

APPLICATION NUMBER

5599

A REQUEST FOR

USE VARIANCE TO ALLOW A MOBILE HOME IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE ZONING ORDINANCE ALLOWS MOBILE HOMES IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT WITH PLANNING APPROVAL.

LOCATED AT

175 2nd Avenue

(Northwest corner of 2nd Avenue and Avenue C).

APPLICANT / OWNER

CHARLES BOGGAN

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2010

The applicant is requesting a Use Variance to allow a mobile home in an R-1, Single-Family Residential District; the Zoning Ordinance allows mobile homes in an R-1, Single-Family Residential District with Planning Approval.

The applicant submitted a Subdivision and Planning Approval application to the Planning Commission, and the Subdivision application was granted preliminary approval at the December 17, 2009 meeting. The Planning Commission denied the request to allow a mobile home in an R-1, Single-Family Residential District, and advised the applicant to make an application for a use variance to the Board of Zoning Adjustment, hence this application.

The applicant states that he allowed a friend of 35 years move her mobile home onto his lot without charging her rent, because she has no where else to go. Since moving the trailer the applicant has painted and added skirting around the bottom of the mobile home. The applicant did this thinking there would be no problem, and that all he needed to do was attain the proper permits for moving the trailer. The applicant also states that he does not plan on having anymore trailers on the lot. The applicant further states that this mobile home will not have a negative impact on the neighborhood. With that said, the applicant feels that the request is in character with the existing mobile homes in the vicinity.

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.

It is the intent of the Zoning Ordinance to, among other things, conserve the value of buildings by encouraging the most appropriate use of the land by districting according to the suitability of the land for particular uses. All properties in the immediate vicinity is zoned R-1, Single-Family Residential. It should be noted that the mobile home may not comply with the current rules and regulations regarding anchoring and blocking of mobile homes. As such, should any mobile home variance be approved, certification from a licensed engineer indicating compliance with Chapter 535-X-13-.04., 535-X-13-.05, 535-X-13-.06, 535-X-13-.07., 535-X-13-.08, and 535-X-13-.09 of the Alabama Manufactured Housing Commission Administrative Procedures Code regarding site

preparation, soil classification, minimum blocking standards, minimum anchoring standards, and anchor and tie-downs device standards for Wind Zone II (Hurricane Zone) for this site should be required. An analysis of GIS data shows that there are several mobile homes within the vicinity of this site.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. Any problems faced by the applicant would be self-imposed.

RECOMMENDATION 5599**Date: February 1, 2010**

Based on the preceding, this application is recommended for denial.