

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

5803

**APPLICANT NAME**

Slaughter Construction

**LOCATION**4063 Halls Mill Rd  
(South side of Halls Mill Road, 200' ± East of Azalea Road)**VARIANCE REQUEST****SURFACE:** Surface Variance to allow aggregate surfacing for an equipment storage yard in an I-1, Light Industrial 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 an I-1, Light Industrial District.**ZONING**

I-1, Light Industrial District

**AREA OF PROPERTY**

31,482 square feet / 0.7 ± Acres (Lot 1)

**ENGINEERING****COMMENTS**

The proposed storage yard will need to be surfaced as required by Mobile City Code, Chapter 64, Section 64-4. Any request for an Alternative Parking Surface shall be approved by the City Engineer and the Director of the Urban Development Department.

However, IF the surface variance is approved then 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 which would include the site plans, calculations, and details to construct the stormwater detention pond along with any other proposed site improvements.
2. All of the existing and proposed gravel surfacing area(s) shall be graded to drain to the proposed, onsite detention facility.

**TRAFFIC ENGINEERING****COMMENTS**

Please make the concrete apron to City standards, including 24' wide driveway 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 4

**ANALYSIS**

The applicant is requesting a Surface Variance to allow aggregate surfacing for an equipment storage yard in an I-1, Light Industrial District; the Zoning Ordinance requires an equipment storage yard to be paved with concrete, asphaltic concrete, asphalt, or an approved alternative paving surface in an I-1, Light Industrial District.

The applicant proposes to improve one lot of a two lot area currently in use to include a 6,000 square foot limestone equipment storage yard, stormwater detention basin, 4 frontage trees, and an asphalt apron where the limestone driveway comes to within approximately 25-feet of the right-of-way of Halls Mill Road. The entire site currently in use is fenced and gated, and the East portion of the site, Lot 2, as well as the South portion of the site subject of this variance, Lot 1, will be restored to an unused state.

The applicant states that he is a Gulf Shores-based utility contractor that utilizes the site for the parking of construction vehicles and equipment when not in use on jobs in the Mobile area. The equipment includes trucks, back hoes, front end loaders and similar rubber tired or tracked equipment. The applicant states that paving the storage area with a hard surface, such as asphalt, would be impracticable due to the nature of the equipment stored on the site, and its tendency to tear up asphalt when moving.

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 was purchased by the applicant in 1999, and the site was the subject of a two-lot subdivision approved by the Planning Commission in that year.

In 2009, a land disturbance application was issued to allow the proposed development of the Lot 1 site with an office trailer, paved parking area, limestone storage yard, stormwater detention and frontage trees. Aerial photographs from 2010 show that both Lots 1 and 2 were in use for equipment and material storage, that an office trailer and fence had been placed on site, and that

no other improvements to the site had been undertaken: the site was in use but not in compliance with Zoning Ordinance requirements.

On July 25, 2012, the City received a complaint via the 311 system regarding the use of the site. Staff investigated the site and found that both Lots 1 and 2 were in use as a contractor's storage yard, but lacking any required improvements for use as such: a notice of violation was issued. By August 8<sup>th</sup>, no compliance had been undertaken, and a municipal offense ticket was issued. The case is now scheduled to be heard in Environmental Court on December 5, 2012.

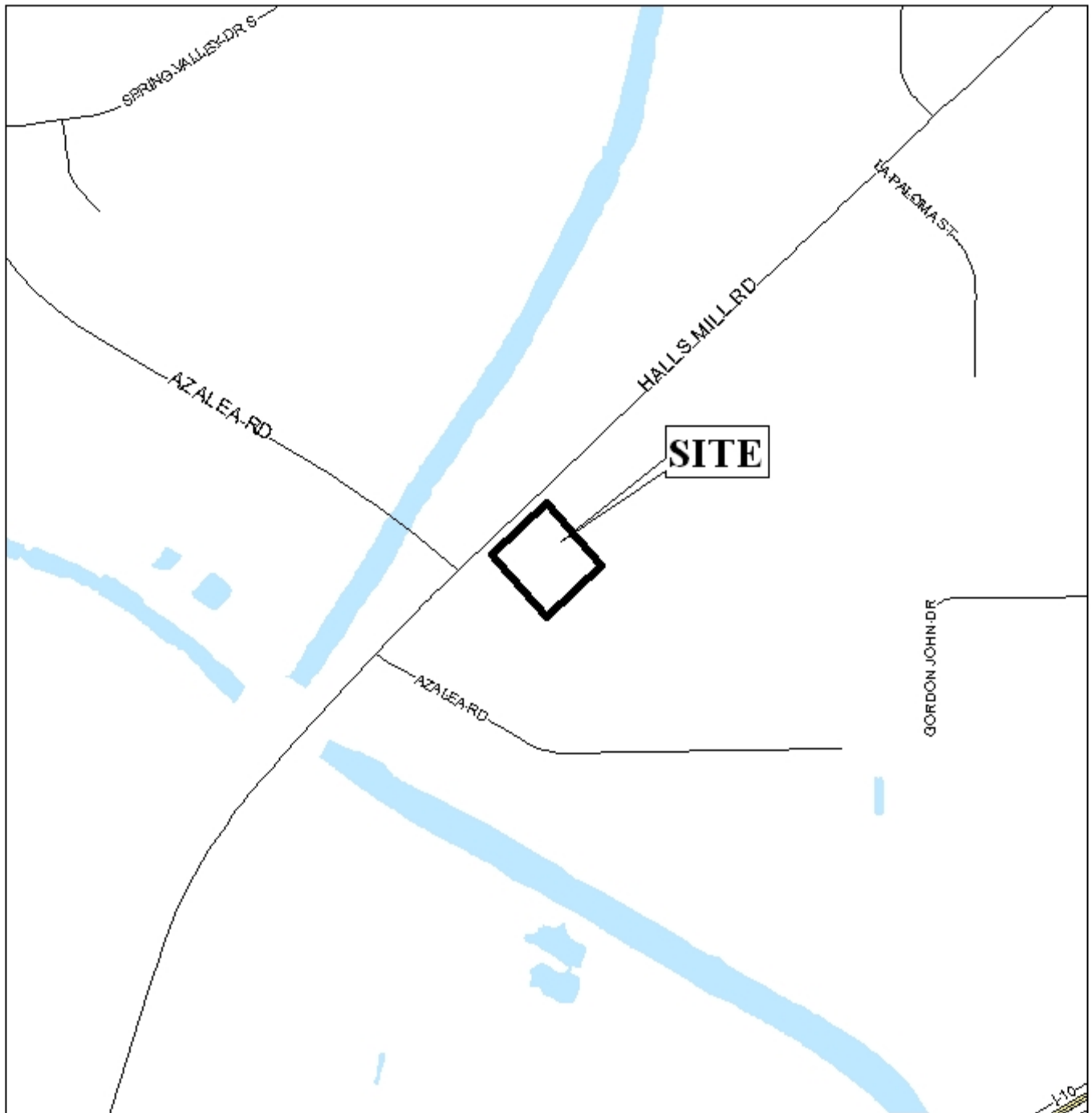
Based upon the 2009 application for a land disturbance permit, the applicant should have been fully aware of the requirements for the commercial use of an unimproved site, yet the applicant decided to utilize the site without regard to City codes and ordinances (including Engineering Department requirements).

While the applicant now proposes to make improvements to the site to bring it into some level of compliance, he has failed to show that there is an actual hardship relating to complying with the Zoning Ordinance.

**RECOMMENDATION:**

Based on the preceding, this application is recommended for Denial.

## LOCATOR MAP



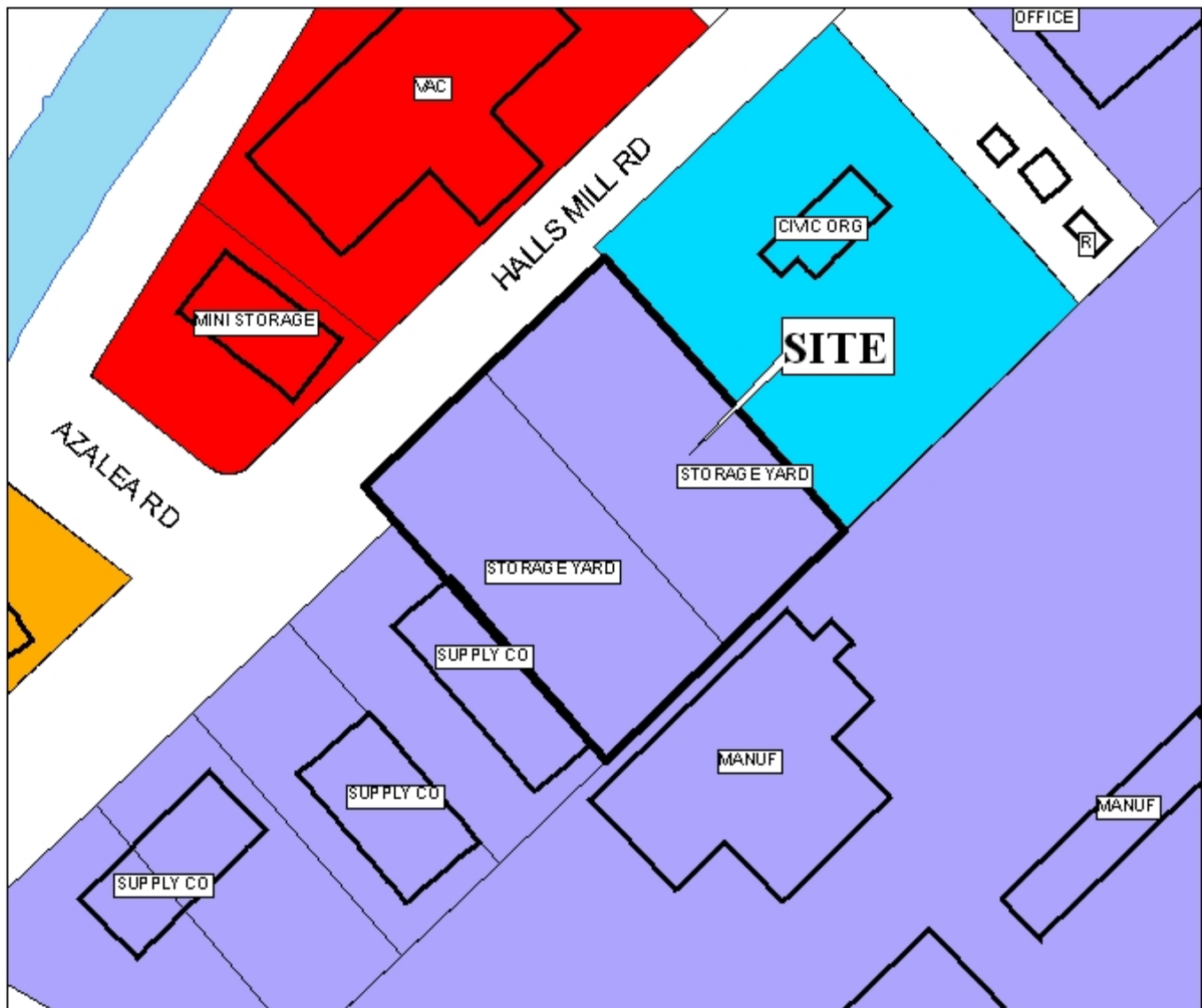
APPLICATION NUMBER 5803 DATE December 3, 2012

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REQUEST Surface Variance



# BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



A manufacturing facility is located to the south of the site. Commercial land use is located to the west, east, and north 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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N  
NTS

# SITE PLAN



The site plan illustrates the proposed storage yard with aggregate surface.

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N  
  
 NTS