

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2011**

<u>CASE NUMBER</u>	5697
<u>APPLICANT NAME</u>	Edgewater Seafood, Inc.
<u>LOCATION</u>	4380 Halls Mill Road (North side of Halls Mill Road, 1050'± West of Riviere Du Chien Road).
<u>VARIANCE REQUEST</u>	SURFACING: Allow construction of an aggregate parking lot addition to an existing asphalt paved parking lot.
<u>ZONING ORDINANCE REQUIREMENT</u>	SURFACING: Parking lots are required to be surfaced with asphalt, concrete, or an approved alternative surfacing material.
<u>ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	0.74 Acre ±
<u>TRAFFIC ENGINEERING COMMENTS</u>	None received.
<u>CITY COUNCIL DISTRICT</u>	District 4

ANALYSIS The applicant is requesting a Surfacing Variance to allow an aggregate parking lot addition to an existing asphalt-paved parking lot in a B-3, Community Business District; the Zoning Ordinance requires parking and maneuvering areas to be paved with asphalt, concrete, or an approved alternative surface in a B-3, Community Business District.

The applicant wishes to construct a gravel parking lot addition to an existing asphalt parking lot at a new seafood market business. The building was constructed in 2006 as a warehouse building with limited office space, asphalt drives and parking. The applicant has applied for permits to convert the building into a seafood market, which requires additional parking.

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 there will be heavy traffic from tractor-trailer rigs loading and unloading seafood and that asphalt is not designed to withstand this type of use. This assertion does not seem to be accurate as almost every other commercial business in the City of Mobile, including those with loading areas, has either concrete or asphalt paving. Further, the fact that the building was originally designed mostly as warehouse space implies that there were deliveries and heavy traffic expected at the time of construction, and yet the building was equipped with asphalt paving. Additionally, the existing asphalt paving, which the purported heavy traffic from tractor-trailers would have to traverse to get to the gravel surfacing, is proposed to remain.

It would seem that if, as the applicant suggests, the asphalt is not designed to withstand the traffic that it will hold, then perhaps the entire site should be concrete parking. There does not appear to be a hardship on the property, and, as such, this request should be denied.

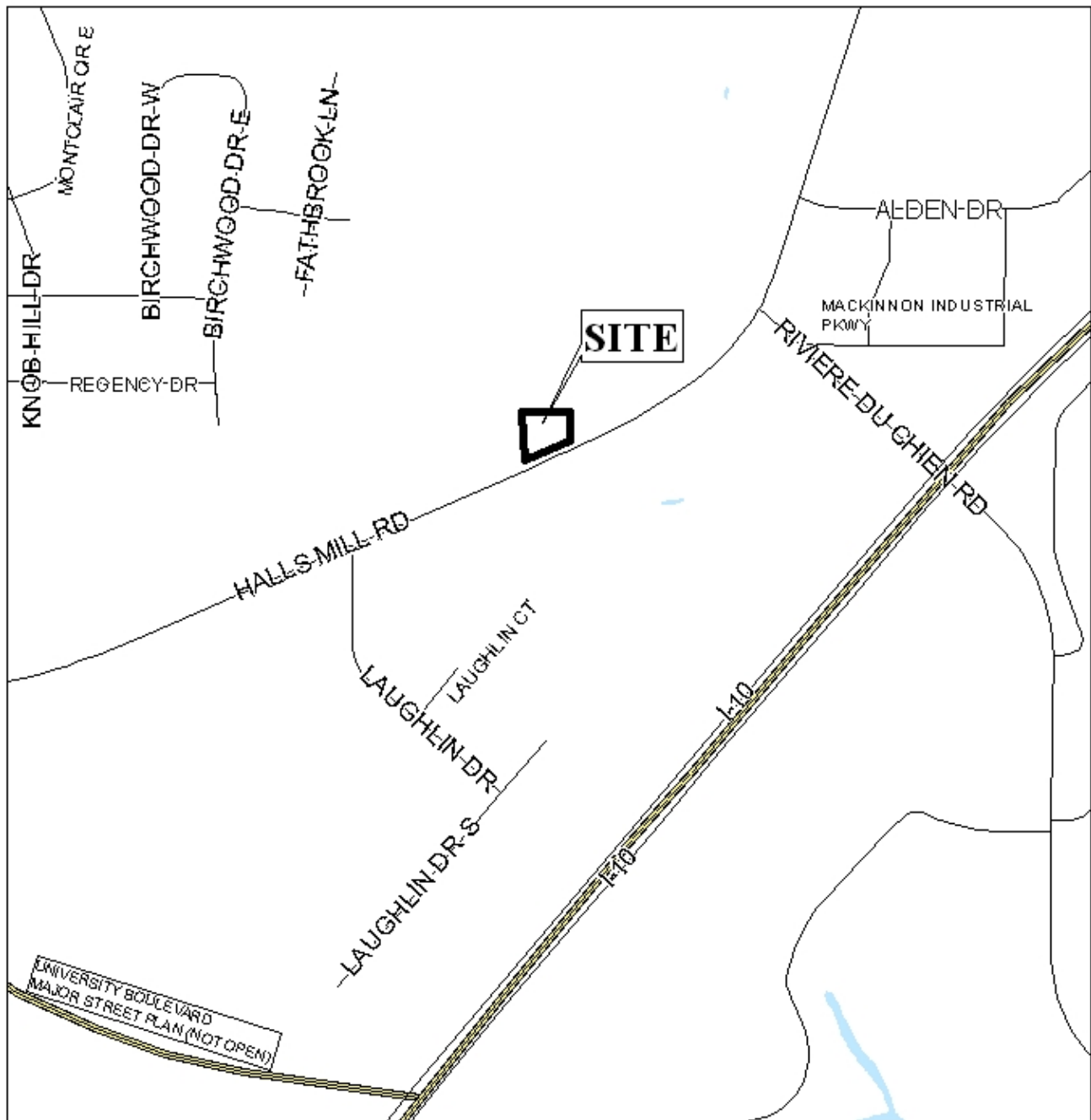
It should also be noted that the Mobile Fire Rescue Department Bureau of Fire Prevention requires that any area considered an access road for an emergency vehicle be surfaced with asphalt or concrete. These areas include all portions of the parking and maneuvering area within 150 feet of travel distance to any portion of the building including the path to the dumpster pad.

RECOMMENDATION

Based upon the preceding, the request is recommended for

denial.

LOCATOR MAP



APPLICATION NUMBER 5697 DATE August 1, 2011

APPLICANT Edgewater Seafood, Inc.

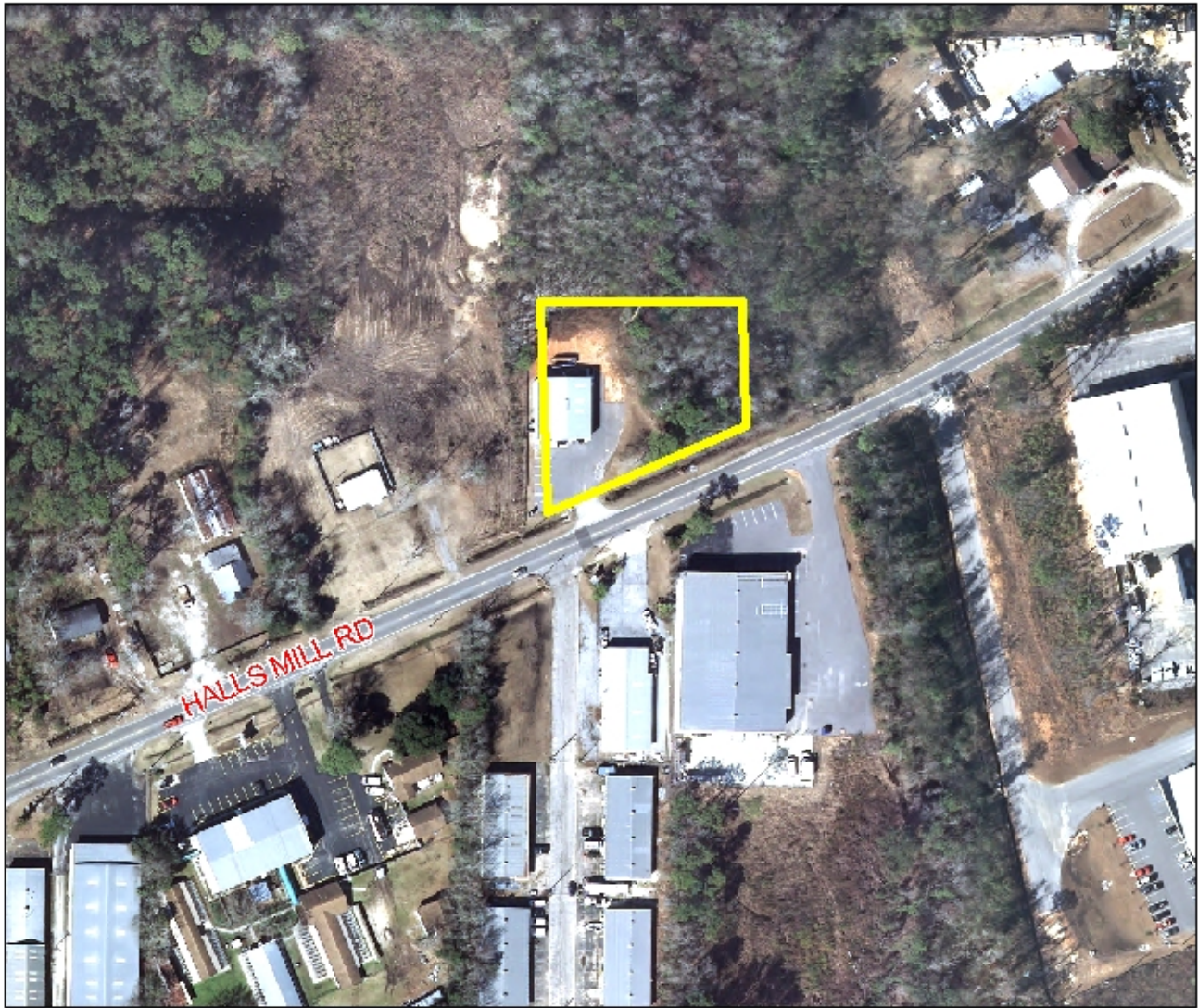
REQUEST Surfacing Variance



REQUEST Parking Surface Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by offices, contractors, and other business land use.

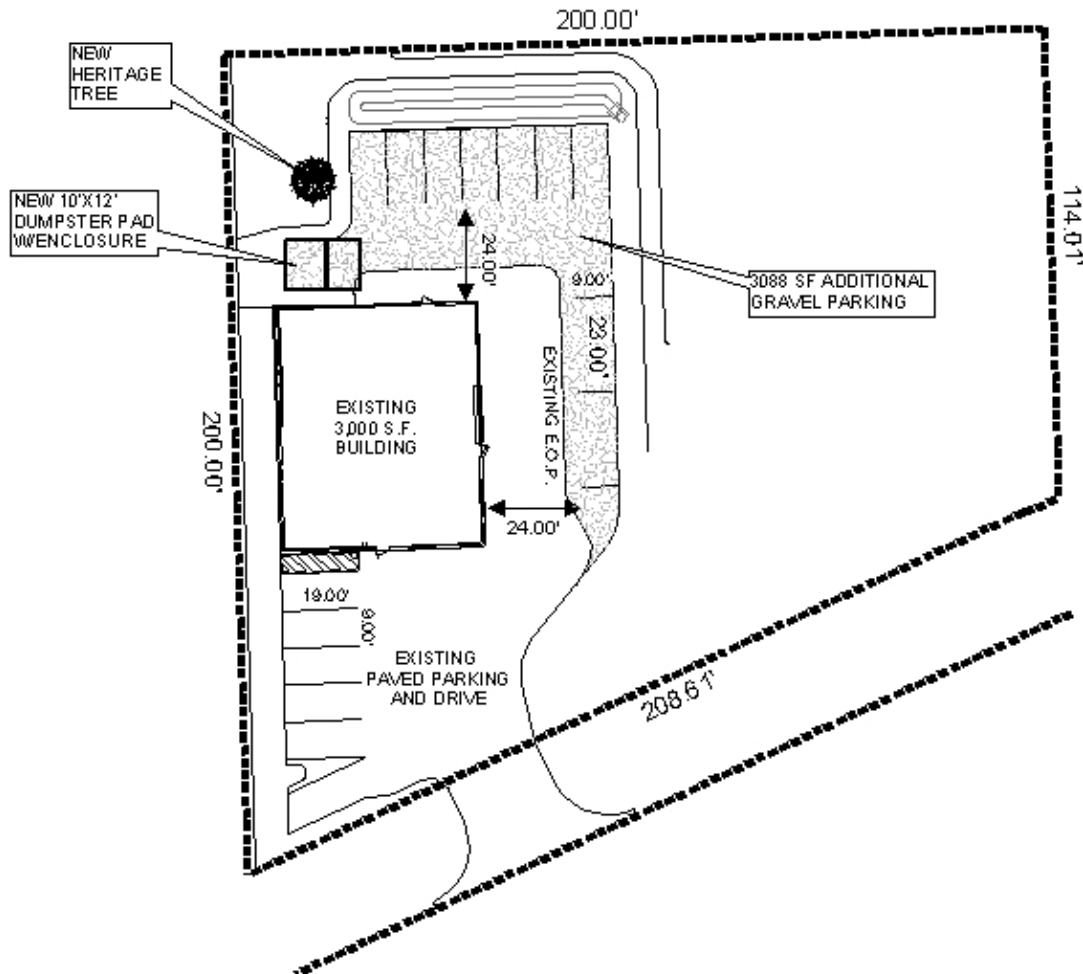
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SITE PLAN



The building, parking, and drives are illustrated in the site plan.

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