



Agenda Item # 11

BOA-003810-2026

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

1308 Old Shell Road and 109 North Ann Street

Applicant / Agent:

Evan Burdette, Old Shell & Ann, LLC

Property Owner:

Evan Burdette, Old Shell & Ann, LLC

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6775/4708/2160/676/437

Unified Development Code (UDC) Requirement:

- The Zoning Ordinance requires lots to be a minimum of 6,000 square feet with a minimum five-foot (5') side yard setback in an R-1, Single-Family Residential Urban District.

Board Consideration:

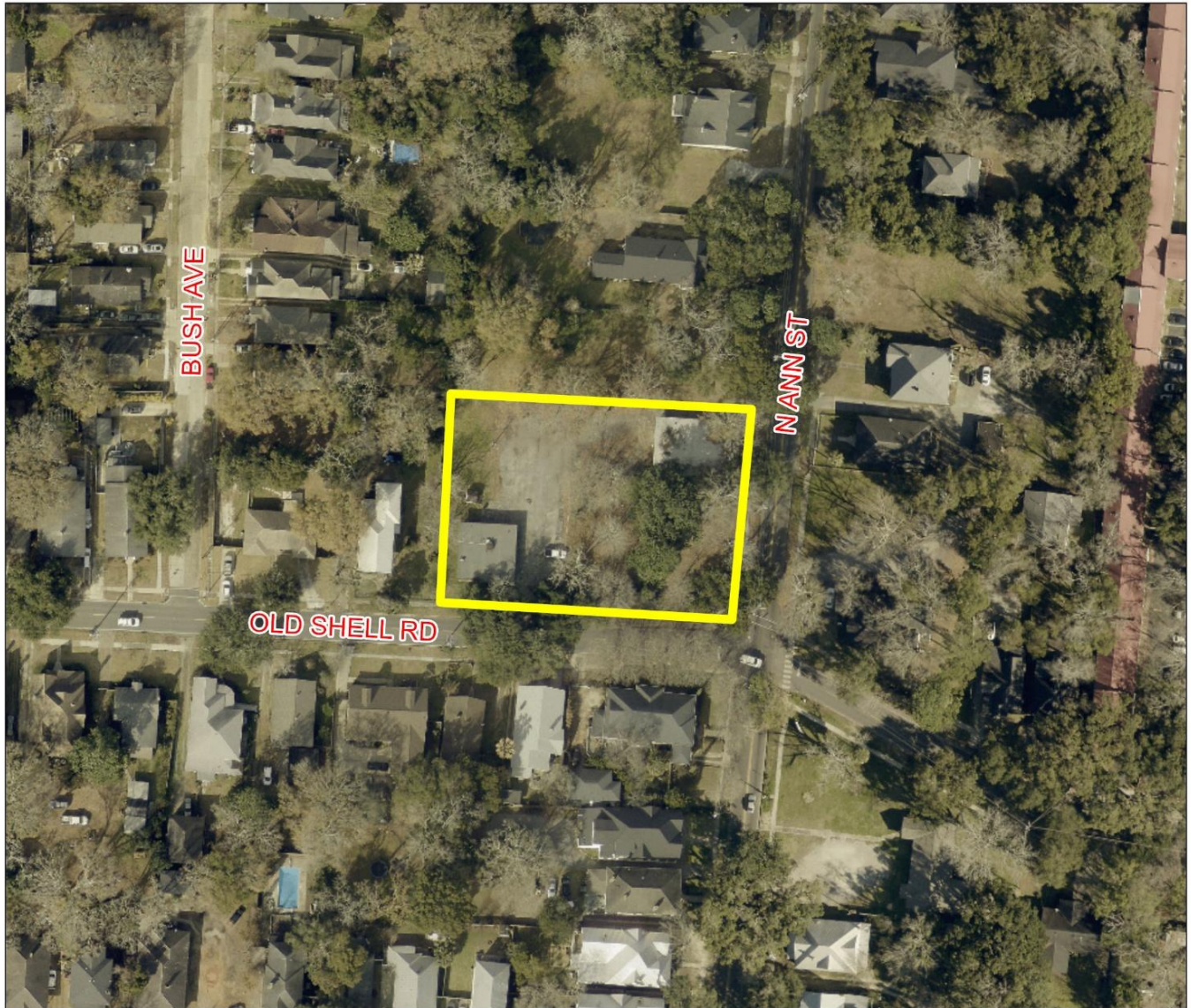
- Lot Size and Side Yard Setback Variances to allow sub-standard size lots with no side yard setback in an R-1, Single-Family Residential Urban District.

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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING AERIAL



The site is surrounded by commercial and residential units.

APPLICATION NUMBER 6775/4708/2160/676/437 DATE August 3, 2026

APPLICANT Evan Burdette, Old Shell & Ann, LLC

REQUEST Lot Size and Side Yard Setback Variances



NTS

SITE HISTORY

This development area was originally annexed into the Mobile City Limits in 1814. This includes the subject site, which now has a metes-and-bounds description.

The Planning Commission recommended approval of a Rezoning of the subject site from R-3, Multi-Family Residential District to R-1, Single Family Residential District at its January 10, 1994 meeting as part of the Old Dauphin Way Historic District Zoning Study. The Rezoning was later approved and adopted by the City Council.

The Board of Zoning Adjustment approved a Use Variance in August and September of 1957 to allow a doctor's office at 1308 Old Shell Road. The Board denied a request to allow use of the property as a daycare at its January 4, 1998 meeting.

The Board of Zoning Adjustment approved a Use and Side Yard Setback Variance at North Ann Street to allow the construction of a professional office building that would encroach in the building setback at 109 North Ann Street. The approval was conditioned on the following: (1) the office building must be setback 30 feet from the property line along Ann Street; and, (2) the building must be constructed of old brick veneer.

Demolition permits were recently issued to remove two (2) structures from the South portion of the site. Once completed, the site will be entirely undeveloped.

The Planning Commission tentatively approved a ten (10)-lot Subdivision, Old Shell Landing Subdivision, at its July 16, 2026 meeting.

There are no other Planning Commission or Board of Zoning Adjustment cases associated with the site.

STAFF COMMENTS

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:

Driveway access for the lots will be limited to the 20' ingress/egress easement shown. Driveway size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking,

including ADA handicap spaces, shall meet the minimum standards as defined in Article 3, Section 64-3-12 of the City's Unified Development Code.

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 Lot Size and Side Yard Setback Variances to allow sub-standard size lots with no side yard setback in an R-1, Single-Family Residential Urban District; the Zoning Ordinance requires lots to be a minimum of 6,000 square feet with a minimum five-foot (5') side yard setback in an R-1, Single-Family Residential Urban District.

A narrative describing the request can be viewed using the link on Page 1 of this report.

The applicant is proposing a ten (10)-lot residential development (seven (7) lots fronting Old Shell Road and three (3) lots fronting North Ann Street). The lots will be accessible through an easement on North Ann Street. The applicant shared two main points for justification of the request. First, the development's length along Old Shell Road and shallow depth between Old Shell Road and North Ann Street would result in narrow, shallow lots if designed in a traditional pattern. Additionally, the applicant notes that there are existing residential lots in the

vicinity with narrow widths and zero side yards. As a result, the applicant believes that this request would not change the character of the area.

It should be noted that the development is located within the Old Dauphin Way Historic District. Article 14 of the Unified Development Code states the following regarding minimum side yard setback requirements, Side Yards *“At least the Side Yards of those Structures on the same side of the Street within 150 feet of both sides (exclusive of right-of-way) of the proposed building site. Additions to an existing Structure may align with the existing building. For corner lots, Side Yards on side Streets may be no less than the Side Yard Setback of the other corner lots, along the same side Street, at the same intersection. If there is no Structure by which to measure, then the Setback requirements of Article 3 shall apply.”*

Aerial imaging indicates that there may be lots of substandard width in the vicinity however, these lots likely existed prior to the adoption of the Unified Development Code. Additionally, aerial imaging confirms that there may be residential properties in the vicinity with side yards less than 5-feet. However, it appears that most would fall outside of the 150-foot distance, as required by Article 14 thus requiring variance approval.

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:

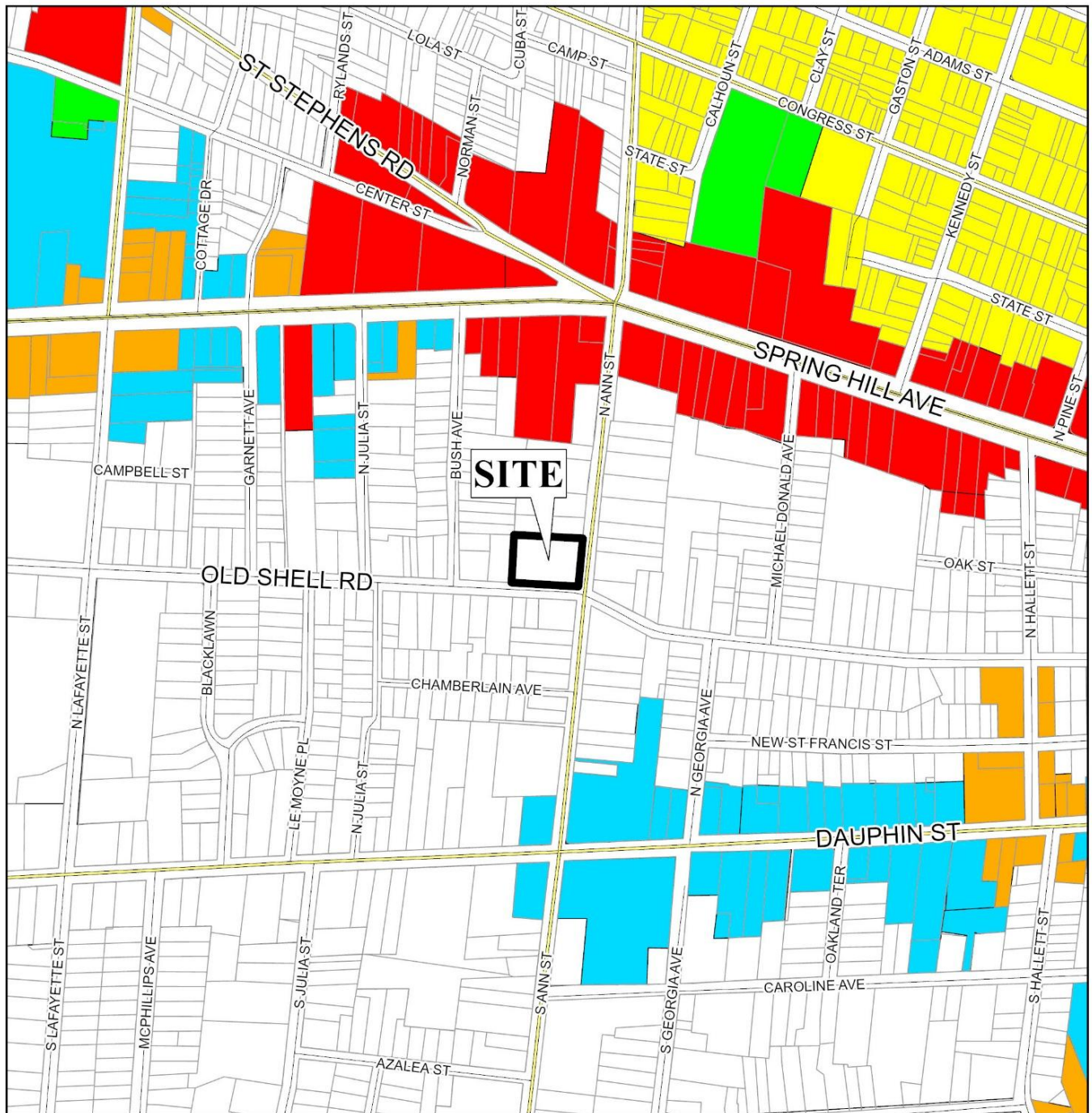
- A) The variance **will not** be contrary to the public interest;
- B) Special conditions exist such that a literal enforcement of the provisions of the chapter **will** result in unnecessary hardship; and

- 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) Completion of the Subdivision process;
- 2) Provision of gutters and downspouts on the 0-foot setback side; and
- 3) Compliance with all other codes and ordinances.

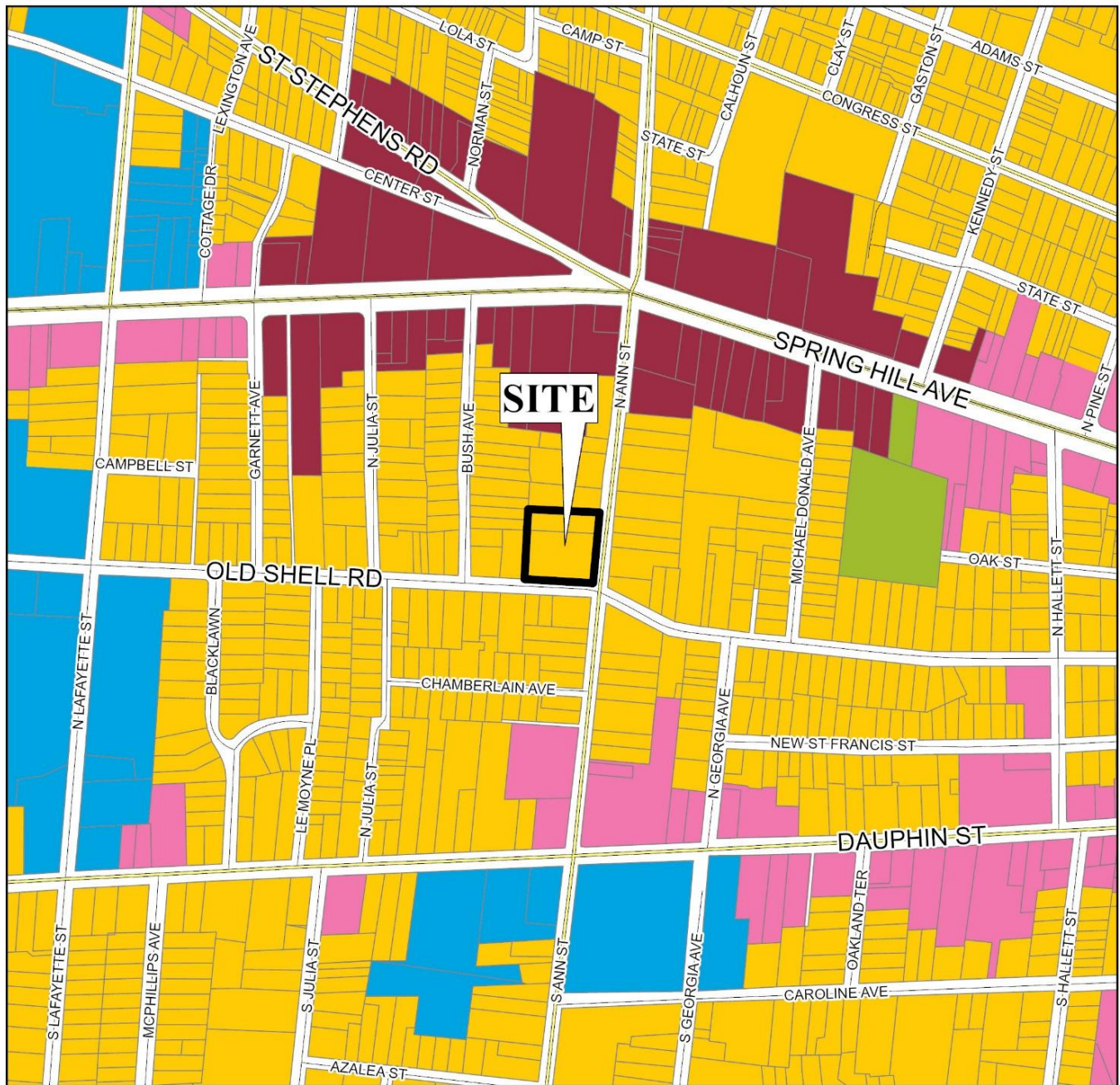
LOCATOR ZONING MAP



APPLICATION NUMBER 6775/4708/2160/676/437 DATE August 3, 2026
 APPLICANT Evan Burdette, Old Shell & Ann, LLC
 REQUEST Lot Size and Side Yard Setback Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6775 DATE August 3, 2026

APPLICANT Evan Burdette, Old Shell & Ann, LLC

REQUEST Lot Size and Side Yard Setback Variances

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



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Lot Size and Side Yard Setback Variances

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 buildings, lot sizes, and setbacks.

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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]

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

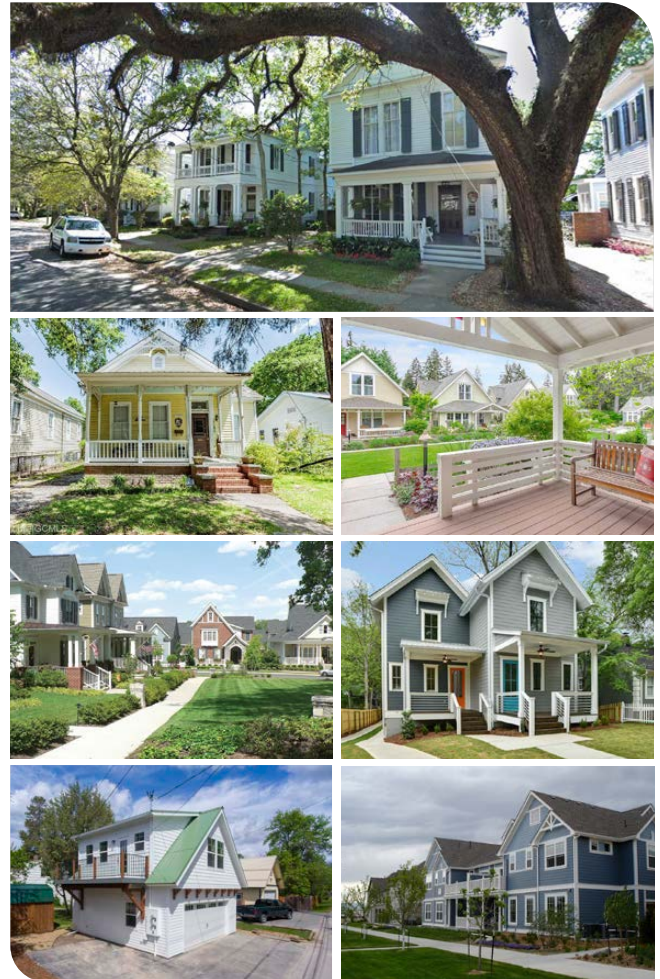
Secondary Uses

- 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