

APPLICATION NUMBER

5290

A REQUEST FOR

**USE AND FRONT YARD SETBACK VARIANCES TO
ALLOW A DWELLING TO BE USED AS A 5 BEDROOM,
BED & BREAKFAST FACILITY, TO BE CONSTRUCTED
68' FROM THE FRONT PROPERTY LINE IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT WITHIN THE
HISTORIC DISTRICT OVERLAY; THE ZONING
ORDINANCE REQUIRES A MINIMUM OF B-1, BUFFER
BUSINESS WITH PLANNING APPROVAL, AND A
MAXIMUM FRONT YARD SETBACK OF 37' IS
REQUIRED WITHIN THE HISTORIC DISTRICT
OVERLAY IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT**

LOCATED AT

(North side of Government Street, 425' \pm West of Hallett Street)

AGENT

M. DON WILLIAMS, III

OWNER

ENOCH AGUILERA

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2005

The applicant is requesting Use and Front Yard Setback Variances to allow a dwelling (relocated structure) to be used as a 5 bedroom, Bed & Breakfast facility to be constructed 68' from the front property line in an R-1, Single-Family Residential District within the Historic District Overlay; the Zoning Ordinance requires a minimum of B-1, Buffer Business with Planning Approval, and a maximum front yard setback of 37' is required within the Historic Overlay District in an R-1, Single-Family Residential District.

The applicant proposes to move the existing Bellingrath garage building, currently located at 50 South Ann Street (Annunciation Greek Orthodox Church) and convert the building into a six-bedroom dwelling, with five bedrooms to be used as a Bed and Breakfast facility. The applicant proposes to make the five-bedroom Bed and Breakfast facility completely self-sufficient on the lot. The applicant proposes to share a driveway with the adjacent multi-family development (Central Park), and provide stamped asphalt parking to accommodate eight vehicles.

The applicant states the proposed Bed and Breakfast facility would consist of similar activities as a single-family residence with a large family. The proposed parking would be located in the rear of the building. The applicant states that twenty years ago the site was zoned R-3, Multi-Family; however, a rezoning study along Government Street downzoned the property from R-3, Multi-Family Residential to R-1, Single-Family Residential. Bed and Breakfast facilities are allowed with Planning Approval in R-3, Multi-Family Residential districts; however, they are not allowed in R-1, Single-Family Residential districts. Prior to the Government Street rezoning study, a Bed and Breakfast would have been allowed on the site with Planning Approval.

The recently adopted Historic Overlay requires a front yard setback between 26-feet and 37-feet. The applicant states the proposed 68 foot front yard setback is intended to resemble the historic use as a carriage garage, and that it is important to visually give the effect that this building is a secondary building to the adjacent residence to the West. Additionally, Mobile Historic Development Commission staff has indicated that application for an attached garage would not be looked upon favorably, as the historic significance of the dwelling would be compromised.

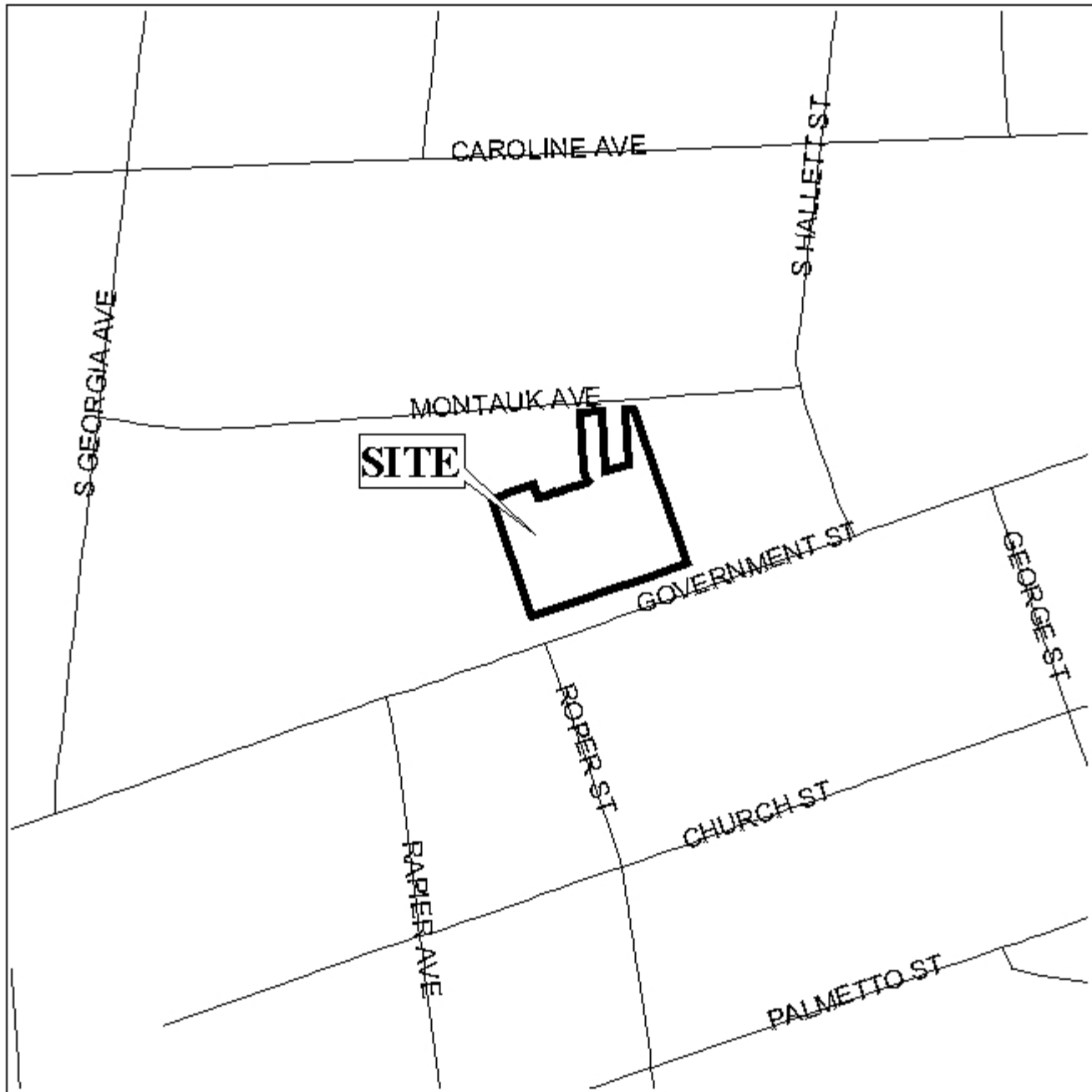
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

In terms of the overall development, the building is of unique, historic significance to the community. Furthermore, the zoning of the site was changed and consequently a Bed and Breakfast facility is prohibited. Moreover, the development of this parcel in conjunction with the existing development to the West, would give a visual sense of the proposed building as a secondary structure, thus making it desirable for the building to be setback further than the adjacent residence.

RECOMMENDATION 5290**Date: February 14, 2005**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) all necessary historic approvals; and 2) full compliance with all codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5290 DATE February 14, 2005

APPLICANT M. Don Williams (Enoch Aguilera, Owner)

REQUEST Use, Front Yard Setback Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single and multi family residential units are located to the north and south of the site. Various commercial sites are located to the east, west, and south of the site.

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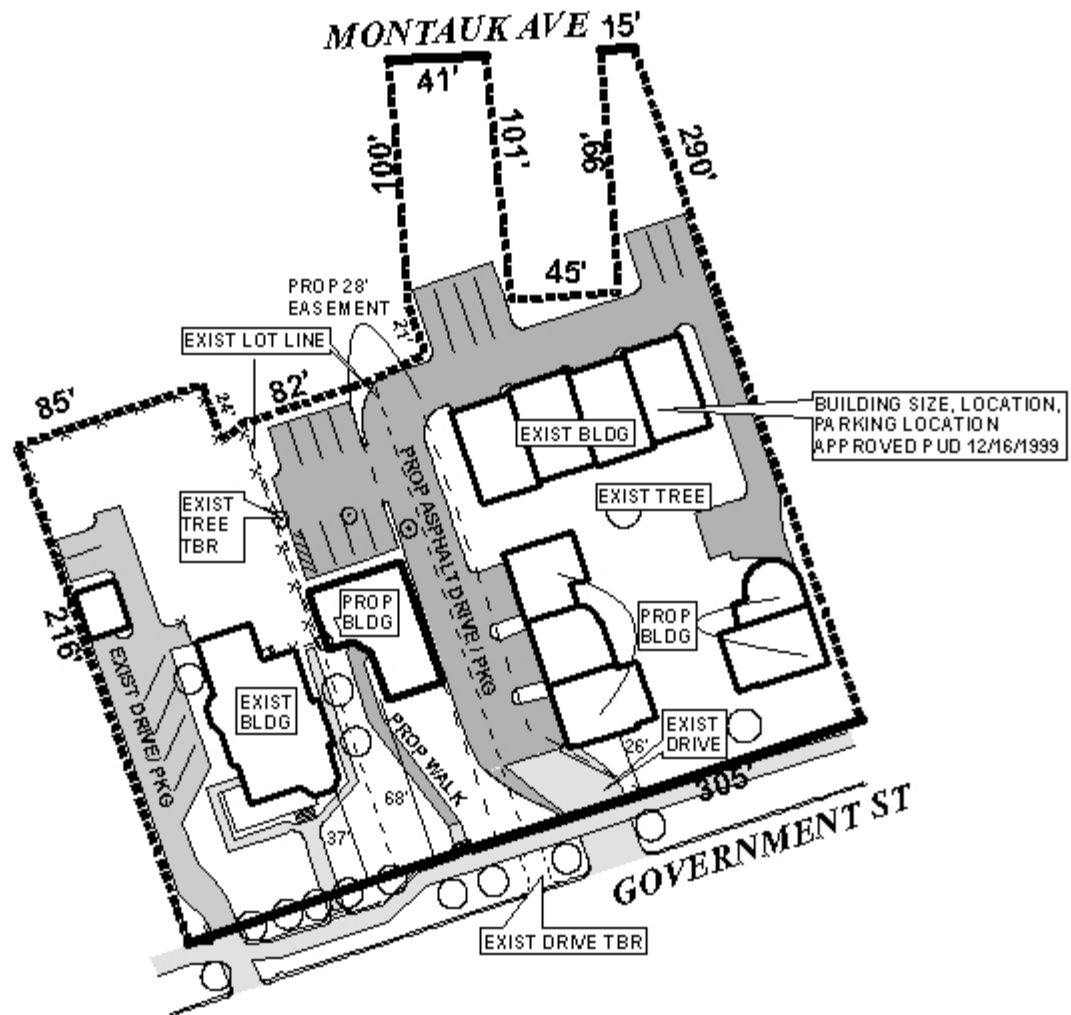
REQUEST Use, Front Yard Setback Variance

LEGEND



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SITE PLAN



The site plan illustrates the existing buildings, parking, drives and landscaping, along with the proposed buildings, parking, drives, and landscaping

APPLICATION NUMBER 5290 DATE February 3, 2004
 APPLICANT M. Don Williams (Enoch Aguilera, Owner)
 REQUEST Use, Front Yard Setback Variance



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