

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 7, 2016****CASE NUMBER**

6029/5976

**APPLICANT NAME**

David M. Shumer (Barton &amp; Shumer Engineering)

**LOCATION**3611 Stein Avenue  
(Southside of Stein Avenue, 170'± East of Provident Lane.)**VARIANCE REQUEST****BULK/SITE:** Bulk/Site Variance to allow an addition with 41.4% site coverage in an R-1, Single-Family Residential District.**SIDE YARD SETBACK:** Side Yard Setback Variance to allow 3 mechanical units higher than 3' above grade within the side yard setback in an R-1, Single-Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****BULK/SITE:** The Zoning Ordinance allows up to 35% site coverage in an R-1, Single Family Residential District.**SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum 8' side yard setback for mechanical equipment 3' or more above grade in an R-1, Single Family Residential District.**ZONING**

R-1, Single Family Residential

**AREA OF PROPERTY**

7,500 square feet/0.2 ± Acres

**ENGINEERING  
COMMENTS**

No comments

**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 (State Act 61-929 and City Code Chapters 57 and 64).

**FIRE**  
**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**CITY COUNCIL**  
**DISTRICT**  
**ANALYSIS**

District 7

The applicant is requesting a Bulk/Site and Side Yard Setback Variance to allow an addition with 41.4% site coverage and 3 mechanical units higher than 3' above grade within the side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 8' side yard setback for mechanical equipment 3' or more above grade and allows up to 35% site coverage 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.

The applicant states:

*“Existing Conditions:*

*This project is located at 3611 Stein Street. The subdivision was originally developed in 1988 and consists of four (4) lots. All properties were originally developed in 1989 with lots 1 and 3 appearing to have had additions constructed at later dates.*

*The lots within the subdivision are all approximately 50 feet wide and 150 feet deep with a total square footage of 7,500 square feet.*

*Two of the three properties within the four (4) lot subdivision that contains the subject property appear to currently exceed 35% coverage. Three structures on Provident Lane directly northwest of this location appear to exceed the 35% maximum coverage limit (reference Figure 1). McRee Place, a subdivision directly adjacent to this property, has a platted maximum site coverage of 50% (reference Figure 2).*

*The existing residence has two (2) mechanical units installed on finished grade on the east side of the structure within the building setback.*

*Proposed Project:**Structure Coverage above 35%:*

*The proposed addition would increase the site coverage at 3611 Stein Street to 3,110 square feet including a 445 square foot covered patio, 550 square foot garage, and a master suite. With a property size of 7,500 square feet and a building size of 3,110 square feet the coverage would be 41.4%.*

*The size of the proposed structure will match the character in size and lot coverage of other residential structures in the immediate vicinity.*

*Mechanical units above three feet height within side yard setback:*

*The proposed addition will include the addition of a third mechanical unit on the east side of the structure adjacent to the two existing units. The existing and proposed units will be elevated above finished grade adjacent to the house to provide for the proposed drainage on the east side of the structure.*

*The existing and proposed units will not exceed the height of the existing wood privacy fence.”*

This site appeared before the Board of Zoning Adjustment’s July 6, 2015 meeting, in which the Board approved the applicant’s request to allow an addition with increased site coverage of 45% and three mechanical units higher than 3’ above grade within the side yard setback of an R-1, Single Family Residential District. The approval has since expired and the applicant now requests the construction of an addition with the increase in site coverage being reduced from 45% to 41.4% from the previous application request.

As the subject site has received approval from the Board in the past to allow an addition with increased site coverage over 35%, in addition to allowing three mechanical units above grade in an R1, Single Family Residential District, an approval of this application may be appropriate.

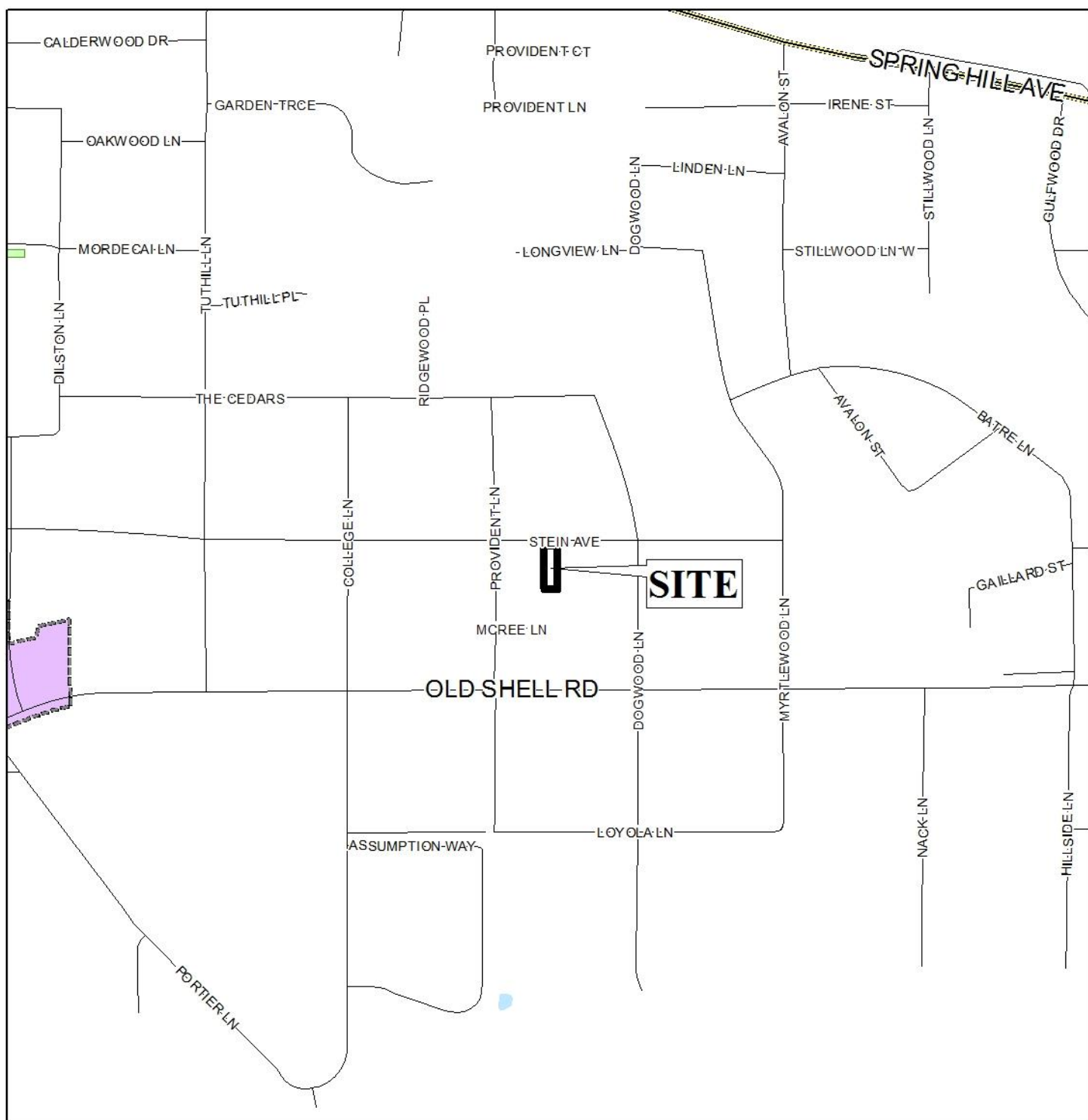
**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Approval:

- 1) Based on the fact that a hardship regarding exceeding the allowed site coverage was previously approved, granting the variance will not be contrary to the public interest since adjacent properties have been granted similar variances in the past;
- 2) Special conditions appear to exist and there are justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site cannot be developed without the requirement for variances; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because the proposed addition exemplifies an occurring trend within this area as the proposed addition is keeping in character with other homes adjacent to the subject site.

The application Approval is subject to the following conditions:

- 1) Full compliance with all municipal codes and ordinances.

# LOCATOR MAP

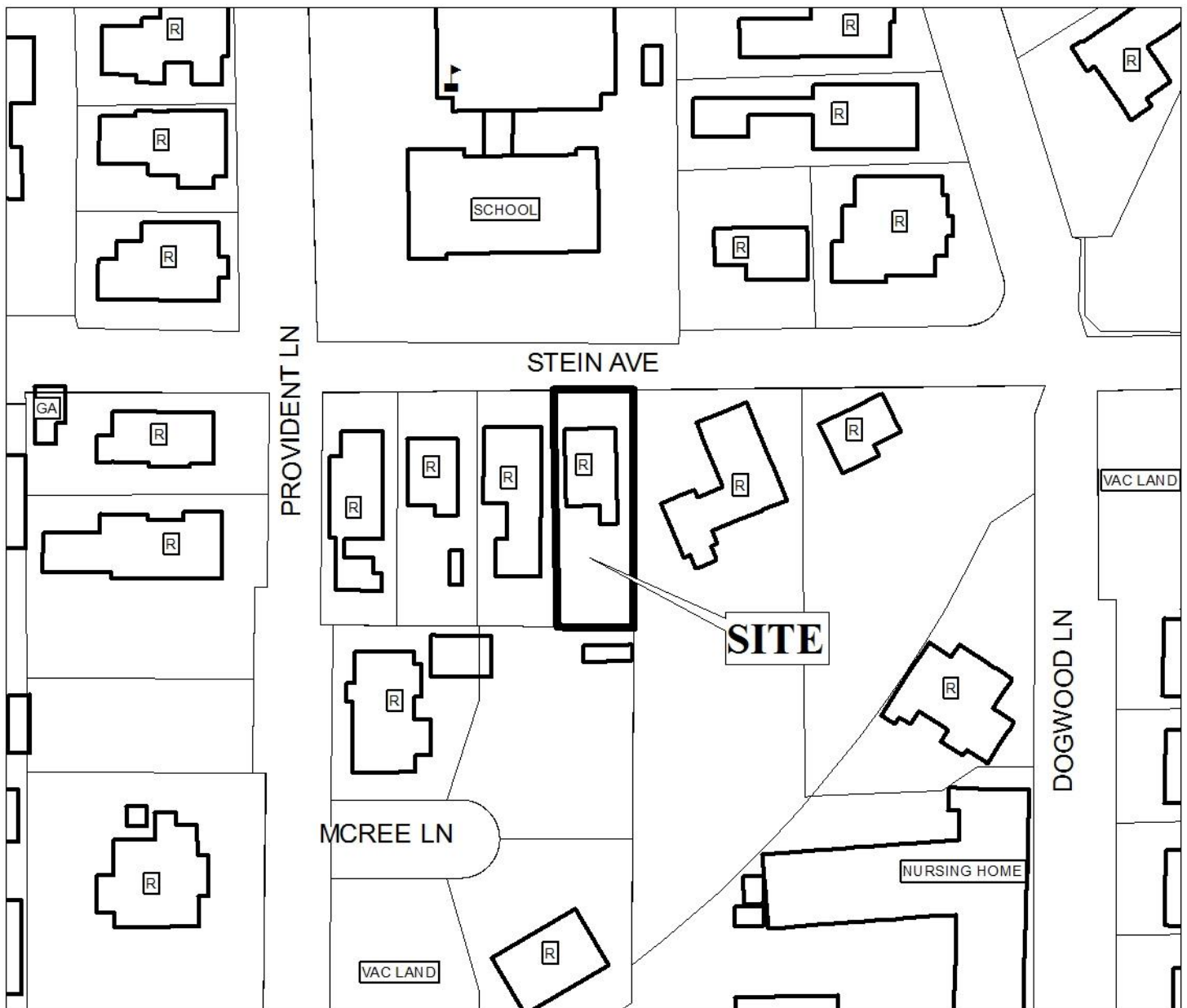


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 REQUEST Bulk/Site and Side Yard Setback Variances



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units and a school to the north.

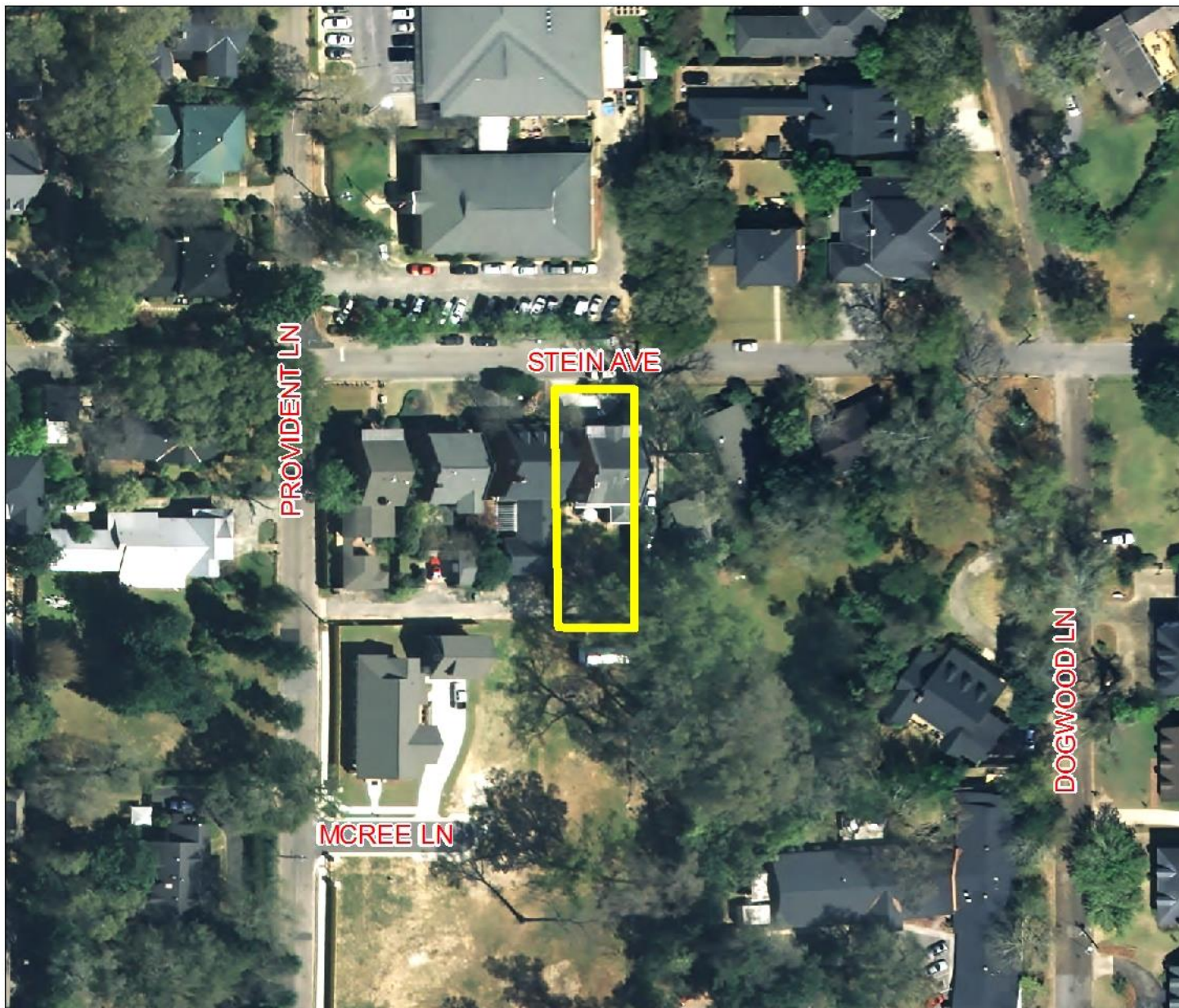
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<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: green; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: blue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: purple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
<span style="background-color: white; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-1	<span style="background-color: pink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-B	<span style="background-color: cyan; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-1	<span style="background-color: red; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-3	<span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-1	<span style="background-color: lightgreen; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> OPEN	<span style="background-color: lightpink; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T3	<span style="background-color: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.2
<span style="background-color: yellow; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-2	<span style="background-color: peachpuff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> H-B	<span style="background-color: magenta; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> LB-2	<span style="background-color: brown; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-4	<span style="background-color: gray; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> I-2	<span style="background-color: orange; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD	<span style="background-color: lightpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T4	<span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6





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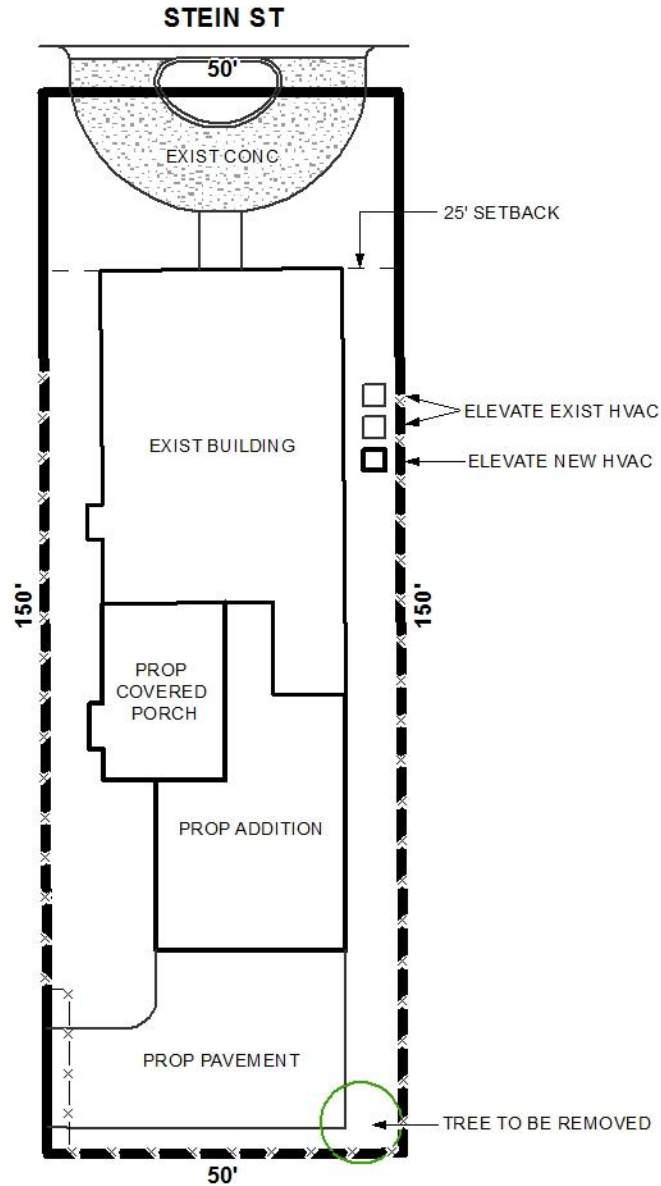


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# SITE PLAN



The site plan illustrates the existing building, the existing drive, the tree to be removed, the proposed additions, and the proposed drive.

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