

**HOLDOVER**

APPLICATION NUMBER

**5524**

A REQUEST FOR

**PARKING MANEUVERING VARIANCE TO ALLOW  
VEHICULAR MANEUVERING (BACKING) INTO THE  
PUBLIC RIGHT-OF-WAY FROM AN ON-SITE PARKING  
AREA IN A B-4, GENERAL BUSINESS DISTRICT; THE  
ZONING ORDINANCE REQUIRES VEHICULAR  
ENTRANCES AND EXITS TO BE PROVIDED IN SUCH A  
MANNER TO PREVENT VEHICULAR BACKING FROM A  
PARKING AREA INTO THE PUBLIC RIGHT-OF-WAY IN  
A B-4, GENERAL BUSINESS DISTRICT.**

LOCATED AT

**51 SOUTH CONCEPTION STREET**

(Southeast corner of South Conception Street and Conti Street)

APPLICANT/OWNER/AGENT

**51 SOUTH CONCEPTION STREET, LLC**

**BOARD OF ZONING ADJUSTMENT**

APRIL 2009

## **HOLDOVER**

### **ANALYSIS APPLICATION 5524**

**Date: April 6, 2009**

The applicant is requesting a Parking Maneuvering Variance to allow vehicular maneuvering (backing) into the public right-of-way from an on-site parking area in a B-4, General Business District; the Zoning Ordinance requires vehicular entrances and exits to be provided in such a manner to prevent vehicular backing from a parking area into the public right-of-way in a B-4, General Business District.

The applicant states that the existing two story structure will house a restaurant with seating for 70 on the first floor with 2 apartments located on the second floor. A 636.72 square foot kitchen will be added onto the first floor to accommodate the restaurant and a free-standing 32'x 22' three car garage with an entrance onto Conception Street will also be added. According to the applicant, the garage will sit 4' off the west property line with the placement requiring cars to head into the garage and back out onto Conception Street. The remaining property will be developed with a pool and garden area. The applicant states that he would like to incorporate as much property as possible for this development and not have to incorporate turn around space for the garage requirement of head in back out onto Conception Street.

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.

According to the City of Mobile GIS data, at this location South Conception Street has an average traffic volume of 1300 cars per day. In addition, there is also concern about the high volume of pedestrian traffic along this section of South Conception Street and the low visibility the back out traffic will have.

It should be noted that there are no other Parking Maneuvering Variances in the immediate vicinity. In addition, Traffic Engineering recommended this application for denial.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to not have to incorporate turn around space for the garage requirement of head in and head out to Conception Street.

## HOLDOVER

### **RECOMMENDATION 5524**

**Date: April 6, 2009**

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

#### ***Revised for the March 2<sup>nd</sup> meeting:***

*This application was held over at the February 2<sup>nd</sup> meeting because the labels submitted by the applicant for notifying nearby property owners were incorrect.*

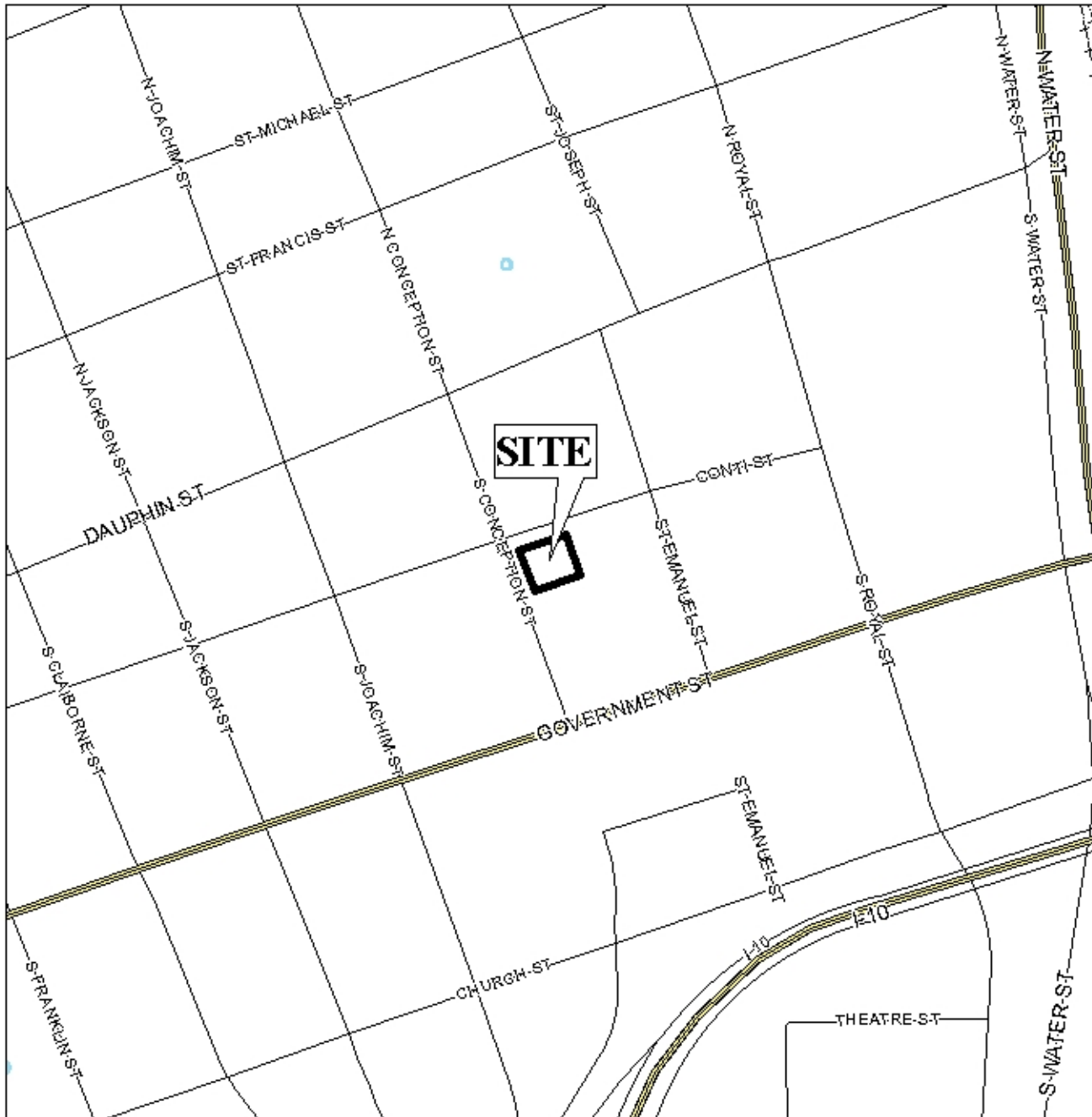
*The applicant has not submitted the appropriate labels; thus, property owners within 300' of the subject site have not been notified. The original recommendation stands.*

#### ***Revised for the April 6<sup>th</sup> meeting:***

*This application was held over, again, at the March 2<sup>nd</sup> meeting because the applicant failed to submit corrected notification labels per the original holdover.*

*The applicant has submitted the appropriate labels. The application is recommended for denial.*

## LOCATOR MAP



APPLICATION NUMBER 5524 DATE April 6, 2009

APPLICANT 51 South Conception Street, LLC

REQUEST Parking Maneuvering Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

APPLICATION NUMBER 5524 DATE April 6, 2009

APPLICANT 51 South Conception Street, LLC

REQUEST Parking Maneuvering 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
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by business land use.

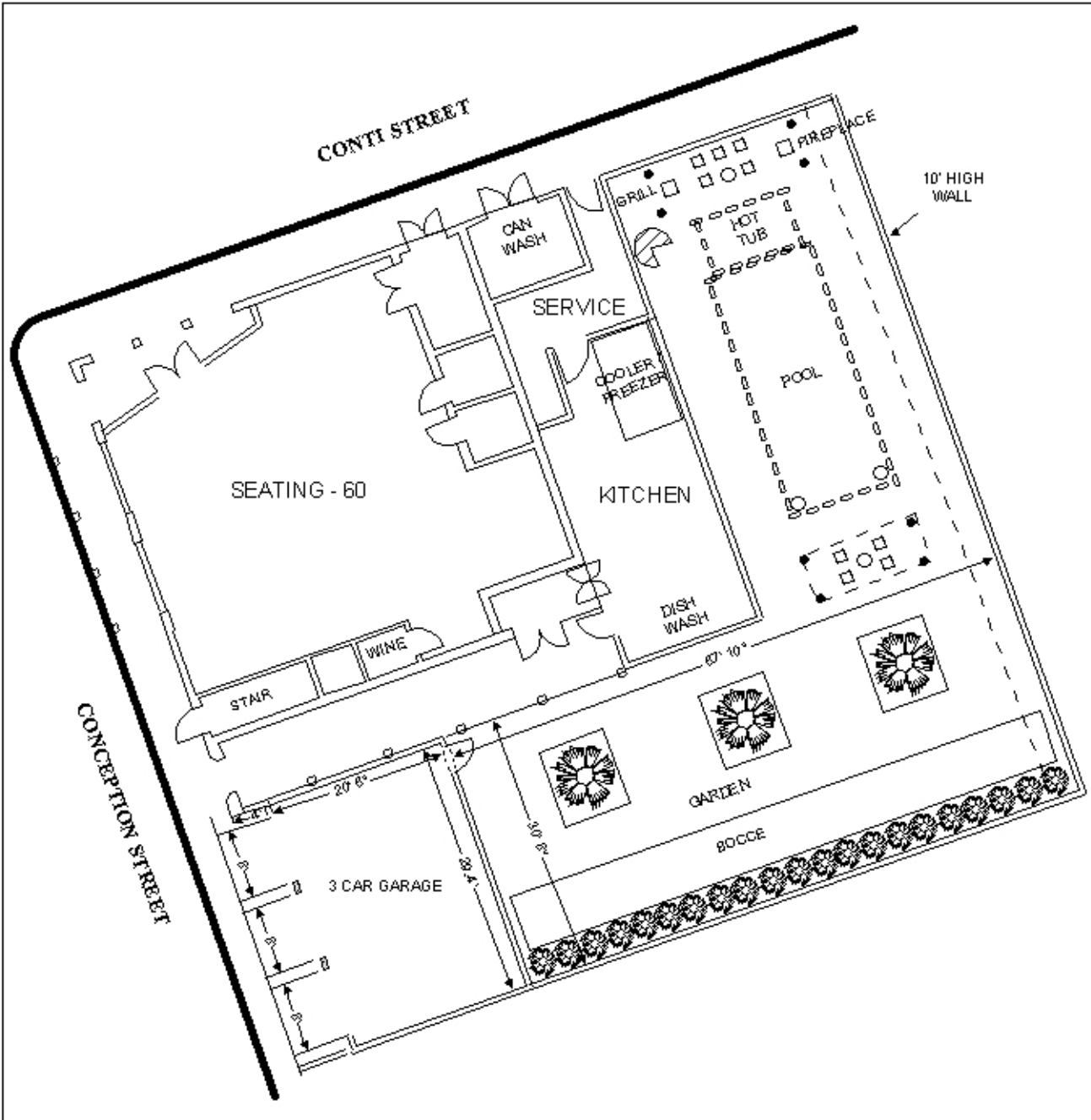
APPLICATION NUMBER 5524 DATE April 6, 2009

APPLICANT 51 South Conception Street, LLC

REQUEST Parking Maneuvering Variance

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NTS

# DETAIL SITE PLAN



APPLICATION NUMBER 5524 DATE April 6, 2009

APPLICANT 51 South Conception Street, LLC

REQUEST Parking Maneuvering Variance



NTS