

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 5, 2011****CASE NUMBER**

5729

APPLICANT NAME

Wright Transportation

LOCATION1917 Military Road and 2216 Cassie Lane
(Southwest corner of Military Road and Cassie Lane)**VARIANCE REQUEST****USE:** Use Variance to allow the expansion of a trucking company with storage in an R-1, Single-Family Residential District.**SURFACEING:** Surfacing Variance to allow an aggregate-surfaced parking and storage area.**ZONING ORDINANCE
REQUIREMENT****USE:** The Zoning Ordinance requires at least an I-1, Light Industry District, for a trucking company with storage.**SURFACE:** The Zoning Ordinance requires all surfaces to be paved with concrete, asphalt, or an approved alternative paving surface.**ZONING**

R-1, Single-Family Residential

AREA OF PROPERTY

13.4± Acres

**TRAFFIC ENGINEERING
COMMENTS**

No comments.

**CITY COUNCIL
DISTRICT**

District 3

ANALYSIS

The applicant is requesting Use and Surfacing Variances to allow the expansion of a trucking company with a 135-space aggregate-surfaced parking and storage area in an R-1, Single-Family Residential District; the Zoning Ordinance requires at least an I-1, Light Industry District for a trucking company with storage, and also requires all parking and maneuvering surfaces to be paved with concrete, asphalt, or an approved alternative surfacing.

In December, 2009, the Board approved Use, Access, Parking Surface, Tree Planting, and Buffer Variances to allow the applicant to expand the trucking company into a B-3, Community

Business District, and R-1 District, directly adjacent to the Southwest corner of the subject property. That property had previously been used as a contractor's storage yard, which is allowed by right in a B-3 District. Due to the heavier use proposed by the applicant, that variance was recommended for denial, but was subsequently approved by the Board.

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.

Contributing factors to the approval of the applicant's previous variance were the facts that the site had been in nonconforming use for many years and was located on Dauphin Island Parkway, a major street. Also, the three adjacent residences (one being on the subject site) had been subject to heavy equipment traffic in previous years.

In this instance, the subject site has a vacant single-family dwelling within a wooded area on the Southern portion and the area proposed for the truck parking is an open, vacant field. The allowance of the proposed truck trailer parking area would, in effect, create a split-zoning of the site. To the West within approximately 225' from the storage site is the Pillans Middle School building, and directly across Cassie Lane to the East is a single-family residential neighborhood. The applicant states that an aggregate parking surface was placed on the area of the proposed truck trailer parking several years ago and used as an equipment and material storage yard for a contractor working on the runways at Brookley Field. As this constitutes a contractor's storage yard and there is no approval history found for such on the subject site in the R-1 District, such use was in violation of the Zoning Ordinance.

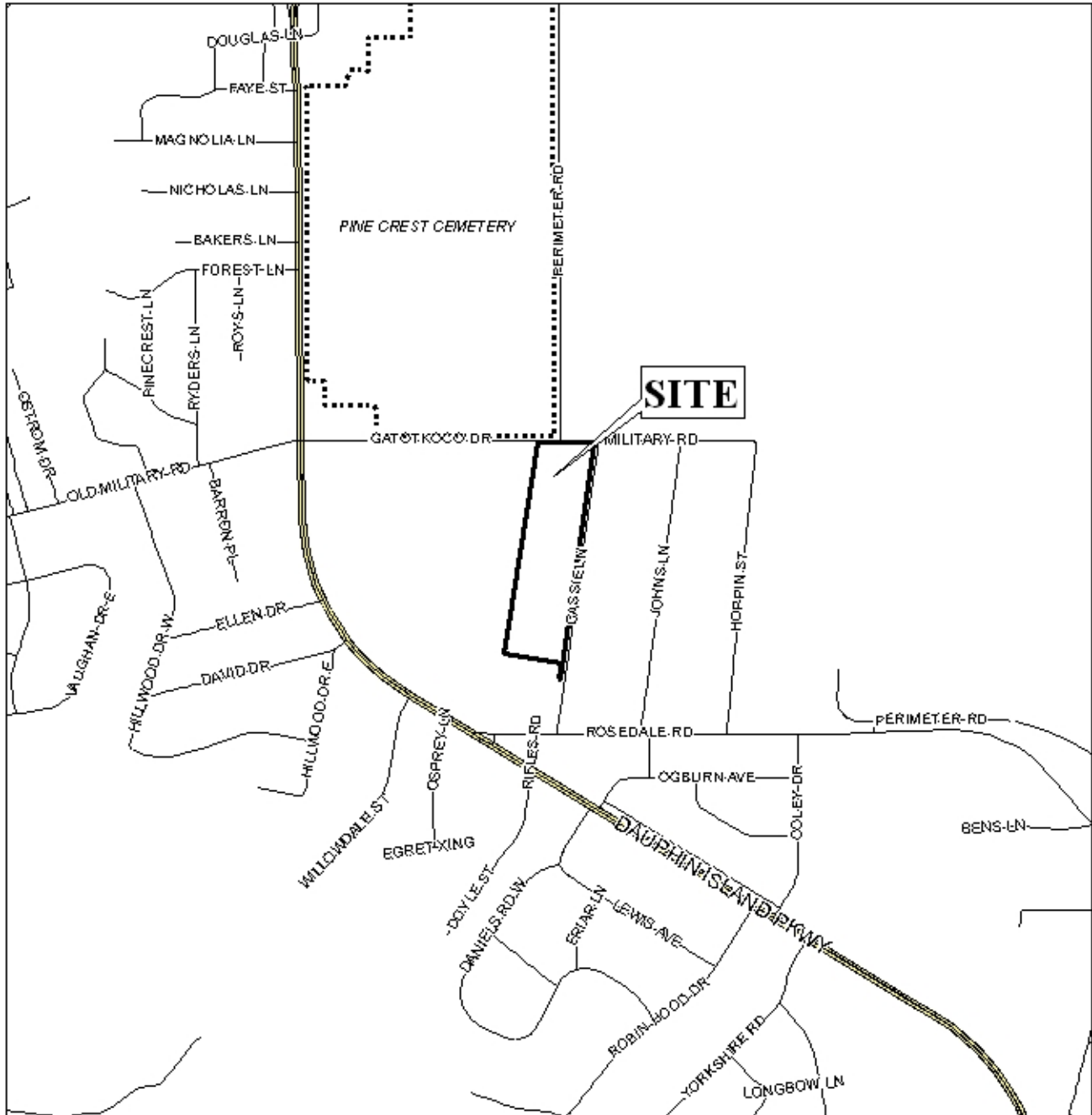
The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. In fact, no hardship is mentioned in the narrative, and any hardship implied to be imposed by the previous placement of gravel on the site and its subsequent use as a contractor's storage yard would be self-imposed by the property owner as such never received any zoning approvals. Furthermore, the approval of the use request in this case would effectively create a split-zoning situation for the over-all site. As the site is closely positioned to a public school building and a single-family residential neighborhood, the allowance of the use as a semi-truck trailer storage facility would be out of character with the immediate surroundings. It should also be pointed out that the proposed use might necessitate a traffic impact study due to the type of development, the fact that the abutting streets are substandard right-of-way and/or pavement width), and due to the proximity of the school. The Board should consider the use Variance request for denial and the Surfacing Variance request would, therefore, be moot.

RECOMMENDATION: Based on the preceding, the Use Variance request is recommended for denial for the following reasons:

- 1) the allowance of the use would, in effect, create a split-zoning situation on the property;
- 2) the previous use as a contractor's storage yard was done without any zoning approvals;
and
- 3) the use would not be in character with the immediate surroundings of the site;
- 4) a Traffic Impact Study would be advisable; and
- 5) the site abuts streets that are substandard in terms of pavement width and/or right-of-way.

The Surfacing Variance request would, therefore, be moot.

LOCATOR MAP



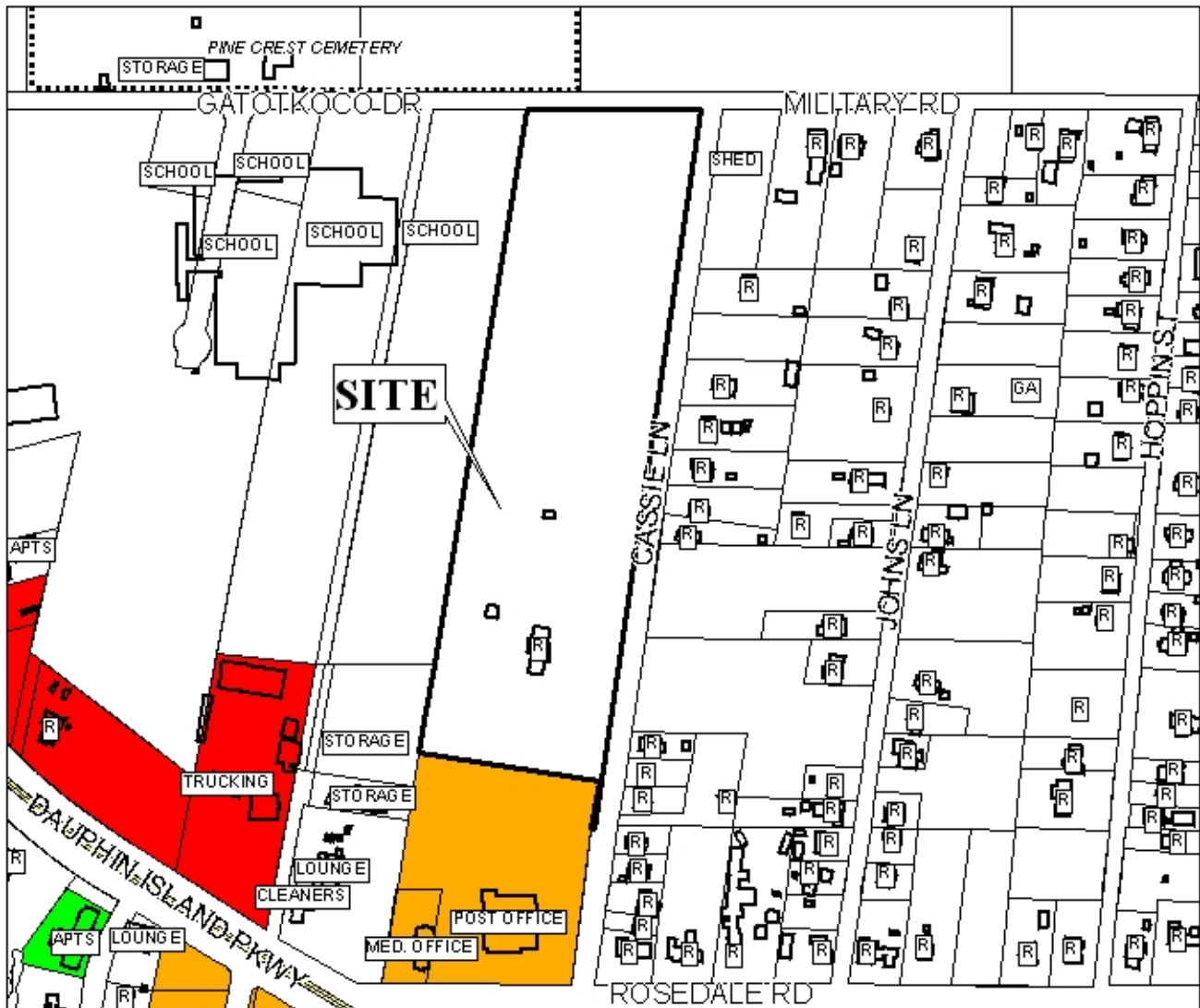
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REQUEST Use and Surfacing Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Residential land use is located to the east of the site. Business land use is located to the west and south of the site. A school is located to the west 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

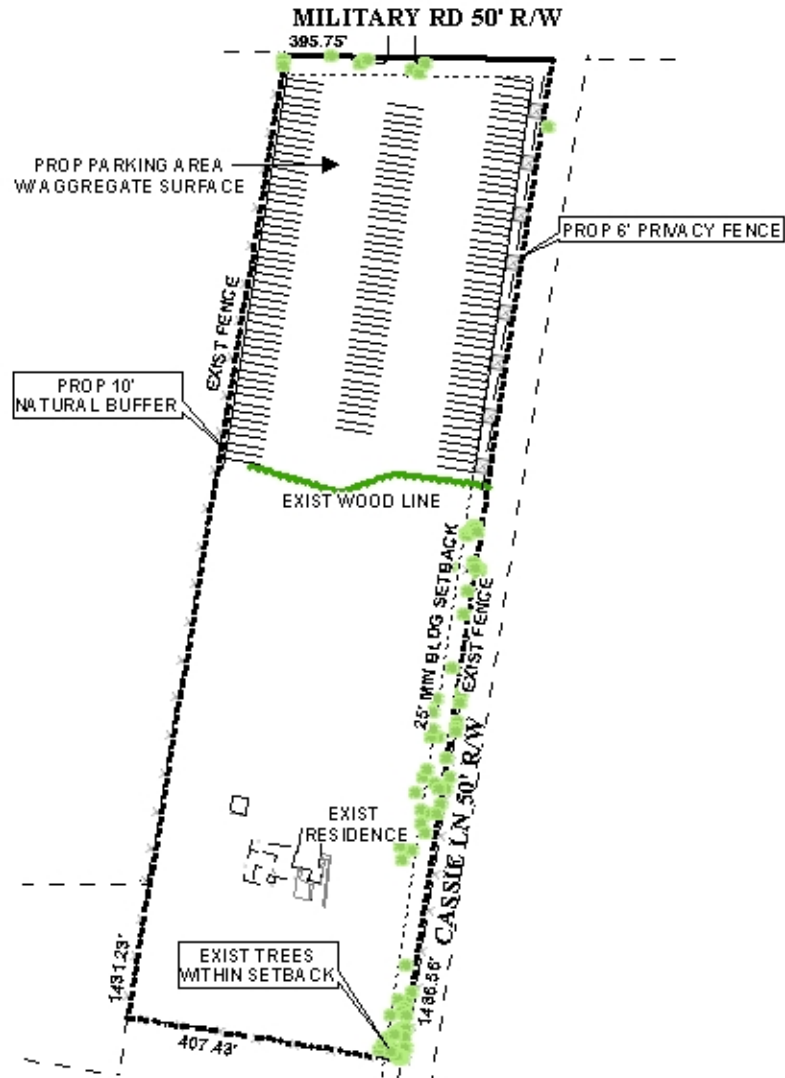


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SITE PLAN



The site plan illustrates the existing residence and proposed parking area.

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