

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: March 1, 2021

CASE NUMBER 6370/6353/6156

APPLICANT NAME Dr. Dan Buckley

LOCATION 3535 Spring Hill Avenue
(South side of Spring Hill Avenue extending to the North side of Irene Street; 293'± West of Avalon Street)

VARIANCE REQUEST **USE:** Use and Front Setback Variances to allow a second dwelling on a single lot with a reduced front setback in an R-1, Single-Family Residential District.

ZONING ORDINANCE REQUIREMENT **USE:** The Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot and requires a minimum 25' front setback from all frontages in an R-1, Single-Family Residential District.

ZONING R-1, Single-Family Residential

AREA OF PROPERTY 1.2± Acre

ENGINEERING

COMMENTS USE VARIANCE (2 dwelling units):

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

FRONT YARD VARIANCE:

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

TRAFFIC ENGINEERING

COMMENTS

No comments.

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 DEPARTMENT

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).

CITY COUNCIL

DISTRICT

District 7

ANALYSIS

The applicant is requesting Use and Front Setback Variances to allow a second dwelling on a single lot with a reduced front setback in an R-1, Single-Family Residential District; the Zoning Ordinance limits the number of dwelling units to a maximum of one (1) per lot and requires a minimum 25’ front setback from all frontages in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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.

At its meeting on December 21, 2017, the Planning Commission approved a one-lot subdivision request for the subject site which illustrated a 12-foot side street side yard setback along the Western property line. As was conditioned by the subdivision approval, a Setback Variance request was approved by the Board of Adjustments at its February 5, 2018 meeting to allow construction of a freestanding garage thus, granting the reduced setback along the Western property line. The applicant had proposed to have a second dwelling above the garage in 2018, but was advised it was not allowed. Consequently, at its meeting on November 2, 2020 the Board of Adjustments approved a Use Variance to allow a second dwelling to be constructed above the proposed garage.

However, the site plan used to approve the November 2020 Use Variance and Building Permit was later determined to be inaccurate as it did not account for the 8.5' of right-of-way dedicated on the North side of Irene Street, a condition of the December 2017 Subdivision. Because of this, and the location of the proposed garage apartment, a Front Setback Variance is needed to allow the

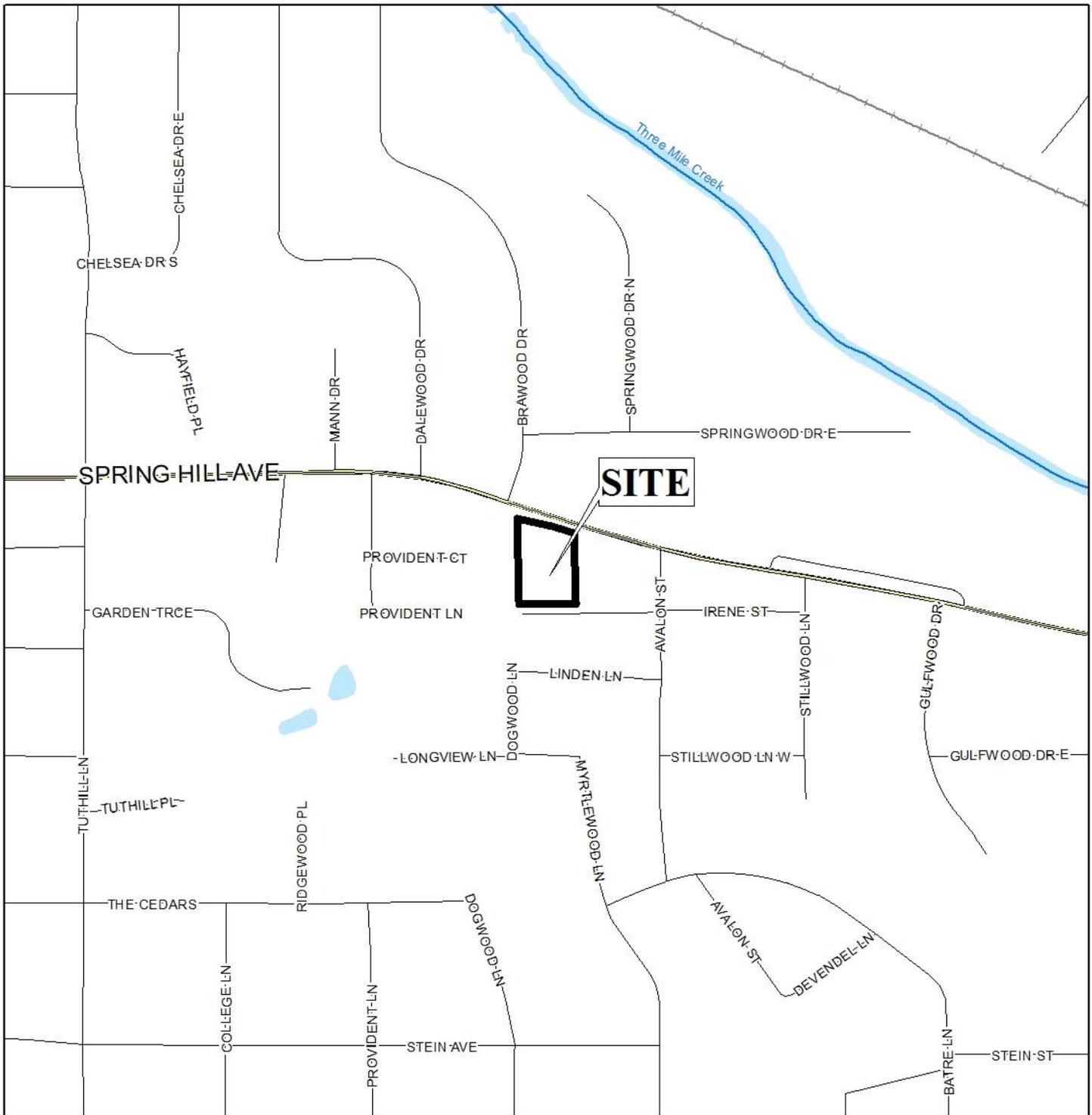
proposed development to be located 16.5' from the property line off Irene Street; hence the current application.

The site plan submitted with this application illustrates both a proposed primary dwelling and garage with apartment. While it is the intent of the applicant to eventually build both structures, they plan to construct the garage with a second-floor dwelling first, and the primary dwelling at a later time. The building plans submitted with the November Use Variance application indicate the 1,260± square foot living area to include a full kitchen, three (3) bedrooms, two (2) baths, a utility room, a large living room, and a two (2) car garage.

As illustrated, the Board has previously granted a Side Setback Variance to the site, the applicant is now requesting a Front Setback Variance on a double fronting lot.

RECOMMENDATION: Based on the preceding, staff recommends that the Board consider all relevant facts prior to making a decision.

LOCATOR MAP



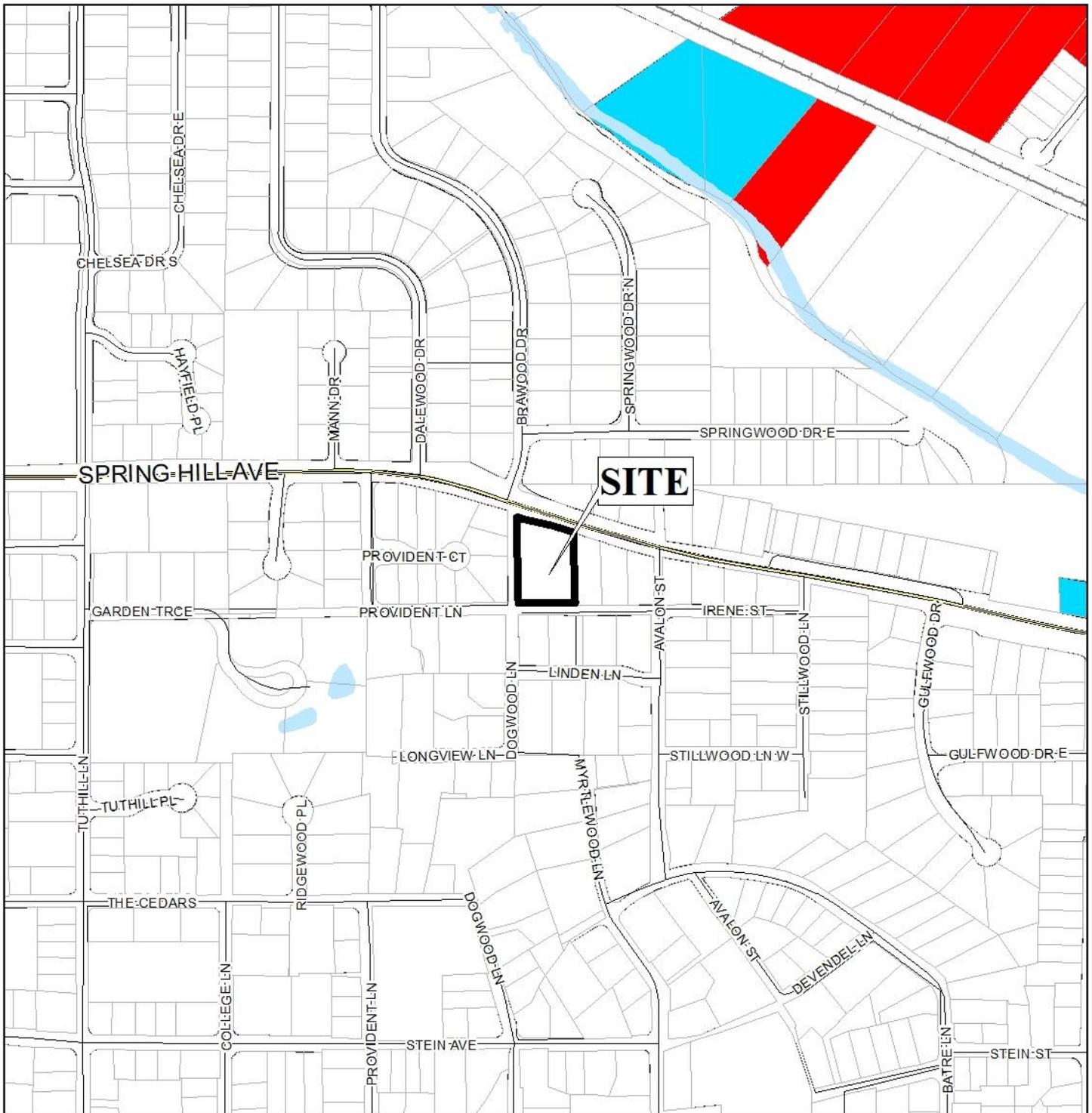
APPLICATION NUMBER 6370 DATE March 1, 2021

APPLICANT Dan Buckley

REQUEST Use and Setback Variances



LOCATOR ZONING MAP

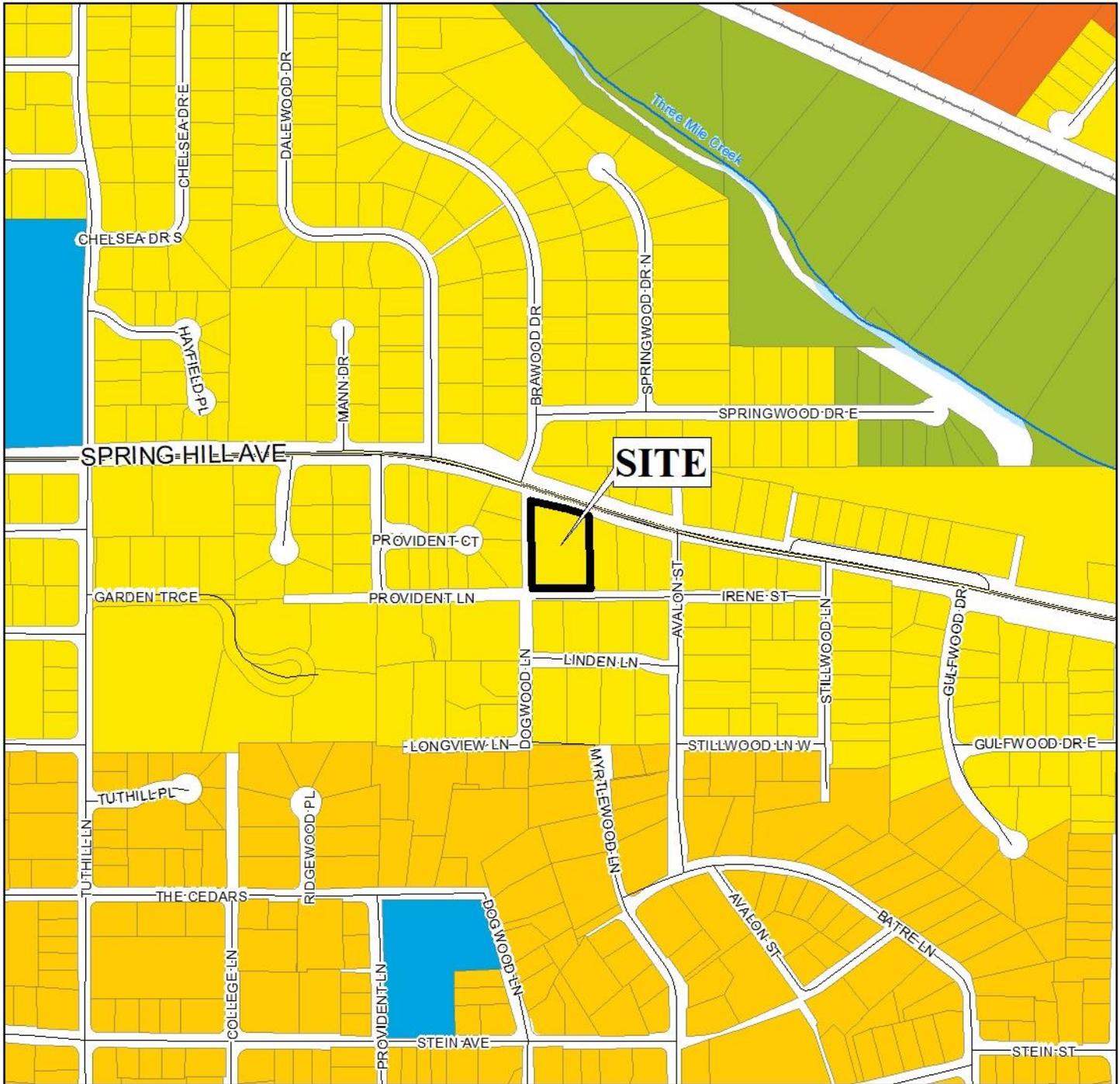


SITE

APPLICATION NUMBER 6370 DATE March 1, 2021
APPLICANT Dan Buckley
REQUEST Use and Setback Variances



FLUM LOCATOR MAP



APPLICATION NUMBER 6370 DATE March 1, 2021

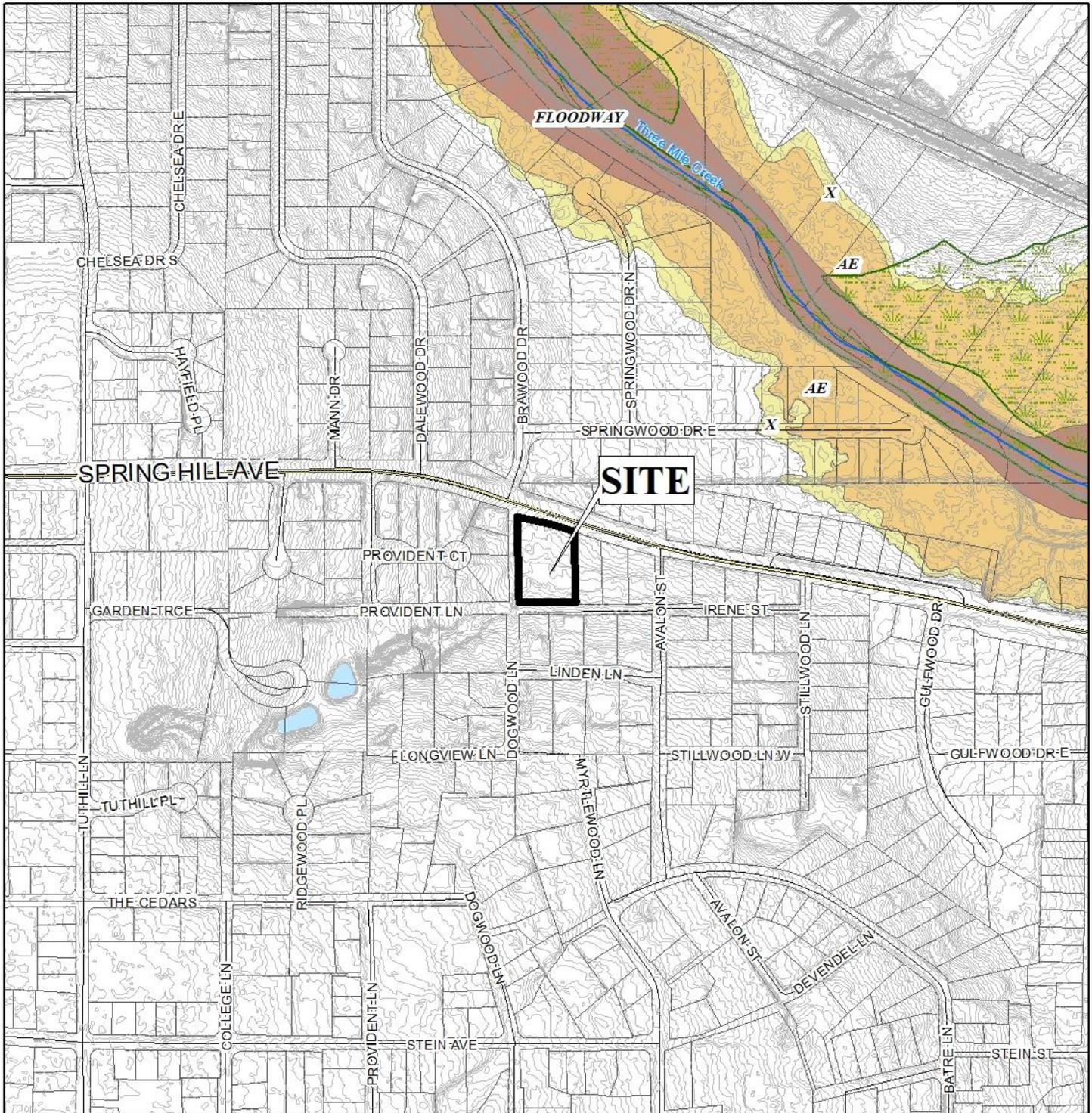
APPLICANT Dan Buckley

REQUEST Use and Setback Variances

- | | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| 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



APPLICATION NUMBER 6370 DATE March 1, 2021

APPLICANT Dan Buckley

REQUEST Use and Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 6370 DATE March 1, 2021

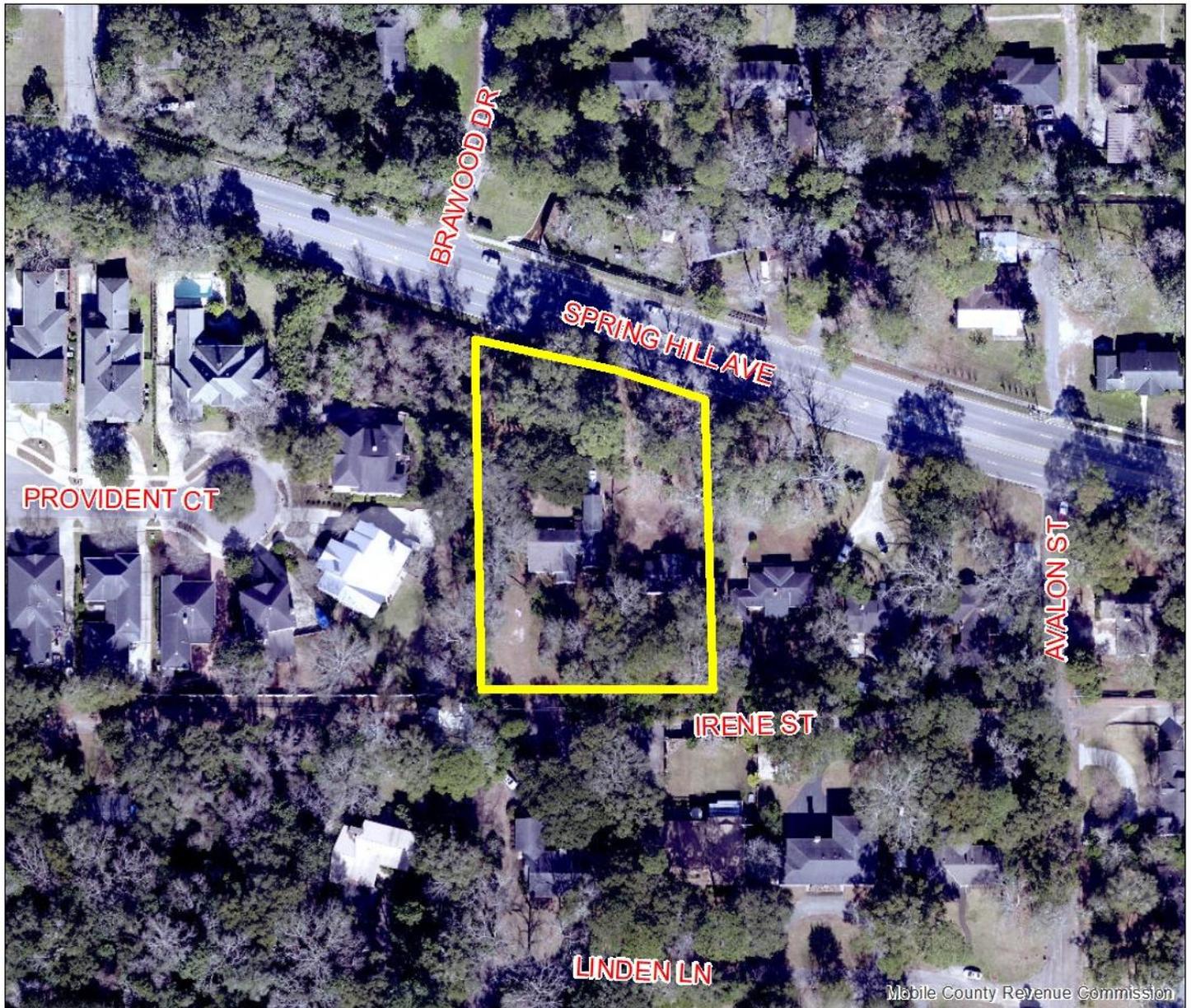
APPLICANT Dan Buckley

REQUEST Use and Setback Variances

 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 single family residential units.

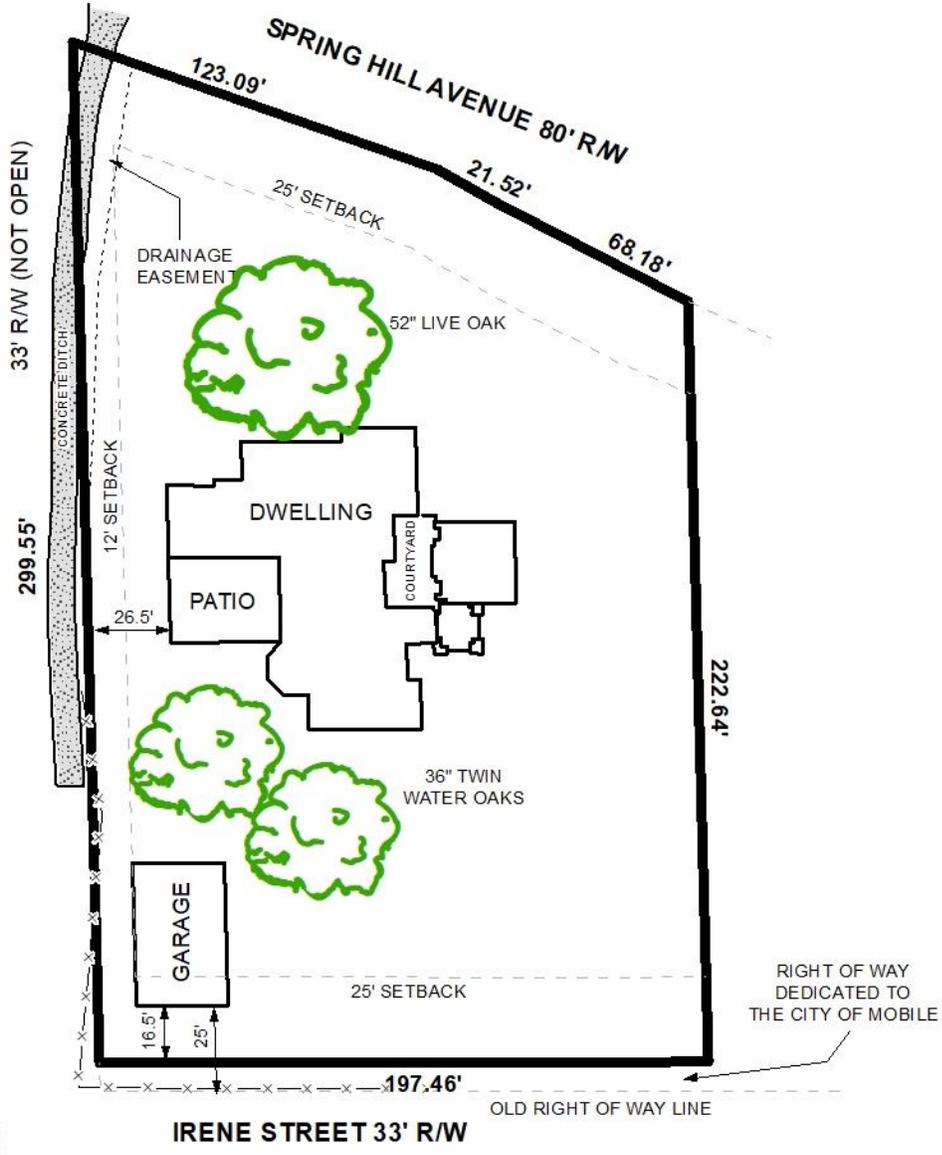
APPLICATION NUMBER 6370 DATE March 1, 2021

APPLICANT Dan Buckley

REQUEST Use and Setback Variances



SITE PLAN

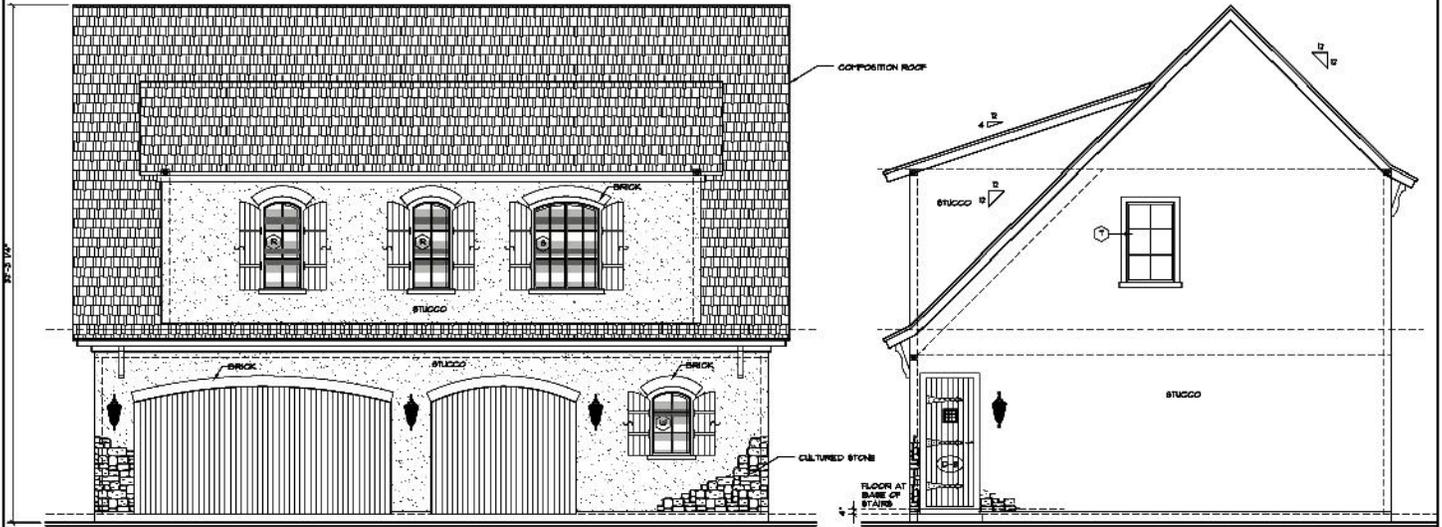


The site plan illustrates existing dwelling, setbacks and easement.
As well as a proposed garage and setback.

APPLICATION NUMBER 6370 DATE March 1, 2021
 APPLICANT Dan Buckley
 REQUEST Use and Setback Variances

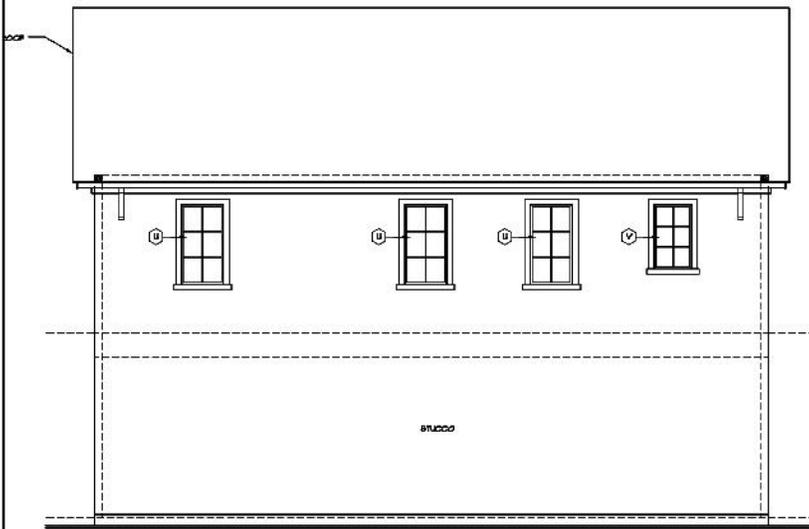


DETAIL SITE PLAN

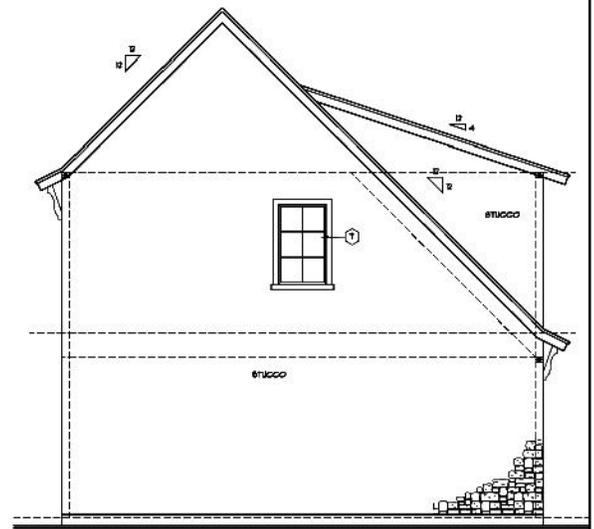


FRONT ELEVATION
14'-11" x 24'-0"

RIGHT ELEVATION
14'-11" x 24'-0"



REAR ELEVATION
14'-11" x 24'-0"



LEFT ELEVATION
14'-11" x 24'-0"

APPLICATION NUMBER 6370 DATE March 1, 2021

APPLICANT Dan Buckley

REQUEST Use and Setback Variances

