

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 4, 2015****CASE NUMBER**

5966

APPLICANT NAME

Barbara Moiren

LOCATION

4185 Shipyard Road
(East side of Shipyard Road, 2/10± mile North of Cypress
Business Park Drive)

VARIANCE REQUEST

USE: Use Variance to allow two mobile homes as primary residences on a single lot in an R-1, Single-Family Residential District.

SETBACK: Setback variance to allow one mobile home 18.8 feet within the front yard setback, and one mobile home within 24.4 feet of the front yard setback.

**ZONING ORDINANCE
REQUIREMENT**

USE: The Zoning Ordinance only allows one home on a single lot and does not allow mobile homes by right in an R-1, Single-Family Residential District.

SETBACK: The Zoning Ordinance requires all structures to be 25 feet minimum from the front property line.

ZONING

R-1, Single Family Residential

AREA OF PROPERTY

14,860 square feet / 0.34±Acres

**CITY COUNCIL
DISTRICT**

District 4

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**URBAN FORESTRY
COMMENTS**

No comments.

FIRE
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 A Use Variance to allow two mobile homes as primary residences on a single lot in an R-1, Single-Family Residential District with one mobile home 18.8 feet within the front yard setback, and one mobile home within 24.4 feet of the front yard setback; the Zoning Ordinance only allows one home on a single lot and does not allow mobile homes by right in an R-1, Single-Family Residential District and requires all structures to be 25 feet minimum from the front property line.

The request at hand is a result of a Notice of Violation issued by the Urban Development Department to the applicant for placement of a mobile home without appropriate approvals or permits. The Notice was issued after a complaint was received by staff.

The applicant is requesting permission to add a second mobile home as a dwelling to a site that already has one existing mobile home as a dwelling.

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 did not provide any statement or justification regarding the request.

The site has been within the city limits since 1993. Aerial photos indicate that there were two mobile homes on this property from annexation until June 2011. Thus, the site has only had one mobile home on it for approximately the last four years.

Staff contacted the Mobile Area Water & Sewer System to determine if the site is served by public water and sanitary sewer. Based upon discussion with MAWSS staff, it appears that this site is not served by MAWSS for at least sanitary sewer, and thus must have a minimum property size of 15,000 square feet to allow for on-site septic system disposal.

Mobile homes require Planning Approval to be used as a dwelling unit in an R-1 district, however in this case, the variance route was determined more applicable due to the fact that the receiving site already had a mobile home. The Planning Approval requirement within the

Zoning Ordinance is there to discourage the placement of mobile homes as dwelling units within R-1 districts.

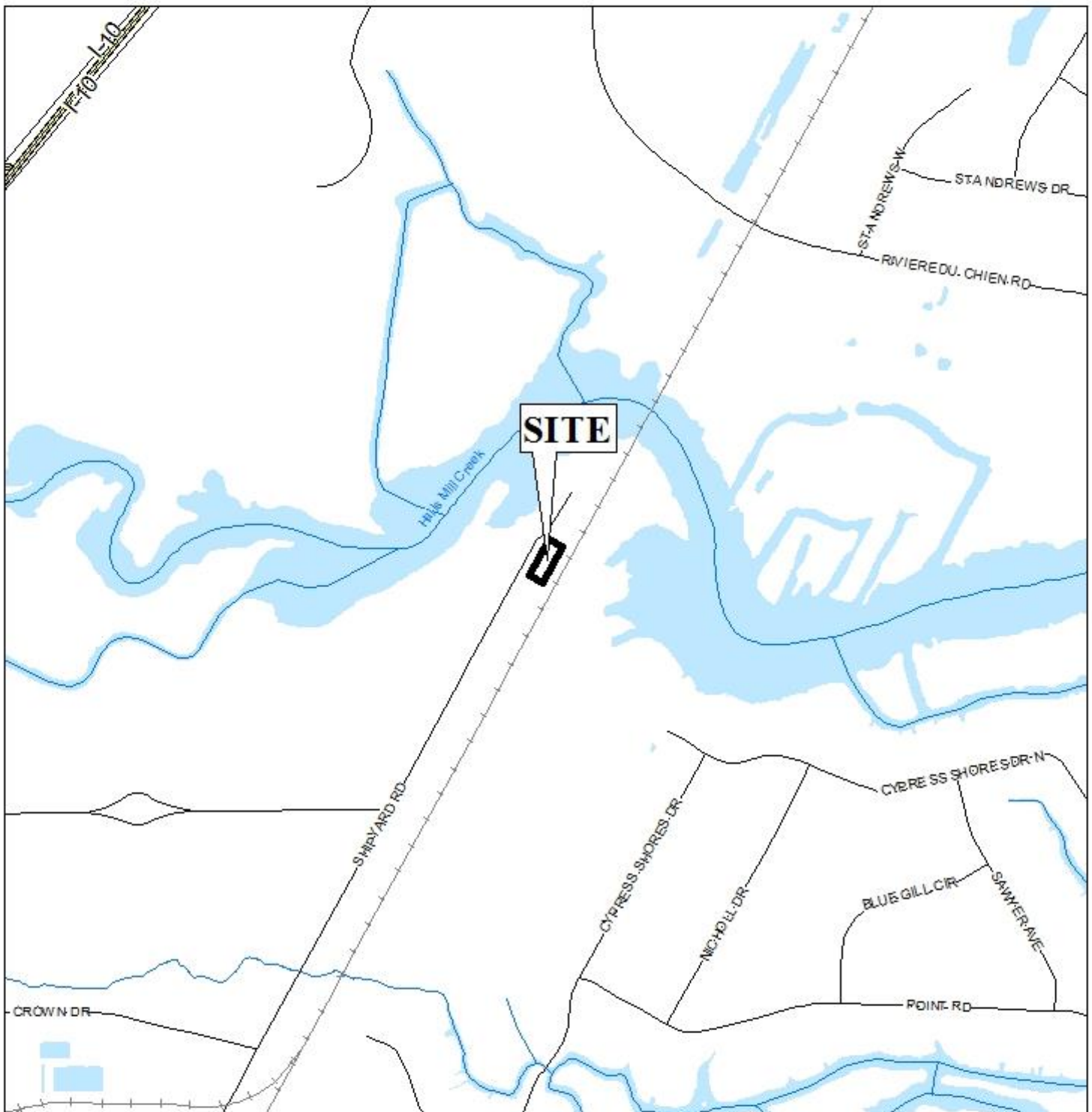
It should be noted that mobile homes must meet wind load requirements determined by the U.S. Department of Housing and Urban Development. If the variance request is approved, the applicant must provide all required information for the required permits.

Finally, the recently placed mobile home does not comply with the 25-foot minimum building setback. It appears that there may be sufficient room on the property to move the mobile home far enough to comply with all setback requirements.

RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Denial:

- 1) Based on the fact that the perceived hardships are self-imposed, and that the applicant placed the mobile home on site without regard to city permitting requirements, granting the variance will be contrary to the public interest;
- 2) No special conditions exist with the property itself, that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the applicant and the surrounding neighborhood by granting the requested variances, as the applicant has taken action without regard of the Zoning Ordinance and the Building, Electrical, Plumbing, Mechanical and Fire Codes, and has the applicant has not provided any justification for the requests.

LOCATOR MAP



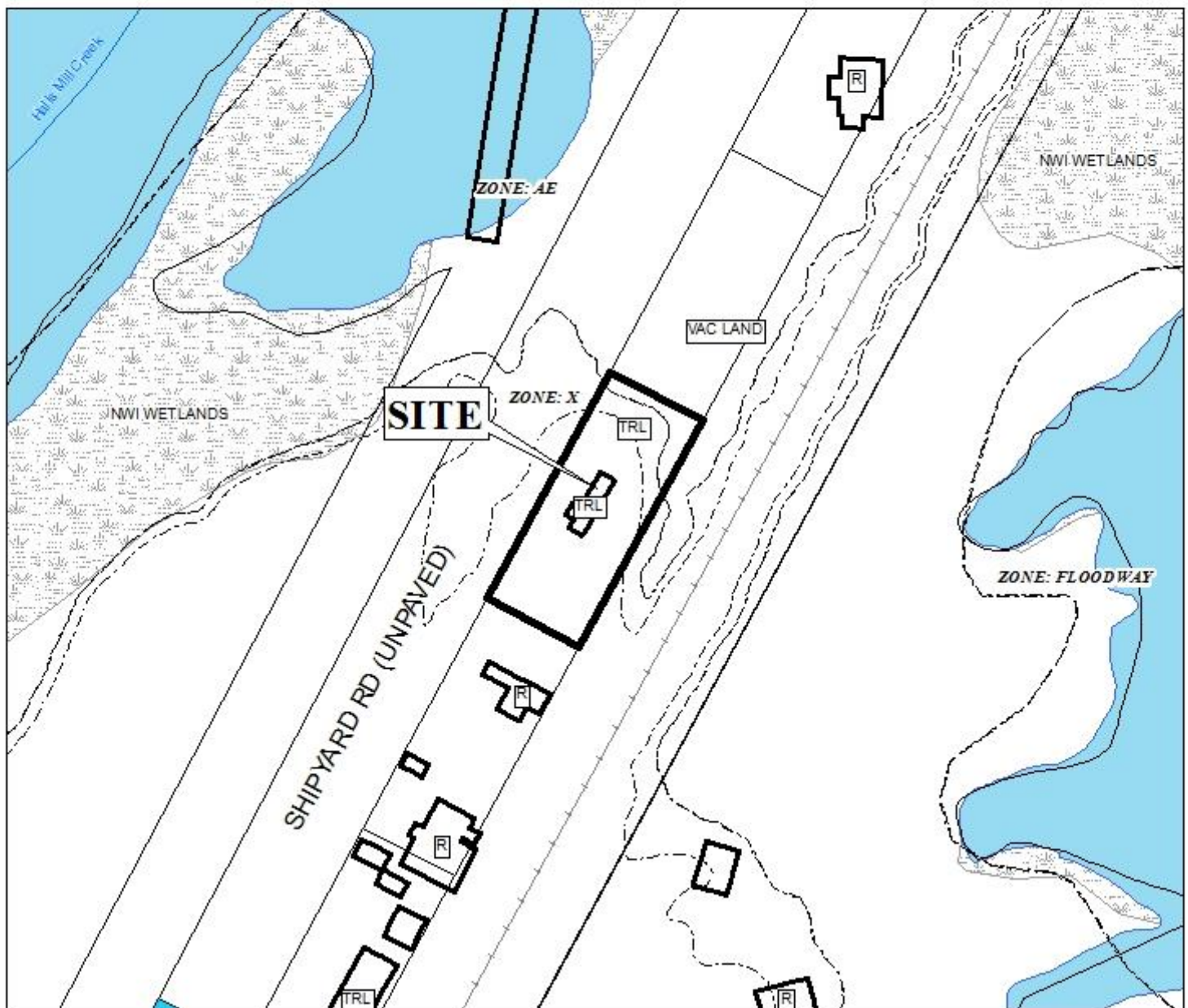
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REQUEST Use Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential property.

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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

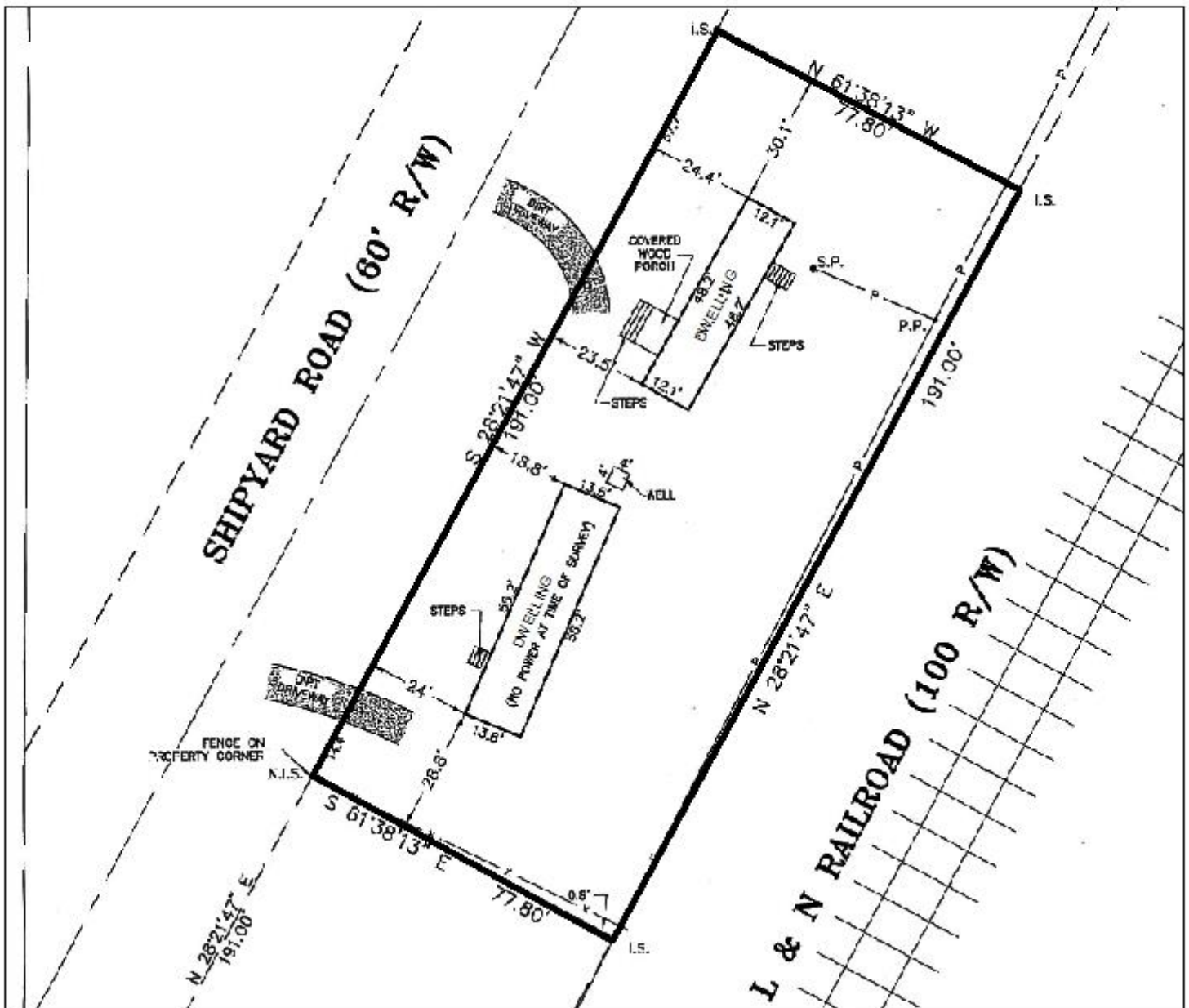


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SITE PLAN



The site plan illustrates the existing dwellings, and fence.

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