

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 10, 2022**

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| <u>CASE NUMBER</u> | 6437 |
| <u>APPLICANT NAME</u> | Lillian Bush |
| <u>LOCATION</u> | 404 South Bayou Street (West side of South Bayou Street, 112'± South of Savannah Street). |
| <u>VARIANCE REQUEST</u> | SITE COVERAGE: To allow increased site coverage in an R-1, Single-Family Residential District. |
| <u>ZONING ORDINANCE REQUIREMENT</u> | SITE COVERAGE: The Zoning Ordinance limits site coverage to 35% in an R-1, Single-Family Residential District. |
| <u>ZONING</u> | R-1, Single-Family Residential District |
| <u>AREA OF PROPERTY</u> | 0.17± Acre |
| <u>ENGINEERING COMMENTS</u> | |

If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit – Single Family Residential Affidavit be submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**TRAFFIC ENGINEERING
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

URBAN FORESTRY**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Site Coverage Variance to allow increased site coverage in an R-1, Single-Family Residential District; the Zoning Ordinance limits site coverage to 35% in an R-1, Single-Family Residential District.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

The MxDR designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single-family homes, townhouses, two- to four-residential unit buildings, accessory dwellings, and low- and mid-rise multi-family apartment buildings. The density varies between six and ten dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses; schools, playgrounds and parks; and, churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the

designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 subject site had an existing dwelling, for which, a demolition permit was issued in April 2021. When the applicant submitted for building permits to erect a new dwelling, they were informed that the proposed new structure exceeds site coverage allowances. The applicant is now seeking approval to allow 40.2% site coverage.

The applicant states:

The Project will provide a 3 Bed Room residence at 404 Bayou St. This Project will provide basic amenities to include living, dining, storage and service spaces.

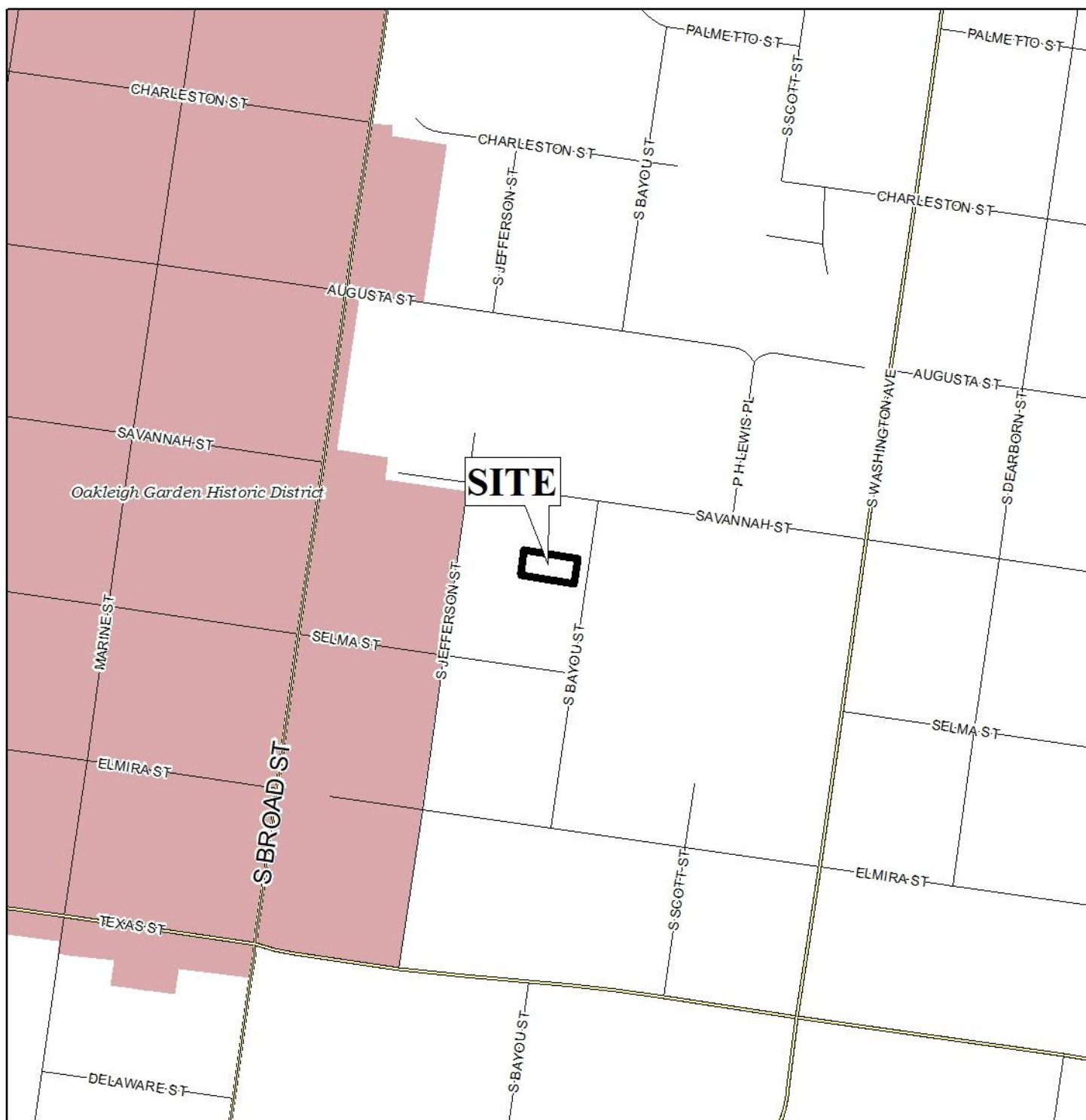
Due to the handicapped owners, it will be imperative that a parking garage be included in the structure, to assist the owner in get in and out of the residence. Also, additional square footage is needed in the residence to assist in maneuvering in the house. Note: two of the three residents in this house are handicapped and over 60 years old. This will increase the buildings site coverage over the required Zoning Ordinance limits. Per Sec. 64-3 of the Zoning Ordinance, Properties zoned R-1, Single-Family Residential have a max coverage requirement of no more than 35% of gross site area. Gross site area is ~7,610 S.F. of which is ~2,664 S.F. The Proposed house is 3,059 S.F. This represents a 395 S.F. overage.

While it is understandable that the applicant wishes to construct a dwelling that will accommodate aging in place with accessibility in mind, the proposed home is larger than what the Zoning Ordinance allows. A larger piece of property could accommodate the proposed dwelling without the need for a variance. However, in analyzing the other lots in this block, this lot is the smallest lot in this block, and the proposed home would comply with the maximum site coverage allowed if constructed on the lot adjoining this site to the South. As the proposed home will comply with minimum setback requirements, and will be constructed to provide handicap accessibility, it may be appropriate to approve the request as proposed.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest;
- 2) Special conditions do exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship in that the subject site is unique in that it is the smallest lot in the block; and
- 3) The spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because compliant handicap access requires larger dimensions for door openings, ramps, etc.

LOCATOR MAP



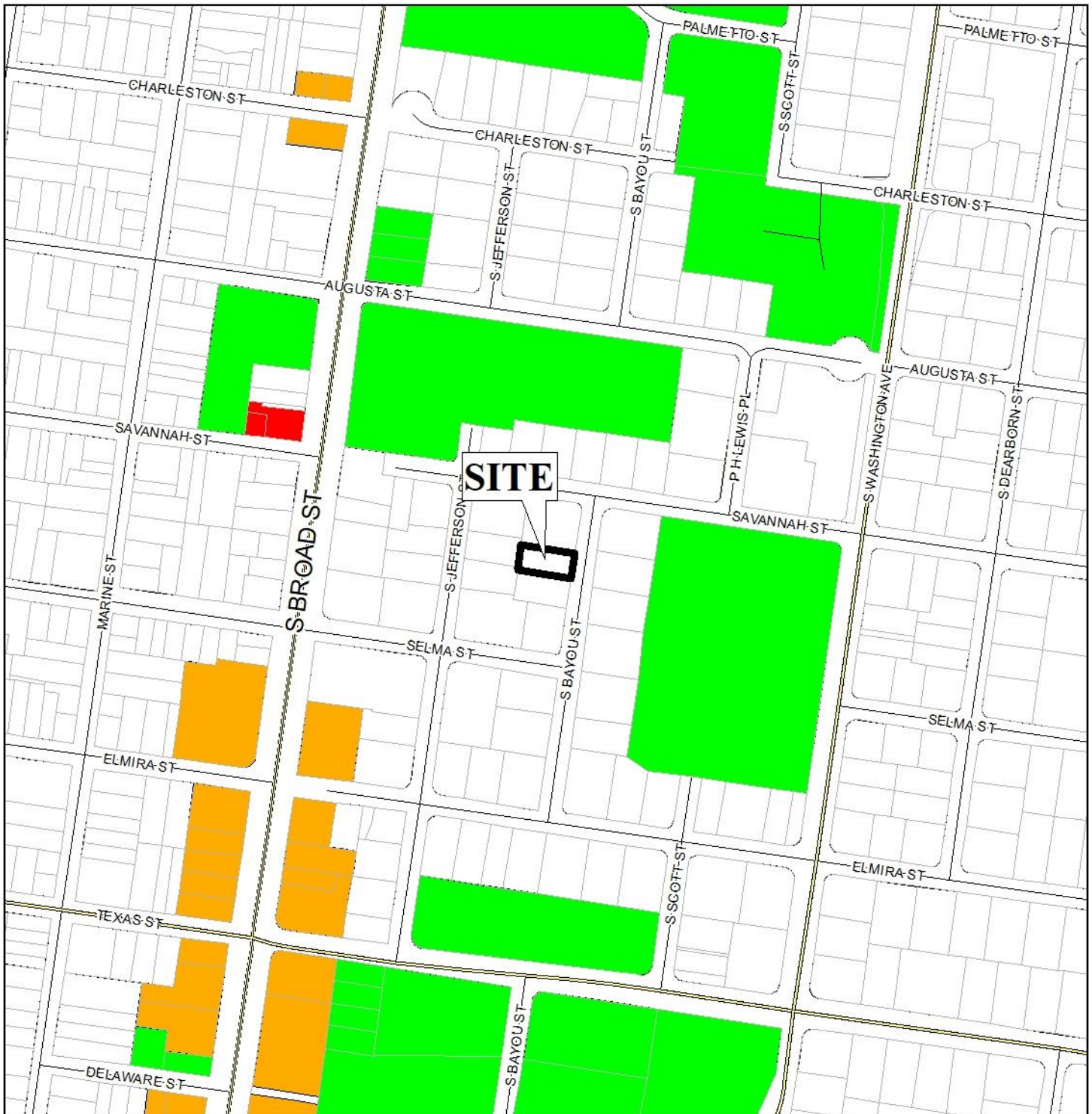
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APPLICANT Lilian Bush (Joseph Rodrigues, Agent)

REQUEST Site Coverage Variance



LOCATOR ZONING MAP



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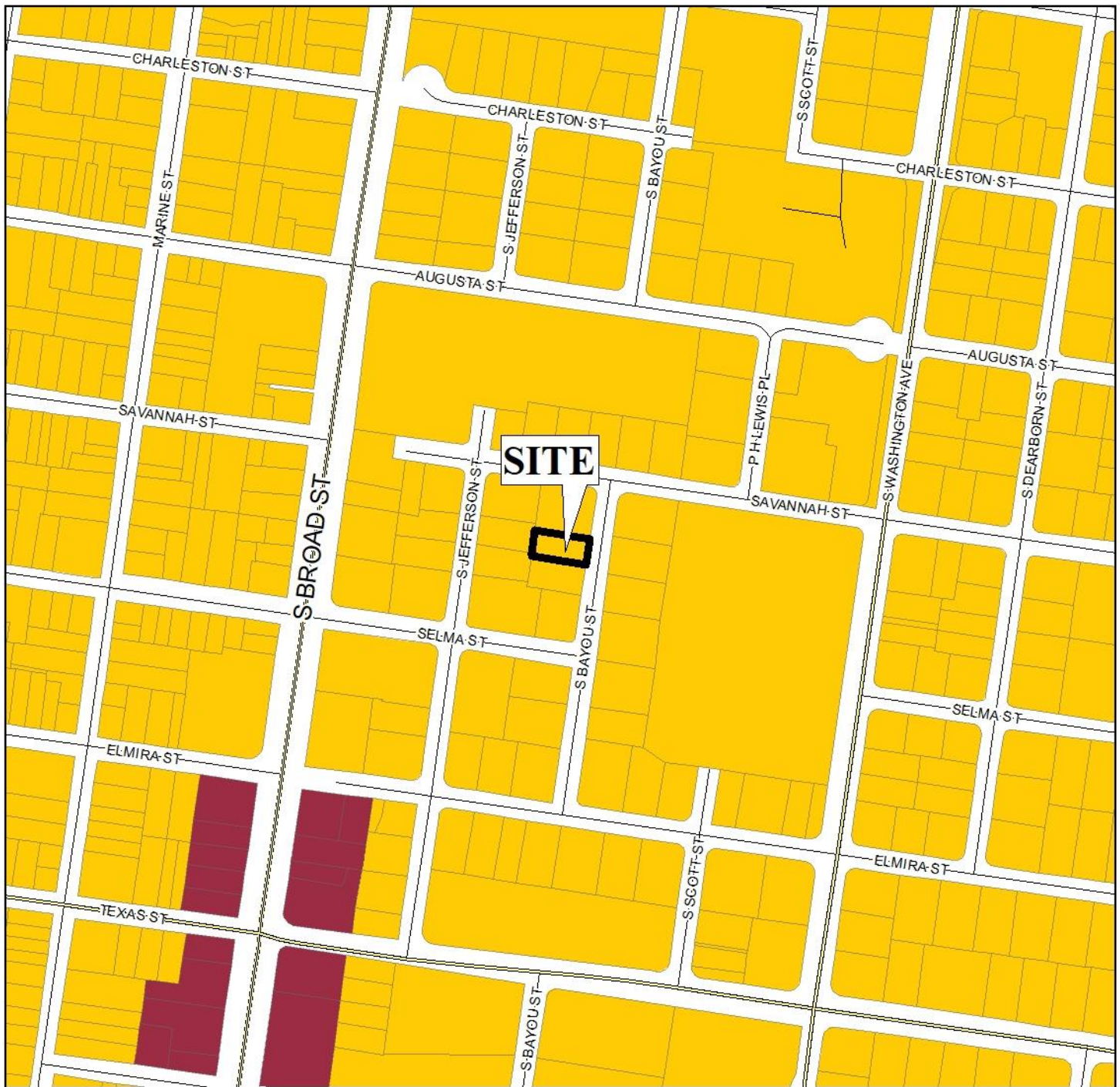
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FLUM LOCATOR MAP



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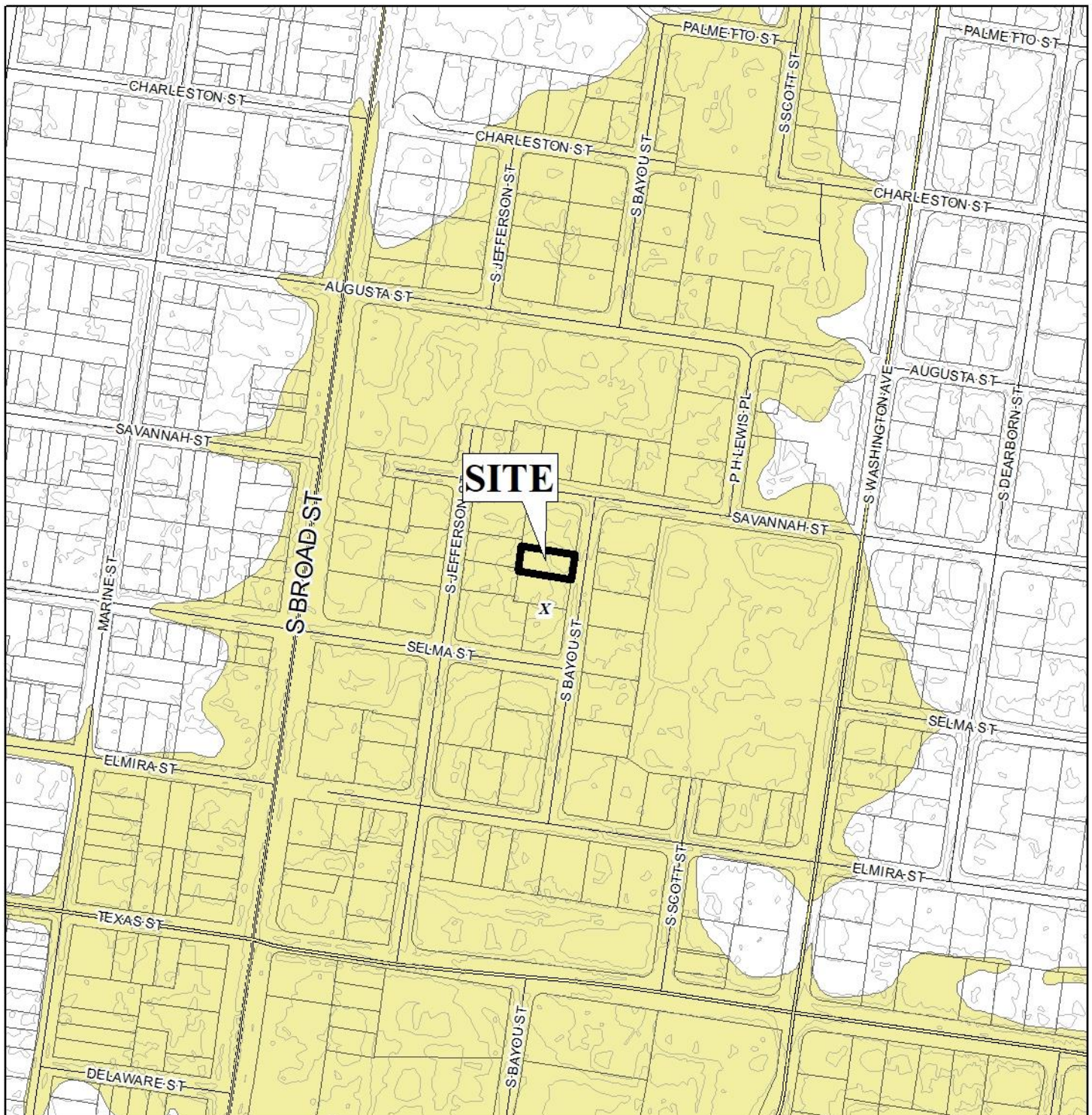
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|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



ENVIRONMENTAL LOCATOR MAP



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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 AERIAL

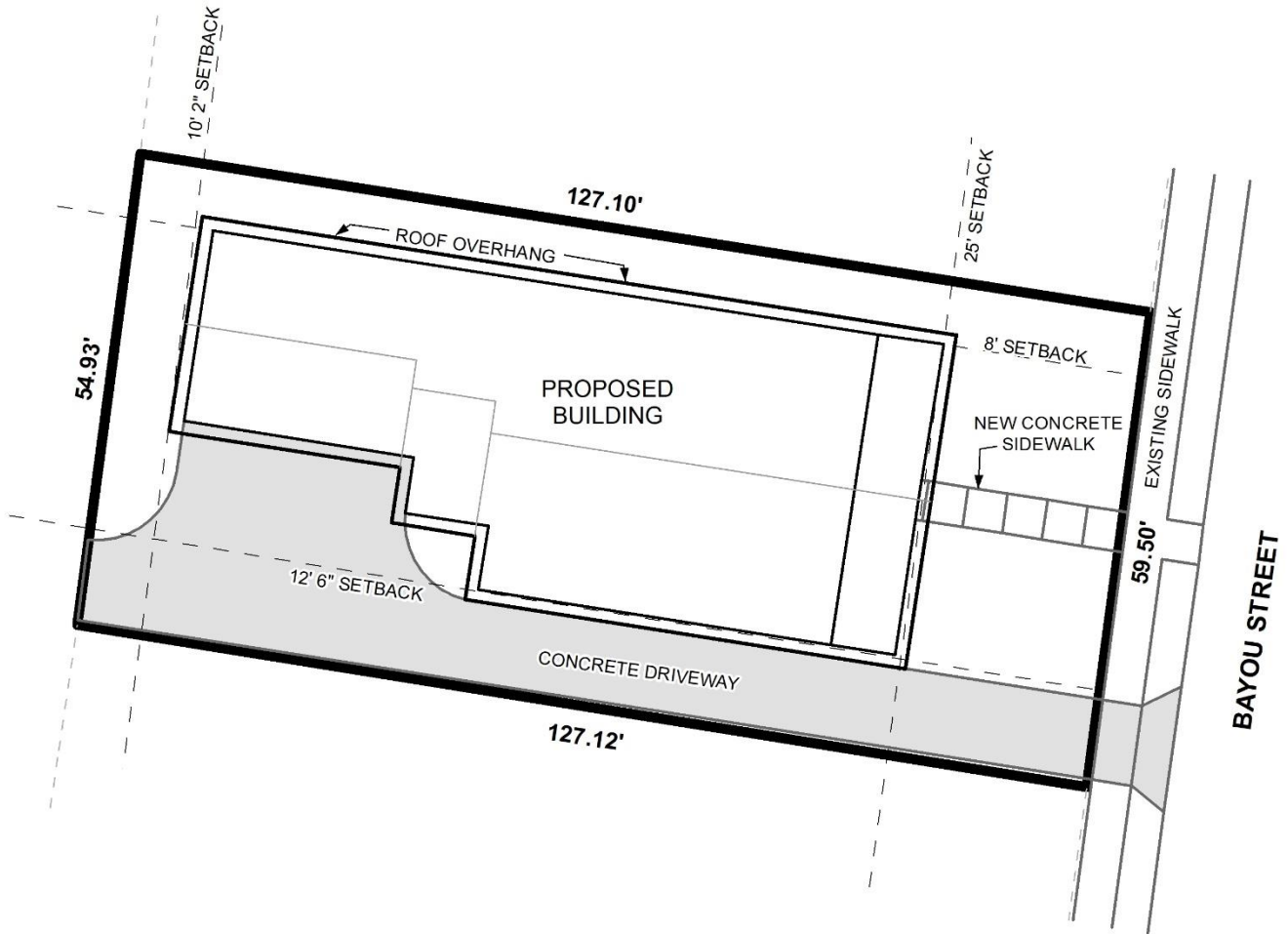


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SITE PLAN



The site plan illustrates proposed building, sidewalk and driveway.

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