

APPLICATION NUMBER

5553

A REQUEST FOR

USE, PARKING RATIO, ACCESS AND MANEUVERING, BUFFER, LANDSCAPING, AND FRONT AND SIDE YARD SETBACKS VARIANCES TO ALLOW A RECREATIONAL VEHICLE PARK WITH LEGAL NON-CONFORMING MOBILE HOMES TO BE PHASED OUT, WITH NO DESIGNATED PARKING, SUBSTANDARD ACCESSWAYS AND MANEUVERING AREAS, NO PROTECTION BUFFERS FOR SURROUNDING RESIDENTIAL AREAS, AND MOBILE HOMES AND RECREATIONAL VEHICLES WITHIN THE FRONT YARD AND SIDE YARD SETBACKS IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT; THE ZONING ORDINANCE REQUIRES PLANNING APPROVAL IN A B-3, COMMUNITY BUSINESS DISTRICT, TO ALLOW A RECREATIONAL VEHICLE PARK, AT LEAST ONE PARKING SPACE PER TRAILER OR MOBILE HOME SPACE, AT LEAST 24-FOOT WIDE ACCESS DRIVES FOR ACCESS AND MANEUVERABILITY, PROTECTION BUFFERS, LANDSCAPING AREA AND TREE PLANTINGS, AND FOR STRUCTURES TO BE LOCATED OUTSIDE OF ANY REQUIRED YARD.

LOCATED AT

2716 DAUPHIN ISLAND PARKWAY

(West side of Dauphin Island Parkway, 110'± North of Mackie Avenue)

APPLICANT

LANE-WALDING, LLC

BOARD OF ZONING ADJUSTMENT

AUGUST 2009

The applicant is requesting a Use, Parking Ratio, Access and Maneuvering, Buffer, Landscaping, and Front and Side Yard Setbacks Variances to allow a Recreational Vehicle Park with legal non-conforming mobile homes to be phased out, with no designated parking, substandard accessways and maneuvering areas, no protection buffers for surrounding residential areas, and mobile homes and recreational vehicles within the front and side yard setbacks in an R-1, Single-Family Residential District; The Zoning Ordinance requires Planning Approval in a B-3, Community Business District, to allow a recreational vehicle park, at least one parking space per trailer or mobile home space, at least 24-foot wide access drives for access and maneuverability, protection buffers, landscaping area and tree plantings, and for structures to be located outside of any required yard.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application. Furthermore, the applicant must present 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.

In late March, 2009, the Planning Section was notified that a mobile home park was being converted to a recreational vehicle park at this location. On March 24, 2009, 8 recreational vehicles, and 16 mobile homes were documented on the site. A Notice of Violation was issued. Non-conforming use affidavits on file with the Planning Section indicate 24 "mobile homes" or "trailers" and 2 recreational vehicles on the site, and also indicated that the site had been used in this manner since at least 1957. This area was annexed into the City of Mobile in 1956, and came under the auspices of the current Zoning Ordinance in 1967. As such, legal non-conforming use status was established for a mobile home park.

The primary use of the site has consistently been a mobile home park. By the applicant's own statements, the intended conversion to a recreational vehicle park with long-term occupancy is a recent venture. The applicant states that the conversion is intended to "improve the appearance and value of our investment and provide a better atmosphere and quality of living for our tenants."

The applicant wishes to operate a recreational vehicle park and to slowly phase out the legal non-conforming mobile homes. The Zoning Ordinance treats a recreational vehicle

park and a mobile home park as two distinct, separate types of uses, and does not allow for a mix of mobile homes and recreational vehicles. Further, the ordinance does not allow for long term occupancy of recreational vehicles in recreational vehicle parks. Section 64-2 of the Zoning Ordinance defines a recreational vehicle park as

“Any plot of ground on which two or more travel trailers are located for short-term (less than thirty (30) days) occupancy during travel, recreational or vacation use. Recreational vehicle (or travel trailer) parks shall not be occupied by any travel trailer for thirty (30) days or more, nor by any mobile home.”

The applicant wishes to remove any limitations on length of occupancy for the recreational vehicles. Recreational vehicles, as per the Recreation Vehicle Industry Association, are not designed for long-term occupancy. By the applicant’s own statements, tenants will live in the recreational vehicles in lieu of living in standard mobile homes. The obvious safety issues of long-term recreational vehicle occupancy are sanitation, electrical safety, and natural hazard safety.

Natural hazard safety is especially important in this case. The site is located partially within a FEMA Flood Insurance Rate Map (FIRM) identified flood zone; therefore the site must comply with FEMA and City of Mobile regulations regarding the maximum 180-day location occupancy of recreational vehicles in flood zones. Because of this, any increase in the length of occupancy should be contingent upon this time limitation.

If a variance is approved, certification from the Mobile County Health Department should be provided showing that the sanitation facilities at each lot are adequate for long-term recreational vehicle occupancy. Regarding electrical safety, the Electrical Inspection Unit of the Urban Development Department should certify that the power box connections for the recreational vehicles are adequate for long-term recreational vehicle occupancy.

Additionally, recreational vehicles are designed to be mobile, are designed for short-term occupancy, and there are no standards for anchoring of recreational vehicles for protection from and resistance to high winds. As there are no standards, there is not an agency that can certify that the recreational vehicles are adequate to withstand hurricane winds. This further illustrates that long-term occupancy is not appropriate.

As for the recreational vehicle park use variance, because of the site being in a flood zone, and because a recreational vehicle park is a much heavier use than the previous non-conforming use, and because the applicant did not state any hardship other than financial, the use variance request is recommended for denial.

As for the time constraints placed upon recreational vehicle occupancy by the ordinance, it is likely that these time constraints were intended to be in place because of the health and safety issues that could inherently arise from long term recreational vehicle occupancy. As this variance is directly related to the use variance, this would be a moot point if the use is not approved. However, if the use variance for recreational vehicles is approved, an occupancy variance to relieve the time constraints is likely not appropriate for this site due to its location in a flood zone and the restrictions that are placed on recreational vehicles in flood zone by Mobile Municipal Code and FEMA.

Regarding surfacing and drive-aisle widths, the site currently exists with a substandard loop asphalt driveway, with the no delineated parking spaces. The drive aisle currently has a width varying from 8 feet to 17 feet. The standard drive aisle width for two-way traffic is 24 feet. The site has two curb cuts for the drive, and one is shared with an adjoining property. The shared curb cut would need to be removed and the remaining curb cut, which is larger than city standard of 24 feet, should be the only access to Dauphin Island Parkway.

While the drive aisle width is an existing condition, due to the volume of traffic from such a large recreational vehicle park, the drive aisle widths would need to be increased to standard, and thus the variance request should be denied.

The applicant has also requested a front-yard setback variance. The site is currently a metes and bounds parcel. A subdivision application is anticipated. The site fronts Dauphin Island Parkway, which is depicted as having an adequate right-of-way, as such a standard 25-foot setback would be required. The site plan submitted indicates two existing mobile homes and a proposed recreational vehicle site within the front setback. While the mobile homes are an existing condition, setback visibility issues and conformity with surrounding development should be taken into account, and, therefore, the front yard setback variance should be denied.

Additionally, if a use variance is approved, the applicants are requesting a variance of any buffering and side setback requirements. A 6-foot high wooden buffer privacy fence and a 10-foot wide protection buffer strip should be required along the northern and southern property line where the site abuts existing single-family residential development. The 10-foot wide buffer strip is essentially a building setback line if a 6-foot high wooden buffer fence is provided. The buffer fencing and buffer strip protects surrounding property owners and would serve to improve the appearance of the property, which is one of the applicant's stated goals. As such, the buffer and side yard setback variances would not be appropriate and should be denied.

Lastly, the applicant is requesting a variance to waive landscaping and tree planting requirements. The ordinance would require the planting of 10 frontage trees along Dauphin Island Parkway. The submitted site plan depicts a large number of existing trees on the site. In fact, a review of the existing trees indicates 1 frontage tree credit and over 169 perimeter and parking tree credits. Despite the large amount of existing trees eligible

for credit on the site, the site is seriously lacking in frontage trees. The applicant provided no reason for hardship, and thus this portion of the variance should be denied. Additionally, as previously mentioned, one of the applicant's stated goals was to improve the appearance and value of their property. Enhancement of the aesthetic environment of the City of Mobile is a stated goal of the minimum landscaping requirements section of the Zoning Ordinance, and thus the two stated goals are incompatible with a variance of tree planting requirements, and the variance should be denied.

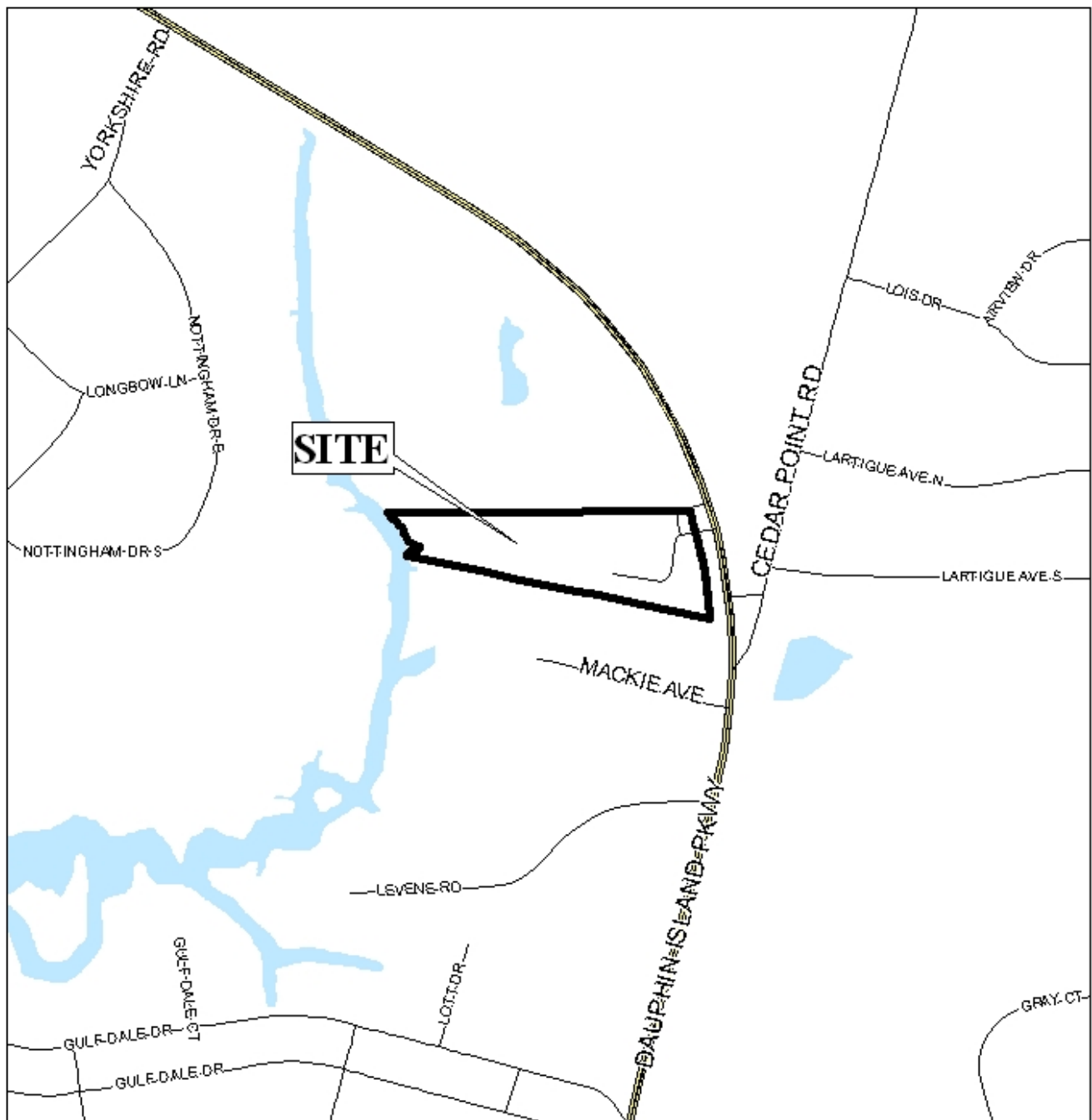
It should be noted that the planting of only 9 trees in the frontage would fulfill the tree planting requirements of the ordinance. Further, the site plan did not indicate whether the site complies with the required landscaping areas. A review of the site plan seems to indicate compliance, however this cannot be verified.

The applicant has provided no information or justification that a hardship exists to warrant the waiver of all of the requirements of the Zoning Ordinance. It is simply the applicant's wish to convert an existing mobile home park in a recreational vehicle park and not make any improvements to the park itself. Additionally, the applicant's request for long-term occupancy of recreational vehicles in a flood zone is a violation of the City of Mobile's stormwater and flood control ordinances, as well as FEMA regulations.

RECOMMENDATION 5553**Date: August 3, 2009**

The requests for use as a recreational vehicle park, unlimited time restriction for recreational vehicle occupancy, parking ratio, access and maneuvering, substandard drive aisles, tree planting and landscaping, buffer, and front and side yard setback variances are all recommended for denial.

LOCATOR MAP



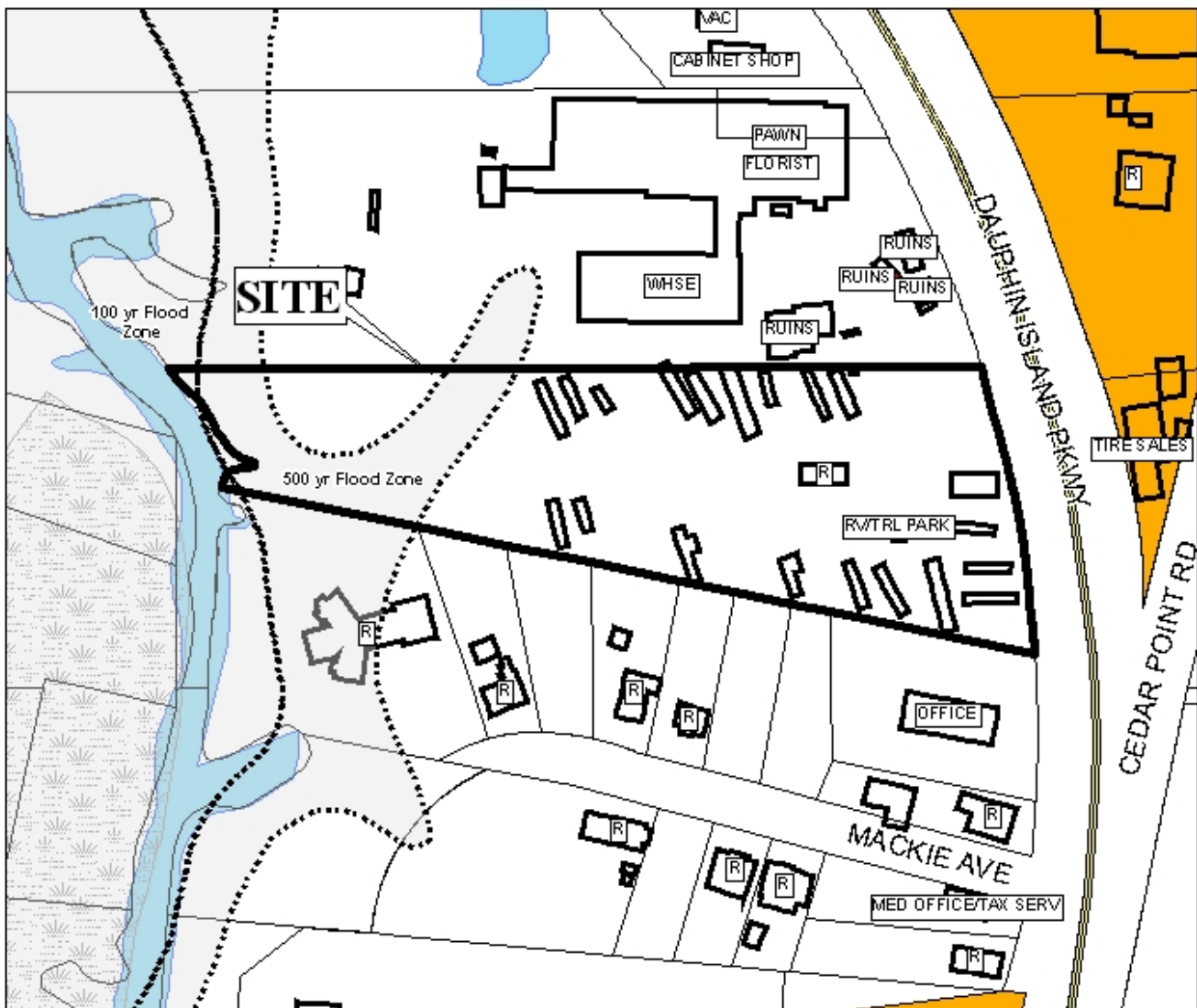
APPLICATION NUMBER 5553 DATE August 3, 2009

APPLICANT Lane-Walding, LLC

REQUEST Use, Parking Ratio, Access and Maneuvering, Buffer,
Landscaping, Front, Side Yard Setbacks Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous land use

APPLICATION NUMBER 5553 DATE August 3, 2009

APPLICANT Lane-Walding, LLC

REQUEST Use, Parking Ratio, Access and Maneuvering, Buffer,
Landscaping, Front, Side Yard Setbacks 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



The site is surrounded by miscellaneous land use

APPLICATION NUMBER 5553 DATE August 3, 2009

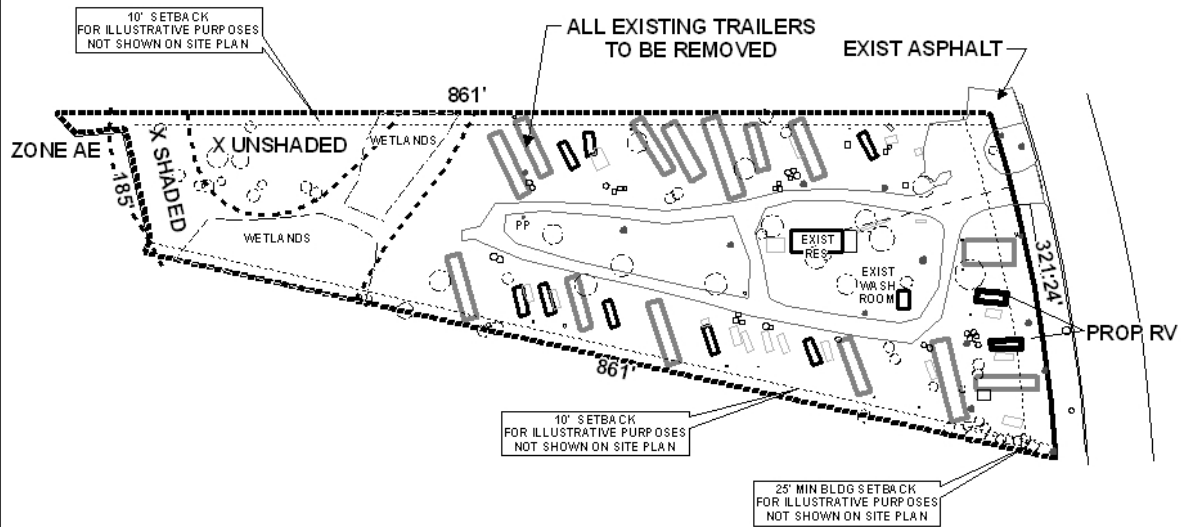
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NTS

SITE PLAN



The site plan illustrates the existing development, proposed trailers to be removed, and proposed rv sites.

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REQUEST Use, Parking Ratio, Access and Maneuvering, Buffer, Landscaping, Front, Side Yard Setbacks Variance

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