

APPLICATION NUMBER

5605

A REQUEST FOR

**ACCESS, MANEUVERING, SETBACK, AND SURFACE
VARIANCES TO ALLOW PULL-IN / BACK-OUT PARKING WITH
A 5' VEHICLE STACKING LANE, 5' FRONT YARD FENCE
SETBACK FOR A 6' HIGH WOODEN FENCE, AND AN
AGGREGATE DRIVE AND PARKING SURFACE FOR A SEWAGE
LIFT STATION IN AN I-1, LIGHT INDUSTRY DISTRICT; THE
ZONING ORDINANCE PROHIBITS VEHICLES FROM BACKING
INTO THE RIGHT-OF-WAY AND REQUIRES A MINIMUM 51'
FOR VEHICLE STACKING, A MINIMUM 25' FRONT YARD
SETBACK FOR FENCES OVER 3' IN HEIGHT, AND DRIVE
SURFACES TO BE PAVED WITH CONCRETE, ASPHALT, OR AN
APPROVED ALTERNATIVE PAVING SURFACE IN AN I-1, LIGHT
INDUSTRY DISTRICT.**

LOCATED AT

2975 JOSEPHINE STREET

(East side of Western Drive, 270'± South of Mill Street)

APPLICANT/AGENT

MOBILE AREA WATER AND SEWER SYSTEM

OWNER

CITY OF MOBILE

BOARD OF ZONING ADJUSTMENT

MARCH 2010

The applicant is requesting Access, Maneuvering, Setback, and Surface Variances to allow pull-in / back-out parking with a 5' vehicle stacking lane, 5' front yard fence setback for a 6' high wooden fence, and an aggregate drive and parking surface for a sewage lift station in an I-1, Light Industry District; the Zoning Ordinance prohibits vehicles from backing into the right-of-way and requires a minimum 51' for vehicle stacking, a minimum 25' front yard setback for fences over 3' in height, and drive surfaces to be paved with concrete, asphalt, or an approved alternative paving surface in an I-1, Light Industry District.

MAWSS was recently granted a 35' by 40' easement along the East side of Western Drive at the Northwest corner of the subject City of Mobile park property for the installation of an underground sewage pump station. The applicant states that the lift station is necessary to replace a deteriorated 24" sewer line across the property which has been in place since the 1950's. Coordination with the City on the proposed project led to the selection of the small corner site based upon Urban Forestry advice that this location would minimize the cutting of trees in other areas of the property where the sewer line crosses which could be abandoned once the lift station is in operation. The applicant states that part of the agreement with the City was the installation of the 6' high wooden privacy fence around the site and the installation of a gravel area around the lift station to decrease storm water runoff.

Due to the nature of the concerns to minimize tree cuttings on the property and to use as little area as possible for the equipment involved for the lift station operation, the compound size understandably reduces vehicle stacking, access and maneuvering room. And conditions of the granting of the easement by the City of Mobile specify that the pump area will be surrounded by a wooden privacy fence of no less than 6' in height and that limestone fill is to be used for the entrance and area required for the project.

The limestone paving was requested by the City of Mobile in an effort to maintain a more natural appearance to the site, which is located in a City park. Also specified is the construction of a sidewalk along Western Drive approximately 170' long to connect the two existing sidewalks. As the site is zoned I-1, frontage trees would normally be required, but such would be impracticable due to the limestone fill stipulation of the easement granting.

The fence, as proposed, may create a slight visibility hazard for the site located to the North; however, there are approximately 30' from the proposed lift station fence to the nearest existing curb cut. Staff believes that visibility problems will be minimized due to the distance.

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.

The applicant has illustrated that the granting of this variance would be justified due to site constraints and the conditions of the granting of the easement by the City of Mobile and the Board should consider it for approval, subject to the installation of the sidewalk as specified in the easement granting, plus the obtaining of a fence permit and any required building permits.

RECOMMENDATION 5605**March 1, 2010**

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) installation of the public sidewalk along the East side of Western Drive as specified in the easement granting;
- 2) the obtaining of a fence permit for the wooden fence; and
- 3) the obtaining of all required building permits for the site development.

LOCATOR MAP



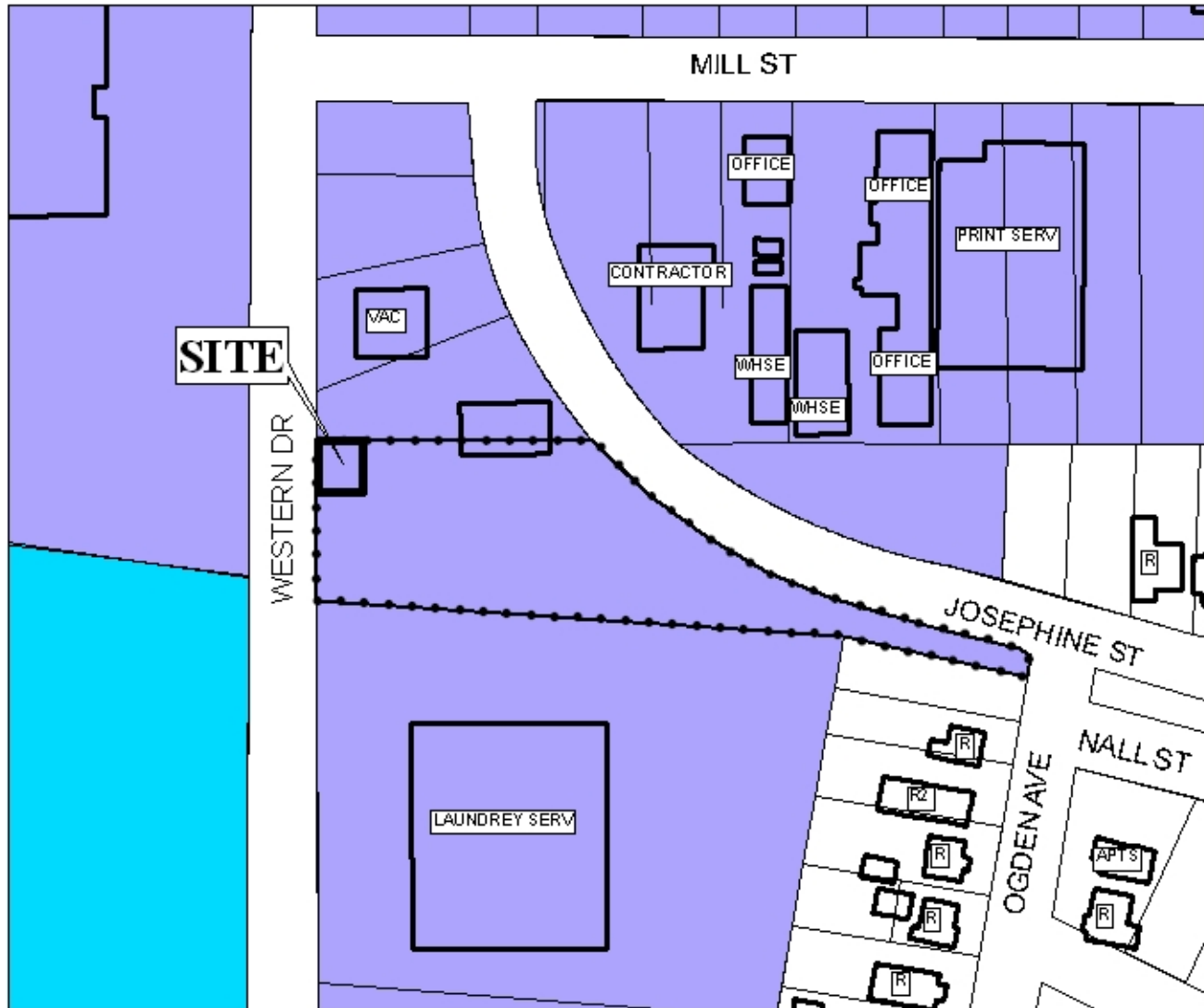
APPLICATION NUMBER 5605 DATE March 1, 2010

APPLICANT MAWSS

REQUEST Access, Maneuvering, Setback, And Surface Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use.

APPLICATION NUMBER 5605 DATE March 1, 2010

APPLICANT MAWSS

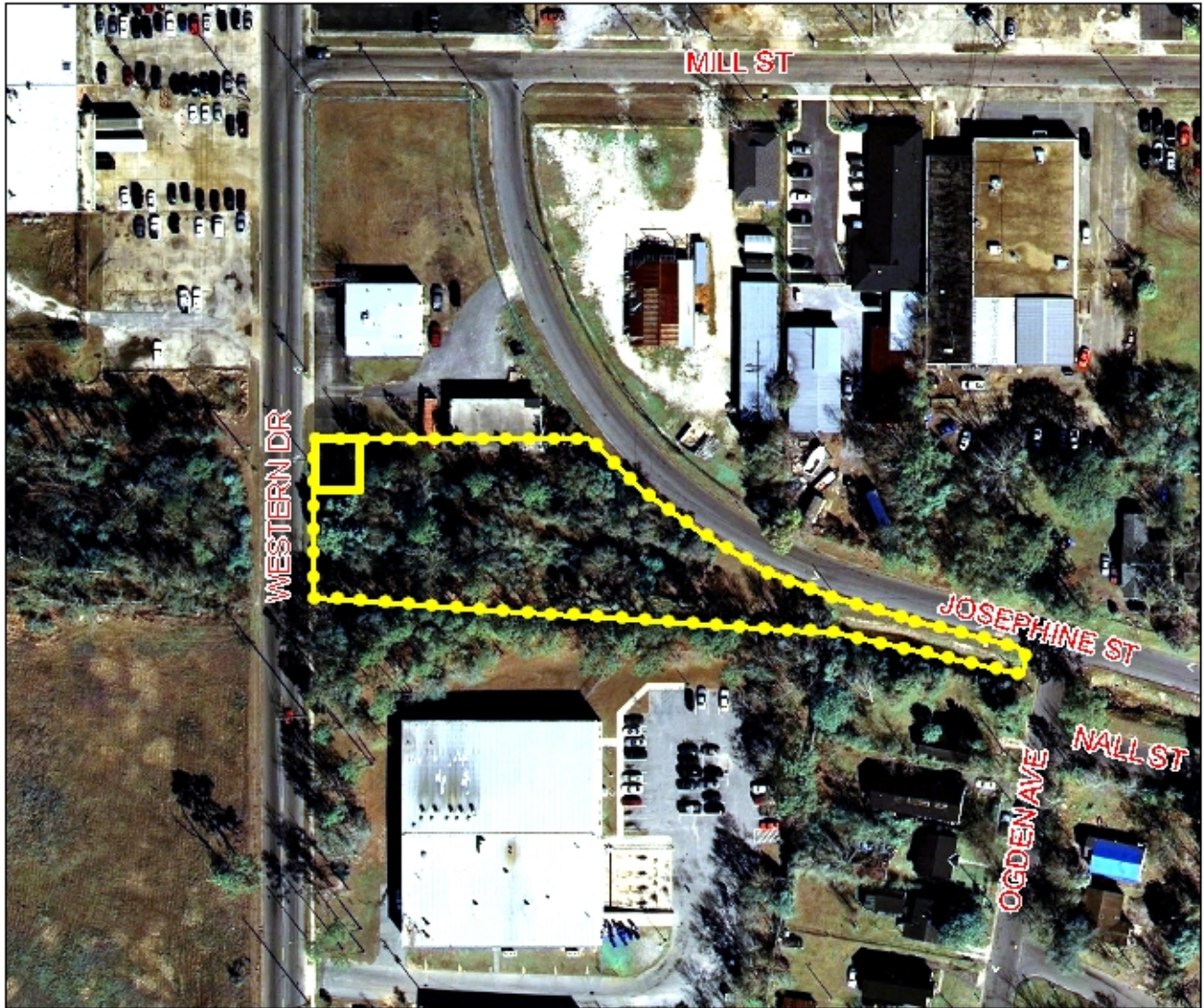
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LEGEND

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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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by industrial land use.

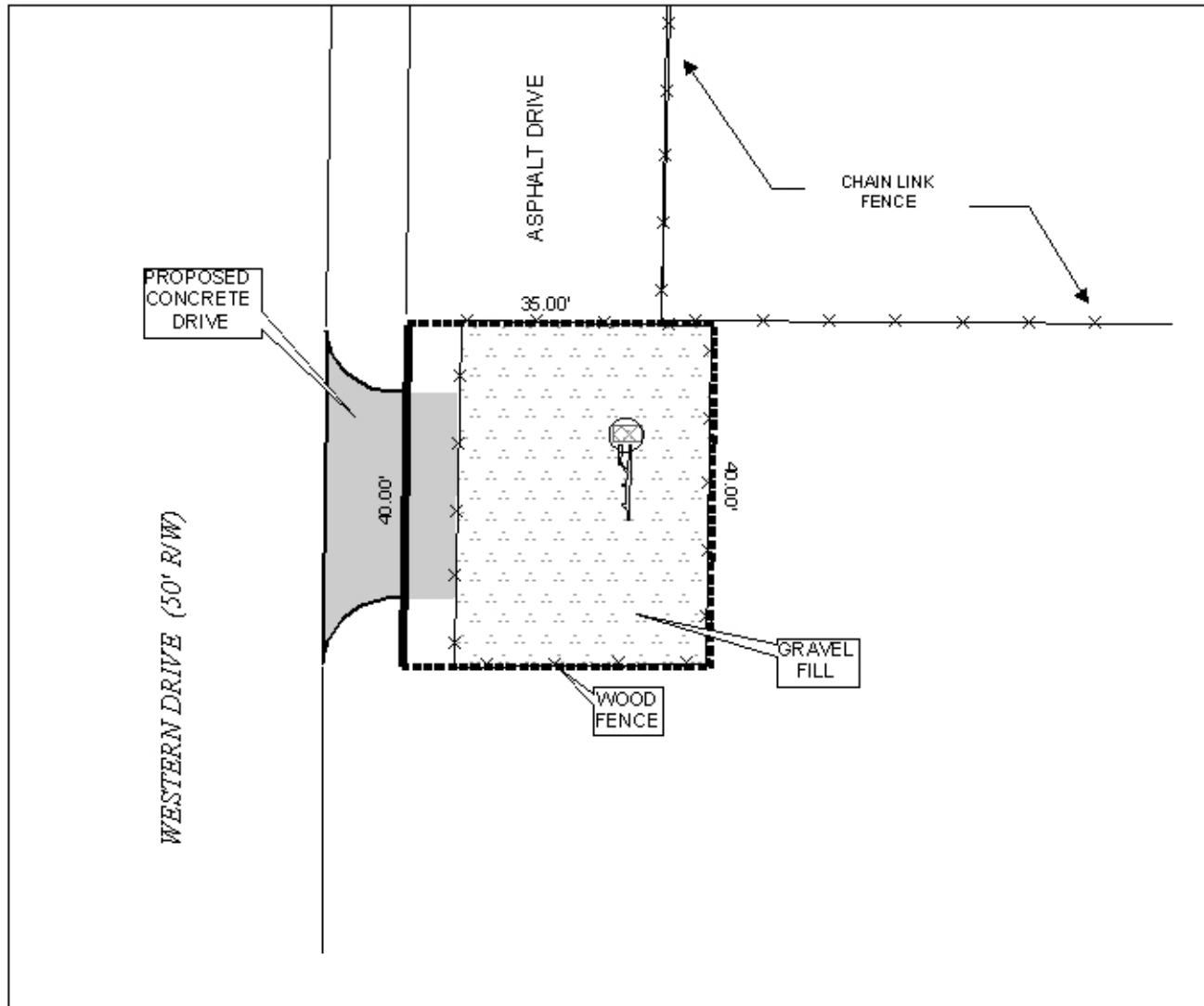
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SITE PLAN



The site plan illustrates the proposed drive and existing drive, and fence.

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