



# Agenda Item # 6

## BOA-002437-2023

View additional details on this proposal and all application materials using the following link:

[Applicant Materials for Consideration](#)

### DETAILS

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**Location:**

2333 & 2335 Dauphin Island Parkway, 1917 Military Road and 2216 Cassie Lane

**Applicant / Agent (as applicable):**

Wright Transportation

**Property Owner:**

PCW LLC

**Current Zoning:**

B-2, Community Business District and R-1, Single-Family Residential District

**Future Land Use:**

Mixed Commercial Corridor

**Case Number(s):**

6509/5989/5778/5585

**Unified Development Code (UDC) Requirement:**

The following are the applicable code requirements:

- **Request:** The UDC does not allow temporary office trailers on-site for more than 180 days in a B-3, Community Business District.

**Board Consideration:**

The following variance is requested:

- **Request:** To allow to amend the site plan of a previously approved Use Variance to allow two (2) temporary office trailers on-site for two (2) years in a B-3, Community Business District.

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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL



The site is surrounded by miscellaneous commercial and residential units.

APPLICATION NUMBER <u>6509</u> DATE <u>April 3, 2023</u>	 NTS
APPLICANT <u>Wright Transportation (Gerald Byrd, Agent)</u>	
REQUEST <u>Use Variance</u>	

## SITE HISTORY

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This site first appeared before the Board in December 2009 when the Board approved Use, Access, Parking Surface, Tree Planting, and Buffer Variances to allow the applicant to expand an existing trucking company in a B-3, and R-1 District, both sites adjacent to each other fronting Dauphin Island Parkway.

In January, 2012, the Board approved Use and Surface Variances to allow the expansion of the trucking company in an R-1 District for semi trailer parking on aggregate surface at the Southwest corner of Military Road and Cassie Lane.

This site also appeared before the Board of Zoning Adjustment in September, 2012, where the applicant(s) requested Surface, Access, and Shared Access Variances to allow shared access between two building sites by use of a sub-standard access way with aggregate surfacing in a B-3, Community Business District and R-1, Single Family Residential District. The Surface and Shared Access Variances were approved with conditions; however, the Access Variance to allow a sub-standard access way was denied.

In 2015, the site had a Subdivision application which required the site to obtain new variances, as the boundaries to the site were altered.

## STAFF COMMENTS

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### Engineering Comments:

If the proposed variance is approved, and if land disturbance activity will take place, the applicant will need to have the following conditions met:

1. The proposed improvements shown on the submitted plans will require a Land Disturbance Permit be submitted through the CSS Portal.
2. The existing drainage patterns and surface flow characteristics should not be altered so as to have a negative impact on any adjoining properties or any public rights-of-way.
3. Any and all proposed land disturbing activity within the property will need to 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.
4. Applicant agrees to install adequate BMPs during construction to protect from sediment/pollutants leaving the site.

### Traffic Engineering Comments:

No comments.

### Urban Forestry Comments:

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

## **Fire Department Comments:**

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2021 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

## **Planning Comments:**

The applicant is requesting a Use Variance to amend the site plan of a previously approved Use Variance to allow two (2) temporary office trailers on-site for two (2) years in a B-3, Community Business District; the Unified Development Code does not allow temporary office trailers on-site for more than 180 days in a B-3, Community Business District. It should be noted that the agenda contains an error as only one (1) 24-foot by 60-foot temporary office trailer is requested. However, as the request is for fewer temporary structures than advertised, the Board may still consider the application.

The proposed temporary office trailer complies with all setback requirements. The site has 6,405 square feet of office space, including the proposed temporary structure, making the total amount of required parking 22 spaces. The proposed temporary structure will occupy four (4) existing parking spaces, however 24 standard parking spaces will remain available to serve the site; there are also 49 oversized parking spaces available on the site for large trucks and trailers to be stored.

The applicant submitted two site plans; one has only the portion of the site that the temporary structure is proposed to be located on, and the other is the entire Wright Transportation site. If approved, the site plan showing the entire site should be revised to depict the proposed structure. Furthermore, the site plan does not depict the portion of Pillans Lane that has been vacated and incorporated into the development, as part of the site. If approved, the site plan should be revised to accurately depict the site layout.

## **VARIANCE CONSIDERATIONS**

### **Standards of Review:**

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.

Article 5 Section 10-E. 1. of the Unified Development Codes states that the Board of Adjustment may grant a variance if:

- The Applicant demonstrates that the variance shall not be contrary to the public interest,
- where, owing to special conditions a literal enforcement of the provision of this Chapter will result in unnecessary hardship and
- the spirit of this Chapter will be observed and substantial justice done.

Article 5 Section 10-E.2. states; No variance shall be granted:

- (a) In order to relieve an owner of restrictive covenants that are recorded in Mobile County Probate Court and applicable to the property;

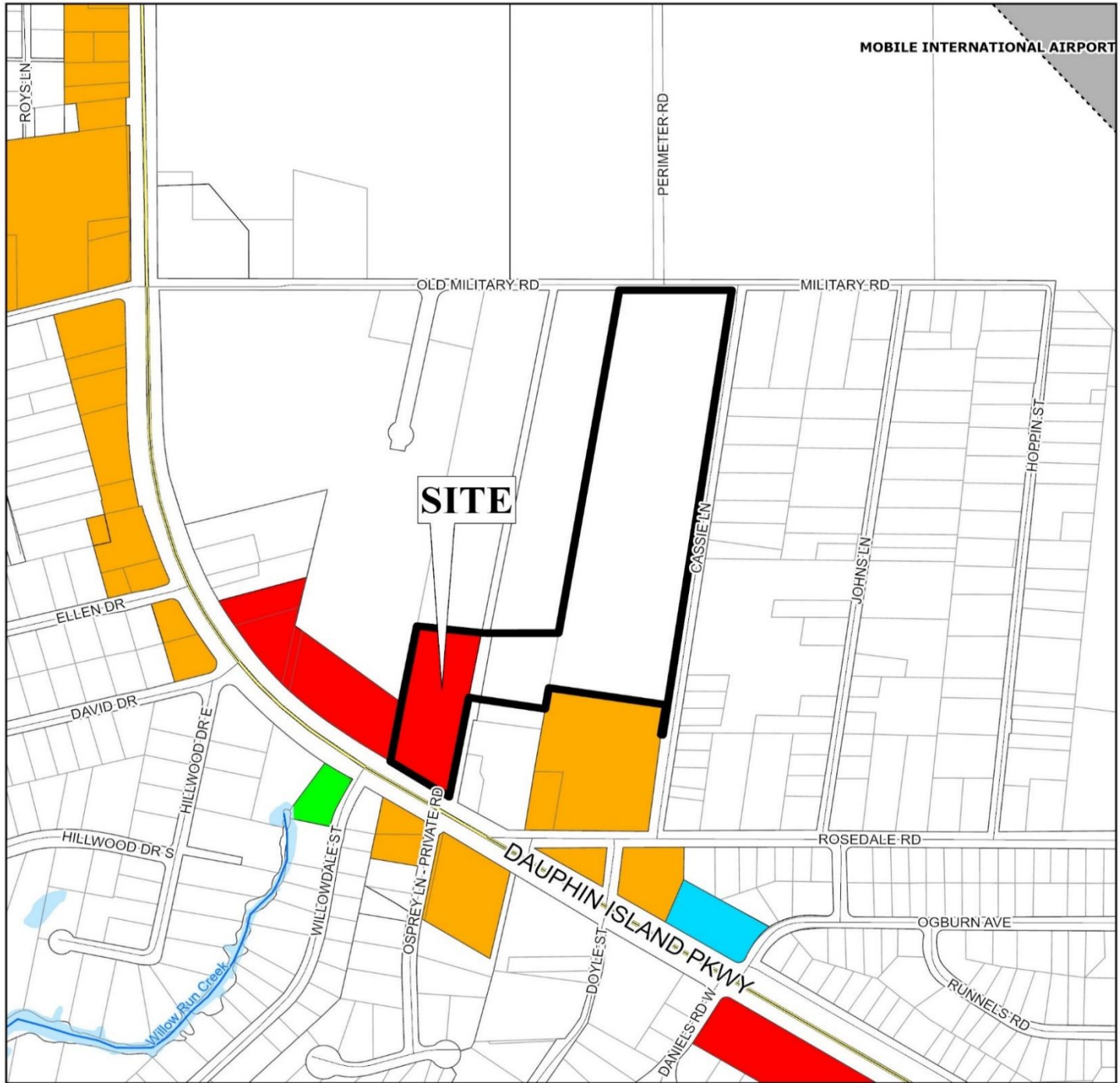
- (b) Where economic loss is the sole basis for the required variance; or
- (c) Where the variance is otherwise unlawful

### **Considerations:**

Based on the requested Variance application, the Board should consider the following findings of fact for approval or denial of the request:

- 1) The variance **will / will not** be contrary to the public interest;
- 2) Special conditions **exist / do not exist** such that a literal enforcement of the provisions of the chapter **will / will not** result in unnecessary hardship; and
- 3) The spirit of the chapter **shall be / shall not be** observed and substantial justice **done / not done** to the applicant and the surrounding neighborhood by granting the variance.

# LOCATOR ZONING MAP



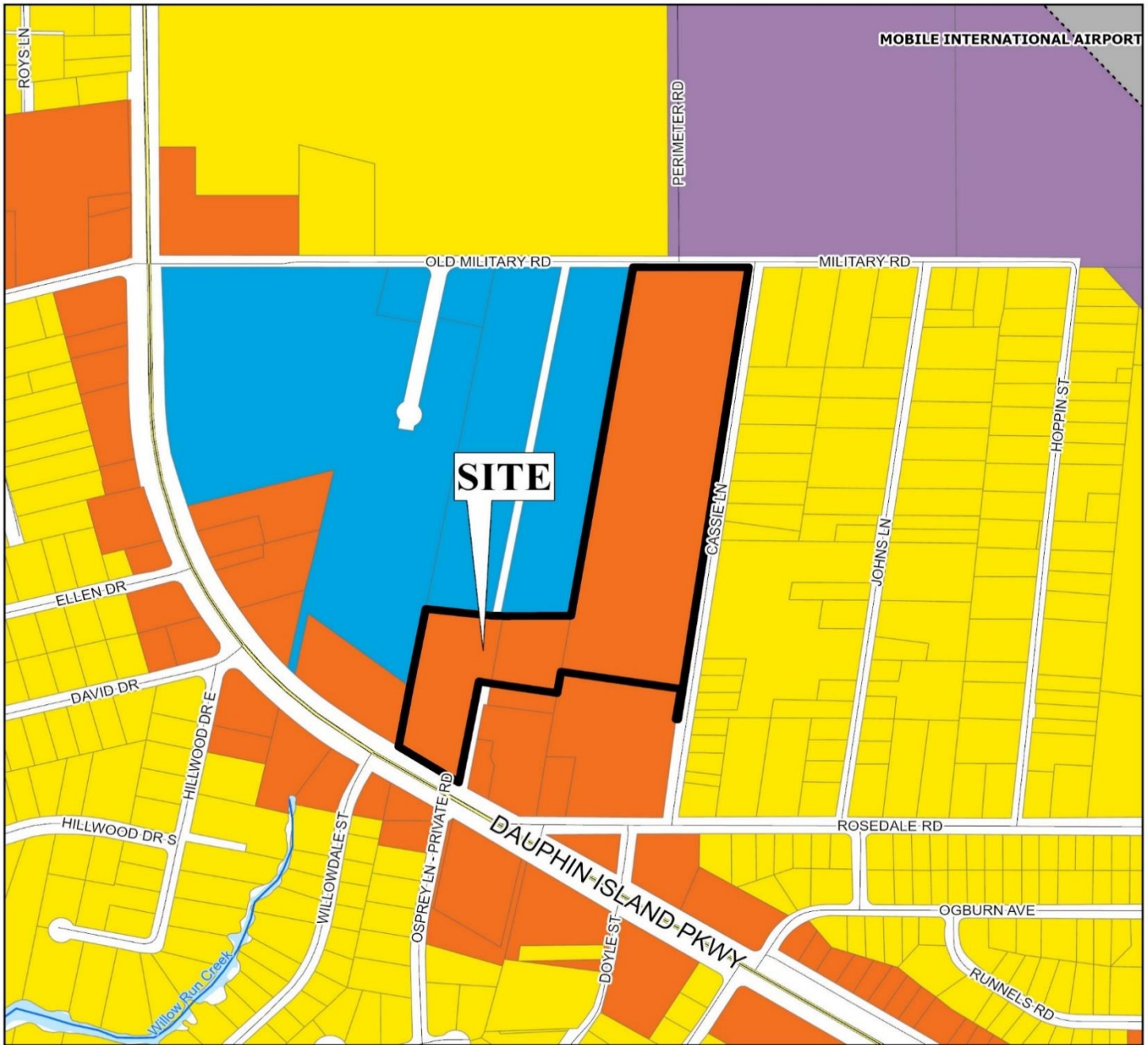
APPLICATION NUMBER 6509 DATE April 3, 2023

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REQUEST Use Variance



# FLUM LOCATOR MAP



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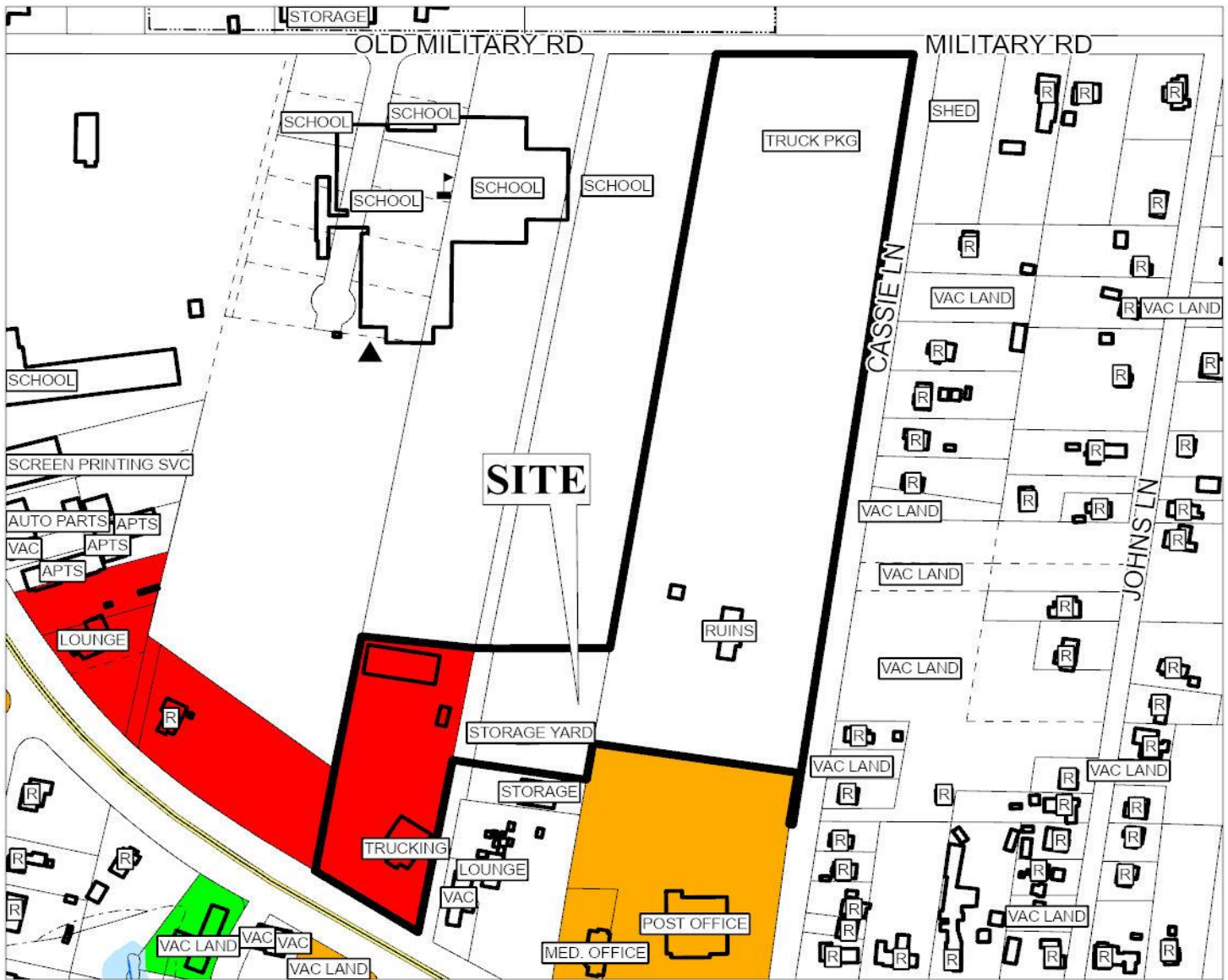
REQUEST Use Variance

**FLUM**

- |                                |                                   |                           |                    |
|--------------------------------|-----------------------------------|---------------------------|--------------------|
| Low Density Residential        | District Center                   | Traditional Corridor      | Heavy Industry     |
| Mixed Density Residential      | Neighborhood Center - Traditional | Mixed Commercial Corridor | Institutional      |
| Neighborhood Center - Suburban | Downtown Waterfront               | Light Industry            | Parks & Open Space |
|                                |                                   |                           | Water Dependent    |



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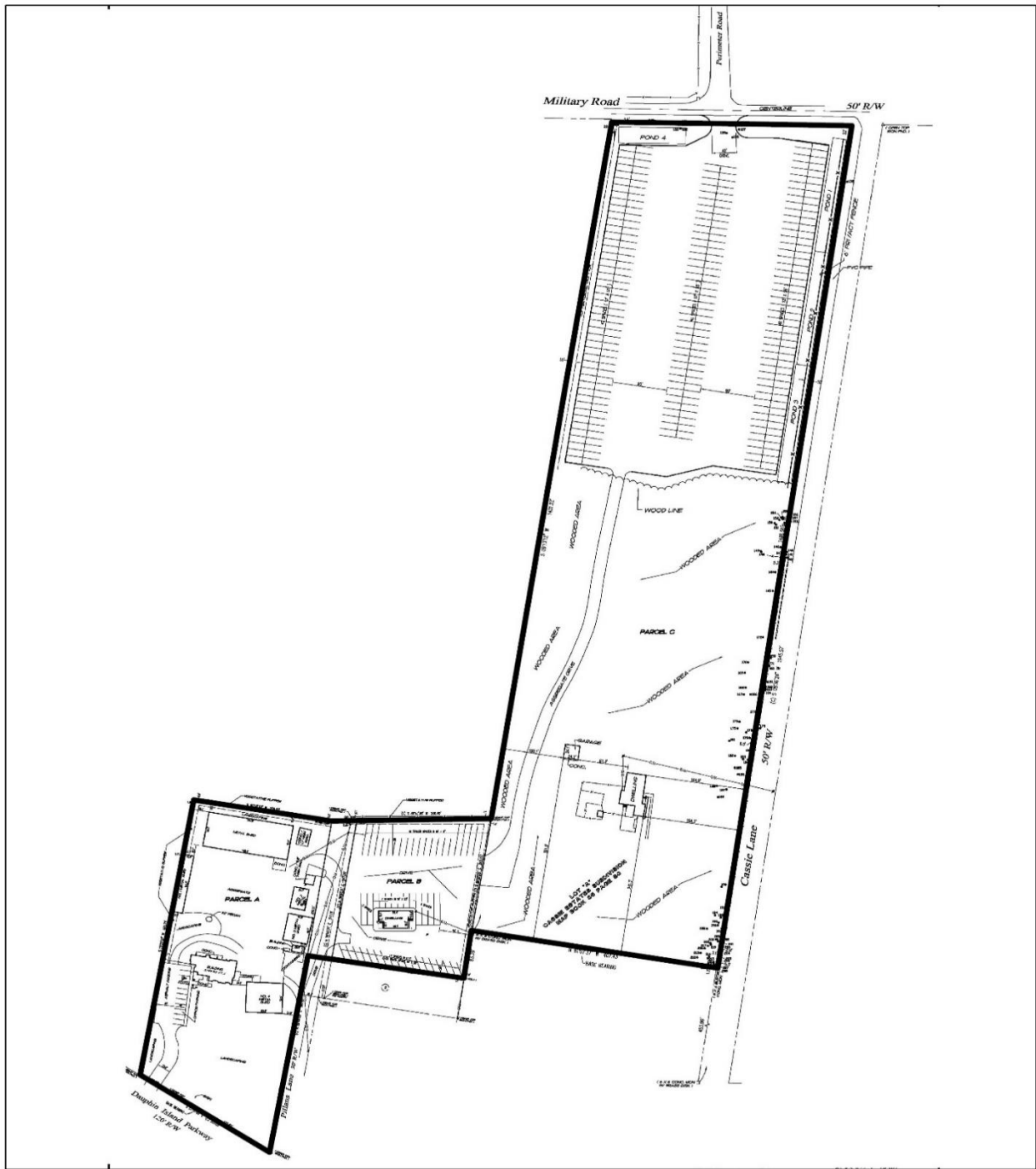
REQUEST Use Variance

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





# SITE PLAN



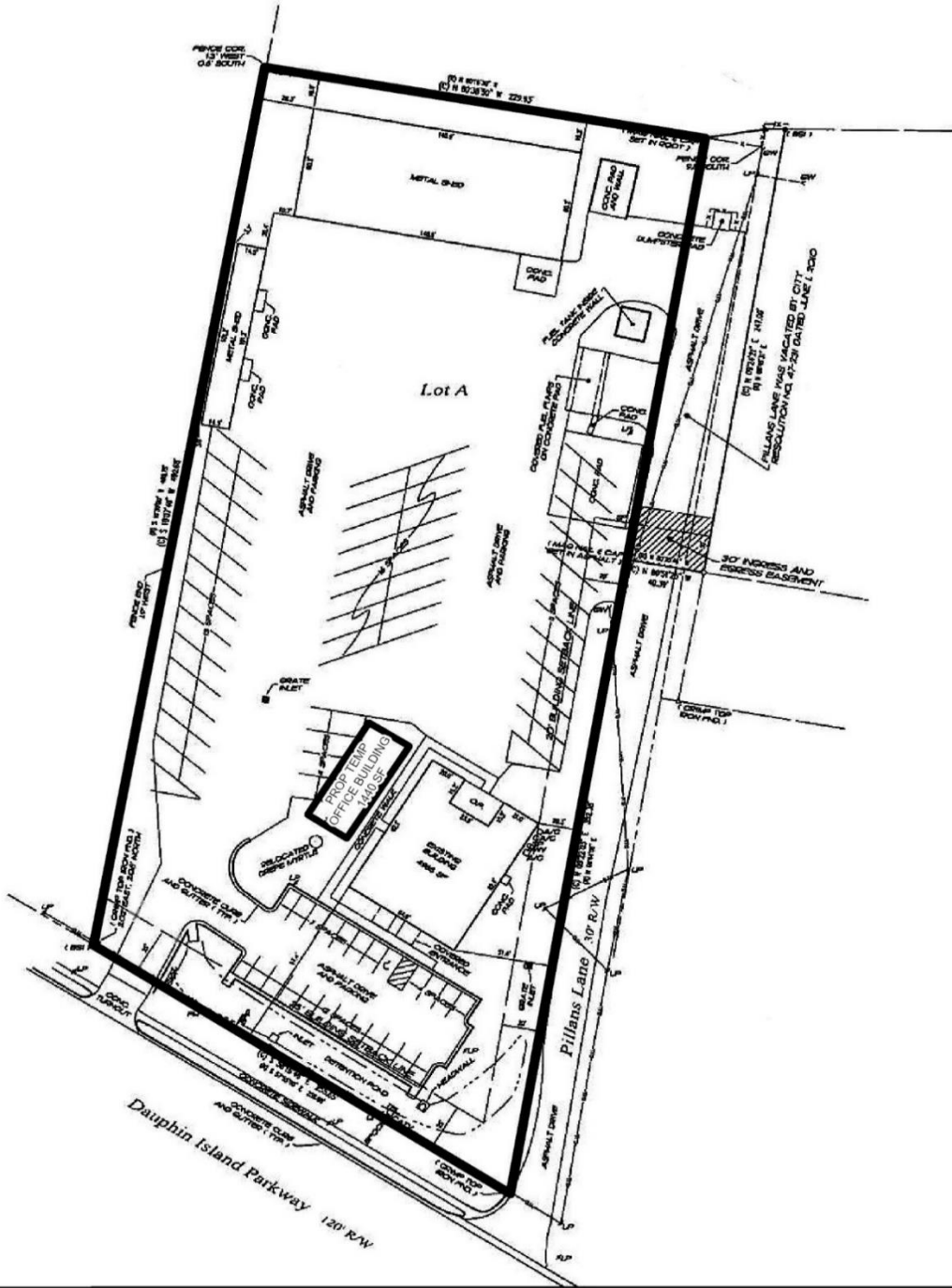
The site plan illustrates the existing buildings, and parking.

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# DETAIL SITE PLAN



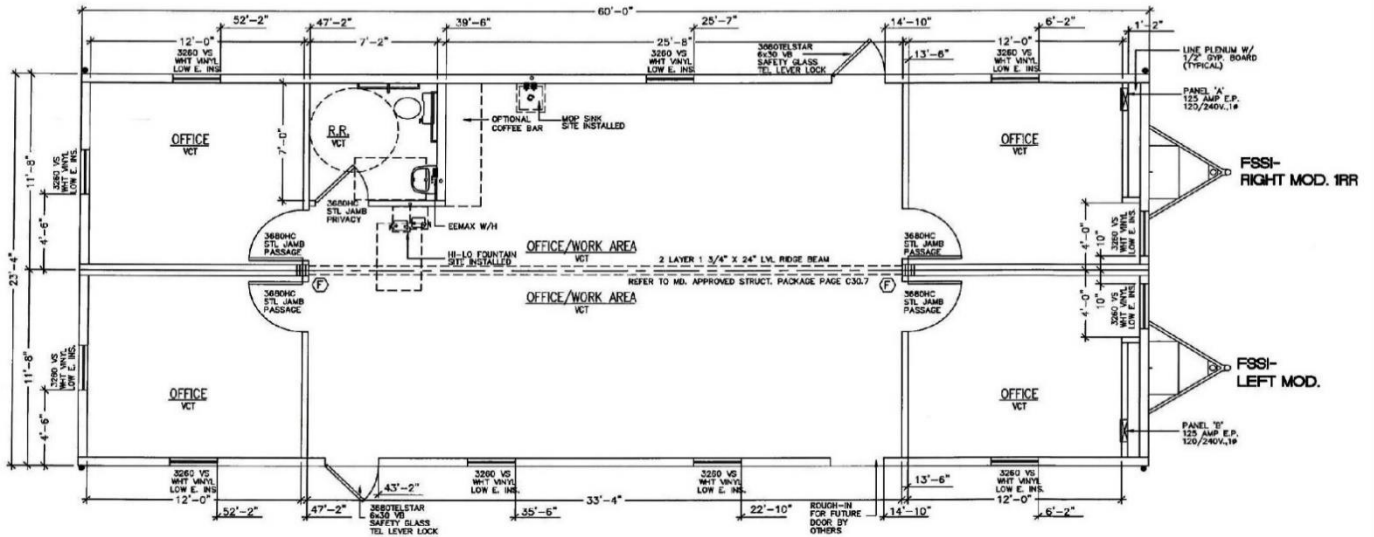
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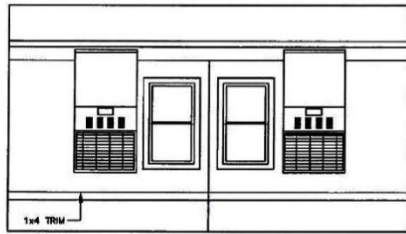
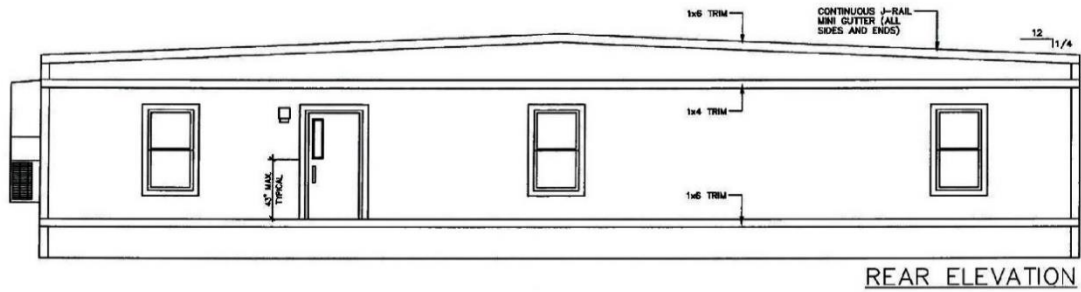
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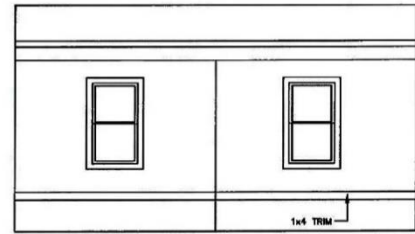


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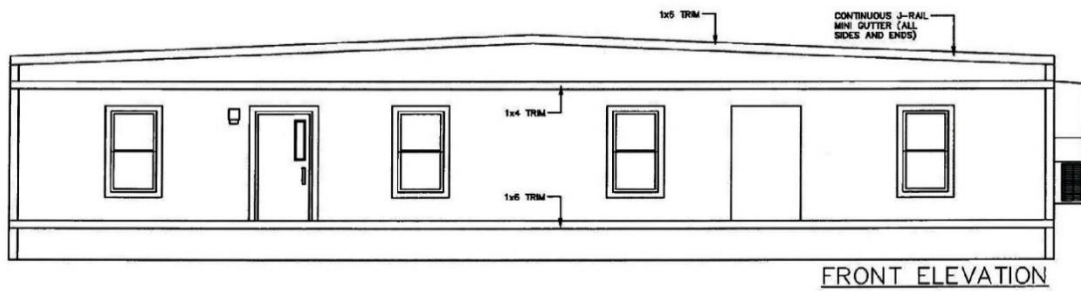
# DETAIL SITE PLAN



RIGHT ELEVATION



LEFT ELEVATION



FRONT ELEVATION

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