

APPLICATION NUMBER

**5505/5491**

A REQUEST FOR

**SIDE YARD SETBACK AND COMBINED SIDE YARDS  
VARIANCE TO ALLOW AN ADDITION TO AN EXISTING  
SINGLE-FAMILY DWELLING TO WITHIN 5.6' OF A SIDE  
PROPERTY LINE WITH A COMBINED SIDE YARD  
SETBACK OF 15.6' IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT; THE ORDINANCE REQUIRES  
A MINIMUM 8' SIDE YARD SETBACK WITH A  
COMBINED SIDE YARD SETBACK OF 20' IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

**206 RIDGEWOOD PLACE**

(East side of Ridgewood Place, 210'+ North of The Cedars)

APPLICANT/OWNER

**JONATHAN H. & KRISTEN W. RUDOLPH**

AGENT

**JONATHAN H. & KRISTEN W. RUDOLPH**

**BOARD OF ZONING ADJUSTMENT**

NOVEMBER 2008

## **ANALYSIS APPLICATION**

**Date: November 3, 2008**

The applicant is requesting Side Yard Setback and Combined Side Yards Variances to allow an addition to an existing single-family dwelling to within 5.6' of a side property line with a combined side yard setback of 15.6' in an R-1, Single-Family Residential District; the Ordinance requires a minimum 8' side yard setback with a combined side yard setback of 20' in an R-1, Single Family District.

In September of 2008, the applicant submitted a subdivision application to the Planning Commission to change the recorded side yard setbacks from a required 10' on either side to a minimum of 8' on one side with the combined widths of the side yards to be at least 20' as required by the Zoning Ordinance. This application was approved by the Planning Commission.

According to the applicant, the architect has designed the addition to meet their needs and to avoid damaging the 78" oak tree during construction or with construction equipment.

After reviewing Mobile City aerial photographs, it appears to be uncharacteristic of the neighborhood for structures to not meet the side yard setbacks. In addition, it also appears that the applicant has adequate space to move the proposed addition to meet the new setbacks as required through the recent resubdivision. It should be noted however, that while the proposed addition would not meet the required side yard setbacks, it would not encroach on the recorded 5' drainage easement located along the property line.

It should also be noted that, if approved, construction of the addition will not cause the applicant to exceed the maximum site coverage of the lot.

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 failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire add additional footage onto an existing home.

**RECOMMENDATION 5505/5491**

**Date: November 3, 2008**

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

## LOCATOR MAP



APPLICATION NUMBER 5505/5491 DATE November 3, 2008  
APPLICANT Jonathan H. & Kristen W. Rudolph  
REQUEST Side Yard, Combined Side Yard Setback Variance

















# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



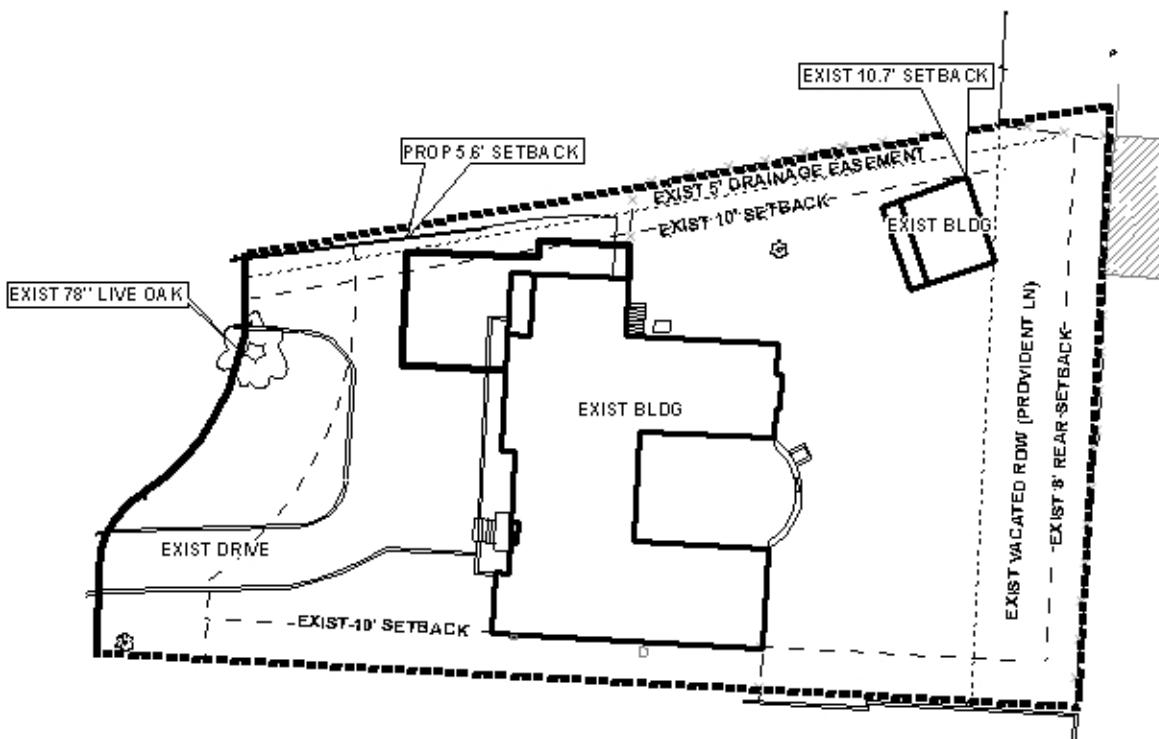
The site is surrounded by single-family residential units. A school is located to the south of the site.

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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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# SITE PLAN



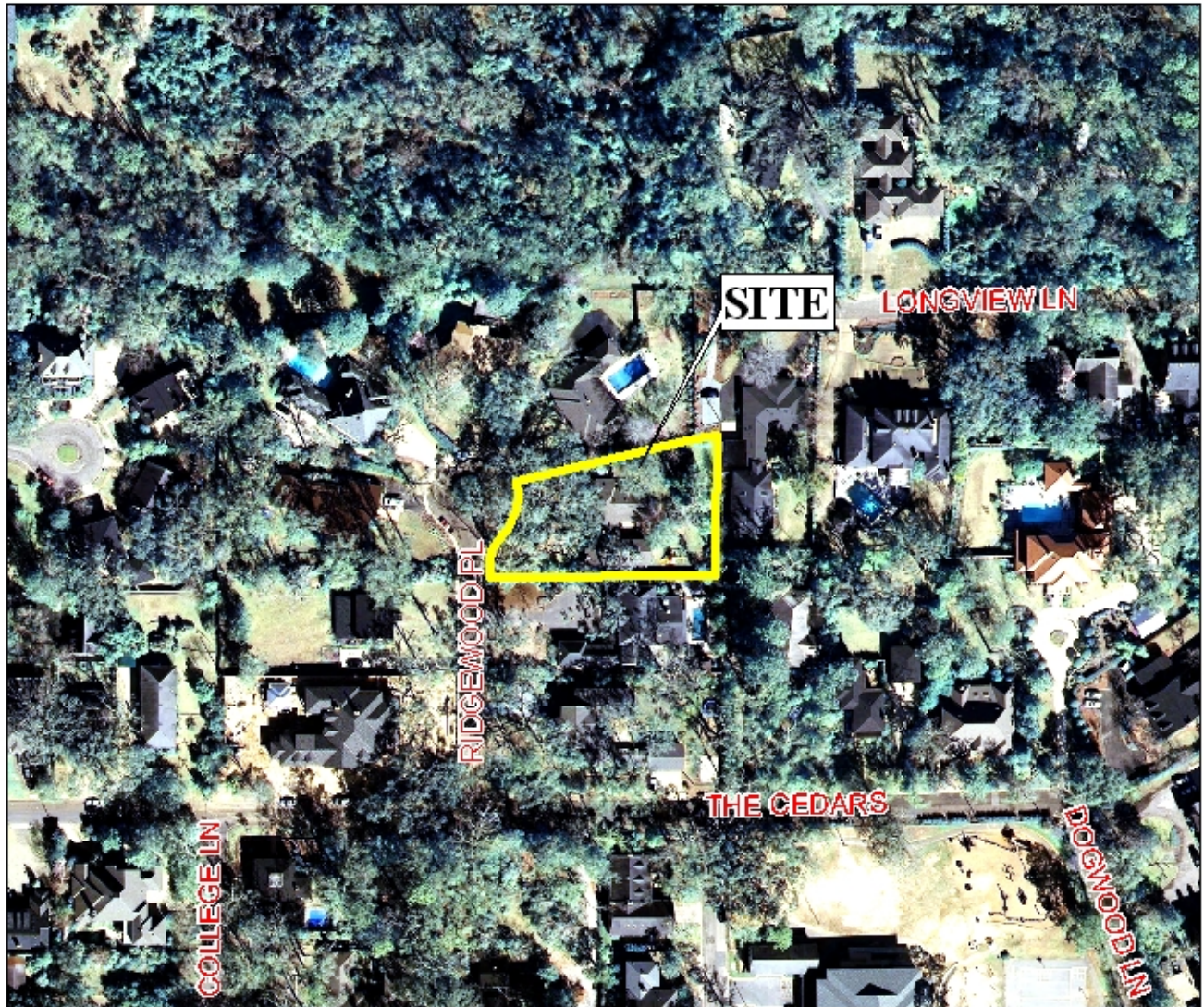
The site plan illustrates the existing improvements and proposed building addition

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