

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 1, 2016****CASE NUMBER**

6025/5468

APPLICANT NAME

Southern Building Structures, Inc.

LOCATION3520 Government Boulevard
(Northside of Government Boulevard, 510'± East of
Lakeside Drive.)**VARIANCE REQUEST****SURFACE:** Surface Variance to allow aggregate
surfacing for a display and storage area in a B-3,
Community Business District (rezoning pending).**ZONING ORDINANCE
REQUIREMENT****SURFACE:** The Zoning Ordinance requires asphalt,
concrete, or an approved alternative paving surface for
display and storage areas in a B-3, Community Business
District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

3.0 ± Acres

TRAFFIC ENGINEERING**COMMENTS**

If the surface variance is approved, bumper stops, should be included on the gravel surface for any required parking spaces. The owner/developer is responsible for ADA accessibility, which may require asphalt/concrete surface for the designated space(s) and the path to the building. Gravel surface shall not extend into the ROW, and any changes in the ROW will require ALDOT approval.

ENGINEERING**COMMENTS**

If the aggregate surfacing is approved for use the applicant will need to have the following conditions met:

1. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
2. Submit a copy of an approved ALDOT ROW Permit for any work within the Government Blvd. ROW. Aggregate surfacing will NOT be allowed within the ROW.

CITY COUNCIL
DISTRICT

District 4

ANALYSIS

The applicant is requesting a Surface Variance to allow aggregate surfacing for a display and storage area in a B-3, Community Business District (rezoning pending).; the Zoning Ordinance requires asphalt, concrete, or an approved alternative paving surface for display and storage areas in a B-3, Community Business District (rezoning pending).

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:

“Southern Building Structures owns the property located at 3520 Government Boulevard and wants to purchase 2.0 acres adjoining their property on the North. Southern Building Structures sells portable storage buildings, gazebos, steel frame buildings, garages, carports, patio covers, and screen rooms; therefore, they need an outdoor display area for the many styles and models they offer. In addition to the display area, they need a storage area for additional buildings of their popular models.

The current property is developed using an aggregate surface in the display and storage areas of the buildings.

At the December 3, 2015 meeting, the Planning Commission approved a rezoning request with a condition to obtain Board of Zoning Adjustments’ approval for a surface variance regarding the aggregate surface. Without this approval, the rezoning of the property cannot be finalized.”

As the applicant stated, this request is to allow the use of aggregate surfacing for the display and storage of a variety of portable building structure types on the subject site. According to the Zoning Ordinance, aggregate surfacing is only allowed by right in I-1 and I-2 districts, and requires a request for variance from the Board of Zoning Adjustments to allow the use of aggregate surfacing for display and storage areas in other zoning districts; hence, the reason for the request. It should be pointed out, that a paved parking surface will be required if the variance for aggregate surfacing is not approved. Although the applicant does not cite any particular hardship to the property regarding the use of compliant surfacing, such as asphalt, concrete, or an approved alternative paving surface, for the proposed display and storage areas, the applicant

does contend that the use of aggregate surfacing will provide ease in handling the modular building structures within the proposed display and storage area as noted in the applicant's prior request for Subdivision and Rezoning approval.

At its December 3, 2015 meeting, the applicant submitted a request seeking Subdivision approval to create 2 lots, and Zoning approval to rezone the site from B-3, Community Business District, to I-1, Light Industry District, in order to eliminate split zoning and to utilize aggregate surfacing due to the fact that aggregate surfacing is allowed by right in an I-1 District. At this meeting, the Planning Commission tentatively approved the applicant's request for a two-lot Subdivision to remove an interior lot line between Lot 1 of Regal Investments, LLC Subdivision, and Harris Business Park Resubdivision of Lot 1, Phase One, and subdivide the property into Lot A and Lot B of Addition to Regal Investments Subdivision. This approval also consisted of rezoning the property from B-3 and I-1 to B-3 to eliminate split zoning and to keep in character with surrounding B-3 commercial businesses; however, the rezoning of the subject site from B-3 and I-1 to B-3 would be contingent upon the Board of Zoning Adjustments variance approval to allow aggregate surfacing in a B-3, Community Business District.

Aggregate surfacing for the display and storage area has been in place since the site was originally developed in 1999-2000.

It should be mentioned that at its May 5, 2008 meeting, the Board of Zoning Adjustment denied a request to allow limestone aggregate surfacing for parking, access and maneuvering in an I-1, Light Industry District within the undeveloped area of the subject site North of the existing portable building structures business. However, the Board approved aggregate surfacing for the maneuvering of vehicles within the area North of the Southernmost proposed building on the site plan with the provision that all access and required parking be asphalt, concrete or an approved alternative surface.

Upon review of the site plan, it appears that the aggregate surfacing will be used on the entire 2.0± acres that the applicant desires to purchase to expand their business operations. The site plan does not depict a clear delineation of the areas of the subject site that will contain the aggregate surfacing, in addition to the areas of the subject site that will remain undeveloped and/or developed in compliance with commercial parking, tree, and landscaping requirements. Due to the expansion of the lot and business, there will be an associated need to expand the landscape area necessary to maintain compliance with the Zoning Ordinance, including front landscape areas. Thus, the site plan should be revised to show full tree and landscape compliance. Although the portion of the subject site that contains the existing portable building business provides aggregate surfacing for existing display and storage areas, the size of the existing business area is relatively small in comparison to the undeveloped land adjoining the Northern portion of the subject site. The portion of the subject site that contains the existing portable building business is 0.93± acres in size whereas the expansion area of the subject site is 2.0± acres in size. The proposed expansion area coupled with the existing portable building business site area will provide a 3.0± acre area comprised of predominantly aggregate surfacing.

It should be pointed out that aggregate surfacing is not an approved surface due to its ability to shift and/or be transported via tires onto the right-of-way and adjacent properties, and within parking surfaces that are not readily delineated. Inasmuch as the aggregate surfacing would be conducive to the display and storage of portable building structures, there is nothing that should

prevent the portable building structures from being placed on a compliant surface within the subject site.

No hardship relating to the site has been demonstrated in which a literal enforcement of the Ordinance would result in an unnecessary hardship. Given, however, that the site was originally developed with an aggregate display and storage area, it would appear that allowing the expansion of the aggregate area would be reasonable, subject to full compliance with all other requirements.

RECOMMENDATION: Staff recommends to the Board the following findings of facts for Approval:

- 1) Approving the Variance request will not be contrary to the public interest in that the site was originally developed with aggregate surfacing for the display and storage of portable building structures;
- 2) Special conditions associated with the site appear to exist such that a literal enforcement of the provisions of the chapter will result in an unnecessary hardship as it pertains to the storage and display of the portable building structures as the original site plan depicts crushed limestone surfacing; and
- 3) That the spirit of the chapter shall be observed and substantial justice done to the applicant and the surrounding neighborhood by granting the variance in that the site will have to comply with full commercial tree planting and landscaping requirements.

The request for a Surface Variance is recommended for approval, subject to the following conditions:

- 1) Compliance with Engineering comments: *(If the aggregate surfacing is approved for use the applicant will need to have the following conditions met: 1. Submit and receive a Land Disturbance Permit for the proposed site development through Central Permitting. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 2. Submit a copy of an approved ALDOT ROW Permit for any work within the Government Blvd. ROW. Aggregate surfacing will NOT be allowed within the ROW.*
- 2) Compliance with Traffic Engineering comments: *(If the surface variance is approved, bumper stops, should be included on the gravel surface for any required parking spaces. The owner/developer is responsible for ADA accessibility, which may require asphalt/concrete surface for the designated space(s) and the path to the building. Gravel surface shall not extend into the ROW, and any changes in the ROW will require ALDOT approval.); and*
- 3) Full compliance with all other municipal codes and ordinances, including tree and landscaping requirements.

LOCATOR MAP



APPLICATION NUMBER 6025 DATE February 1, 2016

APPLICANT Southern Building Structures, Inc.

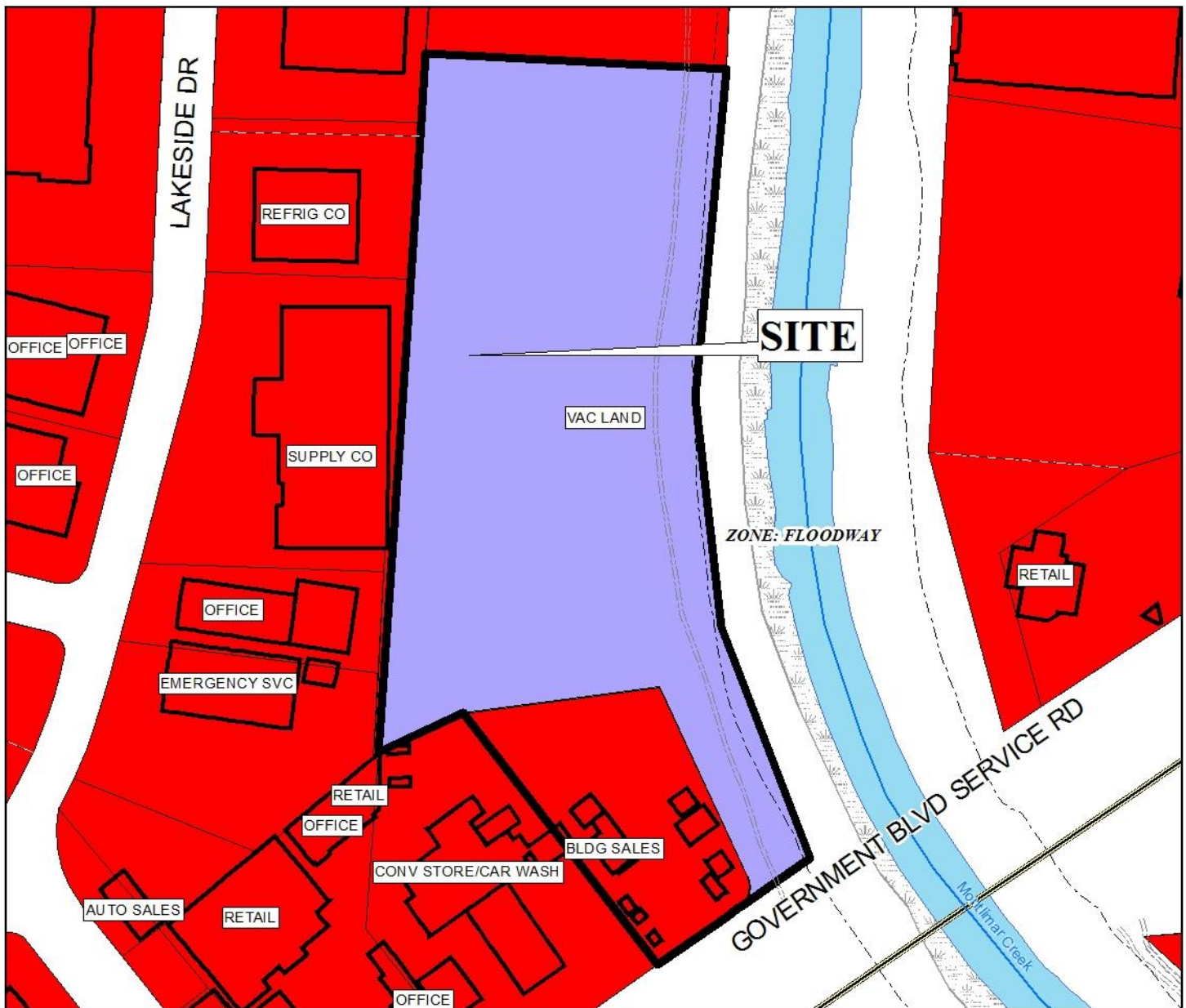
REQUEST Surface Variance



NTS

BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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REQUEST Surface Variance

 R-A	 R-3	 T-B	 B-2	 B-5	 MUN	 SD-WH	 T5.1
 R-1	 R-B	 B-1	 B-3	 I-1	 OPEN	 T3	 T5.2
 R-2	 H-B	 LB-2	 B-4	 I-2	 SD	 T4	 T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

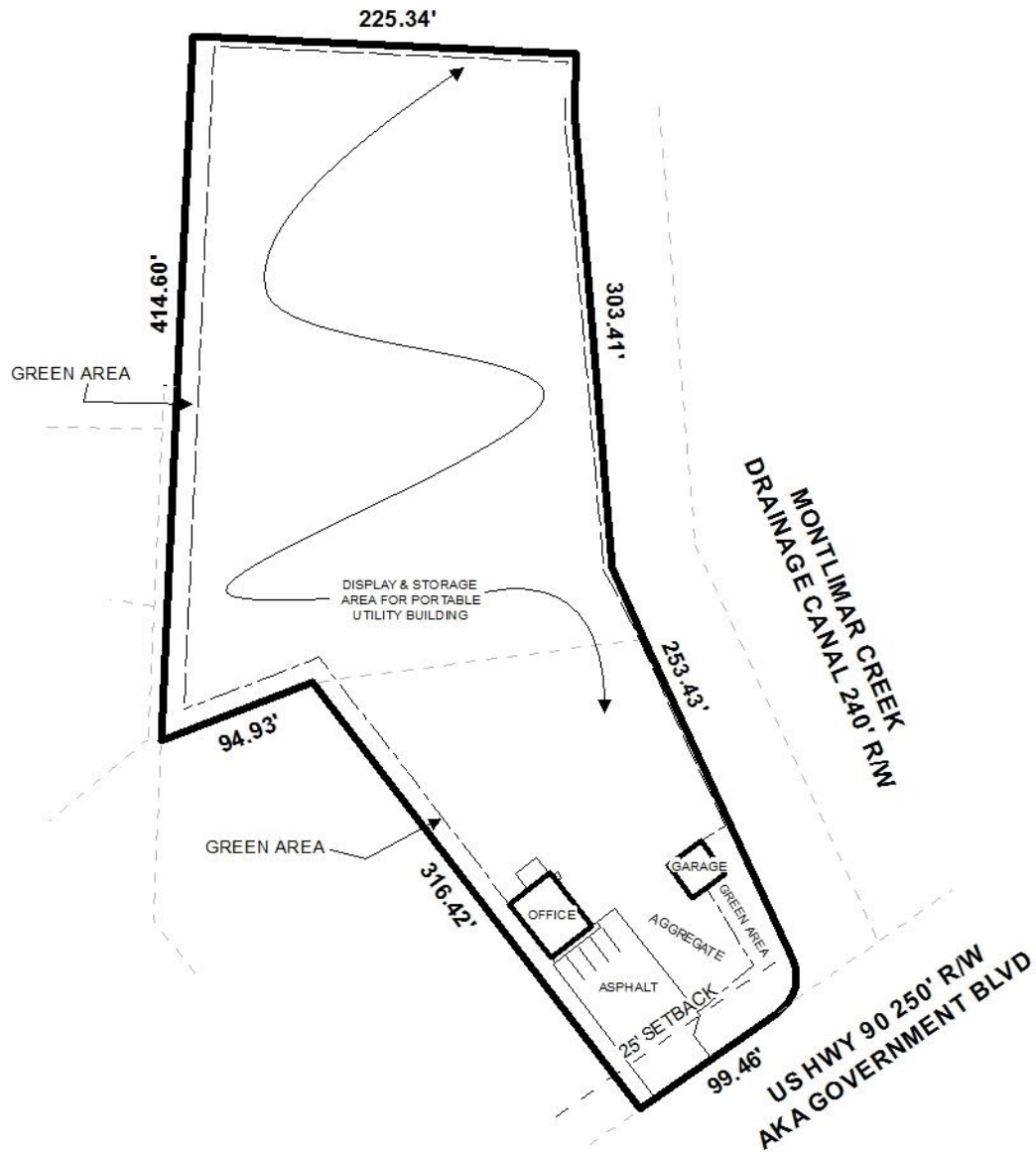


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SITE PLAN



The site plan illustrates the existing building, parking, and setback.

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