

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: November 2, 2015****CASE NUMBER**

6014

APPLICANT NAME

Sarah S. Greene

LOCATION66 Oakland Avenue
(North side of Oakland Avenue, 139'+ East of Ridgelawn Drive)**VARIANCE REQUEST****SIDE YARD SETBACK:** Side Yard Setback Variance to allow a structure within 2'8" feet of the side property line in an R-1, Single-Family Residential District.**ZONING ORDINANCE
REQUIREMENT****SIDE YARD SETBACK:** The Zoning Ordinance requires a minimum 8' setback for all structures from side property lines in an R-1, Single-Family Residential District.**ZONING**

R-1, Single-Family Residential District

AREA OF PROPERTY

0.30±Acres

**CITY COUNCIL
DISTRICT**

District 7

**ENGINEERING
COMMENTS**

No easements were shown; however, no structures are allowed to be constructed within a City of Mobile drainage easement.

**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 61-929 and City Code Chapters 57 and 64).

ANALYSIS

The applicant is requesting a side yard setback variance to allow a structure within 2'8" of the side property line in an R-1, Single Family District; the

Zoning Ordinance requires a minimum 8' setback for all structures from side property lines in an R-1, Single-Family Residential District.

The Zoning Ordinance further 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 regarding the variance requests:

I am applying for a variance from the 8' setback on my east property line to build a carport and covered walkway allowing safe, lighted entry during the evening and inclement weather. Positioning the carport on the left front side of the house keeps it as close as possible to my side entry while minimizing its visual impact on the house's front façade.

The house was built to a maximum width on the lot by a past owner. The side entry steps and electric service panels do not allow passage on the east side to a back yard carport. Other front locations for a carport block the street view and detract aesthetically.

My east property line is the rear of my neighbor's home on Ridgelawn Drive East.

I would like to build a 14' x 20' carport 2'8" off the existing property line allowing the carport to visually tie into the front façade at the dining room windows. Either a carport with a modified Mansard type roof matching the house and columns to match the front entry or a minimal steel structure as seen in the submitted pictures.

As stated, the applicant wishes to construct a new 14' x 20' carport on the front facade of her residence in order to allow safe, lit entry into the home during the evening hours and during harsh weather conditions. The structure is proposed to be constructed within 2'8" of the West side property line; however, according to the Zoning Ordinance, structures require a minimum distance of 8' setback from side property lines in R-1, Single-Family Residential Districts.

It should be noted that the primary purpose for side and rear yard setbacks is to provide a sufficient distance between the structure and property lines in order to allow for proper maintenance of the structure, to allow access by emergency vehicles and personnel, and to allow for proper site drainage by keeping run-off from the structure from inhibiting adjacent properties.

On July 12, 1993, the Board of Zoning Adjustment denied a similar request for a property located across the street from the subject site, in which the applicant desired to construct a 45' x 22' garage within 6' of the rear property line of an adjacent residence. The request was denied by the Board due to the applicant not providing sufficient evidence indicating an unnecessary hardship(s) caused by the Zoning Ordinance as the lot was 2.42 times the lot size on which minimum setbacks are based.

Subsequently, at its July 10, 2006 meeting, the Board of Zoning Adjustment approved the construction of a garage/playroom addition within 3' of the rear property line of a home located in close proximity to the subject site on Marston Lane. It should be mentioned that the applicant originally requested to construct the garage/playroom addition 2' from the rear yard property line; however, the Board approved a distance of 3' from the rear property line in order to accommodate the addition.

The width of the existing residential structure, the presence of a concrete pad with steps to a side entrance on the West side of the residence, as well as a shed located in the rear of the residence seem to serve as current impediments that prevent access to the rear yard to construct the proposed carport. Also, the close proximity of the residence to the East side property line appears to be impassible as it does not provide a sufficient width to allow vehicle passage to the rear yard.

Although it appears that the existing footprint and the characteristics of the residence and site make it almost impossible to locate the proposed carport in the rear of the residence, the footprint of the carport structure can possibly be redesigned in order to fit within the parameters of the Zoning Ordinance. For instance, the carport can be minimized from 14' x 20' to 12' x 20' and/or relocated closer to the front entrance in order to meet side yard setbacks.

The site plan also depicts an additional curb cut and driveway to Oakland Avenue that was not mentioned within the application. It should be noted that the applicant would need to obtain all necessary permits prior to construction.

In reviewing the applicant's request for variance as submitted, there does not appear to be any special conditions which exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship as the carport can be redesigned to fit within the parameters of the Zoning Ordinance or the side entrance and shed can be removed and relocated to allow for the construction of a carport in the rear yard.

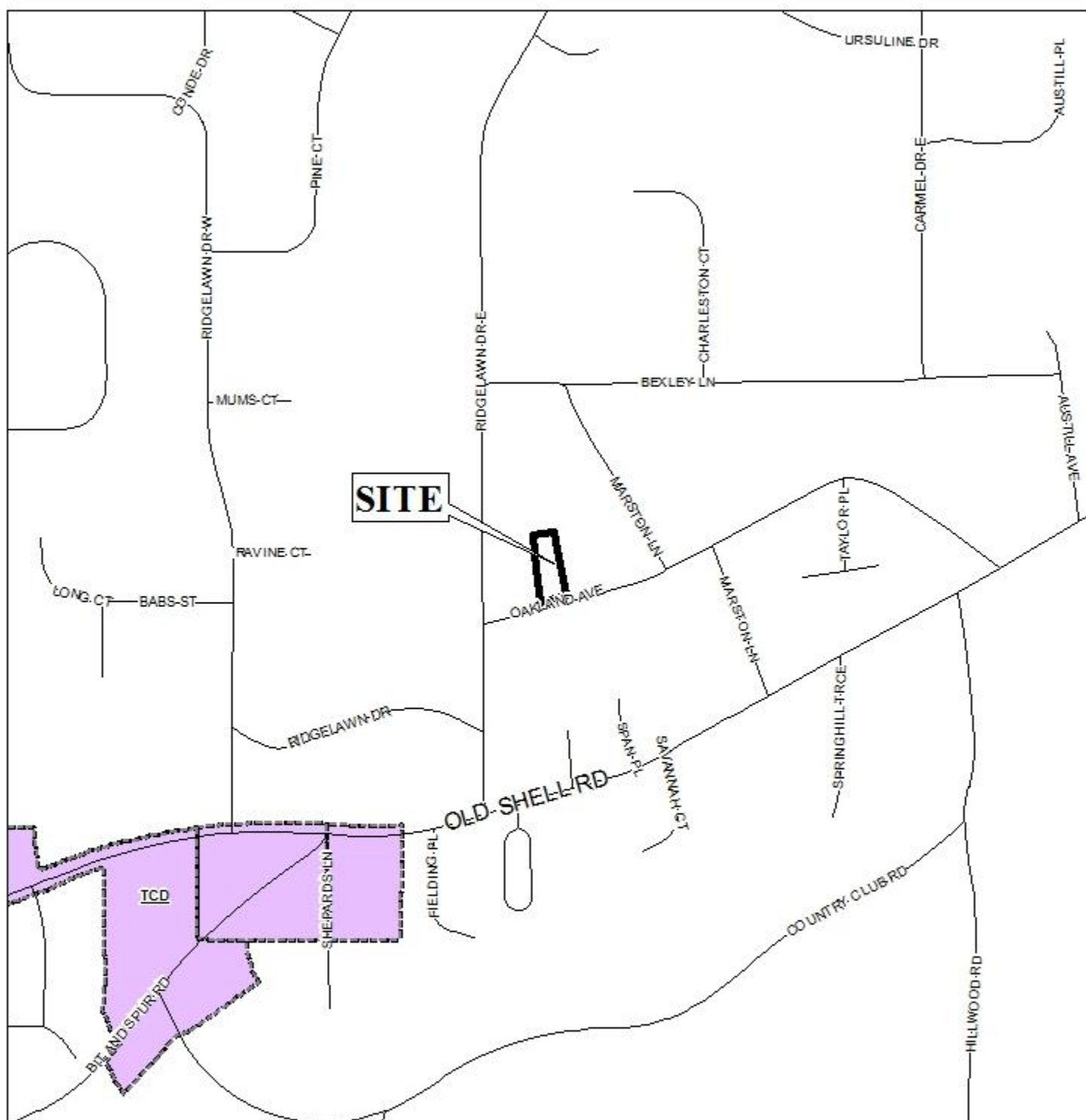
While there is some hardship regarding issues of locating the carport in the rear of the property, the applicant has not sufficiently shown that there is a hardship with the property regarding the design of the structure in the front of the property outside of a concern for aesthetics. Due to a lack of evidence to support the decrease in side yard setbacks, the denial of the request for variance may be considered appropriate.

RECOMMENDATION:
fact for Denial:

Staff recommends to the Board the following findings of

- 1) Based on the fact that a hardship regarding reduced side yard setbacks to allow the construction of a carport site was not sufficiently presented, granting the variance will be contrary to the public interest;
- 2) Special conditions do not appear to exist and there are no justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the carport can be constructed without the requirement for variances; 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 proposed addition can be designed to fit within the parameters of the side yard setback requirements as defined by the Zoning Ordinance for an R-1, Single Family District development.

LOCATOR MAP

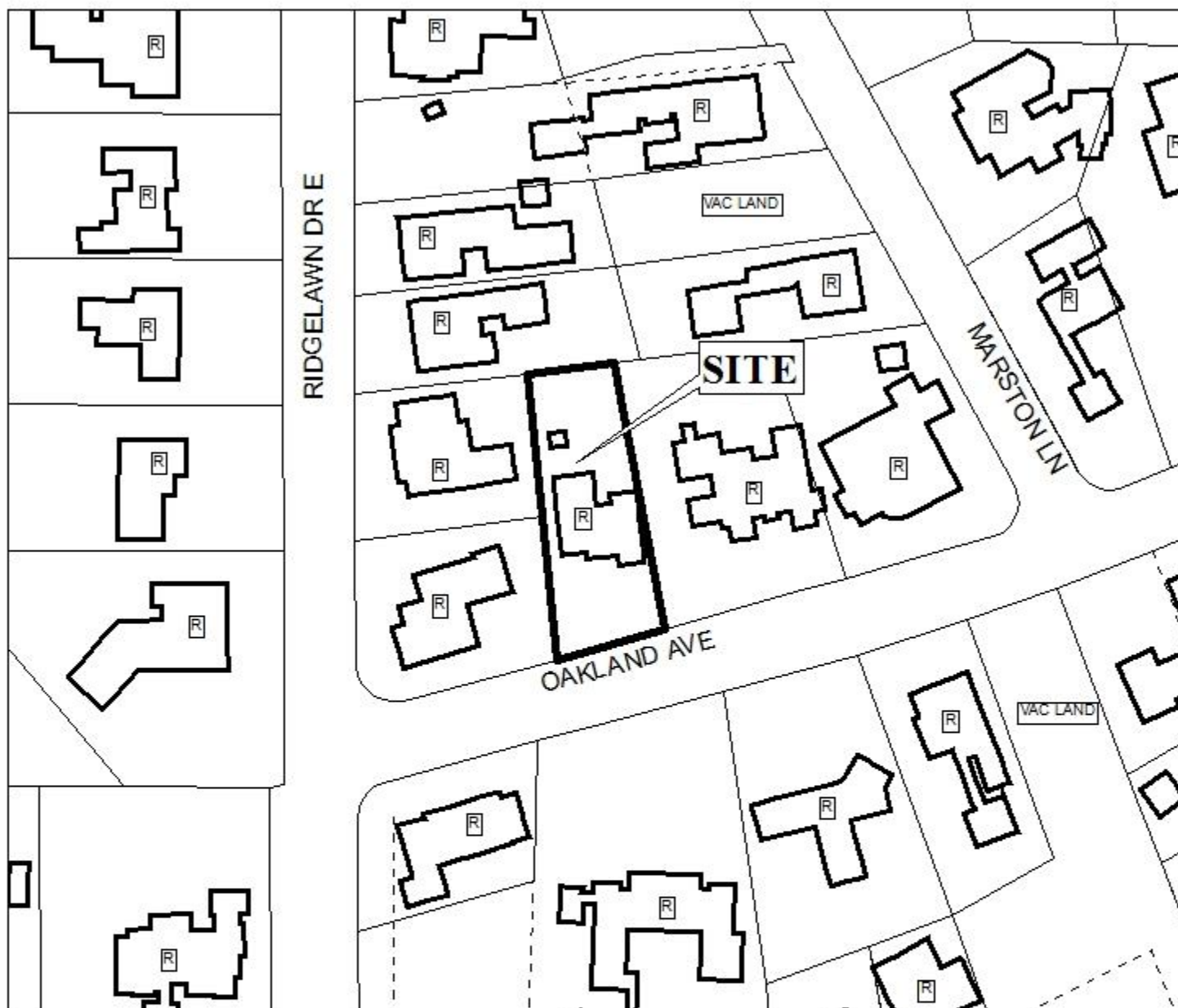


APPLICATION NUMBER 6014 DATE November 2, 2015
 APPLICANT Sarah S. Greene
 REQUEST Side Yard Setback Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential units.

APPLICATION NUMBER 6014 DATE November 2, 2015

APPLICANT Sarah S. Greene

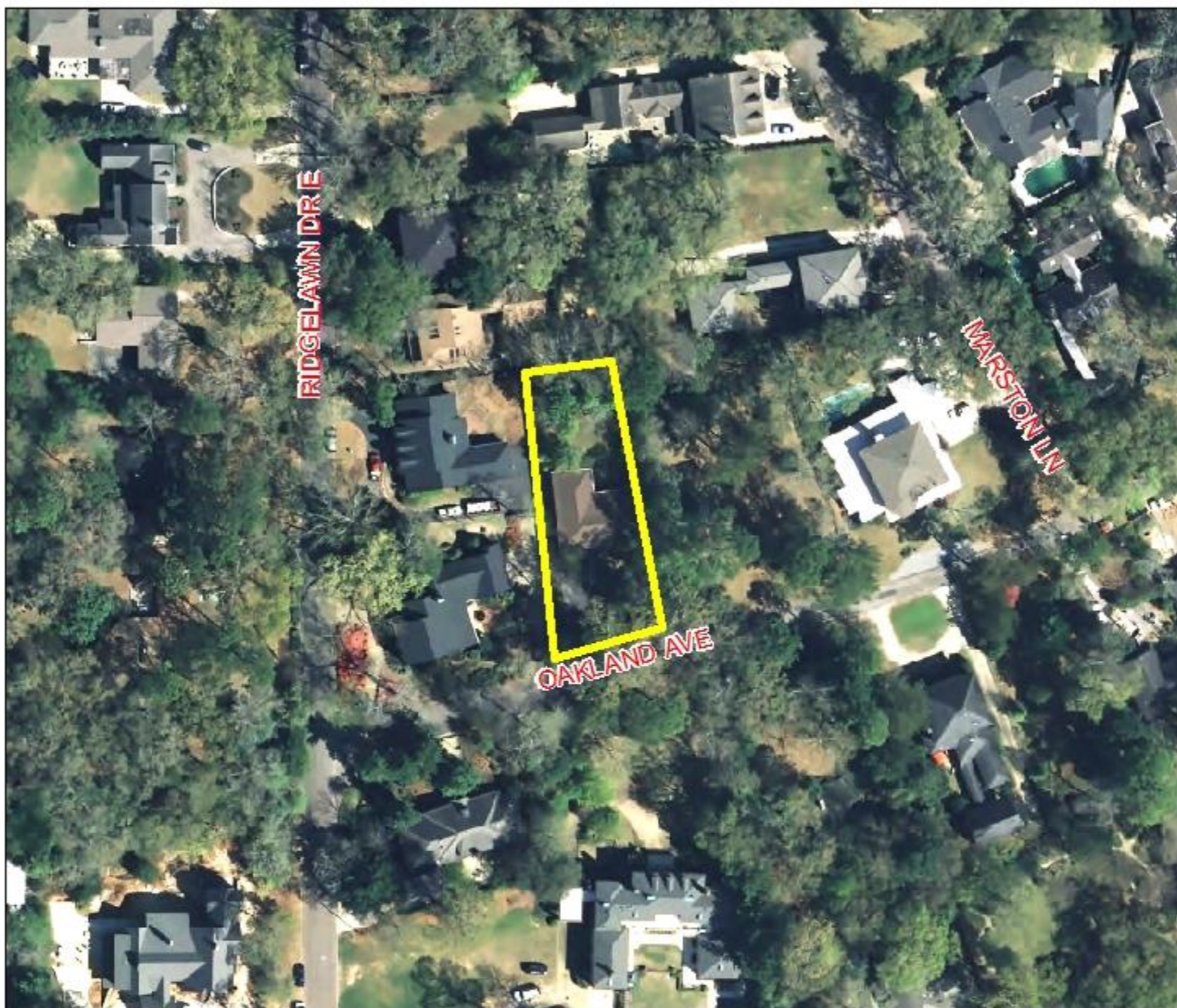
REQUEST Side Yard Setback Variance

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



The site is surrounded by single family residential units.

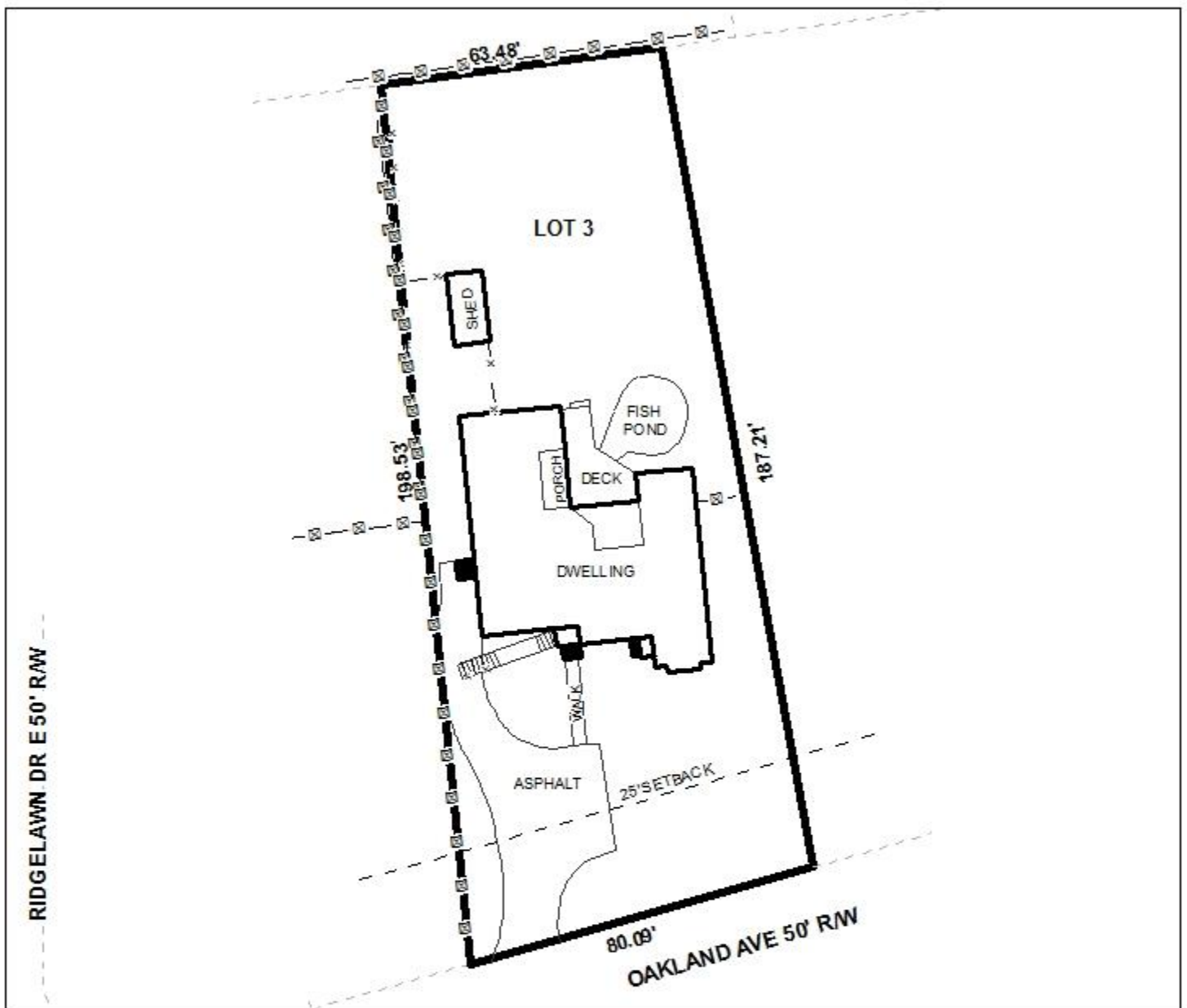
APPLICATION NUMBER 6014 DATE November 2, 2015

APPLICANT Sarah S. Greene

REQUEST Side Yard Setback Variance



SITE PLAN

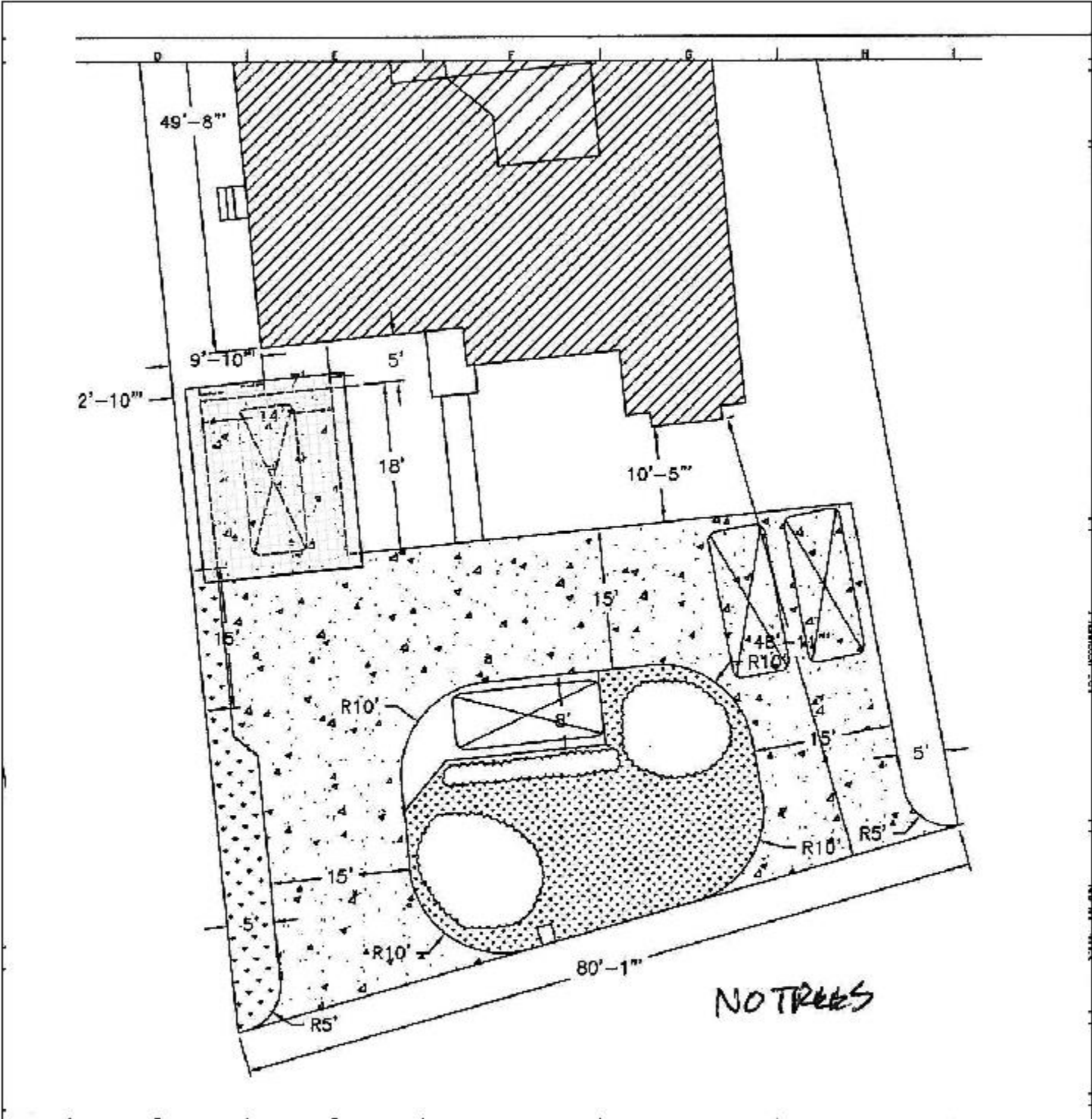


The site plan illustrates the existing building, setback, fences, and shed.

APPLICATION NUMBER 6014 DATE November 2, 2015
 APPLICANT Sarah S. Greene
 REQUEST Side Yard Setback Variance



DETAIL SITE PLAN



APPLICATION NUMBER 6014 DATE November 2, 2015

APPLICANT Sarah S. Greene

REQUEST _____ Side Yard Setback Variance

