

APPLICATION NUMBER

5499/5290

A REQUEST FOR

**USE AND FRONT YARD SETBACK VARIANCES TO
ALLOW A RESIDENTIAL DUPLEX TO BE
CONSTRUCTED 68' FROM THE FRONT PROPERTY
LINE IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT WITHIN THE HISTORIC DISTRICT
OVERLAY; THE ZONING ORDINANCE REQUIRES A
MINIMUM OF R-2, TWO-FAMILY RESIDENTIAL
DISTRICT FOR A RESIDENTIAL DUPLEX, AND A
MAXIMUM FRONT YARD SETBACK OF 37' IS
REQUIRED WITHIN THE HISTORIC DISTRICT
OVERLAY IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT.**

LOCATED AT

1114 GOVERNMENT STREET

(North side of Government Street, 430' ± West of South Hallett Street)

APPLICANT/OWNER

BOBBY WILLIAMS

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

OCTOBER 2008

The applicant is requesting Use and Front Yard Setback Variances to allow a residential duplex to be constructed 68' from the front property line in an R-1, Single-Family Residential District within the Historic District Overlay; the Zoning Ordinance requires a minimum of R-2, Two-Family Residential District for a residential duplex, and a maximum front yard setback of 37' is required within the Historic District Overlay in an R-1, Single-Family Residential District.

The subject site received Use and Front yard Setback Variances in 2005 to allow a dwelling to be used as a 5 bedroom, Bed and Breakfast facility to be constructed 68' from the front property line in an R-1, Single-Family Residential District within the Historic District Overlay. Permits were issued for the structure and site renovations, but the project was never completed and the variance expired. The new owner/applicant desires to use the structure as a residential duplex and allow it to remain where situated on the site, hence this variance request.

The structure served as the garage for the Walter Bellinrath home on Ann Street prior to the dwelling being removed to allow construction of the Greek Orthodox Church. The garage building remained on the church property until being sold and moved to the subject site in 2005. The site is currently a metes-and-bounds legal description, but a one-lot subdivision application has been submitted to create a legal lot of record and is scheduled for the October 2, 2008 Planning Commission meeting.

With regard to the use variance request, the immediate neighborhood is of mixed-use with single-family residential, two-family residential, multi-family residential apartments and condominiums, offices, and a bed and breakfast. The subject site is bordered on the immediate sides by the by the bed and breakfast and condominiums, and to the rear by two-family and single-family residential use. Given the fact that the previous variance was granted for bed and breakfast use, and the fact that other two-family and multi-family residential uses exist in the immediate neighborhood, the request for two-family residential use would be consistent with the mixed uses of the area.

With regard to the front setback request of 68', this is consistent with the previously granted variance and the current placement of the structure on site. Since the structure is of unique, historic significance to the community, and the current setback was approved by the Architectural Review Board in 2005, it would stand that such approval would be justified in this instance.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, 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.

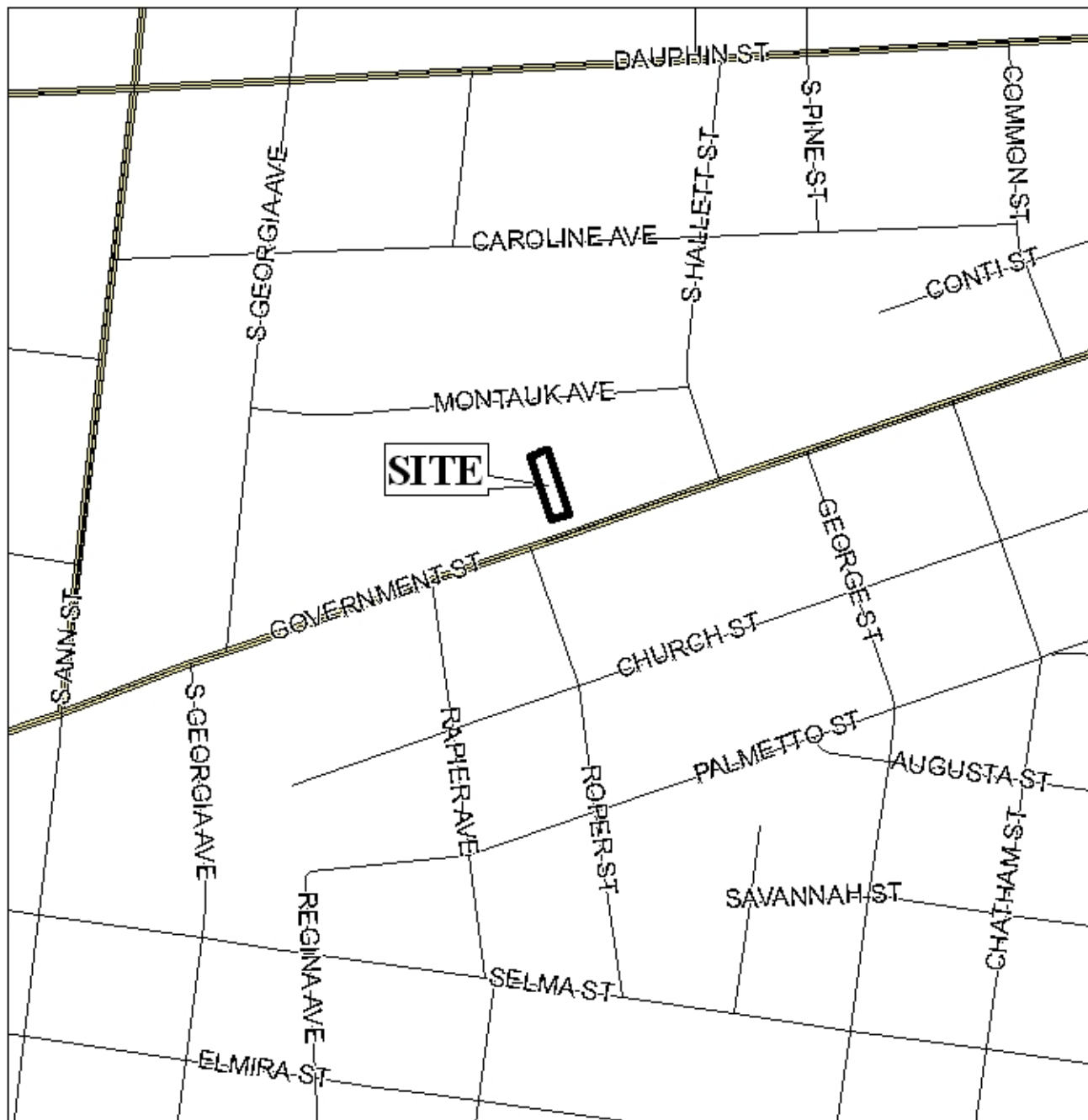
The applicant has illustrated that the granting of this variance request would not be contrary to the public interest and would be consistent with surrounding neighborhood uses and the general neighborhood streetscape.

RECOMMENDATION 5499/5290**Date: October 6, 2008**

Based upon the preceding, this application is recommended for approval, subject to the following conditions:

- 1) all necessary historic approvals;
- 2) full compliance with all codes and ordinances;
- 3) subject to the approval of a one-lot subdivision to create a legal lot of record for the site, and any conditions of such approval; and
- 4) coordination of drive location with Traffic Engineering and Urban Forestry, and approval by ALDOT.

LOCATOR MAP



APPLICATION NUMBER 5499/5290 DATE October 6, 2008

APPLICANT Bobby Williams

REQUEST Use and Front Yard Setback Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There are apartments and single family residential units to the north of the site, townhomes to the east, a single family residential unit to the west, and an office to the south.

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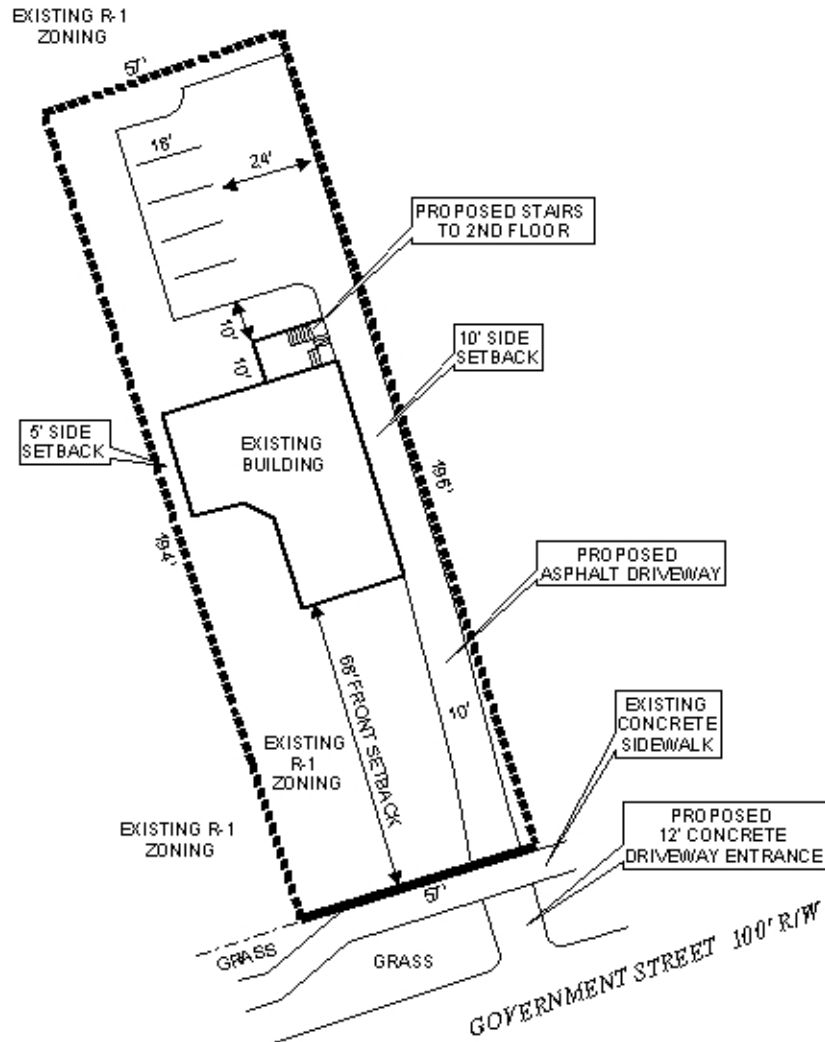
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SITE PLAN



The site plan illustrates existing zoning, proposed side setbacks, proposed driveways, and stairs.

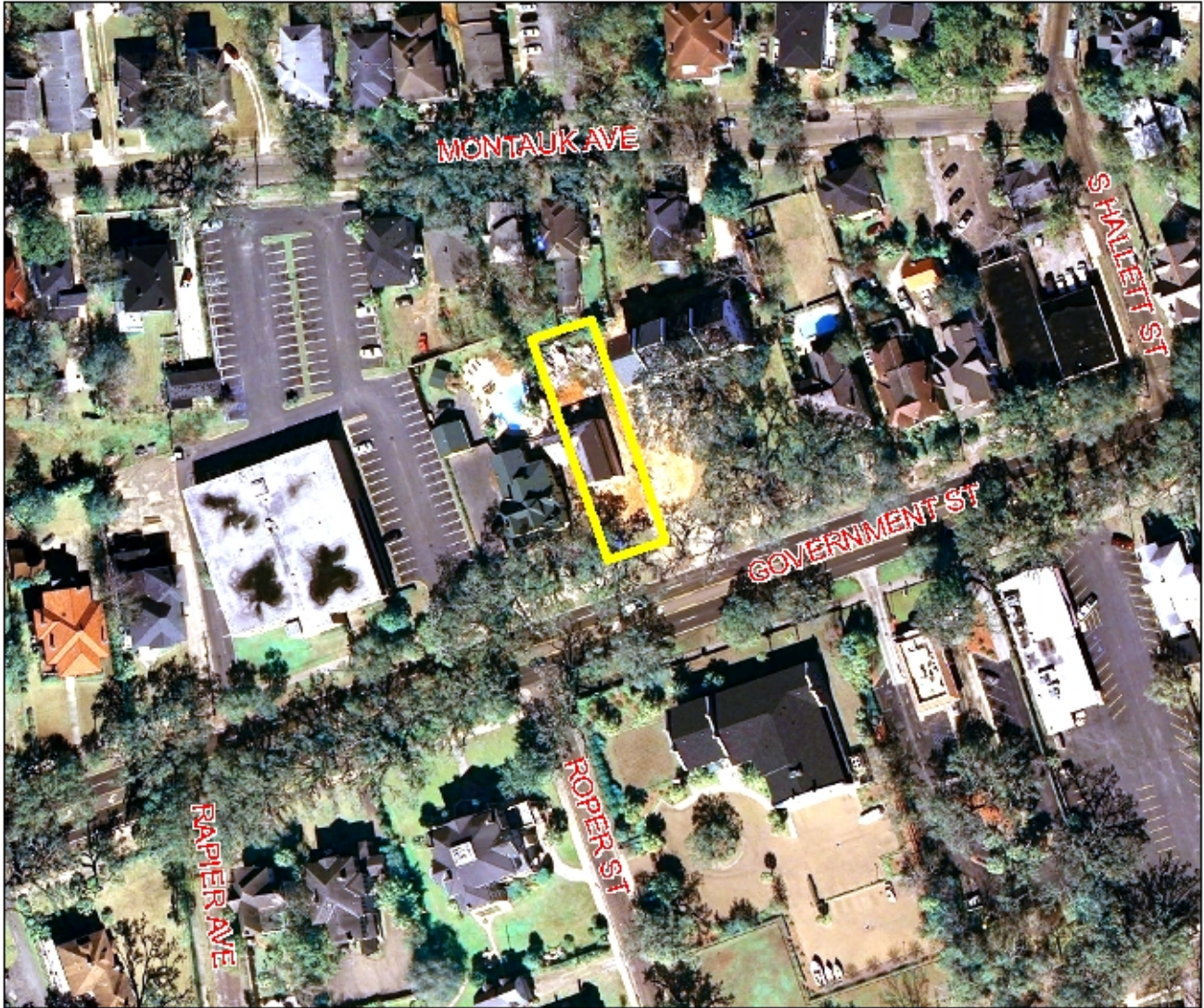
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