

APPLICATION NUMBER

5511

A REQUEST FOR

**SIDE YARD AND REAR YARD SETBACK VARIANCES
TO ALLOW THE CONSTRUCTION OF A CARPORT
WITHIN 3.25' OF A SIDE PROPERTY LINE AND 7.5' OF A
REAR PROPERTY LINE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; THE ORDINANCE REQUIRES
AN 8' SIDE YARD SETBACK AND AN 8' REAR YARD
SETBACK IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT.**

LOCATED AT

4913 CARMEL DRIVE NORTH

(South side of Carmel Drive North, 225' ± West of Pine Court)

APPLICANT/OWNER

MARC SCOTT WHITEHEAD

AGENT

MARC SCOTT WHITEHEAD

BOARD OF ZONING ADJUSTMENT

DECEMBER 2008

ANALYSIS APPLICATION

Date: December 1, 2008

The applicant is requesting Side Yard and Rear Yard Setback Variances to allow the construction of a carport within 3.25' of a side property line and 7.5' of a rear property line in an R-1, Single-Family Residential District; the Ordinance requires an 8' side yard setback and an 8' rear yard setback in an R-1, Single-Family Residential District.

According to the applicant, the current proposed improvements include a new master bedroom and bathroom consisting of approximately 1000 square feet extending back on the Southeast part of the house. This part of the addition will not violate any of the required setbacks. In addition, they plan to extend the existing roofline back to cover an existing patio, which will also not violate any required setbacks. The plans will then include a covered walkway extending from the proposed covered porch out 23' to the proposed carport. The carport will be situated off of the Southwest portion of the property and will be constructed directly over the existing driveway. They state that if they moved the structure to the East end of the property to behind the master bedroom, it would create a solid wall down that property line which would require them to drive completely behind their house to the other end and would cover more of the property with concrete instead of having as much of the yard undisturbed as possible. They also state that if they were to shift the carport over another 5' to comply with the 8' setback, it would be impossible to maneuver in and out of the carport.

It should also be noted that, if approved, construction of the addition will not cause the applicant to exceed the maximum site coverage of the lot.

After review, staff was able to find two approved side and/or rear yard variances in the immediate vicinity. In addition, after reviewing Mobile City aerial photographs, it does not appear to be uncharacteristic of the neighborhood for structures to not meet the side and rear yard setbacks however; aerial photographs may not match to the exact property line as depicted in the mapping system. It should be noted however, that the applicant has adequate space to move the proposed addition to meet the setbacks, as they stated in their application.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

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.

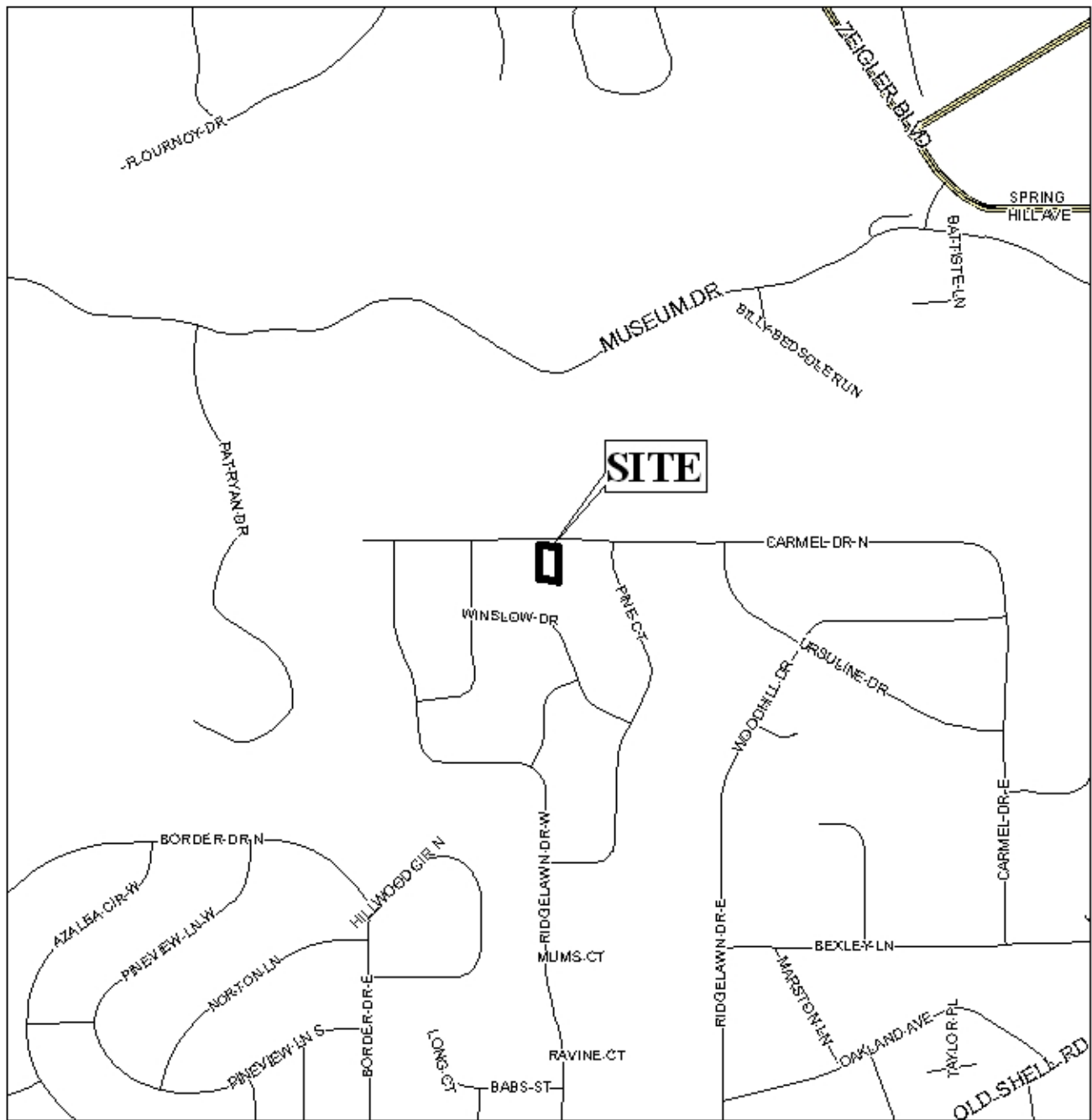
Finally, variances should be decided on a case by case basis. Previous approvals in the area should not be considered grounds for approval.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to allow a carport to within 3' of a side property line and 7.6' within 7.6' of the rear property line.

RECOMMENDATION 5511**Date: December 1, 2008**

Based upon the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5511 DATE December 1, 2008
APPLICANT Marc Scott Whitehead
REQUEST Side Yard and Rear Yard Setback Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING


















The site is surrounded by single family residential units

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LEGEND

															NTS
R-1	R-2	R-3	R-4	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2	



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

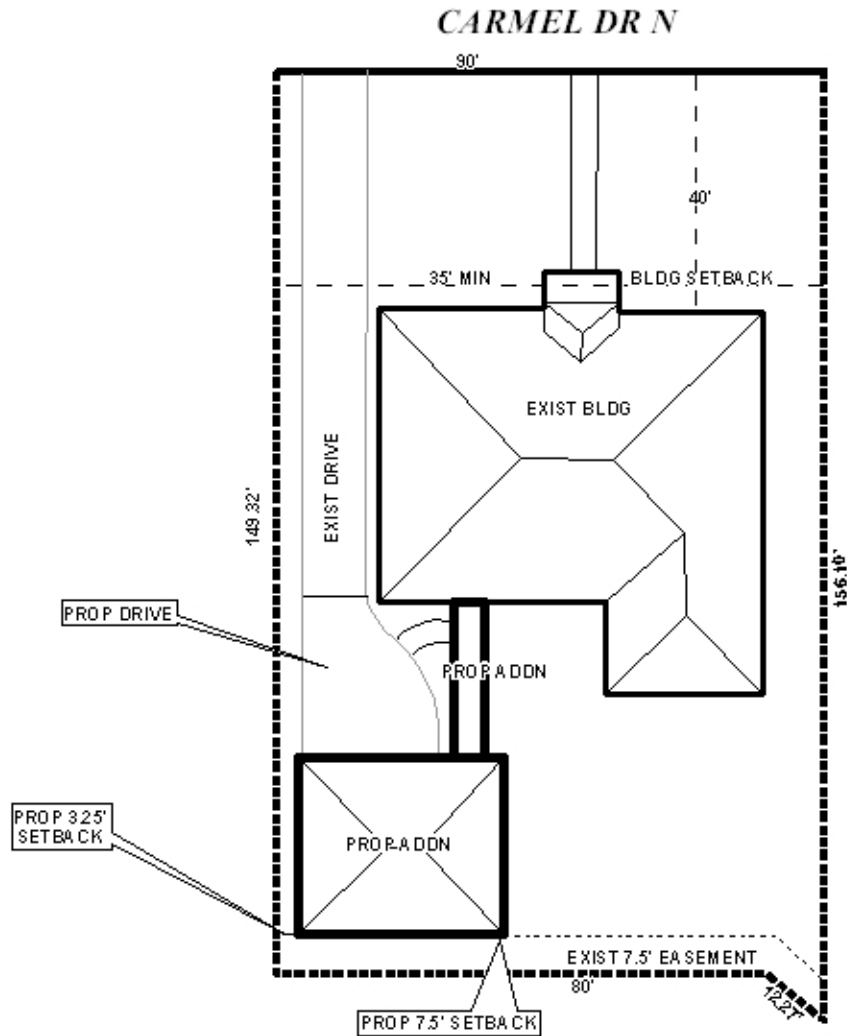


The site is surrounded by single family residential units

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N
NTS

SITE PLAN



The site plan illustrates the existing building, proposed additions, and proposed setbacks

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