

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: April 3, 2023

CASE NUMBER 6505

APPLICANT NAME PCDA Architecture (Paul Davis, Agent)

LOCATION 5900 McMurray Street
(Northwest corner of McMurray Street and Galloway Avenue).

VARIANCE REQUEST **FRONT YARD SETBACK:** To allow a building expansion into the required front yard setback in an R-1, Single-Family Residential District.

SIDE STREET SIDE YARD SETBACK: To allow a building expansion into the required side street side yard setback in an R-1, Single-Family Residential District.

ZONING ORDINANCE REQUIREMENT **FRONT YARD SETBACK:** The Zoning Ordinance requires full compliance with the front yard setback in an R-1, Single-Family Residential District.

SIDE STREET SIDE YARD SETBACK: The Zoning Ordinance requires full compliance with the side street side yard setback an R-1, Single-Family Residential District.

ZONING R-1, Single-Family Residential District

AREA OF PROPERTY 0.4± Acre

ENGINEERING COMMENTS If the proposed variance is approved 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 the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. 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.

- 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT
COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL
DISTRICT

District 6

ANALYSIS

The applicant is requesting Front Yard and Side Street Side Yard Setback Variances to allow a building expansion into the required front yard and side street side yard setbacks in an R-1, Single-Family Residential District; the Zoning Ordinance requires full compliance with the front yard and side street side yard setbacks in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. 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 acknowledges existing commercial development that is spread along Mobile’s transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 existing single-family dwelling on the subject site appears to have been constructed while the site was in the County prior to the 1956 annexation into the City and developed under County Standards. The site plan indicates the noncompliant 9.8±-foot front yard and 2.1±-foot side yard setbacks for the dwelling. The applicant proposes to expand the residence within the front and side street, side yards with encroachments into the required setbacks, hence this application.

The applicant states:

A variance is requested for 5900 McMurray Street to extend the existing structure approximately 45 feet to the North, and to add a porch to a portion of the West elevation. The existing structure sits well outside of the setbacks provided. Along Galloway Street the setback is breeched by nearly 18 feet, and by 15 feet along McMurray. Adding to the existing structure without breeching the setbacks precludes the addition from attaching to

approximately 40% on the North side (meaning the addition is reduced from 1,800 S.F. to 1,285 S.F.). With the proposed addition, the structure would extend 14 feet into the setbacks along Galloway, not building past the existing structure which extends 18 feet. On the West elevation the porch would not be built past the existing structure.

The proposed front yard addition would consist of a covered porch which would be in-line with the existing front wall of the dwelling approximately 9'-10" from the front property line. If the porch were to be built meeting the required 25-foot front yard setback, it would only be approximately 4'-6" deep.

The proposed side street side yard addition would have a greater setback than the existing side wall. The living area portion would have an 8'-5" setback, and the garage would have a 6'-5" setback.

There appears to be adequate area available to the West in which to construct the addition of the size proposed, and comply with the 20-foot side street side yard setback requirement. However, this location would not appear to be compatible with the existing interior lay-out of the dwelling, at least in relation to living space. The proposed garage could easily be shifted West to be in-line with the proposed office addition and to provide more queuing space and visibility for vehicles exiting the proposed garage.

The request is similar in nature to other sites with existing nonconforming dwellings which have sought relief from setback requirements, particularly within older sections of Spring Hill and the Midtown area. While much of Pinehurst was developed in the past thirty years, it was initially platted over 100 years ago and there are older homes such as this one that are legal nonconforming in terms of setbacks. As similar requests have been granted for such, the Board should consider this request for Approval.

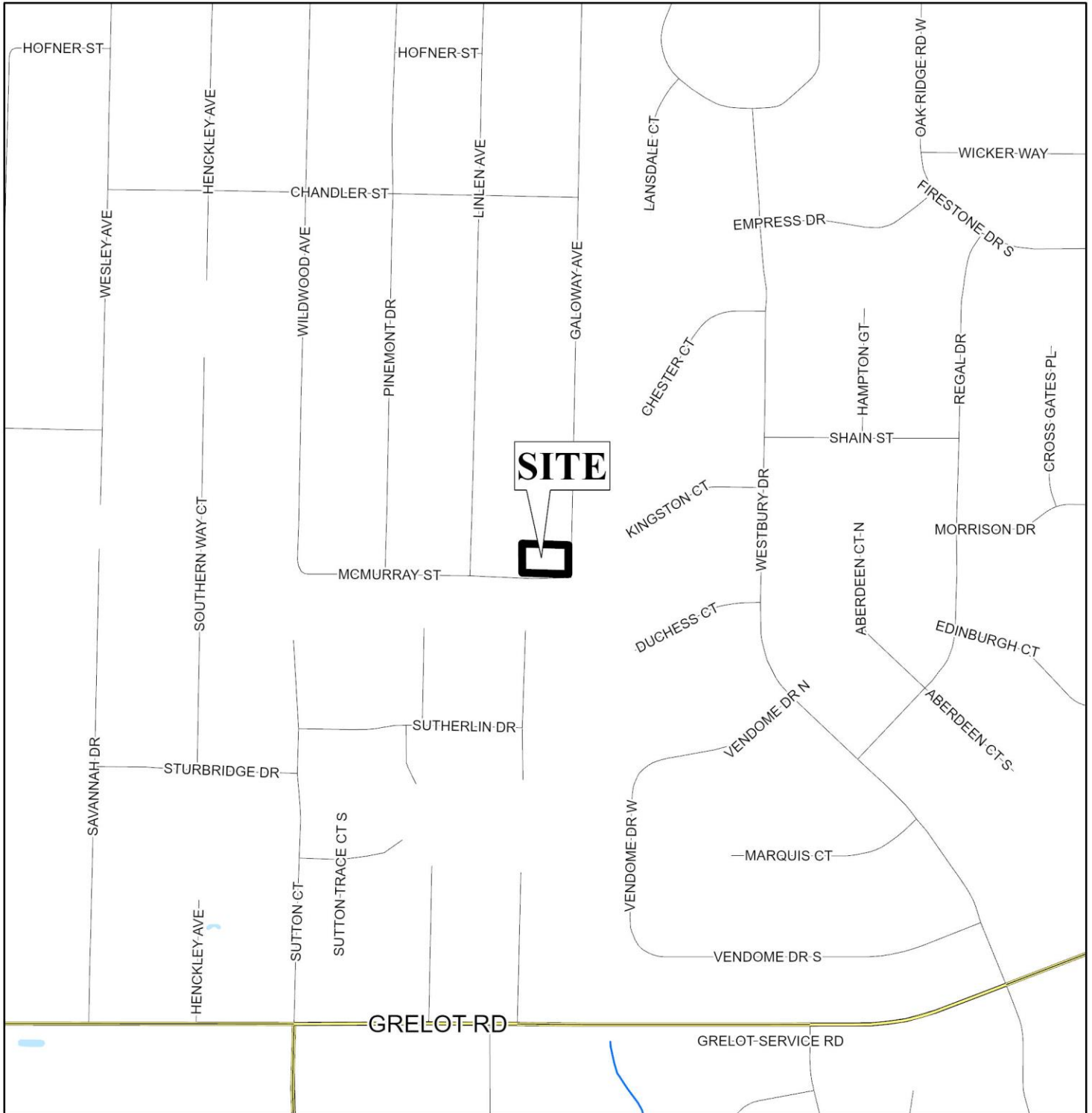
RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of requests for Front Yard and Side Street Side Yard Setback Variances to allow a building expansion into the required front yard and side street side yard setbacks in an R-1, Single-Family Residential District:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar variance requests have been approved for structures in the past for corner lots in older areas of the City with legal nonconforming setbacks;
- 2) Special conditions exist, such as the fact that the dwelling appears to have been constructed under previous and lesser setback requirements, such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the applicant and the surrounding neighborhood by granting the variance in that it will allow a dwelling expansion harmonious with the existing dwelling.

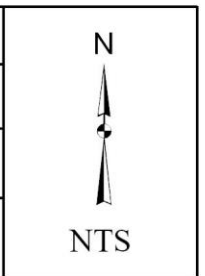
The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the expansion;
- 2) shifting the garage to the West to provide an 8.5-foot setback along Galloway Avenue;
- 3) subject to the Engineering comments: *(If the proposed variance is approved 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 the CSS Portal. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. 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. 4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.); and*
- 4) full compliance with all municipal codes and ordinances.

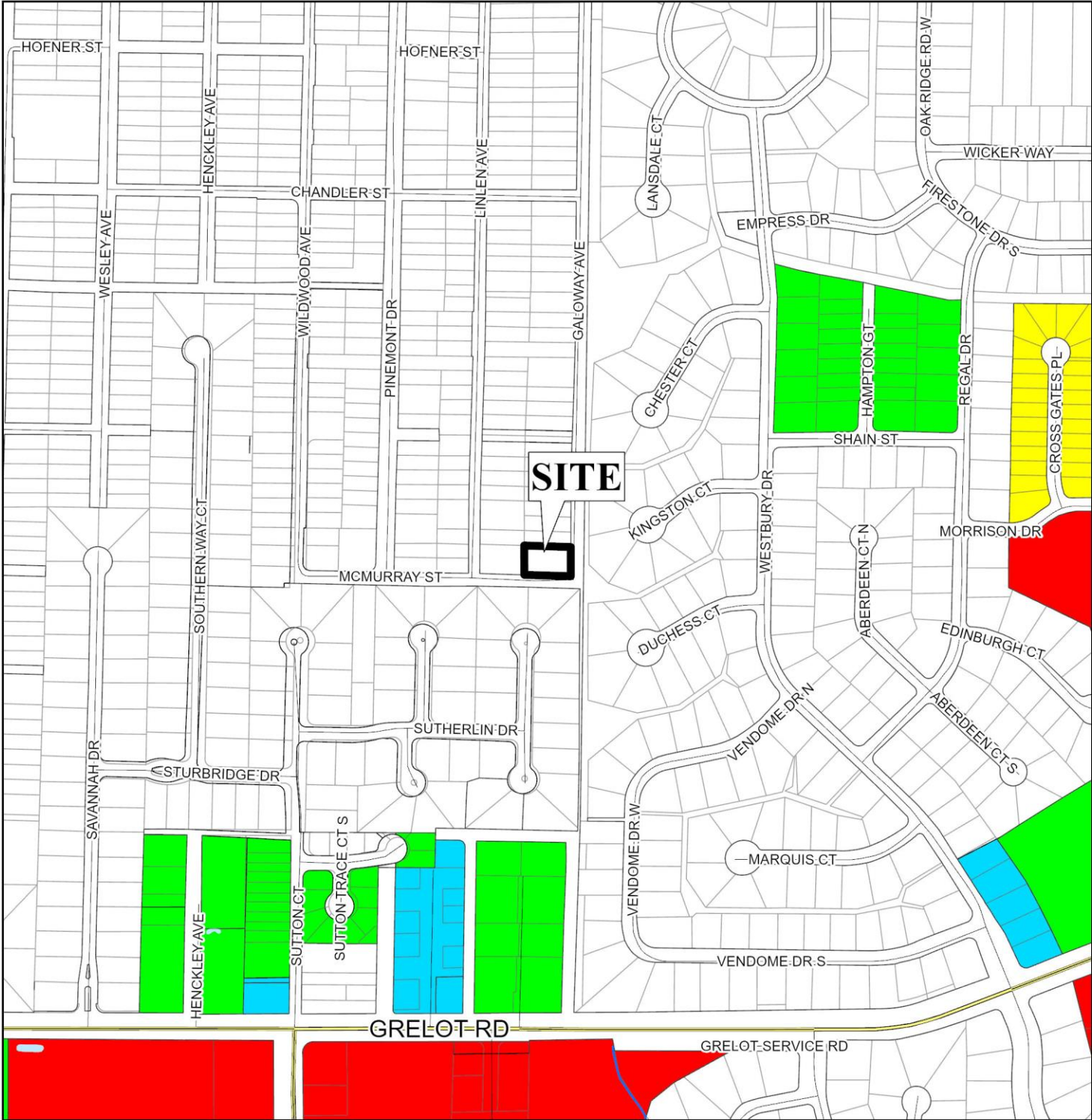
LOCATOR MAP



APPLICATION NUMBER 6505 DATE April 3, 2023
APPLICANT PCDA Architecture (Paul Davis, Agent)
REQUEST Front Yard and Side Street Side Yard Setback Variances



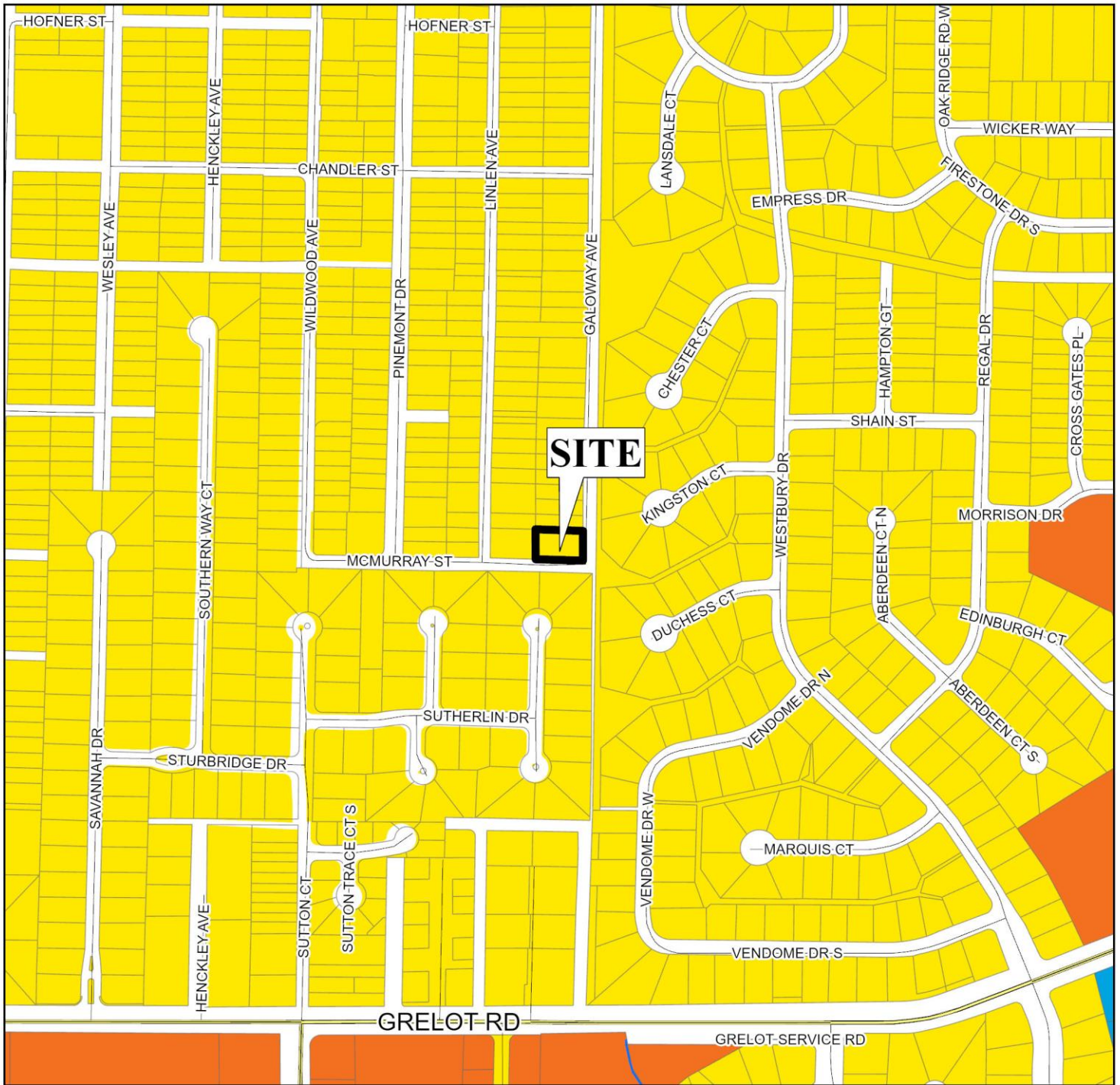
LOCATOR ZONING MAP



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FLUM LOCATOR MAP



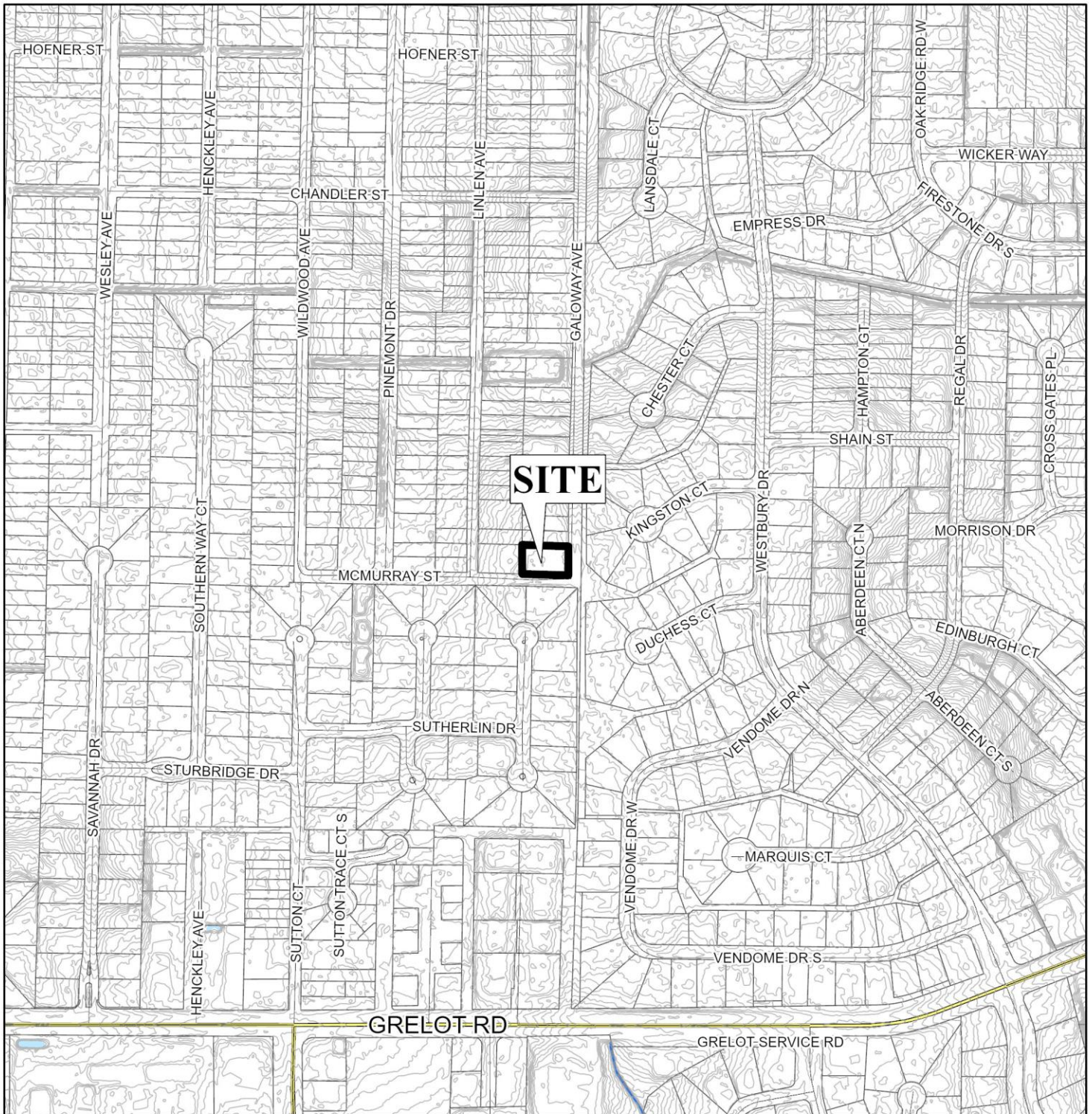
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FLUM

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



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

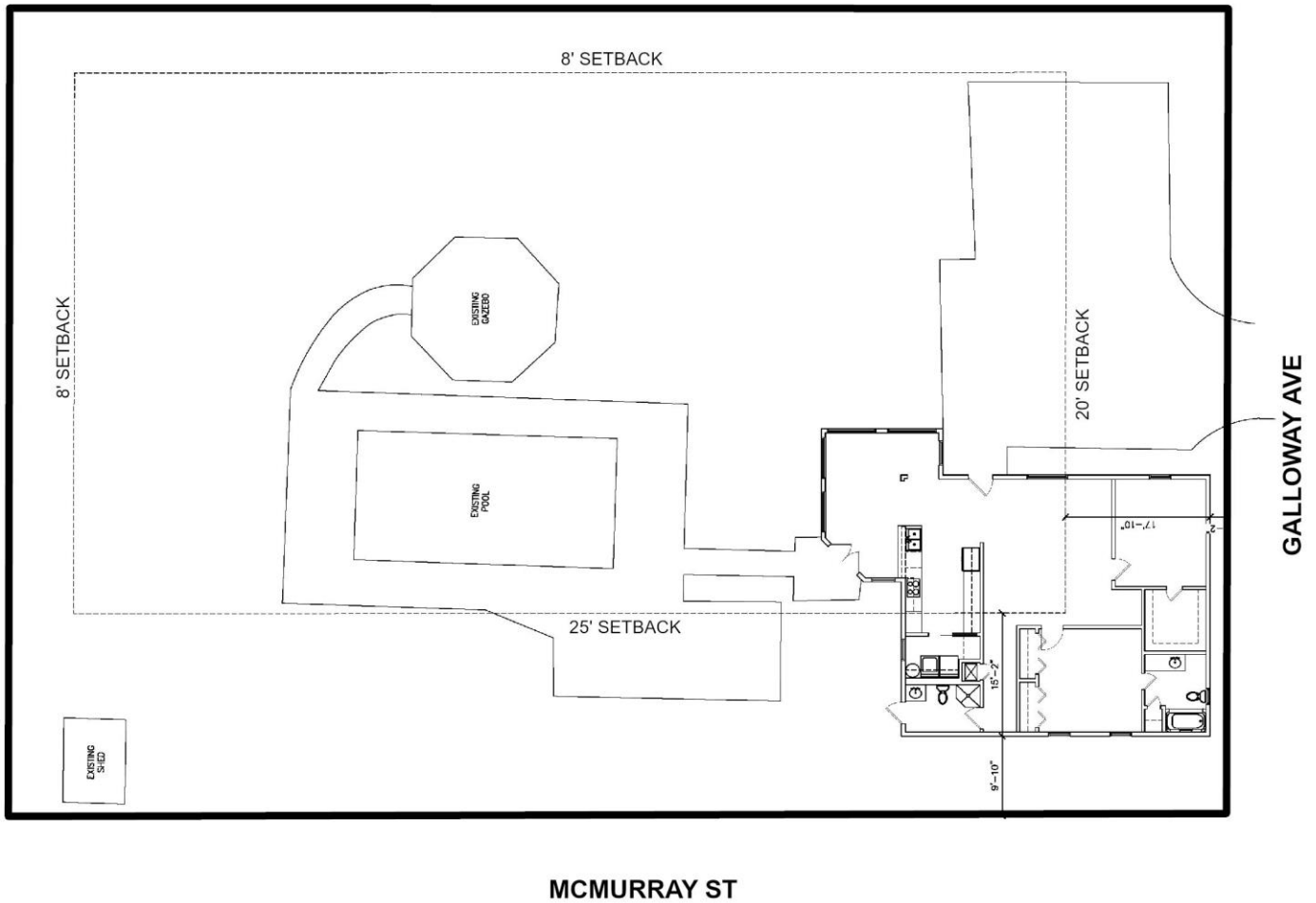


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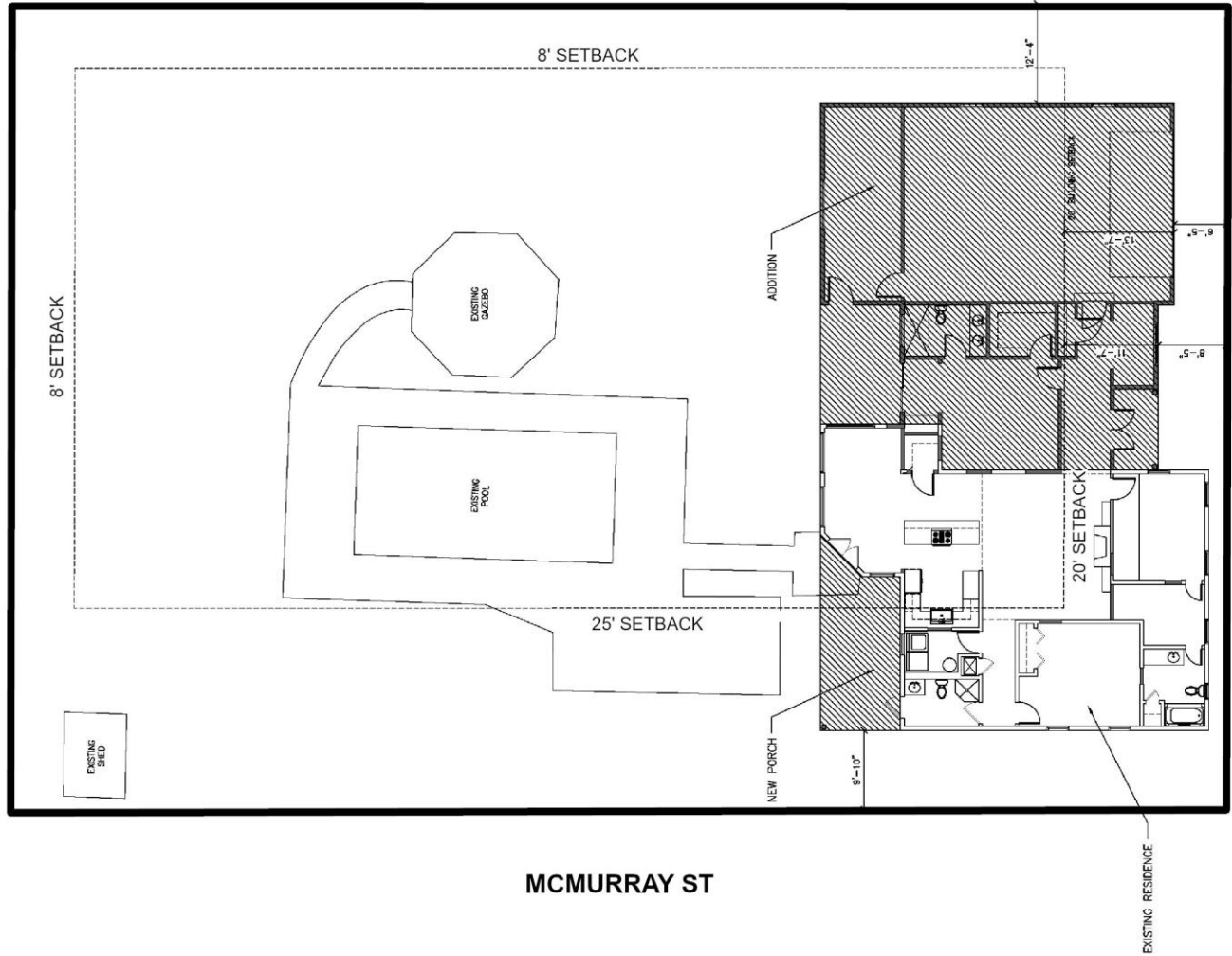
EXISTING SITE PLAN



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PROPOSED SITE PLAN

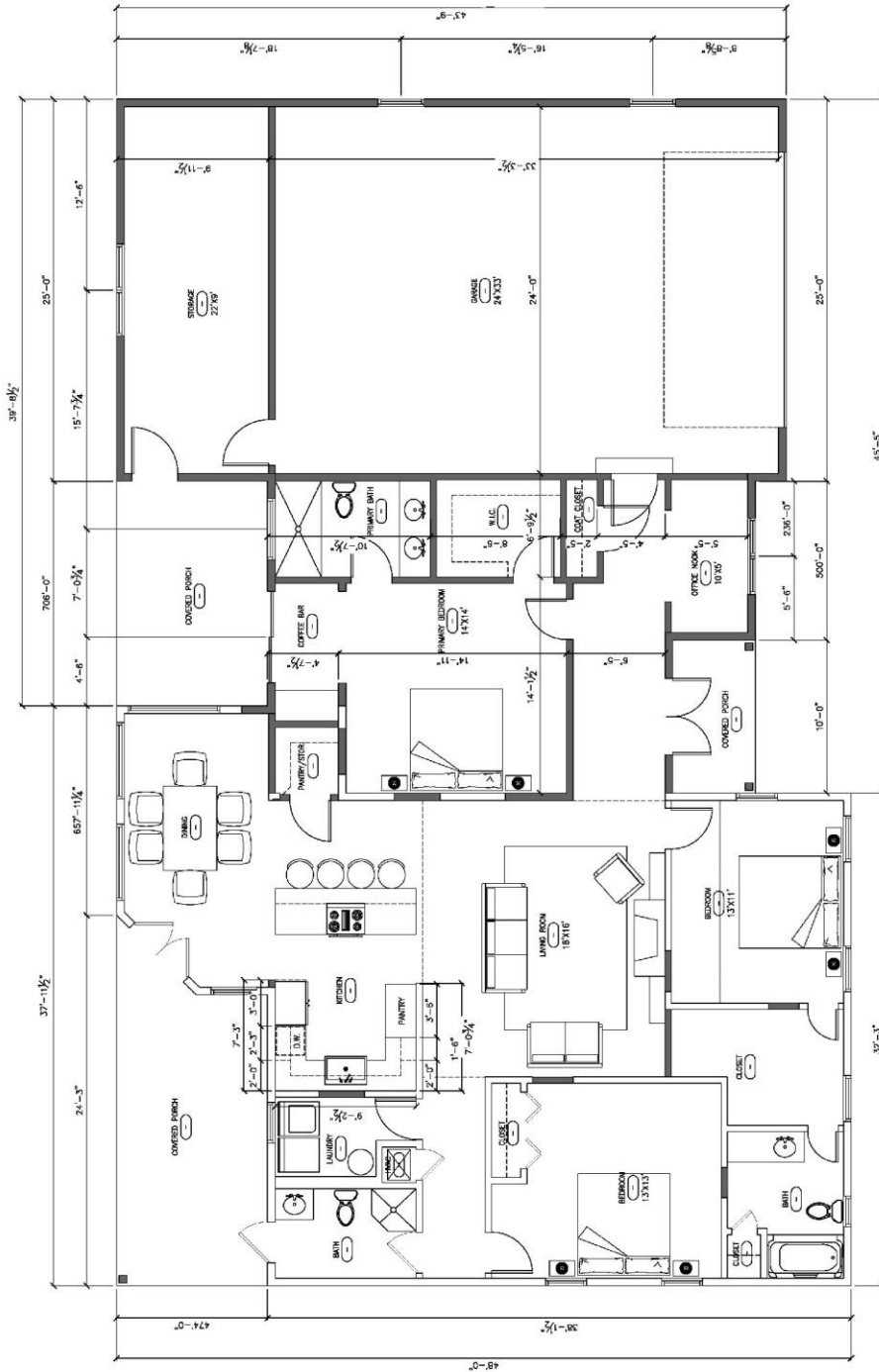


The site plan illustrates the existing building, setbacks, proposed porch, and proposed addition.

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DETAIL SITE PLAN



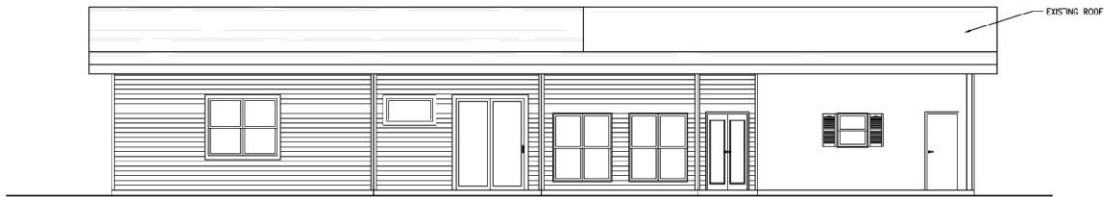
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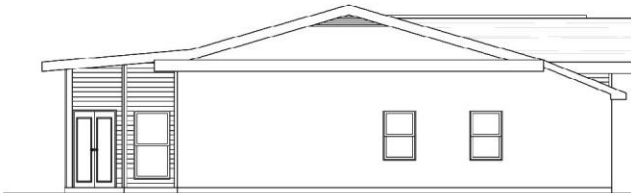
DETAIL SITE PLAN



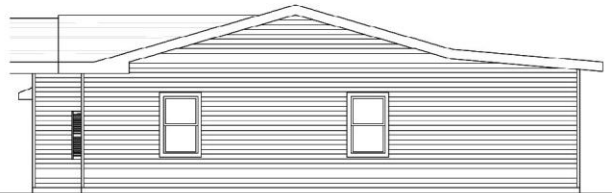
A NEW ELEVATION
SCALE: 1/4" = 1'-0"



B NEW ELEVATION
SCALE: 1/4" = 1'-0"



C NEW ELEVATION
SCALE: 1/4" = 1'-0"



D NEW ELEVATION
SCALE: 1/4" = 1'-0"

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