

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 2, 2017****CASE NUMBER**

6134

APPLICANT NAME

Steven & Sarah McDavid

LOCATION20 Audubon Place
(West side of Audubon Place, 560'± South of Dauphin Street).**VARIANCE REQUEST****SIDE YARD SETBACK VARIANCE:** Side Yard Setback Variance to allow a structure within 6.3' of the side property line in an R-1 Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****SIDE YARD SETBACK VARIANCE:** The Zoning Ordinance prohibits any structures within 8' of the side property line in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

0.19±Acres

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**URBAN FORESTY
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 (State Act 2015-116 and City Code Chapters 57 and 64).

ANALYSIS

The applicant is requesting a Side Yard Setback Variance to allow a structure within 6.3' of the side property line in an R-1 Single-Family Residential District; the Zoning Ordinance prohibits any structures within 8' of the side property line in an R-1, Single-Family Residential District.

The Zoning Ordinance further 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 the following regarding the variance requests:

This property is a single family home in the Audubon Place Development of Mid-town Mobile, Al. The required Set Back requirement is 8'-0". We are requesting a Bulk variance to construct an addition on the property at 20 Audubon PL, Lot #19. The existing structure is 6.33 feet from the south property line. On the north property line there is a 27" diameter oak tree. In order to preserve the root structure and have minimal impact to the tree we would like to continue the south building line along the current datum this would maintain the 6.33' setback that is the current condition. As a part of this proposal we will be removing the existing deck and garage.

The current lot coverage is 28.4% of the property. The new addition will cover 32.7% of the property. The SF lot is 8,598, completed home with addition will be 2,810 SF.

As stated, the applicants wish to construct an addition onto the rear of their existing residence. The proposed addition will measure approximately 20' W x 21' L to 14' W x 34' 6" L in certain areas, according to the provided site plan, and will extend approximately 1.67' into the 8' minimum side yard setback area. The applicants stated that the location was chosen due to the presence of a large 27" Oak Tree on the northern side of the property, and their desire to preserve the tree's root system. Additionally, the applicants desire to keep the proposed addition in profile with the existing residence's current distance of 6.33' from the southern property line is also a priority. Although the applicants are proposing to construct a new rear addition to match the existing profile of the existing residence and to preserve the root system of one of the large Oak Trees in the rear yard, the Zoning Ordinance requires a minimum side yard setback distance of 8' from the front property line for all structures located within an R-1, Single-Family Residential District.

It should be mentioned that the purpose of setbacks, specifically side yard setbacks, is to provide a reasonable distance to separate structures from abutting properties, and streets in certain cases. Additionally, side yard setbacks also aid in allowing adequate amounts of light and air to reach individual properties, they provide a certain level of privacy to property owners, and they provide a favorable aesthetic quality in residential and commercial districts, which all help to promote and protect the general health, welfare, and safety of the citizens of Mobile.

According to the site plan, it appears that there is ample space in the rear yard to construct the proposed addition in accordance with the regulations of the Zoning Ordinance. The applicant has not provided any information within the narrative or on the site plan that suggests that the root system will be harmed if the proposed addition is located an additional 1.67' North of its proposed location. It should also be noted that the 27" Oak Tree is located at the far perimeter of the northern portion of the site and is not directly behind the existing residence. The location of the existing tree should not affect the construction of the proposed rear addition, and can be developed within the parameters of the Zoning Ordinance.

It should be noted that variance approvals for reduced side yard setbacks are not uncommon within this area. For instance, at the Board of Zoning Adjustment's August 7, 1995 meeting, the Board approved a variance request for a property located on the same street to have reduced side yard setbacks to allow the construction of a 13.4' x 12' addition within 5.2' feet of the south property line of the site, subject to the condition that gutters and downspouts be placed along the entire south side of the residence to direct water from the adjacent property. Then at the Board of Zoning Adjustment's December 3, 2007 meeting, the Board approved another variance request to allow the construction of a 12' x 20' garage within 3' of the side property line for a property located to the Northeast of the subject site on an adjacent street.

It appears, in this case, that a literal enforcement of the Zoning Ordinance may result in an unnecessary hardship as the northern perimeter of the property may not be able to be developed due to the presence of the root system of the large Oak Tree; however, the applicants have not provided any evidence that the root system extends far into the rear of the property inhibiting such a construction. And, although the applicants would like to continue the current distance of 6.33' along the southern property line for the proposed addition to continue along the datum of the existing residence, it appears that the rear addition can possibly be developed without the need for a variance. The applicant's side yard setback variance request may be one of both a want and a necessity, however, as previously stated, sufficient information has not been provided to make a reasonable determination.

RECOMMENDATION: Based upon the preceding, this application is recommended for Holdover to the November 6, 2017 meeting with revisions due by October 13th to address the following:

- 1) To allow the applicants to submit additional information to determine if a compliant setback is possible due to the Oak tree and the existing and proposed architecture.

LOCATOR MAP



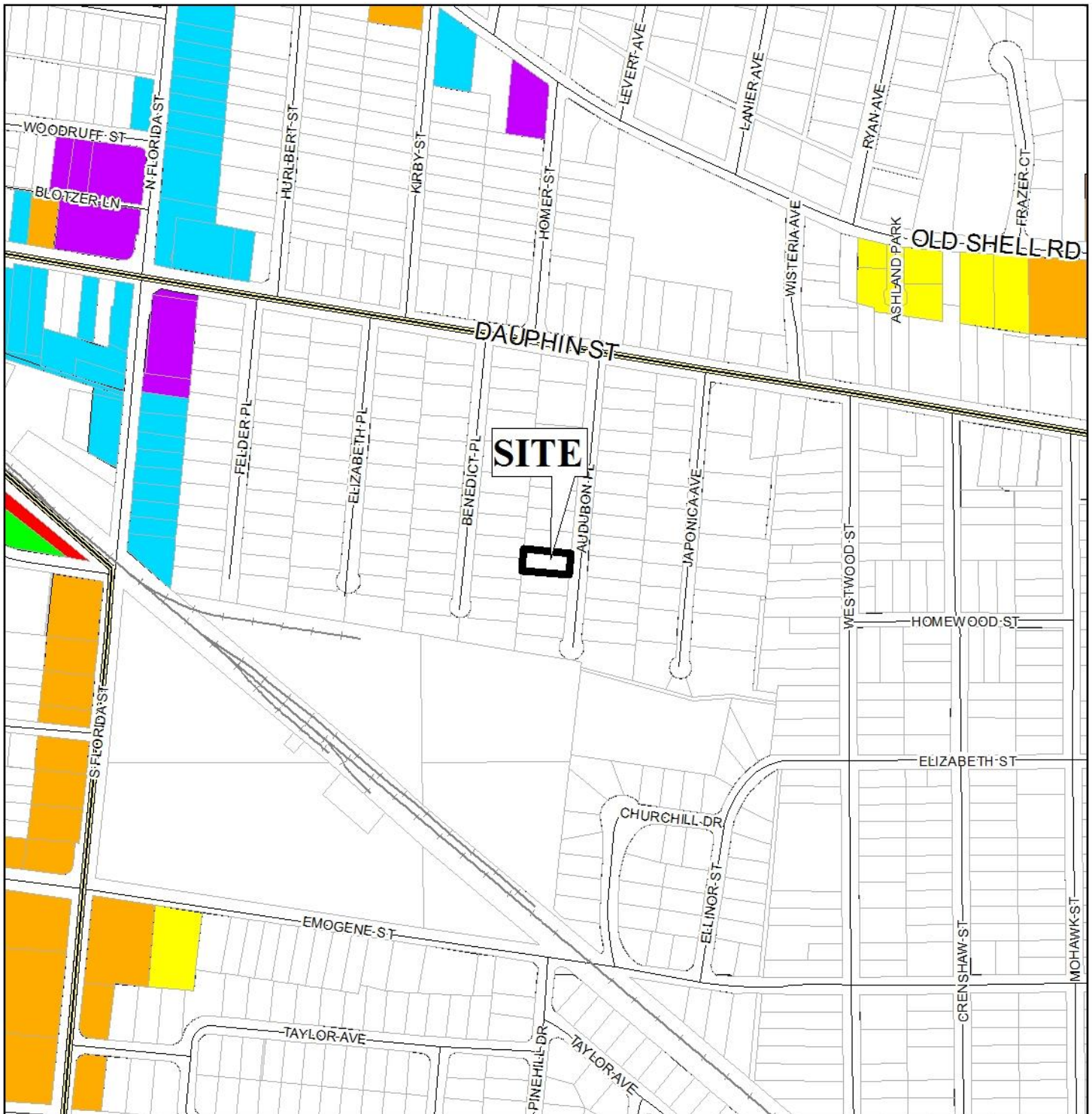
APPLICATION NUMBER 6134 DATE October 2, 2017

APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance



LOCATOR ZONING MAP



APPLICATION NUMBER 6134 DATE October 2, 2017

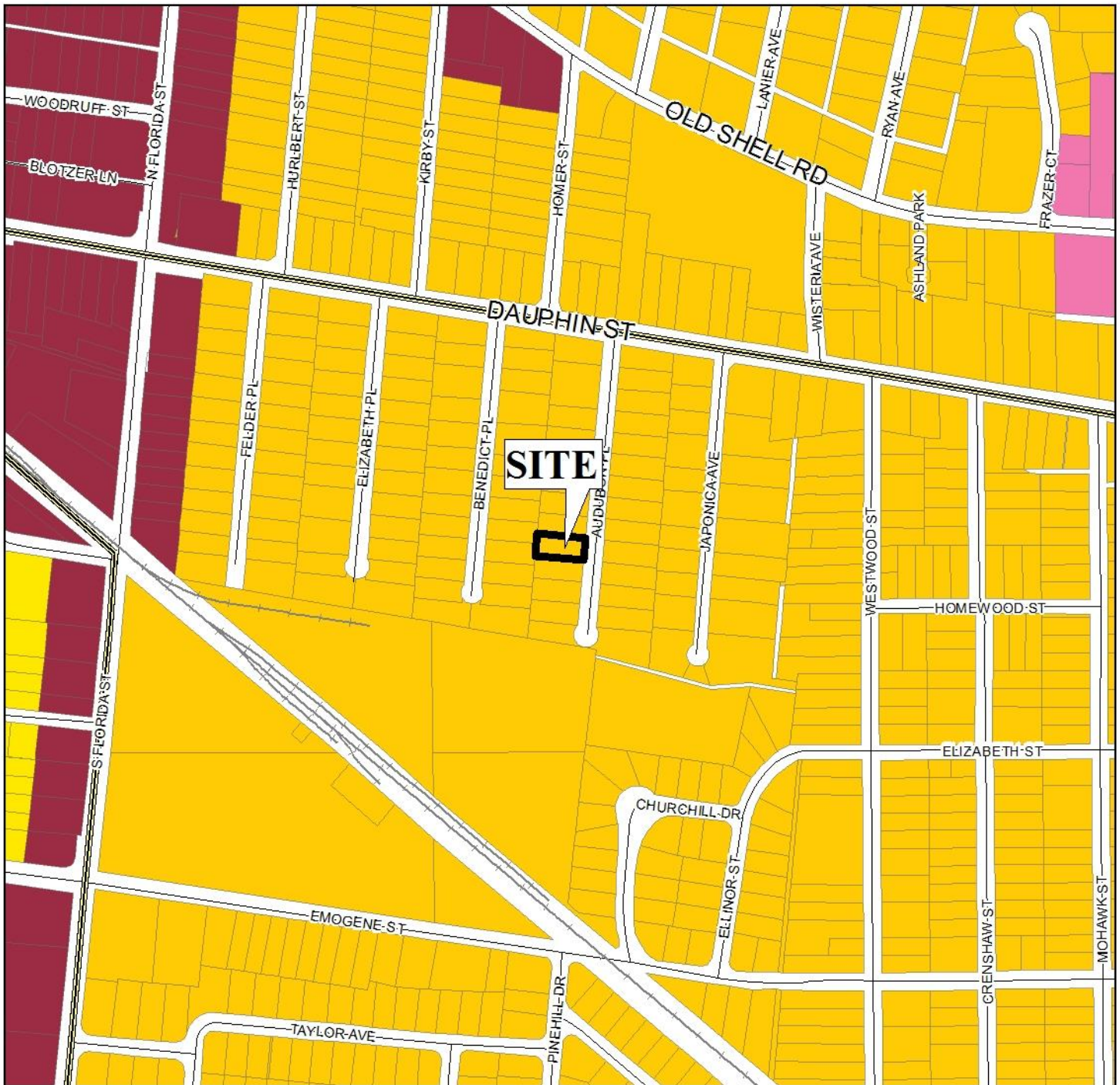
APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6134 DATE October 2, 2017

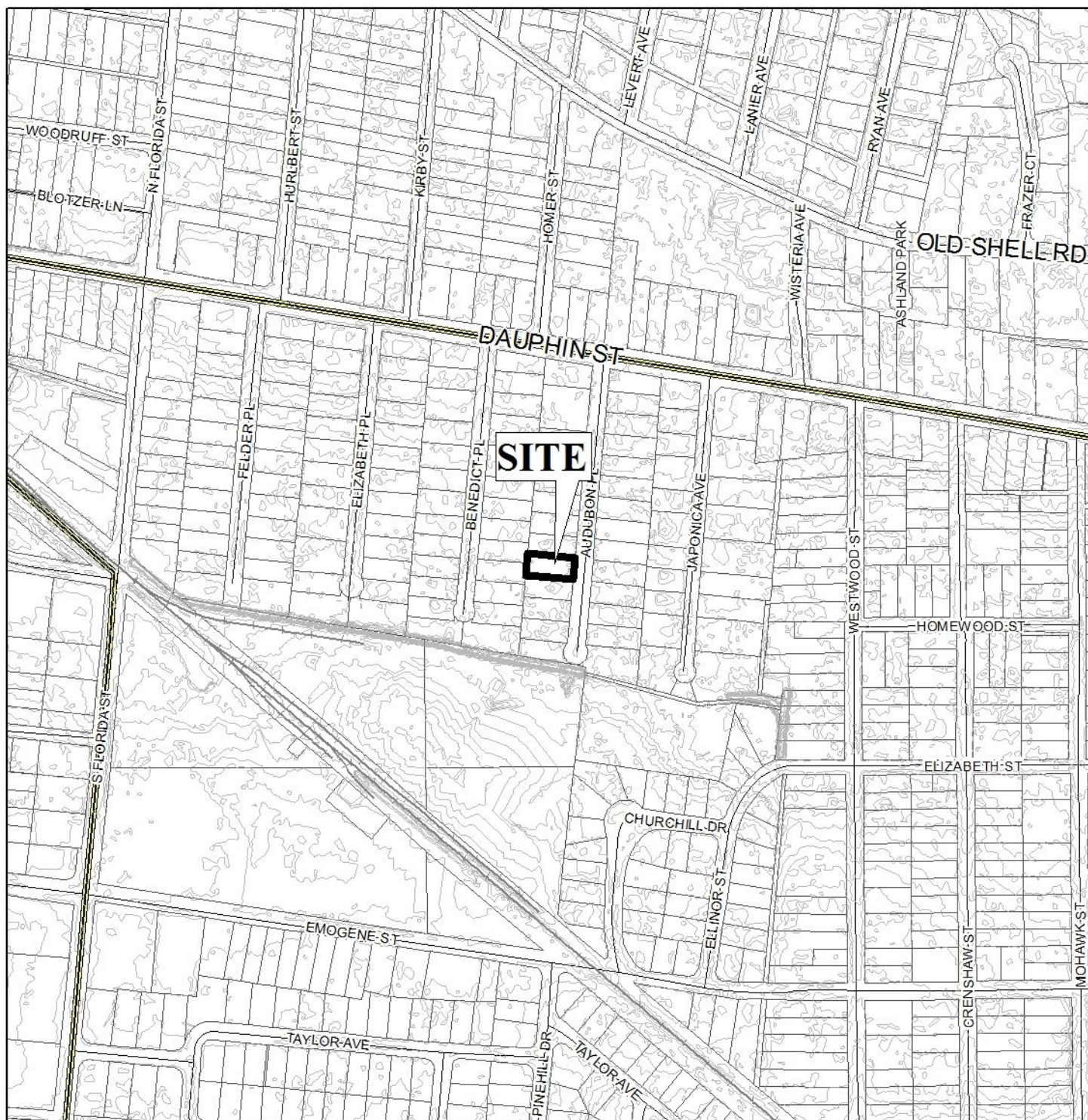
APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance

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



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6134 DATE October 2, 2017

APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 6134 DATE October 2, 2017

APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

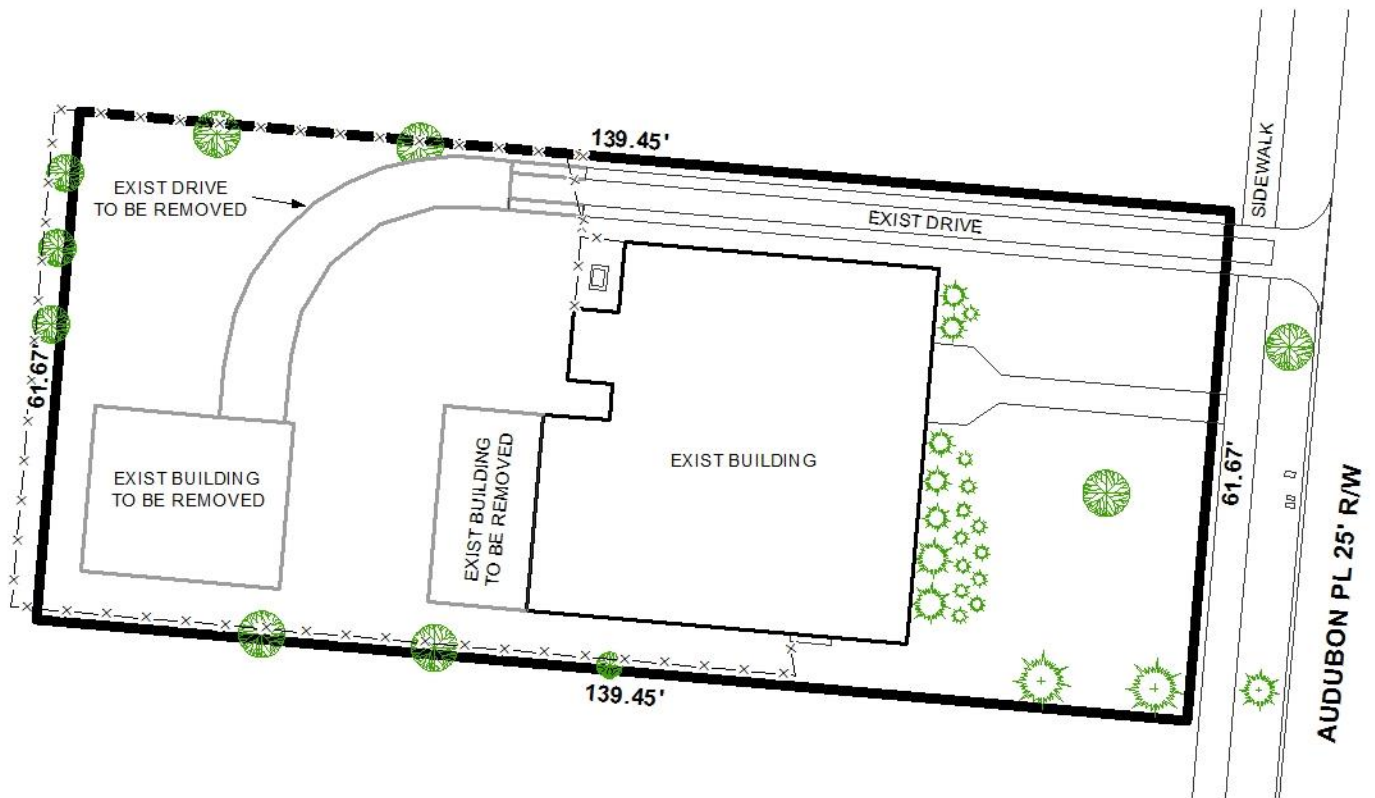


The site is surrounded by residential units.

APPLICATION NUMBER 6134 DATE October 2, 2017
 APPLICANT Steven & Sarah McDavid
 REQUEST Side Yard Setback Variance



EXISTING SITE PLAN

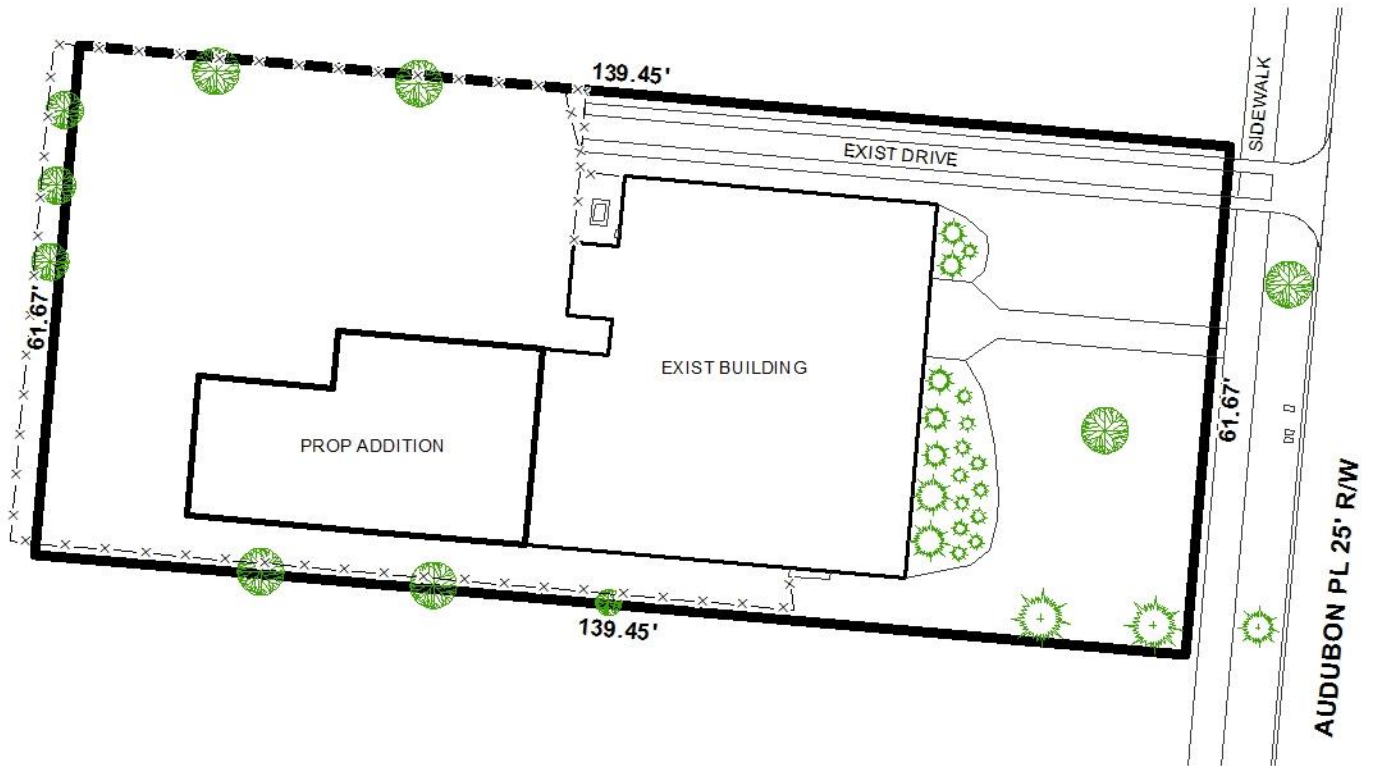


The site plan illustrates the existing building, existing drive, drive to be removed, and building to be removed.

APPLICATION NUMBER 6134 DATE October 2, 2017
APPLICANT Steven & Sarah McDavid
REQUEST Side Yard Setback Variance



PROPOSED SITE PLAN



The site plan illustrates the existing building, existing drive, and proposed addition.

APPLICATION NUMBER 6134 DATE October 2, 2017

APPLICANT Steven & Sarah McDavid

REQUEST Side Yard Setback Variance



NTS

