

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 4, 2013****CASE NUMBER**

5813

APPLICANT NAME

Chris Bowen

LOCATION

1705 Alba Avenue
(South side of Alba Avenue, 800'± West of Dauphin Island Parkway)

VARIANCE REQUEST

USE: Use Variance to allow an accessory structure as the primary structure in an R-1, Single-Family Residential District.

SIDE YARD SETBACK: Side Yard setback to allow an accessory structure 1.2-feet from the side property line in an R-1, Single-Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance requires a dwelling unit to be the primary use in an R-1, Single-Family Residential District.

SIDE YARD SETBACK: The Zoning Ordinance requires that all structures must be a minimum of 8-feet from the side property line.

ZONING

R-1, Single-Family Residential

AREA OF PROPERTY

0.72± Acres

**ENGINEERING
COMMENTS**

No comments

**TRAFFIC ENGINEERING
COMMENTS**

No Comments

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting a Use and Side Yard Setback Variances to allow an accessory structure as the primary structure within 1.2' of the side property line on an R-1, Single-Family Residential District; the Zoning Ordinance requires a dwelling unit

to be located on a site prior to any accessory structures being placed, and that all structures must be a minimum of 8' from the side property line..

The applicant is requesting this variance after having constructed the accessory structure on the property without any permits or approval being granted. The applicant does not state any hardship that exists nor provides any justification for the granting of the variance; however, the applicant states the shed has been located on the property for a number of years and the adjoining property owner has no problem with the proximity to the property line.

After comparing the submitted site plan of the property with City of Mobile aerial photography from 2006 and 2010, it is obvious that a new shed has been constructed on the property and has been expanded and a 30-foot x 35-foot boat shed constructed with no building permits since the demolition of the single-family dwelling by the previous owner of the property in 2005.

In November 2012, the applicant applied for a building permit to allow 15-feet x 6-feet expansion to an existing accessory building. The permit was denied and the applicant told that the accessory structure could not be considered the primary use in a R-1, Single-Family Residential District. A

It should also be noted that SRO's from building, electrical and plumbing have been issued; these SRO's were called in by nearby neighbors.

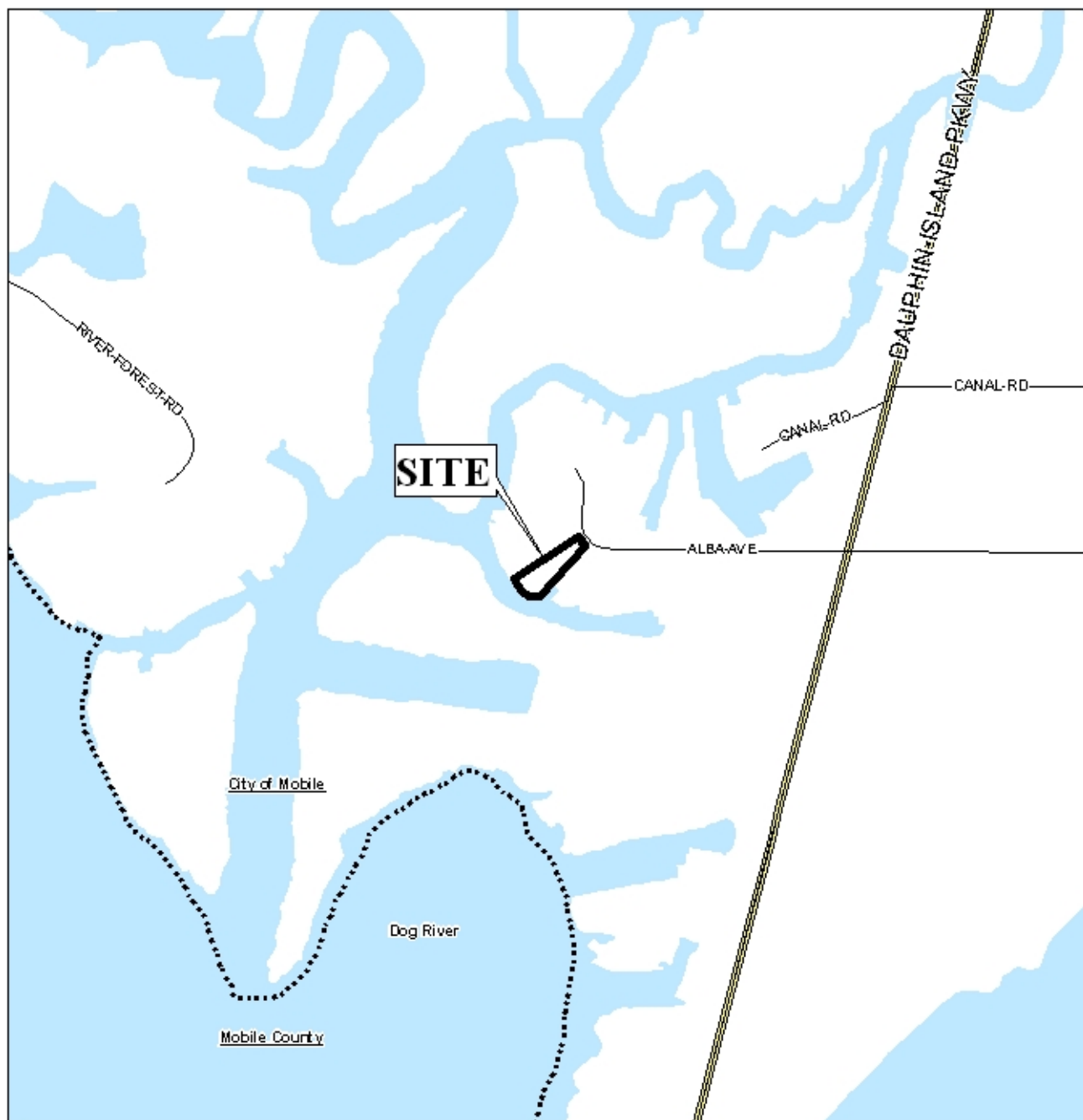
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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 has not provided evidence of any hardship that would justify the granting of this variance. Also, the fact that the accessory structure and an expansion to the structure have been completed on the property without proper permits or approvals shows a disregard for City of Mobile ordinances, and has resulted in a self-imposed hardship.

RECOMMENDATION: Based on the preceding the Use and the Side Yard Setback Variances are recommended for denial.

LOCATOR MAP



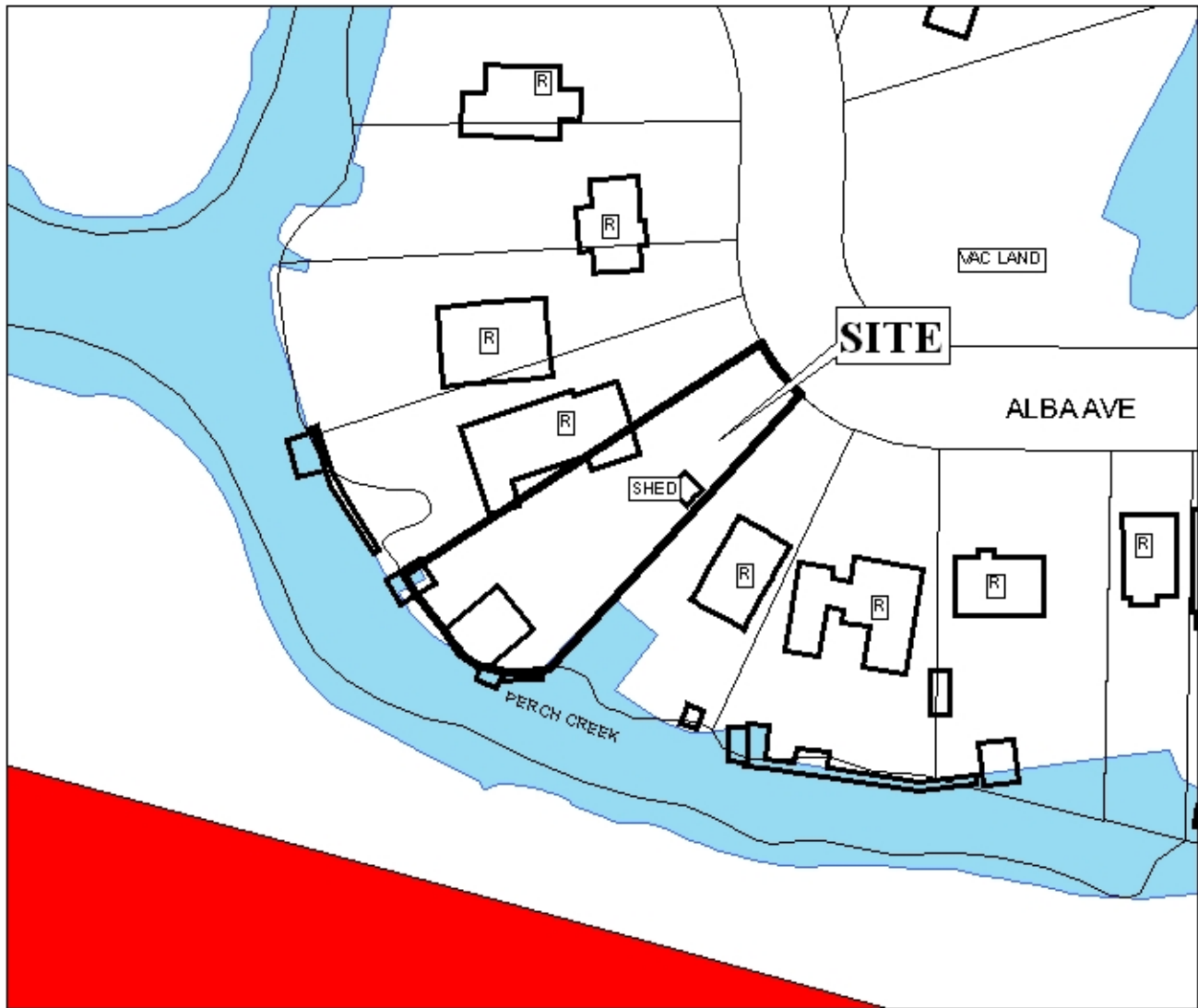
APPLICATION NUMBER 5813 DATE February 4, 2013

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residences are located to the north and east of the site.

APPLICATION NUMBER 5813 DATE February 4, 2013

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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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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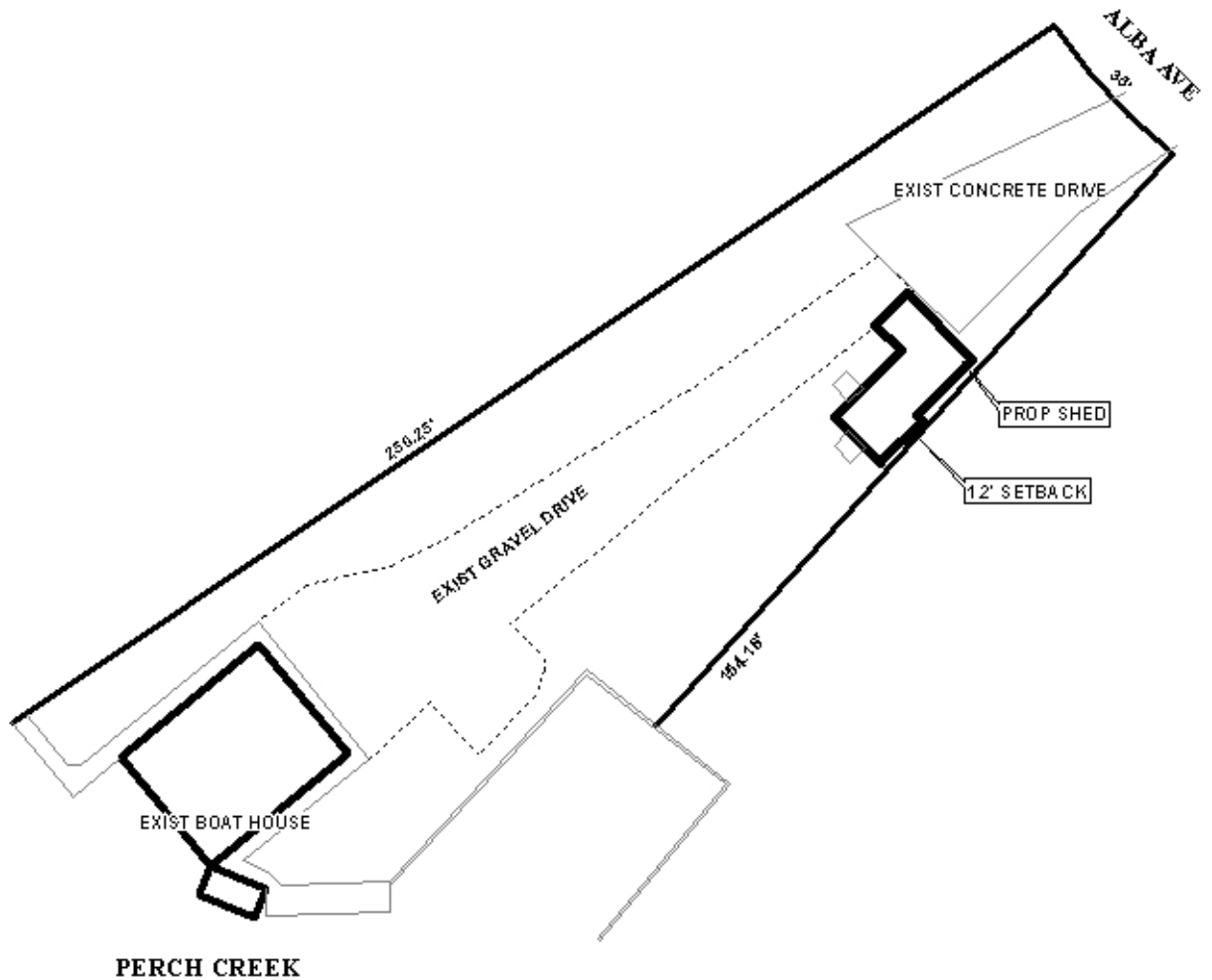
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SITE PLAN



The site plan illustrates the proposed shed and setbacks.

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