

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 11, 2011**

<b><u>CASE NUMBER</u></b>	5684
<b><u>APPLICANT NAME</u></b>	Karen H. Zelaya
<b><u>LOCATION</u></b>	266 Pinehill Drive (West side of Pinehill Drive, 260'± North of Airport Boulevard)
<b><u>VARIANCE REQUEST</u></b>	<b>SETBACKS:</b> Allow construction of a front porch addition within 20.2 feet of the front property line.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SETBACKS:</b> A minimum front yard setback of 25 feet is required.
<b><u>ZONING</u></b>	R-1, Single-Family Residential District
<b><u>AREA OF PROPERTY</u></b>	0.17 Acre ±
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 5

**ANALYSIS** The applicant is requesting a Front Yard Setback Variance to allow the construction of a porch within 20.2 feet of the front property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 25-foot minimum front yard setback in an R-1, Single-Family Residential District.

The applicant wishes to construct a front porch addition to an existing single-family dwelling. It should be noted that the existing dwelling is a conforming structure.

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 does not specifically state what the hardship on the property is, if any. There is ample room to build a conforming porch or deck in the rear of the property. Additionally, no variances have been granted for any setbacks on Pinehill Drive, nor have any ever been applied for. Further, based on City of Mobile GIS data, it appears that most of the houses on Pinehill Drive meet the 25-foot front setback. Given this, there is no hardship or unusual characteristic associated with this request or the surrounding area to warrant a setback variance, and, as such, it should be denied.

**RECOMMENDATION**

Based upon the preceding, the request is recommended for denial.

# LOCATOR MAP



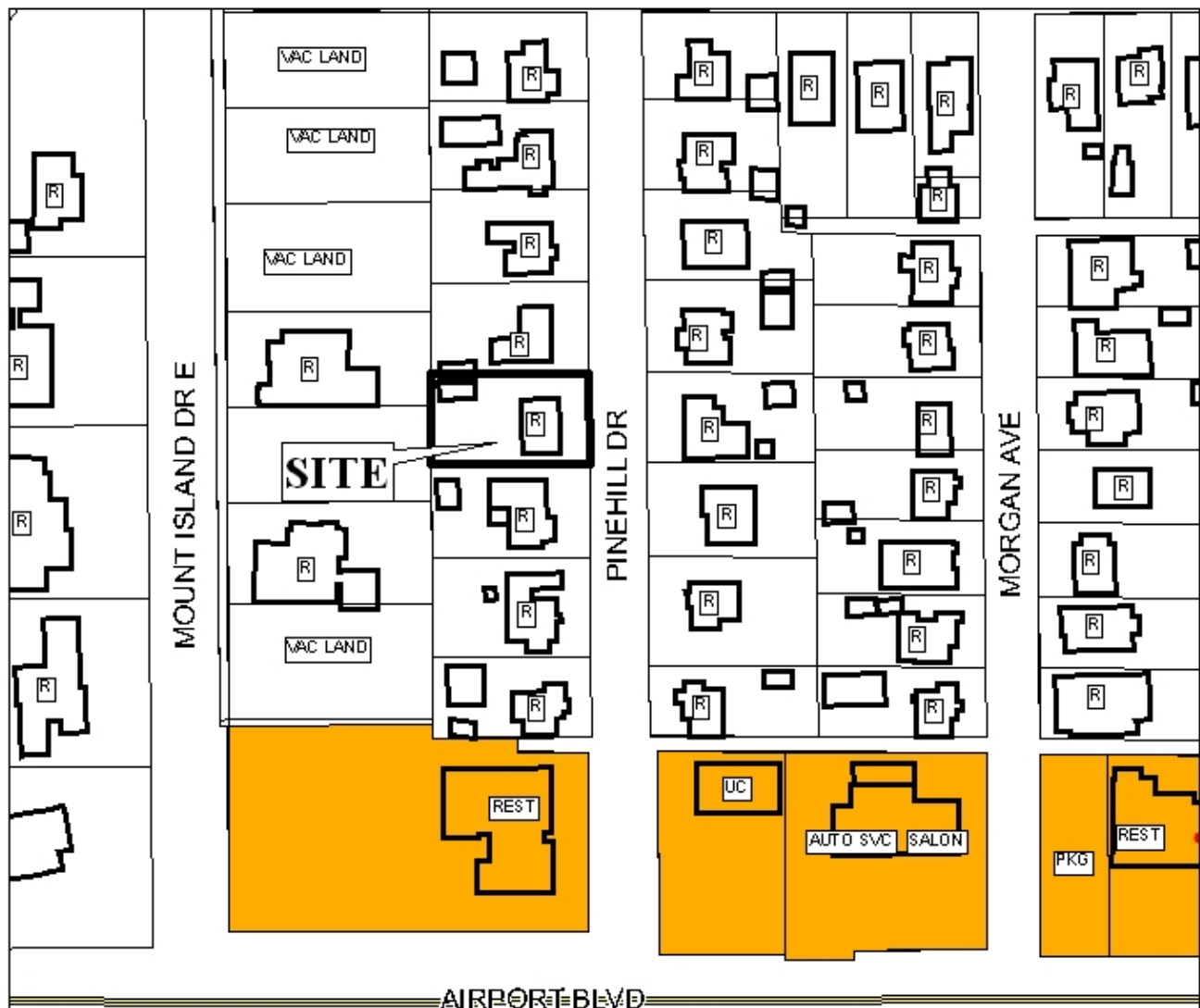
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use.

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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	NTS
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VICINITY MAP - EXISTING ZONING**



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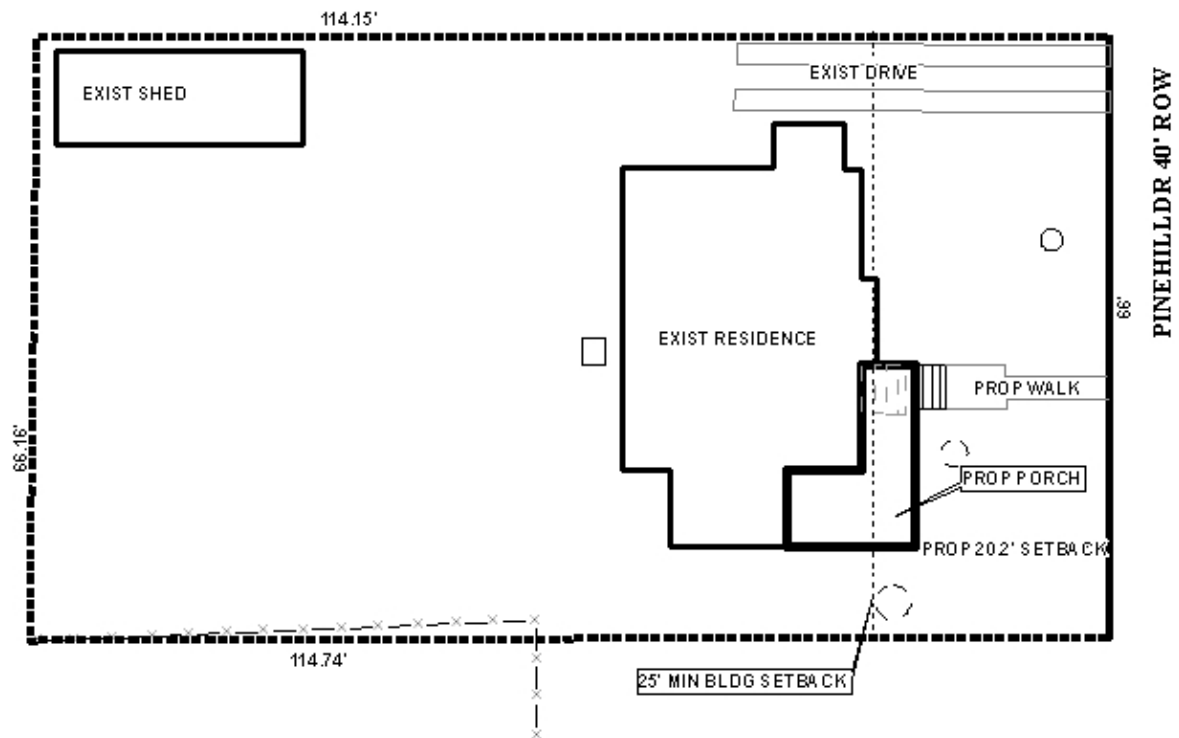
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# SITE PLAN



The site plan illustrates the existing residence with the proposed porch addition and setback.

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