APPLICATION NUMBER

5382

A REQUEST FOR

FENCE HEIGHT VARIANCE TO ALLOW THE CONSTRUCTION OF A 10' HIGH MASONRY WALL, APPROXIMATELY 30' ALONG THE REAR (EAST) PROPERTY LINE AND APPROXIMATELY 12' ALONG THE SIDE (NORTH) PROPERTY LINE; 8' IS THE MAXIMUM FENCE HEIGHT ALLOWED IN AN R-1, SINGLE-FAMILY RESIIDENTIAL DISTRICT.

LOCATED AT

17 DRURY LANE

(East side of Drury Lane, 450'± North of Wimbledon Drive West)

APPLICANT

MICHAEL H. DUNNAM

AGENT

M. D. PRICE III

OWNERS

MICHAEL H. & MELISSA A. DUNNAM

BOARD OF ZONING ADJUSTMENT
OCTOBER 2006

The applicant is requesting a Fence Height Variance to allow the construction of a 10' high masonry wall, approximately 30' along the rear (East) property line and approximately 12' along the side (North) property line; 8' is the maximum fence height allowed in an R-1, Single-Family Residential District.

The purpose of this application is to allow a recently-constructed wall to remain. A Notice of Violation was issued for the wall as portions of the wall exceed the maximum height limitation of 8 feet in the above-referenced areas of the property; hence this variance request was submitted.

The contractor (agent) constructed the wall in association with a single-family residence which is under construction. It is stated that the landscaping plan for the site provides for an 8' high wall along the rear property, then turning and extending toward the front of the property a short distance along each side property line and that the wall will provide privacy for a terrace and covered porch at the rear of the residence.

It is stated that due to the topography of the property, the wall had to be constructed 10' above grade in the Northeast area of the property to maintain a level plain as the elevation of the property increases toward the Southeast corner where the wall height is 8' above grade. It is stated that this aesthetically allows privacy for a small lot as well as a beautifully landscaped yard. The lower area within the property will be back-filled for the residence foundation and terrace, and to achieve a constant wall height 8' above grade, and the same will be done behind the rear portion of the wall. Approximately 12' along the North side property line will remain 10' above grade on the outside of the wall.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.
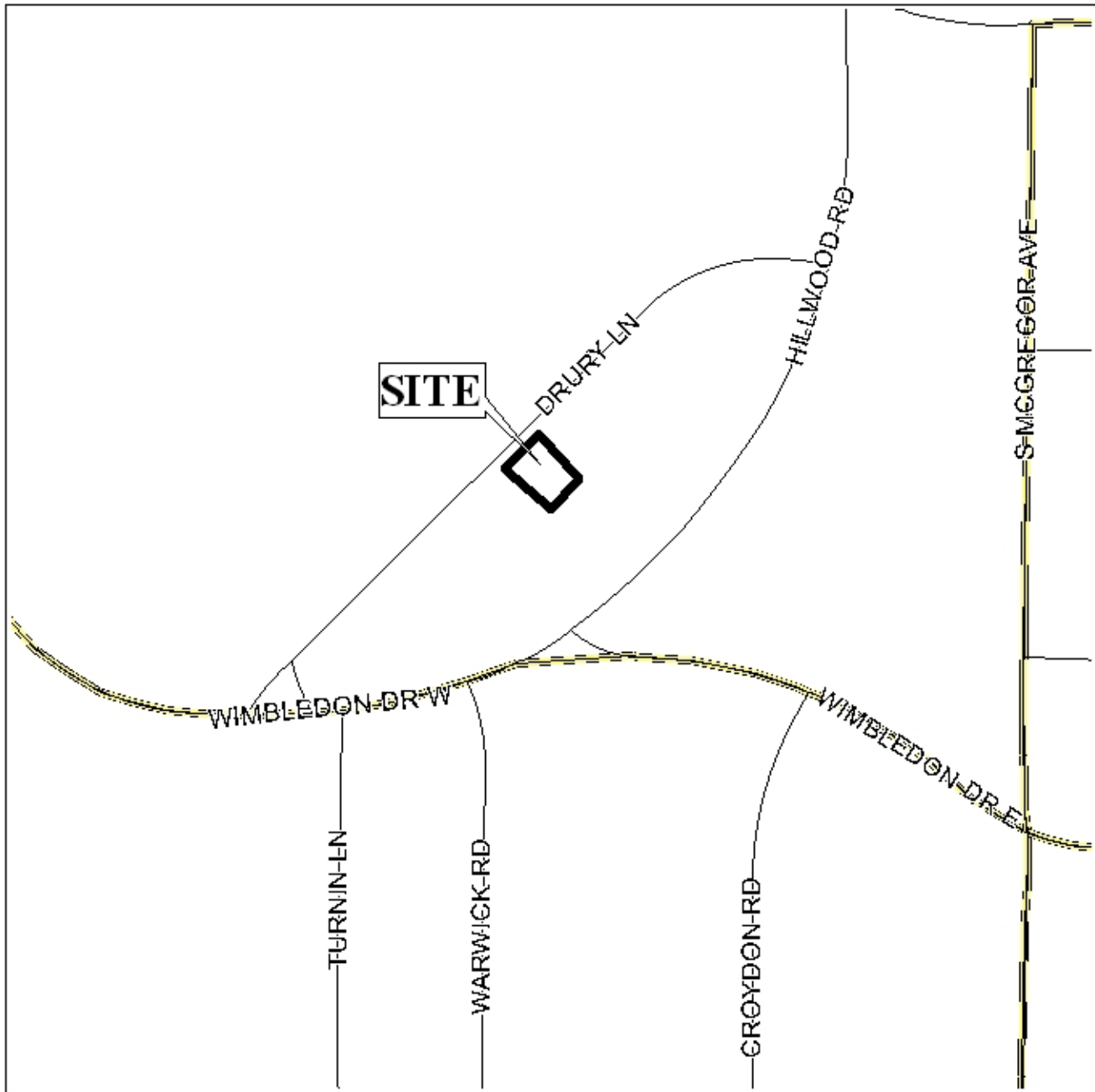
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has indicated that there is a hardship imposed by the topography of the property and that a literal enforcement of the Ordinance would impose a hardship on the aesthetic quality and privacy of the residence.

Based on the preceding, this application is recommended for approval subject to the following condition: (1)   the   obtaining   of   an   after-the-fact   wall   permit.

LOCATOR MAP

SITE

DRURY LN

HILLWOOD RD

S MCGREGOR AVE

WIMBLEDON DR W

WIMBLEDON DR E

TURNIN LN

WARWICK RD

CROYDON RD

APPLICATION NUMBER ___5382___ DATE ___October 2, 2006___

APPLICANT ___Michael H. Dunnam___

REQUEST ___Fence Height Variance___

N

NTS

BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING

COUNTRY CLUB
OF MOBILE

DRURY LN

HILLWOOD RD

UC

SITE

WIMBLEDON DR W

WIMBLEDON DR E

TURNIN LN

WARWICK RD

CROYDON RD

The site is surrounded by single family residential units.

APPLICATION NUMBER _____5382_____ DATE _October 2, 2006_
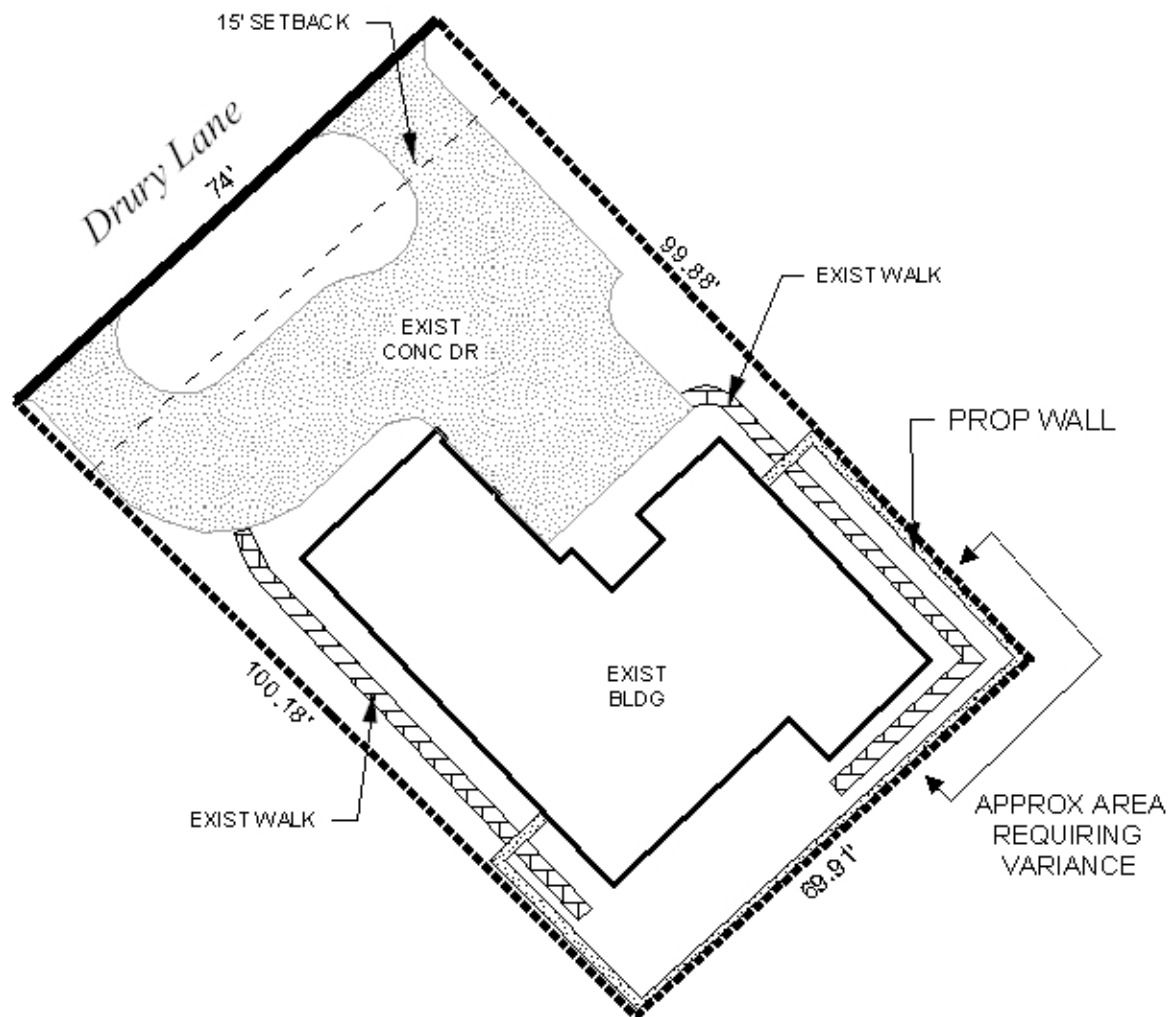
APPLICANT _____Michael H. Dunnam_____

REQUEST _____Fence Height Variance_____

N

LEGEND

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

NTS

SITE PLAN

15' SETBACK

Drury Lane

74'

99.88'

EXIST WALK

PROP WALL

EXIST
CONC DR

EXIST
BLDG

APPROX AREA
REQUIRING
VARIANCE

100.18'

EXIST WALK

69.9'

The site plan illustrates building, drive, and proposed wall.

APPLICATION NUMBER ____5382____ DATE _October 2, 2006_____

APPLICANT _____Michael H. Dunnam_____

REQUEST _____Fence Height Variance_____

N

NTS