

APPLICATION NUMBER

**5423**

A REQUEST FOR

**OFF-SITE PARKING VARIANCE TO ALLOW 373 OFF-SITE (PAVED) PARKING SPACES IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT FOR POST-DISASTER AGENT OVERFLOW PARKING FOR A NEAR-BY INSURANCE COMPANY OFFICE; THE ZONING ORDINANCE REQUIRES ALL PARKING TO BE ON-SITE IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT.**

LOCATED AT

North side of Michael Boulevard, 180'± West of Downtowner Boulevard, and extending North to Downtowner Boulevard, 176'± North of Michael Boulevard.

APPLICANT/AGENT

**DOWNTOWNER AND MICHAEL JOINT VENTURE**

OWNER

**MARGERY JEAN BAXTER**

**BOARD OF ZONING ADJUSTMENT**

JULY 2007

The applicant is requesting an Off-Site Parking Variance to allow 373 off-site (paved) parking spaces in a B-2, Neighborhood Business District for post-disaster agent overflow parking for a near-by insurance company office; the Zoning Ordinance requires all parking to be on-site in a B-2, Neighborhood Business District.

The subject site is vacant property which recently was approved as a one-lot subdivision by the Mobile City Planning Commission. The intended user of the site is Pilot Catastrophe Services located at 1020 Downtowner Boulevard, approximately 400' North of the subject site, separated from the site by one developed and one vacant site. The applicant states that the 1020 Downtowner Boulevard site has 330 on-site parking spaces, but has no room for expansion. It is further stated that Pilot Catastrophe Services provides insurance adjusters and following a disaster it becomes necessary to employ a large number of additional adjusters, thus the need for additional parking is critical. The applicant also states that the granting of this variance will not impair the integrity and character of the surrounding district.

One of the conditions of approval of the one-lot subdivision was dedication of right-of-way along Michael Boulevard to provide 50' from the centerline since that portion of Michael Boulevard is on the Major Street Plan with 100' right-of-way. The site plan submitted was drawn prior to the Planning Commission's approval, and does not take into consideration the 10' which will be dedicated along Michael Boulevard; therefore, a few of the intended parking spaces in that area will be lost, but should not have a significant impact on the over-all site. The site plan also indicates one curb cut each to Michael Boulevard and Downtowner Boulevard. A condition of the one-lot subdivision's approval was that the numbers, size, location, and design of curb cuts be approved by Traffic Engineering and conform to AASHTO standards. The site plan also indicates street frontage and interior landscaping will be provided.

One point of possible concern is that the parking lot would be vacant following the need for overflow post-disaster parking and could become a traffic cut-through from Downtowner Boulevard to Michael Boulevard or a gathering place for undesirable activities. When the parking lot is not in use, some type of entry confinement should be installed.

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.

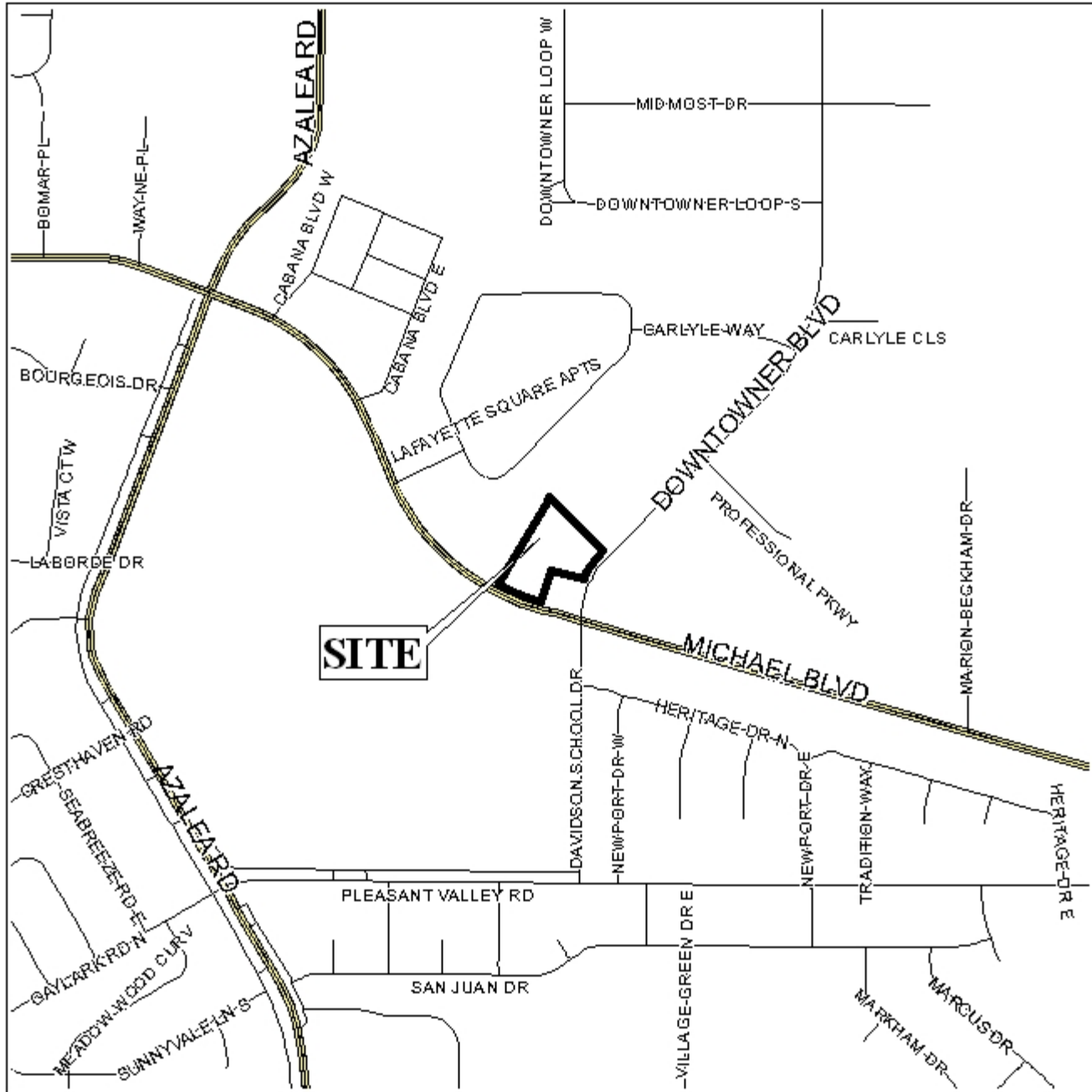
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

While the applicant may not have sufficient parking on site for overflow purposes, this would not necessarily constitute a hardship imposed by the property. If the property has sufficient on-site parking for its normal business activities, no hardship exists. If normal business activities are to include overflow parking requirements, then the applicant located the business on a site with non-sufficient parking. The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to have additional parking off-site.

**RECOMMENDATION 5423****Date: July 2, 2007**

Based on the preceding, this application is recommended for denial.

# LOCATOR MAP



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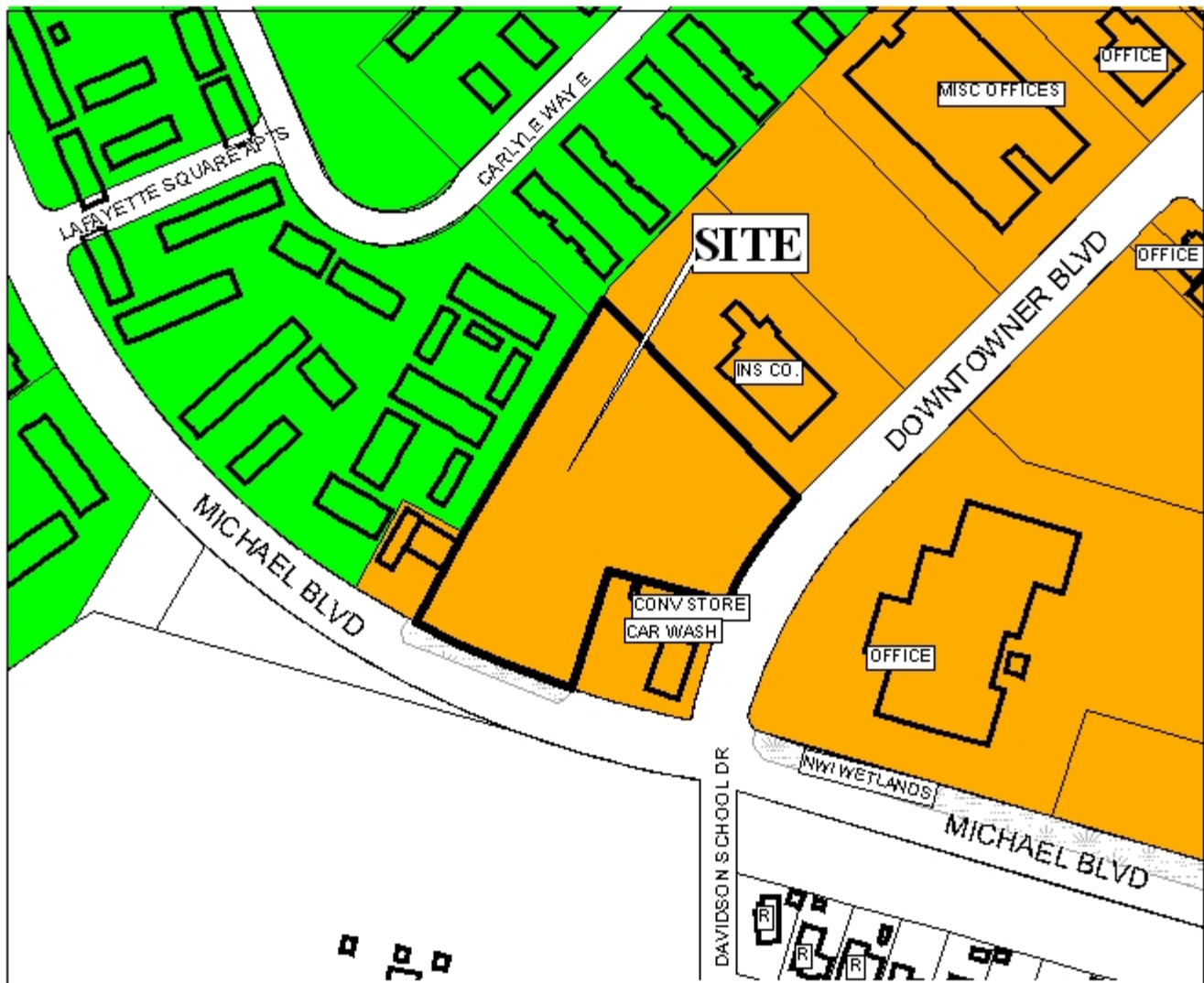
APPLICANT Downtowner and Michael Joint Venture

REQUEST Off-Site Parking Variance



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING






This site is surrounded by commercial and residential landuse.

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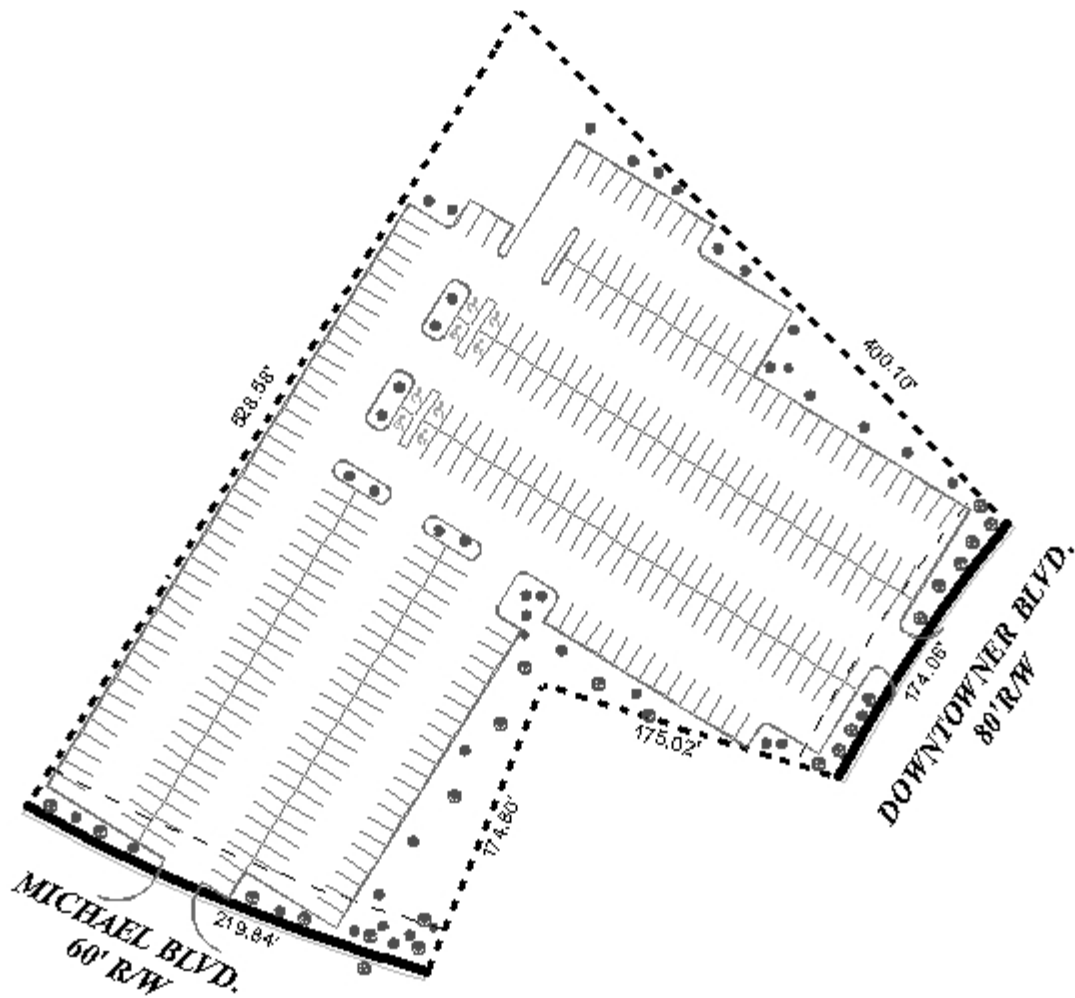
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LEGEND 

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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## SITE PLAN



This site plan illustrates a parking area.

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