

APPLICATION NUMBER

5584/5293

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW A CHURCH
SANCTUARY WITH A SEATING CAPACITY OF 520
PERSONS TO PROVIDE ONLY 104 PARKING SPACES IN
AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE REQUIRES A PARKING RATIO
OF ONE PARKING SPACE FOR EVERY FOUR SEATS IN
A CHURCH, FOR A TOTAL OF 130 PARKING SPACES, IN
AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT.**

LOCATED AT

650 SOUTH BAYOU STREET

(Southwest corner of South Bayou Street and New Jersey Street, and extending South to Montgomery Street and West to South Jefferson Street and the Southeast corner of South Bayou Street and New Jersey Street)

APPLICANT/OWNER

ST. PETER BAPTIST CHURCH

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting a Parking Ratio Variance to allow a church sanctuary with a seating capacity of 520 persons to provide only 104 parking spaces in an R-2, Two-Family Residential District; the Zoning Ordinance requires a parking ratio of one parking space for every four seats in a church, for a total of 130 parking spaces, in an R-2, Two-Family Residential District.

This site has been the subject of a Subdivision, Planned Unit Development, and Planning Approval application with the Mobile City Planning Commission. There is a main sanctuary building and an adjacent educational/office building on the site. The church owns the off site parking lot at the corner of South Bayou and New Jersey Street.

The applicant proposes to construct a two-story multi-purpose building within the existing parking lot area; therefore, the parking lot will have to be reconfigured. The applicant states that in order to reconfigure the parking lot and to accommodate the proposed multi-purpose building, a 20-foot setback along Jefferson Street is necessary. In addition, the applicant states that since the site is bordered on all four sides with City street right-of-way this poses a hardship to the property. The applicant further states that it has been the policy of the City to allow a 20-foot setback along a minor street when the 25-foot setback is met on the primary street. 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 seating capacity of the existing sanctuary is 520 persons. Based on the zoning requirement of one parking space for every four seats, the parking requirement is 130 parking spaces. The site plan submitted shows that upon construction of the new multi-purpose building and the reconfiguration of the parking lot, the 130 parking spaces are not available. The applicant also states that the building site will have 69 spaces and the existing parking area across Bayou Street has 35 spaces for a total of 104 spaces. The applicant further states that there are 22 existing parking spaces along New Jersey Street and a minimum of 10 spaces along Jefferson Street which are presently available for church parking. All of the provided parking spaces give a total of 136 spaces.

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.

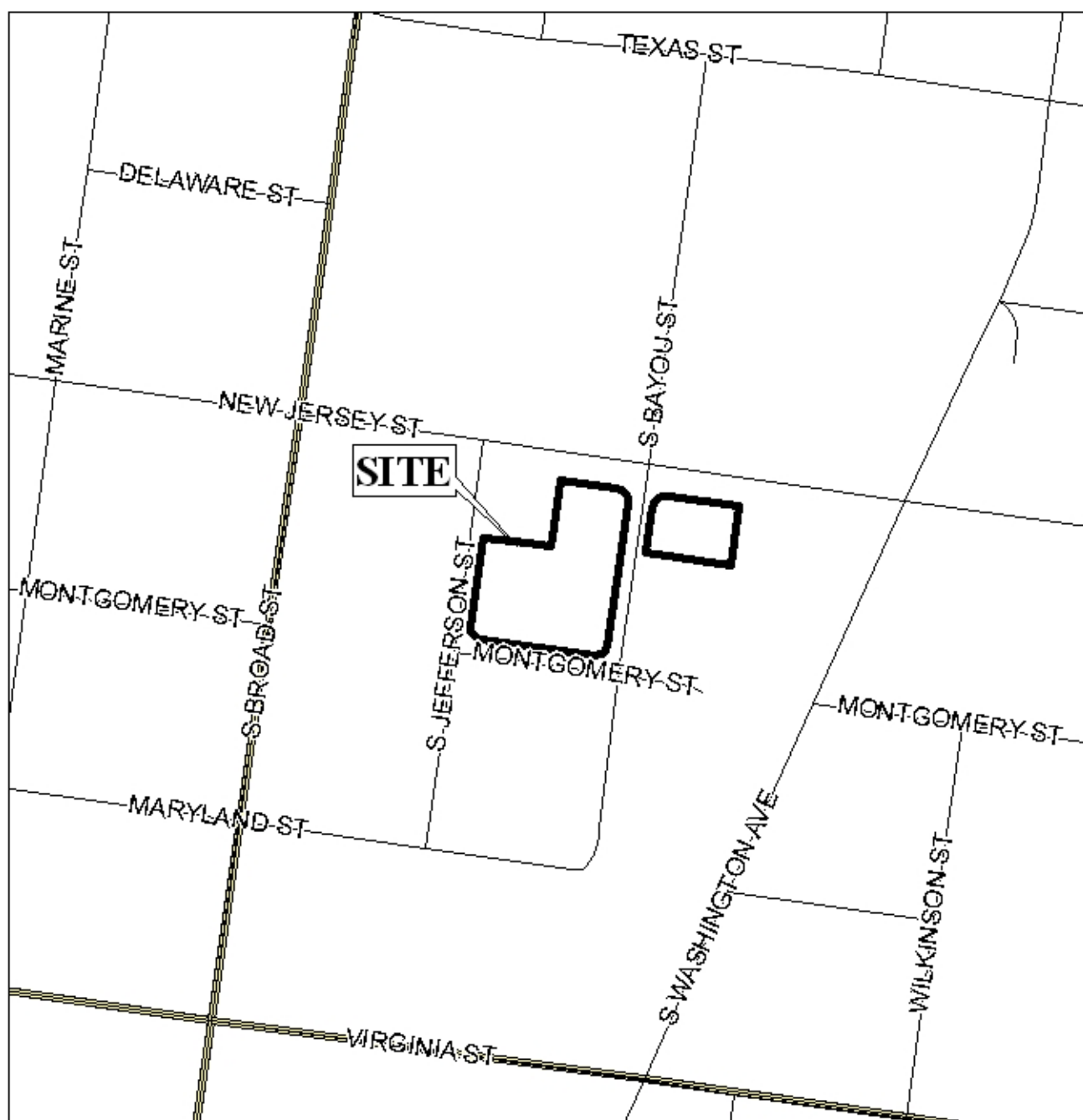
The fact that the applicant proposes to construct a 23,730 Square foot building within the existing parking lot area is not a hardship; if at all, it is self-imposed by overdeveloping the site. It should also be noted that the Board of Zoning Adjustment has never counted on-street parking towards meeting required parking.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. Any problems faced by the applicant would be self-imposed.

RECOMMENDATION 5584/5293**Date: December 7, 2009**

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

LOCATOR MAP



APPLICATION NUMBER 5584/5293 DATE December 7, 2009

APPLICANT St. Peter Baptist Church

REQUEST Parking Ratio Variance



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 5584/5293 DATE December 7, 2009

APPLICANT St. Peter Baptist Church

REQUEST Parking Ratio Variance

LEGEND

R-1	R-2	R-3	R-4	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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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 5584/5293 DATE December 7, 2009

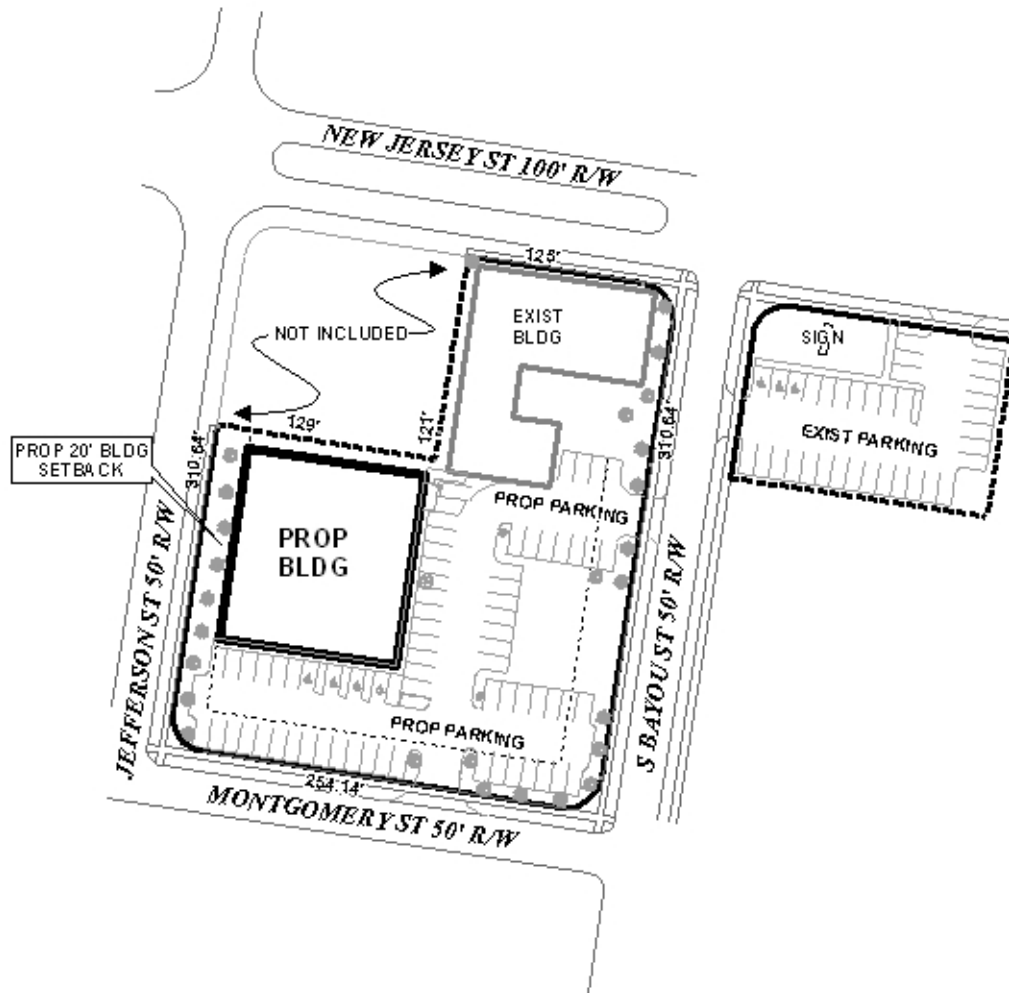
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NTS

SITE PLAN



The site plan illustrates the proposed building and parking

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