

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2016****CASE NUMBER**

6075

APPLICANT NAME

Gulf Coast Ducks, LLC

LOCATION650 St. Anthony Street
(Northwest corner of St. Anthony Street and North Dearborn Street)**VARIANCE REQUEST****SITE:** To allow a 6-foot tall chain link fence in a SD-WH Sub-District site within the Downtown Development District**ZONING ORDINANCE
REQUIREMENT****SITE:** The Zoning Ordinance requires that a fence or wall installed along the front property line not to exceed 4 feet in height and be made of wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, or aluminum that appears to be iron in a SD-WH Sub-District**ZONING**

SD-WH Sub-District

AREA OF PROPERTY

41,662± square feet/0.96± Acres

**ENGINEERING
COMMENTS**

No Comments

**TRAFFIC ENGINEERING
COMMENTS**

At this time, the intersecting streets of N Dearborn St and St Anthony St are arranged such that a perimeter fence extending to the corner property line is not considered a line of sight concern. It is possible that either street, St Anthony St more so than N Dearborn St, could be converted to a two-way street. If and when St Anthony is converted to two-way traffic, line of sight would be impacted for southbound traffic approaching the intersection on N Dearborn St. Termination of a 6' fence is recommended to align with the west wall of the building to avoid line of sight issues in the future.

**URBAN FORESTRY
COMMENTS**

No Comments

FIRE DEPARTMENT**COMMENTS**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code).

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Site Variance to allow a 6-foot tall chain link fence in a SD-WH Sub-District site within the Downtown Development District; the Zoning Ordinance requires that a fence or wall installed along the front property line not to exceed 4 feet in height and be made of wood picket, wood slat, wood lattice, iron or steel, brick, stone, stucco over masonry, or aluminum that appears to be iron in a SD-WH Sub-District.

The applicant states:

The property is used for the storage of amphibious vehicles that operate a local tourist attraction called Gulf Coast Ducks. The operating hours for the ducks vary by season, but on average operate from 8:00 — 7:00pm. There are currently 16 employees of Gulf Coast Ducks. They would all park at 650 St. Anthony. There will be no customers coming/going to 650 St. Anthony. Gulf Coast Ducks occupies roughly 2,409 square feet of the City owned building.

Proposed Improvements

Gulf Coast Ducks would like to install commercial grade galvanized chained link fencing approximately 6ft tall around the perimeter of the property. The fencing will commence on the SE corner of the building, so that the primary/only entrance located on the SE corner will be within the secure perimeter.

This fencing is deemed necessary for the safety of our employees, as well as the security of our facility/ducks. We have witnessed numerous activities on the property that create a highly dangerous environment.

Gulf Coast Ducks completely understands the current regulations requiring fencing of a higher aesthetical value, and will make every effort to upgrade to that fencing within 24 months. It is not financially feasible for Gulf Coast Ducks to install the currently allowable fencing. It is Gulf Coast Ducks belief that this property cannot be fully utilized by its staff without making these necessary changes.

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 Eastern portion of the site is developed with a building and parking, with the Western portion of the site being undeveloped. The applicant wishes to place a chain link fence around the perimeter of the property, with a rolling gate along St Anthony Street providing the only access to the paved and unpaved area. Per Traffic Engineering comments, however, the fence should stop at the Southwest corner of the building to prevent line-of-site issues in the event of either St Anthony Street or North Dearborn Street are converted from one-way streets to two-way streets.

It should be noted that the applicant has not submitted an application to the Consolidated Review Committee (CRC), as required for all exterior improvements in the Downtown Development District. If the variance request is approved, the applicant will still be required to obtain approval from the CRC prior to the issuance of permits.

The only hardship the applicant has provided is that of financial hardship, due to the higher cost of compliant fencing in the Downtown Development District. As previously mentioned, economics are not the basis for approving a variance request. Furthermore, the commercial (non-city) use of the property triggers the parking area screening requirements of Section 64-3.I.11.(b)(3) of the Zoning Ordinance.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 1) approving the variance will be contrary to the public interest in that there is no physical hardship relating to the property which prevents compliant parking area screening in compliance with Section 64-3.I.11.(b)(3) of the Zoning Ordinance from being installed;
- 2) special conditions do not exist on the site and there are no hardships which exist in that the only hardship identified by the applicant is financial; 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 there are no unique characteristics preventing compliant parking area screening in compliance with Section 64-3.I.11.(b)(3) of the Zoning Ordinance from being installed.

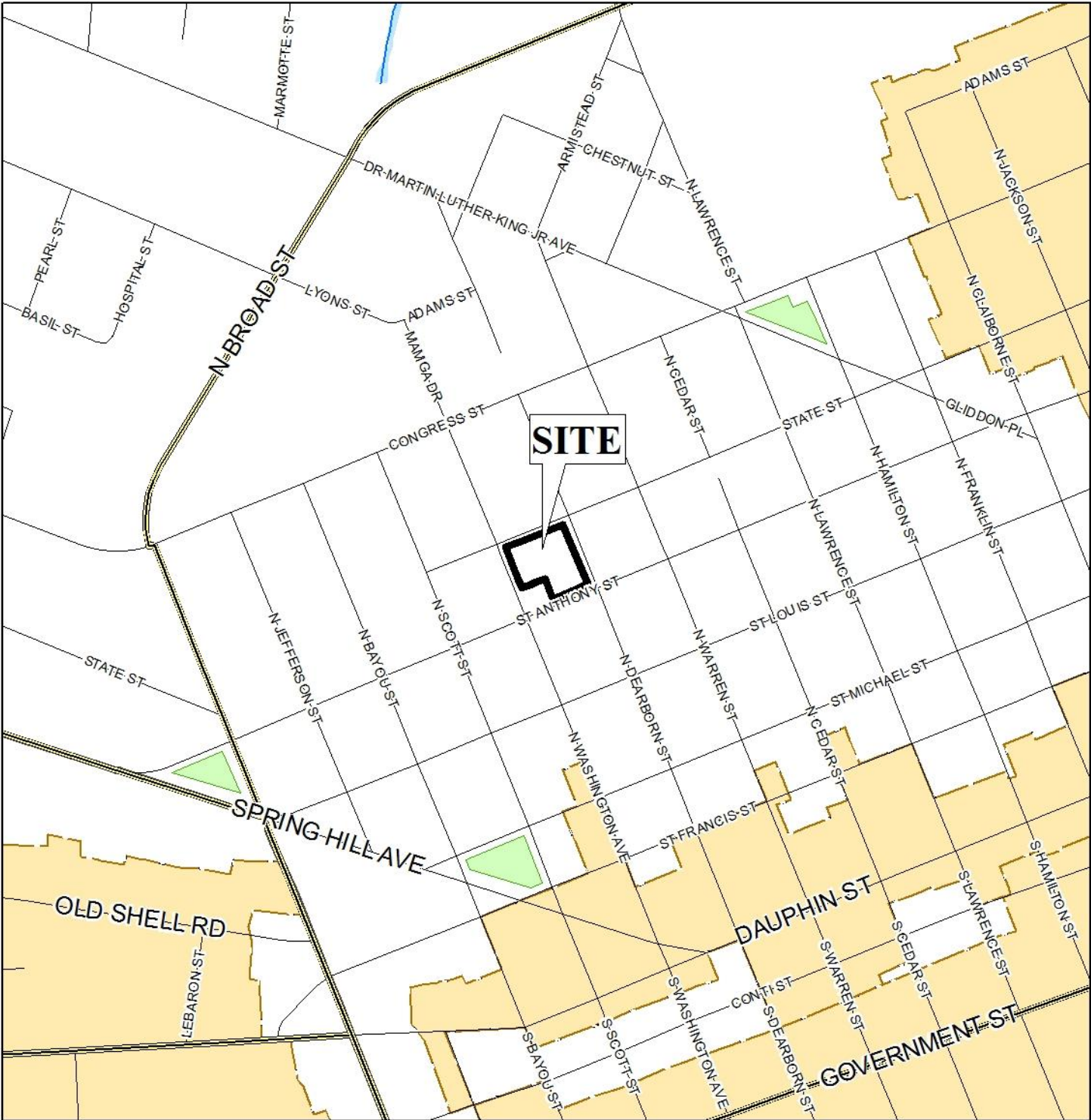
Revised for the January 9, 2017 meeting:

This application was heldover by the Board to allow a representative for the application to be present. No additional information was submitted, therefore the previous recommendation stands.

RECOMMENDATION: Staff recommends to the Board the following findings of fact for Denial:

- 4) approving the variance will be contrary to the public interest in that there is no physical hardship relating to the property which prevents compliant parking area screening in compliance with Section 64-3.I.11.(b)(3) of the Zoning Ordinance from being installed;
- 5) special conditions do not exist on the site and there are no hardships which exist in that the only hardship identified by the applicant is financial; and
- 6) 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 there are no unique characteristics preventing compliant parking area screening in compliance with Section 64-3.I.11.(b)(3) of the Zoning Ordinance from being installed.

LOCATOR MAP



APPLICATION NUMBER 6075 DATE January 9, 2017

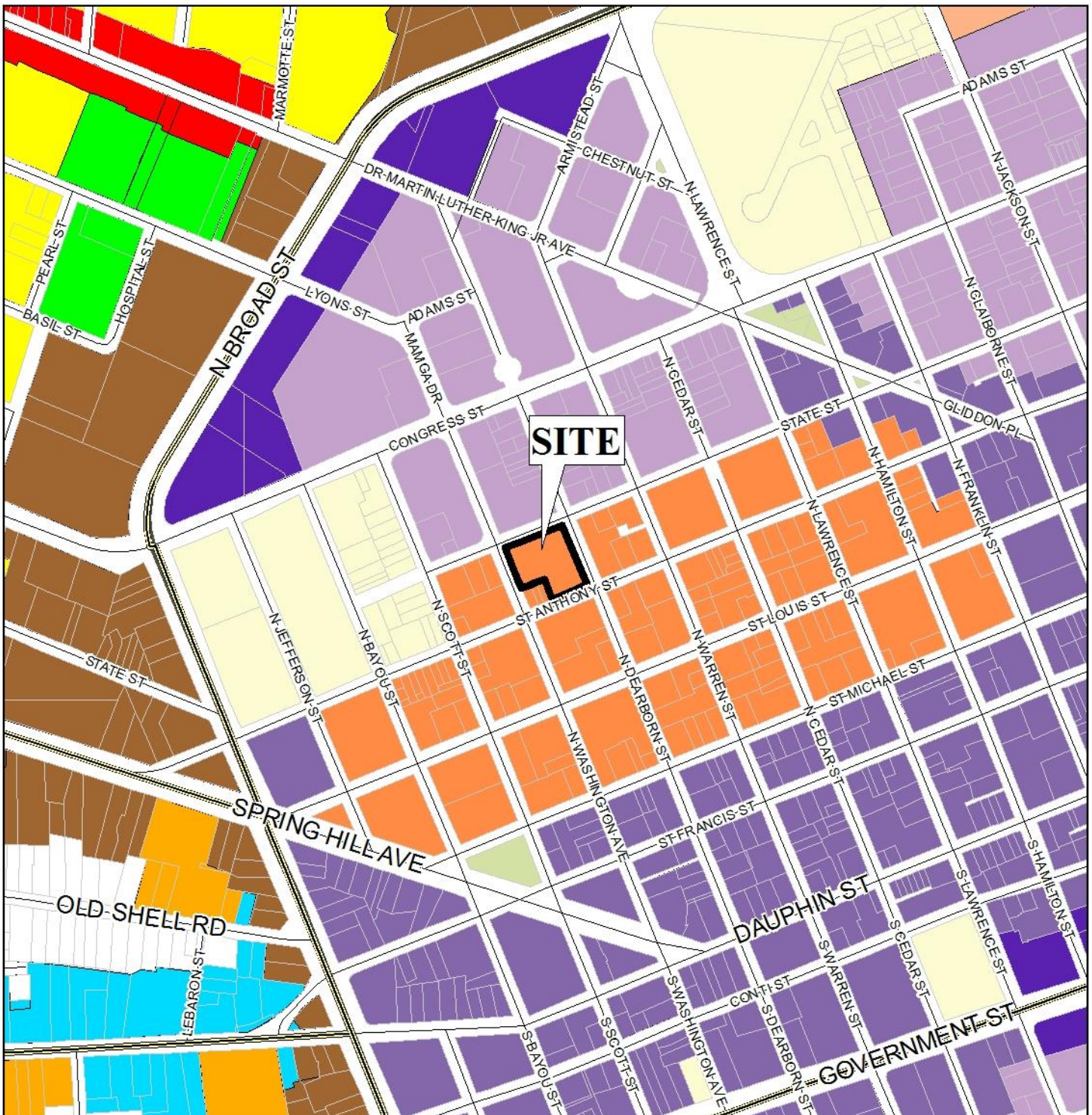
APPLICANT Gulf Coast Ducks LLC

REQUEST_____Site Variance



NTS

LOCATOR ZONING MAP

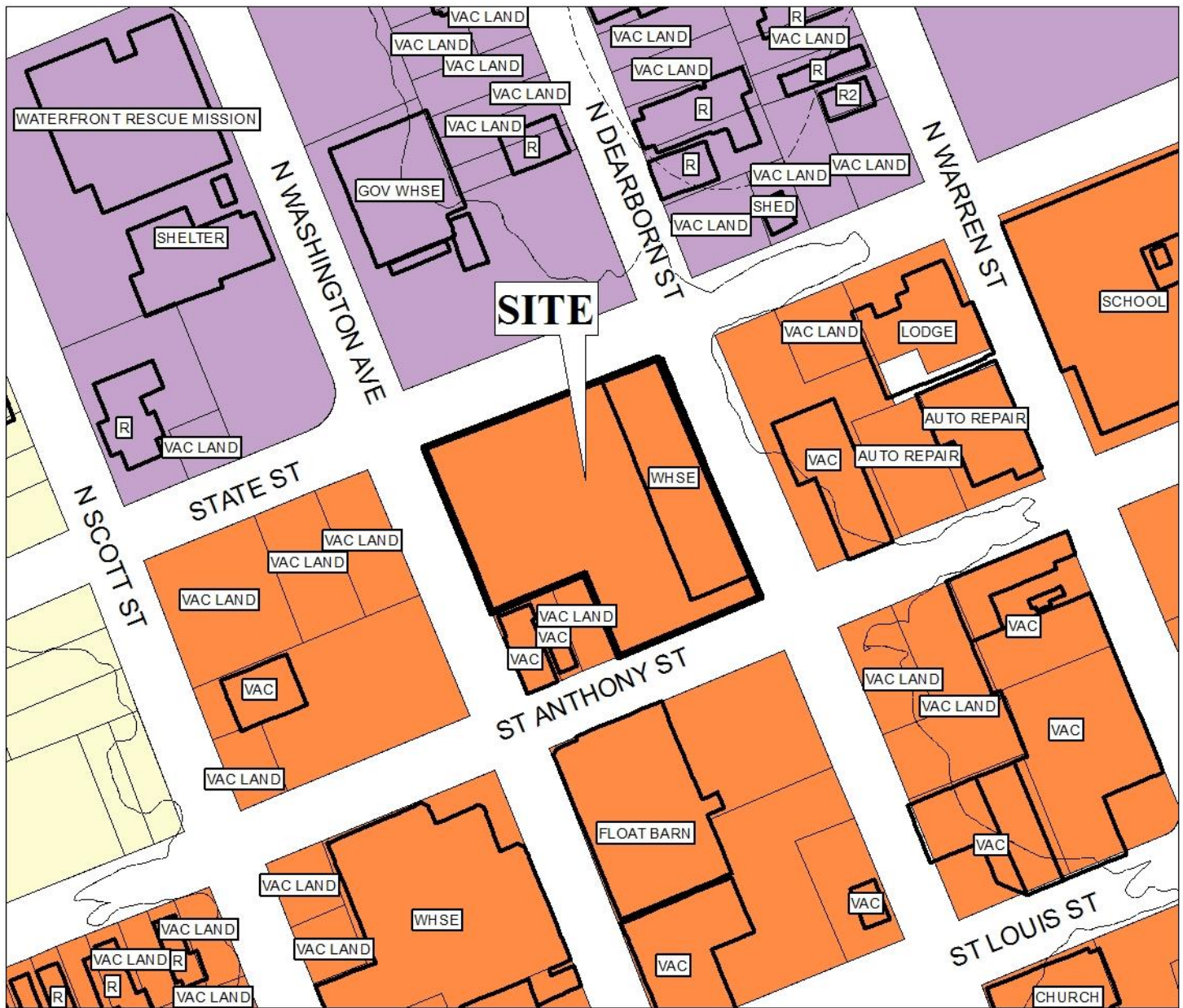


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APPLICANT Gulf Coast Ducks LLC
REQUEST Site Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the east and residential units to the north and southwest. A school is located to the east.

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APPLICANT Gulf Coast Ducks LLC

REQUEST Site Variance

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

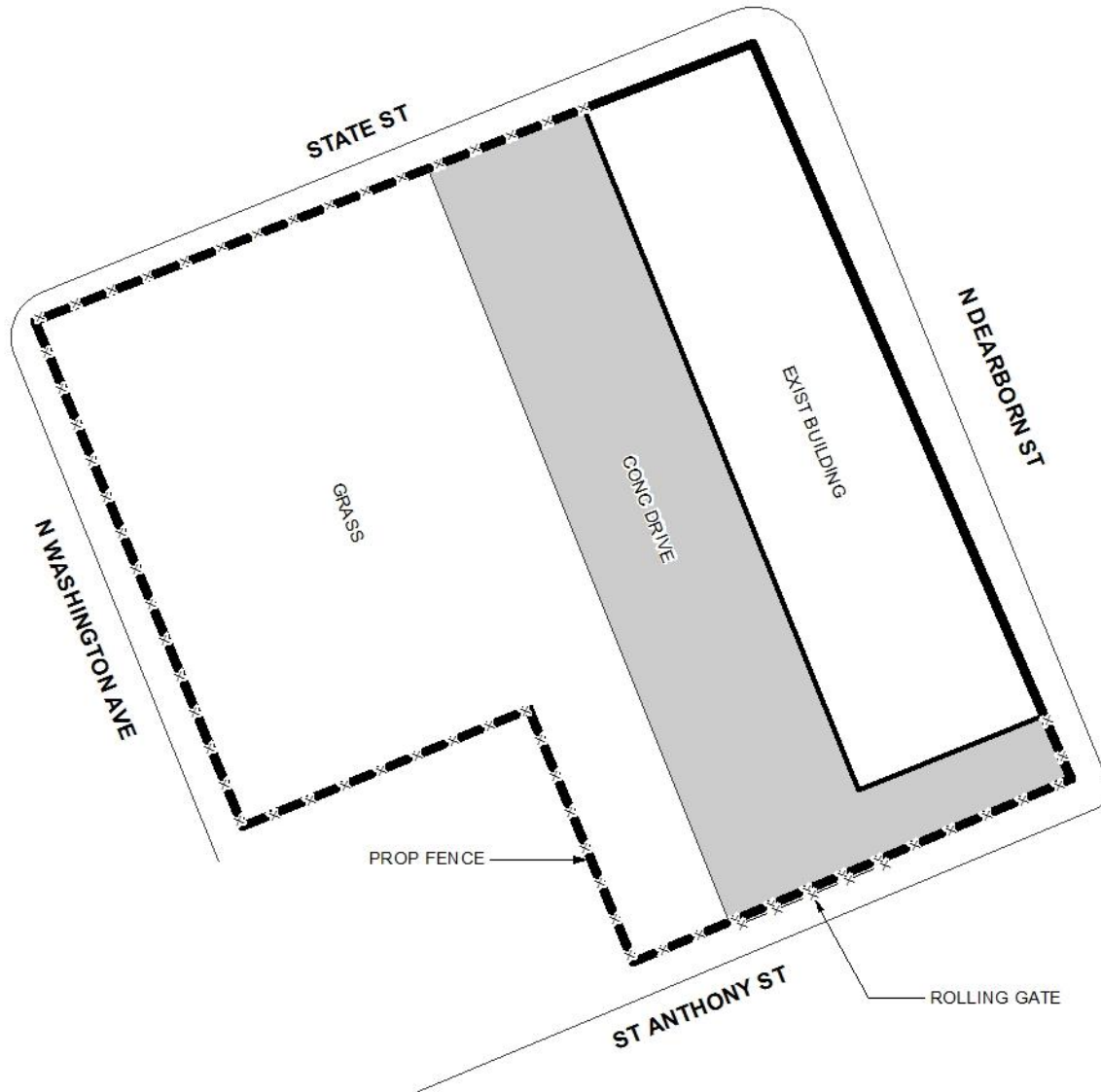


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SITE PLAN



The site plan illustrates the existing building, drive, and proposed fencing and gate.

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