



Agenda Item # 6

BOA-003801-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1451 Cedar Crescent Drive

Applicant / Agent:

Byrd Surveying

Property Owner:

John S. Ray, Tenacious 4, LLC

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6770/6439/4819/4342/2484

Unified Development Code (UDC) Requirement:

- The UDC requires a protection buffer in an R-3, Multi-Family Residential Suburban District.

Board Consideration:

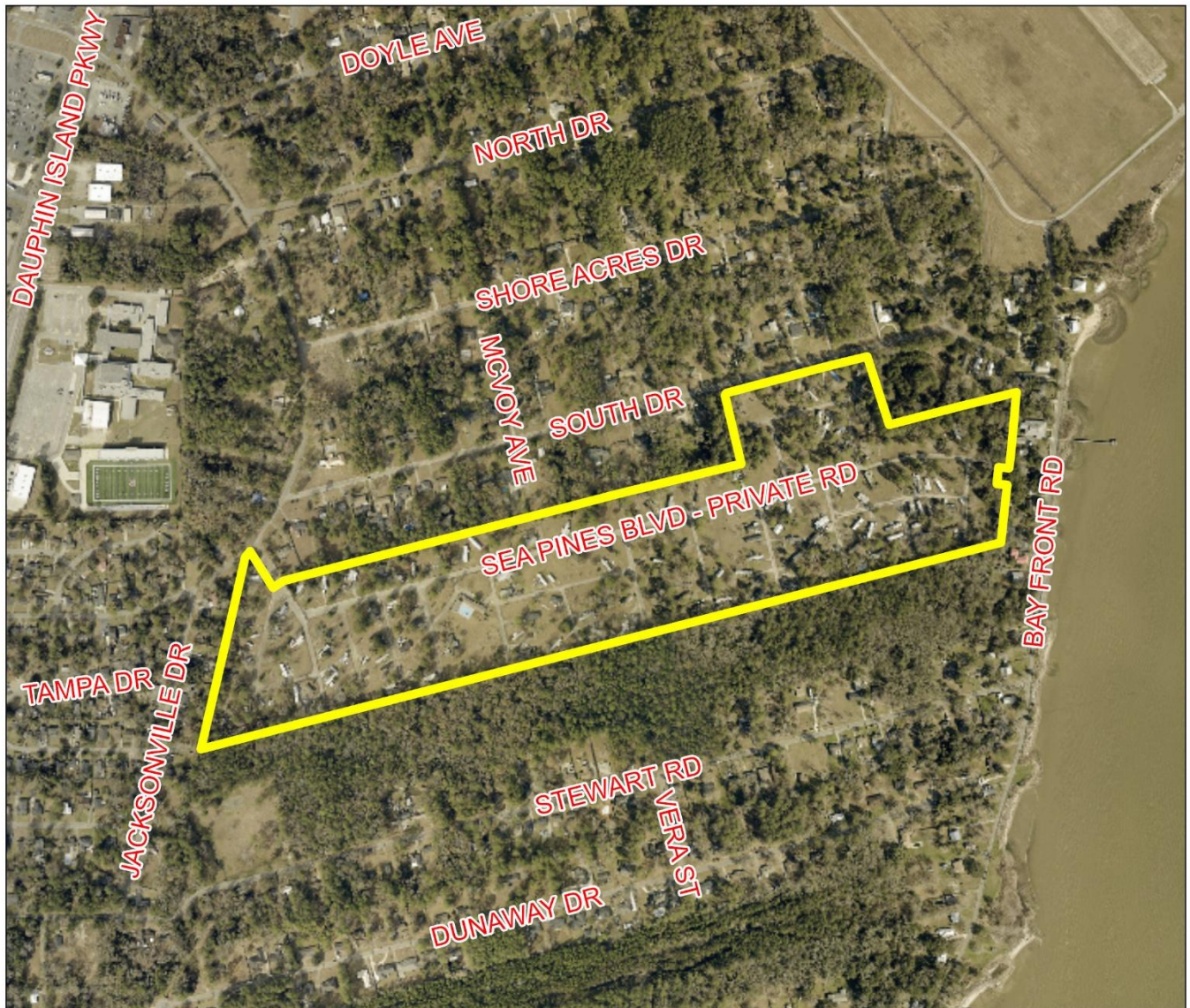
- Protection Buffer Variance to amend a previously approved variance in an R-3, Multi-Family Residential Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units and mobile homes.

APPLICATION NUMBER	6770	DATE	August 3, 2026
APPLICANT	Byrd Surveying		
REQUEST	Protection Buffer Variance		



SITE HISTORY

Portions of the subject site were originally included within the *Campbell Tract Subdivision*, recorded in the Mobile County Probate Court in 1876, and the *Bri-Cord Subdivision*, recorded in 1955. The property was annexed into the City of Mobile in 1956 and is currently described by a metes-and-bounds legal description.

On June 20, 1970, the Board of Commissioners (City Council) approved the rezoning of the property to R-3, Multi-Family Residential District, subject to the installation of a storm fence enclosing the entire site and a ten (10)-foot-wide vegetative buffer around the perimeter. On July 13, 1970, the Board of Zoning Adjustment approved a Special Exception to allow the property to be developed as a mobile home park, subject to the same conditions.

The required fencing and buffering were not fully installed or maintained in accordance with the conditions of approval, resulting in numerous code enforcement actions. In 1998, applications were submitted to amend the rezoning conditions to allow a privacy fence in lieu of the required storm fence and vegetative buffer. The associated Variance requests were denied by the Board of Zoning Adjustment, and the rezoning application subsequently expired without City Council action.

Prior to the adoption of the Unified Development Code (UDC) in 2023, the Zoning Ordinance permitted either a vegetative buffer or privacy fence to satisfy applicable buffering requirements. Portions of a privacy fence were therefore installed over time; however, the site never achieved full compliance with the conditions of the 1970 Rezoning and Special Exception, and code enforcement issues continued.

On January 10, 2022, the Board of Zoning Adjustment approved a Variance to waive the required buffer along the south property line, subject to the construction of an eight (8)-foot-tall privacy fence along the east property line and compliance with the remaining conditions of the 1970 Rezoning. Because the Variance necessitated modification of the original rezoning conditions, the Planning Commission subsequently considered a Rezoning application, which was approved by the City Council on March 15, 2022, subject to the following conditions:

1. Provision of an eight (8)-foot-tall privacy fence along the east property line, parallel to Bay Front Road.
2. Compliance with the remaining conditions of the 1970 Rezoning, including the required fencing and buffering along all remaining property lines, except the south property line.
3. A maximum of 133 mobile home dwellings.
4. Compliance with all other applicable codes and ordinances.

Based on available records, permit history, aerial imagery, and recent Street View imagery, the site does not appear to have been brought into compliance with the 2022 conditions of approval beyond the fencing and vegetation that existed prior to the rezoning amendment.

At its July 16, 2026, meeting, the Planning Commission held over a Rezoning application requesting an amendment to the condition limiting the property to a maximum of 133 mobile home dwellings. The application is scheduled for consideration at the August 20, 2026, Planning Commission meeting.

No other Planning Commission or Board of Zoning Adjustment cases are associated with the subject site.

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 requests to amend a previously approved Variance and associated site plan to increase the number of mobile home dwellings authorized on the subject property from 133 to 447. The applicant states that the mobile home park was originally developed with 447 spaces and that the site's internal street network and utility infrastructure were constructed to accommodate that capacity, as justification for the request.

The applicant also requests a waiver of current tree planting and landscape area requirements, citing the site's mature trees, wooded perimeter, and approximately 227,000 square feet of additional landscape area as justification for the request.

The property was originally approved for use as a mobile home park in 1970, subject to conditions requiring perimeter fencing and buffering. These conditions have subsequently been amended, most recently in 2022, when the Board of Zoning Adjustment approved a Variance based on a site plan depicting 133 mobile home dwellings. As the Variance approval was site-plan-specific, the approved site plan establishes the extent of the development authorized under that approval. The current request would therefore substantially increase the intensity of the existing use.

The historical existence of 447 mobile home spaces and the presence of infrastructure designed to serve a larger mobile home park are relevant considerations; however, they do not, by themselves, establish an unnecessary hardship under the variance criteria. While the applicant has demonstrated that the site historically accommodated, or was designed to accommodate, a substantially greater number of mobile homes, the application does not provide evidence demonstrating how limiting the development to the 133 mobile homes depicted on the approved 2022 site plan creates an unnecessary hardship. Rather, the request is primarily based on the property's historical development capacity and the desire to utilize existing infrastructure to accommodate a substantially greater number of dwellings. Moreover, increasing the number of mobile home dwellings from 133 to 447 would constitute a substantial expansion of the existing development and may require compliance with current Unified Development Code (UDC) requirements. The submitted materials identify existing or potential mobile home spaces but do not demonstrate compliance with all applicable current development standards.

The request to waive current tree planting and landscape area requirements is based on the presence of substantial existing vegetation and landscape area. These conditions may be relevant to whether strict compliance with current requirements would result in unnecessary hardship; however, the extent to which existing vegetation satisfies current requirements would need to be evaluated based on the applicable standards.

The subject property is located within an area developed predominantly with single-family residential uses and is designated Low Density Residential on the Future Land Use Map. While the mobile home park is an established use, increasing the permitted number of dwellings from 133 to 447 would substantially increase development intensity. The variance request must therefore be evaluated based on whether the applicant has demonstrated special conditions resulting in unnecessary hardship, whether the requested relief would be consistent with the spirit and intent of the applicable regulations and existing zoning conditions, and whether substantial justice would be done to the applicant and surrounding neighborhood.

The property's history of non-compliance with prior fencing and buffering conditions is also relevant to whether the requested relief is consistent with the existing zoning conditions and the purposes for which those conditions were imposed.

Should the Board approve the request to amend the Variance and authorize a revised site plan depicting up to 447 mobile home dwellings, approval should be contingent upon compliance with the conditions associated with the 2022 Variance, including:

1. Revision of the site plan to depict an eight (8)-foot-tall privacy fence along the east property line, parallel to Bay Front Road;
2. Compliance with the remaining conditions of the 1970 Rezoning, including provision of the required storm fence and compliant vegetative buffer along all remaining property lines, except the south property line; and
3. Completion of the rezoning process to amend the conditions of the 2022 Rezoning as necessary to ensure consistency with the amended Variance and revised site plan.

Additionally, given the property's ongoing history of non-compliance with previously imposed fencing and buffering requirements, approval should be conditioned upon the completion of all required fencing and buffering improvements within six (6) months of the date of approval, unless the Board grants an extension. Compliance should be demonstrated to the satisfaction of Planning staff, and failure to complete the required improvements within the prescribed timeframe, absent an approved extension, should constitute a violation of the conditions of the Variance.

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:

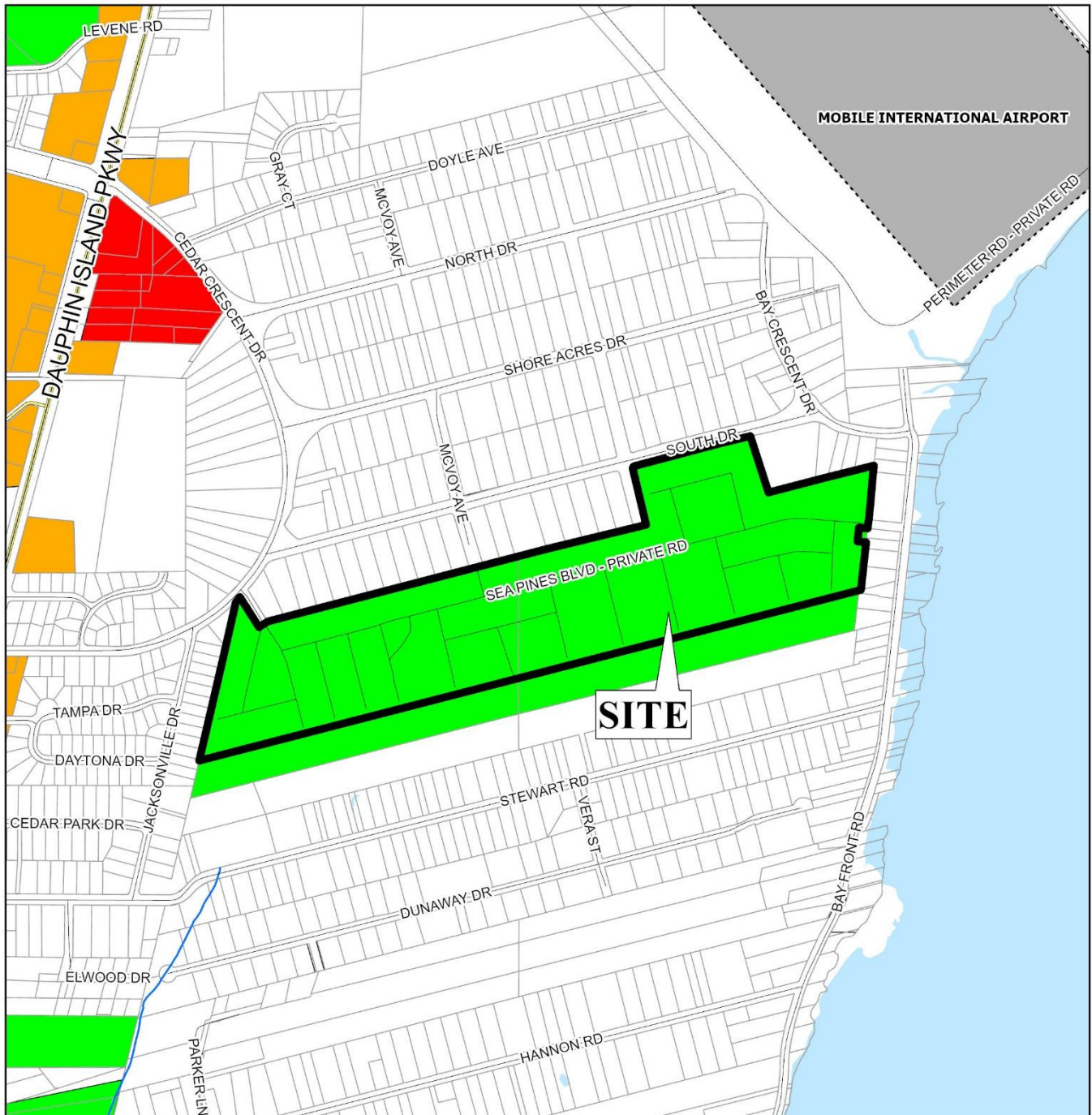
- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- C) The spirit of the chapter **shall** be observed and substantial justice done to the applicant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

If the Board approves the request, it should be subject to the following conditions:

- 1) Revision of the site plan to depict an eight (8)-foot-tall privacy fence along the east property line, parallel to Bay Front Road;
- 2) Compliance with the remaining conditions of the 1970 Rezoning, including provision of the required storm fence and compliant vegetative buffer along all remaining property lines, except the south property line;

- 3) Completion of the rezoning process to amend the conditions of the 2022 Rezoning as necessary to ensure consistency with the amended Variance and revised site plan; and
- 4) Completion of all required fencing and buffering improvements within six (6) months of the date of approval of the Variance, unless an extension is granted by the Board of Zoning Adjustment.

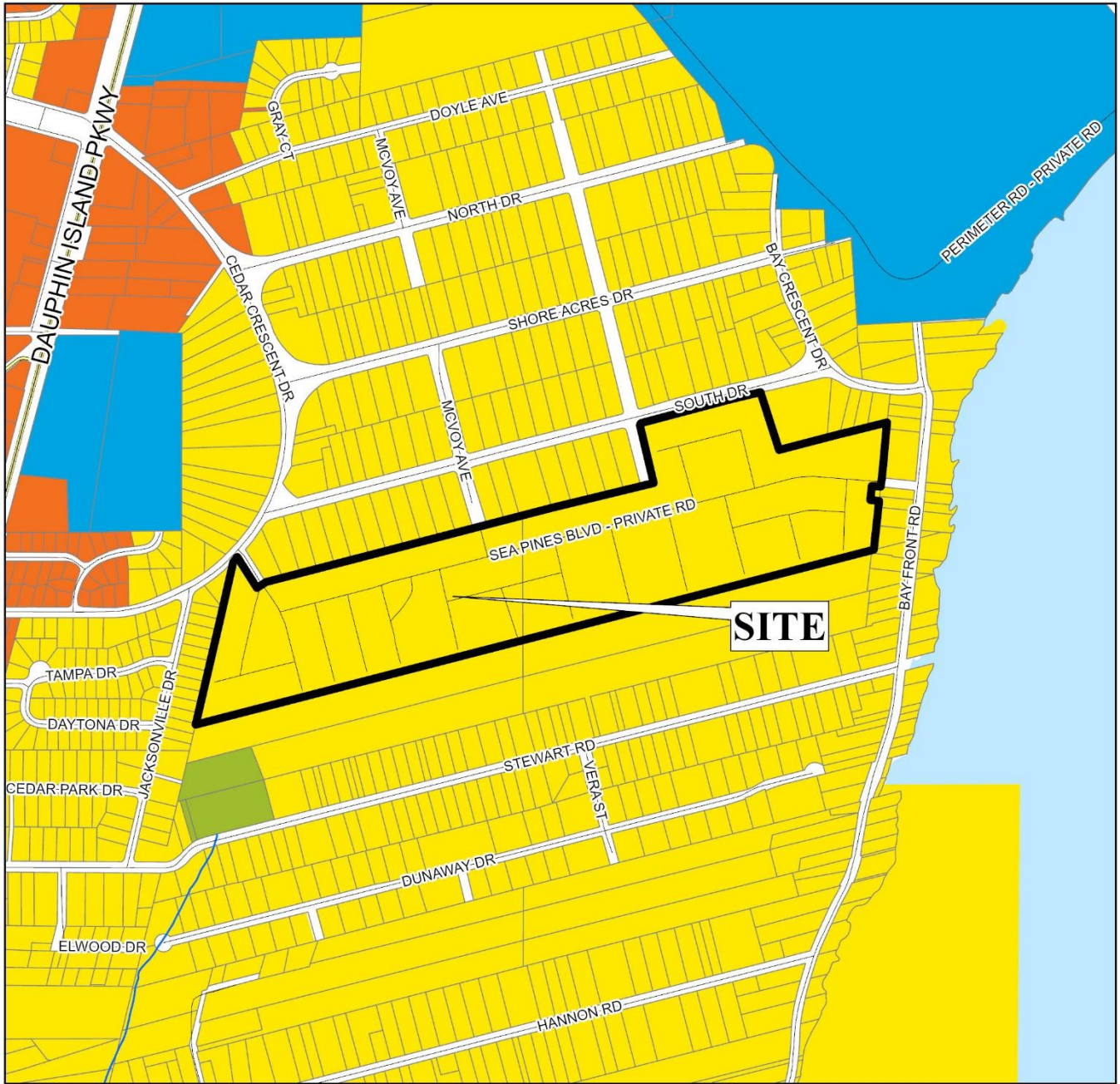
LOCATOR ZONING MAP



APPLICATION NUMBER 6770 DATE August 3, 2026
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FLUM LOCATOR MAP



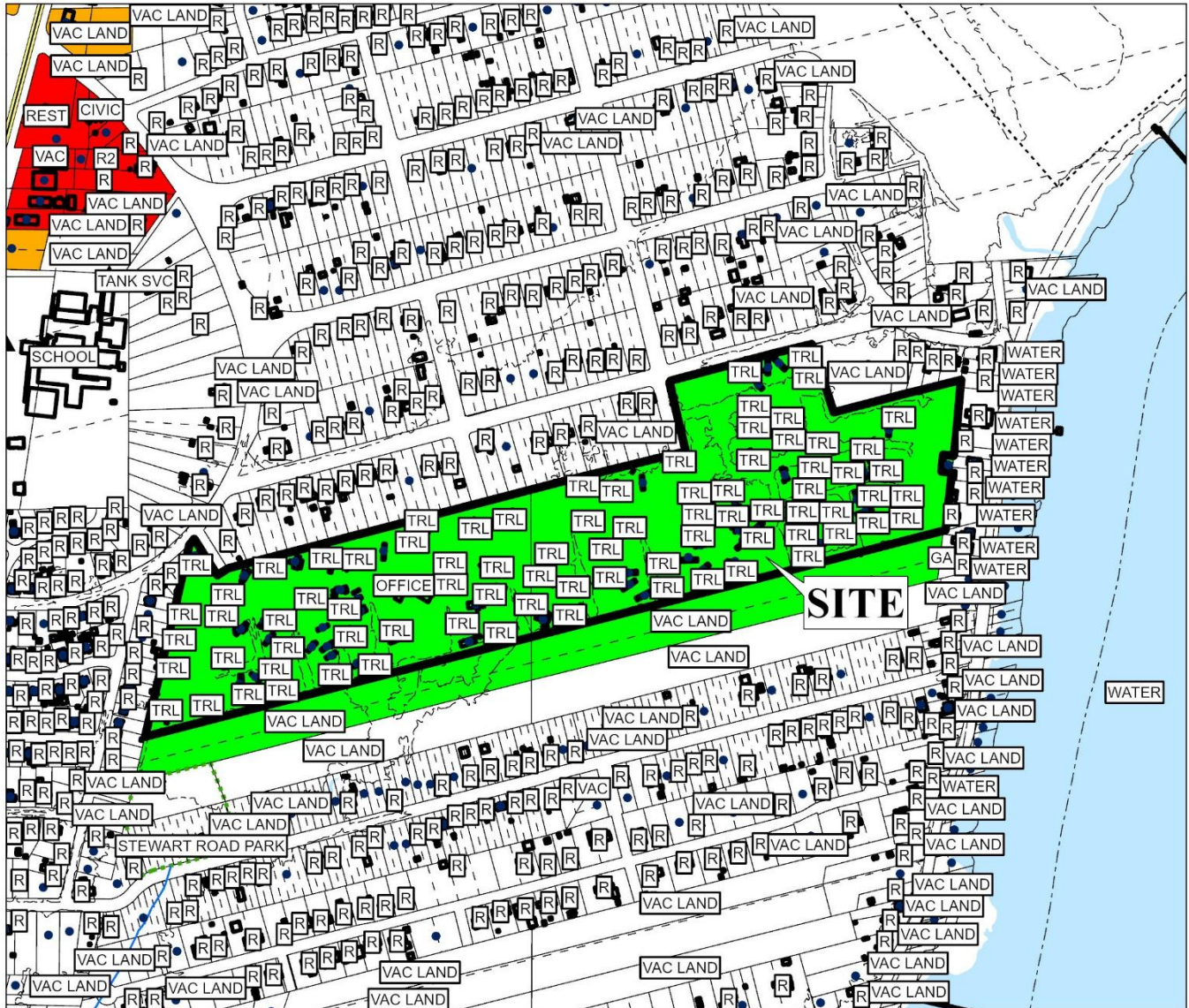
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- | | | | |
|---------------------------|-----------------------------------|-------------------|-----------------|
| Low Density Residential | Neighborhood Center - Traditional | Light Industry | Water Dependent |
| Mixed Density Residential | Neighborhood Center - Suburban | Heavy Industry | |
| Downtown | Traditional Corridor | Institutional | |
| District Center | Mixed Commercial Corridor | Parks, Open Space | |



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and mobile homes.

APPLICATION NUMBER 6770 DATE August 3, 2026

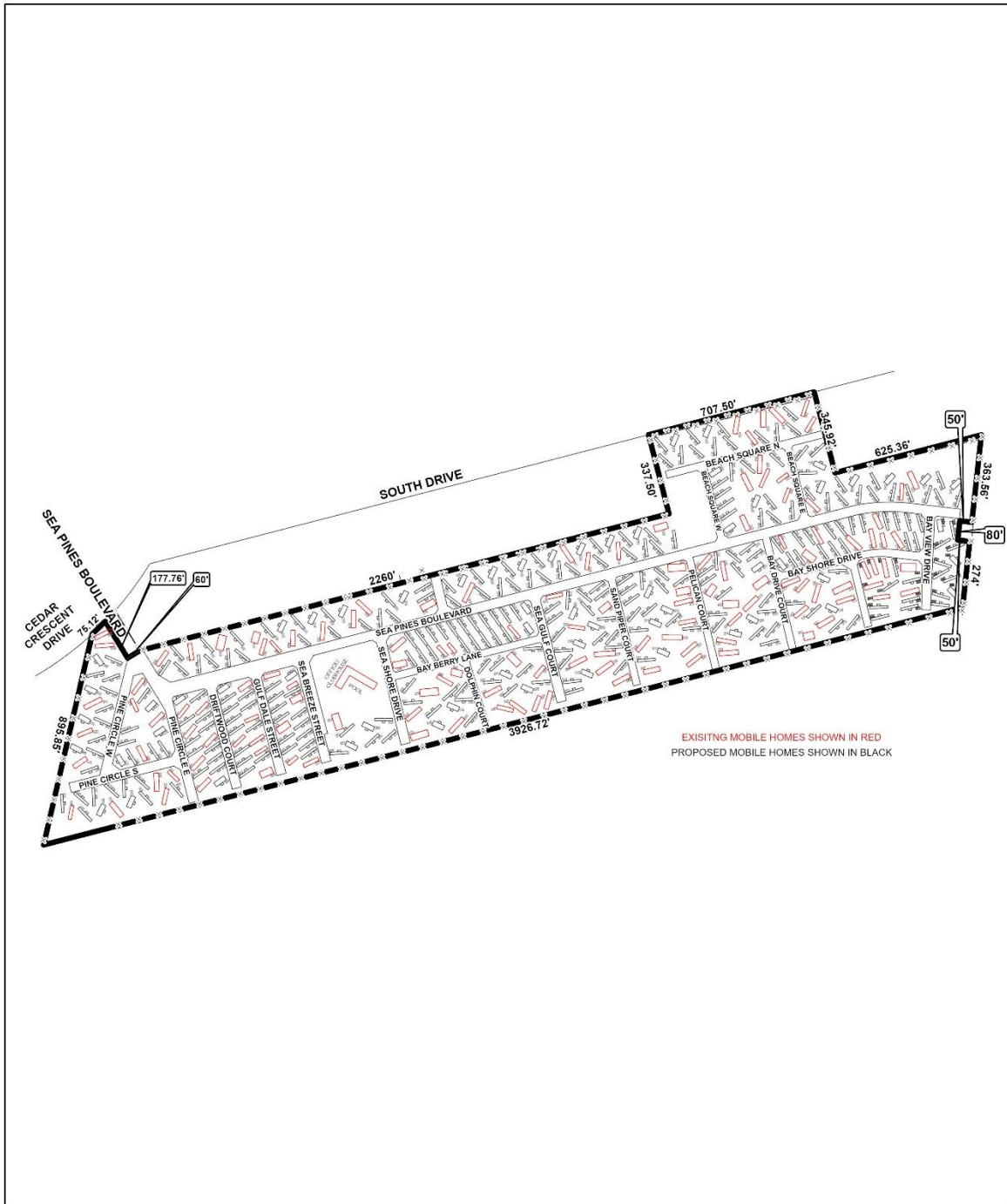
APPLICANT Byrd Surveying

REQUEST Protection Buffer 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 proposed homes, streets, and current buildings.

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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

