

APPLICATION NUMBER

5623

A REQUEST FOR

**PARKING RATIO, ACCESS/MANEUVERING, AND SIGN
PLACEMENT VARIANCES TO ALLOW A TOTAL OF 3
PARKING SPACES, A 10' WIDE ACCESS DRIVE WITH
SUBSTANDARD MANEUVERING AREA AT A
COMMERCIAL SITE IN A B-1, BUFFER BUSINESS
DISTRICT, AND A FREESTANDING SIGN TO BE
PLACED WITHIN THE CITY OF MOBILE RIGHT-OF-
WAY; THE ORDINANCE REQUIRES A MINIMUM 6
PARKING SPACES, 24' WIDE ACCESS AND
MANEUVERING AREA FOR A COMMERCIAL SITE IN A
B-1, BUFFER BUSINESS DISTRICT, AND REQUIRES THE
PLACEMENT OF SIGNS ON PRIVATE PROPERTY.**

LOCATED AT

306 MORGAN AVENUE

(West side of Morgan Avenue, 160'± South of Airport Boulevard)

APPLICANT

JOHN D. GIBBONS & ASSOCIATES, P.C.

BOARD OF ZONING ADJUSTMENT

JULY 2010

The applicant is requesting Parking Ratio, Access/Maneuvering, and Sign Placement Variances to allow a total of 3 parking spaces, a 10' wide access drive with substandard maneuvering area at a commercial site in a B-1, Buffer Business District, and a freestanding sign to be placed within the City of Mobile Right-of-Way; the Ordinance requires a minimum 6 parking spaces, 24' wide access and maneuvering area for a commercial site in a B-1, Buffer Business District, and requires the placement of signs on private property.

The applicant purchased the property in February, 2010, with the intention of utilizing the property as a professional office. Although the property is zoned B-1, Buffer Business District, which allows professional offices by right, the site had never been previously used for commercial purposes, and was originally constructed as a single-family residence. As such, a change of building occupancy and compliance with the Zoning Ordinance was required. The applicant states that the previous owner modified the building for future use as a business office, however no permits were pulled for any work that may have been done. Because full compliance with the Zoning Ordinance is required, the applicant is requesting relief of some of the requirements.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, 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.

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.

Firstly, regarding the sign placement variance request, the applicant states that the reason for the hardship is that the sign's wooden base has already been placed and cemented into the ground, albeit without permits. The applicant wishes for the sign to remain in the existing location. This is a self-imposed hardship, and not a reason for granting of a variance. As such, this request should be denied.

Regarding the 10-foot wide accessway, there is limited room on the site, which would make a two-way, 24-foot wide accessway impractical. However, as much room to maneuver as possible should be provided, and there is adequate space to widen the accessway to at least 12 feet in width. As such, a variance for access and maneuvering area could be considered appropriate.

Because of the limited area, the orientation of parking spaces must be designed carefully. The proposed layout of two parallel spaces does not provide for adequate maneuvering area to parallel park two vehicles, which would render one of the spaces unusable. A solution could be to widen the accessway so as to provide parallel parking space along the access drive and a turnaround area where the parking spaces are currently depicted. This would allow adequate space for 4 parallel parking spaces.

It should be noted that any right-of-way work or curb-cut modifications must be approved by City of Mobile Traffic Engineering and conform to AASHTO standards.

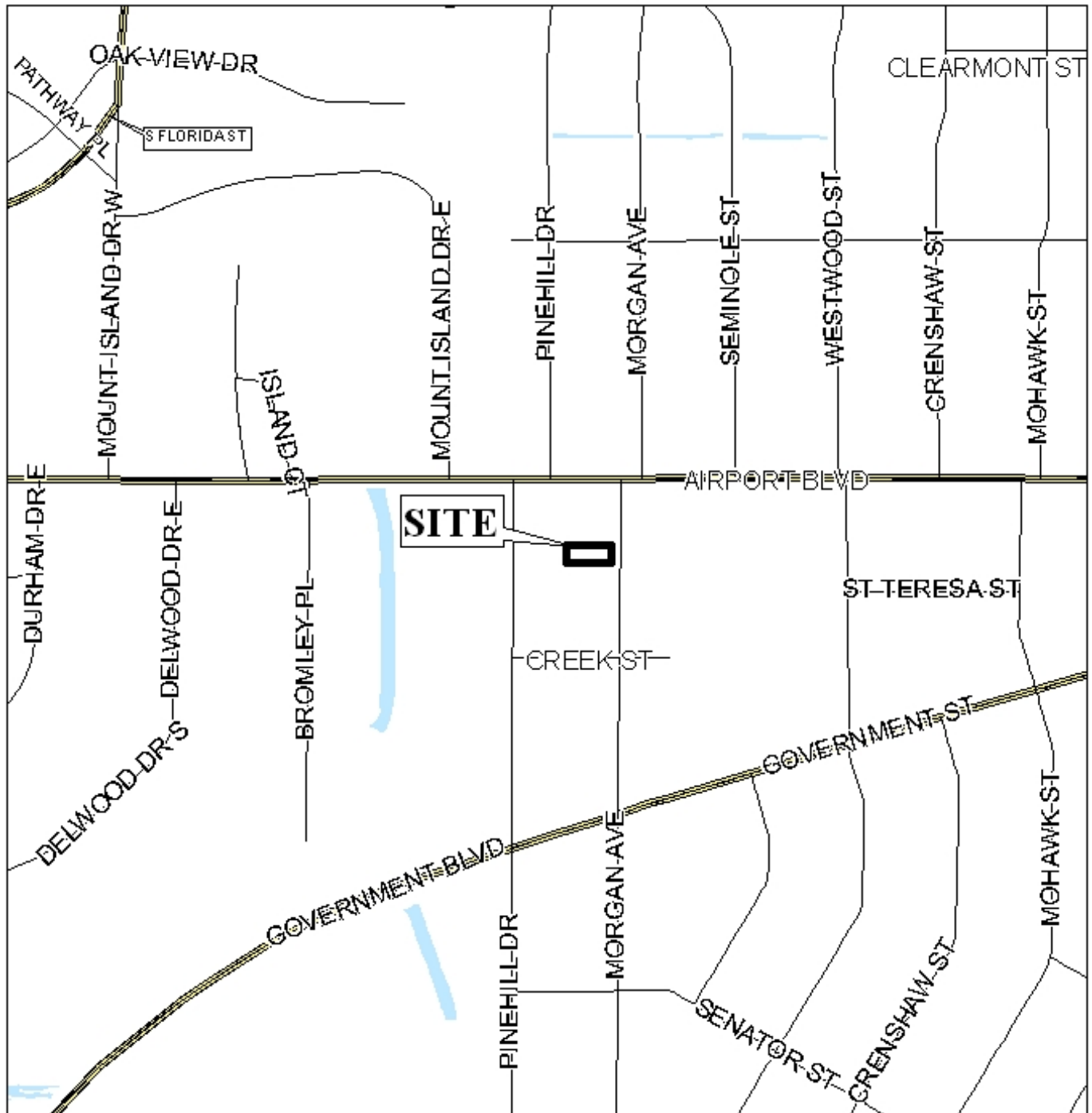
The applicant did not provide any information regarding the number of employees or clients that are anticipated, however, given the size and proposed layout of the structure, it can be assumed that only one employee besides the applicant would be at the location. Limiting the number of employees to one professional attorney and one office staff person would ensure that parking did not become an issue. With this restriction, and the size limitations imposed by the site, the parking ration variance could be considered appropriate.

RECOMMENDATION 5623**Date: July 12, 2010**

The sign placement variance request is recommended for denial. The access and maneuvering variance request and the parking ration variance request are recommended for approval subject to the following conditions:

- 1) limitation to one professional employee and one office staff person for a total of two employees;
- 2) revision of the site plan to depict a widening of the accessway to allow for three parallel parking spaces along the accessway with a turnaround being in the area where the parking spaces are currently depicted;
- 3) approval of Traffic Engineering for curb cut modifications;
- 4) full compliance with landscaping and tree planting requirements; and
- 5) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5623 DATE August 2, 2010

APPLICANT John D. Gibbons & Associates, P.C.

REQUEST Parking Ratio, Access/Maneuvering, and Sign Placement Variances

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NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING







There is a daycare to the west of the site, a restaurant to the north, an office to the east, and single family residential units to the south and south east.

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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



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

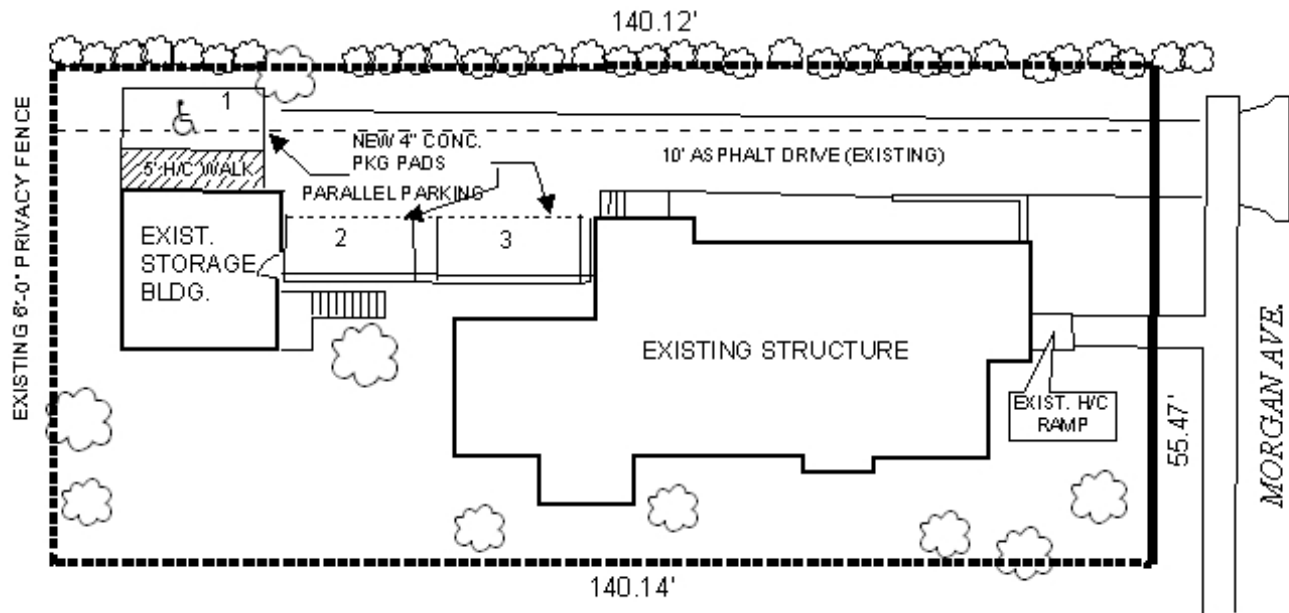


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PROPOSED SITE PLAN



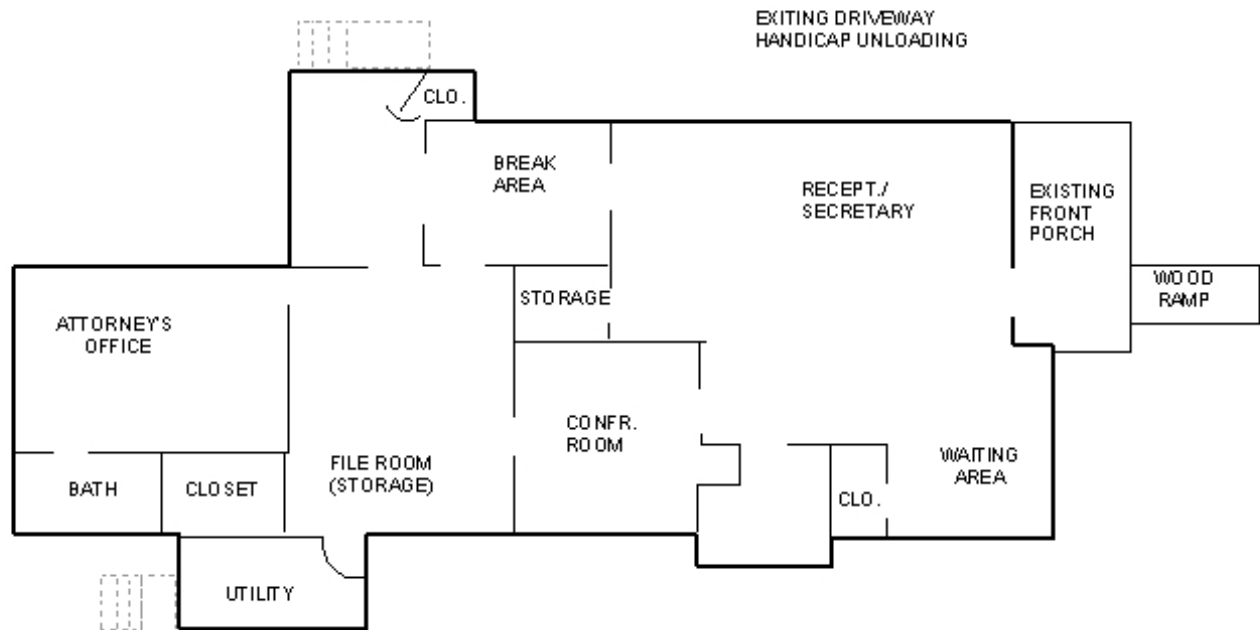
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PROPOSED FLOOR PLAN DETAIL



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