

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 6, 2013****CASE NUMBER**

5826

APPLICANT NAME

Lyn Manz-Walters

LOCATION

2406 Prichard Avenue West
(North side of Prichard Avenue West, 200'+ East of
Mobile Street)

VARIANCE REQUEST

USE: Use variance to allow a multi-family development in
an R-1, Single-Family Residential District

MULTIPLE DWELLINGS: Variance to allow five (5)
habitable buildings on a single lot in an R-1 Single-Family
Residential District

SURFACE: Surface variance to gravel access and parking
for a multi-family development

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance allows only one single-family
dwelling unit per lot in an R-1, Single-Family Residential
District

MULTIPLE DWELLINGS: The Zoning Ordinance
allows only one dwelling per lot in an R-1, Single-Family
Residential District

SURFACE: The Zoning Ordinance requires compliant
paved access and parking for R-3, Multi-Family Residential
uses

ZONING

R-1, Single Family Residential

AREA OF PROPERTY

18,724 square feet/0.43±Acres

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

The Engineering Department did not receive any request to
review an alternate surface. Any development, whether gravel or paved, would require a Land
Disturbance Permit and would be reviewed for conformance to the Storm Water Management
and Flood Control Ordinance prior to any construction of proposed site work.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**URBAN FORESTRY
COMMENTS**

No comments.

**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.

ANALYSIS

The applicant is requesting Use, Multiple Dwellings, and Surface Variances to allow five (5) single-family dwellings on a single lot (an R-3, Multi-Family Residential use), and gravel access and parking in an R-1, Single-Family Residential District: the Zoning Ordinance allows only one single-family dwelling per lot in an R-1, Single-Family Residential District, and requires compliant paved access and parking for R-3, Multi-Family Residential uses.

The applicant is proposing to renovate five existing “shotgun” style residential structures that are currently vacant, and construct a new carport structure with a gravel access drive and maneuvering area on the site. The applicant, who purchased the site in June 2011, intends to lease the renovated homes as single-family residences. Each structure contains approximately 690 square feet, not including porches. The carport structure will include storage and laundry facilities for the dwelling units. The property will be fenced, and a gate will be provided to control vehicle access to the rear of the site: the gate will be located approximately 20 feet from the front property line, allowing sufficient room for one vehicle. New overstory and understory trees are also proposed.

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 dwelling units on the site have existed since at least 1960, when aerial photos available to staff show that as many as seven (7) shotgun-style dwellings existing on the site. Over time, the number of dwelling units has been reduced to the current five units. The existing dwellings have been vacant for a number of years, and as such, all non-conforming aspects of the site have expired.

The 18,724 ± square foot property, if it were zoned R-3, Multi-Family, would allow a theoretical maximum of nine (9) dwelling units on the site, if all parking and landscape requirements could be met.

The applicant cannot utilize the existing dwelling units on the site, as individual dwelling units, without either variances or a rezoning of the site to R-3, and the approval of a Planned Unit Development and a Subdivision application. The applicant has chosen the variance route, as there is no R-3 zoning in the area, and as property does not meet the minimum 4 acre guideline for new zoning districts.

While the site is not located in an historic district, the existing dwelling units do represent a housing style prevalent in the early 1900s. As such, the preservation of such structures benefits the overall community by continuing a link, culturally, historically and architecturally, to the past.

Regarding the proposed site improvements, the proposed carport structure will meet all required setbacks. The gravel drive, maneuvering and parking area will be compatible with neighborhood (though a concrete or asphalt driveway apron may be required by Engineering), though storm water detention facilities may still be required for the site, and parking bumpers or landscape timbers should be provided to prevent vehicles from driving onto adjacent landscape areas. The proposed privacy fence and gate should be set back from Prichard Avenue West a minimum of 25-feet, to ensure adequate visibility (though the existing homes are within five (5) feet of the right-of-way).

Regarding the proposed trees, the site plan should be revised to place the proposed understory trees at a point near the right-of-way, midway between each dwelling, so that access between the dwellings can be preserved for fire-safety reasons. The proposed heritage trees located on each side of the property should be live oaks, if they will be planted within 15-feet of overhead power lines. The proposed understory trees should be crepe myrtles, if they will be planted within 15-feet of overhead power lines.

No lighting of the site is depicted on the site plan. As the proposed use will be rental units, any site lighting must comply with Section 64-4.A.2. and Section 64-6.A.3.c.the Zoning Ordinance, thus no light should shine off of the site.

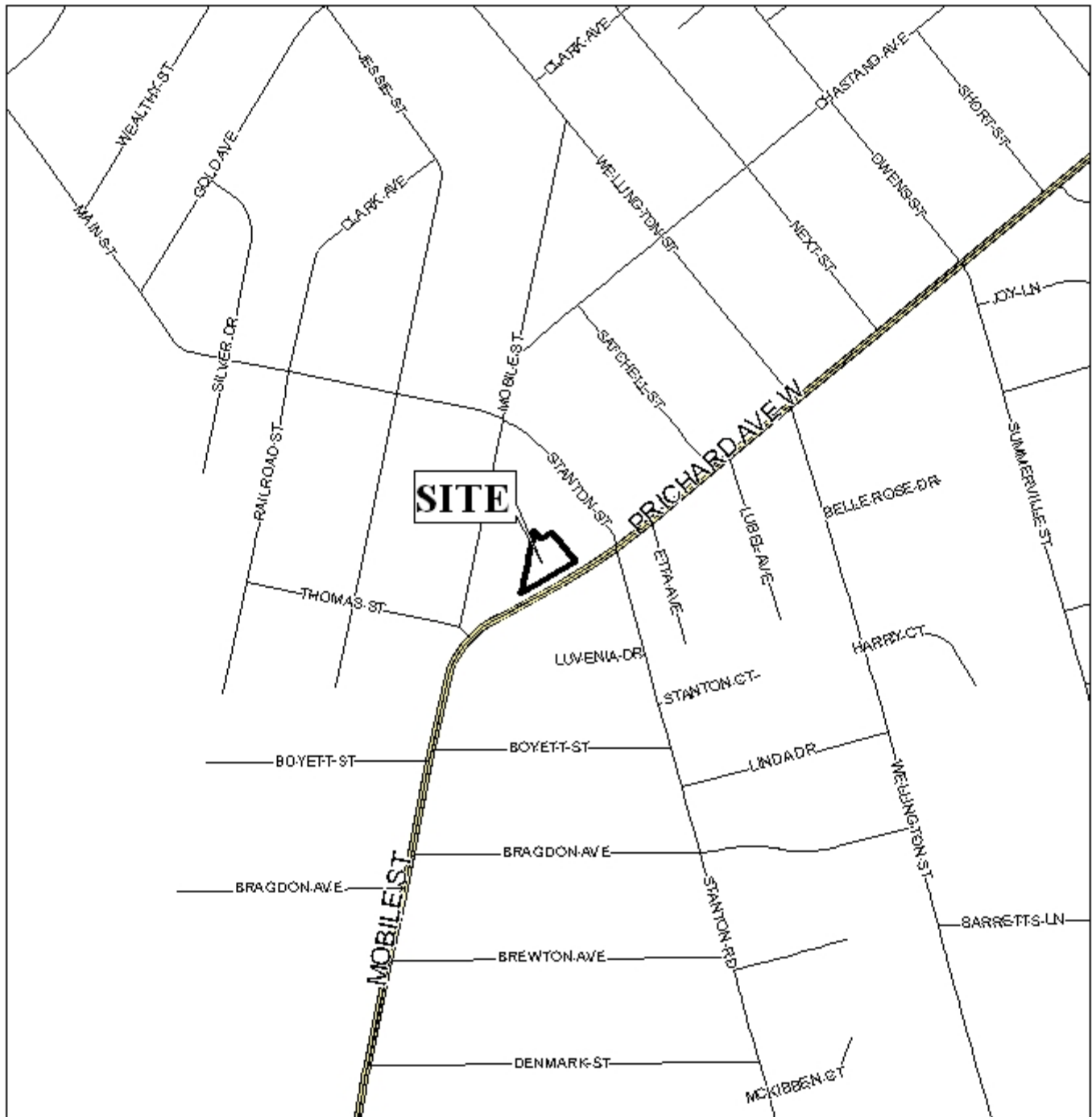
Finally, no sidewalk is proposed by the applicant. Due to the fact that the existing dwellings are so close to the right-of-way, providing a sidewalk would more clearly delineate where pedestrians can walk without trespassing on the property.

RECOMMENDATION: Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) Revision of the site plan to depict the 6-foot privacy fence and gates to be a minimum of 25-feet from the right-of-way of Prichard Avenue West;
- 2) Revision of the site plan to relocate the proposed understory trees at a point near the right-of-way, midway between each dwelling, so that access between the dwellings can be preserved for fire-safety reasons;

- 3) Revision of the site plan to include a note stating that any heritage tree planted within 15-feet of an overhead power line must be a live oak, and any understory tree planted within 15-feet of an overhead power line must be a crepe myrtle;
- 4) Revision of the site plan to show parking bumpers or landscape timbers around the gravel parking and maneuvering area;
- 5) Revision of the site plan to depict a sidewalk along the right-of-way of Prichard Avenue West;
- 6) Placement of a note on the site plan stating that site lighting must comply with Section 64-4.A.2. and Section 64-6.A.3.c.the Zoning Ordinance;
- 7) Compliance with Engineering comments (*The Engineering Department did not receive any request to review an alternate surface. Any development, whether gravel or paved, would require a Land Disturbance Permit and would be reviewed for conformance to the Storm Water Management and Flood Control Ordinance prior to any construction of proposed site work.*);
- 8) Submission of a revised site plan prior to any request for land disturbance, right-of-way or other permits necessary to improve the site or the structures; and
- 9) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



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REQUEST Use, Multiple Dwellings, and Surface Variances



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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

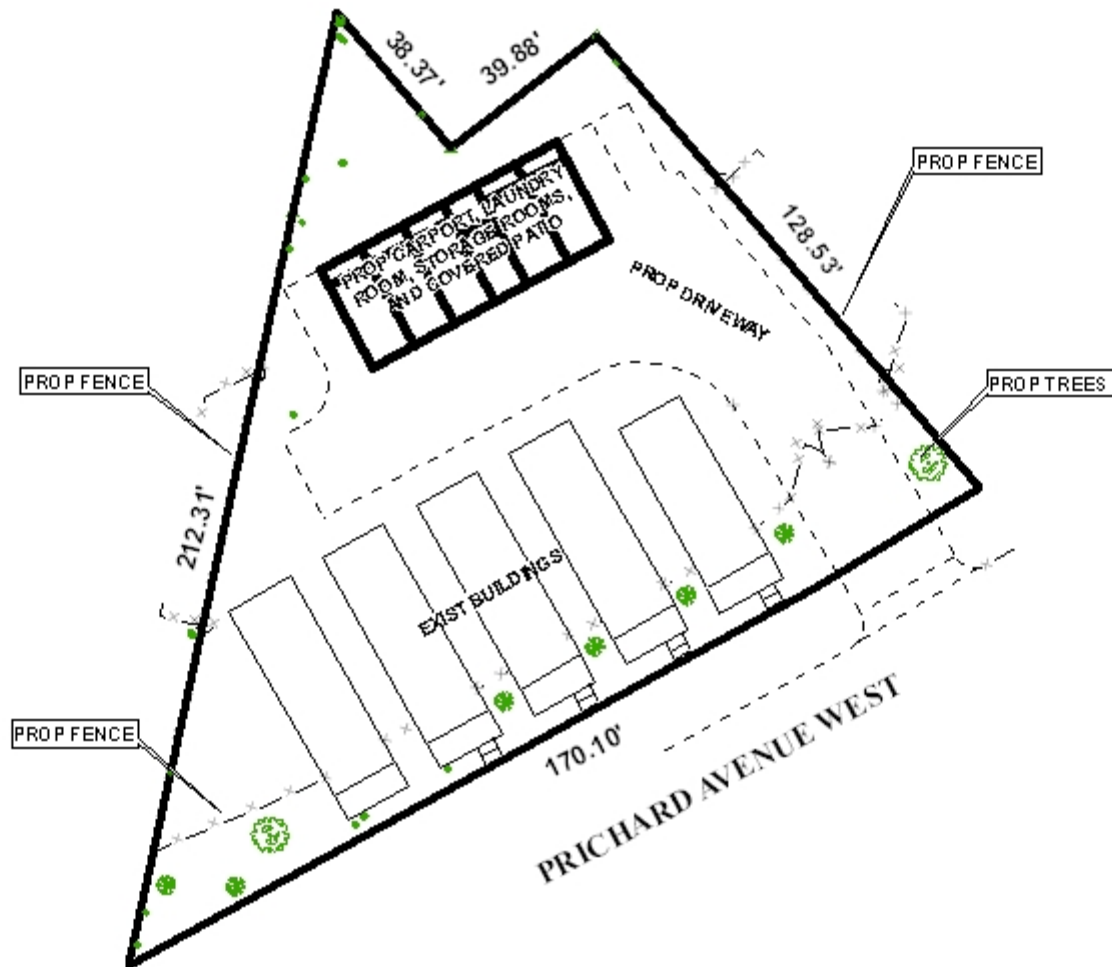


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NTS

SITE PLAN



The site illustrates proposed buildings, fences, and trees.

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