



**Agenda Item # 10**  
**BOA-003628-2026**

View additional details on this proposal and all application materials using the following link:  
[Applicant Materials for Consideration](#)

**DETAILS**

**Location:**  
1558 Luling Street

**Applicant / Agent:**  
Patrick & Kelly Patten

**Property Owner:**  
Patrick & Kelly Patten

**Current Zoning:**  
R-1, Single-Family Residential Urban District

**Future Land Use:**  
Mixed Density Residential

**Case Number(s):**  
6736

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

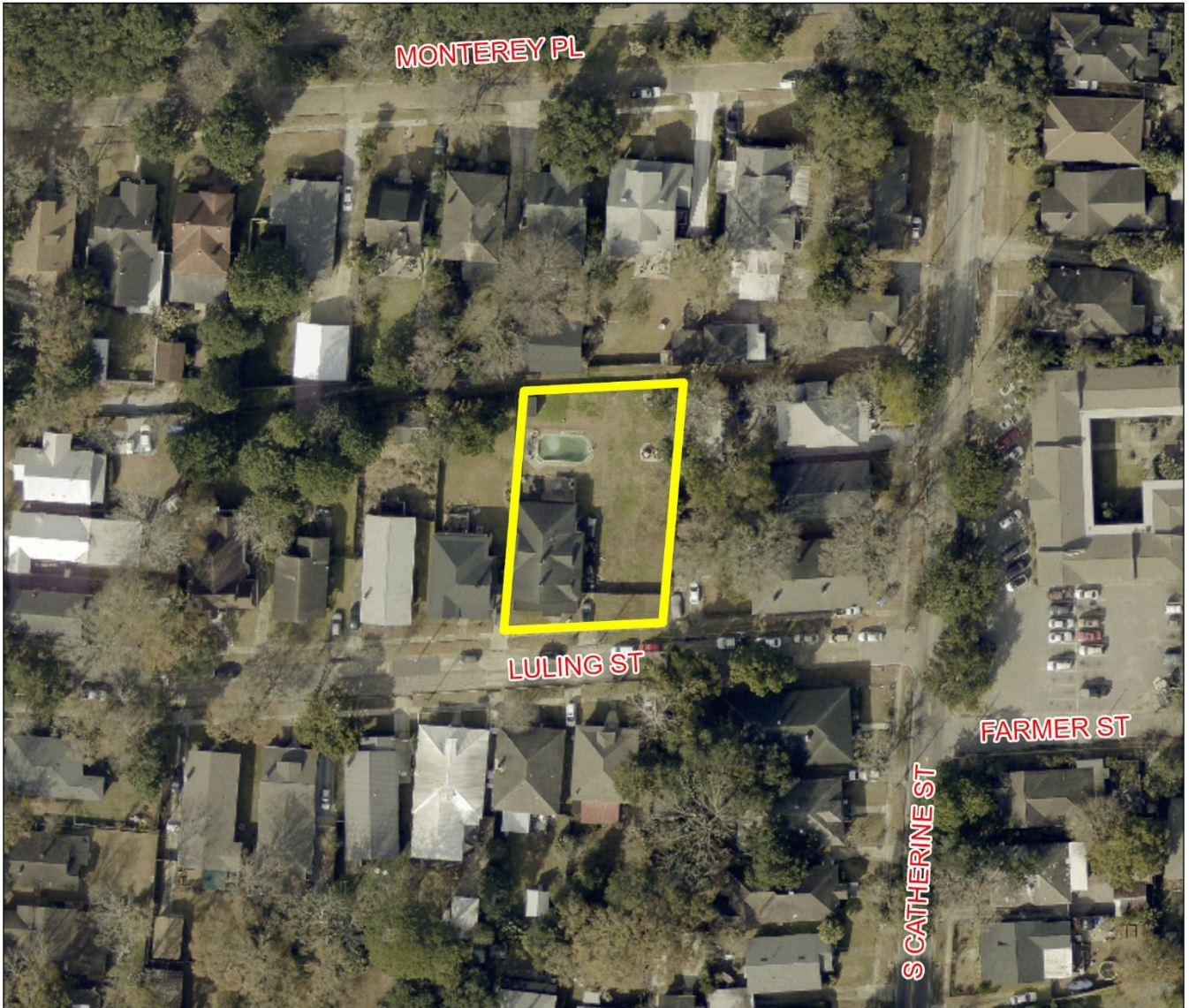
- The UDC requires all structures to be a minimum of five-feet (5') from the rear property line in an R-1, Single-Family Residential Urban District.

**Board Consideration:**


- Rear Yard Setback Variance to allow a new detached carriage house less than five-feet (5') from the rear property line in an R-1, Single-Family Residential Urban District.

<b>Report Contents:</b>	<b>Page</b>
Context Map .....	2
Site History .....	3
Staff Comments .....	3
Variance Considerations .....	4
Exhibits .....	6

**BOARD OF ADJUSTMENT**  
**VICINITY MAP - EXISTING AERIAL**



The site is surrounded by residential units.

APPLICATION NUMBER <u>6736</u> DATE <u>March 2, 2026</u>	
APPLICANT <u>Patrick &amp; Kelly Patten</u>	
REQUEST <u>Rear Yard Setback Variance</u>	

## SITE HISTORY

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The site was originally platted as part of the C. M. Shepard Subdivision recorded in Probate Court in September 1906, prior to the adoption of Subdivision Regulations in the City of Mobile.

The site was most recently before the Planning Commission at its January 15, 2026 meeting, where it was the subject of a one (1) lot Subdivision, which was approved, but has not yet been recorded in Probate Court.

## STAFF COMMENTS

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### Engineering Comments:

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

1. The proposed 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 a Rear Yard Setback Variance to allow a new detached carriage house less than five-feet (5') from the rear property line in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires all structures to be a minimum of five-feet (5') from the rear property line in an R-1, Single-Family Residential Urban District.

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

The property is developed with an existing dwelling. The applicant is proposing to build a pool and a freestanding carriage house at the rear of the property, approximately three-feet (3') from the rear property line. The UDC requires all structures exceeding three-feet (3') in height to be a minimum of five-feet (5') from all property lines.

The site was before the Planning Commission at its January 15, 2026 meeting, where a one-lot Subdivision was approved for the site, but has not yet been recorded in Probate Court. Without the recently approved Subdivision, the proposed project will result in site coverage exceeding the 50% allowed in an R-1, Single-Family Residential Urban District. As such, if the requested variance is approved, it should be subject to the recording of the recent Subdivision in Probate Court, prior to the issuance of any associated permits.

As justification for the requested reduced setback, the applicant states that the rear property line is uniquely angled. However, it does not seem as though there is anything preventing the proposed structure from being moved to be located two-feet (2') closer to the existing dwelling, and having a compliant setback from the rear property line.

## **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 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:**

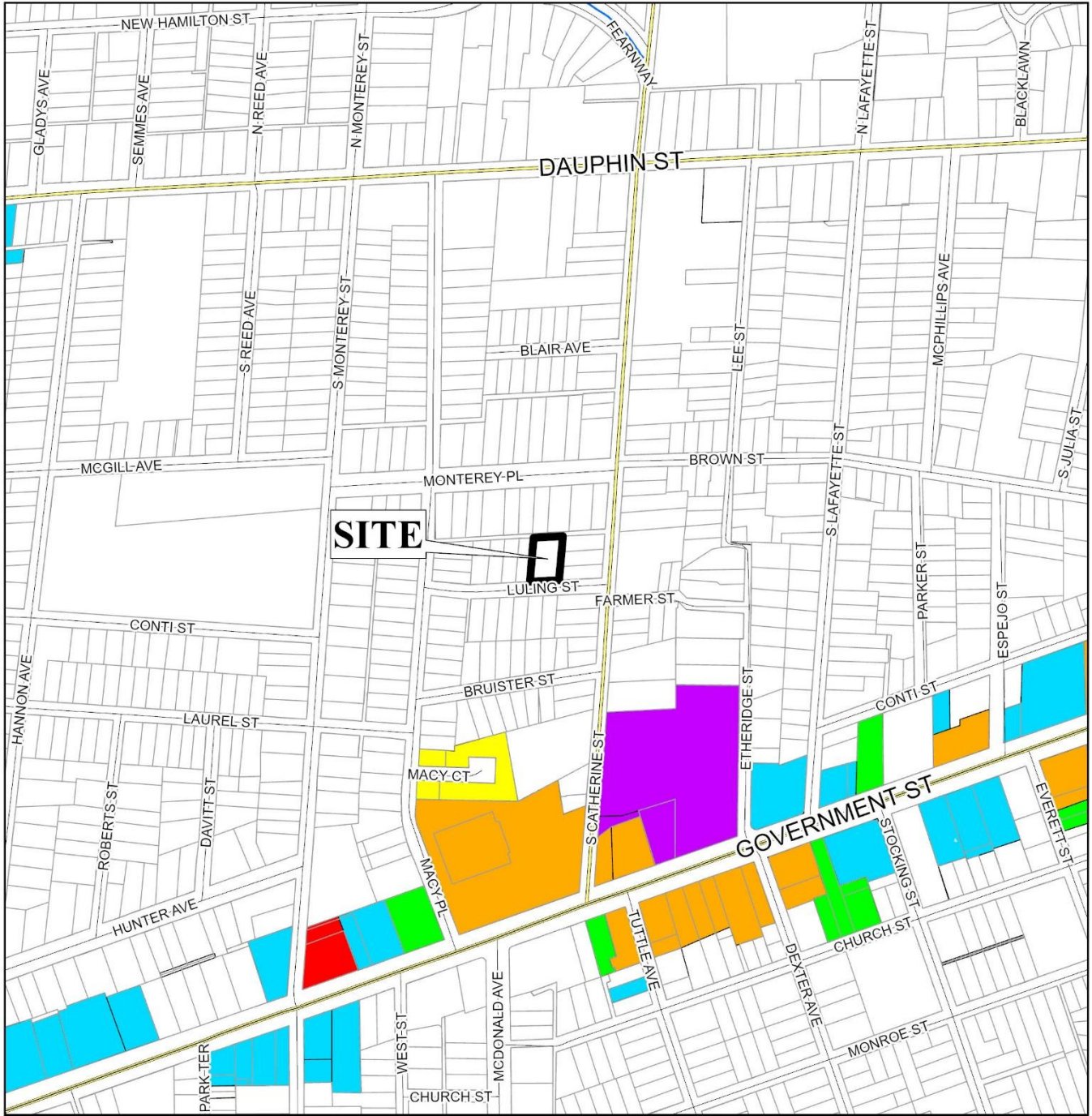
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 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) Recording of the Subdivision approved by the Planning Commission at its January 15, 2026 meeting in Probate Court prior to the issuance of permits;
- 2) Acquisition of all required permits and inspections for the carriage house;
- 3) Compliance with all other codes and ordinances.

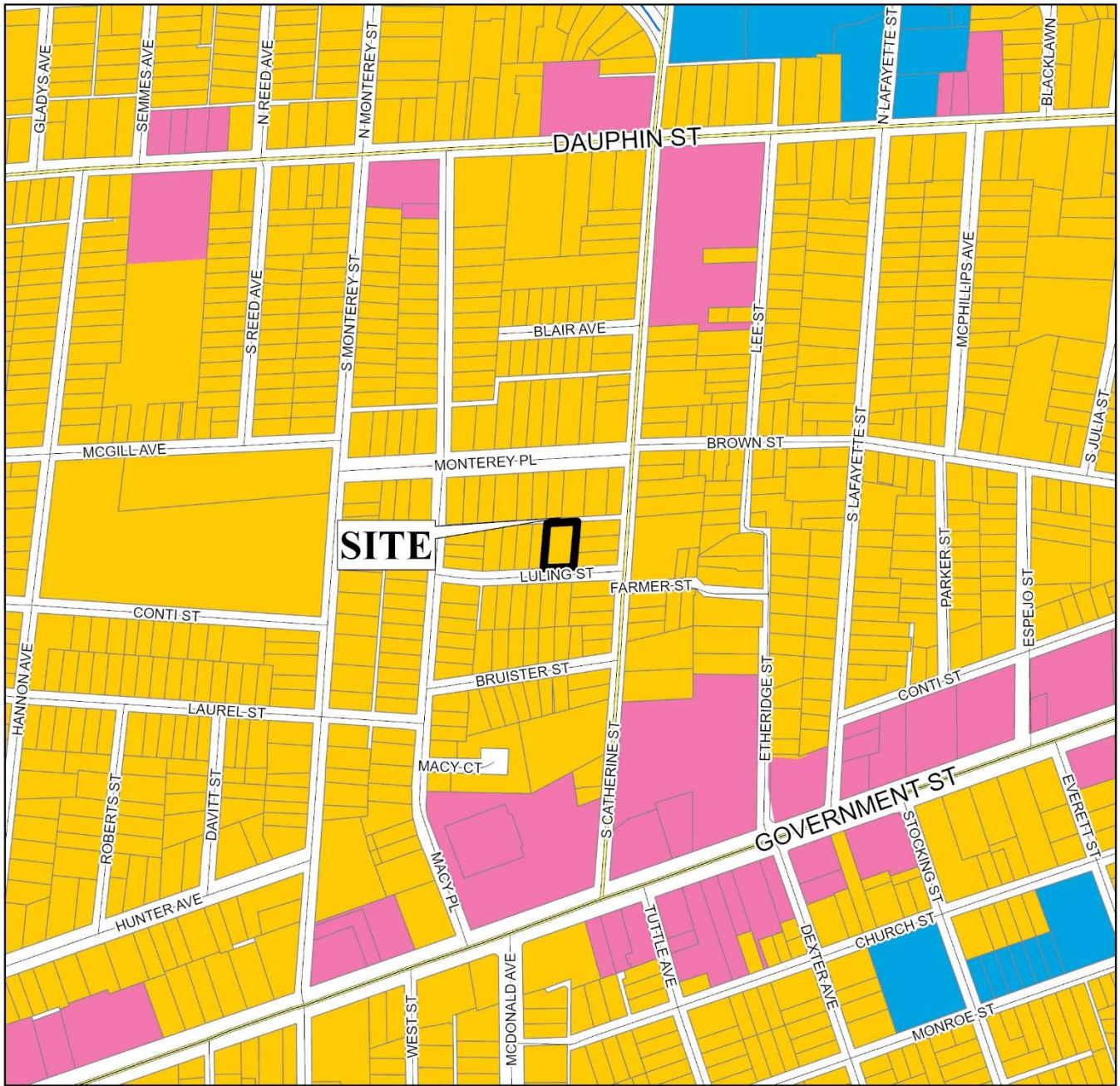
# LOCATOR ZONING MAP



APPLICATION NUMBER	6736	DATE	March 2, 2026
APPLICANT	Patrick & Kelly Patten		
REQUEST	Rear Yard Setback Variance		



# FLUM LOCATOR MAP



APPLICATION NUMBER 6736 DATE March 2, 2026

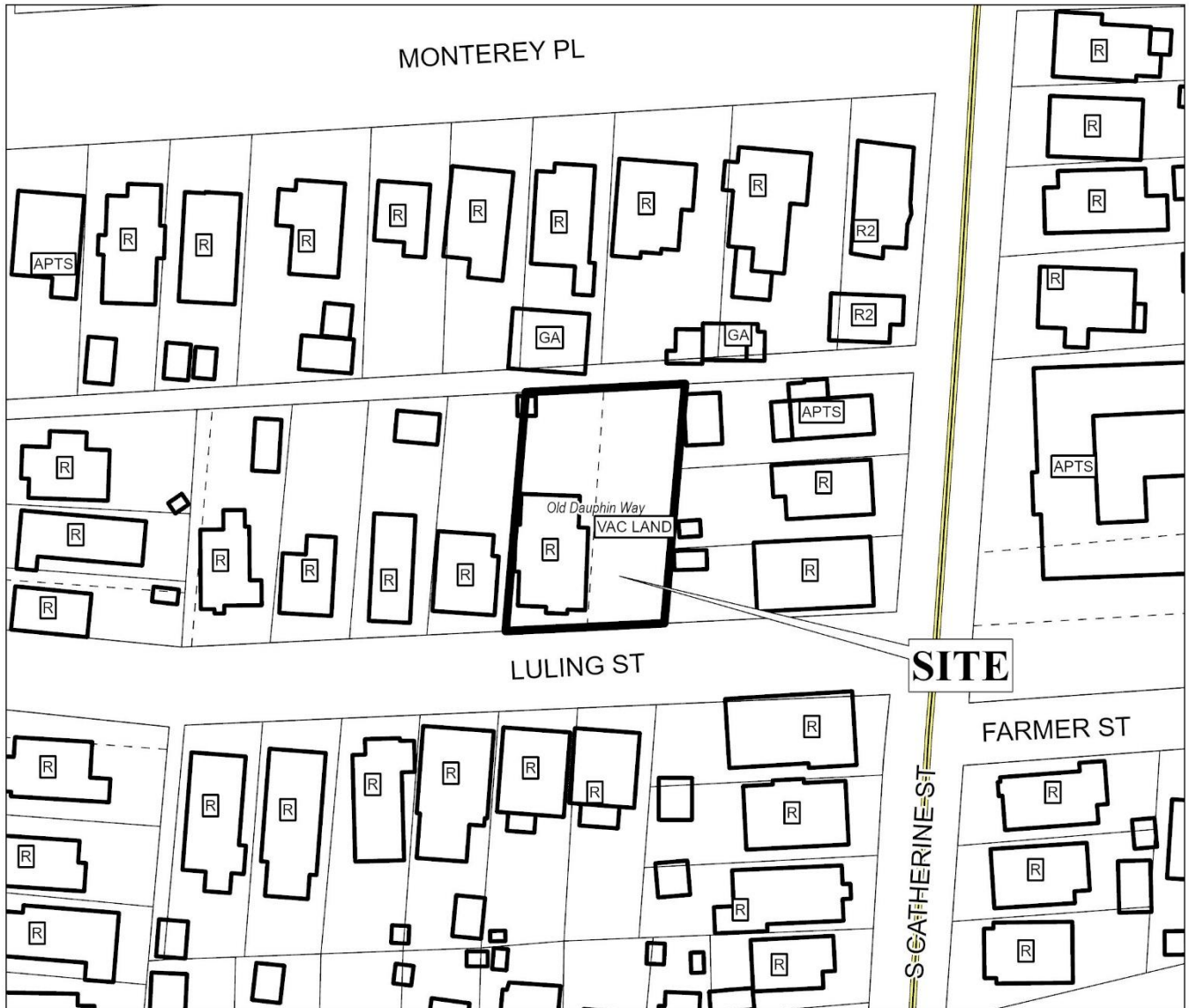
APPLICANT Patrick & Kelly Patten

REQUEST Rear Yard Setback Variance


- |   |  |   |  |
|---|--|---|--|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: red;">■</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: darkgrey;">■</span> Heavy Industry  | <span style="color: cyan;">■</span> Institutional      |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: lightpink;">■</span> Traditional Corridor        | <span style="color: lightblue;">■</span> Institutional  | <span style="color: green;">■</span> Parks, Open Space |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor      |   |  |



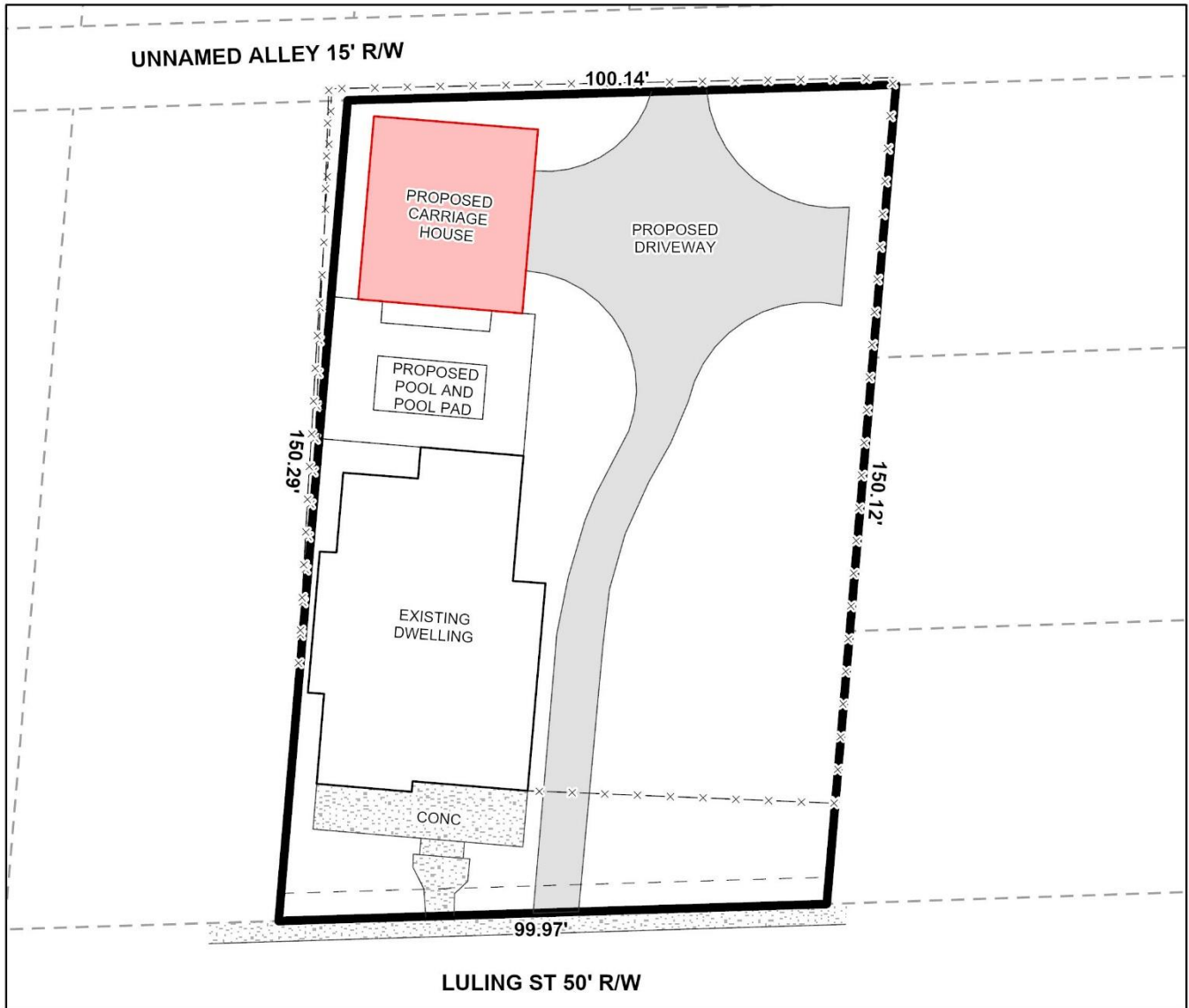
# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

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# SITE PLAN



The site plan illustrates the proposed and current buildings.

APPLICATION NUMBER <u>6736</u> DATE <u>March 2, 2026</u>	
APPLICANT <u>Patrick &amp; Kelly Patten</u>	
REQUEST <u>Rear Yard Setback 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)

## 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

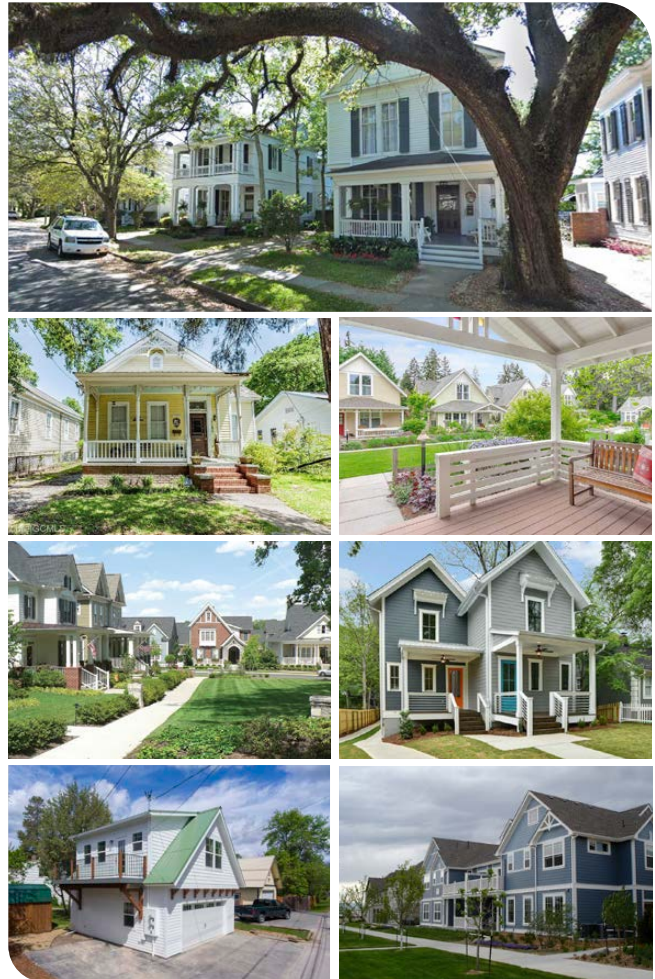
##### Secondary Uses

- 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