

APPLICATION NUMBER

**5517**

A REQUEST FOR

**REAR YARD SETBACK AND PARKING RATIO  
VARIANCE TO ALLOW A REAR YARD SETBACK OF 6.2'  
IN A PROPOSED SUBDIVISION AND 32 ON-SITE  
PARKING SPACES FOR A 200-SEAT CHURCH IN AN R-1,  
SINGLE-FAMILY RESIDENTIAL DISTRICT; THE  
ORDINANCE REQUIRES AN 8' REAR YARD SETBACK  
AND A 200-SEAT CHURCH REQUIRES 50 ON-SITE  
PARKING SPACES IN AN R-1, SINGLE-FAMILY  
RESIDENTIAL DISTRICT**

LOCATED AT

**1710 BOLDEN STREET**

(East side of Bolden Street, 200'± North of Carter Avenue, extending to  
the West side of William Street, 100'± North of Carter Avenue)

APPLICANT

**APOSTOLIC PENTECOSTAL HOLY CHURCH OF GOD**

AGENT

**WATTIER SURVEYING, INC.**

**BOARD OF ZONING ADJUSTMENT**

JANUARY 2009

The applicant is requesting a Rear Yard Setback Variance to remedy the encroachment of an existing church building into a separate, already developed lot, as well as a parking ratio variance to reduce the required amount of on-street parking from 50 parking spaces to 32 parking spaces.

According to Nonconforming Use Documentation on file with the Planning Section of the Urban Development Department, the church building has been on this site since 1963. The encroachment was discovered when the applicant commissioned a survey in preparation for a parking lot addition. The applicant and the adjacent property owner have submitted a Subdivision application to the Mobile City Planning Commission, and the Subdivision application was granted preliminary approval at the December 18, 2008, meeting. Due to the existing 7.8 foot encroachment by the existing church building, there is not enough area to provide the required 8 foot setback for each structure. At the narrowest point between the two structures, there are 12.4 feet of area. Dividing the distance equally between the two lots of the approved subdivision, a 6.2 foot rear yard would be left for both structures, 1.8 feet less than the 8 foot rear yard which is required. As this is an existing condition, and the subdivision and variances appear to be the best remedies to the situation, the rear yard setback variance may be appropriate. The granting of the variance should be made contingent upon the completion of the Subdivision process with the Mobile City Planning Commission.

Regarding the parking ratio variance, currently the existing 200-seat church building has no designated parking. The applicant currently utilizes a grassy area to the rear facing William Street and a grassy area directly in front facing Bolden Street for parking. The applicant wishes to remedy this situation by constructing a parking area to the rear of the property facing William Street. Under the Ordinance, a 200-seat church building would require 50 on-site parking spaces. Due to space limitations on the property, the applicant can only construct 32 spaces. The applicant also states that the church only has an average daily attendance of 120 parishioners, of which, the applicant states that approximately 10 parishioners arrive on foot. As stated earlier, this is an existing non-conforming site in regards to parking, and the applicant is attempting to remedy the non-conformity. As such, a parking ratio variance may be appropriate with the condition that no further development of the site should be allowed to take place, and no expansion of the seating area or capacity to take place without bringing the property into compliance with parking regulations or submittal of another variance application. A stipulation should also be added that no parking be allowed on any landscaping area or right-of-way.

**RECOMMENDATION 5517****Date: January 5, 2009**

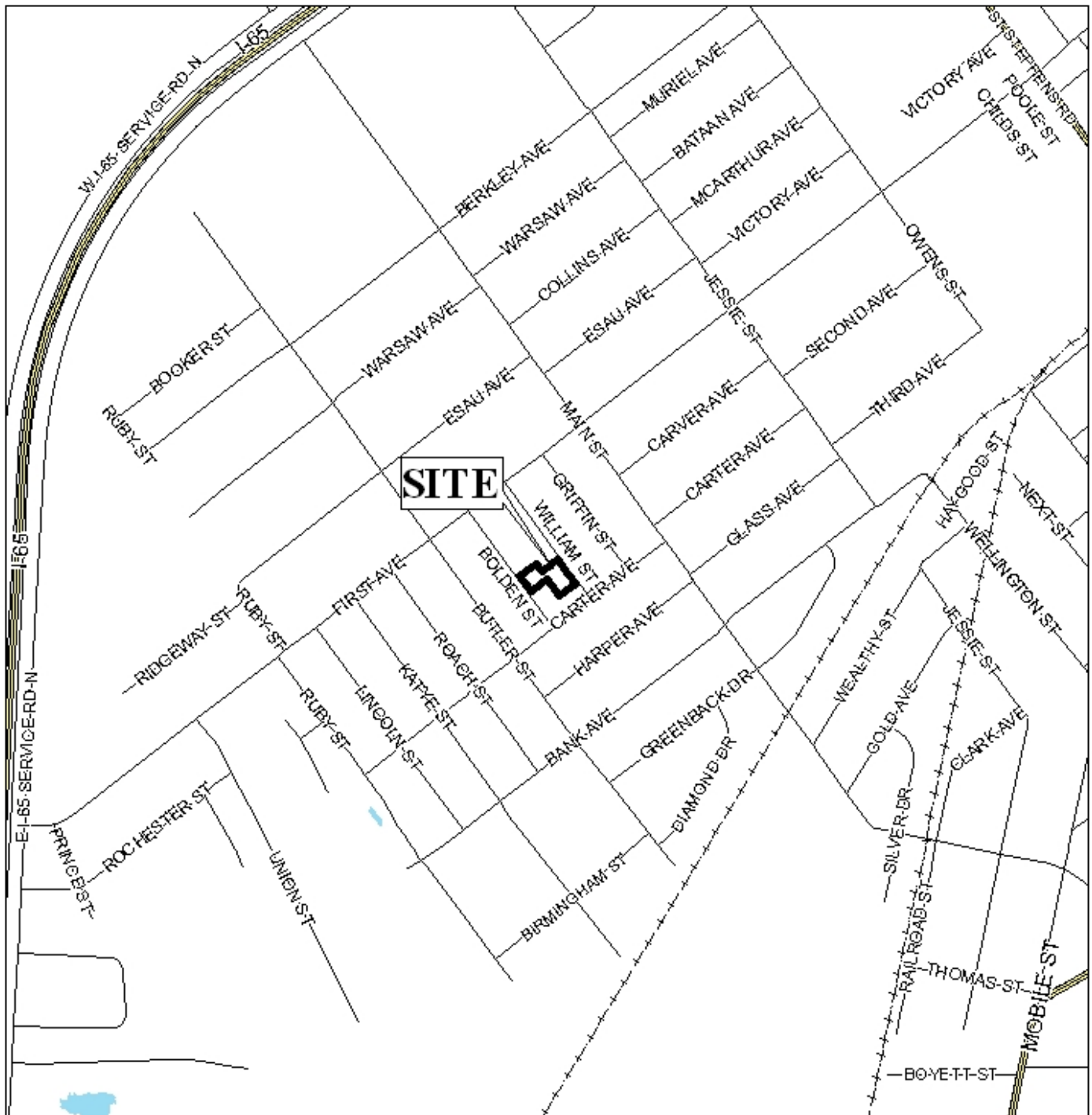
Based on the preceding, the 1.8 foot rear yard variance is recommended for approval subject to the following conditions:

- 1) Completion of the Subdivision process already started with the Mobile City Planning Commission; and
- 2) Compliance with all municipal codes and ordinances.

The parking ratio variance is also recommended for approval subject to the following conditions:

- 1) No further development of the site to take place, and no expansion of the seating area or capacity to take place without full compliance with parking regulations or submittal of another variance application;
- 2) No parking to be allowed on any landscaping area or right-of-way;
- 3) Full compliance with all landscaping and tree planting requirements; and
- 4) Compliance with all municipal codes and ordinances.

# LOCATOR MAP



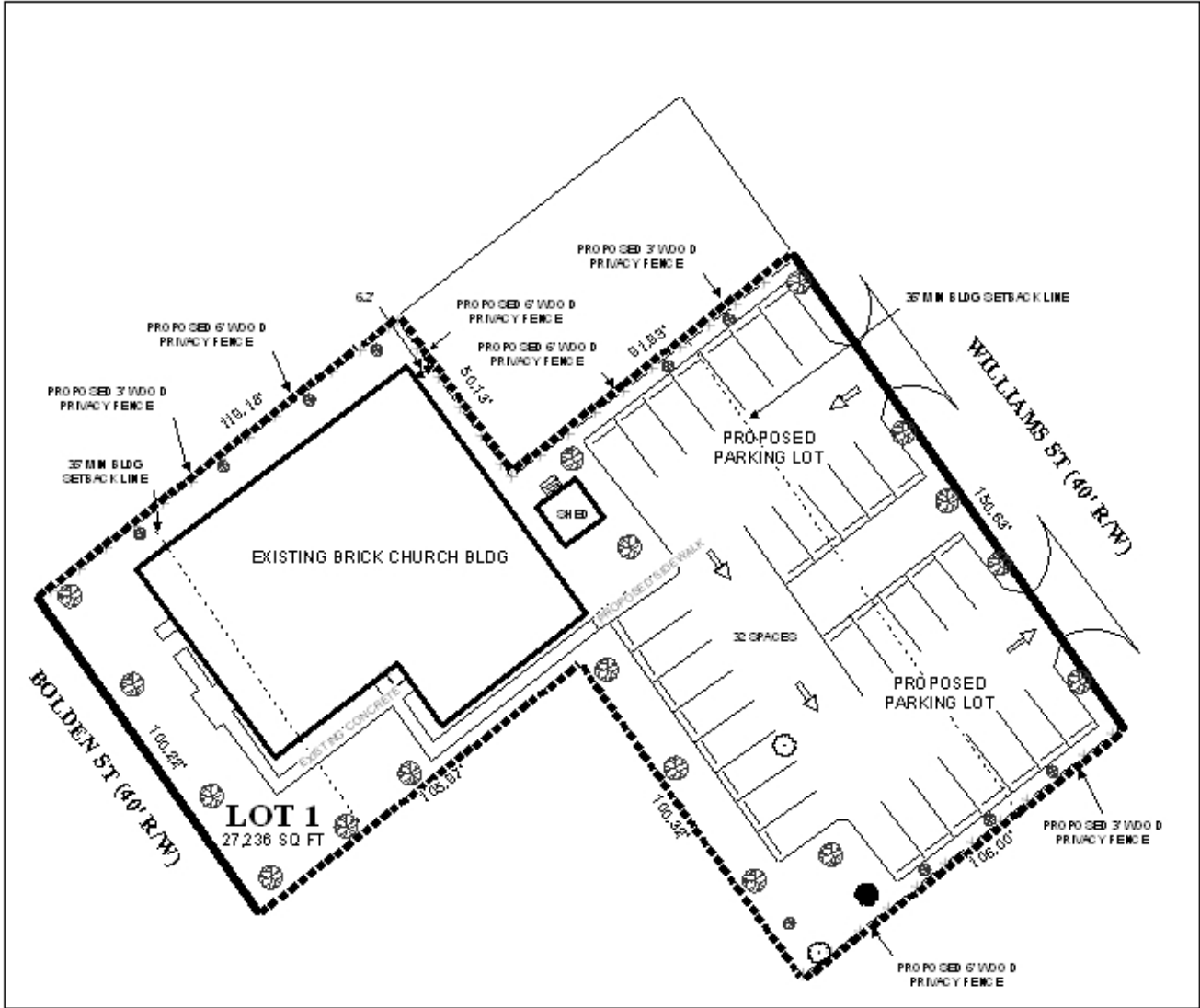
APPLICATION NUMBER 5517 DATE January 5, 2009

APPLICANT Apostolic Pentecostal Holy Church of God

REQUEST Rear Yard Setback and Parking Ratio Variance



# SITE PLAN

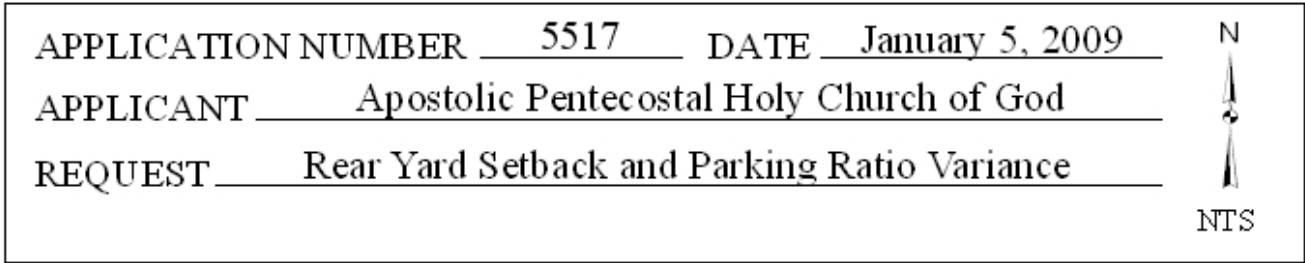


This site plan illustrates proposed lot configuration.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use.

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LEGEND

															NTS
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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