

APPLICATION NUMBER

**5375/4874/1196**

A REQUEST FOR

**USE AND FRONT SETBACK VARIANCES TO ALLOW A  
16' X 80' MOBILE HOME, SETBACK 14' FROM THE  
FRONT PROPERTY LINE; MOBILE HOMES ARE ONLY  
ALLOWED IN R-1, R-2, R-3, AND B-1 DISTRICTS WITH  
PLANNING APPROVAL, AND A 25-FOOT FRONT  
SETBACK IS REQUIRED IN ALL ZONING DISTRICTS.**

LOCATED AT

**1504 LOIS DRIVE**

(North side of Lois Drive, 85'± West of Lartigue Drive East)

APPLICANT/OWNER

**RICHARD K. MILES, SR.**

**BOARD OF ZONING ADJUSTMENT**

SEPTEMBER 2006

The applicant is requesting Use and Front Setback Variances to allow a 16' x 80' mobile home, setback 14' from the front property line; mobile homes are only allowed in R-1, R-2, R-3, and B-1 districts with Planning Approval, and a 25-foot front setback is required in all zoning districts.

The subject mobile home actually exists on the site, having been installed recently without a building permit. The applicant originally purchased the property in 1996 as a mobile home-land package deal. Documentation on file in the Planning Section from that year establishes a legal nonconforming use history for the property from the 1950's as having a mobile home on the site, and an accompanying survey showed such, but with a front setback encroachment. A building permit was obtained by the applicant in 1996 to replace that existing mobile home with the one currently on the site, however, meeting all required property line setbacks.

The applicant states that in 2002 he was transferred to Mississippi by his employer, and he relocated the mobile him with his transfer and always planned to return to Mobile with it. No other mobile home was placed on the site within two years following the removal of the mobile home and the legal nonconforming use status expired. The mobile home was recently moved back to the property, and was placed encroaching approximately eleven feet into the required 25-foot front yard setback. The applicant now wishes to allow the mobile home to remain on the site for use by his son while attending college, and until the applicant himself can return to Mobile.

The entire Lartigue Subdivision, Second Addition was covered under a Use Variance granted in 1960 for a trailer park, and, although there were fifty individual lots of record, they were all under the Lartigue family's ownership. At some time, the subject property was sold into separate ownership containing the mobile home covered under the 1996 legal nonconforming status. Since the property came under separate ownership, it was no longer covered under the 1960 trailer park Use Variance. In 1999, most of the other lots in Lartigue Subdivision, Second Addition were granted a Use Variance for a mobile home subdivision with lots under individual ownership, but the subject property was not included since it had already been sold individually. Since it was not part of the 1999 Variance, and since there was a mobile home vacancy on the lot for more than two years, the property assumed a standard R-1 status with regard to the type of dwelling allowed.

Normally, a mobile home would have to be approved by the Mobile City Planning Commission to be placed in an R-1 district as the primary dwelling. But, due to the unique nature of Lartigue Subdivision, Second Addition with regard to mobile home use, and the front setback issue, the Planning staff determined that a Use Variance application would be the appropriate approach for the applicant.

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.

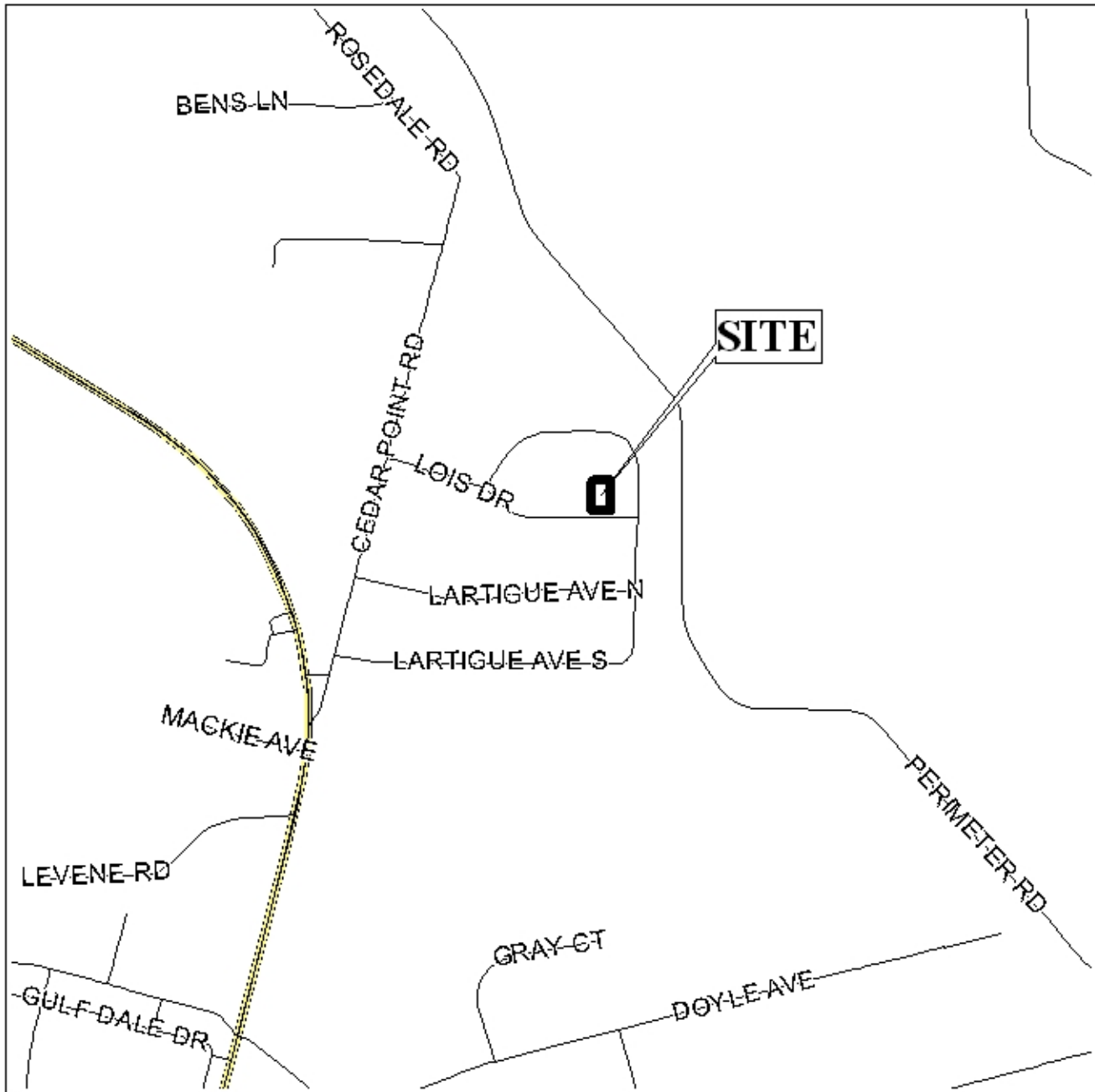
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

In light of the previous approvals for mobile home use within the Lartigue Subdivision, Second Addition, it would follow that the approval of a Use Variance to allow a mobile home on the subject property would be appropriate. However, the applicant failed to illustrate that the property imposed a hardship preventing the required front yard setback to be met.

**RECOMMENDATION 5375/4874/1196****Date: September 11, 2006**

Based on the preceding, the request for the Use Variance for a mobile home is recommended for approval, and the request for the Front Yard Setback is recommended for denial.

# LOCATOR MAP



APPLICATION NUMBER 5375/4874/1196 DATE September 11, 2006

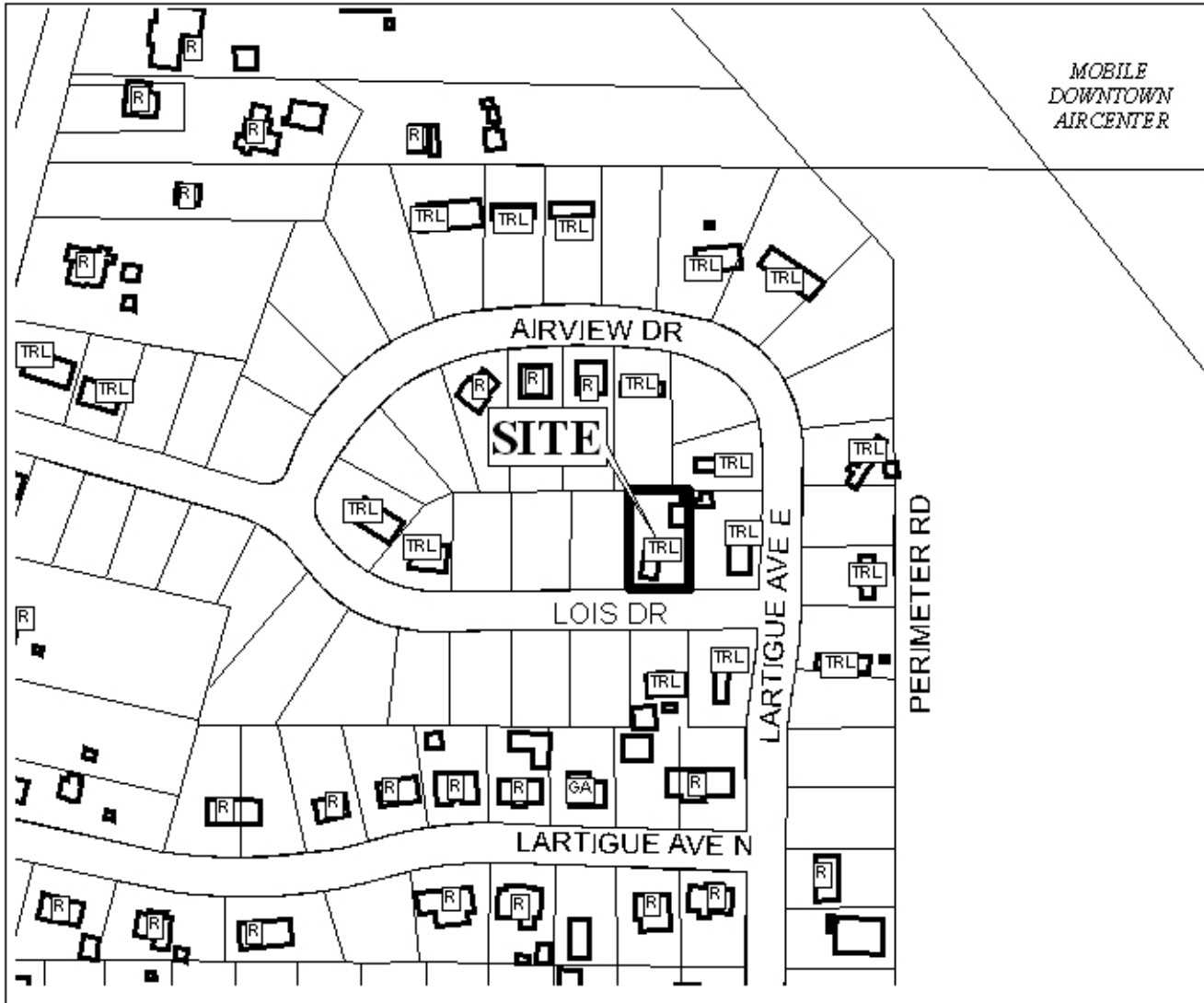
APPLICANT Richard K. Miles, Sr.

REQUEST Use and Front Setback Variances



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single-family residential units and mobile homes.

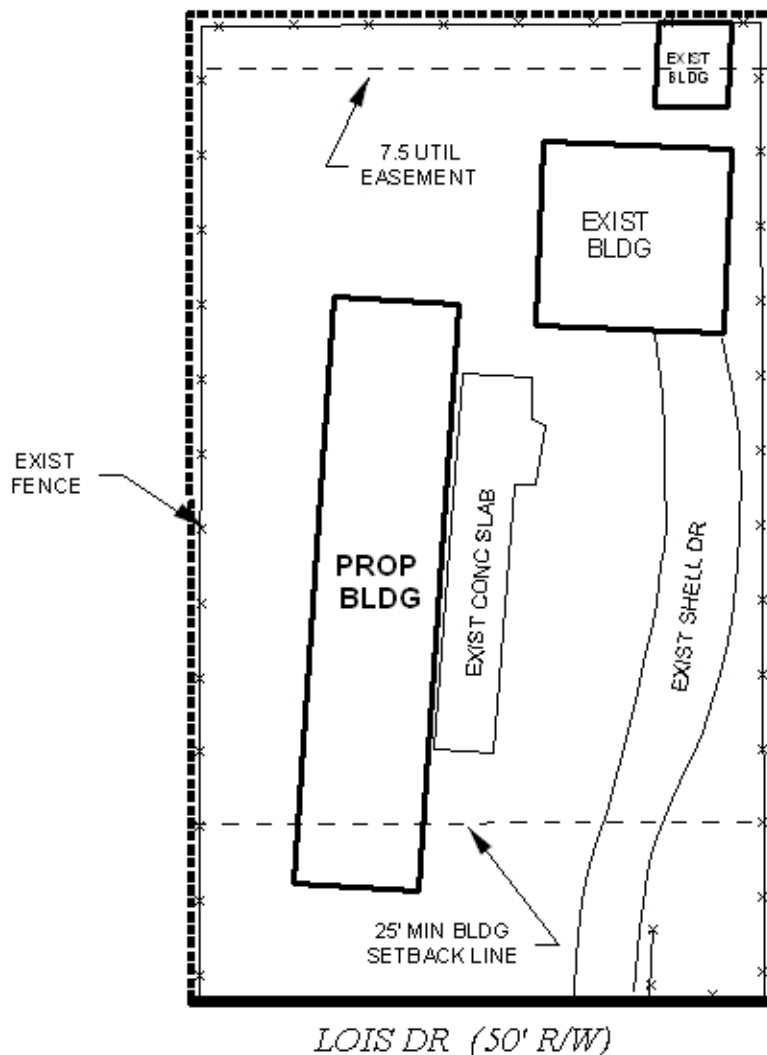
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LEGEND NTS

# SITE PLAN



The site plan illustrates proposed building, existing buildings, fences, drive, easement and building setback line.

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