

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT**

**Date: July 11, 2011**

**CASE NUMBER**

5685

**APPLICANT NAME**

Advanced Disposal Services Gulf Coast, LLC (Joe Stevens, Agent)

**LOCATION**

6225 Rangeline Road  
(East side of Rangeline Road, 1400'± North of Old Rangeline Road).

**VARIANCE REQUEST**

**PARKING SURFACE:** Parking Surface Variance to allow a gravel parking and maneuvering area for a disposal and recycling facility in a B-5, Office-Distribution District.

**ZONING ORDINANCE REQUIREMENT**

**PARKING SURFACE:** The Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface in a B-5, Office-Distribution District.

**ZONING**

B-5, Office-Distribution

**AREA OF PROPERTY**

1.0± Acre

**TRAFFIC ENGINEERING**

**COMMENTS**

The aisle (the area behind the back of the parking stalls) appears to be less than 24'. The driveway radii should be at least 24'. ALDOT should also be notified. The southern most parking stall needs a slip to allow the motorist room to back out and exit the parking lot headlights first. For head in (90 degree) parking: parking stall dimensions shall be a minimum of 9 feet wide and 18 feet deep. The aisles shall be at least 24 feet wide. If you will be working in the roadway or performing any activities that will affect traffic, you must submit a Traffic Control Plan at least two working days prior to proceeding.

**CITY COUNCIL DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Parking Surface Variance to allow a gravel parking and maneuvering area for a disposal and recycling facility in a B-5, Office-Distribution District; the Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative paving surface in a B-5, Office-Distribution District.

The applicant simply states that the desire is to keep the current use of a gravel parking lot which has been in use for years and has functioned well for the operations that take place on the site. It is also stated that a 20' expansion to the rear of the existing building is proposed.

The site was annexed into the city with the Theodore area annexation and was in its current use at that time with the gravel parking and maneuvering area which is considered legal nonconforming. However, with the proposed addition to the building, the site must be brought into compliance with the Zoning Ordinance requirements. In addition to seeking this variance, the applicant also has a pending Sidewalk Waiver to waive the construction of a sidewalk along Rangeline Road.

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.

Variations 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.

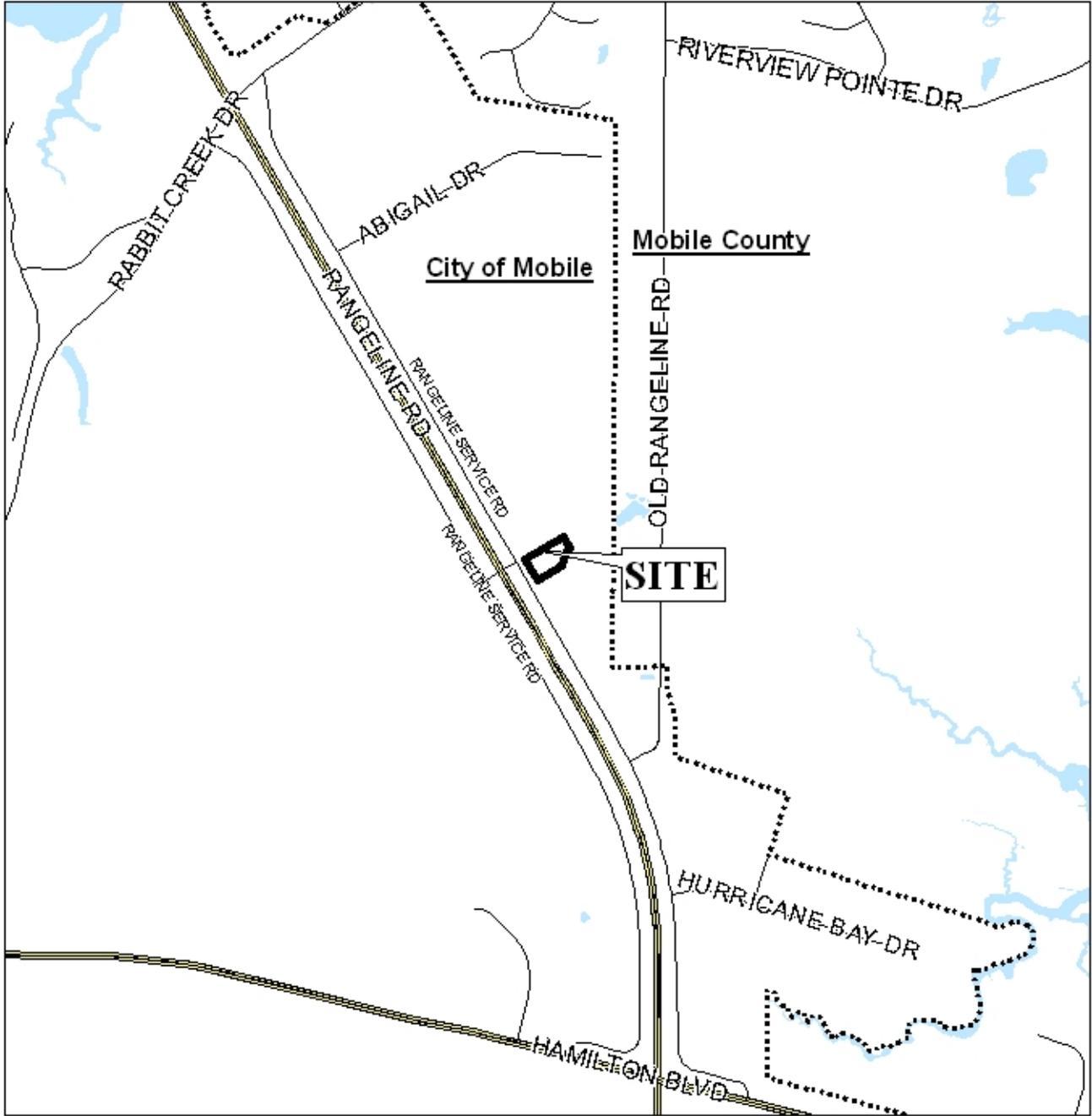
The reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment or heavy object storage could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. However, there has been no mention of such by the applicant in this case. And photographs of the site indicate only rubber-tired refuse trucks on site which are capable of maneuvering on compliant paved surfaces without adverse impact.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would present an undue hardship with respect to the paving and maneuvering surface requirement of the Ordinance. It is simply the applicant's desire to retain the gravel parking and maneuvering surface.

**RECOMMENDATION:**  
for denial.

Based on the preceding, this application is recommended

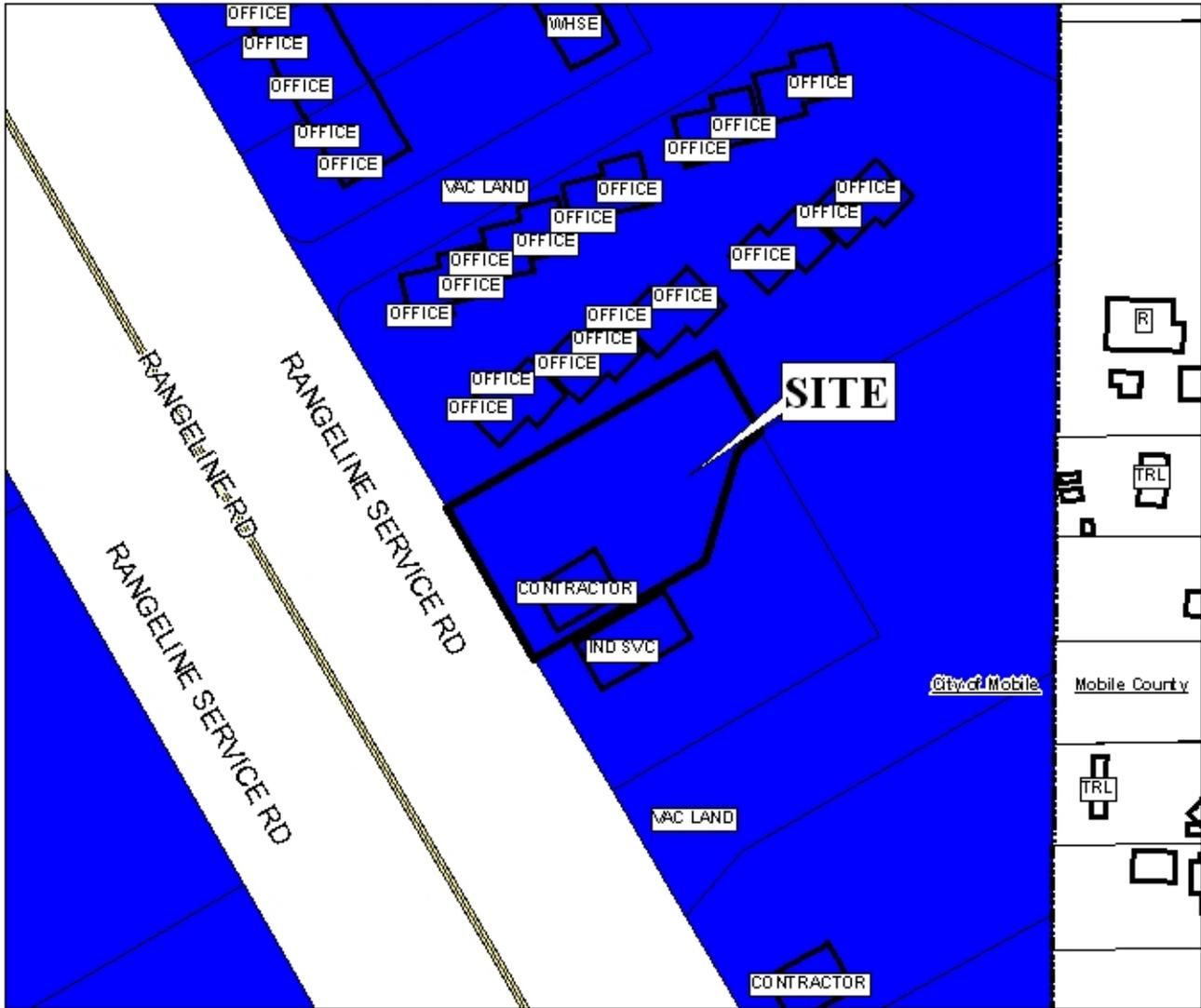
# LOCATOR MAP



APPLICATION NUMBER 5685 DATE July 11, 2011  
APPLICANT Joe Stevens with Advanced Disposal Services Gulf Coast, LLC  
REQUEST Parking Surface Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

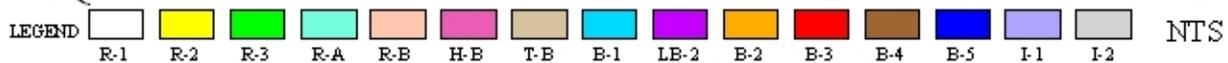


Commercial sites are located to the north and south of the site. Residential sites are located to the east of the site.

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**BOARD OF ADJUSTMENT  
VICINITY MAP - EXISTING ZONING**

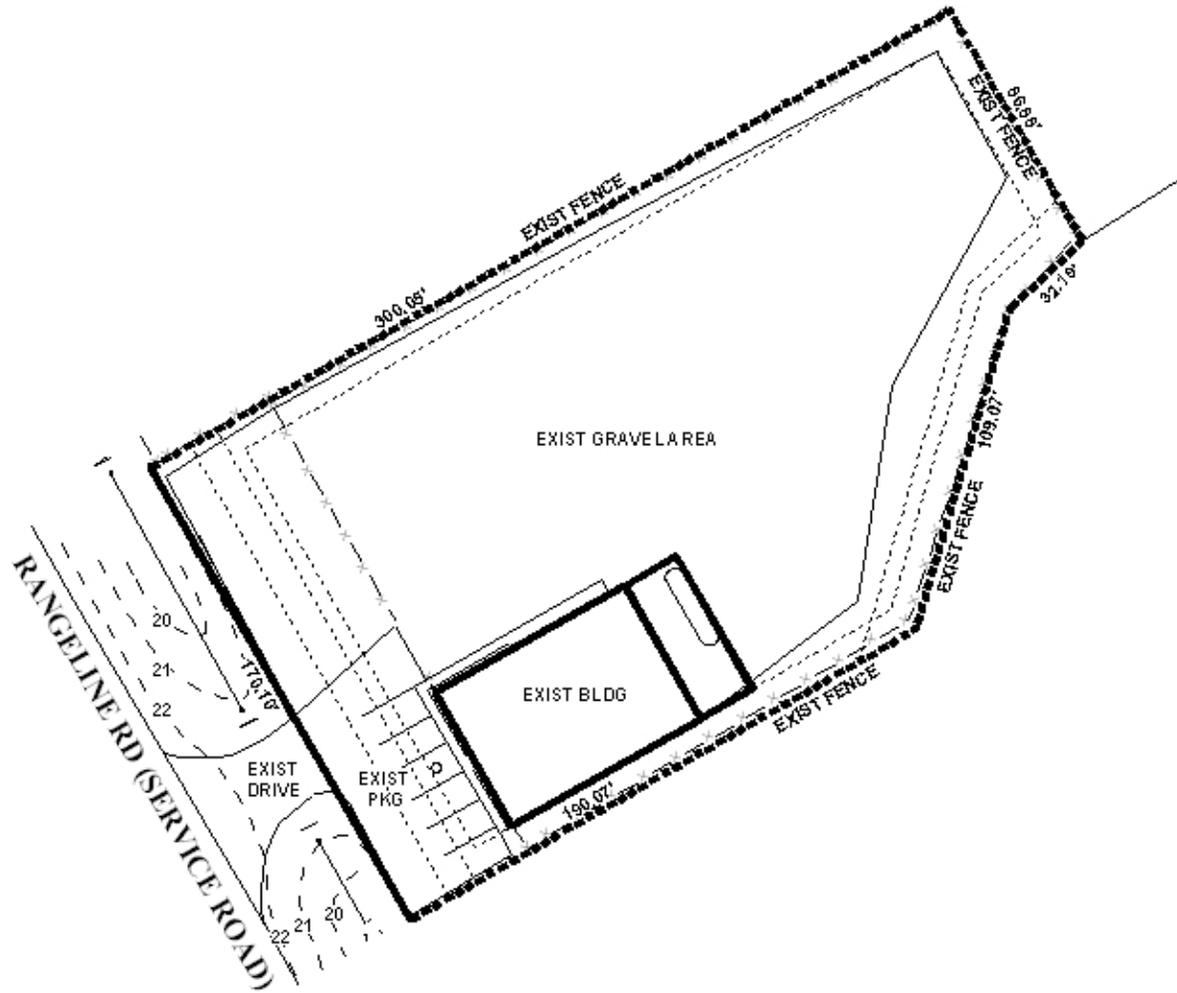


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# SITE PLAN



The site plan illustrates the existing development

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