

APPLICATION NUMBER

5421

A REQUEST FOR

**USE, ACCESS/MANEUVERING, PARKING RATIO AND
PARKING SURFACE VARIANCES TO ALLOW A HUMAN
RESOURCES/PERSONNEL SERVICES BUSINESS OFFICE
IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT,
WITH A 10' ACCESS DRIVE, NINE PARKING SPACES,
AND GRASS PARKING SURFACE; THE ZONING
ORDINANCE REQUIRES A MINIMUM OF T-B,
TRANSITIONAL BUSINESS DISTRICT FOR BUSINESS
OFFICES, 24' WIDE ACCESS/MANEUVERING AREA,
AND TEN PARKING SPACES WITH AN ASPHALT,
CONCRETE, OR APPROVED ALTERNATIVE PARKING
SURFACE.**

LOCATED AT

2012 DAUPHIN STREET

(North side of Dauphin Street, 225' ± East of North Fulton Street)

APPLICANTS

AARON PETERSON & AL CARIGLINO

AGENT/OWNER

MICHAEL & ANTOINETTE PETERSON

BOARD OF ZONING ADJUSTMENT

JULY 2007

The applicant is requesting Use, Access/Maneuvering, Parking Ratio and Parking Surface Variances to allow a human resources/personnel services business office in an R-1, Single-Family Residential District, with a 10' access drive, nine parking spaces, and grass parking surface; the Zoning Ordinance requires a minimum of T-B, Transitional-Business District for business offices, 24' wide access/maneuvering area, and ten parking spaces with an asphalt or concrete surface.

The applicant purchased the subject property in August, 2006, and in April, 2007, a complaint was filed with the City Action Center concerning commercial use. A zoning investigation confirmed the commercial use and a Notice of Violation was issued. The applicant attempted to obtain an after-the-fact Zoning Certificate for the business and was denied such, hence this application.

The applicant proposes that the business entity operate on the lower level and the upper level would be used for residential purposes when in Mobile. The applicant's business base and primary residence is in Virginia; therefore the upper level would, in essence, be used for business purposes. No outside changes to the property are proposed and no signs are proposed. The applicant states that there is adequate parking which existed since before purchasing the property. Two parking spaces are in the front yard, and a three-car carport and three grass parking spaces are in the rear yard. The site plan submitted also indicates one parking space inside the garage.

With regard to the use variance request, the subject property has always been used residentially, and surrounding property uses are currently residential. The only commercial use East of Fulton Street in the immediate area is a real estate appraisal service at the Southeast corner of Dauphin Street and Fulton, via a variance granted in 1992 (with a previous variance granted for insurance offices in 1976). Two previous use variance requests for the adjacent interior property next to that one were ultimately denied. Denials were based mainly on the basis that the variances would be downgrading and detrimental to the residential neighborhood. In this instance, the subject site is an interior property located further from a corner and more deeply imbedded amongst residential use. No hardship for continuing the residential use of the subject site has been illustrated, and granting this variance request would be inconsistent with and adverse to the surrounding residential uses, especially in light of the neighborhood's efforts to enhance its residential character.

With regard to the access/maneuvering variance request, the applicant proposes to use the existing substandard 10'± wide drive, as there is no room for expanding it to the required 24' width. With the narrow driveway and the two parking spaces located in the front yard within close proximity to the street curb cut, there exists the possibility that a vehicle attempting to enter the site could be detained while waiting for traffic to clear the driveway, thus blocking traffic along Dauphin Street. The potential exists for this to be a

traffic safety hazard. With regard to the parking ratio and parking surface variance requests, the site requires a minimum of ten parking spaces, based upon the staff determination that the entire building will be used commercially. Only nine are proposed, three of which are to be on a grass surface. Traffic Engineering has conducted an on-site review and determined that essentially nothing related to the access/maneuvering and parking situation meets standards for commercial use.

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.

A complaint was made by an adjacent property owner of not being officially notified. A staff review of the mailing list furnished by the applicant verified that a tenant of the property was mailed the notification, not the actual property owner. This complaint falls in line with the considerable neighborhood opposition to the variance request.

Due to the inaccurate mailing list furnished with this application, it is recommended that this application be held over to the August meeting to allow the applicant to provide corrected mailing labels and postage to notify all property owners within 300' of the subject property.

RECOMMENDATION 5421**Date: July 2, 2007**

Based on the preceding, this application is recommended for holdover to the August meeting.

LOCATOR MAP



APPLICATION NUMBER 5421 DATE July 2, 2007

APPLICANT Aaron Peterson & Alphonso Cariglino

REQUEST Use, Access/Maneuvering, Parking Ratio and Parking Surface Variances



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




This site is surrounded by residential units. Office buildings lie to the West and Southwest.

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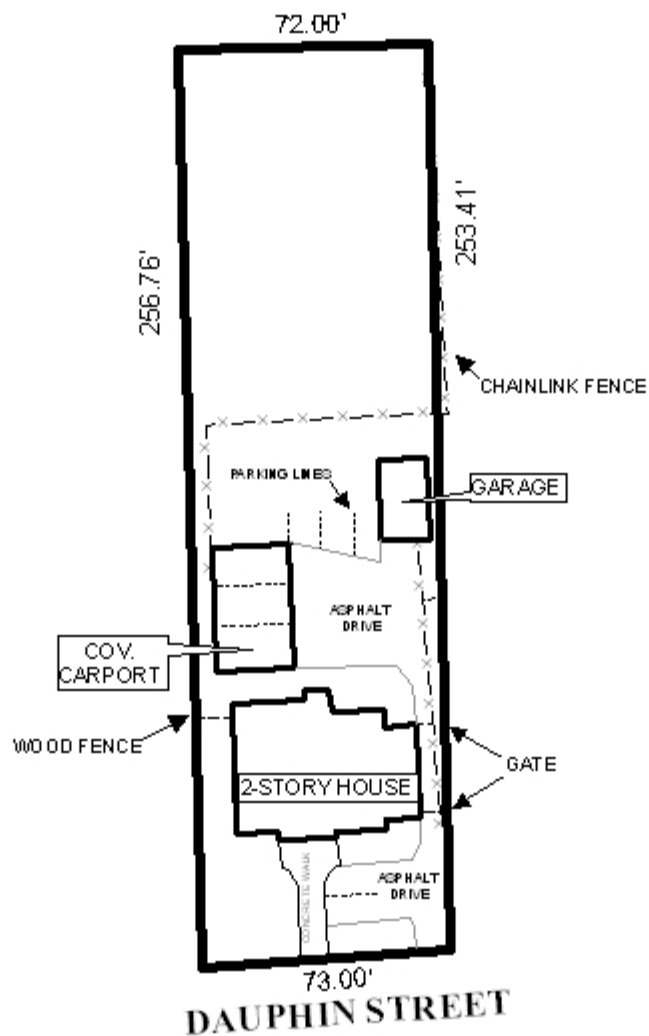
APPLICANT Aaron Peterson and Al Cariglino

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LEGEND

 R-1	 R-2	 R-3	 R-A	 R-B	 H-B	 B-1	 LB-2	 B-2	 B-3	 B-4	 B-5	 I-1	 I-2	NTS
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SITE PLAN



This site illustrates parking and buildings surrounding a two story home.

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