

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: March 6, 2023**

**CASE NUMBER** 6502/6373

**APPLICANT NAME** Bethel Engineering (Vince LaCoste, Agent)

**LOCATION** 4101 Ridgelawn Drive and 1 Ridgelawn Drive East  
(West side of Ridgelawn Drive East, extending from Old Shell Road to Ridgelawn Drive).

**VARIANCE REQUEST** **SETBACK:** To allow an eight-foot (8') high masonry wall along the front property line in an R-1, Single-Family Residential District.

**ZONING ORDINANCE REQUIREMENT** **SETBACK:** The Zoning Ordinance requires a 25' front yard setback in an R-1, Single-Family Residential District.

**ZONING** R-1, Single-family Residential District

**AREA OF PROPERTY** 0.8± Acre

**ENGINEERING COMMENTS** If the proposed variance is approved the applicant will need to have the following conditions met:

1. Submit a revised drawing under permit ENG-081567-2021 showing the proposed wall and revise drainage calculation if the wall will be blocking the runoff going to the proposed detention pond.
2. Get a building permit for each separate wall.
3. The wall (including the footers) must be in its entirety in private property and NOT within the public ROW.
4. The existing driveway located at 1 Ridgeland will need to be removed.

**TRAFFIC ENGINEERING COMMENTS** The proposed wall should not have an adverse effect on traffic at the intersection of Ridgelawn Drive East and Old Shell Road.

**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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will

require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

**FIRE DEPARTMENT**

**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

**CITY COUNCIL**

**DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting a Front Yard Setback Variance to allow an eight-foot (8') high masonry wall along the front property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25-foot front yard setback for walls taller than three feet (3') in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those 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.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual

cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variations 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.

The site was the subject of a two-lot subdivision (Ridgelawn Subdivision, Resubdivision of Lot 1) which was approved by the Planning Commission at its March 18, 2021 meeting. Subsequent to that approval, on April 5, 2021, the Board approved a Setback Variance to allow a ten-foot (10') side yard setback and an eight-foot (8') high wall along the side street (Old Shell Road) property line for Lot 1-B of that subdivision, at the Northwest corner of Old Shell Road and Ridgelawn Drive East. The application at hand proposes to extend that wall along the front property lines of both Lots 1-B and 1-A fronting Ridgelawn Drive East.

The applicant states:

*The owners are requesting a variance to allow for an 8' masonry wall/fence along the right of way line of Ridgelawn Dr East as shown on the submitted drawings.*

The narrative for the previous variance for this site contained the following pertaining to the wall setback request:

*We are requesting a 10-foot setback along Old Shell Road to allow the home as shown on the site plan for proposed Lot 1-B to be placed in a manner that fits surrounding conditions. Also, as part of this request the owner would like to build an 8-foot wall along the existing right of way to provide additional physical barrier between the right of way and this property. It would also serve as a noise reducer to both this property and surrounding properties. We believe both the request for an allowance for an 8-foot wall along Old Shell Road and reduction of setback to 10 feet on this side street would not be out of character for this and other developments that exist in the area.*

It should be noted that walls exist in the neighborhood, either by variance or are "grandfathered", and the proposed wall would not be out of character with the neighborhood. There have been other similar structural setback variance requests in the area approved by the Board to allow fences or walls directly on the right-of-way line, and the proposed wall would be in character with others in the neighborhood. In those instances, no clear hardship was identified related to

the property but, instead, emphasis was put on privacy and neighborhood harmony. To that end, in spite of a true hardship being illustrated, this request would seem to follow in the same spirit and would not seem to be out of character in this neighborhood given the fact that other similar requests have been approved setting a precedence for approval of this request.

Furthermore, as per the Traffic Engineering comments, the proposed wall should not have an adverse effect on traffic at the intersection of Ridgelawn Drive East and Old Shell Road.

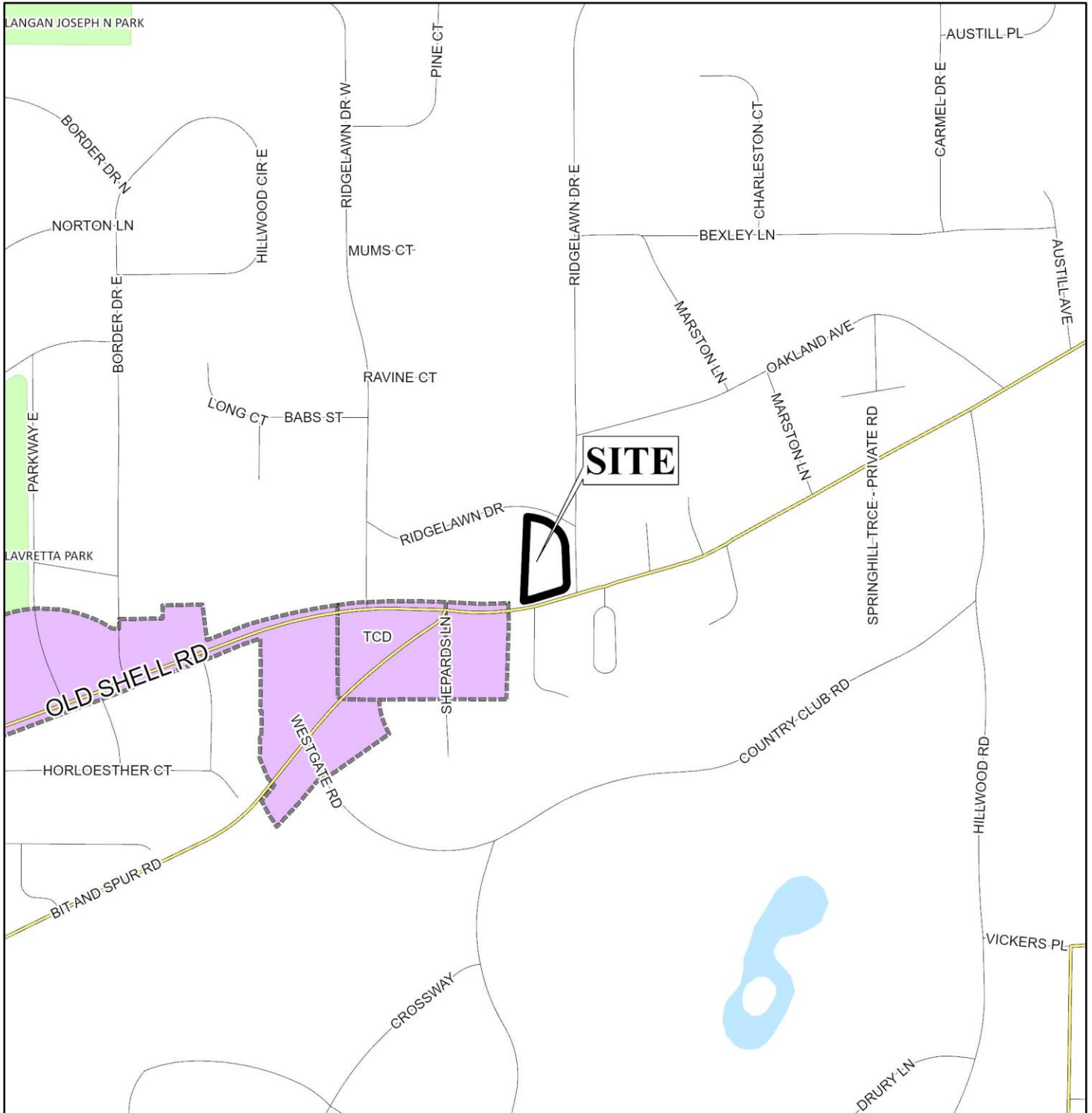
**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of the request to allow an eight-foot (8') high masonry wall along the front property line in an R-1, Single-Family Residential District:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar requests have been approved by the Board for nearby properties for walls of similar size and location;
- 2) Special conditions exist, such as the fact that other properties within the neighborhood have fences and walls close to the street property line, and reduced side street setbacks have been approved, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance because the request is similar to and not uncommon for other properties within the Spring Hill area.

The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the wall;
- 2) subject to the Engineering comments: *(If the proposed variance is approved the applicant will need to have the following conditions met: 1. Submit a revised drawing under permit ENG-081567-2021 showing the proposed wall and revise drainage calculation if the wall will be blocking the runoff going to the proposed detention pond. 2. Get a building permit for each separate wall. 3. The wall (including the footers) must be in its entirety in private property and NOT within the public ROW. 4. The existing driveway located at 1 Ridgeland will need to be removed.); and*
- 3) full compliance with all municipal codes and ordinances.

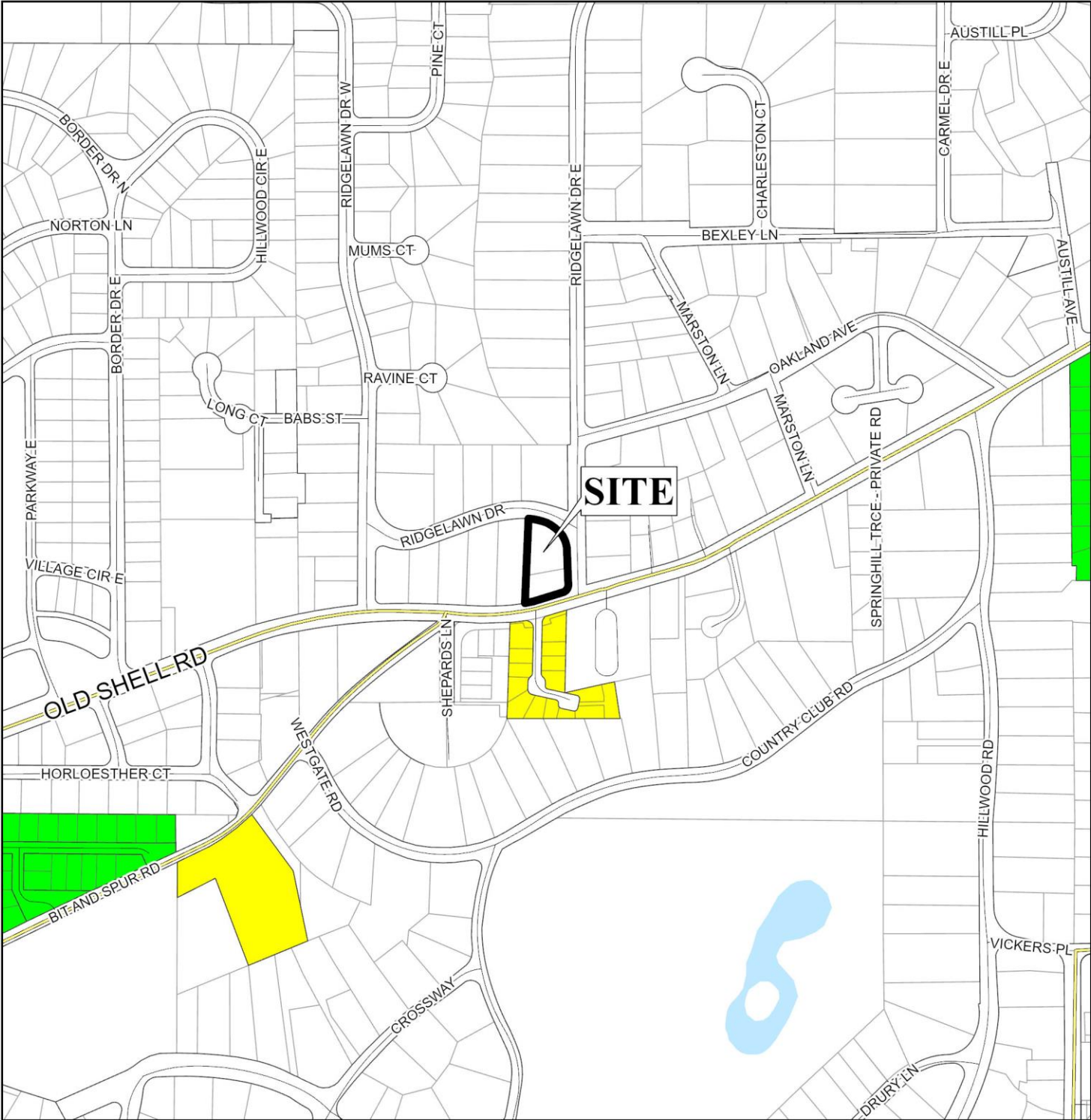
# LOCATOR MAP



APPLICATION NUMBER 6502 DATE March 6, 2023  
 APPLICANT Bethel Engineering (Vince LaCoste, Agent)  
 REQUEST Front Yard Setback Variance

N  
  
 NTS

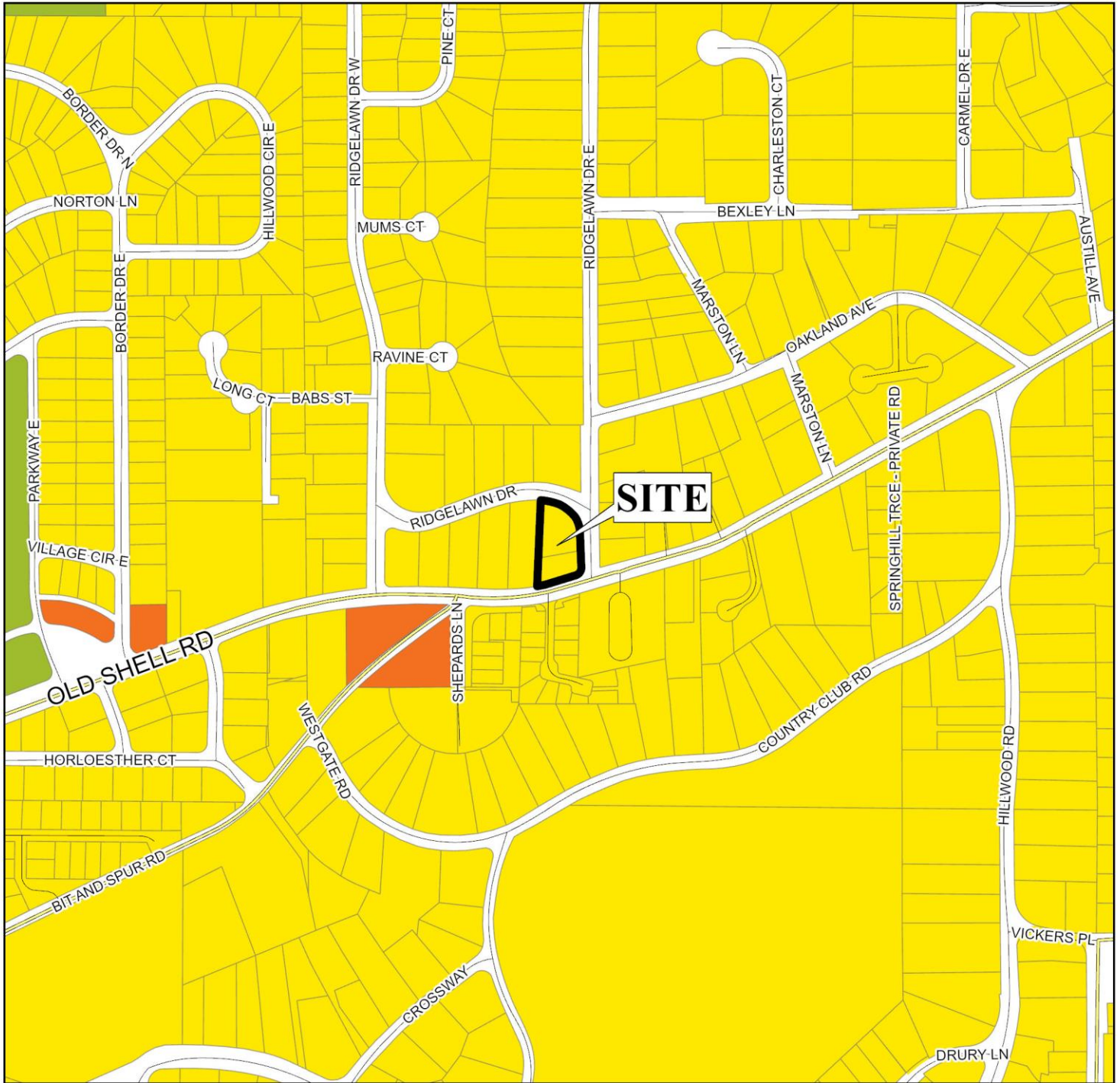
# LOCATOR ZONING MAP



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NTS

# FLUM LOCATOR MAP



APPLICATION NUMBER 6502 DATE March 6, 2023

APPLICANT Bethel Engineering (Vince LaCoste, Agent)

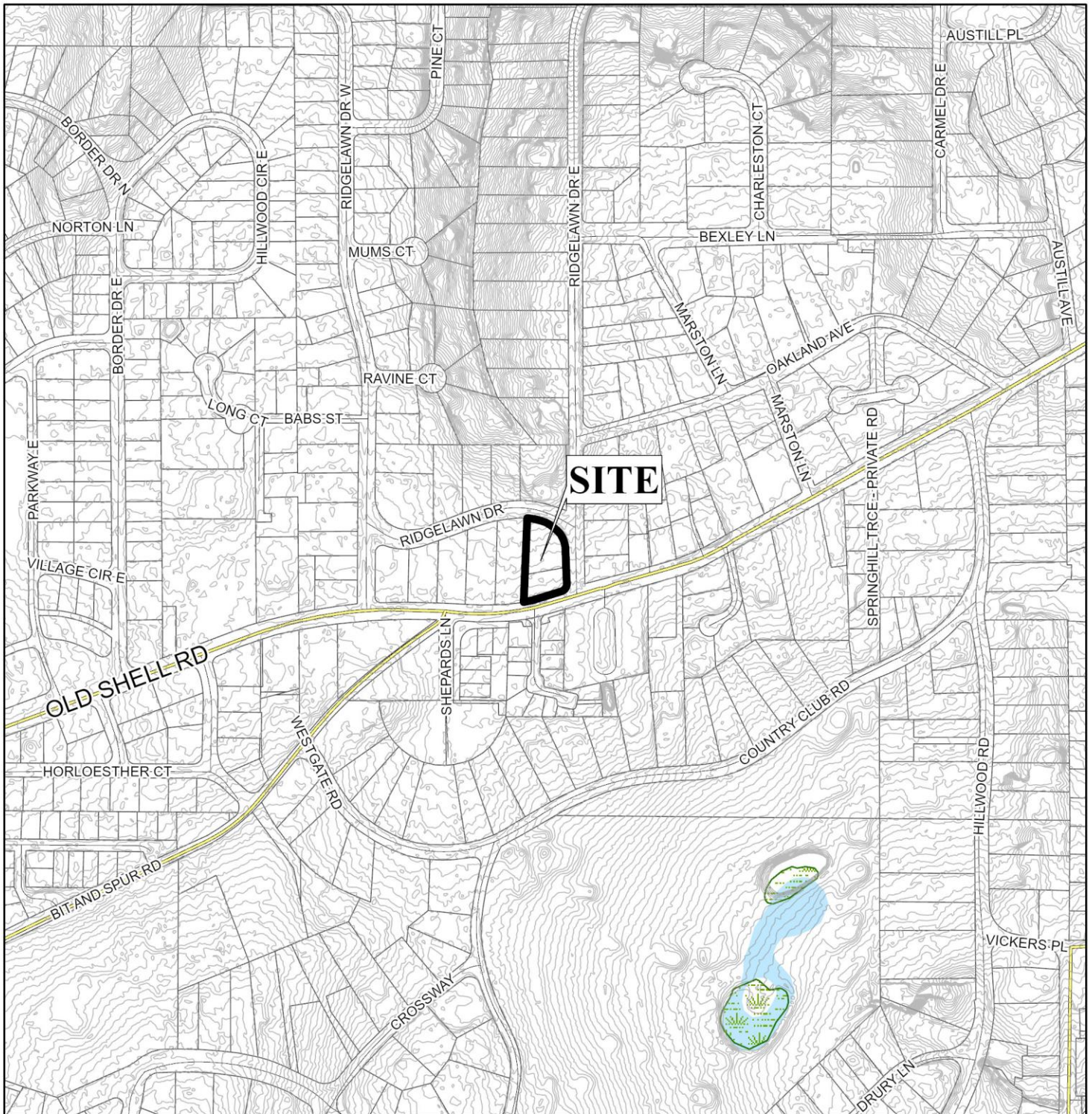
REQUEST Front Yard Setback Variance

**FLUM**

- |                                |                                   |                      |                 |
|--------------------------------|-----------------------------------|----------------------|-----------------|
| Low Density Residential        | District Center                   | Traditional Corridor | Heavy Industry  |
| Mixed Density Residential      | Neighborhood Center - Traditional | Downtown Waterfront  | Institutional   |
| Neighborhood Center - Suburban | Light Industry                    | Parks & Open Space   | Water Dependent |



# ENVIRONMENTAL LOCATOR MAP



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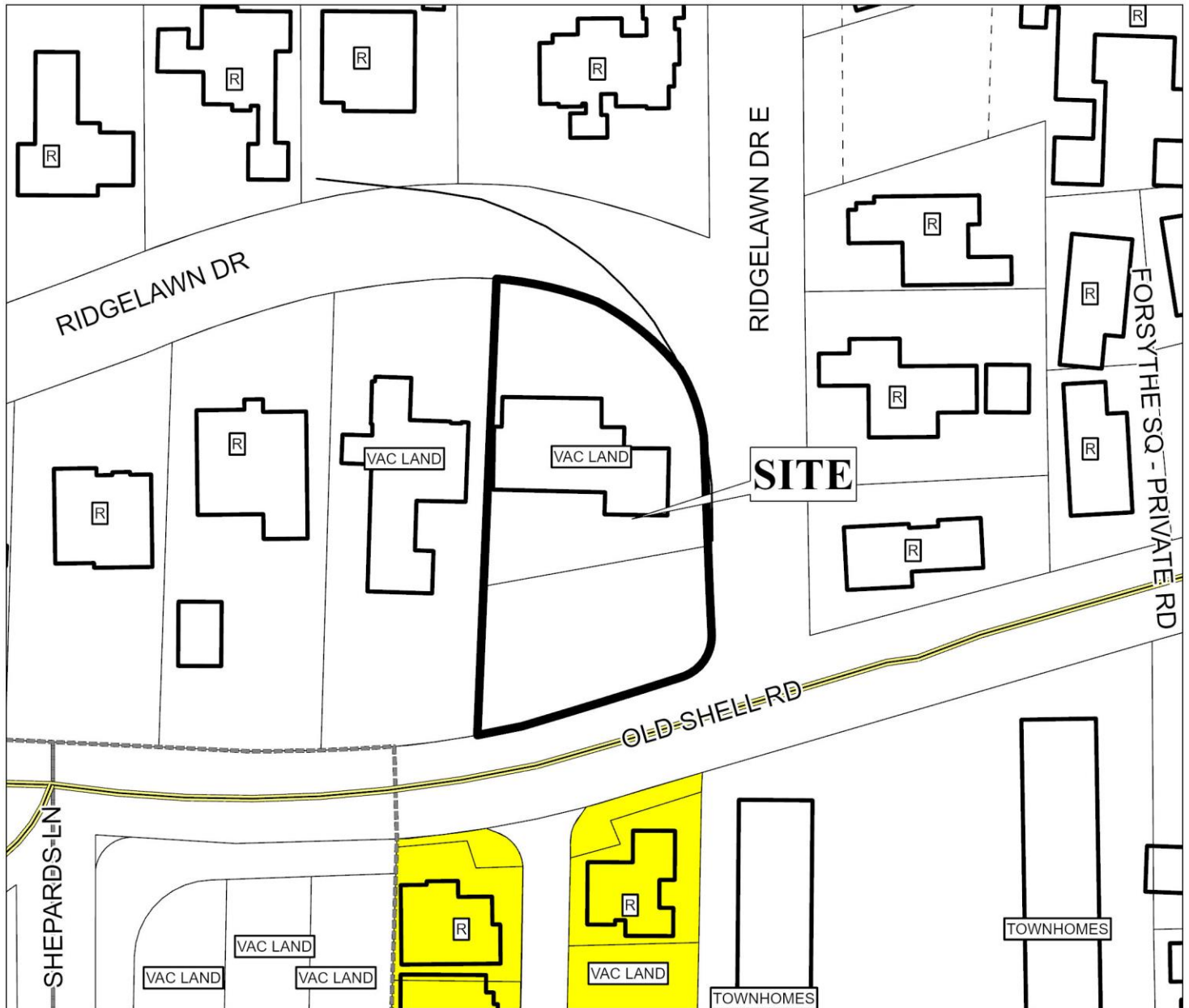
APPLICANT Bethel Engineering (Vince LaCoste, Agent)

REQUEST Front Yard Setback Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Front Yard Setback Variance

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

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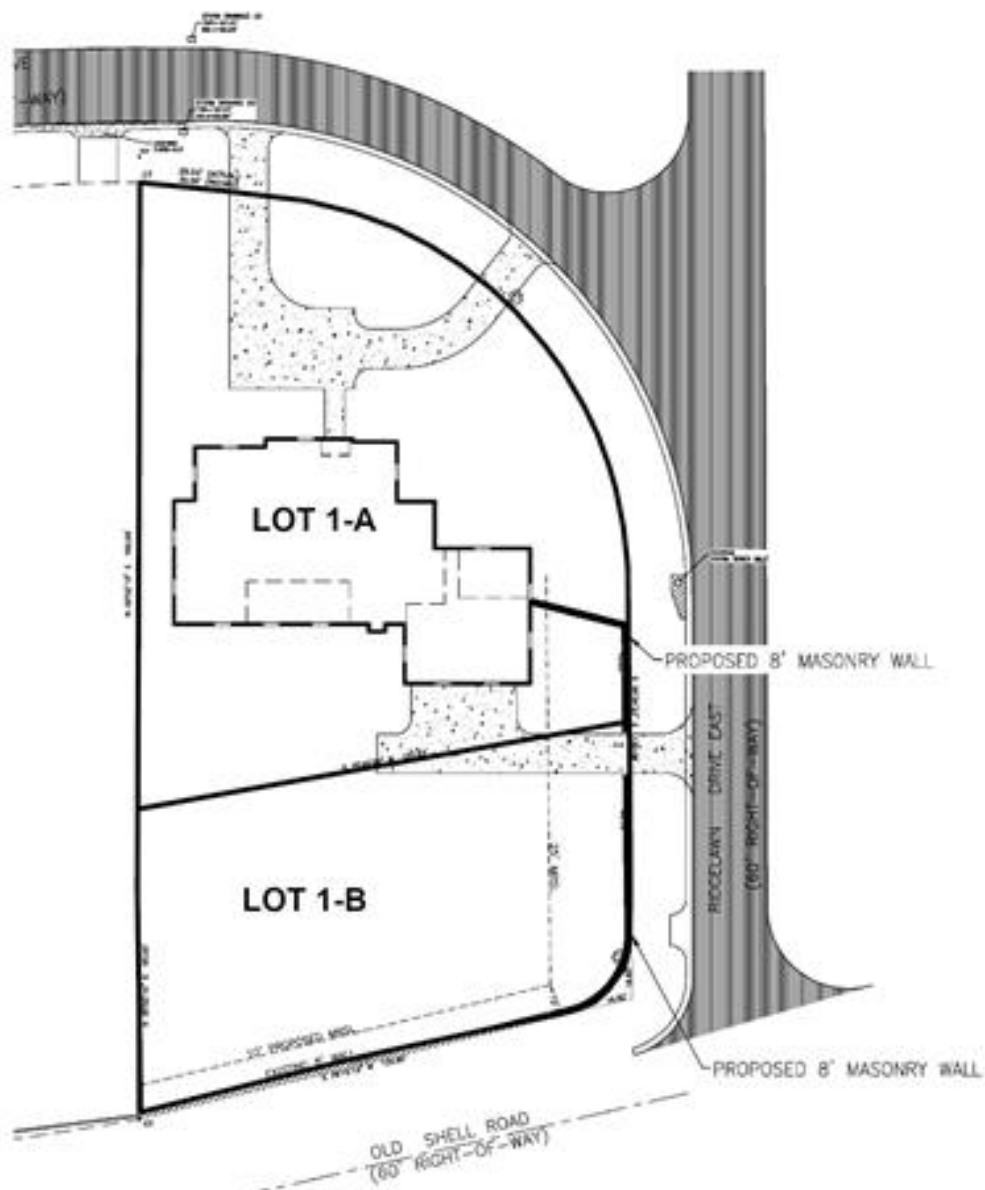
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REQUEST Front Yard Setback Variance



NTS

# SITE PLAN



The site plan illustrates the existing dwelling, setbacks, and proposed masonry wall.

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