

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: June 1, 2015****CASE NUMBER**

5970/5826

**APPLICANT NAME**

Lyn A. McDonald

**LOCATION**2406 Prichard Avenue West  
(North side of Prichard Avenue West, 150'± west of  
Stanton Road)**VARIANCE REQUEST****USE:** To allow a multi-family residential use in an R-1,  
Single-Family Residential District**MULTIPLE DWELLINGS:** To allow five (5) single-  
family dwellings on a single site in an R-1, Single-Family  
Residential District**SURFACE:** To allow gravel access, maneuvering and  
parking for a multi-family development**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance allows only one single-  
family dwelling unit per lot in an R-1, Single-Family  
Residential District**MULTIPLE DWELLINGS:** The Zoning Ordinance  
allows only one dwelling per lot in an R-1, Single-Family  
Residential District**SURFACE:** The Zoning Ordinance requires asphalt,  
concrete, or an approved alternative paving surface for  
access, maneuvering and parking for R-3, Multi-Family  
Residential uses**ZONING**

R-1, Single Family Residential

**AREA OF PROPERTY**

18,724 square feet/0.43±Acres

**CITY COUNCIL  
DISTRICT**

District 1

**ENGINEERING  
COMMENTS**

No drawing was received to review.

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

- a. Submit and receive a TIER 2 Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit for the work within the Prichard Ave. ROW. Aggregate surfacing will NOT be allowed within the Prichard Ave. ROW; only pavement will be allowed.

**TRAFFIC ENGINEERING**  
**COMMENTS**

This request was not reviewed by Traffic Engineering.

**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 61-929 and City Code Chapters 57 and 64).

**FIRE DEPARTMENT**  
**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**ANALYSIS**

The applicant is requesting Use, Multiple Dwellings, and Surface Variances to allow 5 single-family dwellings on a single site (an R-3, Multi-Family Residential use), and gravel access, maneuvering and parking in an R-1, Single-Family Residential District; the Zoning Ordinance allows only one single-family dwelling per lot in an R-1, Single-Family Residential District, and requires asphalt, concrete, or an approved alternative paving surface for access, maneuvering and parking for R-3, Multi-Family Residential uses.

It should be pointed out that this site appeared before the Board at its May 6, 2013 meeting where the Board approved a similar request to allow five (5) single-family dwellings on a single lot (an R-3, Multi-Family Residential use), and gravel access and parking. As the applicant was unable to proceed in a timely manner, the previous approvals have since expired, hence the current application at hand.

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.

Applicant's statement: *When I purchased this property there were 5 dwellings existing in the locations as shown on the survey and site plan. My plan is to renovate them and lease them as low to median income single family residences. I also plan to construct a 5 car carport which includes a utility/storage room for each car, a laundry room, and a patio under a single roof. The rear yard will be enclosed with a 6' privacy fence for security reasons. The previous owners provided a dirt drive for tenants, but I would like to use gravel drive for drainage and aesthetic reasons.*

*The 18,724+/- square foot property, if it were zoned R-3, Multi-Family, would allow a theoretical maximum of nine (9) dwellings on the site, if all parking and landscape requirements could be met.*

*I cannot use the existing dwellings on the site, as individual dwelling units, without either variances or rezoning of the site to R-3, and the approval of a Planned Unit Development and Subdivision application. In light of the fact that there is no R-3 zoning in the area and the property does not meet the minimum four (4) acre guideline for new zoning districts, I have chosen to take the variance route.*

*While the site is not located in an historic district, the existing dwellings do represent a housing style prevalent in the early 1900s. As such, the preservation of such structures benefits the overall community by continuing a link, culturally, historically and architecturally, to the past.*

*The 6 foot privacy fence will be approximately 6-inches from the outside window on the exterior walls of each dwelling on the outside of the development, this proposed privacy fence and gate will be set back from West Prichard Avenue a minimum of 25-feet, to ensure adequate visibility (though the existing homes are within five (5) feet of the right-of-way).*

*The proposed understory trees will be placed at a point near the right-of-way, midway between each dwelling so that access between the dwellings can be preserved for fire-safety reasons. The heritage trees located on each side of the property will be live oaks, and any heritage tree planted within 15-feet of an overhead power line will be live oak, any understory tree planted within 15-feet of an overhead power line will be crepe myrtle.*

*The proposed carport structure will meet all required setbacks. The proposed driveway and parking area reflect my desire to use "Environmentally Friendly" materials wherever possible. This will be reviewed with the Engineering Department prior to any requests for Land Disturbance Permits in order to conform to the Storm Water Management and Flood Control Ordinance.*

*This plan was originally approved on May 6, 2013. Due to circumstances beyond my control, I was unable to proceed with executing the plan in a timely manner and the Variance expired. I am currently working closely with the Community and Housing Development Department to rehabilitate these blighted properties and add to the*

*affordable housing stock. To this end I respectfully request an approval of this Variance request.*

As mentioned in the applicant's statement, the applicant has been collaborating with the City's Community and Housing Development Department to help improve this area of the city and to help preserve the existing shotgun-style housing prevalent in the early 1900s.

It should be pointed out that special conditions appear to exist as a minimum of five (5) individual dwellings have existed on the site since at least 1960, per historic aerial photographs. As such, it would seem that the use of the property for only one single-family dwelling would be impracticable due to the existence of the multiple structures on the property.

In regards to the planned improvements to the site, the proposed 24' x 58' covered area will comply with all required setbacks. The proposed gravel drive, maneuvering and parking area will be lined with timber, located in the rear of the property and be enclosed by a 6' high wooden privacy fence – the provision of bumper stops should be required for all parking spaces within and adjacent to the proposed structure. The applicant is also proposing trees and a sidewalk along Prichard Avenue West. These proposed improvements would not seem contrary to the public's interest and would actually appear to provide substantial justice to this site and surrounding community.

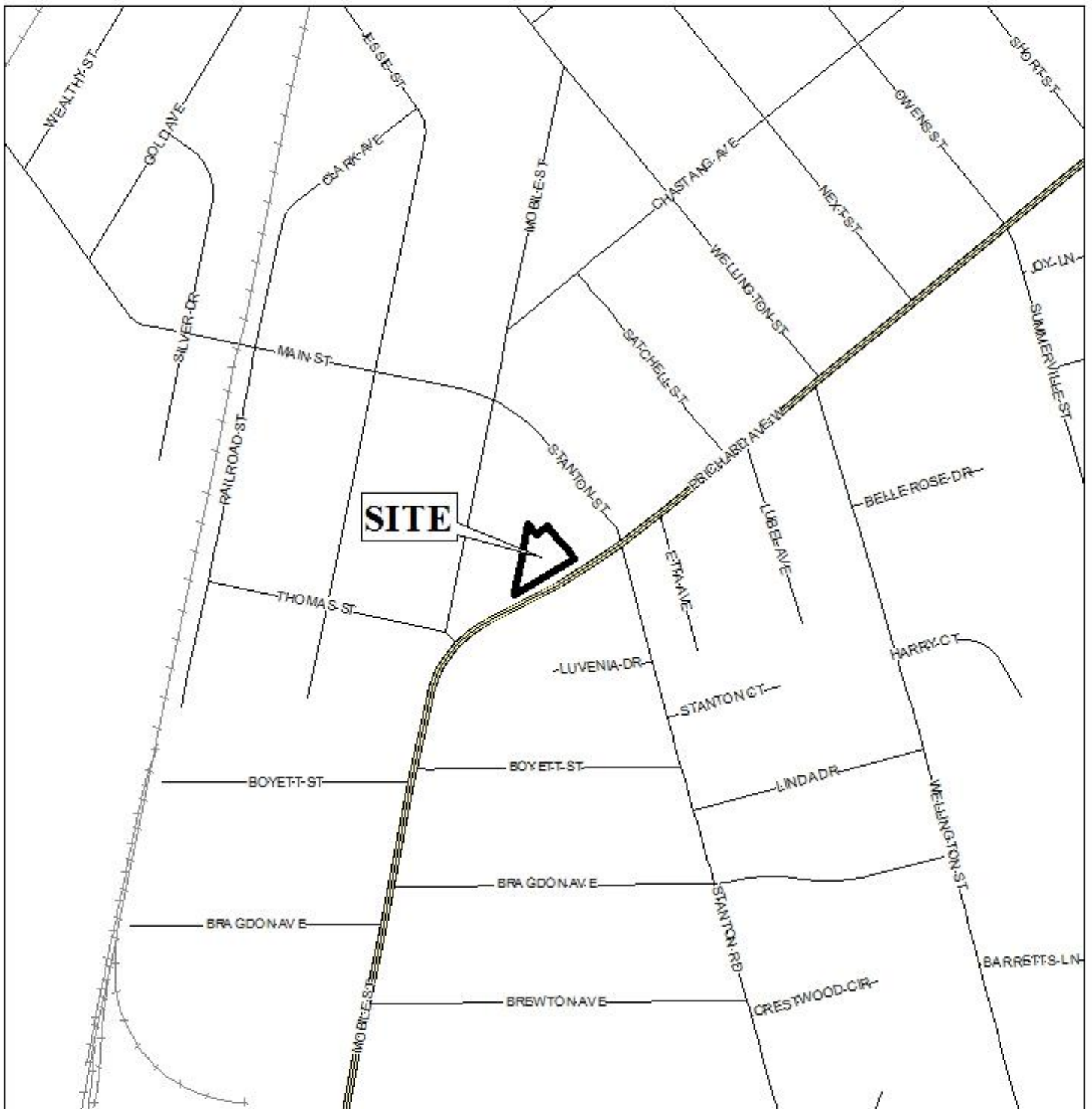
**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

- 1) Approving the variance request will not be contrary to the public interest because historic structures will be renovated and brought back into service as housing stock;
- 2) Special conditions appear to exist since the current number of dwellings and multi-family use has existed on the site since at least 1960, that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance with the provision of improvements to the existing structures and site to consist of a sidewalk, bumper stops, and trees, as the renovations and improvements to the site will provide a historical and architectural link to the past.

The approval is subject to the following conditions:

- 1) Obtainment of the proper building-related permits;
- 2) Provision of parking bumpers or wheel stops for all parking spaces; and
- 3) Full compliance with all other municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 5970 DATE June 1, 2015  
APPLICANT Lyn A. McDonald  
REQUEST Use, Multiple Dwellings, and Surface Variances



# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6





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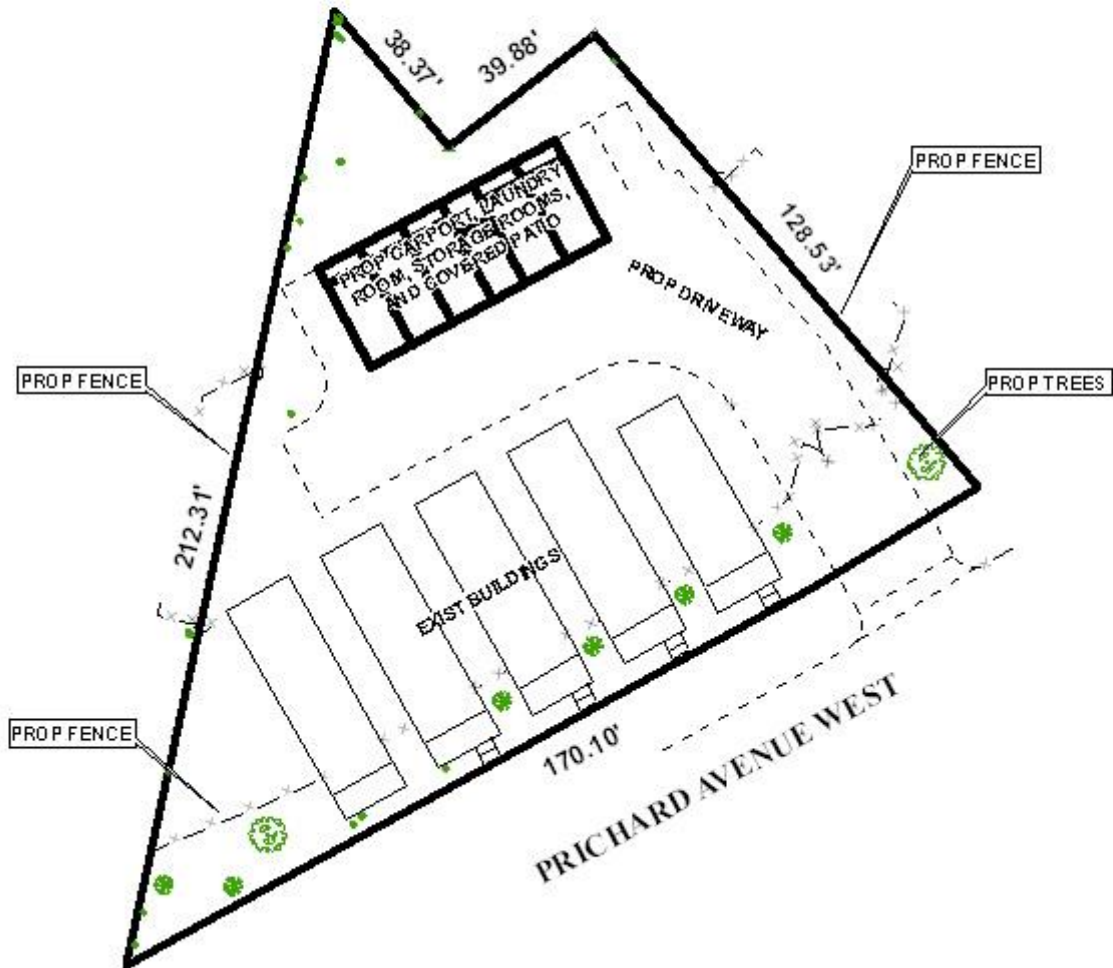
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# SITE PLAN



The site plan illustrates the dwellings, and fences.

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