



Agenda Item # 6

BOA-003806-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

429 Lincoln Boulevard

Applicant / Agent:

Linda Ellerby

Property Owner:

Linda Ellerby

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Density Residential

Case Number:

6777/6655/5604

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires a 25-foot setback for side street side yard property lines in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow a reduced side street side yard setback for a new dwelling in an R-1, Single-Family Residential Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units and vacant land.

APPLICATION NUMBER	6777	DATE	September 14, 2026
APPLICANT	Linda Ellerby		
REQUEST	Setback Variance		



NTS

SITE HISTORY

The subject site is part of Mobile Terrace Subdivision, an old deed book plat recorded in 1912.

The site was annexed into the City of Mobile in September 2007.

In February 2010, the site was the subject of a Use Variance request to allow a four-unit apartment building in an R-1, Single-Family Residential District. That request was denied.

In March 2010, the Planning Commission approved a one (1)-lot subdivision, D Pettway Subdivision, for the subject site. That subdivision subsequently expired.

At its October 17, 2024 meeting, the Planning Commission approved a three (3)-lot subdivision for the subject site, Mobile Terrace Subdivision, Resubdivision of Lots 1 – 5, Block 23. That subdivision approval was allowed to expire.

At its March 10, 2025 meeting, the Board of Adjustment approved a setback variance for a reduced side street side yard setback for a new dwelling in an R-1, Single-Family Residential Suburban District. That approval subsequently expired, as no permits were obtained.

At its April 17, 2025 meeting date the Planning Commission approved a three (3) lot subdivision for the site but the final revised plat was never submitted to the Planning Department so the approval expired.

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

STAFF COMMENTS

Engineering Comments:

No comments.

Traffic Engineering Comments:

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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 Setback Variance to allow a reduced side street side yard setback for a new dwelling in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires a 25-foot setback for side street side yard property lines in an R-1, Single-Family Residential Suburban District. The applicant is requesting a ten-foot (10') side street side yard setback instead of the required 25-foot setback.

The entire application packet is available via the link on Page 1.

The subject site is proposed Lot A of the previously approved, but expired Mobile Terrace Subdivision, Resubdivision of Lots 1 – 5, Block 23. It is the Northern-most of the three (3) approved lots of that subdivision and is situated at the Southwest corner of Lincoln Boulevard and Twelfth Street. The subdivision was previously approved with a standard 25-foot setback along Twelfth Street and Lincoln Boulevard, adjusted for dedication.

It should be noted that as all previous Subdivisions have expired, a new subdivision application has been submitted for the September 17, 2026 Planning Commission meeting.

The proposed lot is 37.5 feet wide. As Twelfth Street along its North boundary currently has a 30-foot right-of-way, and requires a 50-foot right-of-way, dedication was required as a condition of approval to provide 25-feet from the centerline of Twelfth Street (ten-foot (10') dedication). This reduces the lot width to 27.5-feet. The required 25-foot setback along Twelfth Street from the dedicated right-of-way would then be 2.5-feet off the Southern boundary of that lot and not allow for any buildable site width. The applicant requests that the minimum building setback line be reduced from 25-feet to ten feet (10'), thus providing 17.5-feet to the South property line. When considering the required 5-foot (5') side yard setback required along the South side, this would allow for 12.5-feet of buildable lot width.

As justification for the request, the applicant states that the setback variance will be consistent with other properties in the area, and that at the time of original construction, there were no required setbacks and most existing homes are constructed very close to existing roads.

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:

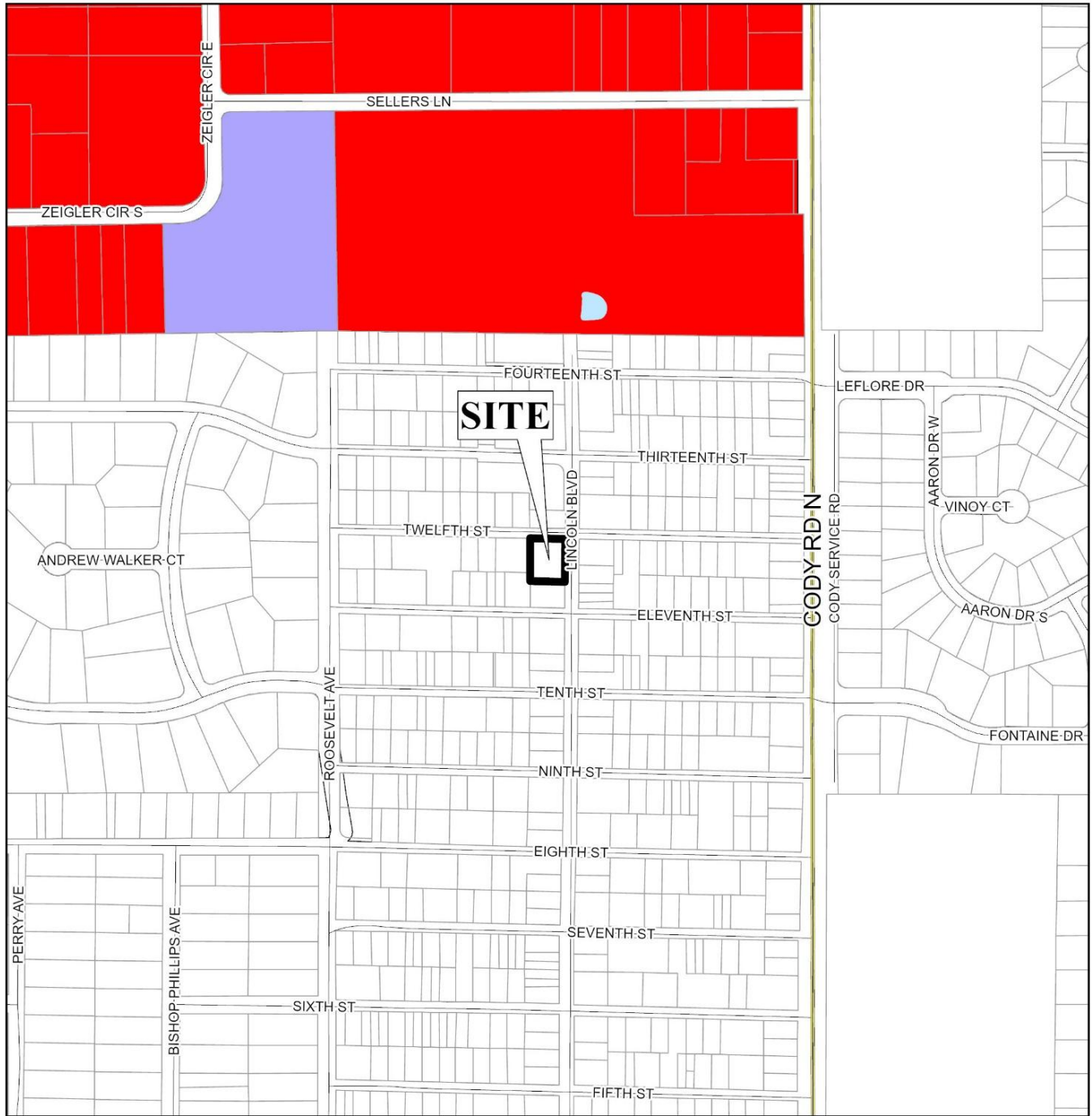
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be present:

- 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 must apply:

- 1) Completion of the Subdivision Process;
- 2) Obtaining all necessary building permits; and
- 3) Full compliance with all municipal codes and ordinances.

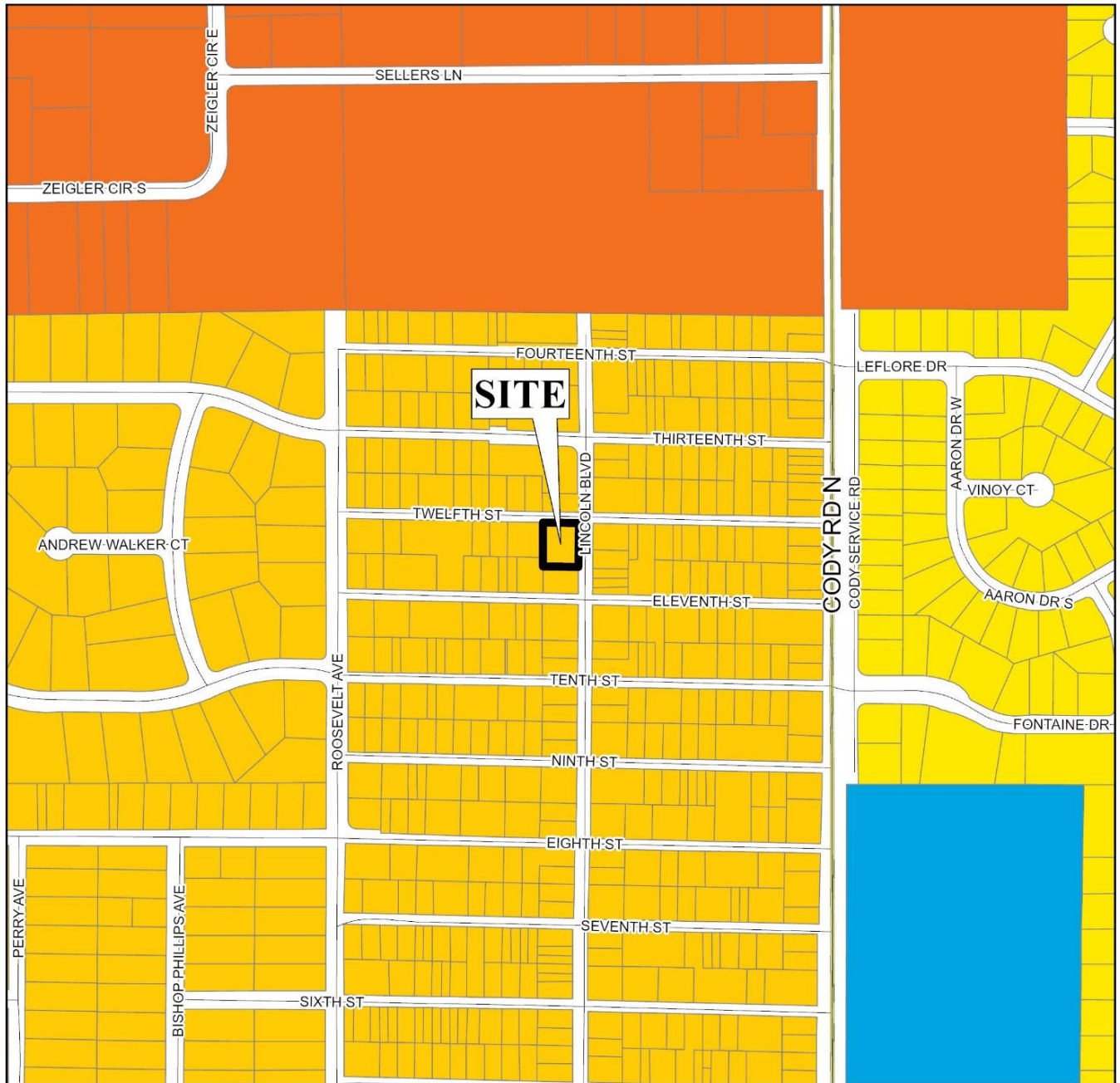
LOCATOR ZONING MAP



APPLICATION NUMBER 6777 DATE September 14, 2026
 APPLICANT Linda Ellerby
 REQUEST Setback Variance



FLUM LOCATOR MAP



APPLICATION NUMBER 6777 DATE September 14, 2026

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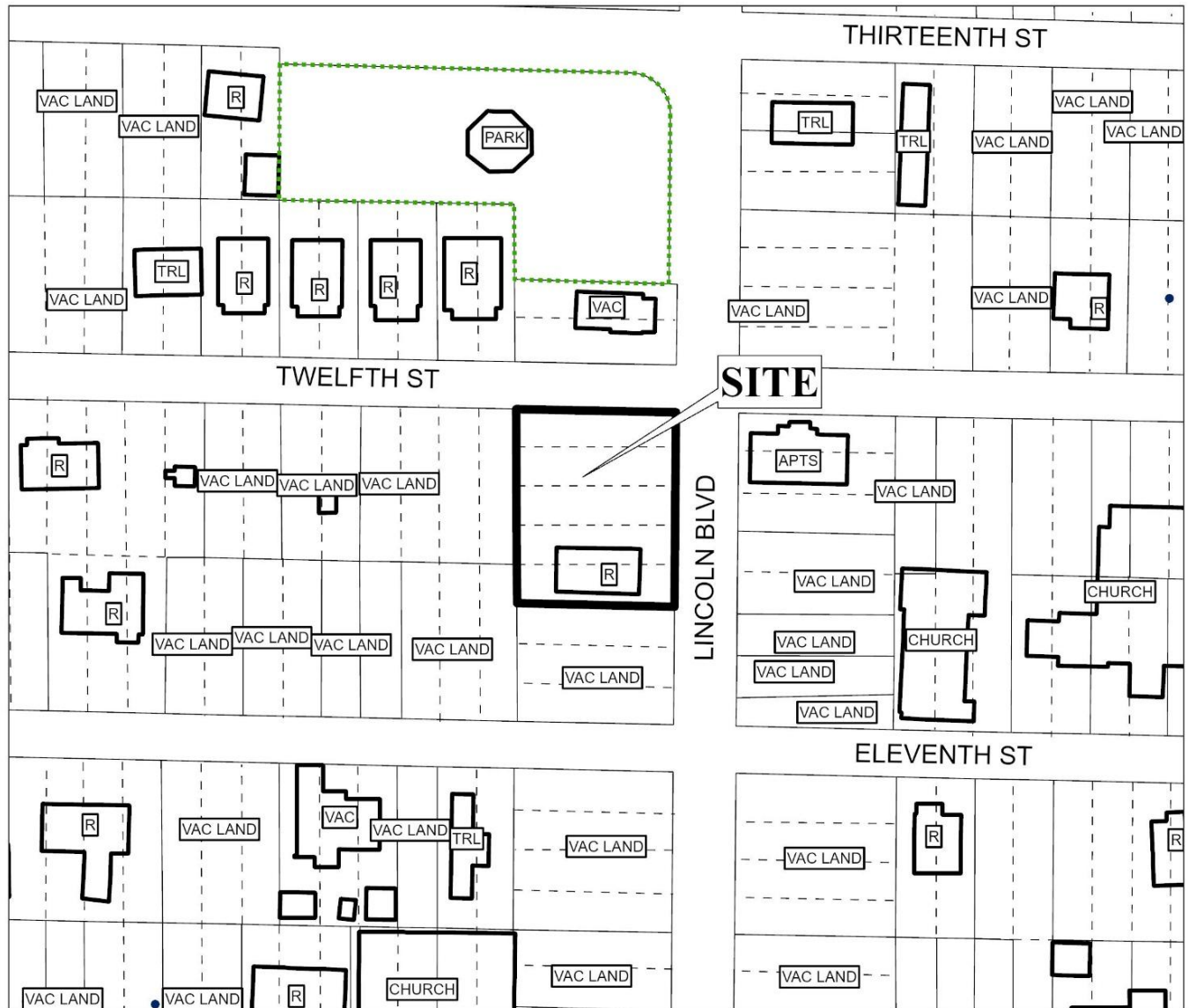
REQUEST Setback Variance

- | | | | |
|---|--|---|---|
| ■ 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 and vacant land.

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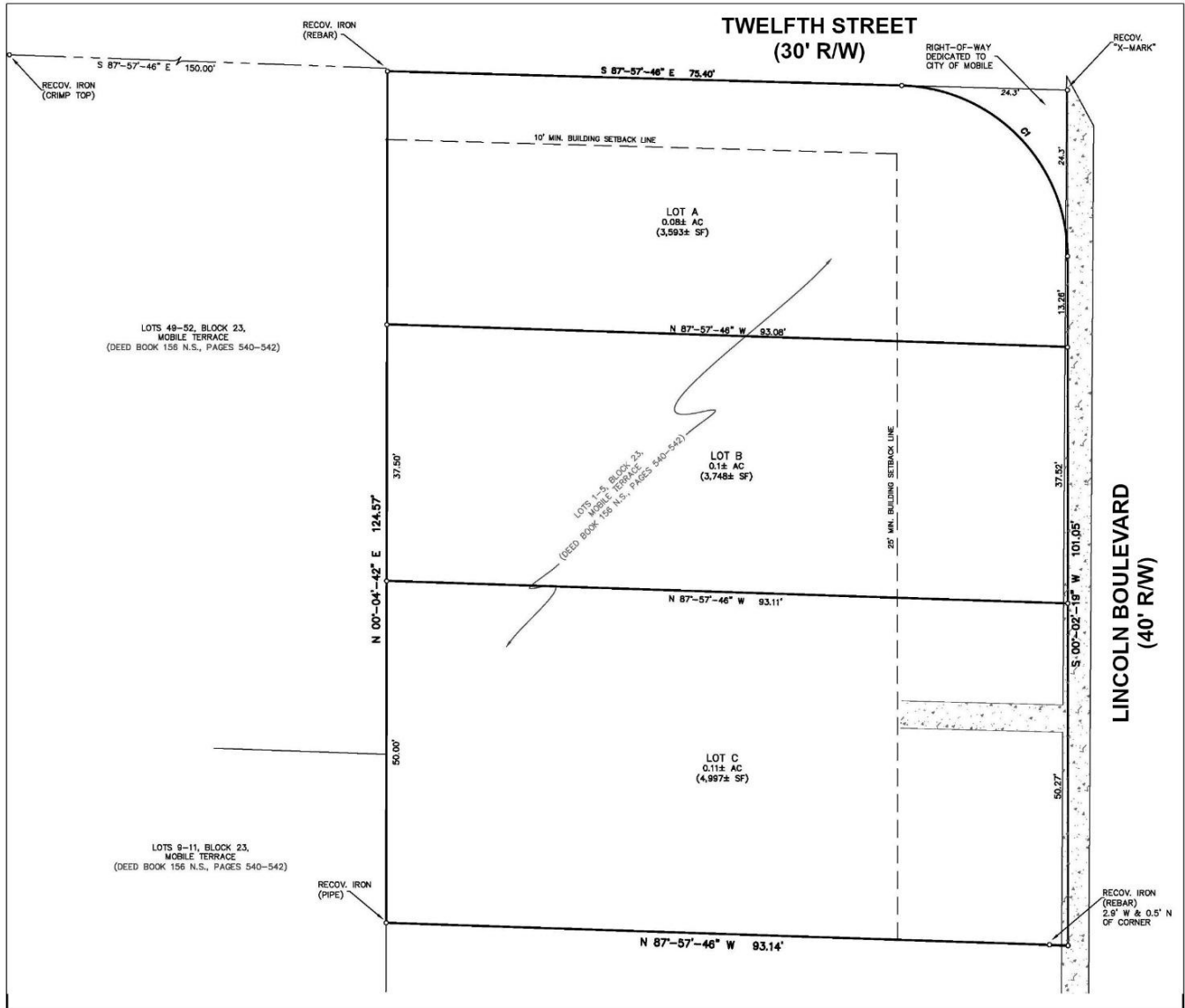
APPLICANT Linda Ellerby

REQUEST Setback 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 current lots and proposed setback reduction.

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MIXED DENSITY RESIDENTIAL (MDR)

This designation applies mostly to residential areas located between Downtown and I-65, where the predominant character is that of a traditional neighborhood laid out on an urban street grid. These areas should offer a variety of residential types in a compact pattern at the scale of a single family neighborhood. They typically have a walkable block pattern with integrated neighborhood amenities such as parks and schools. Small office, commercial, and civic uses may also exist in these areas near major thoroughfares. Residential density ranges between 6 and 30 dwelling units per acre (du/ac) depending on the mix, types, and locations of the housing as specified by zoning.

Development Intent

- › Continue historic preservation efforts to maintain the existing neighborhood character within city-designated historic districts.
- › Support residential infill that fits-in with neighboring homes (building scale, placement, etc.). Support more intense residential infill and redevelopment adjacent to commercial or mixed use centers.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

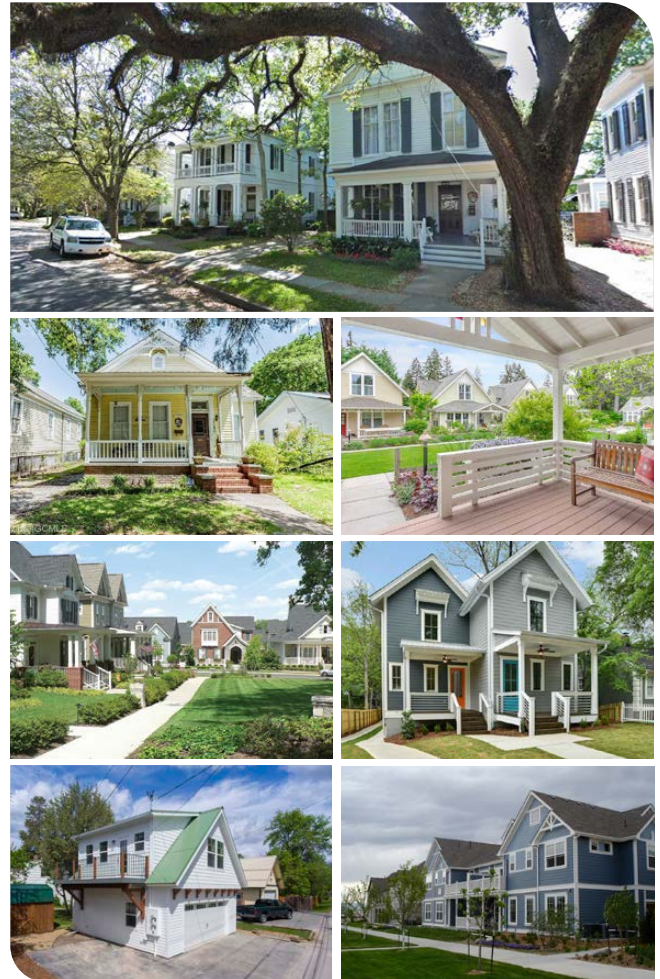
Secondary Uses

- › Residential, Multifamily
- › Commercial
- › Civic
- › Parks

Housing mix

- › Single family on small to medium sized lots
- › Attached residential such as duplexes, multiplexes, and townhomes
- › Small scale multifamily buildings

Character Example



A mixed density neighborhood may include a range of housing types and densities at a similar scale.

Rendering: Dover Kohl