

APPLICATION NUMBER

5585

A REQUEST FOR

**USE, ACCESS, PARKING SURFACE, TREE PLANTING,
AND BUFFER VARIANCES TO ALLOW THE EXPANSION
OF TRUCKING COMPANY IN A B-3, COMMUNITY
BUSINESS DISTRICT AND AN R-1, SINGLE FAMILY
RESIDENTIAL DISTRICT WITH A 23-FOOT WIDE TWO-
WAY ACCESS, AGGREGATE SURFACING, AND LESS
THAN 12% OF LANDSCAPING AREA; THE ZONING
ORDINANCE REQUIRES AT LEAST A I-1, LIGHT
INDUSTRY DISTRICT FOR A TRUCKING COMPANY
WITH STORAGE AND SERVICING, THE ORDINANCE
ALSO REQUIRES 24-FOOT WIDE ACCESSWAYS FOR
TWO-WAY ACCESS, ALL PARKING AND
MANEUVERING SURFACES TO PAVED WITH
CONCRETE, ASPHALT, OR ASPHALTIC CONCRETE,
REQUIRES TREE PLANTINGS, AND REQUIRES A
BUFFER FROM ALL RESIDENTIALLY ZONED
PROPERTIES**

LOCATED AT

2333 DAUPHIN ISLAND PARKWAY

(East side of Dauphin Island Parkway, 220'± North of Rosedale Road)

APPLICANT

WRIGHT TRANSPORTATION, INC

BOARD OF ZONING ADJUSTMENT

DECEMBER 2009

The applicant is requesting Use, Access, Parking Surface, Tree Planting, and Buffer Variances to allow the expansion of Trucking Company in a B-3, Community Business District and an R-1, Single Family Residential District with a 23-foot wide two-way access, aggregate surfacing, and less than 12% of landscaping area; the Zoning Ordinance requires at least a I-1, Light Industry District for a trucking company with storage and servicing, the ordinance also requires 24-foot wide accessways for two-way access, all parking and maneuvering surfaces to paved with concrete, asphalt, or asphaltic concrete, requires tree plantings, and requires a buffer from all residentially zoned properties.

The applicant's company is currently located within Brookley Industrial Park. According to the applicant, the Mobile Airport Authority has plans to extend a portion of Michigan Avenue through the applicant's existing parking lot, resulting in a loss of approximately two acres of property. It is the applicant's intent to relocate their existing trucking company to the subject site, which the applicant states has been operated at a similar capacity for the last 25 years. According to the applicant, the proposed use can be broken into three segments: office employee use (12 employees), maintenance employee use (5 employees), and parking for company equipment (16-20 trucks per day). Projected traffic flow is 1.33 trucks per hour, or 1 entry / exit per 45 minutes. The applicant further states that Dauphin Island Parkway is the current route for accessing the company's existing site in Brookley Industrial Park; thus, traffic impact will be minimal. If approved, the applicant plans to relocate some storage containers, erect a privacy fence, repaint the existing building, replant flower beds, and pressure wash sidewalks in an effort to improve the view from Dauphin Island Parkway.

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.

With regards to the request, the applicant has compared a trucking company to a construction company. While the former use (construction company) stored equipment at the subject site, it was construction equipment and was allowed by right within a B-3, Community Business District. As previously mentioned, a trucking company (with

storage / parking of trucks) requires location within a minimum I-1, Light Industrial District, which the company already enjoys at its current location.

Secondly, it should be noted that Dauphin Island Parkway is a Major Street; therefore, access management and traffic impact is of great concern. Use as a trucking company will most certainly pose a significant traffic impact, especially during daytime hours. It should be further noted that the primary access for the applicant's current location (Michigan Avenue) is under repair, which is the reason for currently using Dauphin Island Parkway. When completed, this will no longer be necessary.

Before considering other requests, it is very important to note that proposed use will actually involve two separate properties. As illustrated on the site plan, the property to the West is zoned B-3 and contains the office and maintenance shops, while the property to the East is zoned R-1 and will provide parking for the trucks. Since the R-1 lot to the East is to be used only for parking of the trucks, it should be considered an off-site parking area, accessory to the primary use. Therefore, approval of the use should be limited to the current applicant only. Should the applicant ever sell the R-1 property, another variance shall be submitted, regardless of the use.

With regards to access, there appear to be a total of four access points. The primary property (B-3) currently has one substandard 23' curb cut from Dauphin Island Parkway and two curb cuts (each with adequate width) from Pillans Lane. Given the nature of the use (trucking company) and no apparent obstacle preventing compliance, a request for an access variance for the Dauphin Island Parkway entrance should be denied.

With regards to surfacing, it should be noted that the former business (construction company) existed for many years and enjoyed a great deal of legal non-conformity. With that said, the increase in activity (with proposed use) and size of equipment (tractor trailers) should warrant some form of approved surface referenced in Section 64-6 of the Zoning Ordinance. If approved, however, the applicant should coordinate with the City Engineering Department regarding any drainage and runoff issues that may arise with the proposed use.

With regards to buffering, the site plan illustrates a natural vegetative buffer around its entirety. However, it is unclear from the photos submitted whether the vegetation is actually on the subject site and not on adjacent properties. Also, the No.1 metal shed (as illustrated on the site plan) does not appear to meet the required 10' buffer setback from the residentially zoned property adjacent to the West. Nevertheless, if the use is approved, then the mere existence of said structure may provide enough justification for the Board to waive any EXISTING non-compliance with the buffer setback. Any future development shall comply.

With regards to trees, existing vegetation on-site should provide credit for required perimeter trees, with ample space existing if needed for additional trees.

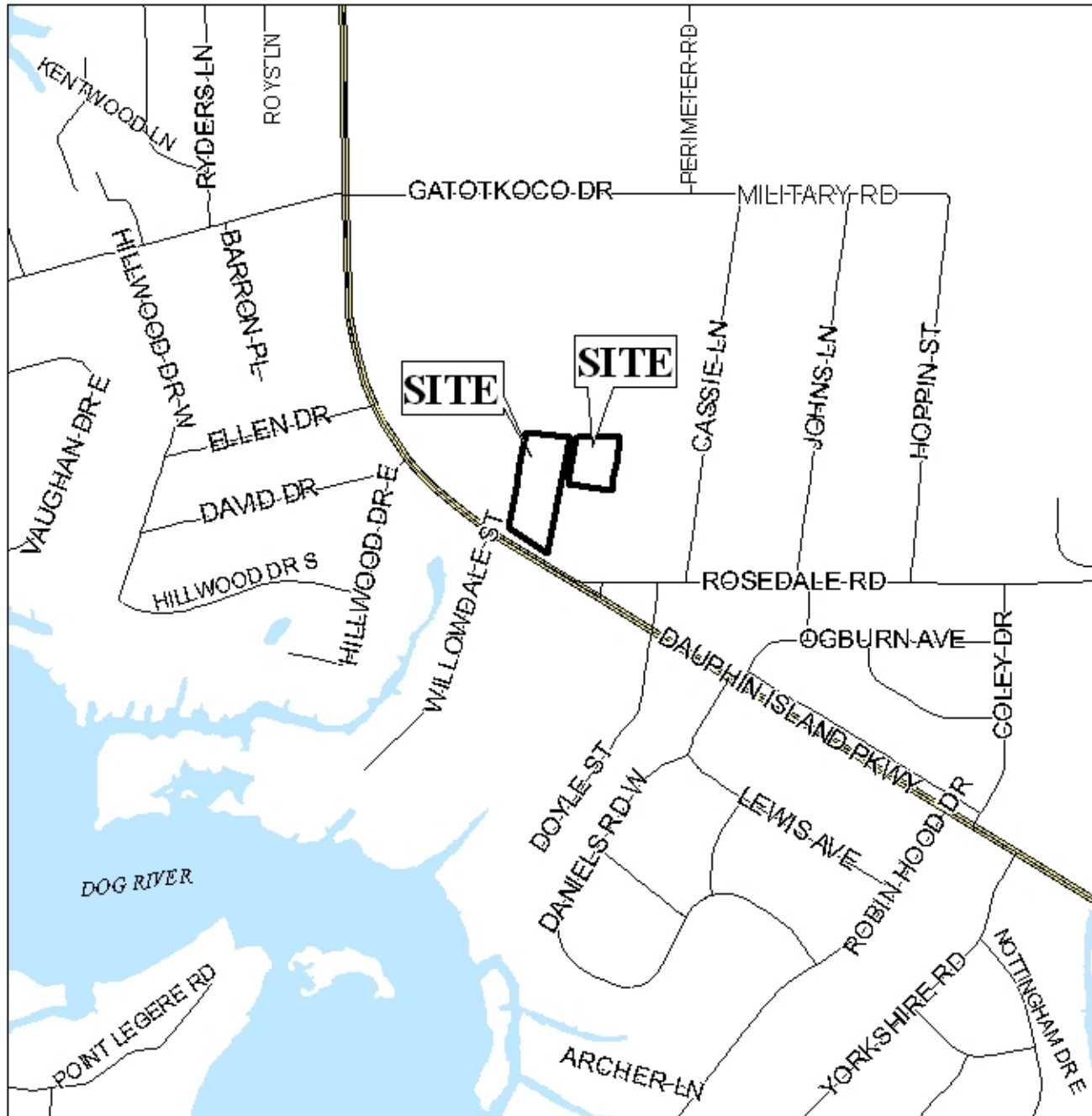
It should also be noted that there is an existing dwelling on the R-1 property. Since this property is to be used for accessory off-site parking only and the applicant has not expressed any intent for said structure, it should either be demolished or remain as is, without the possibility of being used commercially.

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship.

RECOMMENDATION 5585**Date: December 7, 2009**

Based on the preceding, the use variance is recommended for denied. However, if approved, full compliance with all other municipal codes and ordinances (with exception of the buffer setback as mentioned) should be required, including access, landscaping / trees, and surfacing.

LOCATOR MAP



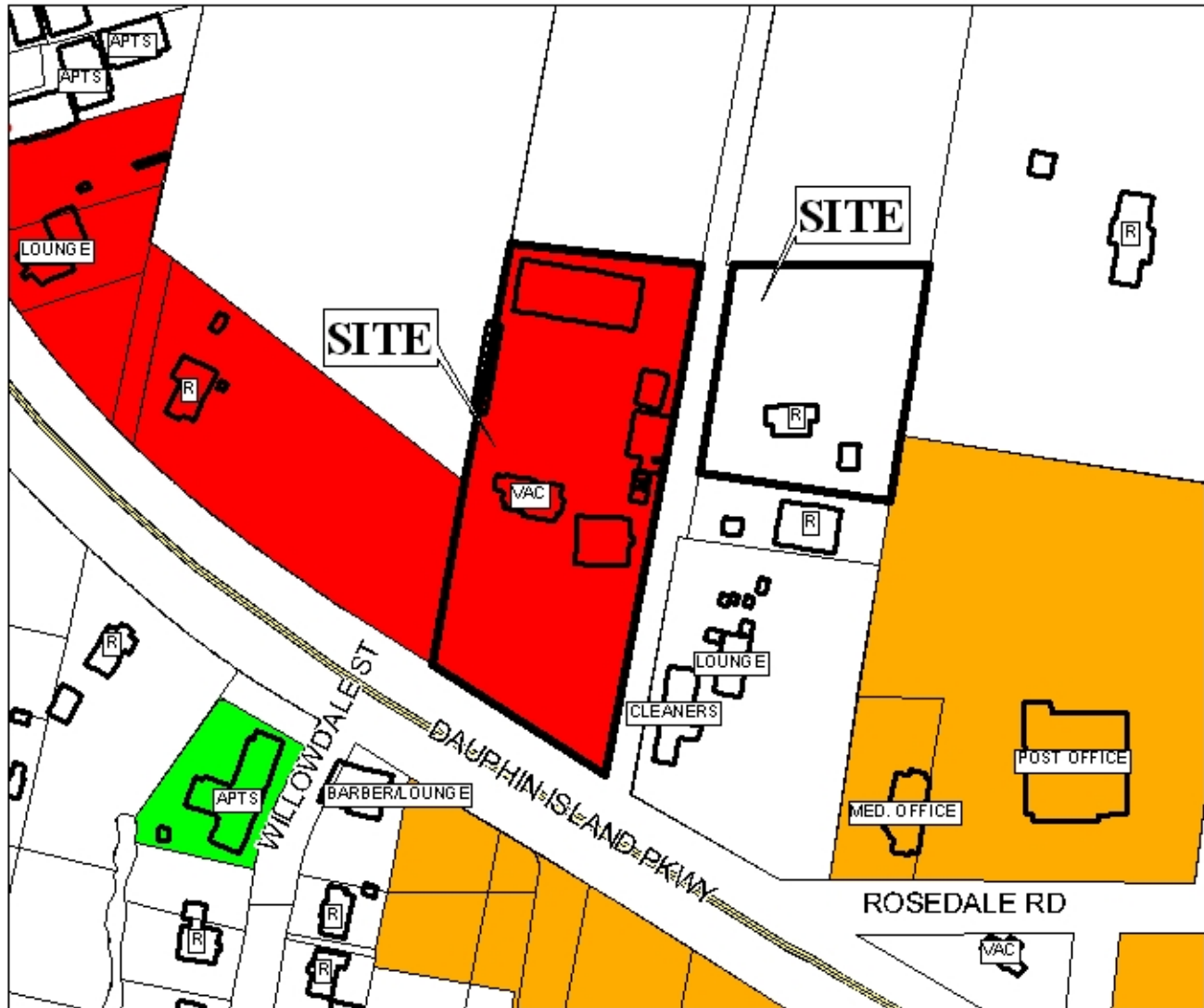
APPLICATION NUMBER 5585 DATE December 7, 2009

APPLICANT Wright Transportation

REQUEST Use, Access, Parking Surface, Tree Planting, and Buffer Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a single family residential unit to the west of the site and miscellaneous commercial land uses are to the east and 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 NTS



NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



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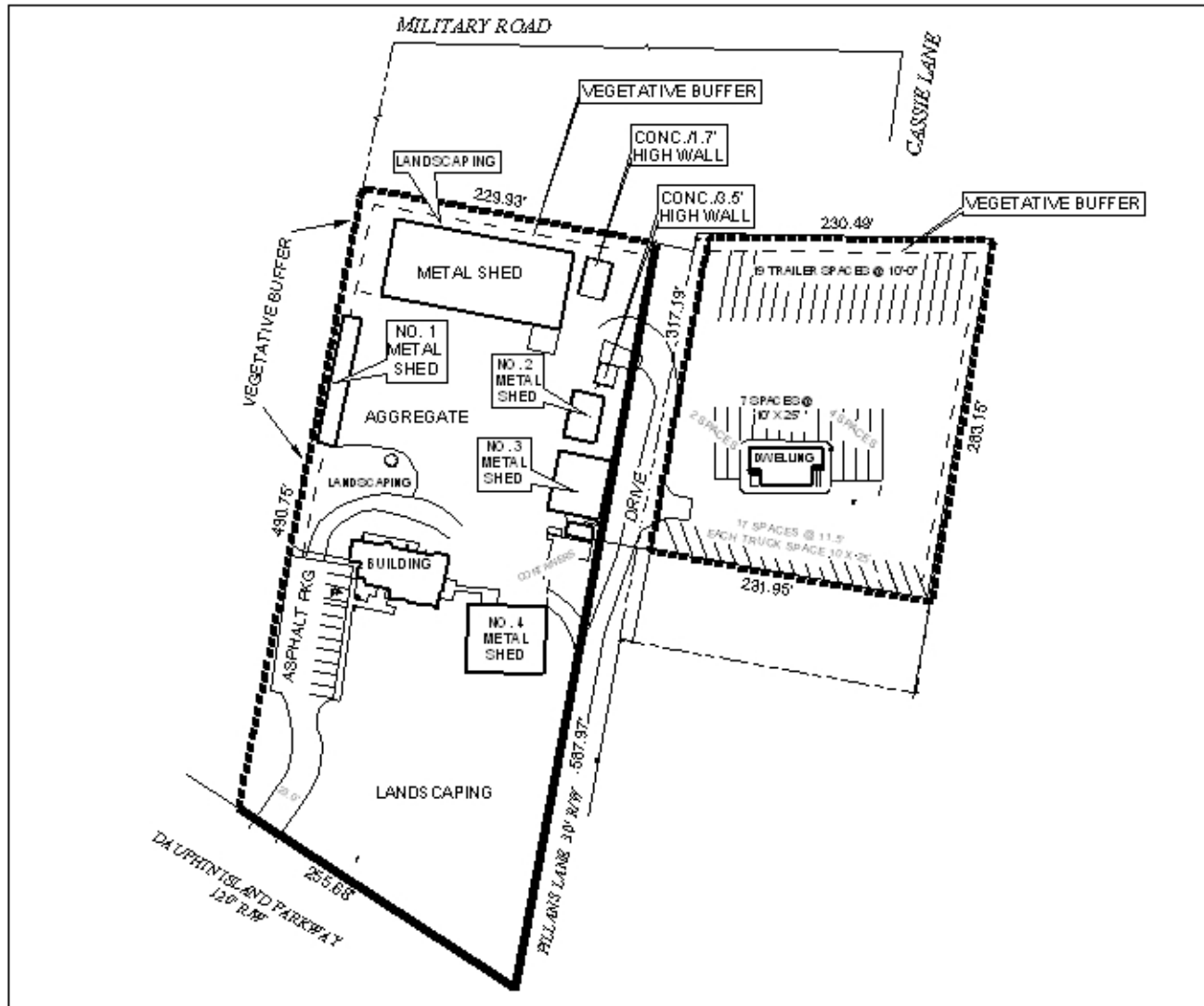
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SITE PLAN



The site plan illustrates buildings, parking, landscaping, and drives.

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