



Agenda Item # 11
BOA-003499-2025

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

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

DETAILS

Location:

6900 Cobblestone Way North

Applicant / Agent:

Hometown Contractors, Inc. / Kristyn Simmons

Property Owner:

Heather Warren

Current Zoning:

R-3, Multi-Family Residential Suburban District

Future Land Use:

Low Density Residential

Case Number(s):

6714

Unified Development Code (UDC) Requirement:

- The UDC requires all structures exceeding three (3) feet in height to be located more than 25 feet from the side street, side yard property line in an R-1, Multi-Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow construction of a screened porch within the 25-foot side street, side yard setback in an R-3, Multi-Family Residential Suburban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER 6714 DATE November 3, 2025
APPLICANT Hometown Contractors, Inc. (Kristyn Simmons, Agent)
REQUEST Setback Variance



SITE HISTORY

The property was rezoned from R-A, Residential-Agricultural District, to R-3, Multi-Family Residential District, by the City Council on January 16, 1973.

In April 1978, the Planning Commission approved subdivision of the property as part of the 20-lot *Cobblestone Subdivision, Phase I*, which was subsequently recorded in the Mobile County Probate Court in June 1978. The resulting lot includes a 25-foot minimum building setback along Cobblestone Way North and Foreman Road. A note on the recorded subdivision plat specifies “No access to Old Shell Road,” which abuts the rear property line.

There are no additional Planning Commission or Board of Zoning Adjustment actions associated with the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

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 Setback Variance to allow construction of a screened porch within the required 25-foot side street side yard setback in an R-3, Multi-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.

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 Cobblestone Way North and Foreman Road, and was recorded with 25-foot minimum building setbacks along both street frontages. The proposed screened porch would encroach approximately 11.5 feet into the required setback along Foreman Road.

According to Article 2, Section 64-2-7.E., and Article 3, Section 64-3-5.A.1. of the UDC, structures in an R-3, Multi-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. Further, Article 3, Section 64-3-5.B.1. specifies that required yards along street frontages must remain unoccupied and unobstructed from a height of three (3) feet above ground level upward. Because the proposed porch would exceed this height and encroach into the required setback, the request is non-compliant with the established zoning standards. The Planning and Zoning Department denied the associated permit application on this basis, resulting in the present variance request.

As justification, the applicant cites the corner lot configuration, which requires two front yard setbacks, as creating 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 9,717 square feet);
- the existing dwelling's placement, which limits available building area;
- the larger-than-currently-required setback recorded along Foreman Road; and
- the likelihood that an alternative placement would result in encroachment into the rear yard setback along Old Shell Road (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 approved a similar variance in 1982 for an enclosed patio encroaching into a side yard setback on a nearby property. However, no comparable variances have been granted in the vicinity since that time. Approving the current request could therefore establish a precedent for future variance applications that could further erode the intent of the zoning ordinance.

Finally, staff notes that the combined building footprint of all existing and proposed structures would remain within the 45% maximum site coverage limitation established by the UDC for multi-family residential lots within a Suburban sub-district.

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:

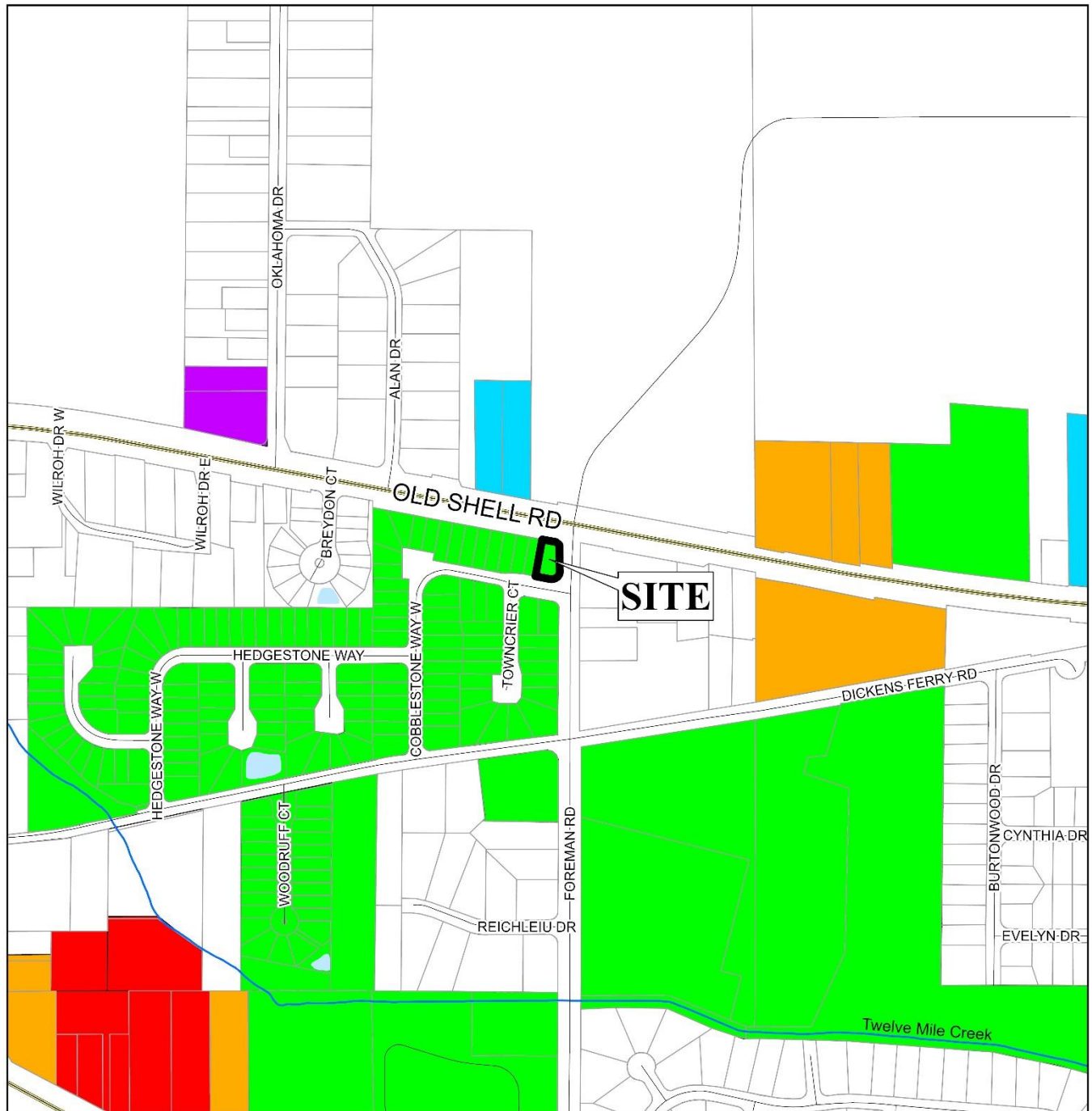
Based on the requested Variance application and documentation submitted, if the Board considers approval of the request, the following findings of fact must be presented:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and
- 3) 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(s):

- 1) Acquisition of all required permits and inspections for the screened porch; and
- 2) Compliance with all other codes and ordinances.

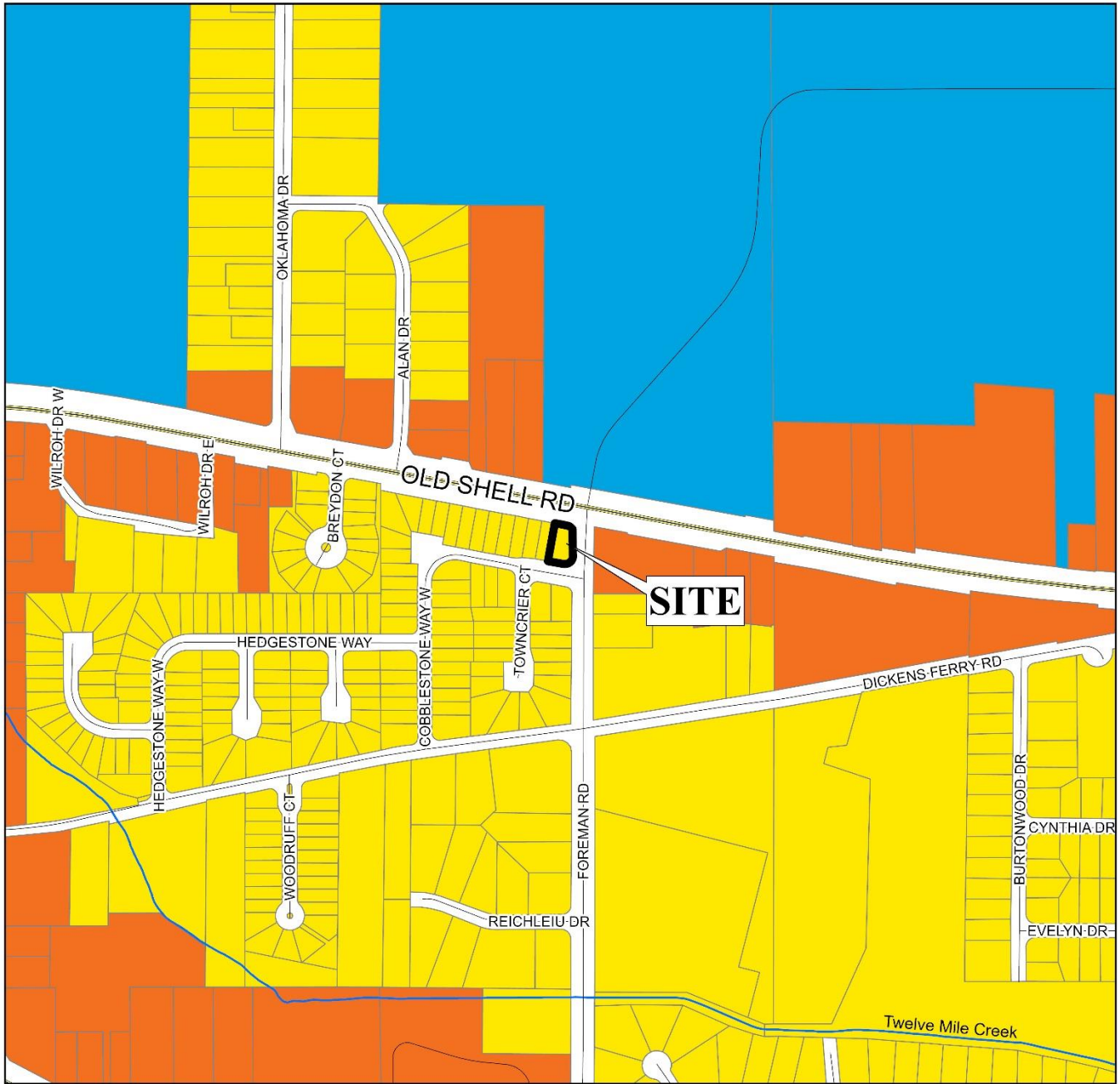
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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REQUEST Setback Variance

<div></div> Low Density Residential	<div></div> Neighborhood Center - Traditional	<div></div> Light Industry	<div></div> Water Dependent
<div></div> Mixed Density Residential	<div></div> Neighborhood Center - Suburban	<div></div> Heavy Industry	
<div></div> Downtown	<div></div> Traditional Corridor	<div></div> Institutional	
<div></div> District Center	<div></div> Mixed Commercial Corridor	<div></div> Parks, Open Space	



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



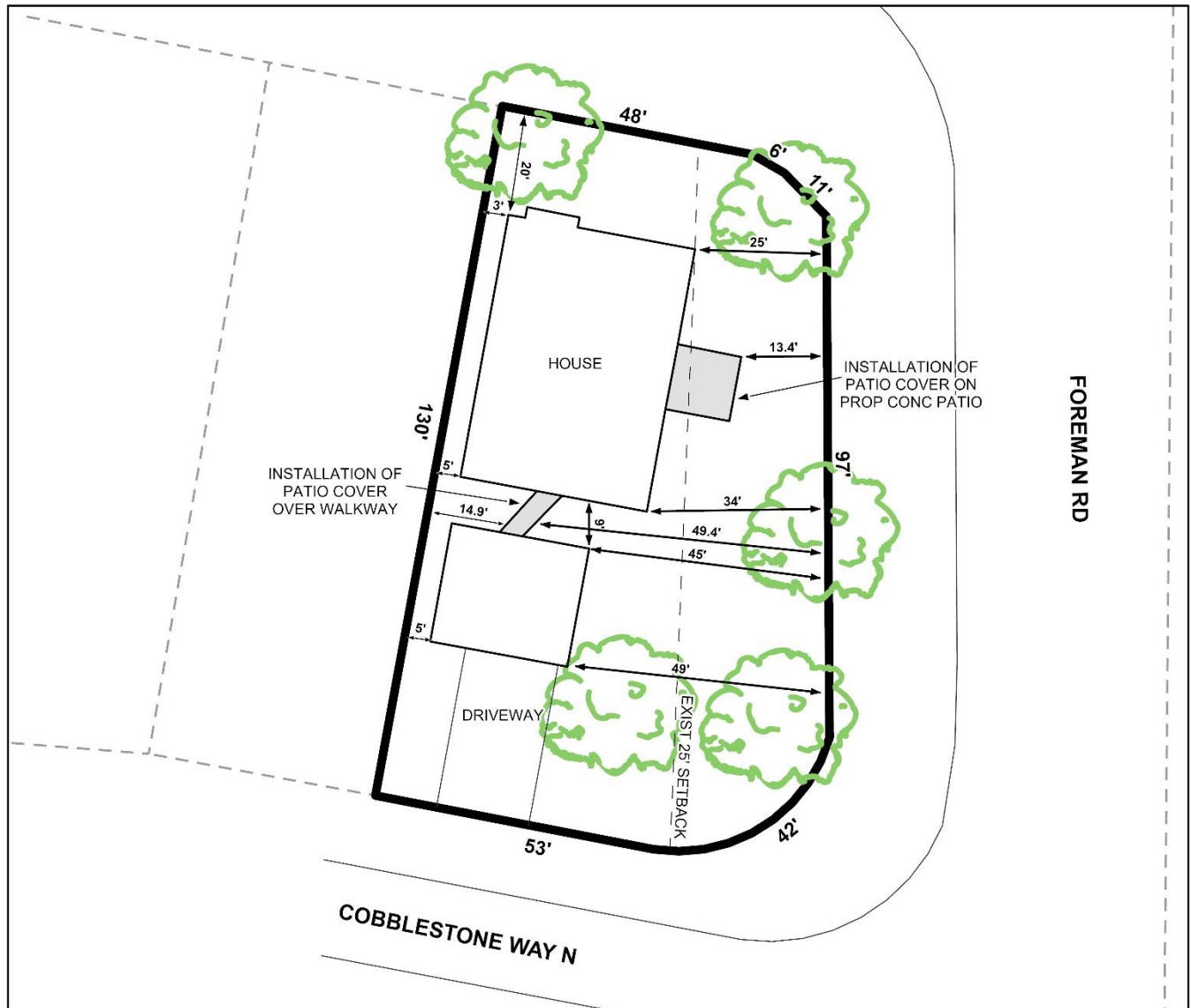
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R-A	R-3	B-1	B-2	B-5	ML	I-2	OPEN	T-3	T-5.2
R-1	R-B	T-B	B-3	CW	MH	PD	SD	T-4	T-6
R-2	H-B	LB-2	B-4	MM	I-1	MUN	SD-WH	T-5.1	



SITE PLAN



The site plan illustrates the proposed patio placements, setbacks, and current buildings.

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DETAIL SITE PLAN



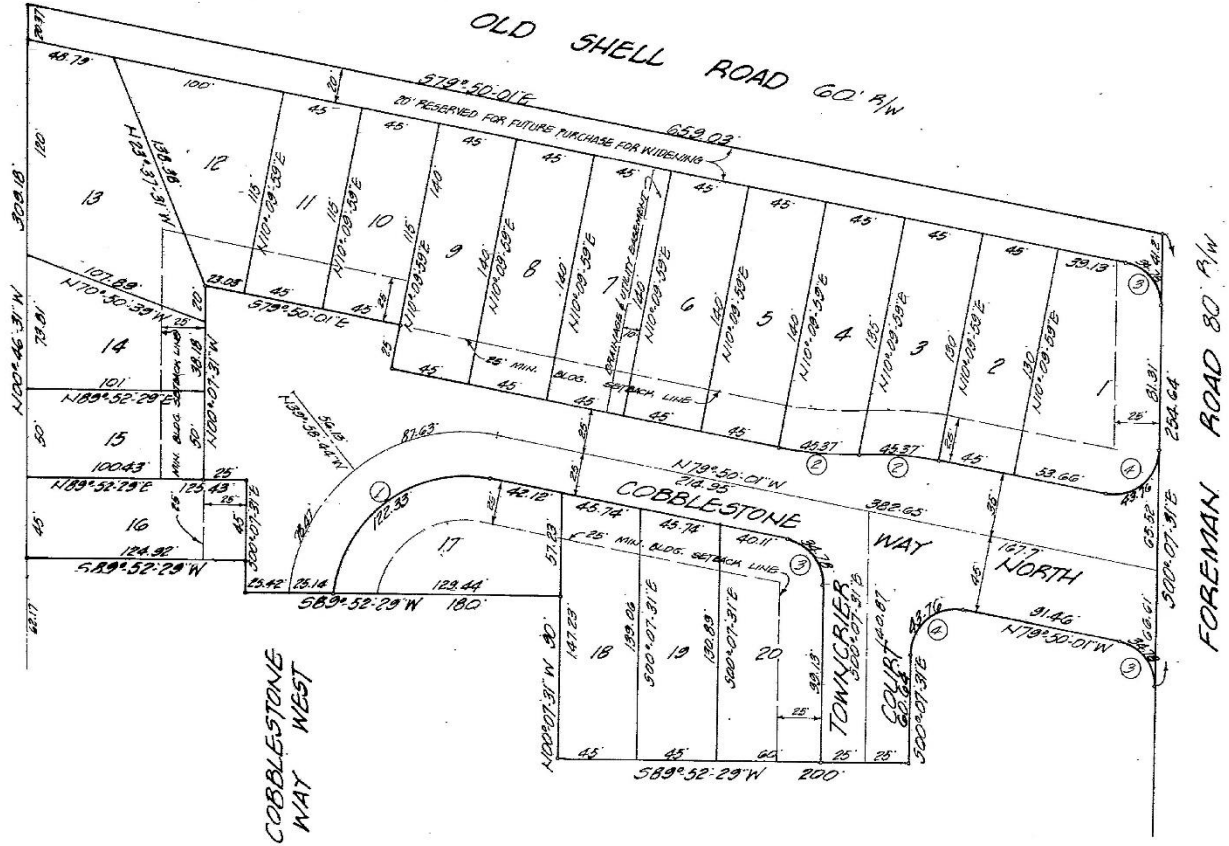
REAR ELEVATION

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NTS

DETAIL SITE PLAN



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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

[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

