

APPLICATION NUMBER

5254

A REQUEST FOR

**USE AND PARKING RATIO VARIANCES TO ALLOW A
LAW OFFICE AND FOUR PARKING SPACES IN AN R-1,
SINGLE-FAMILY RESIDENTIAL DISTRICT; A LAW
OFFICE REQUIRES A MINIMUM OF B-1, BUFFER
BUSINESS DISTRICT AND FIVE PARKING SPACES ARE
REQUIRED**

LOCATED AT

3108 PLEASANT VALLEY ROAD

(Northeast corner of Pleasant Valley Road and Myra Drive)

APPLICANT/OWNER

WILLIAM J. CASEY, II

BOARD OF ZONING ADJUSTMENT

AUGUST 2004

The applicant is requesting Use and Parking Ratio Variances to allow a law office and four parking spaces in an R-1, Single-Family Residential District; a law office requires a minimum of B-1, Buffer Business District and five parking spaces are required.

The applicant states he purchased the residence located at 3108 Pleasant Valley Road in September 1999, and that the structure was used exclusively as a private residence until January 2001. The applicant states that a zoning clearance was issued to operate a home based office in January 2001. The applicant moved out in January 2003 but maintained the residential structure as his law office.

The applicant states the property differs from some other properties located in the area because it is located on Pleasant Valley Road; and there are restaurants, shopping centers, apartment complexes, auto dealers, paint stores, accounting offices, and a Harley Davidson dealership within one half mile of the premises.

The applicant seeks the Board's approval to continue to use the residence as a law office, and the applicant states no equipment or machinery will be used on the premises except for standard office equipment, such as copiers and computers. The applicant states that the continued use as an attorney's office will not create excess pollution, odors, traffic congestion or any other negative aspects to the community. The office will be in operation from Monday through Friday from 8:00 AM to 5:00 PM. and on average the office receives five customers per day. Two, full-time employees work at the site.

As illustrated on the site plan four parking spaces are shown. The total square footage of all buildings is approximately 2,000 square feet, the existing residence is 1,358 square feet and the applicant proposes that, the 24' x 24' garage be used for office space as well. The Zoning Ordinance requires one parking space per 300 square feet of total square footage for retail/office use to accommodate clients and employees of the business. The site would actually require seven parking spaces for both the primary structure and the garage.

There are several reasons for minimum parking requirements. Parking requirements ensure a 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.

Several points must be brought to the Board's attention concerning this variance application. In the process of filing an application for a business license, Urban Development issued a zoning certificate to the applicant for a home occupation (April 3, 2001). In issuing a Home Occupation clearance, several conditions are placed on the business activity such as, the business activity: shall be incidental to the residential use of the premises; shall not take place in the yard or in a detached building, shall not occupy

more than 25 percent of the floor area of the dwelling, shall not employ anyone not residing in the dwelling, shall not sell or store items for sale from this address that are made elsewhere. These conditions are printed on the Zoning Certificate.

On May 24, 2004 a Stop Work Order was issued to the applicant for construction without a building permit. The applicant was twice denied (May 25, and on June 15) a building permit to enclose an attached carport to expand an existing business.

It should be noted the area is residential and commercial use one-half mile away does not mean this area is no longer a viable residential neighborhood. A Home Occupation allows the neighborhood to maintain its residential character as the dwelling is used as a residence without the increased traffic from outside employees. The granting of this variance could have a negative impact on the surrounding neighborhood.

The Zoning 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.

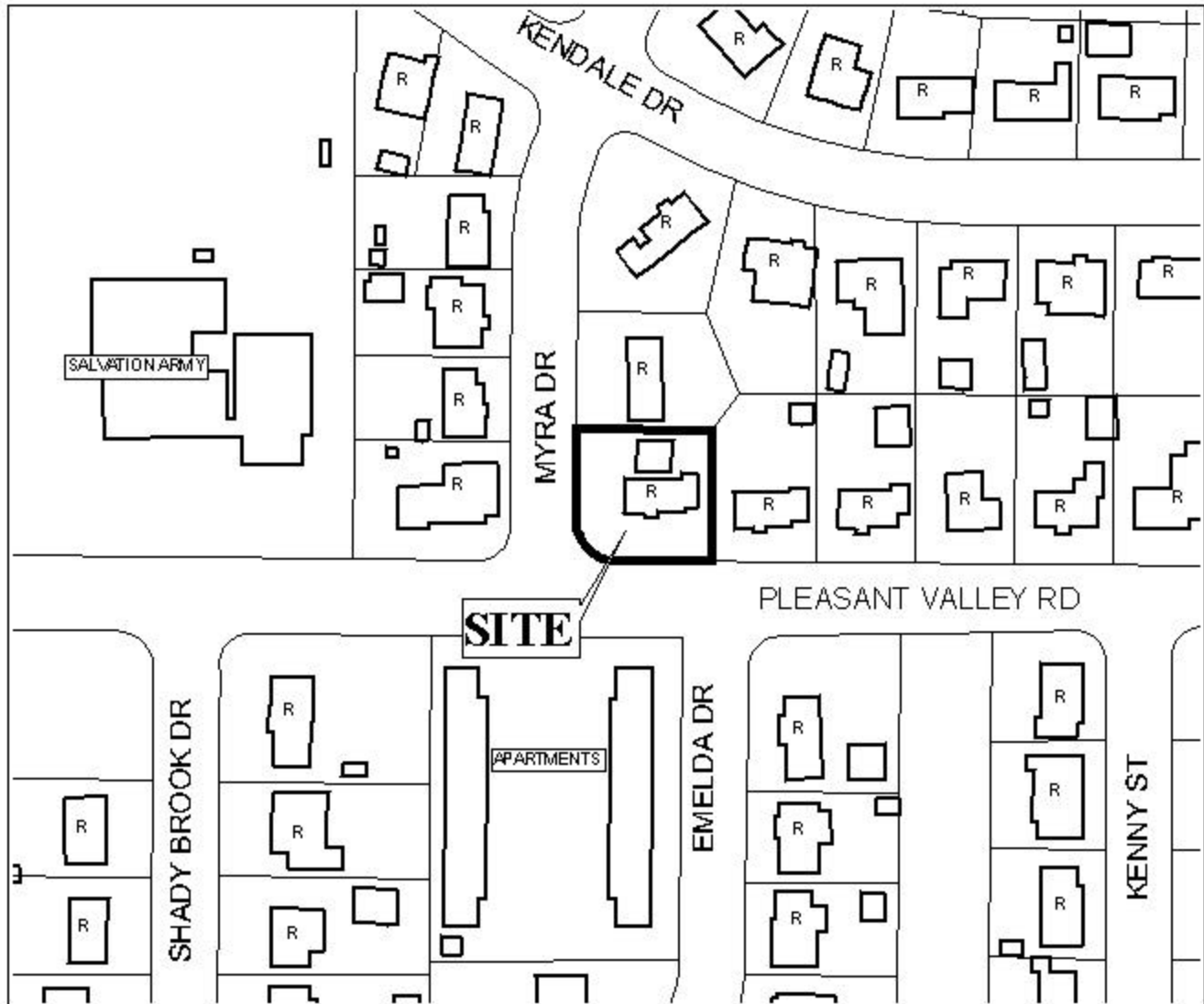
In terms of the proposed use, the applicant did not submit any evidence to illustrate a hardship associated with the property that would preclude the structure from being occupied as a single-family residence.

RECOMMENDATION 5254**Date: August 2, 2004**

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

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by single family residential dwellings, with an apartment complex located to the South.

APPLICATION NUMBER 5254 DATE August 2, 2004

APPLICANT William J. Casey, II

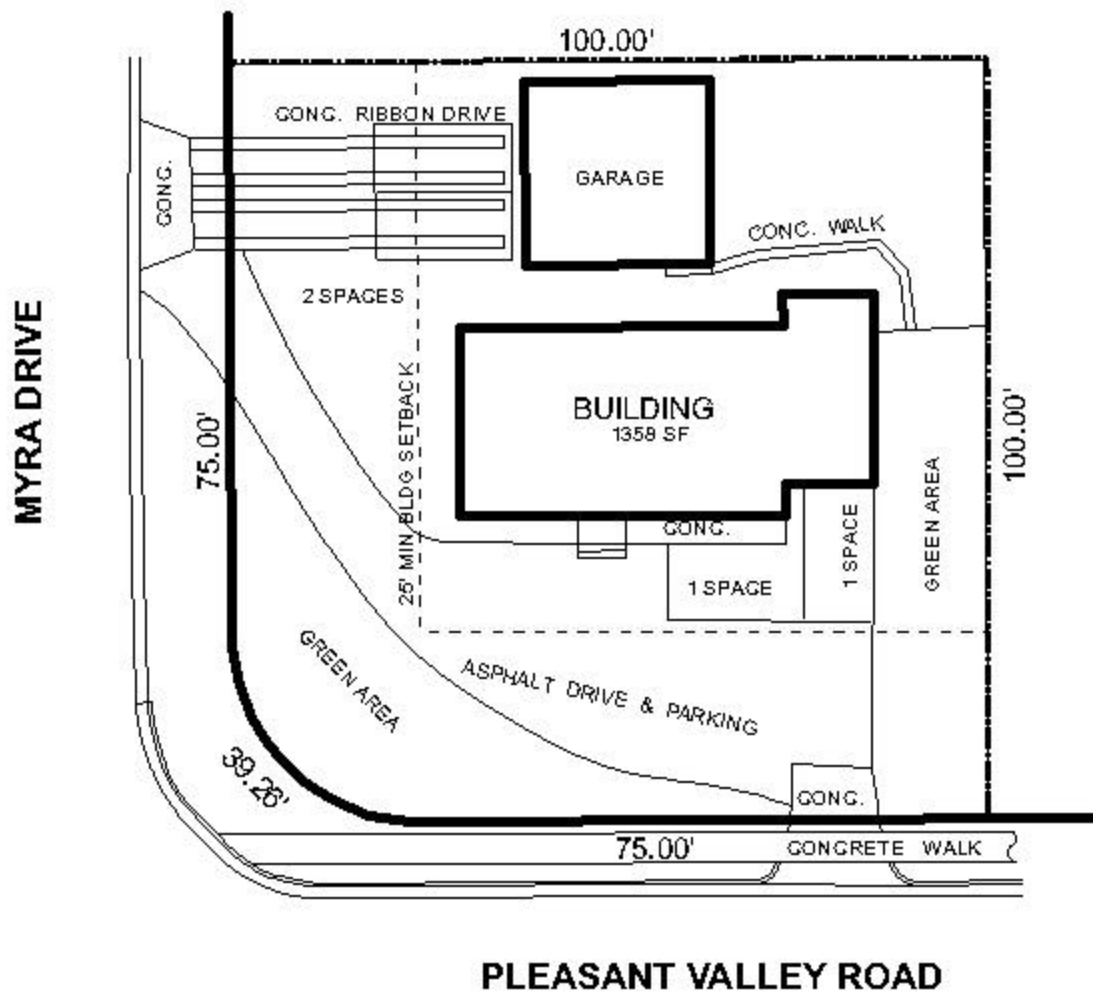
REQUEST Use and Parking Ratio Variances

LEGEND

R-1	R-2	R-3	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



SITE PLAN



The site is located on the Northeast corner of Pleasant Valley Road and Myra Drive. The plan illustrates the existing structures, drive, parking, and green areas.

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