

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 6, 2010****CASE NUMBER**

5645

**APPLICANT NAME**

Joseph Wayne Smith and Mimi Michelle Smith

**LOCATION**451 Harding Boulevard Extension (private road)  
(North terminus of Harding Boulevard Extension)**VARIANCE REQUEST****USE:** Use Variance request to allow two (2) dwelling units on a single building site and to allow a mobile home as a dwelling without Planning Commission Approval in an R-1, Single-Family Residential District.**ZONING ORDINANCE  
REQUIREMENT****USE:** The Zoning Ordinance only allows one dwelling unit per lot and requires mobile homes used as dwellings to receive approval from the Mobile City Planning Commission.**ZONING**

R-1, Single-Family Residential

**AREA OF PROPERTY**

1.0± Acre

**TRAFFIC ENGINEERING  
COMMENTS**

No comments.

**CITY COUNCIL**  
**DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting Use Variances to allow two (2) dwelling units on a single building site and to allow a mobile home as a dwelling without Planning Commission Approval in an R-1, Single Family Residential District; the Zoning Ordinance only allows one dwelling unit per lot and requires mobile homes used as dwellings to receive approval from the Mobile City Planning Commission.

The applicant proposes to use the mobile home as a residence while caring for disabled elderly relatives who currently live in the existing single-family dwelling on the property, and this is used as the hardship basis. The mobile home was apparently placed on the site recently without any permits as aerial photographs taken earlier in 2010 do not indicate it on the site, nor do aerial photographs taken in previous years. A land use survey conducted by staff confirmed the presence of the mobile home.

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.

It is the intent of the Zoning Ordinance to, among other things, conserve the value of buildings by encouraging the most appropriate use of the land by districting according to the suitability of the land for particular uses. All properties in the immediate vicinity are zoned R-1, Single-Family Residential. It should be noted that the mobile home may not comply with the current rules and regulations regarding anchoring and blocking of mobile homes. As such, should any mobile home variance be approved, certification from a licensed engineer indicating compliance with Chapter 535-X-13-.04., 535-X-13-.05, 535-X-13-.06, 535-X-13-.07., 535-X-13-.08, and 535-X-13-.09 of the Alabama Manufactured Housing Commission Administrative Procedures Code regarding site preparation, soil classification, minimum blocking standards, minimum anchoring standards, and anchor and tie-downs device standards for Wind Zone II (Hurricane Zone) for this site should be required. An analysis of GIS data shows that there are several mobile homes within the West Mobile Terrace Subdivision South of the subject site.

If the mobile home were proposed to be of a temporary nature during the care-giving for the elderly relatives, the Board could reasonably consider this request for approval. However, no such evidence was submitted with the application. And it should be noted that the Mobile City Planning Commission recently expressed its concerns relating to allowing further mobile homes

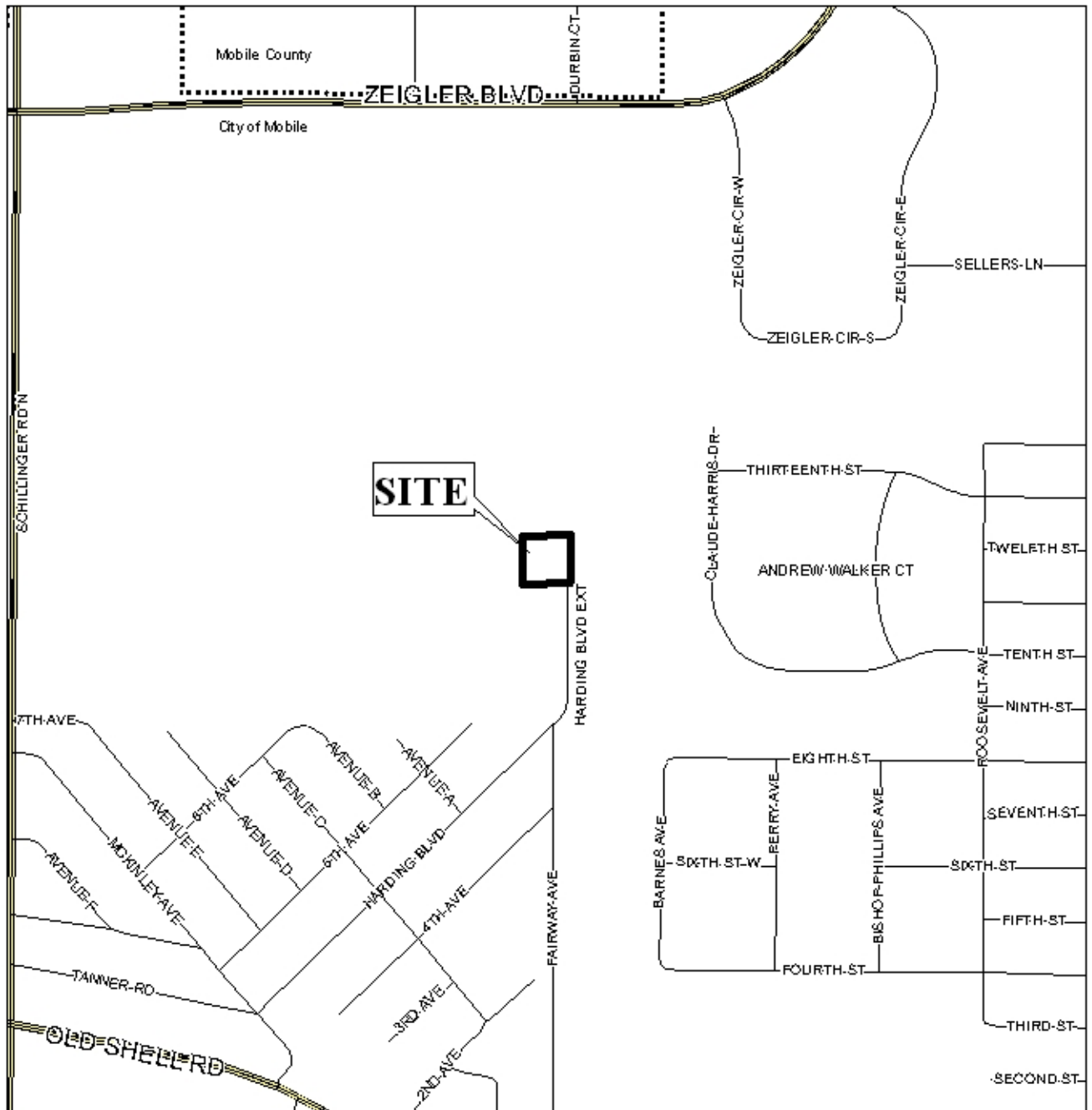
within the recently annexed areas. Also, the subject site is at the North terminus of Harding Boulevard Extension, an unpaved private road which crosses an adjacent property before reaching the subject site. Section 64-2. of the Zoning Ordinance requires that a building site abut upon a dedicated street for at least 25', and the subject site is approximately 595' North of the North terminus of Harding Boulevard which is the only public access to the private road. Therefore, the site does not meet the criteria for a building site as defined by the Zoning Ordinance.

Any hardships faced by the applicant would be self-imposed and not due to zoning classification. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship and the Board should consider this application for denial.

**RECOMMENDATION:**

Based on the preceding, this application is recommended for denial.

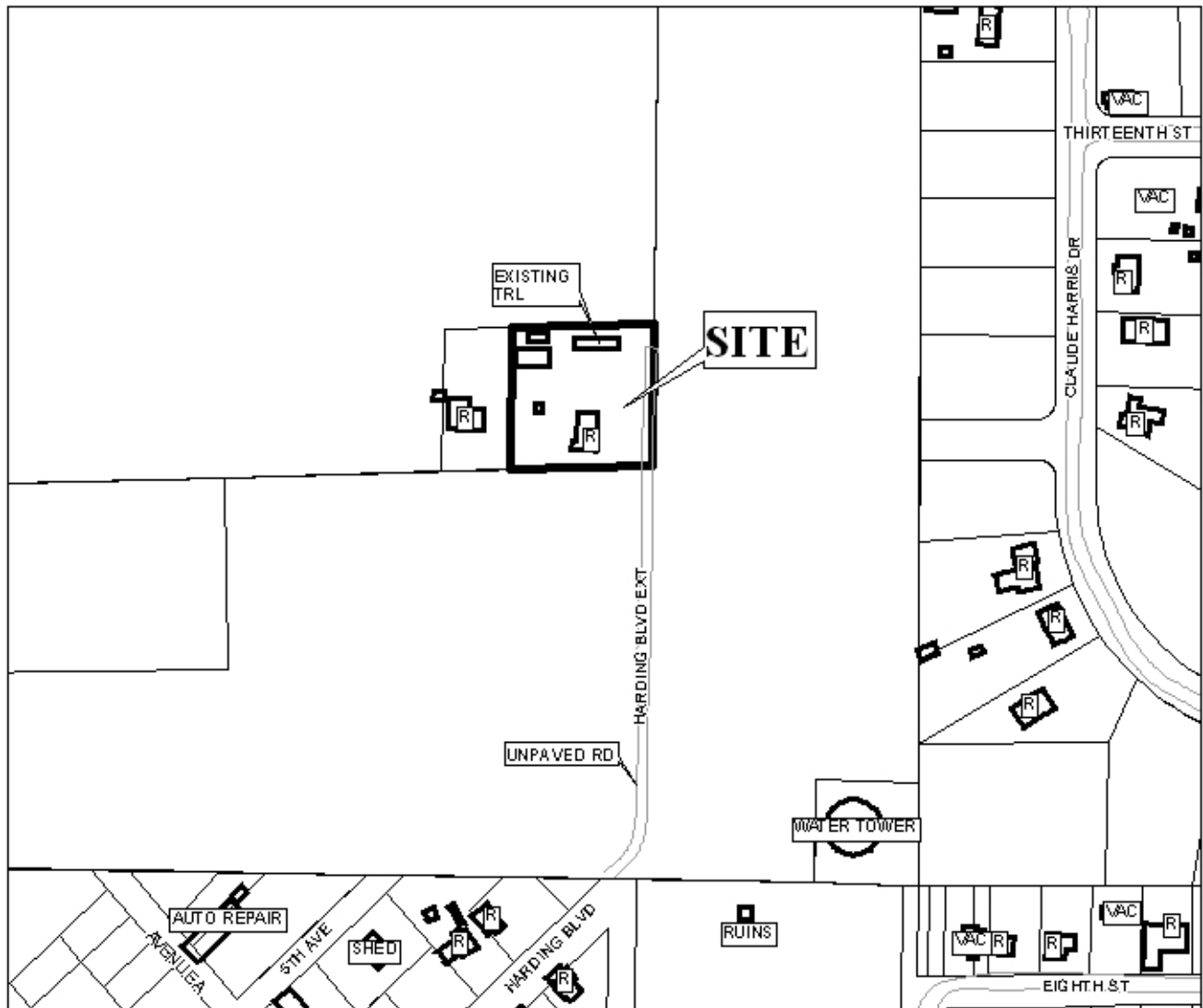
# LOCATOR MAP



APPLICATION NUMBER 5645 DATE December 6, 2010  
APPLICANT Joseph Wayne Smith and Mimi Michelle Smith  
REQUEST Use Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential land use and vacant land. An auto repair shop is located southwest of the site.

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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



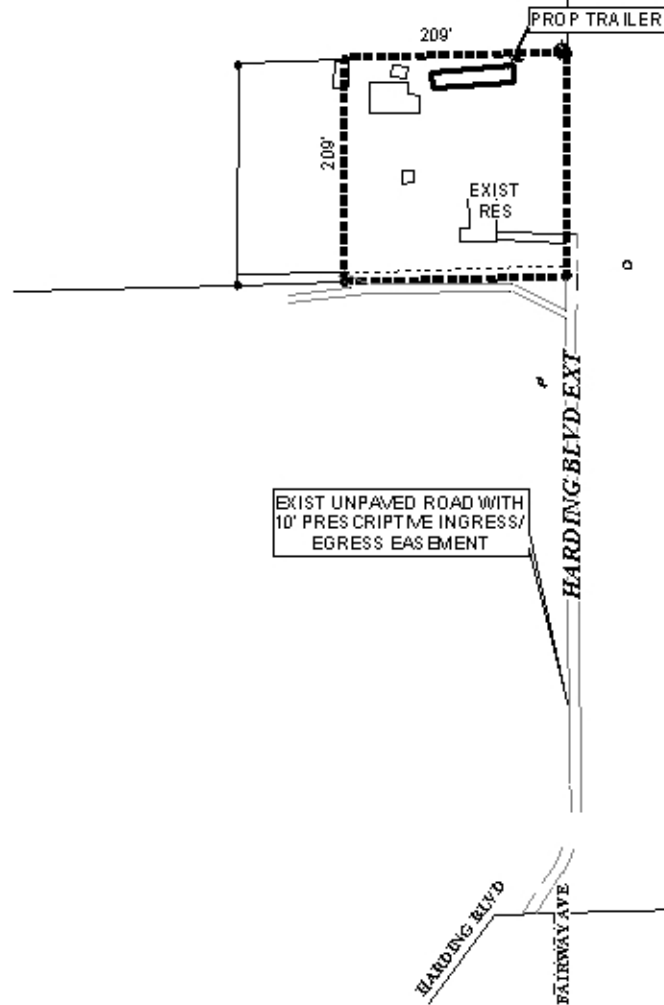
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# SITE PLAN



The site plan illustrates the existing residence and proposed trailer.

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