

HOLDOVER

APPLICATION NUMBER

5445/5255

A REQUEST FOR

**FRONT YARD SETBACK VARIANCE TO ALLOW THE
CONSTRUCTION OF 6' HIGH STUCCO COLUMNS FOR
AN IRON FENCE AND GATE WITHIN 12'-6" OF THE
FRONT PROPERTY LINE IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; A 25' FRONT YARD SETBACK
IS REQUIRED IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

66 TURNIN LANE

(West side of Turnin Lane, 430'± South of Wimbledon Drive West)

APPLICANT/OWNER

GREGORY BREEDLOVE

AGENT

M. DON WILLIAMS

BOARD OF ZONING ADJUSTMENT

DECEMBER 2007

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ANALYSIS APPLICATION 5445/5255

Date: December 3, 2007

The applicant is requesting a Front Yard Setback Variance to allow the construction of 6' high stucco columns for an iron fence and gate within 12'-6" of the front property line in an R-1, Single-Family Residential District; a 25' front yard setback is required in an R-1, Single-Family Residential District.

The applicant is renovating the existing dwelling on the property and will soon begin construction on a proposed detached garage in the front yard. The subject stucco columns of this application would be built in conjunction with the garage. The proposed iron fence and gates are not part of the variance request. The applicant states that "open" nature of the fence/gate will enhance the streetscape, and will be in keeping with neighboring properties. It is further stated that Turnin Lane is a short street with little traffic volume. Traffic Engineering has conducted an on-site review and determined that the proposed columns and fence will not restrict line-of-sight visibility for the property located to the North of the site. The property to the South is vacant; however, when that site is developed, there could potentially be a line-of-sight issue.

The property was the subject of a previous variance request for side yard, total combined side yard, and fence height relief. A 7' high fence/wall was proposed to be built within 22' of the front property line. The side yard and combined side yard requests were recommended for denial, and the fence/wall front yard setback request was recommended for approval, but the application was withdrawn by the applicant prior to the meeting.

In the previous fence/wall request, the gate columns were proposed to be 7' high, with a solid 3' high wall spanning between two proposed front yard garages. In this instance, the gate columns are proposed to be 6' high, with finials approximately 1'-6" above. Instead of a solid wall, an open iron fence would be erected.

As previously mentioned, the previous fence/wall variance request for this property was recommended for approval based upon streetscape consistency and the fact that the 22' setback from the front property line allowed for the stacking of vehicles accessing the site. The streetscape consistency would still be applicable. However, in this instance, the columns are proposed to be within 12'-6" of the front property line, and the gates 2'-0" further into the property, giving a total of 14'-6" depth for vehicle stacking from the front property line. Current design standards for vehicle stacking require a 20' depth, leaving a 5'-6" deficit in this instance, and requiring the rear of vehicles to be in the right-of-way while waiting to access the property. While this may not cause much of a problem for a mid-size vehicle waiting to enter the gate, a longer SUV or service/delivery vehicle could potentially protrude into the street and present a traffic hazard. The site provides sufficient room in the front yard to revise the site plan to provide a 22' setback for the gate columns, as submitted in the original application and recommended for approval.

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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 failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to construct 6' high stucco fence and gate columns within 12'-6" of the front property line. However, in light of the previous recommendation for approval for a 22' setback from the front property line, the Board should consider the approval of this request modified to meet a 22' front yard setback.

This application was heldover from the Board's scheduled November meeting due to a lack of quorum to hold the meeting.

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RECOMMENDATION 5443

Date: December 3, 2007

Based on the preceding, the request to construct the stucco columns within 12'-6" of the front property line is recommended for denial; however, it is recommended that a front yard setback modified to 22' be approved.

LOCATOR MAP



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APPLICANT Gregory Breedlove

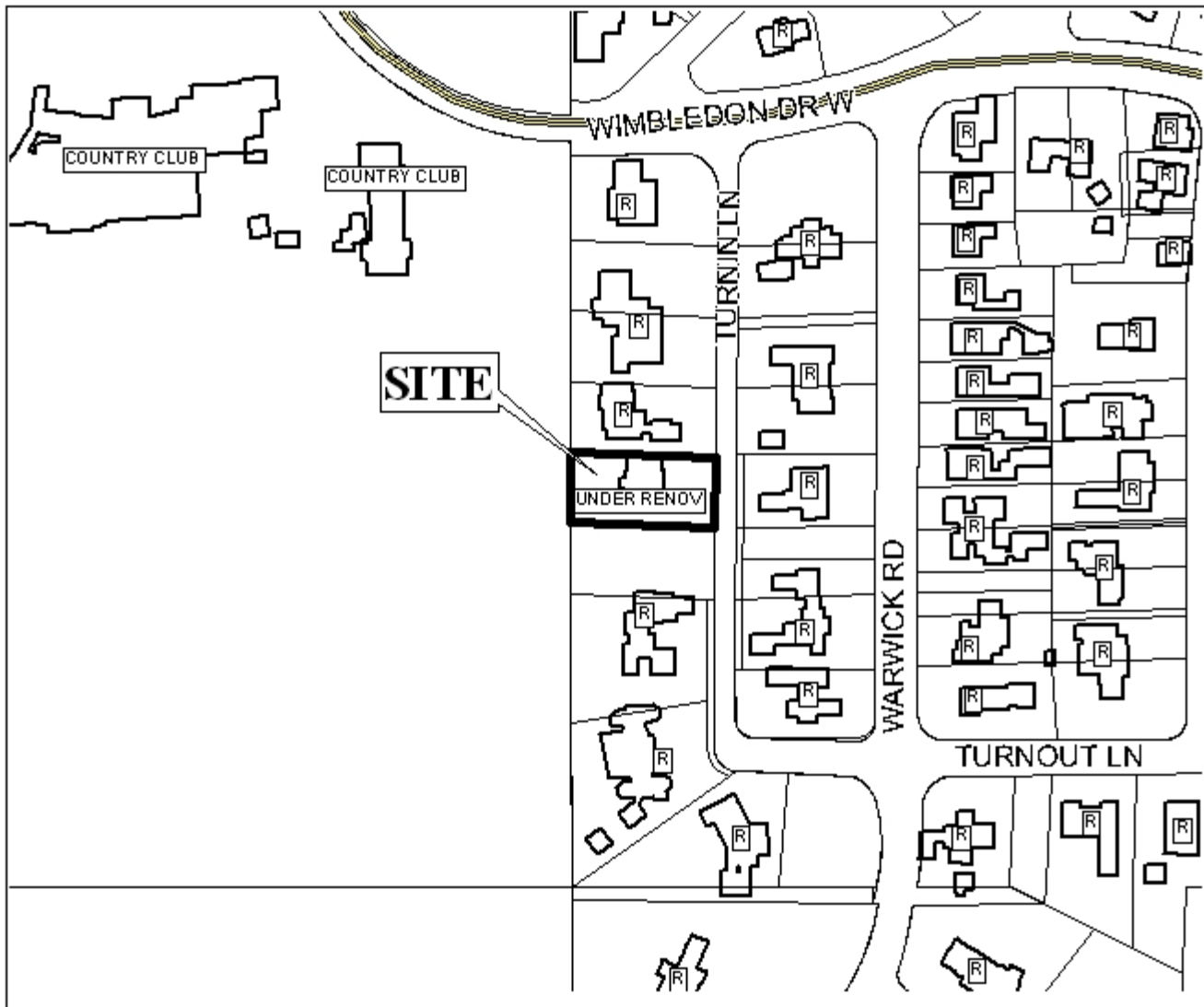
REQUEST Front Yard Setback Variance



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VICINITY MAP - EXISTING ZONING


















Single family residential units are located to the north, east, and south of the site and Mobile Country Club and golf course is located to the west.

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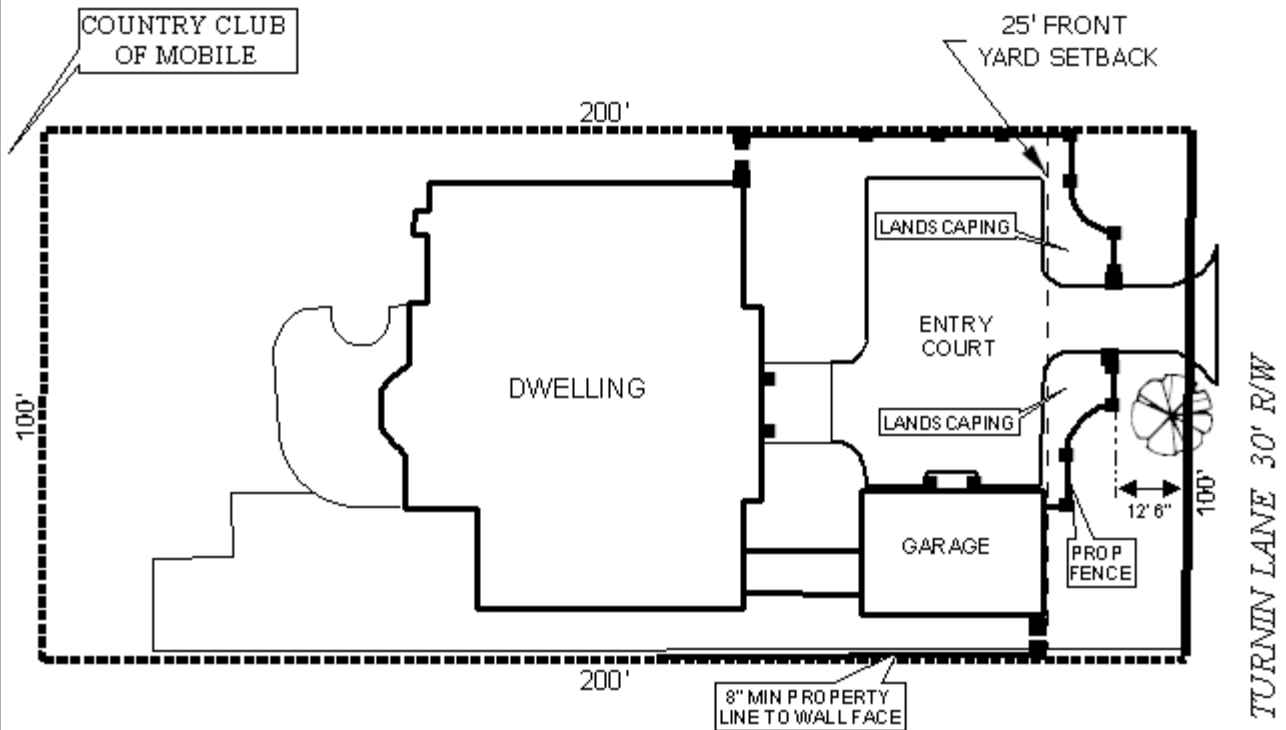
REQUEST Front Yard Setback Variance

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 |
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SITE PLAN



The site plan illustrates proposed buildings, drive, fence, existing setback, and lot dimensions.

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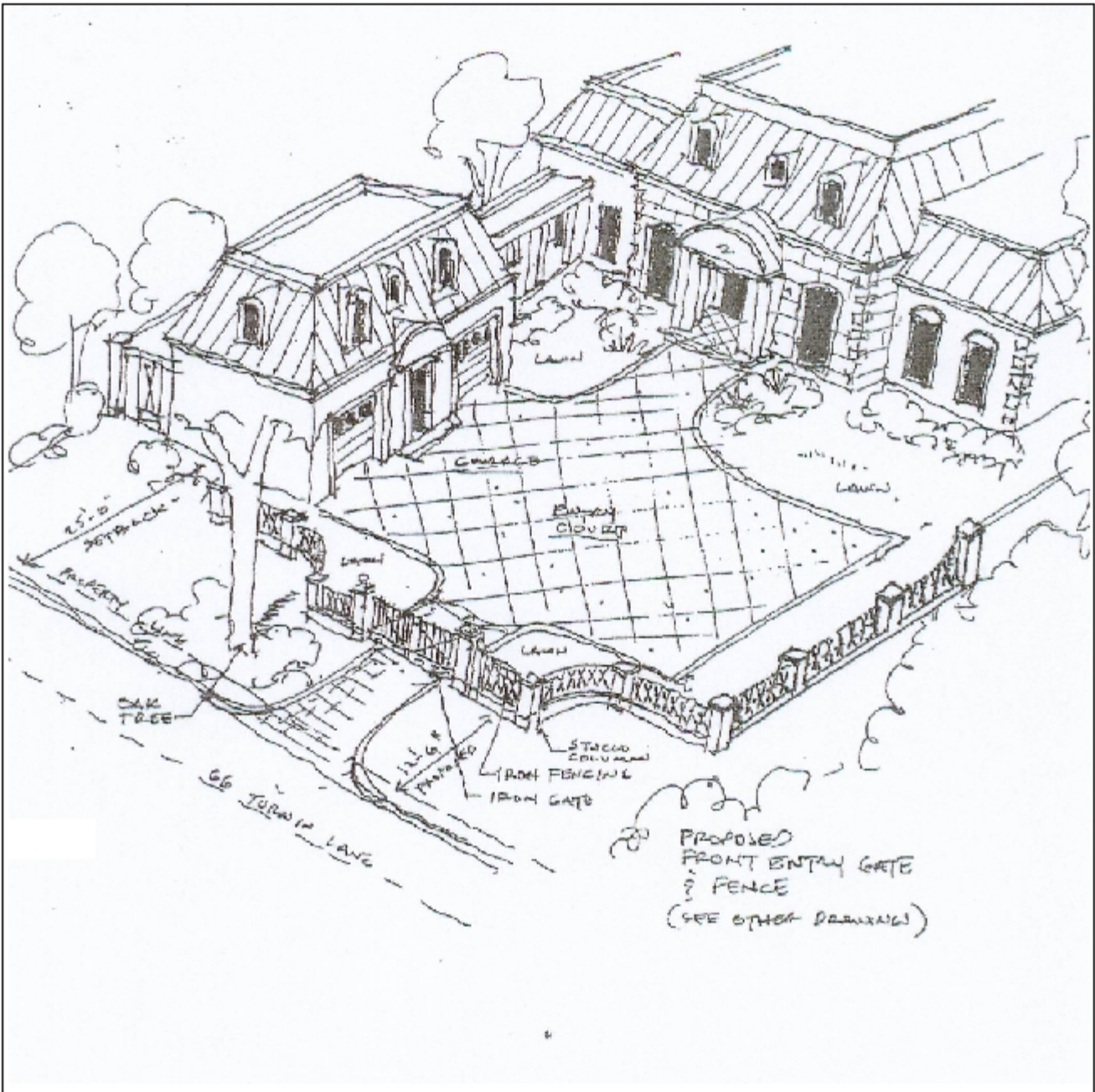
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PROPOSED SITE PLAN DETAIL



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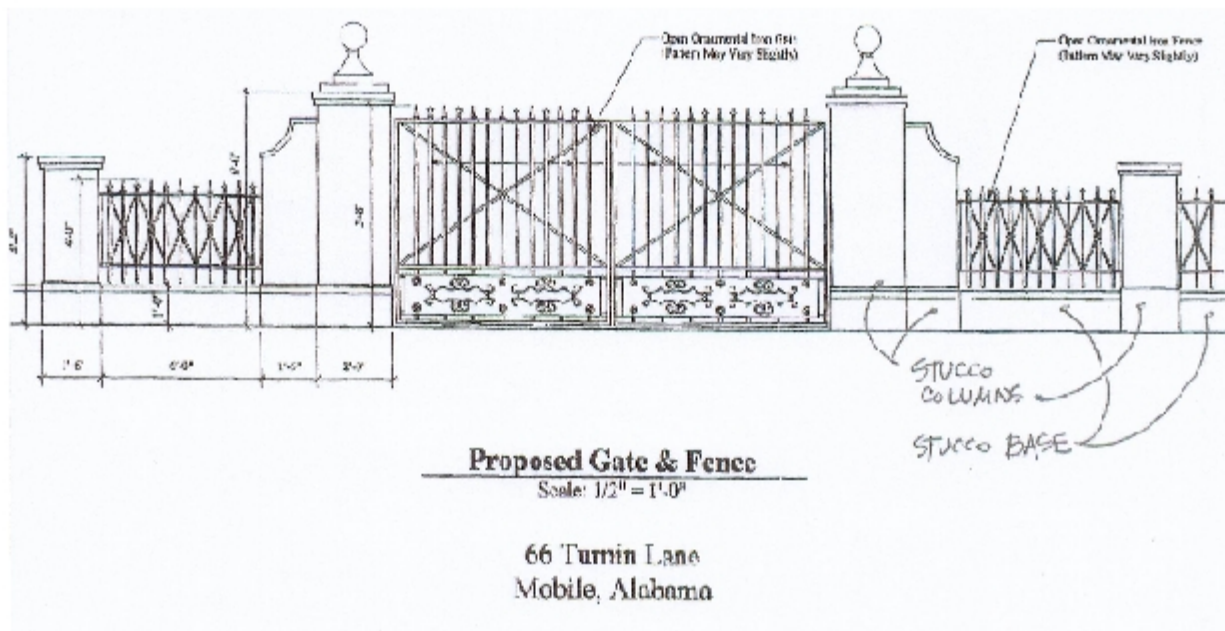
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FENCE DETAIL



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