

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 20, 2021****CASE NUMBER**

6410

APPLICANT NAME

Pete J. Vallas, AIA

LOCATION

408 Pine Court
(East side of Pine Court, 380'± South of the East terminus
of Winslow Drive).

VARIANCE REQUEST

SIDE YARD SETBACK: To allow a garage within the
required side yard setback in an R-1, Single-Family
Residential District.

COMBINED SIDE YARDS SETBACK: To allow a
garage with reduced combined side yard setbacks in an R-1,
Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

SIDE YARD SETBACK: The Zoning Ordinance requires
all structures to meet the required side yard setbacks in an R-
1, Single-Family Residential District.

COMBINED SIDE YARDS SETBACK: The Zoning
Ordinance requires all structures to meet the required
combined side yard setbacks in an R-1, Single -Family
Residential District.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

0.31± Acre

**ENGINEERING
COMMENTS****SIDE & COMBINED SIDE SETBACK VARIANCE:**

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

1. The proposed improvements will require a Land Disturbance Permit 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites 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). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL

DISTRICT

District 7

ANALYSIS

The applicant is requesting Side Yard Setback and Combined Side Yard Setbacks to allow a garage within the required side yard setback, with a reduced combined side yard setback, in an R-1, Single-Family Residential District; the Zoning Ordinance requires all structures to meet the required side yard and combined side yard setbacks 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 semi-detached, 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 the following concerning the request:

My clients, the Corbellos and their two school age children, have lived at 408 Pine Court for the last eleven years. The existing residence appears to be single story from the street but is actually two stories on the rear due to the extreme slope of the property to the ravine along the rear property line. The lower floor contains a cramped two car garage that measures 20' wide with three 6" square wood posts down its center accessed by a 16' wide garage door. The access drive to the rear runs along the north side of the property, in a tight 13' wide space between the residence and neighbor's fence, down the steep grade of the property which drops over 12 feet from the street to the turnaround space in the rear.

They have made many improvements to the property and now wish to add a large two-story rear porch addition accessed from the main floor above and the garage/playroom floor below, with an outdoor fireplace and an outdoor kitchen. They would also like to add a free-standing single car garage in the rear yard. The property continues to drop another 8

feet to a concrete ditch which is within a 40' drainage and utility easement along the entire rear of their property. The hardship my clients face is the combination of the steep grade of their property and the loss of use of the rear 40' of their property due to the easement. With the limited remaining space of the permissible building area, if they built their new garage the required 8' from the side lot line it would block more than half of the back up space for the existing garage and make access very difficult. It would also eat into the only remaining rear property left for play and recreation.

Therefore, we are requesting a side yard variance to construct a single-story single car garage, with painted brick exterior and asphalt shingle roof to match the existing residence, within 4'-0" of the north property line. We are also proposing to install gutters and downspouts to assure that no run off water runs onto the adjacent neighbor's property. We have engaged Paul Fontenot with the landscape architectural firm of Garden Design Solutions, Inc. to design all new drainage, hardscape including new drives and walks, as well as new landscape planting.

The applicant wishes to construct a second-story porch addition, approximately 11.1'± from the South property line, and a freestanding, detached garage approximately 4'± from the North property line. A new storage building is also proposed, but will comply with all setback requirements.

Pertaining to the requested four-foot side yard setback, three of the primary concerns relating to side yard setbacks are:

- the potential of the spread of fire from one property to another;
- water run-off onto adjacent properties; and
- the ability to properly maintain the proposed structure.

As the applicant mentions, there is a 40' easement at the rear of the property, and a 30' front minimum setback, which combined with the steep topography associated with the subject site, significantly limits possible locations for a detached garage to be built, and accessible from the driveway.

A similar variance has been granted in the area, with a 5.5'± side yard setback approved for a carport at 4812 Pine Court at the Board's August 6, 2012 meeting. Similarly, 354 Ridgelawn Drive West, has a 7'± side yard setback approved for a carport at the Board's July 10, 2006 meeting.

It should be noted that with the proposed additions to the site, the dwelling will have a total combined side yard setback of 24.8'±, and the new garage will have a total combined side yard setback of 67'±, therefore there is no need for a reduced combined side yard setback variance.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval for the reduced side yard setback:

- 1) Approving the variance request will be contrary to the public interest due to the fact that similar variances have been approved within the vicinity of this site;
- 2) Special conditions do appear to exist, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship due to the presence of a large rear easement and steep topography; 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 in that it will be in keeping with similar approved variances in the area.

The approval should be subject to the following conditions:

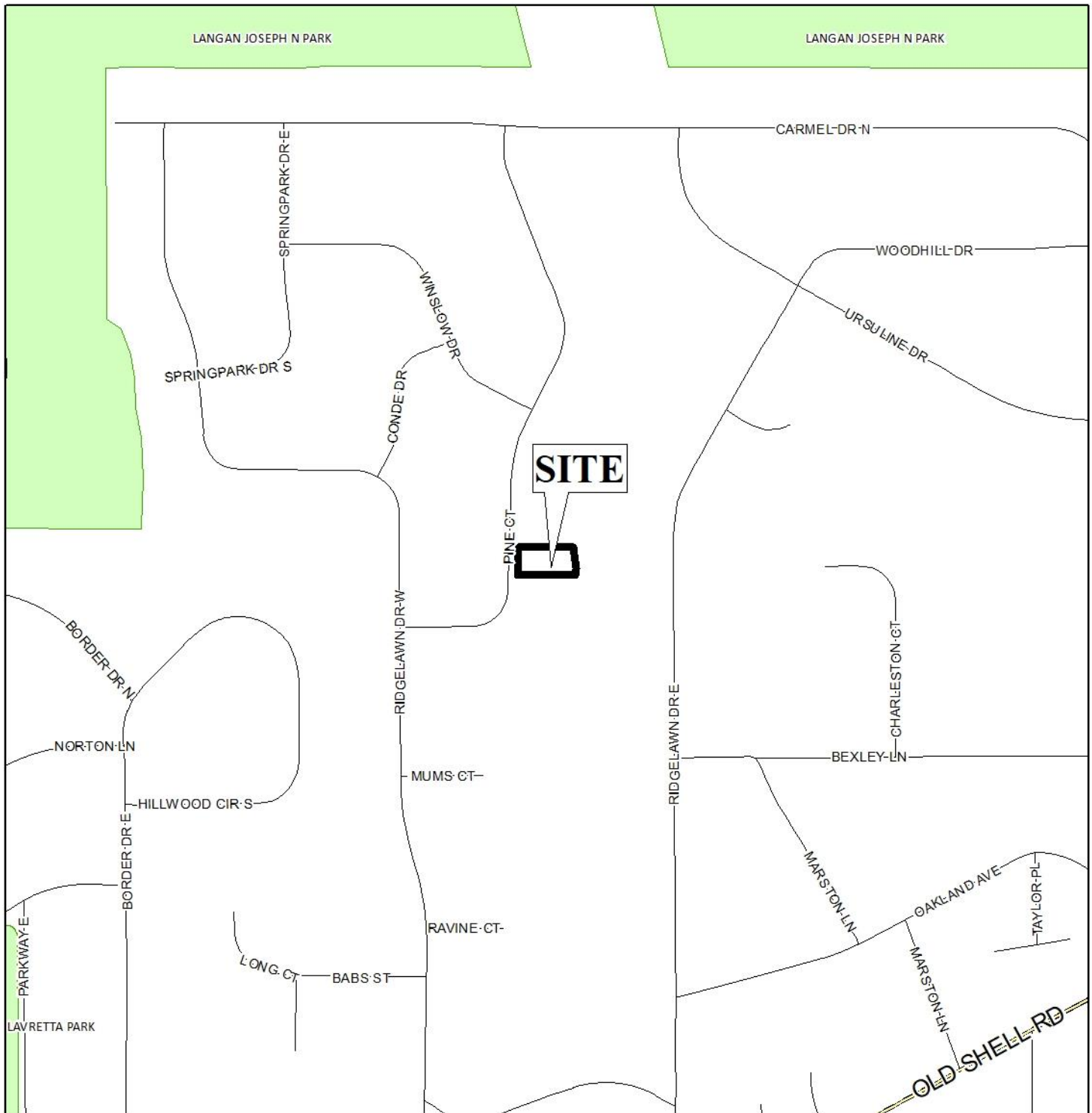
- 1) Provision of gutters and downspouts on the North side of the detached garage; and
- 2) Full compliance with all municipal codes and ordinances.

The request for a reduced combined side yard setback is moot.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, September 17th, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, September 17th, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

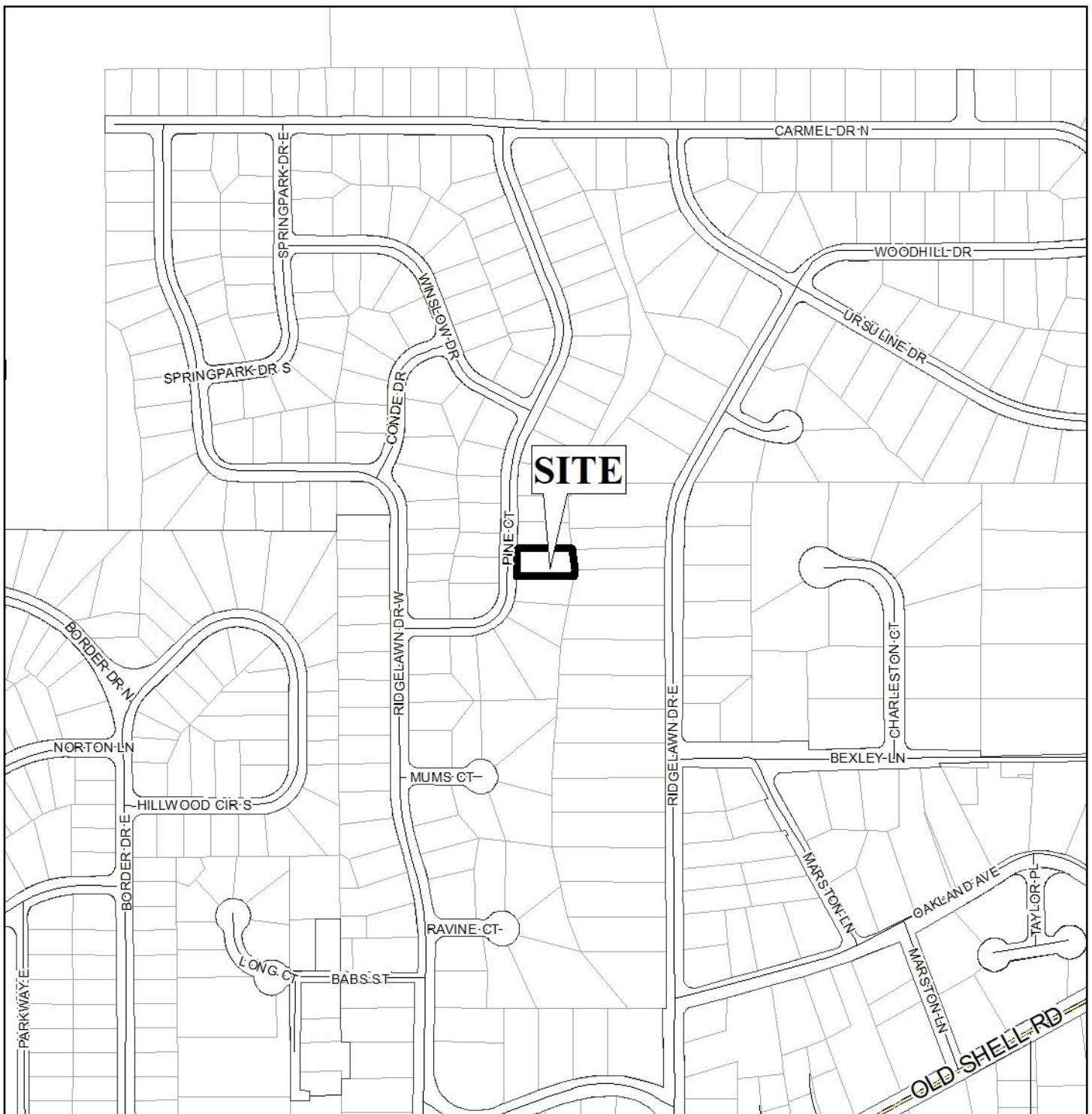
LOCATOR MAP



APPLICATION NUMBER 6410 DATE September 20, 2021
APPLICANT Pete J. Vallas, A.I.A Architect
REQUEST Setback Variance



LOCATOR ZONING MAP



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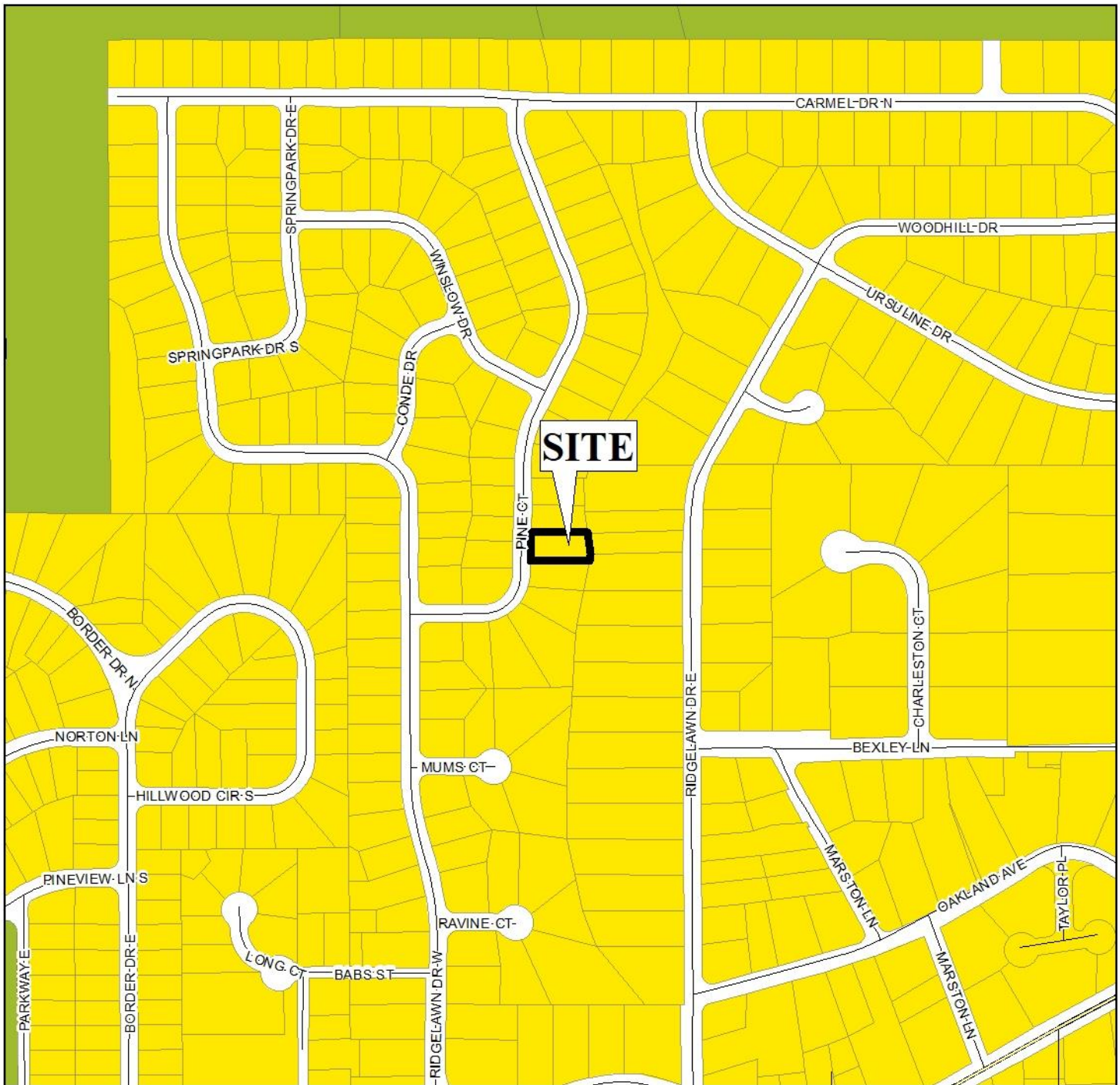
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FLUM LOCATOR MAP



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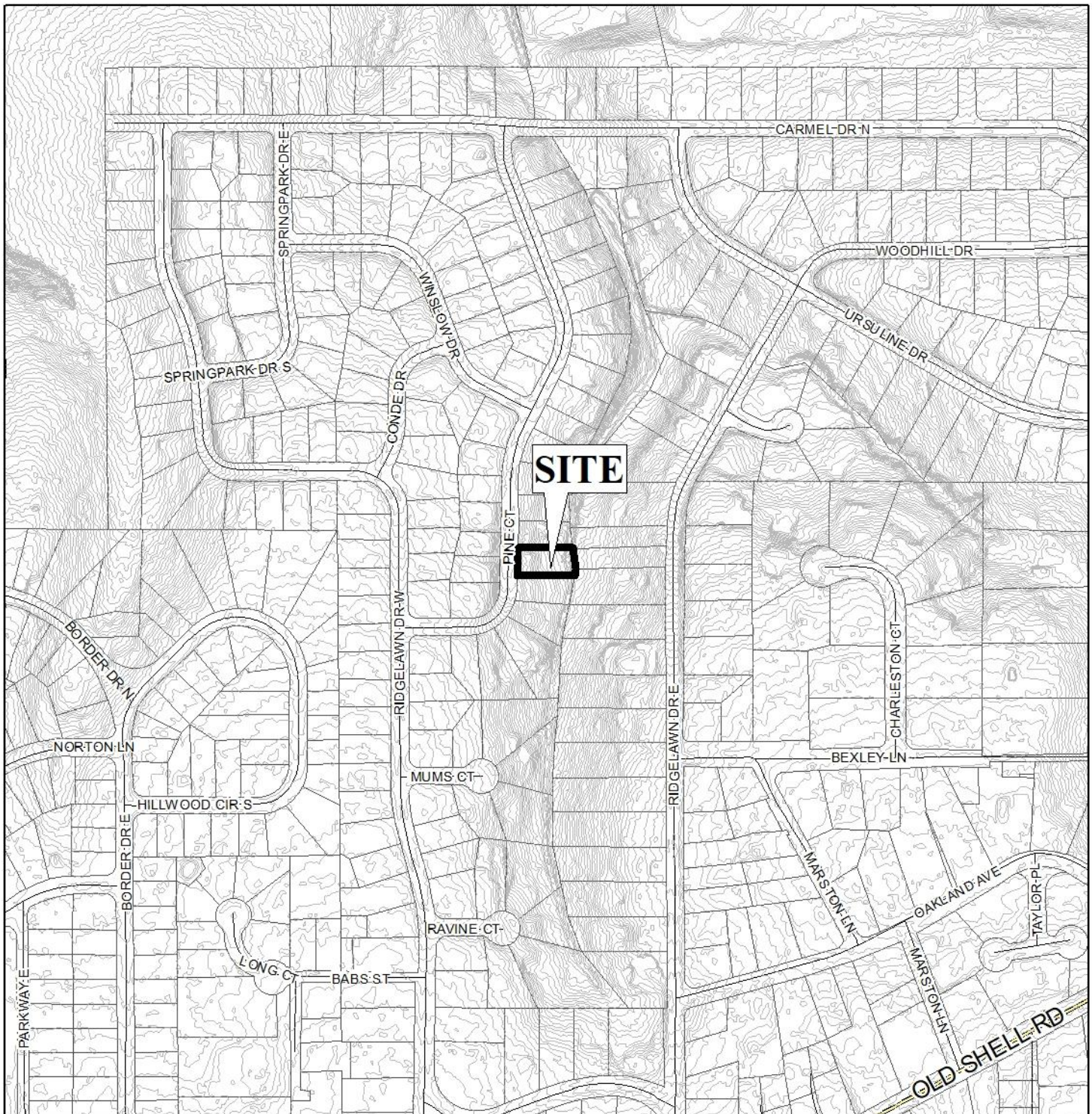
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REQUEST Setback Variance

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.

APPLICATION NUMBER 6410 DATE September 20, 2021

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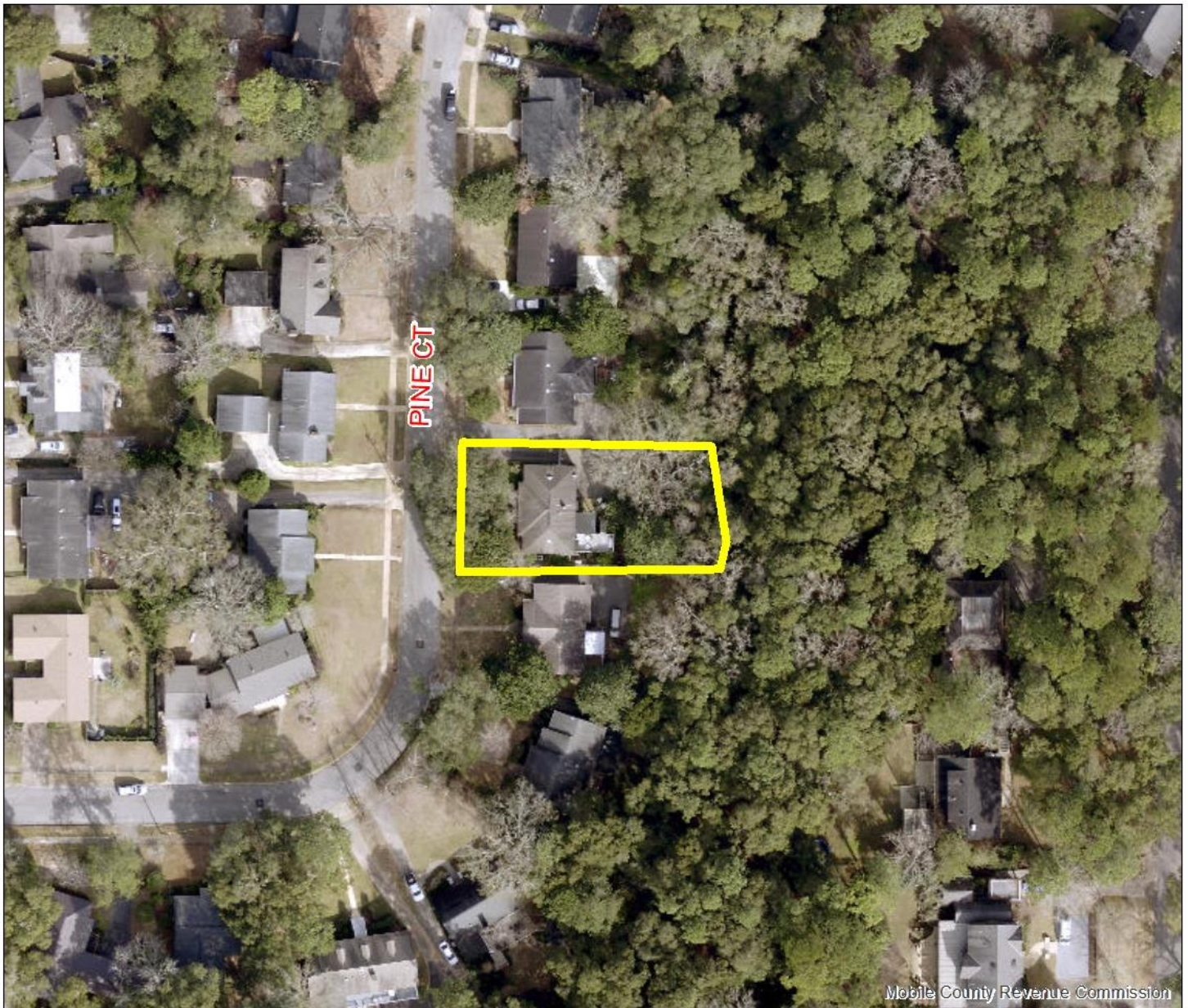
REQUEST Setback Variance

 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

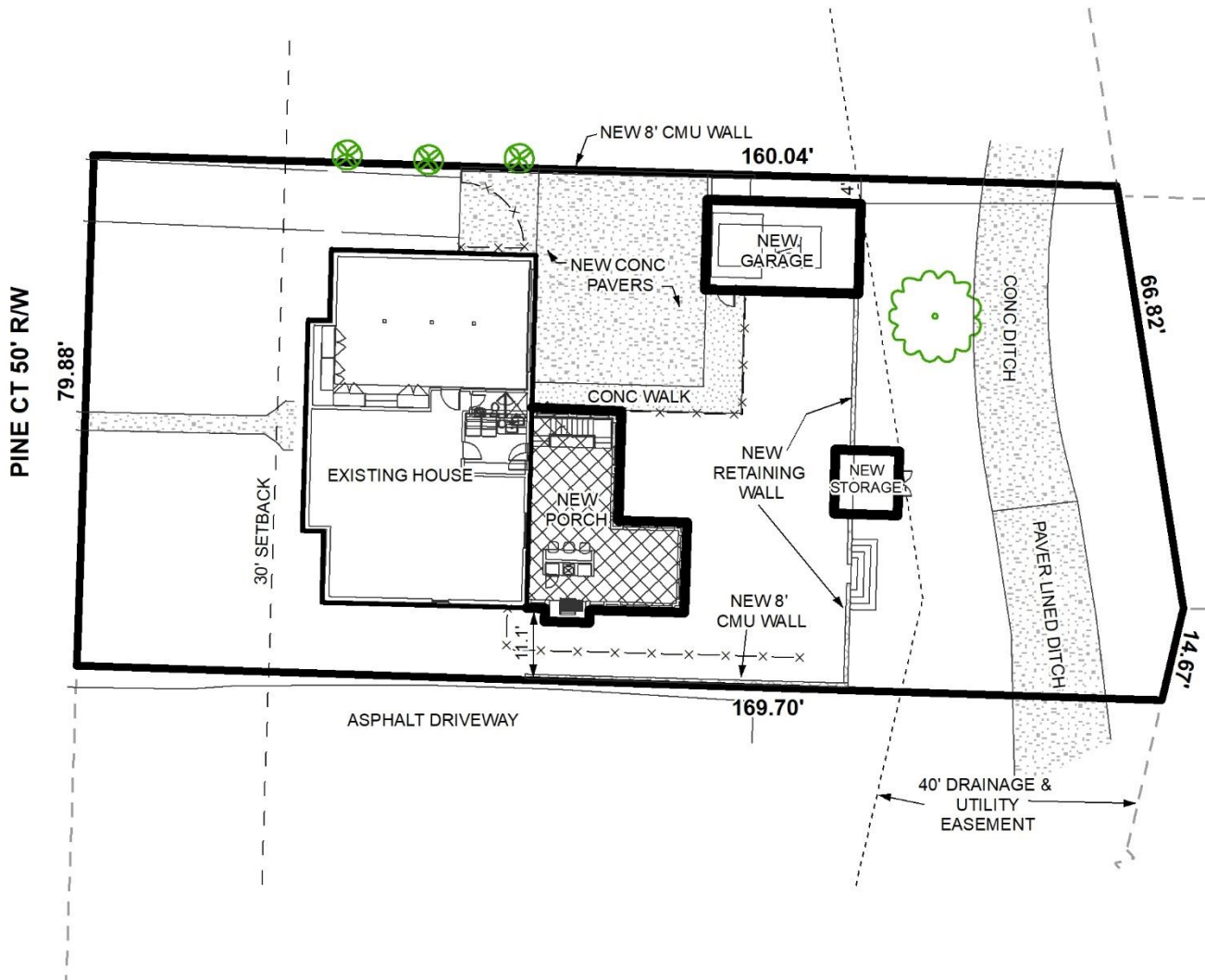


The site is surrounded by single family residential units.

APPLICATION NUMBER <u>6410</u> DATE <u>September 20, 2021</u>
APPLICANT <u>Pete J. Vallas, A.I.A Architect</u>
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SITE PLAN

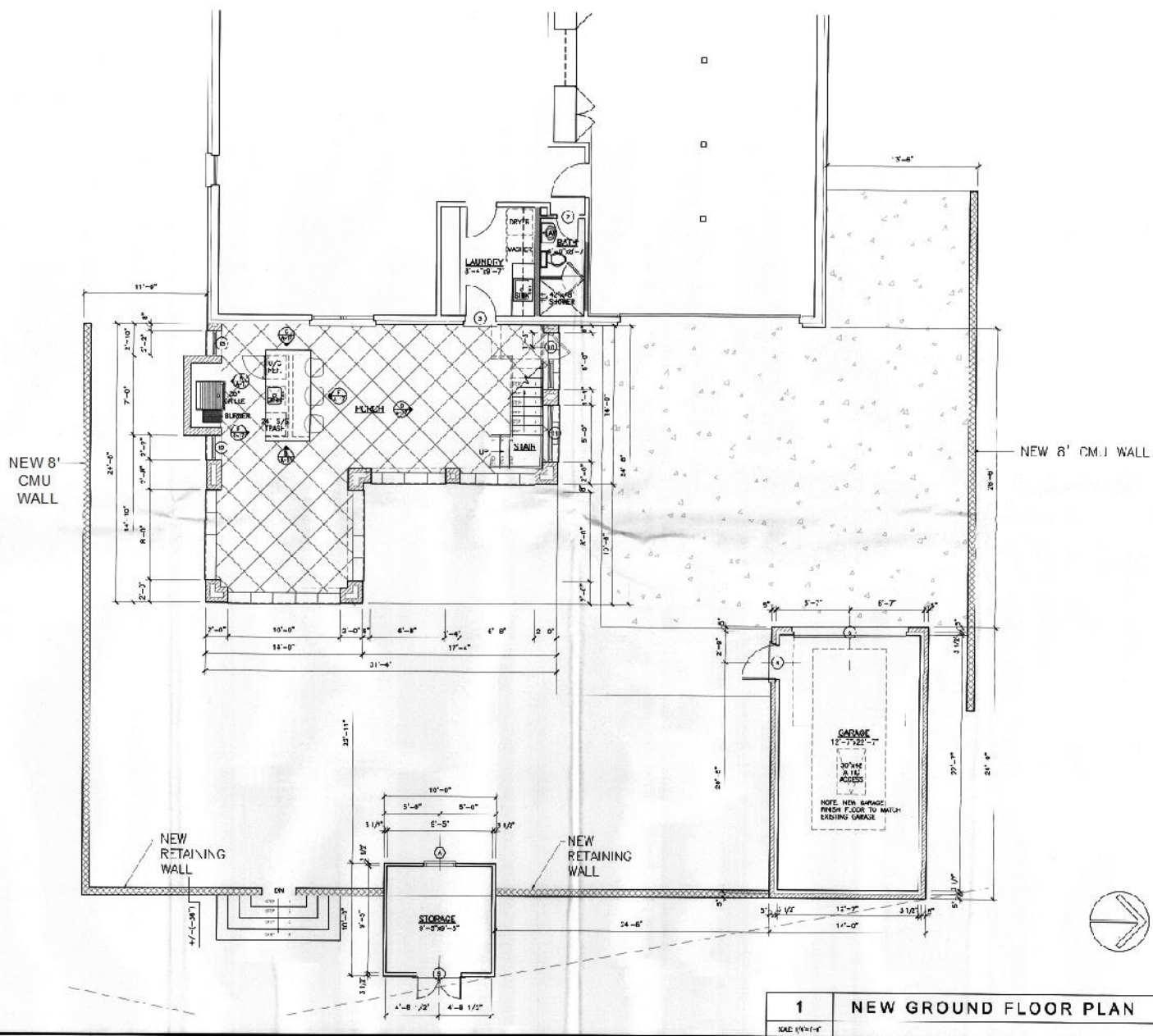


The site plan illustrates the existing building, new porch, garage, storage, setback, and easement.

APPLICATION NUMBER 6410 DATE September 20, 2021
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 REQUEST Setback Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6410 DATE September 20, 2021

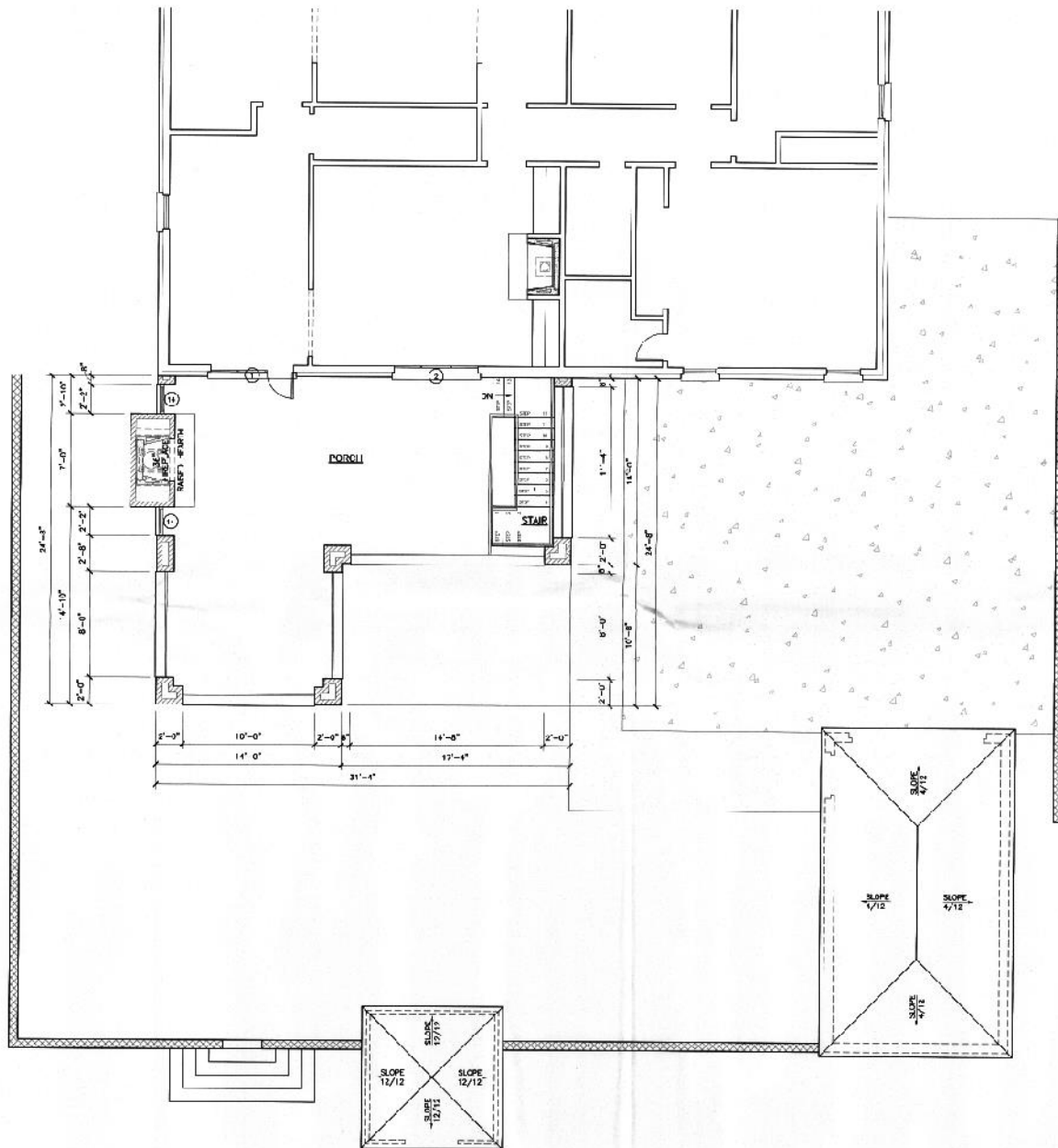
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DETAIL SITE PLAN

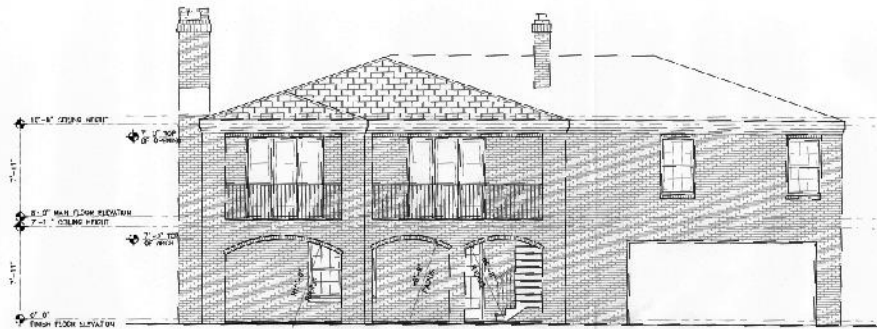


1	NEW MAIN FLOOR PLAN
SCALE 1/8"=1'-0"	

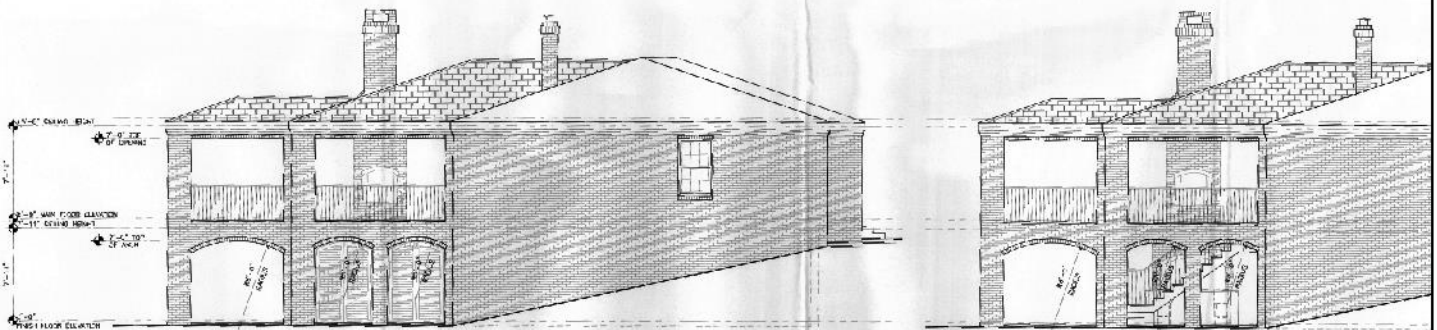
APPLICATION NUMBER 6410 DATE September 20, 2021
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DETAIL SITE PLAN



1 NEW EAST ELEVATION



2 NEW NORTH ELEVATION

APPLICATION NUMBER 6410 DATE September 20, 2021

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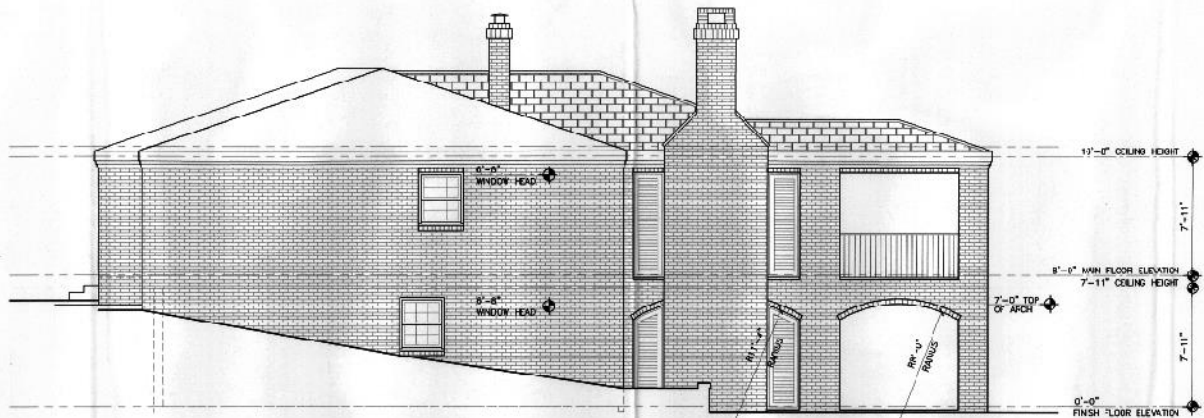
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DETAIL SITE PLAN



1 WEST (PINE COURT) ELEVATION

SCALE 1/4"=1'-0"



2 NEW SOUTH ELEVATION

SCALE 1/4"=1'-0"

APPLICATION NUMBER 6410 DATE September 20, 2021

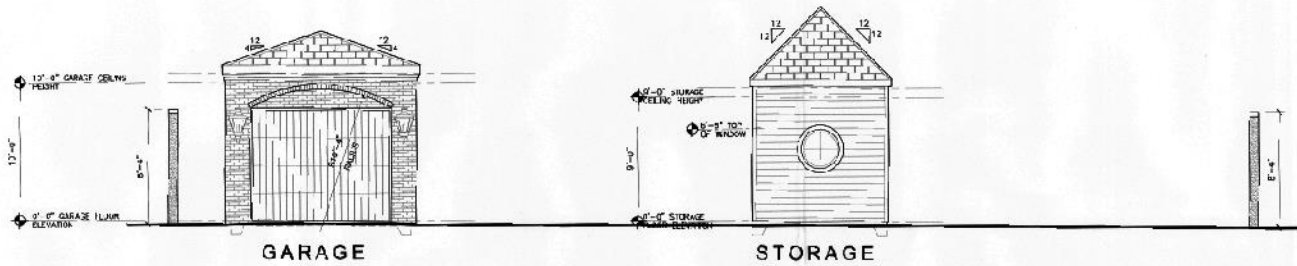
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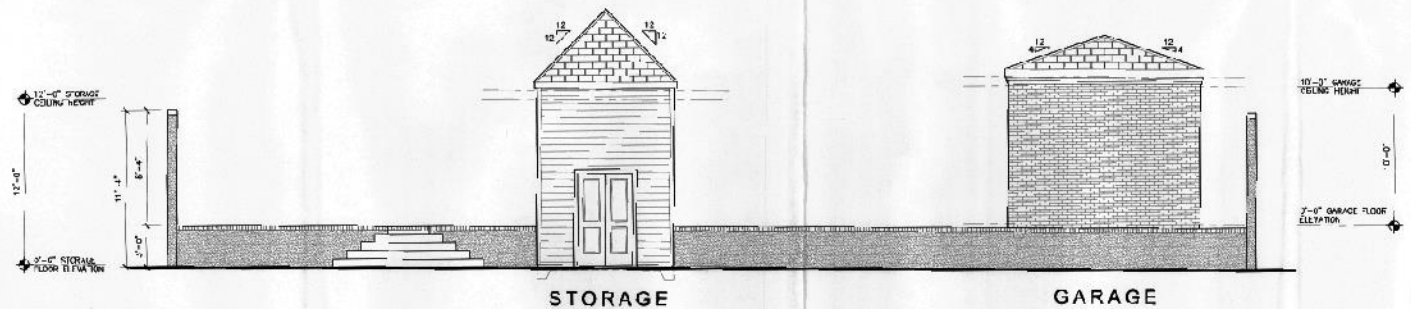


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DETAIL SITE PLAN



1 NEW WEST ELEVATION



3 NEW EAST ELEVATION

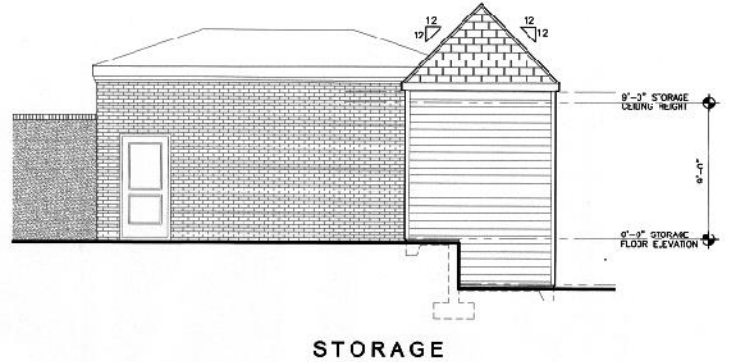
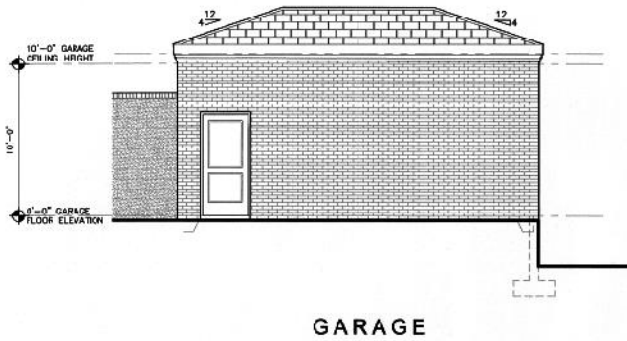
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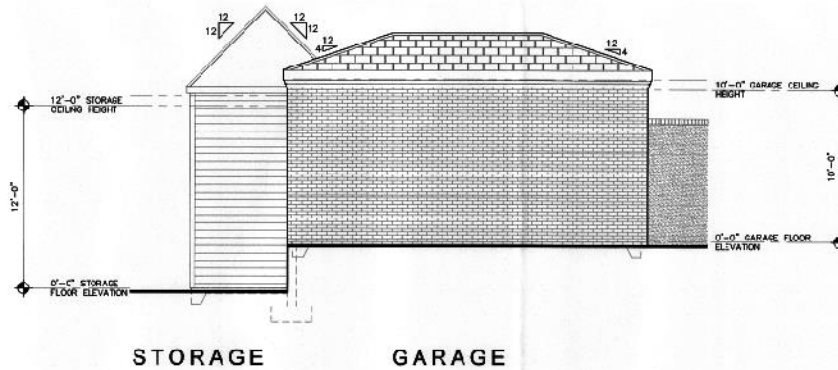


DETAIL SITE PLAN



1 NEW SOUTH ELEVATION

SCALE 1/4"=1'-0"



2 NEW NORTH ELEVATION

SCALE 1/4"=1'-0"

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