

CREST VIEW SUBDIVISION, FIRST ADDITION,
RESUBDIVISION OF LOT 16, BLOCK A

Engineering Comments: Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit.

Traffic Engineering Comments: Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

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).

Fire Department Comments: All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate.

The plat illustrates the proposed 2 lot, 0.7 acre \pm subdivision which is located at 4300 Coalesway Drive (Northwest corner of Coalesway Drive and Belvedere Street), and is in Council District 4. The applicant states that the subdivision is served by both public water and sanitary sewer.

The purpose of this application is to resubdivide a legal lot of record that was originally approved by the Planning Commission in 1955, into 2 legal lots of record.

On March 17, 2009, a Zoning Inspection was received from Mobile 311 to investigate a report of two dwelling units on a single building site in an R-1, Single-Family Residential District. The investigation revealed that an existing detached garage had been converted into a living space, and a fence had been put up in an attempt to give the appearance of a separate lot. Additionally, the property owners had assigned an unapproved address to the garage of 4300-B Coalesway Drive. After an official Notice of Violation was issued, followed later by a Municipal Offense Ticket, the applicant made contact with staff. Discussions to remedy the zoning issues included options of (a) removing the kitchen from the garage so it would not be a dwelling unit, (b) applying for a subdivision as long as the minimum lot size requirements could be met, or (c) applying to the Board of Zoning Adjustment for a use variance.

The applicant has chosen to apply for a subdivision; however, one of the proposed lots, specifically the one with the converted garage, does not meet the minimum public right-of-way frontage requirements as regulated by Section V.D.2 of the Subdivision Regulations. The lot is depicted with a 50-foot width at the 25-foot setback line along along Belvedere Street. The minimum required width for a lot is 60 feet at the minimum building line. The proposed lot area is indicated on the plat as 10,006 square feet which does meet the minimum lot area requirements.

The preliminary plat also depicts the locations of the existing structures on the proposed lots. While the structure located on the proposed Lot 16B will meet setback requirements for

structures, the structure located on the proposed Lot 16A (which is the converted garage) will not meet the setback requirements. A minimum side yard of 7.1 feet is required on a 50-foot wide lot; the plat is depicting a side yard of only 5.08 feet. The applicant has requested a side yard setback variance from the Board of Zoning Adjustment, which is scheduled to be heard at the July 6, 2009, Board of Zoning Adjustment meeting. It should be noted in this report that staff has an affidavit on file dated February 16, 2005 (when the separate electrical service for the garage was requested) from the property owner stating that the garage would not be used for residential or commercial purposes.

Lastly, the proposed Lot 16A is uncharacteristic in size and lot frontage for the area. The lot would be, by far, the smallest lot in area, and would have the smallest amount of public right-of-way frontage in the neighborhood. As such, it would seem that the proposed lot is not compatible or appropriate to the location of the subdivision and the type of development and use contemplated. Such compatibility and appropriateness are required by Section V.D.1 of the Subdivision Regulations.

Based upon the preceding, the application is recommended for denial for the following reasons:

- 1) Does not comply with Section V.D.2 of the Subdivision Regulations regarding minimum width;
- 2) Does not comply with Section V.D.1 of the Subdivision Regulations regarding compatibility and appropriateness;
- 3) The proposed subdivision would create a zoning violation.

Revised for the July 16, 2009 meeting

The applicant has submitted a revised preliminary plat. The revised plat now indicates an 11,443 square-foot lot and a 21,671 square-foot lot. The plat also depicts both lots as being of adequate width to meet the standards of Section V.D.2 of the Subdivision Regulations. The new lot configuration also resolves the zoning violations that the old configuration created, namely a reduced side yard setback. Also depicted is a proposed 30-foot minimum building setback line.

The site fronts Coalesway Drive to the South and Belvedere Street to the East. Both streets are minor streets and both are provided with curb and gutter. Accordingly, no further dedications should be required.

It should be noted that there appears to be a discrepancy in the indicated lot size for the proposed Lot 16B. The original submittal indicated the lot with a size of 21,671 square feet. The new submittal indicates the lot being the same size as was indicated in the previous submittal, however, the size and dimensions of the lot have clearly changed. Thus, this should be corrected.

The plat nominally meets the minimum standards of the Subdivision Regulations for size and frontage. However, as noted previously, this subdivision application is the direct result of a zoning violation and will function to legalize an illegal conversion of a garage into a dwelling unit.

Further, the proposed lot that the converted garage will be on, proposed Lot 16A, will be vastly smaller and will have less street frontage than the other lots in this subdivision. Therefore, it would seem that the lot does not meet the standards of Section V.D.1 of the Subdivision Regulations which states, in part, "The size, width, depth, shape, and orientation of lots and the minimum building setback lines shall be compatible and appropriate to the location of the subdivision and the type of development and use contemplated." With that being stated, it would seem that this subdivision would be inappropriate.

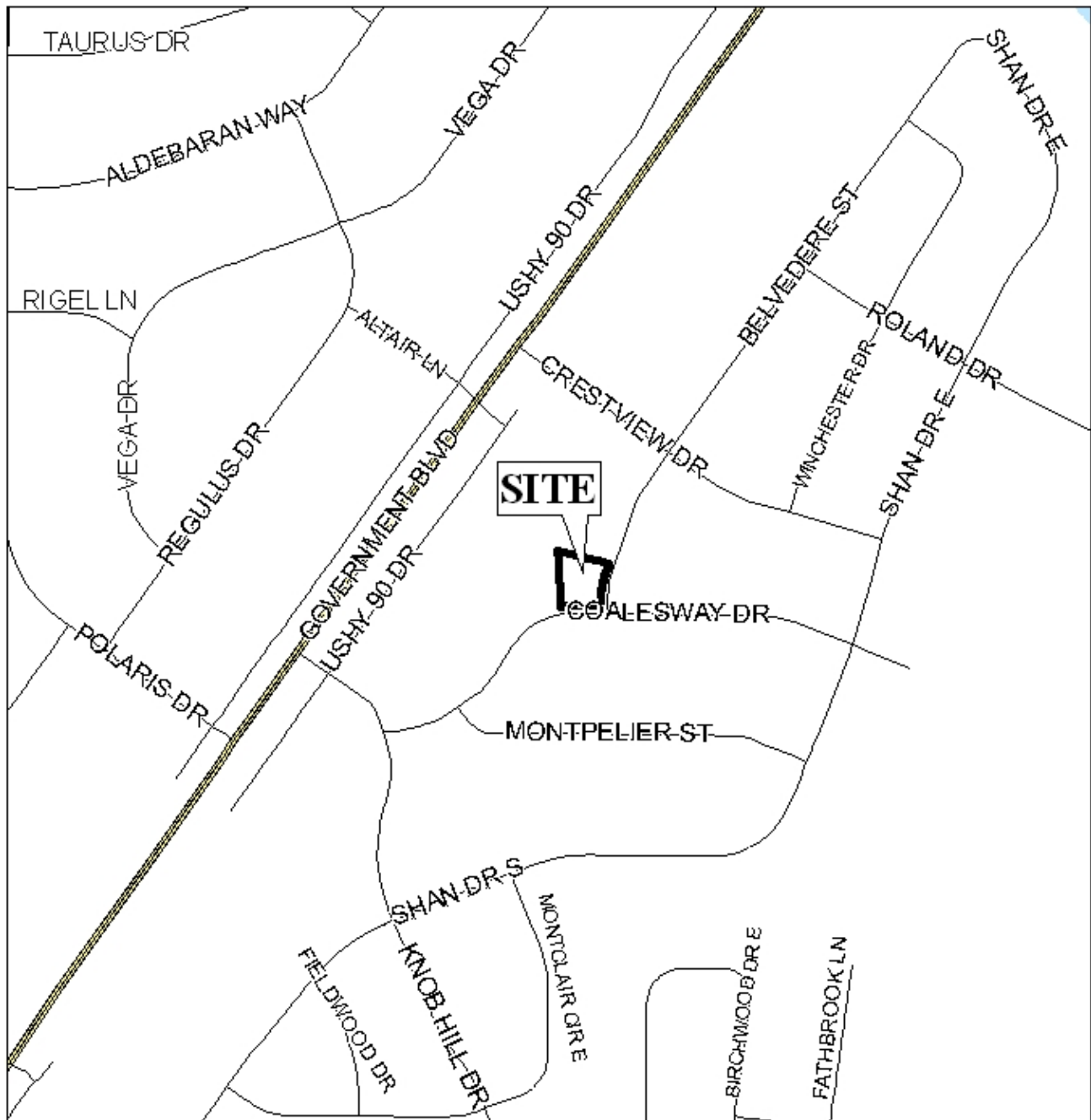
Based upon the preceding, the application is recommended for denial for the following reason:

- 1) Does not comply with Section V.D.1 of the Subdivision Regulations regarding compatibility and appropriateness.*

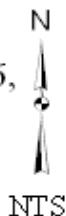
Revised for the September 17, 2009 meeting

No new information has been provided, thus the previous recommendation stands.

LOCATOR MAP



APPLICATION NUMBER 1 DATE September 17, 2009
APPLICANT Crest View Subdivision, First Addition, Resubdivision of Lot 16, Block A
REQUEST Subdivision


















CREST VIEW SUBDIVISION, FIRST ADDITION, RESUBDIVISION OF LOT 16, BLOCK A



APPLICATION NUMBER 1 DATE September 17, 2009

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

N
NTS

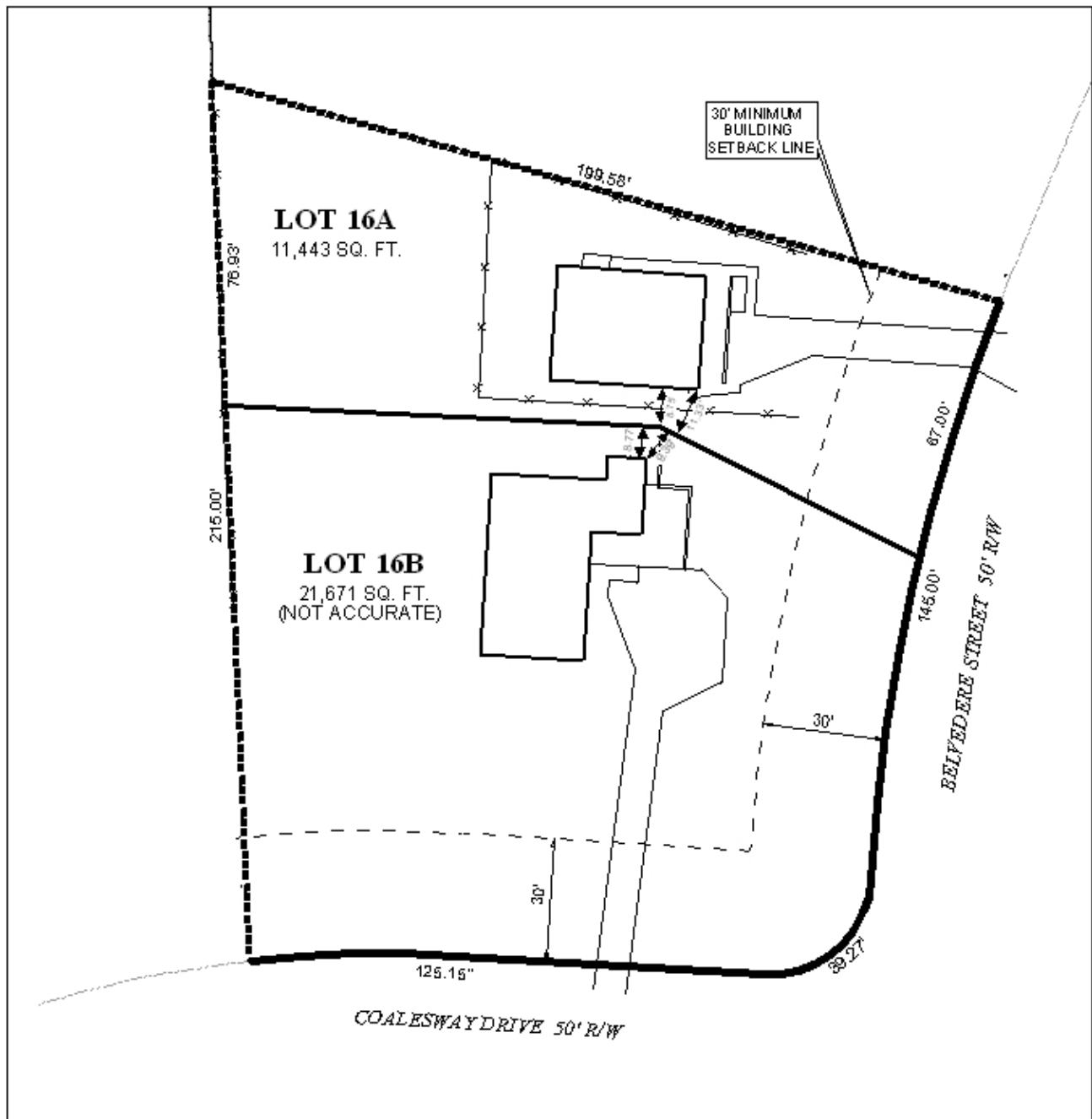
CREST VIEW SUBDIVISION, FIRST ADDITION, RESUBDIVISION OF
LOT 16, BLOCK A



APPLICATION NUMBER 1 DATE September 17, 2009



DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE September 17, 2009

Crest View Subdivision, First Addition, Resubdivision of
 APPLICANT Lot 16, Block A

REQUEST Subdivision

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 NTS