

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 4, 2021****CASE NUMBER**

6421

APPLICANT NAME

Wilson Thomas

LOCATION

101 Ridgelawn Drive East
(West side of Ridgelawn Drive East at the West terminus of
Bexley Lane).

VARIANCE REQUEST

SIDE YARD SETBACK: To allow a carport less than
eight (8) feet from a side property line in an R-1, Single-
Family Residential District.

**ZONING ORDINANCE
REQUIREMENT**

SIDE STREET YARD SETBACK: The Zoning
Ordinance requires at least an eight (8)-foot side yard
setback for structures in an R-1, Single-Family Residential
District.

ZONING

R-1, Single-Family Residential District

AREA OF PROPERTY

0.7± Acre

**ENGINEERING
COMMENTS**

If the proposed variance is approved for use the applicant
will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit –submitted through Central Permitting.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

URBAN FORESTRY**COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

CITY COUNCIL**DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Side Yard Setback Variance to allow a carport less than eight (8) feet from a side property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an eight (8)-foot side yard setback for structures in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context.

The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 provided the following narrative regarding the request:

I am requesting a setback variance. Section 10 in the Application requests the following info which I address in bold text below.

*Detailed description of the proposed improvements **Erect a one-car carport which will be professionally designed and constructed by a reputable general contractor. This structure would not allow for the 20' setback required hence the request for this setback variance**, including specific information regarding the requested variance(s) (e.g. setback(s) required and provided. **The proposed structure would decrease the total setback to 15' rather than the 20' requirement**, site coverage allowed and provided, parking spaces required and provided, etc.). Include statements explaining why the property cannot be developed in compliance with the Zoning Ordinance **The property is not suited for a carport behind the house due to the angle in which a vehicle would have to make a turn into the carport and therefore the only possible space for covered parking area is adjacent to the home.**, how this situation occurred **This situation arose out of a need to be able to enter the home with children during inclement weather** and , and how this property is different from neighboring properties. **Many neighbors have covered parking areas and it appears there have been numerous setback variances granted in similar situations within this neighborhood. This structure would not make this property different than most other properties in Ravine Woods.***

The site plan and drawings submitted with the application indicate that the applicant is proposing a rear addition and garage addition to the existing dwelling. The applicant wishes to construct the garage addition on the South side of the dwelling. The site plan indicates the proposed structure is to be within approximately 6.5 feet of the South property line at its closest point. With an existing side yard setback of over 18 feet on the North side, the required 20-foot combined side yards setback would be met.

Pertaining to the requested reduced side yard setback, three of the primary concerns relating to side yard setbacks are:

- the potential of the spread of fire from one property to another;
- water run-off onto adjacent properties; and
- the ability to properly maintain the proposed structure.

The subject residence does not appear to have been built with a garage. There appears to be adequate area available further to the rear of the proposed location; however, due to the sloping topography in that area, access to the garage could be a problem. Furthermore, this location may not be compatible with the interior lay-out of the proposed additions to the dwelling. The proposed location is also in-line with the existing driveway.

Similar variances have been granted within the Ridgelawn Subdivision, with a 5.5-foot± side yard setback approved for a carport at 4812 Pine Court at the Board's August 6, 2012 meeting, and 354 Ridgelawn Drive West has a 7-foot± side yard setback approved for a carport at the Board's July 10, 2006 meeting.

As similar requests for garage/carport setback variances have been granted within the area, the Board should consider this request for Approval.

RECOMMENDATION: Based upon the preceding, Staff recommends to the Board the following findings of fact for Approval of the Side Yard Setback Variance request:

- 1) Approving the variance request will not be contrary to the public interest due to the fact that similar variance requests have been approved within the vicinity of this site;
- 2) Special conditions appear to exist, primarily the sloping topography elsewhere on the site, and the existing interior lay-out adjacent to the proposed garage, such that a literal enforcement of the provisions of the chapter will result in unnecessary hardship; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that it will be in keeping with similar approved variances in the area.

The approval is subject to the following conditions:

- 1) subject to the Engineering comments: *(If the proposed variance is approved for use the applicant will need to have the following conditions met; 1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit –submitted*

- through Central Permitting. 2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way. 3. Any and all proposed land disturbing activity within the property will need to be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 5. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.); and*
- 2) full compliance with all municipal codes and ordinances.

In order for any concerns to be considered by the Board you must email your concerns to planning@cityofmobile.org or they may be uploaded to the website via the portal under the meeting date and case. Comments must be entered by 2:00 PM on Friday, October 1st, before the meeting, in order to be considered by the Board.

If you wish to participate in the meeting, you must email planning@cityofmobile.org by 2:00 PM on Friday, October 1st, before the meeting. In accordance with the Rules of the Board of Zoning Adjustment, no more than four (4) speakers are allowed to speak for or against an application. Speaking time is limited to five (5) minutes per speaker.

LOCATOR MAP



APPLICATION NUMBER 6421 DATE October 4, 2021

APPLICANT Wilson Thomas

REQUEST Side Yard Setback Variance



NTS

LOCATOR ZONING MAP



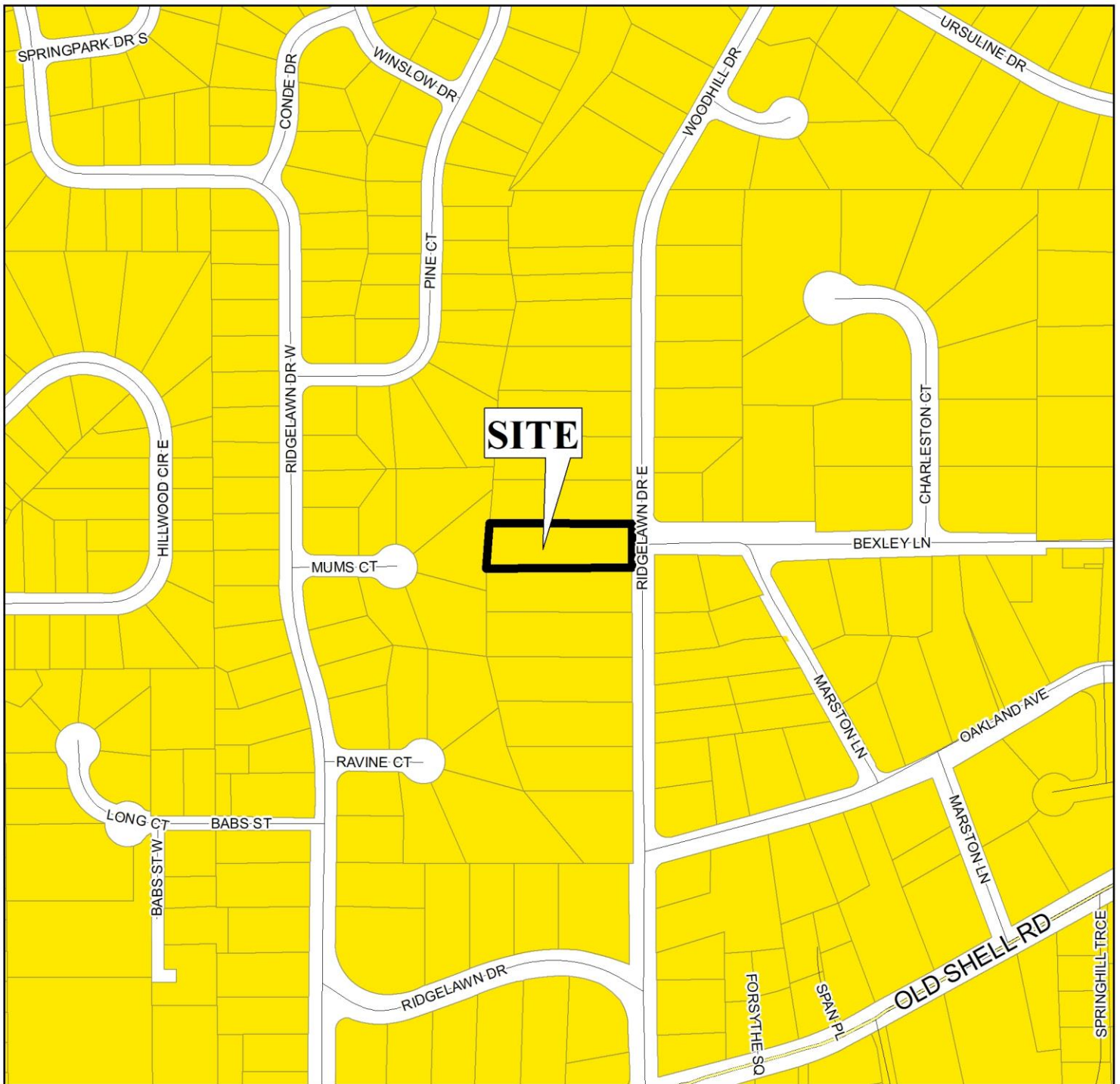
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FLUM LOCATOR MAP



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APPLICANT Wilson Thomas

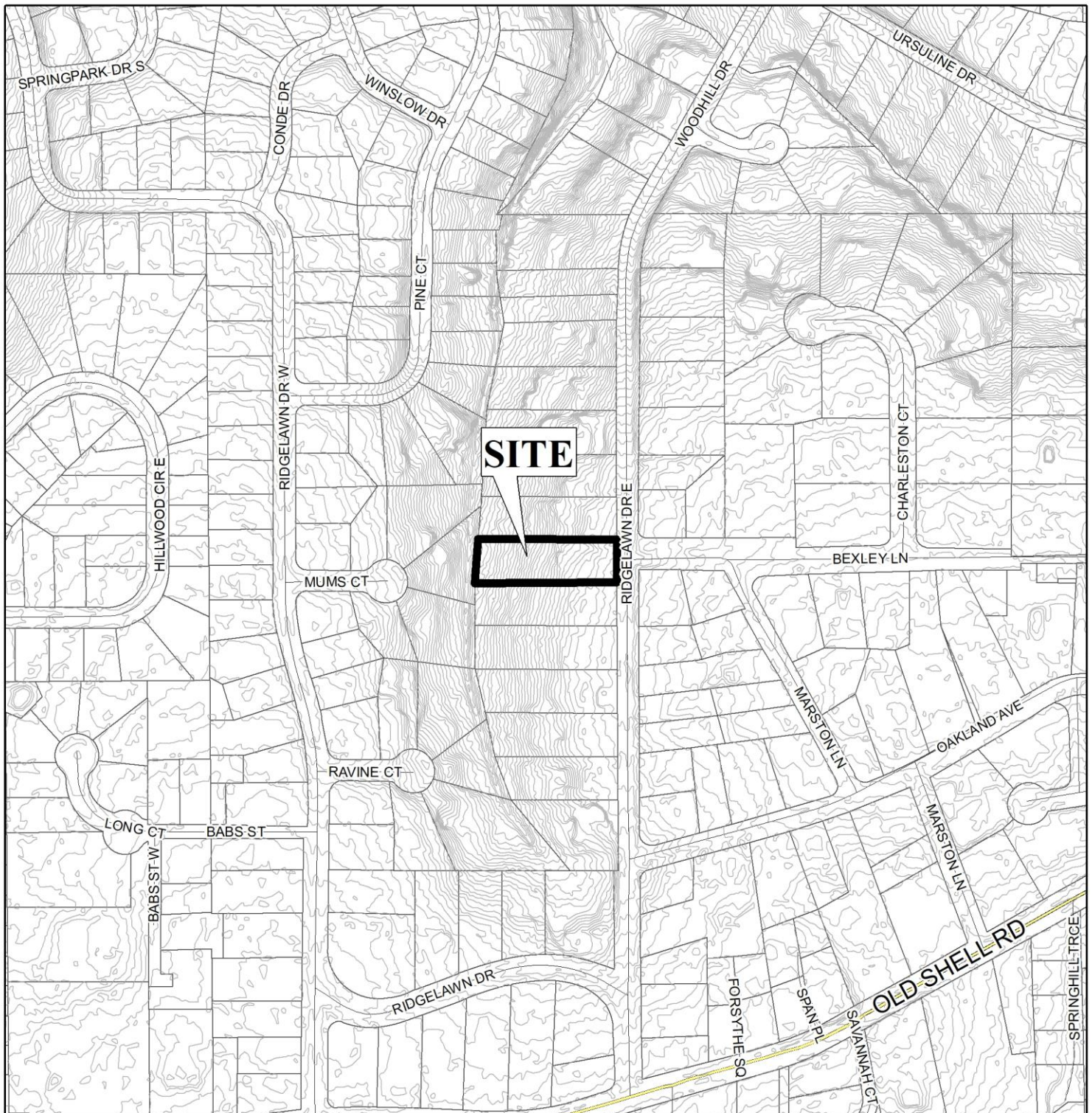
REQUEST Side Yard Setback Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



NTS

ENVIRONMENTAL LOCATOR MAP



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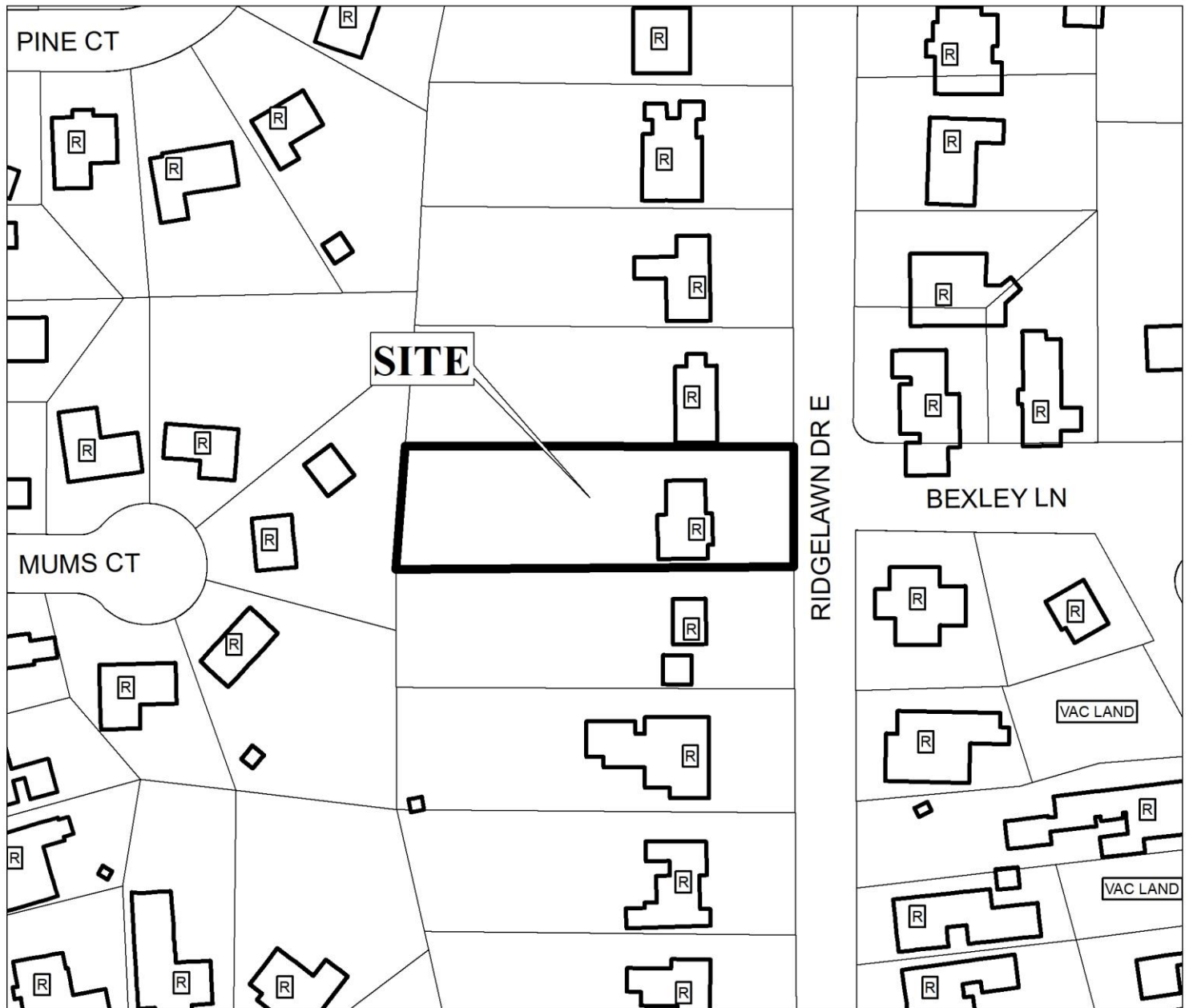
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REQUEST Side Yard Setback Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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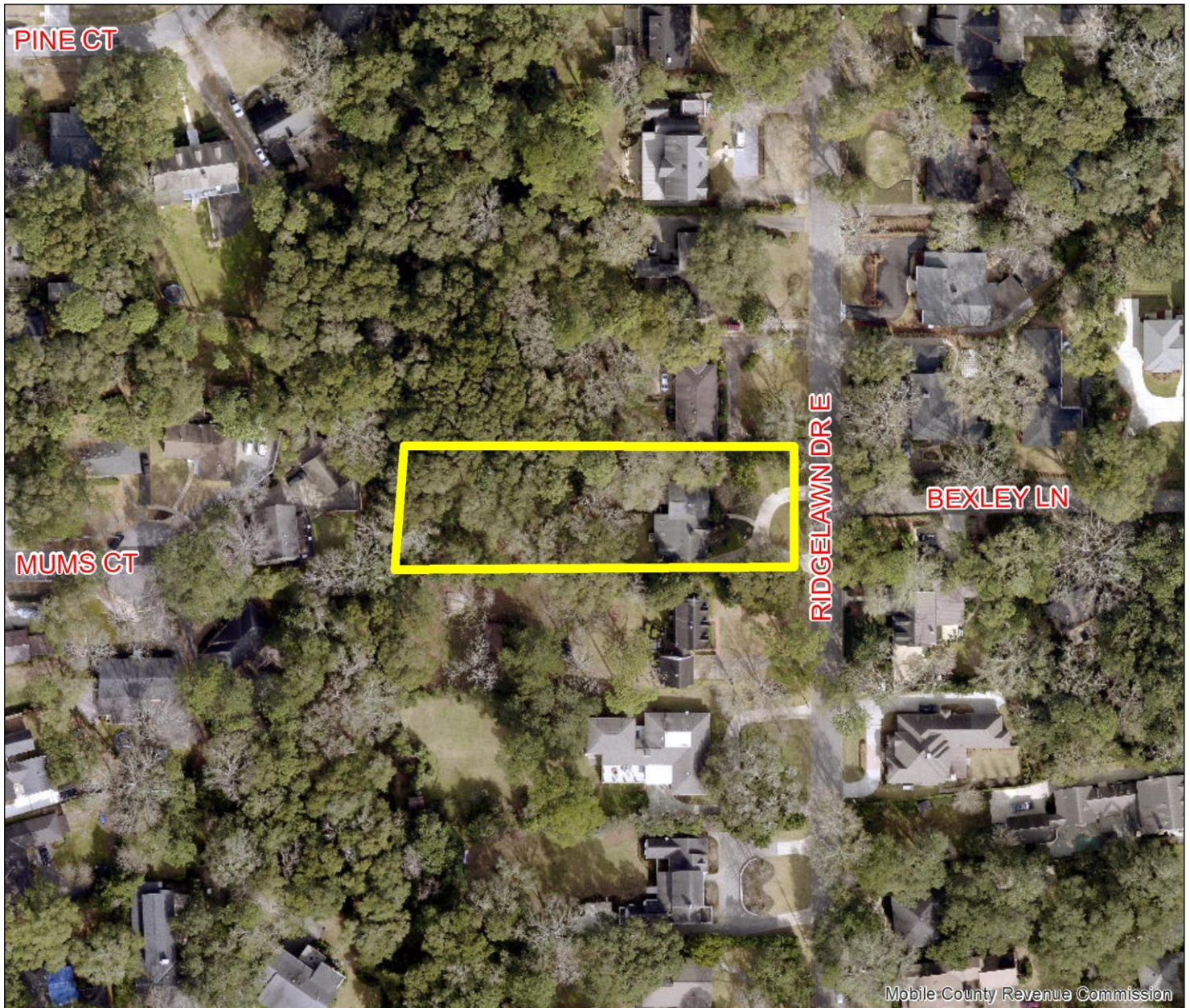
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REQUEST Side Yard Setback Variance

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

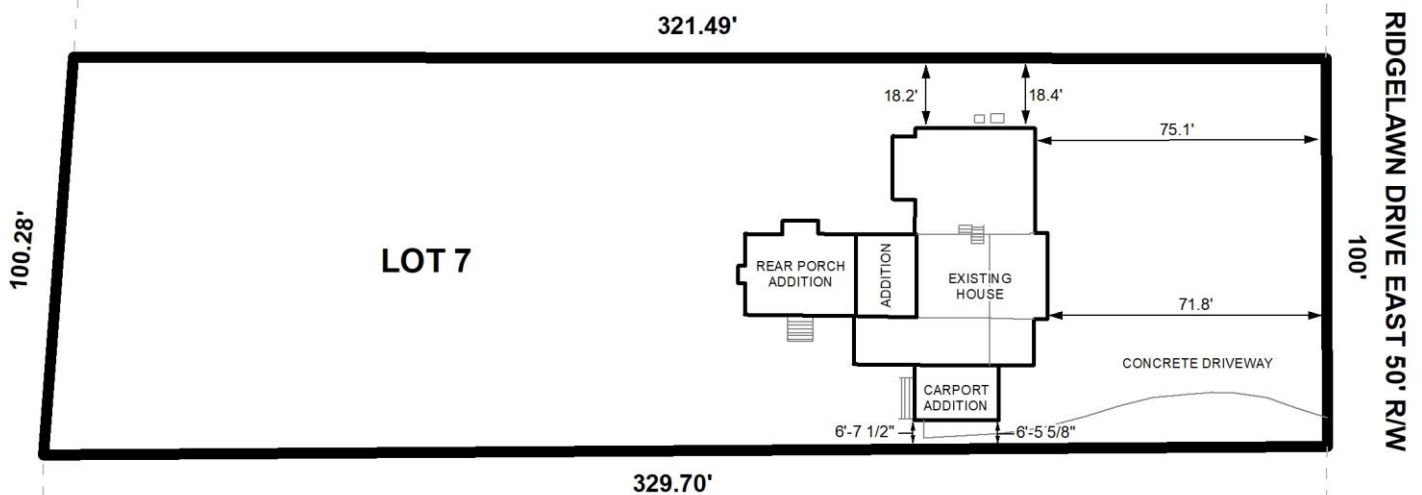


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SITE PLAN



The site plan illustrates existing dwelling and proposed additions.

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