

HOLDOVER

APPLICATION NUMBER

5548

A REQUEST FOR

**PARKING SURFACE VARIANCE TO ALLOW GRID
(GRASS) PAVERS AS AN ALTERNATIVE PARKING
SURFACE AT AN EXISTING CHURCH SITE IN AN R-1
SINGLE-FAMILY RESIDENTIAL DISTRICT; THE
ZONING ORDINANCE REQUIRES THAT PARKING LOTS
BE PROPERLY SURFACED WITH CONCRETE,
ASPHALTIC CONCRETE, ASPHALT OR AN APPROVED
ALTERNATIVE PARKING SURFACE, WHICH MAY
ONLY BE REQUIRED AS A CONDITION OF
APPLICATION APPROVAL FOR SPACES REQUESTED
IN EXCESS OF THE MINIMUM RATIO REQUIREMENTS.**

LOCATED AT

1007 GOVERNMENT STREET

(Southeast corner of Government Street and Chatham Street)

APPLICANT

ICM FOUNDATION, INC.

AGENT

DON PARDEN

BOARD OF ZONING ADJUSTMENT

AUGUST 2009

HOLDOVER

ANALYSIS APPLICATION 5548

Date: August 3, 2009

The applicant is requesting a Parking Surface Variance to allow grid (grass) pavers as an alternative parking surface at an existing church site in an R-1, Single-Family Residential District; the Zoning Ordinance requires that parking lots be properly surfaced with concrete, asphaltic concrete, asphalt or an approved alternative parking surface, which may only be required as a condition of application approval for spaces requested in excess of the minimum ratio requirements.

This site has been the subject of a Subdivision, Planned Unit Development, and Planning Approval application with the Mobile City Planning Commission. The applications depict parking areas which propose to utilize Percstone Grid Pavers, an alternative paving surface, instead of the parking surfaces allowed by the Ordinance.

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 did not provide any information in the variance submittal package to justify the alternative paving surface, and therefore, has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. Notwithstanding this fact, it should be noted that, per manufacturer specifications, Percstone Grid Pavers are rated with a minimum compressive strength of 5,000 psi, which meets the standards of the Zoning Ordinance for alternative paving surfaces.

This application was heldover from the Board's scheduled July meeting due to a lack of quorum to hold the meeting.

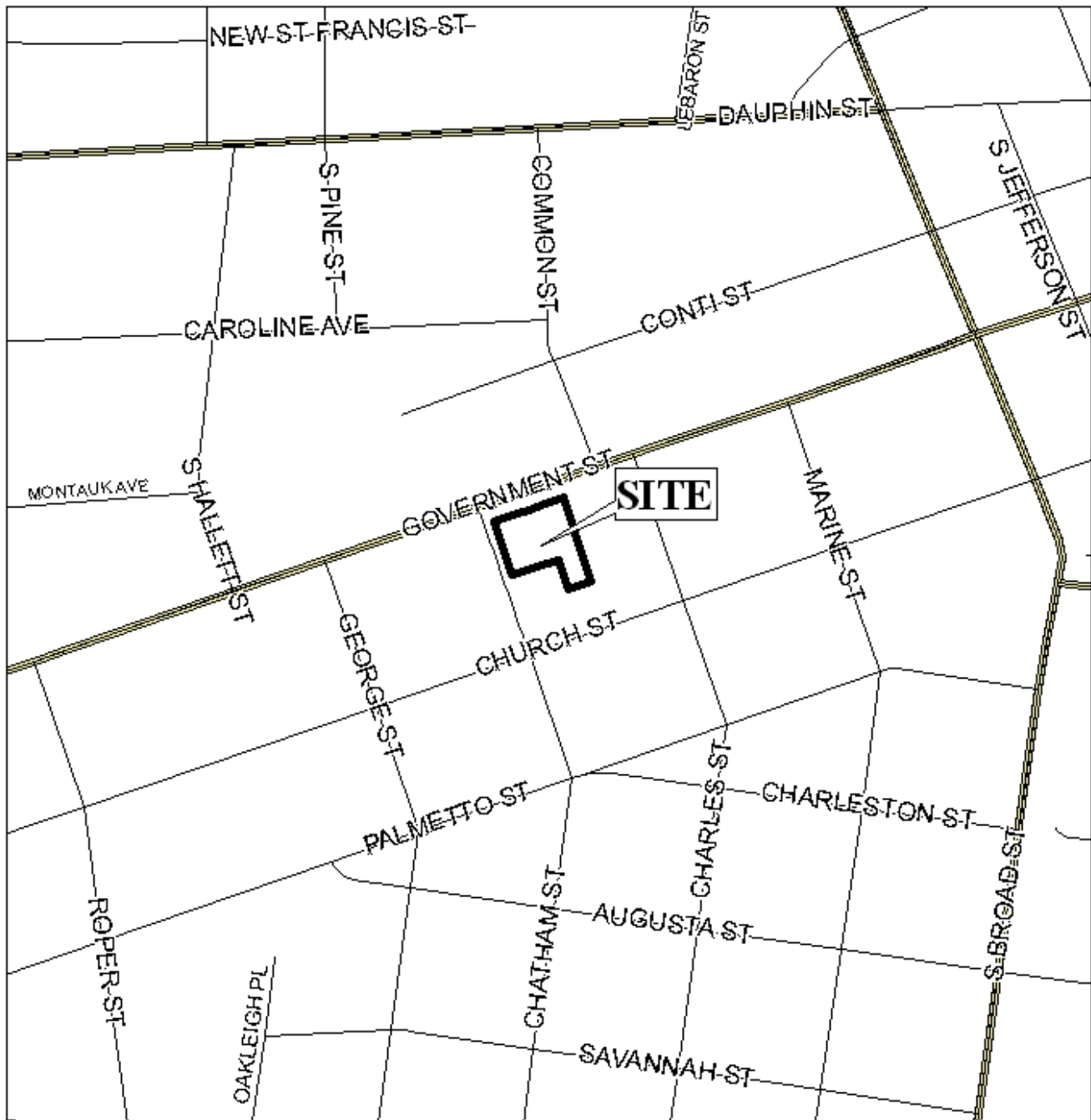
HOLDOVER

RECOMMENDATION 5548

Date: August 3, 2009

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

LOCATOR MAP



APPLICATION NUMBER 5548 DATE August 3, 2009

APPLICANT Don Parden

REQUEST Parking Surface Variance



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

APPLICATION NUMBER 5548 DATE August 3, 2009

APPLICANT Don Parden

REQUEST Parking Surface Variance

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

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use.

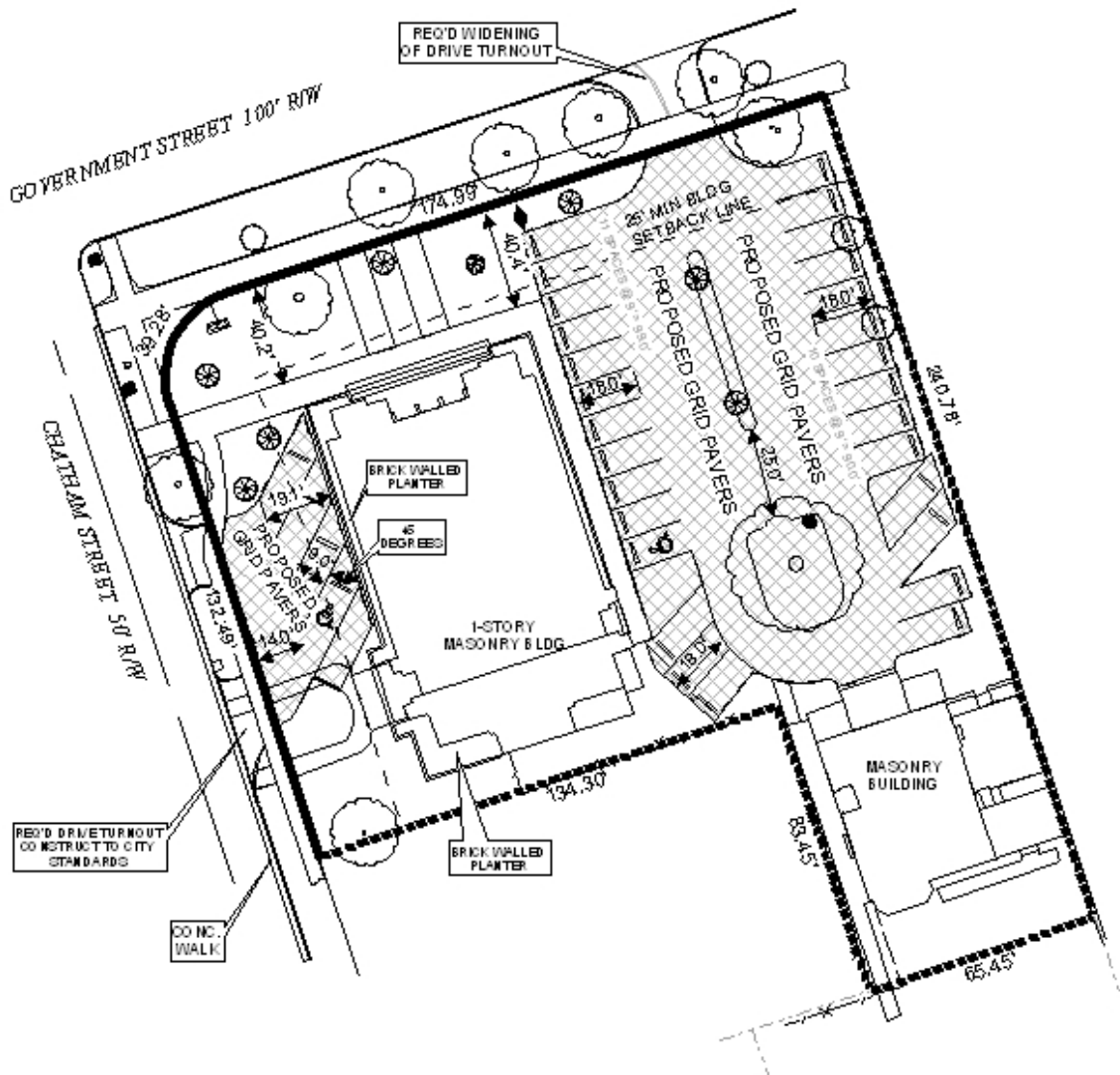
APPLICATION NUMBER 5548 DATE August 3, 2009

APPLICANT Don Parden

REQUEST Parking Surface Variance



SITE PLAN



The existing buildings and setbacks are illustrated in the site plan.

APPLICATION NUMBER 5548 DATE August 3, 2009

APPLICANT Don Parden

REQUEST Parking Surface Variance

