

APPLICATION NUMBER

5564

A REQUEST FOR

ACCESS, PARKING RATIO, AND LANDSCAPING/TREE PLANTING VARIANCES TO ALLOW A 9.3' WIDE TWO-WAY DRIVE, FIVE ON-SITE PARKING SPACES FOR A 3,300 SQUARE-FOOT BUILDING AND NO LANDSCAPING/TREE PLANTINGS ON A COMMERCIAL SITE IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT; THE ZONING ORDINANCE REQUIRES A 24' WIDE TWO-WAY DRIVE, 11 ON-SITE PARKING SPACES FOR A 3,300 SQUARE-FOOT BUILDING, 12% TOTAL SITE LANDSCAPING WITH 7.2% FRONTAGE LANDSCAPING, AND ONE TREE PLANTING FOR EVERY 30' OF SITE PERIMETER AND ONE TREE PER 20 PARKING SPACES IN A B-2, NEIGHBORHOOD BUSINESS DISTRICT

LOCATED AT

569 HOUSTON STREET

(East side of Houston Street at the East terminus of Canal Street)

APPLICANT / OWNER

TAMMY C. DAVIS

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 2009

The applicant is requesting Access, Parking Ratio, and Landscaping/Tree Planting Variances to allow a 9.3' wide two-way drive, five on-site parking spaces for a 3,300 square-foot building and no landscaping/tree plantings on a commercial site in a B-2, Neighborhood Business District; the Zoning Ordinance requires a 24' wide two-way drive, 11 on-site parking spaces for a 3,300 square-foot building, 12% total site landscaping with 7.2% frontage landscaping, and one tree planting for every 30' of site perimeter and one tree per 20 parking spaces in a B-2, Neighborhood Business District.

The applicant recently purchased the subject site, which was, according to City of Mobile Tax Assessor Records, formerly used as warehouse storage. The proposed use as a hair salon constitutes a change in occupancy of the building, which the applicant tried to resolve; however, at the time of permitting, it was failed due to inadequate parking. The current layout of the property consists of parking in the front and rear. However, since the Zoning Ordinance prohibits traffic from backing into the right-of-way in a B-2, Neighborhood Business District, the parking in the front should be removed, as illustrated on the site plan. Also, the applicant is proposing to remove a portion of the existing structure to provide additional parking in the rear. The resulting 3,119 square foot structure requires a total of 11 parking spaces; 5 are illustrated on the site plan. The applicant further states that the surrounding neighborhood is "old and extremely depressed" and that their proposal will be an asset to the community.

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 regards to the access variance, the site currently has a continuous curb cut along Houston Street, which allows for the current head-in parking. Also, as illustrated on the site plan, the rear is accessed by a 10' drive on the South side of the building. While it has existed for many years, it is substandard; a minimum 20' is required for access drives to the rear of developments with this configuration. However, there is no room for expansion.

With regards to parking, the property has been developed and operated commercially for many years, perhaps in an already substandard fashion. Even with the reduction in building size, there is certainly a site constraint preventing the applicant from complying with the parking requirements.

Furthermore, the existing building consists of two suites, with both being vacant for many years. The applicant wishes to operate in Suite A, which, as already mentioned, is requiring certain modifications and is the catalyst for the applicant's current predicament. It should be noted, however, that Suite B is already constructed to "code" and would allow the proposed use without any site improvements.

With regards to landscaping / tree planting variances, the existing development and the proposed asphalt parking in the rear covers the majority of the property; it would be difficult to achieve full compliance. However, several trees already exist in the rear of the property and, once the continuous curb cut is closed and landscaped, it would appear that the applicant could plant frontage trees.

It should be noted that, while the applicant has offered to remove striping from the front of the site and demolish some of the structure to provide parking in the rear, they are wishing to retain the existing asphalt in the front and a concrete pad in the rear; no reason for this has been provided. If approved, all of the asphalt in the front should be removed and landscaped, while the concrete pad in the rear should be utilized as an additional parking space.

RECOMMENDATION 5564**Date: September 14, 2009**

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

- 1) removal of the continuous curb along Houston Street and replaced with landscaping;
- 2) provision of a minimum 10' curb cut to Houston Street, in line with the existing 10' drive to the rear of the property;
- 3) removal of all asphalt in front and replaced with landscaping;
- 4) removal of the concrete pad in the rear of the site for an additional parking space;
- 5) provision of one frontage tree;
- 6) submittal of a revised site plan to the Planning Section of Urban Development prior to the issuance of any permits or land disturbance activities; and
- 7) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5564 DATE September 14, 2009

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

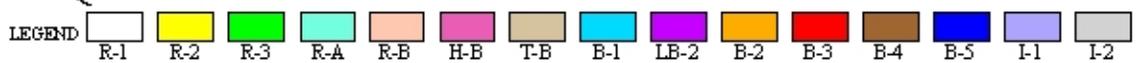


This site is surrounded by miscellaneous land use.

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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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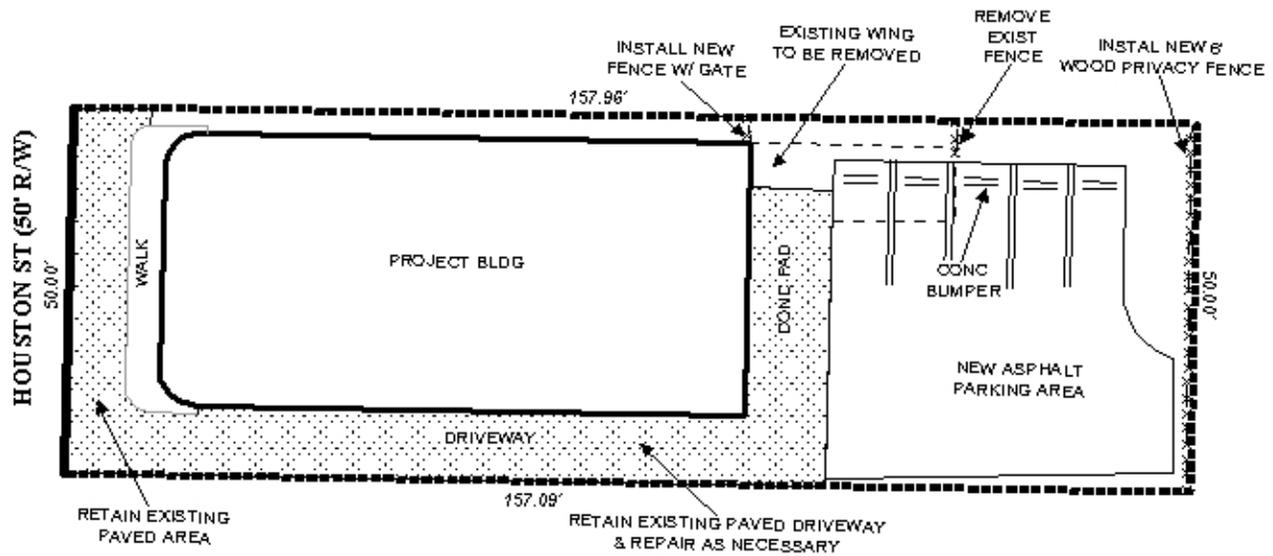
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SITE PLAN



This site plan illustrates existing structures and proposed improvements.

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