

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: August 1, 2011****CASE NUMBER**

5701

APPLICANT NAME

Gulf Equipment Corporation

LOCATION5152 Willis Road
(South side of Willis Road, 100'± East of Middle Road)**VARIANCE REQUEST****BUFFER FENCE:** Allow a chain link fence around an equipment storage yard.**SURFACING:** Allow aggregate surfacing for in an equipment storage yard.**ZONING ORDINANCE
REQUIREMENT****BUFFER FENCE:** An 8-foot high solid wall or fence is required to erected around an equipment storage yard.**SURFACING:** Equipment storage and maneuvering areas are required to be paved with asphalt, concrete, or an approved alternative paving surface.**ZONING**

I-1, Light Industry District

AREA OF PROPERTY

8.05 Acres ±

**TRAFFIC ENGINEERING
COMMENTS**

None received.

**CITY COUNCIL
DISTRICT**

District 4

ANALYSIS

The applicant is requesting Surfacing and Buffer Variances to allow the construction of an equipment storage yard with aggregate surfacing and chain link fencing in an I-1, Light Industry District; the Zoning Ordinance requires equipment storage areas to be paved with asphalt, concrete, or an approved alternative surface and requires equipment storage areas to be enclosed with an 8-foot high solid wall or fence in an I-1, Light Industry District.

The applicant wishes to construct an equipment storage yard on a previously undeveloped parcel with aggregate crushed stone surfacing. Additionally, the applicant does not plan to fence the

entire storage yard, only providing fencing along the front of the site. Further, the fencing that is proposed is 6-foot high chain link, and not an 8-foot high solid wall or fence as required by the Ordinance.

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 equipment storage area will have various heavy wheeled and tracked equipment. The applicant further expresses concern about the durability of asphalt or concrete pavement in the storage yard area due the nature of the equipment used in the business. The Board has, in the past, granted requests for aggregate surfacing in areas where this type of equipment operates as it has been considered a hardship due to maintenance of the paving.

Regarding the 8-foot high solid wall or fence, the applicant states that “the expense and maintenance of such a fence/wall would be a hardship for the applicant.” The applicant further states that neighboring properties that function as equipment storage yards do not provide fences. Economic concerns are not considered a hardship by Alabama law, and thus cannot be considered. The neighboring properties cited by the applicant only came into the City of Mobile in 2008, and are legal non-conforming uses, which will need to be upgraded as redevelopment plans for those properties come up. As such, there is no hardship or special circumstance readily apparent to justify the buffer fence variance request.

RECOMMENDATION

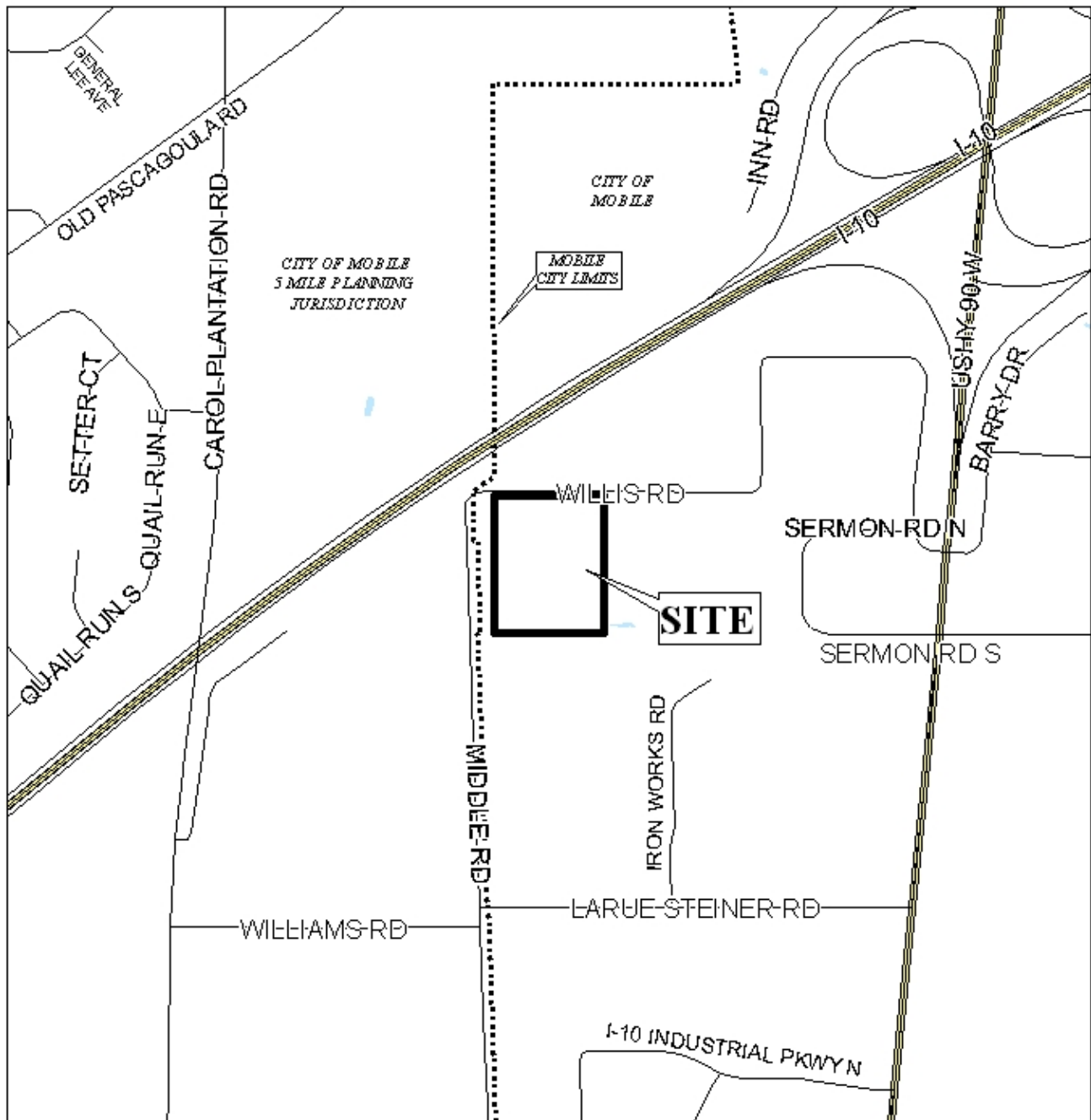
Based upon the preceding, the following is recommended:

Denial of the buffer fence variance; and

Approval of the surfacing variance subject to the following conditions:

- 1) all vehicular parking and maneuvering areas to be paved with asphalt or concrete;
- 2) full compliance with tree planting and landscaping requirements; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



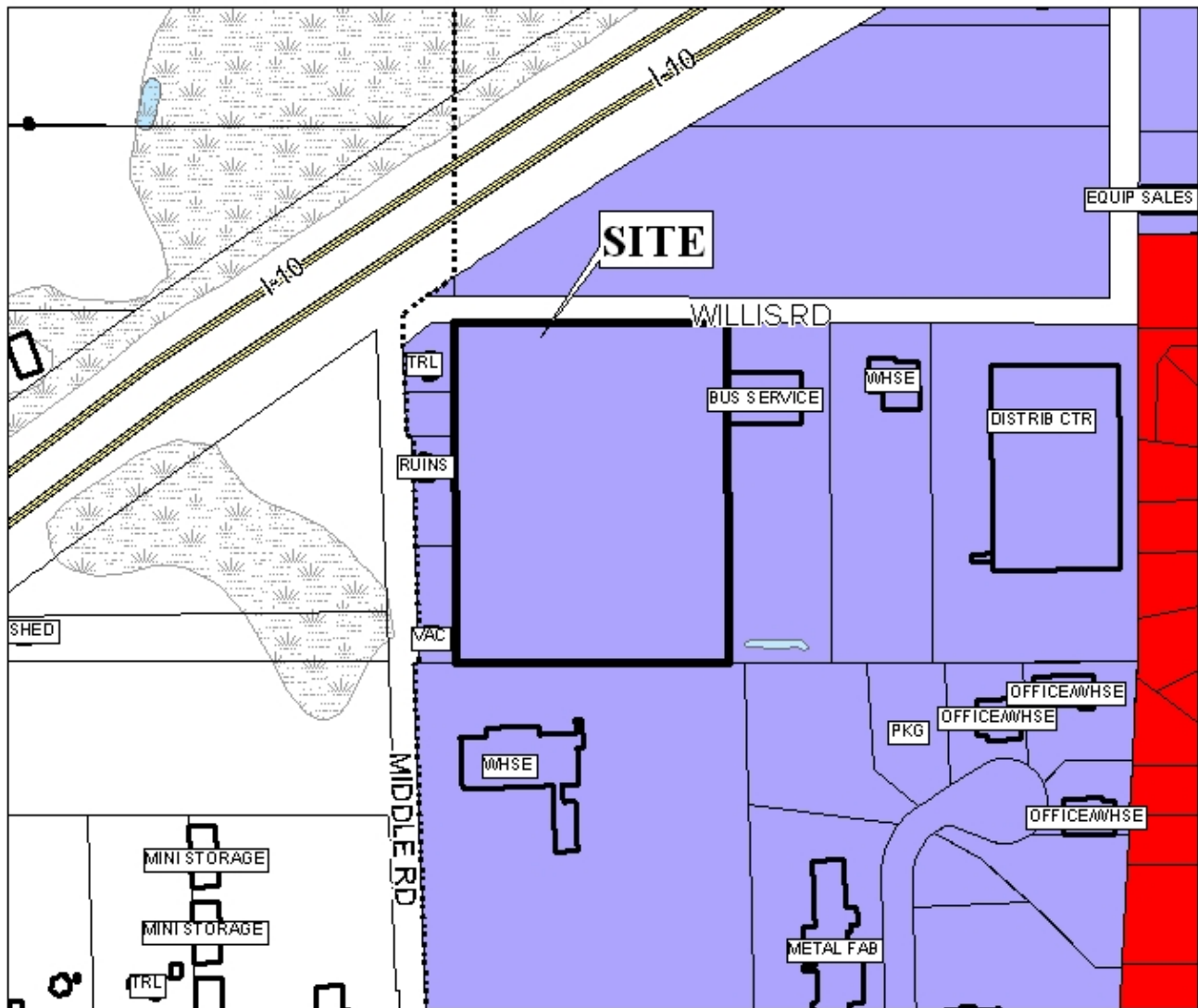
APPLICATION NUMBER 5701 DATE August 1, 2011

APPLICANT Gulf Equipment Corporation

REQUEST Surfacing and Buffer Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a trailer to the west of the site, a warehouse to the south and industrial land uses to the east.

APPLICATION NUMBER 5701 DATE August 1, 2011

APPLICANT Gulf Equipment Subdivision

REQUEST Surfacing and Buffer 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
-----	-----	-----	-----	-----	-----	-----	-----	------	-----	-----	-----	-----	-----	-----	-----

BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



There is a trailer to the west of the site, a warehouse to the south and industrial land uses to the east.

APPLICATION NUMBER 5701 DATE August 1, 2011

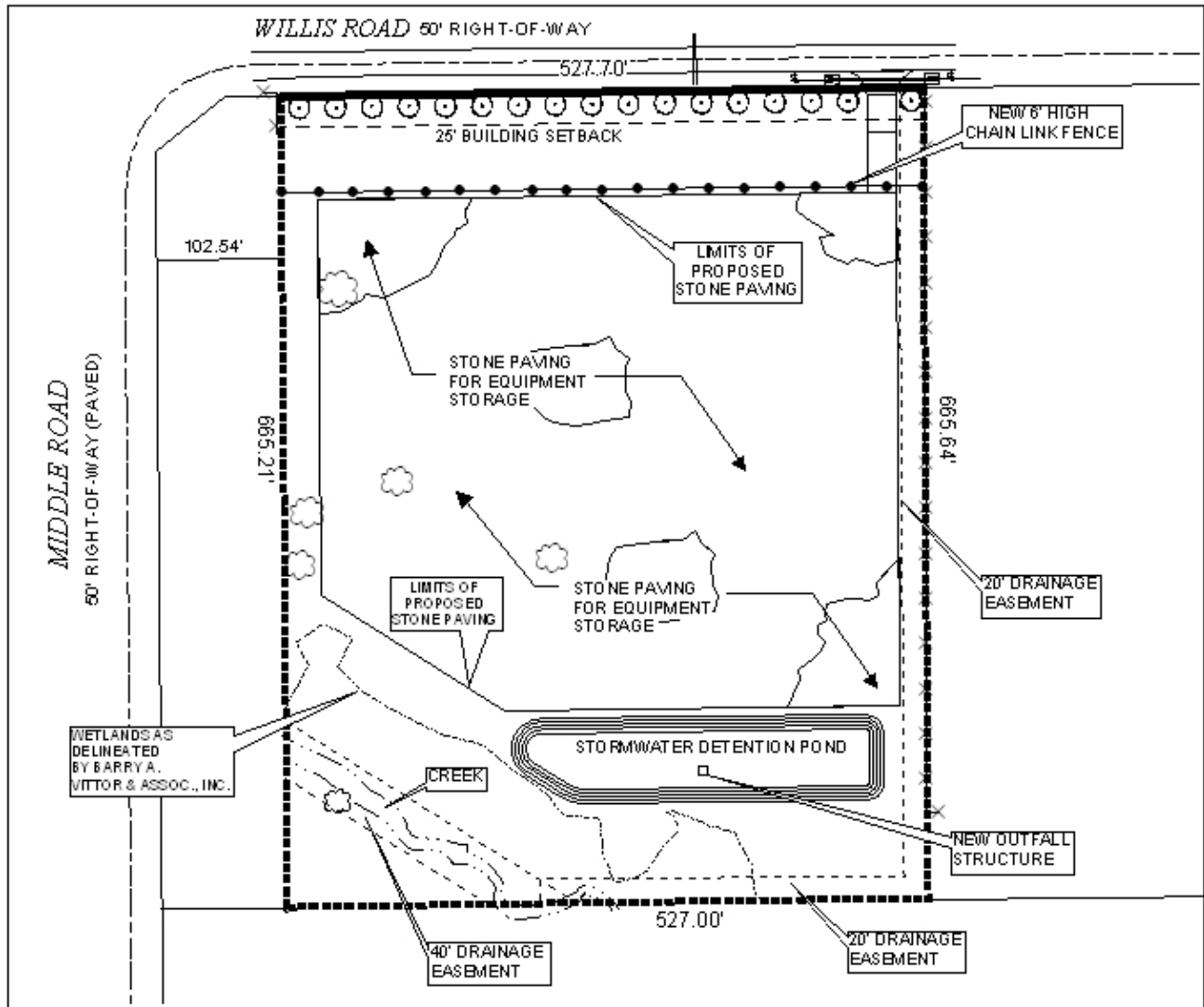
APPLICANT Gulf Equipment Subdivision

REQUEST Surfacing and Buffer Variance



NTS

SITE PLAN



The site plan illustrates the proposed improvements.

APPLICATION NUMBER 5701 DATE August 1, 2011
 APPLICANT Gulf Equipment Corporation
 REQUEST Surfacing and Buffer Variance

