

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 9, 2019****CASE NUMBER**

6279

APPLICANT NAME

ReLive Oakdale LLC (Jarrod White, Agent)

LOCATION

South side of Gorgas Street, 58'± East of Gayle Street

VARIANCE REQUEST**FRONT YARD SETBACK:** Setback Variance to allow the placement of a single family dwelling within the front yard setback in an R-1, Single Family Residential District.**ZONING ORDINANCE
REQUIREMENT****FRONT YARD SETBACK:** The Zoning Ordinance requires a minimum 25' front yard setback for properties in an R-1, Single Family Residential.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

0.09 ± Acres

**CITY COUNCIL
DISTRICT**

District 3

**ENGINEERING
COMMENTS**

1. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
2. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.
3. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**URBAN FORESTRY
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.

FIRE
COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code).

ANALYSIS

The applicant is requesting a Front Yard Setback Variance to allow the placement of a single family dwelling within the front yard setback in an R-1, Single Family Residential District; the Zoning Ordinance requires a minimum 25' front yard setback for properties in an R-1, Single Family Residential.

The site has been given a Mixed Density Residential (MxDR) land use designation, per the adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 the following reason to explain the need for the variance:

In June, 2019, the 19th century house formerly located at 973 Gorgas Street was relocated to the lot at 971 Gorgas Street. Pending Board of Zoning approval, the house will be set on a permanent foundation and stabilized (new roof repairing missing or rotten wood/siding, repairing or replacing windows or covering with plexiglass). The existing driveway will be removed and a proposed new curbcut and drive will be installed, per the attached site plan.

The house moved to the lot at 971 Gorgas Street was originally on the lot next door, having been built there in the latter 19th century. It is located within a National Register Historic District, and while it is not a locally-designated historic district which would allow for setback guidance to be less than the current Zoning Ordinance's 25' from the right of way, placing the house on a parallel with its original setback of 8' maintains the historic precedent of the neighborhood. Applying the Historic District Overlay in this instance is appropriate and will allow uniform setbacks of existing historic structures on the block and within the area.

Similarly, the lot size of 3958 SF +/-, while less than the Zoning Ordinance's 7200 SF for a buildable lot, is the same size on which the house originally was built (973 Gorgas Street, which also measures roughly the same 58' x 68') There is precedent in this district for structures to have been built on lots smaller than the current Zoning Ordinance guidelines and we request that the status quo be maintained to retain the historic character of the district.

As illustrated on the vicinity map, the front yard setback in the surrounding area is variable; however, across Gorgas Street, and to the South along Baltimore Street there are several existing structures at or near the front property line. The character and layout of the area contains smaller lots, closer to the street, very much in keeping with the Historic District Overlay Districts.

While not located in the Historic District Overlay Boundary (HDOB), and therefore not subject to the flexibilities allowed in the Historic District Overlay (HDO), the site is located in The Oak, which is a historic district on the National Register of Historic Places. If the site were within the HDOB, the dwelling would be allowed a reduced front yard setback. As such, it may be appropriate to allow reduced setbacks to keep in character with the existing neighboring homes and surrounding area.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Approval:

- 1) approving the variance will not be contrary to the public interest in that it would be in similar to other sites within the area that have been approved for reduced yard setbacks;

- 2) special conditions and hardships exists in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance because it would be in keeping with the characteristics of the surrounding area.

The approval is subject to the following conditions:

- 1) obtain all proper permits;
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



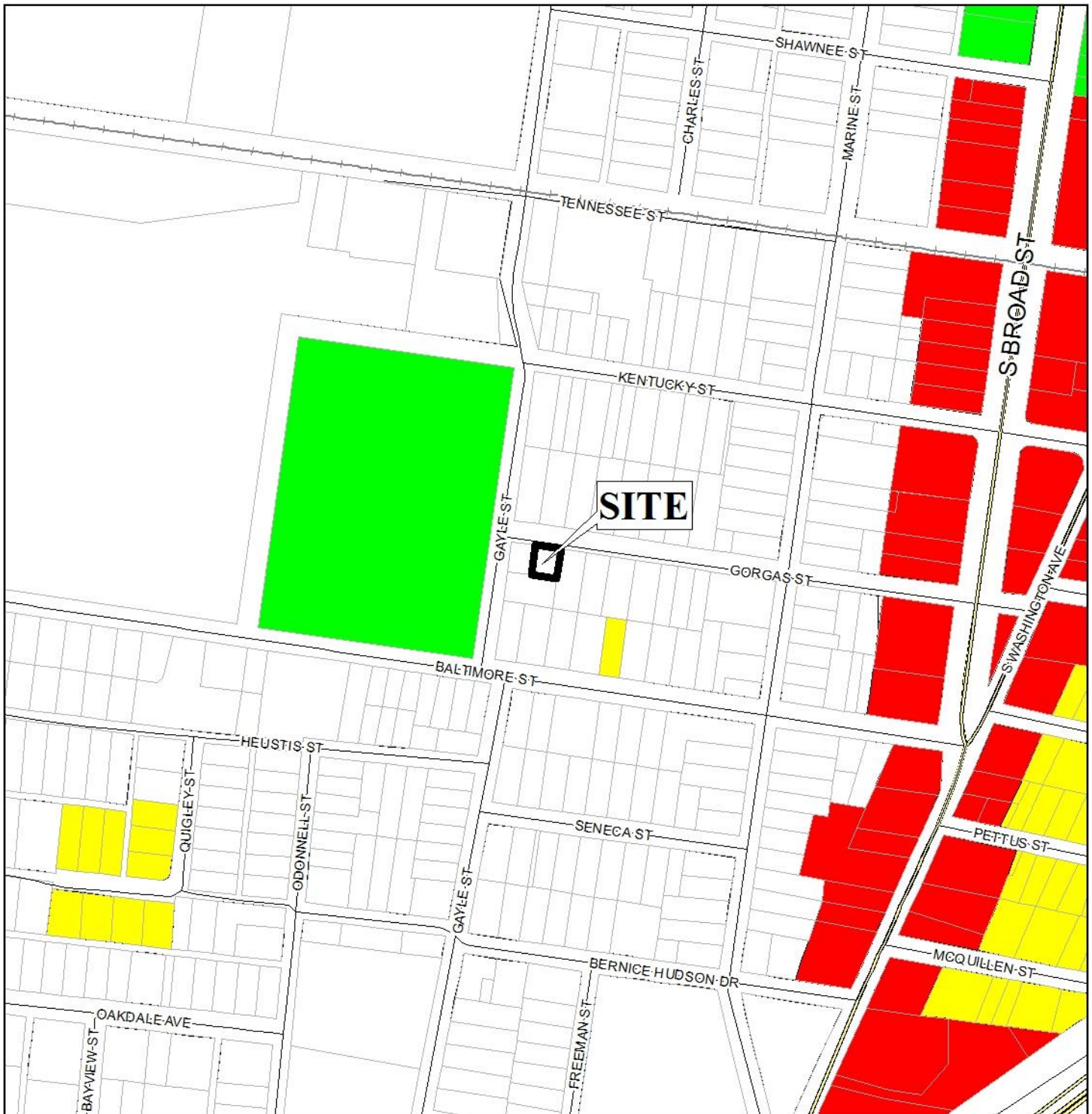
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REQUEST Setback Variance



LOCATOR ZONING MAP



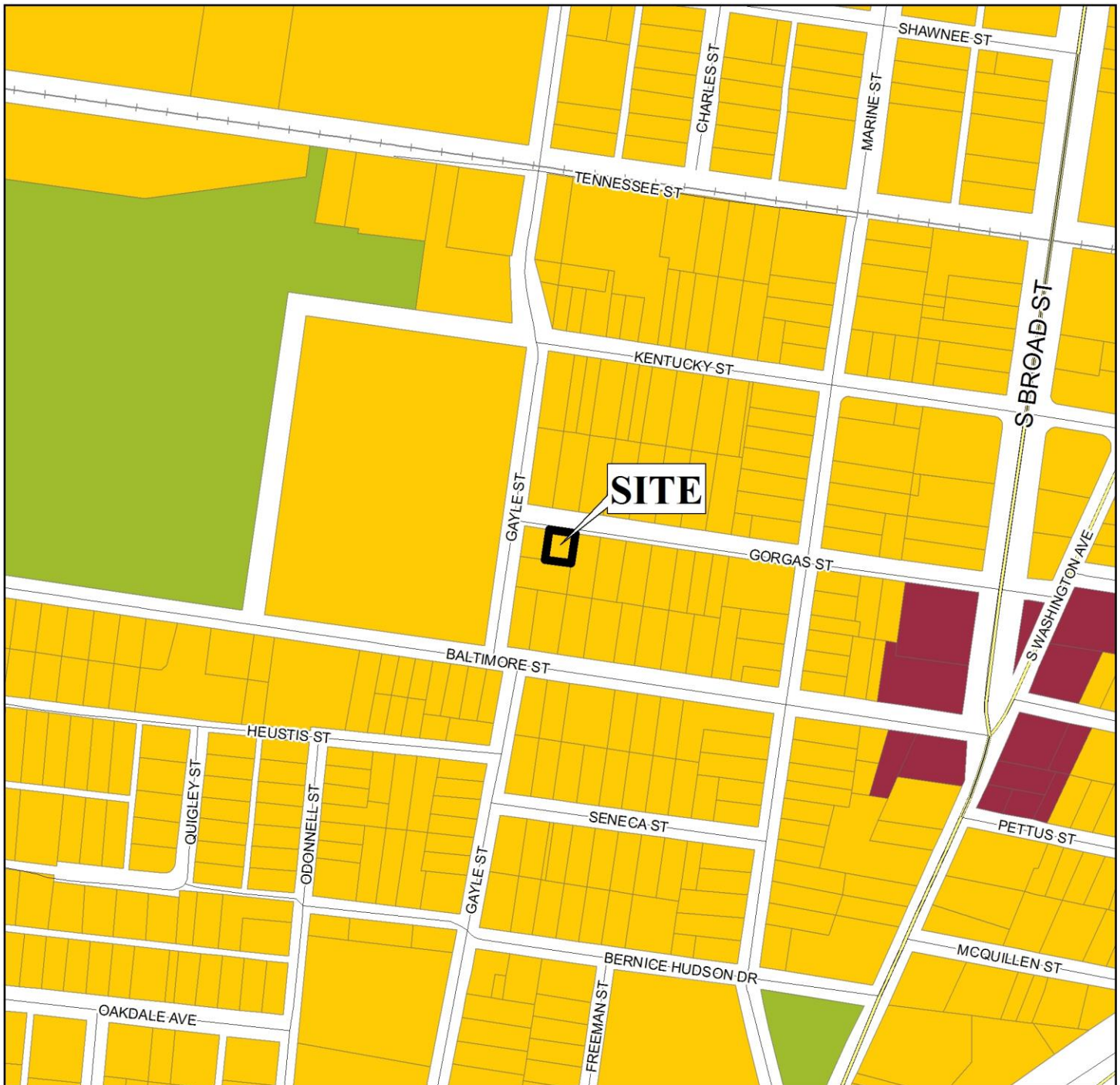
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FLUM LOCATOR MAP



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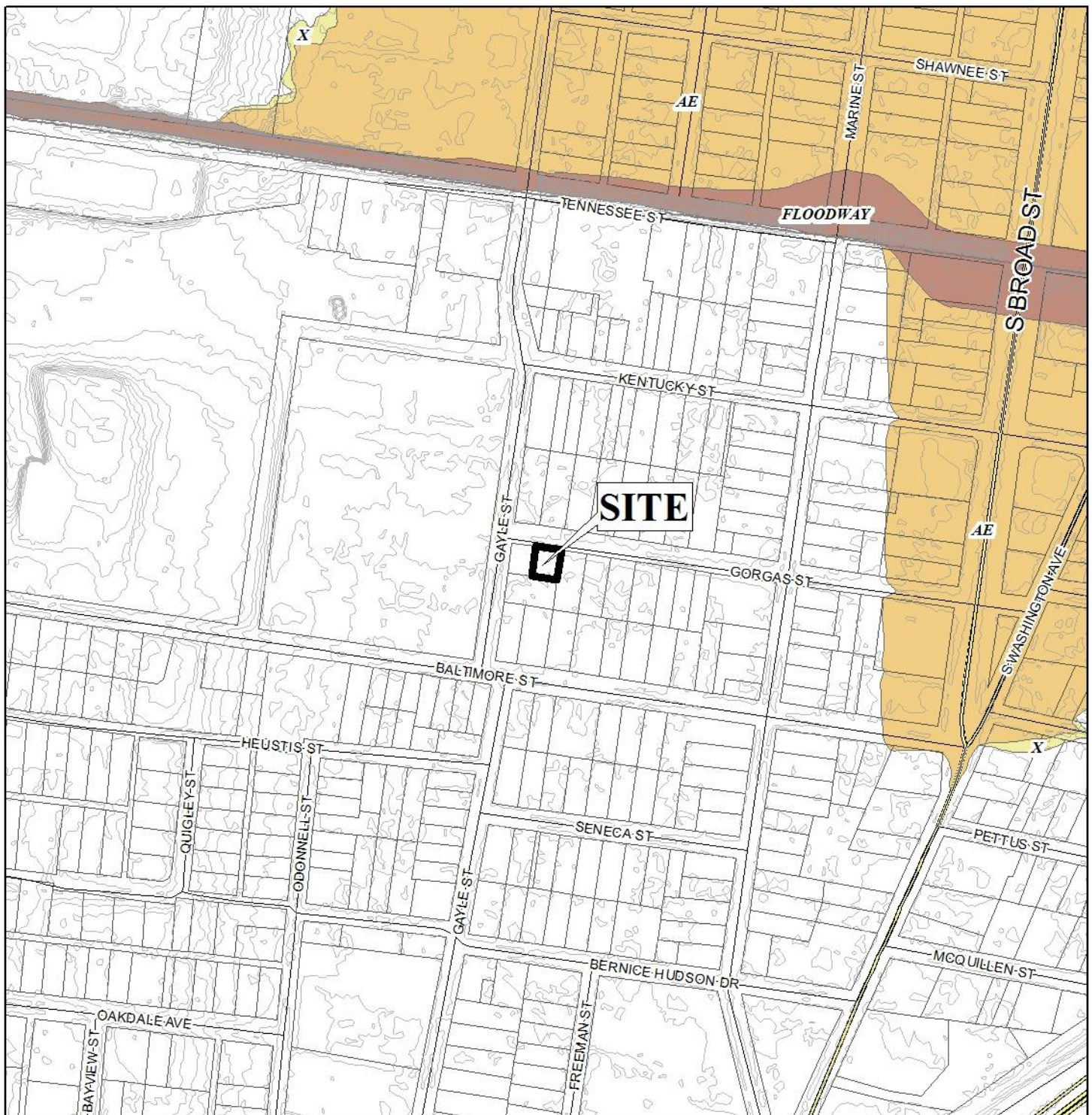
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REQUEST Setback Variance

Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



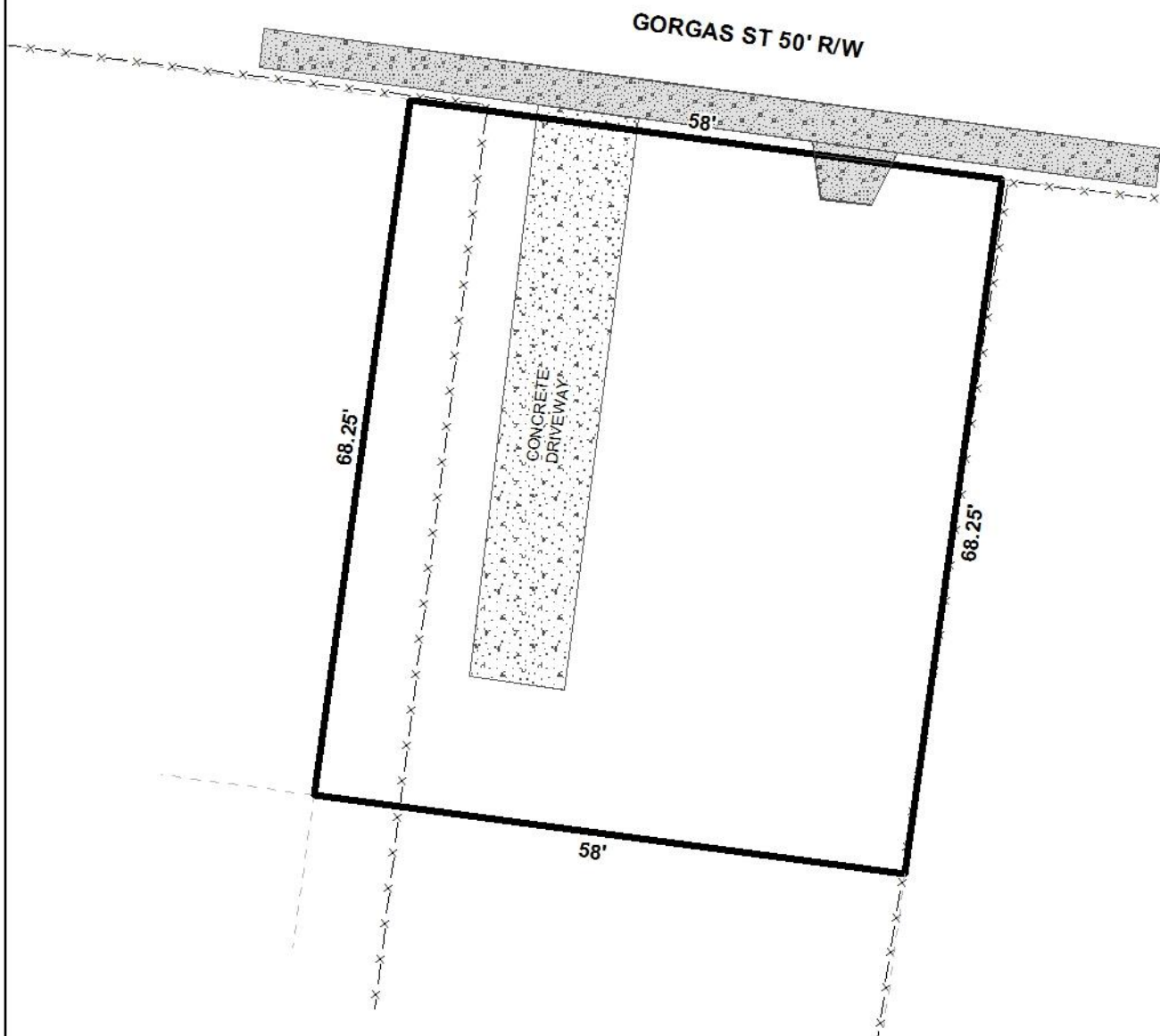
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SITE PLAN



The site plan illustrates the concrete driveway and fences.

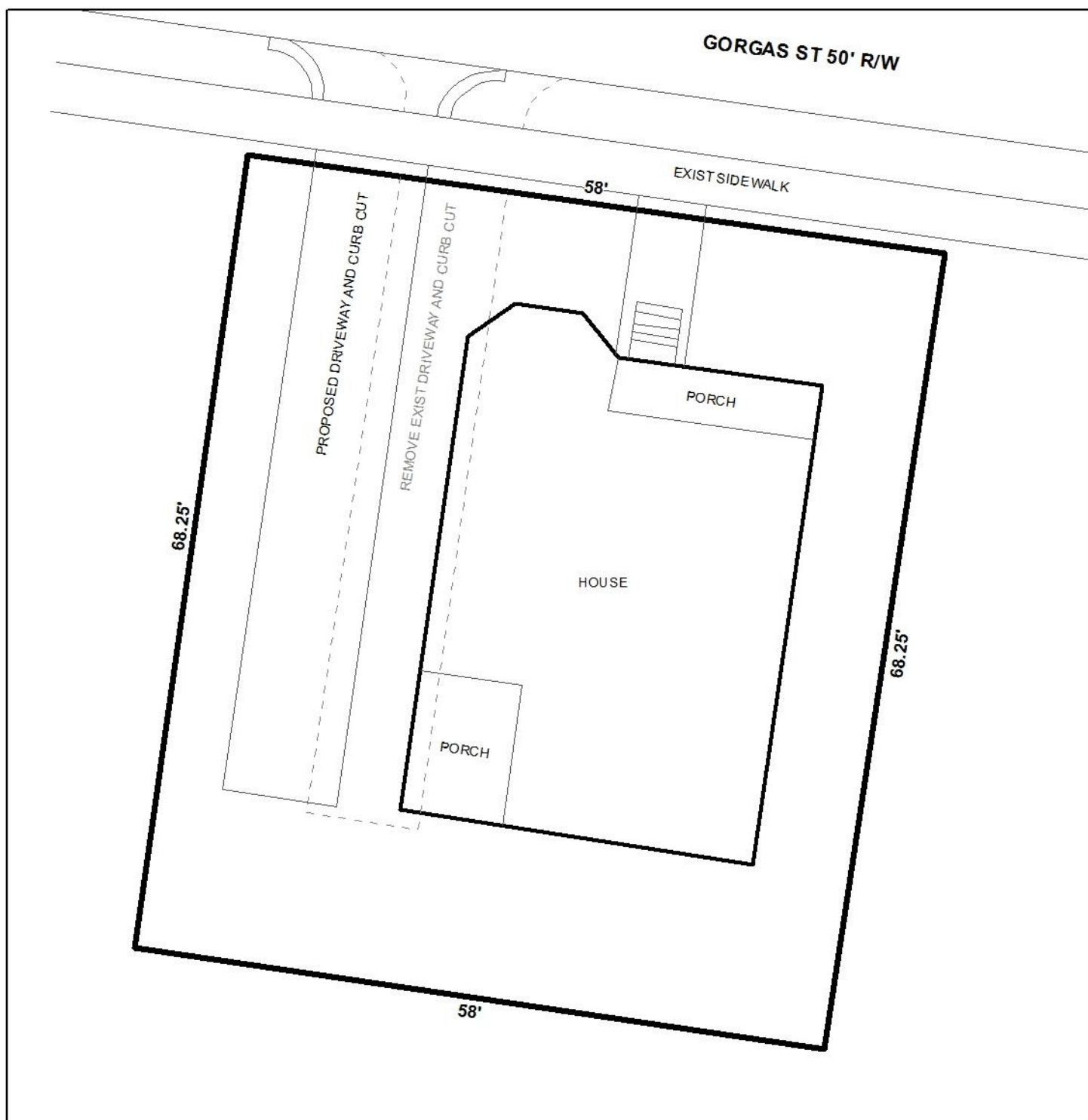
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DETAIL SITE PLAN



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 APPLICANT ReLive Oakdale LLC (Jarrod White, Agent)
 REQUEST Setback Variance

