

**BOARD OF ZONING ADJUSTMENT  
STAFF REPORT****Date: April 7, 2014****CASE NUMBER**

5887

**APPLICANT NAME**

David Hooper (M. Don Williams, Agent)

**LOCATION**1283 Azalea Road  
(East side of Azalea Road, 850' ± South of Government  
Boulevard).**VARIANCE REQUEST****PARKING SURFACE:** Surface Variance to allow a  
gravel parking area to be used for service truck storage in a  
B-2, Neighborhood Business District.**ZONING ORDINANCE  
REQUIREMENT****PARKING SURFACE:** The Zoning Ordinance requires a  
service truck storage area to be paved in asphalt, concrete,  
or an approved alternative paving surface in a B-2,  
Neighborhood Business District.**ZONING**

B-2, Neighborhood Business

**AREA OF PROPERTY**

1.28± Acres

**ENGINEERING  
COMMENTS**

According to our Engineering files there has been no land disturbance permit reviewed or approved for the existing impervious surfaces added since 1984 (see Aerial Flight23, #84). Therefore, any approval of this variance should include a requirement that a land disturbance permit be submitted for the site impervious area added since 1984 (including detention) prior to issuing any permits for the site.

**TRAFFIC ENGINEERING  
COMMENTS**

Traffic Engineering has no objection to the surface variance, as the area in the side of the building is not included in the required parking calculations.

**CITY COUNCIL  
DISTRICT**

District 4

**ANALYSIS**

The applicant is requesting a Surface Variance to allow a gravel parking area to be used for service truck storage in a B-2, Neighborhood Business District; the Zoning Ordinance requires a service truck storage area to be paved in asphalt, concrete, or an approved alternative paving surface in a B-2, Neighborhood Business District.

The subject site was developed in 1987, according to County Revenue records, but the truck parking area was apparently not constructed to the standards of Section 64-6.A.3.a. pertaining to surfacing which was in effect at that time and remains unchanged. A review of aerial photographs since 1984 seems to indicate the area was used for vehicular access to service bays along the South side of the building and never used for an equipment lay-down yard or for parking of heavy tracked or off-road types of vehicles. Although the ensuing situation would not be considered legal nonconforming, it remained such throughout the past use history of the site. The last business operation ceased at the site on August 31, 2011, and after two years of vacancy, even a legal nonconforming status would have expired on August 31, 2013. As a new use is now proposed for the site, the nonconforming surfacing situation must either be brought into compliance or a variance granted for such; hence this application.

Pertaining to the use and character of improvements, existing and proposed, and a time schedule for development, the applicant states *"The site has been the long-term home of Rickwood Custom Auto Accessories, a sales and distribution retailer of car accessories. The building has been sold to David Hooper, the owner of STC, a computer networking company, for use as his office. David plans to demo the entire interior of the existing 6000 sf metal building. They only need 4000 sf of office space, with no storage space. Almost everything these days is wireless and remote, so storage of wire computers, parts, etc. is minimal, and will be stored within the conditioned office space. They will keep the remaining 2000 sf open for future office growth, or for possible storage of old computers on the way to being recycled off-site by another company. STC does own several service trucks, which they will operate from this site. They would like to store these trucks on the existing gravel parking lot to the south of the building, which is enclosed by an existing chain link fence. Based on aerial photographs from 1988, the building and gravel parking lot did not exist in 1988. The southern third of the site is covered with a thick tree cover, which will remain."*

*"The existing site is zoned B-2. Business activity will be accomplished within the building. We do not desire to expand the existing 14-car asphalt parking lot, which accommodates our proposed 4000 sf office space (there are no warehouse or storage employees). We do not desire to extend the existing roadway sidewalk further to the south due to possible conflict with a large live oak tree on our property, and the neutral ground within the roadway right of way, which slopes away from the roadway. We are already working with City Building Inspection for preparation of interior completion plans. If approved by the Board, we would not touch the existing gravel surfacing."*

*"We are prepared to remove the existing barbed wire atop the chain link fence. We would like to keep the gravel parking lot surfacing from the previous owner's occupancy."*

Pertaining to the proposed use, the applicant states *"The previous occupant of the building presumably used gravel surfacing and chain link fence for parking and security of service vehicles. We do not have that need, but we do not want to disturb the parking area, for fear of storm erosion."*

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 reason aggregate is not an approved surface is because of the possibility of the aggregate shifting onto the right-of-way and adjacent properties via tires, and parking spaces are not readily delineated. In cases where the basis for a Parking Surface Variance has been the fact that tracked or large off-the-road-tired construction equipment or heavy object storage could adversely impact the surface due to crushing and/or chipping, a surface variance has been justified. However, there has been no mention of such by the applicant in this case. And past aerial photographs of the site indicate standard-sized pickup trucks and vans as being the only service vehicles parked along the South side of the building within the gravel-surfaced area. Such vehicles, and those proposed to be used by the applicant, are capable of maneuvering on compliant paved surfaces without adverse impact.

The site plan indicates several other non-compliant aspects. The entrance drive curb cut appears to be only about 18' wide instead of the required 24', and the double-gate to the South parking area appears to be only about 20' wide; there are no landscaping or tree planting calculations provided, nor tree planting schedule; there is a public sidewalk along only the developed portion of the site; no dumpster is indicated or a note stating that such will not be utilized; and there is a double-gate on the East side of the property providing access to the adjacent property owned by the City of Mobile. In addition, the narrative references a barbed wire fence (proposed to be removed). These items should be addressed prior to the issuance of a Zoning Clearance or business license.

The applicant has not illustrated that a hardship would be imposed by a literal interpretation of the parking requirements. As stated by the applicant, there is simply the desire to store trucks on the existing gravel parking lot, and the Board should consider this application for denial.

**RECOMMENDATION:** Based upon the preceding, staff recommends to the Board the following findings of facts for denial:

- 1) approving the variance request will be contrary to the public interest in that it is contrary to Section 64-6.A.3.a. of the Zoning Ordinance pertaining to surfacing parking lots with concrete, asphaltic concrete, asphalt or alternative parking surface;
- 2) special conditions such as tracked vehicles or large off-the-road-tired equipment is not proposed to be stored on the surface or unusual site constraints do not exist such that a

literal enforcement of the provisions of the chapter will result in an unnecessary hardship;  
and

- 3) the spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the near-by businesses appear to be in compliance with the surfacing requirements of the Zoning Ordinance and no other Surface Variances have been granted within the neighborhood.

# LOCATOR MAP



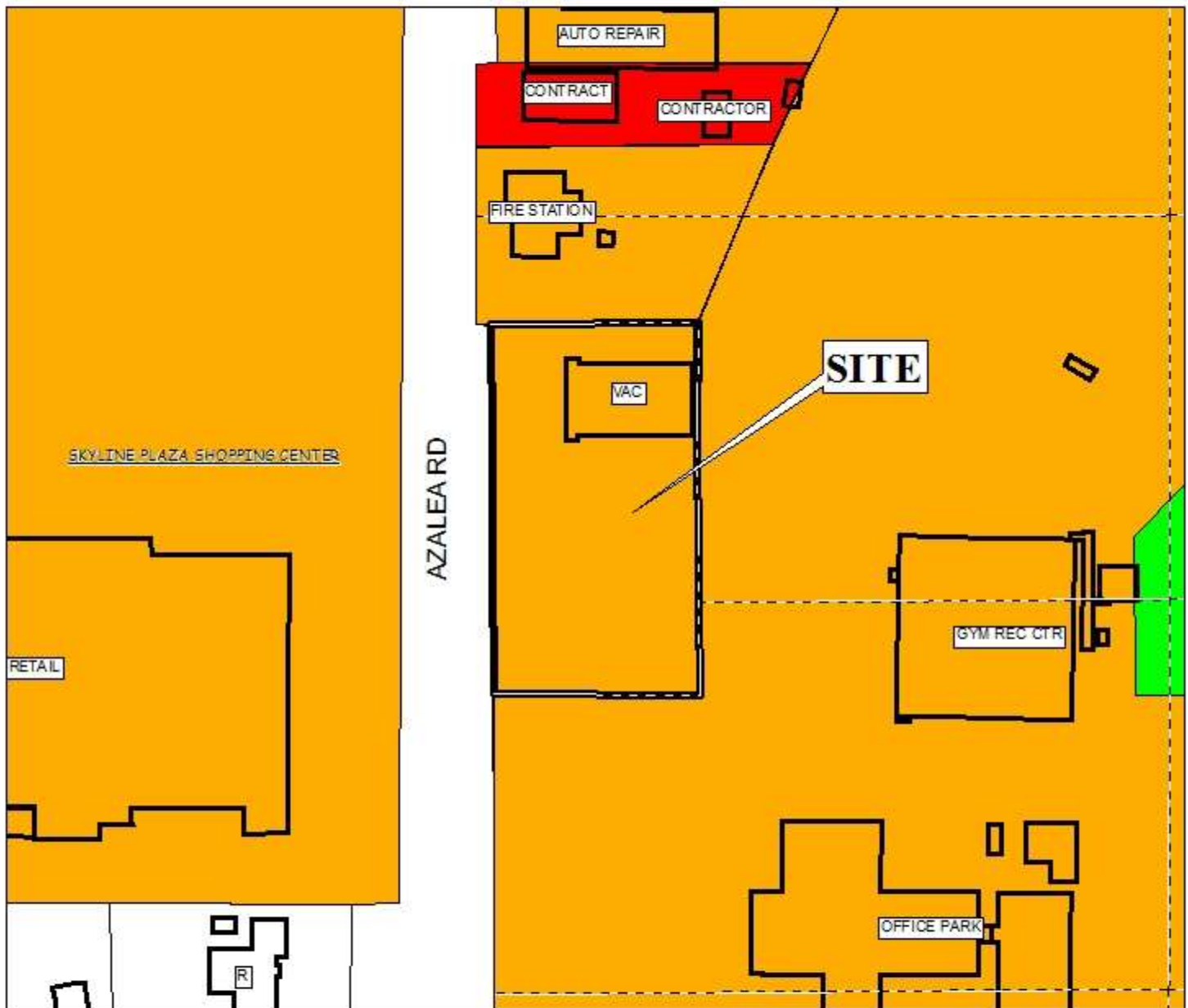
APPLICATION NUMBER 5887 DATE March 20, 2014

APPLICANT David Hooper (M. Don Williams, Agent)

REQUEST Surface Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial units. A fire station lies to the north 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





# BOARD OF ADJUSTMENT

## VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial units. A fire station lies to the north of the site.

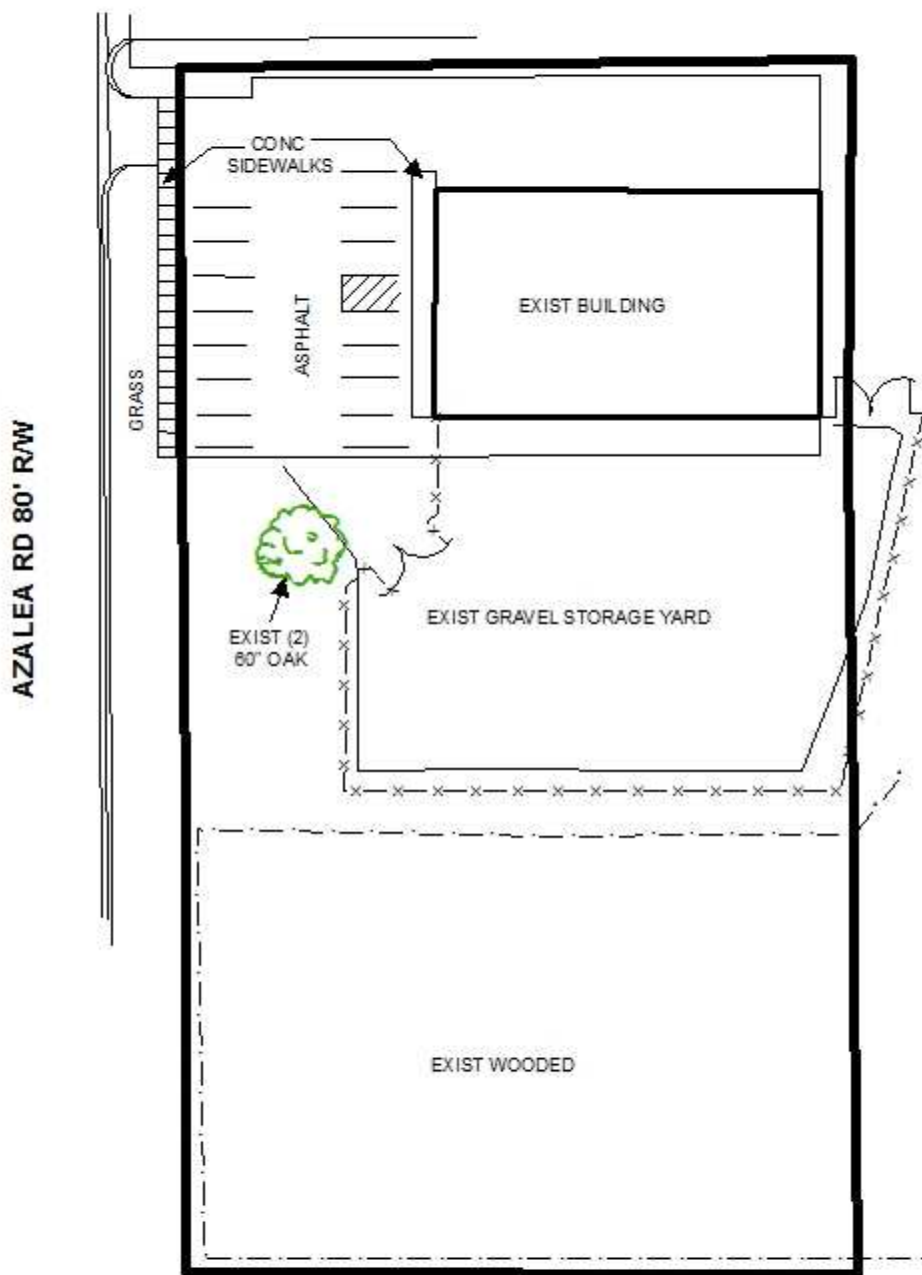
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# SITE PLAN



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