

APPLICATION NUMBER

5480/133

A REQUEST FOR

**SIDE STREET YARD AND REAR YARD SETBACK
VARIANCES TO AMEND A PREVIOUSLY APPROVED
VARIANCE TO ALLOW THE EXPANSION OF A GARAGE
WITHIN 12' OF A SIDE STREET PROPERTY LINE AND
WITHIN 3.8' OF A REAR PROPERTY LINE IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE REQUIRES A 20' SIDE STREET
YARD SETBACK AND AN 8' REAR YARD SETBACK FOR
STRUCTURES IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

186 WILLIAMS STREET

(Northwest corner of Williams Street and Hunter Avenue)

APPLICANT/OWNER

THOMAS RALPH TOWNSEND, III

AGENT

THOMAS RALPH TOWNSEND, III

BOARD OF ZONING ADJUSTMENT

July 2008

ANALYSIS APPLICATION

Date: July 7, 2008

The applicant is requesting Side Street Yard and Rear Yard Setback Variances to amend a previously approved variance to allow the expansion of a garage within 12' of a side street property line and within 3.8' of a rear property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires a 20' side street yard setback and an 8' rear yard setback for structures in an R-1, Single-Family Residential District.

In April of 1953, the Board of Adjustment granted a Yard and Use Variance for two houses on one lot by way of a garage apartment. The garage along with the additional apartment is currently 4'7" from the North property line and 5'2" from the West property line. The applicant is requesting to add an additional 20' onto the already existing garage. He stated the purpose for the addition is that the existing garage is 15' in length, which is not adequate for a typical car. The applicant would like to add enough space to store 3 cars and 1 trailer. He added that the storage is necessary because the cats and squirrels in the neighborhood are damaging the paint on his cars. In addition, he stated the setbacks can not be met because if he were to build 8' off the rear property line, the opening for the new addition would not match up with the opening for the old garage.

After reviewing Mobile City aerial photographs, it does not appear to be uncharacteristic of the neighborhood for interior lots to not meet the side and rear setbacks however; after research, staff was unable to find any residences on corner lots in the immediate vicinity that did not meet the required 20' side yard setback. In addition, if constructed, the new addition may cause site problems for the residence to the West of the property.

It should be noted that aerial photographs also indicate that the current parking for the two residences is on Hunter Avenue. The Zoning Ordinance states that 1 ½ spaces per family must be provided for a two-family dwelling. However, the Ordinance does not specify that the provided parking must be covered parking.

It should also be noted that, if approved, construction of the garage addition will not cause the applicant to exceed the maximum site coverage of the lot.

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 has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire add additional footage onto an existing garage.

RECOMMENDATION 5480/133

Date: July 7, 2008

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

LOCATOR MAP



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APPLICANT Thomas Ralph Townsend, III

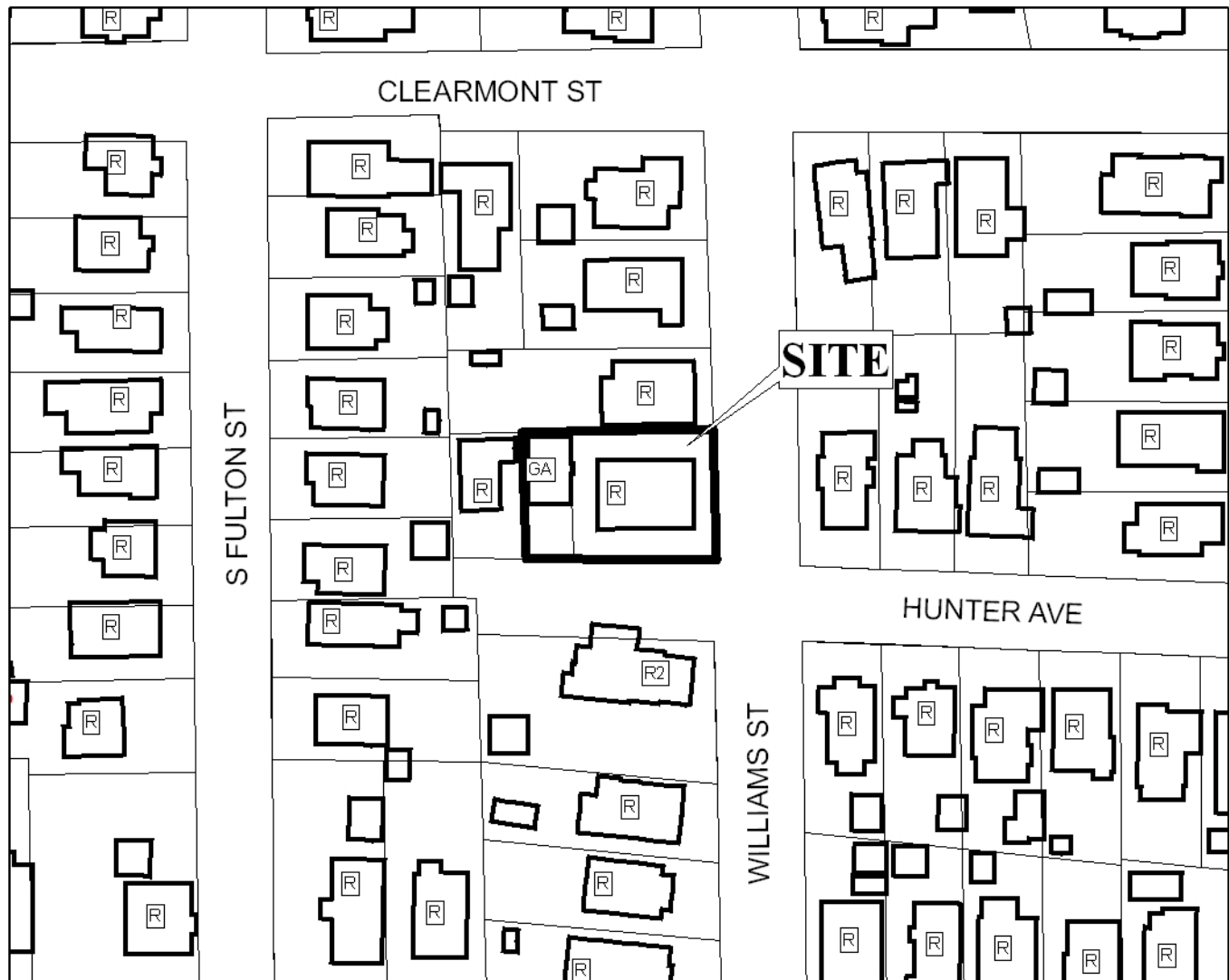
REQUEST Side Street Yard, Rear Yard Setback Variance



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VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use

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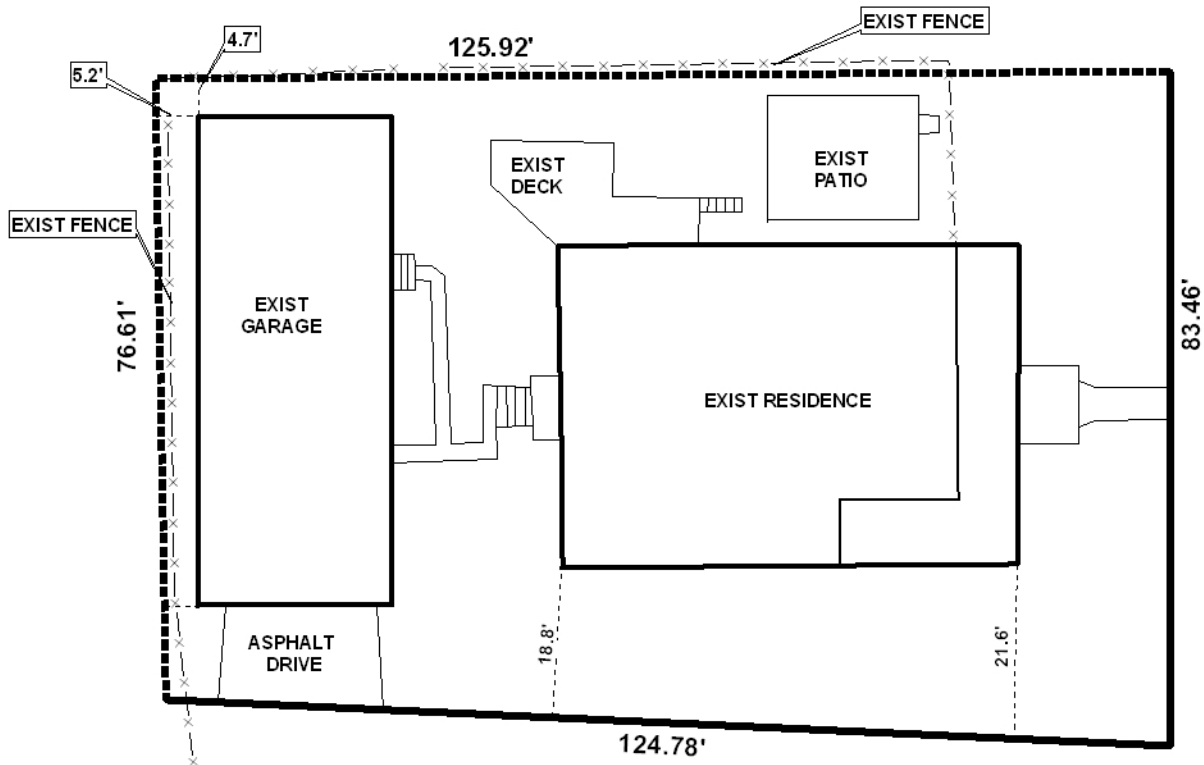
LEGEND

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

N

NTS

SITE PLAN



The site plan illustrates the existing structures, setbacks, and fencing

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