacing, no off-street parking, and no tree plantings and landscaped area in an R-1, Single-Family Residential Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	7

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 6732 DATE March 2, 2026
APPLICANT Mobile Area Water and Sewer System
REQUEST Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances



NTS

SITE HISTORY

The site was annexed into the Mobile City limits in 1956 and given a single-family residential zoning classification, a designation it retained through the adoption of the 1967 Zoning Ordinance.

There are no previous Planning Commission or Board of Zoning Adjustment cases on record for the property.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

1. The proposed improvements will require that a Land Disturbance 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.
5. 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 Engineer.

Traffic Engineering Comments:

No comments on the proposed variance.

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 Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances to allow a lift station less than 25 feet from the front property line, with barbed wire around the site, aggregate surfacing, no off-street parking, and no tree plantings and landscaped area in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) prohibits structures within the front 25-foot setback and barbed wire in an R-1, Single-Family Residential Suburban District; requires concrete, asphaltic concrete, asphalt, or an approved alternative parking surface; requires the provision of compliant off-street parking, and full compliance with tree planting and landscape area requirements.

Although the site is zoned R-1, the proposed development is considered commercial, and development of the site must be in compliance with the Development Standards of Section 64-3 of the Unified Development Code (UDC). The entire application packet is available via the link on Page 1.

The 4300 Dauphin Island Parkway portion of the subject site is currently developed as a sewage lift station. The applicant proposes to demolish that station and replace it with a new lift station. As proposed, one (1) structure would encroach into the required 25-foot front yard setback; the site would be enclosed in barbed wire fencing; all vehicle parking and maneuvering surfaces would be aggregate; no vehicle parking would be provided; and no tree planting or landscaping would be provided. The applicant seeks relief from these requirements of the Unified Development Code (UDC).

The Motor Control Center for the site is proposed to be approximately 20 feet from the Dauphin Island Parkway right-of-way, whereas a 25-foot setback is required. Pertaining to the Front Yard Setback Variance request, the applicant asserts that site development constraints associated with a 50-foot easement and construction and operational activities in the proximity to wetlands limit the site to the proposed configuration.

Justification for the Barbed Wire Variance request is that barbed wire is required due to the presence of operating equipment on-site within the fence perimeter, and that public access to this equipment must be restricted to prevent injury and/or theft.

The applicant gives as justification for the Surfacing Variance request that gravel surfacing with geofabric underlining will help mitigate stormwater runoff while maintaining foundational integrity to the site. It is asserted that this will reduce disturbance to the existing landscape, allow for future maintenance access, and limit impervious surface area.

As to the Reduced Parking Variance request, the applicant erroneously contends that there is no designated parking required for the proposed lift station, as it operates automatically and is unmanned with no long-term parking.

The applicant also erroneously contends that, as the site is zoned R-1, it is not required to provide tree plantings and landscaping. It is stated that a screened security fence will be provided. As the site abuts R-1 property, a compliant residential buffer should be illustrated.

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 Code 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 present:

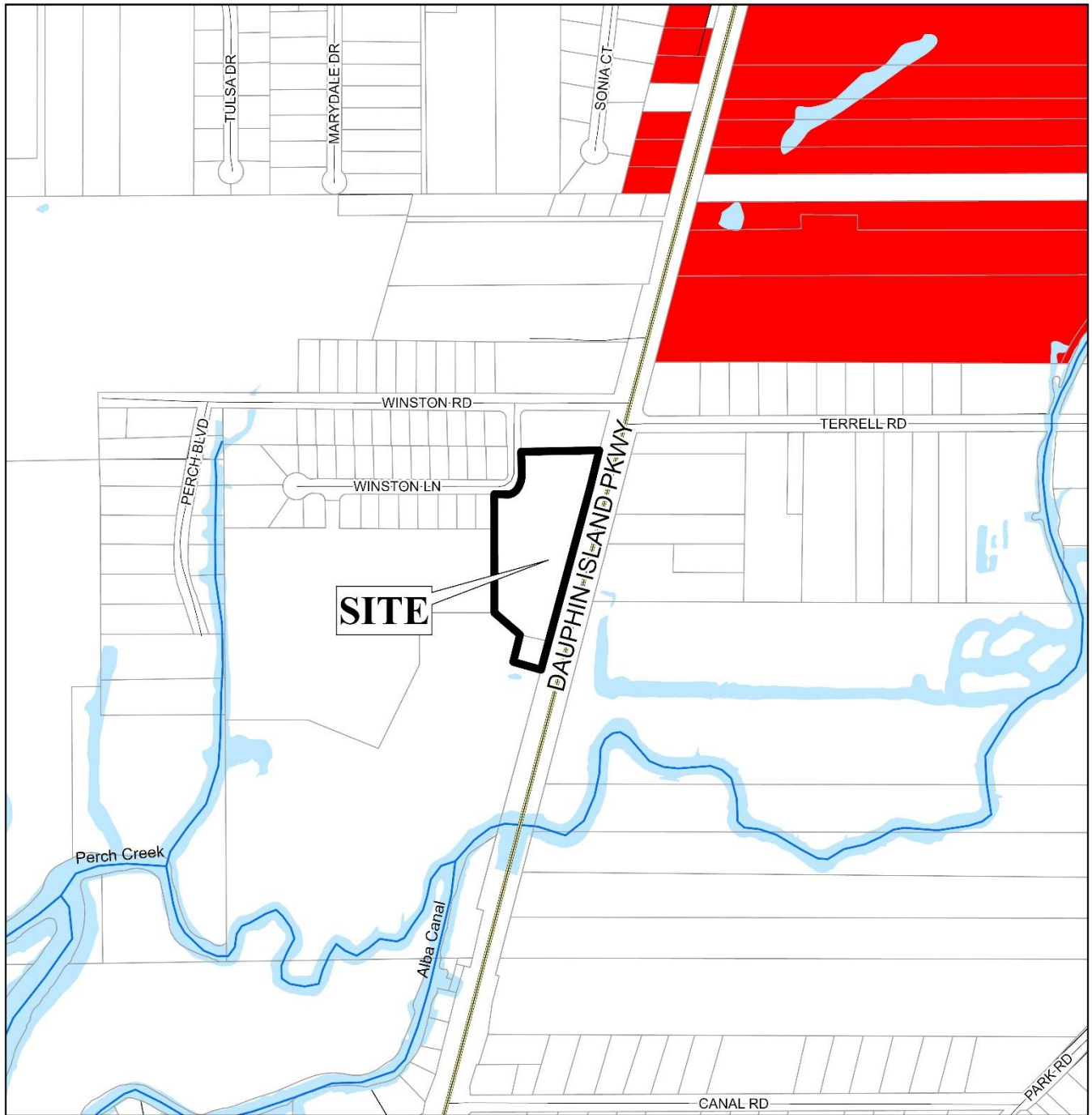
- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance.

If approved, the following conditions should apply:

- 1) Approval of the Special Exception;
- 2) Completion of a one (1)-lot subdivision to make the site a legal lot of record prior to obtaining permits;

- 3) Provision of a compliant residential buffer;
- 4) Either approval of a Sidewalk Waiver, or the provision of a sidewalk;
- 5) Obtaining all necessary building permits; and
- 6) Full compliance with all municipal codes and ordinances.

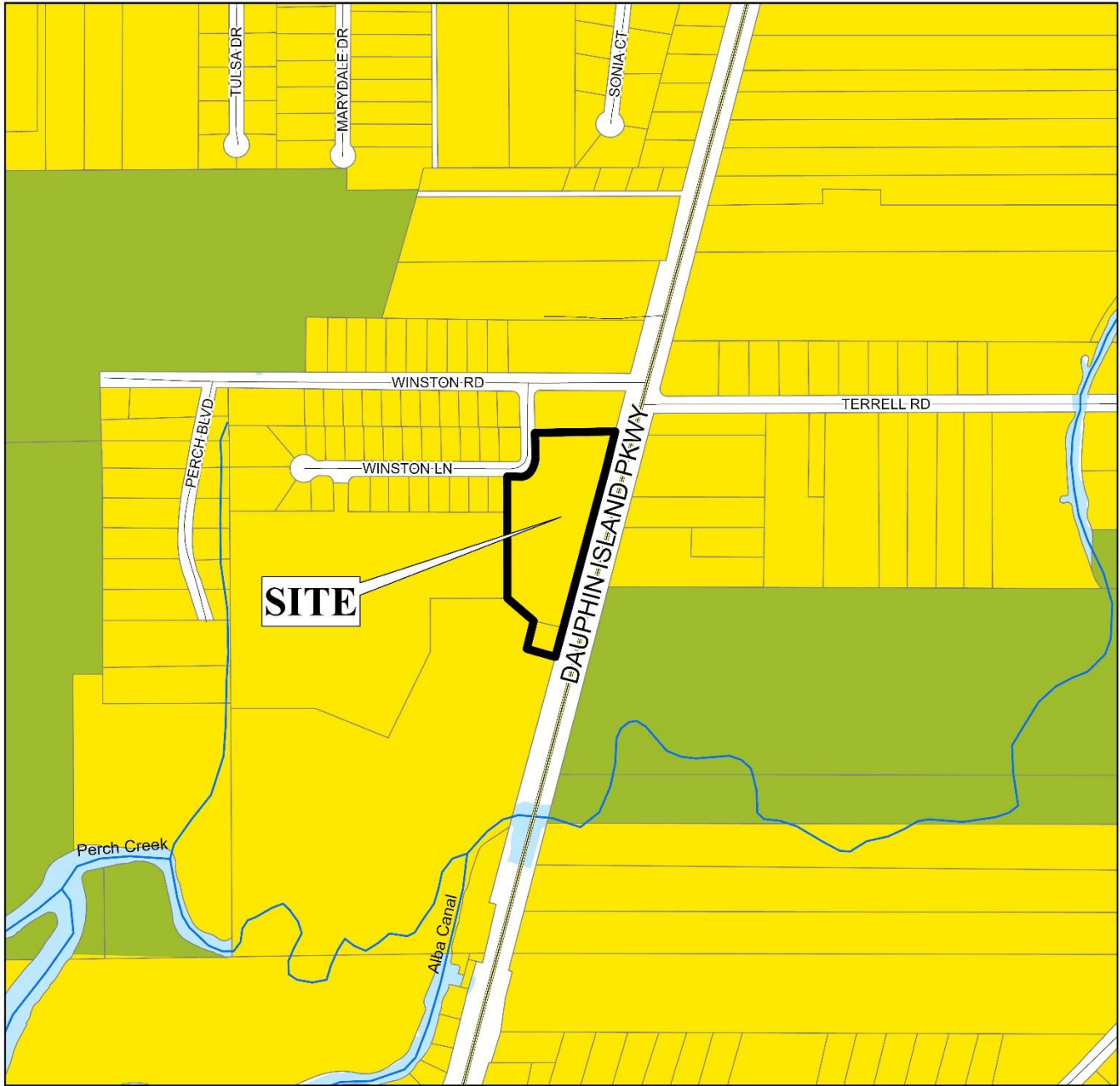
LOCATOR ZONING MAP



APPLICATION NUMBER 6732 DATE March 2, 2026
APPLICANT Mobile Area Water and Sewer System
REQUEST Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6732 DATE March 2, 2026

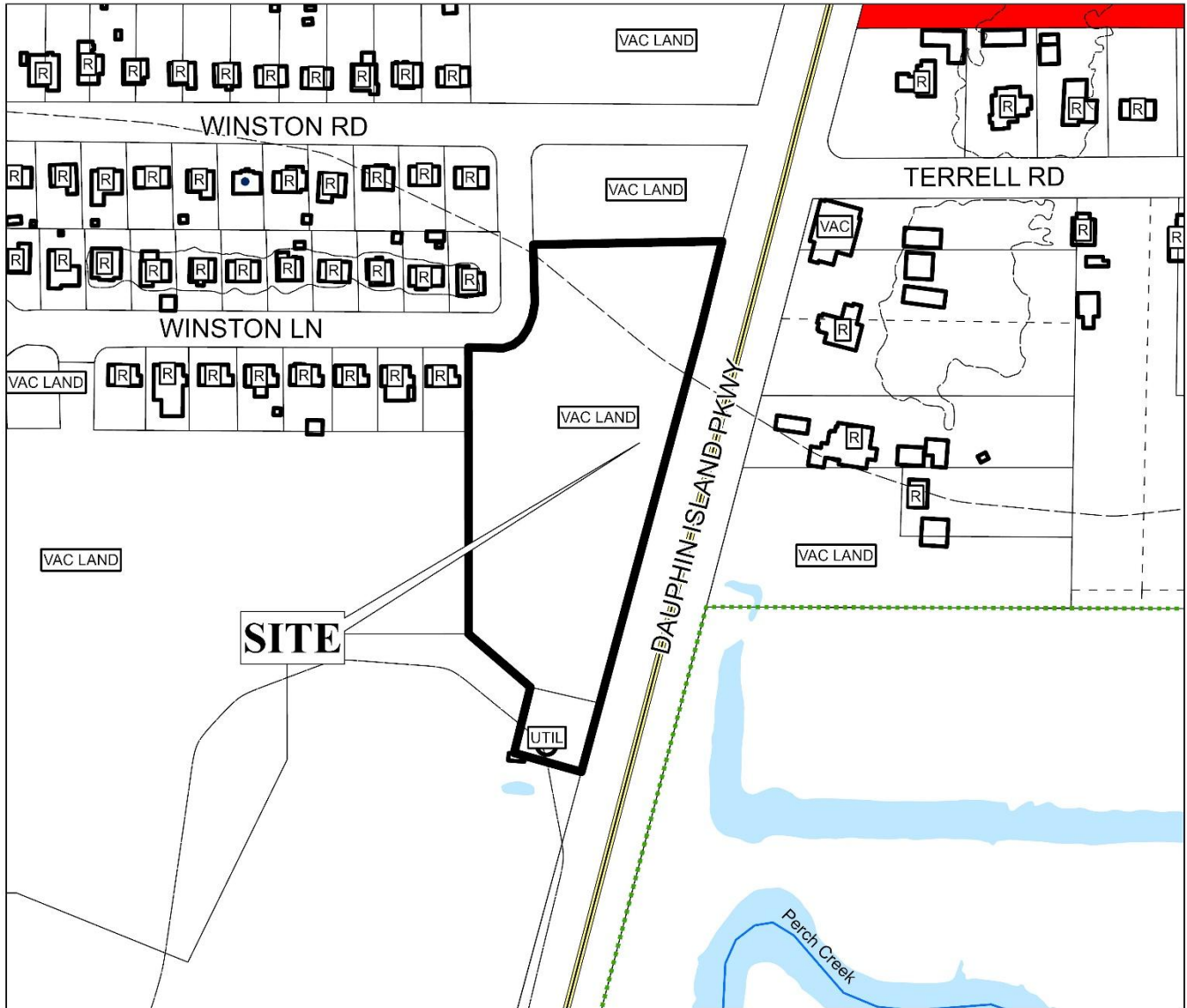
APPLICANT Mobile Area Water and Sewer System

REQUEST Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances

- | | | | |
|---|--|---|---|
| ■ 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 | |



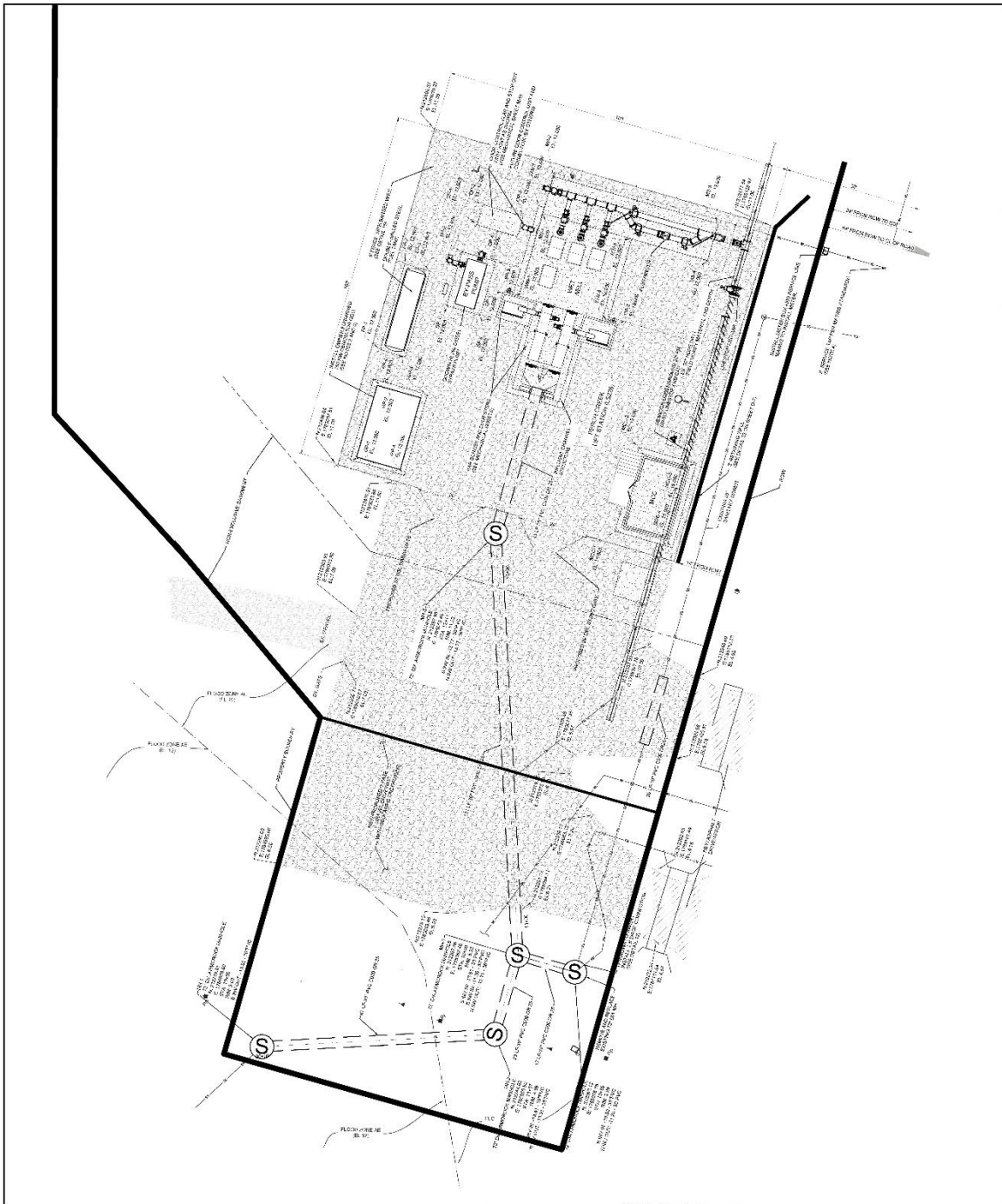
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

APPLICATION NUMBER <u>6732</u> DATE <u>March 2, 2026</u>	 N NTS																														
APPLICANT <u>Mobile Area Water and Sewer System</u>																															
REQUEST <u>Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances</u>																															
<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>		 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	
 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 proposed lift stations, pumps and wells.

APPLICATION NUMBER	6732	DATE	March 2, 2026	
APPLICANT	Mobile Area Water and Sewer System			
REQUEST	Front Yard Setback, Barbed Wire, Surfacing, Reduced Parking, and Tree & Landscaping Variances			

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

