



**Agenda Item # 11**  
**BOA-003713-2026**

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

**DETAILS**

**Location:**  
235 Park Avenue South

**Applicant / Agent:**  
Katie Parker, Agent

**Property Owner:**  
Aaron James

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

**Future Land Use:**  
Low Density Residential

**Case Number:**  
6754

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

- The UDC requires a primary dwelling prior to the allowance of accessory structures in an R-1, Single-Family Residential Suburban District.

**Board Consideration:**


- Use Variance to allow the construction of a pole barn without a primary dwelling 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 commercial units to the north and residential units to the south.

|   |  |
|---|--|
| APPLICATION NUMBER <u>        6754        </u> DATE <u>        May 4, 2026        </u>              | <br>NTS |
| APPLICANT <u>                                Katie Parker, Agent        </u>                        |  |
| REQUEST <u>  Use Variance                                </u> |  |

## SITE HISTORY

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The subject site was made a legal lot of record via Eschol Place Subdivision, a one (1)-lot subdivision approved by the Planning Commission in August 2007, when the site was within the Planning Jurisdiction.

The site was annexed into the City of Mobile in July 2023 and subsequently assigned its current R-1, Single-Family Residential Suburban District zoning classification.

The site has never been before the Board of Zoning Adjustment.

## STAFF COMMENTS

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### Engineering Comments:

No comments on the proposed variance; however, according to the submitted plans, the proposed project will require a 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 a Use Variance to allow the construction of a pole barn without a primary dwelling in an R-1, Single-Family Residential Suburban District; the UDC requires a primary dwelling prior to the allowance of accessory structures in an R-1, Single-Family Residential Suburban District.

The entire application packet is available via the link on Page 1.

The subject site is bordered to the East and North by B-3, Community Business Suburban District zoning, and to the South by R-1, Single-Family Residential Suburban District zoning. To the West, across Park Avenue South, is R-1 zoning. The site is currently vacant, with the applicant living on the adjacent lot to the South. The applicant proposes to construct a 40-foot by 80-foot pole barn on the site to cover existing athletic training equipment, and provide a covered area to use the equipment as well as park personal vehicles. As the site is adjacent to his dwelling site, the applicant requests that the use be considered as an accessory use to the home. It should be noted that there have not been any similar Use Variance requests approved within the immediate area.

The site plan submitted indicates the proposed 3,280 square-foot structure meeting all required property line setbacks and remaining within the 35% maximum site coverage allowance for the R-1, Single-Family Residential Suburban District.

It should be noted that the applicant could submit a one (1)-lot Subdivision for the subject site and adjacent lot to the South, where the applicant lives, and the proposed structure would not require a variance.

## **VARIANCE CONSIDERATIONS**

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### **Standards of Review:**

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.

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:**

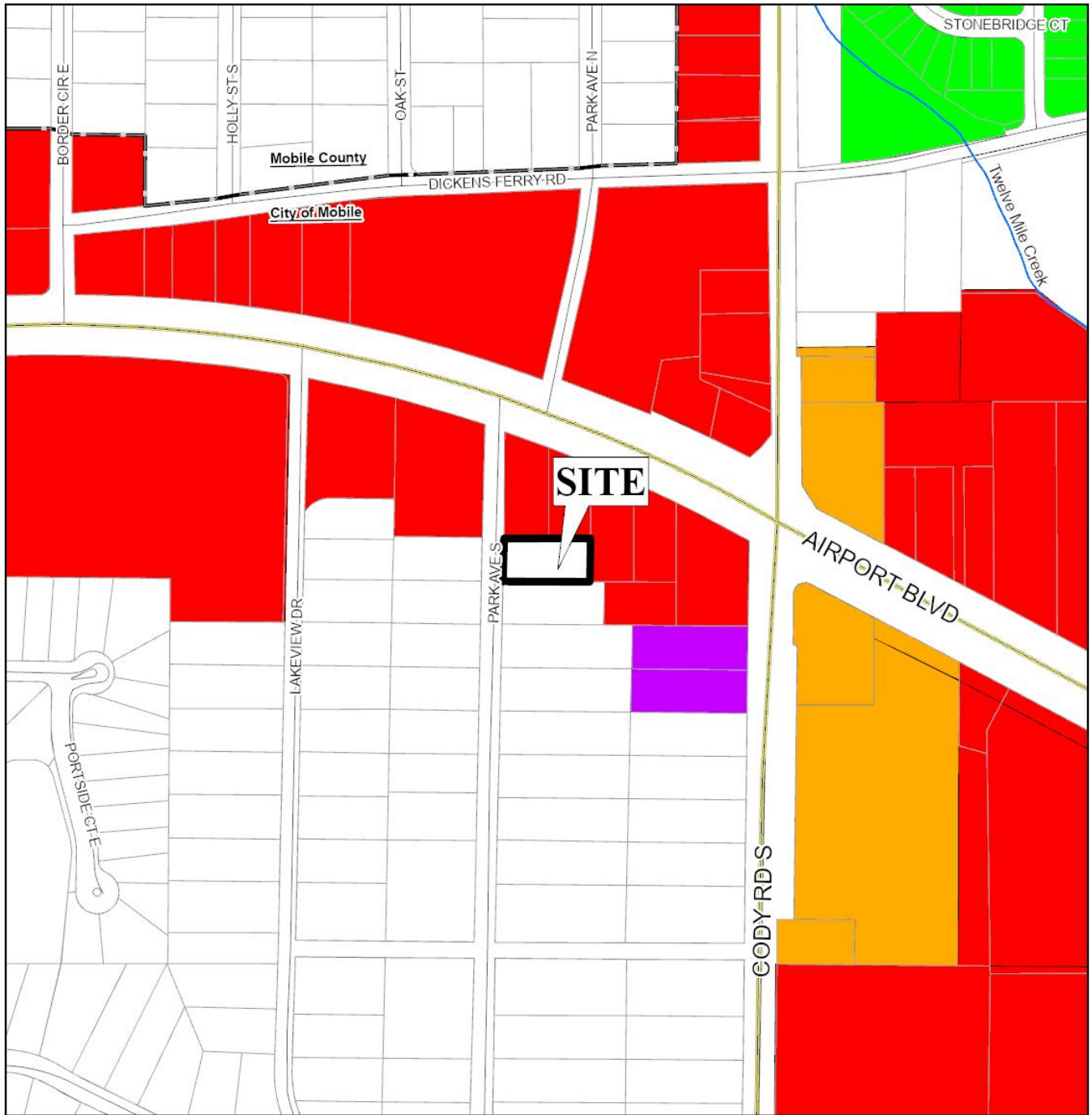
If the Board considers approval of the request, the following findings of fact must be present:

- 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 approved, the following conditions should apply:

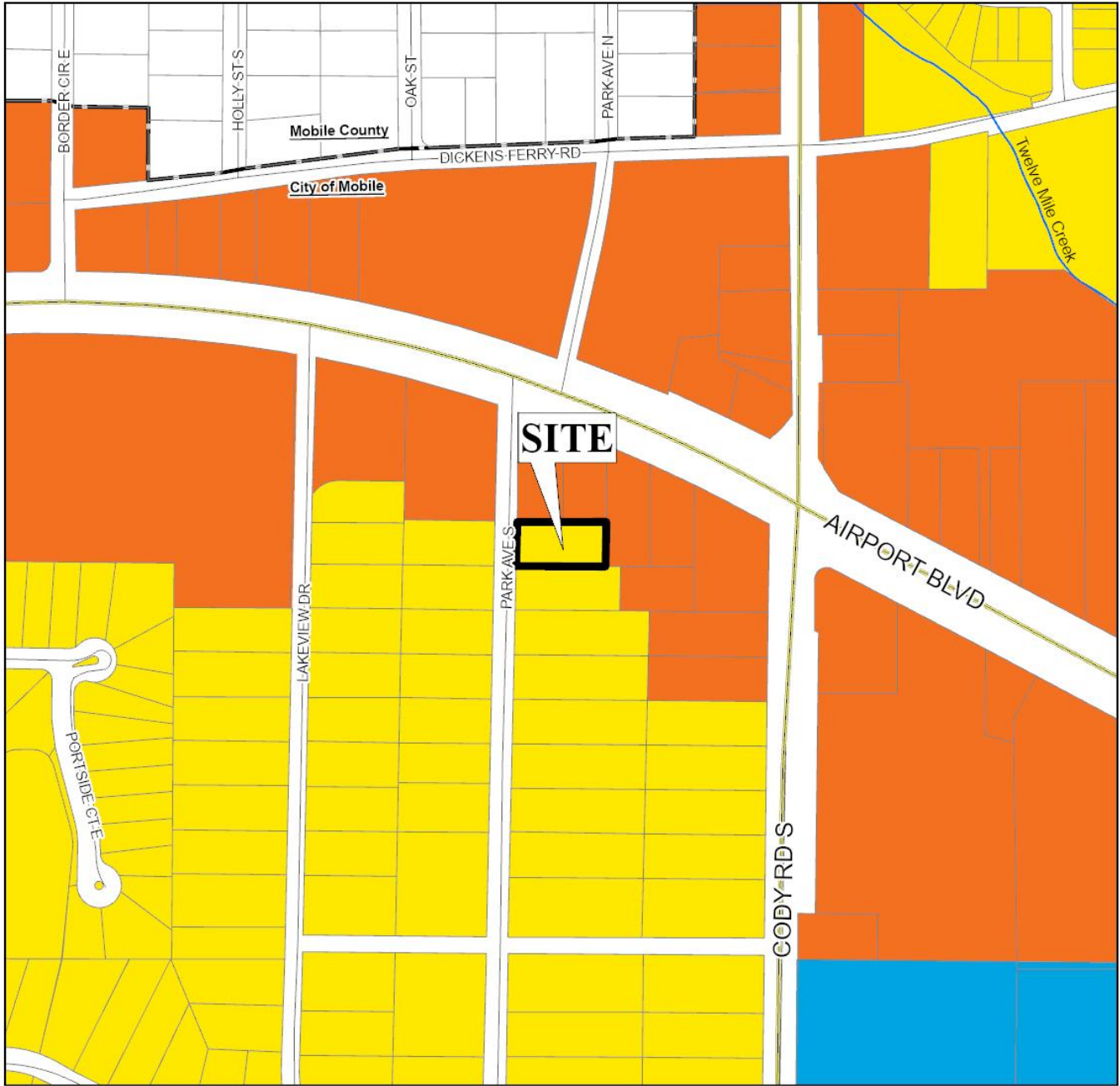
- 1) Obtaining a building permit for the proposed structure; and
- 2) Full compliance with all municipal codes and ordinances.

# LOCATOR ZONING MAP



|  |         |
|--|---------|
| APPLICATION NUMBER <u>6754</u> DATE <u>May 4, 2026</u> | <br>NTS |
| APPLICANT <u>Katie Parker, Agent</u>                   |         |
| REQUEST <u>Use Variance</u>                            |         |

# FLUM LOCATOR MAP

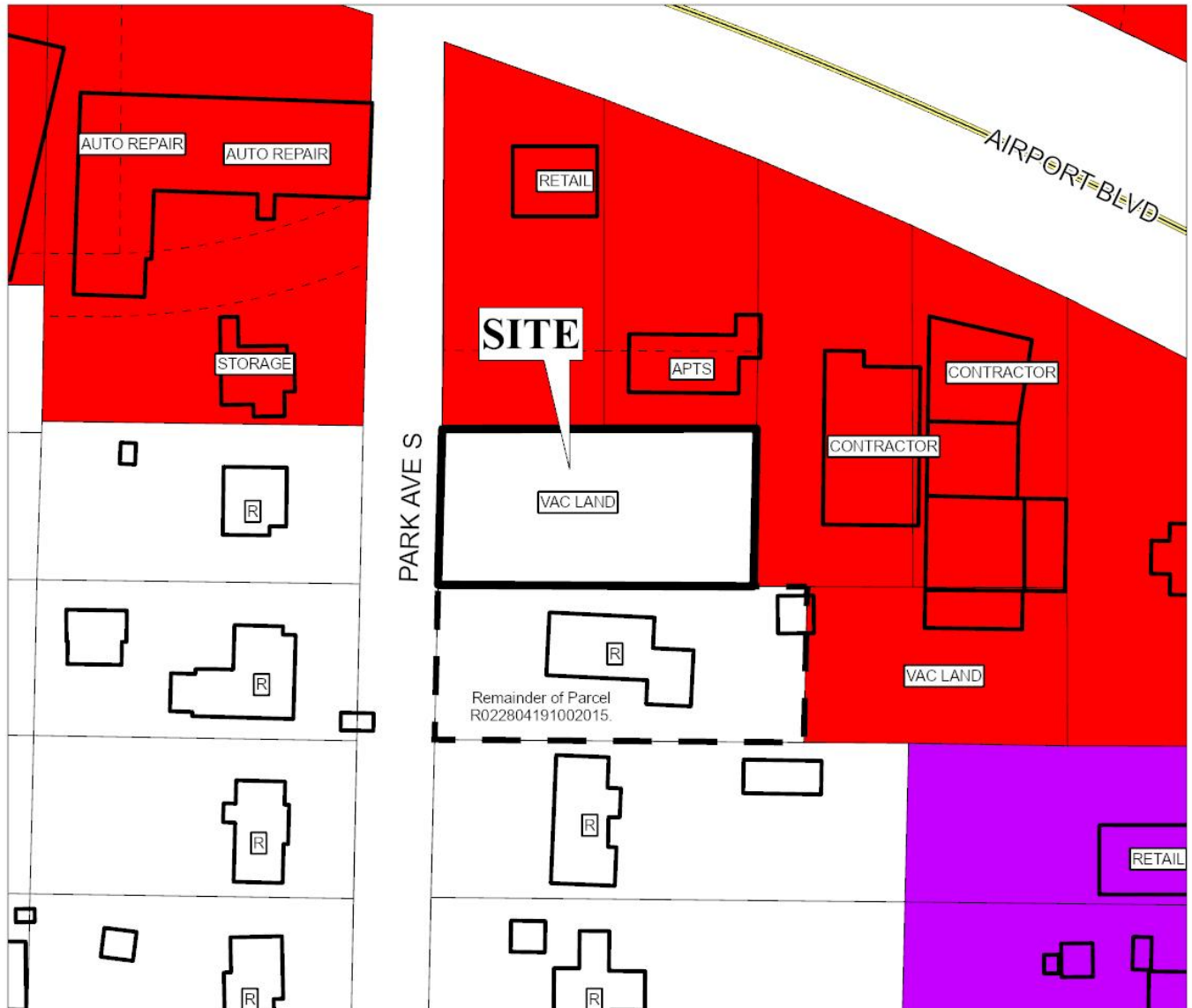


APPLICATION NUMBER 6754 DATE May 4, 2026  
 APPLICANT Katie Parker, Agent  
 REQUEST Use Variance

- |  |  |  |  |
|--|--|--|--|
| <span style="color: yellow;">■</span> Low Density Residential    | <span style="color: #8B0000;">■</span> Neighborhood Center - Traditional | <span style="color: #D3D3D3;">■</span> Light Industry    | <span style="color: #008080;">■</span> Water Dependent |
| <span style="color: #FFD700;">■</span> Mixed Density Residential | <span style="color: #800080;">■</span> Neighborhood Center - Suburban    | <span style="color: #666666;">■</span> Heavy Industry    |  |
| <span style="color: #FF00FF;">■</span> Downtown                  | <span style="color: #FF69B4;">■</span> Traditional Corridor              | <span style="color: #00BFFF;">■</span> Institutional     |  |
| <span style="color: #FF0000;">■</span> District Center           | <span style="color: #FF8C00;">■</span> Mixed Commercial Corridor         | <span style="color: #9ACD32;">■</span> Parks, Open Space |  |



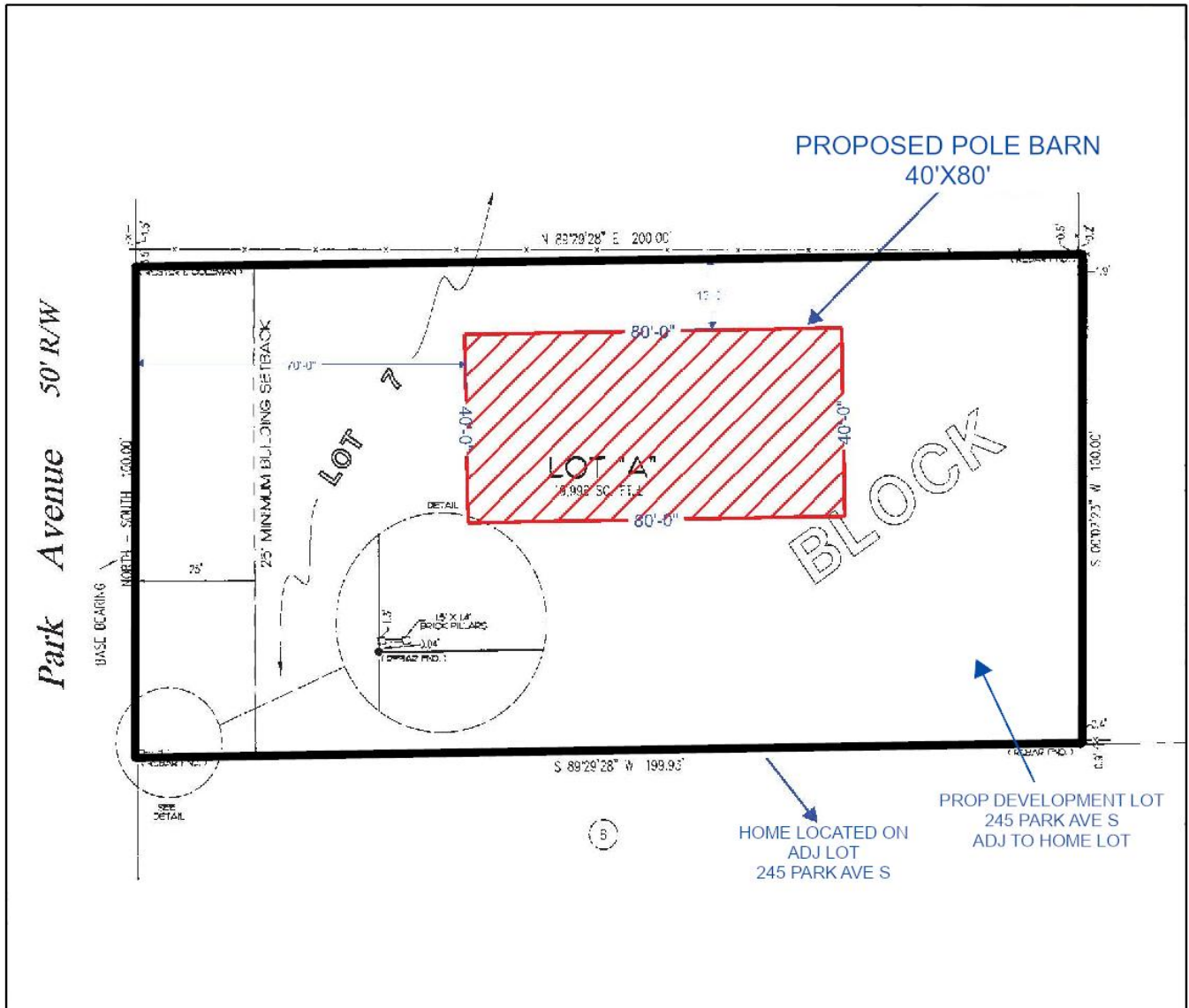
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# SITE PLAN



The site plan illustrates the proposed pole barn and setback.

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| APPLICATION NUMBER <u>6754</u> DATE <u>May 4, 2026</u> | <br>NTS |
| APPLICANT <u>Katie Parker, Agent</u>                   |  |
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