

APPLICATION NUMBER

5286

A REQUEST FOR

SIDE YARD SETBACK, TOTAL COMBINED SIDE YARD SETBACK AND REAR YARD SETBACK VARIANCES TO ALLOW ADDITIONS TO A RESIDENTIAL STRUCTURE FIVE-FEET FROM A SIDE PROPERTY LINE, A TOTAL COMBINED SIDE YARD OF 16.6 FEET, AND FIVE-FEET FROM THE REAR PROPERTY LINE; AN EIGHT-FOOT SETBACK IS REQUIRED FROM A SIDE PROPERTY LINE, A TOTAL COMBINED SIDE YARD OF 20-FEET IS REQUIRED ON A LOT 60 FEET WIDE OR WIDER, AND AN EIGHT-FOOT REAR YARD SETBACK IS REQUIRED IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

LOCATED AT

111 MYRTLEWOOD LANE

(West side of Myrtlewood Lane, 170'± North of Old Shell Road)

APPLICANT/OWNER

MAX & MANDY ROGERS

BOARD OF ZONING ADJUSTMENT

JANUARY 2005

The applicant is requesting Side Yard Setback, Total Combined Side Yard Setback and Rear Yard Setback Variances to allow additions to a residential structure five-feet from a side property line, a total combined side yard of 16.6 feet, and five-foot from the rear property line; an eight-foot setback is required from a side property line, a total combined side yard of 20-feet is required on a lot 60 feet wide or wider, and an eight-foot rear yard setback is required in an R-1, Single-Family Residential District.

The applicant states that side yard and rear yard setback variances are needed due to the limited land area within the northwest corner of the property, and so the detached garage would not detract from the façade of the historic dwelling. The proposed garage would be located 5-feet from the side (North) property line and 5-feet from the rear (West) property line, which is typical of older homesites.

The applicant states the home is on the National Register of Historic Places and is subject to an Architectural Façade Easement and Architectural Review Board approval from the Mobile Historic Development Commission prior to construction. The applicant states the removal of an existing lean-to carport and storage room would be removed and a new mud/utility room, as well as a detached two-car garage with bonus room above would be constructed. A covered porch and connector between the residence and the garage would be added to the rear of the structure.

Staff of the Mobile Historic Development Commission has indicated that approval of an attached garage would not be favorable to such a dwelling of this architectural design, and that the historic significance would be compromised with an attached garage.

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.

Since this building is on the National Register of Historic Places and is subject to an Architectural Façade Easement, this property could be considered unique to the area. However, it has been a typical condition of setback variances within five-feet of side and/or rear property lines to require the provision of gutters and downspouts.

RECOMMENDATION 5286**Date: January 10, 2005**

Based upon the preceding, this application is recommended for approval subject to the following conditions: 1) subject all necessary historic approvals; and 2) provision of gutters and downspouts.

LOCATOR MAP



APPLICATION NUMBER 5286 DATE January 10, 2005

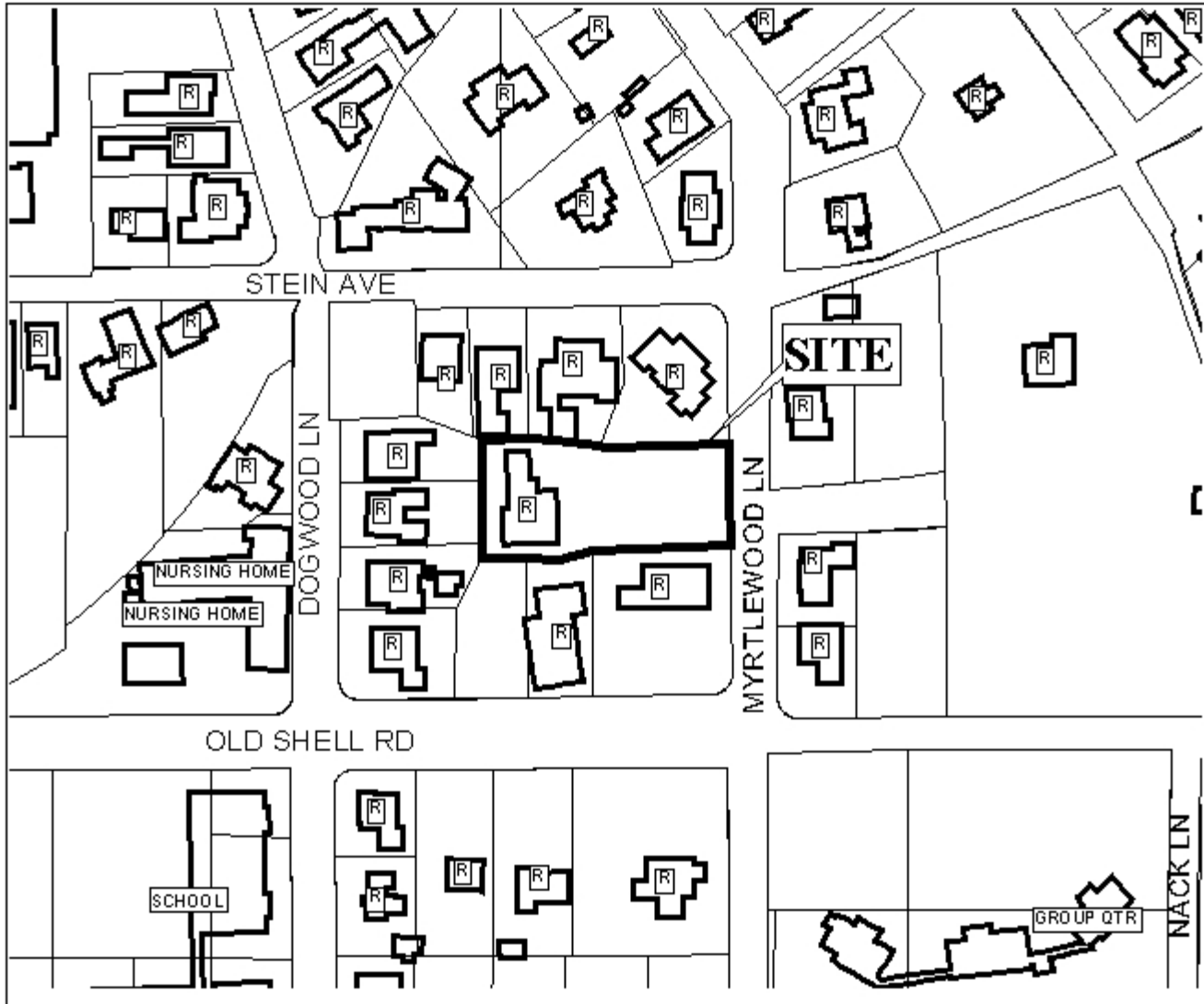
APPLICANT Max & Mandy Rogers

REQUEST Side Yard Setback, Total Combined Side Yard Setback, Rear Yard Setback Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units. A school and a children's home are located to the south of the site. A nursing home is located to the west of the site.

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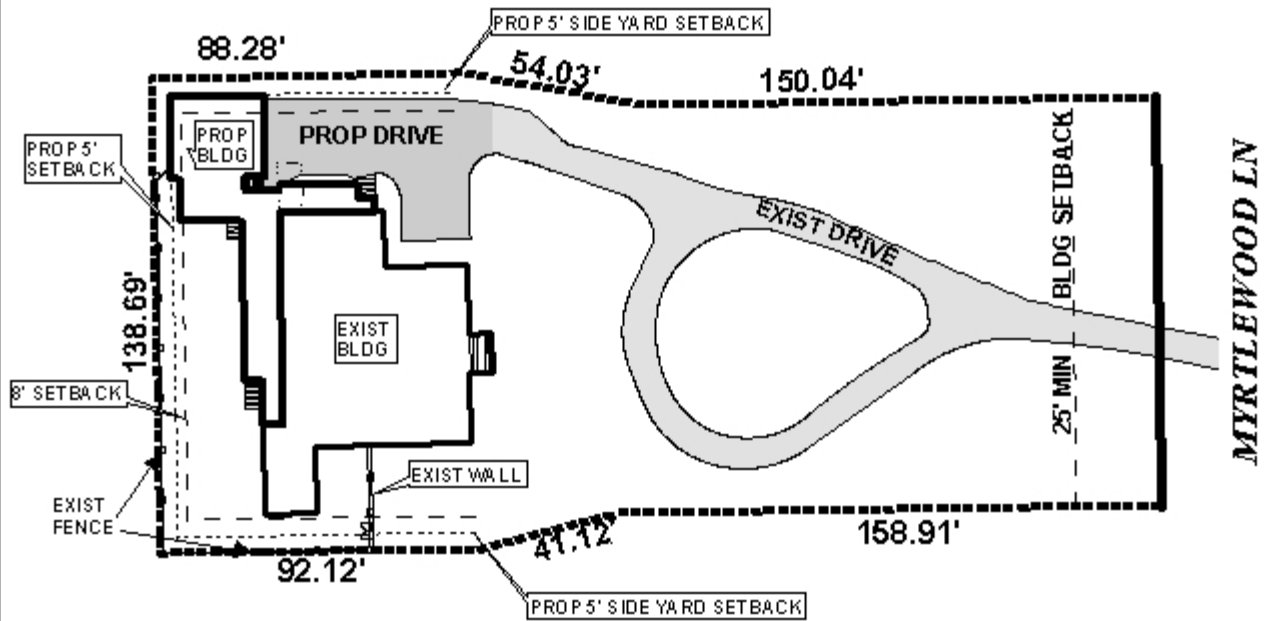
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site plan illustrates the proposed buildings and drives, along with the existing buildings, drives, and fencing.

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