

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: March 4, 2013**

<u>CASE NUMBER</u>	5815
<u>APPLICANT NAME</u>	William S. Denton & Bonnie Campbell
<u>LOCATION</u>	7020 Old Shell Road (Northwest corner of Old Shell Road and Oklahoma Drive).
<u>VARIANCE REQUEST</u>	USE: To allow a dance school in an R-1, Single-Family Residential District.
<u>ZONING ORDINANCE REQUIREMENT</u>	USE: The Zoning Ordinance requires a minimum B-2, Neighborhood Business District to allow a dance school.
<u>ZONING</u>	R-1, Single-Family Residential District
<u>AREA OF PROPERTY</u>	1.6± Acres
<u>ENGINEERING COMMENTS</u>	No Comment
<u>TRAFFIC ENGINEERING COMMENTS</u>	The two driveway radii on Old Shell Rd should be at least 20'. The two parking stalls on the east side of the parking lot need a slip to back into so they have sufficient room to back up to turn around and exit the parking lot head lights first.
<u>FIRE DEPARTMENT COMMENTS</u>	All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.
<u>CITY COUNCIL DISTRICT</u>	District 7

ANALYSIS

The applicant is requesting a Use Variance to allow a dance school in an R-1, Single-Family Residential District; the Zoning Ordinance requires a minimum zoning of B-2, Neighborhood Business.

The applicant proposes to develop a vacant parcel (two legal lots of record and a portion of a third lot) as a dance school.

The applicant states as current business owners serving the community since 1989, feel the opportunity to invest in their own property and building would benefit both themselves and the community.

The applicant proposes to construct a 2,800 square feet building to be used as a dance studio that would facilitate dance instruction for two to four people in a ballroom setting between the hours of noon and 9:00 PM, five to six days per week. The applicant states approximately three times per week there will be a group class in the early evenings with eight to ten couples as well as a practice session with 10-25 people once a week.

The applicant submitted a site plan illustrating the structure, parking, access and maneuvering area, several existing trees to be used for credit and new tree plantings. The site does not reference landscaping and tree compliance; however, a condition would be required if approved.

The site plan illustrates the location of ten parking spaces, which meets the minimum required for the use specified; however, the applicant states there would be a practice session once a week for 10-25 people. Therefore, the applicant should take this into consideration of possibly providing more spaces to successfully provide enough asphalt parking to accommodate each customers driving a vehicle.

The site plan illustrates several existing trees and landscaping; however, the site plan does not illustrate compliance (existing or proposed) with landscaping and tree requirements of the Ordinance if considered for approval.

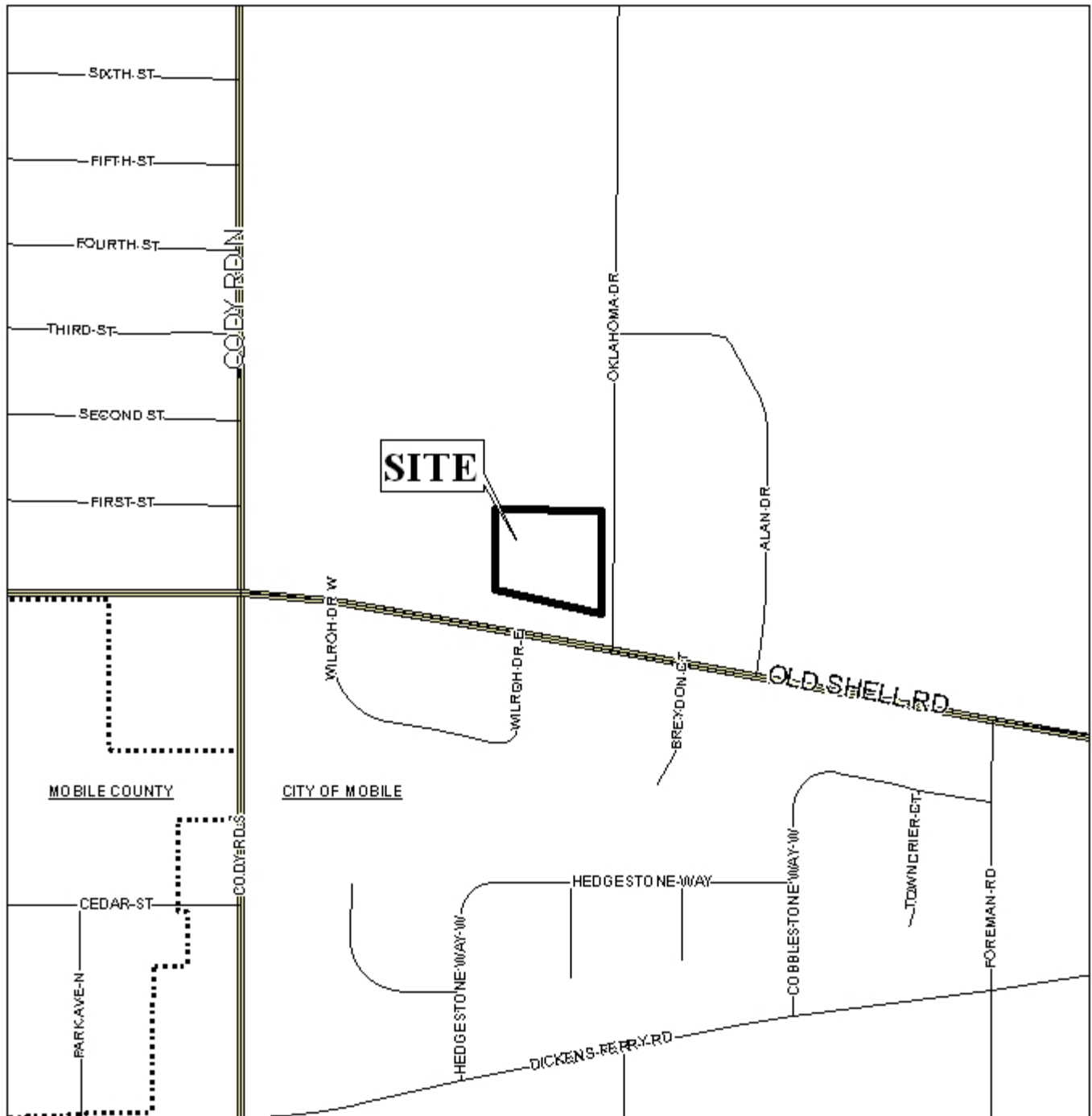
The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement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

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 applicant did not state what, if any, hardship exists on the property that would keep it from being used in compliance of the Zoning Ordinance. There is no hardship or special circumstance readily apparent.

RECOMMENDATION: Based upon the preceding, the application is recommended for denial as no hardship or special circumstance exists.

LOCATOR MAP

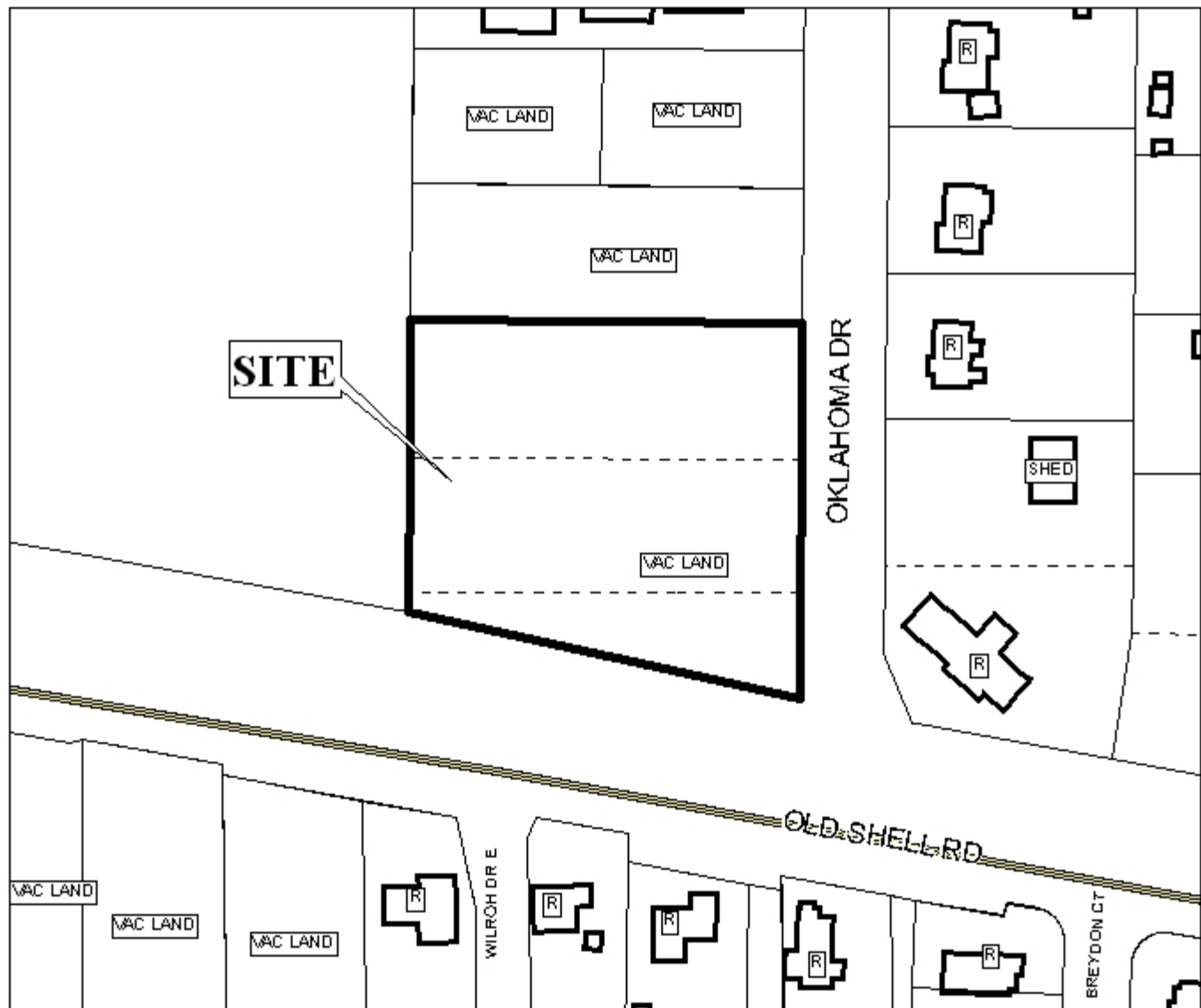


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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Undeveloped land is located to the north and west of the site.
Single-family residences are located to the east and south of the site.

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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



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SITE PLAN



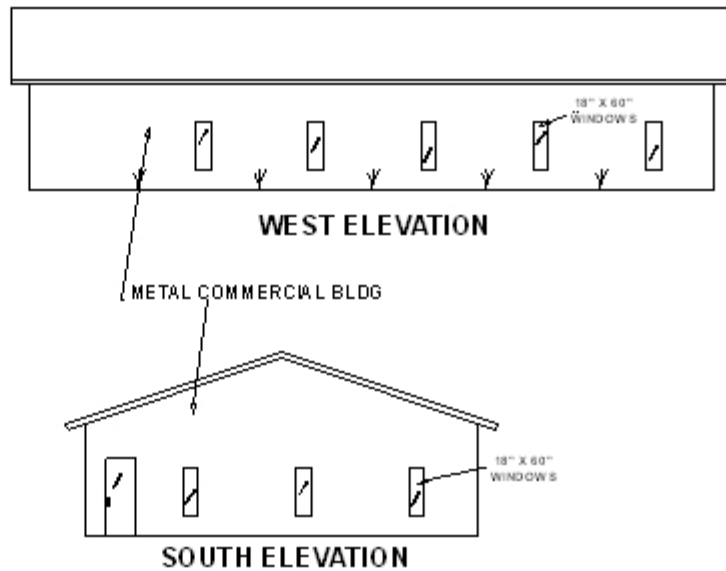
The site plan illustrates the proposed development.

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DETAIL SITE PLAN



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