

APPLICATION NUMBER

5509

A REQUEST FOR

**ACCESS AND FRONTAGE LANDSCAPING VARIANCES
TO ALLOW A 12' WIDE TWO-WAY DRIVEWAY AND
PROVIDE 802 SQUARE FEET OF FRONTAGE
LANDSCAPING (49.5% OF THE 12% TOTAL SITE
LANDSCAPING) IN AN R-B, RESIDENTIAL BUSINESS
DISTRICT; THE ORDINANCE REQUIRES A 24' WIDE
TWO-WAY DRIVEWAY AND 972 SQUARE FEET OF
FRONTAGE LANDSCAPING (60% OF THE 12% TOTAL
SITE LANDSCAPING) IN AN R-B, RESIDENTIAL
BUSINESS DISTRICT.**

LOCATED AT

260 NORTH JACKSON STREET

(East side of North Jackson Street, 45' ± South of Congress Street)

APPLICANT/OWNER

THOMAS F. KARWINSKI, AIA

AGENT

THOMAS F. KARWINSKI, AIA

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2008

The applicant is requesting Access and Frontage Landscaping Variances to allow a 12' wide two-way driveway and provide 802 square feet of frontage landscaping (49.5% of the 12% total site landscaping) in an R-B, Residential Business District; the Ordinance requires a 24' wide two-way driveway and 972 square feet of frontage landscaping (60% of the 12% total site landscaping) in an R-B, Residential Business District.

According to the applicant, the plan is to renovate an existing two-story building into four residential dwelling units. Eight paved parking spaces will be provided (two per dwelling unit), which will be enclosed within a 6' high wall for privacy and security purposes. However, the applicant does not wish to provide the required 24' entrance into the site because it will present too much of a commercial "feel" to the development and diminish the intimate residential appearance that the developer wishes to create; also noted are similar approvals for other residential developments in the area. The applicant further states that the presence of brick pavers on the property is preventing compliance with the frontage landscaping requirement.

After reviewing Mobile City aerial photographs, it appears that the 12' drive would keep in line with the residential appearance of this area of North Jackson Street however; there appears to be at least 3 commercial sites within 500' of the property that have a 24' entrance. In addition, after research, no approved access variance cases were found in the immediate vicinity that allowed for a 12' two-way driveway. It should be noted that if approved, addition of a gate to the entrance would cause an impact on the traffic flow therefore a note should be placed on the site plan stating that there will be no gated entry to the property.

According to the landscape requirements, 12% of the total building site shall be landscaped and 60% of that total shall be located between the street line and the front of the building. According to the applicant, they are required 1620 square feet of landscaping with 972 square feet located in the front. They have proposed 3195 square feet of landscaping but are only able to locate 802 square feet in the front due to existing brick pavers that cover the area between the existing building and the street line and an existing brick wall. According to the site plan submitted, there appears to be two curb cuts that will not be in use by the property owner. If approved, these curb cuts should be taken out and replaced with landscaping to aid the owner in his fulfilling his landscaping requirements.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

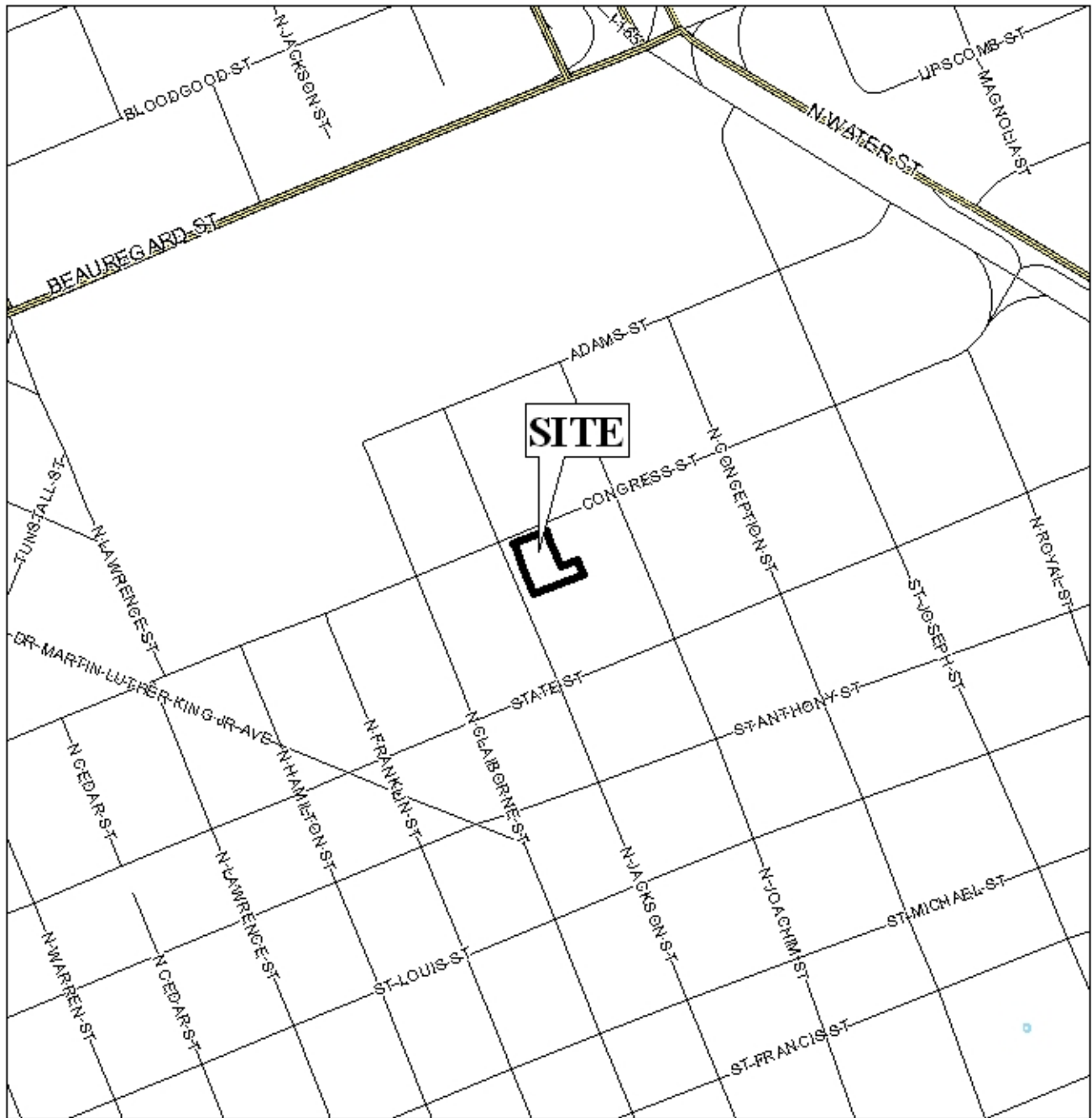
The applicant has shown an unnecessary hardship in meeting his landscaping requirement due to the existence of brick pavers and a brick wall. Though the applicant has failed to show an unnecessary hardship in the case of the access variance, he has shown that the enforcement of the Ordinance would diminish the character of the neighborhood causing a commercial “feel” to an otherwise residential neighborhood.

RECOMMENDATION 5509**Date: November 3, 2008**

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

- 1) placement of a note on the site plan stating there will be no gated entry to the property;
- 2) obtainment of approval from the City of Mobile Architectural Review Board prior to the issuance of any permits;
- 3) removal of the two existing curb cuts not in use by the proposed development; and
- 4) completion of the subdivision process prior to the issuance of any permits.

LOCATOR MAP



APPLICATION NUMBER 5509 DATE November 3, 2008

APPLICANT Thomas F. Karwinski, AIA

REQUEST Access and Frontage Landscaping Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING










This site is surrounded by miscellaneous land use.

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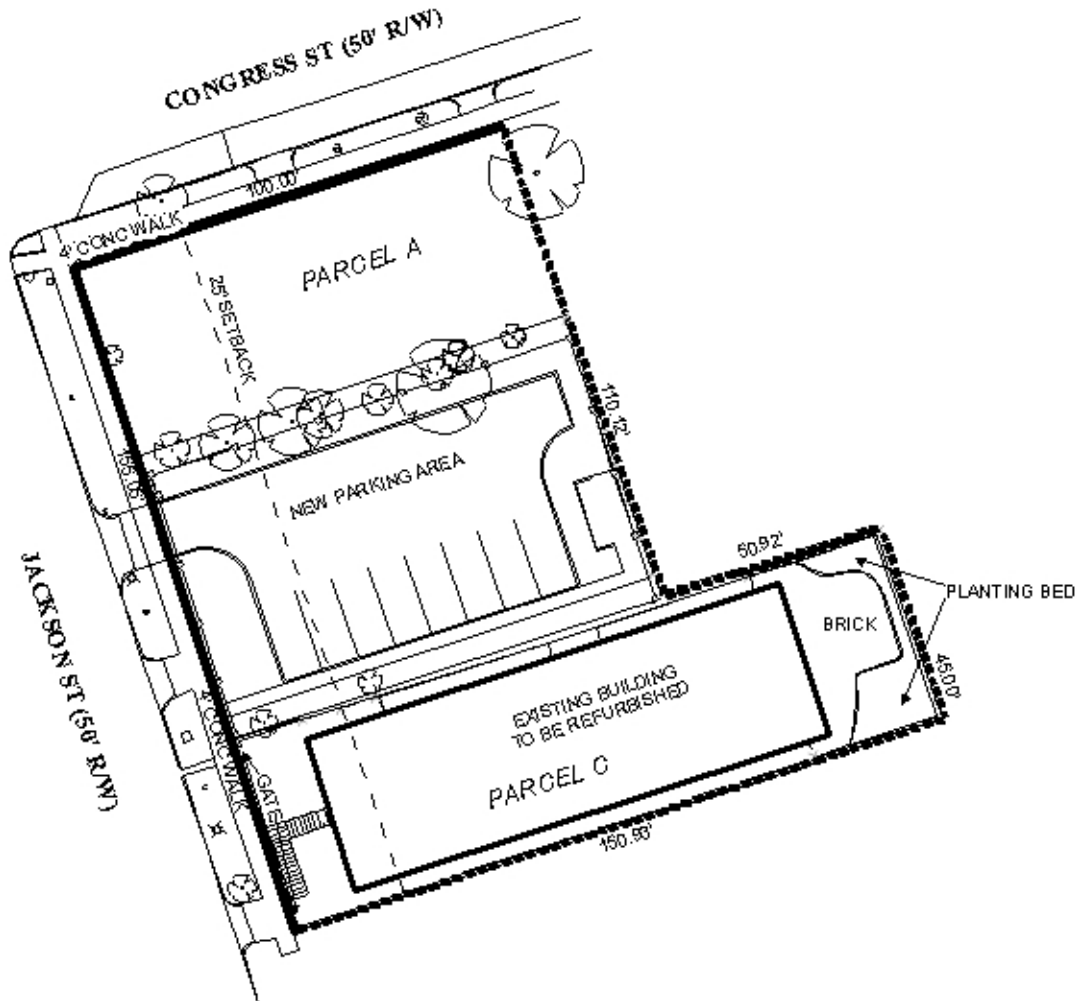
REQUEST Access and Frontage Landscaping Variance

LEGEND

 R-1	 R-2	 R-3	 R-4	 R-B	 H-B	 T-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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SITE PLAN



This site plan illustrates existing structures and new parking area.

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



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