

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

5668

APPLICANT NAME

David L. Pitts

LOCATION4512 Higgins Road
(North side of Higgins Road, 215'± West of Shipyard Road)**VARIANCE REQUEST****USE:** Allow a 20-unit mobile home park with a 2-unit apartment building in an R-1, Single-Family Residential District.**SURFACING:** Allow accessways and parking to be surfaced with aggregate materials.**MULTIPLE BUILDINGS:** Allow multiple buildings on a single building site.**ZONING ORDINANCE
REQUIREMENT****USE:** Planning Approval in an R-3, Multiple-Family Residential District is required for a mobile home park.**SURFACING:** Accessways and parking areas are required to be surfaces with asphalt, concrete, or asphaltic concrete.**MULTIPLE BUILDINGS:** A separate building site is required for each building.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

2.7 Acres ±

TRAFFIC ENGINEERING

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting a Use, Surfacing, and Multiple Buildings Variances to allow 20-unit mobile home park with a 2-unit apartment building (total of 22 dwelling units) with accessways and parking surfaced with aggregate materials, and multiple buildings on a building site in an R-1, Single-Family Residential District; the Zoning Ordinance requires accessways and parking to be surfaced with concrete or asphalt, for there to be only one building to a building site, and a minimum of R-3, Multiple-Family Residential District zoning with Planning Approval for a mobile home park.

The applicant wishes to make improvements to an existing non-conforming mobile home park, including changing the layout of the park, reducing accessway to one two-way accessway, creating common open space, and installing tree planting and landscaping. Additionally, the applicant has proposed to remove the current older and dilapidated mobile homes on the site, and transition the business from mobile home rentals to mobile home lot rentals.

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 originally made an application to Mobile City Planning Commission requesting a 1-lot Subdivision; rezoning to R-3, Multiple-Family Residential; Planning Approval, and Planned Unit Development Approval for the development. After some minor revisions to the initial site plan submittal, the staff report indicates support of all of the applications; however, there has been significant community opposition to the rezoning. The community opposition has been based on a fear of eventual apartment development of the site. It has been explained to members of the community that voluntary use restrictions can be included in rezoning approvals, however this has not been enough to ease their concerns. Councilmember Williams, who represents District 4, has stated at the community meetings that he will not support any rezoning to R-3 for this site, and has also stated his preference that a variance be granted.

The applicant has submitted this request, and has been granted holdovers for the applications currently before the Planning Commission in order to pursue an alternate to the rezoning application. The applicant has further stated that they intend to withdraw the rezoning request from the Planning Commission should the variance be granted.

The multiple buildings variance request is the result of legal opinion that a Planned Unit Development approval cannot be granted by the Planning Commission for an improperly zoned site. Therefore, the applicant is requesting that variance along with the Use Variance.

The applicant is also requesting a surfacing variance to allow all of the accessways and parking to be surfaced with aggregate instead of concrete or asphalt. The Fire Department has stated that they would prefer that the accessways be paved to ensure access for fire apparatus equipment.

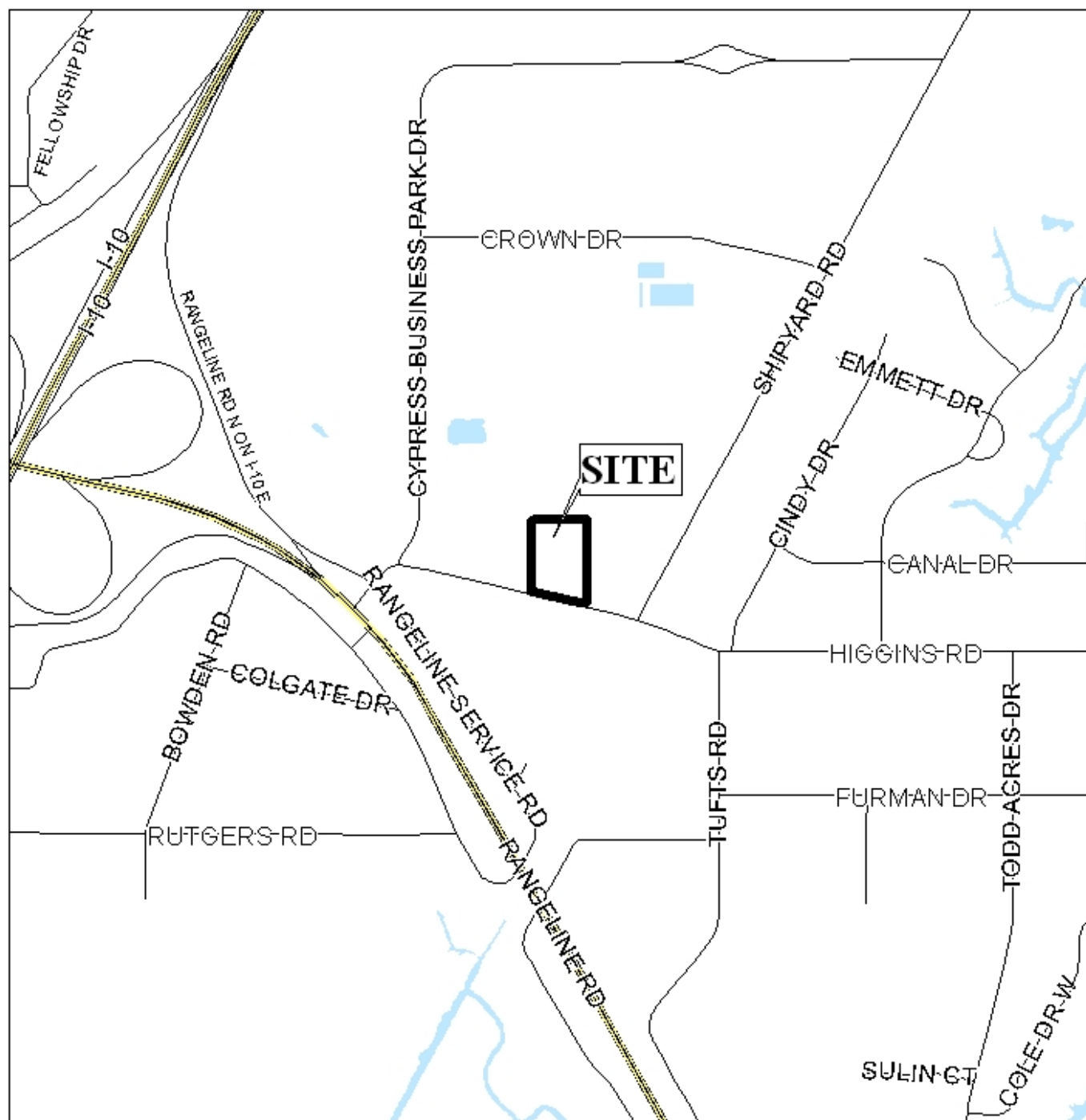
The applicant does not specifically state what the hardship on the property is, if any. They only state that the site is currently a mobile home park, and that the number of units will not be increased. The Use issue is, in staff's opinion, a matter for the Planning Commission, as rezoning in the area appears to be justified. As such, the request should be considered in that forum. Regarding the surfacing variance request, there does not appear to be a hardship, and the Fire Department, as previously mentioned, would prefer paving to ensure safety. As no hardship is readily apparent, the variances are recommended for denial. The applicant should continue to pursue the rezoning request with the Planning Commission.

RECOMMENDATION

Based upon the preceding, this application is recommended

for denial.

LOCATOR MAP



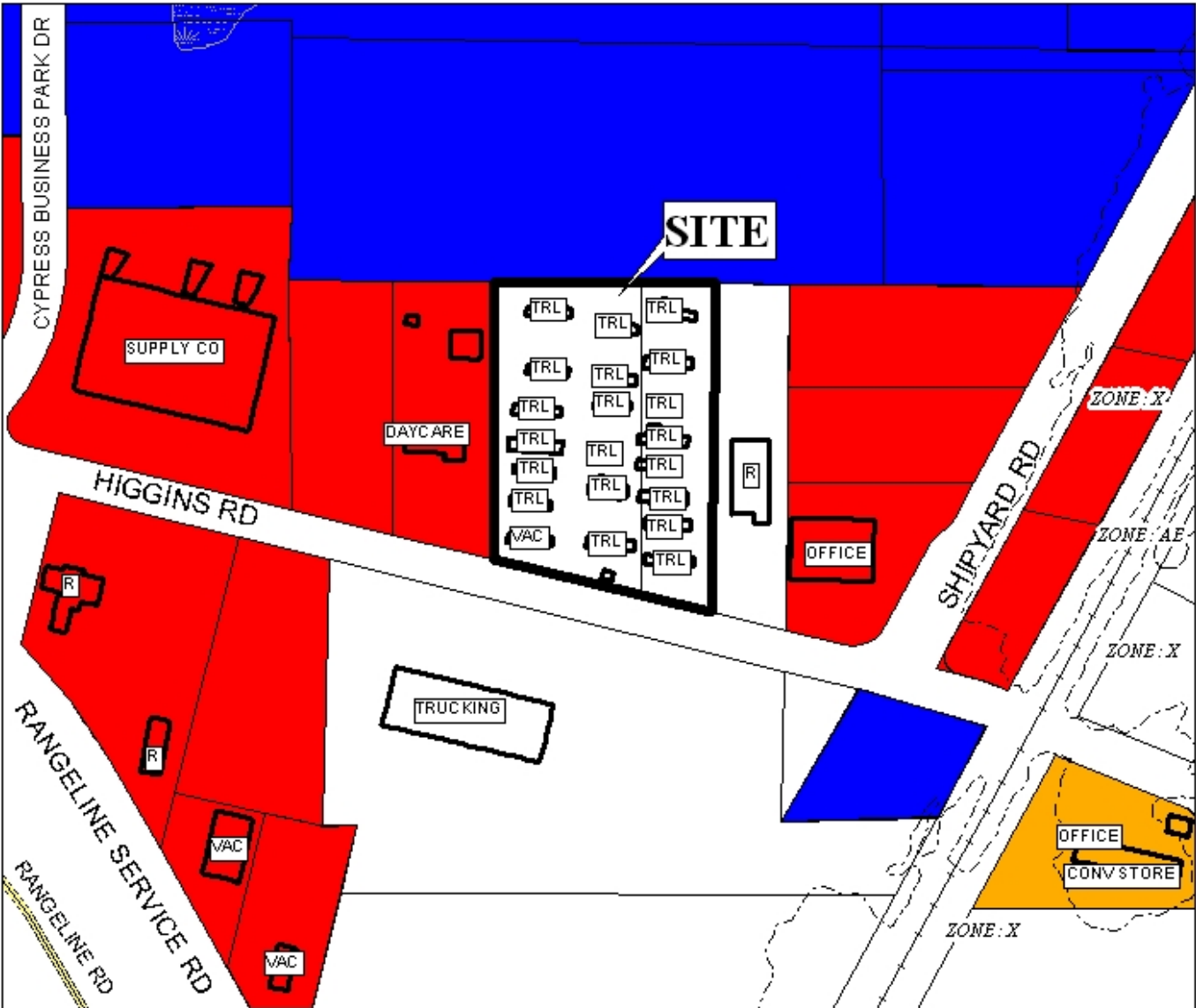
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REQUEST Use and Surfacing Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING
















There is a single family residential unit to the east of the site, a day care to the west, and a trucking company to the south.

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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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

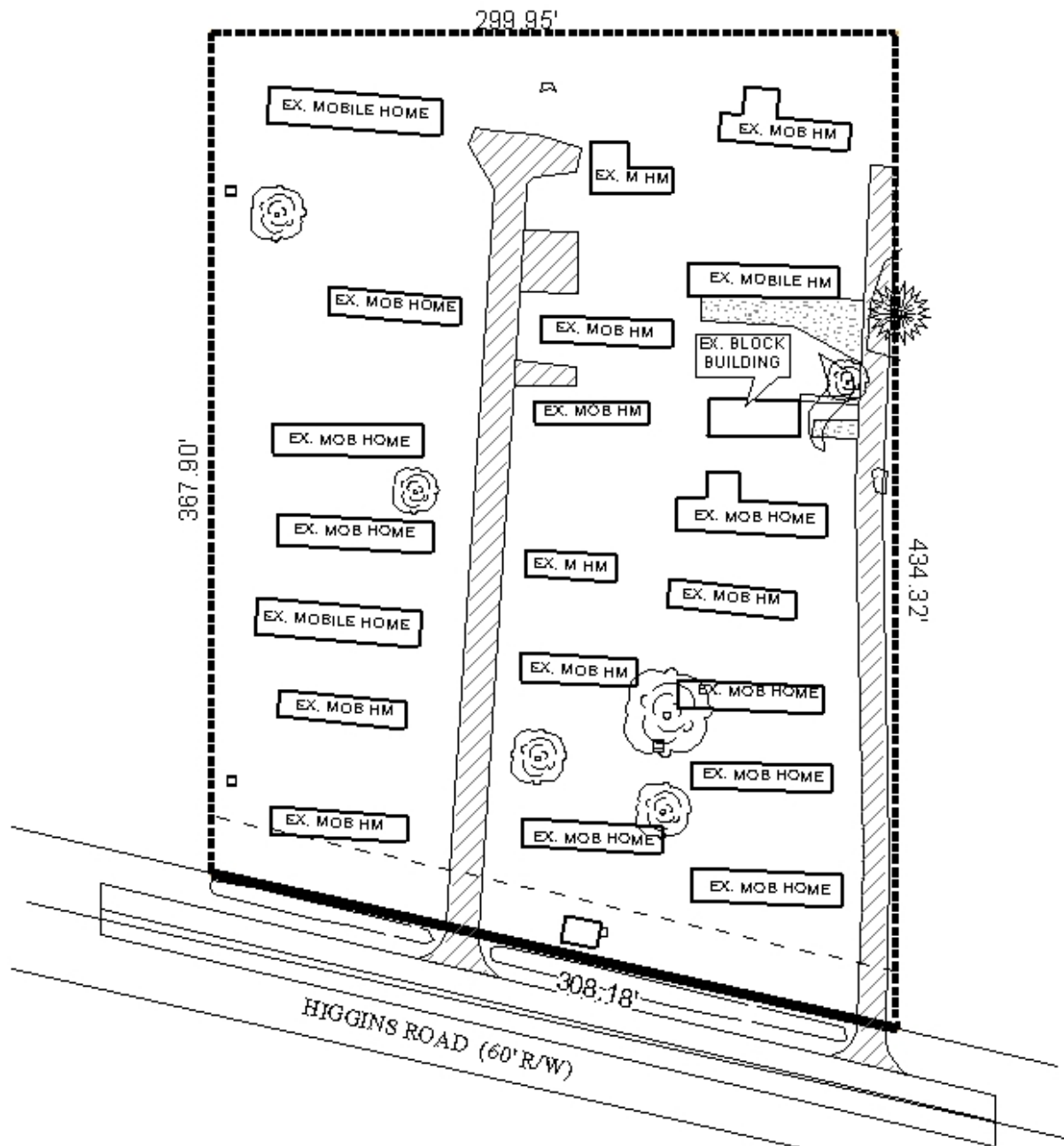
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EXISTING SITE PLAN



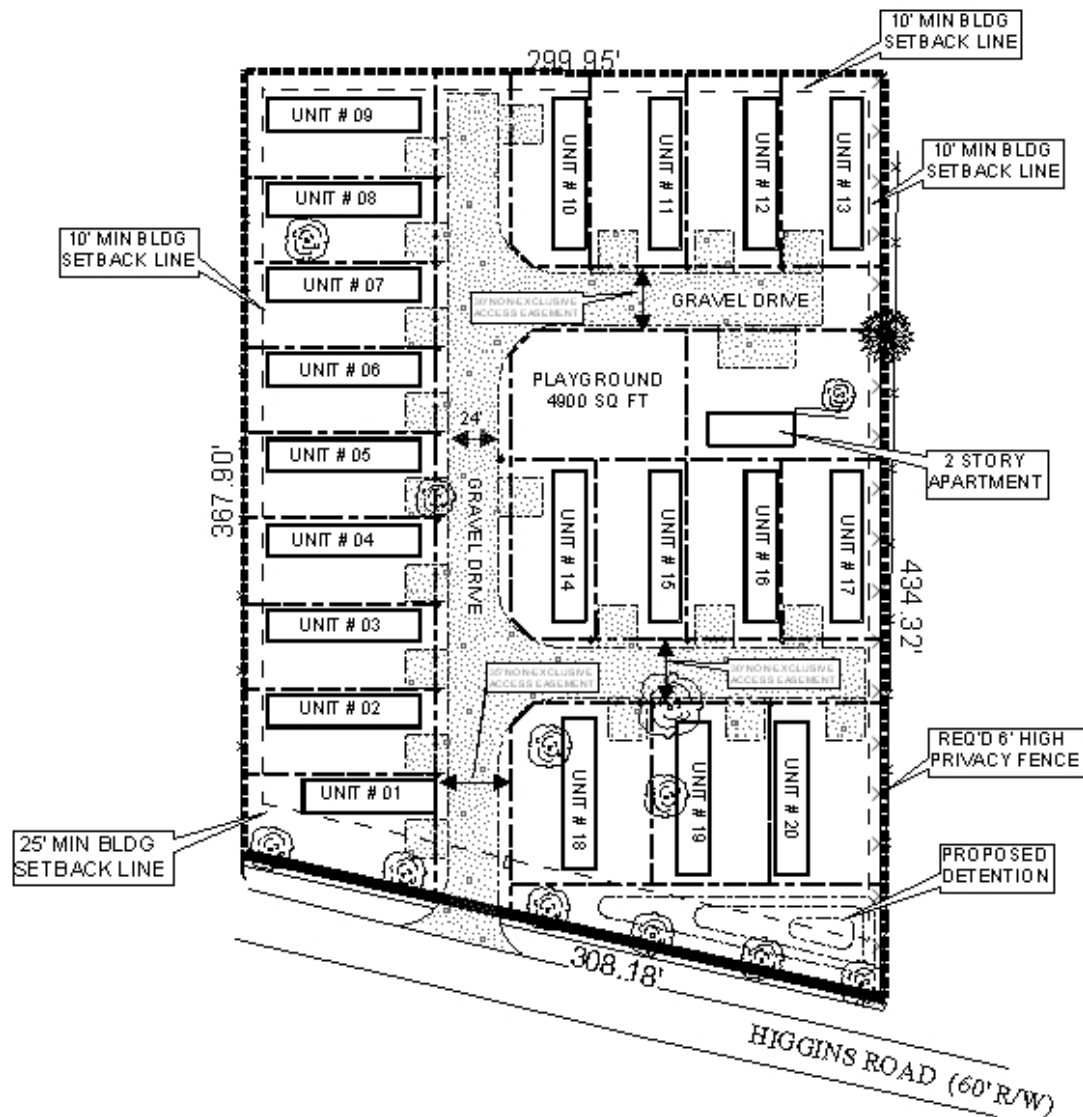
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PROPOSED SITE PLAN



The site plan illustrates the lot configuration, drives, access easements, setbacks and location of structures.

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