

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

5801/4657

**APPLICANT NAME**

Forklift Hunter, LLC

**LOCATION**

216 East I-65 Service Road North  
(East side of East I-65 Service Road North, 610'± North of  
Old Shell Road).

**VARIANCE REQUEST**

**SURFACE:** Surface Variance request to allow aggregate  
surfacing for an equipment storage yard in a B-3,  
Community Business District.

**ZONING ORDINANCE  
REQUIREMENT**

**SURFACE:** The Zoning Ordinance requires an equipment  
storage yard to be paved with concrete, asphaltic concrete,  
asphalt, or an approved alternative paving surface in a B-3,  
Community Business District.

**ZONING**

B-3, Community Business District

**AREA OF PROPERTY**

1.0± Acre

**ENGINEERING  
COMMENTS**

The existing gravel surface appears to be stable and it does  
not show any signs of erosion or concentrated flow along the adjacent property lines. Therefore  
we recommend that the surface variance be approved.

**TRAFFIC ENGINEERING  
COMMENTS**

This driveway is on ALDOT's right of way. If ALDOT has  
no objection, then neither will Traffic Engineering.

**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 1

**ANALYSIS**

The applicant is requesting a Surface Variance to allow aggregate surfacing for an equipment storage yard in a B-3, Community Business District; the Zoning Ordinance requires an equipment storage yard to be paved with concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in a B-3, Community Business District.

The applicant proposes to use the site for sales, leasing and repair of forklifts. Planning Approval was granted by the Planning Commission in October, 2011, for such an operation, as well as a one-lot subdivision. A Sidewalk Waiver request was granted in November, 2012. As the applicant proposes to store the equipment outside in a rear area which has always been of aggregate surfacing, a Surface Variance is required to allow the aggregate to remain and be used for storage; hence this application.

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 applicant states that the two previous businesses at the site utilized the aggregate parking surface and points to the fact that the Planning Approval allowed an I-1, Light Industry, use in the existing B-3 zone. It is further pointed out that the maneuvering of the forklifts within this area would damage an asphalt surface.

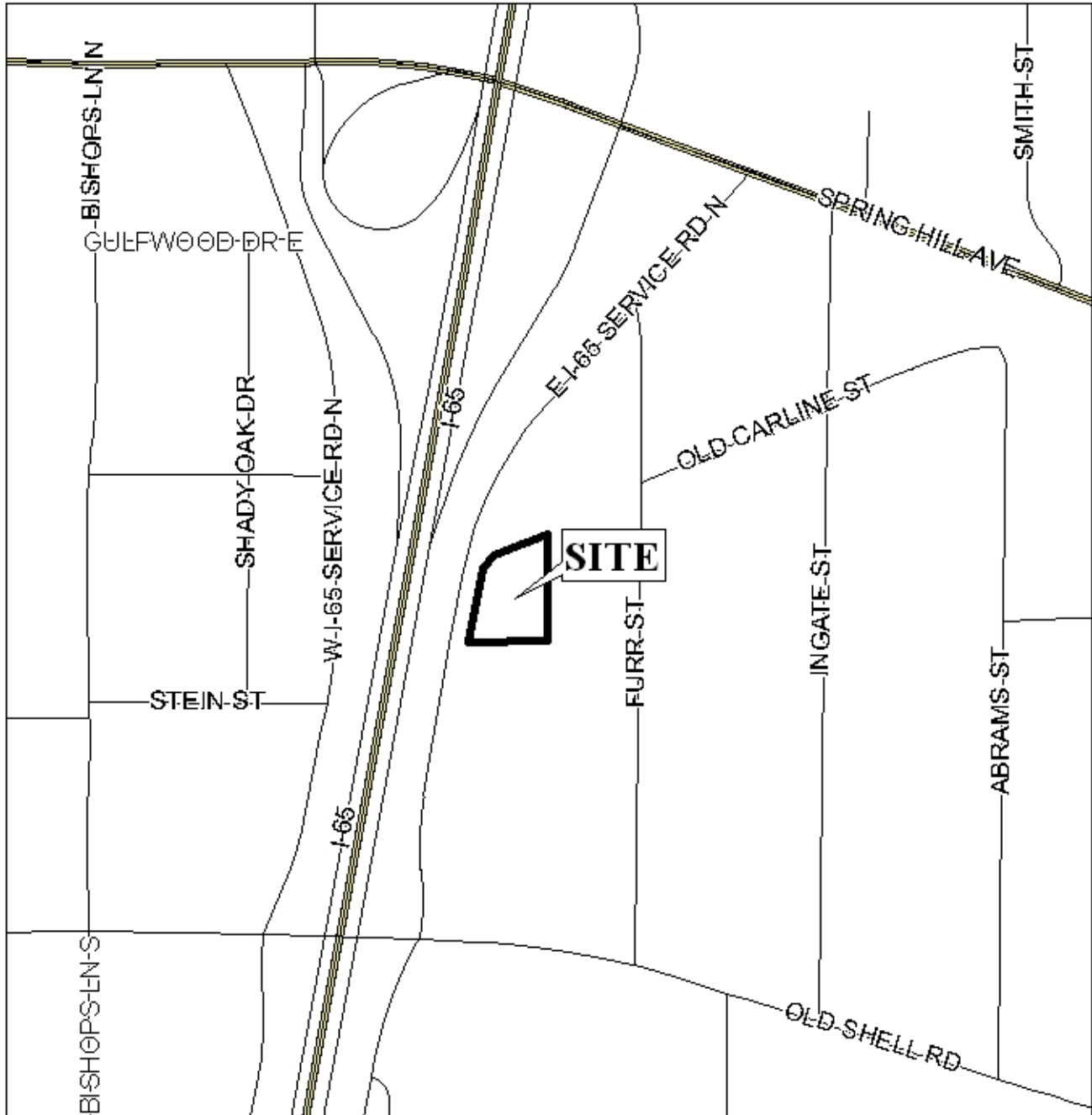
The site plan submitted indicates compliant paved parking for standard vehicles (minus bumper stops), with adequate access and maneuvering areas. The existing aggregate paving is to the rear of the site out of the standard vehicle parking area. In similar instances where surfacing variances have been sought in I-1 districts, heavy equipment movement and materials storage have been viable reasons for the approval of surfacing variances. In this instance, the zoning is B-3, but the use as a heavy equipment storage yard would seem to justify the granting of this variance request in light of the possible damage that the movement of the forklifts could cause to standard surfaces.

In the past, the Board has been sympathetic to Surface Variance requests where heavy equipment would have a tendency to damage standard parking surfaces. The applicant has illustrated that a hardship would be imposed by a strict interpretation of the Zoning Ordinance, and the Board should consider this request for approval.

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

- 1) revision of the site plan to indicate bumper stops for all standard vehicle parking spaces;  
and
- 2) full compliance with all other municipal codes and ordinances.

## LOCATOR MAP



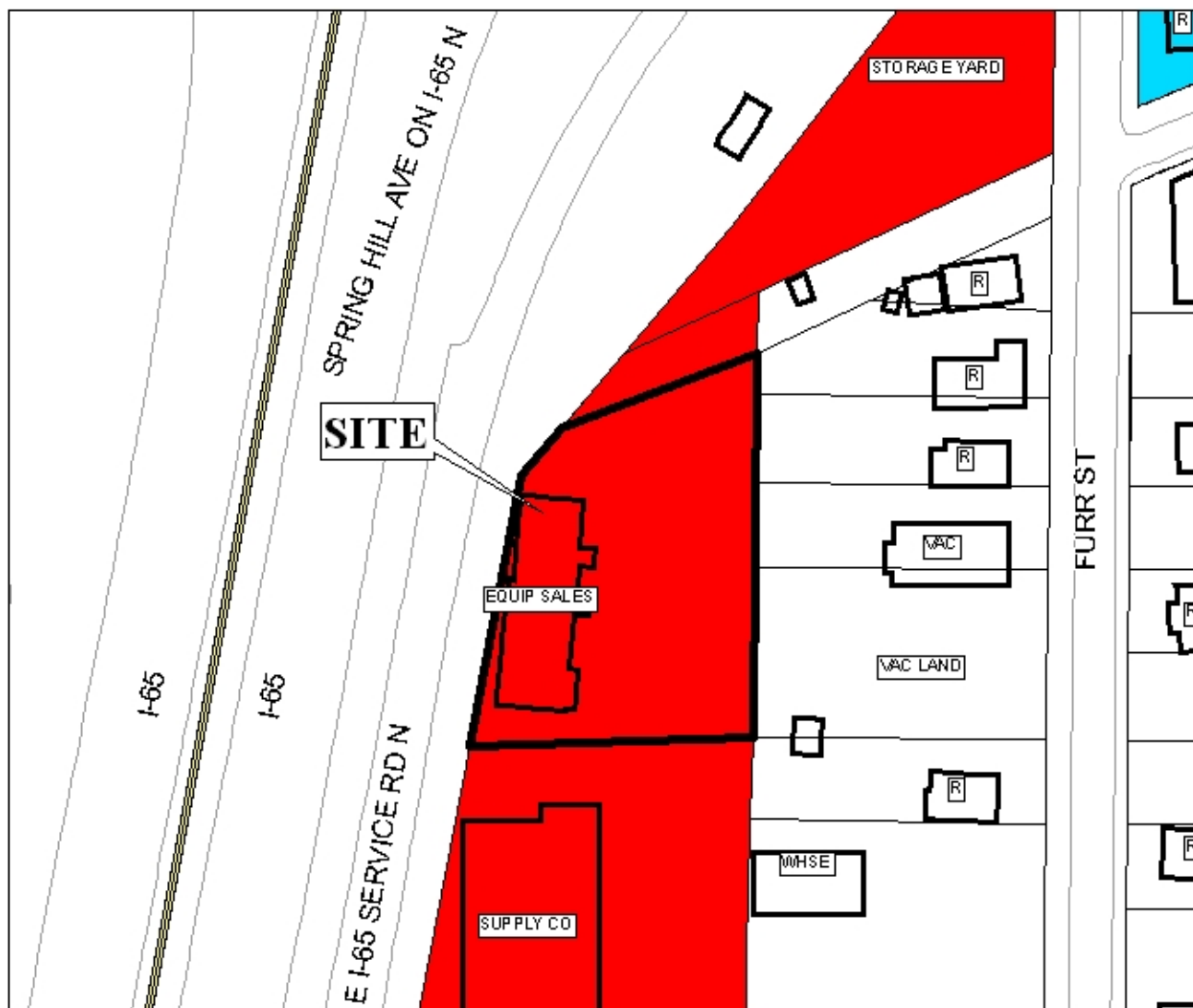
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APPLICANT Forklift Hunter, LLC

REQUEST Surface Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and business land use.

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APPLICANT Forklift Hunter, LLC

REQUEST Surface Variance

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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# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



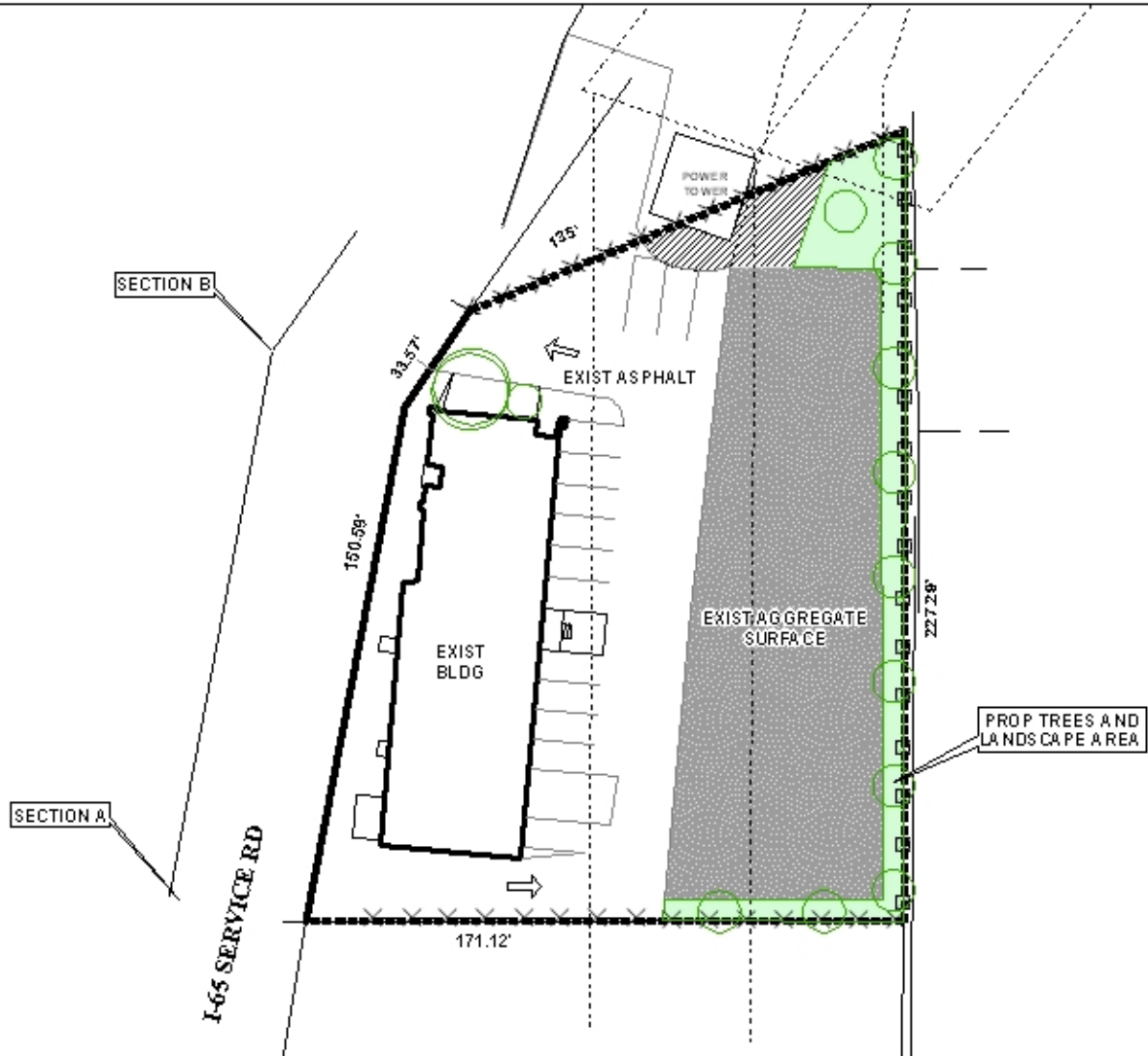
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## SITE PLAN



The site plan illustrates the existing development.

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