

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 4, 2010**

<u>CASE NUMBER</u>	5636
<u>APPLICANT NAME</u>	Bessie Mae Lewis
<u>LOCATION</u>	East side of Vanderbilt Drive, 250'± North of Hamilton Boulevard
<u>VARIANCE REQUEST</u>	USE: Use Variance request allow a mobile home as a single-family dwelling in an I-1, Light Industry District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance does not allow single-family dwellings in an I-1, Light Industry District.
<u>ZONING</u>	I-1, Light Industry
<u>AREA OF PROPERTY</u>	0.51± Acre
<u>TRAFFIC ENGINEERING COMMENTS</u>	No comments.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Use Variance to allow a mobile home as a single-family dwelling in an I-1, Light-Industry District; the Zoning Ordinance does not allow single-family dwellings in an I-1, Light-Industry District.

The subject property is within the recently annexed Theodore area and appears to have been vacant at least back to 1995 judging from aerial photographs and land use surveys. The applicant's son owns the property and an adjacent property to the South where the applicant lived for approximately fifty years until the dwelling burned. The applicant has been living with family members since the fire and now desires to place a mobile home on the subject site to use as a primary residence.

The I-1, Light Industry classification was adopted by the City Council following the annexation due to the site's proximity to near-by commercial and light industrial uses, proximity to highways and the adjacent CSX Railroad line, and based on the assessment for its highest and best use potential. Land uses within a ¼-mile± radius of the subject PROPERTY indicates

commercial, light industrial, and warehousing, as well as scattered single-family residential use. Only two mobile homes used as dwellings appear to be located within that radius.

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.

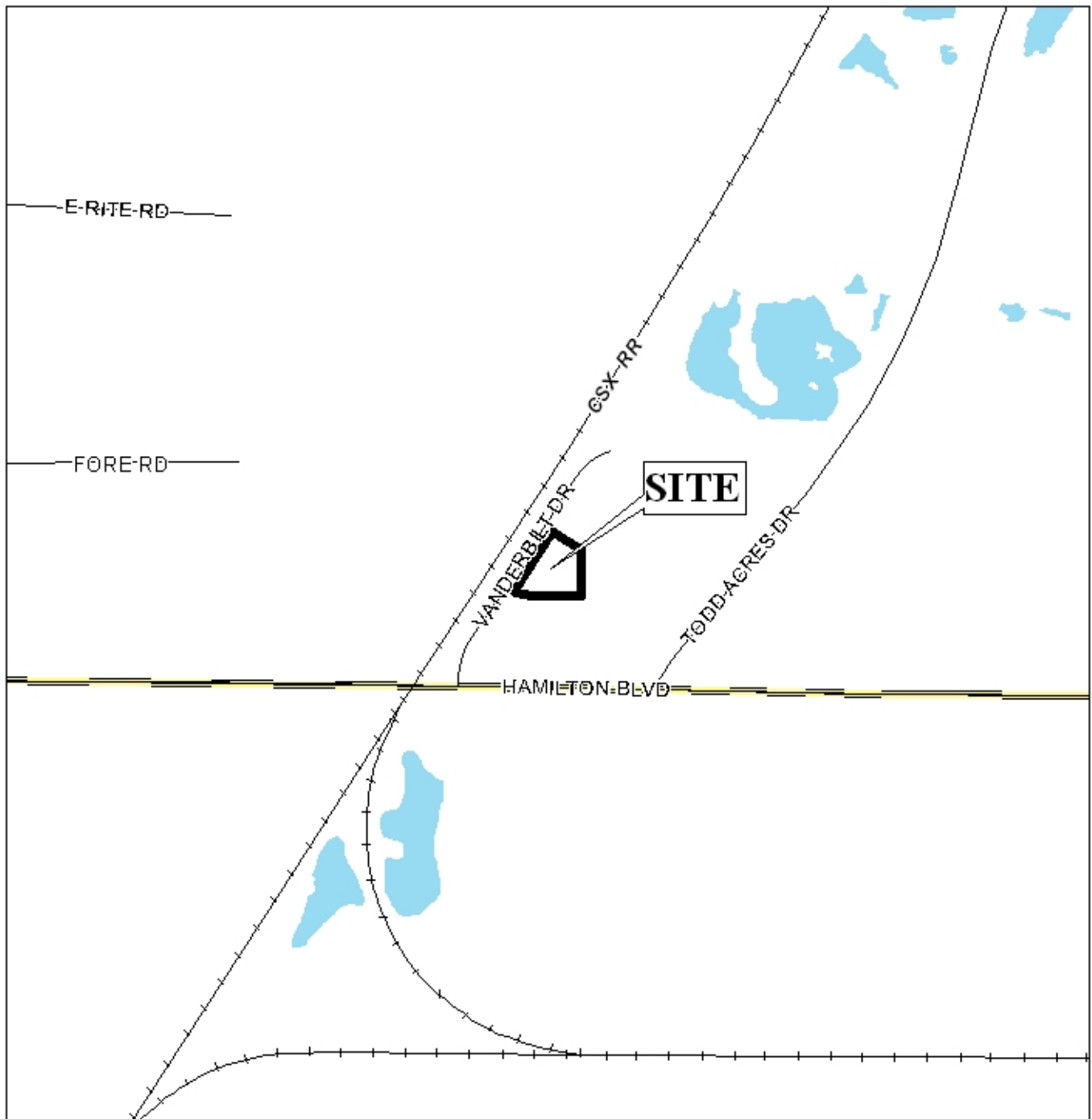
The fact that the site was recently given an I-1 zoning coupled with the applicant's apparent intent to use the mobile home on a permanent basis as opposed to temporary housing while rebuilding the fire-destroyed structure would go against the intent of the Zoning Ordinance. If the mobile home were proposed to be of a temporary nature during reconstruction of the legal nonconforming dwelling, the Board could reasonably consider this request for approval. However, no such evidence was submitted with the application and the Board should consider this application for denial. And it should be noted that the Mobile City Planning Commission recently expressed its concerns relating to allowing further mobile homes within the recently annexed areas.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

LOCATOR



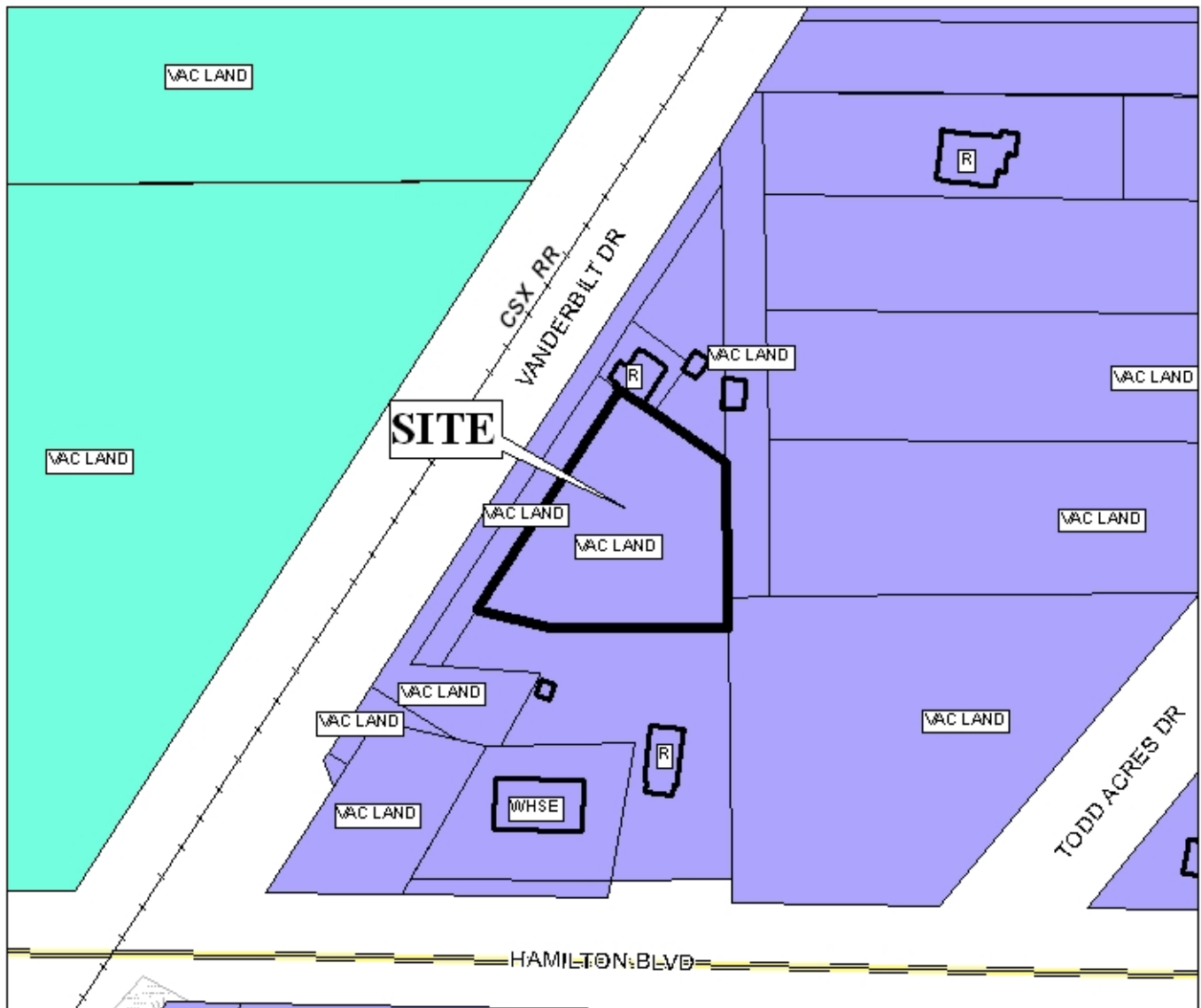
APPLICATION NUMBER 5636 DATE October 4, 2010

APPLICANT Bessie Mae Lewis

REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



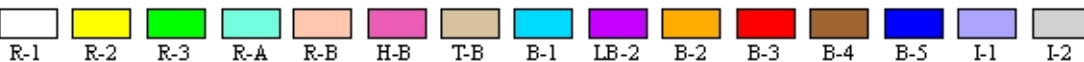
This site is surrounded by business and industrial land use.

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LEGEND



NTS

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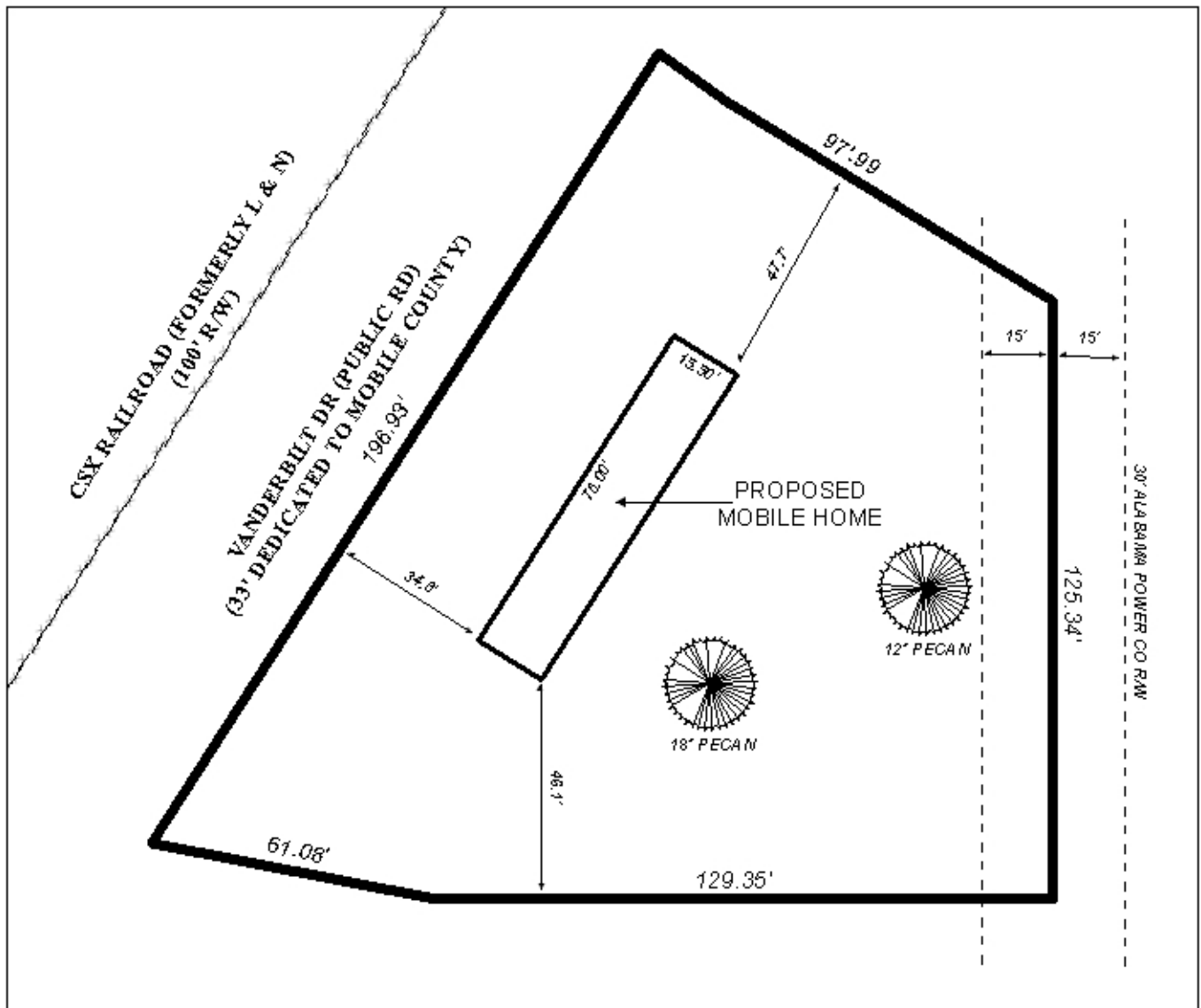
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SITE PLAN



This site plan illustrates the existing lot configuration and proposed mobile home.

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