

APPLICATION NUMBER

**5102**

A REQUEST FOR

**USE, MANEUVERING AREA/AISLE WIDTH AND  
PARKING SURFACE VARIANCES TO ALLOW AN OFF-  
SITE (GRAVEL) PARKING FACILITY CONTAINING 6  
SPACES IN AN R-1, SINGLE-FAMILY RESIDENTIAL  
DISTRICT FOR A FLORIST BUSINESS LOCATED  
ACROSS THE STREET; A MINIMUM OF B-2,  
NEIGHBORHOOD BUSINESS DISTRICT IS REQUIRED,  
24' DRIVEWAY WIDTH AND ASPHALT OR CONCRETE  
ARE REQUIRED PARKING SURFACES IN ALL  
COMMERCIAL DISTRICTS**

LOCATED AT

**1906 MYRTLE AVENUE**

(North side of Myrtle Avenue, 150' ± East of topic Street)

APPLICANT/OWNER

**FRANK E. MOSLEY**

**BOARD OF ZONING ADJUSTMENT**

MARCH 2002

The applicant is requesting Use, Maneuvering Area/Aisle Width and Parking Surface Variances to allow an off-site (gravel) parking facility containing six (6) spaces in an R-1, single-Family Residential District for a florist business located across the street; a minimum of B-2, Neighborhood Business District is required, 24' driveway width and asphalt or concrete are required parking surfaces in all commercial districts.

The applicant states this vacant lot at 1906 Myrtle Avenue would be used as a parking lot for employees of Bloomers Florist at 1900 Airport Boulevard, which is directly across Myrtle Avenue from the applicant's business. The applicant states the amount of vehicles parked at this location would be six or less during the hours of 8:00 AM to 5:00 PM Monday thru Friday and 8:00 AM to 2:00 PM on Saturdays. The applicant also states that this property would also be used for the neighbors to park their cars at night and on the weekends instead of parking them on the street.

The applicant's florist business which is located directly across Myrtle Avenue from this site is a nonconforming use; however several variances have been approved at that location. Prior variances have given that site relief, including expansion in the Front Yard Variance in November 1987 and Use Variance for the use of an accessory building to be used as freezer storage.

Several points must be brought to the Board's attention concerning this variance application. First, the proposed plan illustrates 6 off-site (gravel) parking spaces with the associated trees and green space. Second, the City of Mobile's parking requirements for general business require one space for 300 square feet of total florist space, which in this case the applicant has the required parking spaces on site. Third, several businesses across Airport Boulevard have parking spaces that could possibly be leased.

Concerning access/parking surface for the proposed development, as illustrated on the plans submitted there is insufficient width for this development to comply with the required 24' wide access and the parking surface is illustrated as gravel, which is an unacceptable parking surface as stated in the Zoning Ordinance.

Apart from the aesthetic, environmental and drainage advantages of non-paved surface parking lots, there are a number of disadvantages to such surfaces. First, paving allows the striping of the lot, and thus the ability to encourage proper parking (i.e. not taking up multiple spaces). In addition, paving allows the applicant to know that there are enough spaces required by the Zoning Ordinance. Moreover, crushed limestone tends to shift and spill beyond the intended boundaries of the lot. Despite the advantages and disadvantages of each surface, the Zoning Ordinance currently requires paved parking surfaces.

A residence was demolished to create this vacant lot. Moreover, this encroachment of a commercial parking lot would violate the existing streetscape of established occupied, Single-Family dwellings (see photos).

The Board has typically considered the character and the unique nature of the neighborhood when reviewing applications located in older areas of the city when considering parking variances, especially in Historic Districts.

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.

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 six cars.

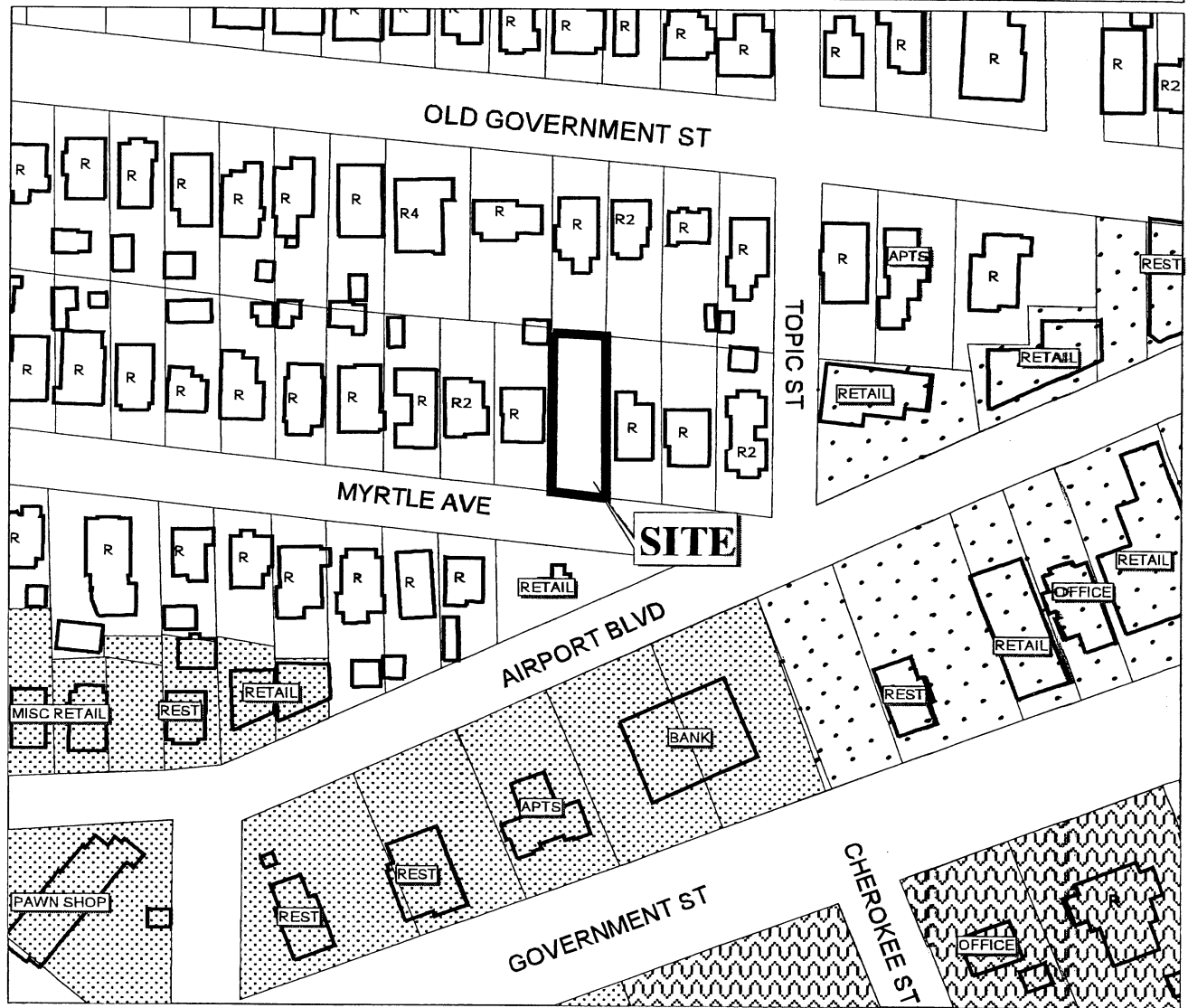
In addition, the granting of such a variance would set an undesirable precedent and would encourage future applications of a similar nature. The remainder of the block is zoned and developed as single-family dwelling and to allow a commercial parking lot within this block of established single-family dwelling goes against good planning principles and practices.

**RECOMMENDATION 5102****Date: March 4, 2002**

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

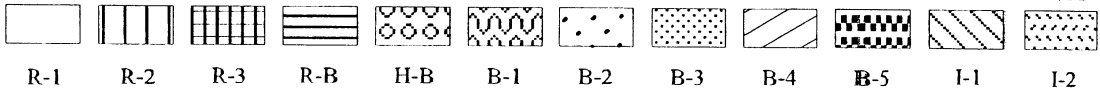
# BOARD OF ZONING ADJUSTMENT VICINITY MAP - EXISTING ZONING



North of the site are residential dwellings. To the east, south and west are miscellaneous retail and restaurants.

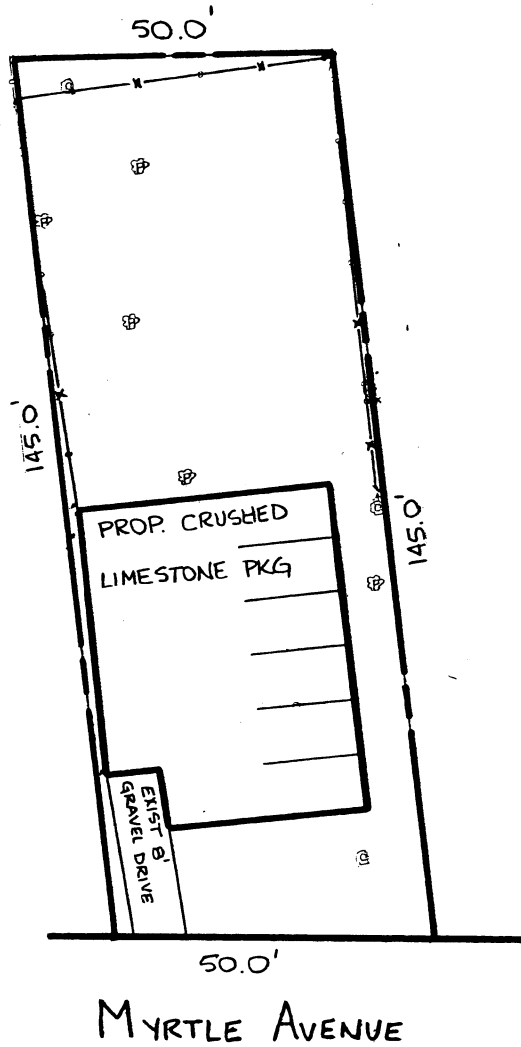
APPLICATION NUMBER 5102 DATE March 4, 2002  
 APPLICANT Frank E. Mosley  
 REQUEST Use Variance

LEGEND



NTS

## SITE PLAN



The site is on the north side of Myrtle Avenue, 150' east of Topic Street.  
The site plan shows the existing gravel drive and the proposed parking area.

APPLICATION NUMBER 5102 DATE March 4, 2002  
APPLICANT Frank E. Mosley  
USE/REQUEST Use Variance





FROM BLOOMERS FLORIST, LOOKING NORTHWEST  
ACROSS MYRTLE AT SITE



FROM CENTER OF MYRTLE, LOOKING WEST  
AT MYRTLE STREETScape