

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: February 4, 2019**

<b><u>CASE NUMBER</u></b>	6233
<b><u>APPLICANT NAME</u></b>	Tom Godfrey
<b><u>LOCATION</u></b>	660 Dunlap Drive South terminus of Dunlap Drive (private drive).
<b><u>VARIANCE REQUEST</u></b>	<b>SITE:</b> Site Variance to allow a 150' tall flagpole in an I-2, Heavy Industrial District.
<b><u>ZONING ORDINANCE REQUIREMENT</u></b>	<b>SITE:</b> The Zoning Ordinance states that no structure shall be designed, erected or altered to exceed 100' in an I-2, Heavy Industrial District.
<b><u>ZONING</u></b>	I-2, Heavy Industrial District
<b><u>AREA OF PROPERTY</u></b>	423.229 ± Acres
<b><u>CITY COUNCIL DISTRICT</u></b>	District 2
<b><u>ENGINEERING COMMENTS</u></b>	No comments.
<b><u>TRAFFIC ENGINEERING COMMENTS</u></b>	No traffic impacts anticipated by this variance request.
<b><u>URBAN FORESTRY COMMENTS</u></b>	Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site will require a tree removal permit.
<b><u>FIRE DEPARTMENT COMMENTS</u></b>	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).

**ANALYSIS**

The applicant is requesting a Site Variance to allow a 150' tall flagpole in a I-2, Heavy Industrial District; the Zoning Ordinance states that no structures shall be designed, erected or altered to exceed 100' in an I-2, Heavy Industrial District.

The site has been given a Heavy Industry (HI) land use designation, per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This designation applies to larger parcels primarily devoted to high-impact industrial activity which is preferably removed from residential and commercial uses. Light industry, industrial business or heavy commercial lands may separate heavy industry from other land uses.

Heavy industrial areas include collection, treatment, and manufacturing processes which use raw materials, are distinguished by the presence of noise, vibration, and/or odors, and benefit from easy access to a multimodal freight transportation network. Certain types of heavy industry are characterized by low building coverage and activities that rely on large areas of outdoor storage of raw material stockpiles and/or waste-product disposal areas, storage tanks, pipelines, and transportation yards to handle the transfer of heavy materials. The outdoor storage areas should be screened as much as possible by the nature of the stored materials.

Land designated as HI may be underdeveloped due to the presence of wetlands on portions of the parcel. In these cases, the wetlands may serve to buffer surrounding uses from the potential impacts of the heavy industrial use. Undeveloped areas of HI parcels that have tree cover may be used as buffering between the heavy industrial use and other uses. Where buffers do not exist naturally, they should be provided as spelled out in the zoning and subdivision regulations. Open areas reserved for dredge disposal are also designated as HI and may contain wetlands.

In Mobile, port terminal facilities, docks, shipyards, drydocks, etc., are mostly owned by the State of Alabama. Although not subject to local zoning, these facilities are shown as heavy industrial uses in the FLUM.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

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 the following reasons to explain the need for the variance:

*“EPIC Alabama Shipyard (EAS) is an industrial site used for servicing the repair, maintenance, and fabrication of floating assets. EPIC Alabama Shipyards, LLC recently purchased the shipyard from BAE Systems with plans to improve and revitalize the yard's facilities and operations.*

*As part of this plan, EAS management has requested that a 150 ft tall flagpole be engineered, procured, and erected at the waterfront location near Pier G in front of the Main Service Building / Central Warehouse to fly an American flag. We have been informed by the City of Mobile's Planning Office that the property's 1-2 zoning district restricts flagpole heights to 100 ft based on the maximum height of surrounding structures in the zoning district. EAS would like to request a variance to this limitation to allow for the 150 ft flag pole to be constructed as proposed. After reviewing heights of equipment and structures that stand in the surrounding area, it was discovered that the tallest structure in the area is the "Goliath" bridge crane, which stands at 160 ft tall (175 ft above sea level) and has been located in what is now EAS since 1976 when the yard was operating as Alabama Drydock and Shipbuilding Company. This would make the 150 ft flagpole 10 ft shorter than the tallest standing structure in the 1-2 zoning district.”*

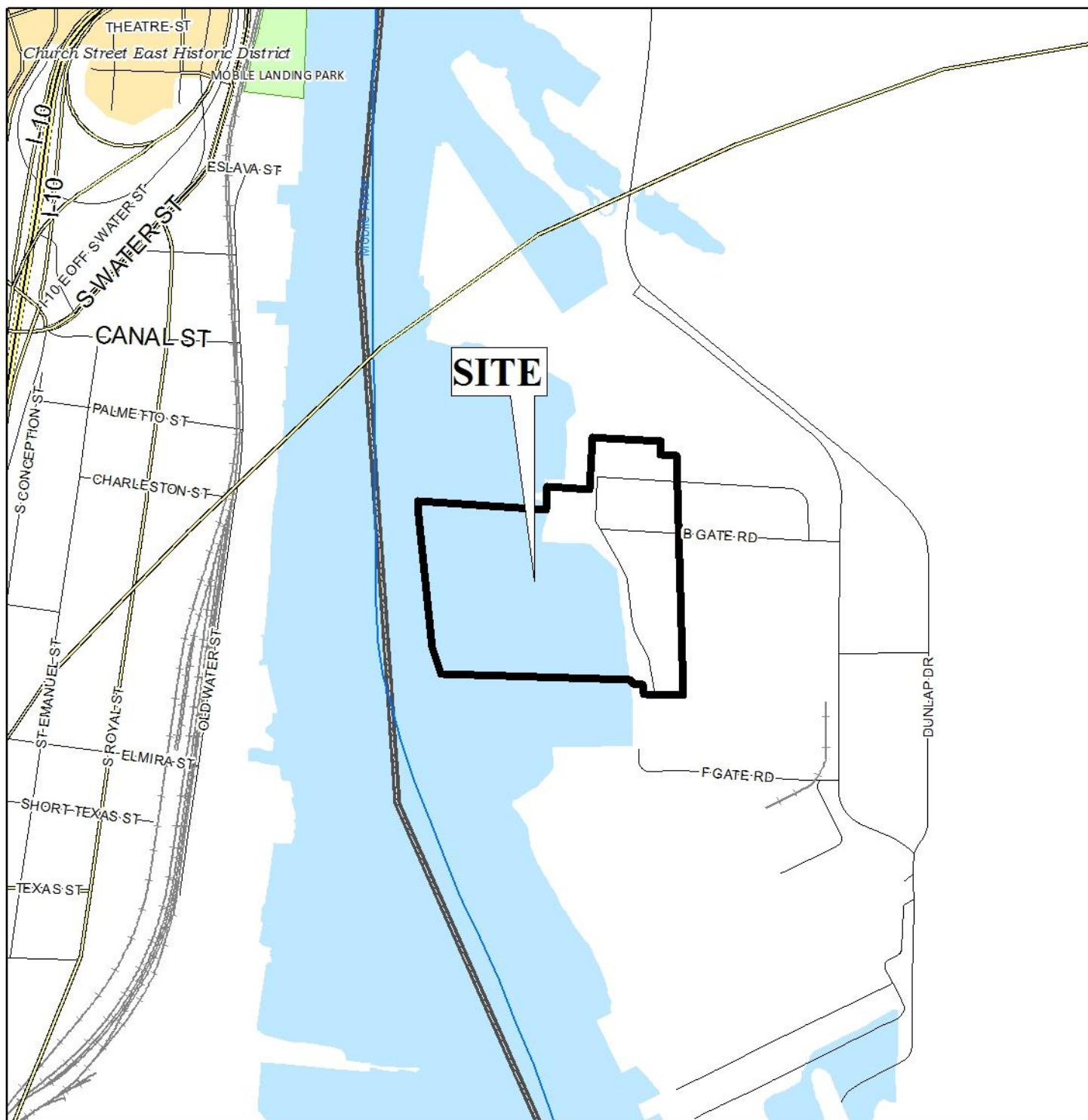
The applicant noted that the tallest existing structure on the property is the “Goliath” bridge crane, which stands at 160’ tall”. The bridge crane is considered a piece of equipment and would not fall under our classification for a permanent structure; thus the comparison of the flagpole to the crane is not fully relevant.

It should be pointed out that a 100’ flagpole can be built by right without any special approvals, but it is merely the applicant’s personal desire to exceed the height limitations by an additional 50’. It should also be noted that a telecommunications tower is allowed to be 180 feet tall by right in an I-2 district. Thus, if this were a “flagpole” style telecommunications tower, a height variance would not be required.

**RECOMMENDATION:** Based upon the preceding, staff recommends to the Board the following findings of fact for Denial:

- 1) granting the Variance will be contrary to the public interest since the allowable height is 100’ within this zoning district;
- 2) special conditions with the site or unusual site constraints do not exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship;
- 3) the spirit of the chapter shall not be observed and substantial justice done to the surrounding area by granting the Variance because a flagpole can be erected on the site and still meet the required height limitations.

# LOCATOR MAP



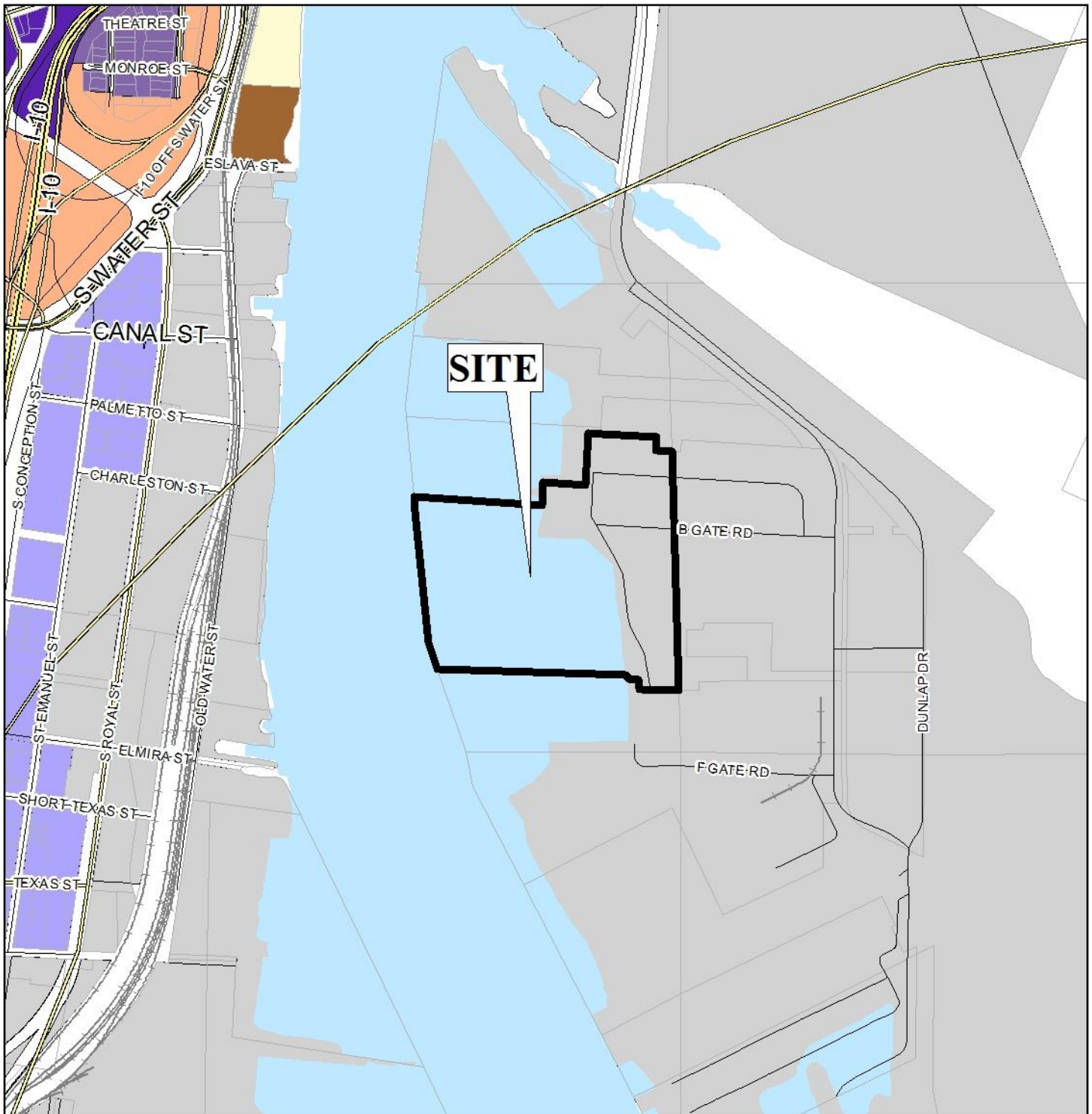
APPLICATION NUMBER 6233 DATE February 4, 2019

APPLICANT Tom Godfrey

REQUEST Site Variance



# LOCATOR ZONING MAP



APPLICATION NUMBER 6233 DATE February 4, 2019

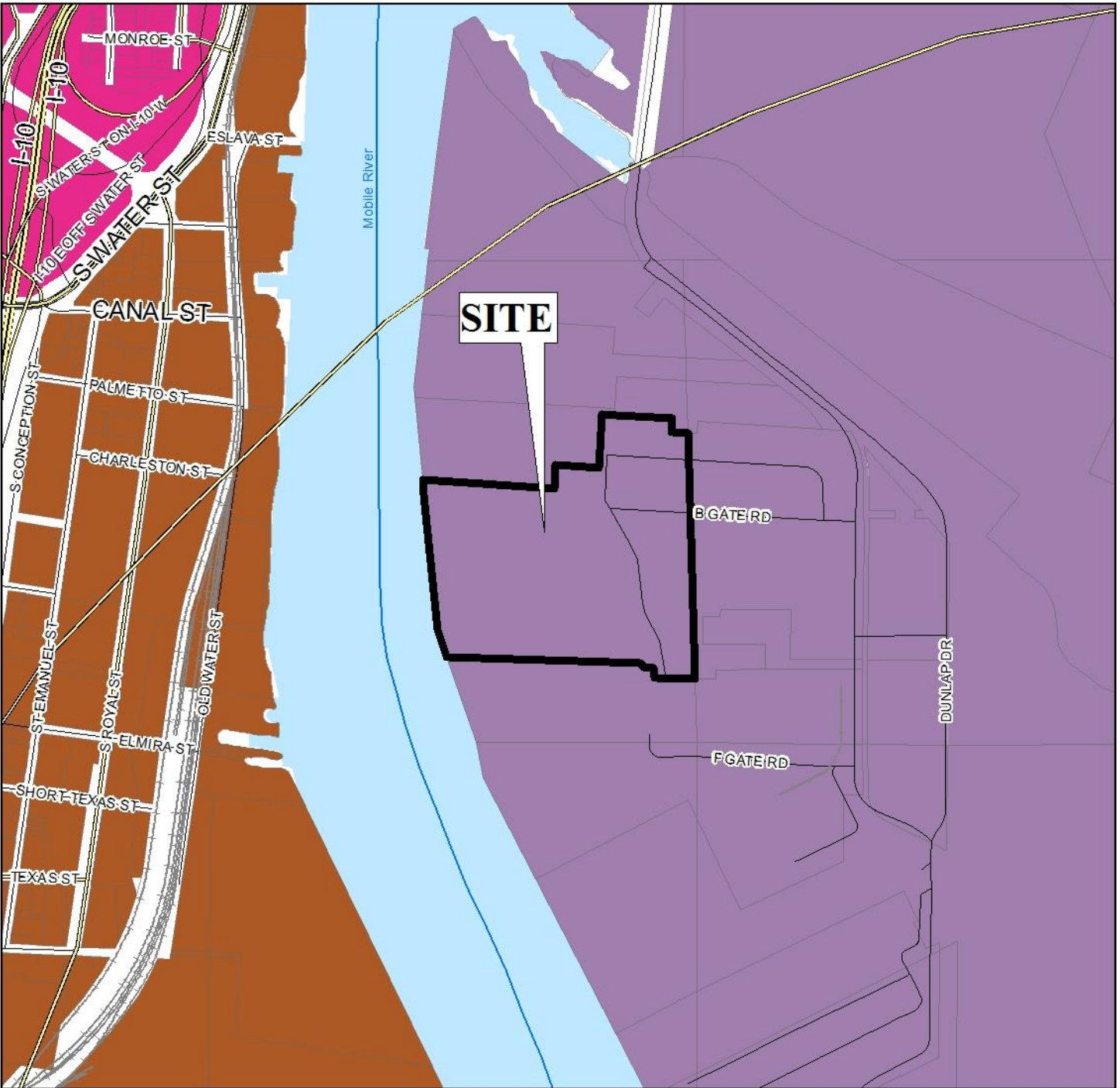
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## FLUM LOCATOR MAP



APPLICATION NUMBER 6233 DATE February 4, 2019

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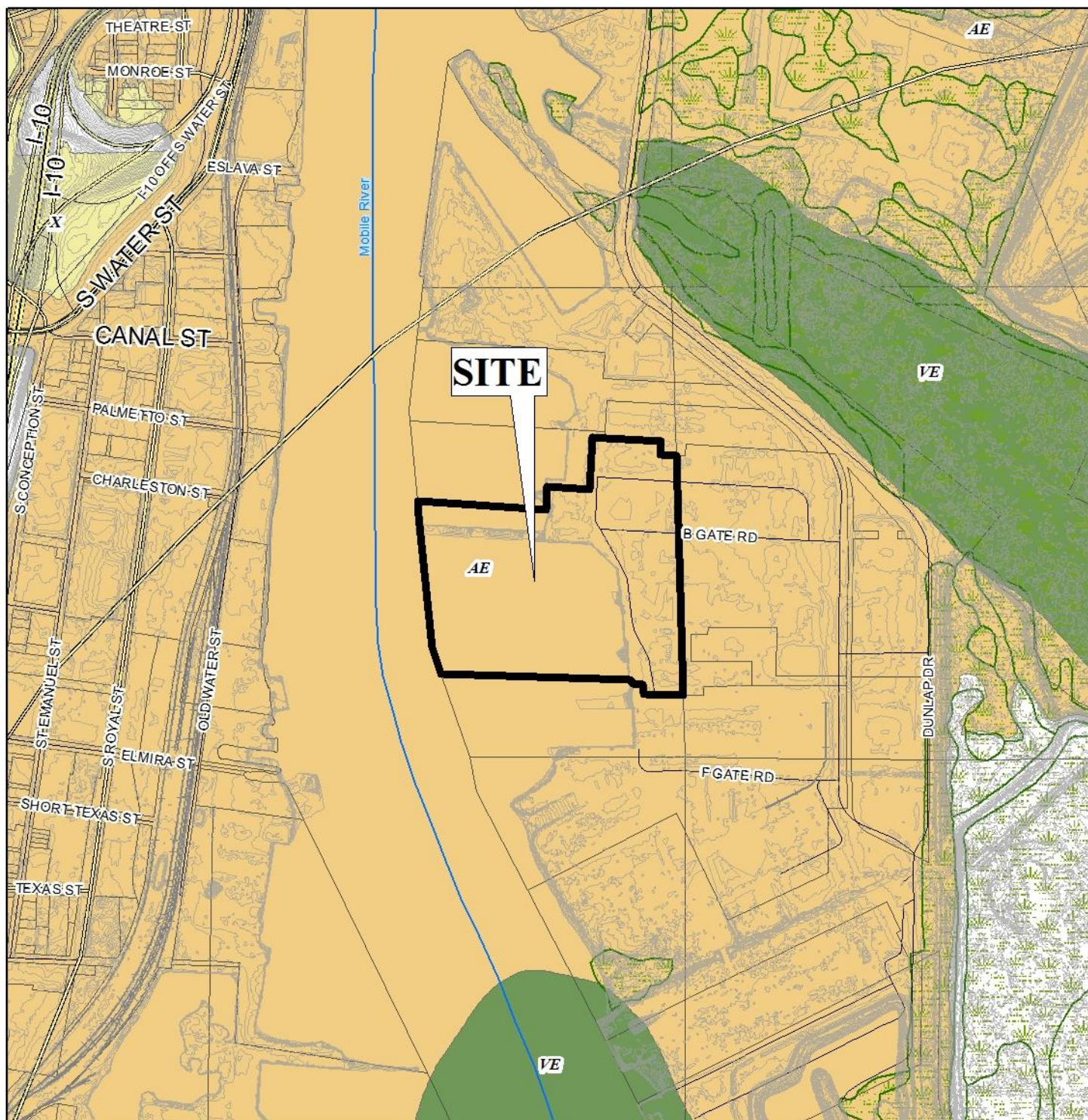
REQUEST \_\_\_\_\_ Site Variance \_\_\_\_\_

- |                           |                                   |                     |                    |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential   | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban    | Light Industry      | Water Dependent    |
| Downtown                  | Traditional Corridor              | Heavy Industry      |                    |
| District Center           | Mixed Commercial Corridor         | Institutional       |                    |





# ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 6233 DATE February 4, 2019

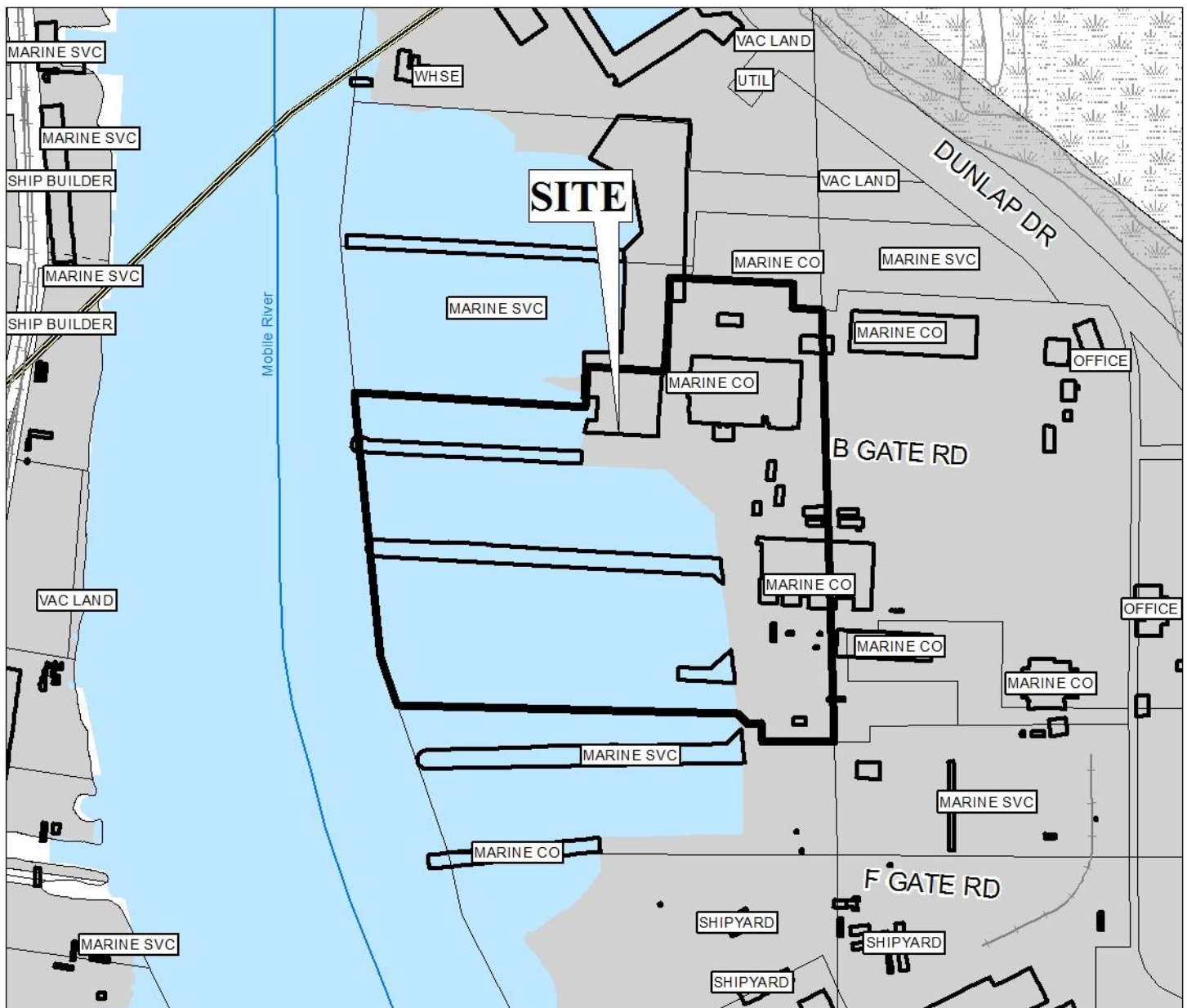
APPLICANT Tom Godfrey

REQUEST Site Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial units.

APPLICATION NUMBER 6233 DATE February 4, 2019

APPLICANT Tom Godfrey

REQUEST Site Variance

<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> MUN	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD-WH	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> T5.1
<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink; border: 1px solid black;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: red; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightgreen; border: 1px solid black;"></span> OPEN	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpink; border: 1px solid black;"></span> T3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkpurple; border: 1px solid black;"></span> T5.2
<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: peachpuff; border: 1px solid black;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple; border: 1px solid black;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray; border: 1px solid black;"></span> I-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> SD	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightpurple; border: 1px solid black;"></span> T4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue; border: 1px solid black;"></span> T6





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

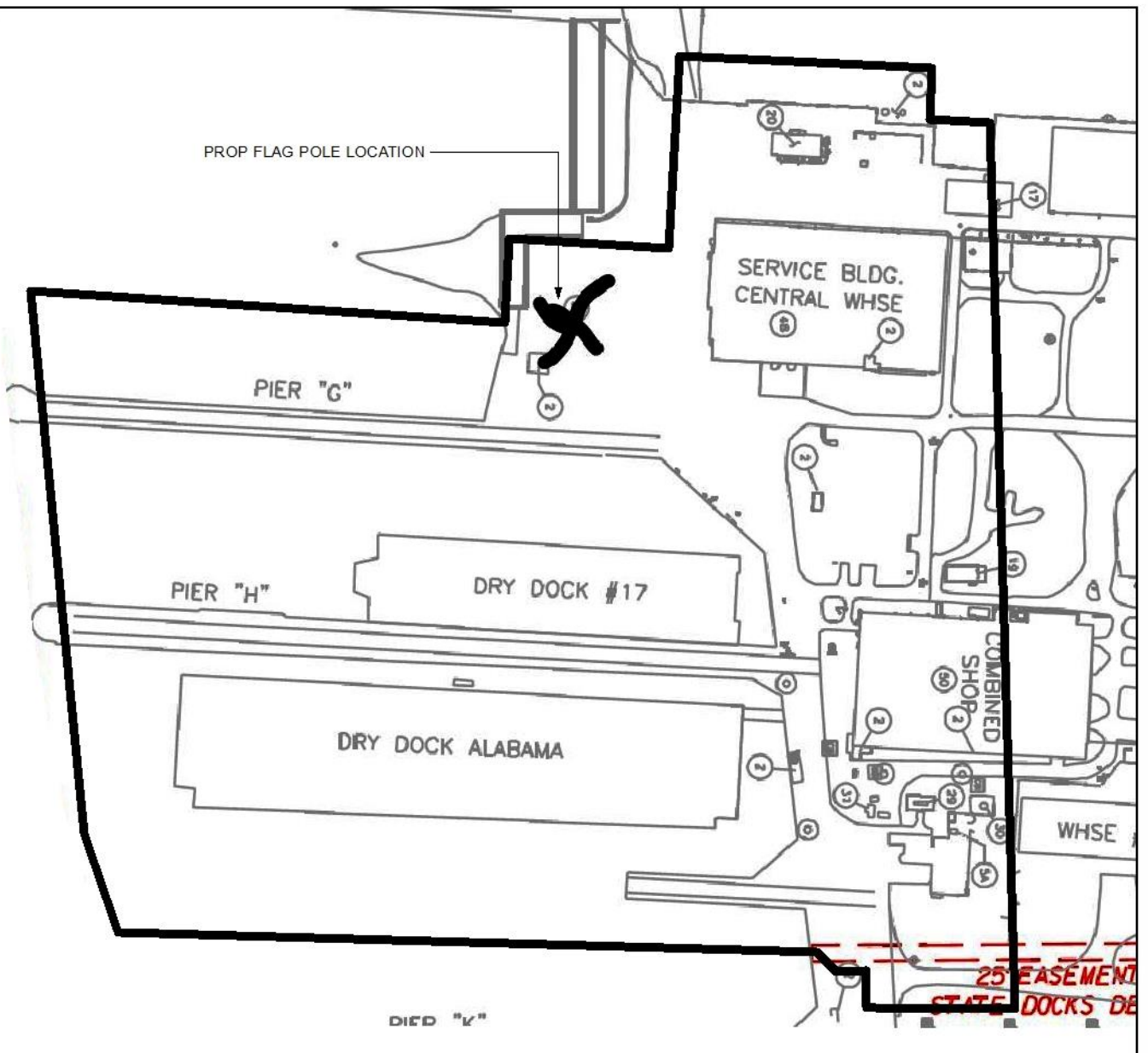


The site is surrounded by industrial units.

APPLICATION NUMBER	6233	DATE	February 4, 2019
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# SITE PLAN



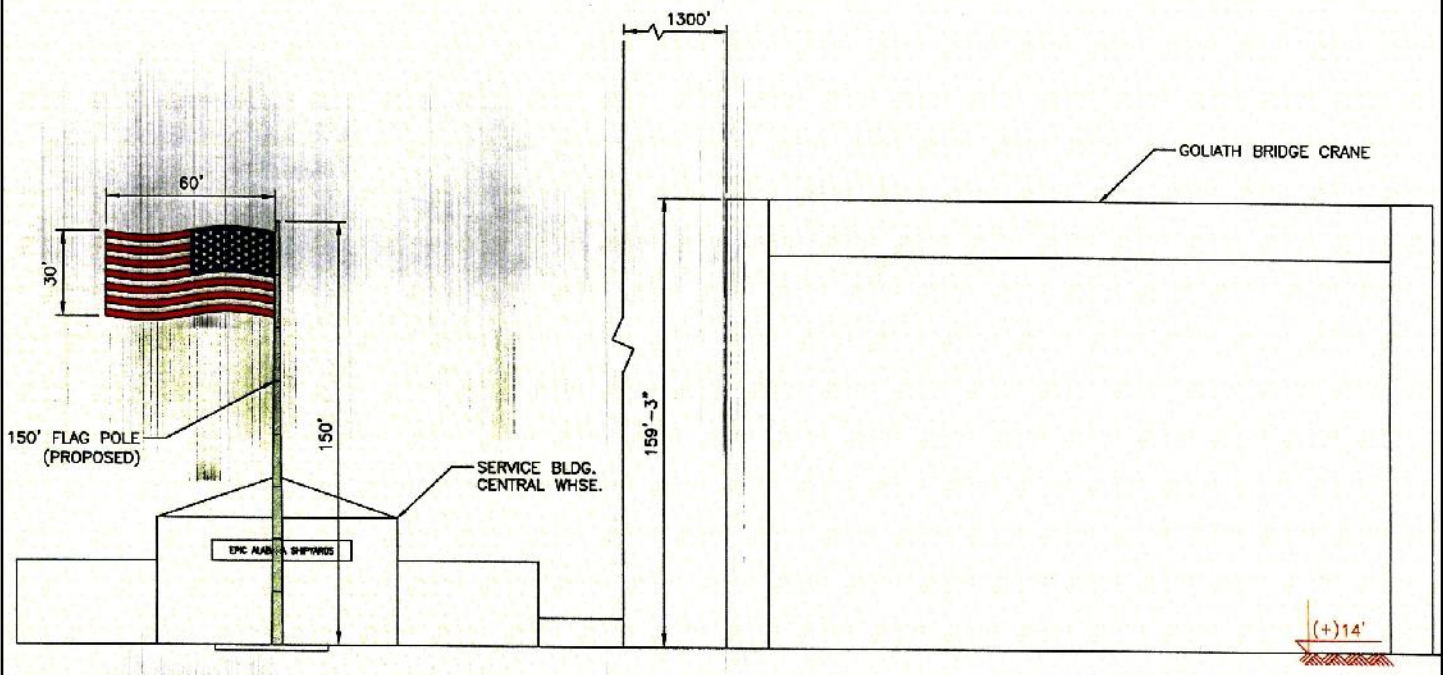
The site plan illustrates the proposed flag pole location.

APPLICATION NUMBER 6233 DATE February 4, 2019  
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# DETAIL SITE PLAN



APPLICATION NUMBER 6233 DATE February 4, 2019

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