

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: September 10, 2012****CASE NUMBER**

5778/5729/5585

APPLICANT NAME

Wright Transportation

LOCATION

2333 Dauphin Island Parkway, 1917 Military Road and
2216 Cassie Lane
(East side of Dauphin Island Parkway, 220'± North of
Rosedale Road, and Southwest corner of Military Road
and Cassie Lane)

VARIANCE REQUEST

SURFACE: Surface Variance to allow aggregate
surfacing in a B-3, Community Business District, and an
R-1, Single-Family Residential District.

ACCESS: Access Variance to allow a sub-standard access
way.

SHARED ACCESS: Shared Access Variance to allow
shared access between two building sites.

**ZONING ORDINANCE
REQUIREMENT**

SURFACE: The Zoning Ordinance requires surfaces to be
paved with asphalt, concrete, or an approved alternative
paving surface in a B-3, Community Business District, and
an R-1, Single-Family Residential District.

ACCESS: The Zoning Ordinance requires 24' wide access
for two-way traffic.

SHARED ACCESS: The Zoning Ordinance requires all
access on-site.

ZONING

B-3, Community Business, and R-1, Single-Family
Residential

AREA OF PROPERTY

17.6± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

CITY COUNCIL
DISTRICT

District 3

ANALYSIS

The applicant is requesting Surface, Access, and Shared Access Variances to allow shared access between two building sites by use of a sub-standard access way with aggregate surfacing in a B-3, Community Business District, and R-1, Single-Family Residential District; the Zoning Ordinance requires 24' wide access for two-way traffic and surfaces must be paved with asphalt, concrete, or an approved alternative paving surface with all access on-site in a B-3, Community Business District, and R-1, Single-Family Residential District.

In December, 2009, the Board approved Use, Access, Parking Surface, Tree Planting, and Buffer Variances to allow the applicant to expand an existing trucking company in a B-3, and R-1 District, both sites adjacent to each other fronting Dauphin Island Parkway. In January, 2012, the Board approved Use and Surface Variances to allow the expansion of the trucking company in an R-1 District for semi trailer parking on aggregate surface at the Southwest corner of Military Road and Cassie Lane. The Southwest corner of that site is adjacent to the Northeast corner of the Dauphin Island Parkway site, but there was no access between the two proposed in the second variance and the two approved variances were independent of each other as far as any shared access approval. Upon review of the approved semi trailer parking site for development permitting, it was discovered that a substandard and unapproved connecting drive had been constructed to allow vehicular access directly between that site and the main site on Dauphin Island Parkway and the submitted site plan was failed for not following what was approved by the Board. The applicant now proposes to receive approval for the shared access between the sites via the substandard, aggregate-surfaced drive.

Normally, shared access between separate sites is handled via a Planned Unit Development Approval, or the entire property would be combined into one lot via a Subdivision, with a Rezoning to eliminate the split zoning, all via the Planning Commission. However, since all the sites involved in this application have been the subject of previous variances to allow the non-compliant uses and non-compliant aspects of the sites, it would follow that further variances to allow the requested non-compliant aspects would be the appropriate path.

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.

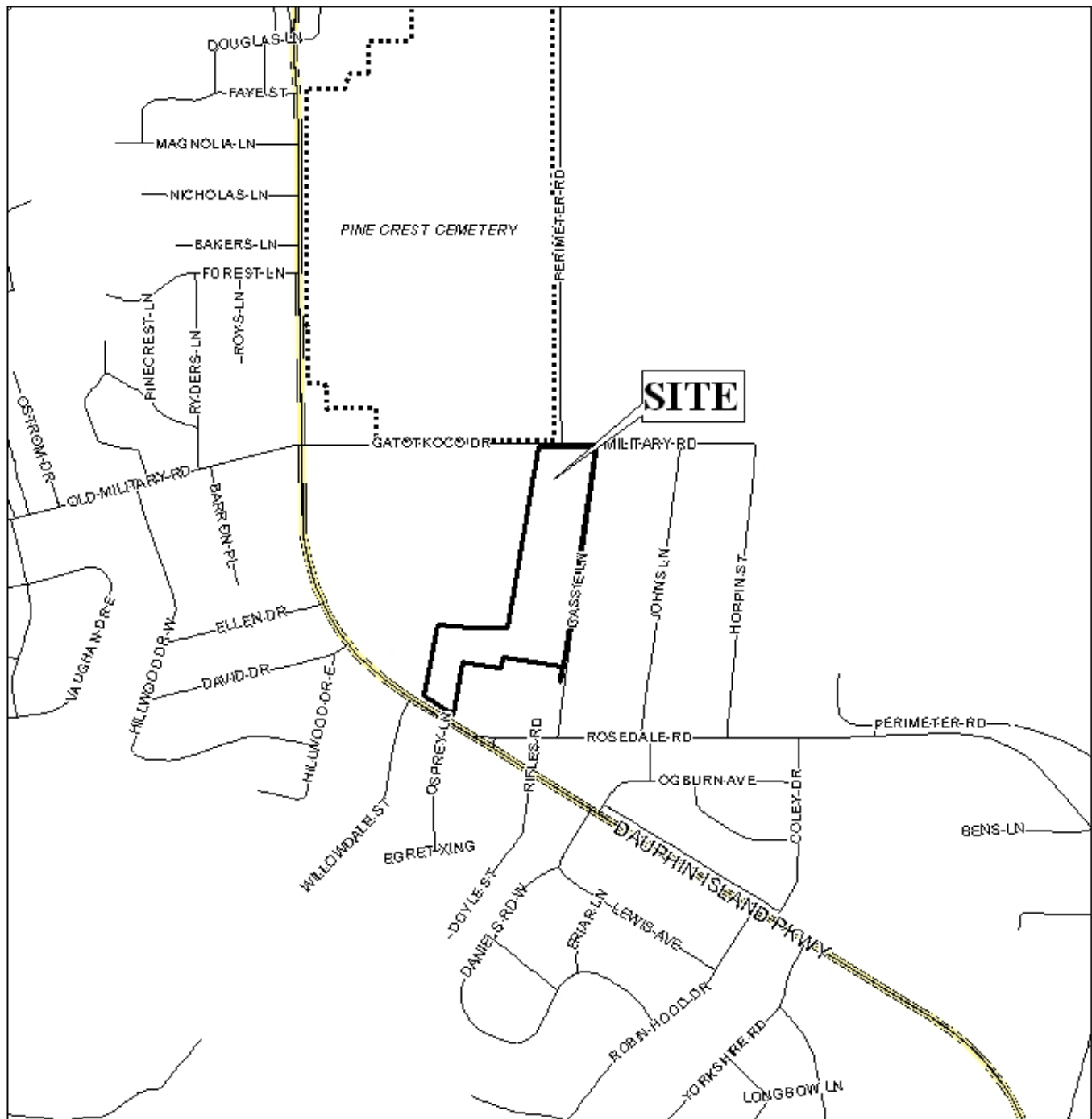
In this instance, there is no expansion of the use proposed. The shared access between the two sites would potentially lessen heavy truck traffic on both Military Road and Cassie Lane as either of those streets must currently be traveled to get from the main facility site on Dauphin Island Parkway to the trailer parking site. In that respect, the approval of the shared access request would be viable. However, due to the volume of truck traffic on the drive, and the possible need to provide access for fire vehicles, the connecting access drive should be paved to compliant standards. Also, the request for the substandard access should be considered for denial as there is ample room to provide a compliant 24' wide drive the entire length between the two sites to prevent passing trucks from damaging each other with potential consequences on the public roads.

RECOMMENDATION: Based on the preceding, the Shared Access Variance request is recommended for approval, subject to the following condition:

- 1) full compliance with all other municipal codes and ordinances.

The Surface Variance and Access Variance requests are recommended for denial.

LOCATOR MAP



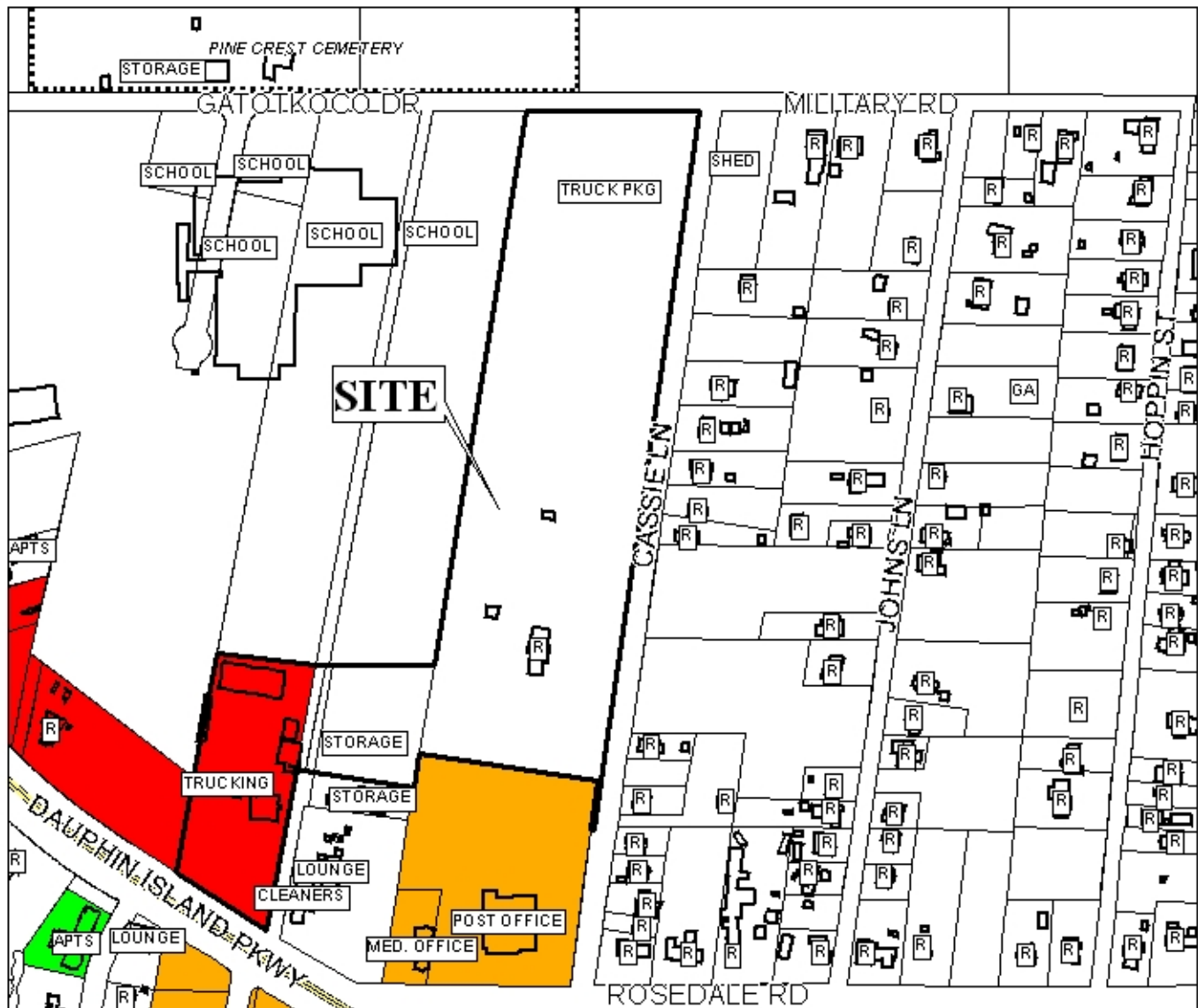
APPLICATION NUMBER 5778/5585 DATE September 10, 2012

APPLICANT Pat Wright (Wright Transportation)

REQUEST Surface, Access, and Shared Access Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the east of the site. Business land use is located to the west and south of the site. A school is located to the west 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	NTS
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



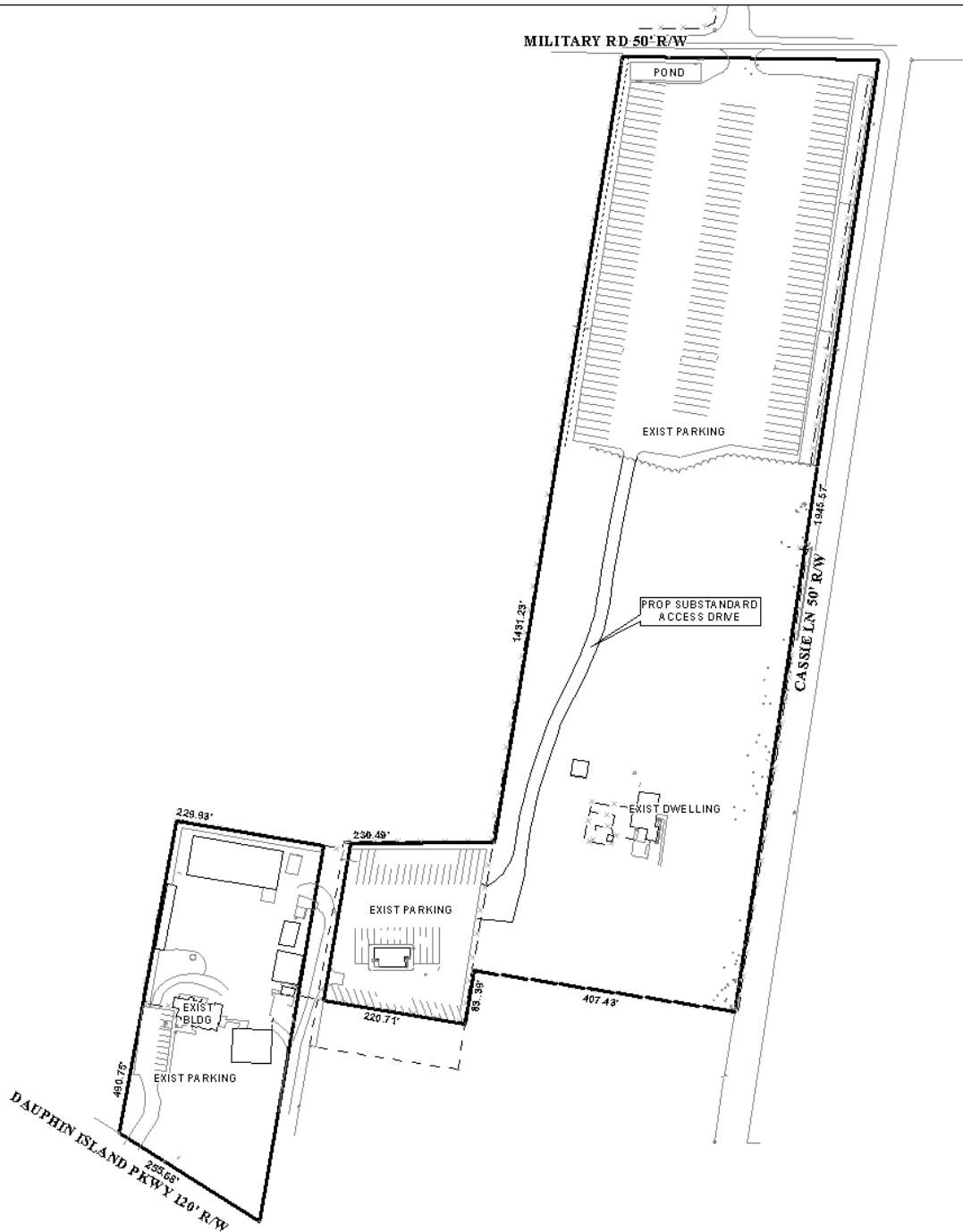
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SITE PLAN



The site plan illustrates the proposed access drive.

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