

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 1, 2021****CASE NUMBER**

6369

**APPLICANT NAME**

Cory Bronenkamp

**LOCATION**453 Dexter Avenue  
(East side of Dexter Avenue, 57'± South of Ohio Street).**VARIANCE REQUEST****USE:** Use Variance to allow two (2) dwelling units in an R-1, Single-Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance limits the maximum number of dwelling units allowed on a single lot to one (1) in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential

**AREA OF PROPERTY**

0.2± Acre

**ENGINEERING  
COMMENTS**

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. 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 (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 Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 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 buildings and 600' of sprinkled buildings.

## **CITY COUNCIL** **DISTRICT**

District 2

### **ANALYSIS**

The applicant is requesting a Use Variance to allow a duplex on a single lot in an R-1, Single-Family Residential District; the Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot 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's narrative states:

*This property is currently zoned R-1, and it has a very small single-family residence in the rear of the property. In speaking with the neighbors, the property always had another single-family residence in the front of the property, and I was able to substantiate that by way of historical google earth aerials (below). That front house caught fire and was completely wiped-out circa 2013, which leaves this single 600 square foot residence all the way in the rear. My intention is to construct a single-family residence on the front of this property to restore it back to the way it always was while maintaining the small house in the rear.*

*The new single-family residence will be a smaller "shotgun" style house that will fit the look and character of the street. My intention is to start construction on that house upon approval of this use variance, and I estimate (on the safe side) a 4-6-month construction window. My goal is to have this residence habitable in 2021.*

A demolition permit was issued in June 2009 to remove the previously fire-damaged dwelling on the subject site. A second dwelling unit near the rear of the site remained as the primary dwelling, and the applicant now proposes to construct a second dwelling on the site to replace the one destroyed by the fire. As the site is zoned R-1, only one dwelling unit is allowed by the Zoning Ordinance; hence this variance request.

The site plan submitted with this application illustrates the existing single-family dwelling at the rear of the site and the proposed single-family dwelling near the front of the site. The proposed dwelling would consist of 448 square feet of interior space, with a 96 square-foot open front porch. The 25' minimum front yard setback is indicated to be maintained, and the closest side yard setback is indicated to be eight feet. Therefore, the proposed setbacks would be compliant.

The subject site is surrounded by R-1 zoning and sits within an older area of the City which is primarily zoned for residential use. There have not been any similar Use Variance requests

granted within the immediate area, and the allowance of the proposed use as a second dwelling unit would be out of character with the surrounding single-family residential uses.

Pertaining to the request, the applicant has not provided justification as to what hardships would prevent the property from being used in compliance with the current R-1 zoning classification. The applicant has not illustrated that a literal enforcement of the Ordinance would result in an unnecessary hardship. As the subject site and surrounding neighborhood were developed as single-family housing, there are no unusual characteristics of the property that satisfy variance standards; therefore, the Board should consider this request for denial.

**RECOMMENDATION:** Staff recommends to the Board the following findings of facts for Denial of the Use Variance request:

- 1) Approving the variance will be contrary to the public interest in that the use would be contrary to the established zoning classification and use of both the site and surrounding neighborhood as single-family residential;
- 2) Special conditions were not illustrated such that the literal enforcement of the provisions of the chapter will 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 because the use would be incompatible to an established R-1 District.

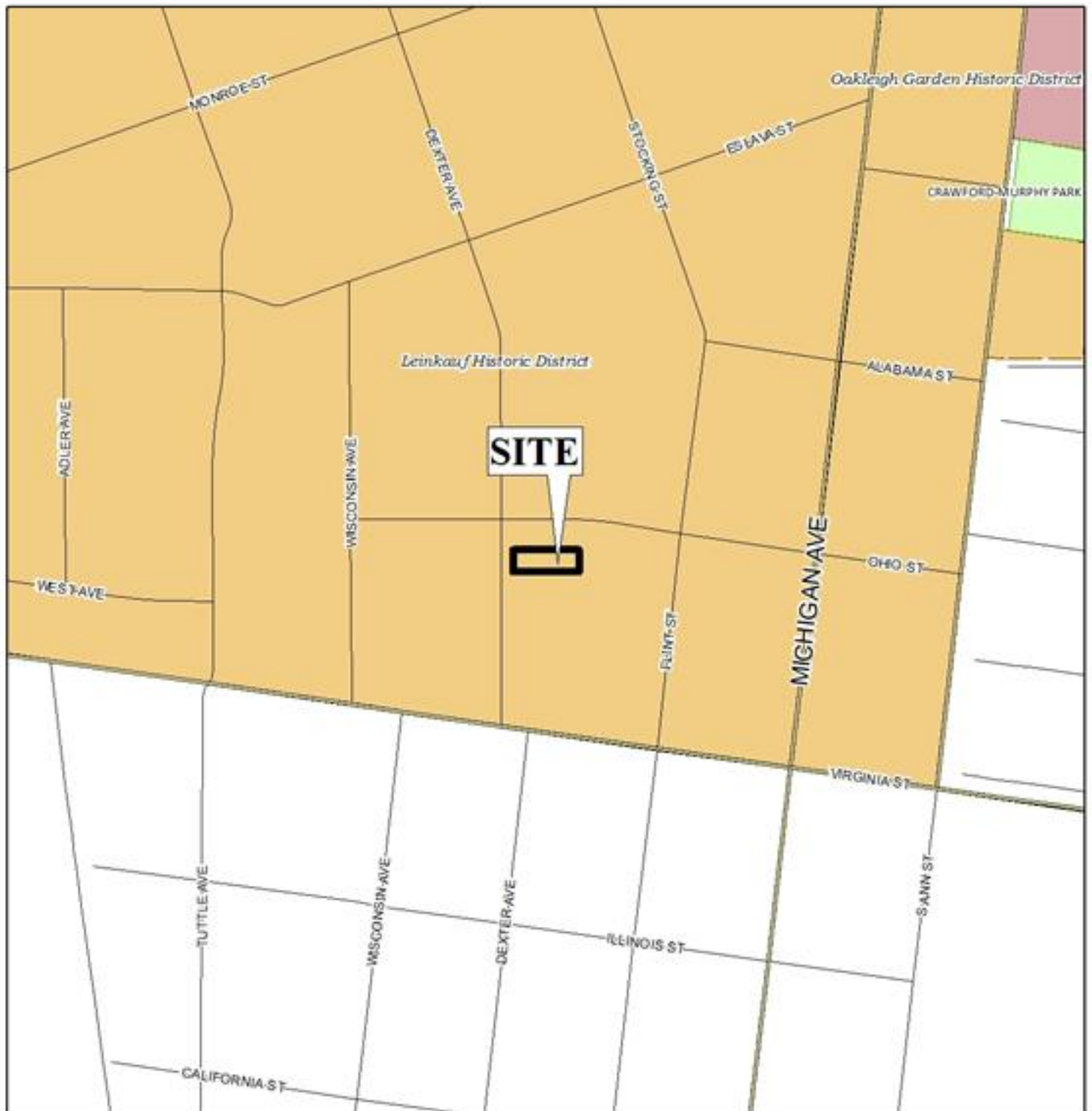
***Revised for the April 5, 2021 meeting:***

*This application was heldover from the March 1<sup>st</sup> meeting at the applicant's request. As no new information has been submitted, the original recommendation would stand.*

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- 2) Special conditions were not illustrated such that the literal enforcement of the provisions of the chapter will 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 because the use would be incompatible to an established R-1 District.

# LOCATOR MAP



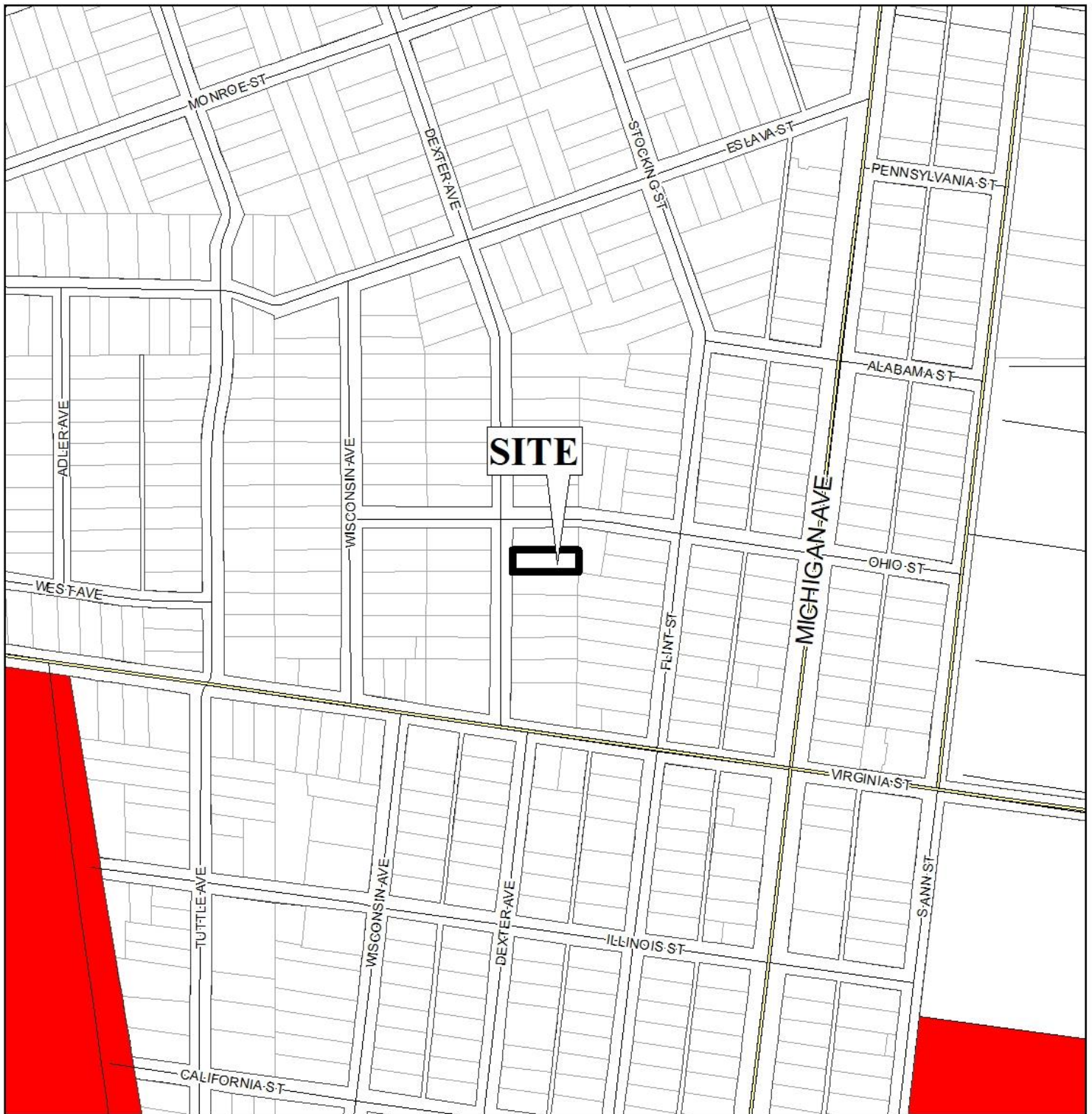
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REQUEST Use Variance



# LOCATOR ZONING MAP



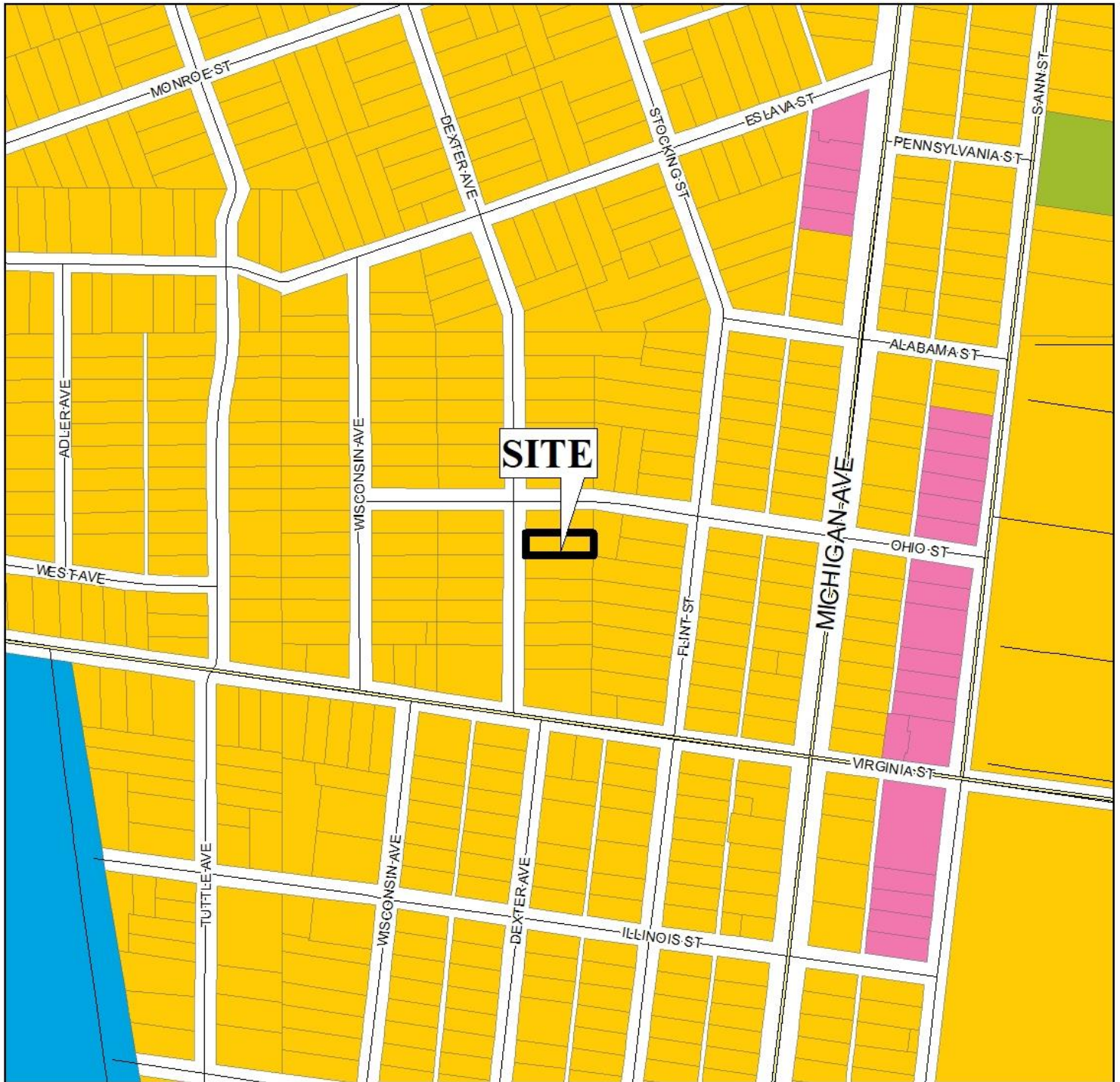
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# FLUM LOCATOR MAP



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APPLICANT Cory Bronenkamp

REQUEST Use Variance

- |   |  |  |   |
|---|--|--|---|
| <span style="color: yellow;">■</span> Low Density Residential   | <span style="color: brown;">■</span> Neighborhood Center - Traditional | <span style="color: brown;">■</span> Downtown Waterfront | <span style="color: green;">■</span> Parks & Open Space |
| <span style="color: orange;">■</span> Mixed Density Residential | <span style="color: blue;">■</span> Neighborhood Center - Suburban     | <span style="color: lightgrey;">■</span> Light Industry  | <span style="color: darkblue;">■</span> Water Dependent |
| <span style="color: pink;">■</span> Downtown                    | <span style="color: pink;">■</span> Traditional Corridor               | <span style="color: purple;">■</span> Heavy Industry     |   |
| <span style="color: red;">■</span> District Center              | <span style="color: orange;">■</span> Mixed Commercial Corridor        | <span style="color: cyan;">■</span> Institutional        |   |



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# 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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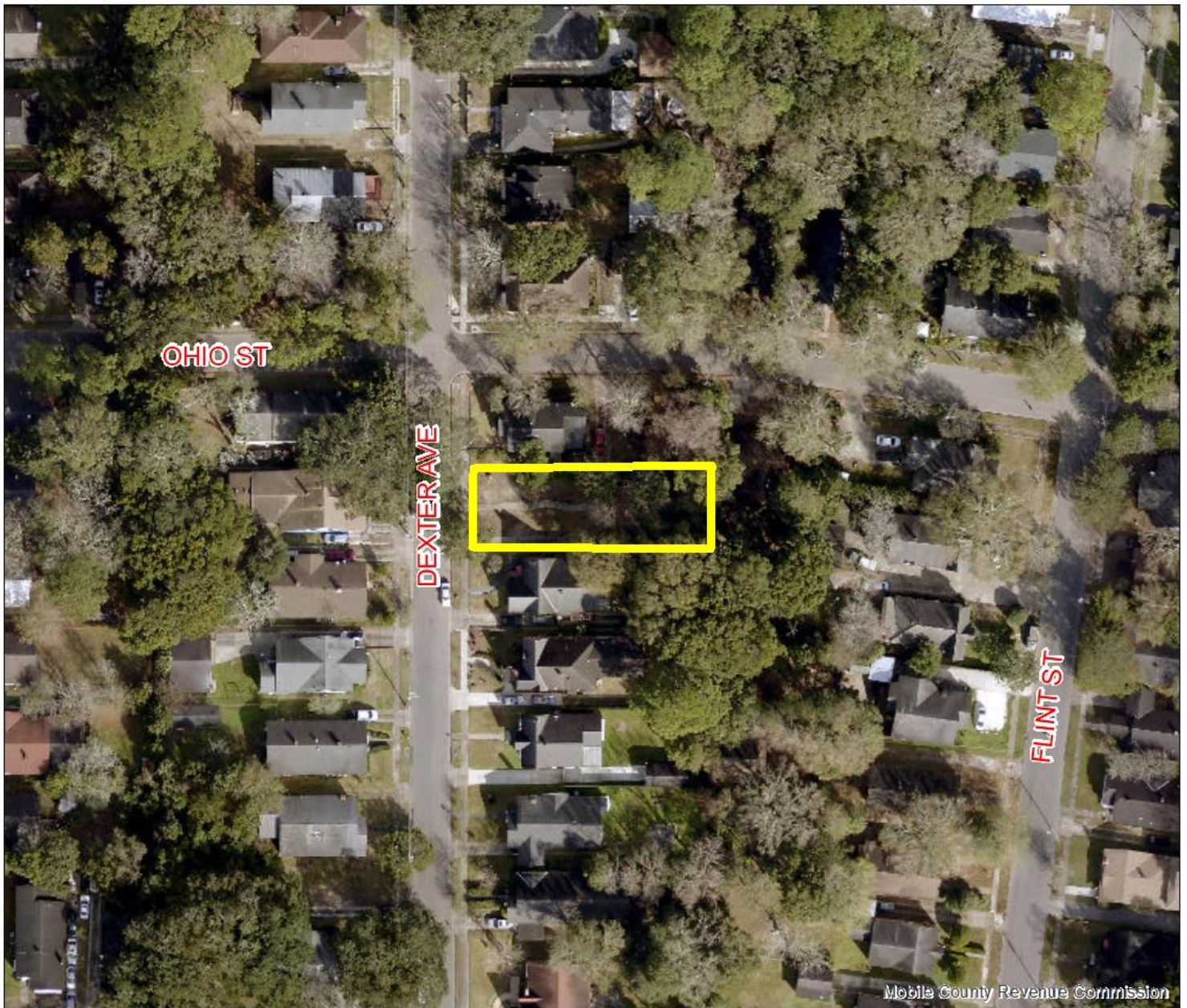
APPLICANT Cory Bronenkamp

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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: lightblue; 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: lightpurple; 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: darkpurple; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



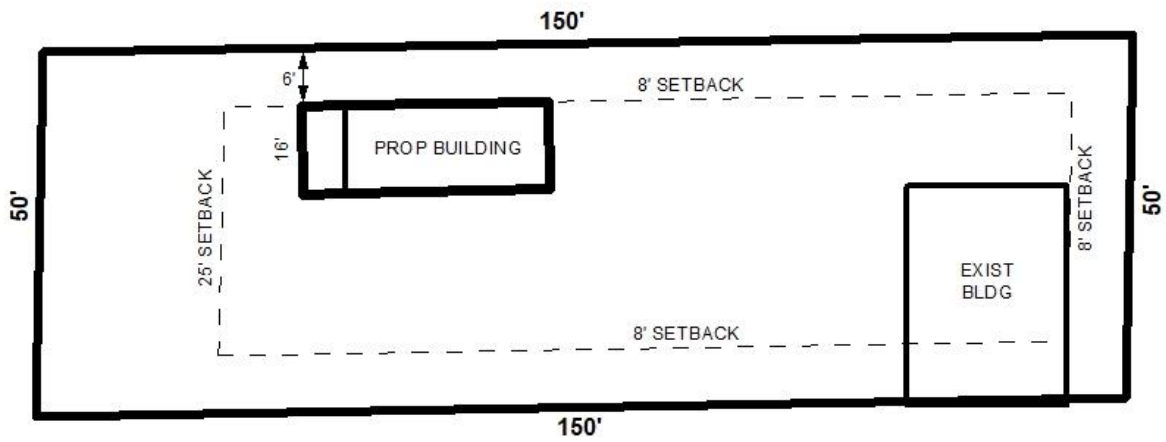
The site is surrounded by single family residential units.

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# SITE PLAN

DEXTER AVE



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

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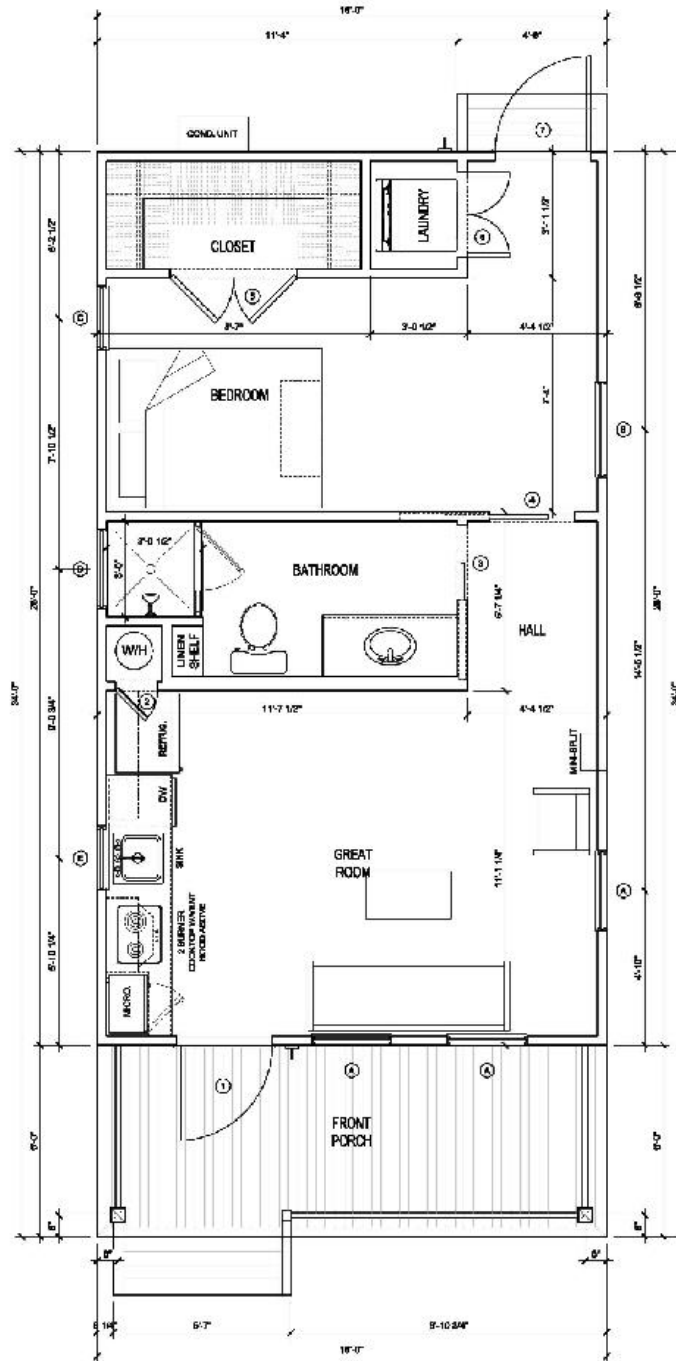
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# DETAIL SITE PLAN



1 ARCHITECTURAL FLOOR PLAN  
9'0" - 11'0"

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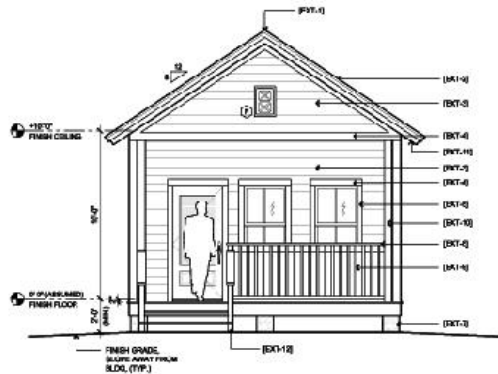
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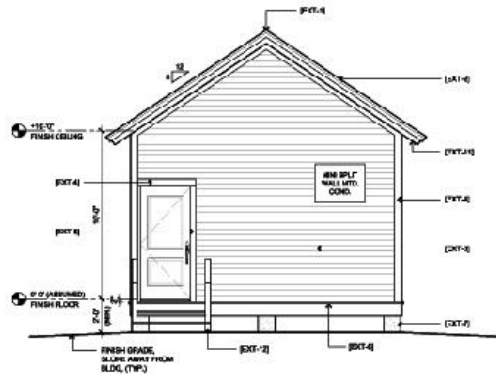


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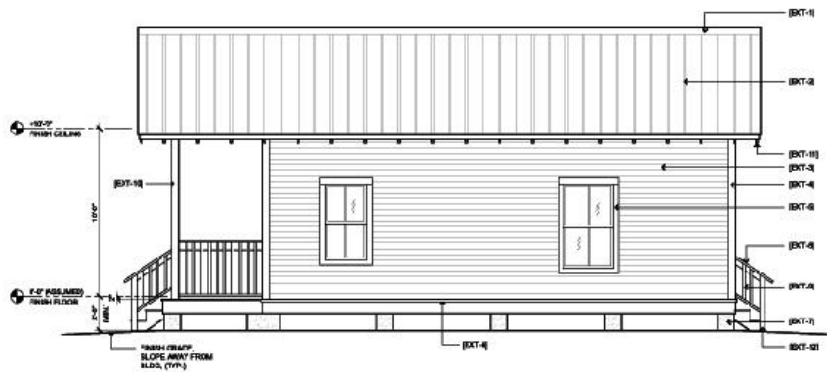
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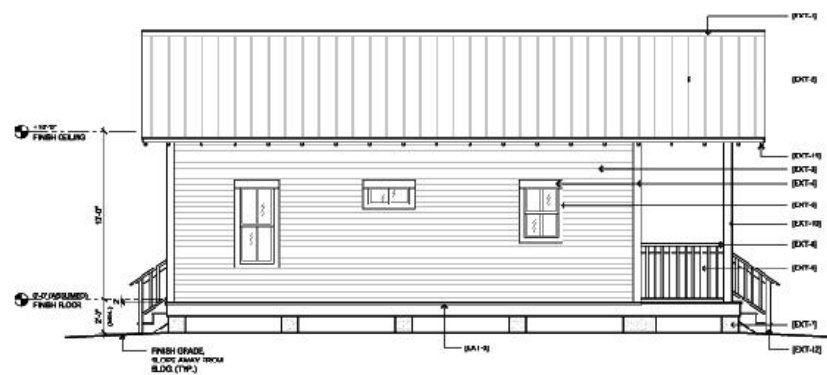
1 FRONT ELEVATION  
1/4" = 1'-0"



2 REAR ELEVATION  
1/4" = 1'-0"



3 RIGHT SIDE ELEVATION  
1/4" = 1'-0"



4 LEFT SIDE ELEVATION  
1/4" = 1'-0"

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