

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 5, 2012****CASE NUMBER**

5736

APPLICANT NAME

Robert V. Kelly

LOCATION7212 L and N Circle
(North side of L and N Circle, 500' West of Smith Street)**VARIANCE REQUEST****USE:** Use Variance to allow a mobile home as a second dwelling unit in an R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires a minimum zoning of R-2, Two-Family Residential District with Planning Commission Approval to allow two dwelling units (with one being a mobile home) in an R-1, Single-Family Residential District**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 4

ANALYSIS

The applicant is requesting a Use Variance to allow a mobile home as a second dwelling unit in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum zoning of R-2, Two-Family Residential District with Planning Commission Approval to allow two dwelling units (with one being a mobile home) in an R-1, Single-Family Residential District.

It should be noted that the site does not have frontage on a public right-of-way, however, a prescriptive easement across the two properties to the East is illustrated as having existed since the primary dwelling was constructed in 1950.

The applicant is requesting this variance after having placed the mobile home 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. There are several properties in the surrounding area that utilize mobile homes as a primary residence, but none have been placed after the date of annexation, and none have more than one residence occupying them. Also, the mobile home as depicted does not meet any of the requirements as set forth in Section 37 of the City of Mobile Code including size of the mobile home and patio requirements or any information concerning building code compliance.

After comparing the submitted site plan of the property with City of Mobile aerial photography from 2010, it is obvious that a new shed has also been placed on the property since the area was annexed in 2008 with no building permits.

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 mobile home and an additional shed have both been placed 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 Variance is recommended

for denial.

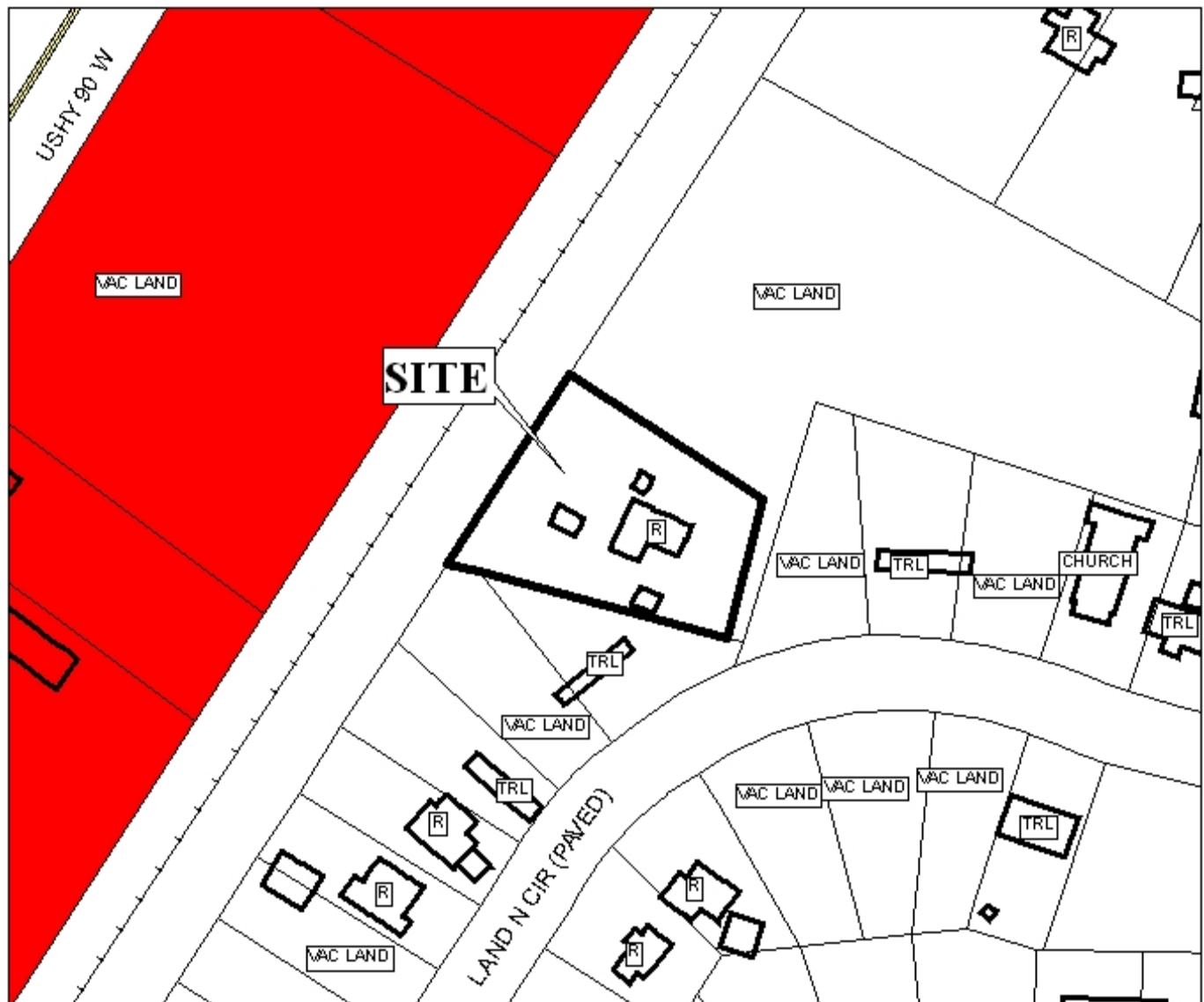
LOCATOR MAP



APPLICATION NUMBER 5736 DATE March 5, 2012
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the east and south of the site.

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REQUEST Use Variance

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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

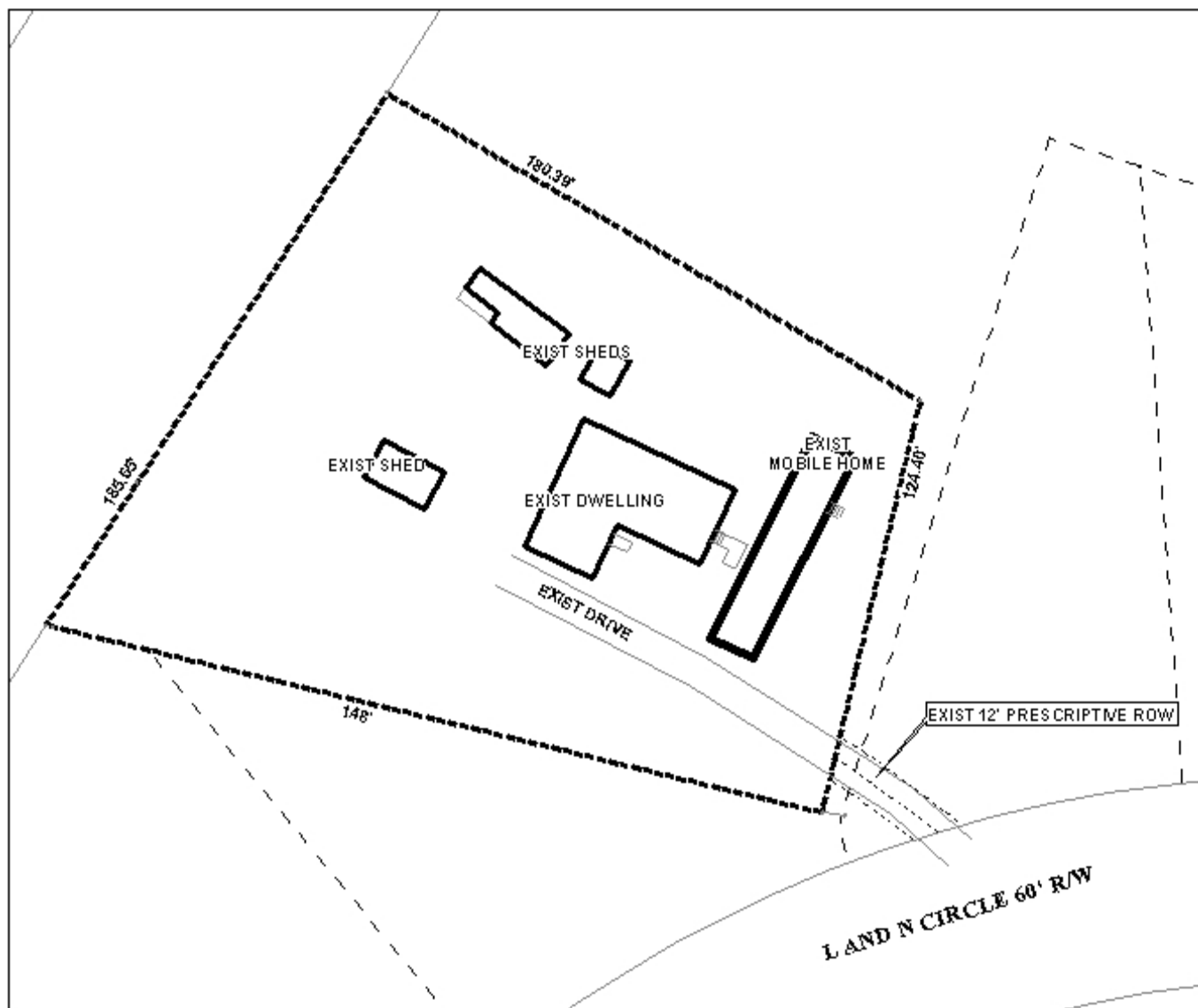


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SITE PLAN



The site plan illustrates the existing improvements and proposed mobile home.

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