

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2011****CASE NUMBER**

5687

APPLICANT NAME

Walter Beckham & Clare King

LOCATION2502 Fairway Drive
(Northwest corner of Fairway Drive and Courtney Street)**VARIANCE REQUEST****USE:** Allow a Home Occupation Art Studio with Photographic Studio, Darkroom, and Retail Art Sales in a detached structure.**ZONING ORDINANCE
REQUIREMENT****USE:** Home Occupations cannot take place in the yard or in a detached building, and commercial photography studios and chemical photo processing are not allowed as Home Occupations.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

0.7 Acre ±

**TRAFFIC ENGINEERING
COMMENTS**

If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL
DISTRICT**

District 5

ANALYSIS

The applicant is requesting a Use Variance to allow a Home Occupation Art Studio including Photographic Studio, Darkroom and limited retail art sales in a detached structure in an R-1, Single-Family Residential District; the Zoning Ordinance requires Home Occupations to be conducted within the primary structure and occupy no more than 25% of the floor area; additionally, photographic studios are not generally allowed as Home Occupations.

The applicant wishes to renovate and add-on to a two-story detached art studio with space for a work shop, paint and ceramic studio, photographic studio, and darkroom on the same property as their dwelling. The applicant further states that the purpose is to conduct a “part-time” home occupation creating and selling fine art products.

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.

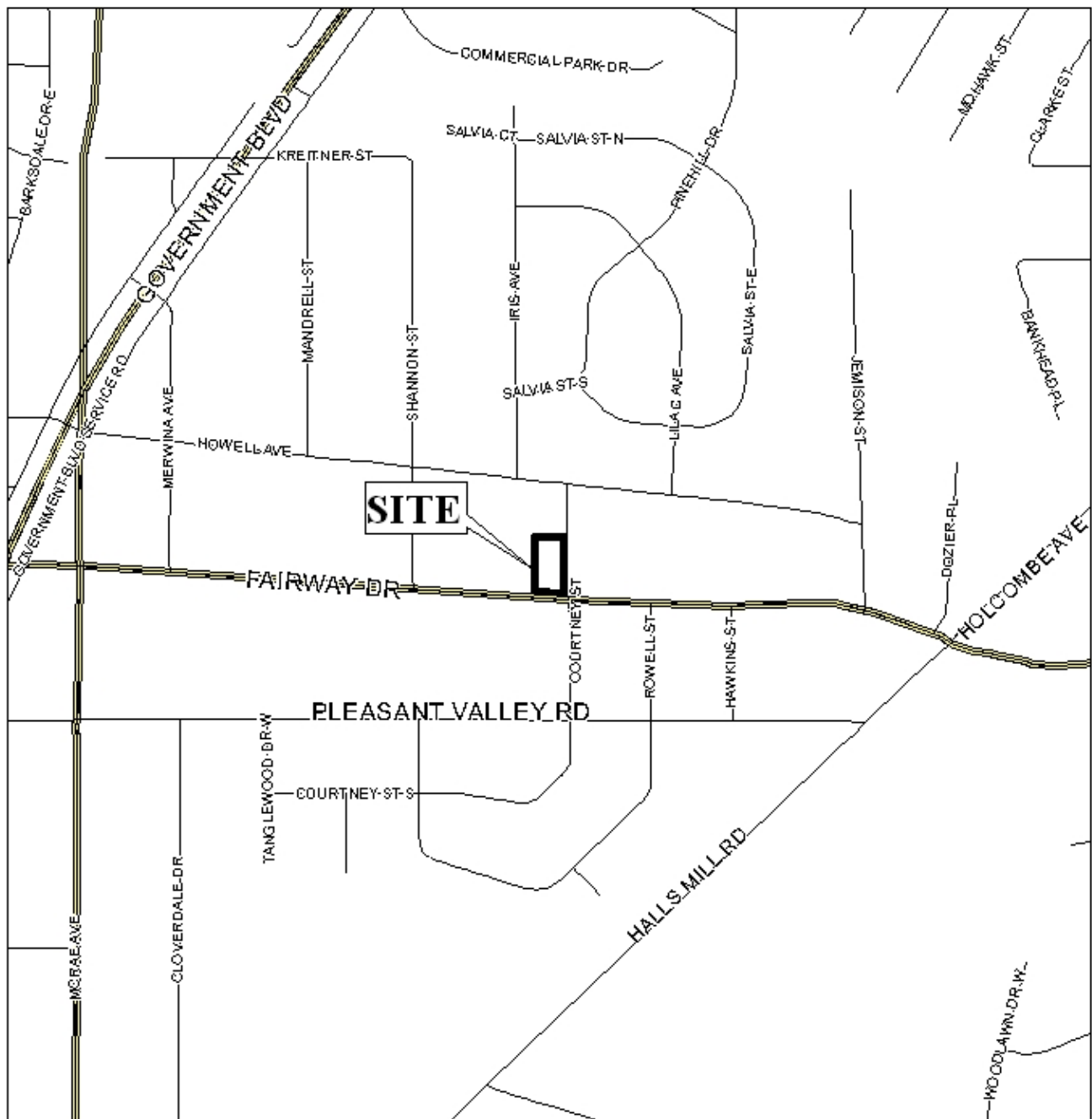
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant states that their hardship for not adding the artist studio space to the primary structure, as required by the Zoning Ordinance for Home Occupations, is that it would be “more costly and disruptive than rebuilding the studio” and that the “layout allows a lot of window light and ventilation throughout, which would be obstructed from living areas if non-living space were added on.” Additionally, the applicant cites the need for specialized equipment for the fine art photographic processing that the applicant states is not widely available in Mobile. While these may be perceived as hardships by the applicant, they are economic and/or self-imposed hardships and are not a basis for a variance to be granted. Additionally, there is no hardship associated with the land, and no special circumstances which warrant the granting of a variance. As such, the application should be denied.

RECOMMENDATION

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

LOCATOR MAP



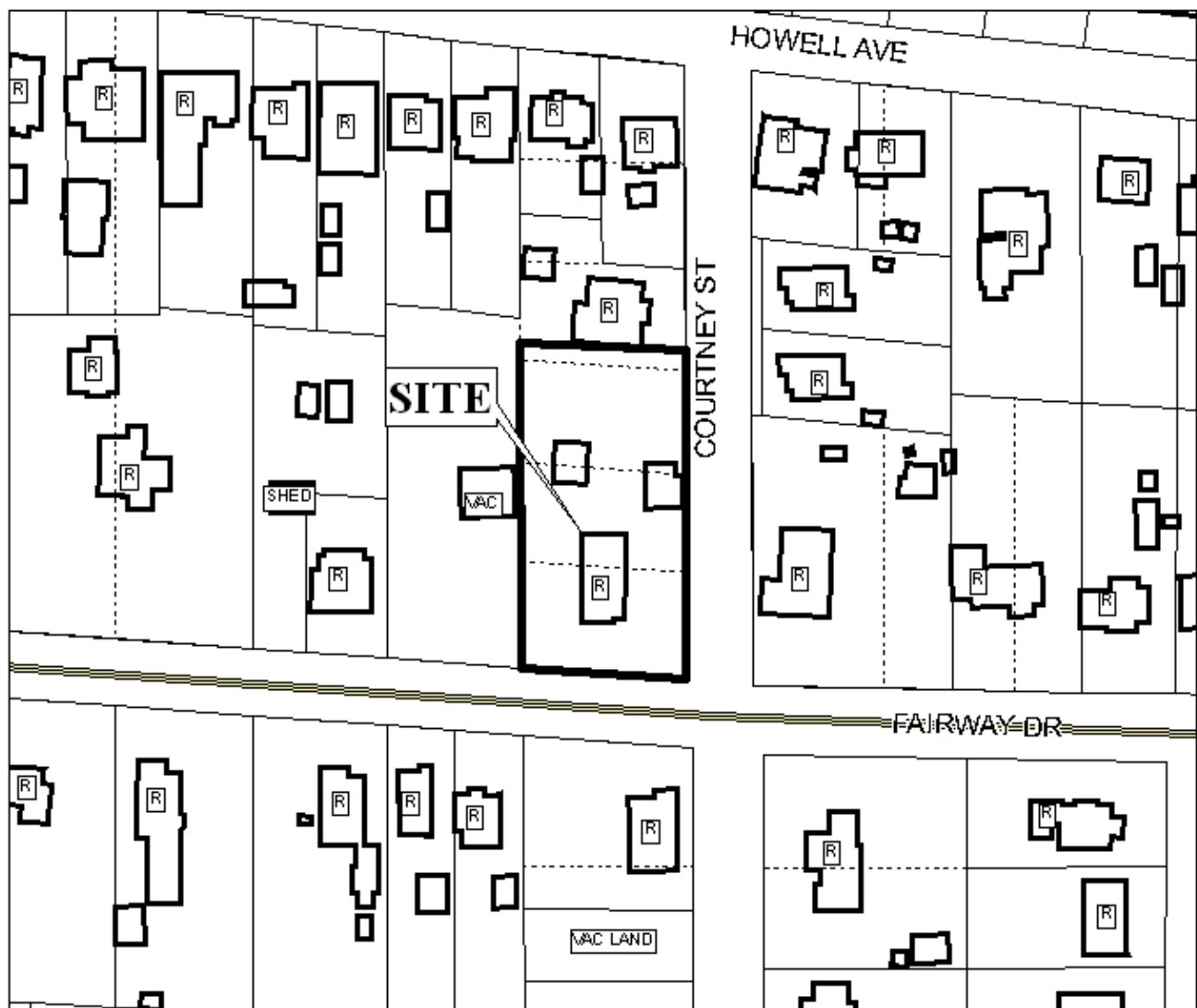
APPLICATION NUMBER 5687 DATE July 11, 2011

APPLICANT Walter Beckham & Clare King

REQUEST Use Variance



BOARD OF ADJUSTMENT 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
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NTS

**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING ZONING**



The site is surrounded by residential land use.

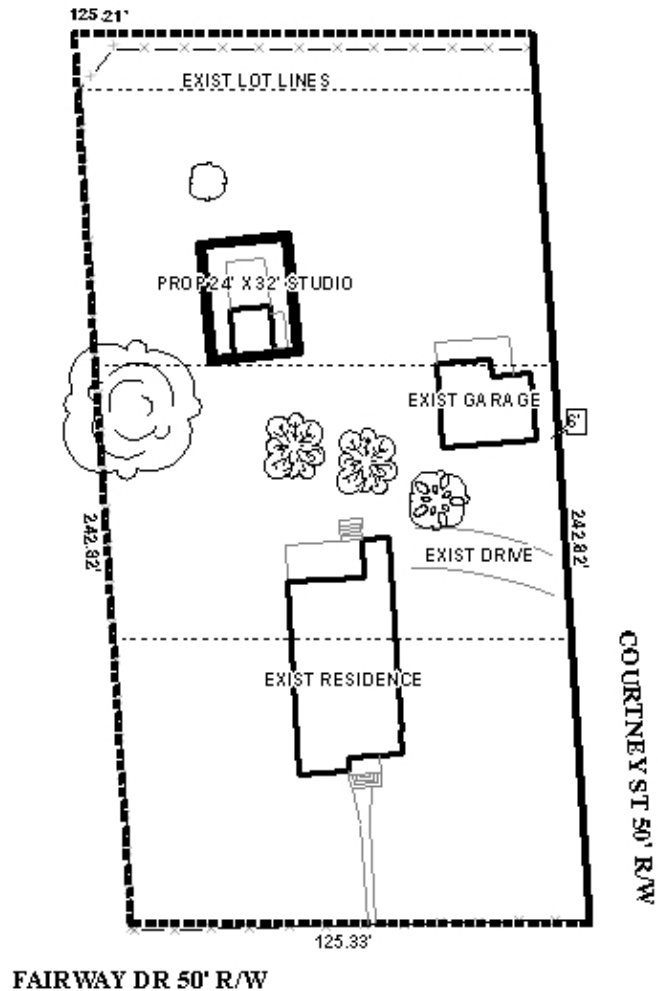
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SITE PLAN

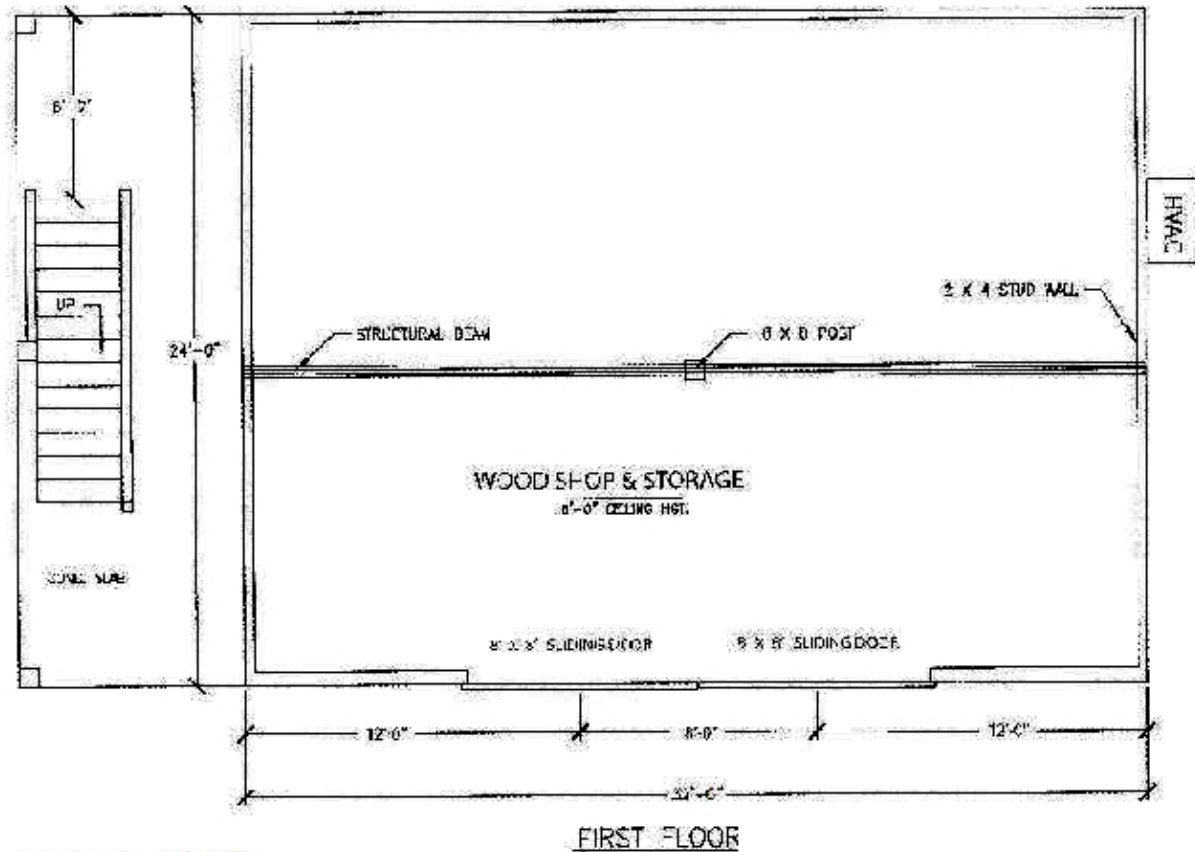


The site plan illustrates the existing residence, garage, and proposed studio.

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FIRST FLOOR PLAN



2011 JUN - 7 A 8 28

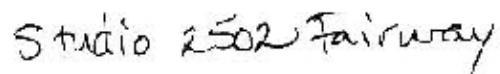
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REQUEST _____ Use Variance _____



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