

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: July 11, 2011****CASE NUMBER**

5760 / 5674

APPLICANT NAME

Gulf Coast Hub Caps & Wheels, Inc.

LOCATION3257 Spring Hill Avenue
(Southwest corner of Spring Hill Avenue and Durant Street).**VARIANCE REQUEST****SIDE STREET SETBACK:** Side Street Setback Variance to allow a building expansion within 4.5' of a side street property line in a B-3, Community Business District**SITE COVERAGE:** Site Coverage Variance to allow 54% site coverage in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****SIDE STREET SETBACK:** The Zoning Ordinance requires a 20' side street building setback in a B-3, Community Business District.**SITE COVERAGE:** The Zoning Ordinance allows 50% maximum site coverage in a B-3, Community Business District.**ZONING**

B-3, Community Business

AREA OF PROPERTY

0.5± Acre

**TRAFFIC ENGINEERING
COMMENTS**

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 1

ANALYSIS

The applicant is requesting Side Street Setback and Site Coverage Variances to allow a building expansion within 4.5' of a side street property line and 54% site coverage in a B-3, Community Business District; the Zoning Ordinance requires a 20' side street building setback and allows 50% maximum site coverage in a B-3, Community Business District.

The site was the subject of a variance application and subsequent approval by the Board at its July 11, 2011 meeting, however, the approval expired prior to any request for building permits. As the site is still operating without compliance with the requirements of the Zoning Ordinance, new variance requests are required. It should be noted that the application at hand, specifically the site plan, is different than the revised site plan approved by the Board at its July 11, 2011 meeting.

The subject site has been used for hubcap and wheel sales since approximately 1992, originally from an existing building containing approximately 1400 square feet. In 1999, a 2,000 square-foot building was approved via the plan review process, permitted and constructed. Since then there have been at least three building expansions done without any reviews or permits: one addition was constructed to the front property line and one across the side street property line into the Durant Street right-of-way, along with a large cargo storage container and fence enclosure. In early 2011, a public complaint was submitted of un-permitted construction work being done at the site and a Stop Work Order was issued. In preparation for obtaining permits, the site plan revealed setback encroachments and over-building.

The applicant proposes to remove an older nonconforming building from within the front setback along Spring Hill Avenue, in order to create additional parking, and to completely remove the Durant Street right-of-way encroachments. However, the plan submitted illustrates an encroachment into the required 20 foot side street setback to within 4.5 feet of the side street property line. Also, there is proposed to be total site coverage of 54% as opposed to the 50% allowed in B-3 districts. Four new parking spaces are proposed in the Southeast portion of the site, which will require a new curb-cut: an existing curb-cut near this location will be removed. All other existing curb-cuts are proposed to remain as-is.

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 that over time the business increased to the point that expansion was needed and a contractor was hired who, unfortunately, never obtained permits. He also stated that a theft problem was eliminated when the 12 foot high fence was constructed around the property.

In order to try to correct the situation and add parking, the above-mentioned changes are proposed. In this instance, the building area would increase from the originally-permitted 2,000 square-foot building to one of 10,400 square feet, in itself more than a 50% increase in the legal conforming structure. That increase would require full site compliance for landscaping and trees, none of which is proposed. The increase in the size of the structure on site indicates that

the business has outgrown the site, which is not a hardship with the property. The site can still be used by a business that meets all site coverage, landscaping and parking requirements. Any hardships associated with the over-development of the site are self-imposed, as the responsibility of compliant site planning and permitting ultimately rests with the property owner.

It should also be noted that the unpermitted building additions to the site have multiple Building, and Fire code issues, thus approval of any requested variances would still not allow for the continued operation of the business without other substantial improvements to the unpermitted structures on site.

Since the July 2011 approval by the Board, the applicant has added signage to the site without appropriate permits. While this issue is not directly related to the requested variances, it is mentioned to point out that additional non-compliant activities have occurred on the site.

Finally, it should be noted that this application is based upon a site plan prepared on March 30, 2011, where as the Board's approval in July 2011 was based upon a revised site plan submitted on May 23, 2011, and which included some level of tree and landscaping compliance, a dumpster, new and revised curb-cuts, and other improvements not shown for the application at hand.

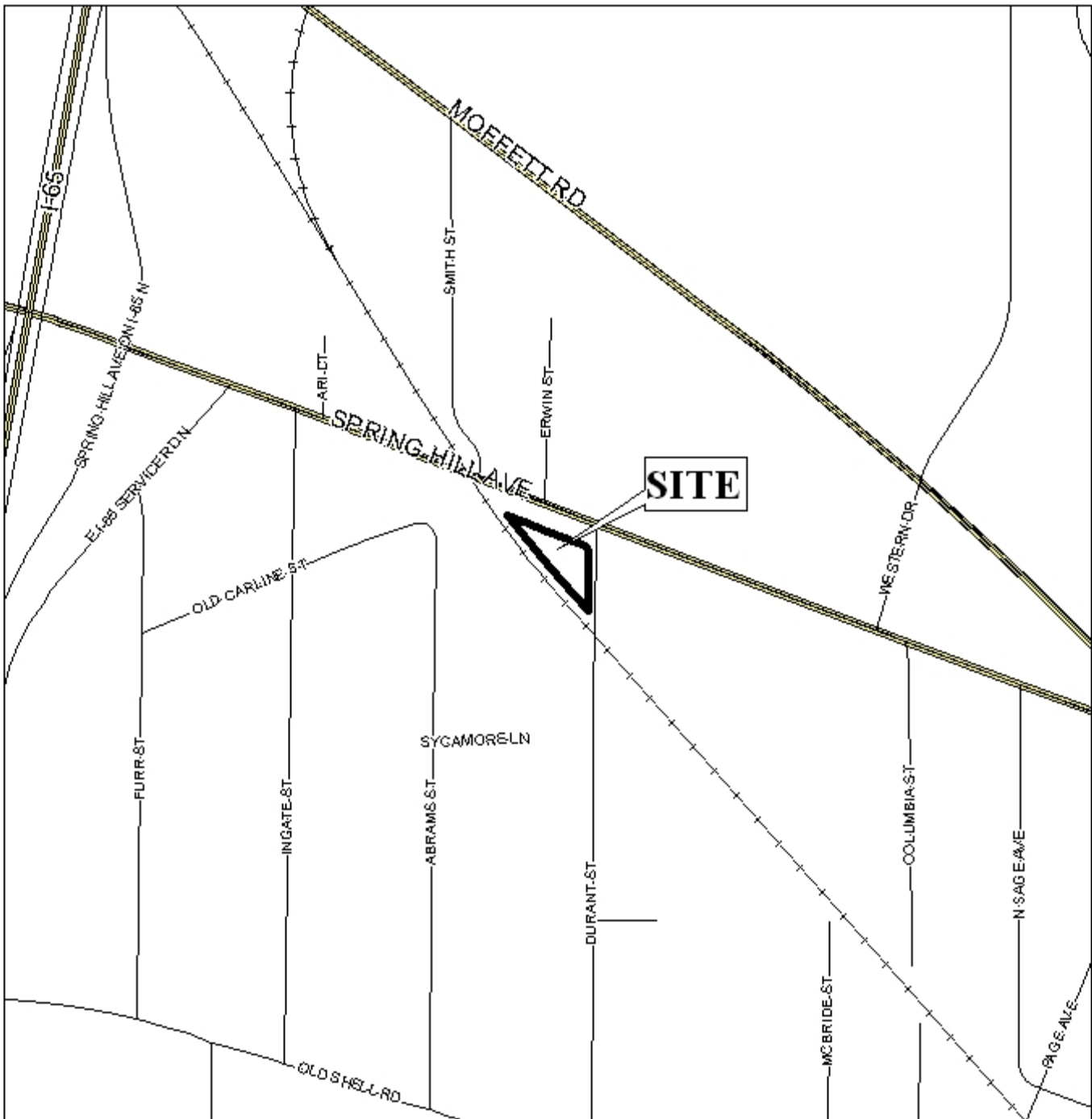
The applicant has failed to illustrate that a literal enforcement of the Ordinance would present an undue hardship with respect to setbacks or site coverage. In this instance the hardships are self-imposed and the Board should consider this application for denial. Furthermore, the placement of unpermitted signage on the site illustrates a lack of concern for compliance with City of Mobile regulations.

RECOMMENDATION:

Based on the preceding, this application is recommended

for denial.

LOCATOR MAP



APPLICATION NUMBER 5760/5674 DATE July 2, 2012

APPLICANT Gulf Coast Hub Caps & Wheels, Inc.

REQUEST Side Street Setback and Site Coverage Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Commercial land use is located to the north and east of the site. Residential land use is located to the 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
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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

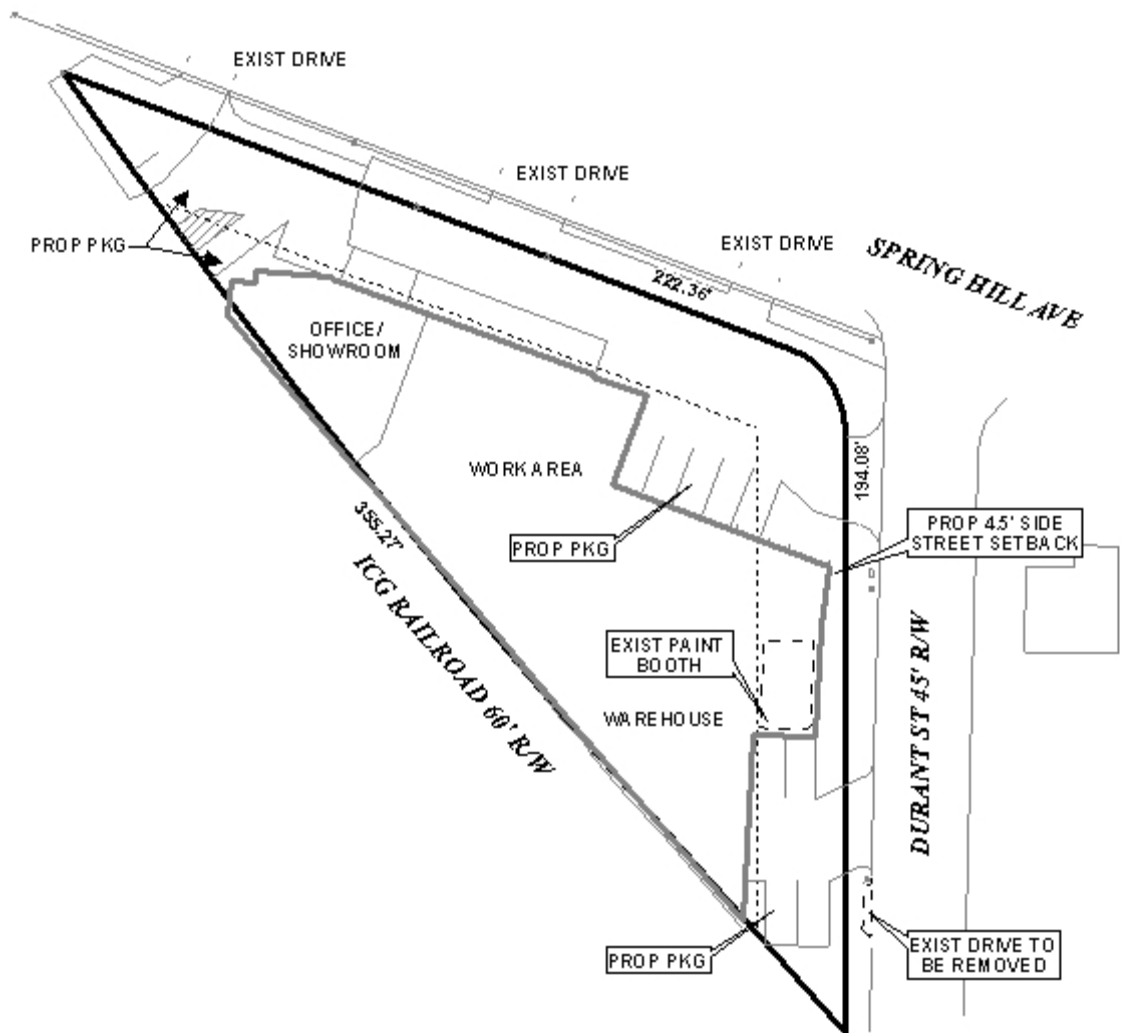


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SITE PLAN



The site plan illustrates the proposed development.

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