

APPLICATION NUMBER

5529

A REQUEST FOR

**SIDE YARD SETBACK AND COMBINED SIDE YARD
SETBACK VARIANCES TO ALLOW THE
CONSTRUCTION OF A GARAGE WITHIN 6.5' OF A
PROPERTY LINE WITH TOTAL COMBINED SIDE
YARDS OF 19.6' IN AN R-1, SINGLE FAMILY
RESIDENTIAL DISTRICT; THE ZONING ORDINANCE
REQUIRES AN 8' MINIMUM SIDE YARD WITH A
COMBINED SIDE YARD MINIMUM OF 20' IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT**

LOCATED AT

2900 LLOYDS LANE

(West side of Lloyds Lane, 510'± North of Southridge Boulevard)

APPLICANT

NEDZAD AND DRAGANA FAZLIC

BOARD OF ZONING ADJUSTMENT

APRIL 2009

The applicant is requesting a Side Yard Setback and Combined Side Yard Variances to allow the construction of a garage within 6.5' of a side property line with total combined side yards of 19.6' in an R-1, Single-Family Residential District; the Zoning Ordinance requires an 8' minimum side yard setback with a combined side yard minimum of 20' in an R-1, Single-Family Residential District.

The applicant obtained a building permit on February 2, 2009, for a 24' by 19' garage addition to be constructed on the south end of an existing dwelling. According to the information provided at the time of permitting, the addition appeared to be in compliance. A City of Mobile Service Request Order reporting that the structure was too close to the property line was generated from an anonymous complaint called-in to Mobile 311. On February 9, 2009, a zoning inspector responded to the complaint, and issued an official Notice of Violation stating that the structure appeared to be too close to the property line and directed the property owners to obtain a survey of their property to verify setbacks. On February 25, 2009, a stop work order was placed on the construction project after a survey determined that the addition was too close to the south property line and the combined side yards did not meet the minimum standards.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

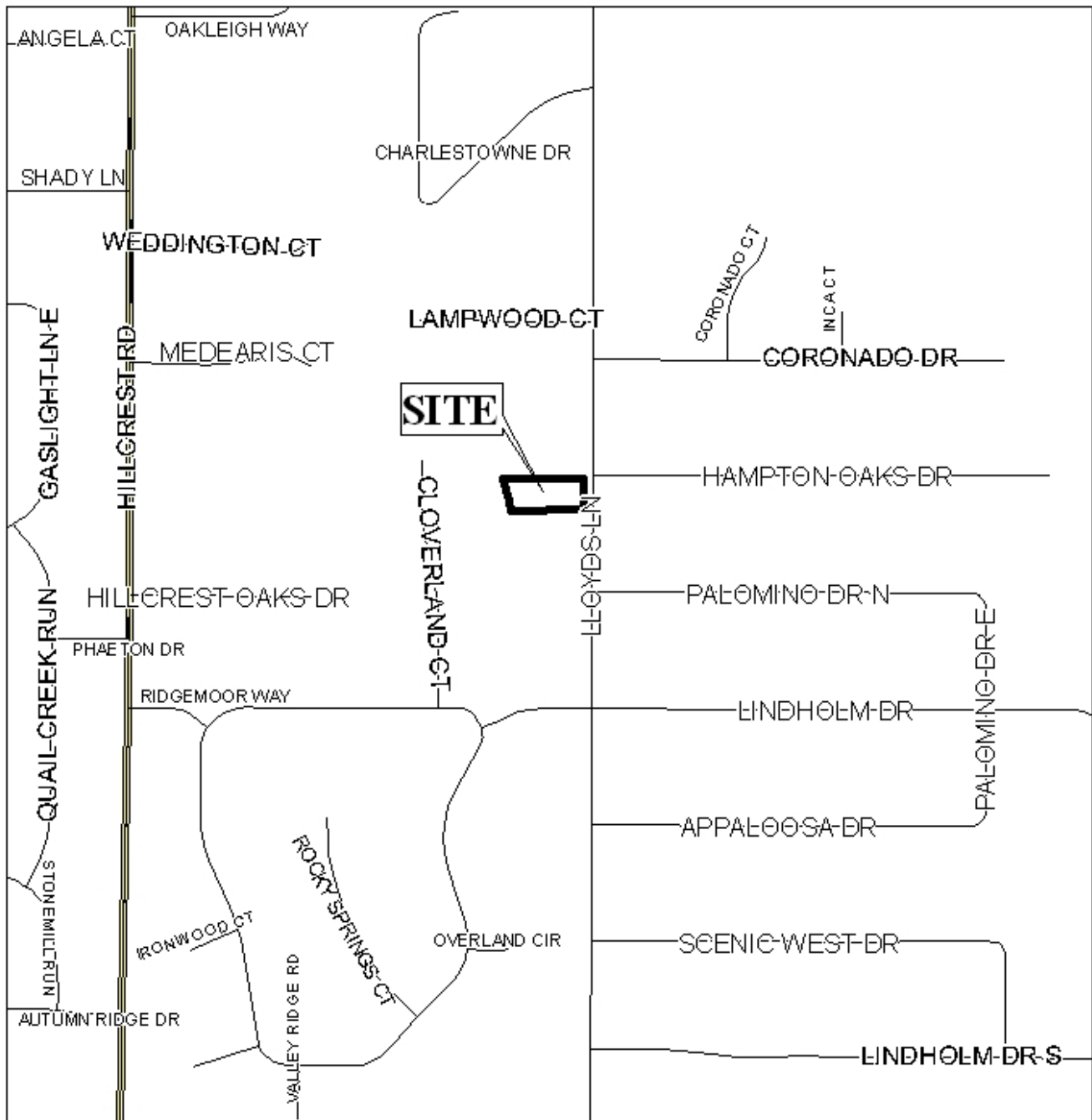
It appears from the site plan provided that if the applicants had simply eliminated the vestibule from the house to the garage that there would have been room to meet the setback requirements for the south property line as well as to meet to combined side yard requirements. Additionally, there was more than ample space in the rear of the property to place a detached garage and still meet all of the requirements of the ordinance.

The applicant did not state what, if any, hardship exists on the property or why the addition could not be constructed in such a manner that it could comply with the zoning ordinance. It is simply the applicant's wish to have a structure within 6.5 feet of the south property line and to have side yards totaling only 19.6 feet.

RECOMMENDATION 5529**Date: April 6, 2009**

Based on the preceding, the application is recommended for denial.

LOCATOR MAP



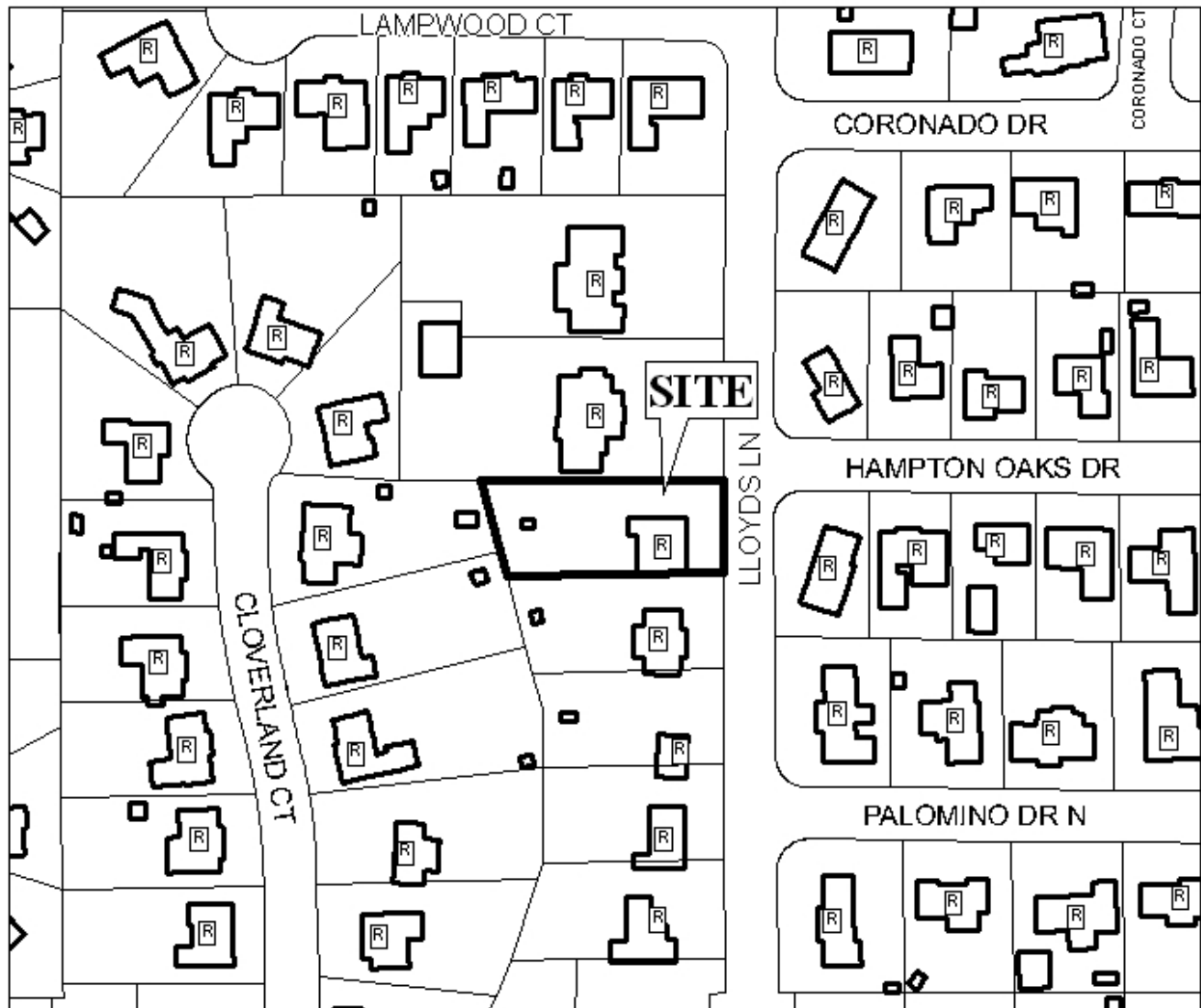
APPLICATION NUMBER 5529 DATE April 6, 2009

APPLICANT Nedzad and Dragana Fazlic

REQUEST Side Yard Setback and Combined Side Yard Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

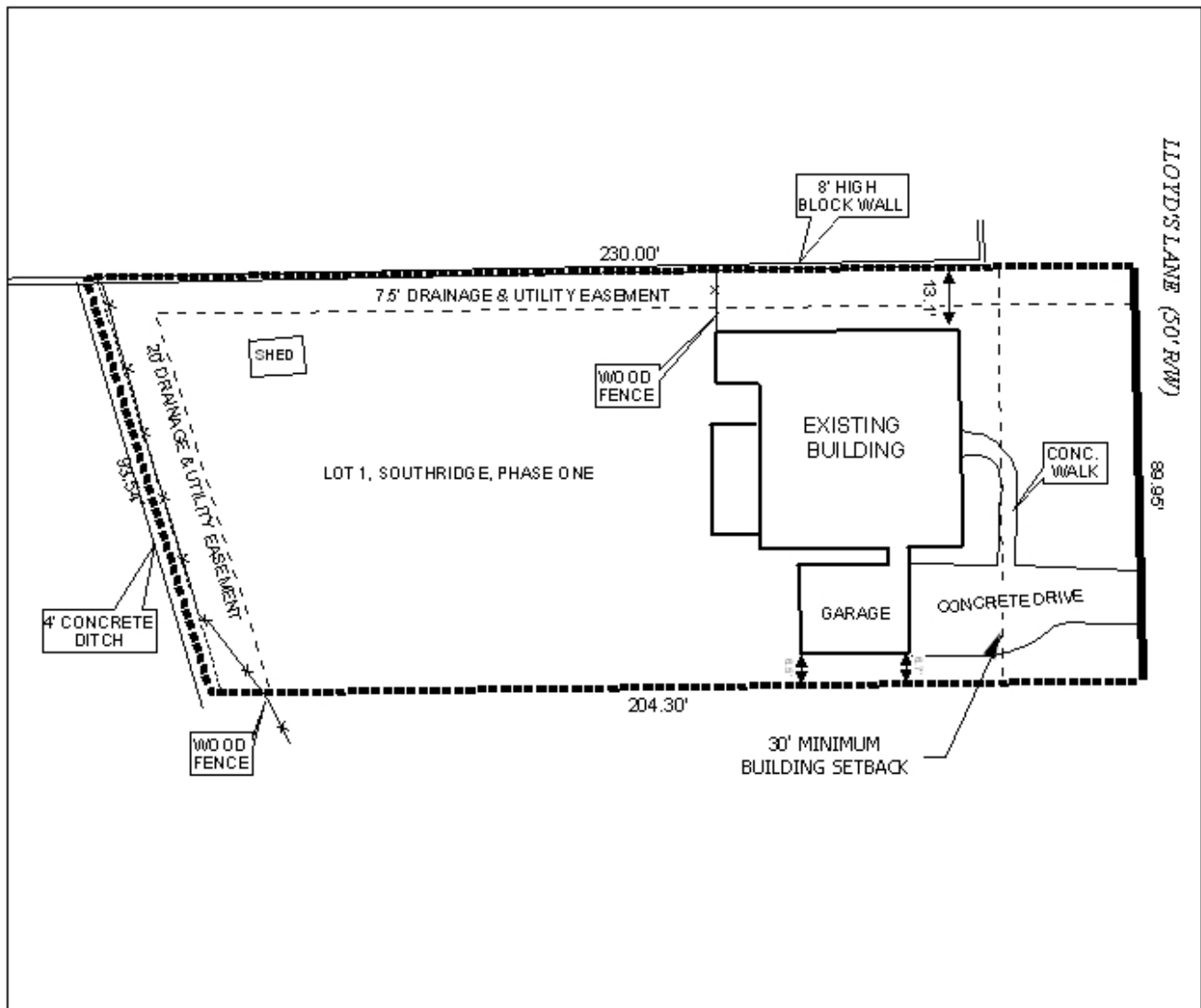


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SITE PLAN



The site plan illustrates the existing building, easements, and fences.

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