

APPLICATION NUMBER

5588 / 5291

A REQUEST FOR

**USE, PARKING RATIO, AND ACCESS/MANEUVERING
VARIANCES TO ALLOW A FURNITURE REPAIR AND
UPHOLSTERY SHOP IN A B-1, BUFFER BUSINESS
DISTRICT WITH NO DELINEATED PARKED, AND
INSUFFICIENT MANEUVERING AREA; THE ZONING
ORDINANCE REQUIRES A MINIMUM OF A B-3,
COMMUNITY BUSINESS DISTRICT, 1 PARKING SPACE
FOR EVERY 300 SQUARE FEET OF FLOOR AREA, AND
SUFFICIENT VEHICLE MANEUVERING AREA.**

LOCATED AT

652 WESTERN DRIVE

(East side of Western Drive, 50'± North of Cotton Street)

APPLICANT

JOYCE G. WESLEY

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting a Use, Parking Ratio, and Access/Maneuvering Variances to allow a Furniture Repair and Upholstery Shop in a B-1, Buffer Business district with no delineated parked, and insufficient maneuvering area; the Zoning Ordinance requires a minimum of a B-3, Community Business District, 1 parking space for every 300 square feet of floor area, and sufficient vehicle maneuvering area.

The applicant wishes to operate an antiques and furniture upholstery and restoration business in Suite B of the building on this site. The applicant submitted a site plan indicating no delineated parking and insufficient maneuvering area.

The Board heard a similar request for a Use Variance in March, 2005, in which a use variance was approved subject to delineation of parking spaces and frontage trees. It should also be noted that the March, 2005, application included several improvements, including aggregate surfacing in the rear with parking spaces. These improvements were never undertaken, thus negating this variance.

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 provide any explanation or justification of what, if any, hardship exists on the property. Based upon the lack of information from the applicant and in reviewing the surrounding development patterns, it does not appear the property is unique; nor are there any noticeable hardships associated with the site that would prohibit it from being used for a conforming B-1 use.

Further, no justification was given for the lack of parking or maneuvering space. Parking requirements ensure an employee, customer, or client has a place to park when doing business in the City of Mobile. Additionally, it should be noted that the parking requirements are evenly enforced citywide, and all businesses must comply with these requirements.

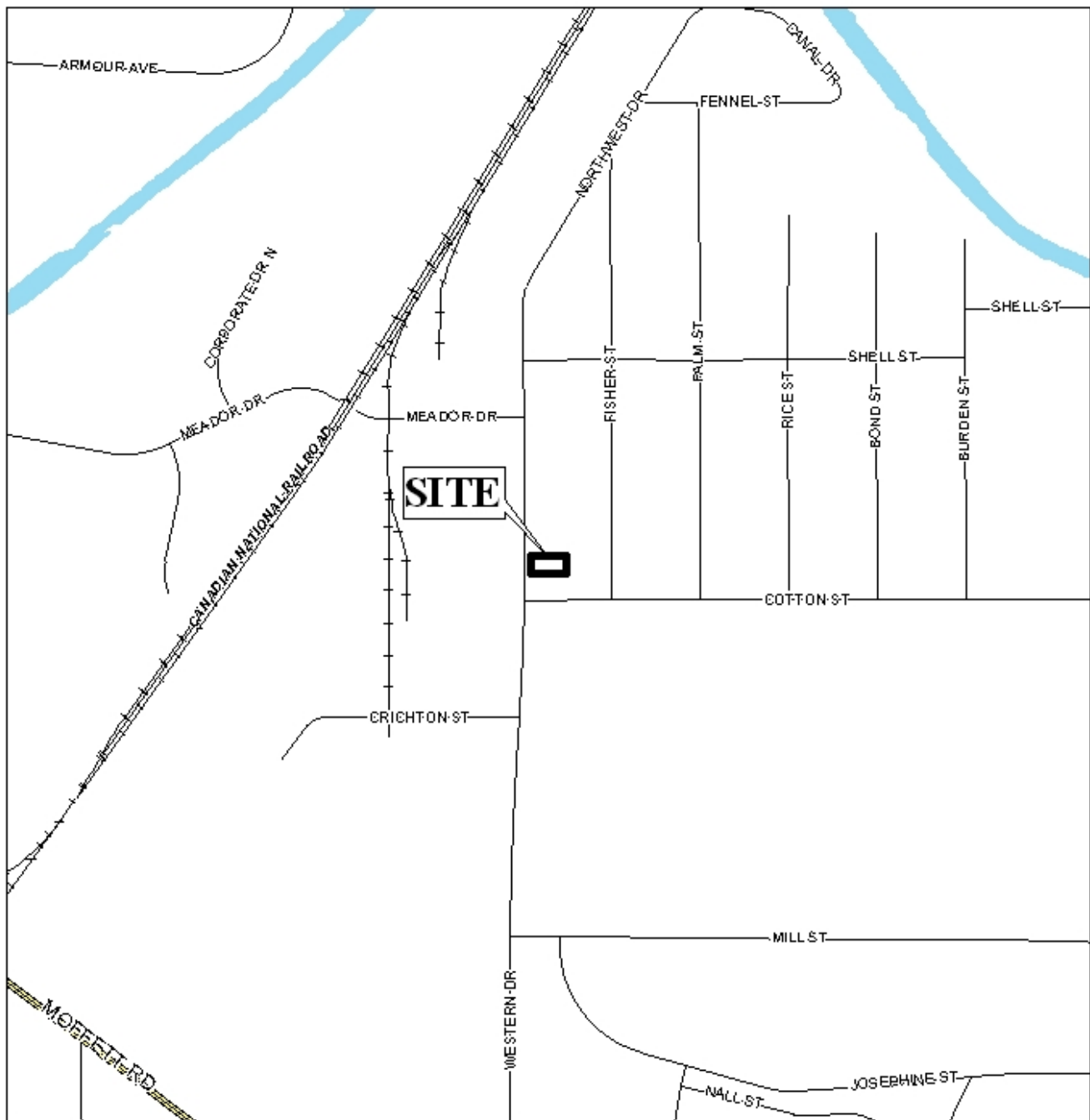
The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to use this site as a furniture repair shop with upholstery services with insufficient parking.

RECOMMENDATION 5588 / 5291

Date: December 7, 2009

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

LOCATOR

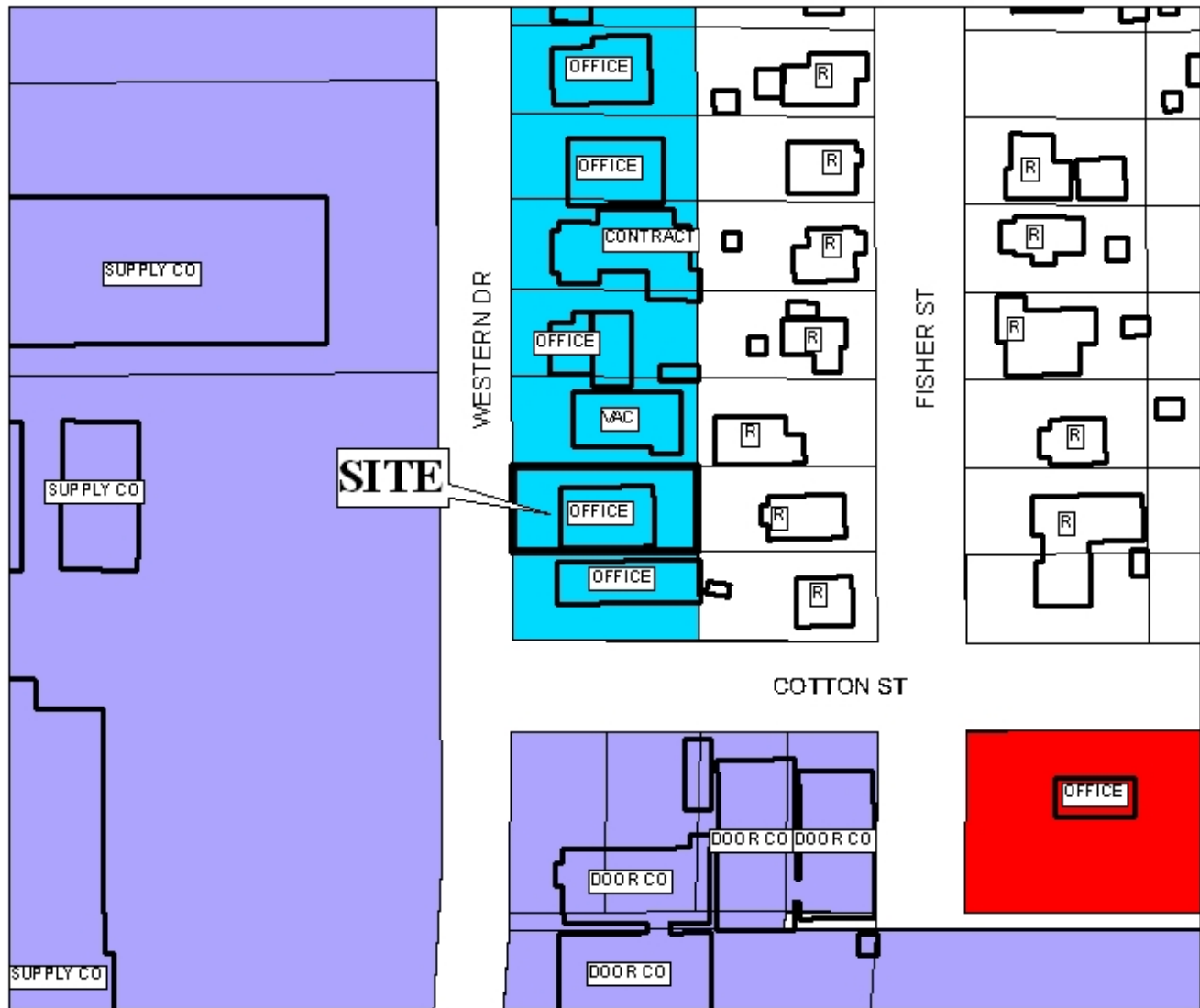


APPLICATION NUMBER 5588/5291 DATE December 7, 2009
APPLICANT Joyce G. Wesley
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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business and residential land use
with industrial land use to the south and west.

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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 NTS



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

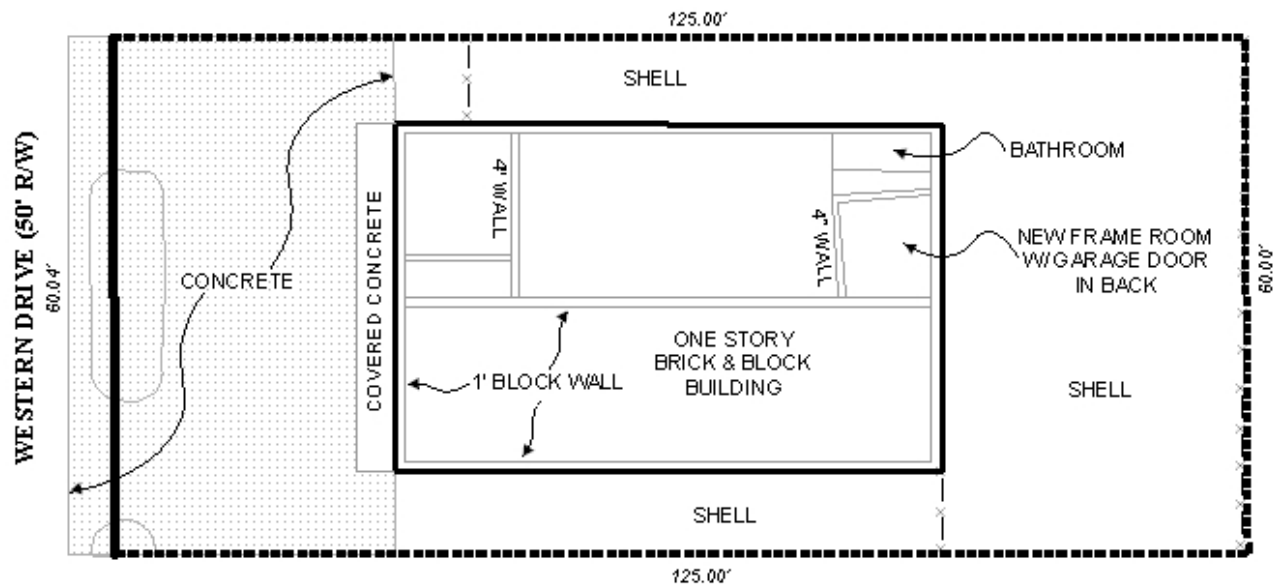


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SITE PLAN



This site plan illustrates the existing structure and parking.

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