



## Agenda Item # 9

BOA-003740-2026

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

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

7288 Wynngate Way

**Applicant / Agent:**

Superior Construction & Restoration Services

**Property Owner:**

Donna Brunson/ Karen Kunka

**Current Zoning:**

R-1, Single-Family Residential Suburban District

**Future Land Use:**

Low Density Residential

**Case Number:**

6763

**Unified Development Code (UDC) Requirement:**

- The Unified Development Code (UDC) does not allow a second dwelling unit on a single building site in an R-1, Single-Family Residential Suburban District.

**Board Consideration:**

- Use Variance to allow a second dwelling unit on a single building site in an R-1, Single-Family Residential Suburban District.


**Report Contents:**

	<b>Page</b>
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 residential units.

APPLICATION NUMBER <u>6763</u> DATE <u>June 1, 2026</u>	
APPLICANT <u>Superior Construction &amp; Restoration Services</u>	
REQUEST <u>Use Variance</u>	

## SITE HISTORY

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This site was annexed into the City of Mobile in 2007.

The site was the subject of a 114-lot subdivision approved by the Planning Commission at its April 7, 2005, meeting, and received a one-year extension which expired.

At its meeting on November 2, 2006, the Planning Commission approved a request for a 67-lot subdivision. Extension approvals for the subdivision were granted on November 1, 2007, and October 16, 2008. The final extension approval was denied on October 15, 2009.

At its meeting on October 1, 2015, the Planning Commission approved a request for a 25-lot subdivision. Extension approvals for the subdivision were granted on October 20, 2016, and November 2, 2017. The subdivision was not recorded in Probate Court.

At its meeting on December 7, 2017, the Planning Commission approved a request for a 19-lot subdivision and granted an extension approval on November 21, 2019. The subdivision was recorded in Probate Court on February 22, 2018.

At its meeting on February 16, 2022, the Planning Commission approved a request for an 18-lot subdivision. The approved plat was recorded in Probate Court.

There have been no other Planning Commission or no Board of Zoning Adjustment applications associated with the site.

## STAFF COMMENTS

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### **Engineering Comments:**

No comments.

### **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 Use Variance to allow a second dwelling unit in an R-1, Single-Family Residential Urban District. Per Table 64-2-24.1 of Article 2 the Unified Development Code (UDC), a second dwelling unit on a single building site in an R-1, Single-Family Residential Urban Development District is not permitted.

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

The purpose of the variance is to allow the footprint of the primary dwelling to include multiple dwellings on a single site. Due to medical issues requiring constant care, the applicant is requesting a second dwelling to allow them the ability to care for a family member.

Article 3, Table 64-3-12.1 of the UDC requires one and one-half (1.5) off-street parking spaces per dwelling unit, resulting in a minimum of three (3) spaces for the proposed duplex. The site plan does not depict compliant parking spaces. If approved, the site plan must be revised to illustrate three (3) compliant off-street parking spaces.

The applicant did not provide a floor plan showing how the proposed structure will function with two (2) dwellings. Additionally, the applicant has not provided any plans demonstrating how the structure will be in compliance with all applicable codes and ordinances— including the Building Code, Plumbing Code, Fire Code, etc.—for occupancy as a two-family dwelling. If approved, plans must be provided including a floor plan demonstrating compliance with these codes will be required, and all necessary development permits must be obtained prior to occupancy.

The property is surrounded by other R-1 Suburban-zoned lots, all developed with single-family dwellings, and there is no record of similar use 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

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### 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) Revise the site plan to illustrate three (3) compliant off-street parking spaces;
- 2) Submittal of plans, including a floor plan demonstrating with all applicable codes and ordinances at the time of permitting;
- 3) Obtain all necessary land disturbance and building permits; and
- 4) Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



APPLICATION NUMBER 6763 DATE June 1, 2026

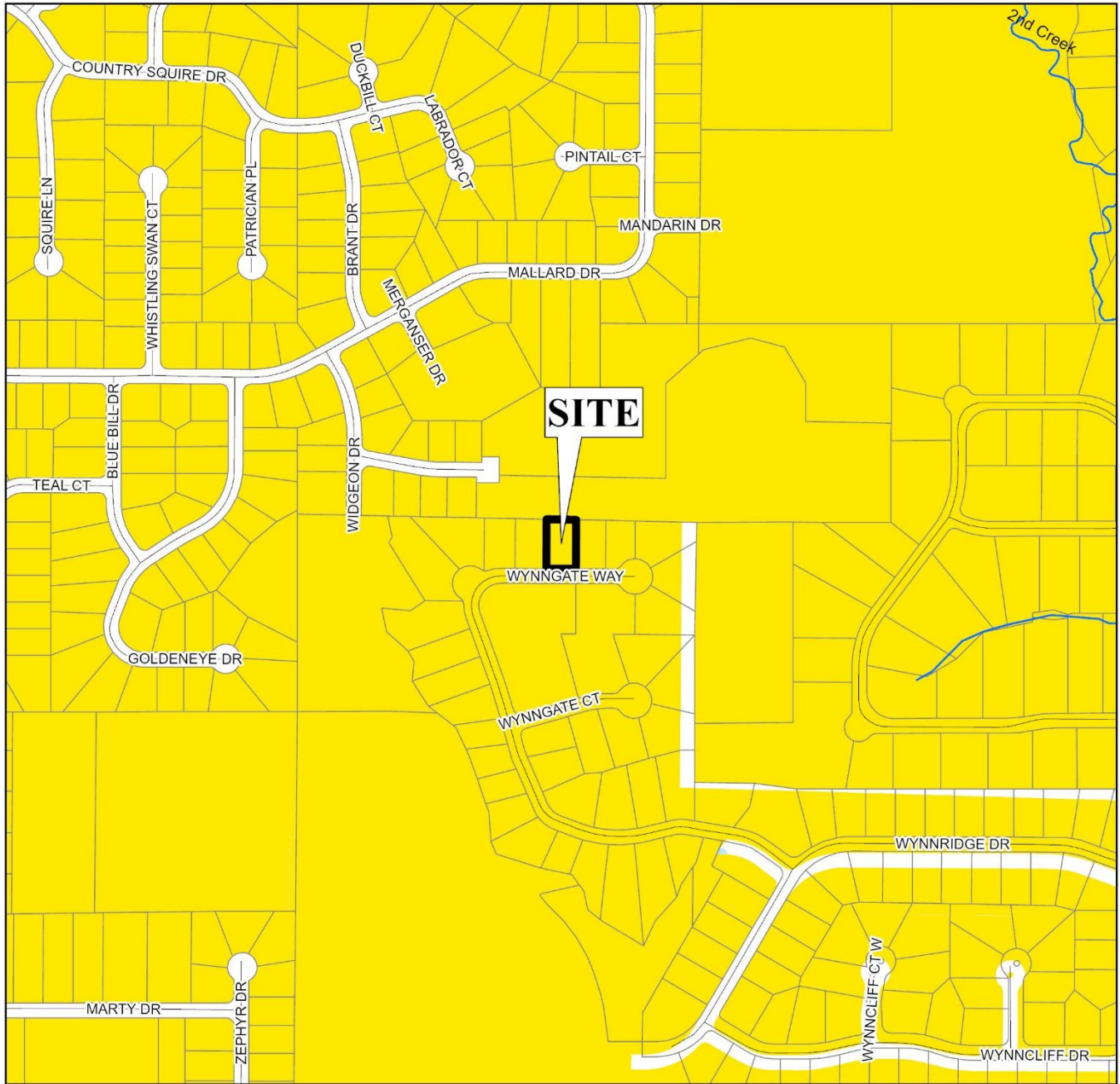
APPLICANT Superior Construction & Restoration Services

REQUEST Use Variance



NTS

# FLUM LOCATOR MAP



APPLICATION NUMBER 6763 DATE June 1, 2026

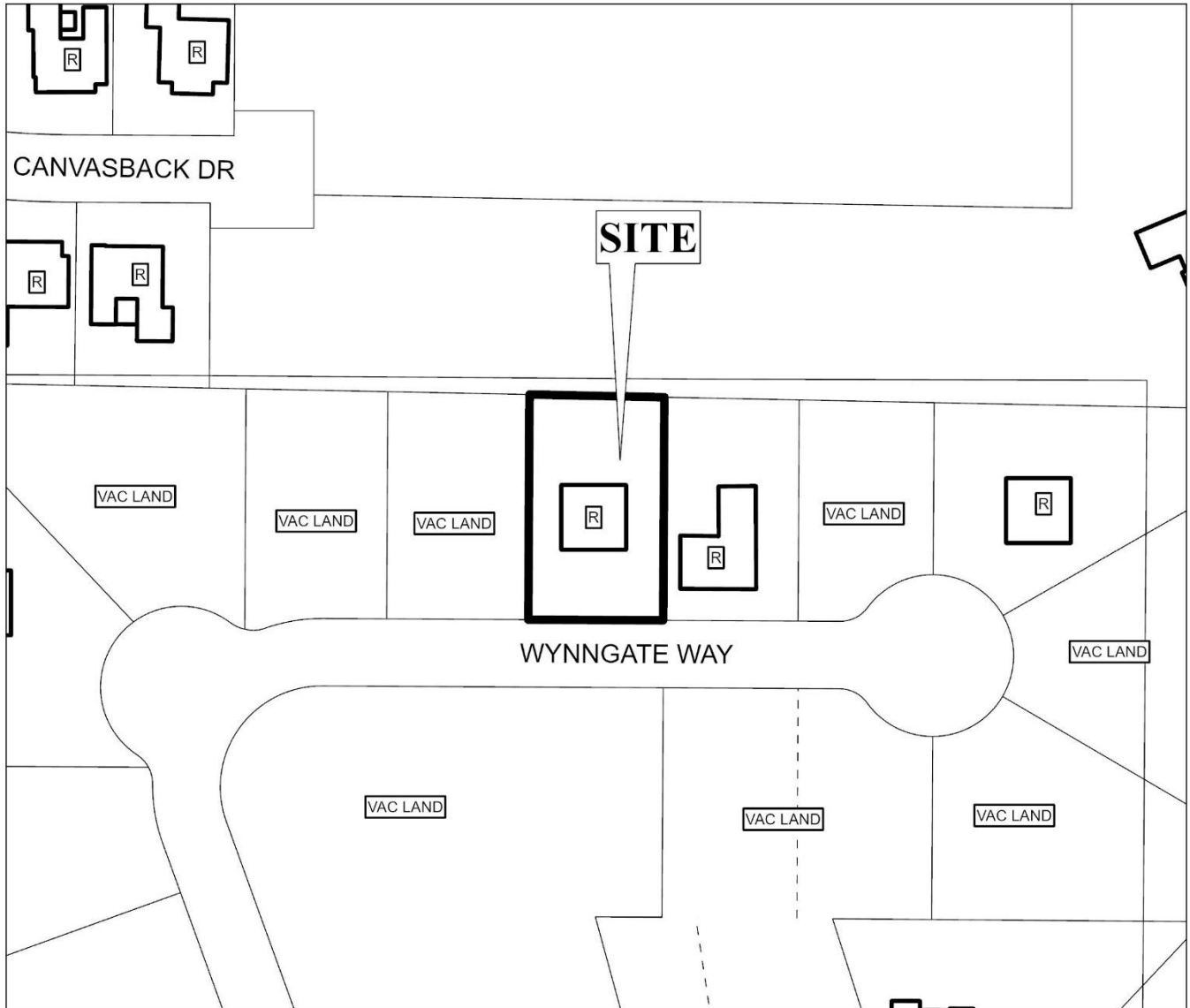
APPLICANT Superior Construction & Restoration Services

REQUEST Use Variance


- |   |   |   |   |
|---|---|---|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: maroon;">■</span> Neighborhood Center - Traditional | <span style="color: lightgrey;">■</span> Light Industry | <span style="color: blue;">■</span> Water Dependent |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: purple;">■</span> Neighborhood Center - Suburban    | <span style="color: grey;">■</span> Heavy Industry      |   |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor           | <span style="color: cyan;">■</span> Institutional       |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor         | <span style="color: green;">■</span> Parks, Open Space  |   |



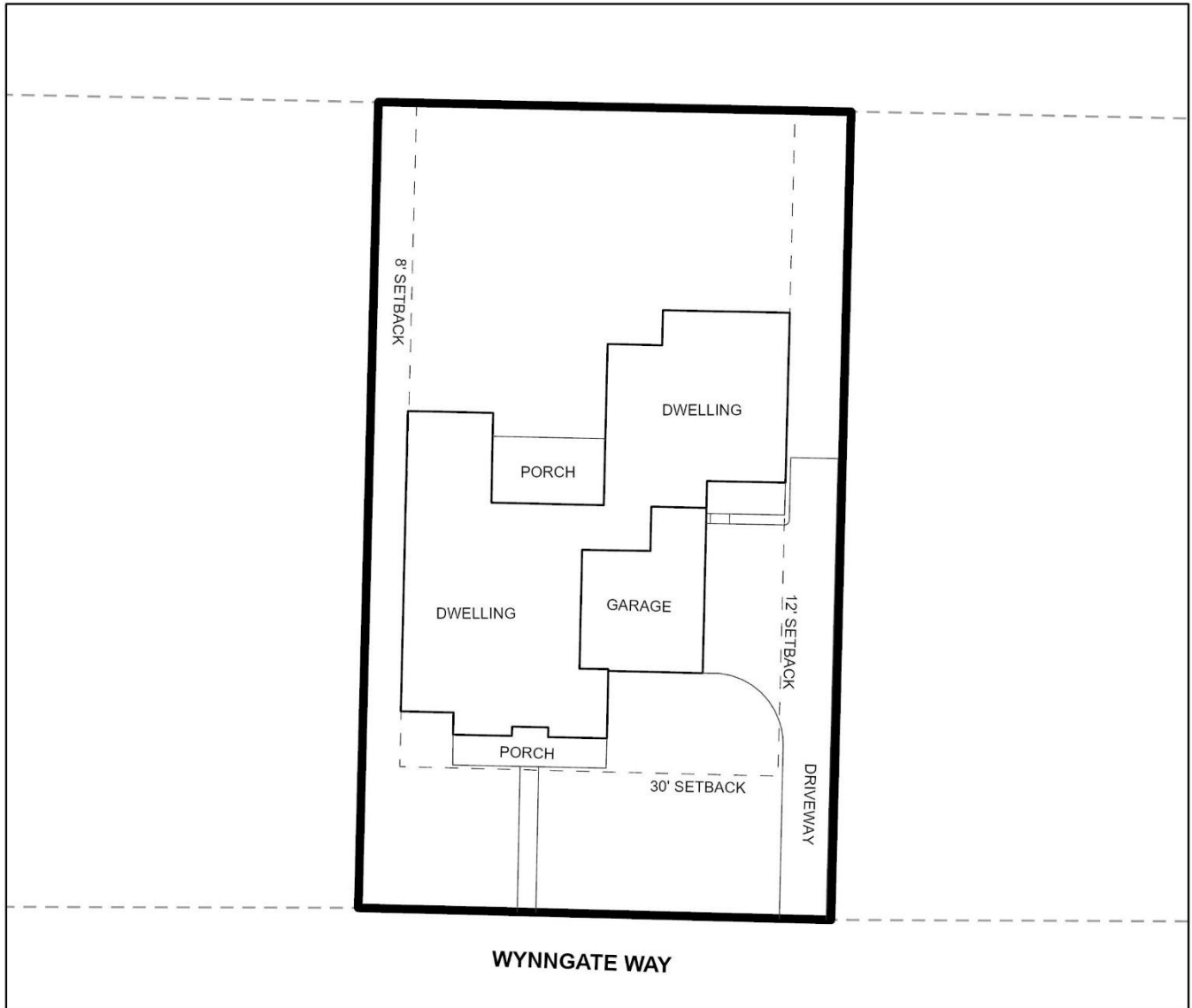
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




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# SITE PLAN



The site plan illustrates the proposed buildings, driveway and setbacks.

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REQUEST <u>Use Variance</u>	

# FUTURE LAND USE MAP CORRESPONDENCE TO ZONING

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).

Each future land use designation on the FLUM will have at least one corresponding zoning district, allowing a more precise application of the FLUM based on specific local conditions. In most cases, there are multiple combinations or types of zoning techniques that can accomplish the future land use designation's objectives.

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.

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

	RESIDENTIAL - AG (R-A)	ONE-FAMILY RESIDENCE (R-1)	TWO-FAMILY RESIDENCE (R-2)	MULTIPLE-FAMILY (R-3)	RESIDENTIAL BUSINESS (R-B)	HISTORIC BUSINESS (H-B)	BUFFER BUSINESS (B-1)	TRANSITIONAL BUSINESS (T-B)	LIMITED BUSINESS (LB-2)	NEIGHBORHOOD BUSINESS (B-2)	COMMUNITY BUSINESS (B-3)	GENERAL BUSINESS (B-4)	OFFICE-DISTRIBUTION (B-5)	COMMERCIAL WAREHOUSE (CW)	MARITIME MIXED (MM)	MARITIME LIGHT (ML)	MARITIME HEAVY (MH)	LIGHT INDUSTRY (I-1)	HEAVY INDUSTRY (I-2)	VILLAGE CENTER (TCD)	NEIGHBORHOOD CENTER (TCD)	NEIGHBORHOOD 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. DD (SD-WH)	DOWNTOWN DEV. DD (SD)	
LOW DENSITY RESIDENTIAL (LDR)	■	S	S	S			○								○															○
MIXED DENSITY RESIDENTIAL (MDR)		U	U	■	■			■	■						■															○
DOWNTOWN (DT)					■							■										■	■	■	■	■	○		○	
DISTRICT CENTER (DC)								■			U	○	○																	
NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	■	■	U	■	■	○	■	○	○	○										■	■	■								
NEIGHBORHOOD CENTER - SUBURBAN (NC-S)			S			S	■	S	S	○										■	■									○
TRADITIONAL CORRIDOR (TC)		■	■	■	■	U	■	U	U	○																				○
MIXED COMMERCIAL CORRIDOR (MCC)						■		■	■	■	■	■	■	■	■															
LIGHT INDUSTRIAL (LI)													■	■	■	■			■										○	○
HEAVY INDUSTRY (HI)															■	■	■	■											○	○
INSTITUTIONAL LAND USE (INS)										■	■		○	○					○											
PARKS & OPEN SPACE (POS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
WATER DEPENDENT USES (WDWRU)	■					○									■	■	■		○											

- Zoning district is appropriate to implement the future land use category.
- US Zoning district with Urban or Suburban subdistrict is appropriate to implement the future land use category.
- Elements of the zoning district are related to the future land use category and may be appropriate with qualifications or conditions.
- Zoning district is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)

## 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

