

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: November 7, 2011****CASE NUMBER**

5717 / 5613

**APPLICANT NAME**

Board of Water and Sewer Commissioners

**LOCATION**

East side of Shelton Beach Road Extension, 820'± North of Moffett Road

**VARIANCE REQUEST****USE:** Use variance to allow a contractor's storage yard in a B-3, Community Business District**SURFACING:** Surfacing variance to allow gravel surfacing in a B-3, Community Business District**ZONING ORDINANCE  
REQUIREMENT****USE:** Use variance to allow a contractor's storage yard in a B-3, Community Business District**SURFACING:** Surfacing variance to allow gravel surfacing in a B-3, Community Business District**ZONING**B-1, Buffer Business, B-2, Neighborhood Business and B-3, Community Business Districts (*rezoning to B-3, Community Business District is pending*)**AREA OF PROPERTY**

21.5 ±Acres

**TRAFFIC ENGINEERING  
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**CITY COUNCIL  
DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting a Use and Surfacing Variances to allow a contractor's storage yard and gravel surfacing in a B-3, Community Business District; the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard and requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface (*the Planning Commission **recommended approval** of rezoning the site to B-3, Community Business District at its October 20, 2011 meeting*).

The applicant proposes to relocate a variety of its facilities from several locations throughout Mobile to this site, to include a fleet maintenance shop, office building, warehouse, car wash, fueling station and equipment and material storage areas. The applicant's proposed equipment and material storage areas are the equivalent of "contractor storage yards," which require an I-1 or I-2 zoning district. The applicant is requesting a use variance to allow a contractor's storage yard in a B-3 district, and surfacing variance to allow the use of gravel in the storage yard areas, as heavy tracked vehicles and other equipment will be stored in these areas.

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.

A similar request for a portion of the site was approved by the Board of Adjustment at its May 3, 2010 meeting, with the following conditions:

- 1) No operation of heavy machinery outside of the hours of 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;
- 2) No deliveries of bulk materials to the site except between 9am and 5pm, Monday thru Friday;
- 3) Provision of a 25-foot wide Landscape buffer and 8-foot high privacy fence outside the landscape buffer along the East side and South Side where the property abuts residentially zoned property;
- 4) Provision of a 25-foot wide Landscape buffer and 8-foot high privacy fence outside the landscape buffer along the North side of the property unless the property becomes owned by MAWSS;
- 5) Provision of security protection around the remainder of the site of at least an 8-foot high chain link fence; and
- 6) Bulk storage area to be designed in such a manner as to prevent runoff and spillage of bulk materials.

Since the May 2010 approval, MAWSS has acquired or is in the process of acquiring properties to the North and South of the 2010 site. As such, the site develop plans have changed, and new variances must be requested. MAWSS is also in the process of requesting the required Planning Commission approvals for the site.

The materials and equipment storage areas will be use to store various equipment and materials related to the water and sanitary sewer industry, including pipe, fittings, valves, meters, precast concrete manholes, fire hydrants, pumps, rock, sand-clay backfill, etc. Two equipment and materials storage areas are proposed, each to be approximately 125 x 250 feet. Most of each area

will be surfaced in gravel. The applicant is also requesting that the typically required 8-foot high fence surrounding the “contractor’s storage yard” not be required on the side interior to the property so that access into the area can be facilitated. The proposed storage areas will be a minimum of 55 feet from adjacent residential uses to the East and North of the site.

The proposed use of the property for the equivalent of a contractor’s storage yard could be considered by the Planning Commission as a rezoning application for an industrial classification. It would not be in the best interest of adjacent residences, however, to abut a site of such a classification, as it would not preclude the sale and use of the site by other entities for more noxious uses. The variance process, accordingly, provides some level of limitation to the proposed use, and thus provides a higher level of control to the public regarding the site.

While conditions do not appear to exist that support an unnecessary hardship for the applicant, there are no appropriately zoned sites within 4000 feet of the property under consideration: this geographic restriction, in association with the proximity to the existing water treatment facility and nearby offices, does indicate that location of the use as proposed would be preferable for the applicant. The fact that the Board of Water and Sewer Commissioners desires to consolidate operations from several flood and storm-surge prone sites to a single location would not be contrary to the public interest if adequate buffers and safeguards are in place.

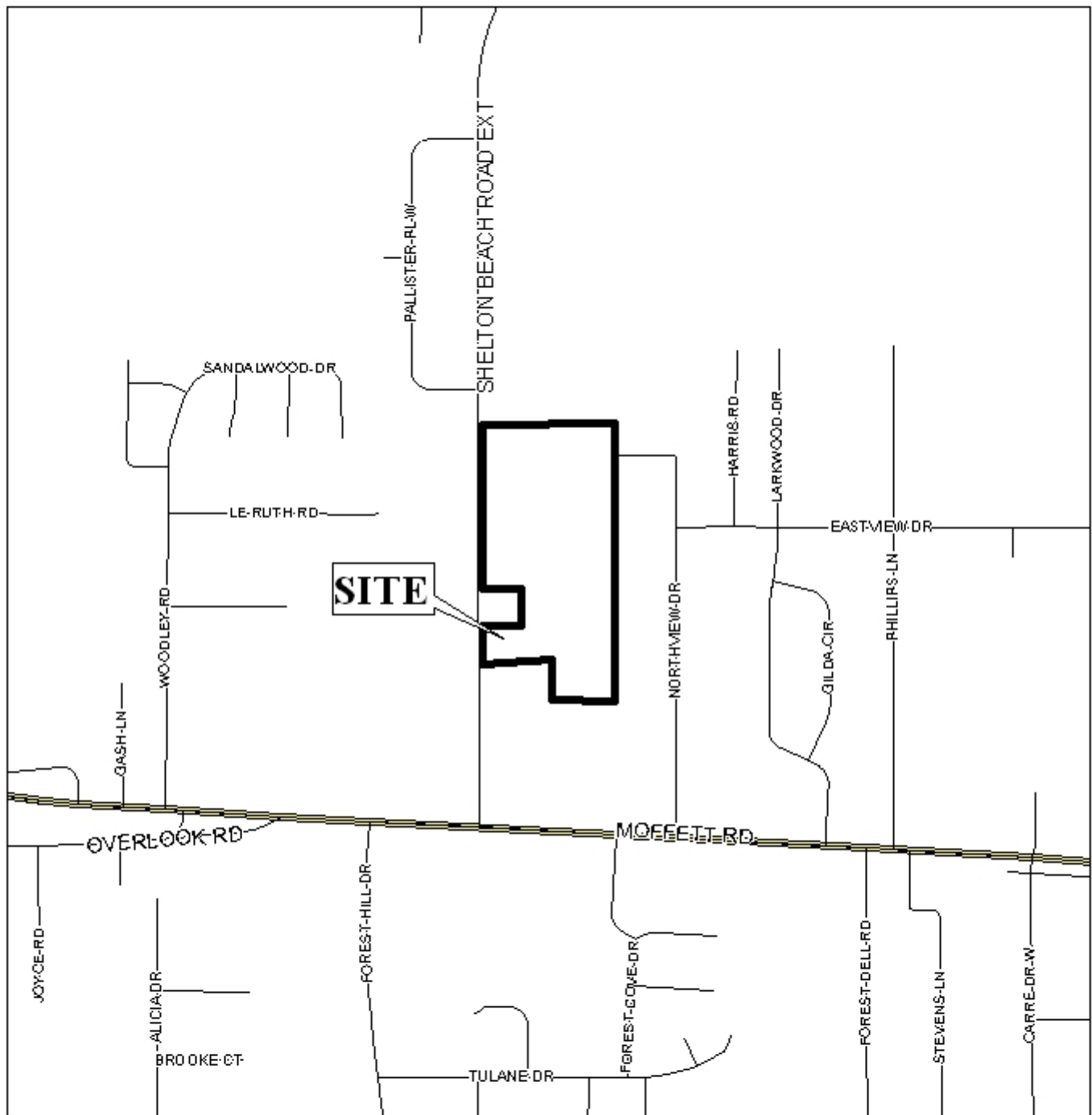
Adequate buffers and safeguards should include:

- 1) limits to hours of operations: hours should be limited to between 6 AM to 6 PM, unless weather or emergencies necessitate activities;
- 2) landscape buffers: provision and maintenance of a 25-foot natural landscape buffer where the site abuts existing residential uses to the East and North of the site;
- 3) fencing: enclosure of all “contractor storage yard” areas with an 8-foot high solid wall or fence, except where access is required internal to the site; and
- 4) site lighting: full compliance with the site and parking lighting requirements of Section 64-4.A.2., *Illumination of uses*, and Section 64-6.A.3.c., *Lighting*, of the Zoning Ordinance.

**RECOMMENDATION:** Based on the preceding, the requested use, fence and surfacing variances are recommended for approval, subject to the following conditions:

- 1) No operation of heavy machinery outside of the hours of 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;
- 2) No deliveries of bulk materials to the site except between 9am and 5pm, Monday thru Friday;
- 3) Provision of a 25-foot wide natural landscape buffer along the East and North sides of the site where the property abuts residential or multi-family uses;
- 4) Enclosure of all “contractor storage yard” areas with an 8-foot high solid wall or fence, except where access is required internal to the site;
- 5) Bulk storage area to be designed in such a manner as to prevent runoff and spillage of bulk materials; and
- 6) Full compliance with the site and parking lighting requirements of Section 64-4.A.2., *Illumination of uses*, and Section 64-6.A.3.c., *Lighting*, of the Zoning Ordinance.

# LOCATOR MAP



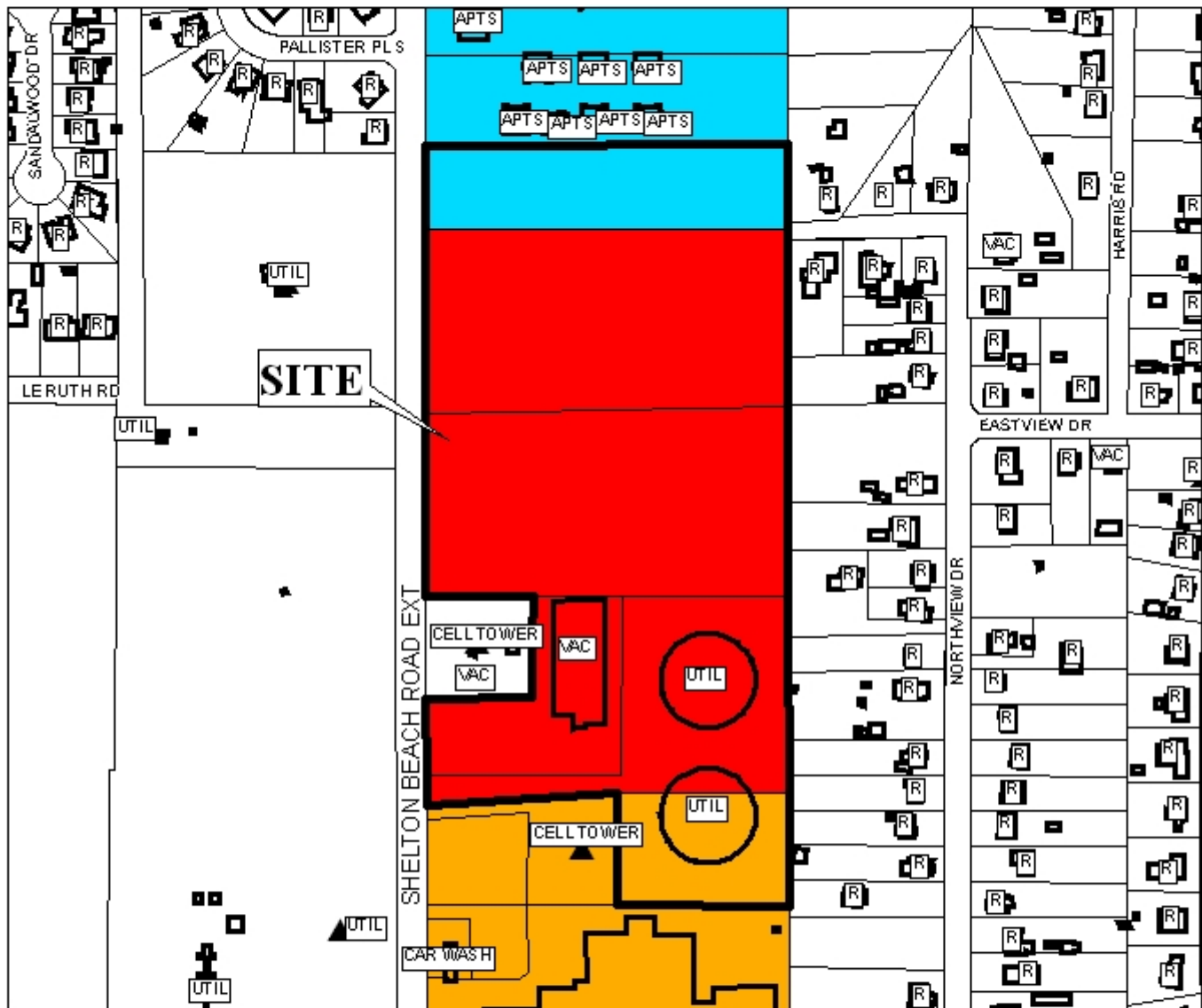
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APPLICANT Board of Water and Sewer Commissioners

REQUEST Use and Surfacing Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Apartments are located to the north of the site. Business land use is located to the south of the site. Residential land use is located to the east of the site.

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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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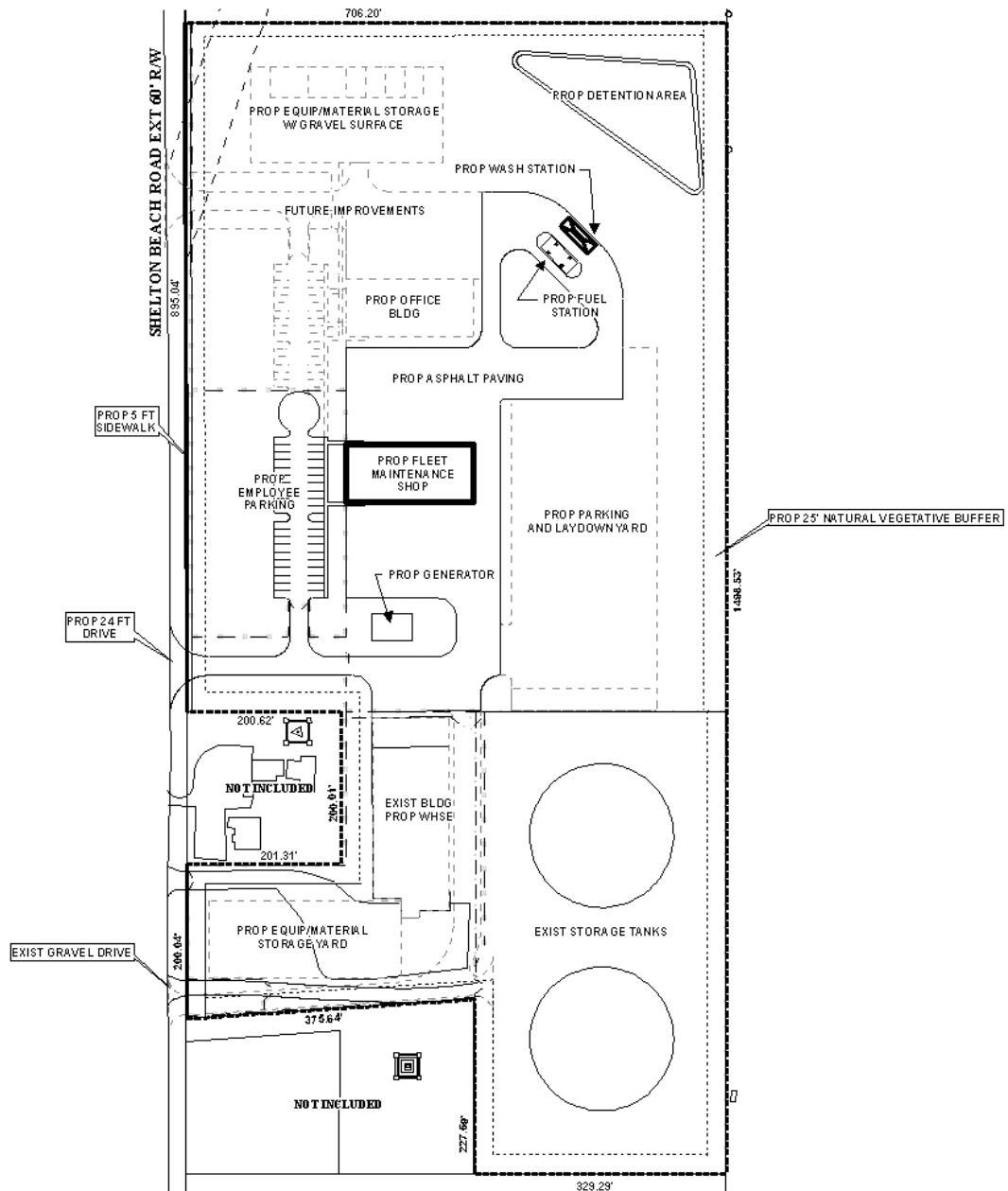


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N  
NTS

# SITE PLAN



The site plan illustrates the proposed structures, asphalt surfaces, and drive.

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N  
NTS