

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 1, 2017**

<u>CASE NUMBER</u>	6103
<u>APPLICANT NAME</u>	James Donald Guy
<u>LOCATION</u>	3917 McGregor Court (South side of McGregor Court, 285'± West of South McGregor Avenue).
<u>VARIANCE REQUEST</u>	FRONT YARD SETBACK VARIANCE: Front Yard Setback Variance to allow a structure within 20' of a front yard property line in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	FRONT YARD SETBACK VARIANCE: The Zoning Ordinance requires at least a 25' front yard setback in an R-1, Single-Family Residential District.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	0.17±Acres
<u>CITY COUNCIL DISTRICT</u>	District 5
<u>ENGINEERING COMMENTS</u>	No comments.
<u>TRAFFIC ENGINEERING COMMENTS</u>	No traffic impacts anticipated by this variance request.
<u>URBAN FORESTRY COMMENTS</u>	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 2015-116 and City Code Chapters 57 and 64).
<u>ANALYSIS</u>	The applicant is requesting a Front Yard Setback Variance to allow a structure within 20' of a front yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least a 25' front yard setback in an R-1, Single-Family Residential District.

The Zoning Ordinance further 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 states the following regarding the variance requests:

Project Proposal: Replace the small front porch stoop and small overhang (photos provided) at the location of the front door with a small porch. The width is to be the same as the width of the current stoop. The proposed structure is to extend no more than 6'-0" from the front of the house – architectural drawings, with details and dimensions are to be submitted.

Background Narrative: My name is James Donald Guy, my wife's name is Sandra Martin Guy. We purchased our home on January 10th 2014. Prior to moving into our home, we had the wood floors refinished and all interior walls, cabinets, trim etc. repainted. It was apparent that there was some normal weathering of the exterior lap siding, so our plan was to replace any deteriorated siding and have the house painted later. The one exception was the exterior of the front door, which was severely weathered and was showing some decay. The exterior front doors were removed, sanded, repaired and repainted.

Recently, we began the project to update the exterior of our home. Damaged siding was replaced and the entire exterior of our home was painted. Early during this project, it was suggested the exterior front door be replaced. Having noticed the continued deterioration of the front door we began to research the history of the front doors. Approximately ten years ago, a single door with sidelights was removed and replaced with the current doors.

The existing damaged front door cannot just be repaired, sanded, painted nor replaced. Mitigation is the only solution to the extreme weathering of the current entrance door. E.C. Latham & Company was consulted regarding the entrance door situation of our Home. Mr. Latham reviewed the project and made suggestions and provided beautiful drawings of our Home with a small porch, the same width as the current stoop, with a pitched roof that will divert the water away from the entrance and add aesthetic value to our Home. The projected structure will not only divert water from the entrance, but will also add to the design of our Home.

As stated, the applicant wishes to reconstruct the front porch stoop on the façade of his property to match the dimensions and configuration of the existing front porch stoop. The proposed front porch stoop will measure 6' W x 10'-7" L x 1'-2" H according to the provided site plan, and will extend approximately 5' into the 25' minimum front building setback area. The applicant stated the he is proposing to replace both the double front entry door and the front porch stoop to alleviate issues that appeared during the exterior renovation of his home. Although the applicant is proposing to construct a new front porch stoop to match the existing dimensions and profile of the existing front porch stoop, the Zoning Ordinance requires a minimum front setback distance of 25' from the front property line for all structures located within an R-1, Single-Family Residential District.

It should be mentioned that the purpose of setbacks, specifically front yard setbacks, is to provide a reasonable distance to separate structures from abutting streets. Additionally, front setbacks also aid in allowing adequate amounts of light and air to reach individual properties, they provide a certain level of privacy to property owners, they aid in reducing hazards related to line of sight, they provide a favorable aesthetic quality in residential and commercial districts, and they provide space for future street widenings, which all help to promote and protect the general health, welfare, and safety of the citizens of Mobile.

The applicant purports that the existing front door cannot merely be "*repaired, sanded, painted nor replaced,*" due to extensive weathering of the door, but that a new double front door system must be provided. Although the existing front door may be damaged beyond repair, the existing front door and existing awning can be replaced without having to install a new front porch stoop. The proposed gabled roof structure supported by wooden columns and a new brick veneer front porch stoop would be in keeping with the aesthetic character of the residence; however, the construction of the new front porch stoop does not negate the fact that the structure will encroach approximately 5' into the 25' front yard setback area. The new wooden columns and gable roof may require a reworking of the front porch stoop and foundational support system; however, the applicant has not satisfactorily presented the facts or provided any information as it pertains to the structural system of the proposed front porch stoop.

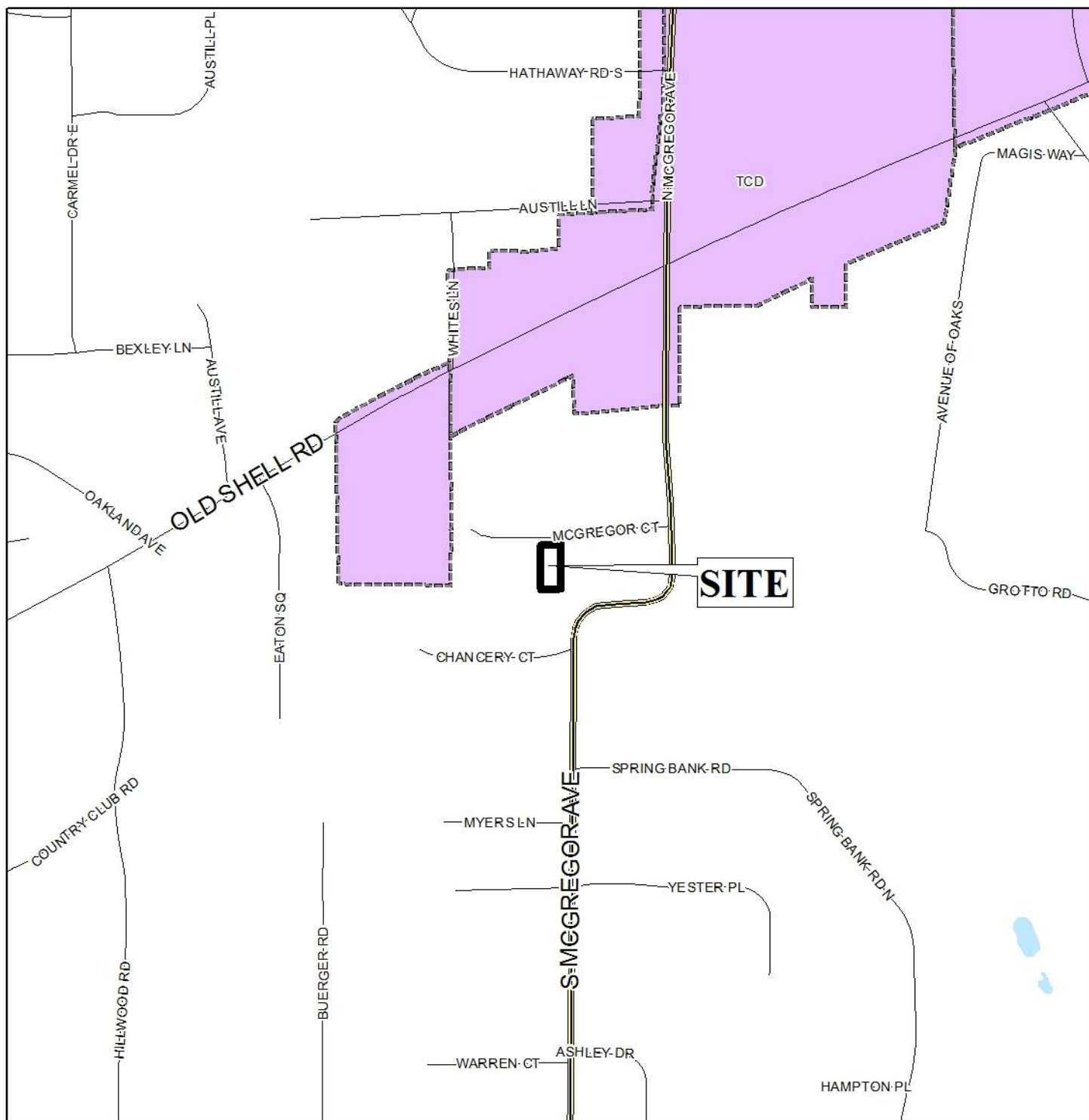
It should be noted that variance approvals for reduced setbacks are not uncommon within this area. For instance, at the Board of Zoning Adjustment's November 1, 1976 meeting, the Board approved a variance request to allow reduced side yard and rear yard variances to allow the construction of an open carport for an adjacent property located to the West of the subject site. Then at the Board of Zoning Adjustment's October 6, 2008 meeting, the Board approved another variance request to allow the construction of a storage shed within 3.1' of the side property line for a property located to the East of the subject site. The Zoning Ordinance requires a minimum setback distance of 8', with a combined total of 20', for all structures located from side yard property lines. Subsequently, at the Board of Zoning Adjustment's August 1, 2011 meeting, the Board approved a variance request to allow the construction of a 560 square feet detached carport within 3.4' of the rear property line; the Zoning Ordinance requires a minimum rear yard setback distance of 8' for all structures. However, no front setback variances have been requested.

It appears, in this case, that a literal enforcement of the Zoning Ordinance may result in an unnecessary hardship as the front porch stoop is needed in order to access the residence. Even if the footprint of the stoop was decreased to the minimum size allowed by the building code, the proposed front porch stoop would still encroach within the 25' front yard setback area. Additionally, the 6' W x 10'-7" L x 1'-2" H stoop dimensions are needed, not just from a purely aesthetic perspective to accommodate the double front entry door, but to ensure that the front porch stoop provides a sufficient rise and run for the steps/landing as required by the building code so that the owner and his guests are able to safely enter and exit the residence. The applicant's front yard setback variance request may be one of both want and necessity.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) Based on the fact that a hardship regarding reduced front yard setbacks to allow the construction of a new front porch stoop was presented, and that the front porch stoop will be constructed to match the dimensions and configuration of the existing front porch stoop, granting the variance will not be contrary to the public interest;
- 2) Special conditions do appear to exist and there is a justification of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the applicant cannot access the front entry to the residence without the aid of a front porch stoop; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because similar variance requests for reduced setbacks have been granted in the past.

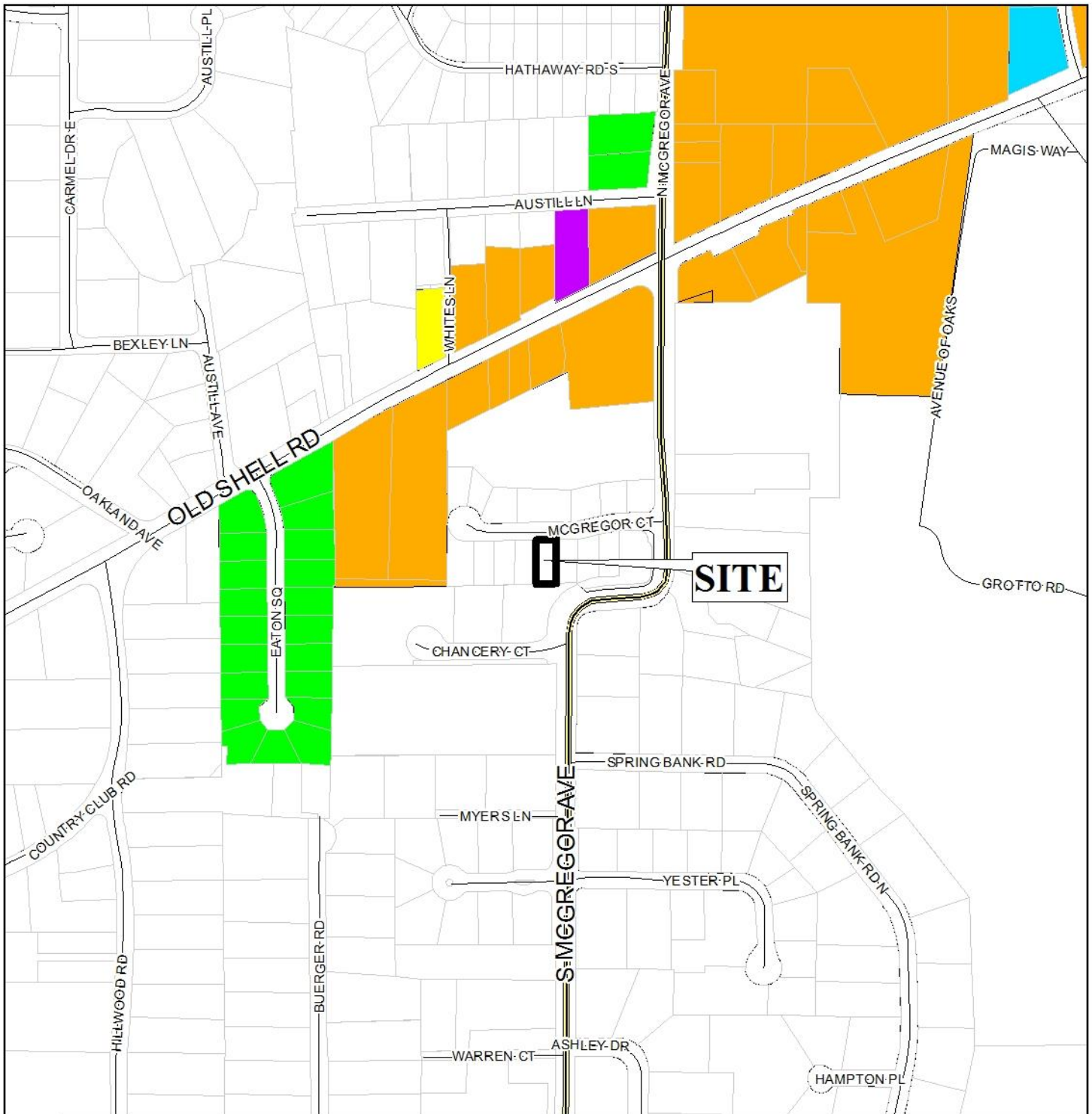
LOCATOR MAP



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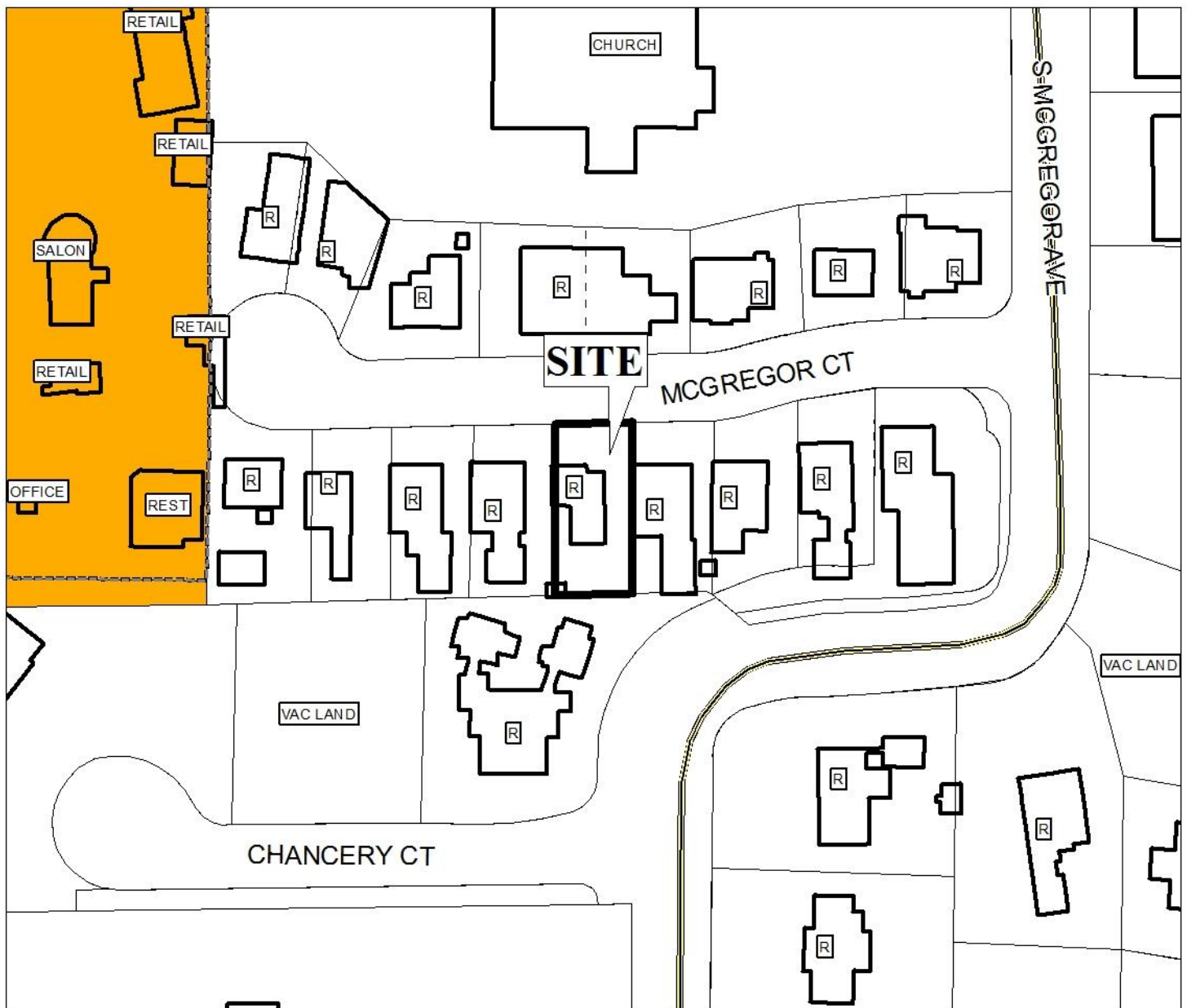
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units. Commercial units are located to the northwest.

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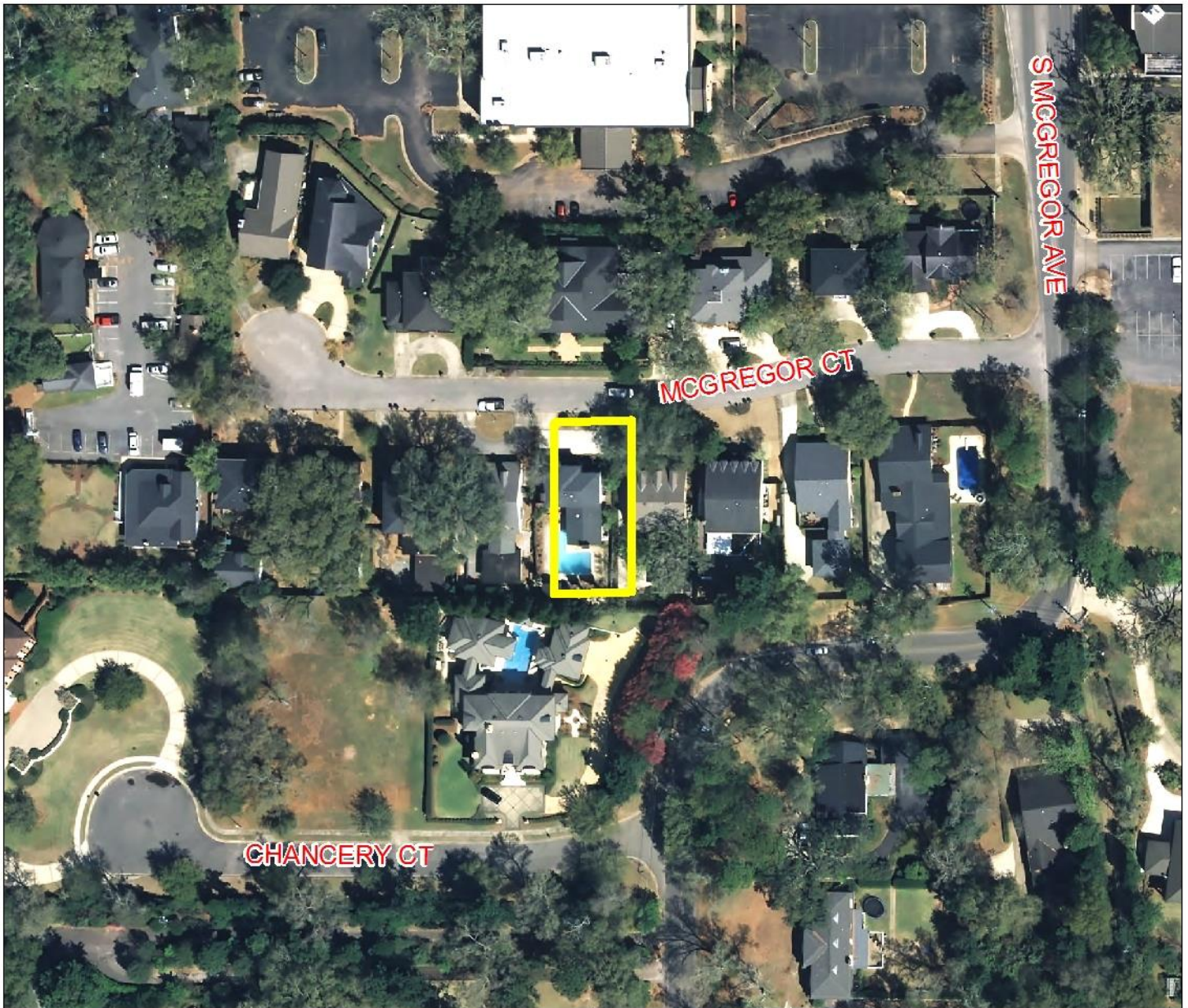
APPLICANT James Donald Guy

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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



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units. Commercial units are located to the northwest.

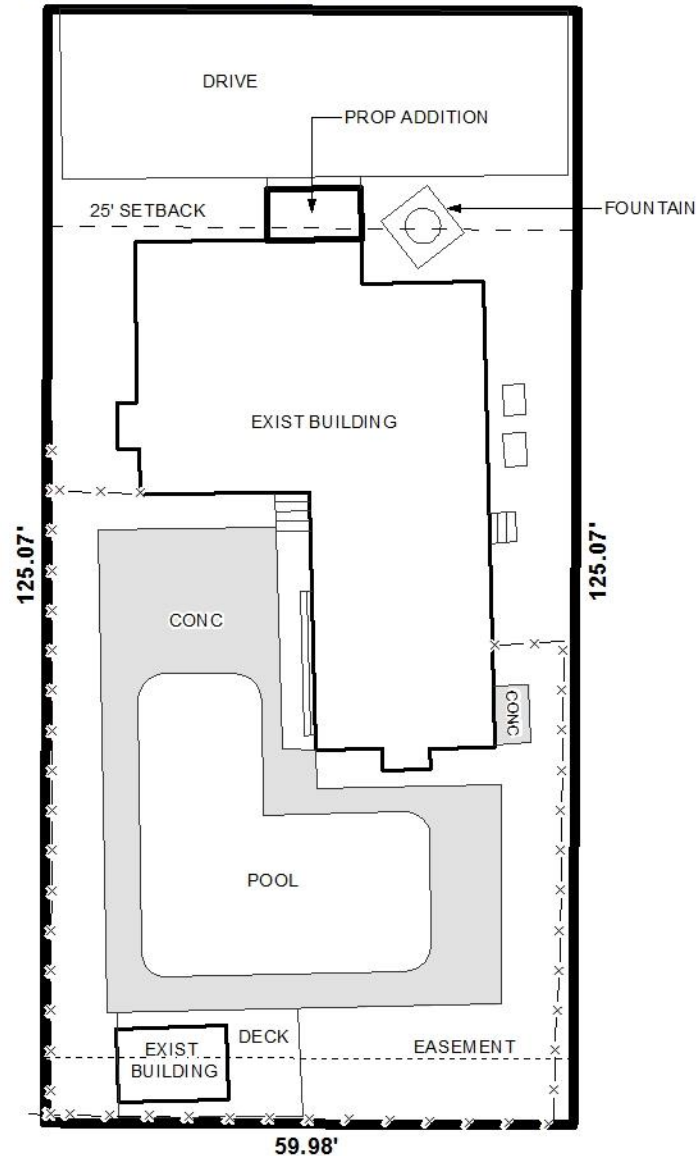
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SITE PLAN

MCGREGOR CT 50' R/W

59.98'



The site plan illustrates the existing buildings, drive, setback, and proposed addition.

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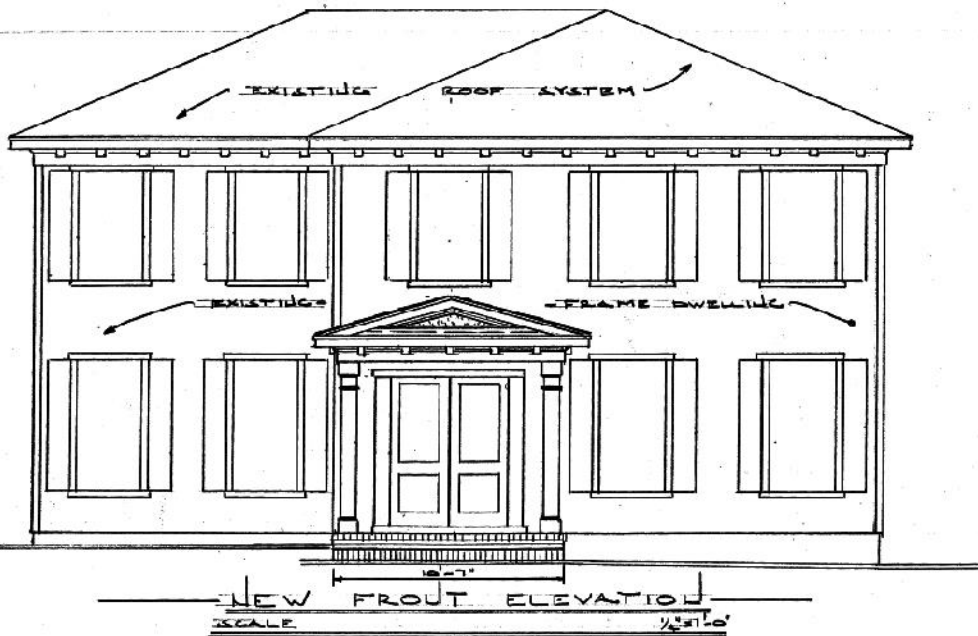
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DETAIL SITE PLAN

2917 MCGREGOR COURT
MOBILE ALABAMA



SHINGLES TO MATCH
EXISTING DWELLING

FASCIA TO
MATCH EXIST.
DWELLING

6" DIA. FIN.
WOOD
COLUMN

BRICK VEEGER
TO MATCH
EXISTING

NEW SIDE ELEV.
SCALE 1/4"=1'-0"

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NTS