

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 1, 2013**

<b><u>CASE NUMBER</u></b>	5821
<b><u>APPLICANT NAME</u></b>	Jennifer Vazquez
<b><u>LOCATION</u></b>	2488 Sayner Avenue (North side of Sayner Avenue, 225'± East of its West terminus)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> Use Variance to allow two horses on residential property in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance requires an R-A, Residential-Agricultural District to allow horses.
<b><u>ZONING</u></b>	R-1, Single-Family Residential
<b><u>AREA OF PROPERTY</u></b>	0.99± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No Comments
<b><u>CITY COUNCIL DISTRICT</u></b>	District 3

**ANALYSIS** The applicant is requesting a Use Variance to allow two horses in an R-1, Single-Family Residential District; the Zoning Ordinance requires an R-A, Residential-Agricultural District to keep horses.

The applicant is requesting this variance after having two horses on the property without any permits or approval being granted. The applicant does not state any hardship that exists nor provide any justification for the granting of the variance; however, the applicant states that a petition and letters from surrounding neighbors supporting her request.

Urban Development received a Service Request Order (576372) about horses on the subject property on January 23, 2013. An investigation was created and the technician determined that horses were being kept at the location. The technician issued a Notice of Violation and stated

that the property owner should contact Urban Development, Planning Section concerning this matter.

The applicant spoke to staff about the possibility of requesting a variance to allow the existing horses on the site; staff advised the applicant that variances are based on hardship associated with the property. Moreover, the applicant was advised that ownership of the horses does not constitute a hardship for the property. However, the applicant wished to pursue the variance application.

At the March 2013 Planning Commission meeting the applicant received preliminary plat approval, creating a single legal lot of record from three existing legal lots. The combining of lots may have been to accommodate the horses, but in no way sanctions the request or creates a hardship. It is simply a matter of choice for the owner of the property.

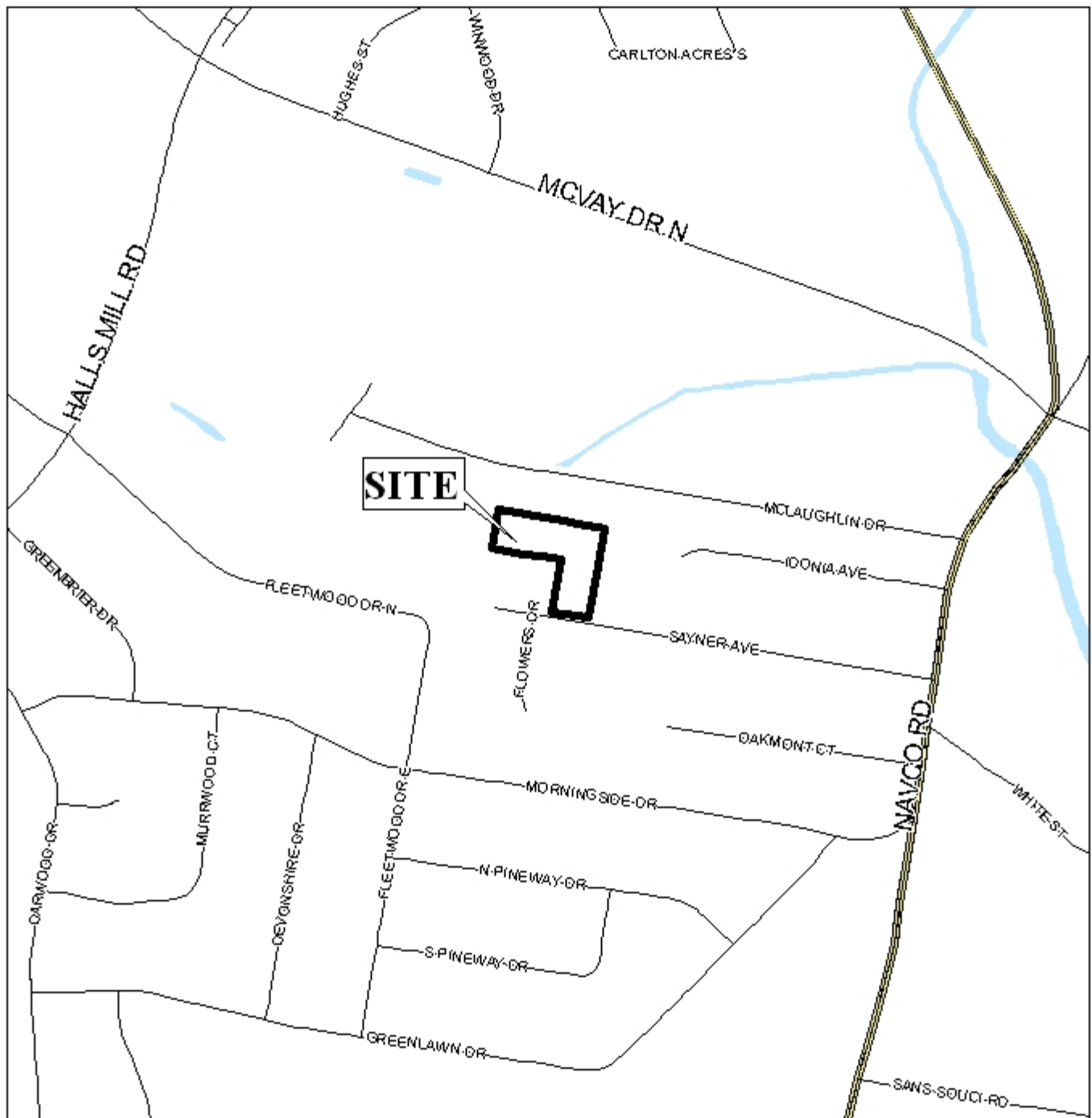
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 has not provided evidence of any hardship that would justify the granting of this variance. Also, the fact that the horses have been on the property without proper permits or approvals shows a disregard for City of Mobile ordinances, and has resulted in a self-imposed hardship. Furthermore, there is no reference of documentation of how the applicant will comply with animal control codes.

**RECOMMENDATION:** Based on the preceding the Use Variance to allow two horses are recommended for denial.

## LOCATOR MAP



APPLICATION NUMBER 5821 DATE April 1, 2013  
APPLICANT Jennifer Vazquez  
REQUEST Use Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residences.

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REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2

N  
NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

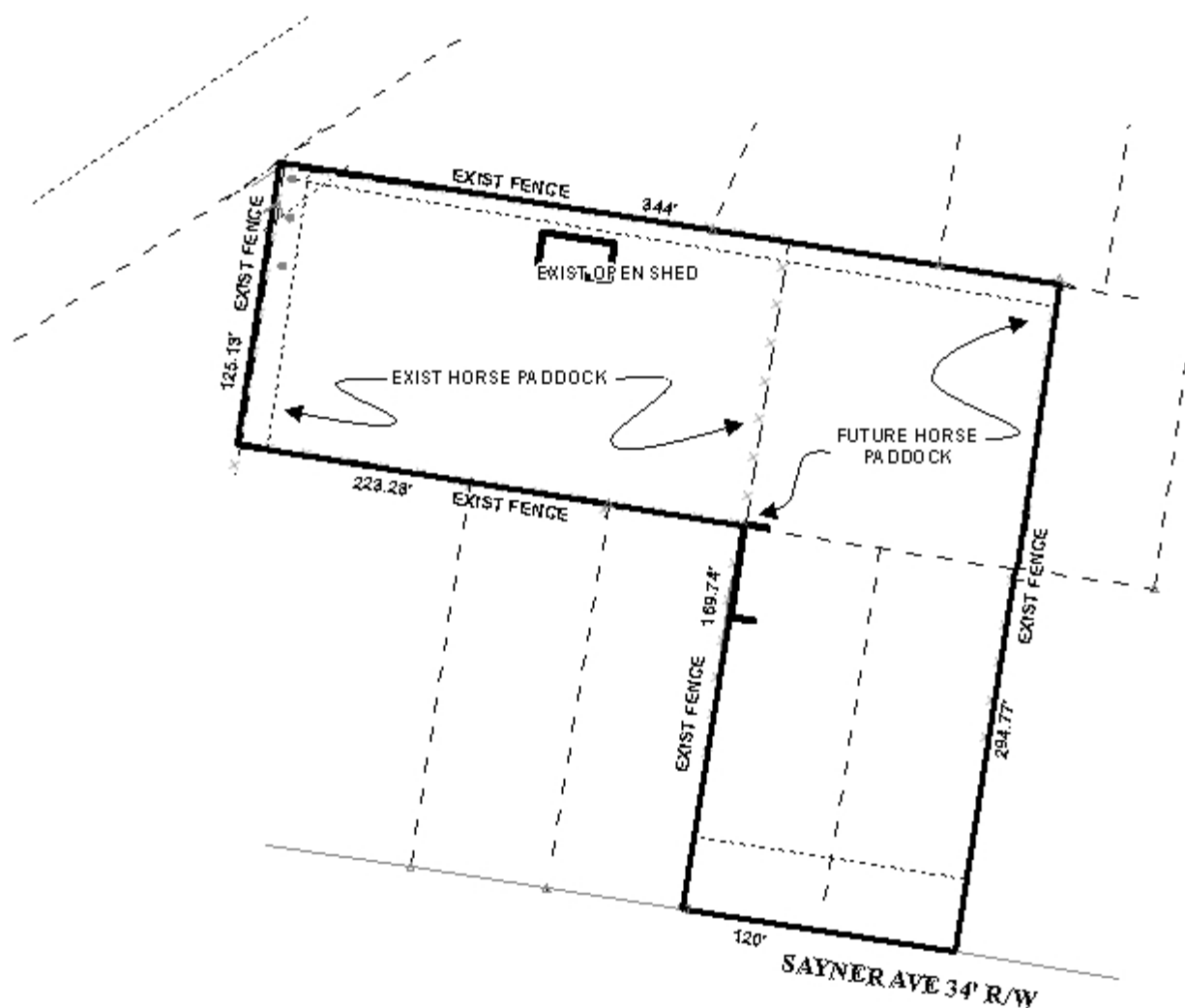


The site is surrounded by single-family residences.

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N  
NTS

# SITE PLAN



The site plan illustrates the existing and future horse paddocks.

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N  
 NTS