

HOLDOVER

APPLICATION NUMBER

5240

A REQUEST FOR

BUILDING SITE AREA VARIANCE TO ALLOW AN 8-UNIT APARTMENT COMPLEX ON A 12,773 SQ.FT. LOT; THE ZONING ORDINANCE REQUIRES A MINIMUM SIZE LOT OF 15,000 SQ.FT. FOR AN 8-UNIT APARTMENT COMPLEX IN AN R-B, RESIDENTIAL-BUSINESS DISTRICT

LOCATED AT

258 NORTH CLAIBORNE STREET

(East side of North Claiborne Street, 97'± South of Congress Street)

APPLICANT/OWNER

PITSIOS FAMILY LIMITED PARTNERSHIP

BOARD OF ZONING ADJUSTMENT

MAY 2004

The applicant is requesting a Building Site Area Variance to allow an 8-unit apartment complex on a 12,773 sq.ft. lot; the Zoning Ordinance requires a minimum size lot of 15,000 sq.ft for an 8-unit apartment complex in an R-B, District.

The applicant states that they are in the planning stages for an 8-unit, 2-story apartment building with appropriate parking in the rear of the site. The projected start date is June 2004, with a completion date of March 2005. The applicant states that the building will have a stucco exterior and a center courtyard. The applicant has successfully developed two other apartment buildings in the immediate area. The applicant states that adequate property in DeTonti Square Historic District is very limited and the proposed building is the proper scale historically, and has been approved by the Architectural Historic Board. The applicant goes on to say that the City of Mobile has encouraged multi-family development in the DeTonti Square Historic District.

The Zoning Ordinance allows mixed uses such as antique stores, art galleries, bakeries, barber or beauty salons, and all residential uses by right in an R-B district; however the site must comply with the building site area (density) requirements for residential uses. Minimum building site area (density) requirements are an effective way to limit a site to smaller units, and provide an amicable open space similar to a residential only setting.

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.

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to build more units than the Zoning Ordinance allows.

The Board heldover this application to allow the applicant time to submit either a Planned Unit Development application to allow shared access between multiple building sites or Planned Unit Development application to allow an increase in the square footage allowances of the minimum building site area. The applicant submitted a Planned Unit Development application to the Planning Commission to allow shared access between multiple building sites. The Commission will hear the application at the June 3 Commission meeting.

RECOMMENDATION 5240**Date: May 3, 2004**

Based on the preceding, it is recommended that this application be denied.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings,
with a duplex located to the East.

APPLICATION NUMBER 5240 DATE May 3, 2004

APPLICANT Pitsios Family Limited Partnership

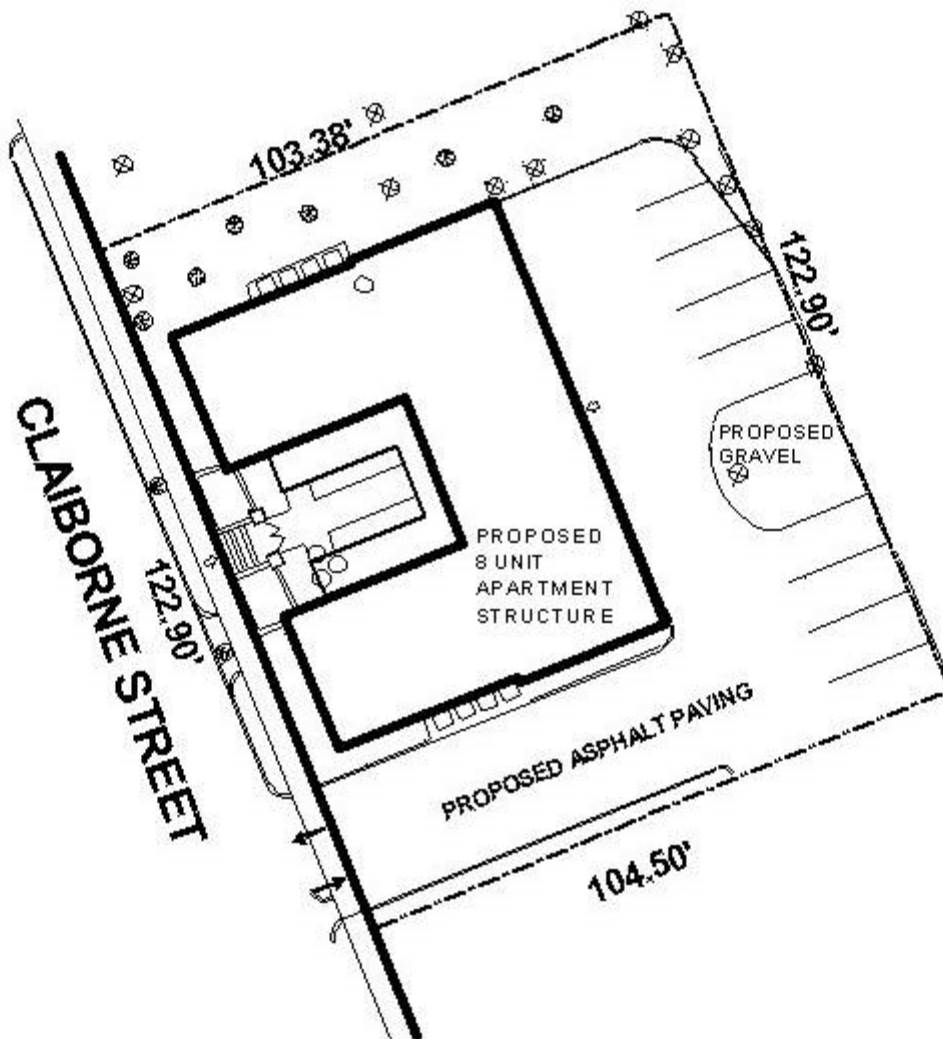
REQUEST Building Site Area Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site is located on the East side of North Claiborne Street, 97' South of Congress Street. The plan illustrates the proposed structure and parking.

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APPLICANT Pitsios Family Limited Partnership
USE/REQUEST Building Site Area Variance



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