

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: December 1, 2014****CASE NUMBER**

5934/3275/3044

**APPLICANT NAME**

River Landing Investments, LLC

**LOCATION**6808 Airport Boulevard  
(Southeast corner of Foreman Road and Airport  
Boulevard).**VARIANCE REQUEST****PARKING RATIO:** Parking Ratio Variance to allow 71 parking spaces for a 14,837 square foot commercial/restaurant building with 10,796± square feet of retail/office and 4,041± square feet of restaurant in a B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****PARKING RATIO:** The Zoning Ordinance requires 77 compliant parking spaces for a 14,837± square foot commercial/restaurant building in a B-2, Neighborhood Business District.**ZONING**

B-2, Neighborhood Business District

**AREA OF PROPERTY**

1.3± Acres

**ENGINEERING  
COMMENTS**

No Comments

**TRAFFIC ENGINEERING  
COMMENTS**

Based on the current tenant listings, there are varying hours of operation (daytime hours versus afternoon/evening hours), and these staggered hours may have a positive effect on the parking demand at this site. If either space occupied by Pour Baby or Paint Party Studio were to change to a business with mid-day (lunchtime hours), the parking demand could be negatively effected.

**CITY COUNCIL  
DISTRICT**

District 6

**ANALYSIS**

The applicant is requesting a Parking Ratio Variance allow 71 parking spaces for a 14,837 square foot commercial/restaurant building with 10,796± square feet of retail/office and 4,041± square feet of restaurant in a B-2, Neighborhood Business

District; the Zoning Ordinance requires 77 compliant parking spaces for a 14,837± square foot commercial/restaurant building in a B-2, Neighborhood Business District.

The site currently has 11,796 square feet of office/retail use and 3,041 square feet of restaurant use. One of the current restaurant tenants wishes to expand operations into the suite next to the one they currently occupy. This expansion will result in the number of required parking spaces increasing from 71 parking spaces to 77 parking spaces. The site currently provides 71 parking spaces, and there does not appear to be adequate room to provide additional parking spaces.

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 states, “I am requesting approval for the expansion of Pour Baby in the Southwood Place Shopping Center which has 71 parking spaces, which is 6 shy of the 77 parking spaces required by the City of Mobile.”

This statement by the applicant, the only one provided with the application, is insufficient to justify the request, nor to satisfy the “hardship” criteria.

The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the parking requirements. The applicant simply wishes to expand an existing restaurant on a site that does not have room to provide sufficient parking and maneuvering for the proposed use.

**RECOMMENDATION:** Based upon the preceding, staff recommends to the Board the following findings of facts for denial:

- 1) approving the variance request will be contrary to the public interest in that it is contrary to Section 64-6.A.6. of the Zoning Ordinance pertaining to amounts of off-street parking facilities required;
- 2) special conditions regarding the use of the property, or the property itself, do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because it appears that surrounding businesses comply with off-street parking requirements.

# LOCATOR MAP



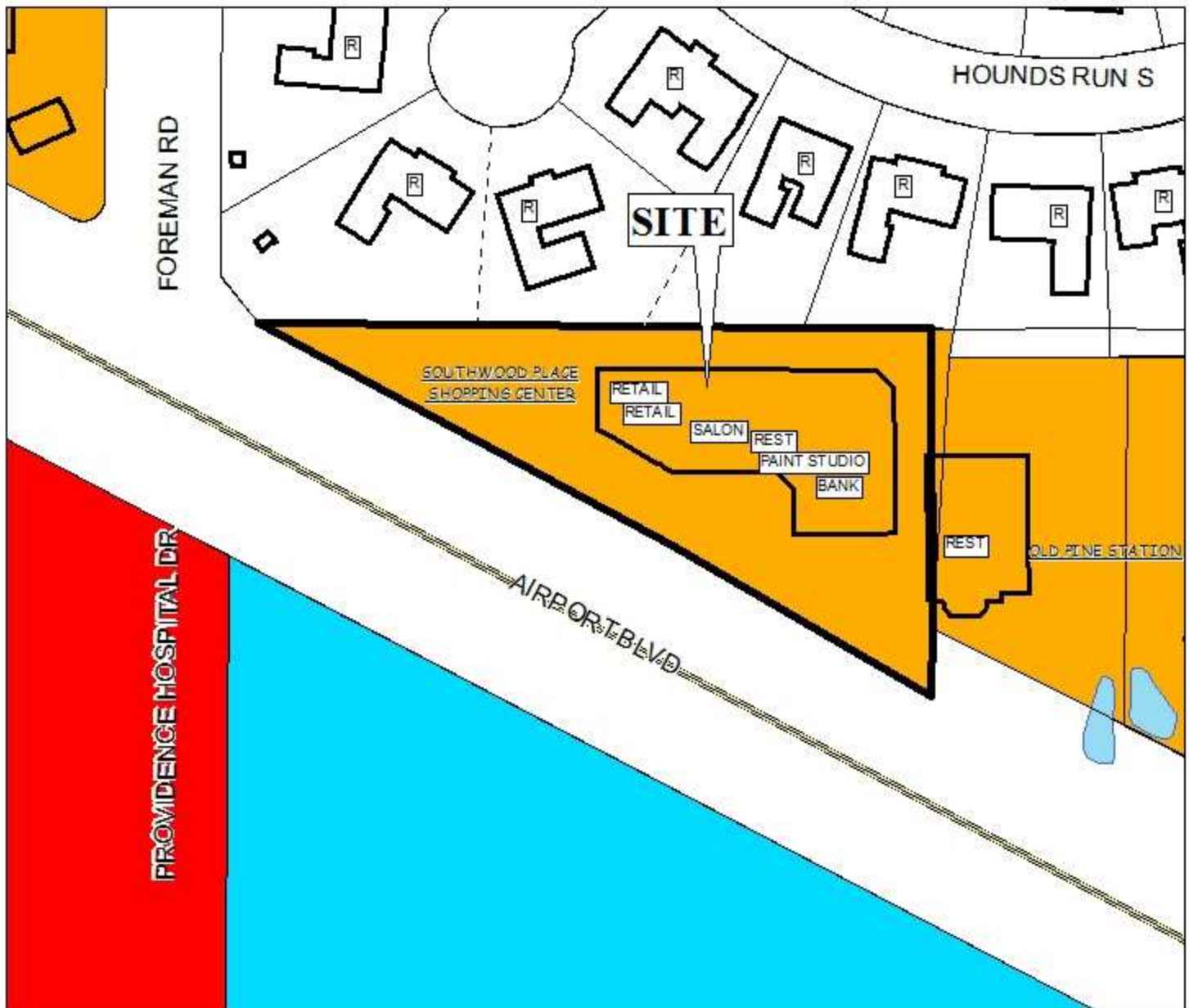
APPLICATION NUMBER 5934 DATE December 1, 2014

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REQUEST Parking Ratio Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the north. A restaurant lies east of the site.

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<span style="background-color: #90EE90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-A	<span style="background-color: #00FF00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> R-3	<span style="background-color: #D2B48C; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T-B	<span style="background-color: #FFA500; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-2	<span style="background-color: #0000FF; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> B-5	<span style="background-color: #FFFFE0; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> MUN	<span style="background-color: #FF8C00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> SD-WH	<span style="background-color: #800080; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> T5.1
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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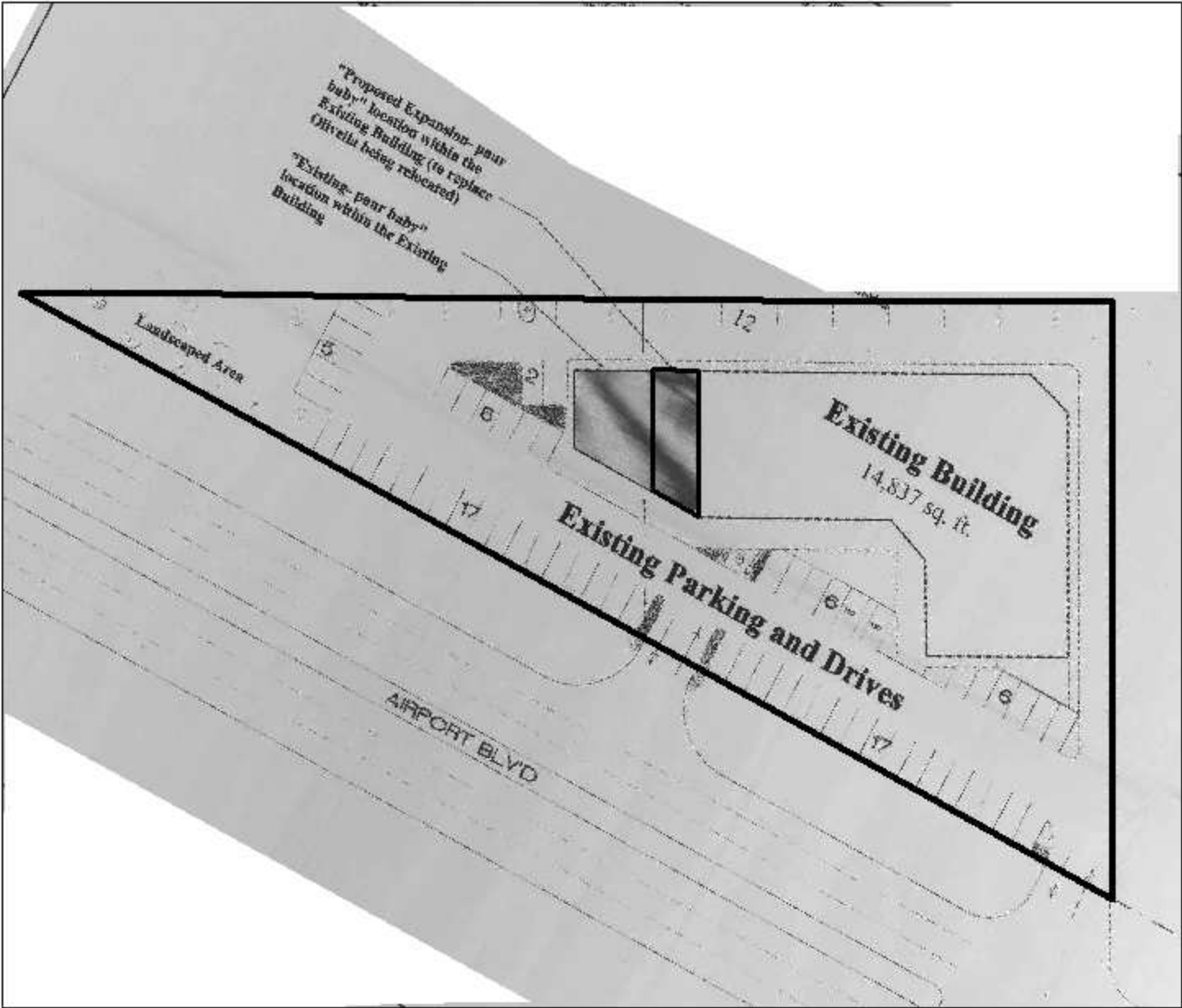
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## SITE PLAN

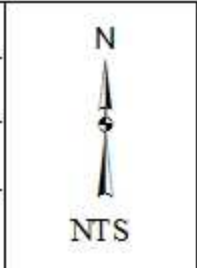


The site plan illustrates the existing restaurant, proposed expansion, and parking.

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## DETAIL SITE PLAN



NTS