

APPLICATION NUMBER

5158/3153

A REQUEST FOR

**USE VARIANCE TO ALLOW THE EXPANSION OF A
SINGLE-FAMILY DWELLING UNIT (THREE UNITS
TOTAL ON-SITE) IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT; ONLY ONE DWELLING UNIT
IS ALLOWED IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT.**

LOCATED AT

1570 DAUPHIN STREET

(North side of Dauphin Street, 333'± East of North Monterey Street)

APPLICANT

DALE HALLADAY

BOARD OF ZONING ADJUSTMENT

FEBRUARY 2003

The applicant is requesting a Use Variance to allow the expansion of a single-family dwelling unit (three units total) in an R-1, Single-Family Residential District; only one dwelling unit is allowed in an R-1, Single-Family Residential District.

The applicant states that the proposed two-story addition is to better insulate the house, create a New Orleans style patio and isolate the house from the cottages in the rear. In addition the applicant states that the additions will be in character with the original house and that the additions have been through the Architectural Review Board.

The site was before the Board in 1976 to allow two additional residences, for family members, to be constructed behind the original house. The Board denied the applicant's request but the applicant appealed the Board's decision to Circuit Court. Subsequently, the court overturned the Board's denial and allowed the two additional residences to be constructed.

The floor plans submitted by the applicant denote that the west wing will have a master bathroom and walk in closet downstairs; a bedroom, bathroom and living room upstairs. The east wing will have a game room downstairs and two bedrooms, bathroom, laundry room, and living room upstairs. In addition, the east wing will have stairs leading up to the second floor, independent of the house.

The major concern of the staff is that the floor plans give the appearance of additional independent dwelling units. This concern was validated when the floor plans indicated that there would be an **Apartment "A"** and an **Apartment "B"**, thus illustrating that the applicant has intentions to develop the additions as separate dwelling units.

The Urban Development staff contacted the Mobile Historic Development Commission (MHDC) to verify that the applicant had received the necessary approvals, and the MHDC staff stated that the applicant has not received any approvals, nor has the applicant presented an application to the Architectural Review Board. However, the MHDC staff did verify that the applicant has presented preliminary plans which were denied (by the staff) based upon several historical design factors; and that the floor plans illustrated the proposed additions as separate dwelling units with kitchens.

It should also be noted that the original variance was to allow the additional residences for family members, and that they are now being used as rental property.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to add on to the original structure, and based upon the plans submitted to both the Urban Development Department and Mobile Historic Development Commission, to use the additions as separate, individual, dwelling units.

RECOMMENDATION 5158/3153

Date: February 3, 2003

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

BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with an office to the Southwest.

APPLICATION NUMBER 5158/3153 DATE February 3, 2003
 APPLICANT Dale Halladay
 REQUEST Use Variance

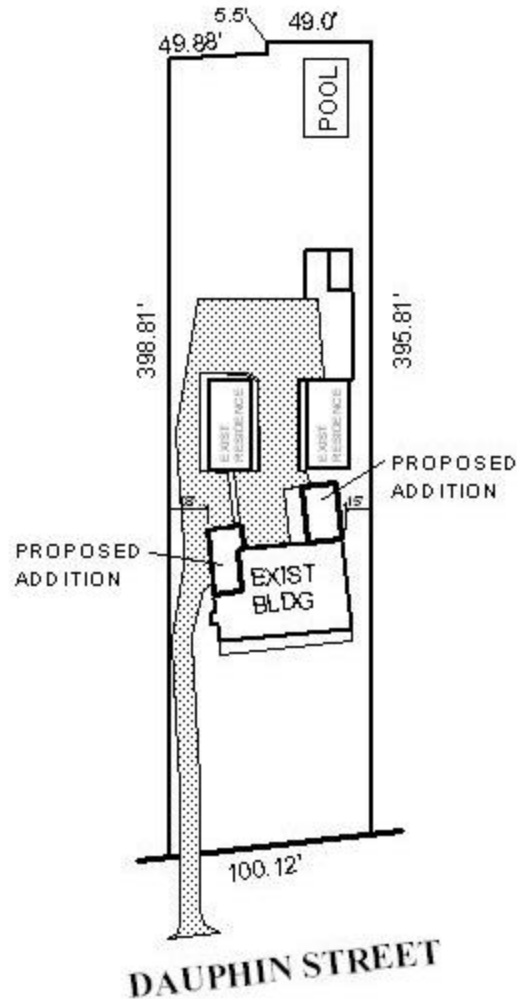
LEGEND

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



NTS

SITE PLAN



The site is located on the North side of Dauphin Street, 333' East of North Monterey Street. The plan illustrates the existing structures and drive, along with the proposed additions.

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APPLICANT Dale Halladay

USE/REQUEST Use Variance

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