

**WITHDRAWN
BY
APPLICANT**

APPLICATION NUMBER

5358

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW THE
CONVERSION OF AN EXISTING FLORIST SHOP TO A
COFFEE SHOP IN A B-2, NEIGHBORHOOD BUSINESS
DISTRICT WITH FOURTEEN (14) ON-SITE PARKING
SPACES; THE ZONING ORDINANCE REQUIRES
TWENTY-FOUR (24) ON-SITE PARKING SPACES FOR A
2,400 SQUARE FOOT BUILDING.**

LOCATED AT

6361 COTTAGE HILL ROAD

(South side of Cottage Hill Road, 180'± East of Hillcrest Road)

APPLICANT/AGENT

**CARTER ENGINEERING CONSULTANTS (JEFF
CARTER, AGENT)**

OWNER

LENAE DENSON

BOARD OF ZONING ADJUSTMENT

JULY 2006

The applicant is requesting a parking ratio variance to allow the conversion of an existing florist shop to a coffee shop in a B-2, Neighborhood Business district with fourteen (14) on-site parking spaces; the Zoning Ordinance requires twenty four (24) on-site parking spaces for a 2,400 square foot building.

It is proposed to convert an existing commercial building used as a florist shop into a coffee shop. Uses such as coffee shops, restaurants, and lounges require three times the on-site parking as general retail sales and office use (a 1:100 square foot ratio, as opposed to 1:300); therefore, the subject building would require twenty four (24) parking spaces for a coffee shop use.

The existing building, curb cuts, and asphalt are to be utilized and the site plan will be reconfigured to accommodate a drive-through window. It is stated that the maximum number of parking spaces that can be constructed is fourteen (14) which is ten short of the required. Justification for such given is that the type of proposed use does not operate as a typical restaurant since the service will be a coffee shop and not a "sit-down" restaurant, and that the majority of the patrons will utilize the drive-through window or pick up orders inside. It is intended that a small number of patrons will utilize the seating available and consume on-site.

The applicant states that the variance request is based on two hardships. First, the developer has attempted to install as many new parking spaces as possible as well as utilize the existing spaces, but no more spaces can be constructed. Second, it is the applicant's opinion that the parking space requirement of the Zoning Ordinance does not fit the use since it is not similar to other restaurants which would have a much slower turnover rate.

There are several reasons why minimum requirements for parking are required. Parking requirements assure a customer or client that there is space to park a vehicle on-site when doing business in the City of Mobile. Additionally, it should be noted that the parking requirements are evenly enforced citywide, and all businesses, including new developments, must comply with these requirements. In this instance, the applicant is proposing to operate with ten less than the required number of parking spaces. The floor plan submitted late during the application review process indicates approximately one-half the interior space dedicated to sit-down customers with five additional tables outside. One parking space is required per outside table which would further deplete the parking proposed based solely on the building square footage. The site plan submitted shows no dedicated delivery parking space, and any deliveries made during hours of operation would directly impede the traffic flow and parking on the site.

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.

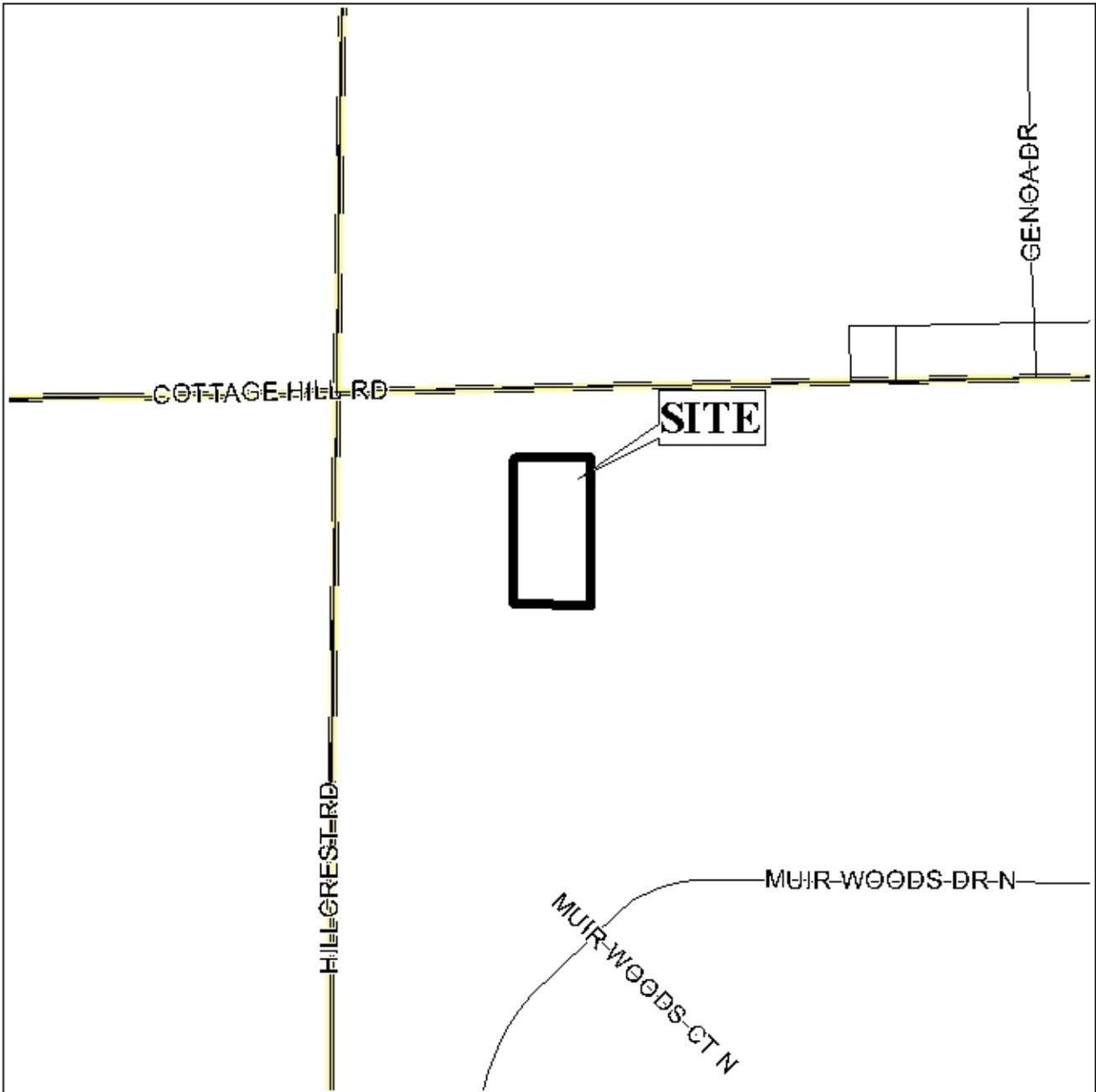
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant failed to illustrate that a literal enforcement of the Zoning Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to convert an existing retail use into restaurant use with substandard parking.

RECOMMENDATION 5358**Date: July 10, 2006**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



APPLICATION NUMBER 5358 DATE July 10, 2006

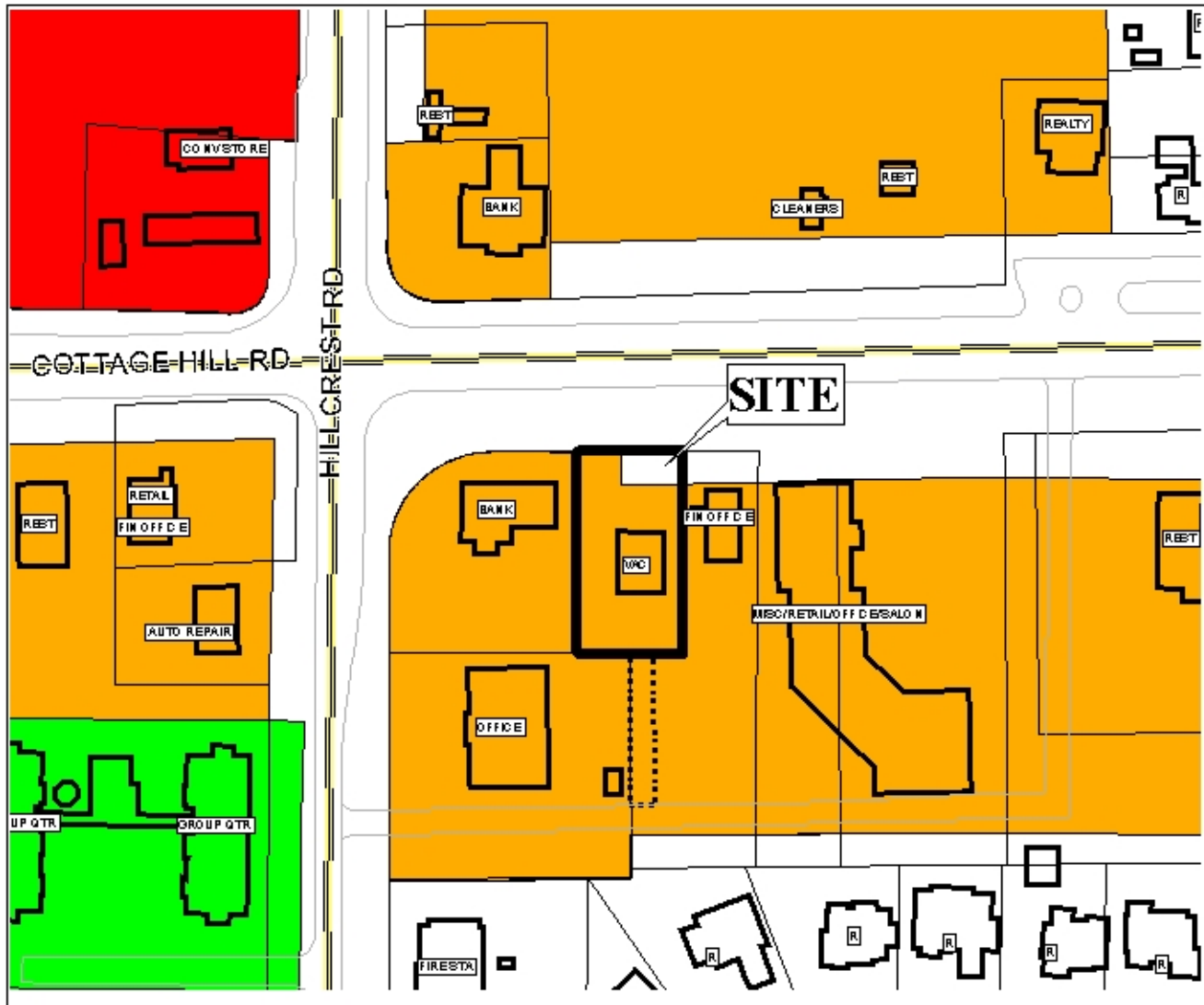
APPLICANT Carter Engineering Consultants (Jeff Carter, Agent)

REQUEST Parking Ratio Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial sites are located to the west, north, and east of the site.
Single-family residential units are located to the south of the site.
Group quarters are located to the west of the site.

APPLICATION NUMBER 5358 DATE July 10, 2006

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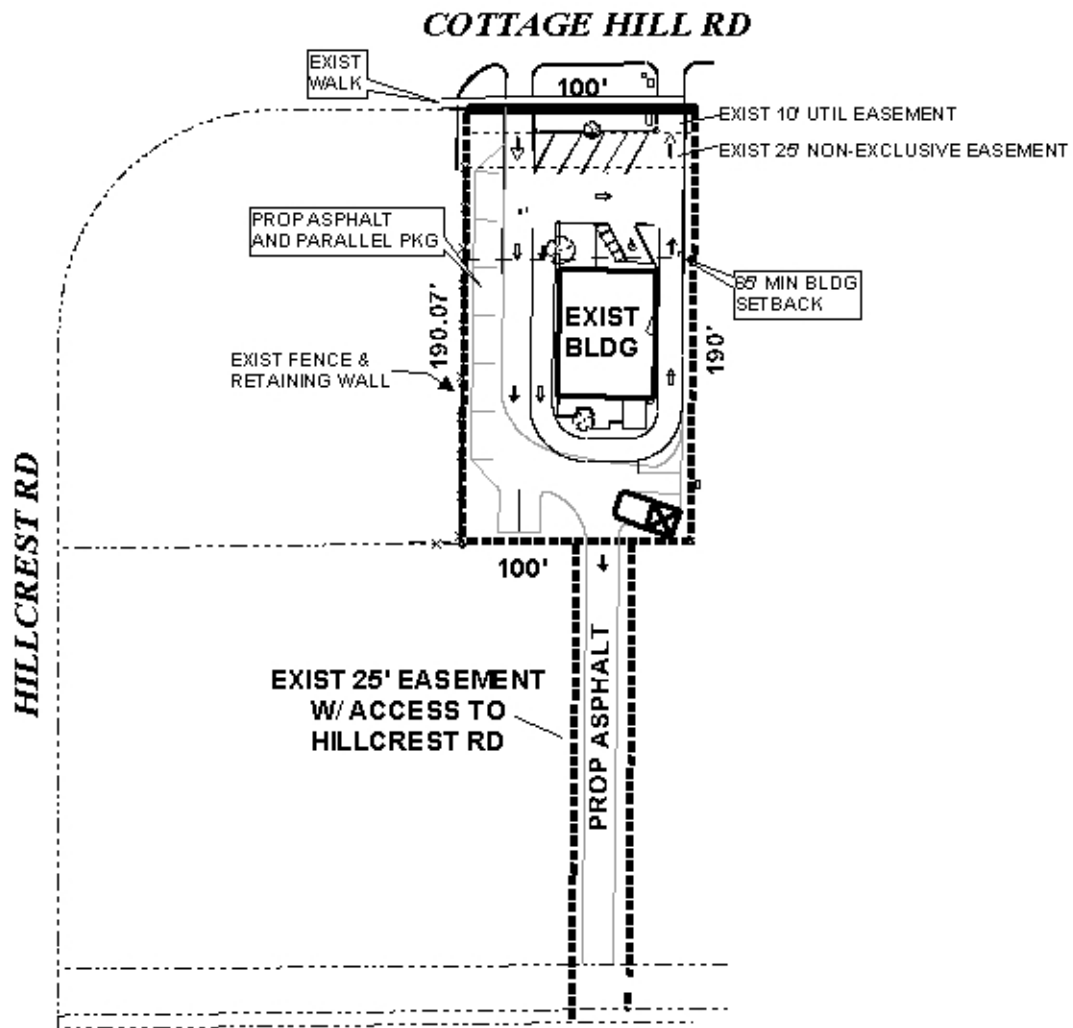
REQUEST Parking Ratio Variance

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



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SITE PLAN



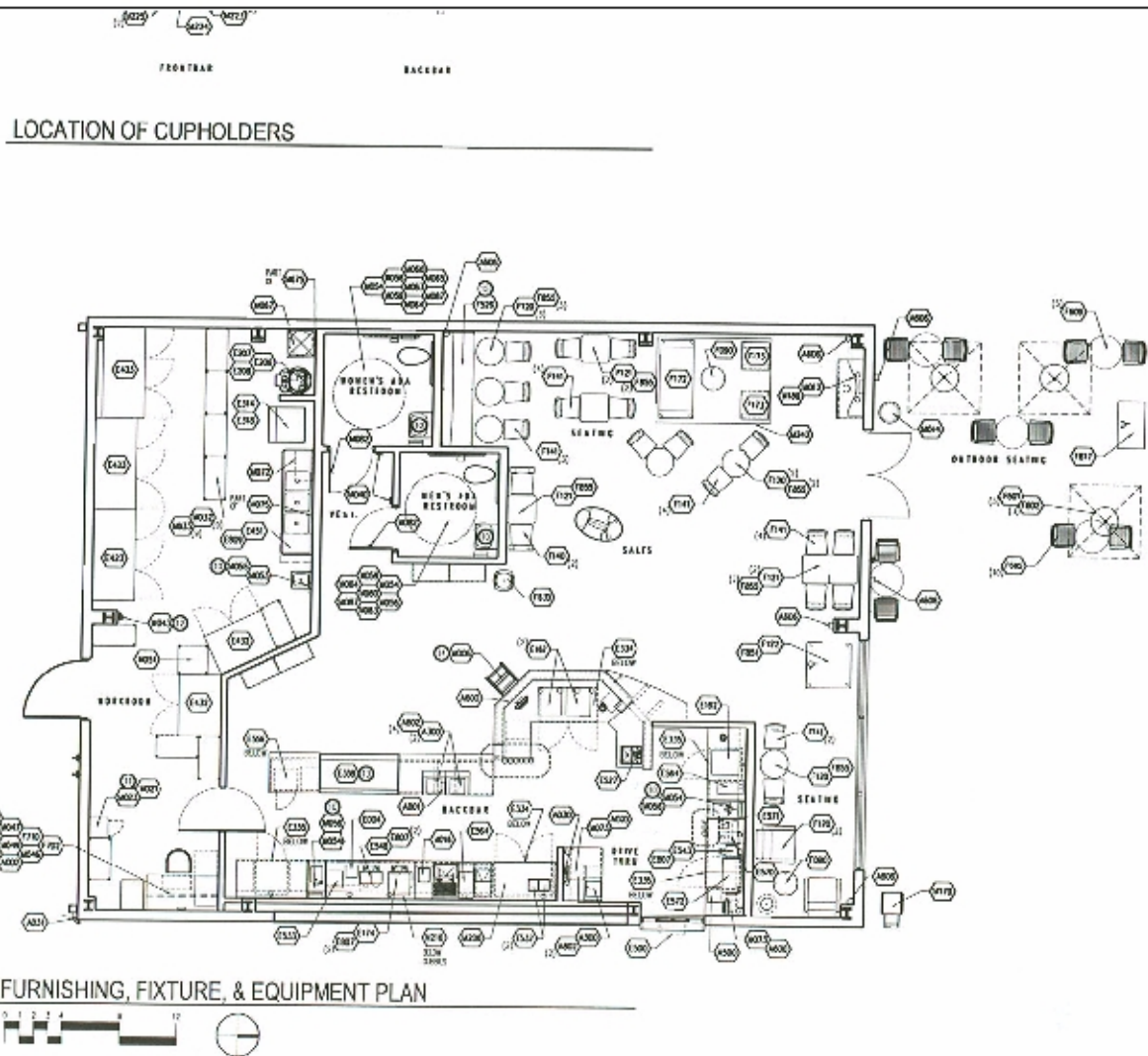
The site plan illustrates the existing building along with the proposed parking

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DETAIL FLOOR PLAN



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