

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: December 3, 2012

CASE NUMBER

5804

APPLICANT NAME

Rangeline Business Park, LLC

LOCATION

3816 Abigail Drive
(North side of Abigail Drive, 750'± East of Rangeline Service Road).

VARIANCE REQUEST

ACCESS: Access Variance request to allow a 16' wide entrance drive and 12' wide gate clearance in an I-1, Light Industry District.

MANEUVERING: Maneuvering Variance request to allow a 22' wide maneuvering area.

SURFACE: Surface Variance request to allow an aggregate-surface lay down yard.

BUFFER: Buffer Variance request to allow a 6' high privacy fence around a lay down yard.

**ZONING ORDINANCE
REQUIREMENT**

ACCESS: The Zoning Ordinance requires a minimum 24' wide entrance drive and gate clearance in an I-1, Light Industry District.

MANEUVERING: The Zoning Ordinance requires a 24' wide maneuvering area.

SURFACE: The Zoning Ordinance requires a lay down yard to be surfaced with asphalt, concrete, or an approved alternative paving surface.

BUFFER: The Zoning Ordinance required an 8' high privacy fence around a lay down yard.

ZONING

I-1, Light Industry District

AREA OF PROPERTY

0.9± Acre

**ENGINEERING
COMMENTS**

No Comments.

**TRAFFIC ENGINEERING
COMMENTS**

When the last exception to the City standards was granted to the development, it was stated that no additional variances would be given. The driveway(s) must be 24' wide and have two 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 Access, Maneuvering, Surface, and Buffer Variances to allow a 16' wide entrance drive and 12' wide gate clearance, a 22' wide maneuvering area, and a 6' high privacy fence around and aggregate-surface lay down yard in an I-1, Light Industry District; the Zoning Ordinance requires a minimum 24' wide entrance drive and gate clearance, a 24' wide maneuvering area, and requires an 8' high privacy fence around a lay down yard to be surfaced with asphalt, concrete or an approved alternative paving surface in an I-1, Light Industry District.

The site is currently being developed for office/warehouse use. When the building permit was approved in February 2012, the approved site plan showed a 24' wide entrance drive and gate clearance, and the currently proposed lay down yard was simply illustrated as being undeveloped therefore did not require an 8' high privacy fence, and was illustrated as having a 6' high chain link fence.

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.

It is stated that the applicant's design intent for the lot was thought out prior to the site being annexed into the City of Mobile, and therefore did not consider several City of Mobile design

requirements. With regard to the driveway width, the applicant states that deliveries will not be by 18-wheelers, but only by FedEx-type trucks, and that traffic volume will be extremely low. The applicant also proposes an aggregate-surface lay down yard in the rear of the property to be enclosed by a 6' high privacy fence, although no reason is given for such. The applicant states that while the site is currently being developed, there is no specific tenant to occupy it at this time, therefore there is no justification for the approval of the aggregate surfacing or the reduction in fence height. It is simply stated it is the applicant's desire to have this site and all other sites in the original subdivision designed similarly. It should be noted that a similar request was approved at the Board's August 6, 2012 meeting. In that request, the case also began with a City-compliant site plan, which was not followed during construction – the variance was required after construction was complete.

With regard to the requests for the substandard driveway width, maneuvering area, and gate clearance variances, the fact that the applicant is currently proposing to develop the site with disregard to the site plan originally approved by the City of Mobile does not constitute a hardship imposed by the site. The site plan originally approved did have the proper widths for the associated drive, maneuvering area and gate clearance, and no lay down yard was illustrated. Any hardships now present would be self-imposed by the applicant.

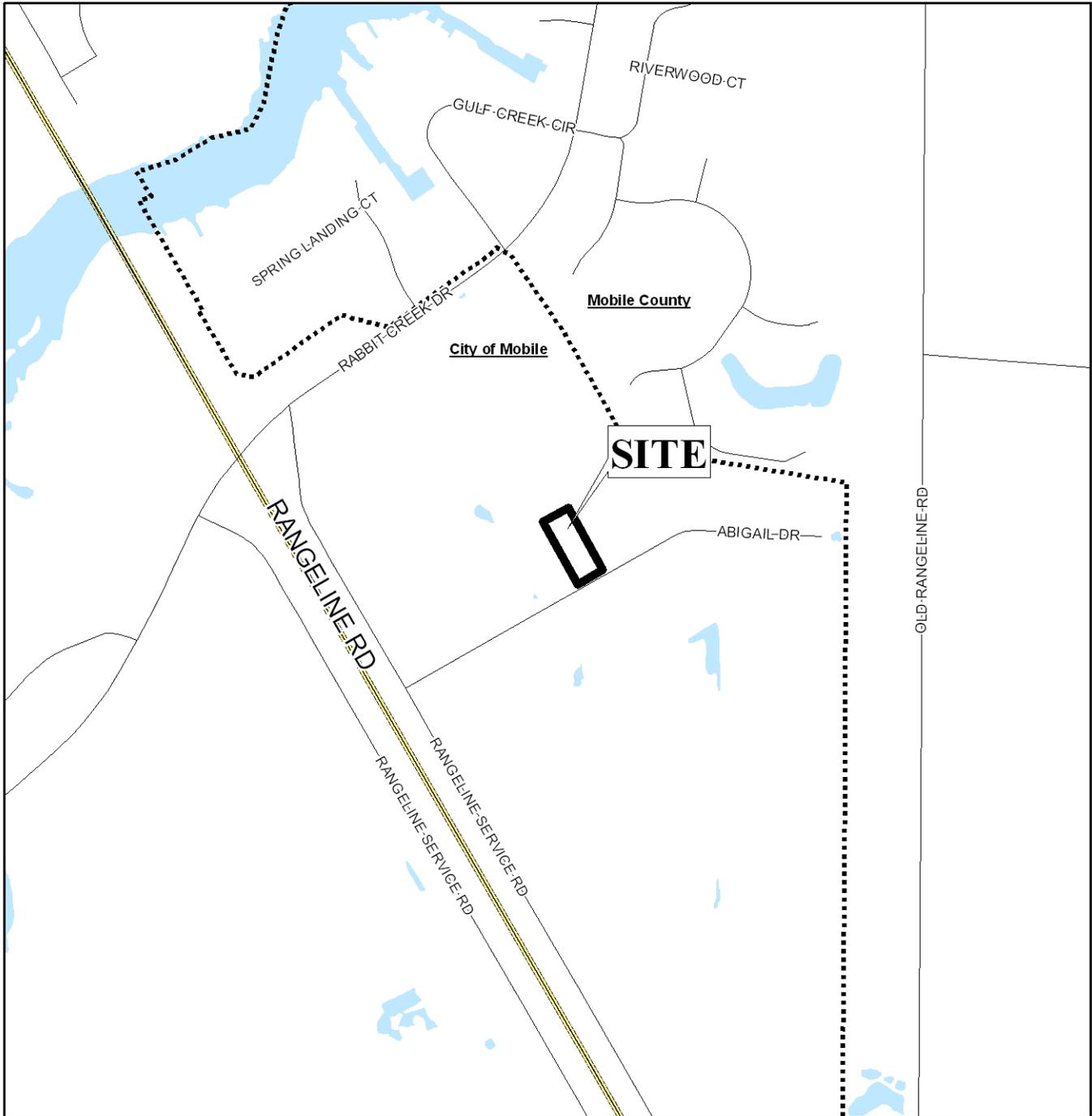
With regard to the proposed aggregate lay down yard, if no 18-wheelers are proposed to enter the site, with FedEx-type delivery trucks being the largest proposed to make deliveries, there is no way any heavy equipment or materials could enter or would have to be stored outdoors; thus a lay down yard would not be required. 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. There is no justification given in this application to support the need for an aggregate or any other type-surface lay down yard. If such were given for heavy equipment and materials storage, which would require large truck delivery, then that would be further reasoning for the requirement of the standard 24' widths on the driveway, maneuvering area, and gate clearance.

Furthermore, any future occupant of the site may wish to use larger vehicles/trucks, despite the "as-built" substandard nature of the site. Thus the applicant is restricting a tenant's ability to use the site by proposing substandard development of the site. Also, the proposed gate and maneuvering area may not provide adequate room for a FedEx-type truck to turn around on the site. The proposed layout could also prevent any future placement of a dumpster on the site due to access problems. It should also be noted that the provided handicapped parking does not appear to comply with Americans with Disability Act (ADA) standards, unlike the previously approved site plan.

It seems it is simply the applicant's wish to develop the site in a different manner other than what was initially proposed and approved, and develop other nearby lots in a similar manner.

RECOMMENDATION: Based on the preceding, this application is recommended for denial.

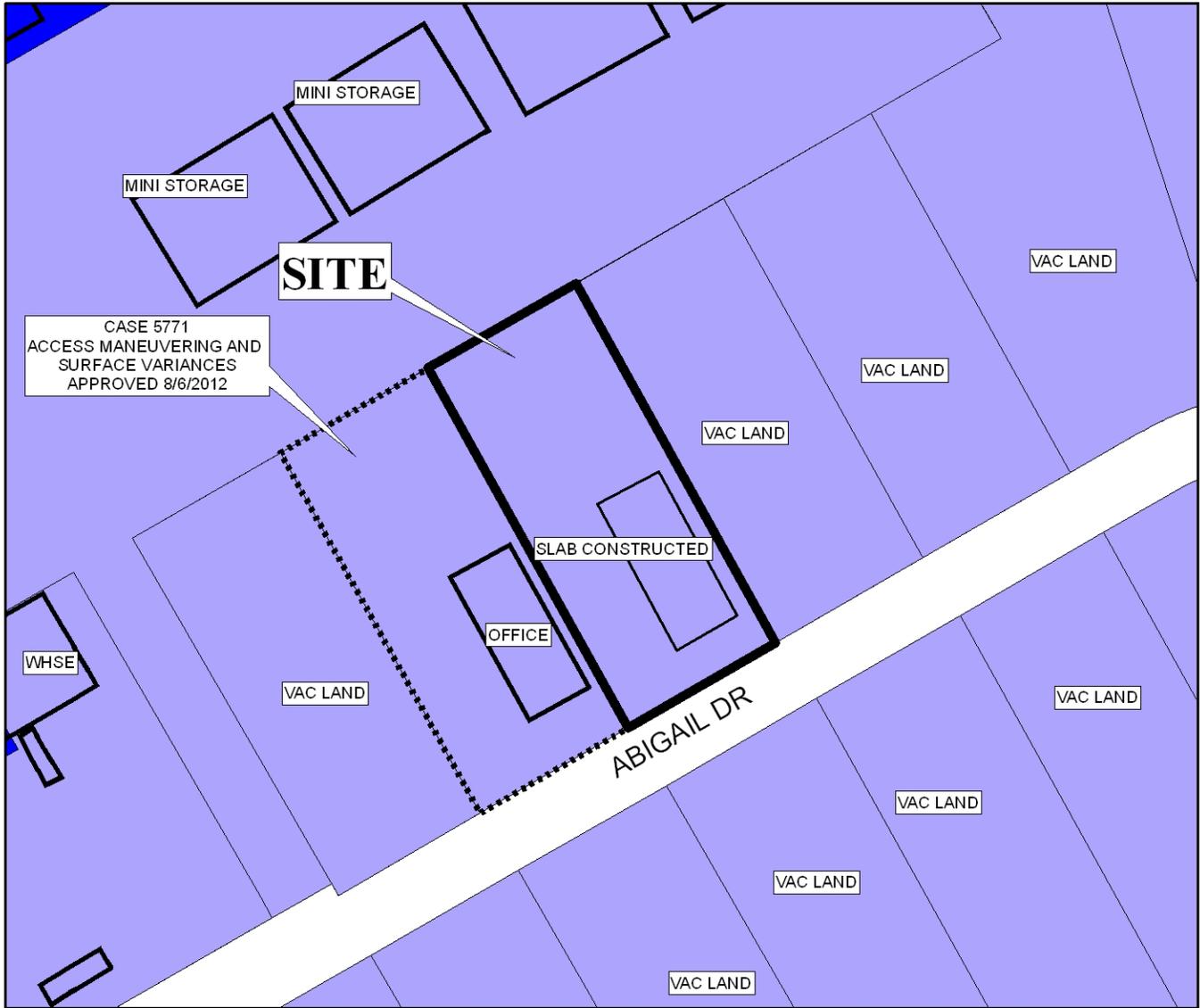
LOCATOR MAP



APPLICATION NUMBER 5804 DATE December 3, 2012
APPLICANT Rangeline Business Park, LLC
REQUEST Access, Maneuvering, Surfacing, and Buffer Variances



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



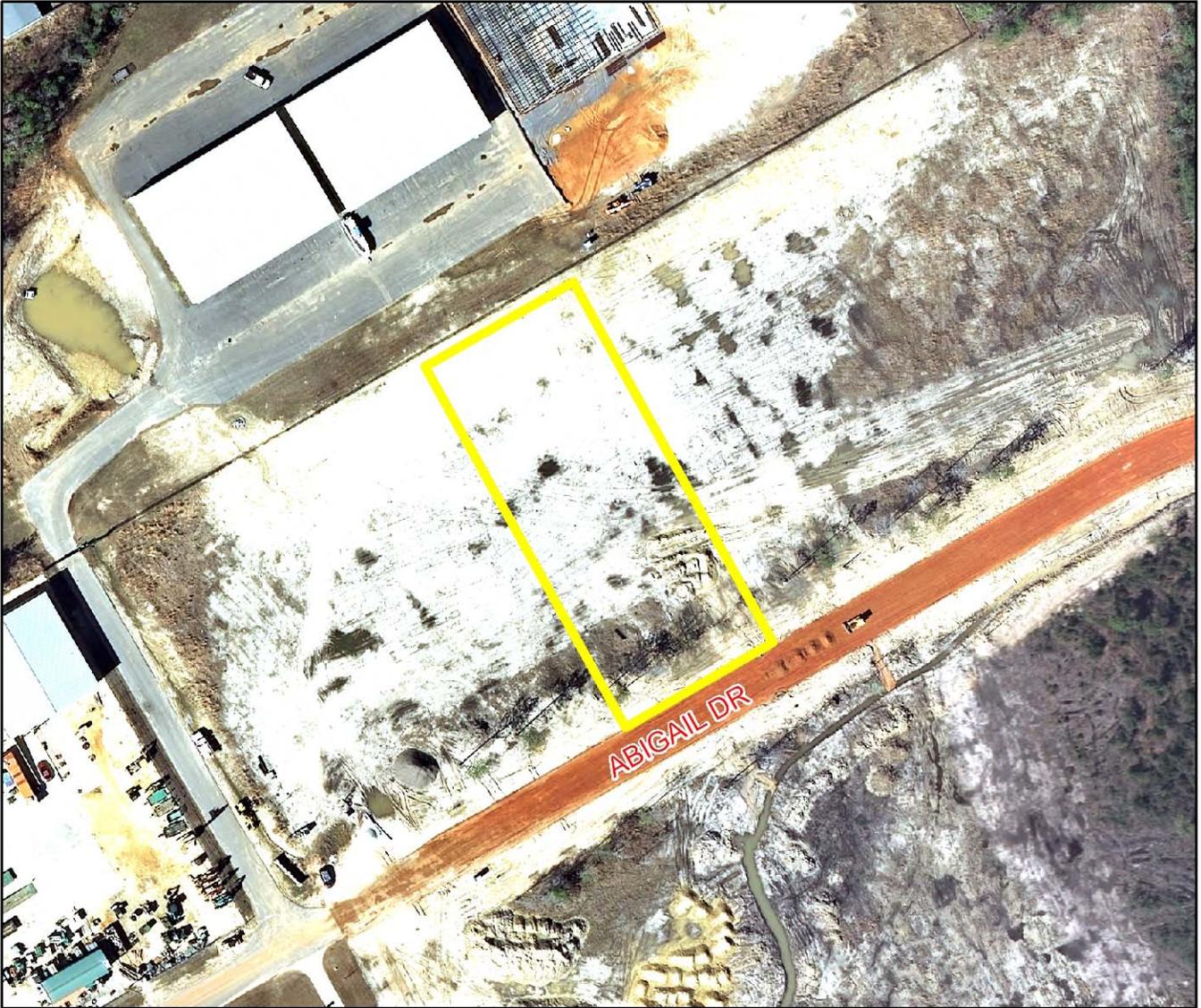
The site is surrounded by commercial land use.

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LEGEND																NTS
	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	



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

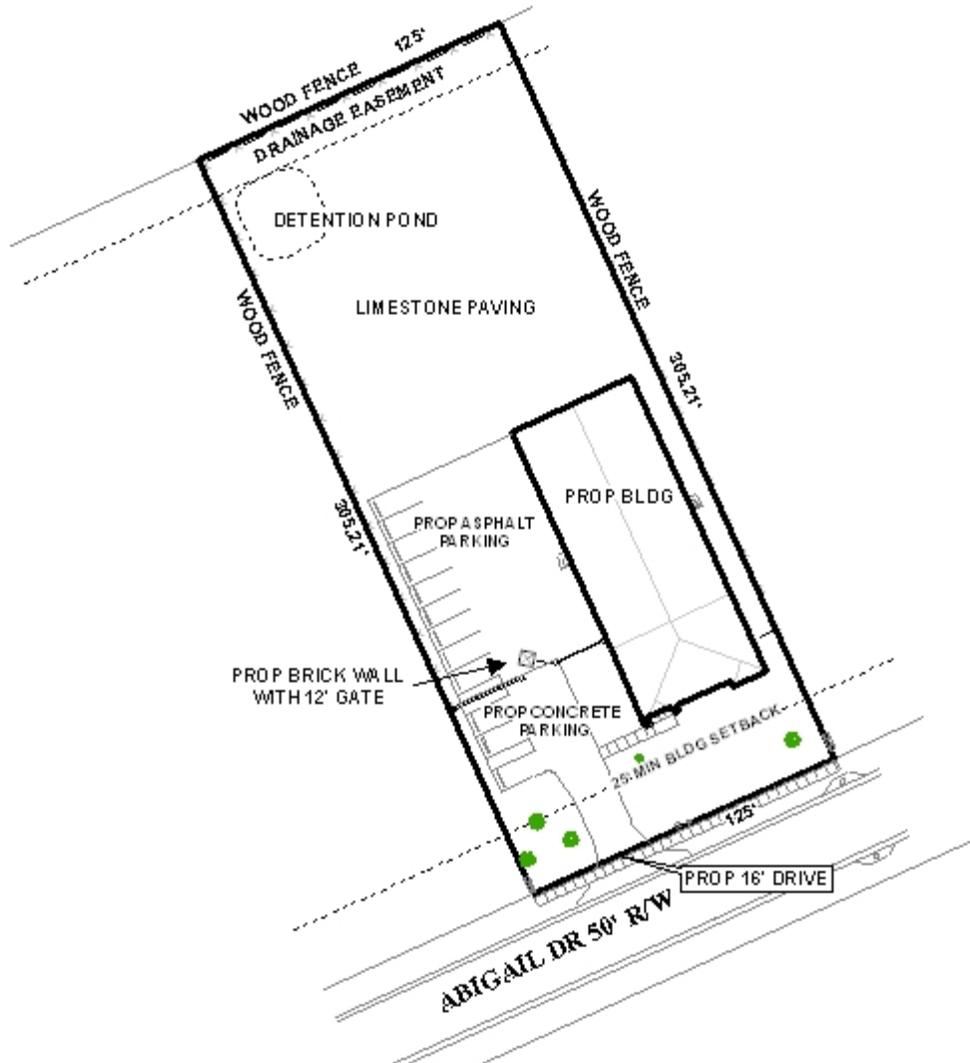


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SITE PLAN



The site plan illustrates the proposed development.

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