

APPLICATION NUMBER

5496

A REQUEST FOR

**SIDE YARD SETBACK VARIANCE TO ALLOW THE
PLACEMENT OF A DUMPSTER ENCLOSURE WITHIN
12'-2" OF A SIDE STREET PROPERTY LINE IN A B-3,
COMMUNITY BUSINESS DISTRICT; THE ZONING
ORDINANCE REQUIRES A 25' SIDE YARD SETBACK
FOR ALL STRUCTURES IN A B-3, COMMUNITY
BUSINESS DISTRICT**

LOCATED AT

365 WILLIAMS STREET

(Area bounded by Williams Street, Airport Boulevard, Dauphin Island Parkway, and
Government Street)

APPLICANT/AGENT

ANIL BADVE

OWNER

MCDONALD OIL COMPANY

BOARD OF ZONING ADJUSTMENT

OCTOBER/2008

The applicant is requesting a side yard setback variance to allow the placement of a dumpster enclosure within 12'-2" of a side street property line in a B-3, Community Business District; the Zoning Ordinance requires a 25' side yard setback for all structures in a B-3, Community Business District.

The applicant submitted a copy of a letter from Allied Waste Services stating their intent to discontinue service at the gas station located at 365 William Street. The very busy intersection and service area poses a dangerous situation for their truck driver, who has to get out of his vehicle and manually load the containers. Thus, a dumpster would be safer and more convenient for trash pick-up. Allied Waste Services has recommended to the applicant that the ideal location for the placement of a dumpster is on the North side of the facility. However, this location is within the required minimum building setback; hence, this application.

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.

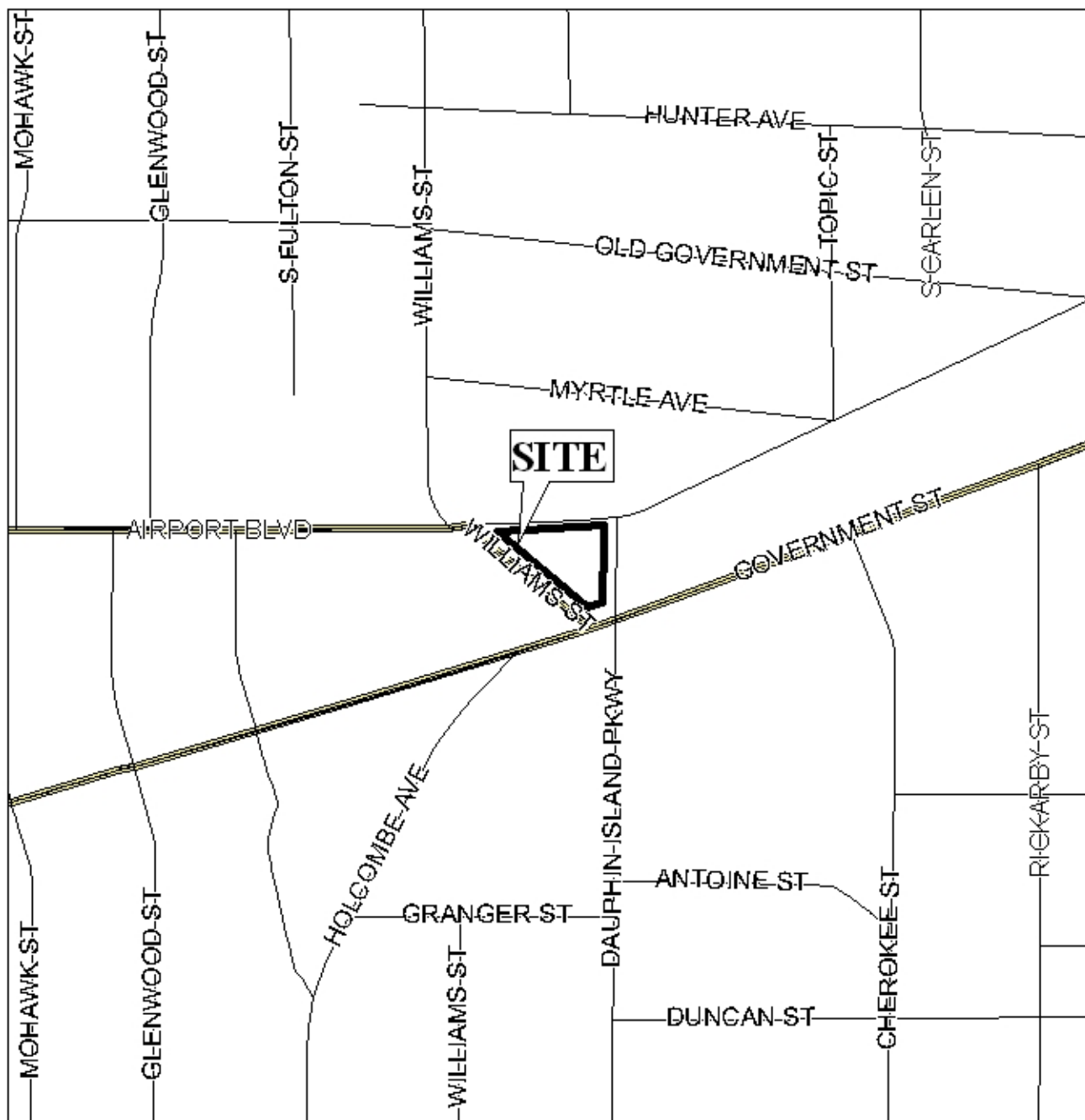
The subject site is completely bounded by streets, and therefore, has a 25' minimum building setback on all sides. It appears that a dumpster could be placed at the existing trash can location and meet the setback; however, truck maneuvering would be greatly limited at this location. However, the placement of a dumpster at the proposed location would result in two parking spaces being in the maneuvering area, which is not allowed. Consequently, the removal of the two parking spaces would result in a parking deficit for the site.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5496**Date: October 6, 2008**

Based on the preceding, this application is recommended for denial.

LOCATOR MAP



APPLICATION NUMBER 5496 DATE October 6, 2008

APPLICANT Anil Badve

REQUEST Side Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

APPLICATION NUMBER 5496 DATE October 6, 2008

APPLICANT Anil Badve

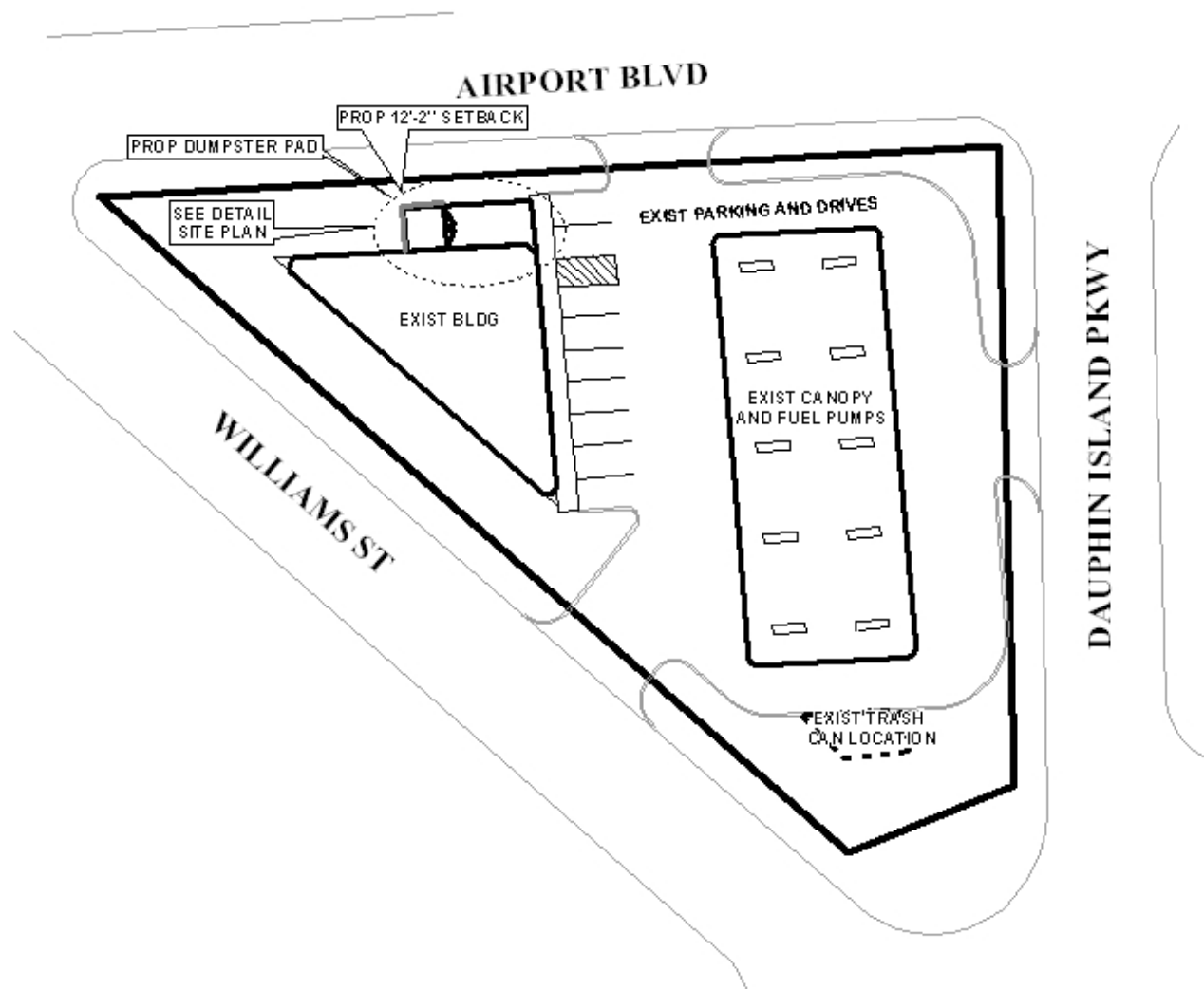
REQUEST Side Yard Setback Variance

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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----

NTS

SITE PLAN



The site plan illustrates the existing development and proposed dumpster pad location

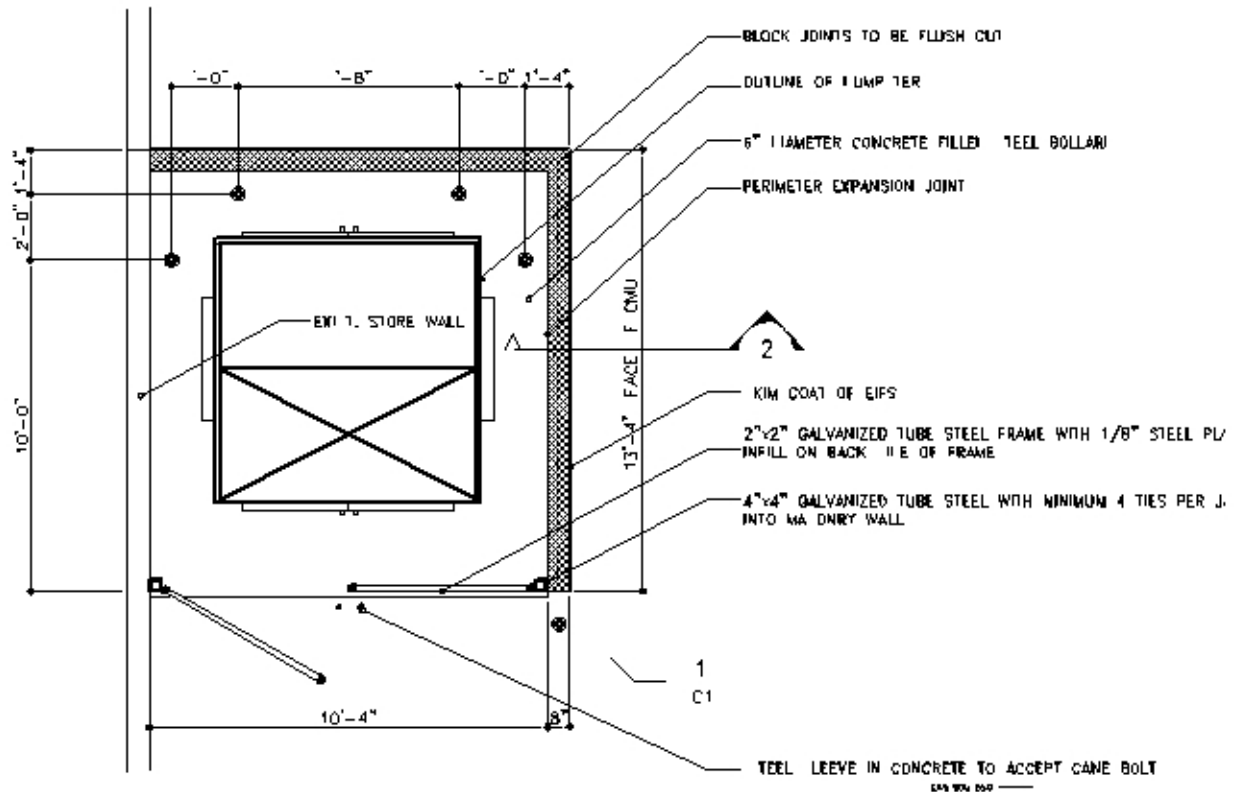
APPLICATION NUMBER 5496 DATE October 6, 2008

APPLICANT Anil Badve

REQUEST Side Yard Setback Variance



DETAIL SITE PLAN



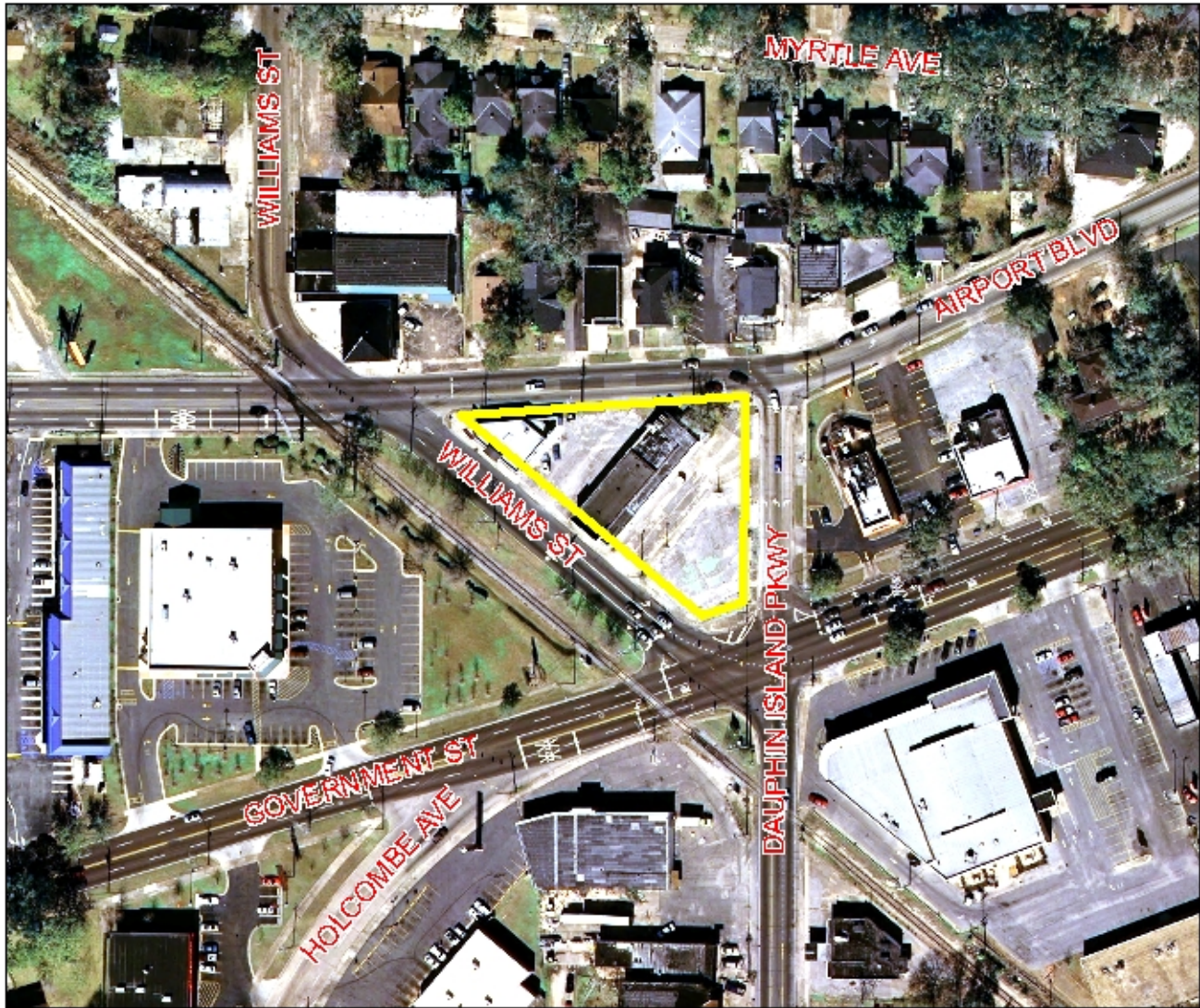
APPLICATION NUMBER 5496 DATE October 6, 2008

APPLICANT Anil Badve

REQUEST Side Yard Setback Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

APPLICATION NUMBER 5496 DATE October 6, 2008

APPLICANT Anil Badve

REQUEST Side Yard Setback Variance

