

APPLICATION NUMBER

5483

A REQUEST FOR

**USE AND PARKING SURFACE VARIANCES TO ALLOW
A MARINE CONTRACTOR'S STORAGE YARD WITH
AGGREGATE PARKING AND LAY-DOWN YARD
SURFACES IN AN R-1, SINGLE-FAMILY RESIDENTIAL
DISTRICT; THE ZONING ORDINANCE REQUIRES AN
I-1, LIGHT INDUSTRY DISTRICT FOR A
CONTRACTOR'S STORAGE YARD, AND PARKING AND
LAY-DOWN YARDS MUST BE ASPHALT, CONCRETE,
OR AN APPROVED ALTERNATIVE SURFACE.**

LOCATED AT

4706 DAUPHIN ISLAND PARKWAY

(West side of Dauphin Island Parkway, ¼ mile± South of Alba Avenue).

APPLICANT/OWNER

CHRIS LOVVORN

AGENT

CHRIS LOVVORN

BOARD OF ZONING ADJUSTMENT

JULY 2008

The applicant is requesting Use and Parking Surface Variances to allow a marine contractor's storage yard with aggregate parking and lay-down yard surfaces in an R-1, Single-Family Residential District; the Zoning Ordinance requires an I-1, Light Industry District for a contractor's storage yard, and parking and lay-down yards must be asphalt, concrete, or an approved alternative surface.

The applicant operates a wharf and pier building operation based from his home and services primarily the Dog River area. Until recently he moored and loaded his barge and construction equipment at the marina adjacent to the North side of the subject site. Due to an ownership change at the marina, the applicant is now forced to find a different location to moor and load equipment and supplies onto the barge.

The subject site was formerly a fishing camp and bait shop and is now a gravel parking area along a small canal. The applicant proposes to use the site strictly as a logistics and water access point for his marine contracting business. No structure is proposed to be built. Compliant frontage tree plantings are proposed. It is argued that there are very few places along Dog River which will allow access to the barge, and the site is in the midst of marinas which contain large travel lifts routinely lifting large boats, even industrial tug boats to perform maintenance. Adjoining the site to the South is a boat launch and bait shop.

While the site is zoned R-1 and the applicant has not demonstrated that a hardship exists which would necessarily prevent its use as a single-family residence, there are factors related to the location which would make such use unlikely, primarily the nearby commercial uses. With regard to the surface variance request, no justification is presented in support of the request and no mention is made as to what types of equipment and/or material the lay-down area is proposed to be used for.

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.

Though the applicant failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship with respect to the use of the property, waterfront uses

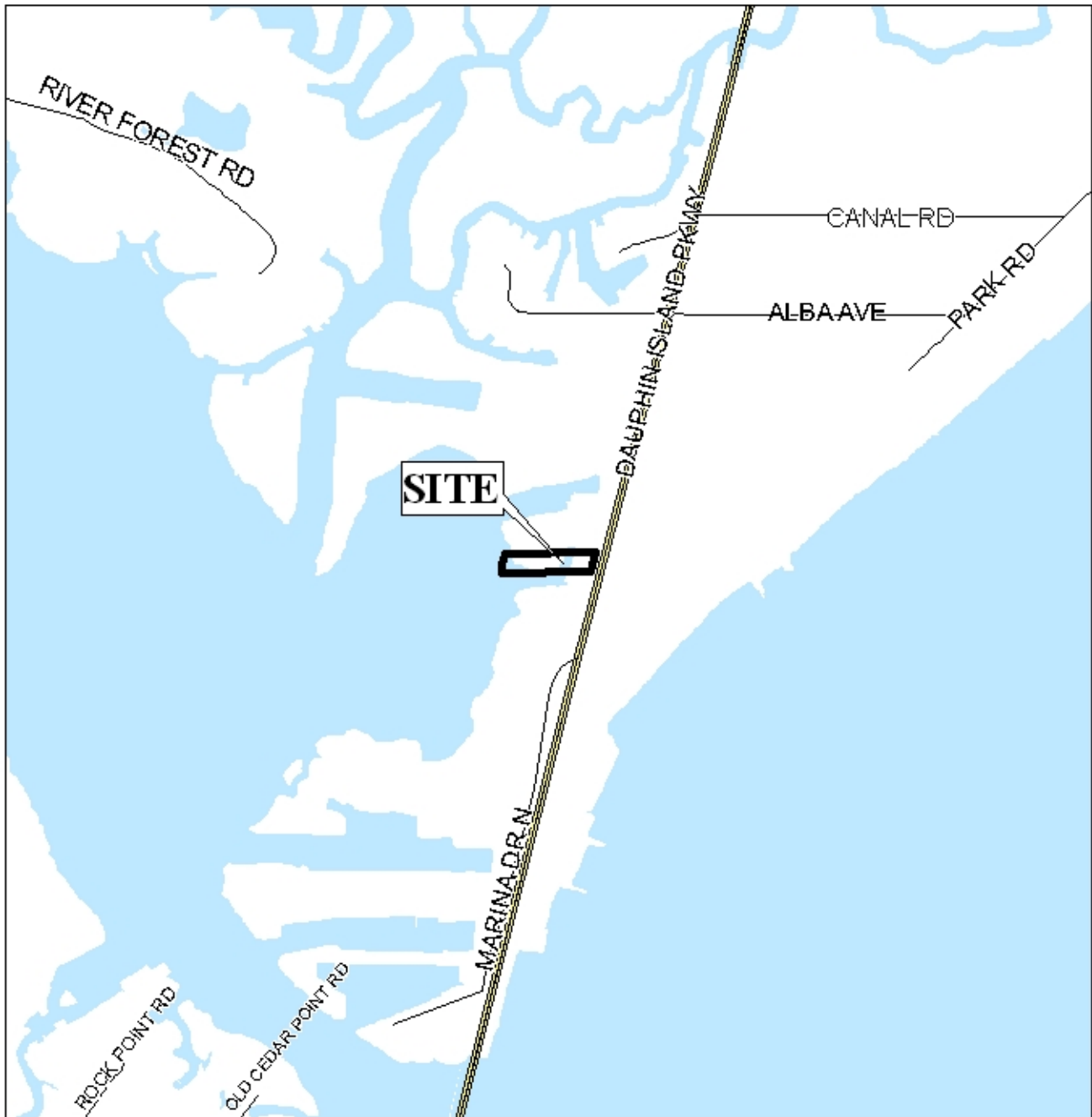
within the area would seem to justify the request. With regard to the surface variance request, no justification for a hardship was demonstrated. It is simply the applicant's desire to have aggregate parking and lay-down area surfaces.

RECOMMENDATION 5483**Date: July 7, 2008**

Based upon the preceding, the request to allow a marine contractor's storage yard in an R-1, Single-Family Residential District is recommended for approval, subject to the following condition: 1) the planting of frontage trees as indicated on the site plan.

The request to allow aggregate parking and lay-down area surfaces is recommended for denial.

LOCATOR MAP



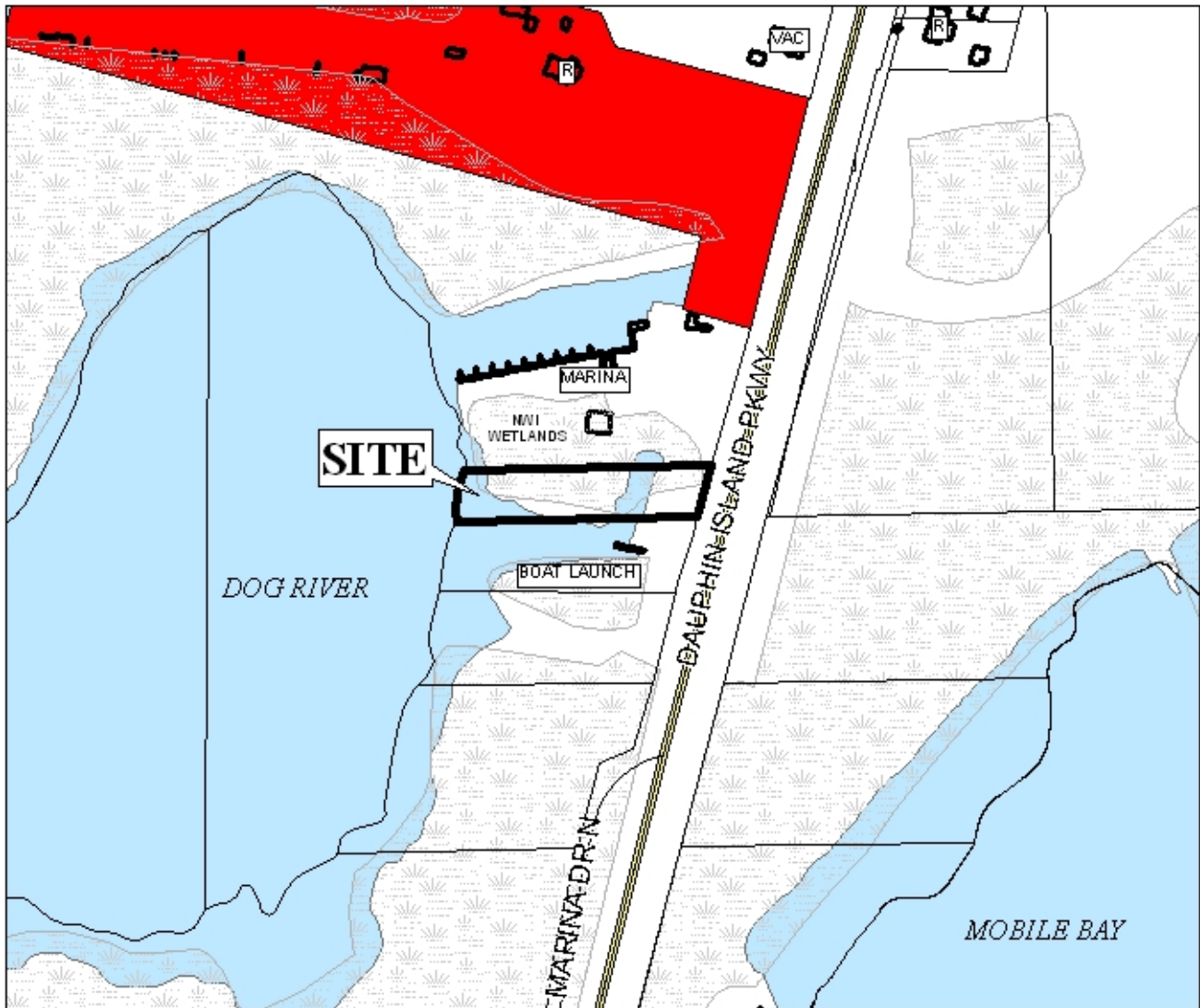
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REQUEST Use and Parking Surface Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a boat launch south of the site and a marina to the north.

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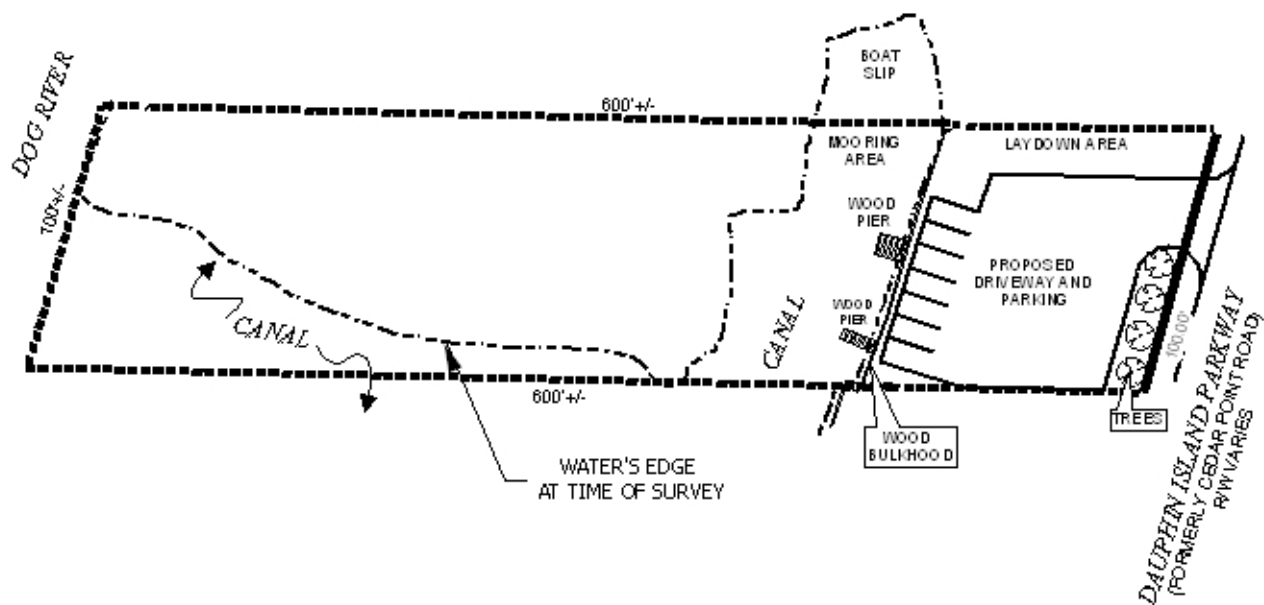
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LEGEND

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	NTS
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SITE PLAN



The site plan illustrates the proposed driveway, parking, trees, laydown area, bulkhead, and water's edge.

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