

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 4, 2016****CASE NUMBER**

6032

**APPLICANT NAME**

Johnny's RV LLC (Johnny Bowen, Agent)

**LOCATION**6021 and 6049 Middle Road  
(East side of Middle Road, 400'± North of Plantation Road)**VARIANCE REQUEST****SURFACING:** Surfacing Variance to allow gravel parking, access, and maneuvering areas.**ZONING ORDINANCE  
REQUIREMENT****SURFACING:** The Zoning Ordinance requires all parking, access, and maneuvering areas to be paved with concrete, asphaltic concrete, asphalt, or approved alternative surfacing**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

9.9± Acres

**ENGINEERING  
COMMENTS**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

- a. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting.
- b. Submit a ROW Permit (City of Mobile) for any work proposed within the public ROW. Aggregate surfacing will NOT be allowed within the Moffett Road ROW; only pavement will be allowed.

**TRAFFIC ENGINEERING  
COMMENTS**

If the surface variance is approved, bumper stops should be included on the gravel surface for any required parking spaces. The owner/developer is responsible for ADA accessibility, which may require asphalt/concrete surface for the designated space(s) and the path to any buildings intended to be occupied by the public. Gravel surface shall not extend into the ROW, and any changes in the ROW will require a City ROW permit.

**CITY COUNCIL  
DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Surfacing Variances to allow gravel parking, access, and maneuvering areas in a B-3, Community Business District; the Zoning Ordinance requires all parking, access, and maneuvering areas to be paved with concrete, asphaltic concrete, asphalt, or approved alternative surfacing in a B-3, Community Business District.

The site is currently part of Subdivision and Planned Unit Development applications to the Planning Commission that were heldover at the March 17<sup>th</sup> meeting to allow the applicant to make changes to the proposed site plan for the April 21<sup>st</sup> meeting. Furthermore, the site plan submitted for the Planned Unit Development application illustrates more gravel surfacing on the site than the site plan submitted for the Variance application. Therefore, it may be appropriate to holdover this application to allow changes required by the Planning Commission and provide the applicant time to determine what the actual extent of the requested gravel surfacing will be.

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 that:

*We are submitting a Variance application to allow gravel parking for maneuvering and storage of RV's onsite. This site is a storage facility for inventory of RV's and they have multiple warehouses on the proposed Lot 1 along with proposed additional warehouses. The properties all currently have gravel areas for maneuvering and we are submitting a variance application to allow gravel surfacing to the BOA. This is consistent with other properties in the area and a surface variance was recently approved up the road at 5600 Highway 90. We are submitting a site plan as part of this application to illustrate proposed improvements along with existing. We ask that a variance be granted to continue to allow gravel areas for storage of these vehicles and transfer throughout the property. The warehouse has 2 employees and we meet and exceed parking requirements.*

*Work is to begin as soon as all permits are approved.*

As the applicant states, there was indeed a surfacing variance approved at the Board of Zoning Adjustment's November 2, 2016 meeting at 5600 U.S. Highway 90 West, approximately ½ mile to the North of the subject site to allow gravel surfacing for the storage of RVs, just as the applicant wishes to do.

**RECOMMENDATION:** Based on the preceding, the application is recommended for Holdover to the May 2<sup>nd</sup> meeting, with revisions due by April 18<sup>th</sup> to address the following:

- 1) clarification of the extent of the proposed gravel surfacing to coincide with what is depicted on and Planned Unit Development site plan; and
- 2) revision of the site plan to illustrate all changes required by the Planning Commission.

***Revised for the May 2<sup>nd</sup> meeting:***

*The application was heldover from the April 4<sup>th</sup> meeting to allow the applicant time to clarify discrepancies between the site plan submitted for the variance and the site plan submitted for the Planned Unit Development application before the Planning Commission. A revised site plan was submitted for the Planning Commission's consideration, but no revisions were submitted for the Board of Zoning Adjustment's consideration. The revised site plan submitted with the PUD application does not match the previously submitted variance site plan. At its April 21<sup>st</sup> meeting, the Planning Commission decided to holdover the PUD until May 19<sup>th</sup> to allow the applicant time to submit revisions.*

**RECOMMENDATION:** Based on the preceding, the application is recommended for Holdover to the June 6<sup>th</sup> meeting, with revisions due by May 23<sup>rd</sup> to address the following:

- 1) clarification of the extent of the proposed gravel surfacing to coincide with what is depicted on and Planned Unit Development site plan; and
- 2) revision of the site plan to illustrate all changes required by the Planning Commission.

***Revised for the June 6<sup>th</sup> meeting:***

*The application was heldover from the May 2<sup>nd</sup> meeting to allow the applicant to clarify the extent of the proposed gravel surfacing requested as well as make any necessary adjustments required by the Planning Commission. The applicant's Planned Unit Development application was recently approved at the Planning Commission's May 19<sup>th</sup> meeting.*

*The applicant submitted a revised site plan for the variance request which matches the site plan submitted for the Planned Unit Development application, thereby clarifying the extent of the proposed gravel area. It should be noted that the Planning Commission approval did require full compliance with landscape area and tree plantings for Lot 1 fronting Middle Road, which will cause the proposed 9,000 square foot building to be relocated further from the road. If approved, a site plan showing the structure relocated to accommodate landscape area should be provided prior to the issuance of permits.*

*Based on the existing gravel surfacing and the proposed use of the site, aggregate surfacing may be appropriate.*

**RECOMMENDATION:**  
*fact for Approval:*

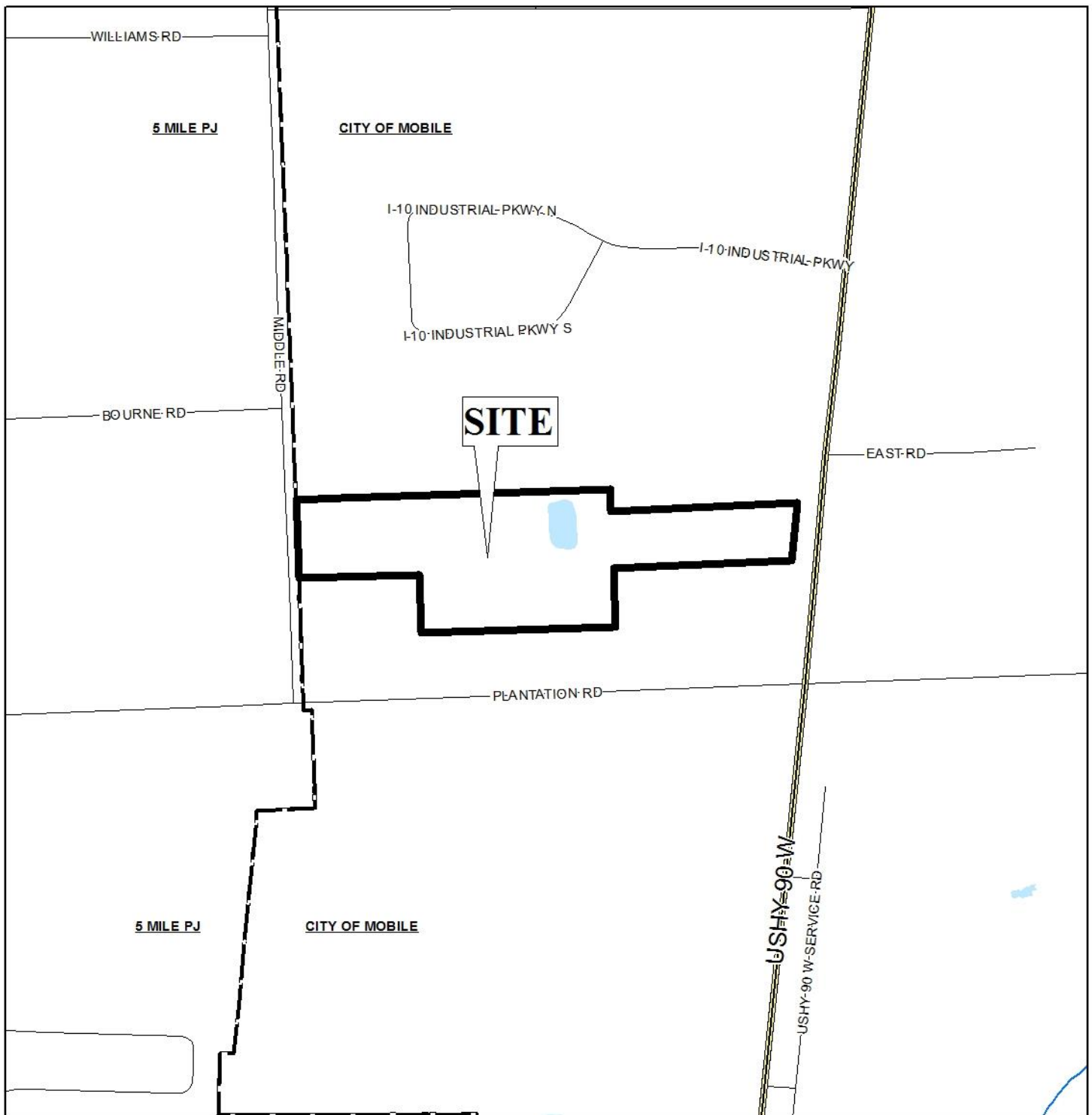
*Staff recommends to the Board the following findings of*

- 1) approving the variance will not be contrary to the public interest in that there is gravel surfacing existing on site;*
- 2) special conditions do exist and there are hardships which exist in that the proposed use as storage of recreational vehicles makes gravel surfacing desirable; and*
- 3) the spirit of the chapter shall be observed and substantial justice shall be done to the surrounding neighborhood by granting the variance due to a similar variance being granted for a nearby site.*

*The approval is subject to the following conditions:*

- 1) provision of a revised site plan per Planning Commission requirements prior to issuance of permits; and*
- 2) full compliance with all other municipal codes and ordinances.*

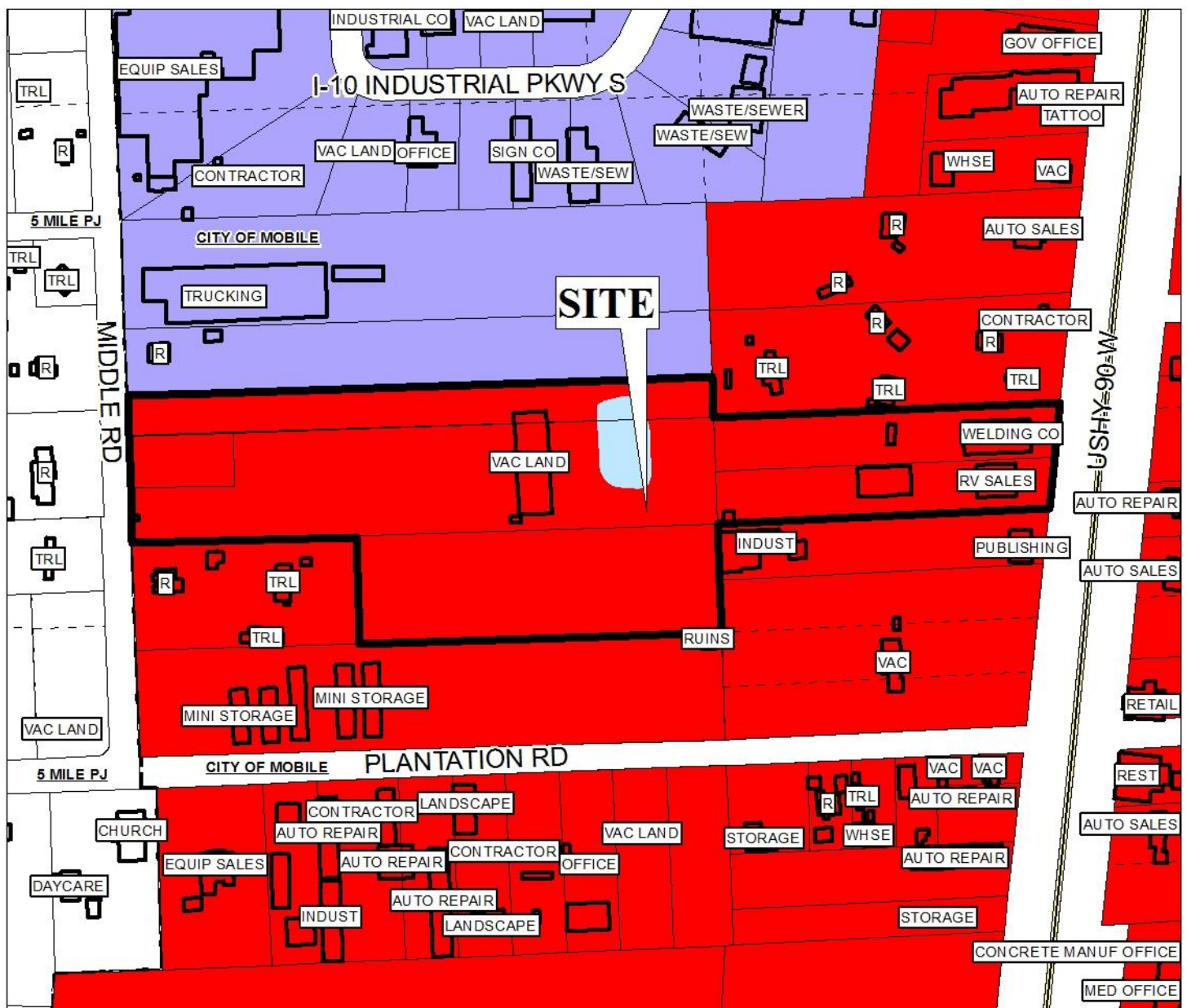
# LOCATOR MAP



APPLICATION NUMBER 6032 DATE June 6, 2016  
APPLICANT Johnny's RV LLC (Johnny Bowen, Agent)  
REQUEST Surfacing Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units to the west, industrial units to the north, and commercial units to the south.

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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 AERIAL

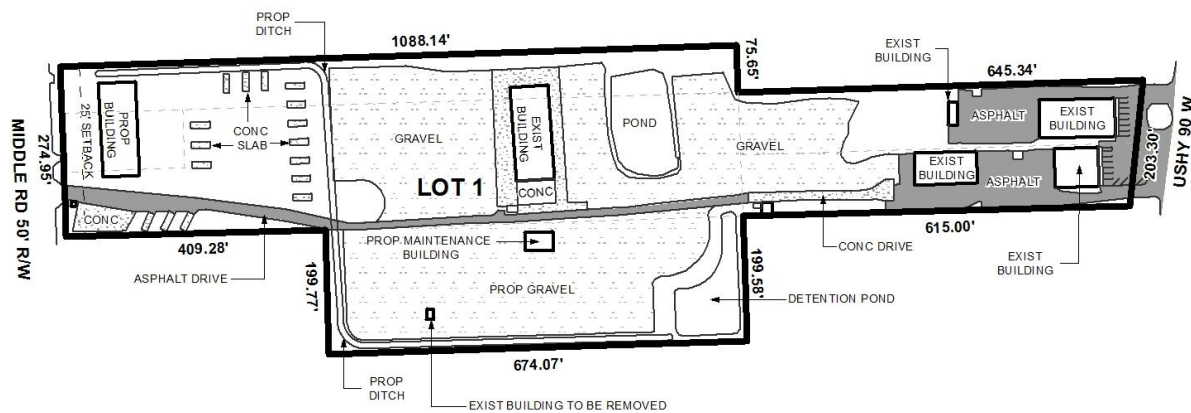


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SITE PLAN



The site plan illustrates the existing buildings, existing drive, setback, proposed buildings, proposed gravel area, and proposed ditch.

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