

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 7, 2019****CASE NUMBER**

6284

APPLICANT NAME

Leonard H. and Belinda C. Metzger

LOCATION4232 The Cedars
(Northwest corner of The Cedars and Dilston Lane Avenue)**VARIANCE REQUEST****SETBACK VARIANCE:** To allow reduced setbacks for an addition in an R-1, Single-Family Residential District.**SITE COVERAGE VARIANCE:** To allow increased site coverage for an addition in an R-1, Single-Family District.**ZONING ORDINANCE
REQUIREMENT****SETBACK VARIANCE:** The Zoning Ordinance requires eight (8) foot minimum side and rear yard setbacks in an R-1, Single-Family Residential District.**SITE COVERAGE VARIANCE:** The Zoning Ordinance allows a maximum 35% site coverage in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

0.21 ± Acres

**CITY COUNCIL
DISTRICT**

District 7

**ENGINEERING
COMMENTS**

No Comments.

**TRAFFIC ENGINEERING
COMMENTS**

No traffic impacts anticipated by this variance request.

**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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will

require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

ANALYSIS

The applicant is requesting a Side and Rear Yard Setback Variance as well as a Site Coverage Variance to allow the construction of a 720 square foot addition in the Northwest corner of the subject property. The Zoning Ordinance requires eight (8) foot minimum side and rear yard setbacks, and a maximum 35% site coverage in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single family housing unit, detached or semidetached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 states:

Description of Use and Proposed Improvements: The current use is a single-family residential structure containing approximately 2650 square feet in a single-story structure. Owner proposes to construct an addition to the current structure for a handicap accessible bedroom and bath containing approximately 720 square feet. Owner proposes to initiate construction immediately.

The current structure was built in the late 1940's, prior to the establishment of current side and rear yard requirements, and is therefore situated 4.5 feet from the west property line. The proposed addition would extend the depth of the current structure along the current 4.5 foot side yard setback. Further, the addition would extend to a point 5 feet from the north property line, the rear yard, which abuts the Old Springhill Cemetery. The total area to be added is approximately 720 square feet and would expand the square footage of the current structure to approximately 3370 square feet. The additional square footage requires a variance for total site coverage.

When completed, the total structure would remain compatible in size, use, and appearance with all neighboring properties. Many of the adjacent and neighboring structures are 2- story residential homes with square footage in excess of the subject property following the proposed addition.

Landscaping: The current single family home is heavily landscaped on all sides. The current landscape plan would be expanded and modified to maintain the appearance of the current plan.

As stated, the applicant is seeking relief from the Zoning Ordinance to allow the construction of a 720 square foot addition to an existing structure. As proposed the addition would be constructed within the required eight foot side and rear yard setback as well as cause the site coverage to exceed the requirement of 35%. It should be noted that the existing site coverage is approximately 48.7%, and will be approximately 57.8% with the proposed addition. It is not uncommon for the properties in this area to exceed the allowed site coverage.

Regarding the setback requests, the Board has approved variances for reduced side and rear setbacks in the area before; where the properties abutted the MAWSS Spring Hill reservoir. While this site does not abut the reservoir, it is adjacent to a cemetery. As the proposed setbacks are in keeping with the neighborhood as well as previous board approvals, the subject request

may be appropriate. It should be noted that any structure less than five feet from the property line must be fire rated.

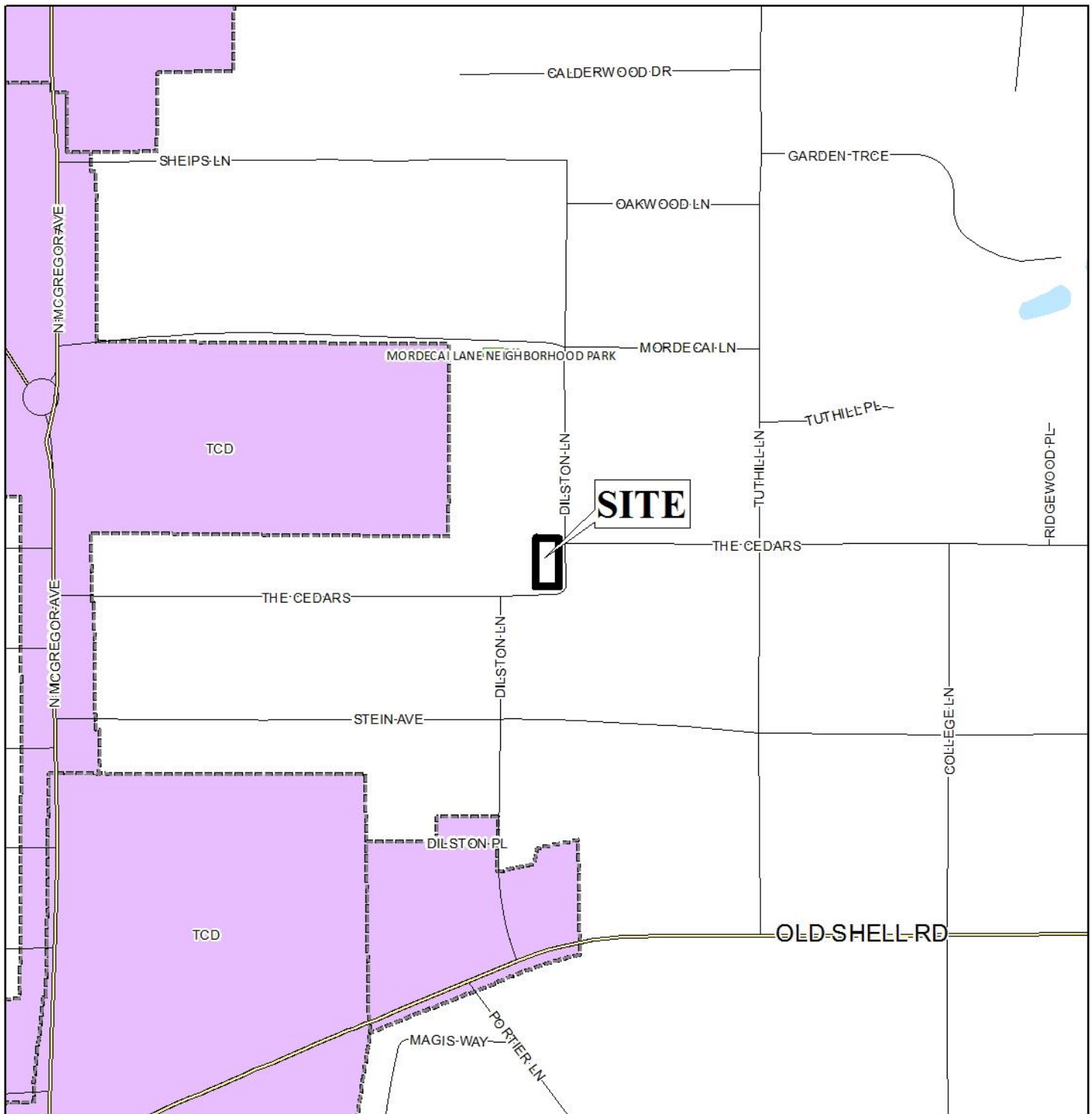
RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approved:

- 1) Granting the variance will not be contrary to the public interest in that, similar variances have been approved on nearby properties;
- 2) Special conditions were illustrated such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship; 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 the request is in line with similar requests that have been approved within the neighborhood.

The approval is subject to the following conditions:

- 1) provision of gutters and downspouts; and
- 2) full compliance with all municipal codes and ordinances

LOCATOR MAP



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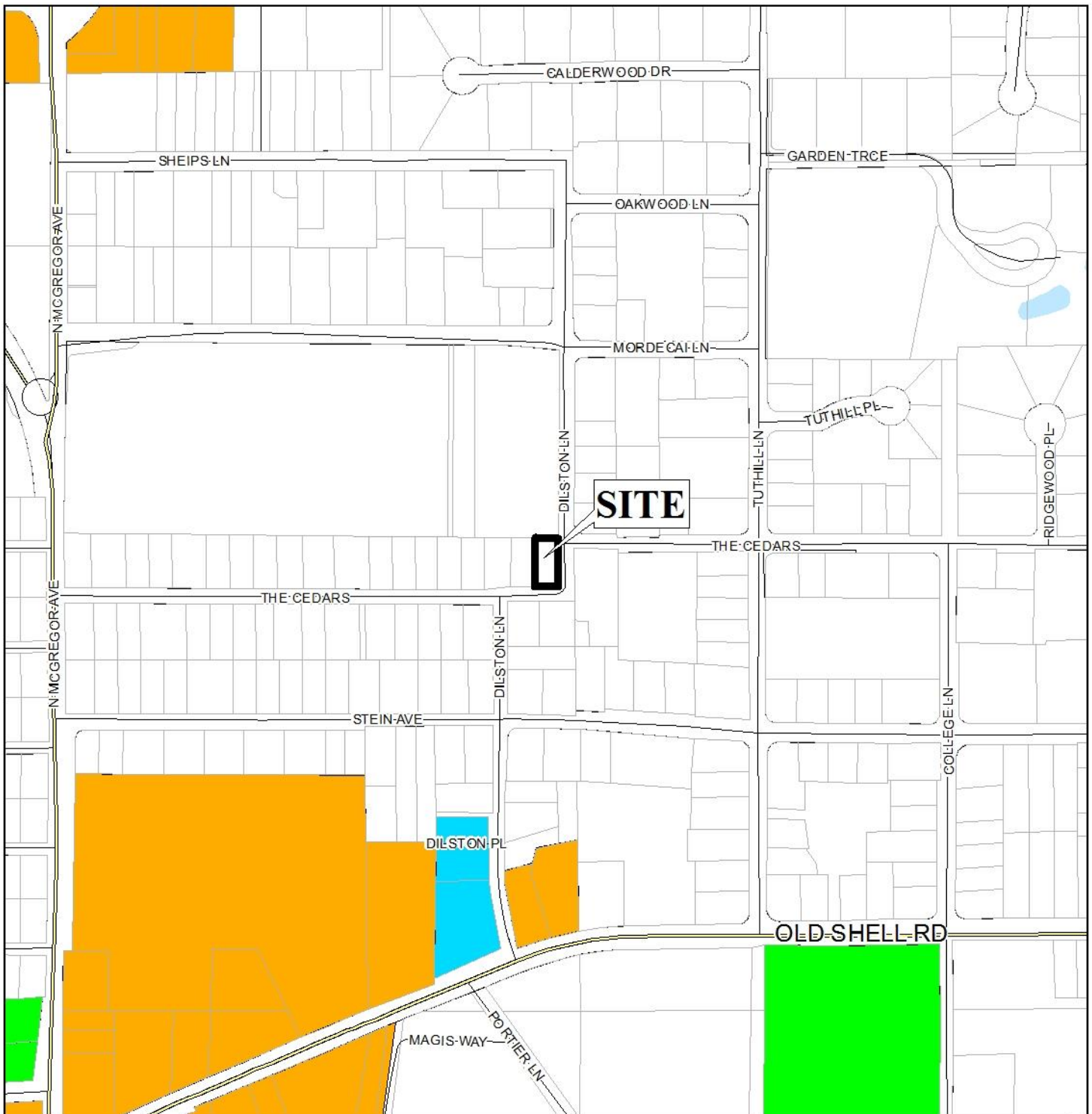
APPLICANT Leonard H & Belinda C. Metzger

REQUEST Setback and Site Coverage Variances



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LOCATOR ZONING MAP



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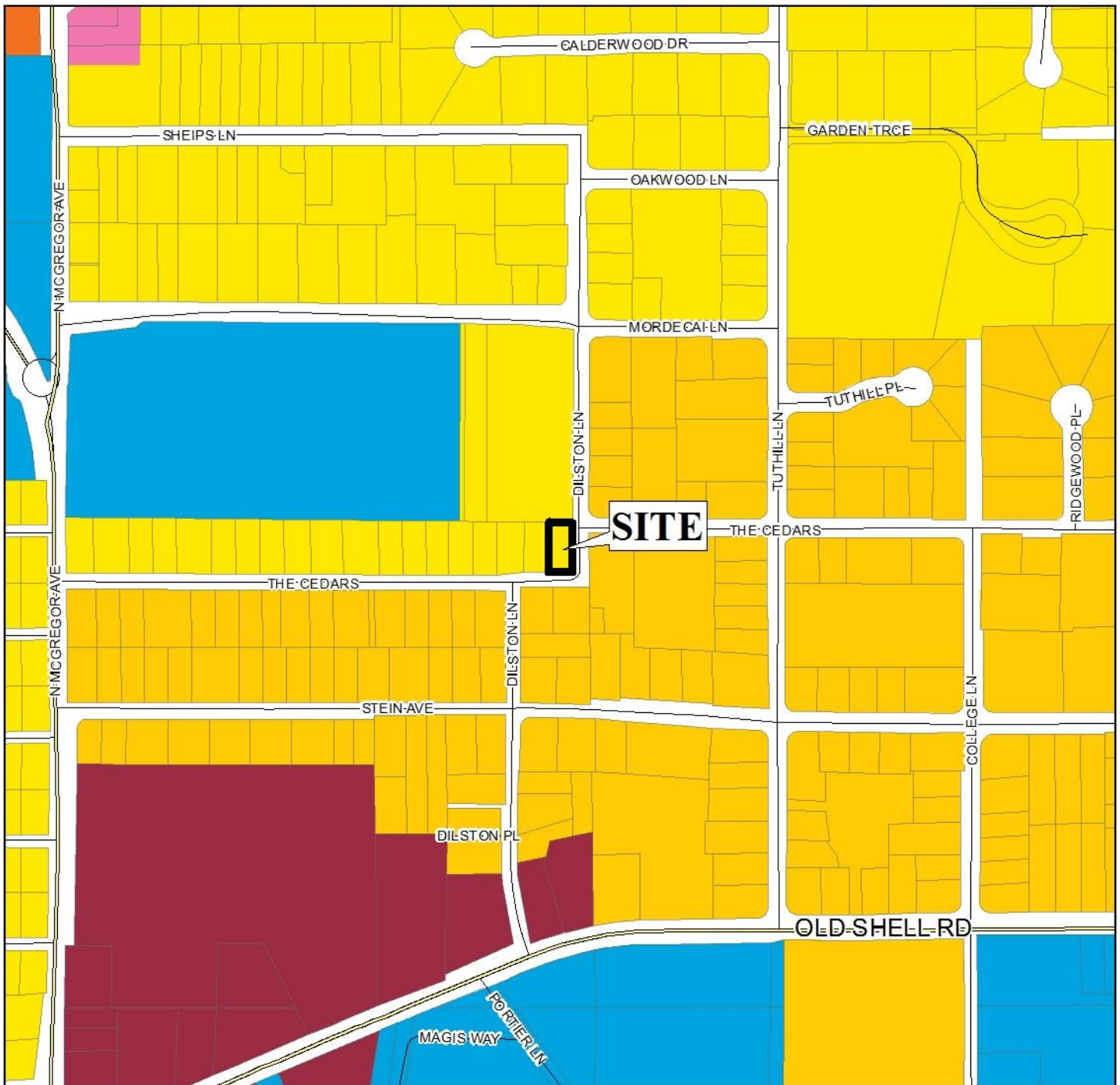
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FLUM LOCATOR MAP



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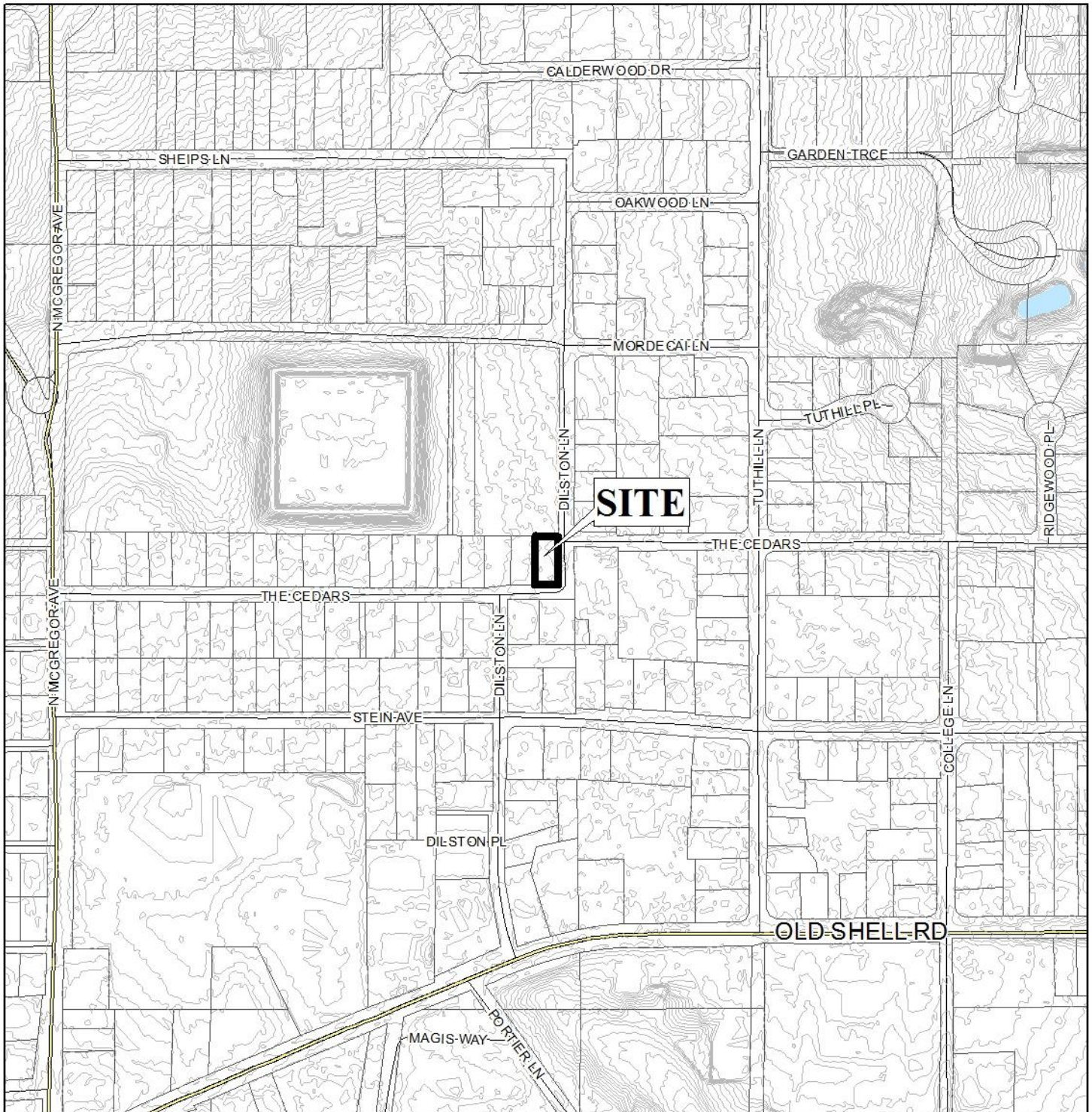
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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units. A cemetery lies north of the site.

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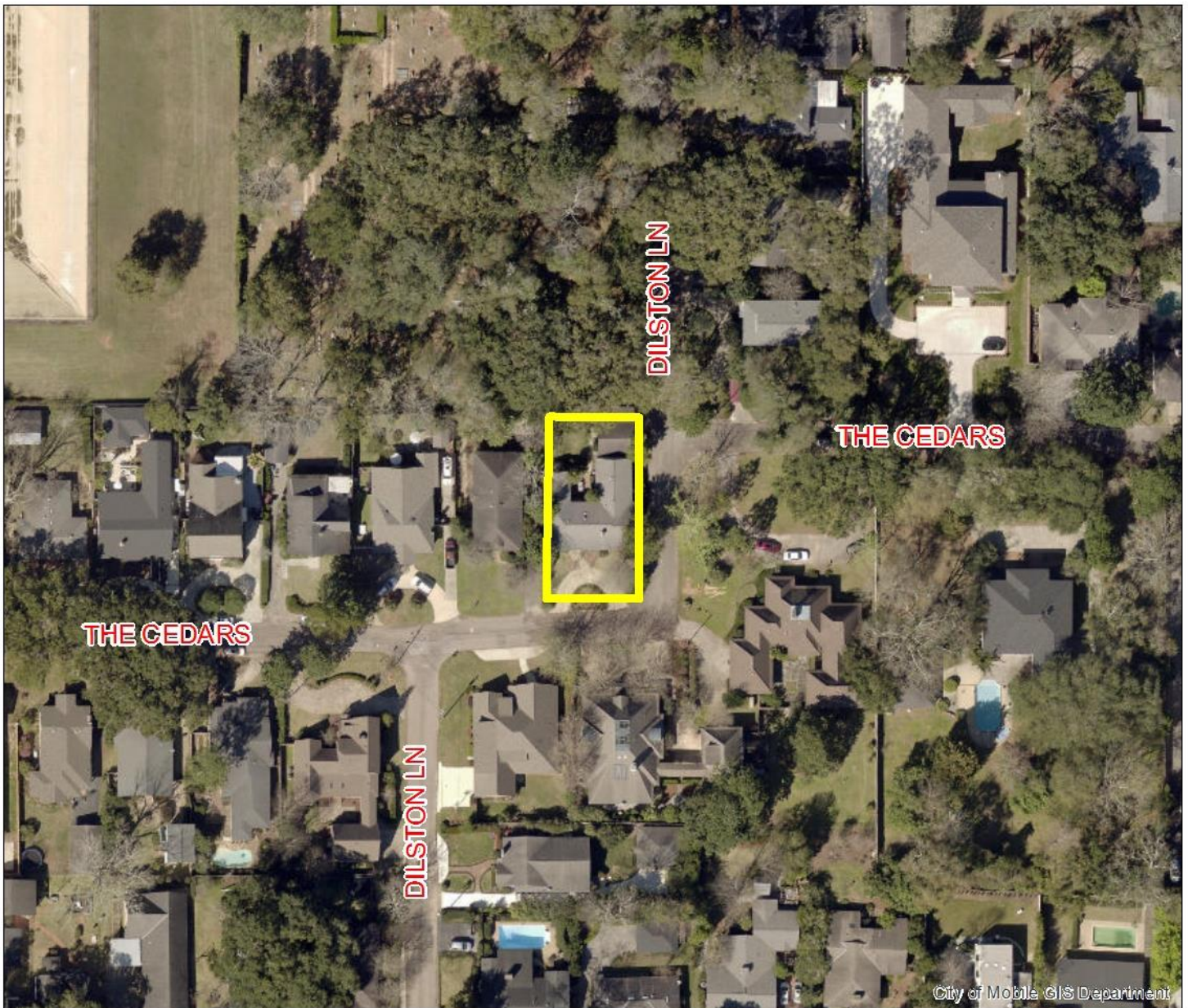
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 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

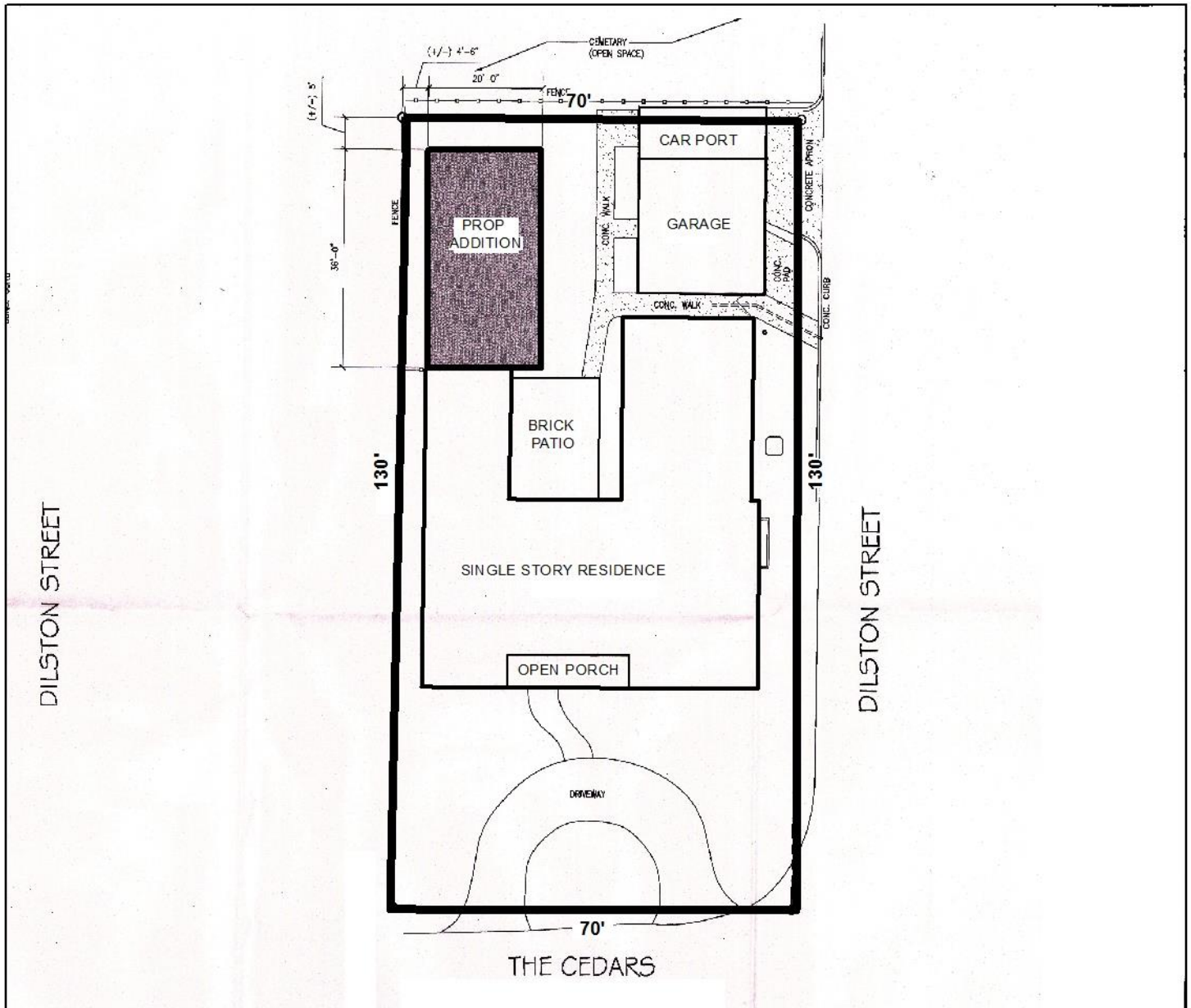


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SITE PLAN



The site plan illustrates the existing residence, garage, and proposed addition,

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