

APPLICATION NUMBER

5473

A REQUEST FOR

**USE VARIANCE TO ALLOW AN ACCESSORY
STRUCTURE AS THE PRIMARY USE IN AN R-1, SINGLE-
FAMILY RESIDENTIAL DISTRICT; THE ZONING
ORDINANCE REQUIRES A SINGLE-FAMILY DWELLING
AS THE PRIMARY USE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

2398 PAULINE DRIVE

(North side of Pauline Drive, at its East terminus)

APPLICANT/OWNER

JOE M. MANNING

BOARD OF ZONING ADJUSTMENT

JUNE 2008

The applicant is requesting a use variance to allow an accessory structure as the primary use in an R-1, Single-Family Residential District; the Zoning Ordinance requires a single-family dwelling as the primary use in an R-1, Single-Family Residential District.

The site is currently developed with an approximately 960 square foot pole barn along with an additional smaller shed. The applicant states that the shed will be used to keep lawn equipment, a tractor, small boat and a golf cart.

According to Mobile City records, a complaint for a variety of issues was registered with the City's 311 system in March of 2008. After review, a Notice of Violation was issued on April 9, 2008 for commercial equipment and personal storage on a vacant lot. In addition, there was a camper trailer that was used for an occasional living quarters and a new barn apparently built without a building permit. On April 22, 2008 the re-inspection showed that a backhoe that was on the property had been moved to a neighbor's yard and that the applicant had still not applied for or received a building permit for the barn. At this time a Municipal Offense Ticket was issued for the non-permitted barn and the use of property for personal storage. At this time, the applicant stated he would apply for a variance.

It should be noted that the property in question is not a legal lot of record. Any additional development will require a subdivision application.

The applicant must present 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.

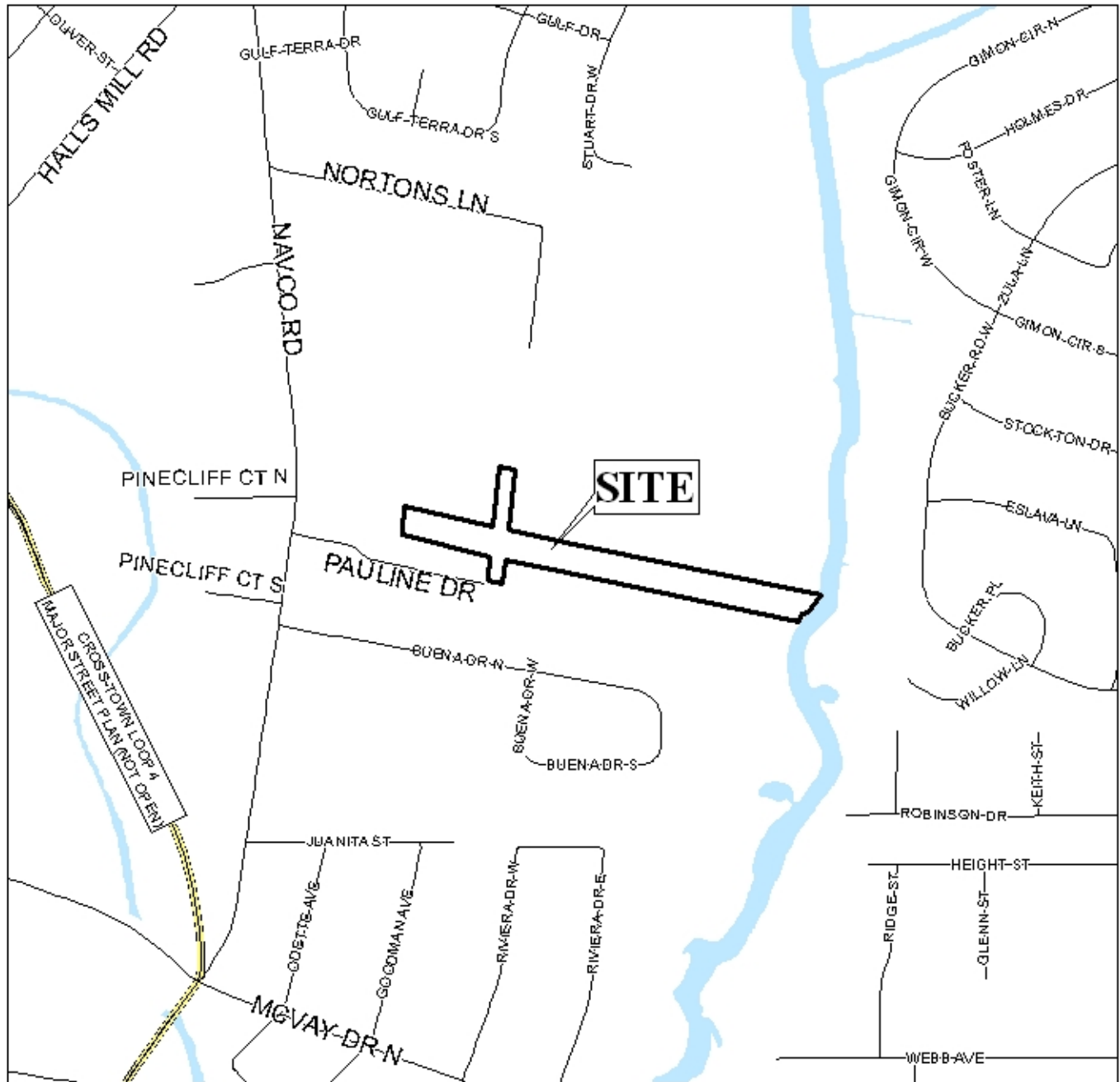
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's request to use a vacant piece of property for personal storage.

RECOMMENDATION 5473**Date: June 2, 2008**

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

LOCATOR MAP



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APPLICANT Joe M. Manning
REQUEST Use Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.
A church is located to the south of the site.

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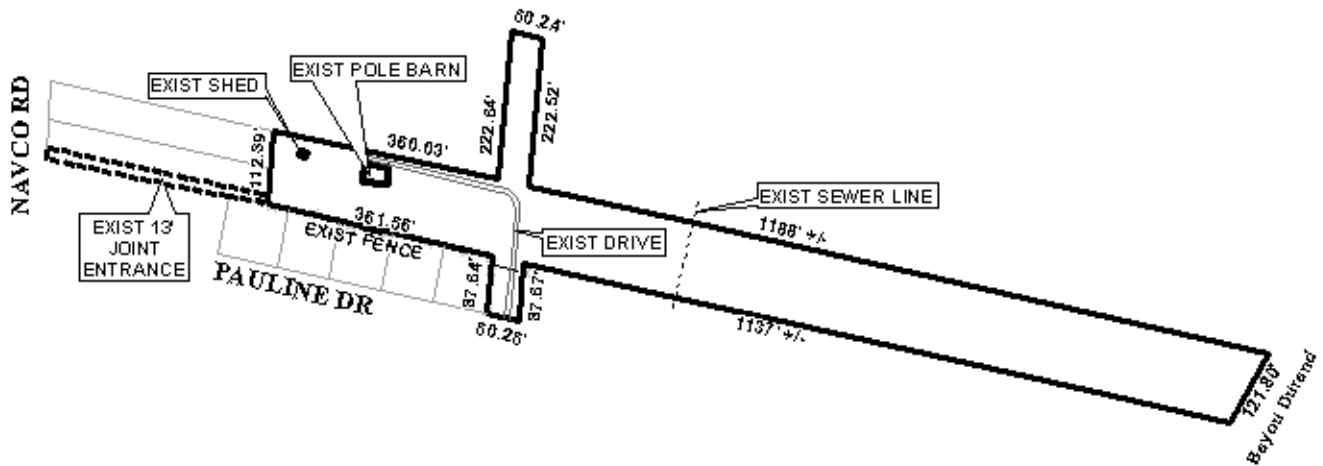
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LEGEND R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2



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SITE PLAN



The site plan illustrates the proposed building, existing drive and existing joint entrance

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