



**Agenda Item # 6**  
**BOA-003705-2026**

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

[Applicant Materials for Consideration](#)

**DETAILS**

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**Location:**

3975 Pinebrook Drive South

**Applicant / Agent:**

195 LLC

**Property Owner:**

Cory Bronenkamp

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low Density Residential

**Case Number(s):**

6749

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

- The Unified Development Code (UDC) requires structures taller than three feet (3') to be located outside of the 25' foot front yard setback on an R-1, Single Family Residential Suburban District.

**Board Consideration:**

- Front Yard Setback to allow a four-foot (4') tall solid brick wall within the front 25-foot setback in an R-1, Single-Family Residential Suburban District.

**Report Contents:**

	<b>Page</b>
Context Map .....	2
Site History .....	3
Staff Comments .....	3
Variance Considerations .....	4
Exhibits .....	6



## SITE HISTORY

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The subject property is a part of the Pinebrook Subdivision, a 32-lot Subdivision approved in 1960.

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

## STAFF COMMENTS

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### Engineering Comments:

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

### Traffic Engineering Comments:

The wall shown should be placed on private property and at least 15' away from the edge of road measured from nearest edge to nearest edge to ensure it doesn't block the line of site for the driveway.

### 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:

Front Yard Setback to allow a four-foot (4') tall solid brick wall within the front 25-foot setback in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires structures taller than three feet (3') to be located outside of the 25-foot front yard setback on an R-1, Single Family Residential Suburban District.

The complete application package can be viewed using the link on Page 1 of this report.

The applicant provided the following justification for the request:

**Statement of Hardship:** *The applicant seeks a variance due to the unique topographical conditions of the subject property. The lot possesses a significant upward slope from East to West, with the lowest elevation occurring at the driveway entrance and the highest at the Western property line.*

*A strict application of the 3-foot height limit would result in an "unnecessary hardship" because:*

1. **Topographical Diminishment:** *If the wall were constructed at a uniform 3-foot height starting from the lowest grade (driveway), the natural rise of the terrain would cause the wall to be effectively "buried" or reduced to a negligible height as it moves West. This would render the wall functionally useless for its intended purpose of property.*
2. **Lack of Reasonable Use:** *The additional 12 inches of height is necessary to maintain a level, aesthetically consistent, and functional structure that follows the site's natural contours. At the highest point of the grade, the requested 4-foot wall will only sit approximately 1 foot above the interior grade, demonstrating that the request is the minimum variance necessary to afford relief.*
3. **Public Safety:** *The proposed 4-foot height is at the driveway's lowest point and does not create a sight-distance hazard for vehicles exiting the property or for pedestrians on the public sidewalk.*

**Conclusion:** *This request is not based on a self-imposed preference, but rather on the unique physical characteristics of the land. The variance will not alter the essential character of the R-1 neighborhood nor impair the use of adjacent properties, as the wall will harmonize with the sloping terrain while adhering to the spirit of the Unified Development Code.*

There is currently a single-family dwelling on the subject property. The submitted site plan illustrates the proposed four-foot (4') tall wall along the front property line along with a proposed gate. The wall is located within the front 20-feet of the property. It should be noted that Staff was unable to find any similar setback variance approvals in the immediate vicinity.

## 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:

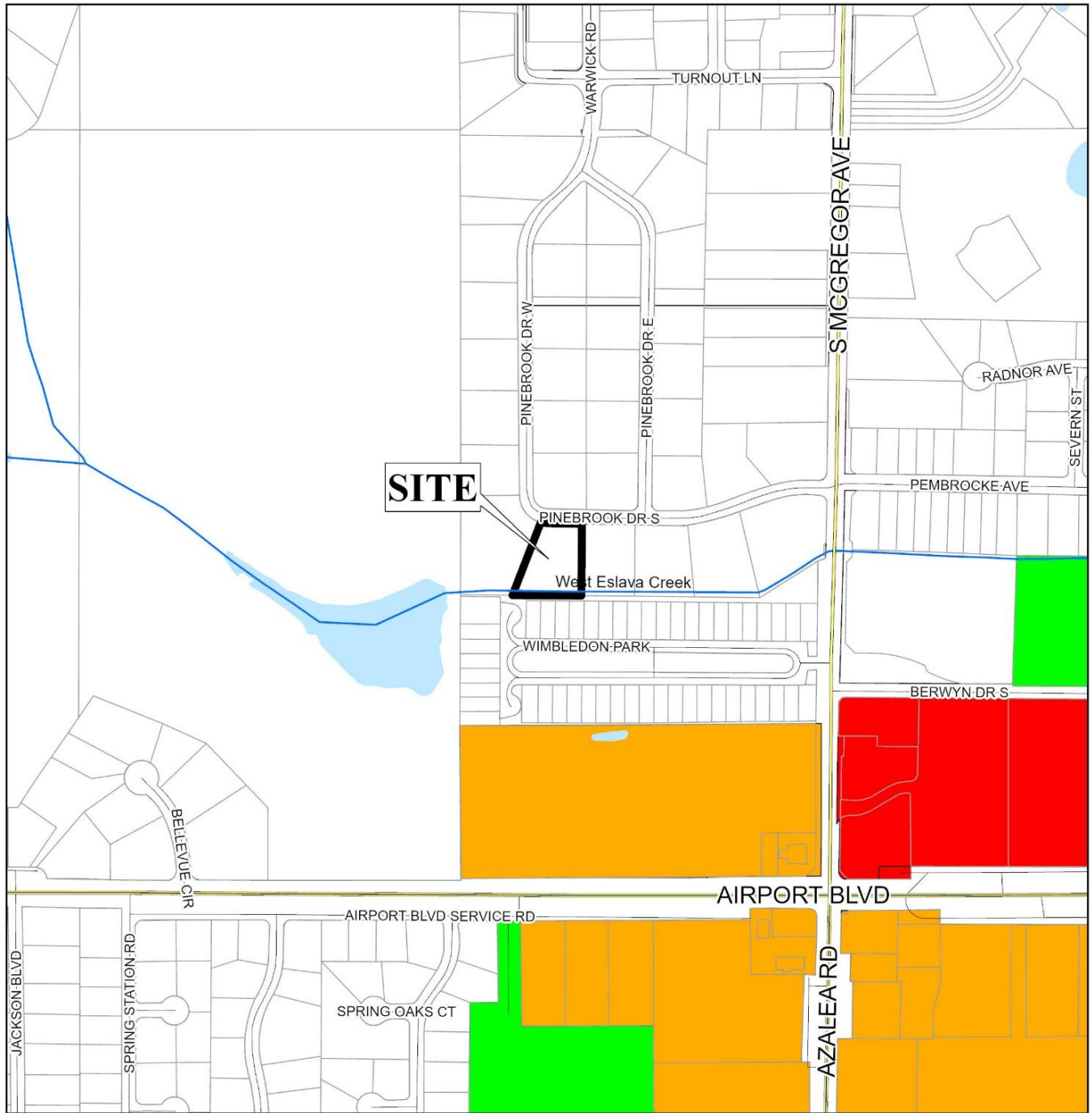
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

### **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.

# LOCATOR ZONING MAP



**SITE**

West Eslava Creek

WIMBLEDON PARK

BERWYN DR S

AIRPORT BLVD

AIRPORT BLVD SERVICE RD

SPRING OAKS CT

SPRING STATION RD

JACKSON BLVD

BELLEVUE CIR

WARWICK RD

TURNOUT LN

PINEBROOK DR W

PINEBROOK DR E

S MCGREGOR AVE

RADNOR AVE

SEVERN ST

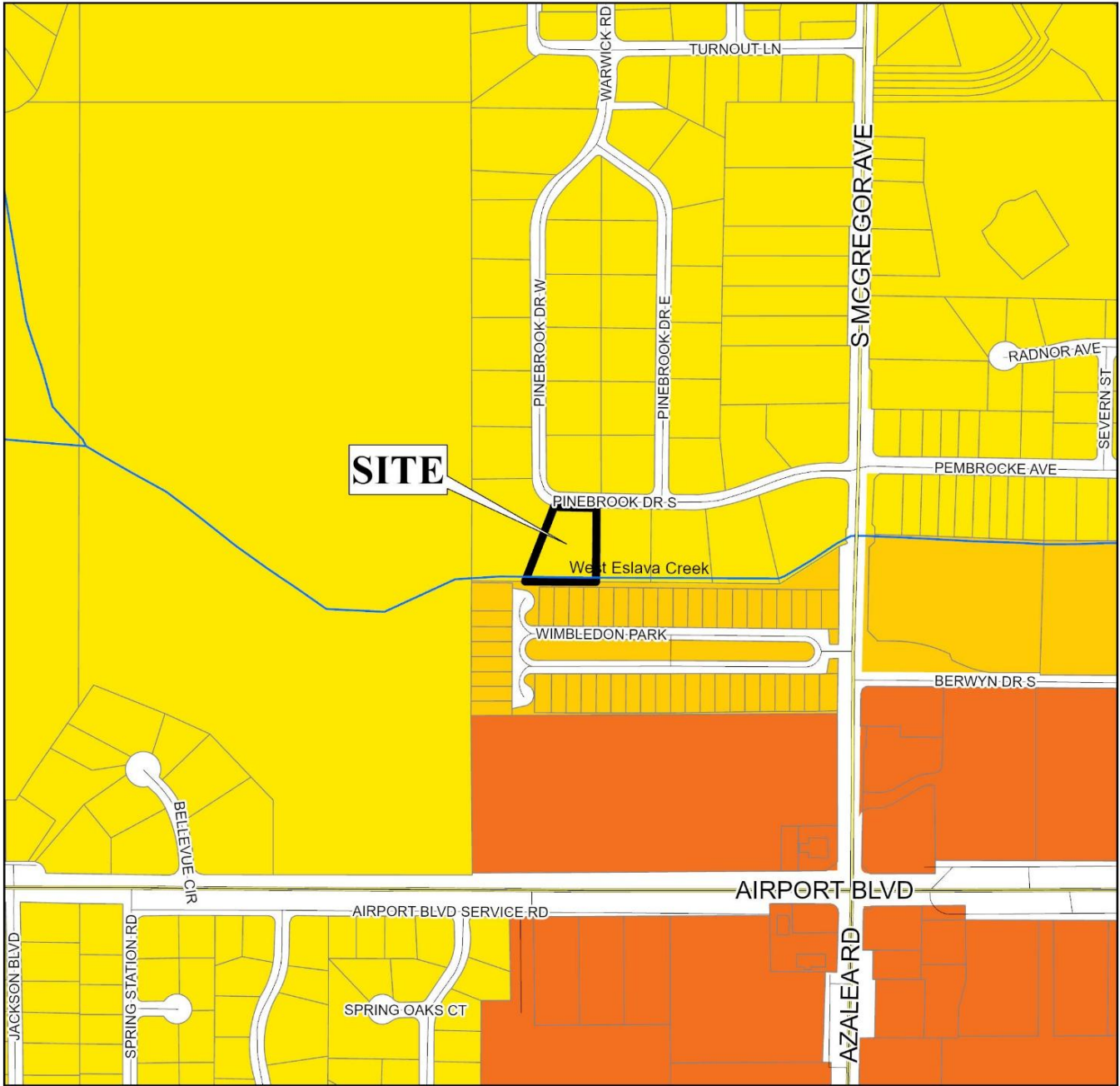
PEMBROKE AVE

PINEBROOK DR S

APPLICATION NUMBER	6749	DATE	May 4, 2026
APPLICANT	195 LLC		
REQUEST	Front Yard Setback Variance		



# FLUM LOCATOR MAP



APPLICATION NUMBER 6749 DATE May 4, 2026

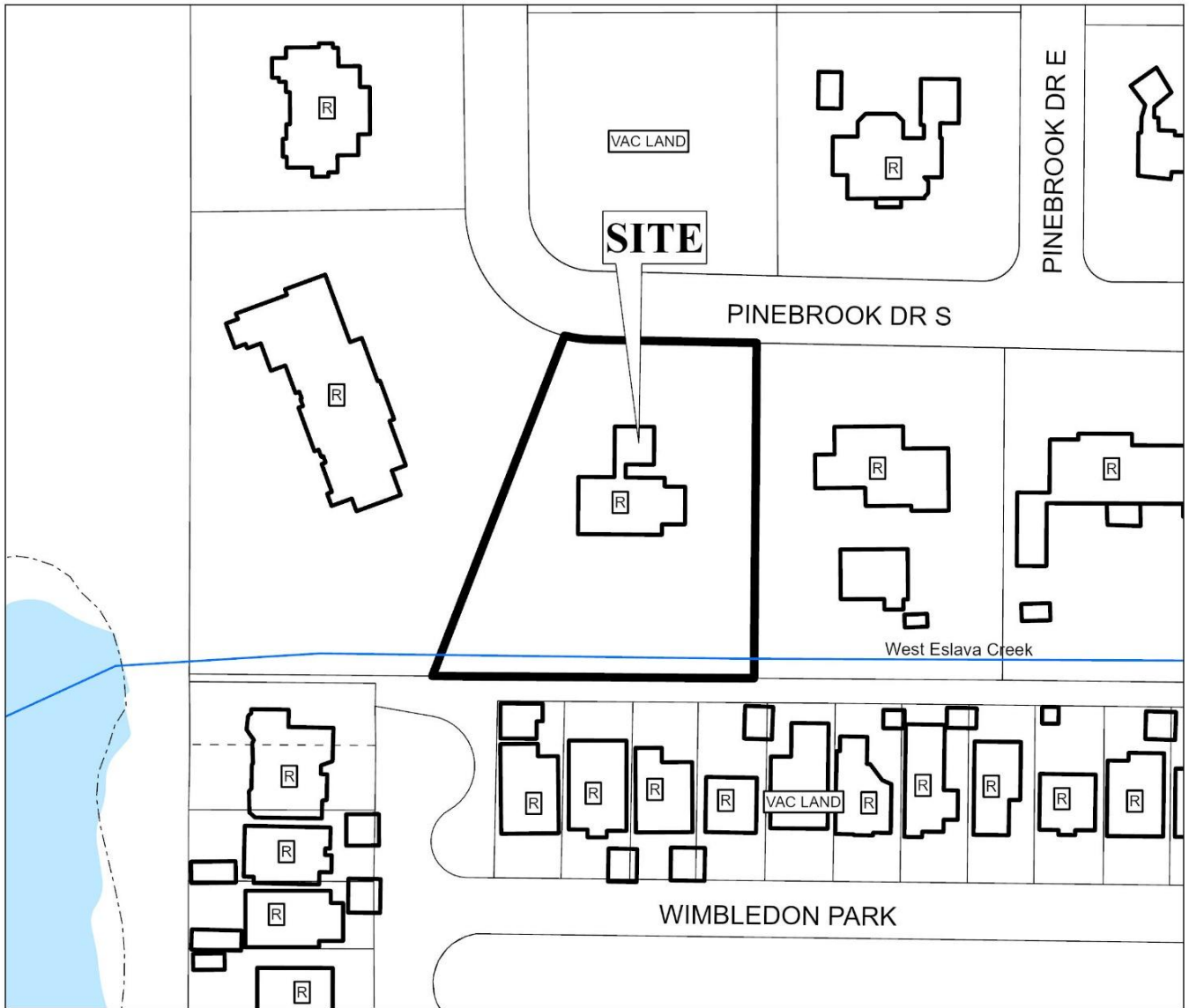
APPLICANT 195 LLC

REQUEST Front Yard 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: magenta;">■</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  |   |



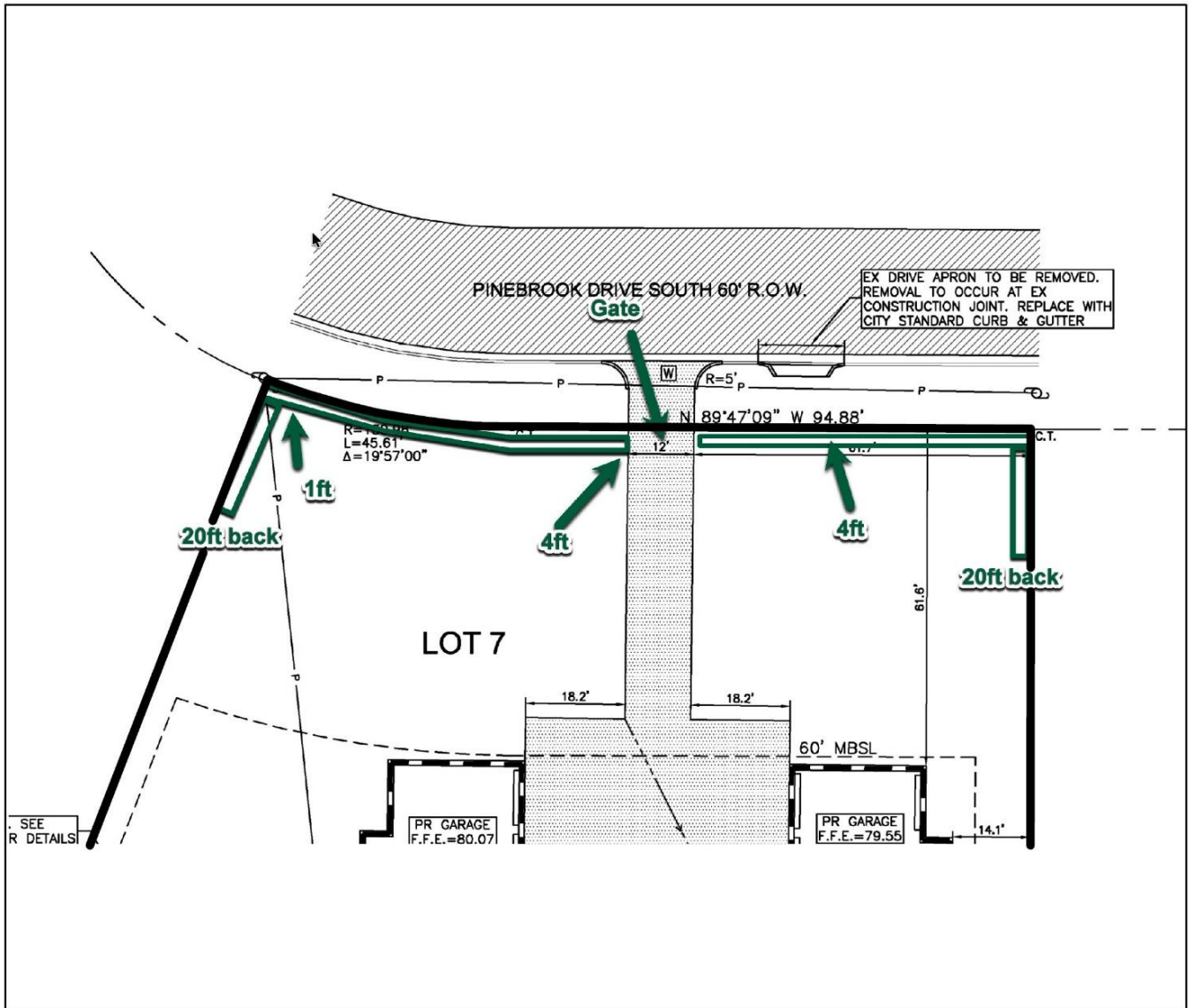
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER <u>6749</u>	DATE <u>May 4, 2026</u>	 NTS																														
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# SITE PLAN



The site plan illustrates the proposed brick wall placement.

APPLICATION NUMBER <u>6749</u> DATE <u>May 4, 2026</u>	 N NTS
APPLICANT <u>195 LLC</u>	
REQUEST <u>Front Yard Setback Variance</u>	