

APPLICATION NUMBER

**5541**

A REQUEST FOR

**MANEUVERING VARIANCE TO ALLOW VEHICLES TO  
UTILIZE THE STREET RIGHT-OF-WAY AS A  
MANUEVERING AREA TO BACK INTO A PROPOSED  
TRUCK WELL IN AN I-1, LIGHT INDUSTRY DISTRICT;  
THE ZONING ORDINANCE REQUIRES ALL ACCESS  
AND MANEUVERING AREA FOR LOADING FACILITIES  
TO BE FURNISHED OFF THE STREET RIGHT-OF-WAY  
AND SO ARRANGED THAT VEHICLES ARE NOT  
REQUIRED TO BACK FROM THE STREET INTO THE  
LOADING AREA IN AN I-1, LIGHT INDUSTRY DISTRICT.**

LOCATED AT

**1512 AZALEA ROAD**

(South side of Azalea Road, 295'± East of Halls Mill Road)

APPLICANT

**CHARLES J. FLOYD**

**BOARD OF ZONING ADJUSTMENT**

JUNE 2009

The applicant is requesting a Maneuvering Variance to allow vehicles to utilize the street right-of-way as a maneuvering area to back into a proposed truck well in an I-1, Light Industry District; the Zoning Ordinance requires all access and maneuvering area for loading facilities to be furnished off the street right-of-way and so arranged that vehicles are not required to back from the street into the loading area in an I-1, Light Industry District.

The applicant proposes the construction of a truck loading and unloading dock to serve an existing building. The applicant states that there is not sufficient area to maneuver the large commercial vehicles on site, and is therefore requesting a variance to allow the vehicles to back into the loading dock from the Azalea Road right-of-way.

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 states that “due to the existing site conditions, the only feasible way for a truck to access the proposed dock will be to back in from the street.” The applicant goes on to justify the variance by stating that the subject portion of Azalea Road is a dead end street with light traffic, and therefore, there will be “no effect” on traffic flow or public safety. The applicant states that they will provide proper flagging during truck maneuvering.

The applicant’s assertion that the existing site conditions will prevent truck maneuvering on the site appears to be correct. However, this would seem to be a self-imposed hardship as the applicant knew of the site condition before the request to build the loading dock was made, and, as the truck loading dock is only proposed, this really comes down to a design issue. Additionally, the applicant owns three lots adjacent and to the southeast of the subject site. It would appear that, based upon City of Mobile GIS data, that there is sufficient area to construct a truck lane for trucks to enter at 1516 Azalea Road and access the loading facilities at the subject site via construction of a shared accessway in the rear of the buildings. This would require a Planned Unit Development application for shared access between two building sites. This situation

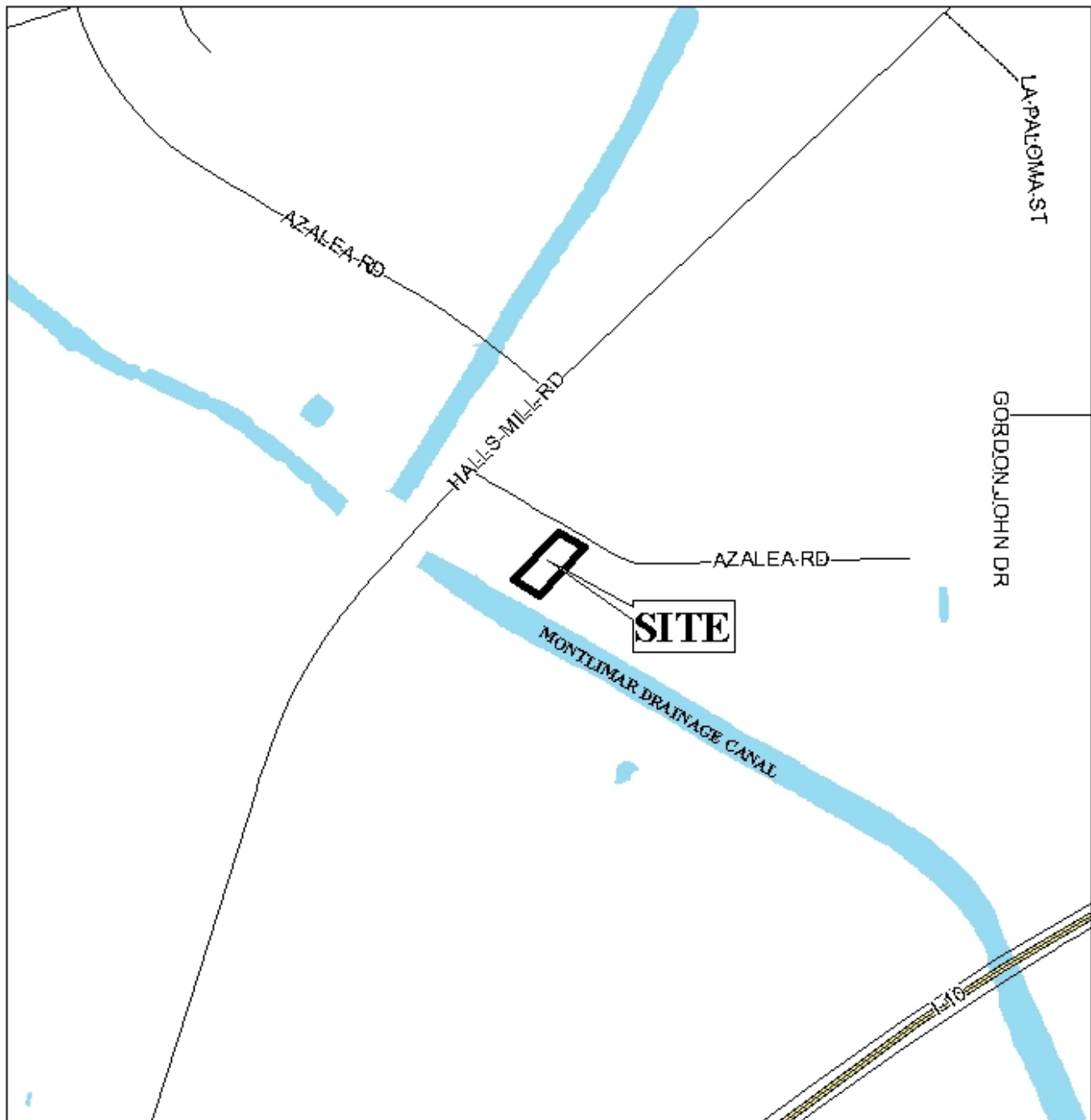
would seem to be preferable to having large commercial tractor-trailers backing into the site from the Azalea Road right-of-way.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. The applicant simply wishes to use city right-of-way as maneuvering area.

**RECOMMENDATION 5541****Date: June 1, 2009**

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

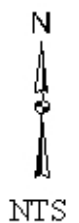
## LOCATOR MAP



APPLICATION NUMBER 5541 DATE June 1, 2009

APPLICANT Charles J. Floyd

REQUEST Maneuvering Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



This site is surrounded by industrial and business land use.

APPLICATION NUMBER 5541 DATE June 1, 2009  
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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: orange;"></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: brown;"></span> B-4	<span style="display: inline-block; width: 15px; height: 15px; background-color: blue;"></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	NTS
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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

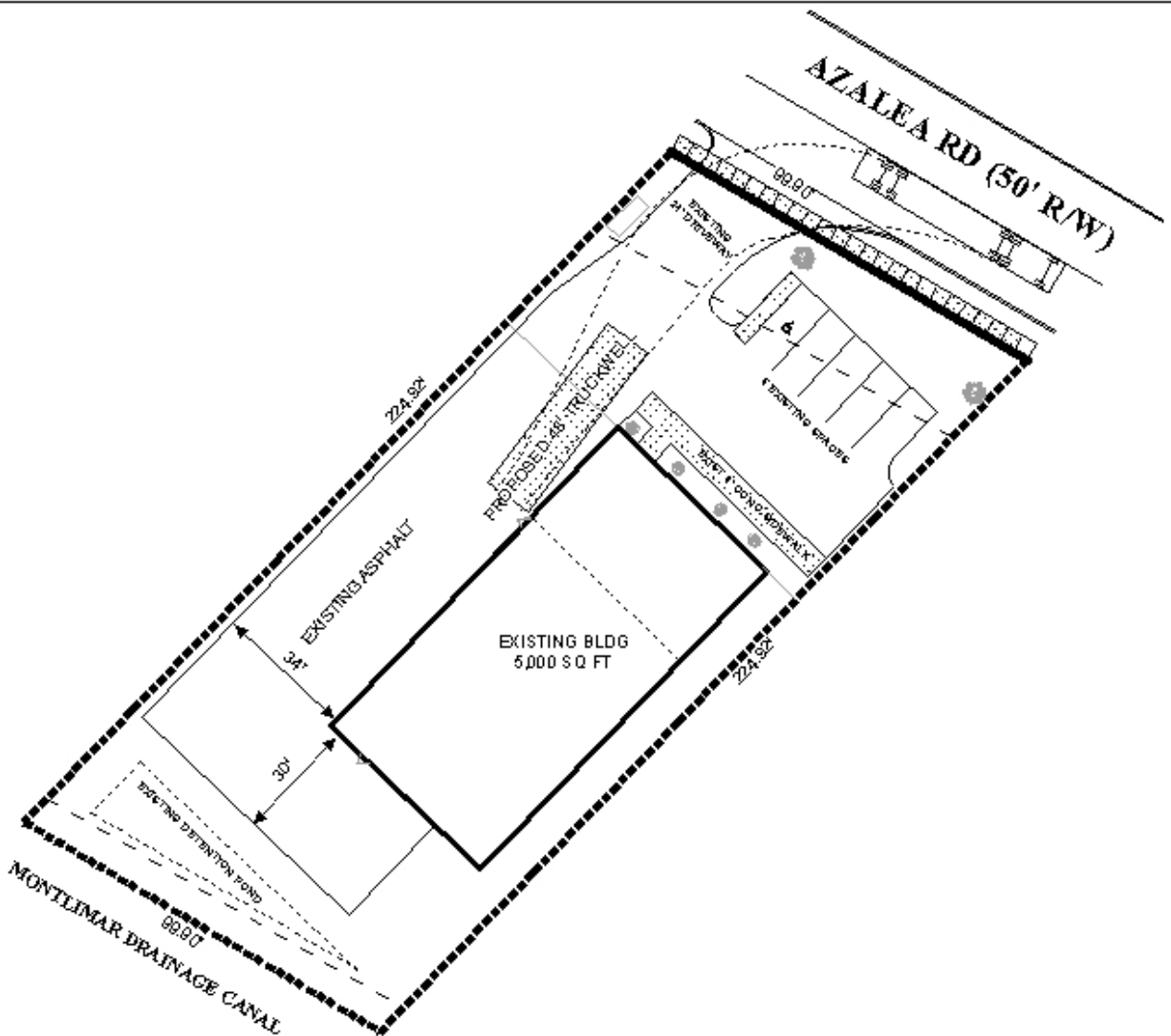


This site is surrounded by industrial and business land use.

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N  
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## SITE PLAN



This site plan illustrate the existing structures and proposed truck well.

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REQUEST \_\_\_\_\_ Maneuvering Variance



NTS