

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 3, 2014**

<u>CASE NUMBER</u>	5925
<u>APPLICANT NAME</u>	Bobby W. & Robin H. Lankford
<u>LOCATION</u>	2001 Crescent Drive West (Southeast corner of Crescent Drive West and Crescent Drive North)
<u>VARIANCE REQUEST</u>	USE: To allow an accessory structure and vehicular storage as the primary uses on a vacant lot in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance requires the primary use to be a single-family residence on a lot in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single Family Residential
<u>AREA OF PROPERTY</u>	1/2± Acre
<u>ENGINEERING COMMENTS</u>	<p>If the Variance is approved as requested the applicant will need to have the following conditions:</p> <ol style="list-style-type: none">Submit and receive a Tier 2 Land Disturbance Permit for the proposed site development.Submit a ROW Permit for the work within the Public ROW (Crescent Dr. W. or Crescent Dr. N).
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments received.
<u>FIRE DEPARTMENT COMMENTS</u>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<u>URBAN FORESTRY COMMENTS</u>	No comments received.

CITY COUNCIL
DISTRICT

District 3

ANALYSIS

The applicant is requesting a Use Variance to allow an accessory structure and vehicular storage as the primary uses on a vacant lot in an R-1, Single-Family Residential District; the Zoning Ordinance requires the primary use to be a single-family residence on a lot in an R-1, Single-Family Residential District.

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.

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.

Applicant's statement: 9. *2001 Crescent Drive West. This is a 1/2 acre lot that is mostly naturally wooded and untouched except for a small section on the west side. The grass is kept cut on this section in order to park two enclosed trailers, one motorhome and one small non-permanent storage building. There are no permanent structures on the property. There are no existing or proposed plans to develop this land any further.*

10. My family has two hobbies, (1) Drag Racing & (2) BBQ Competitions. We have an enclosed trailer for each hobby. We also have a Motorhome that is used to pull these trailers when we compete. We also have a non-permanent storage building to store various items related to BBQ and racing and some household items. We purchased the property at 2001 Crescent Drive over 10 years ago in order to have a place to store these items. Because our residence (across the street at 2002 Crescent Drive) was build back in 1952, there is very limited access to get the enclosed trailers and Motorhome to the back yard without moving the house, cutting down trees and encroaching on our neighbors property. Even if we were able to get these items into our back yard, we would not be able to park them there because our yard is too close to sea-level and floods quite a bit as part of the backyard would be classified as wetlands.

In short, just a small portion of this lot is used to store the items listed above. The majority of the lot will continue to be left undeveloped.

It should be pointed out that there does not appear to be any hardship associated with the property in this request at 2001 Crescent Drive West and any apparent hardship would appear to be associated with the property of the applicant's primary residence across the street at 2002 Crescent Drive West. The majority of the available land at the applicant's residence site, which may be suitable for the applicant's proposed use, appears to be located within wetlands and the

AE and X-Shaded flood zones due to the proximity of the site to Dog River; however, the front yard appears large enough to store all of the items, and is outside of the flood zones.

Typically, a hardship to a property due to unusual characteristics of the site may be basis for the approval of a variance request, as mentioned previously; however, the prevailing issue of **no** evident hardships associated with 2001 Crescent Drive West should not be overlooked. A possible issue with one property does not create a hardship or justify a variance on another. The applicant should have verified if the proposed use of the property is allowed prior to purchasing it. Any perceived “hardship” is self-imposed. Furthermore, it appears that residentially zoned lots in the immediate vicinity appear to have been developed in observance of Section 64-3.C.1. of the Zoning Ordinance regarding R-1, Single-Family Residential Zoning District regulations.

Typically, items such as RV’s, boats and trailers, when they cannot be kept at an owner’s residence, are kept at a commercial storage facility. While storage in such a facility may be inconvenient, it does protect neighborhoods, and does prevent vacant properties in residential areas from becoming parking areas for RV’s Boats, trailers, etc.

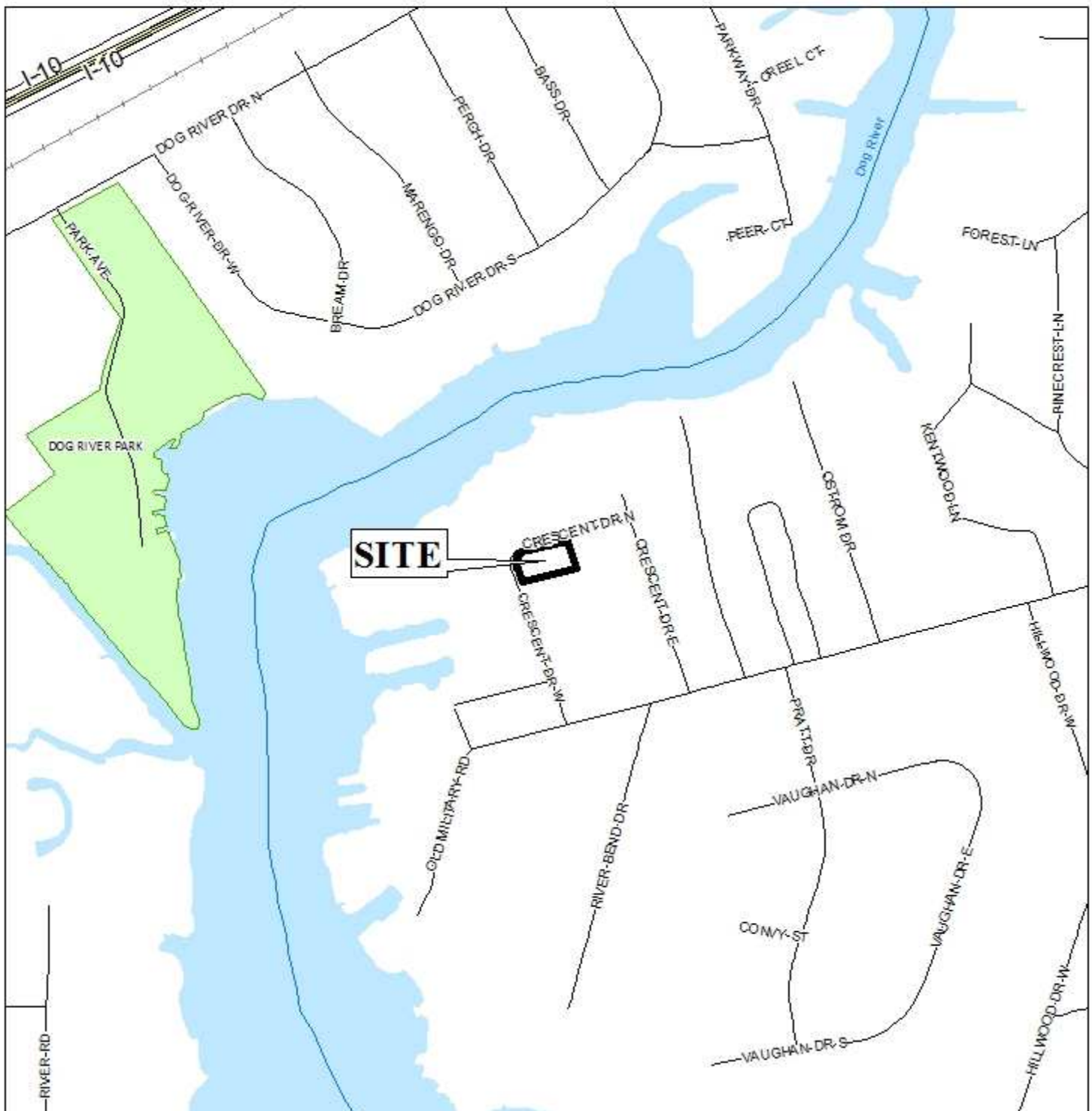
There appears to be alternate areas on the primary residence site of 2002 Crescent Drive West which may be suitable for the applicant’s proposed use. The applicant has also stated that the location of the existing dwelling unit may limit access to the rear of the lot; however, no site plan was provided, thus Staff cannot evaluate that claim. The applicant has not presented sufficient evidence to demonstrate a hardship as listed above and required in Section 64-8.B.6.f.(3).(d). of the Zoning Ordinance.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for denial:

- 1) Approving the variance will be contrary to the public interest in that the approval of the variance will be contrary to Section 64-3.C.1. of the Zoning Ordinance regarding R-1, Single-Family Residential Zoning District regulations;
- 2) No special conditions appear to exist and a literal enforcement of the provisions of the chapter will not appear to result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance since there may be other areas on the property of applicant’s primary residence which may be appropriate for the proposed use that would uphold the spirit of Section 64-3.C.1. of the Zoning Ordinance.

Therefore, the accessory structure and trailers should be removed and relocated to a compliant location on the applicant’s primary residence of 2002 Crescent Drive West, with the appropriate building permits, as necessary, or to a commercial storage facility.

LOCATOR MAP



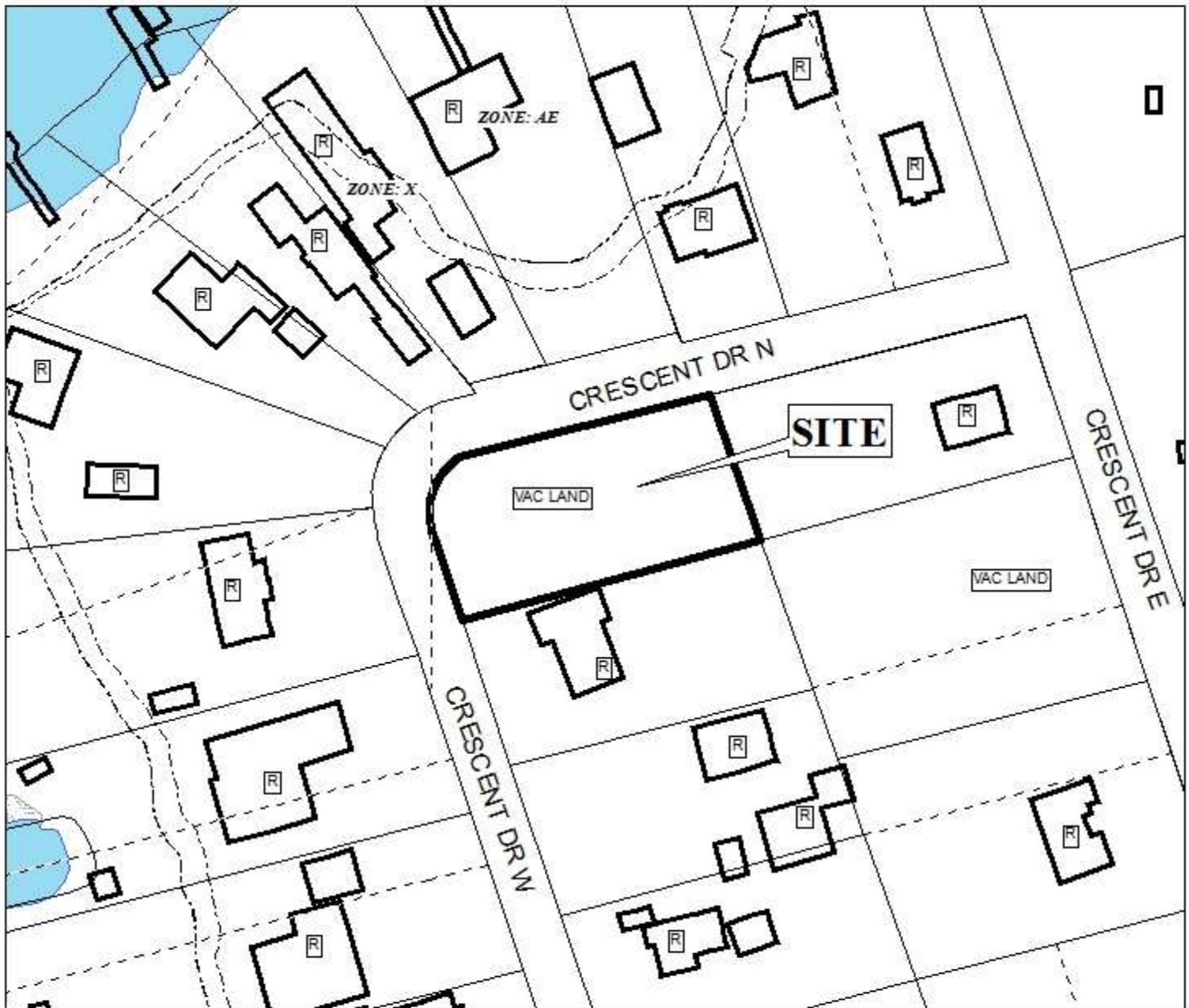
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REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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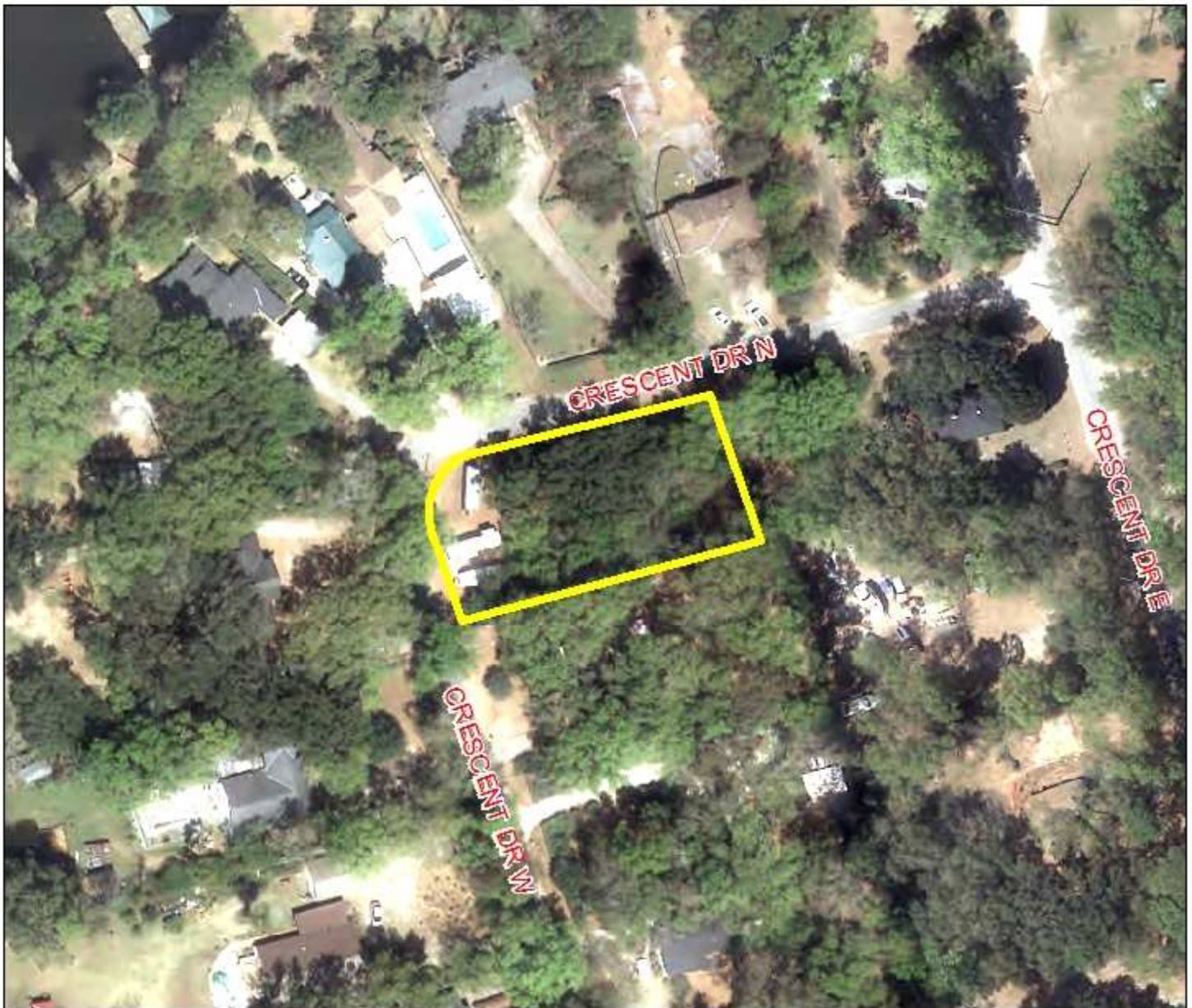
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



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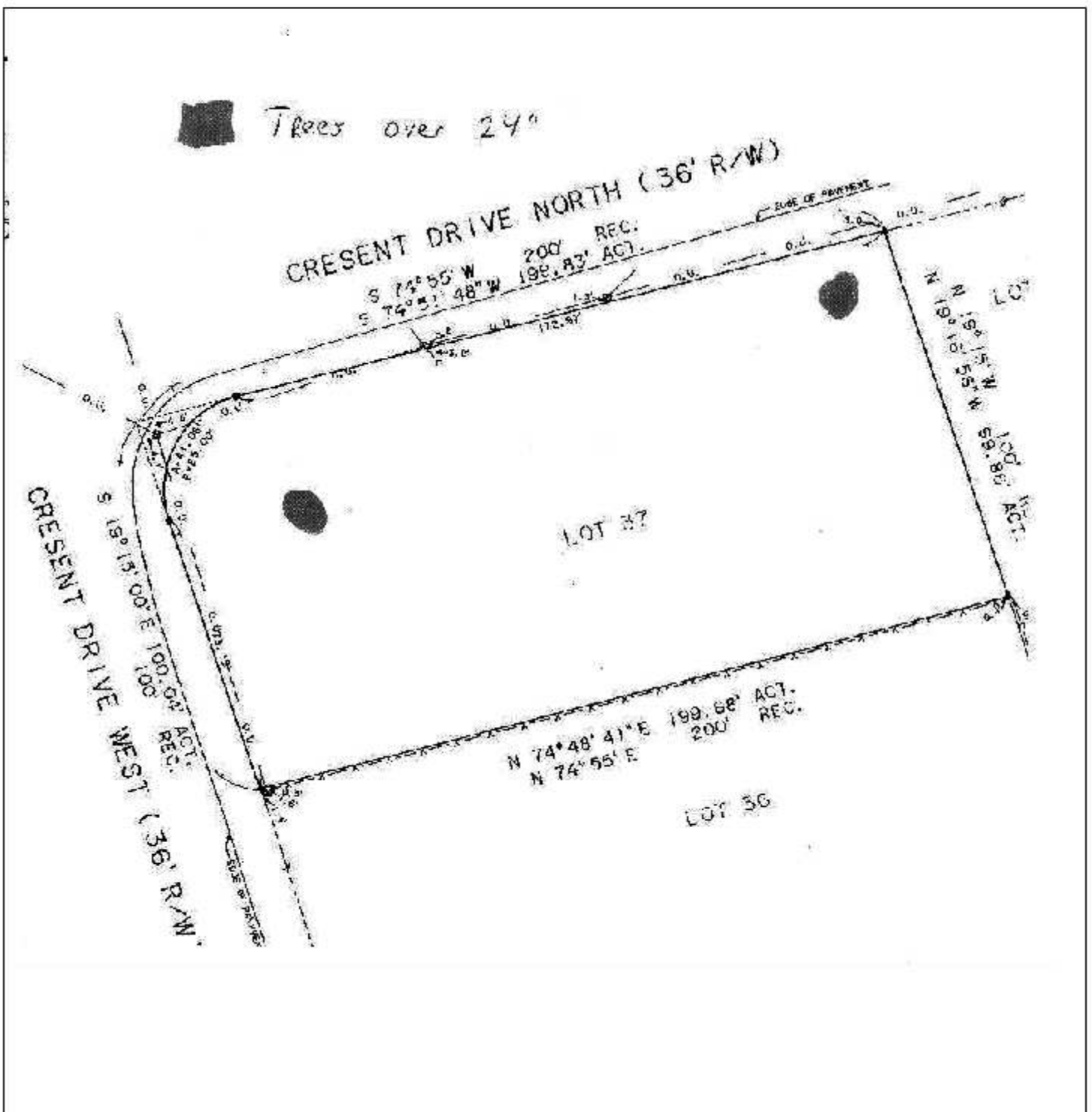
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DETAIL SITE PLAN



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