

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: January 9, 2017**

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**CASE NUMBER**

6080

**APPLICANT NAME**

Mary Battiste Taylor

**LOCATION**

503 Line Street  
(West side of Line Street, 130'± North of Biloxi Avenue.)

**VARIANCE REQUEST**

**FRONT YARD SETBACK:** Front Yard Setback Variance to allow a carport 2.6' from a front property line in an R-1, Single-Family Residential District.

**ZONING ORDINANCE  
REQUIREMENT**

**FRONT YARD SETBACK:** The Zoning Ordinance requires structures to be built a minimum of 25' from front property lines in an R-1, Single Family Residential District.

**ZONING**

R-1, Single Family Residential

**AREA OF PROPERTY**

7,351 square feet/0.17 ± Acres

**ENGINEERING  
COMMENTS**

No comment.

**TRAFFIC ENGINEERING  
COMMENTS**

No comment.

**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 2015-116 and City Code Chapters 57 and 64).

**FIRE  
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). Projects outside the City Limits of Mobile, yet within the Planning Commission Jurisdiction fall under the State or County Fire Code (2012 IFC).

**CITY COUNCIL  
DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting a Front Yard Setback Variance to allow a carport 2.6' from a front property line in an R-1, Single-Family Residential District; the Zoning Ordinance requires structures to be built a minimum of 25' from front property lines in an R-1, Single Family Residential District.

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.

Variations 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:

*To Whom It May Concern:*

*I am writing this to inform the City of Mobile why I felt it was important to install a carport on my property. The first reason is the fact that I have a huge Water Oak tree hanging over my house from my neighboring property that continually has fallen limbs causing damage to my vehicles.*

*The other reason I chose to put it over my driveway is because I do not have enough property space on the side of my house to place the carport. Placing the carport there will also cover my cable wires and my power meter so the driveway was the best option. The carport is not taller than my house therefore it is not blocking the view of any of my neighbors. The company that came out and installed it did not notify me of any codes, so I didn't purposely set out to break the city's codes.*

The subject property is located in the Hillsdale Heights 1<sup>ST</sup> Addition Subdivision. As previously stated, the Zoning Ordinance requires that all structures be located a minimum of 25' from the front property line; however, due to the subject property's location in the Hillsdale Heights 1<sup>ST</sup> Addition Subdivision, a minimum distance of 30' as illustrated on the recorded plat, instead of the standard 25', is required from the front property line. It should be noted that a variance will not relieve the applicant from compliance with the setback on the recorded plat.

It should be mentioned that the purpose of setbacks, specifically front yard setbacks, is to provide a reasonable distance to separate structures from abutting streets. Additionally, front setbacks also aid in allowing adequate amounts of light and air to reach individual properties, they provide a certain level of privacy to property owners, they aid in reducing hazards related to line of sight, they provide a favorable aesthetic quality in residential and commercial districts,

and they provide space for future street widenings, which all help to promote and protect the general health, welfare, and safety of the citizens of Mobile.

The applicant indicated in her narrative that the carport was erected in order to protect her car from falling limbs from a neighboring property, and was placed in its current location because she did not have enough space on the side of her home to place the carport.

Aerial photographs of the subject site indicate that there might be impediments to the North and South sides of the property that may possibly make it challenging to relocate the carport out of the front setback area. Firstly, the undeveloped space on the North side of the residence varies in width from 9.6'-17.7'. The existing carport measures 12.4' wide by 19.9' long. The carport could possibly be placed in the rear and a driveway could be constructed on the North side of the property; however, due to a portion of the residence projecting outward, the width of the driveway may become problematic when accessing the rear yard. There also appears to be a Pine tree that would have to be removed. Secondly, the area to the South of the subject site also appears to have obstructions that may make it hard to relocate the carport on that side as well; however, the side yard is 15' in width, which is sufficient for a drive to the rear yard. Currently, there appears to be a guy wire, a small, stick-like projection embedded in the ground, as well as a condensing unit and cable wires that may make the relocation of the carport on the South side of the residence impossible. Additionally, it should also be noted that if the carport were to be relocated on either side of the residence a reduced side yard variance would be needed.

Although there appears to be some potential site hindrances on both sides of the subject property, the owner could possibly look into other options that would lessen/prevent further damage to her vehicle. For instance, the applicant could work with the adjacent neighbor to have the Oak tree cut-down or appropriately trimmed to prevent falling limbs in the event of inclement weather conditions: The applicant may have limbs crossing the property line removed, as long as it does not result in the death of the tree. Additionally, the applicant could have the guy wires, the cable wires, and the condensing unit, which is not shown on the site plan, relocated from the South side of the property to the North or West side of the property in order to extend the driveway and place the existing carport out of the front setback area. A third option, as previously mentioned, would require relocating the carport to the rear yard and constructing a driveway on the North side of the property. However, it should be noted that the latter two options would require the development of a new driveway or increasing the width and length of the existing driveway, and may not be as economically feasible as attending to the Oak tree.

There do not appear to be any other carports or structures located in or near the front yard setback of adjacent and neighboring properties to the subject site. The existing carport seems to be out of character with the residential quality of the neighborhood.

The applicant also stated that the current carport is not "taller" than her house; however, there may be the potential for line of sight issues. If the Board were to approve this request, the location of the carport may need to be addressed and reviewed further by Traffic Engineering.

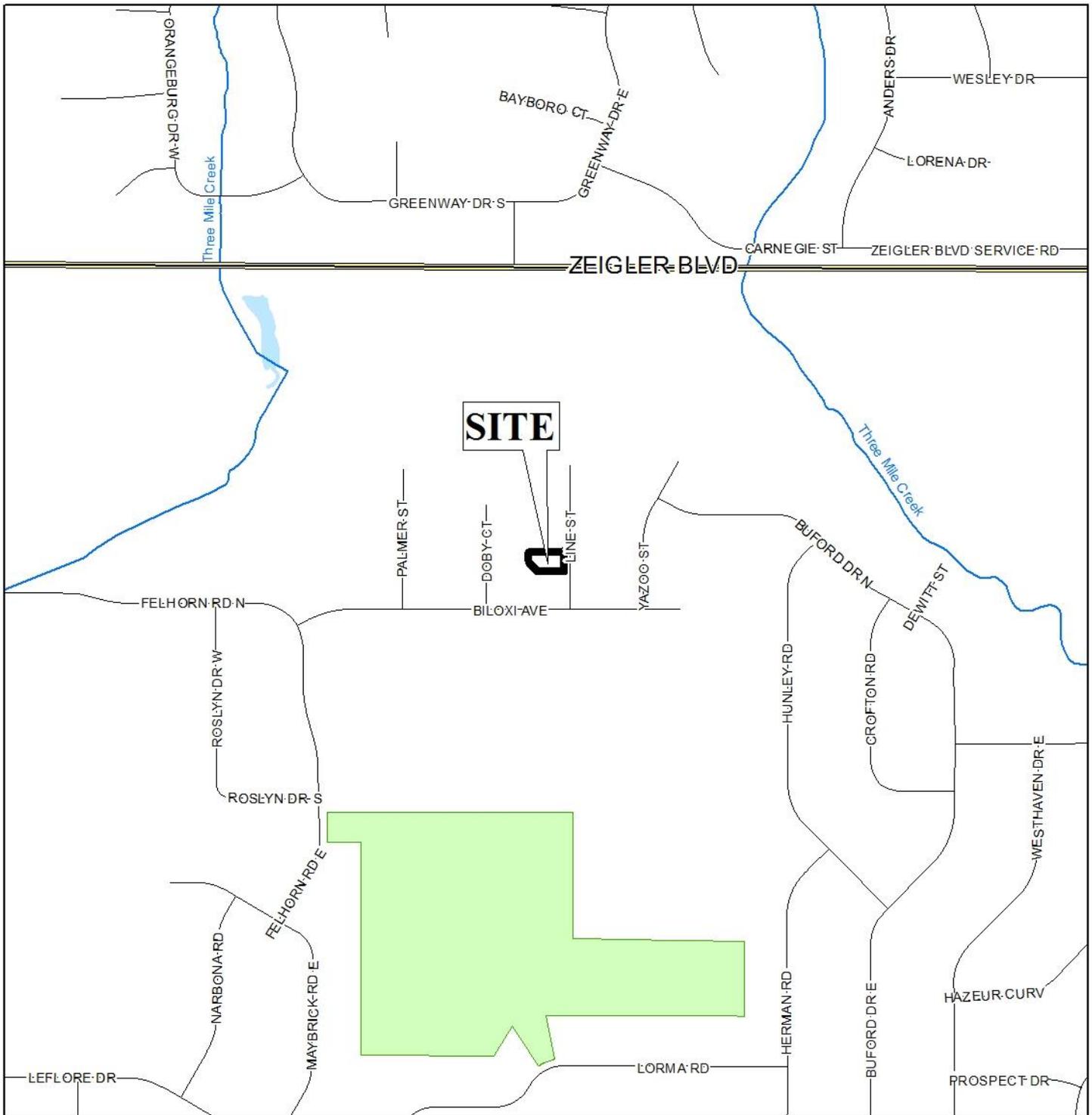
Even though the applicant was unaware of the code regulations prior to having the carport installed, it does not appear that all options were considered at the time of installation. The

existing carport needs to be removed from the 30' front minimum building setback area and relocated to a more compliant location on site, if possible.

**RECOMMENDATION:** Staff recommends to the Board the following findings of fact for Denial:

- 1) Granting the variance will be contrary to the public interest because the Zoning Ordinance specifically prohibits the placement of structures within the front 25 foot setback in R-1 districts in order to protect the general health, safety, and welfare of the public;
- 2) Special conditions do not appear to exist and there are no justifications of hardship which exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship, as the existing carport can be relocated to a compliant location on site and/or the Oak tree can be trimmed appropriately to prevent property damage; and
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the existing carport does not appear to fit the existing character of neighboring homes within the immediate vicinity, as no other home on Line Street has a carport in the front yard.

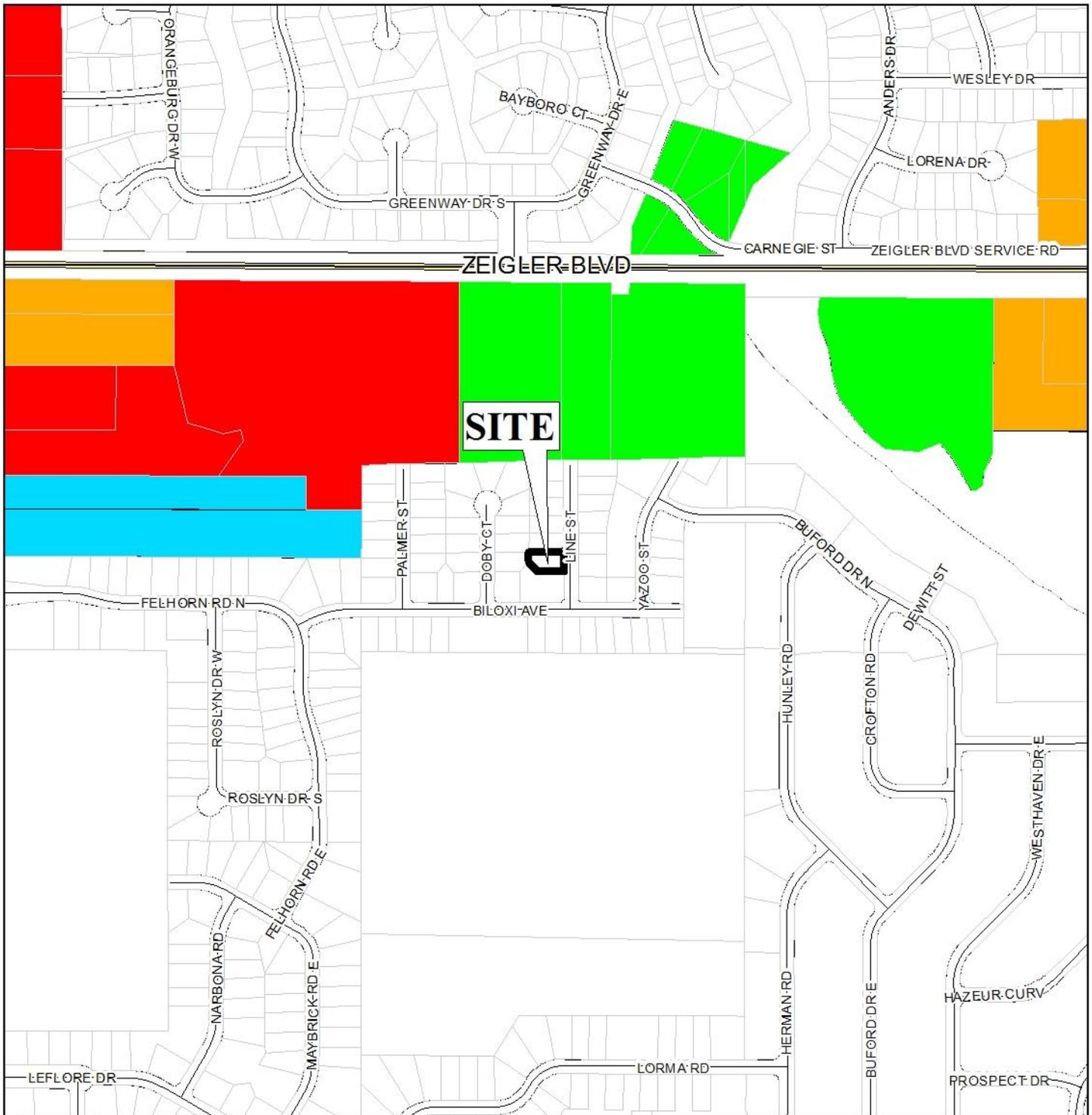
# LOCATOR MAP



APPLICATION NUMBER 6080 DATE January 9, 2017  
APPLICANT Mary Battiste Taylor  
REQUEST Front Yard Setback Variance



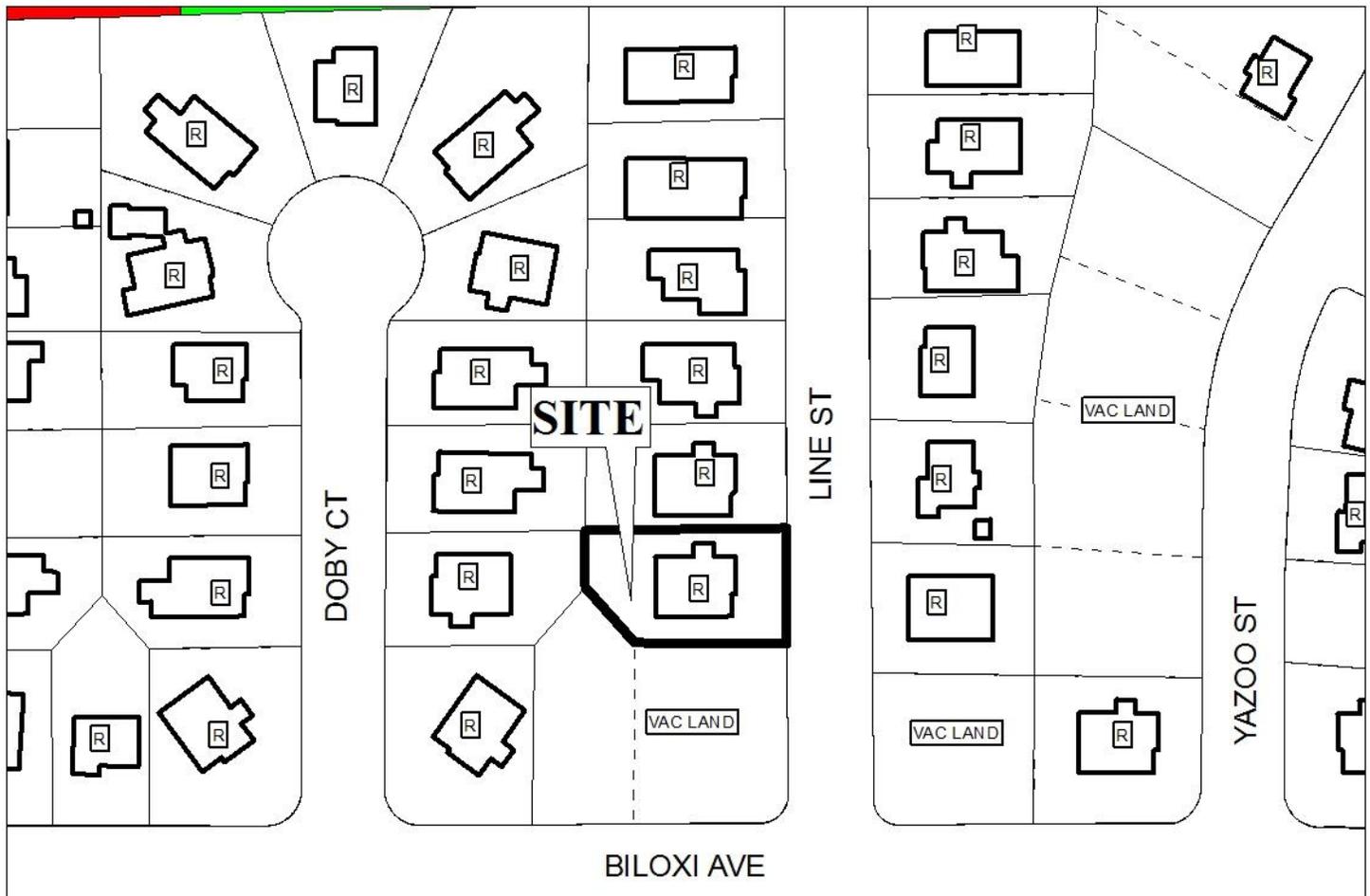
# LOCATOR ZONING MAP



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

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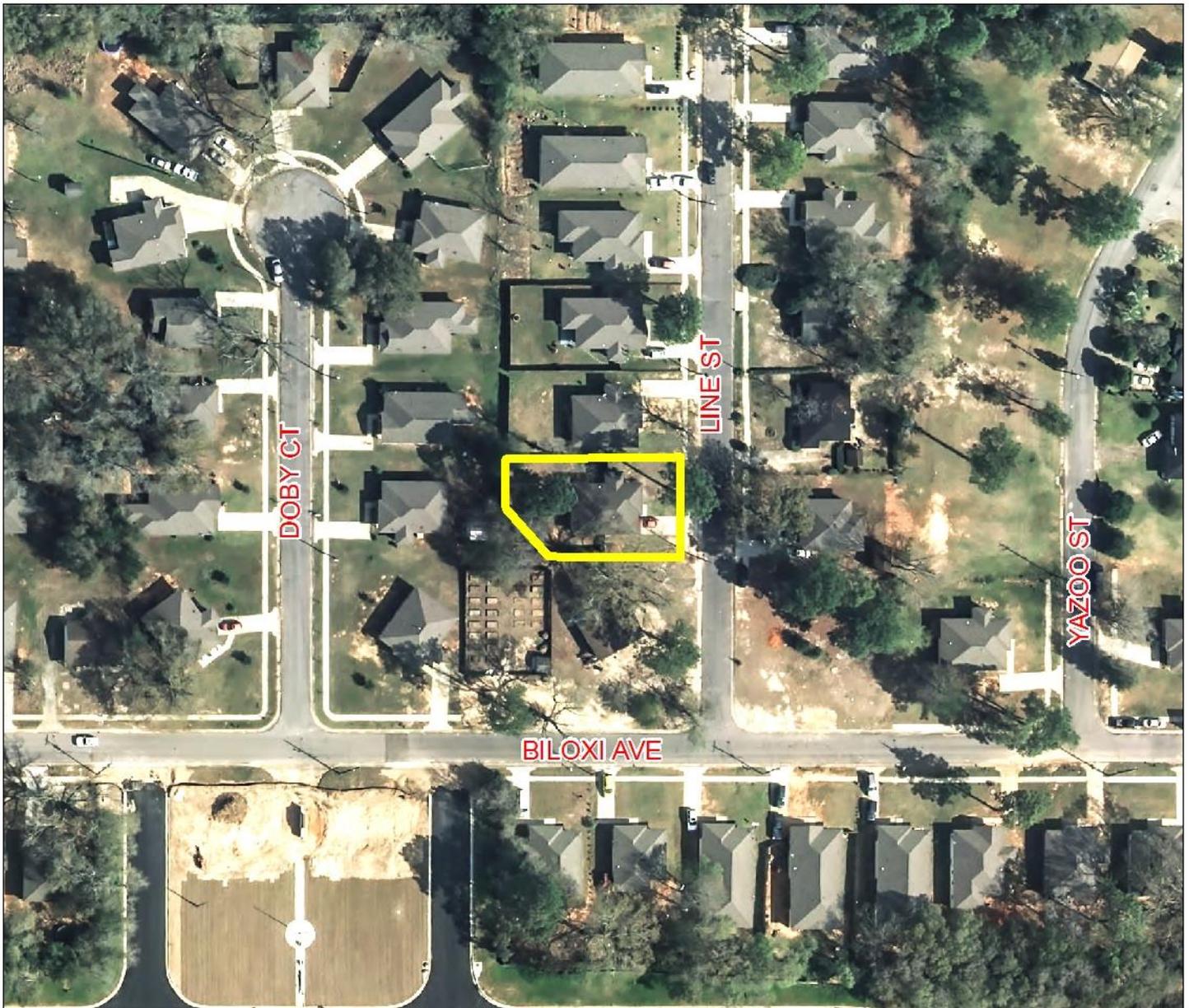
REQUEST Front Yard Setback Variance

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



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by residential units.

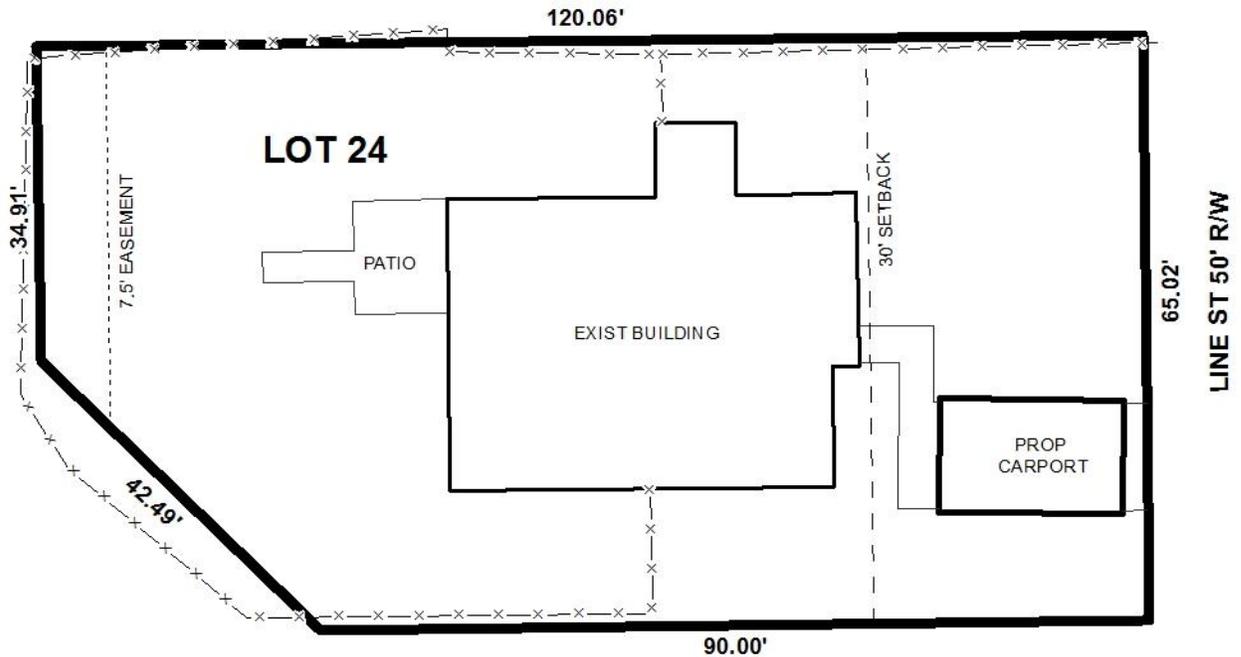
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# SITE PLAN



The site plan illustrates the existing building, setback, easement, and proposed carport.

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