



Agenda Item # 4

BOA-003131-2024

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

DETAILS

Location:

207 Rapier Avenue

Applicant / Agent (as applicable):

Christopher Davies

Property Owner:

Christopher Davies

Current Zoning:

R-1, Single-Family Residential Urban District

Future Land Use:

Mixed Density Residential

Case Number(s):

6632/4369

Unified Development Code Requirement:

- The Unified Development Code (UDC) requires structures to be a minimum of 5-feet from the rear yard property line in an R-1, Single Family Residential Urban District.

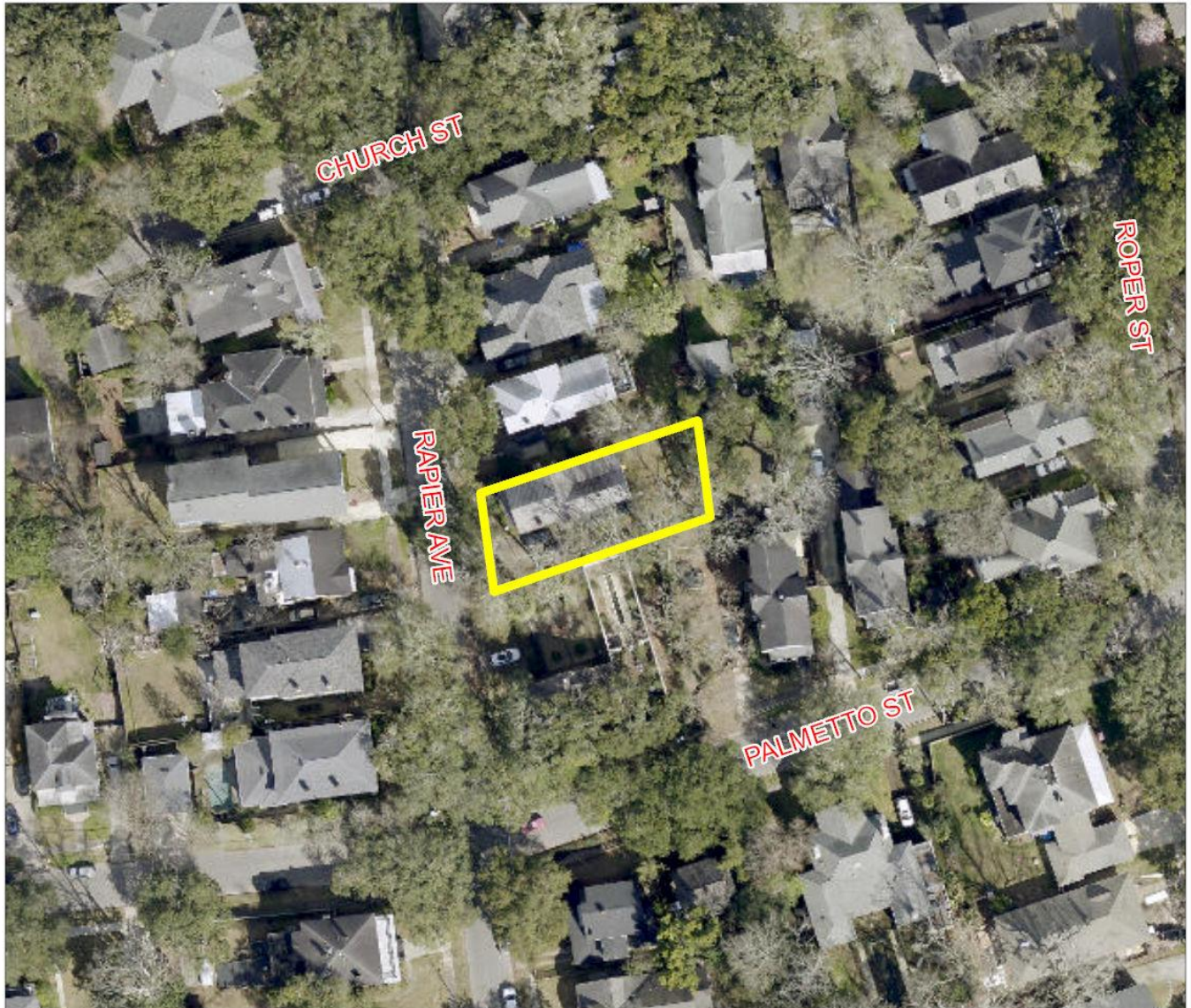
Board Consideration:

- Rear Yard Setback Variance to allow the placement of an accessory structure within the required rear yard setback in an R-1, Single-Family Residential Urban District.


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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

APPLICATION NUMBER <u>6632</u> DATE <u>December 2, 2024</u>	 NTS
APPLICANT <u>Christopher Davies</u>	
REQUEST <u>Rear Yard Setback Variance</u>	

SITE HISTORY

In July 1992 the City Council approved rezoning the subject site from R-3, Multi-Family Residential to R-1, Single-Family Residential as part of the Oakleigh Garden District zoning study.

At its meeting in January 1993 the Board of Zoning Adjustment approved a Side Yard Variance to allow the construction of a two-story addition to within five (5) feet of the Northern property line.

There have been no other applications before the Planning Commission or Board of Zoning Adjustment for the site.

STAFF COMMENTS

Engineering Comments:

No comments to the proposed variance; however, according to the submitted plans, the proposed project will require a Land Disturbance Permit to be submitted through Central Permitting.

Traffic Engineering Comments:

No comments.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

Fire Department Comments:

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

Planning Comments:

The applicant is requesting a Rear Yard Setback Variance to allow the placement of an accessory structure within the required rear yard setback in an R-1, Single-Family Residential Urban District; the Unified Development Code (UDC) requires structures to be a minimum of 5-feet from the rear yard property line in an R-1, Single Family Residential Urban District.

A detailed description of the proposed Setback Variance request is available via the link on Page 1 of this report.

In summary, the applicant proposes to construct an eight (8)-foot by ten (10)-foot shed two (2) feet off of the rear property line which directly abuts residential property developed with a single-family residence. The site plan submitted illustrates the proposed shed and vegetation proposed to be relocated and/or retained.

The site, located in the Oakleigh Garden Historic District, is eligible for consideration for the Historic District Overlay of Article 14 of the Unified Development Code. If here had been another structure within 150' with the same two (2)-foot setback, a Variance would not have been required.

It should be noted that numerous similar side and rear yard setback variances have been approved for various lot improvements within the surrounding area. The Board typically requires gutters and downspouts for structures with a setback of less than five (5) feet.

VARIANCE CONSIDERATIONS

Standards of Review:

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- Where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship; and
- The spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; no variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful.

Considerations:

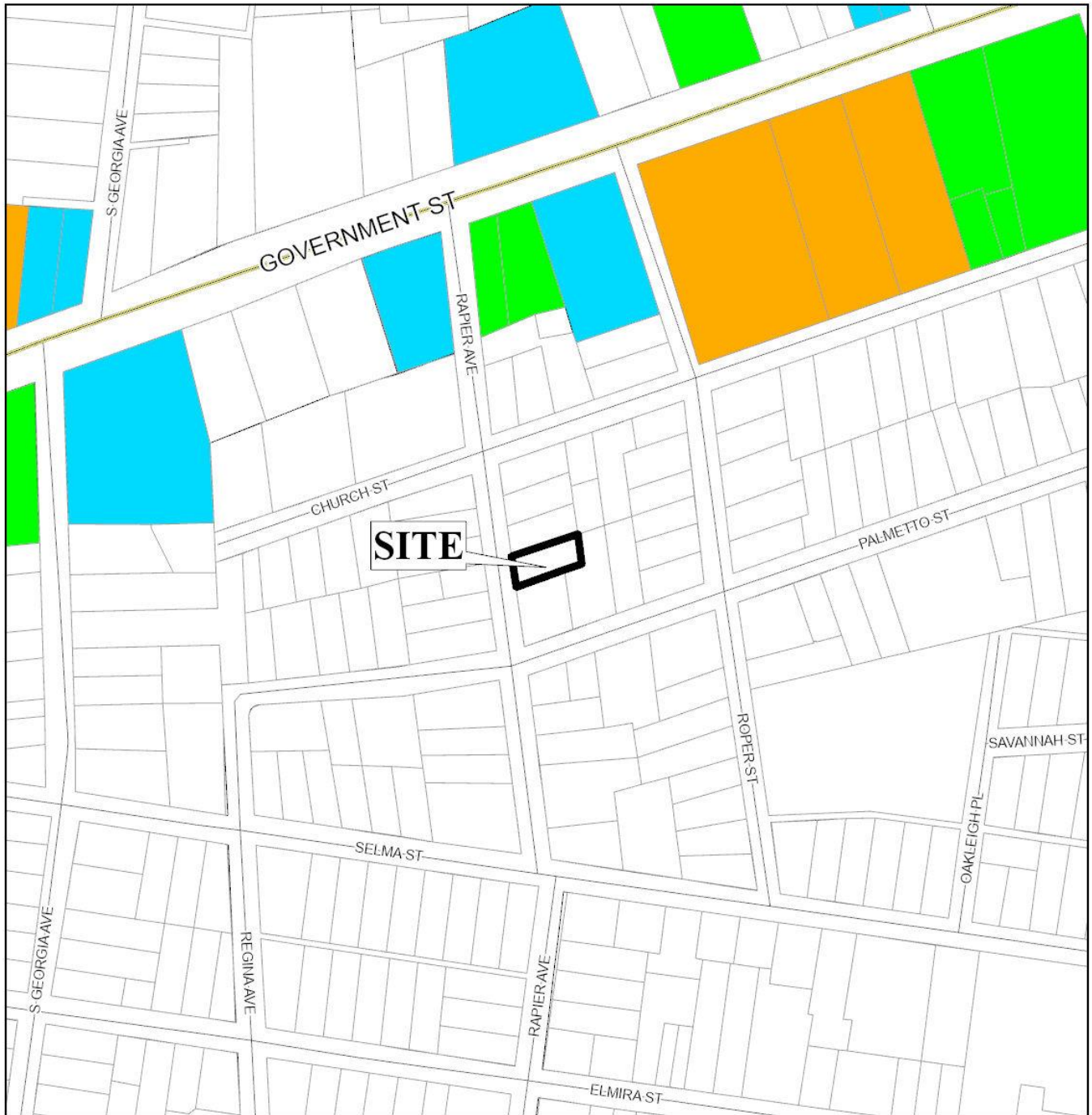
Based on the requested Variance application and documentation submitted if, the Board considers the approval of the request, the following findings of fact must be present:

- 1) The variance **will not** be contrary to the public interest;
- 2) Special conditions **exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be** observed and substantial justice **done** to the applicant and the surrounding neighborhood by granting the variance.

If the Board is inclined to approve this request, the following conditions should apply:

- 1) Obtain all required permits for the structure;
- 2) Provision of gutters and downspouts; and
- 3) Full compliance with all other municipal codes and ordinances.

LOCATOR ZONING MAP



APPLICATION NUMBER 6632 DATE December 2, 2024

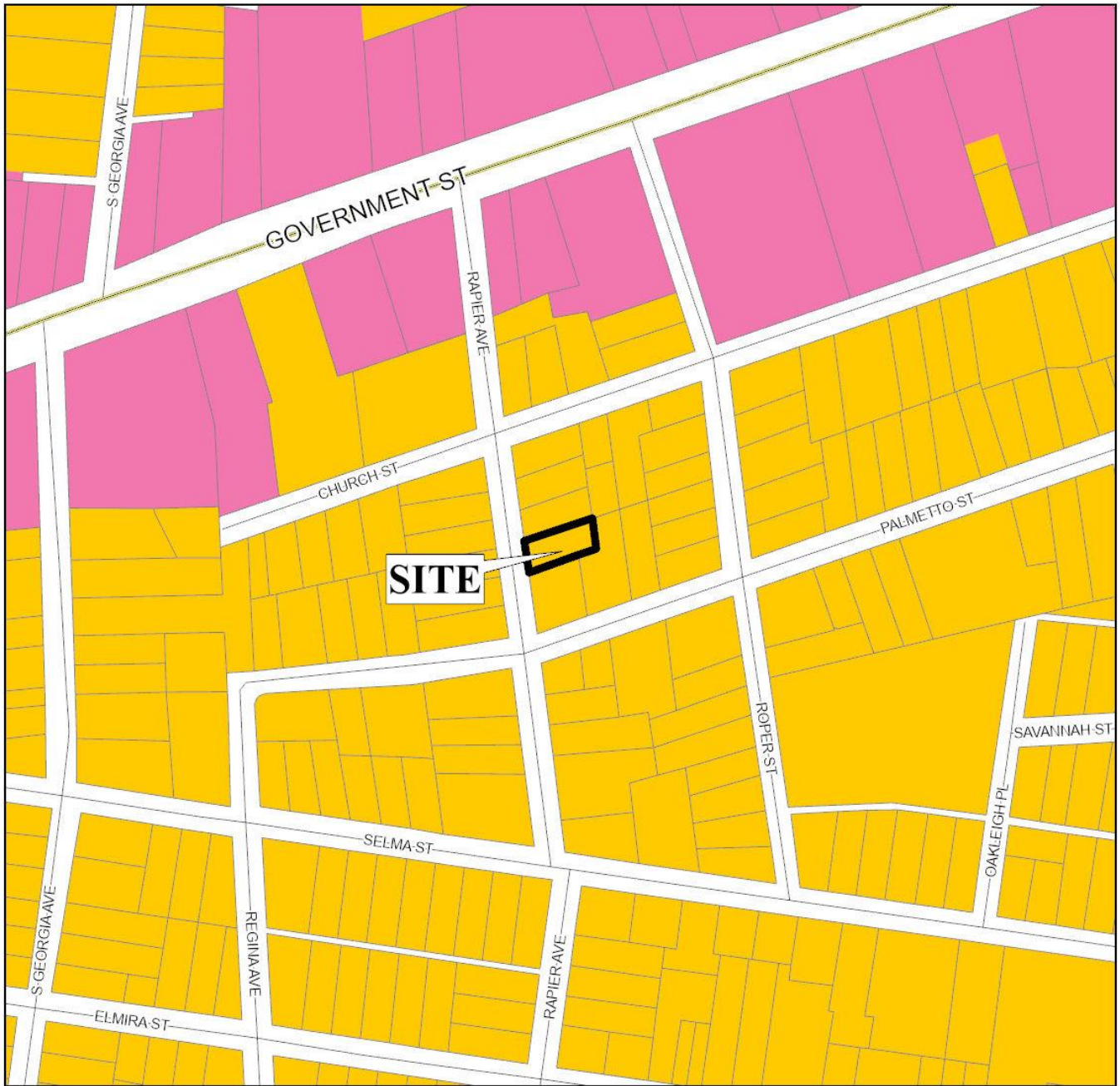
APPLICANT Christopher Davies

REQUEST Rear Yard Setback Variance



NTS

FLUM LOCATOR MAP



APPLICATION NUMBER 6632 DATE December 2, 2024

APPLICANT Christopher Davies

REQUEST Rear Yard Setback Variance




NTS

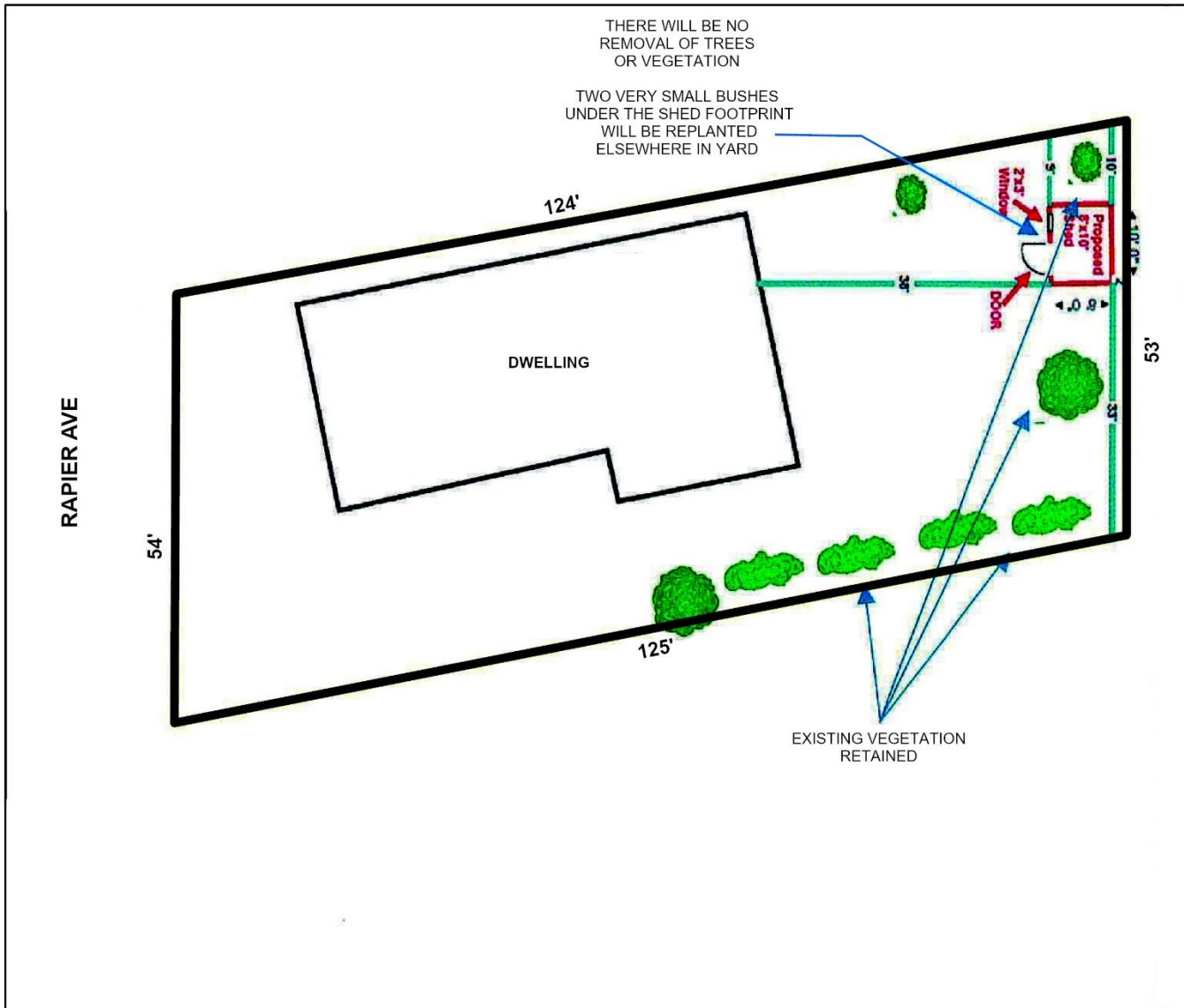
BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




The site is surrounded by residential units.

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SITE PLAN



The site plan illustrates the existing dwelling, and proposed shed.

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ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER - TRADITIONAL (NC-T)	NEIGHBORHOOD CENTER - SUBURBAN (NC-S)	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRIAL (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■				■		■					□		
TWO-FAMILY RESIDENCE	R-2	■				■		■					□	○	
MULTIPLE-FAMILY	R-3	○	■			■	■						□	○	
RESIDENTIAL-BUSINESS	R-B		○			■		■					□	○	
TRANSITIONAL-BUSINESS	T-B		○		■	■	■	■					□		
HISTORIC BUSINESS	H-B			■		■		■					□		
VILLAGE CENTER	TCD					■	■						□		
NEIGH. CENTER	TCD					■	■						□		
NEIGH. GENERAL	TCD					■							□		
DOWNTOWN DEV. DDD	T-6			■									□		
DOWNTOWN DEV. DDD	T-5.1			■		■		□					□		
DOWNTOWN DEV. DDD	T-5.2			■		■							□		
DOWNTOWN DEV. DDD	T-4			■		■		□					□		
DOWNTOWN DEV. DDD	T-3			■		■							□		
DOWNTOWN DEV. DDD	SD-WH									○	○		□		
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○		○	○		□		
BUFFER BUSINESS	B-1		□			□	■	■	■				□	○	
NEIGH. BUSINESS	B-2		○			□	■	■	■				□	○	
LIMITED BUSINESS	LB-2		○			□	■	■	■				□	○	
COMMUNITY BUSINESS	B-3				■				■			○	□	○	
GEN. BUSINESS	B-4			■					■			○	□	○	
OFFICE-DISTRIBUTION	B-5								■	■			□	□	
LIGHT INDUSTRY	I-1									■			□	□	□
HEAVY INDUSTRY	I-2										■		□		□

Zoning District Correspondence Matrix

- Directly Related
- Elements of the zoning category are related to the future LU category, but with qualifications (such as a development plan with conditions)
- Land use category is appropriate, but the district does not directly implement the category (e.g., open space in an industrial district)



MIXED DENSITY RESIDENTIAL (MxDR)

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4- residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 du/ac, depending on the mix, types, and locations of the housing as specified by zoning.

Like LDR areas, MxDR areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.