

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: January 6, 2014****CASE NUMBER**

5872

**APPLICANT NAME**

KV Properties, LLC

**LOCATION**2715 Dauphin Street  
(South side of Dauphin Street, 67' ± East of Dauphinwood Drive)**VARIANCE REQUEST****PARKING SURFACE:** Parking Surface Variance to allow gravel parking and maneuvering surfaces in a B-3, Community District.**ZONING ORDINANCE  
REQUIREMENT****PARKING SURFACE:** The Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking and maneuvering surfaces in a B-3, Community Business District.**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

6.7 ± Acres

**ENGINEERING  
COMMENTS**

If the aggregate surfacing is approved for use as requested the applicant will need to have the following conditions met to address unpermitted land disturbing activity on-site and within the ROW:

- a. Submit and receive a Land Disturbance Permit for the proposed site development.
- b. Submit a ROW Permit for any work within the Dauphin Street ROW. Aggregate surfacing will not be allowed within the Dauphin Street ROW.

**TRAFFIC ENGINEERING  
COMMENTS**

Bumper stops should be installed where vehicle or boat parking can encroach onto the landscaped areas.

**CITY COUNCIL  
DISTRICT**

District 1

**ANALYSIS**

The applicant is requesting a Surface Variance to allow gravel parking and maneuvering surfaces in a B-3, Community District; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for parking and maneuvering surfaces in a B-3, Community Business District.

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 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.

Applicant's statement: *Contemplated use and character of improvements: The developer wishes to utilize the existing building on the site with the addition of several new buildings in the future to create a storage facility. Ultimately, the developer envisions a total of approximately 500 units on the site with an office in the front of the first existing building upon entering the site. At the rear of the property, the developer would like to provide RV and boat storage. Anticipated hours of operations for the office would be typical business hours, Monday through Saturday from 8 am until 5 pm. Access to the storage unit would be controlled by entrance through the gate and would typically be 7 days a week, 6 am to 9pm.*

Additional information from the applicant: *The applicant is requesting a site variance in order to use stone for the proposed storage yard... in lieu of asphalt.*

*Per Mobile City Code, Chapter 64, Section 64-4, it is in our and the Applicant's opinion that gravel surfacing can prove to protect against soil erosion, reduce the hazards of flooding, off-set the effects of impervious surfaces, reduce the effects of dust, reduce the effects of heat, promote a pleasant appearance, and allow for flexibility in landscape development.*

*Notes:*

- 1. The storage yard will be used for long term RV & boat storage.*
- 2. There will be no through traffic within the yard.*

While the applicant mentions the benefits of a gravel parking surface, there does not appear to be any hardship associated with the property and it is simply the applicant's desire to not comply with the paving requirements of the Zoning Ordinance for the RV/boat storage portion of the site.

The site was rezoned from R-1, Single-family Residential and R-3, Multi-family Residential to B-3, Community Business in 2012. The Planning Commission more recently approved a Planned Unit Development (PUD) for this site at its December 5, 2013 meeting to amend a previously approved PUD to allow multiple buildings on a single building site; however, two conditions from the Letter of Decision state:

- 8) *Completion of the Variance process prior to the issuance of permits;*
- 9) *Revision of the site plan to illustrate a paved parking surface throughout the entire site if the Variance Application is Denied;*

The applicant should be aware that the denial of this Variance request would mean full compliance with the previous conditions, as mentioned, as well as all municipal codes and ordinances.

**RECOMMENDATION:**

Based on the preceding, this application is recommended

for Denial.

***Revised for the February 3<sup>rd</sup> meeting:***

*The application was heldover from the January 6<sup>th</sup> meeting due to lack of representation to address any questions or concerns of the Board of Zoning Adjustment. The Board should be reminded that a recent proposal to amend the Zoning Ordinance to allow aggregate surfacing for storage yards, in a B-3 district with Planning Approval, was rejected by the Planning Commission, and later by the City Council at its December 31, 2013 meeting. Granting the variance would be contrary to the public interest, given the fact that the site abuts an apartment complex. Furthermore, there are no special conditions on the site that would make the literal enforcement of the paving requirements an unnecessary hardship. Finally, the spirit of the chapter would not be observed, nor would substantial justice be done to the surrounding neighborhood if the variance was granted. As such, the previous recommendation of Denial should still stand.*

**RECOMMENDATION:**

*Based on the preceding, this application is recommended*

*for Denial.*

# LOCATOR MAP



APPLICATION NUMBER 5872 DATE February 3, 2014

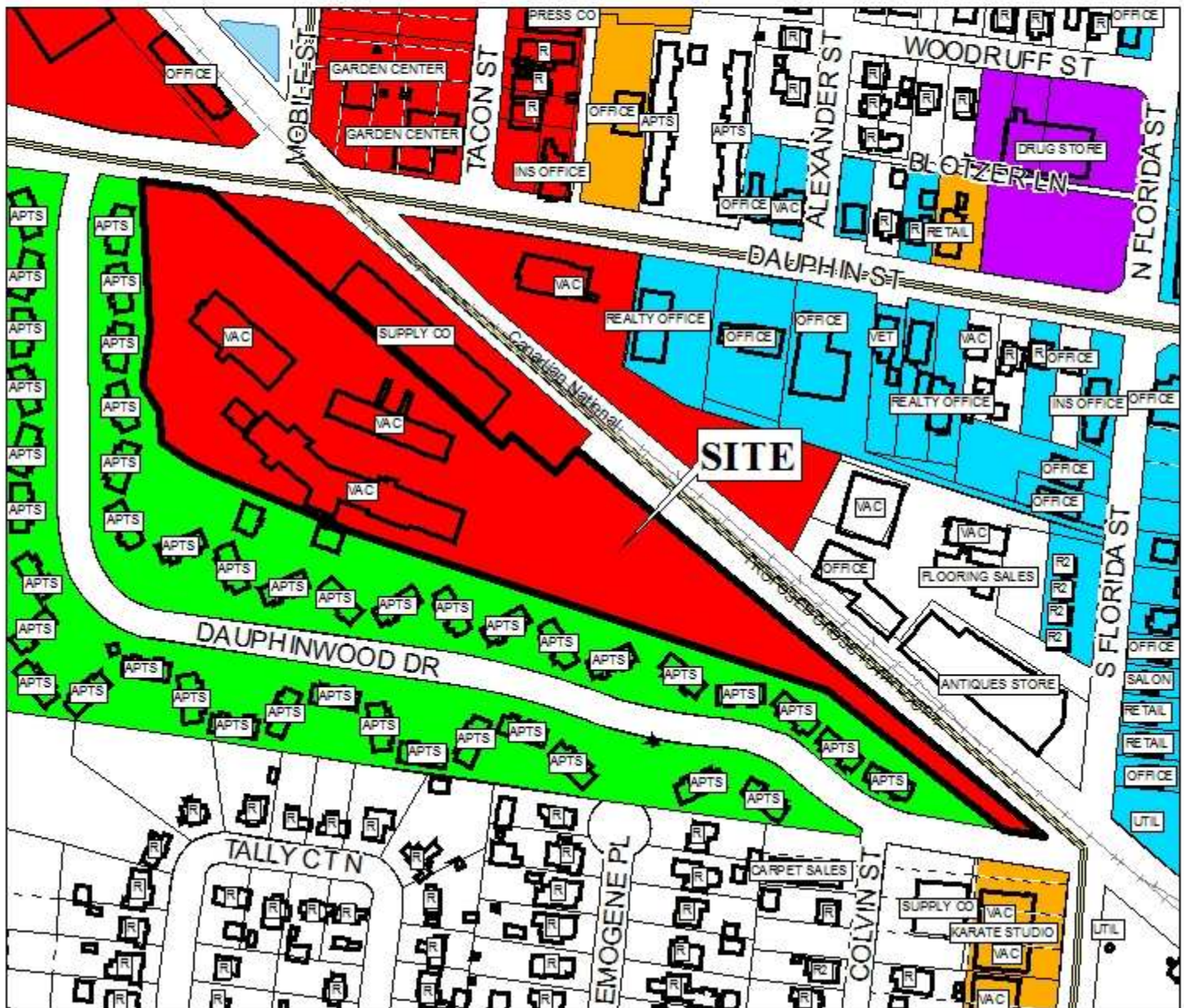
APPLICANT KV PROPERTIES, LLC

REQUEST Surfacing Variance





# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Businesses are located to the north of the site.  
Apartments are located to the south of the site.

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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
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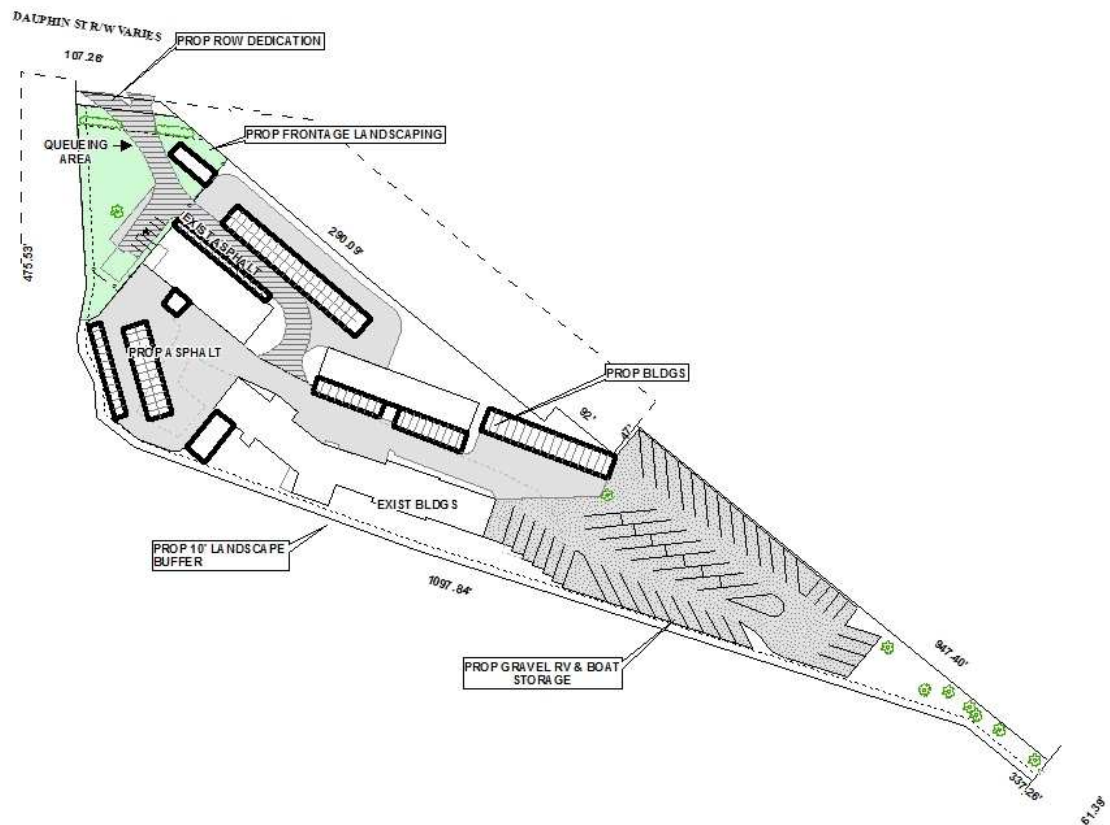
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# SITE PLAN



The site plan illustrates the existing structures, proposed structures, and proposed RV and boat storage area.

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