



Agenda Item #1

BOA-002443-2023

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

[Applicant Materials for Consideration](#)

DETAILS

Location:

4218 Bellevue Lane

Applicant / Agent (as applicable):

Shawn Kleinpeter

Property Owner:

Shawn Kleinpeter

Current Zoning:

R-1, Single-Family Residential-Suburban

Future Land Use:

Low Density Residential

Case Number(s):

6511

Unified Development Code Requirement:

- A 25-foot front yard setback in an R-1, Single-Family Residential-Suburban District.

Board Consideration:

- To allow an eight-foot (8') high wall along the front property line and within the 25-foot front yard setback in an R-1, Single-Family Residential-Suburban District.


Report Contents:

	Page
Context Map	2
Site History	3
Staff Comments	3
Board Considerations	4
Exhibits	6

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by single family residential units.

APPLICATION NUMBER <u>6511</u> DATE <u>June 5, 2023</u>	
APPLICANT <u>Shawn Kleinpeter</u>	
REQUEST <u>Front Yard Setback Variance</u>	

SITE HISTORY

The subject site has no history of Board of Zoning Adjustment or Planning Commission applications, nor have there been similar requests on the street.

STAFF COMMENTS

Engineering Comments:

If the proposed variance is approved the applicant will need to have the following conditions met:

1. The wall (including the footers) must be located on private property and NOT within the public ROW.
2. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through Central Permitting.
3. 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.
4. 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.
5. 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 commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

This application was originally scheduled for the May 1st meeting but was administratively heldover due to a notification error.

The applicant is requesting a Front Yard Setback Variance to allow an eight-foot (8') high wall along the front property line and within the 25-foot front yard setback in an R-1, Single-Family Residential-Suburban District; the

Unified Development Code (UDC) requires a 25-foot front yard setback in an R-1, Single-Family Residential-Suburban District.

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

The applicant provides the following concerning the request:

Dr. Kleinpeter wants to build an 8' tall concrete wall on 3 sides of his property to reduce the noise from Airport Boulevard. One of the sides is the right-of-way of Bellevue Lane that adjoins Airport Boulevard. He is requesting a variance for the 25' setback line and for the height of the proposed wall.

The site plan submitted indicates the proposed wall entirely along the front property line, and entirely along the two side property lines. Double ten-foot (10') wide gates are proposed along the front property line at the driveway entrance.

The application does not include any information regarding a unique characteristic of the property which precludes the applicant from constructing the proposed concrete wall at the 25-foot setback line rather than on the property line. No other properties on Bellevue Lane have a fence or wall on the front property line.

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:

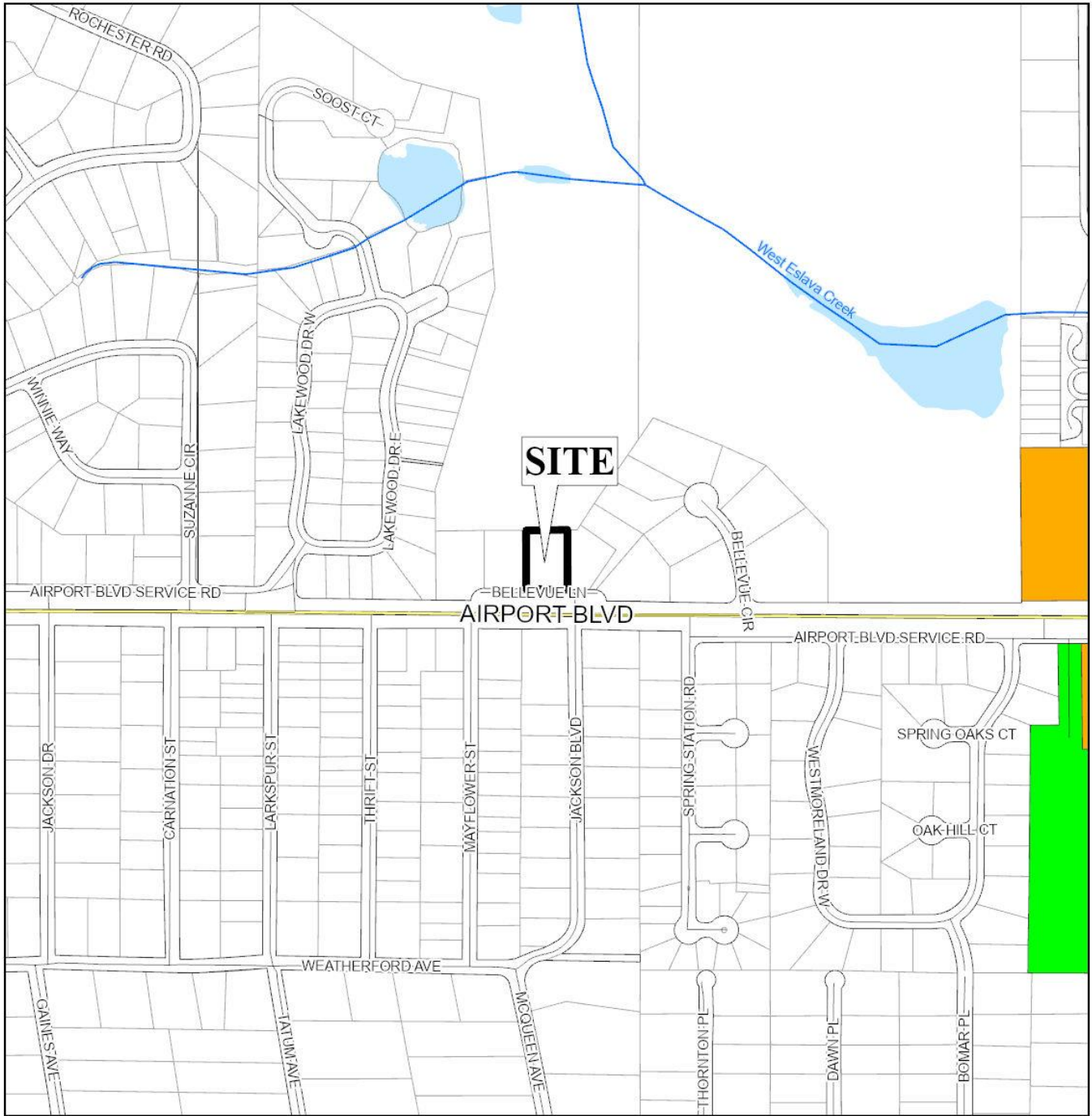
- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

Based on the requested Variance application and documentation submitted, the Board must consider the following findings of fact for approval or denial of the request:

- 1) The variance **will / will not** be contrary to the public interest;
- 2) Special conditions **exist / do not exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be / shall not be** observed and substantial justice **done / not done** to the applicant and the surrounding neighborhood by granting the variance.

LOCATOR ZONING MAP



APPLICATION NUMBER 6511 DATE June 5, 2023

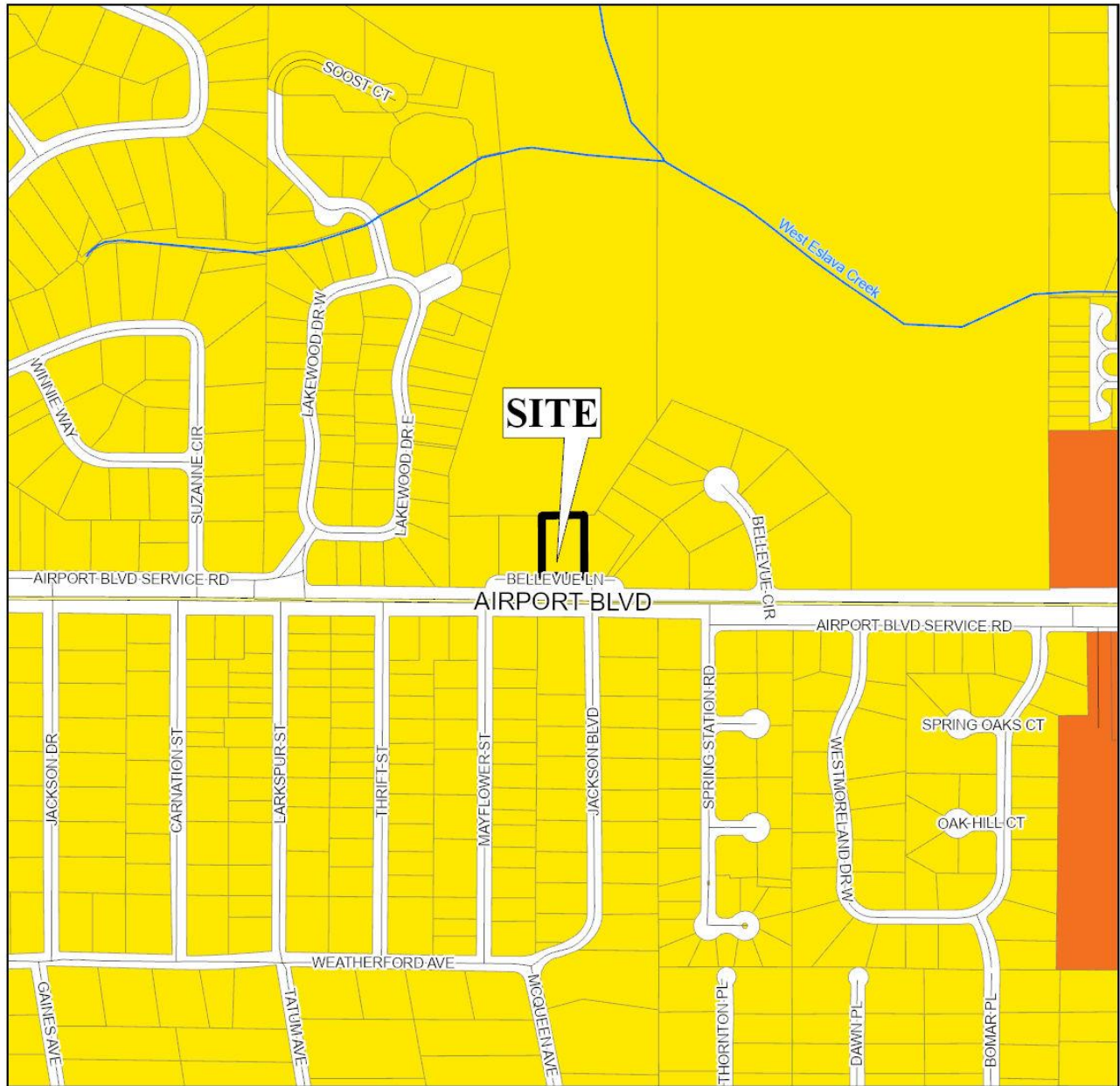
APPLICANT Shawn Kleinpeter

REQUEST Front Yard Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6511 DATE June 5, 2023

APPLICANT Shawn Kleinpeter

REQUEST Front Yard Setback Variance

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




NTS

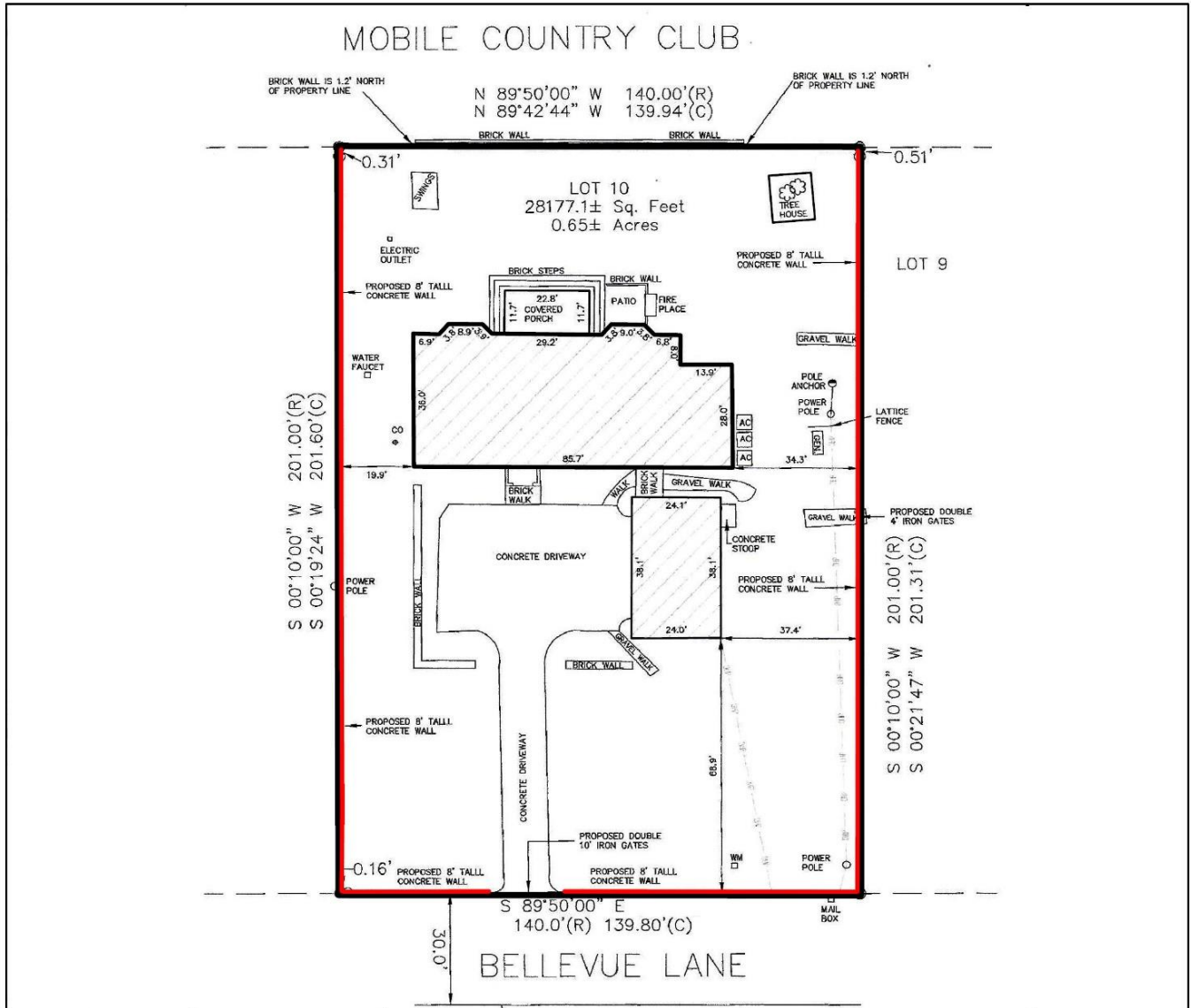
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




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SITE PLAN



The site plan illustrates the existing building, drive, and proposed wall along the property.

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