

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: July 7, 2014**

<b><u>CASE NUMBER</u></b>	5900
<b><u>APPLICANT NAME</u></b>	William and Brenda Broadus
<b><u>LOCATION</u></b>	7669 Avenue D (South side of Avenue D, 150' ± East of 6 <sup>th</sup> Avenue)
<b><u>VARIANCE REQUEST</u></b>	<b>USE:</b> To allow a mobile home as a second residence on a single site in an R-1, Single-family Residential District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>USE:</b> The Zoning Ordinance does not allow more than one residence on a single site in an R-1, Single-family Residential District, and Planning Approval is required to allow a mobile home in an R-1, Single-Family Residential District.
<b><u>ZONING</u></b>	R-1, Single-family Residential District
<b><u>AREA OF PROPERTY</u></b>	32,500 ± Acres
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No traffic impacts anticipated by this use variance request.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<b><u>URBAN FORESTRY COMMENTS</u></b>	No comments received.
<b><u>CITY COUNCIL DISTRICT</u></b>	District 7
<b><u>ANALYSIS</u></b>	The applicant is requesting a Use Variance to allow a mobile home as a second residence on a single site in an R-1, Single-family Residential District;

the Zoning Ordinance does not allow more than one residence on a single site in an R-1, Single-family Residential District.

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.

Applicant's statement: *The applicants are proposing to locate a mobile home on their property in an area where another mobile home was located previously. We have attached a 2002 aerial photo that shows the previous mobile home. A portion of the fence along Avenue E will be removed to provide access to the property. Within 600 feet from the site there are 15 mobile homes, which has been common in this area prior to the city annexation. Also common to this area is the commercial development which has existed more than 35 years. With the existing mobile homes in the area and the B-3 zoning across the street from this site, the placement of a mobile home on this property will not have a negative impact on the neighborhood.*

The applicant **has not** clearly identified any hardships nor presented sufficient evidence as listed above and required in Section 64-8.B.6.f.(3).(d). of the Zoning Ordinance. Staff can substantiate the applicant's claim in reference to the existing mobile home on the property; however, the mobile home was placed **and** removed prior to annexation. As the site is now within the city limits and is zoned R-1, Single-family Residential, only one dwelling unit is allowed.

Given the number of mobile homes within the vicinity of this site, a mobile home would not seem to be out of character in this neighborhood. It should be pointed out, however, that there has only been one instance of a use variance approval by the Board within the immediate vicinity to allow a mobile home within an R-1, Single-family Residential site and, that approval was a time-limited approval and the trailer has since been removed.

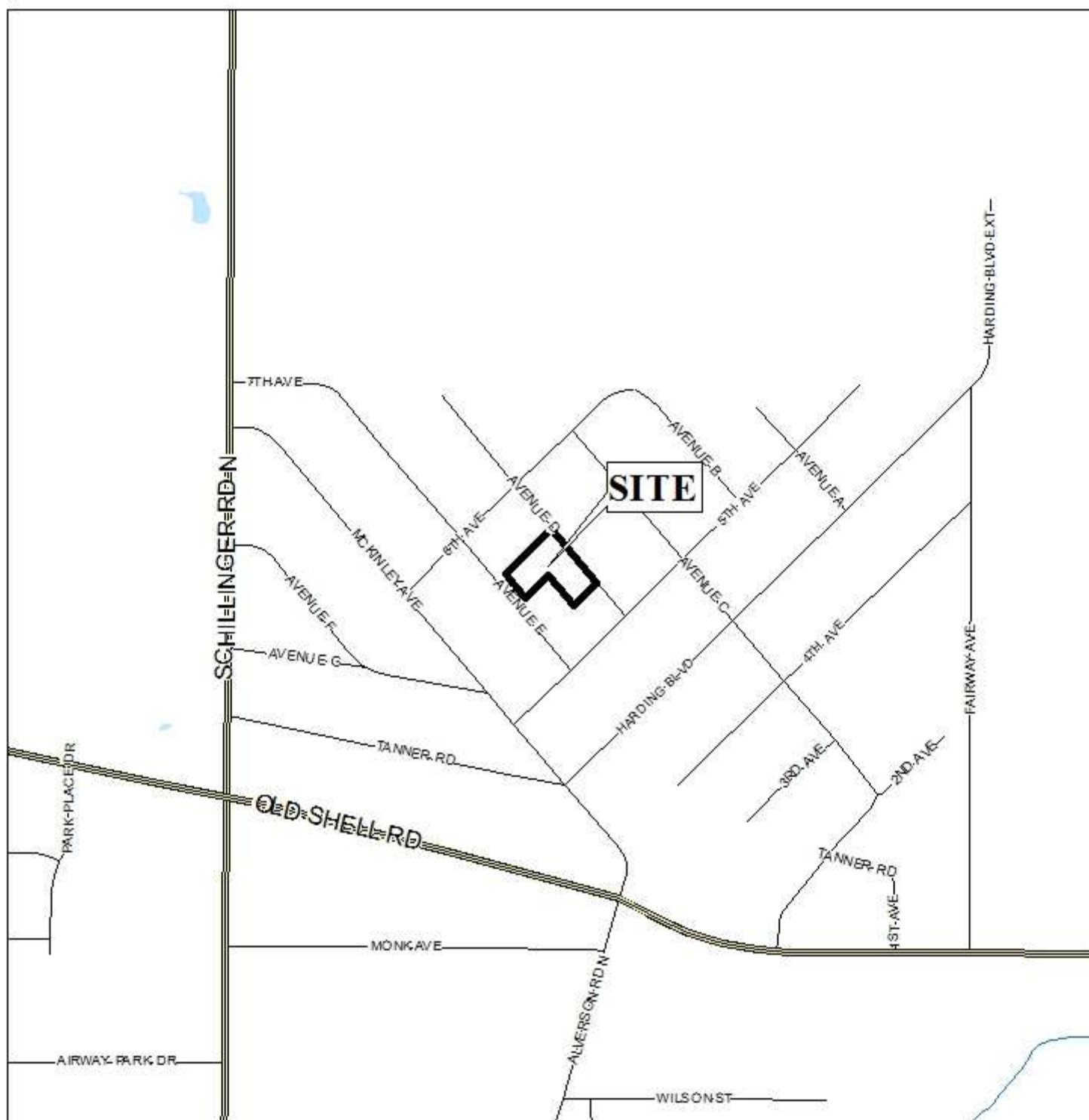
A 2-lot Subdivision to create two separate legal lots of record – 1 for the existing house and a new lot for the proposed mobile home - and Planning Approval to allow the proposed mobile home through the Planning Commission would seem a more appropriate route for seeking approval due to the lack of a hardship.

It should be noted that there have been two (2) Planning Approval requests within the immediate vicinity to allow a mobile home within an R-1 site; however, both requests were denied by the Planning Commission. The latest was appealed to the City Council, which upheld the Commission's decision of denial.

**RECOMMENDATION:** Based upon the preceding, Staff recommends to the Board the following findings of fact for denial:

- 1) Approving the variance will be contrary to the public interest in that it will be contrary to Section 64-3.C.1. of the Zoning Ordinance regarding an R-1, Single-Family Residential zoning district;
- 2) The applicant has not presented any special conditions as required in Section 64-8.B.6.f.(3).(d). of the Zoning Ordinance, such as a hardship to the property, which may exist and a literal enforcement of the provisions of the chapter will not appear to result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance, as there is no hardship, and that a request for a 2-lot subdivision with Planning Approval through the Planning Commission would seem a more appropriate route for this site in upholding the spirit of the chapter.

# LOCATOR MAP



APPLICATION NUMBER 5900 DATE July 7, 2014

APPLICANT William & Brenda Broadus

REQUEST Use Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial units.

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<span style="background-color: #FFFFFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-1	<span style="background-color: #FF00FF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-B	<span style="background-color: #00FFFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-1	<span style="background-color: #FF0000; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-3	<span style="background-color: #CCCCFF; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> I-1	<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> OPEN	<span style="background-color: #FFB6C1; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T3	<span style="background-color: #4B0082; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T5.2
<span style="background-color: #FFFF00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> R-2	<span style="background-color: #FFDAB9; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> H-B	<span style="background-color: #8A2BE2; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> LB-2	<span style="background-color: #654321; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> B-4	<span style="background-color: #D3D3D3; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> I-2	<span style="background-color: #FF8C00; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> SD	<span style="background-color: #9370DB; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T4	<span style="background-color: #000000; border: 1px solid black; display: inline-block; width: 15px; height: 15px;"></span> T6





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



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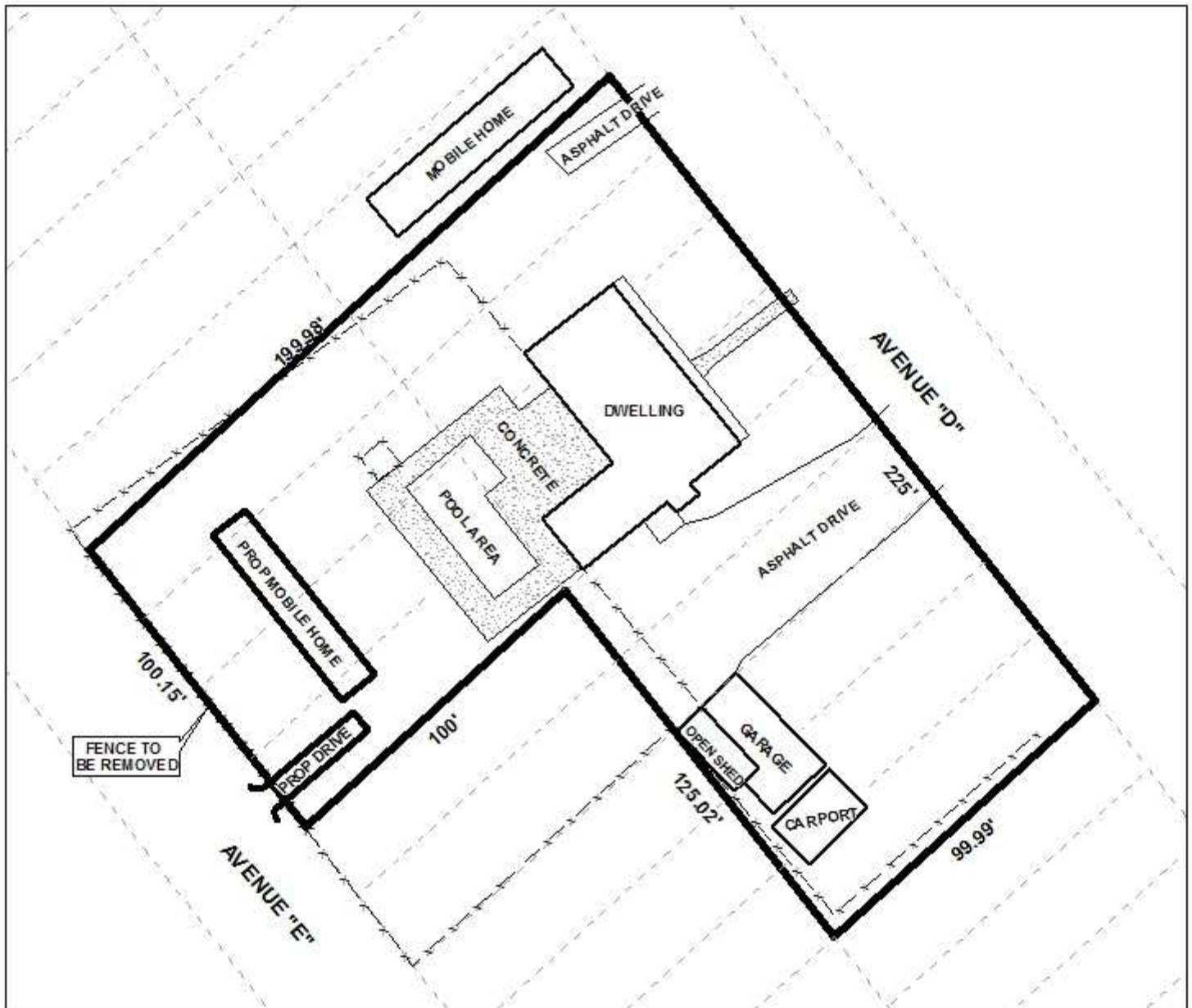
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# SITE PLAN



The site plan illustrates the existing dwellings, proposed mobile home and drive, drives, and fences.

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