

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 1, 2017**

<b><u>CASE NUMBER</u></b>	6102
<b><u>APPLICANT NAME</u></b>	Virginia Robertson
<b><u>LOCATION</u></b>	355 Rylands Street (West side of Rylands Street 125'± North of Basil Street.)
<b><u>VARIANCE REQUEST</u></b>	<b>SITE COVERAGE:</b> Site Coverage variance to allow 46.5% site coverage in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SITE COVERAGE:</b> The Zoning Ordinance allows a maximum of 35% site coverage in an R-1, Single Family Residential District.
<b><u>ZONING</u></b>	R-1, Single-Family Residential
<b><u>AREA OF PROPERTY</u></b>	0.1 ± Acres
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ENGINEERING COMMENTS</u></b>	No Comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments.
<b><u>URBAN FORESTRY COMMENTS</u></b>	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).
<b><u>FIRE COMMENTS</u></b>	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).

**ANALYSIS**

The applicant is requesting a Site Coverage Variance to allow 46.5% site coverage in an R-1, Single Family Residential District; the Zoning Ordinance allows a maximum of 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, Ms. Virginia Robertson, was unable to write her narrative/ description. She dictated her statement in the City of Mobile Planning and Zoning office on April 4, 2017. She states:

*"This request is a medical necessity. The VA requests that my husband be less than 10 miles from nearest hospital. No money to stay in hotel. Limited funds. VA needs handicap accessible housing for turn space and hoist. Main house does not meet those requirements. Main house is not suited for paraplegic persons. Addition will allow better turn space and accessibility. Safer environment. It will also provide adequate facilities for bathing. Addition will allow adequate space and access for ambulance and emergency equipment."*

As stated, the applicant is seeking relief, from the Zoning Ordinance to allow an addition to the existing single family dwelling. Based on the statement from the applicant, this request is a necessity. She states that there is not adequate turn space in the current dwelling for herself or her husband who both use wheelchairs. In the case of an emergency, the applicant expressed concern that emergency personnel may not be able to access the home quickly and efficiently in its current configuration.

It should be noted that 355 Rylands Street has a substandard lot size. According to Section V. D.2. of the Subdivision Regulations, all residential lots should be at least 60 feet wide and 7,200 square feet. The width of the subject property is about 35'± at its widest point and only 4,500 square feet. Consequently, the single-family dwelling located on this lot is narrow as well with a width of about 20'±. According to the submitted site plan, the proposed addition would be about 30' wide by 22' long. Narrow lots are allowed reduced building setbacks. In this case, a lot with a width of 35' would be allowed side yard setbacks of 5' on one side and 6.7' on the opposite side (or a sum of 11.7'). It should be noted that the existing storage building encroaches on the side yard setback. It should also be noted that the to-scale site plan that was submitted by the applicant is not consistent with the City of Mobile GIS data. According to GIS, there is not

adequate space on the subject site to provide a 30' x 22' structure between the existing residence and storage building.

The applicant provided a hand sketch of the interior components of the proposed addition. An additional kitchen is illustrated on the drawing. It was discussed in the Planning and Zoning office that the Zoning Ordinance prohibits a second kitchen on a single-family residential site. However, if approved, the applicant has the option to remove the kitchen located in the existing dwelling in order to remain compliant. Prior to the issuance of any building permits for the addition, the applicant would be required to either provide documentation that the addition will not include a kitchen or proof of the removal of the existing kitchen from the existing dwelling, if approved.

There are no conditions which exist at this site that would require the applicant to have 46.5% site coverage on a single-family residential site. Medical conditions may be present that require additional turn space and improved bathroom facilities, however, no information was provided regarding the existing house and if it could be modified to meet the needs of the applicant. The applicant has the option to remove the existing storage building as well as reduce the size of the addition. The applicant could also simply widen the footprint of the existing dwelling and eliminate the proposed addition as well as the existing storage.

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

- 1) Granting the variance will be contrary to the public interest in that it will be contrary to Section 64-3.C.1.c. of the Zoning Ordinance regarding the 35% maximum building site coverage allowed within an R-1, Single-Family Residential District;
- 2) Special conditions may exist such as medical necessity, but not in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for variances; 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 because the site can be developed in such a way that the existing dwelling is expanded/modified while remaining compliant with site coverage requirements.

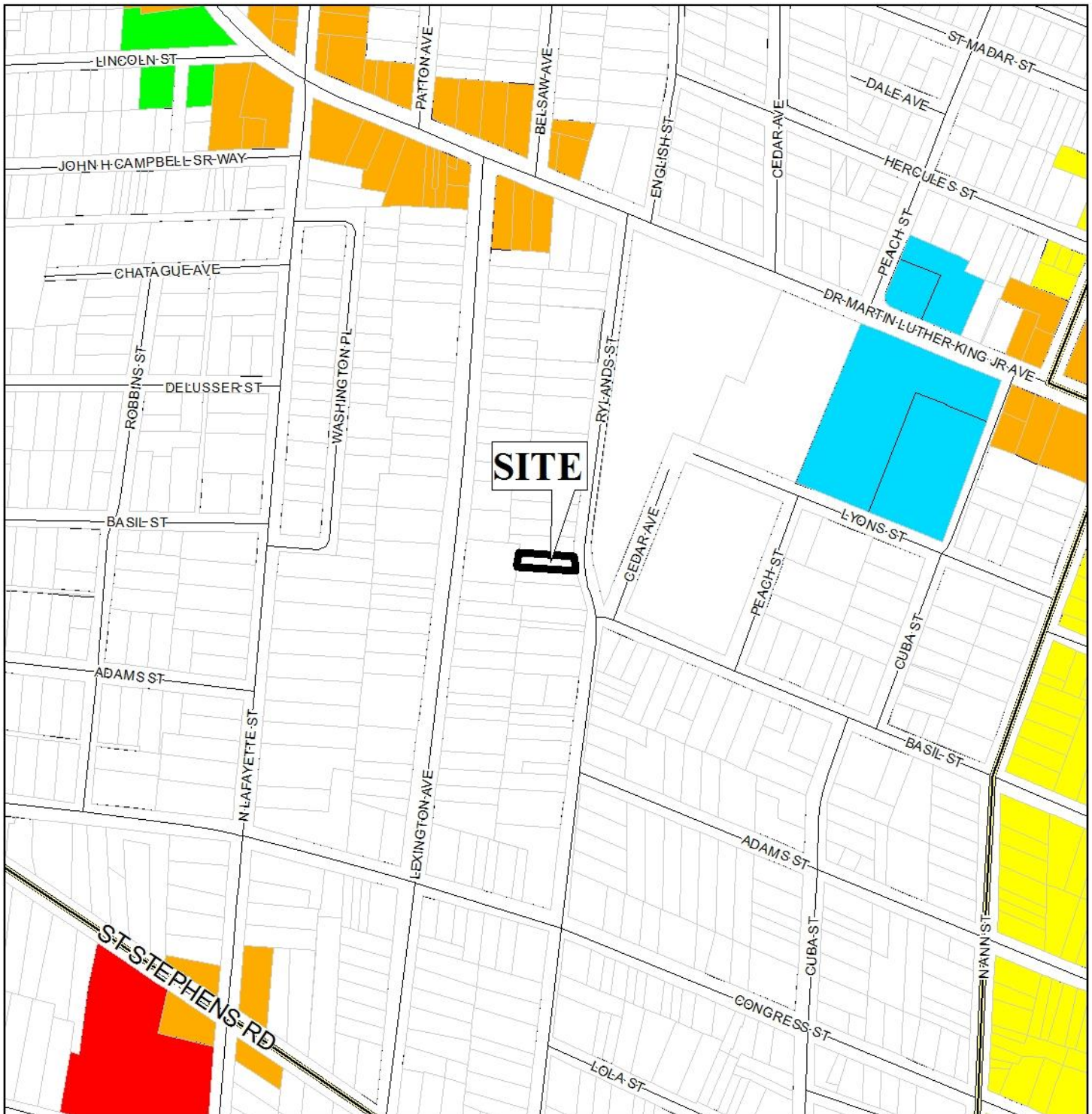
# LOCATOR MAP



APPLICATION NUMBER 6102 DATE May 1, 2017  
 APPLICANT Virginia Robertson  
 REQUEST Site Coverage Variance



# LOCATOR ZONING MAP



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# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Site Coverage Variance

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





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

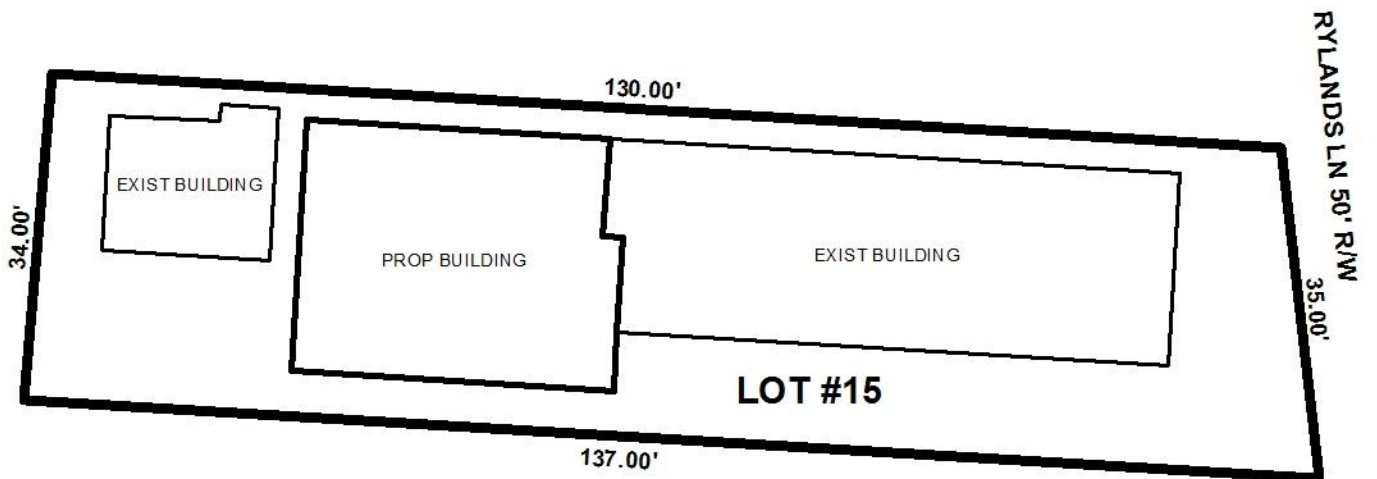


The site is surrounded by residential units.

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# SITE PLAN



The site plan illustrates the existing buildings and proposed building.

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