

APPLICATION NUMBER

5502/5471/5422

A REQUEST FOR

**FRONT LANDSCAPING VARIANCE TO ALLOW 6,380
SQUARE FEET OF FRONTAGE LANDSCAPING (45.25%
OF THE 12% TOTAL SITE AREA) FOR A 117,500 SQUARE
FOOT SITE IN A B-3, COMMUNITY BUSINESS
DISTRICT; THE ORDINANCE REQUIRES 8,460 SQUARE
FEET OF FRONTAGE LANDSCAPING (60% OF THE 12%
TOTAL SITE AREA) FOR A 117,500 SQUARE FOOT SITE
IN A B-3 COMMUNITY BUSINESS DISTRICT.**

LOCATED AT

1350 WEST I-65 SERVICE ROAD SOUTH

(West side of West I-65 Service Road South, 500'± South of Key Street)

APPLICANT

VALUE PLACE MOBILE, LLC

BOARD OF ZONING ADJUSTMENT

NOVEMBER 2008

The applicant is requesting a Front Landscaping Variance to allow 6,380 square feet of frontage landscaping (45.25% of 12% total site area) for a 117,500 square-foot site in a B-3, Community Business District; the Ordinance requires 8,460 square feet of frontage landscaping (60% of 12% total site area) for a 117,500 square-foot site in a B-3, Community Business District.

The applicant in this case applied for a land disturbance permit in October, 2007. The permit was approved, without land use or tree approvals for land disturbance only. Through a clerical error, a building permit was issued, without land use and tree approvals, for the construction of the building which is currently on the site. When this was discovered, a hold was placed on the permit in July, 2008, pending the submission of a land use plan and a tree plan. When the plans were received, it was discovered that the developer had miscalculated the frontage landscaping area required for the site. The miscalculation resulted in a frontage landscape deficiency of 14.75 percent. This deficiency was discovered after the building had been constructed. The applicant wishes to keep the site as is with the reduced frontage landscaping. It should be noted that the applicant is fully compliant with other landscaping requirements.

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.

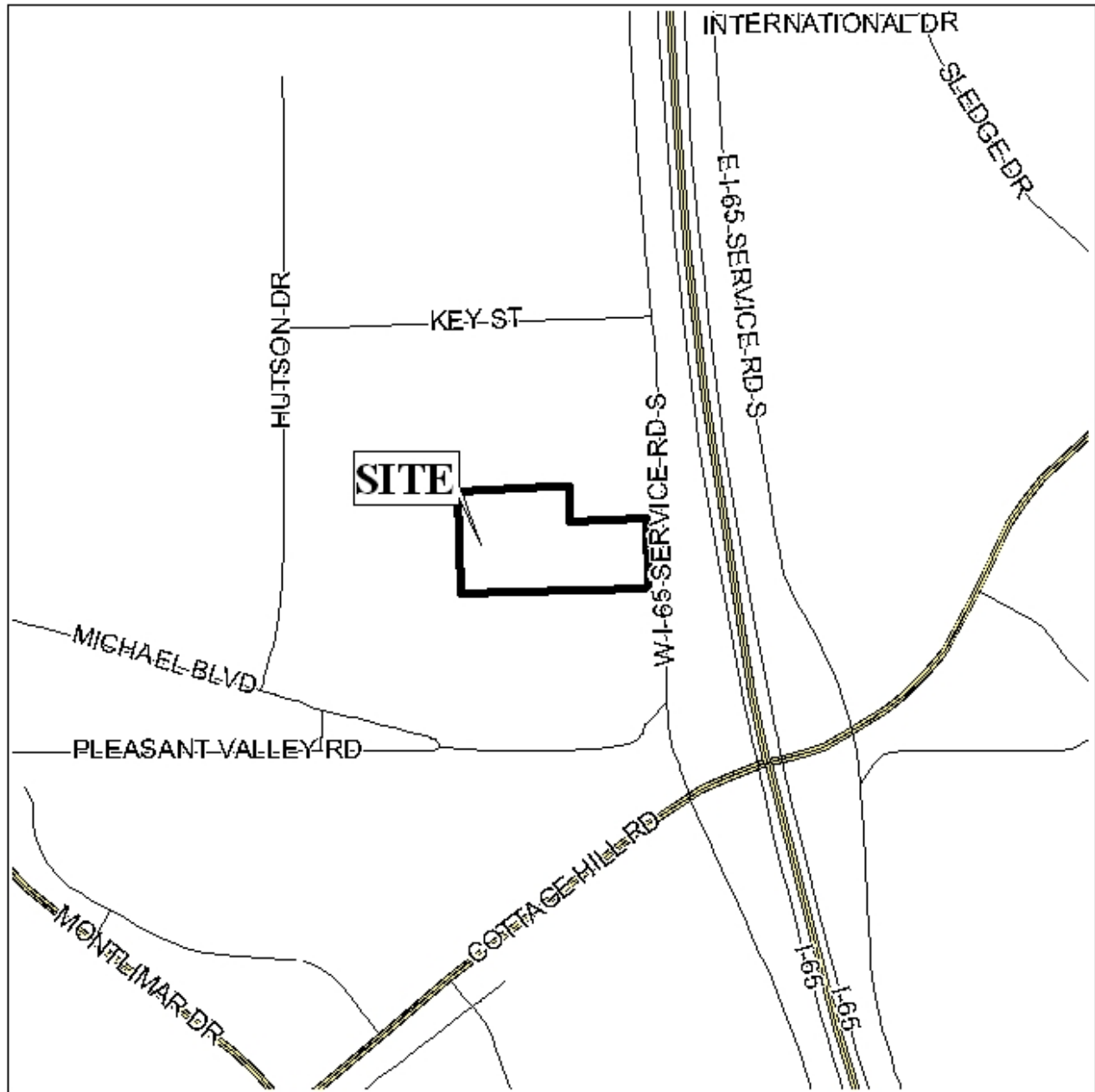
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

As already mentioned, the frontage landscaping deficiency is the result of an error, and was discovered after the building had already been constructed. As such, to correct the situation would have required the removal of a newly constructed building.

RECOMMENDATION 5502/5471/5422**Date: November 3, 2008**

Based on the preceding, the Front Landscaping Variance to reduce the required amount of frontage landscaping is recommended for approval.

LOCATOR MAP



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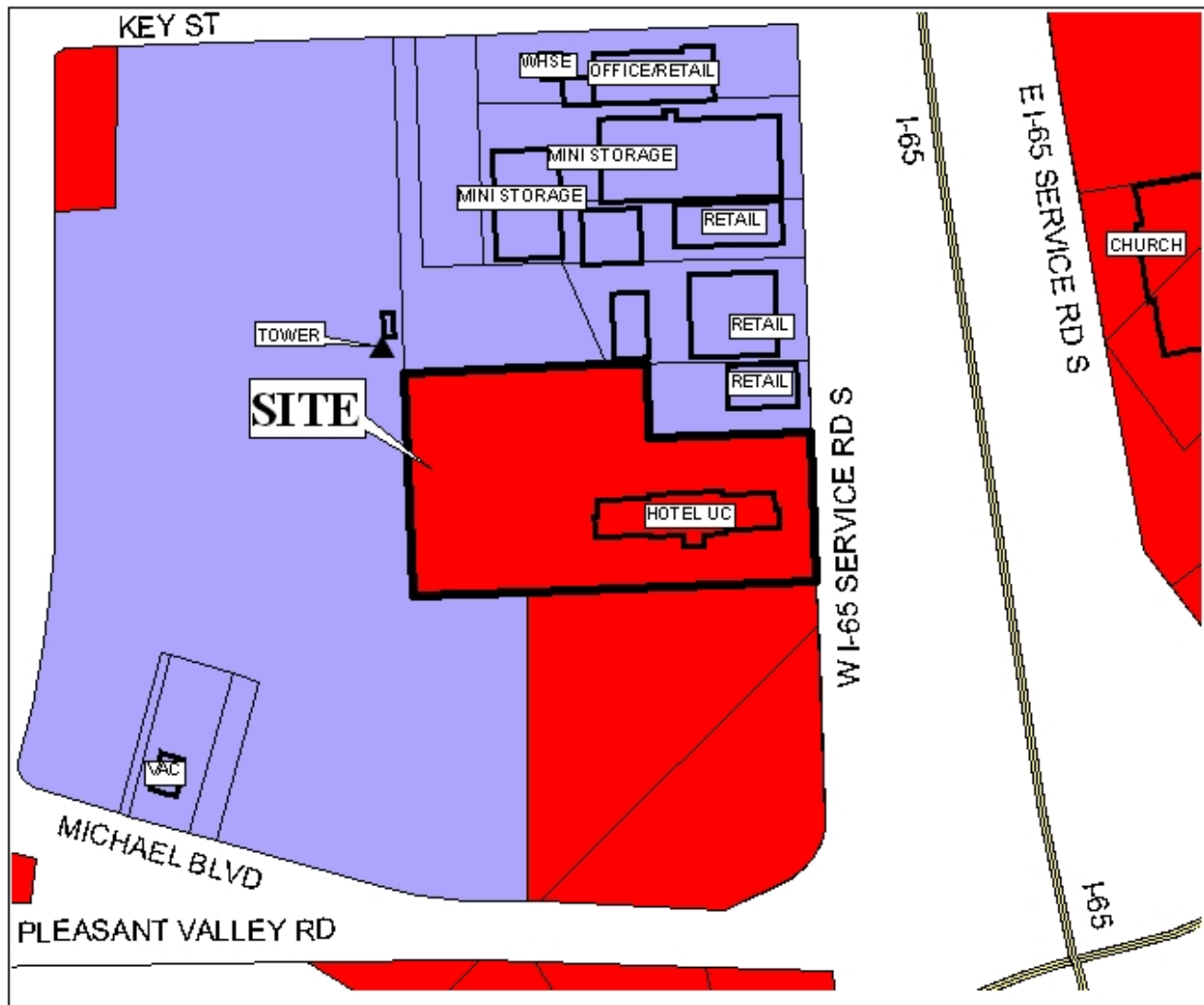
APPLICANT Value Place Mobile, LLC

REQUEST Front Landscaping Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

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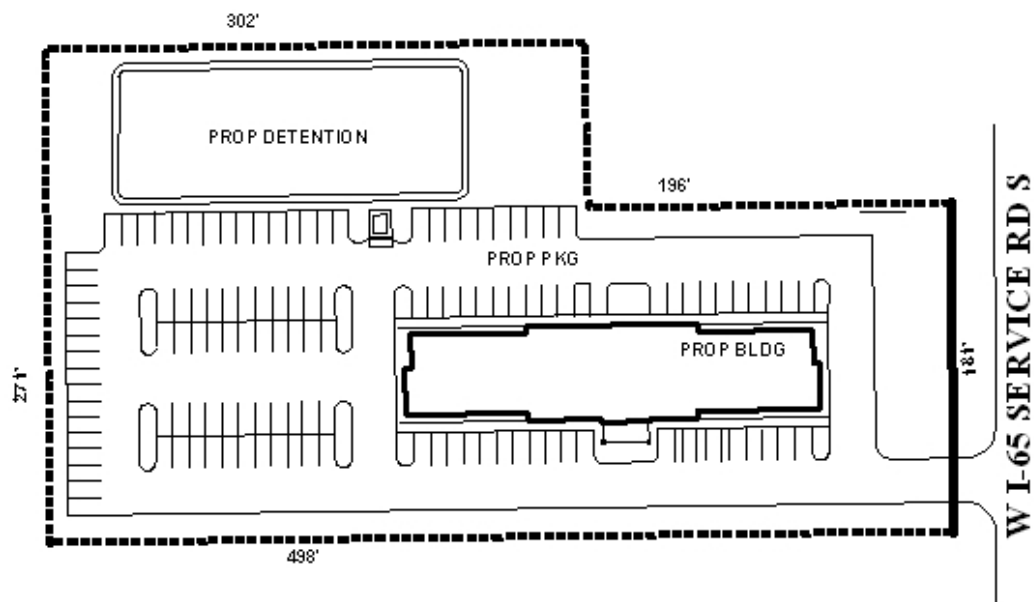
REQUEST Front Landscaping Variance

LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	T-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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NTS

SITE PLAN



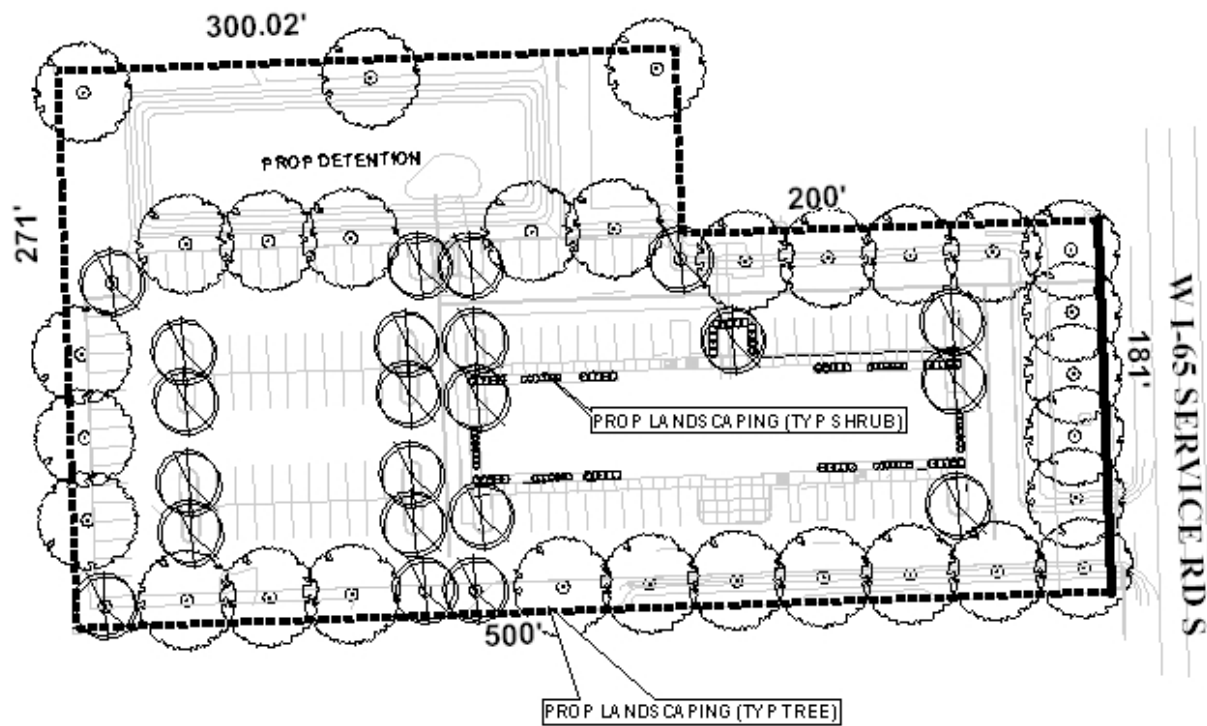
The site plan illustrates the proposed building, parking, and sign locations

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LANDSCAPE DETAIL



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The site is surrounded by commercial land use

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