

APPLICATION NUMBER

**5267**

A REQUEST FOR

**PARKING RATIO VARIANCE TO ALLOW A 1,080  
SQUARE FOOT, ONE-STORY ADDITION (1 TEACHING  
STATION) TO AN EXISTING DAY CARE FACILITY  
(6 TEACHING STATIONS) PROVIDING SEVEN (7) ON-  
SITE PARKING SPACES; A MINIMUM OF ELEVEN (11)  
ON-SITE PARKING SPACES ARE REQUIRED FOR A DAY  
CARE FACILITY WITH SEVEN (7) TEACHING  
STATIONS**

LOCATED AT

**309 PINEHILL DRIVE**

(East side of Pinehill Drive, 170' ± South of Airport Boulevard)

APPLICANT/OWNER

**MICHAEL & CONSTANCE DIAL**

**BOARD OF ZONING ADJUSTMENT**

OCTOBER 2004

The applicant is requesting a Parking Ratio Variance to allow a 540 square foot, one-story addition (1 teaching station) to an existing day care facility (6 teaching stations) providing seven (7) on-site parking spaces; a minimum eleven (11) on-site parking spaces are required for a day care facility with seven (7) teaching stations.

The applicant proposes to construct an 18' x 30' (540 square feet), one story building for a single classroom. The addition of this classroom will be connected by a canopy to the existing day care facility. The applicant states the existing day care has 6 teaching stations but upcoming changes in day care regulations will necessitate lower child enrollment for the existing space. The proposed 540 square foot building will allow the facility to maintain the current child capacity without the addition of more children.

The applicant originally planned to add approximately 600 square feet to the existing building in the area of the existing rear yard carport; however, Urban Forestry requires a 15-foot setback from the existing 46-inch live oak, which forced the addition into the rear yard playground. The applicant states that the combination of the extra building and extra parking in the rear yard would reduce the area of the playground to less than minimum day care requirements for the playground. Moreover, the placement of extra parking in the front yard would be too close to the existing live oak trees in the City's right-of-way.

The applicant states that an adjacent business at 2375 Airport Boulevard has sufficient paved parking the retail/office space and the day care proposes to formalize an off-site parking agreement pending approval of this variance.

Parking requirements for day care facilities are 1.5 spaces per teaching station. 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. However, in this situation, traffic to the site would not increase.

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.

The applicant illustrated that a literal enforcement of the Zoning Ordinance could result in an unnecessary hardship. As illustrated on the site plan there are several large viable live oak trees on the site, which are protected. The applicant illustrates a drop-off and

pick-up aisle that assures the safe maneuvering of vehicles when dropping off and picking up children at the day care to comply with the licensing requirements of the state.

**RECOMMENDATION 5267****Date: October 4, 2004**

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Based upon the preceding, this application is recommended for approval subject to the following condition: 1) the submission of a long-term lease agreement from the adjacent property owner stating that 4 parking spaces would be reserved for use by the day care facility.