

APPLICATION NUMBER

5589

A REQUEST FOR

PARKING RATIO, MANEUVERING AND ACCESS, TREE PLANTING AND LANDSCAPING AREA VARIANCES TO ALLOW THE EXPANSION OF A CUSTOM PRINTING BUSINESS IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT WITH 9 PARKING SPACES, AN 11-FOOT WIDE ONE-WAY DRIVE AISLE FOR TWO-WAY TRAFFIC, 1 FRONTAGE TREE, AND INSUFFICIENT LANDSCAPING AREA; THE ZONING ORDINANCE REQUIRES 16 PARKING SPACES FOR A 4,650 SQUARE-FOOT BUILDING, TWO-WAY DRIVE AISLE ACCESS AT LEAST 24 FEET WIDE, ADEQUATE MANEUVERING AREA, AT LEAST 12% OF THE BUILDING SITE TO BE LANDSCAPED, WITH 60% OF THE FIGURE LOCATED IN THE FRONTAGE.

LOCATED AT

157 DEXTER AVENUE

(East side of Dexter Avenue, 123'± South of Government Street)

APPLICANT

DAVID GWIN, SR.

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting a Parking Ratio, Maneuvering and Access, Tree Planting and Landscaping Area Variances to allow the expansion of a Custom Printing Business in a B-2, Neighborhood Business District with 9 parking spaces, an 11-foot wide one-way drive aisle for two-way traffic, 1 frontage tree, and insufficient landscaping area; the Zoning Ordinance requires 16 parking spaces for a 4,650 square-foot building, two-way drive aisle access at least 24 feet wide, adequate maneuvering area, at least 12% of the building site to be landscaped, with 60% of the figure located in the frontage.

The applicant is proposing to construct an addition to the existing building, which is currently being used as a custom printing shop. There is already limited, insufficient space for parking and maneuvering on the building site, and a 48% building addition would further complicate the parking. The applicant proposes six parking spaces at a 45° angle off of an 11-foot wide two way aisle. Such a parking situation would effectively make the angled parking spaces useless.

The applicant is further requesting a tree planting and landscaping variance. As stated earlier, the proposed building addition is 48%, and thus does not meet the 50% expansion threshold of the ordinance. It has been the Board's policy to require compliance with the landscaping and tree planting ordinance in the case of a variance being granted. The applicant is requesting a waiver of these requirements.

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.

The applicant has provided no justification in the narrative as to what, if any, hardship exists on the property. It is evident, however, that space on the site is limited. While ordinarily this could be considered a hardship, the Board must also consider the public interest. In this case, angled parking would render the spaces virtually unusable and would further limit the parking on the site.

The parking situation could be eliminated by providing four parallel parking spaces (20-foot length end spaces and 23-foot interior spaces as per City of Mobile Traffic Engineering) on the southern property line. By providing parallel parking spaces, the

drive aisle width would be significantly increased, and only two parking spaces would be lost. The applicant already states that there will only be four employees at the location, and a total of seven parking spaces should be sufficient to provide parking for employees and customers.

It should be noted that no dumpster is depicted on the site plan, and no information is given on refuse collection. Considering the limited space on the site, refuse collection should be limited to curbside pickup only. If, in the future, the applicant wishes to add a dumpster, a new review by the Board would be required.

Landscaping area and tree compliance is not required due to the building footprint only being increased by 48%. It should also be noted that a 32-inch caliper live oak exists in the front yard, and based on aerial photos, the dripline of the tree covers most of the road frontage. The area not covered by the dripline is of sufficient size to plant a compliant live oak tree, and thus comply with frontage requirements. As far as landscaping area and perimeter or parking tree plantings, there is not sufficient space on the property to comply, and thus, those requirements should be waived.

Lastly, the site is located in the Leinkauf historic district, and, as such, all improvements must have Architectural Review Board (ARB) approvals.

The applicant has illustrated that a literal enforcement of the ordinance would result in an unnecessary hardship.

Based on the preceding, the application is recommended for approval subject to the following conditions:

- 1) The six 45° angle parking spaces on the South property line be eliminated and replaced with four parallel parking spaces (20-foot length end spaces and 23-foot interior spaces as per City of Mobile Traffic Engineering);
- 2) The site be limited to curbside garbage and trash pickup;
- 3) The site be limited to five employees at a time;
- 4) One heritage tree to be planted on the southern end of the property in the area not currently covered by the existing live oak's dripline;
- 5) Two copies of the revised site plan be submitted to the Planning Section of the Urban Development Department indicating compliance with all conditions prior to issuance of any permits; and
- 6) Approval from ARB for all improvements.

LOCATOR MAP



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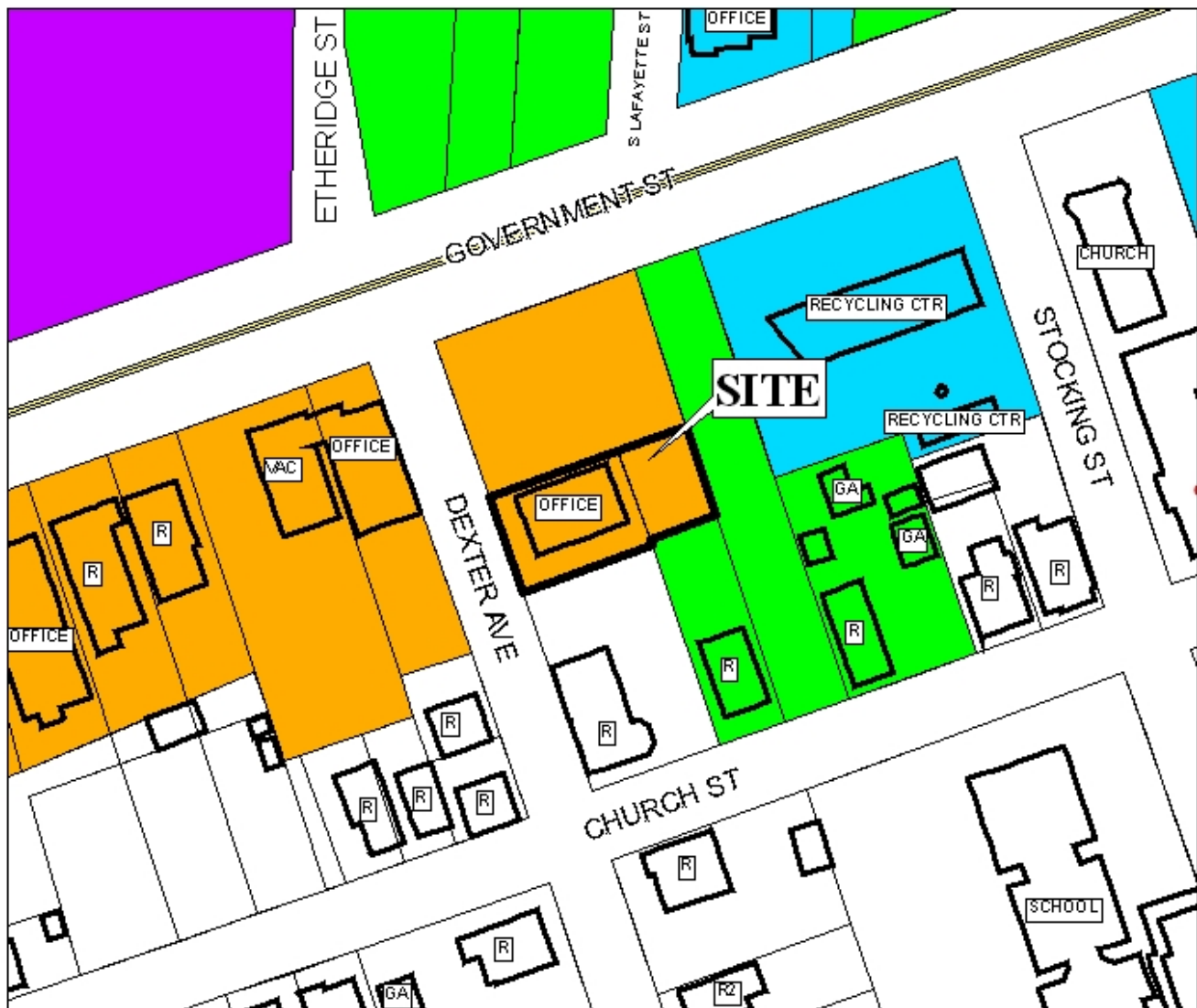
APPLICANT David Gwin, Sr.

REQUEST Parking Ratio, Maneuvering, Access, Tree Planting, Landscaping Area Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial sites are located to the west and east of the site. Residential land use is located to the 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	NTS
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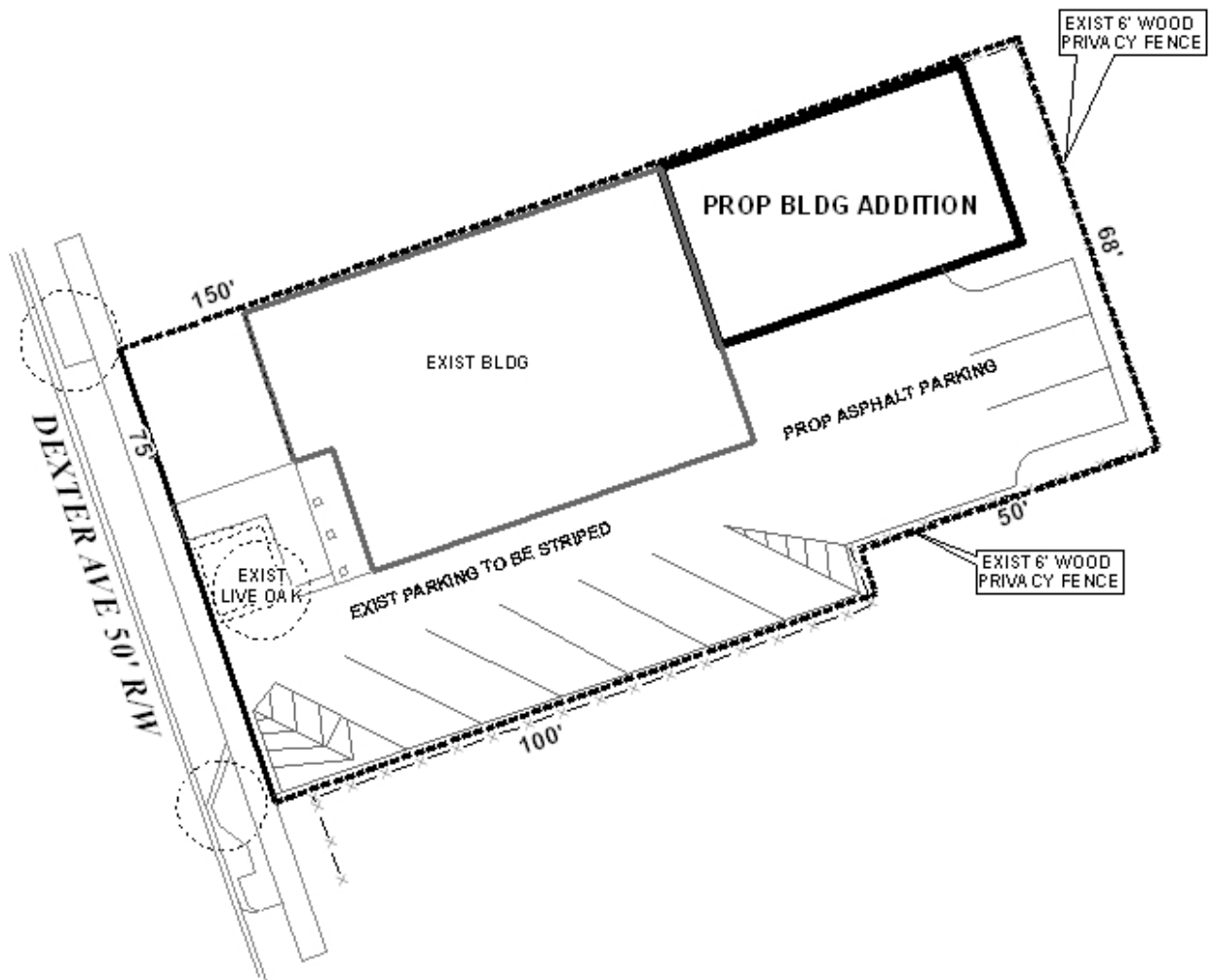
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SITE PLAN



The site plan illustrates the existing development, proposed building addition, and proposed parking.

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