

# **HOLDOVER**

APPLICATION NUMBER

**5101**

A REQUEST FOR

**USE VARIANCE TO ALLOW OFF-SITE (PAVED)  
PARKING IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT FOR AN ADJACENT COMMERCIAL  
ZONED PROPERTY; A MINIMUM OF B-1, BUFFER  
BUSINESS DISTRICT IS REQUIRED**

LOCATED AT

**2358 WAGNER STREET**

(Northeast corner of Stanton Street and Wagner Street)

APPLICANT/OWNER

**DOCTOR JEAN SANSARICQ**

**BOARD OF ZONING ADJUSTMENT**

MARCH 2001

The applicant is requesting a Use Variance to allow off-site (paved) parking in an R-1, single-Family Residential district for an adjacent (across the street) medical office; a minimum of B-1, Buffer Business District is required.

The applicant has an office located at 524 Stanton Road (Southeast corner of Stanton Road and Wagner Street) and states that this extra parking is needed for his staff and patients. The applicant states that the University of South Alabama Medical Center has its large parking lot across Stanton Road from this site. The applicant also states that there are other medical offices located to the North on the East side of Stanton Road, therefore, parking areas are not uncommon in this neighborhood.

Several points must be brought to the Board's attention concerning this variance application. First, the proposed plan illustrates 33 parking spaces with the associated trees and green space. Second, the City of Mobile's parking requirements for medical offices require one space for 300 square feet of office space; in this case, the applicant is proposing enough parking for a 10,000 square foot medical office. Third, the applicant's existing 2,300 square feet medical office has more than adequate parking spaces as required by the Zoning Ordinance. Fourth, as stated by the applicant the University of South Alabama Medical Center is located directly across the street from the applicant's medical office. The applicant could seek some type of parking space lease from the University of South Alabama to satisfy the applicant's need for more parking, instead of creating more parking spaces that may not be warranted. Fifth, as stated by the applicant there are other medical offices located to the north on the east side of Stanton Road, these medical offices with the associated required parking are zoned B-1, Buffer Business, which allows this type of use.

The district regulations for an R-1, Single-Family Residential District are designed to protect the residential character by prohibiting all commercial activities and to encourage a suitable neighborhood environment for family life. In addition to the commercial use of the property, the applicant is proposing 23 parking spaces, the Zoning Ordinance requires one paved parking space per 300 square feet for medical offices (in this case 8 spaces are required).

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.

The applicant has failed to illustrate that a literal enforcement would result in an unnecessary hardship. It is the applicant desire to construct a parking lot suitable for twenty-three (23) cars.

In addition, the granting of such a variance would set an undesirable precedent and would encourage future applications of a similar nature.

*The Board heldover this application to allow the applicant time to negotiate an agreement with the Mobile Mental Health Association for the use of its parking lot at their site on Stanton Road. The staff received a copy of the letter to the applicant from Mobile Mental Health stating that presently they do not have adequate parking for staff and clients.*

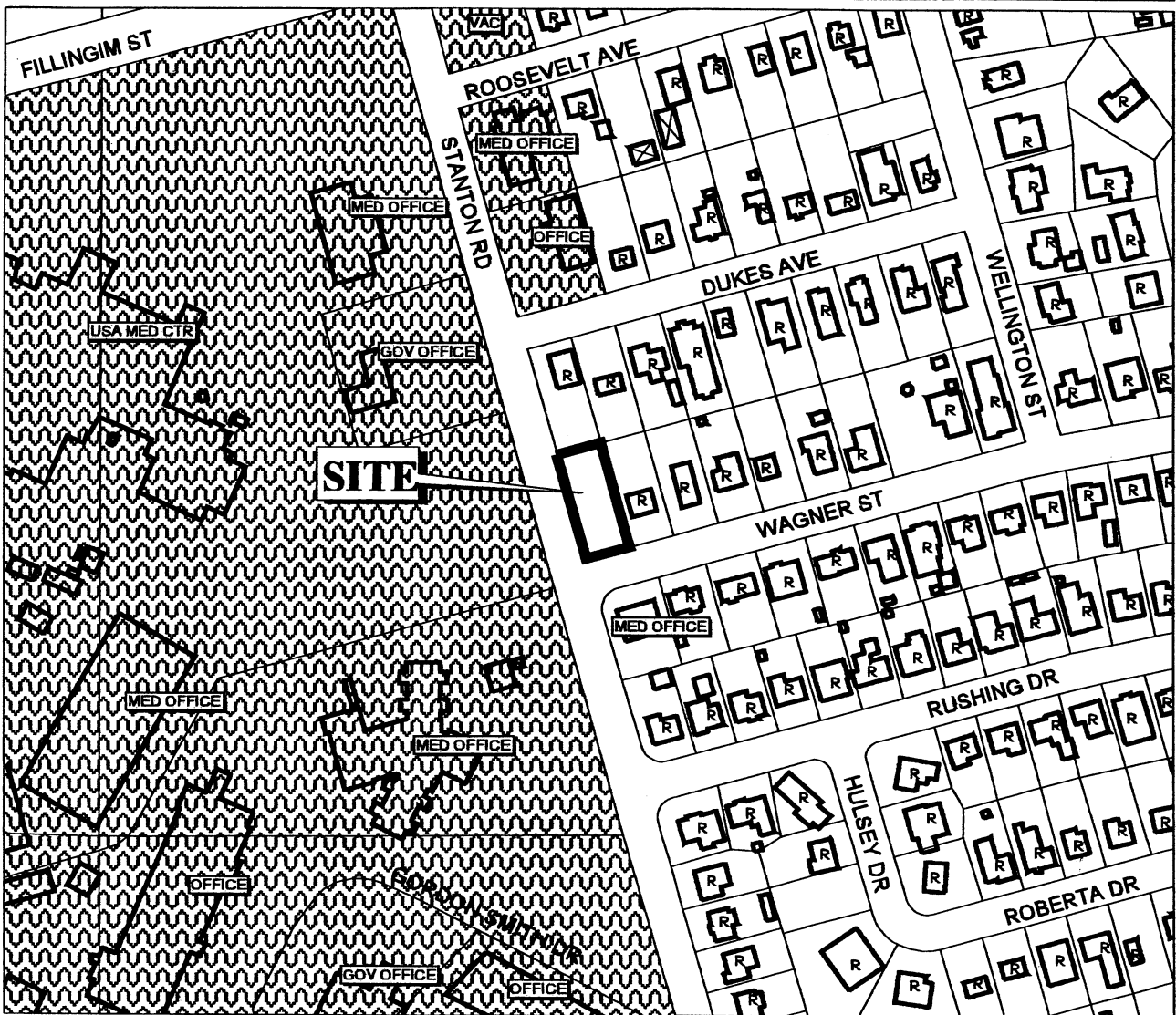
*However, based on issues discussed in the staff report, it is recommended that this application be denied.*

**RECOMMENDATION 5101**

**Date: March 4, 2002**

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

# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



Located to the west site of the site are government offices, medical offices and USA medical center. Single family residential dwellings and medical offices are located to the north, south, and east of the site.

APPLICATION NUMBER Holdover DATE April 1, 2002

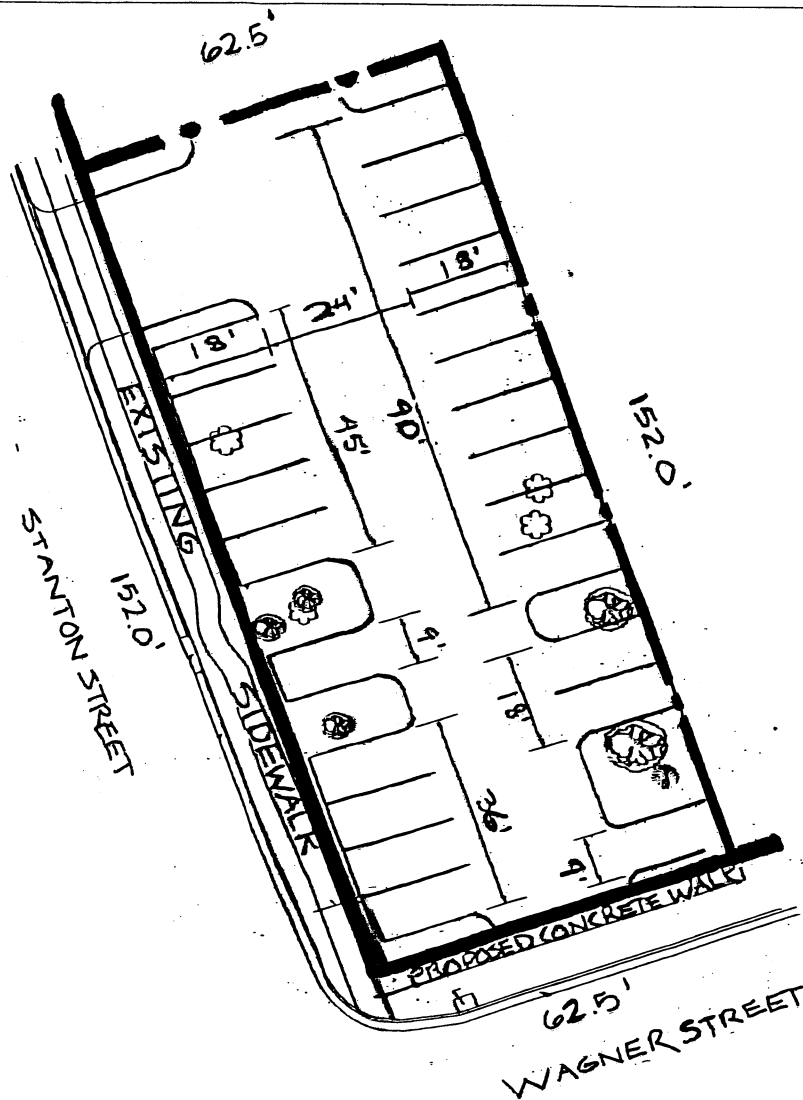
APPLICANT Dr. Jean Sansaricq

REQUEST Use Variance

LEGEND												
	R-1	R-2	R-3	R-B	H-B	B-1	B-2	B-3	B-4	B-5	I-1	I-2



## SITE PLAN



The site plan illustrates the proposed parking area, landscape area, and proposed concrete walk along Wagner Street.

APPLICATION NUMBER Holdover DATE April 1, 2002  
 APPLICANT Dr. Jean Sansaricq  
 USE/REQUEST Use Variance



NTS