



Agenda Item # 9
BOA-003848-2026

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

[**Applicant Materials for Consideration**](#)

DETAILS

Location:

West side of Marston Lane, 100'± South of Bexley Lane.

Applicant / Agent:

10 Marston Lane, LLC

Property Owner:

10 Marston Lane, LLC

Current Zoning:

R-1, Single-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number:

6780

Unified Development Code (UDC) Requirement:

- The UDC limits dwellings to no larger than 35% site coverage, and requires a 25-foot front yard setback in an R-1, Single-Family Residential Suburban District.

Board Consideration:

- Site Coverage and Front Yard Setback Variances to allow construction of a new dwelling with more than 35% site coverage, and less than a 25-foot front yard setback in an R-1, Single-Family Residential Suburban District.

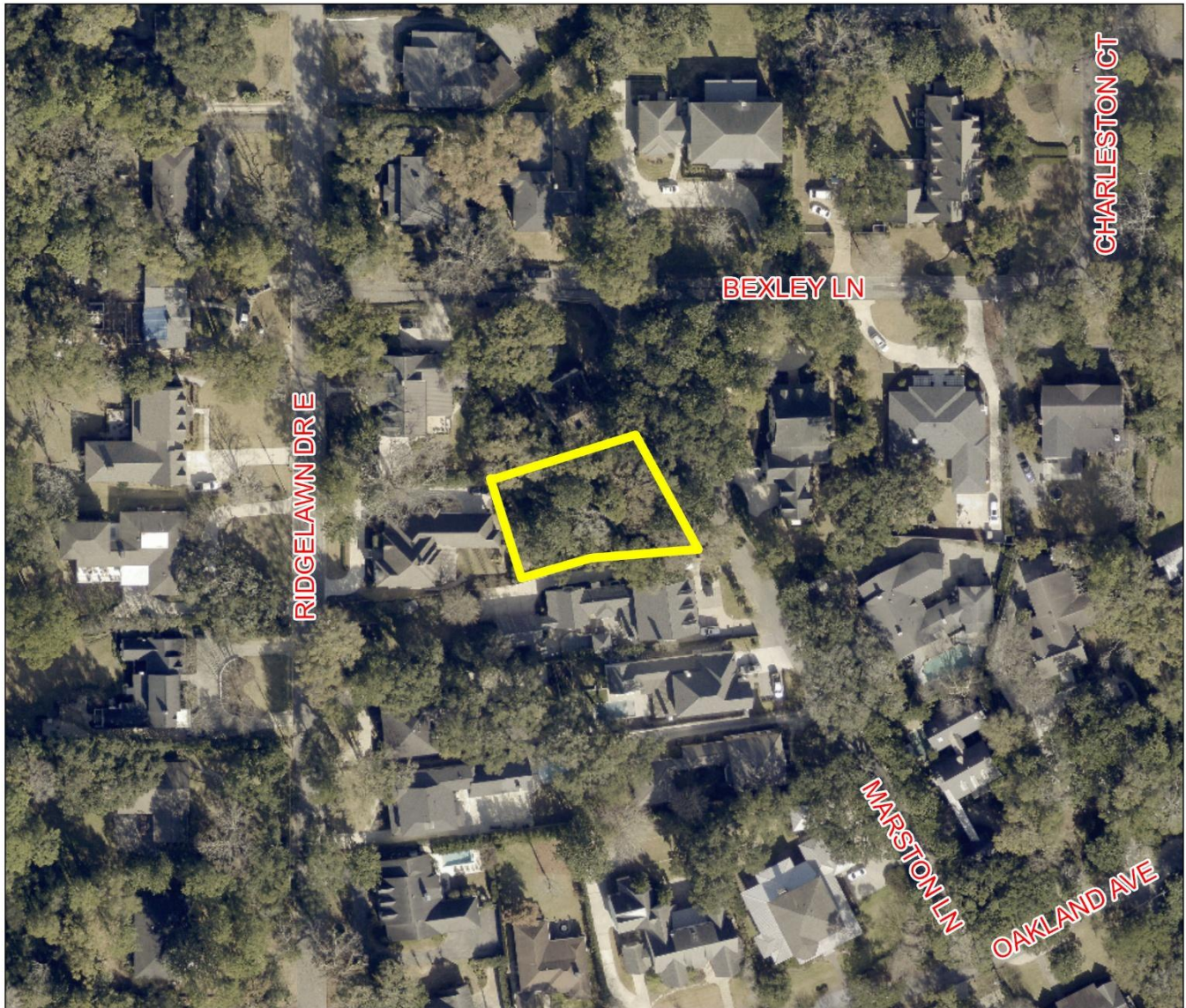
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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER	6780	DATE	September 14, 2026
APPLICANT	10 Marston Lane, LLC		
REQUEST	Site Coverage and Front Yard Setback Variances		



SITE HISTORY

The subject site was annexed into the City in 1956.

With the adoption of the Zoning Ordinance in 1967, the site was assigned an R-1, Single-Family Residential zoning classification.

The site was included as part of Sneeringer Subdivision, a three (3)-lot Subdivision approved by the Planning Commission in March 1968, and recorded in Probate Court.

In January 1996, the site was included in Sneeringer Subdivision, Resubdivision of, consisting of two (2) lots, which was approved by the Planning Commission and recorded in Probate Court.

In May 2001, the site was made into its current legal lot of record via Sneeringer Subdivision, Resubdivision of Lots 1 and 2, Resubdivision of a Portion of Lot 1, a two (2)-lot subdivision, which was approved by the Planning Commission and recorded in Probate Court.

The site has never had any associated Board of Zoning Adjustment cases.

STAFF COMMENTS

Engineering Comments:

According to the submitted plans, the proposed project will require a Tier 2 Land Disturbance Permit. The applicant will need to have the following conditions met:

1. The proposed site improvements will require that a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules for Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

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 Site Coverage and Front Yard Setback Variances to allow construction of a new dwelling with more than 35% site coverage, and less than a 25-foot front yard setback in an R-1, Single-Family Residential Suburban District; the UDC limits dwellings to no larger than 35% site coverage, and requires a 25-foot yard setback in 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 an interior lot with frontage along Marston Lane. The applicant requests a site coverage allowance of 40% for the proposed dwelling to be built on the site, and a front setback of 20 feet. Per Article 2, Section 64-2-5.E., all structures in the R-1, Single-Family Residential Suburban District are limited to 35% maximum site coverage, and must be set back a minimum of 25 feet from front property lines.

As justification, the applicant cites the proposed size and character of the residence is typical of the surrounding neighborhood, and the irregular shape of the lot reduces buildable depth. However, upon reviewing the site plan, it seems that the applicant is merely proposing to over-build on the site.

It should be noted that there have not been any similar requests within the surrounding neighborhood. Approving the current request could therefore establish a precedent for future Variance applications that could further erode the intent of the UDC.

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:

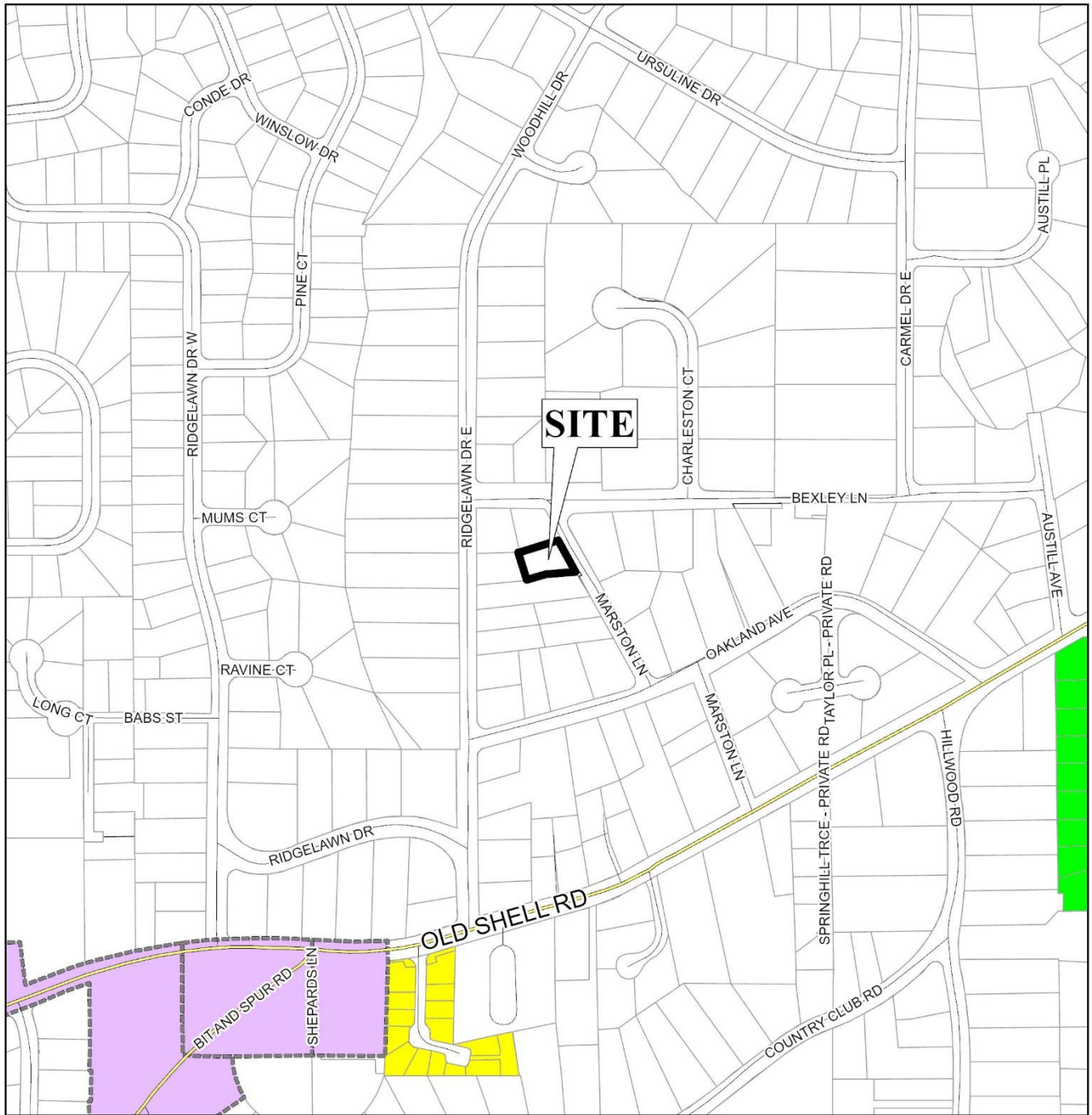
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

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.

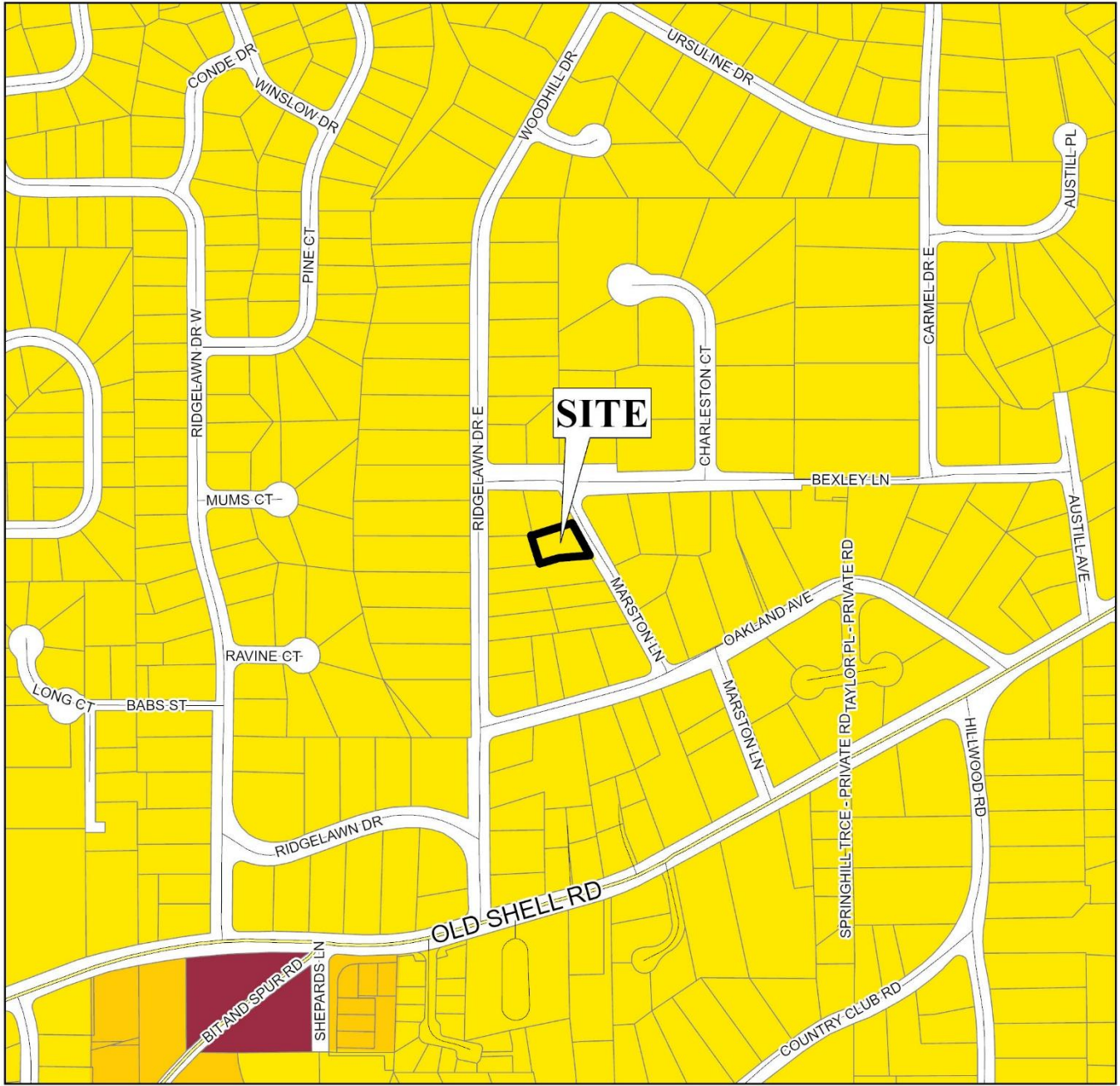
LOCATOR ZONING MAP



APPLICATION NUMBER 6780 DATE September 14, 2026
APPLICANT 10 Marston Lane, LLC
REQUEST Site Coverage and Front Yard Setback Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6780 DATE September 14, 2026
 APPLICANT 10 Marston Lane, LLC
 REQUEST Site Coverage and Front Yard Setback Variances

- | | | | |
|---|--|---|---|
| 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



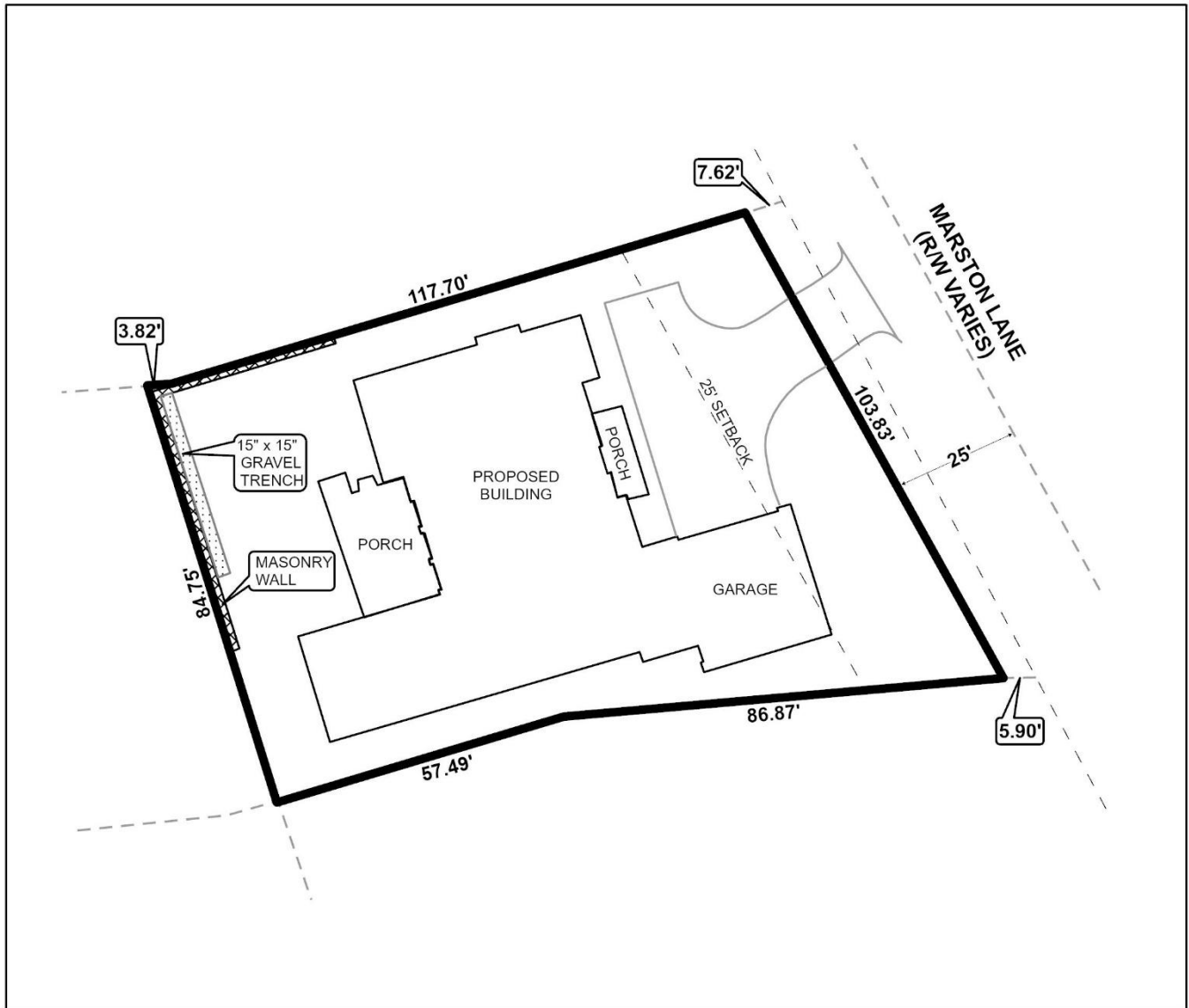
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



The site plan illustrates the proposed building and features, setbacks, and drives.

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A primary purpose of the Future Land Use Map is to guide zoning decisions. In many cases the designation on the FLUM may match the existing use of land, but in others the designated land use may differ from what is on the ground today. For example, a parcel that is in commercial use today but designated as any of the “mixed use” types on the map could redevelop with a mix of residential and commercial uses (such as retail, office, entertainment, etc., depending on the location).

The correspondence between the FLUM and the zoning district structure is described in the matrix below. This tool gives the City the flexibility over the long-term to determine appropriate changes to the zoning map based on various factors.

Zoning correspondence matrix

[illegible]

LOW DENSITY RESIDENTIAL (LDR)

This designation applies to residential neighborhoods found mostly west of I-65 or immediately adjacent to the east side of I-65. These areas are primarily single family residential, but may contain small-scale complimentary uses and other residential types at appropriate locations. An LDR area may include a wide range of lot sizes, housing size and styles, including some small-scale multi-unit buildings, but housing styles are highly consistent within a subdivision and tend to have limited connectivity between residential types and non-residential uses. Neighborhoods tend to have longer blocks and may be designed in a network of meandering streets. Residential density ranges between 0 and 6 dwelling units per acre (du/ac).

Development Intent

- › Complementary uses are designed and sited in a manner compatible with and connected to the surrounding context.
- › The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.
- › When establishing new residential areas or expanding existing developments, provide pedestrian and vehicular connectivity between adjacent developments.

Land use mix

Primary Uses

- › Residential, Single family
- › Residential, Attached

Secondary Uses

- › Residential, Multifamily
- › Civic
- › Parks

Housing mix

- › Predominantly single family subdivisions with lots smaller than one acre
- › Attached residential such as duplexes, multiplexes, and townhomes that have the scale of a single family home

Character Example

