

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: June 6, 2022

CASE NUMBER 6459

APPLICANT NAME Robert B. Groh

LOCATION 4041 Audubon Drive East
(South side of Audubon Drive East, 400'± East of the South terminus of Cole Drive East).

VARIANCE REQUEST **SIDE YARD SETBACK:** To allow a garage addition within a required side yard setback in an R-1, Single-Family Residential District.

ZONING ORDINANCE REQUIREMENT **SIDE YARD SETBACK:** The Zoning Ordinance does not allow structures within the required side yard setback in an R-1, Single-Family Residential District.

ZONING R-1, Single-Family Residential District

AREA OF PROPERTY 1.6± Acre

CITY COUNCIL DISTRICT District 4

ENGINEERING COMMENTS If the proposed variance is approved for use the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit (Single Family Residential Affidavit) be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to be in conformance 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

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 (2012 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 buildings and 600' of sprinkled buildings.

ANALYSIS

The applicant is requesting a Side Yard Setback Variance to allow a garage addition within a required side yard setback in an R-1, Single-Family Residential District; the Zoning Ordinance does not allow structures within the required side yard setback in an R-1, Single-Family Residential District.

The site has been given a Low Density Residential (LDR) land use designation per the Future Land Use Plan and Map, adopted by the Planning Commission at its May 18, 2017 meeting. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile’s transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

This designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the

designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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.

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.

The applicant states:

I have been working to obtain a variance for the enclosure of my carport into a garage for the past eight months. I have obtained and completed all permits, information, plans, new survey, etc. as required by the City of Mobile. I am now told I need a "reason" for requesting the variance.

In addition to the fact of age of my wife and I, (nearly 68 and 75), our stability is not what it used to be as far as steadiness and walking up steps. (We are also looking to contract to have a ramp built in the carport area for easier access to the house.) Trying to get from the car/driveway to the steps can be hazardous, especially in inclement weather. As we are all aware of the uprise in crime, there is also the issue of security from the vehicles entering into an enclosed, lighted garage opposed to an open driveway which is approximately 300 feet from the street.

On the property line that we are requesting the variance, there are currently five buildings/structures within three to four feet and one about six feet from the property line; four on my neighbors property and two on mine. As I have discussed this with my neighbor, he is not opposed to another building. We are not asking for anything that has not been previously done.

I would greatly appreciate your consideration into granting this variance.

The site plan submitted by the applicant shows the proposed garage addition to be approximately three-feet from the East property line. The applicant mentions several reasons for the subject request, including age, accessibility, and safety. As previously mentioned, variances are intended to be based on a hardship unique to the property. Due to the substantial size of the property, the

proposed addition could be placed either in front of or behind the existing dwelling, complying with setbacks.

It should be noted that a side yard setback variance was granted by the Board at their January 4, 2010 meeting for a nearby property (5014 Cole Drive East), for a detached garage/shed to be five-feet from the property line in order to accommodate better drainage on the site.

It appears that no hardship with the subject property was presented.

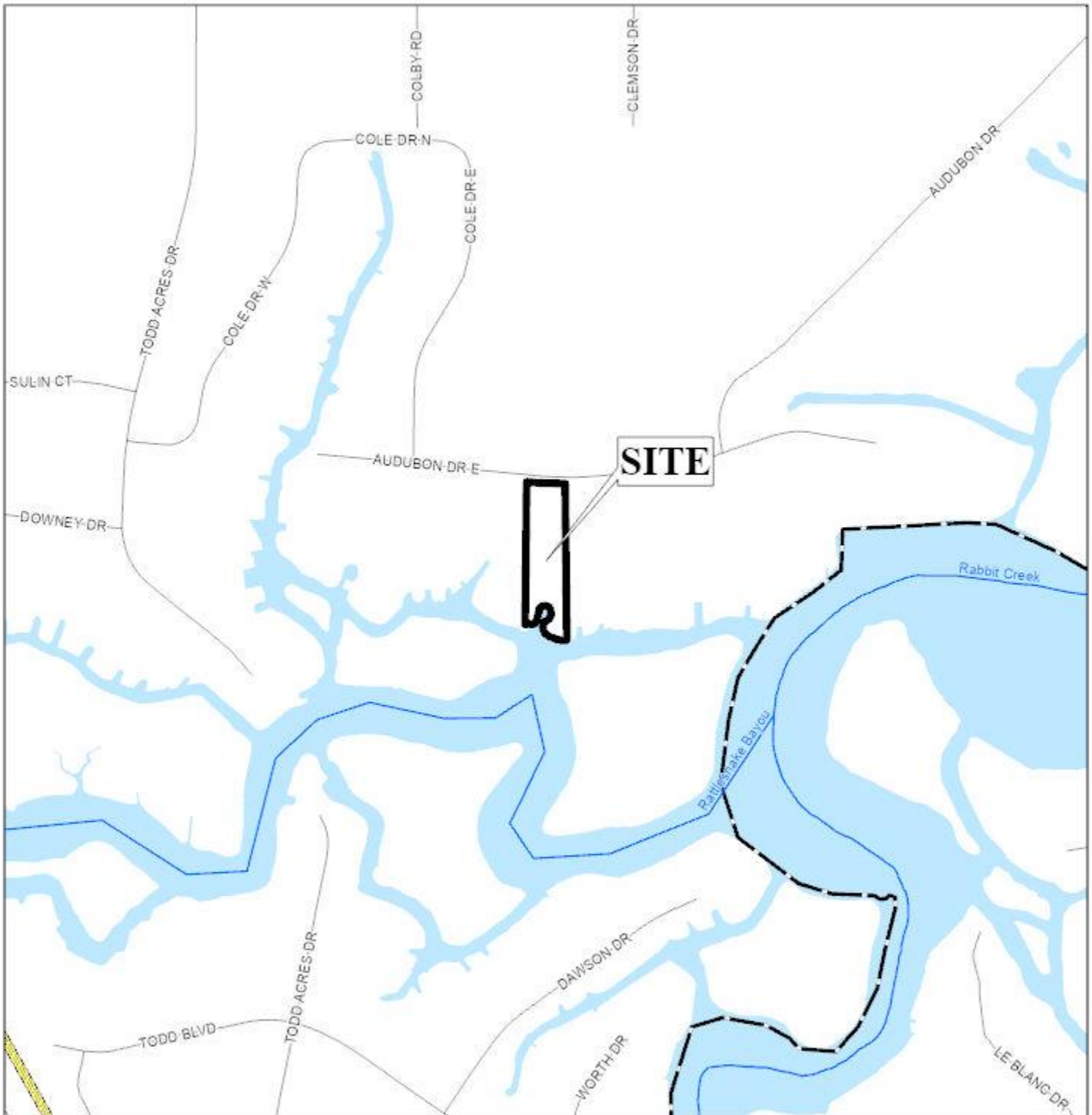
RECOMMENDATION: The Board should determine the following findings of fact for Approval or Denial:

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

If the Board wishes to Approve, the following conditions are suggested:

- 1) Provision of gutters and downspouts along the side of the structure less than five-feet from the property line;
- 2) Obtain associated building permits; and
- 3) Full compliance with all municipal codes and ordinances.

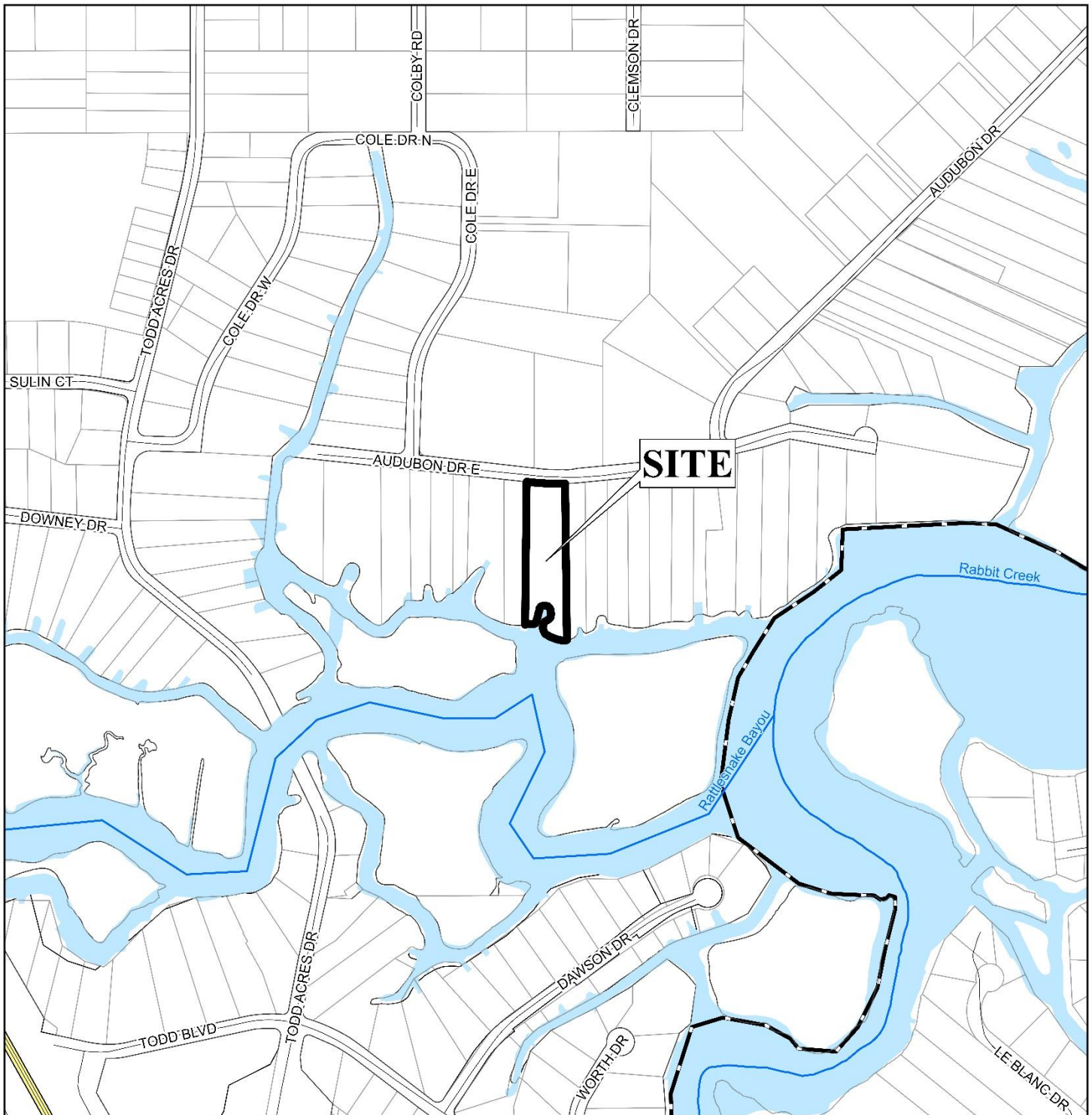
LOCATOR MAP



APPLICATION NUMBER 6459 DATE June 6, 2022
APPLICANT Robert B Groh
REQUEST Side Yard Setback Variance



LOCATOR ZONING MAP

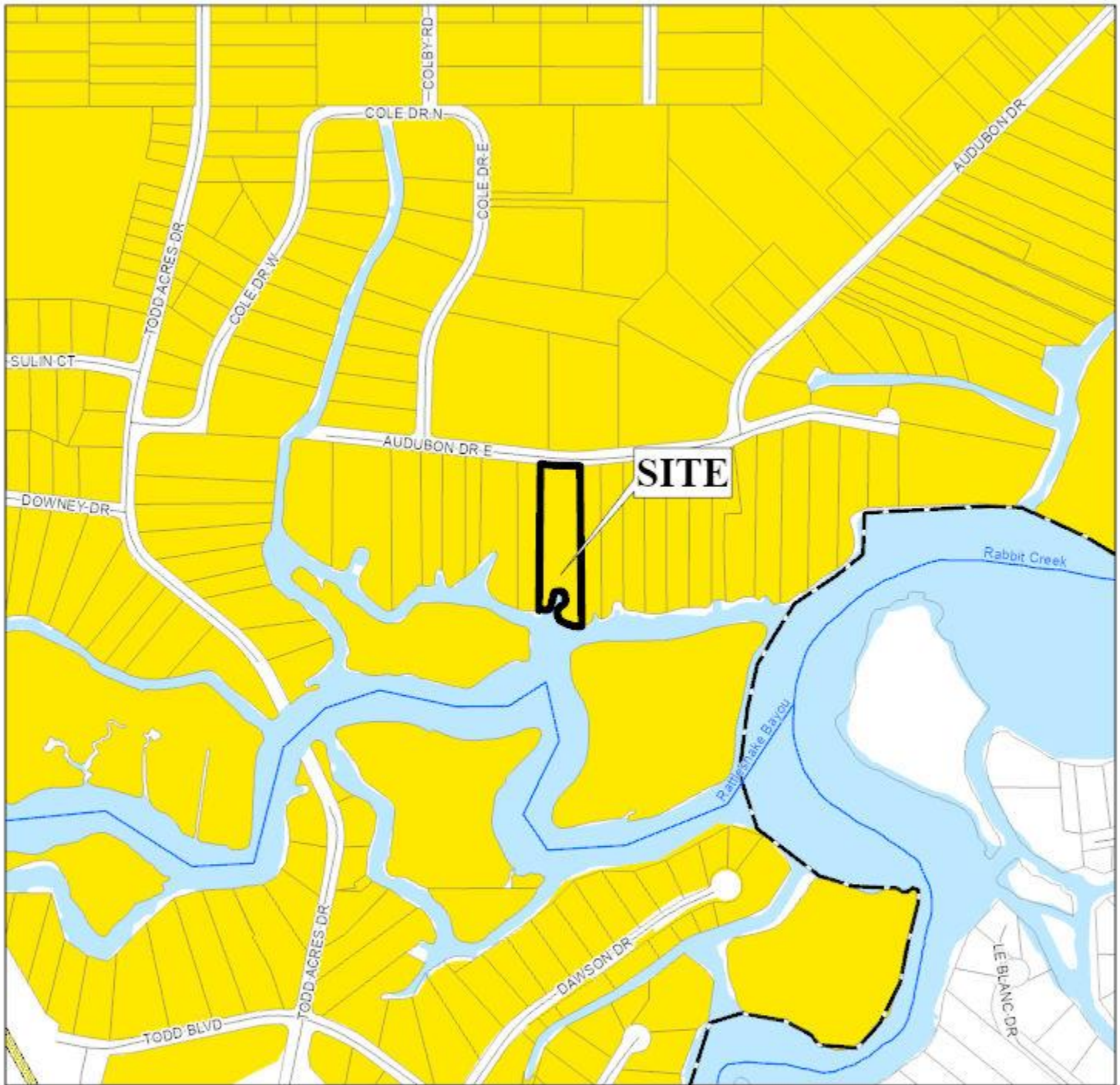


SITE

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FLUM LOCATOR MAP



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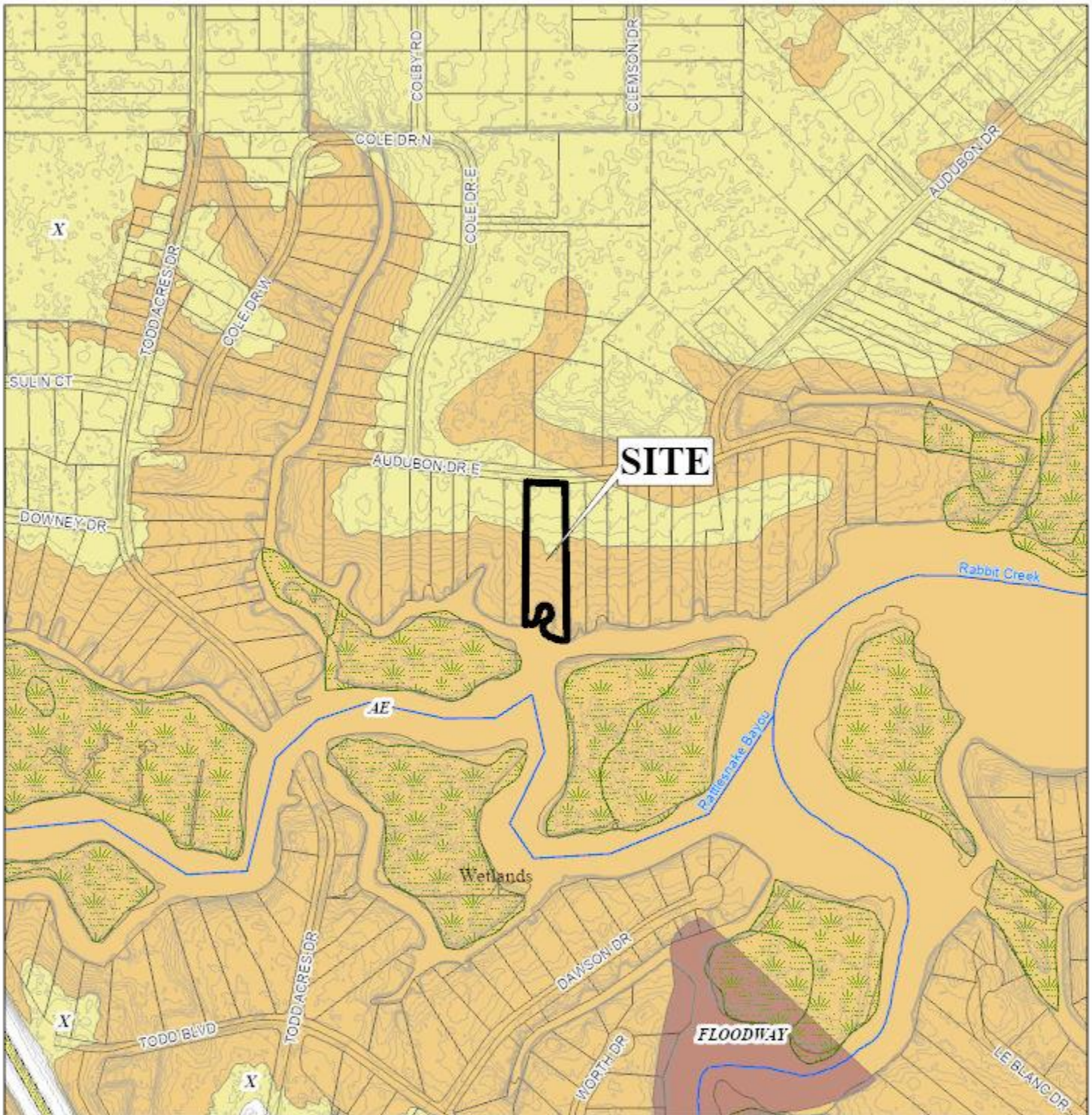
REQUEST Side Yard Setback Variance

Layer2

- | | | |
|-----------------------------------|---------------------------|--------------------|
| Downtown | Traditional Corridor | Heavy Industry |
| Low Density Residential | Mixed Commercial Corridor | Institutional |
| Mixed Density Residential | Downtown Waterfront | Parks & Open Space |
| Neighborhood Center - Traditional | Light Industry | Water Dependent |
| Neighborhood Center - Suburban | | |



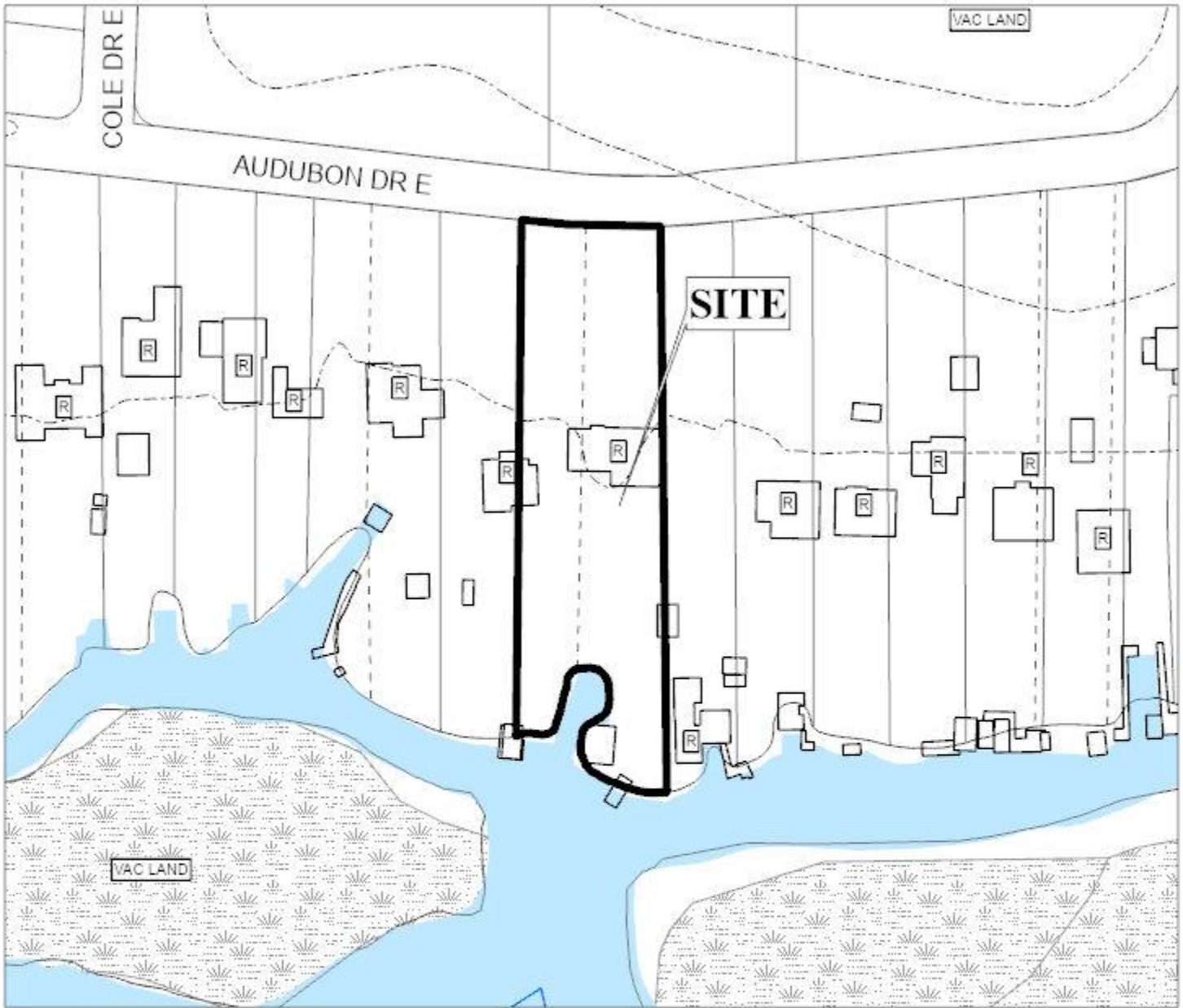
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential units.

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REQUEST Side Yard Setback Variance

 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



**BOARD OF ADJUSTMENT
VICINITY MAP - EXISTING AERIAL**

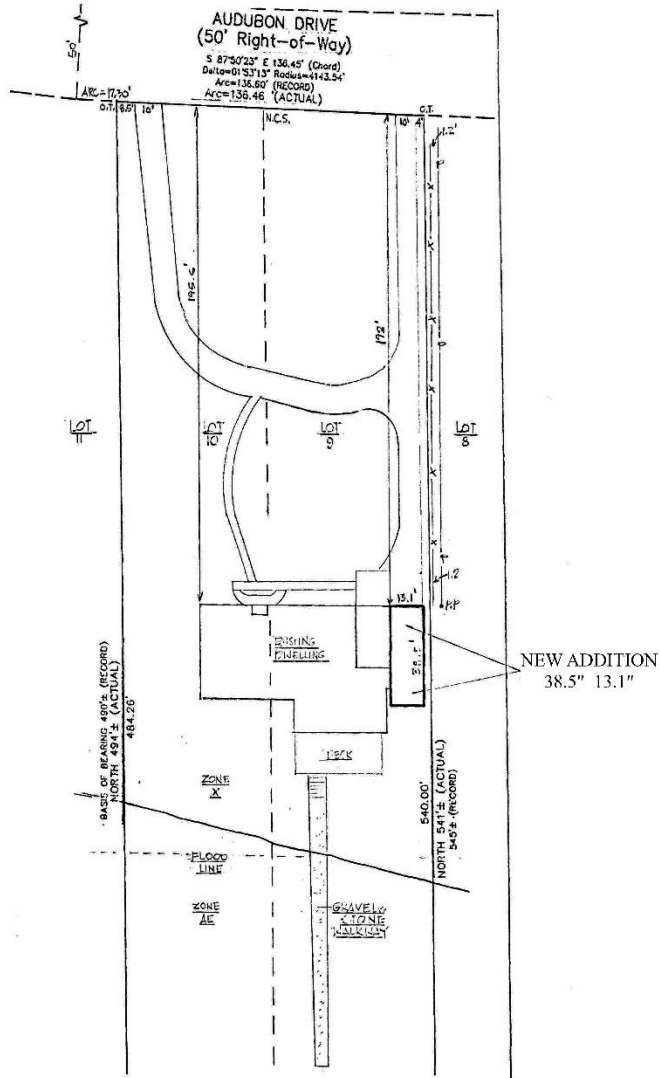


This site is surrounded by residential units.

APPLICATION NUMBER	6459	DATE	June 6, 2022
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SITE PLAN



This site illustrates the new building addition.

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