

APPLICATION NUMBER

5341

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE
EXPANSION OF A SINGLE-FAMILY DWELLING WITHIN
5-FEET OF THE SIDE (NORTH) PROPERTY LINE; THE
ZONING ORDINANCE REQUIRES A MINIMUM SIDE
YARD OF 8-FEET FOR A LOT 60-FEET WIDE OR WIDER
AT THE MINIMUM FRONT BUILDING SETBACK LINE
IN A R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

3308 RIVERSIDE DRIVE WEST

(West side of Riverside Drive West, 575' ± North of Marcia Drive)

APPLICANT/OWNER

DENNIS FOBES

AGENT

M. DON WILLIAMS, III

BOARD OF ZONING ADJUSTMENT

JANUARY 2006

The applicant is requesting a Side Yard Setback Variance to allow the expansion of a single-family dwelling within 5-feet of the side (North) property line; the Zoning Ordinance requires a minimum side yard setback of 8' for a lot that is 60' wide or wider at the minimum front building setback line in an R-1, Single-Family Residential District.

The applicant proposes the addition of an approximate 750 square feet to an existing single-family dwelling. The addition as proposed would extend the dwelling 31-feet within 5-feet from the side (North) property line. The applicant states the existing wooded vegetation along the property line would be retained and should limit the visual impact of the addition upon the adjacent neighboring property.

The applicant has submitted letters from the existing adjacent property owners to the North and South stating that the addition will enhance the neighborhood.

The Board has typically considered the character of the neighborhood when reviewing applications located in older areas of the city. However this site is located in a suburban area, and as illustrated on the vicinity map, the site consists of a large lot which provides more than ample room for structures to comply with the setback requirements of the Zoning Ordinance. Additionally, the lot is almost two times wider than the standard 60-foot wide lot, upon which setbacks are based.

The applicant should consider that the addition could be easily configured to comply with all setbacks by simply moving the addition three-foot southward.

The applicant states that the existing wooded vegetation limits the visual impact of the addition. However, as proposed the addition, would further degrade the likelihood of the wooded vegetative buffer to survive the due to the proximity (3-feet) of the addition. Furthermore, while the preservation of large heritage trees maybe considered a hardship to developing a property in compliance with the Zoning Ordinance, preserving "vegetation" has not been considered as a hardship to development.

Additionally, the applicant should be aware of the requirements concerning improvements to a structure within the particular flood zone. The City of Mobile has flood damage prevention regulations, including elevating the building to or above the 100-year flood elevation.

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

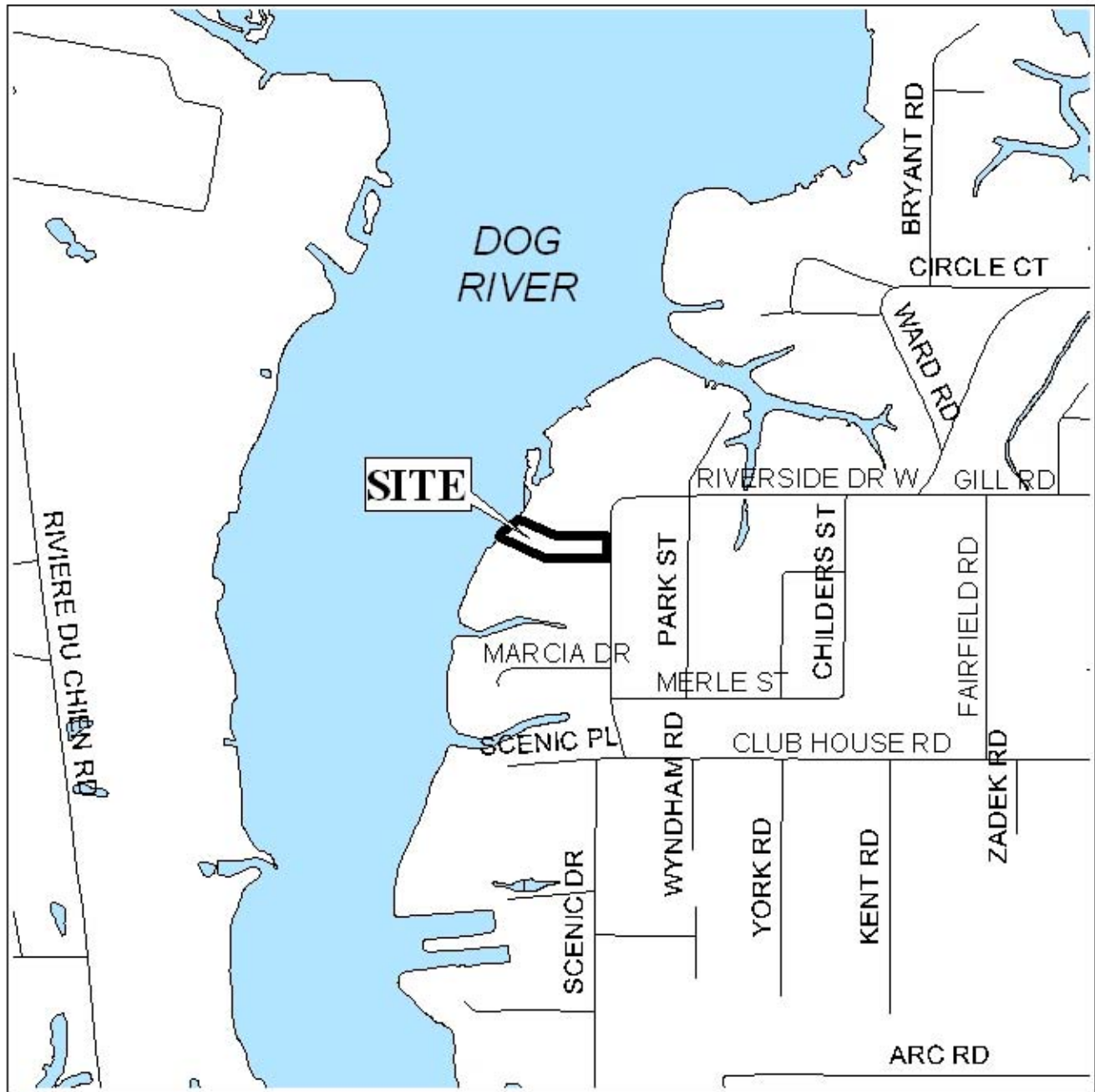
unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire construct an addition within 5-feet from the North side property line.

RECOMMENDATION 5341**Date: January 9, 2006**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 5341 DATE January 9, 2005

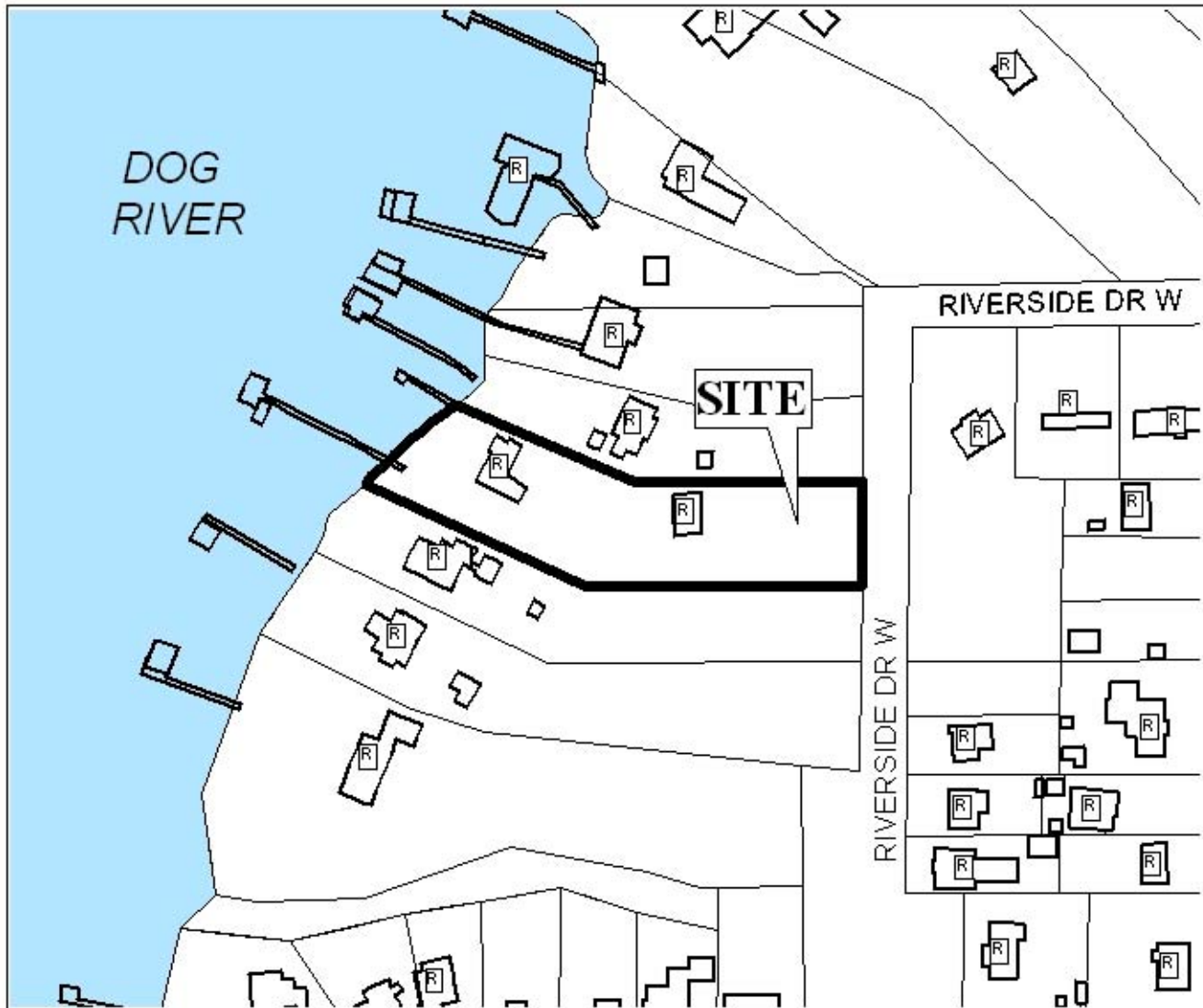
APPLICANT Dennis Fobes

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential dwellings.

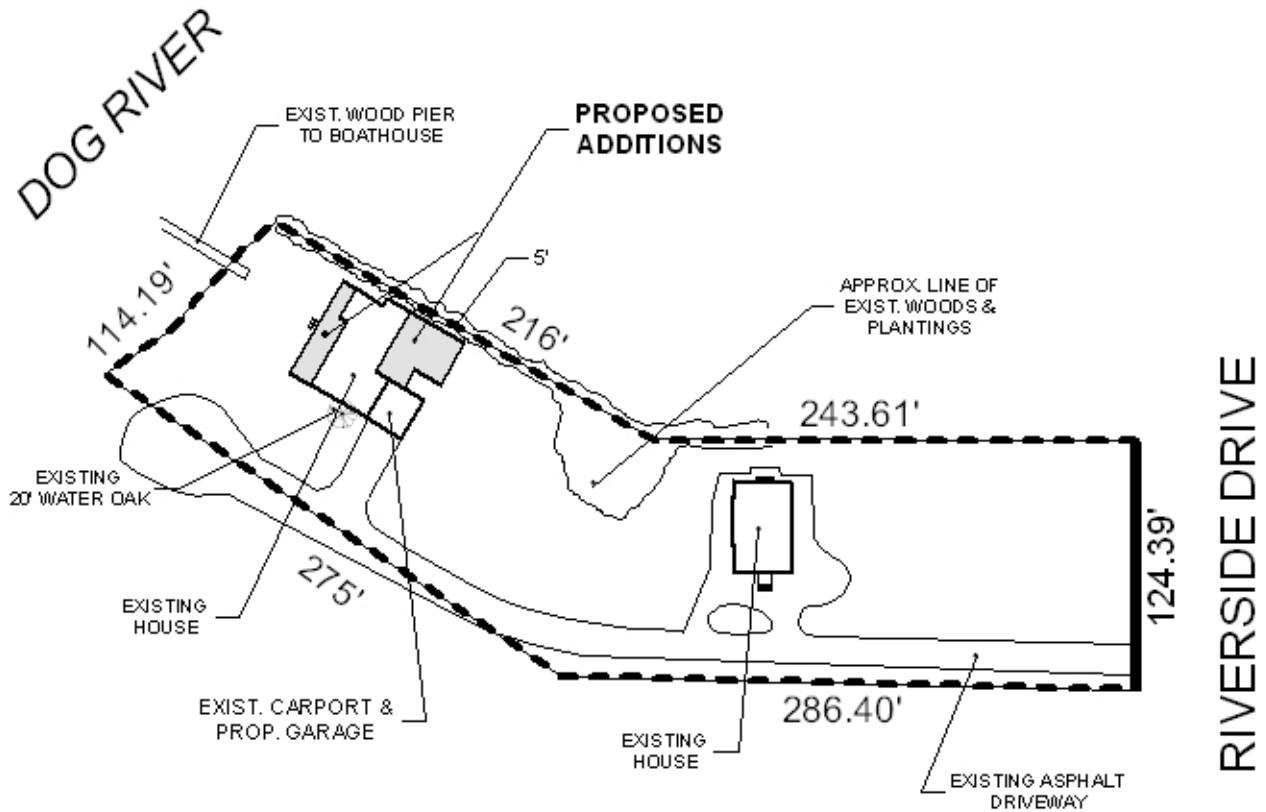
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LEGEND

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



SITE PLAN

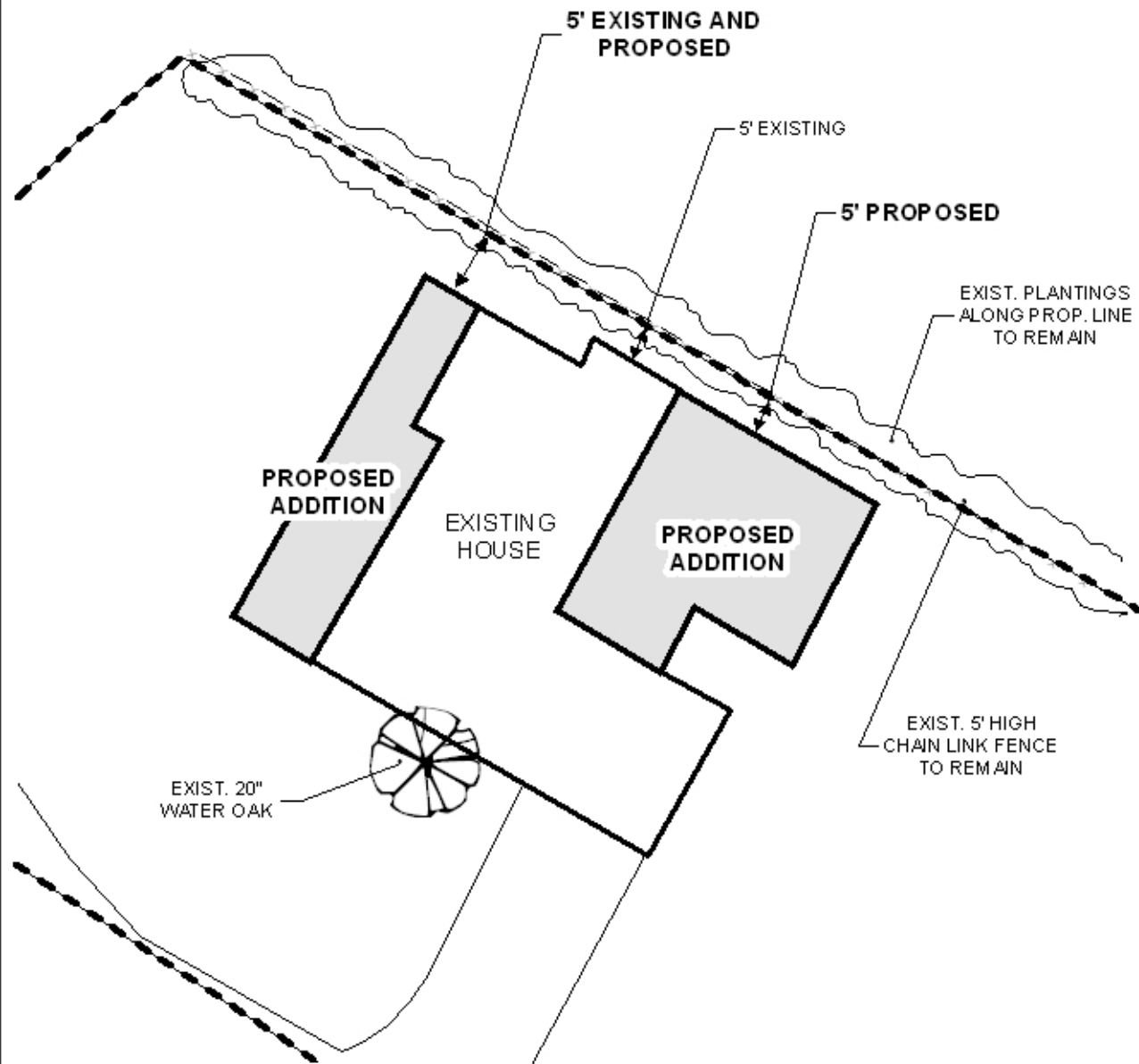


The site is located on the West side of Riverside Drive West, 575' North of Marcia Drive.
The plan illustrates the existing structures and proposed additions.

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DETAIL SITE PLAN



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