

APPLICATION NUMBER

5335

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW THE
CONVERSION OF 4,611 SQUARE-FEET OF A MULTI-
TENANT, RETAIL TENANT SPACE (5,935 TOTAL
SQUARE-FEET) TO A RESTAURANT USE WITH 43
PARKING SPACES; THE ZONING ORDINANCE
REQUIRES ONE SPACE PER 100 SQUARE FEET FOR
RESTAURANT USE AND ONE SPACE PER 300 SQUARE
FEET FOR RETAIL/OFFICE SPACE FOR A TOTAL OF 52
SPACES (47 RESTAURANT AND 5 RETAIL/OFFICE)**

LOCATED AT

2068 OLD SHELL ROAD

(Northeast corner of Old Shell Road and Upham Street)

APPLICANT/OWNER

2066 OLD SHELL ROAD, LLC

BOARD OF ZONING ADJUSTMENT

DECEMBER 2005

The applicant is requesting Parking Ratio Variance to allow the conversion of 4,611 square-feet of a multi-tenant, retail tenant space (5,935 total square-feet) to restaurant use with 43 parking spaces; the Zoning Ordinance requires one space per 100 square feet for restaurant use and 1 space per 300 square feet for retail/office space for a total of 52 spaces (47 restaurant and 5 retail/office).

The applicant proposes to convert 4,611 square feet of vacant retail space to restaurant use. The applicant states a prospective tenant wishes to lease the space for a restaurant. Whereas the existing site complied with the required parking for retail/office use, the proposed restaurant use of the tenant space would leave the site nine spaces short.

There are several reasons why minimum requirements for parking are required. Parking requirements assure a customer or client that there is space to park their vehicle on-site when doing business in the City of Mobile. Additionally, it should be noted that the parking requirements are evenly enforced citywide, and all businesses, including new developments must comply with these requirements.

The building predates the current Zoning Ordinance and as such, the parking layout does not meet today's standards; most of the parking spaces back into the City's right-of-way. Although the Board has granted some relief of the parking ratio requirements to businesses in older areas of town, in those situations on-street parking was available. On-site parking is not an option at this site.

The Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to convert an existing retail/office into restaurant use with substandard parking.

RECOMMENDATION 5335**Date: December 5, 2005**

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

LOCATOR MAP



APPLICATION NUMBER 5335 DATE December 5, 2005

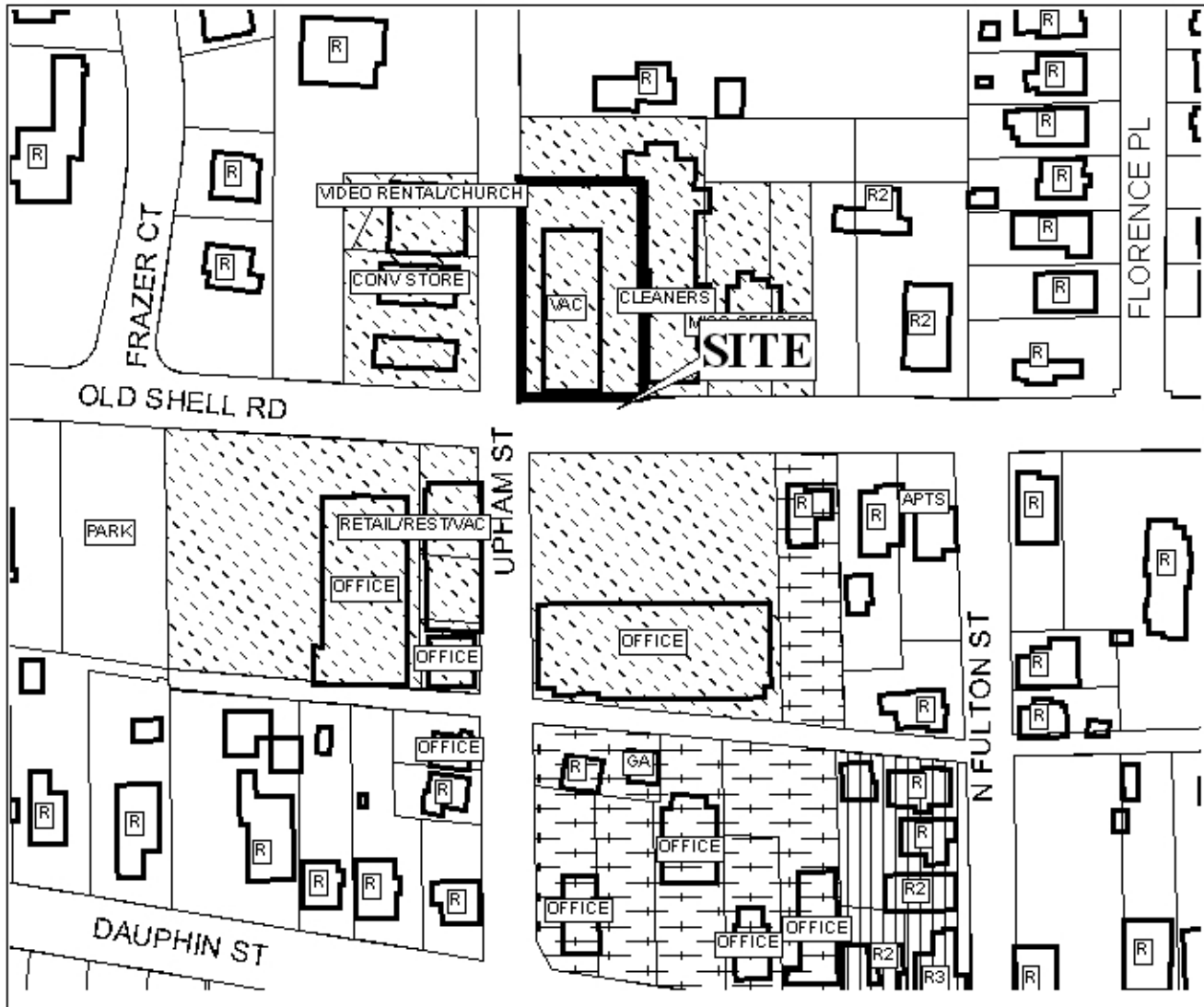
APPLICANT 2006 Old Shell Road, LLC

REQUEST Parking Ratio Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

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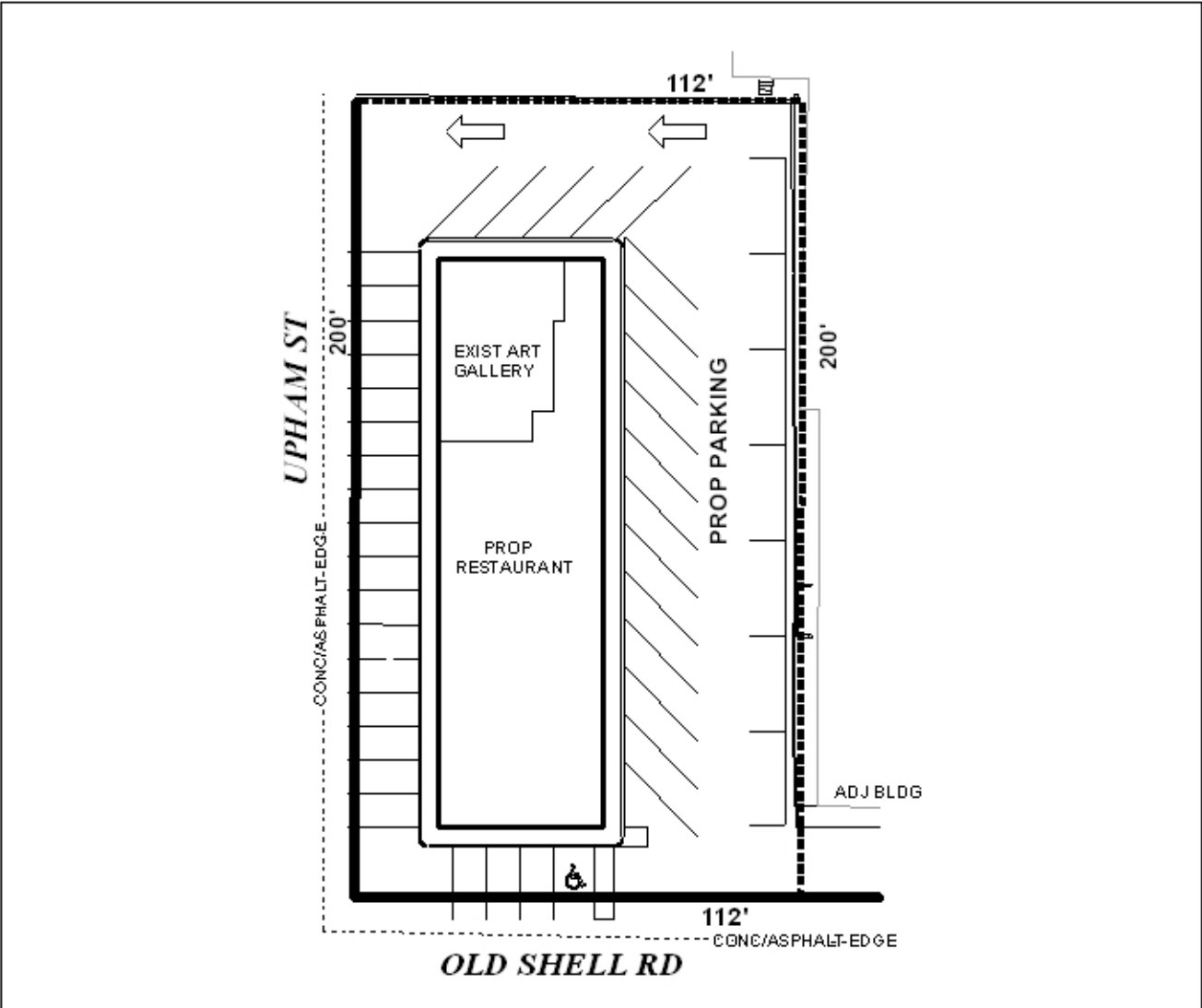
LEGEND

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

SITE PLAN



The site plan illustrates the existing building and proposed parking

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