



Agenda Item # 8

BOA-003603-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:
59 Batre Lane

Applicant / Agent:
Gilmore Homes, LLC

Property Owner:
Jessica and Christopher Garner

Current Zoning:
R-1, Single-Family Residential Suburban District

Future Land Use:
Mixed Density Residential

Case Number(s):
6728

Unified Development Code (UDC) Requirement:

- The UDC requires structures taller than three-feet (3') to be located outside of the 25-foot front yard setback and that all structures not exceed 35% site coverage in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Front Yard Setback and Site Coverage Variances to allow a covered/screened porch and an approximately seven-foot (7') tall wall in the front yard setback with a total site coverage of approximately 41% 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.

APPLICATION NUMBER 6728 DATE February 2, 2026

APPLICANT Gilmore Homes, LLC

REQUEST Front Yard Setback and Site Coverage Variances



SITE HISTORY

The site was originally part of the *William Roberts Subdivision*, recorded in the Mobile County Probate Court in May 1899. Lot 71 of that subdivision was subsequently subdivided into four (4) lots and recorded as *Gaillard's Subdivision of Square 71, Spring Hill*, in October 1920.

In August 2000, the Planning Commission approved the subdivision of Lot 4 of Gaillard's Subdivision into four (4) lots, which was recorded as *Quackenbush Place Subdivision* in October 2000. In November 2000, the Planning Commission also approved a Sidewalk Waiver for the site, waiving the construction of a sidewalk along Batre Lane.

Most recently, in August 2003, the Planning Commission approved a resubdivision of the four-lot Quackenbush Place Subdivision into three (3) lots. This resubdivision was recorded as *Quackenbush Place Subdivision (Revised)* in October 2003.

There are no other Planning Commission cases or Board of Zoning Adjustment cases on record for the property.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variances; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting. Also the wall must be located on private property and NOT within the public ROW.

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 Front Yard Setback and Site Coverage Variance to allow the construction of a covered/screened porch and an approximately seven-foot (7') tall wall within the required 25-foot front yard setback with a total site coverage of approximately 41% in an R-1, Single-Family Residential Suburban District. The Unified Development Code (UDC) requires that all structures exceeding three (3) feet in height be located more than 25 feet from the side street side yard property line in this zoning district. The UDC also sets a maximum site coverage of 35% for properties located within an R-1, Single-Family Residential Suburban District.

A narrative describing the request and all application materials can be viewed via the link provided on Page 1 of this report.

The subject property is a corner lot with frontage along both Gallard Street and Batre Lane and was recorded with 25-foot minimum building setbacks along both street frontages. The proposed covered/screened porch would encroach approximately five-feet and five-inches (5' 5") into the required setback along Gallard Street, and an existing seven-foot-tall brick wall was build to the property line along Gallard Street per the provided survey of the property.

Per Article 2, Section 64-2-5.E., and Article 3, Section 64-3-5.A.1. of the UDC, all structures in the R-1, Single-Family Residential Suburban District must be set back a minimum of 25 feet from front property lines and 20 feet from side street property lines. Furthermore, 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 ground level upward. The proposed addition of a covered/screened porch and the existing 7-foot-tall brick wall exceeds this height and encroaches into required setbacks, making the request non-compliant within the established zoning standards.

It should be noted that that applicant states that due to the slope of the property, the height of the wall will range from five-feet and eleven inches (5' 11") to seven-feet (7') in height.

The combined building footprint of the existing dwelling and the proposed covered/screened porch would result in a site coverage of 41%. This is an increase of 6% requiring a site coverage variance as well.

As justification, the applicant cites the corner lot configuration, which requires two 25-foot front yard setbacks, as creates difficulty in meeting setback requirements. While this condition can limit buildable area, it is common to all corner lots in residential districts and does not, by itself, constitute a unique hardship. However, upon reviewing the site plan, staff recognizes that compliance may be difficult to achieve due to several factors:

- the modest lot size (approximately 11,325 square feet);
- the existing dwelling's placement, which limits available building area;

- the likelihood that an alternative placement would result in encroachment into the rear yard setback (eight (8) feet).

These conditions may collectively constrain development options and create a practical difficulty in complying with all required setbacks.

It should be noted that the Board has approved similar variances on nearby properties. However, no comparable variances have been granted in the vicinity since 2007. Approving the current request could therefore establish a precedent for future variance applications that could further erode the intent of the zoning ordinance.

The submitted site plan illustrates the existing dwelling and proposed placement of the covered/screened porch. The site plan does not show both the covered/screened porch and the masonry wall together. Should the variance be approved, staff recommends that a revised site plan or property survey be submitted to confirm the wall's precise location as well as the covered/screened porch relative to property lines.

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:

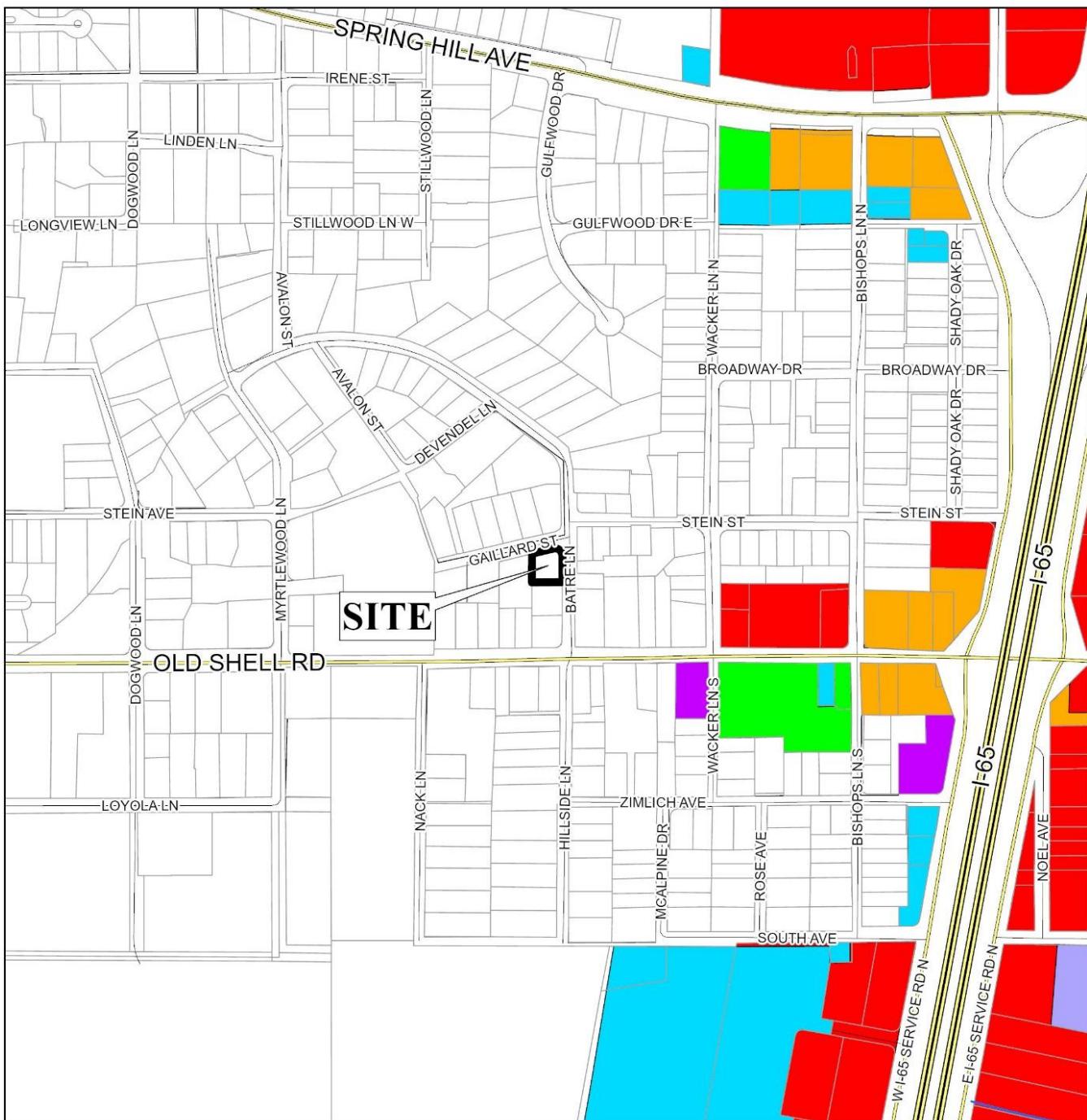
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

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

- 1) Revision of the site plan to illustrate all location of the masonry wall;
- 2) Acquisition of all required permits and inspections for the screened porch;
- 3) Acquisition of all necessary permits for the construction of the wall; and
- 4) Compliance with all other codes and ordinances.

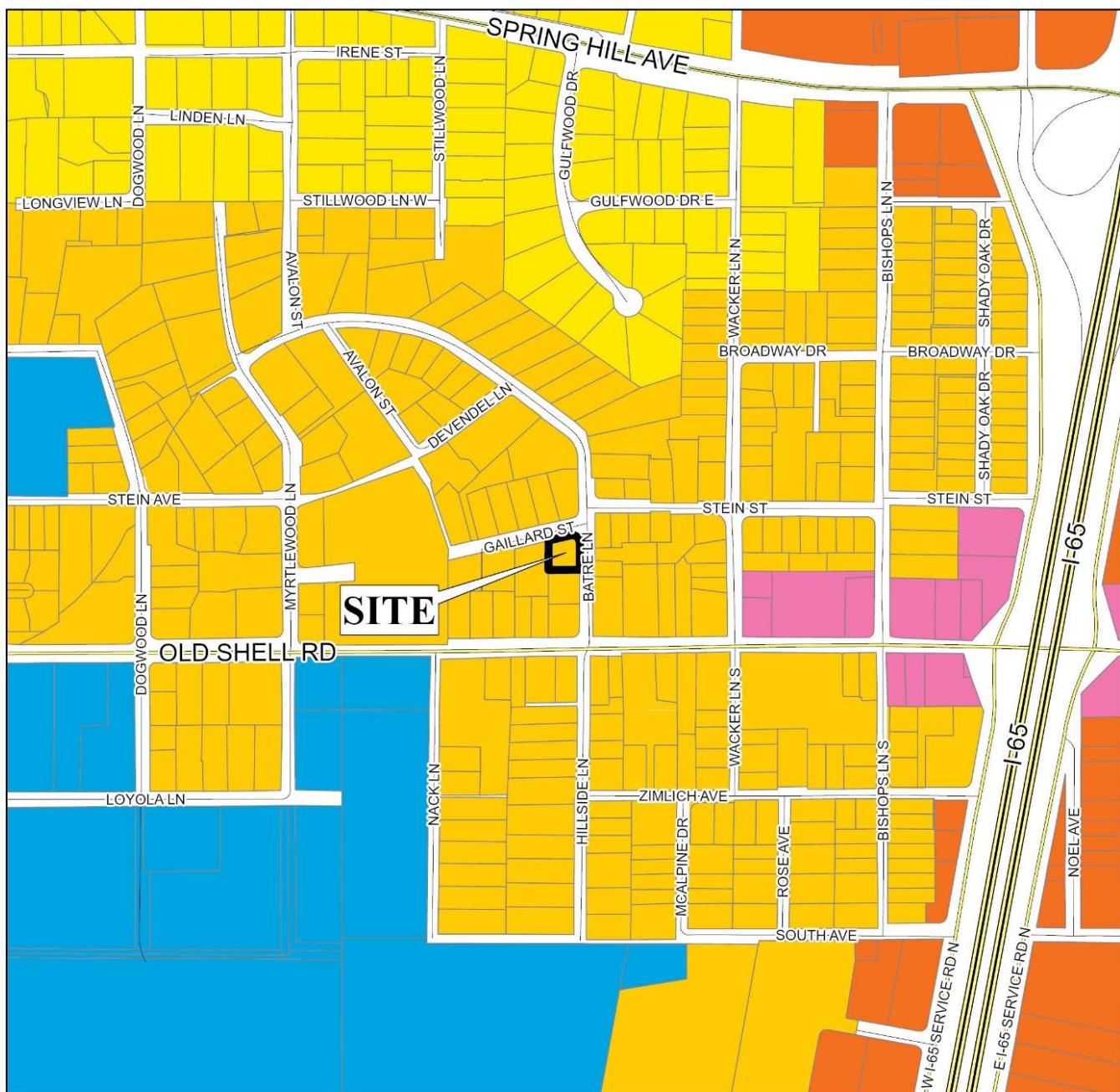
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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APPLICANT Gilmore Homes, LLC

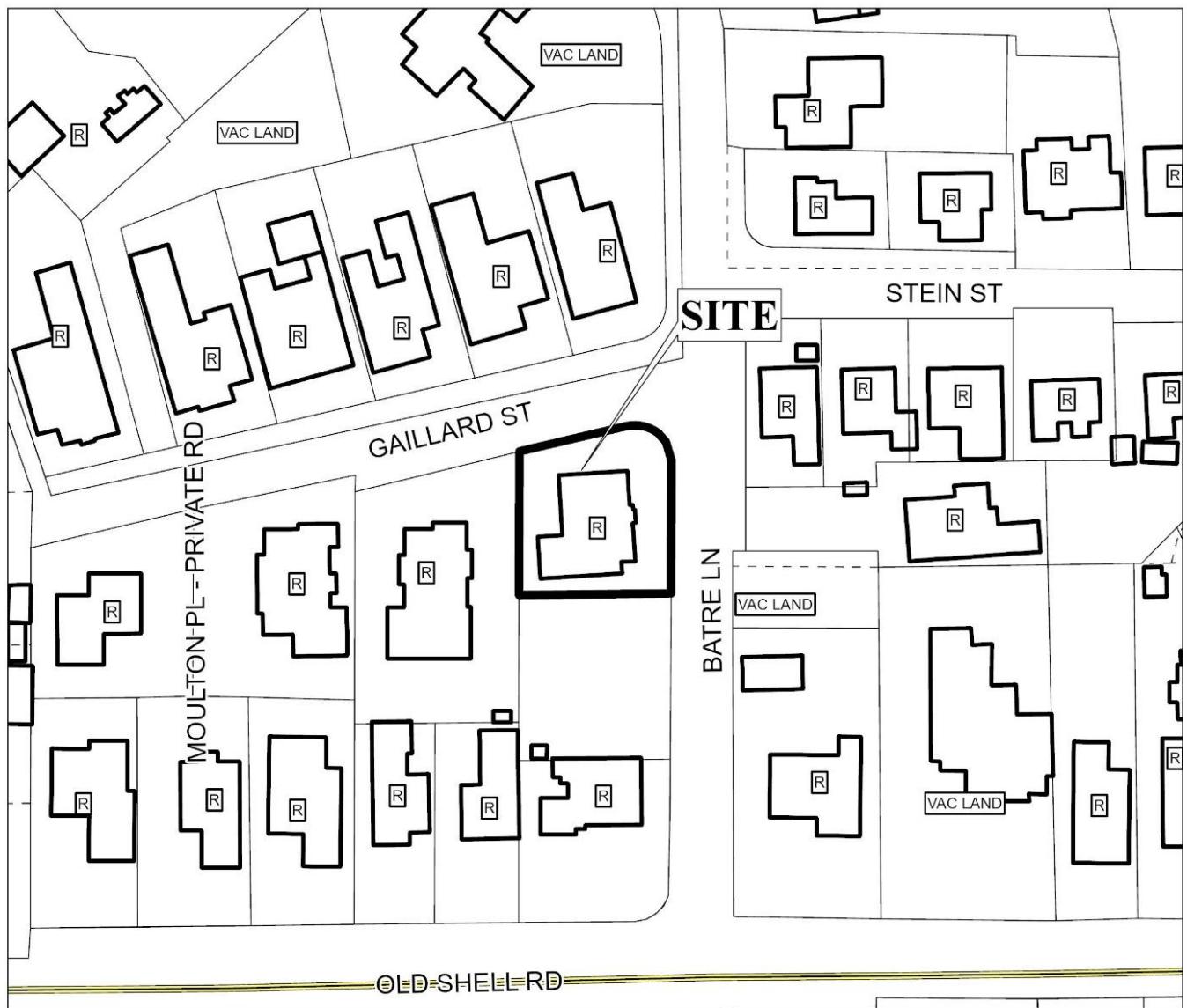
REQUEST Front Yard Setback and Site Coverage Variances

Yellow	Neighborhood Center - Traditional	Light Industry	Water Dependent
Yellow	Neighborhood Center - Suburban	Heavy Industry	
Pink	Downtown	Traditional Corridor	Institutional
Red	District Center	Mixed Commercial Corridor	Parks, Open Space

NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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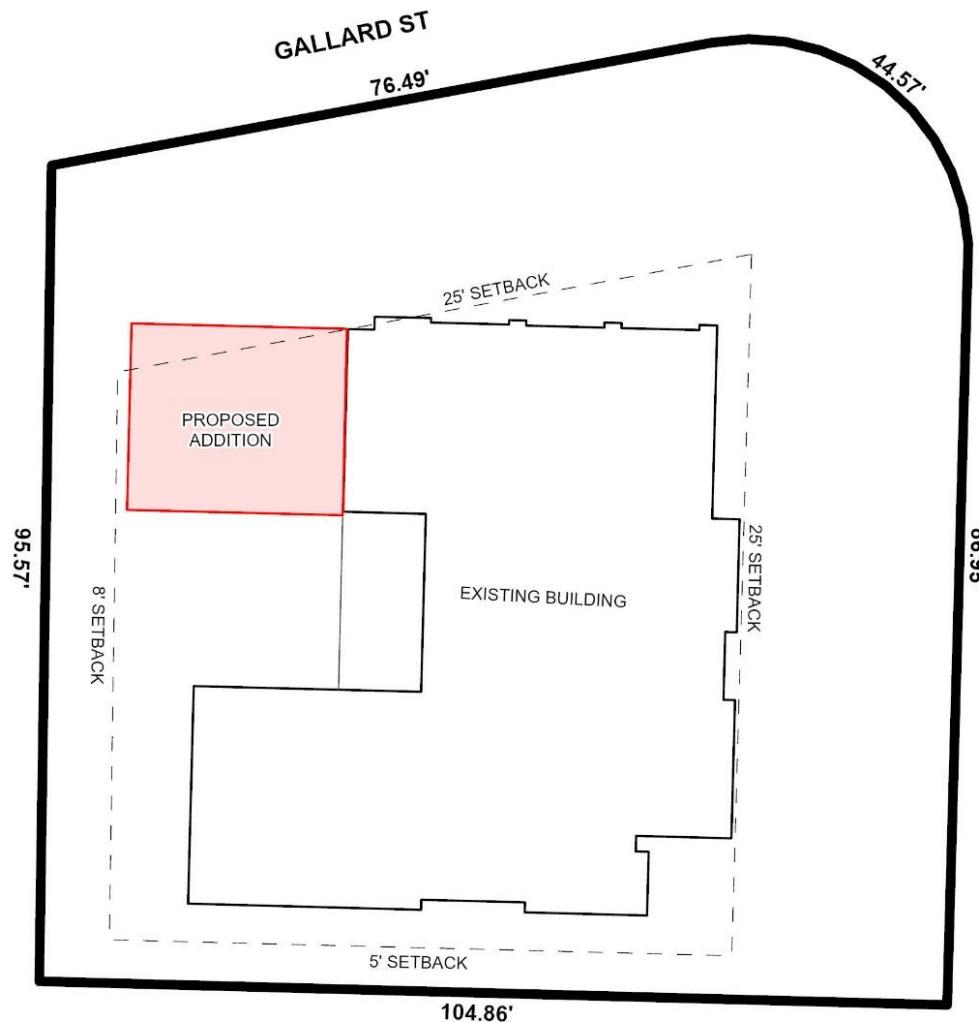
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SITE PLAN



The site plan illustrates the proposed addition and current buildings.

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