



Agenda Item # 13
BOA-003716-2026

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

DETAILS

Location:
1645 Dawes Road

Applicant / Agent:
Jared Oates

Property Owner:
Jared Oates

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

Future Land Use:
Low Density Residential

Case Number:
6756

Unified Development Code (UDC) Requirement:

- The UDC does not allow structures within recorded front setbacks in an R-1, Single Family Residential Suburban District.

Board Consideration:

- Setback Variance to allow an addition to an existing dwelling within the front 45-foot setback in an R-1, Single Family Residential Suburban District.


Report Contents:

	Page
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>6756</u> DATE <u>May 4, 2026</u>	 NTS
APPLICANT <u>Jared Oates</u>	
REQUEST <u>Setback Variance</u>	

SITE HISTORY

The subject site was included in the 2023 Cottage Hill Corridor Annexation and was assigned an R-1, Single-Family Residential Suburban District zoning classification as part of that process.

The property is part of the two-lot Farill Place Subdivision, which was approved by the Planning Commission at its December 18, 2025, meeting. As part of that approval, and in lieu of additional right-of-way dedication along Dawes Road, Lot 1 was assigned an increased front yard setback of 45-feet.

The site was developed prior to annexation with an existing single-family dwelling and accessory garage.

There are no other Planning Commission or any 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:

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 within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all non-sprinklered commercial buildings and within 300' of all sprinklered commercial buildings. Fire water supply for all commercial buildings will be required to meet the guidance of Appendices B and C of the 2021 International Fire Code. The

minimum requirement for fire hydrants is to be within 400' of non-sprinkled commercial buildings, within 600' of sprinkled commercial buildings, and within 100' of fire department connections (FDC) for both standpipes and sprinkler systems.

Planning Comments:

The applicant is requesting a setback variance to allow an addition to an existing single-family dwelling to encroach into a recorded 45-foot front yard setback in an R-1, Single-Family Residential Suburban District. The Unified Development Code (UDC) prohibits structures within recorded front yard setbacks in this district.

The applicant proposes to construct an addition to the northwest corner of the existing dwelling, along with a covered front porch. As established by the recorded plat for the Farill Place Subdivision, the property is subject to a 45-foot front yard setback along Dawes Road. The existing dwelling currently encroaches approximately one and one-half (1½) feet into this setback. If approved, the request would allow the proposed northwest addition to similarly encroach by approximately one and one-half (1½) feet, and the proposed front porch to encroach approximately nine-feet (9') into the required front yard setback.

In support of the request, the applicant states that the property was developed prior to the adoption of current regulations and setback requirements. The applicant also indicates that a water well, pump, and septic system are located directly behind the existing dwelling, limiting the ability to expand toward the rear. However, no documentation verifying the location of these features has been provided.

The application and all supporting materials are available via the link provided on Page 1 of this report.

Dawes Road is classified as a Minor Arterial Street with a planned 100-foot right-of-way. Typically, subdivision regulations would require dedication sufficient to provide 50-feet from the centerline; however, in this case, the plat established a 45-foot front yard setback in lieu of such dedication. Had right-of-way dedication been required, the property would instead be subject to a standard 25-foot front yard setback. Based on scaled measurements from the submitted site plan, the existing dwelling would still encroach approximately one and one-half (1½) feet into a 25-foot setback, rendering it a non-conforming structure resulting from the subdivision layout.

Further encroachment would not only conflict with Article 2, Section 64-2-5.E. of the UDC (front yard setback requirements), but may also be inconsistent with Article 6, Section 64-6-2.B., which allows expansion of non-conforming structures only when such expansions comply with current dimensional standards.

Although the applicant has cited constraints related to the well and septic system, no evidence has been submitted to substantiate these limitations. Moreover, the dwelling could potentially be expanded in other areas—such as the side yard or portions of the rear that avoid these features—in a manner consistent with applicable setback requirements. Given that the lot exceeds one and one-half (1½) acres in size, there appears to be sufficient area to accommodate compliant additions. As such, the hardship may be considered self-imposed.

Granting the variance could establish a precedent for similar requests, including those lacking a demonstrated hardship, or for future subdivision of the property in a manner that fails to meet dimensional standards. This could undermine the intent of the R-1 Suburban District, which emphasizes larger setbacks to preserve the character of suburban neighborhoods. The Board should therefore carefully consider whether a legitimate hardship exists and whether approval would be consistent with the intent of the district and broader zoning objectives.

Ultimately, whether the property's configuration constitutes a hardship sufficient to justify the requested variance is a determination for the Board. If approved, the variance should be conditioned upon the applicant obtaining all required permits and inspections.

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:

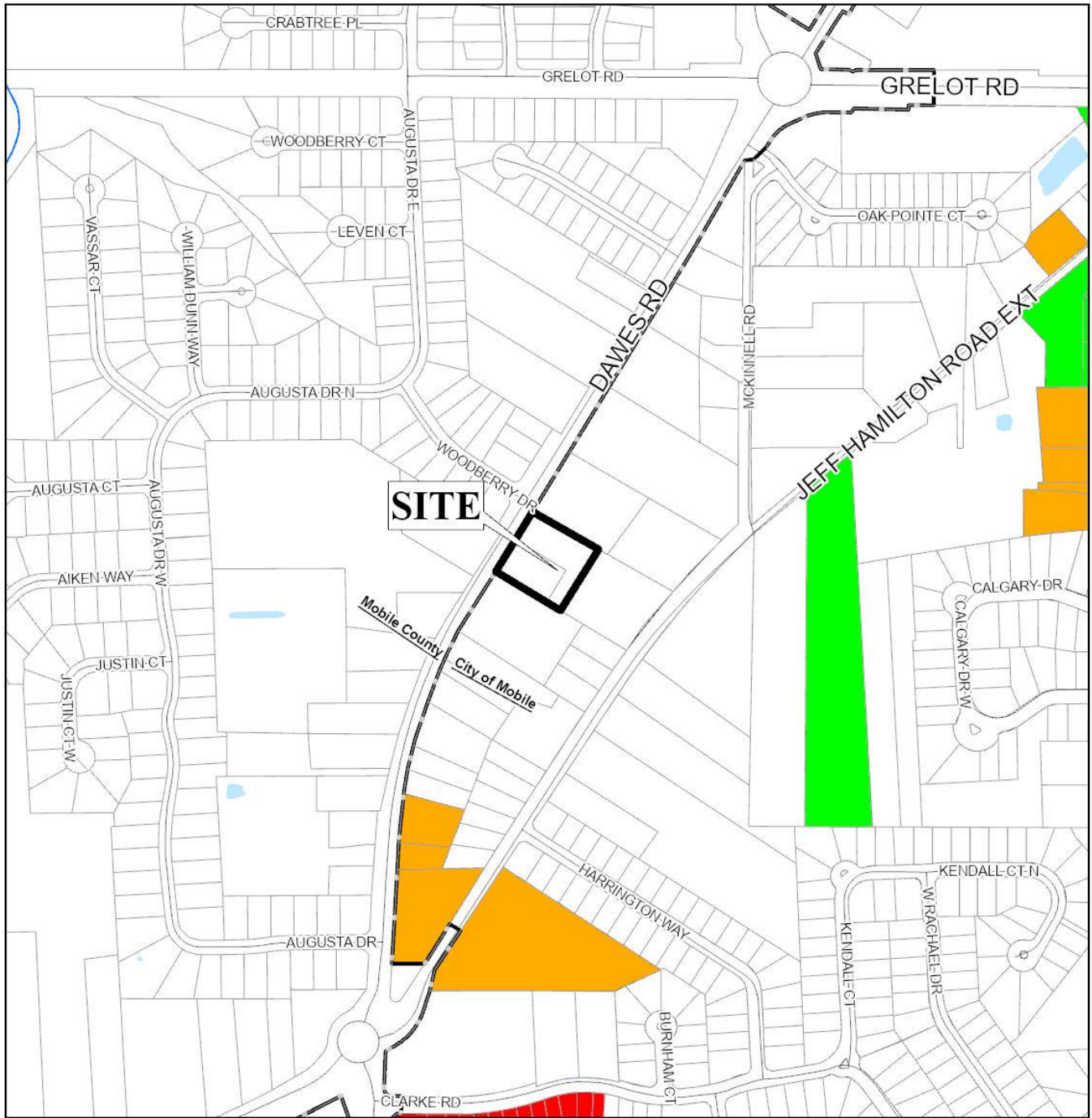
If the Board considers approval of the request, the following findings of fact must be present:

- 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) Obtain all required building permits; and
- 2) Full compliance with all other applicable codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6756 DATE May 4, 2026

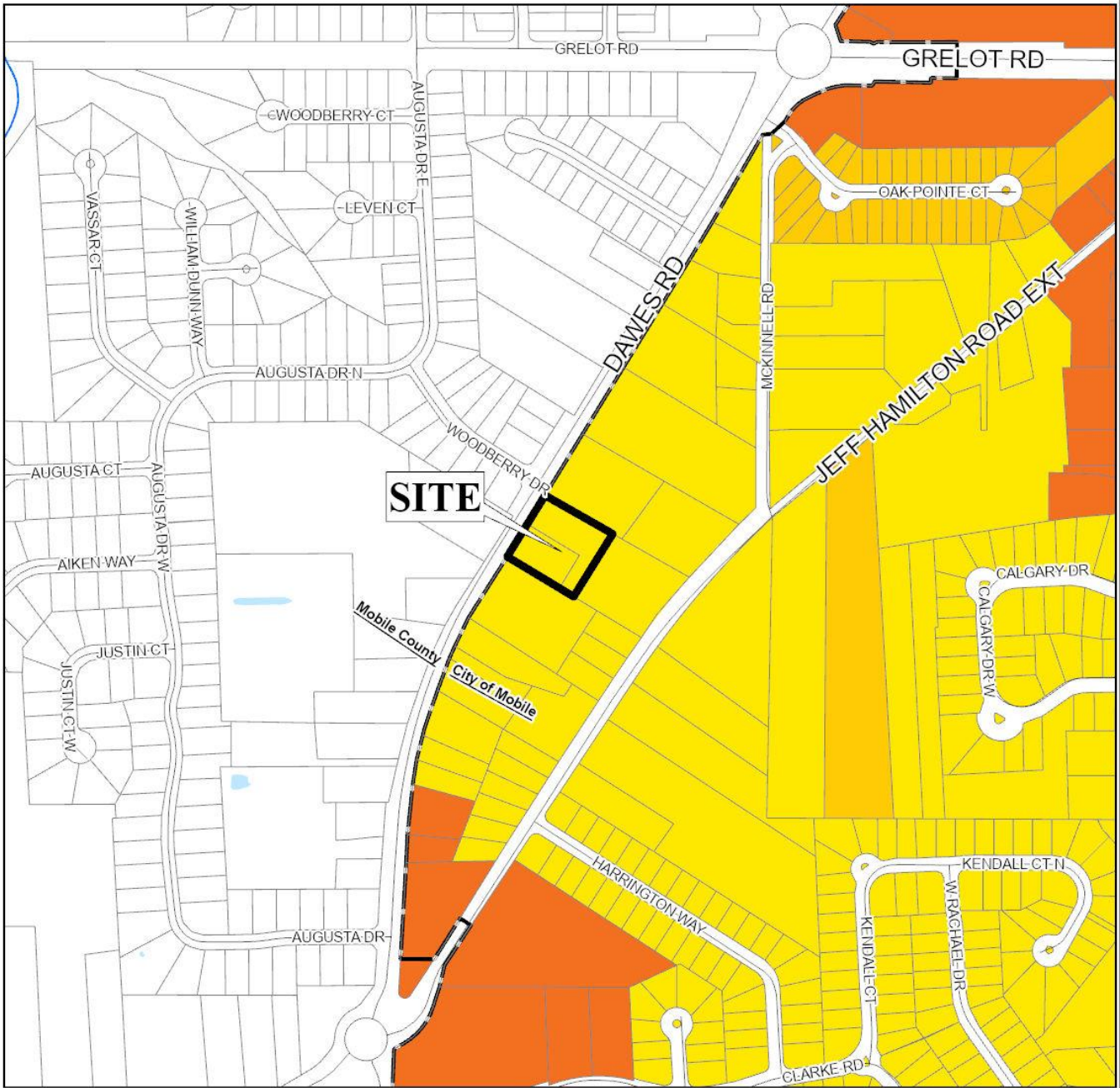
APPLICANT Jared Oates

REQUEST Setback Variance



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FLUM LOCATOR MAP



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- | | | | |
|---|--|---|---|
| ■ 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 | |



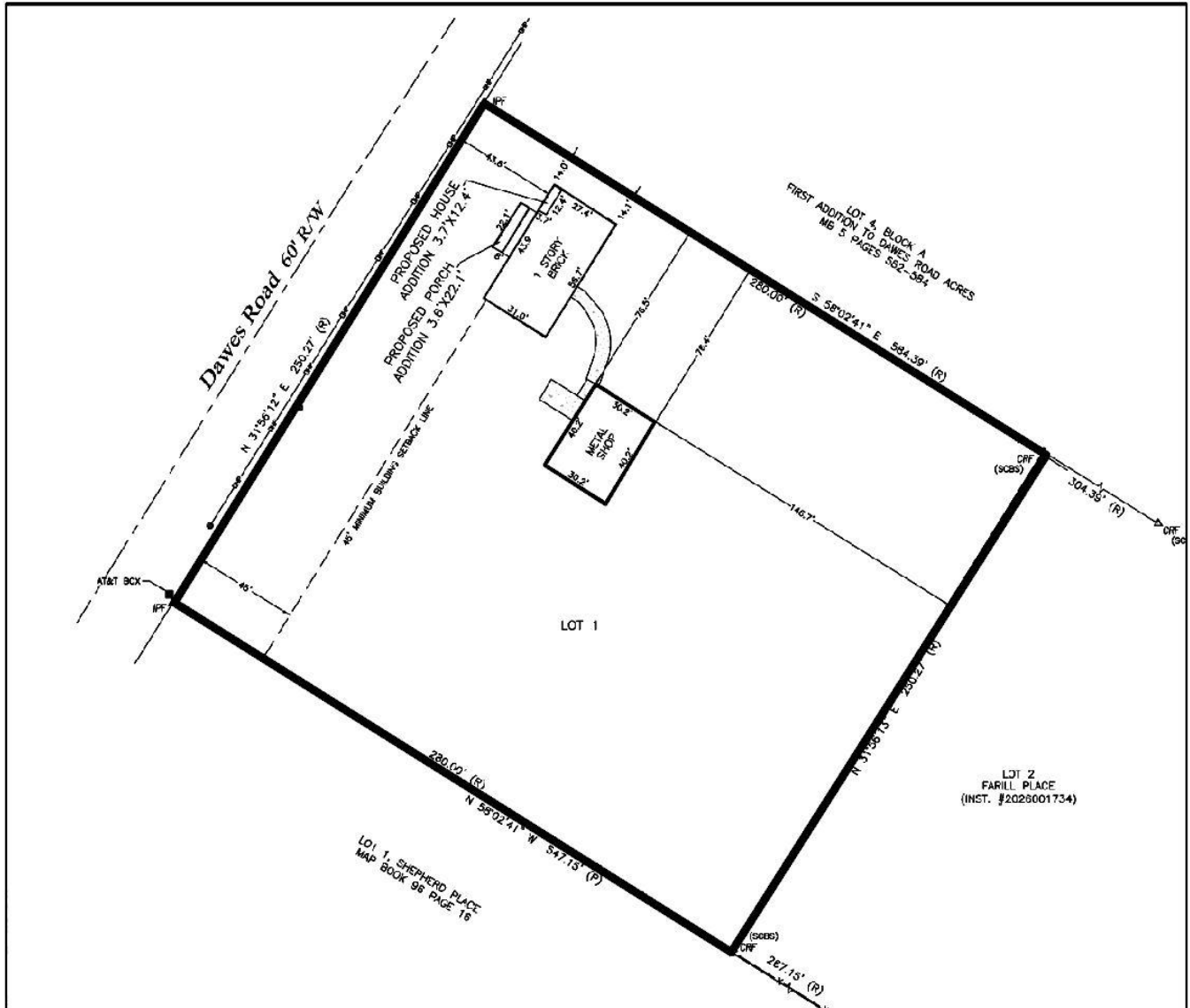
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<table style="width: 100%; font-size: small;"> <tr> <td> R-A</td> <td> R-3</td> <td> B-1</td> <td> B-2</td> <td> B-5</td> <td> ML</td> <td> I-2</td> <td> OPEN</td> <td> T-3</td> <td> T-5.2</td> </tr> <tr> <td> R-1</td> <td> R-B</td> <td> T-B</td> <td> B-3</td> <td> CW</td> <td> MH</td> <td> PD</td> <td> SD</td> <td> T-4</td> <td> T-6</td> </tr> <tr> <td> R-2</td> <td> H-B</td> <td> LB-2</td> <td> B-4</td> <td> MM</td> <td> I-1</td> <td> MUN</td> <td> SD-WH</td> <td> T-5.1</td> <td></td> </tr> </table>			 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	
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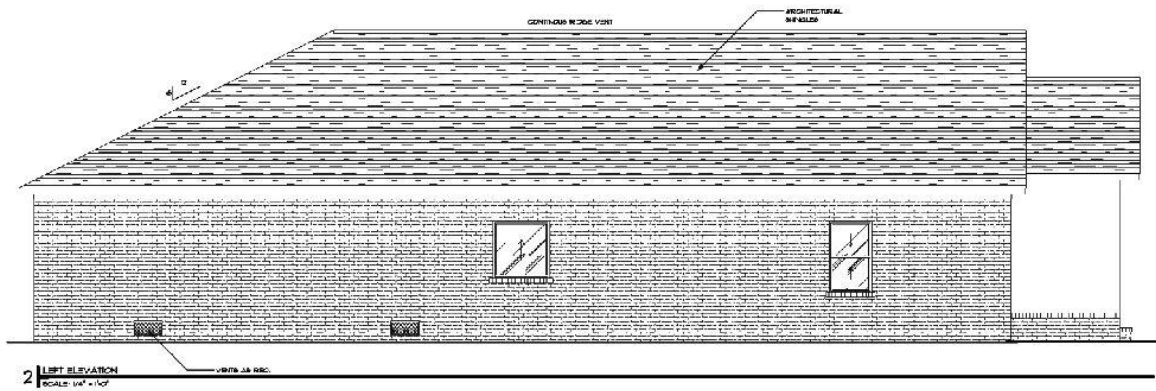
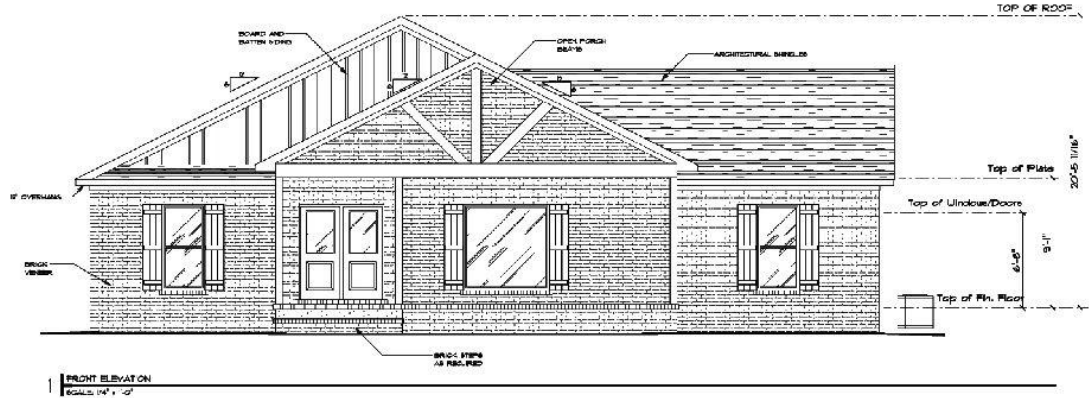
SITE PLAN



The site plan illustrates the existing building, shop, and proposed porch addition.

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DETAIL SITE PLAN



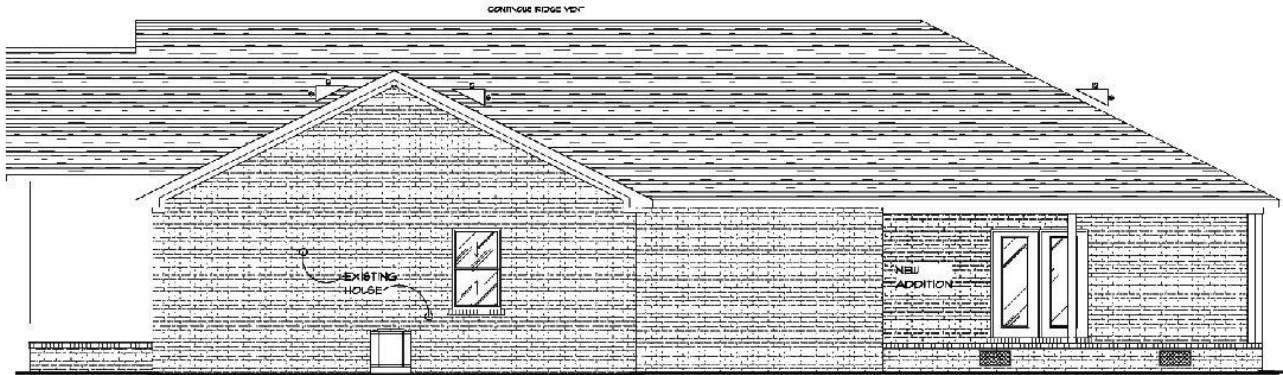
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DETAIL SITE PLAN



1 RIGHT ELEVATION
SCALE 1/4" = 1'-0"



2 REAR ELEVATION
SCALE 1/4" = 1'-0"

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