

APPLICATION NUMBER

5304

A REQUEST FOR

**USE VARIANCE TO ALLOW A SECOND RESIDENTIAL
DWELLING UNIT, IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; ONLY ONE DWELLING UNIT
IS ALLOWED IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT**

LOCATED AT

3408 BAY FRONT ROAD

(West side of Bay Front Road, 162'± North of Stewart Road)

APPLICANT/OWNER

PETER J. PALUGHI

BOARD OF ZONING ADJUSTMENT

APRIL 2005

The applicant is requesting a Use Variance to allow a second residential dwelling unit, in an R-1, Single-Family Residential District; only one dwelling unit is allowed in an R-1, Single-Family Residential District.

The applicant states that a separate brick garage building contained to a three-room apartment. The applicant states that the garage appeared to be built at the same time as the single-family dwelling; however, the applicant does not know when the garage was converted to a separate dwelling. The applicant states that the garage apartment did contain a gas heater, shower, and proper connections for a stove and refrigerator; however, the apartment has not been used as a dwelling unit for several years, and would no longer be considered nonconforming.

The applicant states the purpose of the apartment is to place a single tenant to help with the every day needs. The applicant states that the secondary dwelling has been in existence for several years.

The Ordinance allows nonconforming uses to continue as long as they are not abandoned for a period of two years or more. It is the intent of the zoning Ordinance, that over time, nonconforming uses will cease, and in this case, only single-family residences would be allowed in the neighborhood.

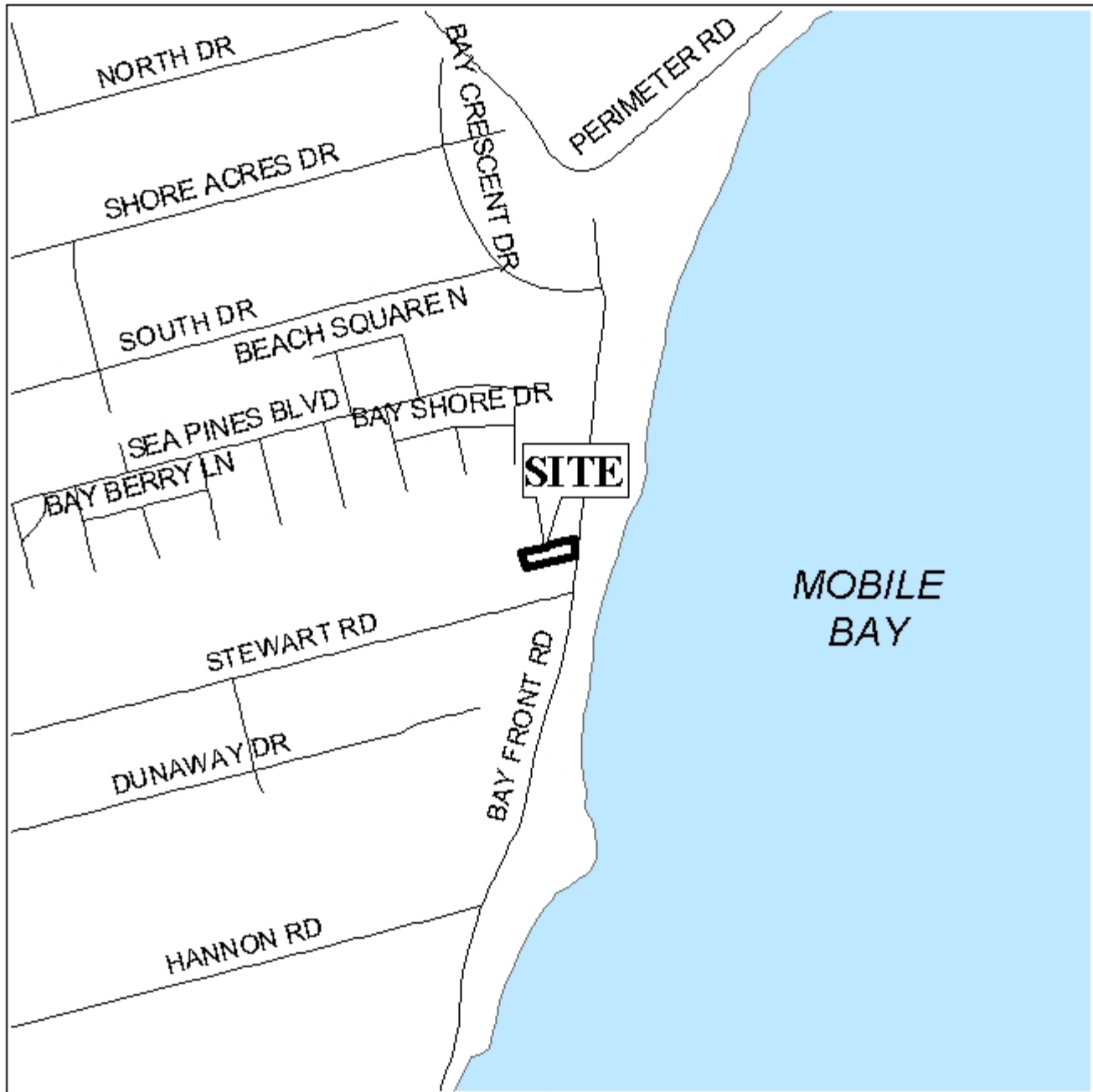
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship for the property. It is simply the applicant's desire to reoccupy an existing structure as a second dwelling unit in a single-family residential District.

RECOMMENDATION 5304**Date: April 4, 2005**

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

LOCATOR MAP



APPLICATION NUMBER 5304 DATE April 4, 2005

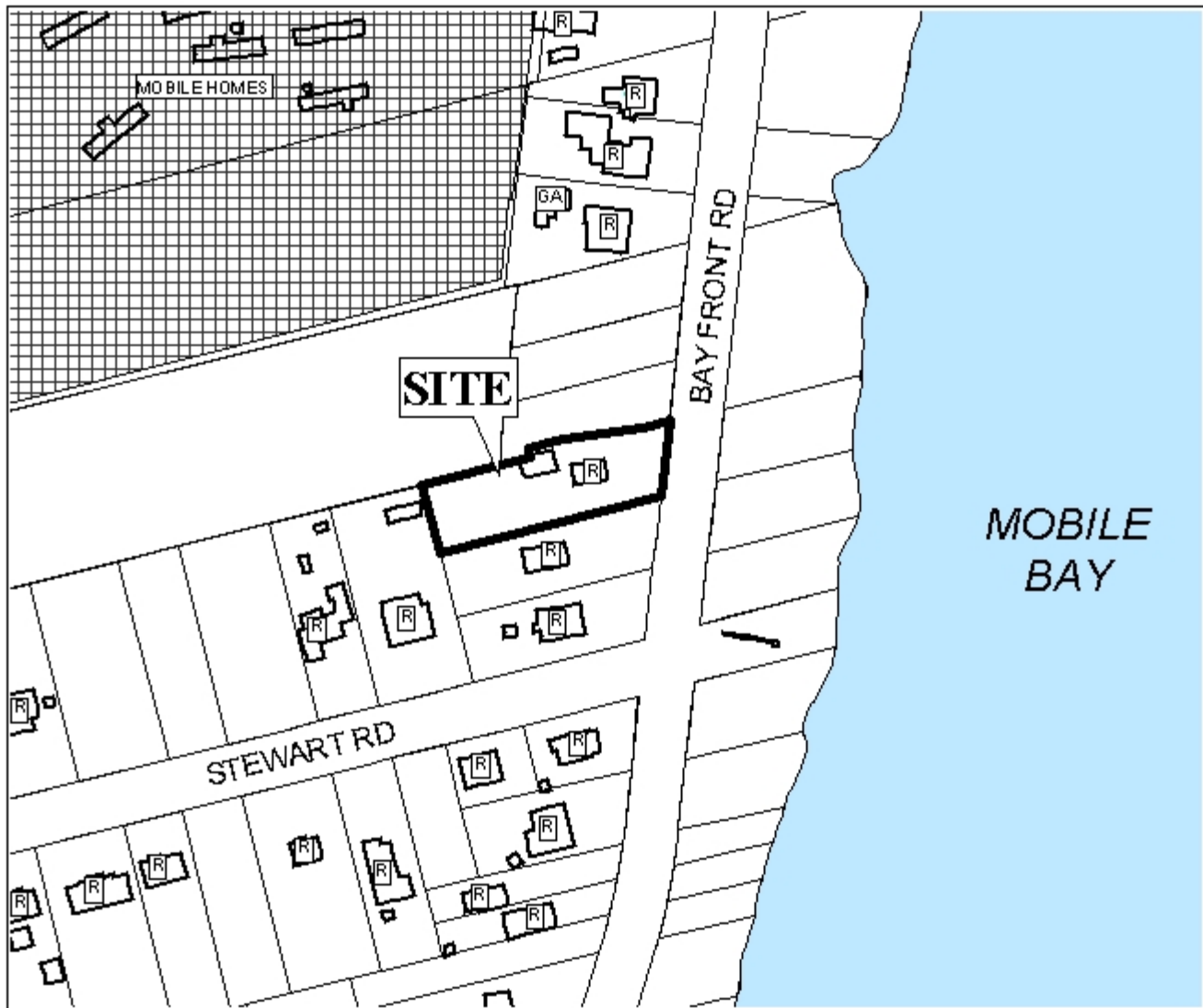
APPLICANT Peter J. Palughi

REQUEST Use Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential dwellings are to the North and South of the site.
Mobile Bay is to the East and vacant land is to the West.

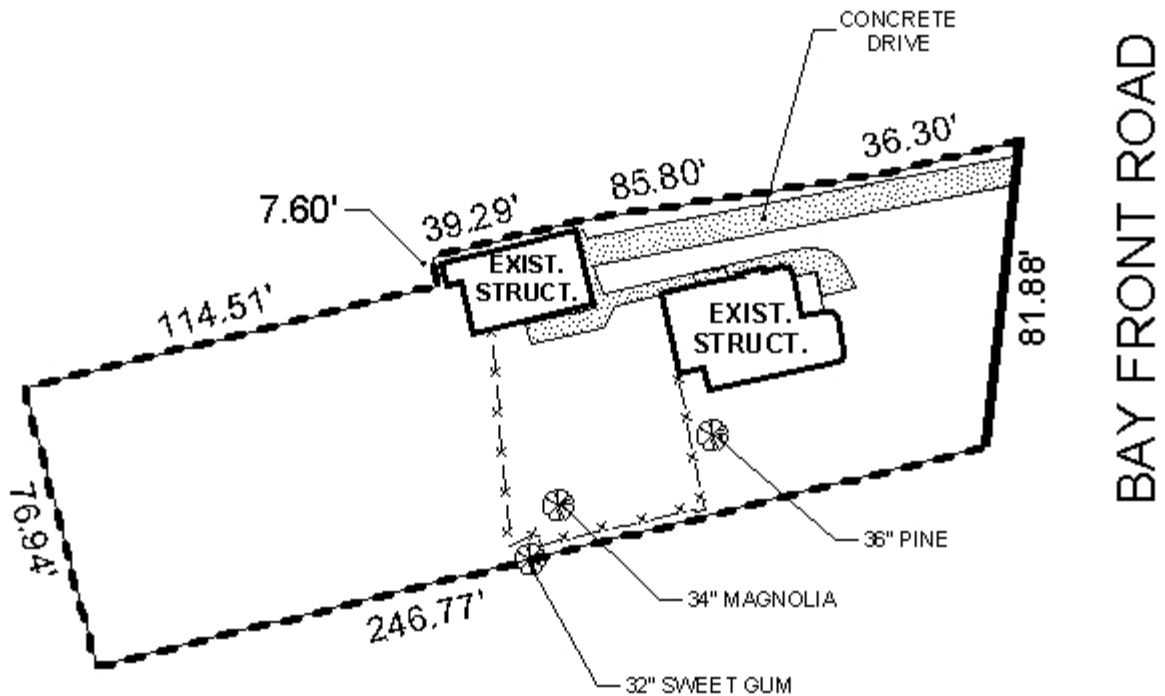
APPLICATION NUMBER 5304 DATE April 4, 2005
 APPLICANT Peter J. Palughi
 REQUEST Use Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site is located on the West side of Bay Front Road, 162' North of Stewart Road.
The plan illustrates the structures, driveway and trees.

APPLICATION NUMBER 5304 DATE April 4, 2005
APPLICANT Peter J. Palughi
REQUEST Use Variance



NTS