



Agenda Item # 7

BOA-003431-2025

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4255 Cottage Hill Road

Applicant / Agent:

Catherine Clark, Agent

Property Owner(s):

Cottage Hill Baptist Church

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Mixed Commercial Corridor

Case Number(s):

6695

Unified Development Code (UDC) Requirement:

- The UDC requires fences exceeding three-feet (3') tall to comply with front yard setback requirements in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Fence Variance to allow an eight-foot (8') tall fence within the required front yard setback in an R-1, Single-Family Residential Suburban District.

Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Variance Considerations	5
Exhibits	6

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER	6695	DATE	September 8, 2025
APPLICANT	Catherine Clark, Agent		
REQUEST	Fence Variance		



SITE HISTORY

At the July 21, 2005 meeting of the Planning Commission, the site had a two (2) lot Subdivision application, as well as a Planning Approval to allow a church in an R-1, Single-Family Residential District, and a Planned Unit Development (PUD) to allow multiple buildings on a single building site with shared access and parking between multiple building sites. Extensions were granted for the PUD in 2006, 2007, and 2008. The Subdivision was approved, granted a 1-year extension in 2006, and then allowed to expire.

At the September 15, 2005 meeting, the site had a Sidewalk Waiver application before the Planning Commission for consideration. The waiver was denied along Cottage Hill Road and North Demetropolis Road, but was approved for Thigpen Drive South.

On January 4, 2007, the Planning Commission approved a postponement of the installation of sidewalks along Cottage Hill Road, North Demetropolis Road and Thigpen Drive South until January 4, 2009.

At the August 7, 2008 meeting of the Planning Commission, the site had two (2) sidewalk waiver applications to waiver construction of a sidewalk along both Cottage Hill Road and North Demetropolis Road. The Cottage Hill Road portion was denied, while the waiver for the portion along North Demetropolis Road between Thigpen Drive South and the driveway entrance from North Demetropolis Road was approved.

There are no Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

Engineering Comments:

Any structure along N Demetropolis Rd (including the foundation of the brick columns) must be located on private property and not in the public Right of Way.

Additionally, it appears that there are proposed structures to be placed within the public Right of Way (on Cottage Hill Rd). Contact the Engineering Dept. to discuss requesting a Non-Utility Use Agreement with the City, this agreement must be approved prior to the issuance of any Land Disturbance permits.

Traffic Engineering Comments:

The proposed fence within the right-of-way along Cottage Hill Road would prevent traffic signal maintenance and would negatively impact sight distance at the intersection of Cottage Hill Road and North Demetropolis Road. Additionally, it would obstruct the maintenance and installation of utilities. The proposed fence along North Demetropolis Road would also negatively impact the sight distance at the intersection of North Demetropolis Road and Troy Lane.

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 an eight-foot (8') tall fence within the required front yard setback in an R-1, Single-Family Residential Suburban District; the Unified Development Code (UDC) requires fences exceeding three-feet (3') tall to comply with front yard setback requirements in an R-1, Single-Family Residential Suburban District.

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

The subject site is two (2) corner lots with frontage along Cottage Hill Road, North Demetropolis Road, Thigpen Drive South, and Troy Lane. The applicant is proposing to erect an eight-foot (8') tall aluminum fence with brick columns that is to be located one-foot (1') inside the property line along North Demetropolis Road, and ten-feet (10') into the right-of-way along Cottage Hill Road. It should be noted that the Board of Zoning Adjustment only has the authority to approve the requested fence location along North Demetropolis Road; the applicant will be required to obtain a non-utility right-of-way use agreement in order to allow the fence's placement in the right-of-way.

Per Article 2, Section 64-2-5.E.6. of the Unified Development Code (UDC), all structures in the R-1 Suburban district must be set back a minimum of 25-feet from front 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 states that the purpose of the proposed fence is to aid in securing the school and to deter pedestrians, not associated with the school, from entering the site.

While it is understandable that the applicant wishes to better secure their property, the proposed wall has the potential to cause line-of-sight issues for traffic at the intersections of Cottage Hill Road and North Demetropolis Road, as well as the intersections of North Demetropolis Road and Thigpen Drive South and North Demetropolis Road and Troy Lane.

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 Code 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:

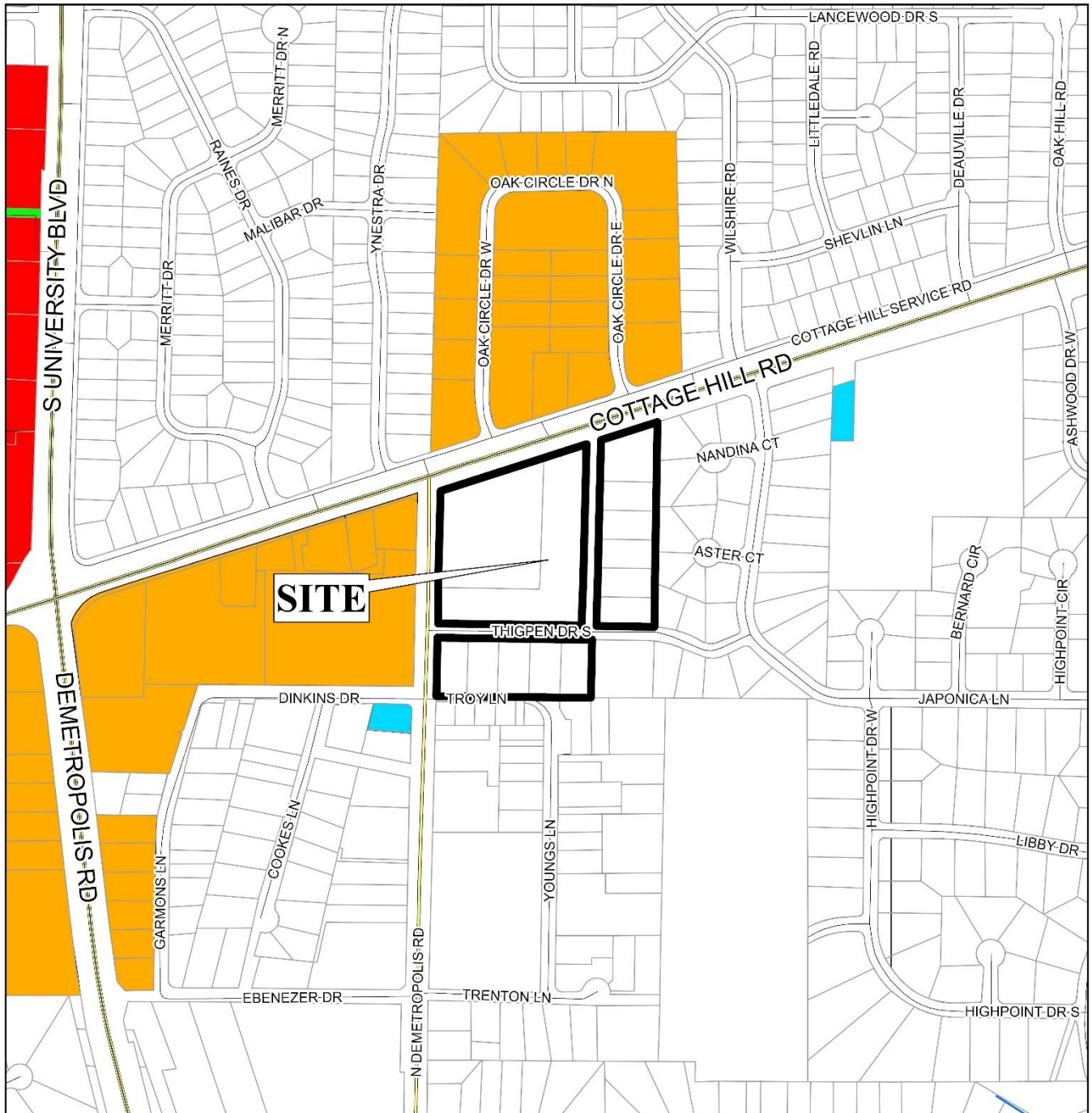
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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:

- 1) Acquisition of all necessary permits for the construction of the fence; and
- 2) Obtain a non-utility right-of-way use agreement for any portion of the fence to be located in the right-of-way.

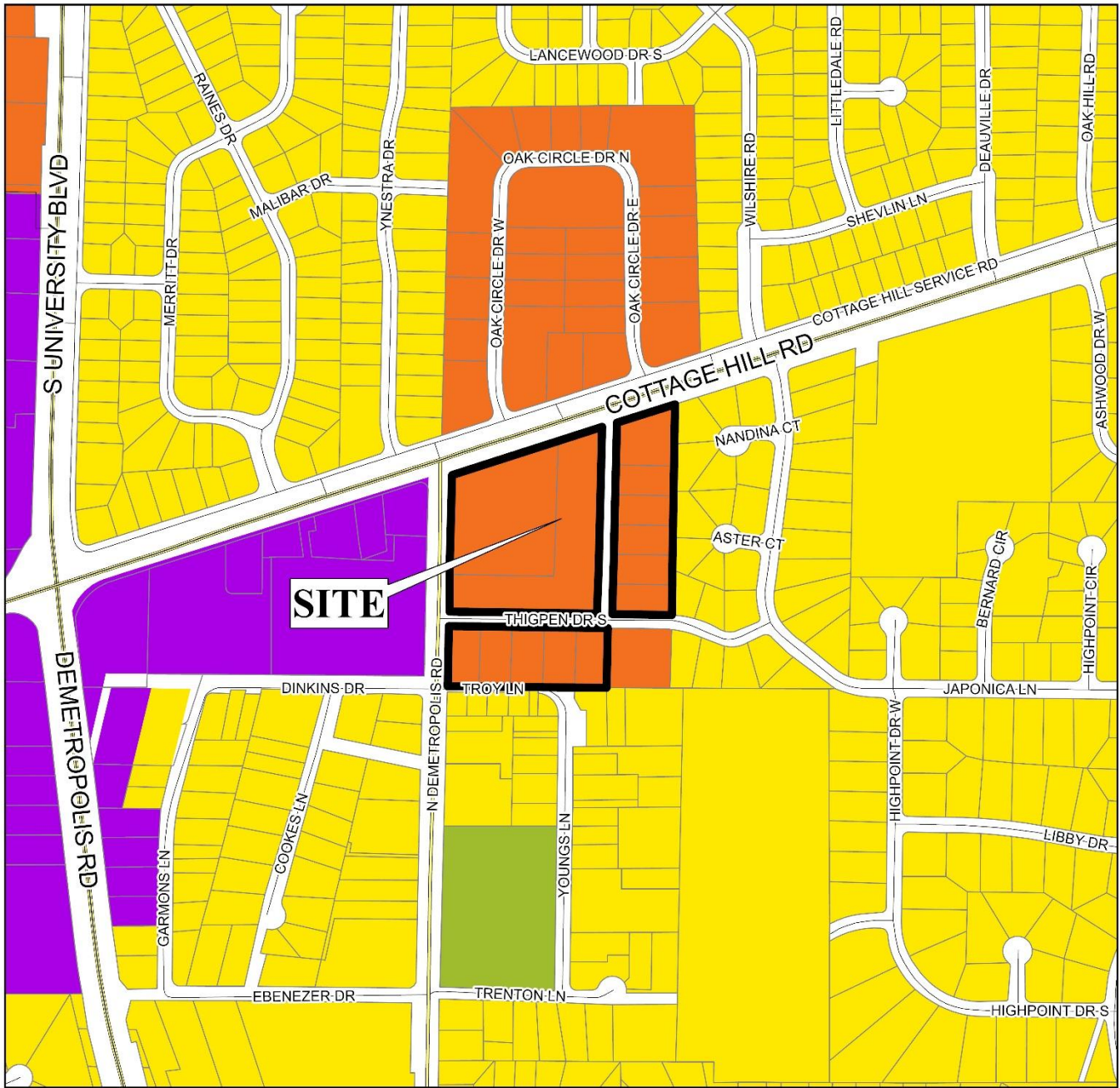
LOCATOR ZONING MAP



APPLICATION NUMBER 6695 DATE September 8, 2025
 APPLICANT Catherine Clark, Agent
 REQUEST Fence Variance



FLUM LOCATOR MAP



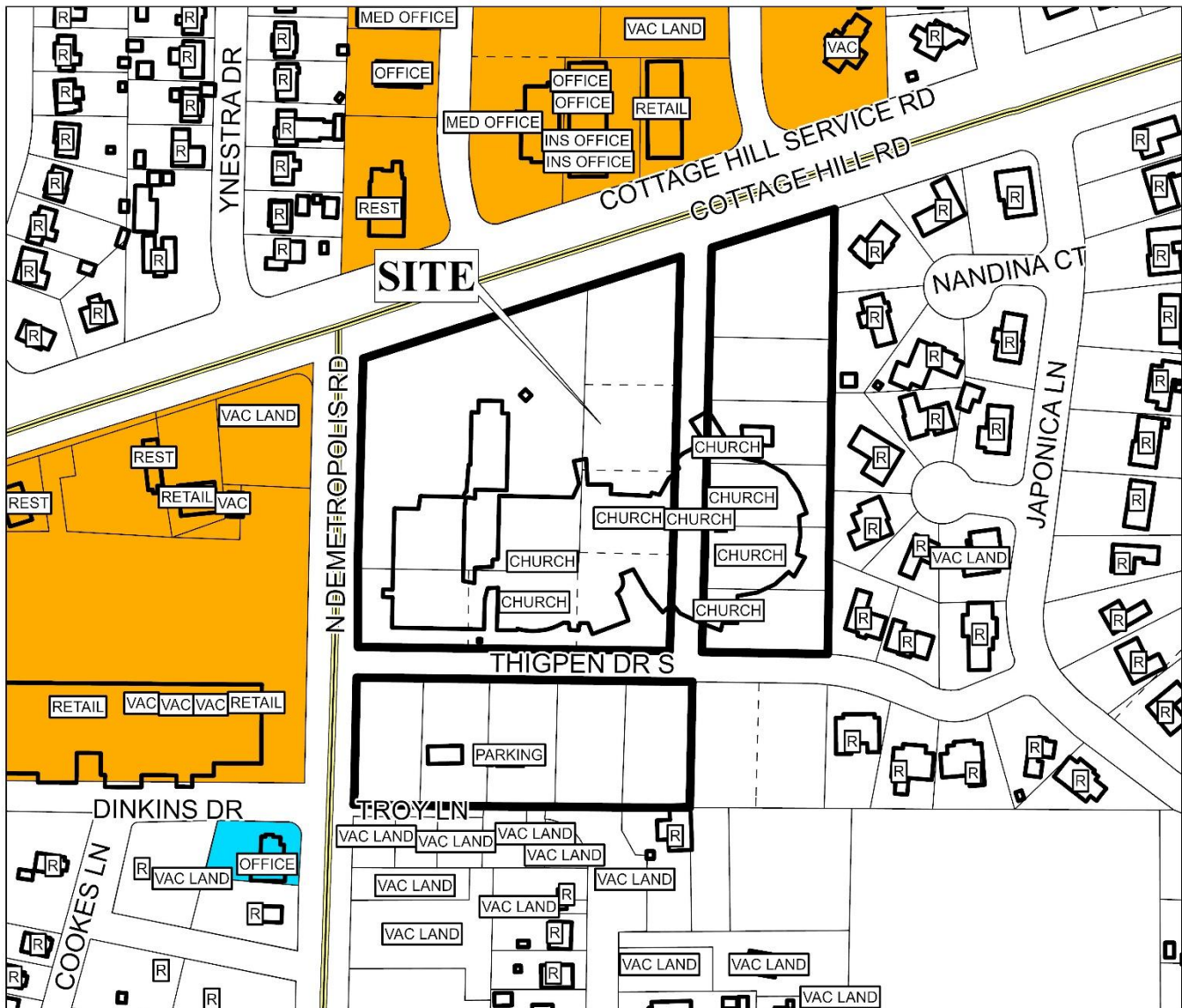
APPLICATION NUMBER 6695 DATE September 8, 2025
APPLICANT Catherine Clark, Agent
REQUEST Fence Variance

- | | | | |
|---|---|--|---|
| ■ 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 commercial and residential units.

APPLICATION NUMBER 6695 DATE September 8, 2025

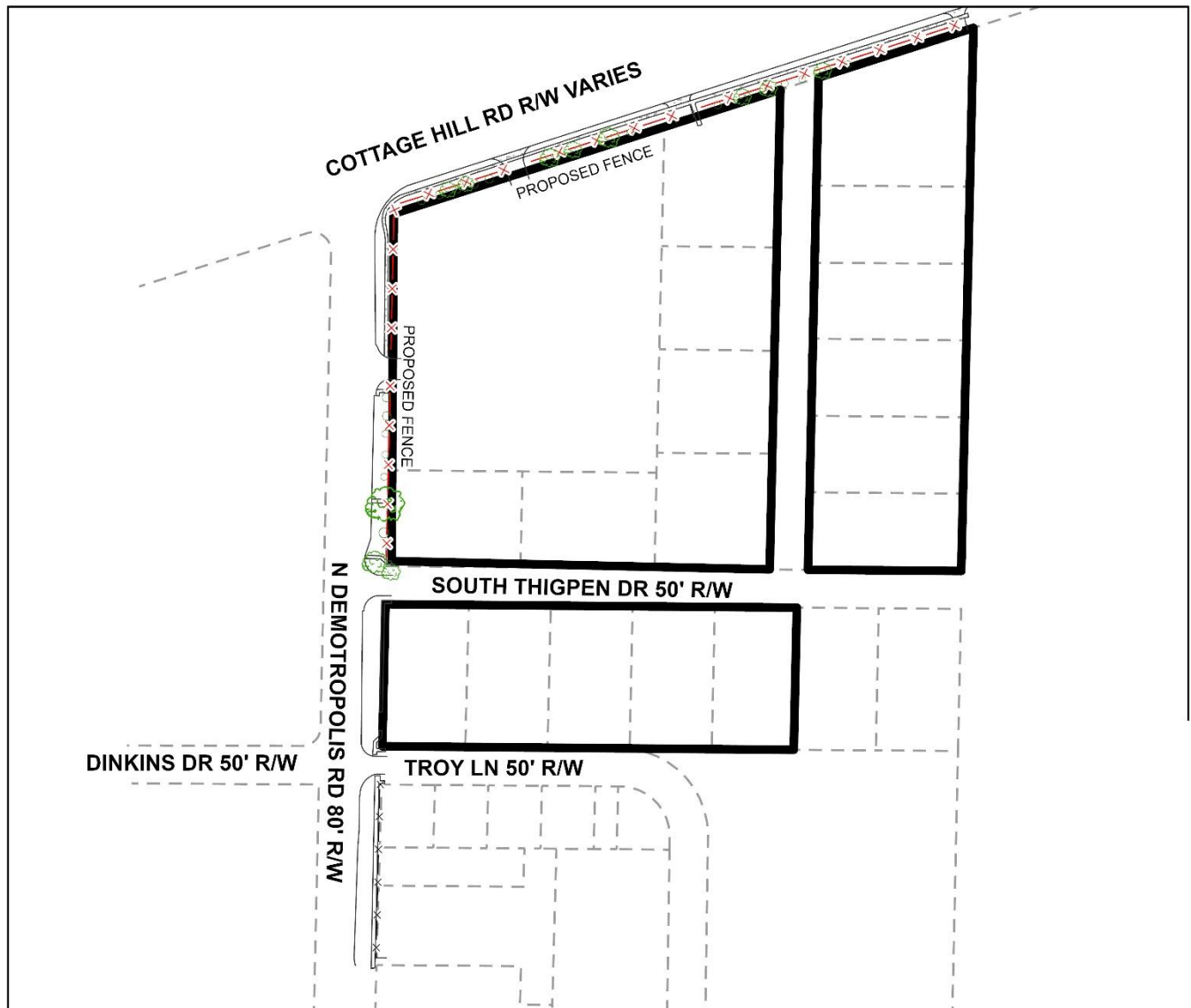
APPLICANT Catherine Clark, Agent

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

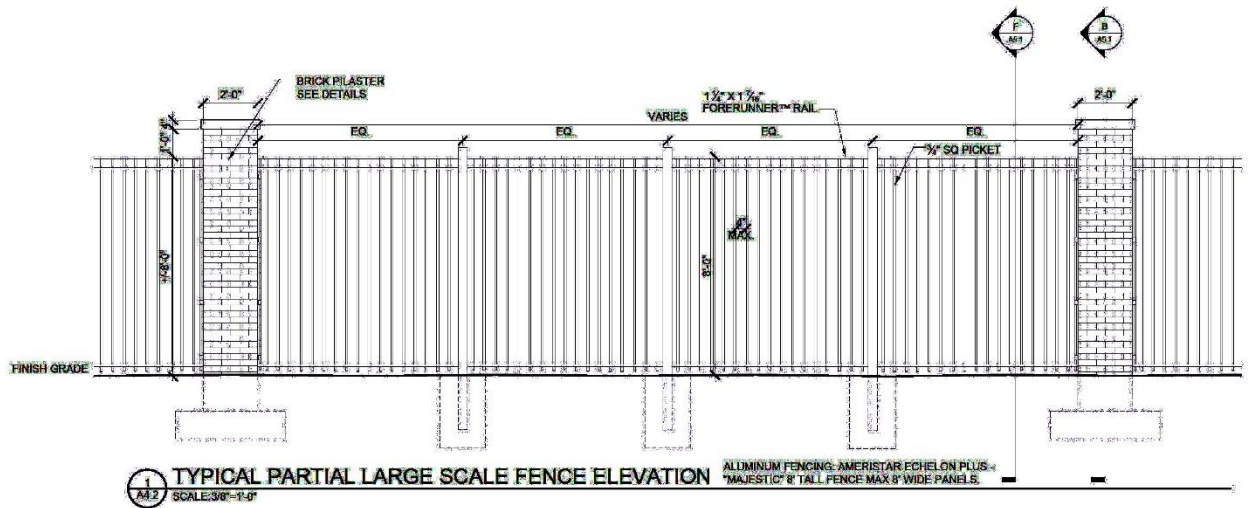


The site plan illustrates the proposed fence placements and landscaping.

APPLICATION NUMBER	6695	DATE	September 8, 2025
APPLICANT	Catherine Clark, Agent		
REQUEST	Fence Variance		



DETAIL SITE PLAN



APPLICATION NUMBER 6695 DATE September 8, 2025

APPLICANT Catherine Clark, Agent

REQUEST Fence Variance



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 (WDW/RU)
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.