

SHELIA BLOXTON FAMILY DIVISION SUBDIVISION

Engineering Comments: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and signature by the City Engineer:

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- C. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- D. Add a note to the Plat stating that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit.
- E. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- F. Remove the Mobile County Engineering Dept. note from the plat. The County Engineer no longer signs plats within the municipal limits of the City of Mobile.
- G. Provide a copy of the FINAL PLAT to the Engineering Dept. for review prior to obtaining any signatures.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature.

Traffic Engineering Comments: Each lot is limited to one curb cut, with 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 Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code)

MAWSS Comments: No comments.

The plat illustrates the proposed 2-lot, 0.4± acre subdivision, which is located on the East side of Cherokee Street, 150'± South of Canal Street, in Council District 2. The applicant states the site is served by city water and sewer services.

The purpose of this application is to re-subdivide one existing legal lot of record and one existing metes-and-bounds parcel into two legal lots of record via the shift of the common internal property line.

The site fronts onto Cherokee Street, a minor street with a compliant 60' right-of-way; therefore, no dedication would be required. As a means of access management, each lot should be limited to one curb cut to Cherokee Street, with the size, design and location to be approved by Traffic Engineering and conform to AASHTO standards.

Each lot meets the minimum area requirements of the Subdivision Regulations. Proposed Lot 1 consists of Lot 13, Block 9, Rickarby Place Subdivision and a portion of Lot 12 of that Subdivision. As this Subdivision was recorded long before the adoption of the current Subdivision Regulations and Zoning Ordinance, the allowance of the 50' lot width at the building setback line to remain would be in order. Proposed Lot 2 contains a portion of Lot 9 of that recorded Subdivision and would meet the minimum lot width of the current Regulations. As it appears that Lot 9 was parceled before the adoption of the Subdivision Regulations and the existing dwelling straddles the common interior property line, the inclusion of the remainder of Lot 9 in this Subdivision would be impracticable. The 25' minimum building setback line is illustrated on the plat.

As proposed, the relocation of the common interior property line would create a Zoning Ordinance violation in that it would run along the back edge of the existing garage on proposed Lot 2 on the North-South run and not meet the required 8' rear setback. And the East-West run would be only 3.02' off the edge of the existing sunroom on proposed Lot 1 and would not meet the required 8' minimum side yard setback. No justification was submitted that would support a deviation from side and rear setbacks required by the Zoning Ordinance, and no Planned Unit Development or Variance was submitted for such.

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

- 1) the proposed North-South run in the common interior property line would create a violation of the 8' rear setback requirement of the Zoning Ordinance;
- 2) the proposed East-West run in the common interior property line would create a violation of the 8' side yard setback requirement of the Zoning Ordinance; and
- 3) no justification was submitted supporting the deviation from side and rear setbacks required by the Zoning Ordinance, and no Planned Unit Development or Variance was submitted to allow reduced setbacks.

Revised for the January 7, 2016 meeting:

This application was heldover from the December 3, 2015 meeting at the applicant's request. The applicant submitted evidence that the proposed Subdivision would be a family Subdivision with the applicant retaining Lot 1 and a daughter having Lot 2. The reasoning for the jog in the common property line behind the existing garage is given as the use of the gazebo as a "getaway" and because two family dogs are buried in that area.

It should be noted that no building permit was obtained for the construction of the gazebo and it was built on the lot separate from the lot on which the applicant lives. Also the pet graves are on the same lot as the gazebo.

Section V.D.1. of the Subdivision Regulations allows for unusual lot configurations where family divisions are involved. However, since the site is located within the City limits, factors such as required property line setbacks must be taken into consideration. Even taking into consideration the fact that the site is within an area of older lots recorded prior to the adoption of the current Zoning Ordinance setbacks, the proposed setbacks still do not meet the minimum setbacks allowed by the Ordinance for smaller lots. The proposed property line relocation is simply to incorporate a structure and pet graves located on an adjacent lot from that of the primary residence and does not genuinely represent an innovative Subdivision. Besides, an innovative Subdivision with reduced setbacks requires a Planned Unit Development, which was not submitted in this instance.

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

- 1) the proposed North-South run in the common interior property line would create a violation of the 8' rear setback requirement of the Zoning Ordinance;*
- 2) the proposed East-West run in the common interior property line would create a violation of the 8' side yard setback requirement of the Zoning Ordinance;*
- 3) no justification was submitted supporting the deviation from side and rear setbacks required by the Zoning Ordinance, and no Planned Unit Development or Variance was submitted to allow reduced setbacks; and*
- 4) no justification was given to consider the proposed Subdivision as innovative.*

Revised for the February 18th meeting:

This application was heldover from the January 7th meeting to allow the applicant to submit a revised plat relocating the proposed property line to provide a setback from the existing garage.

The applicant submitted a revised plat relocating the proposed North-South property line approximately four feet behind the existing garage and providing an easement for ingress, egress and maintenance between the garage rear and the relocated property line. The proposed relocated East-West property line remains the same. However, this still does not provide the required 8' rear setback between the garage and property line and the proposed easement does not satisfy any setback requirements. The applicant asserts the desire to have the buried dogs and gazebo on proposed Lot.

Although one may sympathize with the applicant's desire to have the burial area and gazebo on the same lot as the primary residence, the fact remains that the gazebo was constructed, first of all on an adjacent lot from the primary residence, and secondly, it was constructed without a required building permit. And the pet burials were done on that adjacent lot, also, and not the lot on which the primary residence is located. A prudent property owner should be aware of the

required permitting process and should also be aware of the consequences of building or other activities on an adjacent lot, even if under the same ownership.

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

- 1) the proposed North-South run in the common interior property line would create a violation of the 8' rear setback requirement of the Zoning Ordinance;*
- 2) the proposed East-West run in the common interior property line would create a violation of the 8' side yard setback requirement of the Zoning Ordinance regarding the gazebo;*
- 3) no justification was submitted supporting the deviation from side and rear setbacks required by the Zoning Ordinance, and no Planned Unit Development or Variance was submitted to allow reduced setbacks; and*
- 4) no justification was given to consider the proposed Subdivision as innovative.*

LOCATOR MAP



APPLICATION NUMBER 1 DATE February 18, 2016

APPLICANT Shelia Bloxton Family Division Subdivision

























REQUEST Subdivision



SHELIA BLOXTON FAMILY DIVISION SUBDIVISION



APPLICATION NUMBER 1 DATE February 18, 2016

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|---|-----|---|-----|---|------|---|-----|---|-----|---|------|---|-------|---|------|
|  | R-A |  | R-3 |  | T-B |  | B-2 |  | B-5 |  | MUN |  | SD-WH |  | T5.1 |
|  | R-1 |  | R-B |  | B-1 |  | B-3 |  | I-1 |  | OPEN |  | T3 |  | T5.2 |
|  | R-2 |  | H-B |  | LB-2 |  | B-4 |  | I-2 |  | SD |  | T4 |  | T6 |



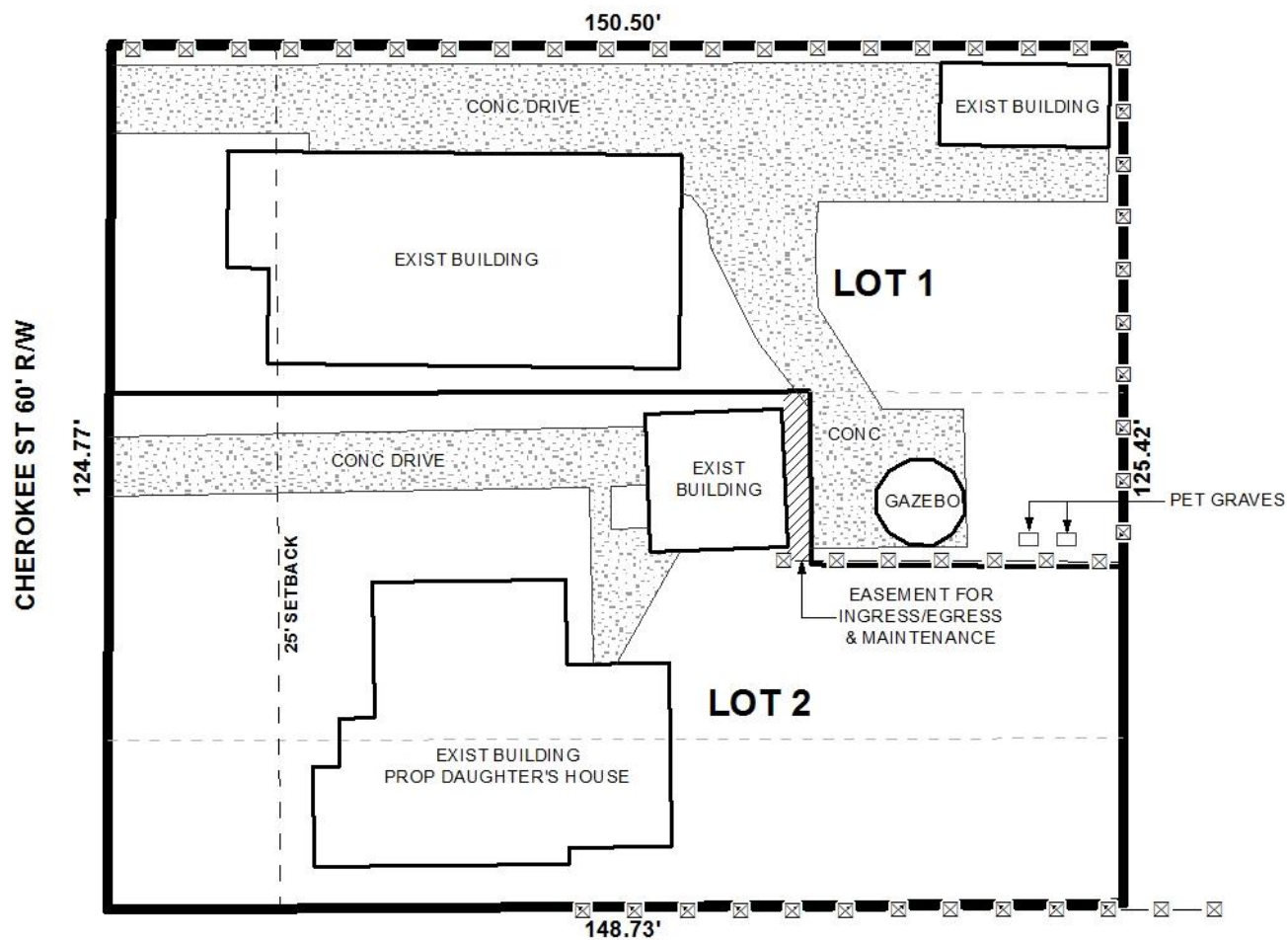
SHELIA BLOXTON FAMILY DIVISION SUBDIVISION



APPLICATION NUMBER 1 DATE February 18, 2016



DETAIL SITE PLAN



APPLICATION NUMBER 1 DATE February 18, 2016
APPLICANT Shelia Bloxton Family Division Subdivision
REQUEST Subdivision

