

APPLICATION NUMBER

**5631**

A REQUEST FOR

**PARKING SURFACE AND ENCLOSURE VARIANCES TO  
ALLOW AN AGGREGATE PARKING SURFACE AND AN  
OPEN EQUIPMENT WASH PAD IN AN I-1, LIGHT  
INDUSTRY DISTRICT; THE ZONING ORDINANCE  
REQUIRES ALL PARKING SURFACES TO BE ASPHALT,  
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING  
SURFACE, AND EQUIPMENT WASH PADS TO BE  
WITHIN AN ENCLOSED STRUCTURE IN AN I-1, LIGHT  
INDUSTRY DISTRICT.**

LOCATED AT

**3950 HAMILTON BOULEVARD**

(North side of Hamilton Boulevard, 4/10 mile± West of Rangeline Road)

APPLICANT/OWNER

**THOMPSON PROPERTIES**

AGENT

**FRANK A. DAGLEY & ASSOCIATES, INC.**

**BOARD OF ZONING ADJUSTMENT**

SEPTEMBER 2010

The applicant is requesting Parking Surface and Enclosure Variances to allow an aggregate parking surface and an open equipment wash pad in an I-1, Light Industry District; the Zoning Ordinance requires all parking surfaces to be asphalt, concrete, or an approved alternative paving surface, and equipment wash pads to be within an enclosed structure in an I-1, Light Industry District.

The subject site was developed under County standards shortly before being annexed as part of the Theodore area annexation in 2008 and is currently occupied by a heavy equipment sales and service company. That company proposes to expand the aggregate gravel equipment parking area/lay-down yard and construct a 25' by 50' uncovered concrete wash pad for the equipment; hence these variance requests.

The applicant states that, due to the fact that many of the pieces of heavy equipment are tracked, the storage and maneuvering of such will not function on asphalt. In cases where the basis for a Parking and Access/Maneuvering Surface Variance has been the fact that non-mobile heavy industrial equipment and construction and fabrication materials or tracked construction equipment could adversely impact the surface due to dragging, chipping, or sharp impact, a surface variance has been justified. The Board has been sympathetic to the fact that compliant paved surfaces will generally not withstand heavy equipment parking, maneuvering and lay-down.

With regard to the request for the equipment wash pad to be uncovered, the Ordinance specifically requires carwashes to be enclosed on at least two sides and covered by a roof. By a strict interpretation of the Ordinance, this could also apply to equipment wash pads, but there is nothing specifically addressing such. As carwashes are generally found in convenient urban locations and usually along heavily traveled streets in close proximity to other businesses, the requirement for being roofed and enclosed is to minimize visual disharmony with their surroundings. Also, they are designed to accommodate standard-sized vehicles. Heavy equipment wash pads would normally be found in industrial areas where visual harmony with surrounding industrial sites is not a factor. Also, heavy equipment does not meet a standard size and the construction of an enclosed wash pad to meet all possible equipment sizes would be impractical.

It should be noted that the site plan shows no compliance with the landscaping and tree planting requirements of the Ordinance. A condition of the recent rezoning for this site from R-A, Residential-Agricultural, and I-1, Light Industry, to I-1, Light Industry, is full compliance with all municipal codes and ordinances at the time of development or re-development. A recent Administrative Planned Unit Development was approved for the proposed site improvements. Some of the conditions of that approval were:

- 1) revision of the site plan to depict 4 frontage trees for Lot 2 only;
- 2) revision of the site plan to reflect frontage landscape area for Lot 2 only;

- 3) revision of the site plan to depict a sidewalk in front of Lot 2 only; and
- 4) obtain a separate permit for any new fencing on the site, clearly indicating if the new fence will have barbed-wire, razor-wire, or similar hazardous materials.

A revised site plan has been submitted reflecting these conditions, and these conditions should also be part of any approval of this variance.

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.

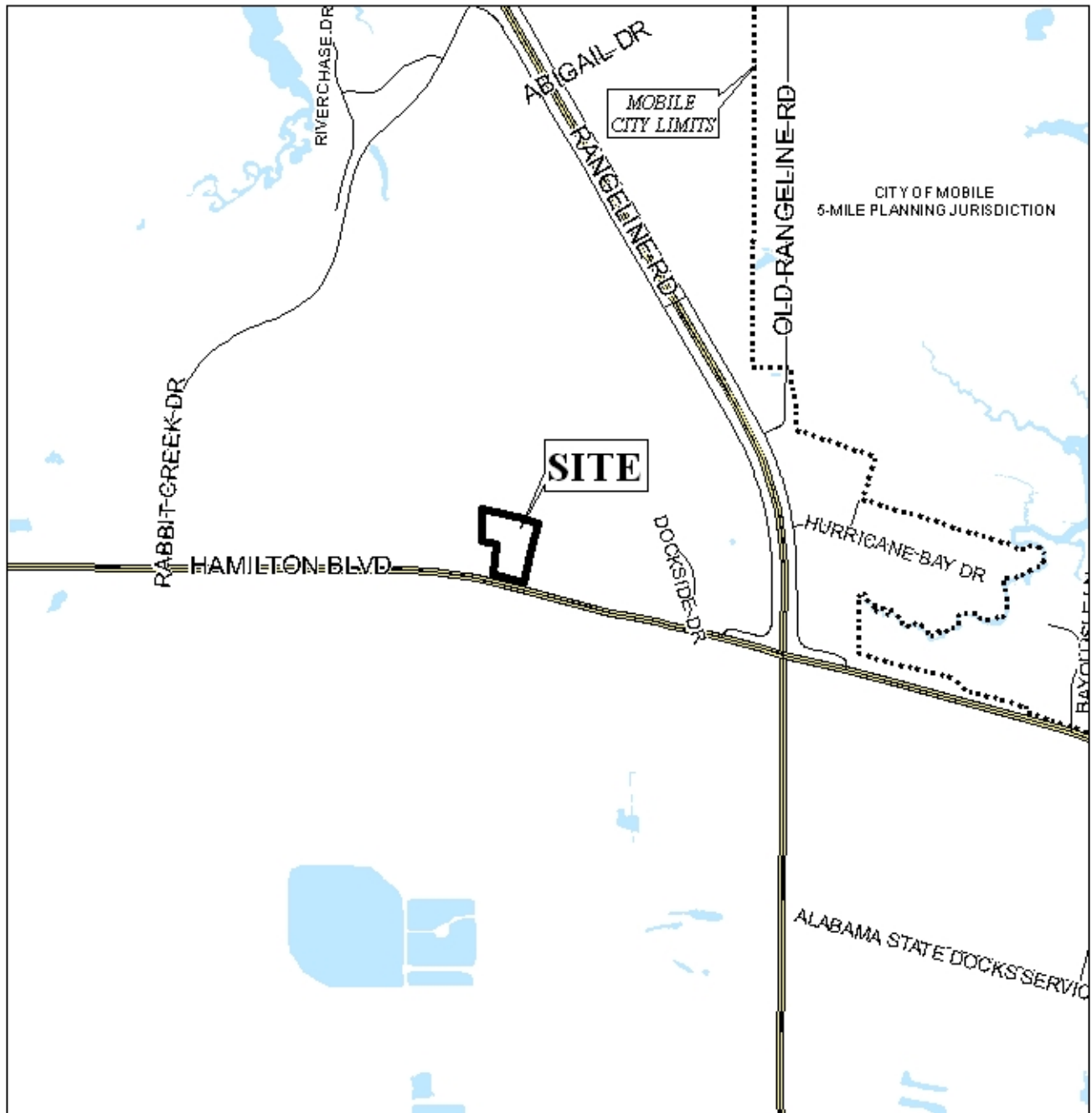
The applicant has illustrated that a hardship is imposed with regard to the requested variances and the Board should consider them for approval.

**RECOMMENDATION 5631****Date: September 13, 2010**

Based on the preceding, this application is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to depict 4 frontage trees for Lot 2 only;
- 2) revision of the site plan to reflect frontage landscaping area for Lot 2 only;
- 3) revision of the site plan to depict a sidewalk in front of Lot 2 only;
- 4) obtain a separate permit for any new fencing on the site, clearly indicating if the new fence will have barbed-wire, razor-wire, or similar hazardous materials; and
- 5) full compliance with all municipal codes and ordinances.

## LOCATOR MAP



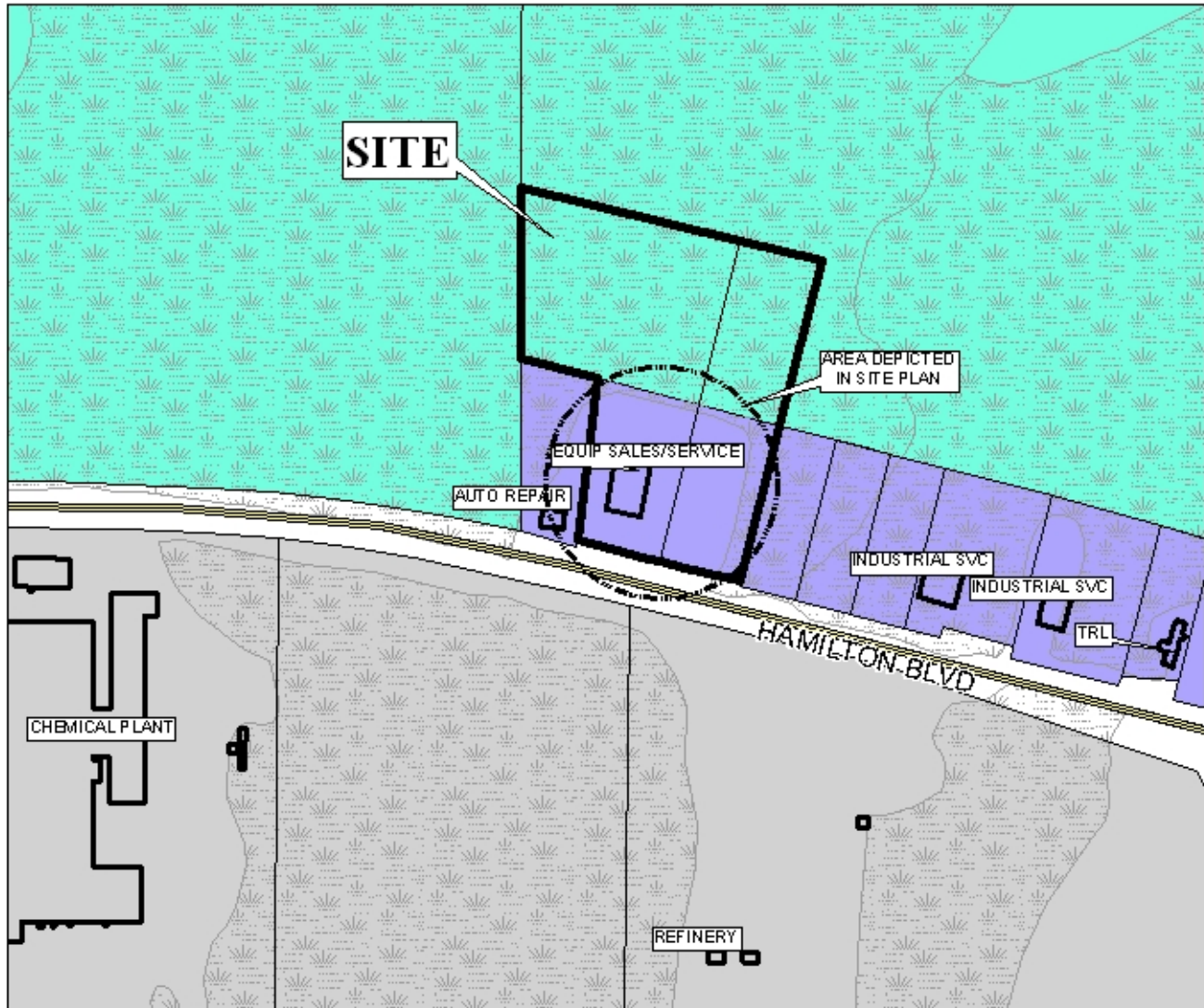
APPLICATION NUMBER 5631 DATE September 13, 2010

APPLICANT Thompson Properties

REQUEST Parking Surface and Enclosure Variances



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by vacant land and a chemical plant exists to the southwest.

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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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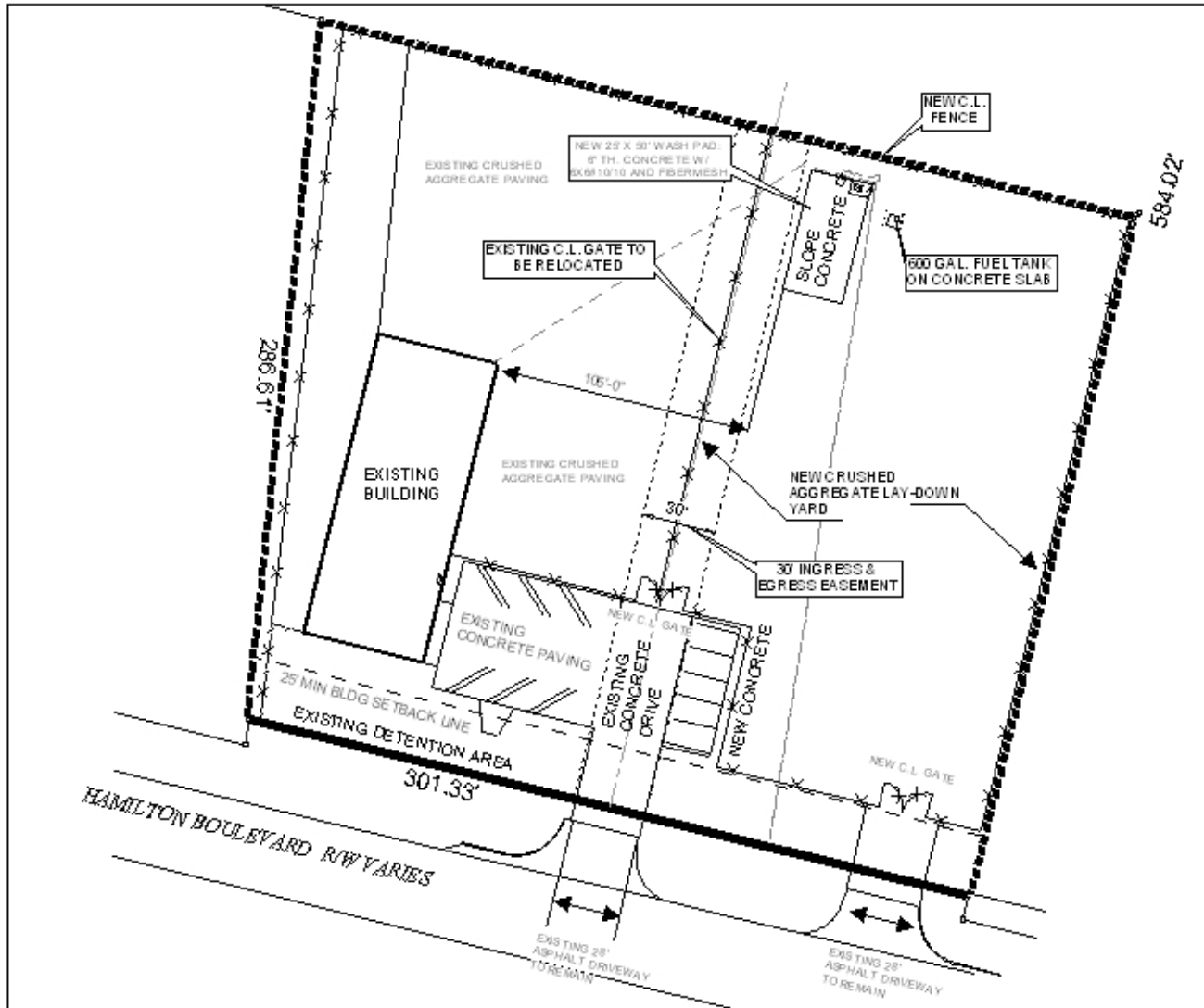
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# SITE PLAN



The site plan illustrates the existing and proposed improvements.

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