

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: October 3, 2011****CASE NUMBER**

5707

**APPLICANT NAME**

Access Motors c/o Dustin Akkrout

**LOCATION**151 Schillinger Road South  
(Southwest corner of Schillinger Road South and  
Schillinger Park West)**VARIANCE REQUEST****SURFACING:** Allow aggregate surfacing for vehicle  
inventory display area.**MANEUVERING:** Allow head-in, back-out parking  
along the right-of-way.**SETBACK:** Allow a structure within zero feet of the side  
street side property line.**ZONING ORDINANCE  
REQUIREMENT****SURFACING:** Inventory display, sales, and storage yards  
are required to be paved with asphalt, concrete, or an  
approved alternative paving surface.**MANEUVERING:** Sufficient maneuvering area for  
parking spaces must be located on-site.**SETBACK:** A side street side yard of at least 20 feet is  
required.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

0.68± Acre

**TRAFFIC ENGINEERING  
COMMENTS**

None received.

**CITY COUNCIL  
DISTRICT**

District 7

**ANALYSIS**

The applicant is requesting Surfacing, Maneuvering, and Side Street Side Yard Setback Variances to allow an automobile dealership with aggregate surfacing for inventory display, head-in, back-out parking, and a carport structure within zero feet of the side property line in a B-3, Community Business District; the Zoning Ordinance requires vehicle inventory areas and parking lots to be paved with asphalt, concrete, or an approved alternative paving surface, all vehicle maneuvering area to be on-site, and at least a 20-foot setback for a side street side yard in a B-3, Community Business District.

The applicant wishes to open an automobile dealership at a site that was vacant at the time of annexation into the City of Mobile in 2007, and has remained vacant since. The site was not constructed to current zoning code, and, as such, bringing the site up to code was required in order to receive zoning clearance for the business. Compliance would include placing all of the required parking and maneuvering area on site and paving, with concrete or asphalt, the automobile inventory and sales area. Further, aerial photography and the survey shows that a “lean-to” type carport was constructed on the lot without a permit sometime after the 2010 City of Mobile Aerial Photos were taken. The survey revealed that this structure was located within the city right-of-way. The applicant has stated that the structure will be moved so that it is entirely on the property, but will be on the property line.

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.

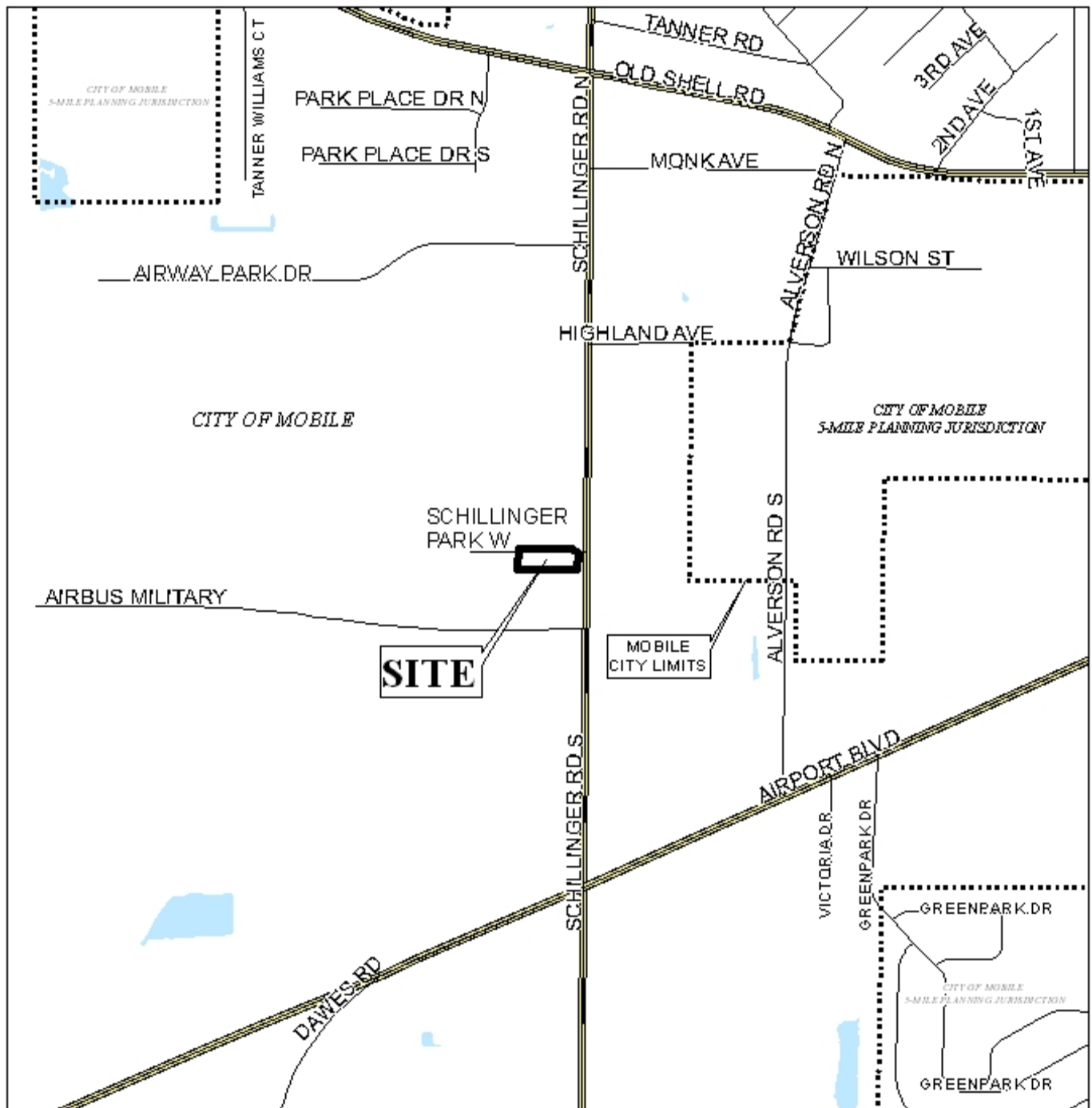
Non-conforming status can be granted to sites that are not developed to City of Mobile standards prior to the enforcement of the Zoning Ordinance if they have been in operation with no more than two years of inactivity at any given time. If two or more years of inactivity occur, the non-conforming status is lost, and the site must come into compliance with all municipal codes and ordinances. If this site had been granted non-conforming status when annexed into the city in 2007, such status would have been lost due to the extended period of inactivity.

The applicant did not state what, if any, hardship exists on the property, other than the property already being developed in the manner in which it is. There are no hardships or other factors on the property that would prevent the applicant from bringing the property into compliance with the ordinance. Regarding the “lean-to” carport structure, the applicant has already stated that it will be relocated entirely on the property, and if the applicant can move it on the property, then the structure can be moved to meet setbacks, as there is more than adequate space for the structure to be moved to meet setback requirements. As no hardship or other factors exist to prevent compliance, this application should be denied.

**RECOMMENDATION**  
for denial.

Based upon the preceding, the application is recommended

# LOCATOR MAP



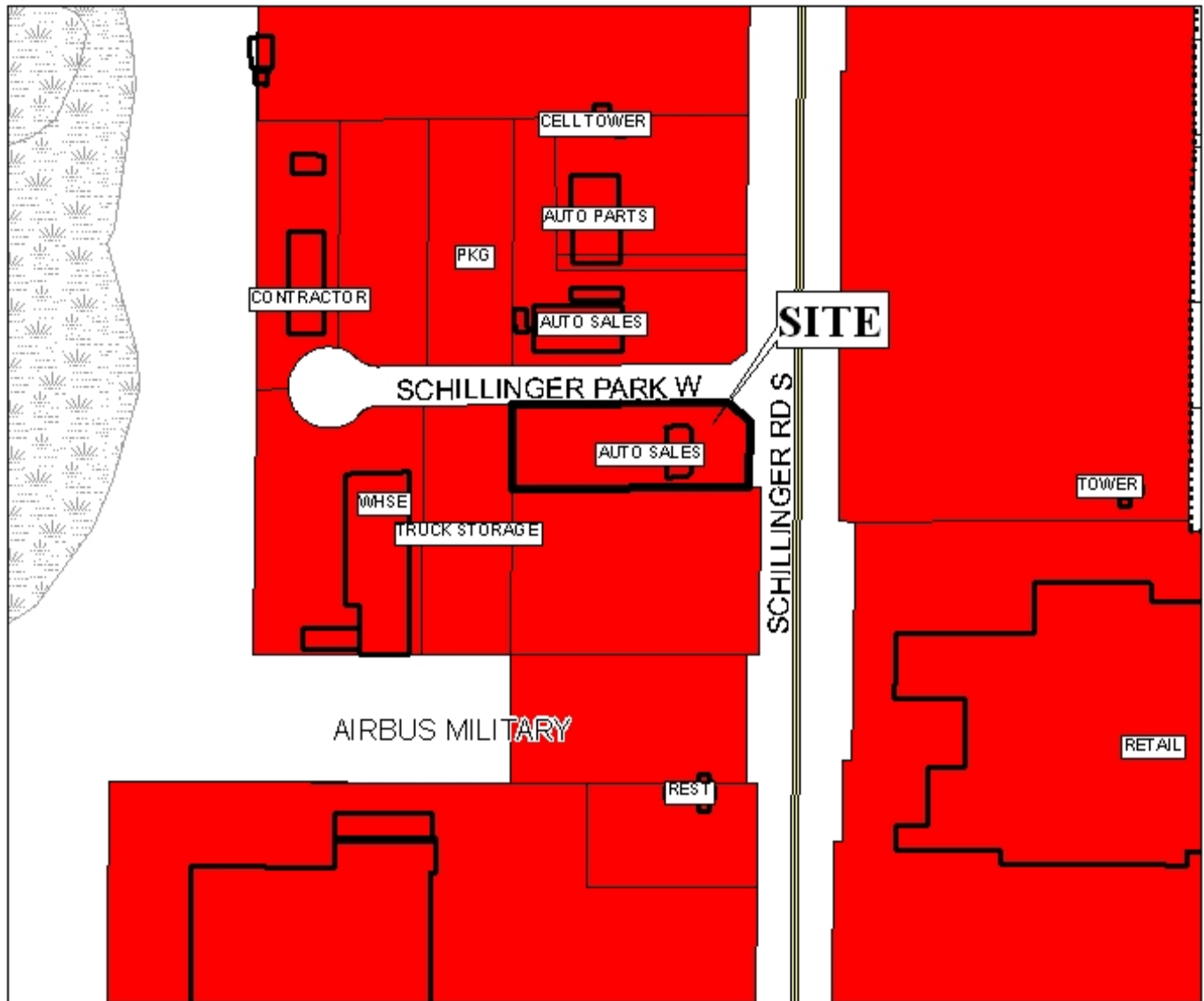
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REQUEST Surfacing, Maneuvering, and Side Street Side Yard Setback Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING




An auto sales business is north of the site, a contractor and warehouse are to the west.

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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



NTS

# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



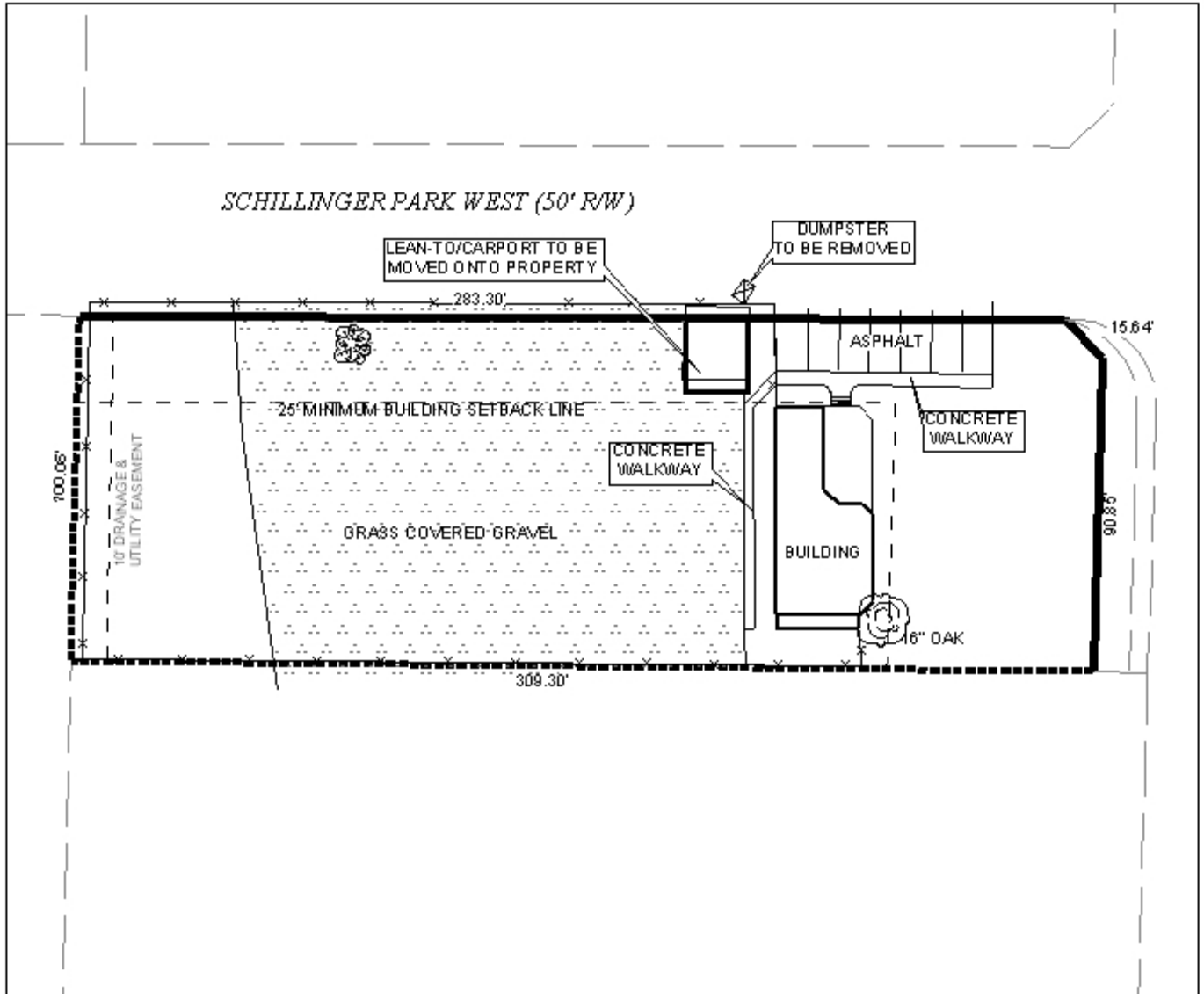
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# SITE PLAN



The buildings, parking, and setbacks are illustrated in the site plan.

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