

APPLICATION NUMBER

5463

A REQUEST FOR

**USE AND PARKING SURFACE VARIANCES TO ALLOW
THE EXPANSION OF AN EXISTING METAL
FABRICATION AND MACHINE SHOP WITH A GRAVEL
LAY-DOWN YARD IN A B-3, COMMUNITY BUSINESS
DISTRICT; THE ZONING ORDINANCE REQUIRES A
MINIMUM I-2, HEAVY INDUSTRY DISTRICT, WITH
PLANNING APPROVAL, FOR A METAL FABRICATION
SHOP, AND LAY-DOWN YARDS REQUIRE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING
SURFACE IN A B-3, COMMUNITY BUSINESS DISTRICT.**

LOCATED AT

600 ZEIGLER CIRCLE EAST

(Southeast corner of Zeigler Circle East and Sellers Lane)

APPLICANT/OWNER

WEST MOBILE PROPERTIES, LLC

AGENT

CLARK, GEER, LATHAM & ASSOCIATES, INC.

BOARD OF ZONING ADJUSTMENT

MARCH 2008

The applicant is requesting Use and Parking Surface Variances to allow the expansion of an existing metal fabrication and machine shop with a gravel lay-down yard in a B-3, Community Business District; the Zoning Ordinance requires a minimum I-2, Heavy Industry District, with Planning Approval, for a metal fabrication shop, and lay-down yards require asphalt, concrete, or an approved alternative paving surface in a B-3, Community Business District.

The applicant's site is located in the recently annexed area of West Mobile and was assigned B-3 zoning. The initial zoning assignment of the annexation considered general land use for the area and assignments were done on a broad basis to create a logical zoning plan and pattern, not a lot-by-lot patchwork pattern. The applicant's use would require I-2, Heavy Industry, with Planning Approval, if seeking a first-time use of the site. As a result of the B-3 zoning classification assignment, the current use of the site, and certain site compliance aspects, would be considered legal nonconforming; however, any expansion of such use and retention of nonconforming site compliance aspects would require a variance, hence this application.

The applicant makes structural and non-structural metal fabrications in an existing 6,400 square-foot building with an associated gravel lay-down yard. A 9,600 square-foot expansion of the building is proposed and the gravel lay-down yard is proposed to be retained. Other site improvements such as expanded parking facilities, entrance drives, and landscaping/tree plantings are proposed to be compliant with Zoning Ordinance standards. Associated Planning Commission applications for a one-lot Subdivision, Planned Unit Development for multiple buildings on one site, and a Sidewalk Waiver Request are scheduled to be heard March 6 for the site.

With regard to the Use Variance request, the fact that the site was assigned B-3 zoning placed a hardship on the applicant with regard to allowing the expansion of the current nonconforming use. In this instance, the timing of the applicant's business growth and capital expenditures plans happened to coincide with the fruition of the City's annexation and zoning assignments. Consideration for the applicant to continue with such growth plans would not be out of order.

With regard to the Parking Surface Variance request, the applicant states that if the lay-down yard were to be paved, the asphalt surface would sustain constant damage due to the nature of the operation. It is further stated that the long-term goals are to surface the lay-down yard with concrete at the time of any future expansions, but the applicant is not financially able to fund such expense at this time. Inasmuch as economics cannot be considered a basis for a hardship, the fact that the site is used in an I-2 capacity, coupled with the timing of the annexation and zoning assignment, would be an imposed hardship. Also, in an I-2 district, paving is not required on a parking surface.

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.

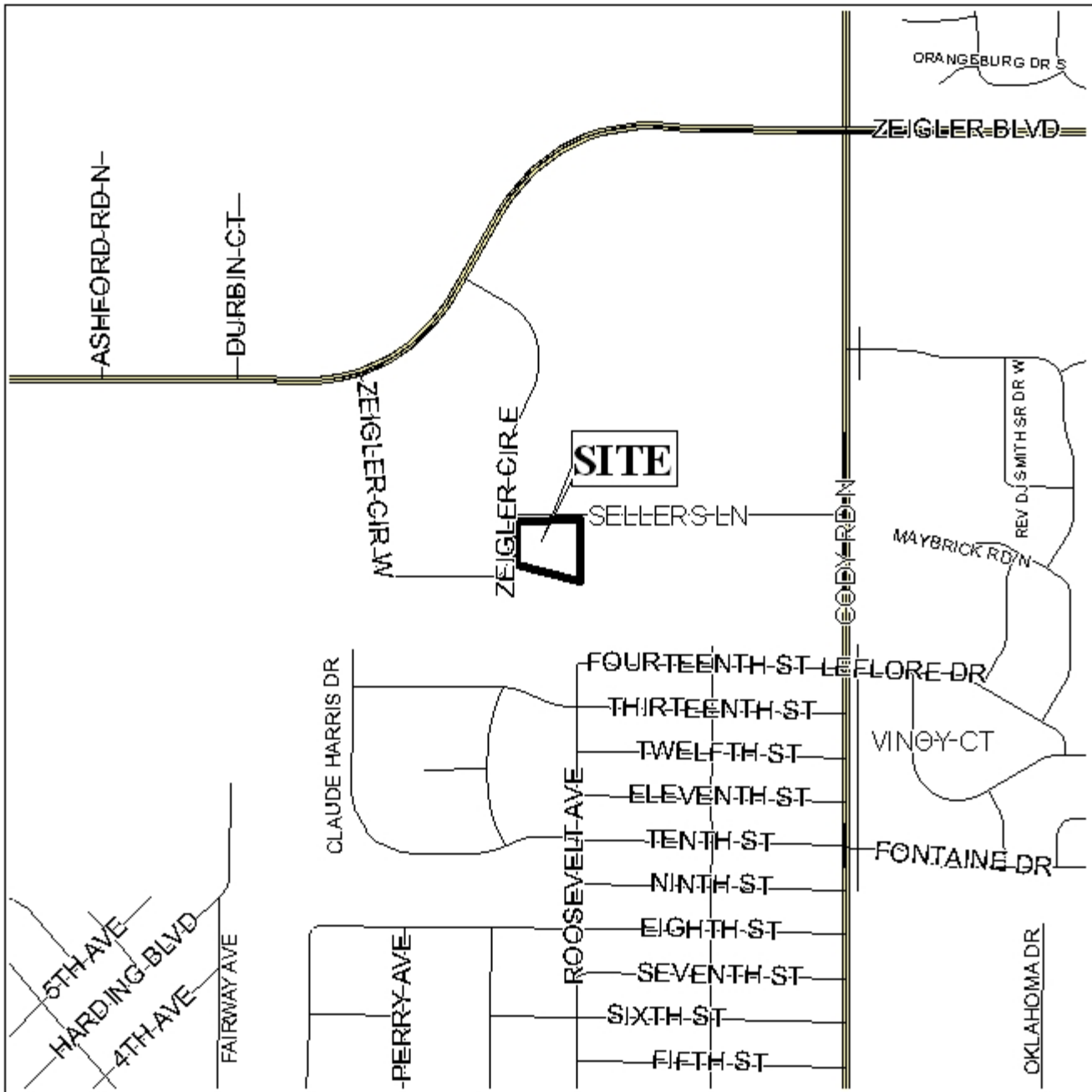
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined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

Due to the fact that the applicant's site was assigned a B-3 zoning following annexation and immediately became legal nonconforming in both use and site compliance, a hardship could be considered to be imposed; therefore the Board may consider approval of this application, subject to conditions.

RECOMMENDATION 5463**Date: March 3, 2008**

Based on the preceding, this application is recommended for approval subject to the following conditions: 1) the applicant to adhere to all other conditions placed upon Planning Commission approvals; 2) that any future expansion of the operation include applications to the Planning Commission for rezoning to I-2, Heavy Industry, and Planning Approval; and 3) full compliance with all other municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 5463 DATE March 3, 2008

APPLICANT West Mobile Properties, LLC

REQUEST Use and Parking Surface Variances



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The map shows the following locations and features:

- Streets:** ZEIGLER CIR W, ZEIGLER CIR E, ZEIGLER CIR S, SELLERS LN, THIRTEENTH ST, FOURTEENTH ST, ROOSEVELT AVE.
- Buildings and Landmarks:**
 - MISC OFFICES
 - CONTRACTOR
 - OFFICE
 - GROUP HOME (multiple)
 - SUPPLY CO
 - MO CO SPCA
 - CHURCH
 - CHURCH/DAY CARE
 - UC
 - RUINS
 - EQUIP SALES
 - STORAGE
 - GARAGE
- Site:** A red 'X' marks the location of the former St. Ignace High School, with a callout box labeled 'SITE' pointing to it.

REQUEST Use and Parking Surface Variances

LEGEND

R-1

R-2

R-3

R-A

R-E

H-F

T-E

B-I

LB-

B-2

B-2

B-

B-

I-

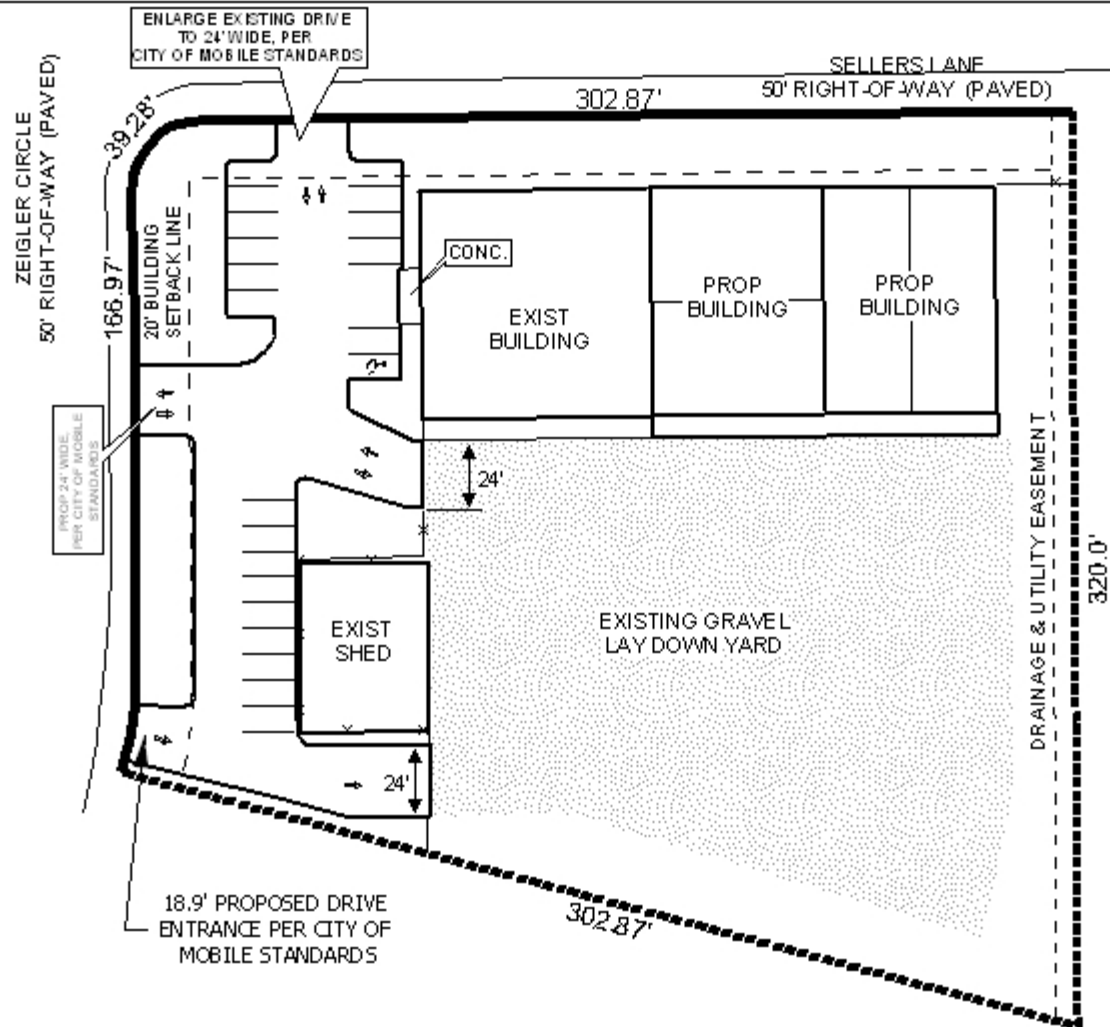
I-

N

NT

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SITE PLAN



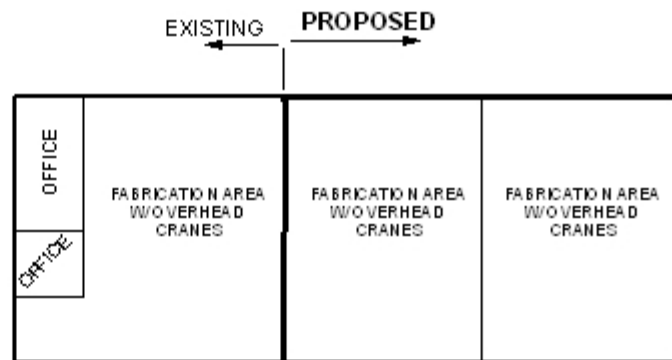
The site plan illustrates the proposed building, drive ways, parking, setbacks, and easements.

APPLICATION NUMBER 5463 DATE March 6, 2008
 APPLICANT West Mobile Properties, LLC
 REQUEST Use and Parking Surface Variances

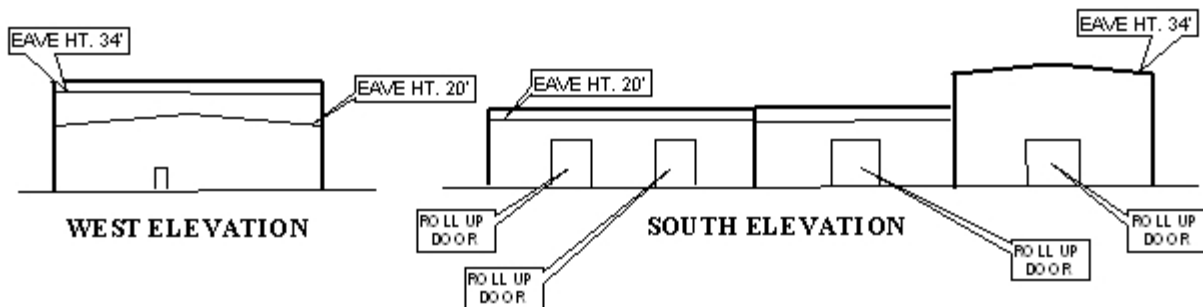


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DETAIL SITE PLAN



FLOOR PLAN



APPLICATION NUMBER 5463 DATE March 3, 2008

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