

BIT AND SPUR WOODS SUBDIVISION, **RESUBDIVISION OF LOT 3**

Engineering Comments: The following comments should be addressed prior to acceptance and signature by the City Engineer: 1. Add a signature block for the Traffic Engineer. 2. The existing structure(s) on Lot A will receive historic credit towards the requirement for detention. Revise Note 3 to say that detention will be required if there is an addition of more than 4,000 square feet of impervious area on the existing 1.55 ac lot; either on Lot A, on Lot B, or a combination thereof. 3. Provide all other information required for a Final Plat review.

Traffic Engineering Comments: Each lot should be limited to one curb cut to Bit and Spur Road, with the 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 within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

MAWSS Comments: MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee sewer service until a Capacity application is approved by Volkert Engineering, Inc.

The plat illustrates the proposed 2 lot, 1.6± acres subdivision which is located on the South side of Bit and Spur Road, 150'± West of the South terminus of Hawthorne Place, in Council District 5. The applicant states that the subdivision is served by both public water and sanitary sewer services.

The purpose of this application is to resubdivide an existing lot of record into two lots of record.

Except for a minor difference in the “pole” configuration, a similar subdivision was approved at the January 7, 2010, Commission meeting, but was challenged to the Commission by a neighbor due to a notification problem, and the Commission approval was reversed to denial at the Commission’s March 18, 2010, meeting. The denial was challenged by the applicant through the court system and the Alabama Supreme Court ultimately upheld the Commission’s denial on April 6, 2012. The same applicant now wishes to again pursue approval of the subdivision.

It should be noted that following the January 7, 2010, approval of the original application, the adjacent property to the East was also considered for a flag lot subdivision, but was denied by the Commission for the following reasons:

- 1) the applicant did not show that the flag lot was necessary for reasonable use of the site;

- 2) the applicant did not show that the flag lot was necessary to alleviate a situation that would cause extreme hardship; and
- 3) the proposed subdivision would increase traffic congestion within the neighborhood.

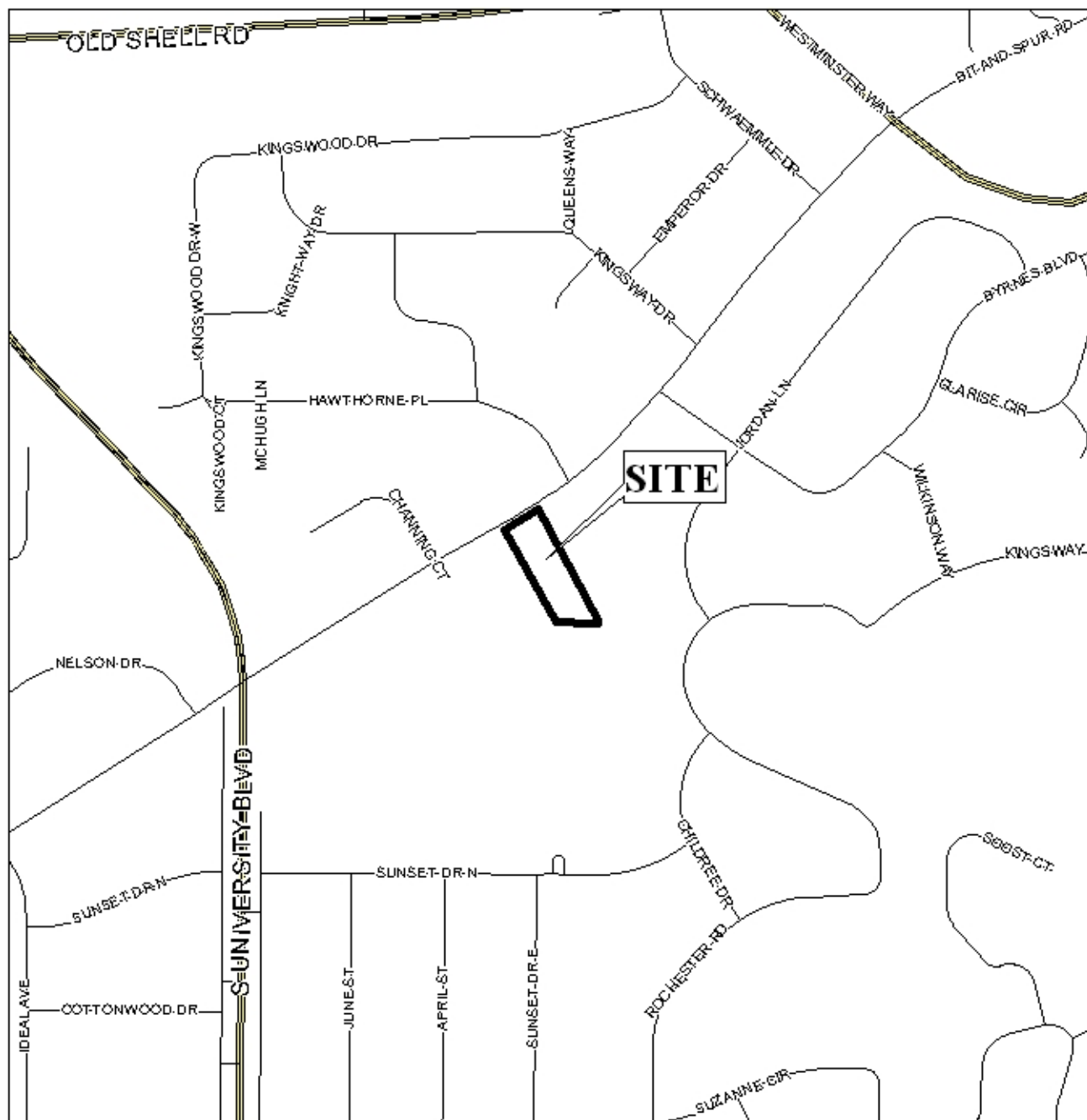
Section VIII.B. of the Subdivision Regulations allows the Commission to modify the application of the Regulations in cases where the strict application of any of the regulations would result in peculiar and practical difficulties or exceptional and undue hardship. The difficulty or hardship must be inherent in the exceptional topographic or other extraordinary or exceptional characteristics of the property and shall not be the result of the actions of the Subdivider. As the applicant has not demonstrated the necessity to alleviate a situation that would cause extreme hardship, nor has it been shown that a flag lot is necessary for reasonable use of the property, the same reasoning for the denial of this application would stand.

It should also be noted that this proposed subdivision, along with the original request in 2010, creates a side yard setback issue with the existing residence on site, necessitating once again a variance request to the Board of Zoning Adjustment.

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

- 1) the applicant did not show that the flag lot was necessary for reasonable use of the site;
- 2) the applicant did not show that the flag lot was necessary to alleviate a situation that would cause extreme hardship; and
- 3) the proposed subdivision would increase traffic congestion within the neighborhood.

LOCATOR MAP



APPLICATION NUMBER 8 DATE July 5, 2012

APPLICANT Bit and Spur Woods Subdivision, Resubdivision of Lot 3

REQUEST Subdivision


















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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



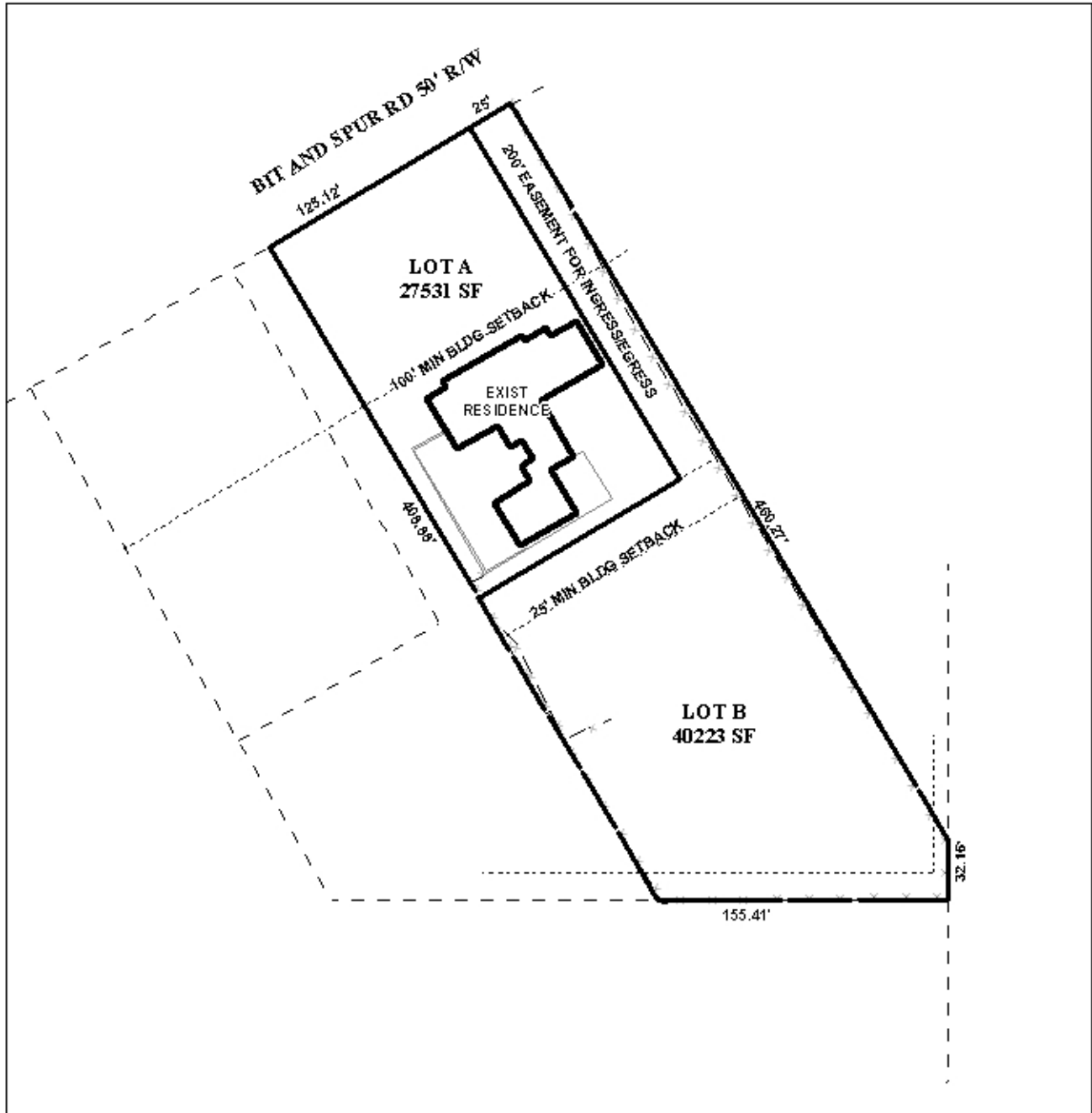
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APPLICATION NUMBER 8 DATE July 5, 2012



DETAIL SITE PLAN



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