

HOLDOVER

APPLICATION NUMBER

5204

A REQUEST FOR

USE, ACCESS/MANEUVERING, PARKING RATIO, AND PARKING SURFACE VARIANCES TO ALLOW A FOUR UNIT RESIDENTIAL DWELLING, A 10-FOOT WIDE DRIVEWAY, FIVE PARKING SPACES AND A GRASS PARKING SURFACE IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; ONLY ONE DWELLING UNIT IS ALLOWED IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT, A 24-FOOT DRIVEWAY IS REQUIRED FOR TWO-WAY TRAFFIC, AND SIX PARKING SPACES PAVED WITH ASPHALT, CONCRETE OR AN APPROVED ALTERNATIVE PAVING SURFACE ARE REQUIRED.

LOCATED AT

110 NORTH JULIA STREET

(East side of North Julia Street, 258' ± North of Old Shell Road)

APPLICANT

CHRIS BOWEN

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2003

The applicant is requesting Use, Access/Maneuvering, Parking Ratio and Parking Surface Variances to allow a four-unit, residential dwelling, a 10-foot wide driveway, five parking spaces and a grass parking surface in an R-1, Single-Family Residential District; only one dwelling unit is allowed in an R-1, Single-Family Residential District, a 24-foot driveway is required for two-way traffic, and six parking spaces, paved with asphalt, concrete or an approved alternative paving surface are required.

The reason for this application is the property has lost its non-conforming status it may have enjoyed.

The applicant states that he recently purchased the property, which consists of five apartments, five storage units, and four water meters that service the property. The applicant also states that the house was built around 1915 and the apartment space was added during World War II.

The applicant tried to obtain a building permit to renovate the residential units. At that time the applicant was informed that the Land Use office did not have non-conforming documentation for the apartments. The applicant then started filling out the non-conforming documentation and when asked how long he had owned the property he stated "not long". The applicant was informed that the previous owner must provide the required information. Subsequently, the staff received a call from a neighbor stating that work was being done to renovate the house into apartments. The staff then found incomplete documentation in the permitting department. The applicant was then put on notice that no work involving renovation of the apartments would be allowed until correct documentation was submitted and approved. The applicant did not provide the staff with non-conforming documentation for the apartments.

In conversation with the previous owner, she stated that the garage apartment was last rented in 2000; one apartment inside the main residence was last rented in 1998, and could not remember the last time the other apartments were rented. This clearly exceeds the two-year limit for a legal non-conforming use.

The Ordinance allows nonconforming uses to continue as long as they are not abandoned for a period of two years or more. It is the intent of the Ordinance, that over time, nonconforming uses will cease, and in this case only single-family residences will be in this neighborhood. While several of the houses in this area were converted to multi-family during and after World War II, as illustrated on the Vicinity Map, the neighborhood surrounding this site overwhelmingly consists of single-family residences.

An additional consideration is access; at only 15-feet, the site has substandard access and maneuvering area for vehicles for the two proposed grass parking spaces. Traffic

Engineering recommends that a two-way 24-foot driveway be required to handle the congestion that the site may cause.

It should be noted that this site is different from another application to be heard on this agenda (River Road). The site on the previous application is located on a separate lot, and would be renovated from a duplex into a single-family residence.

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 construct a fence along the front property line.

After discussion by members of the Board, it was decided that the application should be heldover to allow the applicant sufficient time to present additional non-conforming documentation for each unit on the subject property.

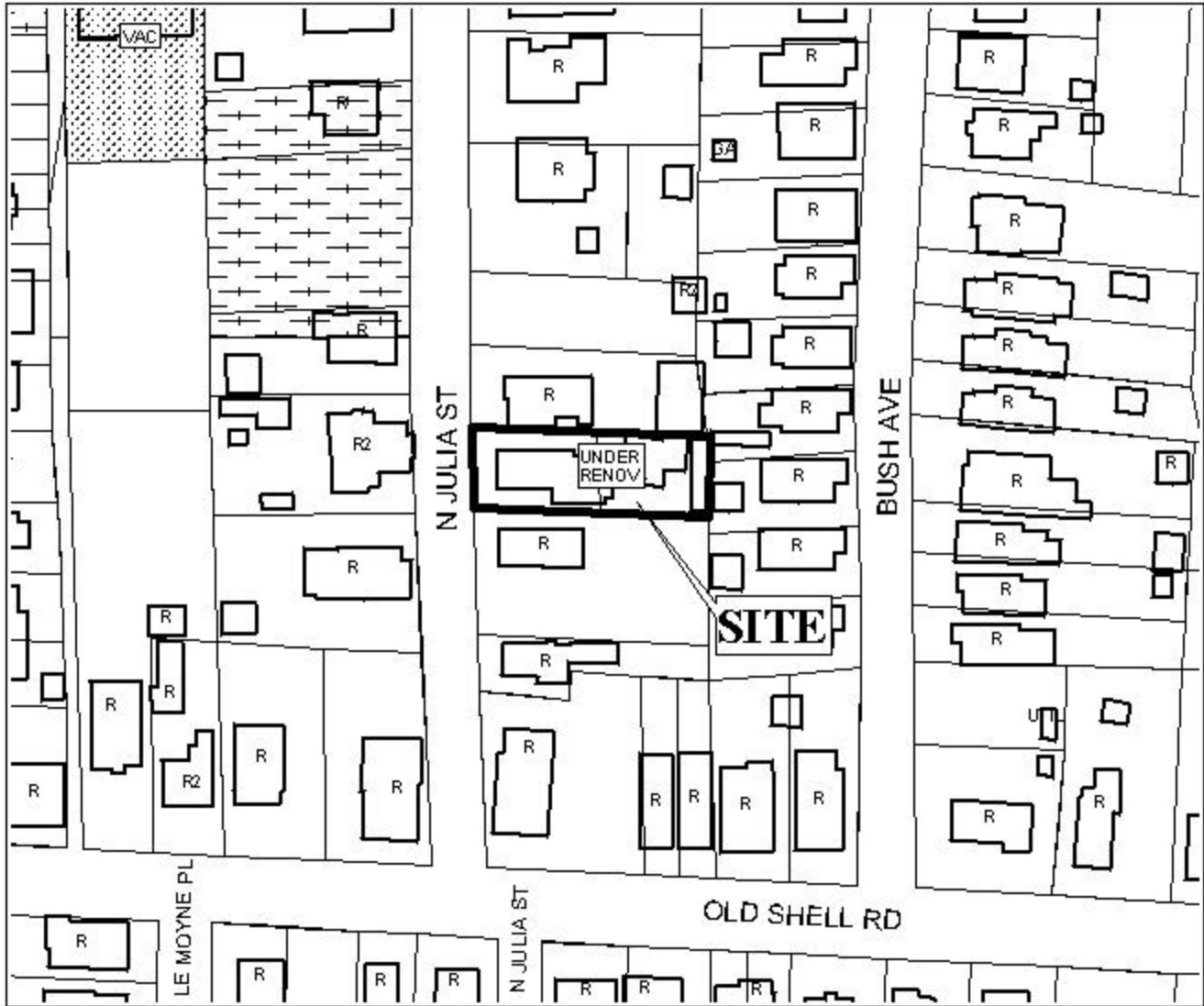
The applicant has submitted information from Mobile Gas, Mobile Area Water and Sewer System and Alabama Power. The letter from Mobile Gas states that natural gas service to the main dwelling and garage apartment were initially run in 1907, and also shows the property address to operated as a multi-family structure for several decades until the last few years. The letter from MAWSS (Mobile Area Water and Sewer System) states according to their records show that there are four different apartments/units located at this address. Alabama Power in its letter states that multiple service points existed at this address for Apartment A since 1974 Apartment B since 1984, and the garage apartment since 1999; however, the applicant failed to submit dates to illustrate that the units were actually rented as apartment units continuously with no vacancy longer than two years. Therefore, the applicant has failed to present information that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to use this property as a multi-residential unit.

RECOMMENDATION 5204

Date: November 3, 2003

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

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with a multiple family residential dwelling located to the West.

APPLICATION NUMBER 5204 DATE October 6, 2003

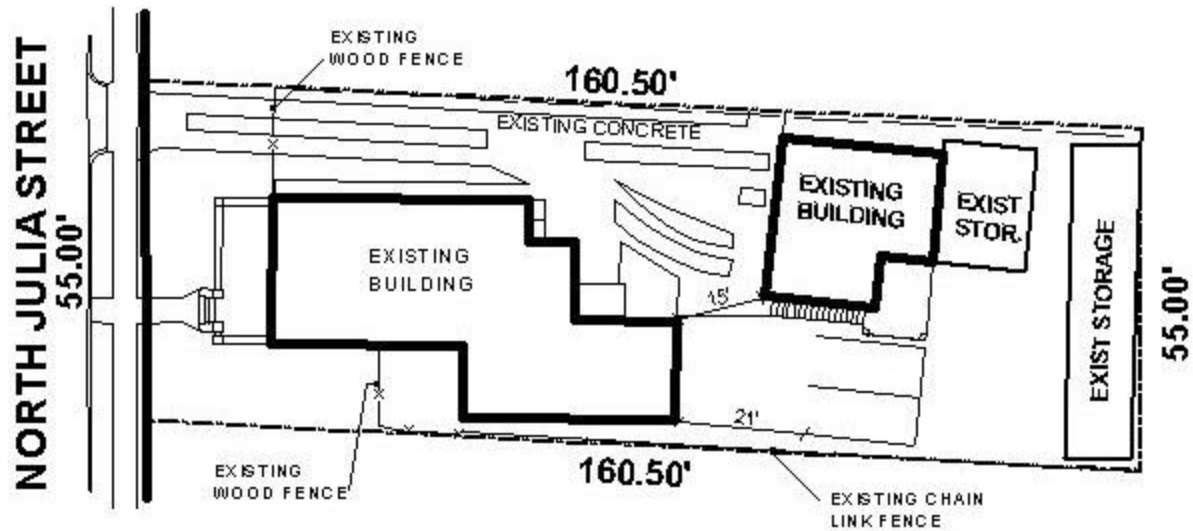
APPLICANT Chris Bowen

REQUEST Use, Access/Maneuvering, Parking Ratio, and Parking Surface Variances

LEGEND



SITE PLAN



The site is located on the East side of North Julia Street, 258' North of Old Shell Road. The plan illustrates the existing structures and parking, along with the proposed parking.

APPLICATION NUMBER 5204 DATE October 6, 2003

APPLICANT Chris Bowen

USE/REQUEST Use, Access/Maneuvering, Parking Ratio and Parking Surface Variances



