

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: September 9, 2013****CASE NUMBER**

5855

**APPLICANT NAME**

Pala Verde-CWB, LLC/ Pala Verde-DWB, LLC

**LOCATION**

(East side of Demetropolis Road, 1,100' ± South of Government Boulevard)

**VARIANCE REQUEST****SURFACE:** Surface Variance to allow outdoor RV, boat and auto storage on a aggregate surface in a B-3, Community Business District**ZONING ORDINANCE  
REQUIREMENT****SURFACE:** The Zoning Ordinance requires vehicle and boat parking and storage surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

3.1 ± Acres

**ENGINEERING  
COMMENTS**

The surface of all driving and maneuvering areas is required to be paved with asphalt, concrete or an approved surface (Mobile City Code, Chapter 64, Section 64-4). The Engineering Department did not receive any request to review an alternate surface.

If the Variance is approved the following conditions should be added:

- 1) Before beginning any work on this site a Land Disturbance Permit must be submitted and approved. Any and all proposed development will need to be in conformance with the Storm Water Management and Flood Control Ordinance (Mobile City Code, Chapter 17, Ordinance #65-007 & #65-045); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
- 2) The driveway/entrance from Demetropolis Rd, and any other work within the Demetropolis Rd ROW, including driveway, curbing, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
- 3) According to the FEMA flood map information, this property is located within a Special Flood Hazard Area (X-shaded and AE) and Floodway. You will need to show and label

the flood hazard area(s) and Floodway on your plat and plans. No work is allowed within the Floodway. Calculations are required for any work within the SFHA.

**TRAFFIC ENGINEERING**  
**COMMENTS**

No comments received.

**CITY COUNCIL**  
**DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Surface Variance to allow an outdoor RV, boat and auto storage facility on aggregate paving in a B-3, Community Business District. The applicant is also proposing a concrete paving surface for the driveway apron and 50 linear feet of the entrance drive. The Zoning Ordinance requires vehicle and boat parking and storage surfaces to be paved with asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

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 the storage facility will accommodate RV's, boats, and auto storage for what would be considered long term parking and that aggregate parking, in the applicant's opinion, is a more suitable surface for this development. The applicant also states that aggregate surface will provide a more permeable surface to accommodate storm water runoff.

The site is undeveloped and a portion of the property is located in an AE flood zone, X shaded flood zone, and a floodway. All maneuvering and parking surfaces for the site, other than the driveway and a portion of the main entrance drive, are proposed to be limestone. Based on the location of the site and its close proximity to Spring Creek if a flood were to occur or continuous rain fall caused the creek to overflow it is possible that excessive water would remove and displace the proposed aggregate paving.

Aggregate paving is not an ideal surface because of the possibility of the surface to shift or to be transported via tires onto the right-of-way and adjacent properties; and because parking surfaces are not readily delineated. Also over time, compaction causes the aggregate to no longer be pervious, and without sufficient detention facilities provided, it creates not only a run off problem, but the dust and sediment included in the run off exacerbates the problem. While the

limestone surface would allow for the maneuvering and parking of heavy vehicles, and assuming such vehicles are capable of traveling on standard paved public streets, there is nothing that should prevent the vehicles from maneuvering and parking on a compliant surface within the subject site. As previously mentioned, all maneuvering and parking surfaces for the site, other than a portion of the driveway and main entrance drive, are proposed to be limestone. Thus it can easily be provided for the entire site. There is nothing which should prevent standard cars, RV's, or boats from utilizing compliant paved and delineated parking surfaces.

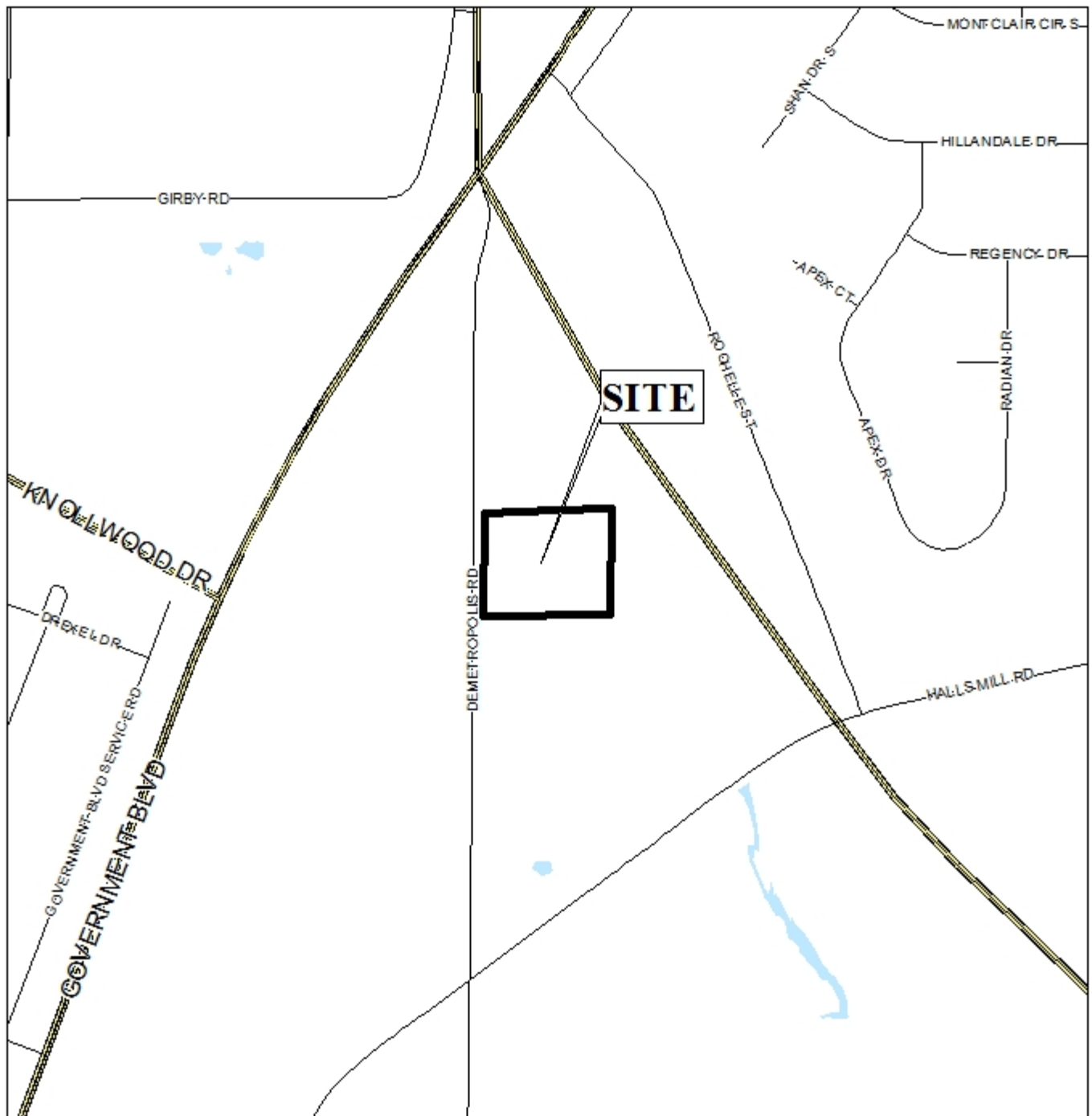
It should also be noted that a site plan was submitted with tree and landscaping calculations. Although there is no variance request for tree and landscaping requirements the plan has been reviewed by staff for compliance. Two additional understory parking trees will be required in order for the site to be in compliance. If the surface variance is approved revisions to the site plan will be required prior to any issuing of permits.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It appears that it is simply the applicants desire to use aggregate paving.

**RECOMMENDATION:**

Based on the preceding, the surface variance request is recommended for denial.

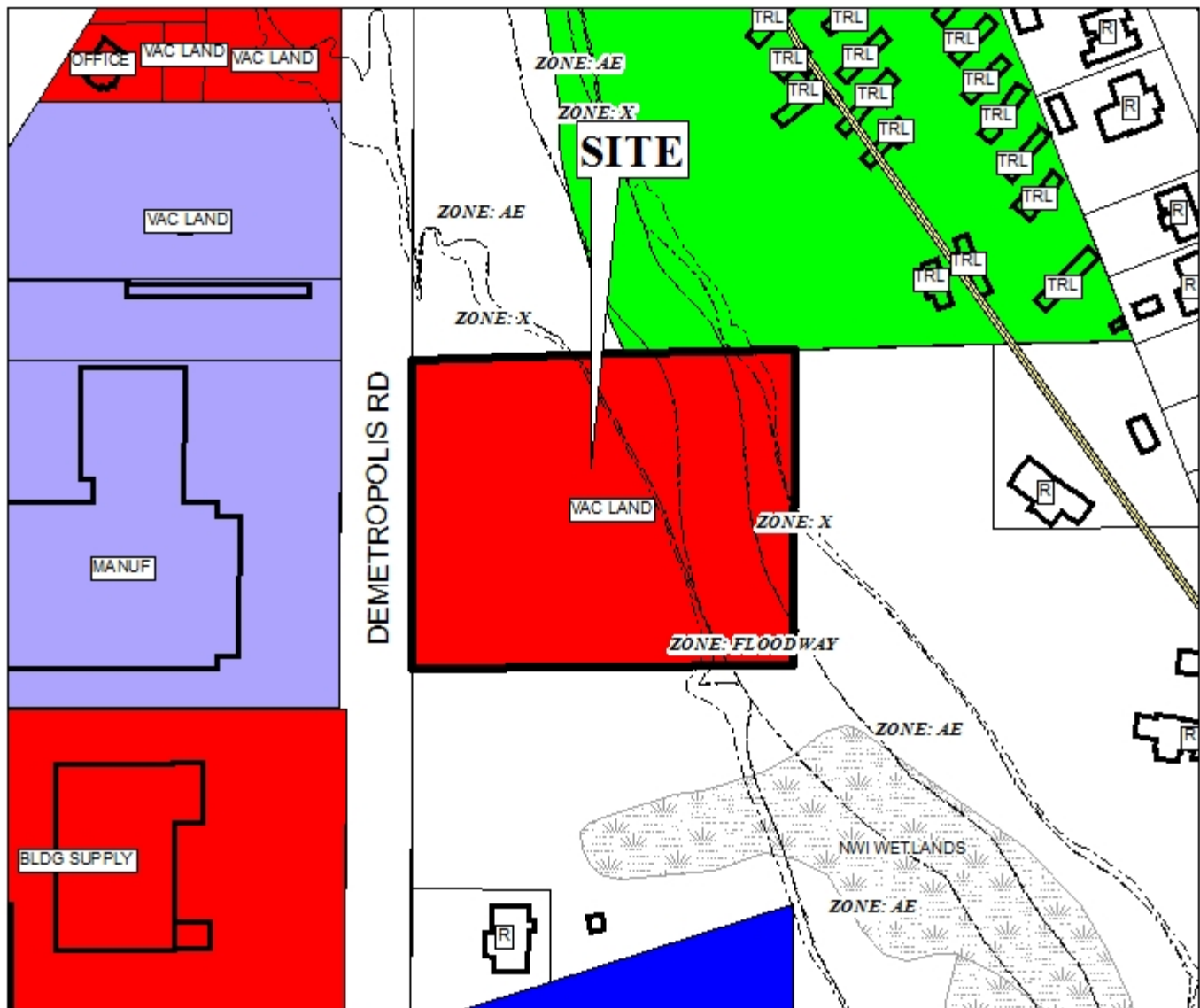
# LOCATOR MAP



APPLICATION NUMBER 5855 DATE September 9, 2013  
APPLICANT Pala Verde-CWB, LLC  
REQUEST Surfacing Variance







# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use.

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LEGEND

															NTS
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	

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

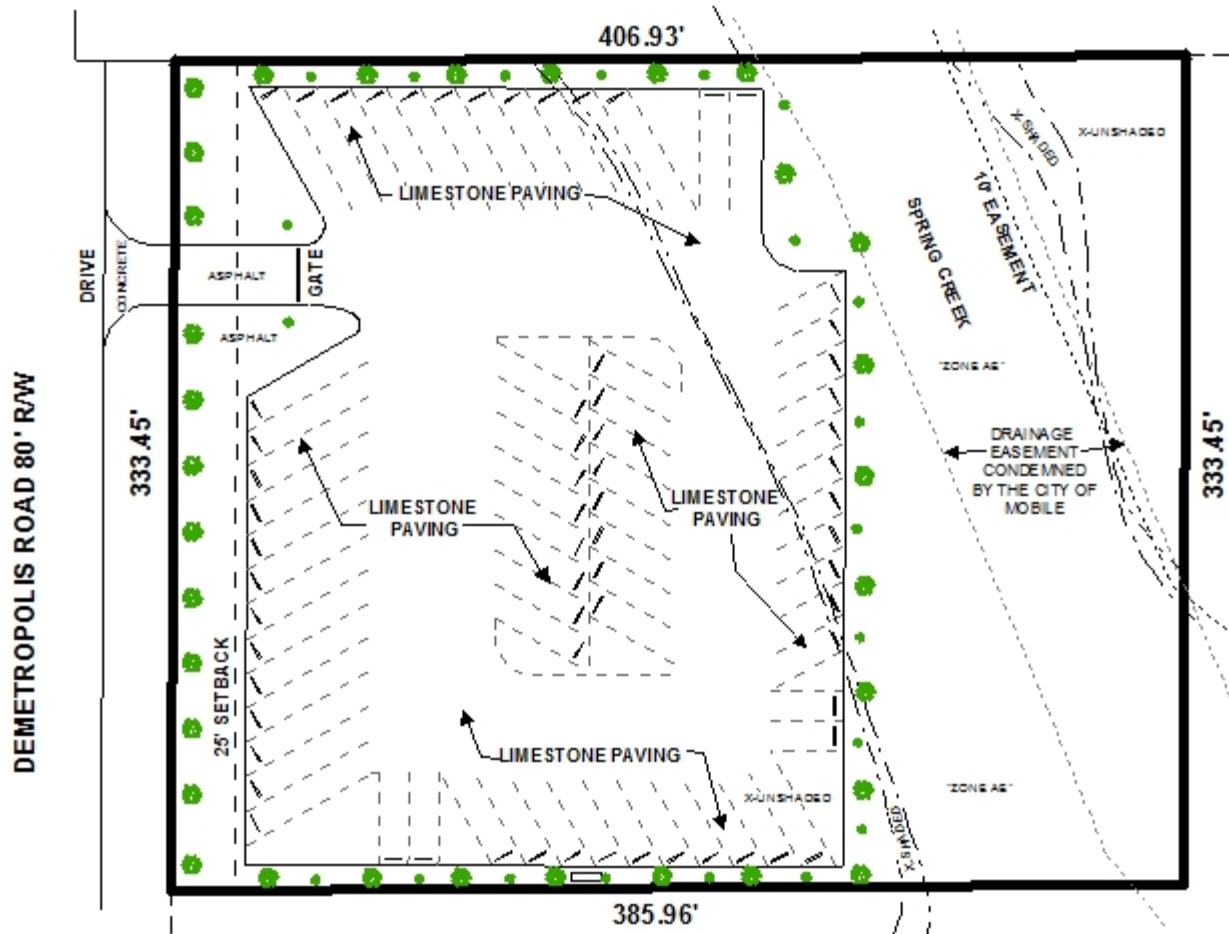


The site is surrounded by miscellaneous land use.

APPLICATION NUMBER 5855 DATE September 9, 2013  
APPLICANT Pala Verde-CWB, LLC  
REQUEST Bulk Site Variance

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# SITE PLAN



The site illustrates the proposed parking, driveway, and trees.

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