



Agenda Item # 7

BOA-003402-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1809 Dauphin Street

Applicant / Agent:

William K. & Virginia B. Perkins

Property Owner(s):

William K. & Virginia B. Perkins

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6688

Unified Development Code (UDC) Requirement:

- The UDC allows fences to be no more than three-feet (3') tall within the minimum front setback in an R-1, Single-Family Urban Residential District.

Board Consideration:

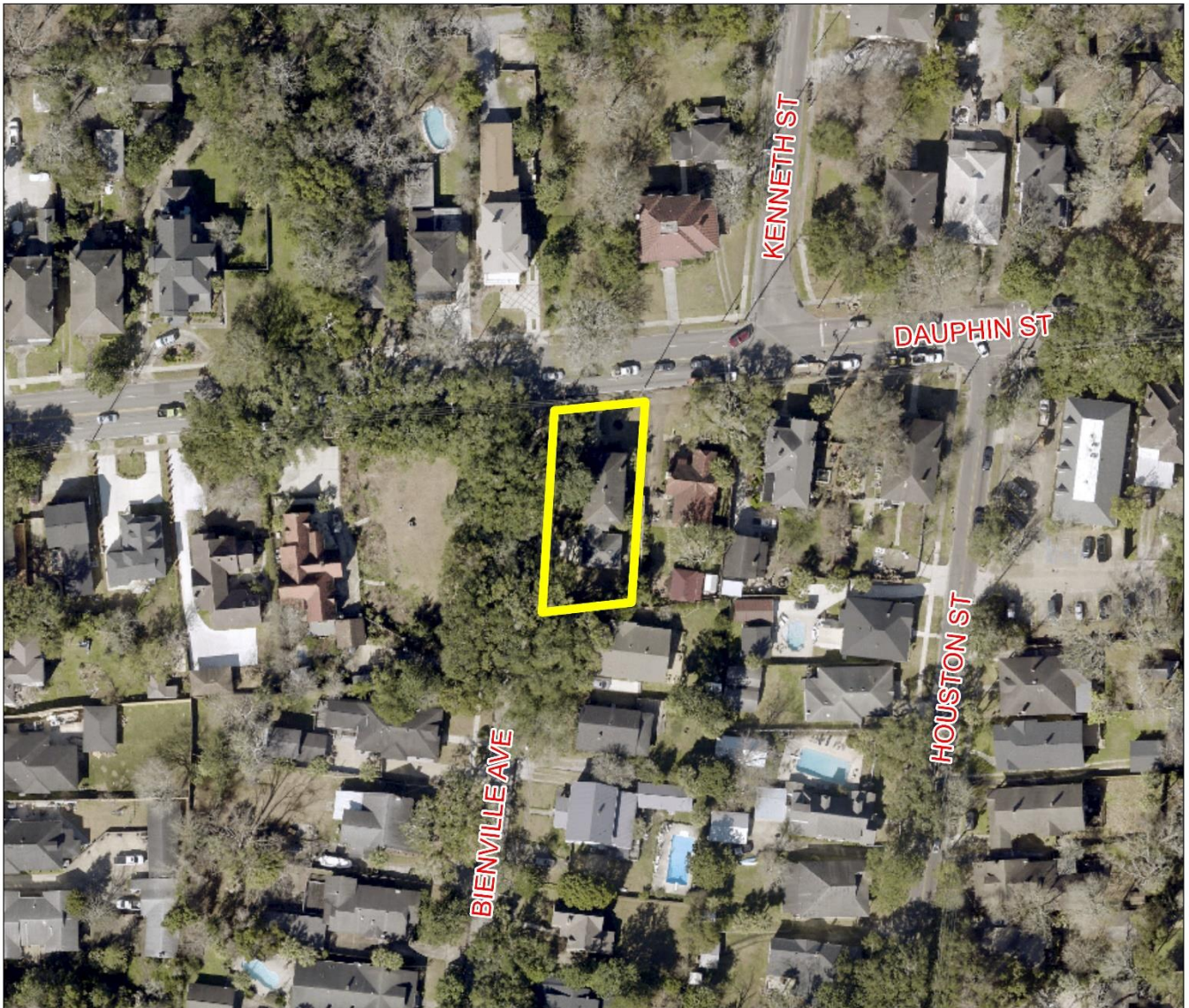
Fence Variance to allow a stucco wall exceeding six-feet (6') tall within the minimum front setback in an R-1, Single-Family Urban Residential District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6688	DATE	August 4, 2025
APPLICANT	William K. and Virginia B. Perkins		
REQUEST	Fence Variance		



SITE HISTORY

The site was originally part of the large-tract Demouy Place Subdivision, the plat for which was recorded in the Mobile County Probate Court in July 1920.

There are no other records of Planning Commission or Board of Zoning Adjustment cases associated with the 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 is requesting a Fence Variance to allow the construction of a six (6)-foot-tall masonry wall within the side street side yard setback on property zoned R-1, Single-Family Residential Urban District. The subject site is a corner lot with frontage along both Dauphin Street and Bienville Avenue, with the proposed wall to be located along the Bienville Avenue property line.

Per Article 2, Section 64-2-5.E. of the Unified Development Code (UDC), all structures in the R-1 Urban district must be set back a minimum of five (5) feet from front, side and rear property lines. Additionally, Article 3, Section 64-3-5.B.1. requires that required yards along street frontages remain unoccupied and unobstructed from a height of three (3) feet above the general ground level upward. The proposed wall exceeds this height and encroaches into the required setback, thus necessitating a variance.

The applicant offers the following justifications in support of the request:

- **Historic Compatibility:** The wall is designed to align with the historic character of the Midtown neighborhood, which is listed on the National Register of Historic Places.
- **Visual Enhancement:** The structure would improve the visual character of the property and surrounding area.
- **Sightline Preservation:** The wall would replace an existing wooden fence and be placed behind the front plane of the house to minimize visual impact and maintain clear sightlines.
- **Design Compliance:** The wall is stated to meet the *Design Review Guidelines for Mobile's Historic Districts*.
- **Established Precedent:** Over 25 nearby properties reportedly feature similar walls or have received comparable variances.
- **UDC Limitations:** The applicant argues that the UDC's wall and fencing standards are intended for suburban contexts and are not practical for dense, historic urban neighborhoods like Midtown.

The application, all supporting documents, and the applicant's complete narrative can be viewed using the link on Page 1 of this report.

The submitted site plan illustrates the existing dwelling and carport, along with the proposed placement of the masonry wall along the Bienville Avenue property line. The wall is shown starting roughly in line with the rear plane of the house and extending to the rear lot line. Supplemental photographs depict design examples of the proposed wall, which feature a neutral-colored stucco finish.

The property, as mentioned, is zoned R-1 Urban, and requires five (5)-foot setbacks for front, side, and rear yards. Review of the site plan indicates the house and carport sit approximately 21 feet from the Bienville Avenue property line. The lot is approximately 64 feet wide, suggesting the proposed wall could meet the 5-foot setback while leaving ample side and rear yard space.

While the applicant provides contextual, aesthetic, and historic design arguments in support of the proposal, the justification does not identify a zoning-related hardship as required for variance approval. Specifically:

- No physical hardship related to the lot's shape, topography, or size has been demonstrated.
- No legal or functional impediment to compliance with the UDC setback requirements is identified.
- The applicant does not claim that a compliant fence (e.g., three feet tall or outside the setback) would unreasonably limit use, security, or privacy.
- References to neighboring variances, while potentially relevant for consistency, do not in themselves justify approval without a demonstrated hardship unique to this property.

The applicant's argument that suburban-oriented UDC standards should not apply does not constitute a zoning hardship; the property remains subject to established regulations regardless of neighborhood context. Furthermore, no evidence shows that adhering to the five (5)-foot setback requirements would impose undue burden or significantly impact the property's use or value.

The property is surrounded by other R-1 Urban-zoned lots, all developed with single-family dwellings, and there is no record of similar use variances being granted in the immediate area. Approval of this request without compelling justification could, therefore, establish an undesirable precedent for future applications that are inconsistent with the intent of the zoning district.

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:

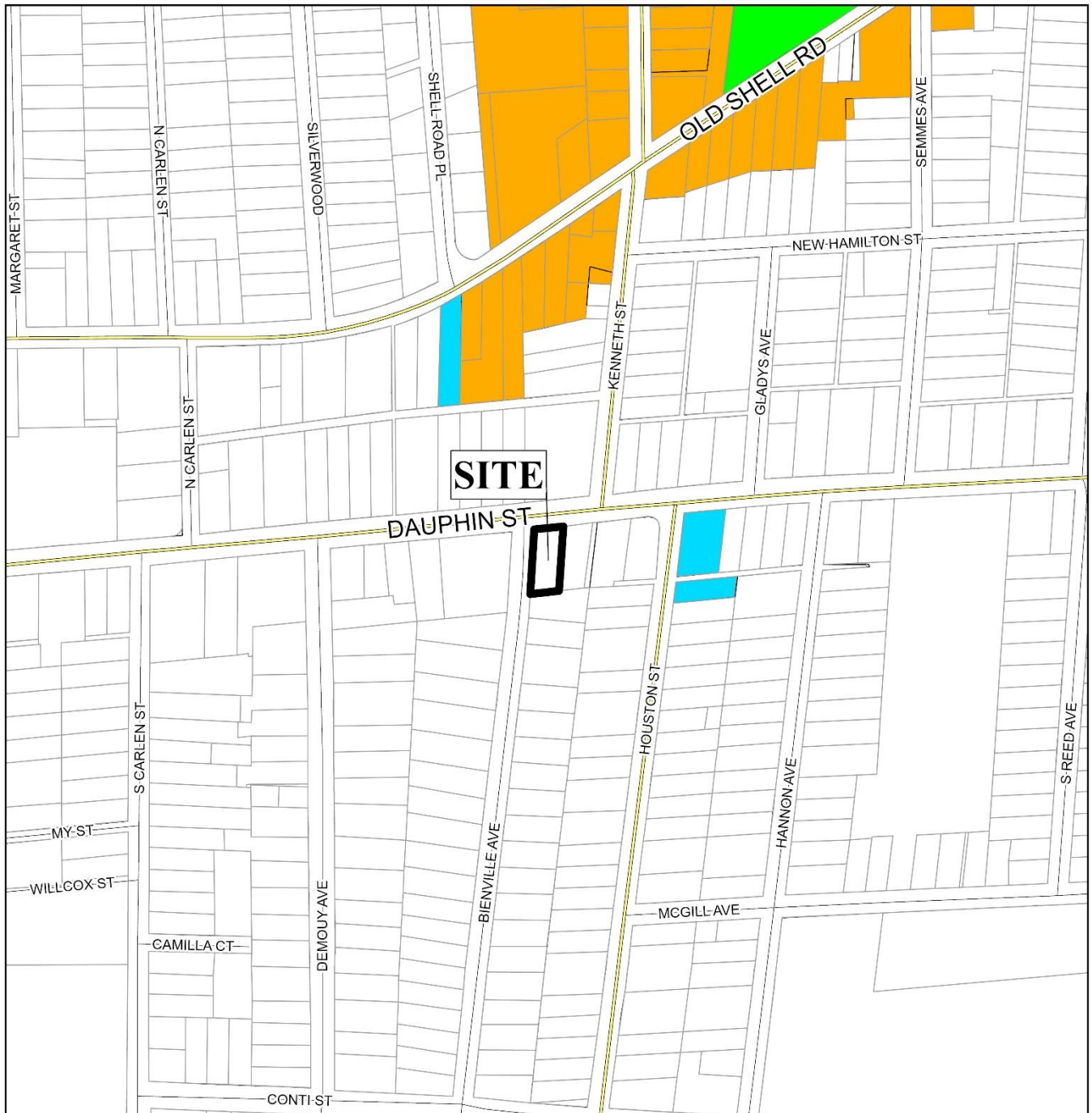
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) 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 condition(s):

- 1) Acquisition of all necessary permits for the construction of the wall.

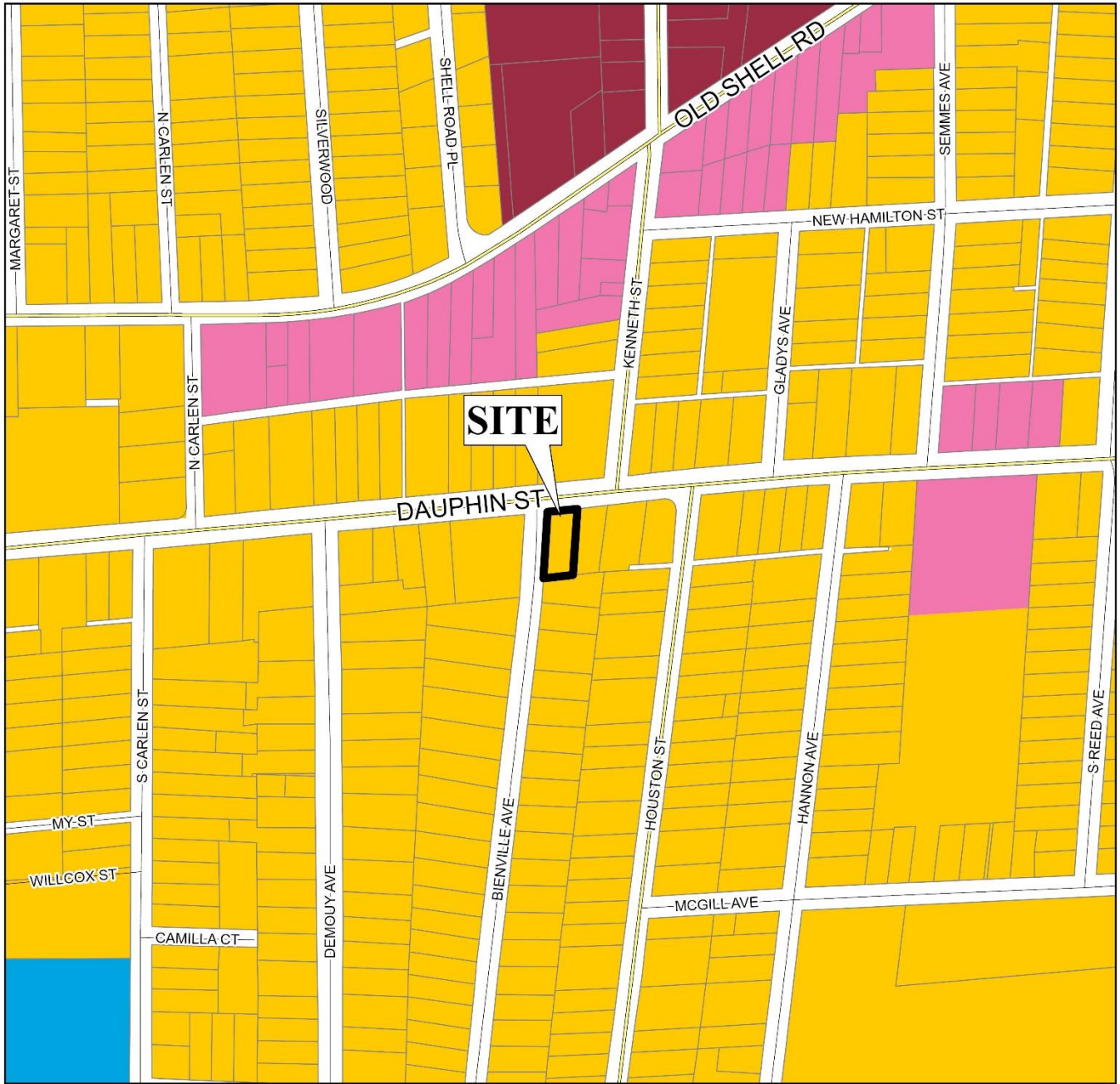
LOCATOR ZONING MAP



APPLICATION NUMBER 6688 DATE August 4, 2025
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REQUEST Fence Variance



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 | |



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



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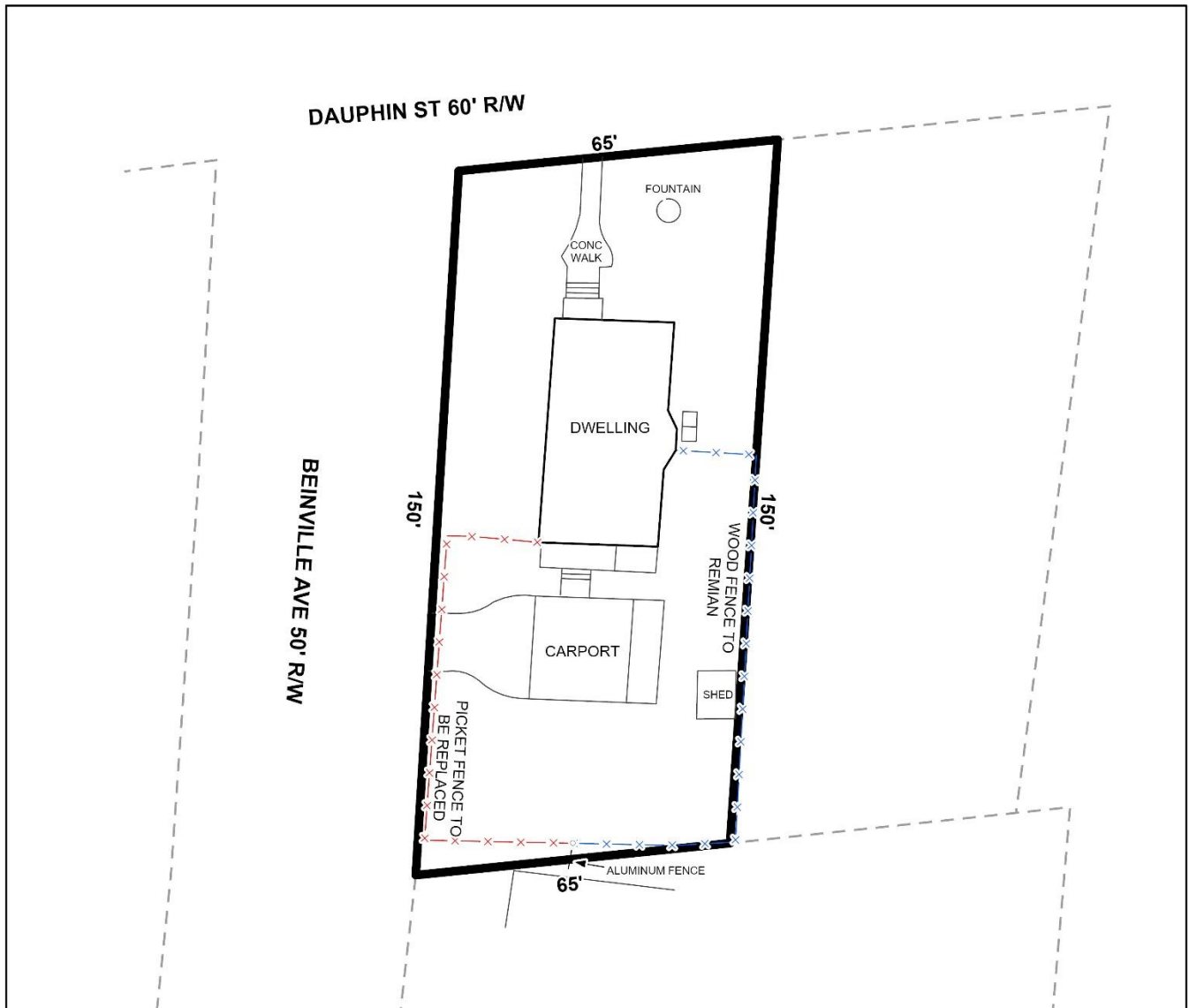
APPLICANT William K. and Virginia B. Perkins

REQUEST Fence 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 existing fencing and current buildings.

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ZONING DISTRICT CORRESPONDENCE MATRIX																
			LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A															
ONE-FAMILY RESIDENCE	R-1	■					■		■					□		
TWO-FAMILY RESIDENCE	R-2	■					■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■				■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○				■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○			■	■	■	■					□		
HISTORIC BUSINESS	H-B				■		■		■					□		
VILLAGE CENTER	TCD						■	■						□		
NEIGH. CENTER	TCD						■	■						□		
NEIGH. 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. DDD	SD-WH										○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□				□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○				□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○				□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3					■				■			○	□	○	
GEN. BUSINESS	B-4				■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5									■	■			□	□	
LIGHT INDUSTRY	I-1										■			□	□	□
HEAVY INDUSTRY	I-2											■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.