

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

5802/5717/5613

APPLICANT NAME

Board of Water and Sewer Commissioner

LOCATION

East side of Shelton Beach Road Extension, 820'± North of Moffett Road

VARIANCE REQUEST**USE:** Use Variance to allow a contractor's storage yard in a B-3, Community Business District.**SURFACING:** Surfacing Variance to allow gravel surfacing in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****USE:** the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard.**SURFACING:** the Zoning Ordinance requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

21.5 ± Acres

**ENGINEERING
COMMENTS**

Based on the submitted proposed drawing we would 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 show (on the Land Disturbance Permit drawings) that the proposed gravel surfacing area(s) will drain into onsite BMP's and detention facility prior to discharge any proposed site development, including Drainage and Stormwater Detention, BMP's and Erosion And Sediment Control Plan, along with all of the proposed site construction details.

**TRAFFIC ENGINEERING
COMMENTS**

Please make the curb cuts (if curbed) and concrete apron(s) to City standards, including 24' wide driveway(s) with at least 20' radii.

**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 Use and Surfacing Variances to allow a contractor's storage yard and gravel surfacing in a B-3, Community Business District; the Zoning Ordinance requires a minimum of I-1, Light Industry District for a contractor's storage yard and requires all parking areas to be surfaced in asphalt, concrete, or an approved alternative paving surface.

The applicants obtained Use and Surfacing Variances for a contractor's storage yard and gravel surfacing at the December 6, 2010 (also including buffering variance), and November 7, 2011. Applications for building permits were submitted on August 27, 2012, and during the five day review process Planning staff determined that the most recent variance approvals had expired on May 8, 2012, hence the application at hand.

It should be pointed out that the proposed use of the site also required Zoning, Subdivision, Planning Approval and Planned Unit Development applications, all of which were approved by the Planning Commission, at its November 3, 2011 meeting. The Zoning and Subdivision aspects of the November 3, 2011 have been completed: the rezoning request has been approved by the City Council, and the subdivision plat has been recorded. Unfortunately, as no permits for land disturbance or construction have been issued, the Planned Unit Development approval has expired (on November 3, 2012), and furthermore, it appears that the site plan submitted with the current variance request is different than previously approved, thus the Planning Approval is no longer valid, as it is a site plan specific approval.

The applicant is requesting a Use variance to allow a contractor's storage yard in a B-3 district. The Mobile Area Water and Sewer System will use the site as the main location for its fleet of vehicles and materials associated with maintaining its extensive water and sewer system throughout the Mobile area.

The applicant is requesting a Surfacing variance to allow gravel surfacing in two storage yard facilities, each about 125 x 250 feet, with one located on the North side of the 21.5 acre site, and one located on the South side of the site. The South storage yard will primarily house discrete objects, such as fire hydrants, precast concrete or metal products, water meters, etc. The North storage yard will primarily house bulk materials such as sand and gravel. In both cases, the use of tracked equipment may occur, and such equipment creates less damage to the area surfacing when that surface is gravel instead of asphalt or concrete.

The applicant has also requested a Buffer variance for the North storage yard, to allow the yard to be unenclosed on all sides, as required by the Zoning Ordinance. The applicant states that the bulk materials will be kept in bins under a roof, with walls on three sides, and that the gravel yard area will be buffered with at least 25-feet of vegetated area on the West, North and East sides. The applicant also requests that the South side of the bulk materials storage yard be allowed to remain open, without a walled enclosure, to facilitate access and maneuverability to the remainder of the site.

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 2010 and 2011 variance requests were approved, with the most recent approval subject to the following conditions:

- 1) placement of a note on the site plan stating that no operation of heavy machinery shall occur outside of the hours of 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;
- 2) placement of a note on the site plan stating that no deliveries of bulk materials to the site shall occur except between 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;
- 3) provision of a 25-foot wide natural landscape buffer along the East and North sides of the site where the property abuts residential or multi-family uses;
- 4) enclosure of all "contractor storage yard" areas with an 8-foot high solid wall or fence, except where access is required internal to the site;
- 5) bulk storage area to be designed in such a manner as to prevent runoff and spillage of bulk materials; and
- 6) full compliance with the site and parking lighting requirements of Section 64-4.A.2., Illumination of uses, and Section 64-6.A.3.c., Lighting, of the Zoning Ordinance.

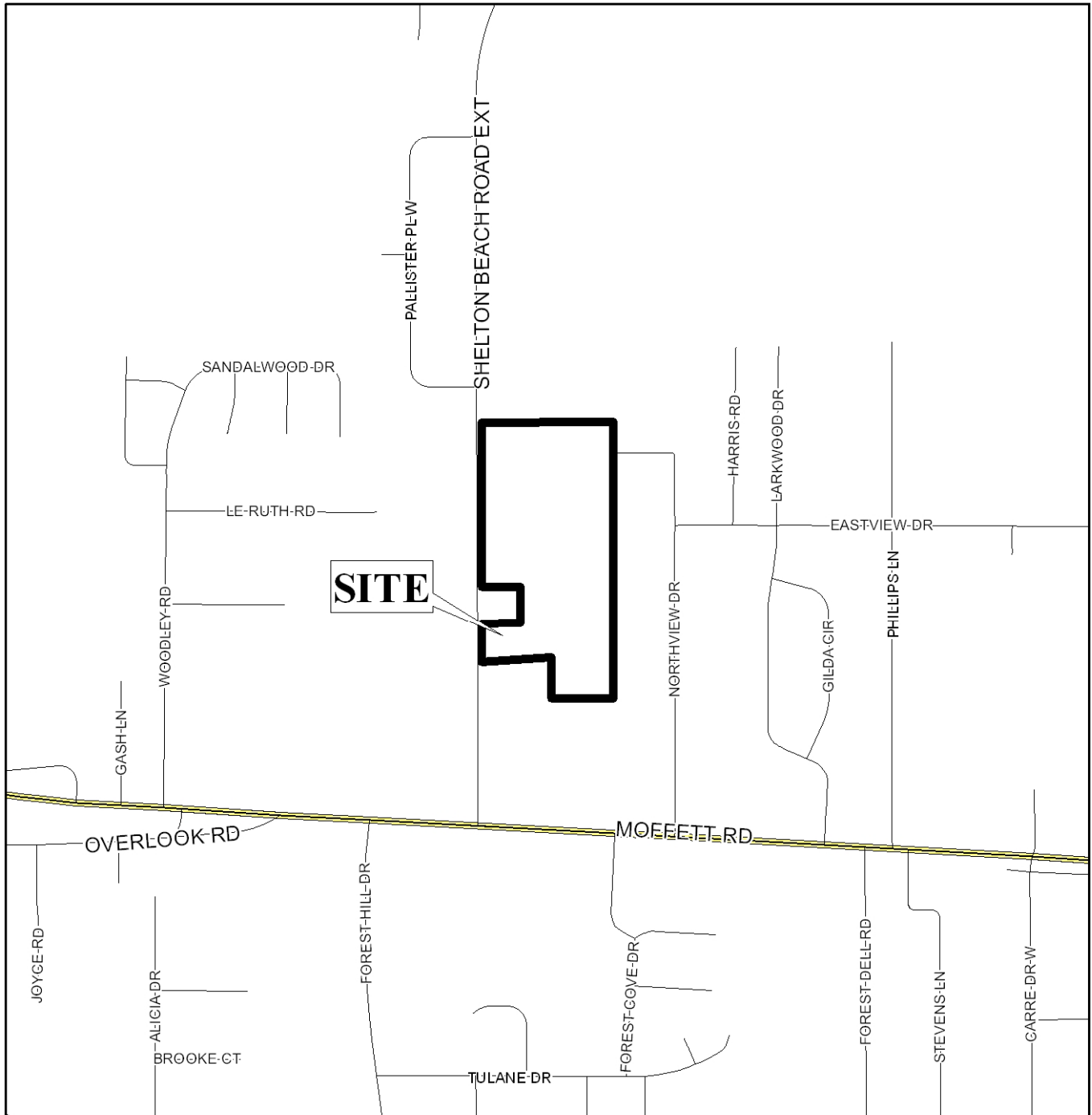
All of the above conditions address issues that are still relevant to the site and the requests at hand, and coincide with conditions of approval placed upon the site by the Planning Commission. Condition number 4, which requires enclosure of the "contractor storage yards" in compliance with the Zoning Ordinance, with the exception of that portion of the North storage yard that faces to the South, should still be required due to the fact that the North portion of the site abuts an existing apartment development, and a wall or fence enclosure would still be of benefit, even if additionally buffered by a 25-foot wide vegetative buffer.

RECOMMENDATION: Based on the preceding, the Use and Surfacing requests are recommended for approval, and the Buffer request for partial approval, subject to the following conditions:

- 1) placement of a note on the site plan stating that no operation of heavy machinery shall occur outside of the hours of 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;
- 2) placement of a note on the site plan stating that no deliveries of bulk materials to the site shall occur except between 6am to 6pm, Monday thru Friday unless it is due to a severe storm event, declared emergency, or emergency after-hours call-out;

- 3) provision of a 25-foot wide natural landscape buffer along the East and North sides of the site where the property abuts residential or multi-family uses;
- 4) enclosure of all “contractor storage yard” areas with an 8-foot high solid wall or fence, except where access is required internal to the site (South side of North storage yard);
- 5) bulk storage area to be designed in such a manner as to prevent runoff and spillage of bulk materials;
- 6) full compliance with the site and parking lighting requirements of Section 64-4.A.2., Illumination of uses, and Section 64-6.A.3.c., Lighting, of the Zoning Ordinance;
- 7) Compliance with Engineering comments (*If the surface variance is approved for use the applicant will be required to show (on the Land Disturbance Permit drawings) that the proposed gravel surfacing area(s) will drain into onsite BMP's and detention facility prior to discharge any proposed site development, including Drainage and Stormwater Detention, BMP's and Erosion And Sediment Control Plan, along with all of the proposed site construction details.*);
- 8) Compliance with Traffic Engineering comments (*Please make the curb cuts (if curbed) and concrete apron(s) to City standards, including 24' wide driveway(s) with at least 20' radii.*);
- 9) 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.*);
- 10) submission of a revised site plan reflecting the conditions of approval; and
- 11) subject to Planning Commission approvals of new applications for Planning Approval and Planned Unit Development, with a site plan matching that approved by the Board of Zoning Adjustment, as revised.

LOCATOR MAP



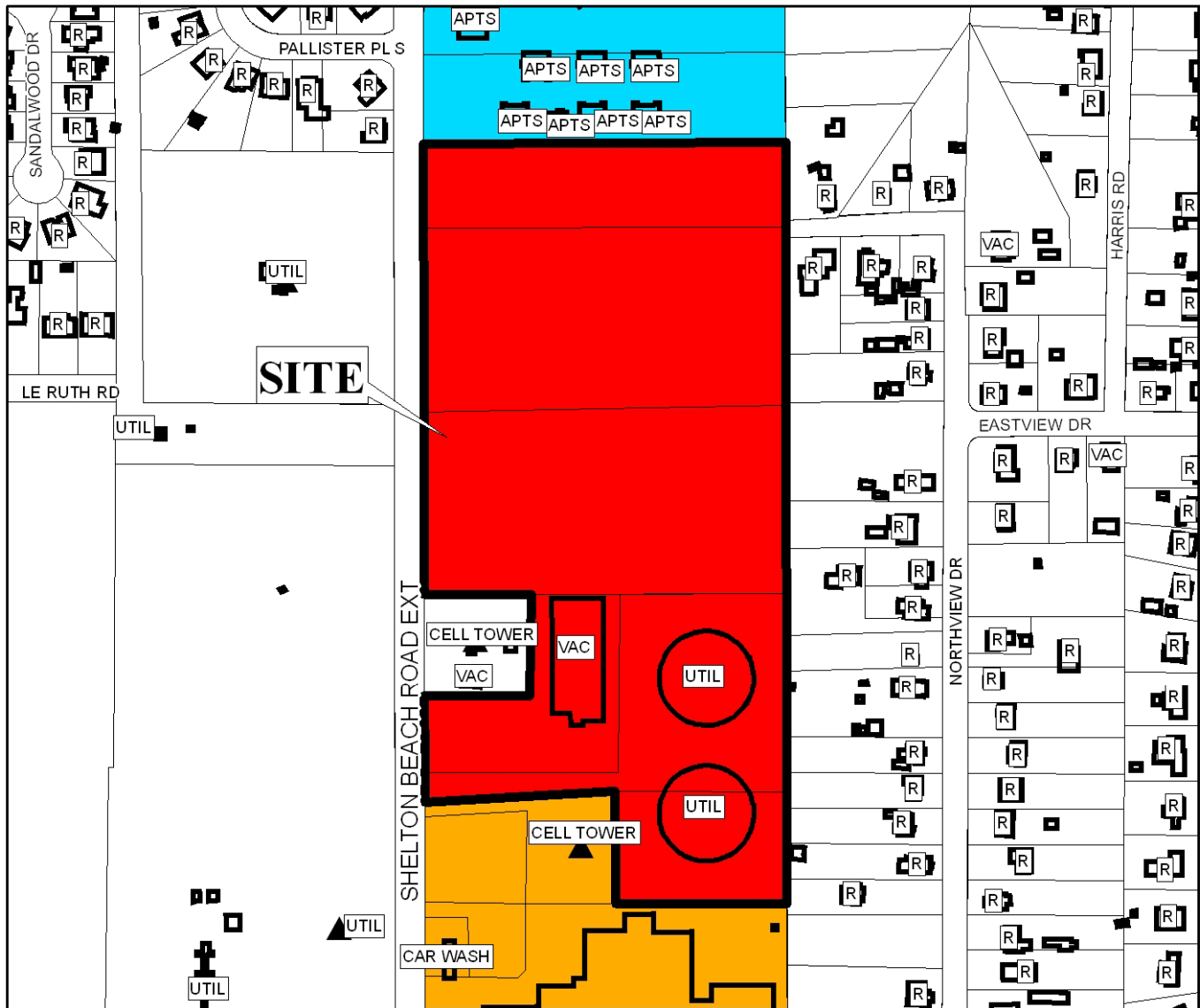
APPLICATION NUMBER 5802/5717/5613 DATE December 3, 2012

APPLICANT Board of Water and Sewer Commissioners

REQUEST Use and Surfacing Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

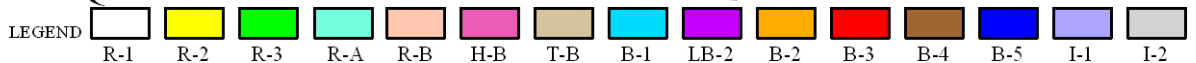


Apartments are located to the north of the site. Business land use is located to the south of the site. Residential land use is located to the east of the site.

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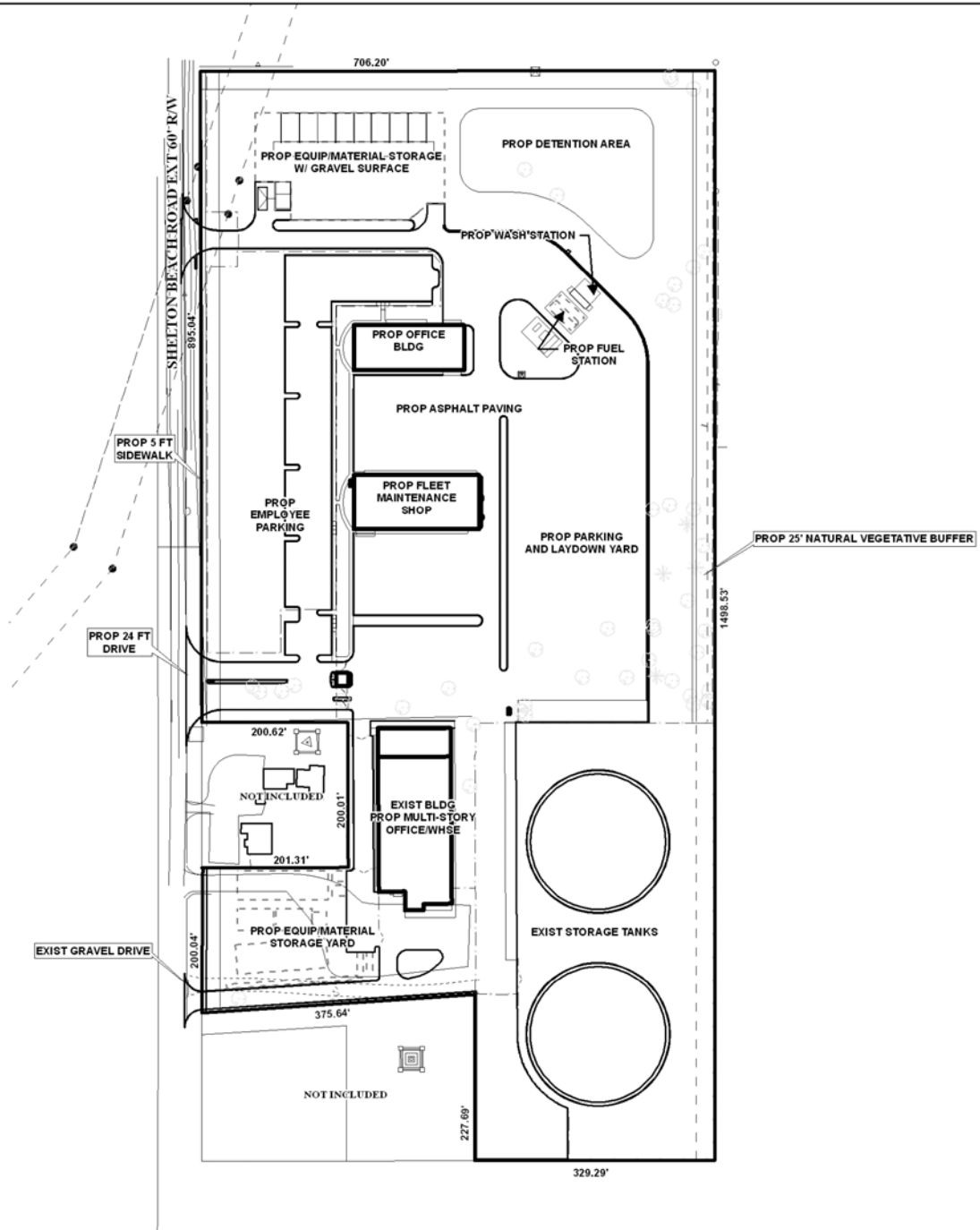
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NTS

SITE PLAN



The site plan illustrates the proposed structures, asphalt surfaces, and drive.

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