

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: December 3, 2012****CASE NUMBER**

5800

APPLICANT NAME

Hughes Plumbing and Utility Contractors

LOCATION400 Bay Bridge Road
(Northwest corner of Bay Bridge Road and Paper Mill Road, extending to Paper Mill Road Extension)**VARIANCE REQUEST****USE:** Use Variance to allow a contractor's storage yard in an R-2, Two-Family Residential District and B-2, Neighborhood Business District with a 6' high chain link fence.**ZONING ORDINANCE
REQUIREMENT****USE:** the Zoning Ordinance requires a minimum of an I-1, Light Industrial District for a contractor's storage yard and is required to be enclosed by a solid wall or fence at least 8' high.**ZONING**

R-2, Two-Family Residential District and B-2, Neighborhood Business District

AREA OF PROPERTY

4.0 ±Acres

**ENGINEERING
COMMENTS**

The existing gravel surface appears to be stable. The areas of concentrated flow off of the site (south side) will need to be protected so as to prevent any sedimentation from leaving the site. Any existing drainage structures affected by potential sedimentation shall be protected by appropriate BMP's to prevent sedimentation from entering the drainage system.

Therefore we recommend that IF the surface variance is approved that the following requirements be attached as conditions of approval:

1. If the surface variance is approved for use the applicant will be required to submit a Land Disturbance Permit Application package for any proposed site development, which would include a plan outlining the proposed BMP's and an Erosion And Sediment Control Plan (Section 17-12(h)).

**TRAFFIC ENGINEERING
COMMENTS**

No apparent traffic issues

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

CITY COUNCIL**DISTRICT**

District 2

ANALYSIS

The applicant is requesting a Use Variance to allow a contractor's storage yard in an R-2, Two-Family Residential District and B-2, Neighborhood Business District with a 6' high chain link fence; the Zoning Ordinance requires a minimum of an I-1, Light Industrial District for a contractor's storage yard and is required to be enclosed by a solid wall or fence at least 8' high.

The applicants are proposing to utilize the existing site, with no additional improvements, to store rock and pipe materials to support the construction of a waste water force main from a nearby Mobile Area Water and Sewer System wastewater treatment plant to the Mobile River. The construction project will take approximately one year.

The applicant will protect two existing live oak trees on the site with chain link fencing, but requests a variance from the provision of an 8-foot high solid wall or fence around the site, and of course to utilize the residentially and commercially-zoned site for a temporary contractor's storage yard. The applicant states that the site will be restored to its original condition after the completion of the project.

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 site is currently vacant, but is covered with a mixture of gravel and grass, and surrounded by a chain-link fence topped with barbed-wire. The site, prior to the construction of the new Cochran-Africatown Bridge in the 1990s, was a mixture of commercial, residential and vacant land uses. It appears that the site was cleared of all uses, and graveled during the construction of the new bridge.

The site is abutted to the West by a mostly unused 20-foot wide right-of-way, one single family residence, and vacant land. Some of the proposed rock storage will be on the side of the site near the adjacent single-family residence, thus it is recommended that some sort of temporary fence

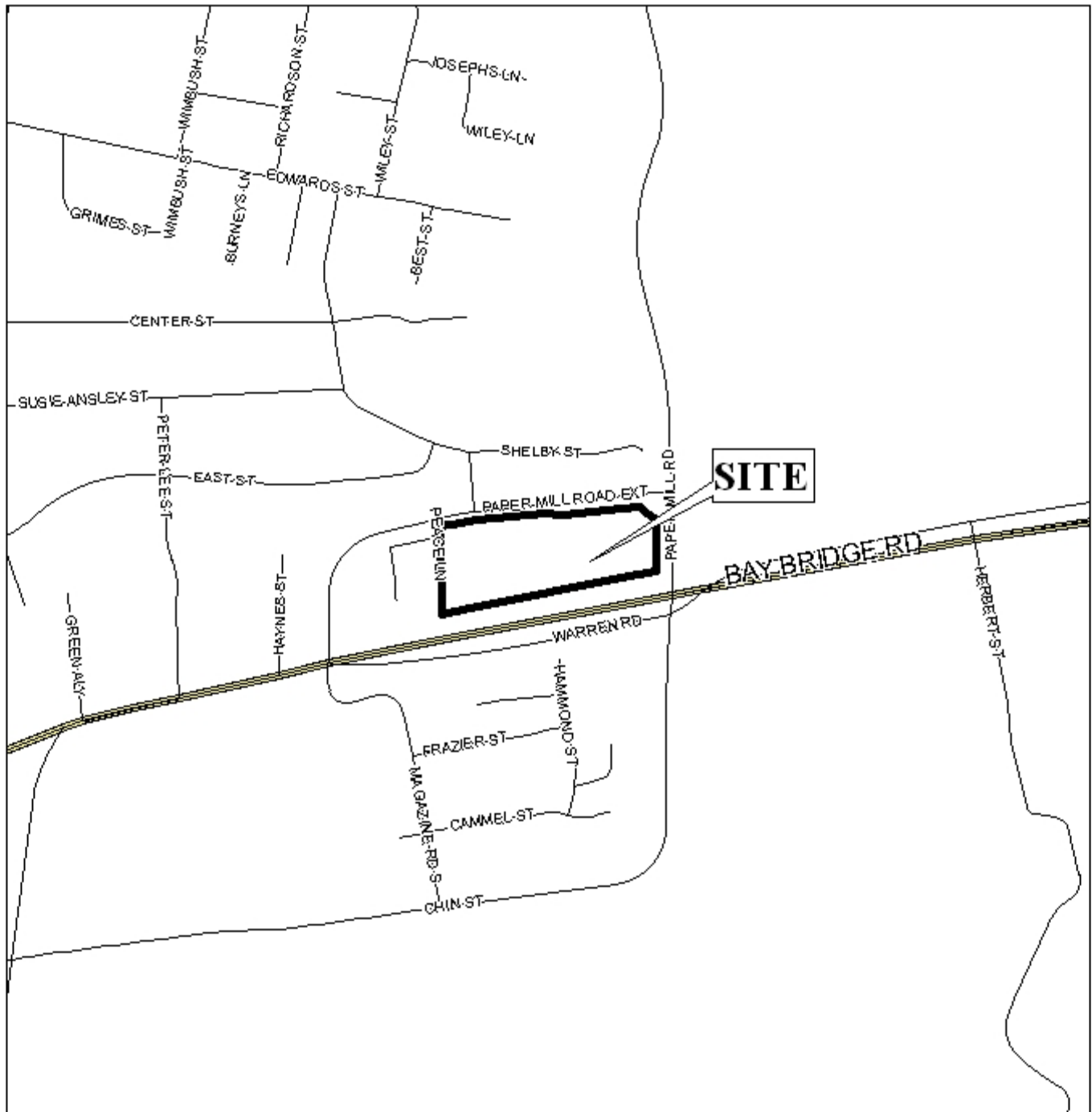
buffer be provided along approximately 150 feet of the 280-foot long Western boundary of the site. The buffer is recommended due to the fact that gravel loading and unloading to/from a dump truck generates noise and dust, thus even a minimum provision of slats in the existing chain link fence would provide at least a visual buffer for neighbors; otherwise, there are no other adjacent uses that would be negatively impacted by the lack of a buffer.

As for the use of the site, the extensive scope and nature of the MAWSS project necessitates a contractor's storage yard in the project vicinity. This site is readily available, adequately improved for such a use, and is not currently being utilized. Furthermore, its location will have minimal impact on other existing residential, commercial and industrial uses in the vicinity, and will allow for a more efficient construction process.

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

- 1) Protection of the two existing live oak trees on site with the chain-link perimeter fencing as proposed;
- 2) Provision of slatting in the existing chain link fence along the Western boundary of the site, starting at 25-feet from Northwest corner of the fence, extending South along the fence 150-feet, to be removed at the restoration of the site after completion of the MAWSS project;
- 3) Compliance with Engineering comments (*If the surface variance is approved for use the applicant will be required to submit a Land Disturbance Permit Application package for any proposed site development, which would include a plan outlining the proposed BMP's and an Erosion And Sediment Control Plan (Section 17-12(h)).*);
- 4) Compliance with Fire comments (*All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.*); and
- 5) Restoration of the property to its pre-existing condition, upon completion of the MAWSS project.

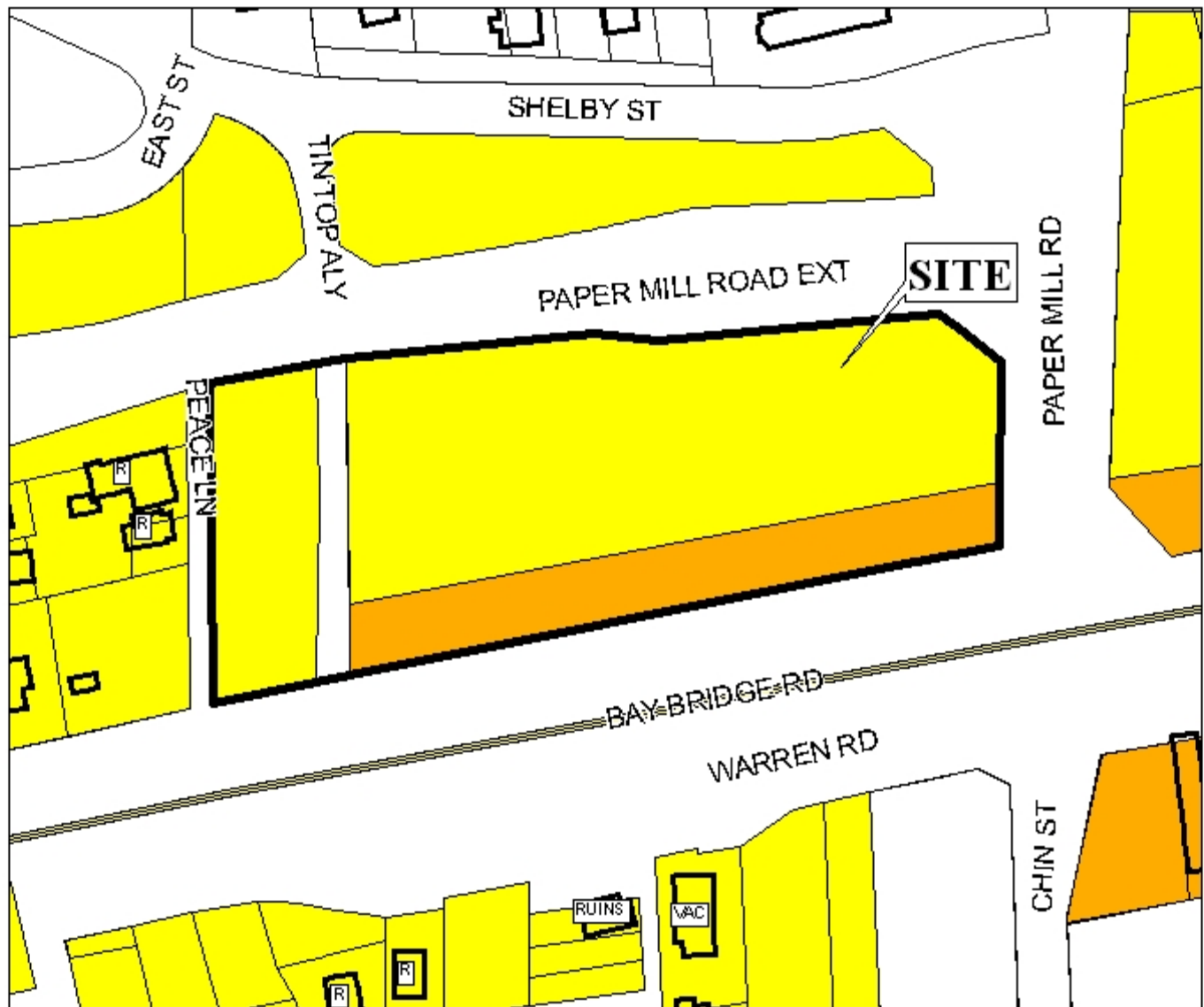
LOCATOR MAP



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N
NTS

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



Single-family residences are located to the west and south 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

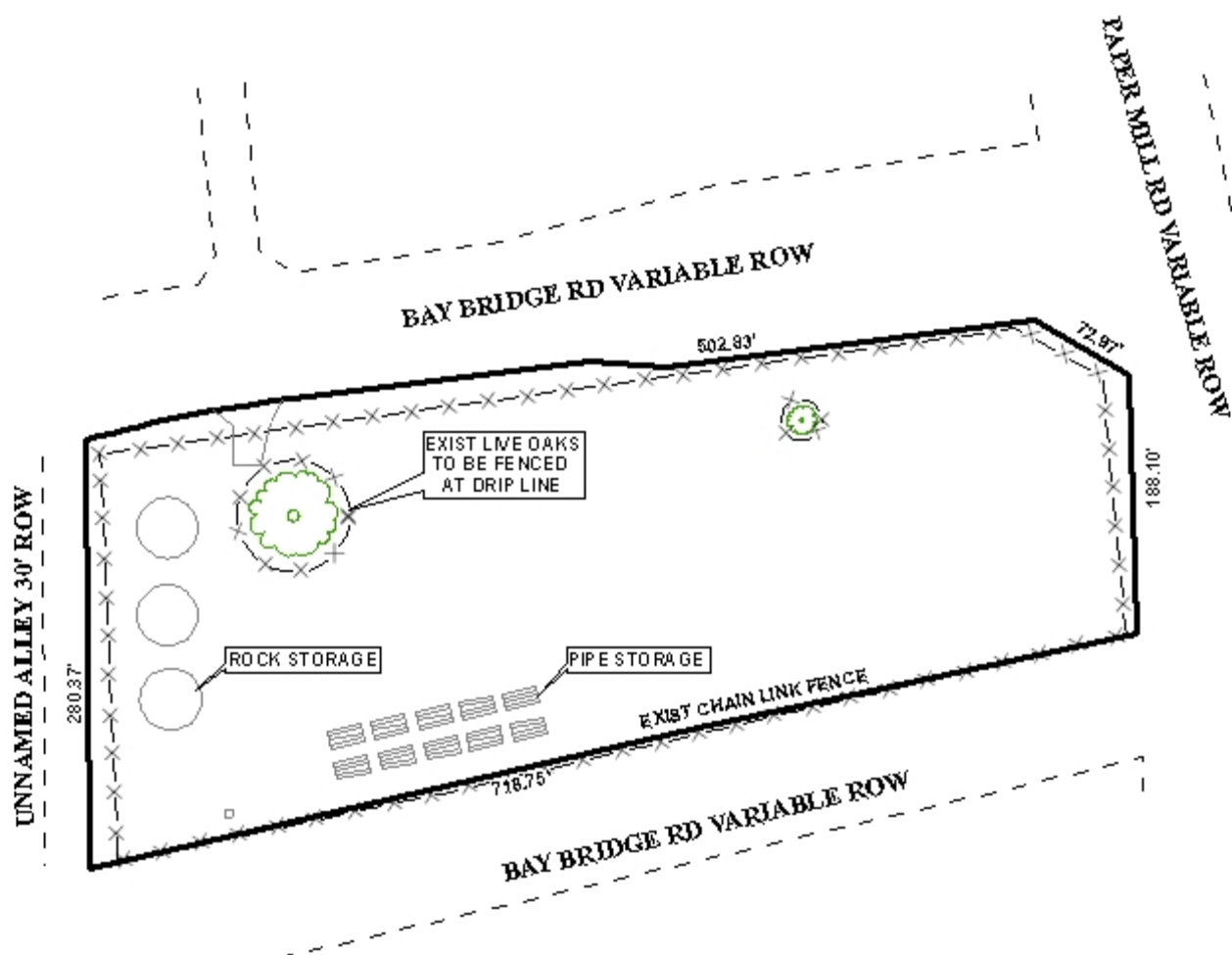


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SITE PLAN



The site plan illustrates the proposed storage yard.

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