

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: January 3, 2011****CASE NUMBER**

5655

APPLICANT NAMEWilliam T. Partridge, Jr. for
Mobile Terrace Christian Center**LOCATION**7154 Ninth Street
(North side of Ninth Street, 200'± East of Lincoln
Boulevard)**VARIANCE REQUEST****PARKING AND MANUEVERING:** Allow three (3)
parking spaces for a 2,064 square-foot church youth annex
with nose-in, back-out maneuvering into the right-of-way.**SETBACKS AND SITE COVERAGE:** Allow a building
with a 20-foot front building setback, 4.83-foot side yard
setback, and 42% site coverage.**ZONING ORDINANCE
REQUIREMENT****PARKING AND MANUEVERING:** The Zoning
Ordinance requires seven (7) parking spaces for a 2,064
square-foot church youth annex with all parking and
maneuvering areas being on-site.**SETBACKS AND SITE COVERAGE:** A minimum front
yard setback of 25 feet is required, and a minimum side-
yard setback of 7.16 feet is required for a 50-foot wide lot.**ZONING**

R-1, Single Family Residential District

AREA OF PROPERTY

5000 square feet

**TRAFFIC ENGINEERING
COMMENTS**

None received

**CITY COUNCIL
DISTRICT**

District 7

ANALYSISParking Ratio and Maneuvering, Front and Side Yard
Setback, and Site Coverage Variances to allow three on-site parking spaces for a 2,064 square-
foot church youth annex with nose-in/back-out maneuvering in the right-of-way, with a 20' front
yard setback and 4'-10" side yard setback, and 42% site coverage in an R-1, Single-Family

Residential District; the Zoning Ordinance requires seven parking spaces with on-site maneuvering for a church youth annex, a 25' front yard setback and 7'-2" side yard setback, and maximum site coverage of 35% in an R-1, Single-Family Residential District.

The applicant, the Mobile Terrace Christian Center, proposes to complete the reconstruction of a building for use as a youth center. The church's main facility is located at the corner of Cody Road North and Eighth Street, about 500 feet from the site in question.

The existing structure on the site was simply walls at the time of annexation into the City in 2008, however, at some point in the past it had been used as a community center, according to the applicant. In late 2008, permits were issued without zoning review to allow reconstruction of the building. These permits were issued noting the structure was "single-family residential." In 2009, a request to renew the previous permit was received and denied during the zoning review, as staff determined that the work was not for a single-family residence as previously permitted. A 2010 permit request was again denied during the zoning review. The building currently has a new roof, a new porch, and bare rafters on the interior, all of which were done without proper permits. Additional work will be required to allow the building to obtain a certificate of occupancy. As work has already been made at the site, but as no inspections for building code compliance have been undertaken, work to date may not comply with the requirements of the applicable building and fire codes. Furthermore, it is likely that work was undertaken beyond the scope of the expired permit that was issued erroneously in 2008, and which may have continued without appropriate 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's justification for hardship appears to be that the building was previously used for a community center, however, this was prior to 2006, as 2006 City of Mobile aerial photos reveal that the building had no roof in 2006. Since 2006 (pre-annexation) the site has been vacant. In fact, the roof was re-added to the building improperly due to the previously mentioned erroneous permit in 2009. The applicant also further details other improvements that have been made to the building, all without permits or inspections.

Along with the building, there is not enough room for sufficient parking or maneuvering area at the site. The applicant states that all of the other development of this street is designed in the same way, however, the other development is residential in nature, and does not experience the type of traffic volume or trip generation that a church youth annex would. Considering that the

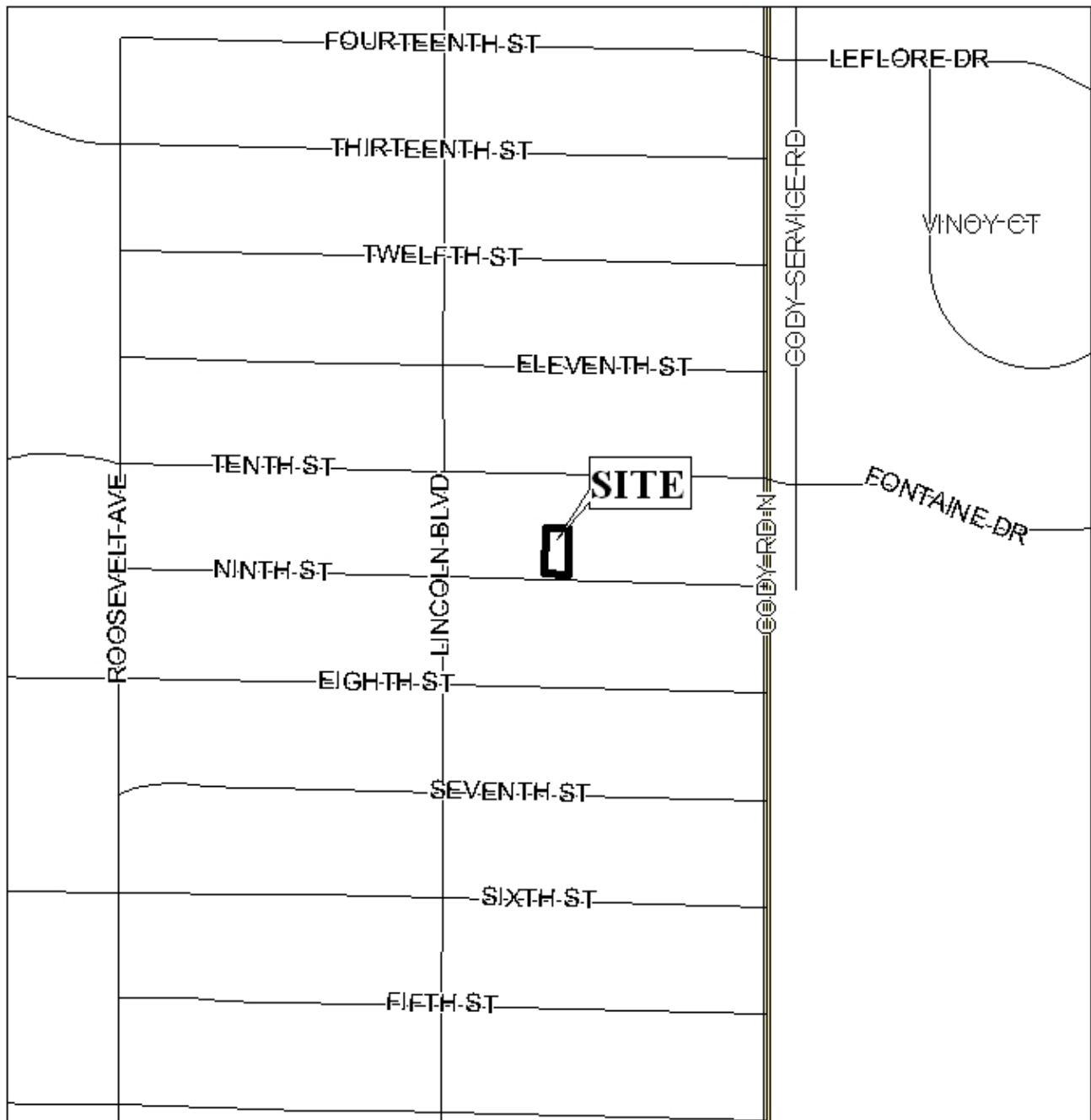
site is likely proposed for overdevelopment, any hardship resulting from lack of room for parking and maneuvering is self imposed, as the applicant would have known the limitations of such a small lot, or would have been made aware of the same, had proper permits been requested. The site, as it exists today, appears to be inadequate for any use other than single-family residential. It should also be noted that staff has recommended denial of a Planning Approval application for this use to the Mobile City Planning Commission.

Regarding the setback and site coverage variances, the building is already legal, non-conforming in this aspect. The applicant wishes to add a covering to an existing front porch on the building, which creates the setback variance issue. The applicant provided no justification to support granting a variance.

RECOMMENDATION

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

LOCATOR MAP



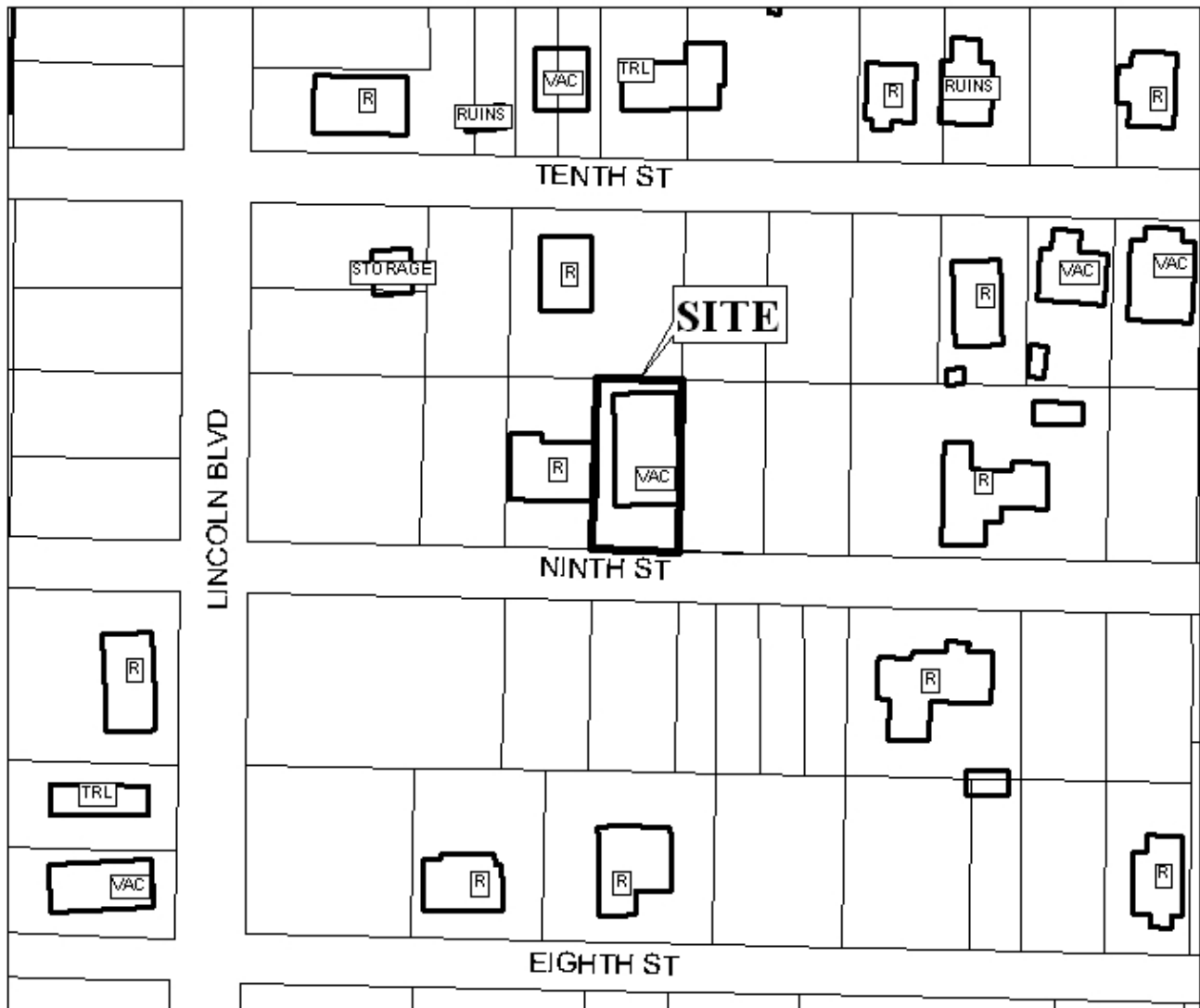
APPLICATION NUMBER 5655 DATE January 3, 2011

APPLICANT Mobile Terrace Christian Center (William T. Partridge, Jr., Agent)

REQUEST Parking Ratio and Maneuvering, Front and Side Yard Setback, and
Site Coverage Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units and vacant land.

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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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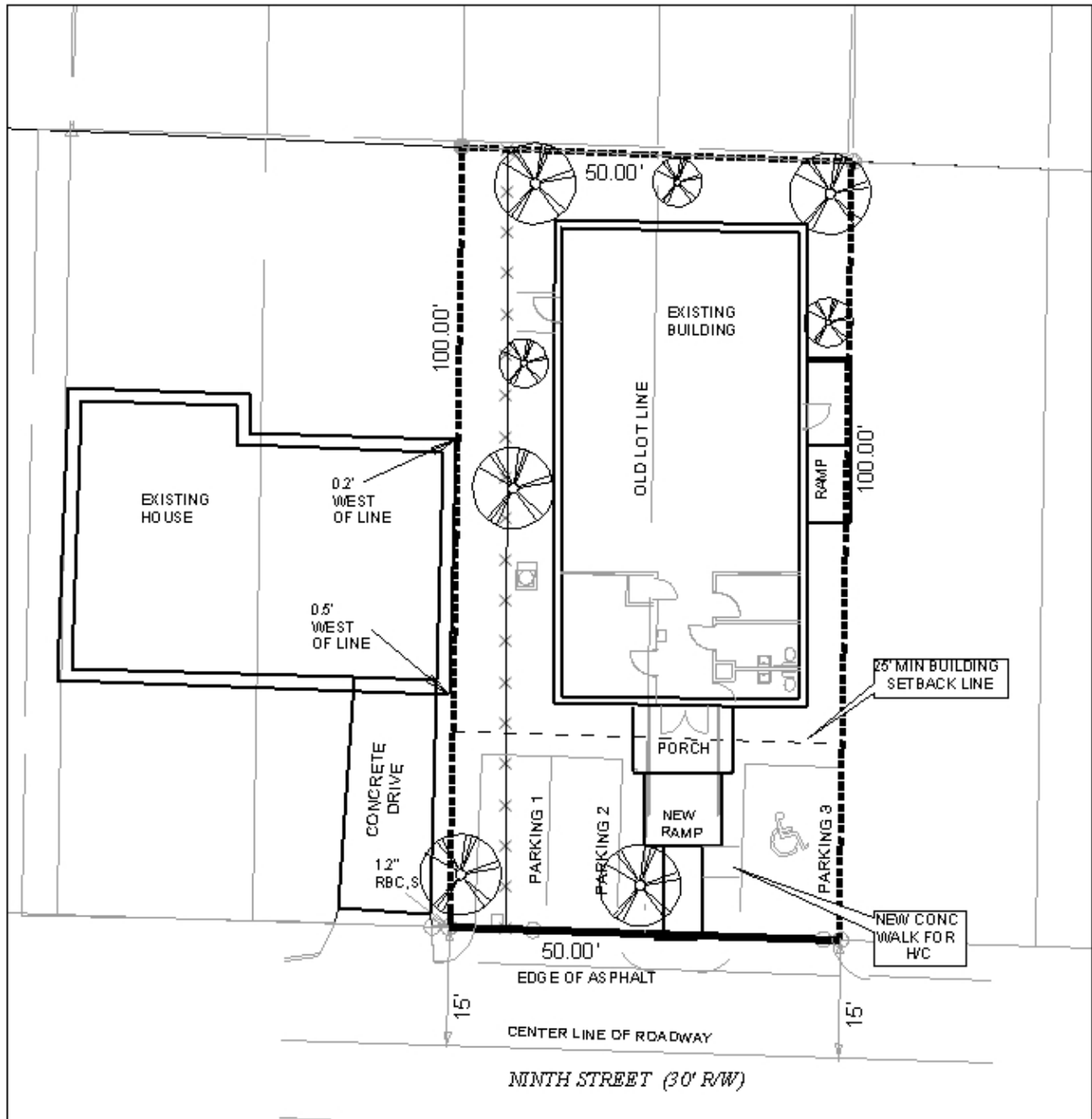
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DETAIL SITE PLAN



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