

# **HOLDOVER**

APPLICATION NUMBER

**5446**

A REQUEST FOR

**USE VARIANCE TO ALLOW A VEHICULAR STORAGE  
WAREHOUSE IN A B-2, NEIGHBORHOOD BUSINESS  
DISTRICT; A VEHICULAR STORAGE WAREHOUSE  
REQUIRES A MINIMUM B-3, COMMUNITY BUSINESS  
DISTRICT.**

LOCATED AT

**2756 MAUVILLA DRIVE**

(North side of Mauvilla Drive, 100'± East of Sullivan Avenue)

APPLICANT/OWNER

**NGOC NGUYEN**

AGENT

**NGOC NGUYEN**

**BOARD OF ZONING ADJUSTMENT**

DECEMBER 2007

# **HOLDOVER**

**ANALYSIS APPLICATION 5446**

**Date: December 3, 2007**

The applicant is requesting a Use Variance to allow a vehicular storage warehouse in a B-2, Neighborhood Business District; a vehicular storage warehouse requires a minimum B-3, Community Business District.

The applicant states that the subject property is a warehouse wherein the space is utilized for the temporary storing of inventory vehicles to protect them from theft and vandalism for his wholesale used auto sales business located in Baldwin County. It is stated that the warehouse will hold eighteen vehicles, that no business is conducted at the subject site, there are no employees on the site, and there are no telephones or public activity at the site. The applicant further states that there will be no excessive noise, odors, or air pollution associated with the use.

The site has been the subject of public complaints involving work conducted without permits and the washing of vehicles in the yard with uncontrolled water and soap run-off. The Planning staff has also received information stating that the applicant is actually seeing customers on the site, and has mechanics working on vehicles in the building. A search of the Mobile City Revenue Department database does not indicate any business license for the applicant. Although car washing is allowed in a B-2 district as a primary or accessory use, the Ordinance requires it to be conducted under a roof and run-off discharge control measures are also required. In this instance, the car washing is associated with inventory vehicles for the applicant's auto sales business. Auto sales require a B-3 zoning as would any activities related to the specific auto sales operation. On a similar note, a mini self storage facility in a B-2 district does not allow the storage of vehicles, boats, RV's, etc., either indoors or outdoors.

With surrounding zonings being B-1, Buffer Business, B-2, and R-1, Single-Family Residential, the introduction of a B-3 use would have a disruptive affect on the neighborhood, and could set a precedent for the allowance of further nearby elevated business activities.

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.

## **HOLDOVER**

The applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to use a B-2, Neighborhood Business District site to store inventory vehicles for an out-of-county auto wholesale business which is a B-3, Community Business District use.

Further, the applicant has continued storage and washing of vehicles after issuance of a Notice of Violation. Of particular concern is the lack of appropriate discharge control and the environmental impact, all showing disregard for City of Mobile codes and ordinances.

This application was heldover from the Board's scheduled November meeting due to a lack of quorum to hold the meeting.

# HOLDOVER

**RECOMMENDATION 5446**

**Date: December 3, 2007**

Based on the preceding, this application is recommended for denial.

# LOCATOR MAP



APPLICATION NUMBER 5446 DATE December 3, 2007

APPLICANT Ngoc Nguyen

REQUEST Use Variance



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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by commercial and residential landuse.

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APPLICANT Ngoc Nguyen

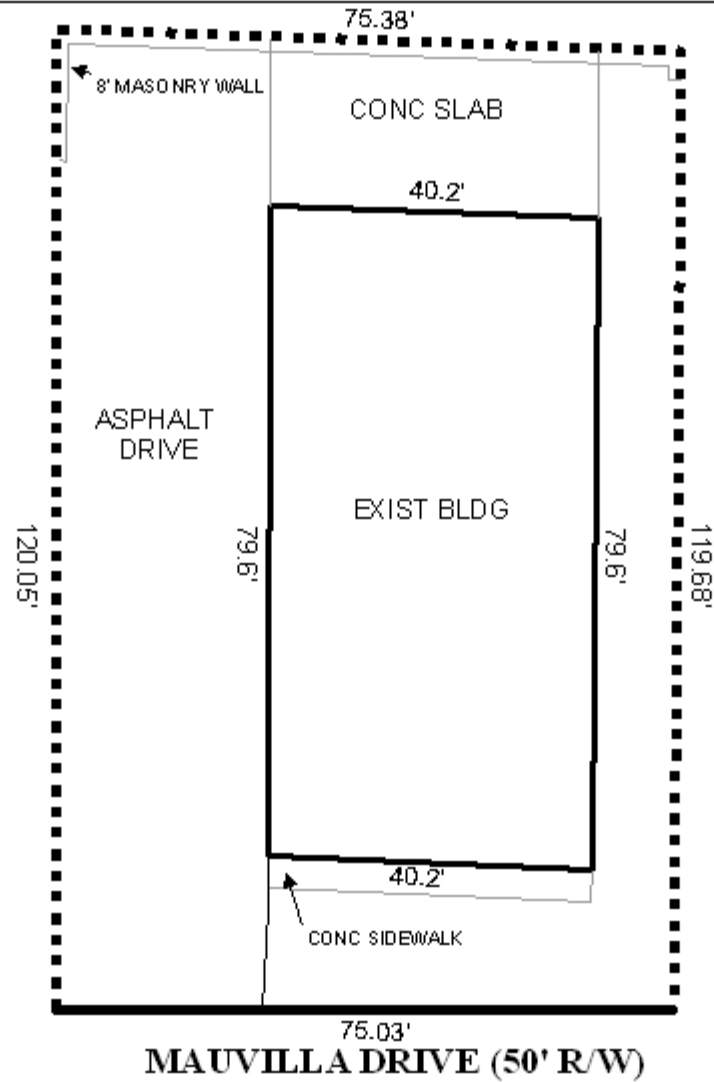
REQUEST Use Variance

LEGEND

<span style="display: inline-block; width: 15px; height: 15px; background-color: white; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: yellow;"></span> R-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: green;"></span> R-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: cyan;"></span> R-A	<span style="display: inline-block; width: 15px; height: 15px; background-color: orange;"></span> R-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: pink;"></span> H-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: brown;"></span> T-B	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue;"></span> B-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: purple;"></span> LB-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: gold;"></span> B-2	<span style="display: inline-block; width: 15px; height: 15px; background-color: red;"></span> B-3	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkred;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: darkblue;"></span> B-5	<span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue;"></span> I-1	<span style="display: inline-block; width: 15px; height: 15px; background-color: gray;"></span> I-2
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# SITE PLAN



This site illustrates existing buildings and structures.

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