

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: May 6, 2019****CASE NUMBER**

6256

**APPLICANT NAME**

Robert L. Fleming, III

**LOCATION**4955 Carmel Drive  
(South side of Carmel Drive North, 85' East of Springpark Drive East.)**VARIANCE REQUEST****SIDE YARD SETBACK:** Setback Variance to allow the construction of a carport with reduced side yard setbacks in an R-1, Single Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****SIDE YARD SETBACK:** The Zoning Ordinance requires 8' minimum side and rear yard setbacks for construction over 3' tall in an R-1, Single Family Residential District.**ZONING**

R-1, Single-Family Residential

**AREA OF PROPERTY**

0.3 ± Acres

**CITY COUNCIL  
DISTRICT**

District 7

**ENGINEERING  
COMMENTS**

No Comments.

**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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**ANALYSIS**

The applicant is requesting a Setback Variance to allow the construction of a carport with reduced side yard setbacks in an R-1, Single Family Residential District; the Zoning Ordinance requires 8' minimum side and rear yard setbacks for construction over 3' tall in an R-1, Single Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation, per the recently 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 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:

*“The attached drawings delineate the placement of a newly constructed carport and storage located 3’0” from the east property line. As you will see, the property is a very irregular shape that limits usable area. Design of the carport roof is such that no rain water would fall to that side. This site design would optimize family use of the back yard.”*

As stated, the applicant is seeking relief, from the Zoning Ordinance to allow a carport that encroaches in the required sideyard setback. Based on the statement from the applicant, this request is simply based on the applicant’s desire. There is no hardship presented.

The submitted site plan illustrates an existing dwelling with a new addition on the rear. A new carport is also illustrated at the rear of the property, 3’ from the East property line. Railroad ties line the southern perimeter of the property. It should be noted that there is an existing carport on the site that meets setback requirements. No information was provided about why it is necessary to have a new carport encroach into setbacks.

It should be noted that the Board of Zoning Adjustment approved a side and rear yard setback variance at its December 1, 2008 and December 5, 2011 meetings for the property located at 4913 Carmel Drive North, 81’± East of the subject property. The variance was to allow the construction of a carport within 3.25’ of a side property line and 7.5’ of a rear property line in an R-1, Single-Family Residential District

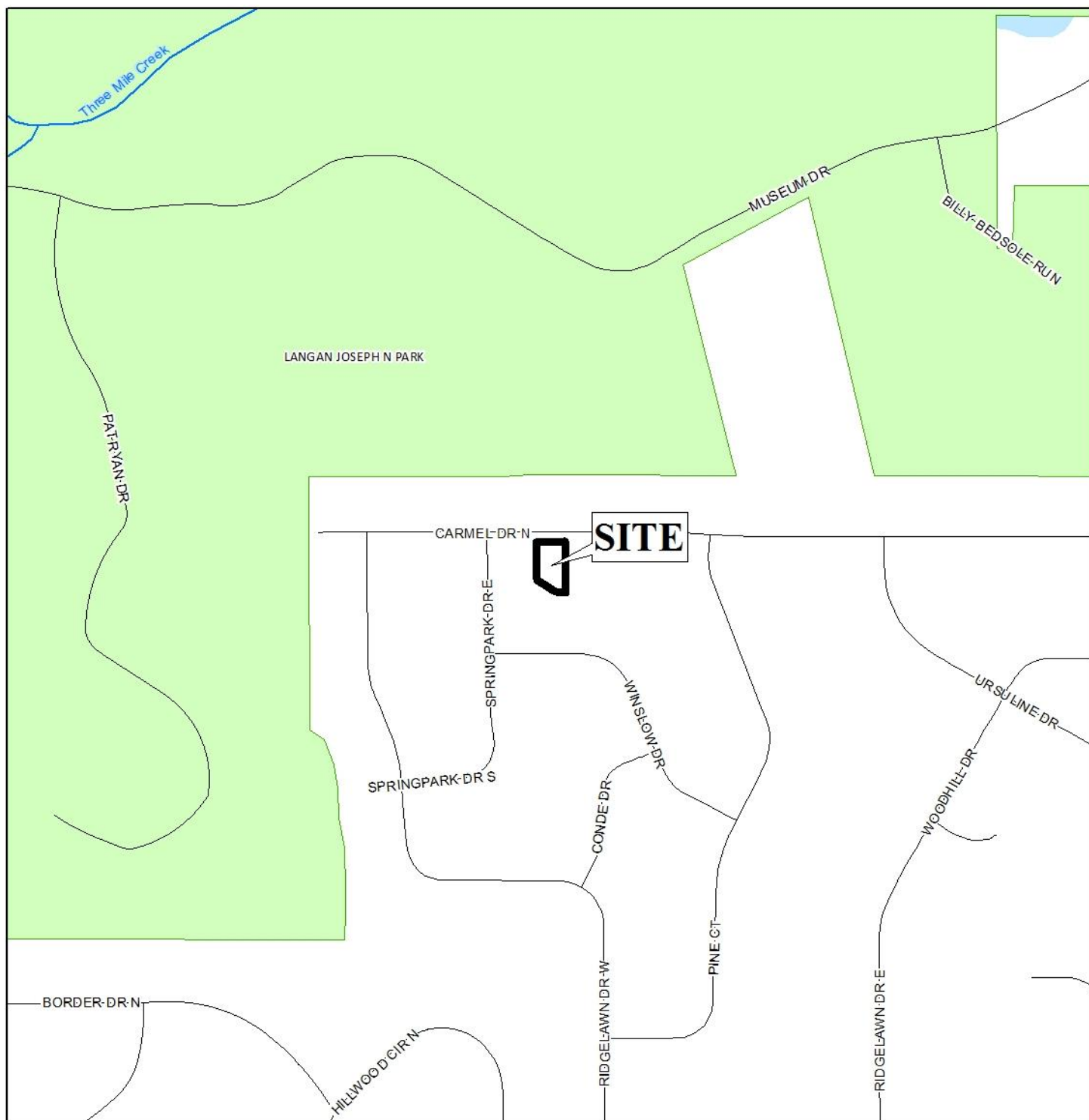
There are no conditions which exist at this site that would require the applicant to have a carport that encroaches in the side yard setback. This application seems to be the merely the applicant’s desire and does not appear to be a necessity. The applicant has the option to erect a new carport that is compliant with the Zoning Ordinance requirements or utilize the existing carport. There appears to be sufficient space on the property to relocate the carport so that it is 8’ from the property line. The applicant has not presented any hardship associated with the property or its configuration that would necessitate the approval of this request.

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

- 1) Granting the variance will be contrary to the public interest because it will be contrary to Section 64-3.C.e. of the Zoning Ordinance regarding the minimum building setbacks in an R-1, Single-Family Residential District;

- 2) Special conditions and hardships do not exist in such a way that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the site can be developed without the requirement for a variance; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the site can be developed in such a way that the carport would meet the setback requirements.

# LOCATOR MAP



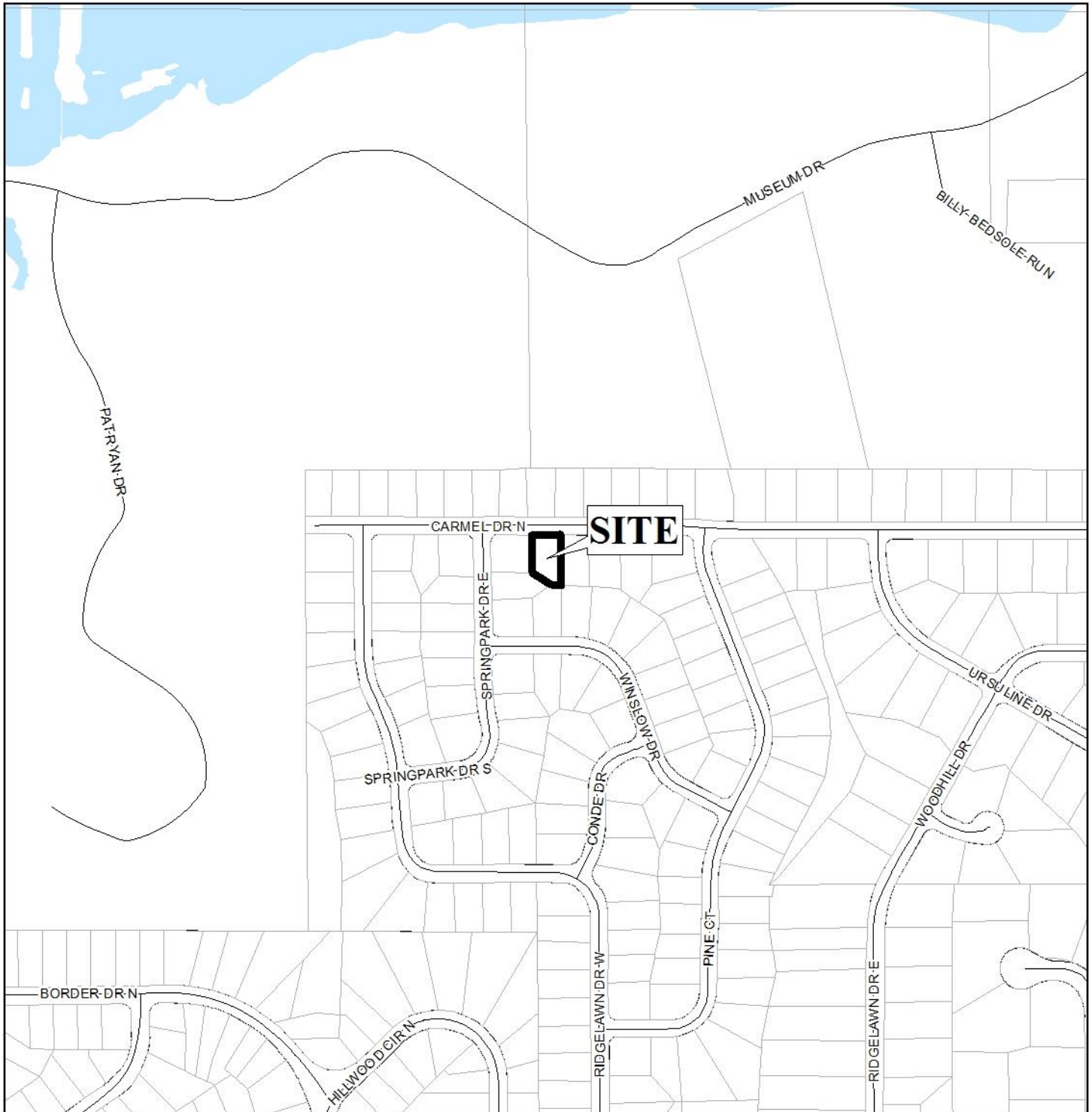
APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

REQUEST Setback Variance



# LOCATOR ZONING MAP



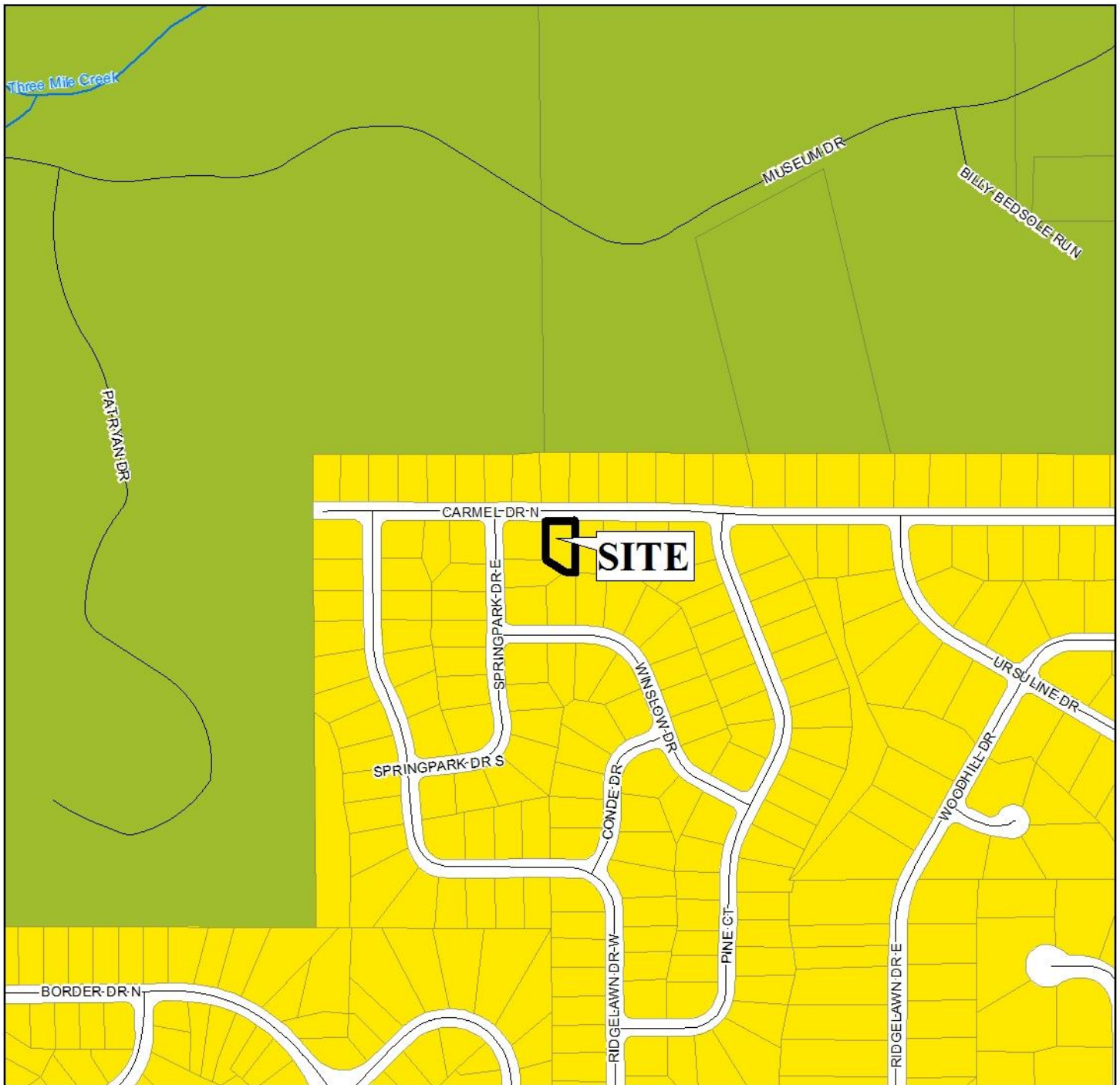
APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

REQUEST Setback Variance



# FLUM LOCATOR MAP



APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

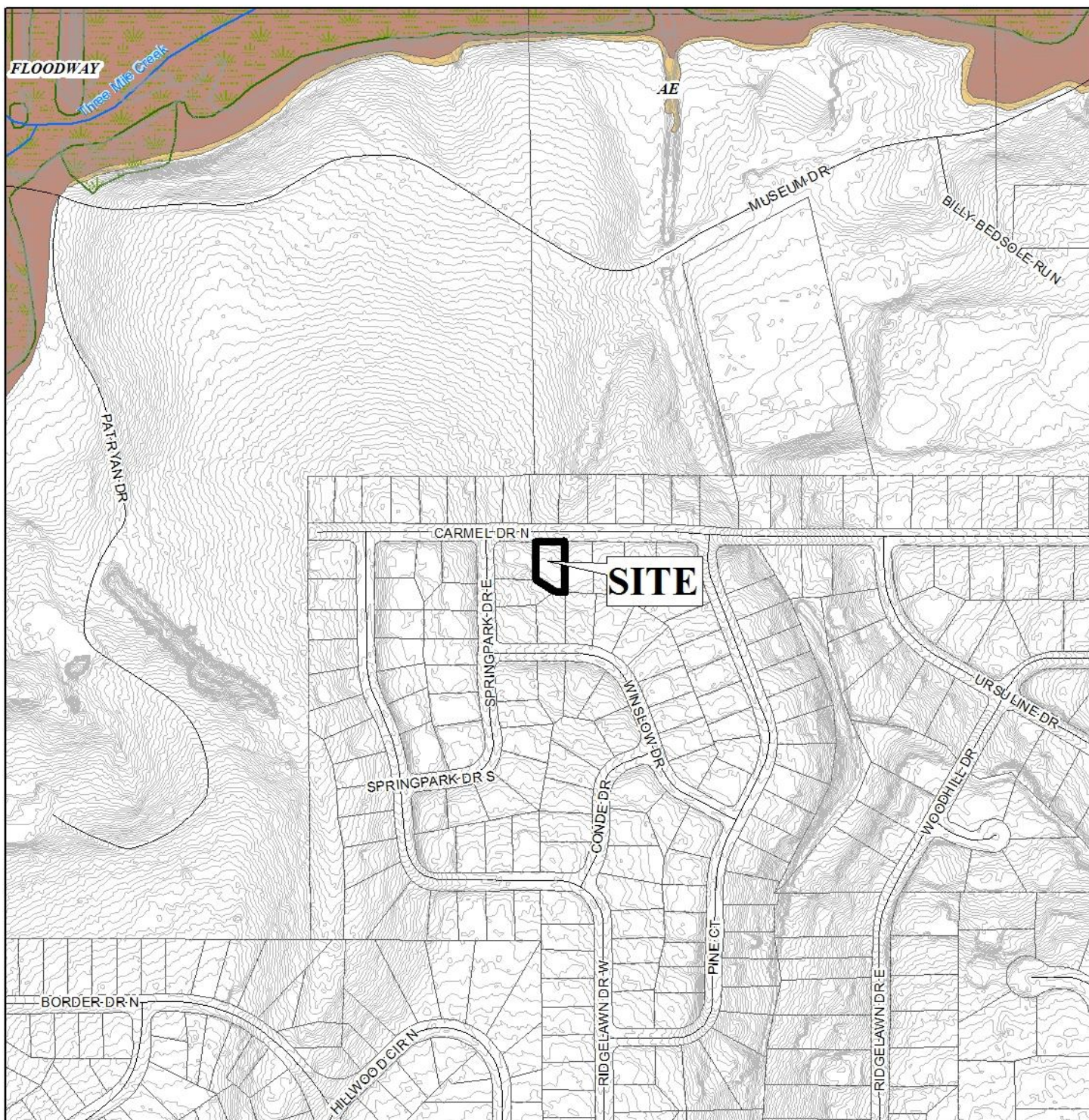
REQUEST Setback Variance

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



APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

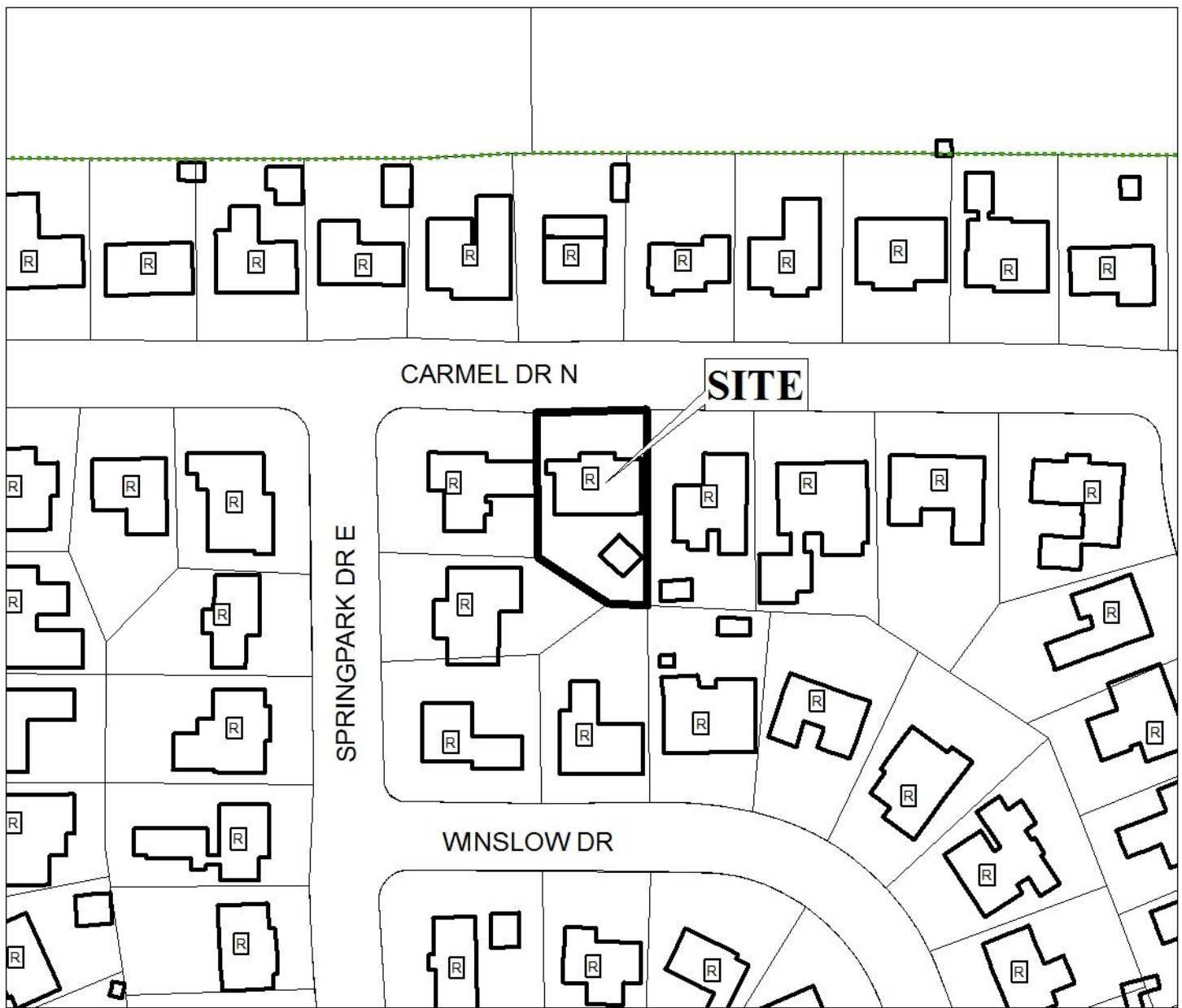
REQUEST Setback Variance





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

REQUEST Setback Variance

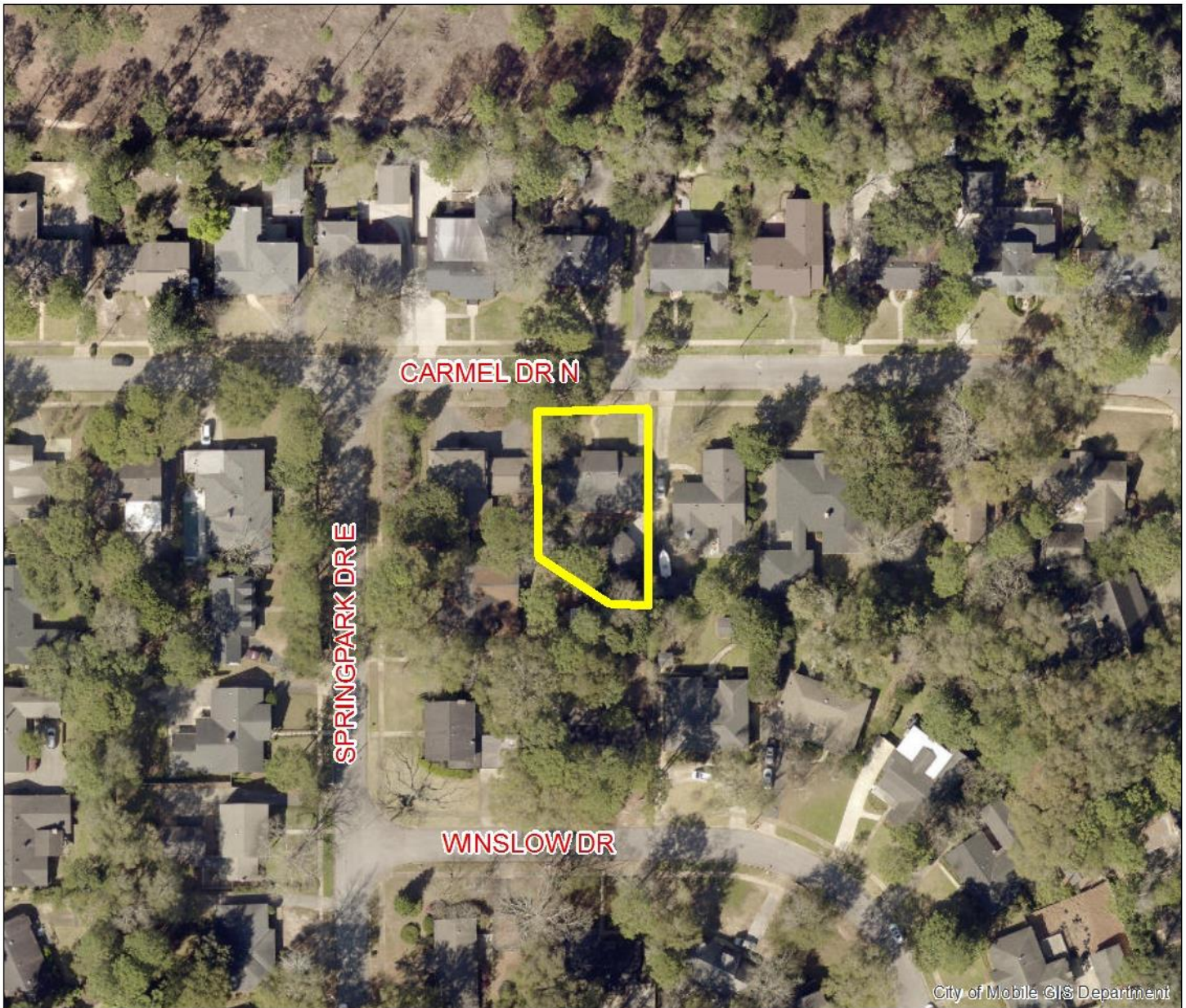
<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: tan; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING AERIAL

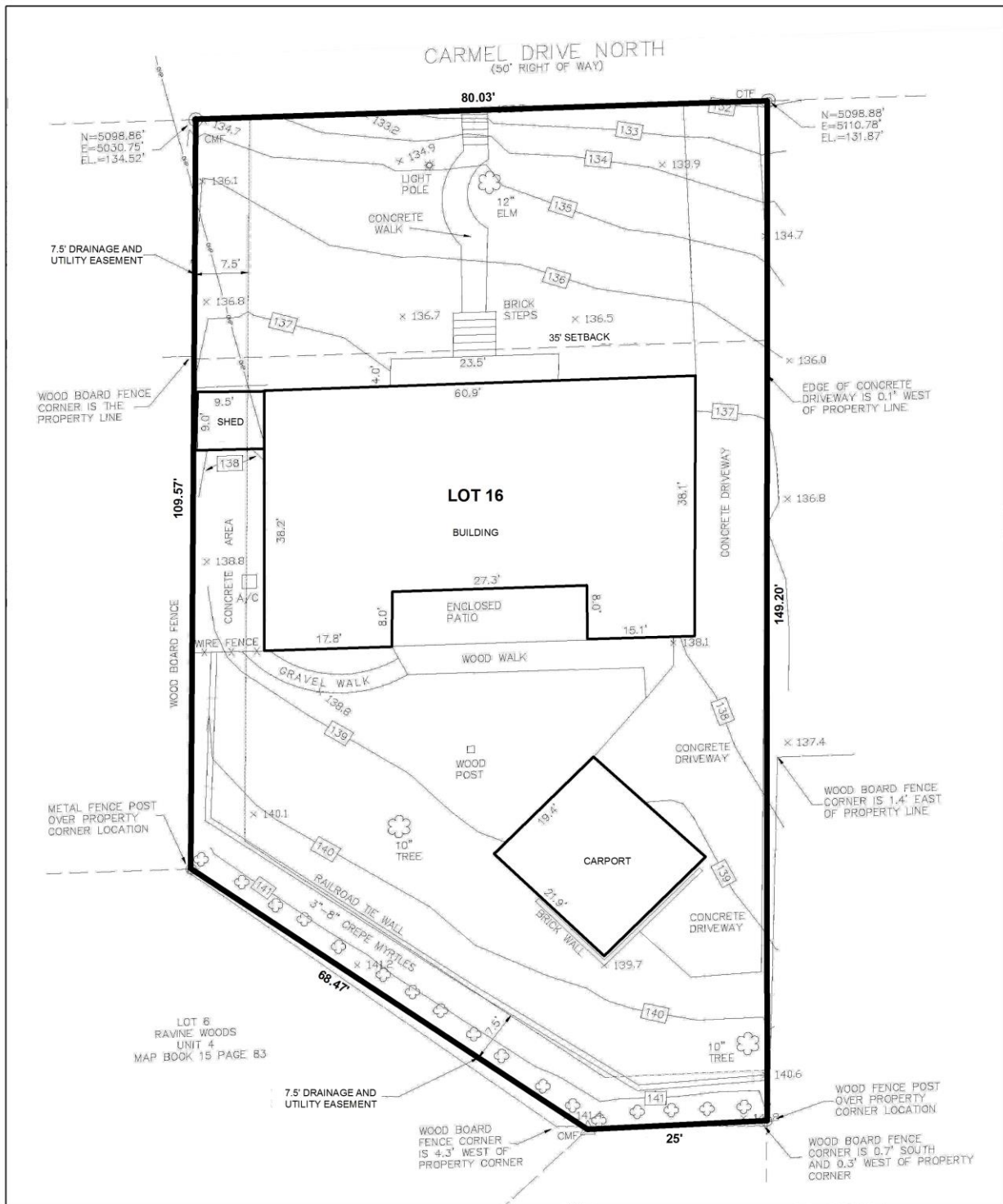


The site is surrounded by single family residential units.

APPLICATION NUMBER	6256	DATE	May 6, 2019
APPLICANT	Robert L. Fleming, III		
REQUEST	Setback Variance		



# EXISTING SITE PLAN



The site plan illustrates the existing building, carport, setbacks, and easements.

APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

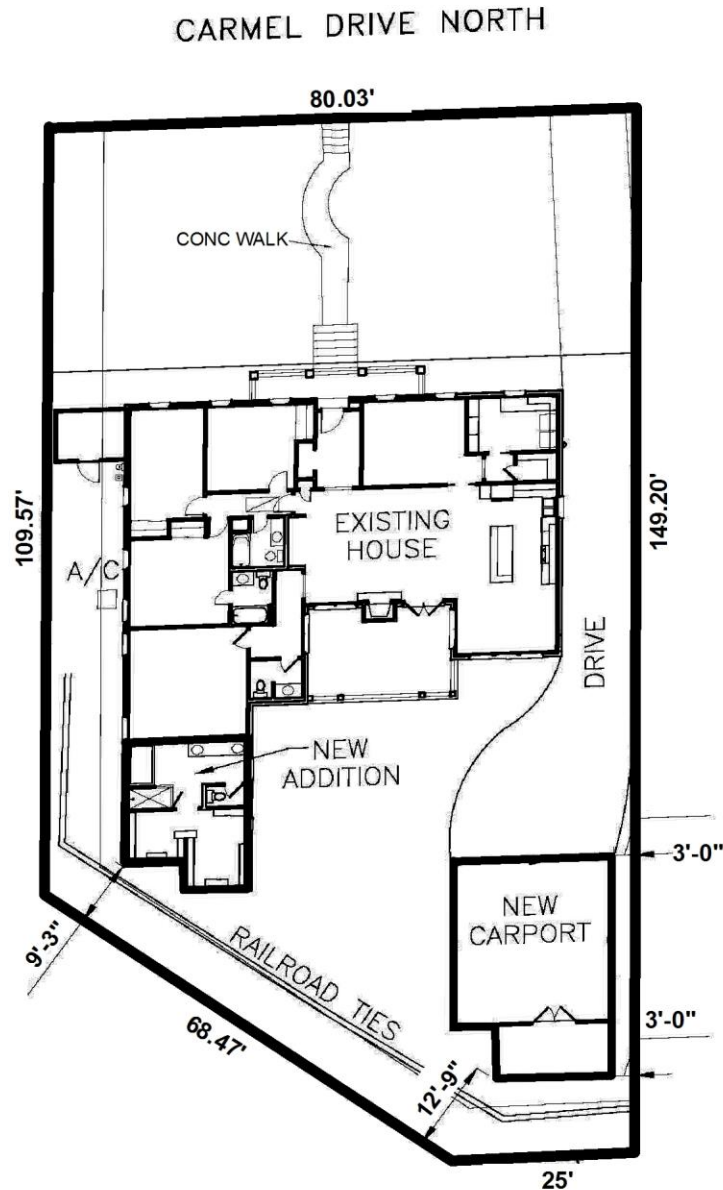
REQUEST Setback Variance



NTS



# PROPOSED SITE PLAN



The site plan illustrates the existing house, the proposed new addition, and the proposed new carport.

APPLICATION NUMBER 6256 DATE May 6, 2019

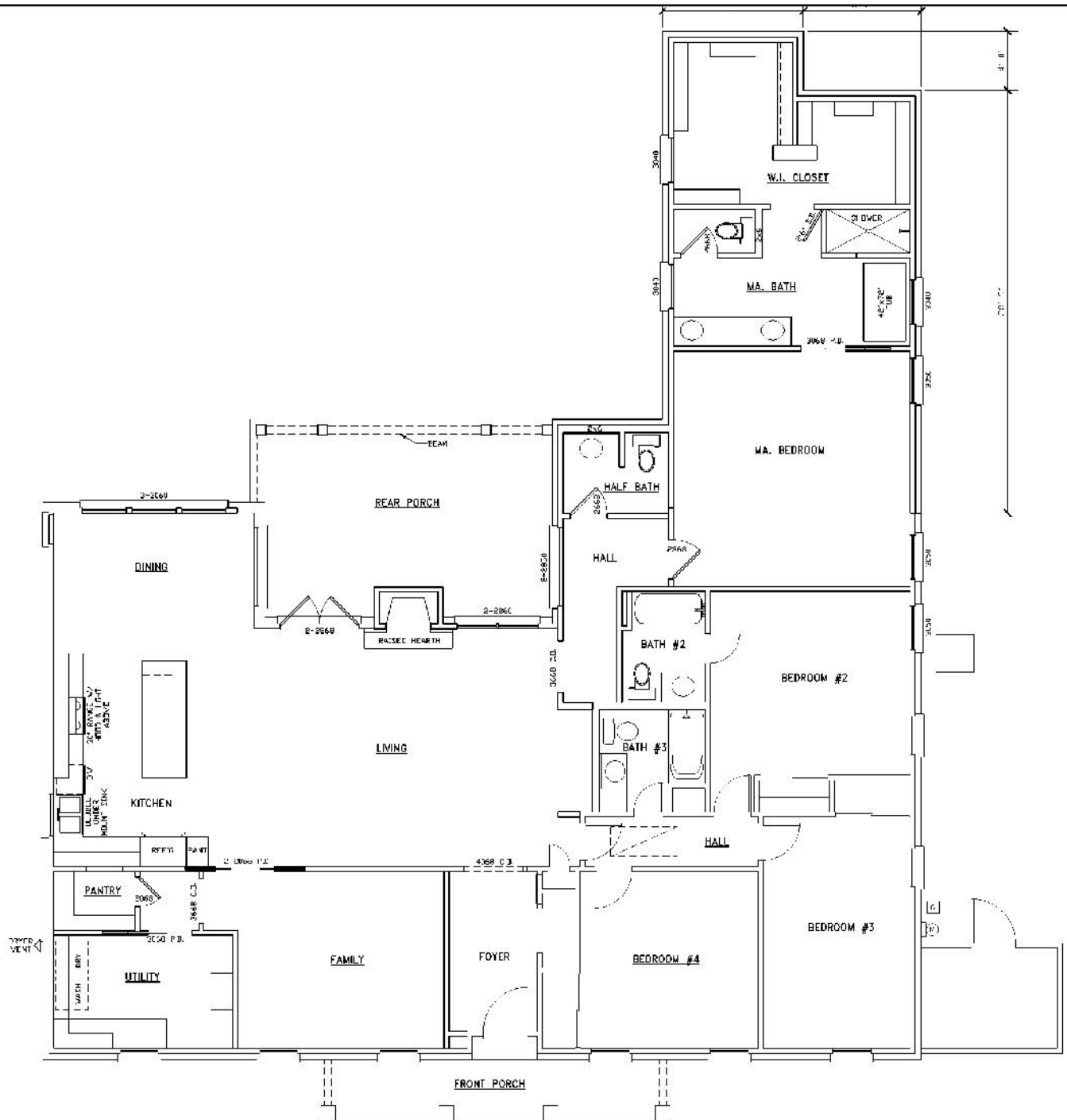
APPLICANT Robert L. Fleming, III

REQUEST Setback Variance





# DETAIL SITE PLAN



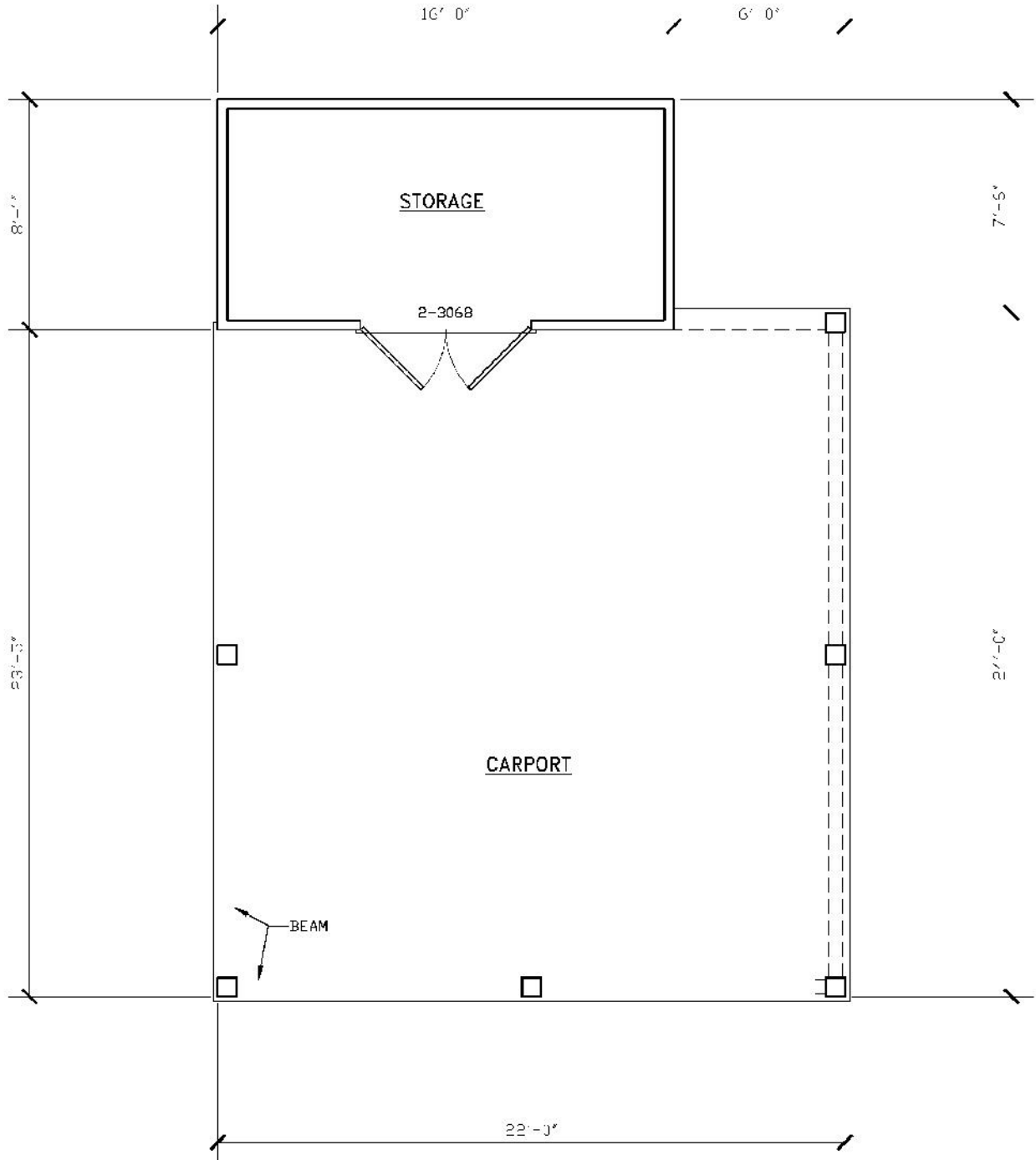
APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

REQUEST Setback Variance



# DETAIL SITE PLAN

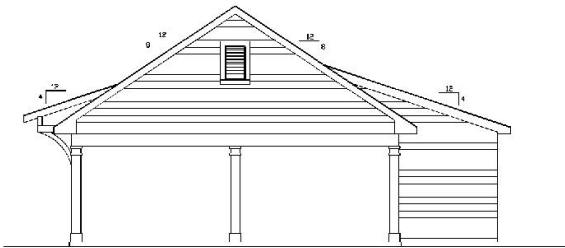


FLOOR PLAN - CARPORT

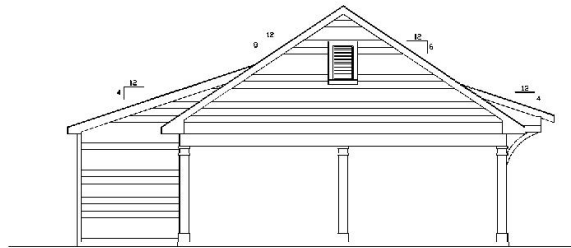
APPLICATION NUMBER 6256 DATE May 6, 2019  
APPLICANT Robert L. Fleming, III  
REQUEST Setback Variance



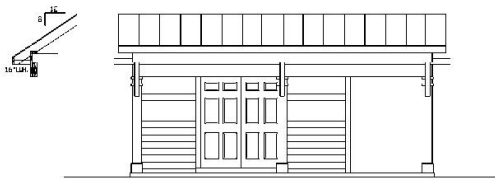
# DETAIL SITE PLAN



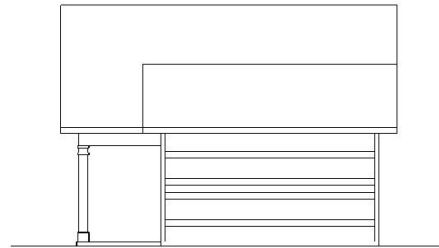
RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



LEFT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



FRONT ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"

APPLICATION NUMBER 6256 DATE May 6, 2019

APPLICANT Robert L. Fleming, III

REQUEST Setback Variance



NTS

