

APPLICATION NUMBER

5288

A REQUEST FOR

**USE, PARKING RATIO AND PARKING SURFACE
VARIANCES TO ALLOW THE CONSTRUCTION OF A
SECOND BUILDING (1,250 SQUARE FOOT POLE BARN)
FOR A CABINET SHOP, TO ALLOW 3 ON-SITE PARKING
SPACES, AND AN AGGREGATE SURFACE PARKING
LOT, IN A R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; THE ZONING ORDINANCE REQUIRES B-3,
COMMUNITY BUSINESS ZONING FOR A CABINET
SHOP, EIGHT ON-SITE PARKING SPACES, AND THAT
PARKING BE ASPHALT, CONCRETE OR AN APPROVED
ALTERNATIVE PAVING SURFACE**

LOCATED AT

2670 DAUPHIN ISLAND PARKWAY

(West side of Dauphin Island Parkway, 600'+ North of Cedar Point Road)

APPLICANT/OWNER

JOHN WEST

AGENT

M. DON WILLIAMS, III

BOARD OF ZONING ADJUSTMENT

JANUARY 2005

The applicant is requesting Use, Parking Ratio and Parking Surface Variances to allow the construction of a second building (1,250 square foot pole barn) for a cabinet shop, to allow 3 on-site parking spaces, and an aggregate surface parking lot, in a R-1, Single-Family Residential District; the Zoning Ordinance requires B-3, Community Business zoning for a cabinet shop, eight on-site parking spaces, and that parking be asphalt, concrete or an approved alternative paving surface.

The applicant states that the site contains an 800 square foot metal building and a 300 square foot portable building, which are used for the construction of wood cabinets and small scale iron work. Hurricane Ivan destroyed a separate 800 square foot building that was used to store materials. The applicant proposes to construct a 1,250 square foot pole barn to replace the existing 300 square foot portable building and the 800 square foot building that was destroyed by the storm.

The applicant proposes to move the cabinet business to the proposed building and maintain his iron working business in the 800 square foot remaining building. Additionally, the applicant states he is the only person working at the site and proposes to maintain the existing gravel parking and driveway entrance area "as is", with a small addition to allow parking for three cars for the few customers that visit his site.

The applicant states that the site has been used commercially for many years, and is located in an area of Dauphin Island Parkway that is predominantly commercial. The applicant states several properties located across the street are zoned B-2 and B-3, but only one lot on the West side of Dauphin Island Parkway is zoned B-2. The applicant states that the property to the North has been used as a welding shop for 34 years and the lot to the South is currently used as a pawn shop, florist and upholstery shop in an R-1, Single-Family Residential district. The applicant states the site is far from residential development, bordered to the rear by wetlands, and adjacent to non-conforming B-3 activity.

While the site has maintained a legal non-conforming B-3 use, whenever an addition is proposed, either a rezoning application or Use Variance is required for anything other than rebuilding an existing structure of the same size. Whereas this addition is larger than the structure it is replacing, a variance is needed.

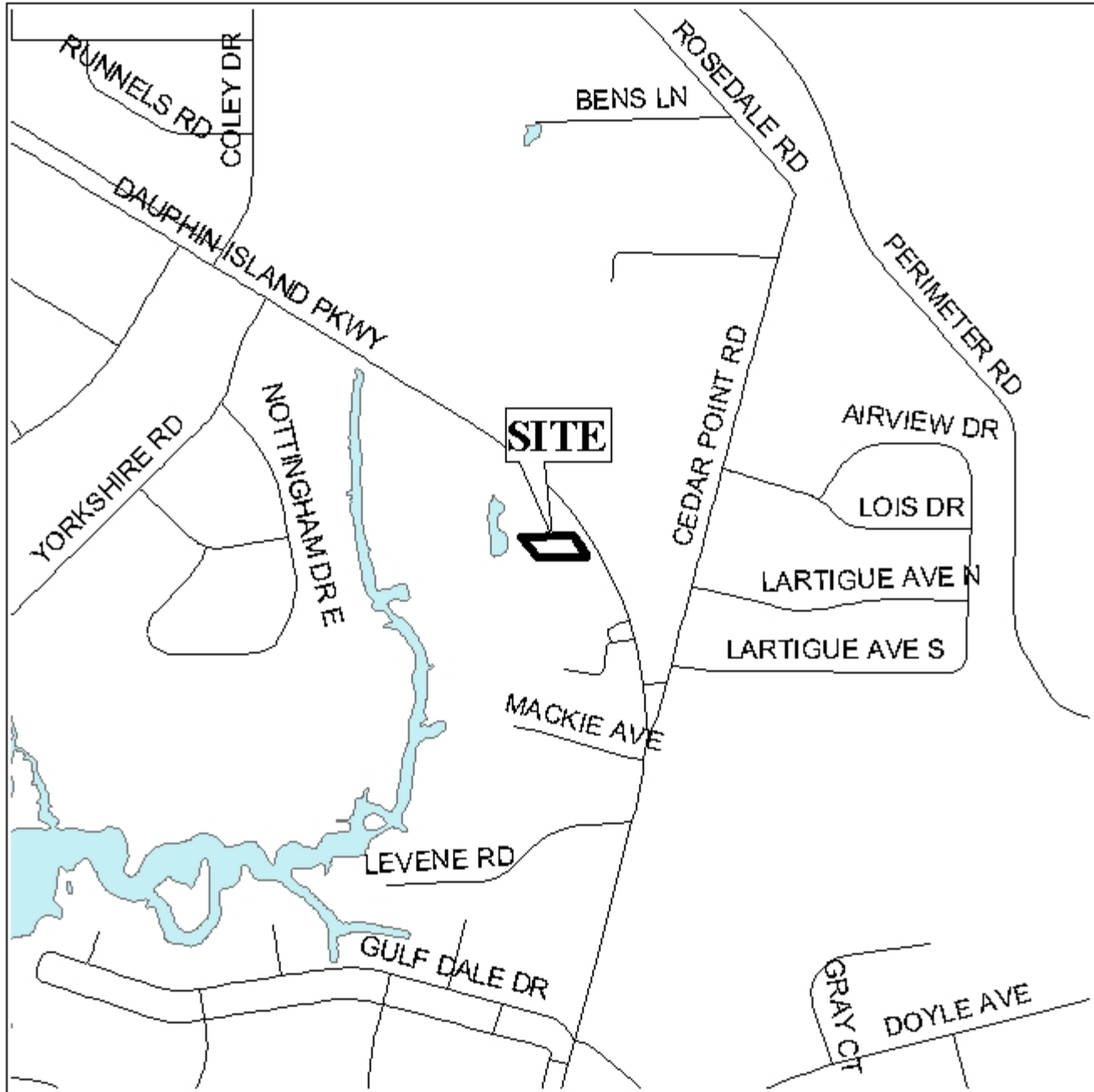
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement 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.

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 construct a building larger than allowed by the Zoning Ordinance.

RECOMMENDATION 5288**Date: January 10, 2005**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 5288 DATE January 10, 2004

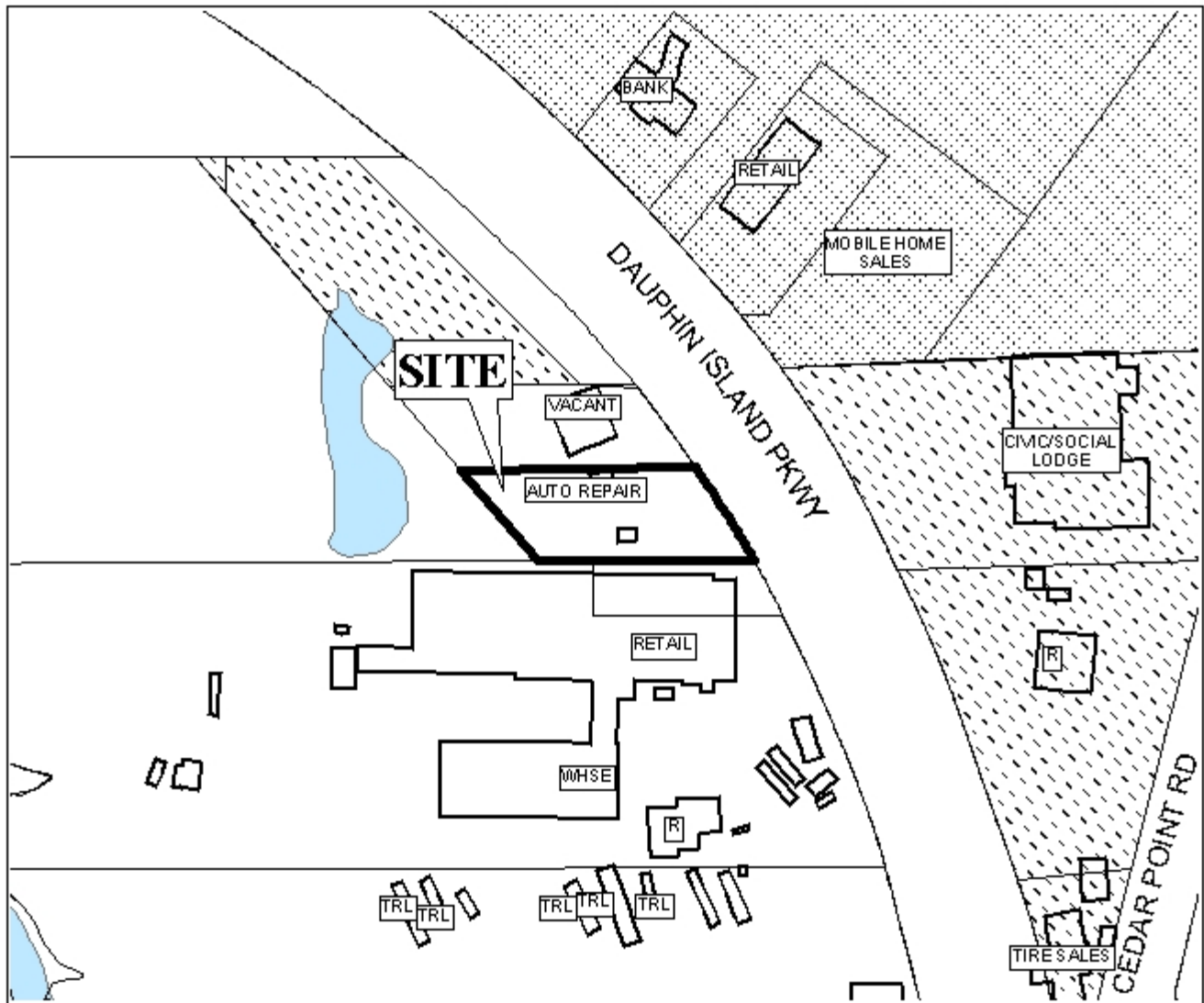
APPLICANT John West

REQUEST Use, Parking Ratio and Parking Surface Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is located in an area of mixed commercial land use.

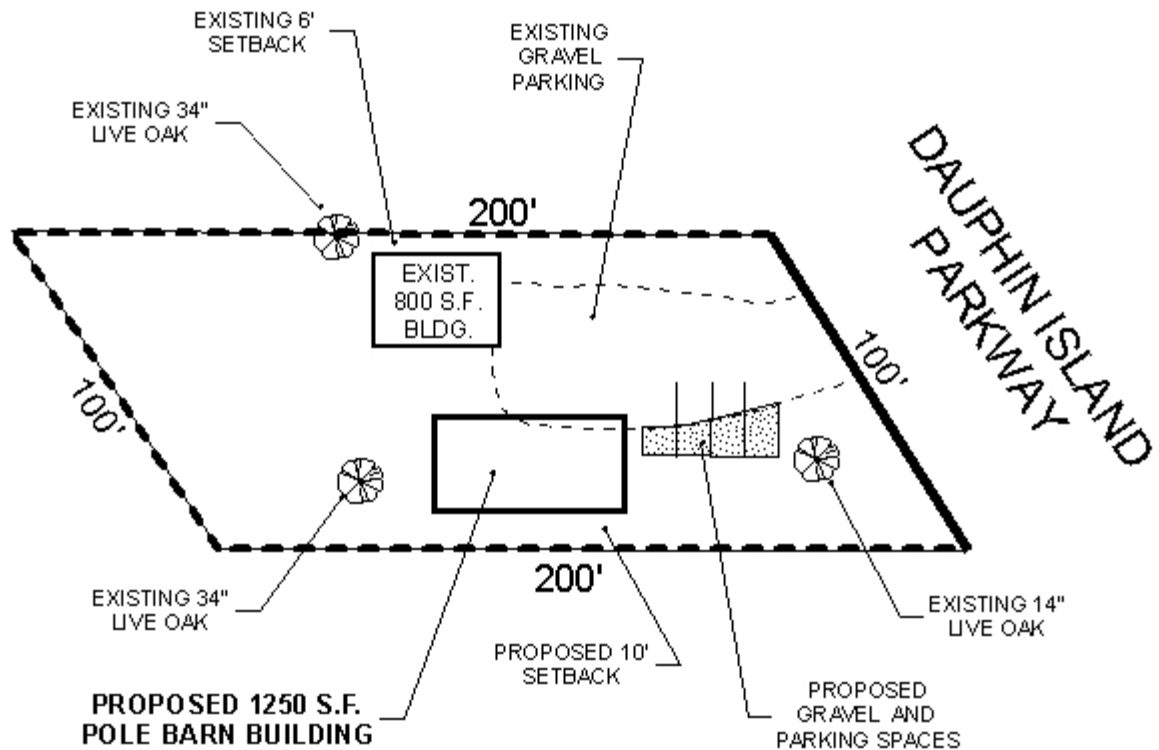
APPLICATION NUMBER 5288 DATE January 10, 2004
 APPLICANT John West
 REQUEST Use, Parking Ratio and Parking Surface Variances

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
-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----



SITE PLAN



The site is located on the West side of Dauphin Island Parkway, 600' North of Cedar Point Road. The plan illustrates the existing and proposed structures, parking and trees.

APPLICATION NUMBER 5288 DATE January 10, 2004
 APPLICANT John West
 REQUEST Use, Parking Ratio and Parking Surface Variances



NTS