

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: April 4, 2011****CASE NUMBER**

5667

APPLICANT NAME

Renania Gipson

LOCATION6795 & 6885 Simpson Road
(Northern terminus of Simpson Road [private street])**VARIANCE REQUEST****USE:** Mobile home park**PARKING & MANEUVERING:** No defined parking or accessways**SURFACING:** Gravel driveway**LANDSCAPING & TREE PLANTINGS:** No landscaping areas**BUFFER:** No buffers in an R-1, Single-Family Residential District**ZONING ORDINANCE
REQUIREMENT****USE:** Minimum of R-3, Multiple-Family Residential District zoning with Planning Approval for a mobile home park.**PARKING & MANEUVERING:** 1.5 designated parking spaces per dwelling unit, and designated accessways of sufficient width.**SURFACING:** Parking and accessways surfaced with concrete or asphalt.**LANDSCAPING & TREE PLANTINGS:** One overstory tree/30 linear feet of road frontage, one tree per 30-linear feet of perimeter/ at least half must be of the overstory type and one understory tree/required parking space.**BUFFER:** A buffer between commercial and residential properties.**ZONING**

R-1, Single Family Residential

AREA OF PROPERTY

4± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No Traffic Engineering Comments

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Use Variance to allow a mobile home as a permanent residence in an R-1, Single-Family Residential District. The site currently has one stick-built house as well as two mobile homes, which upon reviewing aerial photos of the site appear to have been there since at least 1997. The property is located in the Theodore area annexed in February 2009. The Zoning Ordinance defines a mobile home park as any plot of ground on which two or more mobile homes are located for long-term occupancy (for periods of thirty days or more). The applicant states that the site consists of all family members living on the same property, and the proposed additional mobile home would allow an additional family member to move onto the property. It should be noted, that while there are no other properties in the area which meet the definition of a mobile home park, there are several other properties which use mobile homes as primary residences; also, there are no other properties with multiple dwellings in the area.

The submitted site plan shows that the site has a gravel drive providing access to the existing residences that is part of Simpson Road, a private road. Section 64-6.A.3.a. of the Zoning Ordinance requires that all accessways and parking be paved with asphalt or concrete. As an existing private road, the applicant should not be required to improve Simpson Road.

Section 64-6.A.6. of the Zoning Ordinance requires that multiple-family dwellings provide at least 1.5 parking spaces per dwelling unit. The proposed additional trailer would mean the mobile home park is required to provide a minimum of 6 parking spaces. The submitted site plan shows that currently there are two concrete driveways that are each large enough to constitute one parking space each. This means that there is a shortage of 4 defined parking spaces. It should also be noted that there is no defined accessway to the newly proposed trailer. Parking in the form of a parking pad made of gravel to match Simpson Road that would be large enough for two cars should be placed between Simpson Road and the proposed dwelling to increase available parking as well as provide an accessway to the trailer.

There are no landscaping areas proposed to be placed at the site. However, it should be noted that with the exception of the Southwest corner of the property where the residences are located that the rest of the property appears to be an undisturbed wooded area. According to landscaping requirements in Section 64-4.E.3. of the Zoning Ordinance, the site would be required to plant frontage trees, perimeter trees, and trees for parking. The site's access to Simpson Road (a private road) is through prescriptive easements, and therefore determination of proper rights-of-way may be difficult. Because the submitted site plan does not show any existing trees that would qualify for tree credits, it is not possible to determine if the existing trees on the property would fulfill these planting requirements.

Also, if the mobile home park use is allowed, a buffer between the site and adjacent residential properties would be required by Section 64-4.D.1. of the Zoning Ordinance. The site has one residential property to the South, one residential property to the Southeast, and one residential property to the East, with a school in an R-1 district to the West. As mentioned previously, portions of the parcel are heavily wooded, and would fulfill any buffer requirement of the property.

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.

It should be noted that Chapter 37 of the Mobile City Code sets out several design requirements for mobile home parks, and, as this application meets the definition of a mobile home park, the provisions of Chapter 37 could apply. Specifically, the site plan would need to show the following:

- Section 37-56: a playground common area surrounded by a fence or a wall of at least 4 feet in height containing 150 square feet for each mobile home lot
- Section 37-57: a dedicated patio area of at least 180 square feet on each lot, surfaced with rigid impervious pavement

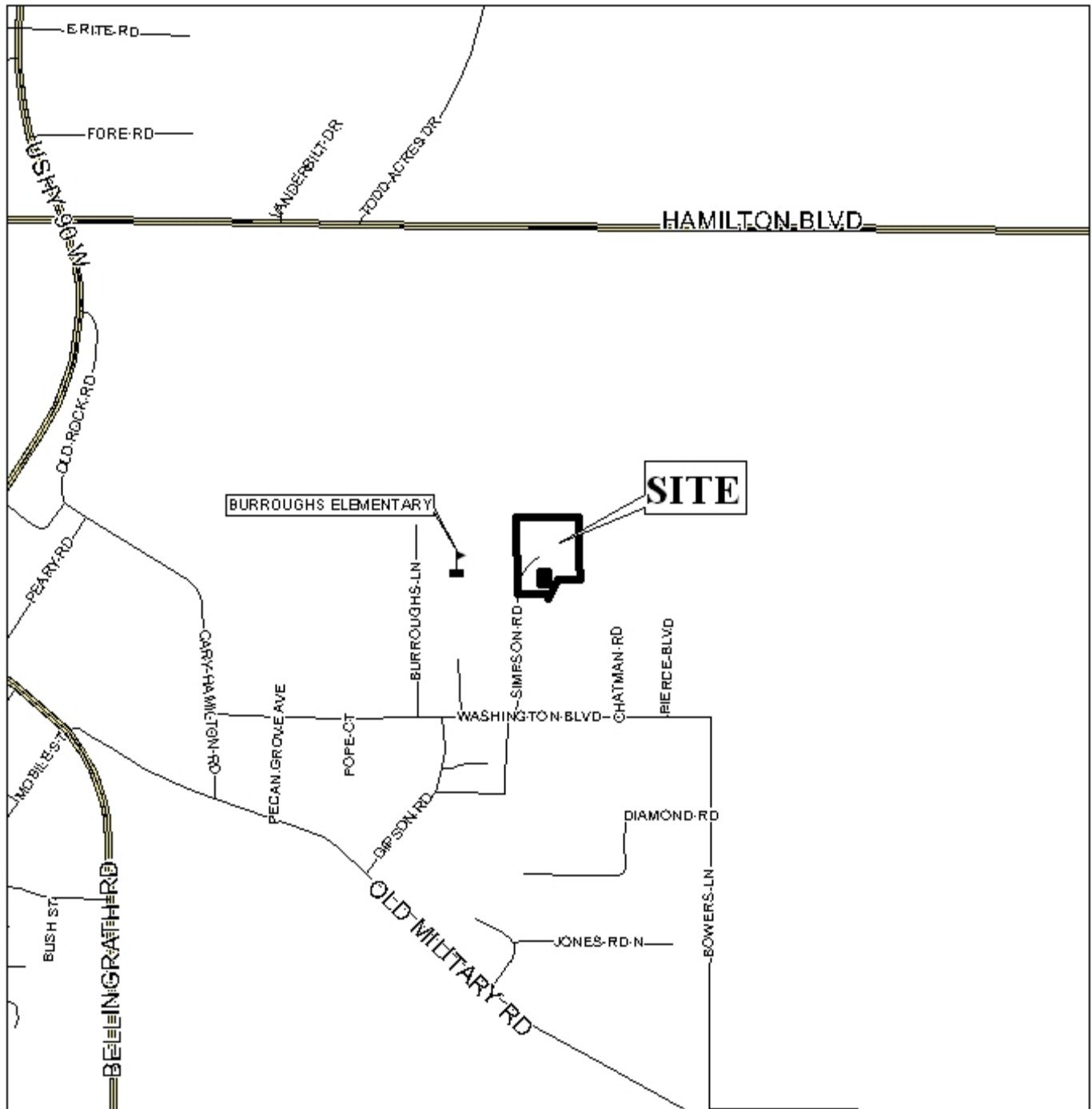
However, due to the fact that the site will be used solely for family members to reside at and not a commercial, “for-profit” mobile home park these requirements should be waived.

It should also be noted that a discrepancy was found in the location of the smaller parcel (R023802034000036.) enclosed by the parcel (R023802034000034.) that these variances are requested for. Tax records show the enclosed parcel to be 31.5'± East of the larger parcel's Western property line, whereas the property deeds show the enclosed parcel 165'± East of the larger parcel's Western property line. It is also of note that the legal description of the enclosed parcel in the 2009 deed describes a polygon that does not close. The site plan submitted reflects the deed described location, and after discussion with the surveyor, a letter was submitted stating that a scrivener's error occurred in the writing of the deed and after examining physical and parol evidence it was determined that the survey does indeed reflect the appropriate location for the enclosed parcel. The smaller enclosed parcel was created by 1967 before the site was in the City of Mobile or the planning jurisdiction.

RECOMMENDATION: Based on the preceding, this application is recommended for Approval, subject to the following conditions:

- 1) the residences on the property be limited to family members only;
- 2) all necessary building, electrical, and plumbing permits are obtained;
- 3) parking pad sufficient for two cars surfaced with either gravel, asphalt, or concrete be provided off Simpson Road at new dwelling; and
- 4) revised legal description of the enclosed parcel (R023802034000036.) to describe a closed polygon.

LOCATOR MAP



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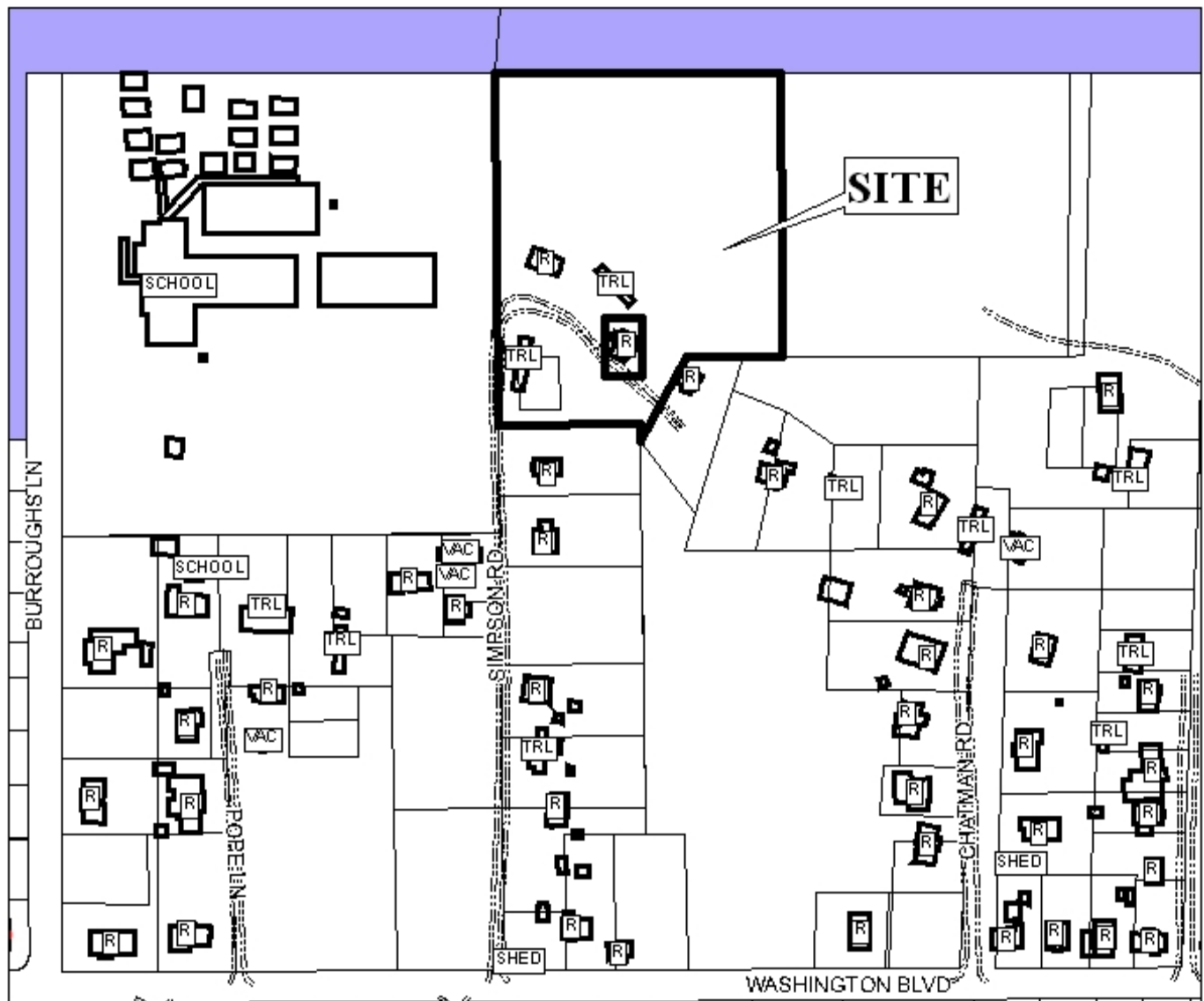
APPLICANT Renania Gipson

REQUEST Use, Parking, Surfacing, Maneuvering, Tree Planting, Landscaping, and Buffer Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.
A school is located to the west of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



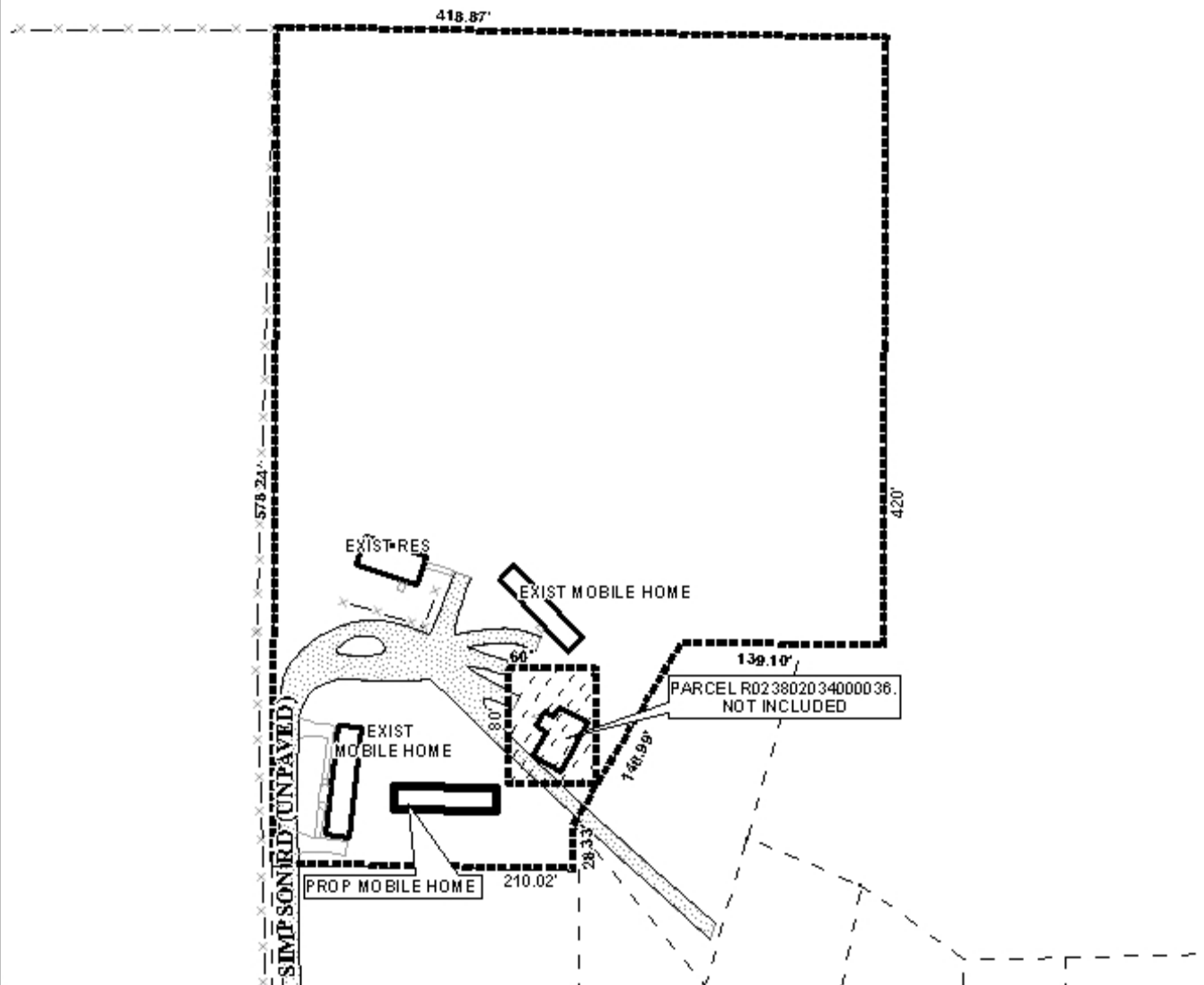
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SITE PLAN



The site plan illustrates the existing residence, mobile homes, and proposed mobile home.

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