

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 3, 2020**

<u>CASE NUMBER</u>	6306
<u>APPLICANT NAME</u>	Flora Thompson
<u>LOCATION</u>	1950 Hunter Avenue (Northwest corner of Hunter Avenue and South Street)
<u>VARIANCE REQUEST</u>	FRONT YARD SETBACK: To allow a structure to encroach within the front yard setback in an R-1, Single-Family Residential District. REAR YARD SETBACK: To allow a structure to encroach within the rear yard setback in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	SIDE STREET SIDE YARD SETBACK: The Zoning Ordinance requires a minimum 25' front yard setback in an R-1, Single-Family Residential District. SIDE YARD SETBACK: The Zoning Ordinance requires an 8' minimum rear yard in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single-family Residential District
<u>AREA OF PROPERTY</u>	0.2± Acres
<u>ENGINEERING COMMENTS</u>	FRONT YARD and REAR YARD SETBACK VARIANCE (House Addition):

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting.
2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water

Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.

TRAFFIC ENGINEERING

COMMENTS

This request was not reviewed by Traffic Engineering.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

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.

CITY COUNCIL

DISTRICT

District 2

ANALYSIS

The applicant is requesting Front Yard and Rear Yard Setback Variances to allow a structure to encroach within the front yard and rear yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback and an 8' minimum rear yard setback in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses,

schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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:

Built in 1938/1939, this is a two-story, single family dwelling located in Midtown near Murphy High School. I've loved this house since the minute I first saw it 30 years ago, and I hope to love it for 30 more. For that to happen, however, some changes will need to be made to accommodate its aging occupants.

I share the house with my sister. Two years ago she fell and badly broke her arm. Her accident increased my concern about areas of the house that may become problematic in the future. Of particular concern is access to the laundry area, which is currently located in the basement garage down a narrow, twisting flight of stairs. These stairs are tricky under the best of circumstances, as I unfortunately learned when the Terminex guy fell down them and broke his ankle years ago. The stairs leading to the second floor are also steep and narrow and a potential problem in the future.

I would like to remove the screened porch and build a two-story addition onto the left-hand side of the house, following its original lines. The first floor of the addition would include a den, laundry room, half-bath, and closet storage. Wide stairs will lead to a second floor bedroom and bathroom.

If my application is approved, I anticipate breaking ground this Spring, with about a five-month construction schedule.

I would like to build a two-story addition onto my existing residence located at 1950 Hunter Avenue, which was originally built in 1938/1939. It is located on a corner lot which, like many others in the Midtown area, is more narrow than the current standard.

The current side street setback requirement is 19 feet. The southwest corner of the existing dwelling is setback 16.3 feet from Hunter Avenue, and the southwest corner of the proposed addition would be 16.5 feet. The City's current rear yard setback requirement is 8 feet. The northwest corner of the existing dwelling is 6.9 feet, and the northwest corner of the proposed addition would be 6.6 feet. Proposed site coverage would be approximately 29%.

This site is located within the Midtown Federal Historic District, and such setbacks are not uncommon. For example, houses near mine at 186 and 200 Williams Street are close to the street right-of-way line.

It should be noted that the applicant's narrative erroneously references the side street setback requirement of 19 feet for the site instead of the front yard setback requirement of 25 feet for which relief is being requested. The reference to the rear yard setback requirement is correct.

The subject site was developed prior to the 1967 adoption of the current Zoning Ordinance which requires a 25' minimum front yard setback, and an 8' minimum rear yard setback in R-1 districts: The existing dwelling on the site is located within 16.3' from the front property line, and within 6.9' from the rear property line. The applicant proposes to add an addition which would be located within 16.5' from the front property line, and which would be located within 6.9' from the rear property line. The front façade of the proposed addition would be setback a few inches from the face of the existing front façade, and the rear wall would be in-line with the face of the existing rear façade of the dwelling. Both facades would encroach into the required setbacks; hence this variance request. It should be noted that the total site coverage after the addition will be approximately 29% which is below the 35% maximum allowed in R-1 districts.

The site is located within an older part of the City developed in the first half of the 20th Century when neighboring properties were developed with lot sizes and/or setbacks below the current Zoning Ordinance requirements. The subject site is approximately 8,120 square feet, and it exceeds the minimum lot size requirement of 7,200 square feet, but the depth of the lot varies from approximately 58' on the East side along South Street to approximately 51' on the West side. Therefore, if meeting the current front yard and rear yard setback requirements, the house depth could only be approximately 18 feet.

In similar requests within both the Midtown area and the Spring Hill area where smaller, older properties were concerned, the Board has been sympathetic to those requests based upon the constraints of the smaller lot sizes and reduced property depths. The applicant has demonstrated that a hardship may be imposed by a literal interpretation of the Zoning Ordinance, and the Board should consider this application for approval, subject to conditions.

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

- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar variances have been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the buildable depth of the site taking setbacks into consideration, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a residential addition harmonious with the existing dwelling.

The approval is subject to the following conditions:

- 1) subject to the Engineering comments: *[FRONT YARD and REAR YARD SETBACK VARIANCE (House Addition): If the proposed variance is approved for use the applicant will need to have the following conditions met: 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting. 2. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.];*
- 2) the obtaining of the proper permit(s) for the construction of the addition; and
- 3) full compliance with all municipal codes and ordinances.

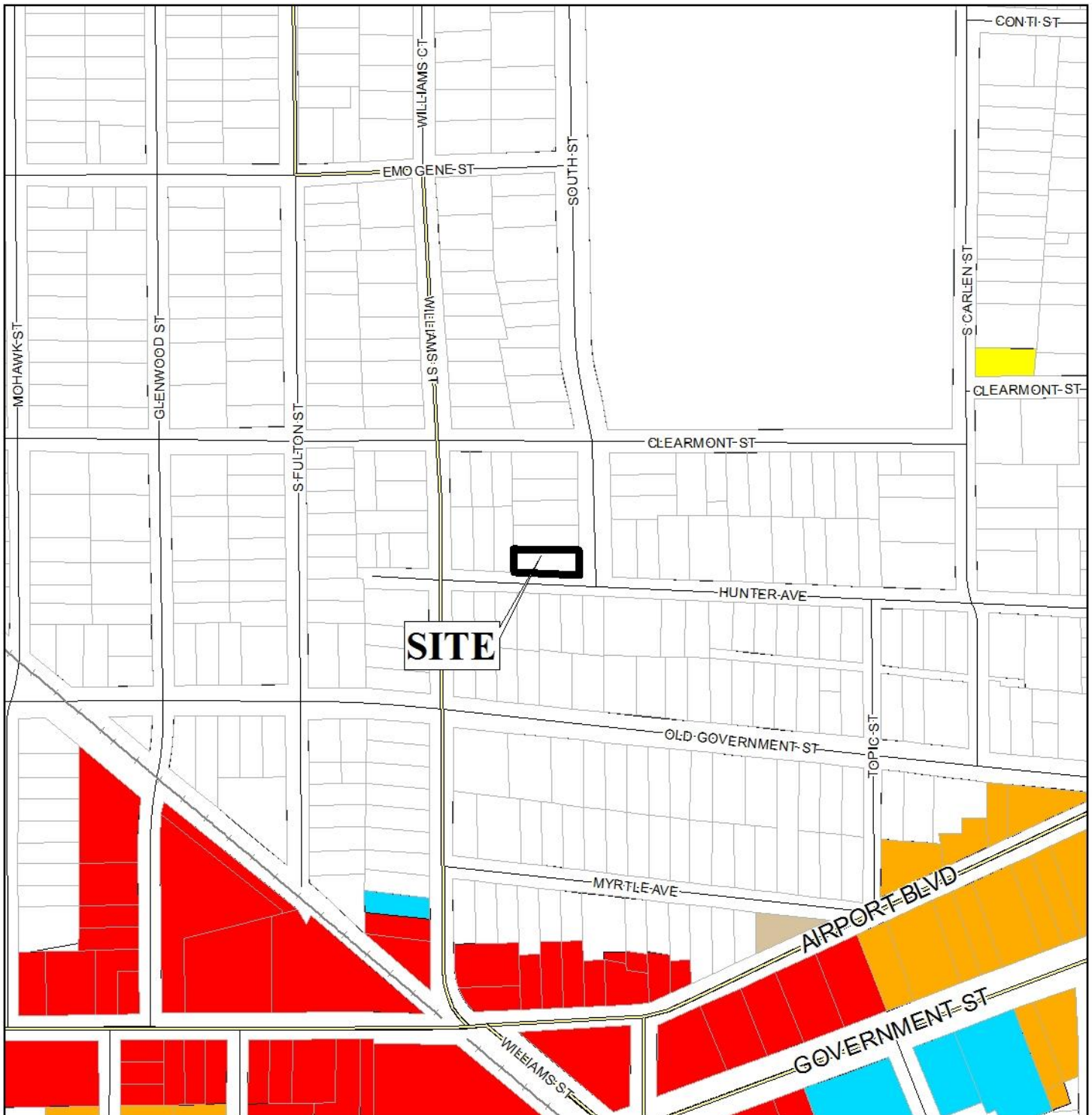
LOCATOR MAP



APPLICATION NUMBER 6306 DATE February 3, 2020
 APPLICANT Flora Thompson
 REQUEST Setback Variance



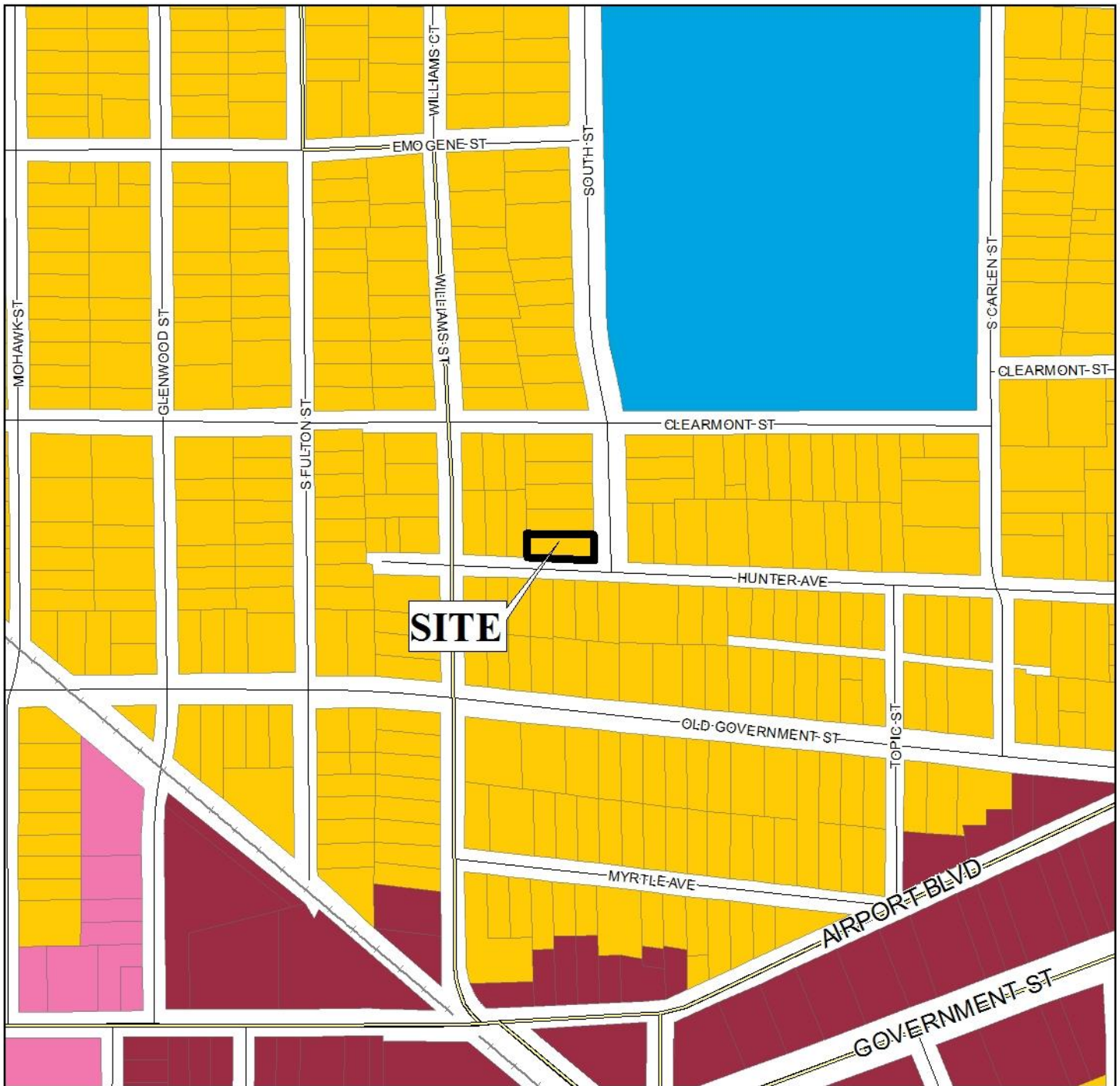
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



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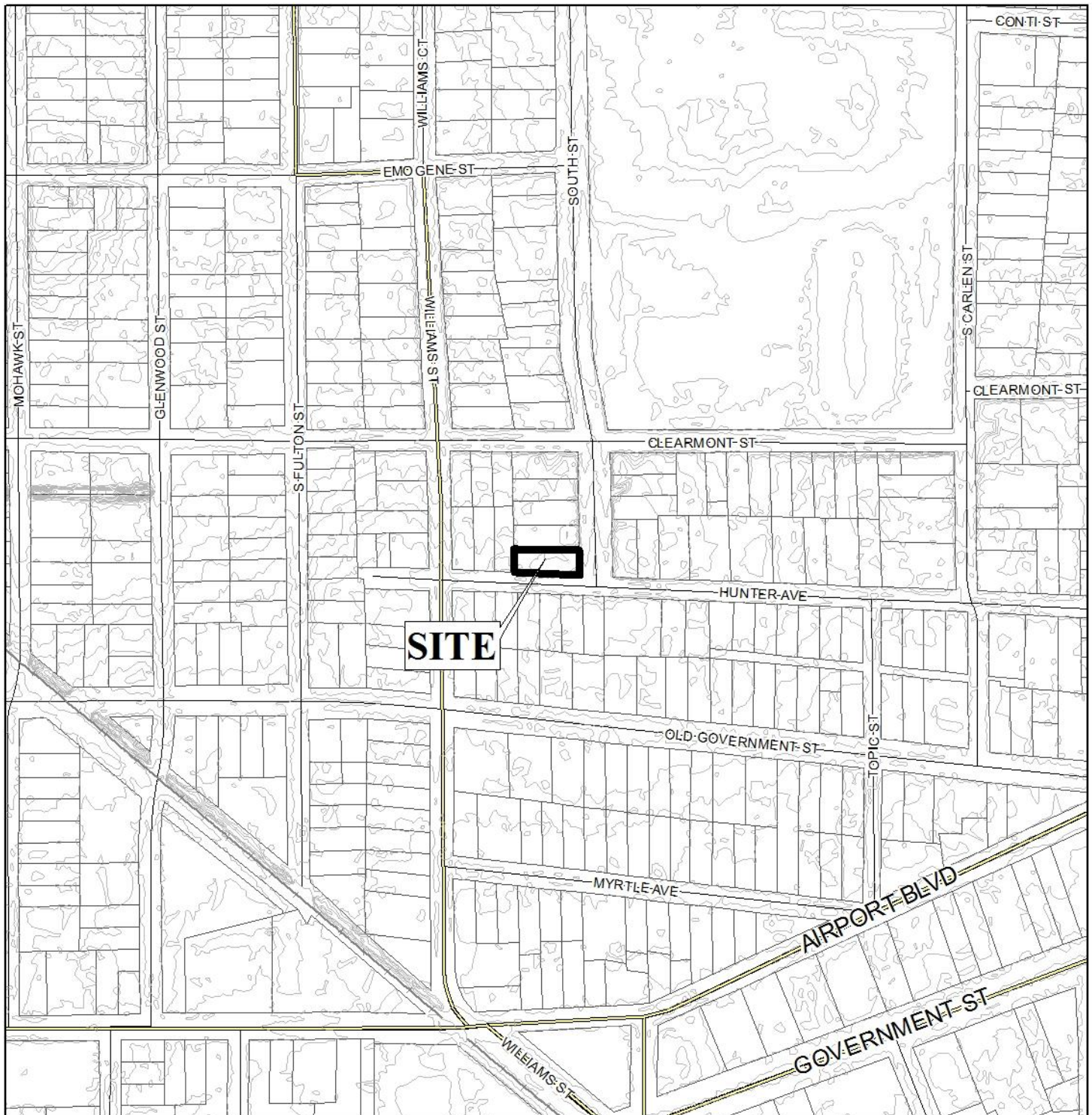
APPLICANT Flora Thompson

REQUEST Setback Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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REQUEST Setback 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

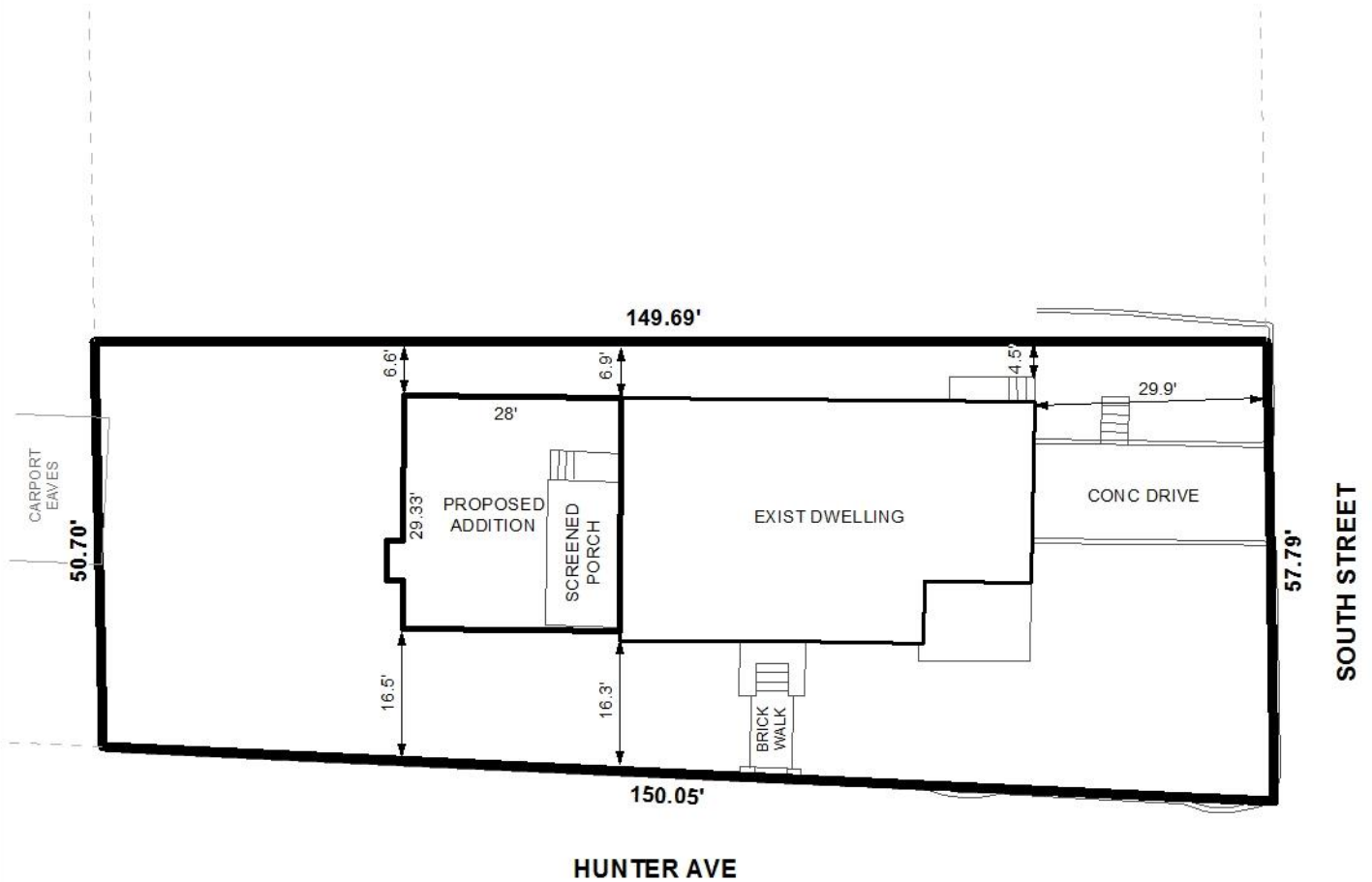


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SITE PLAN

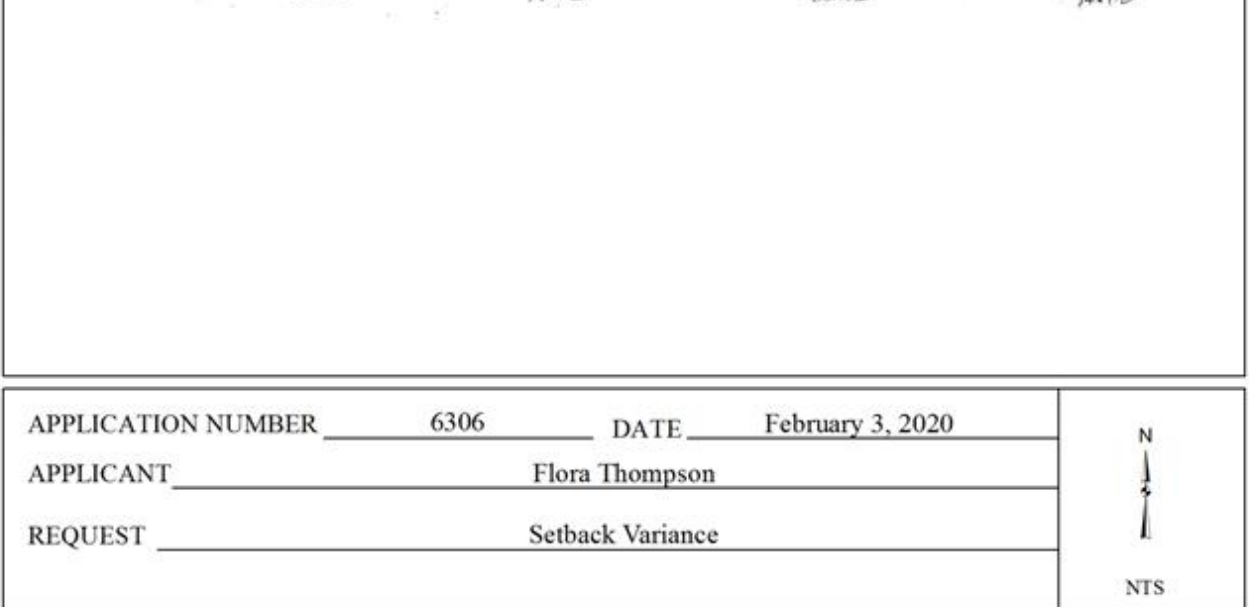
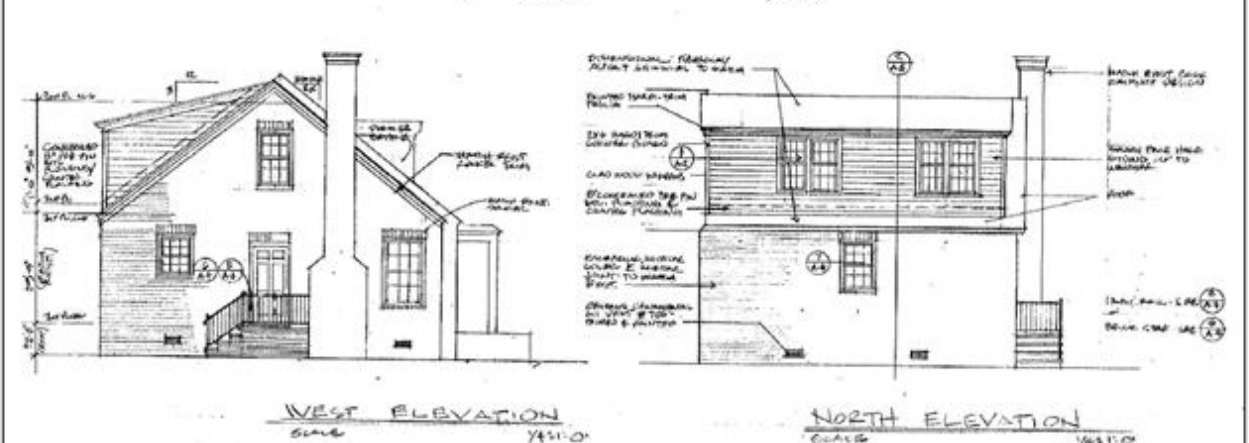


The site plan illustrates the existing dwelling and the proposed addition.

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DETAIL SITE PLAN



REQUEST	Setback Variance
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