

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 4, 2014****CASE NUMBER**

5905

APPLICANT NAME

Rangeline Business Park, LLC

North side of Abigail Drive, 875'± East of Rangeline Service Road).

VARIANCE REQUEST

ACCESS: Access Variance request to allow a 16' wide entrance drive and 12' wide gate clearance in an I-1, Light Industry District.

MANEUVERING: Maneuvering Variance request to allow a 22' wide maneuvering area.

BUFFER: Buffer Variance request to allow a 6' high wooden privacy fence around a lay down yard.

**ZONING ORDINANCE
REQUIREMENT**

ACCESS: The Zoning Ordinance requires a minimum 24' wide entrance drive and gate clearance in an I-1, Light Industry District.

MANEUVERING: The Zoning Ordinance requires a 24' wide maneuvering area.

BUFFER: The Zoning Ordinance requires an 8' high wooden privacy fence around a lay down yard.

ZONING

I-1, Light Industry District

AREA OF PROPERTY

0.9± Acre

**ENGINEERING
COMMENTS**

No comments.

**TRAFFIC ENGINEERING
COMMENTS**

The minimum width that should be acceptable is 20', for both the driveway and the gate clearance. The maneuvering area, as illustrated on the site plan is 26' and exceeds the standard 24' requirement, therefore the maneuvering variance is not necessary.

**FIRE DEPARTMENT
COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting Access, Maneuvering, and Buffer Variances to allow a 16' wide entrance drive and 12' wide gate clearance, a 22' wide maneuvering area, and a 6' high wooden privacy fence around a lay down yard in an I-1, Light Industry District; the Zoning Ordinance requires a minimum 24' wide entrance drive and gate clearance, a 24' wide maneuvering area, and requires an 8' high wooden privacy fence around a lay down yard in an I-1, Light Industry District. As was pointed out by Traffic Engineering, the maneuvering area depicted on the submitted site plan is actually 26'; therefore the maneuvering area variance request may not be needed, if the plan is accurate.

The site is currently a vacant lot. The applicant has been granted similar variances for the two lots to the West of the subject site with respect to the Access and Maneuvering requests, and a Surface request for one, and a Surface and Buffer request for the other. This request is the same as that for the adjacent lot to the West, except that the maneuvering area request may not be needed, and no Surface Variance is requested since the Zoning Ordinance now allows a gravel lay down yard in I-1 Districts. It should be strongly emphasized that both of those Variances were necessitated due to the fact that the applicant did not develop the sites according to the site plans approved for construction and was required to obtain the Variances after-the-fact in order to obtain Certificates of Occupancy. In this instance, plans have not yet been submitted for site development.

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.

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 states: "*Rangeline Business Park, Unit 2 S/D was designed and developed while the property was located in Mobile County. However, this area has since been annexed by the City of Mobile. The applicant's design, development and layout of each lot is a key factor in successfully developing these lots for future tenants. Since this S/D was in the County at the time of its conception there are several City requirements that were not considered and are contrary to the applicant's design intent.*"

“The applicant is requesting a variance to allow for a 16 ft. wide driveway from Abigail Dr. which would access three parking spaces with a 12’ wide gate and brick wall on each side approx. 75’ from the front property line to access additional parking at rear of the property.”

“It was and still is the applicant’s desire to have similar constructed buildings and site layouts on all of the subdivision lots.”

“The types of businesses that will occupy these buildings will be such that the traffic volume is extremely low being limited to employees with an occasional visitor or delivery. Delivery trucks are anticipated to be box type trucks such as FedEx and not eighteen wheelers.”

“The granting of this variance request will not have a negative impact on this site or the surrounding area and will not create any safety issues.”

It should be noted that the site was annexed into the City of Mobile in 2009, and Rangeline Business Park Subdivision, Unit Two, which includes the subject site, was not presented to the Planning Commission until January, 2010, after annexation. Therefore, the applicant’s claim that Unit Two was designed and developed while the property was in Mobile County is erroneous.

Inasmuch as compliant site plans were initially approved for the development of the two adjacent sites previously mentioned, and the subject site is the same size and shape as those two, it would stand that the subject site could also be developed in compliance with the Zoning Ordinance. The site plan submitted is almost exactly the same as those of the previous two sites.

With regard to the requests for the substandard driveway width and gate clearance variances, there is no hardship illustrated by the applicant as to why compliance cannot be met. The fact that the lots were platted prior to annexation and several City requirements were not considered at that time which were contrary to the applicant’s design intent would not tend to lend justification to the granting of another similar variance. Lots can be re-subdivided to allow more area for development, buildings can be down-sized to fit on existing lots and allow for adequate access, or, as was previously originally done, a site can be designed in compliance. Any hardships now present would be self-imposed by the applicant due to inflexibility in design. Also, any future occupant of the site may wish to use larger vehicles/trucks than the anticipated box trucks. Thus the applicant is restricting a tenant’s ability to use the site by proposing substandard development of the site. Also, the proposed access and gate may not provide adequate room for two-way traffic for delivery or larger-type trucks. The proposed layout could also prevent any future placement of a dumpster on the site due to access problems. It should be noted that the December, 2012, approval by the Board for the adjacent site required the provision of a 20’ wide driveway.

The applicant does not address the proposed 6’ high wooden privacy fence around the lay down yard in the narrative, and has not submitted a revised site plan indicating a compliant 8’ fence. As nothing appears on the site plan to indicate a hardship necessitating only a 6’ high fence and no justification for such is given, the granting of the request for such would be out of order.

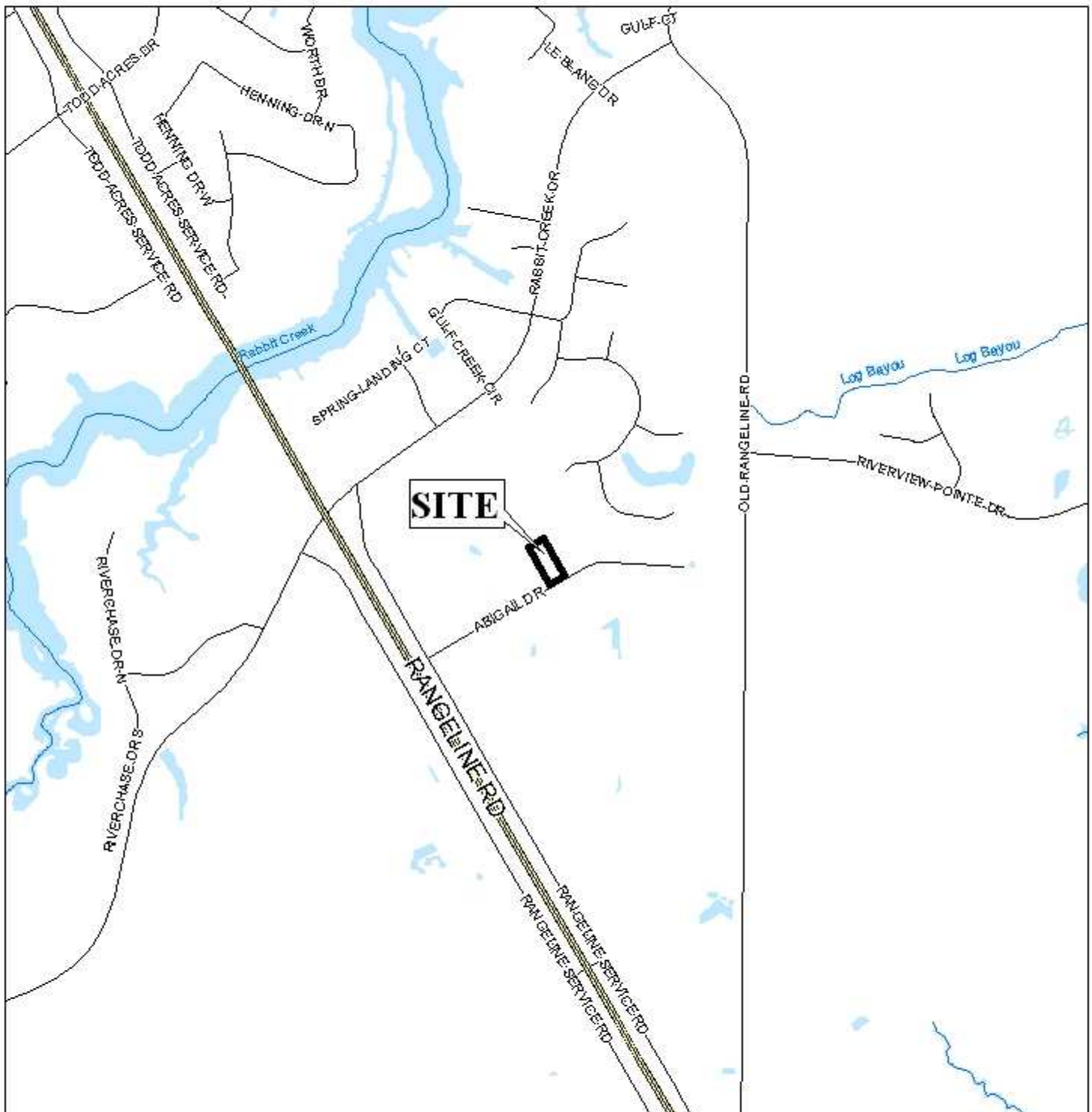
It seems it is simply the applicant's wish to develop the site in a manner similar to the two adjacent sites but to be granted permission for such prior to development instead of after-the-fact. But the granting of after-the-fact variances should not set precedence for the granting of similar variances prior to development, especially in light of the fact that it has been shown that the same size site can be designed in compliance.

It should be noted that a Planned Unit Development request for the entire subdivision could address all lots at once, rather than in a piecemeal fashion. A PUD request would also avoid the "hardship" issue, and as there are no hardships associated with the sites, this would be the most appropriate route.

RECOMMENDATION: Based upon the preceding, staff recommends to the Board the following findings of facts for denial:

- 1) approving the variance request will be contrary to the public interest in that it would restrict a tenant's ability to use the site by proposing substandard development of the site, and it would also allow deviation from standards adopted by the City Council designed to protect the public health, safety and welfare;
- 2) special conditions such as limited site area to develop to compliance do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship; and
- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the applicant has submitted and been approved for two previous site plans showing the same size lots as the subject lot proposed to be developed in compliance the Zoning Ordinance.

LOCATOR MAP



APPLICATION NUMBER 5905 DATE August 4, 2014

APPLICANT Rangeline Business Park, LLC

REQUEST Access, Maneuvering, and Buffer Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by offices. Storage facilities are located to the north.

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REQUEST Access, Maneuvering, and Buffer Variances

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial land use.

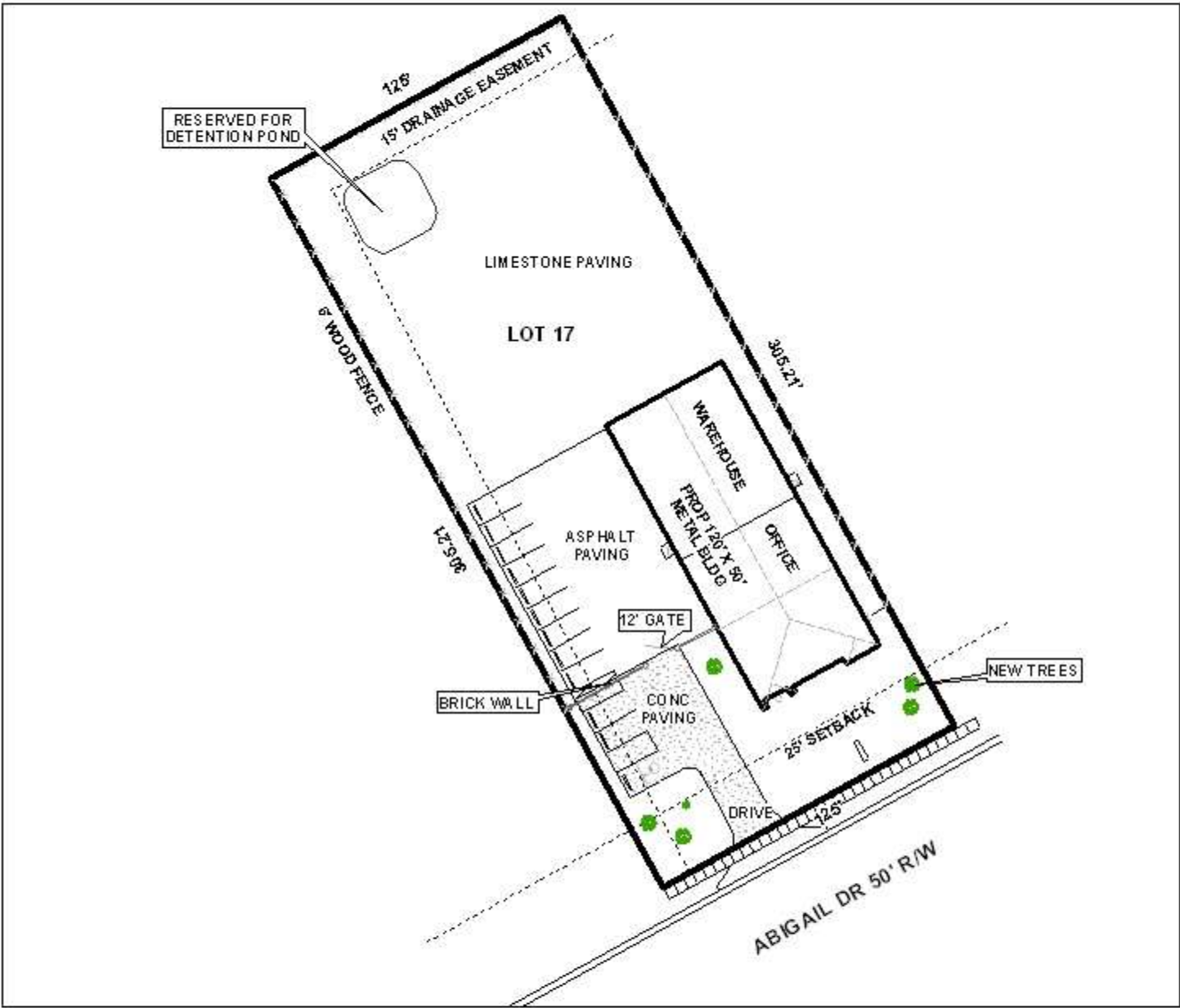
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SITE PLAN



The site plan illustrates proposed building, paving, and easements.

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