

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: May 2, 2022**

**CASE NUMBER** 6454/6382

**APPLICANT NAME** Bethel Engineering

**LOCATION** 4103 Ridgelawn Drive  
(South side of Ridgelawn Drive, 215'± West of Ridgelawn Drive East).

**VARIANCE REQUEST** **REAR STREET, REAR YARD SETBACK:** To allow a ten-foot rear street, rear yard setback and an eight-foot high wall along the rear street, rear yard property line in an R-1, Single-Family Residential District.

**SIDE YARD SETBACK:** To allow pool equipment higher than 36 inches within a required side yard setback in an R-1, Single-Family Residential District.

**ZONING ORDINANCE REQUIREMENT** **REAR STREET, REAR YARD SETBACK:** The Zoning Ordinance requires a 25-foot rear street, rear yard setback, and requires any structure three feet high or more to meet the 25-foot setback in an R-1, Single-Family Residential District.

**SIDE YARD SETBACK:** The Zoning Ordinance requires any structure three feet high or more to meet the required side yard setback in an R-1, Single-Family Residential District.

**ZONING** R-1, Single-Family Residential District

**AREA OF PROPERTY** 0.7± Acre

**CITY COUNCIL DISTRICT** District 7

**ENGINEERING COMMENTS** No comments.

**TRAFFIC ENGINEERING COMMENTS** No comments.

**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 buildings and 600' of sprinkled buildings.

**ANALYSIS**

The applicant is requesting Rear Street, Rear Yard Setback and Side Yard Setback Variances to allow a ten-foot rear street, rear yard setback, an eight-foot high wall along the rear street, rear property line, and to allow pool equipment higher than 36 inches within a required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25-foot rear street, rear yard setback, and requires any structure three feet high or more to meet the required side yard setback in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. 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. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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 applicant states:

*This lot fronts Ridgelawn Drive and backs up to Old Shell Road. Access is currently denied to Old Shell Road. The adjacent property to the east received a variance that allows for the same 2 requests we are requesting, a reduced setback on Old Shell Road and approval for an 8' high masonry fence / wall along Old Shell Road at the property line. This will not present any sight distance concerns and will be similar to other approvals along Old Shell Road. The reason for the 10' setback is to allow for a future detached garage structure on the property in the future. A variance was approved for this on 05/03/2021. The owner did not pull a permit for the fence within 6 months, so we are re-submitting this application. Also, we are requesting a side setback variance along the eastern property line to allow pool equipment greater than 36" in height within the setback. The owner is building an 8' masonry fence along this side property line and the equipment will be against the wall.*

The Rear Street, Rear Yard Setback request is the same as was approved for the applicant at the Board's May 3, 2021 meeting, which has expired. The applicant cites the similar Setback Variance that was approved by the Board for the adjacent property at the Northwest corner of Ridgelawn Drive East and Old Shell Road at the April 2021 meeting. This portion of Old Shell Road is not on the Major Street Plan, and has a compliant 60-foot right-of-way width; thus, the current location of the rear property line of the subject site is not likely to be impacted by future infrastructure improvements.

It should be noted that, in addition to the proposed wall allowed by the recent Setback Variance on the adjacent property, other walls exist in the neighborhood, either by variance or are

“grandfathered,” thus the proposed wall would not be out of character with the neighborhood. Moreover, there have been other similar structural setback variance requests in the area approved by the Board, allowing fences or walls directly on the right-of-way line. Staff has verified the applicant’s claim that the proposed wall would be similar to other approvals along Old Shell Road. In those instances, as in this, no clear hardship was identified related to the property but, instead, emphasis was put on privacy and neighborhood harmony. In this instance, the emphasis is on the fact that the wall would be similar to other approvals along Old Shell Road. To that end, this request follows in the same spirit and would not seem to be out of character in this neighborhood.

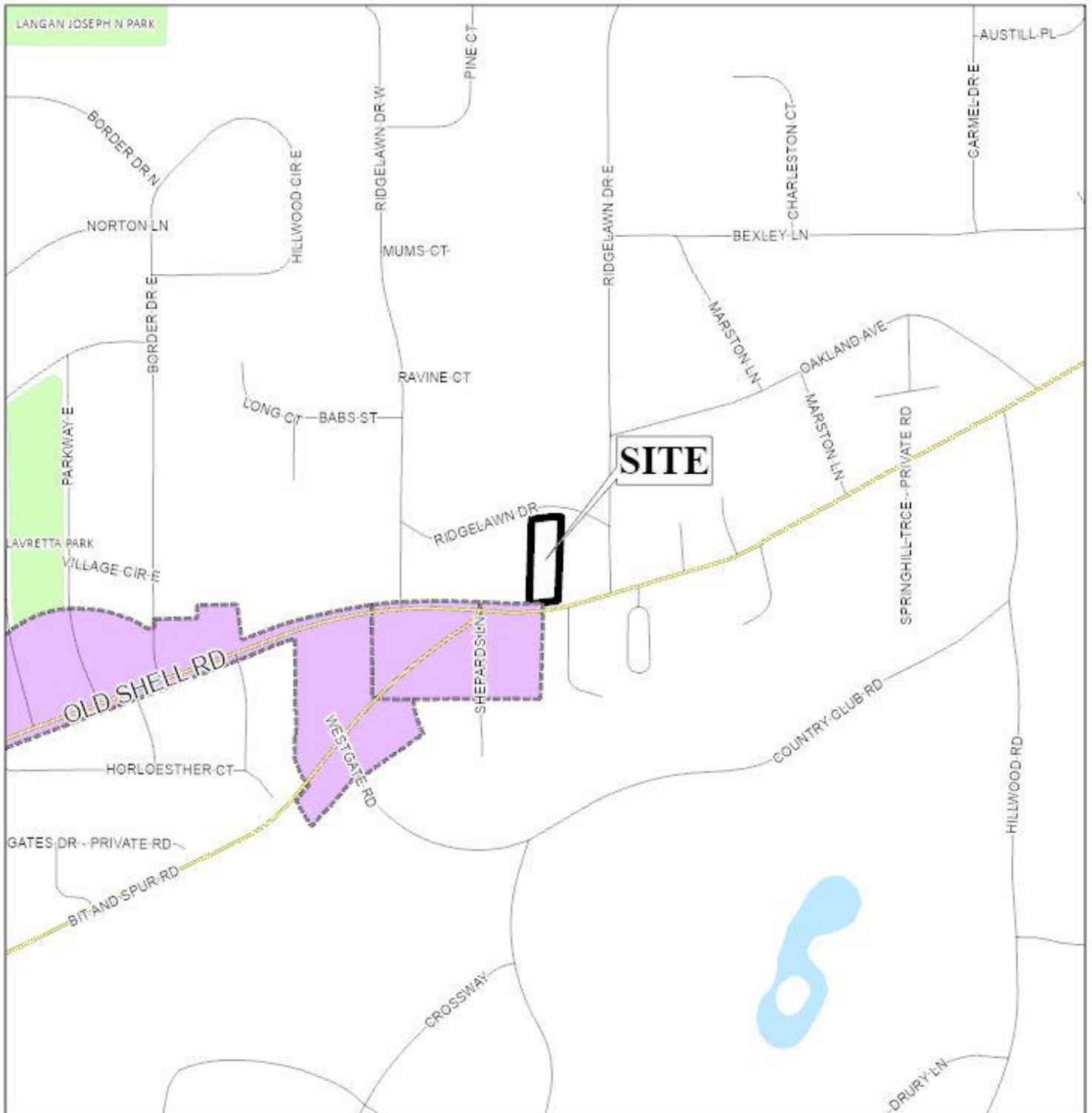
Pertaining to the requested ten-foot rear yard setback, it would follow that, as the future right-of-way width of Old Shell Road is proposed to remain the same, and as a variance for a ten-foot setback, albeit a side yard setback along Old Shell Road, was granted for the adjacent site to the East, the request at hand would be similar to previous approvals and the Board should consider the current request for approval, especially in light of the fact that this is the same as approved for this site in 2021.

Pertaining to the side yard setback request, the reason for setback requirements is to preserve the openness of yard areas. However, in this instance, the pool equipment is proposed to be against an eight-foot high masonry wall which would seem to make area openness a moot point in this area of the site, and would not seem to pose any infringement upon the neighboring property. Therefore, the allowance of the request would seem in character with the surrounding neighborhood.

It should be noted that the site plan provided did not indicate the location, size or height of the proposed future garage. As variance approvals are site plan specific, this application should be heldover to allow the applicant to revise the site plan to provide information as to the location, size and height of the proposed garage.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board that this application be heldover to the June 6<sup>th</sup> meeting to allow the applicant to submit a revised site plan indicating the location, size and height of the proposed future garage. Revisions should be submitted to Planning and Zoning no later than May 13<sup>th</sup>.

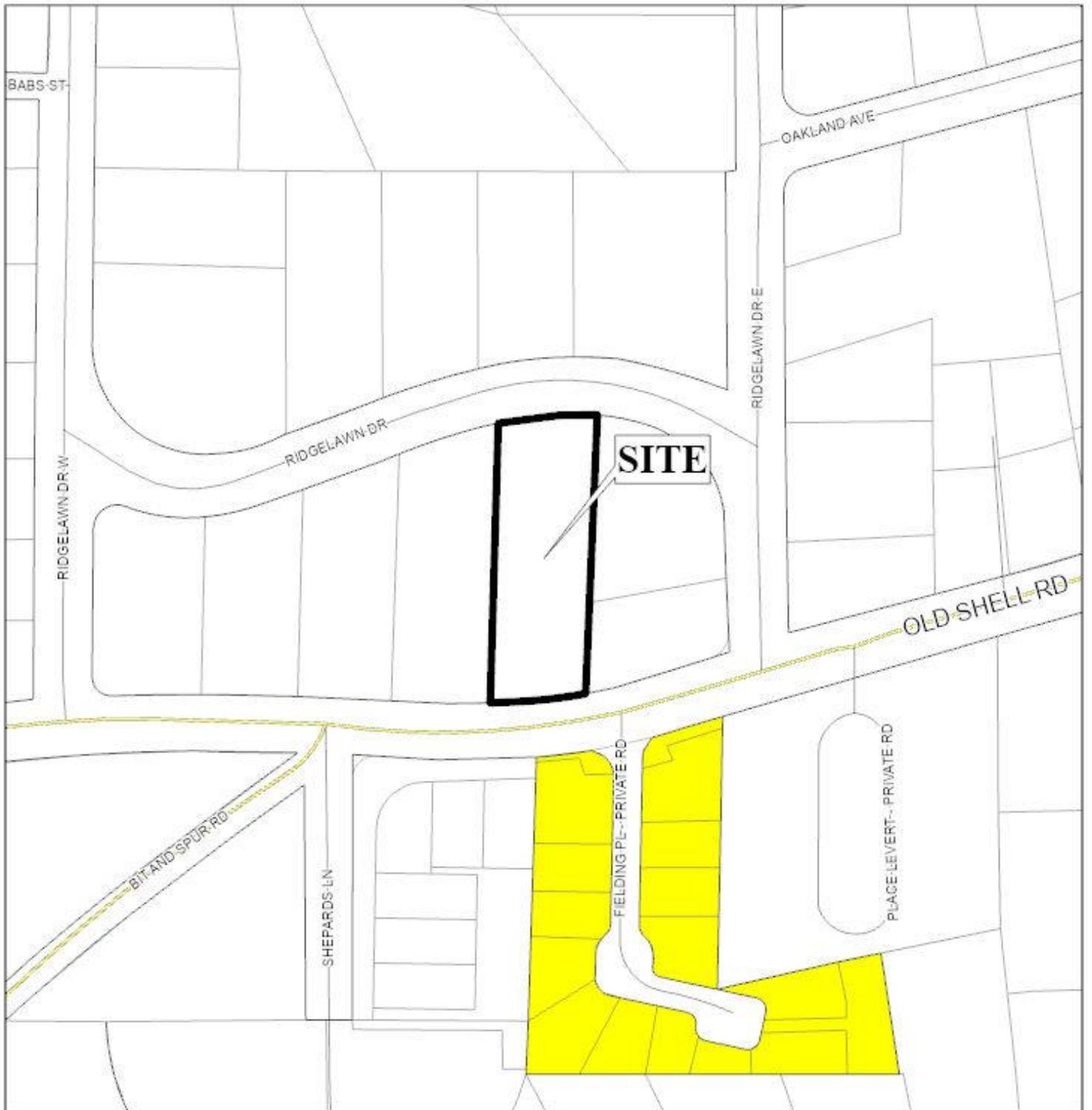
# LOCATOR MAP



APPLICATION NUMBER 6454 DATE May 2, 2022  
APPLICANT Bethel Engineering  
REQUEST Rear Street, Rear Yard And Side Yard Setback Variances



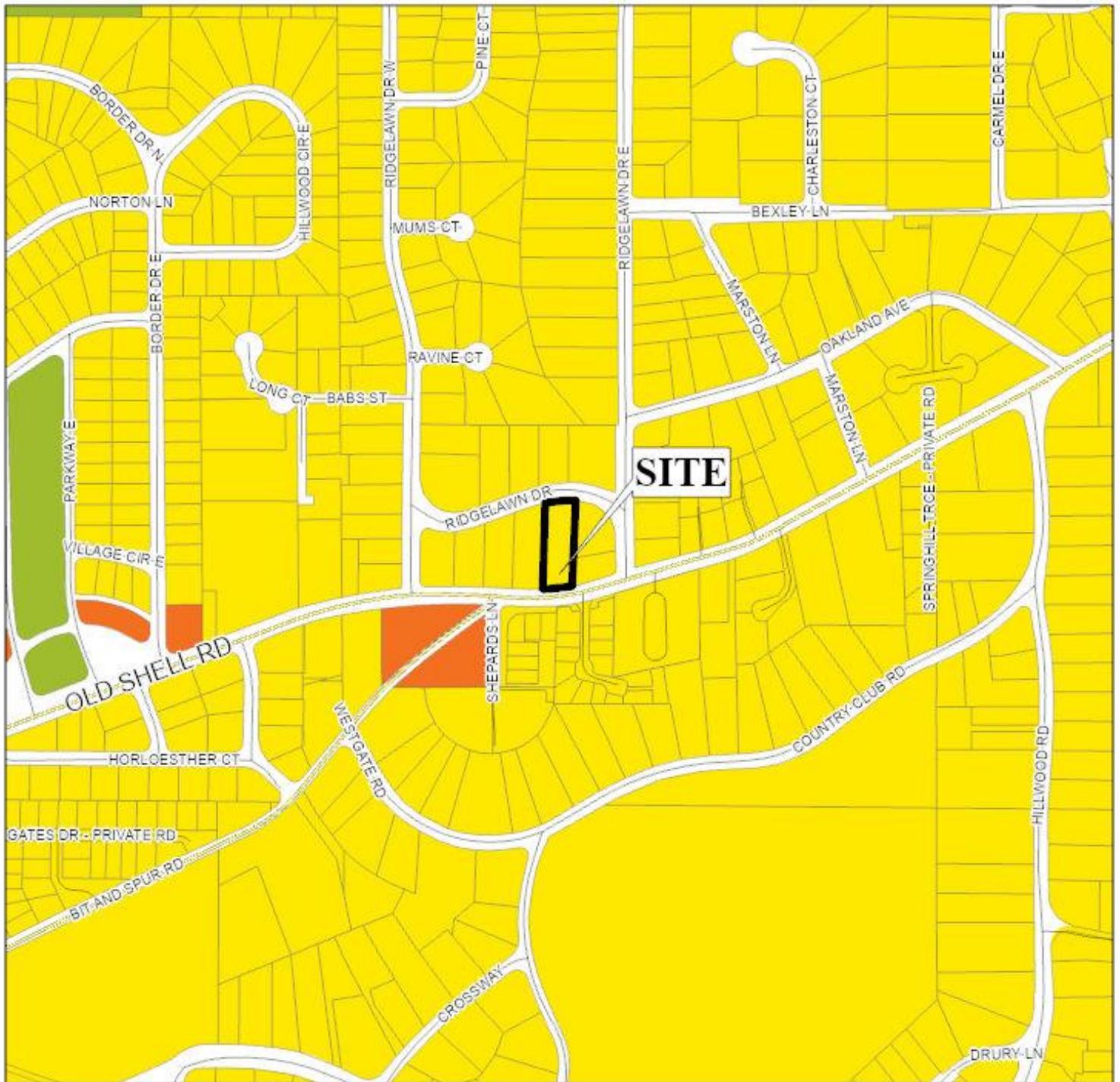
# LOCATOR ZONING MAP



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APPLICANT Bethel Engineering  
REQUEST Rear Street, Rear Yard And Side Yard Setback Variances



# FLUM LOCATOR MAP



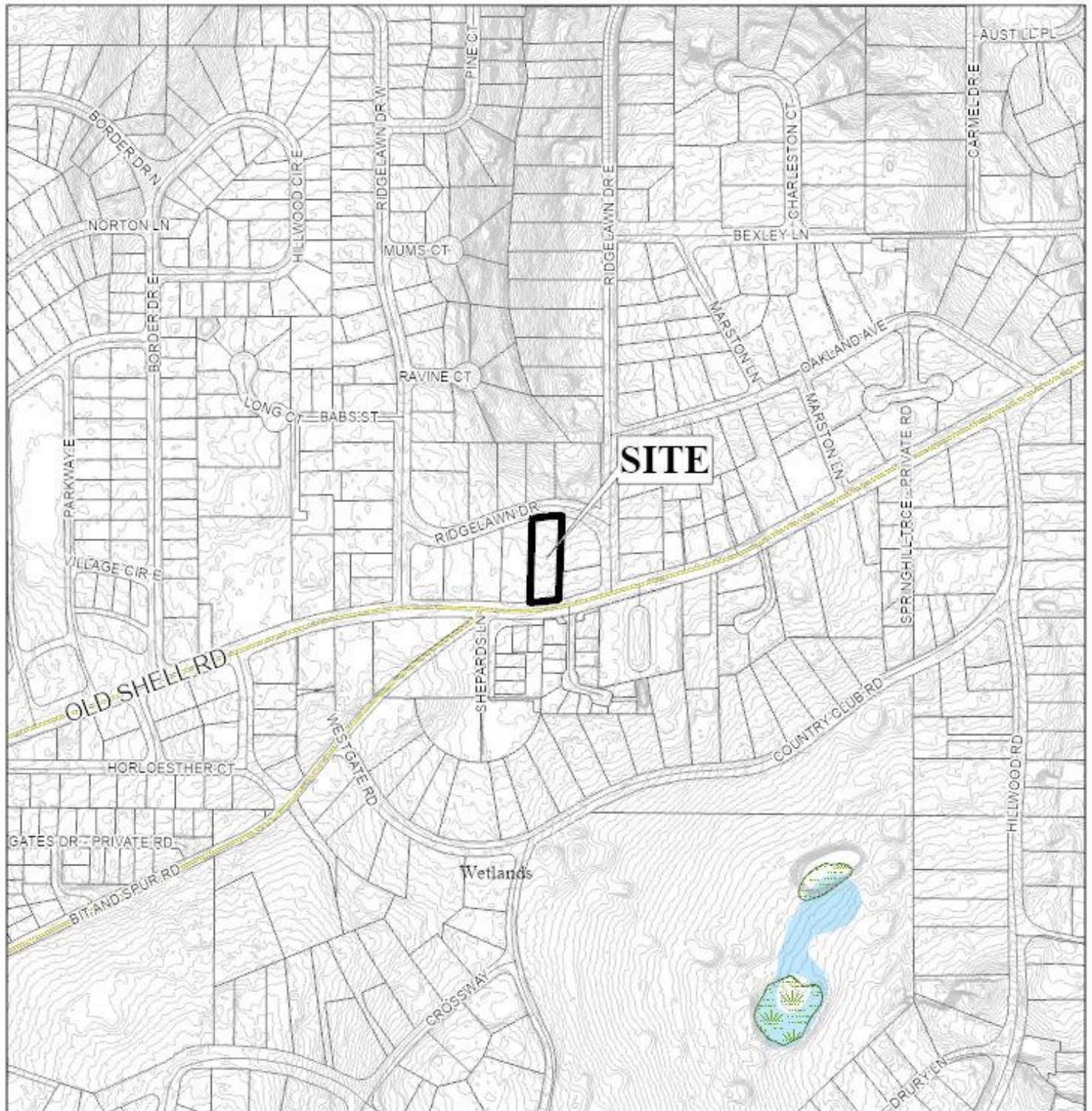
APPLICATION NUMBER 6454 DATE May 2, 2022  
 APPLICANT Bethel Engineering  
 REQUEST Rear Street, Rear Yard And Side Yard Setback Variances

**Layer2**

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



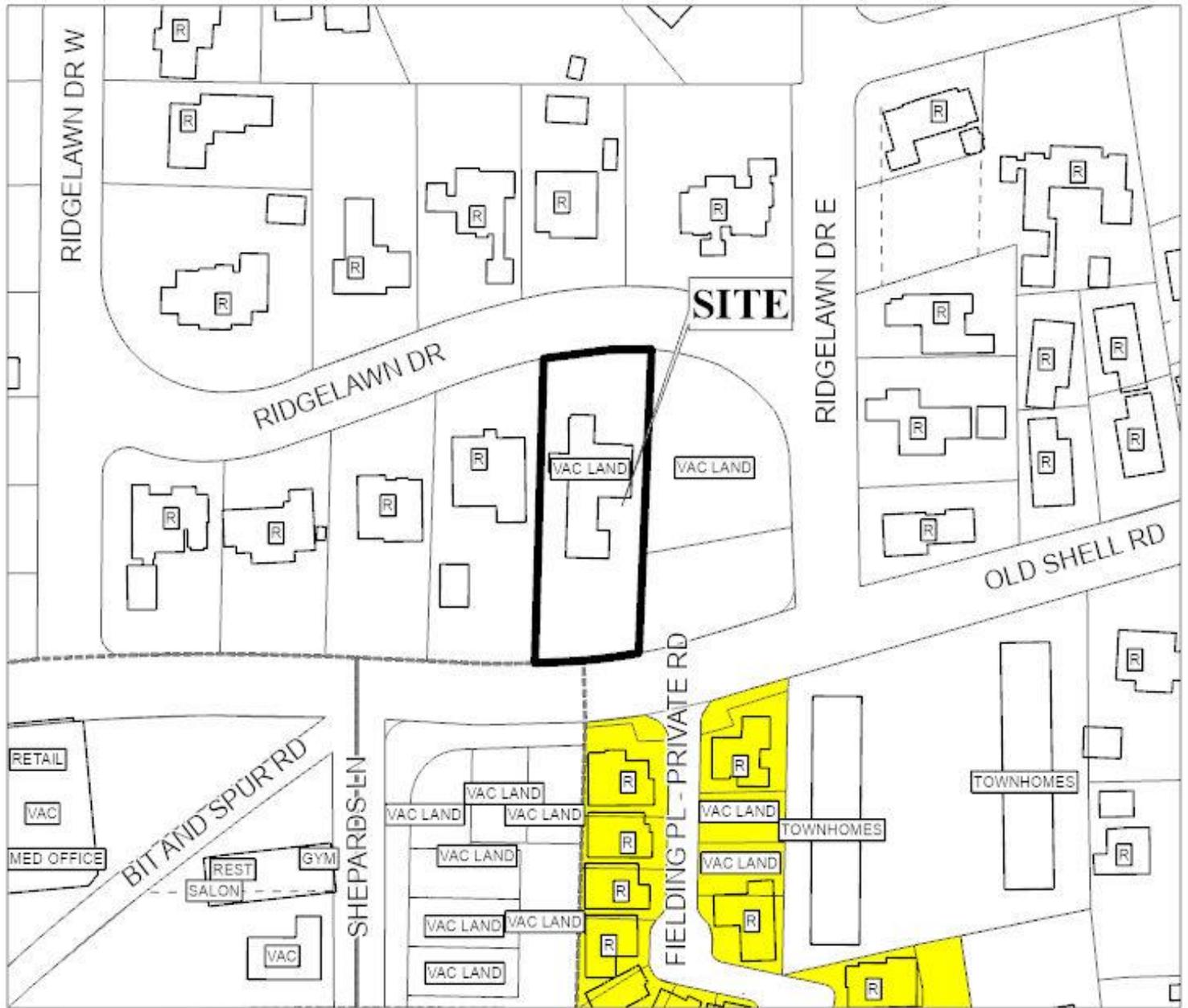
# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6454 DATE May 2, 2022  
APPLICANT Bethel Engineering  
REQUEST Rear Street, Rear Yard And Side Yard Setback Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



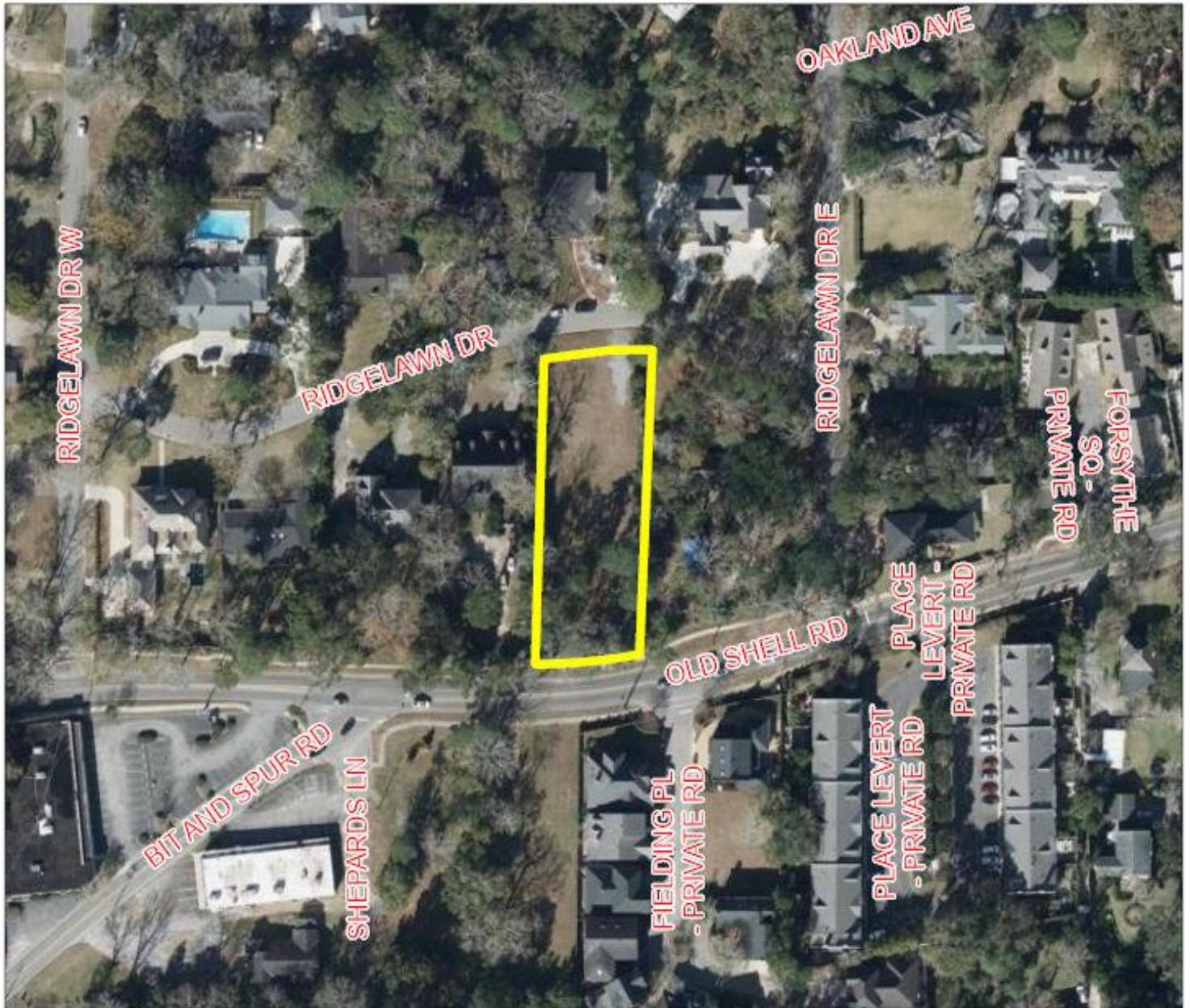
This site is surrounded by residential units.

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 APPLICANT Bethel Engineering  
 REQUEST Rear Street, Rear Yard And Side Yard Setback Variances

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

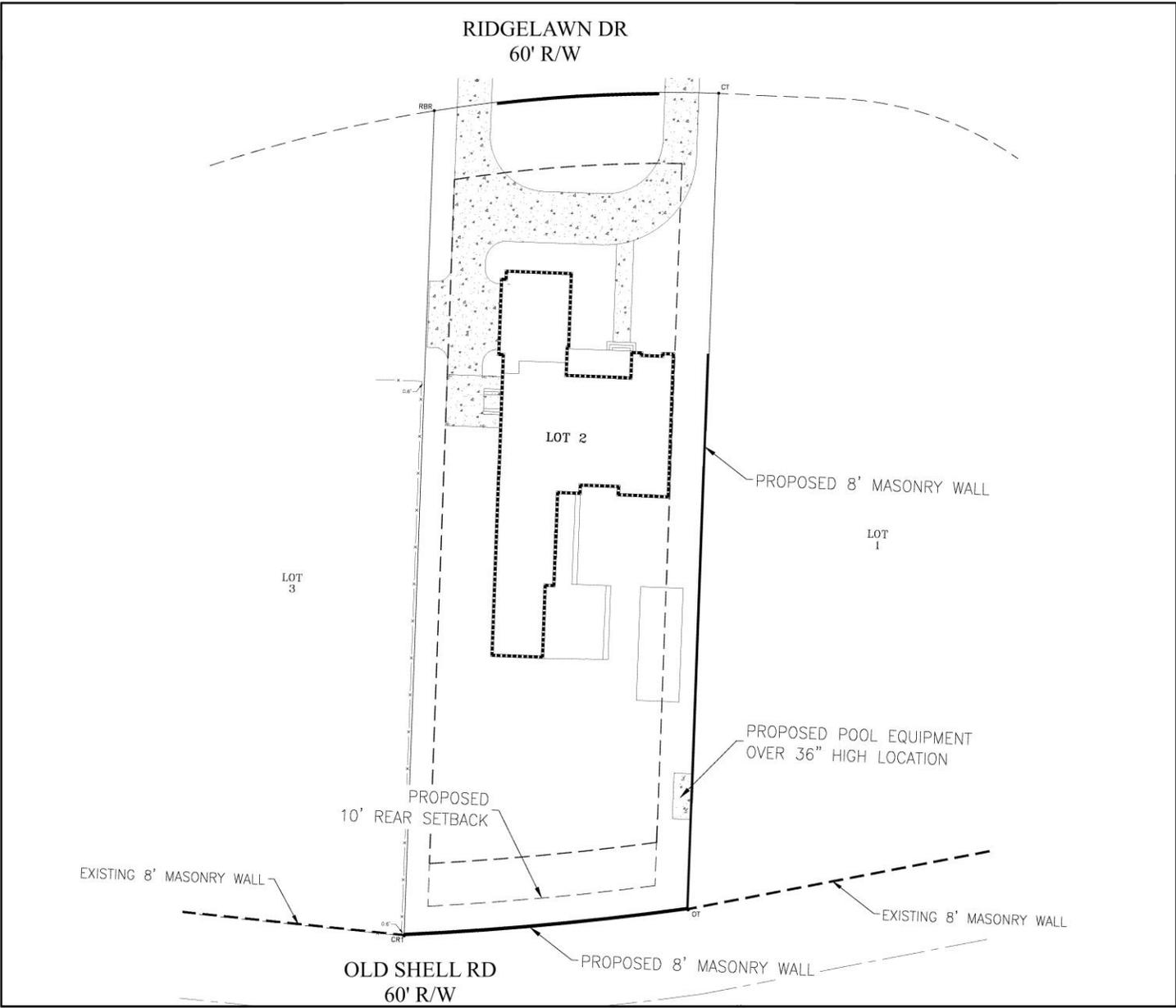


This site is surrounded by residential units.

APPLICATION NUMBER	6454	DATE	May 2, 2022
APPLICANT	Bethel Engineering		
REQUEST	Rear Street, Rear Yard And Side Yard Setback Variances		



# SITE PLAN



The site plan illustrates the existing dwelling, play areas and parking.

APPLICATION NUMBER <u>6454</u>	DATE <u>May 2, 2022</u>
APPLICANT <u>Bethel Engineering</u>	
REQUEST <u>Rear Street, Rear Yard And Side Yard Setback Variances</u>	

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