



Agenda Item # 6

BOA-003349-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

2308 Ashland Place Avenue

Applicant / Agent:

William Price & M Curry Moore Stahl

Property Owner:

William Price & M Curry Moore Stahl

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6746/ 6673

Unified Development Code (UDC) Requirement:

- The UDC requires R-1, Single-Family Residential Urban District corner lots within locally regulated historic districts to have setbacks no less than the side street side yard setback of other corner lots, along the same side of the street.

Board Consideration:

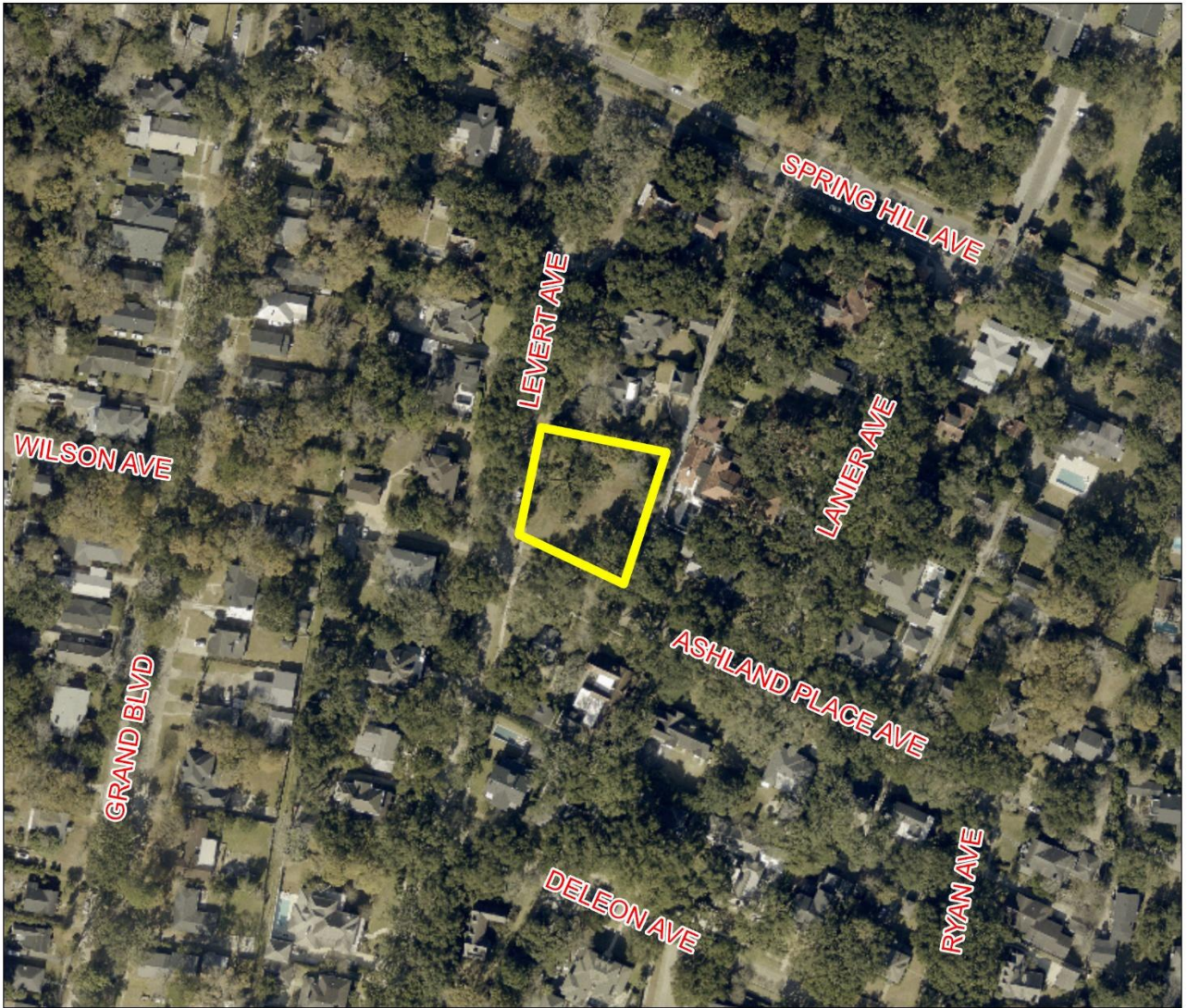
- Setback Variance to allow reduced side street side yard setbacks in an R-1, Single-Family Residential Urban District located within a locally regulated historic district.

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 <u> 6746 </u> DATE <u> April 6, 2026 </u> |  NTS |
| APPLICANT <u> William Price & M. Curry Moore Stahl </u> | |
| REQUEST <u> Setback Variance </u> | |

SITE HISTORY

The site has existed in its current configuration since at least 1937, and has been officially been granted legal non-conforming lot status in May 2025 by staff.

The subject site previously had a single-family dwelling, which suffered a fire after a lightning strike in September 2019. A demolition permit was issued for the property in April 2020.

The site received approval by the Board of Zoning Adjustment at its June 2, 2025 meeting to allow reduced side street side yard setbacks. The approval has since expired.

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

STAFF COMMENTS

Engineering Comments:

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

1. The proposed site 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.

Traffic Engineering Comments:

The existing 5' setback along the Alley should be maintained for line of sight.

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:

Setback Variance to allow reduced side street side yard setbacks in an R-1, Single-Family Residential Urban District located within a locally regulated historic district; the Unified Development Code (UDC) requires R-1, Single-Family Residential Urban District corner lots within locally regulated historic districts to have setbacks no less than the side street side yard setback of other corner lots, along the same side of the street.

It should be noted that this variance request was previously approved. The applicant was unable to obtain permit(s) within 6 months of the previous approval, therefore the variance expired. The applicant recently applied for building permits and as result, a new variance approval is required. The previous variance was granted with the following conditions:

- 1) Provision of gutters and downspouts for the accessory structure; and*
- 2) Compliance with all other codes and ordinances.*

A narrative describing the request can be viewed using the link on Page 1 of this report.

The subject site is currently vacant, and the applicant is proposing to build a new single-family dwelling on the site, which is located in the Ashland Place Historic District. As the Ashland Place Historic District is a locally regulated historic district, the site is subject to the Historic District Overlay, as outlined in Article 14 of the UDC. Table 64-14-1.1 states, "For corner lots, side yards on side streets may be no less than the side yard setback of the other corner lots, along the same side street, at the same intersection. If there is no structure by which to measure, then the setback requirements of Article 3 shall apply." As the only other corner lot at the same intersection has a 40-foot setback along Levert Avenue, the subject site is required to have at least a 40-foot setback along Levert Avenue as well; the applicant is requesting a 25-foot setback along Levert Avenue. The applicant is also requesting that an accessory structure with a garage door be allowed to have a 0-foot setback along an existing alley. It should be noted that Table 64-14-1.1 states "If a side or rear setback is less than five (5) feet from the property line, gutter and downspouts shall be provided."

The previous structure on the property was approximately 16-feet from the alley and approximately 40-feet from Levert Avenue. The applicant states that the proposed setbacks for the new dwelling are in keeping with the

average setbacks of other dwellings located on corner lots in the area, but those structures are not located within the 150-foot buffer outlined in the Historic District Overlay. The applicant also states that the proposed setbacks will avoid disturbing multiple large, mature live oaks on the property. The applicant could both comply with setback requirements and leave the trees undisturbed by either altering or reducing the size of the proposed building footprint.

It should be noted that the combined building footprint of all structures depicted on the site plan does not exceed the 50% maximum site coverage limitation of the UDC for residential lots in locally regulated historic districts.

Finally, a Certificate of Appropriateness was issued for the proposed residence in July 2025.

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:

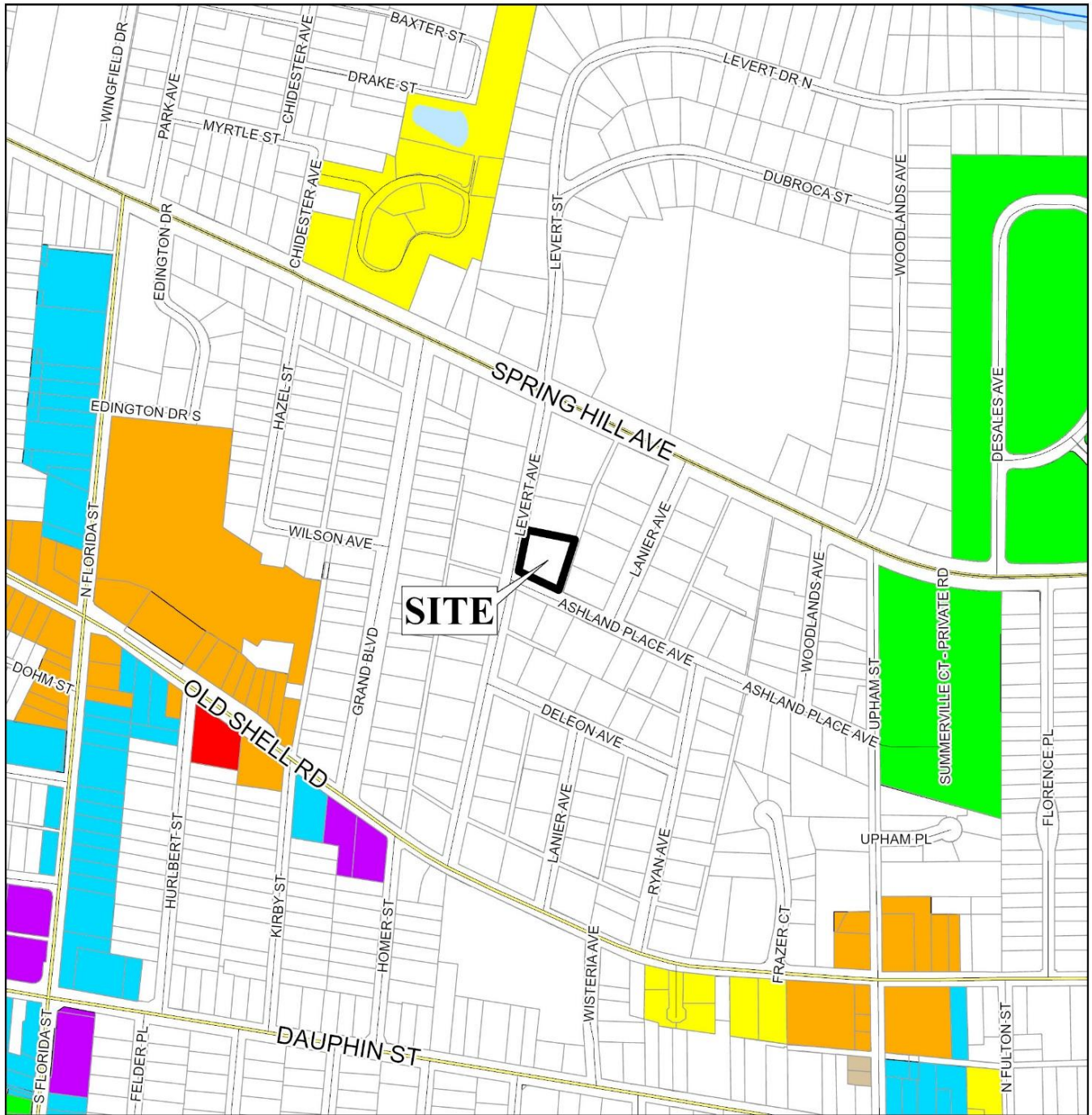
- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant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

If the Board considers approving the variance request, it could be subject to the following conditions:

- 1) Provision of gutters and downspouts for the accessory structure; and

2) Compliance with all other codes and ordinances.

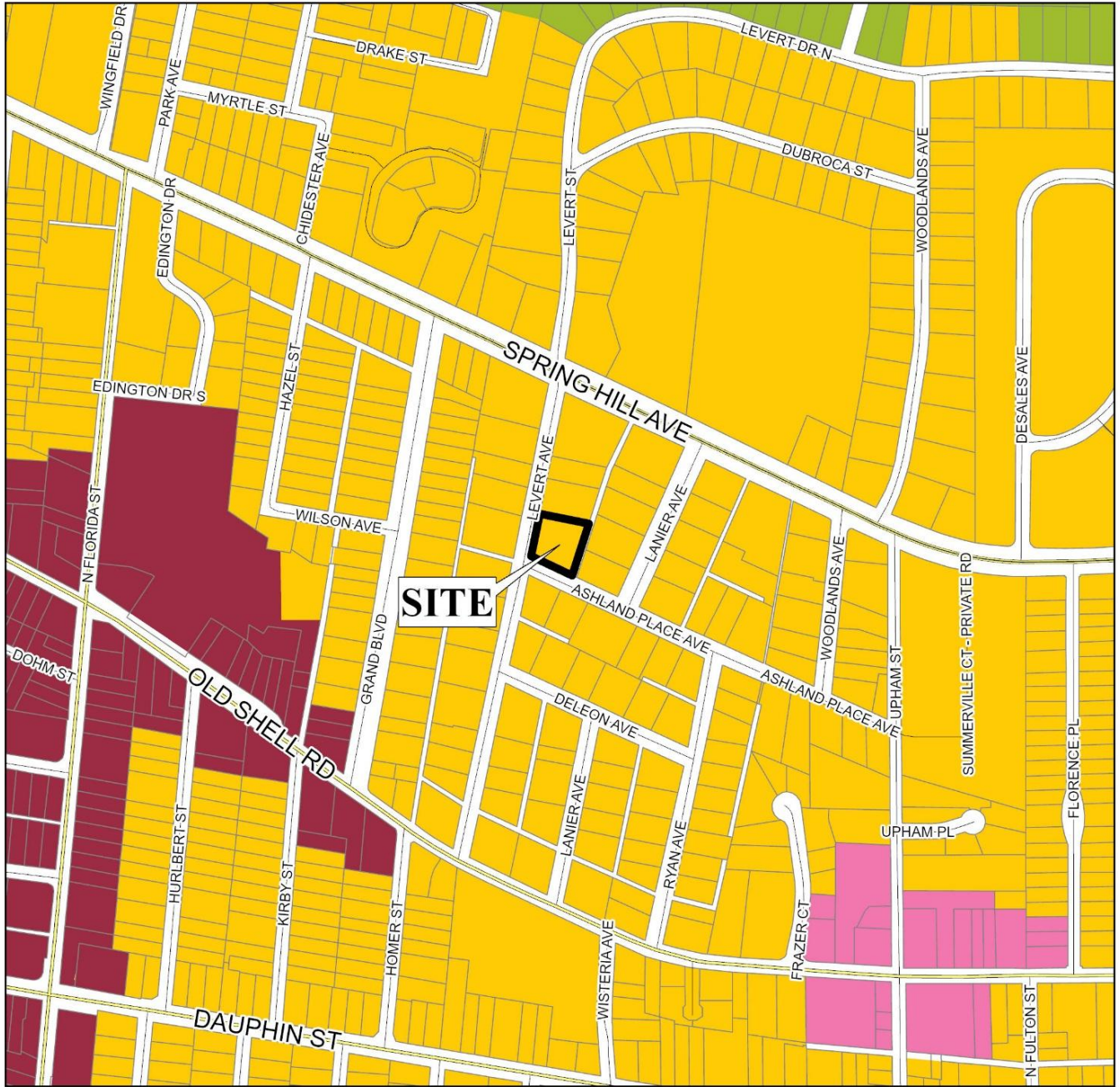
LOCATOR ZONING MAP



APPLICATION NUMBER 6746 DATE April 6, 2026
 APPLICANT William Price & M. Curry Moore Stahl
 REQUEST Setback Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6746 DATE April 6, 2026

APPLICANT William Price & M. Curry Moore Stahl

REQUEST Setback Variance


- | | | | |
|---|---|---|---|
| ■ 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>6746</u> | DATE <u>April 6, 2026</u> |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| APPLICANT <u>William Price & M. Curry Moore Stahl</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REQUEST <u>Setback Variance</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 the proposed building placements and drives.

| | |
|---|--------------|
| APPLICATION NUMBER <u>6746</u> DATE <u>April 6, 2026</u> | N NTS |
| APPLICANT <u>William Price & M. Curry Moore Stahl</u> | |
| REQUEST <u>Setback Variance</u> | |

DETAIL SITE PLAN



2 ELEVATION
SCALE: 1/8"=1'-0"



1 ELEVATION
SCALE: 1/8"=1'-0"

APPLICATION NUMBER 6746 DATE April 6, 2026

APPLICANT William Price & M. Curry Moore Stahl

REQUEST Setback Variance



DETAIL SITE PLAN



4 ELEVATION
S.S. 10'-1'-0"



3 ELEVATION
S.S. 10'-1'-0"

APPLICATION NUMBER 6746 DATE April 6, 2026

APPLICANT William Price & M. Curry Moore Stahl

REQUEST Setback Variance



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6746 DATE April 6, 2026

APPLICANT William Price & M. Curry Moore Stahl

REQUEST Setback Variance



NTS

DETAIL SITE PLAN



APPLICATION NUMBER 6746 DATE April 6, 2026

APPLICANT William Price & M. Curry Moore Stahl

REQUEST Setback Variance



NTS