

HOLDOVER

APPLICATION NUMBER

5474/3876/3826

A REQUEST FOR

**USE, LANDSCAPING/TREE PLANTING, PARKING
RATIO, AND ACCESS/MANEUVERING VARIANCES TO
AMEND A PREVIOUSLY APPROVED USE VARIANCE TO
ALLOW A BEAUTY SHOP IN AN R-1, SINGLE-FAMILY
RESIDENTIAL DISTRICT, WITH 6.4%± SITE
LANDSCAPING/TREE PLANTING, 6 PARKINGS SPACES
FOR 2018 SQUARE FEET OF GROSS FLOOR AREA, AND
NOSE-IN/BACK-OUT PARKING; BEAUTY SHOPS
REQUIRE A MINIMUM B-2, NEIGHBORHOOD BUSINESS
DISTRICT, WITH 12% MINIMUM LANDSCAPING/TREE
PLANTING AREA, 7 PARKING SPACES ARE REQUIRED
FOR 2018 SQUARE FEET OF GROSS FLOOR AREA, AND
ALL ACCESS/MANEUVERING IS REQUIRED TO BE ON
SITE.**

LOCATED AT

501 DAUPHIN ISLAND PARKWAY

(Southeast corner of Dauphin Island Parkway and Duncan Street)

APPLICANT/OWNER/AGENT

JOHNITA ALLEN & MARTYCE ALLEN

BOARD OF ZONING ADJUSTMENT

JULY 2008

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ANALYSIS APPLICATION 5474/3876/3826

Date: July 7, 2008

The applicant is requesting Use, Landscaping/Tree Planting, Parking Ratio, and Access Maneuvering Variances to amend a previously approved Use Variance to allow a beauty shop in an R-1, Single-Family Residential District, with 6.4%± site landscaping/tree planting, 6 parking spaces for 2018 square feet of gross floor area, and nose-in/back-out parking; beauty shops require a minimum B-2, Neighborhood Business District, with 12% minimum landscaping/tree planting area, 7 parking spaces are required for 2018 square feet of gross floor area, and all access/maneuvering is required to be on site.

The subject site was granted a Use Variance in 1983 for vacuum cleaner sales and service, subject to the following conditions: 1) ingress and egress be limited to Duncan Street; 2) restrictive covenant applicable to this site; 3) 2' x 2' sign affixed to the building; and 4) accessory building at rear of property to be used for storage only. A previous Use Variance request in 1982 for retail floor care sales and service was denied. Since the applicant proposes to change the use from that previously granted and also proposes some site-specific changes and compliance relief, a new variance must be pursued.

Concerning the proposed use as a beauty shop, the site was used continuously from 1983 to August 2006 for vacuum cleaner sales and service under the previous variance. The applicant proposes to operate the beauty shop Tuesday through Saturday from 8:00 AM to 6:00 PM and serve approximately five to seven customers per day. The proposed use would be in character with the previous variance and other existing light commercial uses directly across Dauphin Island Parkway and to the North along the East side of Dauphin Island Parkway. The adjacent property to the South of the subject site was granted a Use Variance to allow a photography shop in 1981, but that business apparently never began operation.

The Landscaping and Tree Planting requirements for commercial sites were adopted since the previous variance was granted, and new variance requests must be evaluated on the basis of proposed site compliance with such. The site contains 6250 square feet of which 12%, or 750 square feet are required to be landscaped, with 60% of that to be along street frontages. The applicant proposes to landscape 400 square feet, or 6.4% of the total site. No breakdown of street frontage landscaping is submitted, and only one proposed frontage tree is indicated on the site plan. However, the site is unusual in that Duncan Street has a 70' right-of-way which comes within approximately 4' of the building wall which would not allow for adequate tree planting area, and proposed entrance and parking areas to the rear along Duncan Street would not allow much area for landscaping and tree planting. Along Dauphin Island Parkway, there is currently insufficient area for any tree planting. The proposed modification of the continuous curb cut and front parking area along Dauphin Island Parkway would generate some green space for landscaping and tree planting. Frontage landscaping and tree planting review of the site must take into consideration the proposed access/maneuvering and parking plan

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attempt to get all parking on-site and out of the existing parking area which is in the Duncan Street right-of-way, and the frontage parking which currently extends into the Dauphin Island Parkway right-of-way. Five new parking spaces are proposed along the North side of the property with ingress/egress via existing curb cuts along Duncan Street. Proposed stall depths would place the parking spaces entirely on-site, but would require nose-in/back-out maneuvering. Due to the placement of the existing main building and garage/storage building, no on-site access/maneuvering area is available. Along Dauphin Island Parkway, the five existing nose-in/back-out parking spaces which project into the right-of-way are proposed to be removed and replaced with one parking space on-site parallel with the street which would provide access to the existing handicap ramp on the front of the main building. The maneuvering area for that parking space would be entirely on-site. Some slight modification to the site plan would be needed to attain the required width for this parking space. Inasmuch as frontage landscaping and tree planting requirements are not proposed to be met, the relocating of all parking on-site and out of the public right-of-way would justify such, and any nose-in/back-out maneuvering would now take place along a less-traveled side street. As much landscaping and tree planting compliance as practicable should be provided, and the installation of a 6' wooden privacy fence buffer should be required along the South and East sides of the property adjacent to residentially-used properties.

Concerning the parking ratio variance request, the main building contains approximately 1458 square feet which requires five parking spaces, and the garage/storage building contains approximately 560 square feet which would require two parking spaces if used for customer services and/or offices. This structure was once a garage apartment with a ground-level two-car garage and storage room and is proposed to be used for storage only, and the previous variance also limited it to such. Considering that the site plan indicates six proposed parking spaces, limiting the garage/storage building to storage only would not require any parking spaces and would provide sufficient parking for the main building. The parking space width for the two spaces proposed between the garage/storage building and Duncan Street should be revised to a minimum width of 8'-6" each.

The site plan indicates that the freestanding sign for the site is located within the Dauphin Island Parkway right-of-way. The sign should be relocated to a compliant location on-site.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

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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 site warrants a commercial re-use and a hardship has been demonstrated as far as full compliance with the landscaping/tree planting, parking ratio, and access maneuvering requirements of the Ordinance; however, as much compliance as practicable should be provided.

Subsequent to the completion of the staff's review of this application, it was determined that there was an error on the applicant's part on the public notification list furnished. Many of the notices were returned as being undeliverable to the addresses furnished; therefore, the applicant should verify the owners for all properties within the 300' notification radius with the Mobile County Probate Court Records and submit a revised notification list. Due to the errors in notification, this application should be held over to the July meeting.

This application was held over from the June meeting to allow the applicant to submit a correct public notification list the Urban Development Planning Section. This list was provided and a revised public notification was mailed. None of the conditions pertaining to the subject property or the basis for the variance request have changed, therefore, no new review of the case has transpired.

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RECOMMENDATION 5474/3876/3826

Date: July 7, 2008

Based on the preceding, this application is recommended for approval, subject to the following conditions: 1) modification of the front parking space to provide an 8'-6" minimum stall width; 2) provision of as much landscaping and tree planting compliance as practicable to be coordinated with the Planning Section of Urban Development; 3) provision of a 6' high wooden privacy fence along the South and East property lines where the site abuts residentially-used property, to be no higher than 3' within the required street setbacks; 4) limiting the garage/storage building to storage use only, with no offices, customer service or dwelling use; 5) modification of the two parking stalls between the garage/storage building and Duncan Street to a minimum width of 8'-6" each; 6) relocation of the freestanding sign from the Dauphin Island Parkway right-of-way to a compliant location on-site; and 7) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5474/3876/3826 DATE July 7, 2008

APPLICANT Johnita & Martyce Allen

REQUEST Use, Landscaping/Tree Planting, Parking Ratio, and Access

Maneuvering Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by residential land use with commercial land use to the north.

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LEGEND

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

N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



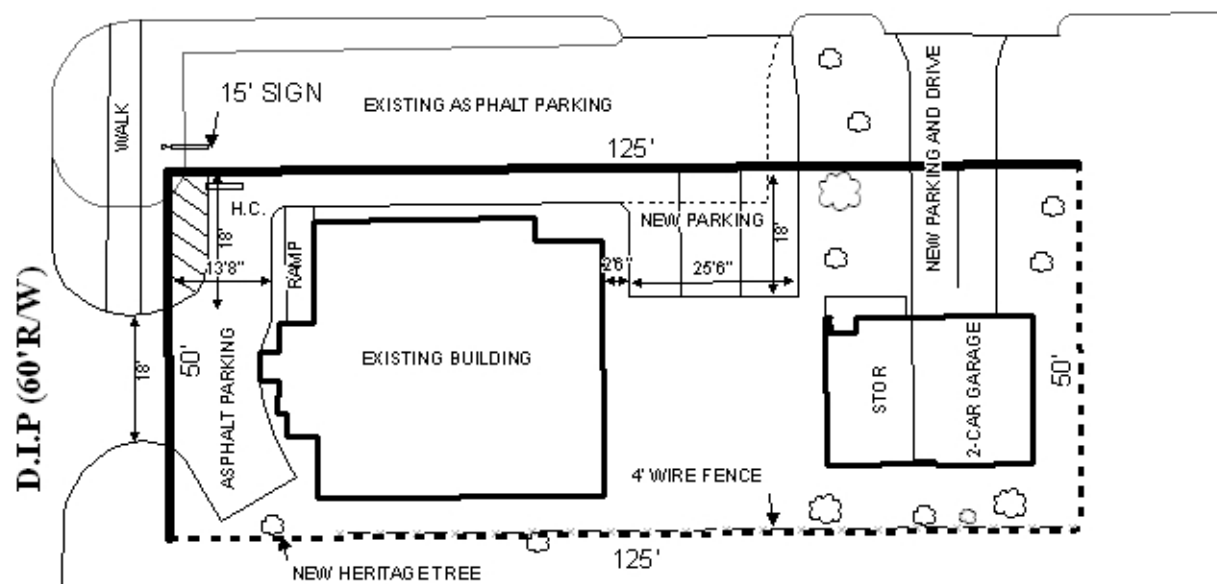
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SITE PLAN

DUNCAN ST (70' R/W)



This site illustrates existing lot configuration and proposed new parking areas.

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