

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: March 2, 2015**

<b><u>CASE NUMBER</u></b>	5949
<b><u>APPLICANT NAME</u></b>	Emili Hansan
<b><u>LOCATION</u></b>	250 Woodlands Avenue (Northeast corner of Woodlands Avenue and Spring Hill Avenue)
<b><u>VARIANCE REQUEST</u></b>	<b>SIDE STREET SIDE YARD SETBACK:</b> To allow a 6' concrete block wall on a side street yard property line in an R-1, Single-Family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SIDE STREET SIDE YARD SETBACK:</b> The Zoning Ordinance requires all 6' concrete block walls be setback 20' from the side street property line in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single-family Residential District
<b><u>AREA OF PROPERTY</u></b>	0.5 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	This request was not reviewed by Traffic Engineering.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 1
<b><u>ANALYSIS</u></b>	The applicant is requesting a Side Street Side Yard Setback Variance to allow a 6' high concrete block wall on a side street yard property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires all 6' concrete block walls be setback 20' from the side street property line in an R-1, Single-Family Residential District.

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 *"I am asking Variance to give me permission to build a 5 -7 foot concrete block wall built starting at the Southeast property corner closest to Springhill running along the property line towards Woodlands 80 – 100 feet. I would like to build this to help with noise reduction in my home."*

There have been similar variance approvals in the vicinity for walls close to the side street property line, the closest being directly across Woodlands Avenue from the subject site. This request is similar in nature to that one in that the proposed wall would stop approximately 50' short of the front property line and the one across the street stopped approximately 60' short of the front property line. However, unlike in that instance, there is no driveway onto Spring Hill Avenue and traffic visibility would not be an issue. And it should be noted that Spring Hill Avenue is a US Highway and a truck route.

There is an existing low brick wall topped with an open iron fence located parallel to the property line approximately 3' into the public right-of-way along Spring Hill Avenue. Approval of this Variance request should be conditioned upon the removal of that wall and fence, with a Right-of-Way Permit from the City Engineering Department.

Although the applicant has not directly shown that a hardship would be imposed by a literal interpretation of the Zoning Ordinance, the fact that similar requests have been granted within the vicinity for privacy and security purposes would set a precedence and the Board should consider this application for approval, subject to conditions.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for approval:

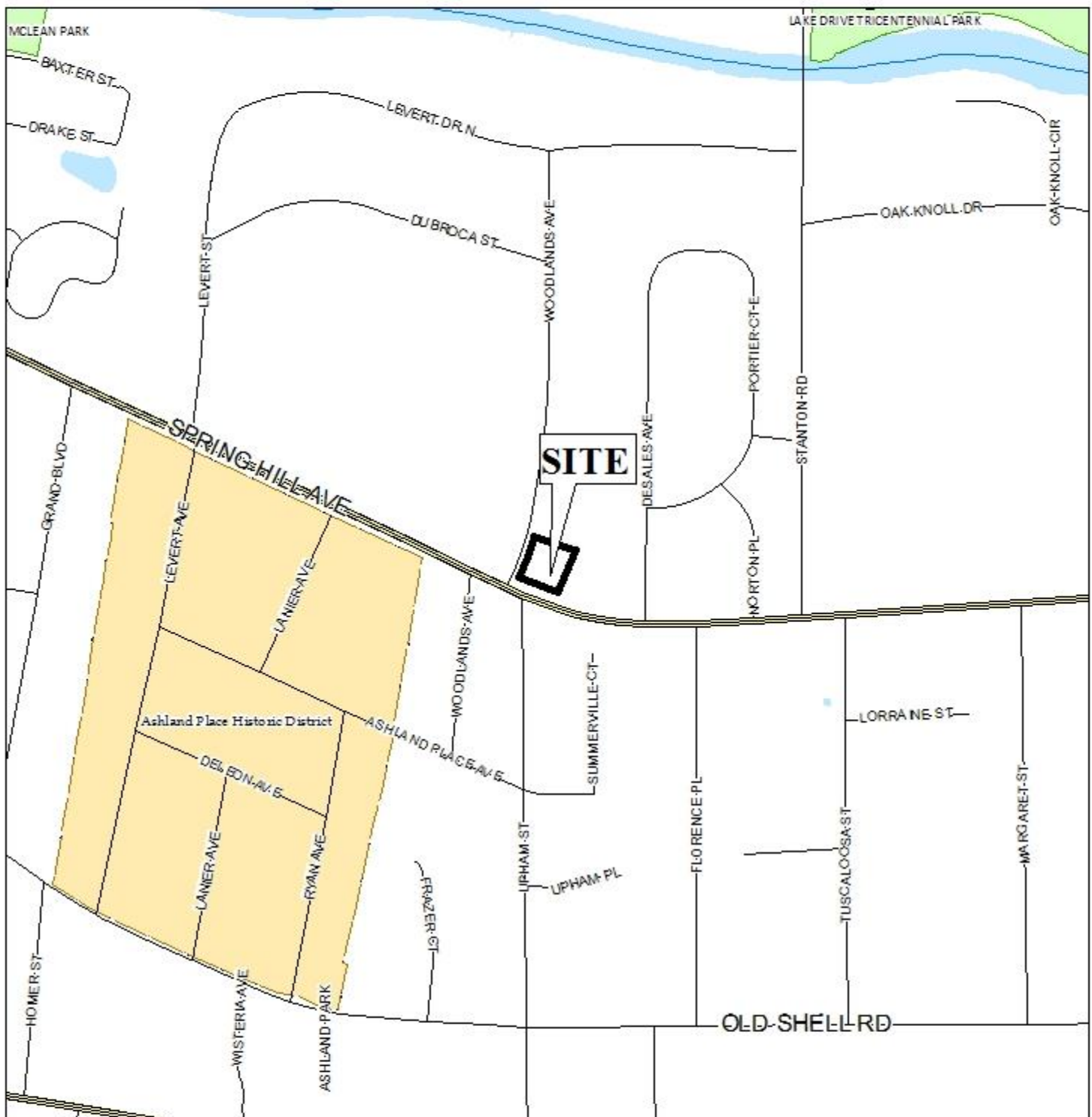
- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar variance s have been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the distance from the front property line to the beginning of the wall and the lack of a driveway onto Spring Hill Avenue, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; 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 help reduce noise along the side street (Spring Hill Avenue).

The approval is subject to the following conditions:

- 1) the obtaining of the proper permit(s) for the construction of the wall;
- 2) removal of the existing low fence and wall encroaching into the public right-of-way along Spring Hill Avenue, with a Right-of-Way permit from the City Engineering Department; and
- 3) full compliance with all municipal codes and ordinances.

# LOCATOR MAP



APPLICATION NUMBER 5949 DATE March 2, 2015  
APPLICANT Emili Hansan  
REQUEST Setback Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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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 ZONING

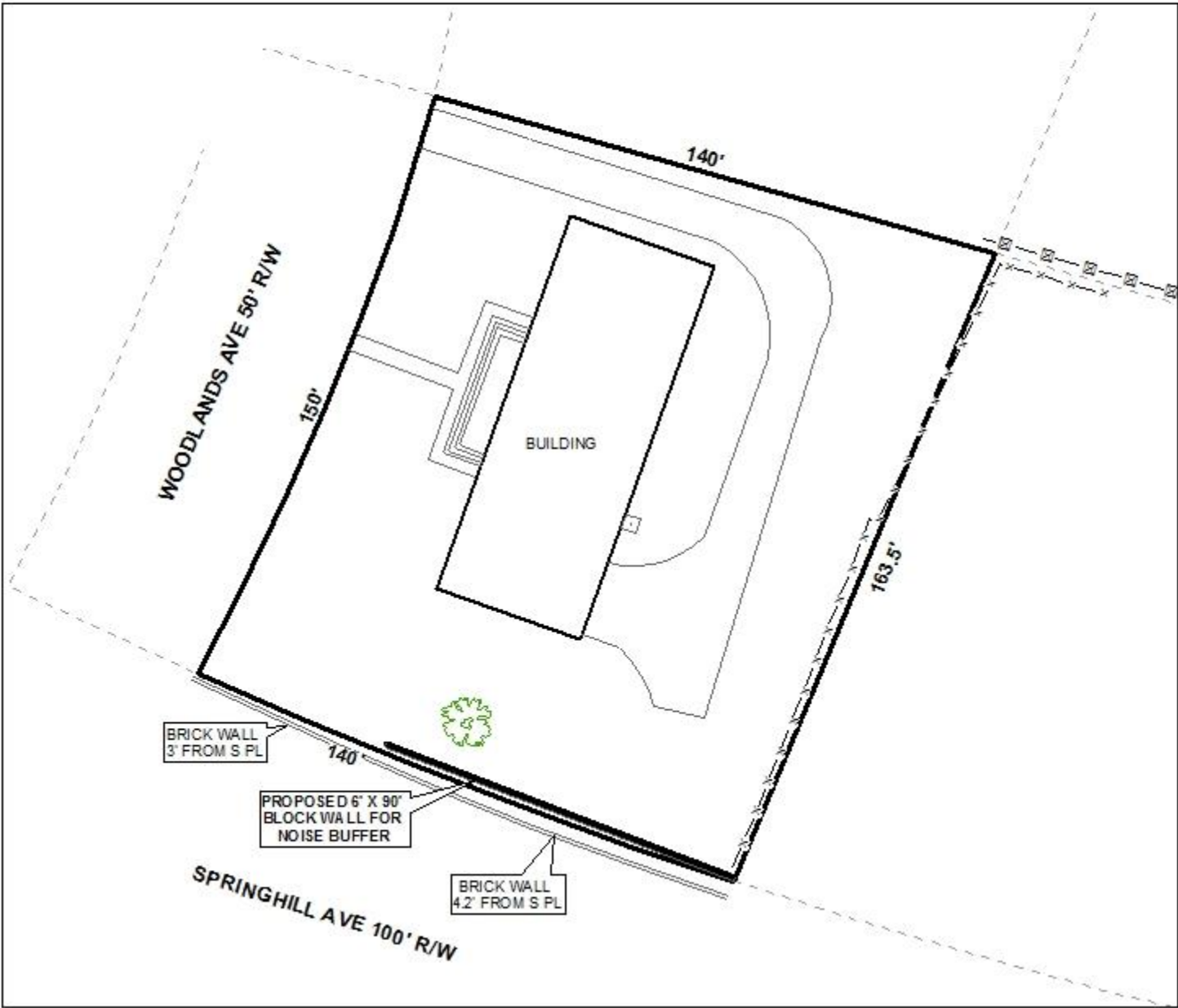


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## SITE PLAN



The site plan illustrates the building, existing block wall, and proposed block wall.

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REQUEST \_\_\_\_\_ Setback Variance \_\_\_\_\_

