

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: October 6, 2014****CASE NUMBER**

5921

APPLICANT NAME

James P. Meador Jr.

LOCATION3520 Stillwood Lane West
(North side of Stillwood Lane, 149' ± East of Avalon
Street)**VARIANCE REQUEST****REAR AND SIDE YARD SETBACK:** To allow an existing structure within 3' of the side property line and within 4.7 feet within the rear property line and allow an existing carport within 0.5' of side property line in a R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****REAR AND SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum side and rear yard setbacks of 8' in an R-1, Single Family Residential District.**ZONING**

R-1, Single Family Residential

AREA OF PROPERTY

0.16 ± Acres

ENGINEERING**COMMENTS**

It appears that the existing structures do not have a negative impact on the public right of way or on the existing City drainage system.

TRAFFIC ENGINEERING**COMMENTS**

No traffic impacts anticipated by these multiple variance requests.

FIRE DEPARTMENT**COMMENTS**

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.

CITY COUNCIL**DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Rear and Side Yard setback variances to allow an existing structure within 3' of the side property line and within 4.7 feet

within the rear property line and allow an existing carport within 0.5' of side property line in a R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum side and rear yard setbacks of 8' 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: *We are submitting an As-Built survey along with pictures to show the existing conditions of the site. The application before you is being submitted to see if we can allow the shed in the rear of the property to remain and allow the carport that was built on the side of the house 5 years ago to remain. The carport is 5 inches from the property line and we would like it to remain. From the pictures you can see that the shingles match and a nice feature to have with the house. The lot is narrow and confined which does not allow for a rear entry garage. In addition there is not a lot of room from the back of the house to the rear property line and this is why the shed is in this location to allow maneuvering ability. We ask that both the shed and carport be given a variance to remain at the current location.*

In regards to the existing **unpermitted** carport, the existing lot is 76'± wide and the house measures 54'± at the location of the existing carport leaving a combined side yard sum of approximately 22'±. An 11'± side yard is located on the right side of the house leaving an 11' ± side yard where the garage was constructed. Due to the exact location and size of the house in proximity to the lot, alternative sites on the property may not appear to be feasible and, as such, the existing location, although relatively close to the property line, may be most appropriate location for the carport.

It should be pointed out that there have been other setback variances within the vicinity of this site and if the Board were to allow the existing structure to remain, the applicant should keep in mind that proper building-related permits will be required (including fire rating the carport, if necessary), in addition to the provision of downspouts and/or other equipment needed to help prevent unnecessary water flow onto the adjacent property, as necessary.

The site plan also illustrates an existing, also **unpermitted**, shed (playhouse) in the rear of the property in close proximity to the side and rear property lines. It would appear that the size of the shed may allow the structure to be relocated to another more appropriate location in the rear yard of the property which would meet all setback requirements of Section 64-3.C.1.e. of the Zoning Ordinance. Relocation, however, may require the temporary removal or relocation of the

existing play equipment within the rear yard. It appears it is simply the applicant's desire to not comply with the Ordinance.

It should also be noted that if the variance requests are approved, the property will be at 40% \pm site coverage, or 5% over what is allowed within an R-1 district. Removal of the shed and carport would bring the site to 35.1 % \pm coverage.

Due to the site coverage issue, the application is recommended for holdover so that the applicant can amend the variance request with additional application fees and mailing labels and fees to include site coverage.

RECOMMENDATION: The application is recommended for holdover for the following reason:

- 1) Amendment of the variance request to include site coverage, with additional application fees, mailing labels and associated fees.

LOCATOR MAP



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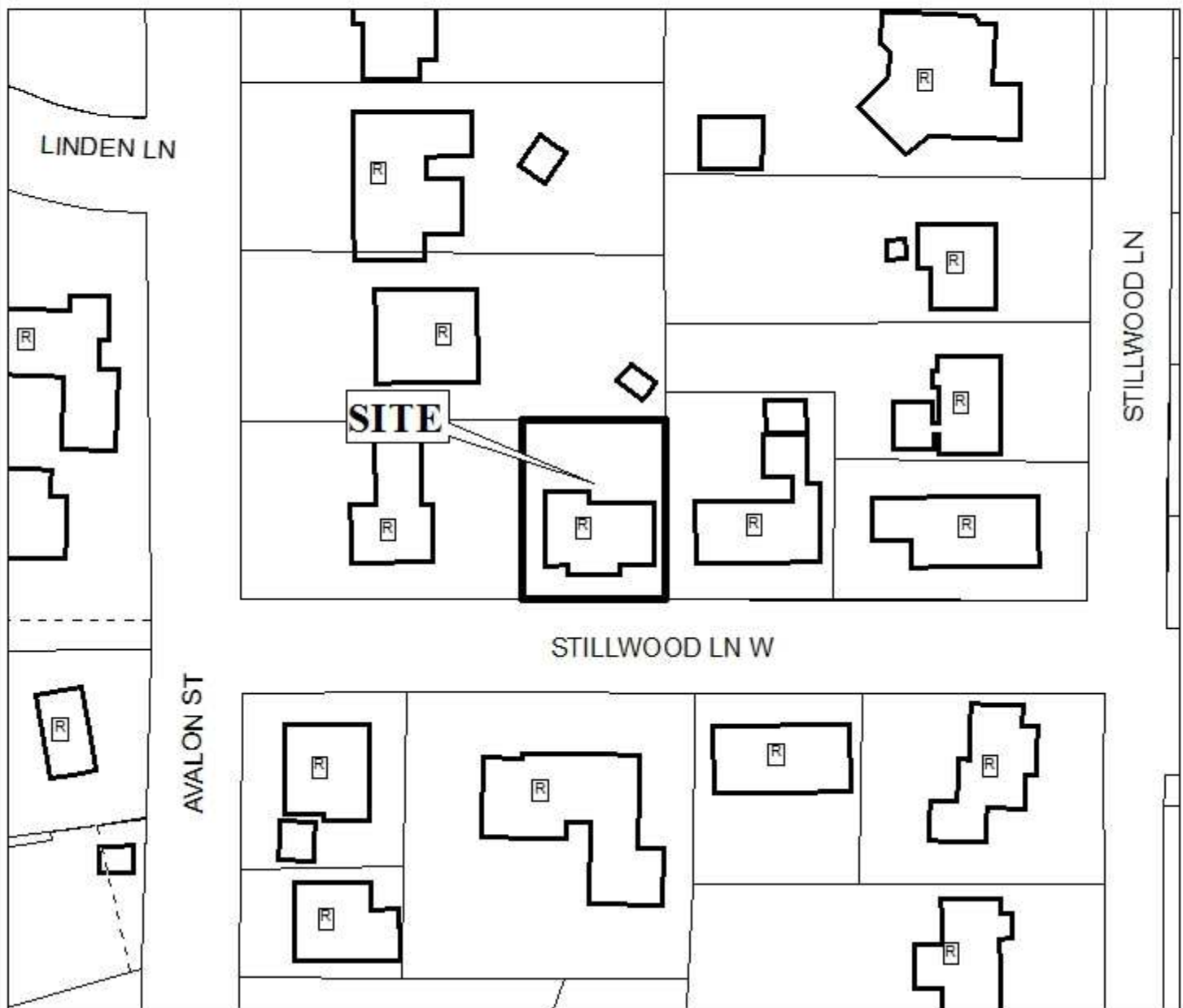
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REQUEST Rear and Side Yard Setback Variances



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

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 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 ZONING



The site is surrounded by single family residential units.

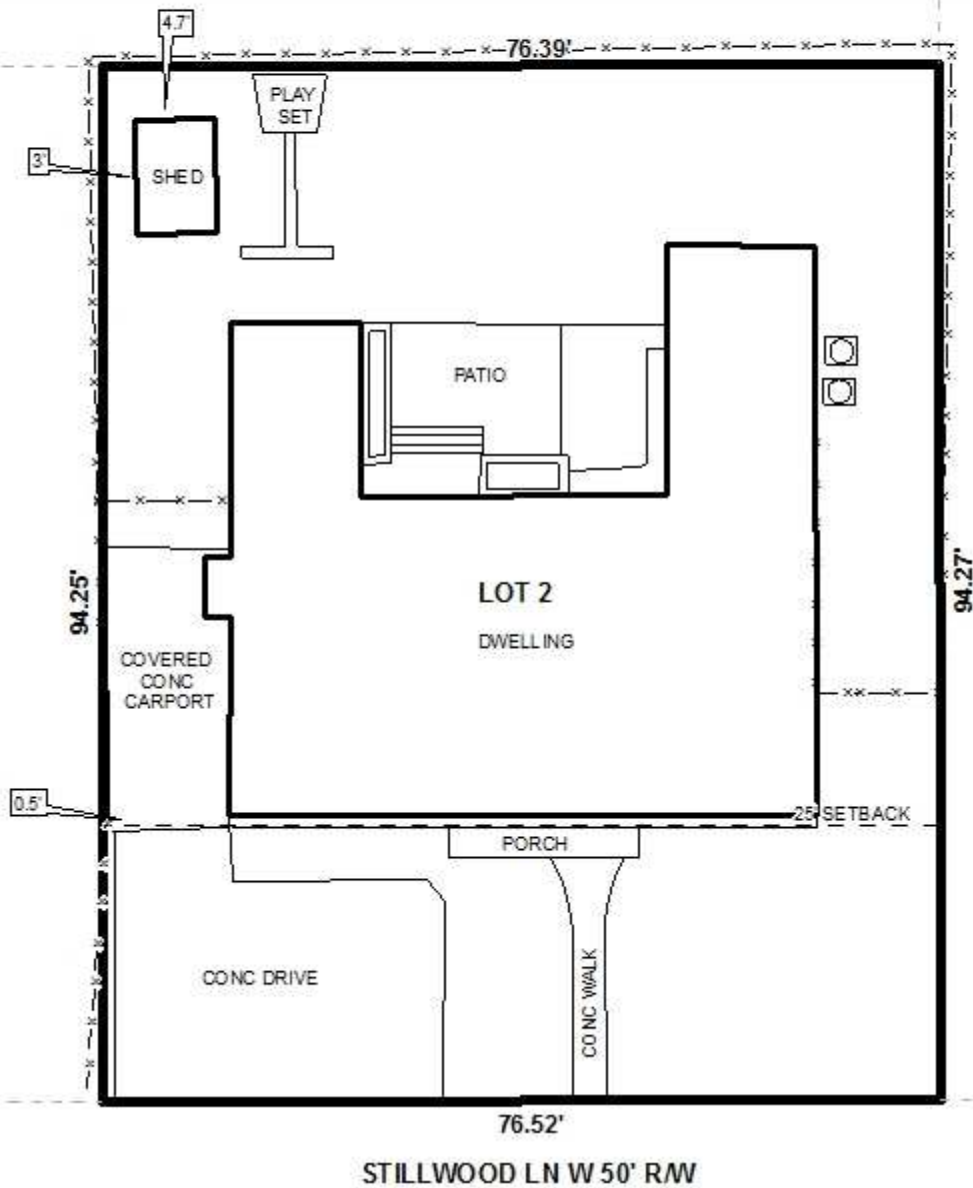
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SITE PLAN



The site plan illustrates the exist dwelling, shed, carport, and the setbacks.

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