



Agenda Item # 7

BOA-003805-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1214 Texas Street

Applicant / Agent:

BPCH Builders LLC

Property Owner:

Albert F. Carter, Jr and Mary Lee Carter

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number:

6771

Unified Development Code (UDC) Requirement:

- The Unified Development Code (UDC) requires lots to be a minimum of 6,000 square feet in an R-1, Single-Family Residential Urban District.

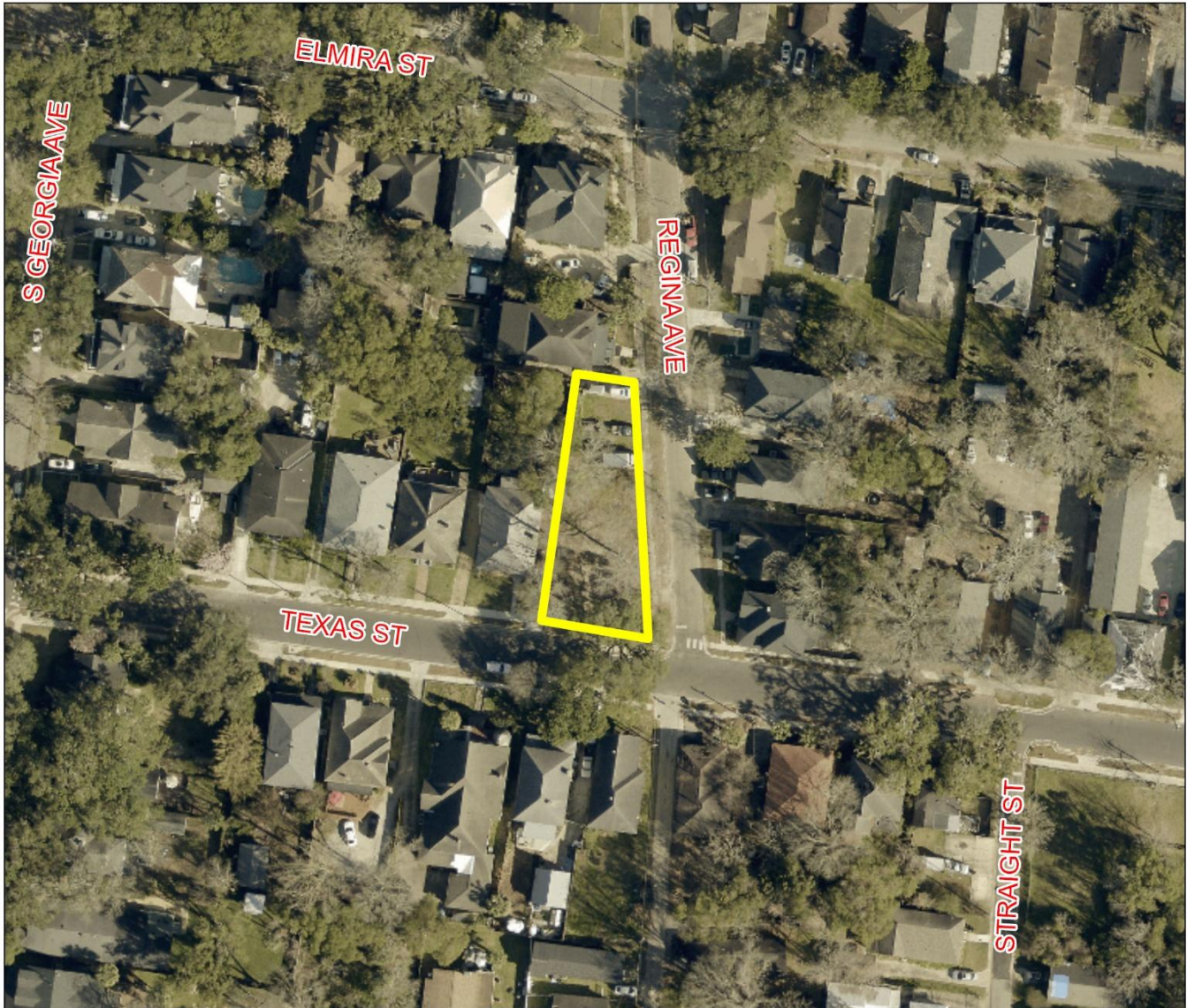
Board Consideration:

- Lot Size Variance to allow sub-standard size lots in an R-1, Single-Family Residential Urban District.

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BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>6771</u> DATE <u>August 3, 2026</u>	 NTS
APPLICANT <u>BPCH Builders, LLC</u>	
REQUEST <u>Lot Size Variance</u>	

SITE HISTORY

This site was annexed into the City of Mobile in 1889.

At its meeting on July 20, 1992, the Planning Commission approved a request for rezoning from R-3, Multiple Family Residential District to R-1, Single-Family Residential District. The rezoning to R-3 was adopted by the City Council at its July 21, 1992 meeting.

There have been no other Planning Commission or no Board of Zoning Adjustment applications 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. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 Lot Size Variance to allow sub-standard size lots in an R-1, Single-Family Residential Urban District; the Zoning Ordinance requires lots to be a minimum of 6,000 square feet in an R-1, Single-Family Residential Urban District.

All documentation submitted for this application is available via the hyperlink, on page 1.

The purpose of the variance is to request reduced minimum lot area from the minimum required 6,000 square feet required for a lot in an R-1, Single-Family Residential Urban District.

The site is an existing legal lot of record allowed to build one (1) dwelling without approvals.

Per Article 2, Sec. 64-2-5.E. of the UDC, the minimum lot size required in an R-1, Single-Family Residential Urban District is 6,000 square feet. The existing lot is 8,572 $\pm$ square feet which exceeds the minimum lot area required. The applicant is proposing two (2) lots that are 4,286 $\pm$ square feet. Therefore, a hardship does not exist as the parcel is sufficient to construct a new home in its current configuration.

The property is surrounded by other R-1 Urban-zoned lots, all developed with single-family dwellings, and there is no record of similar lot size variances being granted in the immediate area. Approval of this request without compelling justification could 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 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:

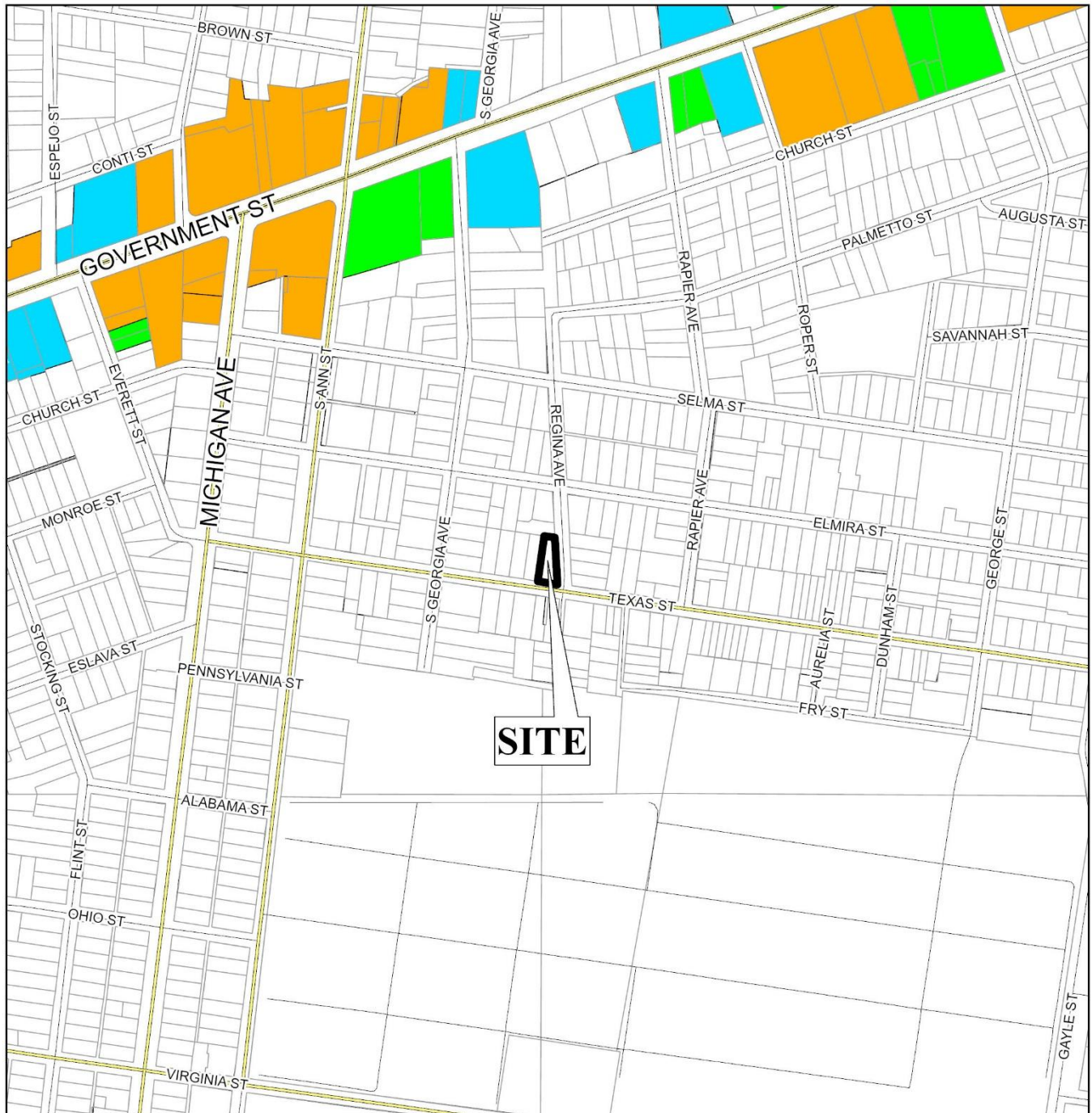
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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 considers approving the variance request, it could be subject to the following condition:

- 1) Compliance with all Engineering comments noted in this staff report;
- 2) Compliance with all Traffic Engineering comments noted in this staff report;
- 3) Compliance with all Urban Forestry comments noted in this staff report;
- 4) Compliance with all Fire Department comments noted in this staff report;
- 5) Obtain all necessary land disturbance and building permits; and
- 6) Full compliance with all municipal codes and ordinances.

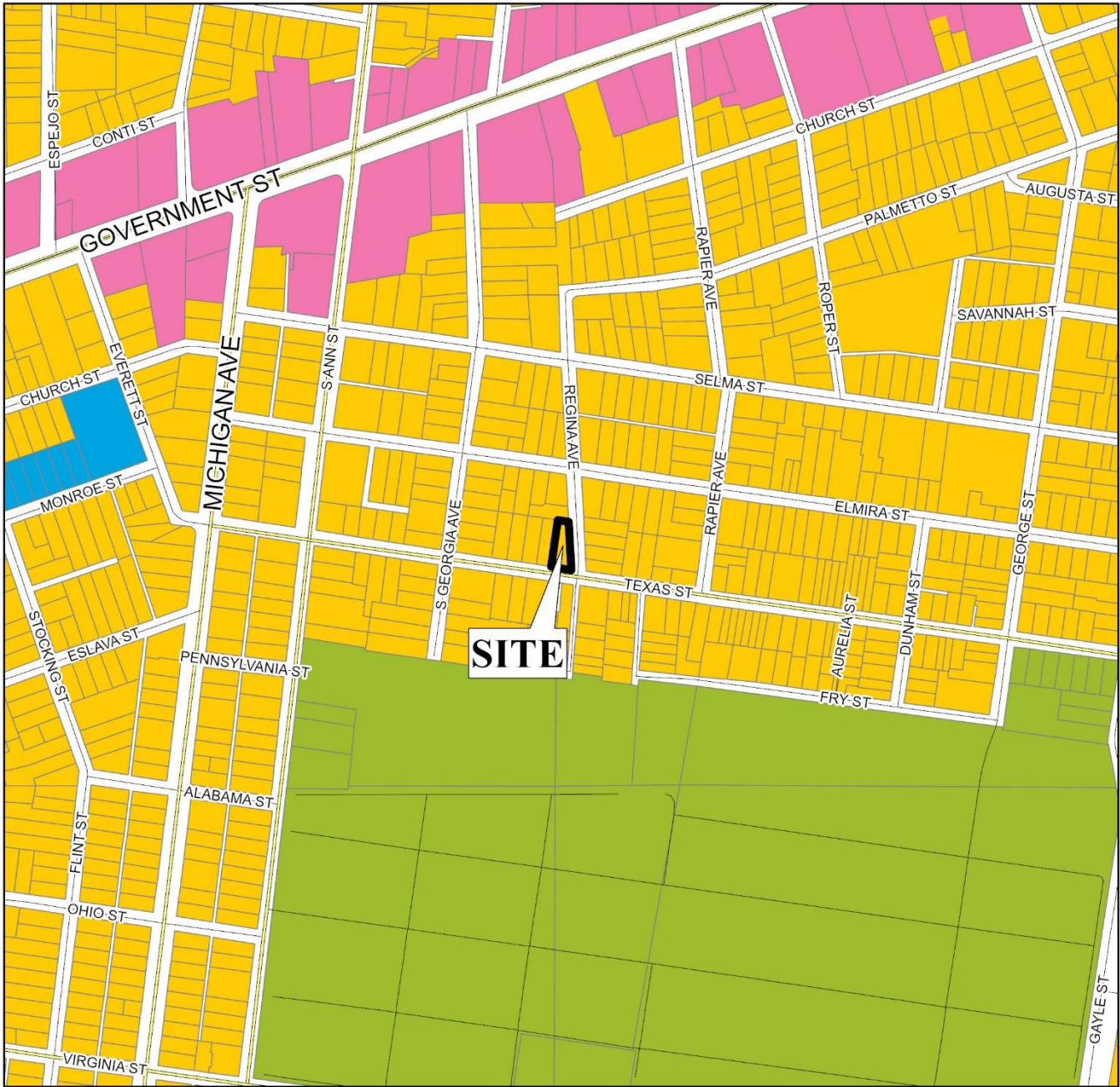
LOCATOR ZONING MAP



APPLICATION NUMBER 6771 DATE August 3, 2026
 APPLICANT BPCH Builders, LLC
 REQUEST Lot Size Variance



FLUM LOCATOR MAP



APPLICATION NUMBER	6771	DATE	August 3, 2026
APPLICANT	BPCH Builders, LLC		
REQUEST	Lot Size Variance		
Low Density Residential Mixed Density Residential Downtown District Center	Neighborhood Center - Traditional Neighborhood Center - Suburban Traditional Corridor Mixed Commercial Corridor	Light Industry Heavy Industry Institutional Parks, Open Space	Water Dependent



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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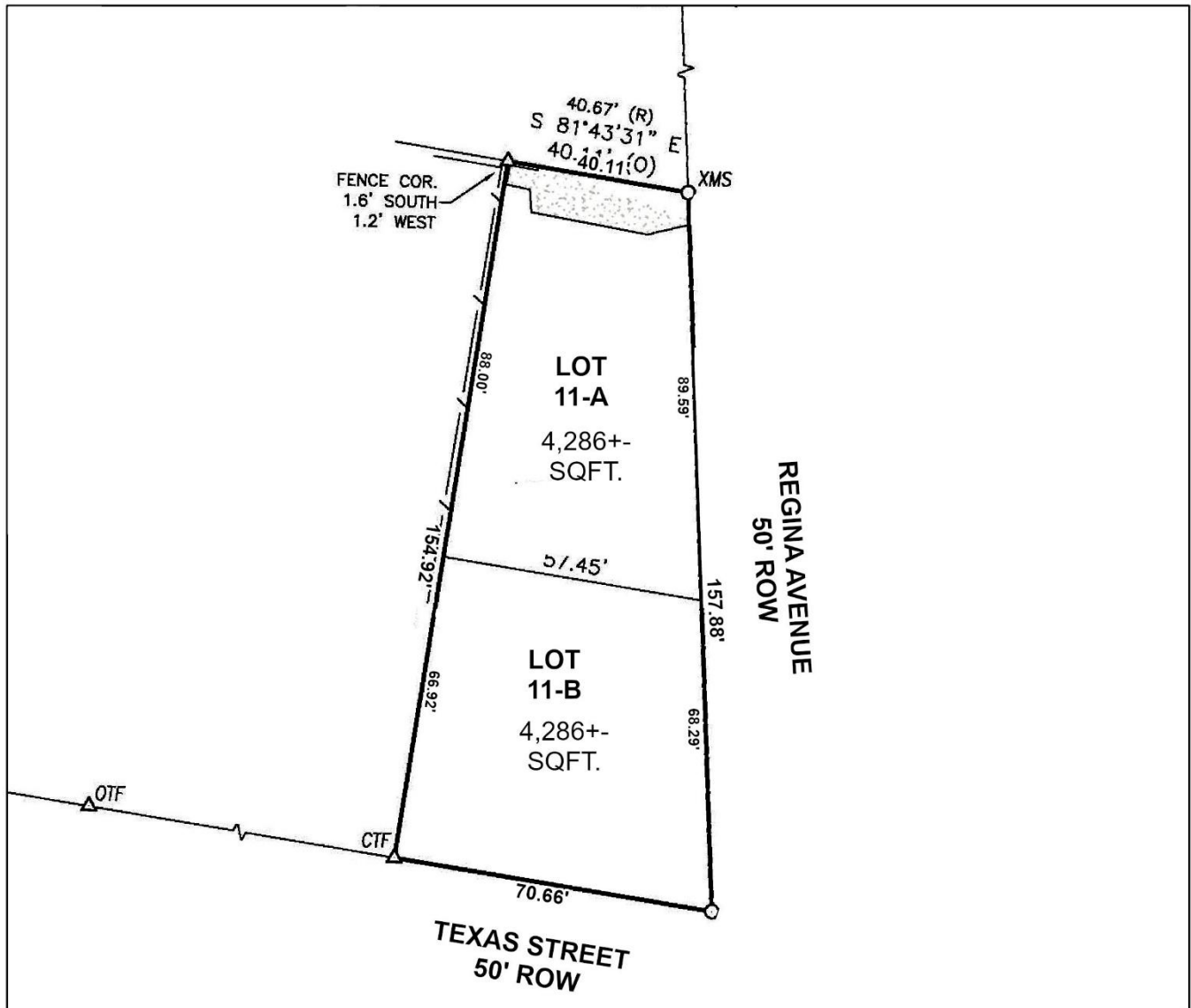
APPLICANT BPCH Builders, LLC

REQUEST Lot Size 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 lots and fencing.

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APPLICANT	BPCH Builders, LLC		
REQUEST	Lot Size Variance		



The designation of an area with a FLUM land use category does not mean that the most intense zoning district consistent with that category is “automatically” assigned to a property. Instead, an area retains its existing zoning category until it is changed through a landowner-initiated rezoning application, or a rezoning that follows an area plan. This is because the FLUM is a long-term designation, while a change in zoning considers current conditions – such as market demands, availability of infrastructure, or impacts on the immediate neighborhood.

Zoning correspondence matrix

[illegible]

Residential Land Use Areas

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

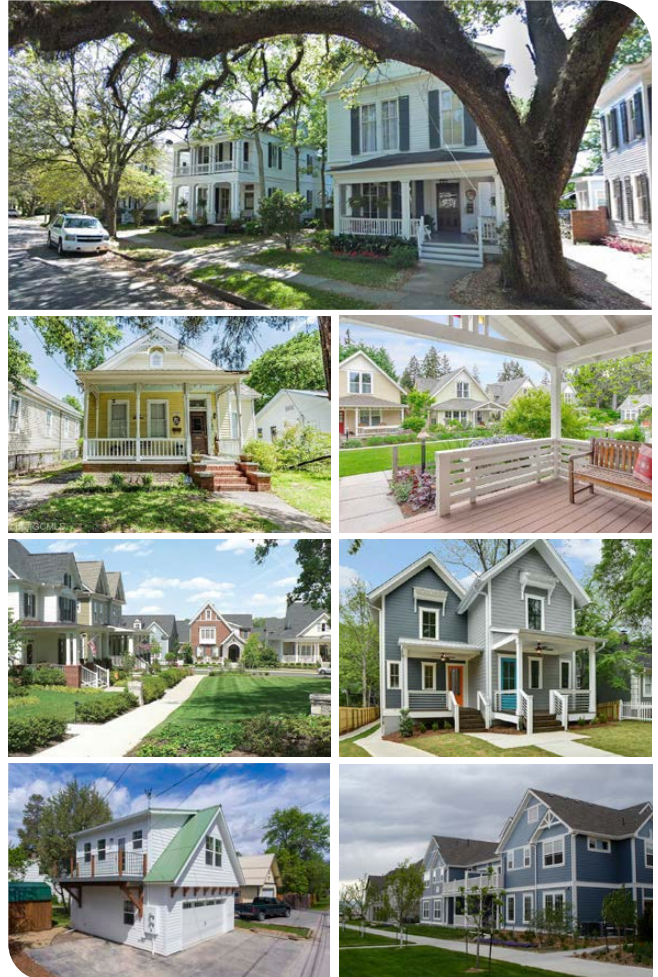
Secondary Uses

- 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