

APPLICATION NUMBER

5559

A REQUEST FOR

**PAVING SURFACE VARIANCE TO ALLOW THE
CONSTRUCTION OF A TEMPORARY PARKING LOT
WITH SHELL SURFACING IN A B-1, BUFFER BUSINESS
DISTRICT; THE ZONING ORDINANCE REQUIRES
PARKING SURFACES TO BE CONCRETE, ASPHALTIC
CONCRETE, ASPHALT, OR AN APPROVED
ALTERNATIVE PAVING SURFACE IN A B-1, BUFFER
BUSINESS DISTRICT**

LOCATED AT

248 COX STREET

(Southeast corner of Cox Street and St. Stephens Road)

APPLICANT / OWNER

MOBILE COUNTY BOARD OF HEALTH

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2009

The applicant is requesting a Paving Surface Variance to allow the construction of a temporary parking lot with shell surfacing in a B-1, Buffer Business district; the Zoning Ordinance requires parking surfaces to be concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in a B-1, Buffer Business District.

The applicant states that they are currently experiencing parking problems and would like to construct additional parking. In the mean time, a temporary gravel parking lot is proposed.

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.

With regard to the applicant's request, no justification has been provided. There is certainly no hardship preventing the site from being paved. Also, while the applicant states that the gravel will be temporary, no timeline has been given as to when the permanent parking lot will be constructed, or where it will be located.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5559**Date: September 14, 2009**

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

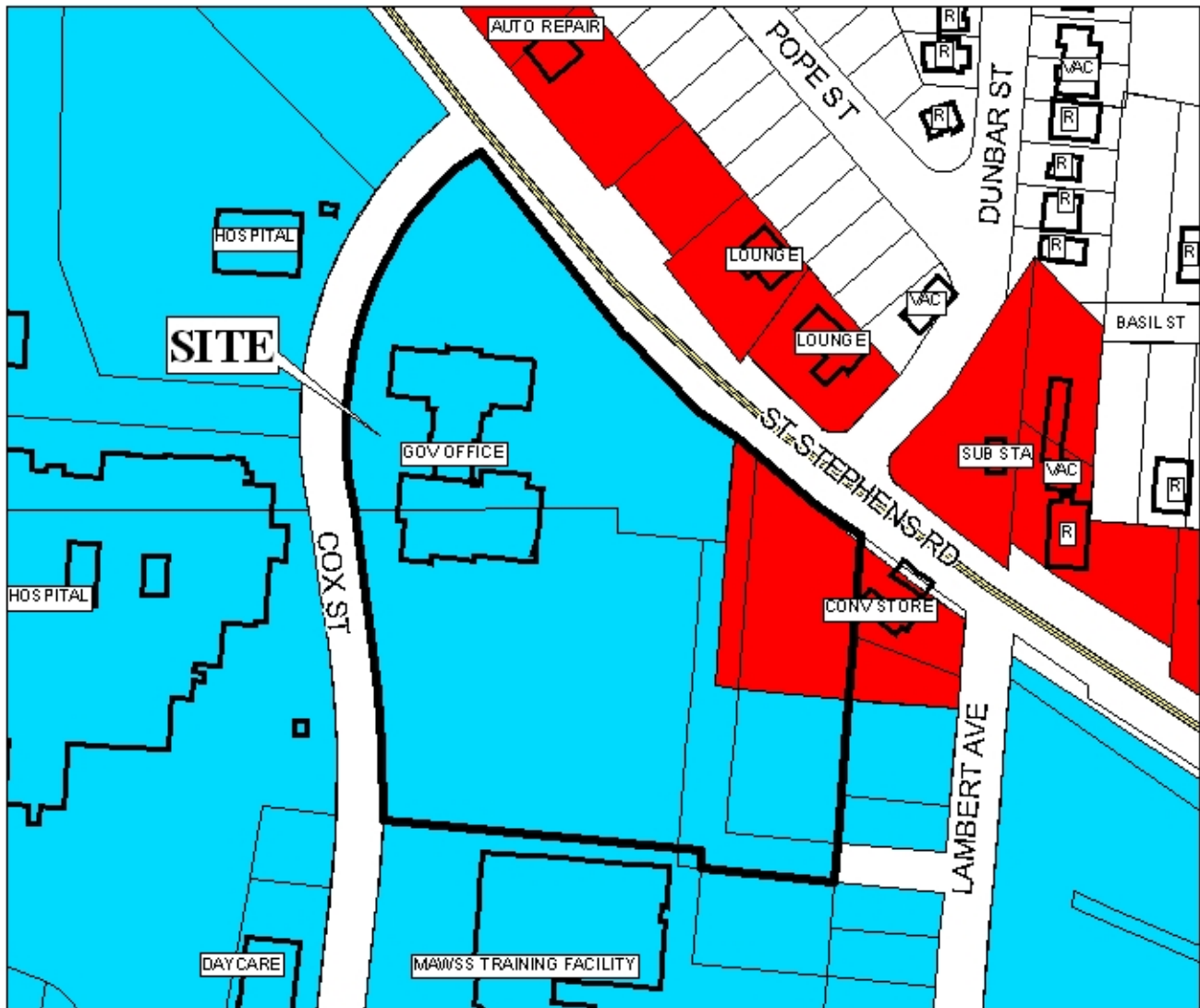
LOCATOR MAP



APPLICATION NUMBER 5559 DATE September 14, 2009
 APPLICANT Mobile County Board of Health
 REQUEST Parking Surface Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial land use.

APPLICATION NUMBER 5559 DATE September 14, 2009

APPLICANT Mobile County Board of Health

REQUEST Parking Surface 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	NTS
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial land use.

APPLICATION NUMBER 5559 DATE September 14, 2009

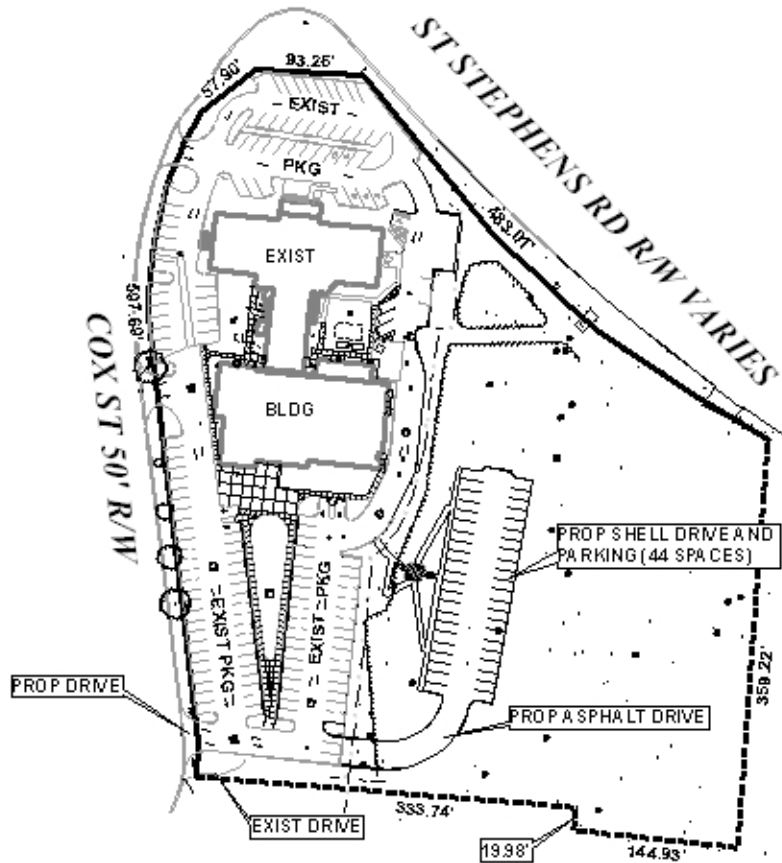
APPLICANT Mobile County Board of Health

REQUEST Parking Surface Variance



NTS

SITE PLAN



The site plan illustrates the existing development and proposed shell parking addition

APPLICATION NUMBER 5559 DATE September 14, 2009

APPLICANT Mobile County Board of Health

REQUEST Parking Surface Variance

