

APPLICATION NUMBER

5418/2194

A REQUEST FOR

**PARKING SURFACE VARIANCE REQUEST TO ALLOW
AGGREGATE PARKING AND ACCESS IN AN I-1, LIGHT
INDUSTRY DISTRICT; THE ZONING ORDINANCE
REQUIRES ALL PARKING TO BE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE
SURFACE IN AN I-1, LIGHT INDUSTRY DISTRICT.**

LOCATED AT

2469 BRAGDON AVENUE

(Northwest corner of Burden Lane and Mobile Street, extending West to the Illinois
Central Gulf Railroad right-of-way and North to Bragdon Avenue)

APPLICANT

MIKELL TAYLOR

AGENT

GULF STATES ENGINEERING

OWNER

MOBILE ROSIN OIL COMPANY, INC.

BOARD OF ZONING ADJUSTMENT

JUNE 2007

The applicant is requesting a Parking Surface Variance to allow aggregate parking and access in an I-1, Light Industry District; the Zoning Ordinance requires all parking to be asphalt, concrete, or an approved alternative surface in an I-1, Light Industry District.

This application concerns a portion along the South side of Bragdon Avenue of the applicant's overall site which was recently rezoned from R-1 to I-1. It consists of three lots of the adjoining residential subdivision which the applicant has owned and utilized for many years as a gravel drive and parking area for the Mobile Rosin Oil Company. Along with the rezoning, an associated Planned Unit Development (PUD) and one-lot subdivision were approved by the Mobile City Planning Commission in March. The approved site plans for both the rezoning and PUD indicated the subject gravel drive and parking would be paved with asphalt and striped as required by the Ordinance. The applicant now wishes to retain the gravel drive and parking instead of paving with asphalt and striping. In 1967, the Board denied a Use Variance request to construct an office and laboratory on the Eastern-most of the three subject residential lots, that area which is now the existing gravel drive and parking.

The contention is made by the applicant that the purpose of this application is to preserve the vegetative buffer between Mobile Street and the developed portion of the site. The argument is made that drainage runoff calculations indicate that retaining the gravel drive and parking would not increase peak runoff, whereas, installing the paved drive and parking would increase water run-off which would require a detention pond in the currently wooded Southeast portion of the overall site which serves as a buffer. The applicant also states that right-of-way dedications required by the Planning Commission approvals along Mobile Street and Burden Lane will further reduce the buffer.

With regard to the applicant's contention that the purpose of this application is to preserve the vegetative buffer between Mobile Street and the developed portion of the site, the wooded area covers approximately one-third of the overall site and should allow ample area for the detention pond with remaining undisturbed buffer. It should be noted that the provision of a natural, undisturbed buffer was not a requirement of the Planning Commission's approvals of the associated rezoning, subdivision, and PUD; therefore, no hardship can be illustrated with the location of any required detention pond in the existing wooded area.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

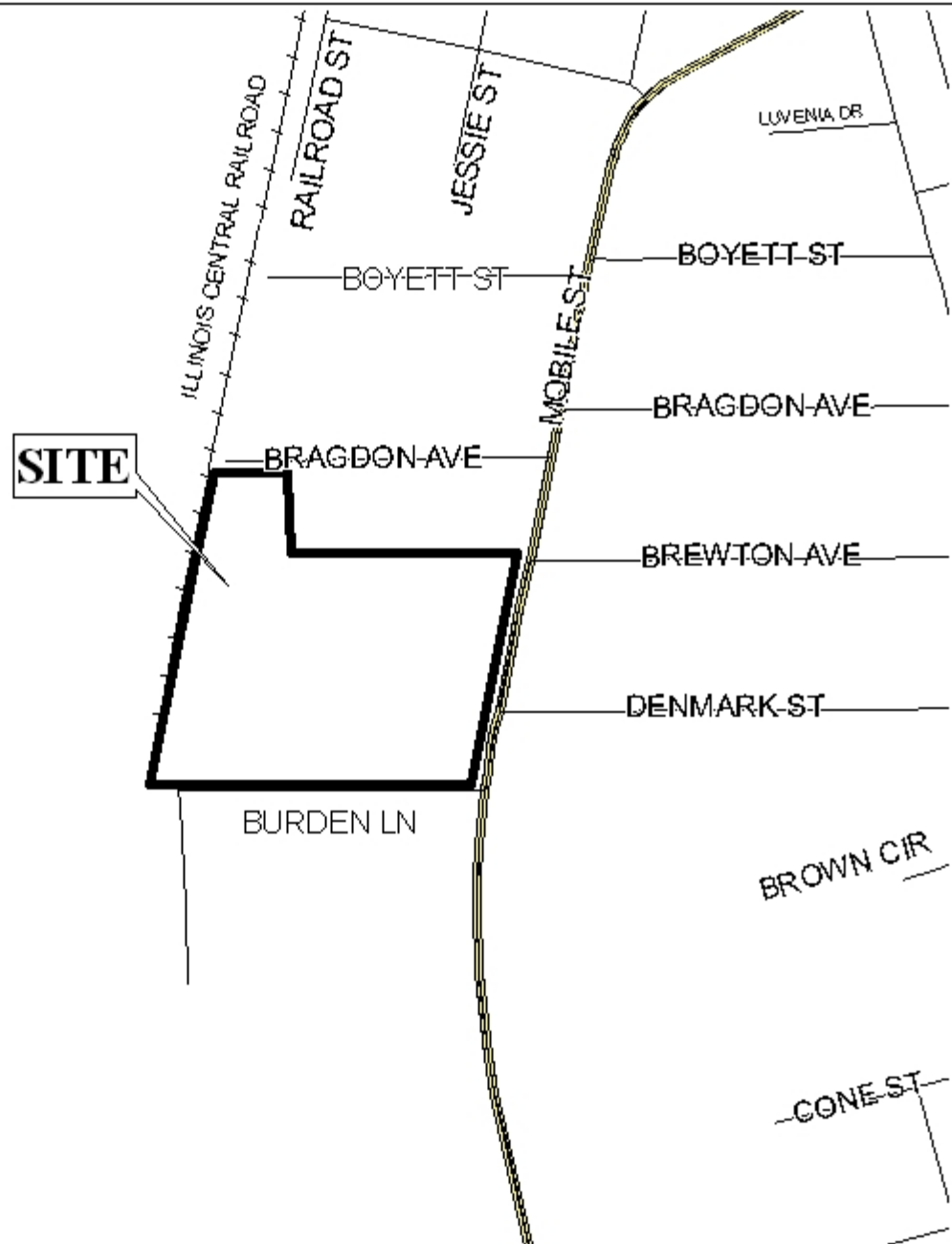
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

The applicant was advised following submission of this application that amendments to Planning Commission and City Council approvals could only be done by those entities, but he wanted to pursue the variance, anyway. In the case of the applicant's rezoning, the neighborhood was told at the Council public hearing that the subject parking/access area would be paved, as shown on the revised site plan submitted with the associated PUD. Planning Commission and City Council approvals are specific with regard to conditions and site plans. It is not within the Board's power to amend Planning Commission and City Council approvals. The applicant should consider reapplying to the Planning Commission for any amendments to conditions of approval and site plan specific items.

RECOMMENDATION 5418/2194**Date: June 4, 2007**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



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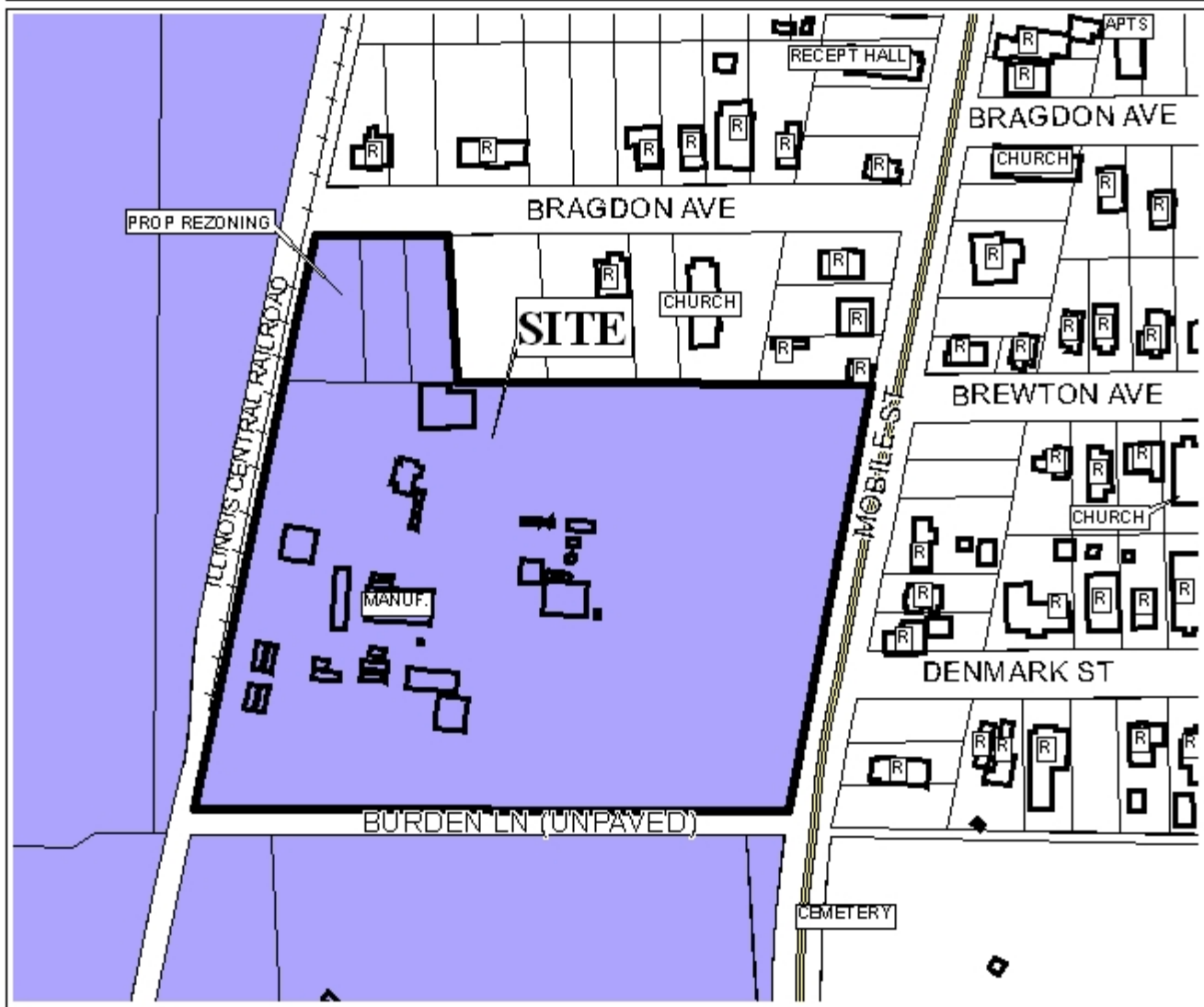
APPLICANT Mikell Taylor

REQUEST Parking Surface Variance



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PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



Residential land use is located to the north and east of the site. Churches are located to the north and east of the site. A cemetery is located to the southeast of the site.

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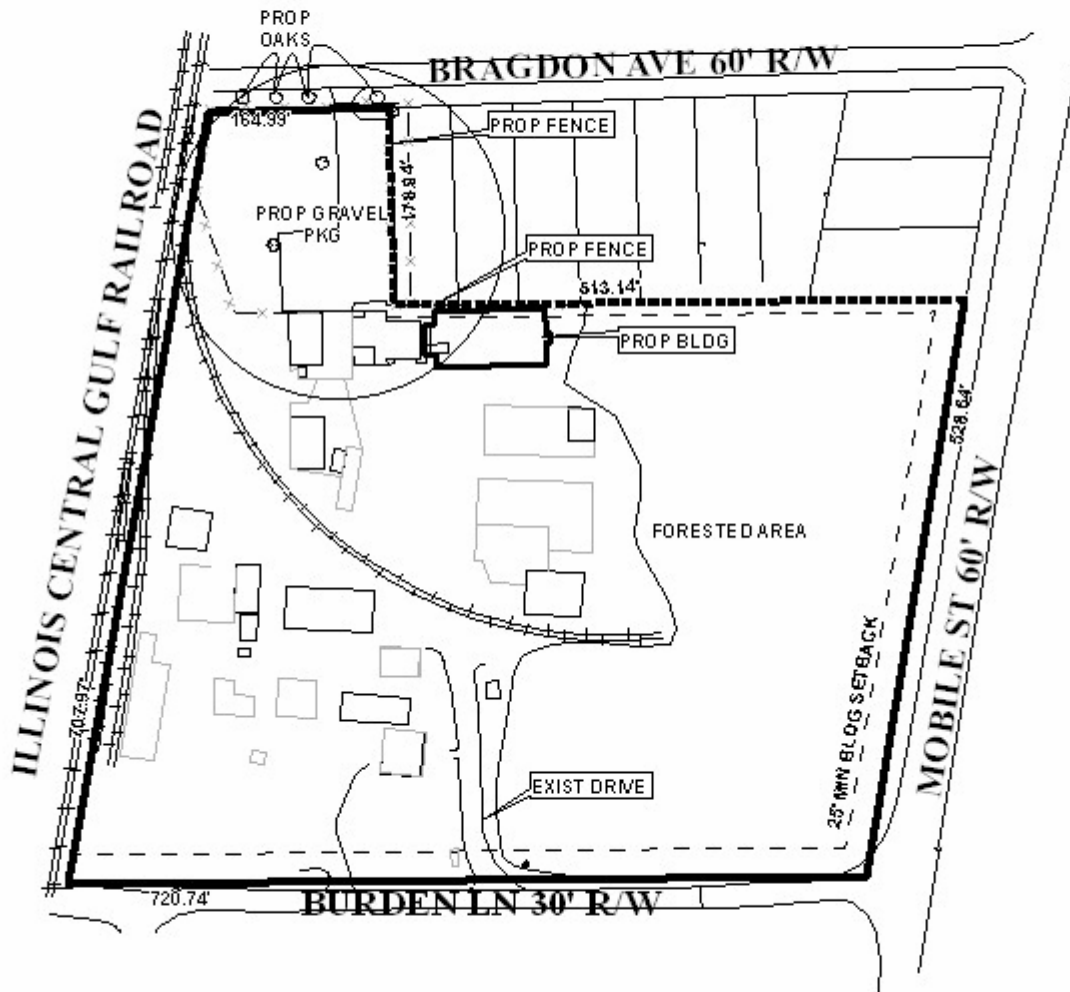
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LEGEND

R-1	R-2	R-3	R-4	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



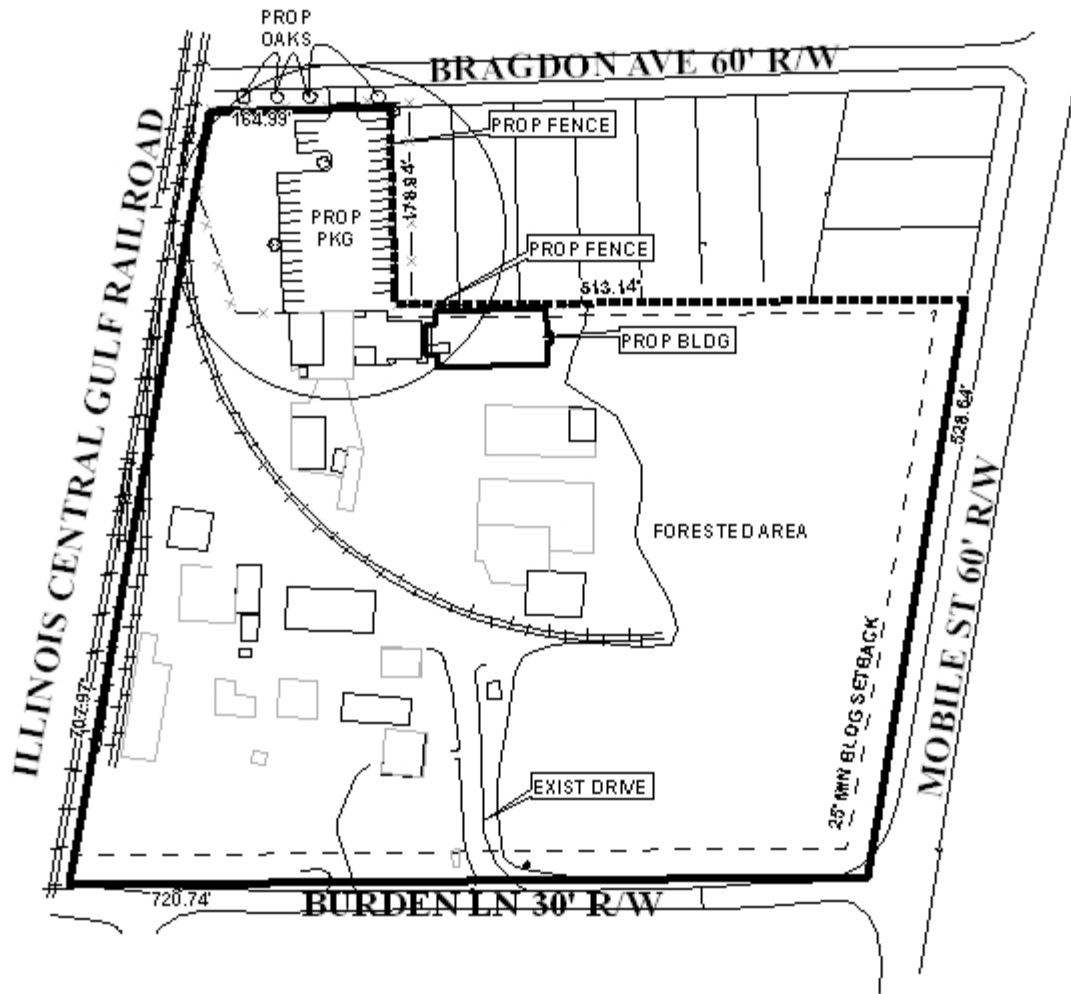
The site plan illustrates the proposed building, landscaping, proposed drive, proposed parking, and existing drive

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SITE PLAN



The site plan illustrates the proposed building, landscaping, proposed drive, proposed parking, and existing drive

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