

HOLDOVER

APPLICATION NUMBER

5181

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW A PARKING
FACILITY FOR A PHARMACY WITH TEN (10) ON-SITE
PARKING SPACES; FIFTEEN (15) ON-SITE PARKING
SPACES ARE REQUIRED FOR A PHARMACY WITH 4,425
SQUARE FEET OF RETAIL AND OR OFFICE SPACE**

LOCATED AT

2550 EMOGENE STEET

(Northwest corner of Emogene Street and South Florida Street)

APPLICANT

MEDICAP PHARMACY

OWNER

JODI C. SILVIO, P. D.

BOARD OF ZONING ADJUSTMENT

MAY 2003

HOLDOVER

ANALYSIS APPLICATION 5181

Date: May 5, 2003

The applicant is requesting a Parking Ratio Variance to allow a parking facility for a pharmacy with ten (10) on site parking spaces; fifteen (15) on site parking spaces are required for a pharmacy with 4,425 square feet of retail and/or office space.

The applicant states that originally the building was planned to have 1,966 square feet of the 4,425 square feet as warehousing/storage. The applicant states that the building is complete and is using a majority of the planned warehouse space upstairs as temporary office space for employees. The applicant states that currently 540 square feet of planned warehouse space upstairs is used as office space and has converted 364 square feet of retail space downstairs into warehouse space.

The applicant states that subsequent to beginning the operation, it was determined more efficient to warehouse supplies downstairs in an area 350 square feet, and that portion would be utilized upstairs by a telephone operator, part-time bookkeeper, delivery drivers and other part-time clerical employees. The applicant states that since the original plan provided one extra space the site is close to complying with the ordinance, if not in compliance with the parking requirements of the Zoning Ordinance.

During the permitting process the applicant submitted an affidavit stating that 1,966 square feet of the total 4,425 square feet of the building would be used for warehousing/storage. The affidavit also stated that the applicant was aware that the associated site plan, showing ten (10) parking spaces, would be approved on the basis of warehousing in the amount of square footage (1,966) and that this storage area may not be converted to office/retail because the requirements of the parking spaces would be violated.

This office did not hear anything from the applicant until the department received several complaints from adjacent neighbors (businesses and residents) stating that the pharmacy employees and customers were parking on right-of-way and on neighboring properties. A zoning inspector visited the site and issued a notice of violation for inadequate parking, since the applicant is using the entire second floor as office space.

Parking requirements for retail/office is one (1) space per 300 square feet of gross floor space. When the applicant submitted the affidavit stating that 1,966 square feet would be used exclusively for warehousing/storage it was simply subtracted from the total square footage (4,425) and the parking requirements were based on new number of square footage (2459). If the plan reviewer knew that the applicant was using the warehousing/storage space as offices, the plan would have been rejected.

There are several reasons why minimum requirements for parking are required. Parking requirements assure a customer or client that there is space to park their mode of transportation on-site when doing business in the City of Mobile. Additionally, it should

HOLDOVER

be noted that the parking requirements are evenly enforced citywide, and all businesses, including new ones, that develop vacant property, must comply with these requirements.

The Ordinance states that no variance shall be granted where economics are the basis for the application. Additionally, no variance shall be granted 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 operate a business with substandard parking. In addition, the granting of the Parking Ratio Variance could set an undesirable precedent and could encourage future applications of a similar nature citywide.

The Board heldover this application to allow the applicant time to submit a revised plan illustrating the change of warehouse and retail use of the first and second floors. Staff received an amended interior plan illustrating that 3,067 square feet of the total 4,430 square feet will be used for retail and the remaining square footage used as storage.

Based on the revised interior plan submitted illustrating retail/office and storage space, the site requires eleven (11) parking spaces. The site has ten (10) existing parking spaces which does not meet the required eleven (11) parking spaces; however, at the Board's May meeting the applicant stated that two vans that are used for delivery, are now parked off-site; thus controlling the parking of the delivery vans could alleviate the parking shortage at the site.

HOLDOVER

RECOMMENDATION 5181

Date: May 5, 2003

Based upon the preceding, this application is recommended for approved subject to the following condition: 1) the provision of an affidavit stating that there will be no parking of delivery vans during the hours of operation.

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residential units are located to the north, south, and west of the site. Retail stores and medical offices are located to the south and north of the site. A manufacturing company is located to the east of the site.

APPLICATION NUMBER 5181 DATE May 5, 2003

APPLICANT Medicap Pharmacy # 314 (Jodi C. Silvio, P.D., Owner)

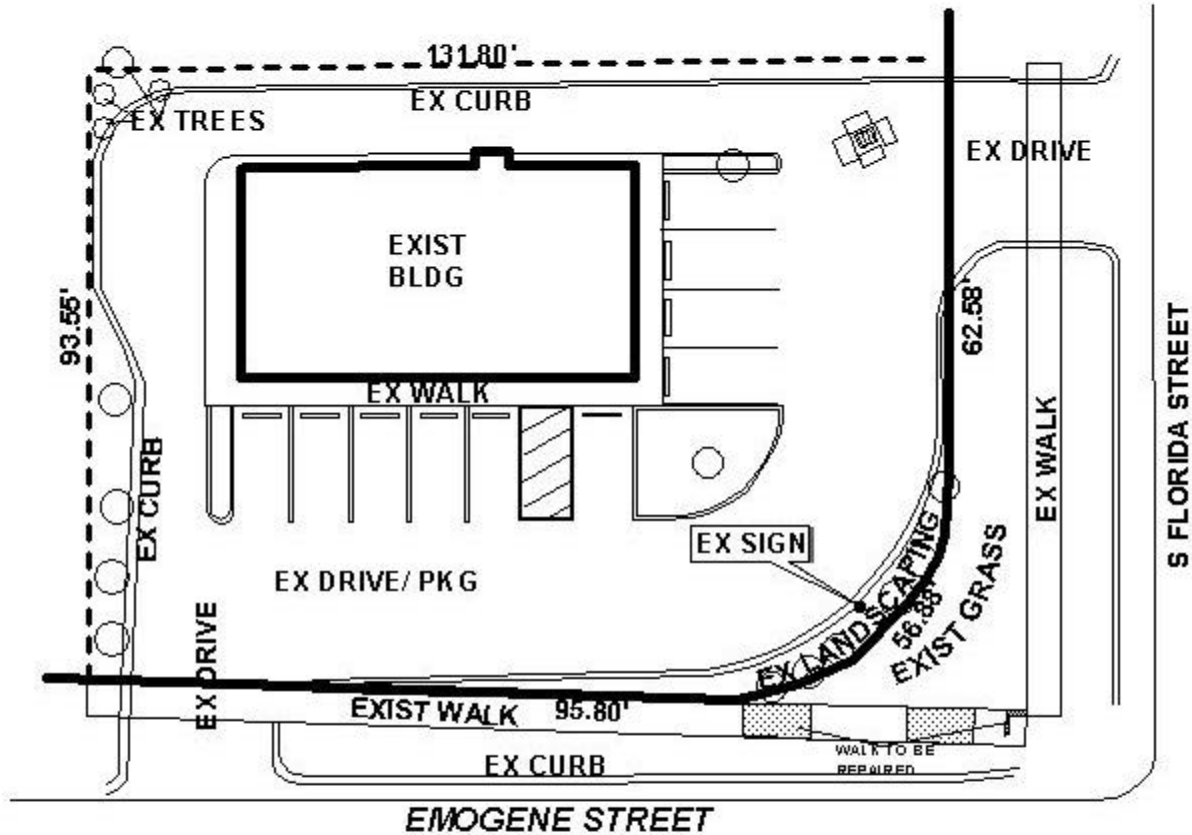
REQUEST Parking Ratio Variance

LEGEND



HOLDOVER

SITE PLAN



Northwest corner of Emogene Street and South Florida Street, the site plan illustrates the existing building, landscaping, sign location and parking spaces, and sidewalks.

APPLICATION NUMBER 5181 DATE May 5, 2003

APPLICANT Medicap Pharmacy #314 (Jodi C. Silvio, P.D., Owner)

USE/REQUEST Parking Ratio Variance



NTS