

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 4, 2020****CASE NUMBER**

6320/6264

APPLICANT NAME

The Mitchell Company, LLC (Christopher Sylvester)

LOCATION**1004 Wildwood Avenue**

(West side of Wildwood Avenue, 61'± South of the intersection of Chandler Street and Wildwood Avenue).

VARIANCE REQUEST**LOT AREA & WIDTH:** Lot Area and Lot Width Variances to allow a lot less than 7,200 square feet and lot widths less than 60-feet in an R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****LOT AREA & WIDTH:** The Zoning Ordinance requires new lots for residential use to be at least 60-feet wide at the building setback line and requires a minimum lot area of 7,200 square feet in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

20,011± square feet / 0.46±Acres

**CITY COUNCIL
DISTRICT**

District 6

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**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 Lot Area and Lot Width Variances to allow a lot less than 7,200 square feet and lot widths less than 60-feet in an R-1, Single-Family Residential District; the Zoning Ordinance requires new lots for residential use to be at least 60-feet wide at the building setback line and requires a minimum lot area of 7,200 square feet in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. 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 to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semidetached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

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:

Currently, there is a single-family residence on Lot 2, Pinehurst Delany's Addition to Springhill, Block 72, Resubdivision of Lots 1, 2, 3, and 4. The existing structure will be demolished if the Bulk/Site Variance and Subdivision applications are approved. The owner of the property participated in the resubdivision of her lot and her neighbor's lot to the North in October 2007 to give her neighbor property on the back side of the garage to meet setback requirements. The owner would like to return her lot to its original 3 lot layout, but with the previous resubdivision it will leave her North lot slightly less than 7200 SF. The lots in Pinehurst are generally 50' x 150' (or 7500 SF). Because of the previously dedicated right-of-way these lots should be 50' x 145' (or 7250 SF). The distance across the front of the lot will be 50', which is standard in this area. The owner is requesting a variance to allow the North lot of her subdivision to be less than 7,200 square feet, or 5,656.50 square feet.

Lots less than 7,200 square feet are not uncommon in this area. The developer of these lots, The Mitchell Company, has plans to build homes designed to accommodate these lots and the required setbacks. An application for a reduced lot size was previously approved on July 8, 2019. Because of the existing workload and then reduced workforce during the holidays, it was not possible to remove the existing dwelling before the January 8, 2020 deadline of that approval. Upon approval of the current application, The Mitchell Company is prepared to move forward immediately with demolition of the existing dwelling, record the final plat, and move forward with new construction.

As stated, the applicant is seeking relief, from the Zoning Ordinance to allow a lot less than 7,200 square feet. Based on the statement from the applicant, this request is simply based on the applicant's desire. There is no hardship presented.

It's important to note that Section 64-3.C.1 of the Zoning Ordinance requires the minimum building site area of an R-1: One-family residential district to be a minimum of 7,200 square feet. Also, Section V.D.1 & 2 of the Subdivision Regulations define the design standards of a Lots size, shape, and dimensions. It states: "*Lots for residential use shall be at least 60 feet wide at the building setback line, exclusive of drainage easements, and shall contain at least the following areas: Where served by the public or an approved private water supply system and sanitary sewerage system...7,200 square feet.*"

The applicant states in the narrative that lots less than 7,200 square feet are not uncommon in this area. There do seem to be several lots in the immediate vicinity of the subject property whose square footage is less than that of the required 7,200 square feet, so a reduced minimum area requirement may be appropriate.

However, there are no conditions which exist at this site that would require the applicant to divide the property in such a way that a lot would not meet the minimum building area requirement. This application seems to be based solely on economic benefit and does not appear to be a necessity. The applicant has the option to do a two (2) lot subdivision, which could be done in such a way that the new lots would be compliant with the Zoning Ordinance and Subdivision Regulations requirements. The applicant has not presented any hardship associated with the property or its configuration that would necessitate the approval of this request.

It is important to note that at its July 8, 2019 meeting the Board heard this same request for the subject property and voted to approve the variance. The applicant states that due to the existing workload and reduced workforce at the time of the initial request they were unable to perform the proposed work. As such, the Variance expired after six (6) months with no permits being issued for the associated work. However, the applicant did receive subdivision approval from the Planning Commission on July 18, 2019 for the proposed division: this approval will expire on July 18, 2020, if no action is taken to record the final plat.

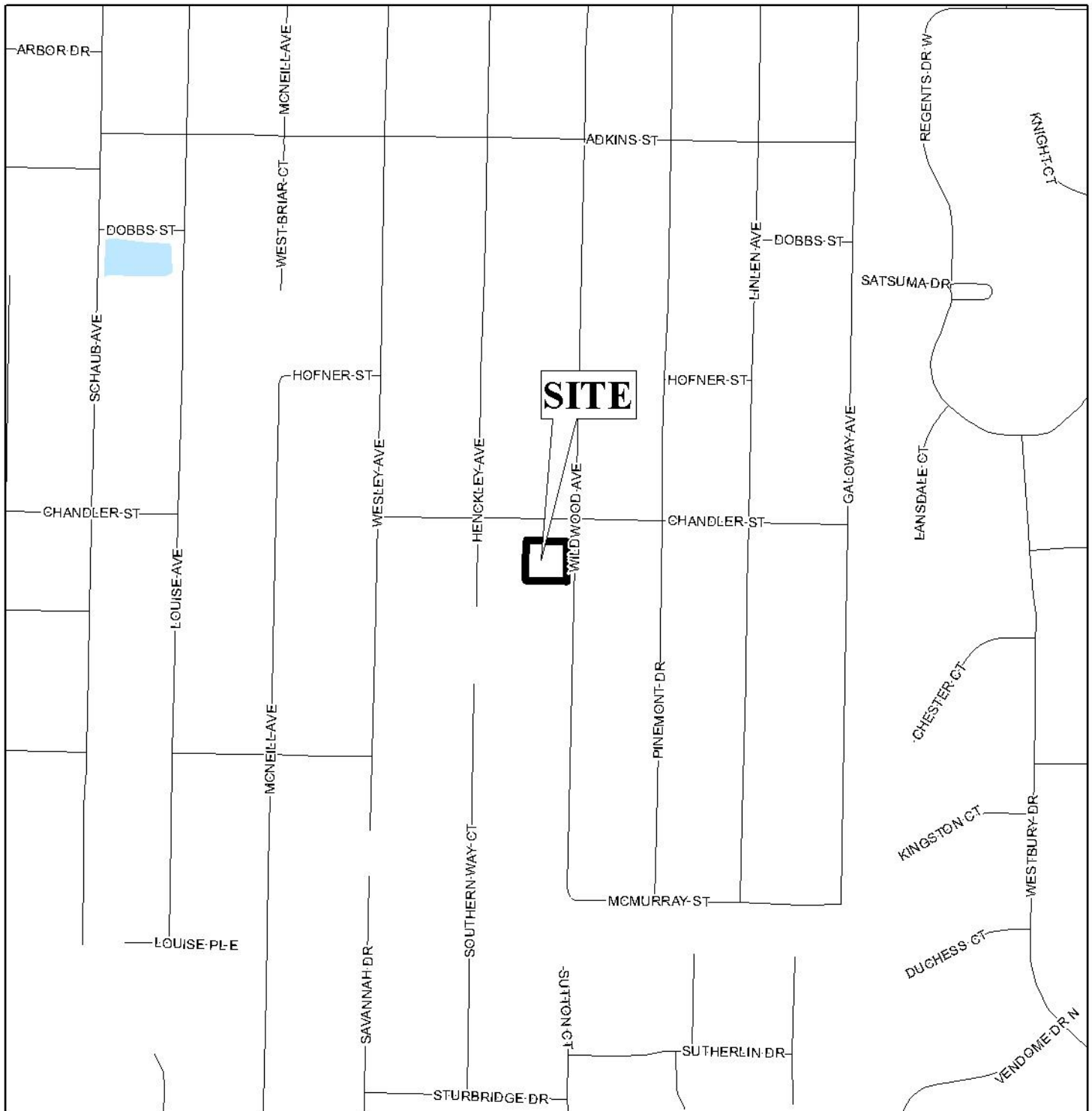
RECOMMENDATION: Based on the preceding, staff recommends to the Board the following findings of fact for Approval:

- 1) Approving the variance will not be contrary to the public interest;
- 2) Special conditions were illustrated such 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.

The approval is subject to the following conditions:

- 1) Full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 6320 DATE May 4, 2020

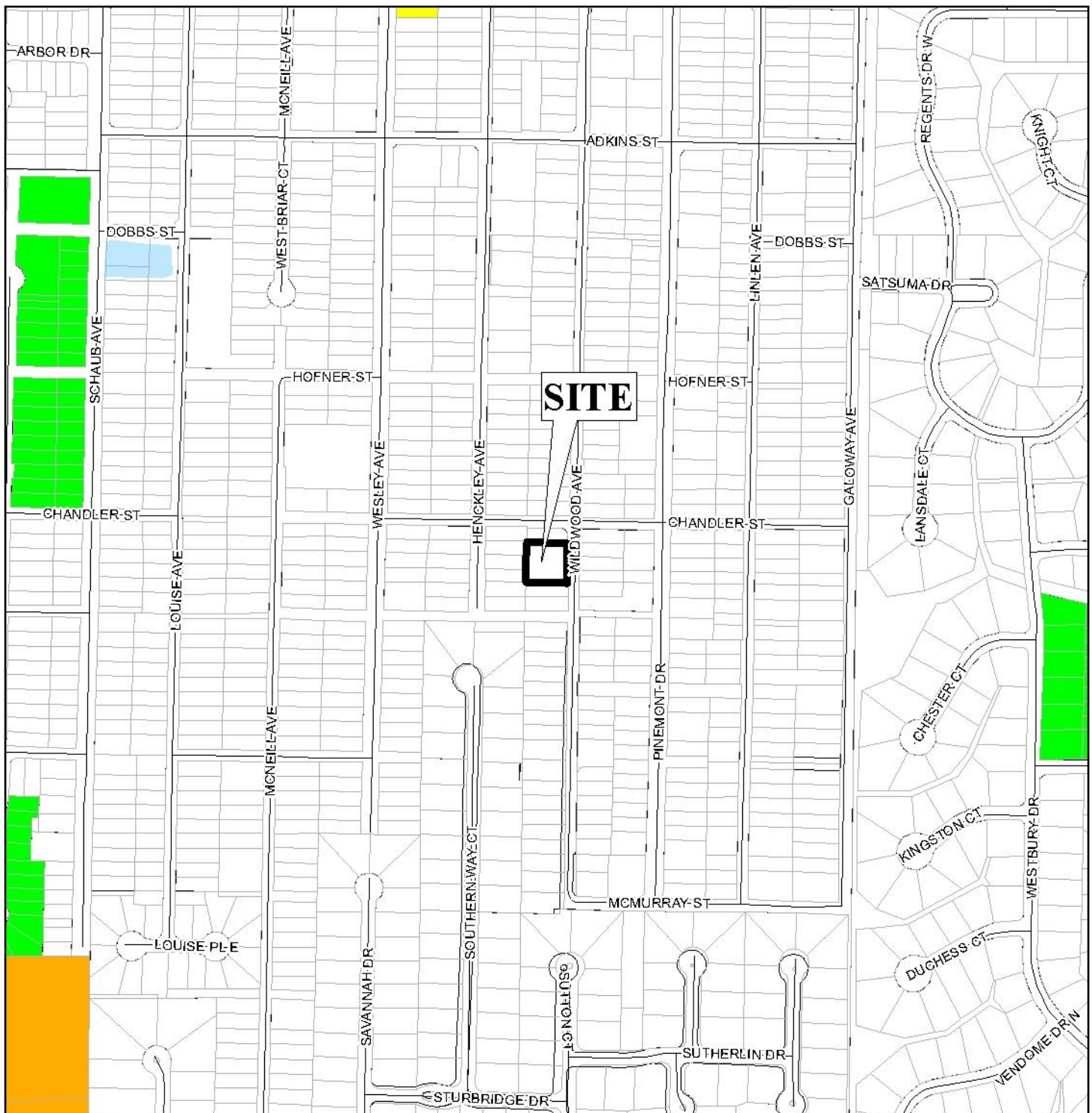
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REQUEST Lot Area and Lot Width Variances



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LOCATOR ZONING MAP



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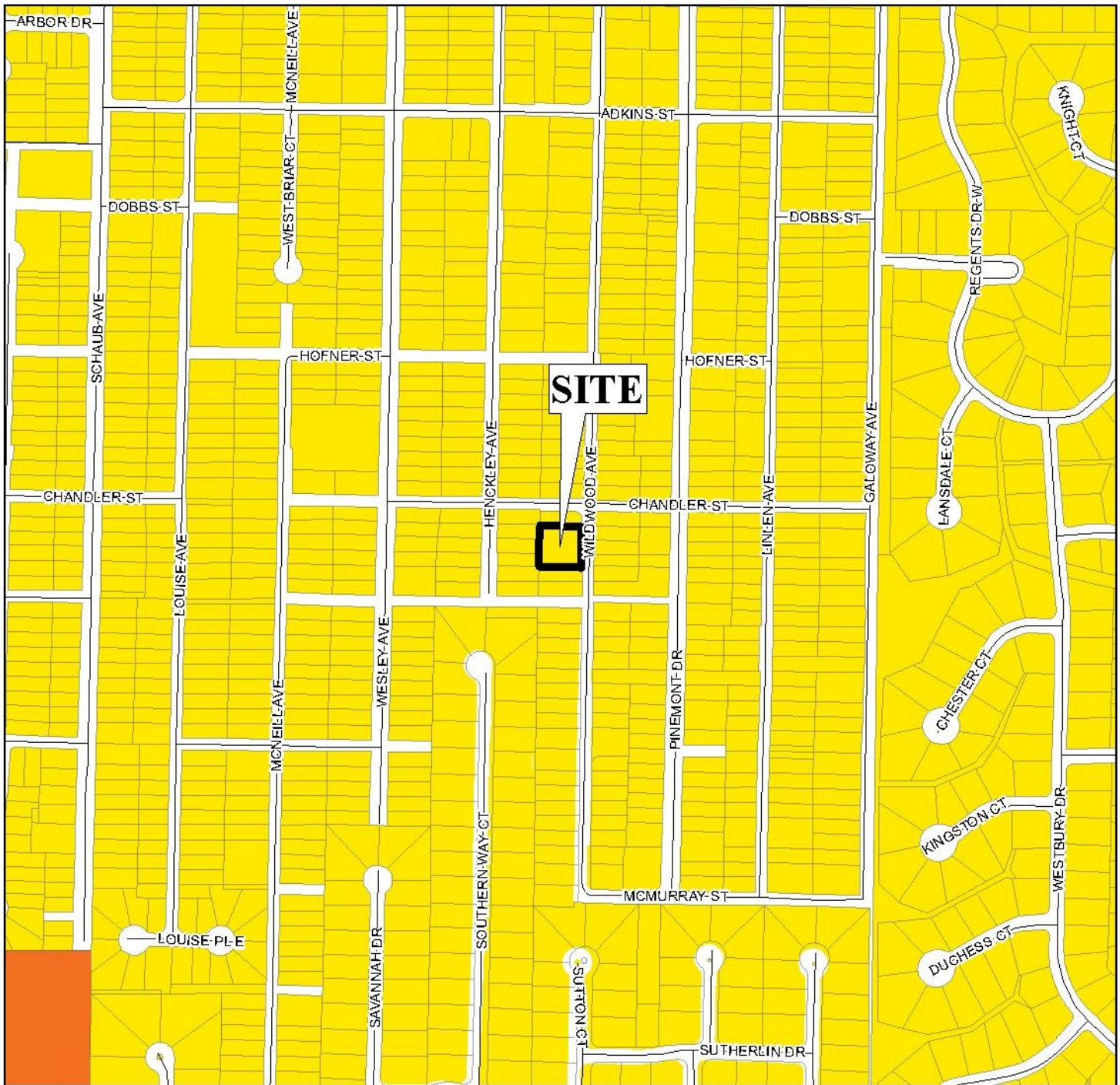
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REQUEST Lot Area and Lot Width Variances



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FLUM LOCATOR MAP



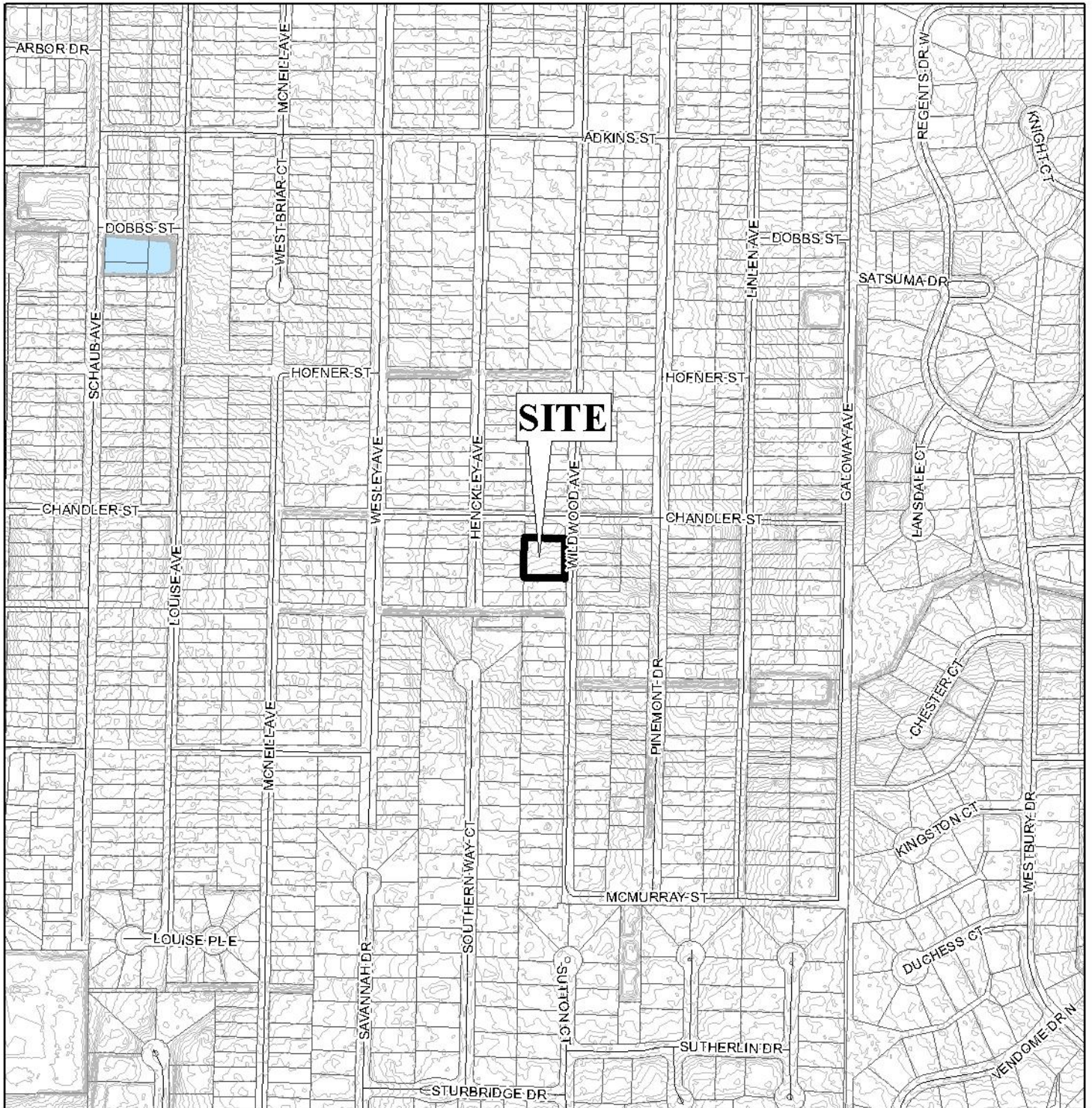
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 REQUEST Lot Area and Lot Width Variances

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	



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ENVIRONMENTAL LOCATOR MAP



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REQUEST Lot Area and Lot Width Variances



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BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



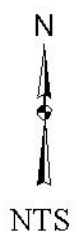
The site is surrounded by residential units.

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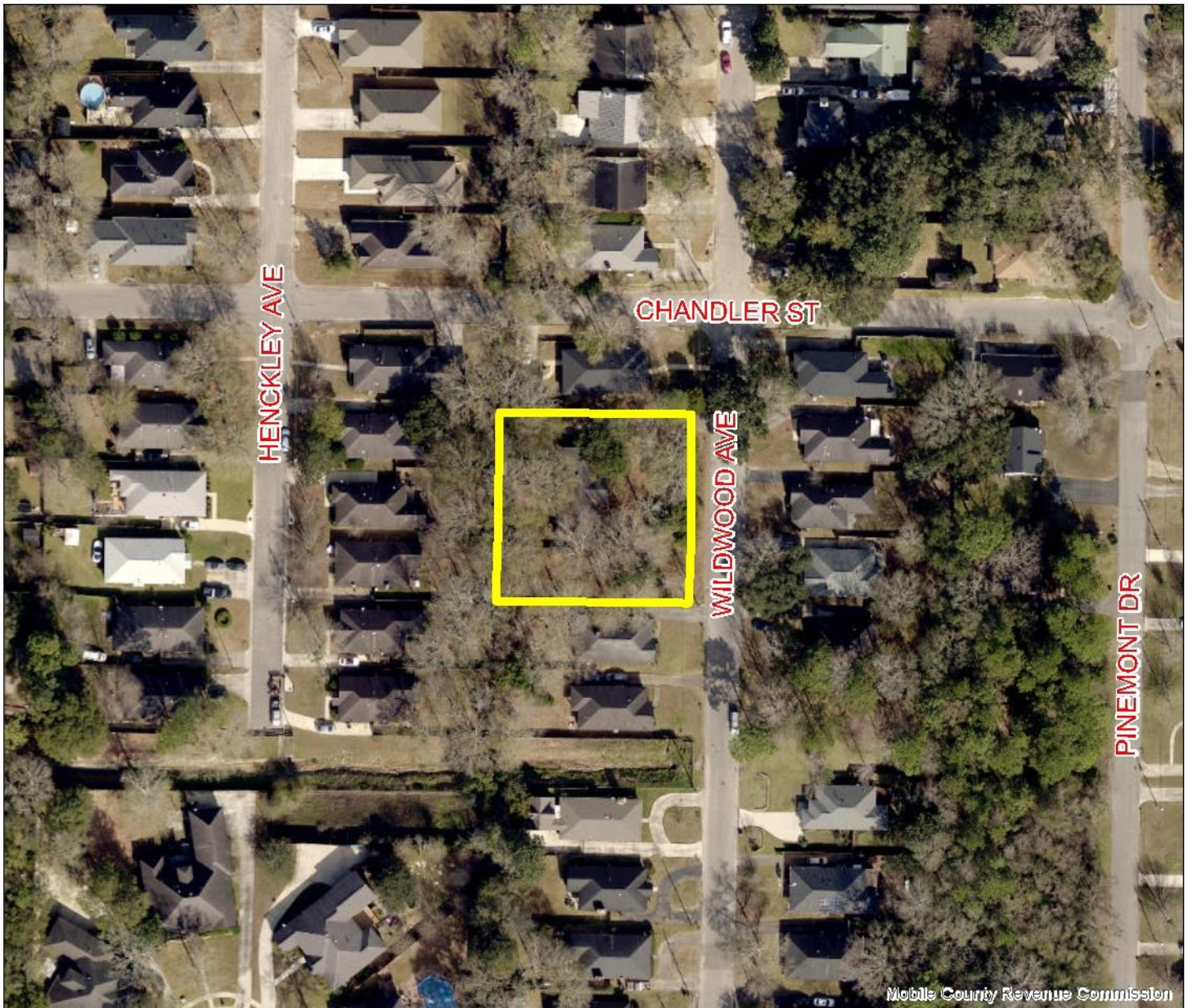
REQUEST Lot Area and Lot Width Variances

 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 AERIAL

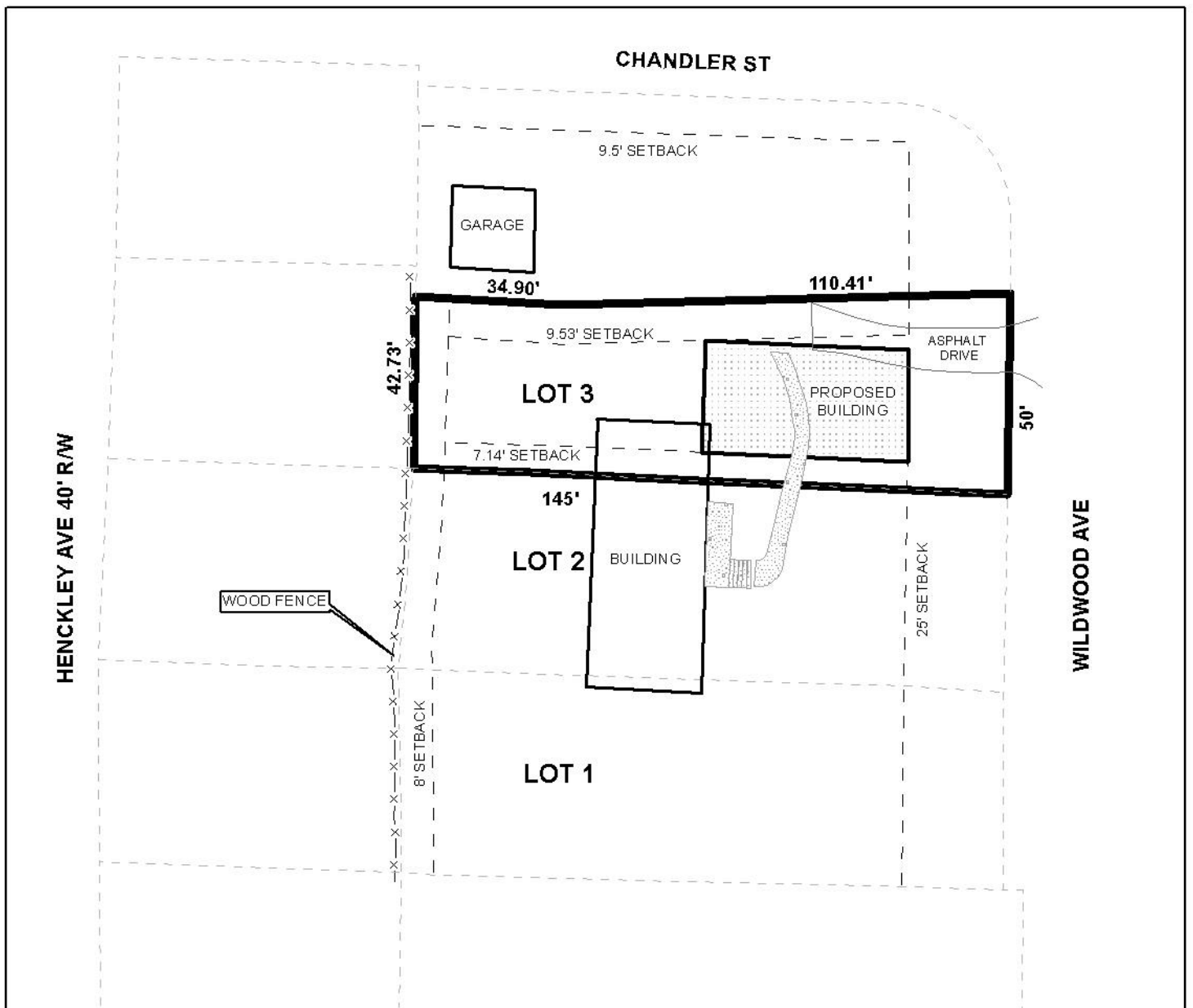


The site is surrounded by residential units.

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REQUEST <u>Lot Area and Lot Width Variances</u>



SITE PLAN



The site plan illustrates existing lots, proposed building, and setbacks.

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