

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: June 3, 2013****CASE NUMBER**

5836

APPLICANT NAME

Gary D.E. Cowles

LOCATION1601 Dublin Street East
(Northeast corner of Dublin Street and Dublin Street East).**VARIANCE REQUEST****FRONT YARD SETBACK VARIANCE:** Front Yard Setback Variance to allow reduced setbacks of 20' along the South property line, and 5' along the North property line, in a B-2, Neighborhood Business District.**ZONING ORDINANCE
REQUIREMENT****PARKING SURFACE:** The Zoning Ordinance requires a 25' Front Yard Setback along all street frontages in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business

AREA OF PROPERTY

6,229± Square Feet

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Front Yard Setback Variance to allow reduced setbacks of 20' along the South property line, and 5' along the North property line, in a B-2, Neighborhood Business District; the Zoning Ordinance requires a 25' Front Yard Setback along all street frontages in a B-2, Neighborhood Business District.

The site is currently vacant and no use history or building permits are found to be associated with the site. However, the City Revenue Department lists a grocery store at 1605 Dublin Street which was operated by a previous owner of the subject site. A review of Mobile County Tax records indicates that the subject parcel is assigned the address of 1605 Dublin Street. The address of 1605 Dublin Street is actually a single-family dwelling across Dublin Street.

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 subject site appears to have had building remnants (walls only) on it at least as late as 2006, according to aerial photographs. The applicant proposes to construct a 16' by 25' (400 square feet) store on the site but the standard 25' minimum building setback lines along both street frontages would reduce the buildable site area to approximately 193 square feet. In order to construct a building of the proposed size, setback variances would be required. But since the site is a metes-and-bounds legal description, a one-lot subdivision must first be approved to make the site a legal lot of record. Such is scheduled to be heard at the June 6th Planning Commission meeting. Since both Dublin Street and Dublin Street East are substandard rights-of-way of 40' each, a probable condition of approval, if approved, would be dedication to provide 25' from the centerline of each street. This would further reduce the final lot size and measurement of the proposed reduced building setback lines. Since variance approvals are site plan-specific, the Setback Variances requested should be based upon the right-of-way lines once the site is established as a legal lot of record. Therefore, this application should be heldover to the July 1st meeting to measure the requested setbacks from the right-of-way lines following possible frontage dedications required by the Subdivision approval, if approved.

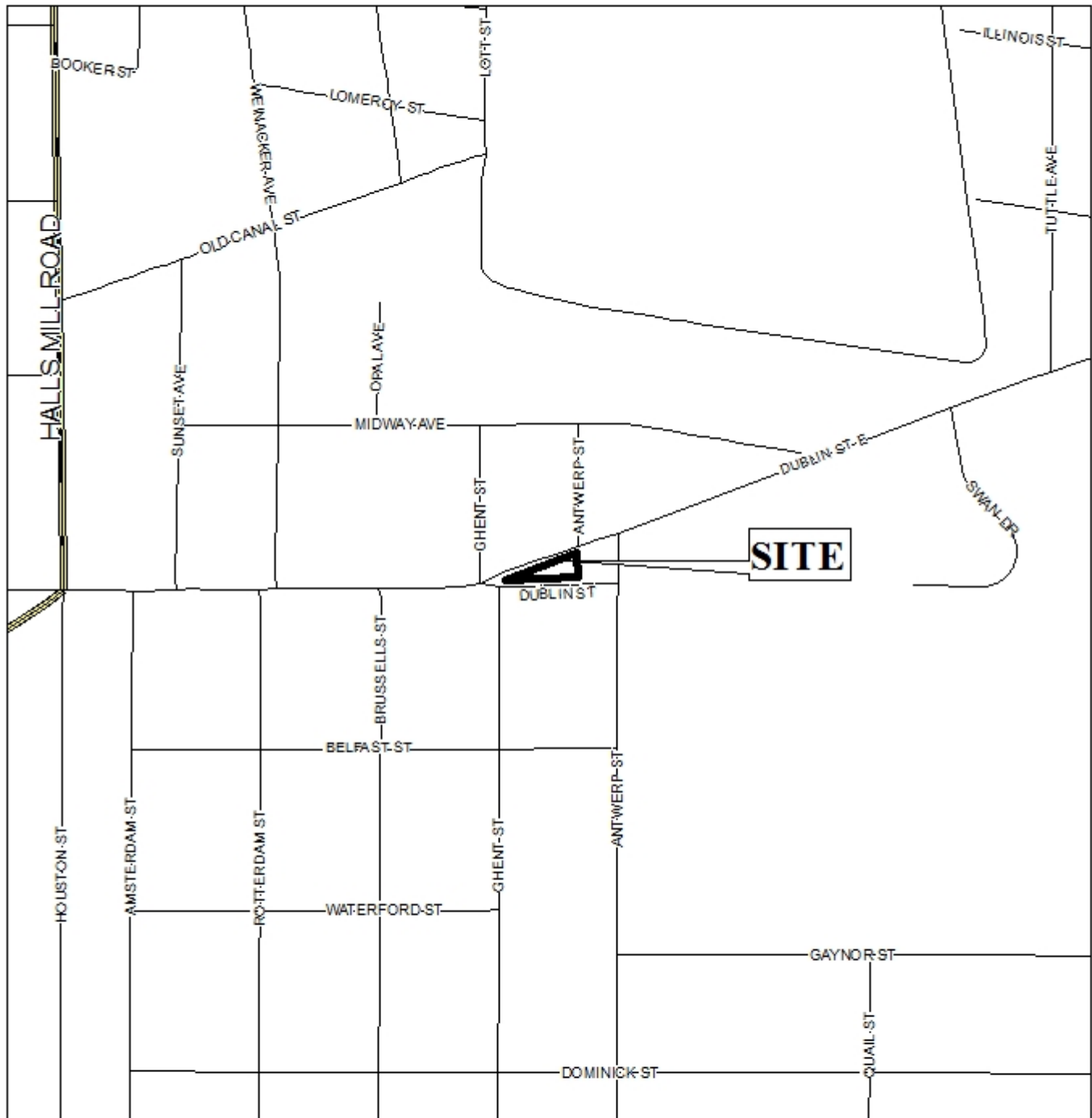
To further complicate matters, the narrative and notes on the site plan furnished seem to imply that the applicant is requesting a variance to allow a 20' setback along the South property line, and a 5' setback along the North property line, when in fact, just the opposite is being sought. The narrative, site plan notes and site plan drawing should be revised to clearly indicate that the requests are to allow a 5' setback along the South property line and a 20' setback along the North property line, or whatever may be requested following any possible frontage dedications required by the Subdivision approval, if approved. Tree and landscaping compliance should also be depicted on the site plan.

RECOMMENDATION: Based on the preceding, this application is recommend for holdover to the meeting of July 1st, with revisions due by June 10th to address the following issues:

- 1) revision of the property lines along the street frontages to reflect any dedications required by the Subdivision approval, if approved;
- 2) revision of the site plan to illustrate the requested setback lines along the street frontages as measured from any dedications required by the Subdivision approval, if approved;
- 3) revision of the narrative and notes on the site plan to clearly state the setback lines requested as measured from any dedications required by the Subdivision approval, if approved; and

- 4) revision of the site plan to depict tree and landscaping compliance.

LOCATOR MAP



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REQUEST Front Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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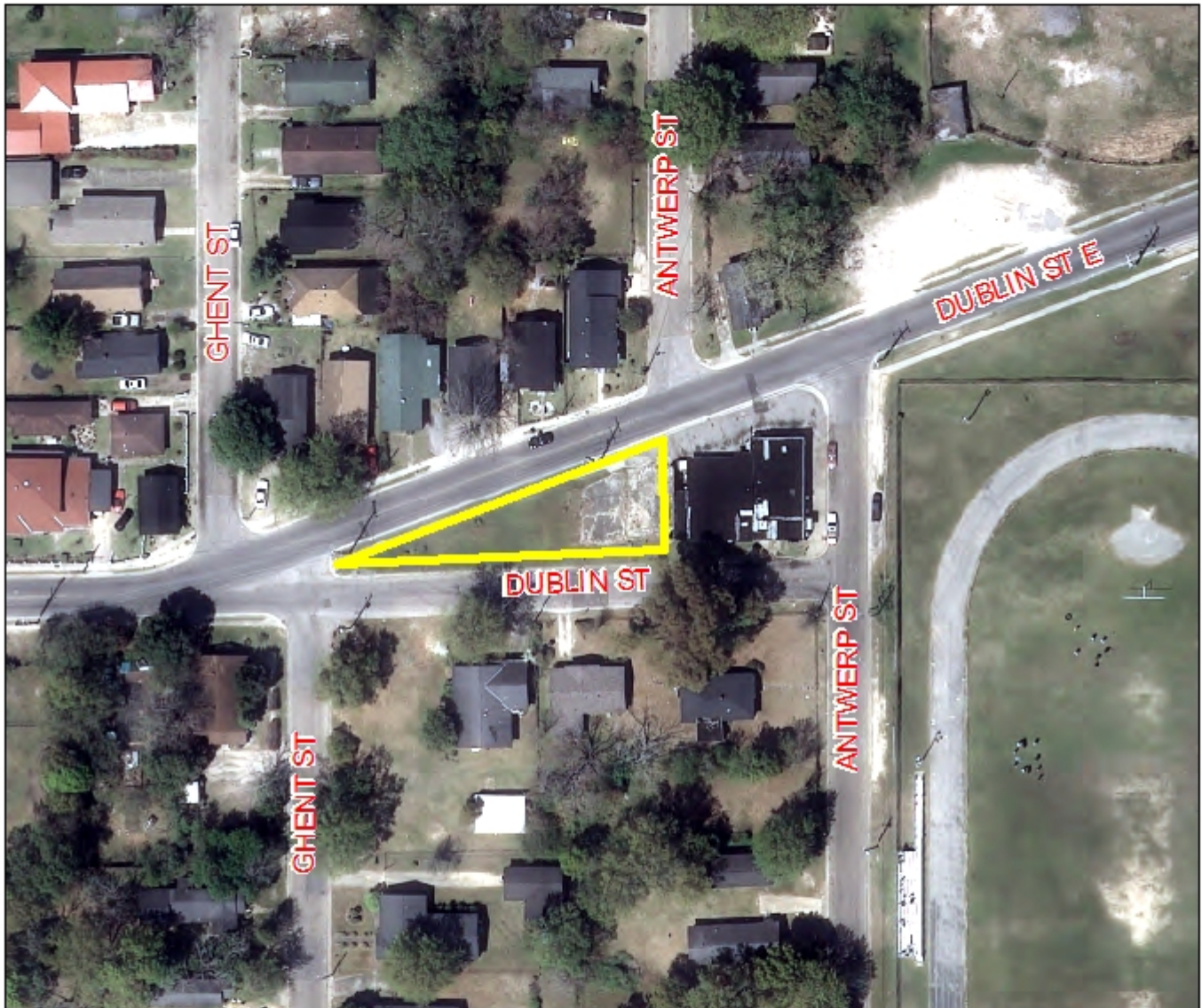
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LEGEND R-1 R-2 R-3 R-A R-B H-B T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

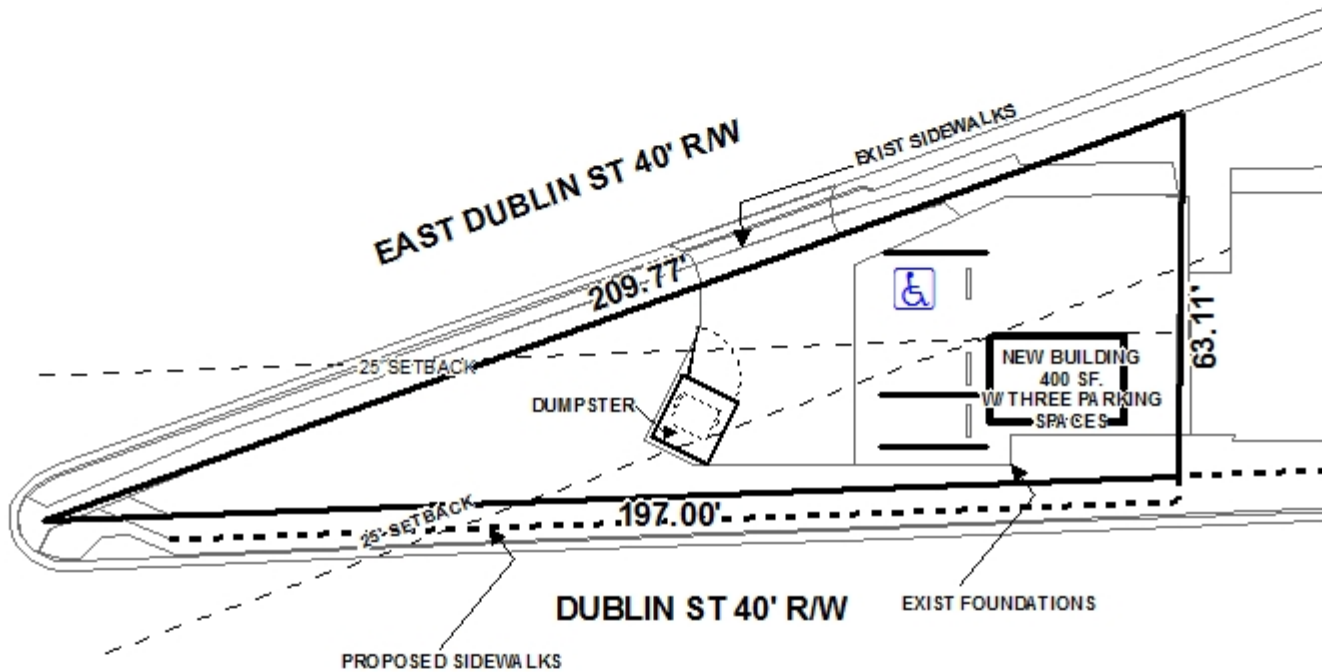


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SITE PLAN



The site plan illustrates the new building, proposed sidewalks, and dumpster.

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